



TOWN OF WAYNESVILLE Zoning Board of Adjustment

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**Development Services
Director**
Elizabeth Teague

**Assistant Development
Services Director**
Olga Grooman

Board Members

George Escaravage, Chairman
Henry Kidder, Vice Chairman
Judi Donovan
Sam Hyde
John Mason
Joshua Morgan
Edward Moore

MINUTES OF THE TOWN OF WAYNESVILLE ZONING BOARD OF ADJUSTMENT Regular Meeting Town Hall – 9 South Main St., Waynesville, NC 28786 May 7th, 2024

THE TOWN OF WAYNESVILLE ZONING BOARD OF ADJUSTMENT held a regular meeting on May 7th, 2024, at 5:30 p.m. in the Town Hall Board Room at 9 South Main Street, Waynesville, NC. 28786.

A. CALL TO ORDER

1. Welcome/Calendar/Announcements

The following members were present:

Henry Kidder, Vice Chairman
John Mason (Alternate)
Edward Moore
Sam Hyde (Alternate)
Judi Donovan
Joshua Morgan

The following members were absent:

George Escaravage, Chairman

The following Staff were present:

Olga Grooman, Assistant Development Services Director
Esther Coulter, Administrative Assistant
Ron Sneed, Attorney for the Board

Zoning Board of Adjustment Vice Chairman Henry Kidder welcomed everyone and called the meeting to order at 5:30 p.m.

2. Adoption of Minutes (as presented or amended) from April 2nd, 2024.

Vice Chairman Henry Kidder asked if everyone had reviewed the minutes.

A motion was made by Board member Joshua Morgan, seconded by Board member Edward Moore to approve the April 2nd, 2024, meeting minutes (as presented). The motion carried unanimously.

Vice Chairman Henry Kidder read through the procedures for the public hearing.

Vice Chairman Henry Kidder asked that the people who wished to speak to please come to the front and get sworn in. Olga Grooman, Ron Cramm, Joyce Schlapkohl, Toby Hartsell, and Dennis Downey were sworn in.

Mr. Kidder asked the board if they had any conflict of interest. All members said no.

Vice Chairman Henry Kidder opened the public hearing at 5:38 p.m.

B. BUSINESS:

1. Variance request to setback standards, Land Development Standard Section 2.4.1, on the unaddressed parcel off Cupp Lane in Waynesville, NC 28786 (PIN 8605-46-6671)

Assistant Development Services Director Olga Grooman read the definition of the term “setback,” to orient the board to the variance request. She continued to explain that the property in question was an undeveloped lot at the end of Cupp Lane. The applicant wanted to construct a new single-family home on the upper portion of the lot where the land was flatter in order to minimize the disturbance of the natural topography with a cut and fill slope. A variance would be required since Mr. Cramm proposed a building setback of 16’ from the platted right-of-way, and 20’ from the existing pavement of Cupp Lane. The setback variance would allow the corner of the garage of the proposed house to abut the platted right-of-way.

Ms. Grooman read the purpose and intent of the **Eagles Nest Residential—Low Density District (EN-RL)** from the LDS. It is a rural district characterized by beautiful views afforded by steep terrain. Water service is available throughout much of the area, but sewer service is limited. She quoted the purpose and intent statement for the district, noting that “future development shall be sensitive to the terrain with grading minimized through the use of good design, clustered development and large lot development. Clear cutting for views is unacceptable; appropriate trimming of trees for vistas is preferred.” She noted that granting the variance would minimize disturbance on a slope. Ms. Grooman read through the requirements for a variance and provided staff comments for each of the criteria.

Ms. Grooman entered into evidence:

1. Staff Report
2. Application with payment
3. Haywood County GIS maps: property, zoning, neighborhood
4. Site image
5. Public notices
6. Town of Waynesville LDS, by reference

The Zoning Board members Judi Donovan, Henry Kidder, and Joshua Morgan asked Ms. Grooman for better clarification of the right-of-way and town easements on the property. The applicant Ron Cramm explained that he partnered with Ms. Schlapkohl to develop the land for a spec home, and if they accounted for all the easements and setbacks, they would have to build so far down the hill that it wouldn't be feasible. Mr. Cramm stated he would have to put a lot of money into the foundation.

A motion was made by Board member Joshua Morgan, seconded by Board member Judi Donovan to close the hearing at 6:00 p.m.

A motion was made by Board member Joshua Morgan, seconded by Board member Judi Donovan to approve the variance by findings of the staff. The motion carried unanimously.

2. A variance to minimum lot size standards, Land Development Standards Section 2.4.1, at 55 Fifth Street, Waynesville, NC 28786 (PIN 8605-76-8086)

Vice Chairman Henry Kidder opened the hearing at 6:03 p.m.

Assistant Development Services Director Olga Grooman stated the property consisted of 0.32 acres, with frontage along Fifth Street. The property has approximately 188 feet wide of 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. In Sulphur Springs Neighborhood Residential (SS-NR), the minimum lot size is 1/6 acre. The subdivision would create two (2) nonconforming lots, with each one being 0.007 ac or approximately 305 square feet below the minimum lot size for this district. Ms. Grooman read through the requirements for a variance and provided staff comments for each of the criteria.

Items Entered as Evidence:

- Staff Report
- Application materials with payment and agent authorization form
- Survey showing the proposed lot line
- Maps: property, zoning, neighborhood, street view
- Public notices
- Town of Waynesville LDS, NC Building and Fire Codes, and NC GS 160D by reference

Applicant Dennis Downey of Cowan Properties, LLC and Toby Hartsell of State Employees' Credit Union Real Estate, Inc. SECU*RE, Inc, stated they could answer any of the board's questions.

Mr. Hartsell said SECU*RE Real Estate were the owners of the property. This department of the Credit Union takes over all SECU foreclosures since 2013 and turns them into long-term rentals. When they assumed the property in 2020, it had two (2) structures in poor condition, and SECU determined to demolish the mobile home. Mr. Hartsell said they tried to improve the neighborhood and intended to create a long term-rental and maximize the use of the lot. They wanted to give the tenants a chance to purchase the property.

A motion was made by Board member Edward Moore, seconded by Board member Joshua Morgan to close the public hearing at 6:26 p.m.

A motion was made by Board member Judi Donovan, seconded by Board member Edward Moore to approve the variance by findings of the staff. Board member Joshua Morgan made a motion to add to the motion to incorporate financial hardships into the variance, as presented by the applicants. The motion carried unanimously.

C. ADJOURN

A motion was made by Board member Joshua Morgan, seconded by Board member Edward Moore to adjourn the meeting at 6:28 p.m. The motion carried unanimously.

Henry Kidder, Vice Chairman

Esther Coulter, Administrative Assistant