Town of Montreat
Board of Adjustment (BOA)
Meeting Agenda
October 22, 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. **WELCOME TO NEW MEMBERS**

- Oath of Office – Matt Horne, Regular Member
- Oath of Office – Tiffany Neville, ETJ Member

III. **CERTIFICATION OF QUORUM**

IV. **AGENDA ADOPTION**

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

V. **ADOPTION OF AUGUST 27, 2026, REGULAR MEETING MINUTES**

- **Suggested Motion:** To adopt the August 27, 2026, Regular Meeting Minutes as drafted/amended.

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.

Documents Pending

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

VII. **REQUEST TO EXTEND ORDER GRANTING VARIANCE**

536 Calvin Trail (Pin#072009848300000)

Suggested Motion: To approve/deny the request to extend order granting a variance at 536 Calvin Trail.

VIII. **EVIDENTIARY HEARING**

Variance Request (123 Mecklenburg Circle) – A Variance request submitted by William and Linda Sharman, on their own behalf as property owners for the lot addressed as 123 Mecklenburg Circle, Montreat, NC 28757 and described as PIN 0710-54-1404. This variance request is to the Montreat Zoning Ordinance, §501.81 (Minimum Side Yard) and §501.9 (Minimum Rear Yard) to reduce the side setback requirement from 15 feet to 10 feet on the southern side of the Subject Property and the rear setback requirements from 35 feet to 30 feet on the western side of the Subject Property, for the purpose of building a new single-family dwelling.

Suggested Motion: To grant/grant with conditions/deny the Variance request for 123 Mecklenburg Circle.

IX. **EVIDENTIARY HEARING**

Variance Request (165 Texas Road Extension) – A variance request submitted by Ross Smith, as an applicant on behalf of, Sarah and Will Moye, property owners for the lot addressed as 165 Texas Road Extension, Montreat, NC 28757 and described as PIN 0710-85-0241. This Variance request is to the Montreat Zoning Ordinance, §501.81 (Minimum Side Yard) to reduce the side setback requirement from 15 feet to 10 feet on the western and eastern side of the Subject Property, for the purpose of building a new single-family dwelling.

Suggested Motion: To grant/grant with conditions/deny the Variance request for 165 Texas Road Extension.

X. **EVIDENTIARY HEARING**

Rehearing for VA-2022-01 – BOA review of the Certificate of Zoning Compliance and variance requests submitted by Wade and Susie Burns, on their own behalf as property owners for the lot addressed as 779 Foreman Siding Road and described as PIN 0721-11-7736. The variance requests are to the Montreat Zoning Ordinance, §503.5 (Minimum Front Yard) and §503.81 (Minimum Side Yard) to reduce the front setback requirement from 30 feet to 15 feet on the northern side of the Subject Property, and to reduce the side setback requirement from 15 feet to 13 feet on the western side of the Subject Property, for the purpose of constructing a single-family dwelling.

Suggested Motion:

XI. **WRITTEN ORDER**

Variance Request (123 Mecklenburg Circle) – A variance request submitted by William and Linda Sharman, on their own behalf as property owners for the lot addressed as 123 Mecklenburg Circle, Montreat, NC 28757 and described as PIN 0710-54-1404. This variance request is to the Montreat Zoning Ordinance, §501.81 (Minimum Side Yard) and §501.9

(Minimum Rear Yard) to reduce the side setback requirement from 15 feet to 10 feet on the southern side of the Subject Property and the rear setback requirements from 35 feet to 30 feet on the western side of the Subject Property, for the purpose of building a new single-family dwelling.

Documents Pending

Suggested Motion: To approve/approve with revisions/deny the written order for 123 Mecklenburg Circle.

XII. **WRITTEN ORDER**

Variance Request (165 Texas Road Extension) – A variance request submitted by Ross Smith, as an applicant on behalf of, Sarah and Will Moye, property owners for the lot addressed as 165 Texas Road Extension, Montreat, NC 28757 and described as PIN 0710-85-0241. This Variance request is to the Montreat Zoning Ordinance, §501.81 (Minimum Side Yard) to reduce the side setback requirement from 15 feet to 10 feet on the western and eastern side of the Subject Property, for the purpose of building a new single-family dwelling.

Documents Pending

Suggested Motion: To approve/approve with revisions/deny the written order for 123 Mecklenburg Circle.

XIII. **NEW BUSINESS**

XIV. **NEXT MEETING DATE:** November 19, 2026

XV. **ADJOURNMENT**

TOWN OF MONTREAT

P. O. Box 423
Montreat, NC 28757
Tel: (828)669-8002 Fax: (828)669-3810
www.townofmontreat.org

Oath of Office
Board of Adjustment – Regular Membership
Matt Horne

"I, Matt Horne, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as a regular member of the Board of Adjustment, so help me God."

_____
Matt Horne

_____
Angie Murphy, Town Clerk

_____
(Date)

TOWN OF MONTREAT

P. O. Box 423
Montreat, NC 28757
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www.townofmontreat.org

Oath of Office
Board of Adjustment – ETJ Membership
Tiffany Neville

"I, Tiffany Neville, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as an ETJ member of the Board of Adjustment, so help me God."

_____
Tiffany Neville

_____
Angie Murphy, Town Clerk

_____
(Date)

Board of Adjustment Meeting
August 27, 2026, 5:00 p.m.
Meeting Minutes

Board Members in Attendance:
Chair Ed Kramer
Arrington Cox (arrived at 5:23 p.m.)
Mari Gramling
Matt Horne
George Sawyer
Bill Scheu

Board Members not Present:
David Neel

Town Staff in Attendance:
Alexis Baker, Interim Zoning Administrator
Brandon Freeman, Town Attorney
Angie Murphy, Town Clerk

Members of the Public in Attendance:
Nine members of the public were in attendance

CALL TO ORDER

Chair Ed Kramer called the meeting of the Board of Adjustment to order and welcomed those in attendance. He invited members to introduce themselves by reference to their name tags on the dais. Chair Kramer then led the board in a moment of silence.

CERTIFICATION OF QUORUM

Chair Kramer confirmed that six of seven board members were present, establishing that a quorum existed and that the board could conduct business and vote.

Note on Membership: Town Attorney Brandon Freeman advised the board that one member whose term had technically expired had not yet been officially replaced, and that under North Carolina law and the guidance of the UNC School of Government, members whose terms have expired may continue to serve until a replacement is appointed, in order to allow continuity of government. Attorney Freeman referenced the School of Government article titled “Holding Over After Your Term Ends” (Revisited), originally published January 5, 2010, and updated November 2013, as the authority for this position.

AGENDA ADOPTION

Motion to adopt the meeting agenda as presented was made by Member Mari Gramling and seconded by Member George Sawyer. The motion carried unanimously.

ADOPTION OF MAY 28, 2026, REGULAR MEETING MINUTES

Motion to adopt the May 28, 2026, Regular Meeting Minutes as drafted was made by Member Danny Sharpe and seconded by Member Mari Gramling. Hearing no additions, corrections, or deletions, the motion carried unanimously.

EVIDENTIARY HEARING

VARIANCE REQUEST (427 KENTUCKY ROAD)

Opening of the Quasi-Judicial Hearing

Chair Kramer formally opened the evidentiary hearing for the property located at 427 Kentucky Road, PIN# 072007567500000, and read into the record the procedural framework governing the quasi-judicial process. He explained that the hearing operates similarly to a court proceeding, that the board's discretion is constrained by standards and regulations, and that its decision must be based on competent, relevant, and substantial evidence in the record. Chair Kramer noted that participation is limited to parties with standing—the applicant, the local government, and individuals who can demonstrate special damages—while members of the general public may serve as witnesses when called by the board. He further advised that witness testimony is limited to facts rather than opinions, except for duly qualified expert witnesses on topics such as property value impacts or traffic projections.

Disclosures — Partiality and Ex Parte Communications

Chair Kramer asked all board members to disclose any partiality or ex parte communications. No board member disclosed a fixed opinion, a financial interest, or a close relationship with an affected party requiring recusal at that time.

Regarding ex parte communications, multiple board members disclosed site visits to the subject property. Member Scheu additionally disclosed brief conversations with his wife, Peggy Scheu, with Ashton Phillips, and with Rick Giles. Attorney Freeman inquired into the general nature of those conversations. Member Scheu stated that his wife had reviewed the matter with him and that he had not reached any decision; that his conversation with Ashton Phillips was brief; and that Rick Giles had indicated he would not be participating. Attorney Freeman confirmed that none of those conversations would unduly influence Member Scheu's decision based on the evidence presented and expressed no concern from a counsel standpoint.

No board member or party asserted any objection to any member's participation based on the disclosures made, and Chair Kramer directed the hearing to proceed.

Prior to the commencement of staff testimony, Alternate Member Arrington Cox arrived late at 5:23 p.m. Attorney Freeman recommended that the board allow her to step in and serve, noting that any party or board member could object. Attorney Freeman then briefly

questioned Member Cox, who confirmed she had no ex parte communications, had visited the site, and had reviewed the staff report. Interim Zoning Administrator Alexis Baker confirmed that the only material difference between the staff report and her presentation was the corrected acreage figure of 0.204 acres (as opposed to 0.24 acres found in county records), referencing packet page 12 and the survey on packet page 33. Hearing no objections from any party or board member, Chair Kramer directed the hearing to proceed with Member Cox participating.

Staff Testimony — Interim Zoning Administrator Alexis Baker

Interim Zoning Administrator Alexis Baker was sworn in by Town Clerk Angie Murphy and presented the staff report using a PowerPoint presentation.

Ms. Baker identified the subject of the variance request as a lot addressed as 427 Kentucky Road, Montreat, NC 28757, PIN# 072007567500000, located in the R-1 Residential Zoning District. She noted that the applicants, Philip and Linda Jung, were acting on behalf of property owners Julian and Nancy Lake for the purpose of constructing a new one-story, single-family dwelling and workshop as a permanent residence.

Ms. Baker described the three variance requests before the board:

- Front yard setback — A reduction from the required 30 feet to 10 feet on the eastern side of the property, per Montreat Zoning Ordinance Section 501.5.
- Side yard setbacks — A reduction from the required 15 feet to 5 feet on both the northern and southern sides of the property, per Section 501.81.
- Stream buffer — A reduction from the required 30-foot stream buffer to 10 feet, per Montreat General Ordinances Chapter K, Article III, Section 305.1.

Ms. Baker noted that the rear (western) setback requires only 10 feet rather than the standard 20 percent of mean lot depth (not to exceed 35 feet) because the rear of the property abuts the Woodland Zoning District, and this requirement was already met without the need for a variance.

Ms. Baker presented a series of slides showing the existing site plan with the current two-story house built approximately in 1919, the proposed site plan with the new one-story dwelling and workshop shown in a peach color, and overlays depicting the required setbacks in yellow and the proposed setbacks in pink. She explained that the stream buffer — shown in green for the 30-foot requirement and blue for the requested 10-foot reduction — is measured from the top of the bank, and that any stream buffer variance approved would apply only to the subject property even if the visual overlay appeared to extend beyond property lines.

Ms. Baker noted the property's slope per the Buncombe County steep slope calculator at 9.38 percent, gently sloping from north to south, and confirmed that the property is not subject to the hillside development ordinance.

With respect to the intermittent stream, Ms. Baker noted that applicants had retained a geoscientist from Equinox Environmental, certified by North Carolina's Division of Water Quality, to conduct an evaluation. That evaluation was included in the packet at pages 34 through 45. She also directed the board to the variance standards under the zoning ordinance (packet page 21) and under the general ordinances for the stream buffer (packet page 22). Ms. Baker then concluded her presentation and made herself available for questions.

Board Questions for Staff

Member Danny Sharpe asked Ms. Baker about language on packet page 34 from the geoscientist, Danvey Walsh, which stated that "standard 30-foot riparian buffer regulations, which apply to intermittent and perennial streams, do not apply to this specific feature." Member Sharpe expressed confusion, noting that he would expect such regulations to apply to an intermittent stream. The applicant, Philip Jung, interjected from the floor that he believed the language was incorrect and that the regulations do apply. Attorney Freeman noted that this was a matter for the applicant to address in testimony.

Member Sharpe raised a broader concern about hardship, stating that the report referenced the property being smaller than neighboring lots but that he was unable to find sufficient evidentiary support for that claim in the materials provided. He noted that one of the standards for granting a variance requires that the hardship arise from conditions peculiar to the property, such as its size, location, or topography. Attorney Freeman advised that questions relating to the applicant's hardship argument should be directed to the applicant during testimony.

Member Sharpe also sought clarification on the acreage, to which Ms. Baker confirmed that the survey reflected 0.204 acres, which is more reliable than the 0.24 figure in the county's GIS records.

Applicant Testimony — Philip Jung

Philip Jung was sworn in by Town Clerk Angie Murphy and approached the dais. He introduced himself and his wife Linda Jung as the applicants, acting on behalf of the property owners Julian and Nancy Lake. Mr. Jung expressed his deep personal connection to Montreat, noting that he had been visiting since age five and that both his and his wife's parents had been commissioned as missionaries from Montreat to the Congo in 1950. He stated that the property is under contract and that closing is contingent on the outcome of the variance request.

Existing Property and Survey Findings

Mr. Jung described the existing two-story home as having been built around 1919 (with one document suggesting 1914). He reviewed the findings of a property survey conducted on June 17, 2026, which revealed the lot to be 0.204 acres — significantly smaller than the 0.24 to 0.25 acres reflected in the county records. He noted that 0.204 acres equals approximately 8,886 square feet, compared to approximately 10,454 square feet for 0.24 acres — a difference of approximately 1,400 square feet, or roughly 18 percent smaller.

Mr. Jung explained that the survey also revealed the frontage on Kentucky Road to be only 45.46 feet, substantially less than the 70 feet shown in county property records. He stated that the surveyor determined that 25 feet of frontage had been deeded to the neighboring Walker property, likely around 1995. This discrepancy was a "new revelation" to the applicants, discovered only at the time of the June survey. Mr. Jung also noted an additional deed overlap of 0.003 acres along the Kentucky Road side of the property.

With respect to the existing home's setbacks, Mr. Jung reported that the current carport touches the northern property line (0 feet), the home sits approximately 7 feet from the southern property line, and the western side measures approximately 24.7 feet from the property line, all of which are nonconforming with current requirements.

Proposed Construction

The applicants propose to demolish the existing two-story house and construct a new one-story, three-bedroom, three-and-a-half-bath single-family home with a workshop. The

proposed setbacks are 5 feet to the north, 10 feet to the east, 5 feet to the south, and 10 feet to the west.

Stormwater and the Intermittent Stream

Mr. Jung described the intermittent stream as flowing from behind South Carolina Terrace, running behind neighboring homes, going under the road, and emerging approximately 14 feet from the end of the 427 Kentucky Road property. He identified the evaluating expert as Mr. Danvey Walsh, a geoscientist from Equinox Environmental, and stated that Mr. Walsh had described the stream as barely meeting the classification of an intermittent stream. Mr. Jung found the methodology interesting and described it in some detail: Mr. Walsh examined the roots of plants, the physical character of the stream, and the presence of mollusks and other benthic macroinvertebrates. Mr. Jung directed the board to the evaluation letter at packet page 34 and the stream identification form at packet page 44.

Mr. Jung read into the record Mr. Walsh's field observations supporting the intermittent stream determination, including: presence of base flow and natural soil-based evidence of a high water table, substrate particle abundance and sorting indicating flow, little presence of rooted upland plants within the stream bed, and the presence of benthic macroinvertebrates, aquatic mollusks, and in-channel structures such as riffle-pool sequences. He noted that figures 6 and onward in the evaluation included photographs of a caddisfly larva and a mollusk found in the stream.

Mr. Jung additionally noted that the vertical distance from the stream bed to the elevation of Kentucky Road is approximately 42 inches, and the distance from the stream bed to the general elevation of the property is approximately 72 inches. He argued that this elevation differential means Kentucky Road would need to be inundated with approximately 30 inches of flowing water before the water level would reach the general elevation of the property, suggesting the flood risk to the structure is limited. He referenced witnessing Hurricane Helene and noting that water on Kentucky Road rose only three to four inches at most.

Mr. Jung offered two potential mitigation options with respect to the stream buffer: constructing a concrete reinforced or stone retaining wall near the stream outlet, or extending the existing 24-inch corrugated metal pipe (CMP) shown on the survey further along the property, which he stated would be his preferred solution, with the applicants willing to bear that cost.

Hardship Argument

Member Sharpe pressed Mr. Jung directly on the hardship standard under MZO Section 310-42(a), which requires that unnecessary hardship results from strict application of the ordinance, though it need not be shown that no reasonable use can be made of the property. Mr. Jung responded that the hardship derives from the lot being smaller than expected — a situation caused by the prior deeding of 25 feet of frontage to the Walker property, a fact that was unknown to the applicants until the June survey, and compounded by the county's inaccurate records showing the lot as larger than it is. He acknowledged that other properties in the vicinity appear to be similar in size on the GIS plat, but maintained that the measured 0.204-acre lot is approximately 18 percent smaller than surrounding properties based on a 0.25-acre reference figure.

Member Sharpe acknowledged the difficulty of the situation but stated that he needed to see objective, comparative evidence of the lot's relative size compared to neighboring properties in order to support a hardship finding. He noted that the hardship standard requires a condition peculiar to the subject property, distinguishable from conditions common to the

neighborhood. He offered the example of a nearby property whose hardship case was supported by the unique presence of a stream in the backyard — a condition verifiably different from surrounding properties. Mr. Jung acknowledged that he did not have comparative data for neighboring lots.

Board Questions for Applicant — Continuation

Member Mari Gramling asked when the 25 feet of frontage had been deeded to the Walkers. Mr. Jung responded that it appeared to have occurred around 1995. Member Gramling followed up by asking whether the applicants were aware the lot was smaller than represented when they entered the contract to purchase. Mr. Jung stated that county records still showed a 70-foot frontage, and that the true dimensions were not discovered until the June 17 survey — meaning the applicants knew it was a small lot, but it turned out to be smaller than they had understood.

Member Gramling then asked whether the applicants had actually purchased the property yet. Mr. Jung confirmed that the property was under contract and that closing was imminent — scheduled for Monday — but was contingent on the board's decision.

Member Bill Scheu asked why the proposed house was positioned so far to the west, toward the stream side of the property, and whether it could be moved eastward to avoid the stream buffer issue. Mr. Jung explained that shifting the house eastward would cause the structure to encroach on the northern property line and would not resolve the side setback issues. He noted that the workshop portion of the structure is positioned as it is to allow adequate driveway length — approximately 22 to 23 feet — for vehicular access to the garage, and that a narrower garage configuration was possible but not ideal. He stated that the applicants preferred a wider, shallower footprint rather than a longer, narrower one.

Member Scheu also asked whether it would be possible to relocate the workshop to the northern portion of the property, which would move it further from the road. Mr. Jung acknowledged this would place the workshop directly in front of the porch, which would be aesthetically undesirable. Member Scheu observed that this portion of Montreat is a "prominent area" — describing it as "the heart of the Montreat market, the heart of Montreat history, and the heart of the Montreat historic district" — and expressed concern about the visual impact of a workshop structure positioned so close to the road.

Member Scheu also sought clarification on the western (rear) boundary and whether the proposed structure encroached into the 30-foot stream buffer. Ms. Baker clarified that, because the rear of the property abuts the Woodland Zoning District, only a 10-foot rear setback is required, and no variance is needed for the western boundary. The stream buffer issue relates separately to the intermittent stream near the front (eastern) portion of the property. Member Scheu noted this clarification resolved his concern about a seeming discrepancy in the survey drawings.

Member Matt Horne asked what would prevent the applicants from moving the workshop back an additional 10 feet from the road. Mr. Jung replied that doing so would not leave sufficient driveway length to access the garage. Member Horne expressed some aesthetic concern about an outbuilding positioned so close to the road, noting the area's historical character, but acknowledged he was uncertain whether that was a legitimate basis for his concern rather than a purely aesthetic one.

Chair Kramer asked Mr. Jung whether the applicants had ever considered constructing a new one-story home on the property without requesting variances. Mr. Jung replied that strict compliance with the ordinance's 15-foot side setbacks on a 45.5-foot-wide lot would leave

only 15 feet of buildable width at the Kentucky Road frontage — a dimension he described as impractical for a reasonably sized home. He acknowledged that as the lot widens toward the rear, there is more room, up to a maximum width of approximately 58 feet, which would yield approximately 28 feet of buildable width after side setbacks.

Chair Kramer stated that he was "struggling" with the concept of unnecessary hardship in a situation where the applicants are voluntarily demolishing the existing structure and seeking variances to build a larger, preferred home in its place. He acknowledged understanding the applicants' preference for a one-story home but expressed concern that the hardship claim appeared to be driven by personal preference rather than an inability to make any reasonable use of the property. Mr. Jung responded that the proposed house, while a different footprint, would be comparable in width to the existing structure when accounting for the carport.

Sworn Testimony — Linda Jung

Linda Jung, having been sworn in, addressed the board. She emphasized the considerable time and expense the applicants had invested in the process and reiterated that when they entered the contract to purchase, county records indicated a 70-foot frontage. She noted that the discovery of the actual 45-foot frontage was made only upon receipt of the June survey. She argued that a 45-foot-wide lot, after deducting 30 feet in side setbacks, leaves only 15 feet — too narrow for a reasonably sized home — and that the structure must therefore extend lengthwise. She expressed the applicants' willingness to resolve the stream buffer issue in any way acceptable to the board, including building a retaining wall or paying to extend the underground pipe. She described the stream as a drainage ditch, she had personally observed dry on many occasions, and she characterized the proposed home as a "modern home" with a cottage aesthetic. She also noted that the Walker lot is "definitely huge" compared to 427 Kentucky Road, and that most surrounding properties appear to have greater width and acreage.

Sworn Testimony — Carlisle Willard (Adjacent Property Owner)

Carlisle Willard was sworn in and identified himself as a managing partner of Walkers Wigwam, LLC, the entity that holds the adjacent Walker property at 429 Kentucky Road. He stated that his wife, Lee Walker, is the daughter of Boo Walker, who purchased the adjacent property in 1963 and built the house between 1964 and 1965.

Mr. Willard provided context regarding the 25-foot frontage discrepancy. He explained that when Boo Walker built the Walker house, the 427 Kentucky Road lot had a pie-shaped configuration, and Walker needed a small amount of additional frontage to accommodate a driveway entrance. Walker therefore purchased additional frontage from the then-owner of 427 Kentucky Road. This strip of land now forms part of a planter area between the two properties, with a fence running along the boundary. In 1995, when Walker's daughter took over the deed and had the property resurveyed, the then-current dimensions were formally recorded, which is the source of the historical discrepancy in the records.

Mr. Willard stated that he was "in fair sympathy with the Jungs" and acknowledged the lot is "rather small," but raised three formal objections:

First, he expressed concern about privacy. He explained that Boo Walker had deliberately positioned the Walker house toward the back of his lot so that the rear-facing bedroom and bathroom windows would look out onto neighboring backyards rather than directly into the windows of adjacent homes. He stated that the proposed placement of the new home at 427 Kentucky Road, given its reduced side setbacks, would result in the windows of the new home looking directly into the bedroom and bathroom windows of the Walker house. He

offered a colorful anecdote about a similar situation encountered in a North Raleigh development in the 1980s to illustrate the point. He stated that this loss of privacy would decrease the value of the Walker property.

Second, Mr. Willard expressed concern about precedent. He acknowledged that variances are granted on a case-by-case basis but argued that granting this variance "breaks that precedent and sets one where every time someone builds a new house on a property, they can crowd the variance lines." He warned that, over time, this could lead to a streetscape resembling "a row of townhouses with not much room between the houses," which he characterized as contrary to the character of Montreat's historic district.

Third, Mr. Willard cited Section 310-42(b) of the ordinance, which states that the hardship must result from conditions peculiar to the property — such as location, size, or topography — and that hardships resulting from personal circumstances or from conditions common to the neighborhood may not be the basis for granting a variance. He stated that he did not believe the proposal meets this standard, adding: "I think that the risks of the proposal as presented have implications down the line that the town might consider as advantageous." He concluded by recommending that, absent some compromise, the board decline the application, while expressing personal sympathy for the Jungs' situation.

Member Arrington Cox asked Mr. Willard to clarify his closing recommendation. He reiterated that if some mutually acceptable compromise could be reached — something "less invasive and a little bit less dangerous to the precedent" — he would support that approach, but as presented, he recommended denial.

Sworn Testimony — Anne Walker (Adjacent Property Owner)

Anne Walker was sworn in and identified herself as Boo Walker's daughter, confirming she was present when the Walker house was built. She offered historical context regarding the shape of the Walker lot, explaining that the circular driveway was designed around a very large rock — "about the size of one of the ordinary type whales" — that served as a childhood playhouse. She explained that the wedge shape of the adjacent lots resulted from architectural and site design decisions made at the time of construction.

Ms. Walker recounted that her father, Boo Walker, had approached the original owner of 427 Kentucky Road and the owner on the other side and proposed a trade — five feet of front frontage in exchange for 15 feet of rear depth, with Walker paving the driveways of both neighbors. This gentlemen's agreement was subsequently formalized in the deeds. She also explained that the Walker lot appears disproportionately large on the plat because her father had negotiated with the Town of Montreat to purchase an unused road bed that had been planned in the 1920s to run behind Flint Rock Inn but was never completed.

Ms. Walker expressed anxiety about the prospect of new construction at 427 Kentucky Road, noting concerns about the need to potentially clear-cut the lot to accommodate the proposed footprint. She noted that she confirmed the existing survey stakes when she visited the property that day, observing that they were still in place and flagged. She concluded by affirming that the frontage dimensions reflected in the survey are consistent with her understanding of the historical property lines.

Recusal of Member Matt Horne

Following Ms. Walker's testimony, Member Matt Horne disclosed that Anne Walker had served as the pediatrician to his children and that he considered her family. He stated that he believed he should be recused and requested a ruling from Attorney Freeman. Attorney

Freeman advised the board that a close relationship with a person who has testified as a witness — particularly one characterized by the board member as equivalent to family — could constitute a basis for recusal and recommended that the board vote on the matter.

> *Motion to recuse Member Matt Horne from further participation in this matter was made by Member Mari Gramling and seconded by Member Matt Horne. The motion carried 4-1, with Danny Sharpe opposed.*

Member Horne stepped down from the dais and took a seat with the general public, remaining in the room as an observer. Attorney Freeman confirmed that for supermajority calculations, the total board size would remain at seven members.

Rebuttal Testimony — Philip Jung

Philip Jung returned to the dais to offer rebuttal testimony regarding the issue of precedent raised by Mr. Willard. He described several nearby properties that he observed to have conditions similar to or more nonconforming than what is being requested:

- A carport on Arbor Lane situated approximately 5 feet from the road.
- A home on Arbor Lane, approximately 15 feet from the road, with a stream running directly under the house.
- A home within 15 feet of another frequently flowing stream.
- A home with an intermittent stream flowing through the backyard.
- A carport on Kentucky Road approximately 12 feet from a stone fence abutting the road.
- A nearby home approximately 8 feet from the road.

Mr. Jung noted that some of these conditions are grandfathered, but asserted that at least one of the homes on Arbor Lane — with a stream running beside and beneath it — is not grandfathered, having been built within the last 15 to 20 years. He argued that these existing conditions demonstrate that the precedent cited by Mr. Willard has already been set, and that the requested variances are not without context in the neighborhood.

Board Deliberations

Chair Kramer opened deliberations and invited each board member to comment.

Member George Sawyer passed without comment.

Member Mari Gramling stated that her primary concern centered on the hardship question. She noted that the property had not yet been purchased and that, even accounting for the late discovery of the smaller lot size, the applicants had the opportunity to withdraw from the contract. She questioned whether a hardship could be established under those circumstances. Attorney Freeman advised the board that the existence of a contract to purchase constitutes a cognizable property interest, and that the board should evaluate the hardship question based on the actual variance request before it — not on whether the applicants could have walked away from the transaction. He encouraged the board to analyze the request under North Carolina law, independent of the applicants' ownership status.

Member Danny Sharpe stated that he would speak against the request. He emphasized that he did not believe the hardship case had been adequately made, specifically that the record did not demonstrate that the subject property is peculiarly different from neighboring properties in a way that justifies the variances. He also expressed concern about the importance of

maintaining the 30-foot stream buffer, describing it as a standard that reflects significant public policy around stream health. He stated that the board has a "very high bar for granting variances" and that in his assessment, that bar had not been met.

Member Arrington Cox stated that she also could not vote in favor of the request. She offered her understanding that each property is evaluated independently — that there is no binding precedent set by other variances — and that the hardship for this property must therefore be considered on its own merits. She concluded that the hardship standard had not been satisfied.

Chair Kramer raised a concern about the source of the 18-percent acreage discrepancy, asking whether the applicants had relied on incorrect information provided by the Town of Montreat or Buncombe County. Ms. Baker confirmed that staff had not provided that information to the applicants. Chair Kramer stated that if the applicants had received erroneous information from a governmental source and relied on it to their detriment, that might support a hardship finding — but absent evidence of that, he would assume the discrepancy arose from the applicants' own investigation.

Attorney Freeman reminded the board that two separate variance requests were before it — one for the zoning ordinance setbacks and one for the stormwater stream buffer — and that two separate votes would be required.

Member Cox raised a procedural question: if the setback variance is denied, does the stream buffer variance become moot? Attorney Freeman acknowledged the logical connection but directed the board to act on both variance applications regardless.

Vote on Variance Request — Zoning Ordinance Setbacks (Sections 501.5 and 501.81)

> *Motion to deny the variance request to the Montreat Zoning Ordinance, Sections 501.5 and 501.81, for reductions in the front and side yard setbacks at 427 Kentucky Road, based on the findings of fact not having been adequately met — specifically, the failure to establish the requisite hardship — was made by Member Danny Sharpe and seconded by Member Arrington Cox. The motion carried 5-1.*

WRITTEN ORDER

Variance Request (427 Kentucky Road)

Attorney Freeman advised the board that, given the complexity of the matter, he requested additional time to draft a proper written order for the board's review rather than completing the order at the conclusion of this meeting. He recommended the written order be continued to the board's next regularly scheduled meeting in September.

> *Motion to continue the written order for the 427 Kentucky Road variance request to the Board of Adjustment's next regularly scheduled meeting on September 24, 2026, was made by a board member and seconded. The motion carried unanimously.*

NEW BUSINESS

No new business was presented.

NEXT MEETING DATE

The next meeting of the Board of Adjustment is scheduled for September 24, 2026, as needed.

ADJOURNMENT

Motion to adjourn was made by Member Arrington Cox and seconded by Member Danny Sharpe. The motion carried unanimously. The meeting was adjourned at approximately 7:30 p.m.

_____ _____

Ed Kramer, Chair Angie Murphy, Town Clerk

Outlook

Re: Request to Extend Order Granting Variance, 536 Calvin Trail (PIN 072009848300000)

From Jacob Compher <jcompher@townofmontreat.org>
Date Thu 10/8/2026 6:39 PM
To Paul Schmitz <ncridgelinedesigns@gmail.com>

Thanks for reaching out, Paul.

1. *Whether the order has an expiration date under the Zoning Ordinance, and if so, what it is.*
    a. Yes, the variance is limited to twelve months. November 13, 2026, is the deadline.

2. *What the process is for requesting an extension (a written request to the Zoning Administrator, a return to the Board of Adjustment, or something else).*
    a. The Board of Adjustment (BOA) may grant one six-month extension of a variance if so requested by the applicant.

3. *Any forms, fees, or deadlines we need to meet.*
    a. The next BOA meeting is on October 22, 2026. There is still time to include you on the agenda, and this is a simple item. I will forward your correspondence to the Board as an official extension request. Please be prepared to be present at Montreat Town Hall on that date at 5:00 pm, should they have any questions.

For your reference, §310.56 of the Montreat Zoning Ordinance:

VARIANCE LIMITED TO TWELVE MONTHS. Any Variance granted by the Board of Adjustment must be acted upon within 12 (twelve) months or it shall become null and void. The Board of Adjustment may grant one six-month extension of a Variance if so requested by the applicant.

Please let me know if you have any further questions.

Respectfully,

Jacob Compher
Interim Zoning Administrator
Town of Montreat

TOWN OF MONTREAT
NORTH CAROLINA

From: Paul Schmitz <ncridgelinedesigns@gmail.com>
Sent: Tuesday, October 6, 2026 12:33 PM
To: Zoning <zoning@townofmontreat.org>
Subject: Request to Extend Order Granting Variance, 536 Calvin Trail (PIN 072009848300000)

Hello,

I'm writing on behalf of Graceful Blessings, LLC / Richard Deibert regarding the Order Granting Variance for 536 Calvin Trail (PIN 072009848300000), issued by the Town of Montreat Board of Adjustment on November 13, 2025, following the October 23, 2025 hearing. The variance reduces the southern side setback under Section 501.81 from 15 feet to 2 feet.

We are requesting an extension so the order remains in effect. Design and permitting for the project are still underway, and construction has not yet begun. The property conditions and the request itself are unchanged from what the Board approved.

Could you please let me know:

1. Whether the order has an expiration date under the Zoning Ordinance, and if so, what it is.
2. What the process is for requesting an extension (a written request to the Zoning Administrator, a return to the Board of Adjustment, or something else).
3. Any forms, fees, or deadlines we need to meet.

If it would help, I can send the approved site plan and a copy of the filed order. Thank you for your time. I'd appreciate written confirmation once the extension is granted or the next steps are clear.

Best regards,

Paul Schmitz
Ridgeline Designs, LLC, designer for the project]
828-712-6234

Ridgeline Designs
60 Cole St.
Old Fort, NC 28762



TOWN OF MONTREAT
NORTH CAROLINA

TOWN OF MONTREAT
P. O. Box 423, Montreat, NC 28757
Tel: (828) 669-8002 | Fax: (828) 669-3810
www.townofmontreat.org

Staff Report
123 Mecklenburg Circle

Variance Request (123 Mecklenburg Circle) – A Variance request submitted by William and Linda Sharman, on their own behalf as property owners for the lot addressed as 123 Mecklenburg Circle, Montreat, NC 28757 and described as PIN 0710-54-1404. This variance request is to the Montreat Zoning Ordinance, §501.81 (Minimum Side Yard) and §501.9 (Minimum Rear Yard) to reduce the side setback requirement from 15 feet to 10 feet on the southern side of the Subject Property and the rear setback requirements from 35 feet to 30 feet on the western side of the Subject Property, for the purpose of building a new single-family dwelling.

Created by:

Jacob Compher
Interim Zoning Administrator
Town of Montreat

Created for:

Montreat Board of Adjustment
October 22, 2026

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Variance Request 4
Staff Analysis 5
Relevant Ordinance Sections Showing Variance Standards 7
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2. Copy of Deed
3. Response to Six Standards for Variance to Montreat Zoning Ordinance
4. Proposed Site Plan

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Figure 3: Subject Property and Surrounding Zoning 5
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Application Summary

A variance request submitted by William and Linda Sharman, on their own behalf as property owners for the lot addressed as 123 Mecklenburg Circle and described as PIN 0710-54-1404. This variance request is to the Montreat Zoning Ordinance, §501.81 (Minimum Side Yard) and §501.9 (Minimum Rear Yard) to reduce the side setback requirement from 15 feet to 10 feet on the southern side of the Subject Property and the rear setback requirements from 35 feet to 30 feet on the western side of the Subject Property, for the purpose of building a new single-family dwelling.

Property Summary

Parcel Identifier Number (PIN): 0710-54-1451

Address: 123 MECKLENBURG CIRCLE
MONTREAT, NC 28757

Owner: WILLIAM R. SHARMAN, III; MARY BETH SHARMAN
504 SHREVE OAK CIRCLE
OXFORD, MS 38655

Applicant: WILLIAM AND MARY SHARMAN

Zoning: R-1 RESIDENTIAL DISTRICT

Current Land Use: VACANT

Acres: 0.33



Figure 1: Subject Property Aerial

Public Notice

Staff mailed notice to properties within 250 feet of the Subject Property on **October 7, 2026**. Staff posted a sign on the Subject Property on **October 7, 2026**. BOA Hearing: **October 22, 2026.**



Figure 2: 250 feet Public Notice for Variance Request

Variance Request

Applicants, William and Mary Sharman, request that the Board of Adjustment grant a variance request for the lot addressed as 123 Mecklenburg Circle and described as PIN 0710-54-1404. This variance request is to the Montreat Zoning Ordinance, §501.81 (Minimum Side Yard) and §501.9 (Minimum Rear Yard) to reduce the side setback requirement from 15 feet to 10 feet on the southern side of the Subject Property and the rear setback requirements from 35 feet to 30 feet on the western side of the Subject Property, for the purpose of building a new single-family dwelling.

Staff Analysis

Subject Property Summary:

- The Subject Property is 0.33 acres and is currently vacant. The Applicant intends on constructing a 26' x 36' structure footprint single family dwelling with a 6' x 15' porch and 15' x 10' upper and lower decks.
- A variance request for a reduction in setbacks is required for the side yard and rear yard setbacks for the proposed project.
- An intermittent stream runs through the Subject Property.
- The Subject Property is accessed from Mecklenburg Circle.
- The slope of the Subject Property is 20%.
- The Subject Property is not within the Special Flood Hazard Area.

Subject Property & Surrounding Lots:

The Subject Property of the Variance request is in the R-1 Residential Zoning District (R-1). It is surrounded by the R-1 zoning district to the north, south, east, and west.



Figure 3: Subject Property and Surrounding Zoning

Setbacks and Stream Buffer Requirement:
The Applicant's Variance request is to the side and rear yard setbacks in the Montreat Zoning Ordinance (§501.81and §501.9). 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.

	R-1 Setback	Proposed
Front (East)	30'	+/- 75'
Side (North)	15'	15'
Side (South)	15'	**10.88'**
Rear (West)	35'	**30.72'**
Stream	30'	30'

Topography:
The slope of the Subject Property, per the Buncombe County Steep Slope Calculator, is 20 percent. The Subject Property gently slopes downward from north to south. The Subject Property is NOT subject to Hillside Development Ordinance.

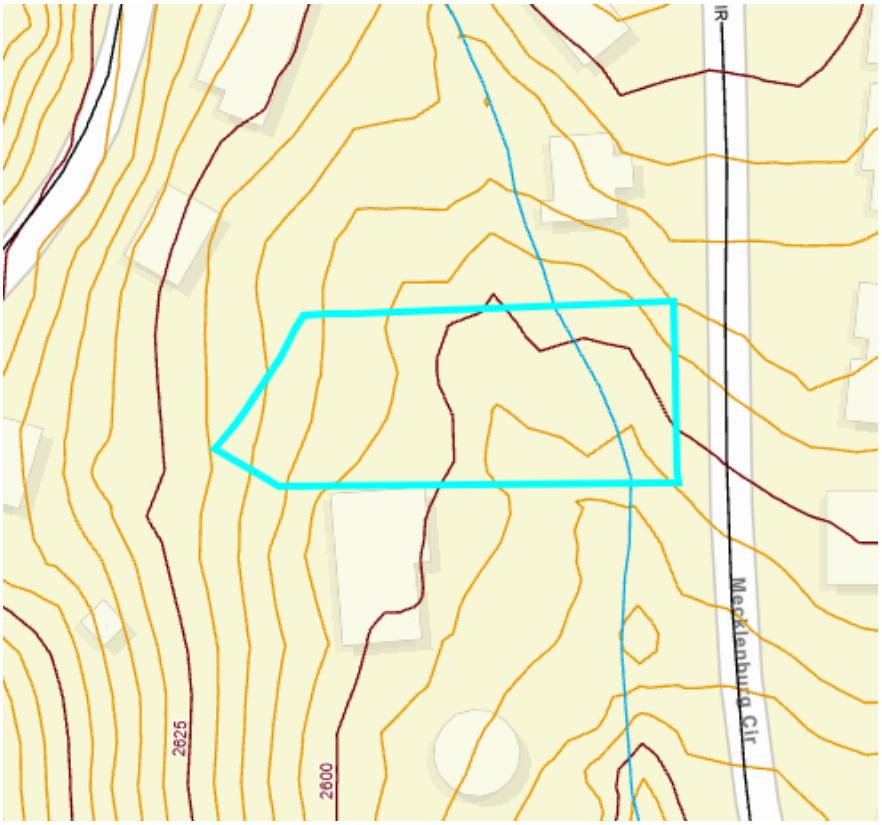


Figure 4: Subject Property and Surrounding Topography (5' contours)

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

TO: Town of Montreat Board of Adjustment
Variance Request
September 22, 2026

FROM:
William and Mary Sharman
504 Shreve Oak Circle
Oxford, MS 38655

For Montreat address:
123 Mecklenburg Circle

Pages Sent:

Page(s)	Subject
1, 2	Town of Montreat Variance Application form
3, 4	North Carolina Warranty Deed
5	Plat Map
6	Site Plan with PIN #, and with property dimensions [Document A]
7	Hand sketch of proposed new construction [Document B] with variance request in blue Ink--NOTE, a Surveyor (Abel Land Surveying) drawing to scale is being sent separately, by Mr. Abel.
8	Close-up of buildable area and setbacks [Document C]
9, 10	Response to the Six Standards for Variance Approval
11	Other required information: SEE #'s 1 & 4 on that page
12	Sketch of approved culverts, approved by USACE & NCDEQ

The $350 Payment for the Variance Request has been brought to the Town Hall by Mr. Rusty Douglas, to whom we sent a Venmo payment.

TOWN OF MONTREAT
NORTH CAROLINA

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: William and Mary Sharman TELEPHONE: 336.848.3030
MAILING ADDRESS: 504 Shreve Oak Circle CITY: Oxford STATE: MS ZIP: 38655
EMAIL: sharman.william@gmail.com

PROPERTY INFORMATION

ADDRESS: 123 Mecklenburg Circle CITY: Montreat STATE: NC ZIP: 28757
PIN# : 0710-54-1404 TOTAL ACREAGE: .33 FLOODPLAIN: ☐ YES ☑ NO
ZONING: ☑R-1 ☐R-2 ☐R-3 ☐I ☐I/R ☐WL ☐OTHER: _____ OVERLAY ZONING: ☐RPO ☐TCO ☐CD ☐N/A
PROPERTY OWNER: William and Mary Sharman TELEPHONE: 336.848.3030
MAILING ADDRESS: 504 Shreve Oak Circle, Oxford, MS 38655

PROPOSED LAND USE

TYPE OF LAND USE: ☑ Residential ☐ Non-Residential ☐ Other
DESCRIPTION OF PROPOSED DEVELOPMENT: Construction of a home and driveway

VARIANCE REQUEST

MONTREAT ZONING ORDINANCE SECTION: Setbacks
DESCRIPTION OF REQUESTED VARIANCE: Rear setback relief of five feet; south side setback relief of five feet (corner of a deck).

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, William Robert Sharman III, hereby certify that all of the information set forth above is true and accurate to the best of my knowledge.

William Robert Sharman III — September 3, 2026

Signature of Applicant — *Date*

William Robert Sharman III

Printed Name of Applicant

OFFICE USE ONLY

[X] Complete [ ] Incomplete

10-7-26

Zoning Administrator Signature — *Date*

Jacob Compher

Printed Name of Zoning Administrator

Fee: $350 Paid: [X] Yes [ ] No Payment Method: Check

Scheduled Board of Adjustment Meeting Date: 10-22-26

Type: CONSOLIDATED REAL PROPERTY
Recorded: 4/29/2026 11:58:18 AM
Fee Amt: $251.00 Page 1 of 3
Revenue Tax: $225.00
Buncombe County, NC
Drew Reisinger Register of Deeds

BK 6588 PG 843 - 845

There are no delinquent taxes that are a lien the parcel(s) described in the deed which the Buncombe County Tax Collector is charged with collecting.
04-29-2026 Michelle Warren
Date Deputy Tax Collector

Excise Tax: $255.00 PIN: 0710-54-1451-00000

Prepared by: Clement Law Firm PLLC, 162 Coxe Ave., Suite 102, Asheville, NC 28801
This instrument was prepared by Eva Clement, a licensed NC attorney. Delinquent taxes, if any, to be paid by the Closing Attorney to the county tax collector upon disbursement of closing proceeds.
Return to: Clement Law Firm, PLLC, 162 Coxe Avenue, Suite 102, Asheville, NC 28801
Brief Description for the Index: 99999 Mecklenburg Circle, Montreat, NC 28757

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 10 day of April, 2026, by and between:

GRANTOR	GRANTEE
Tamara W. Bacon, unmarried 272 Lakeview Circle Kingsport, NC 37663	William R. Sharman, III and Mary Beth Sharman, married to each other 504 Shreve Oak Circle Oxford, MS 38655

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

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

See Exhibit A attached hereto and made a part hereof.

A map showing the above described property is recorded in Plat Book 249 at Page 56.

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

Submitted electronically by "Clement Law Firm, PLLC"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Buncombe County Register of Deeds.

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

Title to the property hereinabove described is together with and subject to the following exceptions: easements, restrictions, and rights of way of record, apparent or in use, and the 2026 Ad Valorem property taxes.

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

IN WITNESS WHEREOF, the Grantor has hereunto executed this document, as of the day and year first above written.

Tamara W. Bacon

State of North Carolina County of Haywood

I, Patricia L. English, Notary Public of the County and State aforesaid, certify that **Tamara W. Bacon** appeared before me and being personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or entity upon behalf of which the person acted, executed the instrument.

Witness my hand and official stamp or seal, this 10 day of April, 2026.

Notary Public

My commission expires: 02-11-2031

PATRICIA L. ENGLISH
Notary Public, North Carolina
Haywood County
My Commission Expires
02-11-2031

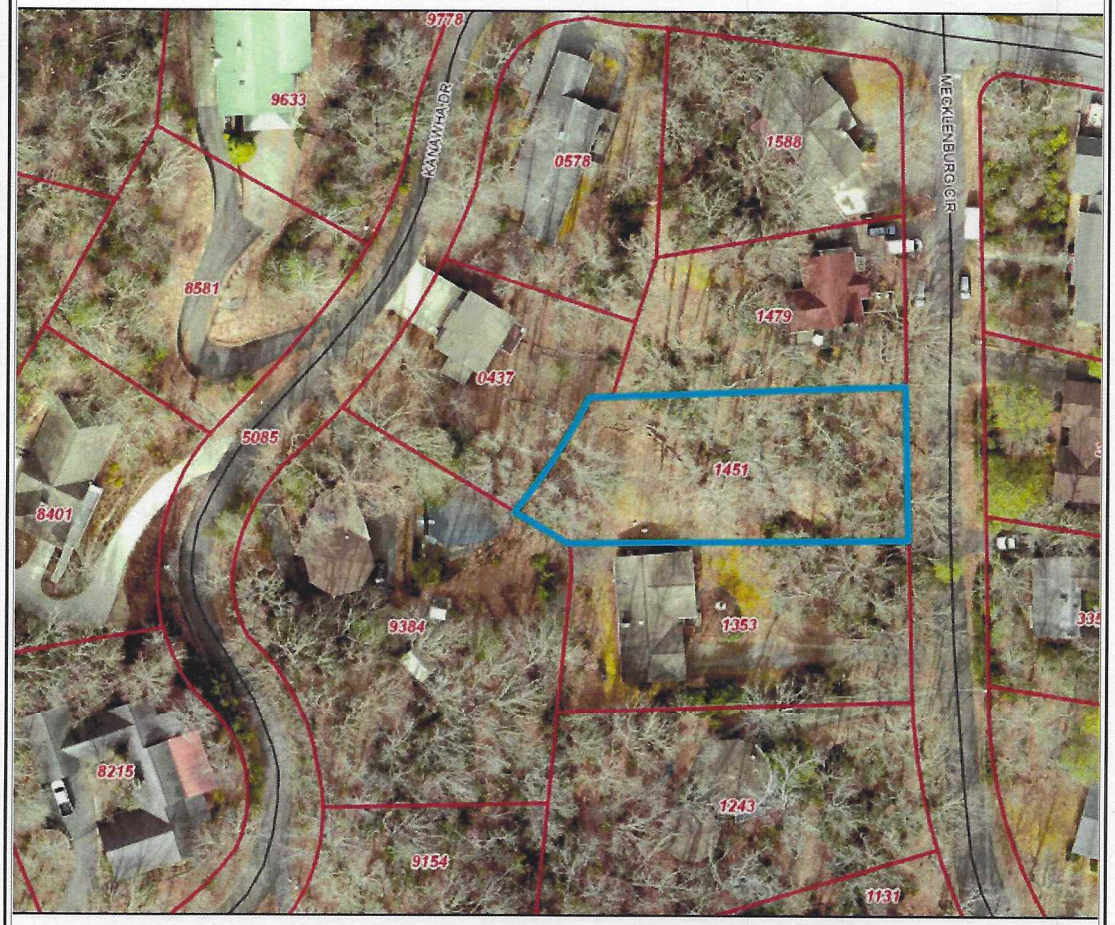
Mansfield & Associates, Inc.

PLAT MAP

File No. 260407
Case No.

Borrower	William R & Mary Beth Sharman						
Property Address	123 Mecklenburg Circle						
City	Montreat	County	Buncombe	State	NC	Zip Code	28757
Lender/Client	Black Mountain Savings Bank			Address	200 E State Street, PO Box 729, Black Mountain NC		

Buncombe County



Document A

P. 6

REVIEW OFFICER

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I, SHANNON CAPEZZALI, REVIEW OFFICER OF BUNCOMBE COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

Signed by: Shannon Capezzali — 5/8/2025
REVIEW OFFICER — DATE

TOWN OF MONTREAT

TOWN OF MONTREAT,
BUNCOMBE COUNTY:

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON COMPLIES WITH THE TOWN OF MONTREAT SUBDIVISION AND ZONING DEPARTMENT FOR RECORDING IN THE BUNCOMBE COUNTY REGISTER OF DEEDS OFFICE.

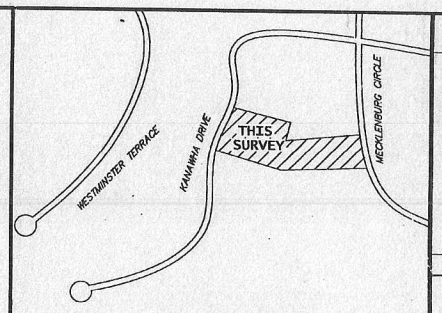
Signed by: Kayla DiCristina — 5/8/2025
TOWN PLANNER, TOWN OF MONTREAT — DATE

Type: CONSOLIDATED REAL PROPERTY
Recorded: 5/8/2025 1:09:59 PM
Fee Amt: $21.00 Page 1 of 1
Buncombe County, NC
Drew Reisinger Register of Deeds
BK 249 PG 56

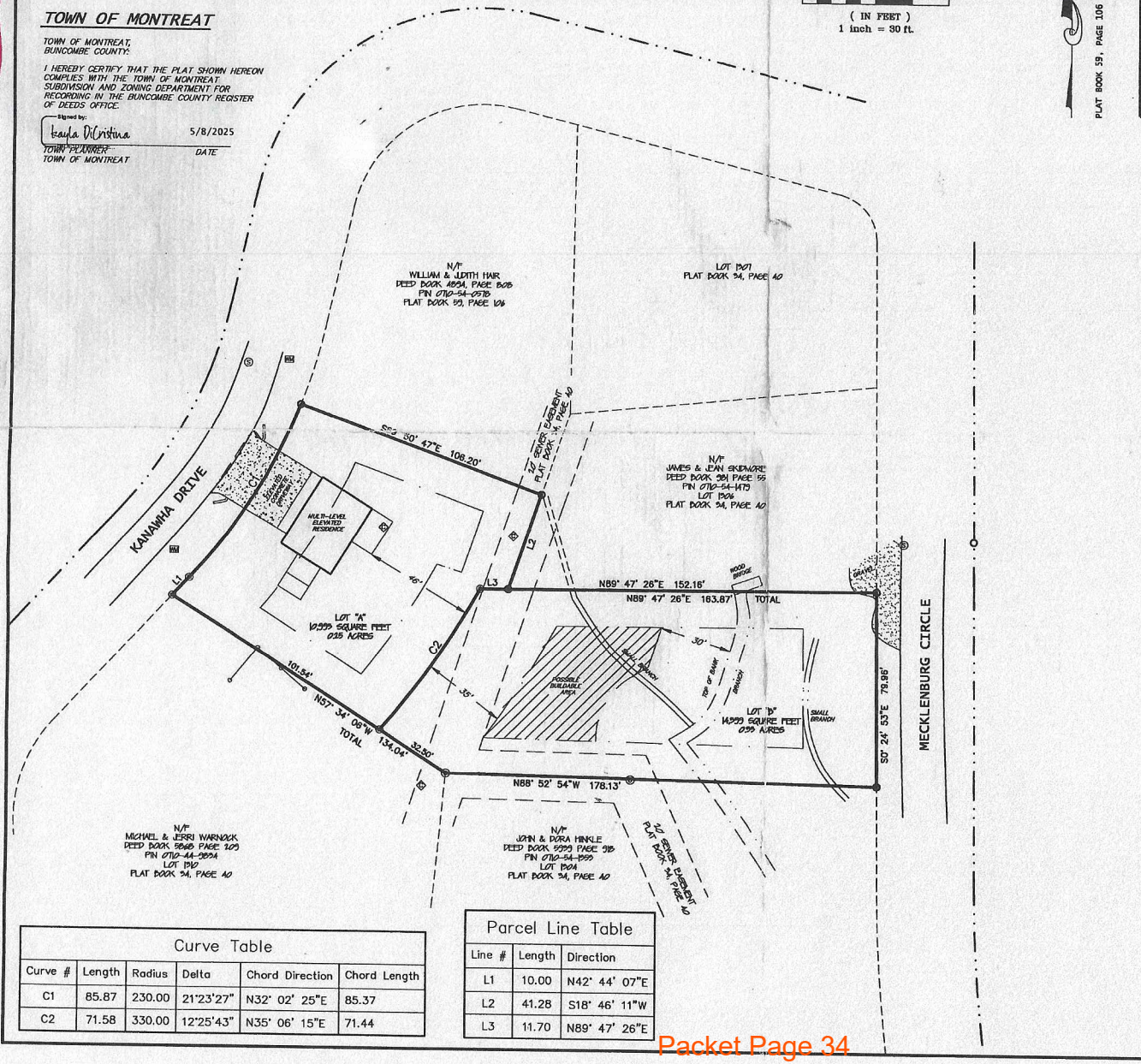
Submitted electronically by "Sanders Surveying & Mapping Services, Inc." in compliance with North Carolina statutes governing recordable documents and the terms of the submitter agreement with the Buncombe County Register of Deeds.

GRAPHIC SCALE
30 0 15 30
(IN FEET)
1 inch = 30 ft.

PLAT BOOK 59, PAGE 106



LOCATION SKETCH
NOT TO SCALE



Curve Table

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	85.87	230.00	21°23'27"	N32° 02' 25"E	85.37
C2	71.58	330.00	12°25'43"	N35° 06' 15"E	71.44

Parcel Line Table

Line #	Length	Direction
L1	10.00	N42° 44' 07"E
L2	41.28	S18° 46' 11"W
L3	11.70	N89° 47' 26"E

LEGEND

△	CENTRAL ANGLE	CHD	CHORD
L	ARC LENGTH	BRG	BEARING
R	RADIUS	Ⓓ	DRAINAGE MANHOLE
R/W	RIGHT OF WAY	Ⓢ	SANITARY MANHOLE
○	FOUND IRON PIN	WM	WATER METER
□	FOUND STONE	WV	WATER VALVE
◆	SET BENCHMARK	CB	CATCH BASIN
⊗	WOOD POWER POLE	⊕	CLEAN OUT
℄	CENTERLINE	TR	TELEPHONE RISER
	PROPERTY LINE	EM	ELECTRIC METER
	FIRE HYDRANT	CMP	CULVERT
W	WELL	N/F	NOW OR FORMERLY
GM	GAS METER	—OH—	OVERHEAD WIRE

- – – – – BOUNDARY LINE NOT SURVEYED
- ✦ CENTERLINE POINT NOT SET
- ◉ SET 5/8" IRON ROD WITH L-4379 CAP UNLESS NOTED
- LINE NOT TO SCALE

NOTES

1.) THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF THE COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

2.) THE BEARINGS SHOWN HEREON ARE BASED ON PLAT BOOK 59, PAGE 106.

3.) THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS, RIGHT OF WAYS OR OWNERSHIPS.

4.) THE RATIO OF PRECISION OF THE UNBALANCED TRAVERSE MEETS OR EXCEEDS 1 : 10,000.

5.) THE SUBJECT PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY F.E.M.A. FLOOD INSURANCE RATEMAP # 3710071000J EFFECTIVE DATE: 01/06/2010.

6.) THE FEATURE SYMBOL LOCATIONS ARE TO THE CENTER OF THE SYMBOL AND MAY BE ENLARGED FOR CLARITY.

7.) UNDERGROUND FOUNDATIONS AND/OR UNDERGROUND UTILITIES HAVE NOT BEEN LOCATED.

8.) BEARINGS AND DISTANCES SHOWN IN PARENTHESIS REPRESENT DEED AND OR PLAT VALUES.

9.) ACREAGE COMPUTED BY THE COORDINATE METHOD.

10.) ANY STREAMS, CREEKS, PONDS, LAKES, WETLANDS, ETC. LOCATED ON THIS SITE (SHOWN OR NOT SHOWN) MAY BE SUBJECT TO BUFFER AREAS AND /OR RESTRICTIONS. IT IS THE OWNER'S/DEVELOPER'S RESPONSIBILITY TO HAVE THE AREAS DESIGNATED BY THE PROPER AUTHORITIES TO MAKE THESE DETERMINATIONS.

REFERENCES

DEED BOOK 6143, PAGE 1724
PLAT BOOK 59, PAGE 106
PLAT BOOK 34, PAGE 40

ZONING

R-1
SETBACKS:
FRONT: 30'
SIDE: 15'
REAR: 20% AVG. LOT DEPTH (35' MAX.)

CERTIFICATE

1.) THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF THE COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

I, KEITH R. SANDERS, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY DIRECT SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 6143, PAGE 1724, BUNCOMBE COUNTY REGISTRY); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN THE BUNCOMBE COUNTY REGISTRY (SEE REFERENCES); THAT THE RATIO OF PRECISION AS CALCULATED IS 1 : 10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 4TH DAY OF APRIL, A.D. 2025.

DocuSigned by: Keith Sanders
KEITH R. SANDERS
PROFESSIONAL LAND SURVEYOR # L-4379
STATE OF NORTH CAROLINA

NO.	REVISION	DATE	BY

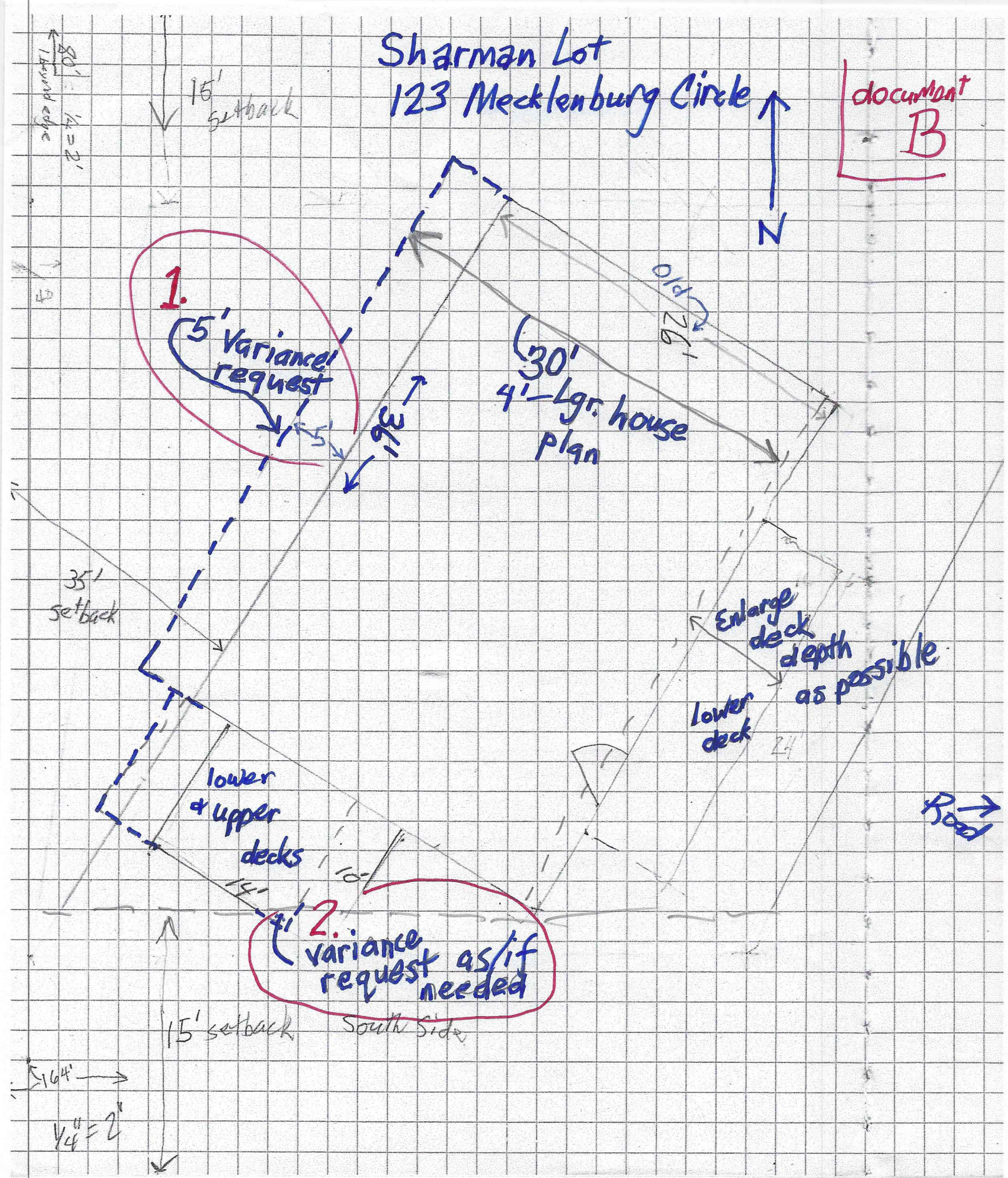
SANDERS
SURVEYING & MAPPING
SERVICES, INC.
(828) 669-2777
C-2384
510 AVENA ROAD, BLACK MOUNTAIN, NORTH CAROLINA, 28711

SUBDIVISION BOUNDARY SURVEY FOR:
TAMARA BACON
PIN # 0710-54-1404
DEED BOOK 6143, PAGE 1724
TOWN OF MONTREAT,
BUNCOMBE COUNTY, NORTH CAROLINA

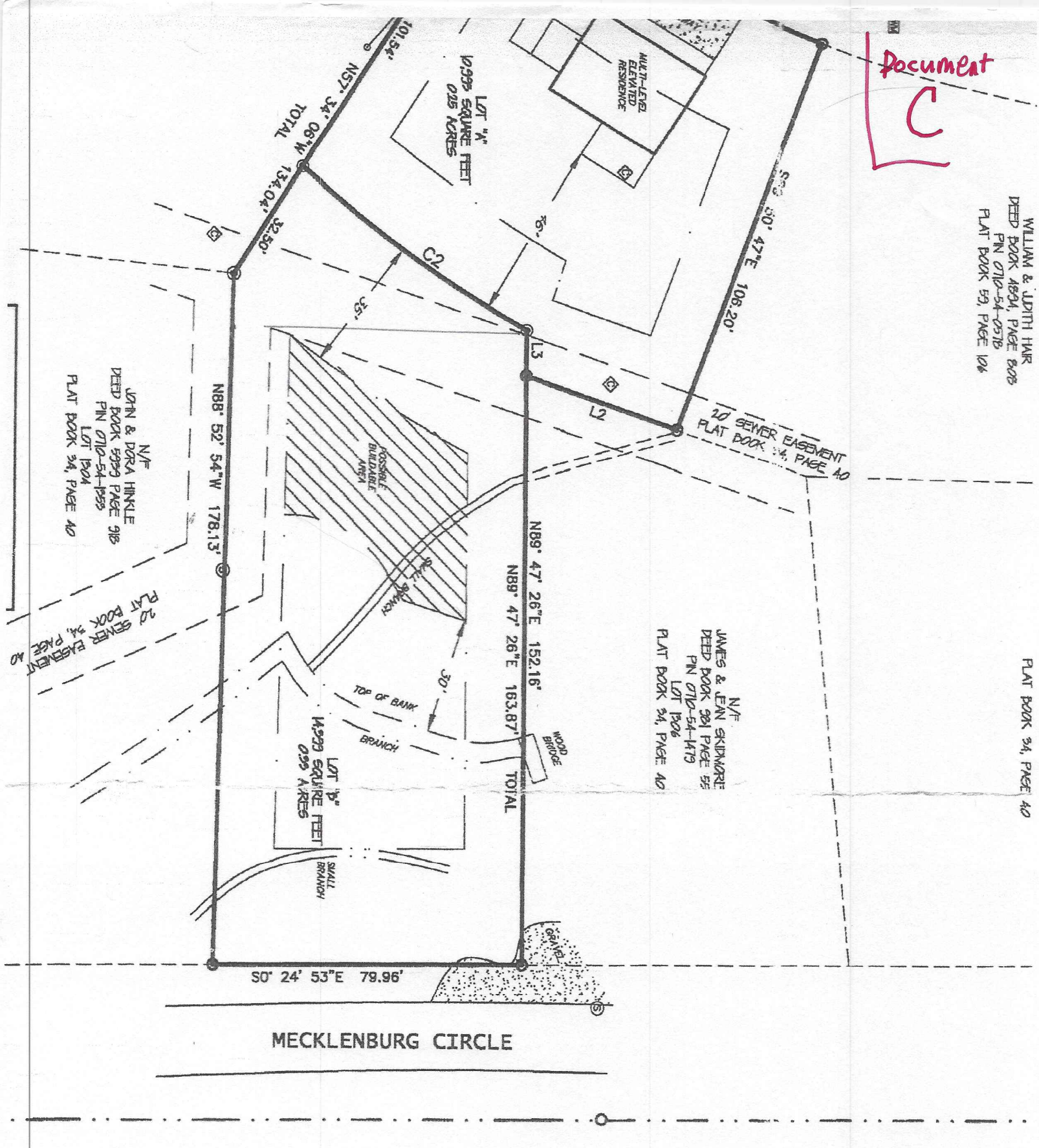
DATE: 06/04/25
DRAWN: KRS
CHECKED: KRS
F.B. #: TDS '
SCALE: 1" = 30'
25-0035.DWG

SEAL OR STAMP
NORTH CAROLINA PROFESSIONAL SEAL L-4379 KEITH R. SANDERS

PROJECT: 25-0035
SHEET: 1 OF 1


Sharman Lot
123 Mecklenburg Circle
document B
N
1.
5' variance request
30' 4'-Lgr. house plan
Old
15' setback
35' setback
Enlarge deck depth as possible
lower deck
lower & upper decks
2. variance request as if needed
15' setback
South Side
Road
1/4" = 2'

p. 7


Document
C
WILLIAM & JUDITH HAR
DEED BOOK 1894, PAGE 808
PIN 0710-54-0518
PLAT BOOK 53, PAGE 104
MULTI-LEVEL ELEVATED RESIDENCE
LOT "A"
10,999 SQUARE FEET
0.25 ACRES
TOTAL
N57° 34' 08"W 134.04'
101.5'
32.50'
C2
75'
35'
L3
L2
S0° 47'E 106.20'
20' SEWER EASEMENT
PLAT BOOK 34, PAGE 40
POSSIBLE BUILDABLE AREA
N88° 52' 54"W 178.13'
N89° 47' 26"E 152.16'
N89° 47' 26"E 163.87'
TOTAL
30'
TOP OF BANK
BRANCH
WOOD BRIDGE
LOT "B"
14,999 SQUARE FEET
0.35 ACRES
SMALL BRANCH
GRAVEL
S0° 24' 53"E 79.96'
MECKLENBURG CIRCLE
N/F
JOHN & DORA HINKLE
DEED BOOK 5959 PAGE 918
PIN 0710-54-1959
LOT 1904
PLAT BOOK 34, PAGE 40
20' SEWER EASEMENT
PLAT BOOK 34, PAGE 40
N/F
JAMES & JEAN SKIDMORE
DEED BOOK 981 PAGE 55
PIN 0710-54-1479
LOT 1906
PLAT BOOK 34, PAGE 40
PLAT BOOK 34, PAGE 40

P. 8

Response to the Six Standards--Town of Montreat Standards for Granting a Variance

William and Mary Sharman

123 Mecklenburg Circle

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.

1. Unnecessary hardship in this case is rooted in the fact that the property, while ⅓ of an acre in size, is beautifully adorned with a perennial stream and two connecting ephemeral streams. The perennial stream must have a 30' setback for construction, plus there are the customary side setbacks and rear setback. Thus, as shown in document [C] the possible buildable area is only 2000 square feet, but in an inverted-rectangular shape, with stream setbacks eating into the center of the buildable area.

Thus, hardship in building on the inverted-rectangular area include:

a. Building over the ephemeral (small branch) stream bed, with the possibilities of moisture, plus destroying some of the largest Rhododendron plants in Montreat;
b. Risking the water movement in the ephemeral stream, even though it is runoff and storm drainage, being under or near a portion of the home. We want to leave the ephemeral stream alone and allow it to function much as it always has. Thus, while it is *possible* to build over the ephemeral stream area, we deem that to be a self-created and thus unnecessary hardship.

2. The buildable area allows a home footprint of a rectangular structure 26'x 36', all within setbacks. We found a plan that works with these dimensions, but it is very close to the perennial stream setback, and pushes the planned deck areas over the south side setback. See document [B].

We also found a plan of 30' x 36' which is far superior, even though just four feet deeper. The additional four feet allows a much better livable space and will be more attractive for Montreat.

Thus, a variance of 5' on the rear edge of the setback will lessen hardship with regard to the home.

3. In addition, while unnecessary hardship is lessened with the requested 5' rear variance, at the same time the variance causes very little perceived intrusion to the space occupied by the home to the rear of the property, which is built high and against the mountain, at road level, right up against Kanawa Drive. So the 5' rear variance would affect the "living and backyard" space of the property behind ours only in a minimal way or little at all. See document [A].

The previous owner, so we understand, had actually looked at building a home on the property we purchased from them, but apparently decided against doing so, in part likely because of the challenges of the buildable area. We purchased the property knowing of this challenge.

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.

Indeed, the hardship results from conditions that are quite peculiar to the property:

a. The very small buildable area,
b. due to the beautiful perennial and ephemeral streams, create a generally difficult situation.

The hardship does not result from personal circumstances, nor the neighborhood, nor the general public.

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 is endemic to the lot. There have been no actions yet taken by us as the current owners, nor the previous owner that would have caused the hardship. Indeed we purchased the property knowing it had challenges. We plan to keep the beauty of the lot, along with the wildness of the lot, and create a beautiful addition to Montreat.

MZO 310.42(D) The Variance is consistent with the spirit, purpose and intent of the Ordinance such that public safety is secured and substantial justice is achieved.

Yes, our variance requests are subtle at best (however, see the next section!), and are respectful of Montreat, and consistent with the very important ordinances here.

There would be no public safety issues involved.

Substantial justice would indeed be achieved, though a denial would not be an injustice but only (as in parts MZ…A, B, and C above) an unnecessary hardship.

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

Yes, the variances requested are minimal:

(1) 5' into the rear setback of the property
(2) 5' in the south side setback, amounting to a small corner of a deck planned for that side of the home, which again, because of the odd shape of the buildable area, sticks out over the setback area a few feet.

Any more rear or south side setback will come close to the sewer easement. Variances as requested will not intrude on the sewer easements.

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.

--Not in any way.--

REQUIRED SITE PLAN APPLICATIONS MUST INCLUDE A SITE PLAN DRAWING (TO SCALE) WITH THE FOLLOWING ITEMS (THE ZONING ADMINISTRATOR RESERVES THE RIGHT TO REQUEST ADDITIONAL INFORMATION).

1. Label with the lot's PIN, consistent with Buncombe County tax records.
   Pin, shown on survey [A], is 0710-54-1404

2. Lot showing property dimensions.
   See attached survey copy [A]

3. Locations of new, repair, or utility construction with dimensions.
   See attached plan [B]

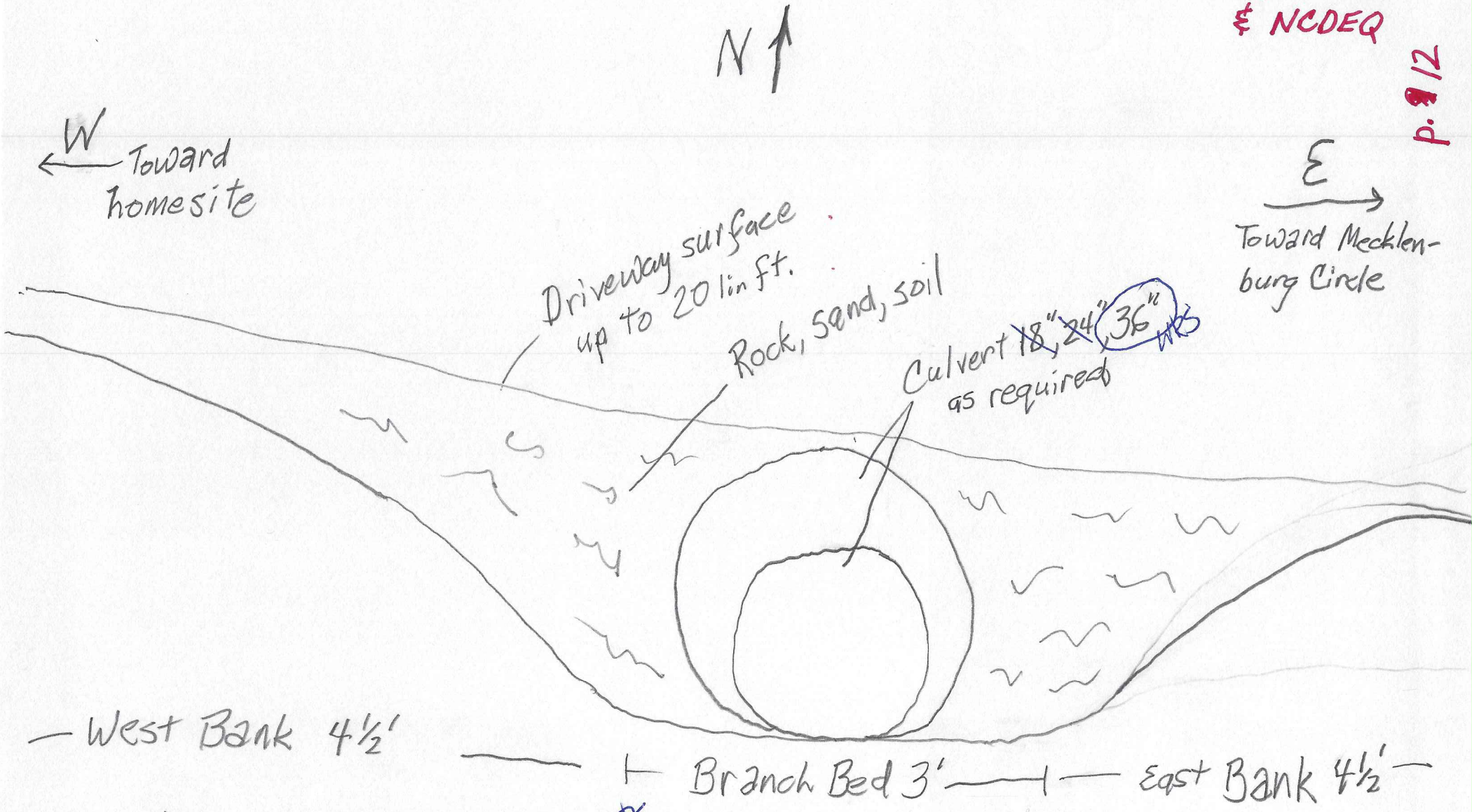
4. Street names and any easements, above ground utilities, rights-of-way, culverts or drainage ways surrounding or adjacent to area of construction.

Street name:	Mecklenburg circle
Easements:	Sewer along back line and south side line
Above ground utilities:	Electric power
Rights-of-way:	None known
Culverts/drainage:	Culvert, 36" in the perennial branch on the property--See attached plan--Approved by USACE and NCDEQ Culverts, 36" in each of two drainage (ephemeral) branches feeding into the perennial branch. --Approved by USACE and NCDEQ

p. 11

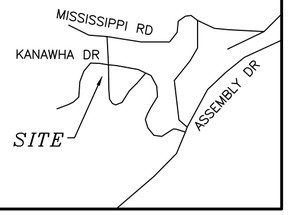
Approved by USACE & NCDEQ

p. 9 12



Notes: 1. Culvert ~~18"~~, ~~24"~~, or 36" WRS as required.
2. Culvert hard plastic or metal as required.
3. Larger rock placed on branch bed; soil + sand above.

VICINITY MAP
(NOT TO SCALE)



NC GRID NORTH
NAD 83 (2011)

LOT A
PB. 249, PG. 56

LOT 1306
PB. 34, PG. 40

LOT 1310
PB. 34, PG. 40

LOT 1304
PB. 34, PG. 40

S 88°34'24" E
11.49'

IRF

IRF

S 88°54'49" E 152.23'

FOOT BRIDGE

IPF

VARIENCE REQUEST
DOWN TO 30.72'
FROM 35'

15.00'

15'

TWO PARKING
SPACES 9'X18'

LIMITS OF DISTURBANCE
4943 Sq.Ft.

A=71.67', R=330.00'
CH=N 36°29'24" E 71.53'

30.00'

PROPOSED
HOUSE
LOCATION
936 Sq.Ft.

0710-54-1451
14396 Sq.Ft.
0.33 Acres

30' SETBACK
STREAM BUFFER

36.00'

DECK
15'

6'

10.00' DECK

15.00'

35'

TOP OF BANK

CREEK

PROPOSED DRIVEWAY
1685 Sq.Ft.

S 00°48'45" W 79.97'

MECKLENBURG CIRCLE
40' PUBLIC R/W

BUILDING SETBACKS (TYP)

15'

15'

IRF

N 56°15'20" W
32.52'

POINT ON MANHOLE

10.88'

16.11'

VARIENCE REQUEST FOR DECKS
DOWN TO 10.88' FROM 15'

EXISTING 20'
SEWER RIGHT-OF-WAY

N 87°34'08" W 178.22'

IPF
N: 704383.02
E: 1015250.04

LEGEND

IPF	=	Iron pipe found
IRF	=	Iron rod found
DB.	=	Deed Book
PG.	=	Page
PB.	=	Plat Book
R/W	=	Right-of-way
N.C. Grid	=	North Carolina Grid Coordinate System
NCGS	=	North Carolina Geodetic Survey
NAD	=	North American Datum
S	=	Sewer line
MH	=	Manhole
WM	=	Water Meter

This plat represents a survey of the property standing name of William R. Sharman, III and wife, Beth Sharman, Reference Deed Book 6588 Page 843.

This property does not lie within a special flood hazard zone. As shown on FEMA-FIRM map#3710071000J Dated 1/6/2010.

All bearings are NC Grid. All distances are grid distances, to obtain ground distances apply the combined scale factor.

Reference : Plat Book 249, Page 56.

Parcel ID No. = Map 0710-54-1451

Zoned: R-1

Average slope property is less than 20% per mapwnc.org

Natural Resources Inventory: This parcel is an existing residential lot consisting of 0.33 acres. There are no existing structures on the property. There is a stream that requires a 30' buffer. The lot consist of a mix of hard wood trees and rhododendron. The average slope of the property is less than 20% grade.

Total Impervious Area	2530 Sq.Ft.
Total Disturbed Area	4943 Sq.Ft.

Certification

I, Travis Abel, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in deed books as shown); that the boundaries not surveyed are clearly indicated as drawn from information found in Buncombe County GIS; that the positional accuracy exceeds 0.10 feet at a 95% confidence level; and that this map meets the requirements of the Standards of Practice for Land Surveying in North Carolina (21 NCAC 56.1600).

I also 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:

(1) Class of Survey: Class "A"
(2) Positional Accuracy: H=0.06' V=0.09'
(3) Type of GPS Field Procedure: VRS
(4) Dates of Survey: 05/12/2026
(5) Datum/Epoch: NAD 83(2011)/Epoch 2010
(6) Published/Fixed-Control used: NC CORS System
(7) Geoid Model: Geoid 18
(8) Combined Grid Factor: 0.99977578
(9) Units: US Survey Foot

Travis W. Abel PLS L-5289
This the 22th day of September 2026

NORTH CAROLINA PROFESSIONAL SEAL L-5289 LAND SURVEYOR TRAVIS W. ABEL

Site Plan For

William R. Sharman III and wife, Mary Beth Shrman

Town of Montreat, Buncombe County, North Carolina

Abel Land Surveying PLLC P-3028
1449 Glenheath DR, Hendersonville, NC 28791 (828)699-3954

20' 0 20' 40' 60' 80' 100'

SCALE: 1" = 20' Job No. 26063 Date: May 17, 2026
Revised 9/22/2026: Variance request

TOWN OF MONTREAT
NORTH CAROLINA

TOWN OF MONTREAT
P. O. Box 423, Montreat, NC 28757
Tel: (828) 669-8002 | Fax: (828) 669-3810
www.townofmontreat.org

Staff Report
165 Texas Road Extension

Variance Request (165 Texas Road Extension) – A variance request submitted by Ross Smith, as an applicant on behalf of, Sarah and Will Moye, property owners for the lot addressed as 165 Texas Road Extension, Montreat, NC 28757 and described as PIN 0710-85-0241. This Variance request is to the Montreat Zoning Ordinance, §501.81 (Minimum Side Yard) to reduce the side setback requirement from 15 feet to 10 feet on the western and eastern side of the Subject Property, for the purpose of building a new single-family dwelling.

Created by:

Jacob Compher
Interim Zoning Administrator
Town of Montreat

Created for:

Montreat Board of Adjustment
October 22, 2026

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3. Response to Six Standards for Variance to Montreat Zoning Ordinance
4. Proposed Site Plan

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Application Summary

A variance request submitted by Ross Smith, as an applicant on behalf of Sarah and Will Moye, property owners for the lot addressed as 165 Texas Road Extension, Montreat, NC 28757 and described as PIN 0710-85-0241. This Variance request is to the Montreat Zoning Ordinance, §501.81 (Minimum Side Yard) to reduce the side setback requirement from 15 feet to 10 feet on the western and eastern side of the Subject Property, for the purpose of building a new single-family dwelling.

Property Summary

Parcel Identifier Number (PIN): 0710-85-0241

Address: 165 TEXAS ROAD EXTENSION
MONTREAT, NC 28757

Owner: THOMAS WILLIAMS MOYE; SARAH MCVOY MOYE
347 WINNONA DRIVE
DECATUR, GA 30030

Applicant: ROSS SMITH OF ASSEMBLY BUILD

Zoning: R-1 RESIDENTIAL DISTRICT

Current Land Use: VACANT

Acres: 0.14



Figure 1: Subject Property Aerial

Public Notice

Staff mailed notices to properties within 250 feet of the Subject Property on **October 7, 2026**. Staff posted a sign on the Subject Property on **October 7, 2026**. BOA Hearing: **October 22, 2026.**



Figure 2: 250 feet Public Notice for Variance Request

Variance Request

A variance request submitted by Ross Smith, as an applicant on behalf of Sarah and Will Moye, property owners for the lot addressed as 165 Texas Road Extension, Montreat, NC 28757 and described as PIN 0710-85-0241. This Variance request is to the Montreat Zoning Ordinance, §501.81 (Minimum Side Yard) to reduce the side setback requirement from 15 feet to 10 feet on the western and eastern side of the Subject Property, for the purpose of building a new single-family dwelling.

Staff Analysis

Subject Property Summary:

- The Subject Property is 0.14 acres and is currently vacant. The Applicant intends on constructing a 1,288 square foot, 2-story (34' height), single family dwelling.
- A variance request for a reduction in setbacks is required for the side yard setbacks for the proposed project.
- A special flood hazard area encompasses the northern portion of the Subject Property.
- The Subject Property is accessed from Texas Road Extension.
- The slope of the Subject Property is 17.39%.

Subject Property & Surrounding Lots:

The Subject Property of the variance request is in the R-1 Residential Zoning District (R-1). It is surrounded by the R-1 Zoning District to the south, east, and west. Woodland District is located north of the Subject Property.

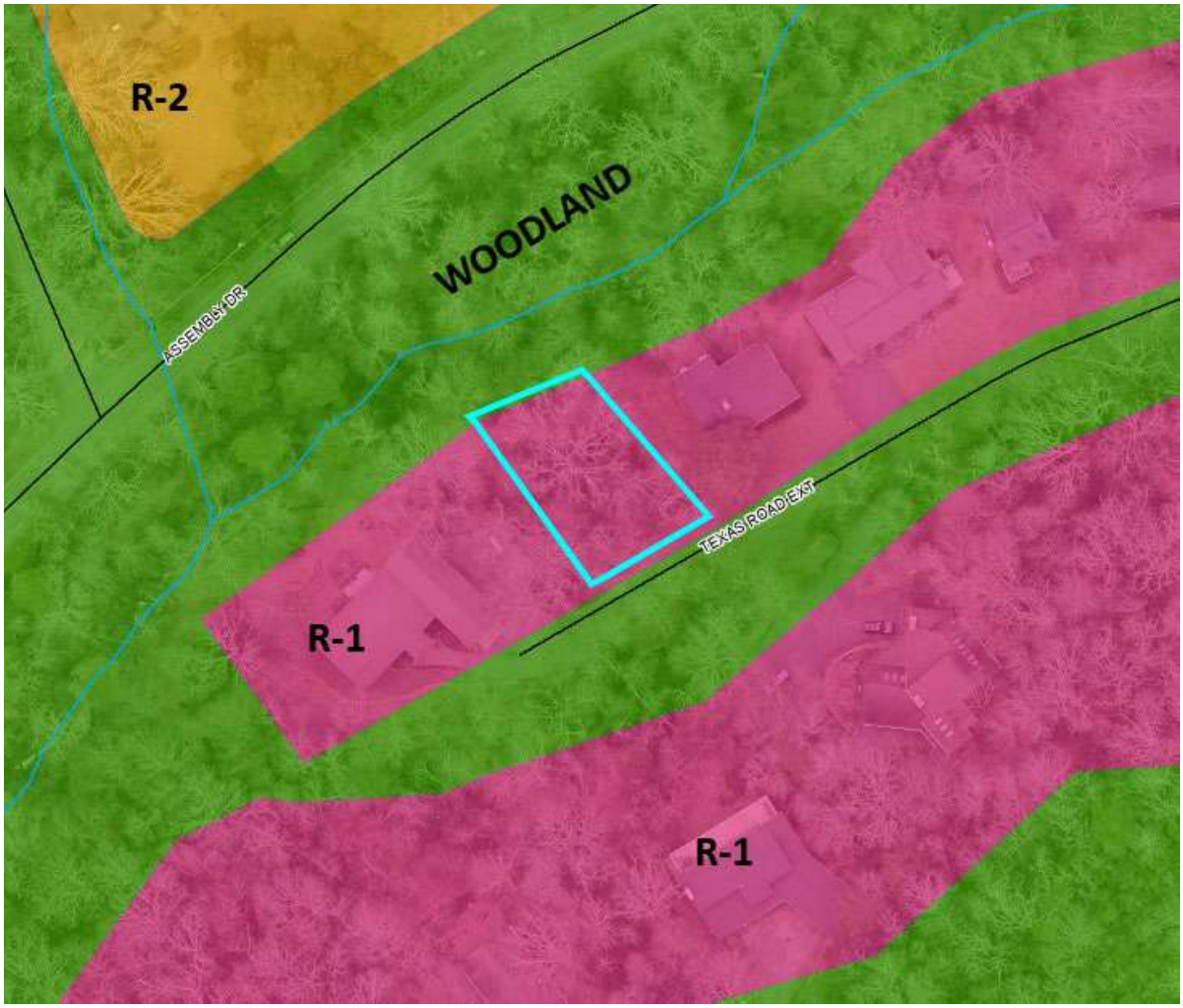


Figure 3: Subject Property and Surrounding Zoning

Setbacks and Stream Buffer Requirement:
The Applicant's Variance request is to the side setbacks in the Montreat Zoning Ordinance (§501.81). 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.

	R-1 Setback	Proposed
Front (South)	30'	30'
Rear (North)	19.4'	30'
Side (East)	15'	**10'**
Side (West)	15'	**10'**
Stream	30'	+/- 35'

Special Flood Hazard Area:
The Subject Property, per FEMA Flood Map 3710071000J, is within a special flood hazard area. The Applicant will comply with base flood elevation requirements and any other mandates of the Buncombe County Floodplain Development Ordinance.



Figure 4: Subject Property Special Flood Hazard Area

Topography:
The slope of the Subject Property, per the Buncombe County Steep Slope Calculator, is 17.39 percent. The Subject Property gently slopes downward from south to north. The Subject Property is NOT subject to Hillside Development Ordinance.

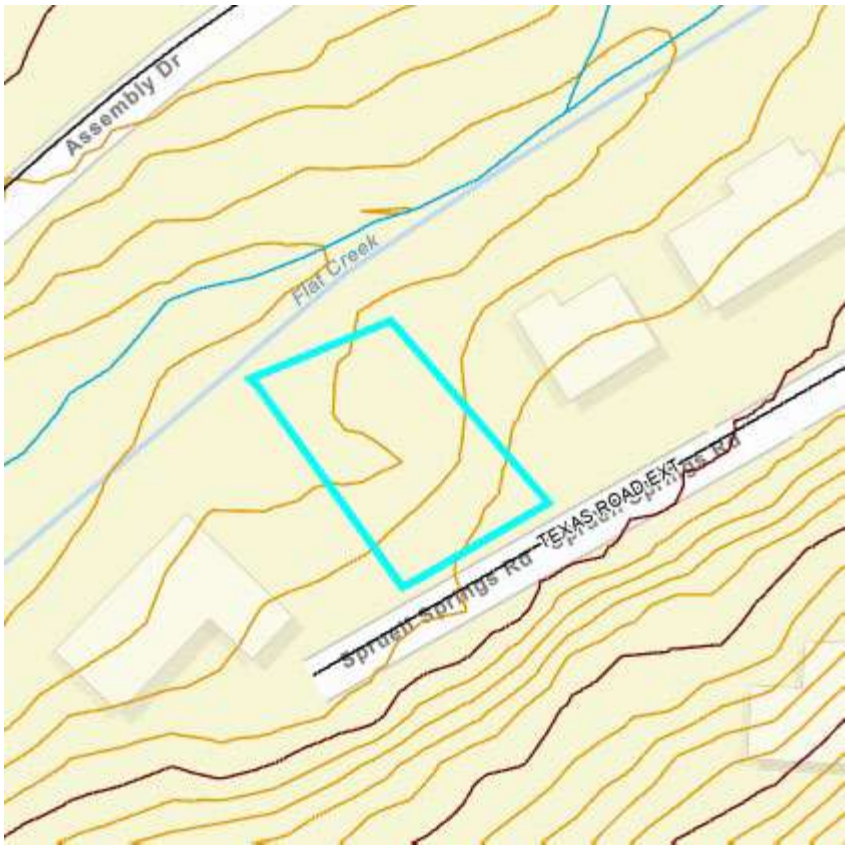


Figure 5: Subject Property and Surrounding Topography (5' contours)

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

TOWN OF MONTREAT
NORTH CAROLINA

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: Assembly Build / Ross Smith TELEPHONE: (828) 242 3738
MAILING ADDRESS: 14 O'Henry Ave. Ste. 302 CITY: AVL STATE: NC ZIP: 28801
EMAIL: ross@assemblyab.com

PROPERTY INFORMATION

ADDRESS: 165 Texas Road Ext. CITY: Montreat STATE: NC ZIP: 28711
PIN# : 071085024100000 TOTAL ACREAGE: 0.14 FLOODPLAIN: ☑ YES ☐ NO
ZONING: ☑R-1 ☐R-2 ☐R-3 ☐I ☐I/R ☐WL ☐OTHER: _____ OVERLAY ZONING: ☐RPO ☐TCO ☐CD ☑N/A
PROPERTY OWNER: Sarah and Will Moye TELEPHONE: _____
MAILING ADDRESS: 347 Winnona Dr, Decatur, GA 30033

PROPOSED LAND USE

TYPE OF LAND USE: ☑ Residential ☐ Non-Residential ☐ Other
DESCRIPTION OF PROPOSED DEVELOPMENT: Single-family, site built residence
Two-story structure elevated on concrete piers to lift out of flood plain.

VARIANCE REQUEST

MONTREAT ZONING ORDINANCE SECTION: Article V - Section 501 - Item 501.8
DESCRIPTION OF REQUESTED VARIANCE: Request to reduce the minimum sideyard width by 5' /
Variance would grant a 10' minimum side yard

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, Ross Smith, hereby certify that all of the information set forth above is true and accurate to the best of my knowledge.

Signature of Applicant — *Date*: 09/22/2026

Ross Smith

Printed Name of Applicant

OFFICE USE ONLY

[X] Complete [ ] Incomplete

Zoning Administrator Signature — *Date*: 10-7-26

Jacob Compher

Printed Name of Zoning Administrator

Fee: $350 Paid: [X] Yes [ ] No Payment Method: Waived by Town

Scheduled Board of Adjustment Meeting Date: 10-22-26

Type: CONSOLIDATED REAL PROPERTY
Recorded: 12/11/2025 2:56:09 PM
Fee Amt: $236.00 Page 1 of 4
Revenue Tax: $210.00
Buncombe County, NC
Drew Reisinger Register of Deeds

BK 6550 PG 978 - 981

There are no delinquent taxes that are a lien the parcel(s) described in the deed which the Buncombe County Tax Collector is charged with collecting.
12-11-2025 Michelle Warren
Date Deputy Tax Collector

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: $210.00

Parcel Identifier No. 0710-85-0241-00000

Mail/Box to: Sneed & Stearns, PA, 109 Church Street, Black Mountain, NC 28711
This instrument was prepared by: Wm. Michael Begley, Begley Law Firm, PA, a licensed North Carolina attorney. Delinquent taxes, if any, to be paid by the closing attorney to the county tax collector upon disbursement of closing proceeds. This instrument was prepared without examination of title and no opinions or representations are being made, either express or implied, by the preparer.
Brief description for the Index:

THIS DEED made this 4th day of December, 2025, by and between

GRANTOR	GRANTEE
Rebekah G. Strickland, unmarried, and Melanie S. Renfroe and spouse, William O. Renfroe, Jr.	Thomas Williams Moye and spouse, Sarah McVoy Moye 347 Winnona Drive Decatur, GA 30030

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

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

See Exhibit A attached hereto entitled "Description" which is hereby incorporated by reference as if set forth herein verbatim.

The property hereinbefore described was acquired by Grantor by instrument recorded in Book 5602, Page 120.

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

A map showing the Property is recorded in Plat Book 29, Page 116.

All or a portion of the Property ___ includes or _X_ does not include the primary residence of a Grantor.

TO HAVE AND TO HOLD the Property and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the Property in fee simple and has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions: (i) ad valorem taxes for the current year which have been prorated between the Grantor and Grantee on a calendar year basis; (ii) utility easements, rights of way of record, and ordinances or regulations of the Town of Montreat, including extraterritorial jurisdiction, if applicable, and Buncombe County related to zoning, subdivision, occupancy, use, construction or development; and (iii) unviolated covenants, conditions, and/or restrictions that do not materially affect the value of the Property, including those restrictions recorded in Deed Book 792, Page 206. The Grantor further warrants that total costs of any labor or material furnished to the Property within 120 days prior to the date of this Deed have been paid; that, upon delivery of this Deed, no tenant or any person other than the Grantee herein will have any right to use or possess the Property, or any portion thereof; and that the Property has legal access to a public right of way.

William O. Renfroe, Jr. joins in the execution of this document for the sole purpose of conveying any marital interest he may have in the property described herein, and not for purposes of any warranties contained herein.

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

Rebekah G. Strickland (SEAL)
Rebekah G. Strickland, unmarried

State of Georgia - County of Fulton

I, the undersigned Notary Public of the County and State aforesaid, certify that Rebekah G. Strickland, who is known to me or proved to me on the basis of satisfactory evidence to be the person described, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 5 day of December, 2025.

NOTARY SEAL
MALLIE POWELL SCOTT
NOTARY PUBLIC
Dekalb County
State of Georgia
My Comm. Expires Aug. 28, 2026

Mallie Powell Scott
Notary Public

My Commission Expires: 08/28/2026

Melanie S. Renfroe (SEAL)
Melanie S. Renfroe

William O. Renfroe, Jr. (SEAL)
William O. Renfroe, Jr.

State of North Carolina - County of Davie

I, the undersigned Notary Public of the County and State aforesaid, certify that Melanie S. Renfroe and spouse, William O. Renfroe, Jr., who are known to me or proved to me on the basis of satisfactory evidence to be the persons described, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 4 day of December 2025.

NOTARY SEAL
SUSAN MELVIN
Notary Public - North Carolina
Davie County
My Commission Expires August 29, 2027

Notary Public

My Commission Expires: August 29, 2027

EXHIBIT A

DESCRIPTION

BEGINNING at an iron pin in the Northern margin of Texas Road (extended), located at the Southwest corner of Lot 1232, and the Southeast corner of Lot 1233, of a plat of the property of Mountain Retreat Association recorded in the Office of the Register of Deeds for Buncombe County, North Carolina in Plat Book 29, Page 116; thence with the dividing line of said Lots 1232 and 1233, North 35 deg. 56' West 102.7 feet to an iron pin in the Northwest corner of said Lot 1232 of said Plat, being also the Northeast corner of Lot 1233 of said Plat; thence North 69 deg. 35' East 63.55 feet to an iron pin, being the Northeast corner of said Lot 1232, and also the Northwest corner of Lot 1231 of said Plat; thence South 35 deg. East 91.68 feet to an iron pin in the Northern margin of Texas Road (extended), being the Southeast corner of said Lot 1232, and the Southwest corner of Lot 1231 of said Plat; thence with the Northern margin of Texas Road (extended), South 59 deg. 51' West 60 feet to the point of BEGINNING. Being Lot 1232 as shown on the Plat of Mountain Retreat Association, which said Plat is duly recorded in the aforesaid Office of the Register of Deeds in Plat Book 29, Page 116, to which reference is hereby made.

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 site plan for construction of a single-family residence on this Property, was approved by the Town's Zoning indicating a 10' side-yard depth. Building plans proceeded through Buncombe County, and construction began based on the approved site and building plans. It was not until after completion of the poured concrete foundation that the side-yard was discovered to be out of compliance with the minimum depth, which is 15'.

An application of the 15' side-yard would require the demolition of a now-existing concrete foundation. This would be an undue financial burden for the Property owners.

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 Property has a difficult terrain, a number of restrictions due to the 100-year flood plain encroachment, a sewer easement, and is substandard in size.

An incorrect side-yard depth was approved during zoning review. As a result, construction began based on the approved 10' side-yard depth. This is the hardship necessitating this variance application.

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.

An incorrect side-yard depth was approved during zoning review resulting in the construction of the foundation within the 15' minimum side yard.

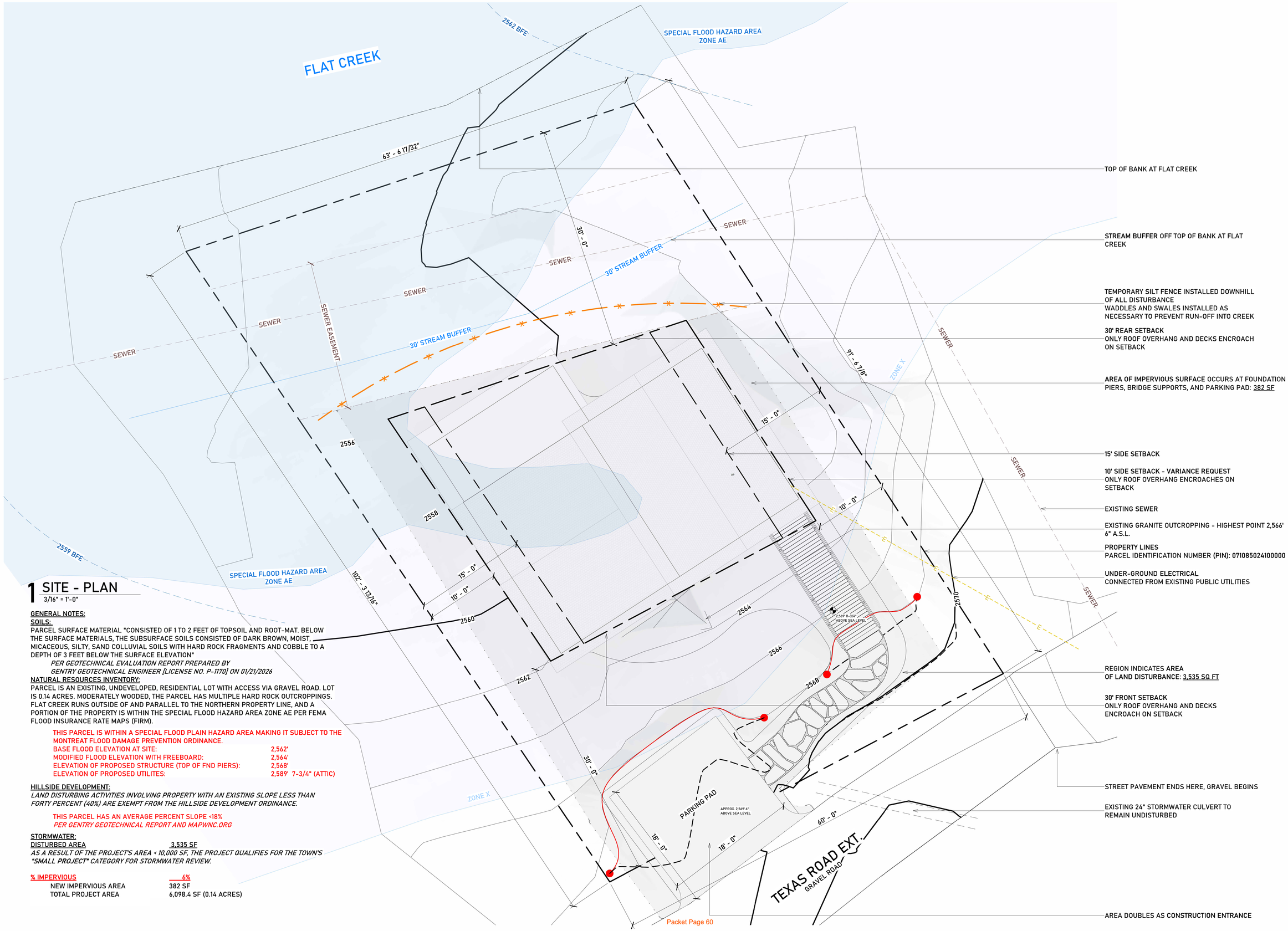
The Property owners have taken no action to modify the site, beyond current construction, that resulted in the site complications listed previously (steep slope, floodplain, sewer easement, substandard lot size).

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

The 10’ side-yard was approved by the Town’s Zoning, and construction had begun by the time it was discovered to be out of compliance. A 5’ reduction in the side-yard depth is a necessary adjustment that allows for a suitable single-family residence to be constructed on the substandard Lot, while still respecting the distance between neighbors.

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

The variance is a reduction of minimum side-yard depth, from 15’ to 10’. This is not a request outside of what is permitted in the Zoning District.



1 SITE - PLAN

3/16" = 1'-0"

GENERAL NOTES:

SOILS:

PARCEL SURFACE MATERIAL "CONSISTED OF 1 TO 2 FEET OF TOPSOIL AND ROOT-MAT. BELOW THE SURFACE MATERIALS, THE SUBSURFACE SOILS CONSISTED OF DARK BROWN, MOIST, MICACEOUS, SILTY, SAND COLLUVIAL SOILS WITH HARD ROCK FRAGMENTS AND COBBLE TO A DEPTH OF 3 FEET BELOW THE SURFACE ELEVATION"

PER GEOTECHNICAL EVALUATION REPORT PREPARED BY GENTRY GEOTECHNICAL ENGINEER [LICENSE NO. P-1170] ON 01/21/2026

NATURAL RESOURCES INVENTORY:

PARCEL IS AN EXISTING, UNDEVELOPED, RESIDENTIAL LOT WITH ACCESS VIA GRAVEL ROAD. LOT IS 0.14 ACRES. MODERATELY WOODED, THE PARCEL HAS MULTIPLE HARD ROCK OUTCROPPINGS. FLAT CREEK RUNS OUTSIDE OF AND PARALLEL TO THE NORTHERN PROPERTY LINE, AND A PORTION OF THE PROPERTY IS WITHIN THE SPECIAL FLOOD HAZARD AREA ZONE AE PER FEMA FLOOD INSURANCE RATE MAPS (FIRM).

THIS PARCEL IS WITHIN A SPECIAL FLOOD PLAIN HAZARD AREA MAKING IT SUBJECT TO THE MONTREAT FLOOD DAMAGE PREVENTION ORDINANCE.

BASE FLOOD ELEVATION AT SITE:	2,562'
MODIFIED FLOOD ELEVATION WITH FREEBOARD:	2,564'
ELEVATION OF PROPOSED STRUCTURE (TOP OF FND PIERS):	2,568'
ELEVATION OF PROPOSED UTILITES:	2,589' 7-3/4" (ATTIC)

HILLSIDE DEVELOPMENT:

LAND DISTURBING ACTIVITIES INVOLVING PROPERTY WITH AN EXISTING SLOPE LESS THAN FORTY PERCENT (40%) ARE EXEMPT FROM THE HILLSIDE DEVELOPMENT ORDINANCE.

THIS PARCEL HAS AN AVERAGE PERCENT SLOPE <18%

PER GENTRY GEOTECHNICAL REPORT AND MAPWNC.ORG

STORMWATER:

DISTURBED AREA 3,535 SF

AS A RESULT OF THE PROJECT'S AREA < 10,000 SF, THE PROJECT QUALIFIES FOR THE TOWN'S "SMALL PROJECT" CATEGORY FOR STORMWATER REVIEW.

% IMPERVIOUS	6%
NEW IMPERVIOUS AREA	382 SF
TOTAL PROJECT AREA	6,098.4 SF (0.14 ACRES)

MOYE CABIN

165 TEXAS RD.
MONTREAT, NC 28711

OWNERS:

SARAH AND WILL MOYE

ARCHITECT AND CONTRACTOR:

ASSEMBLY ARCHITECTURE + BUILD
14 O'Henry Ave, Suite 306F,
Asheville, NC 28801
828-242-3738

Revision/Issue Date

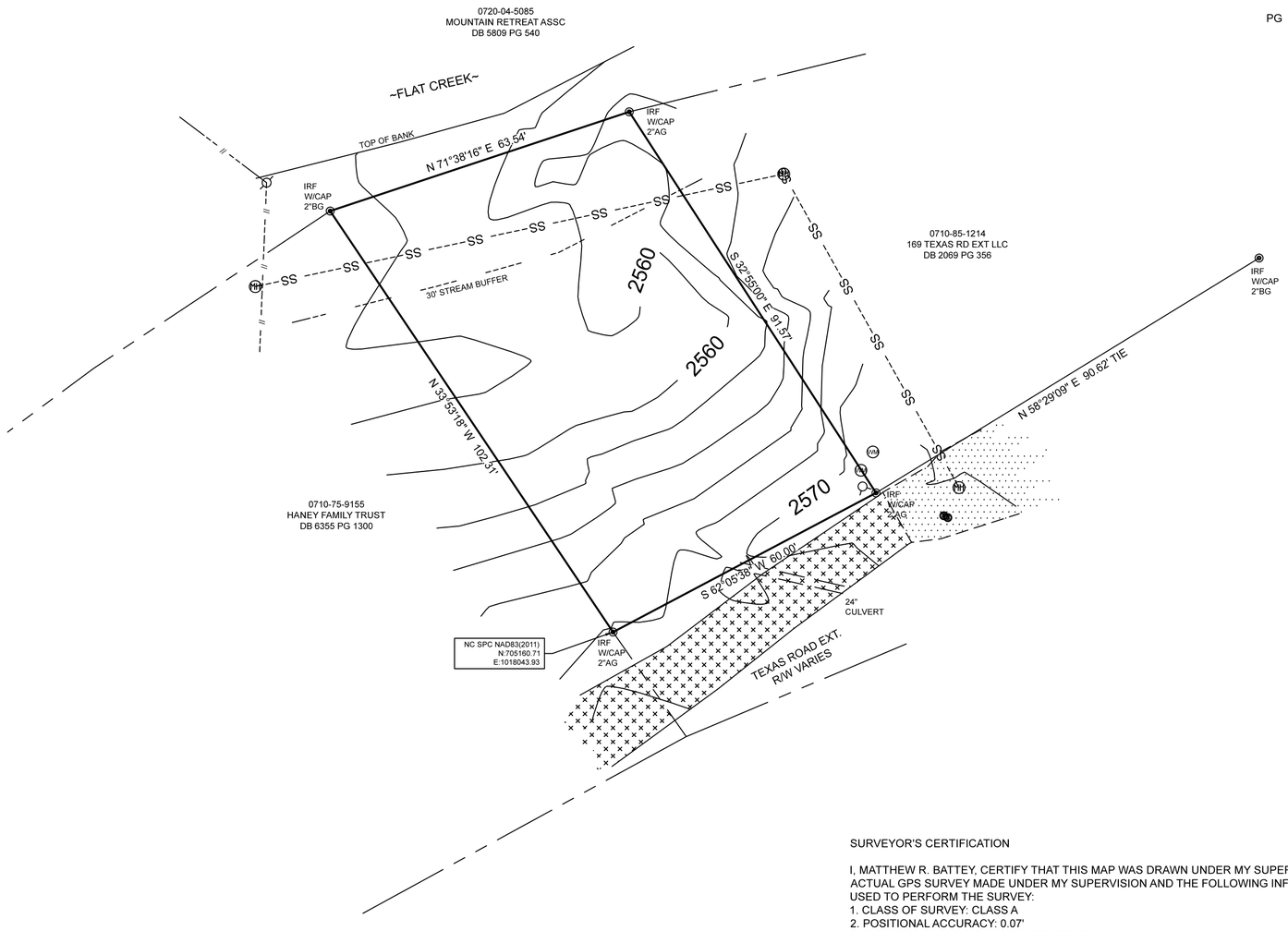
L100

SITE PLAN

ROSS C SMITH
REGISTERED ARCHITECT
13302
NORTH CAROLINA
ASHEVILLE, NC

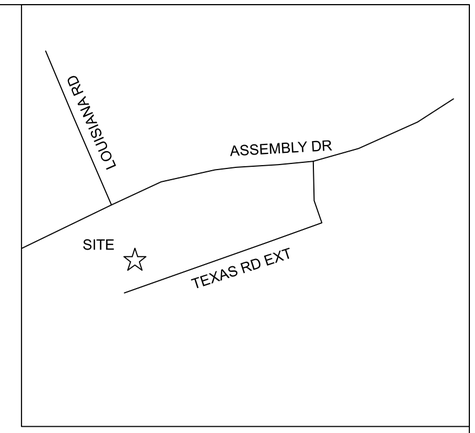
9/22/2026 12:19:28 PM

NC GRID NAD83 (2011)



LEGEND:

- PROPERTY CORNER FOUND (AS DESCRIBED)
- CALCULATED POINT
- WM WATER METER
- W WATER VALVE
- MH SANITARY MANHOLE
- S SANITARY CLEANOUT
- UTILITY POLE
- AG ABOVE GRADE
- BG BELOW GRADE
- DB DEED BOOK
- PG PAGE NUMBER



VICINITY MAP
NTS

NOTES:

AREA BY COORDINATE COMPUTATION.

NO NCGS MONUMENT FOUND WITHIN 2,000'

ALL DISTANCES ARE GRID LENGTHS; TO CONVERT DISTANCES TO GROUND LENGTHS THEY MUST BE DIVIDED BY THE COMBINED SCALE FACTOR.

THIS SURVEY MAY BE SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS, RESERVATIONS AND RESTRICTIONS, WRITTEN AND UNWRITTEN, RECORDED AND UNRECORDED.

THE CERTIFICATION SHOWN HEREON IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM FROM ENCUMBRANCES.

UNDERGROUND UTILITIES WERE NOT LOCATED, CALL 811 BEFORE DIGGING.

ANY STREAMS, CREEKS, WETLANDS SHOWN OR NOT SHOWN HEREON MAY BE SUBJECT TO BUFFER AREAS. IT IS THE OWNER'S RESPONSIBILITY TO HAVE THESE AREAS DESIGNATED BY THE PROPER, AUTHORIZED PERSONS TO MAKE SUCH DETERMINATION.

THIS PROPERTY IS LOCATED IN A SPECIAL FLOOD HAZARD AREA AS INDICATED ON THE FLOOD INSURANCE RATE MAP (FIRM) MAP NUMBERS 3710071000J EFFECTIVE DATE 01/06/2010

CURRENT ZONING: MONTREAT RS1

TOPOGRAPHIC SURVEY OF BUNCOMBE COUNTY PIN: 0710-85-0241 FOR: SARAH MOYE DEED BOOK 5602 PAGE 120

CURRENT OWNER:
REBEKAH STRICKLAND

0 20 40 60

SURVEYOR'S CERTIFICATION

I, MATTHEW R. BATTEY, 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:
1. CLASS OF SURVEY: CLASS A
2. POSITIONAL ACCURACY: 0.07'
3. TYPE OF GPS FIELD PROCEDURE: VRS (CHC NAV i89)
4. DATES OF SURVEY: 9/10/2025
5. DATUM EPOCH: NAD83(2011)/EPOCH (2010)
6. PUBLISHED/FIXED-CONTROL USE: NC CORS NETWORK
7. GEOID MODEL: 18
8. MEAN COMBINED GRID FACTOR: 0.99977431204
9. UNITS: US SURVEY FEET

I, MATTHEW R. BATTEY, FURTHER CERTIFY THAT THIS PROJECT WAS COMPLETED UNDER MY DIRECT AND RESPONSIBLE CHARGE FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; THAT THIS GROUND SURVEY WAS PERFORMED AT THE 95 PERCENT CONFIDENCE LEVEL TO MEET FEDERAL GEOGRAPHIC DATA COMMITTEE STANDARDS; THAT THIS SURVEY WAS PERFORMED TO MEET THE REQUIREMENTS FOR A TOPOGRAPHIC/PLANIMETRIC SURVEY TO THE ACCURACY OF CLASS A AND VERTICAL ACCURACY WHEN APPLICABLE TO THE CLASS A STANDARD, AND THAT THE ORIGINAL DATA WAS OBTAINED ON SEPTEMBER 10, 2025; THAT THE SURVEY WAS COMPLETED ON SEPTEMBER 10, 2025; THAT CONTOURS SHOWN AS BROKEN LINES MAY NOT MEET THE STATED STANDARD; AND ALL COORDINATES ARE BASED ON NAD 83(2011) AND REALIZED ON SEPTEMBER 10, 2025 AND ALL ELEVATIONS ARE BASED ON NAVD 88 THIS 10TH DAY OF SEPTEMBER 2025

PRELIMINARY
NOT
FOR
SALES,
RECORDATION
OR
CONVEYANCE

NORTH CAROLINA PROFESSIONAL SEAL L-5035 LAND SURVEYOR MATTHEW R. BATTEY

PROFESSIONAL LAND SURVEYOR

L-5035
LICENSE NUMBER

TOWN OF MONTREAT — BUNCOMBE COUNTY NORTH CAROLINA
SCALE: 1"=20'
DRAWN BY: MRB — DATE: 9/10/2025
PREPARED BY MATTHEW R. BATTEY, PLS — PROJECT # 25-099

BATTEY LAND SURVEYING PLLC
14 QUAIL CT.
FAIRVIEW, NC 28730
828-424-9447

NC FIRM NO. P-2479

TOWN OF MONTREAT
NORTH CAROLINA

TOWN OF MONTREAT
P. O. Box 423, Montreat, NC 28757
Tel: (828) 669-8002 | Fax: (828) 669-3810
www.townofmontreat.org

Staff Report
779 Foreman Siding Road

Rehearing for VA-2022-01 – BOA review of the Certificate of Zoning Compliance and variance requests submitted by Wade and Susie Burns, on their own behalf as property owners for the lot addressed as 779 Foreman Siding Road and described as PIN 0721-11-7736. The variance requests are to the Montreat Zoning Ordinance, §503.5 (Minimum Front Yard) and §503.81 (Minimum Side Yard) to reduce the front setback requirement from 30 feet to 15 feet on the northern side of the Subject Property, and to reduce the side setback requirement from 15 feet to 13 feet on the western side of the Subject Property, for the purpose of constructing a single-family dwelling.

Created by:

Jacob Compher
Interim Zoning Administrator
Town of Montreat

Created for:

Montreat Board of Adjustment
October 22, 2026

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Application Summary

BOA review of the Certificate of Zoning Compliance and variance requests submitted by Wade and Susie Burns, on their own behalf as property owners for the lot addressed as 779 Foreman Siding

Road and described as PIN 0721-11-7736. The variance requests are to the Montreat Zoning Ordinance, §503.5 (Minimum Front Yard) and §503.81 (Minimum Side Yard) to reduce the front setback requirement from 30 feet to 15 feet on the northern side of the Subject Property, and to reduce the side setback requirement from 15 feet to 13 feet on the western side of the Subject Property, for the purpose of constructing a single-family dwelling.

Property Summary

Parcel Identifier Number (PIN): 0721-11-7736

Address: 779 FOREMAN SIDING ROAD
BLACK MOUNTAIN, NC 28711

Owner: WADE D. BURNS; SUSIE W. BURNS
205 GREENWOOD AVENUE
HARTSVILLE, SC 29550

Applicant: WADE AND SUSIE BURNS

Zoning: R-3 RESIDENTIAL DISTRICT (EXTRATERRITORIAL JURISDICTION)

Current Land Use: RESIDENTIAL – ONE (1) SINGLE-FAMILY DWELLING

Acres: 0.26



Figure 1: Subject Property Aerial

Public Notice

Staff mailed notices to properties within 250 feet of the Subject Property on **October 9, 2026**. Staff posted a sign on the Subject Property on **October 9, 2026**. BOA Hearing: **October 22, 2026.**

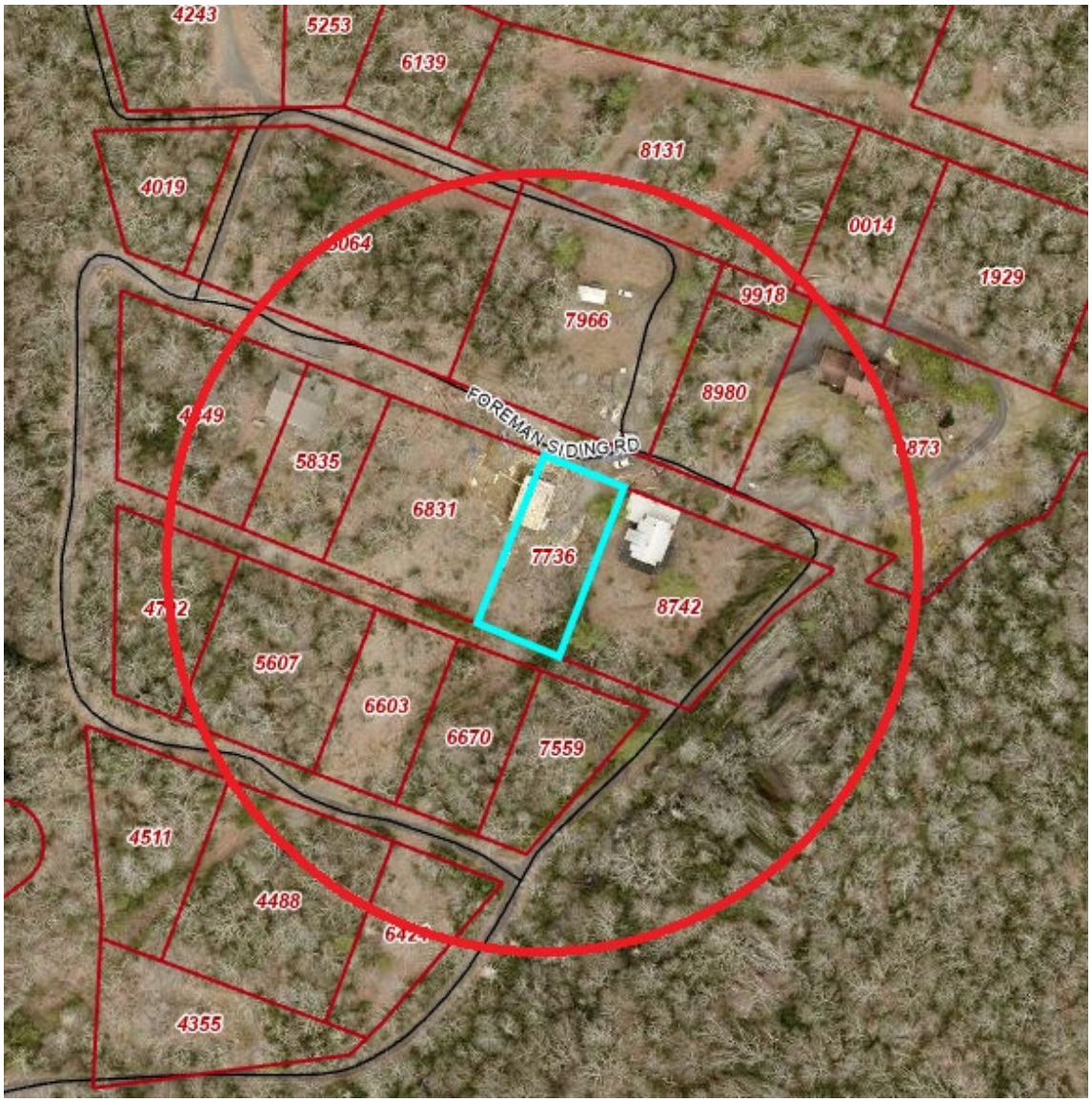


Figure 2: 250 feet Public Notice for Variance Request

Variance Request

The variance requests are to the Montreat Zoning Ordinance, §503.5 (Minimum Front Yard) and §503.81 (Minimum Side Yard) to reduce the front setback requirement from 30 feet to 15 feet on the northern side of the Subject Property, and to reduce the side setback requirement from 15 feet to 13 feet on the western side of the Subject Property, for the purpose of constructing a single-family dwelling.

Staff Analysis

Subject Property Summary:

- The Subject Property is 0.26 acres and used for residential purposes with one (1) single family dwelling.
- A variance request for a reduction in setbacks is required for the front and side yard setbacks for the proposed project.
- The Subject Property is accessed from Foreman Siding Road
- The slope of the Subject Property is 16.56%.

Subject Property & Surrounding Lots:

The Subject Property of the variance request is in Montreat's Extraterritorial Jurisdiction (ETJ) in a R-3 Residential Zoning District (R-3). It is surrounded by the R-3 Zoning District. Woodland District is located southeast of the Subject Property.

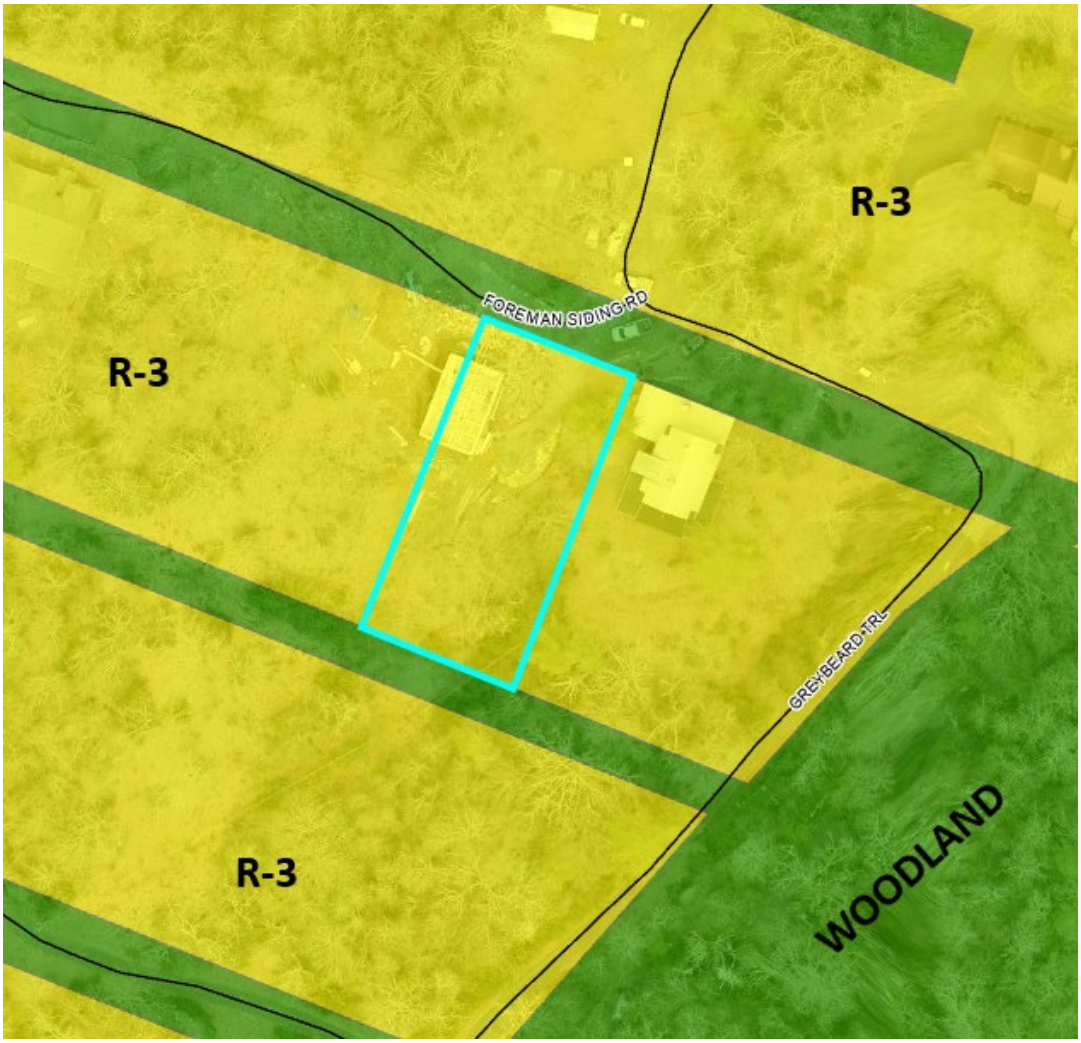


Figure 3: Subject Property and Surrounding Zoning

Setbacks and Stream Buffer Requirement:
The Applicant's Variance request is to the front and side setbacks in the Montreat Zoning Ordinance (§503.5 and §503.81). The table below shows the required setbacks for R-3 on the Subject Property, per §503 of the Montreat Zoning Ordinance, and the requested setback variances from the Applicants' application.

	R-1 Setback	Proposed
Front (North)	30'	**15'**
Rear (South)	30'	30'
Side (East)	15'	**13'**
Side (West)	15'	22'

Topography:
The slope of the Subject Property, per the Buncombe County Steep Slope Calculator, is 16.56 percent. The Subject Property gently slopes downward from north to south. The Subject Property is NOT subject to Hillside Development Ordinance.

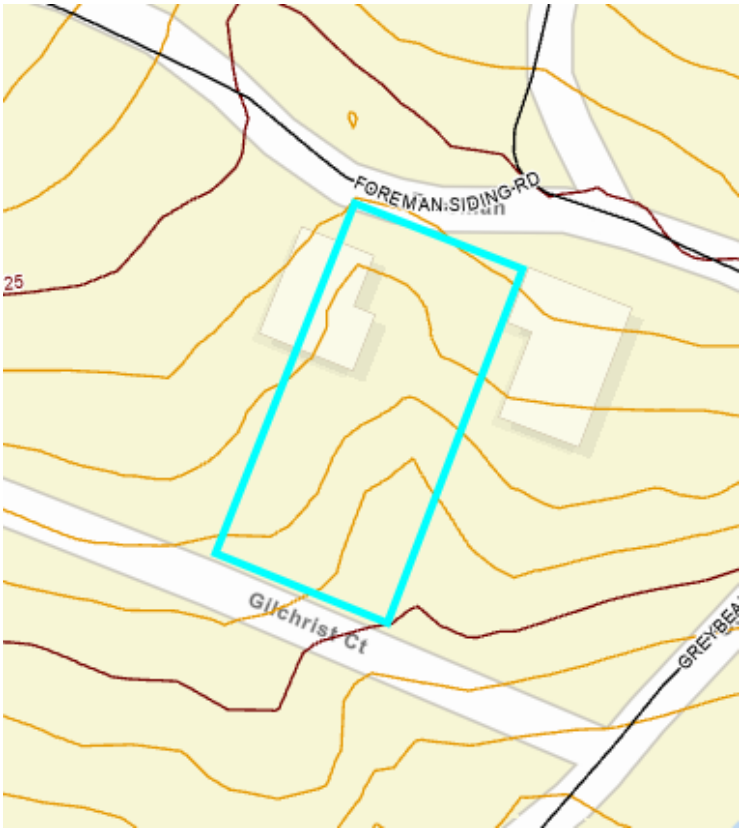


Figure 4: Subject Property and Surrounding Topography (5' contours)

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

TOWN OF MONTREAT
P. O. Box 423, Montreat, NC 28757
Tel: (828) 669-8002 | Fax: (828) 669-3810
www.townofmontreat.org

Staff Report
VA-2022-01

Proposed Project: The Applicants (Property owners Wade and Susie Burns) are requesting a 15-foot variance to reduce the required front setback on the north side of the property adjacent to Foreman Siding Road to 15 feet and a 2-foot variance to reduce the required side setback on the western side of the property to 13 feet for construction of a single-family dwelling on a property with frontage on Foreman Siding Road and Gilchrist Court (an unopened right-of-way) approximately 200 feet west of Greybeard Trail (PIN# 072111773600000). This Subject Property is zoned R-3 Residential, and the MZO requires a 15-foot side setback for single-family dwellings (Sec. 503.81 of MZO) and a front setback of 30 feet for all development (Sec. 503.5 of MZO) in this Zoning District. [Note: Section 503 includes two Sections 503.5, the first is Minimum Lot Width and the second is Minimum Front Yard. For purposes of this Staff Report, references to Section 503.5 will mean the second Section 503.5 Minimum Front Yard.]

The Applicants are requesting this Variance to comply with the correct required front setback for their existing construction plans and to add an attached chimney to the west side of the dwelling.

Created by:

Kayla DiCristina, AICP
Zoning Administrator
Town of Montreat

Created for:

Montreat Board of Adjustment
October 27, 2022

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STAFF REPORT

See **STAFF FINDINGS** (i.e. Kayla DiCristina, AICP, Montreat Zoning Administrator) in addition to applicant-provided materials. **STAFF FINDINGS** contain references to the Montreat Zoning Ordinance (MZO) and Montreat General Ordinances (MGO) where noted. Only those findings relevant to the variance requested are included in this staff report.

Application Summary

The following report summarizes the Zoning Administrator's review of an application for a Variance submitted by Wade and Susie Burns, property owners, for property fronting on Foreman Siding Road and Gilchrist Road (an unopened right-of-way) approximately 200 feet west of Greybeard Trail (PIN# 072111773600000). The Applicants propose to construct a new single-family detached house on a currently vacant lot. The Applicants request that the Board of Adjustment grant a variance…

- Of 15 feet to Section 503.5 of the MZO to reduce the required front setback along Foreman Siding Road from 30 feet to 15 feet to accommodate porch steps.

- Of 2 feet to Section 503.81 of the MZO to reduce the required side setback on the western side of the Subject Property from 15 feet to 13 feet to accommodate a chimney.

Property Summary

Parcel Identifier Number (PIN #): 072111773600000

Address: Unaddressed. Subject Property has frontage on Foreman Siding Road and Gilchrist Court (unopened right-of-way) and is approximately 200 feet west of Greybeard Trail (per Buncombe County e-911 addressing).

Owner: Burns Wade, Burns Susie
PO Box 610, Montreat, NC, 28757

Applicant: Wade and Susie Burns (property owners)

Zoning: R-3 Residential Zoning District

Current Land Use: Vacant with proposed single-family dwelling.

Utilities: Town of Montreat water, septic system (approved by Buncombe County Health Department via permit SEP2020-00285)

Acres: 0.26 acres

Impervious Area Summary:

- Existing Impervious Area: 0 SF

- Proposed Impervious Area: 3,250 SF
- Percent Impervious Area: 29% (i.e. 3,250 SF impervious area / 11,325.6 SF lot = 29%)

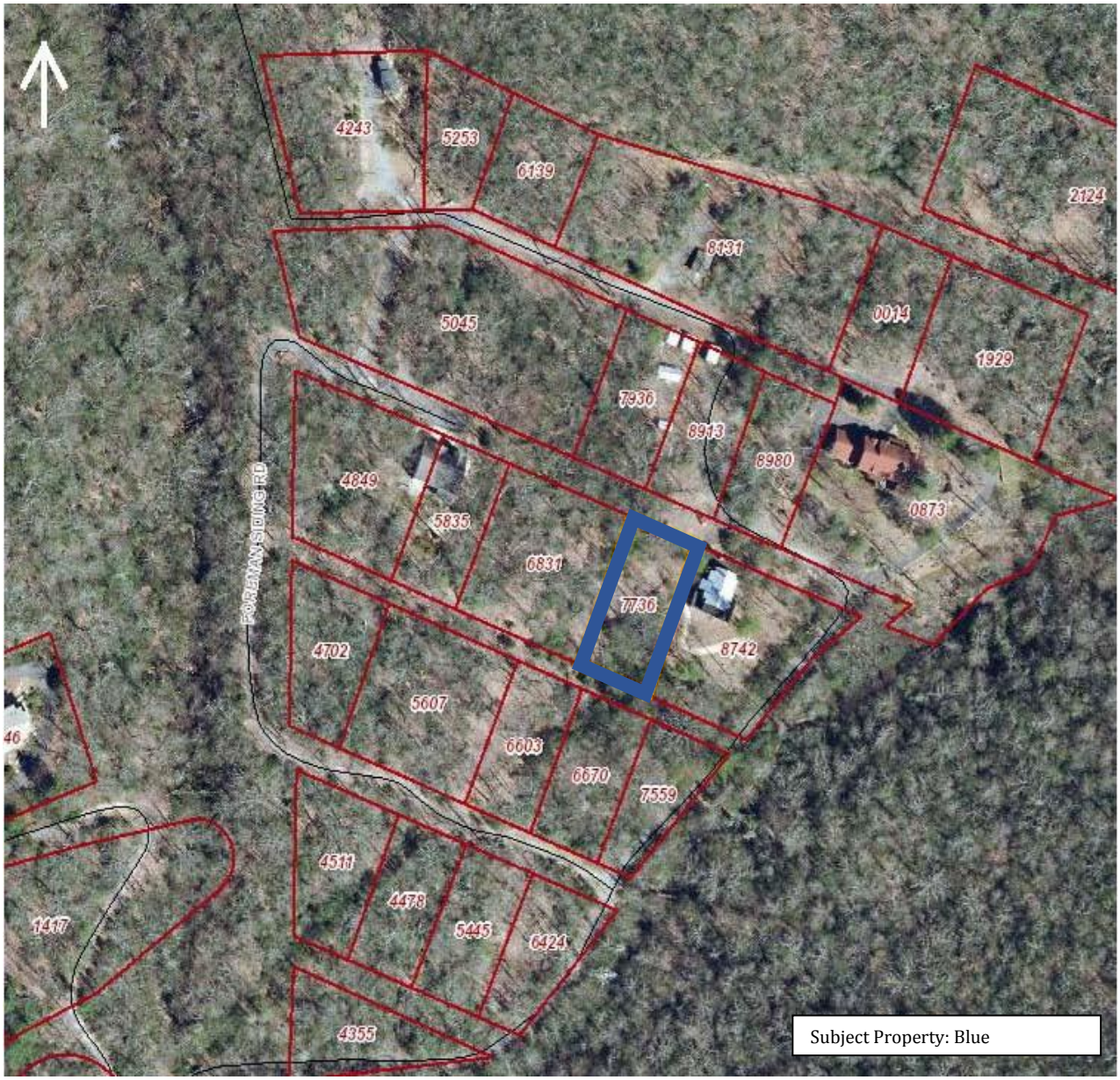


Figure 1: Site Aerial

Public Notice

Staff mailed notice to properties within 250' of the Subject Property on **10/13/22** (see Figure 2: 250' Public Notice for Variance Request). Staff posted the Subject Property on **10/13/22**.

BOA Hearing: **October 27, 2022**



Figure 2: 250' Public Notice for Variance Request

Variance Request

The Applicants (Property Owners Wade and Susie Burns) are requesting a 15-foot variance to reduce the required front setback on the north side of the Subject Property adjacent to Foreman Siding Road to 15 feet and a 2-foot variance to reduce the required side setback on the western side of the Subject Property to 13 feet. This Subject Property is zoned R-3 Residential, and the MZO requires a 15-foot side setback for single-family dwellings (Sec. 503.81 of MZO) and a front setback of 30 feet for all development (Sec. 503.5 of MZO) in this Zoning District.

The Applicants are requesting this Variance to bring their existing construction plans into compliance with the required front setback along Foreman Siding Road and to add an attached chimney to the west side of the dwelling.

Staff Findings

Uses

"Single Family Dwelling" is a Permitted Use (Sec. 500 Permitted Uses Table) allowed within the R-3 Residential Zoning District, subject to Administrative review and approval.



Figure 3: Surrounding Zoning

Setbacks and Lot Size

Front setback: North (adjacent to Foreman Siding Road) & South (adjacent to Glichrist Court (unopened right-of-way)): 30 feet

R-3 Residential Zoning District - Minimum front setback is 30 feet (Sec. 503.5 of the MZO).

Rear setback: N/A

R-3 Residential Zoning District – 20% of the mean Lot Depth provided that rear Yards on Lots used for dwelling purposes need not exceed 35 feet (Sec. 503.5 of the MZO).

The Subject Property is a double frontage lot. Therefore, the front setback requirements for the Zoning District apply to the north and south property lines of the Subject Property as they are both

adjacent to rights-of-way, or "streets" (Sec. 608 of the MZO). There is no rear setback on the Subject Property.

On March 11, 2022, the previous Zoning Administrator issued the Applicants a Certificate of Zoning Compliance. At the time this approval was issued, the previous Zoning Administrator applied Section 609 to determine that the front setback from Foreman Siding Road on the Subject Property was 15 feet. Following an inquiry from adjacent property owner James Hamilton (owner of 780 Foreman Siding Road, PIN# 072111874200000), staff reviewed the approved Certificate of Zoning Compliance and discovered an error in the calculation used under Section 609 to determine the front setback from Foreman Siding Road on the Subject Property. The previous calculation relied on the existing front setbacks of the dwellings located at 780 Foreman Siding Road (PIN# 072111874200000) (11 feet) and 775 Foreman Siding Road (PIN# 072111583500000) (15 feet), which resulted in a reduced front setback from Foreman Siding Road for the Subject Property of 15 feet.

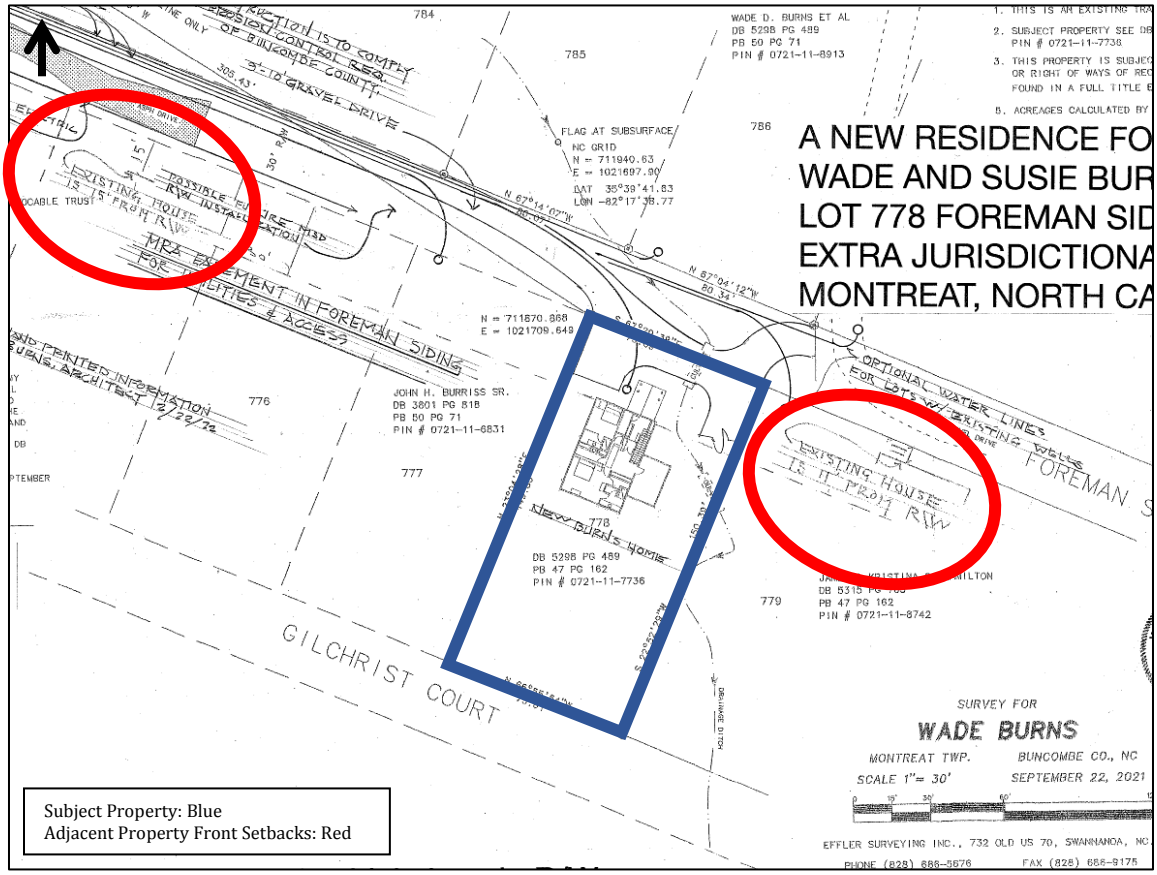


Figure 4: Adjacent Parcels and Structures

Section 609 of the MZO provides for a reduction in a front setback based on the existing front setbacks of the immediately adjacent lots, developed or not. The adjacent lots to the Subject Property are a vacant lot to the west (PIN# 071066814100000) and an existing dwelling located at 780 Foreman Siding Road (PIN# 072111874200000) (11 feet) to the east. Per Section 609, for purposes of calculating the reduced front setback for the side of the Subject Property adjacent to

Foreman Siding Road, the vacant property has a front setback requirement of 30 feet. Therefore, based on the 11 foot and 30 foot front setbacks of the adjacent properties from Foreman Siding Road, the correct front setback for the Subject Property is 20.5 feet.

Under the Certificate of Zoning Compliance issued, the Applicants proposed steps at the front of the dwelling situated 19 feet from the front property line adjacent to Foreman Siding Road. This location was approved in the issued Certificate of Zoning Compliance. However, with the discovery of the error in calculating the front setback reduction for the Subject Property along Foreman Siding Road, the proposed front steps are no longer in compliance with the MZO and encroach into the required front setback under Section 609 by 1.5 feet. The Applicants are pursuing a variance to bring their existing design into compliance with the MZO.

The applicants request a variance from the front setback requirement set out in Section 503.5 of the MZO for the R-3 Zoning District. The applicants request a variance of 15 feet to reduce the front setback requirement along Foreman Siding Road to 15 feet. The minimum required front setback from Foreman Siding Road to bring the front steps into compliance is 11 feet from Section 503.5 of the MZO to reduce the required front setback from 30 feet to 19 feet.

Side setback: 15 feet
R-3 Residential Zoning District - Minimum side setback is 15' for Single-Family and Two-Family Dwelling Units (Sec. 503.81 of the MZO).

The Applicants are requesting a reduced setback of 13 feet, or a variance of 2 feet from Section 503.81 of the MZO, to reduce the required side setback on the western side of the Subject Property so as to accommodate the addition of a chimney. The Applicants are requesting the minimum setback reduction and variance from Section 503.81 of the MZO needed to accommodate the chimney. Staff determined that this structure did not qualify for the 4 foot reduction allowed under the definition of "Setback Line" in Section 201 of the MZO, as the chimney is an appurtenant feature and external structural element that is permanently attached to the dwelling. As a note, this chimney was not proposed at the time of the issuance of the original approval. Conformance of the proposed chimney to Town of Montreat development standards contained in the MZO and MGO, other than those relevant to this variance request, will be determined at the time of submission of a revised application for Certificate of Zoning Compliance.

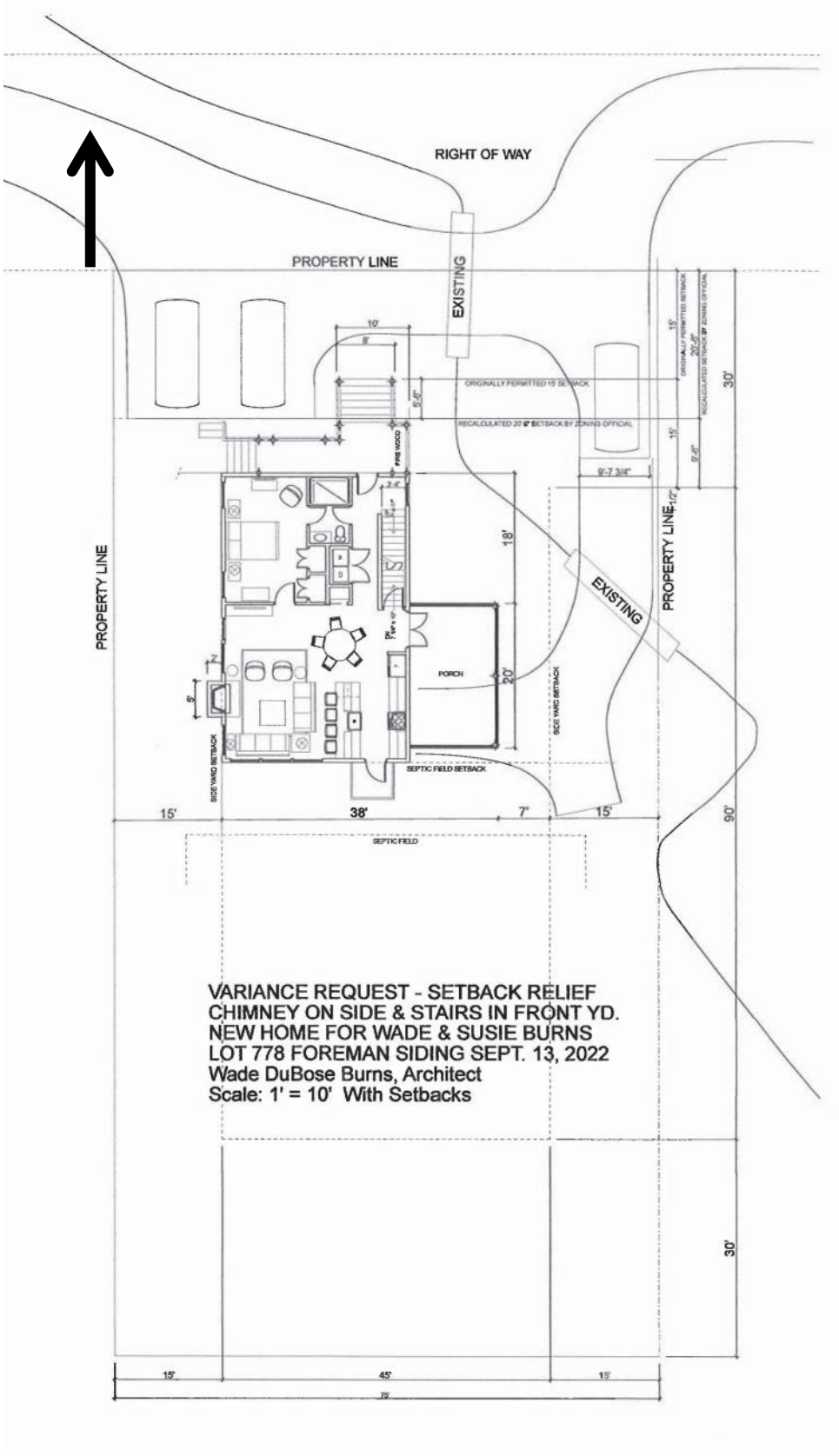


Figure 5: Site Plan (Submitted by Applicants)

Utilities/Street Frontage & Access

There is currently an open and constructed road in the platted 30 foot right-of-way on the north side of the Subject Property, Foreman Siding Road, and a platted, but unopened 30 foot right-of-way on the south side of the Subject Property, Gilchrist Court.

Utilities

- The applicants propose to tap into a Town of Montreat water line on Foreman Siding Road.
- The applicants propose to construct a septic system on the south side of the Subject Property. The Buncombe County Health Department issued their approval for this system via permit SEP2020-00285.

Street Frontage & Access

- The Subject Property has frontage on Foreman Siding Road, a 30 foot right-of-way to the north which is open and constructed, and Gilchrist Road, a 30 foot platted, but unopened right-of-way to the south. The dwelling proposed on the Subject Property is proposed to be accessed via a driveway off Foreman Siding Road.

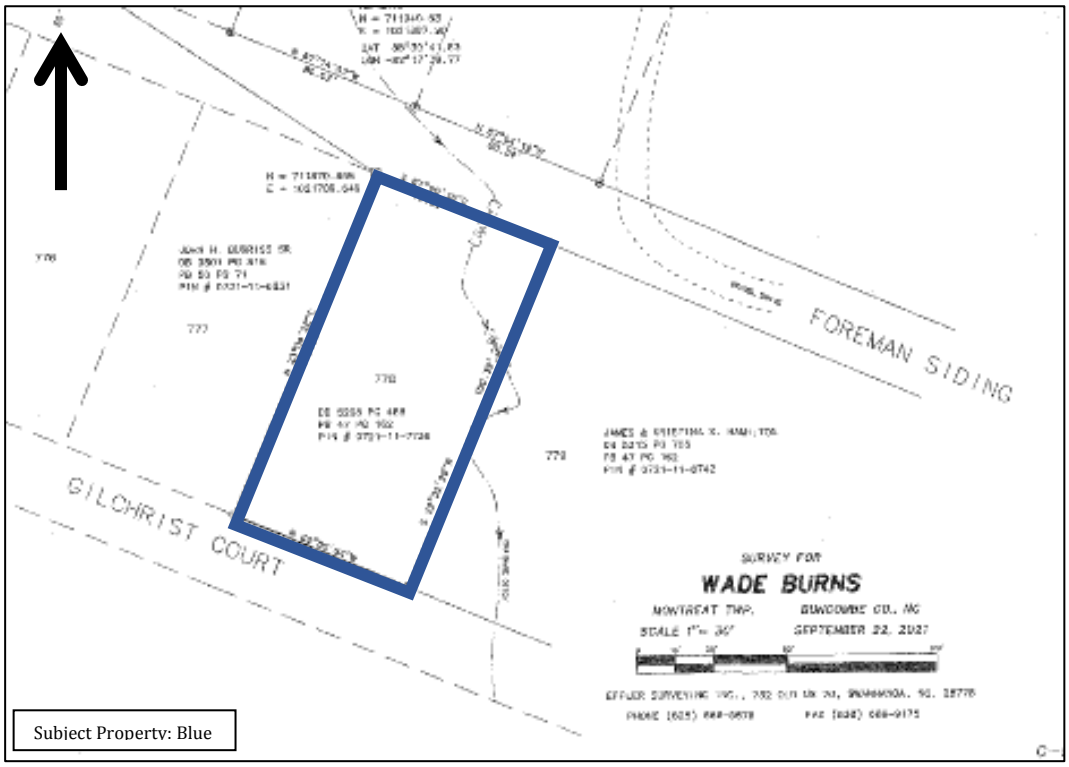


Figure 6: Adjacent Rights-of-Way

Any future utility-related permitting would need to adhere to MONTREAT CODE OF GENERAL ORDINANCES, CHAPTER E – UTILITIES, Section 3. <u>Permit for Connection Required</u>.

Comprehensive Plan

The Subject Property is located in the sub-area in the plan noted as **Change Area**. The following text describes this sub-area:

> *Outlying Areas*
>
> *… These areas are important to the town because changes could significantly alter the character of the town and its much-valued viewsheds …*
>
> *… These areas represent the few remaining developable areas that have not been placed in the conservation easement. While adding these areas to the [conservation] easement is an option each property owner could consider, it is more likely that the owners will develop these parcels at some point in the future. Because of the topography and difficult access, these areas present opportunities to stray from the conventional subdivision. Some areas would require the assemblage of several parcels for replatting so that the layout of a future subdivision is more sensitive to the physical constraints that have been an obstacle to development for some property owners.*
>
> *The uses are expected to be primarily residential at current densities of 4 DUA, with some areas providing more variety of residential choices than others. Th e conservation subdivision approach suggested in the plan allows for the same density on smaller lots by modifying the minimum lot size requirements in the ordinances to protect more open space. Studies have suggested that people place more value on preserved open spaces and are willing to live on smaller lots to be near—and have access to—these open spaces.*
>
> *Regardless, development should be mindful of and protect current views and the natural environment. In addition, all new development should be consistent with the Montreat character, scale and architectural style that has been previously explained in this report. This includes minimal disturbance to existing vegetation, limited impervious surface area and respect for existing mountain viewsheds.*
>
> **Source:** Page 30, 3.2 THE PLAN FOR MONTREAT, TOWN OF MONTREAT COMPREHENSIVE PLAN [2008]

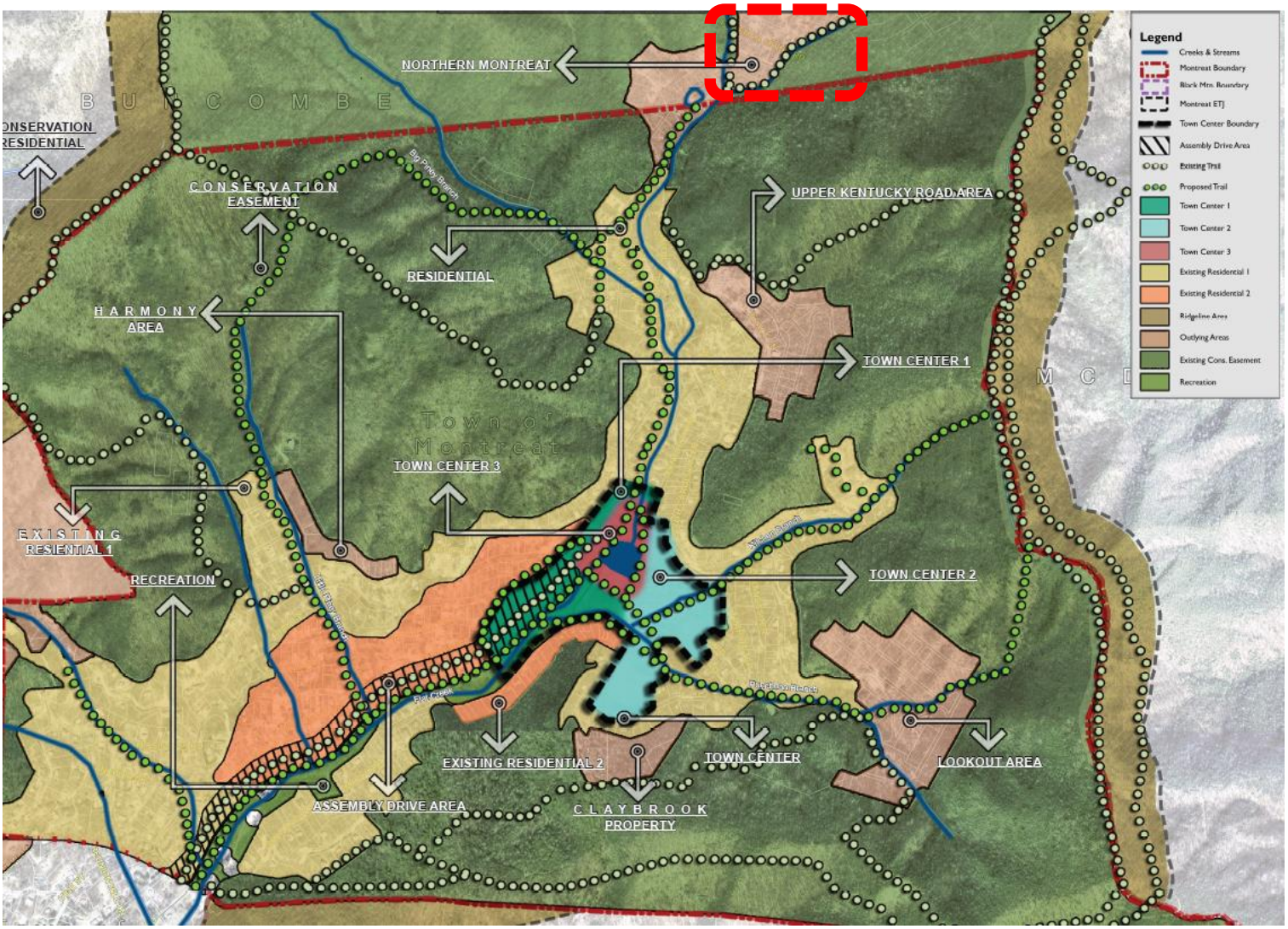


Figure 7: Comprehensive Plan (Source: Town of Montreat Comprehensive Plan, 2008)

Exhibits

Exhibit A: Subject Property Plat (Plat Book 47, page 162 recorded among the Buncombe County Register of Deeds)

Exhibit B: Certificate of Zoning Compliance

Exhibit C: Approved Site Plan

Exhibit D: Buncombe County Health Department Septic System Approval

Plat 50 Pg 71

50-71

Exhibit A: Subject Property Plat (Plat Book 47, page 162 recorded among the Buncombe County Register of Deeds)

SURVEYOR'S CERTIFICATION

I, ROBERT C. WATTS, CERTIFY THAT THE BOUNDARIES AS SHOWN ON THIS MAP ARE THOSE DESCRIBED IN DEEDS RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR BUNCOMBE COUNTY, NORTH CAROLINA IN DEED BOOK 1339, AT PAGES 152 AND 596; AND THAT ON OR ABOUT _____, THE BOUNDARIES ON THIS PROPERTY WERE MARKED BY ME OR UNDER MY SUPERVISION BY DISTINCTIVE MARKINGS ON TREES OR BY IMPLACEMENT OF VISIBLE METAL OR CONCRETE BOUNDARY MARKERS, WHICH MARKERS ARE VISIBLE TO A HEIGHT OF 18 INCHES ABOVE THE GROUND.

THIS 28 DAY OF MARCH, 1984.

Robert C. Watts

NOTE:

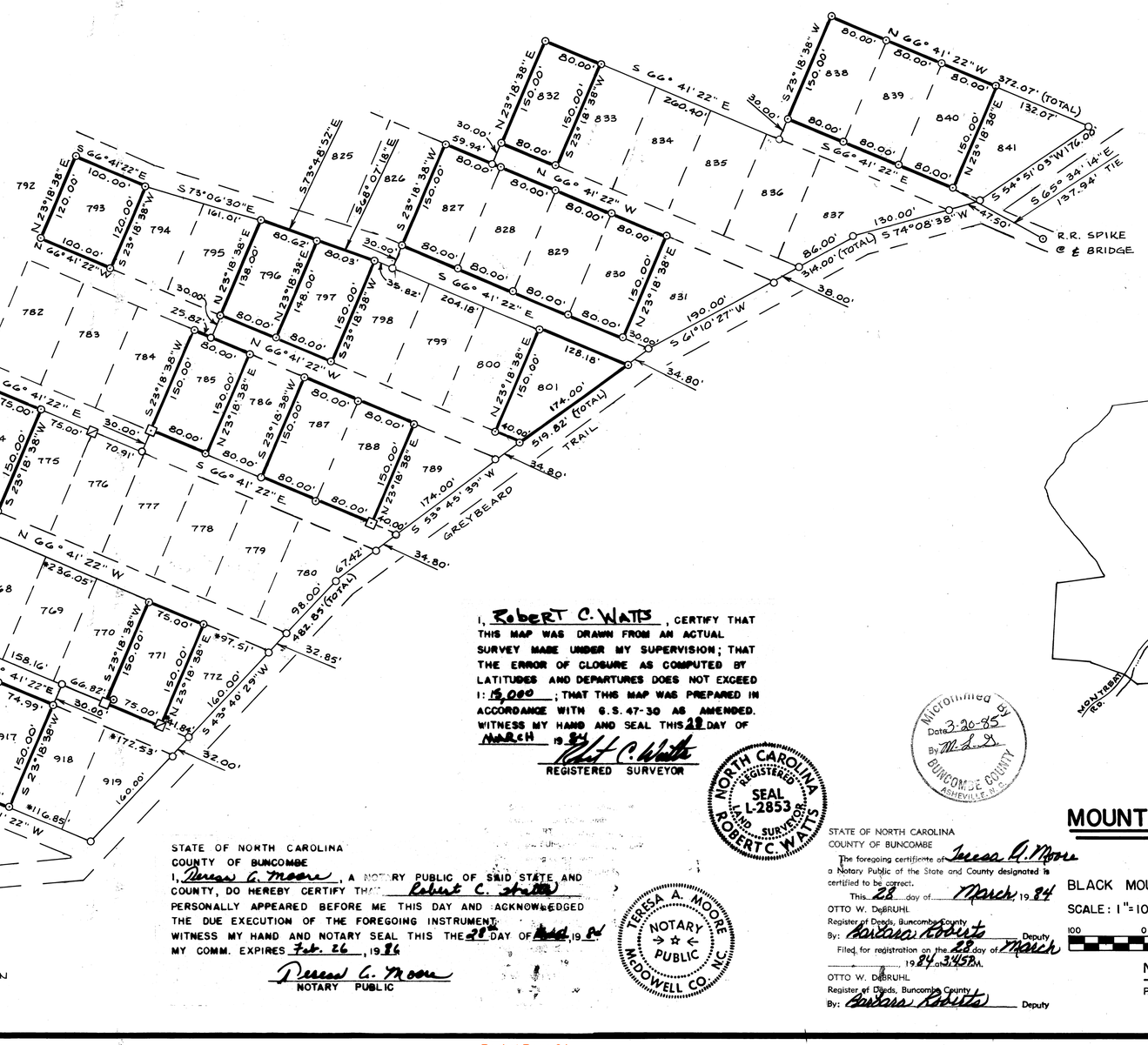
(1) #5 REBARS WERE SET AT CORNERS BY RECENT SURVEY. REBARS LOCATED AND DISREGARDED BECAUSE OF LACK OF AGREEMENT WITH PLAT OF RECORD.
(2) IRON PIN SET 3/4" GALV. PIPE.
(3) * - DISTANCE THE RESULTS OF EXISTING MONUMENTS FOUND IN THE FIELD.

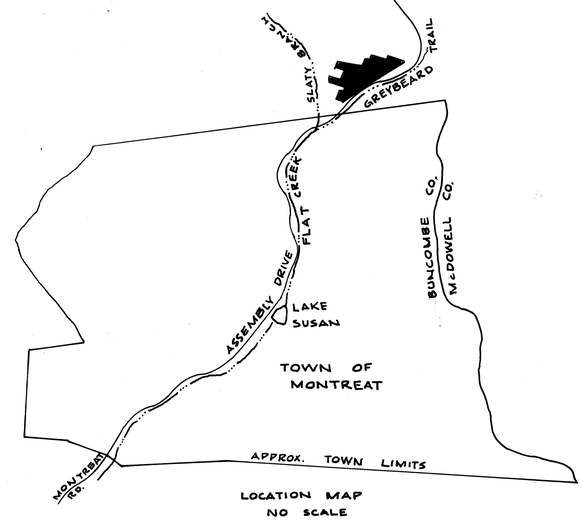
REFERNCES:

DEED BOOK 1339, PAGES 152 AND 596.
PLAT BOOK 152, PAGE 02.
PLAT BOOK 36, PAGE 106.
PLAT BOOK 47, PAGE 123.
PLAT BOOK 47, PAGE 124.
PLAT BOOK 47, PAGE 138.
PLAT BOOK 47, PAGE 139.
PLAT BOOK 50, PAGE 51.
PLAT BOOK 50, PAGE 52.
PLAT BOOK 50, PAGE 53.

LEGEND:

⊙ = IRON PIN OR PIPE SET.
○ = POINT ON LINE NO PIN OR PIPE SET.
Ø = EXISTING IRON PIN OR PIPE.
⊡ = CONCRETE MONUMENT SET.
▨ = EXISTING CONCRETE MONUMENT.
□⊙ = EXISTING HUB WITH IRON PIN OR PIPE SET.





LOCATION MAP
NO SCALE

I, Robert C. Watts, CERTIFY THAT THIS MAP WAS DRAWN FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; THAT THE ERROR OF CLOSURE AS COMPUTED BY LATITUDES AND DEPARTURES DOES NOT EXCEED 1: 15,000; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY HAND AND SEAL THIS 28 DAY OF MARCH 19 84

Robert C. Watts
REGISTERED SURVEYOR

NORTH CAROLINA REGISTERED SEAL L-2853 LAND SURVEYOR ROBERT C. WATTS

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE
I, Teresa A. Moore, A NOTARY PUBLIC OF SAID STATE AND COUNTY, DO HEREBY CERTIFY THAT Robert C. Watts PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING INSTRUMENT. WITNESS MY HAND AND NOTARY SEAL THIS THE 28th DAY OF March, 19 84
MY COMM. EXPIRES Feb. 26, 1986

Teresa A. Moore
NOTARY PUBLIC

TERESA A. MOORE NOTARY PUBLIC MCDOWELL CO. N.C.

Microfilmed By
Date 3-20-85
By M. L. D.
BUNCOMBE COUNTY
ASHEVILLE, N.C.

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE
The foregoing certificate of Teresa A. Moore a Notary Public of the State and County designated is certified to be correct.
This 28 day of March 19 84
OTTO W. DeBRUHL
Register of Deeds, Buncombe County
By: Barbara Roberts Deputy
Filed for registration on the 28 day of March 19 84 at 3:45 P.M.
OTTO W. DeBRUHL
Register of Deeds, Buncombe County
By: Barbara Roberts Deputy

SURVEY FOR

MOUNTAIN RETREAT ASSOCIATION

A NORTH CAROLINA CORPORATION

BLACK MOUNTAIN TWP., BUNCOMBE CO., NORTH CAROLINA

SCALE: 1"=100' MARCH 1984

100 0 100 200 300 400 500

NILSSON & WATTS ASSOCIATES
P.O. BOX 367, BLACK MOUNTAIN, N.C. 28711

TOWN OF MONTREAT

ZONING AND INSPECTIONS DEPARTMENT
P. O. Box 423
Montreat, NC 28757
Tel: (828) 669-8002, ext. 3030
www.townofmontreat.org

TOWN OF MONTREAT
NORTH CAROLINA

FINAL ZONING/DEVELOPMENT COMPLIANCE – CERTIFICATE

NOTE: $35 fee paid on Initial Zoning/Development Compliance - Application

Project Address(s): ETJ Lot 778 Foreman Siding, Montreat, N.C. 28757
Parcel Identifier Number(s) (PIN #): 0721-11-7736
Zoning District(s): R-3
Owner Name: Wade D. Burns and wife Susie W. Burns
Mailing Address: PO Box 610,
City: Montreat State: N.C. ZIP: 28757
Owner Phone: 828-231-0650 E-mail: wdbmountainliving@gmail.com
Contractor/Agent Name: Mountain Living Construction, Inc.
Contractor/Agent Mailing Address: PO Box 610
City: Montreat State: N.C. ZIP: 28757
Contractor/Agent Phone: Wade Burns 828-231-0650 License #: 62676
Contractor/Agent E-mail: wdbmountainliving@gmail.com
Short description of proposed project and intended use: Build a 3 bedroom cottage on originally and still platted .26 acre lot. It will be a 2 story living space over a garage/ basement, see plans.

Special Conditions (Variance or Special Use Permit granted?) ☐ Yes (see attached) ☐ No

This is to certify that I, the Owner/Contractor/Agent, am aware of the zoning district the lot is in, the permitted uses within said zoning district, the minimum setbacks for the lot, the maximum building height, the off-street parking requirements, and the fact that drainage during and after the construction is my responsibility. These plans conform to the Town of Montreat's current development-related ordinances. The contractor shall protect adjacent properties and the general public and shall be responsible for all damages that occur during construction. Driveways are NOT automatically included in zoning and building permits.

Date: 2/22/22 **Applicant's Signature:** [signature]

Applicant's Name (PLEASE PRINT): Wade D. Burns

This is to certify that I, the Zoning Administrator for the Town of Montreat, North Carolina, have reviewed the attached plans and hereby deem the intended use of the structure and/or lot to be in full compliance with the development-related ordinances of the Town.

Date: 3/11/22 **Zoning Administrator's Signature:** Scott Adams

Zoning Administrator's Name (PLEASE PRINT): Scott Adams

NOTE: This certificate must be issued before a Certificate of Completion/Occupancy can be issued.

Revised 8/12/21

TOWN OF MONTREAT
NORTH CAROLINA

TOWN OF MONTREAT
P. O. Box 423, Montreat, NC 28757
Tel: (828) 669-8002 | Fax: (828) 669-3810
www.townofmontreat.org

March 11, 2022

RE: Final Zoning/Development Compliance - Certificate

Mr. Burns:

This letter serves as an addendum to a **Final Zoning/Development - Certificate** issued 3/11/22 for your project, as currently proposed, at Lot 778 on Foreman Siding Rd (PIN: 071086984900000) in the Town of Montreat's ETJ. See **APPENDIX** for site plans, etc. reflected in this written narrative.

Summary

The following report summarizes the Town of Montreat's review for Administrative review of an application by Wade Burns (property owner) at property described as Lot 778, Montreat ETJ (PIN: . The project proposes to:

- Construct a new single-family detached house on a currently Vacant Residential Building Lot

Property Information

Parcel Identifier Number (PIN #): 072111773600000

Address: currently unaddressed; project location is Lot 778 on Foreman Siding Rd., located in Town of Montreat Exterritorial Jurisdiction (ETJ)

Owner: BURNS SUSIE, BURNS WADE
PO BOX 610, MONTREAT, NC, 28757

Applicant: Wade Burns (property owner)

Agent: n/a

Zoning: R-3 Low-Density Residential

Current Land Use: Vacant Residential Building Lot

Utilities: Town of Montreat water (to be extended/accessed by Owner), on-site septic service (to be installed by Owner)

Acres: 0.26 acres (11,326 SF lot)

Impervious Area Summary:

- Existing Impervious Area: n/a
- Proposed Impervious Area: 3,250 SF
- Percent Impervious Area: 29% (i.e. 3,250 SF impervious area / 11,326 SF lot = 29%)

Uses

STAFF FINDINGS

"Single Family Dwelling" is a Permitted Use (Sec. 500 Permitted Uses Table) allowed within the R-3 Low-Density Residential zoning district, subject to Administrative review and approval.

Setbacks and Lot Size

STAFF FINDINGS

Lot area: 0.26 acres (11,326 SF lot)
R-3 Low-Density Residential minimum lot area for Single-Family Dwellings is 20,000 SF (Sec. 503.4, Sec. 503.41). However, this is a Lot of Record and thus legally allowed to be developed at its current size of 11,326 SF.

Lot width: 75'
R-3 Low-Density Residential minimum lot width is 75' (Sec. 503.5).

Lot depth: 150'
R-3 Low-Density Residential minimum lot depth is 100' (Sec. 503.6).

Front setback: 15'*
R-3 Low-Density Residential minimum front setback is 30' (Sec. 503.5).
*Applicant has designed project in reference to **Sec. 609, Special Front Yard Requirements in Developed Areas**. An existing house at 775 Foreman Siding Rd. has a 15' setback (east of subject site), and an existing house at 780 Foreman Siding Rd. has a 11' setback (west of subject site).

Side setback: 15'
R-3 Low-Density Residential minimum side setback is 15' for Single-Family and Two-Family Dwelling Units (Sec. 503.8, 503.81).

Rear setback: 30'
R-3 Low-Density Residential minimum rear setback is 20% of mean lot depth or 35' max. (Sec. 503.9).
20% of 150' lot depth = 30'.

Report cont. on next page

Building Height

STAFF FINDINGS

The applicant's exhibits "Front Elevation, page 9", "Right Side Elevation, page 10", "Rear Elevation, page 11" show an average building height of 34.13' (average of four corners of building).

R-3 Low-Density Residential maximum building height is 35' max. (Sec. 503.10). NOTE: Article II – DEFINITIONS (Montreat Zoning Ordinance) defines Building Height as noted below. NC Building Code is also noted.

Building Height: The vertical distance measured from the Average Natural Grade of the applicable Lot to the highest point of the roofline of the applicable Building, or from the top of the parapet or roof surface for flat-roofed Buildings.

2018 North Carolina State Building Code: Residential Code, definitions
[RB] HEIGHT, BUILDING. The vertical distance from *grade plane* to the average height of the highest roof surface.

Off-Street Parking and Loading Regulations

STAFF FINDINGS

Applicant proposed: Three (3) parking spaces along front of the house, with additional parking stacking-capacity along rear driveway.

Parking Requirement: Two (2) parking space per Dwelling Unit up to 2,500 SF. One (1) additional space required for each additional 1,000 SF or portion thereof above 2,500 SF. (Sec. 702, Sec. 702.1).

Utilities/Street Frontage & Access

STAFF FINDINGS

The applicant exhibit "Utilities and vehicle lane in R/W [right-of-way]" notes a currently unbuilt right-of-way (Mountain Retreat Association [MRA] R/W, not Town of Montreat R/W) with the following proposed within it:

Utilities

- Applicant proposes an **individual private water line to their property, Lot 778**, connecting to a **public Town of Montreat line (6" ductile iron water line)** adjacent to existing fire hydrant and home at 775 Foreman Siding Rd. The Town of Montreat Board of Commissioners has a policy in place to sell Town water to ETJ residents at a higher multiplier rate.
  Applicant also proposes option for additional individual private lines or one public line, with potential connections for:
  - Lots 776, 777 (PIN: 072111683100000, Owner: John Burriss)
  - 780 Foreman Siding Rd. (Lots 779, 780 PIN: 072111874200000, Owner: James Hamilton and Siri Kristina Hamilton)
  - 786 Foreman Siding Rd. (Lot 786, PIN: 072111898000000, Owner: Wade and Susie Burns
  - 628 Greybeard Trl., (Lots 788, 789, PIN: 072121087300000, Owner: John Burriss)

- No MSD sewer lines are in the immediate area (closest MSD line is over 1,000' away, south of the site on Greybeard Trl.) Applicant proposes an **on-site septic system**, permitted by Buncombe County Health Department, Environmental Health Division (Permit: SEP2020-00285).

Street Frontage & Access

- An **existing asphalt paved driveway** along frontage of 775 Foreman Siding (Lot 775, existing home, Owner: Melanie C. Porter Revocable Trust), west of subject site.
- A proposed **9-10' wide gravel road within the MRA right-of-way** leading to the subject site, Lot 778. Applicant is currently in discussion with MRA for an **access easement**.
- **Fire access has been reviewed and approved** by Kevin Tipton, Fire Marshal, Buncombe County Emergency Services on 3/8/22.

Any future utility-related permitting would need to adhere to MONTREAT CODE OF GENERAL ORDINANCES, CHAPTER E – UTILITIES, Section 3. Permit for Connection Required.

Landscaping and Trees

STAFF FINDINGS

The applicant does not propose removing any trees within a Town of Montreat right-of-way (MRA right-of-way is the subject site's frontage and access), therefore **Montreat's Tree Ordinance does not apply** to this site. (Montreat General Ordinances, Chapter K – ENVIRONMENT, ARTICLE V: TREES).

Erosion & Sediment Control (ESC)

STAFF FINDINGS

Erosion & Sediment Control (ESC) is the technical term for "stormwater control during construction". The applicant's exhibit "Erosion Control, page 3" notes the following conditions, all per **Buncombe County Soil Erosion and Sedimentation Control Ordinance** design standards:

- **Silt fences** in areas of soil disturbance.
- **Entry and exit** from grading area will be **separated from "clean" areas with gravel "mud mat"** where needed.
- There are **no paved roads lower than the flow areas of land to be disturbed**.

The Town of Montreat does not have its own independent ESC standards, but rather, references Buncombe County's standards as follows:

MONTREAT CODE OF GENERAL ORDINANCES
CHAPTER K – ENVIRONMENT
ARTICLE II: SOIL EROSION AND SEDIMENTATION CONTROL ORDINANCE

(Refers to the most updated version of the "Buncombe County Soil Erosion and Sedimentation Control Ordinance.")

Projects that disturb more than one (1) acre of land are subject to Buncombe County ESC review and permitting. This project **does not disturb more than one (1) acre**, and therefore is not subject to Buncombe County ESC review.

Post-Construction Stormwater Control

STAFF FINDINGS

Post-Construction Stormwater Control is the technical term for "stormwater control after construction is complete". The applicant's exhibit "Storm Water Management Plan, page 4" notes the following conditions:

Applicant Proposal

- A reported total of **6,300 SF of disturbed area**.
- A reported total of **3,250 SF of impervious surfaces** created by the construction of gravel parking areas and driveways and the house (including decks/porches).
- A **primary Stormwater Control Measure (SCM) [25" x 66" x 72" tall underground concrete stormwater vault with 1,850 gallons of capacity],** calculated to retain stormwater with a **48-hour discharge**.
- A secondary **Stormwater Control Measure (SCM)** consisting of a **natural basin swale** (south/downhill from driveway) with a **holding-capacity of 500 gallons,** calculated to retain stormwater with a **48-hour discharge**.
- Applicant has submitted a required Natural Resources Inventory noting:
    - Site was partially cleared and graded for a tennis court 100 years ago.
    - Ephemeral stream on site, not subject to 30' vegetated stream buffers(per NCDEQ Stream Determination letter, June 28, 2021, Andrew Moore, NCDEQ-Asheville office)

Town of Montreat Stormwater Ordinance Standards

The Town of Montreat's Post-Construction Stormwater development triggers are as follows:

MONTREAT CODE OF GENERAL ORDINANCES
CHAPTER K – ENVIRONMENT
ARTICLE III: STORMWATER MANAGEMENT

Stormwater Control Permit (SCP) (Sec. 303. Administration and Procedures., 3. Review and Appeals Procedure.) is required for:

- **Disturbed area of ≥5,000 sq. ft**. [≥0.12 AC]; or [*Applicant triggering this standard.]*
- ≥24% total lot area developed to include impervious cover; [*Applicant triggering this standard.]*
- Or addition of ≥2,500 sq. ft. [0.06 AC] or more impervious surface, unless exempt pursuant to this ordinance. [*Applicant triggering this standard.]*

The Town of Montreat has independent and more restrictive Post-Construction Stormwater standards than Buncombe County's standards. **As proposed, this project meets all relevant requirements of the Montreat Stormwater Ordinance.**

Hillside and Floodplain Development

STAFF FINDINGS

The Town of Montreat's Hillside Development and Floodplain Development ordinances are not applicable to this site since neither steep slopes (>40% slope) nor floodplains exist on the site.

STAFF FINDINGS

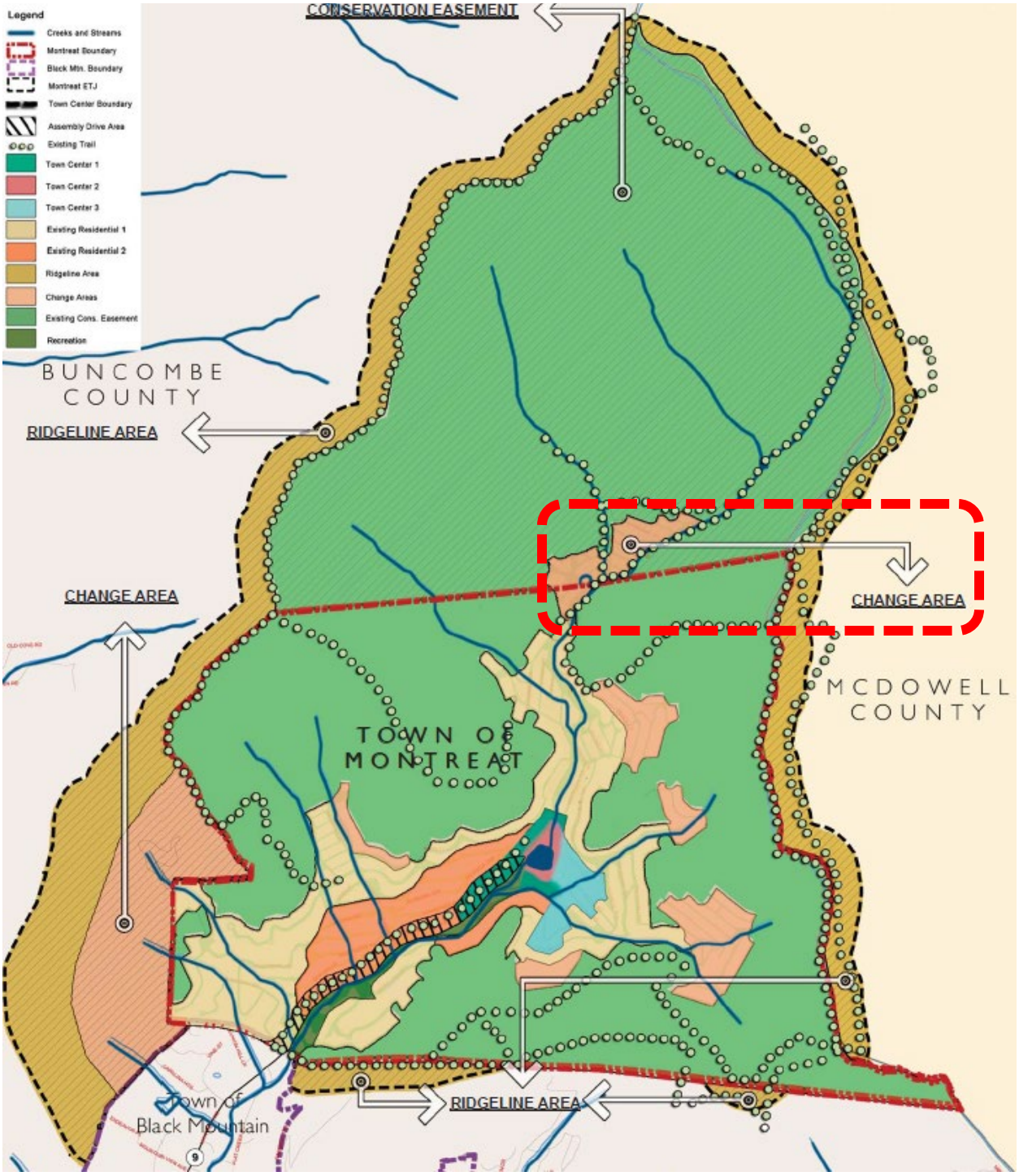
The subject property is located in sub-areas in the plan noted as both **Change Area** and **Northern Montreat**. It's identified in the following text and maps (see following pages):

> *Outlying Areas*
>
> *Inside Montreat's town limit are general pockets of potential change areas, generally located toward the periphery of the valley and therefore referred to as outlying areas. (See Figure #7 for the location of these areas.) They include the Harmony area, the Claybrook property area, the Lookout Road area, the Upper Kentucky Road area and the Northern Montreat area.*
>
> *These areas are important to the town because changes could significantly alter the character of the town and its much-valued viewsheds …*
>
> *… These areas represent the few remaining developable areas that have not been placed in the conservation easement. While adding these areas to the easement is an option each property owner could consider, it is more likely that the owners will develop these parcels at some point in the future. Because of the topography and difficult access, these areas present opportunities to stray from the conventional subdivision. Some areas would require the assemblage of several parcels for replatting so that the layout of a future subdivision is more sensitive to the physical constraints that have been an obstacle to development for some property owners.*
>
> *The uses are expected to be primarily residential at current densities of 4 DUA, with some areas providing more variety of residential choices than others. Th e conservation subdivision approach suggested in the plan allows for the same density on smaller lots by modifying the minimum lot size requirements in the ordinances to protect more open space. Studies have suggested that people place more value on preserved open spaces and are willing to live on smaller lots to be near—and have access to—these open spaces.*
>
> *Regardless, development should be mindful of and protect current views and the natural environment. In addition, all new development should be consistent with the Montreat character, scale and architectural style that has been previously explained in this report. This includes minimal disturbance to existing vegetation, limited impervious surface area and respect for existing mountain viewsheds.*
>
> **Source:** Page 30, 3.2 THE PLAN FOR MONTREAT, TOWN OF MONTREAT COMPREHENSIVE PLAN [2008]

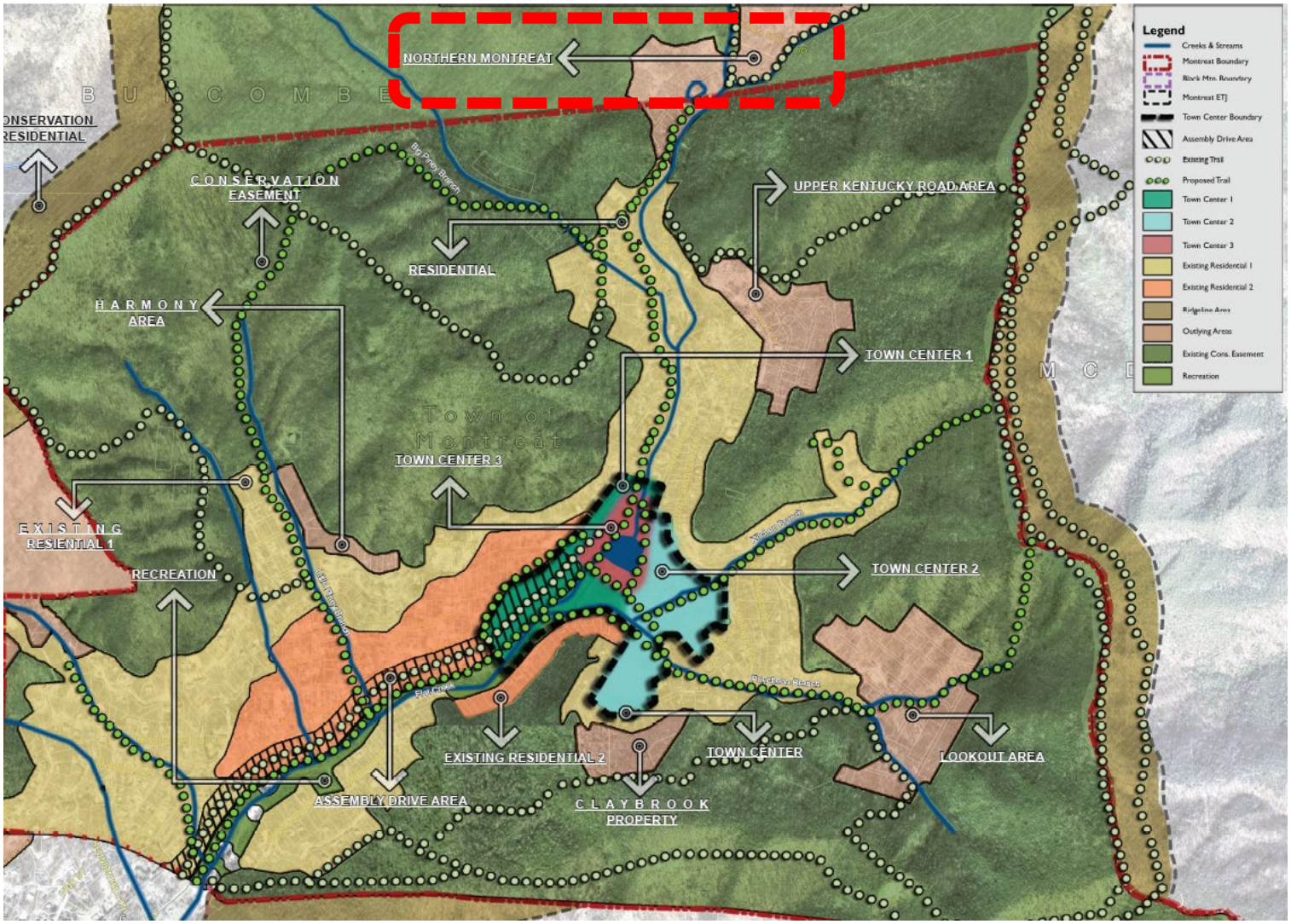
This concludes Administrative review and approval of this project.

Sincerely,

Scott Adams, AICP
Zoning Administrator



Source: Figure #6, Montreat's Planning Area Plan (TOWN OF MONTREAT COMPREHENSIVE PLAN [2008]



Source: Figure #7, Proposed Town-Wide Plan (TOWN OF MONTREAT COMPREHENSIVE PLAN [2008])

Re: Fire review needed for new single-family residential in Montreat ETJ?

Kevin Tipton <Kevin.Tipton@buncombecounty.org>

Tue 3/8/2022 7:49 AM

To: Scott Adams <Scott@landofsky.org>

Be Advised: This email originated from outside Land of Sky

I see no issues with access to this property.

Thank you,
Kevin

Kevin Tipton
He/His
Emergency Services
Fire Marshal-Interim
(828) 250-6624 / cell (828) 450-5024
164 Erwin Hills Rd. Asheville N.C. 28806
Respect. Integrity. Collaboration. Honesty. Equity.
Facebook • Twitter • Instagram • YouTube • LinkedIn

From: Scott Adams <Scott@landofsky.org>
Sent: Monday, March 7, 2022 4:42 PM
To: charlie.russell@tobm.org <charlie.russell@tobm.org>; Kevin Tipton <Kevin.Tipton@buncombecounty.org>
Subject: Fire review needed for new single-family residential in Montreat ETJ?

BC Email Security couldn't recognize this email as this is the first time you have received an email from this sender Scott@landofsky.org.

Hi,

I'm the Zoning Administrator for the Town of Montreat and am reviewing the site plan, etc. for a new house north of Montreat's town limits in its Extraterritorial Jurisdiction (ETJ) area (i.e. unincorporated Buncombe County, but subject to To of Montreat zoning/development regulations).

Do either of your offices have any fire access concerns for this property? https://prc-buncombe.spatialest.com/#/property/072111773600000 For easy address look-up, use:

780 Foreman Siding Rd. (the subject property is immediately east/adjacent of 780 Foreman Siding Rd.)

See attached site plan and illustrative sketches. The applicant is proposing gravel roads and a gravel driveway/parking pads with a slight bend in the road rather than building a straight segment of gravel roadway.

If possible, please send me a response by the end of this week, **Friday March 11**.

Thanks,

Scott Adams, AICP
Regional Planner / Zoning Administrator (Town of Montreat)
339 New Leicester Hwy., Suite 140 • Asheville, NC 28806
scott@landofsky.org
o: 828-251-7447 (Land of Sky office) • f: 828.251.6353

Montreat inquiries: Please call 828-669-8002, ext. 3030, or e-mail zoning@townofmontreat.org
Montreat hours: Wed. – Fri., 8 am – 5 pm

This institution is an equal opportunity provider and employer.
All email correspondence to and from this address is subject to public review under the NC Public Records Law.

Sign up to receive emergency texts directly from Buncombe County for breaking health and safety news. Text **BCALERT** on your smart phone to **99411** to receive alerts on important information such as floods, communicable disease, county office closings, and relevant traffic safety notifications OR visit **buncombeready.org**

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

This electronic communication may contain information that is confidential, privileged, proprietary, or otherwise legally exempt from disclosure. Additionally, the unauthorized disclosure of juvenile, health, legally privileged, proprietary, or otherwise confidential information may be prohibited by law. If you have received this email in error, you are hereby notified that you are not authorized to read, print, retain, copy, or disseminate this communication, any part of it, or any attachments. Please notify the sender immediately and delete all records of this email. There is no intent on the part of the sender to waive any privilege that may attach to this communication.

TOWN OF MONTREAT

ZONING AND INSPECTIONS DEPARTMENT
P. O. Box 423
Montreat, NC 28757
Tel: (828)669-8002, ext. 3030
Fax: (828)669-3810
www.townofmontreat.org

GRADING, EROSION, & SEDIMENTATION CONTROL PERMIT – APPLICATION

Fee: $100

(Addendum to Initial Zoning/Development Compliance – Application)

PERMIT #: _____ ☐ Residential ☐ Commercial ☐ Flood Zone

Base Flood Elevation (BFE): _____ Property Elevation: 3,090 - 3100

Owner Name: Wade D. Burns and wife Susie W.Burns
Mailing Address: PO Box 610
City: Montreat State: N.C. ZIP: 28757
Owner Phone: 828-231-0650 E-mail: wdbmountainliving@gmail.com
Project Address: ETJ Lot 778 Foreman Siding PIN #: 0721-11-7736

Contractor Name: Mountain Living Construction, Inc.
Mailing Address: PO Box 610
City: Montreat State: N.C. ZIP: 28757
Contractor Phone: 828-231-0650 E-mail: wdbmountainliving@gmail.com
License #: 62676

Description of Grading Practice: Standard silt fence installed, reinforced and maintained below water and sediment flow directions. Entry and exit from grading area will be separated from "clean" areas with gravel "mud mat" where needed.
There are no paved roads lower than the flow areas of land to be disturbed

(Give brief description and/or attach copy of plan to application)

_____ 3/3/22
(Applicant Signature) **Date**

FOR OFFICE USE ONLY

Permit Fee: $ _____ Cash: $ _____ Check #: _____ Date Paid: _____

(PERMIT APPROVAL DATE)	**BUILDING INSPECTOR SIGNATURE**

- **No ground disturbing activities may take place in a designated Special Flood Hazard Area as delineated by FEMA in its Flood Insurance Rate Map (FIRM) without first obtaining a Floodplain Development Permit.**
- **<u>All land disturbing activities</u> must utilize protective measures, such as silt fencing and mud mats, to prevent sedimentation from moving off-site. (see following pages for Buncombe County standards)**

Buncombe County Erosion & Sedimentation Control Standards

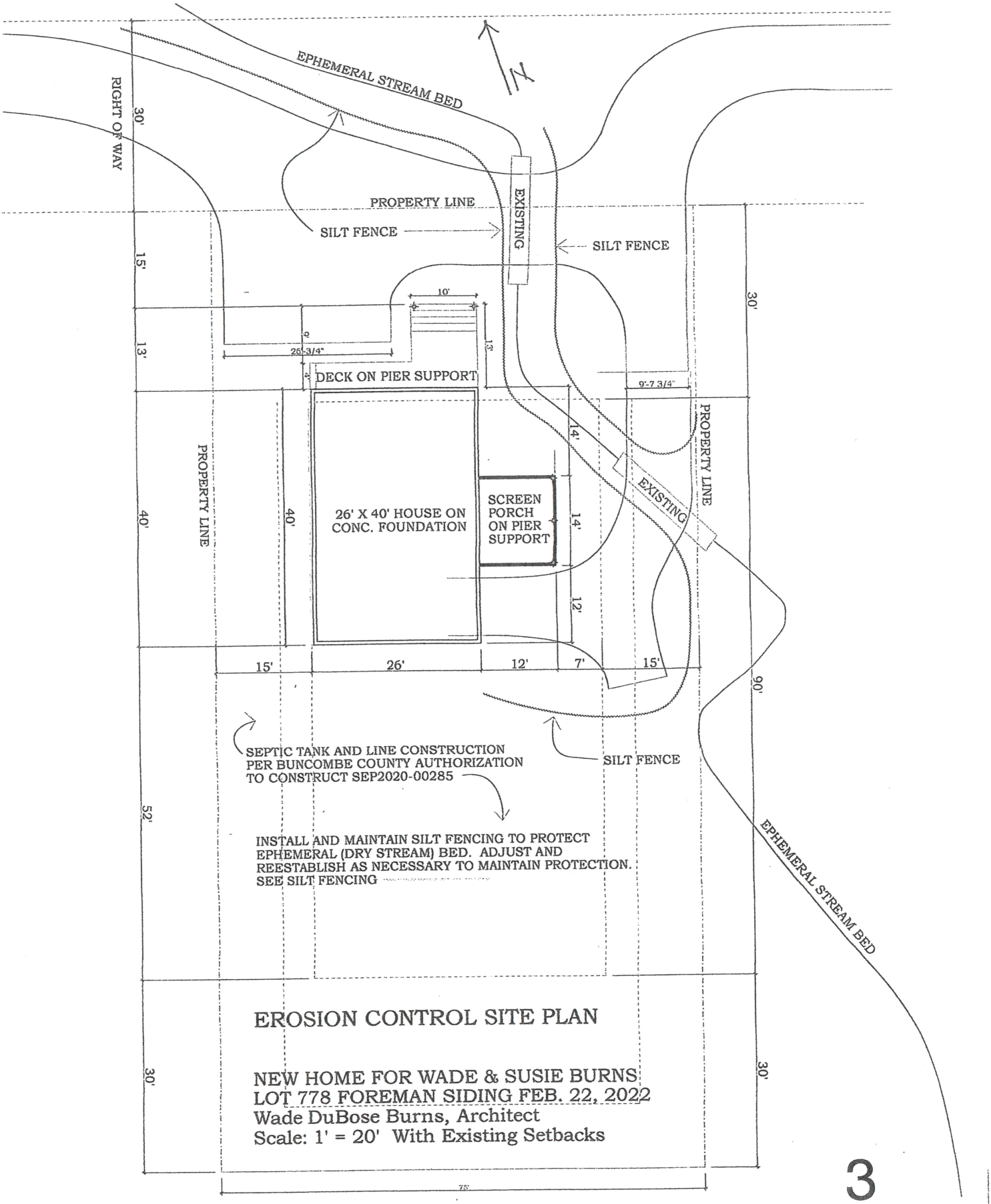
The Town of Montreat's **ARTICLE II: SOIL EROSION AND SEDIMENTATION CONTROL ORDINANCE** refers to the most updated version of the Buncombe County Soil Erosion and Sedimentation Control Ordinance. As such, the Town of Montreat requires submission of ESC documentation per Buncombe County standards.

For individual lot sites, please submit two of the three documents listed below (see following pages):

- **Buncombe County ESC Single Lot Info Table, and**
- **Buncombe County ESC Single Lot Roadside Ditch Detail, or**
- **Buncombe County ESC Single Lot Curb and Gutter Detail**

Buncombe County's Soil Erosion and Sedimentation Control – Standard Details
(i.e. construction/design details for silt fences and other ESC measures) can be found at:

https://www.buncombecounty.org/common/planning/soil-erosion-and-sedimentation-control-standard-details.pdf



EROSION CONTROL SITE PLAN

NEW HOME FOR WADE & SUSIE BURNS
LOT 778 FOREMAN SIDING FEB. 22, 2022
Wade DuBose Burns, Architect
Scale: 1' = 20' With Existing Setbacks

TOWN OF MONTREAT

ZONING AND INSPECTIONS DEPARTMENT
P. O. Box 423
Montreat, NC 28757
Tel: (828)669-8002, ext. 3030
Fax: (828)669-3810
www.townofmontreat.org

STORMWATER PERMIT – APPLICATION

Fee: $400 per acre, or portion thereof, for total disturbed acreage equal to or exceeding 12,000 sq. ft.
Fee: $100 flat fee for less than 12,000 sq. ft. of disturbed area

Financial Responsibility / Ownership Form

INSTRUCTIONS: *All sections must be completed. Please type or print information. Section 4 must be completed in the presence of a Notary Public. Application must be completed before a building or grading permit is processed.*

PERMIT #: _____

- [x] Residential
- [ ] Commercial
- [ ] Flood Zone

Elevation: _____
Rec. Date:

Section 1:

Owner Name: Wade D. Burns/Susie W. Burns Owner Phone #: 828-231-0650

Owner Address: PO Box 610, Montreat, N.C. 28757

Project Address: ETJ Lot 778 Foreman Siding **PIN #:** 0721-11-7736

Total Acreage of Site: .26

Total Area Disturbed/Percentage Impervious/Impervious Surface Added: 6,300 disturbed,29%of dist. iimpervi

Amount of fee enclosed: #100.—

Section 2:

Descriptions of Stormwater Management Practice (briefly describe and/or attach plan):

Cistern plus a natural retention basin See plans

Section 3:

The undersigned states that he/she is the applicant/developer and/or property owner and is financially responsible for installation, operation and maintenance of the stormwater controls until ownership is conveyed and acknowledges requirements of the **Town of Montreat Article III: Stormwater Management Ordinance (see next page)** as well as the penalties and resources available to the Town in the event of violation of the Ordinance.

Signature: _____

Section 4:

Name: Wade D.Burns Date: 3/3/2022

Title: owner

Signature: _____

I, Sean Bowers, a Notary Public for the County of Buncombe, State of NC, hereby certify that the above personally appeared before me this day and under oath acknowledged that the above form was voluntarily executed by him and is correct to the best of his knowledge and belief.

Witness my hand and seal, this 3rd day of March, 2023.

Notary

Sean Bowers
NOTARY PUBLIC
BUNCOMBE COUNTY, NC
MY COMMISSION EXPIRES 8-30-23

My Commission Expires 8/30/2027

Revised 8/12/21

Town of Montreat – Required Documentation Worksheet for Stormwater Control Plan

Per General Ordinances, Chapter K – Environment, Article III: Stormwater Management:

Stormwater Control Permit (SCP) is required for:

- Disturbed area of **≥5,000 sq. ft.**; or
- **≥ 24% total lot area developed to include impervious cover**;
- Or addition of **≥ 2,500 sq. ft. or more impervious surface**, unless exempt pursuant to this ordinance.

D 6,300, Imp. 3,270

Please state your project's disturbed area and/or impervious area in square feet: _____

304. Permit Application and Plans to include:

1. Existing Conditions / Proposed Site Plans
2. Natural Resources Inventory
3. Stormwater Management System Plan

Please attach Sec. 304 documentation to this application.

Area-Based Requirements (two tiers)

- Larger Development Projects
  - Development on **lots ≥ 1 acre**;
  - Or on **lots ≤ 1 acre with ≥ 10,000 sq. ft. of disturbed area**.
  - Requires plan created by qualified Professional Engineer, environmental scientist, or landscape architect.

- Smaller Development Projects
  - Development on lots with **< 10,000 sq. ft. of disturbed area**
  - Requires demonstration of stormwater control via BMPs selected by applicant.
    - NOTE: Permeable pavement is limited to detention as a stormwater tool in WNC due to are soils having high clay content, lower permeability.

Stormwater Control Plans (SCP) should include pre-development and post-development calculations.

305. General Standards

- Projects using LID/BMP approached must capture and treat runoff from the **first inch of rainfall**.
- When LID/BMP isn't practicable, project must control runoff for **1 year/24-hour storm** (for Black Mountain, as determined by NOAA) – Need to document in SCP
- Runoff volume drawdown time shall be a minimum of 48 hours, but not more than 120 hours.

Please attach Sec. 305 documentation to this application.

New Cottage for Wade and Susie Burns
ETJ Lot 778 Foreman Siding

Natural resources inventory

The .26 acre lot was partially cleared and graded to create a small tennis Court approximately 100 years ago. This graded area appears to have had little disturbance in the past 100 years. The lot is 60% clear of trees and shrubs. The dozen or so trees are in mid life on the lower (rear) portion of the lot and appear very healthy. These trees will remain as is after construction.

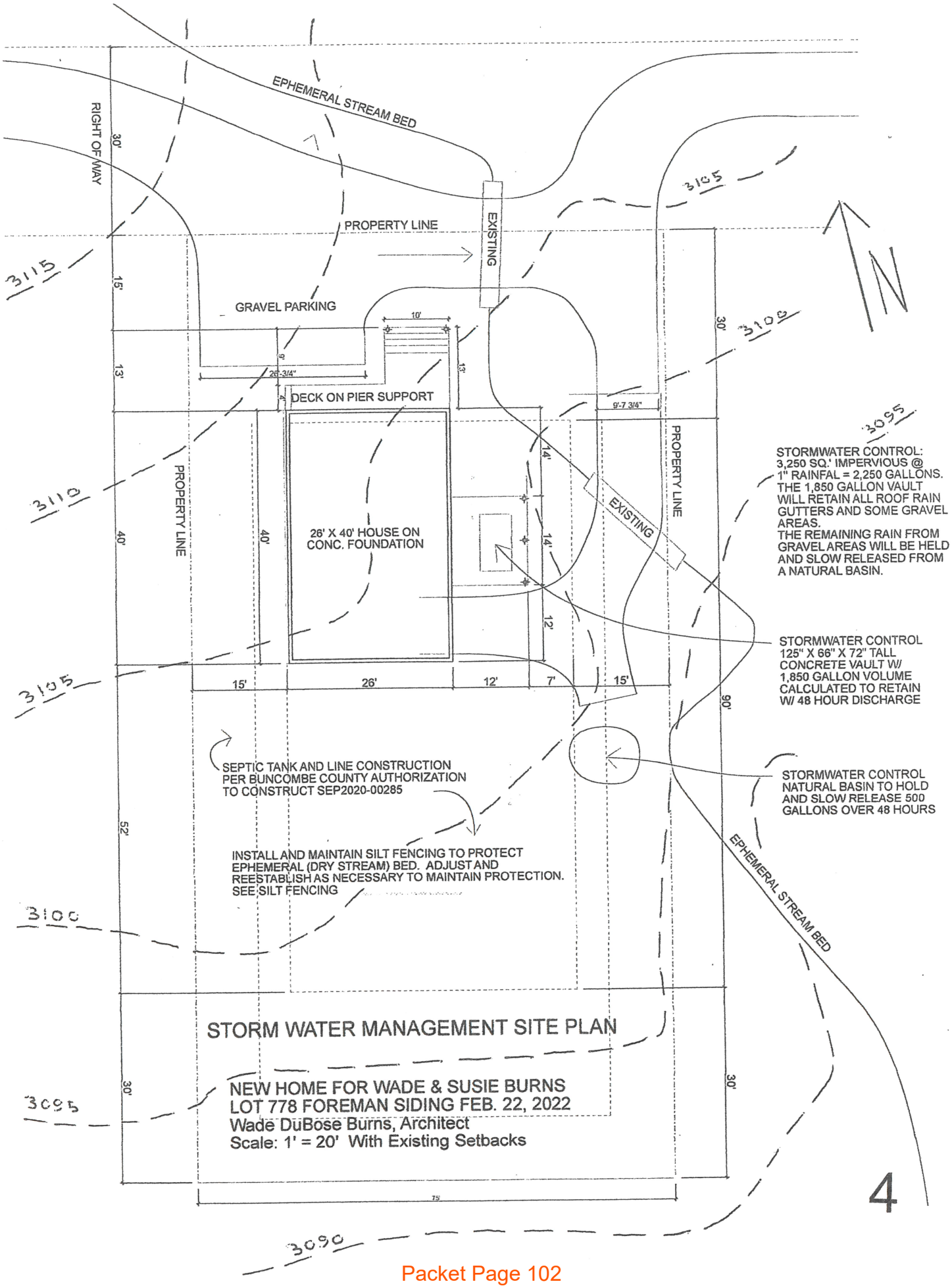
There is an Ephemeral (dry and rainfall collector) stream bed that crosses the NE corner of the lot.

The trees on the site of the proposed home have been removed. The stumps will be removed during grading for the house construction.

The old tennis court flat area has been approved for construction of the new septic system and there will be little change in that area after construction. No trees are in this area.

There are several larger trees near or past their life expectancy which have been removed for both safety reasons and to provide and area for the required parking area. The stumps will be removed during grading for the house construction.

The existing ground cover includes ferns, wildflowers, a few Lady Slipper native orchids, mountain laurel and rhododendrons which will be retained where possible.


EPHEMERAL STREAM BED
RIGHT OF WAY
30'
PROPERTY LINE
EXISTING
3115
3105
GRAVEL PARKING
10'
15'
13'
9'
26'-3/4"
4"
DECK ON PIER SUPPORT
13'
30'
3100
9'-7 3/4"
3095
PROPERTY LINE
3110
40'
40'
26' X 40' HOUSE ON
CONC. FOUNDATION
14'
14'
12'
EXISTING
PROPERTY LINE
STORMWATER CONTROL:
3,250 SQ.' IMPERVIOUS @
1" RAINFAL = 2,250 GALLONS.
THE 1,850 GALLON VAULT
WILL RETAIN ALL ROOF RAIN
GUTTERS AND SOME GRAVEL
AREAS.
THE REMAINING RAIN FROM
GRAVEL AREAS WILL BE HELD
AND SLOW RELEASED FROM
A NATURAL BASIN.
STORMWATER CONTROL
125" X 66" X 72" TALL
CONCRETE VAULT W/
1,850 GALLON VOLUME
CALCULATED TO RETAIN
W/ 48 HOUR DISCHARGE
3105
15'
26'
12'
7'
15'
90'
SEPTIC TANK AND LINE CONSTRUCTION
PER BUNCOMBE COUNTY AUTHORIZATION
TO CONSTRUCT SEP2020-00285
STORMWATER CONTROL
NATURAL BASIN TO HOLD
AND SLOW RELEASE 500
GALLONS OVER 48 HOURS
52'
INSTALL AND MAINTAIN SILT FENCING TO PROTECT
EPHEMERAL (DRY STREAM) BED. ADJUST AND
REESTABLISH AS NECESSARY TO MAINTAIN PROTECTION.
SEE SILT FENCING
EPHEMERAL STREAM BED
3100
STORM WATER MANAGEMENT SITE PLAN
NEW HOME FOR WADE & SUSIE BURNS
LOT 778 FOREMAN SIDING FEB. 22, 2022
Wade DuBose Burns, Architect
Scale: 1' = 20' With Existing Setbacks
30'
3095
30'
75'
3090
4

ROY COOPER
Governor
JOHN NICHOLSON
Interim Secretary
S. DANIEL SMITH
Director

NORTH CAROLINA
Environmental Quality

SENT VIA ELECTRONIC MAIL ONLY: NO HARD COPY WILL BE MAILED

June 28, 2021

Wade Burns
wdbmountainliving@gmail.com

Subject: Stream Identification Request
99999 Foreman Siding Road
Buncombe County

Dear Mr. Burns:

This letter provides the findings of a site visit to Buncombe County Parcel Identification Number 0721-11-7736-00000 at 99999 Foreman Siding Road, Montreat, North Carolina, conducted on June 25, 2021, to provide a stream determination. The stream feature is shown on the most recent published NRCS Soil Survey of Buncombe County, North Carolina, and/or the most recent copy of the USGS Topographic map at 1:24,000 scale (see attached figure). The results of the stream determination are as follows:

Features	Score	Comments
Geomorphology	9.5	
Hydrology	2.0	
Biology	4.0	
Total	15.5	
Determination:	**Ephemeral** Stream Determination	

This on-site determination shall expire five (5) years from the date of this letter. Landowners or affected parties that dispute a determination made by the Division of Water Resources (DWR) may request a determination by the Director. An appeal request must be made within sixty (60) days of date of this letter. A request for a determination by the Director shall be referred to the Director in writing. If sending via US Postal Service: c/o Paul Wojoski; DWR – 401 & Buffer Permitting Unit; 1617 Mail Service Center; Raleigh, NC 27699-1617. If sending via delivery service (UPS, FedEx, etc.): Paul Wojoski; DWR – 401 & Buffer Permitting Unit; 512 N. Salisbury Street; Raleigh, NC 27604.

This determination is final and binding unless, as detailed above, an appeal is requested within sixty (60) days.

If you have questions regarding this determination, please feel free to contact me at 828-296-4684 or Andrew.W.Moore@ncdenr.gov.

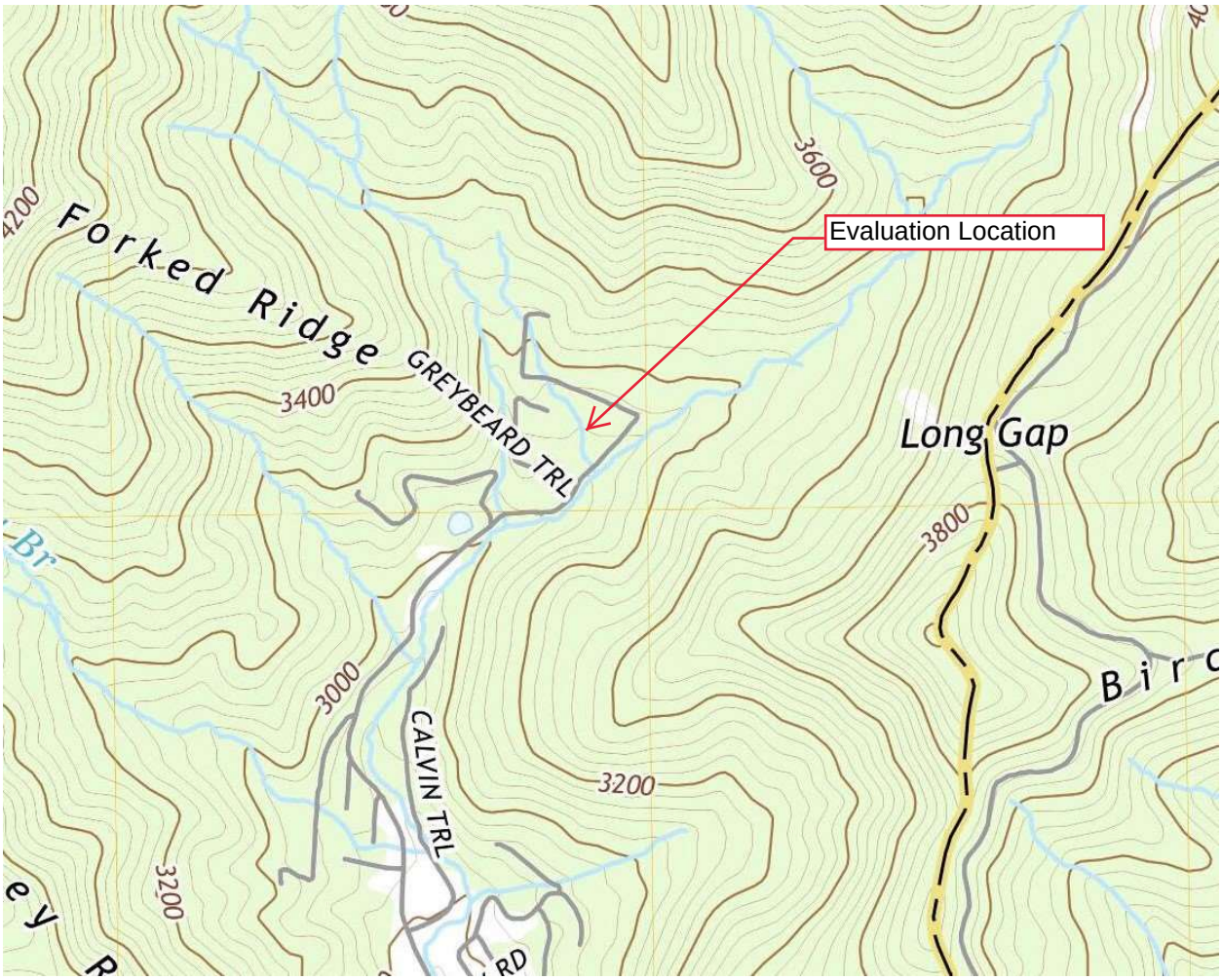
Sincerely,

DocuSigned by:
Andrew Moore
5C147F587AE9400...

Andrew Moore
Asheville Regional Office
Water Quality Regional Operation Section
NCDEQ – Division of Water Resources

Enclosures: Maps

ec: Scott Adams, Town of Montreat



From: United States Geological Survey. Montreat Quadrangle. 1:24,000. 7.5 Minute Series, Va: United States Department of the Interior, USGS, 2019.

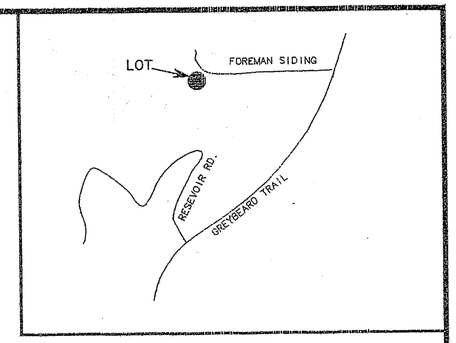
Buncombe County



June 25, 2021

1:1,128

0 0.0075 0.015 0.03 mi



VICINITY MAP

NOTES:

1. THIS IS AN EXISTING TRACT OF LAND
2. SUBJECT PROPERTY SEE DB 5298 PG 489
   PIN # 0721-11-7736
3. THIS PROPERTY IS SUBJECT TO ANY EASEMENTS OR RIGHT OF WAYS OF RECORD. THAT MAY BE FOUND IN A FULL TITLE EXAMINE
5. ACREAGES CALCULATED BY THE COORDINATE METHOD.

MOUNTAIN RETREAT ASSOC.
DB 2002 PG 525
PB 50 PG 71
PIN # 0721-11-7936

MAN HOLE FOR WATER
FIRE HYDRANT
GRAVEL RD
GATE VALUE
TRANSFORMER
N 56°20'13" W
TIE LINE ONLY
305.43'
ASPH DRIVE
30' R/W

NORTH NC GRID NAD 83

784
785
786
776
777
778
779

WADE D. BURNS ET AL
DB 5298 PG 489
PB 50 PG 71
PIN # 0721-11-8913

FLAG AT SUBSURFACE
NC GRID
N = 711940.63
E = 1021697.90
LAT 35°39'41.63
LON -82°17'38.77

N 67°14'07"W
80.07'
N 67°04'12"W
80.34'

N = 711870.868
E = 1021709.649
S 67°20'38"E
75.09'
CULVERT

MELANIE C. PORTER REVOCABLE TRUST
DB 5841 PG 721
PB 47 PG. 123
PIN # 0721-11-5835

JOHN H. BURRISS SR.
DB 3801 PG 818
PB 50 PG 71
PIN # 0721-11-6831

N 23°04'28"E
149.65'
150.39'
S 22°52'29"W
N 66°55'54"W
75.61'
DRAINAGE DITCH

DB 5298 PG 489
PB 47 PG 162
PIN # 0721-11-7736

JAMES & KRISTINA S. HAMILTON
DB 5315 PG 705
PB 47 PG 162
PIN # 0721-11-8742

GRAVEL DRIVE

FOREMAN SIDING

GILCHRIST COURT

I, MITCHELL E. EFFLER P.L.S. CERTIFY THAT UNDER MY SUPERVISION THIS MAP WAS DRAWN FROM AN ACTUAL FIELD SURVEY AND IS IN ALL RESPECTS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THAT THE ERROR OF CLOSURE IS CALCULATED BY LATITUDES AND DEPARTURES AND IS 1 : 10,000 ;
FOR REFERENCE SEE NOTES AND TITLE BLOCK ALSO DB 5298 PG 489

WITNESS MY HAND AND SEAL THIS 22ND DAY OF SEPTEMBER 2021.

SIGNATURE _____

NORTH CAROLINA PROFESSIONAL SEAL L-2583 LAND SURVEYOR MITCHELL E. EFFLER

LEGEND

- UNMARKED POINT
- NO. 5 REBAR SET
- REBAR FOUND
- POWER POLE
- IRON PIPE FOUND
- GATE VALUE
- CONCRETE MON.

SURVEY FOR

WADE BURNS

MONTREAT TWP. BUNCOMBE CO., NC

SCALE 1"= 30' SEPTEMBER 22, 2021

0 15' 30' 60' 120'

EFFLER SURVEYING INC., 732 OLD US 70, SWANNANOA, NC. 28778
PHONE (828) 686-5676 FAX (828) 686-9175

C-5021

APPENDIX

TOWN OF MONTREAT

TOWN OF MONTREAT
NORTH CAROLINA

ZONING AND INSPECTIONS DEPARTMENT
P. O. Box 423
Montreat, NC 28757
Tel: (828) 669-8002, ext. 3030
www.townofmontreat.org

INITIAL ZONING/DEVELOPMENT COMPLIANCE – APPLICATION

Fee: $35

(NOTE: May require addendum forms (i.e. Variance, Special Use Permit, etc.)

Project Address(s): ETJ Lot 778 Foreman Siding, Montreat

Parcel Identifier Number(s) (PIN #): 0721-11-7736

Zoning District(s): R-3

Owner Name: Wade Burns and wife Susie W. Burns

Mailing Address: PO Box 610

City: Montreat State: N.C. ZIP: 28757

Owner Phone: 828-231-0650 E-mail: wdbmountainliving@gmail.com

Short description of proposed project and intended use: Build a 3 bedroom cottage on originally and still platted .26 acre lot.

Special Conditions (Variance or Special Use Permit required?) ☐ Yes (see attached) ☒ No

NOTE: Where a Variance or Special Use Permit (SUP) is required, the Zoning Official shall not issue a Certificate of Zoning/Development Compliance until such Variance or SUP shall be approved by the Board of Adjustment.

Page 2 and 3 provide summary information on the Town of Montreat's **Zoning, Stormwater** (Erosion & Sediment Control and Stormwater Management), **and Hillside Development standards.** Please see page 4 for a **Zoning Checklist for Permit Applications**, page 5 for **Additional Information About Zoning Compliance**, and pages 6-8 for ***Montreat Zoning/Development Standards Reference List***.

TOWN OF MONTREAT

ZONING AND INSPECTIONS DEPARTMENT
P. O. Box 423
Montreat, NC 28757
Tel: (828) 669-8002, ext. 3030
www.townofmontreat.org

Zoning Districts – Dimensional Standards

District	Min. Lot Area*	Min. Lot Width	Min. Lot Depth	Front Setback**	Side Setback	Rear Setback
R-1: Low-Density Residential	10,000 SF (SFD) 15,000 SF (TFD and other uses)	75'	100'	30'	15' (SFD) 25' (All other uses)	20% of mean lot depth, or 35' max.
R-2: Medium Density Residential	8,000 SF (SFD) 12,000 SF (TFD and all other uses) MFD (3 or more units), 20,000 SF, plus 3,500 SF per unit in excess of 4 units	60'	100'	30'	10' (SFD) 20' (All other uses)	20% of mean lot depth, or 30' max.
R-3: Low-Density Residential (Septic)	20,000 SF (SFD)*** 30,000 SF (TFD and all other uses)	75'	100'	30'	15' (SFD) 25' (All other uses)	20% of mean lot depth, or 35' max.
I/R: Institutional/Residential District	6,000 SF (SFD)	65'	100'	25' for all uses	**12'**/*17.'5* **interior**/*corner*	25'
	10,000 SF (TFD and all other uses)	80'	100'			
	15,000 SF (MFD)	100'	100'			
I: Institutional District	7,500 (all uses)	75'	100'	N/A - 25' from right-of-way and when adjacent to a different Zoning District		

SFD = Single-Family Dwelling **TFD** = Two-Family Dwelling **MFD** = Multi-Family Dwelling

* **Min. Lot Size for New Lots**. If lot already exists, it's a **Lot of Record** - A lot which is a part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds of Buncombe County, or a lot described by metes and bounds, prior to the adoption of this Ordinance. (November 14, 1985) No newly created lot shall be reduced in dimension/area below the min. requirement. (Sec. 607)

** **Front Setback Reductions**

- Corner lots may have a fifty percent (50%) setback reduction on one front setback (Sec. 607).
- Lots in developed areas may use the average front setback of surrounding lots, min. 15' front setback. (Sec. 609).
- On lots ≥40% slope, front setbacks may be reduced up to fifty (50%) based on Zoning and Town Administrator approval.

*** **Septic Service** In areas not served by a public or community sewer system, the minimum lot area shall be determined by the Buncombe County Health Department. This minimum lot area shall be that necessary for safe on-site waste disposal system, but in no case, shall the lot be smaller than the required area for the Zoning District in which it is located. (Sec. 603)

TOWN OF MONTREAT

ZONING AND INSPECTIONS DEPARTMENT
P. O. Box 423
Montreat, NC 28757
Tel: (828) 669-8002, ext. 3030
www.townofmontreat.org

Other Development Standards

Please see ***Montreat Zoning/Development Standards Reference List*** (page 6) for standards which may apply to your project. The list immediately below highlights common home-construction related standards.

NOTE: Erosion & Sediment Control (ESC) measures are required for any amount of land disturbance.
See *Buncombe County Erosion & Sediment Control* documents under "Forms" on Town of Montreat website.

Is an Erosion & Sediment Control Permit Required? (see General Ordinances) ☑Yes ☑No
A permit is required when:

- Any land disturbance >1 acre on a tract, or
- Any land disturbance >0.25 acre on a lot, parcel, or tract with average natural slope >25%

Is a Stormwater Permit Required? (see General Ordinances) ☑Yes ☐No
A permit is required when:

- Disturbing ≥ 5,000 SF on lot area; or
- Adding impervious surface on ≥ 24% on lot area; or
- Adding ≥ 2,500 SF of impervious surface on lot area.

Is a Hillside Development Permit Required? (see General Ordinances) ☐Yes ☑No
A permit is required when the average slope of the lot is ≥ 40%.
Steep Slope Calculator: https://www.mapwnc.org/

Applicant's Acknowledgement

I, Wade D. Burns, **hereby certify that all of the information set forth above is true and accurate to the best of my knowledge.**

Date: Feb. 4,2022 **Applicant's Signature:** 3/3/22

Applicant's Name (PLEASE PRINT): Wade D. Burns

FOR OFFICE USE ONLY

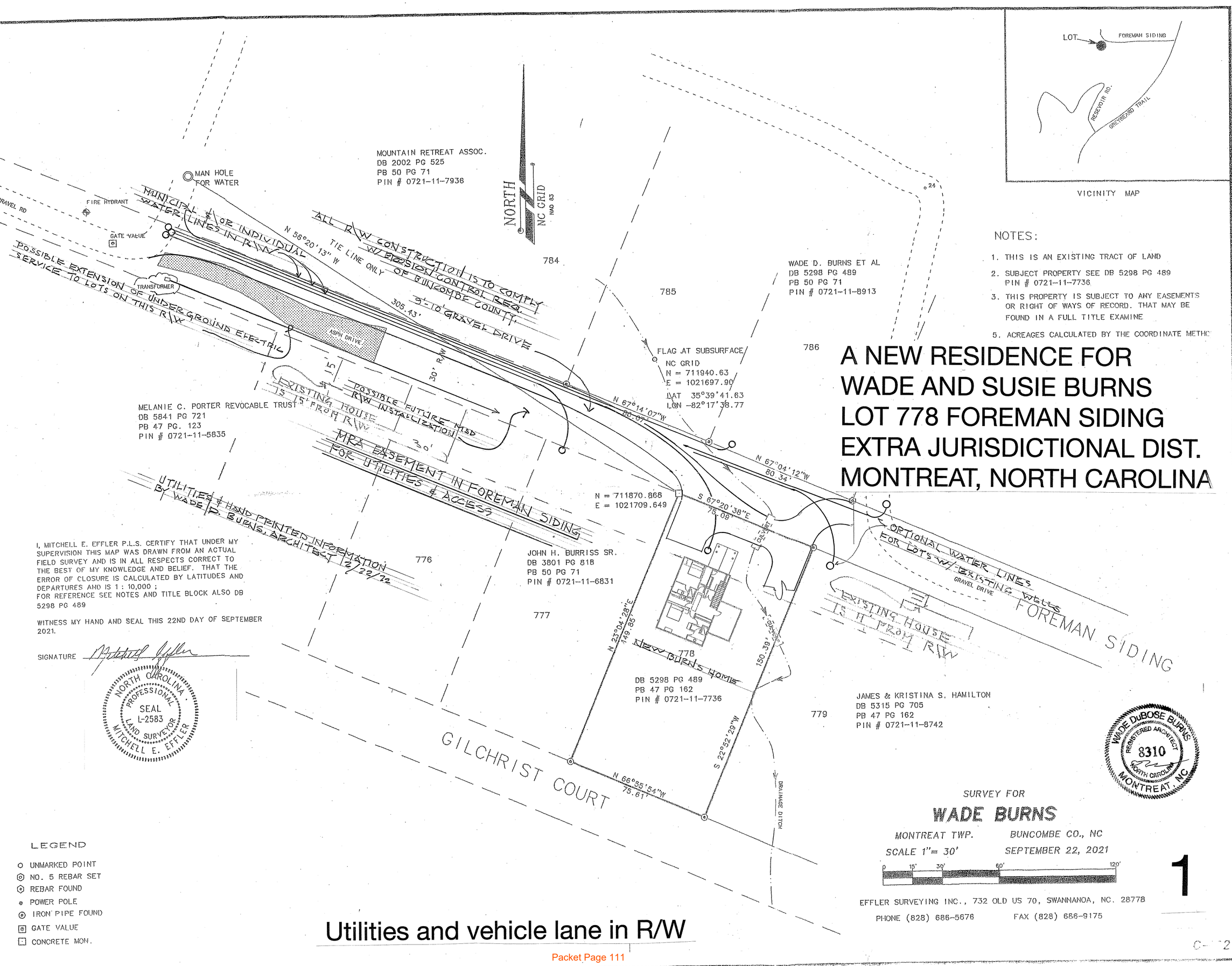
☐ Approved ☐ Application deemed Complete (Board approval required) ☐ Denied

Date: 3/3/22 **Zoning Administrator's Signature:** Scott Adams

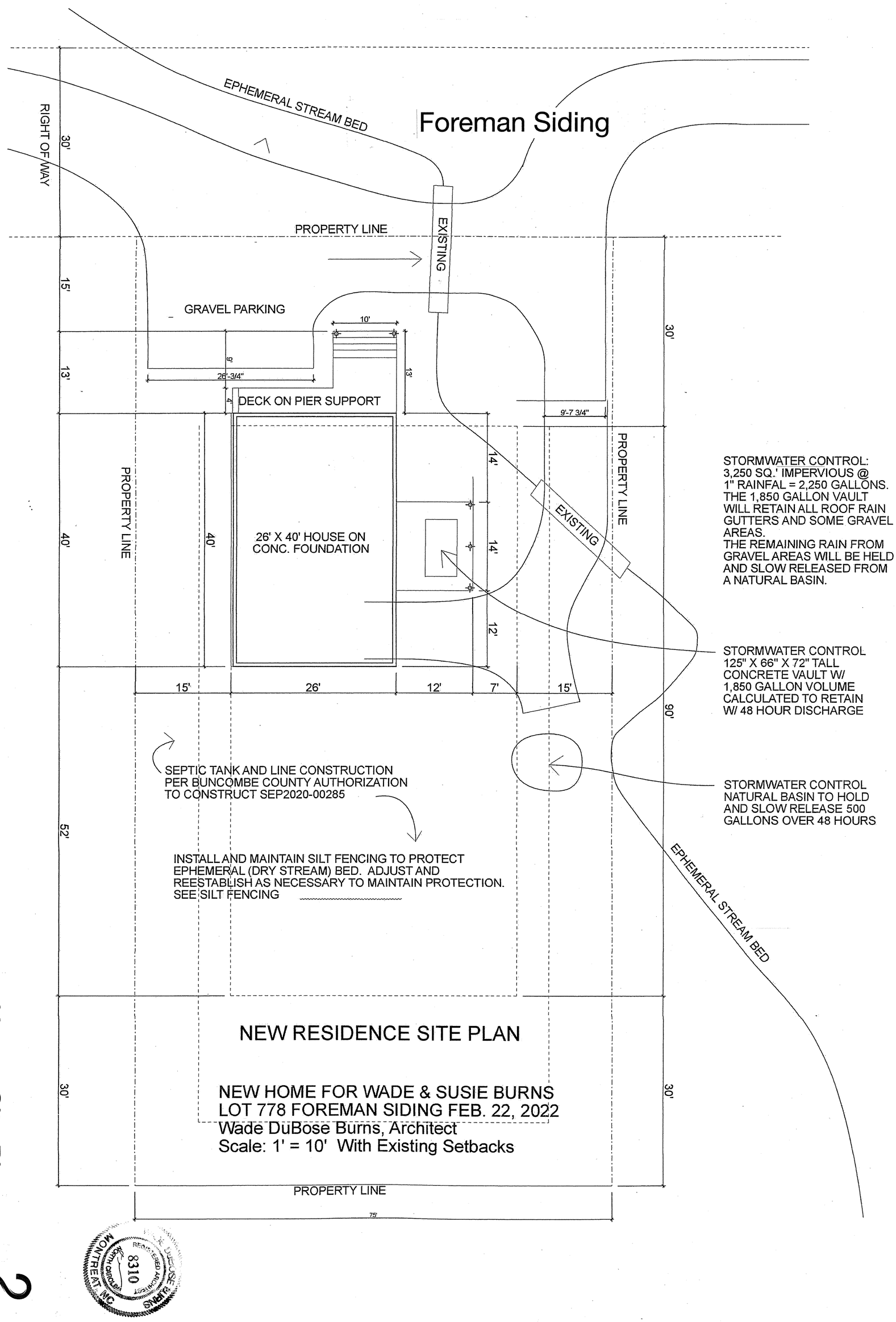
Zoning Administrator's Name (PLEASE PRINT): Scott Adams

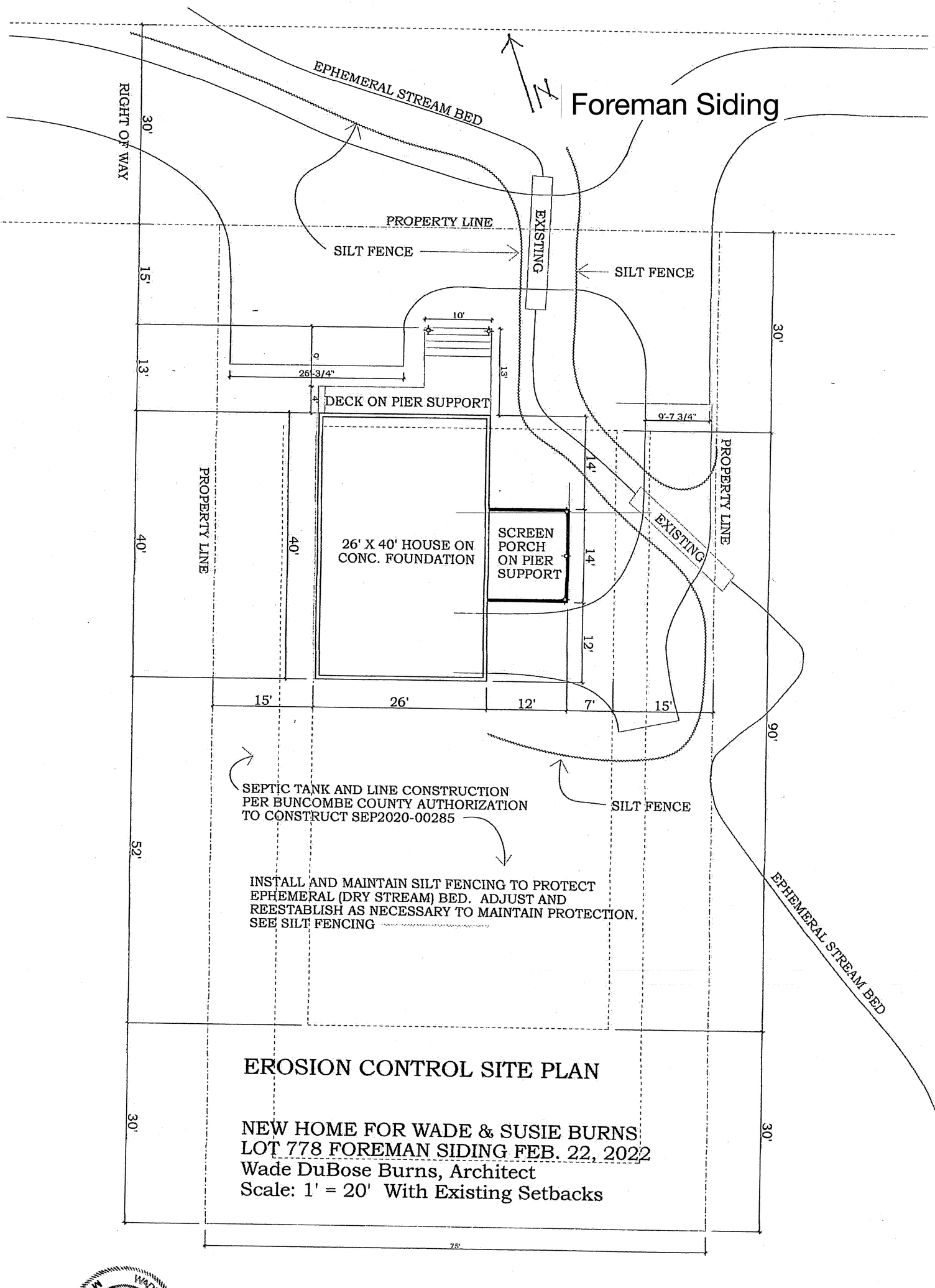
Permit Fee: $ $235 ($35 zoning, $100 ESC, $100 stormwater) Cash: $ Check #: 1006 Date Paid: 3/3/22

NOTE: Certificate of Zoning Compliance (later on) must be APPROVED before Building Permit can be issued.


MOUNTAIN RETREAT ASSOC.
DB 2002 PG 525
PB 50 PG 71
PIN # 0721-11-7936
MAN HOLE FOR WATER
FIRE HYDRANT
GRAVEL RD
GATE VALVE
MUNICIPAL & OR INDIVIDUAL WATER LINES IN R/W
ALL R/W CONSTRUCTION IS TO COMPLY W/ EROSION CONTROL REQ. OF BUNCOMBE COUNTY
N 56°20'13" W
TIE LINE ONLY
305.43'
5'-10 GRAVEL DRIVE
TRANSFORMER
POSSIBLE EXTENSION OF UNDERGROUND ELECTRIC SERVICE TO LOTS ON THIS R/W
45FH DRIVE
784
785
786
WADE D. BURNS ET AL
DB 5298 PG 489
PB 50 PG 71
PIN # 0721-11-8913
FLAG AT SUBSURFACE
NC GRID
N = 711940.63
E = 1021697.90
LAT 35°39'41.63
LON -82°17'38.77
N 67°14'07"W
80.07
N 67°04'12"W
80.34'
NORTH
NC GRID
NAD 83
MELANIE C. PORTER REVOCABLE TRUST
DB 5841 PG 721
PB 47 PG. 123
PIN # 0721-11-5835
15'
30'
POSSIBLE FUTURE MSD R/W INSTALLATION
EXISTING HOUSE IS 15' FROM R/W
MRA EASEMENT IN FOREMAN SIDING FOR UTILITIES & ACCESS
UTILITIES & HAND PRINTED INFORMATION BY WADE P. BURNS, ARCHITECT 9/22/21
776
777
JOHN H. BURRISS SR.
DB 3801 PG 818
PB 50 PG 71
PIN # 0721-11-6831
N = 711870.868
E = 1021709.649
S 67°20'38"E
75.09
CULVERT
OPTIONAL WATER LINES FOR LOTS W/ EXISTING WELLS
GRAVEL DRIVE
FOREMAN SIDING
EXISTING HOUSE IS 11' FROM R/W
N 23°04'28"E
149.85
NEW BURNS HOME
778
DB 5298 PG 489
PB 47 PG 162
PIN # 0721-11-7736
150.39'
S 22°52'29"W
N 66°55'54"W
75.61
DRAINAGE DITCH
779
JAMES & KRISTINA S. HAMILTON
DB 5315 PG 705
PB 47 PG 162
PIN # 0721-11-8742
GILCHRIST COURT
LOT
FOREMAN SIDING
RESERVOIR RD.
GREYBEARD TRAIL
VICINITY MAP
NOTES:
1. THIS IS AN EXISTING TRACT OF LAND
2. SUBJECT PROPERTY SEE DB 5298 PG 489 PIN # 0721-11-7736
3. THIS PROPERTY IS SUBJECT TO ANY EASEMENTS OR RIGHT OF WAYS OF RECORD. THAT MAY BE FOUND IN A FULL TITLE EXAMINE
5. ACREAGES CALCULATED BY THE COORDINATE METHO
A NEW RESIDENCE FOR
WADE AND SUSIE BURNS
LOT 778 FOREMAN SIDING
EXTRA JURISDICTIONAL DIST.
MONTREAT, NORTH CAROLINA
I, MITCHELL E. EFFLER P.L.S. CERTIFY THAT UNDER MY SUPERVISION THIS MAP WAS DRAWN FROM AN ACTUAL FIELD SURVEY AND IS IN ALL RESPECTS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THAT THE ERROR OF CLOSURE IS CALCULATED BY LATITUDES AND DEPARTURES AND IS 1 : 10,000 ; FOR REFERENCE SEE NOTES AND TITLE BLOCK ALSO DB 5298 PG 489
WITNESS MY HAND AND SEAL THIS 22ND DAY OF SEPTEMBER 2021.
SIGNATURE
NORTH CAROLINA PROFESSIONAL SEAL L-2583 LAND SURVEYOR MITCHELL E. EFFLER
WADE DUBOSE BURNS REGISTERED ARCHITECT 8310 NORTH CAROLINA MONTREAT, NC
SURVEY FOR
WADE BURNS
MONTREAT TWP. BUNCOMBE CO., NC
SCALE 1"= 30' SEPTEMBER 22, 2021
0 15' 30' 60' 120'
EFFLER SURVEYING INC., 732 OLD US 70, SWANNANOA, NC. 28778
PHONE (828) 686-5676 FAX (828) 686-9175
1
LEGEND
O UNMARKED POINT
NO. 5 REBAR SET
REBAR FOUND
POWER POLE
IRON PIPE FOUND
GATE VALVE
CONCRETE MON.
Utilities and vehicle lane in R/W

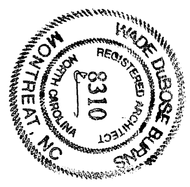
House Site Plan 2





EROSION CONTROL SITE PLAN

NEW HOME FOR WADE & SUSIE BURNS
LOT 778 FOREMAN SIDING FEB. 22, 2022
Wade DuBose Burns, Architect
Scale: 1' = 20' With Existing Setbacks



Erosion Control 3

Foreman Siding

EPHEMERAL STREAM BED

RIGHT OF WAY

30'

PROPERTY LINE

EXISTING

3115

15'

GRAVEL PARKING

10'

9'

26'-3/4"

13'

4"

DECK ON PIER SUPPORT

3105

30'

3105

9'-7 3/4"

3095

3110

PROPERTY LINE

40'

26' X 40' HOUSE ON
CONC. FOUNDATION

40'

14'

14'

EXISTING

PROPERTY LINE

12'

3105

15'

26'

12'

7'

15'

90'

STORMWATER CONTROL:
3,250 SQ.' IMPERVIOUS @
1" RAINFAL = 2,250 GALLONS.
THE 1,850 GALLON VAULT
WILL RETAIN ALL ROOF RAIN
GUTTERS AND SOME GRAVEL
AREAS.
THE REMAINING RAIN FROM
GRAVEL AREAS WILL BE HELD
AND SLOW RELEASED FROM
A NATURAL BASIN.

STORMWATER CONTROL
125" X 66" X 72" TALL
CONCRETE VAULT W/
1,850 GALLON VOLUME
CALCULATED TO RETAIN
W/ 48 HOUR DISCHARGE

SEPTIC TANK AND LINE CONSTRUCTION
PER BUNCOMBE COUNTY AUTHORIZATION
TO CONSTRUCT SEP2020-00285

STORMWATER CONTROL
NATURAL BASIN TO HOLD
AND SLOW RELEASE 500
GALLONS OVER 48 HOURS

52'

INSTALL AND MAINTAIN SILT FENCING TO PROTECT
EPHEMERAL (DRY STREAM) BED. ADJUST AND
REESTABLISH AS NECESSARY TO MAINTAIN PROTECTION.
SEE SILT FENCING

EPHEMERAL STREAM BED

3100

STORM WATER MANAGEMENT SITE PLAN

NEW HOME FOR WADE & SUSIE BURNS
LOT 778 FOREMAN SIDING FEB. 22, 2022
Wade DuBose Burns, Architect
Scale: 1' = 20' With Existing Setbacks

30'

3095

30'

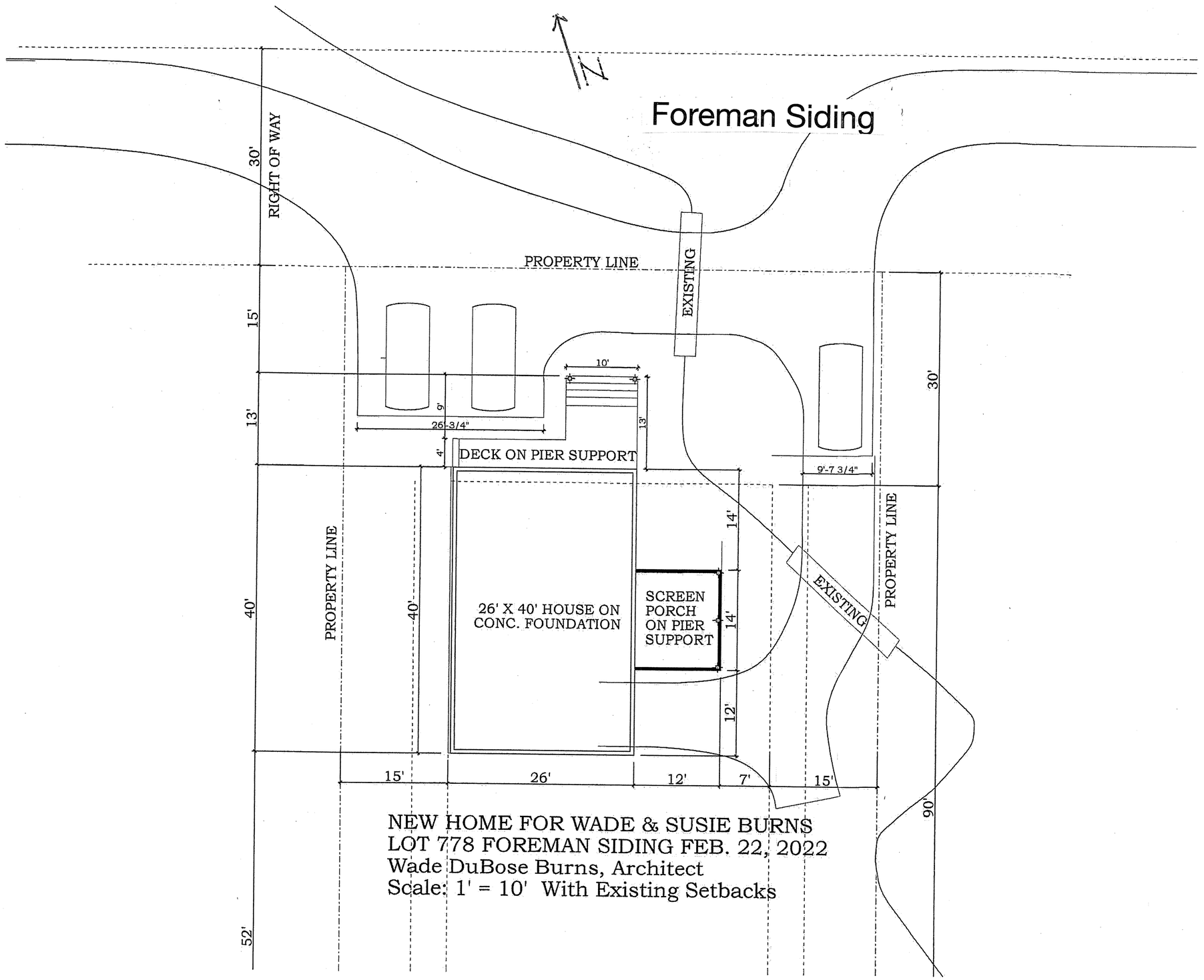
75'

3090

WADE DUBOSE BURNS
REGISTERED ARCHITECT
8310
NORTH CAROLINA
MONTREAT, N.C.

Storm Water Management Plan

4

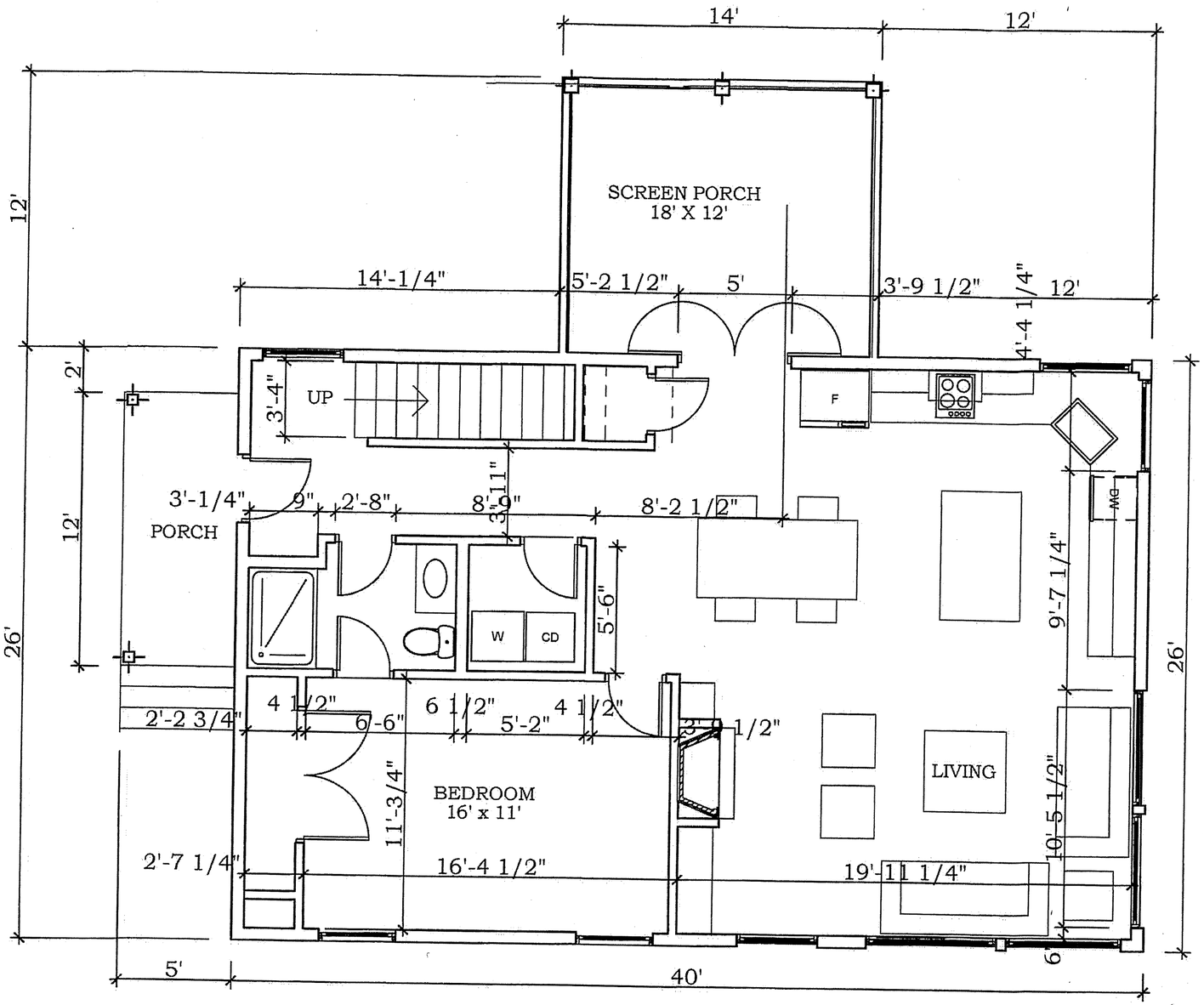


NEW HOME FOR WADE & SUSIE BURNS
LOT 778 FOREMAN SIDING FEB. 22, 2022
Wade DuBose Burns, Architect
Scale: 1' = 10' With Existing Setbacks

WADE DuBOSE BURNS
REGISTERED ARCHITECT
8310
NORTH CAROLINA
MONTREAT, NC

House, Parking and Drive

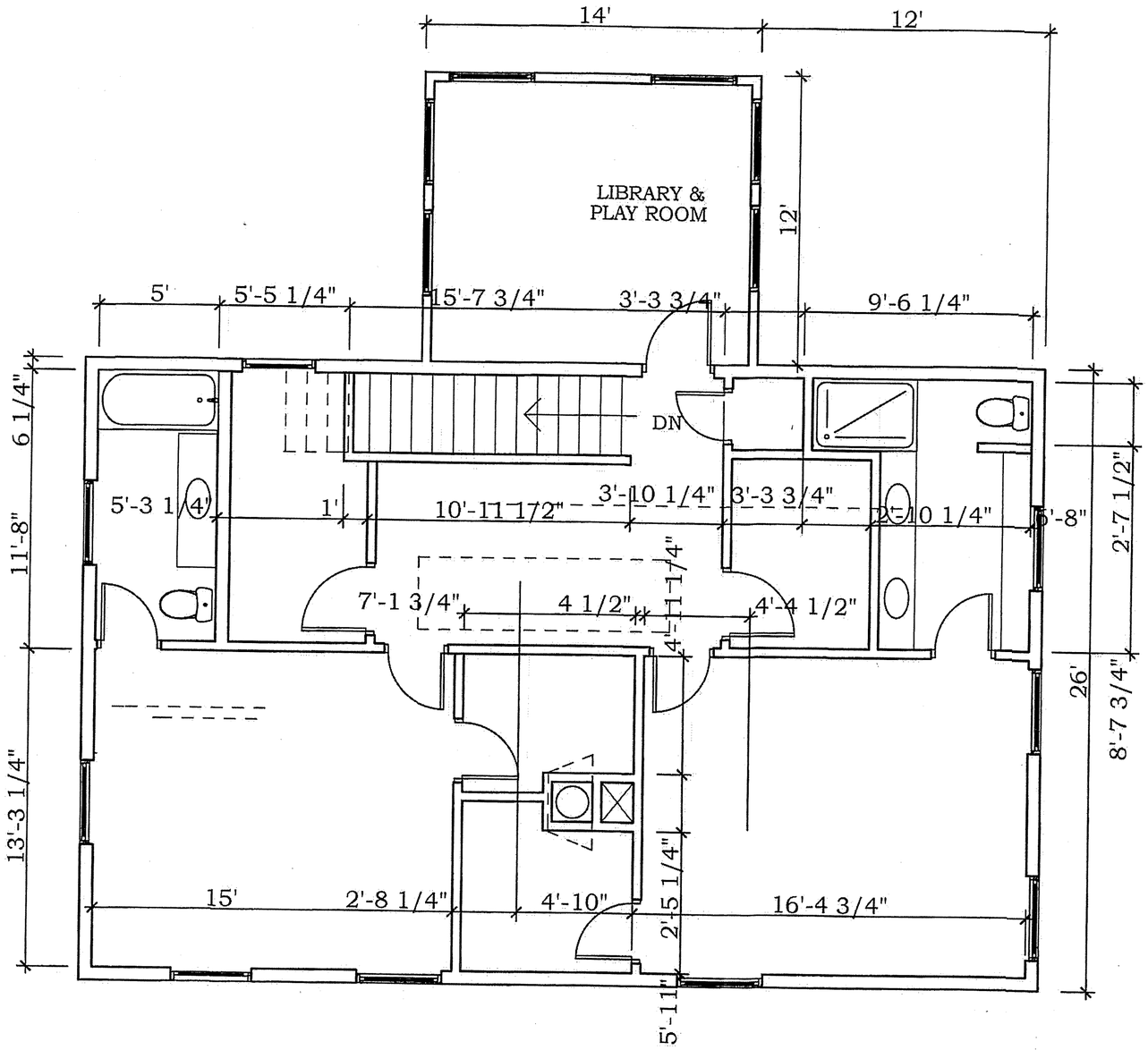
5



NEW BURNS RESIDENCE
MAIN FLOOR
SCALE 1/4" = 1' 0" 2/22/22
A 2' Longer Shotgun Floor Plan
Wade DuBose Burns, Architect

WADE DUBOSE BURNS
REGISTERED ARCHITECT
8310
NORTH CAROLINA
MONTREAT, NC

Main Level Floor Plan 6

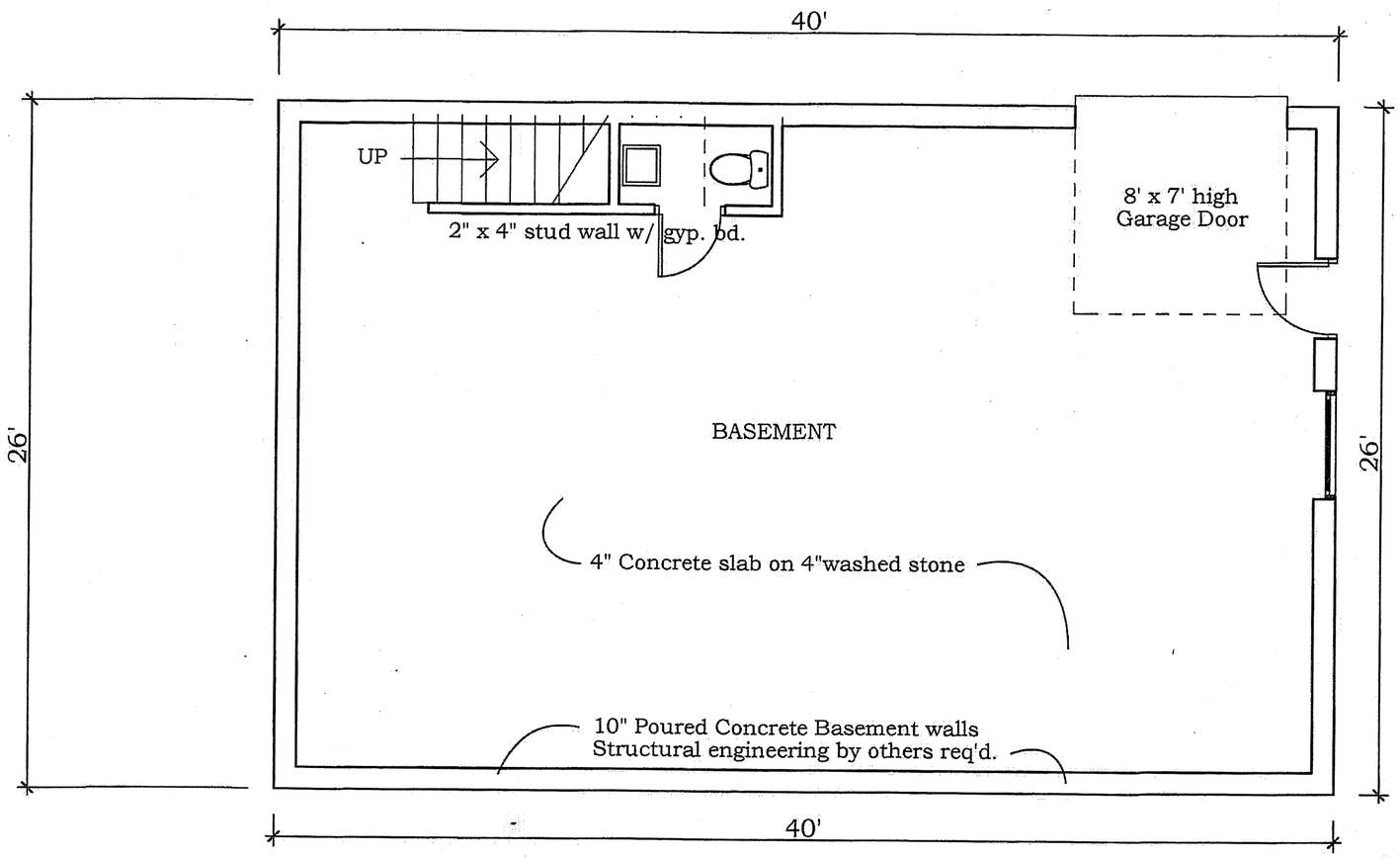


NEW BURNS RESIDENCE
UPPER FLOOR
SCALE 1/4" = 1' 0" 2/22/22
A 2' Longer Shotgun Floor Plan
Wade DuBose Burns, Architect

WADE DuBOSE BURNS
REGISTERED ARCHITECT
8310
NORTH CAROLINA
MONTREAT, N.C.

Upper Level Floor Plan 7

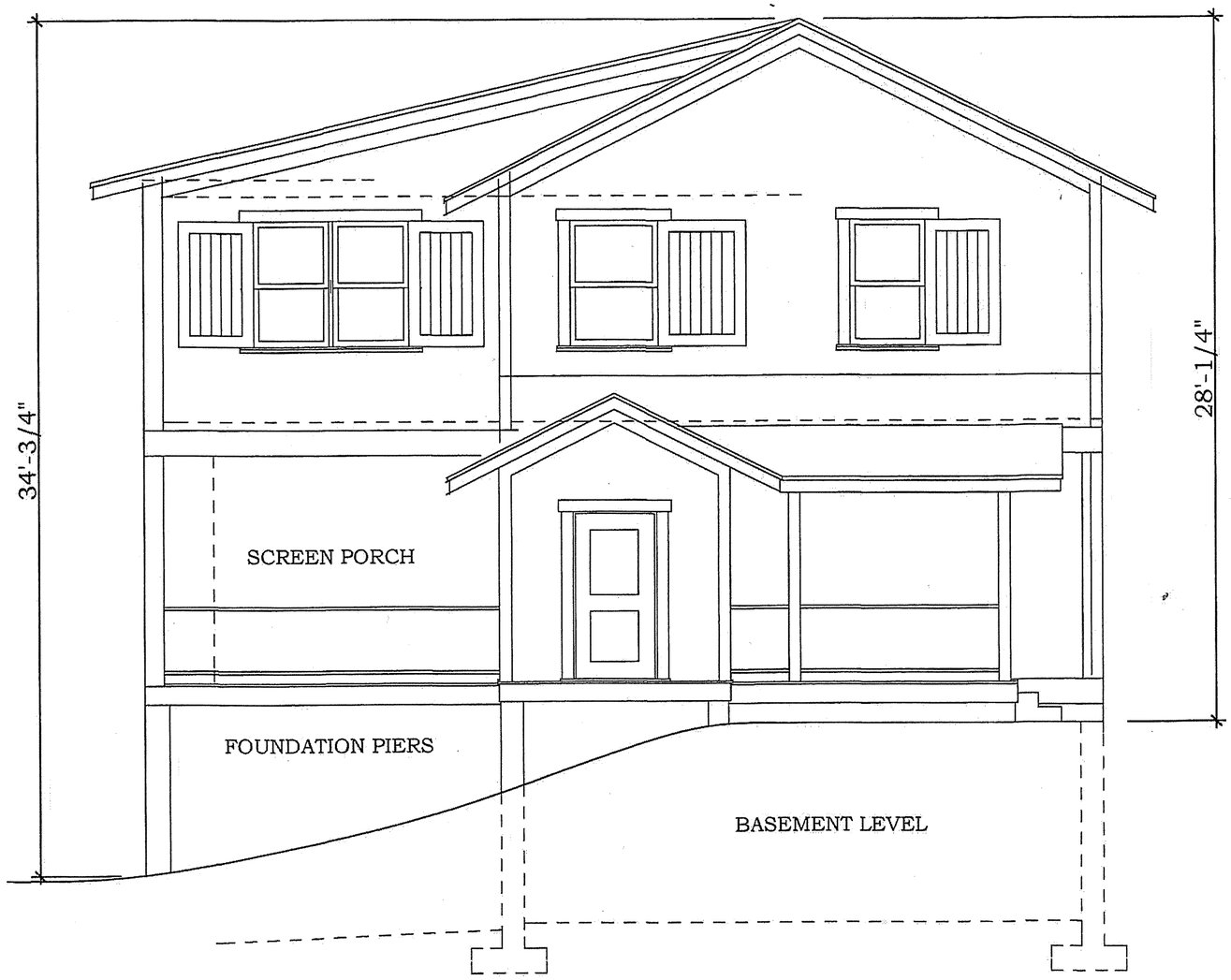
Piers on 28" x 1' square footings



NEW BURNS RESIDENCE
BASEMENT
SCALE 1/4" = 1' 0" 2/22/22
A 2' Longer Shotgun Floor Plan
Wade DuBose Burns, Architect

WADE DuBOSE BURNS
REGISTERED ARCHITECT
8310
NORTH CAROLINA
MONTREAT, NC

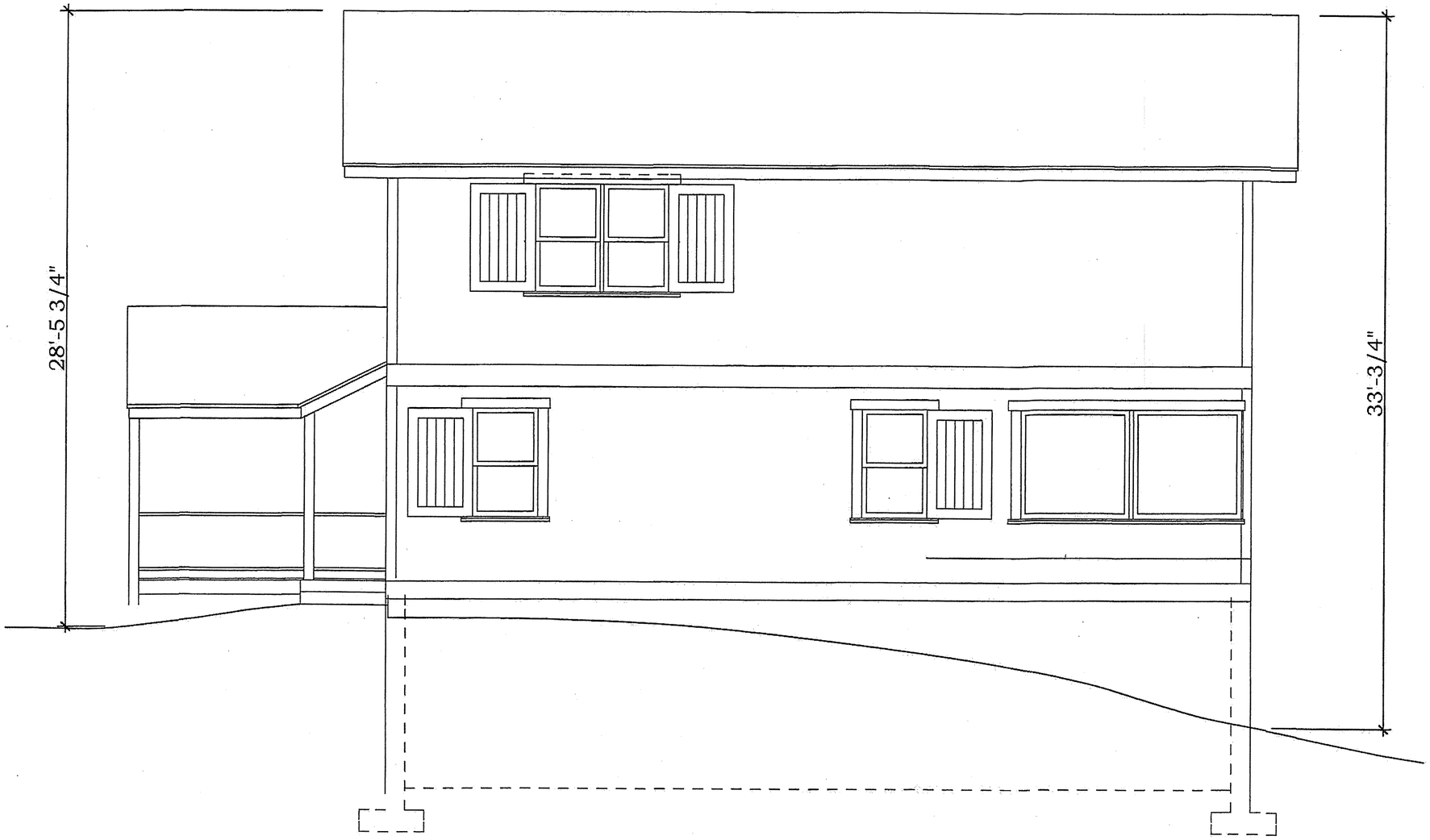
Basement Level Floor Plan 8



NEW BURNS RESIDENCE
NORTH (FRONT) ELEVATION
SCALE 1/4" = 1' 0" 2/22/22
A 2' Longer Shotgun Floor Plan
Wade DuBose Burns, Architect

WADE DuBOSE BURNS
REGISTERED ARCHITECT
8310
NORTH CAROLINA
MONTREAT, NC

Front Elevation 9



NEW BURNS RESIDENCE
WEST (RIGHT) ELEVATION
SCALE 1/4" = 1' 0" 2/22/22
A 2' Longer Shotgun Floor Plan
Wade DuBose Burns, Architect

WADE DUBOSE BURNS
REGISTERED ARCHITECT
8310
SOUTH CAROLINA
MONTREAT, NC

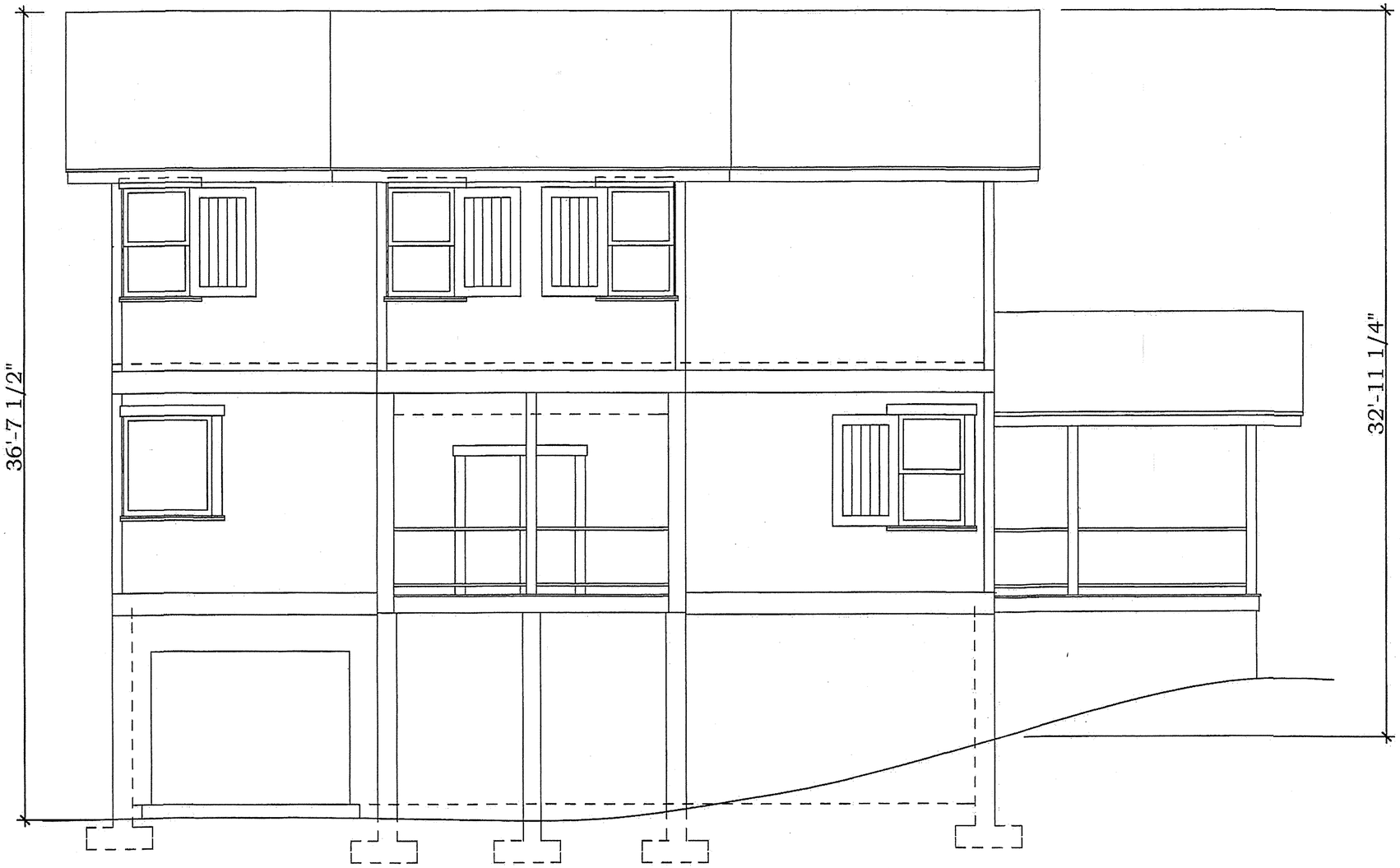
Right Side Elevation 10



NEW BURNS RESIDENCE
SOUTH (REAR) ELEVATION
SCALE 1/4" = 1' 0" 2/22/22
A 2' Longer Shotgun Floor Plan
Wade DuBose Burns, Architect

WADE DuBOSE BURNS
REGISTERED ARCHITECT
8390
NORTH CAROLINA
MONTREAT, NC

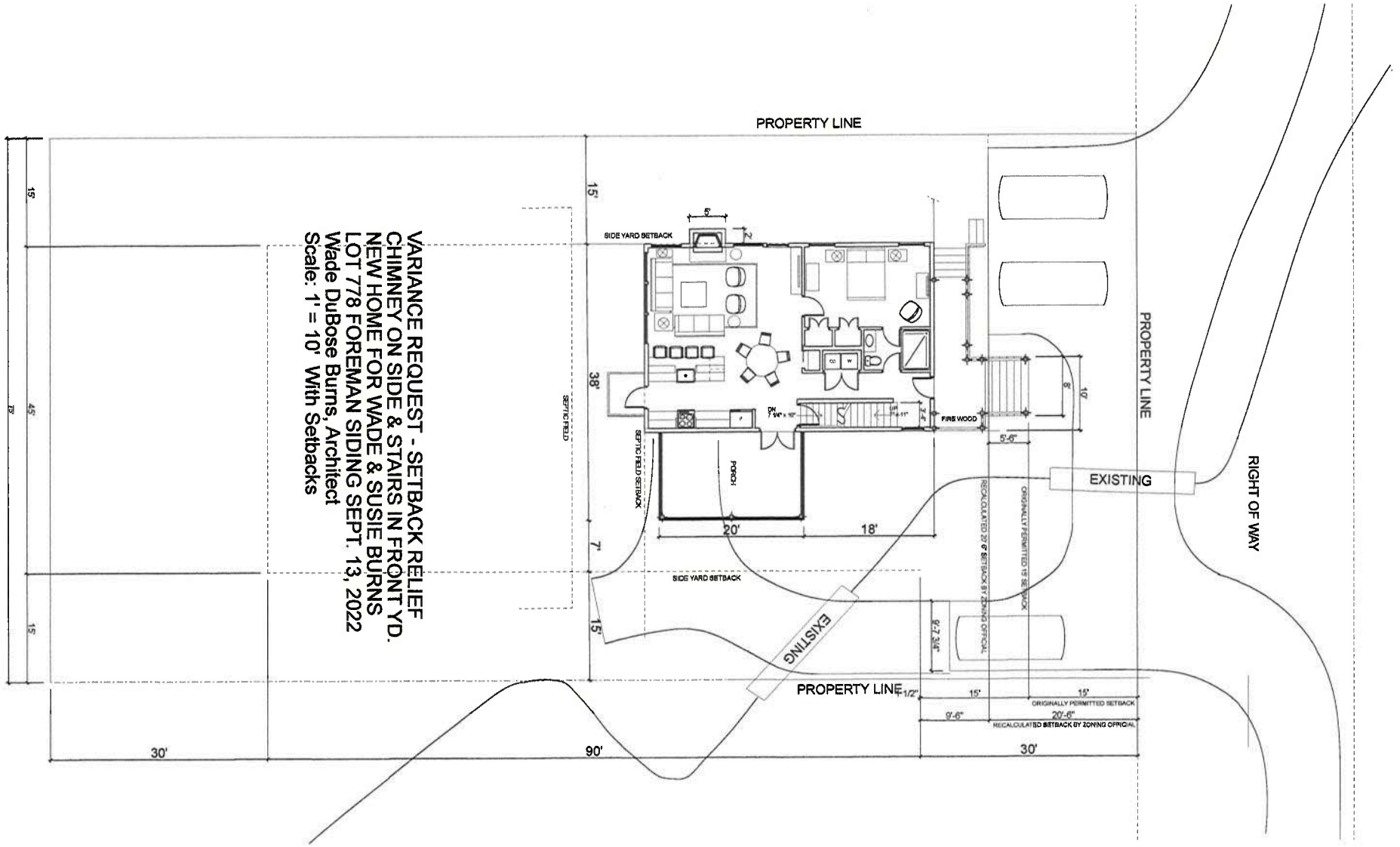
Rear Elevation 11



NEW BURNS RESIDENCE
EAST (LEFT) ELEVATION
SCALE 1/4" = 1' 0" 2/22/22
A 2' Longer Shotgun Floor Plan
Wade DuBose Burns, Architect

WADE DUBOSE BURNS
REGISTERED ARCHITECT
8310
NORTH CAROLINA
MONTREAT, NC

Left Side Elevation 12


VARIANCE REQUEST - SETBACK RELIEF
CHIMNEY ON SIDE & STAIRS IN FRONT YD.
NEW HOME FOR WADE & SUSIE BURNS
LOT 778 FOREMAN SIDING SEPT. 13, 2022
Wade DuBose Burns, Architect
Scale: 1' = 10' With Setbacks
PROPERTY LINE
PROPERTY LINE
RIGHT OF WAY
EXISTING
EXISTING
SIDE YARD SETBACK
SIDE YARD SETBACK
SEPTIC FIELD
SEPTIC FIELD SETBACK
PORCH
FIRE WOOD
20'
18'
15'
38'
7'
15'
15'
45'
15'
30'
90'
30'
15'
15'
ORIGINALLY PERMITTED SETBACK
20'-6"
RECALCULATED SETBACK BY ZONING OFFICIAL
9'-6"
5'-6"
8'
10'

Septic Case: SEP 2021-01589 AC
SEP2021-01149IP

Well Case: WEL ——

PIN 072111773600000

AUTHORIZATION FOR WASTEWATER SYSTEM CONSTRUCTION /////WELL CONSTRUCTION

BUNCOMBE COUNTY ENVIRONMENTAL HEALTH 30 VALLEY STREET, ASHEVILLE, NC 28801 828-250-5016 (fax: 250-6161)

CODES: S-4, S-8

★ REPAIR EXEMPT ★ Lot lines must not change.

Property Owner: Parkes C. Dibble & Wade D. Burns

Property Location: Foreman Siding Rd. Montreat, NC 28757

Application Date: 08/24/2021 AC 06/09/2021 IP

Directions: Montreat Rd. north from Black Mtn., thru rock archway, bear straight onto Greybeard Tr. where rd. turns hard rt., to end + TL, ~100' to lot on left

Subdivision: Montreat Retreat Phase/section: ____ Lot# 778

Well Design: ☐ New ☐ Repair ☐ Abandonment

Water Supply: ☐ Private Well ☐ Spring ☐ Shared Well ☒ Public/Community

neighbor's 100'+

Existing Wells: ☐ Yes ☒ No

System Design: ☒ New System ☐ Repair ☐ Revision **Multiple Unit Dwelling:** # of Units ____ # Bedrooms/per unit ____ Max. # of occupants/per unit ____

Residential: ☒ House ☐ Mobile Home (☐ single ☐ double) Bedrooms 3 Max. # of occupants 6 Basement: ☐ Yes ☒ No Basement Plumbing: ☐ Yes ☒ No

Commercial/Other: (Describe) ____

Design Specifications Total Design Flow: 360 (GPD) LTAR: 0.6 Soil Group: II-III Pump System Required: ☐ Yes ☒ No

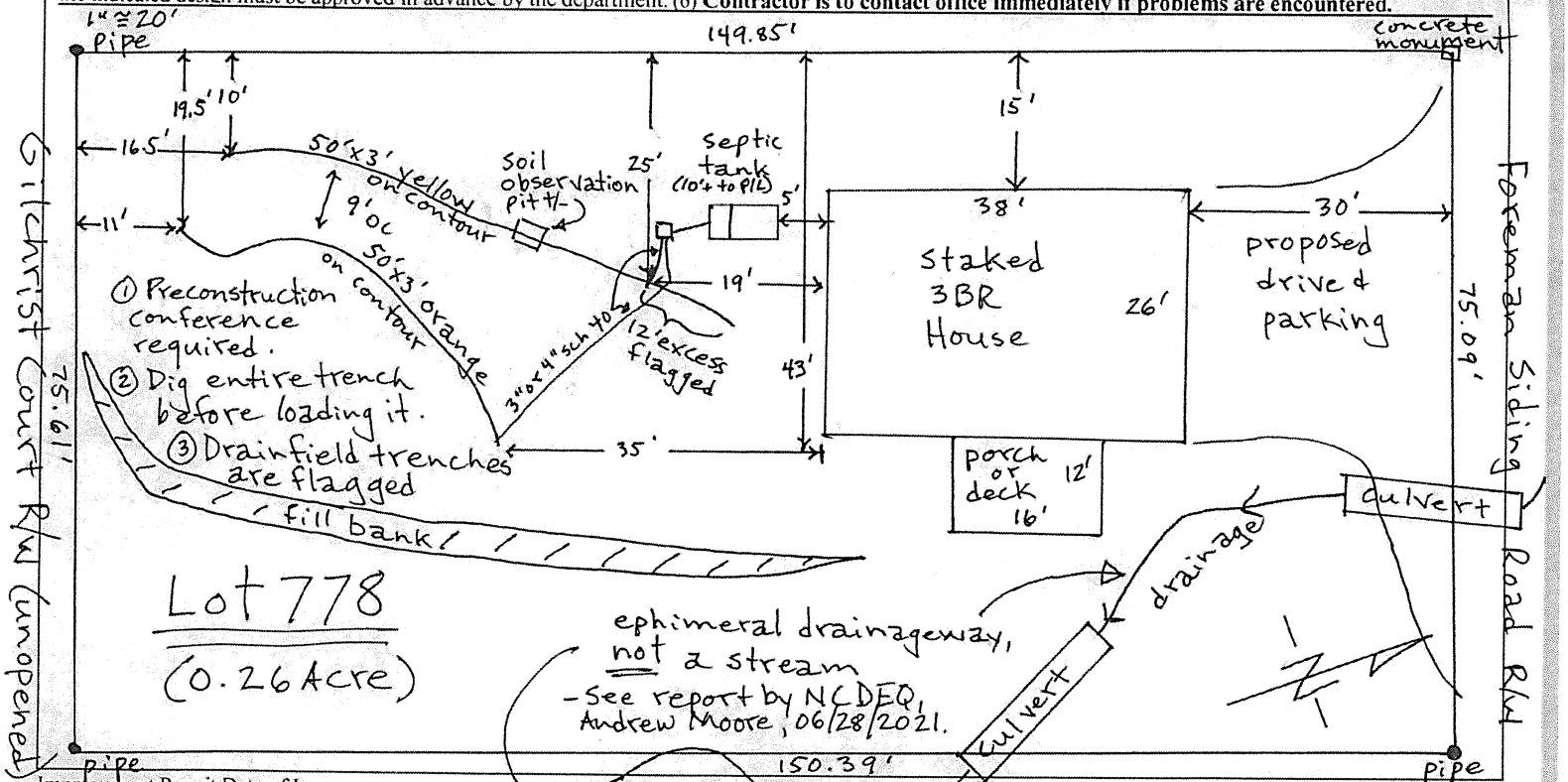
Trenches: Length: 100 ft No. of Trenches 2 Width: 36 in Spacing: 9 ft Depth: 20 in (lower sidewall) Stone Depth: —— in

Distribution: ☒ Equal Gravity ☐ Pressure Manifold ☐ Serial ☐ Dams/Step Downs Tank Size: Septic 1000 (gallons) Pump Tank —— (gallons)

Minimum Separation Distance to Well (includes system and repair area): 50 ft System Classification: IIIe (PPBPS - horizontal)

System Type: ☒ Prefabricated Panel Block (Horizontal) ☐ Conventional ☐ Large Diameter Pipe ☐ Chamber ☐ Expanded Polystyrene Aggregate ☐ Other ____

Conditions: (1) No grading, filling or other site disturbance in the indicated septic area. (2). Install drainfield on contour of land. (3). Divert gutters and other surface water away from septic system. (4) System is to be installed in accordance with the conditions of this permit and NC sewage rules. (5) Modifications to the indicated design must be approved in advance by the department. (6) **Contractor is to contact office immediately if problems are encountered.**



Improvement Permit Date of Issuance: ____ ☐ This document shall be considered issuance of an Improvement Permit with all required information.

This document authorizes the property owner to construct a horizontal PPBPS Type IIIe ground Absorption Sewage Disposal System. The owner **MAY CONSIDER** installing other types of accepted systems listed above. Changes or modifications from the indicated design may result in revocation of the Authorization to Construct. **The installer of this system must have a copy of this document on site during all phases of the installation and final inspection.**

Issued By: Stuart Blair Date: 09/22/2021 Owner/Agent: emailed Date: 09/22/2021

***THE VALIDITY FOR THIS CONSTRUCTION AUTHORIZATION IS FOR 5 YEARS FROM THE DATE OF ISSUANCE. IF AN IMPROVEMENT PERMIT WAS* PREVIOUSLY ISSUED ON A DIFFERENT DATE, THEN VALIDITY OF THE CONSTRUCTION AUTHORIZATION IS EQUAL TO 5 YEARS FROM THE DATE OF ISSUANCE OF THE IMPROVEMENT PERMIT.**

CA Form 01/16