

**Town of Montreat  
Board of Adjustment (BOA)  
Meeting Agenda  
October 23, 2025, 5:00 p.m.  
Montreat Town Hall  
1210 Montreat Rd., Black Mountain, NC 28711**

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**I. CALL TO ORDER**

- Welcome and Introductions
- Moment of Silence

**II. CERTIFICATION OF QUORUM**

**III. AGENDA ADOPTION**

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

**IV. ADOPTION OF SEPTEMBER 25, 2025, MEETING MINUTES**

- **Suggested Motion:** To adopt the September 25, 2025, Meeting Minutes as drafted/amended.

**V. ORDER OF APPROVAL**

- 1) **Written Order of Approval Case No. 167 Virginia Road** – A Special Use Permit request was submitted by Grant Dasher, Property Owner, to build an accessory dwelling unit at 167 Virginia Road (PIN# 071075493000000). The subject property is zoned R-2 Residential District and requires a Special Use Permit in this Zoning District for accessory dwelling units (Montreat Zoning Ordinance, Article V – Zoning District Regulations, Sec. 500: Permitted Uses Table, Table 1: Permitted Uses Table).

**Suggested Motion:** To approve/approve with revisions/deny the written order of approval for Grant Dasher.

- 2) **Variance Request (536 Calvin Trail)** – A Variance request was submitted by Wade Burns (on behalf of Property Owner, Graceful Blessings LLC) for the lot addressed as 536 Calvin Trail, Montreat, NC 28711 and described as PIN#072009848300000 located on Calvin Trail, approximately 36 feet west of Providence Terrace. This Variance request is to Section 501.81 of the Montreat Zoning Ordinance to reduce the side setback requirement from 15 feet to 2 feet on the southern side of the Subject Property for the purpose of expanding the existing dwelling on the Subject Property.

**Suggested Motion:** To grant/grant with conditions/deny the Variance Request for 536 Calvin Trail.

- 3) **Variance Request (428 South Carolina Terrace)** – A Variance request was submitted by Ewing Construction (on behalf of Property Owners, Albert and Lucy Robinson) for the lot addressed as 428 South Carolina Terrace, Montreat, NC 28711 and described as PIN# 072017083400000 located on South Carolina Terrace. This Variance request is to Section 501.5 (Minimum Front Yard) of the Montreat Zoning Ordinance to reduce the front setback requirement from 30 feet to 20 feet on the western side of the Subject Property for the purpose of building a single-family residential dwelling.

**Suggested Motion:** To grant/grant with conditions/deny the Variance Request for 428 South Carolina Terrace.

- 4) **Variance Request (438 Kentucky Road)** – A Variance request was submitted by Philip Jung, Property Owner, for the lot addressed as 438 Kentucky Road. This Variance request is to Section 501.5 (Minimum Front Yard) of the Montreat Zoning Ordinance to reduce the front setback requirement from 30 feet to 19 feet on the western side of the Subject Property, along Kentucky Road, and to Section 501.81 (Minimum Side Yard) to reduce the side setback requirement from 15 feet to 5.7 feet on the southern side of the Subject Property for the purpose of expanding the existing dwelling on the Subject Property.

**Suggested Motion:** To grant/grant with conditions/deny the Variance Request for 438 Kentucky Road.

VI. **NEW BUSINESS**

VII. **NEXT MEETING DATE:** November 20, 2025 (if needed)

VIII. **ADJOURNMENT**

# Board of Adjustment

## Meeting minutes – September 25, 2025

### Call to Order

Chair Danny Sharpe called the meeting of the Board of Adjustment to order at 5:00 pm. David Neel offered refreshments to the attendees. Chair Sharpe called for a moment of silence.

### Certification of Quorum

Chair Sharpe confirmed that a quorum was present with 5 board members in attendance. Town Attorney Brandon Freeman clarified that while the board had sufficient members to hear special use permits (which require a simple majority), they did not have enough members to hear variance requests (which require a super majority of 80% of the board, or 6 of 7 members). Chair Sharpe proposed proceeding with the special use permit cases while attempting to contact an alternate member to join for the variance cases.

### Agenda Adoption

Chair Sharpe requested that two written orders be added to the agenda. Town Attorney Freeman and Interim Zoning Administrator Alexis Baker explained that the first special use permit request from the Land Care Committee could be removed from the agenda because it had been automatically extended by the Disaster Recovery Act passed after Hurricane Helene. The permit, which was originally issued in August 2022 and would have expired in August 2024, was now valid through the end of 2027 due to legislation extending permits that were valid at any time during 2024.

Motion: To add the Written Order #VA-2025-02 and Written Order #VA-2025-03 to the agenda.

Moved by: David Neel

Seconded by: Mari Gramling

Vote: Approved unanimously

Motion: To remove the first special use permit (Land Care Committee) from the agenda.

Moved by: Mari Gramling

Seconded by: David Neel

Vote: Approved unanimously

Motion: To approve the agenda as amended.

Moved by: George Sawyer

Seconded by: David Neel

Vote: Approved unanimously

### Adoption of June 26, 2025, Meeting Minutes

Chair Sharpe inquired if there were any additions or corrections to the minutes from June 26 before moving forward with the adoption. Upon there being none, a motion was made, seconded, and subsequently approved unanimously by the board members present.

## Order of Approval

### Special Use Request

The Montreat Land Care Committee's special use permit request for a handicap accessible trail was removed from the agenda as it had been automatically extended by the Disaster Recovery Act until December 30, 2027. The permit had been valid as of January 1, 2024, and therefore qualified for the extension.

The board approved two written orders from previous cases:

Motion: To approve the written order for case number VA 2025-2

Moved by: Arrington Cox

Seconded by: Mari Gramling

Vote: Approved unanimously

Motion: To approve the written order for case number VA 2025-3.

Moved by: Mari Gramling

Seconded by: David Neel

Vote: Approved unanimously

### Special Use Permit Request

Chair Sharpe asked for disclosure of any ex parte communications or conflicts of interest. He disclosed having a conversation with Alexis Baker earlier that day to get clarity on some issues. No board members indicated a need to recuse themselves. Town Clerk Angie Murphy swore in the following witnesses: Richard Deibert, Jason Gilliland, April Carder, Wade Burns, Alexis Baker, and Grant Dasher.

Interim Zoning Administrator Alexis Baker presented the special use permit request from Grant Dasher, property owner of 167 Virginia Road, to build an accessory dwelling unit. The property is zoned R-2 Residential District, which requires a special use permit for accessory dwelling units.

Ms. Baker provided an overview of the property, noting that it was surrounded by R-2 zoning and was 0.58 acres. She detailed the requirements for accessory dwelling units as specified in Section 619.1 of the ordinance, which included location on a single-family residential lot, height limitations, setbacks, subordination to the main structure, complete kitchen and bathroom facilities, additional parking, and occupancy limits.

The site plan showed the existing dwelling unit to be demolished (outlined in orange) and the proposed new accessory dwelling unit (outlined in red). Baker explained that by demolishing and rebuilding, the new structure would be outside the 30-foot stream buffer and 100-year flood plain. She noted that while erosion and sediment control would not be required (as the lot is less than one acre), stormwater measures would be necessary due to the disturbance of more than 5,000 square feet and exceeding 24% impervious surface coverage. Baker confirmed the project aligned with the comprehensive plan's designation for the area.

Grant Dasher, the property owner, explained that the existing accessory dwelling had suffered flood damage during Hurricane Helene and had other issues including termite damage, poor plumbing, and an inadequate roof pitch. He stated that rebuilding outside the flood plain would be an improvement for both his mother-in-law (the intended resident) and the creek environment.

April Carder, who prepared the site plan, confirmed the new dwelling would meet all requirements: the finished height would be 25 feet (below the main structure), it would be within setbacks, smaller than the main house, have complete kitchen and bath facilities, include at least two parking spaces off Overbrook Road, and would accommodate a maximum of two occupants. She also noted they had extended the footprint by two feet to allow for 36-inch doorways to facilitate aging in place.

During deliberation, the board agreed that the project represented good use of the property and an improvement over the current situation, particularly by moving the structure out of the flood plain.

Motion: To approve the special use permit for 167 Virginia Road to allow an accessory dwelling unit per section 500 permitted uses table, Table 1, permitted uses table.

Moved by: David Neel

Seconded by: Arrington Cox

Vote: Approved unanimously

## Variance Request (536 Calvin Trail)

Chair Sharpe explained that the board could not proceed with the variance requests due to insufficient members present. He apologized for the misunderstanding, explaining that he had thought they needed 4 out of 5 members rather than 4/5 of the total board membership (6 out of 7).

Lucy Robinson and Richard Deibert, representing the variance applicants, expressed understanding and confirmed their availability for the next meeting date.

Motion: To continue the two variance requests to October 23, 2025, at 5:00 PM.

Moved by: Arrington Cox

Seconded by: Mari Gramling

Vote: Approved unanimously

## Variance Request (428 South Carolina Terrace)

This item was continued to the October 23, 2025, meeting due to insufficient board members present to hear variance cases.

## New Business

No new business was discussed.

## Adjournment

Chair Sharpe adjourned the meeting at approximately 6:15 pm.

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Danny Sharpe, Chair

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Angie Murphy, Town Clerk

**STATE OF NORTH CAROLINA  
BUNCOMBE COUNTY**

**BEFORE THE TOWN OF MONTREAT  
BOARD OF ADJUSTMENT  
CASE NO. 167 Virginia Rd (PIN#  
071075493000000)**

**In the Matter of: A Special Use Permit to allow an Accessory Dwelling Unit submitted by Grant Dasher (Property Owner) on the lot described as PIN# 071075493000000, located at 167 Virginia Road in the R-2 Residential Zoning District.**

**ORDER**

THIS MATTER coming on for hearing before the Town of Montreat Board of Adjustment (“Board”) on consideration of the Special Use Permit Application to allow an Accessory Dwelling Unit in the R-2 Zoning District as required by the Montreat Zoning Ordinance Article V Table of Permitted Uses and Section 619, respectively, submitted by Grant Dasher (“Property Owner” with Jessica Dasher) on property located at 167 Virginia Road for the lot described in the deed recorded in Book 6033 at Page 1800, Buncombe County Registry, assigned Buncombe County Tax PIN# 071075493000000 (“Subject Property”) within the Town of Montreat (“Town”) pursuant to Section 310.6 of the Montreat Zoning Ordinance (“Ordinance”) adopted June 10, 2021.

A quasi-judicial evidentiary hearing before the Board was held September 25, 2025. Based upon the testimony presented, the documentary evidence and related materials submitted and after public deliberation, the Board does hereby make the following:

**FINDINGS OF FACT**

- 1) Notice of the quasi-judicial hearing, pursuant to the Ordinance and state law, was duly and timely given, the hearing was properly advertised, and the Subject Property was properly posted.
- 2) The hearing was held pursuant to Section 310.6 of the Ordinance, and pursuant to N.C. Gen. Stat. §160D-406, on the Special Use Permit application submitted by the Applicant, and the matter is properly before the Board, is within the Board’s jurisdiction under the Ordinance, and is ripe for consideration.
- 3) Section 310.6 of the Ordinance provides that in approving a Special Use Permit, the Board of Adjustment must find:

- a) That the Use will not be detrimental to or endanger the public health, safety or general welfare if located where proposed and developed according to the plan as submitted and approved.
  - b) That the Use meets or will meet all the required and applicable development standards and conditions of the Town of Montreat.
  - c) That the Use will not substantially diminish and impair the value of any property any portion of which is located within two hundred fifty feet (250') of the boundary of the parcel on which the Use will be located.
  - d) That the location and character of the Use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will not be injurious to the use and enjoyment of other property, for the purposes already permitted, within the area in which it is located.
  - e) That the location and character of the Use, if developed according to the plan as submitted and approved, will be in general conformity with the adopted policies and plans, including the Comprehensive Plan of the Town of Montreat.
  - f) That adequate measures have been taken or will be taken to provide ingress and egress so designed as to minimize congestion in the public streets.
  - g) The application for a Special Use Permit submitted by the Applicant should be approved.
- 4) The Subject Property is owned by the Applicant and Jessica Dasher, obtained via the deed recorded in the Buncombe County Register of Deeds at Book 6033 at Page 1800 dated and recorded on March 12, 2021.
  - 5) The Subject Property is zoned R-2 and contains an existing single-family dwelling and Accessory Dwelling Unit.
  - 6) The Table of Permitted Uses in Article V of the Ordinance requires a Special Use Permit for "Accessory Dwelling Units" in the R-2 Zoning District.
  - 7) On or about February 12, 2025, in accordance with Section 310.6 of the Ordinance, the Applicant submitted an application for a Special Use Permit for an Accessory Dwelling Unit.
  - 8) The public hearing was properly noticed in accordance with all applicable laws and regulations governing the noticing requirements for public hearings. Alexis Baker, Interim Zoning Administrator, the Applicant, and April Carder, the applicant's site

designer and agent, presented evidence at the public hearing and were properly sworn-in.

- 9) The staff report with exhibits, staff presentation, and Special Use Permit application were submitted into evidence at the public hearing.
- 10) The Applicant and Applicant's agent presented sworn testimony.
- 11) Competent, material and substantial evidence was presented by the Applicant and Applicant's agent to the Board to show the following requirements were met:
  - a) The proposed Use will not materially endanger the public health, safety, or general welfare if developed according to the submitted application because the proposed Accessory Dwelling Unit will be constructed in compliance with all Ordinances of the Town of Montreat and stormwater will be appropriately managed on the Subject Property.
  - b) The proposed Use meets and will meet all required and applicable development standards and conditions of the Town as demonstrated by the Zoning Administrator's staff report. The staff report showed the proposed Accessory Dwelling Unit met the applicable development standards and conditions
  - c) The proposed Use will not substantially diminish or impair the value of any property any portion of which is located within two hundred fifty feet (250') of the boundary of the Subject Property because owners of property within 250 feet of the Subject Property were notified and no testimony or evidence was received to indicate that any diminishment or impairment of property values would occur as a result of this development. Further, the aesthetics of the proposed Accessory Dwelling Unit will complement the existing surrounding properties and stormwater will be appropriately managed on the Subject Property.
  - d) The proposed Use, if developed according to the application and site plan submitted, will be in harmony with the area and will not injure the existing use and enjoyment of other property in the area because the aesthetics of the proposed Accessory Dwelling Unit will complement the existing surrounding properties. Additionally, the height of the proposed Accessory Dwelling Unit is less than the height of the existing dwelling on the Subject Property thereby minimizing its visual impact.

- e) The proposed Use, if developed according to the application and site plan submitted, will be in general conformity with the Comprehensive Plan of the Town and other adopted policies and plans because the proposed aesthetics of the proposed Accessory Dwelling Unit will complement the existing surrounding properties and the Applicant is addressing stormwater management, which generally support the Development Vision Statement in *Montreat Tomorrow*.
- f) The Subject Property has existing paved parking on-site. Additional parking is proposed off Overbrook Road that is sufficient to meet the needs and requirements of the proposed Accessory Dwelling Unit. Congestion to the surrounding public streets is minimized.

Therefore, based upon the foregoing FINDINGS OF FACT, and Section 310.6 of the Ordinance, the Board hereby makes the following:

#### **CONCLUSIONS OF LAW**

- a) This Board has jurisdiction to hear and decide applications for Special Use Permits for “Accessory Dwelling Units” (See Section 619) in the R-2 Zoning District (See Article V Table of Permitted Uses). This application is within that jurisdiction.
- b) The Applicant’s application for a Special Use Permit is complete.
- c) That the Use will not be detrimental to or endanger the public health, safety or general welfare if located where proposed and developed according to the plan as submitted and approved.
- d) That the Use meets or will meet all the required and applicable development standards and conditions of the Town of Montreat.
- e) That the Use will not substantially diminish and impair the value of any property any portion of which is located within two hundred fifty feet (250’) of the boundary of the parcel on which the Use will be located.
- f) That the location and character of the Use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will not be injurious to the use and enjoyment of other property, for the purposes already permitted, within the area in which it is located.

- g) That the location and character of the Use, if developed according to the plan as submitted and approved, will be in general conformity with the adopted policies and plans, including the Comprehensive Plan of the Town of Montreat.
- h) That adequate measures have been taken or will be taken to provide ingress and egress so designed as to minimize congestion in the public streets.
- i) The application for a Special Use Permit submitted by the Applicant should be approved.

NOW, THEREFORE, IT IS ORDERED, based upon the foregoing Findings of Facts and Conclusions of Law, and by a vote of 5 in favor and 0 against of the voting Board members present at the September 25, 2025, meeting, upon a duly made motion and second, to approve the Applicant's application for a Special Use Permit to allow a an Accessory Dwelling Unit on the Subject Property in the R-2 Zoning District, the SPECIAL USE PERMIT IS HEREBY GRANTED.

ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

TOWN OF MONTREAT BOARD OF ADJUSTMENT

By: \_\_\_\_\_  
\_\_\_\_\_, Chair

Attest:

\_\_\_\_\_  
Angie Murphy, Clerk to the Board



# Staff Report

## 536 Calvin Trail

**Variance Request (536 Calvin Trail)** – A Variance request submitted by Wade Burns (on behalf of Property Owner, Graceful Blessings LLC) for the lot addressed as 536 Calvin Trail, Montreat, NC 28711 and described as PIN#072009848300000 located on Calvin Trail, approximately 36 feet west of Providence Terrace. This Variance request is to Section 501.81 of the Montreat Zoning Ordinance to reduce the side setback requirement from 15 feet to 2 feet on the southern side of the Subject Property for the purpose of expanding the existing dwelling on the Subject Property.

Created by:

Alexis Baker, AICP  
Interim Zoning Administrator  
Town of Montreat

Created for:

Montreat Board of Adjustment  
October 23, 2025

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## **STAFF REPORT**

See **STAFF ANALYSIS** (i.e. Alexis Baker, AICP, Interim Montreat Zoning Administrator) in addition to applicant-provided materials. **STAFF ANALYSIS** contain references to the Montreat Zoning Ordinance (MZO) where noted. Only information 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 Wade Burns (on behalf of Property Owner, Graceful Blessings LLC) for the lot addressed as 536 Calvin Trail, Montreat, NC 28711 and described as PIN#072009848300000 located on Calvin Trail, approximately 36 feet west of Providence Terrace. This Variance request is to Section 501.81 of the Montreat Zoning Ordinance to reduce the side setback requirement from 15 feet to 2 feet on the southern side of the Subject Property for the purpose of expanding the existing dwelling on the Subject Property.

### **Property Summary**

**Parcel Identifier Number (PIN#):** 072009848300000

**Address:** 536 Calvin Trail  
Montreat, NC 28711

**Owner:** GRACEFUL BLESSINGS LLC  
6421 BLUE GROSBEAK CIRCLE  
LAKEWOOD RANCH, FL 34202

**Applicant:** Wade Burns (on behalf of the Property Owner)

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

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

**Acres:** 1.12 acres.



*Figure 1: Subject Property Aerial*

### Public Notice

Staff mailed notice to properties within 250 feet of the Subject Property on **October 13, 2025**. Staff posted the Subject Property on **October 13, 2025**. BOA Hearing: **October 23, 2025**.

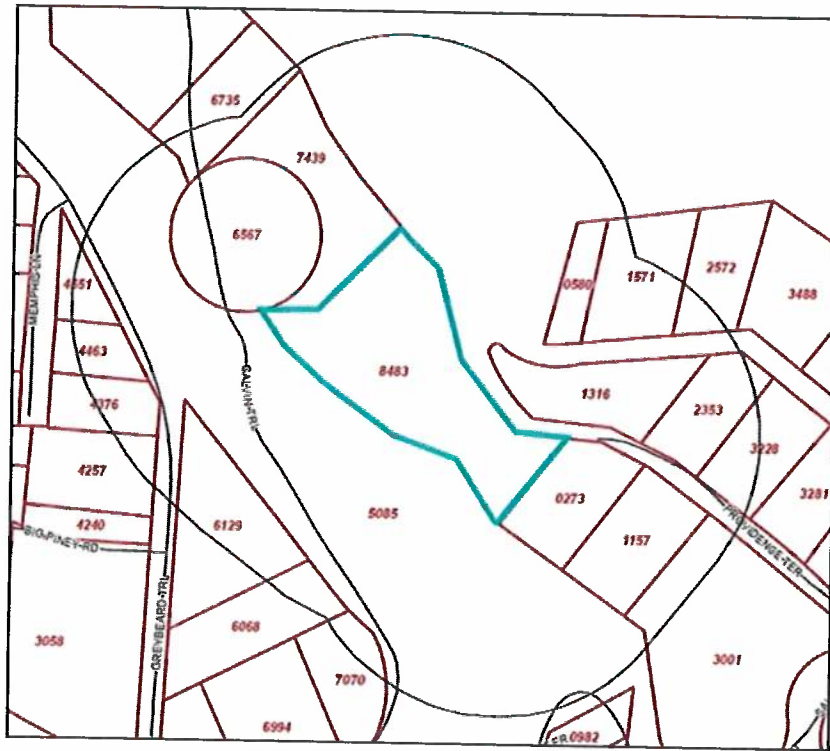


Figure 2: 250 feet Public Notice for Variance Request

### Variance Request

The Applicant, Wade Burns (on behalf of Property Owner, Graceful Blessings LLC), requests that the Board of Adjustment grant a variance request to Section 501.81 of the Montreat Zoning Ordinance to reduce the side setback requirement from 15 feet to 2 feet on the southern side of the Subject Property for the purpose of expanding the existing dwelling on the Subject Property.

### Staff Analysis

#### Subject Property Summary

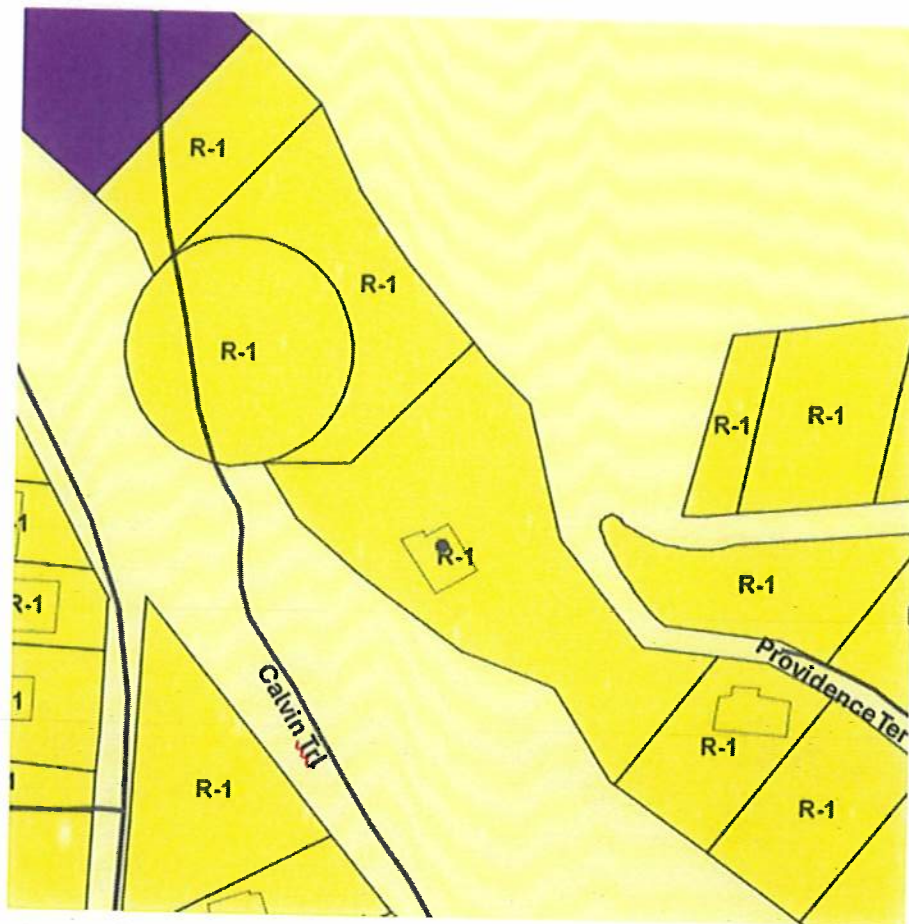
- ❖ The Subject Property is 1.12 acres and currently contains a single-family dwelling. The Applicant intends to expand the existing dwelling.
- ❖ The Subject Property accesses Calvin Trail via a driveway easement and is approximately 36 feet west of Providence Terrace.
- ❖ The slope of the Subject Property is 50.6 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 1985 per the Buncombe County Tax Card for the Subject Property. The Applicant seeks to obtain a Variance to expand the existing dwelling on the Subject Property.

The Subject Property accesses Calvin Trail via a driveway easement on the southwestern portion of the Property. It is surrounded on all sides by the R-1 Zoning District with a Montreat wellhouse to the North and a single-family residence, adjacent to the Property, to the southeast.



*Figure 3: Subject Property and Surrounding Zoning*

## Setbacks

The Subject Property is in the R-1 Zoning District. The Applicant's Variance request is to the side setback requirement. The Applicant intends to meet the remaining setback requirements on the Subject Property.

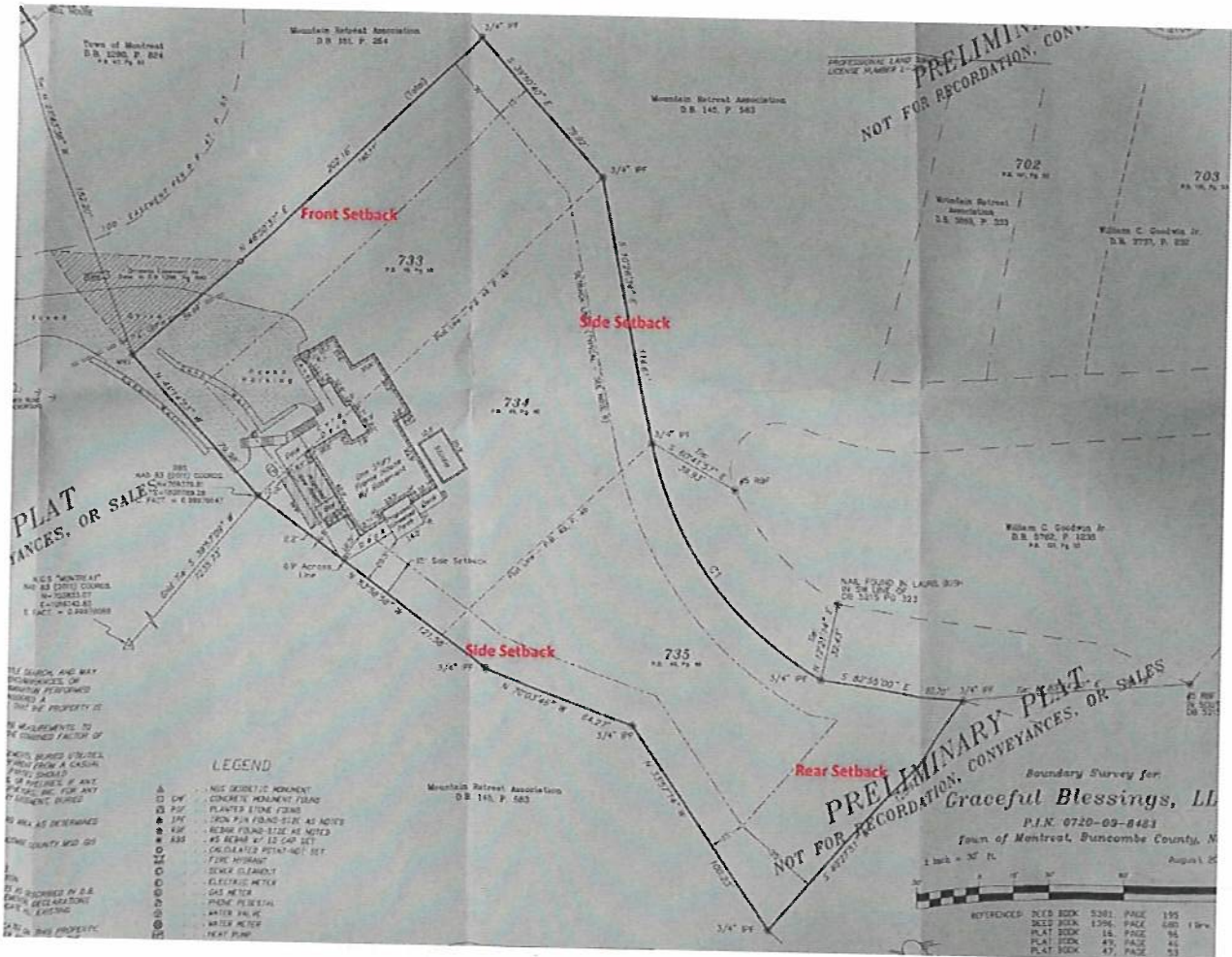


Figure 4: Site Plan with Setbacks Labeled

The table below shows the required setbacks for R-1 on the Subject Property, per Section 501 of Montreat's Zoning Ordinance, and the requested setback Variances from the Applicant's application. For simplicity, the front setback, which runs from the northern corner of the Property to the southwest, is considered the "west" setback.

	Required R-1 Zoning District Setback	Requested Variance
Front (West)	30 feet	N/A
Side (North)	15 feet	N/A
Side (South)	15 feet	2 feet
Rear (East)	35 feet	N/A

#### Lot Size

The Subject Property is 1.12 acres.

#### Topography

The slope of the Subject Property, per the Buncombe County Steep Slope Calculator, is 50.6 percent. The Subject Property slopes downward from north to south. The Subject Property would be subject to Hillside Development Ordinance.

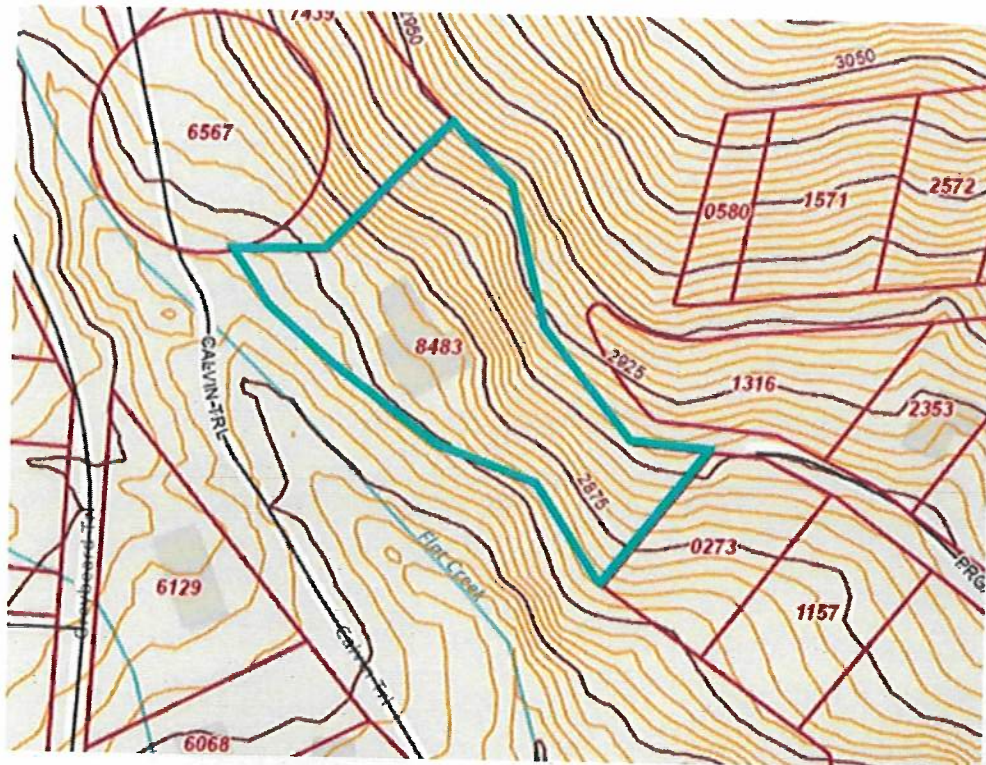
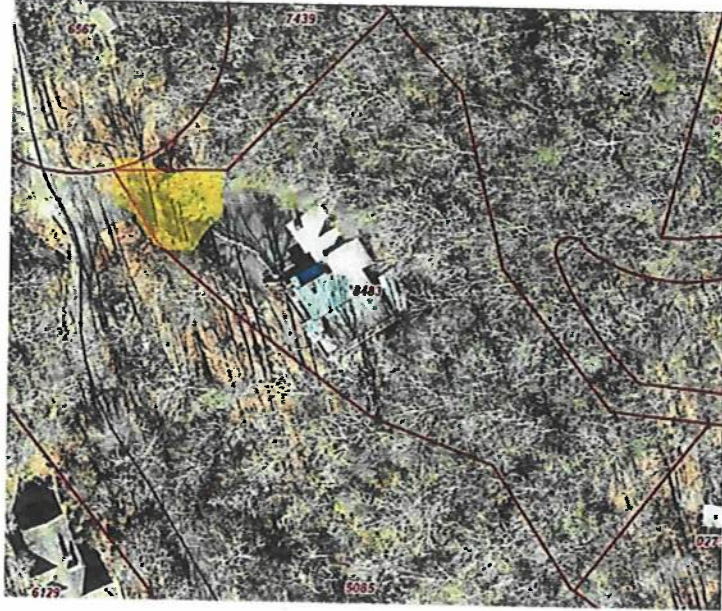


Figure 5: Subject Property and Surrounding Topography ( 5ft contours)

Rights-of-Way

The Subject Property accesses Calvin Trail via a driveway easement. The easement is highlighted in yellow.



*Figure 6: Calvin Road Right-of-Way (Driveway Easement on Southwestern Corner)*



## Template Variance Decision Language

The Board is welcome to use the language below to issue a decision on the Variance Request. Prior to making the approval motion, the Board must state the specific findings that lead to the approval of each finding of fact as required by Section 310.42 of the MZO.

### Findings of Fact:

1. The Board finds that unnecessary hardship [*would/would not*] result from the strict application of the Ordinance because...
2. The Board finds that the hardship results from conditions that [*are/are not*] peculiar to the property because...
3. The Board finds that hardship [*did/did not*] result from actions taken by the applicant or the property owner because...
4. The Board finds that the variance [*is/is not*] consistent with the spirit, purpose, and intent of the ordinance ...
5. The Board finds that the variance requested [*is/is not*] the minimum variance that will make possible the requested use of the land because...
6. The Board finds that 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...

Motion for Decision: "I move that the Board [*approve/approve with conditions/deny*] the Variance Request for 536 Calvin Trail to 501.81 of the Montreat Zoning Ordinance to reduce the side setback requirement from 15 feet to 2 feet on the southern side of the Subject Property for the purpose of expanding the existing dwelling on the Subject Property. [*List any conditions of approval in the motion, if applicable*]

## Attachments

ATTACHMENT 1

Doc ID: 029893100005 Type: CRP  
Recorded: 12/15/2015 at 02:23:31 PM  
Fee Amt: \$1,284.00 Page 1 of 5  
Revenue Tax: \$1,258.00  
Workflow# 0000323714-0001  
Buncombe County, NC  
Drew Reisinger Register of Deeds  
BK **5381** PG **195-199**

RF

**NORTH CAROLINA GENERAL WARRANTY DEED**

Excise Tax \$1,258.00

Parcel Identifier No. 0720-09-8483-00000

This instrument has been prepared by Ronald E. Sneed, a licensed North Carolina attorney. Delinquent taxes, if any, will be paid by the closing attorney to the county tax collector upon disbursement of the closing proceeds.

Mail after recording to Stone & Christy, P.A. (Box 52)

Brief description for the Index Lots 733, 734, 735 PB 49 PG 46

THIS DEED made this 15th day of December, 2015, by and between

GRANTOR	GRANTEE
<b>GEORGE H. MCEACHERN and wife CAROLYN E. MCEACHERN</b>	<b>GRACEFUL BLESSINGS, LLC, a North Carolina Limited Liability Company</b>
<b>5624 Woodland Trace Wilmington, NC 28409</b>	<b>13211 Prima Drive Lakewood Ranch, Florida 34211</b>

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

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

AS SET OUT IN THE ATTACHED EXHIBIT A WHICH IS HEREBY INCORPORATED BY REFERENCE AS IF FULLY SET OUT HEREIN

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

The property hereinabove described was acquired by Grantor by instrument recorded in Deed Book 1859 at Page 738, Buncombe County Registry. A map showing the above described property is recorded in Plat Book 49 page 46.

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

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

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

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

*[Signature pages to follow]*

George H. Mceachern (SEAL)  
GEORGE H. MCEACHERN

BY: Carolyn E. Mceachern (SEAL)  
CAROLYN E. MCEACHERN  
Attorney in Fact

NORTH CAROLINA, COUNTY OF New Hanover

I, a notary public of the County of New Hanover, State of North Carolina, do hereby certify CAROLYN E. MCEACHERN personally appeared before me this day, and being by me duly sworn, says that she executed the foregoing and annexed instrument for an in behalf of GEORGE H. MCEACHERN, and that her authority to execute and acknowledge said instrument is contained in an instrument duly executed, acknowledged and recorded in the office of the Buncombe County, North Carolina, Register of Deeds at Book 5379, Page 1954, and that this instrument was executed under and by virtue of the authority given by said instrument granting her power of attorney; that the said CAROLYN E. MCEACHERN acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed for an in behalf of the said GEORGE H. MCEACHERN.

Witness my hand and official seal.

Dated: 12/10/2015

Amy K. Browning  
Notary Public

Amy K. Browning  
Printed Name

My commission expires:

March 11, 2017

STAMP/SEAL:



Carolyn E. Mceachern (SEAL)  
CAROLYN E. MCEACHERN

NORTH CAROLINA, COUNTY OF New Hanover

I certify that the following person personally appeared before me this day acknowledging that she signed the foregoing document: **CAROLYN E. MCEACHERN**

Dated: 12/10/2015

Amy K. Browning  
Notary Public

Amy K. Browning  
Notary's typed or printed name

My commission expires: March 11, 2017

STAMP/SEAL:



**EXHIBIT A**

**BEING all of Lots 733, 734 and 735 of Montreat, being the same property shown on that survey for Mountain Retreat Association recorded in the Office of the Register of Deeds for Buncombe County, North Carolina in Plat Book 49 at Page 46 and also shown on Plat recorded in Plat Book 16 at Page 96, reference to which is hereby made for a more particular description of said lots.**

**TOGETHER WITH that easement for ingress, egress and regress over a driveway described in instrument recorded in Deed Book 1396, Page 680 of the Buncombe County Registry.**

**SUBJECT to the conditions, agreements, restrictions and covenants applicable to lots sold by the Mountain Retreat Association as set out in Schedule A of that certain instrument recorded in Book 1395, Page 559, Buncombe County Registry.**

## ATTACHMENT 2

**Standards for Granting a Variance  
Request by Graceful Blessings, LLC  
Rev Richard & Rev Elizabeth Deibert, owners  
536 Calvin Trail**

**Please see Photo Exhibits**

**MZO 310.42(A)**

Strict application of the 15-foot side-yard setback would result in an unnecessary hardship because the four bedrooms, two baths, and narrow living area—which routinely houses 15 youth/adults during Montreat conferences—are crowded into a dark basement with dirt on three sides and minimum windowing for light and view. Currently, the only view outside is limited to and darkened by two French doors which open under the deck above on the main level. The use and enjoyment of this living space is severely restricted and generates a desire for the 15 inhabitants to “escape” from their “confinement.”

**MZO 310.42(B)**

The conditions that currently restrict the use and enjoyment of this living space are due to the percentage of the lot originally designated “Steep Slope.” Construction of the original foundation and house required carving into the steep slope and “burying” this basement living space into the slope on three sides.

The side-yard setback is intended to ensure that development on a side yard, coupled with development on a directly adjacent lot, will provide a minimum respectable separation between the adjacent developed properties.

In this case, the directly adjacent property is a very large dedicated Green Space owned by the MRA, with no foot or vehicular traffic within 100 feet of the requested improvement, guaranteeing that the intent of the zoning remains entirely intact.

**MZO 310.42(C)**

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

**MZO 310.42(D)**

The spirit, purpose, and intent of the ordinance, and the very creation of Montreat, share a common vision to provide an environment that not only protects but celebrates the natural beauty of Montreat and promotes Montreat as a gathering place of spiritual support for all ages.

This house was built by a former president of MRA with guest accommodations beyond his family's needs to provide additional housing for MRA programs and conferences.

The current owners, the Rev. Dr. Richard Deibert, MD and his wife the Rev. Elizabeth Deibert, both ordained PCUSA pastors (and the former a physician), have continued this commitment to hospitality, providing critical housing for nearly 3,000 youth and adults in conferences and family retreats during their ten years of ownership. The only consistent complaint by guests over the years is the "dark, damp, and drab basement" that provides poor views of MRA's beautiful adjacent Green Space.

The proposed addition will provide a glassed-in gathering space that looks out on this Green Space with its long stretch of Greybeard Stream. Richard and Elizabeth are retiring to Montreat in September and plan to continue offering their home to conference guests and families so that, when the Inn is full, as many as possible may enjoy Montreat's beauty and programming for years to come. The house has an attached one-bedroom apartment to which they can retreat when guests are present.

**MZO 310.42(E)**

The requested Variance is the minimum Variance that will make the requested use possible because the basement consists of four bedrooms, a kitchenette, and a narrow sitting area that currently

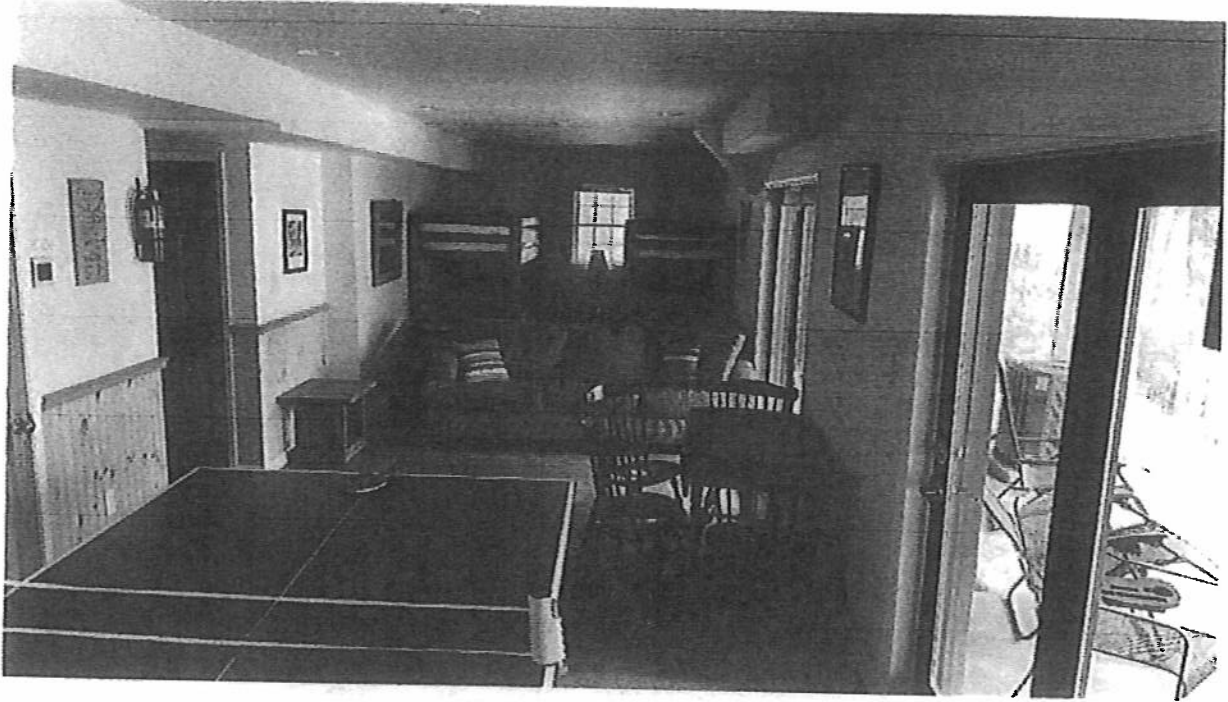
provides inadequate space to gather and enjoy the extraordinary adjacent beauty of the Green Space.

Moreover, Hurricane Helene's destruction and the extensive reconstruction of Greybeard Stream dramatically expanded this room's potential view. This "new" view is now even more irresistible and will intensify the desire of Montreat guests to commune with its beauty throughout all four seasons. This new windowed room is powerfully consistent with the spirit, purpose, and desire inherent to the creation of Montreat.

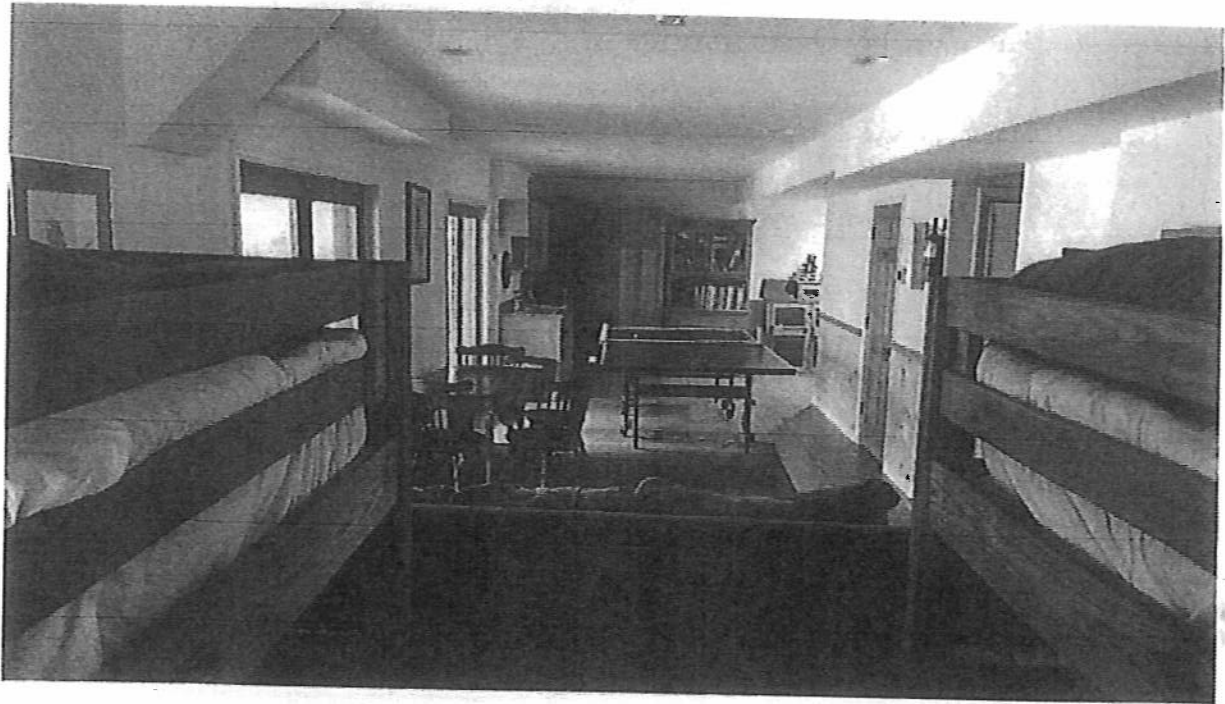
**MZO 310.42(F)**

The requested Variance and proposed use is permitted in the applicable Zoning District and perfectly consistent with its intent.

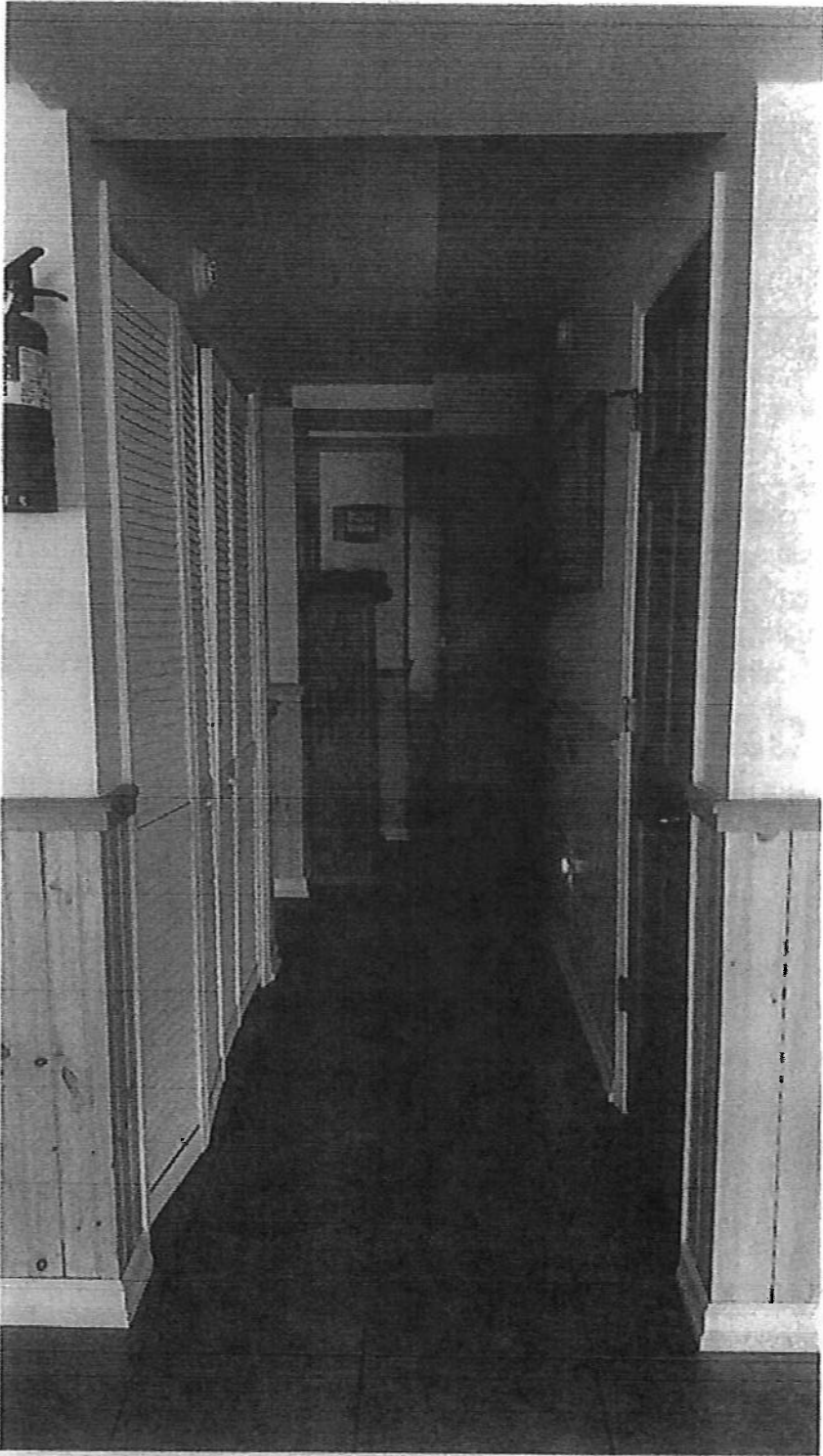
**Photo 01 – 536 Calvin Trail Variance Request**



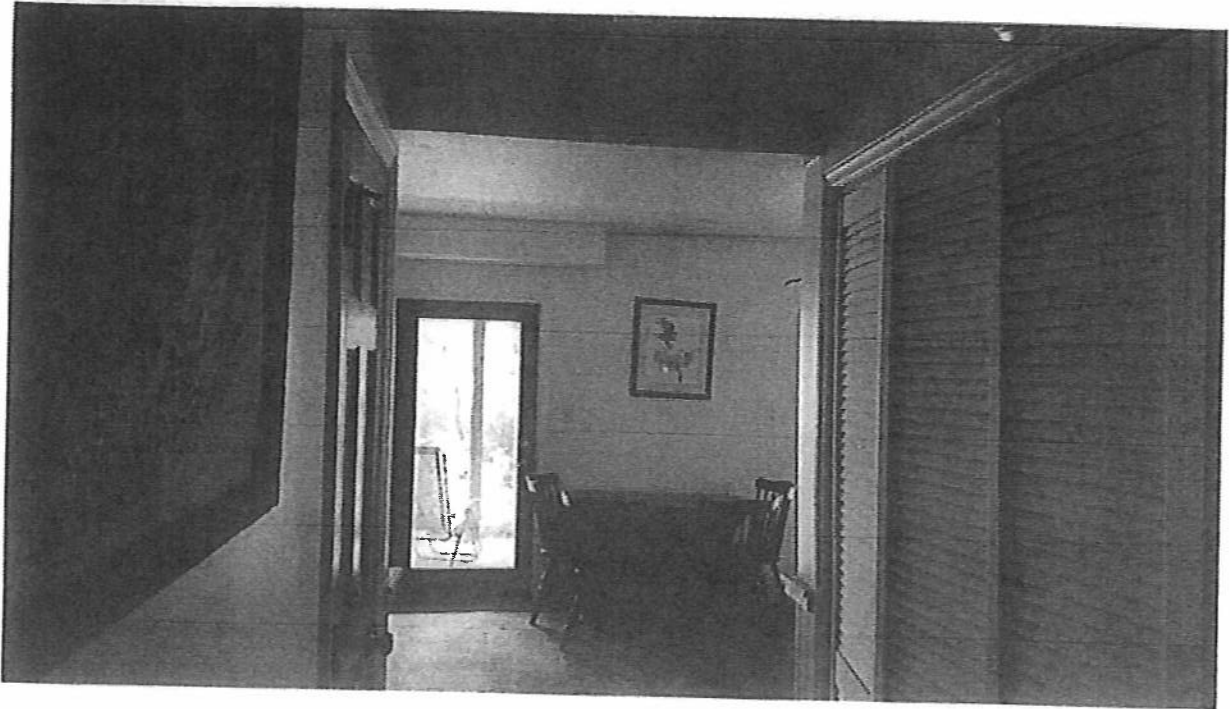
**Photo 02 – 536 Calvin Trail Variance Request**



**Photo 03 – 536 Calvin Trail Variance Request**



**Photo 04 - 536 Calvin Trail Variance Request**



ATTACHMENT 3





# Staff Report

## 428 South Carolina Terrace

**Variance Request (428 South Carolina Terrace)**– A Variance request submitted by Ewing Construction (on behalf of Property Owners, Albert and Lucy Robinson) for the lot addressed as 428 South Carolina Terrace, Montreat, NC 28711 and described as PIN# 072017083400000 located on South Carolina Terrace. This Variance request is to Section 501.5 (Minimum Front Yard) of the Montreat Zoning Ordinance to reduce the front setback requirement from 30 feet to 20 feet on the western side of the Subject Property for the purpose of building a single-family residential dwelling.

Created by:

Alexis Baker, AICP  
Interim Zoning Administrator  
Town of Montreat

Created for:

Montreat Board of Adjustment  
October 23, 2025

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## STAFF REPORT

See **STAFF ANALYSIS** (i.e. Alexis Baker, AICP, Interim Montreat Zoning Administrator) in addition to applicant-provided materials. **STAFF ANALYSIS** contain references to the Montreat Zoning Ordinance (MZO) where noted. Only those information 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 Ewing Construction (on behalf of Property Owners, Albert and Lucy Robinson) for the lot addressed as 428 South Carolina Terrace, Montreat, NC 28711 and described as PIN# 072017083400000 located on South Carolina Terrace. This Variance request is to Section 501.5 (Minimum Front Yard) of the Montreat Zoning Ordinance to reduce the front setback requirement from 30 feet to 20 feet on the western side of the Subject Property for the purpose of building a single-family residential dwelling.

### Property Summary

**Parcel Identifier Number (PIN#):** 072017083400000

**Address:** 428 South Carolina Terrace  
Montreat, NC 28711

**Owner:** ALBERT ROBINSON  
143 PERRIN PL.  
CHARLOTTE, NC 28207

**Applicant:** Ewing Construction (on behalf of the Property Owner)

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

**Current Land Use:** The Subject Property contains an existing single-family dwelling. The applicant will demolish this residence to build a new single-family dwelling.

**Acres:** 0.53 acres



*Figure 1: Subject Property Aerial*

**Public Notice**

Staff mailed notice to properties within 250 feet of the Subject Property on **October 13, 2025**. Staff posted the Subject Property on **October 13, 2025**. BOA Hearing: **October 23, 2025**.

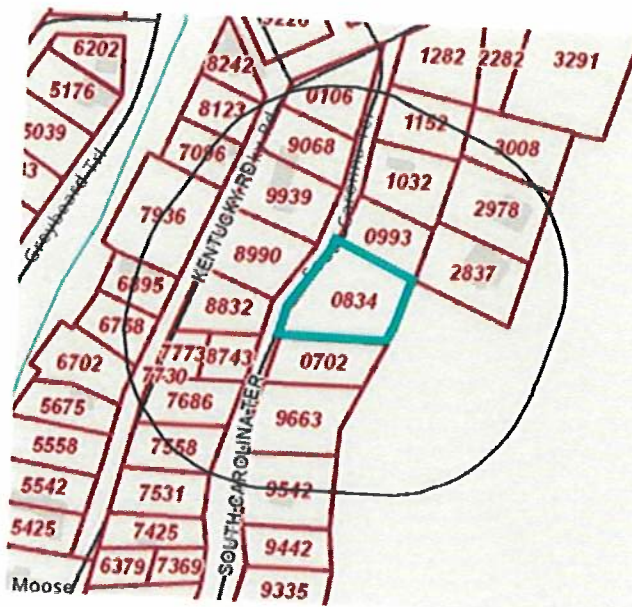


Figure 2: 250 feet Public Notice for Variance Request

### Variance Request

The Variance request by Ewing Construction (on behalf of Property Owners, Albert and Lucy Robinson) is for the lot addressed as 428 South Carolina Terrace, Montreat, NC 28711 and described as PIN# 072017083400000 is located on South Carolina Terrace. This Variance request is to Section 501.5 (Minimum Front Yard) of the Montreat Zoning Ordinance to reduce the front setback requirement from 30 feet to 20 feet on the western side of the Subject Property for the purpose of building a single-family residential dwelling.

### Staff Analysis

#### Subject Property Summary

- ❖ The Subject Property is .53 acres and currently contains a single-family dwelling. The Applicant intends to demolish the existing single-family dwelling and build a single-family dwelling.
- ❖ The Subject Property fronts on South Carolina Terrace.
- ❖ The slope of the Subject Property is 51.84 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 1919 per the Buncombe County Tax Card for the Subject Property. The Applicant seeks to obtain a Variance to build a new single-family residential home that will encroach into the front setbacks.

The Subject Property fronts on South Carolina Terrace. It is surrounded on three sides by the R-1 Residential District with the Woodland District (WL) to the east. There appears to be a vacant residential parcel to the north, a single-family residential structure to the south, woodland to the east, and a vacant residential parcel and single-family homes to the west.



*Figure 3: Subject Property and Surrounding Zoning*

### Setbacks

The Subject Property is in the R-1 Zoning District. The Applicant's Variance request is to the front setback requirement. The Applicant intends to meet the remaining setback requirements on the Subject Property.

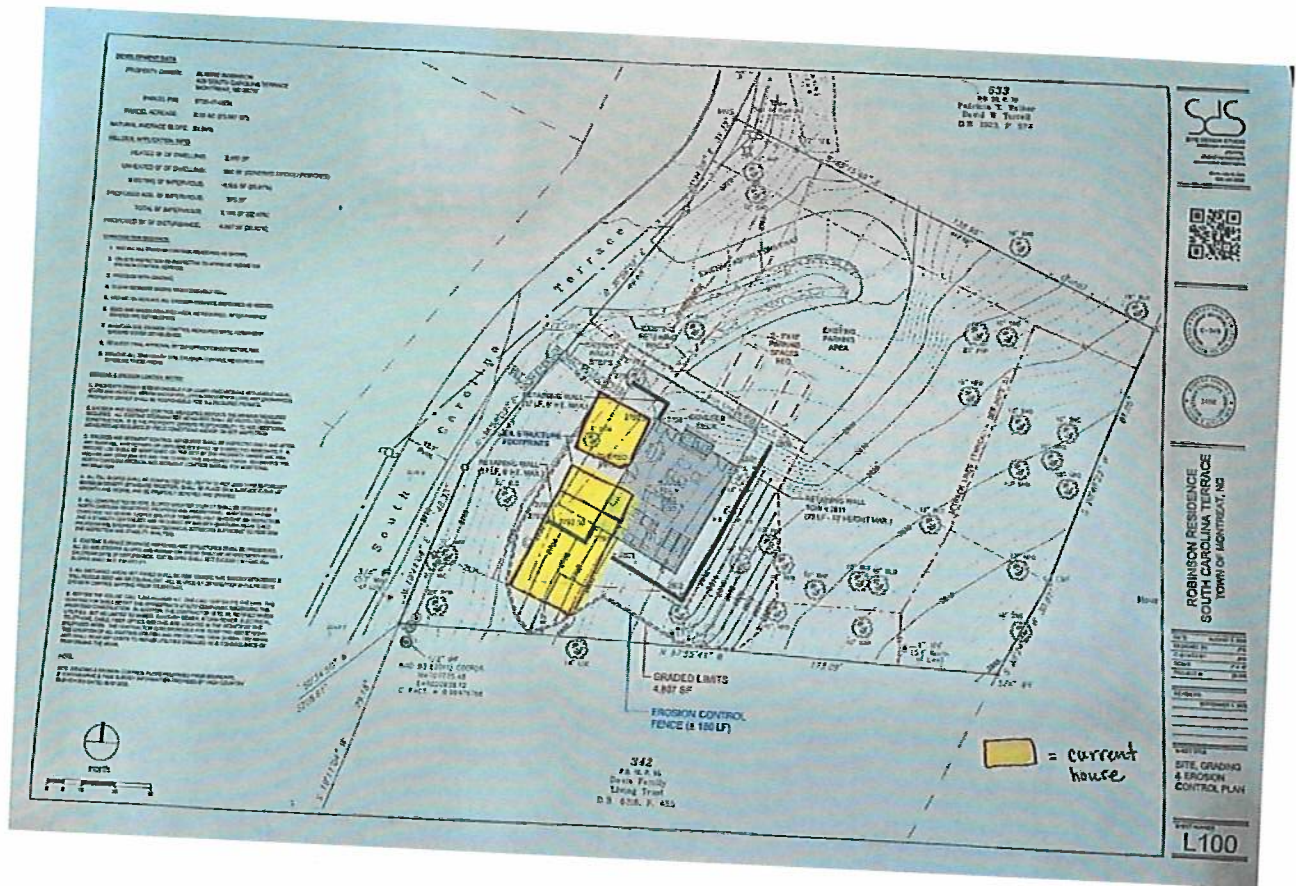


Figure 4: Site Plan with Setbacks Labeled

The table below shows the required setbacks for R-1 on the Subject Property, per Section 501 of Montreat's Zoning Ordinance, and the requested setback Variances from the Applicant's application.

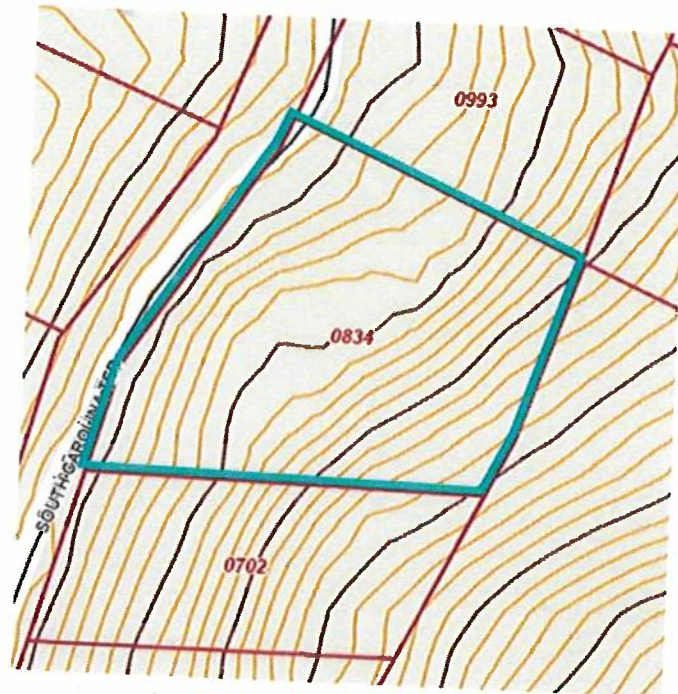
	Required R-1 Zoning District Setback	Requested Variance
Front (West)	30 feet	20 feet
Side (North)	15 feet	N/A
Side (South)	15 feet	N/A
Rear (East)	35 feet	N/A

**Lot Size**

The Subject Property is 0.53 acres.

**Topography**

The slope of the Subject Property, per the Buncombe County Steep Slope Calculator, is 51.84 percent. The Subject Property slopes upward from north to south. The Subject Property would be subject to Hillside Development Ordinance.



*Figure 5: Subject Property and Surrounding Topography ( 5ft contours)*

**Rights-of-Way**

The Subject Property fronts on South Carolina Terrace. There is an existing asphalt driveway on the Property.



*Figure 6: South Carolina Terrace Right-of-way*

## 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 Features

## Template Variance Decision Language

The Board is welcome to use the language below to issue a decision on the Variance Request. Prior to making the approval motion, the Board must state the specific findings that lead to the approval of each finding of fact as required by Section 310.42 of the MZO.

### Findings of Fact:

1. The Board finds that unnecessary hardship [*would/would not*] result from the strict application of the Ordinance because...
2. The Board finds that the hardship results from conditions that [*are/are not*] peculiar to the property because...
3. The Board finds that hardship [*did/did not*] result from actions taken by the applicant or the property owner because...
4. The Board finds that the variance [*is/is not*] consistent with the spirit, purpose, and intent of the ordinance ...
5. The Board finds that the variance requested [*is/is not*] the minimum variance that will make possible the requested use of the land because...
6. The Board finds that 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...

Motion for Decision: "I move that the Board [*approve/approve with conditions/deny*] Variance request for 428 South Carolina Terrace to Section 501.5 (Minimum Front Yard) of the Montreat Zoning Ordinance to reduce the front setback requirement from 30 feet to 20 feet on the western side of the Subject Property for the purpose of building a single-family residential dwelling. *List any conditions of approval in the motion, if applicable*]

## Attachments

# ATTACHMENT 1

Type: CONSOLIDATED REAL PROPERTY  
Recorded: 7/3/2023 9:19:21 AM  
Fee Amt: \$26.00 Page 1 of 4  
Revenue Tax: \$0.00  
Buncombe County, NC  
Drew Reisinger Register of Deeds

BK 6331 PG 1877 - 1880

There are no delinquent taxes that are a lien  
the parcel(s) described in the deed which the  
Buncombe County Tax Collector is charged  
with collecting.

07-03-2023  
Date

*[Signature]*  
Deputy Tax Collector

TRUSTEE'S DEED

Parcel: 0720-17-0834-00000

Revenue Stamps: \$0.00

If checked, the property includes the primary residence of at least one of the parties  
depicted as party of the first part. (N.C. Gen. Stat. § 105-317.2)

STATE OF NORTH CAROLINA  
COUNTY OF BUNCOMBE

THIS TRUSTEE'S DEED, made and entered into this the 19th day of June, 2023  
by and between LESLIE DEAN ROBINSON MORRIS, TRUSTEE UNDER THE ROBINSON  
FAMILY REVOCABLE TRUST DATED FEBRUARY 17, 2021, AS AMENDED, party of the  
first part (the address of the party of the first part is: 480 Old Haw Creek Road, Asheville, NC  
28805); and ALBERT L. ROBINSON, party of the second part (the address of the party of the  
second part is: 1910 Colleton Court, Wilmington, NC 28403).

WITNESSETH:

That the party of the first part, in consideration of the sum of Ten and No/100  
Dollars (\$10.00) and other good and valuable considerations to said party paid by the party of the

Prepared by Terri W. Sharp, Esq., Ward and Smith, P.A., 1001 College Court (28562), Post  
Office Box 867, New Bern, NC 28563-0867  
Please return to Ward and Smith, P.A., 127 Racine Drive (28403), Post Office Box 7068,  
Wilmington, NC 28406-7068  
Attention: Eldridge D. Dodson

No opinion on title is rendered by Ward and Smith, P.A., without a separate written opinion on  
title from Ward and Smith, P.A.

*This instrument was prepared by Terri W. Sharp, a licensed North Carolina attorney.  
Delinquent taxes, if any, to be paid by the closing attorney to the county tax collector upon  
disbursement of closing proceeds.*

Submitted electronically by "Ward and Smith, P.A." in compliance with North Carolina statutes governing recordable documents and the terms of the submitter agreement with the Buncombe County Register of Deeds.

second part, the receipt and sufficiency of which hereby are acknowledged, and pursuant to Article V, Paragraph B of the Robinson Family Revocable Trust, has bargained and sold and by these presents does bargain, sell and convey unto the party of the second part, said party's heirs and assigns, the following described property to wit:

All that certain tract or parcel of land lying and being situate in Montreat Township, Buncombe County, North Carolina, and being more particularly described as follows:

BEING all of Lots 631 and 632 as shown on a plat of Montreat recorded in the Buncombe County, North Carolina Deed Registry in Plat Book 16 at Page 95, to which plat reference is hereby made for a more particular description of said lots.

Being the same property described as Tract 1 in the deed recorded in Book 6117, Page 1013 in the office of the Register of Deeds of Buncombe County.

This conveyance is made subject to easements of record or on the ground, restrictive covenants of record, and ad valorem taxes for the current year, which taxes the party of the second part, by accepting this deed, agrees to pay.

TO HAVE AND TO HOLD said property and all privileges and appurtenances thereunto belonging to the party of the second part, said party's heirs and assigns, forever.

The party of the first part covenants and warrants that said party has not, as Trustee of the Robinson Family Revocable Trust, placed or suffered to be placed any presently existing liens or encumbrances upon the aforesaid property and agrees that the party of the first part will warrant and defend the title to same against the lawful claims of all persons claiming by, through, under or on account of the party of the first part as Trustee insofar as it is the party of the first part's duty to do so by virtue of said party's office as Trustee, but no further.

IN TESTIMONY WHEREOF, the party of the first part has caused this instrument to be executed under seal and in such form as to be binding this the day and year first above written.

*Leslie Dean Robinson Morris* (SEAL)  
Leslie Dean Robinson Morris, Trustee under  
the Robinson Family Revocable Trust dated  
February 17, 2021, as amended

STATE OF NORTH CAROLINA  
COUNTY OF BUNCOMBE

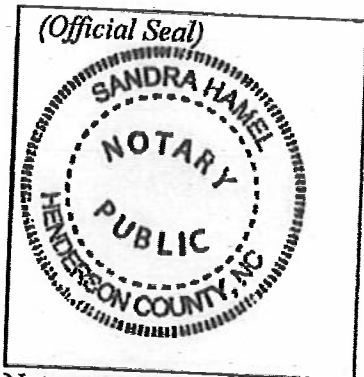
I certify that the following person personally appeared before me this day, acknowledging to me that he or she signed the foregoing document for the purpose(s) stated therein, in the capacity indicated therein: LESLIE DEAN ROBINSON MORRIS, TRUSTEE UNDER THE ROBINSON FAMILY REVOCABLE TRUST DATED FEBRUARY 17, 2021, AS AMENDED.

Date: June 19, 2023

Sandra Hamel  
Signature of Notary Public

Sandra Hamel  
Notary's printed or typed name

My commission expires: 12/12/2026



Notary seal or stamp must appear within this box.

201307-00002  
ND:4863-5672-0230, v. 1

ATTACHMENT 2

**Variance Application – 428 S. Carolina Terrace – Robinson**

*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.*

In the absence of the variance, the property owner would be limited to renovating the existing structure, which currently encroaches on the side yard setback and the front setback. Our request is limited to a requesting a variance for the front setback only which will dimensionally improve the existing condition.

*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.*

Our hardship is peculiar due to the existing site conditions, including the current retaining walls, driveway and parking area, as well as the topography of the site.

*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 location of existing structure and encroachment of the front and side setbacks were not created by the existing owner. The proposed development and requested variance will improve the encroachment within the setbacks.

*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.*

Yes, this is correct.

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

Yes, the variance requested is the minimum amount we feel comfortable with.

*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.*

Yes, this is correct.

## ATTACHMENT 3





# Staff Report

## 438 Kentucky Road

**Variance Request (438 Kentucky Road)**– A Variance request submitted by Philip Jung, Property Owner, for the lot addressed as 438 Kentucky Road, Montreat, NC 28711 and described as PIN# 072008906800000 located on Kentucky Road. This Variance request is to Section 501.5 (Minimum Front Yard) of the Montreat Zoning Ordinance to reduce the front setback requirement from 30 feet to 19 feet on the western side of the Subject Property, along Kentucky Road, and to Section 501.81 (Minimum Side Yard) to reduce the side setback requirement from 15 feet to 5.8 feet on the southern side of the Subject Property for the purpose of expanding the existing dwelling on the Subject Property.

Created by:

Alexis Baker, AICP  
Interim Zoning Administrator  
Town of Montreat

Created for:

Montreat Board of Adjustment  
October 23, 2025

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## **STAFF REPORT**

See **STAFF ANALYSIS** (i.e. Alexis Baker, AICP, Interim Montreat Zoning Administrator) in addition to applicant-provided materials. **STAFF ANALYSIS** contain references to the Montreat Zoning Ordinance (MZO) where noted.

### **Application Summary**

The following report summarizes the Zoning Administrator's review of an application for a Variance by Philip Jung, Property Owner, for the lot addressed as 438 Kentucky Road, Montreat, NC 28711 and described as PIN# 072008906800000, located on Kentucky Road. This Variance request is to Section 501.5 (Minimum Front Yard) of the Montreat Zoning Ordinance to reduce the front setback requirement from 30 feet to 19 feet on the western side of the Subject Property, along Kentucky Road, and to Section 501.81 (Minimum Side Yard) to reduce the side setback requirement from 15 feet to 5.8 feet on the southern side of the Subject Property for the purpose of expanding the existing dwelling on the Subject Property.

### **Property Summary**

**Parcel Identifier Number (PIN#):**072008906800000

**Address:** 438 Kentucky Road  
Montreat, NC 28711

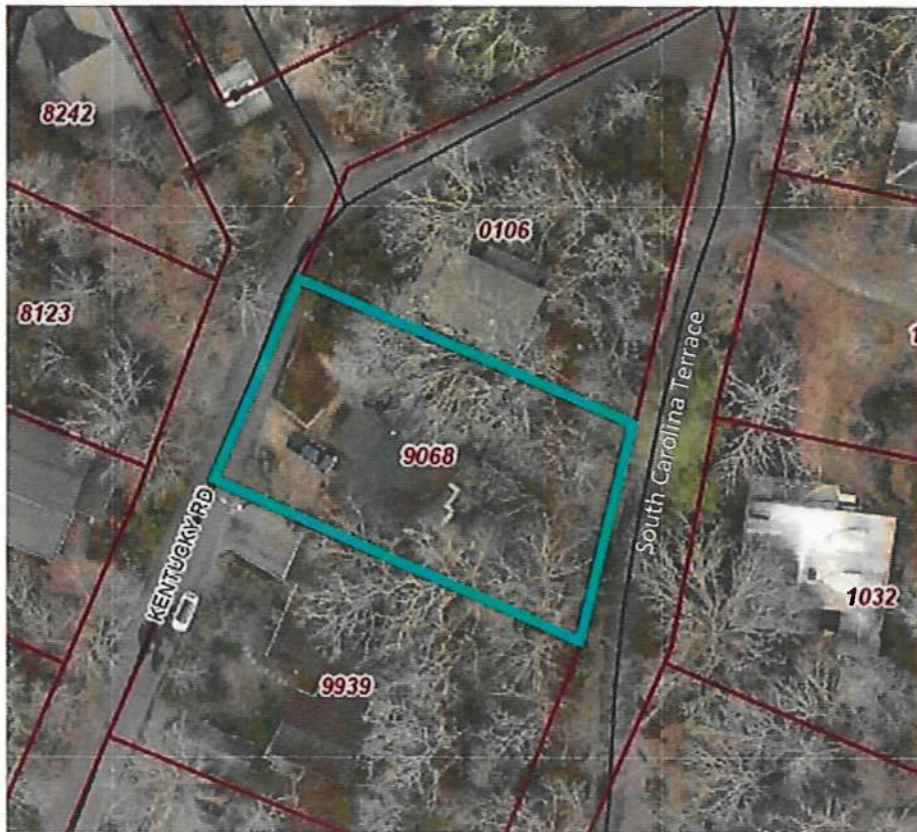
**Owner:** PHILIP AND ANN JUNG  
2591 EDGE GROVE  
CANYON LAKE, TX 78133

**Applicant:** Philip Jung

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

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

**Acres:** 0.26 acres



*Figure 1: Subject Property Aerial*

### Public Notice

Staff mailed notice to properties within 250 feet of the Subject Property on **October 13, 2025**. Staff posted the Subject Property on **October 13, 2025**. BOA Hearing: **October 23, 2025**.

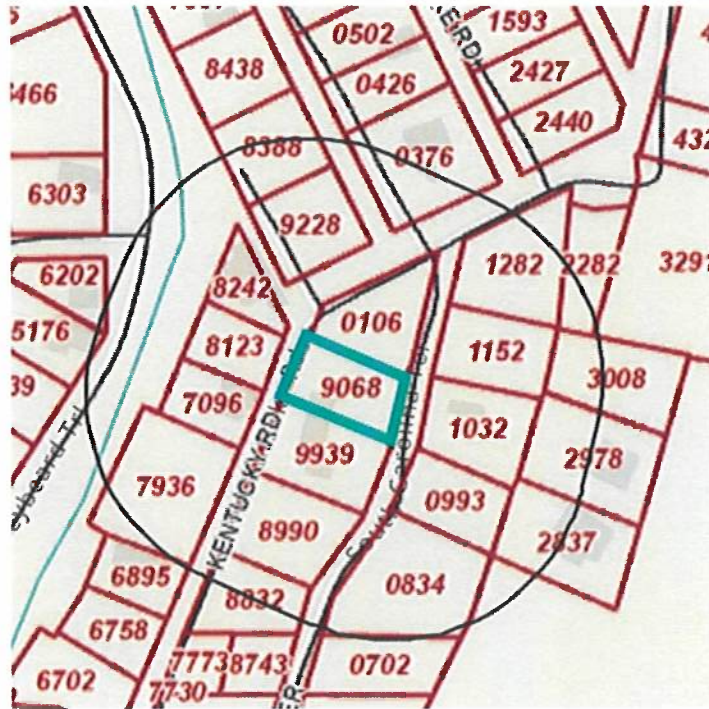


Figure 2: 250 feet Public Notice for Variance Request

## Variance Request

The Variance was requested by Philip Jung, Property Owner, for the lot addressed as 438 Kentucky Road, Montreat, NC 28711 and described as PIN# 072008906800000, located on Kentucky Road. This Variance request is to Section 501.5 (Minimum Front Yard) of the Montreat Zoning Ordinance to reduce the front setback requirement from 30 feet to 19 feet on the western side of the Subject Property, along Kentucky Road, and to Section 501.81 (Minimum Side Yard) to reduce the side setback requirement from 15 feet to 5.8 feet on the southern side of the Subject Property for the purpose of expanding the existing dwelling on the Subject Property.

## Staff Analysis

### Subject Property Summary

- ❖ The Subject Property is .26 acres and currently contains a single-family dwelling.
- ❖ The Subject Property fronts on two roads. The single-family dwelling has a concrete driveway that accesses Kentucky Road.
- ❖ The slope of the Subject Property is 25.05 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 1983 per the Buncombe County Tax Card for the Subject Property. The Applicant seeks to obtain a Variance to expand an existing residential home into the front (western) setback and side (southern) setback.

The Subject Property fronts on Kentucky Road and South Carolina Terrace. It is surrounded by the R-1 Residential District. There appears to be a vacant residential parcels to the north and west and single-family homes to the south and east.



*Figure 3: Subject Property and Surrounding Zoning*

### Setbacks

The Subject Property is in the R-1 Zoning District. The Applicant's Variance request is to the front (western) and side (southern) setback requirement. The Applicant intends to meet the remaining setback requirements on the Subject Property.

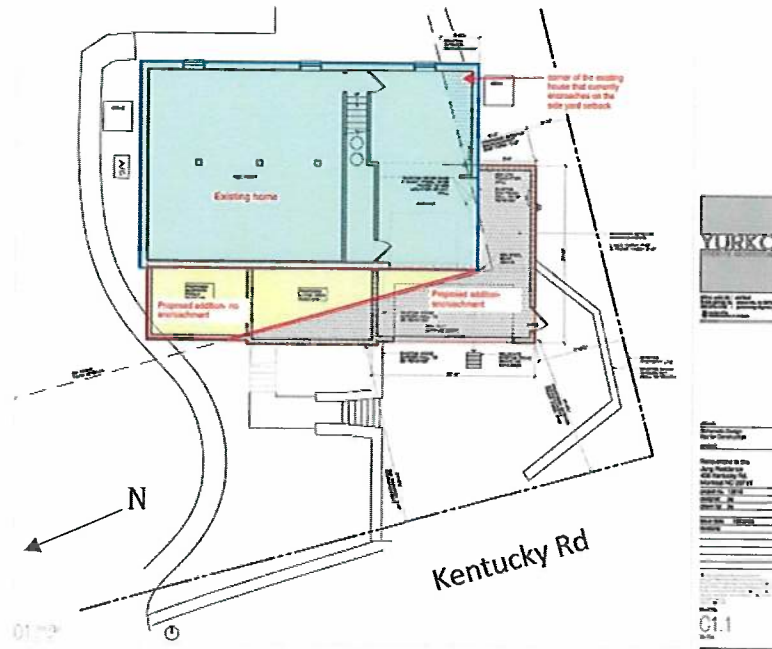


Figure 4: Site Plan

The table below shows the required setbacks for R-1 on the Subject Property, per Section 501 of Montreat's Zoning Ordinance, and the requested setback Variances from the Applicant's application.

	Required R-1 Zoning District Setback	Requested Variance
Front (West)	30 feet	19 feet
Front (East)	30 feet	N/A
Side (North)	15 feet	N/A
Side (South)	15 feet	5.8 feet

Lot Size

The Subject Property is 0.26 acres.

Topography

The slope of the Subject Property, per the Buncombe County Steep Slope Calculator, is 25.05 percent. The Subject Property slopes upward from the southwest to northeast. The Subject Property would not be subject to Hillside Development Ordinance.

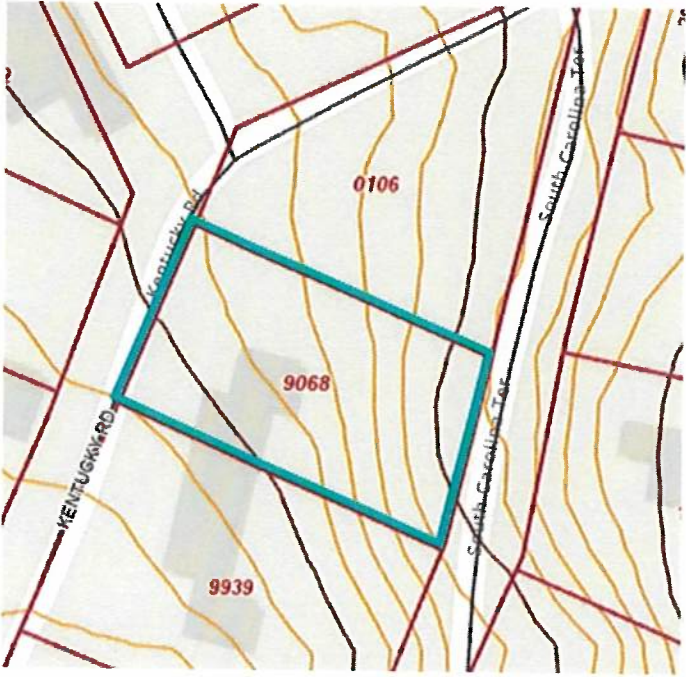


Figure 5: Subject Property and Surrounding Topography ( 5ft contours)

Rights-of-Way

The Subject Property fronts on Kentucky Road and South Carolina Terrace. There is an existing asphalt driveway on the Property, accessing Kentucky Road.



Figure 6: Kentucky Road Right-of-Way

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.

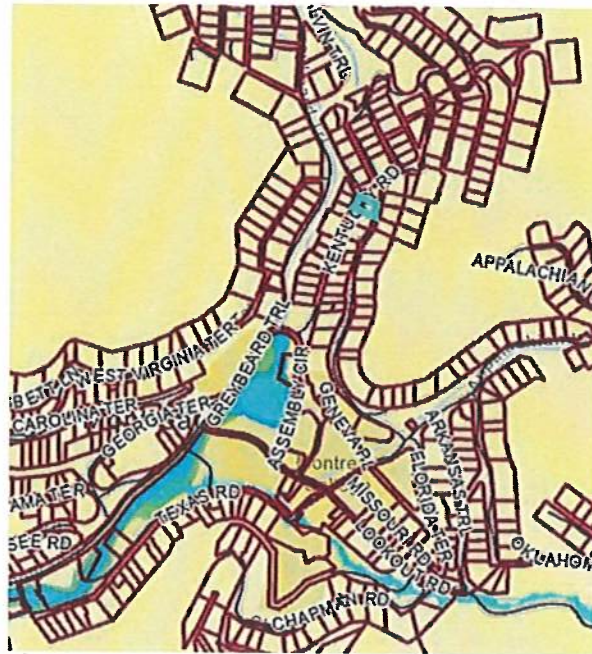


Figure 7: Subject Property and Water Features

## Template Variance Decision Language

The Board is welcome to use the language below to issue a decision on the Variance Request. Prior to making the approval motion, the Board must state the specific findings that lead to the approval of each finding of fact as required by Section 310.42 of the MZO.

### Findings of Fact:

1. The Board finds that unnecessary hardship [*would/would not*] result from the strict application of the Ordinance because...
2. The Board finds that the hardship results from conditions that [*are/are not*] peculiar to the property because...
3. The Board finds that hardship [*did/did not*] result from actions taken by the applicant or the property owner because...
4. The Board finds that the variance [*is/is not*] consistent with the spirit, purpose, and intent of the ordinance ...
5. The Board finds that the variance requested [*is/is not*] the minimum variance that will make possible the requested use of the land because...
6. The Board finds that 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...

Motion for Decision: "I move that the Board [*approve/approve with conditions/deny*] Variance request for 438 Kentucky Rd. to Section 501.5 (Minimum Front Yard) of the Montreat Zoning Ordinance to reduce the front setback requirement from 30 feet to 19 feet on the western side of the Subject Property, along Kentucky Road, and to Section 501.81 (Minimum Side Yard) to reduce the side setback requirement from 15 feet to 5.8 feet on the southern side of the Subject Property for the purpose of expanding the existing dwelling on the Subject Property.

*List any conditions of approval in the motion, if applicable*

## ATTACHMENTS

# ATTACHMENT 1

*ma*



Doc ID: 031604970003 Type: CRP  
Recorded: 02/14/2018 at 02:01:55 PM  
Fee Amt: \$26.00 Page 1 of 3  
Revenue Tax: \$0.00  
Workflow# 0000454049-0001  
Buncombe County, NC  
Drew Reisinger Register of Deeds  
BK **5636** PG **1892-1894**

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

**QUIT CLAIM DEED**

**THE ATTORNEY AND FIRM PREPARING THIS INSTRUMENT HAVE MADE NO RECORD SEARCH OR TITLE EXAMINATION OF THE SUBJECT PROPERTY, AND MAKE NO REPRESENTATION WITH RESPECT TO THE SAME TO THE GRANTOR, GRANTEE, BENEFICIARY OR ANY OTHER PERSON OR FIRM.**

Recording Time, Book and Page

Excise Tax \$0.00-No Consideration

Parcel Identifier No. 0720-08-9068-00000

Verified by \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_, 2018

By: \_\_\_\_\_

✓ Mail after recording to: **The McIntosh Law Firm, P.O. Box 2270, Davidson, NC 28036**

This instrument was prepared by: **Amy Shue Isaacs, The McIntosh Law Firm, P.C., P.O. Box 2270, Davidson, NC 28036**

Brief Description for the index:

**Lot 629 Montreat**

**NORTH CAROLINA QUIT CLAIM DEED**

**THIS DEED made this 2nd, day of February, 2018, by and between**

GRANTOR	GRANTEE
Virginia M. Snoddy, widowed and Virginia M. Snoddy and Chapman B. Cox, Co-Trustees of the Virginia M. Snoddy Amended and Restated Trust U/A dated October 10, 2007  Mailing Address: 400 Avinger Lane #411 Davidson, NC 28036	Philip O. Jung and wife Ann T. Jung  Mailing Address: 5760 Vendome Drive North Mobile, AL 36609  Property Address: 438 Kentucky Road Montreat, NC 28757

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, quitclaim and convey unto the Grantee any right, title and/or interests the Grantor has or may have in all that certain lot or parcel of land situated in Montreat, Buncombe County, North Carolina and more particularly described as follows:

Being all of Lot 629 as described in the Mountain Retreat Association Map of Montreat recorded in Plat Book 16, Page 96 of the Buncombe County Register of Deeds.

The intent of this deed is to release and terminate the life estate reserved to Virginia M. Snoddy in that deed dated May 5, 2012 and recorded on May 10, 2012 in Book 4981 at Page 146 of the Buncombe County Register of Deeds. In that same deed, the property was conveyed to Montreat College, who subsequently conveyed the property to the Grantees herein by deed dated July 2, 2012 and recorded July 2, 2012 in Book 4996 at Page 123 of the Buncombe County Register of Deeds. It is the Grantors' intent that the Grantees herein be vested with fee simple ownership of the described property.

Subject to restrictions and easements of record.

Subject to restrictions and easements of record.

The property hereinabove described was acquired by Grantors by instrument recorded in Book 4460, Page 382 and Book 4981, Page 146.

A map showing part of the above described property is recorded in Map Book 16, Page 96, Buncombe County Register of Deeds.

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

The Grantors make no warranty, express or implied, as to title to the property hereinabove described.

Pursuant to N.C.G.S. § 105-317.2(2), the property herein conveyed does not include the primary residence of Grantors.

IN WITNESS WHEREOF, the Grantors have duly executed the foregoing as of the day and year first above written.

Virginia M. Snoddy (SEAL)  
Virginia M. Snoddy, Individually and as Co-Trustee of the  
Virginia M. Snoddy Amended and Restated Trust U/A dated October 10, 2007

State of North Carolina

Mecklenburg County

I, Jennifer Sturgis, a Notary Public for the State and County Cabarrus aforementioned, do hereby certify that, VIRGINIA M. SNODDY, Individually and as Co-Trustee of the Virginia M. Snoddy Amended and Restated Trust U/A dated October 10, 2007, personally appeared before me this day and acknowledged her execution of the foregoing instrument.

Witness my hand and Notarial stamp or seal, this 20<sup>th</sup> day of January, 2018.

Jennifer Sturgis  
Notary Public



My Commission Expires: 1.17.2023

Jennifer Sturgis  
(Printed Name of Notary Public)

[THE REMAINDER OF THE PAGE IS INTENTIONALLY LEFT BLANK AND SIGNATURES CONTINUE ON THE NEXT PAGE]

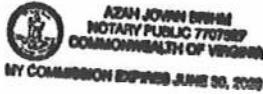
IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

Chapman B Cox (SEAL)  
Chapman B. Cox, Co-Trustee of the Virginia M. Snoddy  
Amended and Restated Trust U/A dated October 10, 2007

Commonwealth of Virginia  
James City County

I, Azah J. Brinn, a Notary Public for the Commonwealth of Virginia, James City County, do hereby certify that CHAPMAN B. COX, Co-Trustee of the Virginia M. Snoddy Amended and Restated Trust U/A dated October 10, 2007, personally appeared before me this day and acknowledged his execution of the foregoing instrument.

Witness my hand and Notarial stamp or seal, this 2 day of February 2018.



Azah J. Brinn  
Notary Public

My Commission Expires: June 30, 2020 Azah J. Brinn  
(Printed Name of Notary Public)

The foregoing Certificate(s) of \_\_\_\_\_ 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.

\_\_\_\_\_ REGISTER OF DEEDS FOR \_\_\_\_\_ COUNTY

By \_\_\_\_\_ Deputy/Assistant-Register of Deeds.

## ATTACHMENT 2

## Addressing the Six Elements of this Proposal

August 24, 2025

**Montreat Zoning Ordinance 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.*

The existing structure was placed on this lot, skewed to the side property lines. The existing structure is 46 feet wide, while the lot is 80.4 feet wide near Kentucky Road and 81.52 feet wide near South Carolina Terrace. This structure could have been located following the recently mandated 15 foot setbacks of **1980??** on both sides of the lot with 4.5 feet to spare. In reality, the house is located 17.85 feet from the east property line and 9.45 feet from the west property line. It is impossible to move this house with a full basement and garage to meet the mandated setback of 15 feet on both sides.

**Montreat Zoning Ordinance 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.*

This is a rather narrow width lot of 80.4 feet and 81.52 feet with an elevation change of about 25 feet over an average distance of 136 feet. This equates to a 10.6° average slope. The residence is located on the front 48% of this lot. Topographically, the back half of the lot would be almost impossible to use for construction due to the steep elevation change.

**Montreat Zoning Ordinance 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 did not result from actions taken by the applicant.

**Montreat Zoning Ordinance 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.*

We believe that safety will be secured and that substantial justice will be secured.

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

We believe the requested variance is the minimum that will make possible the requested use of the land and the building.

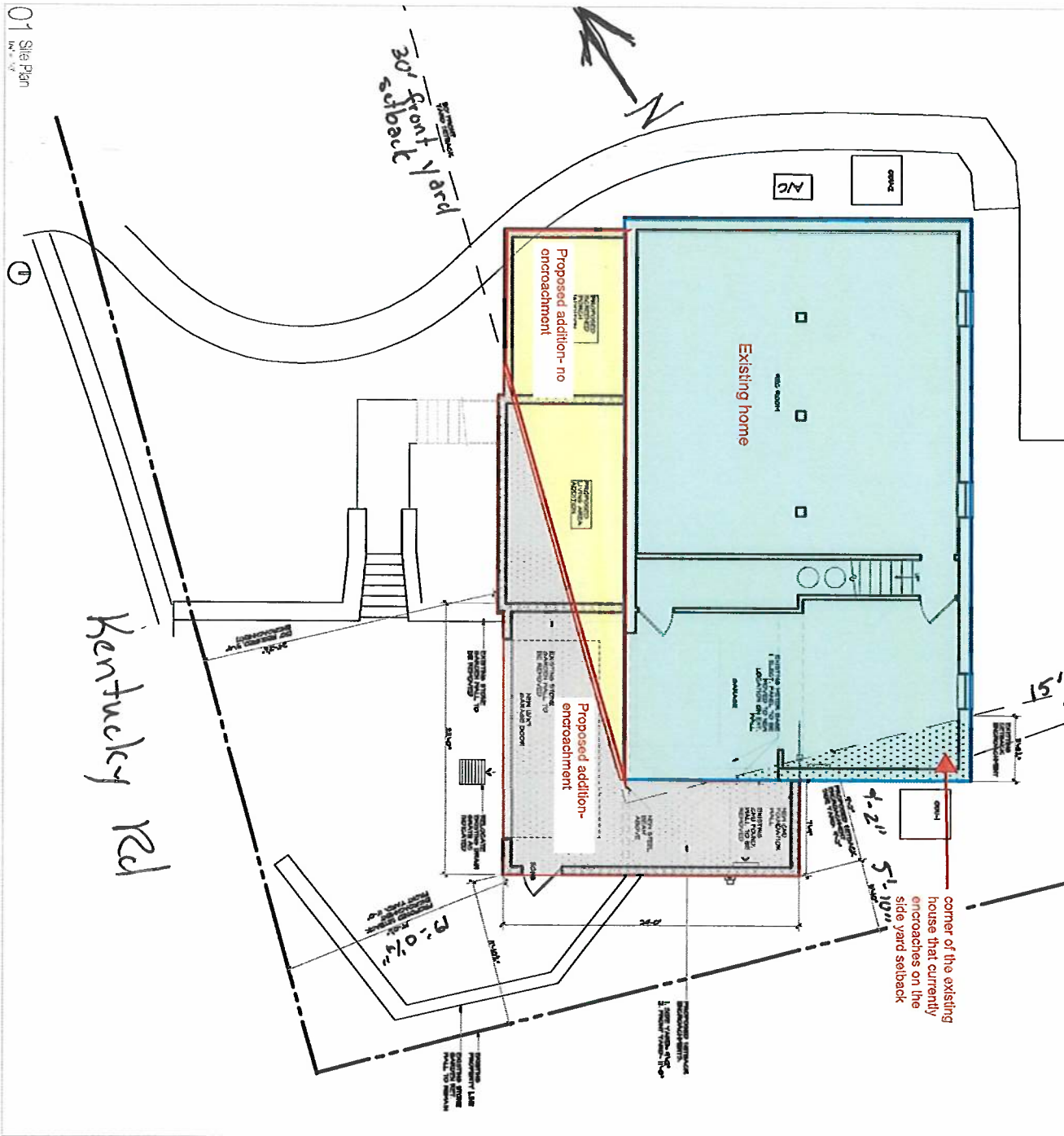
**Montreat Zoning Ordinance 310.42(F)** *The Variance is not a request to permit a Use of land, Building or Structure which is not permitted in the applicable Zoning District.*

We believe we are within the use of the applicable Zoning District.

ATTACHMENT 3



01 Site Plan  
IN 1/4"



Project:	Submittal Design
Client:	Not for Construction
Prepared by:	JURKO
Checked by:	JURKO
Drawn by:	JURKO
Date:	10/20/20

Permitted to the  
 Jurko Residence  
 408 North 7th  
 Northfield, NJ 07071  
 Project No. 12815  
 Date: 10/20/20

