

# TOWN OF WAYNESVILLE Zoning Board of Adjustment

9 South Main Street,  
Suite 110  
Waynesville, NC 28786  
Phone (828) 456-8647 • Fax (828) 452-1492  
[www.waynesvillenc.gov](http://www.waynesvillenc.gov)

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

**Development Services Director**  
Elizabeth Teague

**Assistant Development Services Director**  
Olga Grooman

## TOWN OF WAYNESVILLE ZONING BOARD OF ADJUSTMENT REGULAR MEETING

**Town Hall – 9 South Main Street, Waynesville, NC 28786  
Tuesday, December 3, 2024, 5:30 PM**

### **A. CALL TO ORDER:**

1. Welcome/Announcements/Introductions
2. Adoption of Minutes (as presented or amended) from the Special Called Meeting on August 15, 2024.

### **B. BUSINESS ITEMS:**

1. A variance to allow the reconstruction of a single-family dwelling within the same footprint, requiring a deviation from the setbacks established within the Country Club Residential Low Density District, for the property at 90 Chelsea Road (PIN 8605-90-3134), Land Development Standards Sections 2.4.1 and 13.7
2. A variance from the front setback requirements of the Eagles Nest Residential Low Density District, on the unaddressed parcel off Deer Path Road (PIN 8605-38-2095), Land Development Standards Section 2.4.1.

### **C. ADJOURN.**

2.



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Development Services  
Director  
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Assistant Development  
Services Director  
Olga Grooman

**Board Members**

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

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

### Special Called Meeting

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

August 15<sup>th</sup>, 2024

THE TOWN OF WAYNESVILLE ZONING BOARD OF ADJUSTMENT held a Special Called meeting on August 15<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:

Joshua Morgan, Chair  
Edward Moore, Vice Chair  
Judi Donovan  
Henry Kidder  
John Mason

The following staff were present:

Olga Grooman, Assistant Development Services Director  
Alex Mumby, Land Use Administrator  
Esther Coulter, Administrative Assistant

The following Attorney were present:

Ron Sneed, Attorney for the Board

Chairman Joshua Morgan welcomed everyone and called the meeting to order at 5:33 p.m.

Assistant Development Services Director Olga Grooman introduced the new Land Use Administrator Alex Mumby. Mr. Mumby shared some background information about himself with the board. Ms. Grooman stated that no application had been received for next month's agenda.

***A motion was made by Vice Chairman Edward Moore, seconded by Board member John Mason to approve the July 2, 2024, meeting minutes as presented. The motion carried unanimously.***

Chairman Joshua Morgan read through the process and procedures for the quasi-judicial public hearings. All parties were sworn in.

Chairman Joshua Morgan open the public hearing at 5:41p.m.

**B. BUSINESS:**

1. Public Hearing to consider a variance for the ground sign height limit and setback, Sections 11.6.1 and 11.7.1(B) of the Land Development Standards (LDS). The subject property is Enterprise Rent-A-Car, located at 670 Russ Avenue in Waynesville, NC (PIN 8616-31-1519).

Assistant Development Services Director Olga Grooman stated that the subject property at 670 Russ Avenue (PIN 8616-31-1519) contains an Enterprise Rent-A-Car business. Ms. Grooman explained that due to the expansion work off Russ Avenue, the NC DOT has acquired a permanent utility easement (PUE) for a natural gas line and a temporary construction easement across the property's frontage. After the utility work is completed, no permanent structures, including ground signs, are allowed to be located within the area of easement.

The ground sign needs to be relocated outside of the permanent utility easement, which places it closer to the building and closer to the side property line. The variance is needed to relocate the sign in a way that allows it to remain visible from the roadway and behind the Starbucks sign, while meeting the site conditions and constraints caused by the NC DOT's project.

Ms. Grooman stated that according to the applicant, it is not feasible to place the sign outside the 10-ft buffer due to the gas line, the slope of the property, and the need to relocate the water backflow preventer. Instead, the new sign would be placed at the bottom of the slope, 3-4 ft. from the side property line.

Ms. Grooman explained that the maximum allowed height for a ground sign in Russ Avenue Regional Center District (RA-RC) is 8-ft, measured from the highest point of a sign face to the highest adjacent grade at the base of the sign. The applicant is seeking a variance to accommodate a 15-ft high sign to ensure its visibility behind the Starbucks's sign. Additionally, no ground sign can be in any required buffer yard, within a sight triangle, or within 10 feet of a side property line. The proposed sign complies with the sight triangle provisions, but it needs to be located less than 10 ft from the side property line to accommodate above-the-ground utility lines, provide space to relocate the water backflow preventer, and allow for the installation of bollards to protect against vehicles. A variance is required for the sign's placement 3-4 ft from the side property line.

Ms. Grooman explained that the requested variances would allow Enterprise Rent-A-Car business to replace the existing 8-ft ground sign with a 15-ft high (10 ft from the parking lot grade) sign that will be located within a 3-4-ft side setback to the property line. The size of the sign face will remain compliant at 45 sf. The applicant offered 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.*

Without the variance, the sign would not be visible to northbound traffic. To accommodate the NC DOT's permanent utility easement and provide clearance for the above-the-ground utility lines, the sign needs to be moved down the 5-ft slope, closer to the side property line. The sign will need to be located near the southeast boundary of the property. The only other feasible location for the sign to be outside the 10-ft buffer area is on the northwest side of the property, but it will be blocked from the view of northbound traffic by the building.

- 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 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 placement of the sign is greatly constrained by utility services and topography. The only street frontage that the property has is on Russ Avenue, and the applicant must account for all the NC DOT's easements, existing utilities, and site's topography.

- 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 building, existing utilities, and the slope of the property were in place when the applicants became owners of the property. The new utility easement was taken by the NC DOT without the consent of the applicant.

- 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.*

The requested sign height and side setback variances are consistent with the spirit, purpose, and intent of the ordinances, such as public safety is secured, and substantial justice is achieved because the sign will perform its purpose by allowing the passing traffic to clearly see the sign from both directions on Russ Avenue. The design ensures that the visibility of the sign remains unobstructed, as the signs of other businesses on Russ Avenue have.

#### **Items Entered as Evidence:**

- *Staff Report*
- *Application: narrative, payment*
- *Maps: property, zoning, street view, NC DOT easements*
- *Public notices*



5.

- *LDS Section 11.3 Computation of Signage Area*
- *Town of Waynesville LDS, NC Building and Fire Codes, and NC GS 160D by reference*

Applicant: Duncan Haggart

Mr. Haggart told the board that he purchased the property in 2021. Mr. Haggart explained the history of the property's lot lines and different DOT's easement circumstances. Mr. Haggart answered all the board's questions about the details of the project, DOT's easements, and explained that he was not losing any parking spots, and he did not talk to the neighboring property- Starbucks.

Chairman Joshua Morgan asked if anyone of the public wished to speak.

Chairman Joshua Morgan asked for a motion to close the public hearing at 6:17 p.m.

A motion was made by Board member Henry Kidder, seconded by Vice Chairman Edward Moore to close the public hearing. The motion carried unanimously.

The Board deliberated. Board member John Mason expressed gratitude to all the entrepreneurs in the town and stated that the proposed sign represented a good balance. Board Chairman Joshua Morgan reiterated that the applicant struggled with the NC DOT's easements as well as compliance with the town's ordinances.

*A motion was made by Board member Henry Kidder, seconded by Board member John Mason to approve the variances requested to allow an increase of the sign height to fifteen feet and to allow the location of the new sign within three feet of the property boundary. The motion carried unanimously.*

**C. ADJOURN**

*Chairman Joshua Morgan adjourned the meeting at 6:22 p.m.*

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*Joshua Morgan, Chairman*

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*Esther Coulter, Administrative Assistant*

## Zoning Board of Adjustment Staff Report

### Summary Information:

Meeting Date: December 3, 2024  
 Subject: Variance to allow reconstruction of a single-family dwelling within the same footprint, requiring a deviation from the setbacks, Land Development Standards sections 2.4.1 and 13.7.  
 Property Location: 90 Chelsea Rd, Waynesville, NC 28786 (PIN 8605-90-3134)  
 Acreage of the Site: 0.0771 ac, per Haywood County GIS (approx. 3,358.5 sq ft)  
 Zoning District: Country Club Residential Low Density (CC-RL)  
 Existing Development: Single-family home  
 Applicant/Owner: Scott Lilly  
 Application Date: October 18, 2024  
 Staff Presenter: Olga Grooman, Assistant Development Services Director

### Background:

The subject property at 90 Chelsea Road in Waynesville (PIN 8605-90-3134) is an existing single-family lot with an abandoned house in a deteriorated condition. The Haywood County GIS records indicate that the existing house was built in 1948. In the application materials, the applicant states the following conditions of the lot and existing house:

- “90 Chelsea Rd is a 0.0735-acre parcel with a 1,006 sq foot home.”
- “In 1953, the lot and house [were] created by Mr. and Mrs. Feichter.”
- “The entire lot is only 43 feet wide by 74.5 feet long.”
- “The existing house was constructed [approx.] 5 feet from the property line against the condos, [approx..] 8 ft from the property line against the 4-unit apartment house, and [approx..] 13 feet from the pavement. And about 27’ setback to the back property line.”
- “There is no chance to combine property with any adjacent property as all 3 neighbors are also developed within 10 feet of the [side] property lines.”
- “Upon inspection, there was severe termite damage in the home and now flood damage from the hurricane. Any rehab of the existing structure would be impractical.”

The lot and the house pre-empt the current zoning ordinances of the Town. The applicant wants to demolish the existing delapidated house and replace it with a new single-family home in which he will live. It would promote the development of a safer and more aesthetically pleasing neighborhood.

The existing house constitutes a nonconforming structure on a nonconforming lot. Waynesville Land Development Standards (LDS) section 17.4 provides the following definitions:

**“Nonconforming Occupied Lot.** A lot containing a structure at the time this ordinance was adopted or at the time the lot was brought into the town's jurisdiction, but which lot does not meet the minimum requirements for the land development district in which it is located.”

**“Nonconformity.** A legal use, structure, and/or development which existed prior to the adoption of this chapter or any amendment thereto, that does not presently conform to this chapter or its amendments.”

LDS Chapter 13 addresses nonconforming structures. While a building that does not comply with current dimensional standards (such as setbacks) can be repaired, maintained, or enlarged if such repair does not increase the degree of noncompliance with the current standards, “this provision is not intended to permit substantial reconstruction or new construction on the same building footprint” (LDS 13.5.3.B). The

applicant is seeking a variance from the LDS section 13.7 that specifically requires the reconstruction of the pre-existing nonconforming buildings to comply with the current dimensional standards of the zoning district, such as setbacks. This section of the LDS is attached to your agenda packet.

The applicant is seeking a variance from this provision and proposes a single-family home with “880 square feet on the main level and 963 square feet on the second level,” as specified in the application materials. In the submitted application, Mr. Lilly clarifies that “the entire proposed design is contained within the footprint of existing structure.” Additionally, the applicant proposes to move the entire structure 7 feet back on the lot, therefore, achieving compliance with front and back 20-ft setback requirements of the Country Club Residential Low Density (CC-RL) district.

The proposed variance to allow the reconstruction within the same footprint and moving the house 7 ft back on the lot will also eliminate the need for street parking for this property. The applicant states that “There is enough space for a small carport in the front and another car parked in the driveway on the apartment-side of the house... Today you park on the street.”

To sum it up:

- The footprint of the new residence will be the same as of existing deteriorated house on the lot.
- The lot will be brought in better conformity with the current zoning because front and rear 20-ft setbacks will be compliant.
- The only remaining nonconforming setbacks will be side setbacks, at approximately 8 feet on the west and 4-5 feet on the east of the lot.

### **Zoning District:**

The property is located directly across from Waynesville Inn and Golf Club. It is designated for Residential - Medium to High Density Development in the 2035 Comprehensive Land Use Plan, which outlines the Town’s long-term vision for future development and growth.

The property lies within the Country Club Residential Low Density (CC-RL) zoning district. Per LDS section 2.3.1.A, this district has the following purpose and intent:

**The Country Club Residential—Low Density District (CC-RL)** is an area predominately comprised of large lot subdivisions with the Waynesville Country Club serving as its social and recreational center. While single-family homes are the dominant residential use in this area, townhouses and accessory apartments are also permitted. Connections to the South Main Street Business District should be enhanced as new development takes place. A residential scale is required for all new development. Tree preservation and proliferation along the South Main Street corridor is critical to the ambiance of the area.

To clarify, the 2035 Comprehensive Land Use Plan designates this property for medium to high-density development as a part of the Town's long-term vision. However, the property is currently zoned within the Country Club Residential Low Density (CC-RL) zoning district under the existing Land Development Standards (a.k.a. regulatory zoning ordinance). This low-density zoning comes with stricter setback requirements as well as other standards that limit development.

### **Surrounding Land Use/Zoning Patterns:**

Located within a primarily residential area, the subject property is surrounded by various residential uses:

- Condominiums to the north and east
- Multi-family unit to the west

- Country Club’s rental cottage development directly to the south
- Country Club’s hotel to the southwest

Additionally, Waynesville Inn and Golf Club’s amenities, including the clubhouse and hotel, are located approximately 400 ft to the west of the property.

The surrounding area is densely developed, with adjacent lots also having small sizes. Condominiums to the north and east are on lots between 0.02 to 0.04 acres. The multi-family building to the west consists of 4 units on a 0.15-acre lot. These adjacent lots have densities that greatly exceeds the current thresholds for the Country Club Residential Low-Density district, and with several structures not conforming to the currently established setback requirements. Like these surrounding properties, the subject property at 90 Chelsea Rd is an in-fill lot, and it is below the minimum lot size and width requirements of the current zoning. The existing abandoned single-family home on the lot is also a pre-existing nonconformity because it does not meet the setback requirements for CC-RL zoning district.

The subject property is about 110 ft away from the South Main Business District (SM-BD) to the west, separated by a multi-family unit and Epsom St. This neighboring district allows 0-ft front and side setbacks and has no density requirements.

The property is in the 100-year regulatory floodplain. The new house must meet all floodplain requirements, such as elevation above the base flood level, making it safer.

**Proposed Variance:**

The requested variance from LDS section 13.7 would allow the construction of a new house within the same footprint as the existing home on the lot, with deviation from the CC-RL setbacks. However, the property will be brought into a better compliance because the applicant is proposing to move the structure 7 ft back. Therefore, front and rear setbacks will be approximately 20 ft, which are complaint under the current zoning, and create space for off-street parking where there currently is none.

- 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 lot is only 43 feet wide by 74.5 feet long. The applicant is not increasing non-compliance. In fact, the newly proposed structure will respect the district’s front and rear setbacks. Additionally, it will be built in conformance with the current floodplain regulations. Without the variance, the applicant would not be able to reconstruct a home on this lot and improve the existing condition.

- 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 is pre-existing to current ordinances and is surrounded by other densely developed small lots, with a history dating back several decades. It is also located within the 100-year floodplain. These physical and environmental conditions require a thoughtful and careful review of the proposed development. The proposed variance provides a more fitting and sustainable solution, aligning with the surrounding development and floodplain requirements, and provides the opportunity for in-fill development and the re-use and betterment of an existing lot.

- 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 lot and house were established decades ago, prior to the current ordinances, and no actions by the applicant have contributed to the noncompliance.

- 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.**

Public safety is secured, and substantial justice is achieved by the following:

- The construction of a new house will eliminate the need for street parking. The applicant states that “There is enough space for a small carport in the front and another car parked in the driveway on the apartment-side of the house... Today you park on the street.”
- The property will also comply with all floodplain regulations, and the new house will be elevated above the basic flood elevation, making it safer for the occupants.
- The newly constructed structure will be safer as it will be compliant with the latest building, fire, and zoning codes.
- The construction of a new house considers the neighbors’ privacy. The applicant explains that “The main or bulk of the structure is centered on the property to keep any “crowding” of the sides to a minimum.”
- The applicant proposes to build a house in which he will live.

**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 ft on November 14, 2024. The hearing was advertised in the Mountaineer newspaper for two consecutive weeks on November 17 and November 24, 2024. The notice was also submitted to local media on November 18, 2024.

**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
- LDS Sections 13.7 and 2.4.1
- Application materials with payment
- Maps: property, zoning, floodplain, street view
- Public notices
- Town of Waynesville LDS, NC Building and Fire Codes, and NC GS 160D by reference



**LDS Section 13.7**

**13.7 Nonconforming Design Elements and Site Features.**

The following table summarizes the primary requirements that shall be met when there are changes to existing development and/or to nonconforming structures or uses. A ✓ indicates that compliance with all applicable standards is required. For the purpose of this section the size of projects involving parking area expansion and building expansion or building reconstruction shall include all such projects undertaken on the site within the preceding twenty-four (24) month period.

	2.4	Ch. 5	6.11	Ch. 8	8.4	8.5	8.6-8	Ch. 11	Ch. 11
	Dimensional Standards	Building Design Standards	Sidewalks	Tree Protection and Landscaping	Buffers and Screening	Street Tree Planting	Parking Lot Landscaping	Outdoor Lighting	Signs
<b>Existing Development</b>									
Change of Use (From Residential to Non-Residential)			✓	✓	✓	✓	✓	✓	✓
<b>Parking Area Expansion</b>									
Less than 12 spaces or <40% of Paved Area							✓(a)	✓(a)	
Expansion of ≥40% of Paved Area or 12 space or more			✓	✓	✓	✓	✓	✓	✓
<b>Building Expansion/Reconstruction</b>									
<50% of Existing Floor Area	✓(a,b)	✓(a)						✓(a)	
≥50% of Existing Floor Area	✓(a,b)	✓(c)	✓	✓	✓	✓	✓	✓	✓

(a) For expanded/reconstructed portion only.

(b) Exception: Maximum front setbacks should be met to the extent practical as determined by the Administrator.

(c) For expansions, reconstruction areas and all other walls facing public streets.

2.4 Dimensional Standards by District.

LDS Section 2.4.1

2.4.1 Table of Dimensional Standards by Residential District.

Standard	Residential—Low Density (RL)	Residential—Med. Density (RM)	Neighborhood Residential (NR)	Urban Residential (UR)
1. Applicable Districts	CC-RL, EN-RL, FC-RL, HT-RL	CP-RM, D-RM, HM-RM, SW-RM	AC-NR, LL-NR, MS-NR, N-NR, PS-NR, PC-NR, RC-NR, SS-NR, WS-NR	EW-UR, H-UR, HM-UR
2. Development Standards				
a. Density (max base)	6 units/acre	8 units/acre	10 units/acre	16 units/acre
b. Density (max with SUP)	12 units/acre	12 units/acre	16 units/acre	24 units/acre
c. Civic Space (min) per CH 7	Refer to Section 7.3	Refer to Section 7.3	Refer to Section 7.3	Refer to Section 7.3
3. Lot Standards				
a. Lot Area—House	½ acre	¼ acre	⅓ acre	⅓ acre
b. Lot Area—All bldg. types with rear vehicular access	Subject to density	Subject to density	Subject to density	Subject to density
c. Lot Width (min)—With rear vehicular access	60 ft. n/a	50 ft. 16 ft.	50 ft. 16 ft.	50 ft. 16 ft.
d. Frontage at Front Setback	n/a	n/a	n/a	n/a
e. Pervious Surface (min)	20%	20%	10%	10%
4. Building Setback (min)				
a. Principal Front <sup>1</sup>	20 ft.	10 ft.	10 ft.	10 ft.
b. Street Side/Secondary Front <sup>1</sup>	20 ft.	5 ft.	5 ft.	5 ft.
c. Side (from adjacent lot)	10 ft.	10 ft.	10 ft.	10 ft.
d. Setback Between Bldgs.	15 ft. (10 ft.)	6 ft.	6 ft.	6 ft.
e. Rear	20 ft.	6 ft.	6 ft.	6 ft.
5. Accessory Structure Setback				
a. Side	5 ft.	5 ft.	5 ft.	5 ft.
b. Rear	5 ft.	5 ft.	5 ft.	5 ft.
c. Other Standards	See Section 4.5.3	See Section 4.5.3	See Section 4.5.3	See Section 4.5.3
6. Building Height (in Stories)				
a. Principal Building (max)	3 stories	3 stories	3 stories	3 stories
b. Accessory Structure (max)	2 stories	2 stories	2 stories	2 stories
7. Outdoor Storage				
a. Residential Uses	Permitted in all districts <sup>2</sup>	Permitted in all districts <sup>2</sup>	Permitted in all districts <sup>2</sup>	Permitted in all districts <sup>2</sup>
b. Nonresidential Uses	Not permitted	Not permitted	Not permitted	Not permitted

<sup>1</sup> Where no right-of-way exists or if the right-of-way is only inclusive of the street pavement add 10 ft. See also 4.3.1.A.3.

<sup>2</sup> Customary storage as an accessory to residential use of the property.

<sup>3</sup> A maximum of 60' in Building Height from highest adjacent grade to highest point on a roof.





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**Application  
Materials  
1 of 13**

## Variance Request

Property Address / Location: 90 CHELSEA RD

Property PIN: 8605-90-3134 Property Zoning District: CC-RL

Flood Zone: Y Historic Property or District: N

Signature of property owner of record: [Signature] Date: 10/18/24

Applicant's Name: SCOTT LILLY Applicant's Phone #: 704-242-4984

Applicant's Address: 420 N. MAIN ST. MT. HOLLY NC 28120  
*Application must be filed by the property owner or by an agent specifically authorized by the owner.*

I, D. Scott Lilly, 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: \_\_\_\_\_

Ordinance requirement from which relief is sought: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Variance requested and why (attach additional sheets, maps, or other information as necessary):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Applicant's Signature: [Signature] Date: 10/18/24

**Application  
Materials  
2 of 13**

**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  
3 of 13**

**3. Additional Conditions:**

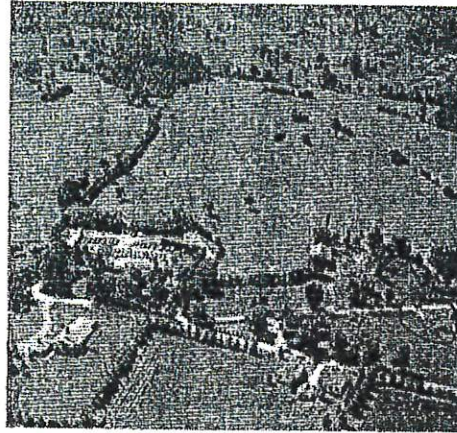
In granting any variance, the Board of Adjustment may attach such conditions to the approval as it deems necessary and appropriate to satisfy the purposes and objectives of this ordinance. The board may also attach conditions in order to reduce or minimize any injurious effect of such variance upon other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



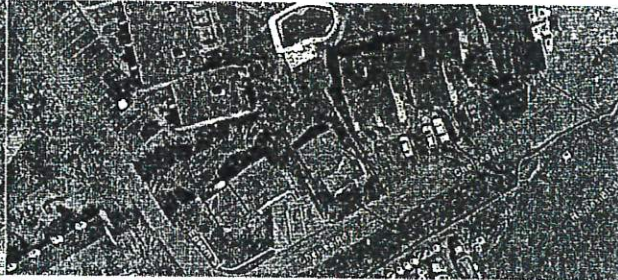
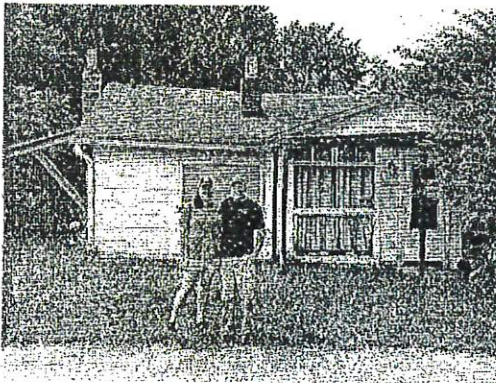
General Variance or Rezoning Request

**Application  
Materials  
4 of 13**

Requesting lot size, density, and setback variance for 90 Chelsea Rd.

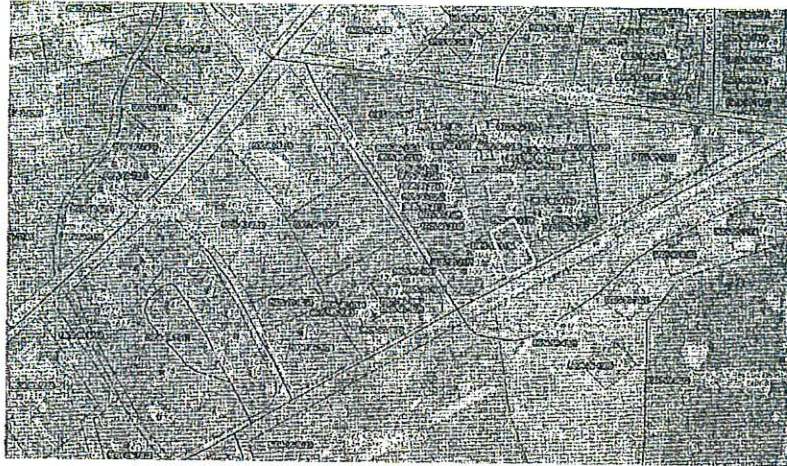


1950-Aerial shot of Waynesville Country Club



90 Chelsea Rd is a 0.0735-acre parcel with a 1,006 sq foot home in the marginal area of a County Club Residential Low (CC-RL) Density district. The purpose and intent of the CC-RL is described as a "large lot subdivision" Also one property away is the South Main Business district which is "densely developed".

## Application Materials 5 of 13



In 1953, this lot and house was created by Mr. and Mrs. Feichter standing alone before a CC-RL land use plan existed and before the neighboring house and condos were constructed in the 1970s. The existing house was constructed ~5 feet from the property line against the condos, ~8 feet from the property line against the 4-unit apartment house, and ~13 feet from the pavement. The entire lot is only 43 feet wide by 74.5 feet long. The lot and house do not fit the overarching purpose and intent of the CC-RL with a minimum 60-foot width and 6 units/acre density. As such, it is natural that the 10-foot side setback and 20-foot front setback of today's standards do not comply with the situation created in the 1950s, mostly caused by a lot that's too small for today's standards.

**BEGINNING** on a stake in the northwest margin of Chelsea Avenue at the eastmost corner of Lot No. 10 in the subdivision hereinafter referred to, and running N 29-30-00 W 74.5 feet to a stake; thence S 60-00-00 W 43.00 feet to a stake; thence S 29-30-00 E 74.5 feet to a stake in said northwest margin of Chelsea Avenue; thence with street margin N 60-06-00 E 43 feet to the BEGINNING, and BEING a part of Lots Nos. 10 and 11 of the Woody-Sutton property, surveyor's plat of which is recorded in Plat Book "D", Page M-37, in the office of the Register of Deeds of Haywood County.

**BEING** the identical property conveyed from Leopold Feichter and wife, Martha E. Feichter to H.B. Colquitt and wife, Frances Marie Colquitt by deed dated March 17, 1954 and recorded at Deed Book 159, Page 429, Haywood County Registry. NOTE: H.B. Colquitt predeceased Frances Marie Colquitt, who passed away April 7, 2014 in Haywood County. See Estate File 14 E 233.

There is no chance to combine property from any adjacent property as all 3 neighbors are also developed within 10 feet of the property lines. Upon inspection, there was severe termite damage in the home and now flood damage from the hurricane. Any rehab of the existing structure would be impractical. (And when you speak to all the neighbors, undesired.)

We have designed and plan to build a floodplain-compatible single family home costing approximately \$800,000 in which we will live. The conditioned footprint is reduced from the existing structure of 1,006 square feet to 880 square feet on the main level and 963 square feet on the second level. The maximum extents of the building footprint are 41'7" deep and 29'11" wide. The entire proposed design is contained within the footprint of the existing structure.

As we design a replacement structure, we're asking for exceptions from the following land use guidelines:

- 1) Lot size 43 feet in width as legally defined in 1953.



**Application  
Materials  
6 of 13**

- 2) Side setbacks not to differ from existing setbacks as built in 1953.
- 3) Front setback not to differ from existing setback as built in 1953.
- 4) Density as built in 1953 as 1 unit on the 0.0735-acre parcel.

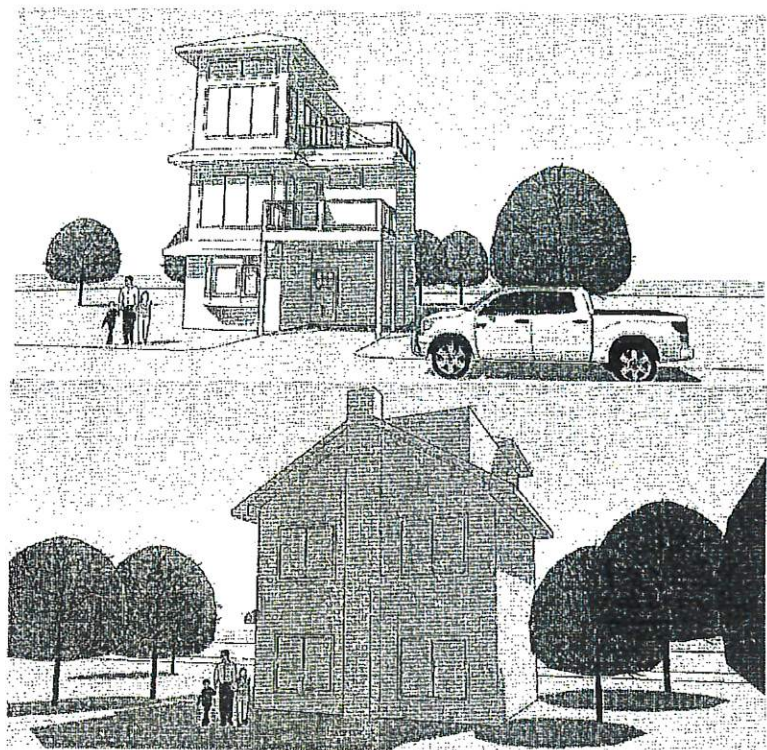
Alternately, it seems all of the exceptions we seek in the CC-RL district (with large lots) are allowed in the SM-BD district one property away. If it is more appropriate to rezone 90 Chelsea Road as within the SM-DB district, that might also accomplish what we're asking to do.

Looking at the property in relation to the others along the street and given that there is a pool house immediately (inches) on the rear of the property, it would be acceptable if the design as proposed were moved back on the property any number of feet to reduce the rear setback while improving the front setback.

Neighbor-friendly thoughts that went into this design:

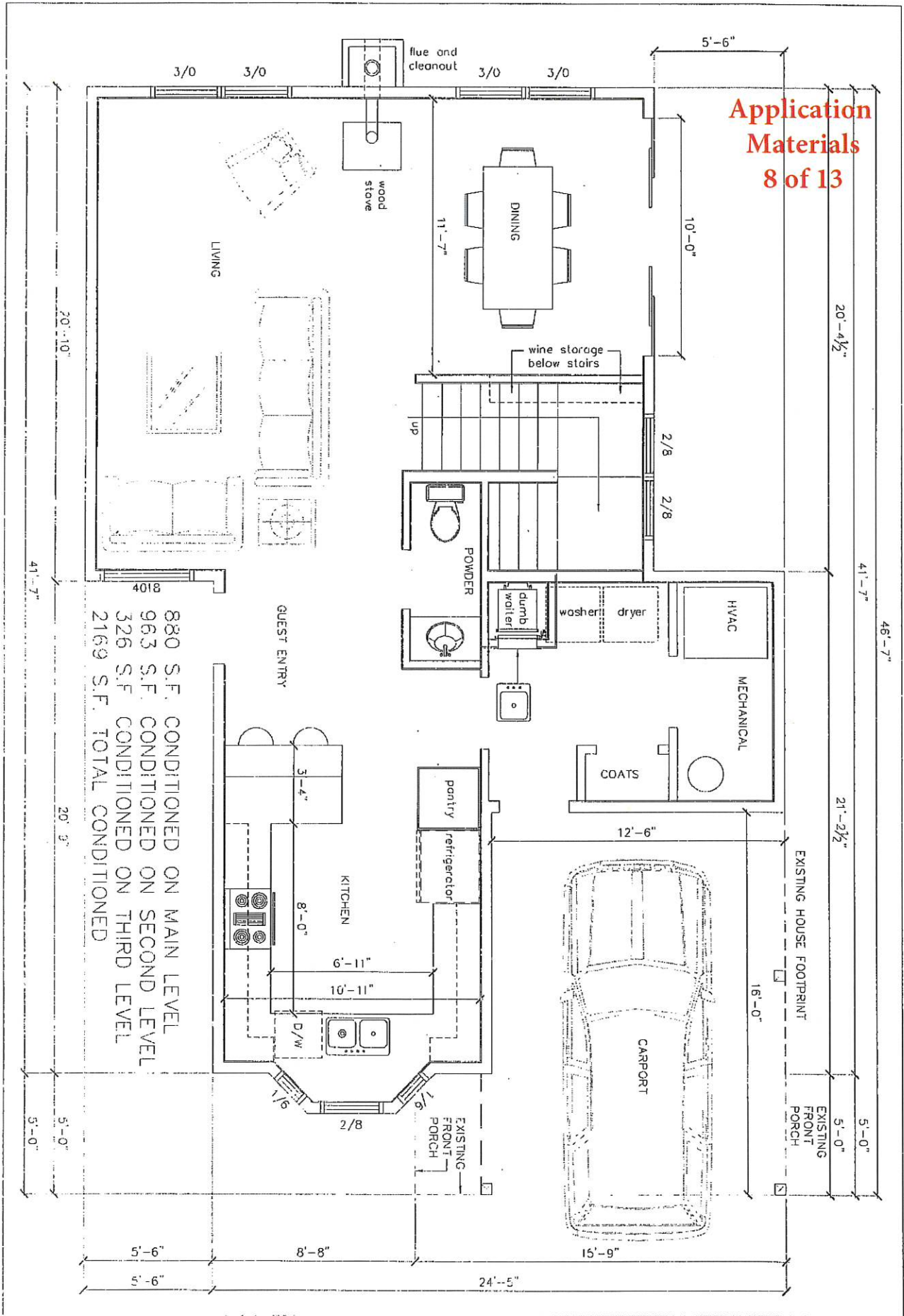
- A) Windows are (not) placed on the sides to ensure privacy for neighbors.
- B) The "main" or bulk of the structure is centered on the property so as to keep any "crowding" of the sides to a minimum. (The side along the condos are mostly stairs and porch space.)
- C) We're negotiating with the apartment house neighbors as to what kind of fence they would like and expect that same kind of fence to surround the property on 3 sides. (Everyone hates the existing fence.)
- D) There is enough space for a small carport in the front and another car parked in a "driveway" on the apartment-side of the house so all off-street parking. (Today you park on the street.)
- E) The top floor is mostly unconditioned sunroom and terrace. (It's how we'll "wave from the front porch".)
- F) The roof, siding, and color will be complimentary to the new Waynesville Inn houses and neighboring condos.

**Application  
Materials  
7 of 13**



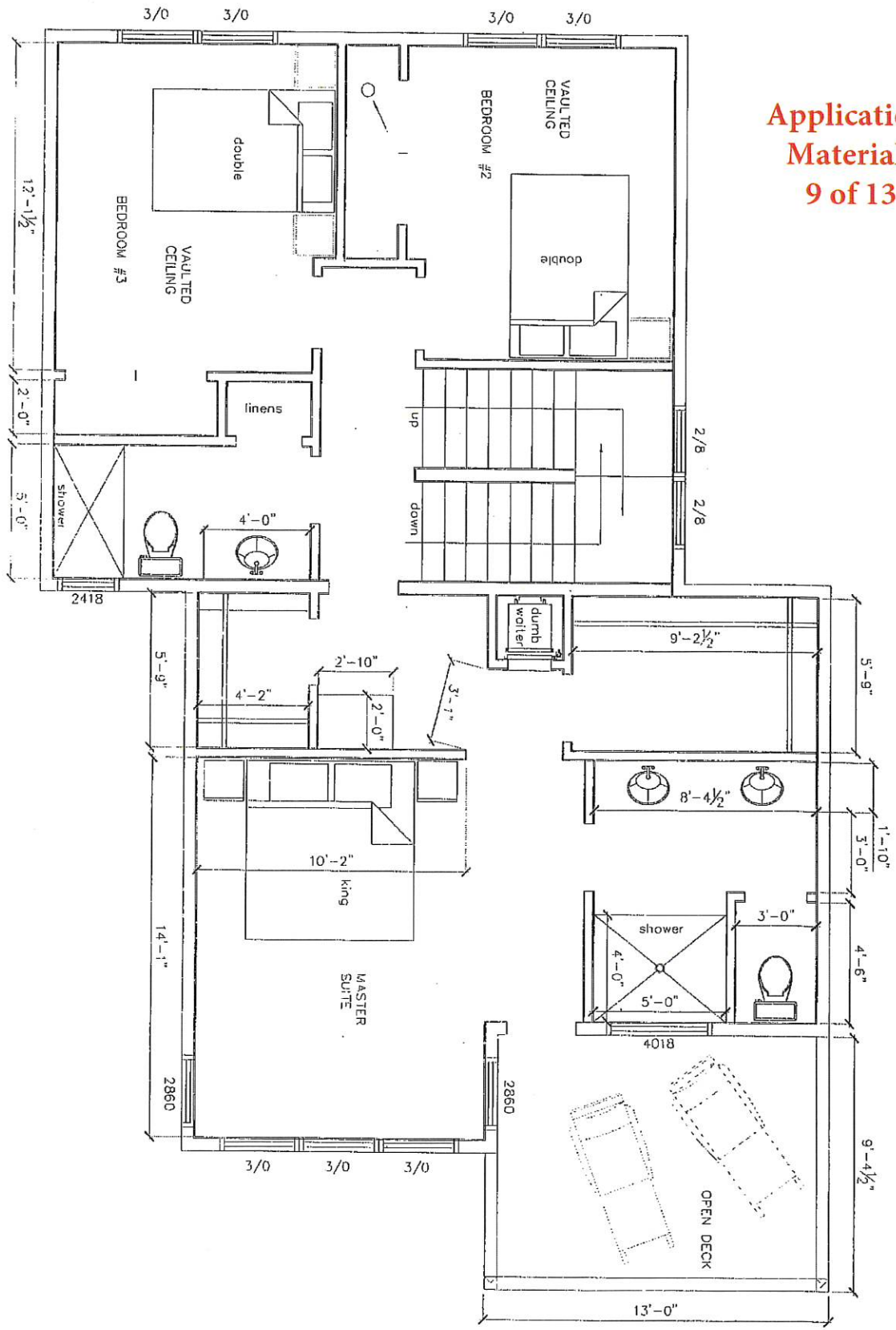
Our timeline plan:

1. Designer, Plans, and Financing – Done
2. Variance and Building Permit – Dec 2024
3. Demolition Permit and Demolition – January 2024
4. Construction – May 2025

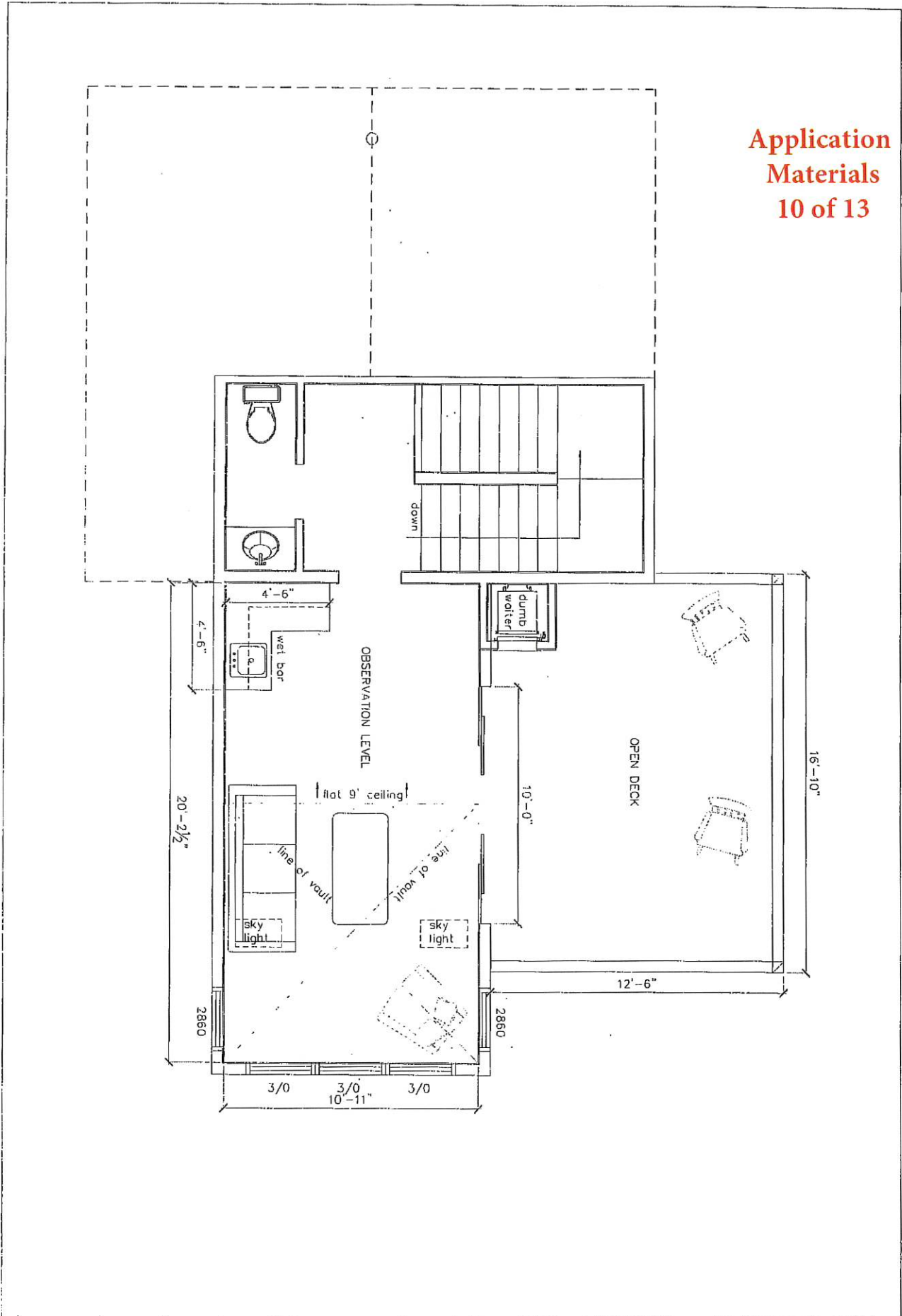




**Application  
Materials  
9 of 13**



**Application  
Materials  
10 of 13**



22.

PAYMENT SUMMARY RECEIPT

TOWN OF WAYNESVILLE  
16 S MAIN ST

**Application  
Materials  
11 of 13**

DATE: 10/24/24 CUSTOMER#:  
TIME: 14:09:40  
CLERK: 2044ecou

RECPT#: 3105509 PREV BAL: 300.00  
TP/YR: P/2025 AMT PAID: 300.00  
BILL: 3105509 ADJSTMNT: .00  
EFF DT: 10/24/24 BAL DUE: .00

Misc Cash Receipts

-----TOTALS-----

PRINCIPAL PAID: 300.00  
INTEREST PAID: .00  
ADJUSTMENTS: .00  
DISC TAKEN: .00

AMT TENDERED: 300.00  
AMT APPLIED: 300.00  
CHANGE: .00

PAID BY: Scott Lilly Variance  
PAYMENT METH: CHECK  
PAYMENT REF: 2300

TOT PREV BAL DUE: 300.00  
TOT BAL DUE NOW : .00

**From:** [Scott Lilly](#)  
**To:** [Olga Grooman](#)  
**Cc:** [Elizabeth Teague](#)  
**Subject:** Non-conformance and setbacks - 90 Chelsea  
**Date:** Friday, November 8, 2024 12:28:25 PM

**Application  
Materials  
12 of 13**

---

Olga,

We re-measured all the existing setbacks today. We're confirming a 5ft and 8ft setbacks on the side. About 13' from the front to the pavement. And about 27' setback to the back property line. (I did not have that rear measurement when asked in our meeting.) On the back property line, there is only the condo pool house -- which is inches from the property line.

Our advertised proposal for the non-conforming existing use is all within the same footprint of the existing house.

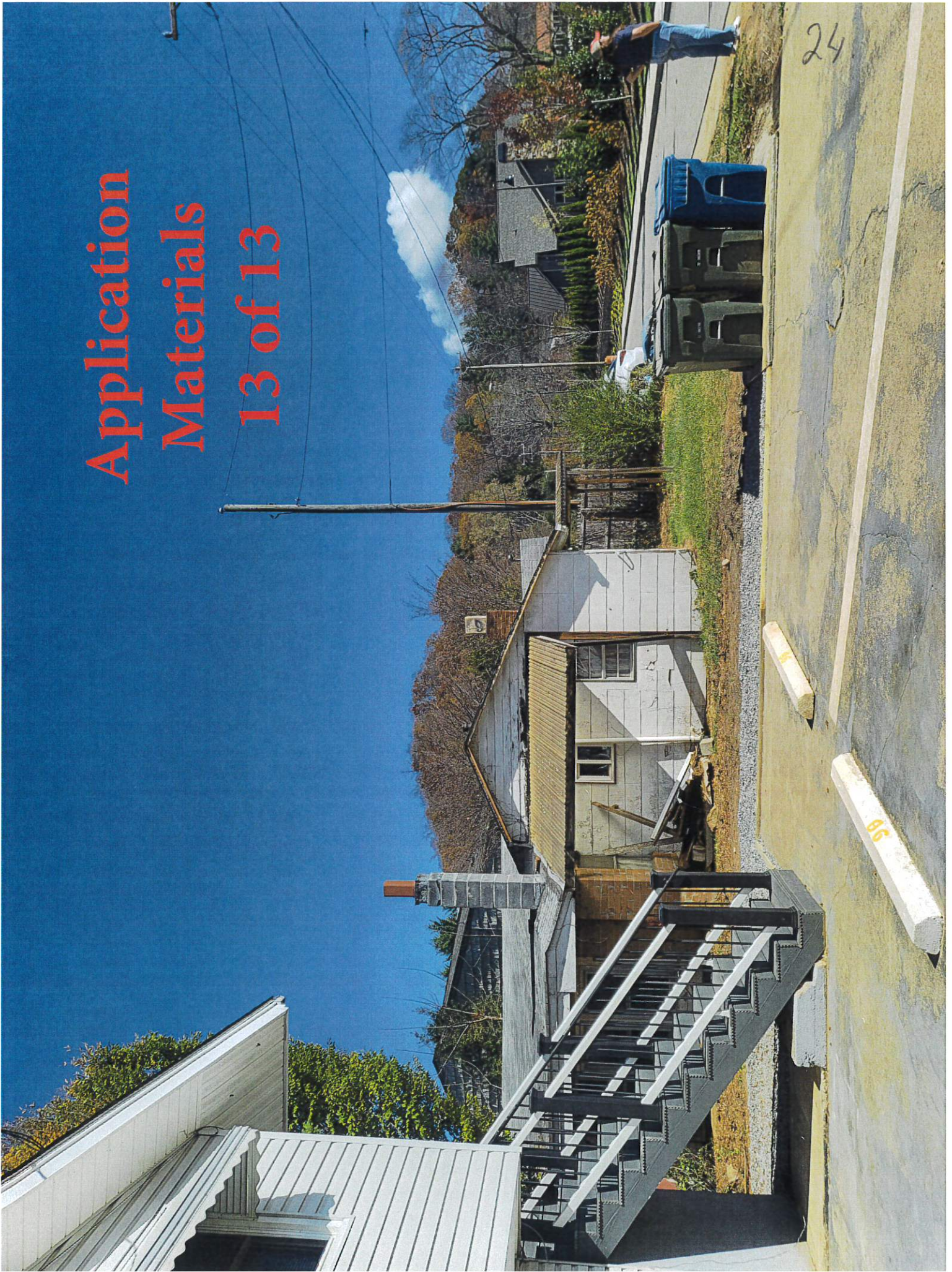
I spoke with the neighbors and we're in agreement that the community would appreciate if the entire footprint of the house were shifted toward the back so that the front and back setbacks were respected. That is moving the entire proposed structure back on the lot 7' would give us the modern day 20' setback in front and rear.

This is not a requirement from us, but more of a concession we'd offer to the zoning board toward improving the condition of the property in terms of modern-day land use.

Scott Lilly  
90 Chelsea Rd



# Application Materials 13 of 13





# Report For

LILLY, DENNIS SCOTT  
LILLY, KARAB  
420 N MAIN ST  
MOUNT HOLLY, NC 28120-2335

## Account Information

**PIN:** 8605-90-3134  
**Deed:** 1092/621

# Property Card

## Map 1 of 4

## Site Information

DWELLING  
Single-Family  
90 CHELSEA RD  
**Heated Area:** 0  
**Year Built:** 1948  
**Total Acreage:** 0.0771  
**Township:** Town of Waynesville

## Site Value Information

**Land Value:**  
**Building Value:**  
**Market Value:**  
**Deferred Value:**  
**Assessed Value:**  
**Sale Price:** 08/10/2023  
**Sale Date:**  
**Tax Bill 1:**  
**Tax Bill 2:**



1 inch = 50 feet

November 14, 2024

25.

Disclaimer: The maps on this site are not surveys. They are prepared from the inventory of real property found within this jurisdiction and are compiled 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

LILLY, DENNIS SCOTT  
LILLY, KARA B  
420 N MAIN ST  
MOUNT HOLLY, NC 28120-2335

## Account Information

PIN: 8605-90-3134  
Deed: 1092/621

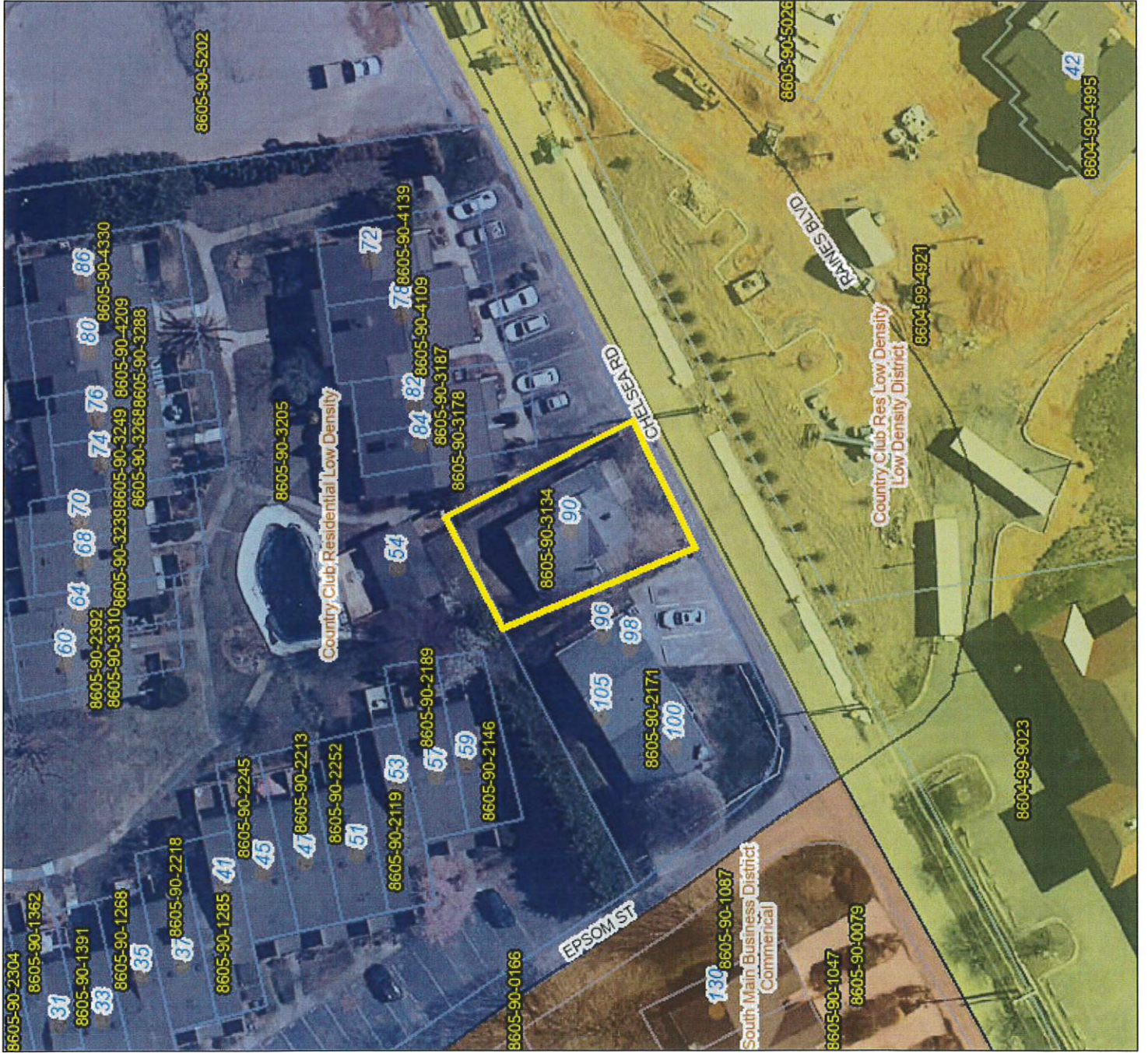
**Zoning**  
**Map 2 of 4**

## Site Information

DWELLING  
Single-Family  
90 CHELSEA RD  
Heated Area: 0  
Year Built: 1948  
Total Acreage: 0.0771  
Township: Town of Waynesville

## Site Value Information

Land Value: \$14,100  
Building Value: \$38,000  
Market Value: \$52,100  
Deferred Value: \$0  
Assessed Value: \$52,100  
Sale Price: \$50,000  
Sale Date: 08/10/2023  
Tax Bill 1: \$445  
Tax Bill 2: \$445



1 inch = 50 feet

November 14, 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 compiled from recorded deeds, plats and other public records and data. Users of this site are hereby notified that the aforementioned public 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.

26.



# Report For

LILLY, DENNIS SCOTT  
LILLY, KARA B  
420 N MAIN ST  
MOUNT HOLLY, NC 28120-2335

## Account Information

PIN: 8605-90-3134  
Deed: 1092/621

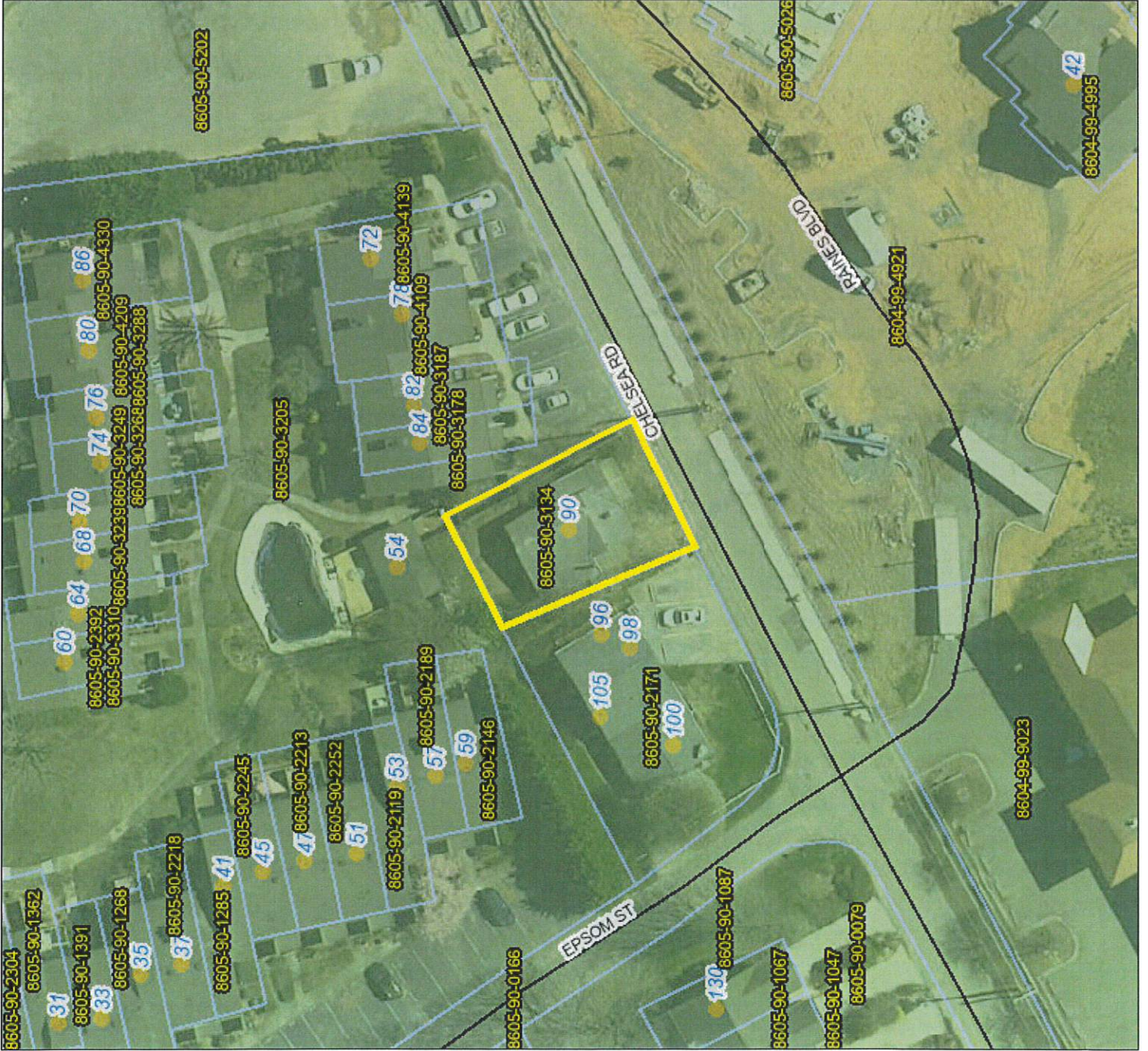
# Floodplain Map 3 of 4

## Site Information

DWELLING  
Single-Family  
90 CHELSEA RD  
Heated Area: 0  
Year Built: 1948  
Total Acreage: 0.0771  
Township: Town of Waynesville

## Site Value Information

Land Value:  
Building Value:  
Market Value:  
Deferred Value:  
Assessed Value:  
Sale Price:  
Sale Date: 08/10/2023  
Tax Bill 1:  
Tax Bill 2:



1 inch = 50 feet

November 14, 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 compiled 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.

27

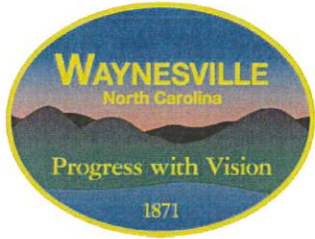




Street View  
Map 4 of 4

Directions





# TOWN OF WAYNESVILLE

## Development Services Department

9 South Main Street

Suite 110

Waynesville, NC 28786

Phone (828) 456-8647 • Fax (828) 452-1492

[www.waynesvillenc.gov](http://www.waynesvillenc.gov)

**Public Notice:  
Newspaper Ad  
Exhibit 1 of 7**

FOR PUBLICATION IN THE MOUNTAINEER: November 17<sup>th</sup> and November 24<sup>th</sup> (Sunday) editions

Date: November 13, 2024

Contact: Alex Mumby, (828) 452-0401

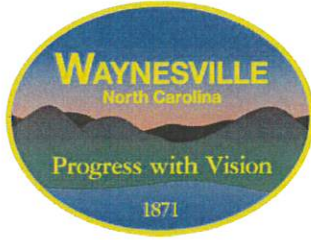
### Notice of Public Hearings

#### Town of Waynesville Zoning Board of Adjustment

The Town of Waynesville Zoning Board of Adjustment will hold two (2) public hearings on Tuesday, December 3, 2024, at 5:30 pm, in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC, to consider:

1. A variance to allow the reconstruction of a single-family dwelling within the same footprint, requiring a deviation from the setbacks established within the Country Club Residential Low Density District, for the property at 90 Chelsea Road (PIN 8605-90-3134), Land Development Standards Sections 2.4.1 and 13.7
2. A variance from the front setback requirements of the Eagles Nest Residential Low Density District, on the unaddressed parcel off Deer Path Road (PIN 8605-38-2095), Land Development Standards Section 2.4.1.

For more information contact the Development Services Department at: (828) 452-0401, email: [amumby@waynesvillenc.gov](mailto:amumby@waynesvillenc.gov) mail: 9 South Main Street, Suite 110, Waynesville, NC 28786.



**TOWN OF WAYNESVILLE**  
 Development Services Department  
 9 South Main Street  
 Suite 110  
 Waynesville, NC 28786  
 Phone (828) 456-8647 • Fax (828) 452-1492  
[www.waynesvillenc.gov](http://www.waynesvillenc.gov)

**Public Notice:  
 Mailed Letters  
 Exhibit 2 of 7**

November 14, 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 Thursday, December 3, 2024 at 5:30 pm in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC, to consider a variance to allow the reconstruction of a single-family dwelling within the same footprint, requiring a deviation from the setbacks established within the Country Club Residential Low Density District, for the property at 90 Chelsea Road (PIN 8605-90-3134), Land Development Standards Sections 2.4.1 and 13.7



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).



LILLY, DENNIS SCOTT  
LILLY, KARA B  
420 N MAIN ST  
MOUNT HOLLY, NC 28120

WAYNESVILLE WEST COMMON AREA OW  
C/O GUY LONG  
1527 1ST AVENUE DR W  
BRADENTON, FL 34205

BANK, CADENCE/TR  
LOUISE W CLEMENT FAMILY TRUST  
5702 RICHMOND RD  
TEXARKANA, TX 75503

MISCHLEY, JOY  
82 CHELSEA RD  
WAYNESVILLE, NC 28786

PARROTT, PATRICIA L  
BOTHWELL, JAMES S  
78 CHELSEA RD  
WAYNESVILLE, NC 28786

DEAVER, GLORIA J  
72 CHELSEA RD  
WAYNESVILLE, NC 28786

**Public Notice: Addresses within 100 ft  
Exhibit 3 of 7**

WGC HOSPITALITY LLC A SC LLC  
1943 HOFFMEYER RD STE C  
FLORENCE, SC 29501

CARROTHERS, THOMAS  
HARRIMAN, BRIANNA  
PO BOX 152  
WAYNESVILLE, NC 28786

ELDREDGE, SCOTT A  
59 EPSOM ST  
WAYNESVILLE, NC 28786

CAFFARO, ANGELA/LT  
MYRON, CARLA  
57 EPSOM ST  
WAYNESVILLE, NC 28786

WAMPOLE, L DAVID/TR  
WAMPOLE, MARY ANNE/TR  
1140 MILL CREEK RD  
BRADENTON, FL 34212

NORWOOD, GINA L  
51 EPSOM ST  
WAYNESVILLE, NC 28786

WILSON, LINDA KAY  
47 EPSOM ST  
WAYNESVILLE, NC 28786

LONG, GUY R  
LONG, PEGGY H  
1527 1ST AVENUE DR WEST  
BRADENTON, FL 34205

SUTHERLAND, SAMUEL DAVID  
41 EPSOM ST # 111-A  
WAYNESVILLE, NC 28786

FACKELMAN, BARBARA M  
FACKELMAN, DAVID P  
1232 ELYSIUM BLVD  
MT DORA, FL 32757

MCNEIL, STEPHEN H  
MCNEIL, MARY W  
205 CATAWBA LN  
WAYNESVILLE, NC 28786

HOOPER, CRESTON BENNETT  
64 NINEVAH RD  
WAYNESVILLE, NC 28786

SULLIVAN, CHARLES E  
SULLIVAN, PATRICIA L  
7427 SNOW DR  
ENGLEWOOD, FL 34224

GIBSON, MATTHEW CHARLES  
21 BAMBOO LN  
WAYNESVILLE, NC 28786

WHITE, SHERRY M  
74 NINEVAH RD  
WAYNESVILLE, NC 28786

BUCHANAN, JEREMY R  
76 NINEVAH RD # 122B  
WAYNESVILLE, NC 28786

MARINI, PETER J III  
MARINI, DOROTHY  
1731 5TH CT  
VERO BEACH, FL 32960

POWELL, JAMES V/TR  
JAMES V POWELL REV TRUST  
1216 FOURTH ST W  
PALMETTO, FL 34221

WIGC COTTAGE DEVELOPMENT LLC A NC LLC  
1943 HOFFMEYER RD STE C  
FLORENCE, SC 29501

CHELSEA SQUARE COMMON AREA OWNE  
C/O ROBERT LEDFORD  
41 HUMMINGBIRD LN  
CLYDE, NC 28721



**From:** [Candace Poolton](#)  
**To:** [Media Contacts](#)  
**Subject:** Notice of Public Hearings-Town of Waynesville Zoning Board of Adjustment  
**Date:** Monday, November 18, 2024 8:34:32 AM

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**Notice of Public Hearings  
Town of Waynesville Zoning Board of Adjustment**

**Public Notice: Local Media  
Exhibit 4 of 7**

The Town of Waynesville Zoning Board of Adjustment will hold two (2) public hearings on Tuesday, December 3, 2024, at 5:30 pm, in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC, to consider:

1. A variance to allow the reconstruction of a single-family dwelling within the same footprint, requiring a deviation from the setbacks established within the Country Club Residential Low Density District, for the property at 90 Chelsea Road (PIN 8605-90-3134), Land Development Standards Sections 2.4.1 and 13.7
2. A variance from the front setback requirements of the Eagles Nest Residential Low Density District, on the unaddressed parcel off Deer Path Road (PIN 8605-38-2095), Land Development Standards Section 2.4.1.

For more information contact the Development Services Department at: (828) 452-0401, email: [amumby@waynesvillenc.gov](mailto:amumby@waynesvillenc.gov) mail: 9 South Main Street, Suite 110, Waynesville, NC 28786.

Candace Poolton, Town Clerk  
Town of Waynesville-waynesvillenc.gov  
828-452-2491  
[cpoolton@waynesvillenc.gov](mailto:cpoolton@waynesvillenc.gov)



Public Notice:  
Property Posted  
on 11/14/2024  
Exhibit 5 of 7

33.

THE TOWN OF WAYNESVILLE  
ZONING BOARD OF ADJUSTMENT  
WILL HOLD A PUBLIC HEARING  
ON DECEMBER 3, 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



Public Notice:  
Property Posted  
on 11/14/2024  
Exhibit 6 of 7



TOWN OF WOODVILLE  
ZONING BOARD OF ADJUSTMENT  
WILL HOLD A PUBLIC HEARING  
ON DECEMBER 31, 2024, AT 9:30 PM  
IN THE TOWN HALL BOARD ROOM  
AT 9 SOUTH MAIN ST.  
TO CONSIDER A  
VARIANCE REQUEST  
CONTACT THE TOWN ENGINEER'S DEPARTMENT  
T: 828-456-8647

34





Public Notice:  
Property Posted  
on 11/14/2024  
Exhibit 7 of 7

THE TOWN OF WAYNESVILLE  
ZONING BOARD OF ADJUSTMENT  
WILL HOLD A PUBLIC HEARING  
ON DECEMBER 3, 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



# Zoning Board of Adjustment Staff Report

36.

## Summary Information:

Meeting Date: December 3, 2024  
 Subject: Front setback variance request, Land Development Standards Section 2.4.1  
 Property Location: PIN 8605-38-2095  
 Acreage of the Site: 0.47 acres  
 Zoning District: Eagles Nest Residential Low Density (EN-RL)  
 Existing Development: None  
 Applicant/Owner: Balance Builders, Tray Ballance  
 Authorized Agent: Steven Coffey  
 Application Date: November 4, 2024  
 Property Owner: Ballance Builders Inc.  
 Staff Presenter: Alexander Mumby, Land Use Administrator

## Staff Report

### Background:

The property is a 0.47-acre undeveloped lot along Deer Path Road (PIN 8605-38-2095). The lot slopes down from Deer Path Road, and the applicant would like to construct a single-family home on the upper portion of the lot, minimizing disturbance to the slope. This would require a variance from the front setback of 20 feet.

The property is in the corporate limits of Waynesville and within the Eagles Nest Residential Low Density (EN-RL) zoning district. Deer Path Road runs through the north side of the property, with the property line extending to the center of the paved roadway. The applicant would like to build on the area of the lot closest to Deer Path Road to minimize disturbance of the natural topography with a cut and fill slope.

The setback variance request is to allow the front of the home to be 10 feet away from the right-of-way of Deer Path Road. The property line extends to the center of the platted right-of-way. With the variance granted, the home would be 16 feet from the edge of the pavement and 25 feet from the front property line (northern side of the lot) which is within the platted right-of-way of the road itself.

### Zoning District:

The LDS Section 2.3 describes the purpose and intent of the Eagles Nest Low Density Residential District as follows:

**“The Eagles Nest Residential—Low Density District (E-RL)** 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. 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. As this is an area dominated by private development, it will be important in the future to acquire public park land especially at elevations exceeding three thousand (3,000) feet above mean sea level. Land conservation easements are encouraged. Possible road connections shall be evaluated as new streets are constructed in an effort to improve connectivity without jeopardizing the natural beauty of the area. Sidewalks are not required except in major residential developments due to the rural mountain character of the district.”

Granting a variance would be consistent with the district’s intent to be sensitive to the terrain and to minimize grading.

### **Surrounding Land Use/Zoning Patterns:**

The subject property is surrounded by large single-family lots to the northeast and southwest, with a large undeveloped lot to the northwest. Eagles Nest Road runs to the south of the property.

### **Proposed Variance:**

Deer Path Road runs down the middle of the platted right-of-way, but it does not extend the full width. The zoning setbacks of Eagles Nest Low Density require 20 ft front setback from the right-of-way. The applicant is requesting a variance to be allowed to build 10 feet from the right-of-way, 16 feet from the edge of pavement and 25 feet from the property line which is in the center of the platted right-of-way.

LDS 17.4 provides the following definition of a building setback:

**“Setback.** The shortest horizontal distance from the property line or right-of-way to the nearest point (leading edge) of the structure or its supporting member, whichever is nearest to the property line or right-of-way.”

Chief Building Inspector David Kelley and Fire Marshall Darrell Calhoun both reviewed and approved the plans for the length of the driveway. Additionally, Darrell Calhoun stated a preference for the home to be built at the top of the lot as to make easier access for emergency vehicles.

The site has an average slope of 51 percent/28 degrees, with the top of the property having a 100 percent/45-degree slope, the center of the property having a 47 percent/25-degree slope, and the bottom of the property having a 100 percent/45-degree slope. The property begins to slope off from the edge of the paved roadway. The front of the house is planned to be built level with the roadway. A second story will be built underneath, but still above ground. Without variance, the house will require an 18-foot retaining wall in the front, and the at-grade floor will be 33 feet in the air. With the variance, the house will require a 13-foot retaining wall, and the rear of the at-grade floor will be 28 feet in the air.

Construction will also be restricted through the town’s steep slope ordinance, and compliance with steep slope regulations is required. Based on the slope of the property, the disturbed and built-upon area of the site is reduced (LDS 12.6.4). The lowest point of the site is around 3,050 feet above sea level, making the entire site fall within these restrictions. As the average slope of the site is 51 percent, the maximum area which can be disturbed and the maximum area of impervious surface allowed is 10 percent of the site. As the site is .47 acres this would be a maximum of 2,047 square feet.

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 property is a large existing lot, in which the regulatory setback could be achieved. Achieving the regulatory setback, however, would mean greater land disturbance on a slope. The variance requested would assist in conforming to the Eagle’s Nest District’s purpose and intent to minimize grading. Additionally, the variance would be consistent with the Town’s Hillside Protection Ordinance (12.6) and the provision to, “make reasonable efforts to preserve and protect existing natural features of the slope, such as trees and other plant material, and rock outcroppings, which may help to stabilize the slope” (LDS Section 12.6.3), if this were a newly created lot.



- 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 platted right-of-way extends 6 feet from the paved right-of-way. Without a variance, the house must be built 26 feet from the paved roadway. With the variance, the house will be 16 feet from the paved roadway. The builder will be able to preserve a much larger portion of the lot if the variance is granted.

- 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 current property owner purchased the lot as it is now and so the hardship is not self-created.

- 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.**

The setback variance would allow the builder to preserve vegetation and land to the rear of the proposed building, and to minimize fill of the slope, therefore meeting the spirit of the Eagles Nest Residential Low Density zoning district, and the Town's desire to protect hillsides as demonstrated by Section 12.6 of the Town's Land Development Standards. Under no circumstances, however, would the proposed building be allowed to encroach into the platted right-of-way or interfere with other adjacent properties and the use and access to other lots.

**Public Notice:**

This Hearing was scheduled for December 3 and duly advertised. Staff posted the sign on the property on November 12, 2024. The notice was mailed to owners of the properties within 100 feet on November 18, 2024. The hearing was advertised in the Mountaineer newspaper on November 17 and November 24, 2024. The notice was also submitted to local media.

**Additional Comments:**

With the proposed variance, the home would be 16 feet from the edge of the pavement and 25 feet from the front property line. Compliance with all other zoning regulations, including Hillside Protection ordinances, and Fire and Building Codes is required.

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 with payment
- Town of Waynesville LDS sections 2.4.1 and 12.6
- Maps
- Site images
- Public notices
- Town of Waynesville LDS, NC Building and Fire Codes, and NC GS 160D by reference



# 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](http://www.waynesvillenc.gov)

Application  
Materials 1 of 10

## Variance Request

Property Address / Location: Lot #14 Hyatt Hills - Deer Path Road

Property PIN: 8605-38-2095 Property Zoning District: Eagles Nest Residential Low Density

Flood Zone: No Historic Property or District: \_\_\_\_\_

Signature of property owner of record: *Tray Ballance* Date: 10-15-24

Applicant's Name: Tray Ballance Applicant's Phone #: 828-508-1998

Applicant's Address: 71 Cornerstone Ridge Waynesville NC  
*Application must be filed by the property owner or by an agent specifically authorized by the owner.*

I, Tray Ballance, 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: Zoning Ordinance Section 2 Table 2.4.1 Table of Dimensional Standards

Ordinance requirement from which relief is sought: Required Setback from Road Right of Way is 20'-0"

Requesting a variance to allow setback be 10'-0" from ROW

Variance requested and why (attach additional sheets, maps, or other information as necessary):

1. The property has a very steep grades which prohibit construction if a 20'-0" setback were enforced. See attached topography survey
2. See attached property and building cross section showing location of house w/ a 10'-0" setback. The building has a 15'-0" high retaining wall. If the house had 20'-0" setback the wall would be over 22'-0."
2. The property has been reviewed and approved for a single family septic tank. The area available for such a tank is limited in area. If the house were pushed further away from road it would impact this allowable zone

Applicant's Signature: *Tray Ballance* Date: Nov 4, 2024

BALLANCE BUILDERS@gmail.com

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

The undersigned Owner or Party with a contract or option to purchase that real property located at 8605-38-2095 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: Steven Coffey

Title and Company: Owner - Coffey Design Group

Address: 226 Stuart Circle

Phone and email: 314-604-5056 SCOFFEY@COFFEYDESIGNGROUP.COM

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 4th day of November, 2024.

Owner or Party with Contractual Interest in Property:

Laura Ballum

Address and phone number:

71 Cornerstone Ridge

Waynesville N.C. 28786

828-508-1998



41.

Application  
Materials 3 of 10

PAYMENT SUMMARY RECEIPT

TOWN OF WAYNESVILLE  
16 S MAIN ST

DATE: 11/04/24 CUSTOMER#:  
TIME: 10:46:45  
CLERK: 2044ecou

RECPT#: 3108860 PREV BAL: 300.00  
TP/YR: P/2025 AMT PAID: 300.00  
BILL: 3108860 ADJSTMNT: .00  
EFF DT: 11/04/24 BAL DUE: .00  
Misc Cash Receipts

-----TOTALS-----

PRINCIPAL PAID: 300.00  
INTEREST PAID: .00  
ADJUSTMENTS: .00  
DISC TAKEN: .00

AMT TENDERED: 300.00  
AMT APPLIED: 300.00  
CHANGE: .00

PAID BY: Ballance Builders Variance Request  
PAYMENT METH: CHECK  
PAYMENT REF: 1646

TOT PREV BAL DUE: 300.00  
TOT BAL DUE NOW : .00



HAYWOOD COUNTY ENVIRONMENTAL HEALTH DEPARTMENT

42.

157 Paragon Parkway Suite 200

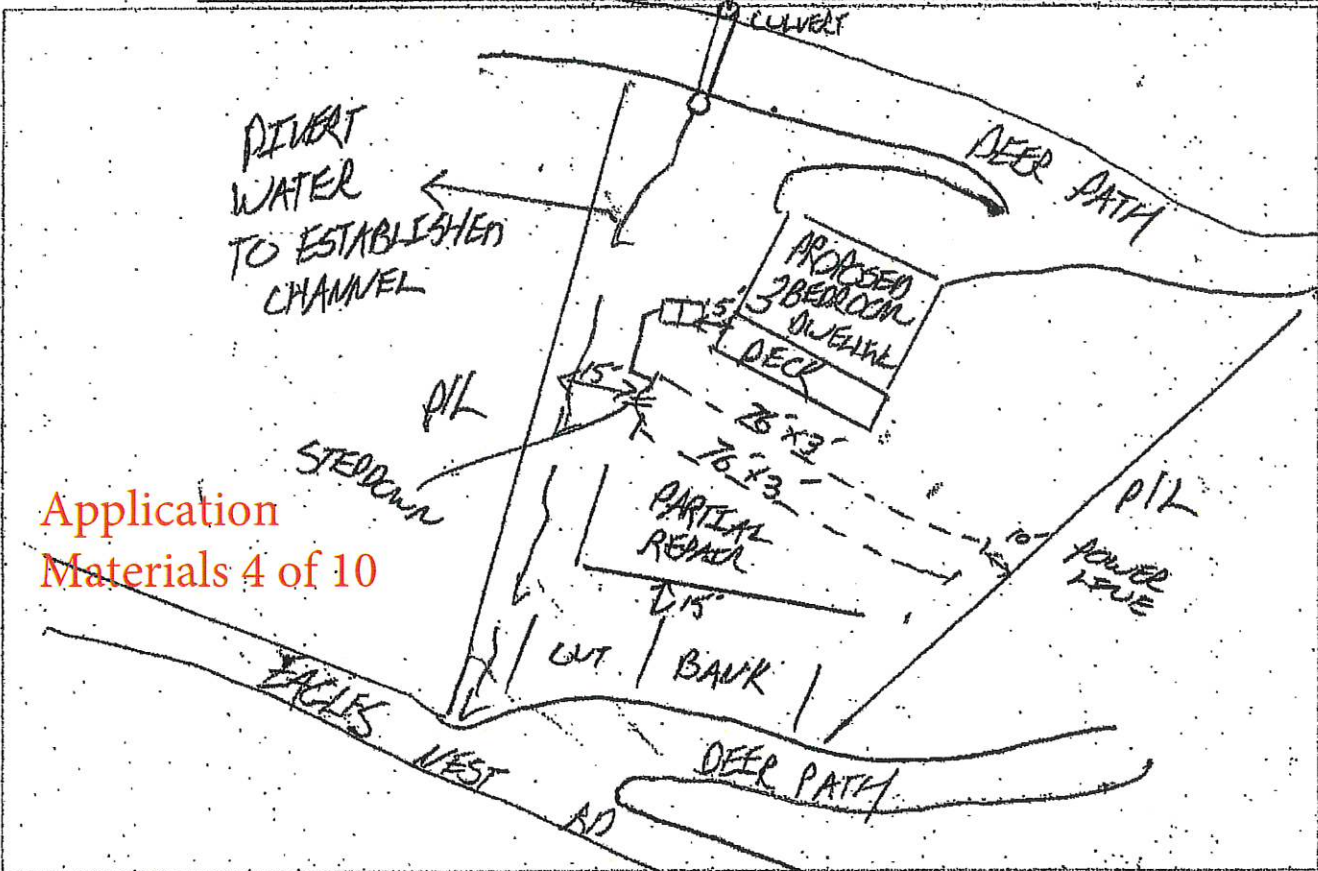
Office: (828) 452-6682 Fax: (828) 452-6798

AUTHORIZATION FOR WASTEWATER SYSTEM CONSTRUCTION (A.F.W.S.C.)

Permit No.: SAS-507 Associated Permits:
Permit Date: 12/7/2021 P.I.N Map#: 7667 Block#: 12 Lot#: 8150 Receipt#:
Owner: RODRICK BROOKER I.P. Date Issued: 12/7/21
Subdivision: HYATT HILLS Section No.: N/A Lot No.: 14
Property Location: EAGLES NEST RD TO RIGHT ON DEER PATH TO PROPERTY ON LEFT

System Designed For: [X] New [ ] Repair [ ] Addition Establishment [X] Residence [ ] Mobile Home [ ] Other
Design Flow: 360 G.P.D. No. of Bedrooms: 3 Basement: [ ] Yes [X] No
Source of Water Supply: TOWN OF WAYNESVILLE Distance from Sewage System: 10' Min.
Permit Conditions: Do Not grade or fill drainfield or repair area. Call Environmental health if there are any Questions

concerning design or location of septic system.
INSTALL 150' OF 25% REDUCTION TYPE DRAINFIELD AT A DEPTH OF 18" ON LOWER SIDEWALL OF TRENCH,
LEVEL AND ON CONTOUR. INSTALL 1000 GALLON SEPTIC TANK



Application Materials 4 of 10

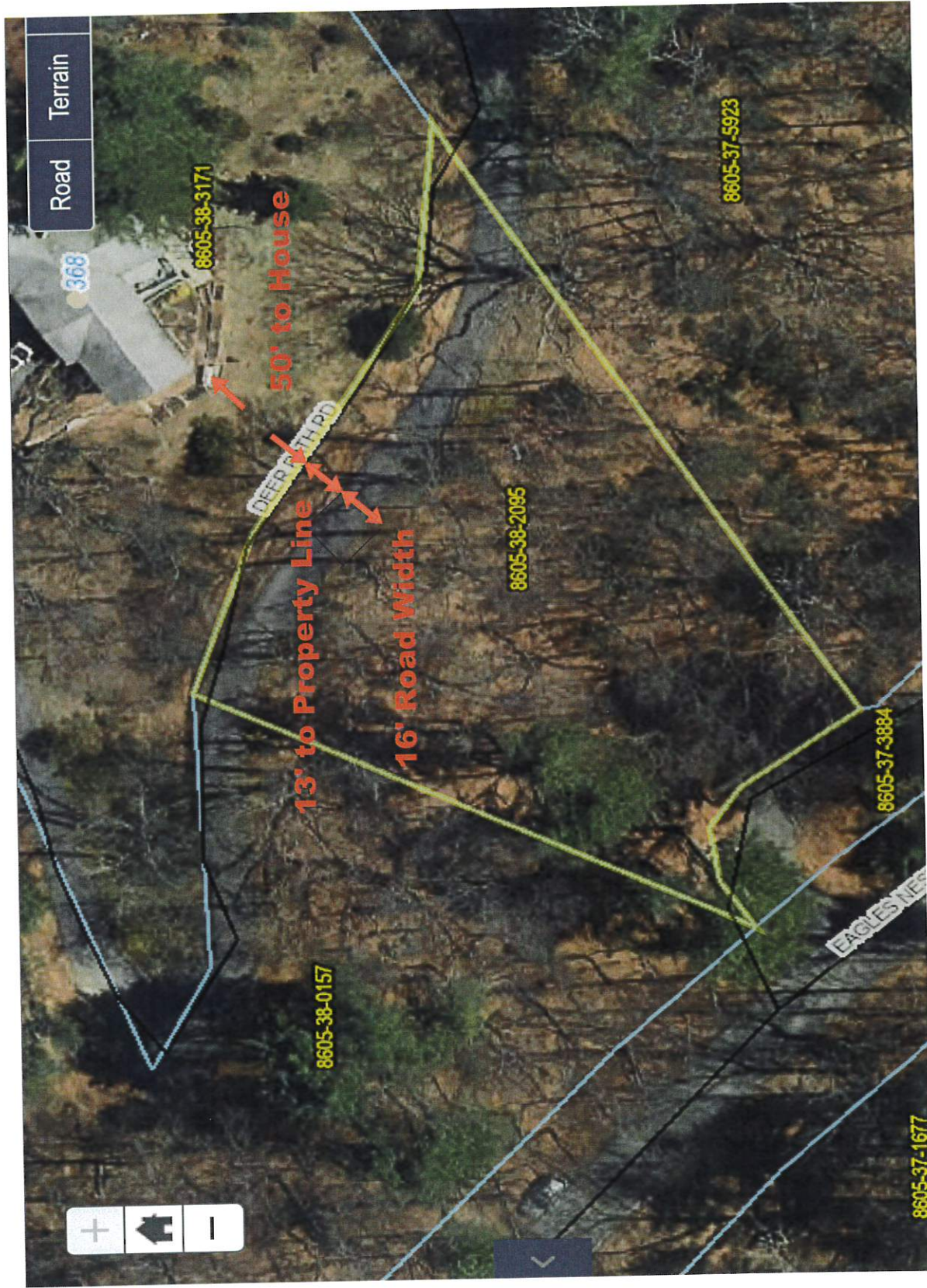
Septic Tank Liquid Capacity: 1000 Nit. Square Footage: 600 No. Lines: 2
Initial Drainfield Type: 25% Reduction LTAR: 0.6 Repair Drainfield Type: REPAIR EXEMPT (1953) LTAR: N/A
Trench: 150' Depth: 18" Width: 36" Saprillite: [ ] Yes [X] No Pump System: [X] Yes [ ] No

Notice: This A.F.W.S.C. is subject to all the provisions of Article 11, G.S. 130A-133-399 and Laws and Rules for Sanitary Sewage Collection, Treatment, and Disposal, Section 1900 of the N.C. Administrative Code.

This A.F.W.S.C. is based on the site evaluation / Improvement Permit made on 7/2021
Any alteration of the site or changes made in the design, location, or use of this system made after this date, unless specifically stated will immediately void this A.F.W.S.C. I understand the requirements of this A.F.W.S.C. and the information I have provided is accurate to the best of my knowledge.

This A.F.W.S.C. expires on 12/7/2026, unless described system has been installed.
Sanitarian: SLADE A. SMATHERS [Signature] [X] Owner [ ] Agent





43.

**A.0**  
NOV 8, 2024

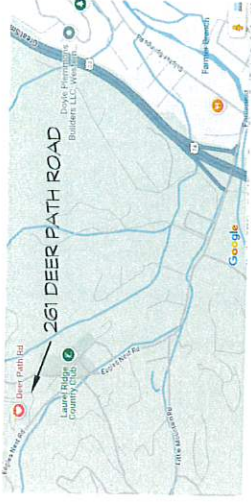
**Balance Housing Design**  
261 Deer Path Rd  
Eadles's Nest

**Coffey Design Group**  
Architects:  
226 Stuart Circle, Waynesville, NC 28745  
Tel: 828-287-1111  
scoffey@coffeydesigngroup.com

Application  
Materials 5 of 10

COUNTY PLAT PLAN

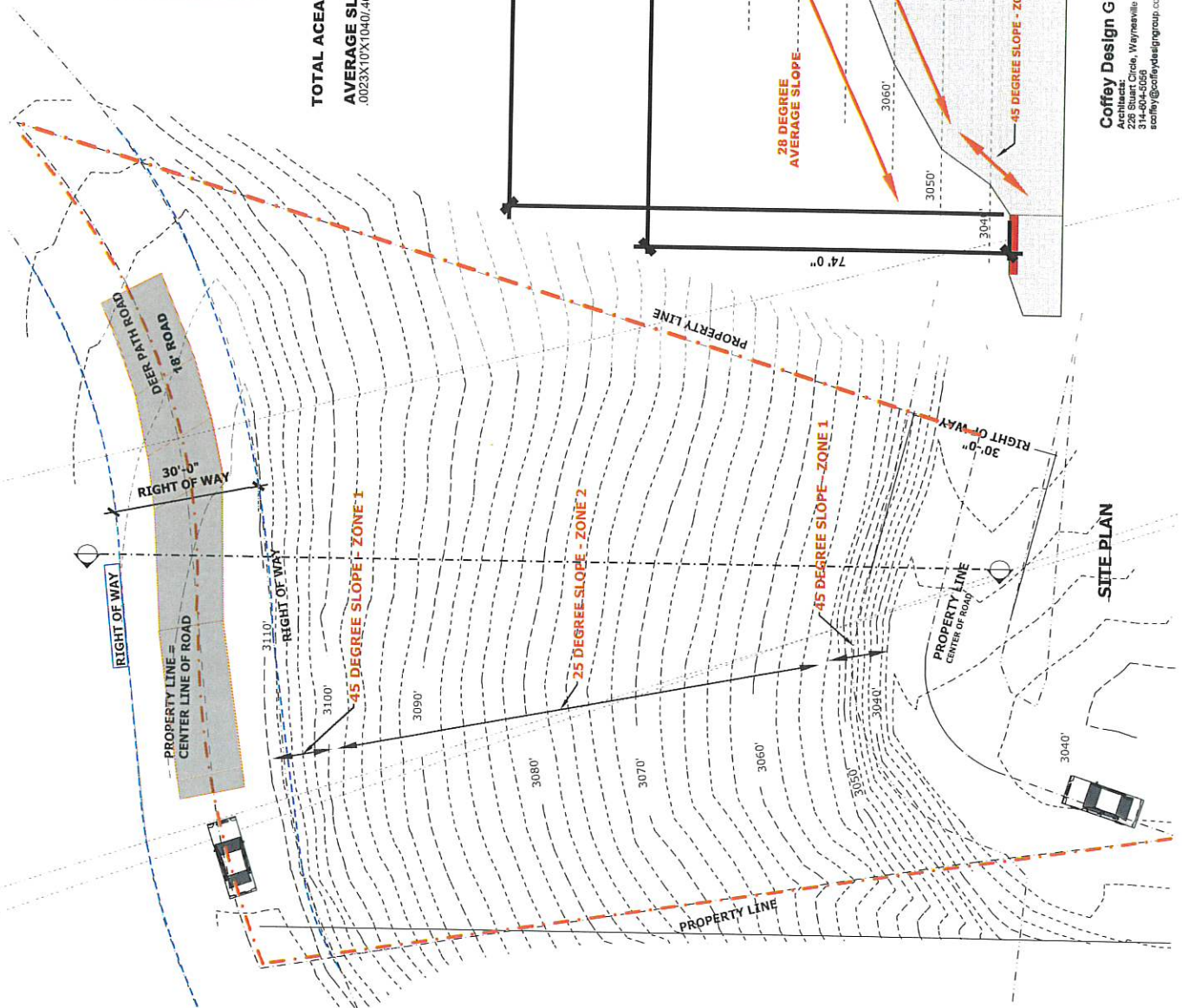




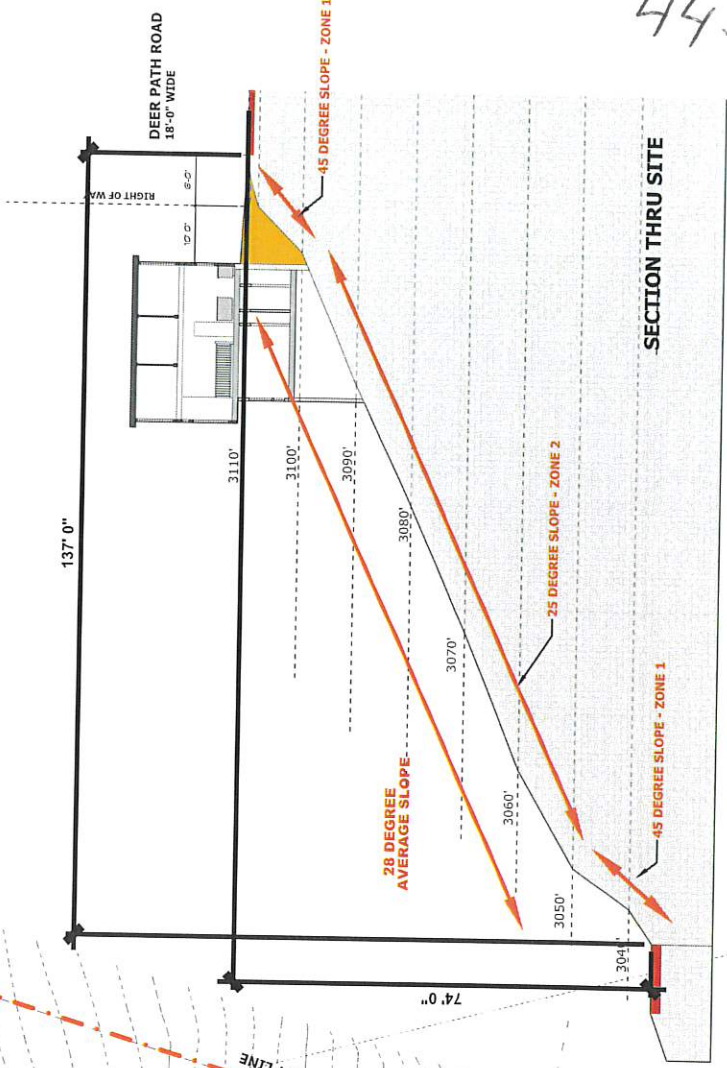
**SITE LOCATION MAP**

**TOTAL ACEAGE = .466 A**  
**AVERAGE SLOPE**  
 .0023X10°X104.0/.466 = 51.33

**Application Materials 6 of 10**



**SITE PLAN**



**SECTION THRU SITE**

44.

**Coffey Design Group**  
 Architects  
 225 Stuart Circle, Weymouth, NC 28745  
 Phone: 704.791.1111  
 info@coffeydesigngroup.com

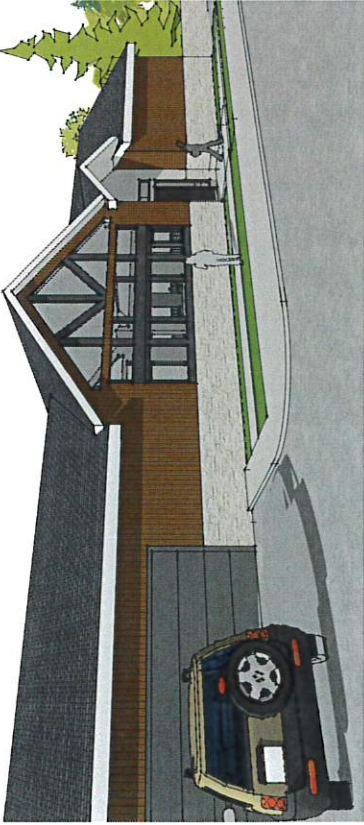
**Ballance Housing Design**  
 261 Deer Path Rd  
 Eades's Nest

**A.1**

NOV 8, 2024



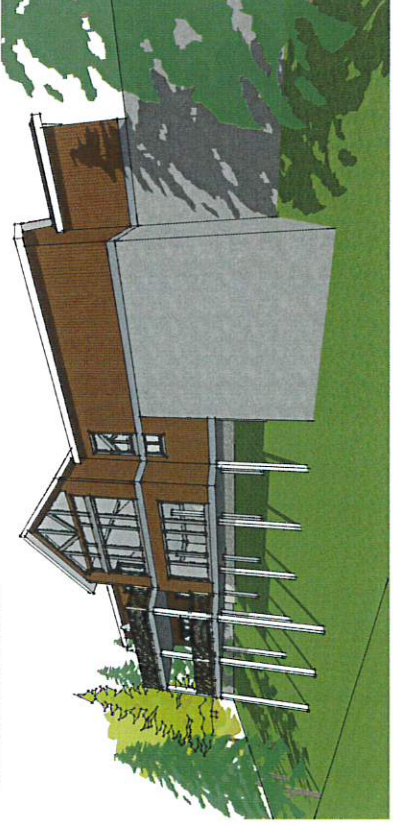




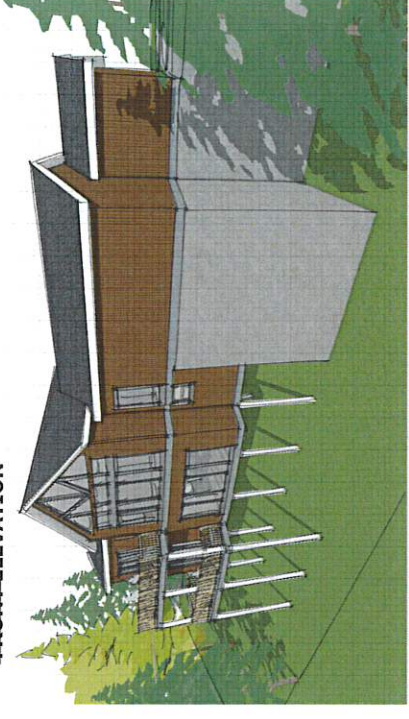
FRONT ELEVATION



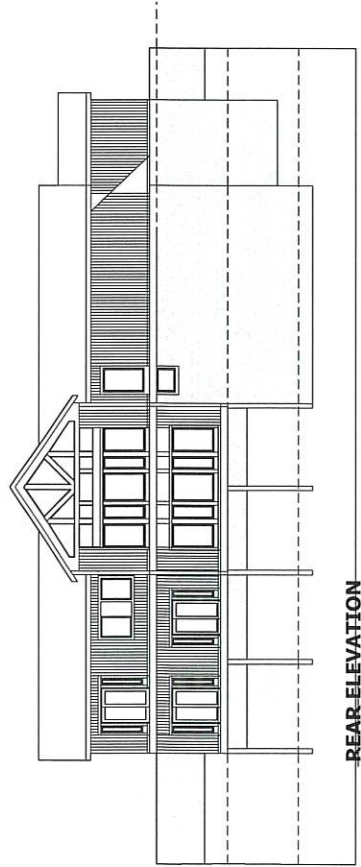
FRONT ELEVATION



REAR ELEVATION



REAR ELEVATION



REAR-ELEVATION

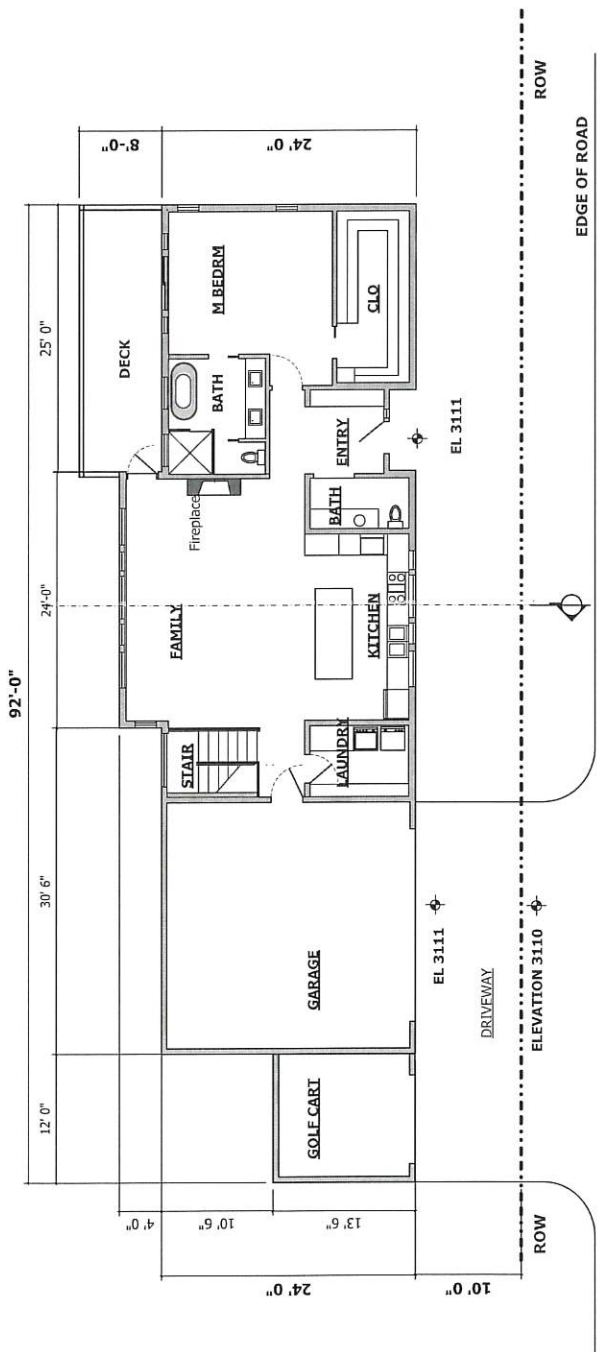
Application Materials 8 of 10

46. A-3  
NOV 8, 2024

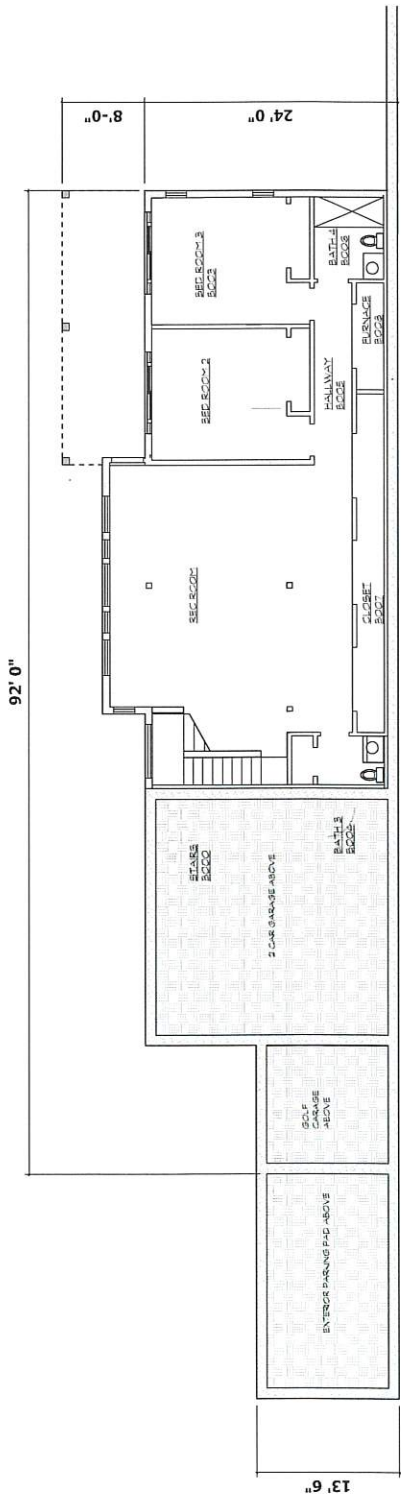
**Balance Housing Design**  
261 Deer Path Rd  
Eaates's Nest

**Coffey Design Group**  
Architects  
314-924-5166  
314-924-5166  
scoffey@coffeydesigngroup.com





FIRST FLOOR PLAN



LOWER LEVEL FLOOR PLAN





# Land Development Standards 1 of 5

49.

## 2.4 Dimensional Standards by District.

### 2.4.1 Table of Dimensional Standards by Residential District.

Standard	Residential—Low Density (RL)	Residential—Med. Density (RM)	Neighborhood Residential (NR)	Urban Residential (UR)
<b>1. Applicable Districts</b>	CC-RL, EN-RL, FC-RL, HT-RL	CP-RM, D-RM, HM-RM, SW-RM	AC-NR, LL-NR, MS-NR, N-NR, PS-NR, PC-NR, RC-NR, SS-NR, WS-NR	EW-UR, H-UR, HM-UR
<b>2. Development Standards</b>				
a. Density (max base)	6 units/acre	8 units/acre	10 units/acre	16 units/acre
b. Density (max with SUP)	12 units/acre	12 units/acre	16 units/acre	24 units/acre
c. Civic Space (min) per CH 7	Refer to Section 7.3	Refer to Section 7.3	Refer to Section 7.3	Refer to Section 7.3
<b>3. Lot Standards</b>				
a. Lot Area—House	½ acre	¼ acre	⅓ acre	⅓ acre
b. Lot Area—All bldg. types with rear vehicular access	Subject to density	Subject to density	Subject to density	Subject to density
c. Lot Width (min)—With rear vehicular access	60 ft. n/a	50 ft. 16 ft.	50 ft. 16 ft.	50 ft. 16 ft.
d. Frontage at Front Setback	n/a	n/a	n/a	n/a
e. Pervious Surface (min)	20%	20%	10%	10%
<b>4. Building Setback (min)</b>				
a. Principal Front <sup>1</sup>	20 ft.	10 ft.	10 ft.	10 ft.
b. Street Side/Secondary Front <sup>1</sup>	20 ft.	5 ft.	5 ft.	5 ft.
c. Side (from adjacent lot)	10 ft.	10 ft.	10 ft.	10 ft.
d. Setback Between Bldgs.	15 ft. (10 ft.)	6 ft.	6 ft.	6 ft.
e. Rear	20 ft.	6 ft.	6 ft.	6 ft.
<b>5. Accessory Structure Setback</b>				
a. Side	5 ft.	5 ft.	5 ft.	5 ft.
b. Rear	5 ft.	5 ft.	5 ft.	5 ft.
c. Other Standards	See Section 4.5.3	See Section 4.5.3	See Section 4.5.3	See Section 4.5.3
<b>6. Building Height (in Stories)</b>				
a. Principal Building (max)	3 stories	3 stories	3 stories	3 stories
b. Accessory Structure (max)	2 stories	2 stories	2 stories	2 stories
<b>7. Outdoor Storage</b>				
a. Residential Uses	Permitted in all districts <sup>2</sup>	Permitted in all districts <sup>2</sup>	Permitted in all districts <sup>2</sup>	Permitted in all districts <sup>2</sup>
b. Nonresidential Uses	Not permitted	Not permitted	Not permitted	Not permitted

<sup>1</sup> Where no right-of-way exists or if the right-of-way is only inclusive of the street pavement add 10 ft. See also 4.3.1.A.3.

<sup>2</sup> Customary storage as an accessory to residential use of the property.

<sup>3</sup> A maximum of 60' in Building Height from highest adjacent grade to highest point on a roof.

- D. **References to Statutes, Regulations, and Documents:** Whenever reference is made to a resolution, ordinance, statute, regulation, manual (including the Design Manual), or document, it shall be construed as a reference to the most recent edition of such that has been finalized and published with due provision for notice and comment, unless otherwise specifically stated.
- E. **Computation of Time:** The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the Town of Waynesville, the deadline or required date of action shall be the next day that is not a Saturday, Sunday or holiday observed by the Town of Waynesville. References to days are calendar days unless otherwise stated.

## 12.6 Hillside Protection.

### 12.6.1 Purpose.

The purpose of this section is to regulate development in steep slope areas in order to preserve the Town of Waynesville's unique character, conserve the public health, safety and general welfare and to promote environmentally sound design and planning in accordance with the following objectives:

- To protect life and property from all potentially hazardous conditions particular to steep slopes, e.g., rock falls, flash flooding, debris flows, mud slides and increased wildfire hazard.
- To preserve and enhance the scenic and environmental resources of the landscape by encouraging the maximum retention of prominent natural topographic features, i.e., drainage swales, streams, slopes, ridgelines, rock outcroppings, vistas, natural plant formations, and trees.
- To encourage innovative site and architectural design and planning in order for the development to adapt to the natural terrain and be harmonious with the character of the area.
- To minimize grading and cut and fill operations inconsistent with the retention of the natural character of the hillside.
- To preserve where possible, natural streams, ponds and associated riparian vegetation.
- To require the retention of trees and other vegetation to stabilize steep hillsides, retain moisture, prevent erosion and enhance the natural scenic beauty.
- To encourage the retention of trees and other vegetation throughout the site instead of just the periphery of the development.
- To encourage minimal grading which relates to the natural contour of the land, thus rounding off sharp angles at the top and bottom of cut and fill slopes in a natural manner.
- To provide land use densities to promote the best possible development of hillside areas in order to retain significant natural features and to preserve slope stability.
- To encourage road design that follows the natural topography wherever possible in order to minimize grading.
- To preserve predominant views from and of the hillside areas in order to retain the sense of identity and imagery that the hills and mountains now impart to the Town of Waynesville.

### 12.6.2 Applicability.

- A. For the purposes of this section, a Steep Slope Area is defined as any lot, parcel, tract or portion thereof, that has a natural elevation of 2,900 feet above mean sea level or higher, with a natural average slope of 25% or greater as determined using the following formula:



$$S = 0.0023 \times l \times L / A$$

Where:

S= Average natural slope of parcel in percent

l= Contour interval of map in feet

L= Total length of contour lines within the parcel in feet

A= Area in acres of the parcel

0.0023= Constant which converts square feet into acres.

- B. In the case of conflict between the average natural slope determination of a lot using different methods of calculation the following methods in shall prevail in the following order: 1) use of the above formula based on field survey data, 2) use of the above formula based on the best available topographic data in the Haywood County Geographic Information system, 3) use of a Town approved geographic information system based slope calculation tool.
- C. Application to properties with an average natural slope of 25% or greater split by the 2,900-foot contour line.
  - 1. If any portion of the lot above 2,900 feet is placed in a permanent conservation easement or otherwise reserved in perpetuity, the residential density from this portion of the property may be transferred to the remainder of the property below 2,900 feet or to adjacent properties in the same ownership below 2,900 feet at the same ratio as that of the underlying zoning district.
  - 2. The area above 2,900 feet may be developed as provided for in Table 12.6.4, and the remainder of the property below 2,900 feet or with an average slope below 25% may be developed as permitted in the underlying zoning district.
- D. Reservation of steep slope areas to reduce average slope. Areas placed in a permanent conservation easement, dedicated to the public for open space, protected as open space by restrictive covenants or otherwise permanently protected in a natural state with a prohibition on vegetation removal and land disturbing activity may be excluded from the calculation of the average slope for the property or properties which include the area, provided that the minimum size of each such reserved area shall equal the minimum lot size for the underlying zoning district.

### 12.6.3 General Steep Slope Area Development Standards.

- A. No land disturbing activity shall take place until full development approval has been received.
- B. Land disturbing activity shall be limited to designated building envelopes and approved road and driveway corridors as shown on approved site plans.
- C. Diversion or channelization of perennial streams shall not be permitted unless without such diversion or channelization a tract existing at the time of adoption of this amendment is rendered unusable for any of the principal uses allowed within the zoning district.
- D. The riparian stream buffers shall be left intact, which means that removal of trees, or other vegetation, or disturbance of soils within this buffer is prohibited, except for necessary road crossings. The buffers shall be a minimum of 30' from the edge of the stream or 25 feet from the top of bank, whichever is greater.
- E. Perennial streams shall not be placed in culverts except to the minimum extent possible for necessary road crossings.

# Land Development Standards 4 of 5

52.

- F. Developers shall make reasonable efforts to preserve and protect existing natural features of the slope, such as trees and other plan material, and rock outcroppings which may help to stabilize the slope.
- G. The maximum area of disturbance per phase shall not exceed 5 acres.
- H. Cut and fill slopes shall comply with the standards of Section 12.4.
- I. Stormwater management shall comply with the standards of Section 12.5.

**12.6.4 Specific Steep Slope Area Development Standards.**

In addition to any development restriction imposed by the underlying zoning district, the following standards shall apply to any properties that are subject to the standards of this section:

**Table 12.6.4**

Average slope	25-29%	30-34%	35-39%	40-44%	45-49%	50% +
Maximum Density/Minimum Lot Size (acres/du)	25% reduction underlying zoning	50% reduction underlying zoning	4 acres/du	5 acres/du	7.5 acres/du	10 acres/du
Maximum disturbed area (% of site)	35%	30%	25%	20%	15%	10%
Maximum impervious area (% of site)	30%	25%	20%	15%	10%	10%
Minimum riparian buffer (width in feet from edge of stream - See 12.6.3.D)	25/30 ft.	25/30 ft.	25/30 ft.	25/30 ft.	25/30 ft.	25/30 ft.

**12.6.5 Plan Requirements.**

In addition to the submittal requirements of the underlying zoning district and Chapter 15, the following plans/reports shall be required prior to approval of Steep Slope Area development or land subdivision:

- A. **Residential Development with 4 or Fewer Units:** Scale site plan showing:
  1. Project boundaries.
  2. Topography with contour lines from a field survey or Haywood County GIS with a five (5) foot contour interval.
  3. Existing structures, utility lines, roads, driveways, wells, septic systems and other site improvements.
  4. Proposed structures, utility lines, driveways, wells, septic systems and other site improvements.
  5. Proposed extent of disturbed areas.
  6. Existing and proposed forested areas.
  7. Perennial and intermittent streams from the Soil Survey of Haywood County.
  8. If individual wells and/or septic tanks are to be utilized, a written statement from the Haywood County Health Department indicating approval of wells and/or septic tanks for use in the development.



**B. Non-Residential Development and Residential Development with 5 or More Units:**

1. Site plan with information listed in A above.
2. Site aerial from Haywood County GIS.
3. Slope map showing slopes in 5% increments corresponding to Table 12.6.4.
4. Map to illustrate project context and connectivity beyond property boundaries.
5. Hydrology floodplains, floodways, streams, springs, wetlands, seeps and drainages.
6. Site specific geologic analysis of the Steep Slope Area to be developed, prepared by a North Carolina licensed geologist, soil scientist, geotechnical engineer or other qualified professional, to determine whether that plan can be developed on the site without jeopardizing slope stability on the site itself or on properties surrounding the site.

(Ord. No. O-01-15 , § 9, 1-27-2015)

## **12.7 Mountain Ridge Protection.**

### **12.7.1 Required Standards.**

Pursuant to the Mountain Ridge Protection Act of 1983:

- A. No person may construct a Tall Building or Structure on any Protected Mountain Ridge as defined by G.S. 130A-334.
- B. None of the following utility services shall be extended to any building or structure constructed in violation of subsection A above: electricity, telephone, gas, water, sewer or septic system.
- C. Applications for development on Protected Mountain Ridges, shall, in addition to the submittal requirements of the underlying zoning district, Section 12.6 (if applicable) and Chapter 15, submit the following:
  1. Cross sectional profiles of all principal buildings as proposed to be sited on the property and the property showing existing and the proposed post-grading profile drawn perpendicular to the direction of the slope.
  2. If individual wells and/or septic tanks are to be utilized, a written statement from Haywood County Health Department indicating approval of wells and/or septic tanks for use in the development.
  3. Documentation of an approved Sedimentation and Erosion Control Plan.
  4. A letter or approval from the fire department with jurisdiction indicating the adequacy of the development facilities for emergency medical and fire services. Such determination shall take into consideration the street access, water pressure and availability, building height, and any other relevant factors.
- D. All applications for development on Protected Mountain Ridges shall be approved by the Planning Board only after finding that the proposed development has given adequate consideration to protecting the natural beauty of the mountains by making the following findings:
  1. The development plan preserves natural vegetation and scenic features such as outcroppings to the maximum extent possible.



# Report For

BALLANCE BUILDERS INC  
71 CORNERSTONE RDG  
WAYNESVILLE, NC 28786-7239

## Account Information

PIN: 8605-38-2095

Deed: 1051/181

F/27

## Site Information

HYATT HILLS

# Maps 1 of 3

DEER PATH

Heated Area:

Year Built:

Total Acreage: 0.47

Township: Town of Waynesville

## Site Value Information

Land Value:

Building Value:

Market Value:

Deferred Value:

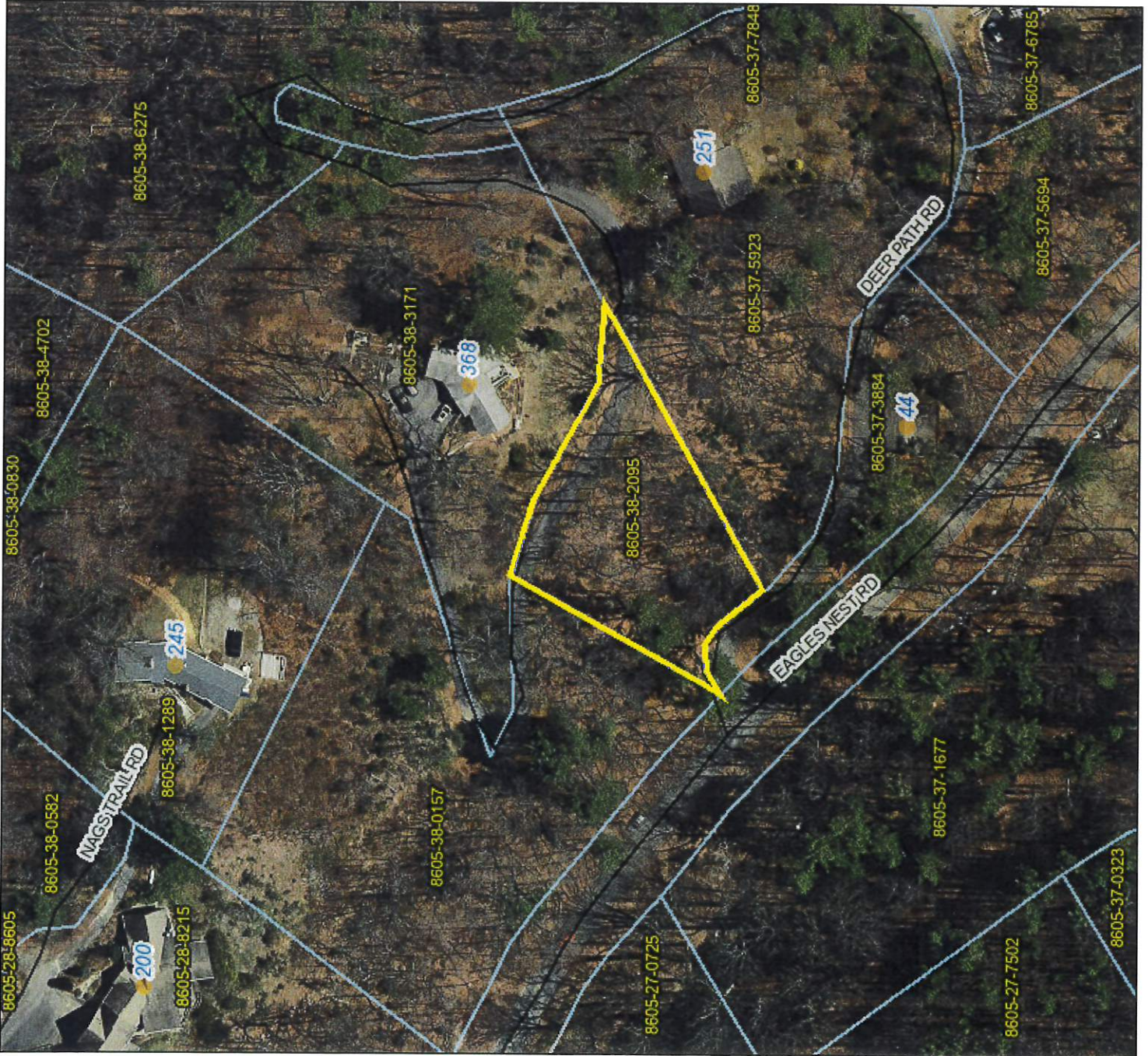
Assessed Value:

Sale Price:

Sale Date: 12/16/2021

Tax Bill 1:

Tax Bill 2:



1 inch = 100 feet

November 22, 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 compiled from recorded deeds, plats and other public records and data. Users of this site are hereby notified that the aforementioned public 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.

54.



# Report For

BALLANCE BUILDERS INC  
71 CORNERSTONE RDG  
WAYNESVILLE, NC 28786-7239

**Account Information**  
PIN: 8605-38-2095  
Deed: 1051/181

F/27

**Site Information**  
HYATT HILLS

## Maps 2 of 3

DEER PATH  
Heated Area:  
Year Built:  
Total Acreage: 0.47  
Township: Town of Waynesville

### Site Value Information

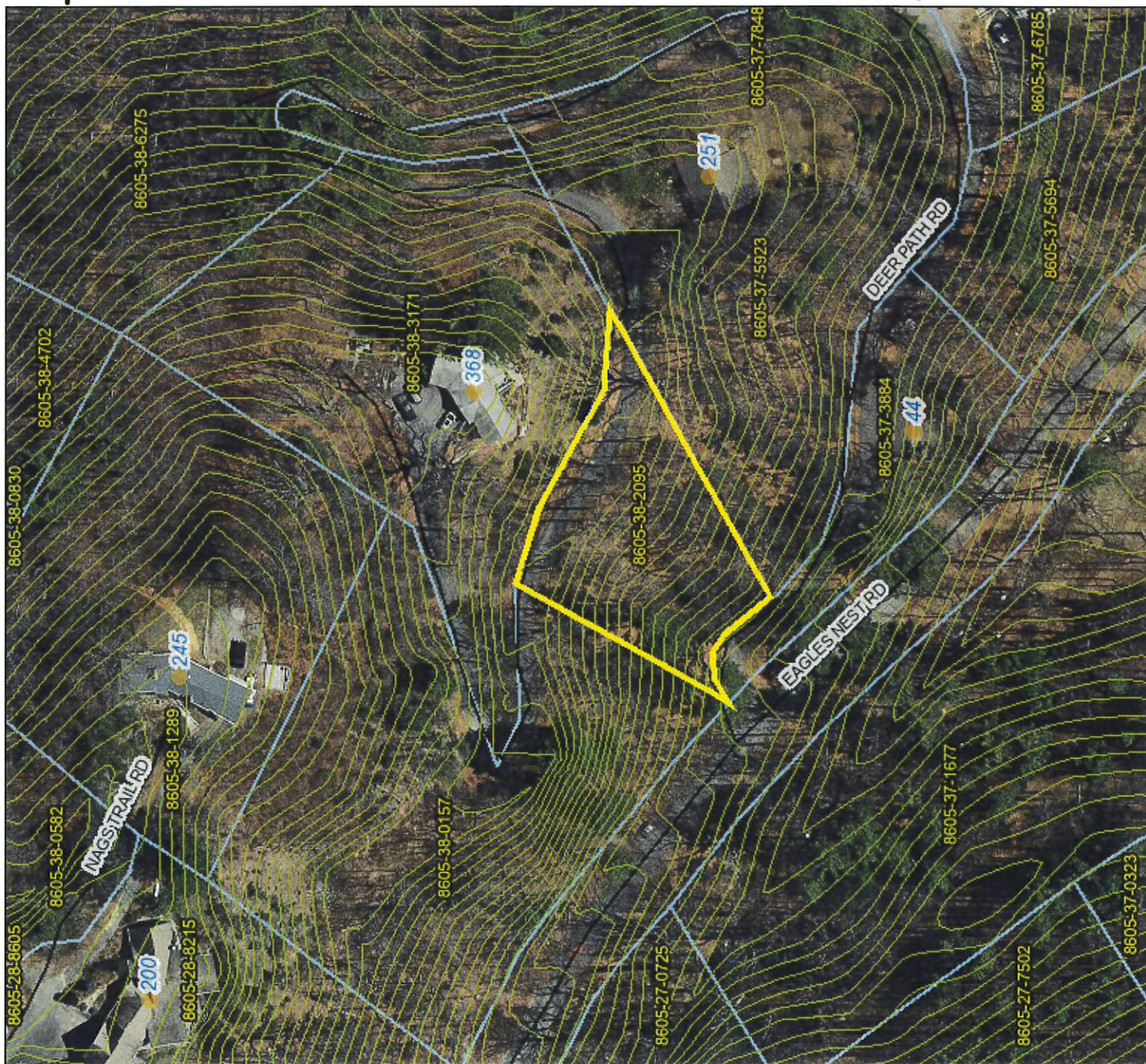
Land Value:  
Building Value:  
Market Value:  
Deferred Value:  
Assessed Value:  
Sale Price:  
Sale Date: 12/16/2021  
Tax Bill 1:  
Tax Bill 2:



1 inch = 100 feet

November 22, 2024

SS.  
Disclaimer: The maps on this site are not surveys. They are prepared from the inventory of real property found within this jurisdiction and are compiled from recorded deeds, plats and other public records and data. Users of this site are hereby notified that the aforementioned public 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

BALLANCE BUILDERS INC  
71 CORNERSTONE RDG  
WAYNESVILLE, NC 28786-7239

## Account Information

PIN: 8605-38-2095

Deed: 1051/181

F/27

## Site Information

HYATT HILLS

# Maps 3 of 3

DEER PATH

Heated Area:

Year Built:

Total Acreage: 0.47

Township: Town of Waynesville

## Site Value Information

Land Value:

Building Value:

Market Value:

Deferred Value:

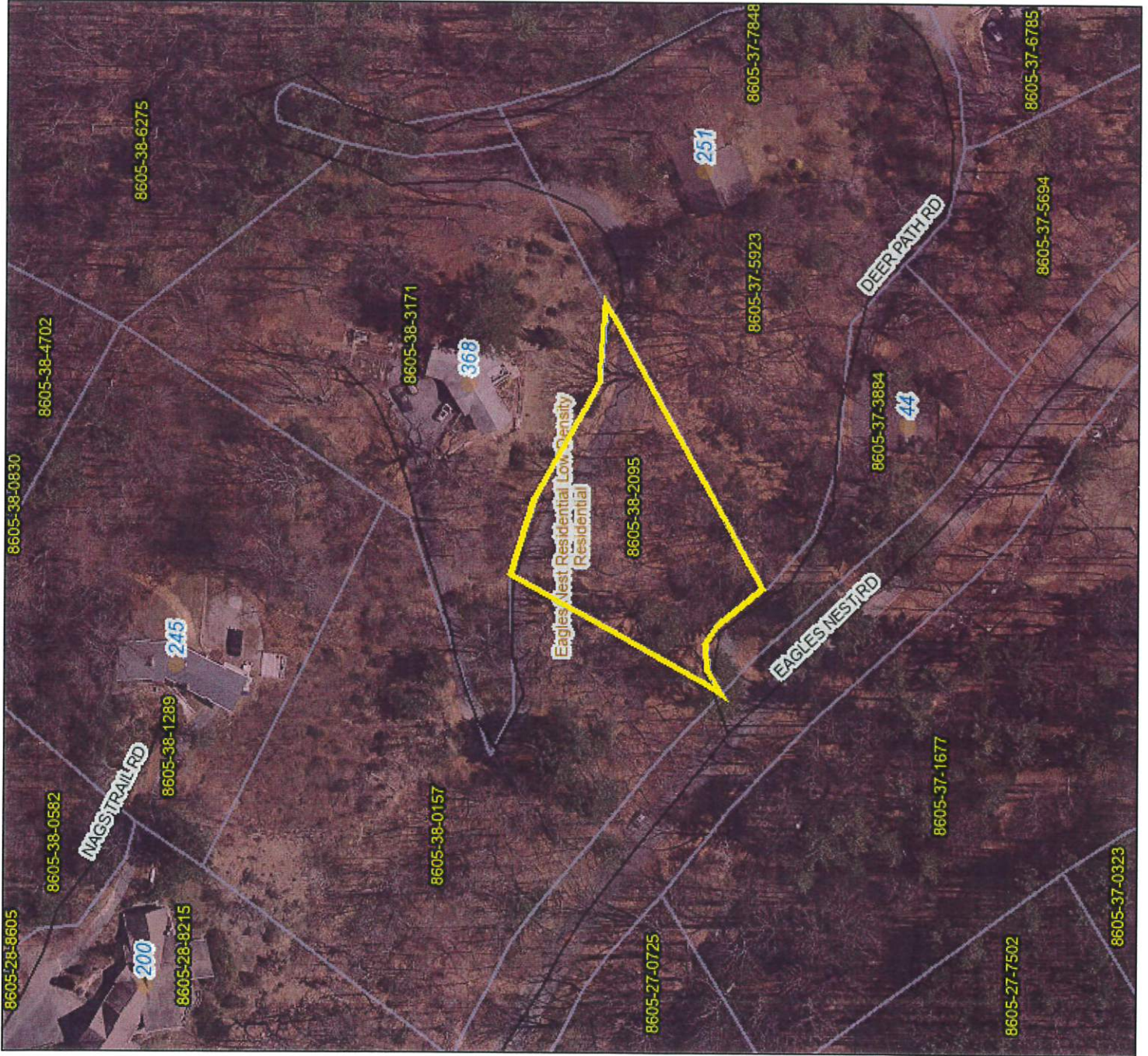
Assessed Value:

Sale Price:

Sale Date: 12/16/2021

Tax Bill 1:

Tax Bill 2:



1 inch = 100 feet

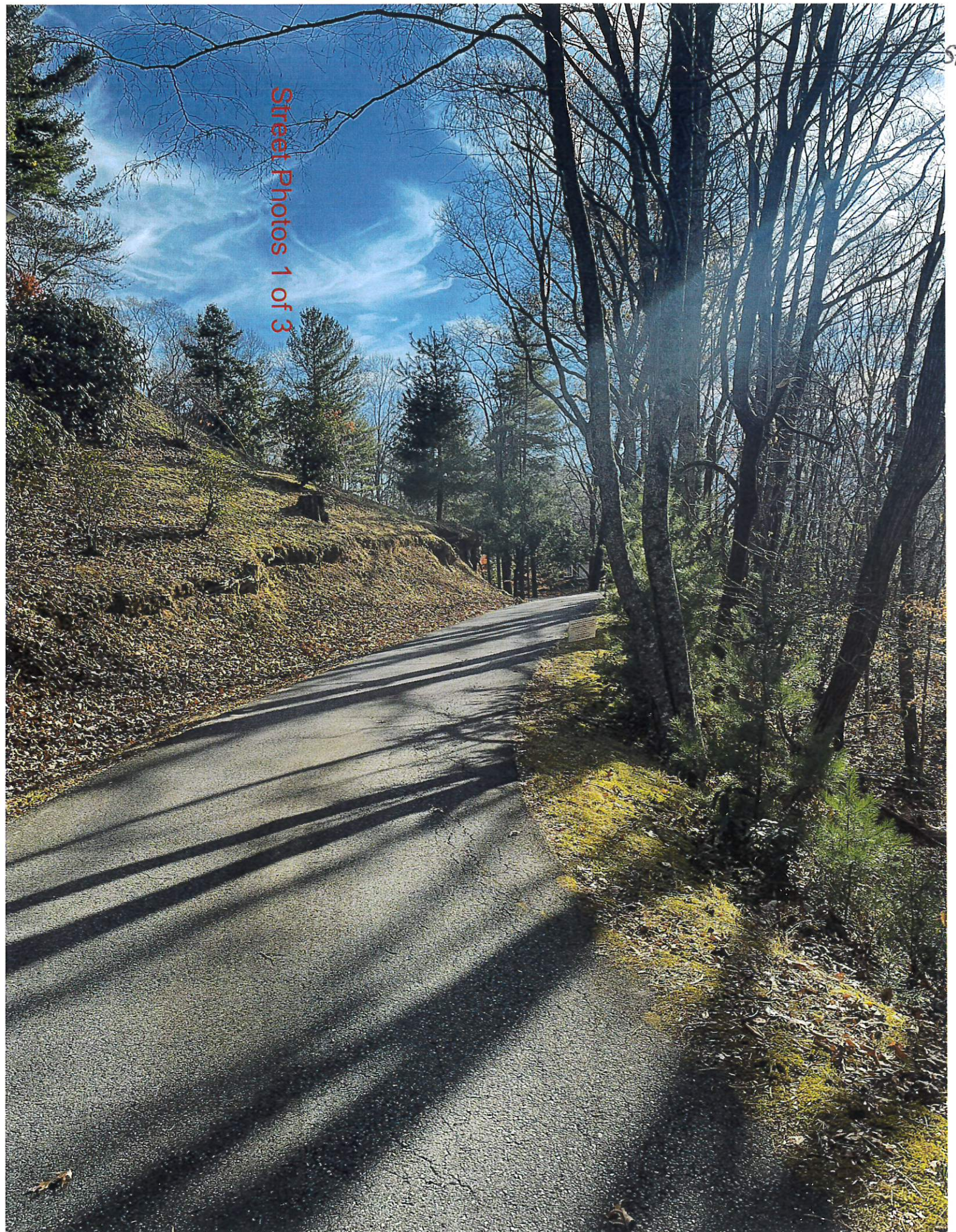
November 22, 2024

56.

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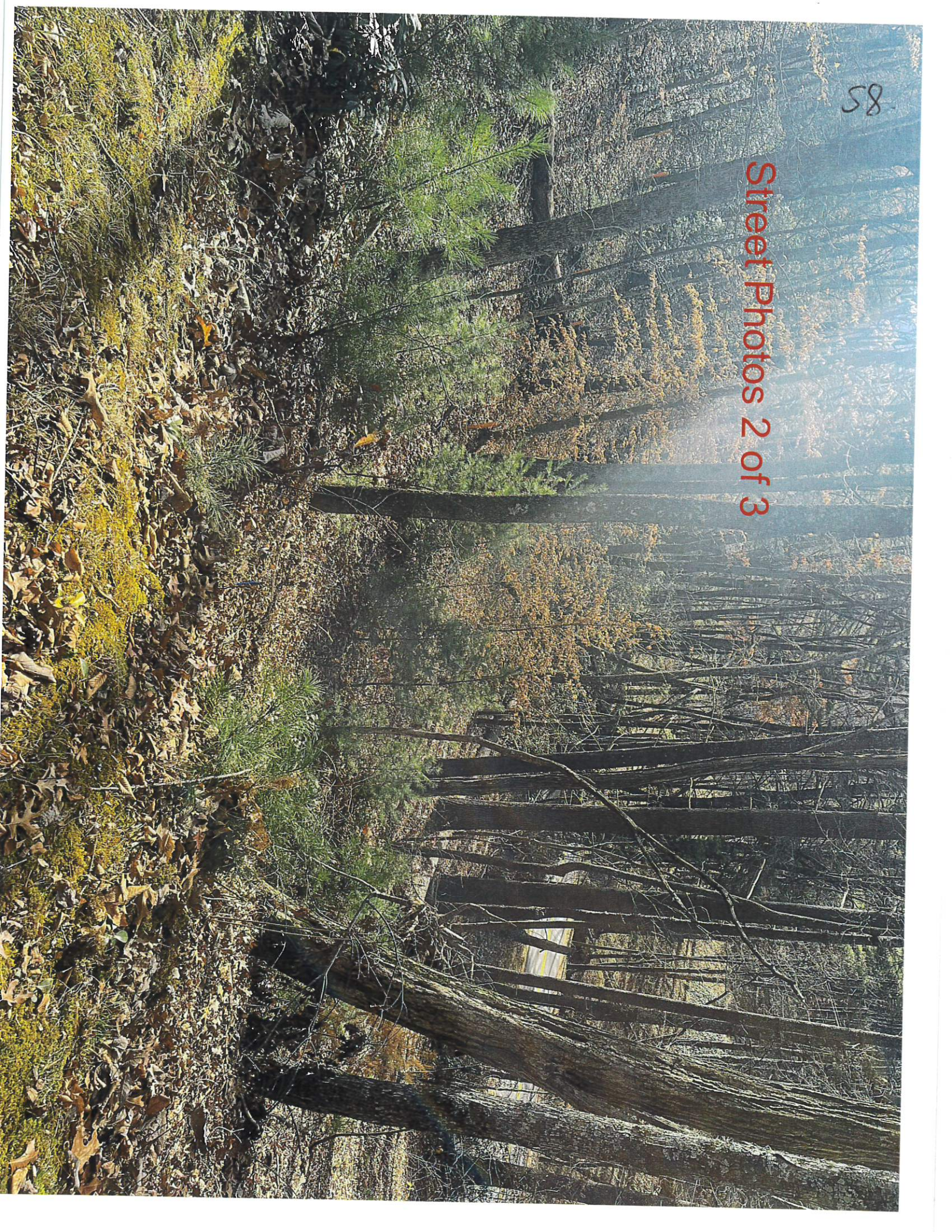


Street Photos 1 of 3





Street Photos 2 of 3





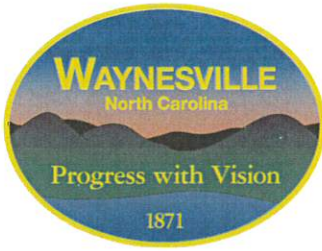
Street Photos 3 of 3



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60.



# TOWN OF WAYNESVILLE

Development Services Department  
9 South Main Street  
Suite 110  
Waynesville, NC 28786  
Phone (828) 456-8647 • Fax (828) 452-1492  
[www.waynesvillenc.gov](http://www.waynesvillenc.gov)

FOR PUBLICATION IN THE MOUNTAINEER: November 17<sup>th</sup> and November 24<sup>th</sup> (Sunday) editions

Date: November 13, 2024  
Contact: Alex Mumby, (828) 452-0401

## Public Notices 1 of 4

### Notice of Public Hearings Town of Waynesville Zoning Board of Adjustment

The Town of Waynesville Zoning Board of Adjustment will hold two (2) public hearings on Tuesday, December 3, 2024, at 5:30 pm, in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC, to consider:

1. A variance to allow the reconstruction of a single-family dwelling within the same footprint, requiring a deviation from the setbacks established within the Country Club Residential Low Density District, for the property at 90 Chelsea Road (PIN 8605-90-3134), Land Development Standards Sections 2.4.1 and 13.7
2. A variance from the front setback requirements of the Eagles Nest Residential Low Density District, on the unaddressed parcel off Deer Path Road (PIN 8605-38-2095), Land Development Standards Section 2.4.1.

For more information contact the Development Services Department at: (828) 452-0401, email: [amumby@waynesvillenc.gov](mailto:amumby@waynesvillenc.gov) mail: 9 South Main Street, Suite 110, Waynesville, NC 28786.

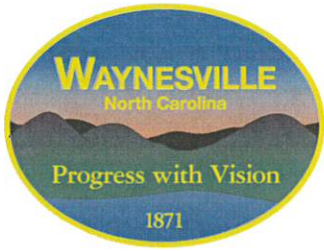


**Public Notices**  
**2 of 4**

THE TOWN OF WAYNESVILLE  
ZONING BOARD OF ADJUSTMENT  
WILL HOLD A PUBLIC HEARING  
ON DECEMBER 3, 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

67





# TOWN OF WAYNESVILLE

Development Services Department

9 South Main Street

Suite 110

Waynesville, NC 28786

Phone (828) 456-8647 • Fax (828) 452-1492

[www.waynesvillenc.gov](http://www.waynesvillenc.gov)

62.

November 18<sup>th</sup>, 2024

## Public Notices 3 of 4

### 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, December 3, 2024, at 5:30 pm, in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC, to consider a variance from the front setback requirements of the Eagles Nest Residential Low Density District, on the unaddressed parcel off Deer Path Road (PIN 8605-38-2095), Land Development Standards Section 2.4.1.



For more information, contact the Development Services Department at: (828) 452-0401, email: [amumby@waynesvillenc.gov](mailto:amumby@waynesvillenc.gov) mail: 9 South Main Street, Suite 110, Waynesville, NC 28786.



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SMILEY, PAMELA L  
386 DEER PATH RD  
WAYNESVILLE, NC, 28786

BOOKER, LAURA J/TR  
LAURA J BOOKER REVOCABLE TRUST  
2905 W BAYSHORE CT  
TAMPA, FL 33611-2807

63.  
WILCOX, JAY M  
5100 POWERS PERRY RD  
ATLANTA, GA 30327

BARNES, ROBERT J  
2008 YACHT CLUB DR  
DENVER, NC 28037-7611

JAMES, PHILIP E JR  
HOLTHOUSE, JOCELYN B JAMES  
4351 SHATTALON DR  
WINSTON SALEM, NC

BALANCE BUILDERS INC  
71 CONERSTONE RDG  
WAYNESVILLE, NC 28786-7239

STEVEN COFFEY  
226 STUART CIRCLE  
LAKE JUNALUSKA, NC 28745

## Public Notices 4 of 4