

**Town of Montreat  
Board of Adjustment  
Meeting Agenda  
June 26, 2025, 5:00 p.m.  
Montreat Town Hall  
1210 Montreat Road, Black Mountain, NC 28711**

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I. **CALL TO ORDER**

- Welcome
- Moment of Silence

II. **CERTIFICATION OF QUORUM**

III. **AGENDA ADOPTION** (*Packet page 1*)

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

IV. **ADOPTION OF MAY 22, 2025, MEETING MINUTES** (*Packet pages 2 – 3*)

- **Suggested Motion:** To adopt the May 22, 2025, Meeting Minutes as drafted/amended.

V. **EVIDENTIARY HEARING**

- a) **Variance Request (VA-2025-02)** – A Variance request submitted by April Carter (on behalf of Property Owners, William P and Gail K Brown) for the lot addressed as 222 Louisiana Road, Montreat, NC 28711 and described as PIN#071076335800000 located on the east side of the intersection of Oak Lane and Louisiana Road. This Variance request is to Section 501.5 of the Montreat Zoning Ordinance to reduce the front setback requirement from 30 feet to 24 feet on the western side of the Subject Property for the purpose of constructing stairs to the existing dwelling.

**Suggested Motion:** To grant/grant with conditions/deny VA-2025-02.

*Applicant materials (packet pages xx – xx)*

*Staff materials (packet pages xx – xx)*

- b) **Variance Request (VA-2025-03)** - A Variance request submitted by Martin Kerr (on behalf of Property Owner, Kerr Revocable Trust) for the lot addressed as 364 Oklahoma Road, Montreat, NC 28711 and described as PIN#07201586960000 located 1,000 feet south of the intersection of Appalachian Way and Oklahoma Road. This Variance request is to Section 501.5 of the Montreat Zoning Ordinance to reduce the front setback requirement from 30 feet to 13 feet on the southern side of the Subject Property for the purpose of constructing a screened porch.

**Suggested Motion:** To grant/grant with conditions/deny VA-2025-03.

*Applicant materials (packet pages xx – xx)*

*Staff materials (packet pages xx – xx)*

VI. **NEW BUSINESS**

VII. **ADJOURNMENT**

# Board of Adjustment

## Meeting minutes – May 22, 2025

### **Board of Adjustment Members Present**

Arrington Cox, Presiding Officer  
Bill Scheu  
George Sawyer  
Ed Kramer

### **Board of Adjustment Members Absent**

Danny Sharpe, Chair  
David Neel  
Matt Horne  
Mari Gramling

### **Town Staff Present**

Kayla DiCristina, Zoning Administrator  
Savannah Parrish, Town Manager

## **Call to Order**

### **Welcome**

Town Manager Savannah Parrish administered the oath of office to alternate board member Arrington Cox.

### **Moment of Silence**

Bill Scheu moved to elect Arrington Cox as the presiding officer over the meeting. Ed Kramer seconded.

The motion passed unanimously.

Arrington Cox called the meeting of the Board of Adjustment to order on May 22, 2025, at 5:04 pm. A moment of silence was observed.

## **Certification of Quorum**

Arrington Cox confirmed that a quorum was present to proceed with the meeting.

## **Agenda Adoption**

Arrington Cox asked if there were any changes or additions to the agenda. Kayla DiCristina, the Zoning Administrator, suggested removing Item 4 (Swearing in of New Members) from the agenda as Arrington Cox had been sworn in before the meeting started.

*Ed Kramer moved to remove Item 4 from the agenda. Bill Scheu seconded the motion.*

The motion passed unanimously.

*Bill Scheu moved to approve the amended agenda. Ed Kramer seconded the motion.*

The motion passed unanimously.

George Sawyer moved to ratify the actions of #1(Call to Order) and #2 (Certification of Quorum). Ed Kramer seconded the motion.

The motion passed unanimously.

## Adoption of April 24, 2025, Meeting Minutes

*Ed Kramer moved to approve the adoption of April 24, 2025, meeting minutes as presented. Bill Scheu seconded the motion.*

The motion passed unanimously.

## Order of Approval

The Board discussed the written order of approval for Variance Request VA-2025-01. This variance request was heard at the previous month's meeting, and the current discussion was regarding the written decision. There were clarifications made that the variance request submitted by Wade Burns on behalf of the property owner, Richard W. Hitch, for the lot addressed as 205 Virginia Road, Montreat, NC 28711, was for adjustments to the setback requirements.

Specifically, the request was to Section 502.5 of the Montreat Zoning Ordinance to reduce the front setback requirement from 30 feet to 23.4 feet on the southern side of the subject property and to Section 502.81 of the Montreat Zoning Ordinance to reduce the side setback requirement from ten feet to nine feet on the northern side of the subject property for the purpose of expanding the existing dwelling on the subject property.

The discussion confirmed that the board members present at the previous meeting reviewed the findings and order for VA-2025-01, indicating their agreement on the written decision to approve the variance request as submitted.

## Evidentiary Hearing

### Variance Request (VA-2025-02)

Arrington Cox began to introduce Variance Request VA-2025-02, submitted by April Carter on behalf of property owners William P. and Gail K. Brown for the lot addressed as 222 Louisiana Road, Montreat, NC 28757. The variance request was to reduce the front setback requirement from 30 feet to 24 feet on the western side of the subject property for the purpose of constructing stairs to the existing dwelling.

However, it was determined that there was not a quorum present to hear this variance request. Arrington Cox announced that the request would be continued to the next Board of Adjustment meeting.

*VA-2025-02 is continued to the Board of Adjustment's June 26, 2025, meeting at 5:00 PM in Montreat Town Hall located at 1210 Montreat Road, Black Mountain, North Carolina 28711.*

## New Business

There was no new business to discuss.

## Adjournment

*Ed Kramer moved to adjourn the meeting. Bill Scheu seconded the motion.*

The motion passed unanimously, and Arrington Cox adjourned the meeting at 5:13 p.m.

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Arrington Cox, Presiding Officer

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Angie Murphy, Town Clerk



## VARIANCE APPLICATION

Town of Montreat Planning and Zoning  
1210 Montreat Road, Black Mountain, NC 28711 | (828) 669-8002

**REQUIRED FEE: \$350.00 (CASH OR CHECK)**

### APPLICANT INFORMATION

APPLICANT NAME: April Carder for Bill and Gail Brown TELEPHONE: 828-777-1627  
MAILING ADDRESS: P.O. Box 216 CITY: Montreat STATE: NC ZIP: 28757  
EMAIL: april@in-siteout.com cc: browngkb@att.net

### PROPERTY INFORMATION

ADDRESS: 222 Louisiana Road CITY: Montrea STATE: NC ZIP: 28757  
PIN# : 071076335800000 TOTAL ACREAGE: .23 FLOODPLAIN:  YES  NO  
ZONING: R-1 OTHER: \_\_\_\_\_ OVERLAY ZONING: N/A  
PROPERTY OWNER: William and Gail Brown TELEPHONE: 404-788-4406  
MAILING ADDRESS: 517 South Columbia Drive Decatur, GA 30030

### PROPOSED LAND USE

TYPE OF LAND USE:  Residential  Non-Residential  Other  
DESCRIPTION OF PROPOSED DEVELOPMENT: Existing Residential Lot with Single Family Dwelling

### VARIANCE REQUEST

MONTREAT ZONING ORDINANCE SECTION: 501.5 Setback  
DESCRIPTION OF REQUESTED VARIANCE: Request modification of existing 17 step, straight run staircase to front entrance of home  
including landings and new steps to said landings - modifications of steps with landing to connect with the existing steps will encroach into the setback 6' - exclusive of the outermost 4' of the original steps/decks

### FINDINGS OF FACT

**THE TOWN OF MONTREAT'S BOARD OF ADJUSTMENT WILL RENDER A DECISION ON THIS APPLICATION AT A PUBLIC HEARING. IN APPROVING THE REQUEST, THE BOARD OF ADJUSTMENT WILL EXAMINE THE APPLICATION AND MUST FIND THAT THE FOLLOWING SIX ELEMENTS ARE SATISFIED IN THE PROPOSAL:**

***MZO 310.42(A)*** *Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the Variance, no reasonable use can be made of the property.*

***MZO 310.42(B)*** *The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a Variance.*

**MZO 310.42(C)** The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a Variance shall not be regarded as a self-created hardship.

**MZO 310.42(D)** The Variance is consistent with the spirit, purpose and intent of the Ordinance such that public safety is secured and substantial justice is achieved.

**MZO 310.42(E)** The Variance requested is the minimum Variance that will make possible the requested Use of the land, Building or Structure.

**MZO 310.42(F)** The Variance is not a request to permit a Use of land, Building or Structure which is not permitted in the applicable Zoning District.

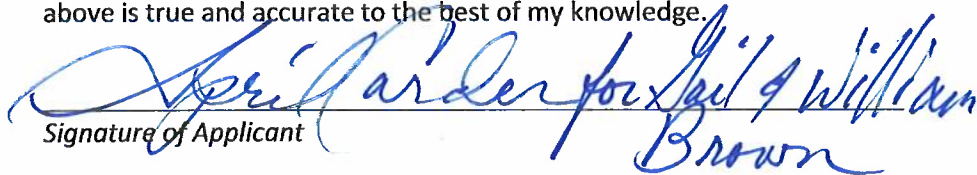
**ATTACHMENTS**

**THIS APPLICATION MUST BE ACCOMPANIED BY THE FOLLOWING ATTACHMENTS:**

1. A copy of the deed for the property which is the subject of the application for a Variance, a copy of the plat showing such property if one exists, and any contract to purchase or other relevant documents.
2. A response to the six findings listed above and found in the Montreat Zoning Ordinance Section 310.42.
3. A to scale site plan showing the existing property conditions (including the adjoining road and any existing improvements) and the proposed locations, dimensions, and setbacks of any structure to be built or modified which is the subject of the Variance. If the Variance request concerns the elevation of a building, include an elevation drawing.

**SIGNATURES AND ACKNOWLEDGEMENT**

I, April Carder for Gail and William Brown, hereby certify that all of the information set forth above is true and accurate to the best of my knowledge.

  
Signature of Applicant

4/17/2025  
Date

GAIL & WILLIAM BROWN  
Printed Name of Applicant

**OFFICE USE ONLY**

Complete       Incomplete

\_\_\_\_\_  
Zoning Administrator Signature      Date

\_\_\_\_\_  
Printed Name of Zoning Administrator

Fee: \_\_\_\_\_ Paid:  Yes  No      Payment Method: \_\_\_\_\_

Scheduled Board of Adjustment Meeting Date: \_\_\_\_\_

## **Variance Application**

William P Brown, Gail King Brown  
222 Louisiana Rd., Montreat

### **Findings of Fact**

#### **MZO 310.42(A)**

Guest parking is on lower level of house. Current access requires climbing a straight run of 17 steep narrow (4 feet?) steps. Guest entry and deliveries of large items are difficult and may be unsafe on existing stairs.

#### **MZO 310.42(B)**

Parking options on the lot are limited to the lower drive and a drive on upper side of house. Access to the upper drive requires a vehicle with AWD due to the incline of the drive. Commercial trucks and vehicles that are not AWD spin out due to the incline of that gravel drive. Alteration to the drive would require engineering and permitting in a FEMA designated Special Flood Hazard Area (Northwest Corner where drive crosses right of way to connect with Louisiana Road). The lot is located on the large curve where Louisiana Road turns into John Knox Road. Parking on the street in front of the house creates a hazard for both vehicles and pedestrians.

#### **MZO 310.42(C)**

While these site conditions existed when we purchased the lot in 1998, our upcoming move to full-time residency in the house (26 years later) has made the obstacles more challenging.

#### **MZO 310.42(D)**

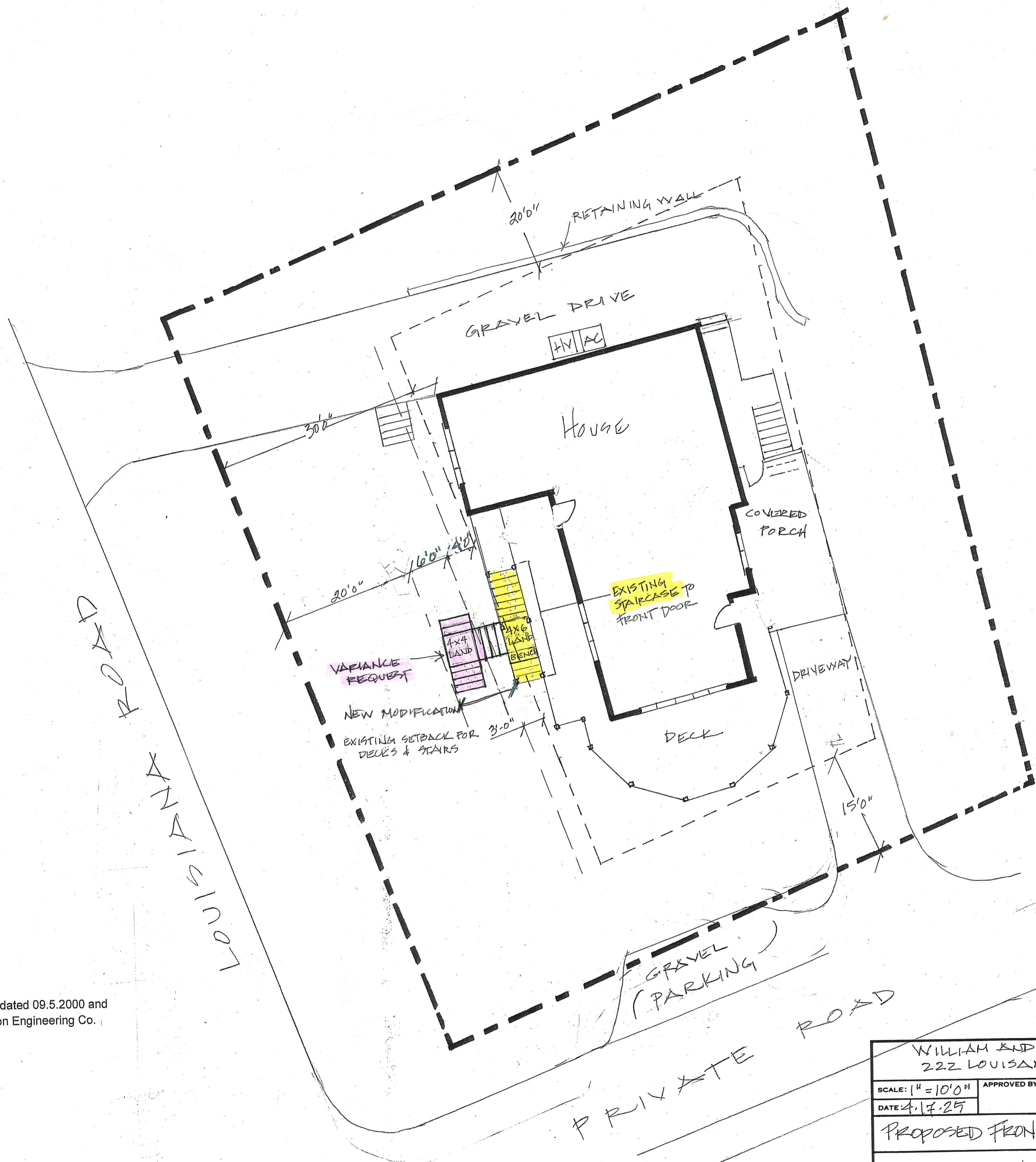
We believe that the variance requested is consistent with the spirit, purpose and intent of the Ordinance and would result in securing public safety and substantial justice.

#### **MZO 310.42(E)**

The variance request of six feet (6') is the minimum requirement necessary to accommodate a landing and steps which meet up with the outermost four feet (4') of the existing run of 17 steps. While the modifications will ultimately result in a 10' total setback adjustment, the definition of a setback line (page 16 of the TOM Zoning Ordinance) excludes "the outermost four feet (4') of any attached steps..." The modifications of existing steps to steps with landings is the most efficient means to achieve our goal of safe, accessible entry to our home.

#### **MZO 310.42(F)**

This variance would not violate applicable zoning requirements. Visually, the modification will not alter the view of the house from the street in any negative manner. Landscaping exists along the street that screens the view of the yard and additional landscaping will be done to enhance what already exists.



Plan Notes:

- Data sourced from Hurt Architecture Site Plan dated 09.5.2000 and
  - Plat Survey revised 12.9.2001 by Nilsson Engineering Co.
- References:
  - Deed Book 834, page 487
  - Plat Book 16, page 93
  - Black Mountain Twp
  - Tax Sheet 32, Lot 203
  - Buncombe Co., NC

WILLIAM AND GAIL BROWN 222 LOUISIANA RD, MONTREAT, NC 28757		
SCALE: 1" = 10' 0"	APPROVED BY:	DRAWN BY:
DATE: 4.17.25		REVISED:
PROPOSED FRONT ENTRANCE ADJUSTMENT		
IN-SITE OUT DESIGN · 828-777-1627		DRAWING NUMBER:

# Staff Report

## VA-2025-02

**Variance Request (VA-2025-02)** – A Variance request submitted by April Carter (on behalf of Property Owners, William P and Gail K Brown) for the lot addressed as 222 Louisiana Road, Montreat, NC 28711 and described as PIN#071076335800000 located on the east side of the intersection of Oak Lane and Louisiana Road. This Variance request is to Section 501.5 of the Montreat Zoning Ordinance to reduce the front setback requirement from 30 feet to 24 feet on the western side of the Subject Property for the purpose of constructing stairs to the existing dwelling.

[Note: Section 501 includes two Sections 501.5, the first is Minimum Lot Width and the second is Minimum Front Yard. For purposes of this Staff Report, references to Section 501.5 will mean the second Section 501.5 referring to Minimum Front Yard.]

Created by:

Kayla DiCristina, AICP, CZO  
Zoning Administrator  
Town of Montreat

Created for:

Montreat Board of Adjustment  
May 22, 2025

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## STAFF REPORT

See **STAFF FINDINGS** (i.e. Kayla DiCristina, AICP, CZO, Montreat Zoning Administrator) in addition to applicant-provided materials. **STAFF FINDINGS** contain references to the Montreat Zoning Ordinance (MZO) where noted. Only those findings relevant to the Variance requested are included in this staff report.

### Application Summary

The following report summarizes the Zoning Administrator's review of an application for a Variance submitted by April Carter (on behalf of Property Owners, William P and Gail K Brown) for the lot addressed as 222 Louisiana Road, Montreat, NC 28711 and described as PIN#071076335800000 located on the east side of the intersection of Oak Lane and Louisiana Road. This Variance request is to Section 501.5 of the Montreat Zoning Ordinance to reduce the front setback requirement from 30 feet to 24 feet on the western side of the Subject Property for the purpose of constructing stairs to the existing dwelling.

[Note: Section 501 includes two Sections 501.5, the first is Minimum Lot Width and the second is Minimum Front Yard. For purposes of this Staff Report, references to Section 501.5 will mean the second Section 501.5 referring to Minimum Front Yard.]

### Property Summary

**Parcel Identifier Number (PIN#):** 071076335800000

**Address:** 222 Louisiana Road  
Montreat, NC 28711

**Owner:** BROWN GAIL, BROWN WILLIAM  
517 S COLUMBIA DR,  
DECATUR, GA, 30030

**Applicant:** April Carter (on behalf of the Property Owners)

**Zoning:** R-1 Residential District.

**Current Land Use:** The Subject Property contains an existing single-family dwelling.

**Acres:** 0.23 acres.

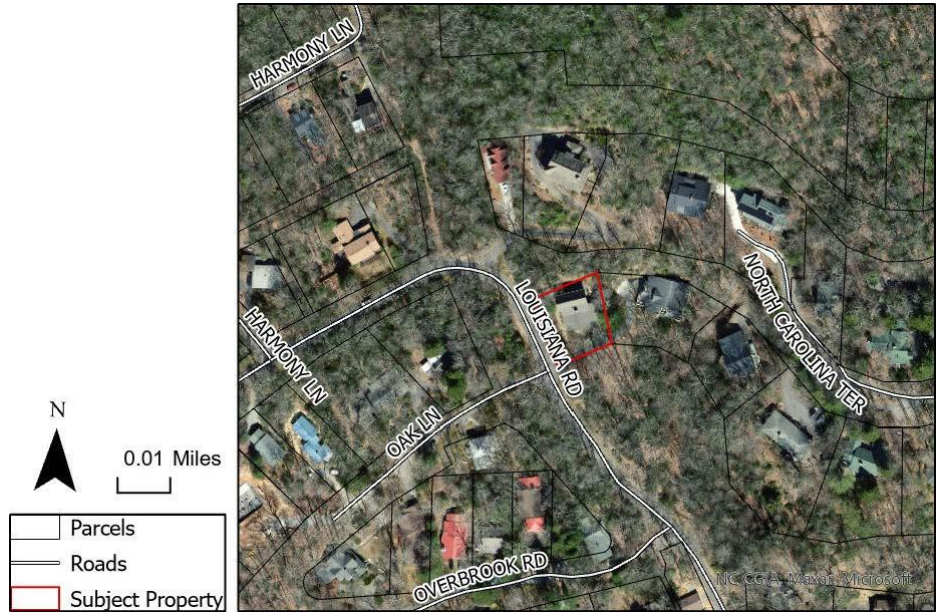


Figure 1: Subject Property Aerial

### Public Notice

Staff mailed notice to properties within 250 feet of the Subject Property on **May 8, 2025** (see Figure 2: 250 feet Public Notice for Variance Request). Staff posted the Subject Property on **May 8, 2025**. BOA Hearing: **May 22, 2025**.

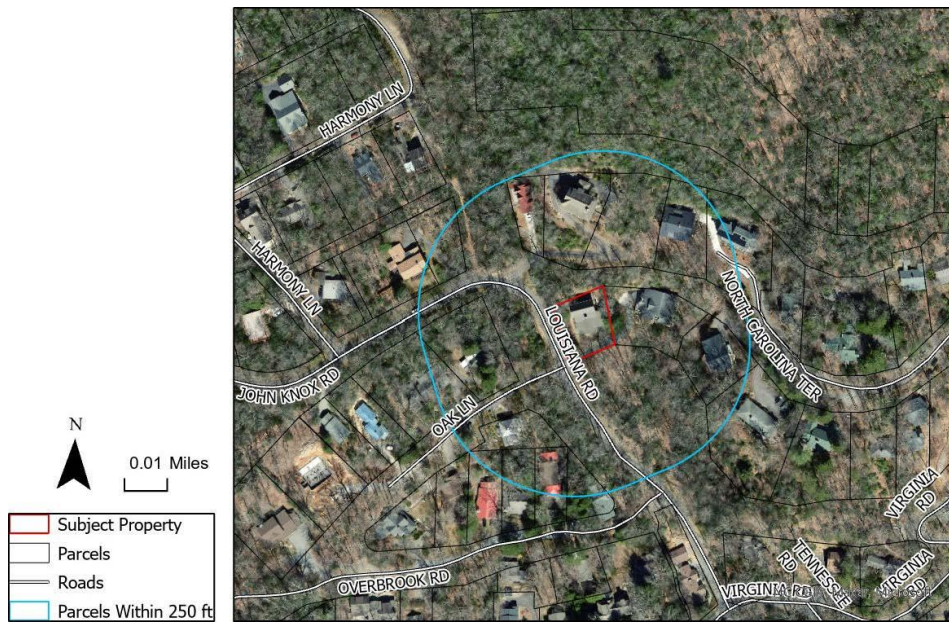


Figure 2: 250 feet Public Notice for Variance Request

## Variance Request

The Applicant, April Carter (on behalf of Property Owners, William P and Gail K Brown), requests that the Board of Adjustment grant a Variance to Section 501.5 of the Montreat Zoning Ordinance to reduce the front setback requirement from 30 feet to 24 feet on the western side of the Subject Property for the purpose of constructing stairs to the existing dwelling.

[Note: Section 501 includes two Sections 501.5, the first is Minimum Lot Width and the second is Minimum Front Yard. For purposes of this Staff Report, references to Section 501.5 will mean the second Section 501.5 referring to Minimum Front Yard.]

## Staff Findings

### Subject Property Summary

- ❖ The Subject Property is 0.23 acres and currently contains a single-family dwelling. The Applicant intends to construct new stairs attached to the existing dwelling.
- ❖ The Subject Property abuts the rights-of-way of North Carolina Terrace to the north and Louisiana Road to the west as well as right-of-way identified as solid green in the Mountain Retreat Association's Greenspace Agreement ("Agreement") to the south.
- ❖ The slope of the Subject Property is 18.97 percent.
- ❖ There are no streams or Special Flood Hazard Areas on the Subject Property.

## Subject Property & Surrounding Lots

### Land Use & Zoning

The Subject Property of the Variance request is in the R-1 Residential Zoning District (R-1). The existing single-family dwelling was built in approximately 1964 per the Buncombe County Tax Card for the Subject Property. The Applicant seeks to obtain a Variance to construct stairs to the existing dwelling on Subject Property

The Subject Property is bound on three sides by rights-of-way. To the north and west are the rights-of-way of North Carolina Terrace and Louisiana Road, respectively. Both are public roads maintained by the Town of Montreat. It is noted that the area of right-of-way immediately north of the Subject Property associated with North Carolina Terrace does not contain a roadway. Beyond this right-of-way in both directions are properties zoned R-1 containing existing single-family dwellings. To the south is right-of-way identified as solid green in the Agreement. This area is dedicated right-of-way and does not contain a road. Beyond this right-of-way are properties zoned R-1 Residential containing existing single-family dwellings. To the west is an existing single-family dwelling zoned R-1.

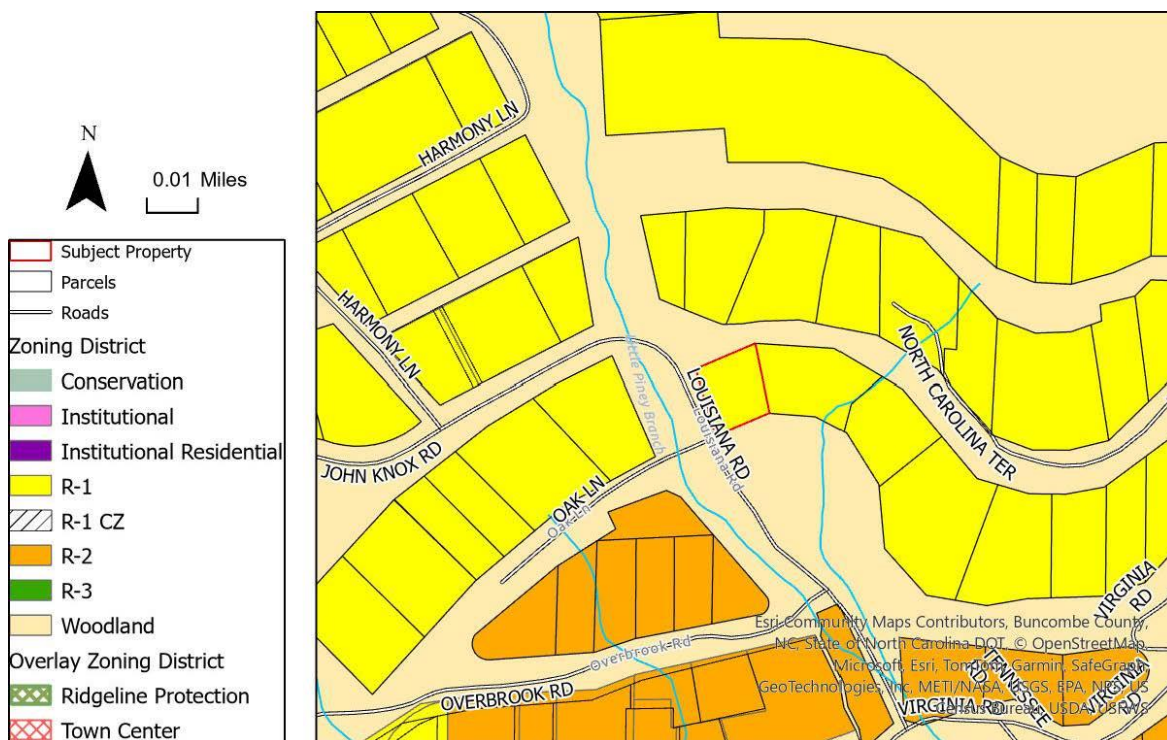


Figure 3: Subject Property and Surrounding Zoning

*Setbacks*

The Subject Property is in the R-1 Zoning District and is considered a double frontage lot abutting two or more streets. Double frontage lots are defined in the MZO as lots that have frontage on two separate streets and includes corner lots abutting three or more streets. Section 608 of the MZO regulates double frontage lots abutting more than two streets. Based on this section, the west and south sides of the Subject Property abutting Louisiana Road and solid green dedicated right-of-way are subject to the Minimum Front Yard setback for the R-1 Zoning District and the north and east sides of the Subject Property are subject to the Minimum Side Yard setback for the R-1 Zoning District.

The Applicant’s Variance request is to the front setback requirement from the Louisiana Road side of the Subject Property, per Section 501.5 of the MZO. Section 501 includes two Sections 501.5, the first is Minimum Lot Width and the second is Minimum Front Yard. For purposes of this Staff Report, references to Section 501.5 will mean the second Section 501.5 referring to Minimum Front Yard. Per the definition of a Setback Line, the outermost four feet of any attached steps may encroach into the required setbacks. Therefore, the Applicant’s requested Variance is for that portion of the proposed steps that is beyond the permitted four foot encroachment described above. The Applicant intends to meet the remaining setback requirements on the Subject Property.

The table below shows the required setbacks for the Subject Property and the requested setback Variance from the Applicant’s application.

	Required R-1 Zoning District Setback	Requested Variance
North (Side)	15 feet	N/A
South (Front)	30 feet	N/A
East (Side)	15 feet	N/A
West (Front)	30 feet	24 feet

*Lot Size*

The Subject Property is 0.23 acres.

*Topography*

The slope of the Subject Property, per the Buncombe County Steep Slope Calculator, is 18.97 percent. The Subject Property slopes downwards from northeast to southwest.

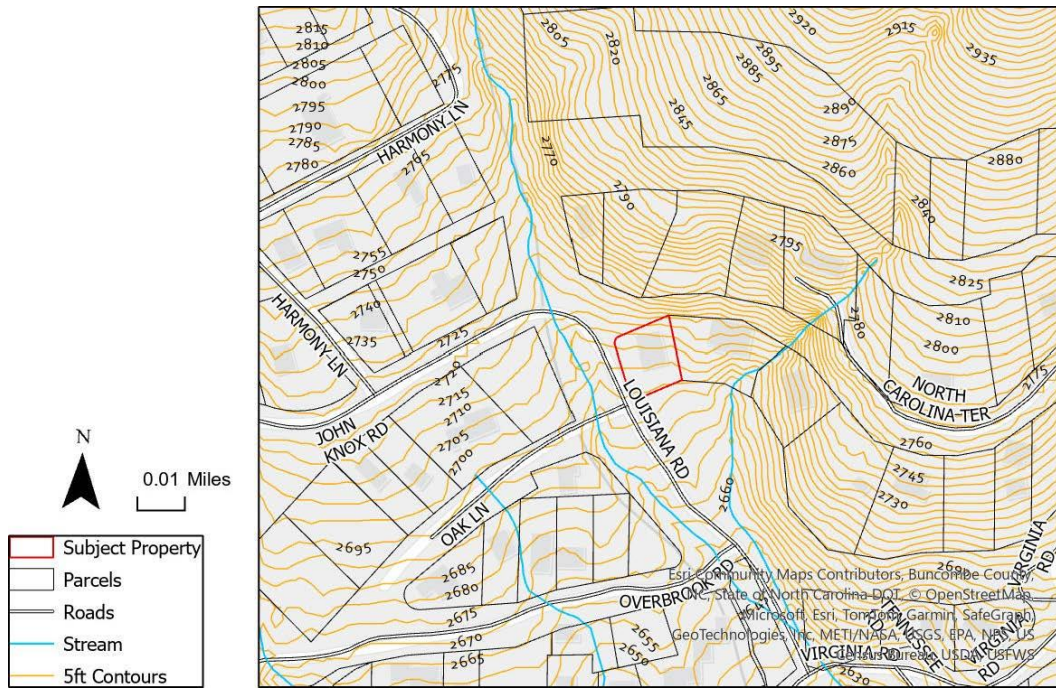


Figure 4: Subject Property and Surrounding Topography

*Rights-of-Way*

The Subject Property is bound on three sides by rights-of-way. To the north and west are the rights-of-way of North Carolina Terrace and Louisiana Road.

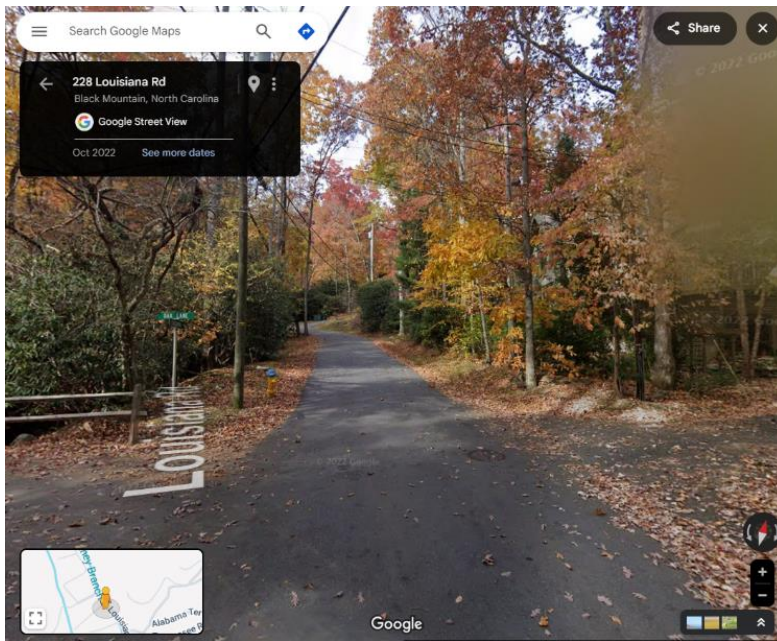


Figure 5: Louisiana Road Right-of-Way (West of Subject Property)

It is noted that the area of right-of-way immediately north of the Subject Property associated with North Carolina Terrace does not contain a roadway. There is a dedicated right-of-way to the south of the subject property. The image below shows an aerial of these rights-of-way.



Figure 6: Rights-of-Way (North & South of Subject Property)

**Water Features**

There are no streams or Special Flood Hazard Areas on the Subject Property. There is floodplain immediately to the west of the Subject Property. Prior to development permit issuance, the Applicant will be required to comply with the Town of Montreat’s General Ordinance Chapter K Article III.

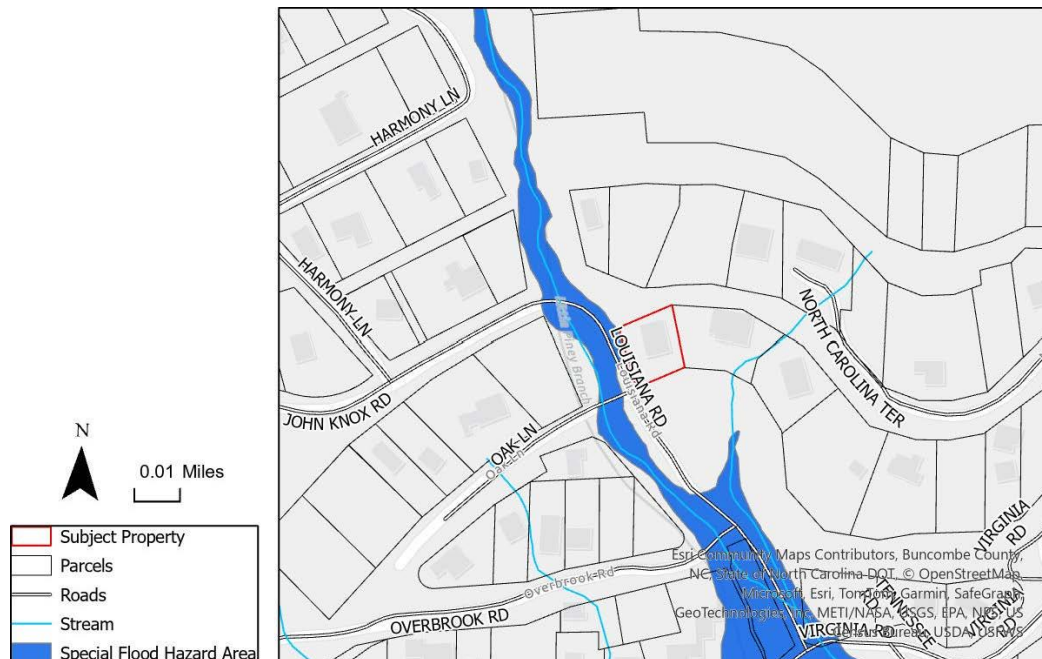


Figure 7: Subject Property and Water

## Template Variance Decision Language

The Board may use the language below, which is based on the Town's Zoning Ordinance, to discuss the elements required for Variance:

1. Unnecessary hardship [*would/would not*] result from the strict application of the Ordinance because...
2. The hardship results from conditions that [*are/are not*] peculiar to the property because...
3. That hardship [*did/did not*] result from actions taken by the applicant or the property owner because...
4. The variance [*is/is not*] consistent with the spirit, purpose, and intent of the ordinance ...
5. The variance requested [*is/is not*] the minimum variance that will make possible the requested use of the land because...
6. The variance [*is/is not*] a request to permit a use of land that is not permitted in the applicable Zoning District as the variance request is for...

The language below may be used to make a motion to approve, approve with conditions, or deny the Variance Request:

Motion for Decision: "I move that the Board [*approve/approve with conditions/deny*] the Variance Request VA-2025-02 to Section 501.5 of the Montreat Zoning Ordinance to reduce the front setback requirement from 30 feet to 24 feet on the western side of the Subject Property. [*List any conditions of approval in the motion, if applicable*]"

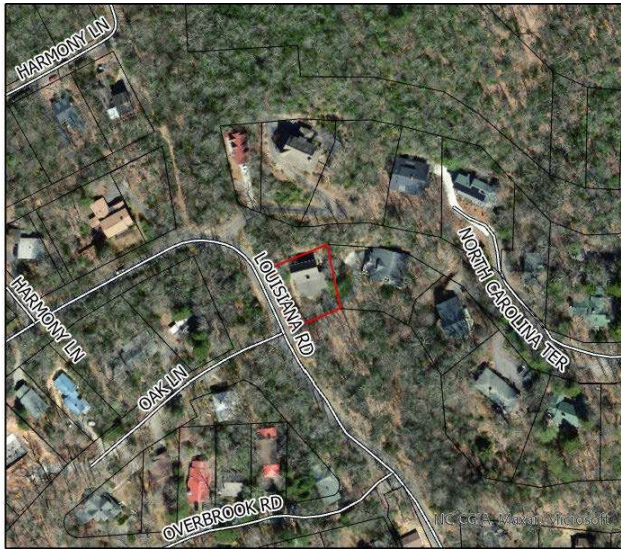
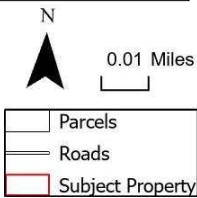
# VA-2025-02 Variance Request

PIN # 071076335800000  
Montreat Board of Adjustment  
May 22, 2025

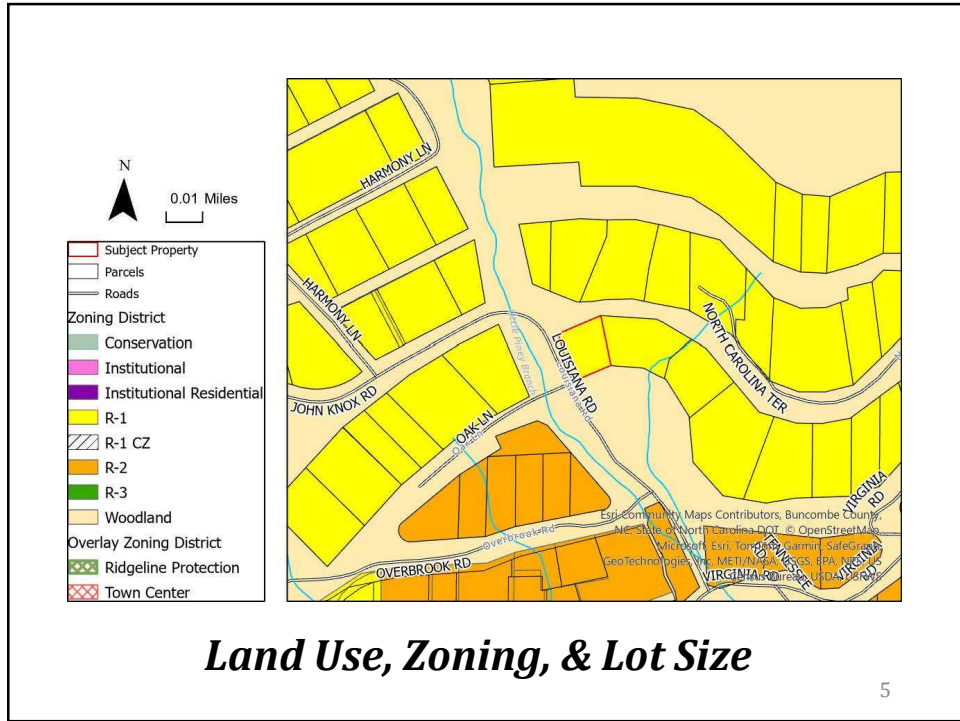


## Subject Property Overview

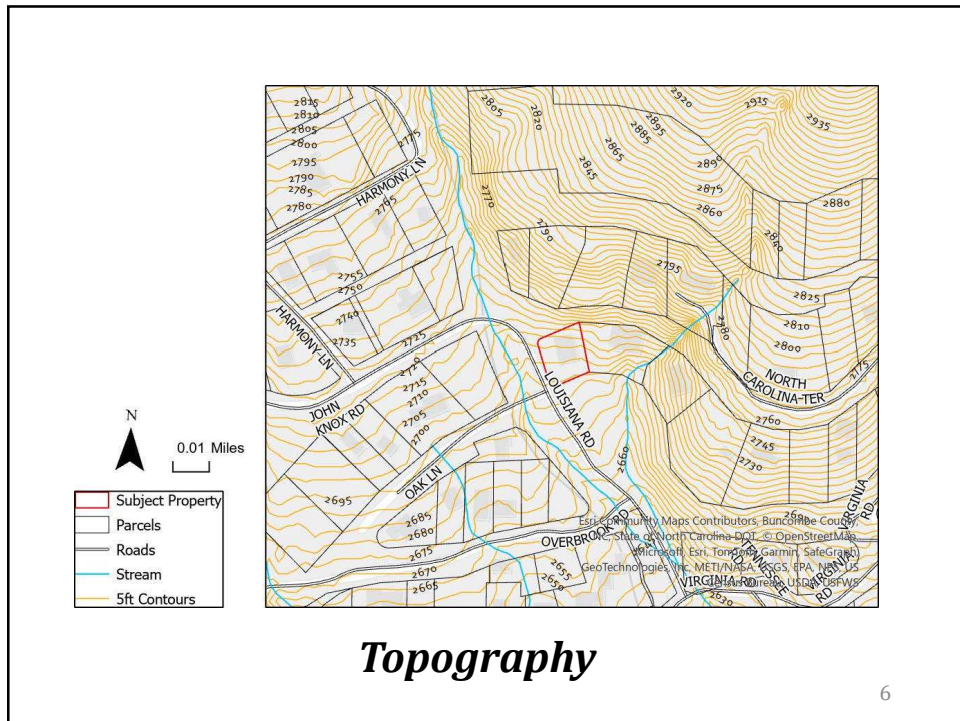
**PIN:** 071076335800000  
**ADDRESS:** 222 Louisiana Road,  
Montreat, NC 28711  
**OWNER:** WILLIAM & GAIL  
BROWN  
517 S COLUMBIA DR,  
DECATUR, GA, 30030  
**SIZE:** 0.23 acres  
**CURRENT ZONING AND USE:**  
R-1 Residential District;  
Contains an existing dwelling







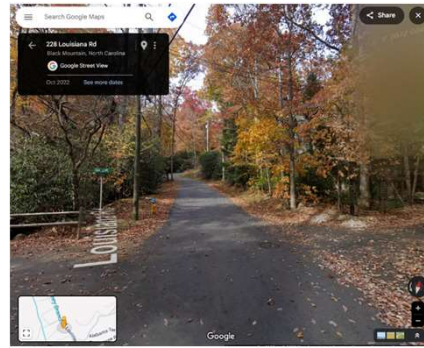
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## Rights-of-Way

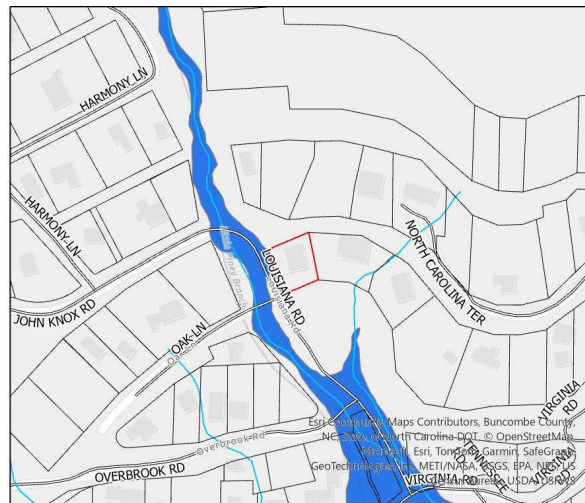
- ❖ Subject Property bounded on three sides by rights-of-way.
- ❖ Louisiana Road and North Carolina Terrace, public roads, to the west and north.
- ❖ Right-of-way identified as solid green in the Mountain Retreat Association Greenspace Agreement to the south.



↑  
**WEST OF  
SUBJECT  
PROPERTY**

←  
**NORTH & SOUTH  
OF SUBJECT  
PROPERTY**

7



## Water Features

8

8

## ***Board of Adjustment Decision***

The Board shall grant a Variance upon showing of **all** of the following:

**310.42(A)** Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the Variance, no reasonable use can be made of the property.

**310.42(B)** The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a Variance

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

**310.42(D)** The Variance is consistent with the spirit, purpose and intent of the Ordinance such that public safety is secured and substantial justice is achieved.

**310.42(E)** The Variance requested is the minimum Variance that will make possible the requested Use of the land, Building or Structure.

**310.42(F)** The Variance is not a request to permit a Use of land, Building or Structure which is not permitted in the applicable Zoning District.

As a note... If a Variance is granted it shall be the least possible deviation from the requirements of this Ordinance. In granting any Variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Setback Variances are granted for the development shown on the site plan included in the application.

9

9

# **VA-2025-02 Variance Request**

PIN # 071076335800000

Montreat Board of Adjustment

May 22, 2025



10

10



## VARIANCE APPLICATION

Town of Montreat Planning and Zoning  
1210 Montreat Road, Black Mountain, NC 28711 | (828) 669-8002

**REQUIRED FEE: \$350.00 (CASH OR CHECK)**

### APPLICANT INFORMATION

APPLICANT NAME: Kerr Revocable Trust, R. Martin Kerr, Jr, Trustee TELEPHONE: 704-622-6172  
MAILING ADDRESS: PO Box 1696 CITY: Davidson STATE: NC ZIP: 28036  
EMAIL: mkerr@flatcreekconstruction.com

### PROPERTY INFORMATION

ADDRESS: 364 Oklahoma Rd CITY: Montreat STATE: NC ZIP: 28711  
PIN#: 0720-15-8696 TOTAL ACREAGE: .38 FLOODPLAIN:  YES  NO  
ZONING: R-1 OTHER: \_\_\_\_\_ OVERLAY ZONING: N/A  
PROPERTY OWNER: Kerr Revocable Trust TELEPHONE: 704-622-6172  
MAILING ADDRESS: PO Box 1696 Davidson, NC 28036

### PROPOSED LAND USE

TYPE OF LAND USE:  Residential  Non-Residential  Other

DESCRIPTION OF PROPOSED DEVELOPMENT: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### VARIANCE REQUEST

MONTREAT ZONING ORDINANCE SECTION: 501.5 (front yard setback for a lot zoned R-1)  
DESCRIPTION OF REQUESTED VARIANCE: The variance request is to reduce the minimum front yard setback required from 30 ft to 13 ft along the south property line abutting Oklahoma Road to allow for removal of existing deck currently set back at 8 ft and replacing with screened porch in substantially same location but set 5 ft further back

### FINDINGS OF FACT

**THE TOWN OF MONTREAT'S BOARD OF ADJUSTMENT WILL RENDER A DECISION ON THIS APPLICATION AT A PUBLIC HEARING. IN APPROVING THE REQUEST, THE BOARD OF ADJUSTMENT WILL EXAMINE THE APPLICATION AND MUST FIND THAT THE FOLLOWING SIX ELEMENTS ARE SATISFIED IN THE PROPOSAL:**

**MZO 310.42(A)** *Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the Variance, no reasonable use can be made of the property.*

**MZO 310.42(B)** *The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a Variance.*

**MZO 310.42(C)** The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a Variance shall not be regarded as a self-created hardship.

**MZO 310.42(D)** The Variance is consistent with the spirit, purpose and intent of the Ordinance such that public safety is secured and substantial justice is achieved.

**MZO 310.42(E)** The Variance requested is the minimum Variance that will make possible the requested Use of the land, Building or Structure.

**MZO 310.42(F)** The Variance is not a request to permit a Use of land, Building or Structure which is not permitted in the applicable Zoning District.

**ATTACHMENTS**

**THIS APPLICATION MUST BE ACCOMPANIED BY THE FOLLOWING ATTACHMENTS:**

1. A copy of the deed for the property which is the subject of the application for a Variance, a copy of the plat showing such property if one exists, and any contract to purchase or other relevant documents.
2. A response to the six findings listed above and found in the Montreat Zoning Ordinance Section 310.42.
3. A to scale site plan showing the existing property conditions (including the adjoining road and any existing improvements) and the proposed locations, dimensions, and setbacks of any structure to be built or modified which is the subject of the Variance. If the Variance request concerns the elevation of a building, include an elevation drawing.

**SIGNATURES AND ACKNOWLEDGEMENT**

I, R. Martin Kerr, Jr., Trustee, hereby certify that all of the information set forth above is true and accurate to the best of my knowledge.

*R. Martin Kerr, Jr., Trustee*  
Signature of Applicant

May 1, 2025  
Date

R, Martin Kerr, Jr  
Printed Name of Applicant

**OFFICE USE ONLY**

Complete       Incomplete

*Kayla DiCristina*  
Zoning Administrator Signature

05/01/2025  
Date

Kayla DiCristina  
Printed Name of Zoning Administrator

Fee: Check

Paid:  Yes     No

Payment Method: \_\_\_\_\_

Scheduled Board of Adjustment Meeting Date: June 26, 2025

**Town of Montreat Variance Application**  
**Supporting Information**

RE: Kerr Revocable Trust at 364 Oklahoma Road, Montreat, Buncombe County, NC 28711  
Parcel No. 368, P.I.N. 0720-15-8696 , Zoned Residential R-1

Background: The applicant requests a variance from the Town of Montreat Zoning Ordinance in order to construct a screened porch on the west side of the existing home. The variance request is to reduce the minimum front yard setback required by Section 501.5 (front yard setback for a lot zoned R-1) from 30 ft. to 13 ft. along the south property line abutting Oklahoma Road. Responses to the six findings listed in the Town of Montreat Zoning Ordinance, Section 310.42 are as follows:

**MZO 310.42(A) Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the Variance, no reasonable use can be made of the property.**

*Due to topography and vegetation specific to the lot, and arrangement of rooms within the home, the setback variance would be necessary to position the screened porch as shown on the Site Plan. This is the only way to avoid removing a 15" dbh white oak tree, an existing underground oil storage tank, and an existing air handling unit located on the west side of the existing house. All of these would obstruct the construction of a screened porch if it were placed further to the north in order to conform to the required 30 ft. front yard setback.*

**MZO 310.42(B) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a Variance.**

*My parents, Russell M. Kerr and Nancy D. Kerr, purchased the property and built the house in 1957 before the Town of Montreat was incorporated. There were no setback regulations at the time. Therefore, the house was positioned on the lot based on economic decisions regarding the topography of the lot and the logical point of access to Oklahoma Road. As it happened, half of the original house is now located inside the regulatory 30 ft. front yard setback that was imposed by the Town long after the house was built and occupied. Therefore, the house is a legal non-conforming structure. We believe it is customary to have a screened porch in Montreat and that it would immeasurably add to the reasonable use and enjoyment of the home by our family despite the minor infringement on the front yard setback*

*Due to topography and vegetation specific to the lot, and arrangement of rooms within the home, it is appropriate to position the proposed screened porch as shown on the Site Plan. In order to conform to the 30 ft. front yard setback construction of the screened porch would require removing a mature tree and relocating the existing underground oil storage tank and air handling unit that are also located on the west side of the existing house. Also, the arrangement of rooms in our home is such that if we located the screened porch behind the front yard setback line we would be unable to access the screened porch from the living room where it needs to be accessed and require access solely from a bedroom thus disrupting the privacy of that room's occupants. The basic problem is that the house was always located well within the subsequently imposed setback line and we cannot remedy that now.*

**MZO 310.42(C) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a Variance shall not be regarded as a self-created hardship.**

*The hardship results from the imposition of setback requirements by the Town after our house was legally constructed in its current location in 1957. Our family inherited the house through a Trust established by my father who legally built the house without having to meet a front yard setback line.*

**MZO 310.42(D) The Variance is consistent with the spirit, purpose and intent of the Ordinance such that public safety is secured and substantial justice is achieved.**

*There are no inherent public safety concerns associated with this variance request. Substantial justice is achieved by granting this variance. Construction of the proposed screened porch lying partially within the front yard setback will not impact our neighbors since all are some distance away and they do not have direct sight lines to our house. The screened porch is in substantially the same location as an existing deck that was constructed by my father within the front yard setback in 1991.*

**MZO 310.42(E) The Variance requested is the minimum Variance that will make possible the requested Use of the land, Building or Structure.**

*Due to topography and vegetation specific to the lot, the location of an existing 15" dbh white oak tree, position of the underground oil tank and air handling unit on the west side of the house, and arrangement of rooms within the home, the location of the proposed screened porch as shown on the Site Plan results in the minimum Variance that will make possible the requested use of the home.*

**MZO 310.42(F) The Variance is not a request to permit a Use of land, Building or Structure which is not permitted in the applicable Zoning District.**

*This Variance is a request to permit addition of a screened porch to an existing house that is a legal non-conforming structure in the R-1 zoning district. It will not constitute a Use of land, Building or Structure which is not permitted in the applicable Zoning District.*

**ATTACHED DRAWINGS:**

1. A copy of the deed for the property that is the subject of the application for a Variance.
2. A copy of a current survey showing the dimensions of existing property lines, location of Oklahoma Road, location of the house on the lot, and lot lines of adjacent property ownership with acreage of those lots.
3. A scaled site plan showing the existing property conditions (including the adjoining road and any existing improvements) and the proposed locations, dimensions, and setbacks of the house and the proposed screened porch that is the subject of the Variance. Note the location of the 15" tree, underground oil tank, and HVAC unit.
4. Elevations of the house, including the proposed screen porch addition.
5. A floor plan of the house showing the location and extent of the proposed screen porch.

BK 2048 PG 395

REGISTERED

1998 SEP 17 P 12: 24

*William D. Bull*  
REGISTER OF DEEDS  
BUNCOMBE CO. N.C.

Excise Tax \$0.00

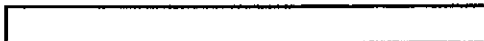
Recording Time, Book and Page

Tax Lot No. .... Parcel Identifier No. ....  
Verified by ..... County on the ..... day of ....., 19 ....  
by .....

Mail after recording to Wm. Michael Begley, P.A, 103 Richardson Boulevard, Black Mountain, NC  
28711

This instrument was prepared by Wm. Michael Begley

Brief description for the Index



### NORTH CAROLINA NON-WARRANTY DEED

THIS DEED made this 14th day of September, 1998, by and between

GRANTOR	GRANTEE
Russell M. Kerr, widower	Kerr Revocable Trust
	P. O. Box 154 Montreat, NC 28757

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

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

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

Being all of Lot 368 and the Southern one-half (1/2) of Lot 367 as shown on a Plat of Mountain Retreat Association, which said Plat is duly recorded in the Office of the Register of Deeds for Buncombe County, North Carolina in Plat Book 16, Page 97, reference to which said Plat is hereby made for a more particular metes and bounds description of said property.

000438

BK 2048 PG 396

The property hereinabove described was acquired by Grantor by instrument recorded in the Buncombe County, N.C. Registry in Deed Book 789, Page 234 and Deed Book 914, Page 253

A map showing the above described property is recorded in

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

The Grantor makes no warranty, express or implied, as to title to the property hereinabove described.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

.....  
(Corporate Name)

By: .....  
..... President

ATTEST: .....

..... Secretary (Corporate Seal)

USE BLACK INK ONLY

*Russell M. Kerr* ..... (SEAL)  
Russell M. Kerr, widower

..... (SEAL)

..... (SEAL)

..... (SEAL)



NORTH CAROLINA, Buncombe County.

I, a Notary Public of the County and State aforesaid, certify that Russell M. Kerr, widower, Grantor,

personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 14<sup>th</sup> day of September, 1998

My commission expires: 12-08-2001 *Rhonda K. Ammons* Notary Public

SEAL - STAMP NORTH CAROLINA, Buncombe County.

I, a Notary Public of the County and State aforesaid, certify that ..... personally came before me this day and acknowledged that ..... he is ..... Secretary of ..... a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its ..... President, sealed with its corporate seal and attested by ..... as its ..... Secretary. Witness my hand and official stamp or seal, this ..... day of ..... 19.....

My commission expires: ..... Notary Public

The foregoing Certificate(s) of *Rhonda K. Ammons*

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

*Otto W. DeBuhl* REGISTER OF DEEDS FOR *Buncombe* COUNTY  
By *Sandra M. Davis* Deputy Assistant-Register of Deeds.

I, JOHN M. STOLLERY, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN D.B. 2048, P. 395 AND P.B. 16, P. 97.) THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS BROKEN LINES AS DRAWN FROM INFORMATION FOUND IN OTHER REFERENCE SOURCES; THAT THE RATIO OF PRECISION IS 1:10,000; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600). THIS 3rd DAY OF DECEMBER, 2024.

DocuSigned by:  
**John M. Stollery**  
39A5B113EA844FF

PROFESSIONAL LAND SURVEYOR  
LICENSE NUMBER L-2996



**371**  
P.B. 16, P. 97  
Crosse Holdings, LLC.  
D.B. 6163, P. 74

**370**  
P.B. 16, P. 97  
Crosse Holdings, LLC.  
D.B. 6163, P. 74

**369**  
P.B. 16, P. 97  
Zachary D. Taylor  
Elizabeth B. Taylor  
D.B. 4972, P. 1097

**922**  
P.B. 16, P. 97  
Walter A. Bartlett III  
Katherine Bartlett  
Revoc. Trust  
D.B. 4862 P. 1433

**923**  
P.B. 16, P. 97  
Nancy T. Andrews  
D.B. 4725 P. 1733

**Mountain Retreat Association**  
D.B. 3793, P. 141  
P.B. 38, P. 76

**365**  
P.B. 16, P. 97

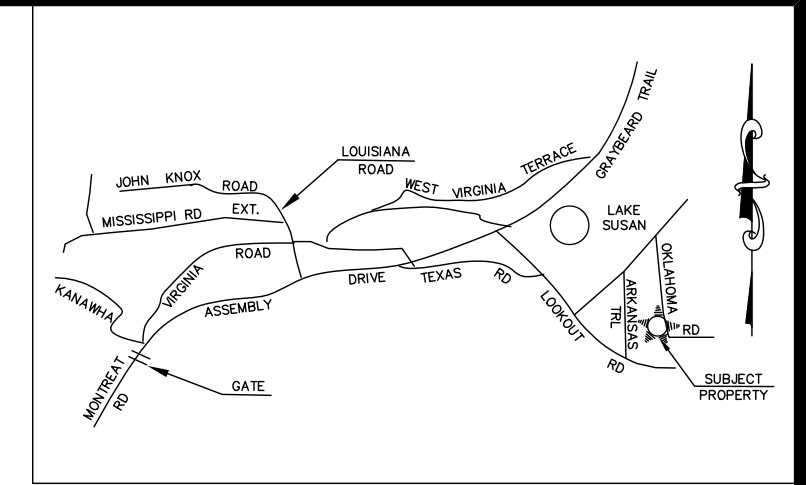
**Russell M. Kerr  
Sallie T. Kerr**  
D.B. 4473, P. 766 Tr. 1

**366**  
P.B. 16, P. 97

**Russell M. Kerr  
Sallie T. Kerr**  
D.B. 4473, P. 766 Tr. 2  
P.B. 16, P. 97 Portion of Lot 367

**368**  
P.B. 16, P. 97

1 1/2" IPF AT SW COR. OF  
LOT 1063 P.B. 19, P. 97  
(P.B. 66, P. 74)



LOCATION MAP

LEGEND

- NGS GEODETIC MONUMENT
- CONCRETE MONUMENT FOUND
- PLANTED STONE FOUND
- IRON PIN FOUND-SIZE AS NOTED
- REBAR FOUND-SIZE AS NOTED
- #5 REBAR W/ ID CAP SET
- CALCULATED POINT-NOT SET
- FIRE HYDRANT
- SEWER CLEANOUT
- ELECTRIC METER
- GAS METER
- PHONE PEDESTAL
- WATER VALVE
- WATER METER
- HEAT PUMP
- AREA LIGHT
- EXISTING MANHOLE & SEWERLINE
- UTILITY POLE & OVERHEAD LINES
- STORM DRAIN

**Mountain Retreat Association**  
D.B. 103, P. 31

Boundary Survey for:  
**Kerr Revocable Trust**  
P.I.N. 0720-15-8696  
Town of Montreat, Buncombe County, NC

1 inch = 20' ft. December 3, 2024

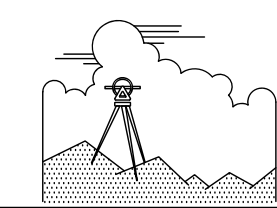


REFERENCES:

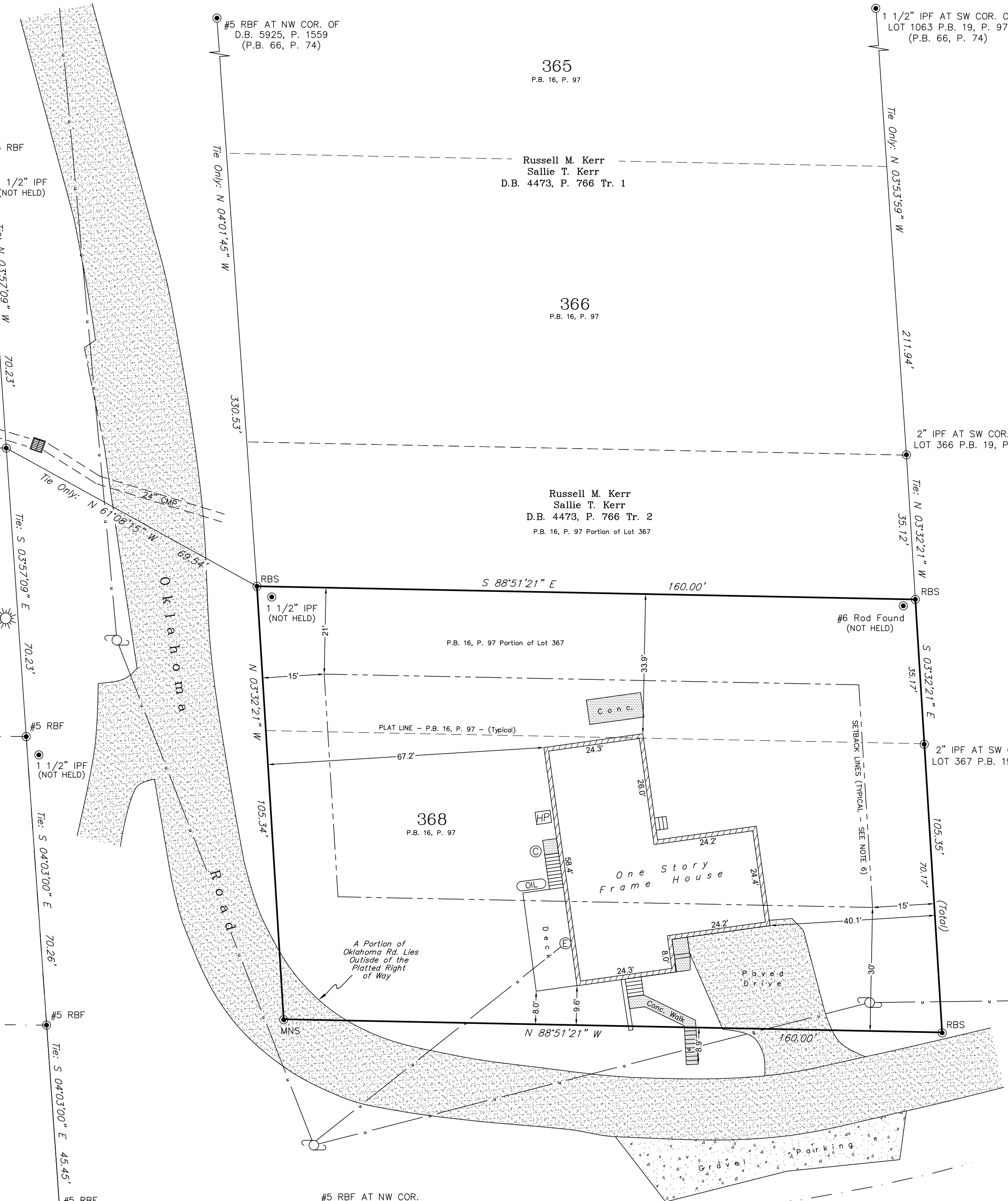
DEED BOOK	2048,	PAGE	395
DEED BOOK	789,	PAGE	234 (Rest. & Cov.)
PLAT BOOK	914,	PAGE	253 (Rest. & Cov.)
PLAT BOOK	16,	PAGE	97

**HIGH COUNTRY SURVEYORS, INC.**  
403-B WEST STATE ST., BLACK MOUNTAIN, NC 28711 (828) 664-0091  
HIGHCOUNTRYSURVEYORS.NET CORPORATE LICENSE NUMBER C-1854

**AREA = 0.386 ACRE**  
By Coord. Computation



- NOTES**
- THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE SEARCH, AND MAY NOT SHOW ALL EASEMENTS, RESTRICTIONS, RIGHTS OF WAY, ENCUMBRANCES, OR OTHER FACTS THAT MAY BE DISCLOSED BY A FULL TITLE EXAMINATION PERFORMED BY AN ATTORNEY AT LAW. THIS SURVEY SHALL NOT BE CONSIDERED A CERTIFICATION OF OWNERSHIP, ZONING, TITLE, OR GUARANTEE THAT THE PROPERTY IS FREE FROM ENCUMBRANCES.
  - BASIS OF BEARING: PLAT NORTH P.B. 16, P. 97. ALL DISTANCES SHOWN ON THIS PLAT ARE HORIZONTAL GROUND DISTANCES.
  - UNLESS STATED OTHERWISE HEREON, ONLY EVIDENCE OF EASEMENTS, BURIED UTILITIES, PIPELINES, OR STRUCTURES THERETO WHICH ARE READILY APPARENT FROM A CASUAL ABOVE GROUND VIEW OF PREMISES ARE SHOWN. INTERESTED PARTIES SHOULD INVESTIGATE THE EXISTENCE OF EASEMENTS, BURIED UTILITIES, OR PIPELINES, IF ANY, AND VERIFY. NO LIABILITY IS ASSUMED BY HIGH COUNTRY SURVEYORS, INC. FOR ANY LOSS THAT MAY BE ASSOCIATED WITH THE EXISTENCE OF ANY EASEMENT, BURIED UTILITY, OR PIPELINE ON THE PREMISES.
  - THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY FEMA. SEE FIRM 3710072000J DATED 01.06.2010.
  - UNDERGROUND SEWERLINE INFORMATION IS TAKEN FROM BUNCOMBE COUNTY MSD GIS INFORMATION, AND HAS NOT BEEN FIELD VERIFIED.
  - THIS PROPERTY IS ZONED R-1 BY THE TOWN OF MONTREAT. SETBACKS: 30' FRONT, 15' SIDE, 20% MEAN LOT DEPTH (21') REAR. SEE THE TOWN OF MONTREAT ZONING ORDINANCE FOR MORE INFORMATION. THIS PROPERTY IS ALSO SUBJECT TO RESTRICTIVE COVENANTS AS DESCRIBED IN D.B. 789, P. 234, D.B. 914, P. 253 AND ANY ADDITIONAL AMENDMENTS OR SUPPLEMENTAL DECLARATIONS PERTAINING THERETO. INTERESTED PARTIES SHOULD INVESTIGATE ALL EXISTING RESTRICTIONS PRIOR TO DESIGN OR CONSTRUCTION.
  - ANY STREAMS, CREEKS, PONDS, LAKES, WETLANDS, ETC. LOCATED ON THIS PROPERTY, SHOWN OR NOT SHOWN HEREON, MAY BE SUBJECT TO BUFFER AREAS. IT IS THE OWNER'S/DEVELOPER'S RESPONSIBILITY TO HAVE THE AREAS DESIGNATED BY THE PROPER AUTHORITIES TO MAKE THESE DETERMINATIONS.
  - EXISTING HOUSE DOES NOT MEET TOWN OF MONTREAT SETBACK REQUIREMENTS AND IS CONSIDERED AN EXISTING NON-CONFORMING STRUCTURE.



371  
CROSSE HOLDINGS, LLC  
R-1 (0.21 AC.)

370  
CROSSE HOLDINGS, LLC  
R-1 (0.24 AC.)

369  
ZACHRY D TAYLOR  
ELIZABETH E. TAYLOR  
R-1 (0.21 AC.)

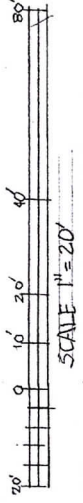
366  
RUSSELL M. KERR  
& SALLIE J. KERR  
R-1 (0.58 AC.)

MOUNTAIN RETREAT ASSOCIATION  
ZONED INSTITUTIONAL (28.37 AC.)

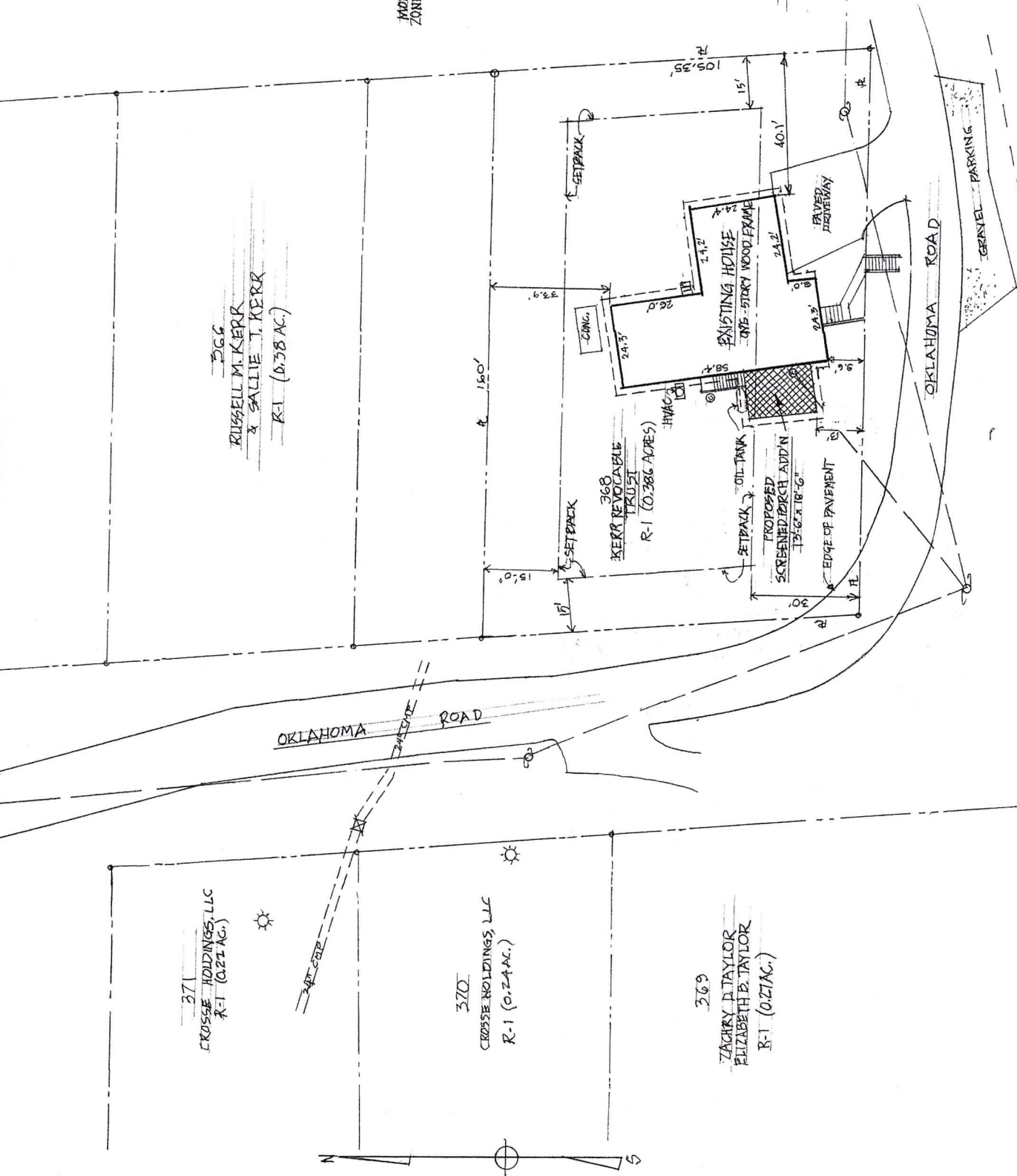
# SITE PLAN

KERR REVOCABLE TRUST  
"KERRPORT"  
APRIL 15, 2025

NO STREAMS OR AREAS WITHIN THE  
REGULATORY FLOODPLAIN ARE FOUND  
WITHIN THE LIMITS OF THIS DRAWING.



NOTE: THIS DRAWING WAS BASED ON A SURVEY  
BY HIGH COUNTRY SURVEYORS - 12.2.24

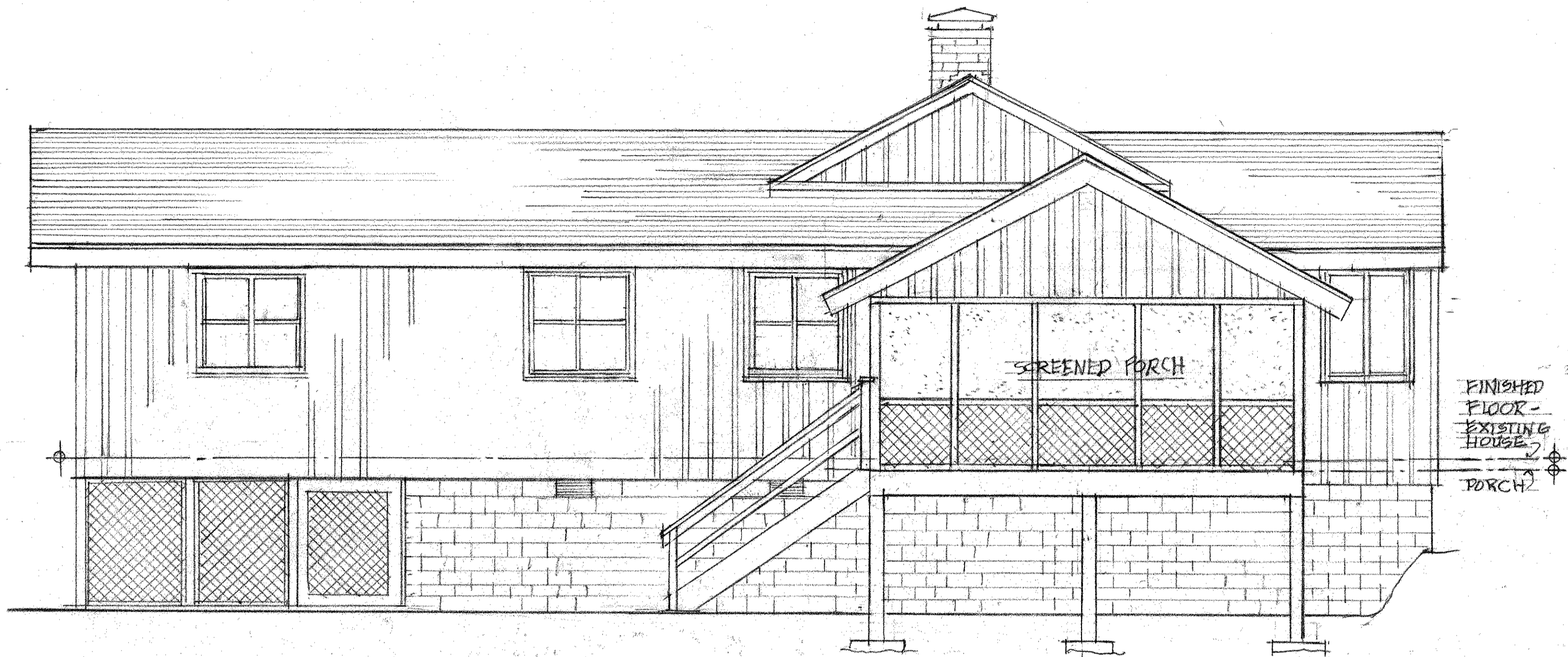


MOUNTAIN RETREAT  
ASSOCIATION  
ZONED INSTITUTIONAL (28.37 AC.)

922  
WALTER A. PARTLET II /  
KATHERINE PARTLET  
REVOCABLE TRUST  
R-1 (0.32 AC.)

ALVA WEAVER WHITEHEAD  
TRUST  
R-1 (0.62 AC.)

923  
NANCY T. ANDREWS  
REVOCABLE TRUST  
R-1 (0.28 AC.)



WEST ELEVATION



SOUTH ELEVATION

THE KERRPORT of MONTREAT  
APRIL 15, 2025



# Staff Report

## VA-2025-03

**Variance Request (VA-2025-03)** – A Variance request submitted by Martin Kerr (on behalf of Property Owner, Kerr Revocable Trust) for the lot addressed as 364 Oklahoma Road, Montreat, NC 28711 and described as PIN#07201586960000 located 1,000 feet south of the intersection of Appalachian Way and Oklahoma Road. This Variance request is to Section 501.5 of the Montreat Zoning Ordinance to reduce the front setback requirement from 30 feet to 13 feet on the southern side of the Subject Property for the purpose of constructing a screened porch.

[Note: Section 501 includes two Sections 501.5, the first is Minimum Lot Width and the second is Minimum Front Yard. For purposes of this Staff Report, references to Section 501.5 will mean the second Section 501.5 referring to Minimum Front Yard.]

Created by:

Kayla DiCristina, AICP, CZO  
Zoning Administrator  
Town of Montreat

Created for:

Montreat Board of Adjustment  
June 26, 2025

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## STAFF REPORT

See **STAFF FINDINGS** (i.e. Kayla DiCristina, AICP, CZO, Montreat Zoning Administrator) in addition to applicant-provided materials. **STAFF FINDINGS** contain references to the Montreat Zoning Ordinance (MZO) where noted. Only those findings relevant to the Variance requested are included in this staff report.

### Application Summary

The following report summarizes the Zoning Administrator's review of an application for a Variance by Martin Kerr (on behalf of Property Owner, Kerr Revocable Trust) for the lot addressed as 364 Oklahoma Road, Montreat, NC 28711 and described as PIN#07201586960000 located approximately 1,000 feet south of the intersection of Appalachian Way and Oklahoma Road. This Variance request is to Section 501.5 of the Montreat Zoning Ordinance to reduce the front setback requirement from 30 feet to 13 feet on the southern side of the Subject Property for the purpose of constructing a screened porch.

[Note: Section 501 includes two Sections 501.5, the first is Minimum Lot Width and the second is Minimum Front Yard. For purposes of this Staff Report, references to Section 501.5 will mean the second Section 501.5 referring to Minimum Front Yard.]

### Property Summary

**Parcel Identifier Number (PIN#):** 07201586960000

**Address:** 364 Oklahoma Road  
Montreat, NC 28711

**Owner:** KERR REVOCABLE TRUST  
258 PAT STOUGH LN,  
DAVIDSON, NC, 28036

**Applicant:** Martin Kerr (on behalf of the Property Owners)

**Zoning:** R-1 Residential District.

**Current Land Use:** The Subject Property contains an existing single-family dwelling.

**Acres:** 0.37 acres.



Figure 1: Subject Property Aerial

**Public Notice**

Staff mailed notice to properties within 250 feet of the Subject Property on **June 12, 2025** (see Figure 2: 250 feet Public Notice for Variance Request). Staff posted the Subject Property on **June 12, 2025**. BOA Hearing: **June 26, 2025**.

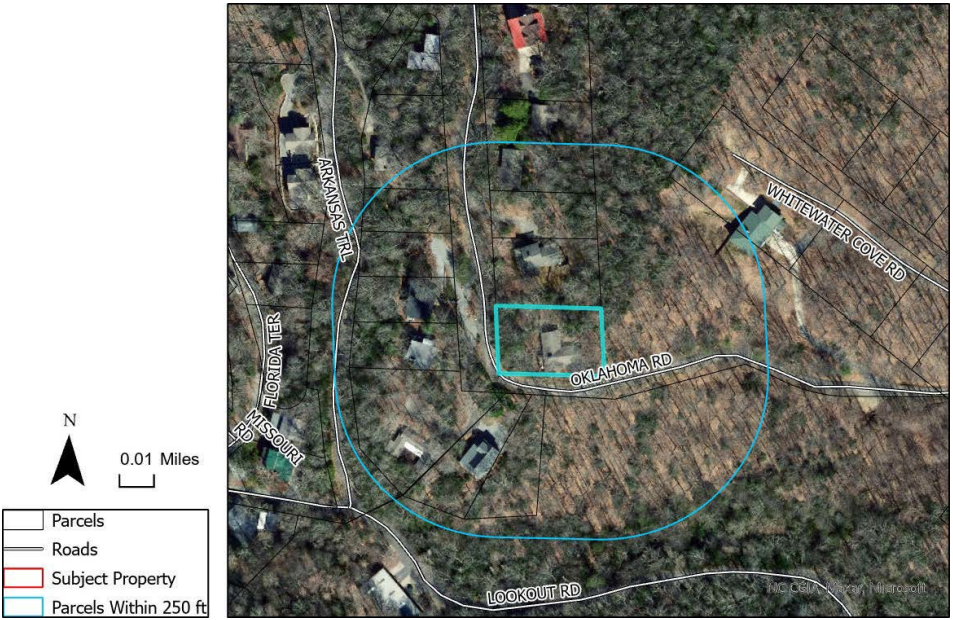


Figure 2: 250 feet Public Notice for Variance Request

## Variance Request

The Applicant, Martin Kerr (on behalf of Property Owner, Kerr Revocable Trust), requests that the Board of Adjustment grant Variance to Section 501.5 of the Montreat Zoning Ordinance to reduce the front setback requirement from 30 feet to 13 feet on the southern side of the Subject Property for the purpose of constructing a screened porch.

[Note: Section 501 includes two Sections 501.5, the first is Minimum Lot Width and the second is Minimum Front Yard. For purposes of this Staff Report, references to Section 501.5 will mean the second Section 501.5 referring to Minimum Front Yard.]

## Staff Findings

### Subject Property Summary

- ❖ The Subject Property is 0.37 acres and currently contains a single-family dwelling. The Applicant intends to construct a screen porch attached to the existing dwelling. There is currently a deck, which the Applicant intends to remove.
- ❖ The Subject Property abuts the right-of-way of Oklahoma Road on two sides to the west and south of the Subject Property.
- ❖ The slope of the Subject Property is 28.42 percent.
- ❖ There are no streams or Special Flood Hazard Areas on the Subject Property.

## Subject Property & Surrounding Lots

### Land Use & Zoning

The Subject Property of the Variance request is in the R-1 Residential Zoning District (R-1). The existing single-family dwelling was built in approximately 1959 per the Buncombe County Tax Card for the Subject Property. The Applicant seeks to obtain a Variance to construct a screened porch attached to the existing dwelling on Subject Property. There is currently a deck, which the Applicant intends to remove.

The Subject Property is bound on two sides by the right-of-way of Oklahoma Road. Oklahoma Road is a public road maintained by the Town of Montreat. Beyond this right-of-way to the west are single-family dwellings zoned R-1 and to the south are single-family dwellings zoned R-1 and a property zoned Institutional containing a maintenance building associated with Montreat College. To the north is a single-family dwelling zoned R-1. To the east is vacant land zoned Woodland.

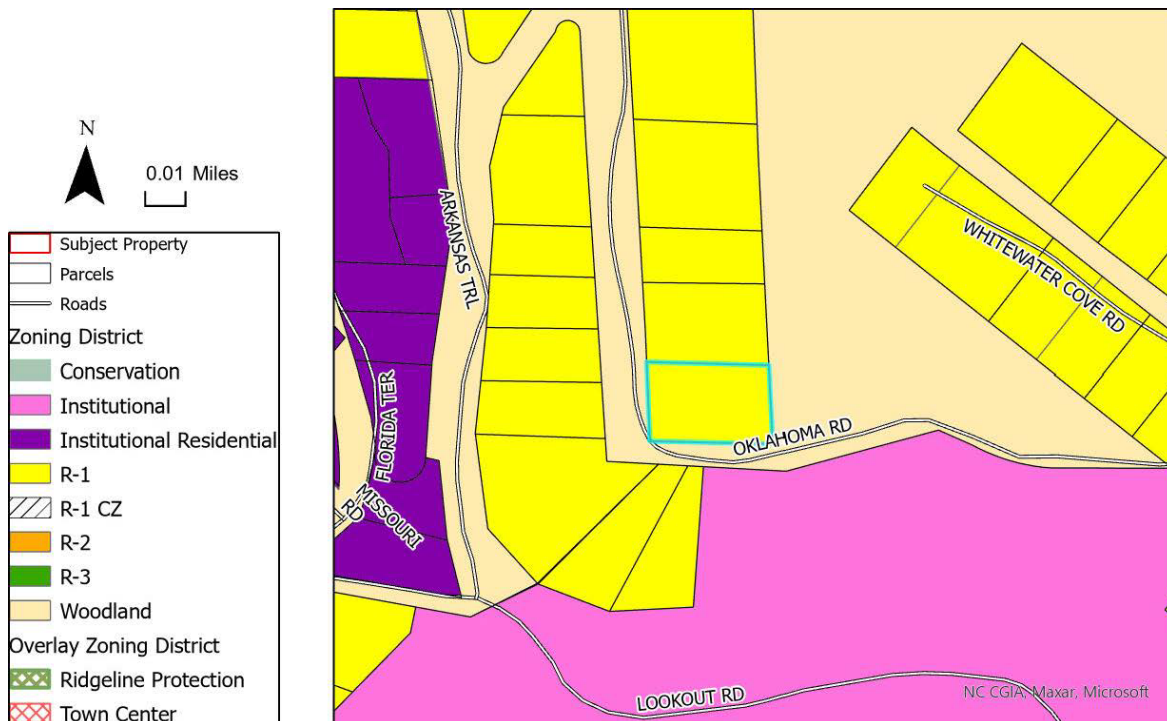


Figure 3: Subject Property and Surrounding Zoning

*Setbacks*

The Subject Property is in the R-1 Zoning District and is considered a corner frontage lot abutting two streets. Corner frontage lots are defined in the MZO as lots located at the intersection of two or more streets or where one street makes a sharp angle of 80 to 120 degrees. Section 607 of the MZO regulates corner lots. Based on this section, the south side of the Subject Property abutting Oklahoma Road is subject to the Minimum Front Yard Setback for the R-1 Zoning District and the west side of the Subject Property abutting Oklahoma Road is subject to 50 percent of the Minimum Front Yard Setback for the R-1 Zoning District. The east side of the Subject Property is subject to the Minimum Side Yard Setback for the R-1 Zoning District for lots abutting Woodland Zoning District. The north side of the Subject Property is subject to the Minimum Rear Yard Setback for the R-1 Zoning District.

The Applicant’s Variance request is to the Minimum Front Yard Setback requirement per Section 501.5 of the MZO from the south side of the Subject Property, adjacent to Oklahoma Road.

Note: Section 501 includes two Sections 501.5, the first is Minimum Lot Width and the second is Minimum Front Yard. For purposes of this Staff Report, references to Section 501.5 will mean the second Section 501.5 referring to Minimum Front Yard. The Applicant intends to meet the remaining setback requirements on the Subject Property.

The table below shows the required setbacks for R-1 on the Subject Property and the requested setback Variance from the Applicant’s application.

	Required R-1 Zoning District Setback	Requested Variance
North (Rear)	21 feet	N/A
South (Front)	30 feet	13 feet
East (Side)	10 feet	N/A
West (Front)	15 feet	N/A

*Lot Size*

The Subject Property is 0.37 acres.

*Topography*

The slope of the Subject Property, per the Buncombe County Steep Slope Calculator, is 28.42 percent. The Subject Property slopes downwards from east to west.

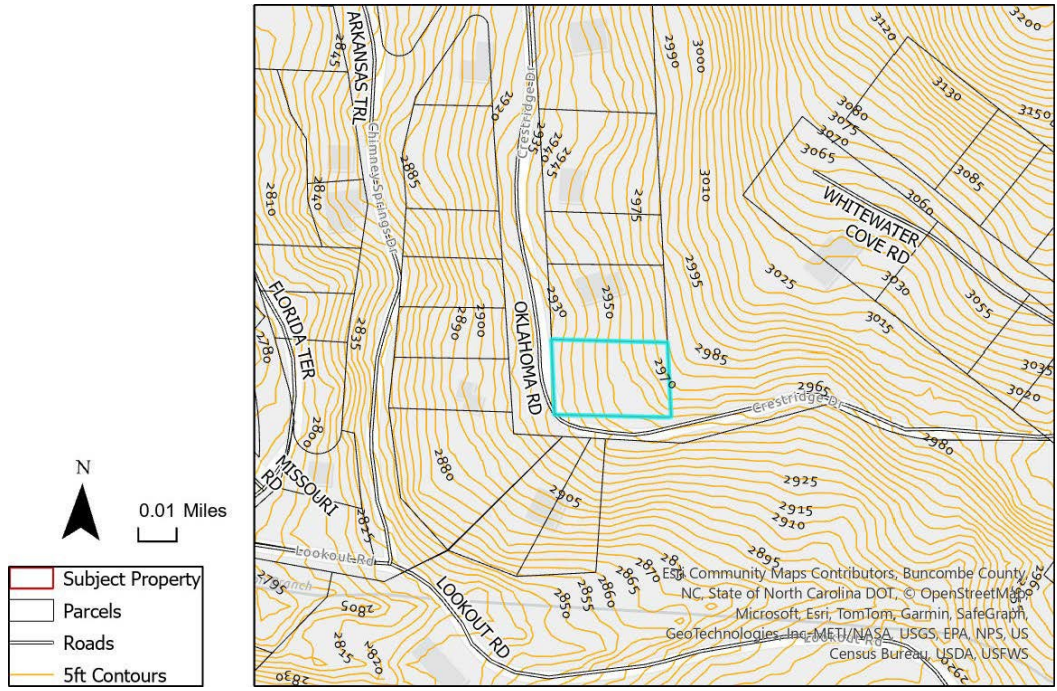


Figure 4: Subject Property and Surrounding Topography

*Rights-of-Way*

The Subject Property is bound on two sides by the right-of-way of Oklahoma Road.

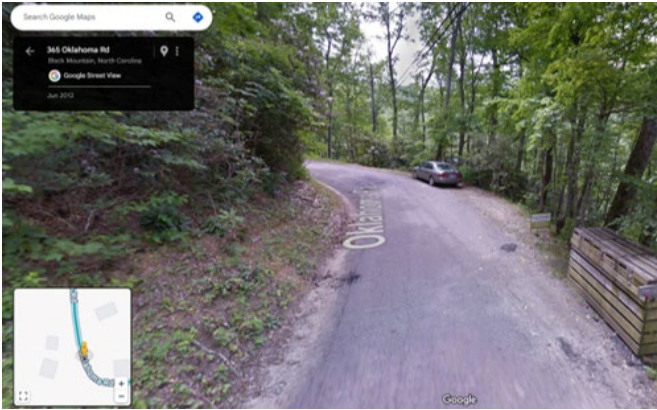


Figure 5: Oklahoma Road Right-of-Way (West of Subject Property) Figure 6: Oklahoma Road Right-of-Way (South of Subject Property)

### Water Features

There are no streams or Special Flood Hazard Areas on the Subject Property. Prior to development permit issuance, the Applicant will be required to comply with the Town of Montreat's General Ordinance Chapter K Article III.

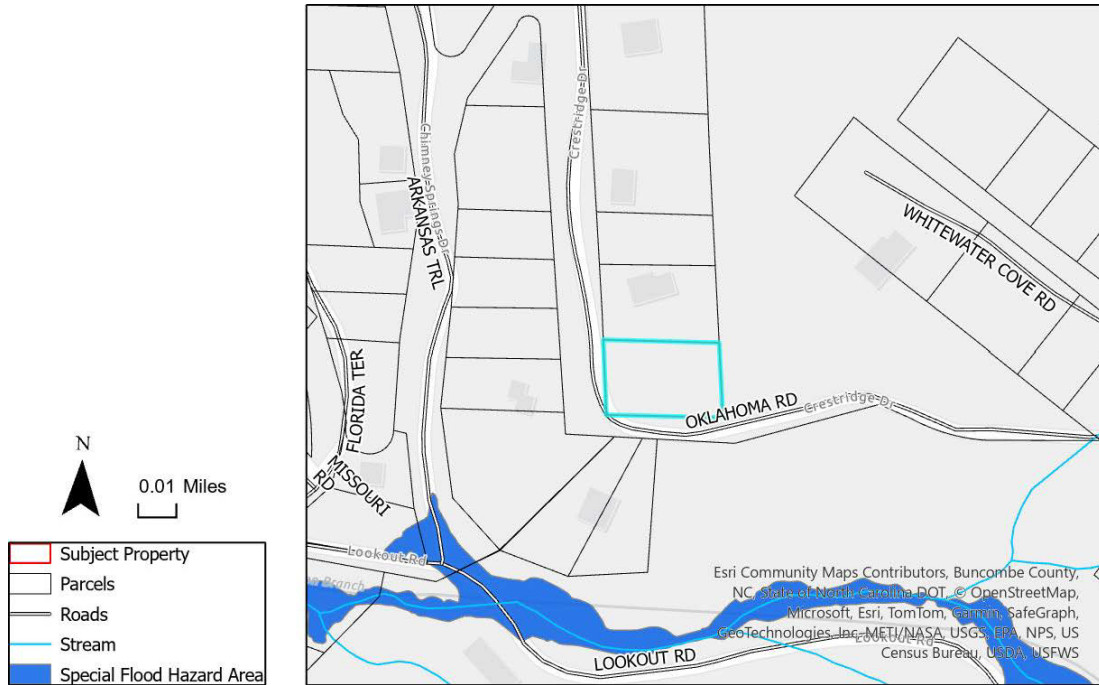


Figure 7: Subject Property and Water

## Template Variance Decision Language

The Board may use the language below, which is based on the Town's Zoning Ordinance, to discuss the elements required for Variance:

1. Unnecessary hardship [*would/would not*] result from the strict application of the Ordinance because...
2. The hardship results from conditions that [*are/are not*] peculiar to the property because...
3. That hardship [*did/did not*] result from actions taken by the applicant or the property owner because...
4. The variance [*is/is not*] consistent with the spirit, purpose, and intent of the ordinance ...
5. The variance requested [*is/is not*] the minimum variance that will make possible the requested use of the land because...
6. The variance [*is/is not*] a request to permit a use of land that is not permitted in the applicable Zoning District as the variance request is for...

The language below may be used to make a motion to approve, approve with conditions, or deny the Variance Request:

Motion for Decision: "I move that the Board [*approve/approve with conditions/deny*] the Variance Request VA-2025-03 to Section 501.5 of the Montreat Zoning Ordinance to reduce the front setback requirement from 30 feet to 13 feet on the southern side of the Subject Property. [*List any conditions of approval in the motion, if applicable*]

# VA-2025-03 Variance Request

PIN # 07201586960000  
Montreat Board of Adjustment  
June 26, 2025



## Subject Property Overview

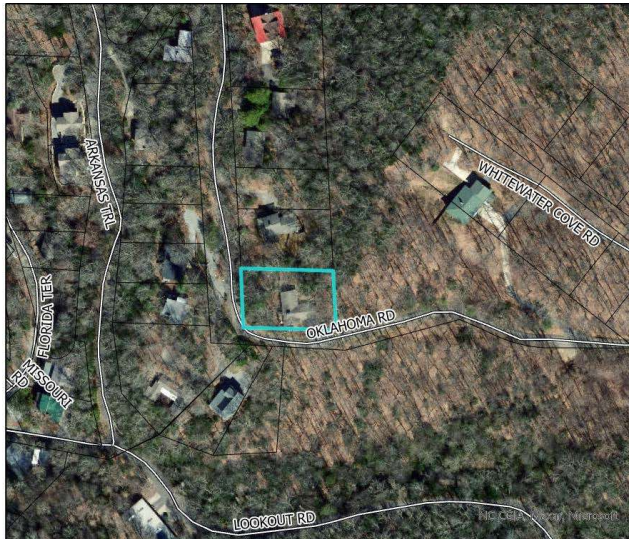
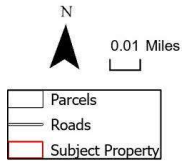
**PIN:** 07201586960000

**ADDRESS:** 364 Oklahoma Road,  
Montreat, NC 28711

**OWNER:** KERR REVOCABLE  
TRUST  
258 PAT STOUGH LN,  
DAVIDSON, NC, 28036

**SIZE:** 0.37 acres

**CURRENT ZONING AND USE:**  
R-1 Residential District;  
Contains an existing dwelling



# Application Overview

**Applicant:** Martin Kerr (on behalf of the Property Owner)

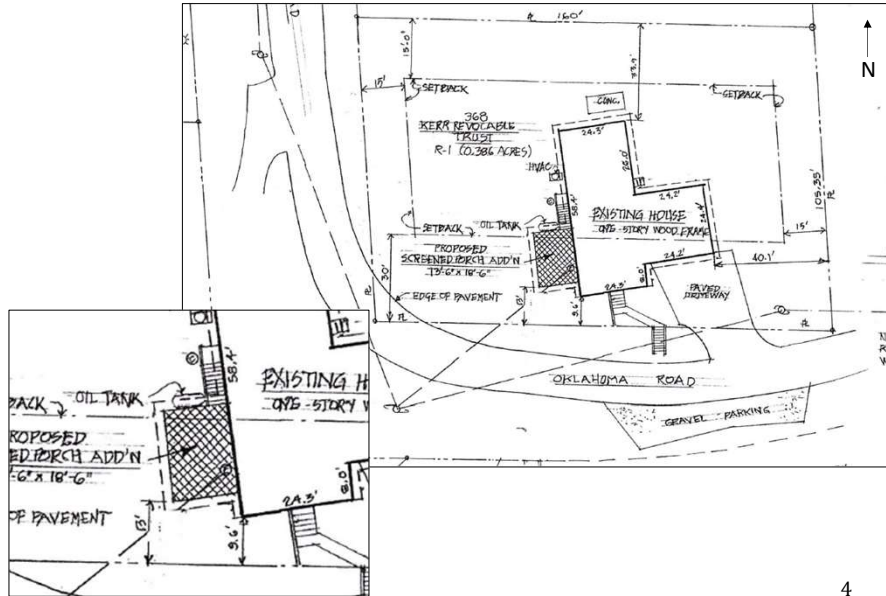
**Application Summary:**

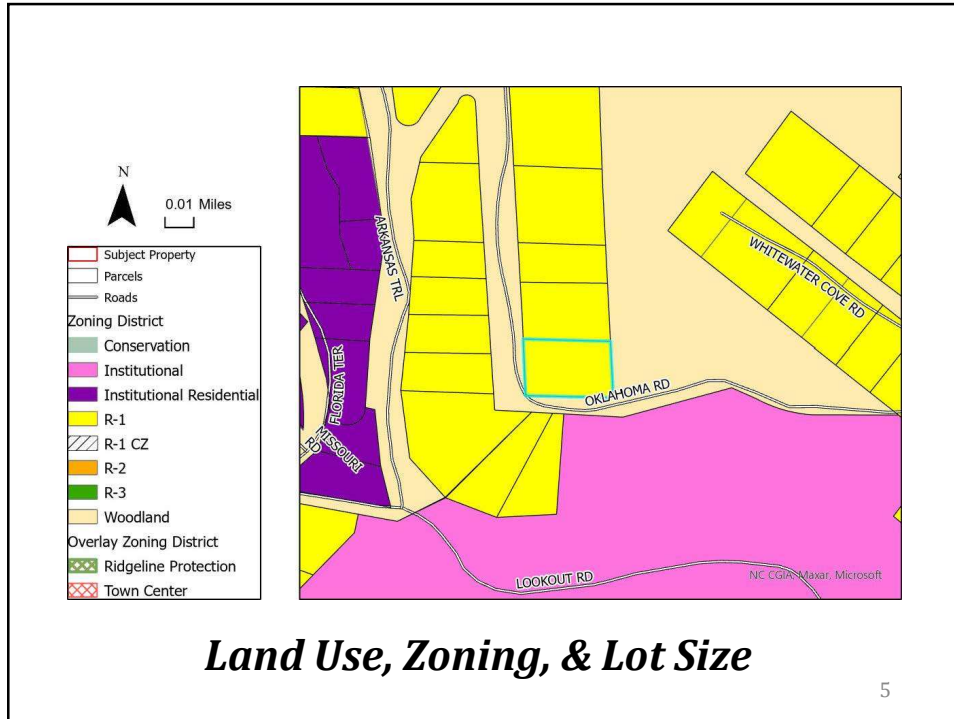
- ❖ Variance to Section 501.5 MZO reduce the front setback required on the southern side Subject Property from 30 feet to 13 feet of the Subject Property.

	Required R-1 Zoning District Setback	Requested Variance
North (Rear)	21 feet	N/A
South (Front)	30 feet	13 feet
East (Side)	10 feet	N/A
West (Front)	15 feet	N/A

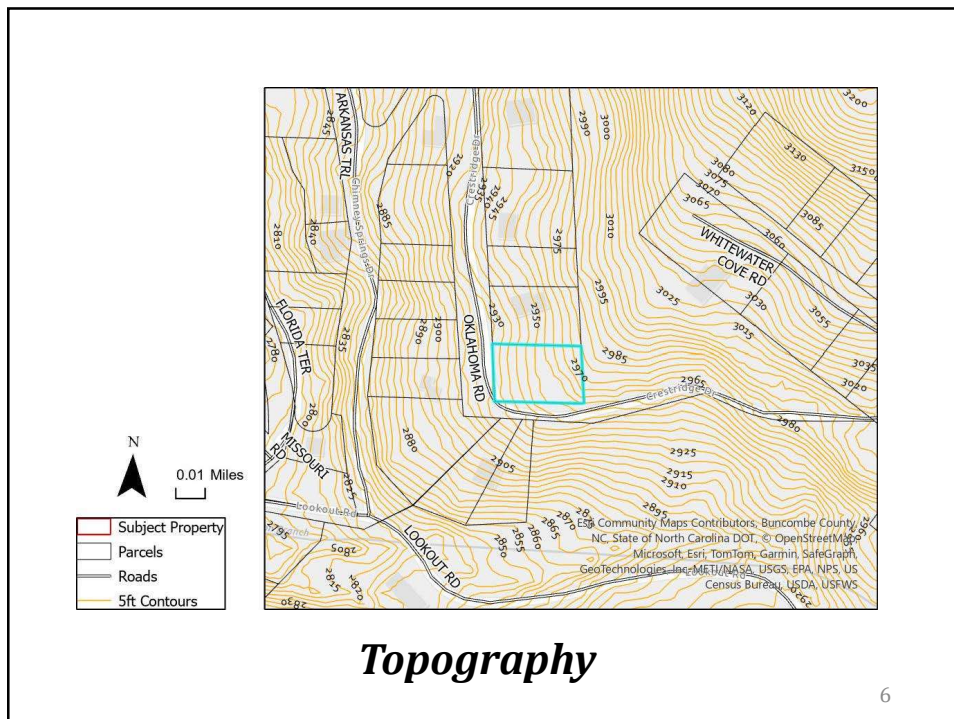
Note: Section 501 includes two Sections 501.5, the first is Minimum Lot Width and the second is Minimum Front Yard. For purposes of this presentation, references to Section 501.5 will mean the second Section 501.5 referring to Minimum Front Yard.

# Application Overview





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# Rights-of-Way

- ❖ Subject Property bounded on two sides by the right-of-way of Oklahoma Road, which is a public road owned and maintained by the Town of Montreat.

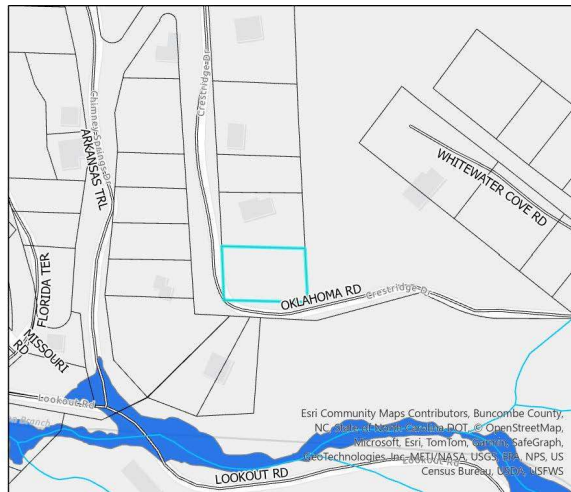
FACING SOUTH ON OKLAHOMA ROAD



FACING WEST ON OKLAHOMA ROAD



7



# Water Features

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## ***Board of Adjustment Decision***

The Board shall grant a Variance upon showing of **all** of the following:

**310.42(A)** Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the Variance, no reasonable use can be made of the property.

**310.42(B)** The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a Variance

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

**310.42(D)** The Variance is consistent with the spirit, purpose and intent of the Ordinance such that public safety is secured and substantial justice is achieved.

**310.42(E)** The Variance requested is the minimum Variance that will make possible the requested Use of the land, Building or Structure.

**310.42(F)** The Variance is not a request to permit a Use of land, Building or Structure which is not permitted in the applicable Zoning District.

As a note... If a Variance is granted it shall be the least possible deviation from the requirements of this Ordinance. In granting any Variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Setback Variances are granted for the development shown on the site plan included in the application.

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# **VA-2025-03 Variance Request**

PIN # 07201586960000

Montreat Board of Adjustment

June 26, 2025



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