



TOWN OF WAYNESVILLE Zoning Board of Adjustments

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George Escaravage, **Chairman**
Henry Kidder, **Vice-Chairman**
Robert Hermann
Joshua Morgan
Edward Moore
Judi Donovan (Alternate)

Development Services
Director
Elizabeth Teague

MINUTES OF THE TOWN OF WAYNESVILLE ZONING BOARD OF ADJUSTMENTS

Regular Meeting

Town Hall – 9 South Main St., Waynesville, NC 28786
September 5, 2023

THE WAYNESVILLE ZONING BOARD OF ADJUSTMENTS held a Regular Meeting September 5th, 2023, at 5:30 p.m. in the Boardroom of Town Hall, 9 South Main Street, Waynesville, NC. 28786.

A. CALL TO ORDER

1. Welcome/Calendar/Announcements

The following members were present:

George Escaravage, Chairman
Henry Kidder, Vice Chairman
Robert Hermann
Joshua Morgan
Judi Donovan (Alternate)
Edward Moore, recused and was present as the applicant

The following Staff were present:

Olga Grooman, Land Use Administrator
Esther Coulter, Administrative Assistant

1. Welcome/Announcements

Zoning Board of Adjustments Chairman George Escaravage welcomed everyone and called the meeting to order at 5:38 p.m.

2. Adoption of Minutes (as presented or amended) from May 2nd, 2023.

Chairman Escaravage asked if everyone had reviewed the minutes and if there were any changes.

A motion was made by Board member Henry Kidder, seconded by Board member Judi Donovan to approve the May 2nd, 2023, meeting (as presented or amended). The motion carried unanimously.

3. Public Hearing Variance request at 1554 Crymes Cove Road in Waynesville, Pin 8614-69-2913 regarding the location or an accessory structure.

Chairman Escaravage read the protocols and rules of conduct for the hearing and explained the rules of standing. Mr. Escaravage asked that anyone prepared to testify in the hearing come forward to be sworn in. Two people came forward to be sworn in: Edward Moore, the owner of the property, and Olga Grooman, Town of Waynesville Land Development Administrator. Mr. Escaravage then opened the public hearing at 5:40pm.

Land Use Administrator Olga Grooman gave the staff report and explained that the property in its entirety consists of 0.53 acres. The property is within the Ninevah Neighborhood Residential (N-NR) zoning district and is not in the floodplain. Three sides of the property are adjacent to the streets Crymes Cove Rd, Indian Springs Drive. and Farley Street. The house and driveway face Crymes Cove Road. The surrounding lots are single-family and vacant land.

The applicant has had an above-ground pool in his front yard for three years. The code enforcement officer noticed a deck being constructed around the pool without a permit. Mr. Moore was notified to apply for a building permit, which includes a zoning compliance verification. However, the Land Development Standards, Section 4.5.1, requires accessory structures to be in the rear and side yard only. While a pool is not regulated as an accessory structure a deck could be considered an accessory structure.

The property has a very small and extremely steep backyard. It would be incredibly hard, if not impossible, to place any type of structure there. The only possible location for the pool is in the front yard of the house, and the deck is built for the purpose of pool access. The proposed variance would allow the deck to be located in the front yard where the over-the-ground pool is situated.

Ms. Grooman entered the following items into evidence on behalf of the Town:

- Staff report
- Application with payment
- LDS section 4.5.2
- Haywood County GIS maps, property topo and zoning
- Public notices
- Building permit application
- Site pictures
- Town of Waynesville Land Development Standards and North Carolina Building Code by reference.

The applicant Edward Moore stated that the incline in the back yard is about 90%, and that if he had to grade an area for the pool and pool deck, he would have to cut into the hill and place a retaining wall which would be massive in size. Mr. Moore stated that the deck makes the pool safer and easier to get in and out of.

Mr. Moore was asked if his neighbors had any complaints about the pool, and his reply was no. Chair Escaravage asked if there were any other questions or comments. There was no public present at the hearing.

A motion was made by Board Member Joshua Morgan, seconded by Board member Judi Donovan to close the public hearing at 5:52 pm. The motion carried unanimously.

The Board deliberated and was in agreement that the hill in the back of the house would prevent the pool and pool deck from being in any other location other than the front yard. The board also found that the pool had existed for three years in the front yard without any complaints from the neighbors, and that the deck is only there for the use of the pool, and that the deck makes the pool safer. The board found generally that the variance is consistent with the spirit of the regulations and reasonable.

A motion was made by Board Member Joshua Morgan, seconded by Vice Chairman Henry Kidder to accept the suggested findings criteria 1 thru 6 in the staff report to approve the variance. The motion carried unanimously.

C. ADJOURN

A motion was made by Board Member Joshua Morgan, seconded by Board member Judi Donovan to adjourn the meeting at 6:06 pm. The motion carried unanimously.

George Escaravage, Chairman

Esther Coulter, Administrative Assistant