



TOWN OF WAYNESVILLE Zoning Board of Adjustment

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Board Members

Joshua Morgan, Chairman
Edward Moore, Vice Chairman
Sam Hyde
Henry Kidder
John Mason
Carly Pugh-Alternate
Jan Grossman-Alternate

Development Services

Director
Elizabeth Teague

Assistant Development

Services Director
Olga Grooman

MINUTES OF THE TOWN OF WAYNESVILLE ZONING BOARD OF ADJUSTMENT Regular Meeting Town Hall – 9 South Main St., Waynesville, NC 28786 Tuesday, May 6th, 2025

THE TOWN OF WAYNESVILLE ZONING BOARD OF ADJUSTMENT held a Regular Meeting on Tuesday May 6th, 2025, 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:

Joshua Morgan, Chair
Edward Moore, Vice Chair
Henry Kidder
John Mason
Jan Grossman

The following members were absent:

Sam Hyde
Carly Pugh

The following staff were present:

Olga Grooman, Assistant Development Services Director
Alex Mumby, Land Use Administrator
Esther Coulter, Administrative Assistant
Ron Sneed, Board's Attorney

Chairman Joshua Morgan welcomed everyone and called the meeting to order at 5:32 p.m.

Assistant Development Services Director Olga Grooman welcomed new Board Member Jan Grossman and invited him to introduce himself. Mr. Grossman stated that he lives on South Main Street, has been in Waynesville for about a dozen years, and was a polymer chemist before retiring.

Chairman Joshua Morgan asked for a motion to approve the May minutes.

A motion was made by Board Member John Mason, seconded by Vice Chairman Edward Moore, to approve the March 4th, 2025, minutes. The motion carried unanimously.

Chairman Joshua Morgan explained that this was a quasi-judicial hearing and outlined the procedures for the hearing. He noted that testimony must be material and relevant to the case, and only those with standing could examine witnesses or present arguments.

B. BUSINESS:

1. Two variance requests from the size requirements of one attached sign and one ground sign for the property at 225 Church Street, Waynesville, NC 28786 ("Church Street Studios," PIN# 8615-27-0218), Land Development Standards (LDS) Section 11.6.1.

Land Use Administrator, Alex Mumby, gave his presentation. He explained that the property at 225 Church Street Studio, which houses multiple businesses and artist studios, was originally a school building in the 1950s. The property is zoned Main Street Neighborhood Residential Mixed-Use Overlay, which limits ground signs to 16 square feet and attached signs to 16 square feet per building wall.

Mr. Mumby outlined the two variance requests:

- 1) A variance for a ground sign on Church Street that would be 16.5 square feet, exceeding the maximum allowable square footage by half a square foot.

Mr. Mumby presented the findings which the Zoning Board of Adjustment must consider in order to approve, approve with conditions, or deny the variance request (LDS 15.13, NC GS 160D-705(d):

- a) **Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.**

225 Church Street is a building unique to its surroundings. The goal of this ground sign is to display all tenants. The ordinance, as written, is designed for smaller-scale structures with lower intensity.

- b) **The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.**

The topography of Church Street slopes in such a way that it hides the building from users headed west. The ground sign would be an integral part of notifying people of the businesses' location and purpose.

- c) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship.**

The building is believed to have been built during the 1950s or 1960s. No additions have been made to increase the number of bays by the applicants.

- d) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured, and substantial justice is achieved.**

The approval of the variance would allow all potential tenants to be displayed on the ground sign.

- 2) The second variance request is for an attached sign on the Meadow Street side of the building. It would be approximately 309.58 square feet, about 19 times larger than the allowed 16 square feet.

Mr. Mumby presented the findings which must be found by the Zoning Board of Adjustment in order to approve, approve with conditions, or deny the variance request (LDS 15.13, NC GS 160D-705(d)):

- a) Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.**

This building was mainly used for education in the past. The proposed signage on its wall would inform people about the new usage of the space.

- b) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.**

The building isolated from other businesses, which has an impact on foot traffic. The majority of the building is set back from the road and sits below ground, making it difficult for people to find.

- c) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship.**

In the application materials, the applicant claims that "Feedback from the community over the last two months has provided insight which has led to the request of this variance."

- d) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured, and substantial justice is achieved.**

The attached sign is facing a less-traveled side of the street, and it would not be intrusive to the community.

Attorney Ron Sneed advised the Board that the Church Street Studios LLC was not represented by an attorney. Therefore, it is an unauthorized practice of law. After this explanation, Ms. Malek, the owner of the Church Street Studios, indicated that she wished to proceed without counsel.

Applicant:

Shereen Malek explained that the building has proudly served the community for over 70 years, evolving from a school, daycare, and to its current role as a small business hub. This long-standing identity created an unexpected challenge. Residents have mentally categorized this building as a school or daycare for decades, making it difficult for them to recognize its new purpose. The building has become hidden in plain sight. Its physical positioning further complicates visibility. The proposed signage would create a clear visual marker for both, community members and tourists, overcoming the physical limitations of the building's positioning. It is essential for people to understand that the space exists and has transformed.

Ms. Malek explained that Google Maps currently direct people to the Meadow Street side of the building, disorienting and confusing them. This has led to missed appointments, scheduling delays, and frustrating first experiences. The requested signage will address these practical challenges while helping this historically significant building to transition successfully into its new role, serving the community.

Samantha Kearney, authorized agent for Ms. Malek, stated that she was a tenant at the Church Street Studios. She is the owner of herbal bar, Haywood County's first mocktail bar, which she relocated from Frog Level after losing her business to flood. Community has been very supportive of her. That is why she specifically designed the roadside sign to not only benefit herself, but other tenants as well. She stated that the ground sign was as tasteful and unobtrusive as possible, honoring the spirit of the ordinance. Ms. Kearney explained that she offers an important service- a sober space for people to come and enjoy, and she wants it to be seen and known.

Board Member Jan Grossman questioned the calculation of the ground sign's dimensions, noting that the actual measurement would be 1.008 square feet per tenant space rather than 1.03 square feet, as stated in the staff report. Therefore, the ground sign would only be 0.4% over the size limit.

Public Comment:

- **Ralph Koehring** expressed appreciation for the owners' engagement with neighbors, but questioned whether the proposed sign on Church Street would adequately serve the stated need because individual business names wouldn't be visible to passing drivers.
- **Jane Allen Shope** stated that she had no issue with the ground sign, but she opposed the Meadow Street sign on the building's wall due to its size and concerns about increased traffic. She suggested a sign at the corner of Church and Meadow Streets instead.

- **Bill Sterrett** noted he could already see the existing 2' by 3' sign from his property. He was concerned that a large sign on the building off Meadow Street would be inappropriate for a residential area. He felt the neighborhood was "getting variances and overlaid out of existence as a community."
- **Angeline Schwab** expressed her appreciation for the improvements to the building and stated that she frequently visited the businesses there. However, she felt the exterior wall sign off Meadow Street would be contrary to the neighborhood's character. She suggested focusing on improving signage at the front entrance.

Board discussion focused primarily on the calculations for the ground sign and the appropriateness of the attached sign, given the residential character of the area.

Board Member Jan Grossman suggested that the applicants consider including artistic elements, instead of text on the Meadow Street side of the building, which could be classified as a mural rather than signage.

Mr. Morgan Closed the public hearing at 6:55 p.m.

A motion was made by Board Member Henry Kidder, Seconded by John Mason to close public hearing. The motion passed unanimously.

The board deliberated on each variance separately.

Board Member Henry Kidder made a motion to approve the first variance for the ground sign on Church Street with the hardships listed as accurate, seconded by Board Member Jan Grossman. The motion passed unanimously.

Board Member John Mason expressed concerns about the size of the proposed wall sign. He explained that approving this second variance would set a precedent and deviate from the aesthetics of the neighborhood in ways that were never intended. Mr. Mason would deny variance #2.

Board Member Jan Grossman noted that the main issue appeared to be Google Maps directing people to the wrong side of the building, which could potentially be addressed without such a large sign on Meadow Street.

Chairman Joshua Morgan stated that the second variance would not uphold the spirit of the zoning designation. He also noted that the request was not consistent with the spirit, purpose, and intent of the ordinances, especially because of the residential character of the neighborhood.

Chairman Morgan motioned to decline the variance for the attached sign on Meadow Street, based on failing to maintain the spirit and purpose of the existing regulations, seconded by Board Member Henry Kidder. The motion passed unanimously.

Chairman Morgan thanked everyone for attending the meeting, participating in a civil discussion, and being engaged in the process.

C. AJOURN

Chairman Joshua Morgan adjourned the meeting at 7:05 p.m.

Joshua Morgan, Chairman

Esther Coulter, Administrative Assistant