

TOWN OF WAYNESVILLE Zoning Board of Adjustment

9 South Main Street
Waynesville, NC 28786
Phone (828) 456-8647 • Fax (828) 452-1492
www.waynesvillenc.gov

George Escaravage (Chairman)
Henry Kidder (Vice-Chair)
Edward Moore
Joshua Morgan
Robert Hermann
Judi Donovan (alternate)
Travis Tallent (alternate)

Development Services
Director
Elizabeth Teague

TOWN OF WAYNESVILLE ZONING BOARD OF ADJUSTMENT REGULAR MEETING

Town Hall – 9 South Main Street, Waynesville, NC 28786
Tuesday, March 6, 2024, 5:30 PM

A. CALL TO ORDER:

1. Welcome/Announcements/Introductions
2. Adoption of Minutes (as presented or amended) from February 6, 2024.
3. Election of Chair and Vice-Chair.

B. BUSINESS:

1. Variance request to the permitted location of an accessory structure, Land Development Standards Section 4.5.2, on the property at 485 Oakdale Road in Waynesville, NC 28786 (PIN 8615-32-8897).
2. Variance request to setback standards, Land Development Standards Section 2.4.1, on the unaddressed parcel off Cupp Lane in Waynesville, NC 28786 (PIN 8605-46-6671).
3. Variance request to allow parking at the principal frontage of the lot, Land Development Standards Section 9.3, at 1471 Sulphur Springs Road in Waynesville, NC 28786 (PIN 8605-74-1259).

C. ADJOURN



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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 6th, 2024

THE WAYNESVILLE ZONING BOARD OF ADJUSTMENTS held a Regular Meeting February 6th, 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

1. Welcome/Announcements

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 5th, 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 5th, 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.

George Escaravage, Chairman

Esther Coulter, Administrative Assistant

Zoning Board of Adjustment Minutes
Regular Meeting
February 6th, 2024

1. Staff Report

Zoning Board of Adjustment Staff Report

Subject: Variance request to the permitted location of an accessory structure, Land Development Standards Section 4.5.2, on the property at 485 Oakdale Road in Waynesville, NC 28786 (PIN 8615-32-8897).
 Applicant: Brian Scott Bacon, 485 Oakdale Road, LLC
 Authorized Agent: James W. Kirkpatrick, III, P.A.
 Property Owner: 485 Oakdale Road, LLC
 Staff Presenter: Elizabeth Teague, Development Services Director
 Meeting Date: March 6, 2024

Summary Information:

Application Date: October 9, 2023
 Property Location: 485 Oakdale Road, PIN 8615-32-8897
 Acreage of the Site: 0.16 acres
 Zoning District: Pigeon Street Neighborhood Residential (PS-NR)
 Existing Development: Single-family residence
 Property Owner: 485 Oakdale Road LLC

Background:

The property at 485 Oakdale Road is located in the corporate limits of Waynesville and within the Pigeon Street Neighborhood Residential (PS-NR) zoning district. It is across the street from the Ninevah Neighborhood Residential District (N-NR). The property is the minimum lot size for the District at 0.16 acres, with frontage along Oakdale and a shared private driveway that serves two other lots with single family homes on them. The property contains a 1300 square foot home and a parking area that comes off of the shared driveway, and is enclosed by a fence. The property is not in the floodplain or an historic district, and has a flat topography. The dwelling itself is separated from Oakdale by the fence and oriented so that the front door faces the shared driveway.

The applicant would like to place a 12' by 7.6' storage shed (91.2 s.f.) at the end of the parking area and within the yard that is adjacent to Oakdale Road. Technically, this area is considered the front yard of the building. According to the Land Development Standards (LDS) Section 4.5, accessory structures on single family lots less than 0.5 acres, must be located in the side or rear yard only. The variance is only requesting the placement of an accessory storage building on the lot. Other regulations pertaining to accessory structures would still apply to this request, including:

- a setback 5' from property lines;
- the provision of adequate parking area off of the street and shared driveway for at least one vehicle at a minimum dimension of 9' by 18';
- retaining 10% of total lot area in pervious surface; and
- compliance with all applicable NC building codes, including placement and anchoring.

Therefore, if the variance to place the shed at this location is granted, the actual dimensions and placement of the structure would still be subject to the approval of the Development Services Department and its Building Inspections Division.

The construction of the three houses on the shared driveway was completed in 2022, and was done by a single developer and then sold separately. The development as a whole, and the individual lots are compliant with the Town's LDS, and the dimensional zoning requirements for the zoning district. The purpose and intent of Pigeon Street Neighborhood Residential district states (*LDS 2.3.3*):

The **Pigeon Street Neighborhood District (PS-NR)** is a residential community enjoying proximity to Downtown Waynesville and a strong neighborhood center of its own. A mix of medium to high density residential development will continue to occur in this area which already has a strong street system. An attractive pedestrian realm will be established as new development occurs, as will connections between the various neighborhoods in this district and the neighborhood center. The establishment of such connections and the management of traffic to make the area more conducive to pedestrians are important considerations as any improvements to Pigeon Street are made in the future.

The applicant discussed with staff the option of asking Haywood County 911 Property Addressing to identify the shared driveway as a private road serving three houses. If that were to happen, the location of the proposed shed could technically be interpreted as being in the side yard of the property. However, the applicant did not want to disrupt the address of the other two houses served by the shared driveway. The Town received a call from 477 Oakdale Road that confirmed that they were concerned about having to change their address.

Surrounding Land Use/Zoning Patterns:

The subject property is surrounded by single-family lots, that are also all within the Neighborhood Residential District (Pigeon Street NR on the applicant side of Oakdale, and Ninevah NR on the opposite side of the street). Many of these properties have similar accessory storage sheds and structures to what is being proposed. This includes the properties on either side of the subject property at 467 Oakdale and 21 Bamboo Lane, as well as across the street at 518, 504, and 490 Oakdale, in the rear or side yards of the properties.

Proposed Variance:

The requested variance would permit the property owner to apply for a permit to place a storage building in what is the front yard of the dwelling. In this case, the "front" yard is actually to the side of the dwelling as it is oriented to face a shared, private driveway. There also exists a fence between the Oakdale right-of-way and the yard and parking area. While the application provides a specific shed from Lowe's that the applicant would like to have, the specifics of the shed and its placement will be covered in the permitting process and subject to all other Town standards.

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 house is 1300 s.f. structure in a lot of the absolute minimum size allowed by zoning, and is oriented so that the side of the house faces Oakdale. Because of the structure's orientation, what is technically the front yard of the dwelling looks like the side yard. Additionally, this yard area is the only location available for any type of additional storage structure. If the shed is of a footprint and placement that does not interfere with other Town codes, then the strict application of the regulation would seem to create an un-necessary hardship.

- 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 hardship created are peculiar to the property in that the layout of the development oriented the three houses to face what is a shared driveway, but never re-classified the shared driveway as a road. A strict interpretation of the yard area as a front yard would prevent the owner from using this fenced in area for the placement of a small storage building.

- 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 hardship was not created by the current owner of the lot.

- 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 neighborhood residential zoning type established zoning districts that allow for high density and small single family lots. Even small houses on small lots however, have need of yard space, storage, and parking. In this case, flexibility for the placement of this particular storage unit would not be detrimental to the spirit, purpose and intent of the zoning district in that:

- The storage structure would be in the same area as the off-street parking and shielded by a fence from the Oakdale right-of-way;
- The yard area in question is the only location on the lot that a storage building could be placed and the code expressly provides for accessory structures in all zoning districts;
- The lot is on the corner of Oakdale and a shared right-of-way, and the dwelling is uniquely oriented toward the shared-driveway, so that the yard in question appears to be on the side of the structure;
- If the lot were addressed differently so that the shared private driveway was considered a private road, staff would feel comfortable in interpreting the yard as a side yard and permitting the accessory structure.

Additional Comments:

No change in permitted uses may be authorized by variance and sheds are permitted in side and rear yards on all residential lots.

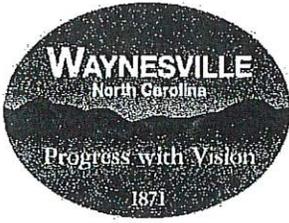
This variance would pertain exclusively to the lot in question and will need to comply with all Building Codes and other requirements of the Waynesville ordinances, including but not limited to minimum lot pervious surface of 10%, a 5' setback from the property boundary, and the allowance of compliant off-street parking.

Public Notice:

A public notification sign was posted on the subject property and notice of this Public Hearing was mailed to owners of the properties within 100 feet of the subject property on February 12, 2024. The Hearing was advertised in the Mountaineer newspaper on February 18, 2024 and February 25, 2024.

Items Entered as Evidence:

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



TOWN OF WAYNESVILLE

Development Services Department

PO Box 100

9 South Main Street

Waynesville, NC 28786

Phone (828) 456-8647 • Fax (828) 452-1492

www.waynesvillenc.gov

Variance Request

Property Address / Location: 485 Oakdale Road, Waynesville, NC 28786

Property PIN: 8615-32-8897 Property Zoning District: Pigeon St Neighborhood Residential

Flood Zone: No Historic Property or District: No

Signature of property owner of record: 485Oakdale Road LLC Date: 10/09/2023

Applicant's Name: Brian Bacon Applicant's Phone #: 407-422-4550

Applicant's Address: 12 Bellevue Rd, Treasure Island, FL 33706

Application must be filed by the property owner or by an agent specifically authorized by the owner.

I, Brian Bacon, hereby petition the Board of Adjustment for a variance from the provisions of the Town of Waynesville Land Development Standards for this property as described below.

Applicable Ordinance Section: 4.5.2

Ordinance requirement from which relief is sought: Allow install of 12' x 7.6' shed installed by Lowes Wanyesville in the area of the driveway currently considered front yard. Area is enclosed by a fence and not visable from Oakdale Rd.

Variance requested and why (attach additional sheets, maps, or other information as necessary):

See attached statement as well as information from Lowes regarding model of shed and requested placement. Also, emails showing option to name easement road which I'd prefer to not disrupt my neighbors by changing their addresses.

Applicant's Signature: [Signature] Date: 10/9/23

Standards of Review for Variances

1. **General Variance Requests:** The Board of Adjustment shall not grant a variance unless and until it makes all of the following findings:

- a) That there are unnecessary hardships in the way of carrying out the strict letter of this chapter.
- b) Reserved.
- c) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings located in the same land development district.
- d) That the special conditions and circumstances do not result from the actions of the applicant. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
- e) That variance is in harmony with general purpose and intent of chapter and preserves its spirit.
- f) That variance is the minimum necessary to afford relief.
- g) That the public safety and welfare have been assured and substantial justice has been done.

2. **Floodplain Development Regulation Variance Requests:**

- a) Variances from the standards set forth in this ordinance for flood damage prevention may be granted. The town must notify the North Carolina Secretary of Crime Control and Public Safety at least thirty (30) days prior to granting the variance.
- b) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result or when the variance will make the structure in violation of other federal, state or local laws.
- c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- d) Variances shall only be issued upon: a showing of good and sufficient cause; a determination that failure to grant the variance would result in exceptional hardship; and, a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
- e) In passing upon variances, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter and:
 - i. The danger that material may be swept onto other lands to the injury of others.
 - ii. The danger to life and property due to flooding or erosion damage.
 - iii. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - iv. The importance of the services provided by the proposed facility to the community.
 - v. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
 - vi. The compatibility of the proposed use with existing and anticipated development.
 - vii. The relationship of the proposed use to the land development plan and flood damage prevention program for that area.
 - viii. Safety of access to the property in times of flood for ordinary and emergency vehicles.
 - ix. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
 - x. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

3. **Additional Conditions:**

In granting any variance, the Board of Adjustment may attach such conditions to the approval as it deems necessary and appropriate to satisfy the purposes and objectives of this ordinance. The board may also attach conditions in order to reduce or minimize any injurious effect of such variance upon other property in the neighborhood and to ensure compliance with other terms of this chapter.

10/9/2023

Town of Waynesville Variance and Development Services

PO Box 100

9 South Main Street

Waynesville, NC 28786

Thank you for your time,

Please let me start with, the request of this variance is because... I have no desire to disrupt the life of the owner of 477 Oakdale Road and 481 Oakdale Road that share the same easement road with me.

I am requesting a variance to allow the install of a 12' x 7.6' on the right side of the house. This area is enclosed by a fence, and is not visible by Oakdale Road.

When 485 Oakdale Road was built, prior to me purchasing it, someone in the Town of Waynesville or Haywood County approved the orientation of the home to be built where the "real" front yard of the home is facing an unnamed easement road and not Oakdale Road.

Due to the fact the unnamed easement road was not named, and my property address is 485 Oakdale Road, where I park in the two dedicated parking spaces, you are deeming this as my "front yard".

I want to have a 12' x 7.6' shed professionally installed from Lowe's of Waynesville (*per document enclosed labeled – shed to be installed*) in the area you currently deem as "front yard" that will be placed, (*per the picture enclosed labeled 12' x 7.6' shed variance*), as you are facing the front of my home from the easement road, the right rear corner of the home by the far left of the current fence.

(*Per email example*) Byron Hickox – Land Use Administrator and Dan Weemhoff have already agreed that, if the easement road is named, I will be allowed to install a 12' x 7.6 shed, because this will no longer be the "front yard" of my home.

Here is the problem, if I go down the path of naming the easement road, which I can, and it will get approved (*per email communications enclosed*), I will disrupt the life of the owners of 477 Oakdale Road and 481 Oakdale Road.

It will require them to change the address numbers on the side of their house (which are very large and very prevalent), it will require them to get an entirely new address.

According to the General Variance Request Guidelines on page 2 of the Variance Request form, Section F – "The variance is the minimum necessary to afford relief." If this variance is not approved, and I have to name the easement road, it will provide maximum discomfort to two neighbors, that I do not want to inflict on them.

According to the General Variance Request Guidelines on page 2 of the Variance Request form, Section C and Section D also apply...

Section C – “That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or building located in the same land development district”

Section D – “That the special conditions and circumstances do not result from the actions of the applicant.”

Again, here is my variance request... so I don't have to disrupt the lives of the owners of 477 and 481 Oakdale Road by naming the easement road...

I am requesting a variance to allow the install of a 12' x 7.6' on the right side of the house. This area is enclosed by a fence, and is not visible by Oakdale Road.

Sincerely,

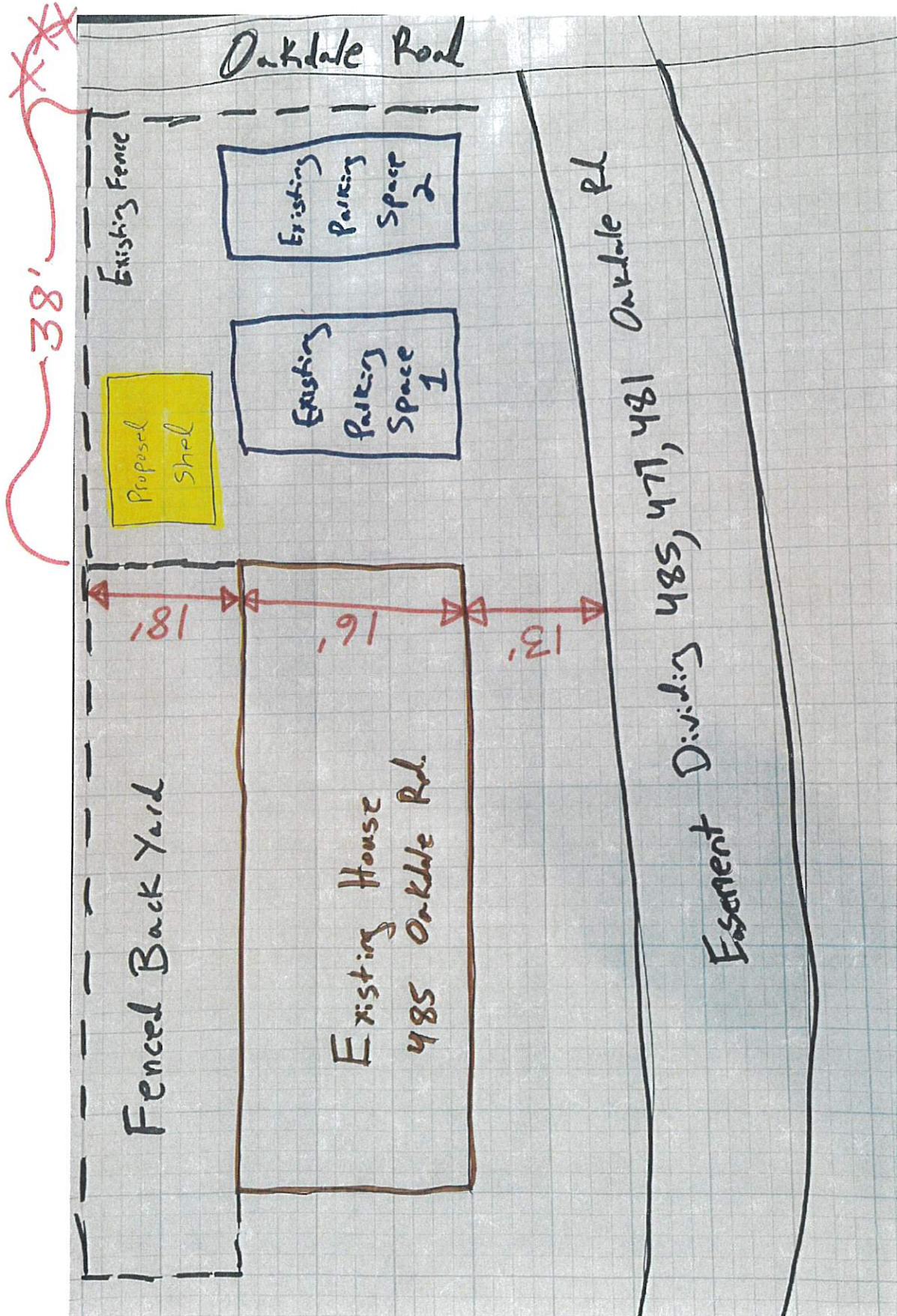


Brian and Kristi Bacon

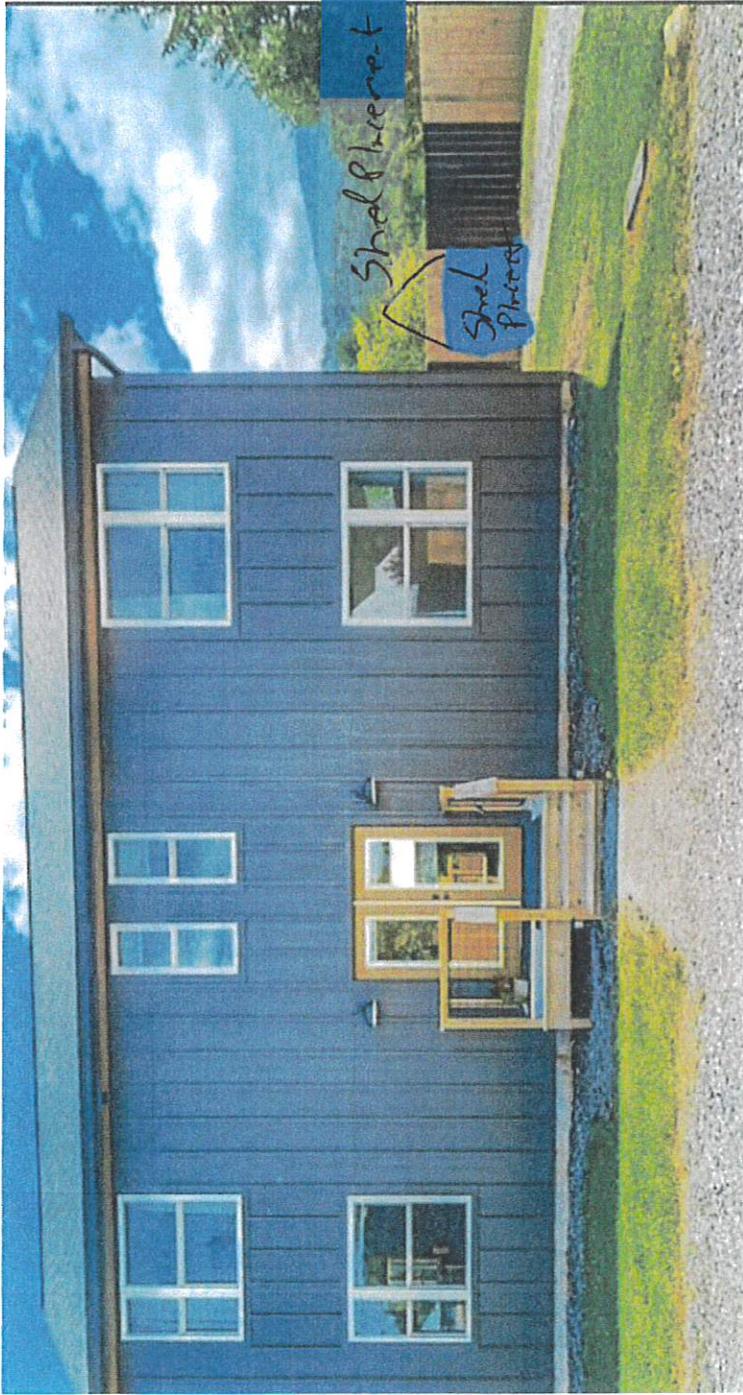
407-455-4220 – cell

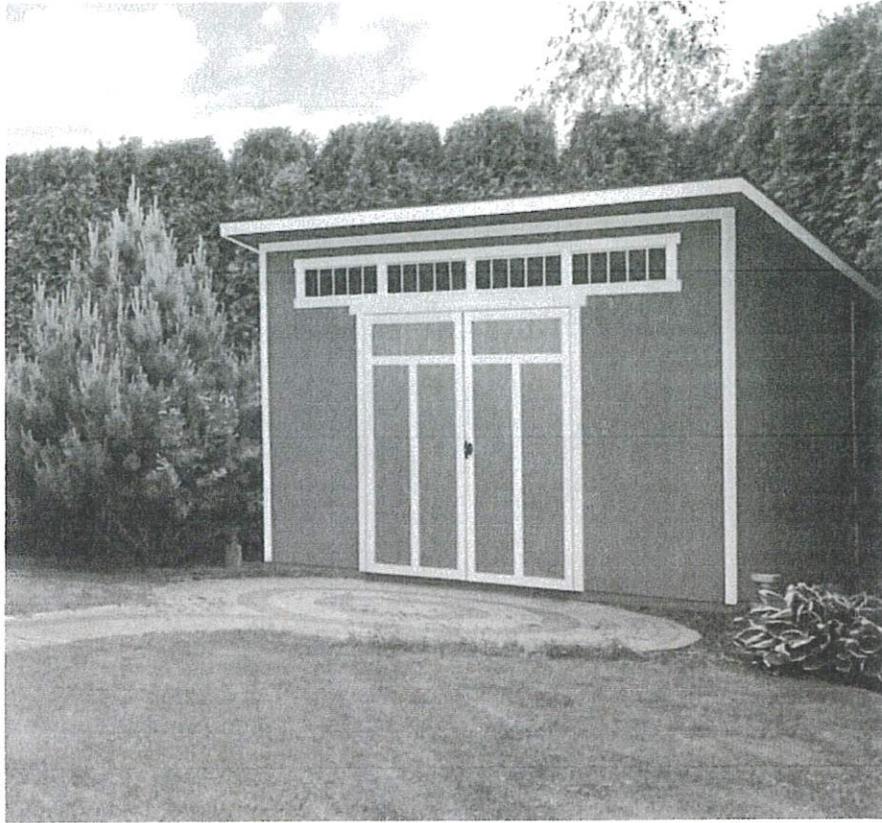
Brianbacon@gmail.com

485 Oakdale Road LLC



10' x 7.6' - Shed Variance



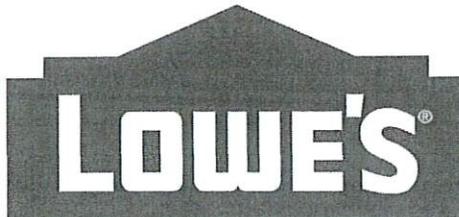


Contract

Prepared for:

Brian Bacon
485 Oakdale Rd
Wayneville, North Carolina 28786

Prepared by:



Kimberly Dale
(828)456-9999
kimberly.j.dale@lowes.com

Shed
to
be
installed



Soho 12x7.6

Location chosen for shed is: right side of house, Near fence corner with 3ft clearance. Shed to be parallel with the house so roof lines will match

(our installer will verify again prior to build) 3ft or more clearance needed all around from any wall, fence, structure)

Location from Street View of Home:right side

Series of shed: Soho

Size of shed: 12x7.6

What is included:

Style: Modern

Model: Soho

Dimensions: 12 x 7.6

Shingle Colors: Black

Shingle Bundle: 5

Dimensional shingles included

Felt and Drip edge: included

Flooring upgrade included: Pro grade floor with 12" on center pressure treated floor joists with Pressure treated 4x4 runners

Paint Upgrade: Yes

Body Paint Color: Custom Color

Custom Body Paint Color Number: SW-6990 Caviar: to be painted on trim as well as body of shed

Door Paint Color: Custom Color Paint Color Number: SW-6132 Relic Bronze: to be painted on doors only

Earth Anchors: Earth Anchors - 4

Warranty: 5 Year Labor, 15 Year Material

Add on's purchased: (detailed info for each item, if not represented below- add to this verbiage)

If paint is purchased as an option (if not in the configurator), then please include this...

The colors of the shed chosen are:

SW-6990 Caviar on body and trim SW-6132 Relic Bronze on doors

If you paid to have a specific color to color match outside of the offered, make sure to pick color and return this info to the builder so as not to delay installation.

Shed shingle type and color chosen:

Black architectural shingles

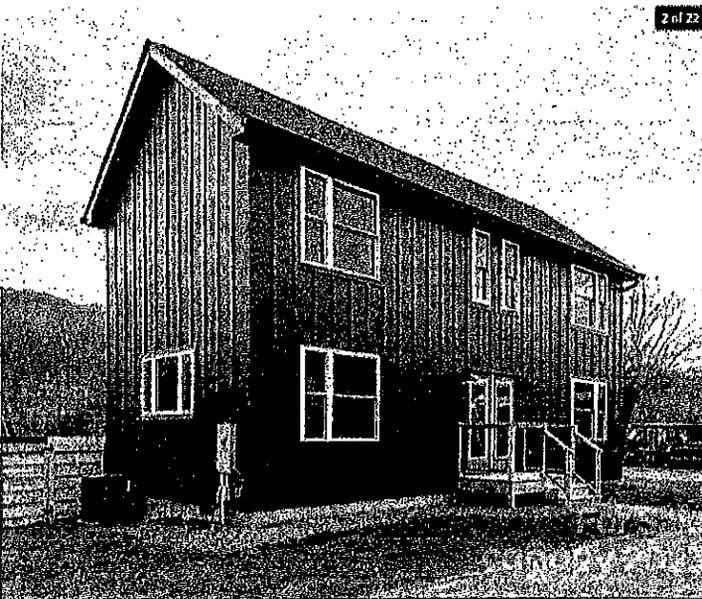
Important notices:

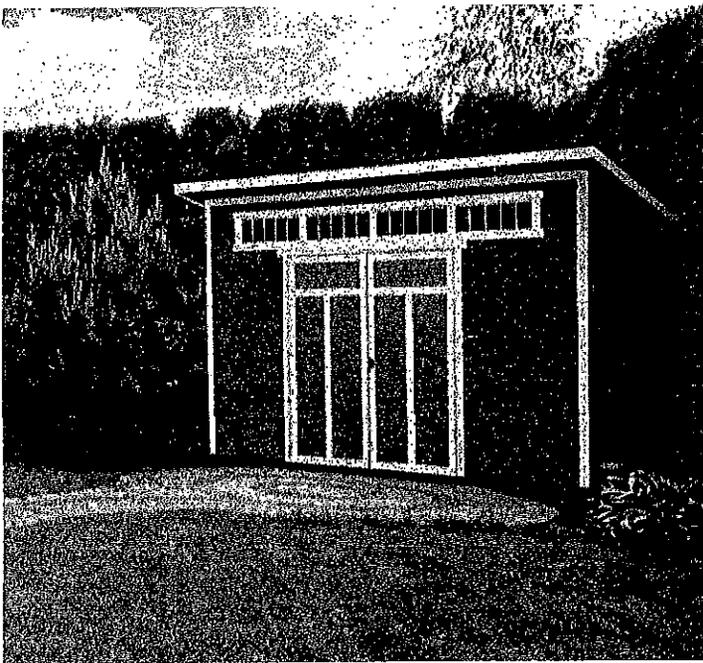
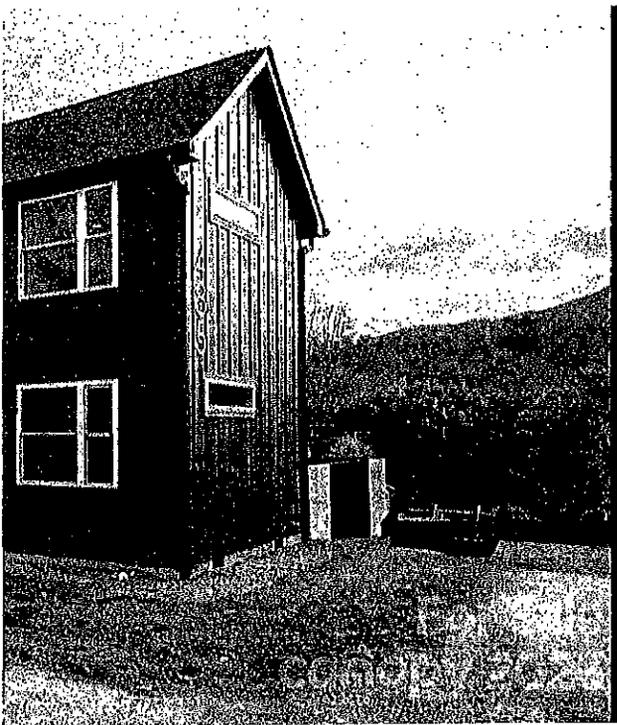
Permit requirements vary in each municipality.

*Your provider should contact you within the next 72 Business hours to confirm if permit or other items may be needed based on code requirements.

*Installation doesn't include the cost of the permit or any other ancillary permits required by the

Job Photos





Standard Option:

- 5/8" OSB
- 16" on-center framing

Upgraded Option:

- 23/32" LP-Product
- 12" on-center framing

40lbs/SqFt Load capacity

52lbs/SqFt Load capacity

- Insect Resistant

WEATHER-PROOF ROOF SYSTEM

The Ultimate Weather-Resistant Roof

ASPHALT SHINGLES
 • 30 Year Limited Warranty
 • 120 mph Wind Resistance

FELLY AND DRIP EDGE
 • Prevents water from getting under the shingles
 • 10 Year Limited Warranty

EXTENDED ROOF OVERLAP
 • 2x5 Shingles (Double Edge) for 2x the protection
 • 10 Year Limited Warranty

10/9/23, 9:52 AM

Gmail - Addressing



Brian Bacon <brianbacon@gmail.com>

Addressing

3 messages

Byron Hickox <bhickox@waynesvillenc.gov>
To: Brian Bacon <brianbacon@gmail.com>

Thu, Oct 5, 2023 at 2:16 PM

Brian,

I spoke with Dan Weemhoff, Haywood County Address Coordinator, regarding the possibility of naming your driveway. He said that, if the driveway is named and the three houses are addressed from the driveway instead of Oakdale Road, the address numbers would definitely change.

His estimate is that your address would be an even number in the 10-16 range, and that the two rear homes would be an odd and even number, most likely 29 and 30.

Let me know how you would like to proceed.

Byron

Byron Hickox | Land Use Administrator

Town of Waynesville, NC

9 South Main Street, Suite 110 | Waynesville, NC 28786

28

10/9/23, 9:52 AM

Gmail - Addressing

828-452-0401 (O) | 828-734-3946 (C)

bhickox@waynesvillenc.gov | www.waynesvillenc.gov

Pursuant to North Carolina General Statutes Chapter 132, Public Records, this electronic mail message and any attachments hereto, as well as any electronic mail message(s) sent in response to it, may be considered public record and as such are subject to request and review by anyone at any time.

Brian Bacon <brianbacon@gmail.com>

To: Byron Hickox <bhickox@waynesvillenc.gov>

Thu, Oct 5, 2023 at 2:39 PM

I want to seek a variance/acceptance of putting in a 10 x 12 storage shed without changing the name or the addresses. I am not willing to disrupt the other two houses lives because of a technicality. How do I go about appealing for the right/ability to put a 10 x 12 shed in where I want?

Sent from my iPhone

On Oct 5, 2023, at 2:16 PM, Byron Hickox <bhickox@waynesvillenc.gov> wrote:

[Quoted text hidden]

Byron Hickox <bhickox@waynesvillenc.gov>

To: Brian Bacon <brianbacon@gmail.com>

Thu, Oct 5, 2023 at 3:00 PM

Brian,

The application for a variance can be downloaded at this link: <https://www.waynesvillenc.gov/sites/default/files/inline-files/Variance%20Request%20Waynesville%202023.pdf>

The application fee is \$300.00, cash or check made payable to Town of Waynesville. The Zoning Board of Adjustment meets on the first Tuesday of each month, with a submittal deadline three weeks prior to the date of the meeting. The November meeting would be held on Tuesday, November 7th with a submittal deadline of Tuesday, October 17th.

10/9/23, 9:52 AM

Gmail - Addressing

Additional information about the variance procedure can be viewed at this link: https://library.municode.com/nc/waynesville/codes/code_of_ordinances?nodeId=PTIIICOR_APXALADEST_CH15AD_15.13VA

Let me know if you have any questions.

Byron

Byron Hickox | Land Use Administrator

Town of Waynesville, NC

9 South Main Street, Suite 110 | Waynesville, NC 28786

828-452-0401 (O) | 828-734-3946 (C)

bhickox@waynesvillenc.gov | www.waynesvillenc.gov

Pursuant to North Carolina General Statutes Chapter 132, Public Records, this electronic mail message and any attachments hereto, as well as any electronic mail message(s) sent in response to it, may be considered public record and as such are subject to request and review by anyone at any time.

[Quoted text hidden]

PAYMENT SUMMARY RECEIPT

TOWN OF WAYNESVILLE
16 S MAIN ST

DATE: 01/09/24 CUSTOMER#:
TIME: 14:33:33
CLERK: 2044ecou

RECPT#: 3002209 PREV BAL: 300.00
TP/YR: P/2024 AMT PAID: 300.00
BILL: 3002209 ADJSTMNT: .00
EFF DT: 01/09/24 BAL DUE: .00

Misc Cash Receipts
-----TOTALS-----

PRINCIPAL PAID: 300.00
INTEREST PAID: .00
ADJUSTMENTS: .00
DISC TAKEN: .00

AMT TENDERED: 300.00
AMT APPLIED: 300.00
CHANGE: .00

PAID BY: Cowan Pros Variance
PAYMENT METH: CHECK
PAYMENT REF: 1402

TOT PREV BAL DUE: 300.00
TOT BAL DUE NOW : .00

3. Agent Authorization

**AUTHORIZATION FOR AGENT TO
APPEAR BEFORE WAYNESVILLE PLANNING BOARD,
ZONING BOARD OF ADJUSTMENT, OR BOARD OF ALDERMEN**

The undersigned Owner or Party with a contract or option to purchase that real property located at 485 Oakdale Rd., Waynesvi in Waynesville or the ETJ area of Waynesville, North Carolina, has submitted an application which is to be heard in a proceeding by Board(s) of the Town of Waynesville, North Carolina. I hereby authorize the following named individual to present my application and case, as my agent at such hearings.

Name of Authorized Agent: James W. Kirkpatrick, III

Title and Company: Attorney - James Weaver Kirkpatrick, III, P.A.

Address: 37 Branner Avenue, Waynesville, NC 28786

Phone and email: 828-452-0801 kirk@jwklaw.net

This authorization shall be good through the completion of the project for which the zoning text or map amendment, special use permit, subdivision, variance or appeal, or other Town approval is requested, or until revoked in writing. The Town of Waynesville may rely on this authorization until it is given notice of the revocation of this authorization or of a change of property ownership takes place.

This the 12 day of January, 20 24

Owner or Party with Contractual Interest in Property:


1/12/2024

485 Oakdale Road, LLC/Brian Scott Bacon - Manage

Address and phone number:

485 Oakdale Road

Waynesville, NC 28786

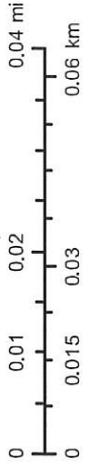
727-313-5286

Haywood County



February 29, 2024

1:1,200

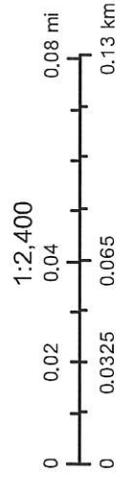


Haywood County



February 29, 2024

- Accessory Structures
- Applicant Property

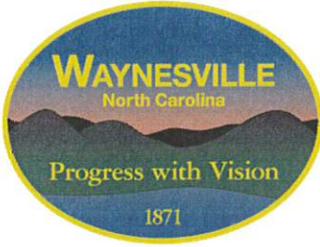




View from Oakdale Street with Notification sign



View from Shared Driveway into yard.



TOWN OF WAYNESVILLE

Development Services Department

PO Box 100

9 South Main Street

Waynesville, NC 28786

Phone (828) 456-8647 • Fax (828) 452-1492

www.waynesvillenc.gov

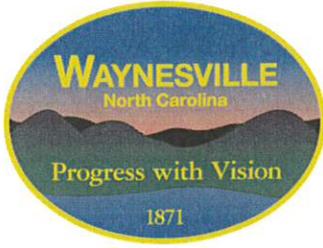
February 12, 2024

Town of Waynesville Board of Adjustment NOTICE OF VARIANCE HEARING

The Town of Waynesville Zoning Board of Adjustment will hold a public hearing on **Tuesday, March 5, 2024 at 5:30 pm** in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC, to consider a variance request to the permitted location of an accessory structure, Land Development Standards Section 4.5.2, on the property at 485 Oakdale Road in Waynesville, NC 28786 (PIN 8615-32-8897):



For more information contact the Development Services Department at: (828) 456-2004, email: eteague@waynesvillenc.gov, mail: 9 South Main Street, Suite 110, Waynesville, NC 28786.



TOWN OF WAYNESVILLE

Development Services Department

PO Box 100

9 South Main Street

Waynesville, NC 28786

Phone (828) 456-8647 • Fax (828) 452-1492

www.waynesvillenc.gov

FOR PUBLICATION IN THE MOUNTAINEER: February 21st and February 28th (Wednesday) editions

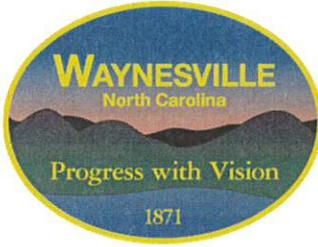
Date: February 15, 2024

Contact: Olga Grooman, (828) 356-1172

Notice of Public Hearing: Variance Town of Waynesville Board of Adjustment

The Town of Waynesville Zoning Board of Adjustment will hold a public hearing on **Tuesday, March 5, 2024 at 5:30 pm** in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC, to consider a variance request to allow parking at the principal frontage of the lot, Land Development Standards Section 9.3, at 1471 Sulphur Springs Road in Waynesville, NC 28786 (PIN 8605-74-1259).

For more information contact the Development Services Department at: (828) 356-1172, email: ogrooman@waynesvillenc.gov, mail: 9 South Main Street, Suite 110, Waynesville, NC 28786.



TOWN OF WAYNESVILLE

Development Services Department

PO Box 100

9 South Main Street

Waynesville, NC 28786

Phone (828) 456-8647 • Fax (828) 452-1492

www.waynesvillenc.gov

FOR PUBLICATION IN THE MOUNTAINEER: February 18th and February 25th (Sunday) editions

Date: February 12, 2024

Contact: Elizabeth Teague, (828) 456-2004

Notice of Two (2) Public Hearings: Variance Town of Waynesville Board of Adjustment

The Town of Waynesville Zoning Board of Adjustment will hold a public hearing on **Tuesday, March 5, 2024 at 5:30 pm** in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC, to consider:

1. A variance request to setback standards, Land Development Standards Section 2.4.1, on the unaddressed parcel off Cupp Lane in Waynesville, NC 28786 (PIN 8605-46-6671).
2. A variance request to the permitted location of an accessory structure, Land Development Standards Section 4.5.2, on the property at 485 Oakdale Road in Waynesville, NC 28786 (PIN 8615-32-8897).

For more information contact the Development Services Department at: (828) 456-2004, email: eteague@waynesvillenc.gov, mail: 9 South Main Street, Suite 110, Waynesville, NC 28786.

1. Staff Report

Zoning Board of Adjustment Staff Report

Subject: Setback variance request, Land Development Standards Section 2.4.1
 Applicant: Ron Cramm and Joyce Schlapkohl
 Authorized Agent:
 Property Owner: Joyce Schlapkohl
 Staff Presenter: Elizabeth Teague, Development Services Director
 Meeting Date: March 6, 2024

Summary Information:

Application Date: January 17, 2024
 Property Location: Lot 4 Cupp Lane, (PIN 8605-46-6671).
 Acreage of the Site: 1.12 acres
 Zoning District: Eagles Nest Residential Low Density (EN-RL)
 Existing Development: None

Background:

This property is an undeveloped lot at the end of Cupp Lane. The lot slopes down from Cupp Lane and the applicant would like to construct a new single family home on the upper and flatter portion of the lot. This would require a variance from the required setback of 20' in the principle front and street side boundaries. The property is located in the corporate limits of Waynesville and within the Eagles Nest Low Density Residential District (EN-RL) zoning district. The lot contains a platted right-of-way that is 20' in that traverses the lot starting at Cupp Lane and continuing to the lot below (PIN 8605-46-6376) which must be kept clear. The applicant would like to build on the flattest part of the lot close to Cupp Lane in order to minimize having to construct on the slope and disturb the topography with a cut and fill slope.

The drawing submitted by Mr. Cramm of the proposed building footprint, appears to have the building setback 16' from the platted right-of-way, and 20' from the existing pavement of Cupp Lane. However, the platted right-of-way of Cupp Lane extends into the Schlapkohl lot over 30'. The corner of the proposed garage of the house would be adjacent to the platted right-of-way that contains Cupp Road. The setback variance request asks to allow the corner of the garage to abut the right-of-way, and to therefore allow most of the garage to be within the 20' setback from the platted road right of way of Cupp Lane. However this would actually be 20' from the existing pavement of Cupp Lane.

The LDS Section 2.3 describes the purpose and intent of the Eagles Nest Low Density Residential District as follows:

The **Eagles Nest Residential—Low Density District (E-RL)** 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. 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. As this is an area dominated by private development, it will be important in the future to acquire public park land especially at elevations exceeding three thousand (3,000) feet above mean sea

level. Land conservation easements are encouraged. Possible road connections shall be evaluated as new streets are constructed in an effort to improve connectivity without jeopardizing the natural beauty of the area. Sidewalks are not required except in major residential developments due to the rural mountain character of the district.

The granting of a variance would be consistent with the desire of being sensitive to the terrain and to minimize grading.

Surrounding Land Use/Zoning Patterns:

The subject property is surrounded by large single family lots and the Laurel Ridge Golf Course that are all within the EN-RL District.

Proposed Variance:

Elizabeth Teague and Town Fire Marshall Darrell Calhoun went to look at the site. We both feel that a variance would be permissible as long as the construction did not interfere with future access to the lot below and the 20' right-of-way is maintained across the property.

While the proposed building footprint would encroach into the 20' setback of the Cupp Lane right-of-way as platted, it would be 20' from the actual edge of pavement of Cupp Lane.

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 property is a large lot in which the regulatory setback could be achieved. Achieving the setback, however, would mean greater land disturbance on a slope.

- 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 hardship comes from the applicant desiring to build on the flattest area of the lot. Additionally, the platted right-of-way of Cupp Lane encroaches into the Schlop Kohl property at the location of the desirable building site. The proposed building site itself is at the highest and flattest point of the lot and would leave a significant area of the property un-disturbed.

- 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 hardship was not created by the owner of the lot. The Schlopkohls have owned the lot since 2010.

- 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 setback variance would allow the builder to preserve vegetation and land to the rear of the proposed building, and to minimize cut into a slope, therefore meeting the spirit of the Eagles Nest zoning district

Under no circumstances however, would the proposed building be allowed to interfere with other adjacent properties and the use and access to other lots, particularly the lot below that is PIN 8605-46-6376.

Additional Comments:

Even with the requested variance, the proposed structure would be 20' or more from the existing pavement of Cupp Lane.

Public Notice:

A public notification sign was posted on the subject property on February 12, 2021, and notice of this Public Hearing was mailed to owners of the properties within 100 feet of the subject property on February 12, 2024. The Hearing was advertised in the Mountaineer newspaper on February 18, 2024 and February 25, 2024.

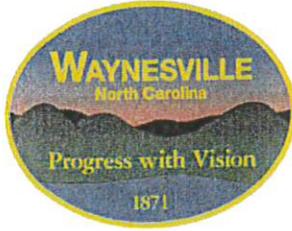
Items Entered as Evidence:

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

Rec 1/17/24

\$ 300 Fee

1-23-24 ID



TOWN OF WAYNESVILLE

Development Services Department

PO Box 100

9 South Main Street

Waynesville, NC 28786

Phone (828) 456-8647 • Fax (828) 452-1492

www.waynesvillenc.gov

Variance Request

Property Address / Location: Lot 4 Cupp Ln., Waynesville

Property PIN: 8605-46-6671 Property Zoning District: Eagle Nest Low Density Residential

Flood Zone: No Historic Property or District: _____

Signature of property owner of record: Joyce Schlapkoff Date: 01/17/24

Applicant's Name: Ron Craun Applicant's Phone #: 828-421-1703

Applicant's Address: 1778 Jonathan Creek Rd. Waynesville NC 28785
Application must be filed by the property owner or by an agent specifically authorized by the owner.

I, Ron Craun, hereby petition the Board of Adjustment for a variance from the provisions of the Town of Waynesville Land Development Standards for this property as described below.

Applicable Ordinance Section: 2.4

Ordinance requirement from which relief is sought: Need variance from street side secondary front setback 20' setback

Variance requested and why (attach additional sheets, maps, or other information as necessary):
Need Variance from street side secondary front setback. From a platted street that does not exist

Applicant's Signature: Ron Craun Date: 01/17/24

Standards of Review for Variances

1. **General Variance Requests:** The Board of Adjustment shall not grant a variance unless and until it makes all of the following findings:

- 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.
- 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.
- 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.
- 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.

No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.

2. **Floodplain Development Regulation Variance Requests:**

- a) Variances from the standards set forth in this ordinance for flood damage prevention may be granted. The town must notify the North Carolina Secretary of Crime Control and Public Safety at least thirty (30) days prior to granting the variance.
- b) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result or when the variance will make the structure in violation of other federal, state or local laws.
- c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- d) Variances shall only be issued upon: a showing of good and sufficient cause; a determination that failure to grant the variance would result in exceptional hardship; and, a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
- e) In passing upon variances, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter and:
 - i. The danger that material may be swept onto other lands to the injury of others.
 - ii. The danger to life and property due to flooding or erosion damage.
 - iii. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - iv. The importance of the services provided by the proposed facility to the community.
 - v. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
 - vi. The compatibility of the proposed use with existing and anticipated development.
 - vii. The relationship of the proposed use to the land development plan and flood damage prevention program for that area.
 - viii. Safety of access to the property in times of flood for ordinary and emergency vehicles.
 - ix. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
 - x. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

3. Additional Conditions:

In granting any variance, the Board of Adjustment may attach such conditions to the approval as it deems necessary and appropriate to satisfy the purposes and objectives of this ordinance. The board may also attach conditions in order to reduce or minimize any injurious effect of such variance upon other property in the neighborhood and to ensure compliance with other terms of this chapter.

PAYMENT SUMMARY RECEIPT

TOWN OF WAYNESVILLE
16 S MAIN ST

DATE: 01/23/24 CUSTOMER#:
TIME: 11:16:43
CLERK: 2044ecou

RECPT#: 3007361 PREV BAL: 300.00
TP/YR: P/2024 AMT PAID: 300.00
BILL: 3007361 ADJSTMNT: .00
EFF DT: 01/23/24 BAL DUE: .00

Misc Cash Receipts
-----TOTALS-----

PRINCIPAL PAID: 300.00
INTEREST PAID: .00
ADJUSTMENTS: .00
DISC TAKEN: .00

AMT TENDERED: 300.00
AMT APPLIED: 300.00
CHANGE: .00

PAID BY: B Ridge P&B Variance
PAYMENT METH: CHECK
PAYMENT REF: 19283

TOT PREV BAL DUE: 300.00
TOT BAL DUE NOW : .00

Report For

SCHLAPKOHLE, JOYCE/TR
 JOYCE SCHLAPKOHLE REV LIVING TR
 126 DEER RUN DR
 WAYNESVILLE, NC 28786

Account Information

PN: 8605-46-6671

Legal Ref: 7961328

Add Ref: CABD/2573
 CABD/708

Site Information

CUPP LN

Heated Area:

Year Built:

Total Acreage: 1.12

Township: Town of Waynesville

Site Value Information

Land Value: \$108,200

Building Value: \$0

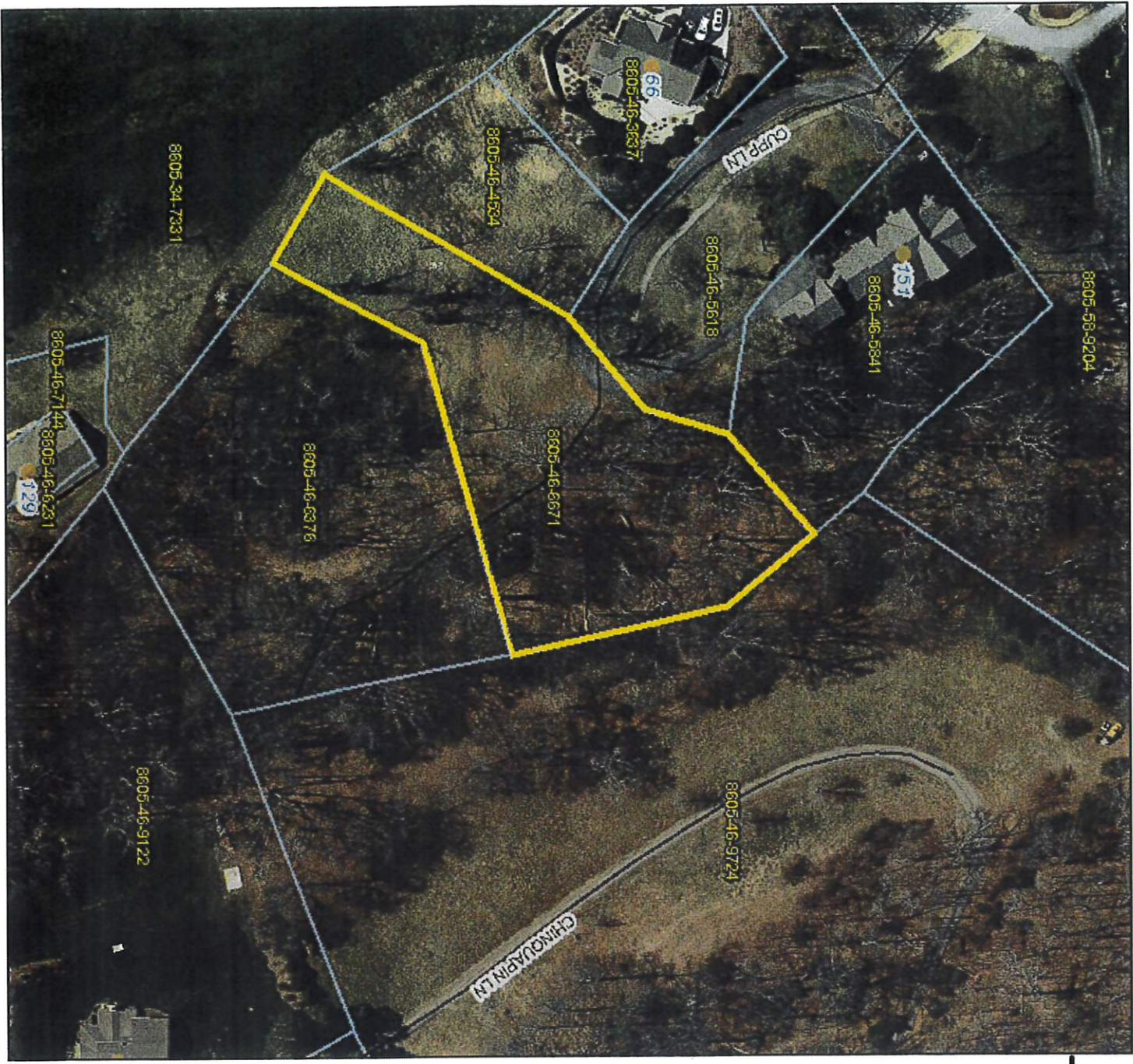
Market Value: \$108,200

Deferred Value: \$0

Assessed Value: \$108,200

Sale Price: \$0

Sale Date: 12/30/2010



1 inch = 100 feet
 February 16, 2024

Disclaimer: The maps on this site are not surveys. They are prepared from the inventory of real property found within this jurisdiction and are compiled from recorded deeds, plats and other public records and data. Users of this site are hereby notified that the aforementioned public primary information sources should be consulted for verification or any information contained on these maps. Haywood county and the website provider assume no legal responsibility for the information contained on these maps.

PRESENTED TO LAND RECORDS
DATE 12/30/10 BY KH.



2010011274
HAYWOOD CO, NC FEE \$28.00
PRESENTED & RECORDED
12-30-2010 01:52:33 PM
SHERRI C. ROGERS
REGISTER OF DEEDS
BY DEB SCHAEFER - DEPUTY
REGISTER OF DEEDS

BK: RB 796
PG: 328-331

HAYWOOD COUNTY TAX CERTIFICATION

There are no delinquent taxes due that are a lien against parcel number(s) See below

David B. Francis, Haywood County Tax Collector

Date: 12/30/2010 By: [Signature]

NORTH CAROLINA GENERAL WARRANTY DEED

Excise tax: \$ 0

Parcel Identifier No. 8605-46-6671, 8605-69-3547, 8605-58-1226, 8605-49-4755

Mail after recording to: Woodrow H. Griffin

This instrument was prepared by: Woodrow H. Griffin Attorney, Waynesville NC 28786

THIS DEED is made this 28TH day of DECEMBER, 20 10, between

GRANTOR	GRANTEE
JOYCE LOCKHART SCHLAPKOHL, Trustee of the Joyce Lockhart Schlapkohl Revocable Living Trust dated December 1, 1998	JOYCE SCHLAPKOHL, Trustee of the Joyce Schlapkohl Revocable Living Trust dated December 3, 1998.
Address:	Address:
If checked, this WAS a Grantor's Principal Residence (otherwise ignore): <input type="checkbox"/>	

The designations Grantor and Grantee shall include the parties, their respective heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSES that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, does grant, bargain, sell and convey unto the Grantee in fee simple, all of that certain lot or parcel of land situated in the Waynesville Township, Haywood County, North Carolina, more particularly described as follows:

SEE ATTACHED EXHIBIT "A" INCORPORATED BY REFERENCE HEREIN.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

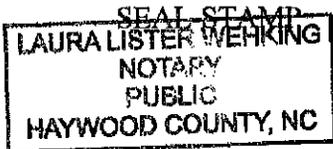
Easements, restrictions, rights of way of record, and 2010 ad valorem taxes.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

Joyce Lockhart Schlapkohl
Joyce Lockhart Schlapkohl-Trustee

Haywood County, State: North Carolina

I, the undersigned notary for the above county and state, certify that Joyce Lockhart Schlapkohl, Trustee, personally appeared before me this day, and acknowledged the due execution of the foregoing document for the purposes stated therein as their voluntary act and deed.



12.28.2010
Date

Laura Lister Wehking
Official Signature of Notary

Notary Public

Notary's printed or typed name:

LAURA LISTER WEHKING

My commission expires: 2.19.2012

EXHIBIT A

JOYCE LOCKHART SCHOLAPKOHL, TRUSTEE

TO

JOYCE SCHLAPKOHL, TRUSTEE

FIRST: BEING that lot located in Waynesville Township, Haywood County, North Carolina, and being Lot No. 85 of Laurel Ridge Country Club, Sheet No. 2 of Phase 2-North Lots, according to the plat and survey of James T. Herron, R.L.S. dated June 15, 1987 as appears of record in Plat Cabinet C, Slot 36, Haywood County Registry.

BEING the same property described in that deed from Wallace Hyde and wife, Jeanette Hyde to Roger H. Schlapkohl and wife, Joyce L. Schlapkohl, dated May 25, 2004, recorded in Book 597, Page 893, Haywood County Registry and together with and including and subject to the restrictive covenants referred to therein.

SECOND: BEING that lot located in Waynesville Township, Haywood County, North Carolina, and being Lot No. 3 of Laurel Ridge Country Club, Sheet No. 1 of Phase 1-North Lots, according to the plat and survey of James T. Herron, R.L.S. dated June 12, 1986, Revised August 11, 1986 as appears of record in Plat Cabinet B, Slot 375 (D), Haywood County Registry.

BEING the same property described in that deed from Lois r. Linville to Roger H. Schlapkohl and wife, Joyce L. Schlapkohl, dated June 11, 2004, recorded in Book 599, Page 1765, Haywood County Registry and together with and including and subject to the restrictive covenants referred to therein.

THIRD: BEING that lot located in Waynesville Township, Haywood County, North Carolina, and being Lot No. 243 as per plat and survey entitled "Plat Prepared for JE GOLF, LLC, Lot 243-Phase 2 North, Laurel Ridge Country Club", by J. Randy. Herron, P.L.S. dated 9/28/2004, Drawing No. 1674-295-A, recorded in Plat Cabinet C, Slot 3832, Haywood County Registry.

BEING the same property described in that deed from JE GOLF, LLC to Roger H. Schlapkohl and wife, Joyce L. Schlapkohl, dated October 22, 2004, recorded in Book 612, Page 77, Haywood County Registry and together with and including and subject to the restrictive covenants referred to therein.

FOURTH: BEING all of Lot 4 Containing 1.124 acres as per plat and survey of J. Randy Herron, PLS, dated October 22, 2007, bearing drawing number 1243-211-A, and recorded in Plat Cabinet C. Slot 5128, Haywood County Registry.

Zoning 3

Report For

SCHLAPKOHL, JOYCE/TR
JOYCE SCHLAPKOHL REV LIVING TR
126 DEER RUN DR
WAYNESVILLE, NC 28786

Account Information

PIN: 8605-46-6671
Legal Ref: 796/328
Add Ref: CABD/2573
CABD/708

Site Information

CUPP LN
Heated Area:
Year Built:
Total Acreage: 1.12
Township: Town of Waynesville

Site Value Information

Land Value:
Building Value:
Market Value:
Deferred Value:
Assessed Value:
Sale Price:
Sale Date: 12/30/2010



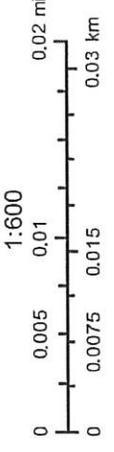
1 inch = 100 feet
February 16, 2024

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Haywood County

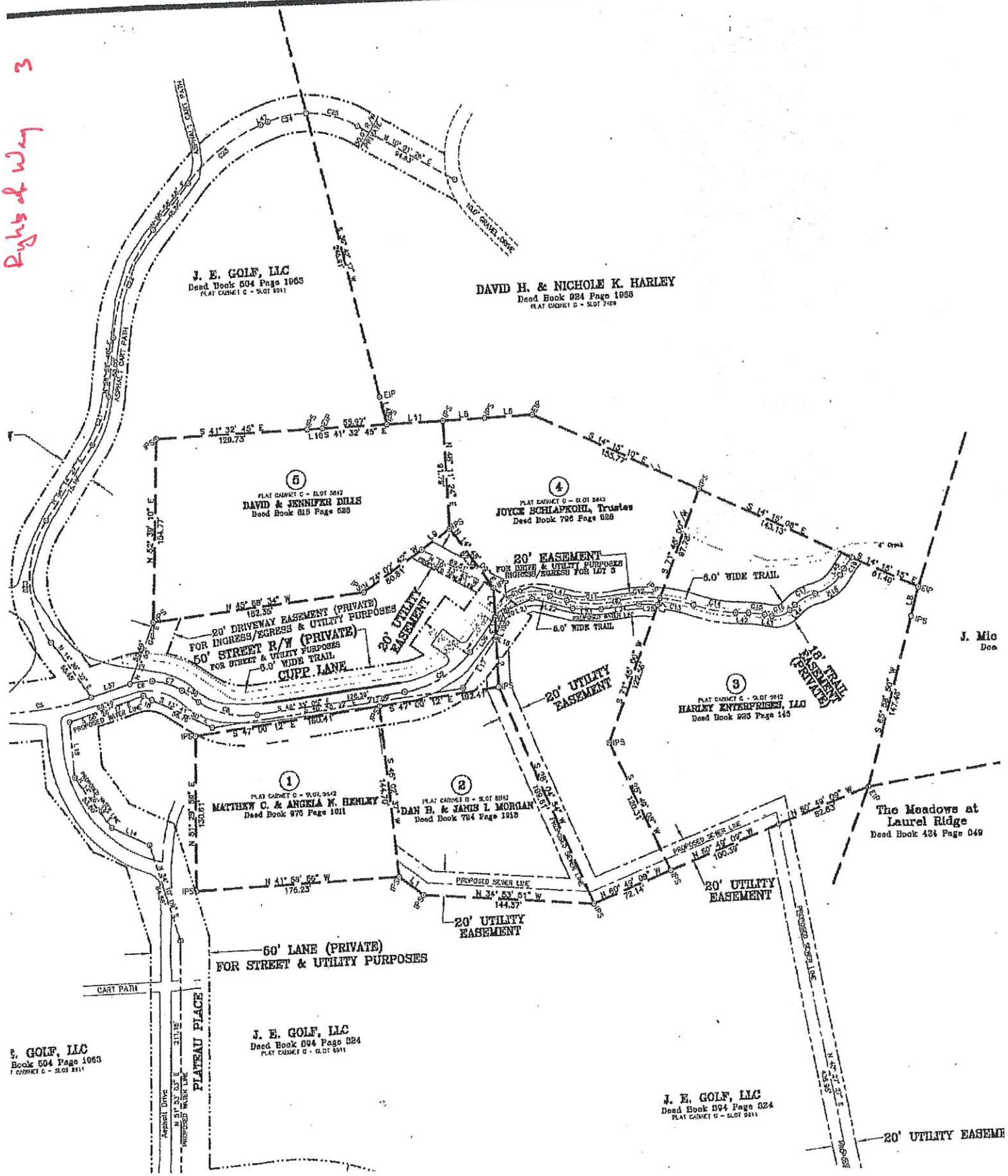


February 16, 2024



Zoom 1

3
Rights of Way



J. E. GOLF, LLC
Deed Book 804 Page 1063
PLAT CUMMET C - SLO 1811

J. E. GOLF, LLC
Deed Book 804 Page 824
PLAT CUMMET C - SLO 1811

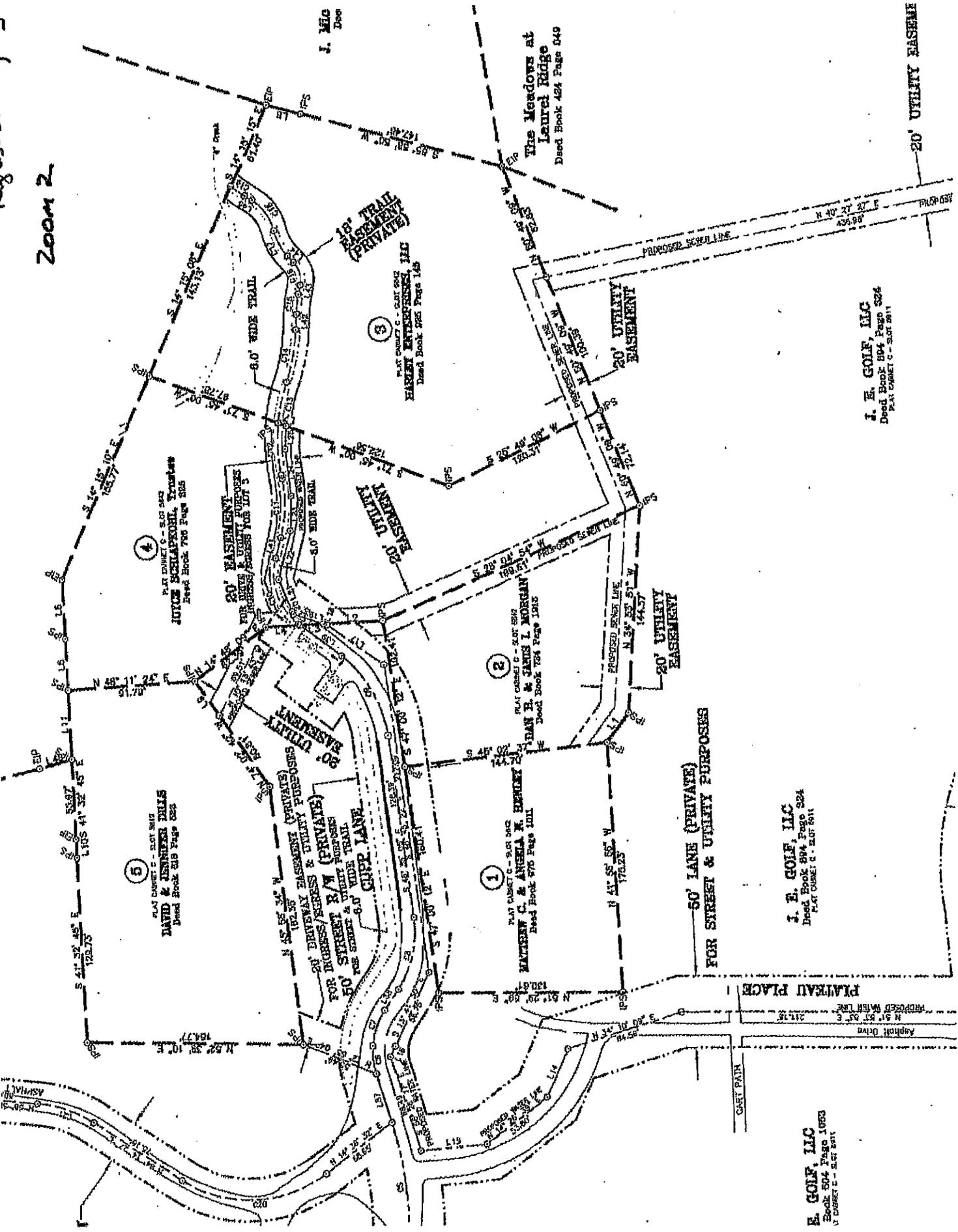
J. E. GOLF, LLC
Deed Book 894 Page 824
PLAT CUMMET C - SLO 1811

The Meadows at
Laurel Ridge
Deed Book 424 Page 049

J. Mic
Doe

Rights-of-way 3

Zoom 2



4

5

2

1

3

I. E. GOLF, LLC
 Deed Book 504 Page 324
 Plat Corner C - SLT 2011

I. E. GOLF, LLC
 Deed Book 504 Page 324
 Plat Corner C - SLT 2011

I. E. GOLF, LLC
 Deed Book 504 Page 324
 Plat Corner C - SLT 2011

50' LANE (PRIVATE)
 FOR STREET & UTILITY PURPOSES

20' UTILITY EASEMENT

The Meadows at Laurel Ridge
 Deed Book 424 Page 049

I. MIC
 Deed

JUICE SCHLAFFERL, Trustee
 Deed Book 750 Page 285

DAVID & JENNIFER HALLS
 Deed Book 218 Page 285

ADAM H. & JAMES L. MORGAN
 Deed Book 724 Page 1263

HANLEY ENTERPRISES, LLC
 Deed Book 282 Page 143

PLATEAU PLACE

Grass Path

Asphalt Drive

Proposed Street Line

20' UTILITY EASEMENT

20' UTILITY EASEMENT

18' TRAIL (PRIVATE)

20' EASEMENT FOR DRIVE & UTILITY PURPOSES (BUSINESS/RESID FOR LOT 3)

20' DRIVEWAY EASEMENT (PRIVATE) FOR BUSINESS/RESID & UTILITY PURPOSES

50' STREET R/W (PRIVATE) FOR STREET & UTILITY PURPOSES

CUPP LANE

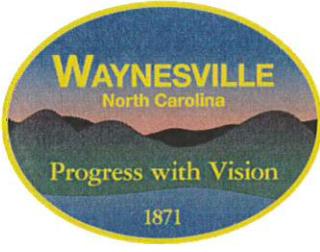
30' DRIVEWAY EASEMENT (PRIVATE)

30' TRAIL (PRIVATE)

30' DRIVEWAY EASEMENT (PRIVATE)

4



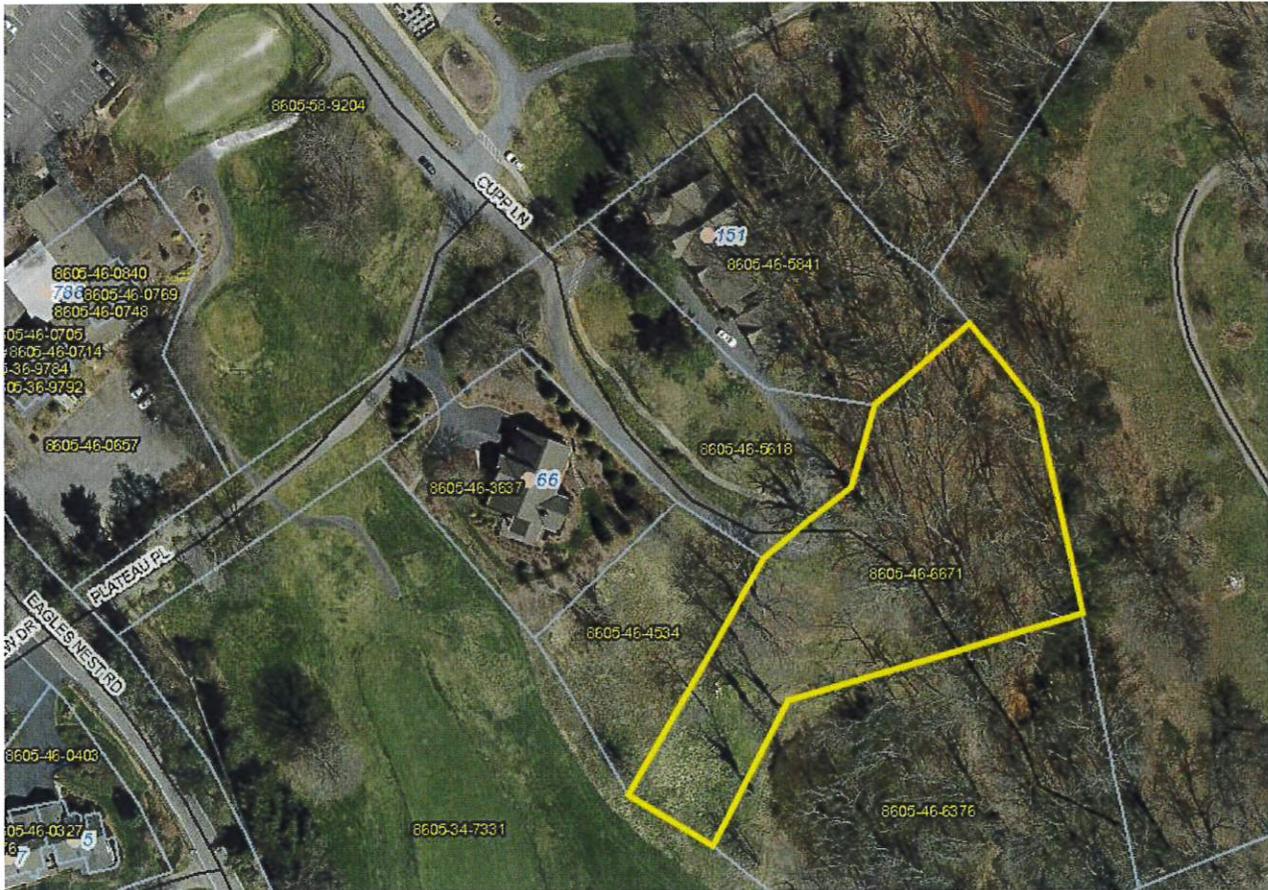


TOWN OF WAYNESVILLE
Development Services Department
PO Box 100
9 South Main Street
Waynesville, NC 28786
Phone (828) 456-8647 • Fax (828) 452-1492
www.waynesvillenc.gov

February 12, 2024

**Town of Waynesville Board of Adjustment
NOTICE OF VARIANCE HEARING**

The Town of Waynesville Zoning Board of Adjustment will hold a public hearing on **Tuesday, March 5, 2024 at 5:30 pm** in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC, to consider a variance request to setback standards, Land Development Standards Section 2.4.1, on the unaddressed parcel off Cupp Lane in Waynesville, NC 28786 (PIN 8605-46-6671):



For more information contact the Development Services Department at: (828) 456-2004, email: eteague@waynesvillenc.gov, mail: 9 South Main Street, Suite 110, Waynesville, NC 28786.



PROPERTY POSTED 2/12/2024
OFF CUPP LANE

THE TOWN OF WAYNESVILLE
ZONING BOARD OF ADJUSTMENT
WILL HOLD A PUBLIC HEARING
ON MARCH 5, 2024, AT 5:30 PM
IN THE TOWN HALL BOARD ROOM
AT 9 SOUTH MAIN ST.
TO CONSIDER A
VARIANCE REQUEST
CONTACT THE DEVELOPMENT SERVICES DEPARTMENT
T: 828-456-8647

1. Staff Report
(1 of 3)

Zoning Board of Adjustment Staff Report

Subject: Variance request to allow parking at the principal frontage of the lot, Land Development Standards Section 9.3

Applicant: Kalon Stiggins (owner of the Root and Branch Property LLC)

Property Owner: Root and Branch Property LLC A NC LLC

Staff Presenter: Olga Grooman, Land Use Administrator

Meeting Date: March 5, 2024

Summary Information:

Application Date: February 15, 2024

Property Location: Unaddressed parcel off Sulphur Springs Rd (PIN 8605-74-1259)

Acreage of the Site: 0.767 acre

Zoning District: Hazelwood Business District (H-BD)

Existing Development: Vacant lot

Background:

The subject 0.767- acre property is located off Sulphur Springs Road in Waynesville. The lot is currently vacant. The two houses that existed there were in a dilapidated state and were demolished in October 2023. The parking for both houses was at the front of the lot with the driveways connecting to Sulphur Springs Road, as still shown on the Haywood County GIS.

Currently, LDS section 9.3 (*attached*) does not allow parking at the principal frontage for townhomes, apartments, commercial, or any mixed-use buildings in Hazelwood Business District. For these types of developments, the parking is only allowed in the side and rear yards. However, all businesses surrounding the property have front parking (*see attached map*). Additionally, the rear side of the subject property is in the floodway which makes development within it extremely hard, expensive, if not impossible. The applicant wants to develop the property and is requesting a variance from LDS section 9.3 to allow parking at the principal frontage of the lot, which will be off Sulphur Springs Road.

Surrounding Land Use / Zoning Patterns:

The property is located at the intersection of Sulphur Springs Road and Elysinia Avenue. It is surrounded by gas station (across), offices, retail businesses, and professional services buildings on all sides.

The property lies within Hazelwood Business District (H-BD), and it is adjacent to Hazelwood Urban Residential District (H-UR) at the northeastern corner (*map attached*). Both are Mixed-Use / Non-Residential districts. LDS section 2.3.6 specifies that in Hazelwood Business District, “*a broad mixture of uses is permitted however, development in the future must be sensitive in design and provide for a high level of pedestrian safety and comfort.*” In the application materials, Mr. Stiggins states that “*placing the buildings directly at street front at this location would be undesirable, due to proximity of the stop light, the traffic, and the gas station across the street.*”

As mentioned above, the back side of the property is also in the floodway. Floodway is an environmentally sensitive area reserved to store flood waters. Any development (including a parking area) in the floodway is subject to a no-rise engineered study that must show that the proposed change will not increase the elevation of the floodwaters to the tenth of a foot. Construction in the floodway is highly regulated, very

expensive, and often is not even possible depending on the result of the no-rise study (LDS 12.3). This environmental condition makes development options for the property extremely limited if parking is not allowed at the front.

Proposed Variance:

The requested variance would allow the parking at the at the principal frontage of the lot for any development on this property. 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 property is surrounded by the businesses with their parking lots at the front. The surrounding uses include a gas station directly across, offices, retail, professional services, credit union, and mini storages. The two houses that previously existed on the subject property also had parking areas at the principal front.

- 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.**

Richland Creek flows along the back side of the property. The rear yard of the property is in the floodway area which should be reserved to perform its natural function- to store flood waters. LDS 12.3.4. F explains:

"The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles."

- 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.**

As explained above, the property has environmentally sensitive and potentially dangerous areas. It would be much safer for any development to stay away from them. Not allowing parking at the principal frontage also extremely limits the use of the property because townhomes, apartments, commercial, or any mixed-use buildings in Hazelwood Business District can only have side and rear yard parking.

- 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.**

In the application materials, the applicant states his intent to preserve a natural buffer to the creek, have an opportunity to create back yards for a residential development, and thus create nicer living conditions for potential residents.

1. Staff Report
(3043)

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Additional Comments:

No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance (*LDS 15.13*).

Public Notice:

On February 15, 2024, the notices of this public hearing were mailed to the owners within 100 feet of the subject property. On February 16, 2024 a public notification sign was posted on property. The Mountaineer newspaper notice was published on February 21st and March 3rd, 2024.

Items Entered as Evidence:

- Staff report
- Application and payment
- LDS section 9.3
- Maps: property, zoning, flood
- Property street view
- Public Notices

2. Application and Payment (1 of 3)



TOWN OF WAYNESVILLE

Development Services Department

PO Box 100

9 South Main Street

Waynesville, NC 28786

Phone (828) 456-8647 • Fax (828) 452-1492

www.waynesvillenc.gov

Variance Request

Property Address / Location: _____

Property PIN: 8605-74-1259 Property Zoning District: Hazelwood Business

Flood Zone: Floodway, 500, 100 Historic Property or District: N/A

Signature of property owner of record: [Signature] Date: 2/15/24

Applicant's Name: Kalon Stiggins Root & Branch Properties Applicant's Phone #: 863.557.5167

Applicant's Address: P.O. Box 1005 Waynesville, NC 28786
Application must be filed by the property owner or by an agent specifically authorized by the owner.

I, Kalon Stiggins, hereby petition the Board of Adjustment for a variance from the provisions of the Town of Waynesville Land Development Standards for this property as described below.

Applicable Ordinance Section: 9.3

Ordinance requirement from which relief is sought: Townhomes in this district require parking areas to be in the ~~first~~ ~~second~~ second or third layers.

Variance requested and why (attach additional sheets, maps, or other information as necessary):
See Attached

Applicant's Signature: [Signature] Date: 2/15/24

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2. Application and Payment
(2 of 3)

Placing the buildings directly at street front at this location would be undesirable, due to the proximity to the stop light, the traffic, and the gas station across the street. Placing the parking area in the first layer, and the buildings set back from the street, would allow a larger unpaved, natural buffer to the river, back yards for the residents, and better living conditions.

We request a variance in order to have the parking area in the first layer (front) of the property.

2. Application and Payment (3 of 3)

PAYMENT SUMMARY RECEIPT

TOWN OF WAYNESVILLE
16 S MAIN ST

DATE: 02/15/24 CUSTOMER#:
TIME: 16:20:38
CLERK: 2044ecou

RECPT#:	3016397	PREV BAL:	300.00
TP/YR:	P/2024	AMT PAID:	300.00
BILL:	3016397	ADJSTMNT:	.00
EFF DT:	02/15/24	BAL DUE:	.00

Misc Cash Receipts

-----TOTALS-----

PRINCIPAL PAID:	300.00
INTEREST PAID:	.00
ADJUSTMENTS:	.00
DISC TAKEN:	.00

AMT TENDERED:	300.00
AMT APPLIED:	300.00
CHANGE:	.00

PAID BY: Root & Branch Varian
PAYMENT METH: CHECK
PAYMENT REF: 2505

TOT PREV BAL DUE:	300.00
TOT BAL DUE NOW :	.00

3. LDS Section 9.3

9.3 Permitted Parking Locations.

The following table details the permitted parking locations (by Building Type/District Category):

	Civic/Monument	House—Street	House—Alley	Townhouse	Apartment	Mixed-Use	Commercial	All Other Bldgs	
RL	IV	V	II	III	—	—	—	—	
RM	IV	V	II	III	III	III	—	—	
NR	IV	V	II	II	II	II	—	—	
UR	IV	V	II	II	II	II	—	—	
NC	IV	V	II	II	II	II	II	—	II 2nd and 3rd Layer Only
BD	IV	—	II	II	II	II	II	—	III 2nd and 3rd Layer permitted and parking in 1st Layer restricted to one drive aisle with one bay
RC	IV	—	II	III	III	IV	IV	—	IV 2nd and 3rd Layer permitted and parking in 1st Layer restricted to one drive aisle with one bay, except that more parking in the 1st Layer may be achieved with a Special Use Permit (3.10.7)
CI	V	—	—	—	—	V	V	V	

9.4 Off-Street Parking Design Specifications.

All off-street parking areas shall conform to the following standards.

9.4.1 Surfacing.

Off-street parking areas developed to meet the minimum requirements of this section and all off-street parking facilities in the Central Business District, shall be properly graded, marked and located on improved lots or within parking structures. The material for surface parking spaces and corresponding access drives required by this section, except for single-family detached and duplex residences, shall consist of suitable material as set forth below.

- A. Suitable paving material for required parking areas includes, but is not limited to asphalt, porous asphalt, concrete, compacted stone (road bond), and gravel.
- B. Accessible Spaces: All accessible spaces and corresponding access paths shall consist of concrete or asphalt.
- C. Gravel Containment: When gravel is used it must be maintained on site with a concrete apron at the traveled way.
- D. Pervious Surfaces: Porous paving blocks and pervious paving materials are permitted and encouraged as material for parking lots. The use of grass as a parking lot surface is permitted for overflow parking.
- E. Parking Space Marking: The individual parking spaces in a lot shall be delineated in all parking lots except those utilizing road bond, gravel, grass or other vegetative surfacing.
- F. Residential Parking Areas: Parking for single family and duplex residences shall be on prepared surfaces only. Prepared surfaces include concrete, asphalt, brick, gravel, or other similar materials, but shall not include landscaped areas or dirt. No more than 25 percent of the front yard or the width or two parking spaces (20 feet), whichever is less, may be used for motor vehicle parking.

4. Maps (1 of 5)
Report For

ROOT & BRANCH PROPERTY LLC A NC LLC
PO BOX 1005
WAYNESVILLE, NC 28786-1005

Account Information

PIN: 8605-74-1259
Legal Ref: 1094/1047
Add Ref: DC97/229
463/187

Site Information

Heated Area:
Year Built:
Total Acreage: 0.77
Township: Town of Waynesville

Site Value Information

Land Value: \$126,900
Building Value: \$35,300
Market Value: \$162,200
Deferred Value: \$0
Assessed Value: \$162,200
Sale Price: \$156,000
Sale Date: 9/15/2023



1 inch = 100 feet

February 20, 2024

Disclaimer: The maps on this site are not surveys. They are prepared from the inventory of real property found within this jurisdiction and are computed from recorded deeds, plats and other public records and data. Users of this site are hereby notified that the aforementioned public primary information sources should be consulted for verification of any information contained on these maps. Haywood county and the website provider assume no legal responsibility for the information contained on these maps.

4. Maps (2 of 5)

Report For

ROOT & BRANCH PROPERTY LLC A NC LLC
PO BOX 1005
WAYNESVILLE, NC 28786-1005

Account Information

PIN: 8605-74-1259
Legal Ref: 1094/1047
Add Ref: DC97/229
463/187

Site Information

Heated Area:
Year Built:
Total Acreage: 0.767
Township: Town of Waynesville

Site Value Information

Land Value:
Building Value:
Market Value:
Deferred Value:
Assessed Value:
Sale Price:
Sale Date: 09/14/2023



1 inch = 100 feet
February 19, 2024

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4. Maps (3 of 5)



4. Maps (4 of 5)
Report For

ROOT & BRANCH PROPERTY LLC A NC LLC
PO BOX 1005
WAYNESVILLE, NC 28786-1005

Account Information

PIN: 8605-74-1259
Legal Ref: 1094/1047

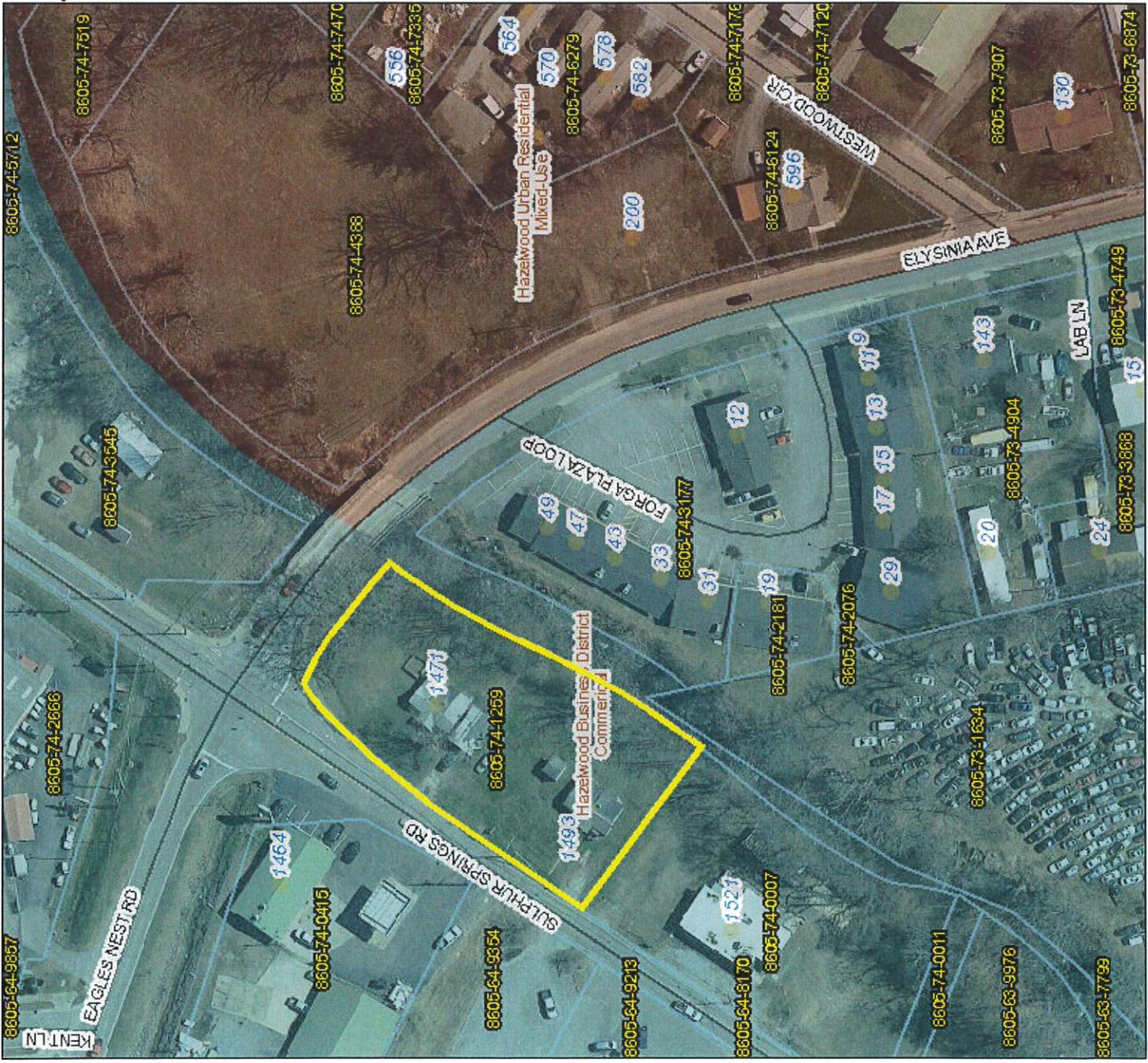
Add Ref: DC97/229
463/187

Site Information

Heated Area:
Year Built:
Total Acreage: 0.767
Township: Town of Waynesville

Site Value Information

Land Value:
Building Value:
Market Value:
Deferred Value:
Assessed Value:
Sale Price:
Sale Date: 09/14/2023



1 inch = 100 feet

February 19, 2024

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4. Maps (5 of 5)
Report For

ROOT & BRANCH PROPERTY LLC A NC LLC
PO BOX 1005
WAYNESVILLE, NC 28786-1005

Account Information

PIN: 8605-74-1259
Legal Ref: 1094/1047

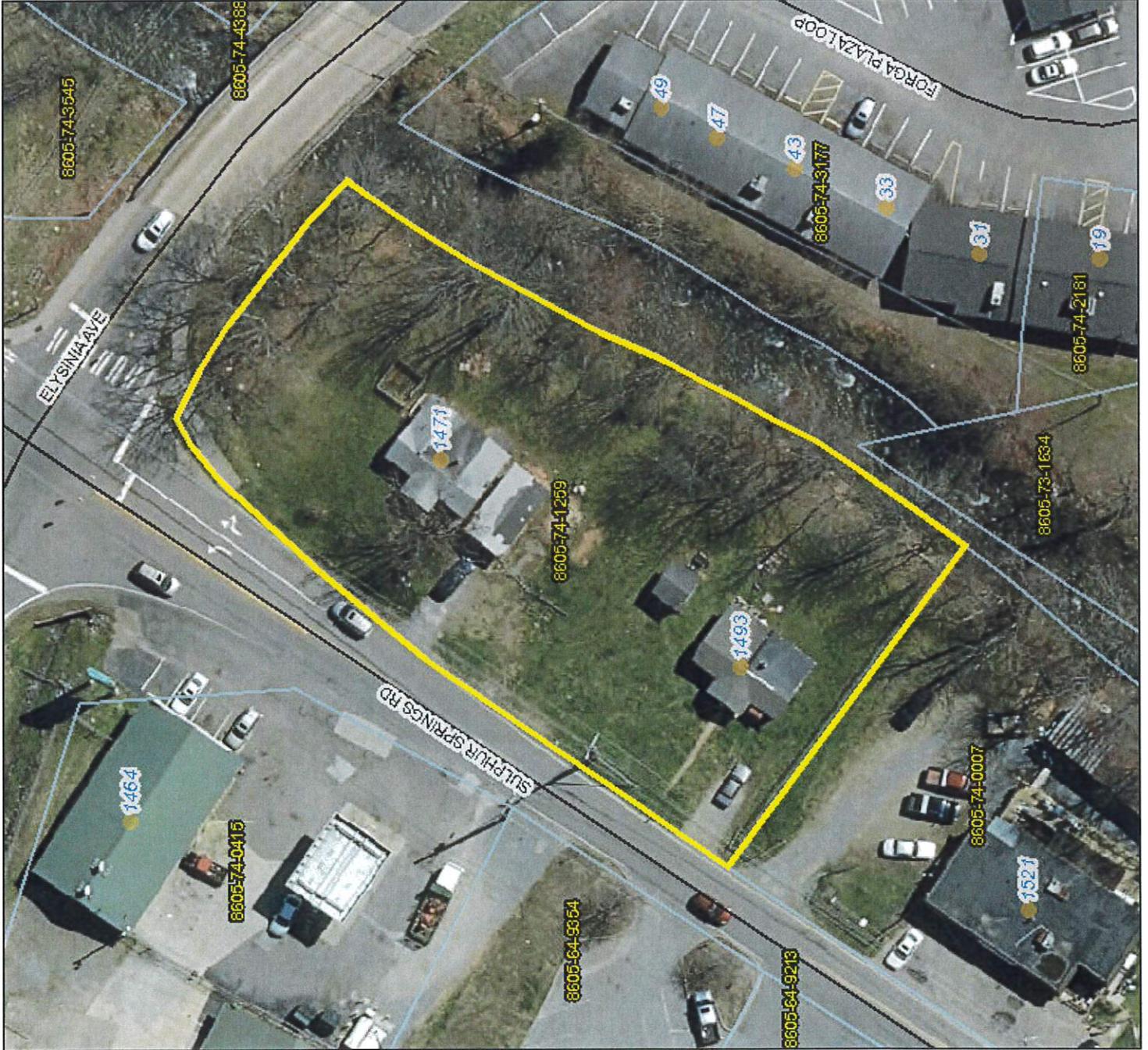
Add Ref: DC97/229
463/187

Site Information

Heated Area: 0.767
Year Built: Town of Waynesville
Total Acreage: 0.767
Township: Town of Waynesville

Site Value Information

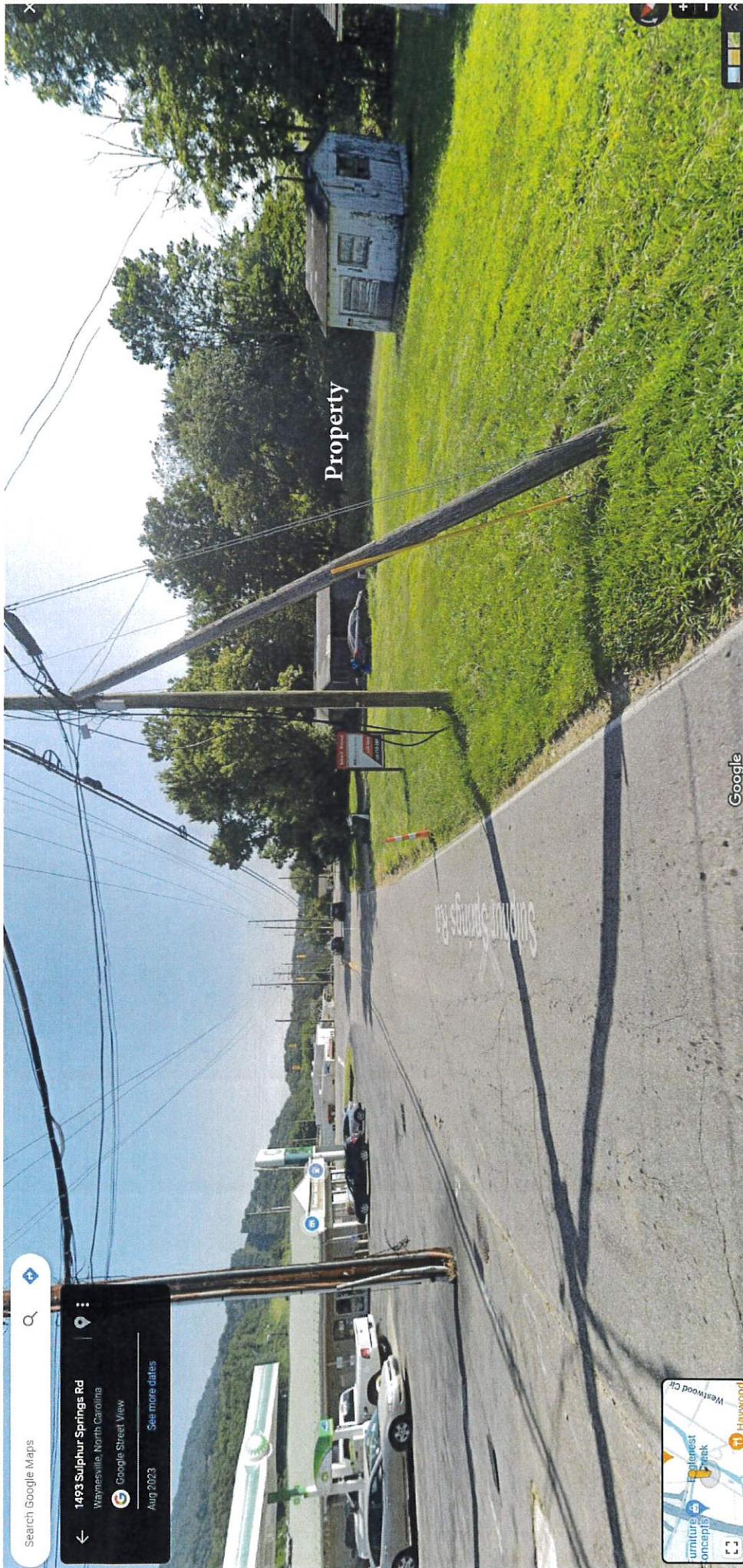
Land Value: \$126,900
Building Value: \$35,300
Market Value: \$162,200
Deferred Value: \$0
Assessed Value: \$162,200
Sale Price: \$156,000
Sale Date: 09/14/2023

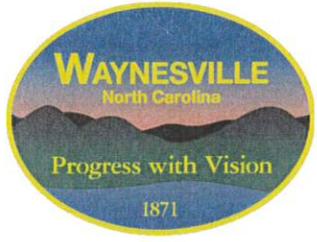


1 inch = 50 feet
February 14, 2024

Disclaimer: The maps on this site are not surveys. They are prepared from the inventory of real property found within this jurisdiction and are compiled from recorded deeds, plats and other public records and data. Users of this site are hereby notified that the aforementioned public primary information sources should be consulted for verification of any information contained on these maps. Haywood county and the website provider assume no legal responsibility for the information contained on these maps.

6. Property street view





TOWN OF WAYNESVILLE
 Development Services Department
 PO Box 100
 9 South Main Street
 Waynesville, NC 28786
 Phone (828) 456-8647 • Fax (828) 452-1492
 www.waynesvillenc.gov

February 15, 2024

**Notice of Public Hearing: Variance Request
 Waynesville Zoning Board of Adjustment**

The Town of Waynesville Zoning Board of Adjustment will hold a public hearing **on Tuesday, March 5, 2024 at 5:30 pm** in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC, to consider a **variance request** to allow parking at the principal frontage of the lot, Land Development Standards Section 9.3, at 1471 Sulphur Springs Road in Waynesville, NC 28786 (PIN 8605-74-1259).



Questions related to the hearing itself should be directed to the Waynesville Development Services Department, (828) 356-1172, ogrooman@waynesvillenc.gov.

7. Public Notices
(2 of 4)



TOWN OF WAYNESVILLE
Development Services Department
PO Box 100
9 South Main Street
Waynesville, NC 28786
Phone (828) 456-8647 • Fax (828) 452-1492
www.waynesvillenc.gov

FOR PUBLICATION IN THE MOUNTAINEER: February 21st (Wednesday) and March 3rd (Sunday) editions

Date: February 15, 2024
Contact: Olga Grooman, (828) 356-1172

Notice of Public Hearing: Variance
Town of Waynesville Board of Adjustment

The Town of Waynesville Zoning Board of Adjustment will hold a public hearing on **Tuesday, March 5, 2024 at 5:30 pm** in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC, to consider a variance request to allow parking at the principal frontage of the lot, Land Development Standards Section 9.3, at 1471 Sulphur Springs Road in Waynesville, NC 28786 (PIN 8605-74-1259).

For more information contact the Development Services Department at: (828) 356-1172, email: ogrooman@waynesvillenc.gov, mail: 9 South Main Street, Suite 110, Waynesville, NC 28786.

ROOT & BRANCH PROPERTY LLC A NC LLC
PO BOX 1005
WAYNESVILLE, NC 28786

NORMAN, ROBERT BRUCE/TR
ROBERT BRUCE NORMAN REV TRUST
596 BIG COVE RD
WAYNESVILLE, NC 28786

GREER, DOUGLAS E
GREER, MARTHA H
233 RED BANK RD
WAYNESVILLE, NC 28786

FORGA, VIOLA N/TR
FORGA, LANA CHRISTINE/TR
PO BOX 188
HAZELWOOD, NC 28738

FORGA, VIOLA N/TR
FORGA, LANA CHRISTINE/TR
PO BOX 773
HAZELWOOD, NC 28738

SINGLETONS INVESTMENTS LLC
693 NEW CLYDE HWY
CANTON, NC 28716

WESTLAND, PARTNERSHIP
PO BOX 157
HAZELWOOD, NC 28738-

DEAVER, JACOB N
1516 SULPHUR SPRINGS RD
WAYNESVILLE, NC 28786

MCCARROLL, RICHARD
MCCARROLL, MATTHEW
10679 SPICEWOOD TRL
BOYNTON BEACH, FL 33436

MCCLURE, BOBBIE JEAN
MCCLURE, JOHN DAVID
214 KNOLLWOOD DR
WAYNESVILLE, NC 28786

WOODLE, RONALD M
26 MOONBEAM LN
CLYDE, NC 28721

*7. Public Notices
(3 of 4)*

7. Public Notices
(4 of 4)

Property posted on 2/16/24

THE TOWN OF WAYNESVILLE
ZONING BOARD OF ADJUSTMENT
WILL HOLD A PUBLIC HEARING
ON MARCH 5, 2024, AT 5:30 PM
IN THE TOWN HALL BOARD ROOM
AT 9 SOUTH MAIN ST.
TO CONSIDER A
VARIANCE REQUEST
CONTACT THE DEVELOPMENT SERVICES DEPARTMENT
T: 828-456-8647