



## TOWN OF WAYNESVILLE Zoning Board of Adjustments

9 South Main Street  
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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**  
**February 6<sup>th</sup>, 2024**

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THE WAYNESVILLE ZONING BOARD OF ADJUSTMENTS held a Regular Meeting February 6<sup>th</sup>, 2024, 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 Herrmann  
Judi Donovan (Alternate)

The following members were absent:

Joshua Morgan  
Edward Moore

The following Staff were present:

Olga Grooman, Land Use Administrator  
Esther Coulter, Administrative Assistant

The following Applicants were present:

Dennis Downy, Cowan Properties LLC, DMS Concepts LLC  
Gene Sandlin, Cowan Properties LLC, DMS Concepts LLC

Zoning Board of Adjustments Chairman George Escaravage welcomed everyone and called the meeting to order at 5:32 p.m.

2. Adoption of Minutes (as presented or amended) from September 5<sup>th</sup>, 2023.

Chairman Escaravage asked if everyone had reviewed the minutes and stated there were 2 corrections.

***A motion was made by Board member Robert Herrman, seconded by Vice Chairman Henry Kidder to approve the September 5<sup>th</sup>, 2023, meeting (as amended). The motion carried unanimously.***

3. Election of Chair and Vice-Chair

Chairman Escaravage tabled the Election till March. When all members are present. There was discussion in regards to the ZBA quorum, and that there was an absence. Therefore, to approve a variance, all of the ZBA members present would have to vote in favor. After an explanation from Attorney Sneed, the applicant agreed to continue with the hearing.

4. Public Hearing Variance request for a reduction in minimum lot size standards, Land Development Standards Sections 2.4.1, in the Sulphur Springs Neighborhood Residential District (SS-NR), at 55 Fifth Street, Pin 8605-76-8086, Waynesville, HC 28786.

Mr. Escaravage asked if anyone had a potential conflict of interest with the Applicant. Mr. Escaravage stated he knew Mr. Sandlin. Mr. Sandlin worked at his company for two years. Mr. Escaravage felt there was no conflict of interest. He asked the board if anyone disagreed with his decision, all board members said no. Ms. Teague clarified by asking if he had any financial interest in this case and asked if he had discussed this case with either of the applicants. Mr. Escaravage said no.

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. Four people came forward to be sworn in: Applicants Gene Sandlin, Dennis Downey, Olga Grooman, Land Development Administrator, and Elizabeth Teague, Development Service Director.

Mr. Escaravage then opened the public hearing at 5:40pm.

Land Use Administrator Olga Grooman presented the staff report for the property at 55 Fifth Street located in the corporate limits of Waynesville and Sulphur Springs Neighborhood Residential (SS-NR) zoning district. The property consists of 0.32 acres, with frontage along Fifth Street. It is approximately 188 feet wide along the road frontage. The property has one single-family residence, and it is surrounded by single-family lots.

The applicants would like to subdivide the property into two (2) lots to build a duplex on one of them. In Sulphur Springs Neighborhood Residential (SS-NR), the minimum lot size is 1/6 acre, or 0.1666 acres, or 7,230 square feet (*LDS 2.4.1*). The attached survey shows that if subdivided, both lots would be 0.160 ac, or approximately 6,970 square feet each. The subdivision would create two (2) nonconforming lots, with each one 0.007 ac or approximately 305 square feet below the minimum lot size for this district.

Ms. Grooman read the Proposed Variance and entered items into evidence.

The Items Entered into Evidence:

- Staff Report
- Application with payment
- Agent Authorization form
- Haywood County GIS maps: property, zoning, neighborhood
- Google maps: site image
- Survey showing the proposed lot line relocation and site plan
- Public notices
- Town of Waynesville LDS, NC Building and Fire Codes, and NC GS 160D by reference

After the Staff Report the board deliberated, asking questions from staff and the applicants. Vice Chairman Mr. Kidder asked about the hardship for the variance. The Applicant tried to explain the hardship and the need for affordable housing.

Mrs. Teague asked to cross examine and asked the applicant.

| Applicants:                                                                                        | Answer:                                     |
|----------------------------------------------------------------------------------------------------|---------------------------------------------|
| 1. Is your intent to subdivide the lot?                                                            | Yes                                         |
| 2. Is your intent to create a new lot to build on?                                                 | Yes                                         |
| 3. Is your intent to sell the lot?                                                                 | No, owner wants to create long term rentals |
| 4. Without the subdivision you would not be able to build a house on this property?                | Correct                                     |
| 5. With the drawings are you allowing for setbacks of the current structure and future structures? | Correct                                     |
| 6. You're asking for minimal variance needed?                                                      | Yes                                         |

Mr. Kidder asked Ms. Grooman asked the developer other questions regarding the plans to build another structure.

Mr. Escaravage asked for a motion to close the public hearing.

***A motion was made by Board member Robert Herrman, seconded by Vice Chairman Henry Kidder to close the public hearing at 6:18p.m. The motion carried unanimously.***

The board deliberated and discussed the neighborhood's character. The Applicants decided to withdrawal their application.

**C. ADJOURN**

***A motion was made by Board Member Robert Herrmann, seconded by Vice Chairman Henry Kidder to adjourn the meeting at 6:35 pm. The motion carried unanimously.***

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Henry Kidder, Vice Chairman

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Esther Coulter, Administrative Assistant