

**Town of Montreat
Board of Adjustment
Meeting Agenda
March 28, 2019
Walkup Building**

I. Call to Order

- Welcome
- Invocation/Moment of Silence

II. Agenda Adoption

- **Suggested Motion:** To adopt the meeting agenda as presented/amended

III. Adoption of Meeting Minutes

- November 29, 2018

IV. Public Hearing

A. Currie Variance Request – 223 Louisiana Road

- **Suggested Motion:** To grant/deny a variance request for construction of a deck in the side and rear yard setbacks at 223 Louisiana Road. The property is zoned R-1 Low Density Residential and is further described as PIN# 0710-76-2549.

B. Smith Variance Request – 513 Greybeard Trail

- **Suggested Motion:** To grant/deny a variance request for placement of an outbuilding in the setback of the creek bank at 513 Greybeard Trail. The property is zoned R-1 Low Density Residential and is further described as PIN# 0720-08-4745.

C. Widmer Variance Request – 218 Tennessee Road

- **Suggested Motion:** To grant/deny a variance request for placement of an outbuilding in the front and side yard setback at 218 Tennessee Road. The property is zoned R-2 Low Density Residential and is further described as PIN# 0710-85-4648.

D. Appeal from Zoning Administrator’s Determination – 322 Texas Road

V. Public Comment

VII. Adjournment

**Town of Montreat
Board of Adjustment
November 29, 2018 – 7:00 p.m.
Walkup Building**

Board members present: Ann Kelso Hewett
Eleanor James
Eric Nichols
Mark Spence
Wade Burns

Town staff present: Angie Murphy, Town Clerk
Adrienne Isenhower, Zoning Administrator

There were no members of the public present. Mr. Nichols, as Presiding Officer, called the meeting to order at 7:00 p.m. and led those in attendance in a moment of silence.

Agenda Approval

Mr. Spence moved that the agenda be adopted as presented. Ms. Eleanor James seconded. The motion passed 5/0.

Public Hearing

The first matter of business is a Public Hearing to consider a request for a variance for construction of a wooden walkway on property located at 216 Alabama Terrace. The wooden walkway would be constructed in the front yard setback. The property is zoned R-2 Low Density Residential and is further described as PIN#0710-86-5084. The hearing on this matter is quasi-judicial in nature and will be conducted in accordance with the following procedure. No objections to the meeting procedure were heard.

Swearing of Witnesses: Ms. Murphy swore in the following individuals as witnesses:

- Margaret Gramling aka Mari Gramling
- Adrienne Isenhower

Disclosures of Conflicts of Interest or Prior Information: Mr. Nichols asked the Board members if any possible conflicts existed or if any member had any prior information or special knowledge pertaining to this matter. No one felt there was any real conflict of interest in this matter.

Opening of Hearing: Chair Nichols then explained the procedures that would be followed and opened the hearing.

Presentation of Zoning Administrator: Mrs. Isenhower presented her testimony. This is a variance request for a wooden walkway that would be located in the front yard setback as is most of the house is in the front yard setback. This is an extension of a nonconformity. This wooden walkway would add an extra entrance/exit as there is only one at the moment.

Presentation of Applicant/Proponents: Ms. Gramling stated that she only has one way to get in and out of the house currently and she's had two hip replacement surgeries thus far. She wants to add a back door with a walkway along the side of the house with a minimum number of steps. She feels that this is a safety issue for her and future owners of the house. Ms. Gramling indicated on the map where she would like the walkway to be in reference to the house. This will be a combination walkway/porch. It will not be as wide as the current screened porch which will be done away with. The addition will go towards the lot next door which Ms. Gramling also owns.

Presentation of Opponents: There were no opponents to this matter.

Rebuttal Argument/Evidence of Applicants: There was no further rebuttal arguments from the applicants.

Rebuttal Argument/Evidence of Opponents: There was no rebuttal arguments on this matter.

Findings of Fact

The Board agreed by consensus that the Variance Request is complete.

There are unnecessary hardships in the way of carrying out the strict letter of the ordinance.

Ms. Gramling feels that it is unsafe for her to have only one means of egress from the house. Ms. Gramling is 70 years old and needs to be able to get out of the house easily in case of a fire or emergency. Due to two hip replacement surgeries, she would find it extremely difficult to climb through a window and down a fire ladder.

The hardship results from conditions that are peculiar to the property, such as location, size or topography.

Ms. Gramling stated that the house sits almost entirely within the right-of-way and the setback. It is almost 100 years old and was erected long before this was an issue. The property slants sharply downhill and, even though the front of the house can be entered with no steps, the back sits well above the ground, about 12-15 feet. This means Ms.

Gramling cannot jump out of a window and climbing out the window and down a fire ladder would be most difficult.

Mr. Burns stated that the peculiarities of this lot are common in Montreat. The buildable parts of this house are in the setback. The conditions of the house were established before zoning was established in Montreat. Mr. Burns feels that the conditions in question are more peculiar to the property. Item A is satisfied.

The hardship did not result from actions taken by the applicant or the property owner.

This problem has existed since zoning laws were created in Montreat and was no fault of the builder in 1921 or the new owner. It is unfortunate but a fact of life with many of the old Montreat houses.

Mr. Burns also stated that this is nothing the property owner has done to cause the peculiarities.

The granting of the variance secures the public safety and welfare and does substantial justice.

Ms. Gramling stated that she was 70 years old and has had 2 hip replacements making climbing from the house or jumping out the window a near impossibility. The house needs two means of egress for the safety of anyone and this deck/walkway will allow me to easily exit the house from either the front or the back. She considers this a matter of public safety and believe it is well within the spirit, purpose and intent of the ordinance.

Ms. James stated that it does not create a nuisance in any way because it does not encroach on the road. It will extend less than the existing screened porch. Ms. James noted that a second egress is very important and most modern houses need two exits.

Granting the requested variance will not confer upon the applicant(s) any special privileges that are denied to other residents of the Zoning District in which the property is located.

It is the Board's belief that the granting of the requested variance will NOT confer upon the applicant any special privilege.

A literal interpretation of the provisions of this Ordinance would deprive the applicant(s) of rights commonly enjoyed by other residents of the Zoning District in which the property is located.

It is the Board's belief that the provisions of this Ordinance would NOT deprive the applicants of rights commonly enjoyed by other residents.

The variance is not to request a use of land, Building or Structure which is not permitted in the subject Zoning District.

It is the Board's belief that the variance is not to request a use of land, Building or Structure which is not permitted in the subject Zoning District.

Mrs. Isenhower reviewed the answers from the Board to the findings of fact.

Mr. Burns moves that the application be granted. Ms. James seconded and the motion carried 5/0. Mr. Nichols stated the application for a variance at 216 Alabama Terrace was approved by the Montreat Board of Adjustments.

The second matter of business was to grant/deny a conditional use request by William Link for construction of a ramp in the front yard of property located at 207 Louisiana Road identified by NCPIN 0710-75-5624. Mr. Link sent a statement with his intent to construct a ramp for disabled access to their Montreat cottage. The only access now is through a narrow door at the front of the house, through which they cannot get a wheelchair. In addition, the front entrance has 4 steps that are not disabled accessible. Mrs. Link has MS and is confined to a wheelchair and is currently unable to get into the cottage. The design is ADA compliant and will include a landing with enough of a turning radius for the wheelchair. The Link's will renovate their screened porch for a new entrance into the house via the ramp, and add wheelchair access inside the house. No one in attendance had any information or special knowledge or conflict of interest.

Mrs. Isenhower stated that generally these cases are heard as variance requests but because it is ADA related it can be heard as a conditional use permit. Mrs. Isenhower stated that the ramp will be in the front yard with an "L" shape leading up to the front door.

Mr. Burns stated that the only thing detrimental would be if the design was ugly. Mr. Burns stated there needed to be drawings. Ms. James mentioned that landscaping would be a nice touch. Mr. Spence asked if it would be appropriate to ask for more coherent drawings. Mrs. Isenhower stated that as a condition of the building permit you can specify a rendered drawing with landscaping for example.

Ms. James stated that this ramp would not endanger the welfare.

Mr. Spence stated that this ramp would not be injurious to other nearby properties subject to an appropriate drawing being rendered and turned into the Zoning Administrator.

Mrs. Hewitt stated that this ramp will not impede the normal and orderly development for uses permitted in the Zoning District.

Mr. Burns stated that he would like this to be on condition upon of submittal of sufficient drawings showing satisfactory by the Zoning Administrator and Town Administrator.

Ms. James asked who had the ultimate say-so on the exterior “visual appeal” of the structure.

Mr. Burns stated that with the appearance issue he placed the responsibility on the Zoning Administrator and the Town Administrator with his motion.

Chairman Nichols restated the motion conditional upon submittal of sufficient drawings showing satisfactory by the Zoning Administrator and Town Administrator. The motion carried 5/0 and the conditional use permit was granted.

Old Business

There were no items of Old Business to discuss at this time.

New Business

There were no items of New Business to discuss at this time.

Public Comment

There were no Public Comments at this time.

Adjournment

There being no further business to discuss, Mr. Nichols declared the meeting adjourned at 8:12 p.m.

Eric Nichols, Chair

Angie Murphy, Town Clerk



TOWN OF MONTREAT

P. O. Box 423
Montreat, NC 28757
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MEMORANDUM

To: Board of Adjustment

From: Adrienne Isenhower, Zoning Administrator

Re: Variance Request – 223 Louisiana Road

Date: March 14, 2019

Mr. John Currie, 223 Louisiana Road, is requesting a variance for construction of a deck in the side and rear yard setbacks. The property is zoned R-1 which requires a side yard setback of 15 feet and a rear yard setback equal to 20% of the lot depth, not to exceed 35 feet. The proposed deck will extend approximately 8 feet into the setbacks. The ordinance section and exact language are provided below.

701 R-1 Residential Districts.

Minimum Front Yard.

Thirty feet (30').

Minimum Side Yard.

Single-family and Two-family Dwelling Units: Fifteen feet (15')

Minimum Rear Yard.

Twenty percent (20%) of the mean lot depth provided that rear yards on lots used for dwelling purposes need not exceed thirty five feet (35').

The lot is approximately 40 feet wide at the street and 67 feet wide at the rear so it is very narrow. In addition, the slope of the lot is 47.5% which resulted in a steep driveway and construction of several steps for entrance to the house. The applicants are requesting the variance for the deck to provide an additional ingress/egress that is not quite as steep. The applicant provides detailed information in the variance application describing the hardship created by the ordinance concerning construction of the deck.



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VARIANCE APPLICATION

Applicant Name: JOHN ANGELO LAUCIUS CURRIE Phone Number: 865-567-9051
Property Address: 223 Louisiana Rd. Montreat, NC 28757
Current Zoning/Use: R-1 Zoning District Requested Use: Accessibility Addition

APPLICATION REQUIREMENTS: An application to the Board of Adjustment for a variance must be submitted to the Town of Biltmore Forest Town Manager at least 21 days prior to the meeting at which the application will be considered. A pre-application meeting with Town staff is required prior to application submittal to the Board of Adjustment.

VARIANCE INFORMATION:

What would you like to do with your property:

I would like to erect a deck 8 feet off the back and side of property per the designed plans. This deck would facilitate a flat and level egress pathway to a set of gentle stairs in order to grant a second egress point to the front of the house and the street. This deck would also facilitate a space on the property where family can enjoy the beautiful Montreat vistas.

What does the ordinance require?

According to section 701-8 of the Town of Montreat Zoning Ordinance, the ordinance requires a set back of 15 feet in the side yard and 20% of the lot depth in the rear yard for a home in the R-1 zoning district.

BOARD OF ADJUSTMENT: N.C.G.S. 160A-388(D) requires that the Board of Adjustment shall vary the provisions of the Zoning Ordinance only upon a showing of ALL the items below. The Board of Adjustment must follow strict procedure and all determinations must be decided by a concurring vote of four-fifths of the members of the Board. It is important to provide detailed supporting documentation for the Board of Adjustment to review. If necessary, additional sheets may be attached to this application

REQUIRED FINDINGS: Please provide a thorough response to each.

- 1. Unnecessary hardship would result from the strict application of the ordinance. (It shall not be necessary to demonstrate that in the absence of the variance, no reasonable use can be made of the property).

Explain: The home was constructed on a highly narrow lot with a home width of only 28 feet, which precludes any building to or expanding a structure on the house. The rear of the home is also directly abutted against the setback. The front of the house is not against the set back, but building is precluded due to the steep slope of the driveway. Also, any building on the front of the house would take away from the aesthetic view from the street. If a variance were created then we would create a stable and level deck that allows for the addition of gentle stairs to the front of the house.



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- 2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. (Hardships resulting from conditions that are common to the neighborhood or the general public may not be the basis of granting a variance).

Explain: The existing house structure has two means of egress. The primary egress is via a steep set of interior stairs that have a rise of 8 inches per tread. This is nearly the maximum allowed by code and makes it very difficult for those with arthritic conditions. The secondary egress is via a back door which has a small foot path around the house and is located on a steep slope. It is my belief that both the narrowness of the lot and the slope which the home was built on

- 3. 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 shall not be regarded as a self-created hardship).

caused the above conditions

Explain: The hardship was caused by the design of the building created by the previous owner/builder of the home, not the current owner. The narrowness of the lot required a design that resulted in extremely steep interior stairs and precarious exterior pathways.

- 4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

Explain: The requested variance of the setback ordinance will be such that it will not adversely affect any neighboring citizens. Both sides of the property where a variance is requested butts directly up to a public right of way and, as a result, will not be encroaching upon another's property. Furthermore, I own the property on the other side of the requested side yard variance. The rear right of way is at least 125 feet to the nearest lot. Additionally, in order to erect the proposed deck/pathway, the current condition of the lot does not require the removal of any trees or

I hereby certify that all of the information set forth above is true and accurate to the best of my knowledge. ^{vegetation}

John A. [Signature]
Signature

Dec 5 2018
Date

Deck Planner Software™ Report

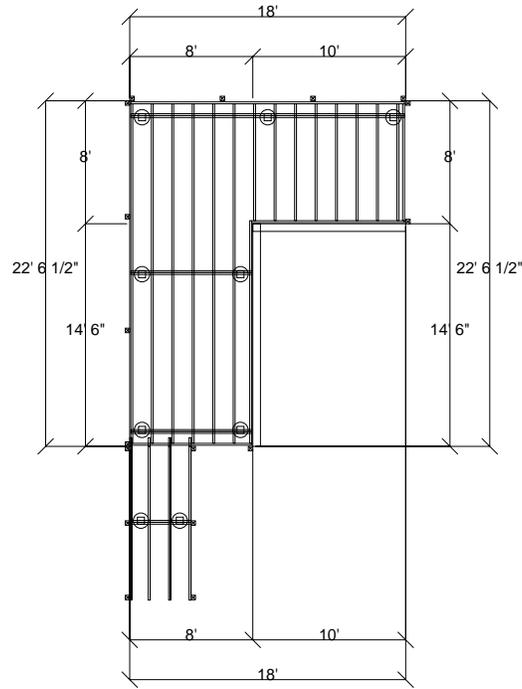


Currie Deck Addition

Deck Planner Software™ Report for
Jay Cope

Your Planned Deck Design

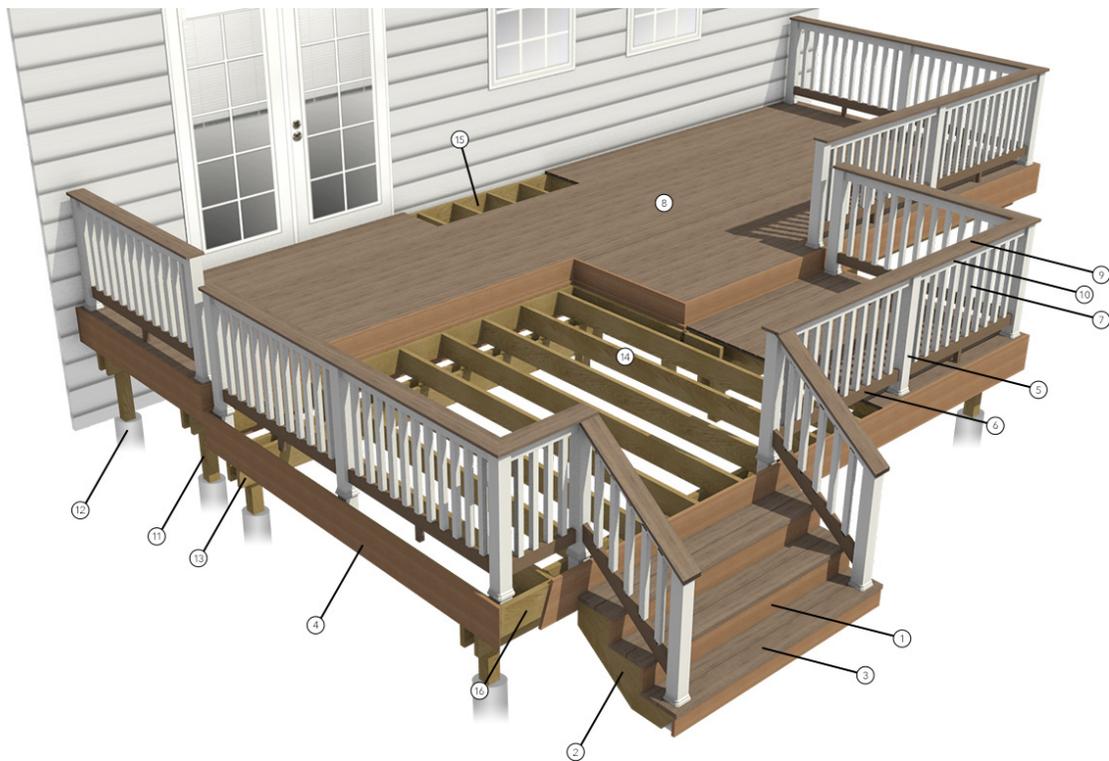
Plan View w/ Decking Removed



Plan View



Glossary of Decking Terms



1. Risers: The vertical boards attached to the stair stringers. Many localities require risers to prevent possible trip hazards.

2. Stringers: The structural support for stairs. They have limits on how much weight they can carry, so size and spacing are important considerations. Composite manufacturers provide recommended stringer spacing to support the tread material.

3. Treads: The horizontal stair surfaces on which deck users walk.

4. Fascia: Vertical boards that face outwards from the edges of the deck, attached to the rim joists. Fascia boards typically consist of a lumber species that matches the appearance of the decking material.

5. Rail Post: Vertical lumber member that supports the handrail and resists the outward force of people leaning on the railings.

6. Bottom Rails: Lumber members that connect to the rail posts and provide a solid surface for securing the infills.

7. Infills: Also known as balusters or pickets, the infills are connected to the top and bottom rails and provide a barrier against falls.

8. Decking: When properly attached to each joist and rim joist, the decking surface (whether wood or composite material) helps unify the entire structure.

9. Rail Cap: Much like the decking, the rail cap unifies the railing system and provides a decorative feature.

10. Top Rails: These members have the same stabilizing function as the bottom rails.

11. Post: Vertical structural member that supports the beams and attaches the deck to the footings using a post base.

12. Footing: Concrete element that serves as the foundation of the deck.

13. Beams: Structural members that support the decking floor joists. Beams are made of doubling 2x material and can be installed as a laminate, sandwiched, or notched into the post.

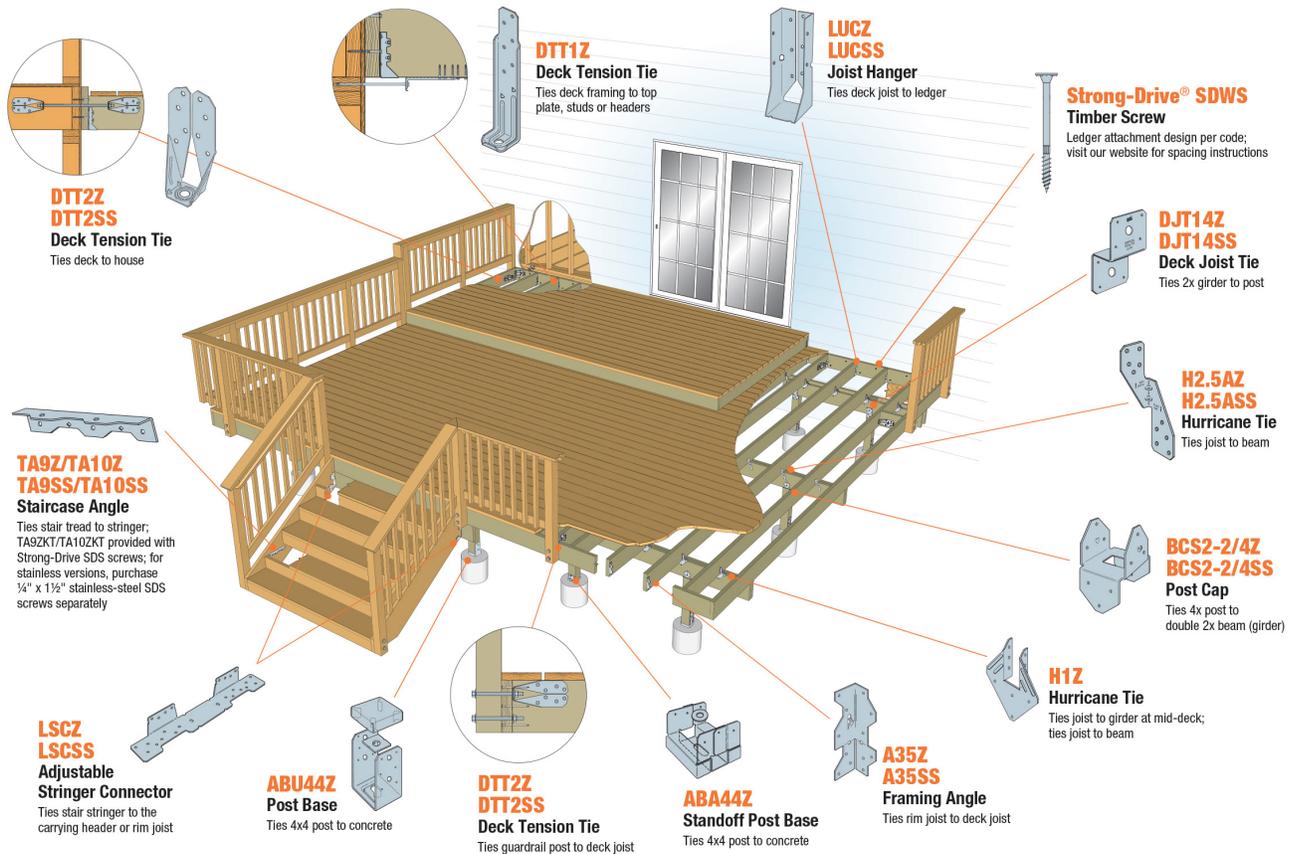
It is important to have a post of sufficient size and strength to support the beam. The beam should not be any wider than the thickness of the post, and should be secured with the correct post cap.

14. Joists: Wood members installed across the beams and spaced to accommodate the decking material. The joist spacing may depend on the angle at which the deck boards are applied.

15. Ledger: The ledger is a crucial connection because it attaches the deck to the house. The material used to construct the house may determine the type of connection. Consult local building officials on the recommended connection.

16. Rim Joist: Also known as edge bands, the rim joist wraps the deck and keeps the joists standing on edge, while also providing a solid surface for attaching railing posts. Proper attachment is critical to installing a safe railing.

A Complete Connector System for Building Safer, Code-Compliant Decks



NOTE: Illustration shows all available deck products. Actual products selected will depend upon application or construction method used for a particular deck. Check local building codes before you begin a project.

Installation Considerations

Building Code and Zoning Requirements

Check deed restrictions, building codes and zoning laws to make sure your deck complies. The local building jurisdiction will require a minimum setback from property lines. Check with local utility companies to make sure deck construction will not disturb underground piping or wiring (dial 811 before you dig).

A resource for general residential deck codes and building practices is the Prescriptive Residential Deck Construction Guide, by the American Wood Council (free download at www.awc.org). The local building jurisdiction should be consulted to verify any building code requirements specific to the area.

Deck Function

While planning your deck, consider how it will be used. Sun/shade areas and possible views are common considerations.

Lumber

Pressure- or preservative-treated lumber, or lumber that is naturally decay resistant, should be used for durability. Cut edges should be field-treated with preservative.

Fasteners and Connectors

To resist corrosion, fasteners and connectors in contact with treated lumber should be ZMAX®, hot-dip galvanized (HDG) or made with stainless steel. Consult with the building code, the preservative treatment manufacturer and strongtie.com to get recommendations for your conditions. Fasteners and connectors should be made of the same material (i.e., both of them galvanized, both of them HDG or both in stainless steel).

Ledger

Proper corrosion-resistant flashing should be installed between a deck ledger and the house. The ledger should be installed directly to the framing, with any siding removed.

Deck Area and Footing Layout

Batter boards (temporary wood supports, such as 2x4s), mason's string and a plumb bob can be used to lay out the deck area and footings. For a rectangular shape, the corners will be square when the lengths of the two diagonals are equal.

Footings

Holes for footings will need to be dug to a depth below the frost line.

Post Bracing

Diagonal bracing between posts and joists/beams should be installed according to the building code.

Posts and Beams

Allow an additional margin in length to the posts. Determine the desired deck floor height on the post and then cut to the appropriate length.

Attaching Joists

Attach joists to the ledger board with joist hangers.

Laying Decking

Drill pilot holes into the ends of boards to prevent splitting. Allow space between boards.

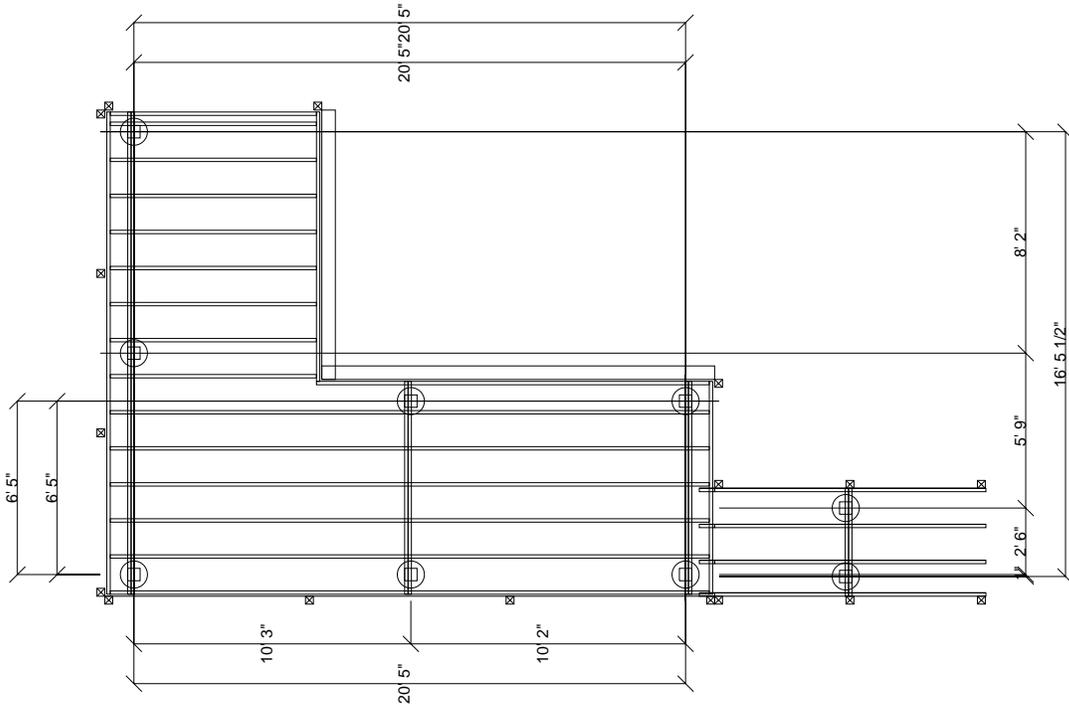
Guardrails

Guardrails must be adequately attached to the framing members of the deck. The building code has limits on the size of openings that are permitted in the guard system.

Stairs and Handrails

Stairs should be at least 36" wide. The building code has limits on the size of openings in a flight of stairs and specific directions for providing handrails.

Plan View with Dimensions



NOTES FROM CUSTOMER

DESIGN TITLE: Currie Deck Addition
 CUSTOMER NAME: Jay Cope
 CUSTOMER EMAIL ADDRESS: sfcustomhomes@gmail.com
 CUSTOMER PHONE NUMBER:

DRAWING SCALE: NOT TO SCALE
 CHECKED BY: SIMPSON STRONG-TIE
 DATE: SIMPSON STRONG-TIE
 CREATED BY: SIMPSON STRONG-TIE

NOTES FROM CUSTOMER

JOB NO

PAGE

Materials Cut List

LEVEL 1

Label	Name	Qty.	Length	Bevels
A	Fascia	1	17' 11 3/4"	45,45
B	Fascia	1	8' 1/4"	45,45
C	Fascia	1	10' 1/2"	45,45
D	Fascia	1	14' 7"	45,45
E	Fascia	1	8' 1/4"	45,45
F	Fascia	1	22' 6 1/4"	45,45
G	Header	1	17' 10"	
H	Outer Joist	1	7' 7 1/2"	
I	Header	1	9' 11 1/2"	
J	Outer Joist	1	14' 6 1/4"	
K	Header	1	7' 10 1/2"	
L	Outer Joist	1	22' 1 1/2"	
M	Internal Joist	5	22' 1 1/2"	
N	Internal Joist	8	7' 7 1/2"	
O	Stringer	4	12' 6 1/4"	

Estimated Material List

Lumber Materials

Item	Qty.	Description	Type
RailPost	1	4x4-12' Pressure Treated	Pressure Treated
RailPost	2	4x4-16' Pressure Treated	Pressure Treated
Header	1	2x8-8' Pressure Treated	Pressure Treated
Header	1	2x8-10' Pressure Treated	Pressure Treated
Header	1	2x8-18' Pressure Treated	Pressure Treated
Beam	2	2x10-18' Pressure Treated	Pressure Treated
Post	7	6x6-10' Pressure Treated	Pressure Treated
Outer Joist	1	2x8-8' Pressure Treated	Pressure Treated
Outer Joist	2	2x8-12' Pressure Treated	Pressure Treated
Outer Joist	1	2x8-16' Pressure Treated	Pressure Treated
	1	2x8-8' Pressure Treated	Pressure Treated
Internal Joist	8	2x8-8' Pressure Treated	Pressure Treated
Internal Joist	10	2x8-12' Pressure Treated	Pressure Treated

SIMPSON STRONG-TIE® CONNECTORS

Qty.	Description	Type
11	DTT2Z Galvanized Deck Tension Tie 2	Galvanized
3	RFB Retrofit Bolt, Galvanized, 1/2" x 7", (RFB#4x7HDG - 10 ct)	Galvanized
1	LS50Z - Galvanized Skewable Joist Hanger	Galvanized
40	SDWH19400DB Structural Wood Screw	Galvanized
4	DTT1Z Galvanized Deck Tension Tie	Galvanized
1	Strong-Drive® SDWH 8" x .276" Timber-Hex HDG Screw, (SDWH27800SSG-RP1 - 25ct)	Galvanized
26	LUS28Z - Galvanized Joist Hanger, 2x8	Galvanized
5	LUC26Z - Galvanized Joist Hanger, 2x6	Galvanized
23	H1Z - Galvanized Hurricane Tie	Galvanized
6	H2.5AZ - Galvanized Hurricane Tie	Galvanized
7	ABA66Z - Galvanized Adjustable / Standoff Post Base, 6x6	Galvanized
7	PAB 5/8" x 12" Pre-Assembled Anchor Bolt (PAB5-12)	Galvanized
7	AC6Z - Galvanized Post Cap, 6x6	Galvanized
1	Strong-Drive® SCN 3" x .148", 9 gauge, Smooth-Shank Connector Nail, Hot Dip Galvanized (10D5HDG - 5 LB)	Galvanized
3	Strong-Drive® SCN 3 1/2" x .162", 8 gauge, Smooth-Shank Connector Nail, Hot Dip Galvanized (16DHDG - 1 LB)	Galvanized
3	Strong-Drive® SCN 3 1/2" x .162", 8 gauge, Smooth-Shank Connector Nail, Hot Dip Galvanized (16D5HDG - 5 LB)	Galvanized
1	Strong-Drive® SCN 1 1/2" x .148", 9 gauge, Smooth-Shank Connector Nail, Hot Dip Galvanized (N10DHDG - 1 LB)	Galvanized
3	Strong-Drive® SCN 1 1/2" x .131", 10 gauge, Smooth-Shank Connector Nail, Hot Dip Galvanized (N8DHDG - 1 LB)	Galvanized
2	Deck-Drive™ DSV #10 Wood Screw 3 inches - Tan (DSVT3R350 - 350ct)	Quik Guard

DECKING AND RAILING MATERIALS

Qty.	Description
11	Round Post Cap Pressure Treated
4	2x4-8' Pressure Treated Rail
2	2x4-12' Pressure Treated Rail
116	36" Baluster - Pressure Treated
4	2x4-8' Pressure Treated Rail
2	2x4-12' Pressure Treated Rail
8	1x12-12' Pressure Treated Fascia
26	5/4x6-8' Pressure Treated Decking - Grooved
1	5/4x6-12' Pressure Treated Decking - Grooved
22	5/4x6-16' Pressure Treated Decking - Grooved

Legal Disclaimer

We want you to have fun using the Simpson Strong-Tie® Deck Planner Software™ (the "App") and building your deck. However, we care about safety. Carefully read the following Disclaimer and Disclosure. You may proceed and use this specification kit only if you have read this information and agree to the terms.

LEGAL DISCLAIMER

This Deck Planner Software™ Report (your "Design Kit") is a construction guide and is NOT a finished building plan. The App is not designed to perform any of the engineering calculations or structural design required for building construction. It is your responsibility to verify your Design Kit's accuracy, completeness, suitability for your particular site conditions, and compliance with local building codes and practices. Please consult your local building codes for any applicable requirements, including requirements for deck lighting. Any use of your Design Kit is at your own risk.

Simpson Strong-Tie Company Inc. ("Simpson") has licensed the App from DIY Technologies ("DIY"). DIY and Simpson assume no responsibility for any damages, including direct or consequential, personal injuries suffered, or property or economic losses incurred as a result of any information available through the App (including this Design Kit). Before beginning any project in connection with your Design Kit, review the instructions carefully. We cannot anticipate all of your working conditions or the characteristics of your materials and tools. For your safety, you should consider your own skill level and use caution, care and good judgment when following the instructions. If you have doubts, concerns or questions, consult local experts, architects, soil engineers or building authorities. Because local zoning and building codes and regulations vary greatly, you should ALWAYS CHECK WITH LOCAL AUTHORITIES TO ENSURE THAT YOUR PROJECT COMPLIES WITH ALL APPLICABLE CODES AND REGULATIONS. Always read and observe instructions and safety precautions provided by any tool or equipment manufacturer, and follow all accepted safety procedures.

You are responsible for ensuring that all measurements are correct. Due to the size, shape, location or other considerations, your Design Kit may require supporting structures, such as knee braces and bridging between joists and posts and are not included on the materials list and other information provided. YOU ARE RESPONSIBLE FOR ENSURING THAT YOUR DESIGN KIT IS SAFE AND STRUCTURALLY SOUND FOR ITS SIZE, LOCATION AND ANTICIPATED USE. You are also responsible for verifying that the design and any substitutions or modifications you make meet all local building codes and regulations.

DIY and Simpson assume no liability or responsibility for your design, construction or use of any product or information supplied through the App.

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7

✓



Doc ID: 03038450002 Type: CRP
Recorded: 08/01/2016 at 03:30:13 PM
Fee Amt: \$51.00 Page 1 of 2
Revenue Tax: \$0.00
Workflow# 0000357830-0001
Buncombe County, NC
Drew Reisinger Register of Deeds

BK 5452 PG 1248-1249

This deed has been submitted to and reviewed electronically by the Office of the Tax Collector which certifies that as of this date of recording there are no delinquent taxes on the parcel(s) described which the Tax Collector is charged with collecting

NON-STANDARD FILING

Excise Tax \$ 0.00

Recording Time, Book and Page

Tax Lot No _____ Parcel Identifier No. 0710.02-76-1574.000
Verified by _____ County on the ____ day of _____, 20__
By _____

Mail after recording to ~~Grantee~~ + return to *PO Box 1657* *27293-1657*
This instrument was prepared by David E. Inabinett, Attorney at Law, 10 LSB Plaza, Lexington, NC 27292
Deed Preparation Only; No Title Opinion Rendered

Brief Description for the Index: Lot 278 Mountain Retreat Association PB60/PG155

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this the 22 day of July, 2016, by and between

GRANTOR	GRANTEE
John A.L. Currie and wife, Mary Lawrence Currie	DER GELBE TURM JMLC, LLC 5000 Heartland Court Manhattan, Kansas 66503

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g., corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the city of Montreat, Black Mountain Township, Buncombe County, North Carolina, and more particularly described as follows:

BEING all Lot 278 of the property of the Mountain Retreat Association, as shown on plat recorded in Plat Book 60 at Page 155 in the Buncombe County, North Carolina Registry; reference to which is hereby made for a more particular description of said Lot.

The property hereinabove described was acquired by the Grantor by instrument recorded in Deed Book 4592 at Page 121, Buncombe County Registry.

2023 Louisiana

Owner	Address	City	State	Zip Code	PIN
AKERS JOHN N.; AKERS ANNE W	PO BOX 1089	MONTRE T	NC	28757	'071066948800000'
HOPKINS MARK S.; HOPKINS JILL B	2105 Woodwind CIR	Vestavia	AL	35216	'071066963500000'
JOHN A L CURRIE TRUST MARY LAWRENCE CURRIE TRUST	5000 HEARTLAND COURT	MANHATT AN	KS	66503	'071076057300000'
BOYD LOWE ADLAI; BOYD KAREN M	PO BOX 1292	MONTRE T	NC	28757	'071076062900000'
CABIN IN THE SKY LLC	223 Tuckahoe RD	Jackson	TN	38305	'071076133400000'
DER GELBE TURM JMLC LLC BELBE	5000 Heartland CT	Manhatta n	KS	66503	'071076254900000'
BROWN WILLIAM P; BROWN GAIL K	517 S COLUMBIA DR	DECATUR	GA	30030	'071076335800000'
HANNAH WALTER W; HANNAH SUSAN P	476 CALDWELL DR SE 91 W Central PARK Apt 8B	CONCORD New York	NC NY	28025 10023	'071076353700000' '071076438900000'
MANDEVILLE LLC HANNAH WALTER W; HANNAH SUSAN P	476 CALDWELL DR SE	CONCORD	NC	28025	'071076452700000'
MOUNTAIN RETREAT ASSOC	PO BOX 969	MONTRE T	NC	28757	'071076485100000'
MOUNTAIN RETREAT ASSOC	PO BOX 969	MONTRE T	NC	28757	'072100597300000'

Prior Exposure to Evidence:

“I would also like to ask any Board members who have any information or special knowledge about the case that may not come out at the hearing tonight, to please describe that information for the record so that interested parties will know and can respond.”

Board members may reveal prior information or special knowledge about case.

Opening of Hearing:

“I now open the Public Hearing on this matter and ask for testimony from the Zoning Official.”

Testimony from Staff

Staff presents and explains background of case and provides a brief summary of the development and location. Staff reviews the requirements for granting a variance. Staff presents evidence and asks that it be admitted into evidence.

At the end of staff's testimony, ask: “Are there any questions from the Board?”

Testimony from Applicant/Proponents

“We will now hear from the applicant and other proponents of the request.

At the end of each person's testimony, ask: “Are there any questions from the Board or staff?”

Testimony from Opponents

“We will now hear from people opposing the request.

At the end of each person's testimony, ask: “Are there any questions from the Board, the applicant or staff?”

Rebuttal Evidence of Applicant

“We will now hear rebuttal evidence or arguments of the applicant.”

Applicant speaks and presents any rebuttal evidence.

At the end of the rebuttal evidence, ask: “Are there any questions from the Board?”

Rebuttal Evidence of Opponent

“We will now hear rebuttal evidence of any opponents.”

Opponents speak and present any rebuttal evidence limited to the issues raised by Applicant in rebuttal.

At the end of the rebuttal evidence, ask: “Are there any questions from the Board?”

**Town of Montreat
Board of Adjustment
Variance Consideration Worksheet**

A variance may be granted only if ALL of these general standards are met. Findings of Fact must be identified towards your decision for each standard.

1. **Unnecessary hardship would result from strict application of the ordinance.** There must be extraordinary and exceptional conditions pertaining to the property in question due to its size shape or topography that are not applicable to other land or buildings in the same zoning district. The following standards must be met to prove a hardship exists.
 - a. The hardship results from conditions that are peculiar to the property, such as location, size or topography.
 - b. The hardship did not result from actions taken by the applicant or the property owner.

This conclusion is based on the following Findings of Fact:

2. **The granting of the variance secures public safety and provides substantial justice.** The variance does not allow for violation of other laws and does not create a nuisance. Granting the requested variance will not confer upon the applicant(s) any special privileges that are denied to other residents of the zoning district in which the property is located.

This conclusion is based on the following Findings of Fact:

3. **The variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit.** The request will not substantially detract from the character of the neighborhood.

This conclusion is based on the following Findings of Fact:

Granting the Application

- The application is granted, subject to the following conditions:
 1. Any variance granted by the Board of Adjustment must be acted upon within six months or it shall become null and void. The Board of Adjustment may grant one six-month extension of a variance if so requested by the applicant.
 2. Other Conditions:

Denying the Application

- The application is denied because it is incomplete for reasons set forth above in Section I.
- The application is denied because, if completed as proposed, the development probably (insert one or more reasons from Section II):

- For the following reasons:



TOWN OF MONTREAT

P. O. Box 423
Montreat, NC 28757
Tel: (828)669-8002 Fax: (828)669-3810
www.townofmontreat.org

MEMORANDUM

To: Board of Adjustment

From: Adrienne Isenhower, Zoning Administrator

Re: Variance Request – 513 Greybeard Trail

Date: March 14, 2019

Ms. Margo Smith, 513 Greybeard Trail, is requesting a variance for placement of an outbuilding within the 30' setback of the creek bank required by the Town of Montreat Stormwater Ordinance. The ordinance in question is provided for your review below.

305. General Standards.

Until such time as a comprehensive watershed management plan for the Swannanoa Basin is developed, the following guidelines apply.

1. *All built-upon area shall be at a minimum of 30 feet landward on all sides of any surface water as measured horizontally on a line perpendicular to a vertical line marking the edge of the top of the bank. A perennial or intermittent surface water shall be present if the feature is approximately shown on either the most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture or the most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS). An exception to this requirement may be allowed when surface waters are not present in accordance with the provisions of 15A NCAC 2B .0233 (3) (a) or similar site-specific determination made using Division of Water Quality-approved methodology.*

The building has already been placed as the original plans were approved by the zoning administrator and the building inspector. After the fact, it was realized that the placement of the building was not in the exact location of the plans presented, and was not compliant with the stormwater ordinance. The applicant has submitted a variance application identifying the hardship created by the ordinance regarding location of the outbuilding.

Adrienne Isenhower

From: Adrienne Isenhower
Sent: Thursday, January 03, 2019 9:36 AM
To: 'Margo K S'
Subject: FW: New submission from Variance Application

Hi Margo,

I just wanted to remind you that I need an updated application with the ordinance provisions noted below. Please let me know if I can help in anyway.

Thanks,
Adrienne

From: Adrienne Isenhower
Sent: Wednesday, December 19, 2018 11:33 AM
To: 'Margo K S' <margoks@charter.net>
Subject: FW: New submission from Variance Application

Here is some additional information on the variance application. I want us to be on the same page with this process so there are no surprises at the meeting.

The Board must answer yes to ALL of the following items in order to approve the variance. It must be clear in your application and supporting documentation that these items are answered. The Board has to review all of these requirements and provide justification for answering each one. The information you have submitted for the zoning application and building permit will be the evidence entered into the discussion for the Board's consideration. The items are as follows:

- 1. Unnecessary hardship would result from strict application of the ordinance.** There must be extraordinary and exceptional conditions pertaining to the property in question due to its size shape or topography that are not applicable to other land or buildings in the same zoning district. The following standards must be met to prove a hardship exists.
- 2. The granting of the variance secures public safety and provides substantial justice.** The variance does not allow for violation of other laws and does not create a nuisance. Granting the requested variance will not confer upon the applicant(s) any special privileges that are denied to other residents of the zoning district in which the property is located.
- 3. The variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit.** The request will not substantially detract from the character of the neighborhood.

I hope this is helpful. Again, please let me know if you have any questions so I can help you through this process.

Thanks Margo!

Adrienne

From: Adrienne Isenhower
Sent: Wednesday, December 19, 2018 11:03 AM
To: 'Margo K S' <margoks@charter.net>
Subject: RE: New submission from Variance Application

Hi Margo,

I should have clarified the section of the ordinance that requires this setback. It is actually in the stormwater ordinance and I have copied it below.

305. General Standards. Until such time as a comprehensive watershed management plan for the Swannanoa Basin is developed, the following guidelines apply. 1. All built-upon area shall be at a minimum of 30 feet landward on all sides of any surface water as measured horizontally on a line perpendicular to a vertical line marking the edge of the top of the bank. A perennial or intermittent surface water shall be present if the feature is approximately shown on either the most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture or the most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS). An exception to this requirement may be allowed when surface waters are not present in accordance with the provisions of ~~GA~~ NCAC 2B .0233 (3) (a) or similar site-specific determination made using Division of Water Quality-approved methodology.

The stormwater ordinance can be found at the following link: http://townofmontreat.org/wp-content/uploads/2018/06/GENERAL_ORDINANCES_REV_02112016.pdf and starts on page 158. If you could amend the application one more time, I would appreciate it. Just so you know, there is a \$350 non-refundable fee with this application. I have all the documents required for the application from the original zoning application submission. The Board usually wants a deed included with the application, but I can pull that for you if it is helpful. The meeting is tentatively scheduled for January 24th at 7:00.

If you need to resubmit after the holidays, that will be fine. Please let me know if you have any questions or I need to clarify anything for you.

Thank you,
Adrienne

From: kcarroll@integrisdesign.com <kcarroll@integrisdesign.com>
Sent: Wednesday, December 19, 2018 9:20 AM
To: zoning@townofmontreat.org
Subject: New submission from Variance Application

Name

Margo Smith

I request a variance from the following Zoning Ordinance language [cite Section number(s)]:

612.4 "Accessory buildings or uses must meet the minimum setbacks required by the respective zoning district. Garages shall be located only in the side or rear yards and must meet the minimum setbacks required by the respective zoning district except under the provisions found in Section 612.2."

No mention of the number of feet of the setback is made in the ordinance nor was it indicated until after the shed was placed. The 30' setback requirement would put the building (an 8'x12' shed) in the middle of our driveway blocking access to our house.

Factors Relevant to the Issuance of a Variance

The hardship of which the applicant complains is the result of a condition or existing features that are peculiar to the applicant's land. (Note: Hardships suffered by the applicants in common with his/her neighbors do not justify a variance. There are extraordinary and exceptional conditions pertaining to the property in question due to its size, shape or topography that are not applicable to other land or structures in the same Zoning District. Also, unique personal or family hardships are irrelevant; a variance, if granted, runs with the land.)

To place the building to conform to the ordinance would block the driveway and access to our house.

The special circumstances are not the result of the actions of the applicant. (Note: 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.)

We have placed a shed at the back of our driveway so that we will still have access to the part of the drive way that is adjacent to our house. To conform to the the setback would place the shed in an area that would cut off the main part of our parking area and would force more on street parking on Greybeard.

B.) The variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit. State facts and arguments to show that the variance requested represents the least possible deviation from the letter of the Ordinance that will allow a reasonable use of the land. Also describe how the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood.

The 8'x10' building has been secured in a fashion which exceeds the requirements for this size building, and the intent of installing the building is to improve the property, add safety, and secure equipment, as well as to maintain access to the back of the house where there is an accessible ramp.

C.) The granting of the variance secures the public safety and welfare and does substantial justice. State facts and arguments to show that, on balance, if the variance is denied the benefit to the public will be substantially outweighed by the harm to the applicant.

The shed provides safety and security of the equipment while improving the look of the property. In addition, since many community gatherings occur at our house, being able to provide parking to relieve on street congestion is helpful. Areas at street end of our property are often used by hikers and other visitors to the campground making our being able to use our current parking area essential for our personal vehicles. Placing the shed in compliance to the 30 foot setback would block the use of this area.

Granting the requested variance will not confer upon the applicant any special privileges that are denied to other residents of the Zoning District in which the property is located.

Our property is in an area of older homes which have similar placement of buildings, and we have a shed in permitted in 2013, which is the same place relative to the creek as the new building. Our request for a variance would allow for easy access to the new shed and would be in visual harmony with the existing shed. Both have been designed to fit into the natural landscape as much as possible.

A literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.

Our driveway was specifically planned to make access to the back door easy for deliveries and for those with special needs who would be unable to navigate the ancient stone walkway to our front door. The placement of the shed in compliance to the setback would block access to the back door.

The variance is not to request a use of land, Building or Structure which is not permitted in the subject Zoning District.

The outbuilding is in compliance to the number and size of outbuildings per property.

I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information and belief.

Margaret Smith

Date

12/19/2018



TOWN OF MONTREAT

ZONING AND INSPECTIONS DEPARTMENT
P. O. Box 423
Montreat, NC 28757
Tel: (828)669-8002, ext. 303
Fax: (828)669-3810
www.townofmontreat.org

ZONING COMPLIANCE APPLICATION AND CERTIFICATE

Project Address: 513 Greybeard Trail
PIN#:
Parcel Tax ID Sheet #: Lot#: Private Lot #:
Owner Name: Margo K Smith
Mailing Address: PO Box 163
City: Montreat State: NC ZIP: 28757
Owner Phone: 828 669 8511 E-mail: margoks@charter.net
Contractor/Agent Name: Jim Gaddy (Old Hickory Bldg)
Contractor/Agent Mailing Address:
City: State: ZIP:
Contractor/Agent Phone: License #:
Contractor/Agent E-mail:
Short description of proposed project and intended use: Out building to house lawn care equipment

Special Conditions, C.U.P. or Variance Granted? [] Yes (see attached) [X] No

This is to certify that I, the Owner/Contractor/Agent, am aware of the zoning district the lot is in, the permitted uses within said zoning district, the minimum setbacks for the lot, the maximum building height, the off-street parking requirements and the fact that drainage during and after construction is my responsibility. These plans conform to the Town of Montreat's present Zoning Ordinance. The contractor shall protect adjacent properties and the general public and shall be responsible for all damages that occur during construction. Driveways are NOT automatically included in the zoning and building permits.

Margo K Smith
Signature of Owner/Contractor/Agent
Date: 10/18/2018

This is to certify that I, the Code Administrator for the Town of Montreat, North Carolina, have reviewed the attached plans and hereby deem the intended use of the structure and/or lot to be in full compliance with the Zoning Ordinance of the Town.

[Signature]
Signature of Code Administrator
Date: 10/30/18

FOR OFFICE USE ONLY

Permit Fee: \$ 35.00 Cash: \$ Check #: 124 Date Paid: 10/31/18 amrn

Look at it from this side

GRAYBEARD TRAIL



PROPERTY OF
KENT L. SMITH AND WIFE MARGO SMITH,
ORVILLE L. SMITH AND WIFE SIBYL G. SMITH,
R. MICHAEL, AND KAY SALMON

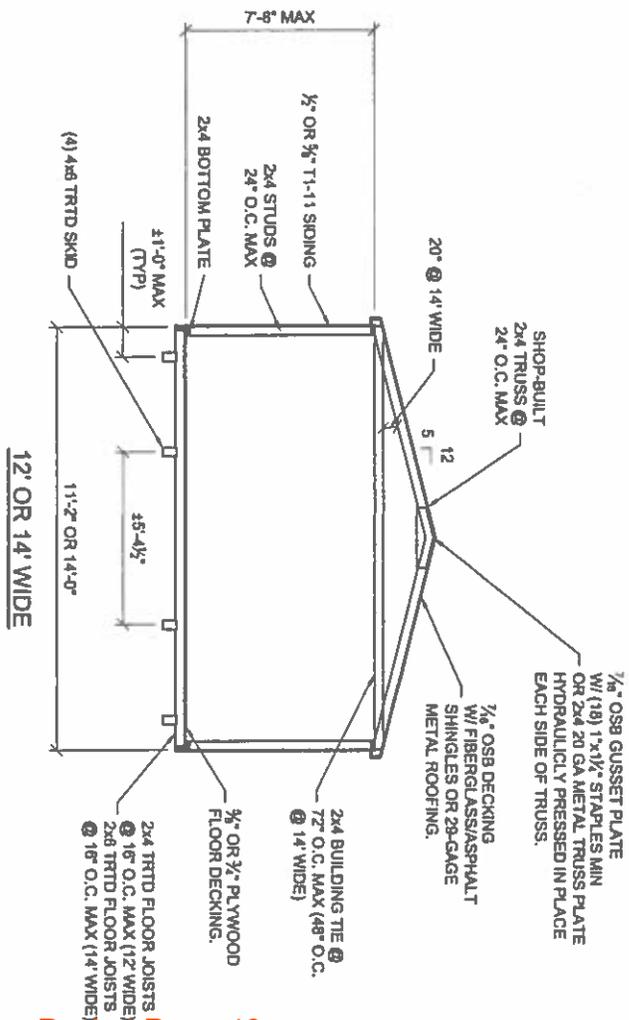
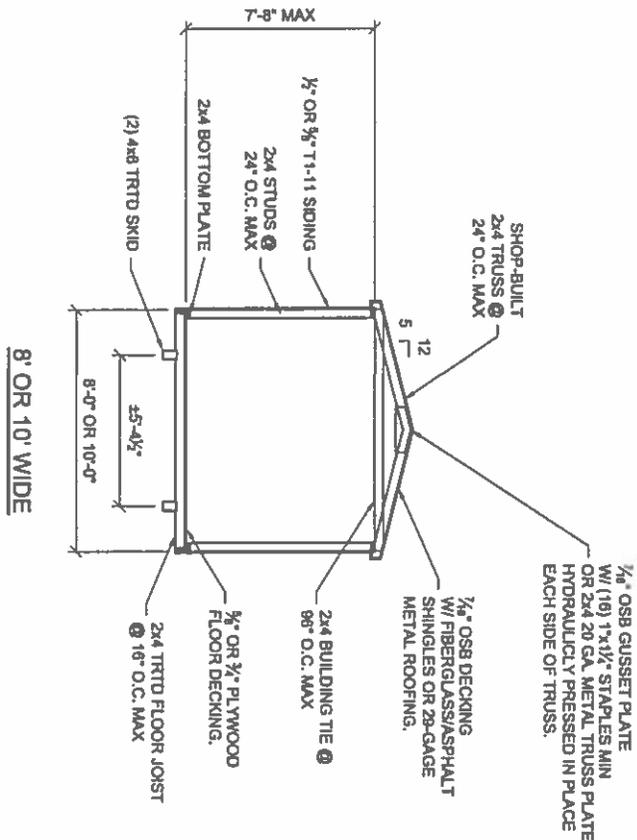
GRAYBEARD TRAIL

BLACK MOUNTAIN TWP., BUNCOMBE CO., N.C.

SCALE 1" = 40'

Packet Page 39 MAY 27, 1980

BEING LOTS 525 524 & P/O 523



NOTE: PROVIDE A DOUBLE TOP PLATE ALONG THE SIDE WALLS WHEN THE ROOF TRUSSES DO NOT ALIGN WITH THE WALL STUDS.

BUILDING SECTION

UTILITY BUILDING--NORTH CAROLINA--IBC 2012



2-1-16



OLD HICKORY
BUILDINGS

PROJECT NO:	
DATE:	02-01-2016
DRAWN BY:	KLN
CHECKED BY:	KLN
REVISION:	

SHEET NUMBER

S-3-UB

SCALE: NOT TO SCALE



TOWN OF MONTREAT

P. O. Box 423
Montreat, NC 28757
Tel: 828.669.8002 Fax: 828.669.3810
www.townofmontreat.org

January 10, 2019

MOUNTAIN RETREAT ASSOCIATION
PO BOX 969
MONTREAT, NC 28757

Re: Variance Application – 513 Greybeard Trail

To Whom It May Concern:

The Montreat Zoning Board of Adjustment will meet January 24, 2019 at 7:00 p.m. in the Walkup Building at 300 Community Center Circle, Montreat, NC. The purpose of the meeting is to consider a Variance request to place an outbuilding within the 30' stream bank setback at 513 Greybeard Trail. The property is zoned R-1 Residential and is further described as PIN# 0720-08-4745.

North Carolina General Statutes and the Montreat Zoning Ordinance require that notice be sent to all adjacent property owners. If a property owner wishes to provide testimony, either supporting or opposing this request, he or she is encouraged to do so in person during the public hearing. Please note that all hearings brought before the Board of Adjustment are quasi-judicial in nature and persons wishing to provide testimony do so under oath.

Should you have questions or require any additional information about this request, please do not hesitate to contact me during normal business hours at (828) 669-8002, or by e-mail at zoning@townofmontreat.org.

Sincerely,

Adrienne Isenhower
Zoning Administrator

513 Greybeard

Owner	Address	City	State	Zip Code	PIN
BREEZINOOK LLC	PO Box 997	Thomasville	GA	31799	'072008284700000'
LUCILLE BOGGS DUSTHIMER (LE)	PO BOX 416	MONTREAT	NC	28757	'072008433700000'
RINKER FRANK WOODBURY;RINKER GEORGE WOODBURY	2135 TANGLEWOOD RD	DECATUR	GA	30033	'072008469400000'
SMITH KENT L;SMITH MARGO K	PO BOX 163	MONTREAT	NC	28757	'072008474500000'
MARGARET WHITTON RAY REVOCABLE TRUST	PO BOX 203	MONTREAT	NC	28757	'072008546600000'
RAY MARGARET W;RAY MARY E	507 GREYBEARD TRAIL	MONTREAT	NC	28757	'072008552600000'
TOWN OF MONTREAT	PO BOX 423	MONTREAT	NC	28757	'072008680900000'
ALLEN WILLIAM KIRK III	2461 RIPPLE CREEK LN	ORANGE PARK	FL	32003	'072008699400000'
LOUISE B MOORE (LE)	PO BOX 87	MONTREAT	NC	28757	'072008759700000'
ERVIN DANIEL M;ERVIN ANNE B	617 ROSEWOOD DR	FLORENCE	SC	29501	'072008763700000'
ERVIN DANIEL M;ERVIN ANNE B	617 ROSEWOOD DR	FLORENCE	SC	29501	'072008870000000'
BREEZINOOK LLC	PO Box 997	Thomasville	GA	31799	'072009305800000'
ALLEN W KIRK JR	6100 SAINT ANDREW BEACH	PONTE VEDRA BEACH	FL	32082	'072009606800000'
MOUNTAIN RETREAT ASSOC	PO BOX 969	MONTREAT	NC	28757	'072100597300000'



TOWN OF MONTREAT

P. O. Box 423
Montreat, NC 28757
Tel: 828.669.8002 Fax: 828.669.3810
www.townofmontreat.org

March 12, 2019

MOUNTAIN RETREAT ASSOCIATION
PO BOX 969
MONTREAT, NC 28757

Re: Variance Application – 513 Greybeard Trail

To Whom It May Concern:

The Montreat Zoning Board of Adjustment will meet March 28, 2019 at 7:00 p.m. in the Walkup Building at 300 Community Center Circle, Montreat, NC. The purpose of the meeting is to consider a Variance request to place an outbuilding within the 30' stream bank setback at 513 Greybeard Trail. The property is zoned R-1 Residential and is further described as PIN# 0720-08-4745.

North Carolina General Statutes and the Montreat Zoning Ordinance require that notice be sent to all adjacent property owners. If a property owner wishes to provide testimony, either supporting or opposing this request, he or she is encouraged to do so in person during the public hearing. Please note that all hearings brought before the Board of Adjustment are quasi-judicial in nature and persons wishing to provide testimony do so under oath.

Should you have questions or require any additional information about this request, please do not hesitate to contact me during normal business hours at (828) 669-8002, or by e-mail at zoning@townofmontreat.org.

Sincerely,

Adrienne Isenhower
Zoning Administrator



TOWN OF MONTREAT

P. O. Box 423
Montreat, NC 28757
Tel: (828)669-8002 Fax: (828)669-3810
www.townofmontreat.org

Public Hearing Script Smith Variance Application March 28, 2019

Introduction:

“The second matter of business is a Public Hearing to consider a request for a variance from the provisions of 305 General Standards of the Montreat Stormwater Ordinance to place an outbuilding in the setback of the creek bank at property located at 513 Greybeard Trail. The property is zoned R-1 Residential and is further described as PIN# 0720-08-4745. The hearing on this matter is quasi-judicial in nature and will be conducted in accordance with the following procedure”:

Explanation of Proceeding:

“In this hearing, we will first hear from the Zoning Official, then from the applicant and their witnesses, and then from opponents to the request. Parties may cross-examine witnesses after the witness testifies when questions are called for. If you want the Board to see written evidence, such as reports, maps or exhibits, the witness who is familiar with the evidence should ask that it be introduced during or at the end of his or her testimony. We cannot accept reports from persons who are not here to testify. Attorneys who speak should not give factual testimony but may summarize their client’s case. Before you begin your testimony, please clearly identify yourself for the record.”

Swearing In:

“All persons who wish to speak and testify in this case please come forward and place your left hand on the Bible and raise your right hand. After the swearing in you may return to your seat.”

Board Conflicts:

“Before opening the hearing, I would like to give Board members a chance to reveal possible conflicts and to withdraw from this proceeding if necessary.” If possible conflict exists, ask, “Do you think you can rule fairly and impartially, or do you wish to withdraw?”

Board members explain conflicts or biases and may withdraw if they wish. The Board is required to vote on whether or not to excuse a member due to a conflict.

Closing Statement of Zoning Official

“We will now hear a closing statement from the Zoning Official.”

Closing Statement of Applicant

“We will now hear a closing statement from the applicant.”

Closing Statement of Opponent

“We will now hear a closing statement from the opponents.”

Summary of Evidence by Chair

The chair will review documents accepted by the Board as evidence, identify witnesses who testified and allow an opportunity for the applicant and persons opposed to make objections and offer corrections to summary.

Close of Public Hearing

“Are there any additional questions from the Board? If not, I declare the Public Hearing closed and the Board will begin deliberations on the Variance Application.”

Evidence Submission

If a witness has a report, map or exhibit they want the Board to see, it should be submitted as evidence and officially ruled on before the board members are allowed to see it. First, the witness gives the exhibit to the chair and the chair states:

“Is there anyone here who would like to examine this or object to its admission?”

If no objection, the chair states: “As there are no objections, this evidence is admitted.”

If there is an objection, the witness should be asked to give copies to objectors and the chair should rule on the objection and the admissibility of the evidence.

**Town of Montreat
Board of Adjustment
Variance Consideration Worksheet**

A variance may be granted only if ALL of these general standards are met. Findings of Fact must be identified towards your decision for each standard.

1. **Unnecessary hardship would result from strict application of the ordinance.** There must be extraordinary and exceptional conditions pertaining to the property in question due to its size shape or topography that are not applicable to other land or buildings in the same zoning district. The following standards must be met to prove a hardship exists.
 - a. The hardship results from conditions that are peculiar to the property, such as location, size or topography.
 - b. The hardship did not result from actions taken by the applicant or the property owner.

This conclusion is based on the following Findings of Fact:

2. **The granting of the variance secures public safety and provides substantial justice.** The variance does not allow for violation of other laws and does not create a nuisance. Granting the requested variance will not confer upon the applicant(s) any special privileges that are denied to other residents of the zoning district in which the property is located.

This conclusion is based on the following Findings of Fact:

3. **The variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit.** The request will not substantially detract from the character of the neighborhood.

This conclusion is based on the following Findings of Fact:

Granting the Application

- The application is granted, subject to the following conditions:
 1. Any variance granted by the Board of Adjustment must be acted upon within six months or it shall become null and void. The Board of Adjustment may grant one six-month extension of a variance if so requested by the applicant.
 2. Other Conditions:

Denying the Application

- The application is denied because it is incomplete for reasons set forth above in Section I.
- The application is denied because, if completed as proposed, the development probably (insert one or more reasons from Section II):

- For the following reasons:



TOWN OF MONTREAT

P. O. Box 423
Montreat, NC 28757
Tel: (828)669-8002 Fax: (828)669-3810
www.townofmontreat.org

MEMORANDUM

To: Board of Adjustment

From: Adrienne Isenhower, Zoning Administrator

Re: Variance Request – 218 Tennessee Road

Date: March 14, 2019

Mr. Tom Widmer, 218 Tennessee Road, is requesting a variance for construction of an outbuilding in the front and side yard setbacks. The property is zoned R-2 Medium-Density, which requires a front yard setback of 30 feet and a side yard setback of 10 feet. In addition, it is a double frontage lot and must follow Section **614 Double Frontage Lots** of the zoning ordinance which states the following:

***614 - Double Frontage Lots.** On lots having frontage on two streets, but not located on a corner, the minimum front yard shall be provided on each street in accordance with the provisions of this Ordinance. On lots having frontage on more than two streets, the minimum front yard shall be provided in accordance with the regulations set forth in this Ordinance on at least two of the street frontages. The minimum front yard on the other frontage or frontages may be reduced along the other streets in accordance with the side yard requirements of the Zoning District*

The narrowness of the lot and the ordinance requiring two front yard setbacks leaves about 45% of the lot for development, most of which is utilized by the house. The proposed building will be placed approximately 50 feet from the road and the applicant notes it will be hidden by vegetation. The building will be built in similar architectural style to the house. The applicant notes the neighbors are aware of this request and are not opposed to the project.



VARIANCE APPLICATION

Applicant Name: Thomas Widmer Phone Number: 828-357-5247

Property Address: 218 Tennessee Road

Current Zoning/Use: R-2 Med. Density Residential Requested Use: Same

APPLICATION REQUIREMENTS: An application to the Board of Adjustment for a variance must be submitted to the Town of Montreat Town Administrator at least 21 days prior to the meeting at which the application will be considered. A pre-application meeting with Town staff is required prior to application submittal to the Board of Adjustment.

VARIANCE INFORMATION:

What would you like to do with your property:

Construct an 11' x 12' shed within the front and side setbacks. The height will not exceed 12' and design will be commensurate with and match the existing house.

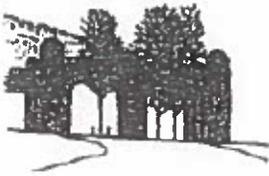
What does the ordinance require? It requires a 30' set back on the front of the property (in addition to the right-of-way) and a 10' side setback from the adjacent property

BOARD OF ADJUSTMENT: N.C.G.S. 160A-388(D) requires that the Board of Adjustment shall vary the provisions of the Zoning Ordinance only upon a showing of ALL the items below. The Board of Adjustment must follow strict procedure and all determinations must be decided by a concurring vote of four-fifths of the members of the Board. It is important to provide detailed supporting documentation for the Board of Adjustment to review. If necessary, additional sheets may be attached to this application

REQUIRED FINDINGS: Please provide a thorough response to each.

1. Unnecessary hardship would result from the strict application of the ordinance. *(IT shall not be necessary to demonstrate that in the absence of the variance, no reasonable use can be made of the property).*

Explain: The property is a double frontage lot to Assembly Drive and Tennessee Road, with the driveway entrance on Tennessee. Given the setback requirements, less than 45% of the property is buildable. The house currently exists on the majority of that 45%. Additionally, I have two 30' setbacks plus the right-of-ways, severely impacting practical use of the property. Given the Ordinance, I have no land available to build a small shed except in the middle of our parking area, which is not an option.



TOWN OF MONTREAT

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2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. *(Hardships resulting from conditions that are common to the neighborhood or the general public may not be the basis of granting a variance).*

Explain: The hardship exists due to a number of factors, including location in R-2 Medium Density Residential (house built in 1903) combined with a narrow lot and a double frontage lot, leaving a 60' total front and back setback.

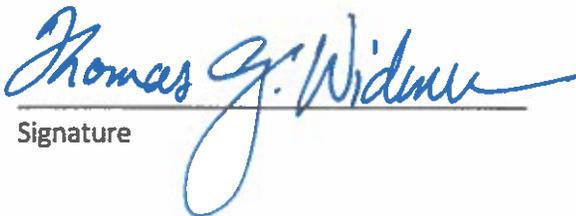
3. The hardship did not result from actions taken by the applicant or the property owner. *(The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship).*

Explain: The hardship resulted from the Town Ordinance regarding setbacks, specifically 30' on streets and 10' to the side lot line. Ours is a very old house (115 years old) with a narrow lot in the densest residential area of Montreat. That, combined with the lot facing two streets (60' total setback), creates a significantly compromised situation for erecting a small shed.

4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

Explain: The small shed will not be a visual or physical obstacle to neighbors or passersby while at the same time providing me with practical and appropriate use of my property.

I hereby certify that all of the information set forth above is true and accurate to the best of my knowledge.


Signature

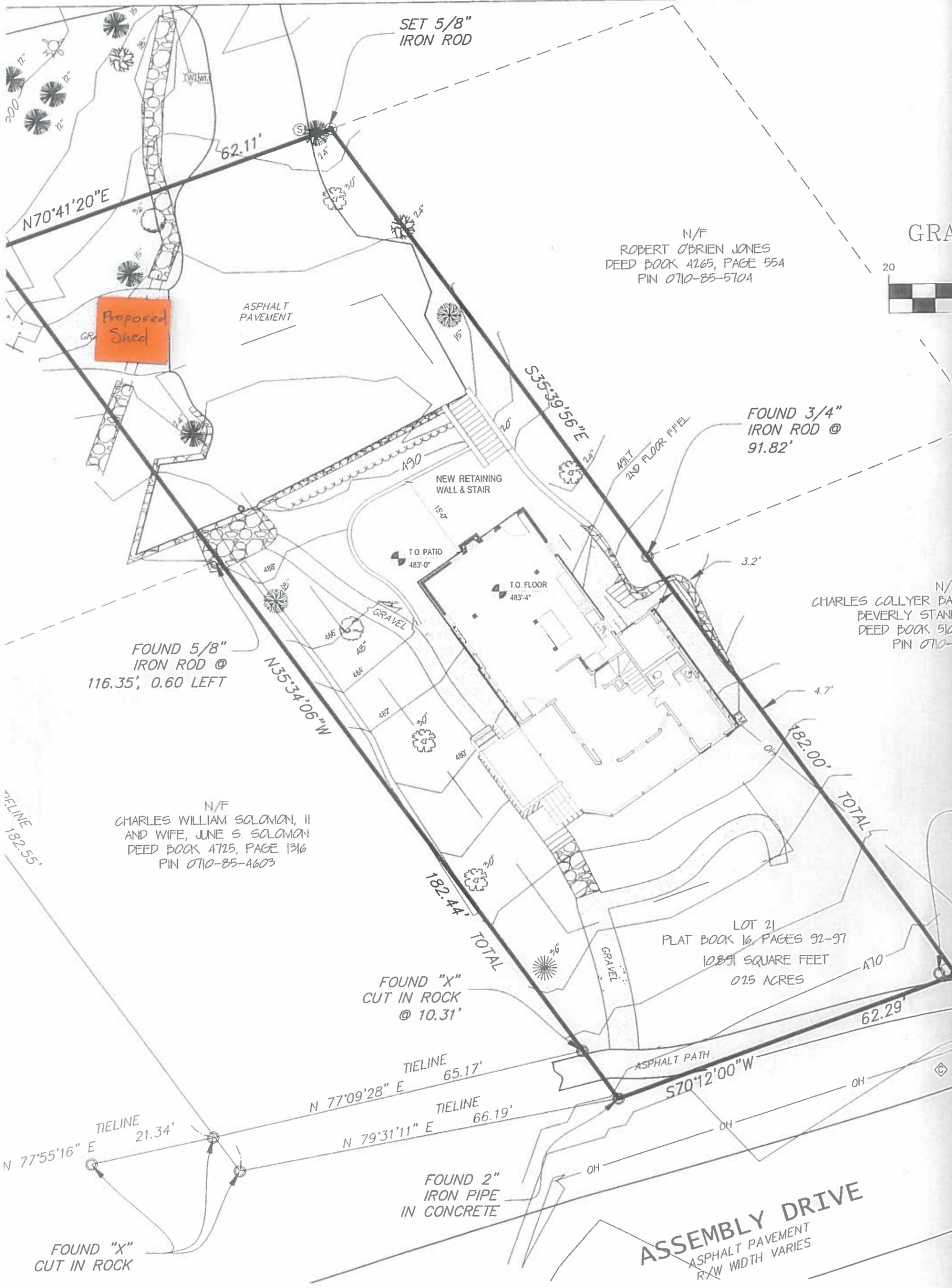

Date

Supporting Information

- The shed will not be very visible from Tennessee Road. The right of way, combined with the remaining 15' of setback, makes the shed approximately 50' away from the road through trees and bushes.
- I have outlined my plans with the neighbor, the Strongs, and they are supportive of it. I have also spoken with two other neighbors (Solomon and Jones) with adjoining property and they, too, are supportive of the shed.
- The structure will look similar to the house given architectural character (gable roof, exposed rafter tails, horizontal wood shiplap siding, corner trim) and paint selections.

218 Tennessee Road - Notices

OWNER	ADDRESS	CITYNAME	STATE	ZIPCODE	PINNUM
GEORGE HARRY D;GEORGE BEVERLY M	503 GREENPOND RD	FOUNTAIN INN	SC	29644	'071085165500000'
OTTO MARSHALL KENT;OTTO ANNA BREM	PO BOX 1195	BLACK MOUNTAIN	NC	28711	'071085185400000'
COOK THOMAS CUNNINGHAM JR	510 FRIENDSHIP LN	PISGAH FOREST	NC	28768	'071085251800000'
LAMOTTE JOHN HUNTER;LAMOTTE OLIVIA BISHOP	141 WOODBURN DR	SWANNANOA	NC	28778	'071085267000000'
DORTCH JOYCE N;DORTCH RICHARD W	4626 HICKORY RIDGE RD	JACKSON	MS	39211	'071085267900000'
SOLOMON CHARLES WILLIAM II;SOLOMON JUNE S	PO BOX 1	MONTREAT	NC	28757	'071085363200000'
STRONG JO	5329 BARCLAY DR	RALEIGH	NC	27606	'071085374000000'
PRATT COTTAGE LTD	12060 DECKER LN	WALTON	KY	41094	'071085391000000'
SARA DELPHINE SCARBOROUGH LE	6 CALENDAR CT STE 1	COLUMBIA	SC	29206	'071085433700000'
SOLOMON CHARLES WILLIAM II;SOLOMON JUNE S	PO BOX 1	MONTREAT	NC	28757	'071085460300000'
WIDMER THOMAS G;WIDMER KATHLEEN M	PO BOX 1004	MONTREAT	NC	28757	'071085464800000'
BADGER CHARLES COLLYER JR;BADGER BEVERLY STANFORD	804 FORREST DR	BIRMINGHAM	AL	35209	'071085565700000'
JONES ROBERT O'BRIEN	PO BOX 605	MONTREAT	NC	28757	'071085570400000'
COOK SAMUEL T	63 DOGWOOD GRV	ASHEVILLE	NC	28805	'071085578900000'
BES-LU LLC	5426 EFRID ROAD	WILMINGTON	NC	28409	'071085592300000'
LANCASTER REVOCABLE TRUST JOHN W & HELEN L LANCASTER TRUSTEES	4141 S Braewood Apt 532	Houston	TX	77025	'071085630800000'
BUTLER TERESA B	175 HARBOUR WATCH WAY	MOUNT PLEASANT	SC	29464	'071085673100000'
GREGORY H SCOTT;GREGORY JULIA W	1158 WOODWARD RD	QUINCY	FL	32352	'071085770700000'
MOUNTAIN RETREAT ASSOC	PO BOX 969	MONTREAT	NC	28757	'071096841400000'
MOUNTAIN RETREAT ASSOC	PO BOX 969	MONTREAT	NC	28757	'072100597300000'



N/F
 ROBERT O'BRIEN JONES
 DEED BOOK 4265, PAGE 55A
 PIN 0710-85-570A

N/F
 CHARLES CALYER DA
 BEVERLY STANF
 DEED BOOK 516
 PIN 0710-

N/F
 CHARLES WILLIAM SALOMON, II
 AND WIFE, JUNE S SALOMON
 DEED BOOK 4725, PAGE 1316
 PIN 0710-85-4603

LOT 21
 PLAT BOOK 16, PAGES 92-97
 10,891 SQUARE FEET
 0.25 ACRES

Widmer Variance Request

Photograph of what the storage shed will look like. As mentioned in the application, siding will be horizontal shiplap.



Widmer Variance Request

The area on which the proposed storage shed would be built. Tennessee Road is 50' forward. Strong house is immediately to the left.





Doc ID: 023087850002 Type: CRP
Recorded: 09/17/2010 at 03:52:20 PM
Fee Amt: \$735.00 Page 1 of 2
Revenue Tax: \$713.00
Workflow# 0000039592-0001
Buncombe County, NC
Otto W. DeBruhl Register of Deeds

BK4817 PG1213-1214

NORTH CAROLINA GENERAL WARRANTY DEED
TITLE NOT EXAMINED BY PREPARER

Excise Tax \$713.00

Parcel Identifier No. _____ Verified by _____ County on the _____ day of _____, 20____
By: _____

Mail after recording to Ronald C. True (BOX # 90)

This instrument was prepared by RONALD E. SNEED (10-174.PS)

Brief description for the Index

THIS DEED made this 17 day of September, 2010, by and between

GRANTOR	GRANTEE
ERNEST CRAIG EVANS and wife, SANDRA L. EVANS	THOMAS G. WIDMER, and wife, KATHLEEN M. WIDMER
2019 Sharon Road Charlotte, NC 28207	2705 E. Broad Street Richmond, VA 23223

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the Town of Montreat, Black Mountain Township, Buncombe County, North Carolina and more particularly described as follows:

BEING all of Lot 21 as shown on Plat of Mountain Retreat Association, duly recorded in the Office of the Register of Deeds for Buncombe County, North Carolina in Plat Book 16 at Page 92 through 97, reference to which said Plat is hereby made for a more particular metes and bounds description of said Lot.

The property hereinabove described was acquired by Grantor by instrument recorded in Deed Book 4299 at Page 732, Buncombe County Registry.

The property herein described does not include the primary residence of the Grantors.

A map showing the above described property is recorded in Plat Book 16 at Pages 92 through 97.

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:

Subject to easements and restrictions of record

IN WITNESS WHEREOF, the Grantor has 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.

Ernest Craig Evans (SEAL)
ERNEST CRAIG EVANS

Sandra L. Evans (SEAL)
SANDRA L. EVANS

(SEAL)

(SEAL)

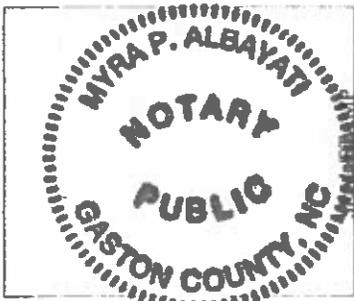
By: _____

President

ATTEST:

Secretary

NORTH CAROLINA, BUNCOMBE COUNTY.



I certify that the following persons personally appeared before me this day, each acknowledging to me that they voluntarily signed the foregoing document for the purpose therein stated and in the capacity indicated: ERNEST CRAIG EVANS and SANDRA L. EVANS.

Dated: 9/17/10 Myra P Albayati, Notary Public
MYRA P Albayati
Notary's typed or printed name

My commission expires: 5-8-2013



TOWN OF MONTREAT

P. O. Box 423
Montreat, NC 28757
Tel: 828.669.8002 Fax: 828.669.3810
www.townofmontreat.org

March 12, 2019

MOUNTAIN RETREAT ASSOCIATION
PO BOX 969
MONTREAT, NC 28757

Re: Variance Application – 218 Tennessee Road

To Whom It May Concern:

The Montreat Zoning Board of Adjustment will meet March 28, 2019 at 7:00 p.m. in the Walkup Building at 300 Community Center Circle, Montreat, NC. The purpose of the meeting is to consider a Variance request to place an outbuilding within the 30' front yard setback and the 10' side yard setback at 218 Tennessee Road. The property is zoned R-2 Medium-Residential and is further described as PIN# 0710-85-4648.

North Carolina General Statutes and the Montreat Zoning Ordinance require that notice be sent to all adjacent property owners. If a property owner wishes to provide testimony, either supporting or opposing this request, he or she is encouraged to do so in person during the public hearing. Please note that all hearings brought before the Board of Adjustment are quasi-judicial in nature and persons wishing to provide testimony do so under oath.

Should you have questions or require any additional information about this request, please do not hesitate to contact me during normal business hours at (828) 669-8002, or by e-mail at zoning@townofmontreat.org.

Sincerely,

Adrienne Isenhower
Zoning Administrator



TOWN OF MONTREAT

P. O. Box 423
Montreat, NC 28757
Tel: (828)669-8002 Fax: (828)669-3810
www.townofmontreat.org

Public Hearing Script Widmer Variance Application March 28, 2019

Introduction:

“The first matter of business is a Public Hearing to consider a request for a variance from the provisions of 702 R-2 Residential Districts of the Montreat Zoning Ordinance to construct an outbuilding in the front and side yard setbacks of property located at 218 Tennessee Road. The property is zoned R-2 Medium-Residential and is further described as PIN# 0710-85-4648. The hearing on this matter is quasi-judicial in nature and will be conducted in accordance with the following procedure”:

Explanation of Proceeding:

“In this hearing, we will first hear from the Zoning Official, then from the applicant and their witnesses, and then from opponents to the request. Parties may cross-examine witnesses after the witness testifies when questions are called for. If you want the Board to see written evidence, such as reports, maps or exhibits, the witness who is familiar with the evidence should ask that it be introduced during or at the end of his or her testimony. We cannot accept reports from persons who are not here to testify. Attorneys who speak should not give factual testimony but may summarize their client’s case. Before you begin your testimony, please clearly identify yourself for the record.”

Swearing In:

“All persons who wish to speak and testify in this case please come forward and place your left hand on the Bible and raise your right hand. After the swearing in you may return to your seat.”

Board Conflicts:

“Before opening the hearing, I would like to give Board members a chance to reveal possible conflicts and to withdraw from this proceeding if necessary.” If possible conflict exists, ask, “Do you think you can rule fairly and impartially, or do you wish to withdraw?”

Board members explain conflicts or biases and may withdraw if they wish. The Board is required to vote on whether or not to excuse a member due to a conflict.

Prior Exposure to Evidence:

“I would also like to ask any Board members who have any information or special knowledge about the case that may not come out at the hearing tonight, to please describe that information for the record so that interested parties will know and can respond.”

Board members may reveal prior information or special knowledge about case.

Opening of Hearing:

“I now open the Public Hearing on this matter and ask for testimony from the Zoning Official.”

Testimony from Staff

Staff presents and explains background of case and provides a brief summary of the development and location. Staff reviews the requirements for granting a variance. Staff presents evidence and asks that it be admitted into evidence.

At the end of staff’s testimony, ask: “Are there any questions from the Board?”

Testimony from Applicant/Proponents

“We will now hear from the applicant and other proponents of the request.

At the end of each person’s testimony, ask: “Are there any questions from the Board or staff?”

Testimony from Opponents

“We will now hear from people opposing the request.

At the end of each person’s testimony, ask: “Are there any questions from the Board, the applicant or staff?”

Rebuttal Evidence of Applicant

“We will now hear rebuttal evidence or arguments of the applicant.”

Applicant speaks and presents any rebuttal evidence.

At the end of the rebuttal evidence, ask: “Are there any questions from the Board?”

Rebuttal Evidence of Opponent

“We will now hear rebuttal evidence of any opponents.”

Opponents speak and present any rebuttal evidence limited to the issues raised by Applicant in rebuttal.

At the end of the rebuttal evidence, ask: “Are there any questions from the Board?”

Closing Statement of Zoning Official

“We will now hear a closing statement from the Zoning Official.”

Closing Statement of Applicant

“We will now hear a closing statement from the applicant.”

Closing Statement of Opponent

“We will now hear a closing statement from the opponents.”

Summary of Evidence by Chair

The chair will review documents accepted by the Board as evidence, identify witnesses who testified and allow an opportunity for the applicant and persons opposed to make objections and offer corrections to summary.

Close of Public Hearing

“Are there any additional questions from the Board? If not, I declare the Public Hearing closed and the Board will begin deliberations on the Variance Application.”

Evidence Submission

If a witness has a report, map or exhibit they want the Board to see, it should be submitted as evidence and officially ruled on before the board members are allowed to see it. First, the witness gives the exhibit to the chair and the chair states:

“Is there anyone here who would like to examine this or object to its admission?”

If no objection, the chair states: “As there are no objections, this evidence is admitted.”

If there is an objection, the witness should be asked to give copies to objectors and the chair should rule on the objection and the admissibility of the evidence.

**Town of Montreat
Board of Adjustment
Variance Consideration Worksheet**

A variance may be granted only if ALL of these general standards are met. Findings of Fact must be identified towards your decision for each standard.

1. **Unnecessary hardship would result from strict application of the ordinance.** There must be extraordinary and exceptional conditions pertaining to the property in question due to its size shape or topography that are not applicable to other land or buildings in the same zoning district. The following standards must be met to prove a hardship exists.
 - a. The hardship results from conditions that are peculiar to the property, such as location, size or topography.
 - b. The hardship did not result from actions taken by the applicant or the property owner.

This conclusion is based on the following Findings of Fact:

2. **The granting of the variance secures public safety and provides substantial justice.** The variance does not allow for violation of other laws and does not create a nuisance. Granting the requested variance will not confer upon the applicant(s) any special privileges that are denied to other residents of the zoning district in which the property is located.

This conclusion is based on the following Findings of Fact:

3. **The variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit.** The request will not substantially detract from the character of the neighborhood.

This conclusion is based on the following Findings of Fact:

Granting the Application

- The application is granted, subject to the following conditions:
 1. Any variance granted by the Board of Adjustment must be acted upon within six months or it shall become null and void. The Board of Adjustment may grant one six-month extension of a variance if so requested by the applicant.
 2. Other Conditions:

Denying the Application

- The application is denied because it is incomplete for reasons set forth above in Section I.
- The application is denied because, if completed as proposed, the development probably (insert one or more reasons from Section II):

- For the following reasons:



TOWN OF MONTREAT

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www.townofmontreat.org

MEMORANDUM

To: Board of Adjustment

From: Adrienne Isenhower, Zoning Administrator

Re: Appeal from Zoning Official's Determination – 322 Texas Road

Date: March 14, 2019

An Application for Appeal from the Zoning Administrator's Determination was submitted to the Town Clerk on February 22, 2019 for construction taking place at 322 Texas Road. The appeal was submitted by Ms. Laura Wolfe, property owner at 324 Texas Road. Included in this packet for your review are the following documents:

- Application for Appeal
- Building Permit Application and Approval
- Zoning Permit Application and Approval
- Hillside Development Permit Application and Approval
- Geotechnical Engineering Report
- Foundation Certifications
- Site Plan and Supporting Documents
- Adjacent Property Owner Notification Letter

In matters under appeal, the Town is required to retain a separate attorney to represent the Board of Adjustment. Mr. Ron Sneed has agreed to take on this role and will be present at the meeting to lead you through the process and discussion.

TOWN OF MONTREAT

ZONING AND INSPECTIONS DEPARTMENT
P. O. Box 423
Montreat, NC 28757
Tel: (828)669-8002, ext. 303
Fax: (828)669-3810
www.townofmontreat.org

APPLICATION FOR APPEAL FROM ZONING ADMINISTRATOR'S DETERMINATION

Appellant Name: Laura Wolfe Date: 02/22/2019
Mailing Address: P.O. Box 1316
City: Montreat State: NC ZIP: 28757
Appellant's Phone: 336-830-2937 E-mail: lauramwolfemd@gmail.com

Property Owner Name: Daniel L Scheer & Caroline H Scheer
Mailing Address: 4704 Stoney Trace
City: Tallahassee State: FL ZIP: 32309
Owner's Phone: 850-443-6210 E-mail: Dscheer4@gmail.com
Relationship of Property Owner to Appellant: Neighbor

Property Location: 322 Texas Road, Montreat, N.C. 28757
Existing Use of Property: Vacant Lot/Single Family Residence
PIN #: 0710-95-7918-00000 Zoning District: R-2

Date of Zoning Administrator's Decision: 09/25/2018

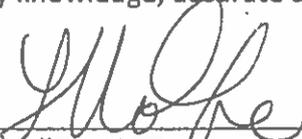
Summary of Zoning Administrator's Determination: _____
Approval of Zoning Compliance Application and Certificate and Hillside Development
Development Application and Certificate

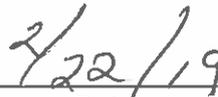
Town of Montreat Zoning Ordinance, Article See Attached - Section See Attached

Reason(s) for Appeal Request: _____
See Attached.

CERTIFICATIONS

A. I hereby certify that all of the information provided for this application is, to the best of my knowledge, accurate and complete.


Appellant Signature


Date

B. I, _____, Owner of property located at _____, Montreat, North Carolina do hereby authorize _____ (Appellant's Name) to submit this Application for Appeal from the Zoning Administrator's Determination on my behalf.

Property Owner Signature

Date

TO BE COMPLETED BY ZONING ADMINISTRATOR

To the best of my knowledge, this application is accepted and deemed complete.

Zoning Administrator Signature

Date

Date of Last Meeting/Conversation with Appellant: _____

Details and Notes Concerning the Decision:

ATTACHMENT TO APPEAL FROM ZONING DETERMINATION
(322 Texas Road, Montreat, N.C. 28757; PIN# 0710-95-7918-00000)

1. Who rendered the decision? Adrienne Isenhour, Zoning Administrator Town of Montreat

2. Reasons For Appeal Request?

On September 25, 2018, the Zoning Administrator for the Town of Montreat certified that the proposed development plans for 322 Texas Road, Montreat, N.C. 28757, PIN# 0710-95-7918-00000 (the "Property") were in full compliance with the Town's Zoning Code and Hillside Development Ordinance. The certificates were incorrectly issued and ignored numerous violations of the Town's Zoning Code and Hillside Development Ordinances within the proposed plans.

3. Date of Decision: September 25, 2018

4. Date that Applicant received the decision: February 11, 2019

5. What section(s) of the ordinance or guidelines supports your interpretation?

Sections 602.4, 606, 616.12(2), 619, 702.41, 702.5, 702.6, 702.81, 702.11, 901(D), 901(G), 902, 905, and 1400 of the Zoning Code and Paragraphs 4(a), 4(d), and 4(e) of the Hillside Development Ordinance.

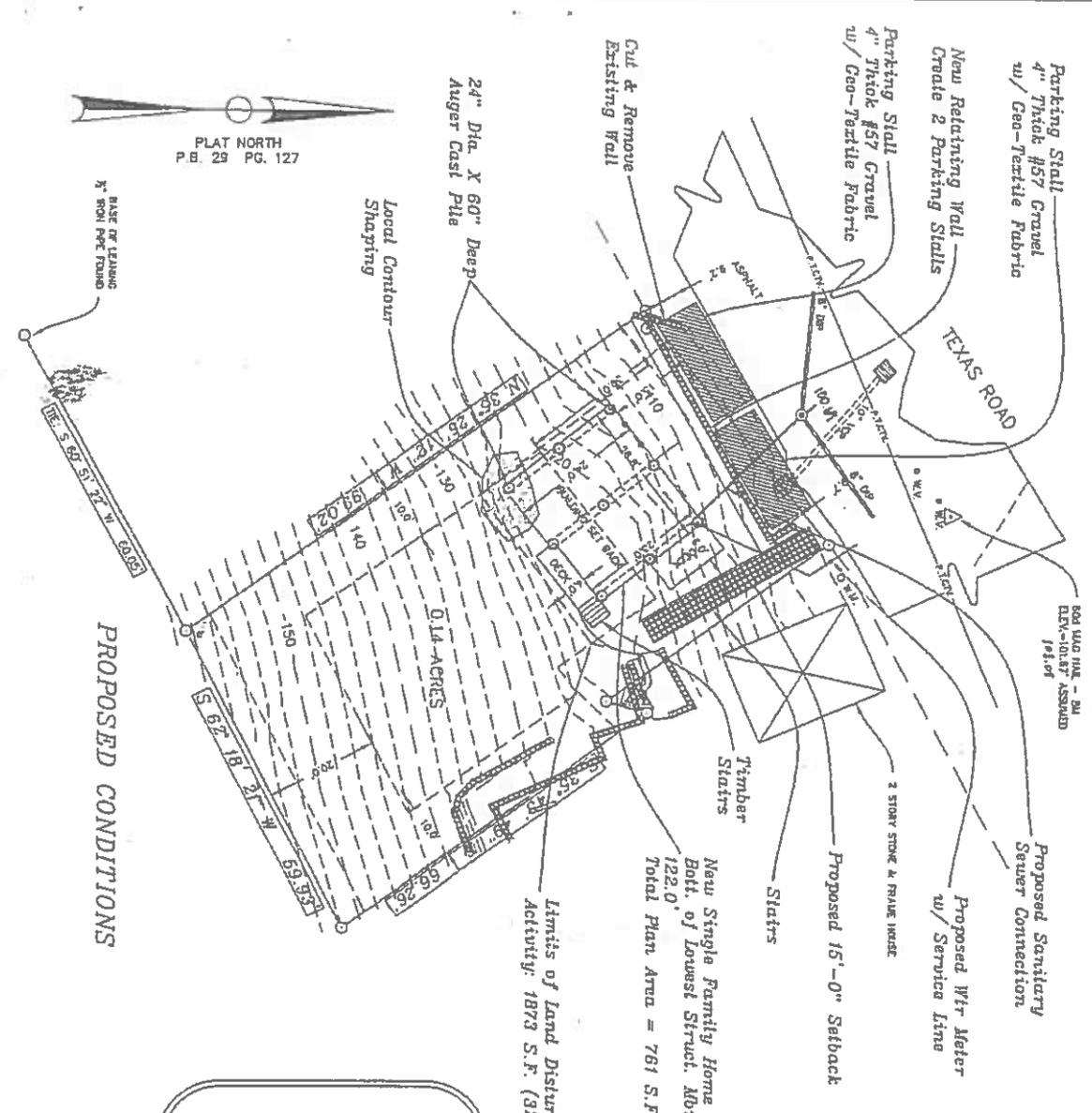
6. Explain the basis for your standing to pursue this appeal and why you think that the Zoning Administrator's decision was incorrect? Other comments/information that you would like to have considered:

Ms. Wolfe has standing to pursue this appeal pursuant to N.C. Gen. Stat. § 160A-388(b1)(1) and § 160A-393(d) because: (1) Ms. Wolfe holds an interest created by easement, restriction, or covenant in the Property, and (2) Ms. Wolfe has suffered special damages as a result of the decision. Additionally, Section 604 of the Zoning Code provides Ms. Wolfe with standing because she would suffer damages as a result of the construction that has occurred on the Property in contravention of the Zoning and Hillside Development Ordinances requirements.

Specific special damages suffered by Ms. Wolfe include, but are not limited to: (1) a loss in the property value of her adjoining lots at 324 Texas Road, Montreat, North Carolina, due to (a) the construction of structures within the minimum setback areas on the Property, (b) the construction of unpermitted parking, and (c) the builder's failure to construct the neighboring home in conformity with the geotechnical assessment required under the Hillside Ordinance; (2) increased water runoff due to (a) excessive grading, and (b) the construction of the improperly developed and approved structure on the Property; (3) increased safety concerns regarding steep

slope instability due to the construction of a neighboring home less than 20 feet from Ms. Wolfe's residence without the recommended structural components included in the geotechnical assessment provided to the Town.

The Zoning Administrator's issuance of the Zoning and Hillside Development Certificates incorrectly certified the proposed development's compliance with the Town's Zoning and Hillside Development Ordinances requirements. The proposed development's zoning violations include, but are not limited to: (1) the proposed development being located on a non-conforming vacant lot that does not meet the minimum requirements (square footage, lot width, length, front yard, side yard, and off-street parking) for the zoning district in which the lot is located and, as a result required a variance from the Board of Adjustment; (2) the proposed development does not comply with the Zoning Ordinances minimum setback and front yard requirements; (3) the proposed development's requested reduction in the minimum front-yard requirements are not permitted under Sections 619 and 1440 of the Zoning Ordinance; (4) even if the minimum front-yard requirement could be reduced under the Hillside Development Ordinance, which they cannot, they Property Owner did not receive the requisite Town approvals in writing from both the Zoning and Town Administrator as required under the Hillside Development Ordinance; (5) the proposed development plan expressly shows the construction of structures within the minimum side yard setback on the Property; (6) the proposed plan proposes the construction of parking within the public right-of-way on Texas Road in violation of Section 901(D) of the Zoning Code; (7) the proposed parking is within 8 feet of the traveled portion of Texas Road in violation of Section 901(G) of the Zoning Code; (8) the proposed parking lacks an 8 foot buffer with landscaping as required by Section 901(G) of the Zoning Code; (9) the proposed parking uses portions of public streets for parking in violation of Section 905 of the Zoning Code; (10) the proposed parking is parallel parking located on Property zoned R-2 which, pursuant to Section 905(A), is only permitted in areas zoned I or IR; (11) it appears that the grading proposed and performed on the Property exceeds the amount permitted under Paragraph 4(a) of the Hillside Ordinance; and (12) grading was approved and performed outside of the approved grading area indicated on the proposed development plan in violation of Paragraph 4(e) of the Hillside Development Ordinance.



PROPOSED CONDITIONS



- Stairs:
- 1) Max Rise is 7.5"
 - 2) Min Run is 11"

Limits of Land Disturbing Activity: 1873 S.F. (32% of Lot)

Digitally signed by: daniel.scheer@col.state.nc.us
 DN: CN = daniel.scheer@col.state.nc.us
 Date: 2018.08.08 15:35:39 -04'00'

LEGEND

- 5/8 IN. REBAR W/CAP SET UNLESS OTHERWISE NOTED
- P POWER LINE
- T TELEPHONE LINE
- GTV CABLE TELEVISION LINE
- TR TELEPHONE RISER
- WV WATER VALVE
- W/M WATER METER
- WCP CORRUGATED METAL PIPE
- DIP DUCTILE IRON PIPE
- ROCK WALL / STAIRS

FOR:
DANIEL L. SCHEER
 PIN LOT: 0710-86-7918
 TOWN OF MONTREAT, BUNCOMBE CO., N.C.
 REF: D.B. 1731, PG. 381; P.B. 29, PG. 127
 SCALE: 1" = 20'

Daniel L. Scheer 3/15/2018 1" = 20'	S1	Daniel L. Scheer 3/15/2018 1" = 20'	Daniel L. Scheer 3/15/2018 1" = 20'
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3

Doc ID: 03189460003 Type: CRP
 Recorded: 08/10/2018 at 08:13:20 AM
 Fee Amt: \$26.00 Page 1 of 3
 Revenue Tax: \$0.00
 Workflow# 0000481686-0001
 Buncombe County, NC
 Drew Reisinger Register of Deeds
 BK 5691 pg 1388-1390

sf

Excise Tax \$0.00	Recording Time, Book and Page
Tax Map No.	Parcel Identifier No.

✓ Mail after recording to Barrett W. McFatter, Atty., Stone and Christy, P.A., Box 52
 This instrument was prepared by Barrett W. McFatter, Attorney, a licensed North Carolina attorney. Delinquent taxes, if any, are to be paid by the closing attorney, to the county tax collector upon disbursement of closing proceeds.

**NORTH CAROLINA
 GENERAL WARRANTY DEED**

THIS DEED made this 7th day of August, 2018, by and between

GRANTOR
 DANIEL L. SCHEER and wife, CAROLINE H. SCHEER
 4704 Stoney Trace
 Tallahassee, FL 32312

GRANTEE
 DANIEL L. SCHEER and wife, CAROLINE H. SCHEER
 4704 Stoney Trace
 Tallahassee, FL 32312

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the Town of Montreat, Black Mountain Township, Buncombe County, North Carolina, and more particularly described as follows:

SEE ATTACHED DESCRIPTION

All or a portion of the property herein conveyed ___ includes or X does not include the primary residence of a Grantor.

2

The property hereinabove described was acquired by Grantor by instrument recorded in Book 4818, Page 1715.

A map showing the above described property is recorded in Plat Book __, Page __.

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 whomever except for the exceptions hereinafter stated.

Title to the property hereinabove described is hereby conveyed subject to all valid and subsisting restrictions, reservations, covenants, conditions, rights of ways and easements properly of record, if any, ad valorem taxes for the current year and subsequent years, and any local, county, state, or federal laws, ordinances, or regulations relating to zoning, environment, subdivision, occupancy, use, construction, or development of the subject property, including existing violations of said laws, ordinances, or regulations.

IN WITNESS WHEREOF, the Grantors have herennto set their hands and seals, or, if corporate, has caused this Deed to be executed by its duly authorized officers and its seal to be hereunto affixed, the day and year first above written.

[Signature] (SEAL)
DANIEL L. SCHEER
[Signature] (SEAL)
CAROLINE H. SCHEER

STATE OF FLORIDA
COUNTY OF Leon

Personally appeared before me this day the said DANIEL L. SCHEER and wife, CAROLINE H. SCHEER, known to me personally or who produced satisfactory evidence of his or her identity in the form of a driver's license, and who acknowledged that they voluntarily executed the foregoing instrument for the purposes stated therein this the 7th day of August, 2018.

My Commission Expires:
9/13/2020

[Signature]
Notary Public



Description of property for transfer from DANIEL L. SCHEER and wife, CAROLINE H. SCHEER to DANIEL L. SCHEER and wife, CAROLINE H. SCHEER

BEGINNING at the northwest corner of Lot 513E in the Town of Montreat, common corner of property owned by Flynn E. Menius as described in Deed Book 2043, Page 256, Buncombe County Registry; and runs thence along with Texas Road North 51 degrees 35 minutes 08 seconds East 53.08 feet to an iron pipe found; thence South 35 degrees 40 minutes 00 seconds East 48.31 feet to an iron pipe found; thence North 15 degrees 27 minutes 15 seconds East 7.49 feet to a plastic cap found; thence South 35 degrees 43 minutes 49 seconds East 66.26 feet to an iron pipe found; thence South 62 degrees 18 minutes 21 seconds West 59.93 feet to an iron bar found; thence along with the Menius line North 35 degrees 25 minutes 12 seconds West 99.02 feet to the point of **BEGINNING**, being all of Lot 513E containing 0.14 acres, more or less, as described on a survey prepared by W. Dennis Campbell III, P.L.S. entitled "Survey for Daniel L. Scheer" Job No. 10-096-E, dated September 9, 2010, and further identified as Tax PIN 0710-95-7918.00000.

SUBJECT TO Zoning Ordinances for The Town of Montreat, easements, restrictions and rights of way of record.

BEING the same property conveyed by deed from Rebecca Lynn Smith to Daniel L. Scheer, recorded in Deed Book 4818, Page 1715, aforesaid registry.

The purpose of this deed is to vest the property as Tenants by the Entireties.

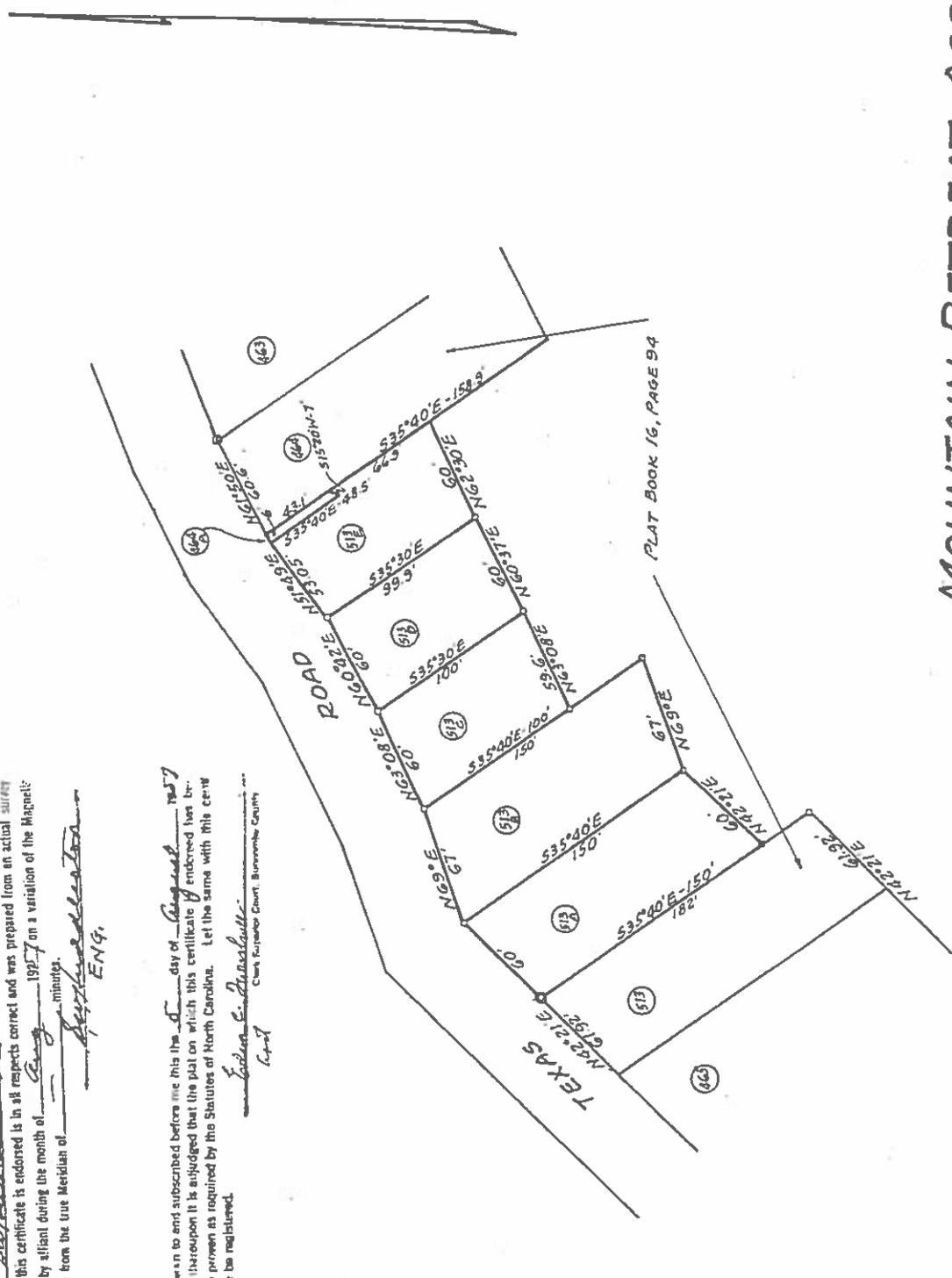
29-127

P.B. 23, Pg. 127

STATE OF NORTH CAROLINA
County of Buncombe

being first duly sworn says that the plat on which this certificate is endorsed is in all respects correct and was prepared from an actual survey made by official during the month of August 1957 on a variation of the Magnetic Decline from the true Meridian of _____ minutes.
Arthur H. Johnston
ENG.

Sworn to and subscribed before me this _____ day of August 1957 and in the presence of _____ I certify that the plat on which this certificate is endorsed has been duly prepared as required by the Statutes of North Carolina. Let the same with this certificate be registered.
Edwin E. Drussholtz
Clerk, Register Court, Buncombe County



MOUNTAIN RETREAT ASSOCIATION
BUNCOMBE CO. N. C.
AUGUST 2, 1957 SCALE 1" = 50'
Arthur H. Johnston ENG.





**Geotechnical Engineering
Exploration and Analysis**

**Proposed Cabin
324 Texas Road
Montreat, North Carolina**

Prepared for:

**Daniel L. Scheer, PE
4704 Stonev Trace
Tallahassee, FL 32309**

Prepared by:

**Gentry Geotechnical Engineering, PLLC.
Asheville, North Carolina**

**March 9, 2018
Gentry Project Number 18G-0032-01**



(828) 232-8932
WILL@GENTRYGEOTECH.COM
GENTRYGEOTECH.COM
17 SAND HILL RD.
ASHEVILLE, NC 28806

March 9, 2018

Daniel L. Scheer, PE
4704 Stoney Trace
Tallahassee, FL 32309

**Subject: Geotechnical Engineering Exploration and Analysis
Proposed Cabin
324 Texas Road
Montreat, North Carolina
Gentry Project No. 18G-0032-01
Gentry NC Engineering License No. P-1170**

Dear Mr. Scheer:

As requested, Gentry Geotechnical Engineering, PLLC (Gentry) conducted a *Geotechnical Engineering Exploration and Analyses* for the proposed project. The accompanying report describes the services that were conducted for the project and it provides geotechnical-related findings, conclusions and recommendations that were derived from those services.

We sincerely appreciate the opportunity to provide geotechnical consulting services for the proposed project. Please contact the undersigned if there are questions concerning the report or if we may be of further service.

Respectfully submitted,

GENTRY GEOTECHNICAL ENGINEERING, PLLC

A handwritten signature in blue ink, appearing to read "Michon T. Sentner", is written over a black rectangular redaction box.

Michon T. Sentner, P.E.
Senior Geotechnical Engineer
NC License #42383

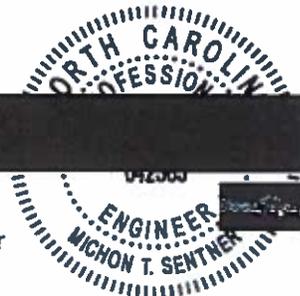


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 PROPOSED CABIN
 324 TEXAS ROAD
 MONTREAT, NORTH CAROLINA
 GENTRY PROJECT NUMBER 18G-0032-01

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ATTACHMENTS:

- Test Pit Location Plan
- Records of Subsurface Exploration (2 Pages)
- Photographs (6 Pages)
- Reference Notes for Test Pit Logs

GEOTECHNICAL ENGINEERING EXPLORATION AND ANALYSES

PROPOSED CABIN
324 TEXAS ROAD
MONTREAT, NORTH CAROLINA
GENTRY PROJECT NUMBER 18G-0032-01

1.0 SCOPE OF SERVICES

This report provides the results of the *Geotechnical Engineering Exploration and Analyses* that Gentry Geotechnical Engineering, PLLC ("Gentry") conducted regarding the proposed development. The *Geotechnical Engineering Exploration and Analyses* included several separate, but related, service areas referenced hereafter as the Geotechnical Subsurface Exploration Program, Geotechnical Laboratory Services, Geotechnical Soils Evaluation and Geotechnical Engineering Services. The scope of each service area was narrow and limited, as directed by our client and in consideration of the proposed project. The scope of each service area is briefly explained later.

Geotechnical-related recommendations for design and construction of the foundation and slab-on-grade for the proposed residence are provided in this report. Site preparation recommendations are also given; however, those recommendations are only preliminary since the means and methods of site preparation will largely depend on factors that were unknown when this report was prepared. Those factors include the weather before and during construction, subsurface conditions that are exposed during construction, and finalized details of the proposed development.

2.0 SITE DESCRIPTION

Our technicians, Mr. Brian Moretti and Mr. Kiefer Bumby, along with the excavating contractor, performed geotechnical test pits at the site on February 20, 2018.

The site consists of mountainous topography that is light to moderately wooded. Based on our review of the Buncombe County GIS website, the property slopes up from Texas Road at about a 2.1H:1V (Horizontal: Vertical) or 48.6 percent slope.

Based on our review of the Buncombe County GIS website, the property is located within a Stable (Low Hazard) Zone to Unstable (High Hazard) Zone based on the Stability Index Map (SIN) of Buncombe County, North Carolina.

The property is located within a potential debris flow pathway. The Buncombe County Steep Slope Ordinance requires a *geotechnical analysis for home sites on a 35% or greater slope or in an area designated as high or moderate hazard*.

3.0 PROJECT DESCRIPTION

It is assumed that the house will be constructed across the natural slope. The actual structural loads of the proposed residence were unknown at the time this report was prepared. The residence is anticipated to consist of conventional wood framing and wood roof truss supported by bearing walls and/or columns with maximum loads estimated at 2,000 pounds per lineal foot for walls and 25 kips for columns. The floors are expected to support a maximum 100 pounds



per square foot live load.

4.0 GEOTECHNICAL SUBSURFACE EXPLORATION PROGRAM

The scope of the Geotechnical Subsurface Exploration Program included evaluating the subsurface conditions by performing two test pits with a mini-excavator at the site on February 20, 2018. In order to get an accurate assessment of the soil conditions, Gentry located the test pits to include both uphill and downhill locations. The approximate test pit locations are shown on the attached *Test Pit Location Plan*. Available Test Pit locations were limited because of the potential for unmarked underground utilities.

The test pits were performed to depths of 8 and 10 feet, the maximum depths explored due to refusal of the excavating equipment on Partially Weathered Rock or the maximum reach of the excavating equipment. In all test pits, dynamic cone penetrometer (DCP) testing was performed to provide quantitative data about the soil strength and density. The dynamic cone penetrometer is an instrument composed of a conical point driven with blows from a 15-pound hammer falling 20 inches. The point is driven into the soil in three increments of 1-3/4 inches. The number of hammer blows required to drive each increment is recorded. The average number of blows of the final two increments is an index to soil strength and bearing capacity.

The ground elevations at the test pits were estimated as part of the Geotechnical Subsurface Exploration Program based on the topographic information provided on the site plan. The test pit elevations are noted on the *Records of Subsurface Exploration*, which are logs of the test pits. The test pit elevations are considered accurate to within about 2 feet.

At certain depths, samples of the excavated soils were collected from the Test Pits. Immediately after sampling, select portions of the excavated soils were transferred to zip lock bags that were labeled at the site for identification. Samples that were retained at the site were classified by a geotechnical engineer using the descriptive terms and particle-size criteria, and by using the Unified Soil Classification System (ASTM D 2488-75) as a general guide. The classifications are shown on the *Records of Subsurface Exploration*, along with horizontal lines that show supposed depths of material change. Field-related information pertaining to the test pits is also shown on the *Records of Subsurface Exploration*.

The natural moisture content and percent fines evaluation of the select soil samples was performed to aid in soil classification and in estimating engineering properties of the site soils. The laboratory test results are shown in Table 1 below.

Test Pit No.	Depth (ft)	Percent Finer than No. 200 Sieve (%)	Moisture Content (%)	USCS Soil Classification
TP-2	4	35.5	21.7	SM

5.0 SITE GEOLOGY

The project site is located in the Blue Ridge Physiographic Province. The bedrock in this region is a complex crystalline formation that has been faulted and contorted by past tectonic movements. The rock has weathered to residual soils which form the mantle for the hillsides and hilltops. The typical residual soil profile in areas not disturbed by erosion or the activities of man consists of clayey soils near the surface where weathering is more advanced, underlain by sandy silts and silty sands.

The boundary between soil and rock is not sharply defined, and there often is a transitional zone, termed "partially weathered rock," overlying the parent bedrock. Partially weathered rock is defined, for engineering purposes, as residual material with standard penetration resistances in excess of 100 blows per foot (bpf). Weathering is facilitated by fractures, joints, and the presence of less resistant rock types. Consequently, the profile of the partially weathered rock and hard rock is quite irregular and erratic, even over short horizontal distances. Also, it is not unusual to find lenses and boulders of hard rock and/or zones of partially weathered rock within the soil mantle well above the general bedrock level.

6.0 MATERIAL CONDITIONS

Since material sampling at the test pits was discontinuous, it was necessary for *Gentry* to suppose conditions between sample intervals. The supposed conditions at the test pits are briefly discussed in this section and are described in detail on the *Records of Subsurface Exploration*. Also, the conclusions and recommendations in this report are based on the supposed conditions.

6.1. Surface Materials

The surface materials consisted of 6 to 12 inches of topsoil, root mat and loose, surface rock. The topsoil was composed of silty fine sand.

6.2. Residual Soil

Below the surface materials, the subsurface soils consisted of loose to very firm, tan, brown, moist to wet, micaceous, silty fine to medium sand with rock fragments to depths of 8 and 10 feet. These were the maximum depths explored due to refusal of the excavating equipment on Partially Weathered Rock or the maximum reach of the excavating equipment. The silty sand encountered was classified as Residual soils.

7.0 GROUNDWATER CONDITIONS

When the Geotechnical Subsurface Exploration Program was conducted, groundwater was encountered at a depth of 8 feet within Test Pit No. 2. No groundwater was encountered within Test Pit No. 1. However, groundwater conditions will fluctuate, and groundwater may become perched above the water table.



8.0 CONCLUSIONS AND RECOMMENDATIONS

8.1. Slope Stability Considerations

Site grading in mountainous areas such as at this site can have a significant impact on the stability of natural and manmade slopes. As mentioned previously, the property slopes up from Texas Road at about a 2.1H:1V (Horizontal: Vertical) or 48.6 percent slope.

It is assumed that the residence will be constructed across the natural slope. A site reconnaissance did not observe any signs of slope instability (i.e., scarps, tension cracks or bulges) within the proposed construction limits and for a distance of about 50 feet in all directions. Although we did not observe evidence of slope instability in the site area, care should be taken to minimize disturbance of the existing slope. Site grading within the planned residential area should be limited to excavation as required to achieve the planned finished grade elevations.

A preliminary global stability analysis indicated the natural slope to be stable. The analysis used estimated soil strength parameters based on the subsurface conditions encountered and our experience with similar materials. Based on our observations of the slope and the soil conditions encountered at the test pits, shallow foundations with sufficient embedment into residual soils should be used to support the proposed residence.

Based on our observations and the subsurface conditions encountered at our geotechnical test pit locations, the risk of instability of the natural slope appears to be reasonable with the recommended design measures, site preparation and testing during construction.

8.2. Building Foundation Recommendations

Based on the assumed structural loads and the test pit findings, a foundation designed using a 2,000 psf maximum, net, allowable soil bearing capacity is recommended for the proposed residence. Strip footing pads are recommended to be at least 18 inches wide and isolated column pads are recommended to be at least 24 inches wide for geotechnical considerations, regardless of the calculated foundation bearing stress. Foundation walls are assumed to be built of reinforced cast-in-place or reinforced masonry wall system. It is understood that specific foundation details including footing dimensions, reinforcing, and other parameters will be constructed per the most recent edition of the North Carolina State Building Code.

It is understood that the North Carolina Building Code requires a minimum 12-inch foundation depth. However, it is our opinion that foundations have a minimum 24-inch foundation depth for stability and frost action concerns. Therefore, footings for foundation walls and columns of the proposed structure are recommended to bear at least 24 inches below the finished ground grade. The foundation analysis was conducted assuming that the foundations will bear at about 24 inches below the exterior ground surface. The top of footings must be at least 5 feet horizontally from a slope face. This includes footings bearing near the crest of a slope or within the slope itself. This may result in the footings bearing deeper than the recommended minimum embedment depth to provide 5 feet horizontally from a slope face.



Foundation excavations are recommended to be dug with a smooth-edge backhoe bucket to develop a relatively undisturbed bearing grade. A toothed bucket will likely disturb foundation-bearing soil more than a smooth-edge bucket, thereby making soil at the excavation base more susceptible to saturation and instability, especially during adverse weather. It is critical that contractors protect foundation support soil and foundation construction materials (concrete, reinforcing, etc.). In addition, engineered fill is recommended to be placed and compacted in benched excavations along foundation walls immediately after the foundation walls are capable of supporting lateral pressures from backfill, compaction, and compaction equipment. Earth-formed footing construction techniques will likely be feasible considering that sandy silt to silty sand was above the estimated foundation bearing elevations at the test pits.

Foundation Support Soil Requirements

Footing pads are recommended to be directly and entirely supported by suitable-bearing residual soil. Based on the recommended 2,000 psf bearing capacity, the average corrected N-value (determined from SPTs and correlated from other in-situ tests) is recommended to be at least 5 based upon a 2,000 psf maximum bearing capacity. Suitable bearing residual soils for foundation support is anticipated to be available at depths below the current surface and elevations as shown on Table 2 below. The depth and elevation of the suitable bearing soil may be interpolated linearly between the test pit locations for preliminary cost purposes.

TABLE 2 - ANTICIPATED DEPTH AND ELEVATION TO SUITABLE BEARING SOILS ^(A)		
Test Pit Location	Depth Below Current Surface (feet) ^(b)	Elevation ^(c)
TP-1	2 ±	119 ±
TP-2	4 ±	104 ±
(a) Based on a 2,000 psf maximum, net, allowable bearing capacity (b) Referenced to the existing site grades at the time of the exploration (c) Referenced to the provided topographic survey.		

It is further recommended that the strength characteristics of soil within the entire foundation influence zone (determined by *Gentry* during construction) meet or exceed the recommended values, unless *Gentry* approves lesser values.

It is recommended that *Gentry* evaluate foundation support soil using appropriate means and methods immediately before foundation construction. The purpose of the recommended evaluation is to confirm that the foundation will be properly supported and confirm that the support soil is similar to the conditions described on the *Records of Subsurface Exploration*. In the event that another firm performs the recommended foundation evaluation, *Gentry* must be notified if the composition or strength characteristics of foundation support soils differ from those shown on the *Records of Subsurface Exploration*.



Soil that is within a foundation influence zone but does not meet the recommended allowable bearing capacity (described above), or is otherwise unsuitable, is recommended to be replaced. Unsuitable bearing material could be replaced with engineered fill, such as No. 57 stone. It is recommended that *Gentry* provide specific recommendations pertaining to soil over-excavation and replacement at the time of construction including the need for wrapping the stone in a geotextile fabric. As an option to soil replacement, strip footings could be stepped or thickened to extend through unsuitable bearing materials. It is recommended that a structural engineer or architect provide specific details of stepped or thickened footings when required.

Estimated Foundation Settlement

The post-construction total and differential settlements of foundations designed and constructed based on this report are estimated to be a maximum of about 1 and 1/2 inch, respectively. The post-construction angular distortion is estimated to be a maximum of about 1/480 across a distance of 20 feet or more.

8.3. Floor Slab Recommendations

With proper sub-grade preparation, it is expected that site soil will be suitable for floor slab support. Over-excavation of unsuitable bearing soil might, however, be necessary to develop a suitable floor slab sub-grade. Engineered fill that is selected, placed, and compacted according to this report could also support a concrete slab. It is understood that the specific floor slab thickness, reinforcing, joint details and other parameters will be constructed per the most recent edition of the North Carolina State Building Code.

A minimum 4-inch-thick base course is recommended to be directly below the floor slab to serve as a capillary break and help develop uniform support. It is recommended that the base course consist of free-draining aggregate. It is recommended that *Gentry* test and approve the base course aggregate before it is placed. Depending on aggregate gradation, a geotextile might need to be below the base course.

A minimum 10-mil vapor retarder is recommended to be directly below the base course throughout the entire floor area. If the base course has sharp, angular aggregate, protecting the retarder with a geotextile (or by other means) is recommended.

Estimated Floor Slab Settlement

The post-construction total and differential settlements of an isolated floor slab constructed in accordance with this report are estimated to be a maximum of about 1/2 and 1/8-inch, respectively.

8.4. Retaining Wall Recommendations

Cast-in-place concrete or concrete masonry unit cantilever retaining walls for the residence should be designed as "restrained" retaining walls based on "at-rest" earth pressure, plus any surcharges near the walls as described below, since the walls are expected to be part of the residence and lateral movement is not acceptable. Cast-in-place concrete or CMU (concrete masonry unit) cantilever walls that are not attached to the residence and that can accept some

lateral movement may be designed based on “active” earth pressures, plus any surcharges. Based on the geotechnical test pits and our experience with similar soil conditions, an allowable bearing pressure of 2,000 pounds per square foot (psf) may be used. Foundation support soil requirements of the retaining walls should be performed as previously discussed.

Table 3 presents the recommended soil related design parameters for the site retaining walls with a level back slope behind the walls (i.e. $\beta=0$ degrees). *Gentry* should be contacted if an alternate retaining wall system is used for alternate recommendations or if a different sloped backfill surface is planned.

Table 3 – Recommendations for soil properties and lateral earth pressures									
Material	Unit Weight (pcf)	Friction Angle, Φ' (degrees)	f_s	Active earth pressures		At-rest earth pressures		Passive earth pressures	
				Equiv. fluid pressure (pcf)	K_a	Equiv. fluid pressure (pcf)	K_o	Equiv. fluid pressure (pcf)	$K_p^{(1)}$
On-site silty SAND or sandy SILT	125	29	0.35	44	0.35	65	0.52	356 ⁽¹⁾	2.85
Clean washed stone (No. 57) ⁽²⁾	100	40	0.5	22	0.22	36	0.36	460 ⁽¹⁾	4.6

(1) The passive earth pressure coefficient should be divided by a safety factor of 2 to limit the amount of lateral deformation required to mobilize the passive resistance.
 (2) In order for this coefficient to be used, the soil wedge within an angle of 45 degrees from the base of the wall to about 2 feet below the finished exterior grade should be excavated and replaced with compacted clean washed stone.

The compacted mass unit weight of the backfill soil presented in the previous table should be used with the earth pressure coefficients to calculate lateral earth pressures. Lateral pressure arising from surcharge loading should be added to the above soil earth pressures to determine the total lateral pressures which the walls must resist. In addition, transient loads imposed on the walls by construction equipment during backfilling should be taken into consideration during design and construction. Excessively heavy grading equipment should not be allowed within about 5 feet horizontally of the walls.

Surface water should be rerouted around the walls and not allowed to flow over or pond behind the walls. In addition, to reduce the potential for the infiltration of surface water in the backfill, the upper 24 inches of backfill should consist of relatively impervious soils (i.e., clayey or silty soils) as backfill. This soil should be compacted to a minimum of 95 percent of its standard Proctor maximum dry density within plus or minus three percentage points of the optimum moisture content in accordance with ASTM D 698.



We recommend that positive, unblocked gravity drainage be provided to transfer water from behind the walls. A perforated, rigid conduit within free draining crushed stone backfill at the base of the wall can be used to help provide the drainage required. A layer of nonwoven geotextile filter fabric should wrap entirely around the crushed stone backfill. If drainage is not provided, the walls should be designed to accommodate hydrostatic pressures that could develop.

8.5. Generalized Site Preparation Recommendations

This section deals with site preparation including preparation of foundation and engineered fill areas. The means and methods of site preparation will greatly depend on the weather conditions before and during construction, the subsurface conditions that are exposed during earthwork operations, and the finalized details of the proposed development. Therefore, only generalized site preparation recommendations are given.

Subgrade Evaluation and Fill Placement

After the recommended clearing, grubbing, and stripping as needed, the sub-grade is recommended to be evaluated by visual observations and probing since site constraints will not allow for typical proof-rolling to help locate unstable soil. It is recommended that *Gentry* evaluate the sub-grade stability based on those observations.

Soil that shows signs of instability is recommended to be replaced with engineered fill. Unsuitable soil could also be mechanically stabilized with coarse aggregate and/or geosynthetics (geogrids, geotextiles, etc.). It is recommended that *Gentry* provide specific soil improvement recommendations based on the conditions during construction.

The site is recommended to be raised, where necessary, to the planned finished grade with engineered fill immediately after the sub-grade is confirmed to be stable and suitable to support the proposed site improvements. Engineered fill should have a maximum liquid limit of 50, maximum plasticity index of 25, a maximum fines content of 50 percent, a maximum organic content of 5 percent and be free of deleterious or otherwise unsuitable material. Engineered fill is recommended to be placed in uniform, relatively thin layers (lifts). It is recommended that engineered fill slopes be placed no steeper than 2H:1V and be properly benched into the existing residual soils. **Any fill slopes steeper than 2H:1V should be designed by a Professional Engineer and possibly reinforced with geogrid.** Each layer of engineered fill is recommended to be compacted to at least 95 percent of the fill material's maximum dry density within 3 percent of the optimum moisture content as determined by *The Standard Proctor Compaction test (ASTM D698)*.

Engineered fill that does not meet the density and water content requirements is recommended to be replaced or scarified to a sufficient depth (likely 6 to 12 inches, or more), moisture-conditioned, and compacted to the required density. A subsequent lift of fill should only be placed after *Gentry* confirms that the previous lift was properly placed and compacted. Sub-grade soil may need to be re-compacted immediately before construction since equipment traffic and adverse weather may reduce soil stability.

Use of Site Soil as Engineered Fill

Site soil that does not contain adverse organic content, construction or household debris or other deleterious materials or fines content greater than 50 percent, could be used as engineered fill. If construction is during adverse weather (discussed in the following section), drying site soil will likely not be feasible. In that case, aggregate fill (or other fill material with a low water-sensitivity) will likely need to be imported to the site.

Surface Water Management

Control of surface water from driveway areas and roof drainage is very important for this site. Surface water that erodes slopes could cause instability or undermine footings. All structures should incorporate gutters with downspouts that are connected to a pipe system that will convey water to storm drains or offsite. Routine maintenance should include inspecting, cleaning and repairing the gutters, downspouts and other stormwater handling systems as needed to ensure they remain operable. Inspections and cleanings should be performed at least annually. If conveyance of surface water into municipal storm drains is not possible, the surface water should be directed well away from the structure and maintained in a distributed flow onto the natural slope. Surface water should not be directed below the ground surface.

8.6. Generalized Construction Considerations

Adverse Weather

Site soil is moisture sensitive and will become unstable when exposed to adverse weather such as rain, snow, and freezing temperatures. Therefore, it might be necessary to remove or stabilize the upper 6 to 12 inches (or more) of soil due to adverse weather, which commonly occurs during late fall, winter, and early spring. At least some over-excavation and/or stabilization of unstable soil should be expected if construction is during or after adverse weather. Based on the test pits, extensive over-excavation is not expected to be needed if construction is during and after favorable, dry weather. Because site preparation is weather dependant, bids for site preparation, and other earthwork activities, are recommended to be based on the time of year that construction will be conducted.

In an effort to protect soil from adverse weather, the site surface is recommended to be smoothly graded and contoured during construction to divert surface water away from construction areas. Foundation construction should begin immediately after suitable support is confirmed.

Dewatering

Ground water was encountered at the time the test pits were performed. Therefore, dewatering might be needed during construction due to precipitation or if perched water is encountered. Water that accumulates in construction areas is recommended to be removed from excavations and other construction areas, along with unstable soil as soon as possible. Filtered sump pumps, drawing water from sump pits excavated in the bottom of construction trenches, will likely be adequate to remove water that collects in shallow excavations. Excavated sump pits should be fully-lined with a geotextile and filled with open-graded, free-draining aggregate.



Difficult Excavation

The firm or better silty sand residual soil should be excavatable with conventional construction equipment such as trackhoes. However, Partially Weathered Rock was encountered within the test pit locations. Therefore, heavy, tracked excavating equipment with single tooth ripping tools will be required for removal. The ease of excavation cannot be specifically quantified and depends on the quality of grading equipment, skill of the equipment operators and geologic structure of the material itself, such as the direction of bedding, planes of weakness and spacing between discontinuities. Excavation of the refusal material usually requires blasting to loosen and facilitate removal.

Excavation Stability

Excavations through residual silty sand soils should be no steeper than 1H:1V for short term conditions and no steeper than 1.5H:1V for long term conditions. Excavations may cave during construction, especially if granular soil is encountered. Excavations are recommended to be made in accordance with current OSHA excavation and trench safety standards, and other applicable requirements. Sides of excavations might need to be sloped or braced to maintain or develop a safe work environment. Temporary shoring must be designed according to applicable regulatory requirements. Contractors are responsible for excavation safety.

8.7. Recommended Construction Materials Testing Services

This report was prepared assuming that *Gentry* will perform Construction Materials Testing ("CMT") services during construction of the proposed development. In general, CMT services are recommended to at least include observation and testing of: foundation, floor slab, concrete and other construction materials. It might be necessary for *Gentry* to provide supplemental geotechnical recommendations based on the results of CMT services and provided specific details of the project.

8.8. Basis of Report

This report is based on *Gentry* Proposal No. 18P-012, which is dated January 22, 2018 and authorized by you on February 12, 2018. The actual services for the project varied somewhat from those described in the proposal because of the conditions that were encountered while performing the services and in consideration of the proposed project.

This report is strictly based on the project description given earlier in this report. *Gentry* must be notified if any part of the project description is not accurate so that this report can be amended, if needed. This report is based on the assumption that the structure will be designed and constructed according to the building code that governs construction at the site.

The conclusions and recommendations in this report are based on supposed subsurface conditions as shown on the *Records of Subsurface Exploration*. *Gentry* must be notified if the subsurface conditions that are encountered during construction of the proposed development differ from those shown on the *Records of Subsurface Exploration* because this report will likely need to be revised.



GENTRY GEOTECHNICAL ENGINEERING, PLLC

Record of Subsurface Exploration

Project Name: Proposed Cabin, 324 Texas Road, Montreat, NC

 Test Pit: TP-1
 Elevation: 121 ft February 20, 2018

Location: See Test Pit Location Plan
Project No. 18G-0032-01

Technician: BM and KB. Equipment: Excavator Bobcat 334 and DCP. Weather: 45°, sunny

Description	Depth feet	Sample type	DCP	Remarks
6 to 12 inches of silty sand topsoil, rootmat and loose, surface rock				DCP = Dynamic Cone Penetrometer
Loose to very firm, tan, brown, moist, micaceous, silty fine to medium SAND w/ 10" to 16" rock fragments (Residual)		Grab	5	
		Grab		
		Grab	7	
	5	Grab		
		Grab	17	
		Grab	25/1'	
Test pit terminated at 8 feet. Excavator refusal on Partially Weathered Rock No groundwater encountered	10			
	15			
	20			
	25			

GENTRY GEOTECHNICAL ENGINEERING, PLLC

Record of Subsurface Exploration

Test Pit: TP-2

Project Name: Proposed Cabin, 324 Texas Road, Montreat, NC

Elevation: 108 ft

February 20, 2018

Location: See Test Pit Location Plan

Project No. 18G-0032-01

Technician: BM and KB. Equipment: Excavator Bobcat 334 and DCP. Weather: 45°, sunny

Description	Depth feet	Sample type	DCP	Remarks
6 to 12 inches of silty sand topsoil, rootmat and rock				DCP = Dynamic Cone Penetrometer
Very loose to very firm, tan, brown, moist, micaceous, silty fine to medium SAND with Partially Weathered Rock fragments (Residual)		Grab	3	
		Grab		
		Grab	5	
	5	Grab		
		Grab	25/1*	
		Grab	14	
Loose, tan, brown, wet, micaceous, silty fine to medium SAND with Partially Weathered Rock fragments (Residual)		Grab		
	10	Grab	na	
Test pit terminated at 10 feet. Maximum reach of excavator. Groundwater encountered at 8 feet. Waterline encountered at 4 feet. Adjusted location of Test Pit to avoid the waterline.				
	15			
	20			
	25			

Drilling and Sampling Abbreviations:

Sample/Drilling:

SS-Split Spoon Sampler
 ST-Shelby Tube Sampler
 RC-Rock Core: NX, BX, AX
 HSA-Hollow Stem Auger

In-Situ Tests:

SPT-Standard Penetration Test
 PMT-Pressuremeter Test
 VS-Vane Shear
 DCP-Dynamic Cone Penetrometer
 Q_p-Estimated Unconfined Compressive Strength using Pocket Penetrometer
 Q_u-Estimated Unconfined Compressive Strength using strain-controlled axial load device.

Correlation of Penetration Resistances to Soil Properties:

Relative Density -Sands, Silts

More than 50% retained onto the No. 200 sieve

Consistency Cohesive Soils

More than 50% passing the No. 200 sieve

<u>SPT-N Value</u>	<u>Relative Density</u>	<u>Unconfined Compressive Strength Q_p tsf</u>	<u>SPT-N Value</u>	<u>Consistency</u>
0-4	Very Loose	under 0.25	0-2	Very Soft
5-10	Loose	0.25-0.50	3-4	Soft
11-20	Firm	0.50-1.00	5-8	Firm
21-30	Very Firm	1.00-2.00	9-15	Stiff
31-50	Dense	2.00-4.00	16-30	Very Stiff
over 50	Very Dense	4.00-8.00	31-50	Hard
		over 8.00	over 50	Very Hard

Gradation Description and Terminology:

<u>Major Component of Sample</u>	<u>Size Range</u>	<u>Description of Minor Components</u>	<u>Percent of Dry Weight</u>
Boulders	Over 12 inches	Trace	1-9
Cobbles	12 inches to 3 inches	Little	10-19
Gravel	3 inches to No. 4 sieve	Some	20-34
<i>Coarse</i>	<i>3 inches to 3/4 inches</i>	And	35-50
<i>Fine</i>	<i>3/4 inches to No. 4 sieve</i>		
Sand	No. 4 sieve to No. 200 sieve		
<i>Coarse</i>	<i>No. 4 sieve to No. 10 sieve</i>		
<i>Medium</i>	<i>No. 10 sieve to No. 40 sieve</i>		
<i>Fine</i>	<i>No. 40 sieve to No. 200 sieve</i>		
Silt/Clay	Passing No. 200 sieve		



GENTRY
 geotechnical engineering

REFERENCE NOTES FOR BORING LOGS



Photo 1 – Site



Photo 2 – Site



Photo 3 – Test Pit 1 at 8 feet



Photo 4 – Test Pit 2 at 4 feet



Photo 5 – Test Pit 2 at 6 feet



Photo 6 – Test Pit 2 at 8 to 10 feet

5424



TOWN OF MONTREAT

ZONING AND INSPECTIONS DEPARTMENT

P. O. Box 423
Montreat, NC 28757
Tel: (828)669-8002, ext. 303
Fax: (828)669-3810
www.townofmontreat.org

PERMIT#: 5424
Residential Commercial

BUILDING PERMIT APPLICATION

Owner Name: DANIEL SCHUBER
Mailing Address: 4704 STONEY TRACE
City: TALLAHASSEE State: FL ZIP: 32309
Owner Phone: 850-443-6210 E-mail: dschuber4@gmail.com
Project Address: 322 TEXAS ROAD, MONTREAT, NC PIN #: 0710-95-7918-00000

Attached to and part of this application are:

- Two (2) sets of complete plans
Site Plan
Zoning Compliance
MSD Permit Water Tap Approved
Boundary Line Survey (if applicable)
Architectural site review (if applicable)
LEED or Healthy Built Home Certified (Green Building)
House numbers attached and visible from the road
Stormwater Control System Plan Permit
Elevation Certificate (Qualifying Development in SFHA)
Sedimentation/Erosion Control System Plan Permit
Progress Energy Premise #

Brief Description of Project: NEW ANIOLS FAMILY RESIDENCE

Project Cost: \$210,000 Market Value of Structure: \$210,000

Total Heated Sq. Ft.: 849 Areas: Accommodations:
Covered Unheated:
Open Decks: 125 sq ft # of Dwelling Units: 1
Concrete/Asphalt: # Bedrooms: 2 # Baths: 2
Kitchen(s): 1
of Stories: 2

SPECIFICATIONS

- FOUNDATIONS: Concrete Block, Poured Wall, Slab on Grade, Other: Elevated
WALLS: Wood Siding, Vinyl Siding, Stucco, Other:
SUB-FLOORING: Diagonal, Plywood (T&G)
FLOORING: Hardwood, Tile, Vinyl, Carpet
ROOFING: Fiberglass, Wood, Metal, Membrane, Other:
HEATING & AIR CONDITIONING: Heat Pump, Fireplace, Furnace, Gas, Oil, Solar, Elec. Resist., Central Air, Window Units, Geothermal
PLUMBING FIXTURES: Lavatories, Tub/Showers, Bidets, Sinks, Water Closets, Water Heaters, Laundry Trays

Remember to Schedule a Final Inspection upon Completion of Project By Calling (828) 669-8002, ext. 303

INSULATION	TYPE	THICKNESS	R-FACTOR
Exterior Wall	BATT		R-19
Ceiling/Attic	BATT		R-38
Floor	SPRAY FOAM	CLOSED CELL - 3"	R-21
Conditioned Attic/Closed Crawlspace? <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes," attach details.			

Gas Appliances: List Gas Appliances and BTU Demands:

N/A

**Note: If gas installed for other than fireplaces, a detailed schematic is required.*

Concrete Areas:

Basement/Garage Floor Driveway/Parking Area Other: N/A

Contractor Information:

FREESTONE CONSTRUCTION LLC (General Contractor)	828 734 0174 (Phone #)	69620 (State License #)
LOGAN NESBITT ELECTRIC LLC (Electrical Contractor)	828 421 0962 (Phone #)	SP. JFD. 32360 (State License #)
QUALITY COMFORT HEATING / COOLING LLC (Mechanical Contractor)	828 252 8544 (Phone #)	33206 (State License #)
AJM SERVICE GROUP LLC (Plumbing Contractor)	828 329 6460 (Phone #)	32582 (State License #)
N/A (Other)		

CERTIFICATION

I (We) agree to conform to all Federal, State and local codes and ordinances. All materials will be kept presentable on the lot and all debris will be removed prior to issuance of a Certificate of Occupancy.

(Owner's Signature) Date
Debbie A. Brown IV 9-12-18

(Contractor's Signature) Date

		FEES	
Permit:	<u>729.-</u>	Homeowner's Recovery:	<u>10.-</u>
Plumbing:	<u>300.-</u>	Certificate of Occupancy:	<u>40.-</u>
Mechanical:	<u>20.-</u>	Gas: <u>Drule grad.</u>	<u>150.-</u>
Electrical:	<u>300.-</u>	Fire/Sprinkler: <u>ZONING</u>	<u>35.-</u>
Total Fees: \$	<u>1964.-</u>	Cash: \$	
		Check #: <u>13842</u>	Date Paid: <u>10-2-18 TA.</u>

<u>9-26-18</u> (PERMIT APPROVAL DATE)	<u>Daniel J. [Signature]</u> BUILDING INSPECTOR SIGNATURE
--	--

***NOTE: If the work has not been started within six (6) months of permit issuance date, or if the work has ceased for twelve (12) months, the permit will become void and all fees will be surrendered.**

IMPORTANT NOTICE

Construction site must be kept clean and presentable at all times. Do not allow debris to blow on adjacent properties, roads, streams, etc. A "STOP WORK ORDER" will be issued for violations.

► Contractor shall remove all construction advertisement signs within five (5) days upon completion of said job ◀



TOWN OF MONTREAT

ZONING AND INSPECTIONS DEPARTMENT

P. O. Box 423

Montreat, NC 28757

Tel: (828)669-8002, ext. 303

Fax: (828)669-3810

www.townofmontreat.org

ZONING COMPLIANCE APPLICATION AND CERTIFICATE

Project Address: 322 Texas Road, Montreat, NC 28757

Parcel Tax ID Sheet #: 0710-95-718 Lot#: _____ Zoning District: _____

Owner Name: DAVID SCHERL Private Lot #: _____

Mailing Address: 4204 STEVIE TRAIL

City: TALLAHASSEE State: FL ZIP: 32309

Owner Phone: 850-443-6218 E-mail: dscherl@earthlink.net

Contractor/Agent Name: FEASTAGE CONTRACTORS LLC / Andrew Brown

Contractor/Agent Mailing Address: PO Box 329

City: WYNNEVILLE State: NC ZIP: 28786

Contractor/Agent Phone: 828-734-0124 License #: 69620

Contractor/Agent E-mail: abrown@feastagecontractors.com

Short description of proposed project and intended use: CONSTRUCTION OF 4 NEW

DRIVEBAYS RESIDENCES.

Special Conditions, C.U.P. or Variance Granted? Yes (see attached) No

This is to certify that I, the Owner/Contractor/Agent, am aware of the zoning district the lot is in, the permitted uses within said zoning district, the minimum setbacks for the lot, the maximum building height, the off-street parking requirements and the fact that drainage during and after construction is my responsibility. These plans conform to the Town of Montreat's present Zoning Ordinance. The contractor shall protect adjacent properties and the general public and shall be responsible for all damages that occur during construction. Driveways are NOT automatically included in the zoning and building permits.

Signature of Owner/Contractor/Agent: Debbie Waters Brown IV Date: 9-19-2018

This is to certify that I, the Code Administrator for the Town of Montreat, North Carolina, have reviewed the attached plans and hereby deem the intended use of the structure and/or lot to be in full compliance with the Zoning Ordinance of the Town.

Signature of Code Administrator: [Signature] Date: 9/19/18

FOR OFFICE USE ONLY

Permit Fee: \$ _____ Cash: \$ _____ Check #: _____ Date Paid: _____



TOWN OF MONTREAT

ZONING AND INSPECTIONS DEPARTMENT

P. O. Box 423

Montreat, NC 28757

Tel: (828)669-8002, ext. 303

Fax: (828)669-3810

www.townofmontreat.org

HILLSIDE DEVELOPMENT APPLICATION AND CERTIFICATE

Project Address: 322 TEXAS ROAD, MONTREAT, NC 28757

PIN#: 0710-95-7918 Zoning District: _____

Parcel Tax ID Sheet #: _____ Lot#: _____ Private Lot #: _____

Owner Name: DAVID SCHORE

Mailing Address: 4304 STONEY TACK

City: TALLAHASSEE State: FL ZIP: 32309

Owner Phone: 850-445-6210 E-mail: dschore4@gmail.com

Contractor/Agent Name: FEESTONIS CONSTRUCTION LLC / AVATAR BEAUL

Contractor/Agent Mailing Address: PO Box 329

City: WAYNEVILLE State: NC ZIP: 28786

Contractor/Agent Phone: 828 734 0124 License #: 69620

Contractor/Agent E-mail: ABEAUL@FEESTONISCONSTRUCTION.COM

Short description of proposed development and grading: NEW DAVID FAMILY RESIDENCE

WILL BE CONSTRUCTED. SITE WORK INCLUDES CLEARING, POSTHOLE

WELL, PERKINS ATILLA FOUNDATION, EROSION CONTROL, FILLING EXISTING

AND WATER/SEWER CONNECTIONS.

A Hillside Development Permit is required for all development and redevelopment on lots with an existing slope of forty percent (40%) or greater, unless exempt pursuant to Town of Montreat ordinances. A site plan and permit application shall be accompanied by results from the required Geotechnical Assessment and recommendations from a North Carolina-registered geotechnical engineer.

Becker Strauss Beaul IV Applicant Signature Date 9-19-2018

[Signature] Zoning Administrator Signature Date 9/25/18

FOR OFFICE USE ONLY

Permit Fee: \$ _____ Cash: \$ _____ Check #: _____ Date Paid: _____



Town of Montreat Planning and Development Department
APPLICATION FOR STORMWATER PERMIT
Financial Responsibility / Ownership Form

INSTRUCTIONS: All sections must be completed. Please type or print information. Section 4 must be completed in the presence of a Notary Public. Application must be completed before a building or grading permit is processed.

PERMIT #:

- Residential
 Commercial
 Flood Zone

Elevation:

Rec. Date:

Section 1:

Owner Name: SCHEER ZANIER Owner Phone #: 850 443 6210

Owner Address: 4704 STOKLEY TRAIL, TALLAHASSEE FL 32309

Project Address: 322 TEXAS RD, MOUNTREAT PIN #: 0710-95-7918

Total Acreage of Site: 0.14 AC

Total Area Disturbed/Percentage Impervious/Impervious Surface Added: 1873 SF / 34% / 634 SF

Amount of fee enclosed: * ~10% OF TOTAL LOT IS IMPERVIOUS

Section 2:
Descriptions of Stormwater Management Practice (briefly describe and/or attach plan):
** - PERCENT OF DISTURBED AREA

PLZ SEE ATTACHED.

Section 3:

The undersigned states that he/she is the applicant/developer and/or property owner and is financially responsible for installation, operation and maintenance of the stormwater controls until ownership is conveyed and acknowledges requirements of the Town of Montreat Article III: Stormwater Management Ordinance as well as the penalties and resources available to the Town in the event of violation of the Ordinance.

Signature: [Signature]

Section 4:

Name: _____ Date: _____

Title: _____

Signature: _____

I, _____, a Notary Public for the County of _____, State of _____, hereby certify that the above personally appeared before me this day and under oath acknowledged that the above form was voluntarily executed by him and is correct to the best of his knowledge and belief.

Witness my hand and seal, this _____ day of _____, 20____.

Notary _____ My Commission Expires _____
Rev. 10/05/2009

#5424

DATE: December 18, 2018

TO: Town of Montreat Zoning and Code Enforcement, M. Adrienne Isenhower
Town of Black Mountain Building Inspector, M. Dan Cordell

FROM: Daniel L. Scheer, P.E.

RE: Engineering/Construction Certification for the Foundation Construction: New Residence at 322 Texas Road, Town of Montreat

Town Building Inspector:

This correspondence is to serve as certification that all engineering designs and construction work on the subject project have been completed in accordance with design and specifications and meet the design requirements of the Engineer of Record.

Any minor variations from the originally approved construction plans do not affect the original design(s) in any way.

Please contact me if you should have any questions.

Respectfully,

SCHAEER.DANIELL.L Digitally signed by
SCHAEER.DANIELL.L.OUIS.12334560
OUIS.1233456000 Date: 2018.12.18 13:38:41 -05'00'

Daniel L. Scheer, P.E.
NC Professional Engineer: 46585



DATE: December 18, 2018

TO: Town of Montreat Zoning and Code Enforcement, M. Adrienne Isenhower
Town of Black Mountain Building Inspector, M. Dan Cordell

FROM: Daniel L. Scheer, P.E.

RE: Engineering/Construction Certification for the Foundation Construction: New Residence at 322 Texas Road, Town of Montreat

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Please contact me if you should have any questions.

Respectfully,

SCHAEER.DANIELL
Digitally signed by
SCHAEER.DANIELL.OUIS.12334560
OUIS.1233456000
Date: 2018.12.18 13:38:41 -05'00'

Daniel L. Scheer, P.E.
NC Professional Engineer: 46585



General Notes

Dan Colwell
777-4037

No.	Revision/Issue	Date

Project Name and Address
Scheer - Montreat
322 Texas Rd

Project
Scheer - Montreat
Date 3/15/2018
Sheet 1" = 20'
S1

- Stairs:
- 1) Max Rise is 7.5"
 - 2) Min Run is 11"



daniel.scheer@dot.state.fl.us

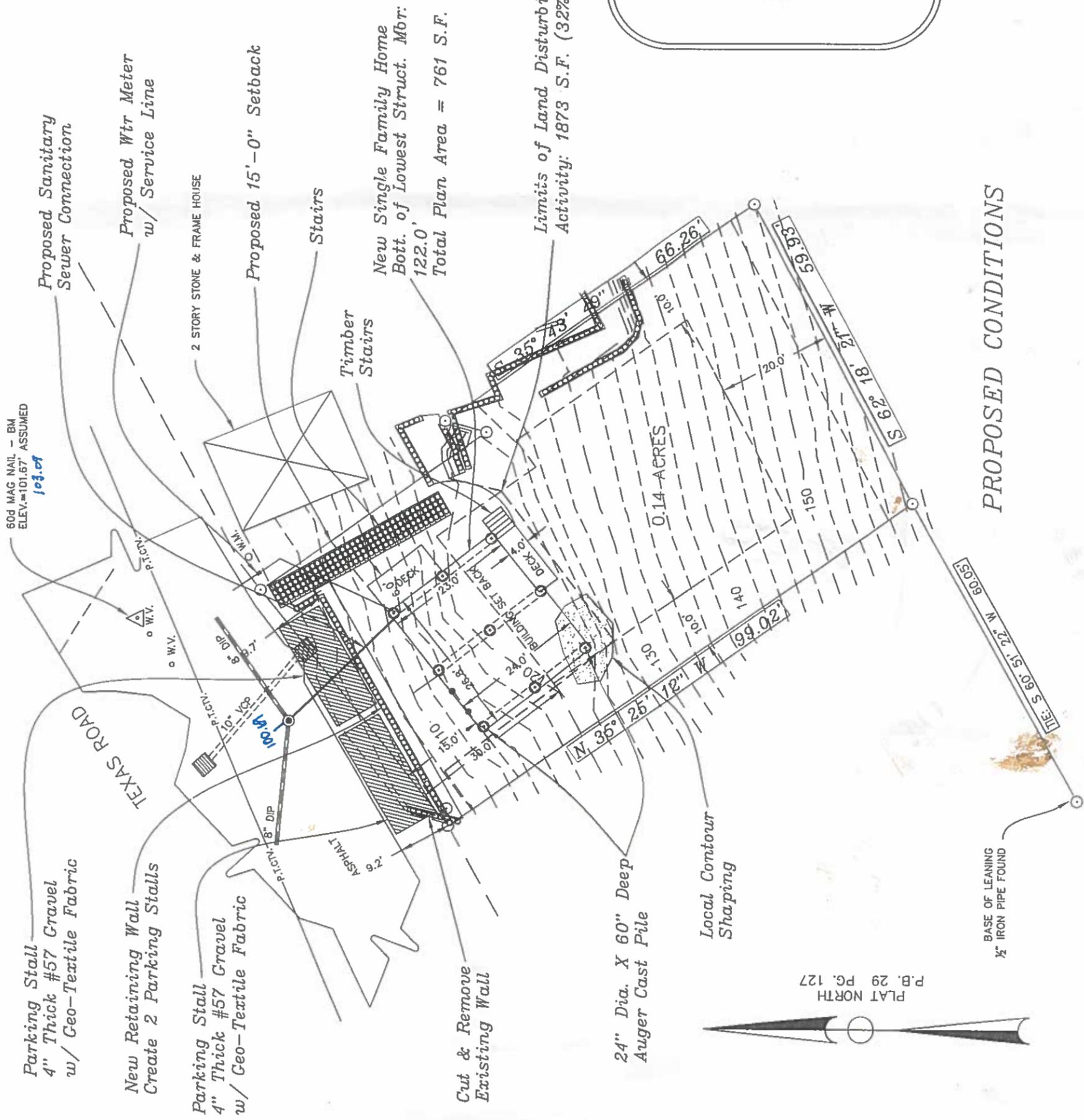
Digitally signed by: daniel.scheer@dot.state.fl.us
DN: CN = daniel.scheer@dot.state.fl.us
Date: 2018.08.06 15:35:29 -04'00'

LEGEND

- 5/8 IN. REBAR W/CAP SET UNLESS OTHERWISE NOTED
- P POWER LINE
- T TELEPHONE LINE
- CTV CABLE TELEVISION LINE
- TR TELEPHONE RISER
- WV WATER VALVE
- WM WATER METER
- VCP CORRUGATED METAL PIPE
- DIP DUCTILE IRON PIPE
- ROCK WALL / STAIRS

FOR:
DANIEL L. SCHEER

PIN LOT: 0710-95-791B
TOWN OF MONTREAT, BUNCOMBE CO., N.C.
REF: D.B. 1731, PG. 381; P.B. 29, PG. 127



PROPOSED CONDITIONS

General Notes	
No.	Revision/Issue
Date	
Firm Name and Address	
Project Name and Address	
Scheer - Montreat 322 Texas Rd	
Project	Scheer - Montreat
Date	9/15/2018
Scale	1" = 10'
Sheet W1	



Digitally signed by: daniel.scheer@montreat.edu
 DN: CN = Daniel Scheer, email=daniel.scheer@montreat.edu, state.fl.us
 Date: 2018.05.23 15:52:13 -04'00'

Stairs

P.T.CTV.

W.V.

W.V.

P.T.CTV.

10" VCP

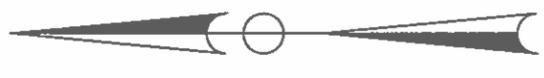
ASPHALT

P.T.CTV.

W.M.

9.5'

PLAT NORTH
P.B. 29 PG. 127



9.2'

48.0'

110'

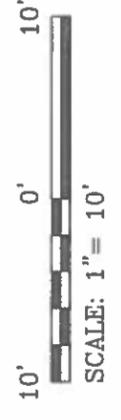
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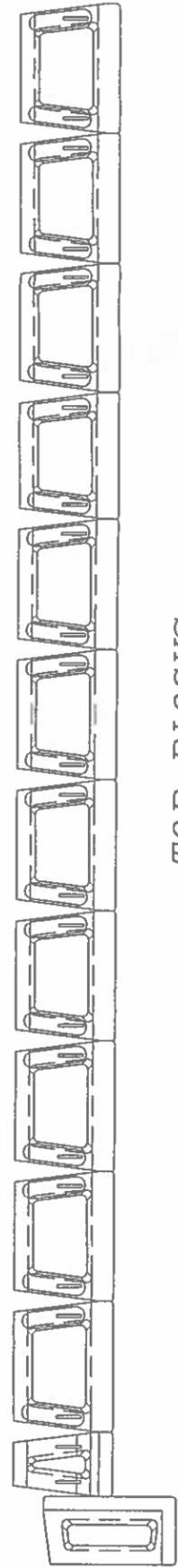
6.0'

6.0'

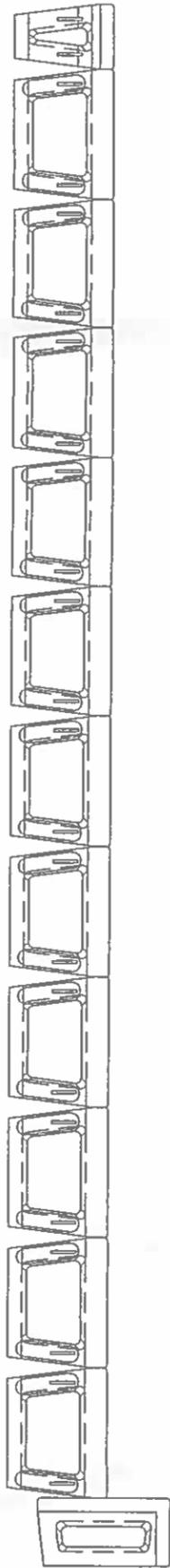
WALL CONTROL

Verti-Block
Concrete Wall

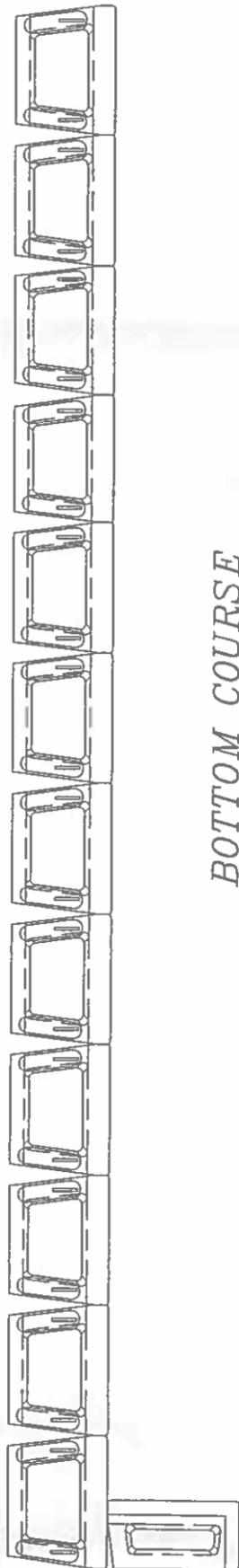




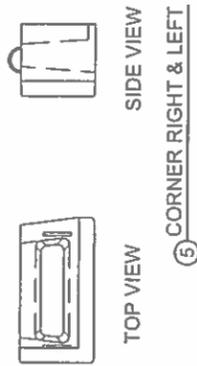
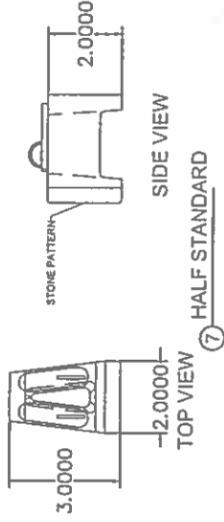
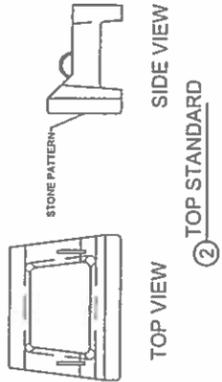
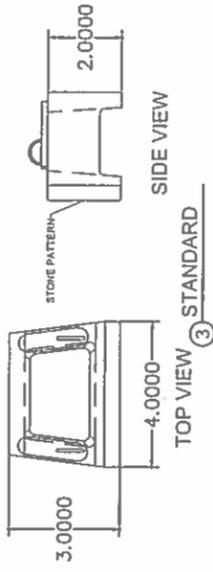
TOP BLOCKS



MIDDLE COURSE
STD BLOCKS

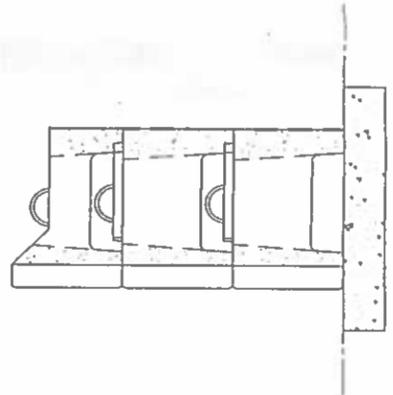


BOTTOM COURSE
STD BLOCKS

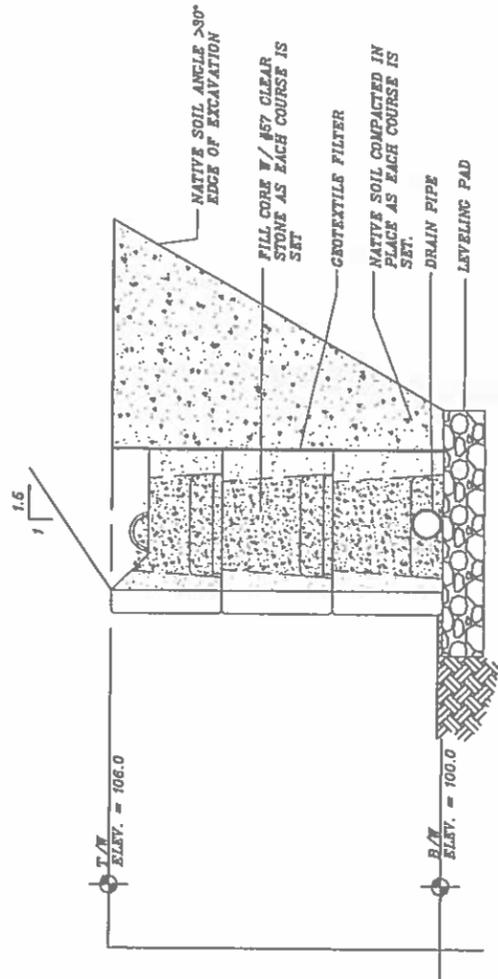


SECTIONS

Digitally signed by: daniel.scheer@dot.state.fl.us
 DN: CN = daniel.scheer@dot.state.fl.us
 Date: 2018.05.23 15:52:24 -04'00'



11 ZERO BATTER SECTION



6 FT HIGH RETAINING WALL SECTION



General Notes

No.	Revision/Issue	Date

Project Name and Address

Project Name and Address
 Scheer - Montreat
 322 Texas Rd

Project
 Scheer-Montreat
 Date
 3/15/2018
 Scale
 1" = 6'
 Sheet
 W2

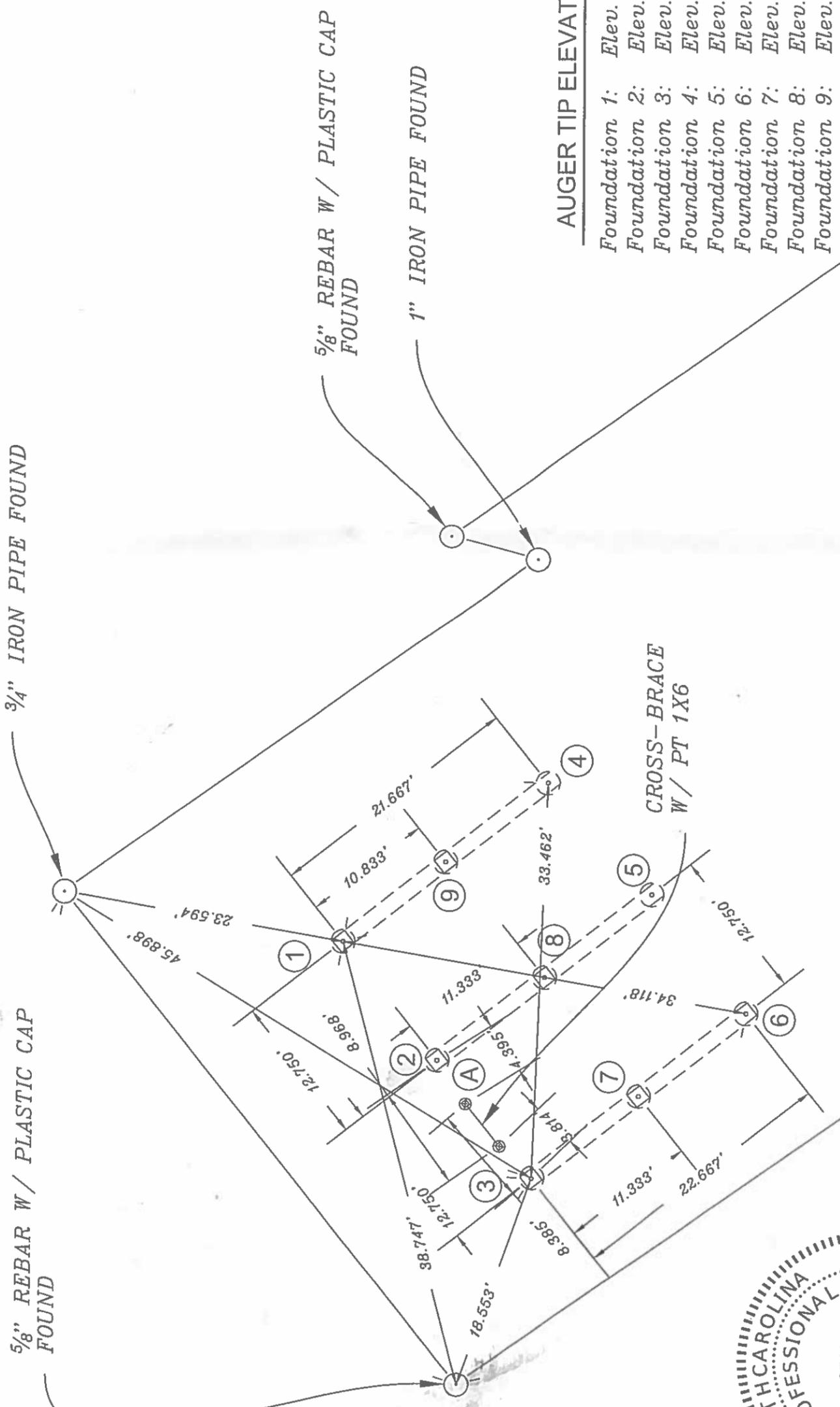
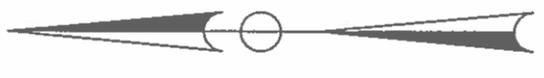
General Notes		
No.	Revisions/Issue	Date

From Name and Address

Project Name and Address
Scheer - Montreat
322 Texas Rd

Project: Scheer - Montreat
Date: 8/15/2018
Scale: 1" = 10'
Sheet: F1

PLAT NORTH
P.B. 29 PG. 127



AUGER TIP ELEVATIONS:

- Foundation 1: Elev. 105.66'
- Foundation 2: Elev. 109.0'
- Foundation 3: Elev. 109.0'
- Foundation 4: Elev. 117.0'
- Foundation 5: Elev. 117.0'
- Foundation 6: Elev. 117.0'
- Foundation 7: Elev. 115.0'
- Foundation 8: Elev. 115.0'
- Foundation 9: Elev. 115.0'

TOP FOUNDATION ELEVATIONS:

- Foundation 1: Elev. 110.66'
- Foundation 2: Elev. 114.0'
- Foundation 3: Elev. 114.0'
- Foundation 4: Elev. 122.0'
- Foundation 5: Elev. 122.0'
- Foundation 6: Elev. 122.0'
- Foundation 7: Elev. 120.0'
- Foundation 8: Elev. 120.0'
- Foundation 9: Elev. 120.0'



daniel.scheer@dot.state.fl.us

Digitally signed by: daniel.scheer@dot.state.fl.us
DN: CN = daniel.scheer@dot.state.fl.us
Date: 2018.08.06 15:42:03 -04'00'

General Notes

No. Revision/Issue Date

Print Name and Address

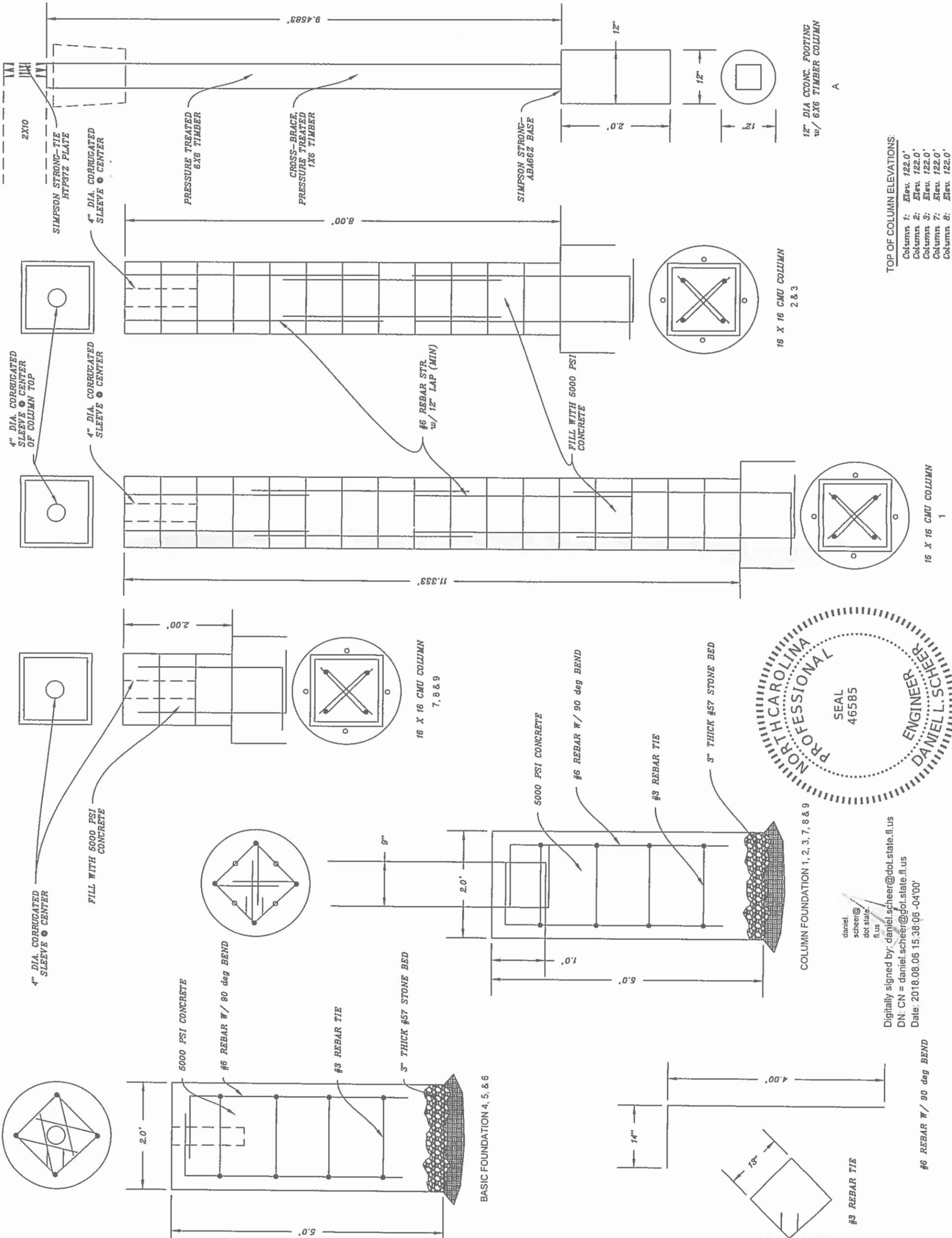
Project Name and Address
Scheer - Montreal
322 Texas Rd

Project
Scheer - Montreal

Date
3/15/2018

Scale
1" = 20"

Sheet
F2



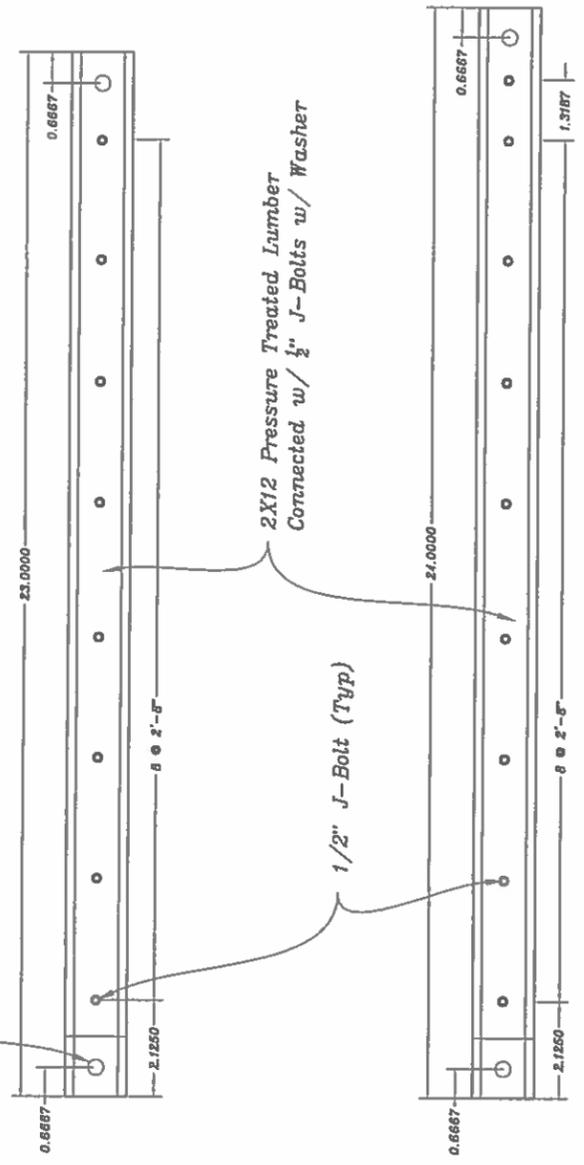
TOP OF COLUMN ELEVATIONS:

Column 1:	Elev. 122.0'
Column 2:	Elev. 122.0'
Column 3:	Elev. 122.0'
Column 7:	Elev. 122.0'
Column 8:	Elev. 122.0'
Column 9:	Elev. 122.0'



Digitally signed by: daniel.scheer@dot.state.fl.us
 DN: CN = daniel.scheer@dot.state.fl.us
 Date: 2018.08.06 15:38:06 -04'00'

Connection Sleeve (Typ.)



2X12 Pressure Treated Lumber
Connected w/ 1/2" J-Bolts w/ Washer

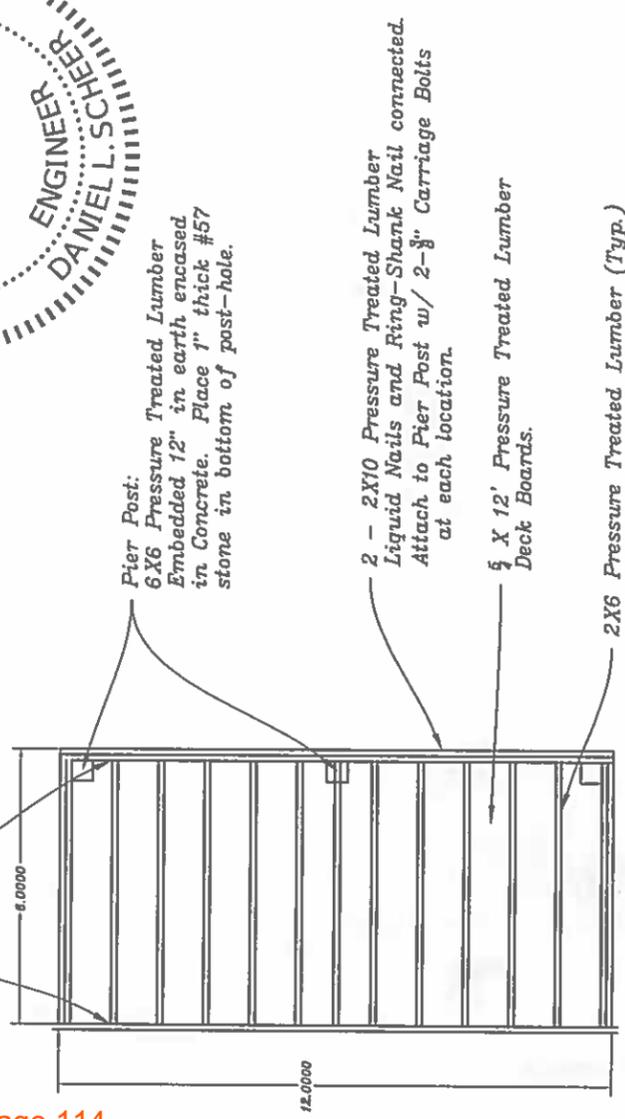
1/2" J-Bolt (Typ)



BEAM DETAILS

Digitally signed by: daniel.scheer@dot.state.fl.us
 DN: CN = daniel.scheer@dot.state.fl.us
 Date: 2018.05.23 15:53:02 -04'00'

2X6 Simpson Strong-Tie
Joist Hanger (Typ.)

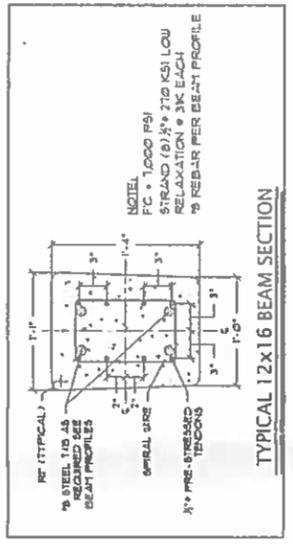


Pier Post:
6X6 Pressure Treated Lumber
Embedded 12" in earth encased
in Concrete. Place 1" thick #57
stone in bottom of post-hole.

2 - 2X10 Pressure Treated Lumber
Liquid Nails and Ring-Shank Nail connected.
Attach to Pier Post w/ 2-3/8" Carriage Bolts
at each location.

5 X 12' Pressure Treated Lumber
Deck Boards.

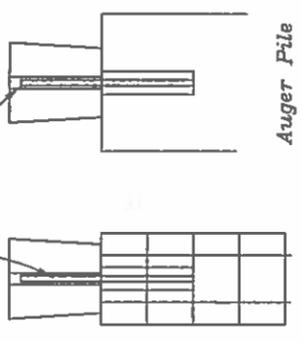
2X6 Pressure Treated Lumber (Typ.)



TYPICAL 12X16 BEAM SECTION

NOTE:
FC = 10,000 PSI
STRAND (6) #5 @ 270 KSI LOW
RELAXATION @ 3K EACH
#5 REBAR PER BEAM PROFILE

2' - 6" #7 Rebar Dowel w/
Non-Shrink Grout



Auger Pile

CMU Column

Beam to Substructure
Connection Details

2 - 2X6 Pressure Treated Lumber
Liquid Nails and Ring-Shank Nail connected.
Attach to Pier Post w/ 2-3/8" Carriage Bolts
at each location.

2X6 Pressure Treated Lumber

5 X 12' Pressure Treated Lumber
Deck Boards.

At-Grade Deck Details

- Deck Notes:
- 1) Handrail & Pickets to Code.
 - 2) Stair Rise = 7.5 in.
 - 3) Stair Run = 11 in.

East-Side Deck Details

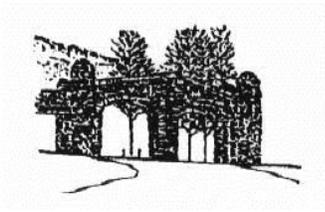
General Notes

No.	Revision/Issue	Date

Project Name and Address

Project Name and Address
Scheer - Montreat
322 Texas Rd

Project
Scheer-Montreat
Date
3/15/2018
Scale
1/4" = 1'
Sheet
B1



TOWN OF MONTREAT

P. O. Box 423
Montreat, NC 28757
Tel: 828.669.8002 Fax: 828.669.3810
www.townofmontreat.org

March 12, 2019

DANIEL L SCHEER
CAROLINE H SCHEER
4704 STONEY TRCE
TALLAHASSEE, FL 32309

Re: Appeal From the Zoning Administrators Determination – 322 Texas Road

To Whom It May Concern:

The Montreat Zoning Board of Adjustment will meet March 28, 2019 at 7:00 p.m. in the Walkup Building at 300 Community Center Circle, Montreat, NC. The purpose of the meeting is to consider an Appeal from the Zoning Administrators Determination regarding construction of a single family home located at 322 Texas Road. The property is zoned R-2 Medium-Density Residential and is further described as PIN# 0710-95-7918.

North Carolina General Statutes and the Montreat Zoning Ordinance require that notice be sent to all adjacent property owners. If a property owner wishes to provide testimony, either supporting or opposing this request, he or she is encouraged to do so in person during the public hearing. Please note that all hearings brought before the Board of Adjustment are quasi-judicial in nature and persons wishing to provide testimony do so under oath.

Should you have questions or require any additional information about this request, please do not hesitate to contact me during normal business hours at (828) 669-8002, or by e-mail at zoning@townofmontreat.org.

Sincerely,

Adrienne Isenhower
Zoning Administrator