

**Town of Montreat
Board of Adjustment (BOA)
Meeting Agenda
August 27, 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 May 28, 2026, REGULAR MEETING MINUTES

- **Suggested Motion:** To adopt the May 28, 2026, Regular Meeting Minutes as drafted/amended.

V. EVIDENTIARY HEARING

Variance Request (427 Kentucky Road) – A Variance request submitted by Philip and Linda Jung, applicants on behalf of property owners, Julian and Nancy Lake, for the lot addressed as 427 Kentucky Road, Montreat, NC 28757 and described as PIN# 072007567500000. This Variance request is to the Montreat Zoning Ordinance, Sections 501.5 (Minimum Front Yard) and 501.81 (Minimum Side Yard) to reduce the front setback requirement from 30 feet to 10 feet on the eastern side of the Subject Property and the side setback requirements from 15 feet to 5 feet on the northern and southern side of the Subject Property, and to Montreat General Ordinances, Chapter K – Environment, Article III: Stormwater Management, Section 305.1, to reduce the 30-foot stream buffer to 10 feet for the purpose of building a new one-story, single-family dwelling and workshop for a permanent residence.

Suggested Motion: To grant/grant with conditions/deny the Variance request for 427 Kentucky Rd.

VI. WRITTEN ORDER

Variance Request (427 Kentucky Road) – A Variance request submitted by Philip and Linda Jung, applicants on behalf of property owners, Julian and Nancy Lake, for the lot addressed as 427 Kentucky Road, Montreat, NC 28757 and described as PIN# 072007567500000. This Variance request is to the Montreat Zoning Ordinance, Sections 501.5 (Minimum Front Yard) and 501.81 (Minimum Side Yard) to reduce the front setback requirement from 30 feet to 10 feet on the eastern side of the Subject Property and the side setback requirements from 15 feet to 5 feet on the northern and southern side of the Subject Property, and to Montreat General Ordinances, Chapter K – Environment, Article III: Stormwater Management, Section 305.1, to reduce the 30-foot stream buffer to 10 feet for the purpose of building a new one-story, single-family dwelling and workshop for a permanent residence.

Suggested Motion: To approve/approve with revisions/deny the written order for 427 Kentucky Rd.

VII. **NEW BUSINESS**

VIII. **NEXT MEETING DATE:** September 24 , 2026 (if needed)

IX. **ADJOURNMENT**

Board of Adjustment Meeting

May 28, 2026, 5:00 p.m.

Meeting Minutes

Board Members in Attendance:

Chair Ed Kramer
David Neel
George Sawyer
Bill Scheu
Mari Gramling

Board Members not Present:

Matt Horne
Danny Sharpe

Town Staff in Attendance:

Shelly Johnston, Zoning Administrator
Brandon Freeman, Town Attorney
Angie Murphy, Town Clerk

Members of the Public in Attendance:

Four members of the public were in attendance

CALL TO ORDER

Chair Ed Kramer called the May 28, 2026, regular meeting of the Board of Adjustment to order at 5:00 PM. Chair Kramer welcomed those in attendance and introduced the members of the Board of Adjustment, noting that their names were displayed in front of them. He also reminded all participants to ensure their microphones were switched on, slid toward them, and spoken into directly, noting that residents had previously submitted complaints about audio quality in recordings. He further requested that all attendees silence their mobile phones.

Chair Kramer then led the Board and those in attendance in a moment of silence.

CERTIFICATION OF QUORUM

Chair Kramer confirmed that a quorum of the Board of Adjustment was present. The meeting proceeded accordingly.

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 David Neel and seconded by Mari Gramling. The motion carried unanimously.

ADOPTION OF MARCH 26, 2026, REGULAR MEETING MINUTES

Chair Kramer called for a motion to approve the minutes of the March 26, 2026, Regular Meeting.

Motion to adopt the March 26, 2026, Regular Meeting Minutes as drafted was made by Mari Gramling and seconded by Bill Scheu. The motion carried unanimously.

EVIDENTIARY HEARING

Variance Request (112 Kanawha Drive)

Chair Kramer introduced the evidentiary hearing for the variance request submitted by Danny Zorn, applicant and property owner, for the lot addressed at 112 Kanawha Drive, Montreat, NC 28757, described as PIN# 07054358300000. The variance request pertains to Section 502.5 of the Montreat Zoning Ordinance and seeks 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 Report

Chair Kramer invited Zoning Administrator Shelley Johnston to deliver the staff report. Ms. Johnson was sworn in by Town Clerk Angie Murphy prior to testifying. Ms. Johnston presented a series of slides and provided the following overview:

Ms. Johnston identified the subject property and noted all relevant details were included in the meeting packet. She noted the property is zoned R-1. A site diagram was presented illustrating the relationship between the proposed fence location, the property line, and the adjacent road, though she acknowledged the graphic was difficult to read at scale and directed the Board to the materials in their packet. Ms. Johnston confirmed that the applicable setback standard in question is 15 feet, as required under the Montreat Zoning Ordinance. She noted the topography of the parcel is relatively flat, with no significant grade changes. She concluded her presentation by referencing the standard criteria for granting a variance and indicated the Board was ready to hear from the applicant.

Chair Kramer asked if there were questions for the staff presenter. Hearing none, the hearing proceeded to the applicant's testimony.

Applicant's Testimony

Danny Zorn, 112 Kanawha Drive, was sworn in and presented his case to the Board with the aid of a slide presentation.

Mr. Zorn explained that the principal purpose of the requested variance is to allow a fence to surround a pool and yard area at the rear and side of his property. He presented photographs depicting the condition of the property at the time of purchase, including an existing six-foot chain-link fence along the Kanawha Drive frontage on the north side of the lot. He described the fence as having had a green carpet-like material attached to it and noted that it was removed as part of broader renovation and landscaping improvements to the property. He then presented images of the current state of the property and the landscaping improvements underway, including a reference to significant landscaping completed at an adjacent parcel at 114 Kanawha Drive, which the Zorns also own. Mr. Zorn stated that the landscaping plan for 112 Kanawha Drive will mirror those improvements, including substantial plantings on both the street-facing and interior sides of the proposed fence.

Turning to the subject of the variance request, Mr. Zorn articulated several points in support of granting the reduction from 15 feet to 5 feet:

First, he described the practical hardship created by the 15-foot setback requirement. He noted that a large, approximately 1,000-pound propane tank is located within the area that would be encompassed by the required setback, and that moving it would constitute a significant burden. He stated the tank would ultimately be concealed by landscaping.

Second, Mr. Zorn described plans for a handicap-accessible walkway to allow guests arriving via the driveway to access the pool area. He asserted that the required 15-foot setback, combined with the existing deck structure, would not leave sufficient space to accommodate such a walkway if the fence were placed at the code-required location.

Third, Mr. Zorn offered his interpretation of the ordinance's intent. He stated his belief that the setback provision was designed as a line-of-sight safety measure for vehicles navigating intersections—specifically, the corner at the upper end of Kanawha Drive near Mecklenburg Circle—and argued that such a safety concern is not present along the straightaway where his fence would be located. He noted that the corner had already been cleared of vegetation years prior, eliminating the visibility concern the ordinance was presumably designed to address.

Mr. Zorn presented photographs taken from street level, both looking up and looking down Kanawha Drive, to illustrate the straightaway nature of the road at the fence location and to give the Board a visual sense of the proposed project's appearance. He also presented a rendering depicting the anticipated final appearance of the completed fence and landscaping, expressing confidence that the finished result would represent a significant aesthetic improvement to the streetscape.

Mari Gramling asked about the road being depicted in the photographs, and Mr. Zorn confirmed that the road shown is Kanawha Drive, looking up toward Mecklenburg Circle. He reiterated that the upper corner had been cleared and reinforced his position that the ordinance's line-of-sight rationale does not apply to this location.

Board Member Dave Neel asked whether the existing parking pad on the property would be affected by the proposed fence placement. Mr. Zorn confirmed that the parking area would remain intact and would be situated to the side of the fence rather than within the enclosed area.

Mr. Zorn closed his presentation by noting that he had prepared responses to the six evidentiary findings required for a variance, and that those responses were included in the Board's packet. He expressed appreciation to Zoning Administrator Shelley Johnston for her assistance with the application process. The Board noted that the application had been amended to correctly reflect the requested setback reduction from 15 feet to 5 feet, and Ms. Johnston confirmed that an updated variance order reflecting this correction was already part of the record.

Public Testimony

Chair Kramer invited members of the public to testify. Two neighbors of the applicant came forward.

Fran Aceto, 121 Kanawha Drive, was sworn in. She stated that her husband Steve's family has lived on Kanawha Drive for nearly 50 years and that she and her husband are enthusiastic supporters of the Zorn family as neighbors, describing them as "a big asset to our street." She expressed strong support for the granting of the variance and noted that she and her husband look forward to the improvements the project will bring to the neighborhood.

Steve Aceto, 121 Kanawha Drive, was sworn in. Mr. Aceto stated that he has lived on Kanawha Drive since 1970 and has been a property owner on the street since 1977. He confirmed that he is personally familiar with the project, has visited the site, and has reviewed the documents submitted by Mr. Zorn. He stated unequivocally that he has no objection to the granting of the variance.

Following the sworn public testimony, Zoning Administrator Shelley Johnston noted for the record that she had received a telephone call from the Elliotts of 117 Kanawha Drive, who indicated their support, and an email from the Morgans of 130 Kanawha Drive, who also expressed support. Additionally, Mr. Zorn noted that letters of support had been submitted from neighbors who live directly across from the proposed fence location, all of whom are full-time property owners.

Town Attorney Brandon Freeman offered a reminder regarding evidentiary standards at this juncture, advising the Board that testimony heard under oath at the hearing constitutes the evidence to be weighed, and that written communications, emails, and phone calls relayed by staff—though not objected to—constitute hearsay and should be afforded the weight appropriate for that category of evidence. He noted that the safest practice is to rely on in-person sworn testimony presented at the hearing. He acknowledged this was a less contentious proceeding and used the occasion as a constructive reminder of evidentiary best practices for quasi-judicial hearings.

Chair Kramer confirmed there were no further witnesses and closed public testimony.

Board Deliberation

Chair Kramer opened deliberation and invited discussion from the Board. Town Attorney Freeman offered a brief note on parliamentary procedure, advising that in a quasi-judicial setting, the Chair manages the deliberation and may call upon members to share views both in favor of and in opposition to the application, allowing for open dialogue. He noted the Chair's discretion in managing that conversation and indicated it was an appropriate opportunity to offer this procedural guidance.

No Board member raised any substantive objection or concern regarding the application. The Board did not engage in extended deliberation, indicating consensus.

Motion to grant the Variance request for 112 Kanawha Drive, reducing the side setback requirement from 15 feet to 5 feet on the north side of the property as described under Section 502.5 of the Montreat Zoning Ordinance, was made by Board Member Mari Gramling and seconded by Board Member David Neel. The motion carried unanimously.

WRITTEN ORDER

Variance Request (112 Kanawha Drive)

Town Attorney Freeman prepared and transmitted the written order electronically for display to the Board. The order was projected on screen, and the attorney guided the Board through its contents, scrolling through each paragraph. He noted that the order contained standard findings of fact consistent with the Board's approval, that no additional conditions had been imposed by the Board, and that no contested facts had been presented at the hearing requiring resolution within the order. He described it as a straightforward order reflecting the Board's unanimous approval of the variance.

Chair Kramer asked if the Board had any questions regarding the written order. Hearing none, he called for a motion.

Motion to approve the written order for the Variance Request for 112 Kanawha Drive was made by Board Member Mari Gramling and seconded by Board Member David Neel. The motion carried unanimously.

NEW BUSINESS

Chair Kramer raised one item of new business, which he described as relating to the Montreat Retreat Association (MRA) and a previously granted special use authorization. Specifically, Chair Kramer asked whether, if a special use had been granted by the Board and a project subsequently proceeded under a different configuration or approach than what the special use contemplated, the matter would need to come before the Board of Adjustment again.

The Board's attorney urged caution, noting that discussing the specifics of any project that had previously been before the Board, or that might return to the Board, risks compromising the Board's neutrality—a critical obligation for a quasi-judicial body. He stated that communications about such matters, outside the formal hearing process, can be legally and procedurally problematic. He offered to discuss hypothetical scenarios with Chair Kramer one-on-one, though Chair Kramer expressed a preference for all such discussions to occur in an open forum.

In direct response to the general question—whether a special use authorization could be modified without returning to the Board—the attorney acknowledged that the answer is highly fact-dependent and that he could not provide a definitive answer without knowing more. He offered to ensure the Board is properly prepared if and when any such matter formally comes before them. He emphasized that the Board's most important obligation is maintaining neutrality and avoiding the formation of fixed opinions regarding matters that may come before them in a quasi-judicial capacity.

Chair Kramer accepted this response and acknowledged that the attorney's guidance was appropriate. The matter was noted for future monitoring.

Board Member Arrington Cox raised a separate item, inquiring about the status of the Board's vacant Extraterritorial Jurisdiction (ETJ) seat. Chair Kramer confirmed that the Board's full membership consists of seven permanent members and two alternates, that six of the seven permanent seats are currently filled, and that the one remaining vacancy is the ETJ representative seat, which must be filled by a resident living within the extraterritorial jurisdiction. Chair Kramer noted that he is in active discussions with a prospective candidate for that seat. The Board acknowledged that finding an eligible candidate from the ETJ has been a persistent challenge.

Chair Kramer also recognized the improved practice of distributing Board packets in advance of meetings, and Board members expressed appreciation to Zoning Administrator Shelley Johnston for this change.

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

Zoning Administrator Shelley Johnston confirmed that no cases have been submitted requiring a June meeting, and that the June 25, 2026, meeting would not be held. She explained that cases typically require a six-week lead time for proper notice, and no applications have been received within the necessary window. Chair Kramer confirmed that the next anticipated meeting would therefore be held in July, tentatively on July 30, 2026.

ADJOURNMENT

There being no further business before the Board, Chair Kramer called for a motion to adjourn.

Motion adjourn was made by Board Member David Neel and seconded by Board Member Mari Gramling. The motion carried unanimously. The meeting was adjourned at 5:48 PM.

Ed Kramer, Chair

Angie Murphy, Town Clerk

Staff Report

427 Kentucky Rd.

Variance Request (427 Kentucky Road) – A Variance request submitted by Philip and Linda Jung, applicants on behalf of property owners, Julian and Nancy Lake, for the lot addressed as 427 Kentucky Road, Montreat, NC 28757 and described as PIN# 072007567500000. This Variance request is to the Montreat Zoning Ordinance, Sections 501.5 (Minimum Front Yard) and 501.81 (Minimum Side Yard) to reduce the front setback requirement from 30 feet to 10 feet on the eastern side of the Subject Property and the side setback requirements from 15 feet to 5 feet on the northern and southern side of the Subject Property, and to Montreat General Ordinances, Chapter K – Environment, Article III: Stormwater Management, Section 305.1, to reduce the 30-foot stream buffer to 10 feet for the purpose of building a new one-story, single-family dwelling and workshop for a permanent residence.

Created by:

Alexis Baker, AICP, CZO
Interim Zoning Administrator
Town of Montreat

Created for:

Montreat Board of Adjustment
August 27, 2026

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STAFF REPORT

See **STAFF ANALYSIS** (i.e. Alexis Baker, AICP, CZO, Interim Montreat Zoning Administrator) in addition to applicant-provided materials. **STAFF ANALYSIS** contains references to the Montreat Zoning Ordinance (MZO) and Montreat General Ordinances (MGO) 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 submitted by Philip and Linda Jung, applicants on behalf of property owners, Julian and Nancy Lake, for the lot addressed as 427 Kentucky Road, Montreat, NC 28757 and described as PIN# 072007567500000. This Variance request is to the Montreat Zoning Ordinance, Sections 501.5 (Minimum Front Yard) and 501.81 (Minimum Side Yard) to reduce the front setback requirement from 30 feet to 10 feet on the eastern side of the Subject Property, and the side setback requirements from 15 feet to 5 feet on the northern and southern side of the Subject Property, and to Montreat General Ordinances, Chapter K – Environment, Article III: Stormwater Management, Section 305.1 to reduce the 30-foot stream buffer to 10 feet for the purpose of building a new one-story, single-family dwelling and workshop for a permanent residence.

Property Summary

Parcel Identifier Number (PIN#): 072007567500000

Address: 427 Kentucky Rd.
Montreat, NC 28757

Owner: JULIAN LAKE
1244 ARBOR RD, APT 517
WINSTON SALEM, NC 27104

Applicant: Philip and Linda Jung

Zoning: R-1 Residential District.

Current Land Use: The Subject Property contains a two-story frame, single family dwelling.

Acres: 0.24 acres.



Figure 1: Subject Property Aerial

Public Notice

Staff mailed notice to properties within 250 feet of the Subject Property on **August 13, 2026**. Staff posted a sign on the Subject Property on **August 12, 2026**. BOA Hearing: **August 27, 2026**.



Figure 2: 250 feet Public Notice for Variance Request

Variance Request

Applicants, Philip and Linda Jung, request that the Board of Adjustment grant a Variance request for the lot addressed as 427 Kentucky Road, Montreat, NC 28757 and described as PIN# 072007567500000. This Variance request is to the Montreat Zoning Ordinance, Sections 501.5 (Minimum Front Yard) and 501.81 (Minimum Side Yard) to reduce the front setback requirement from 30 feet to 10 feet on the eastern side of the Subject Property and the side setback requirements from 15 feet to 5 feet on the northern and southern side of the Subject Property, and to Montreat General Ordinances, Chapter K – Environment, Article III: Stormwater Management, Section 305.1 to reduce the 30-foot stream buffer to 10 feet for the purpose of building a new one-story, single-family dwelling and workshop for a permanent residence.

Staff Analysis

Subject Property Summary

- ❖ The Subject Property is 0.24 acres and currently contains a two-story, single-family dwelling. The Applicant intends on demolishing the existing two-story frame, single-family dwelling and replacing it with a one-story, single-family dwelling and workshop.
- ❖ A variance request for a reduction in setbacks is required for the side yard and front yard setbacks for the proposed project. Per section 501.91, lots with rear yards abutting the Woodland District only require a 10-foot setback.
- ❖ There is an intermittent stream near the Subject Property. The proposed workshop will be within the 30-foot stream buffer, requiring a variance. A variance request to stormwater regulations, i.e. the 30-foot stream buffer, is requested under Section 319 of the MGO, Chapter K-Environment, Article III: Stormwater Management.
- ❖ The Subject Property is accessed from Kentucky Road.
- ❖ The slope of the Subject Property is 9.38 percent.
- ❖ The Subject Property is not within the Special Flood Hazard Area.

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 two-story, single-family dwelling, which will be demolished, was built in approximately 1919 per the Buncombe County Tax Card for the Subject Property. The Applicants seek to obtain a Variance for the purpose of building a new one-story, single-family dwelling and a workshop.

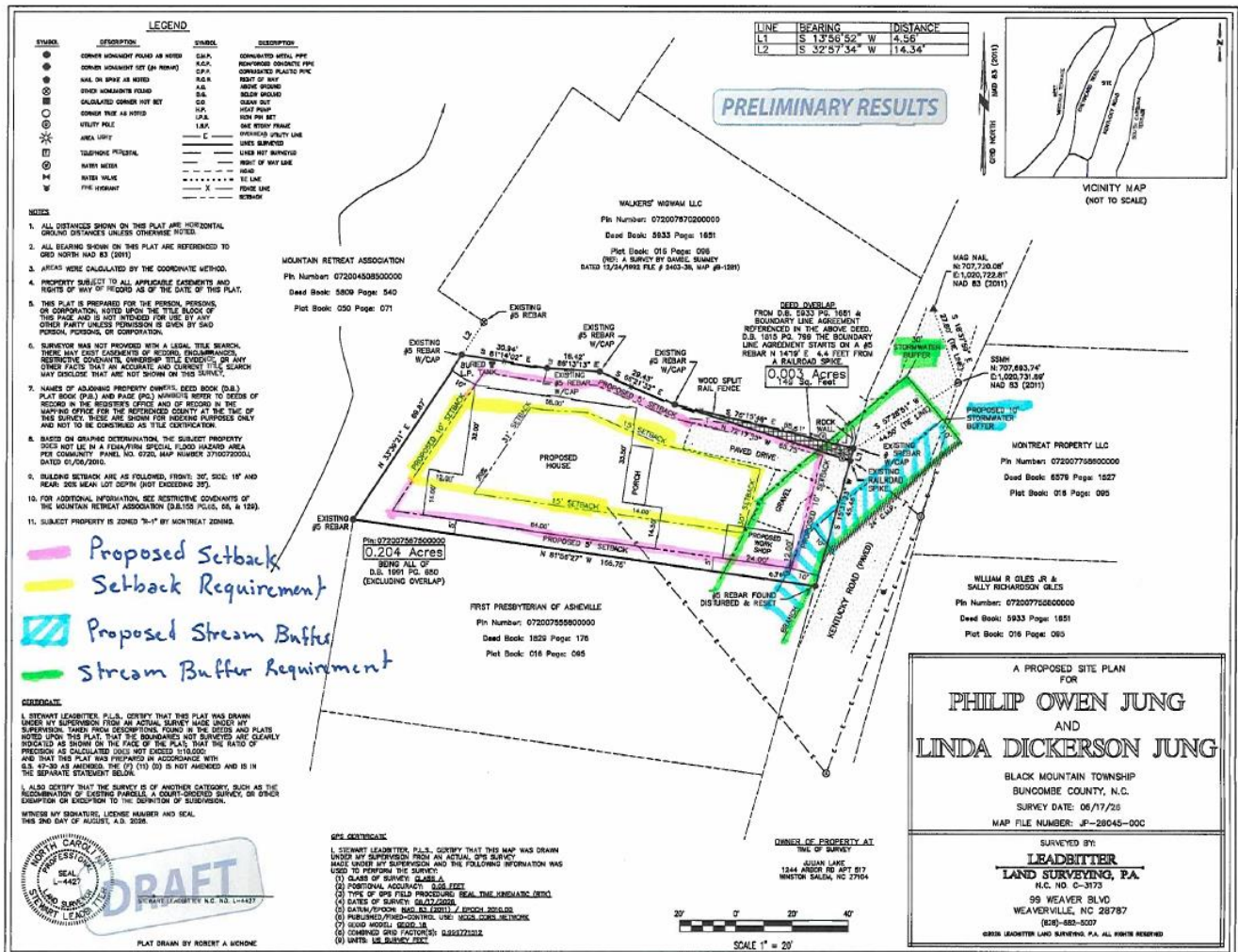
The Subject Property fronts on Kentucky Road. It is surrounded by the R-1 zoning district to the north and south and the Woodland zoning district to the east and west.



Figure 3: Subject Property and Surrounding Zoning

Setbacks and Stream Buffer Requirement

The Subject Property is in the R-1 Zoning District. The Applicant's Variance request is to the front and side yard setbacks in the Montreat Zoning Ordinance (Sections 501.5 and 501.81) and to the 30-foot stream buffer requirement in the Montreat General Ordinances (Chapter K, Article III, Section 305.1). While a reduction to the rear setback is shown on the applicants' proposed site plan, Staff has found that the setback reduction is not necessary due to the Subject Property abutting the Woodland zoning district, which only requires a 10-foot rear yard setback.



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

	Required R-1 Zoning District Setback	Requested Variance
Front (East)	30 feet	10 feet
Side (North)	15 feet	5 feet
Side (South)	15 feet	5 feet
Rear (West)	10 feet	N/A (10-foot requirement adjacent to Woodland Zoning District)

The table below shows the required stream buffer requirement per Section 305.1 of the Montreat General Ordinances, Chapter K- Environment, Article III: Stormwater Management and the requested Stream Buffer Variance from the Applicant's application.

Required Stream Buffer	Requested Variance
30 feet	10 feet

Lot Size

The Subject Property is 0.24 acres.

Topography

The slope of the Subject Property, per the Buncombe County Steep Slope Calculator, is 9.38 percent. The Subject Property gently 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 is an intermittent stream near the Subject Property. The applicants employed a geoscientist from Equinox Environmental, certified by North Carolina's Division of Water Quality, to determine the presence of surface waters. This evaluation is attached. The proposed new construction will be in the 30-foot stream buffer. The applicants requested a reduction in the 30-foot stream buffer to 10 feet, per Section 319 of the Montreat General Ordinances, Chapter K, Article III. Per this Section, "the Town of Montreat may impose reasonable and appropriate conditions and safeguards upon any variance it grants. In connection with any variance to the 30-foot buffer required in Section 305.1. between the built-upon area on a site and any perennial or intermittent surface water, the conditions required by the Town may include among other things, requiring any improvements constructed on the 30-foot buffer to be located, designed, constructed and maintained to (i) protect against erosion and sedimentation, (ii) minimize adverse effects on aquatic life and habitat to the maximum extent practicable, and (iii) protect water quality to the maximum extent practicable."

The Subject Property is not in the Special Flood Hazard Areas.



Figure 6: Subject Property and Water Features



Figure 7: Equinox Environmental, July 30, 2026

Relevant Ordinance Sections Showing Variance Standards

310.42 **VARIANCE.** When unnecessary hardships would result from carrying out the strict letter of this Ordinance, the Board of Adjustment shall grant a Variance upon showing of all the following:

- (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.
- (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.
- (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.
- (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.
- (E) The Variance requested is the minimum Variance that will make possible the requested Use of the land, Building or Structure.
- (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 existence of a Non-Conforming Use of neighboring land, Building or Structures in the same Zoning District or of permitted or non-conforming Use in other Zoning Districts shall not constitute a reason for granting the requested Variance. In granting a Variance, the Board of Adjustment shall

make written findings that all of the requirements listed above have been met. If a Variance is granted it shall be the least possible deviation from the requirements of this Ordinance. In granting any Variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of the provisions of the Variance granted, including any conditions or safeguards, which are a part of the grant of the Variance, shall be deemed a violation of this Ordinance. The Board of Adjustment may hear appeals to grant a Variance arising out of any other ordinance that regulates land use or development. The ordinance(s) shall also provide consistent, clearly defined standards to establish findings through the Variance process as outlined in this section.

Section 319 Variances

1. Any person may petition the Town of Montreat for a variance granting permission to use the person's land in a manner otherwise prohibited by the stormwater management regulations of this article.
 - a) To qualify for a variance, the petitioner must show all of the following:
 - i. Unnecessary hardships would result from strict application of the stormwater management regulations of this article.
 - ii. The hardships result from conditions that are peculiar to the property, such as the location, size, or topography of the property.
 - iii. The hardships did not result from actions taken by the petitioner.
 - iv. The requested variance is consistent with the spirit, purpose, and intent of the stormwater management regulations of this article; will secure public safety and welfare; and will preserve substantial justice.
 - b) The Town of Montreat may impose reasonable and appropriate conditions and safeguards upon any variance it grants. In connection with any variance to the 30-foot buffer required in Section 305.1. between the built-upon area on a site and any perennial or intermittent surface water, the conditions required by the Town may include among other things, requiring any improvements constructed on the 30-footbuffer to be located, designed, constructed and maintained to (i) protect against erosion and sedimentation, (ii) minimize adverse effects on aquatic life and habitat to the maximum extent practicable, and (iii) protect water quality to the maximum extent practicable.
 - c) Variances to this article shall be heard by the Zoning Board of Adjustment and shall follow the variance procedures contained in Section 310.5 of the Montreat Zoning Ordinance.

ATTACHMENTS

BK 1991 PG 650

Mail To: Alfred G. Adams, 1001 West Fourth Street, Winston-Salem, NC 27101-2400

This instrument was prepared by: KILPATRICK STOCKTON LLP (AGA)

\$160.00 Stamp

QUITCLAIM DEED — QD-1

Printed and for sale by James Williams & Co., Inc., P.O. Box 127, Yadkinville, N. C. 27055

STATE OF NORTH CAROLINA, BUNCOMBE County.

THIS DEED, Made and entered into this 14th day of OCTOBER, 19 97, by and between

GAIL ALLEN LAKE (unmarried)

of Forsyth County and State of North Carolina, hereinafter called Grantor, and

JULIAN GILMOUR LAKE (unmarried)

of Forsyth County and State of North Carolina, hereinafter called Grantee, whose permanent mailing address

is 819 Devon Court, Winston-Salem, NC 27104

WITNESSETH:

BUNCOMBE COUNTY NC
31

10/29/97

\$160.00



Real Estate
Excise Tax

REGISTER OF DEEDS
BUNCOMBE CO. NC.

97 OCT 29 A9:31

REGISTERED

That said Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) to him in hand paid, the receipt of which is heret-
y acknowledged, has remised and released and by these presents does remise, release, convey, and forever quitclaim unto the Grantee, his heirs
and/or successors and assigns, all right, title, claim and interest of the Grantor in and to a certain lot or parcel of land lying and being in

BLACK MOUNTAIN Township, BUNCOMBE County, North Carolina,
and more particularly described as follows:

TRACT I: Being all of Lot 617 as shown on a plat of the Mountain Retreat Association, which
said plat is duly recorded in the Office of the Register of Deeds for Buncombe County, North
Carolina in Plat Book 16, Pages 92 through 97, reference to which said plat is hereby made
for a more particular metes and bounds description of said lot.

LESS AND EXCEPT A TRIANGULAR LOT FROM THE Northwestern corner of Lot 617 as shown on the
aforesaid plat, being more particularly described as follows: BEGINNING at an iron pin in
the Eastern margin of a street, at the Northwesterly corner of Lot 617 as shown on the plat
hereinbefore referred to; and runs thence along and with said margin of said street, South
33 degrees 16 minutes West 16 feet to an "X" in a rock; thence South 69 degrees 40 minutes
East 75 feet, more or less, to a stake in the dividing line of Lots 617 and 618 of the plat
hereinbefore referred to; thence North 56 degrees 45 minutes West 75 feet more or less to
the point of BEGINNING. Being the same property as described in a deed recorded in Deed
Book 725, Page 483.

TRACT II: BEGINNING at a stake in the westerly margin of Kentucky Road, at the northeasterly
corner of Lot 617 of the plat hereinafter referred to; and runs thence along and with said
margin of said road, North 17 degrees 26 minutes East 16 feet to a stake; thence North 69
degrees 40 minutes West 75 feet, more or less, to a stake in the dividing line of Lots 617
and 618 of the plat hereinafter referred to; thence South 56 degrees 45 minutes East 75 feet,
more or less, to the point of BEGINNING. Being a triangular lot of land from the Southeasterly
corner of Lot 618 as shown on the plat of the Mountain Retreat Association recorded in Plat
Book 16, Pages 92 - 97, of the Buncombe County, NC Registry.

001733

To have and to hold the aforesaid lot or parcel of land and all privileges thereunto belonging to him, the Grantee, his heirs and/or successors
and assigns, free and discharged from all right, title, claim or interest of the Grantor or anyone claiming by, through or under him.

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.

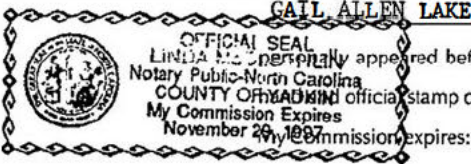
BK 1991 PG 651

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.

By _____ (Corporate Name) Gail Allen Lake (SEAL)
President _____ (SEAL)
ATTEST: _____ Secretary _____ (SEAL)
(Corporate Seal) _____ (SEAL)

SEAL-STAMP NORTH CAROLINA, Yadkin COUNTY.

I, a Notary Public of the County and State aforesaid, certify that _____



_____ personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 14 day of OCTOBER, 1997.
My Commission expires: November 29, 1997 Linda M. McBlathlin Notary Public

SEAL-STAMP NORTH CAROLINA, _____ COUNTY.

I, a Notary Public of the County and State aforesaid, certify that _____

_____, Trustee,
personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this _____ day of _____, 19____.
My Commission expires: _____ Notary Public

SEAL-STAMP NORTH CAROLINA, _____ COUNTY.

I, a Notary Public of the County and State aforesaid, certify that _____

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

The foregoing Certificate(s) of Linda M. McBlathlin

is/are certified to be correct. This instrument and this certificate are duly registered this 29th day of October, 1997,
at 9:31 A.M., PM, Book _____, Page _____.

By Otto W. DeBuhl Register of Deeds for Buncombe County, North Carolina.
Karan A. Tabor Deputy/Assistant — Register of Deeds.

QUITCLAIM DEED

To

Consideration \$ _____

Dated the _____ day of _____, 19____

AGREEMENT TO AMEND CONTRACT
(Amendment # 2)

WARNING: ALL PARTIES, INCLUDING ANY LENDER AND SETTLEMENT AGENT, MUST BE PROVIDED A COPY OF THIS AMENDMENT.

Philip O Jung, Linda D Jung, as Buyer, and
Julian Lake, Nancy Lake, as Seller,
have entered into a contract on the Offer to Purchase and Contract (form 2-T) or the Offer to Purchase and Contract - Vacant Lot/Land (form 12-T) ("Contract") regarding the purchase and sale of the following property (insert property address): 427 Kentucky Rd,
Montreat, NC ("Property").

Buyer and Seller hereby agree to amend the Contract as set forth below [check applicable box(es)]:

☐ **Additional Buyer.** By signing this amendment, (insert name only) _____ is added to the Contract as an additional buyer and will be included in the definition of "Buyer" in the Contract. The additional buyer named in this paragraph agrees to be obligated to all current terms of the Contract, including any amendments or addenda thereto, and is entitled to all rights and privileges given to Buyer in the Contract. Any party currently named as Buyer in the Contract will continue to be fully obligated and is not released from the Contract by Seller. Every party to the Contract, as well as the additional buyer named above, must sign this amendment for it to be effective.

☐ **Removal of Buyer or Seller.** By signing this amendment, (insert name only) _____ is removed from the Contract as a party and will be stricken from the definition of "Buyer" or "Seller," as applicable, in the Contract. The party named herein will no longer be obligated to all current terms of the Contract, including any amendments or addenda thereto, and will not be entitled to any rights or privileges given to Buyer or Seller in the Contract. Any other party currently named as Buyer or Seller in the Contract will continue to be fully obligated and is not released from the Contract. Every party to the Contract, as well as the party named in this paragraph, must sign this amendment for it to be effective.

☐ **Purchase Price.** The Purchase Price is hereby changed from: \$ _____ to: \$ _____.

☐ **(Additional) Earnest Money.** The (Additional) Earnest Money Deposit is hereby changed from: \$ _____ to: \$ _____.

☐ **(Additional) Earnest Money Deposit Date:** The date by which the (Additional) Earnest Money Deposit shall be paid to Escrow Agent is hereby changed to extend through 5:00 p.m. on: _____.

☐ **Building Deposit.** The Building Deposit is hereby changed from: \$ _____ to: \$ _____.

☐ **Due Diligence Fee.** The Due Diligence Fee paid to Seller is hereby changed from: \$ _____ to: \$ _____.

☐ **Due Diligence Period.** The expiration date of the Due Diligence Period is hereby changed to 5:00 p.m. on _____, **TIME IS OF THE ESSENCE.**

☒ **Settlement Date.** The Settlement Date is hereby changed to: August 31, 2026.
☐ (check only if the following also will apply) The Delay in Settlement/Closing paragraph in the Contract is hereby amended for the sole purpose of changing the permitted time a Delaying Party may delay in completing Settlement and Closing from seven (7) days to four (4) days.

☐ **Expenses.** The amount Seller shall pay at Settlement toward Buyer's expenses associated with the purchase of the Property is hereby changed from: \$ _____ to: \$ _____.

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This form jointly approved by:
North Carolina Bar Association
NC REALTORS®

Page 1 of 2



FORM 4-T
Revised 7/2025
© 7/2025

Buyer initials: POJ LDJ Seller initials: JL NL

- ☐ **Home Warranty.** The Home Warranty paragraph of the Contract is hereby changed to provide as follows:
- ☐ No home warranty is to be provided by Seller.
- ☐ Buyer may obtain a one-year home warranty at a cost not to exceed \$ _____ which includes sales tax and Seller agrees to pay for it at Settlement.
- ☐ **Escrow Agent.** The Escrow Agent is hereby changed to: _____, ("Successor Escrow Agent") and the Escrow Agent named in the Contract is hereby authorized and directed by the parties to release the Earnest Money Deposit in the amount of \$ _____ to the Successor Escrow Agent.

ACKNOWLEDGMENT OF RECEIPT OF EARNEST MONEY DEPOSIT

Successor Escrow Agent hereby acknowledges receipt of the Earnest Money Deposit and agrees to hold and disburse the same in accordance with the terms of the Contract.

Signature of Successor Escrow Agent

(Print Name)

Date _____

All terms and conditions of the Contract not specifically amended herein shall remain in full force and effect.

NC REALTORS® MAKES NO REPRESENTATION AS TO THE LEGAL VALIDITY OR ADEQUACY OF ANY PROVISION OF THIS FORM IN ANY SPECIFIC TRANSACTION.

Buyer: (Name) Philip O Jung (Signature) Philip O Jung (Date) 06/29/2026

Buyer: (Name) Linda D Jung (Signature) Linda D Jung (Date) 06/29/2026

Entity Buyer: (Name of LLC, Corp., Trust, etc.) _____

By: (Name & Title) _____ (Signature) _____ (Date) _____

Seller: (Name) Julian Lake (Signature) Julian Lake (Date) 06/29/2026

Seller: (Name) Nancy Lake (Signature) Nancy Lake (Date) 06/29/2026

Entity Seller: (Name of LLC, Corp., Trust, etc.) _____

By: (Name & Title) _____ (Signature) _____ (Date) _____

Packet Page 27

Page 2 of 2

FORM 4-T
Revised 7/2025
© 7/2025



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: Philip and Linda Jung TELEPHONE: 2512329368
MAILING ADDRESS: 2591 Edgegrove CITY: Canyon Lake STATE: TX ZIP: 78133
EMAIL: [REDACTED]

PROPERTY INFORMATION

ADDRESS: 427 Kentucky Road CITY: Montreat STATE: NC ZIP: 28757
PIN#: 0720 07 56750000 TOTAL ACREAGE: 0.204 FLOODPLAIN: ☐ YES ☒ NO
ZONING: ☒ R-1 ☐ R-2 ☐ R-3 ☐ I ☐ I/R ☐ WL ☐ OTHER: _____ OVERLAY ZONING: ☐ RPO ☐ TCO ☐ CD ☐ N/A
PROPERTY OWNER: Julian and Nancy Lake TELEPHONE: 336 724 1607
MAILING ADDRESS: 1244 Arbor Road, Apt. 517, Winston Salem, NC, 27104

PROPOSED LAND USE

TYPE OF LAND USE: ☒ Residential ☐ Non-Residential ☐ Other

DESCRIPTION OF PROPOSED DEVELOPMENT: Build a one story house and workshop for a permanent residence.

VARIANCE REQUEST

MONTREAT ZONING ORDINANCE SECTION: _____
DESCRIPTION OF REQUESTED VARIANCE: We wish to encroach into the established setbacks, 5 foot on north and south, and 10 foot on east and west. We also wish to reduce the stream buffer to 10 foot on the east side of this property.

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, Philip O. Jung and Linda D. Jung, hereby certify that all of the information set forth above is true and accurate to the best of my knowledge.

Philip O. Jung Linda D. Jung
Signature of Applicant

June 24, 2026

Date

Philip O. Jung and Linda D. Jung

Printed Name of Applicant

OFFICE USE ONLY



Complete



Incomplete

Alexis Baker

Zoning Administrator Signature

7/30/2026

Date

Alexis Baker

Printed Name of Zoning Administrator

Fee: \$350

Paid: ☒ Yes ☐ No

Payment Method: CC

Scheduled Board of Adjustment Meeting Date: August 27, 2026

Addressing the Six Elements of this Proposal

June 22, 2026, directions corrected to agree with survey north on July 30, 2026

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.

The width of this property was reduced on two occasions, resulting in a frontage on Kentucky Road of 45.46 feet and a total area of 0.204 acres. This small lot is a good bit smaller than the lots of other homes on Kentucky Road. The carport is currently on the property line, the ~~west~~ south side is 6.5 feet from the property line, and the ~~north~~ west side is about 23 feet from the property line.

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 small lot size of 0.204 acres is 18.4% smaller than most other small lots on Kentucky Road. This makes locating a home very difficult. Our originally planned home for this property was modified by reducing the width and the depth of the house to fit the property. The front porch was also modified to reduce the requested setback distance.

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

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

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.

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

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

We believe the requested variance is the minimum necessary to make the requested use of the land possible. The desired home has already been reduced due to the lot size and shape.

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.

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

Variance Request for Stormwater Management

July 30, 2026

Section 319 Variances

Any person may petition the Town of Montreat for a variance granting permission to use the person's land in a manner otherwise prohibited by the stormwater management regulations of this article. a) To qualify for a variance, the petitioner must show all of the following:

- i. Unnecessary hardships would result from strict application of the stormwater management regulations of this article.*

The 30 foot setback from the water in the ditch in front of 427 Kentucky Road would require that 15% of the total property would be unusable.

The work shop planned for the front of the property could not be built.

- ii. The hardships result from conditions that are peculiar to the property, such as the location, size, or topography of the property.*

The size of this property is 0.204 acres, smaller than other lots on this road. The road frontage is only 45.46 feet.

The hardship is that the rainwater goes downhill and has been piped to this side of the street because the water's destination is Lake Susan, which is on this side of the street.

The street was also built without underground drainage.

- iii. The hardships did not result from actions taken by the petitioner.*

We did not create this hardship.

The hardship could be addressed by building a retaining wall on the west side of this stream extending from the discharge of the 24" CPM to the south property line. We would pay for and maintain this retaining wall.

- iv. The requested variance is consistent with the spirit, purpose, and intent of the stormwater management regulations of this article; will secure public safety and welfare; and will preserve substantial justice.*

This variance request is considered consistent with the spirit, purpose, and intent of the stormwater management regulations.

LEGEND

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
●	NAIL OR SPIKE AS NOTED	C.P.P.	CORRUGATED PLASTIC PIPE
⊗	OTHER MONUMENTS FOUND	R.O.W.	RIGHT OF WAY
⊗	CALCULATED CORNER NOT SET	A.G.	ABOVE GROUND
⊗	CORNER TREE AS NOTED	B.G.	BELOW GROUND
⊗	UTILITY POLE	C.O.	CLEAN OUT
⊗	AREA LIGHT	H.P.	HEAT PUMP
⊗	TELEPHONE PEDESTAL	L.P.S.	LOW PIVOT SET
⊗	WATER METER	U.S.F.	ONE STORY FRAME
⊗	WATER VALVE	— E —	OVERHEAD UTILITY LINE
⊗	FIRE HYDRANT	---	LINE SURVEYED
		---	LINE NOT SURVEYED
		---	RIGHT OF WAY LINE
		---	ROAD
		---	TIC LINE
		---	FENCE LINE
		---	SETBACK

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)
- 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.
- BASED ON GRAPHIC DETERMINATION, THE SUBJECT PROPERTY DOES NOT LIE IN A FEMA/FIRM SPECIAL FLOOD HAZARD AREA PER COMMUNITY PANEL NO. 0720, MAP NUMBER 3710072000J, DATED 01/06/2010.
- BUILDING SETBACK ARE AS FOLLOWED, FRONT: 30', SIDE: 15' AND REAR: 20' MEAN LOT DEPTH (NOT EXCEEDING 35').
- FOR ADDITIONAL INFORMATION, SEE RESTRICTIVE COVENANTS OF THE MOUNTAIN RETREAT ASSOCIATION (D.B.155 PG.65, 68, & 129).
- SUBJECT PROPERTY IS ZONED "R-1" BY MONTREAT ZONING.

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 AS AMENDED, THE (F) (1) (C) (1) IS NOT AMENDED AND IS IN THE SEPARATE STATEMENT BELOW.

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 18TH DAY OF NOVEMBER, A.D. 2026.



STEWART LEADBITTER N.C. NO. L-4427

PLAT DRAWN BY ROBERT A MCHONE

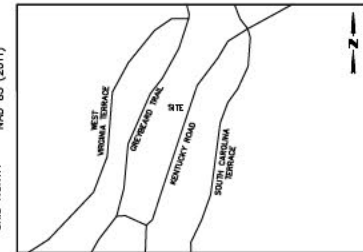
GPS CERTIFICATE

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- CLASS OF SURVEY: CLASS A
- POSITIONAL ACCURACY: 0.05 FEET
- TYPE OF GPS FIELD PROCEDURE: REAL TIME KINEMATIC (RTK)
- DATES OF SURVEY: 06/17/2026
- DATUM/EPOCH: NAD 83 (2011) / EPOCH 2010.00
- PUBLISHED/FIXED-CONTROL USE: NCOS CORS NETWORK
- GEOID MODEL: GEOID 18
- COMBINED GRID FACTOR(S): 0.999721512
- UNITS: U.S. SURVEY FEET

LINE	BEARING	DISTANCE
L1	S 13°56'52" W	4.56'
L2	S 32°57'34" W	14.34'

GRID NORTH
NAD 83 (2011)



VICINITY MAP
(NOT TO SCALE)

MOUNTAIN RETREAT ASSOCIATION

Pin Number: 072004508500000

Deed Book: 5809 Page: 540

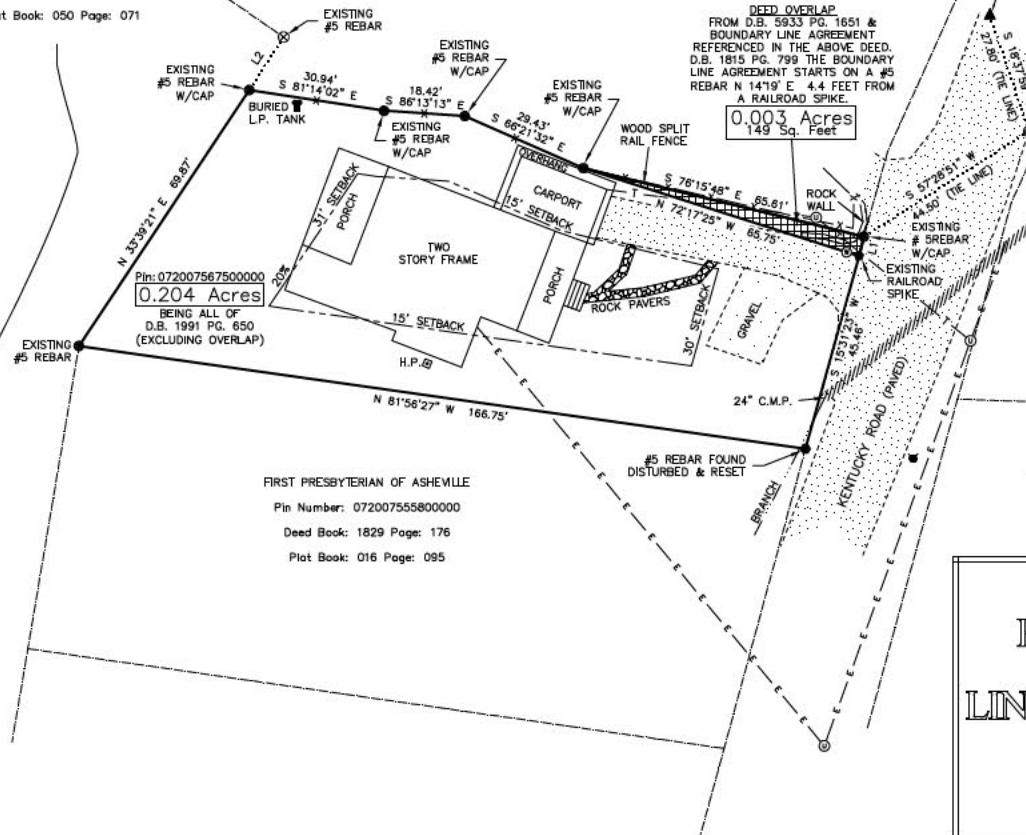
Plat Book: 050 Page: 071

WALKERS' WIGWAM LLC

Pin Number: 072007670200000

Deed Book: 5933 Page: 1651

Plat Book: 016 Page: 096
(REF: A SURVEY BY DAVID SUMMEY
DATED 12/24/1992 FILE # 2403-38, MAP #1281)



FIRST PRESBYTERIAN OF ASHEVILLE

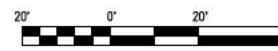
Pin Number: 072007558800000

Deed Book: 1829 Page: 176

Plat Book: 016 Page: 095

OWNER OF PROPERTY AT
TIME OF SURVEY

JULIAN LAKE
1244 ARBOR RD APT 517
WINSTON SALEM, NC 27104



SCALE 1" = 20'

A PROPERTY SURVEY
FOR

PHILIP OWEN JUNG
AND
LINDA DICKERSON JUNG

BLACK MOUNTAIN TOWNSHIP
BUNCOMBE COUNTY, N.C.

SURVEY DATE: 06/17/26

MAP FILE NUMBER: JP-26045-00C

SURVEYED BY:

LEADBITTER
LAND SURVEYING, P.A.
N.C. NO. C-3173

99 WEAVER BLVD
WEAVERVILLE, NC 28787

(828)-682-5007

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LEGEND

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●	CORNER MONUMENT SET (#4 REBAR)	R.C.P.	REINFORCED CONCRETE PIPE
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CERTIFICATE

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I, ALSO CERTIFY THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXEMPTION OR EXCEPTION TO THE DEFINITION OF SUBDIVISION.

WITNESS MY SIGNATURE, LICENSE NUMBER AND SEAL THIS 2ND DAY OF AUGUST, A.D. 2026.



PLAT DRAWN BY ROBERT A MCHONE

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:

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PRELIMINARY RESULTS

MOUNTAIN RETREAT ASSOCIATION

Pin Number: 072004508500000

Deed Book: 5809 Page: 540

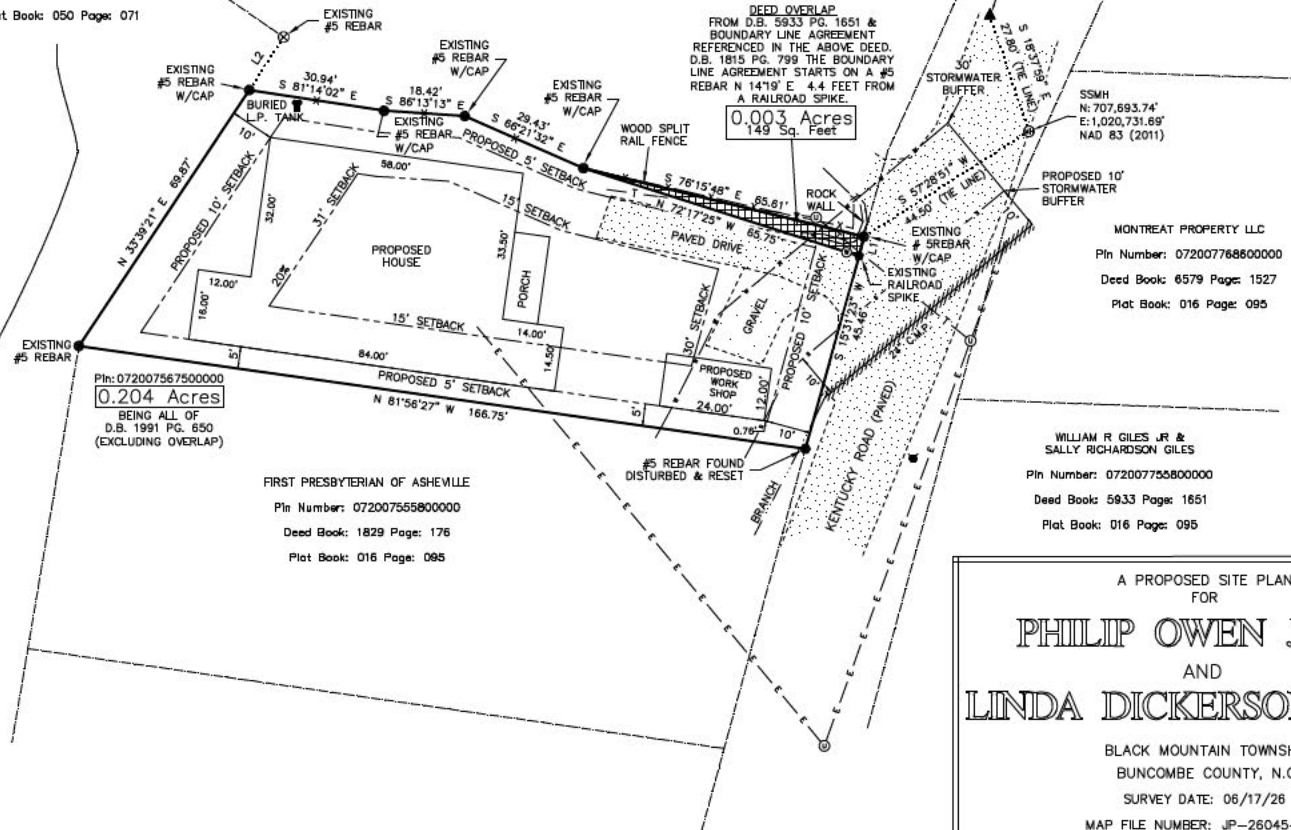
Plat Book: 050 Page: 071

WALKERS' WIGWAM LLC

Pin Number: 072007670200000

Deed Book: 5933 Page: 1651

Plat Book: 016 Page: 096
(NOT A SURVEY BY DAVID SUMMEY
DATED 12/24/1992 FILE # 2403-38, MAP #0-1281)



FIRST PRESBYTERIAN OF ASHEVILLE

Pin Number: 072007558000000

Deed Book: 1829 Page: 176

Plat Book: 016 Page: 095

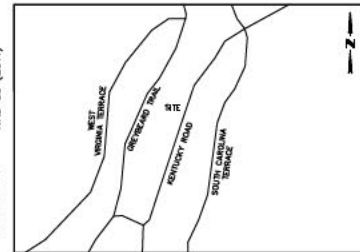
OWNER OF PROPERTY AT
TIME OF SURVEY

JULIAN LAKE
1244 ARBOR RD APT 517
WINSTON SALEM, NC 27104



SCALE 1" = 20'

GRID NORTH
NAD 83 (2011)



VICINITY MAP
(NOT TO SCALE)

MAG NAIL
N: 707,720.08'
E: 1,020,722.81'
NAD 83 (2011)

SSMH
N: 707,693.74'
E: 1,020,731.69'
NAD 83 (2011)

MONTREAT PROPERTY LLC

Pin Number: 072007768600000

Deed Book: 6579 Page: 1527

Plat Book: 016 Page: 095

WILLIAM R GILES JR &
SALLY RICHARDSON GILES

Pin Number: 072007755800000

Deed Book: 5933 Page: 1651

Plat Book: 016 Page: 095

A PROPOSED SITE PLAN
FOR

PHILIP OWEN JUNG
AND
LINDA DICKERSON JUNG

BLACK MOUNTAIN TOWNSHIP
BUNCOMBE COUNTY, N.C.

SURVEY DATE: 06/17/26

MAP FILE NUMBER: JP-26045-00C

SURVEYED BY:

LEADBITTER
LAND SURVEYING, P.A.
N.C. NO. C-3173

99 WEAVER BLVD
WEAVERVILLE, NC 28787

(828)-682-5007

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Memorandum

Date: July 30, 2026

To: Alexis Baker, Zoning Administrator, Montreat NC

From: Danvey Walsh, Geoscientist, Equinox Environmental

Subject: Stream Identification Assessment for Philip Jung property

Introduction: This memorandum summarizes the findings of a stream classification assessment conducted on July 30, 2026, at 427 Kentucky Rd. in Buncombe County, in the Town of Montreat. The assessment was performed in response to inquiries regarding a drainage feature mapped as blue line on the USGS topographic quadrangle map near the property and to clarify the applicability of a 30-foot riparian buffer.

Methodology: The field evaluation was conducted using the North Carolina Division of Water Quality Stream Identification Form Version 4.11. This standardized methodology assesses the geomorphological, hydrological, and biological indicators of a channel to accurately classify it as ephemeral, intermittent, or perennial.

Field Observations and Results: The evaluated feature begins east of the property at coordinates 35.649767°N, 82.296847°W. Upon completion of the field assessment, the channel received a Total Points score of 24. According to the NC DWQ methodology, a feature scoring at least 19 points is classified as an intermittent stream.

Specific field observations supporting this determination include the following:

- A presence of baseflow and natural soil-based evidence of a high-water table.
- Substrate particle abundance and sorting that indicate flow.
- Little presence of rooted upland plants within the streambed.
- Presence of benthic macroinvertebrates, aquatic mollusks, and in-channel structures such as riffle-pool sequences.

Attached site photographs confirm these observations.

Conclusion: Based on the field indicators and the resulting NC DWQ evaluation score of 24, the feature is classified as an intermittent stream. Consequently, standard 30-foot riparian buffer regulations, which apply to intermittent and perennial streams, do not apply to this specific feature. The existing USGS topographic map and NCDOT mapping somewhat accurately reflect current ground conditions. The completed NC DWQ Stream

Identification Form, a map, and site photographs are available for submission to the local reviewing authority.



Figure 1. Looking downstream at culvert inlet on east side of Kentucky Road.



Figure 2. Looking upstream at culvert outlet on east side of Kentucky Rd.



Figure 3. Looking upstream adjacent to west side of Kentucky Rd.



Figure 4. Looking downstream at culvert inlet and southern adjacent property.



Figure 5. Redoximorphic features serve as soil-based evidence of high water table.



Figure 6. Caddisfly larvae indicating presence of benthic macroinvertebrates.



Figure 7. Mayfly (or stonefly) nymph indicating presence of benthic macroinvertebrates.



Figure 8. Aquatic mollusk; left facing snail

JONES WILLIAM
W;JONES MARGARET
C 072007675800000

MONTREAT
PROPERTY LLC
072007773000000

MARCIA W BARSTOW
REVOCABLE TRUST
072007777300000

WALKERS'
WIGWAM LLC
072007670200000

LAKE JULIAN
GILMOUR
072007567500000

MOUNTAIN
RETREAT ASSOC
072004508500000

MONTREAT
PROPERTY LLC
072007768600000

GILES WILLIAM R JR;GILES
SALLY RICHARDSON
072007755800000

FIRST PRESBYTERIAN
OF ASHEVILLE
072007555800000

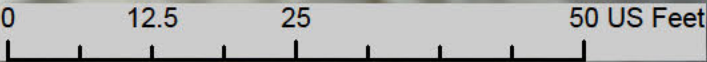


Culvert

Stream (intermitt.)

NCDOT ATLAS Hydrography v2

Parcels



This map is not a survey and should not be construed as such.

NC DWQ Stream Identification Form Version 4.11

427KY Rd Montreat

Date: 7/30/26	Project/Site: Jung	Latitude: 35°38'58.92"N
Evaluator: Donvey Walsh	County: Buncombe	Longitude: 82°17'49.09"W
Total Points: Stream is at least intermittent if ≥ 19 or perennial if ≥ 30* 24	Stream Determination (circle one) Ephemeral <u>Intermittent</u> Perennial	Other e.g. Quad Name:

A. Geomorphology (Subtotal = _____)

	Absent	Weak	Moderate	Strong
1 ^a . Continuity of channel bed and bank	0	1	(2)	3
2. Sinuosity of channel along thalweg	0	(1)	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	(1)	2	3
4. Particle size of stream substrate	0	1	(2)	3
5. Active/relict floodplain	(0)	1	2	3
6. Depositional bars or benches	0	(1)	2	3
7. Recent alluvial deposits	0	(1)	2	3
8. Headcuts	(0)	1	2	3
9. Grade control	0	0.5	(1)	1.5
10. Natural valley	0	0.5	1	(1.5)
11. Second or greater order channel	No = 0		Yes = 3	

^a artificial ditches are not rated; see discussions in manual

B. Hydrology (Subtotal = _____)

12. Presence of Baseflow	0	1	2	(3)
13. Iron oxidizing bacteria	(0)	1	2	3
14. Leaf litter	1.5	(1)	0.5	0
15. Sediment on plants or debris	0	(0.5)	1	1.5
16. Organic debris lines or piles	0	0.5	(1)	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = 3	

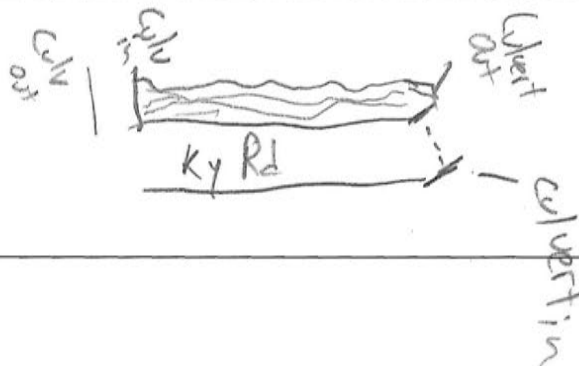
C. Biology (Subtotal = _____)

18. Fibrous roots in streambed	3	2	(1)	0
19. Rooted upland plants in streambed	3	(2)	1	0
20. Macroinvertebrates (note diversity and abundance)	0	(1)	2	3
21. Aquatic Mollusks	0	(1)	2	3
22. Fish	(0)	0.5	1	1.5
23. Crayfish	(0)	0.5	1	1.5
24. Amphibians	(0)	0.5	1	1.5
25. Algae	(0)	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = 0			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes: Left + facing snails 2 stoneflies 2 caddis

Sketch:



North Carolina

Department of Environmental Quality

Division of Water Resources

Surface Water Identification Training

and Certification Program



Water Resources
ENVIRONMENTAL QUALITY



Division of Water Resources

Certificate of Training

Danvey Walsh

Has successfully demonstrated capability and proficiency to determine the presence of surface waters that require the application of rules adopted by the N.C. Environmental Management Commission for the protection of riparian buffers as determined by 15A NCAC 02B.0200.

S. Jay Zimmerman, Director
Division of Water Resources

November 30, 2016

Date

927T-1116

Certification Number