



TOWN OF WAYNESVILLE Zoning Board of Adjustment

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Board Members

Edward Moore, Vice Chairman
Mary Ford
Jan Grossman
Sam Hyde
John Mason
Carly Pugh-Alternate
Jessi Stone -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, October 7th, 2025

THE TOWN OF WAYNESVILLE ZONING BOARD OF ADJUSTMENT held a Regular Meeting on Tuesday October 7th, 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:

Edward Moore, Vice Chair
Jan Grossman
John Mason
Sam Hyde
Mary Ford
Jessi Stone (present, non-participating member)

The following alternate members not present:

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

Vice Chairman Edward Moore welcomed everyone and called the meeting to order at 5:30 p.m.

Zoning Board of Adjustment Minutes
Regular Meeting
October 7th, 2025

Assistant Development Services Director Olga Grooman asked the new board members to introduce themselves to the rest of the board. Ms. Grooman informed the board there were no applications for November and she would let the board know about December. She also stated at the January 6th, 2026, meeting the board would vote for a chairman.

Vice Chairman Edward Moore asked if everyone had read the minutes and if there were any changes to be made to them. Mr. Moore asked for a motion to approve the minutes.

A motion was made by Board member Sam Hyde, seconded by Board Member Jan Grossman, to approve the August 5th, 2025, minutes. The motion carried unanimously.

Vice Chairman Edward Moore read through the process and procedures for the Public Hearing. Mr. Moore swore in the witnesses and opened the Public Hearing at 5:39 p.m.

B. BUSINESS:

1. Variance requests to the side yard setbacks between the properties at 253 Boyd Avenue (PIN 8615-06-9335) and 259 Boyd Avenue (PIN 8615-06-8366), in Waynesville, NC. 28786.

Assistant Development Services Director Olga Grooman presented her staff report and stated that both properties are owned by Waynesville Properties, LLC- a Boyd family entity. Mr. Reese Boyd is one of the owners within the LLC. His daughter, Erin Boyd, is in the process of financing 253 Boyd Avenue in order to purchase the property from her family and transfer ownership in her name. As a part of this process, the properties are being removed from the LLC and placed into individual ownership, with 259 Boyd Avenue being deeded to Mr. Reese Boyd and 253 Boyd Avenue being deeded to Ms. Erin Boyd. However, there is an issue with the existing side property line between the two lots. The side property line currently runs through the part of the house at 253 Boyd Avenue, specifically through the laundry room/garage, and the bank requires clear property lines that do not cross any structures for financing.

Ms. Grooman said the applicants' propose is to redraw the shared property line, as indicated on the attached survey. This adjustment will resolve the encroachment, but it will also create a side setback nonconformity. The closest point between the two houses will be 2.9 ft, which is below the zoning requirement of 10 ft.

Ms. Grooman explained that the proposed adjustment will create a nonconforming side setback for both properties. The new property line will be located midway between the two houses. At the closest point, each house would be 2.9 ft from the property line, which is below the required side setback of 10 ft. At other points, the distance between each house and the new property line varies, ranging from approximately 8 to 12 ft. All other property lines will remain as they currently are.

The requested variances would allow the side property line between the two lots to be relocated so that it no longer crosses any existing buildings. While this change will create a side setback nonconformity for both lots, it will result in improved overall compliance in aligning the property line with the existing conditions. Staff offers the following comments regarding the findings that must be considered by the Zoning Board of Adjustment (*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.**

The existing side lot line currently crosses through the attached laundry room and garage of the house at 253 Boyd Avenue, and the encroachment must be resolved to allow Ms. Boyd to buy the property from her family through a bank. In the application materials, she states that the “Properties are being sold, and clear property is needed. It will be removed from LLC and stay in family.”

- 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.**

Haywood County GIS records indicate that the house at 253 Boyd Avenue was constructed in 1910, and the house at 259 Boyd Avenue was constructed in 1896. Both homes are located on long-held family land, and the current owners do not have knowledge of how the existing side lot line was created. In the application, Ms. Boyd notes that “The houses 253 and 259 are both owned by our family and were originally owned by my great-great aunt and her husband, assuming the lot lines didn’t matter when 253 was built, and it crossed the line of 259.”

- 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 lot line is pre-existing and did not result from any actions taken by the applicant. In the application materials, Ms. Boyd’s explains, “When we bought 259 (2016?), we paid cash, and since we already owned 253, the lot lines didn’t matter to us.”

The property at 259 Boyd Avenue is owned by Ms. Boyd’s father, Mr. Reese Boyd, who confirmed that the bank requires that the side property line be cleared and does not cross through any structures.

- 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 properties will remain within the same family, but they will be removed from the LLC transferred into the names of individual family members. Also, the repositioning of the side property line will help the properties with any future financing needs that may arise.

Items Entered as Evidence:

- Staff report
- Application materials with payment

- Property maps
- Street view images
- Public Notices

Applicant:

Property owner Mr. Reese Boyd provided a history of the properties, stating that they had been in their family for many years. He noted that he was 70 years old and that the properties had been in the family longer than that. Mr. Boyd explained that the house at 253 Boyd Avenue used to be a store. He said that his great-uncle owned it and built the other half of the structure. Mr. Boyd explained that they needed to have the property lines clear for the bank. He wanted to give 253 Boyd Avenue to his daughter, Ms. Erin Boyd, who currently resides there. He explained that the house was completely remodeled upstairs, while downstairs is used for storage. The house needs a lot of work. The variance would let Ms. Erin Boyd have her place and also keep the property in the family to avoid any potential nuisance neighbors.

Vice Chairman Mr. Moore asked if the board had any questions for the applicants.

Board member Jan Grossman asked whether the property at 259 Boyd Avenue had gone through several sales and whether people just ignored the line that runs through the lot. Mr. Boyd confirmed that this was true and that they were able to buy it from their family for cash, so it was not an issue. He also said that back then, he did not have a plan for the properties, and they remained in the LLC. However, now, since they will have a specific use for the property, they need to move the side property line. Mr. Boyd reiterated that they were not planning to sell the houses.

Vice Chairman Mr. Moore asked if the board had any questions for the staff. There were none.

A motion was made by Board member Sam Hyde, seconded by Board Member John Mason, to close the public hearing at 5:55 p.m. The motion carried unanimously.

Vice Chairman Mr. Moore referred to the four criteria for a variance and asked the board if there were any questions. There were none. Mr. Moore asked for a motion.

A motion was made by Board member Sam Hyde, seconded by Board Member John Mason, to grant the variance with the criteria as presented. The motion carried unanimously.

B) AJOURN

A motion was made by Board member Sam Hyde, seconded by Board Member Jan Grossman to adjourn the meeting at 5:56. The motion carried unanimously.

Edward Moore, Vice Chairman

Esther Coulter, Administrative Assistant