99999 Haywood Rd

9638-85-1871; 9638-85-1893; 9638-85-2814; 9638-85-28337; 9638-85-2960; 9638-85-2972; 9638-85-2994; 9638-85-3916; 9638-85-3937; 9638-85-3949; 9638-86-3061; 9638-86-3083; 9638-86-3095; 9638-86-4017; 9638-86-4039

Stream Buffer and Ground Floor Variance

THE CITY OF ASHEVILLE

UDO Section 7-12-2(e)(1)a1 & UDO Section 7-12-2(f)(3)a

- Land disturbing activity shall not occur within a 30-foot undisturbed buffer around all perennial and intermittent surface waters.
- a. Aquatic buffer: A 30-foot undisturbed aquatic buffer shall be required along perennial and intermittent waterbodies. Landowners may challenge the classification of a stream (i.e. perennial, intermittent, ephemeral), using the methods for delineating waters developed by the North Carolina Division of Water Quality. Property owners are responsible for the cost of having the necessary field investigations performed by competent persons. By approval of this ordinance, the North Carolina Division of Water Quality hereby authorizes appropriately trained city staff to make a field determination of the stream classification.

Summary Statement:

The petitioner, Shack Properties, LLC, is requesting a variance from the standards found in **7-12-2(e)(2)a1 Mandatory Standards for land disturbing activity; & Section 7-12-2(f)(3)a Aquatic buffers: Post construction** of the Unified Development Ordinance (UDO) for a townhome development project to provide vehicular access to the rear of the residential units.

- UDO Section 7-12-2(e)(1)a1 states, "Land disturbing activity shall not occur within a 30-foot undisturbed buffer around all perennial and intermittent surface waters."
- UDO Section 7-12-2(f)(3)a states,"a. Aquatic buffer: A 30-foot undisturbed aquatic buffer shall be required along perennial and intermittent waterbodies. Landowners may challenge the classification of a stream (i.e. perennial, intermittent, ephemeral), using the methods for delineating waters developed by the North Carolina Division of Water Quality. Property owners are responsible for the cost of having the necessary field investigations performed by competent persons. By approval of this ordinance, the North Carolina Division of Water Quality hereby authorizes appropriately trained city staff to make a field determination of the stream classification."

If the variances to sections, *7-12-2(e)(1)a1, & 7-12-2(f)(3)a* are granted, the applicant/owner will continue with the typical permitting process for the property. The aquatic buffer variances will allow the applicant to conduct the necessary temporary grading/disturbance activity and a wall and impervious access road within the 30' aquatic buffer. Per the application the applicant would provide mitigation of the buffer impacts through riparian buffer plantings within the entirety of the property line where the buffer is adjacent and overlaps with the buffer.

UDO Section 7-8-28(2.6)(3)

The UDO requires a minimum and maximum ground floor elevation (GFE) of 2’ and 4’ respectively. The terms are defined as follows:

1. Ground floor elevation is measured from top of the adjacent curb to the top of the finished ground floor.
2. Minimum ground floor elevation applies to the first 30 feet of the lot measured from the right-of-way line.

The petitioner, Shack Properties, LLC, is requesting a variance from the standards found in **Sec. 7-8-28(2.6)(3). Haywood Road Form District. - HR-4: Traditional & HR-7: Traditional Community. Height.** The UDO requires a minimum and maximum ground floor elevation (GFE) of 2' and 4' respectively. The terms are defined as follows:

1. Ground floor elevation is measured from top of the adjacent curb to the top of the finished ground floor.
2. Minimum ground floor elevation applies to the first 30 feet of the lot measured from the right-of-way line.

The applicant has requested a reduction of 1' for the minimum GFE and an addition of 1' to the maximum GFE. The row houses run in a southeastern direction uphill along Haywood Rd. from the River Arts District to the northwest with a GFE starting at 2062.75' to 2078.00'. The variance will allow a higher degree of flexibility for the ground floor elevation in dealing with the steep change of grade along the Haywood Rd frontage. No elevations were included in the application package.

Variance Request:

Zoning and Use	UDO Requirement	Applicant Request	Variance
HR-7 Haywood Road Traditional Community Use: Townhome -Residential	No Land disturbing activity shall occur within a 30-foot undisturbed buffer around all perennial and intermittent surface waters.	Encroachment of 3690 sf into the 30-foot aquatic buffer area.	100 percent reduction of the on-site aquatic buffer area within the limits of disturbance. 26% of the total northwestern (river left) aquatic buffer (on and off site).
HR-7 Haywood Road Traditional Community Use: Townhome -Residential	A 30-foot undisturbed aquatic buffer shall be required along perennial and intermittent waterbodies.	Reduction of the 30-foot aquatic buffer of 2105 sf for construction of the rear access road and wall.	A 57% percent reduction of the aquatic buffer area on-site and 15% of the total northwestern (river left) aquatic buffer (on and off site)
HR-7 Haywood Road Traditional Community Use: Townhome -Residential	A min./max. Of 2'/4' in HR-7 for residential uses.	1'/5'	50%/25% in difference between min/max GFE

Background:

The subject property is in West Asheville along Haywood Road between Avon Ave and Euclid Blvd. The properties are zoned Haywood Road Form Code - Traditional Community. The stream is an unnamed tributary to the French Broad River and runs along Haywood Rd starting towards the upper end of Wambolt Ave to the French Broad River at the Craven Street Bridge. A majority of the stream is off the subject properties between Avon Ave. and Euclid Blvd.

The property and aquatic buffer have a number of constraints as well as some existing impacts. There is an un-open right-of-way to the rear of the properties between the subject property and a majority of the stream. Additionally there are existing sewer line impacts to the aquatic buffer.

There is approximately 3690 square feet of the northwestern aquatic buffer on the subject property. The total northwestern aquatic buffer area is approximately 14,235 square feet between Avon Ave. and Euclid Blvd. There's approximately 18 linear feet of stream on the property, with a total of 406 linear feet of stream between Avon Ave. and Euclid Blvd.

The stream buffer encumbers 3690 square feet of the subject properties, specifically lots 41-49 on the 1925 French Broad Terrace plat. The proposed lots are shown on the 1925 plat and were in existence as shown on the plat prior to the 2010 passing of the aquatic buffer requirements. The stream is permanently impacted by an existing sewer line, approximately 6780 square feet within the entirety of the northwestern buffer, and approximately 600 square feet on the subject properties. The stream is typical of previously impacted urban streams with the current vegetation a mix of some native plants yet predominantly invasive species.

	Total Aquatic Buffer Area	Area Permanently Impacted	Area Temporarily Impacted	Area Not Impacted
On-site	3690 sf	2105 sf	3690 sf	0 sf
Off-site	14,235 sf	0	0	12,635 sf

The project proposes to mitigate the permanent and temporary impacts through removing invasive species and planting riparian specific species of 3640 square feet on the property. Additionally the project is proposing stormwater detention and quality controls that meet the city requirements through primarily infiltration, and above ground features. These include infiltration stream bed, regenerative conveyance, Filterra bioscape vault, and pervious pavement. The pervious pavement is directly adjacent to the stream buffer.

The applicant has considered an application to close the unopened right of way. This requires the agreement of the adjacent property owners and support from city staff. Stormwater staff would support this closure request. There are a number of undetermined factors outside the applicant's control. If the road was closed and half the right-of-way deeded to the subject properties, this would allow for approximately 2500 square feet of additional buffer plantings outside the sewer easement. This would allow for the property to exceed the 2:1 mitigation requirement, along with the water quality control would then meet the standards for the project to request an exception from the City Stormwater Administrator.

The project proposes 18 townhouse units in groupings of 6 units along Haywood Rd. Each unit will be accessed from Haywood Rd and a rear vehicular entrance to a private drive off of Euclid Blvd. The project will be reviewed as a Level I development subject to all site, massing, and design requirements found in Article 7 of the UDO along with additional requirements found in the Haywood Road Form District.

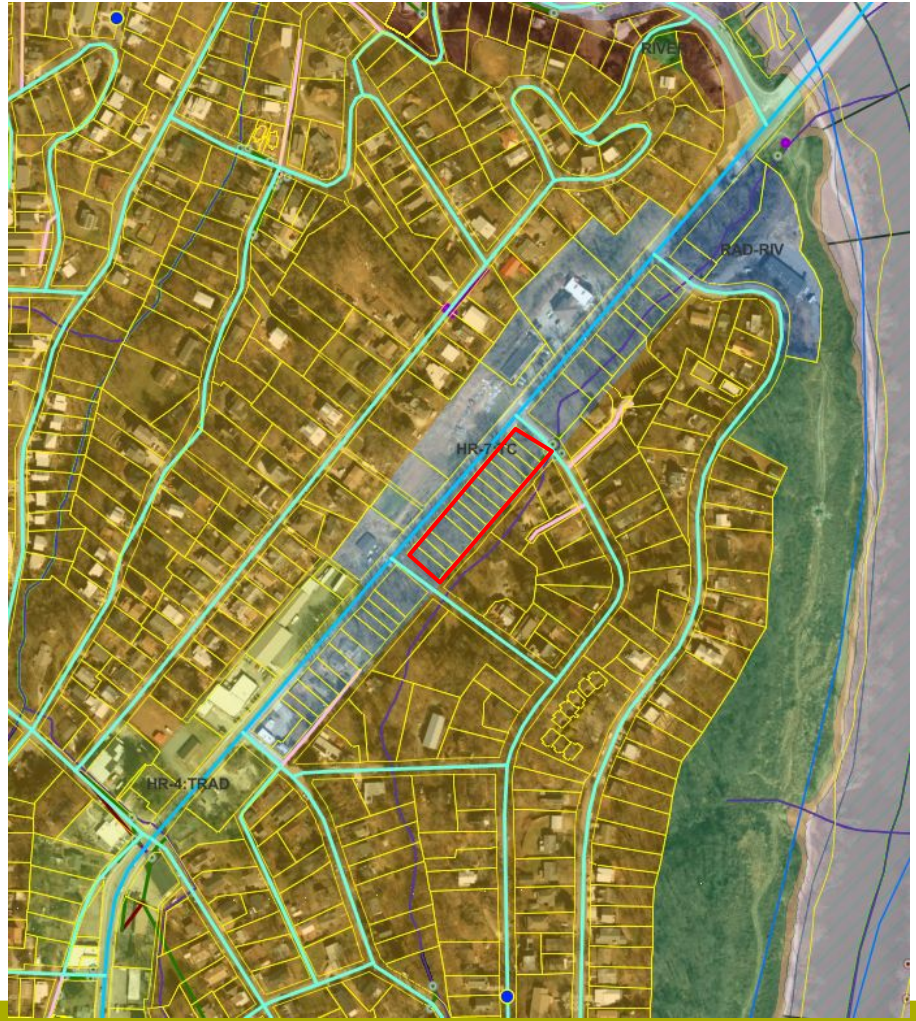
Upon granting of the above variances, the applicant must move forward with development application within one year of the Board's decision. The permit will be subject to review and once granted to regular grading inspections. The proposed plans, if approved, will be conducted with guidance from the City's UDO and approved riparian species list. The Board may condition approval with specific requirements in relation to additional planting and remediation.

Review, Analysis & Considerations:

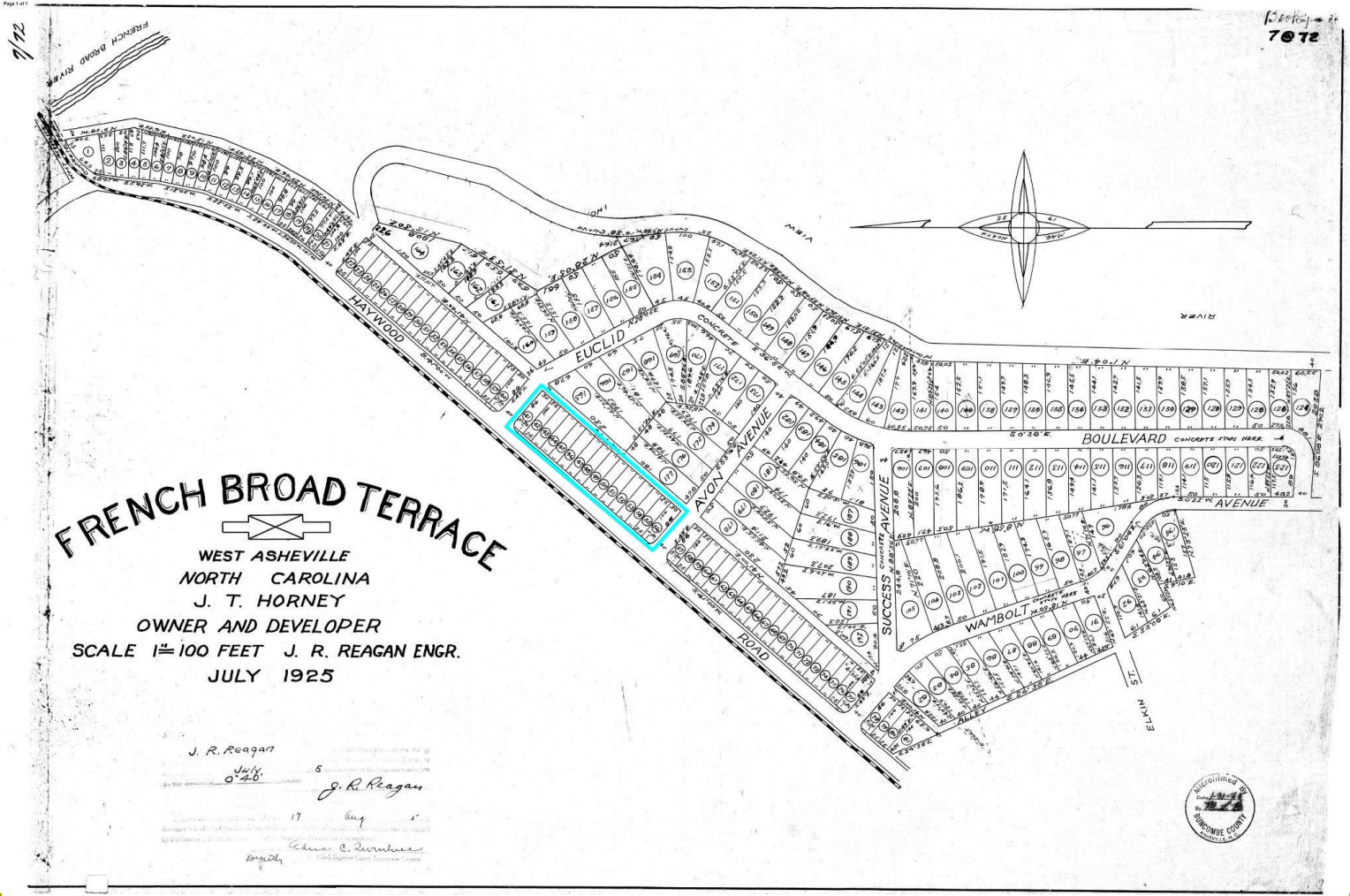
- The subject property is zoned HR-7 (Haywood Rd - Traditional Community), there is no minimum lot size or lot width within this zoning district.
- Building setbacks along Haywood Rd is 5’ min. to 10’ max. Side setback is 5’ min. to 10’ max, and Rear setback is 5’ if abutting an alley, and 15’ if adjacent to Residential zoning districts (RM/RS).
- Parking and access in HR-7 requires off-street parking only, and no parking between the building and the street, as well as garage doors are prohibited to face Haywood Rd.
- The aquatic buffer takes up approximately 3690 sq. ft. of the subject parcel. The applicant is seeking a variance for the temporary disturbance of 3690 sq. ft. of the aquatic buffer area within the subject properties. And permanent impacts of 2105 sq. ft.
- The aquatic buffer along with the required setbacks and access standards of HR-7 do not allow the development of the subject parcels without the applied variances.

- Based on the GIS Aerial Map (Exhibit A):
    - The properties contain 1 jurisdictional stream (Unnamed) with the associated 30-foot aquatic buffer.
    - This tributary flows northeastward to the French Broad River.
- Based on the applicant provided Existing Site Conditions Plans and Site Development Plan:
    - The proposed grading necessary to construct the homes does not meet the aquatic buffer restrictions for land disturbance.
    - The proposed development do not meet the post construction aquatic buffer requirements applied to permanent improvements.
    - There are approximately 18 linear feet of stream and 3690 sq. aquatic buffer within the subject properties.
- The setback variance is inspired to reduce the impact related to the stream buffer.
- HR-7 requires a minimum and maximum ground floor elevation of 2' and 4' respectively. The GFE variance will allow the developer flexibility in dealing with the steep grade along Haywood Rd.




RIVER
RAD-RIV
HR-7:TC
HR-4:TRAD


HR-7-TC


FRENCH BROAD TERRACE
WEST ASHEVILLE
NORTH CAROLINA
J. T. HORNEY
OWNER AND DEVELOPER
SCALE 1" = 100 FEET J. R. REAGAN ENGR.
JULY 1925
FRENCH BROAD RIVER
HAYWOOD ROAD
EUCLID AVENUE
AVON AVENUE
SUCCESS AVENUE
WAMBOLT AVENUE
BOULEVARD
ELKIN ST.
RIVER VIEW
CONCRETE
J. R. Reagan
J. R. Reagan
Deputy
Microfilmed by BUNCOMBE COUNTY

HAYWOOD ROWHOUSES

AQUATICE BUFFER VARIANCE REQUEST - SITE PHOTOS

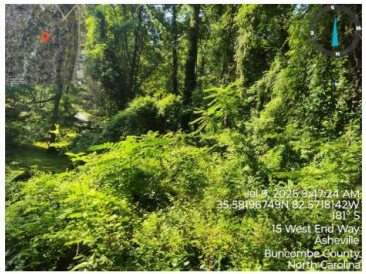




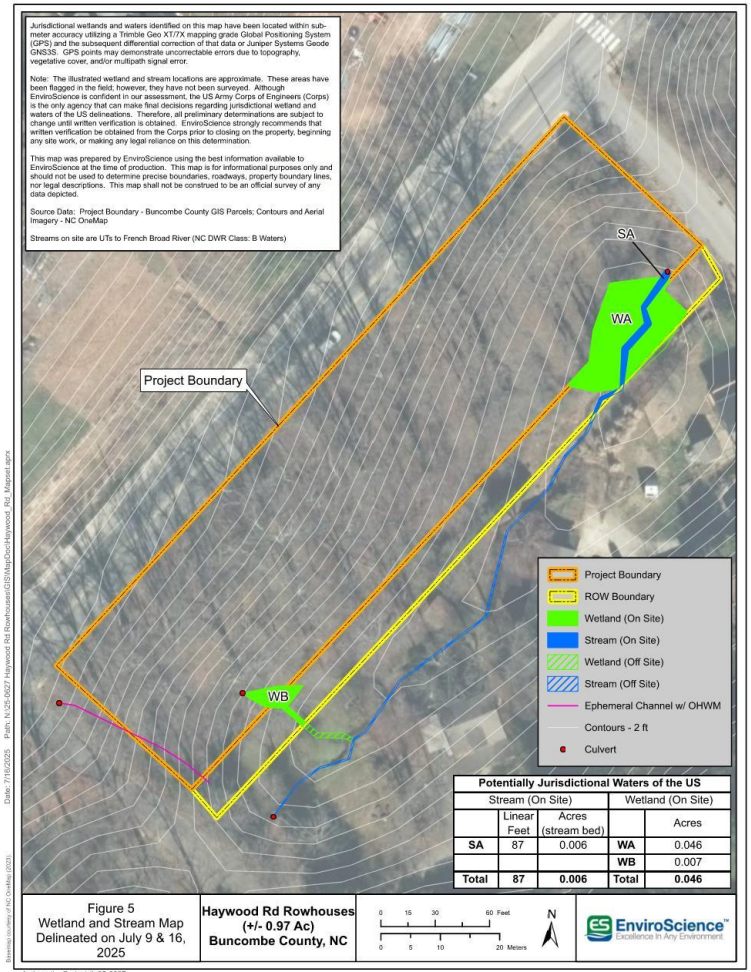


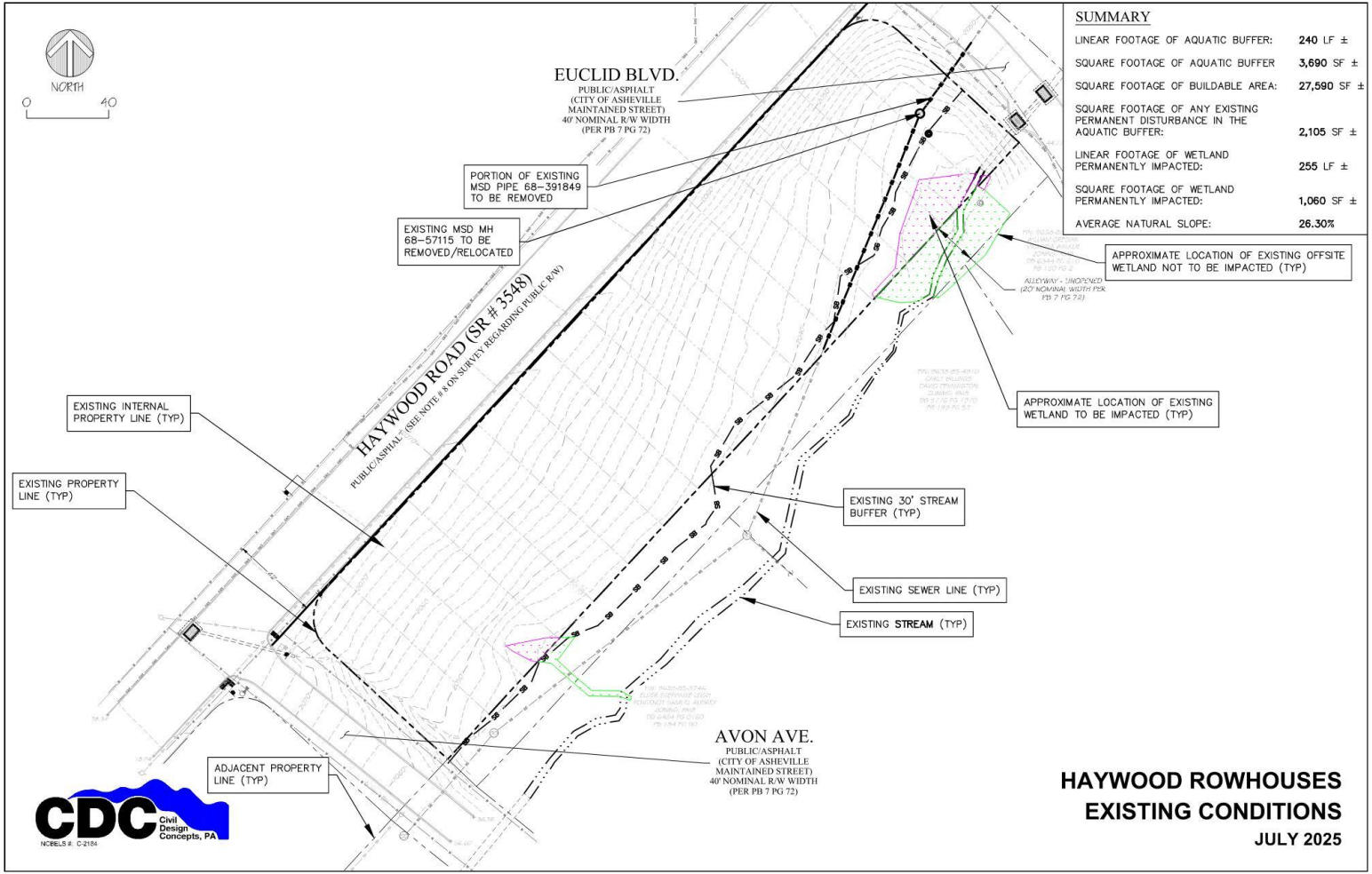


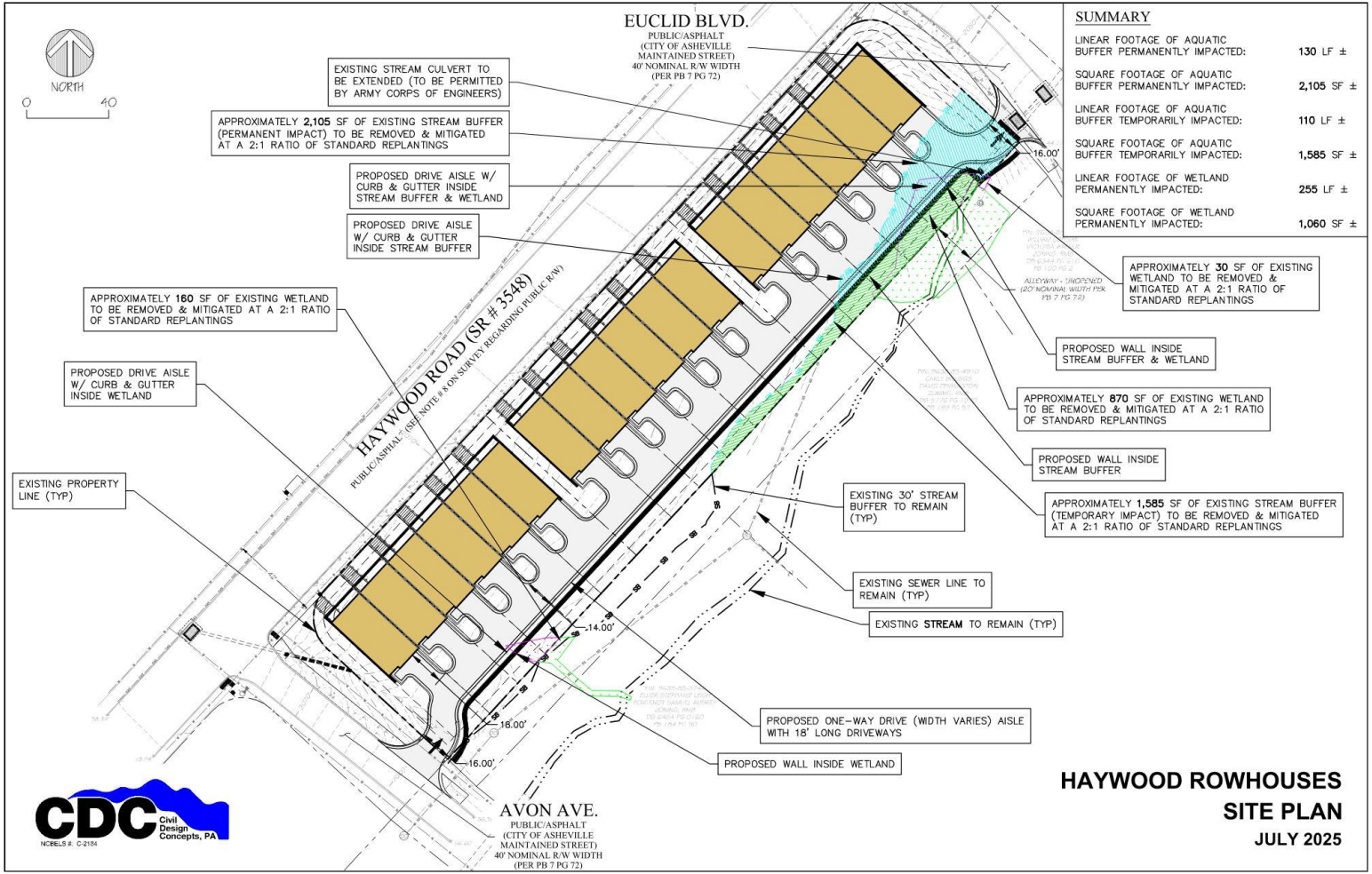




CDC Civil Design Concepts, PA

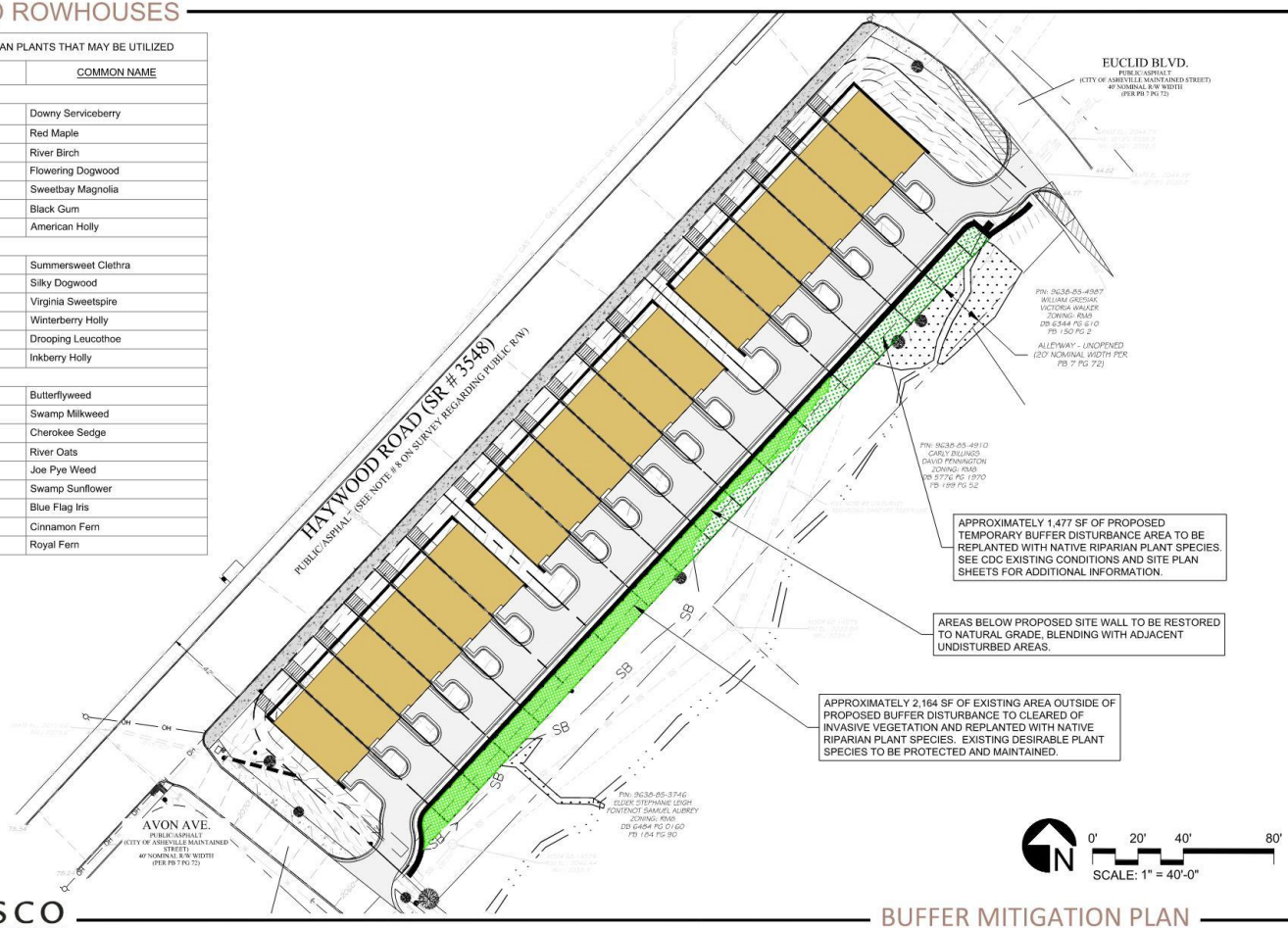

Jurisdictional wetlands and waters identified on this map have been located within sub-meter accuracy utilizing a Trimble Geo XT/7X mapping grade Global Positioning System (GPS) and the subsequent differential correction of that data or Juniper Systems Geode GNS3S. GPS points may demonstrate uncorrectable errors due to topography, vegetative cover, and/or multipath signal error.
Note: The illustrated wetland and stream locations are approximate. These areas have been flagged in the field; however, they have not been surveyed. Although EnviroScience is confident in our assessment, the US Army Corps of Engineers (Corps) is the only agency that can make final decisions regarding jurisdictional wetland and waters of the US delineations. Therefore, all preliminary determinations are subject to change until written verification is obtained. EnviroScience strongly recommends that written verification be obtained from the Corps prior to closing on the property, beginning any site work, or making any legal reliance on this determination.
This map was prepared by EnviroScience using the best information available to EnviroScience at the time of production. This map is for informational purposes only and should not be used to determine precise boundaries, roadways, property boundary lines, nor legal descriptions. This map shall not be construed to be an official survey of any data depicted.
Source Data: Project Boundary - Buncombe County GIS Parcels; Contours and Aerial Imagery - NC OneMap
Streams on site are UTs to French Broad River (NC DWR Class: B Waters)
SA
WA
WB
Project Boundary
Project Boundary
ROW Boundary
Wetland (On Site)
Stream (On Site)
Wetland (Off Site)
Stream (Off Site)
Ephemeral Channel w/ OHWM
Contours - 2 ft
Culvert
Potentially Jurisdictional Waters of the US
Stream (On Site) | Wetland (On Site)
Linear Feet | Acres (stream bed) | Acres
SA 87 0.006 WA 0.046
WB 0.007
Total 87 0.006 Total 0.046
Figure 5
Wetland and Stream Map
Delineated on July 9 & 16, 2025
Haywood Rd Rowhouses
(+/- 0.97 Ac)
Buncombe County, NC
0 15 30 60 Feet
0 5 10 20 Meters
N
EnviroScience
Excellence In Any Environment
Date: 7/16/2025 Path: N:\25-0627 Haywood Rd Rowhouses\GIS\MapDocs\Haywood_Rd_Mapset.aprx
Streams courtesy of NC OneMap (2023)
Author: JL Project #: 25-0627
NAD 1983 2011 StatePlane North Carolina FIPS 3200 Ft US


NORTH
0
40
EUCLID BLVD.
PUBLIC/ASPHALT
(CITY OF ASHEVILLE
MAINTAINED STREET)
40' NOMINAL R/W WIDTH
(PER PB 7 PG 72)
PORTION OF EXISTING MSD PIPE 68-391849 TO BE REMOVED
EXISTING MSD MH 68-57115 TO BE REMOVED/RELOCATED
HAYWOOD ROAD (SR # 3548)
PUBLIC/ASPHALT (SEE NOTE # 9 ON SURVEY REGARDING PUBLIC R/W)
EXISTING INTERNAL PROPERTY LINE (TYP)
EXISTING PROPERTY LINE (TYP)
ADJACENT PROPERTY LINE (TYP)
AVON AVE.
PUBLIC/ASPHALT
(CITY OF ASHEVILLE
MAINTAINED STREET)
40' NOMINAL R/W WIDTH
(PER PB 7 PG 72)
APPROXIMATE LOCATION OF EXISTING OFFSITE WETLAND NOT TO BE IMPACTED (TYP)
APPROXIMATE LOCATION OF EXISTING WETLAND TO BE IMPACTED (TYP)
EXISTING 30' STREAM BUFFER (TYP)
EXISTING SEWER LINE (TYP)
EXISTING STREAM (TYP)
SUMMARY
LINEAR FOOTAGE OF AQUATIC BUFFER: 240 LF ±
SQUARE FOOTAGE OF AQUATIC BUFFER 3,690 SF ±
SQUARE FOOTAGE OF BUILDABLE AREA: 27,590 SF ±
SQUARE FOOTAGE OF ANY EXISTING PERMANENT DISTURBANCE IN THE AQUATIC BUFFER: 2,105 SF ±
LINEAR FOOTAGE OF WETLAND PERMANENTLY IMPACTED: 255 LF ±
SQUARE FOOTAGE OF WETLAND PERMANENTLY IMPACTED: 1,060 SF ±
AVERAGE NATURAL SLOPE: 26.30%
CDC Civil Design Concepts, PA
NCBELS #: C-2184
HAYWOOD ROWHOUSES
EXISTING CONDITIONS
JULY 2025


NORTH
0
40
EUCLID BLVD.
PUBLIC/ASPHALT
(CITY OF ASHEVILLE MAINTAINED STREET)
40' NOMINAL R/W WIDTH
(PER PB 7 PG 72)
EXISTING STREAM CULVERT TO BE EXTENDED (TO BE PERMITTED BY ARMY CORPS OF ENGINEERS)
APPROXIMATELY 2,105 SF OF EXISTING STREAM BUFFER (PERMANENT IMPACT) TO BE REMOVED & MITIGATED AT A 2:1 RATIO OF STANDARD REPLANTINGS
PROPOSED DRIVE AISLE W/ CURB & GUTTER INSIDE STREAM BUFFER & WETLAND
PROPOSED DRIVE AISLE W/ CURB & GUTTER INSIDE STREAM BUFFER
APPROXIMATELY 160 SF OF EXISTING WETLAND TO BE REMOVED & MITIGATED AT A 2:1 RATIO OF STANDARD REPLANTINGS
PROPOSED DRIVE AISLE W/ CURB & GUTTER INSIDE WETLAND
EXISTING PROPERTY LINE (TYP)
HAYWOOD ROAD (SR # 3548)
PUBLIC/ASPHALT (SEE NOTE # 8 ON SURVEY REGARDING PUBLIC R/W)
16.00'
14.00'
16.00'
16.00'
SUMMARY
LINEAR FOOTAGE OF AQUATIC BUFFER PERMANENTLY IMPACTED: 130 LF ±
SQUARE FOOTAGE OF AQUATIC BUFFER PERMANENTLY IMPACTED: 2,105 SF ±
LINEAR FOOTAGE OF AQUATIC BUFFER TEMPORARILY IMPACTED: 110 LF ±
SQUARE FOOTAGE OF AQUATIC BUFFER TEMPORARILY IMPACTED: 1,585 SF ±
LINEAR FOOTAGE OF WETLAND PERMANENTLY IMPACTED: 255 LF ±
SQUARE FOOTAGE OF WETLAND PERMANENTLY IMPACTED: 1,060 SF ±
APPROXIMATELY 30 SF OF EXISTING WETLAND TO BE REMOVED & MITIGATED AT A 2:1 RATIO OF STANDARD REPLANTINGS
PROPOSED WALL INSIDE STREAM BUFFER & WETLAND
APPROXIMATELY 870 SF OF EXISTING WETLAND TO BE REMOVED & MITIGATED AT A 2:1 RATIO OF STANDARD REPLANTINGS
PROPOSED WALL INSIDE STREAM BUFFER
APPROXIMATELY 1,585 SF OF EXISTING STREAM BUFFER (TEMPORARY IMPACT) TO BE REMOVED & MITIGATED AT A 2:1 RATIO OF STANDARD REPLANTINGS
EXISTING 30' STREAM BUFFER TO REMAIN (TYP)
EXISTING SEWER LINE TO REMAIN (TYP)
EXISTING STREAM TO REMAIN (TYP)
PROPOSED ONE-WAY DRIVE (WIDTH VARIES) AISLE WITH 18' LONG DRIVEWAYS
PROPOSED WALL INSIDE WETLAND
AVON AVE.
PUBLIC/ASPHALT
(CITY OF ASHEVILLE MAINTAINED STREET)
40' NOMINAL R/W WIDTH
(PER PB 7 PG 72)
CDC Civil Design Concepts, PA
NCBELS #: C-2184
HAYWOOD ROWHOUSES
SITE PLAN
JULY 2025

HAYWOOD ROWHOUSES

LISTING OF COMMON RIPARIAN PLANTS THAT MAY BE UTILIZED		
	BOTANICAL NAME	COMMON NAME
TREES		
	Amelanchier arborea	Downy Serviceberry
	Acer rubrum	Red Maple
	Betula nigra	River Birch
	Cornus florida	Flowering Dogwood
	Magnolia virginiana	Sweetbay Magnolia
	Nyssa sylvatica	Black Gum
	Ilex opaca	American Holly
SHRUBS		
	Clethra alnifolia	Summersweet Clethra
	Cornus amomum	Silky Dogwood
	Itea virginica	Virginia Sweetspire
	Ilex verticillata	Winterberry Holly
	Leucothoe fontansiana	Drooping Leucothoe
	Ilex glabra	Inkberry Holly
GRASSES/ PERENNIALS		
	Asclepias tuberosa	Butterflyweed
	Asclepias tuberosa	Swamp Milkweed
	Carex cherokeensis	Cherokee Sedge
	Chasmanthium latifolium	River Oats
	Eutrochium maculatum	Joe Pye Weed
	Helianthus angustifolius	Swamp Sunflower
	Iris versicolor	Blue Flag Iris
	Osmundastrum cinnamomeum	Cinnamon Fern
	Osmunda regalis	Royal Fern



FUSCO
LAND PLANNING & DESIGN, PLLC

LANDSCAPE ARCHITECTURE | CONSERVATION PLANNING | LOW IMPACT DEVELOPMENT
P.O. BOX 8013, ASHEVILLE, NC 28814 | PH: 828.243.6604 | WWW.FUSCOLA.COM
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THIS PLAN ILLUSTRATES A GENERAL PLAN, WHICH IS SUBJECT TO FUTURE CHANGE AND REVISION. DIMENSIONS, BOUNDARIES, AND POSITION LOCATIONS ARE FOR ILLUSTRATIVE PURPOSES ONLY AND ARE NOT INTENDED TO BE EXACT.

BUFFER MITIGATION PLAN

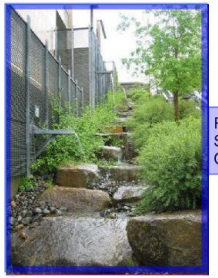
July 24, 2025

NOTE:
– ALL FILTERRAS SHALL BE 4'X6' FILTERRA BIOSCAPE VAULT W/ INTERNAL BYPASS

NORTH
0 50

PROPOSED FILTERRA BIOSCAPE (TYP)

EXISTING SEWER LINE (TYP)


Example Image

REGENERATIVE STORMWATER CONVEYANCE


Example Image

INFILTRATION STREAM BED CONVEYANCE

PROPOSED RETAINING WALL (TYP)

FILTERRA BIOSCAPE VAULT



Example Image

PROPOSED PERVIOUS PAVERS (TYP)

PROPOSED SUPPLEMENTAL DETENTION UNDER PERVIOUS PAVERS (TYP)

PERVIOUS PAVERS WITH DENTENTION


Example Image

EUCLID BLVD.
PUBLIC/ASPHALT
(CITY OF ASHEVILLE MAINTAINED STREET)
40' NOMINAL R/W WIDTH
(PER PB 7 PG 72)

HAYWOOD ROAD (SR # 3548)
PUBLIC/ASPHALT (SEE NOTE # 4 ON SURVEY REGARDING PUBLIC R/W)

AVON AVE.
PUBLIC/ASPHALT
(CITY OF ASHEVILLE MAINTAINED STREET)
40' NOMINAL R/W WIDTH
(PER PB 7 PG 72)

EXISTING 20.0' MSD EASEMENT (TYP)

EXISTING PROPERTY LINE (TYP)

CDC Civil Design Concepts, PA
NCBELS #: C-2184

HAYWOOD ROWHOUSES VARIANCE BULLETIN

AUGUST 2025