

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

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 Page 1 of 22

Development Services
Director
Elizabeth Teague

TOWN OF WAYNESVILLE ZONING BOARD OF ADJUSTMENT REGULAR MEETING

Town Hall – 9 South Main Street, Waynesville, NC 28786 Tuesday, September 5, 2023, 5:30 PM

A. CALL TO ORDER/BUSINESS:

- 1. Welcome/Announcements/Introductions
- 2. Adoption of Minutes (as presented or amended) from May 2, 2023
- 3. Public Hearing: Variance request at 1554 Crymes Cove Road in Waynesville, PIN 8614-69-2913, regarding the location of an accessory structure.

B. ADJOURN



TOWN OF WAYNESVILLE Zoning Board of Adjustment

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

Development Services Director Flizabeth Teague

George Escaravage, Chairman Henry Kidder, Vice-Chairman Robert Herrmann Joshua Morgan **Edward Moore**

John Baus (Alternate)

MINUTES OF THE TOWN OF WAYNESVILLE ZONING BOARD OF ADJUSTMENT Regular Meeting Judi Donovan (Alternate)

Town Hall - 9 South Main St., Waynesville, NC 28786 May 2nd, 2023

THE WAYNESVILLE ZONING BOARD OF ADJUSTMENTS held a Regular Meeting on May 2nd, 2023, 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 Board members were absent:

Joshua Morgan **Edward Moore** John Baus (Alternate)

The following staff members were present:

Olga Grooman, Land Use Administrator

The following media were present:

No media were present

Chairman George Escaravage welcomed everyone and called the meeting to order at 5:30 p.m.

Chairman George Escaravage asked if there were any announcements. Land Use Administrator Olga Grooman stated that the Board's attorney Ron Sneed informed the Development Services staff that as of May 2nd, 2023 the Haywood County Justice Center Clerk of Superior Court does not have any record of Peggy Hannah's appeal of the administrative decision related to the detention center. The

Zoning Board of Adjustment Minutes Regular Meeting May 2nd, 2023

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deadline to file an appeal was April 28th, 2023. Ms. Grooman clarified that the counsel advised to wait a little longer to make sure the County is not behind on entering their records.

As a second announcement, Ms. Grooman informed the Board that the Board of Aldermen officially changed their title to the Town Council.

1. Adoption of Minutes (as presented or amended) from March 7th, 2023.

Chairman Escaravage asked if everyone had reviewed the minutes and if there were any changes.

A motion was made by Board member Robert Hermann, seconded by Board member Judy Donovan to approve the minutes from March 7^{th} , 2023 meeting as presented or amended. The motion carried unanimously. (4-0)

B. ADJOURN

A motion was made by Board Vice Chair Henry Kidder, seconded by Board member Robert Hermann to adjourn the meeting at 5:34 pm. The motion carried unanimously.

George Escaravage, Chairman	Olga Grooman, Land Use Administrator

STAFF REPORT

Zoning Board of Adjustment Staff Report Page 4 of 22

Subject: Variance regarding the location of an accessory structure, section 4.5.2 of the Land

Development Standards (LDS)

Applicant: Edward Moore, property owner

Staff Presenter: Olga Grooman, Land Use Administrator

Meeting Date: September 5, 2023

Summary Information:

Application Date: August 16, 2023

Property Location: 1554 Crymes Cove Road, Waynesville, NC 28786

Acreage of the Site: 0.53 acre

Zoning District: Nineva Neighborhood Residential (N-NR)

Existing Development: Single-family residence

Property Owner: Edward Moore and Gwendolyn Moore

Background:

Mr. Moore's property at 1554 Crymes Cove Road is located within the corporate limits of Waynesville, in the Nineva Neighborhood Residential (N-NR) zoning district. The property is not in the floodplain and is 0.53 acres in size. Three sides of the property are adjacent to the streets Crymes Cove Rd, Indian Springs Dr, and Farley St. The house and the driveway face Crymes Cove Rd, which is also the property's address. The property is surrounded on all sides by single-family lots as well as some vacant land.

The applicant has had an above-ground pool in his front yard for three (3) years. In early August 2023, the Code Enforcement Officers noticed a deck being constructed around the pool without any zoning/building permit applications. They notified Mr. Moore that he would need to get a building permit, which triggered a zoning compliance issue.

In applying the Land Development Standards, Section 4.5 "Accessory Uses and Structures," stand alone, above-ground pools, are not regulated as accessory structures. Similarly, trampolines, play-structures, chicken coops, and dog houses are not considered accessory structures, and are allowed within any yard on a property. However, detached decks, gazebos, sheds, barns or any construction that would require a building permit are regulated as accessory structures.

Section 17.4 of the Land Development Standards (LDS) provides the following definition of the accessory structure:

"Accessory Structure. A detached subordinate structure(s), the use of which is clearly incidental to and customarily found in connection with a principal building or use, is subordinate to and serves a principal building or use and is subordinate in area, extent and purpose to the principal building or principal use served. This term includes "accessory buildings."

Section 4.5.2 of the LDS states that accessory structures on single-family lots between 0.5 and 1 acre are permitted in the side and rear yard only.

Mr. Moore is asking for a variance from the table in LDS Section 4.5.1 which requires accessory structures to be in the "rear and side yard only." His request is that a variance be granted to allow him to finish the construction of the 12 x 24 (288 sf) pool deck in his front yard, for the purpose of improved pool entry/exit and general safety. Mr. Moore has already submitted a building permit application in order to comply with building and fire code requirements, and understands that granting of a zoning variance on the location does not exempt him from other codes. The building permit is contingent upon the Board's decision on the variance request.

Surrounding Land Use/Zoning Patterns:

The subject property and surrounding lots are located in the Nineva Neighborhood Residential District (N-NR). Per LDS 2.3.1, it is "a well-established residential community containing a mix of housing types. As sufficient urban facilities are available in this district, it is proposed to develop more densely, but still at a small residential scale." The proposed pool deck would not alter the residential character of the property and is specifically designed around a pool that has existed for 3 years without violation or neighborhood complaint.

Proposed Variance:

The requested variance would allow the deck to be located in the front yard, where the over-the-ground pool is situated. Staff offers the following comments regarding the findings that must be considered by the Zoning Board of Adjustment (LDS 15.13.13.B):

- 1) That there are unnecessary hardships in the way of carrying out the strict letter of this chapter.
 - The property has a very small and extremely steep backyard. It would be incredibly hard, if not impossible, to place any structure there (See Exhibits).
- 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 above-ground pool, which is not considered to be an accessory structure by our zoning, is in the front yard. Because of the topography of the land and the location of Mr. Moore's house, the front yard is the only location where the pool may be situated.
 - The only location for the deck for the pool would therefore have to be in the front yard as well.
- 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.

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There is a sewer line that runs across the front yard. Because of that, the house had to be located away from the sewer line when it was constructed, creating limited space in the rear of the house, but a large yard in the front of the house. It would be extremely expensive, if not impossible, to level off the slope or engineer a retention wall in order to construct any structure behind the house (See Exhibits).

4) That the variance is in harmony with the general purpose and intent of this chapter and preserves its spirit.

The property borders three streets: Crymes Cove Rd, Indian Springs Dr, and Farley St. Because of its address (1554 Crymes Cove Rd) and the layout of the driveway and house front, the area next to Crymes Cove Rd is considered a front yard. However, the current front yard could easily have functioned as a side or rear yard if there were changes to the property's address or driveway entrance. The location of the deck does not conflict with the general purpose and intent of the ordinance.

5) That the variance is the minimum necessary to afford relief.

• Construction of the deck will ensure the safest possible use of the existing pool into the future.

6) That the public safety and welfare have been assured and substantial justice has been done.

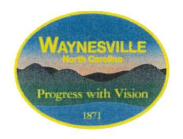
- Development Services has not received any complaints or concerns about the deck or the pool.
- The deck will not create any traffic issues or sight obstructions.
- The deck allows for adult supervision of those using the pool. It is at the same level as the pool, and the applicant can see who is using it through the installed surveillance system (cameras).

Public Notice:

On August 22, 2023, a public notification sign was posted on site, and notices of public hearing were mailed to the owners within 100 feet of the subject property. The Mountaineer newspaper notice was published on August 23 and August 30, 2023.

Items Entered as Evidence:

- 1. Staff Report
- 2. Application with payment
- 3. LDS section 4.5.2
- 4. Haywood County GIS maps: property, topo, and zoning
- 5. Public notices
- 6. Building permit application
- 7. Site pictures
- 8. Town of Waynesville Land Development Standards and North Carolina Building Codes by reference.



TOWN OF WAYNESVILLE Page 7 of 22

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 APPLICATION

Variance Request

Property Address / Location: 1554 Crymes Cove Road
Property PIN: 8614-69-2913 Property Zoning District: N-NK
Flood Zone: Historic Property or District:
Signature of property owner of record: Date: 8-16-2023
Applicant's Name: George Moore Applicant's Phone #: 828 734-4879
Applicant's Address: 1554 Courses Core Rocal Application must be filed by the property owner or by an agent specifically authorized by the owner.
I, More , 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: LDS 4,5. Z
Ordinance requirement from which relief is sought: no france to freetunes in facult
Variance requested and why (attach additional sheets, maps, or other information as necessary):
comply with joing standards. I have me back year, I am asking that I be allowed to have a constructed poor
asking that I be allowed to have a constructed poor
deck in my frent yard
Applicant's Signature: Date: 8-16-2023

PAYMENT SUMMARY RECEIPT

TOWN OF WAYNESVILLE 16 S MAIN ST

DATE: 08/16/23 CUSTOMER#: TIME: 11:12:33 CLERK: 2044ecou

RECPT#: 2944034 PREV BAL: TP/YR: P/2024 AMT PAID: BILL: 2944034 ADJSTMNT: EFF DT: 08/16/23 BAL DUE: 300.00 300.00 .00 .00

Misc Cash Receipts

-----TOTALS-----

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

300.00 AMT TENDERED: AMT APPLIED: 300.00 CHANGE:

PAID BY: Variance Application PAYMENT METH: CHECK PAYMENT REF: 1061

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

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PAYMENT

4.4.3 Items Not Included in Height Calculations.

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The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy, monuments, water towers, mechanical penthouses (provided they are set back 20 feet from the front elevation), observation towers, transmission towers, chimneys, smokestacks, conveyors, flagpoles, masts and antennas (provided evidence from appropriate authorities is submitted to the effect that such building or buildings will not interfere with any airport zones or flight patterns). See Chapter 3 Supplemental Standards related to communication towers and wireless communication facilities.

(Ord. No. O-03-19, Pt. 1, 1-22-2019)

Editor's note(s)—Ord. No. O-03-19 , Pt. 1, adopted Jan. 22, 2019, changed the title of § 4.4 from "Measurement of Height" to read as herein set out.

LDS 4.5.2: Location of

4.5 Accessory Uses and Structures.

Accessory Structures

The purpose of this section is to establish standards for accessory uses and structures in the Town of Waynesville's land use jurisdiction. Except as provided elsewhere in this chapter, it shall be unlawful for any person to erect, construct, enlarge, move or replace any accessory use or structure without first obtaining a certificate of land development standards compliance from the Administrator.

4.5.1 General.

- A. Accessory uses and structures may only be used for purposes permitted in the district in which they are located.
- B. Not for Dwelling Purposes: Accessory structures shall not be used for dwelling purposes except as approved Accessory Dwelling Units (see Section 3.2.1).
- C. Building Permits May Be Required: Depending on the size of the structure and the incorporation of various improvements (e.g., electrical, plumbing) a building permit may also be required.

4.5.2

Standards	Single- Family/Two Family Lots Less than 0.5 Acre	Single- Family/Two Family Lots 0.5 Acre- 1 Acre	Single- Family/Two Family Lots Greater than 1 Acre-3 Acres	Single- Family/Two Family Lots Greater than 3 Acres- 5 Acres	All Other Lots
Permitted Location	Side or Rear Yard Only	Side or Rear Yard Only	Side or Rear Yard Only	Permitted In All Yards	Permitted In All Yards
Height	Not Greater Than Principal Structure	Not Greater Than Principal Structure	Subject to District Height Standards	Subject to District Height Standards	Subject to District Height Standards
Maximum Number Permitted	2	2	3	No Maximum	No Maximum
Maximum Area	1,000 Square Feet in Aggregate	1,500 Square Feet in Aggregate	1,500 Square Feet Per Structure 2,500 Square Feet in Aggregate	2,000 Square Feet Per Structure 4,000 Square Feet in Aggregate	No Maximum

Report For



Page 10 of 22 WAYNESVILLE, NC 28786 MOORE, GWENDOLYN C MOORE, GEORGE EDWARD 185 HILLVIEW CIR 8614-69-2913

Legal Ref: 909/21PROPERTY CARD

Add Ref: 909/24 905/160

Site Information

INDIAN SPRINGS

1554 CRYMES COVE RD

1944

Total Acreage: 0.53 2017

Township: Town of Waynesville

Site Value Information Land Value: \$22,400

Building Value: \$197,800

Defered Value: \$220,200

Assessed Value: \$220,200

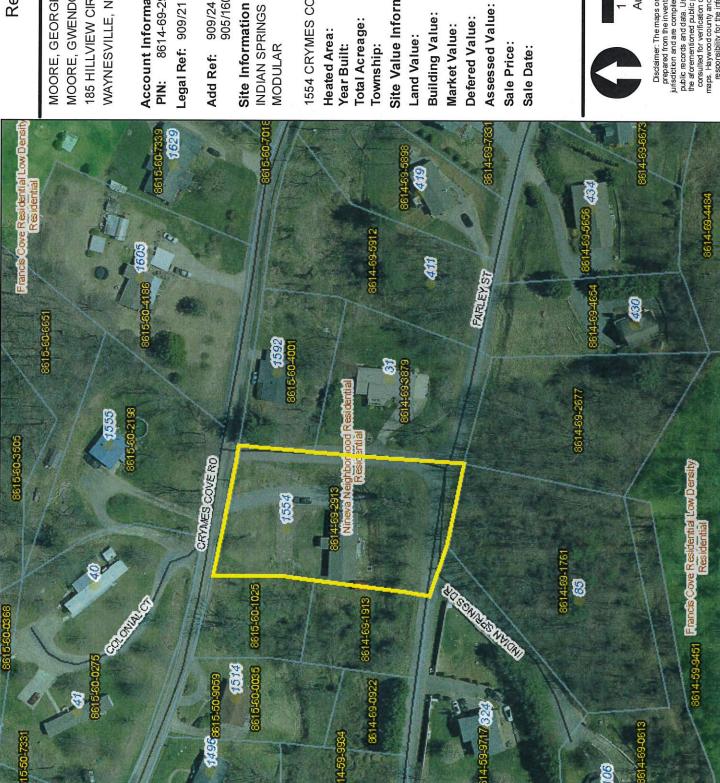
\$7,500

7/7/2016



August 23, 2023 1 inch = 50 feet

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. Dsclaimer: The maps on this site are not surveys. They are prepared from the inventory of real property found within this jurisdiction and one completed from recorded deets, plats and other public records and data. Users of this site are hereby notified that



Report For

MOORE, GEORGE EDWARD

MOORE, GWENDOLYN C

185 HILLVIEW CIR

WAYNESVILLE, NC 28786

Page 11 of 22 8614-69-2913

Legal Ref: 909/21

909/24 905/160 Add Ref:

ZONING

INDIAN SPRINGS

MODULAR

1554 CRYMES COVE RD

2017 1944 Heated Area: Year Built:

0.5259Total Acreage:

Town of Waynesville Township:

Site Value Information

Land Value:

Building Value:

Market Value:

Assessed Value:

07/06/2016 Sale Date:



1 inch = 100 feet August 17, 2023

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. Hawcod county and the website provider assume no legal responsibility for the information contained on these maps. Disclaimer: The maps on this site are not surveys. They are prepared from the inventory of real property found within this jurisdiction and are compled from recorded deeds, plats and other

Report For



MOORE, GEORGE EDWARD MOORE, GWENDOLYN C

185 HILLVIEW CIR

WAYNESVILLE, NC 28786

Account Information Page 12 of 22 PIN: 8614-60 2022

Add Ref: 909/24 905/160

Site Information

MODULAR INDIAN SPRINGS TOPO MAP

(each line- 5 ft slope)

Total Acreage: 2017 0.5259

1944

Town of Waynesville

Site Value Information

Land Value:

Building Value:

Defered Value:

Assessed Value:

Sale Price:

07/06/2016



August 23, 2023 1 inch = 50 feet

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Development Services Department PO Box 100

PUBLIC NOTICES

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

FOR PUBLICATION IN THE MOUNTAINEER: August 23 and August 30, 2023

Date: August 21, 2023

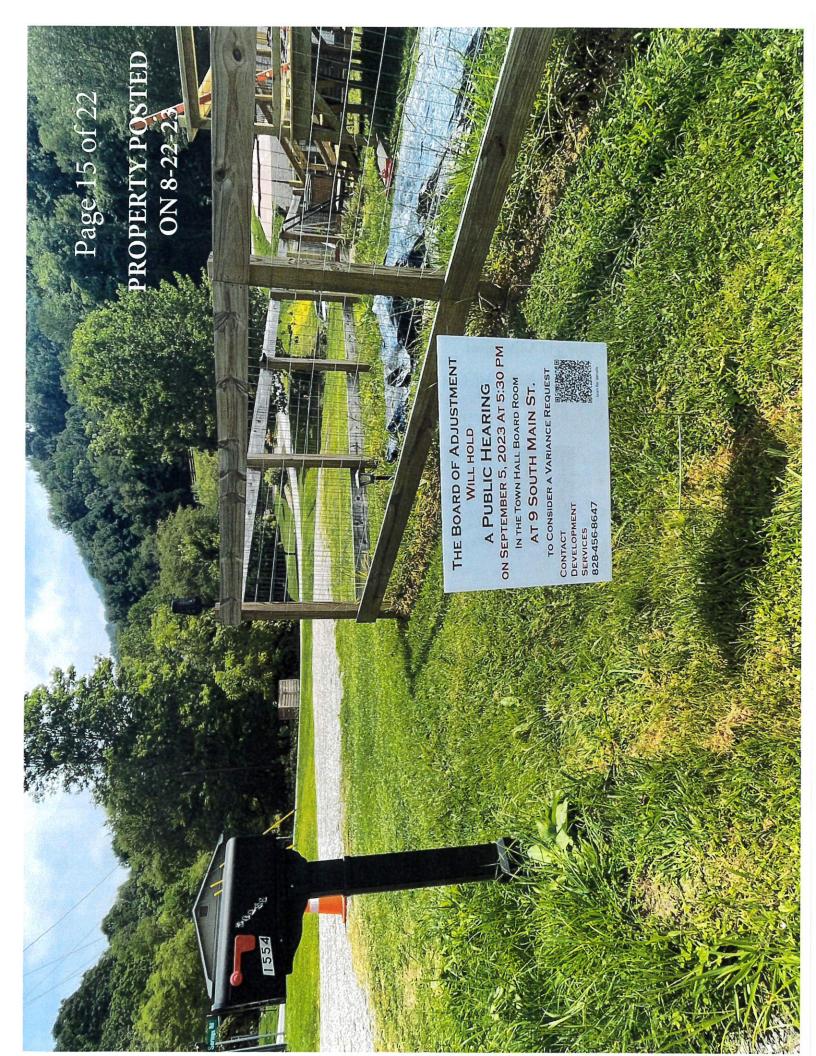
Contact: Elizabeth Teague, (828) 456-2004

Olga Grooman, (828) 456-356-1172

Notice of Public Hearing for Town of Zoning Board of Adjustment

The Town of Board of Adjustment will hold a **public hearing on September 5, 2023 at 5:30 pm**, in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC, to consider a variance request at 1554 Crymes Cove Road in Waynesville, PIN 8614-69-2913, regarding the location of an accessory structure.

Questions should be directed to the Waynesville Development Services Department, (828) 456-8647, ogrooman@waynesvillenc.gov.





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Development Services Department

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Date: August 22, 2023

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DEVELOPMENT SERVICES DEPARTMENT

9 South Main St. Suite 110 Waynesville, NC. 28786 Phone: 828-456-8647 Fax: 828-452-1492

BUILDING PERMIT

Total permit fee: \$

APPLICATION OFFICE USE ONLY	
PIN NUMBER: 8614-69-2913	
wind zone Page 17 of	22
Driveway PermitN/\(\Delta\)	

250.00

RESIDENTAL BUILDING PERMIT APPLICATION

PLEASE PRINT CLEARLY	Property Address / Number & Street	City/ Zip	,	
	NAME	MAILING ADDRESS-NUMBER	R,STREET,CITY & ZIP	PHONE NUMBER
APPLICANT	First George	1554 Crymes Care Warpewille, NC	PQ 28786	828 - 734-4979
PROPERTY OWNER	First George			
GENERAL CONTRACTOR	Company Control Merre	-		
ELECTRICAL CONTRACTOR	Company Grane Mark			
PLUMBING CONTRACTOR	Company NA			
MECHANICAL CONTRACTOR	Company N A			
GAS LINE	Company N A			
PROVIDE	INFORMATION REQUE	STED-INCOMPLETE AP	PLICATION CAN	NOT BE PROCESSED
TY	PE OF WORK	TYPE OF CONSTRUCTION	TY	PE OF USE
o New Bi		o Site Built	o Single Fami	
 Addition Alteration 		Wood Frame		Dwelling. Duplex
	oe Nature of Work	o Steel Frame	o Rental Prope	erty
	around Ros)	LogSize of Logs	o Garage	
Heck	arunt you	O Size of Logs	CarportStorage Buil	J.
		o Modular	 Storage Buil Swimming F 	
Building Areas		o Mod. Validating	o Describe	·
Area Under Con	struction sq.ft	Stamp#	The state of the s	with a par si
Heated Area			01101	ecking on one side
Unheated Area_	→ D - sq.ft.	Type of Found:	NO SERVICE OF THE SER	
Stories Above G		o Crawl space	e Moore	
Stories Below G		o Basement		
Number of Bedro		o Slab 15	54 Crynes Cor	e
Covered Decks _ Uncovered Deck	sq.ft.	O Describe other	54 Crynes Cor -8-734-48	79 3,300.00
	authority to make the foregoing application, that the			a Building Code and all other codes and
guiation of private building f	restrictions, if any, which may be imposed on the abo	ve property by deed.		
gnature /\daggerup \mu	nge 2 Muore	Address 150	(umes cu	E KO



Development Services Department

9 South Main Street. Suite 110 Waynesville, NC 28786

Phone: 828-456-8647 Fax: 828-452-1492

AFFIDAVIT AS TO STATUS OF LICENSURE N.C.G.S. § 87-1

	ermit Applicant: Please check the appropriate lines, provide the requested information, and sign and pelow.
	I propose to construct a new building.
	I propose to set-up a properly labeled modular building.
	I am a North Carolina licensed general contractor. My license number is
	I am <u>not</u> a North Carolina licensed general contractor. The cost of the project I am entering into does not exceed \$30,000.00 per N.C.G.S. § 87-1.
	I am <u>not</u> a North Carolina licensed general contractor. I am providing to the local inspection jurisdiction a \$5,000 surety bond in accordance with N.C.G.S. § 143-139.1. (<u>Modular set-up only</u>)
4	I am the owner of the proposed building. It is my intention to act as my own general contractor for constructing the proposed building or for setting up the proposed modular building. I have entered into a construction project where the cost of the undertaking exceeds \$30,000; I have read G.S. Section § 87-1. I certify that I am not allowing an unlicensed general contractor to perform the duties of a general contractor, which, I understand from reading G.S. Section § 87-1 include construction superintending and managing in addition to, among other things, signing written contracts. I intend to retain the finished house (or other project) exclusively for my own use, and to be occupied by me or my family for a minimum of one year after completion. I am not building a "speculation" project with the intention of selling the project once it is completed. I understand that building a "spec" project without proper licensure is a violation of G.S. § 87-13; this may be a criminal offense. Also, I understand that problems which may arise due to construction of the building or set-up of the properly labeled modular building, such as inaccurate or insufficient foundation, improper or inadequate marriage line connections, improper plumbing, mechanical, or electrical connections between the units, etc., will be solely my responsibility, and I will be left with no recourse and must assume total liability for correction of the problems. I personally have a thorough knowledge of the requirements of the NC State Building Code with regard to construction and/or setting up modular buildings.
Signatu	$\frac{8 - 1 - 2023}{\text{Date}}$
	Official Seal Notary Public
Sworn	to and subscribed before me this day of day of August, 202 . MELISSA GLADDEN
	letuse Gadder 8-20-2023 North Carolina Haywood County
Signatu	re of Notary My commission expires

4x4x12 post

12' Dedon boards

walls on three sides

all setbacks are met as required

ferror around entire peol (lockable)

120 volt power (Ground Rout) (single circuit)

The fence surrounding the pool is 50x50x50inches tall. It is constructed of pressure treated 1x6 at the top and bottom of the fencing with wire mesh in between attached to a 4x4 post every 6 to 8 feet. The fence has two lockable gates, one being a standard width and the other being double width to allow for grass cutting/weed eating. All post are concreted a minimum of two feet in the ground. The proposed deck will be constructed with 4x4 post for all joist and girders, spanning the entire 12x24 foot structure. Footers are 4x4 post seta minimum of 24" in the ground anchored with concrete. The deck height is 52inches and wye bracing is also 4x4 post. All decking attachments are made with decking screws, the hand rail around the deck is 42'.

Submitted by:

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George E Moore 1554 Crymes Cove Road Waynesville, NC 28786

Ninevah Residential Zoning District

