

Dear Planning and Zoning Commission,

My wife Kathy and I wanted to reach out to you ahead of the Planning and Zoning Commission Meeting on May 12 in Montreat. We are the folks requesting the Conditional Zoning and are writing this letter to give you more background on the events leading up to our request for Conditional Zoning. Also, we would like to supply an accurate set of facts about the property and its history.

First, a little bit about us. I am a retired Presbyterian Choir Director from St. Petersburg Florida. Kathy and I have been coming to Montreat to attend Music & Worship Conferences for over 23 years. For the last 10 years or so, we have stayed at the "Be Still" property at 145 Mississippi Road. We have always loved Montreat but grew especially fond of this section of Mississippi Road. About 7 years ago we noticed a "For Sale By Owner" sign on the lot at 159 Mississippi and daydreamt about buying the property and building a small home on it.

Then, in 2018 we noticed that the lot had been listed with a real estate company. We called the Realtor, Matt Ashley, to find out more information about the property. We discovered that the sales price was very reasonable. However, we wondered why a home had never been built on the lot. Some things were obvious. The lot is long and skinny and hilly, meaning that only a small house could be built on the property. However, a small house is what we wanted. Mr. Dalrymple, who was the owner of the lot, had made plans to build a small home and live there part-time. However, he decided to live full-time in Montreat and so built a larger house on Shenandoah Terrace.

We had contracted to purchase the lot in June of 2018 with a 60 days' due diligence clause, specifically concerning the feasibility of building a home on it. We contacted the Town of Montreat to find out if it was permissible to build a house on the property. They said yes, we could. We asked several builders if the lot was buildable. They said, yes, but there would be an added expense of a retaining wall because of the slope of the lot. We contacted the Metropolitan Sewer District and were told we could build right up to the easement on the right side (facing the lot) of the property.

With this information in hand, we went ahead with the purchase of the lot in August of 2018. In early 2019 we hired a local architect, Maury Hurt, to design a home for us. Maury was the architect for the new Montreat City Hall building and has designed many homes in the Montreat/Black Mountain/Asheville area. We told Maury that we wanted a design that fit in with the neighborhood and used "Be Still" as an example. He listened to our feedback and came up with the perfect 2 bedroom/2 bathroom/approx. 1,165 sq. ft. one-story house built over a 2-car garage/partial basement.

We then hired a landscape architect, Hutch Kerns, from Asheville, to create a Site Layout Plan along with a Grading, Drainage and Erosion Control Plan. Drainage and erosion control are critical elements when building on a hilly lot and we wanted those elements designed by an expert. Our final step in the design and planning process was to retain Medlock and Associates to provide a Structural Engineering and Geotechnical Review plan for the house and the retaining wall. Once this was accomplished, we hired our building contractor, Worth Grant, and moved forward with submitting the plans.

The first submission was made to the Metropolitan Sewer District in early December of 2019. Even though we had a letter from an MSD official during our due diligence saying that it was fine to build right up to the 15-foot easement, that same official now told us we could not do this. To make a long story short, we spent 6 months going back and forth with MSD and finally agreed to replace 80 feet of the

sewer line at our expense. This will entail hiring a utility contractor to remove the old pipe and install the new one plus hiring an arborist, Will Blozan, to supervise the process and trim any tree roots affected by the digging in the easement. Our favorite tree on the lot, a large, gorgeous white oak, is in the easement and we wanted to do everything possible to ensure its continued health, including special growth treatments, fertilizer, and such. Our thought from the outset was to have as few trees as possible removed from the lot to build the house. The entire back portion of the lot behind the house will be a preserved natural area with no clearing or grading activity. (Please note - any trees determined by the arborist to be dying will be removed.)

In early June of 2020, after finally receiving the go ahead from MSD to build up to the easement, we submitted applications to the Town of Montreat for a Stormwater Permit and Zoning Compliance. On June 23 we heard from Keith Sanders, who had done our Boundary Survey in 2018, that the Town of Montreat had informed him that our lot was zoned incorrectly on the survey as R2 and instead it should have been R1. R1 requires a 15' set back rather than the 10' setback required by R2.

We were extremely disappointed to find this out, to say the least. All the design plans for the house were based on a 10' setback on the left side of the house. The right side was not affected because the 15' easement counted as a 15' setback. The Montreat town planner told us we could request a Board of Adjustment meeting and file a request for a variance to reduce the left side setback to 10'. To us, that sounded like a better option than starting over from scratch.

We proceeded with the variance never thinking that the 5' would be objectionable. Many homes in that section of Montreat have a 10' or less setback and the home at 157 Mississippi was some 70' feet away on the very left side of the lot. As we stated above, Mark Oliver's property at 161 was not affected by the variance; however, he was very opposed to any development of the property and seemed to have organized the neighbors to object to anything at all being built on the lot. The Board of Adjustment meeting was held on September 24, 2020. After hearing all the negative feedback from the neighbors at the meeting, we withdrew our variance request. One of the Board of Adjustment members, Robert Sulaski suggested that we apply for Conditional Zoning after the latest revisions to the Montreat Zoning Ordinance were completed. He suggested this would be around January 2021. Well, as you know, this wasn't finalized until June of 2021. We had hoped to move forward then with our application for CZ, but then the "new hotel" issue arose keeping us from starting our application process until February of 2022. So, we've been at this for quite a few years.

I hope now that you have a better understanding of the whole situation and the events leading up to the Planning and Zoning Meeting. We plan to move forward with building a house on the lot and we would very much like to use the existing plans. To recapture the lost living space a 15' setback would cause, we would need to build a house with a smaller footprint but going up two stories above the garage. Building up would create a larger overall presence for the house. We feel that the 2-story house would be more intrusive to the neighbors than our existing plan.

We wish goodwill to all our neighbors and a spirit of cooperation for this project, which we believe to be an appropriate addition to the existing homes in the neighborhood and a desirable reinvestment in the beautiful town of Montreat. Mark Oliver has since said that he is not opposed to us building. He just does not want any negative effects to his property.

We would be happy to discuss this with you in further detail. We can be reached at: Home phone:
727-521-3730 - Mike's Cell; 727-692-4026 - Kathy's Cell; 727-804-9667

Email: mpmader@aol.com – katmader@aol.com

Thank you for taking the time to read this letter, and we look forward to seeing you all you soon.

Kindest Regards,

Mike and Kathy Mader