

# TOWN OF WAYNESVILLE Zoning Board of Adjustment

9 South Main Street  
Waynesville, NC 28786  
Phone (828) 456-8647 • Fax (828) 452-1492  
[www.waynesvillenc.gov](http://www.waynesvillenc.gov)

George Escaravage - Chair  
Henry Kidder - Vice Chair  
Judi Donovan  
Sam Hyde  
John Mason  
Edward Moore  
Joshua Morgan

Development Services  
Director  
Elizabeth Teague

## TOWN OF WAYNESVILLE ZONING BOARD OF ADJUSTMENT REGULAR MEETING

Town Hall – 9 South Main Street, Waynesville, NC 28786  
Tuesday, July 2, 2024, 5:30 PM

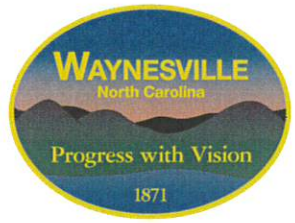
### A. CALL TO ORDER:

1. Welcome/Announcements/Introductions
2. Election of Chair and Vice-Chair
3. Adoption of Minutes (as presented or amended) from May 7, 2024

### B. BUSINESS ITEMS:

1. Public Hearing to consider a variance request to setback standards, Land Development Standards Section 2.4.1, on the 0.83-acre unaddressed parcel off Russ Avenue in Waynesville, NC 28786 (PIN 8616-38-5985)

### C. ADJOURN



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**Development Services  
Director**  
Elizabeth Teague

**Assistant Development  
Services Director**  
Olga Grooman

**Board Members**  
George Escaravage, Chairman  
Henry Kidder, Vice Chairman  
Judi Donovan  
Sam Hyde  
John Mason  
Joshua Morgan  
Edward Moore

## MINUTES OF THE TOWN OF WAYNESVILLE ZONING BOARD OF ADJUSTMENT

### Regular Meeting

Town Hall – 9 South Main St., Waynesville, NC 28786

May 7<sup>th</sup>, 2024

THE TOWN OF WAYNESVILLE ZONING BOARD OF ADJUSTMENT held a regular meeting on May 7<sup>th</sup>, 2024, at 5:30 p.m. in the Town Hall Board Room at 9 South Main Street, Waynesville, NC. 28786.

### A. CALL TO ORDER

1. Welcome/Calendar/Announcements

The following members were present:

- Henry Kidder, Vice Chairman
- John Mason (Alternate)
- Edward Moore
- Sam Hyde (Alternate)
- Judi Donovan
- Joshua Morgan

The following members were absent:

- George Escaravage, Chairman

The following Staff were present:

- Olga Grooman, Assistant Development Services Director
- Esther Coulter, Administrative Assistant
- Ron Sneed, Attorney for the Board

Zoning Board of Adjustment Vice Chairman Henry Kidder welcomed everyone and called the meeting to order at 5:30 p.m.

2. Adoption of Minutes (as presented or amended) from April 2<sup>nd</sup>, 2024.

Vice Chairman Henry Kidder asked if everyone had reviewed the minutes.

*A motion was made by Board member Joshua Morgan, seconded by Board member Edward Moore to approve the April 2<sup>nd</sup>, 2024, meeting minutes (as presented). The motion carried unanimously.*

Vice Chairman Henry Kidder read through the procedures for the public hearing.

Vice Chairman Henry Kidder asked that the people who wished to speak to please come to the front and get sworn in. Olga Grooman, Ron Cramm, Joyce Schlapkohl, Toby Hartsell, and Dennis Downey were sworn in.

Mr. Kidder asked the board if they had any conflict of interest. All members said no.

Vice Chairman Henry Kidder opened the public hearing at 5:38 p.m.

**B. BUSINESS:**

1. Variance request to setback standards, Land Development Standard Section 2.4.1, on the unaddressed parcel off Cupp Lane in Waynesville, NC 28786 (PIN 8605-46-6671)

Assistant Development Services Director Olga Grooman read the definition of the term “setback,” to orient the board to the variance request. She continued to explain that the property in question was an undeveloped lot at the end of Cupp Lane. The applicant wanted to construct a new single-family home on the upper portion of the lot where the land was flatter in order to minimize the disturbance of the natural topography with a cut and fill slope. A variance would be required since Mr. Cramm proposed a building setback of 16’ from the platted right-of-way, and 20’ from the existing pavement of Cupp Lane. The setback variance would allow the corner of the garage of the proposed house to abut the platted right-of-way.

Ms. Grooman read the purpose and intent of the **Eagles Nest Residential—Low Density District (EN-RL)** from the LDS. It is a rural district characterized by beautiful views afforded by steep terrain. Water service is available throughout much of the area, but sewer service is limited. She quoted the purpose and intent statement for the district, noting that “future development shall be sensitive to the terrain with grading minimized through the use of good design, clustered development and large lot development. Clear cutting for views is unacceptable; appropriate trimming of trees for vistas is preferred.” She noted that granting the variance would minimize disturbance on a slope. Ms. Grooman read through the requirements for a variance and provided staff comments for each of the criteria.

Ms. Grooman entered into evidence:

1. Staff Report
2. Application with payment
3. Haywood County GIS maps: property, zoning, neighborhood
4. Site image
5. Public notices
6. Town of Waynesville LDS, by reference

The Zoning Board members Judi Donovan, Henry Kidder, and Joshua Morgan, asked Ms. Grooman for better clarification of the right-of-way and town easements on the property. The applicant Ron Cramm explained that he partnered with Ms. Schlapkohl to develop the land for a spec home, and if they accounted for all the easements and setbacks, they would have to build so far down the hill that it wouldn't be feasible. Mr. Cramm stated he would have to put a lot of money into the foundation.

***A motion was made by Board member Joshua Morgan, seconded by Board member Judi Donovan to close the hearing at 6:00 p.m.***

***A motion was made by Board member Joshua Morgan, seconded by Board member Judi Donovan to approve the variance by findings of the staff. The motion carried unanimously.***

2. A variance to minimum lot size standards, Land Development Standards Section 2.4.1, at 55 Fifth Street, Waynesville, NC 28786 (PIN 8605-76-8086)

Vice Chairman Henry Kidder opened the hearing at 6:03 p.m.

Assistant Development Services Director Olga Grooman stated the property consisted of 0.32 acres, with frontage along Fifth Street. The property has approximately 188 feet wide of road frontage. The property has one single-family residence, and it is surrounded by single-family lots. The applicants would like to subdivide the property into two (2) lots. In Sulphur Springs Neighborhood Residential (SS-NR), the minimum lot size is 1/6 acre. The subdivision would create two (2) nonconforming lots, with each one being 0.007 ac or approximately 305 square feet below the minimum lot size for this district. Ms. Grooman read through the requirements for a variance and provided staff comments for each of the criteria.

#### Items Entered as Evidence:

- Staff Report
- Application materials with payment and agent authorization form
- Survey showing the proposed lot line
- Maps: property, zoning, neighborhood, street view
- Public notices
- Town of Waynesville LDS, NC Building and Fire Codes, and NC GS 160D by reference

Applicant Dennis Downey of Cowan Properties, LLC and Toby Hartsell of State Employees' Credit Union Real Estate, Inc. SECU\*RE, Inc, stated they could answer any of the board's questions.

Mr. Hartsell said SECU\*RE Real Estate were the owners of the property. This department of the Credit Union takes over all SECU foreclosures since 2013 and turns them into long-term rentals. When they assumed the property in 2020, it had two (2) structures in poor condition, and SECU determined to demolish the mobile home. Mr. Hartsell said they tried to improve the neighborhood and intended to create a long term-rental and maximize the use of the lot. They wanted to give the tenants a chance to purchase the property.

*A motion was made by Board member Edward Moore, seconded by Board member Joshua Morgan to close the public hearing at 6:26 p.m.*

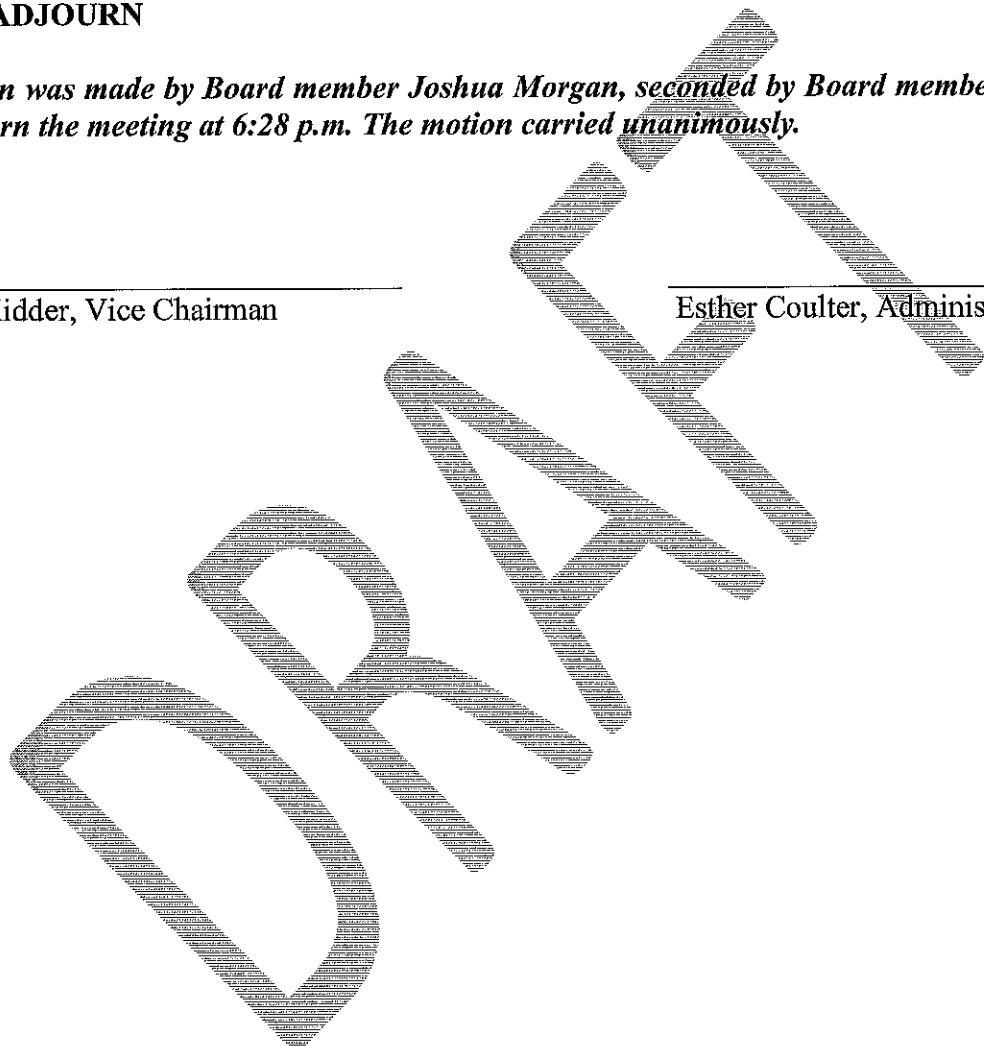
*A motion was made by Board member Judi Donovan, seconded by Board member Edward Moore to approve the variance by findings of the staff. Board member Joshua Morgan made a motion to add to the motion to incorporate financial hardships into the variance, as presented by the applicants. The motion carried unanimously.*

**C. ADJOURN**

*A motion was made by Board member Joshua Morgan, seconded by Board member Edward Moore to adjourn the meeting at 6:28 p.m. The motion carried unanimously.*

\_\_\_\_\_  
Henry Kidder, Vice Chairman

\_\_\_\_\_  
Esther Coulter, Administrative Assistant



## Zoning Board of Adjustment Staff Report

### Summary Information:

Meeting Date: July 2, 2024  
 Subject: Variance to the front setback, Section 2.4.1 of the Land Development Standards  
 Property Location: 2249 Russ Avenue, Waynesville, NC 28786 (PIN 8616-38-5985)  
 Acreage of the Site: 0.83 acre  
 Zoning District: Dellwood Residential- Medium Density Mixed-Use Overlay (D-RM-MX-O)  
 Existing Development: Grassy lot with several sheds in the back  
 Applicant: Haywood County, North Carolina (Kris Boyd, Assistant County Manager)  
 Application Date: June 10, 2024  
 Property Owner: Haywood County  
 Staff Presenter: Olga Grooman, Assistant Development Services Director

### Background:

The subject property (PIN 8616-38-5985) is located in the corporate limits of Waynesville and Dellwood Residential- Medium Density Mixed-Use Overlay (D-RM-MX-O) zoning district. The lot is currently vacant. The property is 0.83 acres, and it is located at the intersection of Russ Avenue and Mauney Cove Road, with frontage along Russ Avenue. The site is a proposed location for the Haywood County satellite EMS facility. The public hearing for this major site plan is scheduled for July 15<sup>th</sup>, 2024 at the regular Planning Board meeting.

The property is mostly flat with a gentle slope towards north-west. The lot is not in the floodplain, but Mauney Cove Branch stream runs along the north-western side of the lot. Additionally, the sewer line runs on site, parallel to its western boundary, as indicated on the attached exhibits.

The proposed satellite EMS base will consist of one building facing Russ Avenue, a walkway around the back of the building, a service yard, and a parking lot. Because the property slopes in the north-western direction, there will be a retaining wall along the walkway in the back of the building (*see west elevation*). The main building will have EMS vehicle bays at the front and living quarters for emergency personnel in the rear. The project will connect to Russ Avenue via two driveways to the north and south of the building.

The district’s principal front and side setbacks from adjacent lot are 10 ft, street side setback is 5 ft, and rear setback is 6 ft. The applicant is seeking a variance from the 10-ft front setback off Russ Avenue frontage and would like to place the building right at the front property line. As noted in the application materials, the front property line is approximately 19.86 ft off Russ Avenue, and therefore, the building will still be away from the road. Also, as the proposed site plan shows, the project includes a sidewalk and street trees that will be placed between Russ Avenue and the front property line within the NC DOT right-of-way. The application materials state that *“Making any changes to the building location to accommodate the 10’ setback is an “unnecessary hardship” when the 10’ setback will be actually achieved in fact.”*

The applicant is seeking a 0-ft front setback in order to maximize their operational needs (such as entry/exit of EMS vehicles), build according to the topography of the site (minimize retention walls and fill dirt in the

rear), and provide adequate distance from the sewer line along the western side of the property (*see attached application narrative*).

**Public Notice:**

Staff provided the notice of this public hearing by posting the subject property and mailing the notice to the adjacent property owners within 100 feet on June 11, 2024. The hearing was advertised in the Mountaineer newspaper on June 16<sup>th</sup> and June 23<sup>rd</sup>, 2024. The notice was also submitted to local media.

**Zoning District:**

The subject property is in Dellwood Residential- Medium Density Mixed-Use Overlay (D-RM-MX-O) zoning district.

The purpose and intent of Dellwood Residential- Medium Density (D-RM) district states (LDS 2.3.2 B):

**The Dellwood Residential—Medium Density District (D-RM)** shall develop predominately as a low to medium density residential district separating the Russ Avenue and Dellwood/Junaluska Town Centers. Promoting a mixture of residential densities, this district shall be developed with such enhancements to residential living as pedestrian access and the provision of open space. Higher density development and limited business and professional services shall be promoted along Russ Avenue with larger lots and cluster development promoted throughout the district. Nonresidential uses typically found in residential areas are permitted, however, development in this district shall be designed to clearly define the residential appearance and scale of the area and to define the differences between this area and the Russ Avenue Town Center and Dellwood/Junaluska Area Center.

The purpose of Mixed-Use Overlay districts states (LDS 2.6.2 A):

**Purpose:** The Mixed-Use Overlay District (MX-O) is a zoning overlay district established to permit certain limited mixed-uses within residential neighborhoods.

The Future Land Use Map of the 2035 Comprehensive Land Use Plan shows that the subject property is within the area designated as *Mixed-Use- Community* for future development.

Government services is a permitted use in D-RM-MX-O, and the applicant is requesting a front setback variance to better accommodate EMS operations and build to the topography of the site.

**Surrounding Land Use/Zoning Patterns:**

The subject property is surrounded by a mix of residential and commercial uses:

- Junaluska Service Center (auto sales and repair) and Mauney Cove Convenience Center to the north
- Appalachian Automotive (auto repair shop, large undeveloped lot, and Shining Rock Classical Academy the east
- Single-family dwellings and realtor’s office to the south
- Single-family to the west.

The surrounding properties to the south and west are also located within the D-RM-MX-O district, and the adjacent properties on the northern and north-eastern sides are within Dellwood/Junaluska Regional Center commercial district.

**Proposed Variance:**

The requested variance would allow the EMS facility to be placed adjacent to the property line that makes up the right-of-way frontage for Russ Avenue. Based on the location of the the property line, the building would still be approximately 19.86 ft away from the curb and Russ Avenue, leaving room within the right-of-way for future road work, drainage, sidewalk or other roadway improvement or maintenance needs.

This variance would pertain exclusively to the front setback on the subject property, allowing for 0-ft front setback. The EMS project will need to comply with all Waynesville zoning standards, Building and Fire Codes, and all other requirements of the Waynesville ordinances, including but not limited to side and rear setbacks, separation between structures, building height, design guidelines, street trees, sidewalk construction, etc.

Staff offers the following comments regarding the findings that must be considered by the Zoning Board of Adjustment (LDS 15.13, NC GS 160D-705(d)):

- a) **Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.**

The proposed building location would allow for the most efficient use of existing driveway cuts and safe and efficient navigation of the EMS and personnel vehicles. The application narrative states that EMS vehicles will be *“entering and exiting the garage on the east portion of the building, with a separate loop around the building for passenger vehicles. This allows staff to safely circulate around the facility to the parking lot and remain out of the way for EMS vehicles.”*

- 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. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.**

The property gently slopes down from Russ Avenue towards Mauney Cove Road and stream in the north-west. Additionally, there is sewer infrastructure along the western side of the property where the back side of the building with personnel quarters will be located. Moving the building forward would provide clearance from the sewer infrastructure, minimize the disturbance/fill of the site, and minimize the height of the retaining wall along the walkway (*see attached west elevation*).

- 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 is not a self-created hardship.**



The site has not been altered by the applicant. The site is a former location of a small dilapidated apartment complex that was condemned by the Town's Building Inspections and torn down by the owner.

The application materials state that *"We have taken no actions that create the setback hardship. The size and orientation of the building are dictated by public need."*

**d) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.**

By moving the building forward, the applicant would be able to build better to the topography of the site and ensure the most efficient and safe operation of the EMS facility. The proposed design is the safest option for the navigation of EMS and passenger vehicles within the site and in order to enter/exit Russ Avenue.

The application materials state that *"Since the building will be set back more than 19 feet from the back of the curb on Russ Avenue, its appearance will be the same as if it didn't have a variance. The variance is needed only because there is an intervening property owner (the NC DOT) between our property and the roadway. Visually and practically, a 19' setback from the roadway will be achieved as though no variance had been granted at all."*

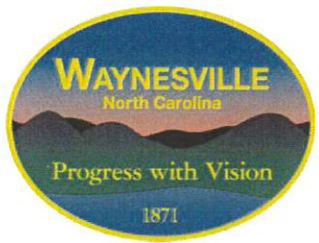
Additionally, the applicant submits that the front setback variance will be within the spirit of the LDS section 5.6.4 that encourages to *"continue established building setback patterns where this is neighborhood priority and practical. Deep front setbacks can compromise the ability to provide backyard space and/or rear parking..."* In the submitted materials, the applicant provides an example of the Appalachian Automotive building that is also close to the property line. This business is to the north-east of the subject property across Russ Avenue.

**Additional Comments:**

No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance (LDS 15.13).

**Items Entered as Evidence:**

- Staff Report
- Application materials with agent authorization forms
- Proposed master plan
- Maps: property, zoning, street view, topo
- Utilities letter
- Public notices
- Town of Waynesville LDS, NC Building and Fire Codes, and NC GS 160D by reference



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### Variance Request

Property Address / Location: 2249 Russ Ave. Waynesville NC 28786

Property PIN: # 8616-38-5985 Property Zoning District: Medium density mixed use overlay

Flood Zone: N/A Historic Property or District: N/A

Signature of property owner of record: Kris R. Boyd Date: 6/10/2024

Applicant's Name: Haywood County Applicant's Phone #: (828) 452-6625

Applicant's Address: 215 N. Main Street, Waynesville, NC  
*Application must be filed by the property owner or by an agent specifically authorized by the owner.*

I, Kris R. Boyd for Haywood County hereby petition the Board of Adjustment for a variance from the provisions of the Town of Waynesville Land Development Standards for this property as described below.

Applicable Ordinance Section: 2.4 Dimensional Standards by District

Ordinance requirement from which relief is sought: \_\_\_\_\_  
10' front setback

Variance requested and why (attach additional sheets, maps, or other information as necessary):  
Please see last page of this document.

Applicant's Signature: Kris R. Boyd Date: 6/10/2024  
For Haywood County

## Application Materials 2 of 9

### Requesting 0' Front Setback

Components of the site/project that contribute to requesting a 0' front building setback:

1. Existing width of site within the project boundaries
2. Existing Sanitary Sewer infrastructure location and depth on site
3. Existing curb cuts onto Russ Ave, to be utilized and NOT relocated
4. Topography of existing site and Russ Ave
5. Desire to maximize EMS facility for staffing and operational needs
6. Conscious cost saving efforts tied to building shape, orientation, and location/elevation on site

The proposed EMS facility has been designed to accommodate all operational needs in a cost-effective shape, as a long rectangle. The building has been oriented as shown to take advantage of topographic change and limit the retaining walls on site. With the existing drive entrance/exit locations set, the most economical placement of the building, to reduce the amount of fill dirt required to develop this site, is to push it as close to the exit drive as is feasible for an EMS vehicle to navigate. This exit drive is closer to the south property line, and the property is more narrow at the south end than at the north end.

Additionally, due to existing topography, preliminary site investigation work would require the west side of the building to have a 4' max stem wall. An existing Sanitary sewer line traverses the west side of the property and is in close proximity to this proposed stem wall, and potentially breaches the allowable distance from the wall.

Finally, the most efficient use of the existing drive entrance/exit layout, as shown in the attached exhibit, has the EMS vehicles entering and exiting the garage on the east portion of the building, with a separate loop around the building for passenger vehicles. This allows staff to safely circulate around the facility to the parking lot and remain out of the way for EMS vehicles. With the building located as it is, this route is incredibly close to the west property line and is adjoining the proposed stem wall on the building.

A variance to reduce the front setback from 10' to 0' is along a public road and would tremendously support efforts to maximize the site layout, avoid conflicts with existing infrastructure, maintain a smaller impervious area footprint, and aid in cost savings related to fill dirt and retaining walls. A reduced setback is encouraged with chapter 5 development and design ordinance for areas where adjacent density and land availability for parking is limited; this extends to the passenger vehicle drive and parking area. And contextually, the existing buildings across the street have minimal setbacks (see attached image).

1. Those presenting are sworn in by the presiding officer or the attorney representing the Town.
2. T of W Staff may present the application with their recommendations or they may go second.
3. Applicant, Haywood County, presents evidence focused on the nature of the variance and so on. The elements of a variance are:

NC GS 160D-705(d):

Variations. – When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the board of adjustment shall vary any of the provisions of the zoning regulation upon a showing of all of the following:

- (1) Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

***Our evidence:***

***The planning ordinance and its application of a “setback” presumes the usual situation where the property being developed is directly adjacent to the roadway, and the roadway is the edge of the right of way. The ordinance requires a 10’ separation from the RIGHT of WAY (not the roadway) to a building. In our case, the roadway is separated from our property by a strip of grass owned by the DOT, so that the building is separated from the roadway by 19.86 feet. As a result, the building will HAVE more than a 10-foot setback from the roadway, but most of that 19.86 ft. area will belong to the DOT instead of the developer. Stated another way, if the DOT’s right-of-way was the back of the curb line, we would have a 19.86 ft. setback, much more than 10 feet.***

***The nature of the building and its use require it to have the size it is (so can’t be shrunk). The orientation of the building, perpendicular to Russ Avenue, and the entrances/exits arrangements are required by NC DOT regulations for curb-cuts.***

***Making any changes to the building location to accommodate the 10’ setback is an “unnecessary hardship” when the 10’ setback will be actually achieved in fact.***

- (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

**Application Materials****4 of 9**

***Our evidence: The ownership of the highway verge by the NC DOT is peculiar to Russ Avenue/US Highway 276 at this location. In addition, the corner-lot configuration, the presence of the creek, the orientation to the Mauney Cove/Russ Avenue intersection, all are peculiar to the particular lot. The County searched for a year to find a larger lot in the area for this purpose and this was the only one that could be made to work.***

(3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship.

***Our evidence: We have taken no actions that create the setback hardship. The size and orientation of the building are dictated by public need. The driveway arrangements are dictated by the state DOT rules for curb cuts on this site.***

(4) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

***Our evidence: Since the building will be set back more than 19 feet from the back of the curb on Russ Avenue, its appearance will be the same as if it didn't have a variance. The variance is needed only because there is an intervening property owner (the NC DOT) between our property and the roadway. Visually and practically, a 19' setback from the roadway will be achieved as though no variance had been granted at all.***

### Standards of Review for Variances

- 1. General Variance Requests:** The Board of Adjustment shall not grant a variance unless and until it makes all of the following findings:
- a) Unnecessary hardship would result from the strict application of the regulation. It is not 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. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
  - 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 is not a self-created hardship.
  - d) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.

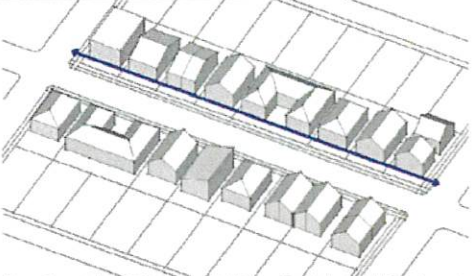
**2. Floodplain Development Regulation Variance Requests:**

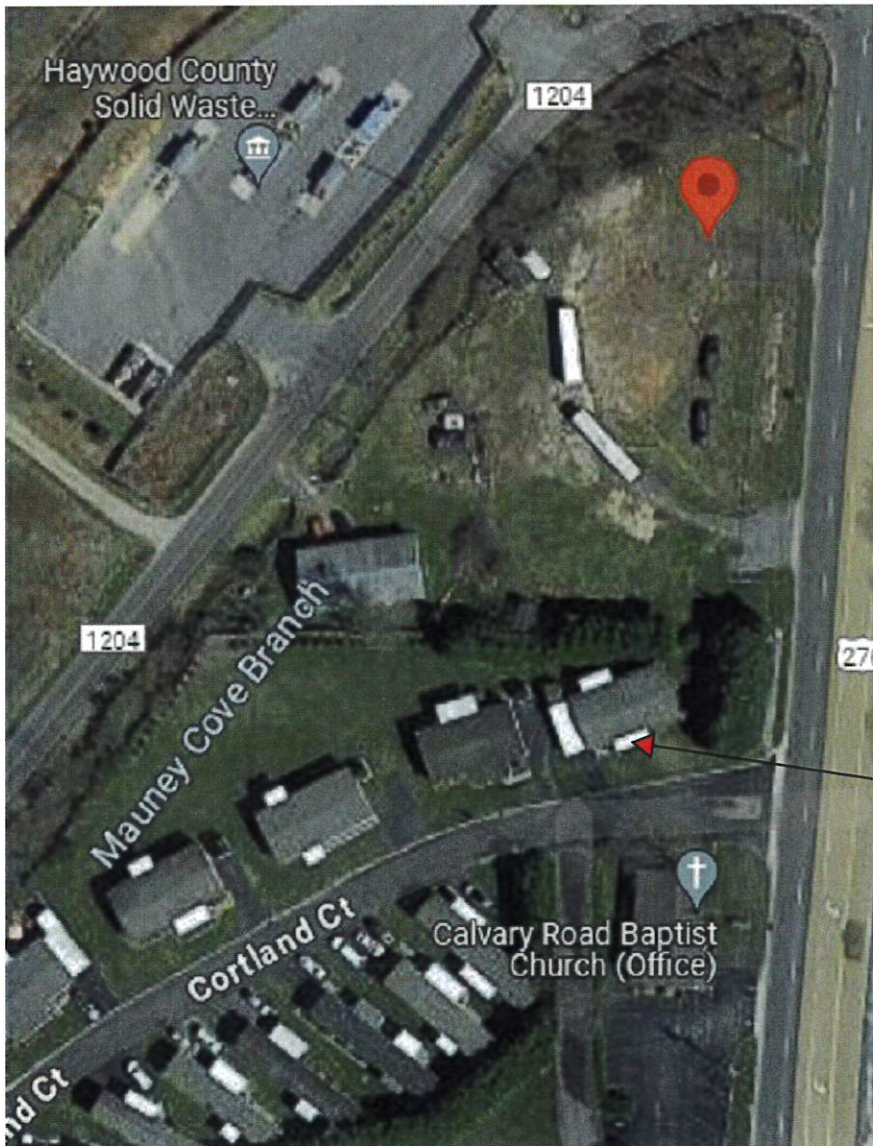
- a) Variances from the standards set forth in this ordinance for flood damage prevention may be granted. The town must notify the North Carolina Secretary of Crime Control and Public Safety at least thirty (30) days prior to granting the variance.
- b) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result or when the variance will make the structure in violation of other federal, state or local laws.
- c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- d) Variances shall only be issued upon: a showing of good and sufficient cause; a determination that failure to grant the variance would result in exceptional hardship; and, a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
- e) In passing upon variances, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter and:
  - i. The danger that material may be swept onto other lands to the injury of others.
  - ii. The danger to life and property due to flooding or erosion damage.
  - iii. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
  - iv. The importance of the services provided by the proposed facility to the community.
  - v. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
  - vi. The compatibility of the proposed use with existing and anticipated development.
  - vii. The relationship of the proposed use to the land development plan and flood damage prevention program for that area.
  - viii. Safety of access to the property in times of flood for ordinary and emergency vehicles.
  - ix. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
  - x. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

# Application Materials 6 of 9

### 3. Additional Conditions:

In granting any variance, the Board of Adjustment may attach such conditions to the approval as it deems necessary and appropriate to satisfy the purposes and objectives of this ordinance. The board may also attach conditions in order to reduce or minimize any injurious effect of such variance upon other property in the neighborhood and to ensure compliance with other terms of this chapter.

<p><b>5.6.4 Front Setback Patterns.</b> Continue established building setback patterns, where this is a neighborhood priority and is practical. Note: <u>Deep front setbacks can compromise the ability to provide backyard space and/or rear parking, particularly at higher densities.</u></p>	 <p><small>Image Source: The Infill Design Toolkit: Medium-Density Residential Development City of Portland Bureau of Planning, December, 2008</small></p>
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WITHIN CLOSE PROXIMITY/  
ACROSS THE STREET  
FROM OUR SITE

ADJACENT TO DENSITY

**AUTHORIZATION FOR AGENT TO  
APPEAR BEFORE WAYNESVILLE PLANNING BOARD,  
ZONING BOARD OF ADJUSTMENT, OR TOWN COUNCIL**    **Application Materials**  
**7 of 9**

The undersigned Owner or Party with a contract or option to purchase that real property located at 2249 Russ Ave. Waynesville NC 28786 in Waynesville or the ETJ area of Waynesville, North Carolina, has submitted an application which is to be heard in a proceeding by Board(s) of the Town of Waynesville, North Carolina. I hereby authorize the following named individual to present my application and case, as my agent at such hearings.

Name of Authorized Agent: Lance Haney

Title and Company: Vannoy Construction | Project Manager

Address: 1500 Ridgefield Blvd | Asheville, NC 28806

Phone and email: Lance.Haney@JRVannoy.com                      (828) 707-6285

This authorization shall be good through the completion of the project for which the zoning text or map amendment, special use permit, subdivision, variance or appeal, or other Town approval is requested, or until revoked in writing. The Town of Waynesville may rely on this authorization until it is given notice of the revocation of this authorization or of a change of property ownership takes place.

This the 2nd day of July, 2024.

Owner or Party with Contractual Interest in Property:  
Assistant County Manager  
Kris Boyd    Haywood County

kris.boyd@haywoodcountync.gov

Address and phone number:  
(828) 452-6650 – Office  
(828) 507-9081 - Mobile  
215 N MAIN STREET  
WAYNESVILLE, NC 28786

\_\_\_\_\_



17

**AUTHORIZATION FOR AGENT TO  
APPEAR BEFORE WAYNESVILLE PLANNING BOARD,  
ZONING BOARD OF ADJUSTMENT, OR TOWN COUNCIL**

**Application Materials  
8 of 9**

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Name of Authorized Agent: Scott Donald

Title and Company: LS3P (Senior Project Manager | Vice President | Principal)

Address: 14 O'Henry Ave suite 210, Asheville, NC 28801

Phone and email: scottdonald@ls3p.com 828.575.1813. (O) 828.215.6551 (M)

This authorization shall be good through the completion of the project for which the zoning text or map amendment, special use permit, subdivision, variance or appeal, or other Town approval is requested, or until revoked in writing. The Town of Waynesville may rely on this authorization until it is given notice of the revocation of this authorization or of a change of property ownership takes place.

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Assistant County Manager  
Kris Boyd Haywood County  
kris.boyd@haywoodcountync.gov

Address and phone number:  
(828) 452-6650 – Office  
(828) 507-9081 - Mobile  
215 N MAIN STREET  
WAYNESVILLE, NC 28786

**AUTHORIZATION FOR AGENT TO  
APPEAR BEFORE WAYNESVILLE PLANNING BOARD,  
ZONING BOARD OF ADJUSTMENT, OR TOWN COUNCIL**

**Application Materials  
9 of 9**

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Name of Authorized Agent: Frank Queen

Title and Company: Haywood - County Attorney

Address: 154 N Main St STE 2, Waynesville, NC 28786

Phone and email: Frank.Queen@haywoodcountync.gov > 828.452.3336. (O)

This authorization shall be good through the completion of the project for which the zoning text or map amendment, special use permit, subdivision, variance or appeal, or other Town approval is requested, or until revoked in writing. The Town of Waynesville may rely on this authorization until it is given notice of the revocation of this authorization or of a change of property ownership takes place.

This the 2nd day of July, 2024.

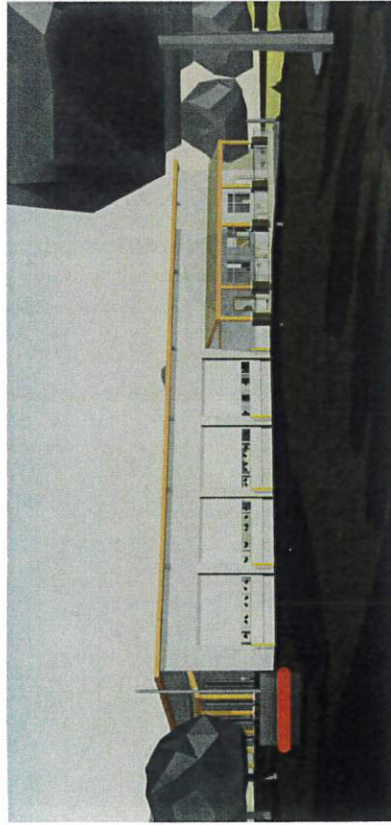
Owner or Party with Contractual Interest in Property:  
Assistant County Manager  
Kris Boyd Haywood County  
kris.boyd@haywoodcountync.gov

Address and phone number:  
(828) 452-6650 – Office  
(828) 507-9081 - Mobile  
215 N MAIN STREET  
WAYNESVILLE, NC 28786



# Proposed Master Plan 2 of 4

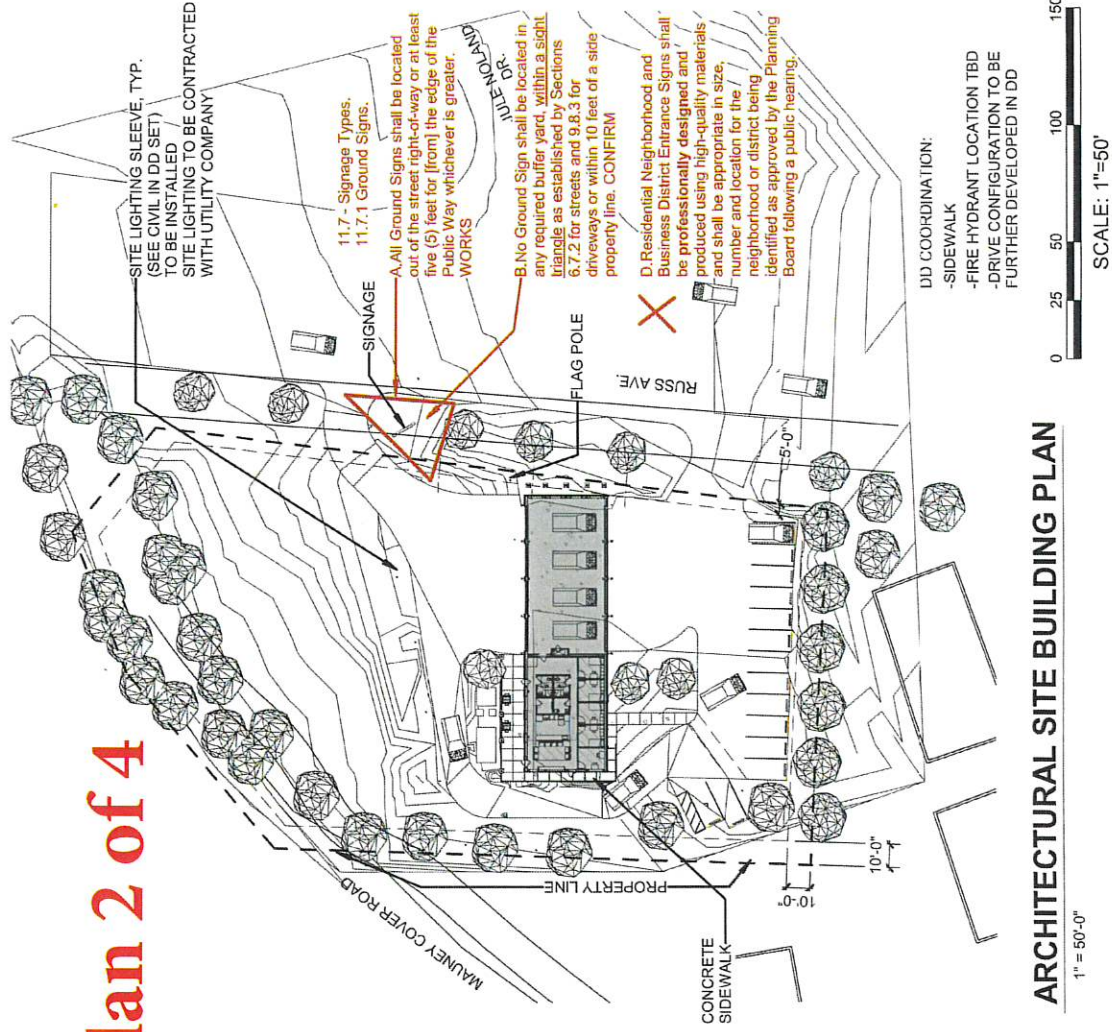
## HAYWOOD COUNTY SATELLITE EMS BASE EXTERIOR VISIONING



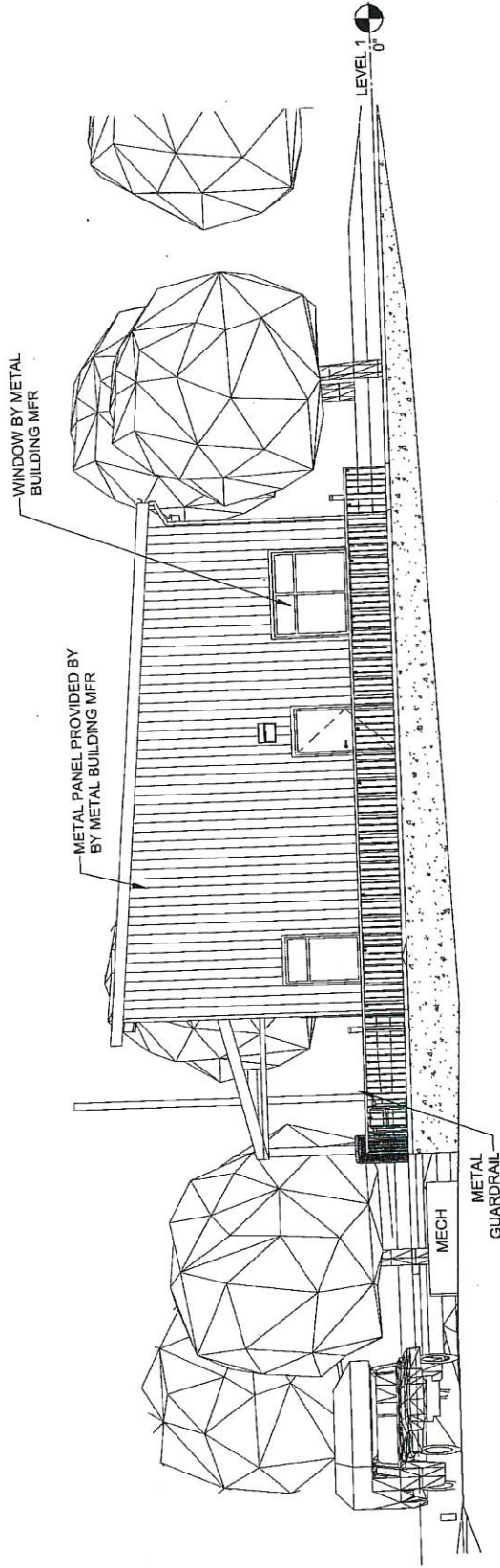
MEDIUM DENSITY MIXED USE OVERLAY

C. Ground signs shall include a base (min. 1 ft. in height) constructed of rock, brick, or other masonry material or permanent landscaping.

E. One (1) ground sign is permitted per building for and on each public street frontage provided that building directly fronts the public street, and no other principal building on the same property is situated between the building and the public street.



# Proposed Master Plan 3 of 4



1 WEST ELEVATION

1/8" = 1'-0"



SHEET AP-010

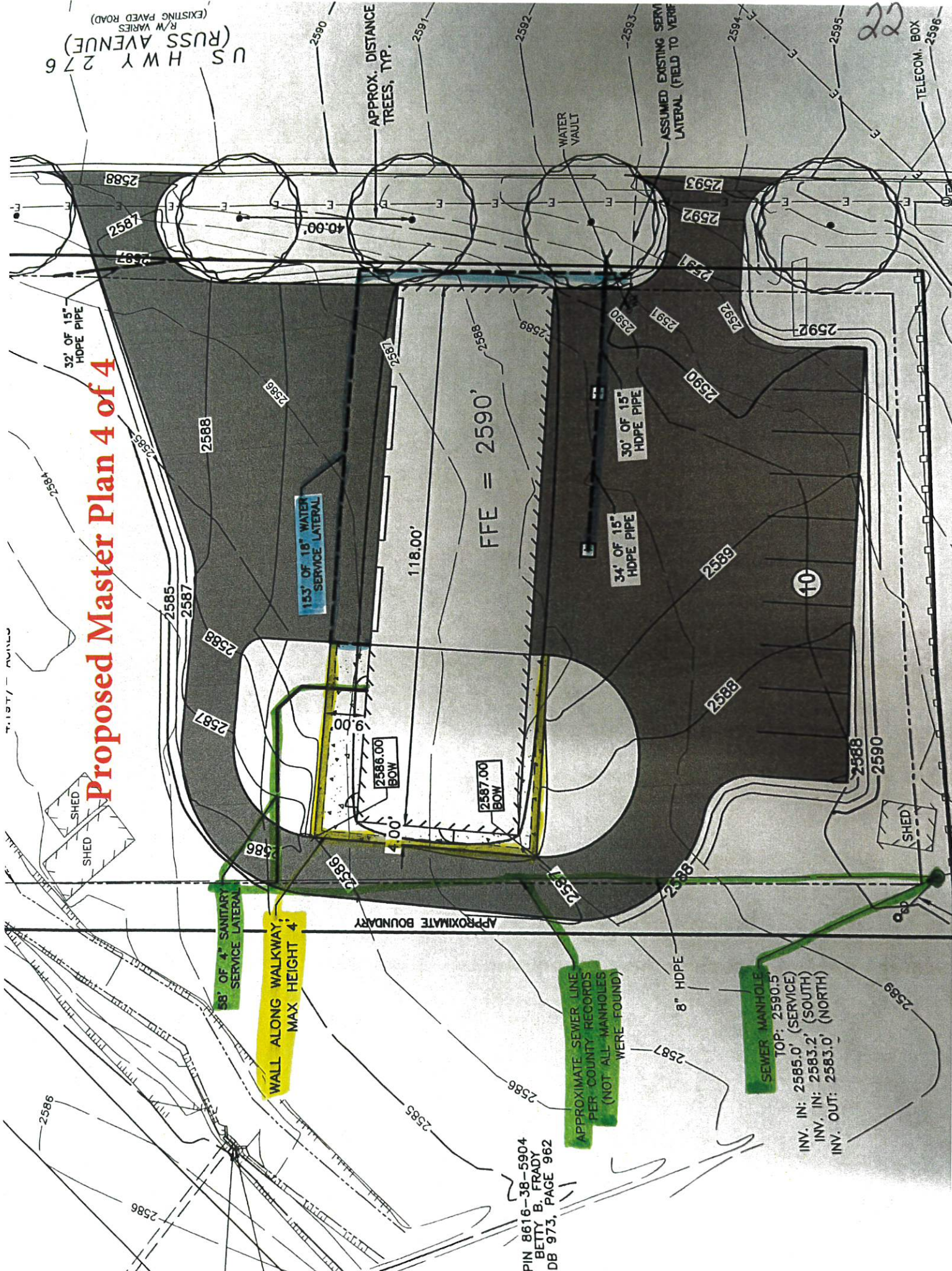
WEST ELEVATION

06-04-2024

LSP

WISCONSIN  
WOOD COUNTY SATELLITE EMS BASE

# Proposed Master Plan 4 of 4



PIN 8616-38-5904  
 BETTY B. FRADY  
 DB 973, PAGE 962

22

U.S. HWY 276  
 (RUSS AVENUE)  
 R/W VARIES  
 (EXISTING PAVED ROAD)

TELECOM. BOX  
 2596

T. 1577 - AVENUE

APPROXIMATE BOUNDARY

WALL ALONG WALKWAY,  
 MAX HEIGHT 4'

APPROXIMATE SEWER LINE  
 PER COUNTY RECORDS  
 (NOT ALL MANHOLES  
 WERE FOUND)

SEWER MANHOLE  
 TOP: 2590.5  
 INV. IN: 2585.0' (SERVICE)  
 INV. IN: 2583.2' (SOUTH)  
 INV. OUT: 2583.0' (NORTH)

32' OF 15"  
 HDPE PIPE

153' OF 16"  
 WATER  
 SERVICE LATERAL

30' OF 15"  
 HDPE PIPE

34' OF 15"  
 HDPE PIPE

58' OF 4" SANITARY  
 SERVICE LATERAL

8" HDPE

APPROX. DISTANCE  
 TREES, TYP.

APPROX. EXISTING SEWER  
 LATERAL (FIELD TO VERF)

WATER  
 VAULT

SHED

SHED

SHED

40

40.00'

118.00'

9.00'

4.00'

2586.00  
 BOW

2587.00  
 BOW

FFE = 2590'

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# Report For

HAYWOOD COUNTY  
HAYWOOD COUNTY COURTHOUSE  
215 N MAIN ST  
WAYNESVILLE, NC 28786

## Account Information

**PIN:** 8616-38-5985  
**Deed:** 1095/1474

526/73  
413/1375

## Site Information

# Map 1 of 7

RUSS AVE

**Heated Area:**

**Year Built:**

**Total Acreage:** Acres

**Township:** Town of Waynesville

## Site Value Information

**Land Value:**

**Building Value:**

**Market Value:**

**Deferred Value:**

**Assessed Value:**

**Sale Price:**

**Sale Date:** 10/4/2023

**Tax Bill 1:**

**Tax Bill 2:**



1 inch = 200 feet  
June 21, 2024

Disclaimer: The maps on this site are not surveys. They are prepared from the inventory of real property found within this jurisdiction and are computed from recorded deeds, plats and other public records and data. Users of this site are hereby notified that the aforementioned public primary information sources should be consulted for verification of any information contained on these maps. Haywood county and the website provider assume no legal responsibility for the information contained on these maps.



# Report For

HAYWOOD COUNTY  
HAYWOOD COUNTY COURTHOUSE  
215 N MAIN ST  
WAYNESVILLE, NC 28786

## Account Information

**PIN:** 8616-38-5985  
**Deed:** 1095/1474

526/73  
413/1375

## Site Information

# Map 2 of 7 Zoning

RUSS AVE

**Heated Area:**

**Year Built:**

**Total Acreage:** Acres

**Township:** Town of Waynesville

## Site Value Information

**Land Value:**

**Building Value:**

**Market Value:**

**Deferred Value:**

**Assessed Value:**

**Sale Price:**

**Sale Date:** 10/4/2023

**Tax Bill 1:**

**Tax Bill 2:**



1 inch = 100 feet  
June 19, 2024

Disclaimer: The maps on this site are not surveys. They are prepared from the inventory of real property found within this jurisdiction and are completed from recorded deeds, plats and other public records and data. Users of this site are hereby notified that the aforementioned public primary information sources should be consulted for verification of any information contained on these maps. Haywood county and the website provider assume no legal responsibility for the information contained on these maps.



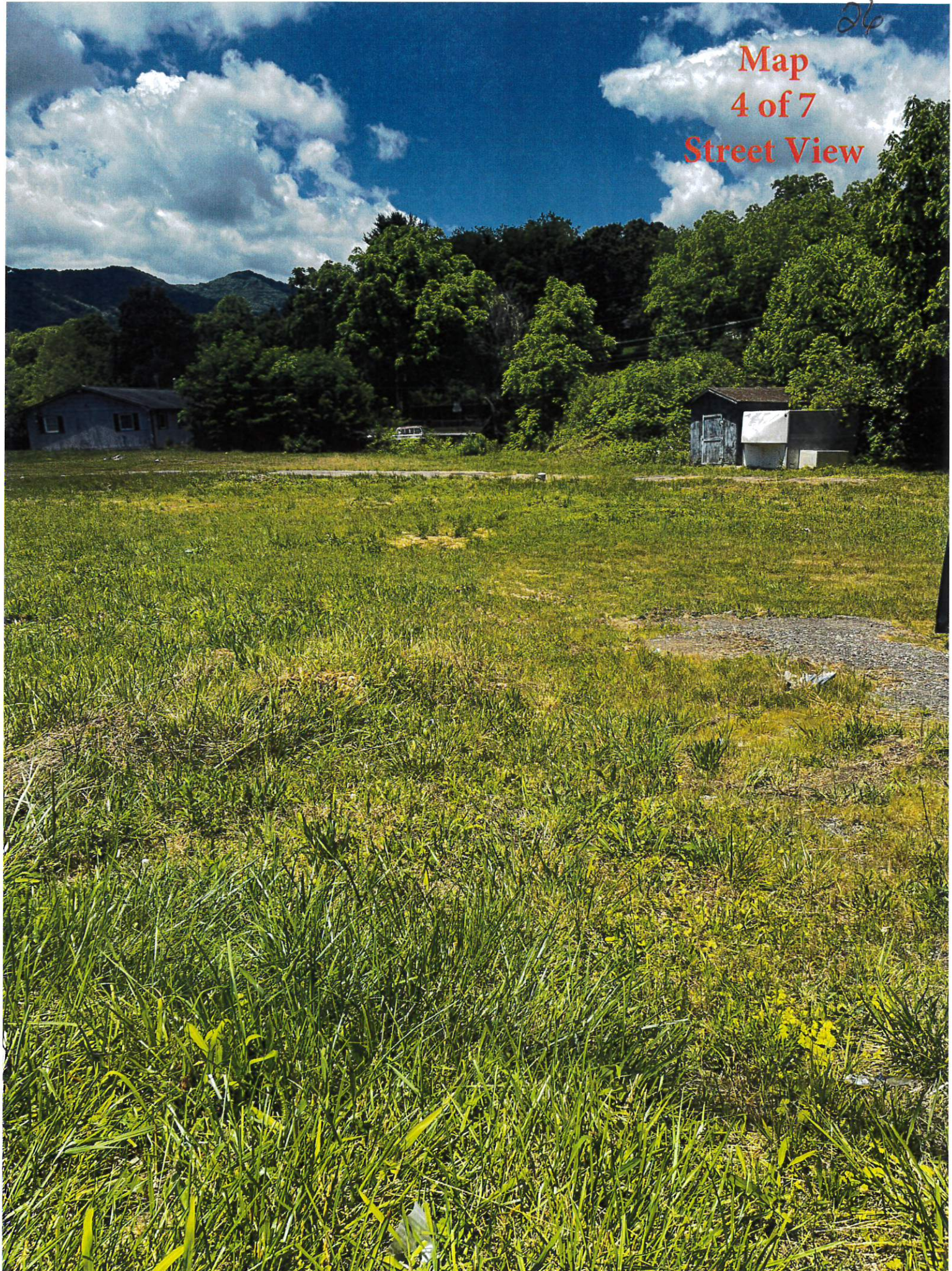


Map  
3 of 7  
Street View



26

Map  
4 of 7  
Street View



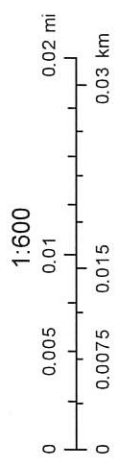


# Map 5 of 7

# Haywood County



June 20, 2024



# Map 7 of 7 Stream



Haywood County  
Solid Waste...



Mauney-Gove-Branch

1204

Calvary Road Baptist  
Church (Office)



Russ Ave

276



Shining Rock  
Classical Academy

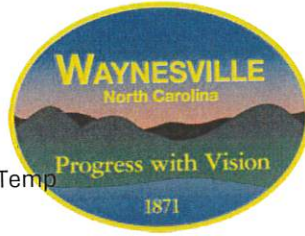


The Cheesecake Mousse



SRCA NEST

e Park



Gary Caldwell, Mayor  
Clarence "Chuck" Dickson, Mayor Pro Temp  
Julia Freeman, Council Member  
Jon Feichter, Council Member  
Anthony Sutton, Council Member

Robert W. Hites, Jr. Town Manager  
Martha Bradley, Town Attorney

## Utilities Letter

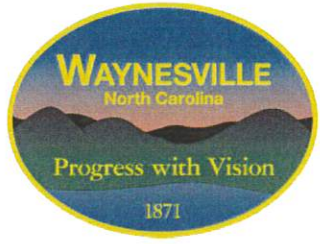
**Date: June 24, 2024**

**Re: Haywood County EMS (PIN # 8616-38-5985)**

**Cc: Olga Grooman, Assistant Development Services Director**

To whom it may concern,  
For the referenced parcel, the Town of Waynesville can provide water and sewer service. Electric Service will be provided by Duke Energy. We would recommend an easement between 10 and 20 ft. for the existing sewer infrastructure. This easement will ensure that maintenance can be conducted, and the line can be exhumed if necessary in a safe manner. If you have any questions, feel free to contact me.

Sincerely,  
Jeff Stines  
Director of Public Services  
Town of Waynesville



# TOWN OF WAYNESVILLE

Development Services Department  
PO Box 100  
9 South Main Street  
Waynesville, NC 28786  
Phone (828) 456-8647 • Fax (828) 452-1492  
www.waynesvillenc.gov

## Public Notice 1 of 4

FOR PUBLICATION IN THE MOUNTAINEER: June 16<sup>th</sup> and June 23<sup>rd</sup> (Sunday) editions

Date: June 11, 2024  
Contact: Olga Grooman, (828) 356-1172

### Notice of Public Hearing Waynesville Zoning Board of Adjustment

The Town of Waynesville Zoning Board of Adjustment will hold a public hearing on **Tuesday, July 2, 2024 at 5:30 pm** in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC, to consider a variance request to setback standards, Land Development Standards Section 2.4.1, on the 0.83-acre unaddressed parcel off Russ Avenue in Waynesville, NC 28786 (PIN 8616-38-5985).

For more information contact the Development Services Department at: (828) 356-1172, email: [ogrooman@waynesvillenc.gov](mailto:ogrooman@waynesvillenc.gov), mail: 9 South Main Street, Suite 110, Waynesville, NC 28786.



**TOWN OF WAYNESVILLE**  
Development Services Department  
PO Box 100  
9 South Main Street  
Waynesville, NC 28786  
Phone (828) 456-8647 • Fax (828) 452-1492  
www.waynesvillenc.gov

# Public Notice

## 2 of 4

June 11, 2024

### Notice of Public Hearing: Variance Request Waynesville Zoning Board of Adjustment

The Town of Waynesville Zoning Board of Adjustment will hold a public hearing on **Tuesday, July 2, 2024 at 5:30 pm** in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC, to consider a variance request to setback standards, Land Development Standards Section 2.4.1, on the 0.83-acre unaddressed parcel off Russ Avenue in Waynesville, NC 28786 (PIN 8616-38-5985). The site is a proposed location for the Haywood County EMS facility, and the variance request is to have 0-ft front building setback.



Questions related to the hearing itself should be directed to the Waynesville Development Services Department, (828) 356-1172, [ogrooman@waynesvillenc.gov](mailto:ogrooman@waynesvillenc.gov).



ATTN: KRIS BOYD  
HAYWOOD COUNTY COURTHOUSE  
215 N MAIN ST  
WAYNESVILLE, NC 28786

Lance Haney  
Vannoy Construction  
1500 Ridgefield Blvd  
Asheville, NC 28806

HARMON GRAHAM PROPERTIES LLC  
PO BOX 180  
WAYNESVILLE, NC 28786

SHINING ROCK CLASSICAL ACADEMY  
HOLDINGS INC A NC C  
2150 RUSS AVE  
WAYNESVILLE, NC 28786

3G ENTERPRISES NC LLC  
PO BOX 1923  
CLYDE, NC 28721

BREESE, RONALD S  
BREESE, SUSAN B  
365 COUNTRY CLUB DR  
WAYNESVILLE, NC 28786

FRADY, BETTY B  
79 Mauney Cove Rd  
Waynesville, NC 28786

PARK RENTALS LLC A NC LLC  
1606 MAUNEY COVE RD  
WAYNESVILLE, NC 28786

## Public Notice

### 3 of 4

List of property owners  
within 100 ft

34

**Public Notice**  
**4 of 4**  
**Property posted**  
**on 6-11-24**

THE TOWN OF WAYNESVILLE  
**ZONING BOARD OF ADJUSTMENT**  
WILL HOLD A PUBLIC HEARING  
ON JULY 2, 2024, AT 5:30 PM  
IN THE TOWN HALL BOARD ROOM  
AT 9 SOUTH MAIN ST.  
TO CONSIDER A  
**VARIANCE REQUEST**  
CONTACT THE DEVELOPMENT SERVICES DEPARTMENT  
**T: 828-456-8647**