

**Town of Montreat  
Board of Adjustment (BOA)  
Meeting Agenda  
March 26, 2026, 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 FEBRUARY 26, 2026, REGULAR MEETING MINUTES**

- **Suggested Motion:** To adopt the February 26, 2026, Regular Meeting Minutes as drafted/amended.

**V. EVIDENTIARY HEARING**

**Variance Request (136 Virginia Road)** – A Variance request submitted by Nicholas Swann, applicant on behalf of property owners, Charles A. Hardie, Jr and Mary Elizabeth Hardie, , for the lot addressed as 136 Virginia Road, Montreat, NC 28757 and described as PIN# 071065742500000. This Variance request is to Section 502.5 of the Montreat Zoning Ordinance to reduce the front setback requirement from 30 feet to 15 feet on the southern side of the Subject Property for the purpose of adding a screened porch, greenhouse, and chimney to the existing single-family dwelling.

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

**VI. WRITTEN ORDER**

**Variance Request (136 Virginia Road)** – A Variance request submitted by Nicholas Swann, applicant on behalf of property owners, Charles A. Hardie, Jr and Mary Elizabeth Hardie, , for the lot addressed as 136 Virginia Road, Montreat, NC 28757 and described as PIN# 071065742500000. This Variance request is to Section 502.5 of the Montreat Zoning Ordinance to reduce the front setback requirement from 30 feet to 15 feet on the southern side of the Subject Property for the purpose of adding a screened porch, greenhouse, and chimney to the existing single-family dwelling.

**Suggested Motion:** To approve/approve with revisions/deny the written order for 136 Virginia Rd.

**VII. NEW BUSINESS**

**VIII. NEXT MEETING DATE:** April 23 , 2026 (if needed)

**IX. ADJOURNMENT**

# Board of Adjustment Meeting February 26, 2026, 5:00 p.m.

## Meeting Minutes

### **Board of Adjustment Members in Attendance:**

Arrington Cox, Alternate Member

Danny Sharpe, Regular Member

Ed Kramer, Chair

Bill Scheu, Vice-Chair

David Neel, Regular Member

Matt Horne, Alternate Member

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

Mari Gramling, Regular Member

George Sawyer, Regular Member

### **Town Staff in Attendance:**

Alexis Baker, Interim Zoning Administrator

Angie Murphy, Town Clerk

Marty Benson, Attorney

Brandon Freeman, Town Attorney (arrived at 5:25 pm)

### **Members of the Public in Attendance:**

Approximately 8 Members of the Public

## **Call To Order**

Chair Ed Kramer called the meeting to order at 5:01 PM on Thursday, February 26, 2026.

Mr. Kramer noted this was his first meeting as chair and requested patience from the audience as he navigated the proceedings.

Mr. Kramer welcomed attendees to the Board of Adjustment meeting for the Town of Montreat and proceeded with introductions, noting that board member names were displayed in front of each member.

## **Certification Of Quorum**

Chair Kramer certified without objection that a quorum of the Board of Adjustment was present for the meeting, with all necessary members in attendance.

## **Agenda Adoption**

Chair Kramer called for a motion to adopt the evening's agenda.

*Motion: To adopt the meeting agenda as presented Moved by: Matt Horne Seconded by: Danny Sharpe Outcome: Approved without objection*

## **Adoption Of January 22, 2026, Regular Meeting Minutes**

Chair Kramer requested a motion for adoption of the January 22, 2026, regular meeting minutes.

*Motion: To adopt the January 22, 2026, Regular Meeting Minutes as drafted Moved by: Danny Sharpe Seconded by: Matt Horne Outcome: Approved unanimously*

## **Order Of Approval**

### **Variance (435 Greybeard Trail)**

Chair Kramer opened the evidentiary hearing for 435 Greybeard Trail, PIN number 072007494600000. He explained this was a quasi-judicial evidentiary hearing requiring a four-fifths vote to grant the variance, emphasizing it was like a court hearing with specific procedures constrained by standards and regulations rather than popularity.

Mr. Kramer outlined participation rules, noting that parties with standing could participate fully while others could serve as witnesses when called by the board. He stressed that witness testimony should focus on facts rather than opinions, and that witnesses must be sworn in before testifying.

Interim Zoning Administrator Alexis Baker presented the staff report after being sworn in by Town Clerk Angie Murphy. Ms. Baker explained this was a continuation from the January 22 meeting, with applicant Powell A. Fraser requesting a variance 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 property for building a covered porch.

Ms. Baker noted the property was 0.27 acres in the R-1 residential district with an existing single-family dwelling built in 1906. The property has double frontage on both Greybeard Trail and West Virginia Terrace. The applicant sought to add a shed-style roof, balusters, and screening to an existing stone patio, which the zoning ordinance considers a covered porch that must comply with setback requirements.

Ms. Baker explained that since the existing patio is stone, adding a roof would not increase impervious surface. The roof may hang a foot into the setback line, which is allowable as long as it doesn't extend into neighboring lots. The property slope is 20.33 percent and is not subject to the hillside development ordinance.

Mary Eloise Fraser Shepherd, part owner of the property with her brother Powell Fraser, testified after being sworn in. She explained she lives in Atlanta, but the family has deep roots in Montreat, with her mother growing up there. The house was built in 1906 and

remodeled in 1964 when her parents were overseas in Taiwan. During the 1964 renovation, a stone terrace was built but without a roof.

Ms. Fraser Shepherd described the family's need for additional gathering space, explaining they only have one large room in the house and would benefit from covered outdoor space for family gatherings, especially with grandchildren. She noted there are drainage holes in the stone terrace where water flows during rain, causing erosion around a large hemlock tree, which they hope the roof might help address by redirecting water flow.

Member Danny Sharpe asked about when the patio was built, with Ms. Fraser Shepherd confirming it was built around 1964. Mr. Sharpe then asked about hardship, and Ms. Fraser Shepherd initially described their space constraints before clarifying the property hardship related to water drainage issues and erosion around the tree roots.

Chair Kramer asked whether this would be a seasonal room, and Ms. Fraser Shepherd confirmed it would primarily be used from mid-spring through fall with no heating or air conditioning planned. She explained there would be two doors from the house opening onto the porch - a regular hardwood door and sliding glass doors from a small library room.

Jeremy Sexton, president of Sexton Deck Builders and the contractor for the project, was sworn in and confirmed the structure would be a screened porch with a one-sided shed roof held up by 6x6 posts.

Charles Thompson, representing the immediate neighbors at 433 Greybeard Trail, provided crucial historical context. He explained that both properties date back generations in their families, with his great-grandmother's property built in 1936 and the applicant's property purchased subsequently. When the 1964 renovations occurred, the improvements actually extended beyond property lines, requiring his great-grandmother to deed over about 4 feet to prevent encroachment. This explains why the current variance request is for exactly 4 feet.

Mr. Thompson emphasized strong family support for the application, noting that Powell Fraser was among the first to come from Atlanta after Hurricane Helene with a crew to help clear trees from multiple properties in Montreat. He stressed that any future improvements to this house would require variances due to the pre-existing non-conforming situation.

Member Arrington Cox raised concerns about bear safety with the screened porch, asking about access between the porch and house. This led to a discussion about door security, Attorney Marty Benson noted this line of questioning was beyond the scope of the variance consideration.

During board deliberation, Mr. Kramer directed members to page 27 where the applicant's responses to the six variance standards were provided. Member Danny Sharpe noted the interesting history about the property line change, finding it helpful context. Members agreed the building would be simple, on the existing footprint, and potentially helpful for drainage management.

Member Arrington Cox stated the application met all findings of fact.

*Motion: To grant the variance request for 435 Greybeard Trail Moved by: Bill Scheu  
Seconded by: Matt Horne Outcome: Approved unanimously*

Variance (329 North Carolina Terrace)

Chair Kramer opened the evidentiary hearing for 329 North Carolina Terrace, PIN number 071096792800000. He noted the actual cottage address is 404 West Virginia Terrace, clarifying the dual addressing for the record. Mr. Kramer again explained the quasi-judicial procedures and requirements for a four-fifths vote.

Interim Zoning Administrator Alexis Baker presented the staff report for this variance request submitted by Lindsey Richards and Thomas A. Brown on behalf of property owner William Black Lodge. The request was to Section 505.71 to reduce the 25-foot building setback from the right-of-way line to 4.9 feet for adding a deck to the existing cottage.

Ms. Baker explained this is a 0.56-acre property in the I (institutional) zoning district containing an existing lodge and rental cottage. The rental cottage operates as a short-term rental as part of the lodge operation. In the I district, there are no setback requirements except for a 25-foot setback from adjacent street rights-of-way and where the property abuts different zoning districts.

The proposed deck would be added to the back of the rental cottage, with the setback measured from the West Virginia Terrace right-of-way line to the closest corner of the proposed deck. The property has double frontage and slopes 35.53 percent downward from north to south. While there appears to be a stream on the property, it's not in a special flood hazard area, and the new construction would not be in the 30-foot stream buffer.

Reverend Thomas Brown, director of William Black Lodge, testified after being sworn in. He provided extensive historical context about the property, explaining that William Black Lodge dates back to 1917 when it was purchased from the Graham family and converted to a boarding house for religious workers. The original house burned in 1946, and the current stone, steel, and concrete lodge opened in 1950 with full food service and commercial kitchen facilities.

Mr. Brown explained the cottage was built in the 1950s and originally used for staff housing, with Davidson College students living there during summers. After staffing changes in the 1970s-80s, it converted to rental use with two upstairs bedrooms, one small downstairs bedroom, and two baths.

Mr. Brown described an exciting partnership with Northeast Georgia Presbytery involving \$150,000 in funding for cottage renovation. The partnership would provide 13 weeks (90 days) of free lodging annually for four people in ministry from the presbytery, extending the lodge's mission of providing affordable lodging for religious workers at greatly reduced rates.

The proposed 8-foot deck would have one sliding glass door from the current bedroom being converted to a living room. Mr. Brown noted this would provide mountain views that the cottage currently lacks, emphasizing that virtually every home in Montreat has a porch looking at the mountains except this property.

Member Danny Sharpe observed after visiting the site that it was interesting to see two related buildings on the same property owned by the same entity. He noted the peculiar situation where the entire building appears to be past the property line, predating current setback requirements. Mr. Brown confirmed the lodge itself may be even closer to North Carolina Terrace.

Member David Neel shared his experience staying at the cottage during music conferences, describing it as a "tight space" that would greatly benefit from the deck for evening outdoor access and fresh air.

Chair Kramer asked about noise considerations, and Mr. Brown explained it would remain a four-person family unit without significant noise increases. When asked about the structure's height, Brown noted they had worked with structural and geotechnical engineers for proper footings and construction approval.

During deliberation, Member David Neel noted the non-conforming nature of the lot made anything difficult since it's over the property line but saw no issue since it's all William Black Lodge property.

*Motion: To approve the variance Moved by: Danny Sharpe Seconded by: David Neel  
Outcome: Approved unanimously*

Following both variance approvals, the board took a brief recess at 5:57 p.m. while Attorney Marty Benson prepared written orders for both variances. Upon return at 6:01 p.m., Mr. Benson presented the standard written orders acknowledging all required elements for variance approval with only identifying information differing between the two properties.

*Motion: To approve the written order for 435 Greybeard Trail Moved by: Danny Sharpe Seconded by: Bill Scheu Outcome: Approved unanimously*

*Motion: To approve the written order for 329 North Carolina Terrace Moved by: Danny Sharpe Seconded by: Bill Scheu Outcome: Approved unanimously*

## **New Business**

Chair Kramer raised questions about quorum requirements, expressing uncertainty about the rules for the seven-member board. Town Attorney Brandon Freeman provided detailed clarification, explaining that simple majority votes (like special use permits) require a normal quorum of four people, with approval needing a majority of votes cast.

For variance decisions requiring a supermajority, Mr. Freeman explained the calculation is based on 80 percent of the total board makeup. With a seven-member board, 80 percent equals 5.6, which rounds up to six people. Importantly, for variances, all six members present must vote in favor - it's not based on votes cast but on the total board composition. If only five members are present, a variance cannot be heard.

Mr. Freeman referenced page 80 of the board's manual for the variance calculation details and emphasized this protects the board's decisions from potential appeals.

## **Next Meeting Date: March 26, 2026 (If Needed)**

Interim Zoning Administrator Alexis Baker indicated she potentially has two applications pending but is waiting for additional information from applicants, recommending the board hold the March 26 date.

## **Adjournment**

*Motion: To adjourn Moved by: Danny Sharpe Seconded by: Matt Horne Outcome: Approved*

The meeting adjourned at 6:15 p.m. with board members noting Chair Kramer's effective leadership in his first meeting as chair.

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Chair Ed Kramer

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Town Clerk Angie Murphy

# Staff Report

## 136 Virginia Road

**Variance Request (136 Virginia Road)** – A Variance request submitted by Nicholas Swann, applicant on behalf of property owners, Charles A. Hardie, Jr and Mary Elizabeth Hardie, , for the lot addressed as 136 Virginia Road, Montreat, NC 28757 and described as PIN# 071065742500000. This Variance request is to Section 502.5 of the Montreat Zoning Ordinance to reduce the front setback requirement from 30 feet to 15 feet on the southern side of the Subject Property for the purpose of adding a screened porch, greenhouse, and chimney to the existing single-family dwelling.

Created by:

Alexis Baker, AICP  
Interim Zoning Administrator  
Town of Montreat

Created for:

Montreat Board of Adjustment  
March 26, 2026

## Table of Contents

<b>STAFF REPORT</b> .....	3
Application Summary.....	3
Property Summary.....	3
Public Notice.....	4
Variance Request.....	5
Staff Analysis.....	5
Template Variance Decision Language.....	10
<b>ATTACHMENTS</b> .....	11
1. Copy of Deed	
2. Application and Response to Six Standards	
3. Site Plan to Scale	

## Table of Figures

Figure 1: Subject Property Aerial.....	4
Figure 2: 250 feet Public Notice for Variance Request.....	5
Figure 3: Subject Property and Surrounding Zoning.....	6
Figure 4: Site Plan with Setbacks Labeled.....	7
Figure 5: Subject Property and Surrounding Topography ( 5ft contours).....	8
Figure 6: Subject Property and Water Features.....	9

## **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 Nicholas Swann, applicant on behalf of property owners, Charles A. Hardie, Jr and Mary Elizabeth Hardie, for the lot addressed as 136 Virginia Road, Montreat, NC 28757 and described as PIN# 071065742500000. This Variance request is to Section 502.5 of the Montreat Zoning Ordinance to reduce the front setback requirement from 30 feet to 15 feet on the southern side of the Subject Property for the purpose of adding a screened porch, greenhouse, and chimney to the existing single-family dwelling.

### **Property Summary**

**Parcel Identifier Number (PIN#):** 071065742500000

**Address:** 136 Virginia Rd.  
Montreat, NC 28757

**Owner:** MARY AND CHARLES HARDIE  
601 ELLYNN DR.  
CARY, NC 27511

**Applicant:** Nicholas Swann

**Zoning:** R-2 Residential District.

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

**Acres:** 0.518 acres.



*Figure 1: Subject Property Aerial*

### Public Notice

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



Figure 2: 250 feet Public Notice for Variance Request

## Variance Request

The Applicant, Nicholas Swann, requests that the Board of Adjustment grant a variance request to Section 502.5 of the Montreat Zoning Ordinance to reduce the front setback requirement from 30 feet to 15 feet on the southern side of the Subject Property for the purpose of adding a screened porch, greenhouse, and chimney to the existing single-family dwelling.

## Staff Analysis

### Subject Property Summary

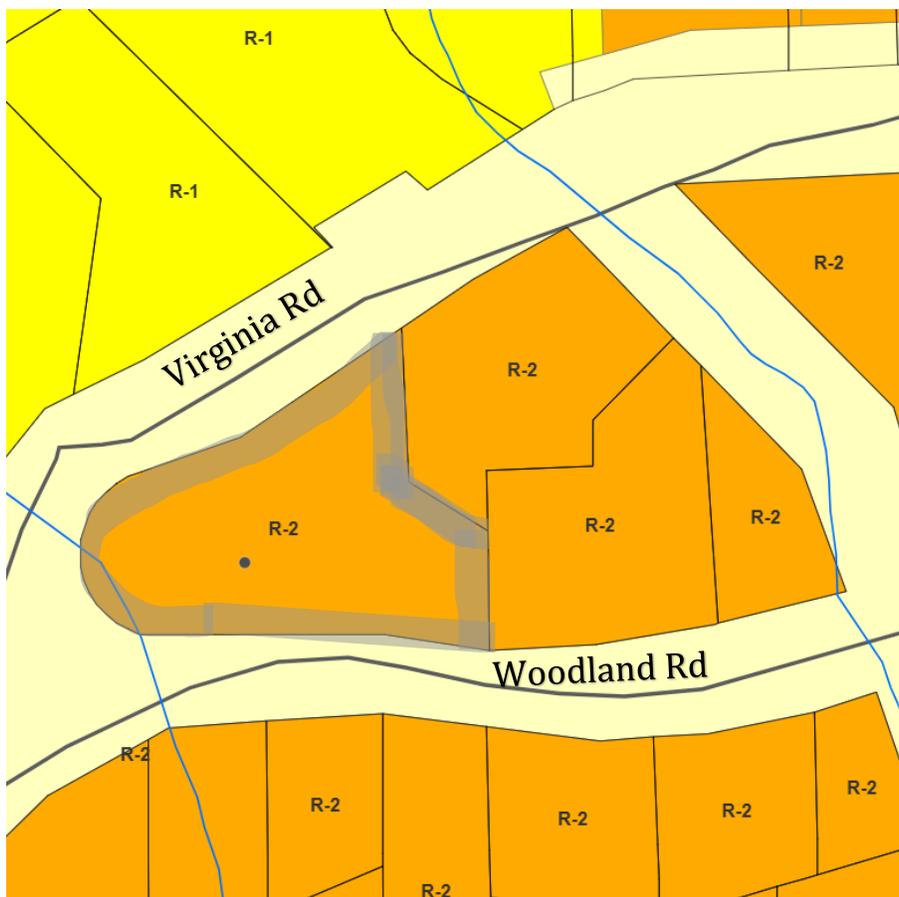
- ❖ The Subject Property is 0.518 acres and currently contains a single-family dwelling. The Applicant intends to add a screened porch, greenhouse, and chimney to the existing single-family dwelling.
- ❖ The Subject Property is a double frontage lot on Virginia Rd. and Woodland Rd.
- ❖ The slope of the Subject Property is 18.25 percent.
- ❖ There appears to be a stream on the property, but the Subject Property is not within the Special Flood Hazard Area. The new construction will be outside the 30' stream buffer.

## Subject Property & Surrounding Lots

### Land Use & Zoning

The Subject Property of the Variance request is in the R-2 Residential Zoning District (R-2). The existing single-family dwelling was built in approximately 1916 per the Buncombe County Tax Card for the Subject Property. The Applicant seeks to obtain a Variance for the purpose of adding a screened porch, greenhouse, and chimney to the existing single-family dwelling.

The Subject Property fronts on Virginia Rd. and Woodland Rd. It is surrounded by R-1 to the north and R-2 to the south and east. To the west is right-of-way and R-1.



*Figure 3: Subject Property and Surrounding Zoning*

## Setbacks

The Subject Property is in the R-2 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. See attachment for a larger survey.

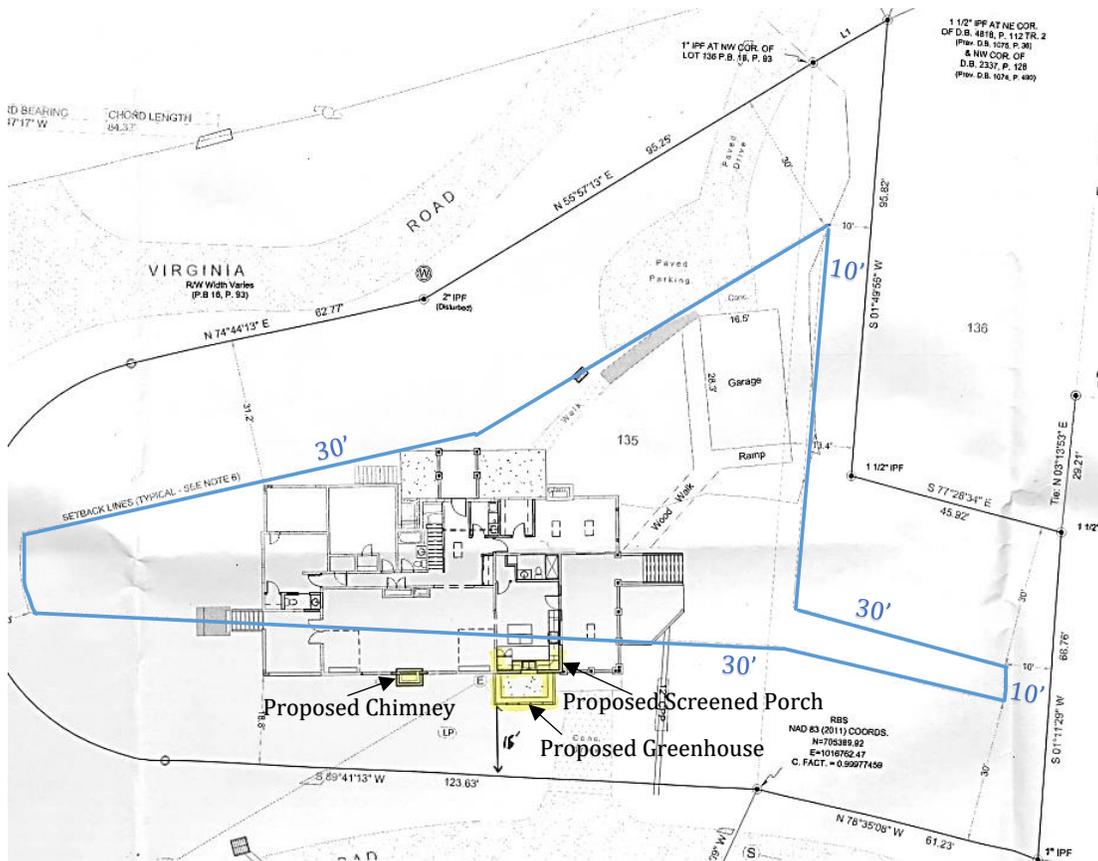


Figure 4: Site Plan with Setbacks Labeled (new additions in setback yard highlighted in yellow)

The table below shows the required setbacks for R-2 on the Subject Property, per Section 502 of Montreat’s Zoning Ordinance, and the requested setback Variances from the Applicant’s application.

	Required R-2 Zoning District Setback	Requested Variance
Front (North)	30 feet	N/A
Side (East)	10 feet	N/A
Side (West)	10 feet	N/A
<b>Front (South)</b>	<b>30 feet</b>	<b>15 feet</b>

**Lot Size**

The Subject Property is 0.518 acres.

**Topography**

The slope of the Subject Property, per the Buncombe County Steep Slope Calculator, is 18.25 percent. The Subject Property slopes downward from north to south. The Subject Property is NOT subject to Hillside Development Ordinance.

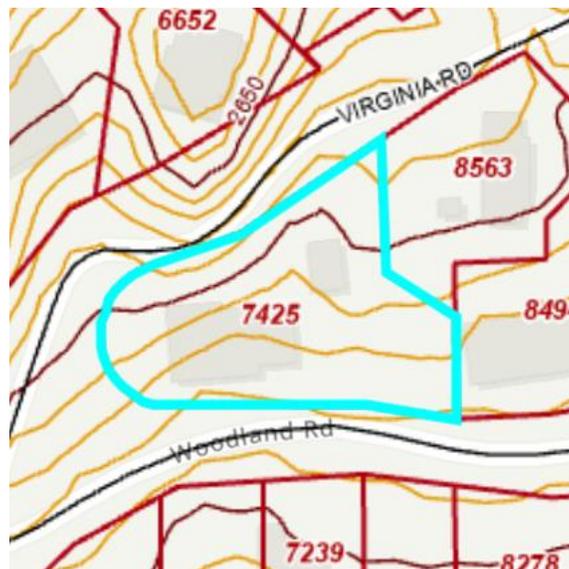


Figure 5: Subject Property and Surrounding Topography ( 5ft contours)

## 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' 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.

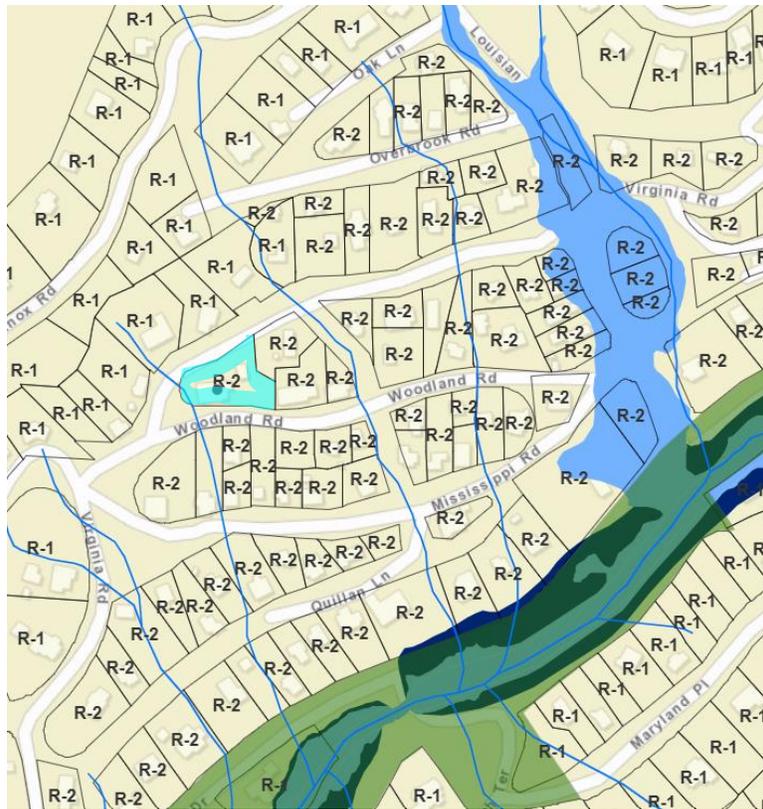


Figure 6: Subject Property and Water Features

## 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 136 Virginia Rd to 502.5 of the Montreat Zoning Ordinance to reduce the front setback requirement from 30 feet to 15 feet on the southern side of the Subject Property for the purpose of adding a screened porch, greenhouse, and chimney to the existing single-family dwelling. [*List any conditions of approval in the motion, if applicable*]

ATTACHMENTS

**ATTACHMENT 1**

3.



Doc ID: 023093930003 Type: CRP  
Recorded: 09/20/2010 at 04:24:29 PM  
Fee Amt: \$935.00 Page 1 of 3  
Revenue Tax: \$910.00  
Workflow# 0000039736-0001  
Buncombe County, NC  
Otto W. DeBruhl, Register of Deeds  
BK 4818 PG 112-114

**NORTH CAROLINA GENERAL WARRANTY DEED**

Excise Tax: \$ 910.00 Recording Time, Book and Page  
Tax Lot No. \_\_\_\_\_ Parcel Identifier No. \_\_\_\_\_  
Verified by \_\_\_\_\_ Buncombe County on the \_\_\_\_\_ day of \_\_\_\_\_, 2010

Mail After Recording to: ~~GRANTOR~~ I, Allan From P.O. Box 12347, Raleigh N.C., 27605  
The Instrument was prepared by: I, ALLAN FROM without title search

Brief Description for the index  

Lot 135 and part of Lot 136

This Deed made this 17<sup>th</sup> day of Sept., 2010, by and between

**GRANTORS**

**Charles A. Hardie, Sr. and  
Wife, Barbara Hand Hardie by  
Charles Alva Hardie, Power of Attorney**

**GRANTEE**

**Charles A. Hardie, Jr. and wife,  
Mary Elizabeth Hardie  
601 Ellynn Drive  
Cary, North Carolina 27511**

All of this property herein conveyed is the primary residence of the Grantors.

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

**SEE ATTACHED EXHIBIT A**

The property hereinabove-described was acquired by Grantor by instrument recorded in **Book 1032, Page 155 and Book 1075, Page 36**, Buncombe County Registry.

A map showing the above described property is recorded in Plat Book 16, Page 93.

**PACKET PAGE 20**

2

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 Grantor's title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend Grantor's title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

2010 Ad valorem taxes and all restrictions and easements of record.

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

\_\_\_\_\_  
(Corporate Name)

*Charles A. Hardie, Sr.*  
Charles A. Hardie, Sr.

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

*Barbara Hand Hardie*  
Barbara Hand Hardie, by Charles Alva Hardie acting by Power of Attorney

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

*by Charles Alva Hardie acting by Power of Attorney*

STATE OF NORTH CAROLINA, WAKE COUNTY

I, Israel Allan From, a Notary Public of the County of WAKE, State of North Carolina, do hereby certify that CHARLES A. HARDIE, SR., personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and official stamp or seal, this 17<sup>th</sup> day of Sept., 2010.



*Israel Allan From*  
Israel Allan From, Notary Public  
(Notary's printed or typed name)

STATE OF NORTH CAROLINA, WAKE COUNTY

I, a Notary Public of the County and State aforesaid, certify that CHARLES ALVA HARDIE, as Attorney-in-Fact for BARBARA HAND HARDIE, personally appeared before me this day, and being by me duly sworn says that he executed the foregoing and annexed instrument for and in behalf of BARBARA HAND HARDIE and that his/her authority to execute and acknowledge the said instrument is contained in instrument duly executed, acknowledged, and recorded in the office of the Register of Deeds of Buncombe County on September 14, 2010 in Book 4816, Page 883 and that this instrument is executed under and by virtue of the authority given by said instrument granting his/her Power of Attorney; that the said CHARLES ALVA HARDIE, [attorney-in-fact] acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed for and in behalf of BARBARA HAND HARDIE.

WITNESS my hand and official stamp or seal, this 17<sup>th</sup> day of Sept., 2010.



*Israel Allan From*  
Israel Allan From, Notary Public  
(Notary's printed or typed name)

**EXHIBIT "A"****Tract 1**

**BEING all of Lot 135 as shown on a plat of Montreat, which said plat is recorded in Plat Book 16, Page 93 of the Buncombe County Registry, reference to which is hereby made for a more particular description of said lot.**

**Tract 2**

**Lying and being in Montreat, Black Mountain Township, and more particularly described as follows: BEGINNING at a stake in the South margin of Virginia Road, said stake being located at the Northwest corner of Lot 136 of the Plat hereinafter referred to; and runs thence with said margin of Virginia Road North 56° 23' East 18.15 feet to an iron pin at the Curtis Lashley corner; thence with the Lashley line South 0° 38' West 95.95 feet to a stake; thence south 78° 51' East 45.77 feet to an iron pin; thence South 0° 38' West 70 feet to an iron pin; thence North 78° 51' West 61.03 feet to an iron pin; thence North 0° 38' East 153 feet to the point of BEGINNING. Being a portion of Lot 136 as laid down and shown on the Plat duly recorded in the Office of the Register of Deeds for Buncombe County, North Carolina in Plat Book 16 at Page 93. Being also a portion of the property described and conveyed by deed also recorded in the Buncombe County Registry in Deed Book 893 at Page 377.**

**PACKET PAGE 22**

ATTACHMENT 2



# 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: Nicholas Swann/Balsam Built TELEPHONE: 919-418-1492  
MAILING ADDRESS: 104 Walker Town Rd. CITY: Black Mountain STATE: NC ZIP: 28711  
EMAIL: Nick@Balsambuilt.com

## PROPERTY INFORMATION

ADDRESS: 136 Virginia Road CITY: Montreat STATE: NC ZIP: 28757  
PIN# : 0710-65-7425 TOTAL ACREAGE: .518 FLOODPLAIN:  YES  NO  
ZONING: R-1 R-2 R-3 I /R WL OTHER: \_\_\_\_\_ OVERLAY ZONING: RPO TCO CD N/A  
PROPERTY OWNER: Al Hardie TELEPHONE: 919-418-1492  
MAILING ADDRESS: \_\_\_\_\_

## PROPOSED LAND USE

TYPE OF LAND USE:  Residential  Non-Residential  Other  
DESCRIPTION OF PROPOSED DEVELOPMENT: Renovation and improvement of an existing single-family residence, including the addition of a screened porch, greenhouse, and chimney. The additions will be attached to the existing structure and maintain the residential use of the property.

## VARIANCE REQUEST

MONTREAT ZONING ORDINANCE SECTION: \_\_\_\_\_  
DESCRIPTION OF REQUESTED VARIANCE: See Attachment

## 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.

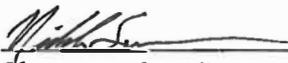
**ATTACHMENTS**

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

1. A copy of the deed for the property which is the subject of the application for a Variance, a copy of the plat showing such property if one exists, and any contract to purchase or other relevant documents.
2. A response to the six 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, Nicholas Swann, hereby certify that all of the information set forth above is true and accurate to the best of my knowledge.

  
Signature of Applicant

3/5/26  
Date

Nicholas Swann  
Printed Name of Applicant

**OFFICE USE ONLY**

Complete       Incomplete

  
Zoning Administrator Signature

3/10/26  
Date

Alexis Baker  
Printed Name of Zoning Administrator

Fee: \$350

Paid:  Yes     No

Payment Method: CC

Scheduled Board of Adjustment Meeting Date: 3/26/26

Standards for granting a variance addressed below:

**Property:**

136 Virginia Road  
Montreat, NC 28757

**Owners:**

Al and Mary Beth Hardie

**Variance Requested:**

A variance of ~~16~~ <sup>15'</sup> feet from the required 30-foot front setback along Woodland Road to allow the construction of a greenhouse, screened porch, and chimney addition to an existing single-family residence.

### **Standard A – Unnecessary Hardship**

Strict application of the Town of Montreat setback ordinance would create an unnecessary hardship because the existing residence was constructed prior to the current zoning requirements and is already located within the required front setback. As documented on the survey, the house is considered an existing non-conforming structure. Because of this existing placement and the limited buildable envelope created by the dual front setbacks, it is not feasible to construct modest additions to the home without encroaching further into the setback area.

### **Standard B – Hardship Due to Property Conditions**

The hardship results from unique physical conditions of the property, including:

- The existing placement of the house relative to the road
- The irregular configuration of the buildable area

These characteristics are specific to this parcel and are not the result of general conditions affecting the neighborhood.

### **C – Hardship Not Self-Created**

The hardship was not created by the current property owners. The house was constructed in 1913 before the current setback conditions were enforced. Most likely before Woodland road

### Variance Request Summary

136 Virginia Road – Montreat, NC

Owners: Al and Mary Beth Hardie

The property at 136 Virginia Road is an existing residential lot located within the Town of Montreat and zoned R-2. The lot has frontage on both Virginia Road and Woodland Road, which results in two required front setbacks under the Montreat zoning ordinance.

The existing residence was constructed prior to current zoning requirements and is documented on the recent survey as an existing non-conforming structure due to its location within the setback area.

The homeowners propose modest additions to improve the functionality of the residence, including:

- **A screened porch**
- **A small greenhouse**
- **A chimney addition**

These improvements are designed to attach to the existing structure and maintain the current orientation of the house on the lot.

Because the house already sits within the required setback along Woodland Road, the additions extend slightly further toward the road. In order to construct these improvements, the owners are requesting a ~~16~~-foot variance from the 30-foot *front setback* along Woodland Road.

*to 15' OK*

This variance request meets the criteria for approval because:

- The existing home is already non-conforming due to its historic placement.
- The request is for modest additions to an existing residence, not a new structure.
- The variance requested is the minimum necessary to complete the project.
- The use remains single-family residential, which is permitted in the zoning district.

Approval of the variance will allow the owners to reasonably improve and maintain their home while preserving the existing development pattern of the neighborhood.

was installed. The owners are simply seeking to reasonably improve and modernize the existing residence while maintaining the existing footprint and orientation of the home.

### **D – Consistency With the Spirit of the Ordinance**

The requested variance is consistent with the spirit and intent of the Montreat zoning ordinance. The property will remain a single-family residential use, which is fully permitted in the R-2 zoning district.

The proposed additions are modest in scale and consistent with the architectural character of the existing home and surrounding neighborhood. The variance will not negatively affect public safety, neighboring properties, or the character of the area.

### **E – Minimum Variance Necessary**

The requested <sup>15' AS</sup> ~~16~~-foot variance represents the minimum relief necessary to allow the proposed improvements. The additions are designed to attach to the existing house and maintain the current structural alignment. Relocating the additions outside the setback would require substantial demolition or relocation of the existing structure, which is not at all practical.

### **Standard F – Permitted Use**

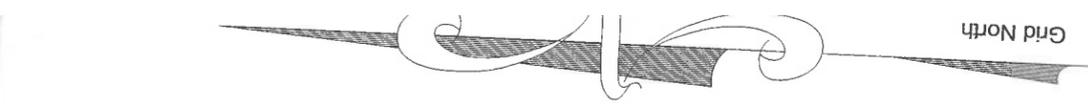
The request does not seek approval of a prohibited use. The property will remain a single-family residence, which is permitted within the R-2 zoning district.

ATTACHMENT 3



THIS PLAT OR SURVEY NOT SPECIFICALLY SHOWN ON THE COPY PROVIDED IS NOT CERTIFIED BY HIGH COUNTRY SURVEYORS TO BE ACCURATE AND SHOULD NOT BE USED FOR DESIGN OR ENGINEERING PURPOSES.

LOT 137 P.B. 16, P. 93



RD BEARING  
47°17' W  
CHORD LENGTH  
84.32'

VIRGINIA  
R/W Width Varies  
(P.B. 16, P. 93)

PACKET PAGE 31

SETBACK LINES (TYPICAL - SEE NOTE 6)



**LEGEND**

- △ ...NGS GEODETIC MONUMENT
- ◻ CMF ... CONCRETE MONUMENT FOUND
- ◻ PSF ... PLANTED STONE FOUND
- IPF ... IRON PIN FOUND-SIZE AS NOTED
- RBF ... REBAR FOUND-SIZE AS NOTED
- RBS ... #5 REBAR W/ ID CAP SET
- ... CALCULATED POINT-NOT SET
- ☼ ... FIRE HYDRANT
- ⊙ ... SEWER CLEANOUT
- ⊙ ... ELECTRIC METER
- ⊙ ... GAS METER
- ⊙ ... PHONE PEDESTAL
- ⊙ ... WATER VALVE
- ⊙ ... WATER METER
- ⊙ ... LIQUID PROPANE
- ⊙ ... CATCH BASIN / STORM DRAIN
- ⊙ ... GAS VALVE / HOOK UP
- ⊙ ... UNDERGROUND CABLE
- ⊙ ... EXISTING MANHOLE & SEWERLINE
- ⊙ ... UTILITY POLE & OVERHEAD LINES

1 1/2" IPF AT NE COR.  
OF D.B. 4818, P. 112 TR. 2  
(Prev. D.B. 1075, P. 36)  
& NW COR. OF  
D.B. 2337, P. 128  
(Prev. D.B. 1074, P. 490)

1" IPF AT NW COR. OF  
LOT 136 P.B. 16, P. 93

Terry G. Lashley  
D.B. 2337, P. 128

#5 RBF AT COR. OF  
D.B. 5422, P. 1343

Keith A. Grogg &  
Vivian M. Hare  
D.B. 5422, P. 1343  
P.B. 16, P. 93

RBS  
NAD 83 (2011) COORDS.  
N=705389.92  
E=1016762.47  
C. FACT. = 0.99977459

138  
P.B. 16, P. 93  
(Typical)

137

136

135

2" IPF  
(Disturbed)

1 1/2" IPF

1 1/2" IPF

1" IPF

1" IPF

1" IPF

1" IPF

Tie only: N 63°15'37" E  
101.30'

Tie only: S 32°57'42" E  
56.36'

Tie only: S 18°46'47" W  
82.56'

S 01°49'55" W  
95.82'

Tie: N 03°13'53" E  
29.21'

S 77°28'34" E  
45.92'

S 01°11'29" W  
68.76'

N 78°35'08" W  
61.23'

N 53°57'13" E  
95.25'

N 74°44'13" E  
62.77'

S 89°41'13" W  
123.63'

10'

10'

30'

30'

30'

10'

30'

13.4'

28.3'

16.5'

15'

12" CPP

15'

Conc. Drive

Wood Walk

Garage

Paved Parking

Ramp

Conc. Drive

10'

10'

10'

10'

10'

10'

10'

10'

10'

10'

10'

10'

10'