

**Town of Montreat
Board of Adjustment (BOA)
Meeting Agenda
February 26, 2026, 5:00 p.m.
Montreat Town Hall
1210 Montreat Rd., Black Mountain, NC 28711**

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 JANUARY 22, 2026, REGULAR MEETING MINUTES

- **Suggested Motion:** To adopt the January 22, 2026, Regular Meeting Minutes as drafted/amended.

V. ORDER OF APPROVAL

1) **Variance (435 Greybeard Trail)** – A Variance request was submitted by Powell A. Fraser, Property Owner, for the lot addressed as 435 Greybeard Trail, Montreat, NC 28757 and described as PIN# 072007494600000. The Variance request is to Section 501.81 of the Montreat Zoning Ordinance to reduce the side setback requirement from 15 feet to 4 feet on the southern side of the Subject Property for the purpose of building a covered porch. *Continued from the January 22, 2026, regular meeting.*

Suggested Motion: To grant/grant with conditions/deny the Variance request for 435 Greybeard Trail.

2) **Variance (329 North Carolina Terrace)** - A Variance request was submitted by Lindsey Richards and Thomas A. Brown, applicants on behalf of property owner William Black Lodge, for the lot addressed as 329 North Carolina Terrace, Montreat, NC 28757 and described as PIN#071096792800000. This Variance request is to Section 505.71 to reduce the 25-foot building setback from the right-of-way line to 4.9 feet for the purpose of adding a deck to the existing cottage.

Suggested Motion: To grant/grant with conditions/deny the Variance request for 329 North Carolina Terrace

VI. NEW BUSINESS

VII. NEXT MEETING DATE: March 26 , 2026 (if needed)

VIII. ADJOURNMENT

Board of Adjustment

January 22, 2026, 5:00 p.m.

Meeting Minutes

Board Members in Attendance:

Mari Gramling

David Neel

Danny Sharpe

Ed Kramer

Matt Horne (Alternate Member – Voting Member)

Arrington Cox (Alternate Member – Voting Member)

Bill Scheu

Board Members not Present:

George Sawyer

Town Staff in Attendance:

Alexis Baker, Interim Zoning Administrator

Angie Murphy, Town Clerk

Brandon Freeman, Town Attorney

Marty Benson, Legal Associate of Town Attorney

Justyn Whitson, Police Officer

Members of the Public in Attendance:

None

Call To Order

The meeting was called to order at 5:07 PM. Chair Danny Sharpe opened with welcome and introductions, followed by a moment of silence. He noted that seven members of the board and one alternate were present, stating "Looks like we have five members of the board and two alternates, and we have seven people here. So, we have a quorum. That's good news. And we can proceed."

Certification Of Quorum

The Chair certified that a quorum was present with seven board members in attendance.

Agenda Adoption

Chair Sharpe referenced the agenda that had been presented in the packet before the meeting and called for a motion to adopt the meeting agenda.

Motion: Arrington Cox moved to adopt the meeting agenda as presented. The motion was seconded by Mari Gramling. The motion carried unanimously.

Adoption of November 13, 2025, Special Meeting and November 20, 2025, Regular Meeting Minutes

The Chair called for adoption of the minutes from two previous meetings. For the November 13 special meeting minutes, a motion was made by Arrington Cox and seconded by Bill Scheu. The motion carried unanimously.

For the November 20 regular meeting minutes, David Neel raised a concern about the timeliness of receiving materials, stating "Can we get them any sooner?

Brandon Freeman, the Town Attorney, acknowledged that minute preparation requires considerable staff effort. He assured the board that approval of minutes could be postponed to a subsequent meeting if necessary, stating, "The pressure to approve minutes at the very next meeting can be alleviated, allowing the board additional time for review without causing undue concern."

The Chair noted the significance of receiving the agenda earlier, stating, "The agenda earlier might be helpful." David Neel clarified, expressing his reliance on supplementary materials, adding, "The agenda is one thing, but I depend on the topo maps and plats. These are included in the packet, which I would prefer to receive more than a week in advance."

Brandon Freeman acknowledged the request while noting the town has an interim zoning administrator who is only present a couple days per week and represents multiple towns. He indicated staff would try to accommodate the request.

The Chair inquired about the minutes preparation process, asking if AI was used to draft them. Upon confirmation that the minutes were prepared with a combination of AI and Town Clerk Angie Murphy's review, board members expressed approval of the quality.

Motion: A motion was made by David Neel to adopt the November 20, 2025, Regular Meeting Minutes as drafted. The motion was seconded by Arrington Cox. The motion carried unanimously.

Organization of Board of Adjustment

Chair Sharpe explained that officers need to be elected annually for the board. He announced he would not be able to continue as chair beyond this meeting.

a. Chair (current: Danny Sharpe)

Arrington Cox, alternate member, initially volunteered to be chair. However, Town Attorney Brandon Freeman clarified that it would be best if the chair was a regular member of the board.

After a brief discussion, Ed Kramer was nominated for the position of chair.

Motion: A motion was made by Bill Scheu to elect Ed Kramer as Chair. The motion was seconded by Mari Gramling. The motion carried unanimously.

b. Vice-Chair (current: David Neel)

After confirming that an alternate member could not serve as vice-chair, Bill Scheu was nominated for the position. Mari Gramling had offered to volunteer but deferred when Bill was nominated.

Motion: A motion was made by David Neel to elect Bill Scheu as Vice-Chair. The motion was seconded by Mari Gramling. The motion carried unanimously.

c. Secretary (current: Angela Murphy)

Motion: A motion was made by Bill Scheu to accept Angela Murphy as Secretary. The motion was seconded by David Neel. The motion carried unanimously.

Order Of Approval

a. Variance (435 Greybeard Trail)

Legal Counsel, Brandon Freeman, informed the board that the matter regarding 435 Greybeard Trail required a continuance due to the absence of the applicant or a representative. He stated: "This case is not suitable for board evaluation at this time and should be continued, unless an individual is available to present it." Mr. Freeman highlighted that the applicant had previously requested a continuance should the board decide unfavorably. However, he strongly advised: "From a legal perspective, it's inappropriate for the board to proceed with a quasi-judicial matter without the presence of either the applicant or their legal representative

Motion: A motion was made by Ed Kramer to continue the variance request for 435 Greybeard Trail to the board's next regular meeting on February 26, 2026. The motion was seconded by Bill Scheu. The motion carried unanimously.

b. Variance (216 Alabama Terrace)

Before proceeding with this variance, Alexis Baker, the Interim Zoning Administrator, read the disclosure regarding board member impartiality. When asked if any board member had partiality to disclose, Arrington Cox indicated she needed to recuse herself, stating at the microphone: "Mari's a really good friend."

Brandon Freeman questioned Arrington Cox about her relationship with the applicant. When asked if her close relationship with Ms. Gramling would make it difficult to be neutral, Cox replied "No." When asked if she would be able to vote against the variance if the evidence warranted it, Cox replied "Yes." No board members objected to Ms. Cox's participation.

Motion: A motion was made by Ed Kramer to recuse Mari Gramling from participation in this matter. The motion was seconded by Arrington Cox. The motion carried unanimously.

Mari Gramling then left the dais to sit with the general public.

Regarding ex parte communications, Bill Scheu disclosed: "I just drove by and looked at the house." No other board members had site visits or communications to disclose.

Alexis Baker was sworn in by Town Clerk Angie Murphy, and she then presented the staff report. She explained the variance request was submitted by Margaret (Mari) Gramling for 216 Alabama Terrace to reduce the front setback requirement from 30 feet to 8.25 feet on the northern side for the purpose of expanding and covering the existing deck. She noted the property is 0.25 acres in an R-2 residential district with an existing two-family dwelling. The slope was calculated at 23.31%, meaning the property is not subject to the hillside development ordinance. There were no floodplain issues and construction would not be in the 30-foot stream buffer.

Mari Gramling was subsequently sworn in by Town Clerk Angie Murphy to present her case. She highlighted the unique hardship associated with her property, noting that nearly the entirety of her house is situated within the setback, with a portion extending beyond her property line. She mentioned, however, that this circumstance would not present an issue with regard to the deck extension.

She outlined her rationale for seeking the variance, stating that the primary motivation for covering the deck is its current lack of usability due to constant exposure to sunlight during summer months, inhibiting her ability to fully utilize the space. Additionally, she aims to expand the deck to achieve a uniform structure and enhance its functionality.

She clarified that the smaller section was initially designated as a walkway, while the larger section constituted the deck. She expressed her intention to convert the entire area into a uniform deck.

During questioning, the Chair asked to see the map showing how the house sits on the lot. Mari Gramling pointed out: "If you look at it, can see where the line goes across, my house is not even on my property, at the very front. And at the back, you can see the dotted line where there's another setback line. As far as the road goes, Alabama Terrace, all of that, all the way back to where it says 32.4 is in the setback."

The Chair confirmed that a variance had been granted in 2019 for the construction of the deck. Ms. Gramling elaborated: "The variance was approved primarily due to the absence of a back door in the house, which was essential for safety reasons. Consequently, it was necessary to construct an addition, and the town granted permission to establish a structure referred to as a 'walkway/deck.'"

The dimensions of the proposed expansion in the green section were confirmed as approximately 4 feet by 10 feet, representing a minor enlargement. Arrington Cox observed that the addition is minimal and stated that it would align the deck's edge uniformly, facilitating easier rooftop installation.

David Neel sought clarification on whether the deck would remain open or be enclosed. Ms. Gramling stated her intention to potentially screen the deck in the future. When questioned about plans to heat the deck, she firmly responded: "No, it will not be heated while I own it."

Regarding the stairs, Mr. Neel inquired whether they would need to be relocated. Ms. Gramling clarified that the roof would not extend over the stairs. She stated, "It may cover the upper section of the stairs and it must conform to code by being sufficiently high, however, it is not anticipated to extend across the entirety of the stairs. It will instead extend backward."

The board then transitioned to deliberations. The Chair emphasized the hardship issue, noting: "A major concern with the application is that a significant portion of the house already encroaches on the setback area, with approximately 90 percent extending into it. Additionally, a portion of the house is not within the designated property lines, which presents an unusual circumstance."

He continued: "I find it difficult to imagine a scenario where we would say we can't grant this because this is a hardship that is like every other hardship around her or in the Town of Montreat."

Chair Sharpe referenced the standards, noting the hardship "results from conditions that are peculiar to the property" and that he didn't see these as "common to the community or to the neighborhood" given it's "an old house before the zoning regulations."

He endorsed maintaining consistency with the decision made in 2019, stating, "The Board of Adjustments performed commendable work in 2019, and it is prudent for us to continue along the same trajectory."

Motion: Ed Kramer moved that the application meets the town standards for granting a variance and therefore should be granted. The motion was seconded by Arrington Cox. The motion carried unanimously.

Following the vote, discussion turned to preparing the written order. Mr. Scheu indicated he had a 6 o'clock meeting to attend. The board decided to take a recess to prepare the order. Brandon Freeman noted for the record that only board members, town staff, legal counsel, the town clerk, and Officer Justyn Whitson were present, with no members of the public except Ms. Gramling who had recused herself.

Mr. Freeman also introduced Marty Benson, a lawyer in his firm with experience in local government work, who was present to assist.

Motion: A motion was made by David Neel to recess for the time needed to prepare the written order. The motion was seconded by Ed Kramer. The motion carried unanimously.

Bill Scheu and Matt Horne left the meeting at 5:48 p.m.

After the recess, Brandon Freeman presented the written order on the screen. He explained: "The first part of the order just introduces the case, it's the caption, it describes the property. The order has today's date for the hearing. The order says that the board found certain findings of facts." He noted the order contained check boxes corresponding to the board's findings granting the variance, with no conditions added.

When asked if this was boilerplate, Freeman confirmed: "Yeah, the order is based off of our ordinance, and the way it's drafted is with check boxes, because we don't know how the board is going to rule, so the check boxes allow us to quickly go through and record in writing what the board decided."

The meeting was resumed at 6:08 p.m.

Motion: Ed Kramer moved to approve the written order. The motion was seconded by David Neel. The motion carried unanimously.

New Business

No new business was brought before the board.

Next Meeting Date

The next meeting date was confirmed as February 26, 2026, if needed.

Adjournment

Motion: A motion was made by David Neel to adjourn. The motion was seconded by Arrington Cox. The motion carried unanimously.

The meeting was adjourned at 6:11 p.m.

Danny Sharpe, Chair

Angie Murphy, Town Clerk

Staff Report

435 Greybeard Trail

Variance Request (435 Greybeard Trail) – A Variance request submitted by Powell A. Fraser, property owner, for the lot addressed as 435 Greybeard Trail, Montreat, NC 28757 and described as PIN# 072007494600000. This Variance request is to Section 501.81 of the Montreat Zoning Ordinance to reduce the side setback requirement from 15 feet to 4 feet on the southern side of the Subject Property for the purpose of building a covered porch.

Created by:

Alexis Baker, AICP
Interim Zoning Administrator
Town of Montreat

Created for:

Montreat Board of Adjustment
January 22, 2026
Continued to February 26, 2026

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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 Powell A. Fraser, Property Owner, for the lot addressed as 435 Greybeard Trail, Montreat, NC 28757 and described as PIN# 072007494600000. This Variance request is to Section 501.81 of the Montreat Zoning Ordinance to reduce the side setback requirement from 15 feet to 4 feet on the southern side of the Subject Property for the purpose of building a covered porch.

Property Summary

Parcel Identifier Number (PIN#): 072007494600000

Address: 435 Greybeard Trail
Montreat, NC 28757

Owners: POWELL A. FRASER, JR; MARY ELOISE FRASER SHEPHERD; SHEILA K. FRASER;
ALEXANDER FRASER; STEPHEN BEERS SHEPHERD
979 CLUB COMMONS CIR NE
BROOKHAVEN, GA 30319

Applicant: Powell A. Fraser

Zoning: R-1 Residential District.

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

Acres: 0.27 acres.



Figure 1: Subject Property Aerial

Public Notice

Staff mailed notice to properties within 250 feet of the Subject Property on **January 12, 2026**. Staff posted the Subject Property on **January 12, 2026**. BOA Hearing: **January 22, 2026**.

At the January 22, 2026, BOA meeting, the public hearing was continued to **February 26, 2026**. Staff remailed notices to properties within 250 feet of the Subject Property and reposted a sign on the Subject Property on **February 16, 2026**.



Figure 2: 250 feet Public Notice for Variance Request

Variance Request

The Applicant, Powell A. Fraser 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 4 feet on the southern side of the Subject Property to allow for a covered porch.

Staff Analysis

Subject Property Summary

- ❖ The Subject Property is 0.27 acres and currently contains a single-family dwelling. The Applicant intends to add a covered porch where the existing patio is located.
- ❖ The Subject Property is a double frontage lot with main access from Greybeard Trail.
- ❖ The slope of the Subject Property is 20.33 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 1906 per the Buncombe County Tax Card for the Subject Property. The Applicant seeks to obtain a Variance for the purpose of building a covered porch.

The Subject Property is a double frontage lot with main access from Greybeard Trail. It is surrounded on all sides by the R-1 Zoning District and residential dwellings.



Figure 3: Subject Property and Surrounding Zoning

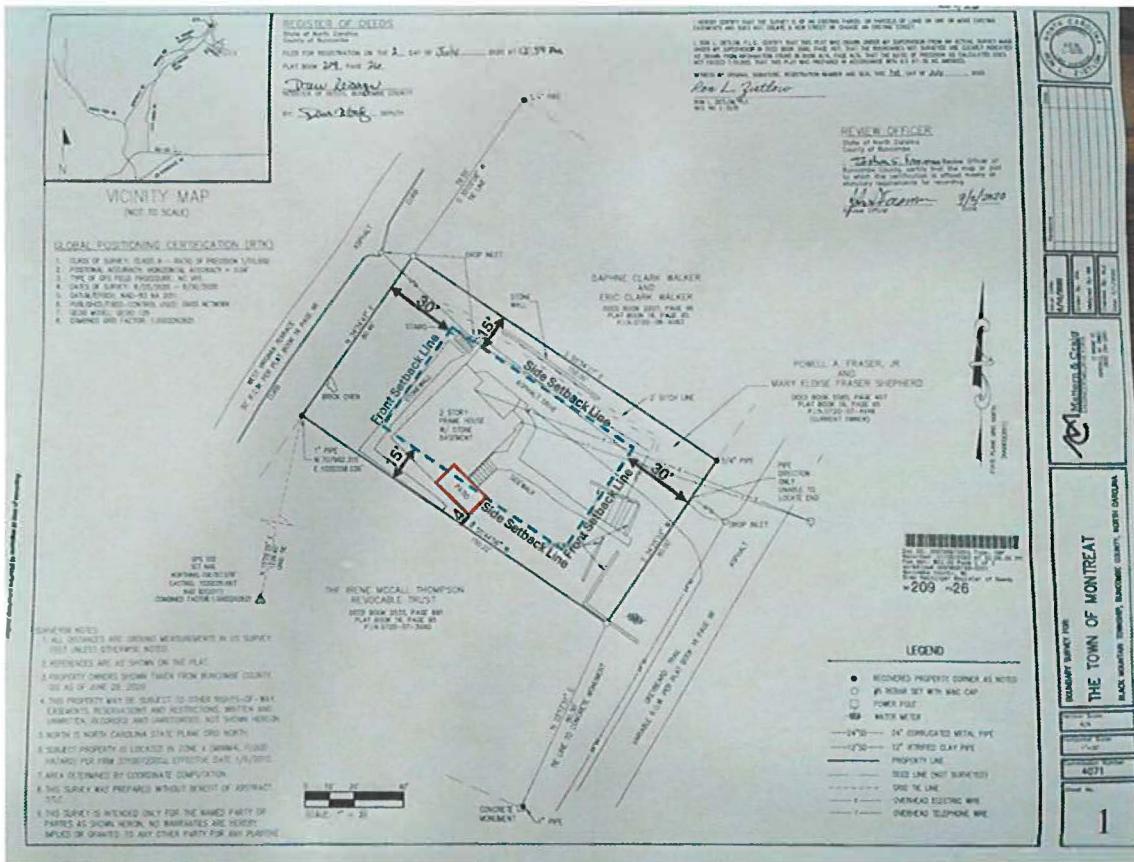


Figure 4: Site Plan with Setbacks Labeled

Setbacks

The Subject Property is in the R-1 Zoning District. The Subject Property is a double frontage lot. The Applicant's Variance request is to the side setback requirement. 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, 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 (East)	30 feet	N/A
Front (West)	30 feet	N/A
Side (North)	15 feet	N/A
Side (South)	15 feet	4 feet

Lot Size

The Subject Property is 0.27 acres.

Topography

The slope of the Subject Property, per the Buncombe County Steep Slope Calculator, is 20.33 percent. The Subject Property slopes upward from southeast to northwest. The Subject Property is NOT subject to Hillside Development Ordinance.



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

Water Features

There appears to be 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.

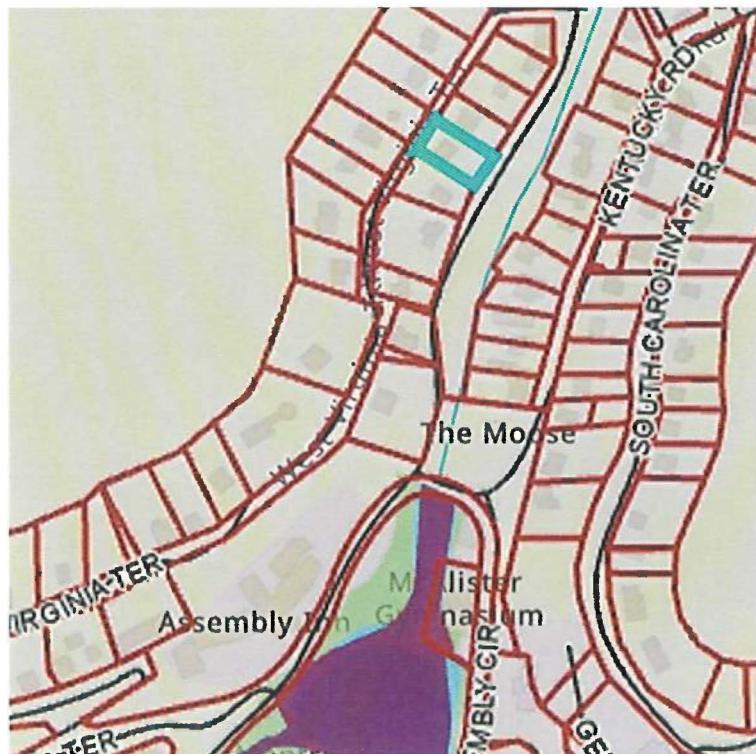


Figure 6: Subject Property and Water Features

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*] the Variance Request for 435 Greybeard Trail to 501.81 of the Montreat Zoning Ordinance to reduce the side setback requirement from 15 feet to 4 feet on the southern side of the Subject Property for the purpose of building a covered porch on the Subject Property. [*List any conditions of approval in the motion, if applicable*]

ATTACHMENTS

Cover Memorandum to Variance Request for 435 Greybeard Trail

February 11, 2026

First, my thanks to the Zoning Committee for helping keep Montreat the special place that it is. My family has been coming to Montreat for almost 90 years, so we have through the generations learned to appreciate its unique location and programs.

This application is for a reduction in the current 15 foot setback to 4 feet in order to build a roof over the current stone patio built in 1964. There is no extension of the patio or ground disturbance in the project.

There are two main reasons for this request: allowing our ever growing families to enjoy the house together in the summer by having some more usable outdoor space and protecting the huge hemlock tree in the front yard from significant root area erosion. The roof will funnel rain water into a side drainage ditch.

My neighbor, Mr. Jimmy Thompson, supports the project and the variance request.

Ms. Alexis Baker has been most professional in guiding me through the application process.

The attachments to the application form are as follows:

Attachments:

- (1) Property Deed
- (2) Property Plat
- (3) Responses to the Six Standards
- (4) Property Survey with project screen porch location and setbacks
- (5) Plans for the screen porch project
- (6) Approval of variance request by my neighbor Mr. Jimmy Thompson at 433 Greybeard Trail
- (7) Copy of proposed project drawings
- (8) Photos of current patio and house

Captain Powell (Alec) Fraser, USN (ret)



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: Powell A Fraser _____ TELEPHONE: 404-971-1867 _____
MAILING ADDRESS: 979 Club Commons Cir NE _____ CITY: Brookhaven STATE: Ga ZIP: 30319 _____
EMAIL: afraser722@gmail.com _____

PROPERTY INFORMATION

ADDRESS: 435 Greybeard Trail CITY: Montreat STATE: NC ZIP: 28757 _____
PIN#: 072007494600000 TOTAL ACREAGE: 0.27 FLOODPLAIN: YES NO
ZONING: R-1 R-2 R-3 I R WL OTHER: _____ OVERLAY ZONING: RPO TCO CD N/A
PROPERTY OWNER: Powell A. Fraser _____ TELEPHONE: 404-971-1867 _____
MAILING ADDRESS: 979 Club Commons Cir NE, Brookhaven, GA 30319 _____

PROPOSED LAND USE

TYPE OF LAND USE: Residential Non-Residential Other

DESCRIPTION OF PROPOSED DEVELOPMENT: _____
Construct a 10x20 ft screen porch over existing stone patio that was built 1964. _____
See additional description of this proposed use in attached addendum to this application form. _____

VARIANCE REQUEST

MONTREAT ZONING ORDINANCE SECTION: Section 501.81 Montreat Zoning Ordinance _____

DESCRIPTION OF REQUESTED VARIANCE: _____
Reduce the side (southern) setback from 15' to 4': No change in current patio footprint. _____
See additional description of this request in attached addendum to this application form. _____

STANDARDS FOR GRANTING A VARIANCE

THE TOWN OF MONTREAT'S BOARD OF ADJUSTMENT WILL RENDER A DECISION ON THIS APPLICATION AT A QUASI-JUDICIAL 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.

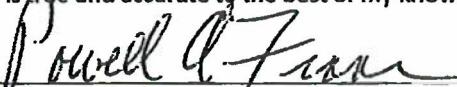
ATTACHMENTS

THIS APPLICATION MUST BE ACCCOMPANIED 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 standards 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, Powell A Fraser, hereby certify that all of the information set forth above is true and accurate to the best of my knowledge.


Signature of Applicant

12/31/2025

Date

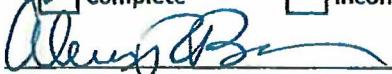
Powell A Fraser

Printed Name of Applicant

OFFICE USE ONLY

Complete

Incomplete


Zoning Administrator Signature

12/31/2025

Date


Printed Name of Zoning Administrator

Fee:

350

Paid: Yes No

Payment Method:

Scheduled Board of Adjustment Meeting Date: 1/22/25

ATTACHMENT



Doc ID: 031302550005 Type: CRP
 Recorded: 08/14/2017 at 12:37:47 PM
 Fee Amt: \$26.00 Page 1 of 5
 Revenue Tax: \$0.00
 Workflow# 0000427363-0001
 Buncombe County, NC
 Drew Reisinger Register of Deeds
 BK 5580 PG 457-461

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

Revenue \$-0-
 (No consideration due or paid by Grantee to Grantor)

THIS INSTRUMENT PREPARED BY:
 DAVID F. GOLDEN, ESQ.
 TROUTMAN SANDERS LLP
 SUITE 5200, 600 PEACHTREE ST., N.E.
 ATLANTA, GA 30308

Deed Book _____, Page _____

Tax Parcel 0720-07-4946-00000

NORTH CAROLINA SPECIAL WARRANTY DEED

THIS DEED made this 1 day of August 2017, by and between

GRANTORS	GRANTEE
POWELL A. FRASER, JR. and MARY ELOISE FRASER SHEPHERD, as Co-Trustees of the ANNIE ELLEN MCCALL FRASER REVOCABLE TRUST DATED MAY 27, 1998 979 Club Commons Circle Atlanta, GA 30319 (Address)	POWELL A. FRASER, JR., as to an undivided one-half interest, and MARY ELOISE FRASER SHEPHERD, as to an undivided one- half interest 979 Club Commons Circle Atlanta, GA 30319 (Address)

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

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

WITNESSES:

31381434

WHEREAS, ANNIE ELLEN MCCALL FRASER died a resident of Fulton County, Georgia, on February 20, 2017; and

WHEREAS, POWELL A. FRASER, JR. and MARY ELOISE FRASER SHEPHERD, duly qualified and are serving as Co-Trustees of the Annie Ellen McCall Fraser Revocable Trust, dated May 27, 1998, as amended and restated, ("Annie Trust"); and

WHEREAS, the real property described on Exhibit A, attached hereto and incorporated herein by this reference, comprises part of the Annie Trust assets distributed equally to the beneficiaries of the Annie Trust, namely POWELL A. FRASER, JR. and MARY ELOISE FRASER SHEPHERD as a result of the death of ANNIE ELLEN MCCALL FRASER; and

NOW, THEREFORE, for and in consideration of the premises and pursuant to the provisions of Article VII of the Annie Trust and the authority contained in the Trust, Grantors have and by these presents do grant, bargain, sell and convey unto the Grantees in fee simple all of Grantors' interest in those certain lots or parcels of land lying and being situated in Montreat, Buncombe County, State of North Carolina, and being more particularly described on Exhibit "A" attached hereto and made a part hereof by reference.

TO HAVE AND TO HOLD the property conveyed hereby and all privileges and appurtenances thereto belonging to the Grantee in fee simple forever;

SUBJECT, HOWEVER, to (a) covenants, restrictions, and easements of record, (b) easements for roads or utilities not of record but in visible use and existence or shown on a herein described plat, (c) zoning restrictions or other regulations imposed by governmental authority, if any, and (d) a lien for real estate taxes not yet due and payable;

And the Grantors covenant with the Grantees, that Grantors have done nothing to impair such title as Grantors received, and Grantors will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantors.

[signatures on following pages]

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals, the day and year first above written.


(SEAL)
POWELL A. FRASER, JR., CO-TRUSTEE

Signed at Bluffton, South Carolina, County, State of South Carolina.

I, a Notary Public of the County and State aforesaid, certify that Grantor, POWELL A FRASER, JR., personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official notarial stamp or seal, this 12 day of December,
2017.

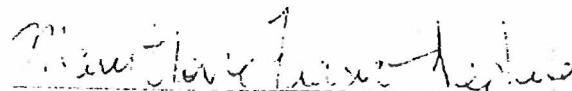

Notary Public's Signature

Print Notary's Name: John C. Smith, Notary Public

[signatures continued on next page]


Notary Public
State of South Carolina
John C. Smith, Notary Public
#N-1234567890
Ex. 12/31/2025

3131814331

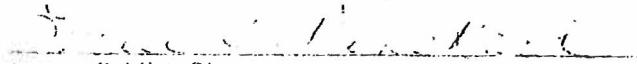

MARY ELOISE FRASER SHEPHERD (SEAL)
MARY ELOISE FRASER SHEPHERD, CO-TRUSTEE

Signed at Hickory, North Carolina, County, State of North Carolina

I, a Notary Public of the County and State aforesaid, certify that Grantor, MARY ELOISE FRASER SHEPHERD, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official notarial stamp or seal, this 12 day of December, 2017.




Notary Public's Signature
Print Notary's Name MARY ELOISE FRASER SHEPHERD



STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

The foregoing Certificate(s) of _____
is certified to be correct. This instrument and this certificate are fully registered at the date and time and in the Book and Page shown on the first page hereof.

REGISTER OF DEEDS FOR BUNCOMBE COUNTY

By
Deputy/Assistant-Register of Deeds

31318143v1

EXHIBIT "A"

TRACT I: Thirty per cent (30%) interest in Lot 1151 as laid down and shown on the Plat of the Mountain Retreat Association property, which is duly of record in the Office of the Register of Deeds for Buncombe County, North Carolina, in Plat Book 16 at Page 95, which is on the northwest margin of Graybeard Trail and being the same property described and conveyed by a deed dated February 6, 1922, and duly recorded in the Office of the Register of Deeds aforesaid in Deed Book 257 at Page 27, being the same land described in Deed Book 850 at page 642 in the aforesaid Register of Deeds Office.

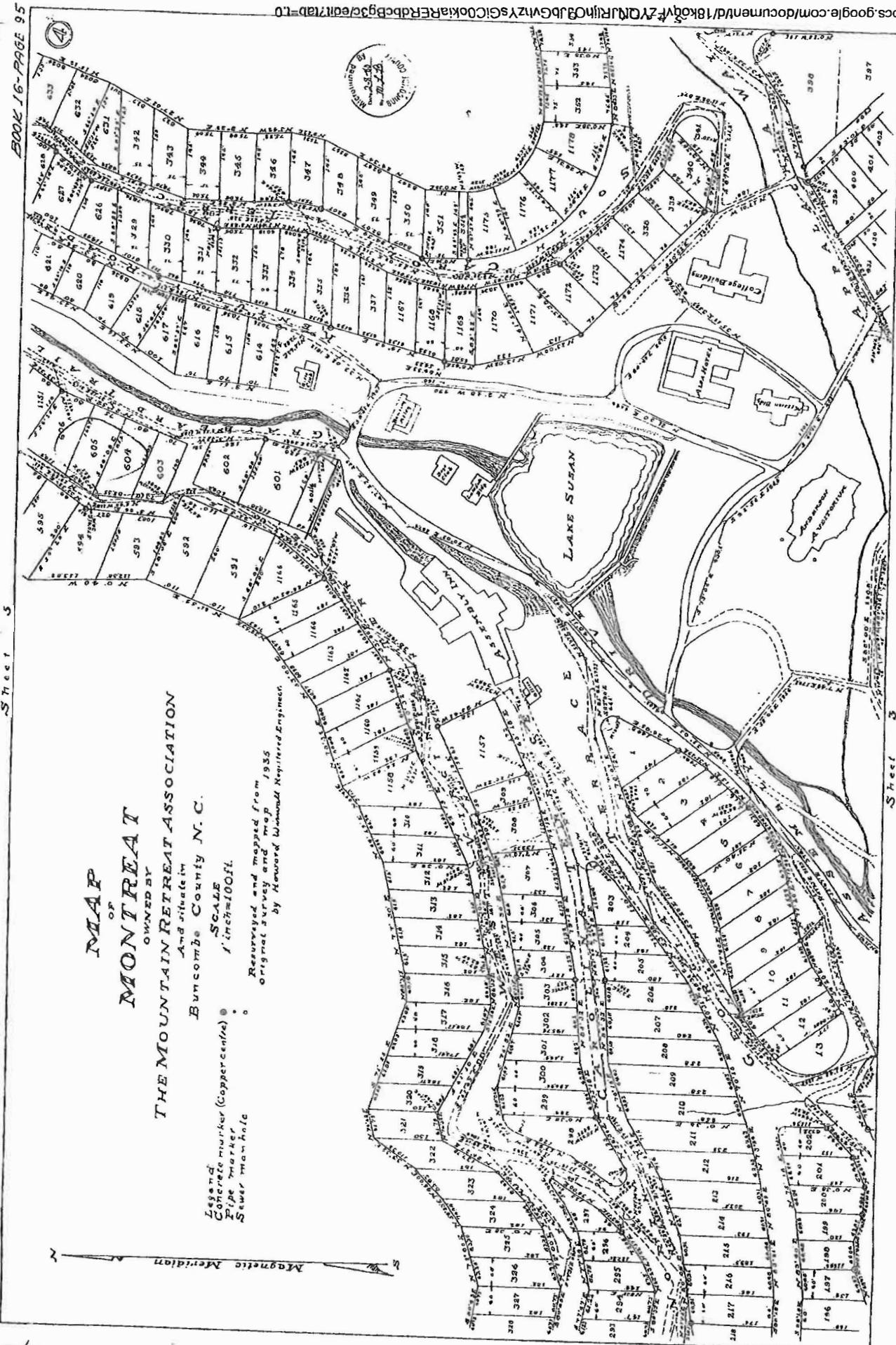
TRACT II: Thirty per cent (30%) interest in a strip of land five feet in width along the northwestern portion of Lot 606 as laid down and shown on the Index map of the Mountain Retreat Association lands, which is duly of record in the office of the Register of Deeds for Buncombe County, North Carolina, in Plat Book 154, Pages 1 et.seq., reference to which is hereby made. Being the same land described in Deed Book 964 at page 455 in the aforesaid Register of Deeds Office. Beginning at a stake in the eastern margin of West Virginia Terrace, said stake being located at the northwest corner of Lot 606 of the plat hereinafter referred to, and runs thence with the northern boundary of Lot 606 of the plat hereinafter referred to, and runs thence with the northern boundary of Lot 606 in an easterly direction 135 feet to a stake; thence in a southwesterly direction five feet to a stake; thence in a northwesterly direction, along a line parallel to the north line of said Lot 606, 135 feet to a stake in the eastern margin of West Virginia Terrace; thence with said margin of said West Virginia Terrace, in a northerly direction five feet to the point and place of BEGINNING.

A map showing the above described property is recorded in Plat Book 16, page 95 (Tract I) and Plat Book 154, page 1 (Tract II).

These are the same properties conveyed to (i) Annie Ellen McCall Fraser, Trustee of the Annie Ellen McCall Fraser Revocable Trust, dated May 27, 1998 ("Annie Trust") by General Warranty Deed dated July 28, 1998 and recorded in Book 2040, Page 447, Buncombe County Registry; and (ii) Powell A. Fraser, Trustee of the Powell A. Fraser Revocable Trust, dated May 27, 1998 ("Powell Trust") by General Warranty Deed dated July 28, 1998 and recorded in Book 2040, Page 449, Buncombe County Registry.

31318143v1

ATTACHMENT 2



Attachment (3)

Answers To the Six Elements Required in a Proposal

1. MZO 310.42 (A) Our house was built in 1906 and no longer has the room to accommodate our growing family. The addition of a covered screen porch on top of the current stone patio will expand the usable space in inclement weather and thus prevent the hardship of having to make different and more significant and visible changes that would adversely affect the historic Montreat look of the house. It will also decrease erosion under perhaps the largest hemlock tree in Montreat by diverting water to a separate drainage ditch. Our next door neighbor and my first cousin, Mr Jimmy Thompson, is in favor of approval of this application.
2. MZO 310.42 (B) The condition of the property is narrow at the location of the house, thus preventing the location of a screen porch at another location. Our project is just focused on putting a screen porch on top of the current stone patio, not expanding the footprint of the house or patio.
3. MZO 310.42 C I have taken no actions that resulted in this hardship.
4. MZO310.42 (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.
5. MZO 310.42 (D) This variance request is the minimum variance that will make possible the requested use of the land, building, or structure.
6. MZO 310.42 (E) The variance is not a request to permit a use of land, building or structure which is not permitted in the applicable zoning district.

ATTACHMENT (4)

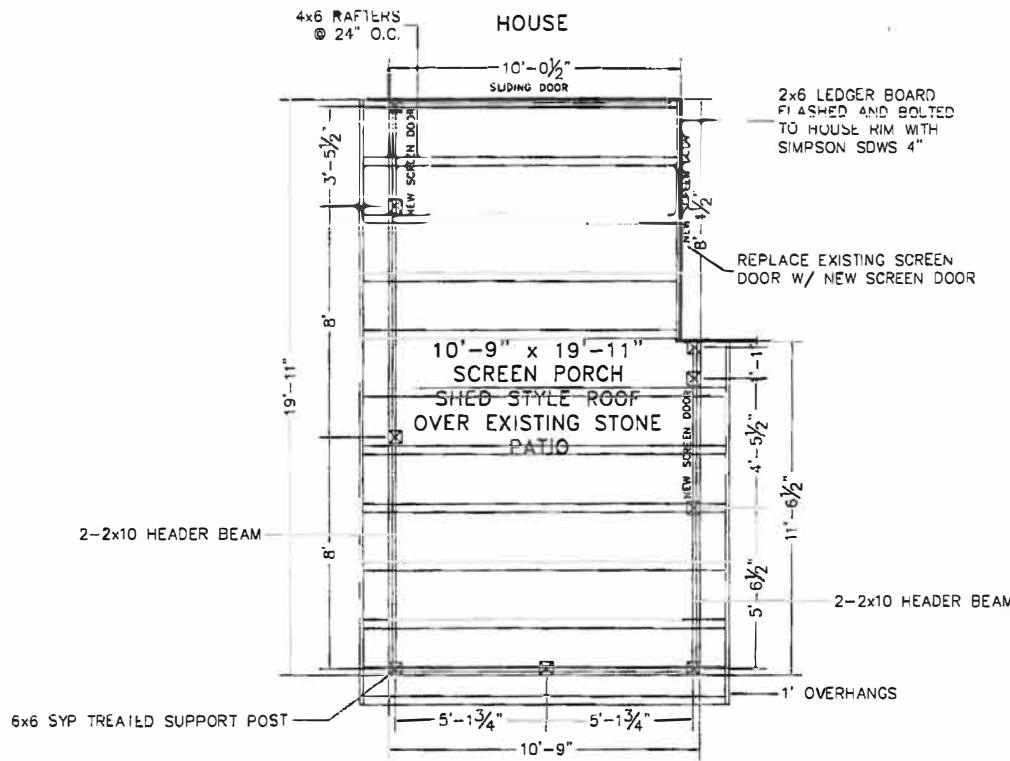
ATTACHMENT 5 A

1/4" = 1' SCALE



EXISTING CONDITIONS

BASED ON THE INTERNATIONAL RESIDENTIAL CODE
NORTH CAROLINA EDITION



STEP FLASH ROOF AT HOUSE CONNECTION
RAFTERS ARE TO BE HANDFRAMED 4x6 SPF 24" O.C. SPACING
HEADER BEAMS TO BE 2-2x10 TREATED
PORCH SUPPORTS TO BE 6x6 SYP TREATED
ROOF FINISHED WITH SHINGLES
GRACE ICE AND WATER SHIELD UNDERLayment
GUARD RAILS TO BE 36" HIGH WITH LESS THAN 4" OPENINGS PER IRC CODE
ALL DECK HARDWARE TO BE CORROSION RESISTANT AND INSTALLED
PER MANUFACTURERS INSTRUCTIONS

1
ROOF PLAN

ALEC FRASER
ADDRESS: 435 GREYBEARD TRL
MONTREAT, NC 28711
DATE: 12-9-2025

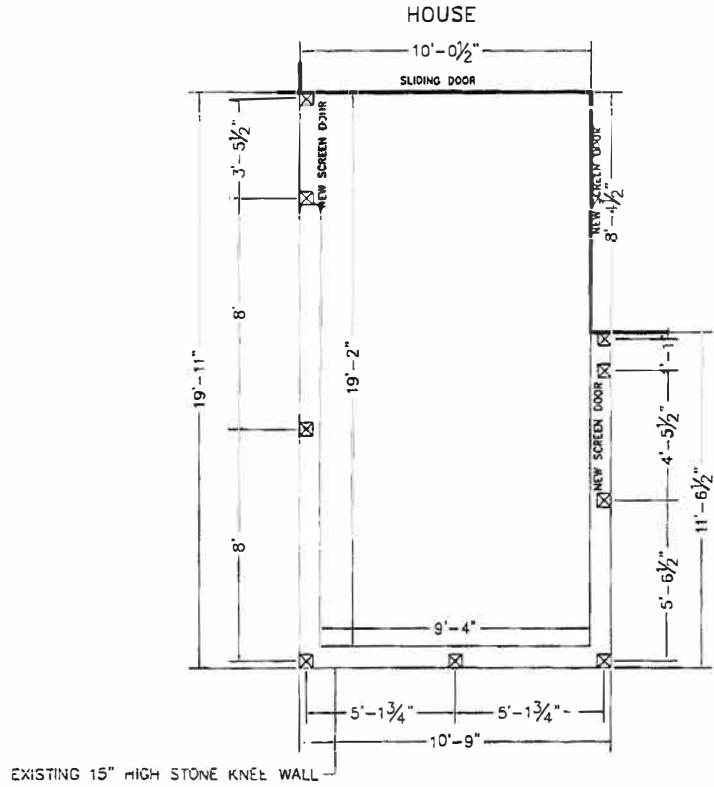


ATTACHMENT

5B

1/4" = 1' SCALE

BASED ON THE INTERNATIONAL RESIDENTIAL CODE
NORTH CAROLINA EDITION



STEP FLASH ROOF AT HOUSE CONNECTION
RAFTERS ARE TO BE HANDFRAMED 4x6 SPF 24" O.C. SPACING
HEADER BEAMS TO BE 2-2x10 TREATED
PORCH SUPPORTS TO BE 6x6 SYP TREATED
ROOF FINISHED WITH SHINGLES
GRACE ICE AND WATER SHIELD UNDERLayment
GUARD RAILS TO BE 36" HIGH WITH LESS THAN 4" OPENINGS PER IRC CODE
ALL DECK HARDWARE TO BE CORROSION RESISTANT AND INSTALLED
PER MANUFACTURERS INSTRUCTIONS

TIMBERTECH COMPOSITE
BALUSTERS IN BLACK
36" HIGH GUARD RAIL
LESS THAN 4" OPENINGS



ALEC FRASER
ADDRESS: 435 GREYBEARD TRL
MONTREAT, NC 28711
DATE: 12-9-2025

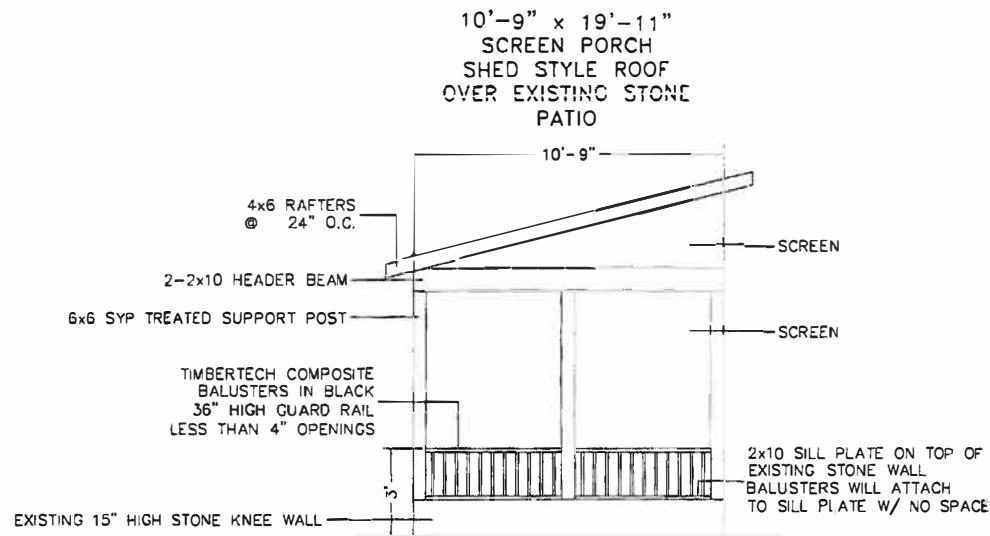
RAILING PLAN

2

ATTACHMENT 5 c

1/4" = 1' SCALE

BASED ON THE INTERNATIONAL RESIDENTIAL CODE
NORTH CAROLINA EDITION



STEP FLASH ROOF AT HOUSE CONNECTION
RAFTERS ARE TO BE HANDFRAMED 4x6 SPF 24" O.C. SPACING
HEADER BEAMS TO BE 2-2x10 TREATED
PORCH SUPPORTS TO BE 6x6 SYP TREATED
ROOF FINISHED WITH SHINGLES
GRACE ICE AND WATER SHIELD UNDERLayment
GUARD RAILS TO BE 36" HIGH WITH LESS THAN 4" OPENINGS PER IRC CODE
ALL DECK HARDWARE TO BE CORROSION RESISTANT AND INSTALLED
PER MANUFACTURERS INSTRUCTIONS

3

FRONT ELEVATION

ALEC FRASER	435 GREYBEARD TRL
ADDRESS:	MONTREAT, NC 28711
DATE:	12-9-2025

Season Deck
BUILDERS



ATTACHMENT 7

Alec Fraser <afraser722@gmail.com>

Re: Montreat Variance Application

1 message

Jim Thompson <james.thompson39@outlook.com>

Wed, Dec 17, 2025 at 4:00 PM

To: Alec Fraser <afraser722@gmail.com>

I am ok with the requested variance. Jim Thompson

Get Outlook for iOS

From: Alec Fraser <afraser722@gmail.com>

Sent: Wednesday, December 17, 2025 3:42:35 PM

To: Jimmy Thompson <james.thompson39@outlook.com>

Subject: Montreat Variance Application

Jimmy

As we discussed, I am in the process of applying for a variance for the construction of a screen porch over the existing stone patio. The variance request is for a 6 foot reduction in the setback line in order for the roof to have a 12" overhang. The rest of the screen porch will be within the footprint of the current patio. There will be no ground disturbance.

If you are ok with our variance request, would you please respond to this email so stating. Alec

--
Captain Alec Fraser

www.captainfraser.com

*Author of "Damn the Torpedoes! Applying the Navy's Leadership Principles to Business" at Amazon**

Google Maps

435 Greybeard Trail

Attachment E

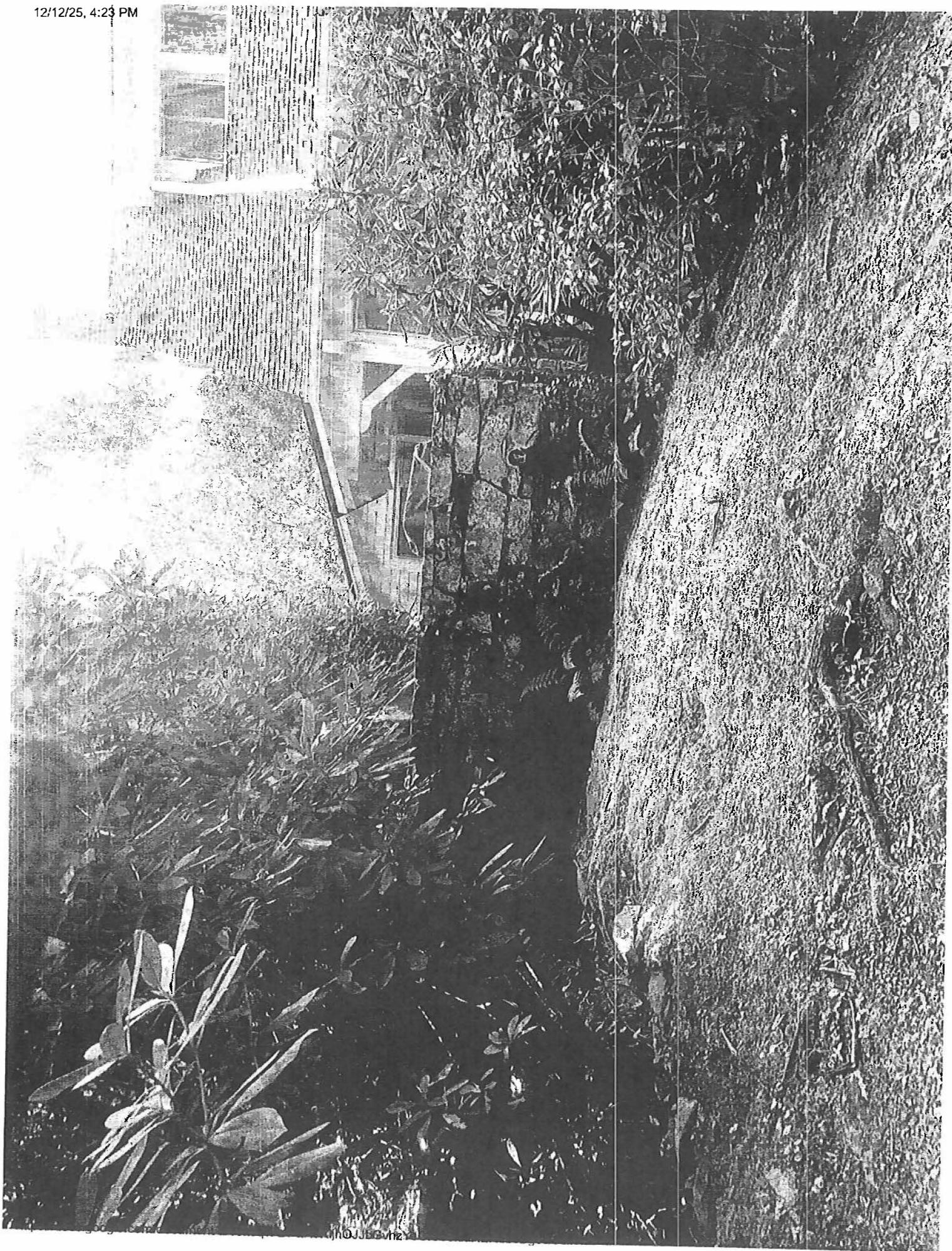
Black Mountain, North Carolina

Google Street View

June 2022

An aerial photograph of a bridge spanning a river. The bridge is a multi-arched structure with a dark roadway. The surrounding terrain is a mix of dark, possibly forested areas and lighter, more open fields or paths. In the bottom left corner of the image, the word "PATIO" is written in a light, handwritten-style font. The image has a grainy, high-contrast appearance, characteristic of older aerial photography.

Google Maps



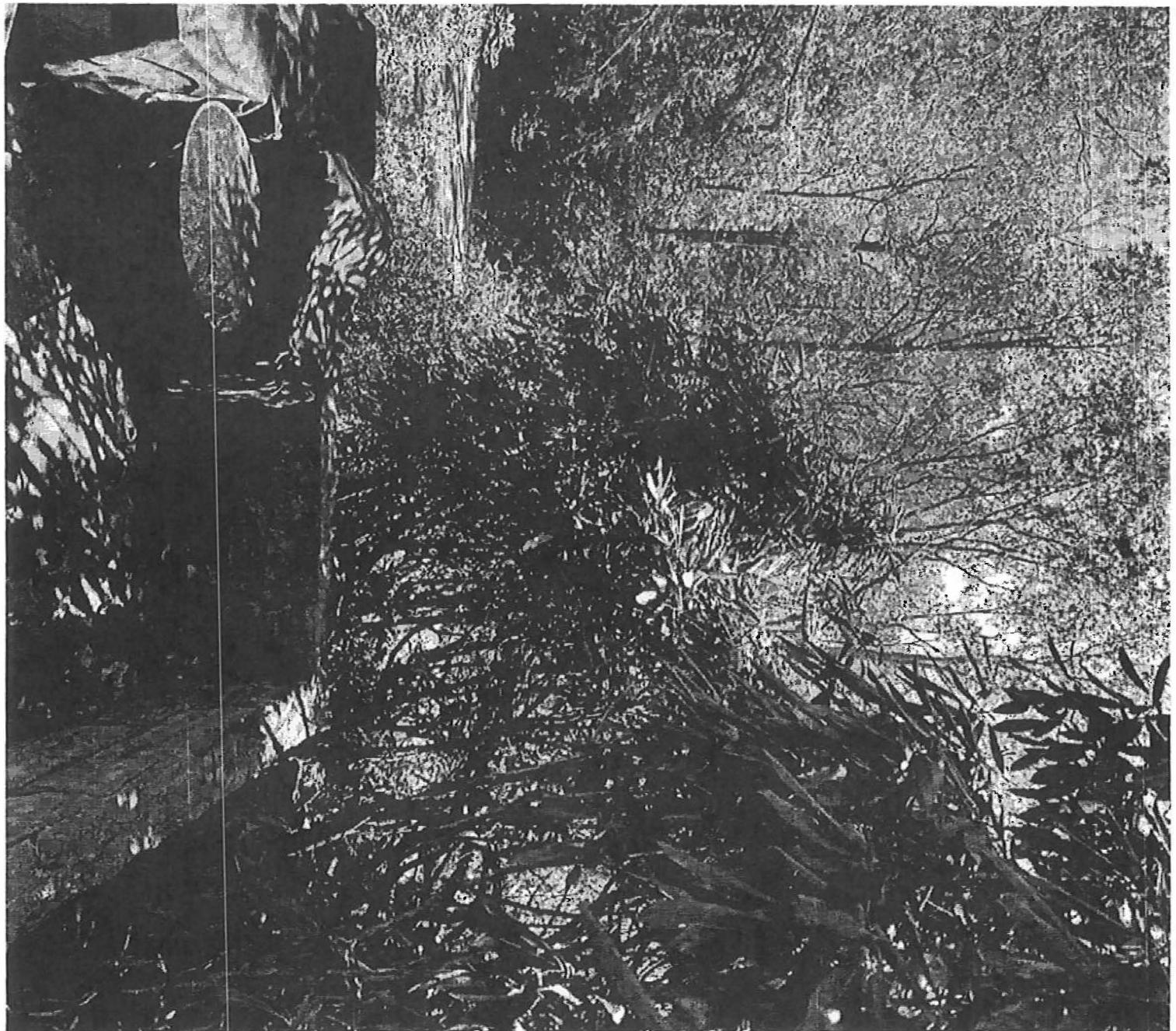


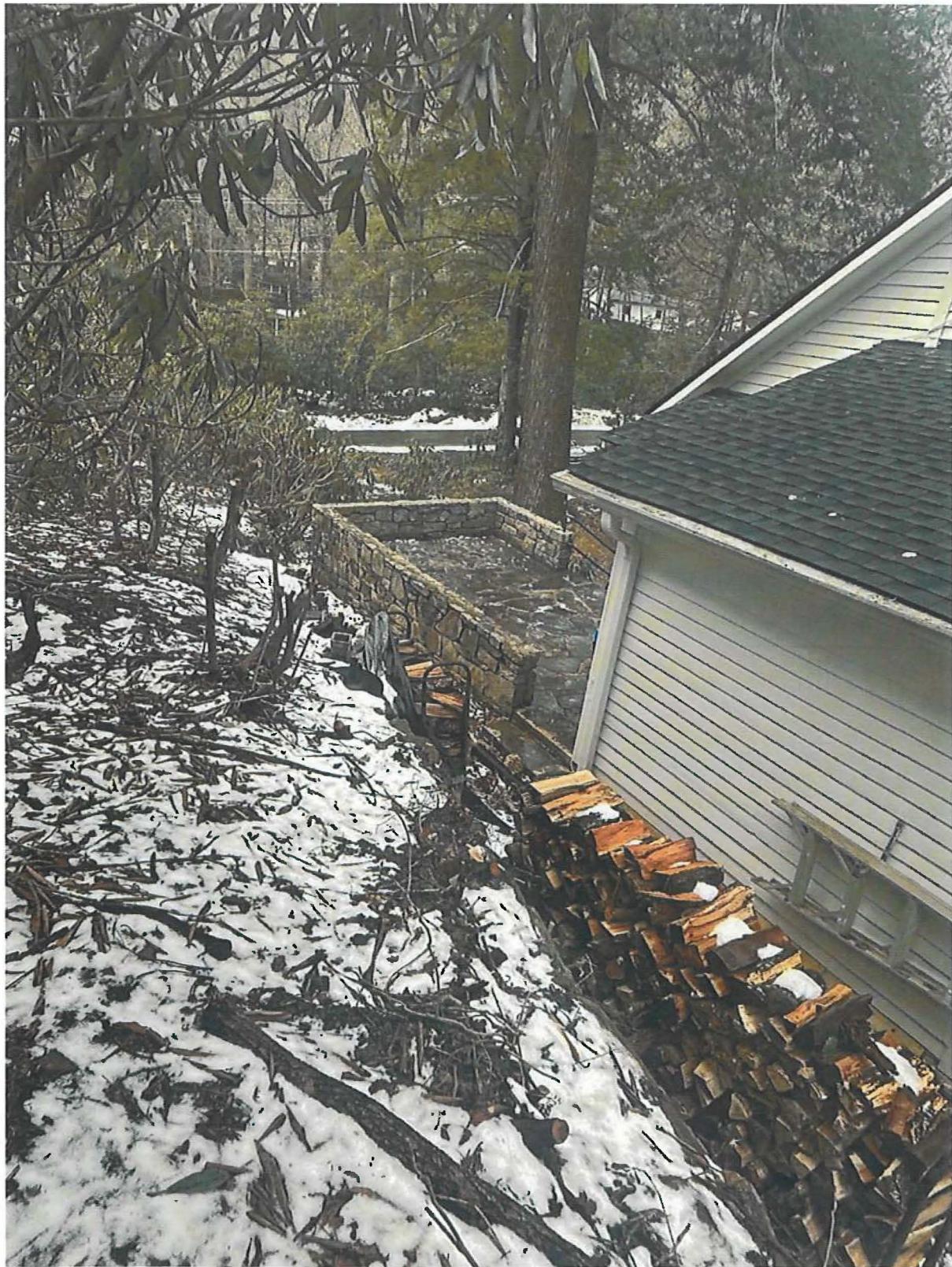


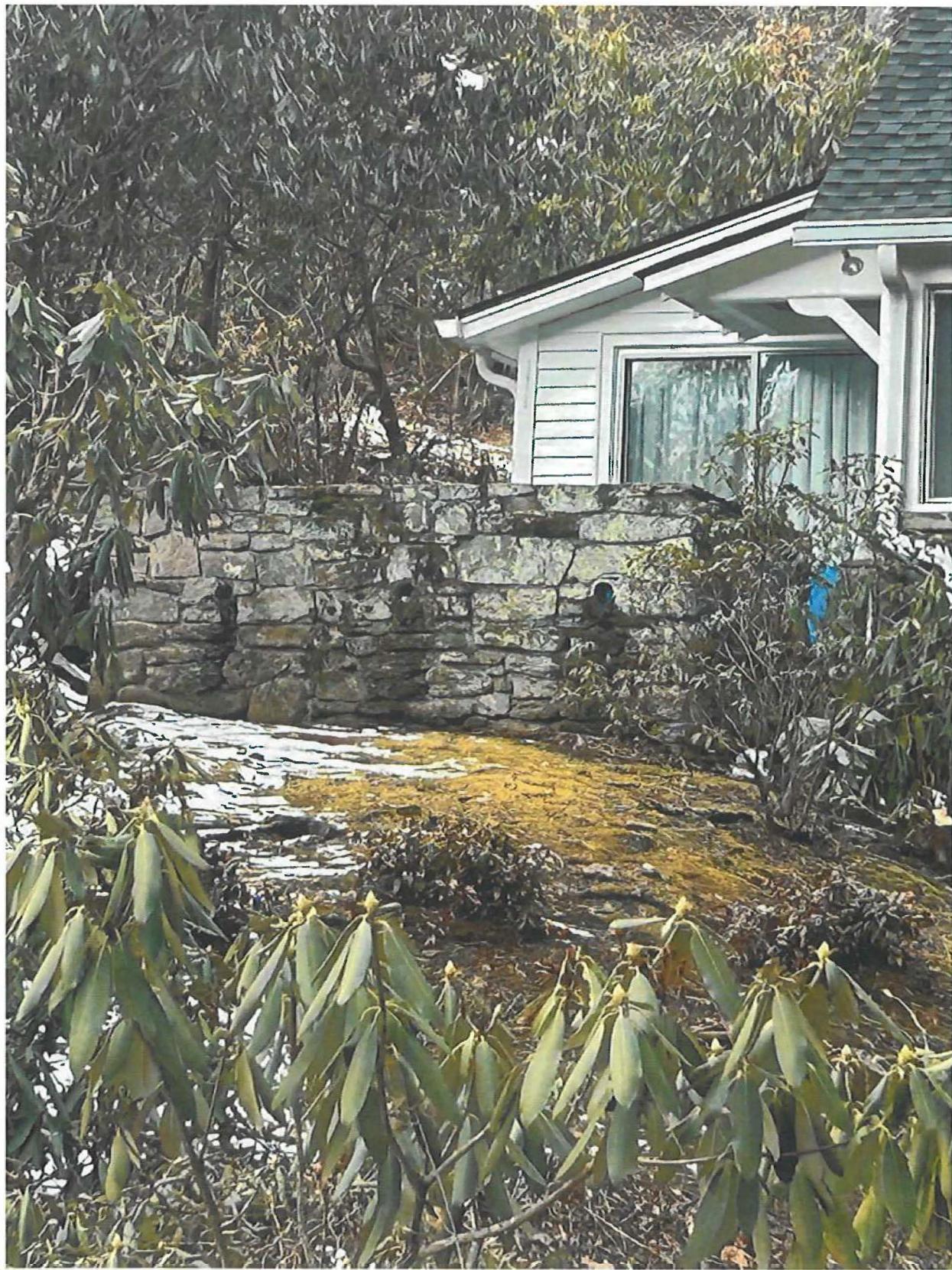
Figure 1: Front of House from Greybeard Trail



Figure 2: Existing Patio











LINDSAY P. THOMPSON
Phone: (828) 771-2556
Fax: (828) 257-2773
lthompson@vwlawfirm.com

January 6, 2026

Town of Montreat

Re: Variance Request for 435 Greybeard Trail

To Whom It May Concern:

I represent James Roy Thompson and wife, Judith Starnes Thompson who are the owners of 433 Greybeard Trail in Montreat, North Carolina, having Pin #072007399000000. My clients are aware of a variance request by the owners of 435 Greybeard Trail, Pin #072007494600000, to allow a covering of their side porch to encroach into the setbacks for that parcel (the "Variance Request"). My clients, who are cousins of the owners of 435 Greybeard Trail, are in full support of the Variance Request.

Sincerely,

Lindsay P. Thompson

Jan 5, 1926

To: Alec Fraser
435 Graybeard Trail
Montreal, Mc

If needed my son Charles
Thompson can represent
best facilitate the
Iniance required.

Sincerely

Charles Thompson

James R. Thompson
433 Graybeard Trail
Montreal, Mc

Re: Variance
Alice - I have reviewed your
request for a variance
of building project at
433 Graybeard, Mc/
and your home. I have
no problems with your
request.

Staff Report

329 North Carolina Terrace

Variance Request (329 North Carolina Terrace) –A Variance request was submitted by Lindsey Richards, applicant on behalf of property owners William Black Lodge, for the lot addressed as 329 North Carolina Terrace, Montreat, NC 28757 and described as PIN#071096792800000. This Variance request is Section 505.71 to reduce the 25-foot building setback from the right-of-way line to 4.9 feet for the purpose of adding a deck to the existing cottage.

Created by:

Alexis Baker, AICP
Interim Zoning Administrator
Town of Montreat

Created for:

Montreat Board of Adjustment
February 26, 2026

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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** contains references to the Montreat Zoning Ordinance (MZO) where noted. Only information relevant to the Variance requested is included in this staff report.

Application Summary

The following report summarizes the Zoning Administrator's review of an application for a Variance by Lindsey Richards and Thomas A. Brown, applicants on behalf of property owners William Black Lodge, for the lot addressed as 329 North Carolina Terrace, Montreat, NC 28757 and described as PIN#071096792800000. This Variance request is to Section 505.71 to reduce the 25-foot building setback from the right-of-way line to 4.9 feet for the purpose of adding a deck to the existing cottage.

Property Summary

Parcel Identifier Number (PIN#): 071096792800000

Address: 329 North Carolina Terrace

Montreat, NC 28757

(Note: 404 West Virginia Terrace is the street address for the cottage)

Owner: WILLIAM BLACK LODGE

PO BOX 819

MONTREAT, NC 28757

Applicants: Lindsey Richards and Thomas A. Brown

Zoning: I – Institutional Zoning District

Current Land Use: The Subject Property contains a hotel and an existing rental cottage

Acres: 0.56 acres.



Figure 1: Subject Property Aerial

Public Notice

Staff mailed notices to properties within 250 feet of the Subject Property on **February 16, 2026**. Staff posted the Subject Property on **February 16, 2026**. BOA Hearing: **February 26, 2026**.

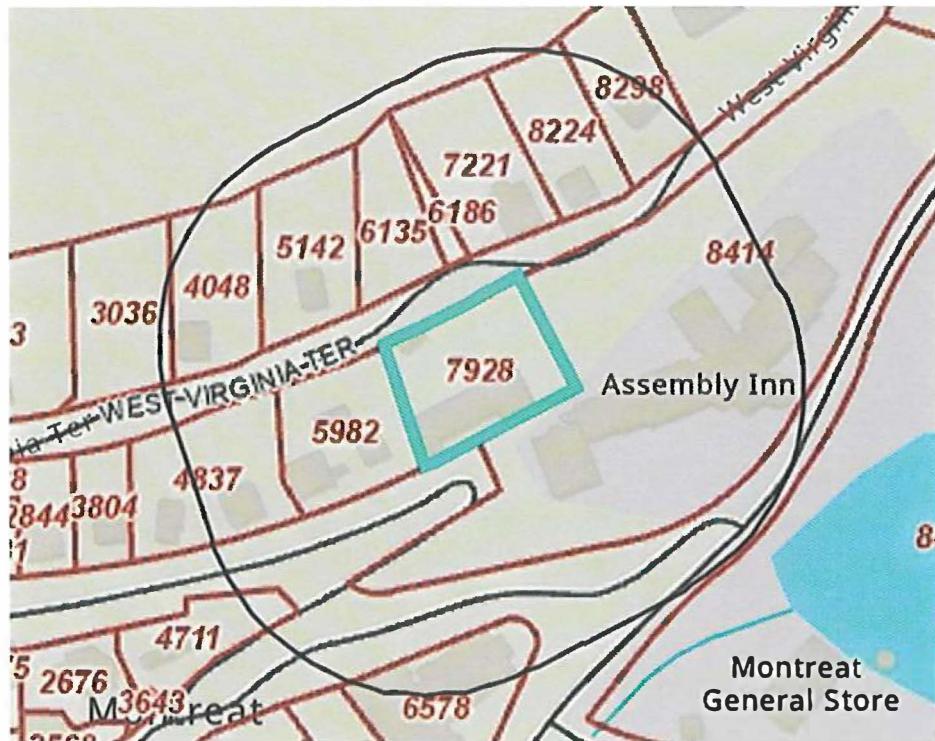


Figure 2: 250 feet Public Notice for Variance Request

Variance Request

The Applicants, Lindsey Richards and Thomas A. Brown (on behalf of Property Owner, William Black Lodge), requests that the Board of Adjustment grant a variance request to Section 505.71 to reduce the 25-foot building setback from the right-of-way line to 4.9 feet for the purpose of adding a deck to the existing cottage.

Staff Analysis

Subject Property Summary

- ❖ The Subject Property is 0.56 acres and currently contains a hotel and a rental cottage.
- ❖ In the I-Zoning District, a 25-foot building setback is required from the right-of-way.
- ❖ The Applicants are requesting a variance to build a deck onto the cottage.
- ❖ The cottage is a short-term rental that operates through the hotel. This use is allowable in the I-Zoning District.
- ❖ The Subject Property is a double frontage lot on North Carolina Terrace and West Virginia Terrace. The cottage uses 404 West Virginia Terrace as its street address.
- ❖ The slope of the Subject Property is 35.53 percent.
- ❖ There appears to be a stream but no SFHA (100-year floodplain) on the property.

Subject Property & Surrounding Lots

Land Use & Zoning

The Subject Property of the Variance request is in the I- Institutional Zoning District (I). The existing cottage was built in the 1950s per the applicants; the hotel was built in 1945 per Buncombe County property records. The Applicants seek to obtain a Variance to add a deck to the cottage.

The Subject Property is a double frontage lot on North Carolina Terrace and West Virginia Terrace. It is surrounded by I to the south and east, R-1 to the north, and R-2 to the west. The property to the south and east contains a hotel/conference center. Residential uses are to the north and west.

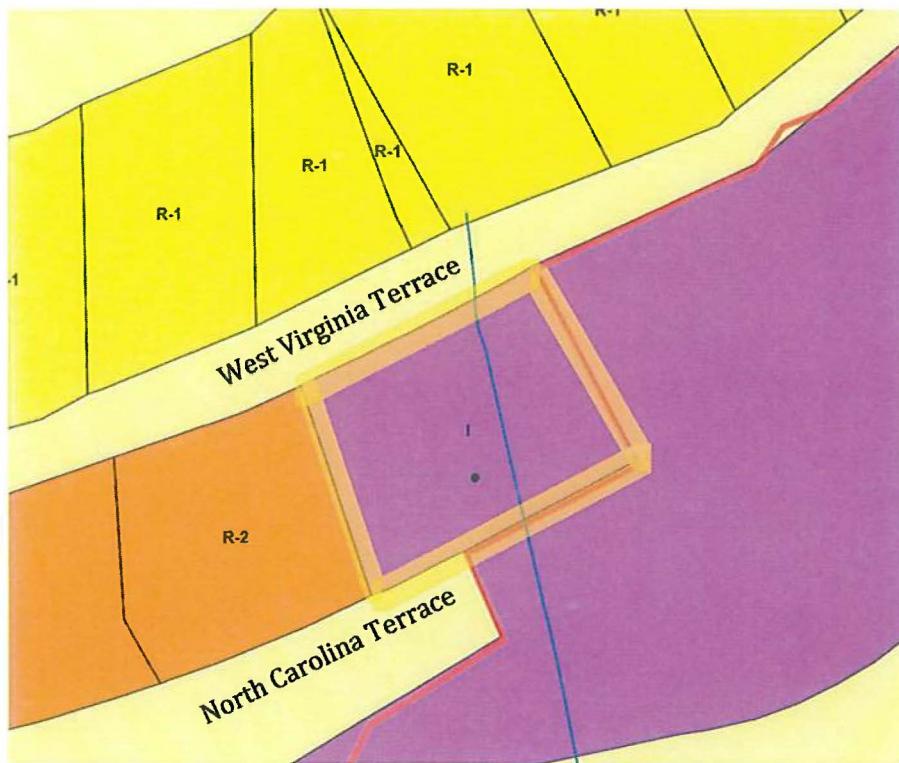


Figure 3: Subject Property and Surrounding Zoning

Setbacks

The Subject Property is in the I Zoning District. The Applicant's Variance request is to reduce the 25-foot building setback from the right-of-way to 4.9 feet. Specifically, in the I Zoning District, there are no front, side, or rear yard requirements except that a 25-foot building setback is required from the right-of-way line of any adjacent street (505.71). Additionally, lots within the I Zoning District that abut a different zoning district are required to have a 25-foot side, rear, and/or front Yard (505.72).

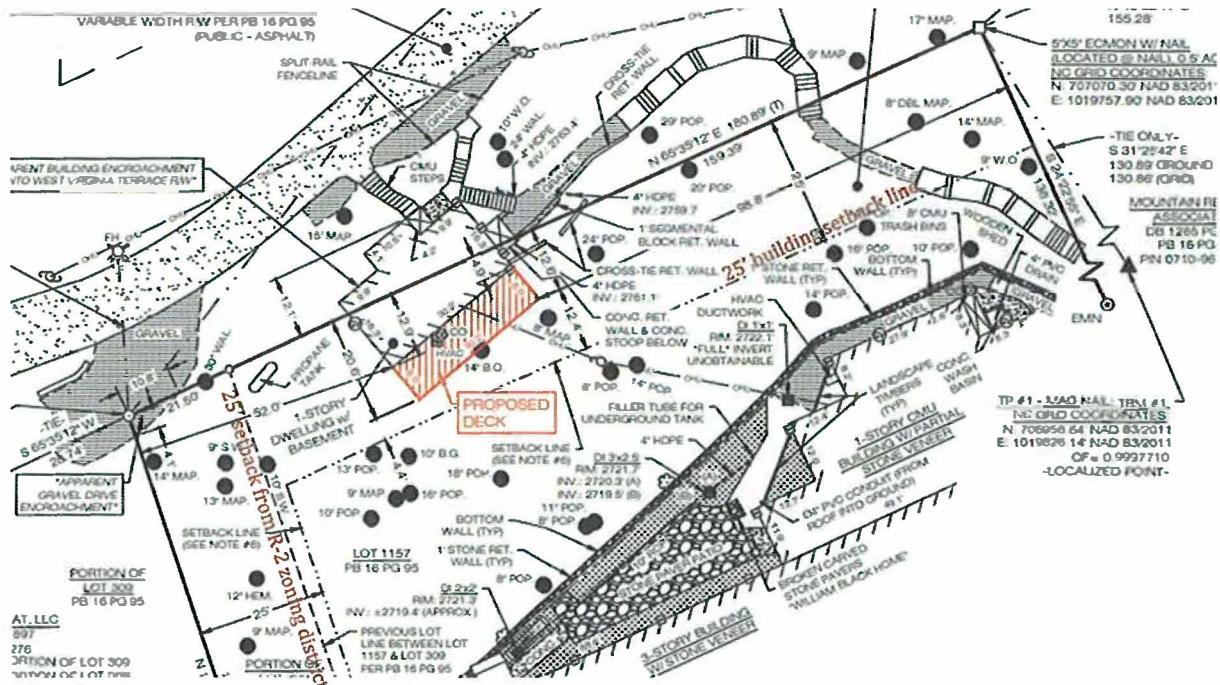


Figure 4: Site Plan with Setbacks Labeled

The table below shows the required setbacks for I on the Subject Property, per Section 505 of Montreat's Zoning Ordinance, and the requested setback Variances from the Applicant's application.

	Required I Zoning District Setback	Requested Variance
Front (West Virginia Ter.)	25 feet	4.9 feet
Side (East)	N/A	N/A
Side (West)	25 feet	N/A
Front (North Carolina Ter.)	N/A	N/A

Lot Size

The Subject Property is 0.56 acres.

Topography

The slope of the Subject Property, per the Buncombe County Steep Slope Calculator, is 35.53 percent. The Subject Property slopes downward from north to south. The Subject Property is NOT subject to Hillside Development Ordinance.



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

Water Features

There appears to be a stream on the property. However, the Subject Property is not in the Special Flood Hazard Areas. The new construction will not be in the 30-foot stream buffer. Prior to development permit issuance, the Applicant will be required to comply with the Town of Montreat's General Ordinance Chapter K Article III.

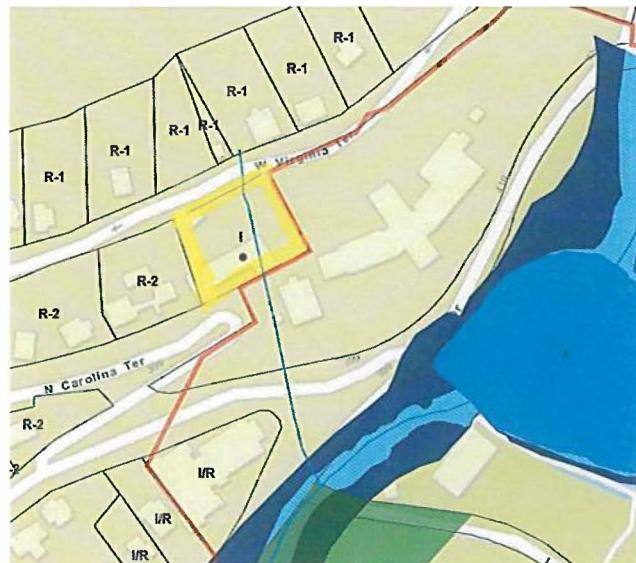


Figure 6: Subject Property and Water Features

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*] the Variance Request for 329 North Carolina Terrace to Section 505.71 to reduce the 25-foot building setback from the right-of-way line to 4.9 feet for the purpose of adding a deck to the existing cottage on the Subject Property. [*List any conditions of approval in the motion, if applicable*]

ATTACHMENTS

THI S I N D E N T U R E, made this the 23rd day of January, 1950, by and between GEORGE M. ROSE, B. F. MATTHEWS,
H. J. SPENCER, HUGH A. QUERY, C. K. BROWN, and W. E. PRICE
Trustees of the Synod of North Carolina of the Presbyterian
Church in the United States, parties of the first part, and
WILLIAM BLACK HOME FOR RELIGIOUS WORKERS, INC., party of the
second part, ^{to 42-6} #42-6

WITNESSETH:

That the said parties of the first part, for and in consideration of the sum of Ten Dollars and other good and valuable considerations, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have given, granted, bargained, sold, conveyed and confirmed, and by these presents do give, grant, bargain, sell, convey and confirm unto the said party of the second part, its successors and assigns, forever, those certain pieces, parcels or lots of land, situate, lying and being in the Town of Montreat, Buncombe County North Carolina, being Lot 1157 and the Eastern portion of Lot 309 as shown on a map of Montreat, recorded in the Office of the Register of Deeds for Buncombe County, N. C., in Plat Book 16, at page 95, bounded as follows:

BEGINNING at a concrete monument on the North margin of North Carolina Terrace, at the common corner thereon of Lots 1157 and 309, as shown on said plat; and runs thence with said margin of said Terrace, North 65° 18' East, 172 feet to a stake, Southeast corner of Lot 1157; thence North 25° 41' West, 138 feet to a concrete monument on the South margin of West Virginia Terrace; thence with said margin of West Virginia Terrace, South 64° 19' West, 179.5 feet to a stake; thence South 17° East, 138 feet to a stake on the North margin of North Carolina Terrace, 23 feet in a Southwest direction along said margin from the beginning corner of the tract being described; thence with said margin of North Carolina Terrace, North 66° 22' East, 23 feet to the BEGINNING,

being the land conveyed to the Trustees of the Synod of North Carolina by G. E. Graham and wife, by deed recorded in the Office of the Register of Deeds for Buncombe County, N. C., in Book 232, at Page 482.

TO HAVE AND TO HOLD the above described land and premises, with all the appurtenances thereunto belonging, or in any wise appertaining, unto the said party of the second part, its successors and assigns, to the only use and behoof of it and its said successors and assigns, forever.

IN WITNESS WHEREOF, the said parties
of the first part have hereunto set their hands and seal, the
day and year first above written.

Geo. M. Rose (SEAL)
TRUSTEE

B. F. Matthews (SEAL)
TRUSTEE

O. K. Brown (SEAL)
TRUSTEE

T. J. Dyer (SEAL)
TRUSTEE

H. C. Price (SEAL)
TRUSTEE

Hugh A. Quay (SEAL)
TRUSTEE

STATE OF North Carolina

COUNTY OF Mecklenburg

I, Rosa L. Cawtean, a Notary Public in
and for the aforesaid County and State, hereby certify that
GEORGE M. ROSE personally appeared before me this day and
acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal, this the 27 day
of January, 1950.

Rosa L. Cawtean
Notary Public

My commission expires:

Jan. 17, 1952

STATE OF North Carolina

COUNTY OF Mecklenburg

I, Rosa L. Cawtean, a Notary Public
in and for the aforesaid County and State, hereby certify that
B. F. MATTHEWS personally appeared before me this day and
acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal, this the 15 day
of January, 1950.

Rosa L. Cawtean
Notary Public

My commission expires:

Jan. 17, 1952

STATE OF North Carolina
COUNTY OF Mecklenburg

I, Rosa L. Coopers, a Notary Public in
and for the aforesaid County and State hereby certify that
W. E. Price personally appeared before me this day and
acknowledged the due execution of the foregoing instrument.



WITNESS my hand and Notarial Seal, this the 15 day of
February, 1950.

Rosa L. Coopers

Notary Public

My commission expires:

STATE OF North Carolina
COUNTY OF Mecklenburg

I, M. W. M. McGill, a Notary Public in and
for the aforesaid County and State hereby certify that
W. E. Price personally appeared before me this day and acknowledged
the due execution of the foregoing instrument.



WITNESS my hand and Notarial Seal, this the 16 day of
February, 1950.

M. W. M. McGill

Notary Public

My commission expires:

Nov. 22, 1951

STATE OF North Carolina
COUNTY OF Mecklenburg

I, Rosa L. Coopers, a Notary Public in and
for the aforesaid County and State, hereby certify that
W. E. Price personally appeared before me this day and acknowledged
the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal, this the 17 day
of January, 1950.

Rosa L. Coopers

Notary Public

My commission expires:

1/17-52

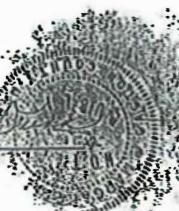


STATE OF North Carolina

COUNTY OF Baston

I, Margaret Dunn, a Notary Public
in and for the aforesaid County and State, hereby certify
that Hugh A. Query personally appeared before me this day
and acknowledged the due execution of the foregoing
instrument.

WITNESS my hand and Notarial Seal, this the
20th day of February, 1950.


Margaret
Notary Public

My Commission Expires October 31, 1951

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

THE FOREGOING CERTIFICATES OF Rosa L. Compton, Margaret Dunn,
and M. W. McGill, Notaries Public of states & counties designated,

EACH DULY AUTHENTICATED BY NOTARIAL OR PRIVATE SEALS THERETO ATTACHED, ARE
ADJUDGED TO BE CORRECT. LET THE INSTRUMENT WITH THE CERTIFICATES BE REGISTERED.

THIS THE 23 DAY OF February 194⁵⁰

Received Feb. 23 1950, at 11:30 p.m. Leis P. Fitzgerald
Deputy Clerk Superior Court
Registry of Deeds.



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: Lindsey Richards TELEPHONE: 919-608-1478
MAILING ADDRESS: 2401 Van Dyke Ave CITY: Raleigh STATE: NC ZIP: 27607
EMAIL: lindsey@greyhouseinc.com

PROPERTY INFORMATION

ADDRESS: 329 North Carolina Terrace CITY: Montreat STATE: NC ZIP: 28757
PIN#: 071096792800000 TOTAL ACREAGE: .56 FLOODPLAIN: YES NO
ZONING: R-1 R-2 R-3 I R-OWL OTHER: OVERLAY ZONING: RPO TCO CD N/A
PROPERTY OWNER: William Black Lodge TELEPHONE: 828-669-6314
MAILING ADDRESS: 329 North Carolina Terrace, Montreat NC 28757

PROPOSED LAND USE

TYPE OF LAND USE: Residential Non-Residential Other

DESCRIPTION OF PROPOSED DEVELOPMENT: Deck addition +/- 8' x 30' on rear (South facing) side of Accessory Structure located on property

VARIANCE REQUEST

MONTREAT ZONING ORDINANCE SECTION: 505.71; 1000-2000-31000-2 > TB.

DESCRIPTION OF REQUESTED VARIANCE: Seeking a variance of 20.1' along the Northern property line bordering West Virginia Terrace, bringing the adjusted setback to 4.9'; and a variance of the legally nonconforming structure's use as a residential unit on a property in the I-District. TB

STANDARDS FOR GRANTING A VARIANCE

THE TOWN OF MONTREAT'S BOARD OF ADJUSTMENT WILL RENDER A DECISION ON THIS APPLICATION AT A QUASI-JUDICIAL 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 ACCCOMPANIED 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 standards 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, Lindsey Richards, hereby certify that all of the information set forth above is true and accurate to the best of my knowledge.

Signed by:
Lindsey M. Richards
Signature of Applicant

1/11/2026

Date

Lindsey M. Richards lhr Thomas A. Brown - Director WBL
Printed Name of Applicant lhr 2/12/2026

OFFICE USE ONLY

Complete

Incomplete

Alexis Baker
Zoning Administrator Signature

Alexis Baker
Printed Name of Zoning Administrator

Fee: 350

Paid: Yes No

2/5/26
Date 2/12/26 4488

Payment Method: Check

Scheduled Board of Adjustment Meeting Date: 2/26/26

William Black Lodge Variance Application - Variance Standards

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.

A strict application of the setback (25' along the Right-of-Way) would preclude any modification to the footprint of the existing legally-nonconforming structure, which is located, in its entirety, within the 25' 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.

The location of the existing legally-nonconforming structure is, in its entirety, within the 25' setback along the West Virginia Terrace right-of-way, making it impossible to modify or expand the footprint without obtaining a variance.

2 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 existing legally-nonconforming structure was constructed in 1950, pre-dating the actively-governing Montreat Zoning Ordinance adopted in 1999, and the previously-governing Montreat Subdivision Ordinance instituted in 1980.

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.

Montreat Zoning Ordinance 1000.2 states: "A Non-Conforming Structure...may be expanded but only in accordance with all Setback and other requirements of this Ordinance or pursuant to a Variance obtained from the Zoning Board of Adjustment", indicating the spirit of the Ordinance may allow for a modification such as is being requested, upon obtaining a Variance.

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

Please reference the Survey reflecting the proposed construction, which notes the shortest distance to the property line from the proposed construction is 4.9'. Subtracting this distance from the 25' setback results in the requested variance of 20.1'. It is also noteworthy that the proposed construction is being erected in the direction of the setback, and not further into the setback from the existing 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.

The variance being requested is only to allow the construction of a deck expansion to an existing legally non-conforming structure. There is no language in the MZO prohibiting decks in the I-Institutional District.

SYMBOL LEGEND:

LINE LEGEND:

- ① CALCULATED POINT (OP)
- ② WRITING IRON REBAR (DR)
- ③ ERECTING IRON PRC (DR)
- ④ MAG NAIL SET (MND)
- ⑤ ERECTING CONCRETE MONUMENT (COMON)
- ⑥ #8 NEW IRON REBAR W/ O PAC CTC (MRS)
- ⑦ OPS CONTROL POINT
- ⑧ SANITARY BEVCR MANHOLE (BMS)
- ⑨ SANITARY BEVCR CLEAN-OUT (O)
- ⑩ WATCH ME TUK (WV)
- ⑪ FIRE HYDRANT (FH)
- ⑫ WATER VALVE (WV)
- ⑬ EROOT
- ⑭ GAS VALVE (OV)
- ⑮ UTILITY POLE
- ⑯ GUY WIRE
- ⑰ HEATING/ AIR CONDITIONING UNIT (HVAC)
- ⑱ SIGN
- ⑲ DRAIN INLET (DI)
- ⑳ DRAINS/OUTLET (DO)
- ㉑ SMALLET
- ㉒ DEODORIZING TRICE (DIZ) AND TYPE AS NOTED
- ㉓ CONFIRMING TRICE (ZIZ) AND TYPE AS NOTED

ABBREVIATIONS:

NTRL...NOT TO SCALE
 .TOTAL
 DB...DEAD LOAD
 PLAT...PLAT LOAD
 PO...PAUL
 PIN...PARCEL IDENTIFICATION NUMBER
 NAD...NORTH AMERICAN DATUM
 NAVD...NORTH AMERICAN VERTICAL DATUM
 NED...NATIONAL ELEVATION DATUM
 NCDOT...NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
 NCS...NORTH CAROLINA GEODETIC SURVEY
 CF...COMBINED COORD. FACTOR
 ADL...ADVERSE GRADE
 DO...LOW OW GRADE
 P/W...RIGHT OF WAY
 CONO...CONCRETE
 CMP...CORRUGATED METAL PIPE
 DRP...DUCTILE IRON PIPE
 HOPE...HIGH DENSITY POLYETHYLENE
 PVC...POLYVINYL CHLORIDE
 SPC...STRUCTURED CONCRETE PIPE
 VCP...VITRIFIED CLAY PIPE
 TEMP...TEMPORARY
 ELECT...ELECTRICAL
 DDL...DOUBLE
 ELEV...ELEVATION
 CMU...CONCRETE MASONRY UNIT
 TYP...TYPICAL
 APPROX...APPROXIMATE
 COL...COLOR & DESIGN
 PAL...PAN AMERICAN IMAGE
 RET...RETAINING
 CSC...CSC SURVEYING & DESIGN, INC.

TRAFFIC ABBREVIATIONS:

CD 090 PC 270
PO 16 PO 99, LOT 308 & A PORTION OF LOT 309
PO 154 PO 1, LOT 309 & A PORTION OF LOT 309
UNCONDED PLAT BY HIGH COUNTRY SURVEYORS
IND. UNTITLED 100' X 100' AND TOPOGRAPHICAL
SURVEY FOR 100' X 100' MONTH, LLC DATED
2-17-2022 ECONO PLAT #2022-002

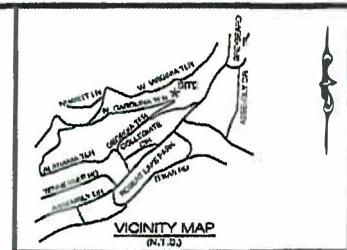


649 ELK PARK DRIVE, SUITE 707
ASHEVILLE, NC 28804
PHONE: 828-251-7025
NC FIRM #C-3106 | NC COA #4052

**SITE PLAN FOR:
GREYHOUSE, INC.**

(OWNER OF RECORD: WILLIAM BLACK HOME
FOR RELIGIOUS WORKERS, INC.)
OWN OF MONTREAT, BLACK MOUNTAIN TOWNSHIP
BUNCOMBE COUNTY, NC

THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY



NOTES

1. THIS IS NOT A BOUNDARY, CAGEMENT, OR RIGHT-OF-WAY SURVEY. THE INTENT OF THIS SURVEY IS TO PROVIDE A SITE FOR A HOMOPOD DUCK ADDITION TO AN EXISTING DWELLING. BOUNDARY LINES AND IMPROVEMENTS KNOWN OR REASONABLE TO EXIST ARE UNPREDICTED BOUNDARY AND TOPOGRAPHICAL SURVEY BY GOR FOR BIRDEATH CONSTRUCTION LTD. 05-10-2014. NO INDICATIONS ALONG BOUNDARY LINES. NO HOMOPOD DUCKS WERE MADE FOR THIS PLAT NOR IS THERE ANY CERTIFICATION TO THE CURRENT STATUS OF ANY IMPROVEMENTS. SIGNED MCLEON.

2. THE PROPERTY OR PROPERTIES DISPLAYED ABOVE WERE SURVEYED WITHOUT THE BENEFIT OF A TITLE SEARCH AND MAY NOT SHOW ALL ENCUMBRANCES, RIGHTS OF WAY, RESTRICTIONS, ENCOURAGEMENTS, ETC. (WRITTEN OR UNWRITTEN) THAT WOULD BE REVEALED BY A CURRENT AND THOROUGH TITLE EXAMINATION BY A TITLE COMPANY OR A LICENSED ATTORNEY AT LAW. THIS SURVEY SHOULD NOT BE CONSIDERED A CERTIFICATION OF CHANGING ZONING, TITLE, OR QUARANTINE THAT THE SUBJECT PROPERTY IS FREE FROM ENCUMBRANCES.

3. ADJOINING PROPERTY OWNER OR INFORMATION TAKEN FROM THE DUINOCHE COUNTY QD INCORP: AND DEEDS AND PLATS OF RECORD AS NOTED.

4. AREA SHOWN HEREON WAS COMPUTED BY THE COORDINATE METHOD. ALL DISTANCES ARE HORIZONTAL DISTANCES IN US FEET UNLESS OTHERWISE NOTED.

5. THIS PROPERTY IS ZONED "INSTITUTIONAL" BY THE TOWN OF MONTREAL HAVING BUILDING USES AS FOLLOWS:

FOR ADJACENT LOTS WITHIN THE "INSTITUTIONAL DISTRICT", THERE ARE NO ADDITIONAL REQUIREMENTS EXCEPT THAT A 20' BUILDING SETBACK SHALL BE MAINTAINED FROM THE RIGHT-OF-WAY LINE OF ANY EXISTING STREET*.

*FOR LOTS WITHIN THE "INSTITUTIONAL DISTRICT" AND ADJACENT A FRONTING ZONING DISTRICT, A 20' SIDE, REAR, AND/OR FRONT BUILDING SETBACK SHALL BE MAINTAINED ON THE PERIMETER FACING THIS OPPOSITE FRONT ZONING DISTRICT.

PLACER REFER TO THE TOWN OF MONTREAL ZONING ORDINANCE FOR ALL REGULATIONS APPLICABLE TO THE SUBJECT PROPERTY.

6. BY GRAPHICAL LOCATION, PROPERTY IS SHOWN AS LYING IN ZONE X-UNSUBDIVIDED (AREA DETERMINED TO BE OUTSIDE THE 0.25 ANNUAL CHANGE FLOODPLAIN) PER FEMA FIRM MAP NO. 3710071000. EFFECTIVE DATE: 1-6-2010.

7. THIS SURVEY IS SUBJECT TO ANY AND ALL UNDERGROUND UTILITIES THAT MAY EXIST. BURIED AND UNKNOWN UTILITIES ARE BURIED 9 FEET OR MORE IN GROUND STRUCTURES AND APPURTENANCES AND FIELD SURVEYED NC111 MAINTENANCE. THE SURVEYOR MAKES NO CERTIFICATION TO THE EXISTENCE/NON-EXISTENCE OF UNDERGROUND UTILITIES, STORAGE FACILITIES, OR OTHER UNDISCOVERED STRUCTURES AND LINES. DIAL 811 BEFORE DIGGING.

8. ANY STREAMS, CREEKS, PONDS, LAKE, WETLANDS, ETC. LOCATED ON THIS PROPERTY, SHOWN OR NOT SHOWN HEREON, MAY BE SUBJECT TO DURRIS AREA. IT IS THE OWNERSHIP/DEVELOPER'S RESPONSIBILITY TO HAVE THE AREAS DESIGNATED BY PROPER SIGNALS AUTHORIZED BY THE PROPER AUTHORITY TO MAKE THESE DETERMINATIONS.

9. PLAT NOT PREPARED FOR RECORDING IN ACCORDANCE WITH Q.D. 1-10.

I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION AND CODE RECOGNIZED IN DEED BOOK 1927 PAGE 17 THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION IN DEED BOOK AT THIS PAGE 17 SHOWING THAT THE RATE OF PROPORTION OR POSITIONAL ACCURACY IS 1.10 FEET, AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA 21 NCAC 581609. MY ORIGIN SIGNATURE, REGISTRATION NUMBER, AND SEAL THIS 10 DAY OF JANUARY, A.D. 2026.

2-202-202

SEVEN MILLION WORDS OF 1

14000



REFERENCES.

00 647 PQ 379
00 670 PQ 276
00 232 PQ 482
00 214 PQ 341

PH 16 PG 59
PB 181 PG 46
PD 164 PG 1
UNK/CORDO PLAT BY HIGH COUNTRY
SURVEYORS, INC. ENTITLED 'BOUNDARY &
TOPOGRAPHICAL SURVEY FOR DOWD COUNTRY
L.L.C. BARTON 2-12-2022 SPINO DRAFT 2022-001

0° 20° 40° 60°



DATE OF PLAT			REVISIONS		
DATE OF SURVEY 04/25/24 THRU 04/30/24			NO.	DATE	DISO.
PROJECT NO. 04-018					BY
FIELD WORK: CHADIE					
DRAWN BY: GWW					
SCALE: 1" = 80'					
PIN: 0710-06-7828					