

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

Henry Kidder, Chair
David Felmet, Vice-Chair
Stephanie Strickland
Joshua Morgan
George Escaravage
Edward Moore

Development Services
Director
Elizabeth Teague

TOWN OF WAYNESVILLE ZONING BOARD OF ADJUSTMENT REGULAR MEETING

**Town Hall – 9 South Main Street, Waynesville, NC 28786
Tuesday, December 3, 2019, 5:30 PM**

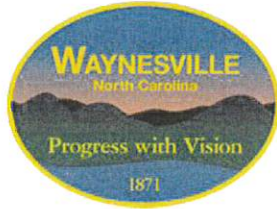
A. CALL TO ORDER:

1. Welcome/Announcements
2. Election of Chair and Vice Chair
3. Adoption of Minutes from:
 - April 2, 2019 (no quorum);
 - May 7, 2019 Minutes
 - July 2, 2019 (no quorum)

B. BUSINESS ITEMS:

1. Public Hearing on request for a variance to Land Development Standards Section 4.5.2(1) – Permitted Locations for Accessory Structures at 626 Hall Top Road, PIN 8616-05-4687.

C. ADJOURN



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David Felmet (Vice Chairman)
Edward Moore

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Regular Meeting

Town Hall, 9 South Main Street, Waynesville, NC 28786
Tuesday, April 2nd, 2019 at 5:30 pm

There was no meeting of the WAYNESVILLE ZONING BOARD OF ADJUSTMENT on April 2nd, 2019, at 5:30 p.m. in the board room of the Town Hall, 9 South Main Street, Waynesville, NC.

A. CALL TO ORDER

Chairman Henry Kidder did not call the meeting to order due to there being no quorum.

The following members were present:
Henry Kidder, Chairman

The following members were absent:
David Felmet
Stephanie Strickland
Joshua Morgan
George Escaravage
Edward Moore

The following staff members were present:
Elizabeth Teague, Development Services Director
Chelle Baker, Administrative Assistant

Henry Kidder, Chairman

Chelle Baker, Administrative Assistant



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Stephanie Strickland
Henry Kidder (Chairman)
Joshua Morgan
George Escaravage
David Felmet (Vice Chairman)
Edward Moore

Development Services
Director
Elizabeth Teague

Regular Meeting

Town Hall, 9 South Main Street, Waynesville, NC 28786
Tuesday, May 7th, 2019 at 5:30 pm

THE WAYNESVILLE ZONING BOARD OF ADJUSTMENT held its regular meeting on May 7, 2019, at 5:30 p.m. in the board room of the Town Hall, 9 South Main Street, Waynesville, NC.

A. CALL TO ORDER

Chairman Henry Kidder called the meeting to order at 5:30 p.m.

The following members were present:

Henry Kidder, Chairman
Joshua Morgan
George Escaravage
Edward Moore

The following members were absent:

Stephanie Strickland
David Felmet

The following staff members were present:

Elizabeth Teague, Development Services Director
Jesse Fowler, Planner

1. Welcome/Calendar/Announcements

Chairman Henry Kidder welcomed everyone and invited Ms. Elizabeth Teague, Development Services Director, to make any announcements.

Ms. Teague advised the Board that they had been given a hand out with excerpts from the ordinance related to the Zoning Board of Adjustment for reference.

Chairman Henry Kidder suggested for a meeting at least once every six months even if there were no agenda items. Discussion followed, and the board decided that if the regular monthly scheduled

meeting was canceled for five consecutive months, the sixth month, even if no agenda items, there would be a meeting held.

2. Adoption of Minutes

A motion was made by Board Member George Escaravage, seconded by Board Member Joshua Morgan, to approve the minutes of the December 4, 2018 board meeting as presented. The motion passed unanimously (4 -0).

B. BUSINESS

1. Board Discussion on the Comprehensive Land Use Plan Update

Ms. Teague presented on the Waynesville 2035 Comprehensive Land Use Plan Update. She explained to the Board the smart growth framework based on ten key principles. Ms. Teague stated that the plan was currently in the drafting phase and the draft, named the Waynesville 2035 Planning with Purpose, was almost ready to be presented to the community for their feedback. She expressed they would like the Board's feedback and input as well. She discussed with the Board an action list in the draft that gave recommendations on parts of the zoning ordinances that might need to be reviewed, while being protective of Waynesville and balancing the need for growth both commercially and residentially.

The Board reviewed the current vision statement and the new vision statement. They discussed key themes of the plan update, maps and engaged in discussion on the greenway corridor, key transportation goals, walkability, the urban service boundary and the floodplain.

C. PUBLIC COMMENT /CALL ON THE AUDIENCE

No one spoke

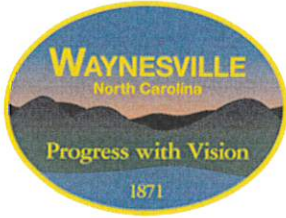
D. ADJOURN

With no further business, a motion was made by Board Member Joshua Morgan, seconded by Board Member George Escaravage, to adjourn the meeting at 6:20 p.m. The motion passed unanimously (4-0).

Henry Kidder, Chairman

Chelle Baker, Administrative Assistant

*Absent at class/Transcribed by audio recording



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Stephanie Strickland
Henry Kidder(Chairman)
Joshua Morgan
George Escaravage
Margaret Chandler
Edward Moore

Development Services
Director
Elizabeth Teague

Regular Meeting

Town Hall, 9 South Main Street, Waynesville, NC 28786
Tuesday, July 2, 2019 at 5:30 pm

THE WAYNESVILLE ZONING BOARD OF ADJUSTMENT held its regular meeting on July 2, 2019 at 5:30 p.m. in the board room of the Town Hall, 9 South Main Street, Waynesville, NC.

A. CALL TO ORDER

Chairman Henry Kidder did not call the meeting to order due to there being no quorum.

The following members were present:

Henry Kidder, Chairman
Margaret Chandler

The following members were absent:

Stephanie Strickland
Joshua Morgan
George Escaravage
Edward Moore

The following staff members were present:

Elizabeth Teague, Development Services Director
Chelle Baker, Administrative Assistant

Henry Kidder, Chairman

Chelle Baker, Administrative Assistant



Zoning Board of Adjustment Staff Report

Subject: Variance of the Permitted Locations for Accessory Structures, Land Development Standards Section 4.5.2(1), on the property described as 626 Hall Top Road
Applicant: Andrew Noel
Meeting Date: December 3, 2019

Summary Information:

Application Date: November 18, 2019
Proposed Location: 626 Hall Top Road – PIN 8616-05-4687
Property Owner: Andrew Noel
Acreage of site: 0.59 acres
Zoning District: Hall Top Low Density Residential
Existing Development: Single-Family Dwelling

Background:

The subject property consists of 0.59 acres, with frontage along Hall Top Road. The lot currently contains a single-family dwelling and is otherwise heavily wooded. As seen on the attached topographic map, the house site and a small area in the front yard are the only relatively flat areas on the lot. The remainder of the lot drops off steeply to the rear.

Section 4.5.2(1) of the Land Development Standards indicates that accessory structures on single-family lots of 2 acres or less must be located within the side or rear yard. Because of the steep topography of the side and rear yards, the property owner has proposed the construction of an accessory structure within the front yard of the lot.

Current zoning is Hall Top Low Density Residential. The purpose and intent of this district as established by the Land Development Standards, Section 2.3.1(D) states:

The **Hall Top Residential—Low Density District (HT-RL)** is a rural district characterized by steep terrain and narrow winding roads. Despite the difficulty of developing in this district and the limited provision of services, the proximity to the Russ Avenue and Dellwood/Junaluska Town Centers makes the location an attractive one for the variety of residential developments permitted in this area. Large lot development is the standard with cluster development respecting the terrain encouraged so as to leave as much open space as possible. Road design will also consider the terrain with narrow road widths permitted and sidewalks not required. Linking developments with trails is encouraged.

Surrounding Land Use/Zoning Patterns:

The subject property is surrounded on all sides by single-family lots and undeveloped wooded lots. All surrounding properties are also located within the Hall Top Low Density Residential District.

Proposed Variance:

The requested variance would permit the property owner to construct an accessory structure within the lot's front yard. The proposed structure will otherwise comply with the Town of Waynesville's accessory structure standards.

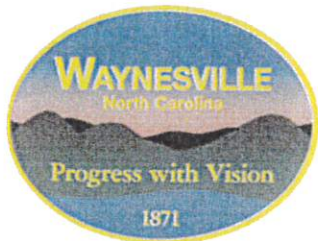
The purpose and intent statement for this zoning district recognizes its inherent development challenges, indicating its steep terrain, and allowing for narrow road widths and eliminating the requirement for sidewalk construction. Clearly, this district's identity is informed by its topography.

Staff offers the following comments regarding the findings that must be considered by the Zoning Board of Adjustment:

- (1) That there are unnecessary hardships in the way of carrying out the strict letter of this chapter.
 - The requirement that an accessory structure on this property be located within the side or rear yards would force the property owner to either build no such structure or to incur considerable expense to build a structure on the very steep terrain of the side or rear yards.
- (2) 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.
 - The lot's shape, topography, and the principal structure's orientation to the road combine to create a peculiar situation that makes the construction of an accessory structure that meets the town's standards extremely challenging.
- (3) 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.
 - The hardship is not the result of actions taken by the property owner. In fact, the property owner has done considerable work and incurred considerable expense to renovate the existing structure and improve the overall appearance of the lot.
- (4) That the variance is in harmony with the general purpose and intent of this chapter and preserves its spirit.
 - As indicated above, the purpose and intent statement for this zoning district recognizes the unique challenges inherent in the development of its properties. This variance would serve as a recognition of the same challenges.
- (5) That the variance is the minimum necessary to afford relief.
 - A variance is the minimum necessary to afford relief.
- (6) That the public safety and welfare have been assured and substantial justice has been done.
 - While the construction of an accessory structure on piers or columns to the side or rear of the dwelling might meet the letter of the town's standards, it might also be considerably less safe and considered aesthetically unappealing.

Public Notice:

Notice of this Public Hearing was mailed to owners of property within 100 feet of the subject property on November 19, 2019. Notice was submitted to local media on November 18, 2019.



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Development Services Department
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Variance Request

Property Address/Location: 626 Hall Top Road, Waynesville NC. 28786

Property PIN: 8616-05-4687 Property Zoning District: HT-RL

Flood Zone?: NO Historic Property or District?: NO

Signature of property owner of record: Andrew Noel Date: 11/18/19

*Applicant Name: Andrew Noël Applicant Phone #: 352) 586-2949

Applicant Address: (Same as above) email: drewnali@yahoo.com

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

I, Andrew Noël, hereby petition the Board of Adjustment for a variance from the provisions of the Town Ordinance Land Development Standards for this property as described below.

Applicable Ordinance Section: 4.5.2 (1)

Ordinance requirement from which relief is sought: Accessory Structure location

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

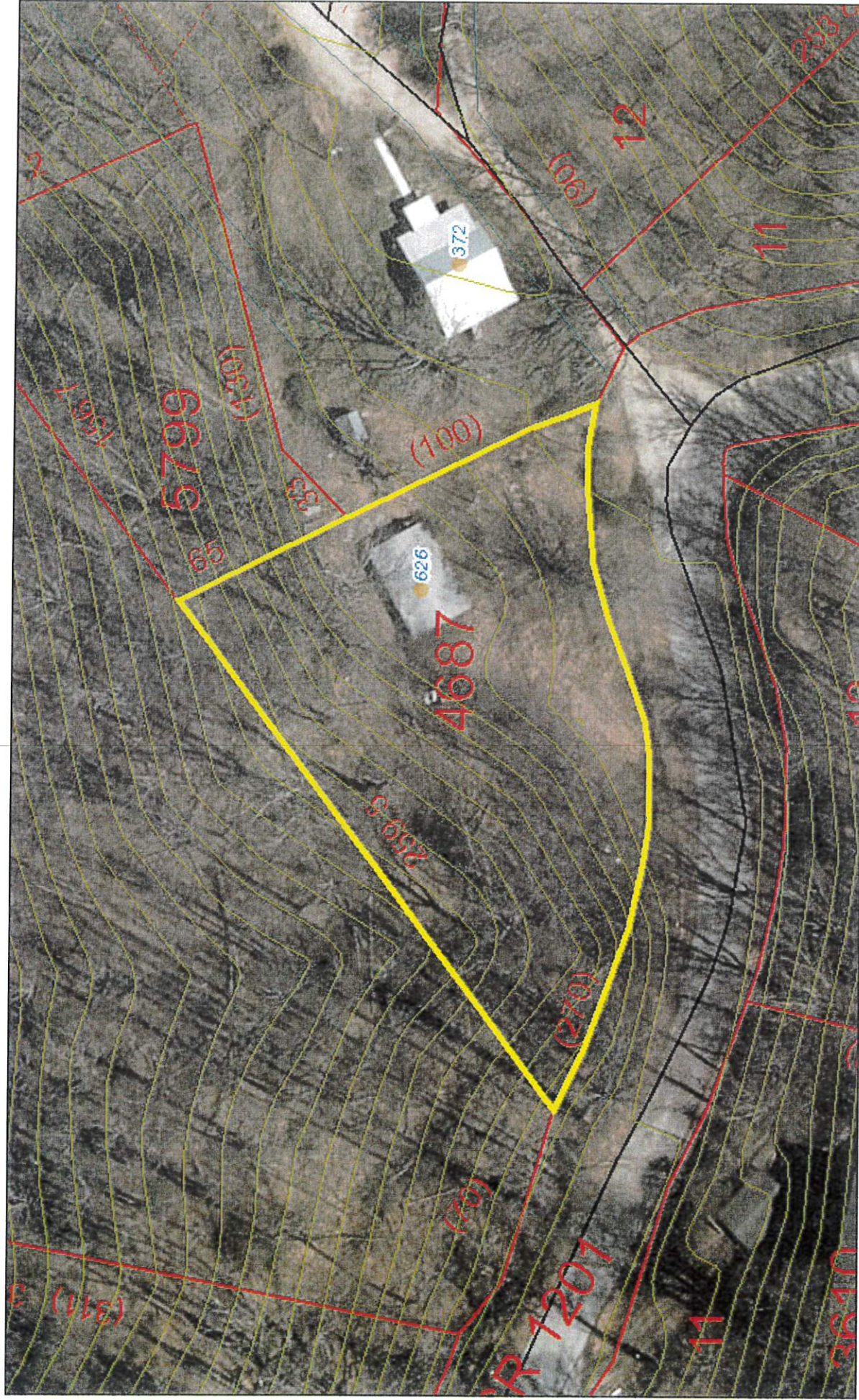
Only viable position to place shed is in front/side of existing home. Property drops off quickly behind the house, and does not allow space needed.

Applicant Signature: Andrew Noel Date: 11/18/19

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.

626 Hall Top Road



November 25, 2019

- 30 feet from road

(20 feet from fence)

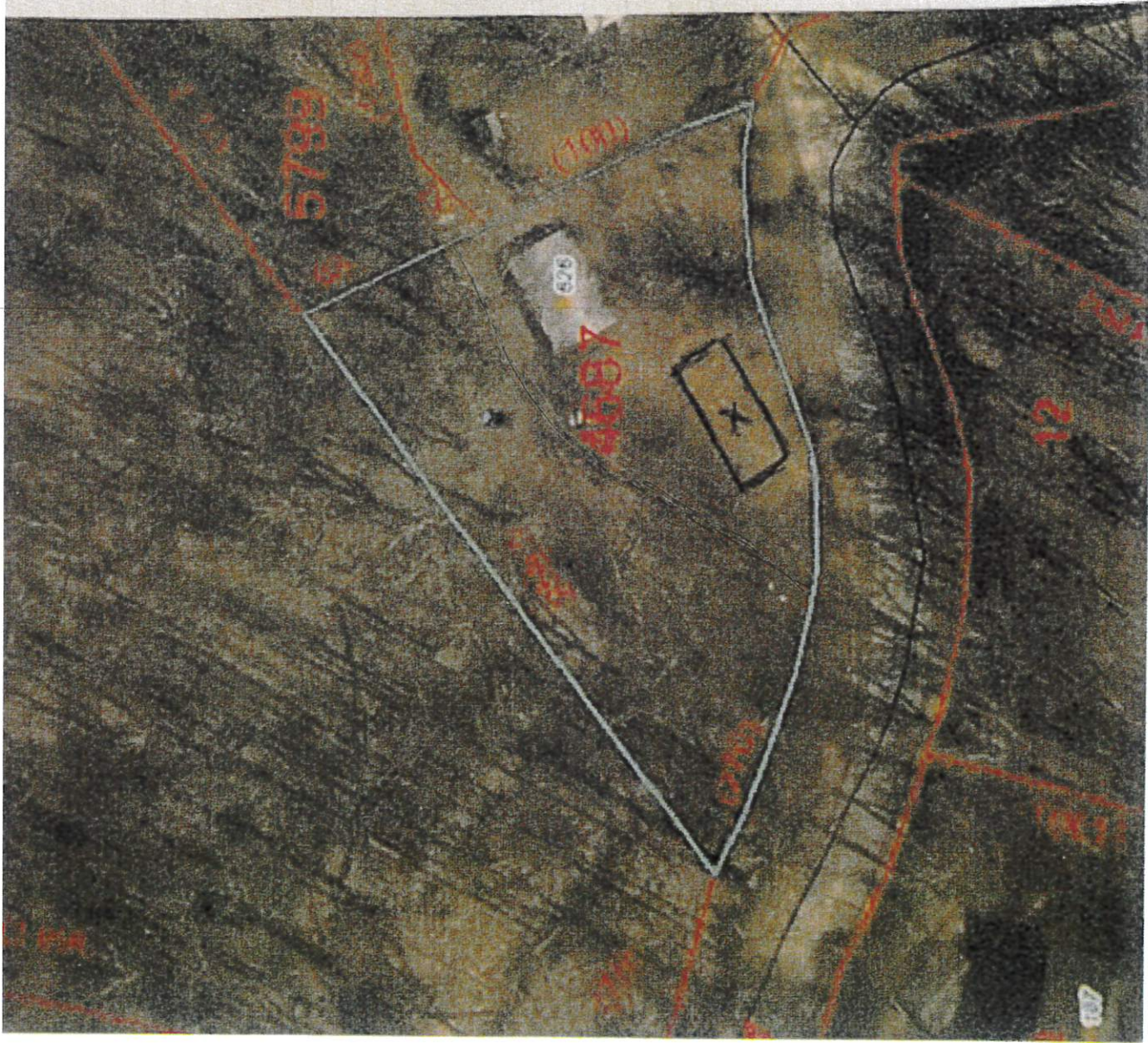
- 15 feet to left
of house.

Andrew Noël

626 Hall Top Rd.

(352) 586-2949

☒ marks proposed
spot





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November 19, 2019

Notice of Public Hearing for a Variance Request Town of Waynesville Zoning Board of Adjustment

The Town of Waynesville Zoning Board of Adjustment will hold a public hearing on December 3, 2019 at 5:30 PM, in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC.

The purpose of the Public Hearing is to consider a request for a variance to Land Development Standards Section 4.5.2(1) – Permitted Locations for Accessory Structures on the property described as 626 Hall Top Road (PIN 8616-05-4687), which is located within the Hall Top Low Density Residential District.

For more information contact the Development Services Office at (828) 456-8647, email: bhickox@waynesvillenc.gov, mail: 9 South Main Street, Suite 110, Waynesville, NC 28786.

Byron Hickox
Land Development Administrator

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ANDREW NOEL
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WILLIAM BRUCE RICHMOND
32 SAGAMORE LN
GREENVILLE, SC 29607

J. M. WHITEHEAD
4057 BEAVERBROOK RD
CLEMMONS, NC 27012

AUDREY SMITH
320 WESTWOOD CIR
WAYNESVILLE, NC 28786

FIRST-CITIZENS BANK & TRUST CO
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RALEIGH, NC 27603

STEPHEN J TORDA
212 TORDA TRCE
WAYNESVILLE, NC 28786

RAY EUGENE GROOMS
80 OLD US 19 23 HWY
CANDLER, NC 28715

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MAGGIE VALLEY, NC 28751

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SARANAC LAKE, NY 12983

