

**Town of Montreat  
Board of Adjustment (BOA)  
Meeting Agenda  
May 28, 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 March 26, 2026, REGULAR MEETING MINUTES**

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

**V. EVIDENTIARY HEARING**

Variance Request (112 Kanawha Drive)) – Variance request was submitted by Danny Zorn, applicant (property owner) for the lot addressed as 112 Kanawha Drive, Montreat, NC 28757 and described as PIN# 07054358300000. This Variance request is to Section 502.5 of the Montreat Zoning Ordinance to reduce the side setback requirement from 15 feet to 5 feet on the North side of the Subject Property for the purpose of adding a fence to surround a pool and yard located in the rear of the single-family dwelling.

- Suggested Motion: To grant/grant with conditions/deny the Variance request for 112 Kanawha Drive.

**VI. WRITTEN ORDER**

Variance Request (112 Kanawha Drive) – Variance request was submitted by Danny Zorn, applicant (property owner) for the lot addressed as 112 Kanawha Drive, Montreat, NC 28757 and described as PIN# 07054358300000. This Variance request is to Section 502.5 of the Montreat Zoning Ordinance to reduce the side setback requirement from 15 feet to 5 feet on the North side of the Subject Property for the purpose of adding a fence to surround a pool and yard located in the rear of the single-family dwelling.

- Suggested Motion: To approve/approve with revisions/deny the written order for 112 Kanawha Drive.

**VII. NEW BUSINESS**

**VIII. NEXT MEETING DATE:** June 25, 2026 (if needed)

**IX. ADJOURNMENT**

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

## **Board Members in Attendance:**

Chair Ed Kramer  
Danny Sharpe  
Mari Gramling  
Bill Scheu  
David Neel  
Matt Horne

## **Board Members not Present:**

George Sawyer  
Arrington Cox

## **Town Staff in Attendance:**

Alexis Baker, Interim Zoning Administrator  
Shelly Johnston, Zoning Administrator  
Brandon Freeman, Town Attorney  
Marty Benson, Attorney

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

Actual number unknown

## **Call To Order**

Chair Ed Kramer called the meeting of the Board of Adjustment to order at 5:00 PM on Thursday, March 26, 2026. Chair Kramer welcomed those in attendance, noting that name tags were available for identification purposes in lieu of formal introductions.

Before proceeding, outgoing Zoning Administrator Alexis Baker requested the opportunity to introduce the newly appointed Zoning Administrator, Shelly Johnston, to the Board. Chair Kramer welcomed the introduction.

Ms. Johnston came forward and addressed the Board. She introduced herself as a professional with a background in land use and recreation planning who is transitioning into municipal planning. She noted that she had previously served with the Town of Forest City for one year. Ms. Johnston explained that her position with the Town of Montreat is part-time 24 hours per week, and that she would generally be present in the office on Tuesdays and Thursdays, with Wednesday available as a remote workday, while remaining accessible on other days as needed.

Board members welcomed Ms. Johnston warmly. Chair Kramer asked that voicemail and email contact information be updated to reflect Ms. Johnston's name rather than Ms. Baker's. Ms. Johnston acknowledged this request and confirmed it was on her list of tasks to address, noting she was working through administrative transitions with available support.

Following the introduction, Chair Kramer called for a moment of silence.

## **Certification Of Quorum**

Chair Kramer confirmed that the variance hearing on the evening's agenda requires six members of the Board of Adjustment to constitute a quorum. Six members were present, and a quorum was accordingly certified.

Present: Ed Kramer (Chair), Danny Sharpe (Member), Matt Horne (Member), Mari Gramling (Member), David Neel (Member), Bill Scheu (Member)

## **Agenda Adoption**

Chair Kramer called for a motion to adopt the meeting agenda as presented.

*Motion to adopt the meeting agenda as presented was made by Mari Gramling and seconded by Danny Sharpe. The motion carried unanimously.*

## **Adoption Of February 26, 2026, Regular Meeting Minutes**

Chair Kramer called for a motion to approve the February 26, 2026, Regular Meeting Minutes as drafted. It was noted that the regular minutes-taker was not present but that the meeting was being recorded.

*Motion to adopt the February 26, 2026, Regular Meeting Minutes as drafted was made by Matt Horne and seconded by Mari Gramling. The motion carried unanimously with no discussion.*

## **Evidentiary Hearing**

### **Variance Request (136 Virginia Road)**

#### **Opening of the Hearing**

Chair Kramer formally opened the evidentiary hearing for the variance request pertaining to 136 Virginia Road, PIN# 071065742500000. He read into the record the procedural framework governing the quasi-judicial evidentiary hearing, explaining that the hearing is conducted similarly to a court proceeding, constrained by the standards and regulations of the Montreat Zoning Ordinance and governed by the requirement that the Board's decision be based upon competent, relevant, and substantial evidence in the record.

Chair Kramer emphasized that the Board's discretion is limited and that a quasi-judicial decision is not a popularity contest. He instructed any individuals who would speak as witnesses to focus on facts and standards rather than personal preference or opinion. He further noted that parties with standing include the applicant, the local government, and individuals who can demonstrate they would suffer special damage; that expert opinion testimony is required for projections regarding property value impacts or traffic impacts; and that all witnesses must swear or affirm their testimony prior to speaking.

#### **Oath Administration**

Chair Kramer swore in Interim Zoning Administrator Alexis Baker.

#### **Disclosure of Partiality and Ex Parte Communications**

Chair Kramer inquired whether any Board member had a fixed opinion about the matter, a financial interest in the outcome, or a close relationship with an affected person that would require recusal. No such disclosures were made.

Chair Kramer then inquired as to ex parte communications, including site visits or conversations with parties, staff, or the public outside of the hearing. One Board member, Chair Ed Kramer, disclosed that he had visited and walked around the subject property. No other disclosures were made. No objections to any Board member's participation were raised by any member or party, and the Chair proceeded with the hearing.

Staff Presentation — Alexis Baker, Interim Zoning Administrator

Interim Zoning Administrator Alexis Baker presented the staff report for the variance request. She summarized the application as follows:

The variance request was submitted by Nicholas Swann, applicant, on behalf of property owners Charles A. Hardie, Jr. and Mary Elizabeth Hardie, for the property located at 136 Virginia Road, Montreat, NC 28757, PIN# 071065742500000. The request is to Section 502.5 of the Montreat Zoning Ordinance, seeking to reduce the front setback requirement on the southern side of the property from 30 feet to 15 feet, for the purpose of adding a screened porch, greenhouse, and chimney to the existing single-family dwelling.

Ms. Baker noted that the property is 0.518 acres, located in an R-2 Residential District, and currently improved with an existing single-family dwelling and garage. She drew the Board's attention to the fact that the subject property is a double frontage lot, fronting on both Virginia Road to the north and Woodland Road to the south. The variance request concerns the southern front setback along Woodland Road.

Ms. Baker explained that the proposed additions — depicted in yellow on the site plan, including the screened porch, greenhouse, and chimney — are the elements that necessitate the variance, as they would encroach within the required 30-foot front setback. She clarified that the existing structure, while already located within the current setback, is legally nonconforming and may remain as-is. The variance is required specifically because the applicant proposes to build onto the structure, which would place new construction within the setback area.

Ms. Baker also noted the following site conditions:

- Surrounding zoning includes R-1 to the north and west, and R-2 to the south and east.
- The slope of the property per the Buncombe County steep slope calculator is 18.25%, sloping downward from north to south.
- The property is not subject to the Hillside Development Ordinance.
- While there appears to be a stream on the property, proposed construction does not appear to be within the 30-foot stream buffer.

Ms. Baker concluded her presentation by directing the Board's attention to the applicable variance standards, which would need to be addressed during deliberation.

Board Questions for Staff

Chair Ed Kramer questioned whether the existing house was already located within the setback area. Ms. Baker confirmed that the existing structure is legally nonconforming and may continue to exist in its current location. She clarified that the variance pertains only to new construction, and that the legally nonconforming status of the existing structure does not itself require a variance — only the proposed additions do. Chair Kramer acknowledged the distinction.

Member Danny Sharpe sought clarification on the relevance of the legal nonconforming status to the setback analysis. Ms. Baker confirmed Member Sharpe's characterization: that what is already within the setback is legally nonconforming and essentially irrelevant to the present variance inquiry. The

variance question concerns only what is proposed to be newly constructed within the setback area. Member Sharpe affirmed: "What's already in the setback is really irrelevant to the conversation," to which Ms. Baker agreed.

Applicant Testimony — Nicholas Swann, Balsam Built, was sworn in by Chair Ed Kramer.

Nicholas Swann, representing the applicant in his capacity as a home renovation contractor with Balsam Built, came forward and provided testimony. Mr. Swann explained the physical scope of the proposed project. He noted that the existing open, unroofed porch is the closest point of the current structure to the southern setback, at approximately 17 feet from the property line. The proposed work involves pushing the porch back approximately 5 feet, adding a roof, and screening it in. In addition, a lean-to greenhouse would be attached to the house and would extend approximately one additional foot beyond the current footprint. A chimney addition of approximately two feet is also proposed.

Mr. Swann clarified that while the existing structure is at 17 feet from the property line — already within the 30-foot setback — the variance being requested is measured against the ordinance's current 30-foot requirement, resulting in the formal request to reduce the setback to 15 feet.

Member Sharpe requested visual clarification on the location of the porch and the greenhouse on the site plan. Ms. Baker and Mr. Swann directed the Board's attention to the relevant features on the displayed site plan. Mr. Swann identified the highlighted yellow areas as the proposed greenhouse and new wall and clarified that the proposed porch was located at the far-right corner of the plan. Member Mari Gramling and other members noted initial confusion in reading the plan, which was resolved through direct identification at the display screen. Member Matt Horne inquired about the chimney's extension distance, which Mr. Swann confirmed to be approximately two feet from an existing wall.

#### Hardship

Member Danny Sharpe asked Mr. Swann to speak specifically to the hardship question. Mr. Swann testified that the property is already within the setback regardless of the proposed additions, and that the double frontage character of the lot — with 30-foot setbacks applying to both the north and south property lines — significantly constrains the buildable area of the lot. He concluded, "We just have no legal room whatsoever." Member Sharpe confirmed: "Part of your argument would be that the hardship exists different from hardships in other lots primarily because it's a double fronted lot?" Mr. Swann agreed.

Member Sharpe noted openly that the hardship question is one the Board always grapples with carefully, observing that "it's a hard one to prove" and carries "a heavy burden of proof." He acknowledged that the double frontage characteristic of the lot distinguishes it from neighboring properties, as it reduces the buildable footprint in a way that other comparably zoned lots do not face.

Member Horne raised the question of whether the greenhouse could be located on the far western side of the property, which appeared to be outside the setback area, and whether such a placement would reduce or eliminate the need for a variance. He asked Mr. Swann and the property owners to speak to that alternative.

Owner Testimony — Al Hardie Jr, Property Owner, was sworn in by Chair Kramer.

Al Hardie Jr, identified himself as a co-owner of the property along with his wife Mary Beth Hardie, came forward and provided testimony. Mr. Hardie offered background on his connection to the property, noting that he has been coming to Montreat since 1964, that this is his sixty-second year in the community, and that the house — known as "Wonderland" — has had only three owners. He and his wife have been associated with the property for approximately 55 years and are in the process of moving back permanently upon retirement.

Mr. Hardie Jr. explained that the renovation project is approximately 75 percent focused on functional systems upgrades to a house originally built in 1913. He noted that the screened porch work involves restoring a roofline closer to the original design, which he characterized as a deliberate effort to maintain the character of the historic structure. He described the greenhouse as a modest lean-to

structure — approximately five to six feet in width, framed with glass — attached to the south-facing wall of the house. He noted that the south exposure is optimal for a greenhouse and that his background in horticulture (he majored in horticulture at NC State University) informs that placement decision.

Responding to Member Horne's question about the western placement alternative, Mr. Hardie Jr. confirmed that the western portion of the property is covered by seven large hemlock trees, creating heavy shade that would be wholly unsuitable for a greenhouse. He also noted that a greenhouse placed in that area would be visually incongruous with the character of the home and would look "out of place." Chair Kramer, who had visited the property, corroborated this testimony, describing the area as "heavily heavily wooded" with a distinct V-shaped topography.

Mr. Hardie Jr. also noted that the one neighboring property with a clear sightline to the proposed additions is the property known as Gray Rock Rebecca, and that the additions would not be substantially visible from that location. He characterized the overall impact as minimal and suggested the additions would modestly improve the appearance of that side of the house.

#### Additional Evidence

Mr. Swann offered to share a three-dimensional rendering of the proposed project from his laptop computer to assist the Board's visual understanding of the proposal. Board members reviewed the rendering and found it helpful in clarifying the relationship between the proposed porch, greenhouse, and lower deck. Attorney Marty Benson requested that Mr. Swan provide a screenshot or file copy of the 3D rendering to the Town for inclusion in the official project file.

## Written Order

### Variance Request (136 Virginia Road)

#### Board Deliberation

Following testimony, the Board entered into deliberation. Member Sharpe opened the discussion by articulating the two central analytical concerns that the Board must address: the hardship question and whether the variance requested represents the minimum relief necessary.

On the hardship question, Member Sharpe acknowledged the difficulty of meeting the legal standard, characterizing it as requiring proof that the hardship on this property "exceptionally exceeds the difficulty of other people who also live in this community, in this particular neighborhood." While he expressed some initial uncertainty about the strength of the hardship argument, he ultimately concluded that the double frontage character of the lot — which subjects the property to front setback requirements on two sides rather than one, substantially constraining the buildable area — constitutes a hardship that is peculiar to this property and distinguishable from that of neighboring lots. That finding moved him, in his words, "toward accepting of the variance."

Member Sharpe also raised whether the variance could be further reduced by relocating the greenhouse to a different area of the property. Member Horne pursued this question by asking whether the western side of the property could accommodate the greenhouse without requiring a setback reduction. After hearing testimony from Mr. Hardie Jr. confirming that the western portion of the lot is heavily shaded by seven hemlock trees and would not be suitable for a greenhouse, and after Chair Kramer independently confirmed the site conditions from his property visit, the Board was satisfied that the proposed location represented a reasonable and necessary placement for the greenhouse and that no viable alternative location existed.

The Board was satisfied as to the hardship and the necessity of the variance relief requested.

*Motion to grant the variance request for 136 Virginia Road was made by Member Danny Sharpe and seconded by Member Matt Horne. The motion carried unanimously with no opposition.*

## **New Business**

Chair Kramer raised several items for the Board's information during the New Business portion of the meeting.

### ETJ Representative Vacancy

Chair Kramer advised the Board that he has been in contact with individuals in the Extraterritorial Jurisdiction (ETJ) and that there is a possibility of filling the vacant ETJ representative seat on the Board. He noted that by law, the ETJ representative must reside within the ETJ and cannot be a resident of the Town of Montreat proper.

### Meeting Packets and Document Distribution

Chair Kramer raised the question of how Board members prefer to receive meeting packets — whether printed and distributed in advance, or made available online for members to access and print themselves. Discussion revealed that several members had not received packets or agendas for the prior two meetings. Ms. Baker clarified that materials had been posted to the Town website approximately ten days in advance of each meeting, though members noted difficulty locating the documents through the website interface. Chair Kramer indicated he would discuss improvements to the document distribution process with incoming Zoning Administrator Shelly Johnston.

### Site Visits Prior to Hearings

Chair Kramer made a formal request — though not a requirement — that Board members visit variance properties prior to hearing the evidence and voting. He cited his own site visit to 136 Virginia Road as directly informative, noting that without visiting the property, he would not have had firsthand knowledge of the heavy wooded conditions on the western side that became directly relevant to the Board's deliberation. He stated: "I do think it's just good business to go see these properties. They're all five minutes from where we all live."

Attorney Benson, in response, offered an important caution: Board members conducting site visits should avoid speaking with any individuals involved in the variance application, and should not visit properties together as a group, so as to avoid ex parte communication concerns. Chair Kramer and the Board acknowledged these admonitions.

### Buncombe County Building Inspection Process

Chair Kramer raised a question about the relationship between Board of Adjustment decisions and the Buncombe County Board of Adjustment. Attorney Benson clarified that variance decisions by the Montreat Board of Adjustment do not go to the Buncombe County Board of Adjustment. Rather, because building inspection services are administered through Buncombe County, applicants who receive a variance from the Town's Board must provide proof of zoning compliance to Buncombe County as part of the building permit process. Ms. Baker noted that the Town Clerk Angie Murphy and Town Manager Savannah Parrish are available to assist applicants with navigating the Buncombe County portal, which she acknowledged can be complicated.

### Focus of Board Deliberation

Member Danny Sharpe raised a substantive point regarding Board conduct, which he acknowledged applied to himself as well. He observed that the Board sometimes asks questions of applicants that are not relevant to the variance itself — for example, questions about design details, aesthetics, or personal choices relating to the property. He expressed concern that such questions can feel intrusive to applicants and cross into territory that is properly the applicant's private domain rather than the

province of the Board. He stated: "I don't want to put an applicant in an awkward place like that. I think it's important that we keep our remarks focused only on the variance and not on our private opinions about whatever." He credited the township attorney with helping redirect the Board when conversations drift in that direction and invited the Board collectively to exercise greater discipline in keeping deliberations focused on the variance standards.

Member Mari Gramling agreed, noting that familiarity with community members who appear before the Board can make it easy to slip into more informal conversational territory. Chair Kramer accepted responsibility for keeping deliberations on track in his role as Chair, noting that he now possesses "the hammer" to do so.

Member Matt Horne left the meeting at an unknown time

## **Next Meeting Date: April 23, 2026 (If Needed)**

The next meeting of the Board of Adjustment was noted as Thursday, April 23, 2026, to be held if needed.

## **Written Order Review and Adoption**

Attorney Marty Benson prepared the written order while the Board proceeded to New Business. Upon completion, the written order was displayed on screen for Board review. Attorney Benson scrolled through the order to allow all members the opportunity to review its contents. A motion to adopt the written order was then called.

*Motion to adopt the written order for the variance request at 136 Virginia Road was made by Danny Sharpe and seconded by David Neel. The motion carried, with Member Horne noted as not present for the final vote. The order was approved.*

## **Adjournment**

There being no further business before the Board, Chair Kramer declared the meeting adjourned at an unknown time.

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Ed Kramer, Chair

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Angie Murphy, Town Clerk

# Staff Report

## 112 Kanawha Drive

Variance Request (112 Kanawha Drive) – Variance request was submitted by Danny Zorn, applicant (property owner) for the lot addressed as 112 Kanawha Drive, Montreat, NC 28757 and described as PIN# 07054358300000. This Variance request is to Section 502.5 of the Montreat Zoning Ordinance to reduce the side setback requirement from 15 feet to 5 feet on the North side of the Subject Property for the purpose of adding a fence to surround a pool and yard located in the rear of the single-family dwelling.

Created by:

Shelly Johnston, CZO  
Zoning Administrator  
Town of Montreat

Created for:

Montreat Board of Adjustment  
May 28, 2026

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# STAFF REPORT

See **STAFF ANALYSIS** (i.e. Shelly Johnston, CZO, 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 request was submitted by Danny Zorn, applicant (property owner) for the lot addressed as 112 Kanawha Drive, Montreat, NC 28757 and described as PIN# 07054358300000. This Variance request is to Section 502.5 of the Montreat Zoning Ordinance to reduce the side setback requirement from 15 feet to 5 feet on the North side of the Subject Property for the purpose of adding a fence to surround a pool and yard located in the rear of the single-family dwelling.

## Property Summary

**Parcel Identifier Number (PIN#):** 07054358300000

**Address:** 112 Kanawha Drive, Montreat, NC 28757

**Owner:** Danny and Mary Ann Zorn

112 Kanawha Drive, Montreat, NC 28757

**Applicant:** Danny Zorn

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

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

**Acres:** 0.534 acres.



*Figure 1: Subject Property Aerial*

Public Notice

Staff mailed notices to properties within 250 feet of the Subject Property on **May 14, 2026**. Staff posted same on the Subject Property on **May 14, 2026**. BOA Hearing: **May 28, 2026**.

Variance Request

Danny Zorn, applicant (property owner), requests that the Board of Adjustment grant a Variance for the lot addressed as 112 Kanawha Drive, Montreat, NC 28757 and described as PIN# 07054358300000. This Variance request is to Section 502.5 of the Montreat Zoning Ordinance to reduce the side setback requirement from 15 feet to 5 feet on the north side of the Subject Property for the purpose of adding a fence to surround a pool and yard located in the rear of the single-family dwelling.

Staff Analysis:

Subject Property Summary

The Subject Property is 0.534 acres and currently contains a single-family dwelling. The Applicant intends to add a fence to surround a newly constructed pool, pavilion and yard

located in the rear of the single-family dwelling. The lot is a corner lot, fronting Mecklenburg Circle and paralleling Kanawha Drive.

- ❖ Fence will replace a fence that once stood in the footprint of the requested setback variance.
- ❖ The Subject Property is a corner lot which fronts on Mecklenburg Circle (front of lot) and Kanawha Drive (north side of lot).

### Subject Property & Surrounding Lots

#### Land Use & Zoning

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

The Subject Property is a corner lot that fronts on Mecklenburg Circle and Kanawha Drive. It is surrounded by R-1 zoning.

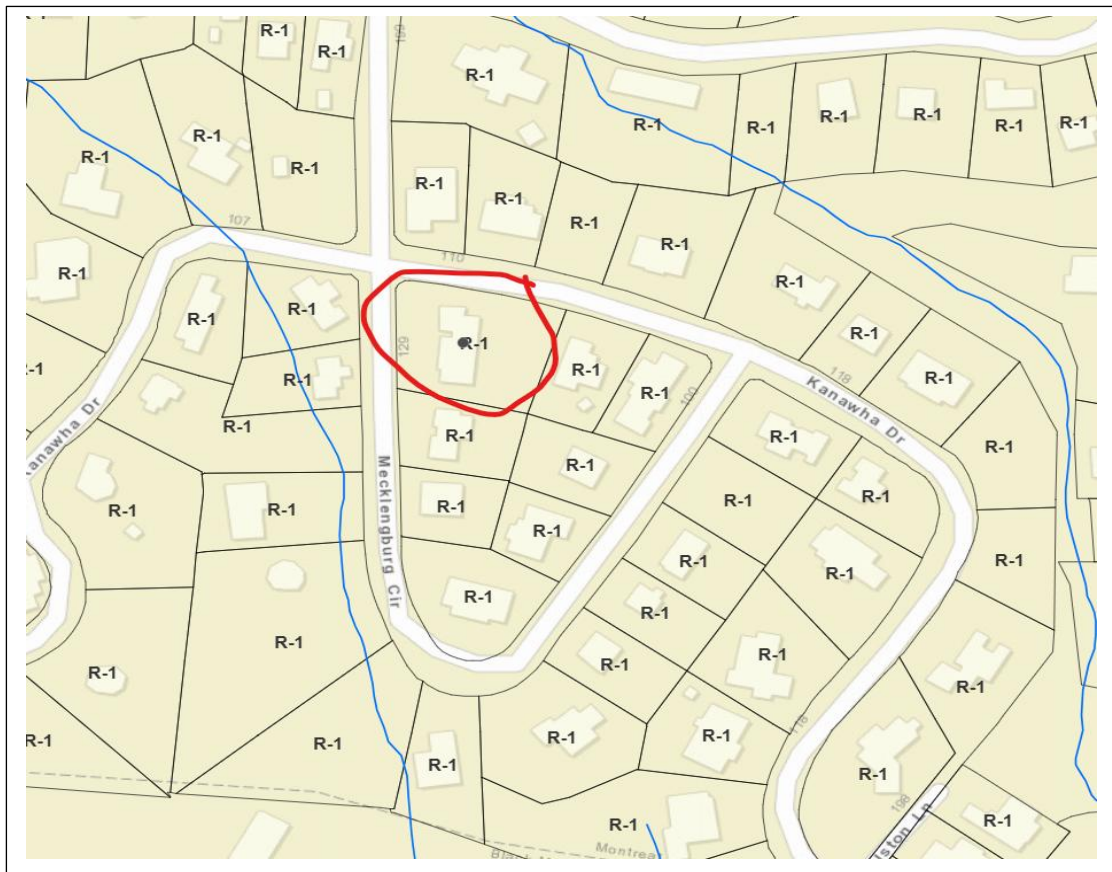


Figure 2: Subject Property and Surrounding Zoning

## Setbacks

The Subject Property is in the R-1 Zoning District. The Applicant's Variance request is to the (north) side setback requirement. The Applicant intends to meet the remaining setback requirements on the Subject Property. See attachment for a larger survey.

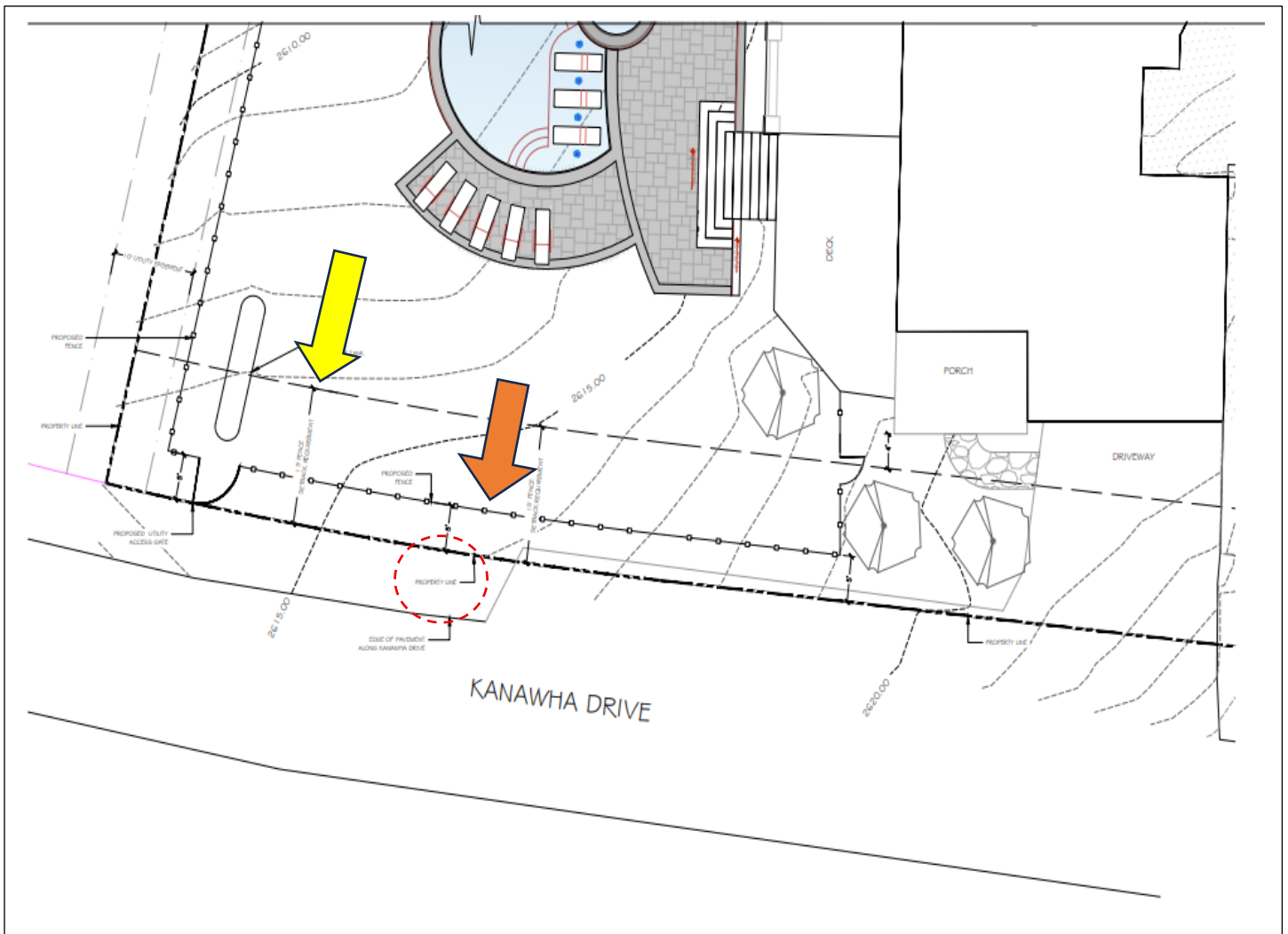


Figure 3:

- Site Plan with required Setbacks Labeled (Yellow arrow)
- Site Plan with requested Setbacks Labeled (Orange arrow)
- Property line (red circle)

The table below shows the required setbacks for R-1 on the Subject Property, per Section 502 of Montreat’s Zoning Ordinance, and the requested setback Variances from the Applicant’s application.

<b>Direction</b>	<b>Required R-1 Zoning District Setback</b>	<b>Requested Variance</b>
Front (West)	30 feet	N/A
<b>Side (North)</b>	<b>15 feet</b>	<b>5 feet</b>
Side (South)	10 feet	N/A
Rear (East)	** Minimum Rear Yard is 20% of the mean Lot Depth but no more than 35' in R-1 for residential Uses	N/A

Lot Size

The Subject Property is 0.534 acres.

Topography

The slope of the Subject Property, per the Buncombe County Steep Slope Calculator, is 14.17 percent. The Subject Property slopes downward from northwest to southeast. The Subject Property is NOT subject to Hillside Development Ordinance.

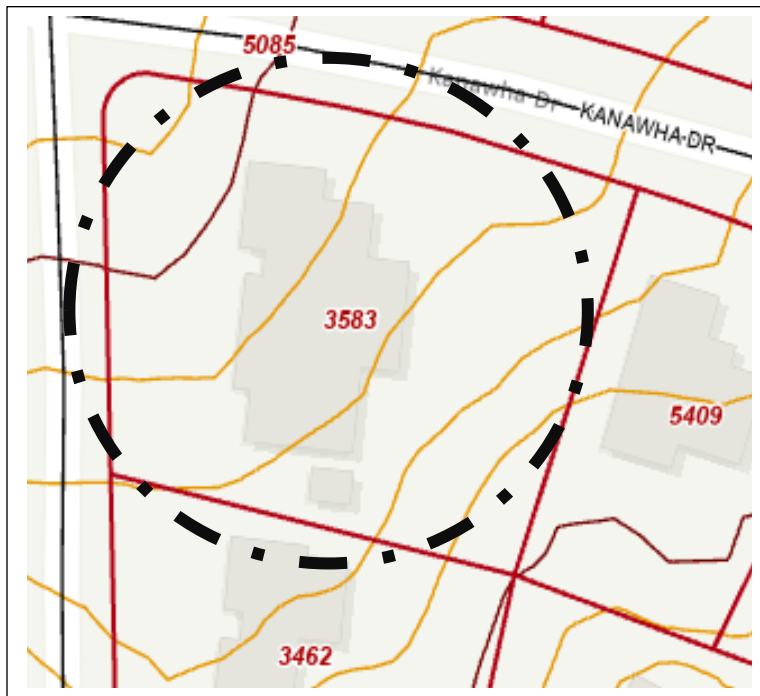


Figure 4: Subject Property and Surrounding Topography (5ft contours)

#### Water Features

There is no identifiable stream on the property. The Subject Property is not in the Special Flood Hazard Areas.

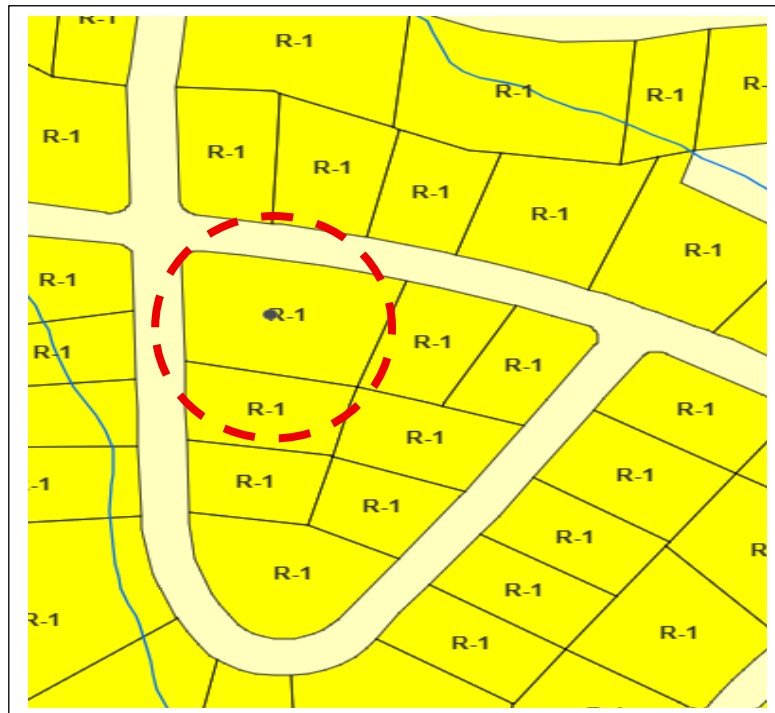


Figure 5: Subject Property and Water Features

## 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 112 Kanawha Drive, to 502.5 of the Montreat Zoning Ordinance to reduce the front setback requirement from 15 feet to 5 feet on the north side of the Subject Property for the purpose of adding a fence”. [*List any conditions of approval in the motion, if applicable*]

## **ATTACHMENT**

1. Property Deed
2. Variance Application
3. Property Plat
4. Variance Request Summary - Finding of Facts
5. Proposed Design

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## Deed of Trust

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**Return To:** Prepared by and Return to:  
Goosmann Rose Colvard & Cramer, P.A.  
77 Central Avenue, Suite H  
**Prepared By:** Asheville, NC 28801  
File No: 17-0384 CNT/VHC lqj 81

### Definitions

Words used in multiple sections of this document are defined below and other words are defined in Sections 3, 11, 13, 18, 20 and 21. Certain rules regarding the usage of words used in this document are also provided in Section 16.

- (A) **"Security Instrument"** means this document, which is dated March 2, 2017, together with all Riders to this document.
- (B) **"Borrower"** is Daniel McAlister Zorn, aka Daniel Zorn and Mary Ann Zorn, married to each other

Borrower is the trustor under this Security Instrument.

- (C) **"Lender"** is Black Mountain Savings Bank

Lender is a State Savings Bank  
organized and existing under the laws of The State of North Carolina  
Lender's address is PO Box 729, Black Mountain, NC 28711

Lender is the beneficiary under this Security Instrument.

- (C-1) The name of the Mortgage Broker is n/a



## 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: Danny Zorn TELEPHONE: 828-776-0551  
MAILING ADDRESS: PO Box 487 CITY: Montr STATE: NC ZIP: 28757  
EMAIL: d.zorn@aol.com

### PROPERTY INFORMATION

ADDRESS: 112 Kanawha Drive CITY: Montr STATE: NC ZIP: 28757  
PIN#: \_\_\_\_\_ TOTAL ACREAGE: .0534 FLOODPLAIN:  YES  NO  
ZONING:  R-1  R-2  R-3  I  I/R  WL  OTHER: \_\_\_\_\_ OVERLAY ZONING:  RPO  TCO  CD  N/A  
PROPERTY OWNER: Danny & Mary Ann Zorn TELEPHONE: 828-776-0551  
MAILING ADDRESS: PO Box 487, Montreat, NC, 28757

### PROPOSED LAND USE

TYPE OF LAND USE:  Residential  Non-Residential  Other

DESCRIPTION OF PROPOSED DEVELOPMENT: \_\_\_\_\_  
Fence instalation (replacement)

### VARIANCE REQUEST

MONTREAT ZONING ORDINANCE SECTION: Section 618 - Fences  
DESCRIPTION OF REQUESTED VARIANCE: Requesting to reduce the fence setback from 15" to 5"

### 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.

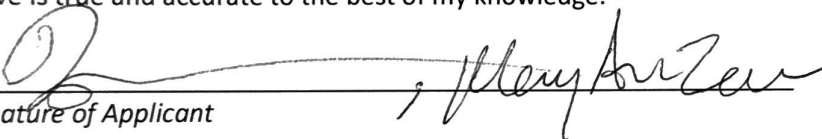
**ATTACHMENTS**

**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, Daniel M. Zorn, hereby certify that all of the information set forth above is true and accurate to the best of my knowledge.

  
Signature of Applicant

3-31-26  
Date

Danny Zorn, Mary Ann Zorn  
Printed Name of Applicant

**OFFICE USE ONLY**

Complete       Incomplete

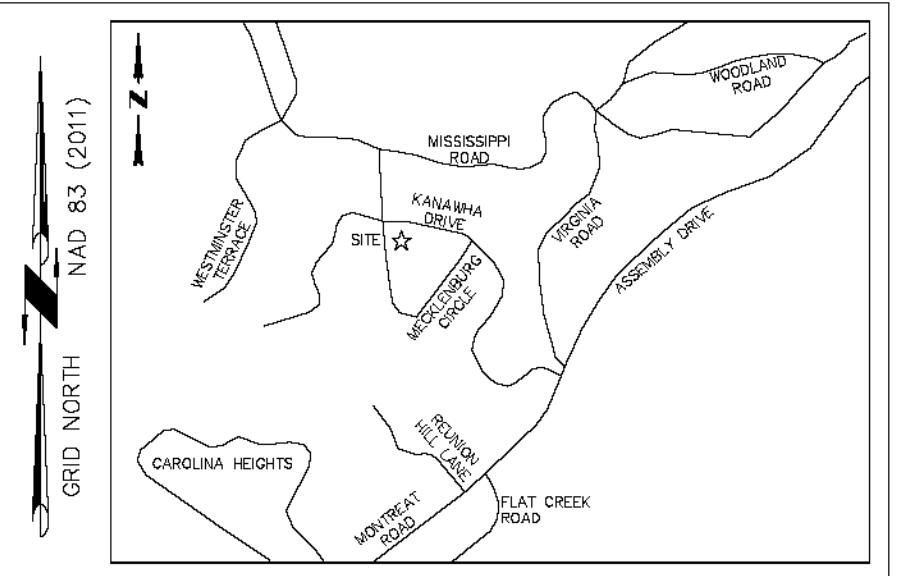
\_\_\_\_\_  
Zoning Administrator Signature      Date

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

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

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

SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION
●	CORNER MONUMENT FOUND AS NOTED	C.M.P.	CORRUGATED METAL PIPE
○	CORNER MONUMENT SET (#4 REBAR)	R.C.P.	REINFORCED CONCRETE PIPE
⊗	CONTROL CORNER SET AS NOTED	R.O.W.	RIGHT OF WAY
⊙	NAIL OR SPIKE AS NOTED	W.M.	WATER METER
⊕	OTHER MONUMENTS FOUND	C.O.	CLEAN OUT
⊖	CALCULATED CORNER NOT SET	H.P.	HEAT PUMP
⊗	UTILITY POLE	R.P.M.	IRON PIN SET
⊙	CORNER TREE AS NOTED	M.F.P.	METAL FENCE POST
☀	AREA LIGHT	O.S.F.	ONE STORY FRAME
⊕	TELEPHONE PEDESTAL	— E —	OVERHEAD UTILITY LINE
⊖	CLEAN OUT	---	LINES SURVEYED
		--- </td <td>LINES NOT SURVEYED</td>	LINES NOT SURVEYED
		--- </td <td>RIGHT OF WAY LINE</td>	RIGHT OF WAY LINE
		--- </td <td>ROAD</td>	ROAD
		--- </td <td>TIE LINE</td>	TIE LINE
		--- </td <td>FENCE LINE</td>	FENCE LINE



LOT 21 & 22  
**0.534 Acres**  
 BEING ALL OF  
 D.B. 5525 PG. 1341

- NOTES**
- ALL DISTANCES SHOWN ON THIS PLAT ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
  - ALL BEARING SHOWN ON THIS PLAT ARE REFERENCED TO GRID NORTH NAD 83 (2011) & NAVD 88(V).
  - AREAS WERE CALCULATED BY THE COORDINATE METHOD.
  - PROPERTY SUBJECT TO ALL APPLICABLE EASEMENTS AND RIGHTS OF WAY OF RECORD AS OF THE DATE OF THIS PLAT.
  - THIS PLAT IS PREPARED FOR THE PERSON, PERSONS, OR CORPORATION, NOTED UPON THE TITLE BLOCK OF THIS PAGE AND IS NOT INTENDED FOR USE BY ANY OTHER PARTY UNLESS PERMISSION IS GIVEN BY SAID PERSON, PERSONS, OR CORPORATION.
  - SURVEYOR WAS NOT PROVIDED WITH A LEGAL TITLE SEARCH, THERE MAY EXIST EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE THAT ARE NOT SHOWN ON THIS SURVEY.
  - NAMES OF ADJOINING PROPERTY OWNERS, DEED BOOK (D.B.), PLAT BOOK (P.B.) AND PAGE (PG.) NUMBERS REFER TO DEEDS OF RECORD IN THE REGISTER'S OFFICE AND OF RECORD IN THE MAPPING OFFICE FOR THE REFERENCED COUNTY AT THE TIME OF THIS SURVEY. THESE ARE SHOWN FOR INDEXING PURPOSES ONLY AND NOT TO BE CONSTRUED AS TITLE CERTIFICATION.
  - CONTOUR INTERVAL = 1'
  - REF: D.B. 5525 PG. 1341 AND P.B. 032 PG. 119
  - NO ATTEMPT HAS BEEN MADE AS PART OF THIS TOPOGRAPHIC SURVEY TO OBTAIN OR SHOW DATA CONCERNING THE EXISTENCE, SIZE, DEPTH, CONDITION, CAPACITY, OR LOCATION OF ANY UTILITY ABOVE OR BELOW GROUND.

**CERTIFICATE**

I, STEWART LEADBITTER, P.L.S., CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, TAKEN FROM DESCRIPTIONS, FOUND IN THE DEEDS AND PLATS NOTED UPON THIS PLAT, THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS SHOWN ON THE FACE OF THE PLAT; THAT THE RATIO OF PRECISION AS CALCULATED DOES NOT EXCEED 1:10,000; AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 (f) (1) (c.1) AS AMENDED.

I, ALSO CERTIFY THAT THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR EXISTING EASEMENT AND DOES NOT CREATE A NEW STREET, OR CHANGE AN EXISTING STREET.

WITNESS MY SIGNATURE, LICENSE NUMBER AND SEAL THIS 29TH DAY OF MAY, A.D. 2024.

**GPS CERTIFICATE**

I, STEWART LEADBITTER, P.L.S., CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

- CLASS OF SURVEY: CLASS A
- POSITIONAL ACCURACY: 0.05 FEET
- TYPE OF GPS FIELD PROCEDURE: REAL TIME KINEMATIC (RTK)
- DATES OF SURVEY: 05/02/2024
- DATUM/EPOCH: NAD 83 (2011) / EPOCH 2010.00
- PUBLISHED/FIXED-CONTROL USE: NCGS COBS NETWORK
- GEOID MODEL: GEOID\_18
- COMBINED GRID FACTOR(S): 0.9997962
- UNITS: US SURVEY FEET

LOT 23  
 MARY SUSAN GREGORY  
 Pin Number: 071054346200000  
 Deed Book: 6284 Page: 320  
 Plat Book: 032 Page: 119

LOT 20  
 PAMELA JEAN EASTRIDGE  
 Pin Number: 071054540800000  
 Deed Book: 5786 Page: 1045  
 Plat Book: 032 Page: 119

A BOUNDARY AND TOPOGRAPHICAL SURVEY FOR OWNERS

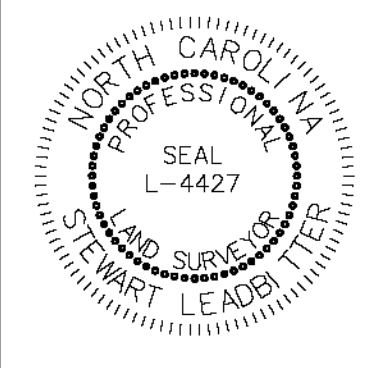
**DANIEL ZORN**  
 AND WIFE  
**MARY ANN ZORN**

BLACK MOUNTAIN TOWNSHIP  
 BUNCOMBE COUNTY, N.C.  
 SURVEY DATE: 05/02/24  
 MAP FILE NUMBER: ZD-24032-00D

SURVEYED BY:  
**LEADBITTER**  
**LAND SURVEYING, P.A.**

N.C. NO. C-3173  
 728 WEST MAIN STREET  
 BURNSVILLE, NC 28714  
 (828)682-5007

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DocuSigned by:  
**Stewart Leadbitter**  
 STEWART LEADBITTER N.C. NO. L-4427  
 23A7D15868984B2...

PLAT DRAWN BY ROBERT A MCHONE

## **Variance Request Summary:**

**Danny and Mary Ann Zorn (Owners)**

**112 Kanawha Drive, Montreat**

**To:** Members of the Montreat Board of Adjustments

**From:** Danny and Mary Ann Zorn

**Subject:** Variance request regarding Fence location

**Date:** May, 28<sup>th</sup>, 2026

Prepared by: Danny and Mary Ann Zorn

Owners of 112 & 114 Kanawha Drive, Montreat

### **REQUEST:**

**We respectfully request a variance to reduce the fence setback requirements from 15' to 5'.**

If the variance is approved, we will still comply with the landscaping requirements in front of the fence. The proposed fence location would be 5 feet off the property line. This allows room for planting in front to meet Town ordinances, a side gate at the walkway, and expanded usable space in the backyard.

### **Questions:**

- 1. 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. The current fence setback requirement (at 15') would require relocating our existing 1000 lb. propane tank, *and*
  - B. Reduces our usable yard space significantly, *and*

C. Does not allow for a handicapped accessible pedestrian access gate at the pool entrance walkway, due to only 4' of clearance near the side entry porch.

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

Our new design for the back yard needs to utilize the entire back yard. The fence at 5' vs 15' will provide more room, and therefore better safety, for pets and children, and maintain the location of our propane tank.

**3. 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 6' chain link fence was installed right next to Kanawha Drive. We assumed our new fence could be installed in the same location.

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

- a. There is no danger to public safety since proper driving and walking line of site is clearly achieved since that section of Kanawha Drive is a straightaway.
- b. The fence height meets code @ 5 ft.
- c. The fence is attractive, and an extensive landscaping plan will ensure aesthetic beauty.

**5. The Variance requested is the minimum Variance that will make possible the requested Use of the land, Building or Structure.**

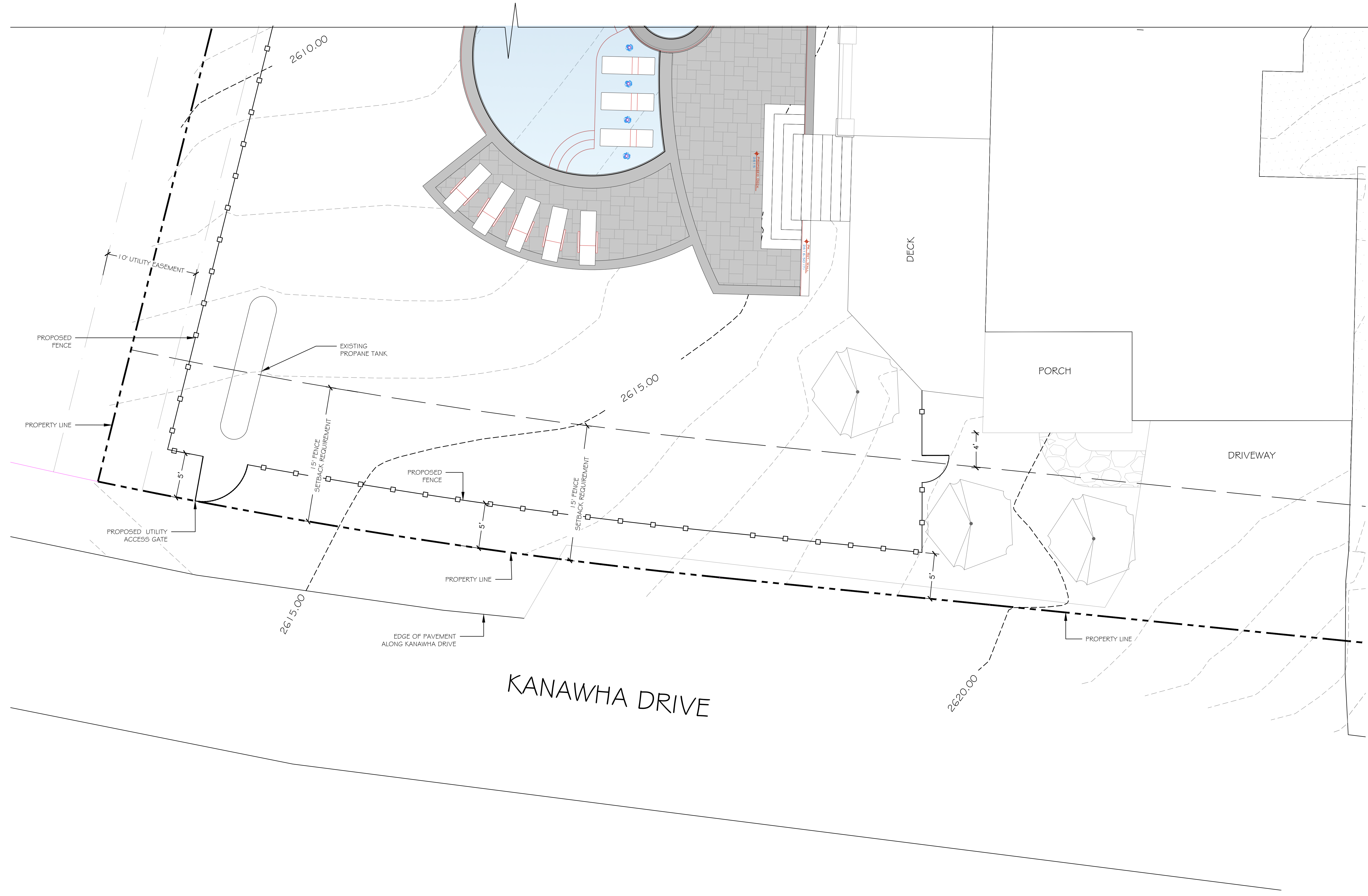
Yes.

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

It is not.

PIN: 0710-54-3583  
 PROJECT LOCATION: 112 KANAWHA DRIVE  
 PIN: R-1  
 BUILDING USE: RESIDENTIAL  
 TOTAL SITE AREA: 0.54 ACRES (23,522 SF)

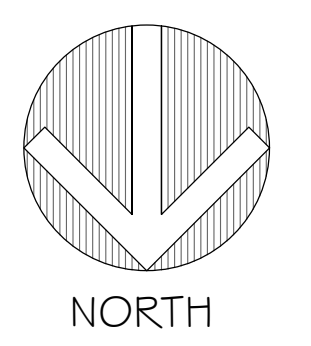
ZORN  
 RESIDENCE



PROGRESS PRINT - NOT FOR REGULATORY APPROVAL, PERMITTING OR CONSTRUCTION

PROPOSED FENCE  
 LAYOUT PLAN

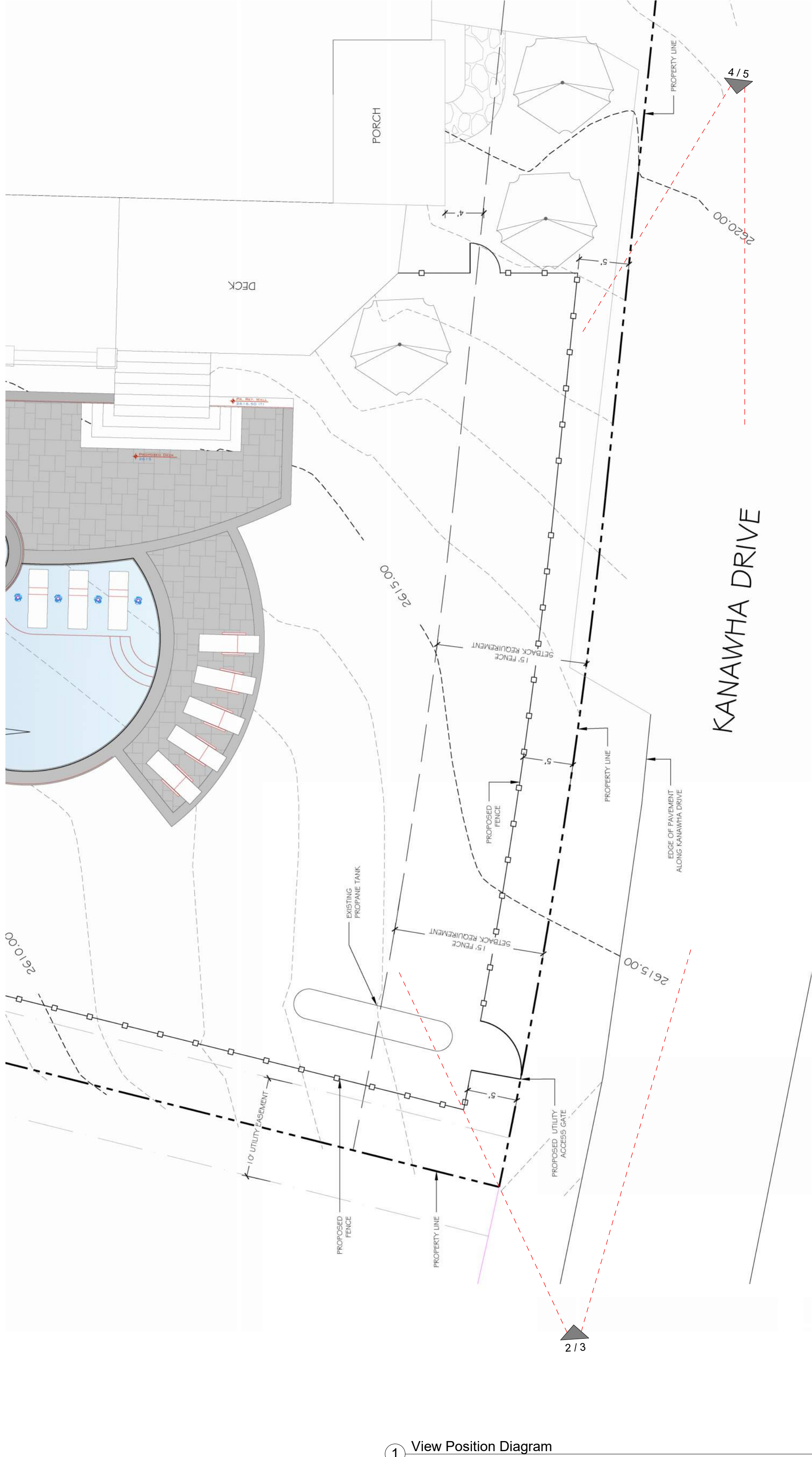
112 KANAWHA DRIVE  
 MONTREAT, NORTH CAROLINA



SCALE: 1:5

DATE ISSUED:  
 OCTOBER 2, 2025  
 REVISIONS:  
 DECEMBER 1, 2025  
 MARCH 3, 2026

SHEET:  
 EXHIBIT



1 View Position Diagram  
1/8" = 1'-0"



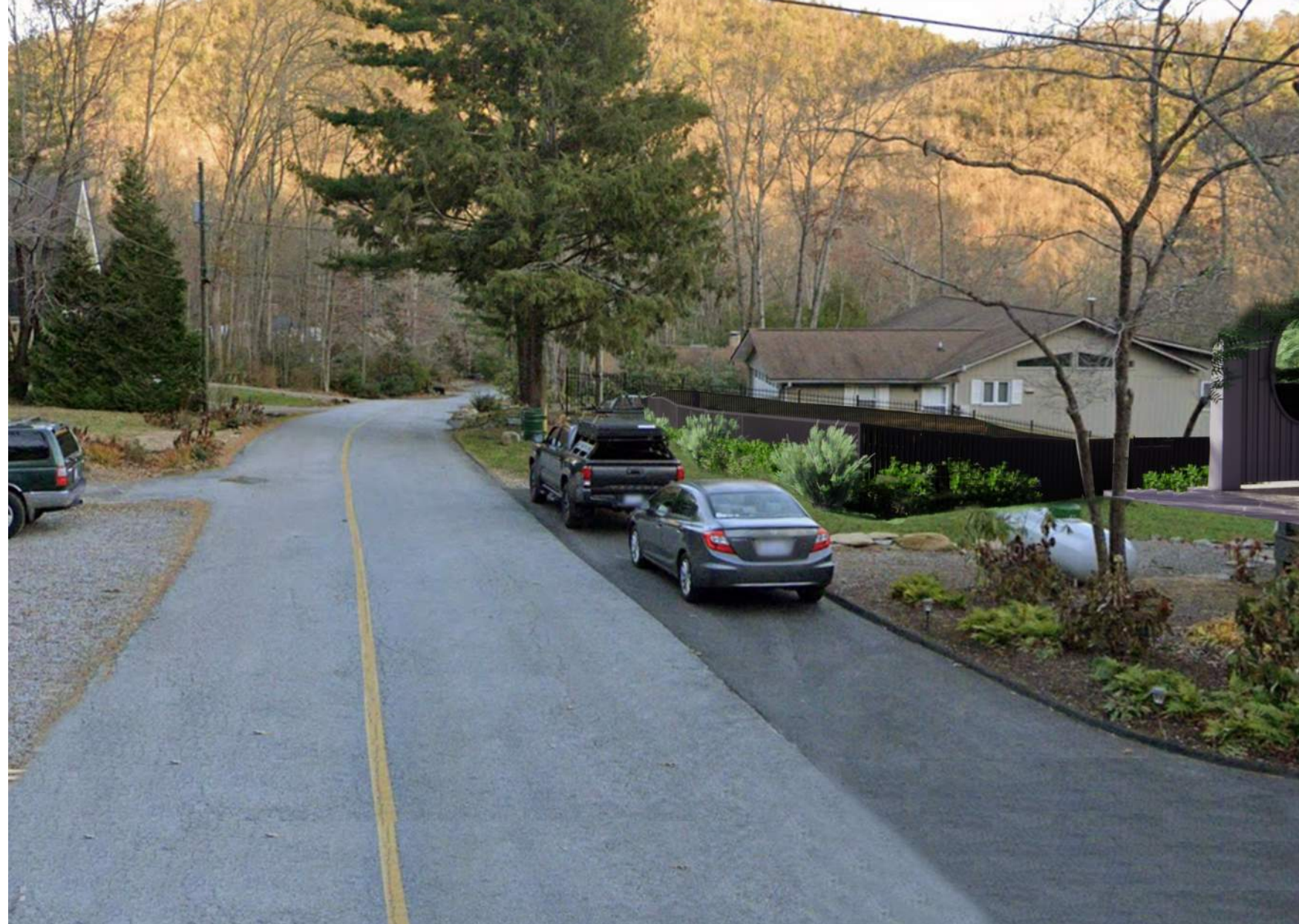
2 Google Street View West November 2025



3 3D Visualization Street View Facing West

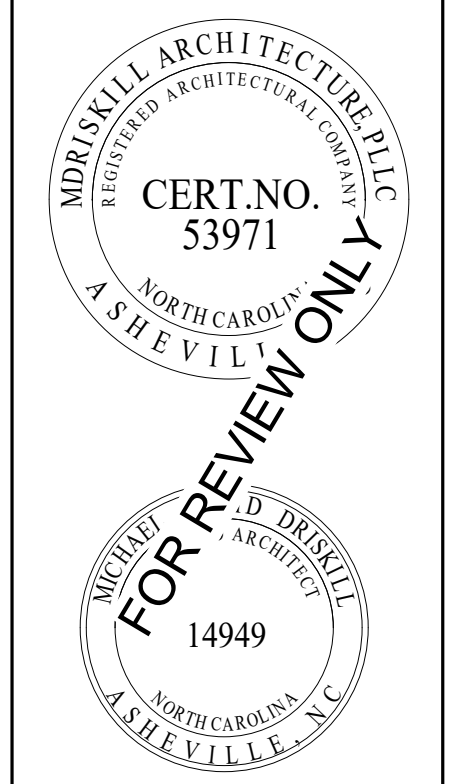


4 Google Street View East November 2025



5 3D Visualization Street View Facing East

REVISIONS		
1	Revision 1	2/5/2026



**MDA**  
MDriskill Architecture  
633 Merimon Ave Unit E Asheville, NC 28804  
PH: 828.413.3128 EMAIL: mdriskill.architect@gmail.com

**New Pool House & Bathroom Remodel**  
Zorn Residence  
112 KANAWHA DR, MONTREAT, NC 28757

SHEET TITLE Fence Placement Visuals	DATE	01 / 21 / 2026
	JOB NO.	2024-028
SHEET <b>SK-01</b>		