Buncombe County Board of Adjustment
Meeting Minutes
May 14, 2025 – 12:00 P.M.
Commissioners' Chambers – 200 College St, Asheville, NC

Members Present

- **Andy Ball**, Regular Member – Chair
- **Katherine Morosani**, Regular Member – Vice Chair
- **Paul Wilczynski**, Regular Member
- **Joel Mazelis**, Regular Member
- **Carla Barnard**, Alternate Member

Staff Present

- **Savannah Glance**, Principal Planner
- **Amy Broughton**, Staff Attorney
- **Brittain Sluder**, Planner I

A. Call to Order & Welcome – Chair

- The meeting was called to order at 12:07 P.M.

B. Announcements

- **Savannah Glance** announced that the three variance applications scheduled for hearing at this meeting would not be heard due to an insufficient number of members being present.

C. Roll Call of Board Members

1. **Joel Mazelis** – Present
2. **Paul Wilczynski** – Present
3. **Andy Ball** – Present
4. **Katherine Morosani** – Present
5. **Carla Barnard** – Present

D. Approval of Meeting Minutes

Motion to approve the minutes from the Board's regular meeting on April 9, 2025:
Made by: **Carla Barnard**
Seconded by: **Paul Wilczynski**
Result: **PASS** (5-0)

1. **Joel Mazelis**– Yes
2. **Paul Wilczynski** – Yes
3. **Andy Ball** – Yes
4. **Katherine Morosani** – Yes
5. **Carla Barnard** – Yes

E. Disclosure of Ex-Parte Communications/Conflicts of Interest

- None

F. Public Hearings

1. ZPH2024-00017 Gonzalez Variance

Description:

Jorge Antonio Gonzalez has applied for a Variance pursuant to the Zoning Ordinance of Buncombe County; Sec. 78-621(4) and Sec. 78-642, Table 2, Dimensional Requirements; for a reduction to the front setback for a manufactured home on tax lot PIN 9639-22-7811 (2 Hazelwood Road). Planner coordinating review: Savannah Glance.

- No action was taken on this matter as the number of members present was less than the four-fifths majority required to grant a variance.

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2. ZPH2024-00004 AK & RS Investments Variance (Continued from 4/9/25):

Description:

Wes Stroupe of AK & RS Investments, LLC, has applied for a Variance pursuant to the Zoning Ordinance of Buncombe County; Sec. 78-621(4) and Sec. 78-642, Table 2, Dimensional Requirements; for reductions to the front and rear setbacks for a storage building on tax lot PIN 9643-81-9433 (88 Underwood Road). Planner coordinating review: Jason Payne.

- No action was taken on this matter as the number of members present was less than the four-fifths majority required to grant a variance.

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3. ZPH2025-00006 Creekside Community Phase 2 SUP Revision

Description:

Mark Ambach of MA Brevard Rd, LLC, has applied for a revision to a Special Use Permit pursuant to the Zoning Ordinance of Buncombe County; Sec. 78-641(a), Sec. 78-677, and Sec. 78- 678(b)(6); for changes to building locations and unit types and for deviations in lot size, interior setbacks, and parking within a previously approved Planned Unit Development (Level 1) on tax lot PIN 9633-44-8345 (311 Creekside Trail Lane). Planner coordinating review: Savannah Glance.

Summary of Exhibits:

Ex #	Description	Submitted by	Record
	Application	Applicant	**Admitted**
	Site Plans	Applicant	**Admitted**
	Supplemental Documents:	Applicant	

	• Development Plan • Stormwater Email Correspondence • MSD Sewer Allocation Approval • City of Hendersonville Water Availability Approval		
	Staff GIS Maps	Staff	**Admitted**
	Staff Report	Staff	**Admitted**
	Site Plans from ZPH2022-00011	Staff	**Admitted**
	Traffic Impact Analysis from ZPH2022-00011	Staff	**Admitted**
1	Site Plans and Renderings	Applicant	**Admitted**

Staff Presentation:

- **Savannah Glance** presented the staff analysis of the application and offered the above listed exhibits into the record; Vice Chairperson Morosani admitted the exhibits.

Applicant Presentation:

- **Scott Burwell** was tendered by Craig Justus, applicant's counsel, as an expert in civil engineering; Vice Chairperson Morosani accepted. Mr. Burwell presented an overview of the site design and changes from the plans originally approved under the previous special use permit, including the relocation and reduction in the number of units, and stormwater constraints. *Exhibit 1*, consisting of a site plan and renderings of the units, was admitted by Vice Chairperson Morosani. Mr. Burwell asserted that the application met the standards for a Planned Unit Development. In response to questions from the Board, Mr. Burwell confirmed that this application included a requested reduction in off-street parking due to some parking spaces being proposed partially in the right-of-way. Mr. Justus explained the necessity for the parking reduction, confirming that this was similar to other recent requests that had been approved by the Board. Mr. Burwell and Mr. Justus stated that the interior setback deviation was typical for attached housing such as townhomes. Mr. Burwell confirmed that the plans had been approved by the Fire Marshal during the Technical Review Committee process, and Ms. Glance stated that staff had no safety concerns with the parking waiver. Mr. Justus concluded by arguing that this request was not a change of use, and that zoning laws could not be used to regulate ownership of a property.

Board Discussion, Deliberation, and Motions:

- **Ms. Barnard** stated that she saw no issues with the request, and asked staff to discuss whether ordinance changes could be made to prevent cases like this from requiring a Board hearing.

Motion to adopt the following Findings of Fact:

1. *That this matter was properly advertised, is within this Board's jurisdiction and is ripe for its consideration.*
2. *That this application, together with the conditions proposed by staff and/or this Board and agreed to by the Applicant, if any, DOES meet the requirements for granting a Special Use Permit contained in Buncombe County Code of Ordinances Sec. 78-621(3).*

Made by: **Carla Barnard**

Seconded by: **Paul Wilczynski**
Result: **PASS** (5-0)

1. **Joel Mazelis** – Yes
2. **Paul Wilczynski** – Yes
3. **Andy Ball** – Yes
4. **Katherine Morosani** – Yes
5. **Carla Barnard** – Yes

Motion to approve the Special Use Permit and that the order approving the permit be adopted and executed as presented and as modified in this meeting.
Made by: **Carla Barnard**
Seconded by: **Joel Mazelis**
Result: **PASS** (5-0)

1. **Joel Mazelis** – Yes
2. **Paul Wilczynski** – Yes
3. **Andy Ball** – Yes
4. **Katherine Morosani** – Yes
5. **Carla Barnard** – Yes

Presentation of Order:

- **Amy Broughton** presented a draft order.
  Motion to approve the order:
  Made by: **Carla Barnard**
  Seconded by: **Joel Mazelis**
  Result: **PASS** (5-0)
  1. **Joel Mazelis** – Yes
  2. **Paul Wilczynski** – Yes
  3. **Andy Ball** – Yes
  4. **Katherine Morosani** – Yes
  5. **Carla Barnard** – Yes

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4. ZPH2024-00004 Stern Stormwater Variance

Description:

Alan and Betsy Stern have applied for a Variance pursuant to the Stormwater Management Ordinance of Buncombe County; Sec. 26-362(b)(9) and Sec 26-362(b)(1)(d); for the construction of built-upon area within a surface water buffer zone on tax lot PIN 0607-71-9996 (an unaddressed parcel off Old Fort Road). Staff coordinating review: Savannah Glance, Victoria Hoyland.

- No action was taken on this matter as the number of members present was less than the four-fifths majority required to grant a variance.

G. Adjourn

- Prior to adjourning, **Ms. Barnard** asked staff and the Board Chair to discuss issues with the attendance of members and reinforce the expectation of regular members to attend all possible meetings.
    - **Mr. Mazelis** asked about the status of alternate members and whether there could have been advance notice of the attendance issue at this meeting.
    - **Chairperson Ball** mentioned that he recalled specific limitations on the number of excused absences for alternate members.
    - **Vice Chairperson Morosani** and **Ms. Barnard** mentioned that the recent special meetings may have affected members' willingness to attend. Ms. Barnard also asked whether the Board's bylaws could be modified to address this issue.
    - **Mr. Wilczynski** suggested that staff send a communication to the Board members to relay the issues raised; **Vice Chairperson Morosani** concurred with this.
- The meeting was adjourned at 12:50 P.M.