

TOWN OF WAYNESVILLE Zoning Board of Adjustments

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Development Services
Director
Elizabeth Teague

George Escaravage, Chairman
Henry Kidder, Vice-Chairman
Joshua Morgan
Edward Moore
John Baus
Robert Hermann
Stephanie Strickland

MINUTES OF THE TOWN OF WAYNESVILLE ZONING BOARD OF ADJUSTMENTS Regular Meeting Town Hall – 9 South Main St., Waynesville, NC 28786 January 4, 2022

THE WAYNESVILLE ZONING BOARD OF ADJUSTMENTS held a Regular Meeting January 4, 2022, 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
Stephanie Strickland
Robert Hermann

The following Board members were absent:

Edward Moore
Joshua Morgan
John Baus

The following staff members were present:

Elizabeth Teague, Development Services Director
Olga Grooman, Planner
Kathy Johnson, Deputy Clerk

The following media were present:

No media were present

The following public were present:

Ronnie Justice
Deborah Justice
Daniel Massie

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Zoning Board of Adjustment Chairman George Escaravage welcomed everyone and called the meeting to order at 5:30 p.m. He read the protocols for a Quasi-Judicial Hearing and explained the rules of standing. He asked those wanting to testify in this hearing to come forward to be sworn in.

Ronnie Justice, Deborah Justice, Dan Massie, Elizabeth Teague, and Olga Grooman were sworn in.

2. Adoption of Minutes (as presented or amended) from December 7, 2021

Chairman Escaravage asked if everyone had reviewed the minutes for December 7, 2021 meeting.

A motion was made by Board member Robert Hermann, seconded by Board member Henry Kidder to approve the December 7, 2021 meeting (as presented or amended). The motion carried unanimously. (4-0)

3. Request for a Variance of the Minimum Lot Size Standards for the Hazelwood Urban Residential District (H-UR) for the property located at 115 Belle Meade Drive Pin 8605-80-6996.

Chairman Escaravage asked if any members of the Board had conflict of interest in this request for variance. With all Board members agreeing there were no conflict-of-interest, Town Planner Olga Grooman was invited to provide the staff presentation.

Ms. Grooman went over the staff report, providing photographs and maps. She explained the property located at 115 Belle Meade Drive owned by Mr. Hugh Massie is in the H-UR district and has a house and a shed and two parking areas. Mr. Ronnie Justice owns the abutting property at 417 Riverbend Street and the parking area he is using is located on Mr. Massie's property. Both neighbors assumed the parking area was on Mr. Justice property at 417 Riverbend, but recently learned the parking area is on the 115 Belle Meade property owned by Mr. Massie.

Mr. Justice would like to relocate the rear property line of 115 Belle Meade Drive to match the existing fence line so the parking area would become part of the 417 Riverbend lot. Haywood County GIS maps indicates the fence has been in place since 2013. The relocation would make the 115 Belle Meade nonconforming to H-UR district minimum lot size according to the LDS standards. The property at 417 Riverbend is smaller than the minimum lot size for H-UR and is a legal nonconforming lot. If the parking area is added, the lot will still be below minimum lot size but to a lesser degree of nonconformity.

Ms. Grooman went over the map and explained the Hazelwood Urban Residential District is an older neighborhood, once part of the Town of Hazelwood, and explained that many of the lots are smaller than the minimum lot size. She also pointed out that some buildings in the neighborhood are located across property lines. The buildings and lots in question pre-date the current LDS standards.

Ms. Grooman read the purpose and intent of the LDS for H-UR district. Ms. Grooman said that approving the variance would allow the property owner to reduce the size of one lot, creating nonconformity related to the current LDS minimum lot size standards, but would increase lot size on the other lot, decreasing its non-conformity with the standards.

She concluded that the relocation of the boundary line would not change the character of the neighborhood, or the nature of how either lot is used. It would also still be compliant with LDS setbacks for the district. She went over the Variance findings checklist from staff that must be considered by the Zoning Board of Adjustment to approve the proposed Variance.

Public notice signs were posted on the subject property on December 15, 2021. Notice of the public hearing was submitted to local media and mailed to owners of the properties within 100 feet of the subject property on December 16, 2021.

Ms. Grooman entered the following items into Evidence on behalf of the Town of Waynesville:

1. Staff report
2. Variance Request Application
3. Payment Receipt for Variance Application
4. Agent Authorization
5. Survey Showing the Proposed Lot Line Relocation
6. Images of the Subject Property
7. Zoning Map of the Subject Property and Surrounding Area
8. GIS Image Showing Lot Sizes in the Surrounding area
9. Pictures of the Distance between the Shed at 115 Belle Meade Drive and Proposed property line.
10. Notification Material
11. Town of Waynesville Land Development Standards (LDS) by Reference

Chairman Escaravage asked if there were any questions from the Board and explained there were four Board members present and would require a unanimous decision. He asked the applicant if they wished to proceed. The applicant stated they would like to continue with the hearing.

Deborah Justice
85 Cherry Cove Road
Cullowhee, NC

Ms. Justice stated she and her husband used to own 115 Belle Meade and sold the property to Mr. Massie. They are currently owners of 417 Riverbend. They purchased 115 Belle Meade and the adjoining 127 Belle Meade property in 1993. In 1995, they purchased the house on Riverbend Street. She said when they purchased it, they made the parking space that is under consideration. Owning all the land involved, they did not think about having the land surveyed off and adjusting deeds. The fence was installed several years before Mr. Massie bought the property. When he bought it from them in July of 2016, the chain link fence had been installed several years prior to that. She said her mother-in-law was the renter at the time and had a pet, and the fence was put in on what they thought was the property line. When the property was sold to Mr. Massie it was a cash sale and no survey was done. The issue of the parking space came to their attention when they put the Riverbend property on the market, and the Realtor pulled the map finding that the parking area is not technically on the deed. Ms. Justice further explained that they had to pull it off of the market and file the variance application so it could be corrected before it was sold. She said her husband Ronnie has spoken with Mr. Massie in person and he is fine with making the change. He did not realize the parking area was on his property. We will be reimbursing him for the taxes he has paid on that portion of the lot since he purchased it.

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Ms. Justice answered questions from the Board. She explained Mr. Massie is unable to attend and his son Daniel Massie will be representing him.

Ms. Teague asked Ms. Justice to clarify for the Board that if the variance is not granted, that there would then be no off-street parking for the residence of 417 Riverbend Street. Ms. Justice said that there is a narrow area that is currently lawn that would be the only space available for parking.

Daniel Massie
19 Spruce Street
Canton

Speaking on behalf of his father Mr. Massie said back taxes will be paid to his father, and he nor his father sees a problem with it.

A motion was made by Board Member Robert Herrmann, seconded by Board member Stephanie Strickland to close the public hearing at 5:54 pm. The motion carried unanimously. (4-0)

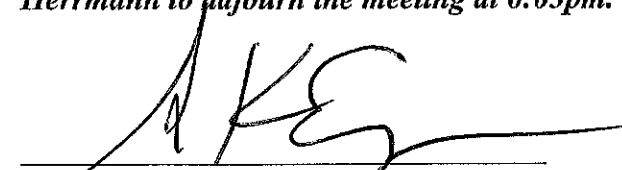
The Board went through the Variance finding checklist and deliberated the facts of the case. Chair Escaravage read through each criteria and asked the Board to vote on each, with the following result:

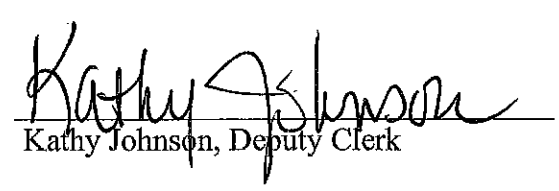
- (1) Will unnecessary hardship result from the strict application of the ordinance? (Yes 4-0)
- (2) Does the hardship result from conditions that are peculiar to the property, such as location, size or topography? (Yes 4-0)
- (3) Is the hardship the result of actions taken by the applicant or the property owner? (No 4-0)
- (4) Is the requested variance consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved? (Yes 4-0)

A motion was made by Board member Henry Kidder, seconded by Board member Robert Herrmann to approve the variance of the Minimum Lot Size Standards for the Hazelwood Urban Residential District (H-UR) for the property located at 115 Belle Meade Drive Pin 8605-80-6996. The motion carried unanimously. (4-0)

C. ADJOURN

A motion was made by Board member Stephanie Strickland, seconded by Board member Robert Herrmann to adjourn the meeting at 6:03pm.


George Escaravage, Chairman


Kathy Johnson, Deputy Clerk