

**Town of Montreat  
Board of Commissioners Meeting – Public Forum  
July 14, 2022 – 6:30 p.m.  
Walkup Building**

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**I. Call to Order**

- Welcome
- Moment of Silence

**II. Agenda Adoption**

**III. Public Comments**

**IV. Adjournment**

**Town of Montreat  
Board of Commissioners  
Town Council Meeting  
July 14, 2022 – 7:00 p.m.  
In person and Zoom software**

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**I. Call to Order**

- Pledge of Allegiance
- Moment of Silence

**II. Agenda Adoption**

**III. Mayor's Communications**

**IV. Consent Agenda**

**A. Meeting Minutes Adoption**

- May 26th Town Council Special Meeting Minutes – Budget Workshop
- June 9<sup>th</sup> Town Council Public Forum Meeting Minutes
- June 9th Town Council Meeting Minutes

***All items on the Consent Agenda are considered routine, to be enacted by one motion with the adoption of the agenda and without discussion. If a member of the governing body requests discussion of an item, it will be removed from the Consent Agenda and considered separately.***

**VI. Town Administrator's Communications**

- Consent Agenda Review
- Other Items

**VII. Administrative Reports**

- Administration
- Finance
- Planning and Zoning
- Police
- Public Works and Water
- Sanitation
- Streets

**VIII. Public Comment**

***Public comments will be heard during this period for any and all items.***

**IX. Old Business**

**X. New Business**

**A. Public Hearing RE: Conditional Zoning Request: Lot 1185, Mississippi Road**

- See Agenda Materials on pages 28-114
- Suggested Motion: Move to open/close the Public Hearing

**B. Consideration of Conditional Zoning Request**

- See Agenda Materials on pages 28-114
- Suggested Motion: Move to approve/deny Conditional Zoning Request for Lot 1185, Mississippi Road

**C. Consideration of Amendments to the Code of General Ordinances**

- See Agenda Materials on page 115-118
- Suggested Motion: Move to adopt/deny the Amendments to the Montreat Code of General Ordinance

**D. Consideration of Setting a Public Hearing re: Closing and Removing from Dedication a portion of North Carolina Terrace**

- See Agenda Materials on page 119-134
- Suggested Motion: Move to set a Public Hearing on August 11<sup>th</sup> at 7:00 p.m. or soon thereafter with regards to closing and removing from dedication a portion of North Carolina Terrace

**XI. Public Comment**

*Public comments will be heard during this period for any and all items.*

**XII. Commissioner Communications**

**XIII. Dates to Remember**

- **Tree Board, Tuesday July 26<sup>th</sup> at 9:30 a.m. in Town Hall and by Zoom Software**
- **Board of Adjustment, Thursday July 28<sup>th</sup> at 5:00 p.m. in Town Hall and by Zoom Software**
- **Landcare, Wednesday, August 3<sup>rd</sup> at 9:00 a.m. in Town Hall and by Zoom Software**
- **August Town Council Meeting, Thursday August 11<sup>th</sup> at 7:00 p.m. in Town Hall and by Zoom Meeting Software. Public Forum begins at 6:30 p.m.**
- **Bridge Aesthetics Committee Meeting, Tuesday August 16<sup>th</sup> at 2:00 p.m. in Town Hall and by Zoom Meeting Software**
- **Tree Board, Tuesday August 23<sup>rd</sup> at 9:30 a.m. in Town Hall and by Zoom Meeting Software**

#### **XIV. Adjournment**



**Town of Montreat  
Board of Commissioners  
Special Meeting – Budget Workshop Minutes  
May 26, 2022 – 6:00 p.m.  
Zoom Meeting with in person attendance**

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Board members present: Mayor Tim Helms  
Mayor Pro Tem Tom Widmer  
Commissioner Jane Alexander  
Commissioner Mason Blake  
Commissioner Kitty Fouche  
Commissioner Kent Otto

Board members present via  
Zoom: None

Board members absent: None

Town staff present: Ben Blackburn, Interim Town Administrator  
Angie Murphy, Town Clerk  
David Arrant, Chief of Police  
Barry Creasman, Public Works Director  
Darlene Carrasquillo, Finance Officer

Town staff present via Zoom: None

Approximately two members of the public were present at Town Hall and several more were watching via Zoom. Mayor Tim Helms called the meeting to order at 6:00 p.m.

**Agenda Approval**

Commissioner Mason Blake moved to adopt the agenda as presented. Commissioner Kent Otto seconded and the motion carried 5/0.

**Review and Discuss the Proposed 2022-2023 Fiscal Year Budget**

Interim Town Administrator Ben Blackburn reviewed the highlights of the proposed FY 22-23 Budget. The proposed FY 22-23 General Fund budget totals \$2,074,556, which is a 14.56% increase over the current year. The proposed budget does not include any fund balance appropriation. The ad valorem tax rate in the proposed budget remains at 43 cents per \$100 valuation. The proposed

budget does include American Rescue Act Plan (A.R.P.A.) money. The proposed FY 22-23 Water Fund budget totals \$359,734, which is a 4.56% increase over the current year. The Water Fund budget does not include any appropriation from fund balance. The General Fund and Water Fund proposed budgets combined total \$2,434,290 which represents a 12.96% increase over the current year.

The proposed budget accomplishes several key goals:

- Allocates funding for the resurfacing of Oklahoma Road
- Allocates funding for the Texas Road Bridge conversion
- Allocates funding for the purchase of six Body Cameras
- Allocates funding for the purchase of a Patrol Vehicle
- Allocates funding for two Portable Generators for Water Department use
- Allocates funding for the five year Water Tank Inspections
- Allocates funding for a 2% C.O.L.A. and up to 3% merit increase for Town staff.

However, the budget does not appropriate funding for several capital projects identified in the Capital Improvement Plan:

- Chipper Replacement
- Dump Truck Replacement
- Street's tractor replacement
- Sidewalks

The Council then went page by page throughout the budget asking questions and making comments. Mayor Pro Tem Tom Widmer asked how much money was earmarked for the next Town Administrator or Town Manager. Interim Town Administrator Ben Blackburn advised that \$85,000 is set aside for the new employee. Commissioner Mason Blake went on to say that he had reviewed the salary (\$66,500) set aside for the part-time (24 hours a week) Zoning Administrator, who did an average of 10 zoning permits a year, and asked Mr. Blackburn if it would be possible to advertise for a Town Administrator/Town Manager with a significant Planning & Zoning background. Mr. Blackburn advised that when he was Town Manager in Lowell that he served in both capacities. Mr. Blackburn also advised that most candidates interested in the position would probably have a strong background in Planning & Zoning. Mr. Blackburn feels that the salary would have to be increased slightly due to location and with wearing two hats but that the job will definitely be do-able. Mr. Blackburn suggested \$85,000-90,000 would be sufficient for the new candidate. Commissioner Kent Otto expressed his pleasure in the possible cost-savings aspect and thanked Commissioner Blake and Mayor Pro Tem Widmer for their thoughts on this matter.

The Capital Outlay Projects for the Police Department include a patrol car with \$16,000 coming from the General Fund and \$28,000 coming from A.R.P.A. funding as well as \$6,000 worth of Body Cams with funding from the General Fund. Commissioner Otto reflected on the amount of monies that have been spent on legal fees this year and mentioned that other areas may have to do

without to compensate for those legal fees. Commissioner Otto advised that with the state of the nation right now, with inflation and gas prices, it's of his opinion to move the patrol vehicle replacement schedule forward a year. With regards to body cams, Mr. Blackburn advised that they are one of the best tools around to weed out a bad officer as well as saving the Town a lot of money in certain situations. Mayor Pro Tem Widmer advised that the Town has five vehicles and five officers and with funds as scarce as they are he doesn't feel as if General Fund monies should be spent on a patrol car. The patrol vehicle was unanimously voted down. Staff notated changes for the final budget.

Commissioner Otto expressed his thanks for the Public Works Department going without a chipper, a dump truck, a tractor and sidewalk repairs during these uncertain times. Commissioner Otto and Public Works Director Barry Creasman discussed the street paving and the cost of asphalt which is increasing daily. Mr. Blackburn pointed out that the monies earmarked for street paving were Powell Bills which could carry forward in subsequent years. Commissioner Blake pointed out with regards to the Oklahoma Road surfacing that it would make more sense to replace the water line and then do the resurfacing. Mr. Creasman suggested resurfacing a Lookout Rd up to Yale Road instead of Oklahoma Road. Commissioner Kitty Fouche expressed some concern about the damage on Suwannee Road due to an earlier mudslide. Mr. Creasman advised that there are issues with who the property belongs to and Town Attorney Susan Taylor Rash was supposed to be looking into the ownership issues. Mr. Creasman also advised that it would be quite the undertaking to repair as well. Mayor Pro Tem Tom Widmer noticed the amount for the Texas Road Pedestrian Bridge Conversion Project decreased \$1,000 from last budget year and questioned the reason as to why. Mr. Creasman advised that his crew plans to do a great deal of the work. Mr. Creasman also stated that he hopes to meet with the bridge inspectors and discuss his plans with them. By consensus the Council removed the street paving for the fiscal year.

Commissioner Kent Otto asked Mr. Creasman if the water department could make do with one generator instead of two this year. Mr. Creasman advised that he could alternate locations with the one generator and keep the water system going during emergency situations. The council voted 5/0 in favor of the one generator. The Oklahoma Road Water Line Replacement was not funded in this budget year. The 5-year water tank inspection was included in the budget for FY22-23.

Mayor Helms and the members of the Commission thanked Town Staff for their diligent work on the budget.

### **Adjournment**

Commissioner Jane Alexander moved to adjourn the meeting. Commissioner Kitty Fouche seconded and the motion carried 5/0. The meeting was adjourned at 7:28 p.m.

**Board of Commissioners  
Special Meeting- Budget Workshop Minutes  
May 26, 2022**

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Tim Helms , Mayor

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Angie Murphy, Town Clerk

**Town of Montreat  
Board of Commissioners  
Public Forum Meeting Minutes  
June 9, 2022 – 6:30 p.m.  
Town Hall & Zoom**

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Board members present: Mayor Tim Helms  
Mayor Pro Tem Tom Widmer  
Commissioner Kitty Fouche  
Commissioner Mason Blake  
Commissioner Jane Alexander  
Commissioner Kent Otto

Board members absent: None

Town staff present: Ben Blackburn, Interim Town Administrator  
Angie Murphy, Town Clerk

Approximately fourteen members of the public were present. Mayor Tim Helms called the meeting to order at 6:30 p.m., and led the group in a moment of silence.

**Agenda Approval**

Commissioner Jane Alexander moved to adopt the agenda as presented. Commissioner Kitty Fouche seconded and the motion carried 5/0.

**Public Forum**

Mrs. Letta Jean Taylor, former Montreat Mayor, of 386 Oklahoma Road had a couple of questions for the Council. Mrs. Taylor asked for further clarification about the ARPA Funds. She asked how much a \$0.01 increase in taxes would generate in money to spend. Mrs. Taylor asked what the fund balance was and the percentage of the general fund. She also asked about the \$3500 budgeted in office expense for Planning & Zoning. Town Administrator Ben Blackburn advised that Town Staff had submitted a grant application in the amount of \$180,000 and are anticipating a response either later this month or the first of July. Mr. Blackburn advised that the \$0.01 increase in taxes generates approximately \$25,000. Mr. Blackburn advised that the fund balance for FY19 was approximately 16%. The audit for FY20 is currently being processed so staff does not have the newest fund balance figure as of yet. Mrs. Taylor pointed out that policy states the fund balance should be 35%. Mr. Blackburn advised that Council and Town Staff are working to get the fund balance back up where it should be. Mayor Pro Tem Tom Widmer stated that in FY19 the budget went up due to the Town Hall and the Public Works Building which impacted the fund balance. Mayor Pro Tem Widmer advised that the projected fund balance for FY20 should be around 35%.

Mr. Bill Scheu, Chair of Planning & Zoning Commission, of 146 Eastminster Terrace delivered the first ever Conditional Zoning decision to the Town Council. Mr. Scheu advised that the P&Z Commission heard over two hours of testimony in May regarding a lot on Mississippi Road. P&Z voted unanimously to move the application forward to the Board of Commissioners for approval.

### **Adjournment**

Mayor Pro Tem Tom Widmer moved to adjourn the meeting. Commissioner Jane Alexander seconded and the motion carried 5/0. The meeting was adjourned at 6:37 p.m.

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Tim Helms, Mayor

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Angie Murphy, Town Clerk

**Town of Montreat  
Board of Commissioners  
Meeting Minutes  
June 9, 2022 – 7:00 p.m.  
Zoom Meeting with in person attendance**

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Board members present: Mayor Tim Helms  
Mayor Pro Tem Tom Widmer  
Commissioner Jane Alexander  
Commissioner Mason Blake  
Commissioner Kitty Fouche  
Commissioner Kent Otto

Board members present via  
Zoom: None

Board members absent: None

Town staff present: Ben Blackburn, Interim Town Administrator  
Angie Murphy, Town Clerk  
David Arrant, Chief of Police  
Barry Creasman, Public Works Director  
Darlene Carrasquillo, Finance Officer

Town staff present via Zoom: None

Approximately fourteen members of the public were present at Town Hall and several more were watching via Zoom. Mayor Tim Helms called the meeting to order at 7:00 p.m., and led the group in the pledge of allegiance and a moment of silence.

**Agenda Approval**

Commissioner Kitty Fouche moved to adopt the agenda as presented. Mayor Pro Tem Tom Widmer seconded and the motion carried 5/0.

**Mayor's Communications**

Mayor Tim Helms reserved his comments for later in the meeting.

**Meeting Minutes Adoption**

- May 12<sup>th</sup> Town Council Public Forum Meeting Minutes
- May 12<sup>th</sup> Town Council Meeting Minutes

### **Interim Town Administrator's Communications**

Interim Town Administrator Ben Blackburn had no communications at this time.

### **Administrative Reports**

- Administration – This report was given in written format.
- Finance – This report was given in written format.
- Planning & Zoning – This report was given in written format.
- Police – This report was given in written format.
- Public Works and Water – This report was given in written format.
- Sanitation – This report was given in written format.
- Streets – This report was given in written format.

Mayor Pro Tem Tom Widmer congratulated Public Works Director Barry Creasman and Senior Water Operator Jarod McIntosh for the perfect score they received on their sanitation inspection for the water system which was performed by NCDEQ.

### **Public Comment**

There was no public comment at this time.

### **Old Business**

There was no Old Business to discuss.

### **New Business**

- A. Public Hearing RE: FY 22-23 Budget for the Town of Montreat: Commissioner Jane Alexander moved to open the public hearing. Commissioner Kent Otto seconded and the motion carried 5/0. The public hearing was thus opened.
- Mrs. Letta Jean Taylor, former Montreat Mayor, of 386 Oklahoma Road asked the Council to consider a 6% Cost of Living Adjustment Raise (COLA) for Staff like Black Mountain and Asheville are proposing. Mrs. Taylor mentioned that the chipper, dump truck and tractor were all being left off the budget again and she stated that in her experience when things are left off they tend to snowball and lead to a huge tax increase. Mrs. Taylor suggested a \$0.02 tax



increase which would give the Town \$50,000 per cent which would allow several things to be accomplished. Mrs. Taylor expressed her desire for the Town to get aggressive again with street repairs.

Mayor Pro Tem Tom Widmer moved to close the public hearing. Commissioner Kitty Fouche seconded and the motion carried 5/0.

- B. Consideration of FY 22-23 Budget Ordinance and Fee Schedule: Mayor Pro Tem Tom Widmer moved to approve the FY 22-23 Budget Ordinance and Fee Schedule. Commissioner Kent Otto seconded and the motion carried 5/0.
- C. Consideration of Adoption of Continuing Resolution of the 2008 Montreat Comprehensive Plan: Mayor Helms stated that this motion would extend the use of the 2008 Montreat Comprehensive Plan until the new plan is complete. Commissioner Kitty Fouche moved to adopt the Continuing Resolution of the 2008 Montreat Comprehensive Plan. Commissioner Mason Blake seconded and the motion carried 5/0.
- D. Consideration of Setting a Public Hearing re: Conditional Zoning on property located at Lot 1185, Mississippi Road (PIN#07106501680000): Commissioner Kent Otto moved to set a Public Hearing on July 14<sup>th</sup>, 2022 at 7:00 p.m. or soon thereafter with regards to a Conditional Zoning application. Commissioner Jane Alexander seconded and the motion carried 5/0.
- E. Consideration of Adoption of an Ordinance Amending the Charter of the Town of Montreat to Adopt the Council-Manager Form of Government: Commissioner Kitty Fouche moved to adopt an Ordinance amending the Charter of the Town of Montreat to adopt the Council-Manager Form of Government. Commissioner Mason Blake seconded and the motion carried 5/0.
- F. Consideration of Flat Creek Crossing Project: Grace Nichols, Landcare Chair, of 527 Suwannee Drive advised the Council that her team had acquired a survey at the request of the Town Council at the April meeting. April Carder, trail designer, was on-hand to answer any questions. Mayor Tim Helms asked what safety features were taken into consideration. Ms. Carder stated that the grade and surface of the grade are both very important safety features that have been addressed. Ms. Carder mentioned special curbing and handrails for the visually impaired in particular. Mayor Pro Tem Tom Widmer stated that the area there floods frequently and questioned whether the surface will withstand issues of fast water. Ms. Carder stated that currently concrete is down near the trail and the concrete is overhanging the edge of the creek. Ms. Carder stated that the proposed improvements will make it a little more stable. Commissioner Kitty Fouche moved to approve the Flat Creek Crossing Project. Commissioner Jane Alexander seconded and the motion carried 5/0.

**Public Comment**

There was no public comment at this time.

**Commissioner Communications**

Interim Town Administrator Ben Blackburn thanked the homeowners, property owners and visitors for their indirect participation in the FY 22-23 Budget Process. Mr. Blackburn also expressed his thanks to Town Staff and to the Board of Commissioners.

Mayor Helms thanked Mr. Blackburn for the well-done conservative budget.

Mayor Pro Tem Tom Helms stated that the Land-of-Sky MPO has approved the Town of Montreat's grant for the Texas Road Bridge. Funding will be available in 2027. Funding for Phase I is also included in the FY 22-23 budget.

Mayor Helms expressed his disbelief that the Montreat Stewards are questioning the volunteers on the Board of Adjustment and the decision they made regarding the MRA Lodge issue.

**Dates to Remember**

- Montreat Tomorrow, Comprehensive Plan Community Workshop, Postponed
- Bridge Aesthetics Committee, June 14<sup>th</sup> at 2:00 p.m. in Town Hall and by Zoom Meeting Software
- Audit Committee, June 16<sup>th</sup> at 2:00 p.m. in Town Hall
- Montreat Comprehensive Plan Steering Committee Virtual Meeting, June 21<sup>st</sup> at 6:00 p.m.
- Board of Adjustment will not meet in June
- Tree Board, Tuesday June 28<sup>th</sup> at 9:30 a.m. in Town Hall and by Zoom Meeting Software
- Landcare will not meet in July
- Town Offices Closed, Monday July 4<sup>th</sup> in observance of the July 4<sup>th</sup> Holiday. Sanitation services will resume on Tuesday, July 5<sup>th</sup>
- Bulk Pickup, Wednesday July 6<sup>th</sup> beginning at 8:00 a.m. at your Curb
- July Town Council Meeting, Thursday July 14<sup>th</sup> at 7:00 p.m. in Town Hall and by Zoom Meeting Software. Public Forum begins at 6:30 p.m.
- Tree Board, Tuesday July 26<sup>th</sup> at 9:30 a.m. in Town Hall and by Zoom Meeting Software

**Adjournment**

Mayor Pro Tem Tom Widmer moved to adjourn the meeting. Commissioner Kent Otto seconded and the motion carried 5/0. The meeting was adjourned at 7:24 p.m.

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Tim Helms , Mayor

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Angie Murphy, Town Clerk



## TOWN OF MONTREAT

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

### ADMINISTRATIVE REPORTS: ADMINISTRATION

Town Administration report for the month of June 2022

Monthly Statistics	2021	2022
Public Meetings	5	8
Inter-Organizational /Intergovernmental Meetings	3	0
Agendas Prepared	4	6
Minutes Transcribed	4	7
Resolutions Drafted	0	0
Public Records Requests Processed	0	1
Water Bills Processed	674	675
Leak Adjustments	10	3
New Water Accounts Established	1	1
Purchase Orders	74	89
Professional Development Hours	24	32
Sunshine List Messages		12
Website Posts	9	12
Social Media Posts	0	0
Code Red Alerts	1	0
Workers Compensation Claims	0	0

#### Upcoming Events and Schedule Changes

#### Comments

N/A

#### Staff Communications

N/A



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### ADMINISTRATIVE REPORTS: BUILDINGS AND INSPECTIONS

Buildings and Inspections report for the month of June 2022

Monthly Statistics	2021	2022
Building Permits Issued	7	13
Pending Building Permits	0	0
Building Inspections Performed	26	33
Stop Work Orders Issued	0	0
Defective Building Posted	0	0
Denied Building Permits	0	0
Fire Inspections Performed	0	0
Fire Re-Inspections Performed	0	0
Fire Permits Issued	0	0

#### Comments

#### Staff Communications



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### ADMINISTRATIVE REPORTS: STREETS

Streets Department report for the month of June , 2022

Monthly Statistics	2021	2022
Miles of Road Maintained	15.46	17.12
Miles of New Road Constructed	0	0
Public Trees Removed	4	0
Sand Applied to Roads (tons)	0	0
Ice Melt Applied to Roads (pounds)	0	0
Monthly Fuel Costs	281.03	364.23
Contracted Employee Staff Hours	88.5	0
Road Closures	0	0

#### Comments

Mowing season is here. We will be repairing curbing and patching potholes starting this month. Please be mindful of the crews working in the roadways.



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### ADMINISTRATIVE REPORTS: POLICE DEPARTMENT

Police Department report for the month of

June , 2022

Monthly Statistics	2021	2022
Mileage	2,068	2,783
Dispatched Calls	44	37
Officer-Initiated Calls	505	743
Fire Assistance Calls	1	3
EMS Assistance Calls	2	2
Motorist/Other Assistance Calls	23	36
Traffic Stops	16	24
Parking Issues	1	6
Burglar Alarm Responses	0	2
Fire Alarm Responses	3	3
Residential/Building Checks	436	684
Ordinance Violations	3	3
Law Enforcement Agency Assistance Calls	15	21
Animal Control Calls	6	4
Larcenies	0	0
Breaking & Entering Calls	0	0
Suspicious Person Investigations	2	7
Suspicious Vehicle Investigations	1	5
Disturbance Calls	8	4
Accident Responses	0	2
Auxiliary Hours Worked (Regular)	8	32
Auxiliary Hours Worked (Addittional)	72	24
Truck Turns at Gate	2	6
MPD Fuel Cost	\$ -	\$0.00
Professional Development Hours	0	48
Town Service	486	684
MRA Service	213	322
College Service	0	2

#### Comments

A reminder, our non-emergency number has changed. You can reach the MPD Officer on duty through Buncombe County Dispatch. 828-250-6670.



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### ADMINISTRATIVE REPORTS: WATER AND PUBLIC WORKS

Water and Public Works report for the month of June , 2022

Monthly Statistics	2021	2022
Calls for Service	42	53
Water Leaks Repaired	1	0
New Water Lines Installed	0	0
Water Meters Read	674	674
Water Meter Replacements	0	0
Gallons of Water Produced	3736581	4,866,479
Monthly Fuel Cost	324.79	\$ 455.15
Hours Pumped (11 wells combined)	1818	2,491

#### Comments

0





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### ADMINISTRATIVE REPORTS: SANITATION

Sanitation Department report for the month of June , 2022

Monthly Statistics	2021	2022
Tons of Curbside Trash Collected	19.66	40.1
Pay-As-You-Throw Trash Bags Collected	55	128
Tons of Curbside Recycling Collected	0	5.14
Pay-As-You-Throw Recycling Bags Collected	45	94
Cardboard Recycling Collected	0.92	1.39
Unique Curbside Sanitation Stops	6	1,520
Bagged Leaf Pickup	257	405.00
Brush Pickup (cubic yards)	5 Loads	5 Loads
Hauling Fees	2007.96	\$3,570.20
Tipping Fees	796.94	\$1,033.79
Dumpster Rental Fees	203.92	\$214.63
Sanitation Fuel	216.83	\$ 351.15

#### Comments:

Here at Public Works we would like to wish everyone a Happy July 4. We had the July bulk pickup and we filled four 30 yrd containers and one 17 yrd container. We would also like to ask that folks please tie trash bags and break down cardboard boxes by doing so this helps us provide a efficient and timely service to the entire Town. We would also like to remind folks that trash needs to be out at the curb by 8:00 am the morning of pickup. Thank you all for all that you do for the town.



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### ADMINISTRATIVE REPORTS: ZONING ADMINISTRATION

Zoning Administration report for the month of June , 2022

Monthly Statistics	2021	2022
Approved Zoning Permits	0	0
Denied Zoning Permits	0	0
Pending Zoning Permits	0	1
Variance/Interpretation Granted	0	0
Conditional Use Permits Granted	0	0
Permit Extensions Granted	0	0
Sign Permits Issued	0	0
Notices of Violation	0	0

#### Comments

**MAY 2021 - MONTH 11 OF FISCAL YEAR 2020-2021**

**REVENUES**

Fund	Fund #	Budget	YTD Budget	YTD Collected	Difference
GENERAL FUND	10	1,917,820.92	1,758,002.51	1,836,305.83	78,303.32
WATER FUND	30	311,250.00	285,312.50	312,566.59	27,254.09
<b>TOTAL REVENUES GENERAL &amp; WATER FUNDS</b>		<b>2,229,070.92</b>	<b>2,043,315.01</b>	<b>2,148,872.42</b>	<b>105,557.41</b>

**EXPENSES**

Dept Name	Fund #	Budget	YTD Budget	YTD Exp	Difference
GOVERNING BODY	10	53,562.00	49,098.50	28,805.14	20,293.36
ADMINISTRATION	10	451,465.00	413,842.92	385,182.41	28,660.51
PUBLIC BUILDINGS	10	250,985.10	230,069.68	208,929.75	21,139.93
POLICE	10	438,298.82	401,773.92	375,873.32	25,900.60
BUILDING AND ZONING	10	76,310.00	69,950.83	61,638.03	8,312.80
PUBLIC WORKS	10	249,157.00	228,393.92	231,476.29	(3,082.37)
STREET	10	252,346.00	231,317.17	173,233.03	58,084.14
SANITATION	10	123,597.00	113,297.25	111,371.06	1,926.19
ENVIRON,CONS,REC	10	22,100.00	20,258.33	5,086.47	15,171.86
<b>TOTAL EXPENSES GENERAL FUND</b>		<b>1,917,820.92</b>	<b>1,758,002.51</b>	<b>1,581,595.50</b>	<b>176,407.01</b>

Dept Name	Fund #	Budget	YTD Budget	YTD Exp	Difference
WATER	30	311,250.00	285,312.50	252,453.63	32,858.87
<b>TOTAL EXPENSES WATER FUND</b>		<b>311,250.00</b>	<b>285,312.50</b>	<b>252,453.63</b>	<b>32,858.87</b>

<b>TOTAL EXPENSES GENERAL &amp; WATER FUNDS</b>	<b>\$2,229,070.92</b>	<b>\$2,043,315.01</b>	<b>\$1,834,049.13</b>	<b>\$209,265.88</b>
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**GENERAL FUND INCOME/LOSS - YTD** **\$254,710.33**

**WATER FUND INCOME/LOSS - YTD** **\$60,112.96**

**NET INCOME - YTD 2021** **\$314,823.29**

SPECIAL PROJECTS					
Project	Fund #	Budget	This Month Actual	Amount Spent To Date	% Spent
TOWN HALL	13	2,294,425.77	96,160.00	2,222,293.91	96.86%
PUBLIC WORKS BLDG	14	403,888.86	748.61	394,053.92	97.56%
FEMA-GREYBEARD	15	218,232.00	0.00	242,684.30	111.20%
FEMA-TEXAS ROAD	16	50,000.00	0.00	38,071.55	76.14%
FEMA-PROVIDENCE TERR	17	21,000.00	0.00	15,683.00	74.68%
FEMA-CALVIN TRAIL	20	30,000.00	0.00	13,490.57	44.97%
FEMA-CULVERT PROJECT	21	39,800.00	0.00	39,274.83	98.68%
FEMA-DEBRIS PROJECTS	22	3,200.00	0.00	0.00	0.00%
FEMA-URBAN FORESTRY 2018	23	10,000.00	0.00	841.28	8.41%
FEMA-URBAN FORESTRY 2019	24	10,114.00	0.00	2,352.41	23.26%
FEMA-MISC	25	183,943.00	3,240.91	43,510.61	23.65%
LANDCARE	26	750.00	0.00	49.95	6.66%
CARES ACT GRANT	27	9,697.06	0.00	3,962.04	40.86%
<b>TOTAL SPECIAL PROJECTS</b>		<b>\$ 3,275,050.69</b>	<b>\$ 100,149.52</b>	<b>\$ 3,016,268.37</b>	<b>92.10%</b>

**MAY 2022 - MONTH 11 OF FISCAL YEAR 2021-2022**

**REVENUES**

Fund	Fund #	Budget	YTD Budget	YTD Collected	Difference
GENERAL FUND	10	1,838,090.28	1,684,916.09	1,785,494.49	100,578.40
WATER FUND	30	344,041.00	315,370.92	315,806.24	435.32
<b>TOTAL REVENUES GENERAL &amp; WATER FUNDS</b>		<b>2,182,131.28</b>	<b>2,000,287.01</b>	<b>2,101,300.73</b>	<b>101,013.72</b>

**EXPENSES**

Dept Name	Fund #	Budget	YTD Budget	YTD Exp	Difference
GOVERNING BODY	10	40,471.00	37,098.42	29,044.23	8,054.19
ADMINISTRATION	10	542,432.28	497,229.59	447,985.42	49,244.17
PUBLIC BUILDINGS	10	95,067.00	87,144.75	71,871.16	15,273.59
POLICE	10	436,072.42	399,733.05	344,285.99	55,447.06
BUILDING AND ZONING	10	117,506.00	107,713.83	83,704.78	24,009.05
PUBLIC WORKS	10	219,574.00	201,276.17	187,519.73	13,756.44
STREET	10	233,796.00	214,313.00	190,232.41	24,080.59
SANITATION	10	128,896.58	118,155.20	107,656.11	10,499.09
ENVIRON,CONS,REC	10	24,275.00	22,252.08	22,354.44	(102.36)
<b>TOTAL EXPENSES GENERAL FUND</b>		<b>1,838,090.28</b>	<b>1,684,916.09</b>	<b>1,484,654.27</b>	<b>200,261.82</b>

Dept Name	Fund #	Budget	YTD Budget	YTD Exp	Difference
WATER	30	344,041.00	315,370.92	265,579.73	49,791.19
<b>TOTAL EXPENSES WATER FUND</b>		<b>344,041.00</b>	<b>315,370.92</b>	<b>265,579.73</b>	<b>49,791.19</b>

<b>TOTAL EXPENSES GENERAL &amp; WATER FUNDS</b>	<b>\$2,182,131.28</b>	<b>\$2,000,287.01</b>	<b>\$1,750,234.00</b>	<b>\$250,053.01</b>
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**GENERAL FUND INCOME/LOSS - YTD** **\$300,840.22**

**WATER FUND INCOME/LOSS - YTD** **\$50,226.51**

**NET INCOME - YTD 2022** **\$351,066.73**

SPECIAL PROJECTS					
Project	Fund #	Budget	This Month Actual	Amount Spent To Date	% Spent
TOWN HALL	13	2,389,579.77	94,053.34	2,223,150.46	93.04%
PUBLIC WORKS BLDG	14	403,888.86	388.62	397,181.57	98.34%
FEMA-GREYBEARD	15	242,760.00	0.00	242,684.30	99.97%
FEMA-TEXAS ROAD	16	38,272.00	0.00	38,071.55	99.48%
FEMA-PROVIDENCE TERR	17	15,883.00	0.00	15,683.00	98.74%
FEMA-CALVIN TRAIL	20	13,691.00	0.00	13,490.57	98.54%
FEMA-CULVERT PROJECT	21	47,491.00	0.00	39,274.83	82.70%
FEMA-URBAN FORESTRY 2018	23	10,000.00	0.00	841.28	8.41%
FEMA-URBAN FORESTRY 2019	24	10,114.00	0.00	2,352.41	23.26%
FEMA-MISC	25	214,747.00	0.00	57,060.03	26.57%
LANDCARE	26	750.00	0.00	49.95	6.66%
CARES ACT GRANT	27	9,697.06	0.00	5,135.53	52.96%
AMERICAN RESCUE PLAN ACT	28	138,633.39	0.00	55,423.00	39.98%
<b>TOTAL SPECIAL PROJECTS</b>		<b>\$ 3,535,507.08</b>	<b>\$ 94,441.96</b>	<b>\$ 3,090,398.48</b>	<b>87.41%</b>

Date of Deposit	Jul-20	Jul-21	% +/-	Aug-20	Aug-21	% +/-	Sep-20	Sep-21	% +/-	Oct-20	Oct-21	% +/-	Nov-20	Nov-21
AdVal/RMV (Includes Sp Assess&Ded Fees)	1,392.91	2,920.94	<b>52%</b>	1,017.11	3,457.81	<b>71%</b>	46,660.36	106,638.16	<b>56%</b>	116,236.34	122,923.63	<b>5%</b>	69,383.54	60,228.54
Sales	28,659.10	40,374.75	<b>29%</b>	31,023.08	41,390.38	<b>25%</b>	36,448.63	45,270.46	<b>19%</b>	35,569.11	45,114.37	<b>21%</b>	34,853.46	41,479.39
Solid Waste (Quarterly)				163.22	179.40	<b>9%</b>							175.32	173.79
Utility Fran (Quarterly)							17,308.49	18,360.31	<b>6%</b>					
Wine/Beer (Annual-May)														

NOTES:

AdVal Tax is received the month after the tax is collected

RMV Tax is received two months after the tax is collected

Sales Tax is received three months after the tax is collected

% +/-	Date of Deposit	Dec-20	Dec-21	% +/-	Jan-21	Jan-22	% +/-	Feb-21	Feb-22	% +/-	Mar-21	Mar-22
<b>-15.20%</b>	AdVal/RMV	205,940.75	267,776.90	<b>23.09%</b>	383,509.82	363,624.75	<b>-5.47%</b>	214,909.51	245,254.38	<b>12.37%</b>	25,014.67	41,125.22
<b>15.97%</b>	Sales	36,690.89	43,345.68	<b>15.35%</b>	37,275.01	44,765.05	<b>16.73%</b>	37,770.31	46,005.02	<b>17.90%</b>	42,509.30	50,930.06
<b>-0.88%</b>	Solid Waste (Quarterly)							186.01	178.63	<b>-4.13%</b>		
	Utility Fran (Quarterly)	24,515.92	23,240.05	<b>-5.49%</b>							21,064.15	21,931.85
	Wine/Beer (Annual-May)											

NOTES:

AdVal Tax is received the month after the tax is collected

RMV Tax is received two months after the tax is collected

Sales Tax is received three months after the tax is collected

% +/-	Apr-21	Apr-22	% +/-	May-21	May-22	% +/-	Jun-21	Jun-22	% +/-
<b>39.17%</b>	9,782.68	29,099.12	<b>66.38%</b>	6,859.00	2,616.50	<b>-162.14%</b>	2,566.06	2,662.86	<b>3.64%</b>
<b>16.53%</b>	34,395.20	36,829.52	<b>6.61%</b>	29,359.39	37,575.54	<b>21.87%</b>	42,388.42	47,368.42	<b>10.51%</b>
				182.91	170.37	<b>-7.36%</b>			
<b>4.12%</b>							24,422.18	25,159.23	<b>2.93%</b>
				4,029.72	3,571.27	<b>-11.38%</b>			



**INITIAL ZONING/DEVELOPMENT COMPLIANCE – APPLICATION**

**Fee: \$35**

(NOTE: May require addendum forms (i.e. Variance, Special Use Permit, etc.)

Project Address(s): 159 Mississippi Road Extension  
Parcel Identifier Number(s) (PIN #): 0710-65-0168  
Zoning District(s): R-1  
Owner Name: Michael and Kathryn Mader  
Mailing Address: 5277 Isla Key Blvd S Apt 423  
City: St. Petersburg State: FL ZIP: 33715  
Owner Phone: 727-692-4026 E-mail: mpmader@aol.com

Short description of proposed project and intended use: It is our intention to build a 2 bedroom, 2 bath single-family home of approximately 1200 square feet above a 2 car garage.

**Special Conditions** (Variance or Special Use Permit required?)

☐ Yes (see attached)

☒ No

**NOTE:** Where a Variance or Special Use Permit (SUP) is required, the Zoning Official shall not issue a Certificate of Zoning/Development Compliance until such Variance or SUP shall be approved by the Board of Adjustment.

Page 2 and 3 provide summary information on the Town of Montreat's **Zoning, Stormwater** (Erosion & Sediment Control and Stormwater Management), and **Hillside Development standards**. Please see page 4 for a **Zoning Checklist for Permit Applications**, page 5 for **Additional Information About Zoning Compliance**, and pages 6-8 for **Montreat Zoning/Development Standards Reference List**.



**Zoning Districts – Dimensional Standards**

District	Min. Lot Area*	Min. Lot Width	Min. Lot Depth	Front Setback**	Side Setback	Rear Setback
R-1: Low-Density Residential	10,000 SF (SFD)  15,000 SF (TFD and other uses)	75'	100'	30'	15' (SFD)  25' (All other uses)	20% of mean lot depth, or 35' max.
R-2: Medium Density Residential	8,000 SF (SFD)  12,000 SF (TFD and all other uses)  MFD (3 or more units), 20,000 SF, plus 3,500 SF per unit in excess of 4 units	60'	100'	30'	10' (SFD)  20' (All other uses)	20% of mean lot depth, or 30' max.
R-3: Low-Density Residential (Septic)	20,000 SF (SFD)***  30,000 SF (TFD and all other uses)	75'	100'	30'	15' (SFD)  25' (All other uses)	20% of mean lot depth, or 35' max.
I/R: Institutional/Residential District	6,000 SF (SFD)	65'	100'	25' for all uses	12'/17.5' interior/corner	25'
	10,000 SF (TFD and all other uses)	80'	100'			
	15,000 SF (MFD)	100'	100'			
I: Institutional District	7,500 (all uses)	75'	100'	N/A - 25' from right-of-way and when adjacent to a different Zoning District		

SFD = Single-Family Dwelling

TFD = Two-Family Dwelling

MFD = Multi-Family Dwelling

\* **Min. Lot Size for New Lots.** If lot already exists, it's a **Lot of Record** - A lot which is a part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds of Buncombe County, or a lot described by metes and bounds, prior to the adoption of this Ordinance. (November 14, 1985) No newly created lot shall be reduced in dimension/area below the min. requirement. (Sec. 607)

**\*\* Front Setback Reductions**

- Corner lots may have a fifty percent (50%) setback reduction on one front setback (Sec. 607).
- Lots in developed areas may use the average front setback of surrounding lots, min. 15' front setback. (Sec. 609).
- On lots ≥40% slope, front setbacks may be reduced up to fifty (50%) based on Zoning and Town Administrator approval.

\*\*\* **Septic Service** In areas not served by a public or community sewer system, the minimum lot area shall be determined by the Buncombe County Health Department. This minimum lot area shall be that necessary for safe on-site waste disposal system, but in no case, shall the lot be smaller than the required area for the Zoning District in which it is located. (Sec. 603)

**Other Development Standards**

Please see **Montreat Zoning/Development Standards Reference List** (page 6) for standards which may apply to your project. The list immediately below highlights common home-construction related standards.

**NOTE: Erosion & Sediment Control (ESC) measures are required for any amount of land disturbance.**  
See *Buncombe County Erosion & Sediment Control* documents under "Forms" on Town of Montreat website.

**Is an Erosion & Sediment Control Permit Required?** (see General Ordinances)

☐ Yes☒ No

A permit is required when:

- Any land disturbance >1 acre on a tract, or
- Any land disturbance >0.25 acre on a lot, parcel, or tract with average natural slope >25%

**Is a Stormwater Permit Required?** (see General Ordinances)

☒ Yes☐ No

A permit is required when:

- Disturbing  $\geq 5,000$  SF on lot area; or
- Adding impervious surface on  $\geq 24\%$  on lot area; or
- Adding  $\geq 2,500$  SF of impervious surface on lot area.

**Is a Hillside Development Permit Required?** (see General Ordinances)

☐ Yes☒ No

A permit is required when the average slope of the lot is  $\geq 40\%$ .

Steep Slope Calculator: <https://www.mapwnc.org/>

**Applicant's Acknowledgement**

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

Date: 3/18/22 Applicant's Signature: Michael P Mader

Applicant's Name (PLEASE PRINT): Michael Mader

**FOR OFFICE USE ONLY**☐ Approved☒ Application deemed Complete (Board approval required)☐ Denied

Date: 4/21/22 Zoning Administrator's Signature: Scott Adams

Zoning Administrator's Name (PLEASE PRINT): Scott Adams

Permit Fee: \$ 35 Cash: \$ \_\_\_\_\_ Check #: \_\_\_\_\_ Date Paid: 3/22/22, online

**NOTE: Certificate of Zoning Compliance (later on) must be APPROVED before Building Permit can be issued.**



## Zoning Checklist for Permit Applicants

**NO building permit shall be issued for new construction, addition to, or the alteration of, existing structure footprints or use, without first applying for a Certificate of Zoning Compliance with the Town of Montreat. Please provide two (2) copies of each item listed below.**

- A **Site Plan** must provide complete details of the driveway location and dimensions, as well as compliance with required parking accommodations. (Requests for on-street parking intended to meet a portion of the overall required parking accommodations for the site shall be considered on a case-by-case basis by the Town Administration).

A **complete Site Plan** includes:

- Orientation referencing north meridian (i.e. a NORTH arrow);
- Scale of the drawing (i.e. 1" = 20');
- Boundaries and acreage (or square feet) of the parcel and parcel dimensions, incl. PIN #;
- Adjacent streets and any easements;
- Existing and/or proposed structures including clearly delineated setback lines;
- Location of all underground and above ground utilities; – existing or proposed;
- Location of all utility easements, rights-of-way, culverts and drainage ways – existing or proposed;
- Contour interval – showing pre- and post-construction contours (if applicable); and
- Clear graphic representation of any proposed alterations, additions or details indicating changes to the topography or site characteristics. This includes the location and details of any existing or proposed Stormwater Control Measures (SCM's) associated with the parcel.

- An **as-built survey** must be provided for any construction project where a finished structure is located at or near the required setback line(s). This must be prepared by a Professional Land Surveyor (PLS).
- A **landscaping plan** must be submitted for all commercial projects and – at the discretion of the Zoning Administrator – may be required for residential projects as well;
- The project must be evaluated for additional requirements under the **Hillside Development Ordinance** and **Stormwater Management Ordinance**, which may involve the applicant hiring a *N.C. Registered Design Professional* to prepare supplemental calculations and project specifications to achieve compliance. An Erosion and Sediment Control Plan must be included with the permit application submittal if there is to be any grading associated with the proposed scope of work.
- The proposed project must be a permitted use in the zoning district associated with the structure location(s) - **NO** use Variances are permitted. (See Montreat Zoning Ord. – Table 500)
- No expansion of an existing non-conforming structure is permitted without first securing a Variance from the Zoning Board of Adjustment. (See Montreat Zoning Ord. Sec. 1000.2 Non-Conformities)

## **Additional Information About Zoning Compliance**

### **301.3 CERTIFICATE OF ZONING COMPLIANCE LIMITED TO TWELVE MONTHS PLUS ONE EXTENSION.**

If within twelve (12) months of the date on which a Certificate of Zoning Compliance is issued, construction has not begun on the Structure for which the certificate had been issued, the certificate shall expire; but the Zoning Administrator shall grant one (1) extension of six (6) months to the certificate if so requested by the applicant. Such request shall be granted without any requirement of any additional fee.

### **301.4 PRIOR APPROVAL REQUIRED FOR PLAN CHANGES.**

After a Certificate of Zoning Compliance has been issued, no deviations from the terms of the application or the Certificate of Zoning Compliance shall be made until the applicant has submitted a new application consistent with Section 301.1 to the Town Zoning Administrator describing the development including all proposed changes. No construction shall take place that is inconsistent with the approved Development Plan until amended plans are fully approved by the Zoning Administrator.

### **301.5 RE-SUBMISSION OF APPLICATION FOR ZONING COMPLIANCE.**

An application that has been denied by the Zoning Administrator but not appealed to the Board of Adjustment may be re-submitted not more than once, unless there is a material change in the application or a change in the zoning ordinances related to the application.

# Montreat Zoning/Development Standards Reference List

References below highlight standards found in Montreat's Zoning Ordinance and General Code of Ordinances. Ordinances are available via PDF on the Town of Montreat's website: [www.townofmontreat.org](http://www.townofmontreat.org)  
*Italicized text provides prompts for and brief explanations of standards.*

## ZONING ORDINANCE

### COMPREHENSIVE PLAN – CONSISTENCY STATEMENT

*Please describe how the proposed project is consistent or inconsistent with the Montreat Comprehensive Plan.*

### ARTICLE V – ZONING DISTRICT REGULATIONS

*Please describe how the proposed project is a Permitted Use per Sec. 500. (Table of Permitted Uses).*

**Zoning District Site and Dimensional Standards and Overlay Zoning District Uses/Standards**  
(includes setbacks, minimum lot size, screening, and sign standards for specific Zoning Districts)

### ARTICLE VI – DEVELOPMENT PROVISIONS

- 600. Use
- 601. Lot Reduction Prohibited
- 602. Every Lot Must Have Access to a Street
- 603. Minimum Lot Area
- 604. Height and Density
- 605. One Principal Building per Lot (n/a in Institutional Zoning District)
- 606. 606.1 Accessory Buildings and Uses
  - 606.2 Garages in Front Yard
  - 606.3 Portable Storage Container
  - 606.4 Reasonable Accommodation (ADA)
- 607. Corner Lots
- 608. Double Frontage Lots
- 609. Special Front Yard Requirements in Developed Areas. (setback reductions allowed)
- 610. Nuisances and Hazards at Building Sites.
- 611. Manufactured Homes
- 612. Regulations for Cut and Fill Slopes.
- 613. Drainage (Note: The Stormwater Management Ordinance may have additional regulations.)
- 613.1 Sedimentation Control. All land disturbing activity is to be planned and conducted so as to prevent off-site sedimentation and storm water runoff damage.
- 614. Agricultural Uses
- 615. Parking and Storage of Travel Trailers, Campers and Recreational Vehicles.
- 616. Approval for Construction in Rights-of-Way.
- 617. Driveway and Walkway Connections.
- 618. Fences
- 619. Accessory Dwelling Units (ADUs)
- 620. Home Occupations



## **ARTICLE VII – PARKING AND LOADING REGULATIONS**

- 701. Parking Area Construction Standards.
  - 701.1 Parking Space Requirements
  - 701.2 ENTRANCES (SOMETIMES “AISLE”) AND DRIVEWAY WIDTHS.
  - 701.3 SURFACING.
  - 701.4 CURBING.
  - 701.5 MARKINGS AND SIGNAGE.
  - 701.6 STORMWATER MANAGEMENT.
  - 701.7 LANDSCAPING. Landscaping requirements are in Section 903 of this Ordinance Code.
  - 701.8 PERMITTED SLOPE.
- 702. Off-Street Parking Space Requirements.
- 703. Bicycle Parking.
- 704. Shared Parking.
- 705. Use of Public Streets for Parking.
- 706. Structured Parking.
- 707. Off-Street Loading Regulations.

## **ARTICLE VIII – SIGNAGE**

## **ARTICLE IX – LANDSCAPING**

## **ARTICLE X – NONCONFORMITIES**

*“Non-conformities” are uses, lots (vacant or built upon), and structures (i.e. houses, garages, fences) that do not conform to the standards of the current Zoning Ordinance and related development ordinances. Non-conformities are typically older/historic properties and structures.*

**NOTE:** *The Town of Montreat does not permit the expansion or change in use of non-conformities if their expansion or change in use conflicts with current zoning/development standards. Properties and structures are not granted “legacy status” (formerly known as “grandfathered/ing” status).*

# TOWN OF MONTREAT CODE OF GENERAL ORDINANCES

## CHAPTER C - FIRE PROTECTION AND PREVENTION

*Consult this section for required documentation from fire/life safety authorities (Town of Black Mountain) when applicable.*

## CHAPTER D - STREETS AND PUBLIC WALKWAYS

### ARTICLE IV: STREET STANDARDS

*Consult this if your project requires construction of a new street (public or private).*

## CHAPTER E – UTILITIES

*Consult this section for required documentation of water (Town of Montreat) and sewer (Metropolitan Sewerage District, MSD) availability when applicable.*

### ARTICLE I: WATER & SEWER

## CHAPTER K – ENVIRONMENT

*Consult these sections if your project falls within a flood or hillside area and/or if your project triggers erosion and stormwater standards.*

### ARTICLE I: FLOOD DAMAGE PREVENTION ORDINANCE

### ARTICLE II: SOIL EROSION AND SEDIMENTATION CONTROL ORDINANCE

### ARTICLE III: STORMWATER MANAGEMENT

### ARTICLE IV: HILLSIDE DEVELOPMENT

Steep Slope Calculator: <https://www.mapwnc.org/>

### ARTICLE V: TREES

*This article applies to all Town Property, all public rights of way within the Town, and those areas designated as Greenspace in the Offer of Dedication dated May 12, 1983 from the Mountain Retreat Association to the Town of Montreat. This article also applies to private property, primarily in relation to mitigation of unsafe trees on private property in proximity to public property.*

## CHAPTER M - EXTENSIONS OF PUBLIC UTILITIES AND STREETS

# TOWN OF MONTREAT SUBDIVISION ORDINANCE

*Consult the Subdivision Ordinance if your project involves subdivision. Frequently consulted sections of the ordinance are listed below for reference, but the entire ordinance should be consulted for any subdivision.*

Per N.C.G.S. 160D-802, a "Subdivision" means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this part:

- 1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the municipality as shown in its subdivision regulations;
- 2) The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;
- 3) The public acquisition or purchase of strips of land for the widening or opening of streets, and;
- 4) The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the municipality, as shown in its subdivision regulations.
- (5) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

## ARTICLE V - GENERAL REQUIREMENTS AND DESIGN STANDARDS FOR SUBDIVISIONS

- 500: SUITABILITY OF LAND
- 501: CONSERVATION DESIGN
- 502: STREETS
- 503: WATER AND SEWER SYSTEMS
- 504: STORMWATER DRAINAGE
- 505: SEDIMENTATION CONTROL
- 506: SURVEYING AND PLACEMENT OF MONUMENTS
- 507: PRESERVATION OF NATURAL ENVIRONMENT
- 508: LOTS
- 509: EASEMENT

## ARTICLE VI - PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS

- 600: GENERAL
- 601: MINOR SUBDIVISIONS
- 602: SKETCH PLAN REQUIREMENTS
- 603: PRELIMINARY PLAN
- 604: IMPROVEMENTS INSTALLATION AND GUARANTEES
- 605: FINAL PLAT
- 606: VARIANCES
- 607: APPEALS
- 608: AMENDMENTS





## TOWN OF MONTREAT

ZONING AND INSPECTIONS DEPARTMENT

P. O. Box 423

Montreat, NC 28757

Tel: (828) 669-8002, ext. 3030

[www.townofmontreat.org](http://www.townofmontreat.org)

### CONDITIONAL ZONING DISTRICT REQUEST – APPLICATION

**Fee: \$200**

(Addendum to Initial Zoning/Development Compliance – Application,  
if immediately pursuing a development proposal)

Applications for Conditional Zoning Districts must be complete, accompanied by an application fee as set forth by the Town of Montreat Fee Schedule and submitted to the Zoning Official. The application fee should be made payable to the Town of Montreat and is non-refundable except where an application is withdrawn prior to its initial consideration by the Planning & Zoning Commission. The Commission will deliberate and prepare a report for Town Council recommending to either accept or reject the proposed amendment. You will be notified of the meeting date the Board of Commissioners will hear this matter and of any action taken or any decision made concerning your request.

All meetings of the Planning and Zoning Commission and Board of Commissioners are open to the public.

Project Address(s): 159 Mississippi Road Extension Date of Request: \_\_\_\_\_

Parcel Identifier Number(s) (PIN #): 0710-65-0168

Existing Zoning District(s): R-1

Owner/Applicant Name(s): Michael and Kathryn Mader

Mailing Address: 5277 Isla Key Blvd S Apt 423

City: St. Petersburg State: FL ZIP: 33715

Daytime Phone: 727-692-4026 E-mail: mpmader@aol.com

Zoning Ordinance Section(s) to be amended:

501.81 - Minimum Side Yard for Single-Family Dwelling Units

Proposed text in full (attach additional sheets if needed):

501.81 - Single-Family and Two-Family Dwelling Units: Ten Feet (10')

Briefly state the reason(s) for this request:

Under the current zoning regulations, the applicant could construct a single-family residence with a height of 35'. This height would allow for the construction of a three-story structure, but applicant would prefer to construct a two-story structure that is consistent with the surrounding homes. In order accommodate the shorter structure the applicant needs a reduction in one side yard setback from 15' to 10'.

List any attached supporting documents:

Please see attached.

Revised 8/12/21

**Conditional Zoning consists of the following steps:**

1. **Pre-Application Meeting** with Zoning Administrator to discuss proposal and complete initial scoping of Zoning/Development standards to be addressed in proposal. **OPTIONAL**
2. **Community Meeting** (Property owners within 250' of subject property must be notified via standard mail *at least 14 days* in advance of the Community Meeting. The public notice mailings and Community Meeting itself must be completed by the applicant/agent). **REQUIRED**

**510.4 COMMUNITY MEETING.** With respect to all Districts, the applicant is required to hold a community meeting prior to the application deadline for a Conditional Zoning District rezoning. *[at least 30 days ahead of Planning & Zoning Commission's next scheduled meeting, typically third Thursday of month]* Notice of the meeting shall be provided to owners of property within 250' of subject property, as listed with the Buncombe County Tax Department. Notice may be sent to additional properties by the applicant. At a minimum, the notice shall be sent by standard mail and be postmarked at least fourteen (14) days prior to the date of the community meeting. Additional types of public notice may be provided by the applicant.

**510.41** A written report of the community meeting shall be included as part of the application packet. The written report of the meeting shall include a listing of those persons and organizations contacted about the meeting and the manner and date of contact, the time, date, and location of the meeting, and a description of any changes to the rezoning application made by the applicant as a result of the meeting.

**510.42** Revisions to an approved Conditional Zoning District necessitating a Public Hearing applicable to the Institutional/ Residential (I/R) and the Institutional (I) Districts shall also require a community meeting.

3. **Zoning Administrator** review (Applicant must file application *at least 30 days* ahead Planning & Zoning Commission's next scheduled meeting) **REQUIRED**
4. **Planning & Zoning Commission (P&Z)** review (*NOTE: advisory recommendation*)  
Public notice for P&Z must be mailed at *least 10 and not more than 25 days* in advance of a public hearing on a specific zoning/development proposal. **REQUIRED**
5. **Board of Commissioners (BOC)** review, approval/denial (*NOTE: requires simple majority vote*)  
Public notice for BOC must be mailed at *least 10 and not more than 25 days* in advance of a public hearing on a specific zoning/development proposal. **REQUIRED**





## TOWN OF MONTREAT

ZONING AND INSPECTIONS DEPARTMENT

P. O. Box 423

Montreat, NC 28757

Tel: (828) 669-8002, ext. 3030

[www.townofmontreat.org](http://www.townofmontreat.org)

### Applicant's Acknowledgement

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

Date: 3/18/22 Applicant's Signature: *Michael Mader*

Applicant's Name (PLEASE PRINT): Michael Mader

### FOR OFFICE USE ONLY

☒ Deemed Complete by Zoning Administrator

☐ Denied

Date: 4/21/22 Zoning Administrator's Signature: *Scott Adams*

Zoning Administrator's Name (PLEASE PRINT): Scott Adams

Permit Fee: \$ 200 Cash: \$ \_\_\_\_\_ Check #: \_\_\_\_\_ Date Paid: 3/22/22, online

Date Item to be Considered by Board of Commissioners: TBD

**NOTE: Certificate of Zoning Compliance (later on) must be APPROVED before Building Permit can be issued.**

**Report of Community Meeting for 159 Mississippi Road Ext.**

The applicant hosted a community meeting at the Montreat Town Hall on Tuesday, March 8, 2022, at 4:00 P.M. Notice of the meeting was mailed to the following surrounding property owners within 250' of the subject property via standard mail on February 22, 2022:

Cate & Daniel Sawyer 150 Mississippi Rd Montreat, NC 28757	Marie Elizabeth & John C. Stork George Neel McMaster PO Box 507 Monticello, GA 31064
Tamie C Herin PO Box 1151 Montreat, NC 28757	Mountain Retreat Assoc PO Box 969 Montreat, NC 28757
Jean & Morgan David PO Box 414 Black Mountain, NC 28711	William C & Susanne B Mccaskill PO Box 219 Montreat, NC 28757
Mountain Retreat Llc William H Neely Iii 450 Channel Creek Ct Mt Pleasant, SC 29464	Richmond Mill Pond Properties LLC 10421 Old Wire Rd Laurel Hill, NC 28351
Mountain Retreat Assoc PO Box 969 Montreat, NC 28757	Bruzins LLC 1016 Rosedale Rd Ne Atlanta, GA 30306
Robert A & Jessie G Barker PO Box 730 Montreat, NC 28757	Stephanie T & Jeffrey Lynn Schumann 4 Joseph Wallace Dr Croton Hdsn, NY 10520
Kathryn G & Michael P Mader 5277 Isla Key Blvd S Apt 423 St. Petersburg, FL 33715	Mark & Sandra D Oliver PO Box 67 Montreat, NC 28757
Emory M & Jane A Underwood PO Box 25 Montreat, NC 28757	Michael J & Janet L Sonnenberg PO Box 58 Montreat, NC 28757
Mary Updike Mclaughlin Karen C Hoffman 50 20th St Atlantic Beach, FL 32233	Katheryn Kirk Fouche PO Box 717 Montreat, NC 28757

Pamela M Coley PO Box 795 Davidson, NC 28036	
--	--

The above-listed names and contact information were provided to the applicant by the Town's Zoning Administrator. The applicant arranged for his architect, engineer, attorney, and other supporting contractors to be present during the meeting to present the proposed project and answer any questions about the proposal. Four members of the community attended the meeting and the project was discussed for a little over an hour. No changes have been made to the application.



DRAWING INDEX

LANDSCAPE

- LI.01 TREE PROTECTION & REMOVAL PLAN
- LI.02 GRADING, DRAINAGE & EROSION CONTROL PLAN
- LI.03 SITE PLAN

ARCHITECTURAL

- CS COVER SHEET
- AS SITE PLAN
- A-1 FOUNDATION & LOWER LEVEL PLAN
- A-2 MAIN LEVEL & ROOF PLAN
- A-3 FRONT & REAR ELEVATIONS
- A-4 RIGHT & LEFT SIDE ELEVATIONS
- A-5 BUILDING SECTIONS & TRUSS PROFILES
- A-6 TYPICAL WALL SECTIONS
- A-7 SCHEDULES & DETAILS
- A-8 WINDOW & DOOR DETAILS
- SP-1 SPECIFICATIONS
- SP-2 SPECIFICATIONS

STRUCTURAL

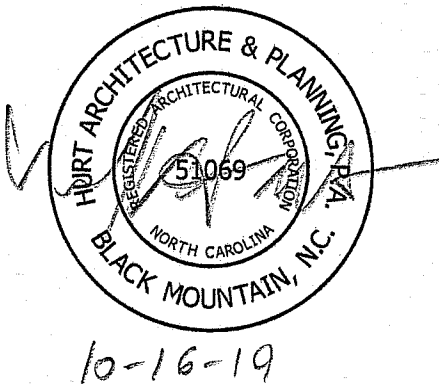
- SO.1 STRUCTURAL NOTES, DRAWING INDEX
- SI.1 SITE RETAINING WALL & FOUNDATION PLAN
- SI.2 MAIN LEVEL FLOOR & ROOF FRAMING PLAN
- S2.1 TYPICAL FOUNDATION SECTIONS & DETAILS
- S2.2 FOUNDATION & SITE RETAINING WALL SECTIONS
- S3.1 FRAMING SECTIONS & DETAILS



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MADER RESIDENCE  
159 MISSISSIPPI ROAD EXT.  
MONTREAT, NORTH CAROLINA

DRAWING NAME:  
Cover Sheet

DATE: October 1, 2019

CS

SCALE:



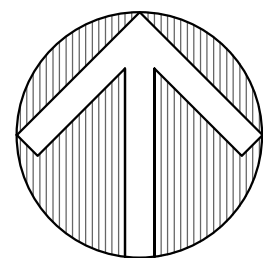
	PARCEL BOUNDARY
	BUILDING SETBACK
	PIPE
	DRAINAGE SWALE
L.P.	LOW POINT
H.P.	HIGH POINT
F.F.E.	FINISHED FLOOR ELEVATION
D.I.	DRAIN INLET
Y.I.	YARD INLET
T.W.	TOP OF WALL
T.C.	TOP OF COLUMN
P.A.	PLANTING AREA
E.O.P	END OF PAVEMENT
	STONE LINED APRON / CHANNEL
	DRAINAGE DIRECTION AND SLOPE
	CONSTRUCTION FENCE
	TREE PROTECTION FENCE
	SILT FENCE
	SMOOTH WALLED CORRUGATED SUBSURFACE DRAIN PIPE
	CONSTRUCTION ENTRANCE
	EXISTING TREES
	TREES TO BE REMOVED
	CHECK DAM

ALL PROTECTED TREES, PRESERVED UNDERSTORY, AND OTHER VEGETATION DESIRED FOR PROTECTION SHALL BE PROTECTED FROM INJURY DURING ANY LAND CLEARING AND BUILDING CONSTRUCTION IN THE FOLLOWING MANNER :

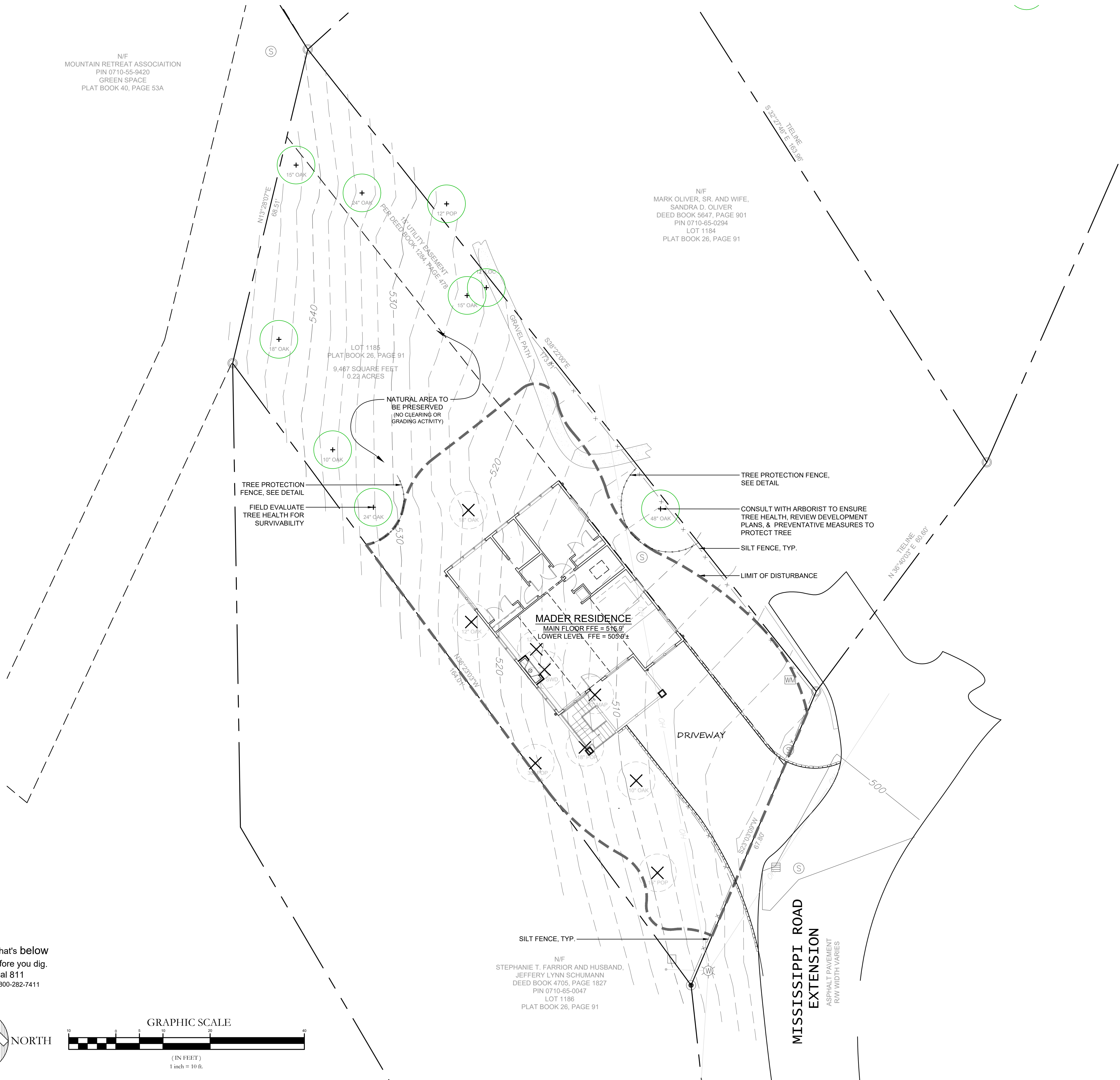
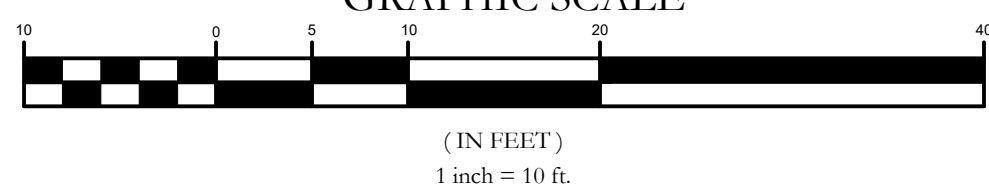
1. A TEMPORARY BARRIER SHALL BE CONSTRUCTED TO PREVENT ANY DISTURBANCE OF THE SOIL AS SHOWN ON THE PLANS. THE BARRIER SHALL REMAIN THROUGHOUT THE ENTIRE CONSTRUCTION PROCESS. SEE DETAIL.
2. WHEN PREPARING PROPOSED LANDSCAPE BEDS, DO NOT TILL WITHIN THE DRIP LINE OF EXISTING VEGETATION. CRITICAL ROOT AREA, OR WITHIN TREE PROTECTED FENCE.
3. THE PROTECTED AREA SHALL BE MAINTAINED AT ITS ORIGINAL GRADE, WITH NO STORAGE OF FILL, COMPACTION OF SOIL OR TRENCHING OR CUTTING OF TREE ROOTS. IN NO EVENT SHALL MOTORIZED VEHICLES OR EQUIPMENT ENTER THE PROTECTED AREA.
4. THE CONTRACTOR SHALL NOT CAUSE OR ALLOW THE CLEANING OF EQUIPMENT, STORAGE OR DISPOSAL OF MATERIALS SUCH AS PAINTS, SOLVENTS, ASPHALT, CONCRETE, OR ANY MATERIAL THAT CAN DAMAGE THE HEALTH OF VEGETATION WITHIN THE DRIP LINE OF PROTECTED VEGETATION.
5. NO ATTACHMENT OF WIRES (EXCLUSIVE OF PROTECTIVE GUIDE WIRES), SIGNS, OR PERMITS SHALL BE FASTENED TO VEGETATION WITHIN THE PROTECTED AREA.
6. ANY DISTURBANCE WITHIN THE PROTECTED AREA SHALL BE DONE WITH HAND TOOLS ONLY (OR OTHER ARBORIST-APPROVED IMPLEMENTS) AND UNDER THE DIRECTION OF THE ARBORIST.



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# TREE PROTECTION & REMOVAL PLAN

MADER PROJECT

Black Mountain, North Carolina

DATE: OCTOBER 14, 2019

REV01: DECEMBER 10, 2019

### WALL LOCATION UPDATES

REV02: MARCH 26, 2020

### HOUSE LOCATION UPDATE

## HEET:

# L 1.01





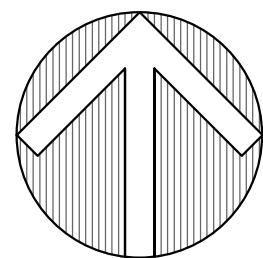


	PARCEL BOUNDARY
	BUILDING SETBACK
	PIPE
	DRAINAGE SWALE
L.P.	LOW POINT
H.P.	HIGH POINT
F.F.E.	FINISHED FLOOR ELEVATION
D.I.	DRAIN INLET
Y.I.	YARD INLET
T.W.	TOP OF WALL
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P.A.	PLANTING AREA
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	STONE LINED APRON / CHANNEL
	DRAINAGE DIRECTION AND SLOPE
	CONSTRUCTION FENCE
	TREE PROTECTION FENCE
	SILT FENCE
	SMOOTH WALLED CORRUGATED SUBSURFACE DRAIN PIPE
	CONSTRUCTION ENTRANCE
	EXISTING TREES
	TREES TO BE REMOVED
	CHECK DAM

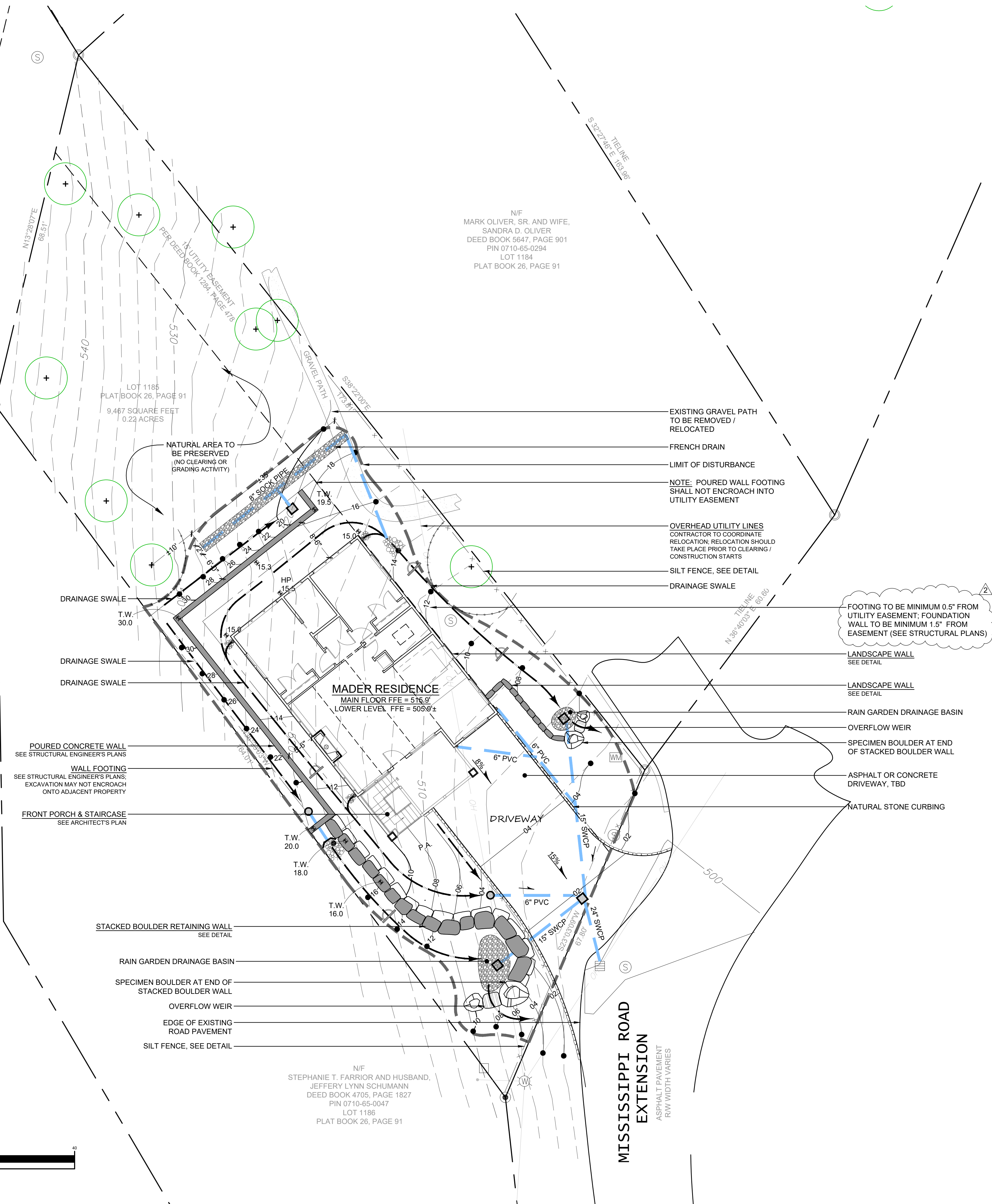
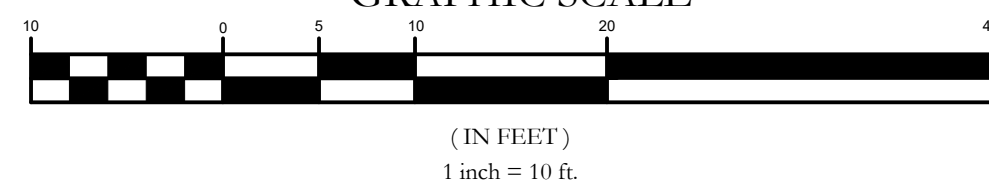
1. DO NOT SCALE SITE FEATURES FROM DRAWING.
2. REFER TO ARCHITECTURAL PLANS FOR BUILDING LAYOUT AND DIMENSIONS.
3. GUTTER AND DOWNSPOUT LOCATIONS ARE NOT SHOWN. CONTRACTOR SHALL TIE IN GUTTER AND DOWNSPOUT RUN-OFF WITH ANY SUBSURFACE DRAINAGE SYSTEMS, WHERE APPLICABLE. ALL DOWNSPOUTS SHALL BE ROUTED TO SUBSURFACE DRAINAGE SYSTEMS. RUN-OFF DISCHARGE AT PIPE ENDS SHALL BE TREATED WITH STONE HEADWALL AND APRON.
4. TIE IN ALL PROPOSED STORM DRAINAGE TO PROPOSED STORM INLETS WITH A MINIMUM OF 12" COVER OVER ALL PIPE SECTIONS.
5. ALL INLETS HAVE TEMPORARY SLEET PROTECTION IMMEDIATELY AFTER CONSTRUCTION.
6. CONTRACTOR SHALL VERIFY LAYOUT/STAKING AND GRADES IN FIELD AND NOTIFY LANDSCAPE ARCHITECT IF ANY CONFLICTS AND/OR AMBIGUITIES ARISE.
7. CONTRACTOR IS RESPONSIBLE FOR MINIMAL DISTURBANCE OF EXISTING VEGETATION DURING INSTALLATION OF ANY AND ALL UNDERGROUND UTILITIES.
8. LAYOUT ALL SITE ELEMENS IN FIELD PRIOR TO CONSTRUCTION FOR APPROVAL BY LANDSCAPE ARCHITECT AND OWNER.
9. LAYOUT AND GRADES OF PROPOSED WALKS TO BE VERIFIED WITH LANDSCAPE ARCHITECT.



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# SITE PLAN

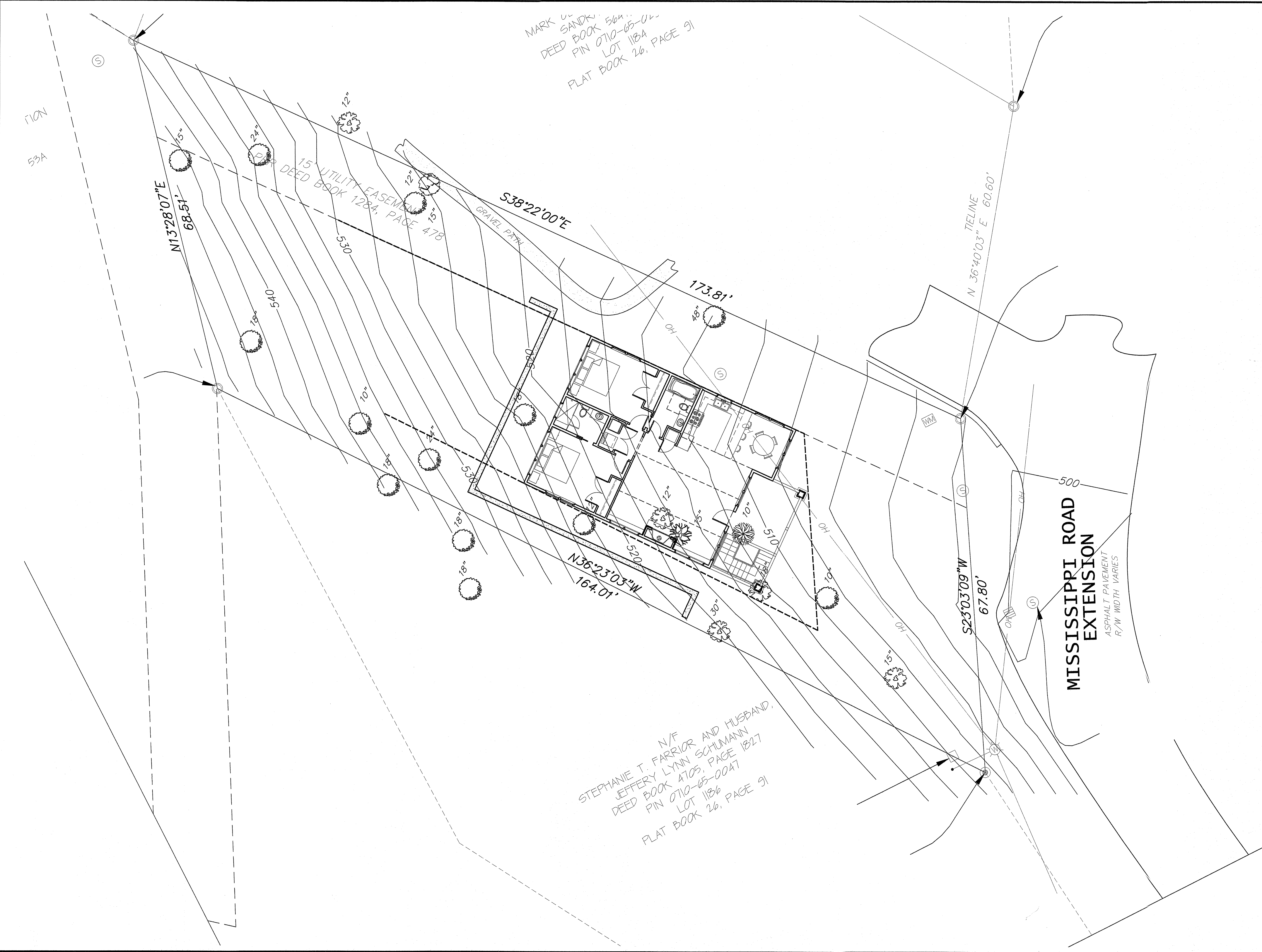
MADER PROJECT  
Black Mountain, North Carolina

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## HEET:

# L 1.03





MARK C. SANDR... 564...  
DEED BOOK 564...  
PIN 0710-65-02...  
LOT 1184  
PLAT BOOK 26, PAGE 91

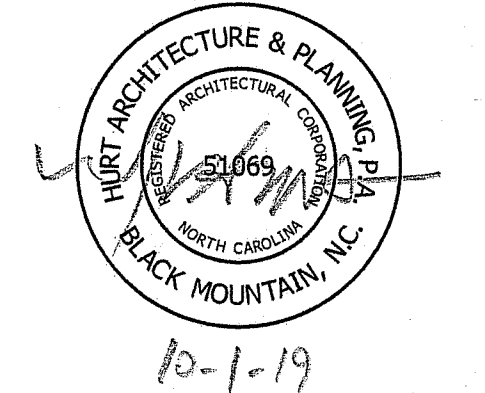
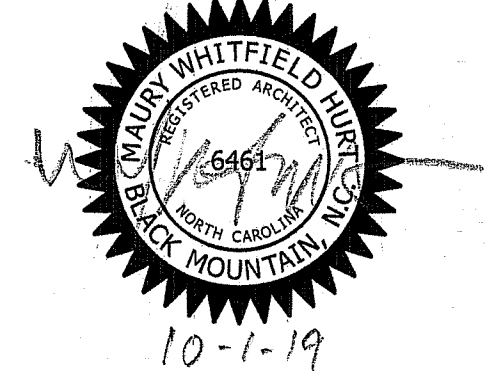
N/F  
STEPHANIE T. FARRIOR AND HUSBAND,  
JEFFERY LYNN SCHUMANN  
DEED BOOK 4705, PAGE 1827  
PIN 0710-65-0047  
LOT 1186  
PLAT BOOK 26, PAGE 91



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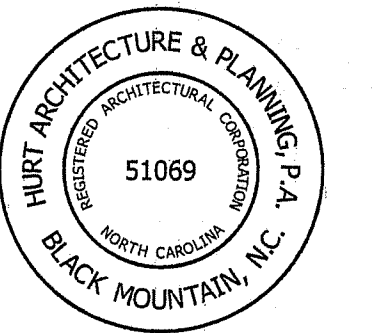
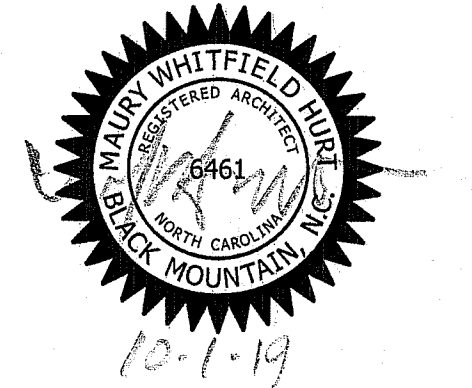
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**MADER RESIDENCE**  
159 MISSISSIPPI ROAD EXT.  
MONTREAT, NORTH CAROLINA

DRAWING NAME:  
Site Plan  
DATE: October 1, 2019  
**AS**  
SCALE: 1/8" = 1'-0"





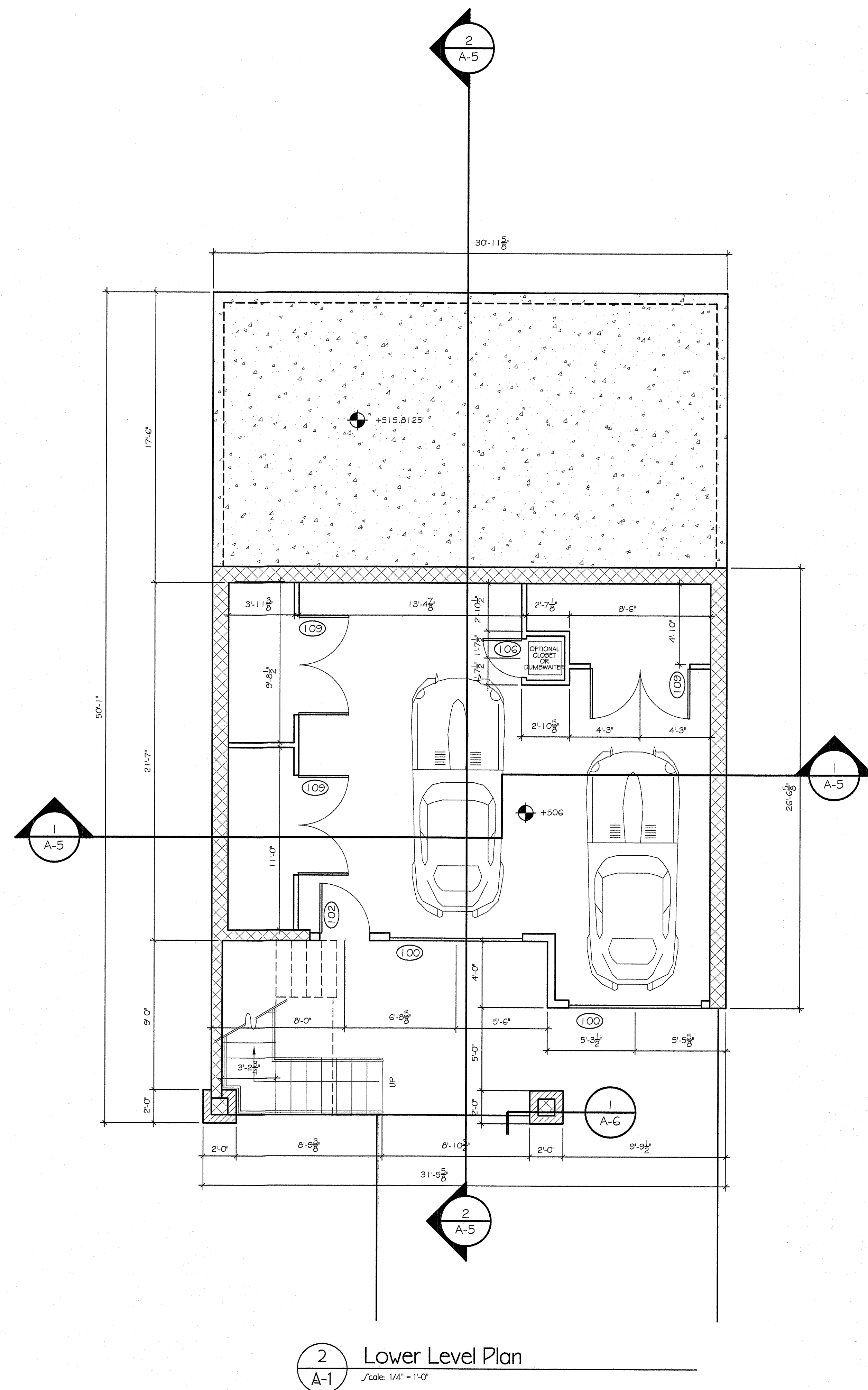
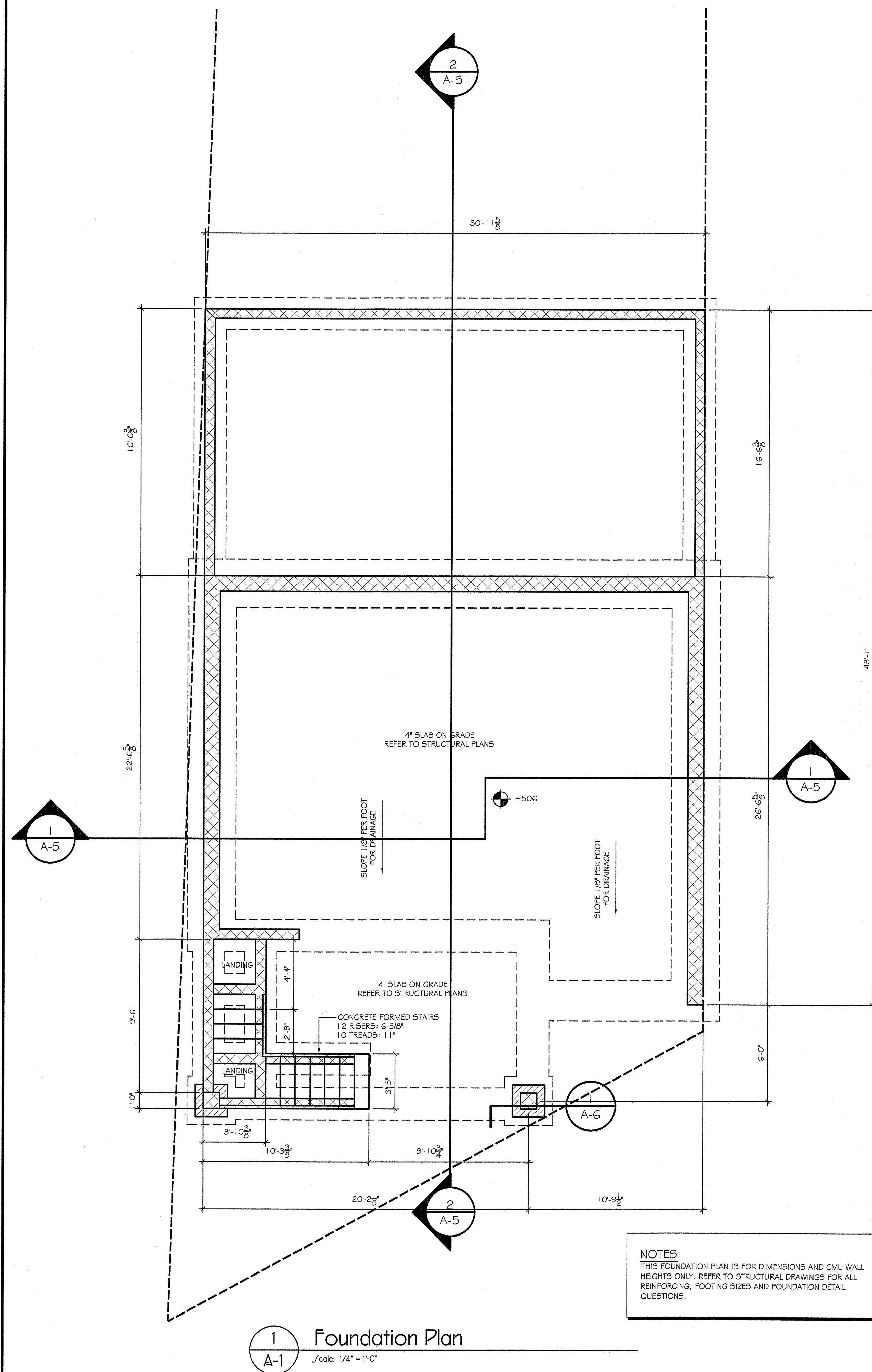
**MADER RESIDENCE**  
159 MISSISSIPPI ROAD EXT.  
**MONTREAT, NORTH CAROLINA**

DRAWING NAME:  
Found. & Lower Lvl Plans

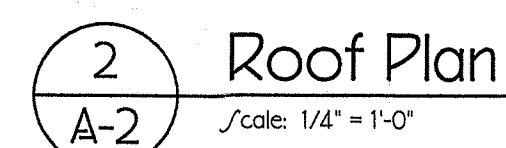
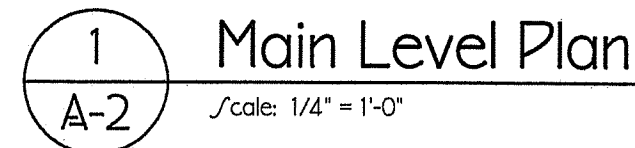
DATE: October 1, 2019

# A-1

SCALE:  $1/4" = 1'-0"$





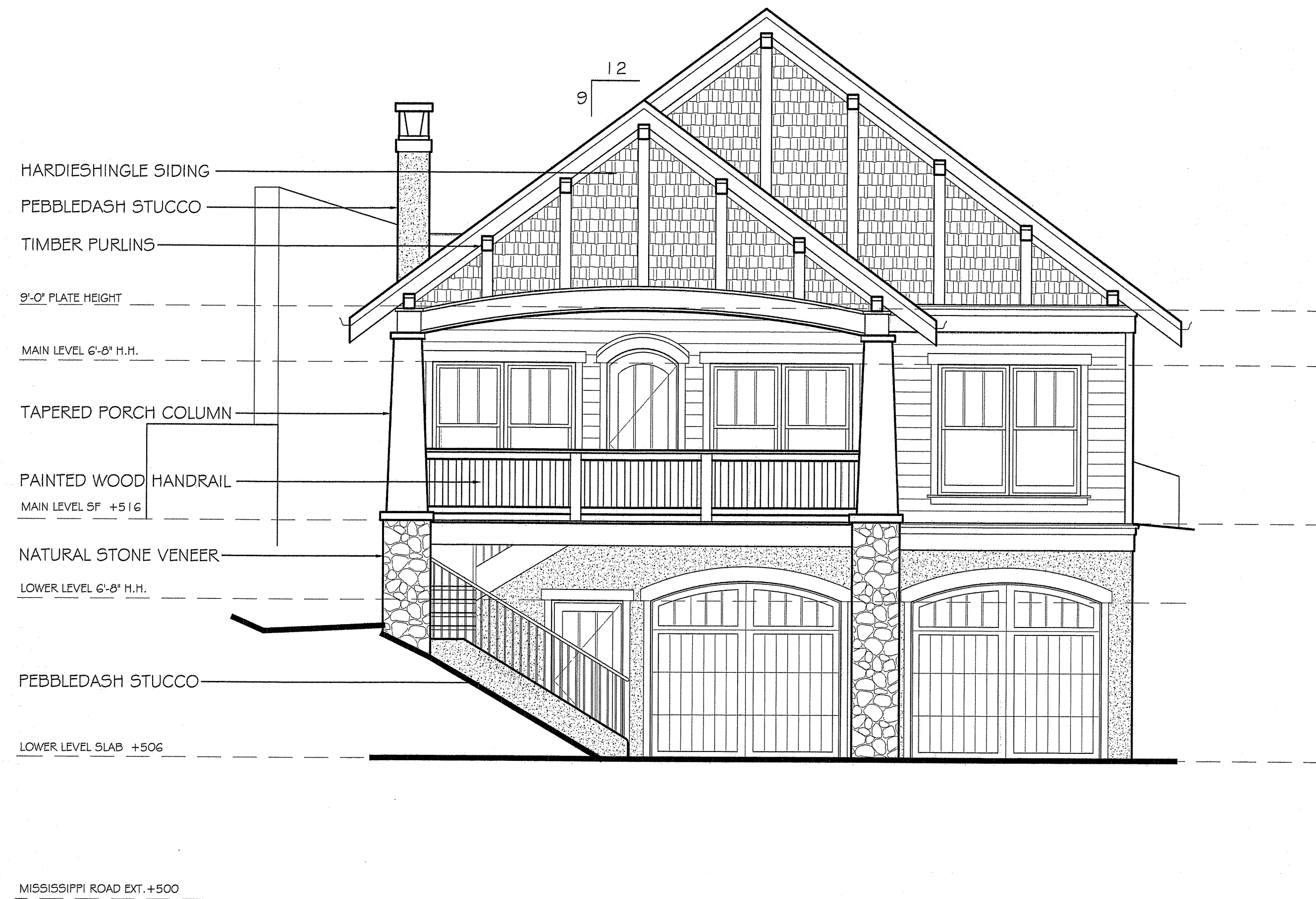


**MADER RESIDENCE**  
159 MISSISSIPPI ROAD EXT.  
MONTREAT, NORTH CAROLINA

A-2

SCALE:  $1/4" = 1'-0"$





1 Front Elevation  
A-3 Scale: 1/4" = 1'-0"



2 Rear Elevation  
A-3 Scale: 1/4" = 1'-0"



1 0 1  
M I D L A N D  
A V E N U E  
B L A C K  
M O U N T A I N  
N C 2 8 7 1 1  
P H O N E  
8 2 8 . 6 6 9 . 1 7 5 0  
F A X  
8 2 8 . 6 6 9 . 1 7 6 2

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**MADER RESIDENCE**  
159 MISSISSIPPI ROAD EXT.  
MONTREAT, NORTH CAROLINA

DRAWING NAME:  
Front & Rear Elevations

DATE: October 1, 2019

**A-3**

SCALE: 1/4" = 1'-0"





1 Right Side Elevation  
A-4 Scale: 1/4" = 1'-0"



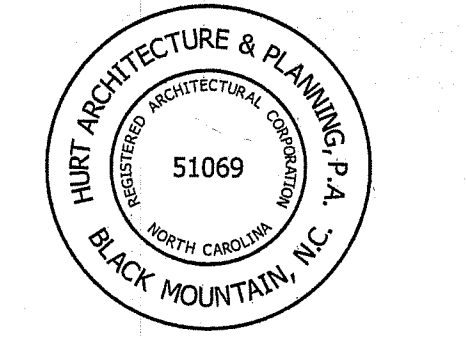
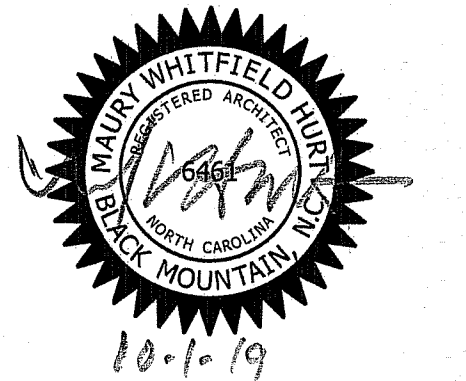
2 Left Side Elevation  
A-4 Scale: 1/4" = 1'-0"



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MADER RESIDENCE  
159 MISSISSIPPI ROAD EXT.  
MONTREAT, NORTH CAROLINA

DRAWING NAME:  
Right & Left Elevations

DATE: October 1, 2019

A-4

SCALE: 1/4" = 1'-0"



30 YR ARCH SHINGLES W/ 30# UNDERLAYMENT  
5/8" ZIP SYSTEM SHEATHING - FLASH TAPE ALL SEAMS  
MANUFACTURED ROOF TRUSSES @ 24" O.C.

PEBBLEDASH STUCCO

CRICKET

2x8 RAFTER TAILS @ EA. TRUSS

6" STEEL GUTTER

HARDIETRIM WINDOW CASING

ANDERSEN E-SERIES CLAD CASEMENT WINDOW

NATURAL STONE VENEER

BUILT-IN BOOKSHELVES

HARDIEPLANK SIDING - 6" EXPOSURE

2x6 EXTERIOR STUD WALL @ 16" O.C.

3/4" SUBFLOOR SHEATHING

HARDIETRIM BAND W/ DRIP CAP

24" MANUFACTURED FLOOR TRUSSES @ 24" O.C.

PEBBLEDASH STUCCO ABOVE GRADE

2x4 INTERIOR PARTITION WALL

12" REINFORCED CONCRETE FOUNDATION WALL  
FOUNDATION WATERPROOFING & DRAINAGE MAT

4" SLAB ON GRADE - REFER TO STR.

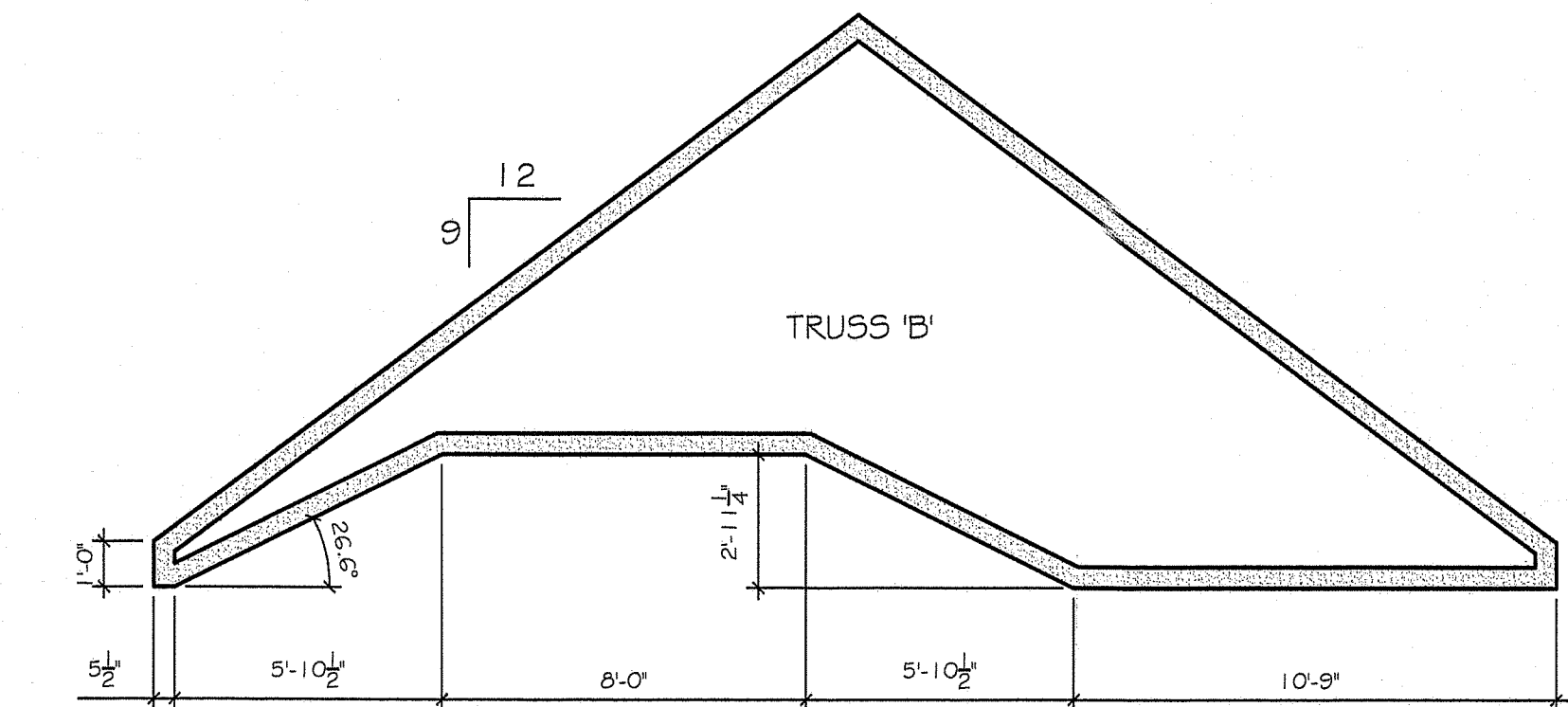
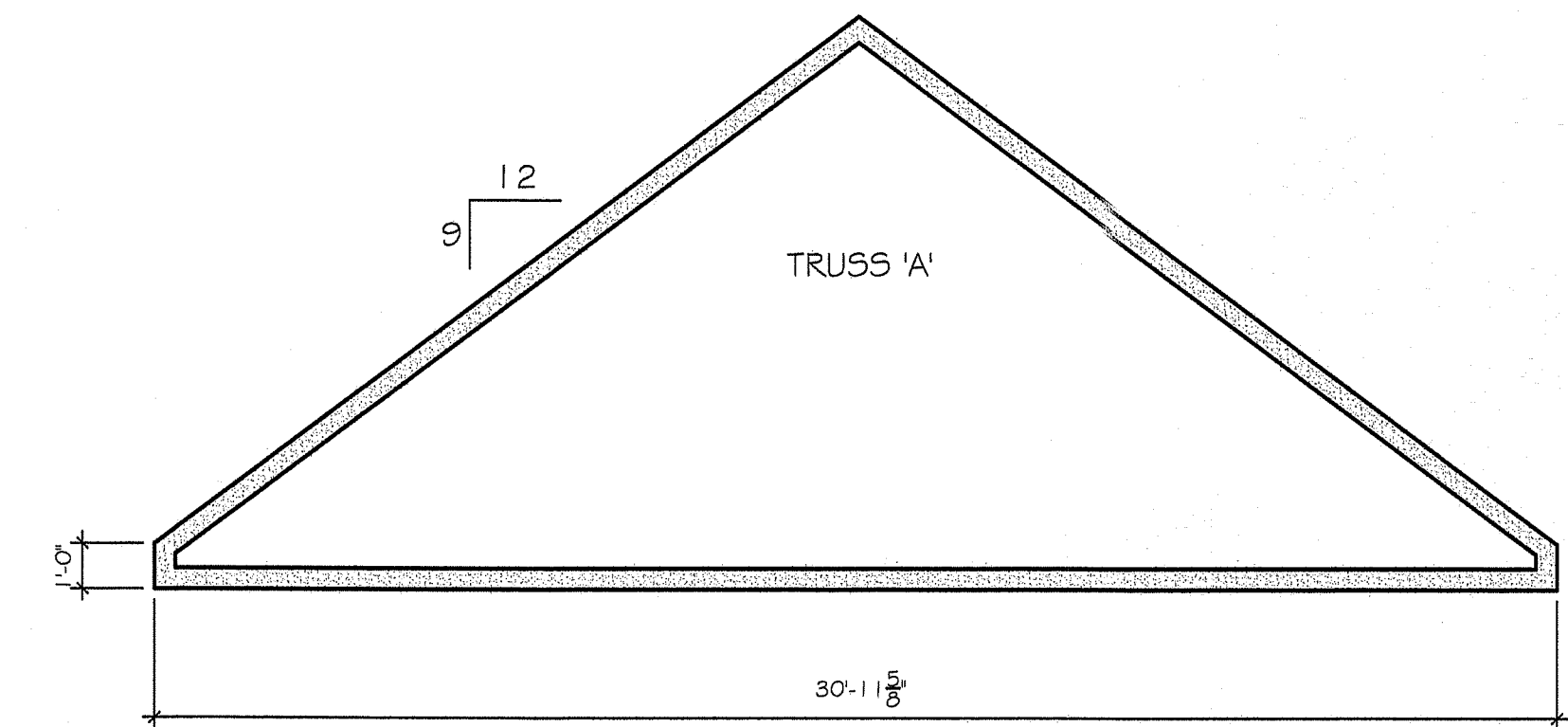
2" RIGID FOAM BOARD OVER VAPOR BARRIER

WASHED STONE

4" FOUNDATION DRAIN

CONCRETE FOOTING - REFER TO STR.

1 Transverse Building Section  
A-5 Scale: 1/4" = 1'-0"



3 Manufactured Truss Profiles  
A-5 Scale: 1/4" = 1'-0"

HARDIESHINGLE SIDING - 6" EXPOSURE  
MANUFACTURED ROOF TRUSSES @ 24" O.C.  
RIDGE BEAM - REFER TO STRUCTURAL

2x6 GABLE END WALL  
2x12 SYP RAFTERS @ 16" O.C.  
6x8 PURLINS W/ END PROFILE  
HARDIESHINGLE SIDING - 6" EXPOSURE  
2x8x16" COLLAR TIES EA. RAFTER  
ARCHED PROFILE ON PLYWOOD EA. COLLAR TIE  
SOLID WOOD NAILERS AS REQUIRED  
(4) 9-1/4" LVL BEAM  
1x6 T&G CEILING  
RADIUSSED HARDIETRIM CASED BEAM  
RADIUSSED HARDIETRIM (MATCH PROFILE)  
HARDIETRIM WINDOW CASING  
TAPERED PORCH COLUMN  
ANDERSEN E-SERIES CLAD CASEMENT WINDOW

WOOD RAILING ASSEMBLY

CAST STONE CAP  
P.T. PARALAM BEAM - REFER TO STR.  
P.T. 2x10 DECK JOISTS @ 16" O.C.  
PRESSURE TREATED WOOD STAIRS  
STEEL HANDRAIL ASSEMBLY  
NATURAL STONE VENEER

CONCRETE FORMED STAIRS  
PEBBLEDASH STUCCO

4" SLAB ON GRADE

WASHED STONE  
4" FOUNDATION DRAIN  
CONCRETE FOOTING - REFER TO STR.

FLAT SOFFIT - 3/8" ROUGH SAWN PLYWOOD  
5/4x10 HARDIETRIM FASCIA  
HARDIESHINGLE SIDING - 6" EXPOSURE

MANUFACTURED ROOF TRUSSES @ 24" O.C.

RADIUSSED HARDIETRIM BAND

ANDERSEN E-SERIES TRANSOM WINDOW

HARDIEPLANK SIDING - 6" EXPOSURE

2x6 EXTERIOR STUD WALL @ 16" O.C.

P.T. 2x SLEEPERS

4" SLAB ON GRADE

2" RIGID FOAM BOARD OVER 6-mil VAPOR BARRIER

HARDIETRIM BAND W/ DRIP CAP

8" CMU STEM WALL

4" FOUNDATION DRAIN

CONCRETE FOOTING - REFER TO STR.

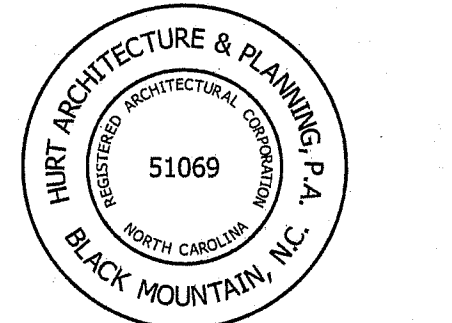
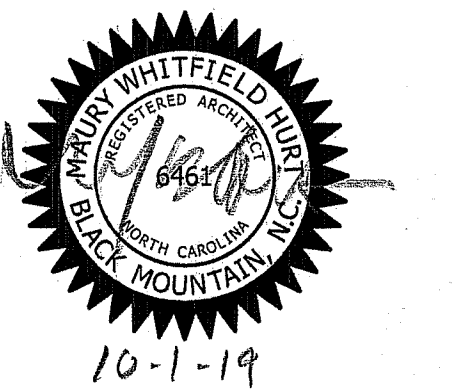
2 Longitudinal Building Section  
A-5 Scale: 1/4" = 1'-0"



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THEY TO BE DISCLOSED TO OR USED BY ANY THIRD PARTY WITHOUT FIRST  
OBTAINING THE WRITTEN PERMISSION OF HURT ARCHITECTURE  
& PLANNING, P.A. ANY DIMENSIONS ON THESE DRAWINGS SHALL  
HAVE PRECEDENCE OVER LOCAL BUILDING CODES. CONTRACTORS SHALL  
VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON  
THE JOB AND HURT ARCHITECTURE & PLANNING, P.A. MUST BE NOTIFIED  
IN WRITING OF ANY VARIATION FROM THE DIMENSIONS, CONDITIONS AND  
SPECIFICATIONS SHOWN ON THESE DRAWINGS.



MADER RESIDENCE  
159 MISSISSIPPI ROAD EXT.  
MONTREAT, NORTH CAROLINA

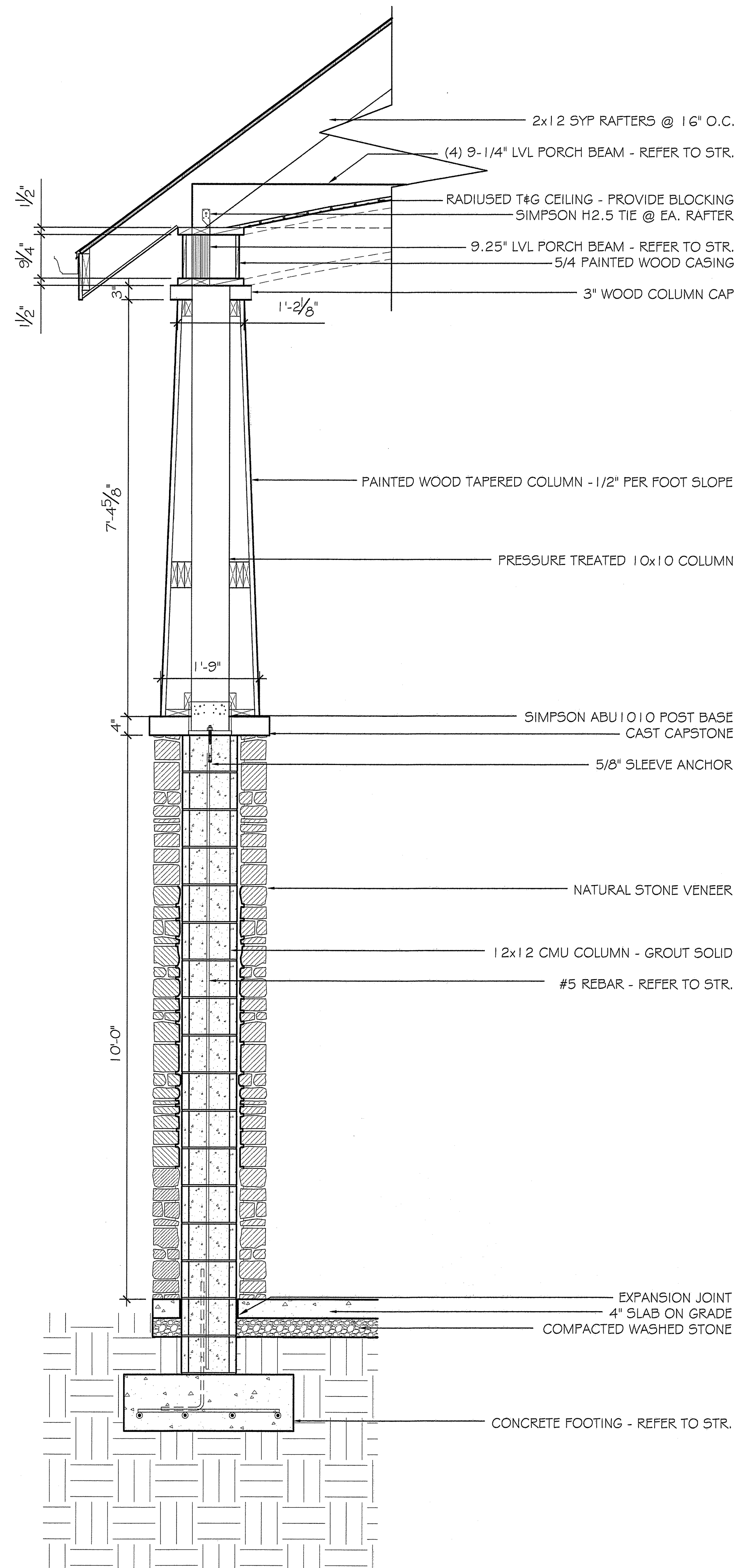
DRAWING NAME:  
Building Sections

DATE: October 1, 2019

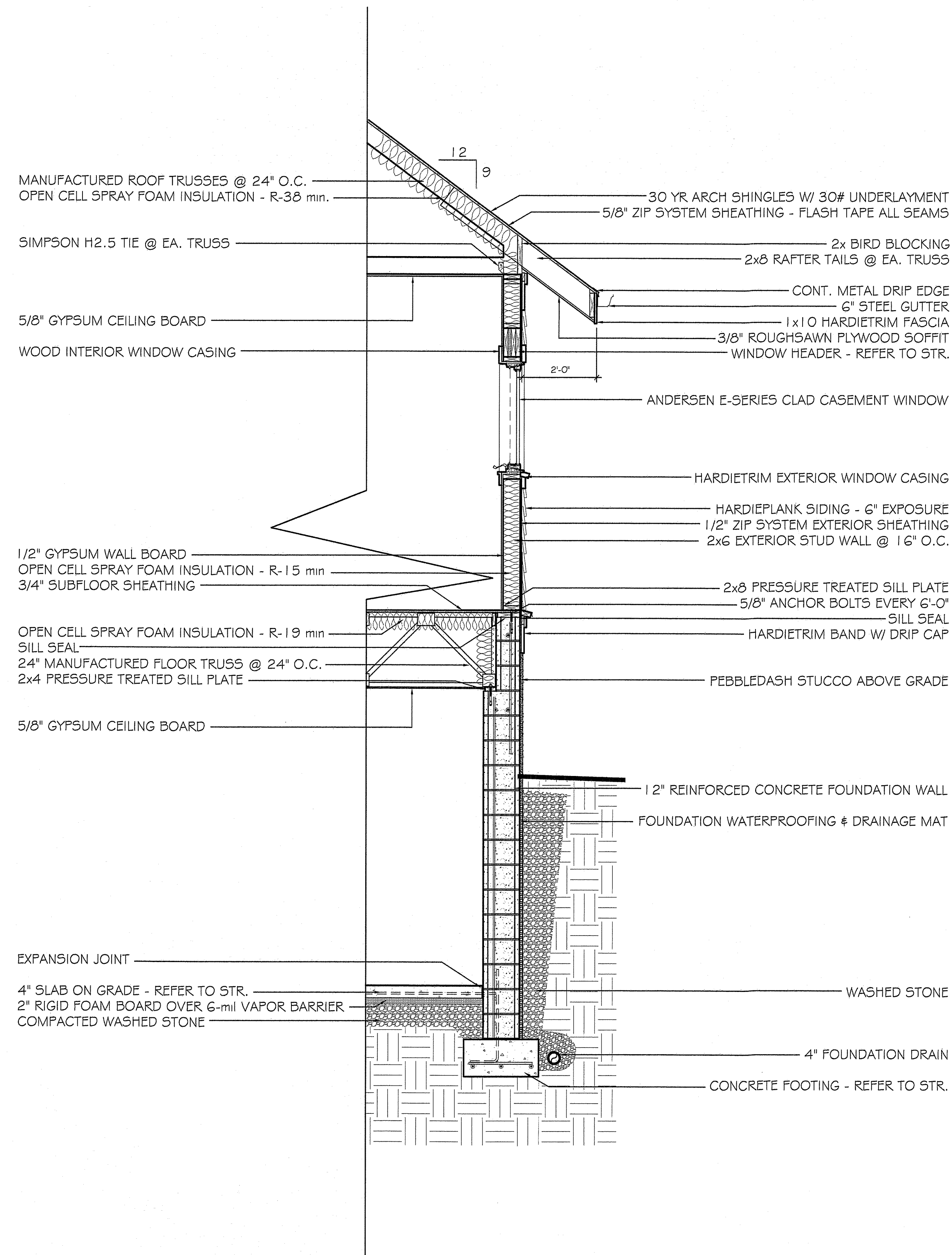
A-5

SCALE: AS NOTED





1 Porch Column Detail  
 A-6 / scale: 3/4" = 1'-0"



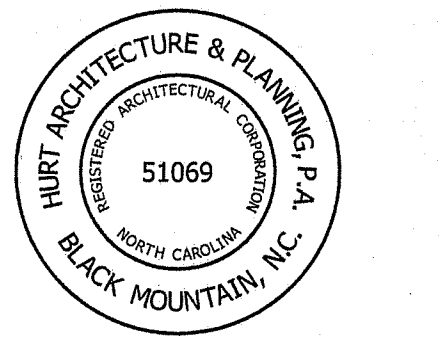
2 Typical Wall Section  
 A-6 / scale: 1/2" = 1'-0"



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MADER RESIDENCE  
 159 MISSISSIPPI ROAD EXT.  
 MONTREAT, NORTH CAROLINA

DRAWING NAME:  
 Wall Sections & Details

DATE: October 1, 2019

A-6

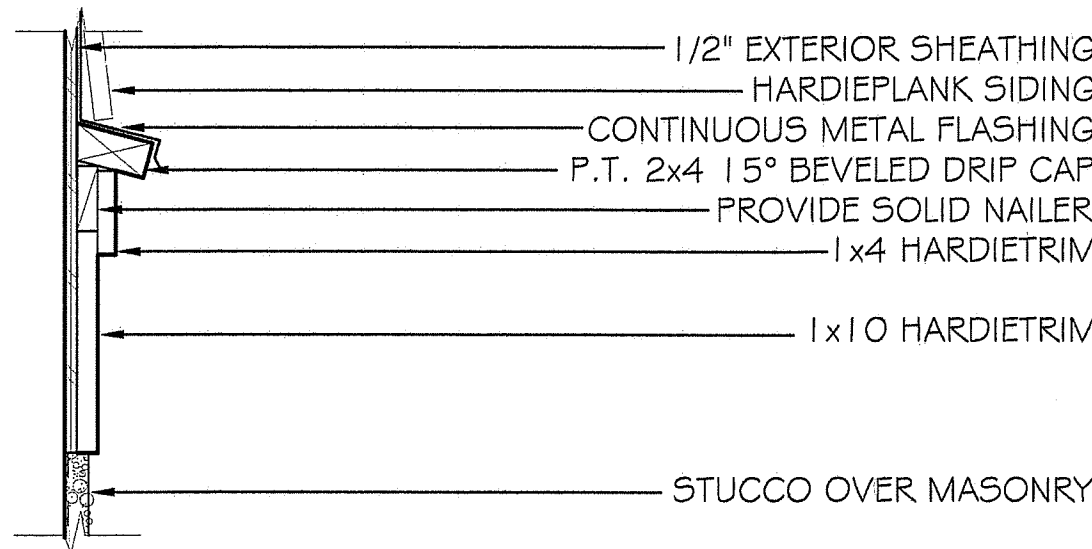
SCALE: AS NOTED



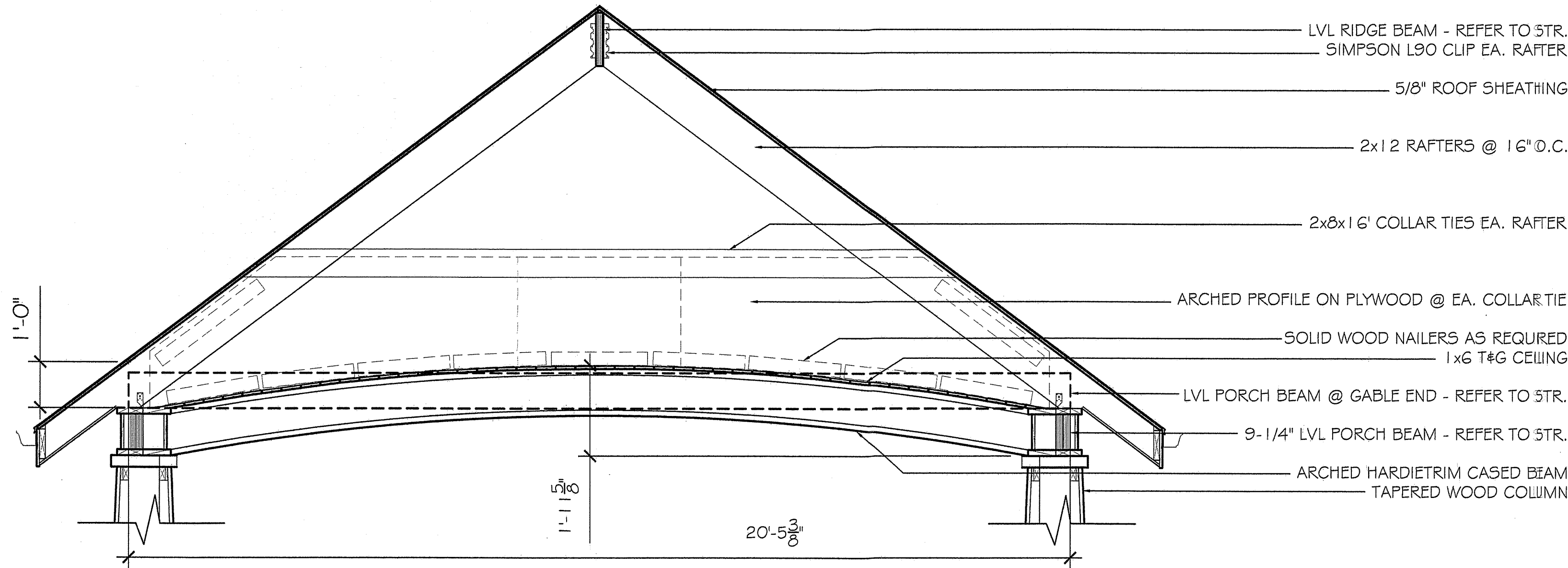
DOOR SCHEDULE				
NO.	SIZE	TYPE	HDWR. SET	REMARKS
100	8'-0" x 8'-0"			GARAGE DOOR
101	3'-0" x 7'-4"			ARCHED ENTRY - EXTERIOR INSWING - LEFT HAND
102	3'-0" x 6'-8"			ENTRY - EXTERIOR INSWING - LEFT HAND
103	2'-8" x 6'-8"			INTERIOR - LEFT HAND
104	2'-8" x 6'-8"			INTERIOR - RIGHT HAND
105	2'-4" x 6'-8"			INTERIOR - LEFT HAND
106	2'-4" x 6'-8"			INTERIOR - RIGHT HAND
107	2'-4" x 6'-8"			POCKET DOOR - 2X6 WALL
108	5'-0" x 6'-8"			DOUBLE CLOSET DOORS
109	6'-0" x 6'-8"			DOUBLE CLOSET DOORS
110	4'-0" x 6'-8"			CASED OPENING

WINDOW SCHEDULE				
MK.	R.O. SIZE (WxH)	TYPE	MANUFACTURE #	REMARKS
A	3' 0-1/2" x 5' 6-1/2"	CLAD DOUBLE HUNG	DHG3056	
B	3' 0-1/2" x 3' 0-1/2"	CLAD CASEMENT	CMT3030	LEFT HAND
C	3' 0-1/2" x 3' 0-1/2"	CLAD CASEMENT	CMT3030	LEFT HAND
D	3' 0-1/2" x 1' 8-1/2"	CLAD TRANSOM	DHT3018	STATIONARY
E	30" x 45-3/4"	FIXED SKYLIGHT	MO6	DECK MOUNTED

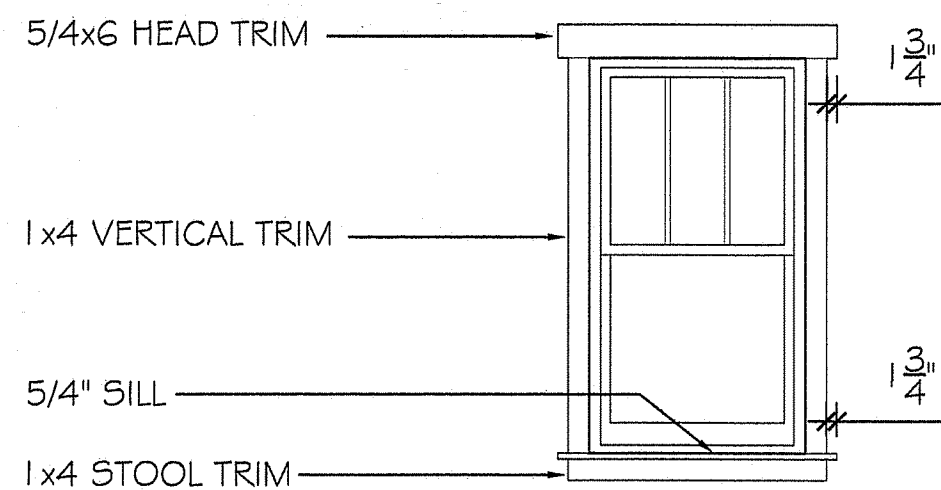
- WINDOW NOTES:
- WINDOW SUPPLIER TO VERIFY W/ NC CODE FOR EGRESS & TEMPERED GLASS.
  - SIZES & NUMBERS CONFORM TO ANDERSEN E-SERIES CLAD WOOD WINDOWS. PROVIDE 7/8" SIMULATED DIVIDED LITE MUNTIN BARS AS SHOWN ON ELEVATIONS. PROVIDE ALUMINUM FRAMED SCREENS FOR ALL WINDOWS, COLOR TO MATCH CLADDING.
  - SKYLIGHT SIZE & NUMBER CONFORMS TO VELUX DECK MOUNTED SKYLIGHTS
  - POSITION WINDOW ROUGH OPENINGS SO THAT TOPS OF WINDOWS WILL ALIGN WITH TOPS OF DOORS FOR ROOM IN WHICH THEY ARE LOCATED.
  - CONTRACTOR & WINDOW SUPPLIER TO FIELD VERIFY ALL ROUGH OPENING SIZES.
  - COORDINATE WITH OWNER WINDOW TRIM & COLOR.



2 Foundation Band Board Detail  
A-7  
Scale: 1-1/2" = 1'-0"

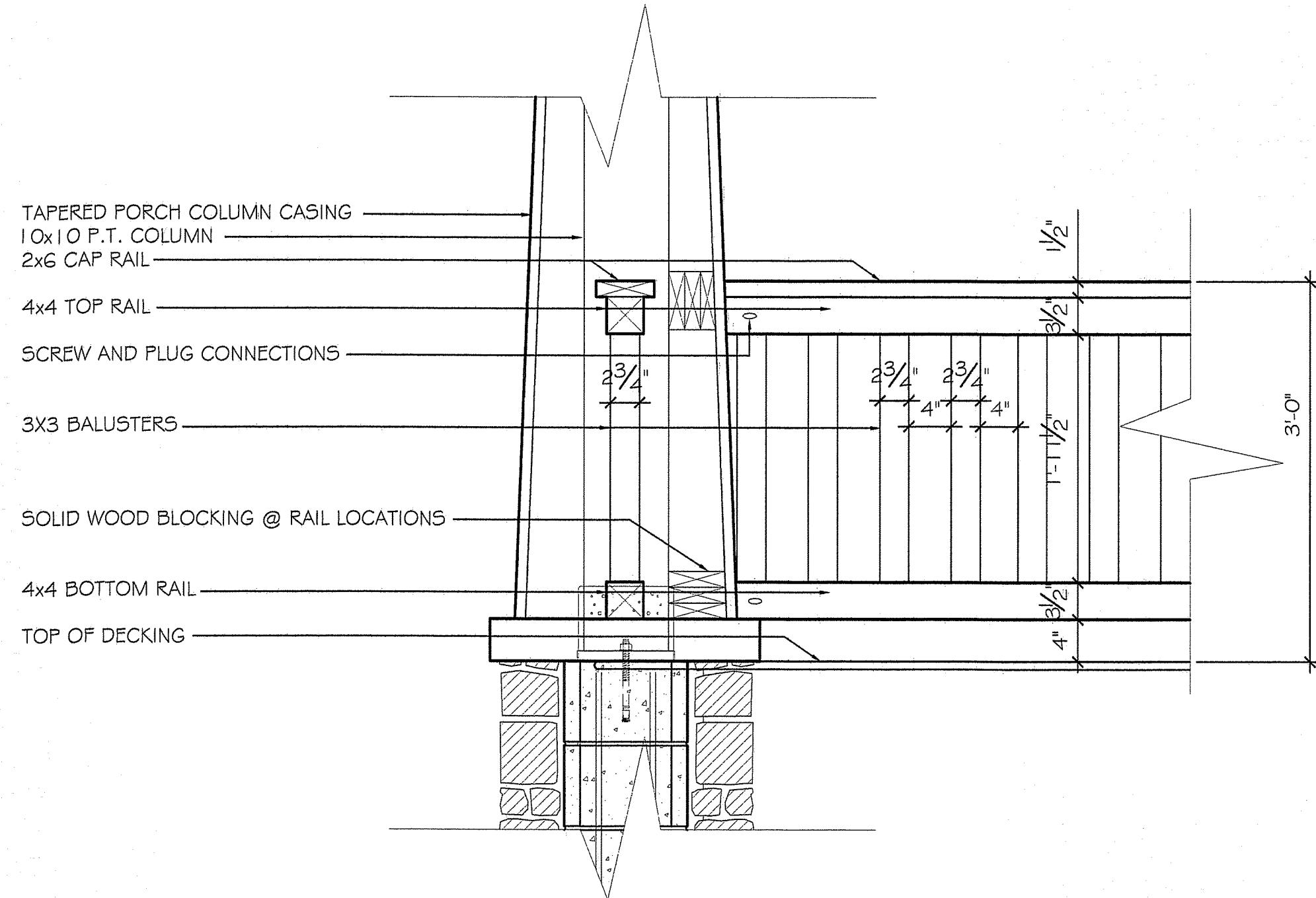


1 Porch Ceiling Framing Detail  
A-7  
Scale: 1" = 1'-0"



- TRIM NOTES:
- ALL TRIM TO BE 5/4" or 4/4" (AS NOTED) HARDIETRIM, PRIMED ALL SIDES. TRIM SHOWN IS TYPICAL. SEE ELEVATIONS FOR SPECIAL CONDITIONS AND DIFFERENT SIZES IN SPECIFIC LOCATIONS.
  - PROVIDE METAL FLASHING OVER ALL EXTERIOR DOOR AND WINDOW TRIM. FLASH TAPE BEHIND FINISHED SIDING.
  - ALL INTERIOR TRIM TO BE 1x PAINT GRADE PINE.

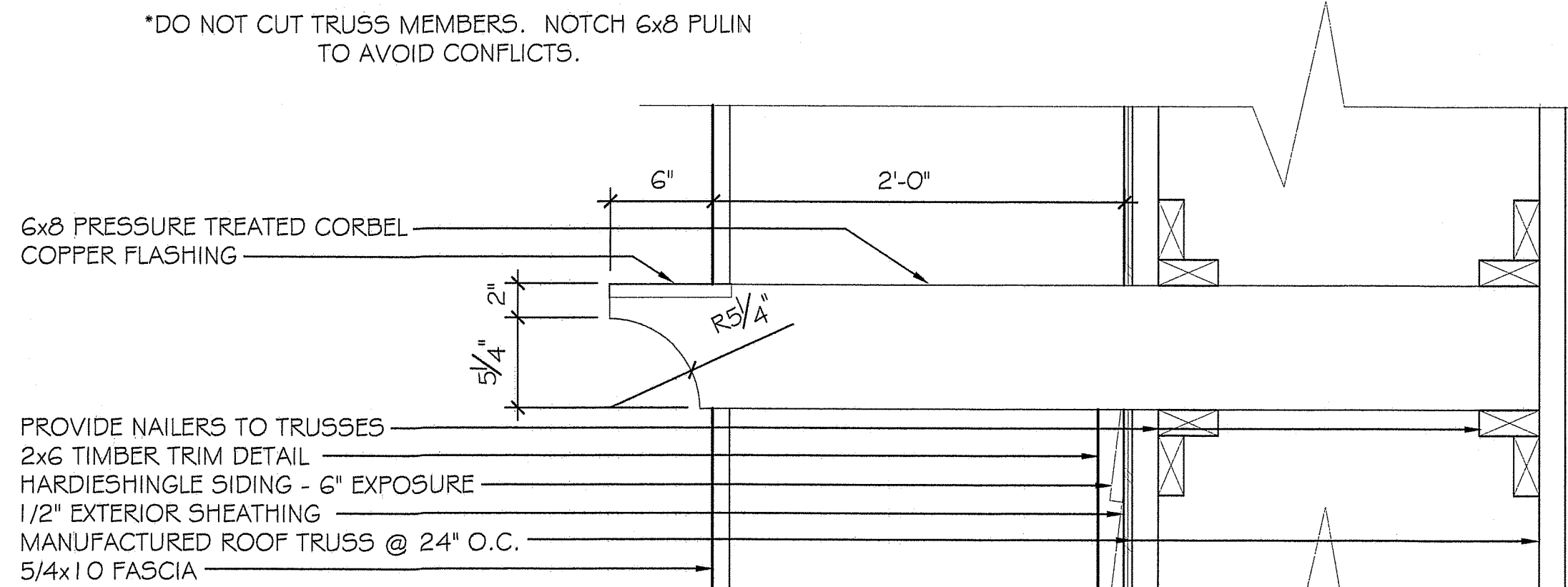
3 Door & Window Casing Detail  
A-7  
Scale: 1" = 1'-0"



4 Handrail Detail  
A-7  
Scale: 1" = 1'-0"

GENERAL NOTES:

- ALL DIMENSIONS ARE FROM FACE OF STUD UNLESS NOTED OTHERWISE.
- ALL EXTERIOR WALLS ARE 2x6's AT 16" O.C. UNLESS NOTED OTHERWISE (U.N.O.).
- ALL INTERIOR WALLS ARE 2x4's AT 16" O.C. U.N.O.
- ALL DOOR JAMBS ARE 6" OFF WALLS OR CENTERED IN WALL.
- ADD ADDITIONAL BLOCKING IN WALLS FOR WALL & FLOOR CABINETS, FIXTURES, UTILITIES, ETC.. COORDINATE WITH OWNER ON OTHER LOCATIONS FOR MOUNTED TV BRACKETS, SHELVES, ETC..
- ALL INTERIOR WALLS TO RECEIVE 1/2" GYP. BOARD U.N.O.
- PROVIDE OPEN CELL SPRAY FOAM (R-38 MIN) INSULATION IN ROOF PER N.C. RESIDENTIAL BUILDING CODE. TYPICAL
- PROVIDE OPEN CELL SPRAY FOAM (R-15 MIN) INSULATION IN WALL FRAMING PER N.C. RESIDENTIAL BUILDING CODE. TYPICAL
- PROVIDE OPEN CELL SPRAY FOAM (R-19 MIN) BELOW MAIN LEVEL WOOD FLOOR.
- INSULATE CHIMNEY WITH MINERAL WOOL BATTS ONLY - DO NOT USE SPRAY FOAM IN ANY PART OF CHIMNEY.
- INSULATE ALL INTERIOR WALLS ON MAIN LEVEL FOR SOUND ATTENUATION WITH (R-19 MIN) FORMALDEHYDE-FREE FIBERGLASS BATTS.
- PROVIDE R-16 MIN FORMALDEHYDE-FREE BATTS IN ALL BATHROOM WALLS FOR ACOUSTIC SEPARATION.
- VERIFY BASEBOARDS AND ALL INTERIOR TRIM WITH OWNER AND ARCHITECT.
- PROVIDE ROD AND SHELVING AT CLOSETS AS DIRECTED BY OWNER. TYPICAL



5 Purlin Detail  
A-7  
Scale: 1-1/2" = 1'-0"



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MADER RESIDENCE  
159 MISSISSIPPI ROAD EXT.  
MONTREAT, NORTH CAROLINA

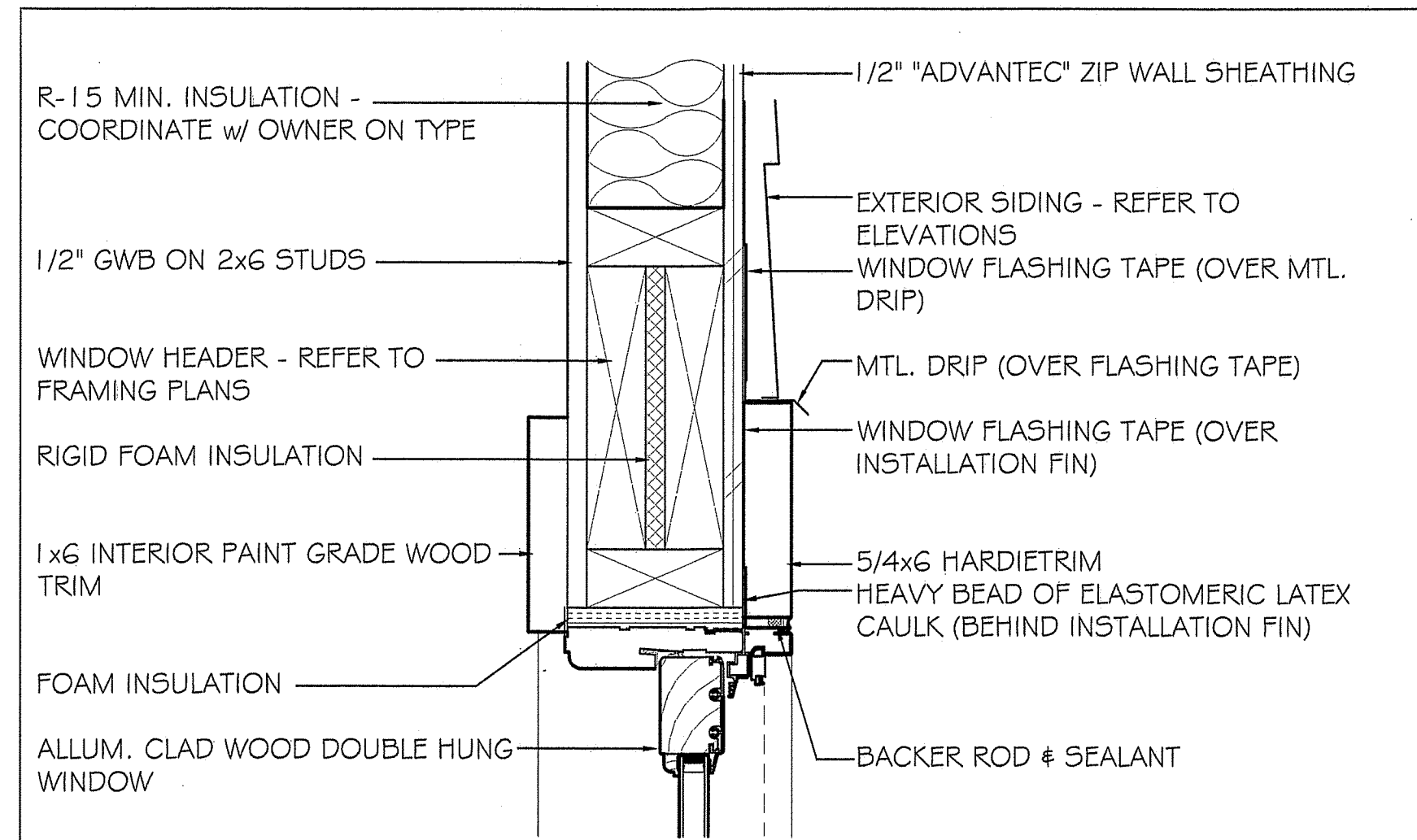
DRAWING NAME:  
Schedules & Details

DATE: October 1, 2019

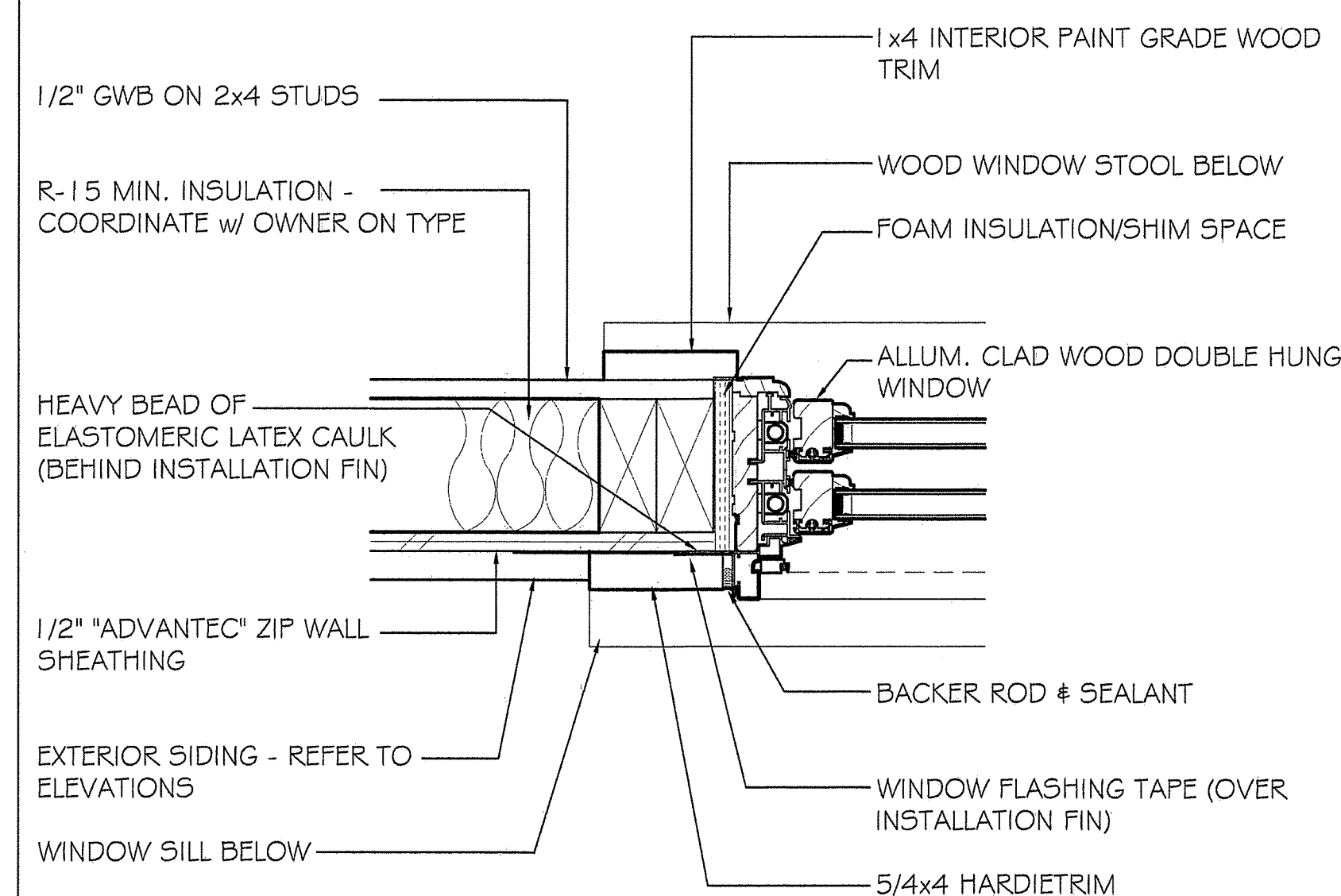
A-7

SCALE: 1/4" = 1'-0"

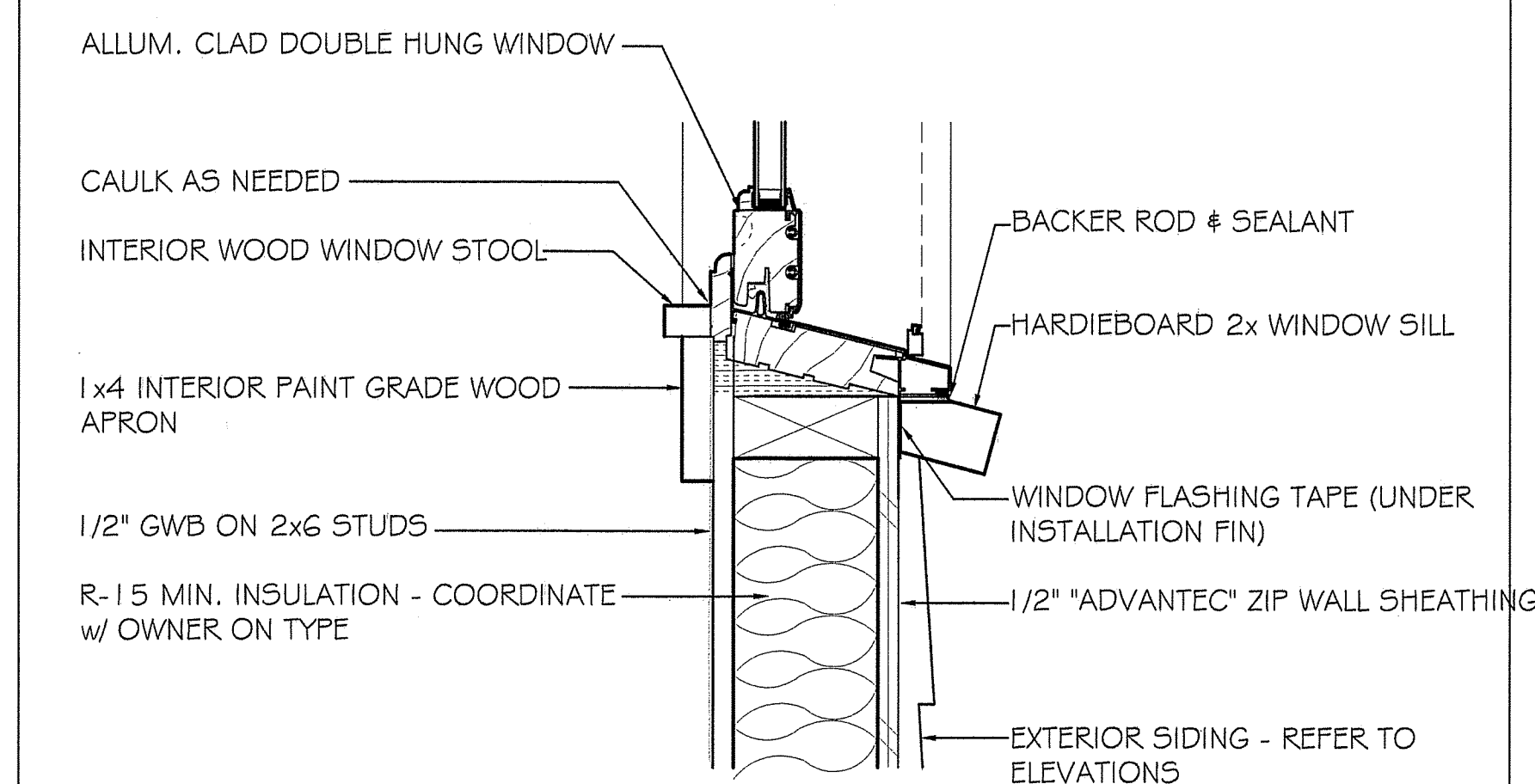




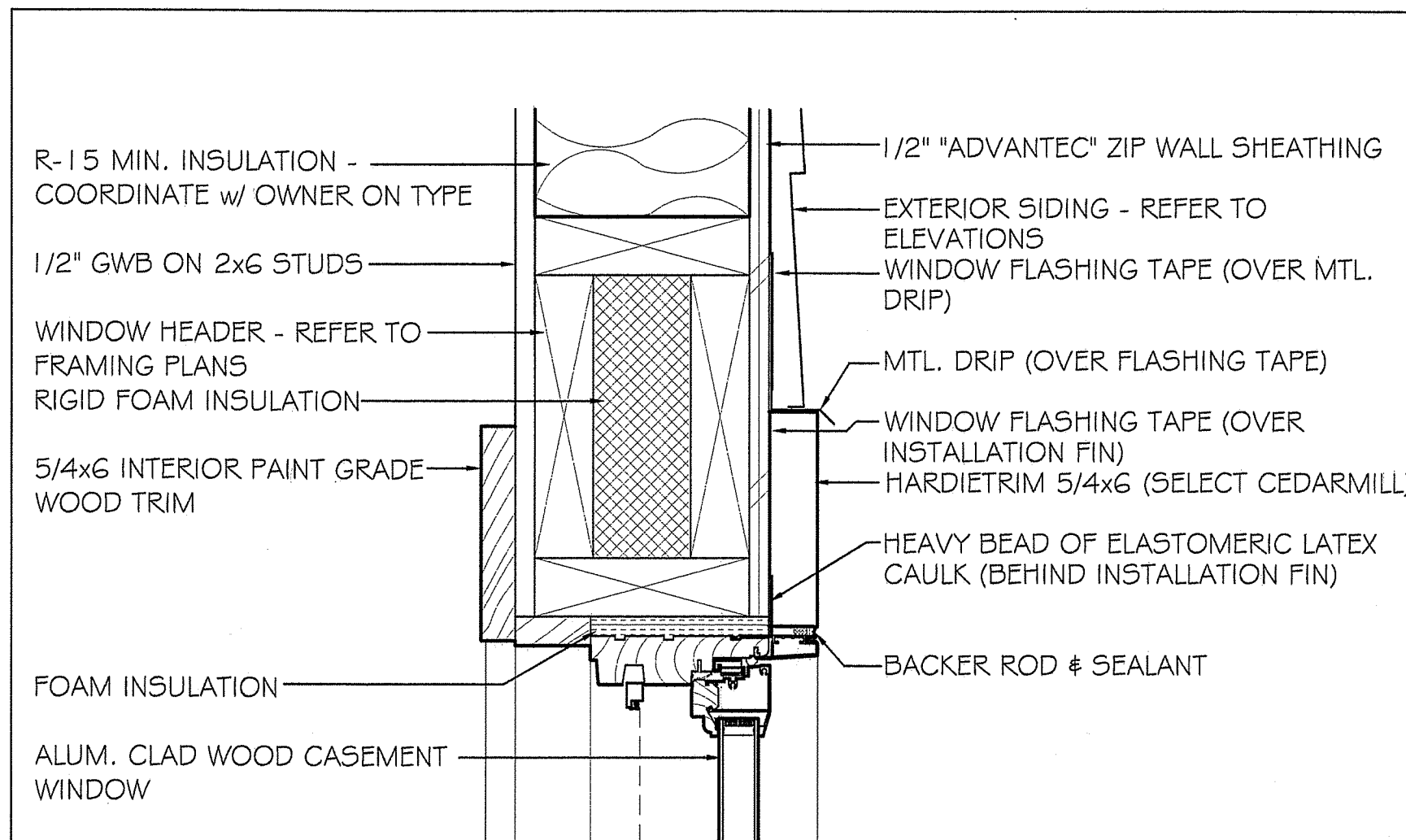
1 Window Head Detail  
A-8 Scale: 3" = 1'-0"



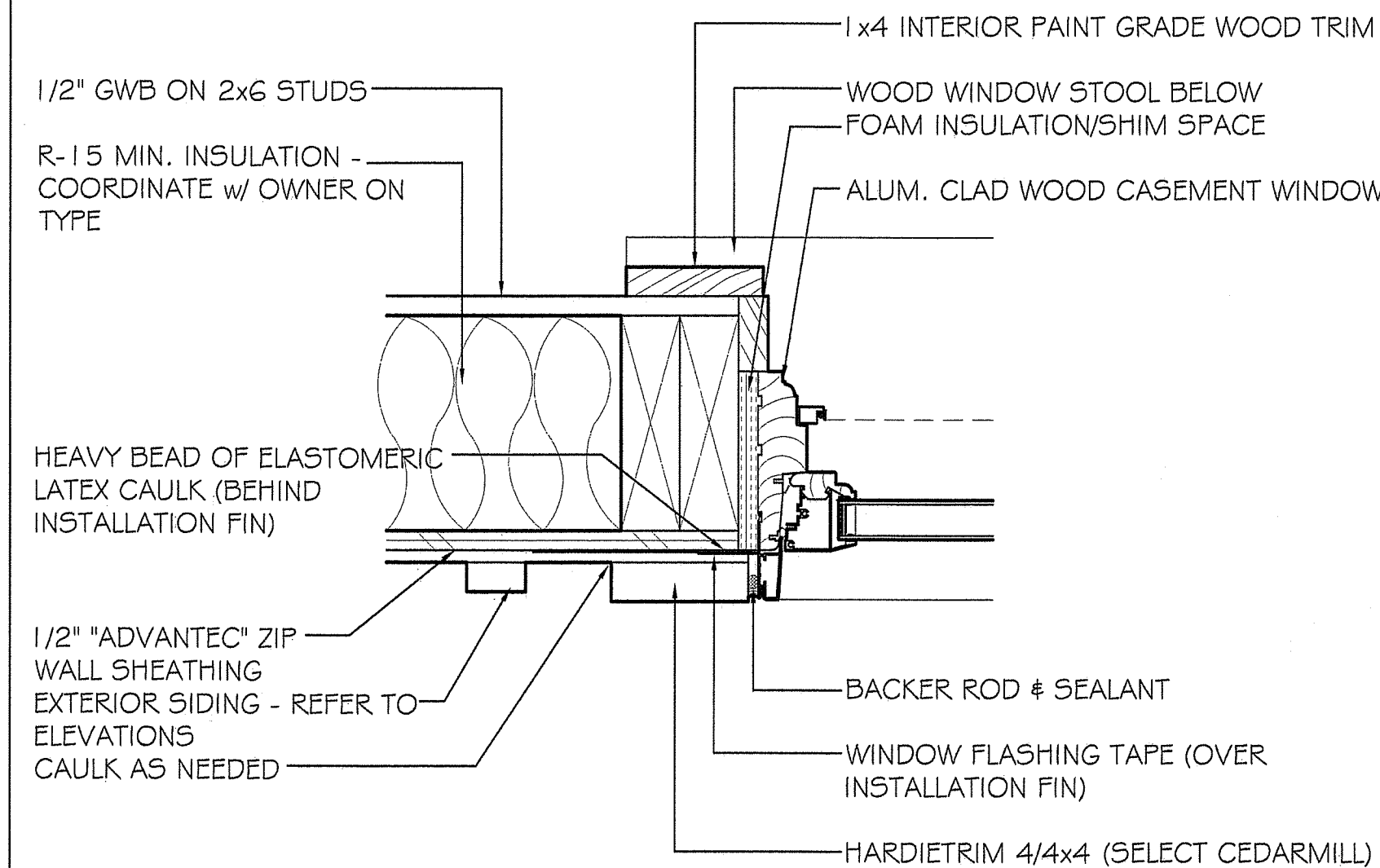
2 Window Jamb Detail  
A-8 Scale: 3" = 1'-0"



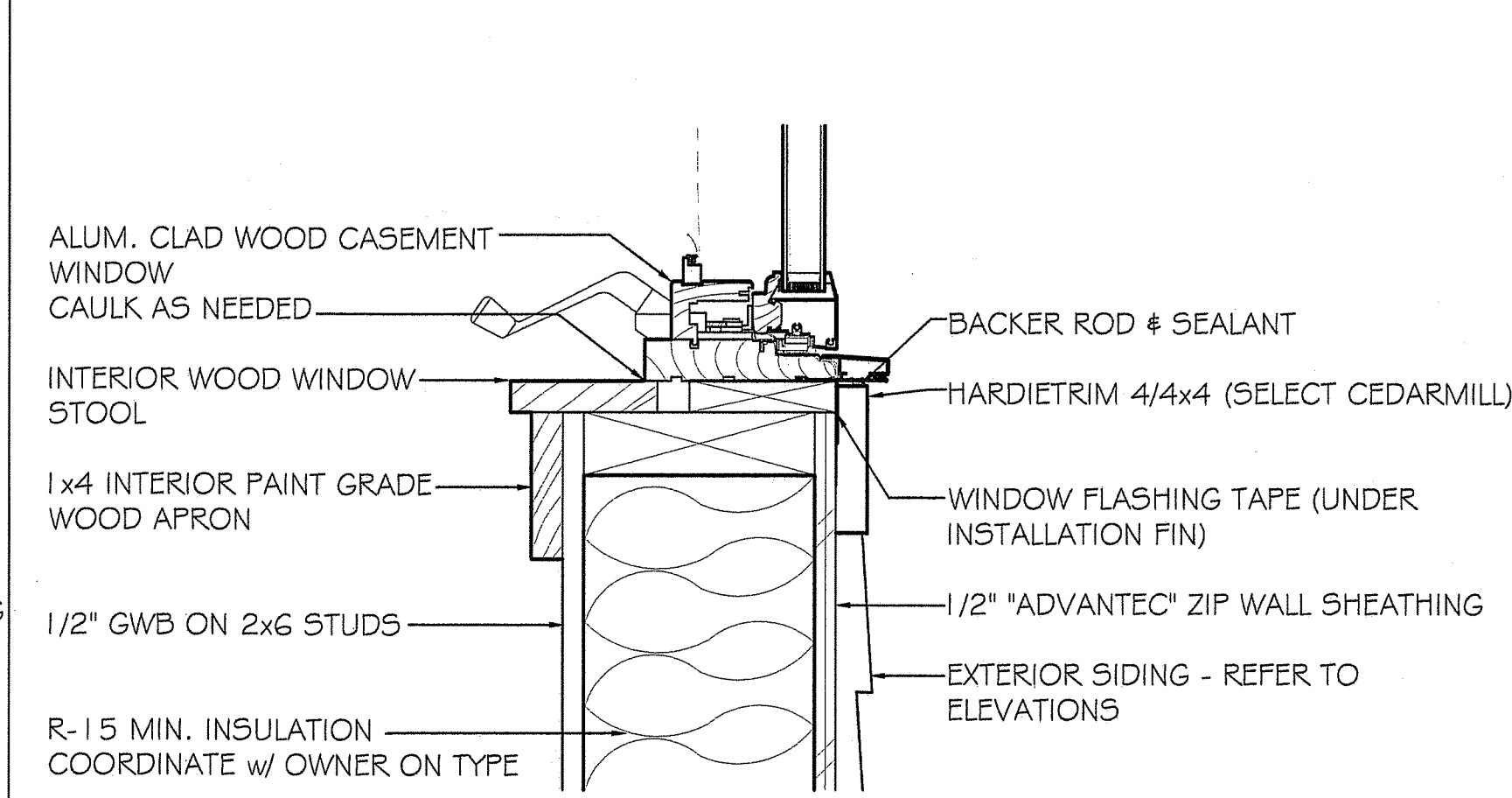
3 Window Jamb Detail  
A-8 Scale: 3" = 1'-0"



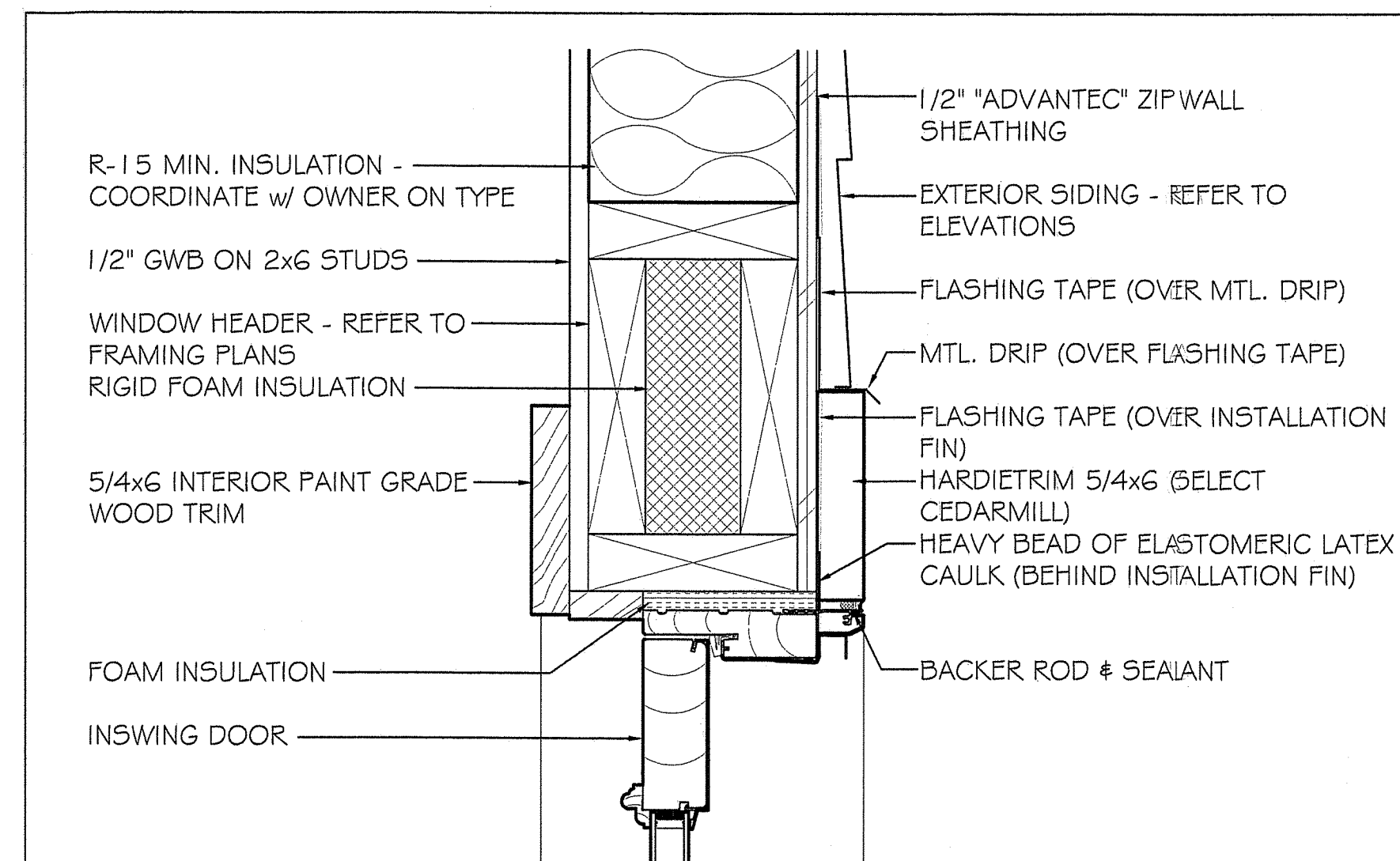
4 Window Head Detail  
A-8 Scale: 3" = 1'-0"



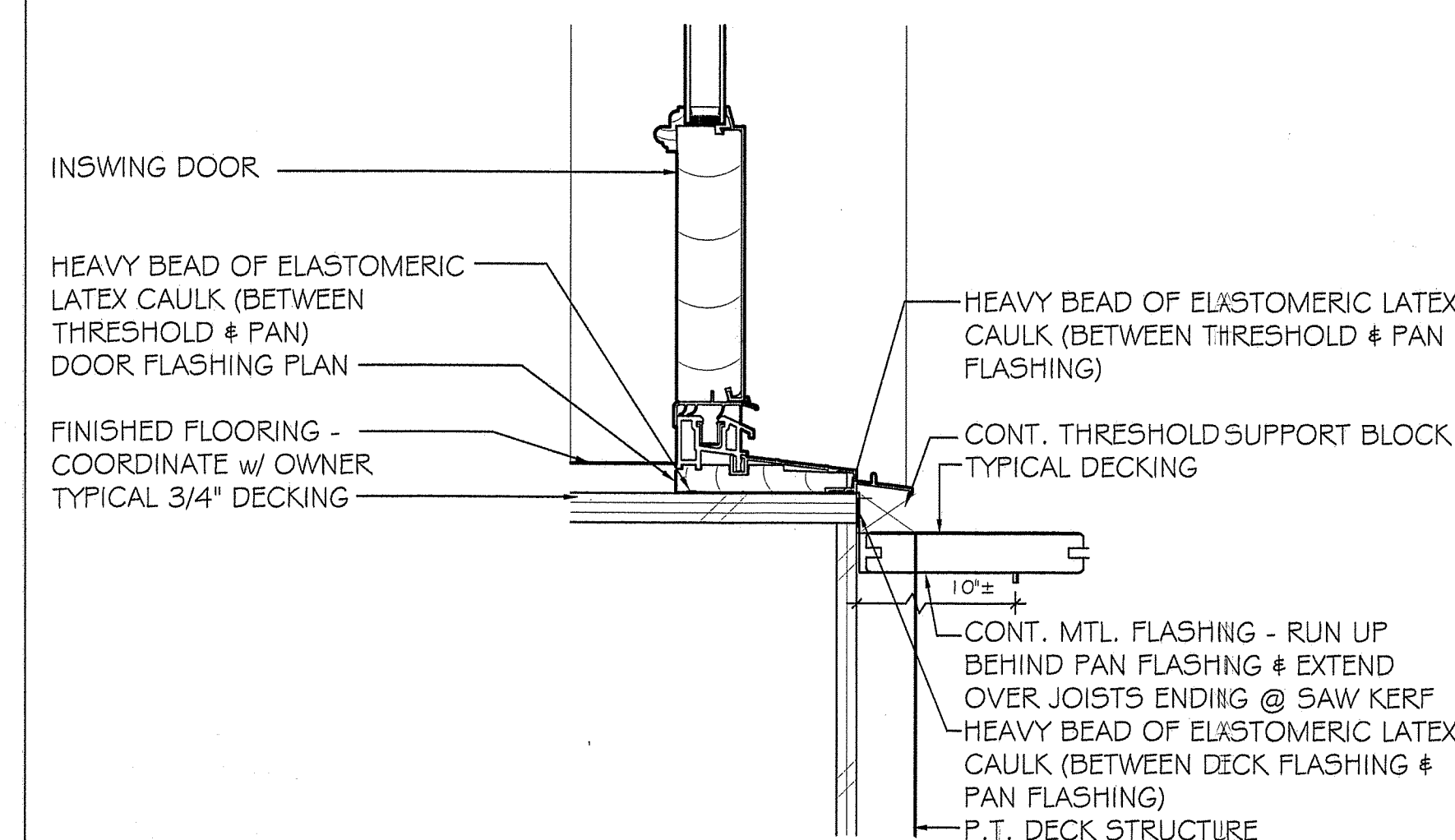
5 Window Jamb Detail  
A-8 Scale: 3" = 1'-0"



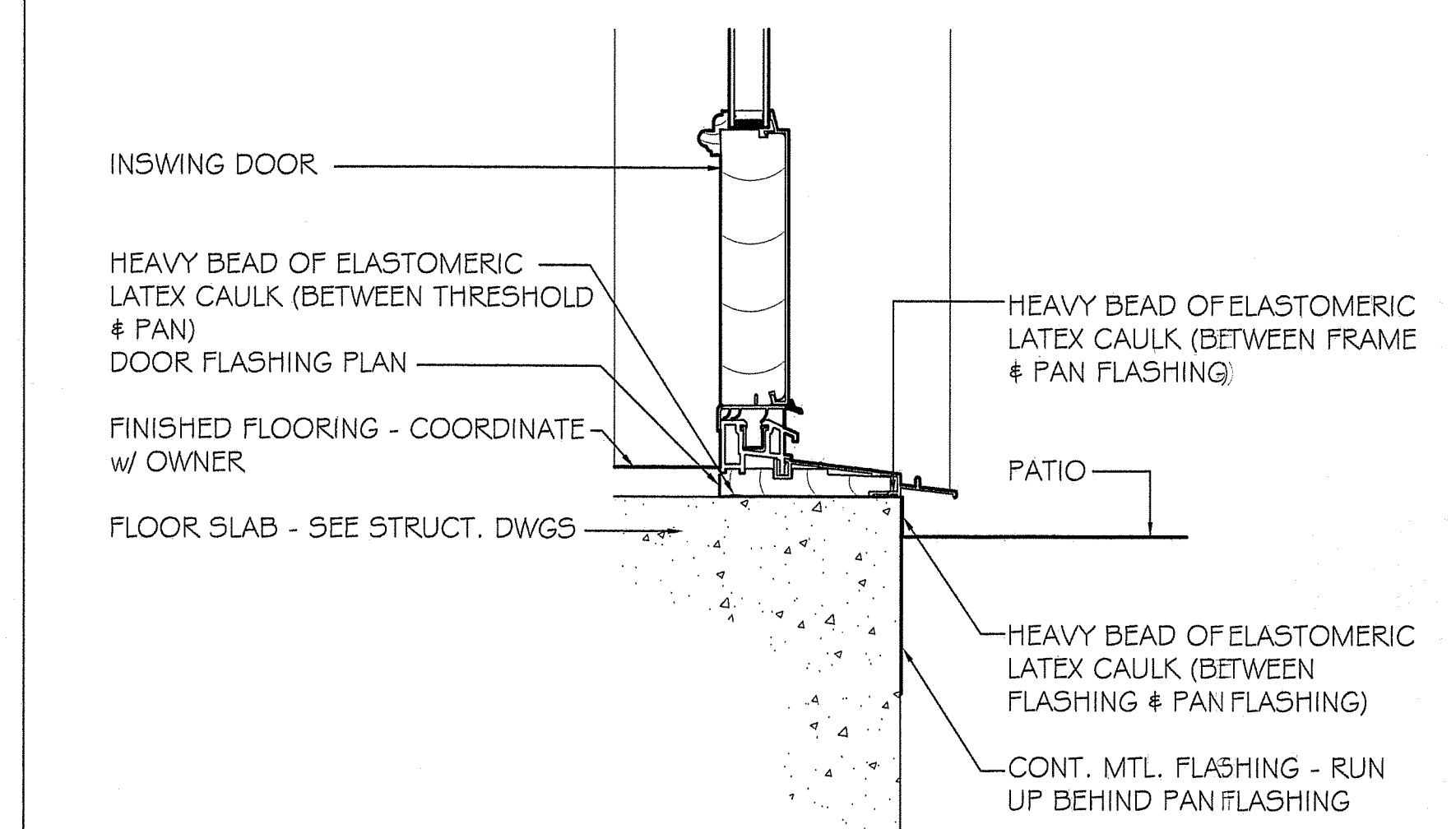
6 Window Sill Detail  
A-8 Scale: 3" = 1'-0"



7 Ext. Inswing Door Head Detail  
A-8 Scale: 3" = 1'-0"



8 Ext. Inswing Door Sill Detail  
A-8 Scale: 3" = 1'-0"



9 Ext. Inswing Door Sill Detail  
A-8 A-15



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**MADER RESIDENCE**  
159 MISSISSIPPI ROAD EXT.  
MONTREAT, NORTH CAROLINA

DRAWING NAME:  
Door & Window Details

DATE: October 1, 2019

**A-8**

SCALE: 3" = 1'-0"



DIVISION 1 - GENERAL CONDITIONS

00800 GENERAL CONDITIONS

A. MATERIALS: WHENEVER AN ITEM OR CLASS OF MATERIAL IS SPECIFIED BY A TRADE NAME OR BY CATALOG REFERENCE, IT DOES NOT RESTRICT THE CONTRACT TO THAT SPECIFIC BRAND, IF APPROVAL IS RECEIVED FROM THE ARCHITECT. BRANDS ARE TO SET FORTH TO THE CONTRACTOR THE QUALITY, DESIGN, TYPE, SIZE, ETC. OF THE ARTICLE OF MATERIAL DESIRED. THE PROVISIONS OF THIS PARAGRAPH SHALL APPLY TO ALL CONTRACTS EXCEPT WHERE DIFFERENT REQUIREMENTS ARE CLEARLY SET FORTH TO THE CONTRARY.

B. MANUFACTURERS DIRECTIONS: ALL MANUFACTURED ARTICLES, MATERIALS, AND EQUIPMENT SHALL BE APPLIED, INSTALLED, CONNECTED, ERECTED, USED, CLEANED, AND CONDITIONED AS RECOMMENDED BY THE MANUFACTURER, UNLESS SPECIFIED TO THE CONTRARY.

C. MAINTENANCE DATA: FURNISH AND DELIVER TO THE OWNER, AT THE TIME OF FINAL ACCEPTANCE, COMPLETE DATA AS PREPARED BY THE MANUFACTURERS COVERING DETAILS OF OPERATION AND MAINTENANCE FOR ALL APPARATUS REQUIRING SERVICE.

D. RECEIVING ITEMS SUPPLIED BY OWNER: THE CONTRACTOR SHALL RECEIVE, STORE, AND PROTECT ANY AND ALL ITEMS OF SUPPLY BY THE OWNER. TO THE BEST OF HIS ABILITY, THE OWNER SHALL COORDINATE DELIVERY OF SAID ITEMS WITH THE CONTRACTOR IN ORDER TO ALLOW AS MUCH TIME AS POSSIBLE MAKE NECESSARY PROVISIONS TO RECEIVE, STORE, AND PROTECT.

E. OVERTIME: NO EXTRA CHARGE FOR OVERTIME WILL BE CHARGEABLE TO THE OWNER UNLESS IN PURSUANCE OF A FORMAL WRITTEN ORDER SIGNED BY THE OWNERS REPRESENTATIVE STATING SPECIFICALLY THE NEED AND APPROVAL OF SUCH CHARGE.

F. CONTRACTOR TO REQUIRE SUBCONTRACTORS TO PROVIDE CERTIFICATE OF INSURANCE AS PROVIDED IN THE GENERAL CONDITIONS OF THE CONTRACT FOR CONSTRUCTION.

G. THE CONTRACTOR IS TO PROVIDE ALL IMPLIED MATERIALS AND APPROPRIATE LABOR TO PERFORM THE WORK INDICATED WHETHER OR NOT SUCH LABOR OR MATERIALS ARE SPECIFICALLY CALLED FOR OR DETAILED IN THE CONSTRUCTION DOCUMENTS.

H. CONTRACTOR IS REQUIRED TO SECURE ALL NECESSARY PERMITS, FEES, ETC., AS WILL BE REQUIRED BY STATE AND LOCAL AUTHORITIES. CONTRACTOR WILL PROVIDE LOCAL AUTHORITIES WITH THE REQUIRED DRAWINGS.

01010 SUMMARY OF WORK

A. THE WORK IS THE CONSTRUCTION OF A NEW HOUSE USING QUALITY MATERIALS AND WORKSMANSHIP AND MEETING ALL APPLICABLE CODES AND STANDARDS. THE CONTRACTOR IS TO PROVIDE ALL IMPLIED MATERIALS AND APPROPRIATE LABOR TO PERFORM THE WORK AS INDICATED WHETHER OR NOT SUCH LABOR AND MATERIALS ARE SPECIFICALLY CALLED FOR OR DETAILED IN THE DRAWINGS. IF ANY DISCREPANCIES OR AMBIGUITIES ARE FOUND, NOTIFY ARCHITECT IMMEDIATELY.

B. CONSTRUCTION REQUIREMENTS, STANDARDS, AND METHODS FOR THIS WORK SHALL NOT BE LIMITED TO THESE DRAWINGS AND SPECIFICATIONS. CONSTRUCTION SHALL COMPLY WITH THE PROVISIONS OF THE NORTH CAROLINA STATE BUILDING CODE (LATEST EDITION) AS A MINIMUM. ALL WORK SHALL BE BASED ON THE CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA AS SET FORTH IN THE ABOVE REFERENCED CODE.

C. CABINETWORK, INCLUDING BUILT-IN CABINETS, KITCHEN CABINETS, VANITIES AND VANITY AND KITCHEN COUNTERTOPS, ARE PART OF THE CONTRACT. THE CONTRACTOR SHALL PROVIDE COORDINATION OF SELECTION, INSTALLATION, AND ELECTRICAL AND PLUMBING REQUIREMENTS FOR CABINETWORK.

D. THE CARPET AND PADDING AND RESILIENT FLOORING, INCLUDING INSTALLATION, ARE PART OF THIS WORK. THE CONTRACTOR IS TO BE RESPONSIBLE FOR COORDINATION OF OWNERS SELECTION AND OVERALL SCHEDULING AND INSTALLATION OF THIS WORK.

E. ALL PAINTING AND/OR STAINING IS PART OF THE CONTRACT. PAINT COLORS SHALL BE SELECTED BY THE OWNER.

F. WALLPAPER IS NOT PART OF THE CONTRACT.

G. LANDSCAPING IS NOT PART OF THE CONTRACT.

H. BUILDERS RISK INSURANCE FOR THIS WORK IS TO BE PROVIDED BY THE OWNER, AND SHALL LIST THE CONTRACTOR AS AN "ADDITIONAL INSURED" PARTY. THE CONTRACTOR SHOULD VERIFY THAT THE OWNERS INSURANCE IS EFFECTIVE BEFORE CONSTRUCTION BEGINS.

I. OWNER/CONTRACTOR TO OBTAIN ALL NECESSARY APPROVALS AND PERMITS FROM THE LOCAL BUILDING AUTHORITY BEFORE ANY TREES ARE REMOVED OR CONSTRUCTION BEGINS.

01020 ALLOWANCES

A. A THOROUGH COST ESTIMATE LISTING EACH INDIVIDUAL LINE ITEM FOR EACH MAJOR DIVISION OF WORK IN THE PROJECT SHALL BE PRODUCED BY THE CONTRACTOR. ADDITIONALLY, THE CONTRACTOR SHALL INCLUDE THE FOLLOWING CASH ALLOWANCES IN THE ESTIMATE OF CONSTRUCTION COSTS:

CABINETWORK (INCLUDING KITCHEN, BATHROOM, AND ANY CUSTOM BUILT-IN CABINETS)  
PLUMBING FIXTURES  
BATHROOM ACCESSORIES  
FAUCETS AND SHOWER VALVES  
LIGHT FIXTURES  
DOOR HARDWARE  
FRONT ENTRY DOOR (+ Sidelights if applicable)  
APPLIANCES  
SECURITY SYSTEM (if desired by owner)  
LIGHTNING PROTECTION SYSTEM  
CENTRAL VACUUM SYSTEM (if desired by owner)

B. THE ALLOWANCES SHALL BE THE CONTRACTORS NET DELIVERED PRICE INCLUDING ANY APPLICABLE TAXES, BUT NOT INCLUDING ANY PROFIT, OVERHEAD, INSURANCE, COST OF INSTALLATION, UNLESS OTHERWISE NOTED, OR OF ANY OTHER INCIDENTAL EXPENSES. ALL OF THE UNDERLINED SHOULD BE INCLUDED IN THE TOTAL COST OF THE WORK.

01300 SUBMITTALS

A. SUBMIT SAMPLES OF EXTERIOR SIDING AND TRIM, INTERIOR TRIM, CASEWORK, FLOORING, ETC. PROVIDE EXAMPLES OF STAIN AND/OR PAINT COLORS FOR APPROVAL FROM OWNER AND ARCHITECT. STONE (OR BRICK AS INDICATED) AND ELECTRICAL FIXTURES TO BE SELECTED BY OWNER AND/OR ARCHITECT.

B. ANY REQUEST FOR ALTERNATE MATERIALS TO THOSE SHOWN IN THE DRAWINGS OR SPECIFICATIONS MUST BE APPROVED BY THE ARCHITECT.

01500 CONSTRUCTION FACILITIES AND TEMPORARY CONTROLS

I. FURNISH AND MAINTAIN TEMPORARY POWER, PHONE, WATER, HEAT, STORAGE, AND TOILET FACILITIES, AS REQUIRED.

II. PROVIDE EROSION CONTROL MEASURES DURING CONSTRUCTION THAT COMPLY WITH STATE, COUNTY, AND LOCAL REGULATIONS. AS A MINIMUM, PROVIDE THE FOLLOWING EROSION CONTROL MEASURES:

A. GENERAL:

I. PROVIDE EROSION CONTROL MEASURES IN CONFORMANCE WITH STATE AND LOCAL SEDIMENTATION POLLUTION CONTROL REQUIREMENTS PRIOR TO ANY LAND DISTURBING ACTIVITY. EROSION MEASURES MAY INCLUDE ITEMS SUCH AS SEDIMENT PONDS, RIP-RAP, DIVERSION DITCHES, MUD MATS, GRAVEL FILTERS, PROTECTION AROUND CATCH BASINS, SILT FENCE, HAY BALE INSTALLATIONS AND TEMPORARY VEGETATION.

2. NORTH CAROLINA SEDIMENT CONTROL COMMISSION REGULATIONS SHALL APPLY TO THIS PROJECT.

3. OFF-SITE BORROW PITS AND DISPOSAL AREAS SHALL COMPLY WITH THE REQUIREMENTS OF A8B ABOVE UNLESS CONTRACTOR SUBMITS WRITTEN RELEASE OF RESPONSIBILITY FROM LAND OWNER(S) OF SAID AREAS. CONTRACTOR SHALL PROVIDE APPROVED PLAN AND PROTECTIVE DEVICES AS REQUIRED BY LAW.

B. MATERIALS

I. SILT FENCE MATERIALS, WOOD OR STEEL POSTS AND COMPONENTS EQUAL TO THE FOLLOWING:  
A. WOOD POSTS: 4 X 4 X 5 FEET LONG.  
B. STEEL POSTS: 1 3/8" X 1-3/8" X 7'66" STUDDED T" TYPE, 4 FEET LONG.  
C. FENCE FABRIC: MINIMUM 30" WIDTH, 4' X 6' OR SMALLER MESH. MINIMUM 1/4 GAUGE LINE AND STAY WIRES.

2. FILTER FABRIC: SYNTHETIC FIBER ENGINEERING FABRIC.  
A. AMERICAN ENKA COMPANY (STABLENKA T-140N)  
B. DUPONT COMPANY (TYPAR 340.)  
C. HOECHST FIBERS INDUSTRIES (TEVIRA SPUNBOUND I 120).

3. STONE MATERIALS  
A. NATIVE STONE 25-200 LBS, BROWN TONE COLOR.  
B. FILTER STONE: 2" TO 4" CRUSHED STONE

4. MUD MAT MATERIAL: 2" RAILROAD BALLAST, 6" COMPACTED DEPTH AT LOCATIONS 40' LENGTH

5. ADDITIONAL MATERIALS AS MAY BE REQUIRED TO MAINTAIN CONTROL OF SEDIMENT.

6. TEMPORARY VEGETATION:  
A. FEBRUARY TO MAY  
I. ANNUAL RYE GRAIN AT 120 LBS/AC  
II. GRASS SEED MIXTURE AT 2000 LBS/AC  
3. 10-10-10 FERTILIZER AT 750 LBS/AC  
4. GRAIN STRAW MULCH AT 2000 LBS/AC WITH TACKIFIER

B. MAY TO AUGUST:  
I. SUDAN GRASS AT 50 LBS/AC  
2. GROUND AGRICULTURE LIMESTONE AT 2000 LBS/AC  
3. 10-10-10 FERTILIZER AT 750 LBS/AC  
4. GRAIN STRAW MULCH AT 2000 LBS/AC WITH TACKIFIER

C. DECEMBER TO FEBRUARY  
I. GRAIN STRAW MULCH AT 4000 LBS/AC WITH TACKIFIER

C. EXECUTION

I. CONTINUOUS PROTECTION: THROUGHOUT PROJECT PROVIDE PROTECTION OF SITE AND DOWNSTREAM PROPERTIES AGAINST EROSION AND SEDIMENTATION  
2. INSTALL MUD MATS AT ACCESS POINTS IF REQUIRED  
3. INSTALL TEMPORARY STORM RUN-OFF DIVERSIONS IF REQUIRED  
4. INSTALL TEMPORARY SEDIMENT PONDS IF REQUIRED  
5. ADJUST TEMPORARY DIVERSIONS, SEDIMENT PONDS AND SILT FENCES TO CONFORM TO CHANGED SITE CONDITIONS AFTER SITE CLEARING AND GRADING OPERATIONS  
6. INSTALL TEMPORARY SILT BASINS AND FILTER AT STORM DRAINAGE INLETS AS REQUIRED

D. MAINTENANCE

I. CHECK SEDIMENT CONTROL MEASURES AFTER ANY SIGNIFICANT RAIN FALL AND PROMPTLY REPAIR DAMAGE RESULTING FROM EROSION AND SEDIMENTATION AND RESTORE CONTROL DEVICES TO EFFECTIVE CONDITION  
2. MAINTAIN TEMPORARY DIVERSIONS, SEDIMENT PONDS AND SILT BASINS BY CLEANING OUT WHEN 1/2 FILLED

E. REMOVAL

I. REMOVE SOIL EROSION AND SEDIMENTATION CONTROL MEASURES DURING FINAL GRADING OPERATIONS AND AFTER SITE PAVING IS COMPLETE OR CONTRIBUTING AREA IS STABILIZED  
2. FINISH GRADE AREAS WHERE SILT FENCE IS REMOVED FOR RESEEDING, MULCHING OR PLANTING AS REQUIRED TO BLEND IN SMOOTHLY WITH SURROUNDING AREA

DIVISION 2-SITE WORK

02100 SITE PREPARATION

A. CLEAR AREA REQUIRED FOR HOUSE, DRIVE, AND PARKING AS INDICATED ON SITE PLAN. NO TREES OUTSIDE AREA OF HOUSE, DRIVE, AND PARKING TO BE CUT WITHOUT APPROVAL FROM OWNER AND/OR ARCHITECT. ALL REMAINING TREES AND SHRUBS TO BE PROTECTED DURING CONSTRUCTION. STRIP TOPSOIL FROM AREA TO BE CLEARED AND STOCKPILE FOR LANDSCAPE USE. FILLED TREES SHALL BE CUT INTO 2'-0" LENGTHS AND STACKED NEARLY ON THE SITE IN A LOCATION INDICATED BY THE OWNER. VERIFY LOCATION OF HOUSE, DRIVES AND PARKING AREA WITH SURVEYOR, OWNER AND/OR ARCHITECT ON THE JOB. CONSTRUCTION SITE SHALL REMAIN AS NATURAL AS POSSIBLE.

B. ALL BRUSH, STUMPS, WOOD, AND OTHER REFUSE FROM THE TREES SHALL BE REMOVED TO DISPOSAL AREAS OFF THE SITE.

C. CONTRACTOR TO MAINTAIN A CLEAN AND DEBRIS-FREE SITE. ALL DEBRIS SHALL BE PICKED UP WEEKLY AND DISPOSED OF PROPERLY.

02200 EARTHWORK

A. ROUGH GRADING: DO ALL WORK NECESSARY, IN ADDITION TO PLACING FILL, TO BRING THE FINISHED ELEVATIONS TO THE LEVELS REQUIRED BY THE REVISED CONTOURS AND GRADE ELEVATIONS SHOWN ON THE DRAWINGS, USING EQUIPMENT SUITABLE FOR THE WORK. GRADING FOR PAVED AREAS SHALL BE INCLUDED.

B. FINISH GRADING: DO ALL NECESSARY WORK IN ALL LAWN AND PLANTING AREAS WHERE GRADES HAVE BEEN CHANGED TO BRING ELEVATIONS TO THE FINISH GRADES AS SHOWN ON DRAWINGS USING EQUIPMENT SUITABLE FOR THE WORK.

C. ROCK EXCAVATION: SHOULD BOULDERS (LARGER THAN TEN CUBIC FEET IN SIZE), OR ANY OTHER MATERIAL WHICH CANNOT BE REMOVED BY PICK AND SHOVEL OR BY DOZER OR BACKHOE, BE ENCOUNTERED DURING EXCAVATION, THE ARCHITECT WILL IMMEDIATELY BE NOTIFIED BEFORE THE CONTRACTOR PROCEEDS WITH THE WORK. THE ARCHITECT SHOULD ALSO BE NOTIFIED IF SUBSURFACE SOIL BEARING CONDITIONS ARE DIFFERENT THAN ANTICIPATED FOR ADEQUATE STRUCTURAL SUPPORT.

D. BACKFILL: ALL BACKFILL SHALL BE FREE FROM DEBRIS, STONES OVER 2" IN DIAMETER, FROZEN MATERIALS, BRICK, VEGETABLE OR OTHER DELETERIOUS MATTER, LIME, OR CONCRETE. ALL NECESSARY BORROWED EARTH FOR FILL SHALL BE APPROXIMATELY THE SAME COMPOSITION AS EARTH AT THE SITE. TAMP AND WET IN LAYERS NOT EXCEEDING 6" IN DEPTH BEFORE COMPACTING, IF REQUIRED. SPREAD FILL EVENLY AND USE PNEUMATIC VIBRATOR COMPACTORS FOR TAMPING TO 95% MAXIMUM DENSITY AT OPTIMUM MOISTURE CONTENT. THE DEGREE OF COMPACTION SHALL BE DETERMINED AND CONTROLLED IN ACCORDANCE WITH THE AMERICAN ASSOCIATION OF STATE HIGHWAY OFFICIALS' STANDARD METHOD OF TEST OF THE COMPACTING AND DENSITY OF SOIL 199. IF NECESSARY, SOIL SHALL BE MOISTENED OR ALLOWED TO DRY TO THE CORRECT MOISTURE CONTENT BEFORE COMPACTION.

E. DURING TAMPING, NECESSARY PRECAUTIONS SHALL BE TAKEN TO ENSURE THAT FOUNDATION WALLS DO NOT BULGE OR MOVE OUT OF LINE. FILLING AND TAMPING SHALL BE DONE SIMULTANEOUSLY FROM BOTH SIDES OF THE WALL WHERE THAT IS SHOWN. IF FILL EXISTS ON ONLY ONE SIDE OF A WALL, THE WALL SHALL BE SHORED TO PREVENT DAMAGE TO THE WALL IN PLACING OF THE FILL.

F. SOIL TREATMENT: PROJECT SOIL TREATMENT EQUAL TO DURSBAN TO AROUND THE PERIMETER OF THE PROJECT INSTALLED ACCORDING TO MANUFACTURERS RECOMMENDATIONS. AN ADDED TREATMENT SHALL BE MADE AT ALL LOCATIONS WHERE PIERS OR DUCTS PROJECT THROUGH FLOOR SLABS. ALL TREATMENT WORK SHALL MEET NC STATE STRUCTURAL PEST CONTROL COMMISSION REQUIREMENTS AS A MINIMUM. APPLICATION SHALL BE MADE BY A NORTH CAROLINA LICENSED EXTERMINATOR.

G. NOTIFY ARCHITECT IMMEDIATELY OF ANY SPRINGS LOCATED ON SITE DURING GRADING.

02500 PAVING AND SURFACING

A. ASPHALT PAVING: AS INDICATED ON THE SITE PLAN, PROVIDE 2" THICK ASPHALT PAVING ON 6" CRUSHED AGGREGATE BASE WITH MIXTURE OF LARGE, MEDIUM, AND FINE STONE ON COMPACTED FILL OR UNDISTURBED SOIL FOR DRIVE AND PARKING.

02600 WATER DISTRIBUTION

A. EXTEND WATER LINE FROM HOUSE TO BE CONNECTED TO EXISTING LOCAL WATER LINE. PROVIDE FOR TAP TAPS, HOOKUPS, PERMITS, AND ALL SERVICE CHARGES OR FEES. CONTRACTOR TO FIELD-VERIFY LOCATION OF EXISTING WATER LINES BEFORE ANY EXCAVATION BEGINS.

02700 SEWERAGE AND DRAINAGE

A. FOUNDATION DRAINAGE: 4" DIAMETER RIGID PERFORATED PVC DRAIN IN 2'-0" X 2'-0" CRUSHED WASHED STONE. PROVIDE FILTER FABRIC BETWEEN STONE AND BACKFILL. SPILL AT GRADE UP TO 25' AWAY FROM HOUSE.

B. STORM WATER DRAINAGE: 4" DIAMETER RIGID PVC (NOT PERFORATED) DRAIN CONNECTED DIRECTLY TO DOWN SPOUTS WITH APPROPRIATE CONNECTORS. ROUTE INTO STORM SEWER SYSTEM WHERE POSSIBLE, WHERE NO STORM SEWER EXISTS, FOLLOW DRAINAGE DESIGN INDICATED ON PLANS.

C. EXTND SANITARY SEWER LINE TO BE CONNECTED TO LOCAL EXISTING SEWER SYSTEM (OR SEPTIC TANK AND DRAIN FIELD AS DETERMINED BY APPROPRIATE LOCAL OFFICIALS). PROVIDE FOR TAP TAPS, HOOKUPS, FEES, GRINDER PUMP, ETC. PROVIDE FOR GRINDER PUMP ASSEMBLY WHERE REQUIRED. INSTALL TO MEET ALL LOCAL, COUNTY, AND STATE REGULATIONS. VERIFY LOCATION OF PUMP AND SEWER LINE.

02900 LANDSCAPING

A. PROVIDE ALL FINISH GRADING TO ELEVATIONS SHOWN ON DRAWINGS. ANY SHRUBS, TREES, OR OTHER SUCH PLANTINGS, GROUND COVER, OR ADDITIONAL TOPSOIL ARE TO BE PROVIDED BY THE OWNER AND ARE NOT PART OF THE GENERAL CONTRACTORS RESPONSIBILITY.

DIVISION 3-CONCRETE

03200 CONCRETE REINFORCEMENT

A. REINFORCING BARS TO BE ASTM GRADE 60 AND IN COMPLIANCE WITH ASTM A-615. PROVIDE "TYPE B" TENSION LAP SPICE, UNLESS OTHERWISE NOTED. CONTACT SPLICES MAY BE USED AT LAPs. SUPPORT OF REINFORCING WITH BRICKS, CMU, ETC. WILL NOT BE ALLOWED. REINFORCING TO BE SUSPENDED BY MEANS OF METAL CHAIRS OR STEEL REBAR STAKES.

B. PROVIDE AND INSTALL STEEL WELDED-WIRE FABRIC: 6' X 6' X 1/4" IN COMPLIANCE WITH ASTM A-185 AS REQUIRED IN ALL CONCRETE SLABS.

C. ALL REINFORCING STEEL SHALL HAVE MINIMUM CONCRETE COVER AS NOTED:  
1. FOOTINGS -3"  
2. ELEVATED SLABS -3/4" TOP AND BOTTOM  
3. SLAB ON GRADE -1 1/2" TOP AND BOTTOM

03300 CAST-IN-PLACE CONCRETE

A. PROVIDE AND INSTALL CONCRETE FOR FOOTINGS, SLABS, STEPS, WALKS, AND FILL FOR BLOCK WORK AS REQUIRED OR AS INDICATED ON THE DRAWINGS. FOUNDATION DESIGN BASED ON AN ASSUMED ALLOWABLE SOIL BEARING PRESSURE OF 3,000 PSF. ALL CONCRETE SLABS EXPOSED TO THE WEATHER AND GARAGE SLABS SHALL BE 4" THICK MINIMUM WITH 6' X 6' WWF REINFORCEMENT AND SHALL REACH A MINIMUM STRENGTH OF 3,500 PSI AT 28 DAYS. PROVIDE A BROOM FINISH TO EXTERIOR EQUIPMENT PADs. PROVIDE FLOAT TROWEL SMOOTH FINISH TO GARAGE FLOOR AND LOWER LEVEL SLABS.

B. CONCRETE WORK TO ACHIEVE MINIMUM COMPRESSIVE STRENGTH OF 3,000 PSI OR 3,500 PSI AT 28 DAYS.

C. CONCRETE USED IN CMU SHALL BE EITHER PEA GRAVEL AGGREGATE OR SUPER-PLASTICIZED AT CONTRACTORS OPTION. MINIMUM 3000 PSI COMPRESSIVE STRENGTH.

D. SLAB-ON-GRADE SHALL HAVE ISOLATION JOINTS AT ALL INTERIOR COLUMNS AND AT HOUSE PERIMETER. ISOLATION JOINT SHALL BE 1/2" EXPANSION JOINT MATERIAL. CONCRETE SLABS SHALL BE POURED ON A MINIMUM OF 4" CRUSHED AGGREGATE BASE ON COMPACTED FILL OR UNDISTURBED SOIL.

E. CONTROL JOINTS TO BE FORMED WITH A CONTINUOUS KEED JOINT. SPACING TO BE AS SHOWN ON DRAWINGS, WITH A MAXIMUM OF 20'-0" EACH WAY. UPPER 1'-0" OF FILL BENEATH SLAB SHALL BE COMPACTED TO 100% OF THE MODIFIED PROCTOR MAXIMUM DRY DENSITY.

F. COORDINATE AND VERIFY THE SIZE, LOCATION, TYPE, AND DIRECTION OF ALL PADS, DEPRESSIONS, BASES, SLEEVES, ANCHORS, INSERTS, ETC. TO BE SET IN CONCRETE AND/OR MASONRY BEFORE THE POUR OR ERECTION IS PERFORMED.

G. CONCRETE SIDEWALKS TO BE 4" THICK CONCRETE WITH 6 X 6 W/1.4 X W/1.4 WWF REINFORCEMENT AND STIFF BROOM FINISH. PROVIDE 1/2" PRE-MOLDED, NON-ASPHALTIC EXPANSION JOINTS AT 30'-0" O.C. (MAXIMUM). SIDEWALKS TO BE POURED ON COMPACTED FILL OR UNDISTURBED SOIL. PROVIDE CONTROL JOINTS PER ARCHITECTS DIRECTION.

DIVISION 4-MASONRY

04100 MORTAR

A. MORTAR SHALL BE TYPE S, EXTERIOR GRADE. NO SPECIAL OR CUSTOM COLORED MORTAR WILL BE USED UNLESS SPECIFIED BY ARCHITECT.

B. MORTAR AT FIRE BOXES AND CHIMNEY FLUES SHALL BE REFRACTORY AIR MORTAR.

04150 MASONRY ACCESSORIES

A. MASONRY WALLS SHOWN AS REINFORCED SHALL BE REINFORCED PER PLANS. OR ANY OTHER REINFORCING IS SHOWN, AND ALL WALLS 6" OR THICKER SHALL BE REINFORCED WITH GALVANIZED "DUR-O-WALL" PROPERLY SIZED FOR THICKNESS OF WALL.

B. HORIZONTAL REINFORCING SHALL RUN CONTINUOUSLY IN JOINTS. SPLICES SHALL BE MADE BY LAPPING ENDS OF REINFORCING 6". REINFORCING SHALL BE OF WALL AND TYPE RECOMMENDED BY MANUFACTURER FOR TYPE OF WALL WHERE USED.

C. WALL TIES: PROVIDE CORROSION-RESISTANT METAL TIES WITH ONE FOR EACH 2 SQUARE FEET OF WALL AREA WHERE STONE OR BRICK VENEER OCCURS. STAGGER TIES WITH MAXIMUM VERTICAL SPACING OF 48" AND NOT TO EXCEED 16" AND MAXIMUM HORIZONTAL DISTANCE NOT TO EXCEED 24".

04200 UNIT MASONRY

A. MASONRY BLOCK: HOLLOW CONCRETE MASONRY UNITS, CMU, TO BE TRUE AND OF EVEN TEXTURE IN ALL SIZES INDICATED IN THE DRAWINGS. CONCRETE UNITS SHALL COMPLY WITH LATEST ASTM SPECIFICATION. FURNISH AND INSTALL SPECIAL JAMB SHAPES OR HEADER BLOCKS AND UNTELS, AS REQUIRED. PROVIDE SLOD CAP BLOCK AS REQUIRED OR AS INDICATED ON DRAWINGS. CMU TO BE 8" AND 12" THICK. LAY CONCRETE MASONRY UNITS IN RUNNING BOND. COURSE ONE BLOCK UNIT AND ONE MORTAR JOINT EQUAL TO 8". FORM FLUSH MORTAR JOINTS ON THE EXTERIOR, CONCAVE, TOOLED JOINTS ON INTERIOR.

B. FIRE BRICK: HARD-BURNT CLAY OR SHALE CONFORMING TO LATEST ASTM SPECIFICATION. IN CONSTRUCTION OF THE FIRE BRICK LINING, A 1" AIR SPACE SHOULD BE PROVIDED BETWEEN THE BRICK AND THE SOLID STRUCTURAL WALLS TO ALLOW FOR EXPANSION. INSTALL FIRE BRICK IN STANDARD RUNNING BOND PATTERN.

C. FIREPLACE FLUE LINERS: HARD-BURNT FIRE CLAY SET IN REFRACTORY AIR HIGH TEMPERATURE MORTAR.

D. PAVING BRICK: HARD-BURNT CLAY OR SHALE CONFORMING TO LATEST ASTM SPECIFICATION.

04400 STONE

A. FLAGSTONE: 1" NOMINAL FLAGSTONE TO BE APPLIED OVER MORTAR SETTING BED ON CONCRETE BASE SLAB. APPLY ONE COAT OF CHIMNEY SAVER WATER REPELLENT BY SAVER SYSTEMS, 1751 SHERIDAN STREET, RICHMOND, IN 47374 AS PER MANUFACTURERS RECOMMENDATIONS (AVAILABLE AT CHIMNEY WIZARD, FOSCOE, NC (704)963-5002).

B. STONE VENEER: ALL STONE VENEER SHALL BE SELECTED AND APPROVED BY THE OWNER AND/OR ARCHITECT.

DIVISION 5 - METALS

05100 STRUCTURAL METAL FRAMING

A. PROVIDE ALL LABOR, MATERIALS, TRANSPORTATION, EQUIPMENT, PROTECTION, AND INCIDENTALS NECESSARY TO INSTALL ALL STRUCTURAL STEEL COLUMNS AND BEAMS, ANCHOR BOLTS, BEARING PLATES, AND ANGLES. PROVIDE AND INSTALL STRUCTURAL STEEL FOR ALL FLITCH PLATES AS REQUIRED. STRUCTURAL STEEL SHALL BE TYPE A-36. TUBE SHAPES TO BE ASTM A500.

B. SUBMIT SHOP AND ERECTION DRAWINGS FOR ALL STRUCTURAL STEEL WORK TO THE ARCHITECT FOR REVIEW PRIOR TO FABRICATION. MANUFACTURING OR FABRICATING OF ANY MATERIAL OR THE PERFORMING OF ANY WORK PRIOR TO APPROVAL OF SHOP DRAWINGS WILL BE ENTIRELY AT THE CONTRACTORS RISK. THE APPROVAL OF SHOP DRAWINGS WILL BE FOR SIZE AND ARRANGEMENT OF PRINCIPAL AND AUXILIARY MEMBERS AND STRENGTH OF CONNECTION. ERRORS IN DIMENSIONS AND NOTES SHOWN ON SHOP DRAWINGS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.

C. FOR STEEL NOT EXPOSED IN FINAL CONSTRUCTION, APPLY A SHOP COAT OF AIRCIDE BASE METAL PRIMER FIRST INHIBITIVE PAINT ON ALL SURFACES OF STEEL AFTER FABRICATION AND BEFORE DELIVERY. AFTER ERECTION, APPLY A FIELD COAT OF PRIMER PAINT ON ALL BURNT FROM WELDING, ABRADED, OR RUSTED AREAS.

D. ALL WELDED CONNECTIONS SHALL BE IN ACCORDANCE WITH LATEST AWS SPECIFICATIONS USING E70XX ELECTRODES. ALL WELDING SHALL BE PERFORMED BY A CERTIFIED WELDER.

E. ALL STEEL CONNECTIONS, UNLESS NOTED OTHERWISE, SHALL BE SHOP WELDED AND FIELD BOLTED USING 3/4" DIAMETER, HIGH STRENGTH BOLTS IN ACCORDANCE WITH AISC MANUAL. FASTENER DESIGNATION AS PER AISC. NO CONNECTION SHALL HAVE FEWER BOLTS THAN THE MAXIMUM NUMBER INDICATED BY AISC STANDARD FRAMED BEAM CONNECTIONS.

F. ALL STEEL SECTIONS BEARING ON CONCRETE OR MASONRY SHALL BE GROUTED FOR A MINIMUM OF 1" THICK THROUGHOUT THE BEARING AREA, EXCEPT ANGLE UNTELS, UNLESS OTHERWISE NOTED OR DETAILED.

G. COORDINATE THE EXACT SIZE AND LOCATION OF ALL OPENINGS THROUGH THE STRUCTURE WITH THE RESPECTIVE TRADES.

H. COLUMN ANCHOR BOLTS TO BE POSITIONED WITH A TEMPLATE PRIOR TO POURING CONCRETE SUPPORT. SECURE NUTS TO TEMPLATE PRIOR TO POURING TO PREVENT ROTATION OF BOLTS.

05500 METAL FABRICATIONS

A. PROVIDE CAST IRON ASH PIT CLEANOUT DOORS AND DAMPERS TO SIZES AS APPROPRIATE FOR FIREPLACE OPENING INDICATED IN CHIMNEY MASS.

DIVISION 6-WOOD AND PLASTIC

06100 ROUGH CARPENTRY

A. FLOOR FRAMING SYSTEM. REFER TO FRAMING PLANS FOR FLOOR STRUCTURE. PROVIDE 3/4" 1/8" ADVANTIC SUBFLOOR GUEED AND NAILED. PROVIDE 5/8" PARTICLE BOARD UNDERLAYMENT WHERE CARPET IS USED. PROVIDE 1/2" THICK CARPET BOARD UNDERLAYMENT WHERE SHEET VINYL IS USED. PROVIDE SOLID BLOCKING UNDER ALL PARTITIONS ABOVE PERPENDICULAR TO THE JOISTS.

B. ROOF FRAMING SYSTEM: ON CEILING JOISTS AND RAFTERS, INSTALL 5/8" EXTERIOR GRADE PLYWOOD OR OSB SHEATHING. EXTEND WALLS IN ATTIC AS REQUIRED TO BRACE ROOF RAFTERS, TYPICAL. PROVIDE 12.5 HURRICANE ANCHORS BY SIMPSON OR EQUAL AT EVERY OTHER RAFTER OR AS NOTED ON PLANS. SEE SECTION 06-170 FOR WOOD TRUSSES.

C. WALL SYSTEM: EXTERIOR WALLS TO BE #2 SPRUCE 2 X 6S OR 2 X 4S (AS NOTED ON PLANS) AT 16" O.C. WITH 1/4" ORIENTED STRAND BOARD SHEATHING NAILED TO TOP AND BOTTOM PLATES AND EACH STUD W/ 100 NAILS @ 8" O.C. INTERIOR WALLS TO BE #2 SPRUCE 2 X 4S AT 16" O.C., UNLESS OTHERWISE NOTED. PROVIDE 6" EXTERIOR WALLS WHERE 4" DIAMETER VENTS OCCUR IN WALL. ALL SLIDING POCKET DOORS, IF ANY, TO OCCUR IN 6" EXTERIOR WALLS. PROVIDE SOLID BLOCKING AT WALL CAVITIES TO ACCOMMODATE DRAPEY AND CURTAIN RODS AND BATHROOM ACCESSORIES. VERIFY LOCATION WITH OWNER.

D. DECK CONSTRUCTION: ALL EXTERIOR WOOD POSTS, BRACING, FLOOR JOISTS, GIRDERS, ETC. (I.E. ALL STRUCTURAL MEMBERS) SHALL BE "COW" BRAND PRESSURE-TREATED #2 SOUTHERN YELLOW PINE (DURAPINE) IN SIZES INDICATED ON THE DRAWINGS.

E. DECK GUARDRAIL POST: CONNECT TO DECK STRUCTURE W/ SIMPSON HD2A CONNECTOR # (4) 1/2" DIA. BOLTS - (2) BOLTS INSTALLED IN JOIST, (1) BOLT IN POST, BAND, & CONNECTOR ITS SELF W/ (1) BOLT INSTALLED IN LOWER PART OF POST & BAND JOIST.

F. DECKING: REFER TO PLANS FOR TYPES. REMOVE ALL EXPOSED GRADING STAMPS. ATTACH DECKING WITH (2) 3" LONG COATED DECK SCREWS (BROWN IN COLOR) THROUGH EACH BOARD INTO EACH JOIST.

06170 PREFABRICATED STRUCTURAL WOOD

A. PRE-ENGINEERED ROOF TRUSS FRAMING SYSTEM: WOOD TRUSSES AT 2'-0" O.C. WITH 5/8" EXTERIOR GRADE PLYWOOD SHEATHING. FLOOR TRUSSES TO BE DESIGNED BY MANUFACTURER FOR 50 PSF TOTAL LOAD AND CONFORM TO INDUSTRY STANDARDS IN DESIGN AND FABRICATION. USE ATTIC TYPE TRUSSES WHERE POSSIBLE. PROVIDE PRE-FORMED ATTIC Baffle OVER TRUSSES TO ALLOW 1" MINIMUM AIR FLOW OVER TRUSSES. (REFERENCE SECTION 07200 INSULATION). CONTRACTOR TO VERIFY CONFIGURATION AND SPACING OF TRUSSES WITH TRUSS MANUFACTURER. PROVIDE 12.5 HURRICANE ANCHORS BY SIMPSON OR EQUAL AT EVERY OTHER TRUSS.

B. PRE-ENGINEERED FLOOR TRUSSES: AS INDICATED ON PLANS, PROVIDE 2X FLOOR TRUSSES OF THE DEPTH NOTED, FLOOR TRUSSES TO BE DESIGNED FOR 40 PSF DEAD LOAD AND 10 PSF LIVE LOAD IN ALL AREAS EXCEPT BEDROOMS, WHICH SHALL BE DESIGNED FOR 30 PSF DEAD LOAD AND 10 PSF LIVE LOAD.

C. STRUCTURAL BEAMS AND GIRDERS: PROVIDE LAMINATED GIRDERS AS REQUIRED MANUFACTURED WITH PARALLEL LAMINATED VENEER LUMBER. SIZES AS INDICATED ON THE DRAWINGS.

06200 TRIM AND SIDING

A. INTERIOR TRIM: SHALL BE AS NOTED ON DRAWINGS.

B. SHELVING: OPEN SHELVES IN STORAGE ROOMS, PANTRIES, AND CLOSETS TO BE 3/4" AC PLYWOOD (FULL DEPTH OF CLOSET) WITH WHITE PINE EDGE STRIPS. CLOSET RODS TO BE 1 1/2" DIAMETER STEEL PIPE WITH WOOD BRACKETS SPACED TO ELIMINATE ROD DEFLECTION, OR WIRE SHELVING AT OWNERS OPTION. UNLESS OTHERWISE NOTED, RODS IN CLOSETS ARE TO BE 1'-0" FROM WALL AND SHELF ABOVE TO BE 1'-4" WIDE.

C. EXTERIOR TRIM: SHALL BE AS NOTED ON DRAWINGS.

D. SIDING-HORIZONTAL: SHALL BE AS NOTED ON DRAWINGS. COORDINATE PRIME COAT WITH FINISH TO BE INSTALLED.

E. SIDING-CEGAR SHINGLE: EXTERIOR SHINGLE SIDING SHALL BE #2 GRADE (RED LABEL) WESTERN RED CEDAR TAPERED SHINGLES OVER HOME SLICKER GALVANIZED STAPLES IN COURSES OF 6" EXPOSURE PER COURSE. UNLESS OTHERWISE NOTED, SHINGLE SHALL HAVE A REGULAR SAWN SURFACE. COORDINATE FINISH OF SHINGLES WITH OWNER AND/OR ARCHITECT.

F. SIDING-BOARD AND BATTEN: SHALL BE AS NOTED ON DRAWINGS.

G. EXTERIOR SOFFIT: SHALL BE AS NOTED ON DRAWINGS.

H. INTERIOR GARAGE FINISH: 5/8" FIRE CODE 8PSUM BOARD ON WALLS AND CEILING.

I. INSTALL ALL CEDAR MATERIAL WITH SPIRAL SHANK, SMALL HEAD, STAINLESS STEEL NAILS.

06400 ARCHITECTURAL WOODWORK

A. STAIR WORK AND HANDRAILS: COORDINATE STAIR & HANDRAIL CONFIGURATION WITH ARCHITECT.

DIVISION 7-THERMAL AND MOISTURE PROTECTION

07100 WATERPROOFING

A. FOUNDATION WALL WATERPROOFING SHALL BE AS SPECIFIED AND PROVIDED BY B-DRY WATERPROOFING SYSTEMS. TELEPHONE NUMBER 1-800-798-2379. ALL ALTERNATIVE WATERPROOFING TECHNIQUES, MATERIALS, AND DETAILS FOR CMU OR CAST CONCRETE ON OR BELOW GRADE SHOULD BE COORDINATED WITH & APPROVED BY ARCHITECT.



DIVISION 8 - DOORS AND WINDOWS

08100 METAL DOORS AND FRAMES

- A. EXTERIOR DOORS, OTHER THAN GLASS DOORS, TO BE 1-3/4" THICK, METAL INSULATED, TYPICAL, OR SOLID WOOD DOORS AS NOTED ON DRAWINGS.
- B. DOOR BETWEEN GARAGE AND MAIN HOUSE TO BE METAL INSULATED DOOR (20 MINUTE FIRE RATED) WITH THRESHOLD.
- 08200 WOOD AND PLASTIC DOORS
- A. FRONT ENTRY DOOR TO BE AS SELECTED AND APPROVED BY OWNER. PROVIDE CASH ALLOWANCE FOR FRONT ENTRY DOOR. SEE DIVISION 1, SECTION 01020.
- B. PROVIDE SCREENS FOR ALL WINDOWS AND 1 1/2" THICK WOOD SCREEN DOORS FOR ALL EXTERIOR DOORS IN COLOR TO BE SELECTED.

08300 SPECIAL DOORS

- A. GARAGE DOOR: INSULATED SECTIONAL OVERHEAD DOOR AS SHOWN ON DRAWINGS. PROVIDE ELECTRIC OPERATOR WITH TWO REMOTE CONTROLS WITH 1 PUSH-BUTTON ACTIVATOR FOR EACH DOOR ON EACH REMOTE. BRANDS, SIZES, AND MODELS AS INDICATED ON DRAWINGS.

08600 WOOD WINDOWS

- A. EXTERIOR WINDOWS SHALL BE AS NOTED ON DRAWINGS AND SHALL HAVE HIGH-PERFORMANCE INSULATING GLASS AND SCREENS. WHERE REQUIRED, PROVIDE JAMB EXTENSIONS WITH WINDOWS. WINDOWS TO BE BASED ON A DESIGN WIND VELOCITY AS PER NORTH CAROLINA BUILDING CODE. WINDOWS TO BE INSTALLED IN BED OF CAULK AROUND WINDOW PERIMETER.
- B. UNLESS OTHERWISE NOTED ON DRAWINGS, PROVIDE EXTERIOR WINDOWS OF SPECIAL SHAPES, INCLUDING SIMULATED DIVIDED LIGHT TRANSOM WINDOWS AND ROUND WINDOWS IN FRAMES AND WITH GLASS TO MATCH WINDOWS. PROVIDE APPROPRIATE THICKNESS OF HIGH PERFORMANCE INSULATING GLASS BASED ON SIZE AND WIND VELOCITY AS PER NORTH CAROLINA BUILDING CODE. PROVIDE EXTENSION JAMBS WITH SPECIAL WINDOWS.
- C. TEMPERED GLASS: PROVIDE TEMPERED GLASS IN ALL LOCATIONS WHERE REQUIRED IN SECTION 208 OF THE NORTH CAROLINA STATE RESIDENTIAL BUILDING CODE.

08700 HARDWARE

- A. PROVIDE ALLOWANCE FOR GOOD QUALITY HARDWARE (SCHLAGE) OR EQUAL FOR ALL DOORS, SEE DIVISION 1, SECTION 01020
- B. WINDOW, SLIDING GLASS, SWINGING GLASS DOOR HARDWARE AS SUPPLIED BY MANUFACTURER.

08800 GLAZING

- A. MIRRORS: 1/4" THICK POLISHED PLATE GLASS MIRROR WITH SMOOTHED EDGES. MIRRORS TO EXTEND FULL LENGTH OF VANITIES AND TOPS OF MIRRORS TO ALIGN WITH TOP OF TRIM AT ADJACENT DOORS OR WINDOWS. MIRRORS TO BE INSTALLED WITH ADHESIVE.
- B. GLASS BLOCK: WHERE GLASS BLOCK IS USED, BLOCK TO BE 8 X 8 X 4, INSTALLED WITH WHITE MORTAR AND REINFORCING FOLLOWING MANUFACTURERS INSTRUCTIONS.
- C. TEMPERED GLASS: PROVIDE TEMPERED GLASS IN ALL LOCATIONS WHERE REQUIRED IN SECTION 208 OF THE NORTH CAROLINA STATE RESIDENTIAL BUILDING CODE.

DIVISION 9 - FINISHES

09250 GYPSUM BOARD

- A. PROVIDE AND INSTALL 1/2" GYPSUM BOARD AND RELATED MATERIALS AND ACCESSORIES FOR ALL INTERIOR WALLS, 5/8" FOR CEILINGS, UNLESS OTHERWISE NOTED. ALL EXPOSED GYPSUM BOARD TO BE PAINTED. PROVIDE 1/2" WATER-RESISTANT GYPSUM BOARD (GREEN BOARD) AT ALL BATHROOM WALLS, AND 5/8" FOR CEILINGS, UNLESS OTHERWISE NOTED.
- B. PROVIDE AND INSTALL 5/8" FIRECODE (TYPE X) GYPSUM BOARD AND RELATED MATERIALS AND ACCESSORIES FOR ALL INTERIOR WALLS AND CEILINGS AT GARAGE. ALL EXPOSED GYPSUM BOARD TO BE PAINTED.
- C. CERAMIC TILE BACKING AT FLOORS, WALLS, AND CEILINGS TO BE "WONDER-BOARD" AS MANUFACTURED BY MODULARS, INC., HAMILTON, OHIO OR EQUAL.
- D. PROVIDE FIRE STOPPING AT WALLS, FLOORS, CEILINGS, ETC. AS REQUIRED BY NORTH CAROLINA BUILDING CODE.

09550 WOOD FLOORING

- A. WOOD FLOORING TO BE SELECTED BY OWNER.

- B. INSTALL 15# FELT PAPER BETWEEN WOOD FLOORING AND SUBFLOOR. ALL WOOD FLOORING TO RECEIVE ONE COAT OF STAIN AND TWO COATS OF POLYURETHANE SEALER, FLAT OR SEMIGLOSS AT OWNER'S OPTION. VERIFY STAIN COLOR WITH OWNER. EACH COAT TO BE APPLIED AFTER THE PREVIOUS COAT HAS DRIED.

09600 STONE FLOORING

- A. PROVIDE FLAGSTONE FLOORING WHERE SHOWN ON PLANS (SEE ALSO SECTION 04400). WHERE INDICATED ON PLANS, PROVIDE FLAGSTONE HEARTH AT FIREPLACES).

09680 CARPET

- A. CARPET INCLUDING PADDING THROUGHOUT HOUSE, UNLESS OTHERWISE NOTED. CARPET SHALL BE AS SELECTED BY OWNER.
- B. PROVIDE WOOD THRESHOLD UNDER DOORS OR ALONG EDGE OF CARPET WHERE CARPET MEETS RESILIENT OR WOOD FLOORING.

09900 PAINTING

- A. EXTERIOR STAIN: EXTERIOR SIDING AND TRIM TO RECEIVE MINIMUM TWO COATS OF STAIN, BRUSHED OR FACTORY APPLICATION, BY CABOT (OVT OR THE FINISH) OR BY PITTSBURGH PAINTS. APPLY STAIN PER MANUFACTURERS RECOMMENDATIONS. VERIFY ALL COLOR SELECTIONS WITH OWNER AND ARCHITECT BEFORE APPLYING.
- B. INTERIOR GYPSUM BOARD TO RECEIVE PAINT: PROVIDE ONE COAT OF FLAT LATEX-BASED PRIMER (TINTED TO COLOR OF FINISH COAT) TO ALL GYPSUM BOARD SURFACES TO RECEIVE PAINT. AFTERWARD, SAND ALL ROUGHNESS THAT MAY APPEAR WITH 80 GRIIT SANDPAPER AND WIFE DOWN WITH WET SPONGE. PROVIDE A FINISH COAT OF LATEX PAINT, FLAT OR SEMIGLOSS AT OWNERS OPTION; NOTE: APPLY TWO FINISH COATS IF BASE COAT IS NOT COLOR-TINTED. OWNER TO VERIFY WHICH SURFACES ARE TO RECEIVE PAINT. VERIFY ALL COLOR SELECTIONS WITH OWNER.
- C. INTERIOR WALLS TO RECEIVE WALLPAPER: PROVIDE ONE COAT OF FLAT LATEX PRIMER (TINTED TO MATCH BACKGROUND COLOR OF WALLPAPER) TO ALL SURFACES TO RECEIVE WALLPAPER. AFTERWARD, SAND ALL ROUGHNESS THAT APPEARS AND WIFE DOWN WITH A WET SPONGE. APPLY "SIZING" TO SURFACE TO RECEIVE WALLPAPER. WALLPAPER SELECTION AND APPLICATION AS PROVIDED BY OWNER. OWNER TO VERIFY SURFACES TO RECEIVE WALLPAPER AND ALL WALLPAPER SELECTIONS.
- D. INTERIOR WOODWORK TO BE STAINED: ROUGH SAND ALL WOOD AND THEN APPLY A WASH COAT OF THREE PARTS THINNER TO ONE PART SANDING SEALER FOR OPEN GRAIN WOOD (PINE, FIR, CEDAR, POPLAR, YELLOW OAK, RED OAK). PROPORTION TO BE FIVE PARTS THINNER TO ONE PART SANDING SEALER FOR CLOSED GRAIN WOOD (MAPLE, BIRCH, WHITE OAK). AFTERWARD, APPLY ONE COAT OF "MINWAX" COMBINATION STAIN AND SEALER, AND ADDITIONAL COATS AS NECESSARY TO ACHIEVE DARKNESS DESIRED BY OWNER. SAND ALL ROUGHNESS THAT MAY APPEAR, THEN APPLY ONE FINISH COAT OF SATIN POLYURETHANE. OWNER TO VERIFY WOOD SURFACES TO BE STAINED.

09950 WALL COVERING

- A. WALLPAPER: WALLPAPER TO BE PROVIDED BY OWNER. THE WALLPAPER ITSELF IS NOT PART OF THE BID PRICE. OWNER TO VERIFY SURFACES TO RECEIVE WALLPAPER.

DIVISION 10-SPECIALTIES

10200 LOUVERS AND VENTS

- IF SEALED CRAWL SPACE, NO FOUNDATION VENT REQUIRED - REFER TO DRAWINGS.

- A. FOUNDATION VENTS: PROVIDE 8" X 16" AUTOMATIC ALUMINUM FOUNDATION VENTS TO VENTILATE CRAWL SPACES AS REQUIRED OR AS SHOWN ON DRAWINGS. FREE AREA OF VENT = 60 SQUARE INCHES.

10300 FIREPLACES

- A. MASONRY FIREPLACE TO BE CONSTRUCTED AS SHOWN IN DRAWINGS, OR IF NOT SHOWN IN DRAWINGS, AS DETAILED IN THE CONCRETE MASONRY HANDBOOK. COORDINATE HEARTH/MANTLE HEIGHTS AND INTERIOR DETAILING WITH ARCHITECT.
- B. IF METAL FIREBOX IS TO BE USED, UNIT IS TO BE INSTALLED IN ACCORDANCE WITH MANUFACTURERS RECOMMENDATIONS. COORDINATE HEARTH AND MANTLE HEIGHTS AND DETAILING WITH ARCHITECT.
- C. PROVIDE ASH DUMPS AND DAMPERS AS REQUIRED FOR EACH FIREPLACE.
- D. GAS LOGS/STARTERS - COORDINATE WITH OWNER AND INSTALL PER OWNERS PREFERENCE.

10800 TOILET AND BATH ACCESSORIES

- A. PROVIDE AND INSTALL TOILET ACCESSORIES INCLUDING SHOWER DOORS WITH CLEAR TEMPERED GLASS, TUB ENCLOSURES WITH CLEAR TEMPERED GLASS, TOWEL BARS, SOAP DISHES, TOILET PAPER HOLDERS, MEDICINE CABINETS, ETC. AS SELECTED BY OWNER.

DIVISION 11 - EQUIPMENT

11010 MAINTENANCE EQUIPMENT

- A. CONTRACTOR TO PROVIDE ALL PIPING AND CONTROL WIRING REQUIRED TO INSTALL CENTRAL VACUUM SYSTEM IF SUCH A SYSTEM IS DESIRED BY OWNER (COORDINATE WITH OWNER). VERIFY OUTLET LOCATION WITH OWNER. IF DESIRED BY OWNER, PROVIDE A CASH ALLOWANCE FOR VACUUM SYSTEM, SEE DIVISION 1, SECTION 01020.

11020 SECURITY AND VAULT EQUIPMENT

- A. PROVIDE BURGLAR AND FIRE SECURITY EQUIPMENT IF SUCH A SYSTEM IS DESIRED BY OWNER (COORDINATE WITH OWNER). IF DESIRED, PROVIDE A CASH ALLOWANCE FOR SECURITY SYSTEM, SEE DIVISION 1, SECTION 01020.

11450 RESIDENTIAL EQUIPMENT

- A. APPLIANCES: COORDINATE INSTALLATION OF ALL APPLIANCES AS SELECTED BY OWNER.

DIVISION 12 - FURNISHINGS

12300 MANUFACTURED CASEWORK

- A. ALL CASEWORK INCLUDING KITCHEN CABINETS, VANITIES, KITCHEN AND VANITY COUNTER TOPS, ALL CUSTOM BUILT-IN CABINETRY, PANTRY, AND CLOSETS, ETC., ARE PART OF THIS CONTRACT.

DIVISION 15 - MECHANICAL

15400 PLUMBING

- A. ALL PLUMBING SHALL MEET NORTH CAROLINA STATE BUILDING CODE AND ALL OTHER APPLICABLE CODES AND STANDARDS. INSTALL 2 X 6 STUD WALLS AT ALL 4" DRAIN AND VENT STACKS. FOR PENDING PURCHASES, CONTRACTOR TO ASURE ALL FIXTURES AS WHITE. FINAL COLOR SELECTION TO BE APPROVED BY OWNER. ALL PICTURE SELECTIONS TO BE VERIFIED BY OWNER.
- B. WATER PIPING: AT OWNERS OPTION EITHER HARD COPPER (TYPE L) OR CROSS-LINKED POLYETHYLENE. DRAIN ALL WATER LINES AT ONE POINT IF POSSIBLE. INSULATE ALL WATER LINES. MAIN SUPPLY LINE TO HOUSE IS TO BE 1" DIAMETER. MAIN TRUNK WATER LINE FROM WATER HEATER TO BE 3/4" DIAMETER WITH 1/2" TO 5/8" DIAMETER BRANCH FEEDS TO PLUMBING FIXTURES. WATER PIPING TO BE SIZED TO ELIMINATE DIFFERENCES IN WATER PRESSURE WHEN MORE THAN ONE FIXTURE IS USED AT A TIME. RISERS TO SINK FAUCET SHALL BE BREIDED TYPE WITH THREADED CONNECTIONS. NO COMPRESSION FITTINGS SHALL BE USED IN SYSTEM.
- C. WASTE PIPING: AT OWNERS OPTION PROVIDE EITHER CAST IRON OR PVC WASTE DROPS, HORIZONTAL AND VERTICAL. IN ALL AREAS ABOVE CRAWL SPACE. LOCATE DROPS IN CORNERS OF CLOSETS OR OTHER AREAS WHERE THEY WILL BE WELL-INSULATED. CONTRACTORS OPTION TO USE SCHEDULE 40 ABS WASTE PIPING IN CRAWL SPACE AREAS.
- D. ALL PLUMBING FIXTURES TO BE SELECTED BY OWNER.
- E. WATER HEATER: 1-YEAR GUARANTEE ON ALL PARTS. MEET OR EXCEED ASHRAE LATEST EDITION. VERIFY LOCATION WITH ARCHITECT. WATER HEATERS TO HAVE DRIP PAN WITH DRAIN AS APPROPRIATE. IF DESIRED BY OWNER, PROVIDE RECIRCULATING PUMP (LR-15B BY BELL & GOSSETT OR EQUAL) SIZED APPROPRIATELY TO CIRCULATE THROUGHOUT HOUSE.
- F. HOSE BIBS: PROVIDE FROST PROOF HOSE BIBS EQUIPPED WITH VACUUM BREAKER DEVICE. VERIFY LOCATION WITH OWNER AND ARCHITECT OR AS SHOWN ON DRAWINGS.
- O. PROVIDE MAIN WATER CUTOFF ACCESSIBLE FROM INSIDE THE HOUSE SO THAT SYSTEM CAN BE EASILY TURNED OFF AND ON AND DRAINED FOR WINTERIZATION. VERIFY LOCATION WITH OWNER AND ARCHITECT.

15500 HEATING, VENTILATING, AND AIR CONDITIONING

GENERAL: ALL NEW WORK SHALL BE INSTALLED IN FULL COMPLIANCE WITH VOLUME III, N.C. STATE BUILDING CODE AND ALL PERTINENT LOCAL CODES. THE EQUIPMENT BRAND CALLED FOR ON THE PLANS HAS BEEN SPECIFIED TO ESTABLISH A MINIMUM STANDARD FOR QUALITY AND PERFORMANCE. ALL EQUIPMENT SHALL BE AN A.R.I. MATCH RATED SYSTEM CONFORMING TO THE PERFORMANCE SPECIFICATION SHOWN. DEVIATIONS FROM THE PERFORMANCE SPECIFICATION MUST BE APPROVED IN WRITING PRIOR TO BIDDING AND EXECUTION OF THE CONTRACT. ALL EQUIPMENT SHALL BE U.L. LABELED AND SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURERS RECOMMENDATIONS.

PERMITS: THE CONTRACTOR SHALL OBTAIN AND PAY FOR ALL PERMITS, FEES, AND PAY ALL FEES FOR INSPECTIONS OR AS OTHERWISE REQUIRED FOR THE WORK. THE CONTRACTOR SHALL PROVIDE ALL ENGINEERING DESIGN REQUIRED FOR THE WORK.

SHOP DRAWINGS: AFTER AWARD OF THE CONTRACT, THE SUCCESSFUL CONTRACTOR SHALL SUBMIT SHOP DRAWINGS OF ALL ITEMS OF EQUIPMENT. SHOP DRAWINGS SHALL SHOW ALL DUCT LAYOUTS IN SINGLE LINE FORM; ALL CFM CAPACITIES FOR EACH REGISTER; ALL REGISTER SIZES AND THE LOCATION OF ALL HVAC EQUIPMENT.

DUCTWORK: ALL SUPPLY AND RETURN TRUNK LINES SHALL BE CONSTRUCTED FROM RIGID METAL DUCTING WRAPPED WITH 2" FOIL BACKED INSULATION IN ALL UNCONDITIONED AREAS. ALL JOINTS BETWEEN SECTIONS OF METAL DUCTWORK SHALL BE SEALED WITH MASTIC OR MASTIC TAPE. BRANCH DUCTS SHALL BE RIGID METAL WRAPPED WITH 2" INSULATION OR INSULATED FLEXI-DUCT (IN UNCONDITIONED AREAS).

COOLING SYSTEMS: (HEAT PUMPS OR CONVENTIONAL AIR CONDITIONING)

- A. EQUIPMENT: GENERAL - ALL MODELS SHALL BE UL LISTED AND RATED PER A.R.I. STANDARDS. ALL UNITS SHALL HAVE A MINIMUM COOLING SEER OF 12 (HEAT PUMP BACKUP OR PAIRED WITH AIR CONDITIONING).

- B. HEATING SYSTEMS
1. ELECTRIC RESISTANCE BACKUP HEATERS, HEAT PUMP ONLY, OR 90% EFFICIENT (MIN.) NATURAL GAS/L.P. FURNACE (AT OWNERS OPTION).
  2. PROVIDE FILTER GRILLES AT GRILL RETURN AIR TERMINAL.
  3. PROVIDE FILTER RACK WITH "AIR BEAR" PURITY, OR OTHER EXTENDED MEDIA FILTER.
  4. PROVIDE CONDENSATE PUMPS IF NECESSARY.
- C. SPECIFIED MANUFACTURERS: TRANE, CARRIER, YORK, BRYANT, HEIL, RHEEM, RUUD.

- D. INSTALLATION: EACH INDOOR FAN COIL UNIT SHALL BE MOUNTED ON 1" CORK AND RUBBER VIBRATION PADS ON 4" WOOD TIMBERS AND LOCATED IN A PLASTIC ON 24 GAUGE GALVANIZED STEEL DRIP PAN. THE DRIP PAN SHALL EXTEND 3" ON ALL SIDES OF THE UNIT AND SHALL BE 3" DEEP; ALL JOINTS ON METAL PANS SHALL BE SOLDERED AND WATER TIGHT. PROVIDE SAFETY FLOAT SWITCH ON DRIP PAN. PLUMB 1" SCH 40 AC UNIT CONDENSATE LINE TO OUTSIDE DOWN SPOUT DRAIN OR TO FLOOR DRAIN IN BASEMENT. CONDENSATE MAY NOT BE "DUMPED" ADJACENT TO THE FOUNDATION WALL OF THE HOUSE. PROVIDE UNDERGROUND LINE DRAIN CONDENSATE AWAY FROM FOUNDATION IF SUCH IS NOT AVAILABLE. EXTERIOR UNITS SHALL BE SET ON 4" POURED IN PLACE OR PRECAST CONCRETE PADS.

CONTROLS: MATERIALS AND EQUIPMENT

1. THERMOSTATS: HEAT PUMPS - THERMOSTAT SHALL BE 7-DAY PROGRAMMABLE (OR OTHER IF DESIRED BY OWNER).

ASHRAE STANDARD 62-1989 COMPLIANCE NOTES:

MECHANICAL CONTRACTOR SHALL BE RESPONSIBLE TO INSTALL MINIMUM 8" X 8" HINGED WITH CAM-TYPE ACCESS PANELS IN DUCTWORK AS NEEDED TO FACILITATE PERIODIC CLEANING OF DUCT DISTRIBUTION.

ALL DUCT LINERS SHALL HAVE AN ANTI-MICROBIAL COATING ON ALL SURFACES EXPOSED TO AIR STREAM.

GAS PIPING: PROPANE GAS STORAGE TANKS (BELOW GRADE TYPE) FURNISHED AND INSTALLED BY GAS COMPANY OR PURCHASED BY OWNER AT OWNERS OPTION. PRESSURE REGULATORS (FIRST AND SECOND STAGE) ARE TO BE FURNISHED BY GAS COMPANY AND INSTALLED BY MECHANICAL CONTRACTOR. GAS PIPING FROM TANK TO FIRST STAGE REGULATOR, GAS PIPING FROM FIRST STAGE REGULATOR TO SECOND STAGE REGULATOR AND GAS PIPING FROM SECOND STAGE REGULATOR TO GAS FIRED EQUIPMENT AND PLUMBING CONTRACTORS GAS-FIRED WATER HEATERS FURNISHED AND INSTALLED COMPLETE BY MECHANICAL CONTRACTOR. VERIFY PRESSURES REQUIRED AT FIRST AND SECOND STAGE REGULATORS AND PRESSURE REQUIRED AT EACH GAS-FIRED ITEM. FENCE/GATE AS REQUIRED AROUND PROPANE TANKS BY GAS COMPANY. MECHANICAL CONTRACTOR SHALL ALERT OWNER TO CONTACT GAS COMPANY CONCERNING LEASING ARRANGEMENTS FOR STORAGE TANKS PRIOR TO COMMENCING WORK. GAS PIPING SHALL BE SCHEDULE 40 BLACK STEEL.

DIVISION 16 - ELECTRICAL MATERIALS AND METHODS

16050 BASIC ELECTRICAL MATERIALS AND METHODS

- A. INSTALLATION SHALL COMPLY WITH THE CURRENT NATIONAL ELECTRICAL CODE AND ANY OTHER STATE, LOCAL, OR NATIONAL CODES HAVING JURISDICTION. ALL WORK SHALL BE PERFORMED BY LICENSED ELECTRICIANS AND IN ACCORDANCE WITH SOUND ENGINEERING PRINCIPLES. ALL CIRCUIT BREAKERS, GROUND FAULT INTERRUPTERS, SMOKE DETECTORS, ETC., AS REQUIRED, ARE TO BE SUPPLIED AND INSTALLED BY ELECTRICAL CONTRACTOR. VERIFY ELECTRICAL LAYOUT WITH OWNER. ALL MATERIAL TO BE UL LISTED AND APPLIED ONLY FOR THEIR INTENDED USE.
- B. WIRING SHALL BE "NM" TYPE COPPER, RATED AT 600 VOLTS, WITH "THW" INSULATION. USE "ROMEX" TYPE WIRING WHERE PERMITTED BY CODE.
- C. ALL RECESSED INCANDESCENT LIGHTING FIXTURES SHALL BE PROVIDED WITH INTEGRAL THERMAL CUT-OFF. RECEPTACLES AND SWITCHES SHALL BE SPECIFICATION GRADE AS REQUIRED BY THE NATIONAL ELECTRICAL CODE. OUTLET BOXES SHALL BE FIBERGLASS, RECESS MOUNTED WITH CENTER LINE 12" AFF UNLESS OTHERWISE INDICATED BY THE ARCHITECTURAL FEATURES ON THE PLANS.
- D. CONTRACTOR TO BE RESPONSIBLE FOR COORDINATION OF ALL ELECTRICAL REQUIREMENTS AND LOCATIONS OF ANY OTHER EQUIPMENT OR SYSTEMS REQUIRING ELECTRICAL SERVICE. THIS INCLUDES COORDINATION WITH THE OWNER.
- E. COORDINATE SERVICE ATTACHMENT AND THE REQUIREMENTS OF THE SERVICE ENTRANCE FACILITIES FOR THE HOUSE WITH THE LOCAL UTILITY COMPANY.
- F. A 20 AMP DEDICATED GROUND FAULT CIRCUIT SHALL BE PROVIDED FOR ALL RECEPTACLES INSTALLED IN THE GARAGE AND EXTERIOR OF HOUSE.
- G. ALL KITCHEN APPLIANCES OUTLETS HVAC EQUIPMENT, WATER HEATING EQUIPMENT, WELL PUMPS, LIFT STATION PUMPS, WASHER, DRYER, WHIRLPOOLS, ETC. SHALL HAVE DEDICATED CIRCUITS.
- H. ELECTRICAL OUTLETS AND SWITCHES TO BE LOCATED WHERE SHOWN ON THE DRAWINGS AND ADDITIONALLY WHERE REQUIRED BY CODE. IF CONSTRUCTION CONDITIONS PREVENT THE REQUIRED LOCATION, NOTIFY ARCHITECT TO CONFIRM LOCATION.
- I. ALL SINGLE AND DOUBLE DEVICE BOXES MAY BE PLASTIC; ALL THREE GANG AND BOXES SHALL BE STEEL. SECURELY BLOCKED AT EACH END. ALL DEVICES (INCLUDING PLATES) STANDARD 20 AMP, IVORY (TYPICAL), BROWN (IN STAINED WOODWORK), OR WHITE (IN KITCHENS AND TOILETS) OR AT ARCHITECTS AND/OR OWNERS DIRECTION.
- J. DIMMERS TO BE 600 WATT, NON-HUMMING (SILENT) LUTRON SLIDE-BESIDE-SWITCH DIMMER.
- K. PANELS TO BE RESIDENTIAL GRADE, SQUARE D, GE, WESTINGHOUSE OR EQUAL.

16500 LIGHTING

- A. PROVIDE CASH ALLOWANCE FOR ALL SPECIALTY LIGHTING FIXTURES TO BE SELECTED BY OWNER, SEE DIVISION 1, SECTION 01020. INCLUDED IN ALLOWANCE ARE ALL DECORATIVE FIXTURES, ALL CEILING FANS AND CONTROLS, AND ALL FIXTURES NOTED AS "BY OWNER" (B.O.). ELECTRICAL CONTRACTOR TO PROVIDE ALL WIRING, ROUGH-IN BOXES, INSTALLATION, ETC. TO ALL "BY OWNER" FIXTURES. THE ELECTRICAL CONTRACTOR IS ALSO TO PROVIDE ALL FLUORESCENT FIXTURES, HEAT/VENTILIGHTS, RECESSED INCANDESCENT DOWN LIGHTS, UNDER-COUNTER LIGHTS, CLOSET LIGHTS, SHOWER LIGHTS, KEYLESS FIXTURES, DRIVEWAY LIGHTS, EAVE MOUNTED SECURITY LIGHTS AND ALL ELECTRIC HEATERS. THESE ARE TO BE INCLUDED IN THE CONTRACTORS BASE BID AND ARE NOT PART OF THE LIGHTING ALLOWANCE.

16600 SPECIAL SYSTEMS

- A. LIGHTNING PROTECTION: PROVIDE COMPLETE SYSTEM (MAXIMUM CONCEALED) INCLUDING COPPER AIR TERMINALS, CONDUCTORS, GROUNDINGS, ETC. WHICH SHALL COMPLY WITH THE SPECIFICATIONS OF THE UNDERWRITERS LABORATORIES (UL96A) AND THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA NO. 780). PROVIDE A CASH ALLOWANCE FOR LIGHTNING PROTECTION SYSTEM, SEE DIVISION 1, SECTION 01020.

16700 COMMUNICATIONS

- A. TELEPHONE WIRING SHALL BE PRE-WIRED BY THE ELECTRICAL CONTRACTOR USING CAT-5 TWO PAIR TWISTED, LOW VOLTAGE CABLE. TERMINATE TELEPHONE CABLES AT THE TELEPHONE SPACE LOCATION COORDINATED WITH THE UTILITY COMPANY AND THE OWNER. INSTALL TELEPHONE WIRING IN A HOME RUN (STAR) CONFIGURATION AND WITH DUAL-OUTLET RECEPTACLES FOR TWO SEPARATE LINES. VERIFY LOCATIONS OF TELEPHONE OUTLETS WITH OWNER.
- B. PRE-WIRE FOR SPEAKERS IF DESIRED BY OWNER. VERIFY SPEAKER LOCATIONS WITH OWNER.
- C. INSTALL RG-6 CO-AXIAL CABLE FROM CENTRAL LOCATION (COORDINATE WITH OWNER) TO TV OUTLETS. VERIFY LOCATIONS OF TV OUTLETS WITH OWNER.



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M I D L A N D  
A V E N U E  
B L A C K  
M O U N T A I N  
N C 2 8 7 1 1  
P H O N E  
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MADER RESIDENCE

159 MISSISSIPPI ROAD EXT.

MONTREAT, NORTH CAROLINA

DRAWING NAME:  
Specifications

DATE: October 1, 2019

SP-2

SCALE:



[illegible]



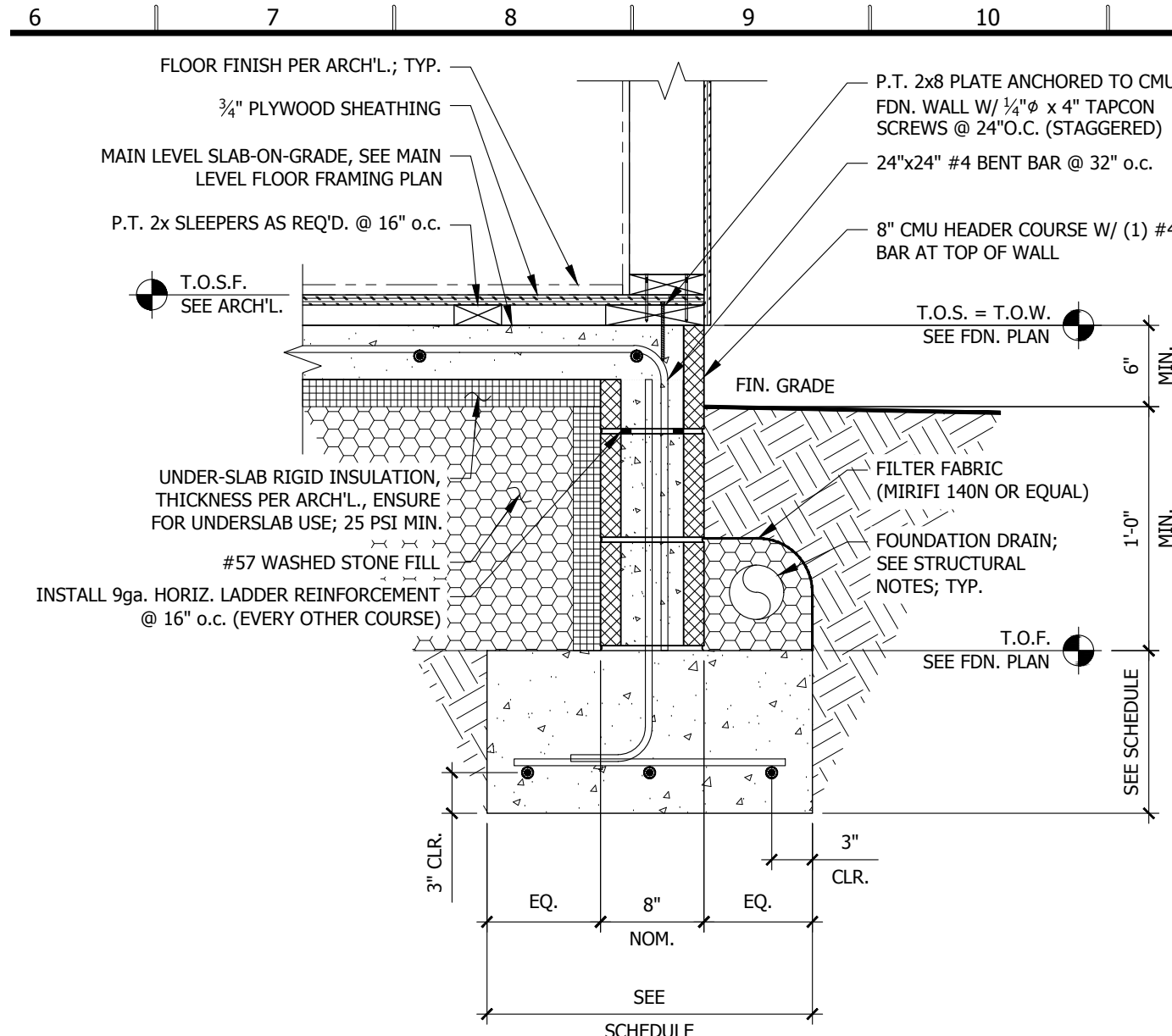




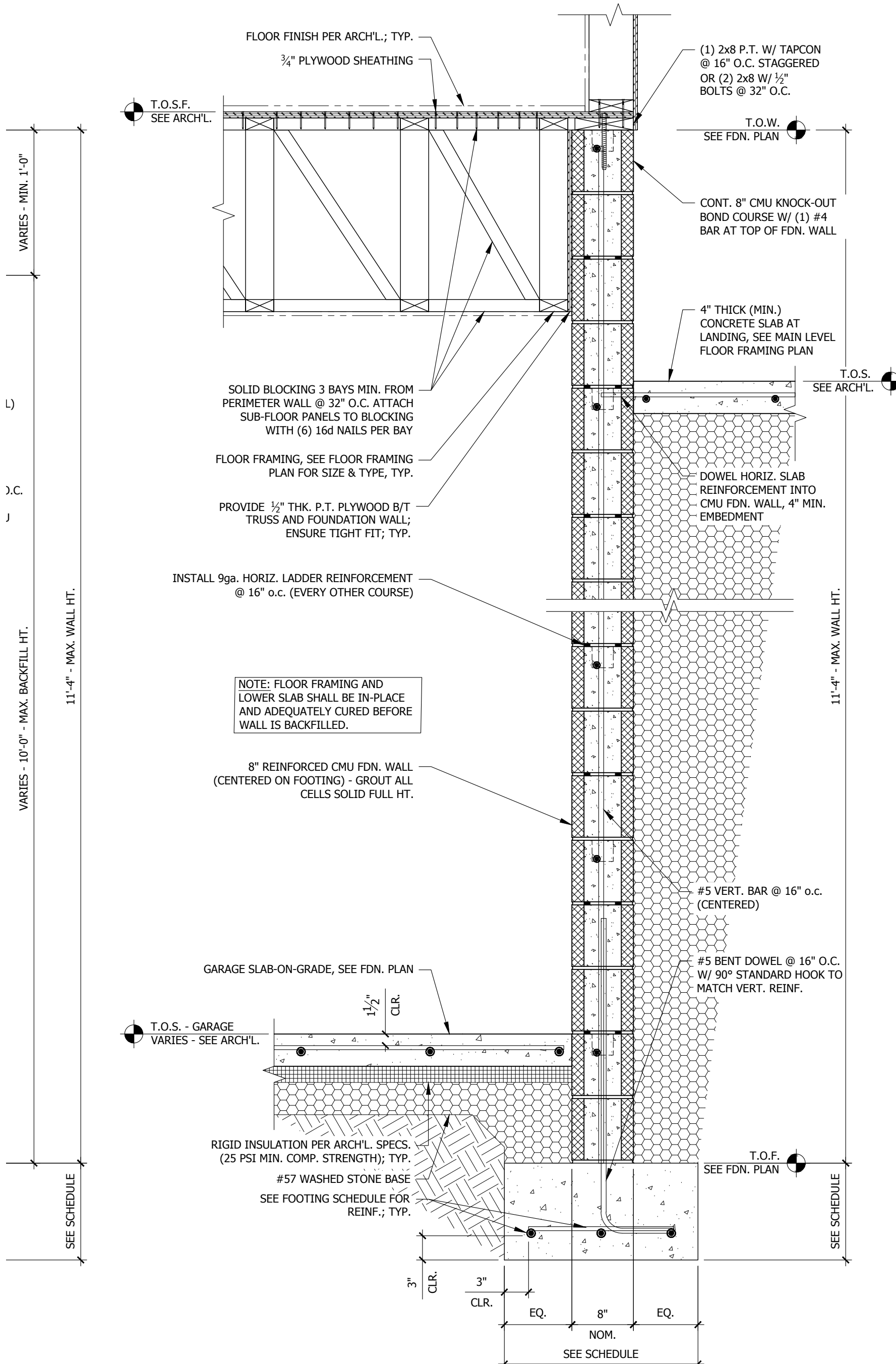






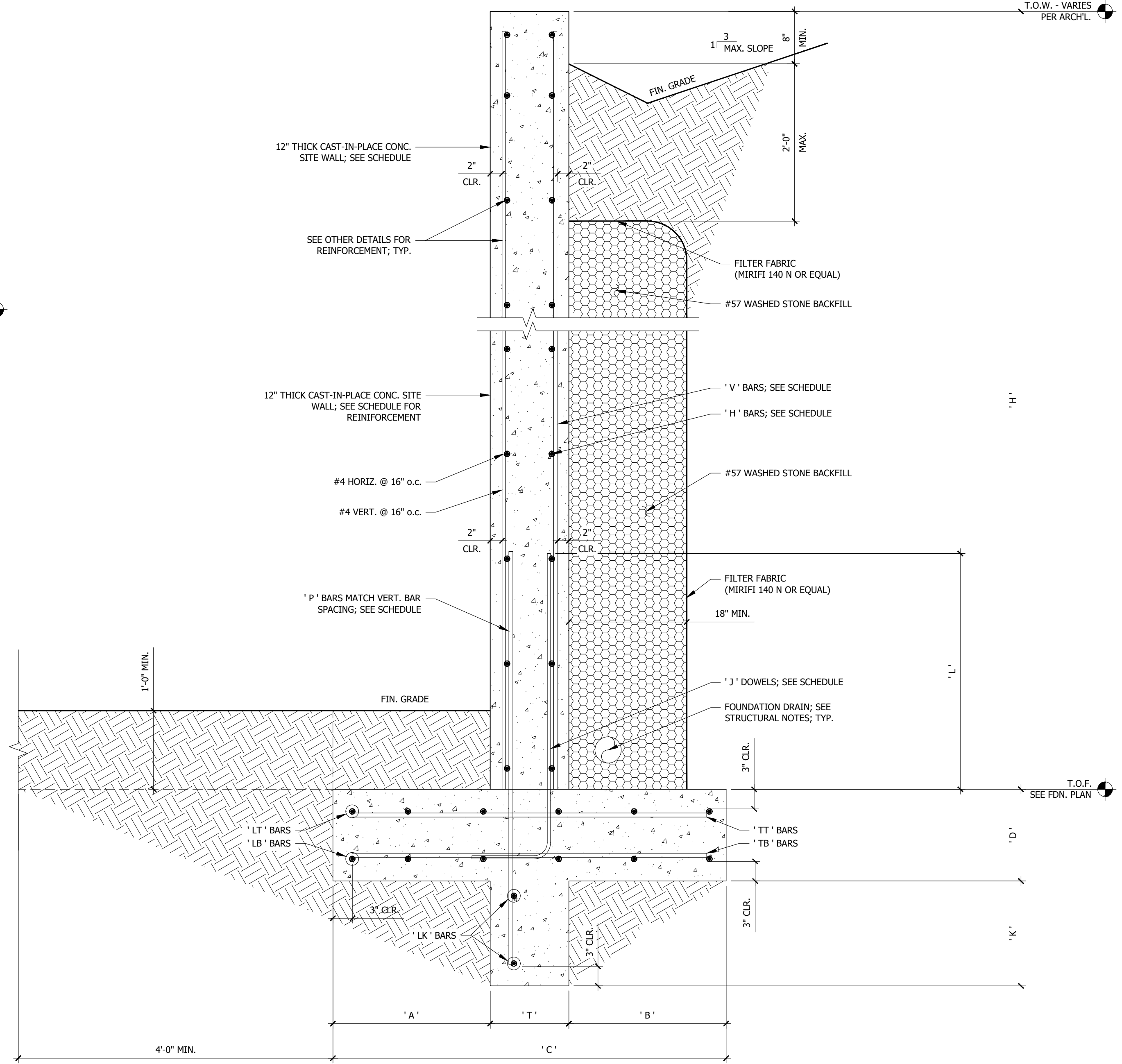


3 FOUNDATION WALL SECTION  
S2.2 SCALE: 1"=1'-0"

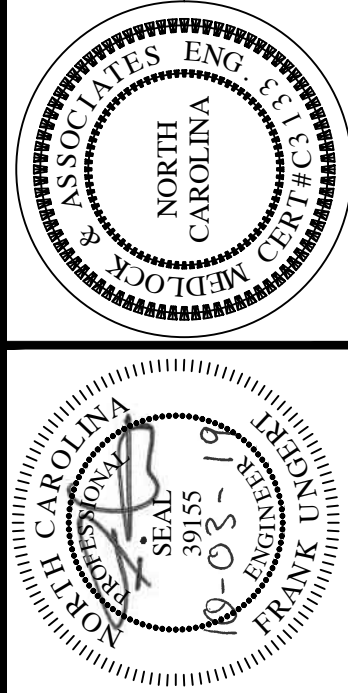


2 FOUNDATION WALL SECTION  
S2.2 SCALE: N.T.S.

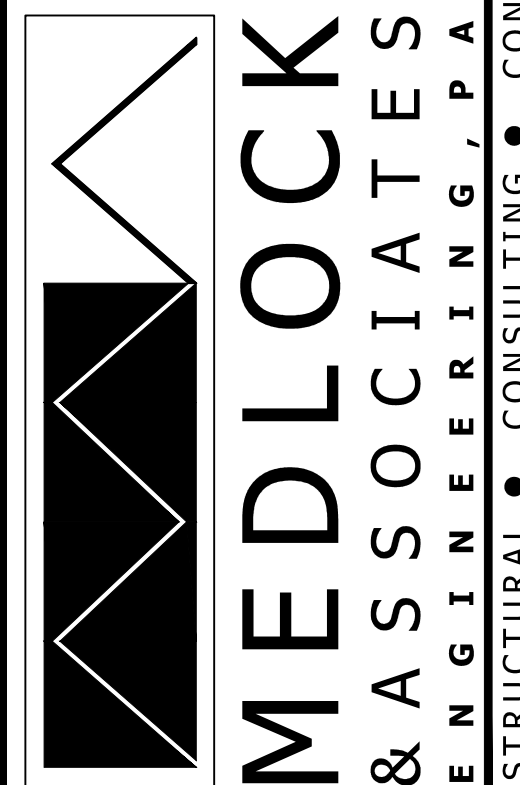
SITE RETAINING WALL SCHEDULE		--		BASED ON FIELD TEST ALLOWABLE SOIL BEARING PRESSURE OF 5,000 PSF														REMARKS
DIMENSIONS								REINFORCEMENT										
* MAX. WALL HEIGHT 'H'	'A'	'B'	'C'	'D'	'K'	'L'	'T'	'J' DOWELS	'V' BARS	'H' BARS	'TT' BARS	'P' BARS	'TB' BARS	'LT' EQ. SPACED	'LB' EQ. SPACED	'LK'		
4'-0"	8"	8"	2'-0"	1'-0"	N/A	2'-6"	8"	#4 @ 16"	#4 @ 16"	#4 @ 16"	N/A	#4 @ 16"	#4 @ 16"	N/A	(3) #5	N/A	SEE RETAINING WALL SECTION FOR ADDITION REINFORCEMENT REQUIRED	
6'-0"	9"	9"	2'-6"	1'-0"	N/A	2'-6"	1'-0"	#4 @ 16"	#4 @ 16"	#4 @ 16"	N/A	#4 @ 16"	#4 @ 16"	N/A	(3) #5	N/A	SEE RETAINING WALL SECTION FOR ADDITION REINFORCEMENT REQUIRED	
8'-0"	1'-3"	1'-3"	3'-6"	1'-0"	N/A	3'-0"	1'-0"	#5 @ 16"	#5 @ 16"	#5 @ 16"	#5 @ 16"	#4 @ 16"	#5 @ 16"	N/A	(4) #5	N/A	SEE RETAINING WALL SECTION FOR ADDITION REINFORCEMENT REQUIRED	
10'-0"	2'-0"	2'-0"	5'-0"	1'-2"	N/A	3'-6"	1'-0"	#5 @ 12"	#5 @ 12"	#5 @ 16"	# 5 @ 12"	#4 @ 16"	#5 @ 12"	(6) #5	(6) #5	N/A	SEE RETAINING WALL SECTION FOR ADDITION REINFORCEMENT REQUIRED	
12'-0"	3'-0"	3'-0"	6'-0"	1'-6"	1'-0"	4'-0"	1'-0"	#5 @ 12"	#5 @ 12"	#5 @ 16"	# 5 @ 12"	#4 @ 16"	#5 @ 12"	(7) #5	(7) #5	(1) #5	SEE RETAINING WALL SECTION FOR ADDITION REINFORCEMENT REQUIRED	
15'-0"	3'-0"	3'-0"	7'-0"	1'-6"	1'-0"	4'-0"	1'-0"	#6 @ 8"	#5 @ 8"	#5 @ 16"	#5 @ 8"	#4 @ 16"	#6 @ 8"	(8) #5	(8) #5	(1) #5	SEE RETAINING WALL SECTION FOR ADDITION REINFORCEMENT REQUIRED	



4 SITE RETAINING WALL SECTION  
S2.2 SCALE: N.T.S.



Reviewed: FUN AS NOTED 10/03/19  
Scale: PLV  
Drawn: PLV  
Checked: FUN  
53 Asheland Avenue,  
Suite 101  
Asheville, NC 28801  
Phone#: (828) 232-4448  
Fax#: (828) 232-5224  
NC Cert. # C-3133

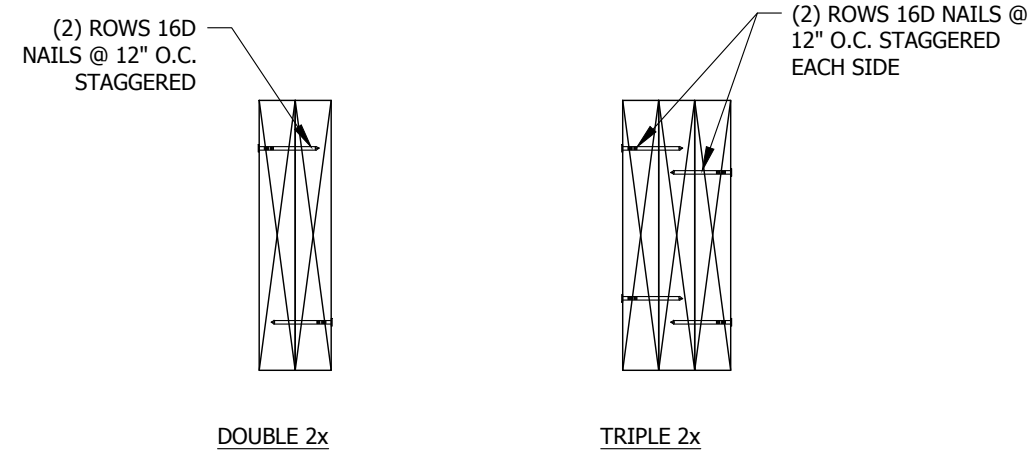


HURT ARCHITECTURE & PLANNING, P.A.  
MADER RESIDENCE  
159 MISSISSIPPI ROAD EXTENSION  
NORTH CAROLINA  
MONTREAT  
Project No: 620919  
S2.2  
5 OF 6  
Drawing Title: FOUNDATION & SITE RETAINING WALL SECTIONS

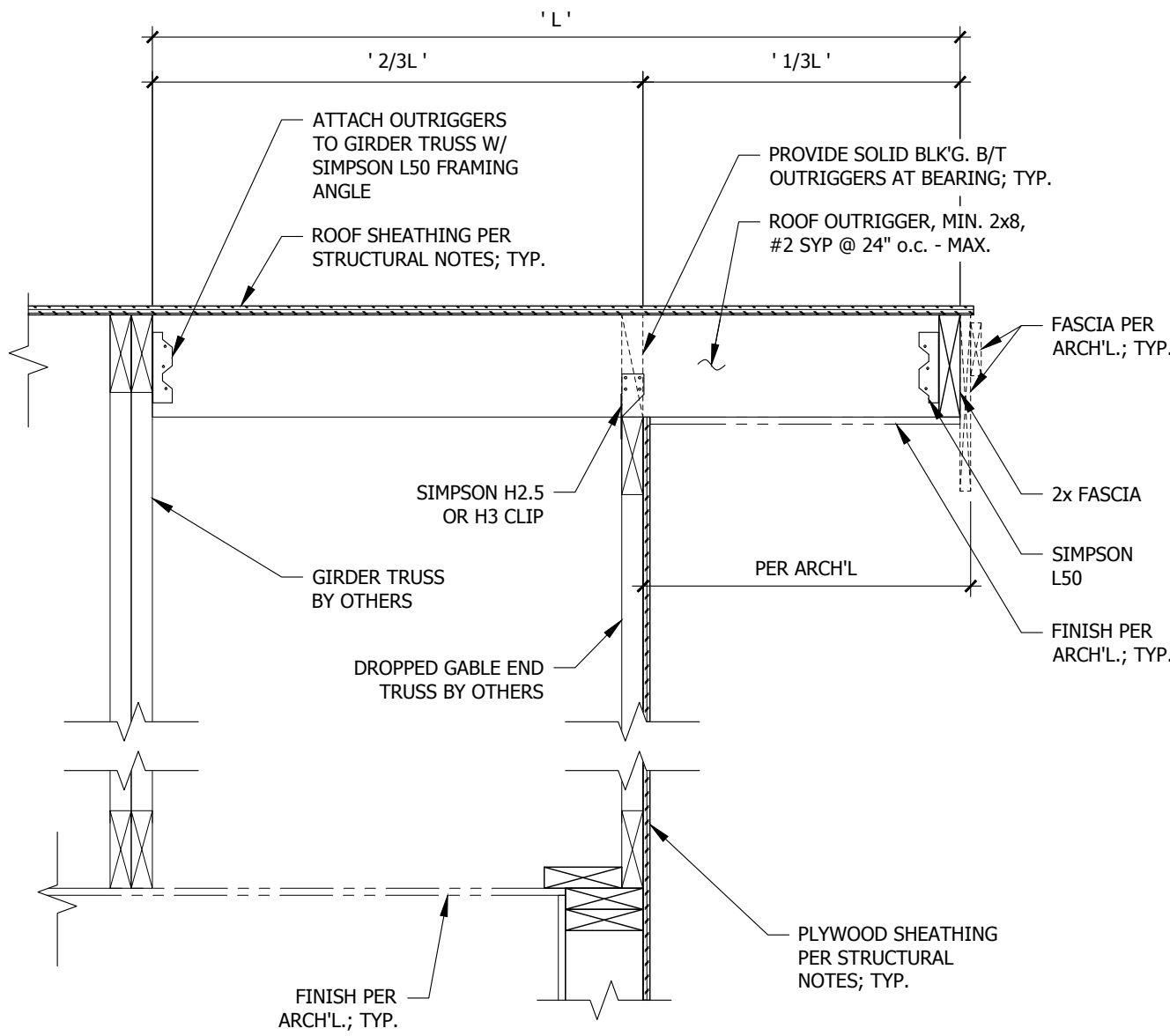
CONSTRUCTION SET

STRUCTURAL • CONSULTING • CONSTRUCTION ASSISTANCE

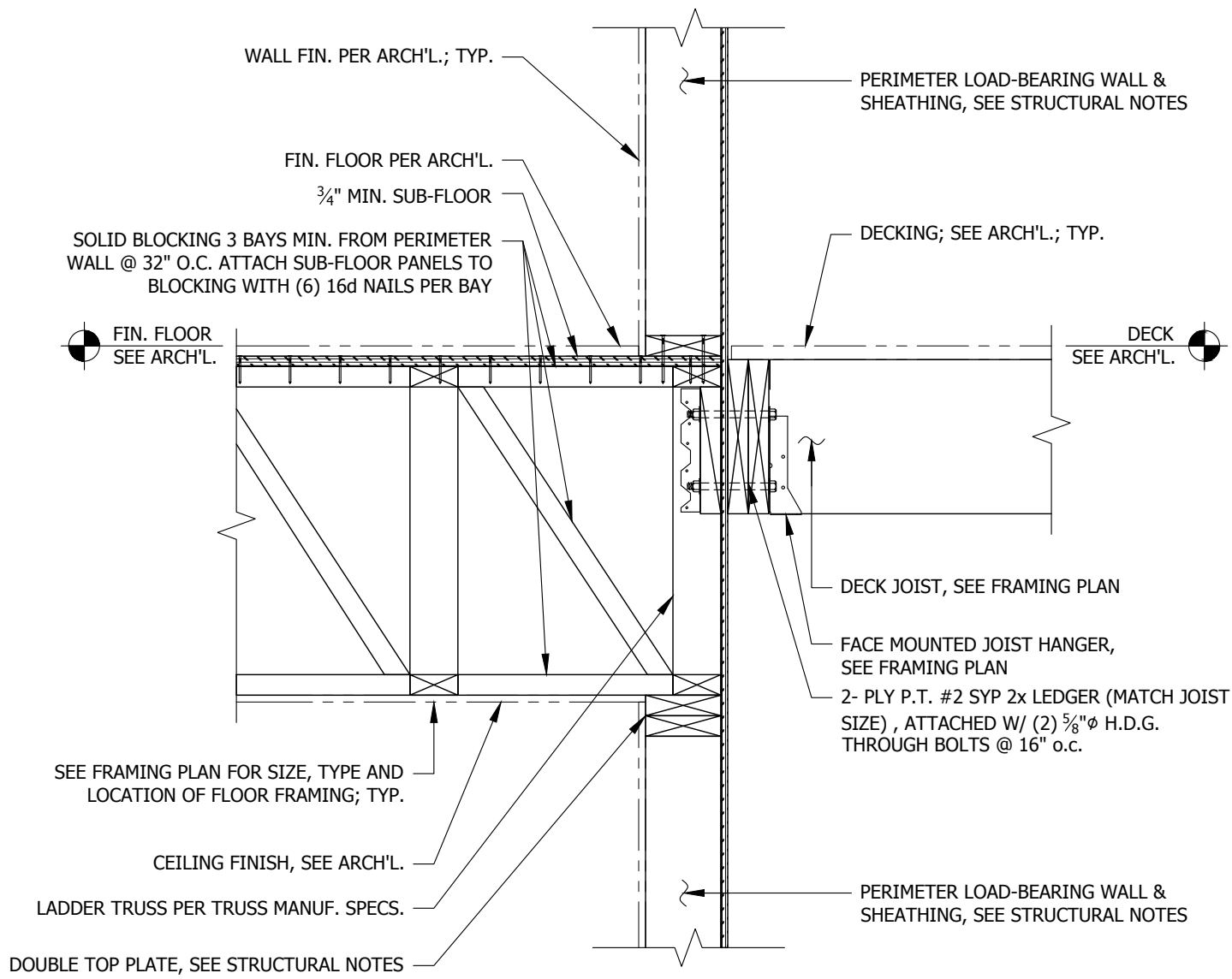




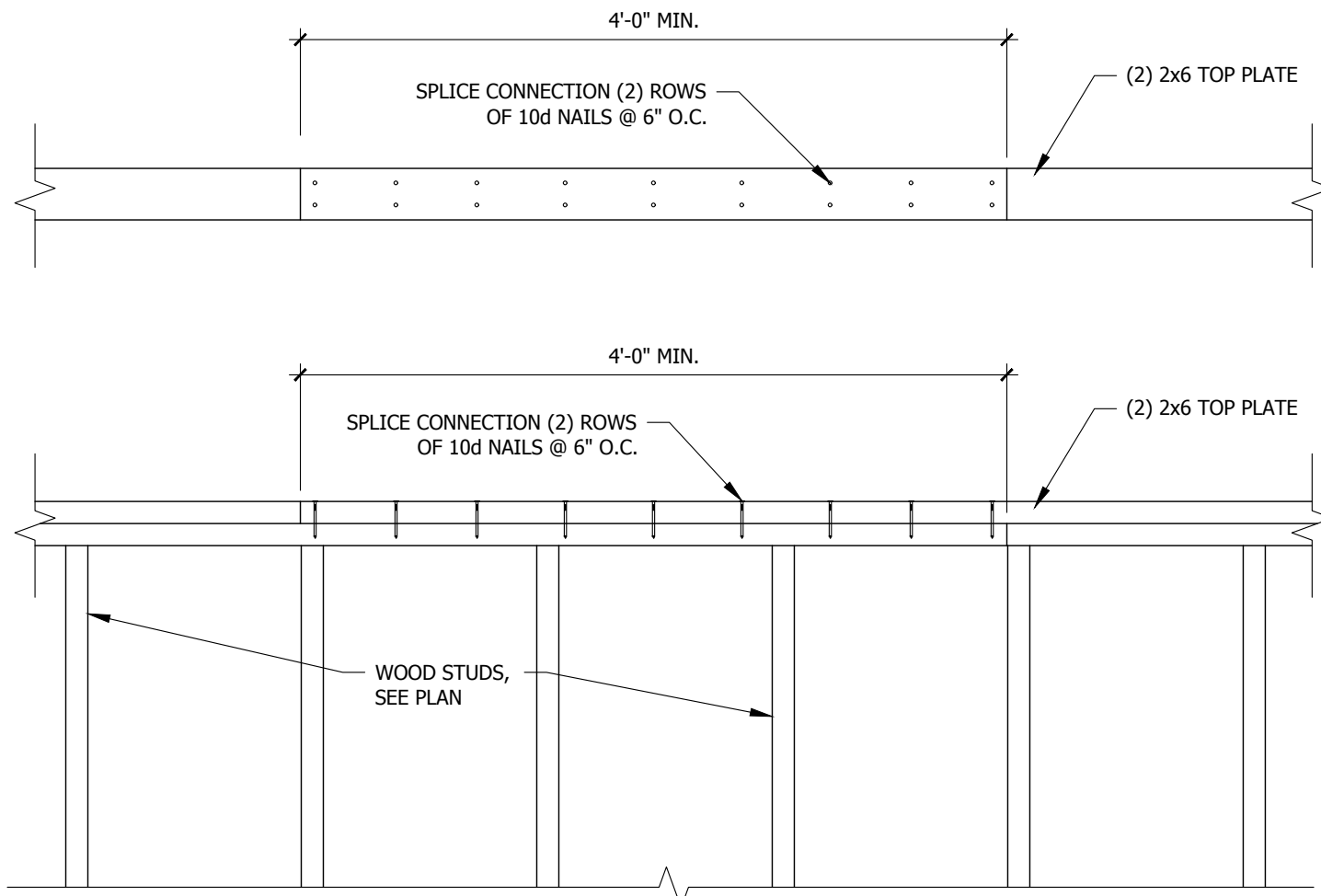
1 TYP. BUILT-UP BEAM & HEADER DETAIL  
S3.1 SCALE: 1-1/2"=1'-0"



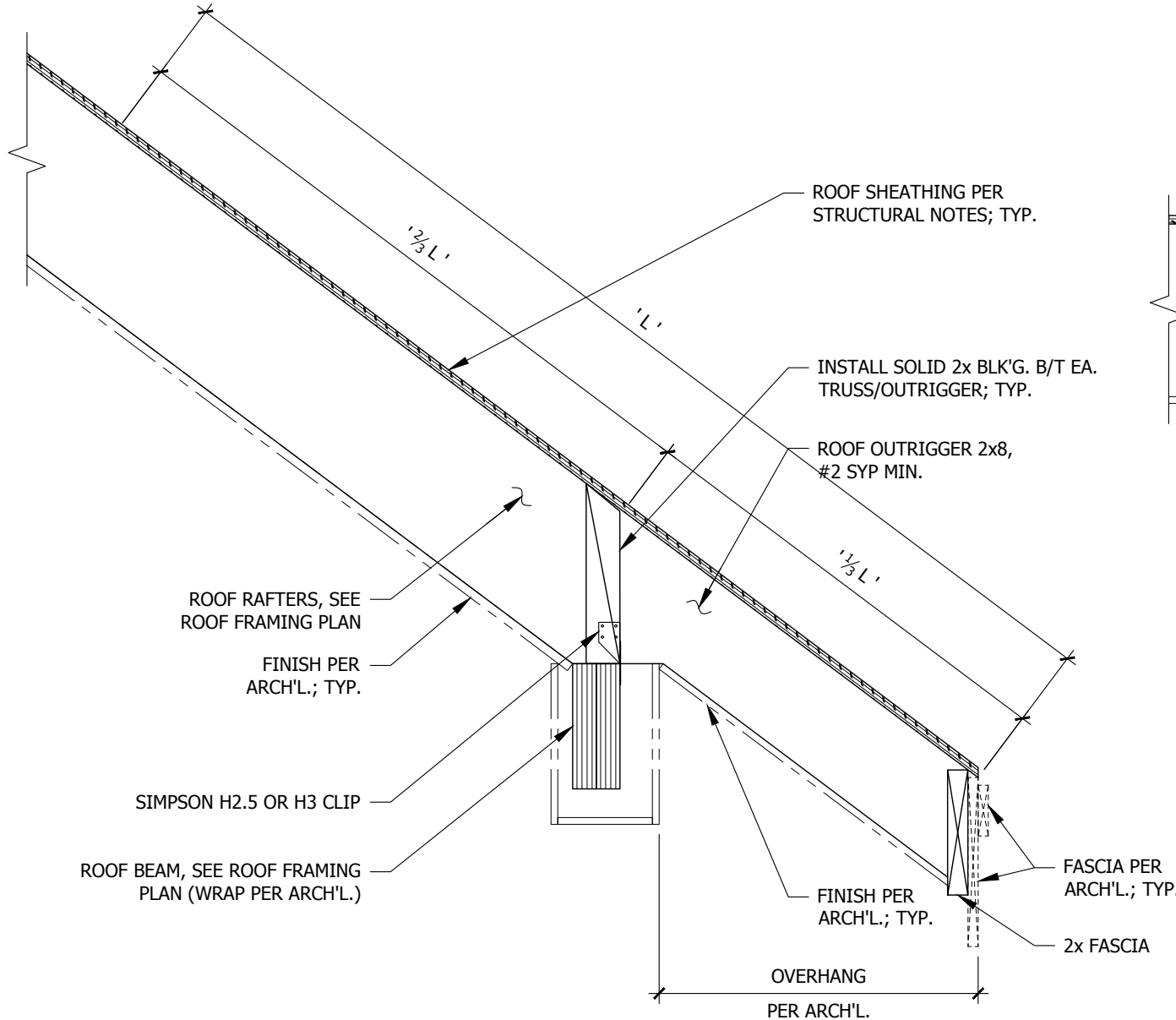
5 ROOF FRAMING DETAIL  
S3.1 SCALE: N.T.S.



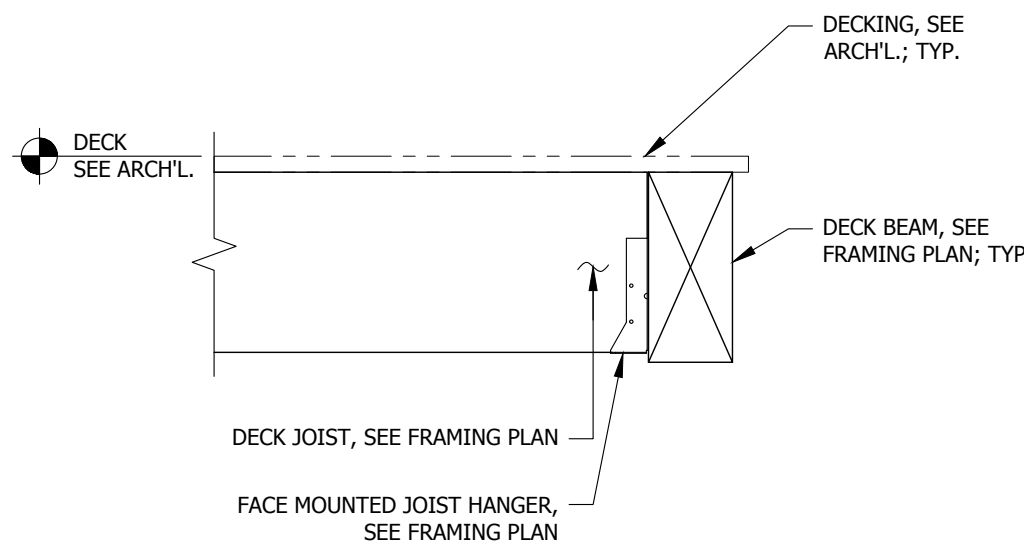
9 DECK LEDGER DETAIL  
S3.1 SCALE: 1"=1'-0"



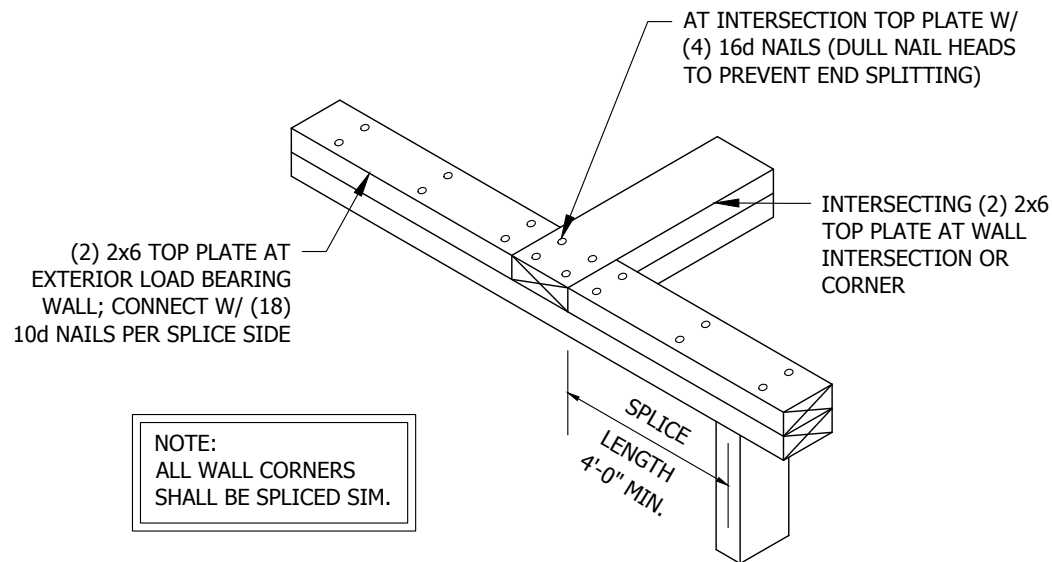
2 TYP. TOP PLATE LAP DETAIL  
S3.1 SCALE: 1"=1'-0"



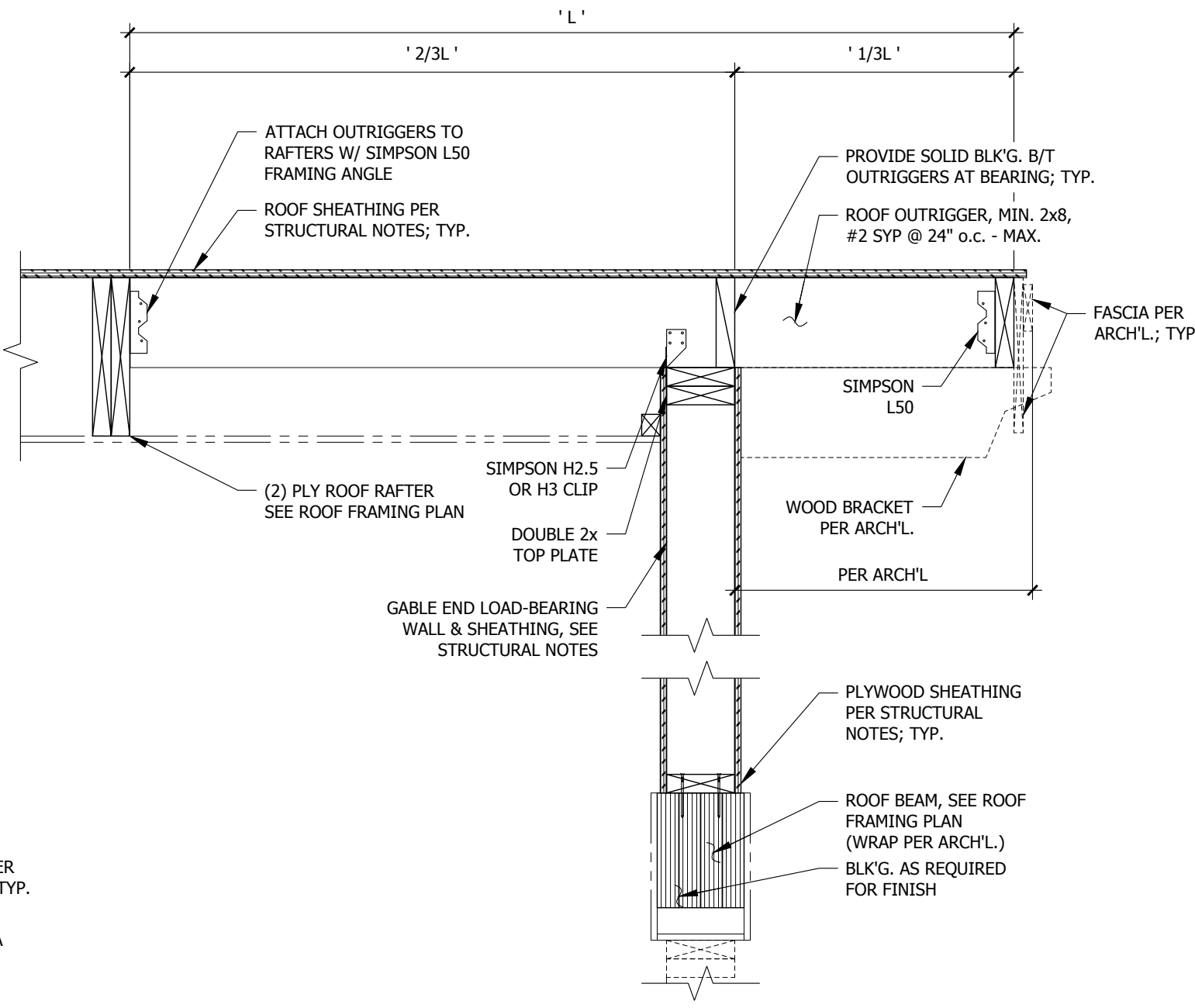
6 ROOF FRAMING DETAIL  
S3.1 SCALE: 1"=1'-0"



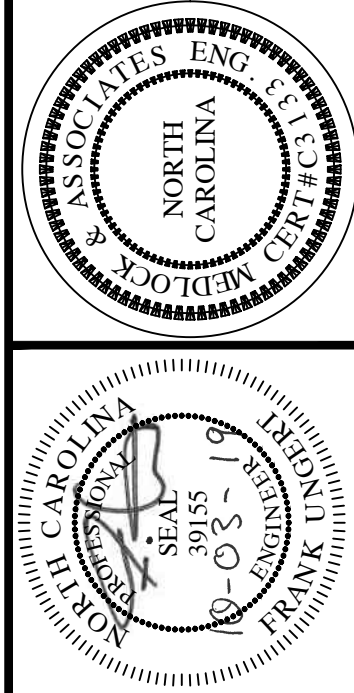
10 DECK FRAMING DETAIL  
S3.1 SCALE: 1"=1'-0"



3 TYP. TOP PLATE INTERSECTION DETAIL  
S3.1 SCALE: 1"=1'-0"



7 ROOF FRAMING DETAIL  
S3.1 SCALE: N.T.S.



CONSTRUCTION SET

Reviewed: FUN AS NOTED 10/03/19  
Scale: PLV  
Date: 10/03/19  
Designed: FUN  
Drawn: PLV  
Checked: FUN  
53 Asheland Avenue,  
Suite 101  
Asheville, NC 28801  
Phone#: (828) 232-4448  
Fax#: (828) 232-5224  
NC Cert. # C-3133



HURT ARCHITECTURE & PLANNING, P.A.  
MADER RESIDENCE  
159 MISSISSIPPI ROAD EXTENSION  
NORTH CAROLINA  
MONTREAT

Project No: 620919  
S3.1  
6 OF 6  
Drawing Title: FRAMING SECTIONS & DETAILS

# Staff Report – Conditional Zoning for Lot 1185, Mississippi Rd. (Mader)

**Proposed Project:** The property owner (Michael Mader) is requesting R-1 Low-Density Residential Conditional Zoning (CZ) for a 10' side setback on the south/west side of this property in conjunction with construction of a new single-family detached house. The Montreat Zoning Ordinance requires 15' side setbacks in the base/existing R-1 Low-Density Residential District (Sec. 501.8, Sec. 501.81).

The Applicant is requesting this Conditional Zoning in response to the subject property's limited lot width availability, given a 15' sewer easement on the north/east side and a 15' side setback requirement of the base/existing R-1 Low-Density Residential District on the south/west side.

Created by:

Scott Adams, AICP  
Zoning Administrator  
Town of Montreat

Created for:

Montreat Planning & Zoning Commission

April 21, 2022

1

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## STAFF REPORT – Conditional Zoning, Lot 1185, Mississippi Rd.

### Summary

The following report summarizes the Zoning Administrator's review of an application for Conditional Zoning by Michael Mader (property owner) at property described as Lot 1185, Mississippi Rd. (PIN: 071065016800000) The project proposes to:

- Construct a new single-family detached house on a currently Vacant Residential Building Lot

**Parcel Identifier Number (PIN #):** 071065016800000

**Address:** currently unaddressed; project location is a vacant lot located between 157 Mississippi Rd. (to the south) and 161 Mississippi Rd. (to the north)

**Owner:** MADER MICHAEL P, MADER KATHRYN G  
5277 ISLA KEY BLVD S APT 423, ST PETERSBURG, FL, 33715

**Applicant:** Michael Mader (property owner)

**Zoning:** R-1 Low-Density Residential

**Current Land Use:** Vacant Residential Building Lot

**Utilities:** Town of Montreat water, Metropolitan Sewerage District (MSD) sewer

**Acres:** 0.22 acres (9,467 SF lot)

NOTE: R-1 Low-Density Residential district minimum lot size for Single-Family Dwellings is 10,000 SF, however, this is a Lot of Record and therefore only subject to dimensional standards (i.e. setbacks, etc.)

### Public Notice

Applicant mailed Public Notice to properties within 250' of the site at least 14 days in advance of **3/8/22 Community Meeting** (see Figure 1: 250' Public Notice for Conditional Zoning, PIN # 071065016800000, Mississippi Rd. page 4.)

Town staff mailed Public Notice to properties within 250' of the site on **April 21, 2022** (21 days ahead of **5/12/22 Planning & Zoning Commission hearing**)

Montreat's Town Clerk will provide Public Notice at least one week ahead of the **5/12/22 Planning & Zoning Commission hearing**, posting notice via:

- The Town's website
- The Town's "Montreat Minute" e-mail newsletter
- Posted notice on a community bulletin board at the Montreat Post Office
- Posted notice on the Town's Hall's community bulletin board

Montreat Planning & Zoning Commission, Public Hearing: **5/12/22**



## Public Notice cont.

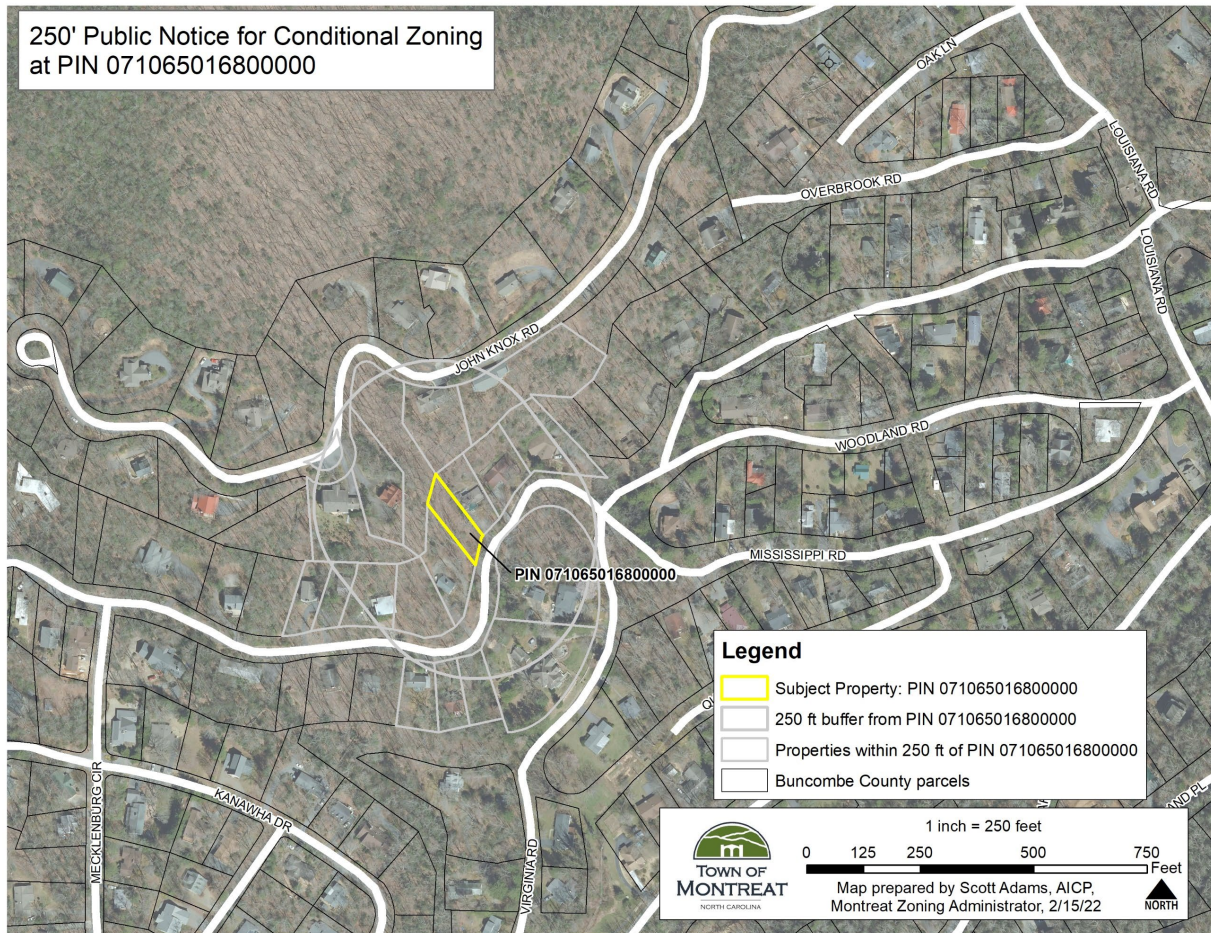


Figure 1: 250' Public Notice for Conditional Zoning, PIN # 071065016800000, Mississippi Rd.

## Conditional Zoning Request

The property owner (Michael Mader), is requesting R-1 Low-Density Residential Conditional Zoning (CZ) for a 10' side setback on the south/west side of this property in conjunction with construction of a new single-family detached house. The Montreat Zoning Ordinance requires 15' side setbacks in the base/existing R-1 Low-Density Residential District (Sec. 501.8, Sec. 501.81).

See **STAFF FINDINGS** (i.e. Scott Adams, AICP, Montreat Zoning Administrator) in addition to applicant-provided materials. **STAFF FINDINGS** contain references to the Montreat Zoning Ordinance (**MZO**, eg. Sec. 500) and Montreat General Ordinances (**MGO**) where noted.

## Conditional Zoning Findings of Fact

### Uses

#### **STAFF FINDINGS**

“Single Family Dwelling” is a Permitted Use (Sec. 500 Permitted Uses Table) allowed within the R-1 Low-Density Residential zoning district, subject to Administrative review and approval. Any request for a use involving Conditional Zoning (CZ) requires review and an advisory vote by the Montreat Planning & Zoning Commission (advisory body), followed by review and a binding vote by the Montreat Board of Commissioners (legislative body).

### Setbacks and Lot Size

#### **STAFF FINDINGS**

**Lot area:** 0.22 acres (9,467 SF lot)

**R-1 Low-Density Residential minimum lot area for Single-Family Dwellings is 10,000 SF (Sec. 501.4, Sec. 501.41). However, this is a Lot of Record and thus legally allowed to be developed at its current size of 9,467 SF.**

**Lot width:** 67.80' (front), 68.51' (rear), **68.15' average**

**R-1 Low-Density Residential minimum lot width is 75' (Sec. 501.5). However, this is a Lot of Record and thus legally allowed to be developed at its current width of 68.15'.**

**Lot depth:** 173.81' (north side), 164.01' (south side), **168.91' average**

**R-1 Low-Density Residential minimum lot depth is 100' (Sec. 501.6).**

**Front setback:** 30.75'

**R-1 Low-Density Residential minimum front setback is 30' (Sec. 501.5).**

**Side setbacks:** 15' on north/east side (R-1 Low-Density Residential District standard), 10' on south/west side (per request for R-1 Low-Density Residential District CZ).

**R-1 Low-Density Residential minimum side setback is 15' for Single-Family and Two-Family Dwelling Units (Sec. 501.8, 501.81). Applicant is requesting CZ for a 10' side setback on south/west side.**

#### **Retaining Walls**

The applicant is also proposing a retaining wall on the south/west side of the proposed house. Per the MZO's definition of "Structure" (see below), the Zoning Administrator has determined that this wall would be independent of the house, and thus not subject to Setback and minimum Yard requirements. The proposed retaining wall is estimated to be between 6.5" and 5' from the south/west property line.

Assuming a base elevation at Mississippi Rd., the retaining wall would range from 30' to 19.5' above the road elevation (see site plans with retaining wall show, "T.W. 30" stands for "Top of



Wall, 30' elevation", with the wall tucked into the hillside to the rear and left side of the house as viewed from the street.

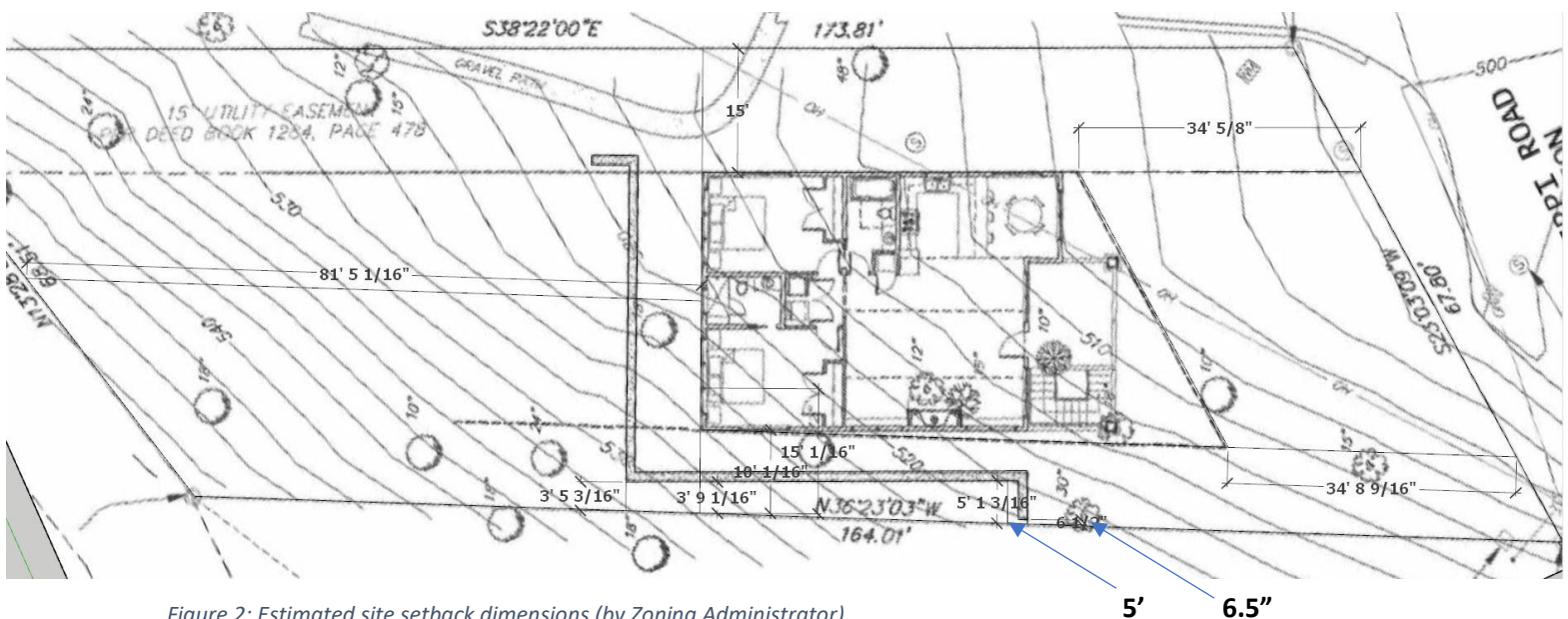
**Structure:** Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground, including Decks, retaining walls, exterior stairways, Fences, and Signs provided, however, neither a driveway (including associated guardrails), a walkway (including associated steps and railings), an elevated boardwalk, nor a fence shall be considered a Structure for the purpose of Setback and minimum Yard requirements.

(Sec. 201, Definitions, pg. 17)

**Rear setback:** 81.5'\*

**R-1 Low-Density Residential minimum rear setback is 20% of mean lot depth or 35' max. (Sec. 501.9).**

20% of 168.91' average lot depth = 33.78'. \*The Zoning Administrator scaled and measured the application's site plan and determined an 81.5' rear setback, measured from rear wall of proposed house to midpoint of rear property line (see Figure 2: Estimated site setback dimensions (by Zoning Administrator)).



## Landscaping and Trees

### **STAFF FINDINGS**

The applicant does not propose removing any trees within a Town of Montreat right-of-way (MRA right-of-way is the subject site's frontage and access), therefore **Montreat's Tree Ordinance does not apply** to this site. (Montreat General Ordinances, Chapter K – ENVIRONMENT, ARTICLE V: TREES).

Additionally, the Applicant has voluntarily submitted a Tree Protection and Removal Plan (see Sheet L 1.01, Tree Protection and Removal Plan). This plan shows the removal of nine (9) trees in proximity to the house footprint and the protection/retention of nine (9) trees on the rear of the site.

## Erosion & Sediment Control (ESC)

### **STAFF FINDINGS**

Erosion & Sediment Control (ESC) is the technical term for “stormwater control during construction”. The applicant's exhibit “Grading, Drainage & Erosion Control Plan” (see Sheet L 1.02) notes the following conditions, all per **Buncombe County Soil Erosion and Sedimentation Control Ordinance** design standards:

- Install annual seed mix on slopes immediately after establishing rough grades; maintain until final grades are established and final land installation.
- Natural area to be preserved (No clearing or grading activity) [rear of site]
- **Silt fences** in areas of soil disturbance.

**The Town of Montreat does not have its own independent ESC standards**, but rather, references Buncombe County's standards as follows:

### **MONTREAT CODE OF GENERAL ORDINANCES**

#### **CHAPTER K – ENVIRONMENT**

#### **ARTICLE II: SOIL EROSION AND SEDIMENTATION CONTROL ORDINANCE**

(Refers to the most updated version of the “Buncombe County Soil Erosion and Sedimentation Control Ordinance.”)

Projects that disturb more than one (1) acre of land are subject to Buncombe County ESC review and permitting. This project **does not disturb more than one (1) acre**, and therefore is not subject to Buncombe County ESC review. However, **all land disturbing activities must utilize protective measures, such as silt fencing and mud mats, to prevent sedimentation from moving off-site.**

#### Erosion & Sediment Control (ESC) cont.

The applicant's exhibit "Grading, Drainage & Erosion Control Plan" (see Sheet L 1.02) provides further summary information as follows:

##### LIMIT OF DISTURBANCE

TOTAL SITE AREA = 9,467 SF (0.22 ACRES);

PROPOSED DISTURBANCE = ±5,350 SF (0.12 ACRES);

IMPERVIOUS AREA = ±2,890 SF (2,890 / 9,467) = 30.5%;

DISTURBED AREA OVER 5,000 SF & IMPERVIOUS COVER OVER 24% TRIGGER REQUIREMENT FOR STORMWATER CONTROL PERMIT

#### Post-Construction Stormwater Control

##### **STAFF FINDINGS**

Post-Construction Stormwater Control is the technical term for "stormwater control after construction is complete". The applicant's exhibit "Grading, Drainage & Erosion Control Plan" (see Sheet L 1.02) provides summary information as follows:

##### **Applicant Proposal**

##### LIMIT OF DISTURBANCE

TOTAL SITE AREA = 9,467 SF (0.22 ACRES);

PROPOSED DISTURBANCE = ±5,350 SF (0.12 ACRES);

IMPERVIOUS AREA = ±2,890 SF (2,890 / 9,467) = 30.5%;

DISTURBED AREA OVER 5,000 SF & IMPERVIOUS COVER OVER 24% TRIGGER REQUIREMENT FOR STORMWATER CONTROL PERMIT

Pending approval of the application for Conditional Zoning (i.e. planning permission), the Applicant will need to submit a full Stormwater Permit application that meets Town stormwater standards (below).

##### **Town of Montreat Stormwater Ordinance Standards**

The Town of Montreat's Post-Construction Stormwater development triggers are as follows:

##### **MONTREAT CODE OF GENERAL ORDINANCES**

##### **CHAPTER K – ENVIRONMENT**

##### **ARTICLE III: STORMWATER MANAGEMENT**

**Stormwater Control Permit (SCP)** (Sec. 303. Administration and Procedures., 3. Review and Appeals Procedure.) is required for:

- Disturbed area of ≥5,000 sq. ft. [≥0.12 AC]; or [*Applicant triggering this standard.*]
- ≥24% total lot area developed to include impervious cover; [*Applicant triggering this standard.*]
- Or addition of ≥2,500 sq. ft. [0.06 AC] or more impervious surface, unless exempt pursuant to this ordinance. [*Applicant triggering this standard.*]

#### Post-Construction Stormwater Control cont.

The Town of Montreat has independent and more restrictive Post-Construction Stormwater standards than Buncombe County's standards. **As proposed, this project's compliance with all relevant requirements of the Montreat Stormwater Ordinance is TENTATIVE (i.e. Applicant will need to submit a Stormwater Permit application, including stormwater calculations and a Natural Resources Inventory, per Town ordinance).**

#### Hillside and Floodplain Development

##### **STAFF FINDINGS**

The Town of Montreat's Hillside Development and Floodplain Development ordinances are not applicable to this site since neither steep slopes (>40% slope) nor floodplains exist on the site.

#### Comprehensive Plan

##### **STAFF FINDINGS**

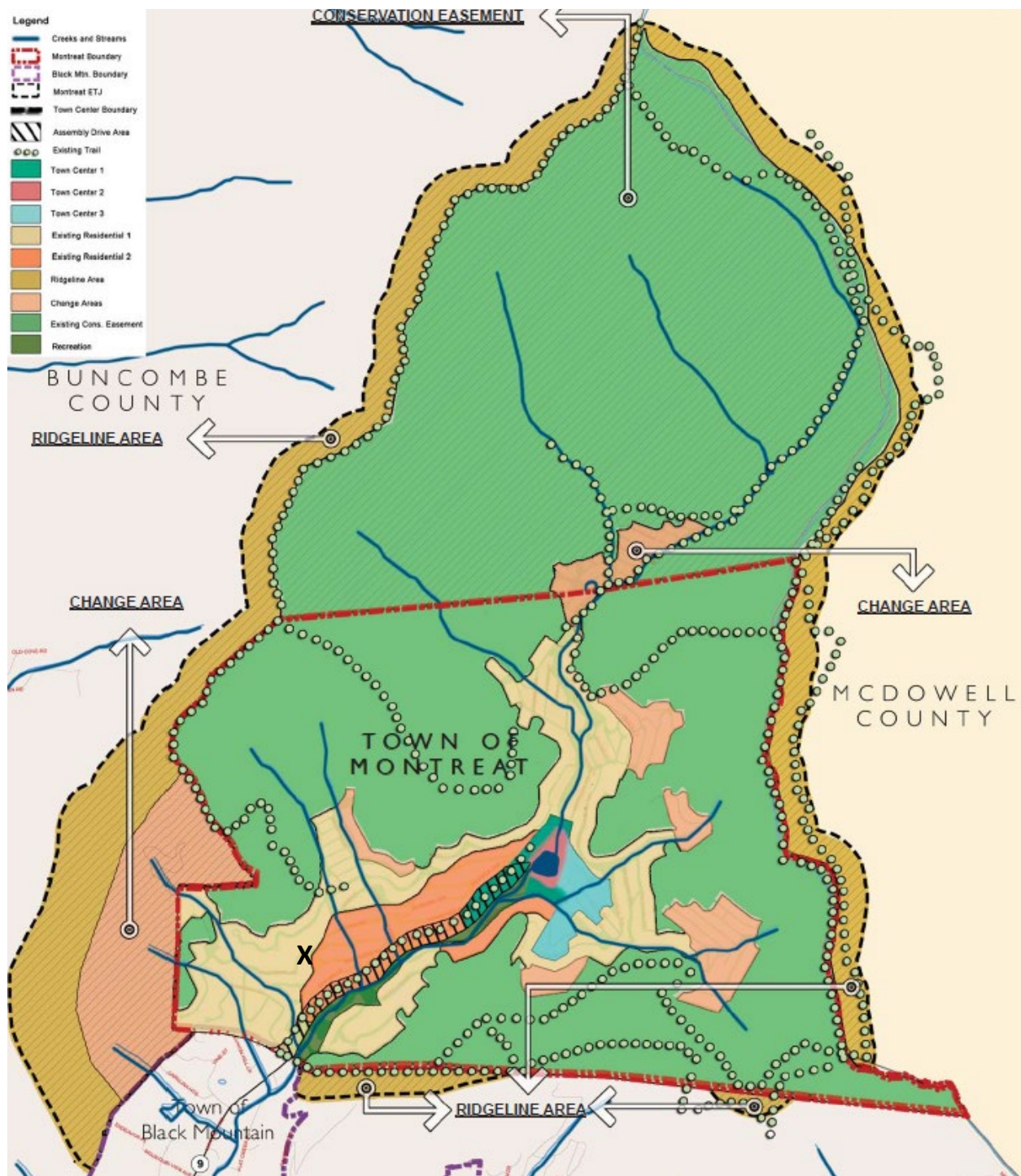
The subject property is located in a sub-area in the plan noted as **Existing Residential 1**. It's identified in the following text and map (see following page):

##### *Residential Area 1*

*Residential Area 1 could maintain a density of four dwelling units per acre (DUA) for single family residential. Here, the appearance of existing single-family residential should be maintained for visual continuity. Montreat has a distinctive style of residential architecture, the cottage style, that honors specific design characteristics such as building materials, the consistent pitch of the roof lines, façade widths, the proportion and rhythm of fenestrations, and large porches.\* The scale in relation to other elements of the built environment in town and setbacks are also consistent. In addition, the built environment should continue to be integrated into the natural vegetation that is well preserved in Montreat.*

**\*NOTE:** This Comp Plan was written in 2008; State law restricted "building design elements" on One and Two-Family Dwellings, outside of Historic Districts, in 2015 (S.L. 2015-86) and again in 2019 (NCGS 160D-702 Grant of power (b) ).





**Source:** Figure #6, Montreat's Planning Area Plan (TOWN OF MONTREAT COMPREHENSIVE PLAN [2008])  
 "X" marks the location of the subject property.

May 5, 2022

Bill Scheu, Chairperson, Montreat Planning & Zoning Commission

**RE: Memo of Addendum to Staff Report – Conditional Zoning for Lot 1185, Mississippi Rd. (Mader)**  
**regarding: 1) Zoning Administrator Determination on retaining walls**  
**2) Notes on updated site plans provided by Applicant's development team**

Mr. Scheu:

This memo acts as an addendum to information contained in **Staff Report – Conditional Zoning for Lot 1185, Mississippi Rd. (Mader)** issued 4/21/22 to the Montreat Planning & Zoning Commission. This memo reflects additional discussion between Bill Scheu, Montreat P&Z Chairperson, and Scott Adams, Montreat Zoning Administrator, on two separate topics related to this Conditional Zoning as follows:

- 1) **Zoning Administrator Determination regarding a retaining wall** (i.e. defined as a Structure per Montreat Zoning Ordinance) not being subject to Setback requirements.
- 2) **Updated site plans from the Applicant's development team** showing a retaining wall being located outside of a Metropolitan Sewerage District (MSD) sewer easement.

**Zoning Administrator Determination Regarding Retaining Walls, Structures, Buildings, and Setbacks**

In his 4/21/22 staff report, the Montreat Zoning Administrator determined that a proposed retaining wall is not subject to zoning setbacks per the R-1 Low-Density Residential zoning district per the following analysis:

- 1) The Montreat Zoning Ordinance defines **Setback(s)** as follows:

**Setback**: The distance from any Property Line to the closest point of a **Principal or Accessory Building (emphasis added by Zoning Administrator)**.

The Zoning Administrator determined, via this definition, that Setbacks are applicable to **Buildings** and not applicable to **Structures**.

- 2) The Montreat Zoning Ordinance defines **Setback Line** as follows:

**Setback Line**: A line establishing the minimum allowable distance between an applicable **Property Line** (that is, front, side or rear Property Line) and the **nearest portion of any Principal**

**or Accessory Building, (emphasis added by Zoning Administrator).** excluding the outermost four feet (4') of any attached steps, roof, gutters and similar fixtures. Covered porches, whether enclosed or not, shall be considered as part of the Building and shall not extend beyond the Setback Line. Decks, whether free-standing or not, shall not extend beyond the Setback Line unless otherwise permitted in accordance with Section 606.4.

The Zoning Administrator determined, via this definition, that Setbacks and Setback Lines are applicable to **Buildings** and not applicable to **Structures**.

- 3) The Montreat Zoning Ordinance defines **Building(s), Accessory Buildings or Uses, and Principal Buildings** as follows:

Building: Any Structure, fully or partially enclosed, and constructed or used for residence, business, industry or other public or private purposes, or purposes accessory thereto, including without limitation tents, Trailers, Manufactured Homes, Modular Homes, and similar Structures whether stationary or movable. **Appurtenant features, or exterior structural elements requiring permanent attachment to a Building, are considered part of the Building (emphasis added by Zoning Administrator)** for the purposes of this Section unless otherwise expressly permitted as separate Structures.

As shown on the Application's site plans, the proposed retaining wall is not attached to the proposed building. Therefore, the Zoning Administrator determined that the retaining wall is a separate **Structure** and not a **Building**.

Accessory Building or Use: A Building or Use that: 1) is clearly incidental to and customarily found in connection with a Principal Building or Use; 2) is subordinate to and serves a Principal Building or a principal Use; 3) is subordinate in area, extent, or purpose to the Principal Building or principal Use served; 4) contributes to the comfort, convenience, or necessity of occupants in the Principal Building or principal Use served; and 5) is located on the same Lot as the Principal Building or Use served.

Principal Building: A Building in which is conducted the principal Use of the parcel on which it is situated.

As shown on the Application's site plans, the proposed retaining wall is not attached to the proposed house, which the Zoning Administrator has determined to be a **Principal Building**.

- 4) The Montreat Zoning Ordinance defines **Structure(s)** as follows:

Structure: Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground, including Decks, **retaining walls, (emphasis added by Zoning Administrator)** exterior stairways, Fences, and Signs provided, however, neither a driveway (including associated guardrails), a walkway (including associated steps and railings), an elevated boardwalk, nor a fence shall be considered a Structure for the purpose of Setback and minimum Yard requirements. Accessibility Features

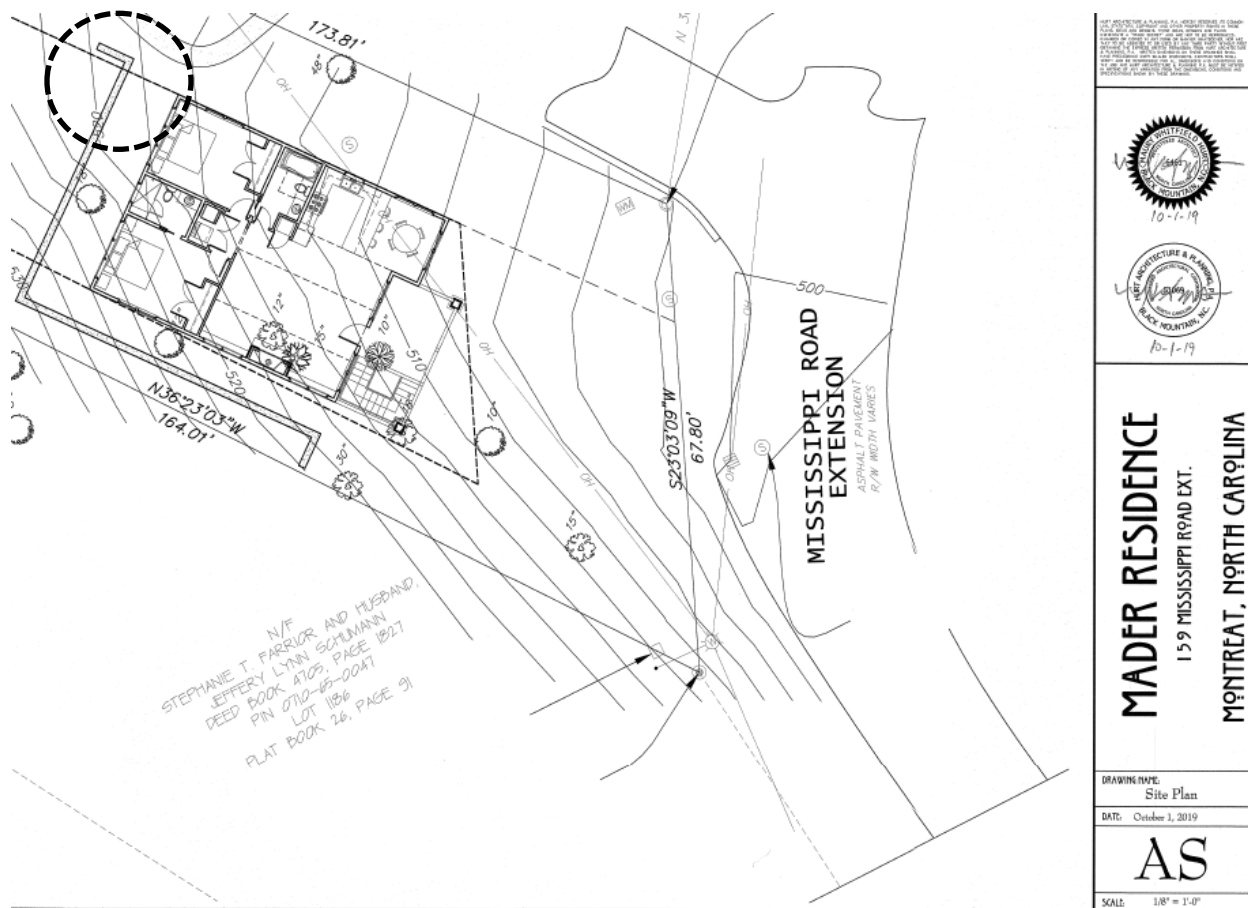
approved pursuant to Section 606.4 and also signs complying with the requirements and limitations of this Ordinance shall not be considered a Structure for the purpose of Setback and minimum Yard requirements.

The Zoning Administrator determined, via these definitions listed above, that a retaining wall is a **Structure** but is not a **Building**, a **Accessory Building or Use**, or a **Principal Building**.

Based on the foregoing definitions, the Zoning Administrator has determined that a retaining wall is not a building although it is a structure. Structures are not subject to setbacks and Buildings (whether Accessory or Principal) are subject to setbacks. (see definitions above).

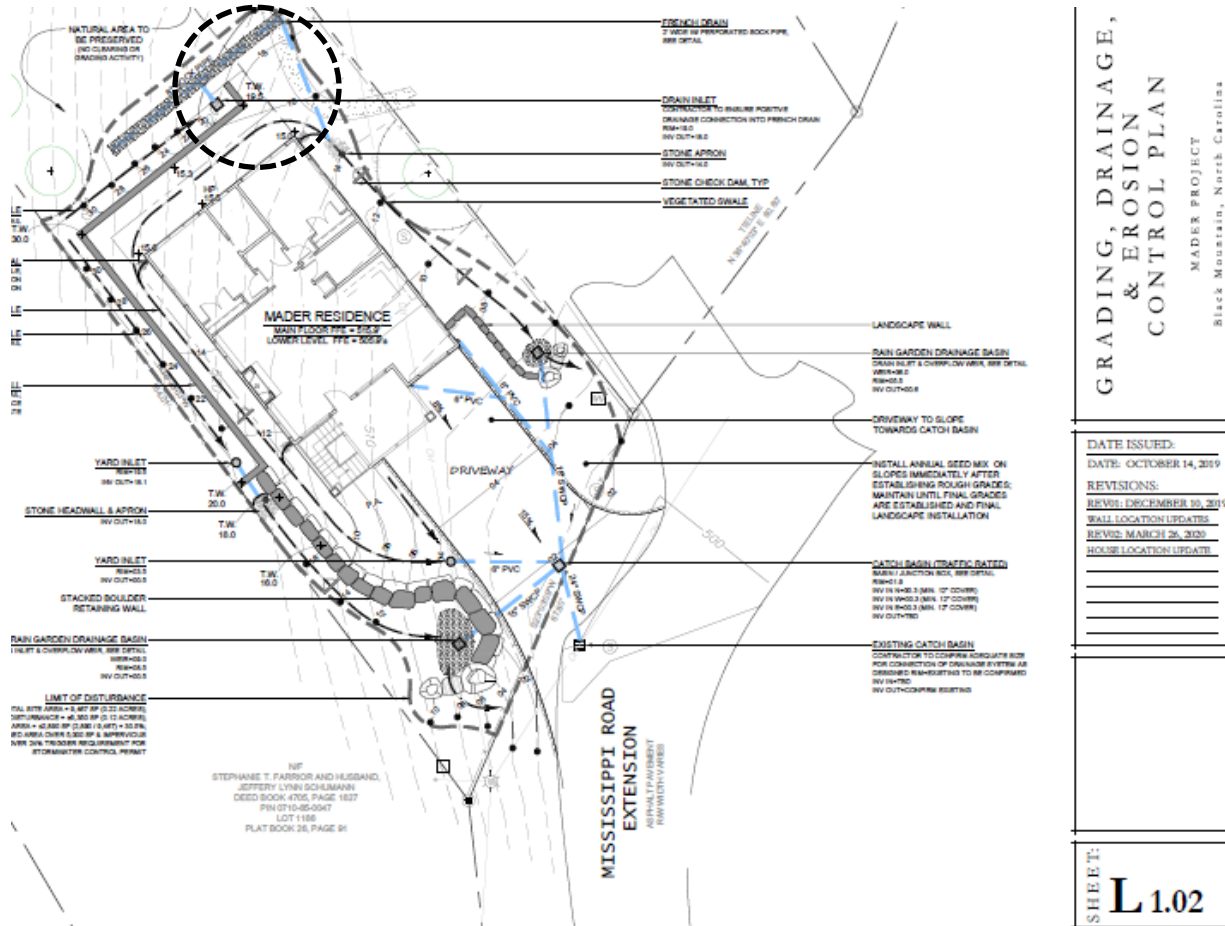
### **Updated Site Plans from Applicant's Development Team**

The **Staff Report – Conditional Zoning for Lot 1185, Mississippi Rd. (Mader)** issued 4/21/22, contains reference to an older site plan, see *Figure 2: Estimated site setback dimensions (by Zoning Administrator)*. The referenced site plan (Sheet AS, Site Plan, by Hurt Architecture, dated October 1, 2019) shows a retaining wall encroaching into the MSD sewer easement on the north/east side of the property (see below, highlighted with dashed-circle).





The Applicant's landscape architect, Kern Land Planning & Design, included updated site plans (Sheets L 1.02 and L 1.03) showing the proposed retaining wall outside of the MSD sewer easement. These are spatially accurate and up to date. (see next page, highlighted with dashed-circle).



As such, the Applicant's development team will provide updated site plans, including a simplified exhibit showing proposed side setbacks clearly labeled. These are expected for submittal to the Montreat Zoning Administrator and Montreat Planning & Zoning Commission on or before Friday, May 6, 2022.

This concludes the Montreat Zoning Administrator's follow-up on these questions relating to this Conditional Zoning application.

Sincerely,

*Scott Adams*

Scott Adams, AICP, Zoning Administrator, Town of Montreat

CC: Montreat Planning & Zoning Commission members  
John Noor, Attorney acting as Agent for the Applicant

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](mailto:mpmader@aol.com) – [katmader@aol.com](mailto: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



Benjamin Hitchings & Jim Joyce  
January 2021

## Overview

As local governments, developers, and community stakeholders work to build agreement on proposed development projects, they have long sought a mechanism for customizing development decisions to the context of a given project and site. The resulting tools developed over the years to accomplish this goal have included conditional and special use permits, conditional use district zoning, and more recently, conditional zoning. Chapter 160D continues this evolution to help clarify and simplify the process for attaching site-specific conditions as part of the development approval process.

The following sections outline basic procedures, key changes, policy considerations, statutory authority, and sample ordinance language for using conditional zoning. Of course, as with any policy decisions and ordinance language, each jurisdiction should carefully consider the preferred approach for that community. The sample ordinance language is included to provide examples, but any community that draws from this sample language must tailor it to the context of its codes and local circumstances.

## Context: Pre-160D Procedures

A longstanding challenge in North Carolina land use law has been understanding the difference between conditional zoning, conditional use permits/special use permits, and conditional use districts.

- **Conditional zoning** is a legislative process in which an applicant proposes, and the local government considers, a map amendment that includes additional conditions. Conventional zoning map amendments change the zoning district applicable to a piece of property, but do not include any standards beyond the base standards of the zoning ordinance. Conditional zoning allows the local government and the applicant to agree on additional conditions that may be appropriate for a particular project within the context of a legislative rezoning.
  - **This method continues to be an option under Chapter 160D.** Chapter 160D refers to this process as “conditional zoning” or “conditional district zoning.”

This Chapter 160D Guidance is one in a series of guidance documents intended to provide supplemental information on specific topics. Additional guidance documents, training videos, an explanatory book, and other Chapter 160D resources are available at [nc160D.sog.unc.edu](https://nc160D.sog.unc.edu).

- **Special Use Permits (formerly called conditional use permits or special exceptions)** are site-specific approvals that require a quasi-judicial process. This process is often used for uses that might only fit a particular area in certain situations, or for which some additional scrutiny is desired. These standards generally involve some discretion, so the local government uses a quasi-judicial process to help make sure the rights of all parties to a fair hearing are protected. Some zoning districts allow certain uses only as “special uses,” and the process for approving these special uses requires the applicant to present—and the decision-making body to consider—competent, material, and substantial evidence that the proposed use meets certain standards that are outlined in the ordinance. If sufficient evidence is presented that the proposal meets the standards, the permit is issued; if sufficient evidence is not presented, the permit is denied.
  - **This method continues to be an option under Chapter 160D.** Chapter 160D refers to these permits as “special use permits.”
- **Conditional Use District Zoning** is a process that combines a legislative rezoning with a quasi-judicial conditional use permit approval. The legislative process rezones the property to a district that requires *all* uses to obtain a quasi-judicial conditional use permit, and a quasi-judicial process (often run in parallel) permits the imposition of site-specific conditions. This hybrid, combined process was designed to allow conditions to be applied to rezoning projects while staying within the former scope of local government authority. However, it is complicated, can be confusing, and requires administering two parallel processes to achieve one goal.
  - **This method is no longer an option under Chapter 160D.**

The existence of these three very different types of decisions with such similar names has been an ongoing source of confusion for participants in the zoning process, including public officials, staff, applicants, and the public.

## Basic Provisions

Chapter 160D adopts several measures to reduce this confusion:

- **Separate nomenclature.** Chapter 160D applies the term “conditional districts” or “conditional zoning” exclusively to legislative decisions, as in Sections 160D-102(7) and 160D-703; and it designates the term “special use permit” exclusively for quasi-judicial decisions, as in Sections 160D-102(30) and 160D-705(c). The statutes no longer use the term “conditional use permit”.
- **Elimination of Conditional Use District Zoning:** A more substantive change is the removal of authority to use conditional use district zoning. A zoning ordinance may allow legislative conditional zoning. It may also allow quasi-judicial special use permits. But it may no longer

divide the decision-making process for one project into two parallel processes with different legal requirements. As of January 1, 2021, special or conditional use *districts* will become conditional districts, and special or conditional use *permits* will be deemed special use permits. This update happens by operation of law—specifically, Section 2.9(b) of Session Law 2019-111—so it happens automatically; no districts or permits will need to be re-approved. Within a conditional district, any conditions that applied to the district will still apply, but a local government cannot require new special use permits for uses in these districts. Some jurisdictions may want to update their zoning maps in order to clarify what conditions apply to what property.

- **Administrative modifications:** Without additional authority, one potential challenge with conditional zonings is that even minor revisions to already-approved projects may need to go through a full rezoning process. An amendment to the zoning map or to site-specific zoning conditions can be a time-consuming process, especially for making minor changes. As a result, Chapter 160D-703(b) authorizes local governments to establish a process for allowing minor modifications to be approved administratively, as long as the proposed changes don't "involve a change in uses permitted or the density of overall development." Any changes that don't qualify as minor modifications have to go through the same process as a zoning map amendment.
- **Individual modifications in a multi-property conditional zoning:** Chapter 160D-703(b) also allows individual property owners who are part of a larger conditional rezoning to propose the revision of conditions on their property only, as long as the changes would not affect the ability of the other property owners to meet their required conditions.
- **Transition period.** Section 2.9(b) of Session Law 2019-111 addresses the transition for existing conditional use districts. Any conditional use district or special use district in effect on January 1, 2021, becomes a conditional district. Any special or conditional use permit issued separately or as part of those approvals remains valid and is deemed a special use permit after that date. This change is effective without the need to re-adopt any prior conditional zoning or special use approvals. However, local governments may want to consider including a provision in their ordinance stating that, as of January 1, 2021, all past conditional zoning, conditional use district zoning, and special use permit approvals will be described by the updated nomenclature. Local jurisdictions may also want to update district names in their zoning maps.
- **Obtaining Property Owner Signatures for Conditions in Writing:** One other provision that is now expressly required in N.C.G.S 160D-703(b) is to acquire the signatures of all property owners consenting to the conditions included as part of the conditional zoning. There is not a required form, so the written consent could take multiple forms -- a signature on a decision document listing the conditions, a signature block on the site plan listing

conditions, an affidavit from the petitioner consenting to the agreed upon conditions as reflected in the specific decision, or otherwise. A local government may also want to only make the conditional zoning effective when these signatures have been provided to prevent a situation in which the local government grants the zoning entitlement without obtaining the corresponding commitment from the applicant to abide by the conditions of approval.

## Key Considerations

Local governments have a number of policy choices to make regarding the establishment and use of conditional zoning districts. These include the following:

- Should our local government authorize the use of conditional zoning?** An initial question for local governments is whether they should authorize conditional zoning, if their local ordinances do not already include it. One of the features that governing boards often like about conditional zoning is that it uses the more familiar legislative process, which gives them strong legal authority to make the decisions they feel are in the best interests of the community, and does not limit their ability to reach out to and get input from stakeholders, or to negotiate directly with applicants. This is in contrast to the more bounded decisions of special use permits, in which the decision-making body is not allowed to investigate a project or take input outside of the hearing, and is obligated to issue the permit if the applicant meets the required findings; and the limited scope of administrative decisions, in which the project must be approved if it meets the stated ordinance requirements. If a jurisdiction elects to allow the use of conditional zoning, it can make this choice clear by including a provision in the zoning or unified development ordinance describing the process and whatever parameters the governing board chooses to set (such as only allowing conditions to be more stringent than the comparable conventional district).
- What kinds of projects should involve conditional zoning and which should require special use permits?** The special use permit process often works well in situations in which the potential land use might be appropriate in the proposed location, and the question is simply a matter of confirming that it addresses some key community considerations, as modified by any appropriate conditions of approval. **More complicated projects and sites, as well as those projects for which greater public input is desired, may benefit from the greater discussion that can occur with conditional zoning.**
- In what kinds of zoning districts should conditional zoning be authorized?** Communities often authorize conditional zoning in all zoning districts to allow for appropriate customization of proposed development projects wherever they might be located in the community. However, they could certainly choose to limit where conditional zoning is allowed; for example, by focusing on areas that are undergoing

significant change or that transition between two distinctly different areas where development of a more customized solution is desirable.

- **What kinds of conditions should be allowed?** Another policy question is whether to allow conditions that are more restrictive or *less restrictive* than existing development standards, or to limit conditions to those that are more restrictive than existing standards. The latter approach may make sense in fast-growing communities with significant greenfield areas that want to use conditional zoning to help encourage projects with higher standards. Allowing conditions of both kinds may make more sense in communities with limited greenfield opportunities or more constrained potential development sites that may necessitate some relief from current requirements in order for projects to work physically and economically.
- **Should a site plan or concept plan to be required?** Many communities that authorize conditional zoning request that applicants provide a site plan, or in some cases, a concept plan, as part of the rezoning application. On one hand, this helps the local government to better understand and evaluate the proposed project, and usually becomes a mutually-agreed-upon conditional of approval to help ensure appropriate follow through and to provide both the local government and the applicant with greater certainty about the scope of permitted development. In addition, it helps to demonstrate that the applicant has worked through the major features of the project and is ready to move forward with development after receiving approval. On the other hand, some applicants may balk at, or may not be in a position to spend, the substantial time and expense required to prepare a full site plan prior to approval of their proposed rezoning. Depending on the degree to which the local government shares this concern (or wishes to encourage or discourage more complex developments), it might consider requiring a sketch plan that is short of a full site plan but includes information such as the proposed development envelope, the general scope of building sizes and uses, and the major access points and circulation.
- **Should minor modifications be approved administratively?** Another consideration for local governments is whether to allow proposed minor modifications to approved conditional rezonings to be handled administratively. This can help applicants, boards, and staff avoid going through a full rezoning process simply to change minor features of the site plan or other project components, such as minor adjustments to building orientation, parking layout, or other minor elements of the project. The SOG 160D Guidance series includes a separate write-up specifically devoted to this topic (see 160D Guidance #1: Administrative Modifications).



## Statutory Authorization

N.C.G.S. § 160D-102 defines “conditional zoning” and “special use permit” as follows:

(7) Conditional zoning. - A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.

(30) Special use permit. - A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards. The term includes permits previously referred to as conditional use permits or special exceptions.

N.C.G.S. § 160D-703 states:

(a) **Types of Zoning Districts.** – A local government may divide its territorial jurisdiction into zoning districts of any number, shape, and area deemed best suited to carry out the purposes of this Article. Within those districts, it may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land. Zoning districts may include, but shall not be limited to, the following:

(1) Conventional districts, in which a variety of uses are allowed as permitted uses or uses by right and that may also include uses permitted only with a special use permit.

(2) Conditional districts, in which site plans or individualized development conditions are imposed.

(3) Form-based districts, or development form controls, that address the physical form, mass, and density of structures, public spaces, and streetscapes.

(4) Overlay districts, in which different requirements are imposed on certain properties within one or more underlying conventional, conditional, or form-based districts.

(5) Districts allowed by charter.

(b) **Conditional Districts.** – Property may be placed in a conditional district only in response to a petition by all owners of the property to be included. Specific conditions may be proposed by the petitioner or the local government or its agencies, but only those conditions approved by the local government and consented to by the petitioner in writing may be incorporated into

the zoning regulations. Unless consented to by the petitioner in writing, in the exercise of the authority granted by this section, a local government may not require, enforce, or incorporate into the zoning regulations any condition or requirement not authorized by otherwise applicable law, including, without limitation, taxes, impact fees, building design elements within the scope of G.S. 160D-702(b), driveway-related improvements in excess of those allowed in G.S. 136-18(29) and G.S. 160A-307, or other unauthorized limitations on the development or use of land. Conditions and site-specific standards imposed in a conditional district shall be limited to those that address the conformance of the development and use of the site to local government ordinances, plans adopted pursuant to G.S. 160D-501, or the impacts reasonably expected to be generated by the development or use of the site. The zoning regulation may provide that defined minor modifications in conditional district standards that do not involve a change in uses permitted or the density of overall development permitted may be reviewed and approved administratively. Any other modification of the conditions and standards in a conditional district shall follow the same process for approval as are applicable to zoning map amendments. If multiple parcels of land are subject to a conditional zoning, the owners of individual parcels may apply for modification of the conditions so long as the modification would not result in other properties failing to meet the terms of the conditions. Any modifications approved apply only to those properties whose owners petition for the modification.

N.C.G.S. § 160D-705(c) states:

**Special Use Permits.** - The regulations may provide that the board of adjustment, planning board, or governing board hear and decide special use permits in accordance with principles, conditions, safeguards, and procedures specified in the regulations. Reasonable and appropriate conditions and safeguards may be imposed upon these permits. Where appropriate, such conditions may include requirements that street and utility rights-of-way be dedicated to the public and that provision be made for recreational space and facilities. Conditions and safeguards imposed under this subsection shall not include requirements for which the local government does not have authority under statute to regulate nor requirements for which the courts have held to be unenforceable if imposed directly by the local government, including, without limitation, taxes, impact fees, building design elements within the scope of G.S. 160D-702(b), driveway-related improvements in excess of those allowed in G.S. 136-18(29) and G.S. 160A-307, or other unauthorized limitations on the development or use of land. The regulations may provide that defined minor modifications to special use permits that do not involve a change in uses permitted or the density of overall development permitted may be reviewed and approved administratively. Any other modification or revocation of a special use permit shall follow the same process for approval as

is applicable to the approval of a special use permit. If multiple parcels of land are subject to a special use permit, the owners of individual parcels may apply for permit modification so long as the modification would not result in other properties failing to meet the terms of the special use permit or regulations. Any modifications approved apply only to those properties whose owners apply for the modification. The regulation may require that special use permits be recorded with the register of deeds.

### Sample Ordinance Language

- A. Purpose.** This ordinance authorizes the creation of conditional zoning districts proposed by the property owners and customized to the context of a particular development project or land use on a particular site. Each conditional zoning district includes one or more conditions of approval that help the project conform to the [INSERT TYPE OF JURISDICTION]'s adopted ordinances and plans, and mitigate the impacts reasonably expected to be generated by the development or use of the site.
- B. Procedure.** Each district may only be considered by the [INSERT NAME OF GOVERNING BOARD] through a legislative decision-making process, following the procedures for zoning map amendments outlined in this Ordinance.
- C. Initiating a Conditional Rezoning.** A conditional zoning proposal may only be considered by the [INSERT NAME OF GOVERNING BOARD] in response to the following:
  - a. a petition signed by all owners of the property proposed for rezoning; or
  - b. a motion, during a properly noticed public hearing on a conventional rezoning petition, to convert that petition into a conditional rezoning petition. This procedure may only be used if (a) the alteration of the initial proposal, including the proposed conditions, is insubstantial, or (b) the initial notice is broad enough to indicate the possibility of conditional zoning being considered and the changes result from objections, debate and discussion at the properly noticed initial hearing.
- D. Base Standards for Conditional Districts.** For each general use zoning district, this ordinance authorizes the creation of parallel conditional zoning districts that have the same requirements as the general use district, as modified by one or more site-specific conditions.

- E. Conditions and Requirements.** The approval for each conditional district shall specify all conditions of development and use of land that differ from the requirements of the corresponding general use district. Specific conditions may be proposed by the petitioner, by staff, or by the [INSERT NAME OF GOVERNING BOARD], but only those conditions approved by the [INSERT NAME OF GOVERNING BOARD] and consented to by the petitioner in writing may be incorporated into the zoning regulations. Such conditions must be designed to help the project conform to the [INSERT TYPE OF JURISDICTION]'s adopted ordinances and plans, and/or mitigate the impacts reasonably expected to be generated by the development or use of the site. Such conditions may be stricter than the corresponding general use district. Such conditions may also relax applicable standards, as long as no dimensional standard is relaxed by more than 10%, the uses permitted by the corresponding general use district are not expanded, and the density of overall development is not increased beyond the density allowed in the corresponding general use district.
- F. Eligible Uses.** Uses allowed by right in the general use district are eligible to be considered in the corresponding conditional district, as modified by any conditions of approval.
- G. Development Standards.** Any proposed development within a conditional district must meet all requirements of the corresponding general use district, as modified by any conditions of approval.
- H. Submittal of Site Plan.** This zoning option is intended only for development proposals that are ready to proceed from plan approval to construction in a timely manner. As a result, each project must include a site plan [OR CONCEPT PLAN OR MASTER PLAN] that meets the site plan requirements listed in this ordinance [IF DESIRED, INSERT APPROPRIATE CROSS-REFERENCE], as modified by any site-specific conditions.
- I. Relationship to Overlay District Standards.** Regulations applicable in an overlay zoning district shall apply to a conditional district. If the standards governing a conditional district expressly conflict with those governing an overlay district, the more restrictive standards shall apply.
- J. Revisions to Approved Conditional Zonings.** [SEE SAMPLE ORDINANCE LANGUAGE IN *SOG 160D GUIDANCE #1 – ADMINISTRATIVE MODIFICATIONS*].

## Example Ordinance Provisions

### **New Hanover County Unified Development Ordinance (Feb. 2020)**

#### **Article 3: Zoning Districts**

##### **3.5.5. CONDITIONAL ZONING (CZ) DISTRICT**

###### **A. Purpose**

The Conditional Zoning (CZ) District option is established to address situations where a particular land use would be consistent with the Comprehensive Plan and the objectives of this Ordinance and only a specific use or multiple specific uses are proposed and appropriate for the development of a site. The district is primarily intended for use at transitions between zoning districts of dissimilar character where a particular use or uses, with restrictive conditions to safeguard adjacent land uses, can create a more orderly transition benefiting all affected parties and the community at-large. It is intended only for firm development proposals and should not be used for tentative projects without definitive plans.

###### **B. Applicability**

CZ districts are intended only for voluntary proposals submitted in the names of the owners of all property included in the petition/application.

###### **C. Districts Established**

The following conditional zoning districts, each bearing the designation "CZ", are hereby established: 1. The residential conditional zoning districts include: CZ-RA, CZ-AR, CZR20S, CZ-R-20, CZ-R15, CZ-R-10, CZ-R-7, CZ-R-5, CZ- RMF-L, CZ- RMF-M, CZ- RMF-MH, CZ-RMF-H. 2. The commercial and industrial conditional zoning districts include: CZ- B1, CZ- CB, CZ-B-2, CZ- O&I, CZ-SC, CZ- CS, CZ-I-1, and CZ-I-2.

###### **D. District Requirements**

###### **1. Eligible Uses**

Only uses allowed by right in the corresponding general use district are eligible for CZ district consideration and any such use within a CZ district shall, as a minimum requirement, satisfy all the regulations of the corresponding general use district.

###### **2. Additional Conditions and Requirements**

The approval for a specific CZ district shall specify all additional conditions and requirements that represent greater restrictions on development and use of the land



than the corresponding general use district regulations or other limitations on land that may be regulated by state law or local ordinance. Such conditions and requirements shall not specify ownership status, race, religion, character, or other exclusionary characteristics of the occupant(s), shall be objective, specific, and detailed to the extent necessary to accomplish their purpose, and shall relate rationally to making the approval compatible with the Comprehensive Plan, other pertinent requirements of this Ordinance, and to securing the public health, safety, morals, and welfare.

### **3. Conceptual Plan**

Applications for establishment of a CZ district shall include a conceptual development plan depicting the proposed development configuration that conforms to the application requirements for conditional zonings in the Administrative Manual and any other conditions of approval proposed by the applicant.

### **4. Relationship to Overlay District Standards**

Regulations governing development in an overlay zoning district shall apply in addition to the regulations governing development in the CZ district. If the standards governing a CZ district expressly conflict with those governing an overlay district, the more restrictive standards shall control.

\* \* \*

## **10.3.3. CONDITIONAL ZONING**

### **A. Purpose**

The purpose of this section is to provide a uniform means for amending the Official Zoning Map to establish a Conditional Zoning (CZ) district. In cases where the standards of a general use zoning district are inadequate to ensure that development allowed by the district will conform to the County's adopted plans or to appropriately address the impacts expected to be generated by development, an applicant may apply for a conditional zoning. Conditional zoning establishes a parallel CZ district that is equivalent to a corresponding general use zoning district, but is subject to additional conditions or restrictions that the applicant and County mutually agree are necessary to ensure conformance to adopted plans and adequately address expected development impacts.

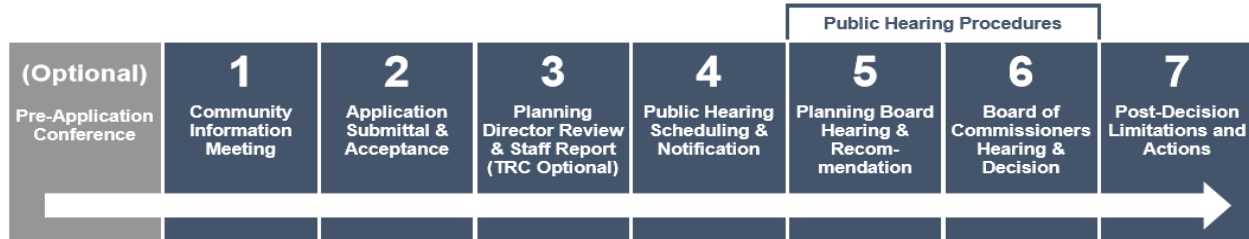
### **B. Applicability**

The procedure in this section is required for land to be classified to the Conditional Zoning (CZ) District (see Section 3.5.5).

### C. Conditional Zoning Procedure

Figure 10.3.3.C summarizes the requirements and procedures in Section 10.2, Standard Review Procedures, that apply to conditional zonings. Subsections 1 through 7 below, specify the required procedure for a conditional zoning, including applicable additions or modifications to the standard review procedures.

**Figure 10.3.3.C: Summary of Conditional Zoning Procedure**



#### 1. Community Information Meeting

The applicant shall conduct a community information meeting in accordance with Section 10.2.3, Community Information Meeting.

#### 2. Application Submittal and Acceptance

Applications shall be submitted in accordance with Section 10.2.4, Application Submittal and Acceptance. The application shall include the following, together with all other information required by the Administrative Manual:

- a. A conceptual development plan depicting the proposed development configuration that conforms to the application requirements for conditional zonings in the Administrative Manual; and
- b. Any other conditions of approval proposed by the applicant.

#### 3. Staff Review and Action

- a. If requested by the applicant, the TRC shall review the application and provide any comments on the proposed conditional zoning to the Planning Director, who shall transmit any comments received from the TRC in writing to the applicant.
- b. The Planning Director shall review the application, prepare a staff report, and provide a recommendation in accordance with Section 10.2.5, Staff Review and Action.

#### 4. Public Hearing Scheduling and Public Notification

The Planning Director shall schedule public hearings and provide public notification in accordance with Section 10.2.6, Public Hearing Scheduling and Public Notification. After the public notice of scheduled hearing before the Planning Board is delivered to the newspapers, the conditions of approval proposed by the applicant shall not be amended so they are less

restrictive, including but not limited to less setback, more dwelling units, greater height, more access points, new uses, or fewer improvements.

#### **5. Planning Board Review and Action**

- a. The Planning Board shall conduct a public hearing on the application in accordance with Section 10.2.8, Advisory Body Review and Action. Planning Board members may propose additional conditions and requirements beyond those proposed by the applicant.
- b. After the public hearing on the application is concluded, the Planning Board shall make a recommendation on the application in accordance with Section 10.2.8, Advisory Body Review and Action, and Section 10.3.3.D, Conditional Zoning Review Standards. The Planning Board's recommendation shall address whether the proposed conditional zoning is consistent with the Comprehensive Plan.
- c. If the Planning Board's decision is to recommend denial of the application, the applicant must submit written notice to the Planning Director of the applicant's intent to proceed with a hearing before the Board of Commissioners within 10 calendar days of the Planning Board's decision. If the applicant does not provide such notice within that time period, the application shall be deemed withdrawn and no further review of the application shall occur.

#### **6. Board of Commissioners Review and Action**

- a. The Board of Commissioners shall conduct a public hearing on the application in accordance with Section 10.2.9, Decision-making Body Review and Action. One or more Commissioners may propose additional conditions or requirements beyond those proposed by the applicant.
- b. After the public hearing on the application is concluded, the Board of Commissioners shall make a decision on the application in accordance with Section 10.2.9, Decision-making Body Review and Action, and Section 10.3.3.D, Conditional Zoning Review Standards. The decision of the Board of Commissioners shall be one of the following:
  - i. Approve the application as submitted, subject to conditions of approval, including a conceptual development plan;
  - ii. Approve the application, subject to revised conditions of approval, including a conceptual development plan;
  - iii. Remand the application to the Planning Board for further consideration; or
  - iv. Deny the application.
- c. Prior to deciding to approve or deny a conditional zoning, the Board of Commissioners shall adopt a statement that:
  1. Addresses the consistency of the conditional zoning with the Comprehensive Plan by either:
    - i. Describing the consistency or inconsistency of the conditional zoning with the Comprehensive Plan; or

- ii. If the conditional zoning is approved, declaring that the approval is also deemed an amendment to the Comprehensive Plan, and providing an explanation of the change in conditions Board of Commissioners took into account in approving the conditional zoning to meet the development needs of the community. No additional request or application for amendment to the Comprehensive Plan shall be required.
- 2. Explains why the decision is reasonable and in the public interest.
- d. Conditions of approval shall comply with the following requirements:
  - 1. Only conditions of approval mutually agreed to by both the applicant and the Board of Commissioners are allowed.
  - 2. Conditions of approval shall be limited to those that address the conformance of the development and use of the site to the County Code and to the Comprehensive Plan or other adopted County plans, and those that address the impacts reasonably expected to be generated by the development or use of the site.
  - 3. Conditions that are less restrictive than the standards of the corresponding general use zoning district, applicable overlay district(s), or other standards of this Ordinance are prohibited.

## 7. Post-Decision Limitations and Actions

The post-decision limitations and actions in Section 10.2.10, Postdecision Limitations and Actions, apply, in addition to subsections a through c below.

- a. Effect of Approval Lands rezoned to a CZ district shall be subject to the standards applicable to the parallel general use zoning district, as modified by the more restrictive conditions approved by the applicant and imposed as conditions of approval by the Planning Board or the Board of Commissioners, as applicable. These standards and modifying conditions are binding on the land as an amendment to this Ordinance and the Zoning Map.
- b. Minor Deviations Subsequent applications for development within a conditional zoning district may include minor modifications from the approved conceptual site plan, provided such modifications have no material effect on the character of the approved development. Changes in the following constitute minor modifications that may be approved by the Planning Director:
  - 1. Modifications in building placement, provided the placement complies with the setbacks of the corresponding base zoning, and does not decrease the setbacks agreed to and approved during the conditional rezoning process by more than 10 percent;
  - 2. Increases to building size and height not to exceed 10 percent provided all other applicable standards of this Ordinance are met;
  - 3. Modifications to structure floor plans;

4. Modifications to the driveway locations not exceeding 10 percent of the length of the subject property line, or as required by the North Carolina Department of Transportation; and
5. Modifications to the proportion of housing type not to exceed 10 percent.

c. Expiration

1. If no building permit has been issued for the subject tract within two years after the date of approval of the conditional zoning, the Planning Director may, at the Planning Director's discretion, schedule a hearing for the Planning Board to consider whether active efforts are proceeding in accordance with the approved conditional zoning. If the Planning Board determines that such efforts are not proceeding, the Board may, at the Board's discretion, initiate a Zoning Map amendment in accordance with Section 10.3.2, Zoning Map Amendment, to rezone the land within the CZ district to its classification prior to approval, or to another zoning district the Board determines is appropriate.
2. A landowner may request, and the Planning Director may grant, one, one-year extension of the two-year time period established in subsection 1 above, if the Planning Director determines that site conditions have not substantially changed since the approval of the conditional zoning. The applicant must submit the request in writing prior to the expiration of the time period.
3. If site conditions have substantially changed since the approval of the CZ district, a landowner may request, and the Board of Commissioners may grant, at a regularly-scheduled public hearing, one extension, not to exceed three years, of the two-year time period established in subsection 1 above. The applicant must submit the request in writing prior to the expiration of the time period.
4. If any condition of approval of the CZ district is found to be illegal by a court of law, the approval of the CZ district shall be null and void, and the land within the district shall be rezoned to its classification prior to the approval of the conditional zoning in accordance with Section 10.3.2, Zoning Map Amendment.
5. If a violation of a condition of approval is not corrected within a reasonable time period after notice is provided in accordance with Article 12: Violations and Enforcement, the Planning Director may, at the Planning Director's discretion, submit an application to rezone lands in the CZ district to their classification prior to approval of the CZ district in accordance with Section 10.3.2, Zoning Map Amendment.

**D. Conditional Zoning Review Standards**

Adopting a CZ district is a matter committed to the legislative discretion of the Board of Commissioners. In determining whether to adopt or deny the proposed CZ district, the Board of Commissioners shall consider the review standards that apply to Zoning Map amendments in Section 10.3.2, Zoning Map Amendment.



**Town of Lillington, NC****Section 7.11 CONDITIONAL DISTRICTS**

Conditional Districts (CD) are districts with conditions voluntarily added by the applicant and approved in a legislative procedure by the Board of Commissioners in accordance with NCGS [Chapter 160D, Article 6 and NCGS 160D-703]. Conditional Districts provide for orderly and flexible development under the general policies of this ordinance without the constraints of some of the prescribed standards guiding by-right development. Conditional Districts may be used in any district but is not intended to relieve hardships that would otherwise be handled using a variance procedure.

**7.11.1 APPLICATION PROCEDURES****A. Process Type: Legislative****B. Applicant and Property Information**

1. Conditional District classification shall only be considered upon the request of the owners and/or their representatives of all the property to be included in the specific Conditional District request.
2. A Conditional District shall consist of land under unified control which may be planned and developed as a single development or as an approved programmed series of development phases by multiple developers. Unified control means that all land to be included within a Conditional District shall be owned or otherwise under the legal control of the applicant for a Conditional District.
3. The applicant shall be legally capable of providing a commitment to the town that the Conditional District development will comply with all documents, plans, standards and conditions ultimately approved by the Town.

**C. Required Application Information**

1. A Conditional District shall consist of the Existing Conditions Map, a Sketch Plan (may be waived by the Administrator as appropriate), and Master Plan; as well as any other plans, drawings, renderings, elevations, maps and documents specifically included as development documents for approval by the Board of Commissioners.
2. A Conditional District Master Plan is a site specific plan that is a condition of the Conditional District rezoning.
3. In addition to those items required for Master Plans, a Conditional District Master Plan shall, at a minimum, illustrate the following:
  - a. The underlying zoning districts and a full list of proposed uses consistent in character with those zoning districts. Such use classifications may be selected

from any of the uses, whether permitted, by right or with supplemental standards, allowed in the general zoning district upon which the Conditional District is based. Uses not otherwise permitted within the general zoning district shall not be permitted within the Conditional District;

b. General traffic routes (external and internal) to and from the development with major access points identified;

c. Tabular data, including the range and scope of proposed land uses, proposed densities, floor area ratios and impervious surface ratios as applicable to development type; and land areas devoted to each type of general land use and phase of development; d. A proposed development schedule if the project is to be phased.

#### **7.11.2 EXCEPTION FOR CONDITIONAL DISTRICTS WITH USE LIMITATIONS ONLY**

If an applicant proposes a Conditional District which meets the following criteria, no Conditional District Master Plan shall be required in the application:

A. The only proposed deviation in use from the underlying zoning is to impose additional limitations on the uses that will be allowed in the Conditional District.

B. No other deviations from the standards of the underlying zoning are proposed in the Conditional District.

#### **7.11.3 REVIEW PROCESS AND PUBLIC HEARING**

The procedure for approval of a Conditional District shall follow the procedure for review of Text Amendments and Rezonings (Map Amendments) as outlined in Section 7.10.

##### **A. Effect of Approval**

The applicant may proceed with development only after approval of the Conditional District Master Plan by the Board of Commissioners, followed by approval of any necessary Site or Subdivision Plans/Plats, except that all subsequent approvals shall be completed by the Administrator. The development and use of all land within the Conditional District shall be in keeping with the approved Master Plan and all applicable provisions therein.

##### **B. Substantial Changes**

Any substantial change to a Master Plan as noted below shall be reviewed by the Planning Board and approved or denied by the Board of Commissioners as an amended Conditional District. The following changes to a Conditional District Master Plan shall require approval by the Board of Commissioners:

1. Land area being added or removed from the Conditional District.
2. Modification of special performance criteria, design standards, or other requirements specified by the original approval.
3. A change in land use or development type beyond that permitted by the approved Conditional District Master Plan.

4. When there is introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access.
5. When there is an increase in the total number of residential dwelling units originally authorized by the approved Conditional District Master Plan.
6. When the total floor area of a development is increased more than 10% beyond the total floor area last approved by Board of Commissioners. Changes of less than 10 percent may be approved by the Administrator.

#### **7.11.4 RESCISSION OF CONDITIONAL DISTRICTS**

A. The Applicant shall secure a valid building or construction permit(s) within 2 years from date of approval of the Conditional District unless otherwise specified.

B. If such project is not complete or a valid building or construction permit is not in place at the end of the 2-year period, the Administrator shall notify the applicant of either such finding.

C. Within 60 calendar days of notification, the Administrator shall make a recommendation concerning the rescission of the Conditional District to the Board of Commissioners. D. The Board of Commissioners may then rescind the Conditional District, or extend the life of the Conditional District for a specified period of time. E. The rescission of a Conditional District shall follow the same procedure as was needed for approval.

### **Town of Mint Hill**

#### **Section 4.3 - Conditional Districts**

The Conditional District (CD) rezoning process allows for the establishment of certain uses that, because of their nature or scale, have particular impacts on both the immediate area and the community as a whole. The development of these uses cannot be predetermined or controlled by general district standards. In order to accommodate these uses, this Section establishes the Conditional District rezoning process. The process for approval of a CD is explained in Article 8, Subsection 8.5.2A. The rezoning of any parcel of land to a CD shall be a voluntary process initiated by the property owner or his authorized agent. Any area rezoned to a CD shall be in general compliance with the goals, objectives and implementation strategies of the adopted Comprehensive or Land Use Plan and all other plans and regulations officially adopted by the Board of Commissioners. The review process established in this Section provides for the accommodation of such uses by a reclassification of property into a CD, subject to specific conditions (which may exceed those that would otherwise be required for the use in question), which ensure compatibility of the use with the enjoyment of neighboring properties and in accordance with the general plans of development of the Town. [...] A Conditional District is not intended for securing early zoning for a proposal.



Once a property has been rezoned to a CD, it shall be referenced with the letters "CD" behind the name of the applicable general zoning district listed in Section 4.2. Thus, a property rezoned to a Conditional District in the B-G (general use district) shall appear on the Zoning Map as "B-G(CD)."

**8.5.2A - General Procedures for Approval of Conditional Districts.**

- A. *Permitted Uses and Development Requirements.* Potential uses which may be requested for a Conditional District shall be restricted to only those uses permitted in the corresponding general zoning district as designated in this Ordinance. Uses permitted in Conditional Districts shall be subject to all applicable development standards and requirements for that use listed in the corresponding general zoning districts as set forth elsewhere in this Ordinance and any particular requirements or restrictions approved and made a part of the Conditional District rezoning by the Board of Commissioners. Notwithstanding the foregoing, upon request of an Applicant, the Board of Commissioners may waive or vary a specific development standard or requirement if the Board of Commissioners find that such waiver or variance is not contrary to the public interest and not inconsistent with the intent and purposes of this Ordinance.
- B. *Approval Process.* The approval process for a Conditional District rezoning is as follows:
  1. *Pre-Sketch Drawing (Mandatory).* An Applicant for a Conditional District rezoning approval shall submit a Pre-Sketch Drawing in accordance with Subsection [8.3\(A\)\(1\)](#) and the requirements of Subsection [8.2\(B\)\(1\)](#).
  2. *Initial Information Meeting with Staff (Mandatory).* All applicants for a Conditional District rezoning approval shall have an initial information meeting with the Administrator in accordance with Subsection [8.3\(A\)\(2\)](#).
  3. *Public Information Meeting (Mandatory for any Conditional District rezoning application for a nonresidential proposed use abutting a residentially zoned district and any proposed development project which meets the traffic thresholds requiring a Traffic Impact Analysis).* Where either of the applicable thresholds are met, the Applicant for a Conditional District rezoning approval shall conduct a PIM in accordance with Subsection [8.3\(A\)\(3\)](#) and submit and utilize the information gathered at the PIM when and as required in [Article 8](#).
  4. *Traffic Impact Analysis (Mandatory if thresholds for traffic are met for Conditional District Rezoning applications).* All Applicants for a Conditional District rezoning approval shall prepare and submit a TIA to the Administrator if the applicable daily or peak hour trips threshold requirements are satisfied in accordance with Subsection [8.3\(A\)\(4\)](#).
  5. *PCO Concept Plan (Mandatory if required by [Article 6](#)).* All applicants for a Conditional rezoning approval shall prepare and submit a PCO Concept Plan if a PCO Concept Plan is required for submission to the Stormwater Administrator (see [Article 6, Section 6.8](#)). Approval of a PCO Concept Plan, if applicable, is a prerequisite to continuing with Conditional District Rezoning Process.

6. *Sketch Plan (Mandatory)*. All applicants seeking a Conditional District rezoning approval shall prepare and submit a Sketch Plan to the Administrator in accordance with Subsection [8.3\(A\)\(5\)](#) and the requirements of Subsection [8.2\(B\)\(2\)](#). Note: A PCO Concept Plan is typically required for submission to the Stormwater Administrator at this time (see [Article 6, Section 6.8](#)).
7. *Initial Staff and TRC Review (Mandatory)*. In connection while applications for a Conditional District rezoning approval, the Town staff and TRC shall review the Sketch Plan and TIA (if applicable) in accordance with Subsection [8.3\(A\)\(6\)](#) above. Note: The Stormwater Administrator usually reviews the PCO Concept Plan at this time (see Subsection [8.3\(A\)\(6\)](#) and [Article 6, Section 6.8](#)).
8. *Informal Advisory Review by Planning Board and/or Board of Commissioners (Optional)*. In connection with all applications for Conditional District rezoning approvals, an Applicant may request an informal advisory review and initial comments from the Planning Board and/or the Board of Commissioners in accordance with Subsection [8.3\(A\)\(7\)](#).
9. *Formal Application and Zoning Plan Submittal for Conditional District Rezoning (Mandatory)*. After the Applicant has completed each of the applicable mandatory preapplication steps above, the Applicant may then submit the requisite number of hard copies of the completed application form meeting the requirements set forth in Subsections [8.2\(B\)\(3\)](#), [8.3\(B\)\(1\)](#) and the UDO Admin Manual in addition to any additional limitations or restrictions the Applicant may wish to propose for establishment of a Conditional District.
10. *Formal Staff and TRC Review (Mandatory)*. The Administrator and the TRC shall review the Zoning Plan in accordance with Subsection [8.3\(B\)\(3\)](#) to determine compliance with the requirements of this Ordinance. The Administrator shall make a written recommendation to the Planning Board and Board of Commissioners for Conditional District rezoning applications.
11. *Public Hearing, Planning Board Recommendation, and Town Board Decision (Mandatory)*.
  - a. The Conditional District rezoning approval decision is a legislative process subject to judicial review using the same procedures and standard of review as apply to general use district zoning decisions. In considering any petition for a Conditional District rezoning, the Town shall follow all of the procedures set forth for General Zoning and Text Amendments (Section 8.5.1A, Subsections (C) (Protest Petitions to Zoning District Changes), (D) (Notification Requirements), (E) (Public Hearing), (F) (Board Action on Public Hearing), (G) (Petition Withdrawal) and with regard to Subsection 8.5.1A(F) (Board Action on Public Hearing), the CD application shall be considered and treated as a zoning map amendment in accordance with Subsection 8.5.1A(F)(1).
  - b. The Board of Commissioners may not vote to rezone property to a Conditional District during the time period beginning on the date of a municipal general election

and concluding on the date immediately following the date on which the Board of Commissioners holds its organizational meeting following a municipal general election unless no person spoke against the rezoning at the public hearing . . . .



June 9, 2022

Board of Commissioners, Town of Montreat  
Montreat Town Hall  
Montreat, NC 28757

**Re: Recommendations Concerning Conditional Zoning Application of Michael and Kathryn Mader  
regarding Lot 1185, Mississippi Road (PIN: 071065016800000)**

The Planning and Zoning Commission of the Town of Montreat, North Carolina (the "Commission") met on May 12, 2022, to consider the Conditional Zoning Application (the "Application") of Michael and Kathryn Mader (the "Applicants") concerning currently vacant Lot 1185, Mississippi Road, Montreat, North Carolina (PIN: 071065016800000), herein the "Property". The following members of the Commission were present:

Commission Members

Wade Burns  
Dan Dean  
Liz Johnson  
Julie Schell  
Bill Scheu (Chair)

Alternate Commissioner

Sally Stansill

A quorum was present for the meeting. Although Sally Stansill, as an Alternate Commissioner, was not counted in the determination of a quorum, she did serve on the Commission for the meeting in the place of Commissioner John Hinkle because he had been excused and was out of town. Zoning Administrator Scott Adams and Town Administration Clerk and Secretary of the Commission Angela Murphy also were present in person. Montreat Town Interim Administrator Ben Blackburn joined the meeting when it was in progress.

The Applicants were present with their legal counsel, John D. Noor, Esq. Members of the public attended both in person and by Zoom. Those included Stephanie Farrior and Mark Oliver, who are the owners of lots/homes located at 157 Mississippi Road and 161 Mississippi Road, respectively, each of which abuts the Property. Other members of the public attended in person and by Zoom.

The Property is zoned "R-1", the principal use of which is designated as Low Density, Single and Two Family Dwellings. The Application seeks to reclassify the Property to Conditional Zoning District R-1 (CZ). The purpose of such proposed reclassification is to reduce the side setback for the southwesterly side of the Property to 10 feet from the 15-foot setback required for the R-1 Zoning District by Section 501. 81 of the Town Zoning Ordinance (the "Ordinance"). The Application does not seek any change in the use of the Property or any other change to the requirements applicable to the R-1 Zoning District.

After attending to preliminary business the Commission Chair called to order a public hearing on the Application. Zoning Administrator Scott Adams made a presentation to the Commission. He indicated that the Applicants seek to reduce the side setback in order that they can construct a new single family detached home which would not otherwise fit on the Property because of the narrowness of the Property given the design of the proposed home. He noted the existing 15-foot side setback on the southwesterly boundary of the Property, and

a 15-foot sewer easement (and 15-foot side setback) on the northeasterly boundary of the Property. He reviewed the Application with the Commissioners and indicated that the Applicants had held a community meeting as required by Section 510.4 of the Zoning Ordinance. A brief summary of that community meeting is included in the Application.

Following the presentation by Mr. Adams, the Commission Chair invited the Applicants' legal counsel, John D. Noor, to make a presentation on behalf of the Applicants. Mr. Noor discussed the proposed home in conjunction with the requirements of the Ordinance and the proposed setback reduction. He discussed how provision was being made for the handling of stormwater on the Property and stormwater traveling to the Property from other properties, particularly those to the southwest and northwest of the Property. Mr. Noor also discussed the Applicants' conceptual plan's provisions for landscape buffering, the protection of a tree located partly on the Property and partly on the property to the northeast owned by Mr. Oliver, and retaining walls to accommodate the slopes to the northwest and southwest of the proposed home. He indicated that the Ordinance would permit, without reduction of the setback(s), the construction of a 3-story home of comparable square footage to the proposed home, but that the Applicants felt that such a 3-story home would not be as well-suited to the neighborhood as the proposed 2-story home and that it would be a public benefit to construct the home contemplated by the Application. He then invited the Applicants' landscape architect, Hutch Kerns, to speak, who made a presentation to the Commission. Mr. Noor then invited Maury Hurt, the Applicants' building architect, to speak, who also made a presentation to the Commission. The Applicants also presented their comments to the Commission.

The Commission Chair invited other persons to make presentations to the Commission. Mr. Oliver, the owner of the home next door to the east, spoke and suggested that there would be issues with the large tree located on both the Property and Mr. Oliver's property. He also had concerns about the stormwater runoff. He indicated that he would not object to the larger home which would not need the setback amendment on the southwest boundary. Ms. Stephanie Farrior, the owner of the property to the southwest of the Property, spoke about her concerns. She felt that the alternative 3-story building would not be objectionable since it would not need a setback variance, even though it would be larger and taller. She asked about the location of the proposed retaining wall, to which Mr. Noor responded that it would be built no closer than 3 feet to the property line. She expressed concerns about the stormwater runoff, to which Mr. Noor responded as to the drainage system being proposed. Mr. Kerns, the landscape architect of the Applicants, also provided details about the system and how it would assure no backup toward Ms. Farrior's property to the southwest. It was noted that the home constructed on Ms. Farrior's lot is some distance from the boundary line to the northeast which is the subject of the setback reduction sought by the Applicants.

The Commissioners asked questions of each person who spoke and to Mr. Noor. There was much open discussion. After those discussions, the Chair closed the public hearing.

**THE COMMISSION THEN PROCEEDED TO CONSIDER THE APPLICATION AND AFTER FURTHER DISCUSSION VOTED UNANIMOUSLY TO APPROVE THE APPLICATION AND TO RECOMMEND ITS APPROVAL TO THE MONTREAT BOARD OF COMMISSIONERS, SUBJECT TO THE FOLLOWING STATED CONDITIONS.**

*Report continued on next page*

The approval of the Commission is subject to and its recommendations include the following conditions, and its recommendation is conditioned upon these requirements:

1. The Applicants shall limit construction on the Property to one single-family home substantially in accord with and conforming to the drawings included in the Application.
2. The Applicants shall obtain guidance from a licensed arborist concerning actions to be taken to provide reasonable protections to the large white oak tree straddling the boundary of the Oliver property and the Property and implement best management practices as recommended by the arborist, recognizing that the tree may nevertheless succumb to or be damaged by other or related activities, weather or other occurrences. The specified tree is located at the north/east border of the Property and the Oliver property and was identified in the Applicants' presentation.
3. During the course of construction the Applicants shall provide regular communications to the owners of the adjacent properties (Oliver and Farrior properties) on construction activities, with a copy to the Montreat Zoning Administrator. These should include written communications to such owners on no less than a monthly basis (which may be provided by email or mail, as requested by such adjacent owners). These communications shall include updates (a) from the licensed arborist on actions to protect the large tree and any health reports on the tree as provided by such arborist; and (b) about construction plans and progress on mitigating actions dealing with stormwater management and erosion damage during and after construction. When appropriate, as determined by the Applicants, these communications shall include photographs and descriptive updates of these activities.
4. The Applicants shall ensure that excavation and other activities for the construction of the retaining wall on the south/west side of the Property do not intrude or extend onto the Farrior property. Information concerning such matters shall be included in the regular communications required by item 3 above and shall include, where appropriate, as determined by the Applicants, photographs and descriptive updates to the Farrior family on construction progress for the retaining wall(s). It is the intention of the Applicants and the members of the Commission that the retaining wall construction activity shall not extend beyond the Farrior property line to the southwest of the Property.
5. The Applicants shall establish landscape buffers around/along both retaining walls, but especially the wall running along the Farrior side of the Property. Such landscape buffers will be designed to screen the retaining walls from view from the southwesterly/northwesterly sides of the Property (recognizing however that the walls will be visible from their lower sides). The Applicants, as and in the manner required by the Town of Montreat Building Official, shall install a fence at or near the top of the retaining wall lying northwesterly behind the house. The fence shall be designed to prevent wildlife, visitors or trespassers from inadvertently stepping through the buffer and falling over the wall.
6. The Applicants shall obtain all necessary approvals from the Metropolitan Sewerage District of Buncombe County for all construction and operational requirements related to sanitary sewerage/disposal activities on the Property.

*Report continued on next page*



The Commission also noted in its discussion and approval that:

**Comprehensive Plan Consistency and Reasonableness**

The proposed zoning amendment is consistent with current Town of Montreat Comprehensive Plan (the “Plan”) because, *inter alia*:

1. It is consistent with the land use provisions of the Plan and furthers its objectives in encouraging single family home development in the R-1 zoning classification;
2. It encourages persons owning property in residential areas to develop their property(ies) in ways that will build community, and also provides for the development of one of the many Montreat small lots which would otherwise remain undeveloped and would not contribute substantially to the tax base of the community; and
3. It is consistent with the current land use map and the requirements of the Ordinance with respect to lands in the neighborhood in which the Property is located.

The proposed zoning amendment is reasonable and in the public interest because it supports the Plan’s policies above and because:

1. It is consistent with the other single family homes in the neighborhood in which it is located;
2. It identifies benefits and is not detrimental to the landowners, the neighbors, and/or the surrounding community;
3. It is similar to development of the Property that would be permitted but for the side setback requirements. In addition, the improvements on the Farrior property to the west of the Property are a substantial distance from the property line dividing the two properties and therefore, the proposed improvements, based on the evidence presented by the Applicants’ experts, should not have a material impact on the visibility, improvement or maintenance of the improvements on the Farrior property; and
4. The improvements which are the subject of the Application are in the public interest in that they provide for the use and development of the subject Property, thereby carrying out the intent of the Plan and also increasing the tax base of the Montreat community. This amendment improves consistency with the long range plan, improves the tax base, preserves environmental and/or cultural resources, facilitates a desired kind of development and provides needed housing, and is therefore in the public interest.

WHEREFORE, the Town of Montreat Planning and Zoning Commission has adopted the foregoing recommendations and conditions related thereto, and submits same to the Town of Montreat Board of Commissioners, all this 9<sup>th</sup> day of June, 2022, for action thereon, as certified this date by the undersigned Secretary of the said Planning and Zoning Commission.

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Angela Murphy  
Secretary

# Conditional Zoning Request

Lot 1185 (vacant), Mississippi Rd. (for south/west side 10' setback)

PIN #: 071065016800000

Montreat Board of Commissioners

July 14, 2022



# Overview

## **Lot 1185 (vacant lot in between 157 and 161 Mississippi Rd.)**

### **Zoning:**

R-1 Low-Density Residential

(Setbacks: 30' front, 15' side, 30' rear)

### **Existing Land Use:**

Vacant Residential Building Lot

### **Lot Size:** 0.22 acres (9,467 SF lot)

NOTE: R-1 Low-Density Residential district minimum lot size for Single-Family Dwellings is 10,000 SF, however, this is a Lot of Record and therefore only subject to dimensional standards (i.e. setbacks, etc.)

### **Proposed Project:**

Building a new single-family detached house

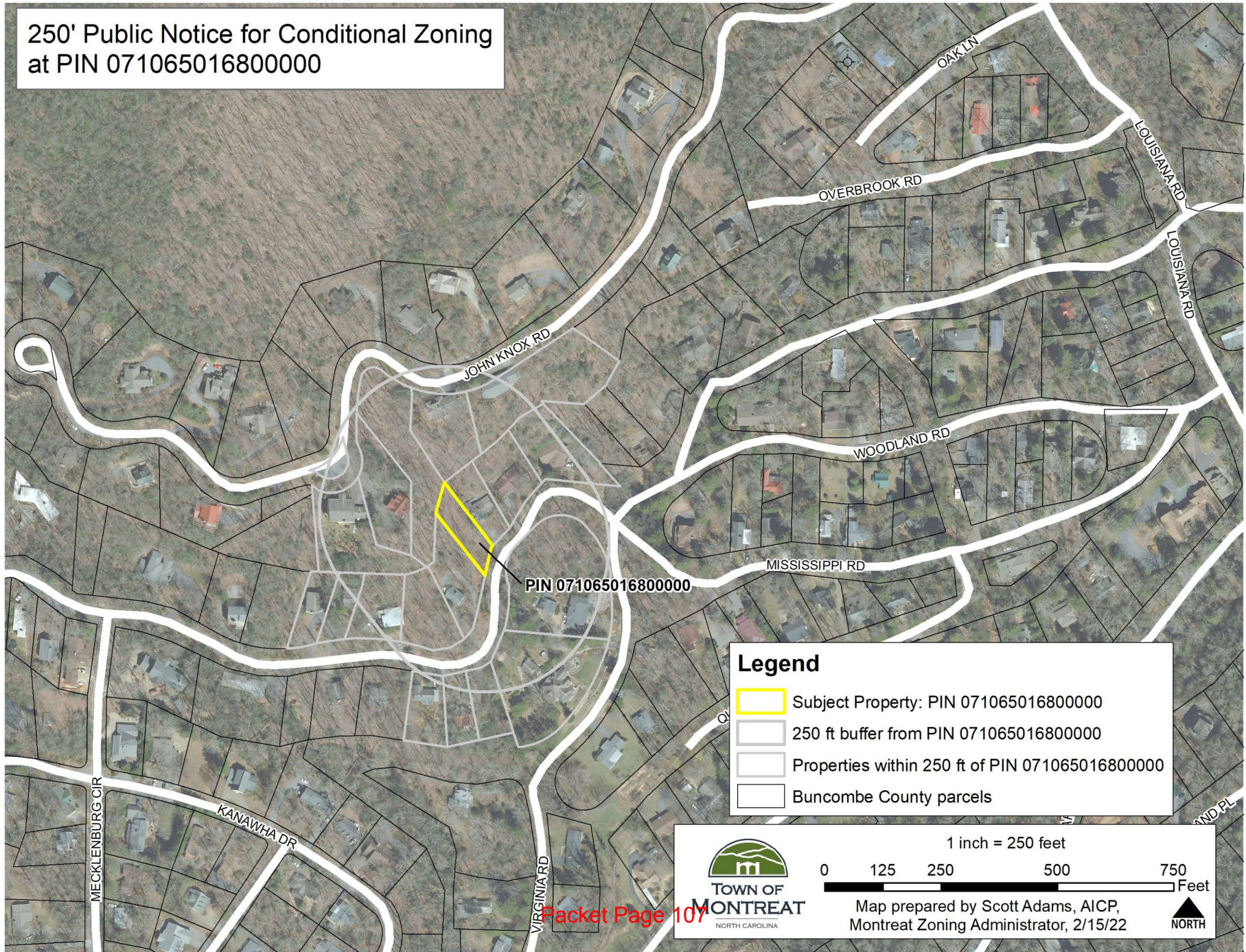
### **Conditional Zoning request:**

Applicant is requesting a 10' side setback on south/west side of property.

***Building with a 10' setback (15' standard) requires Conditional Zoning.***



250' Public Notice for Conditional Zoning  
at PIN 071065016800000





# Conditional Zoning Request

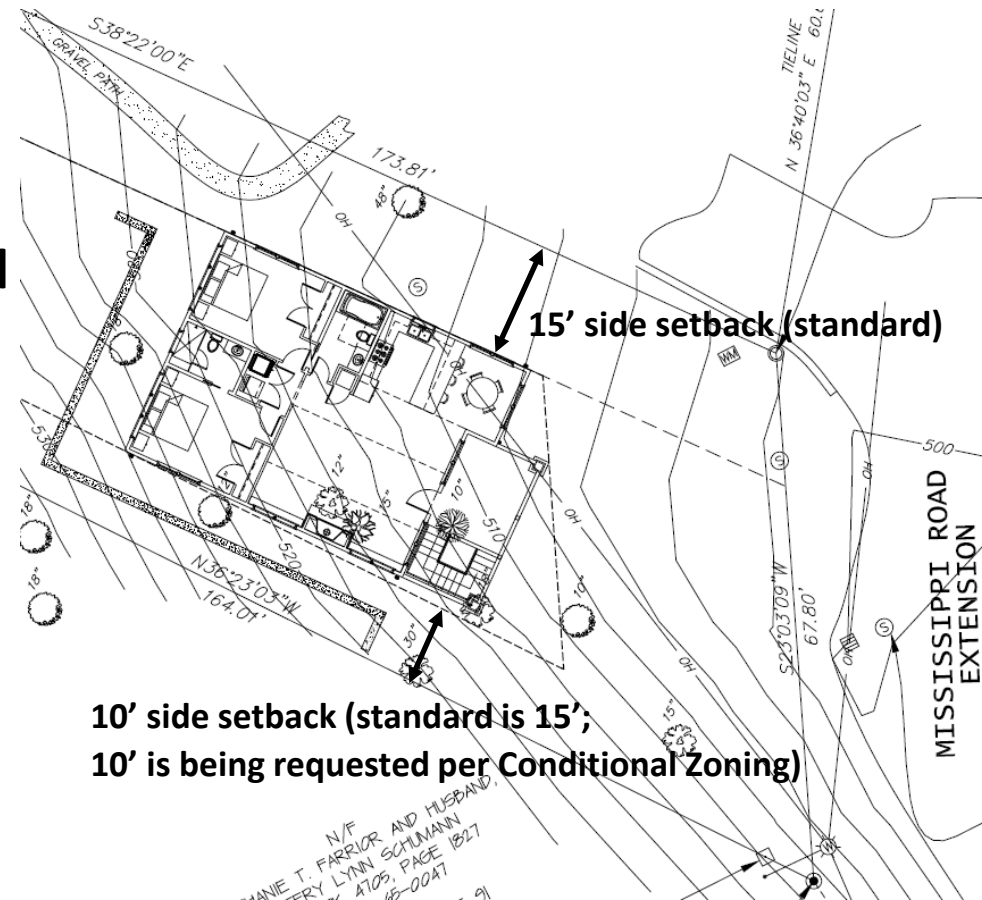
## Sec. 501 R-1 Low-Density Residential district

**Base-image provided by Applicant 5/6/22**

## Standard:

- **Sec. 501.8 Minimum Side Yard [i.e. setback]**
  - **Sec. 501.81** requires 15' side setbacks for Single-Family and Two-Family Dwelling Units.

**Applicant Request:** Applicant wants to build their house with a 10' south/west side setback.



Base-image provided by Applicant 5/6/22

Retaining wall (built into hillside)

15' side setback (standard)  
(Also, 15' MSD sewer easement, in shaded area)

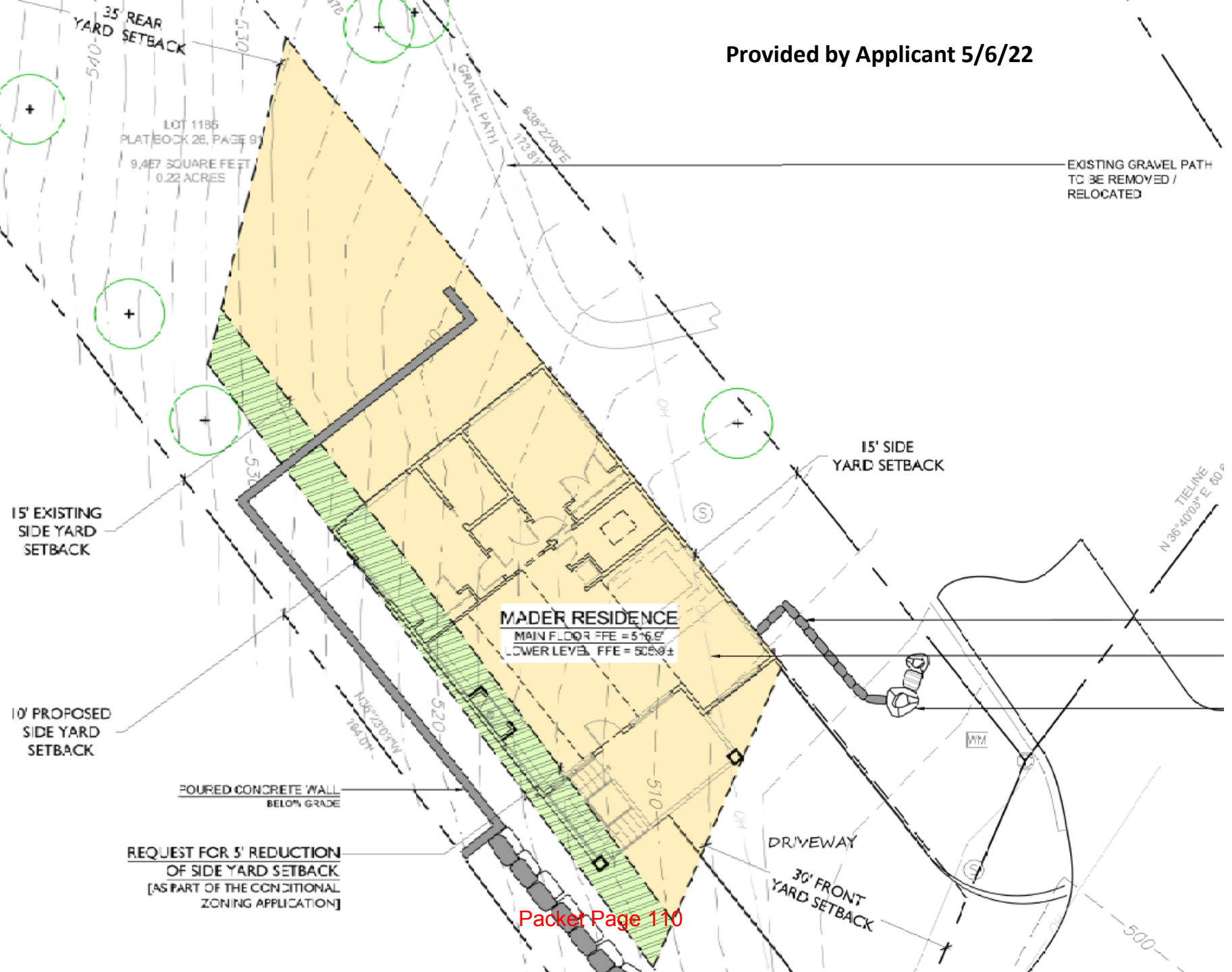
30' front setback (standard)

10' side setback (standard is 15';  
10' is being requested per Conditional Zoning)

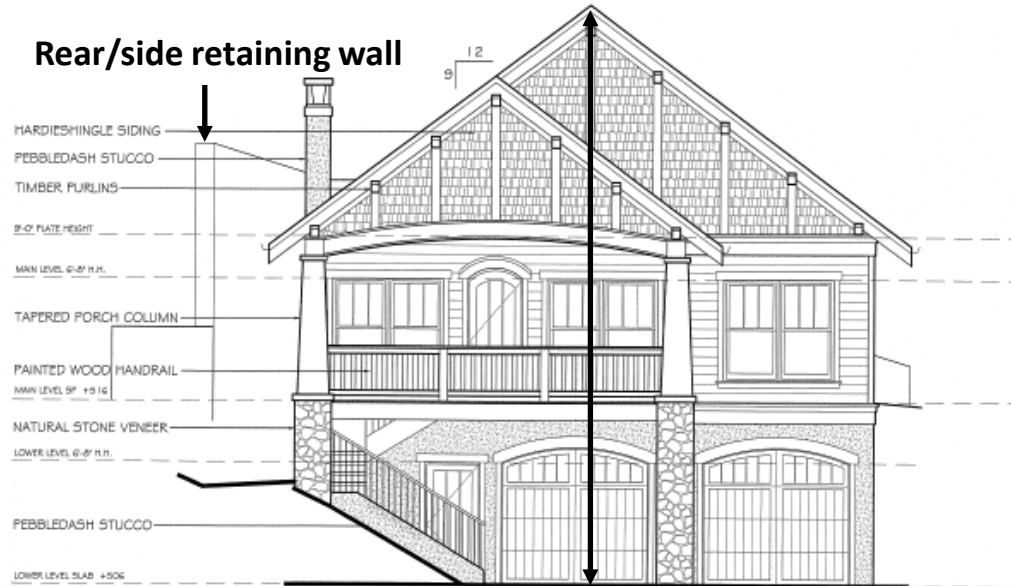
N/F  
MANIE T. FARRIOR AND HUSBAND,  
TERY LYNN SCHUMANN  
4705, PO BOX 1827  
45-0041  
- 91



Provided by Applicant 5/6/22



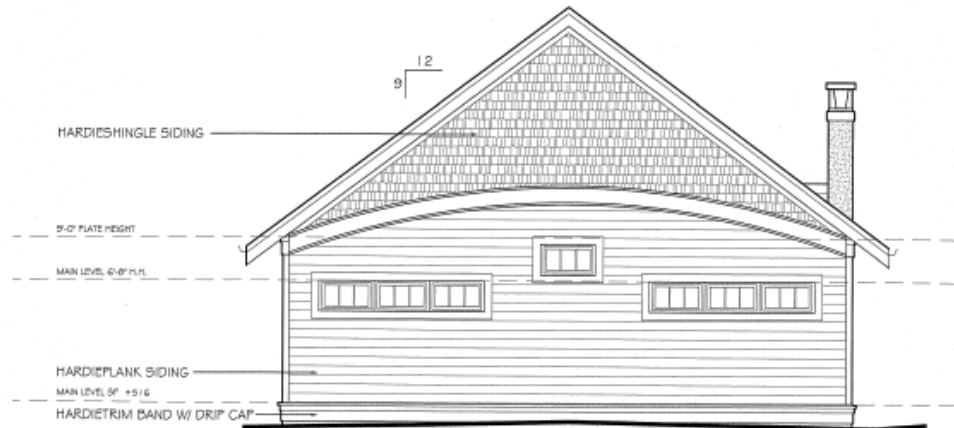
## Rear/side retaining wall



Height: 27' 2" (Height Limit: 35')

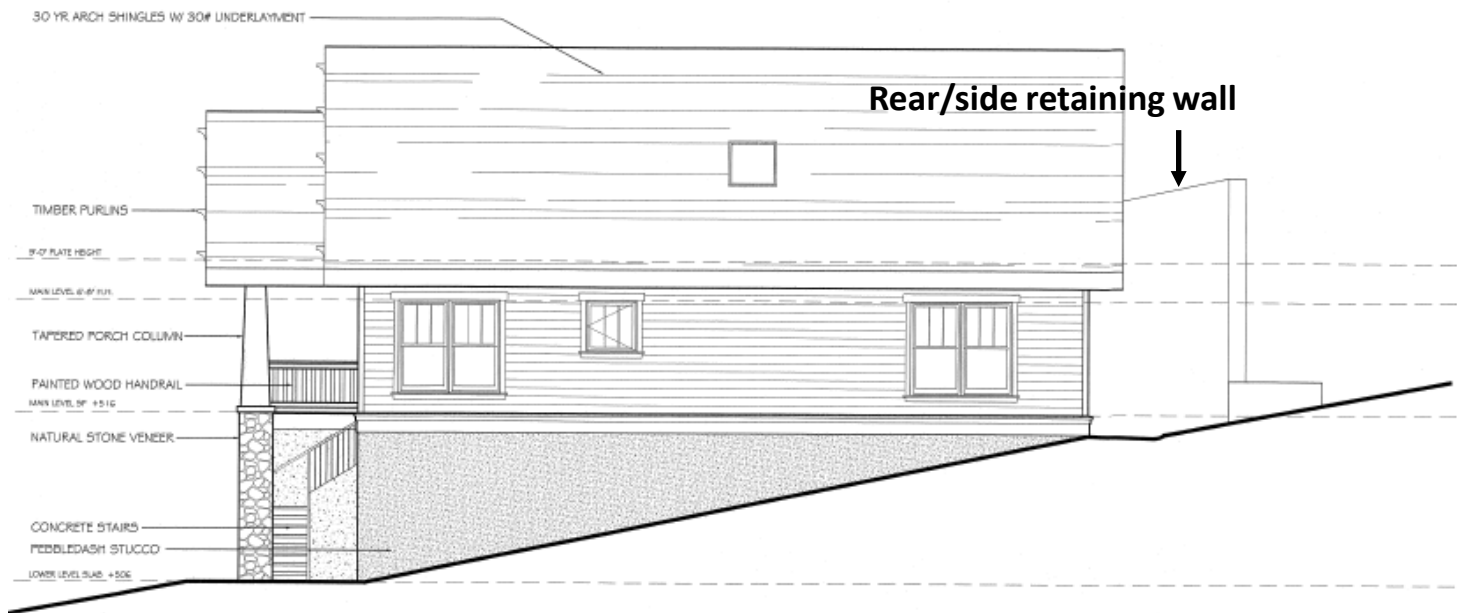
MISSISSIPPI ROAD EXT. +5.00

1  
A-3 Front Elevation  
Scale: 1/4" = 1'-0"

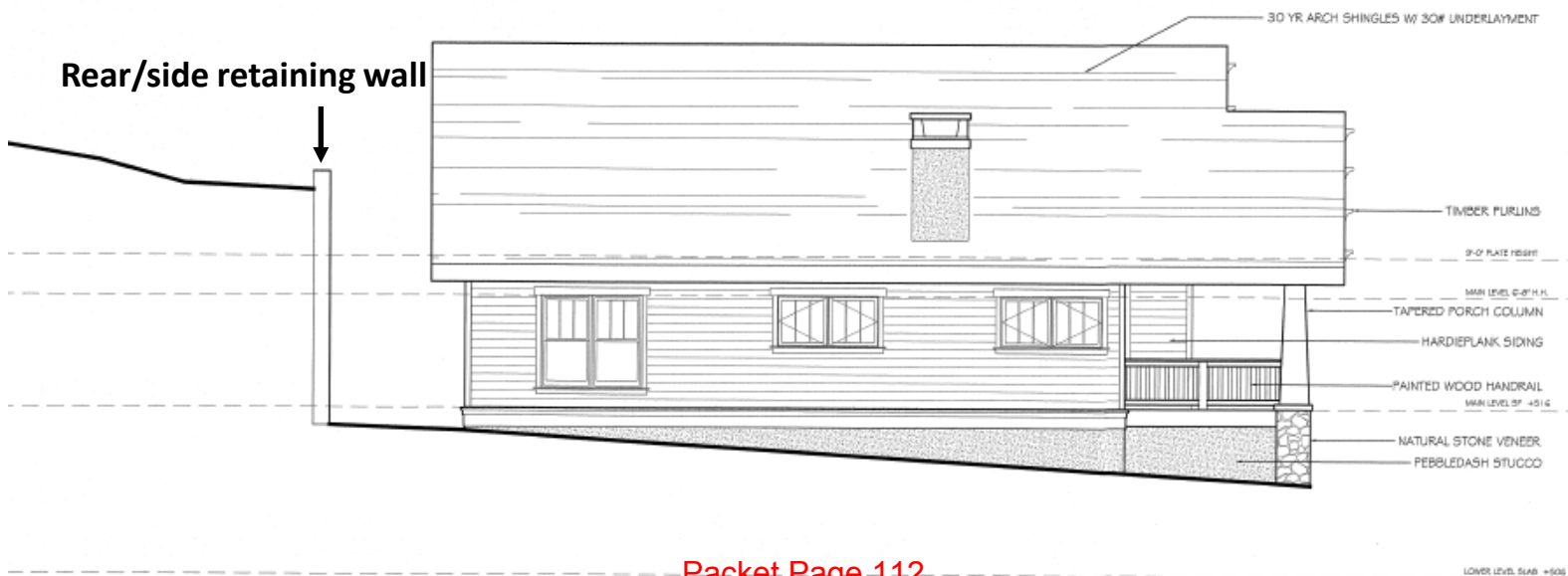


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2  
A-3 Rear Elevation  
Scale: 1/4" = 1'-0"



1 Right Side Elevation  
Scale: 1/4" = 1'-0"



2 Left Side Elevation  
Scale: 1/4" = 1'-0"



# Site Overview – Neighboring Properties



157 Mississippi Rd.  
(south/west of subject property)



161 Mississippi Rd.  
(north/east of subject property)



# Site Overview – Subject Property





# MONTREAT CODE OF GENERAL ORDINANCES

## CHAPTER A – GENERAL PROVISIONS AND ADMINISTRATION

### ARTICLE IV: OFFICERS AND EMPLOYEES

#### AMENDMENT (PROPOSED)

Section 1. Office of Mayor. ~~[STRIKE] It shall be the duty of the Mayor to cause all ordinances of the Town to be enforced and to attend and preside over all meetings of the Board. It shall further be the duty of the Mayor to, within thirty days after the close of each year, require a report to the Board from the various departments of the Town government for the previous year and recommend such adjustments as he/she may see fit. The Mayor shall perform such other duties as the Board may from time to time require. The Mayor shall be the chief executive Officer of the Town.~~

**[ADD] The Mayor shall be the official head of the Town. It shall further be the duty of the Mayor to:**

- a) Be knowledgeable as to the Town's business;
- b) Preside over the meetings of the Town's Board of Commissioners
- c) Certify all contracts, ordinances, resolutions, franchises, and all other documents as authorized by the Town Board of Commissioners;
- d) Appoint all committees and define their duties and responsibilities, under the general direction of the Town Board of Commissioners;
- e) Make recommendations to the Town Board of Commissioners concerning the interests of the Town, as he/she deems necessary;
- f) Represent the Town at ceremonies and other official occasions;
- g) Perform other duties as authorized by the North Carolina General Statutes, the Town Charter, and this Code.

Section 2. ~~[STRIKE] Offices of the Town Administrator and Finance Officer. The Town Administrator and Finance Officer shall be appointed by the Board at the first meeting in each year.~~

~~—a) It shall be the duty of the Finance Officer, under supervision of the Town Administrator, to keep true, accurate and just books of accounts of the dealings and transactions of the Town. These books shall show at all times the true condition of the Town, its resources and liabilities and the disposition and use of the moneys coming under the control of the Town.~~

~~—b) The Town Administrator shall keep or cause to be kept in a safe place all moneys, records, and accounts.~~

~~—c) The Finance Officer shall disburse funds for the various purposes of the Town only when an appropriation for such purpose has been made in the annual budget and the disbursement is authorized by the Town Administrator.~~

~~—d) The Town Administrator shall perform such other duties as the Board may from time to time require.~~



**[ADD] Mayor Pro Tempore.** At the first meeting following its election, the Town Board of Commissioners shall elect from its members a Mayor Pro Tempore to serve at the pleasure of the Board of Commissioners. A commissioner serving as Mayor Pro Tempore shall be entitled to vote on all matters and shall be considered a commissioner for all purposes, including the determination of whether a quorum is present. During the absence of the Mayor, the Board of Commissioners may confer upon the Mayor Pro Tempore any of the powers and duties of the Mayor. If the Mayor should become physically or mentally incapable of performing the duties of his/her office, the Town Board of Commissioners may by unanimous vote declare that he/she is incapacitated and confer any of his/her powers and duties on the Mayor Pro Tempore. Upon the Mayor's declaration that he/she is no longer incapacitated, and with the concurrence of a majority of the Board of Commissioners, the Mayor shall resume the exercise of his/her powers and duties. During a period of incapacity of the Mayor when the Mayor Pro Tempore is performing the duties of Mayor, the salary of the Mayor shall be suspended, and the Mayor Pro Tempore shall receive a pro rata salary for the time acting as Mayor at the salary rate of the Mayor. During such period, the Mayor Pro Tempore shall not receive a salary as Commissioner.

**[ADD] Section 3. Office of Town Manager.** The Town Manager shall be the chief administrator and chief executive officer of the Town. He/She shall be appointed by the Town Board of Commissioners and serve at their pleasure. The Town Manager shall be responsible to the Town Board of Commissioners for administering all municipal responsibilities placed in his/her charge by them. It shall further be the duty of the Town Manager to:

- a) Direct and supervise the administration of all departments, offices, and personnel of the Town, subject to the general direction and control of the Board of Commissioners, except as otherwise provided by law;
- b) Shall prepare and submit the annual budget and capital program to the Board of Commissioners;
- c) Shall see that the laws of the State of North Carolina, Town Charter, and the Town ordinances, resolutions, and regulations of the Board of Commissioners are faithfully executed within the Town;
- d) Shall appoint, suspend, or remove all town personnel not elected by the people whose appointment or removal is not otherwise provided for by law, except the Town Attorney, in accordance with such general personnel rules, regulations, policies, or ordinances as the Town Board of Commissioners may adopt;
- e) Shall annually submit to the Town Board of Commissioners and make available to the public a complete report on the finances and administrative activities of the Town at the end of the fiscal year;
- f) Shall make monthly reports to the Town Board of Commissioners concerning the operations of Town Departments subject to his/her direction and control.
- g) Shall attend all meetings of the Town Board of Commissioners and recommend any measures deemed expedient;

The use of the term "Town Administrator" in any provision of any of the Town ordinances shall mean and refer to the "Town Manager."

~~[STRIKE] Section 3. Office of the Town Clerk. The Town Clerk shall attend all meetings of the Board and shall regularly and fairly record all their proceedings. He/she shall also keep a bound book of the Code of Ordinances, in which he/she shall fairly and correctly transcribe all ordinances which are enacted by the Board.~~

**[ADD] Section 4. Office of the Town Clerk. The Town Clerk shall attend all meetings of the Town Board of Commissioners and shall regularly and fairly record all their proceedings. He/She shall also keep a bound book of the Code of Ordinances, in which he/she shall fairly and correctly transcribe all ordinances which are enacted by the Town Board of Commissioners**

~~[STRIKE] Section 4. Office of the Zoning Official. The Zoning Official has the responsibilities of administering and enforcing the Town's Zoning Ordinance, under the supervision of the Board. The Zoning Official shall be appointed by the Board at the first meeting in each year.~~

**[ADD] Section 5. Finance Director. The Finance Director shall direct, plan, and coordinate all financial operations, activities, and functions of the Finance Department to ensure a fiscally sound governmental organization. It shall further be the duty of the Finance Director to:**

- a) Record and report all financial activities of the Town;
- b) Assist in the preparation and monitoring of the annual operating budget;
- c) Assist Auditors in the preparation of the annual audit;
- d) Receive and disburse all funds of the Town as required under the North Carolina General Statutes;
- e) Countersign and preaudit all checks, drafts, contracts, purchase orders, or other documents obligating Town funds;
- f) Prepares monthly financial reports to the Town Board of Commissioners;
- g) Performs other financial related projects and analysis as directed by the Town Manager.

~~[STRIKE] Section 5. Director of Public Works. The Director of Public Works shall direct and coordinate the functions, activities and personnel of the Public Works Section and perform related work as required, under the supervision of the Town Administrator. The Town's public works operations include street maintenance and repair, street sign installation and maintenance, construction and repair of water distribution system, water wells, landscaping and installation and repair of storm drainage facilities. The Director of Public Works shall be appointed by the Board at the first meeting in each year.~~

**[ADD] Section 6.**

~~[STRIKE] Section 6. Other Officers and Employees. Such other Officers and Employees that are deemed necessary shall be appointed by the Board.~~

**[ADD] Section 7. Office of the Zoning Administrator. The Zoning Administrator has the responsibilities of administering and enforcing the Town's Zoning Ordinance and other related developmental land use ordinances, rules, and regulations of the Town under the supervision of the Town Manager.**

~~[STRIKE] Section 7. Employees' Bonds. The Town Administrator and other Officers or Employees required by the Board shall, before entering upon their duties, post bond in amounts specified by the~~

~~Board. All bond premiums shall be paid from Town funds. Provided that, when two offices are combined, such as Town Administrator and Tax Collector, only one bond shall be required.~~

**[ADD] Section 8. Other Officers and Employees. Such other Officers and Employees that are deemed necessary shall be appointed by the Town Board of Commissioners.**

**Section 9. Employees' Bonds. The Town Manager and other Officers or Employees required by the Board Shall, before entering upon their duties, post bond in amounts specified by the Town Board of Commissioners. All bond premiums shall be paid from Town funds.**





**RESOLUTION OF INTENT  
TO CLOSE A PUBLIC STREET  
(PORTION)**

**WHEREAS**, a petition has been filed, pursuant to NCGS 160A-299, requesting the Town of Montreat Board of Commissioners to close and remove from dedication a portion of the following described street in the Town of Montreat:

BEGINNING at a No. 5 rebar set in the southern edge of the right-of-way of North Carolina Terrace, said rebar marking the northwest corner of that Tract "B" shown on that plat recorded in Plat Book 97 at Page 46, Buncombe County Registry; thence with the southern edge of said right-of-way North 58 degrees 07' 40" East 129.82 feet to northeast corner of the aforesaid Tract "B"; thence continuing with the southern edge of said right-of-way North 69 degrees 49' 18" East 112.69 feet to a one inch iron pin set in the northeast corner of the property described in Book 6023 at Page 1643, Buncombe County Registry; thence leaving the southern edge of the aforesaid right-of-way and running South 80 degrees 54' 55" West 106.86 feet to a point; thence South 50 degrees 40' 01" West 142.86 to the BEGINNING, being approximately 0.0842 acres (2,363 square feet).

**WHEREAS**, a map of the proposed street closure (portion) is available for public inspection with the Town Clerk at Town of Montreat Town Hall;

**NOW, THEREFORE, BE IT RESOLVED**, that it is the intent of this Board to consider the closing of said street (portion) to the public use, and that a Public Hearing on this question will be held on the \_\_\_\_\_ day of \_\_\_\_\_, 2022, at 7:00 p.m. in the Town Hall of the Town of Montreat, North Carolina, at which time the Board of Commissioners will hear all interested persons and make a final determination as to whether a portion of North Carolina Terrace shall be closed and removed from dedication.

**ADOPTED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Tim Helms, Mayor

\_\_\_\_\_  
Angela Murphy, Town Clerk



KIRKLAND JONES INVESTMENTS, LLC  
PO Box 1639  
Thomasville, Georgia 31799

PETITION TO THE TOWN OF MONTREAT TO  
CLOSE A PORTION OF NORTH CAROLINA TERRACE

Now comes Harry Jones in his capacity as manager of Kirkland Jones Investments, LLC, petitioning the Town of Montreat to close a portion of North Carolina Terrace described as follows:

LYING AND BEING in the Town of Montreat, Black Mountain Township, Buncombe County, North Carolina:

BEGINNING at a No.5 rebar set in the southern edge of the right of way of North Carolina Terrace, said rebar marking the northwest corner of that Tract "B" shown on that plat recorded in Plat Book 97 at Page 46, Buncombe County Registry; thence with the southern edge of said right of way North 58° 07' 40" East 129.82 feet to northeast corner of the aforesaid Tract B"; thence continuing with the southern edge of said right of way North 69° 49' 18" East 112.69 feet to a one inch iron pin set in the northeast corner of the property described in Book 6023 at Page 1643, Buncombe County Registry; thence leaving the southern edge of the aforesaid right of way and running South 80° 54' 55" West 106.86 feet to a point; thence South 50° 40' 01" West 142.86 to the BEGINNING, being approximately 0.0842 acres (2,363 square feet).

The described portion of North Carolina Terrace is a strip along the south edge of North Carolina Terrace beginning and ending at points in the southern edge of North Carolina Terrace and being 22 feet wide near its center, adjoining those parcels shown on the tax maps of Buncombe County, North Carolina, as PIN Numbers 0710-86-9650-00000 and 0710-86-8546-00000, both of said parcels being owned by the petitioner.

A copy of a survey of the adjoining properties with the area of the proposed street closing outlined in red is attached.

In support of this petition, the undersigned does state that the remains of a house that for many years occupied a portion of the property described above, and the petitioner hopes to build back in the same location and to salvage some of the architectural features of the old house.

The right of way for North Carolina Terrace is unusually wide for town streets at the location where this partial closing is requested, and there will be more than sufficient space for the street known as North Carolina Terrace after the requested portion is closed, and the geographic characteristics of this area of Montreat will limit the need for any significant widening of North Carolina Terrace in the future.

The configuration of the proposed area to be closed was selected so that the southern edge of the right of way of North Carolina Terrace will be approximately parallel to northern edge of the right of way.



To the knowledge of the undersigned, there are no utilities within the described area that street closing will endanger, and if there are, the future plans for the property will not include the construction in the described area other than where the old house footprint exists, as shown on the attached survey.

Date: \_\_\_\_\_

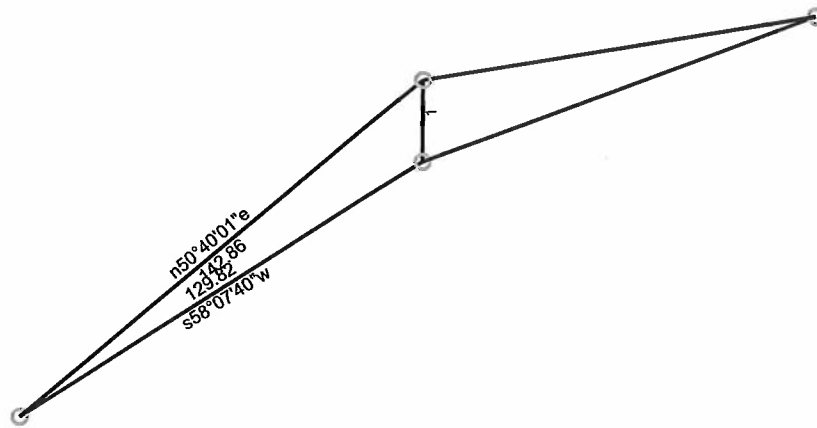
Respectfully submitted,

Harry Jones  
Manager of Kirkland Jones Investments, LLC









7/6/2022

Scale: 1 inch= 50 feet

File: Combined parts of closure area.ndp

Tract 1: 0.0276 Acres (1204 Sq. Feet), Closure: n00.0000e 0.00 ft. (1/122453), Perimeter=295 ft.  
Tract 2: 0.0266 Acres (1159 Sq. Feet), Closure: n00.0000e 0.00 ft. (1/60903), Perimeter=242 ft.

01 s00.3904w 22  
02 s58.0740w 129.82  
03 n50.4001e 142.86  
04 @0  
05 s00.3904w 22  
06 n69.4918e 112.69  
07 s80.5455w 106.86





## Coates' Canons NC Local Government Law

### Can We Close That Old Street Right-of-Way?

**Published: 12/08/14**

**Author Name: Adam Lovelady**

Decades ago, a landowner recorded a plat to divide his tract of land into lots and streets. The lots were sold and developed with houses. Most of the streets were constructed and opened as public streets. But there is an undersized and un-used alley running behind a block of houses. And, across the side of one large lot, there is a portion of street right-of-way that was never constructed and is not needed for access. Can the town close these old rights-of-way? Can the property owners?

This blog explores the rights and procedures involved in closing easements and rights-of-way.

#### **Municipal Procedure**

Under G.S. 160A-299, a municipality may permanently close a street or public alley within the municipal limits or extraterritorial jurisdiction. This applies to streets and alleys that have been opened and maintained as public, as well as property that was offered for dedication to the public by plat but never accepted or maintained by the municipality (provided that dedicatory rights to withdraw a dedication under G.S. 136-96 are preserved).

First, the council must adopt a resolution declaring its intent to close the public way and calling a public hearing on the proposed closing. Proper notice must include:

- Publication of the resolution once a week for four successive weeks prior to the hearing;
- Registered or certified mail notice to owners of property adjoining the public way;
- Posted notice of the proposed closing in at least two places along the public way; and
- If the right-of-way is under the control of the NC Department of Transportation (NCDOT), mailed notice to NCDOT.



Any person may speak at the public hearing concerning whether closing the street or alley is detrimental to the public interest. Council may adopt an order closing the street or alley if council is satisfied “that closing the street or alley is not contrary to the public interest, and that no individual owning property in the vicinity of the street or alley or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to his property.” For NCDOT-controlled streets or alleys, NCDOT must consent to the closing.

The city may reserve rights for utility easements and improvements within the closed street or alley for itself or for private utilities that have a utility agreement or franchise with the city at the time of the street closing.

The order closing the street or alley must be recorded with the register of deeds. Upon closing, the right-of-way is presumed to vest in the adjoining property owners, each taking property from the centerline to their respective boundary. If the owners want to divide the right-of-way differently, the recorded plat must show that they all agree to that division. In some cases, the vesting of former right-of-way may add significant area to adjoining lots and may increase the density or scope of development for that property.

Any person aggrieved by the street closing has 30 days to appeal. “Person aggrieved” is not defined for the road closure statute, but the court of appeals has used the standard from zoning board of adjustment cases as a guide for street closure standing. For those zoning appeals, an “aggrieved party” is “one who can either show an interest in the property affected, or if the party is a nearby property owner, some special damage, distinct from the rest of the community, amounting to a reduction in the value of his property.” Under this interpretation, the fact that someone is a taxpayer in town does not qualify that person as an aggrieved party. Moreover, owning property three blocks away is insufficient for standing to appeal a road closure. *Cox v. Town of Oriental*, 759 S.E.2d 388 (N.C. Ct. App. 2014).

### **County Procedure**

Under G.S. 153A-241, counties have authority similar to municipalities, but the county authority is limited in scope. A county may permanently close any public road or easement within the county jurisdiction, except those within a municipality or under the control and supervision of NCDOT. So what does that leave for the county? This provision appears to allow for counties to close paper streets—those streets shown on a plat as public but never constructed and opened. Additionally, these provisions may authorize the county to close streets in a town’s extraterritorial jurisdiction that have been accepted and maintained by the town under G.S. 160A-374. In this situation, the city and county authority for street closure overlaps.

The county authority to close streets also is limited in applicability. Municipal authority extends to any street offered for dedication to the public, even if it has not been accepted by the public. County authority, in contrast, only allows for closing rights-of-way and easements that have been accepted by the public.

Similar to the municipal process for closing streets and alleys, the county commission must “first adopt a resolution declaring its intent to close the public road or easement and calling a public hearing on the question.” Notice of the intent and public hearing must include:

- Published notice once a week for three successive weeks;
- Registered or certified mail notice to owners of property adjoining the public road or easement who did not request the closure; and
- Posted notice of the proposed closing in at least two places along the public way.

The hearing procedures and standards outlined at G.S. 153A-241 are comparable to those required for municipalities. Upon closing, the right-of-way or easement vests in the adjoining property owners, each taking property from the centerline to their respective boundary. Such a property interest, however, “remains subject to any public utility use or facility located on, over, or under the road or easement” until the landowner pays the utility the reasonable costs of removal and relocation.

### **Private Withdrawal**

Under certain circumstances a dedication that has not been opened and used may be withdrawn by private parties.

If property dedicated for a street is not actually opened and used by the public within 15 years of dedication, the dedication is presumed abandoned and certain property owners may withdraw the dedication. G.S. 136-96. The dedicator or an individual claiming rights under the dedicator must record with the register of deeds a declaration withdrawing the dedicated property. There are limitations, however. Where dedicated property is necessary “to afford convenient ingress or egress to any lot or parcel of land sold and convey by the dedicator,” the dedication may not be abandoned and withdrawn. Additionally, property dedicated to be part of a future street shown on an adopted street plan pursuant to G.S. 136-66.2 may not be abandoned and withdrawn.

The right to withdraw is not enjoyed generally by lot purchasers. The statute authorizes withdrawal by “the dedicator or some one or more of those claiming under him.” Those claiming rights under the dedicator will depend upon the rights conveyed to lot purchasers and the organizational structure of the developer and/or homeowners association. In one case, the court of appeals found that because the dedicator was an individual and retained fee interest in the streets, the individual lot owners only had an easement and could not withdraw the dedication of the underlying fee interest. *Town of Atl. Beach v.*

Tradewinds Campground, Inc., 97 N.C. App. 655, 389 S.E.2d 276 (1990). By contrast, if the dedicator had been a corporation that became defunct, then the lot owners may have had more rights under G.S. 136.96.

If a dedicator or successor withdraws a dedication of property, a municipality may preserve public and private utility easements. G.S. 160A-299(g). Prior to recording of a map, plat, or declaration of withdrawal, the city must hold a public hearing and declare its intent to retain the easements. The city must provide certified or registered mail notice to the withdrawing party at least five days prior to a public hearing. After the public hearing, city council must “approve a ‘declaration of retention of utility easements’ specifically describing such easements.” The declaration of retention, then, must be recorded with the withdrawal and shown on any map or plat of withdrawal.

### **Private Rights**

It is worth noting that even if a public right-of-way is closed or withdrawn, private rights for the use of that property may still apply. In *Stephens v. Dortch*, for example, a property owner sought to withdraw dedication of a certain segment of street from an old subdivision. Neighbors objected. The court upheld the withdrawal of dedication, as the area was never accepted by a government entity for maintenance nor used by the general public, but the court also found that neighbors had an easement appurtenant (and more rights than the general public). 148 N.C. App. 509, 510, 558 S.E.2d 889, 890 (2002).

### **Conclusion**

So, a town may permanently close streets and alleys—even if they were not opened or formally accepted. Counties have similar authority, but the scope of that authority is limited. And, certain subdividers of land and other dedicators have certain rights to withdraw a street dedication if the street was not opened and used within 15 years of its dedication.

Going back to the example from the start, can the town or owners close the rights-of-way? First, consider the alley running behind the houses. Apparently it was opened and used by the public at some point, so private withdrawal is not available. However, the owners may request that the town close the alley. If the town followed the proper procedure and made the requisite findings under G.S. 160A-299, it could close the alley, if it desired. What about the un-opened street? The property owner possibly may seek withdrawal, but it will depend on the rights of that owner under the original dedicator. Alternatively, the town could initiate a closure under G.S. 160A-299. Again, if the town followed the proper procedure and made the requisite findings, it could formally close the unopened street.



<https://canons.sog.unc.edu/2014/12/can-we-close-that-old-street-right-of-way/>

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**§ 160A-299. Procedure for permanently closing streets and alleys.**

(a) When a city proposes to permanently close any street or public alley, the council shall first adopt a resolution declaring its intent to close the street or alley and calling a public hearing on the question. The resolution shall be published once a week for four successive weeks prior to the hearing, a copy thereof shall be sent by registered or certified mail to all owners of property adjoining the street or alley as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along the street or alley. If the street or alley is under the authority and control of the Department of Transportation, a copy of the resolution shall be mailed to the Department of Transportation. At the hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest, or the property rights of any individual. If it appears to the satisfaction of the council after the hearing that closing the street or alley is not contrary to the public interest, and that no individual owning property in the vicinity of the street or alley or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to his property, the council may adopt an order closing the street or alley. A certified copy of the order (or judgment of the court) shall be filed in the office of the register of deeds of the county in which the street, or any portion thereof, is located.

(b) Any person aggrieved by the closing of any street or alley including the Department of Transportation if the street or alley is under its authority and control, may appeal the council's order to the General Court of Justice within 30 days after its adoption. In appeals of streets closed under this section, all facts and issues shall be heard and decided by a judge sitting without a jury. In addition to determining whether procedural requirements were complied with, the court shall determine whether, on the record as presented to the city council, the council's decision to close the street was in accordance with the statutory standards of subsection (a) of this section and any other applicable requirements of local law or ordinance.

No cause of action or defense founded upon the invalidity of any proceedings taken in closing any street or alley may be asserted, nor shall the validity of the order be open to question in any court upon any ground whatever, except in an action or proceeding begun within 30 days after the order is adopted. The failure to send notice by registered or certified mail shall not invalidate any ordinance adopted prior to January 1, 1989.

(c) Upon the closing of a street or alley in accordance with this section, subject to the provisions of subsection (f) of this section, all right, title, and interest in the right-of-way shall be conclusively presumed to be vested in those persons owning lots or parcels of land adjacent to the street or alley, and the title of such adjoining landowners, for the width of the abutting land owned by them, shall extend to the centerline of the street or alley.

The provisions of this subsection regarding division of right-of-way in street or alley closings may be altered as to a particular street or alley closing by the assent of all property owners taking title to a closed street or alley by the filing of a plat which shows the street or alley closing and the portion of the closed street or alley to be taken by each such owner. The plat shall be signed by each property owner who, under this section, has an ownership right in the closed street or alley.

(d) This section shall apply to any street or public alley within a city or its extraterritorial jurisdiction that has been irrevocably dedicated to the public, without regard to whether it has actually been opened. This section also applies to unopened streets or public alleys that are shown on plats but that have not been accepted or maintained by the city, provided that this section shall not abrogate the rights of a dedicatory, or those claiming under a dedicatory, pursuant to G.S. 136-96.

(e) No street or alley under the control of the Department of Transportation may be closed unless the Department of Transportation consents thereto.



(f) A city may reserve a right, title, and interest in any improvements or easements within a street closed pursuant to this section. An easement under this subsection shall include utility, drainage, pedestrian, landscaping, conservation, or other easements considered by the city to be in the public interest. The reservation of an easement under this subsection shall be stated in the order of closing. The reservation also extends to utility improvements or easements owned by private utilities which at the time of the street closing have a utility agreement or franchise with the city.

(g) The city may retain utility easements, both public and private, in cases of streets withdrawn under G.S. 136-96. To retain such easements, the city council shall, after public hearing, approve a "declaration of retention of utility easements" specifically describing such easements. Notice by certified or registered mail shall be provided to the party withdrawing the street from dedication under G.S. 136-96 at least five days prior to the hearing. The declaration must be passed prior to filing of any plat or map or declaration of withdrawal with the register of deeds. Any property owner filing such plats, maps, or declarations shall include the city declaration with the declaration of withdrawal and shall show the utilities retained on any map or plat showing the withdrawal. (1971, c. 698, s. 1; 1973, c. 426, s. 47; c. 507, s. 5; 1977, c. 464, s. 34, 1981, c. 401; c. 402, ss. 1, 2; 1989, c. 254; 1993, c. 149, s. 1; 2015-103, s. 1.)