Buncombe County Board of Adjustment
Meeting Minutes
August 13, 2025 – 12:00 P.M.
Commissioners' Chambers – 200 College St, Asheville, NC

Members Present

- **Katherine Morosani**, Regular Member – Vice Chair
- **Paul Wilczynski**, Regular Member
- **Craig Allen**, Regular Member
- **Gabe Quesinberry**, Regular Member
- **Damien Vacaflor**, Alternate Member
- **David Weinstein**, Alternate Member

Staff Present

- **Curt Euler**, Staff Attorney
- **Gillian Phillips**, Principal Planner
- **Griffin Kearns**, Clerk to Board

A. Call to Order & Welcome – Chair

- The meeting was called to order at 12:02 P.M.

B. Announcements

- None

C. Roll Call of Board Members

1. **Paul Wilczynski** – Present
2. **Craig Allen** – Present
3. **Katherine Morosani** – Present
4. **Gabe Quesinberry** – Present
5. **Damien Vacaflor** – Present
6. **David Weinstein** – Present

D. Approval of Meeting Minutes

Motion to approve the minutes from the Board's regular meeting on July 9, 2025:
Made by: **Gabe Quesinberry**
Seconded by: **Paul Wilczynski**
Result: **PASS** (6-0)

1. **Paul Wilczynski** – Yes
2. **Craig Allen** – Yes
3. **Katherine Morosani** – Yes
4. **Gabe Quesinberry** – Yes
5. **Damien Vacaflor** – Yes
6. **David Weinstein** – Yes

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

- None

F. Public Hearings

1. ZPH2025-00014 MHO Old County Home Road SUP

Description:

Warren Sugg, P.E., of Civil Design Concepts, P.A.; on behalf of Justin Tuttle of Mountain Housing Opportunities, applicant; and Athena Poulos of Gakia, LLC, owner; has applied for 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); to establish a Planned Unit Development (Level 1) for a 159-unit multifamily residential development on tax lot PIN 9629-26-7312 (415 Old County Home Road). Planner coordinating review: Jason Payne.

Summary of Exhibits:

Ex #	Description	Submitted by	Record
	Application	Applicant	**Admitted**
	Site Plans	Applicant	**Admitted**
	Supplemental Documents: • Deed • MSD Sewer Allocation • Unit Interior Renderings • Letter of Commitment for Water Availability and Email Correspondence with City of Asheville Water Resources Department • Traffic Impact Assessment and NCDOT Final Decision Letter • Wetland Delineation Correspondence with US Army Corps of Engineers	Applicant	**Admitted**
	Preliminary Jurisdictional Determination Request	Applicant	**Admitted**
	Staff GIS Maps	Staff	**Admitted**
	Staff Report	Staff	**Admitted**

Staff Presentation:

- **Gillian Phillips** presented the staff analysis of the application and offered the above listed exhibits into the record; Vice Chairperson Morosani admitted the exhibits. In response to questions from the Board, Ms. Phillips clarified that the staff-proposed condition for 15 years of affordability within the development was the minimum requirement for the Community Oriented Development (COD) program, even though the applicants proposed at least 45 years of affordable rates. She explained the density bonus provided to COD projects, and that this was distinct from the height or parking deviations requested as part of the Planned Unit Development application. Ms. Phillips stated that most multifamily developments would request parking deviations, but that she was unsure whether affordable housing specifically would require less parking.

Applicant Presentation:

- **Derek Allen** of Allen Stahl & Kilbourne appeared as the applicant's counsel.
- **Justin Tuttle** of Mountain Housing Opportunities explained the history and mission of his organization. Mr. Tuttle reviewed the provisions for housing affordability within the development, with a target of 60% affordability within the Qualifying Census Tract (QCT).
- **Warren Sugg** was tendered by Mr. Derek Allen and admitted by Vice Chairperson Morosani as an expert in civil engineering. Mr. Sugg reviewed the site plans for the Board and shared details about the layout, retaining walls, utilities, landscape buffering, egress and ingress provisions, the Traffic Impact Assessment (TIA) that had been completed for the project, exterior lighting, open space and landscaping, a wetland impact, and the applicability of the Community Oriented Development standards and density bonus. In response to questions from the Board, Mr. Sugg explained that a sidewalk would be constructed connecting the development to Old County Home Road, but that sidewalks in the right-of-way of Old County Home Road or New Leicester Highway would be under the North Carolina Department of Transportation (NCDOT) jurisdiction and was unsure whether any existed there already. Mr. Sugg and Mr. Derek Allen agreed to discuss with their client the provision of space for dogs to exercise and relieve themselves within the development, and that the plans called for mulched and grassed areas adjacent to the sidewalks connecting the buildings to the parking lots. Mr. Derek Allen stated the applicant would be willing to agree to a condition to build and maintain a sidewalk to the bus shelter on Old County Home Road as long as NCDOT was willing to approve it. Mr. Sugg clarified that the assumed growth rate used for the TIA was provided by the NCDOT's local division, and that the requested deviation in height resulted from the 4/5-story split layout and peaked roofs which would be more compatible in appearance with the surrounding area, and the width and topography of the site limited the possible horizontal footprint of the development.

Non-Party Witness Testimony:

- **Michael Murray** stated that he would have liked to know when the TIA was completed and claimed that the existing bus stop was located on the subject property with no pavement or sheltering.
- **David Barber** stated that he listened to the community Zoom meeting hosted by the applicant and mentioned that some interested community members were unable to participate. Mr. Barber expressed concerns about attempts made in the past to have the property rezoned, deforestation of the area, insufficient buffering, traffic and road conditions, and water runoff.
- **Alexander Batranchuk** expressed concerns about pedestrian traffic on New Leicester Highway and past incidents of break-ins.
- **Karen Braswell** expressed concerns about fire safety and first responders' access to the neighborhood.

Board Discussion, Deliberation, and Motions:

- **Mr. Craig Allen** discussed reconciling the need for affordable housing with increased traffic and rapid growth in the neighborhood. He stated that the Board would need to defer to experts and the findings of the NCDOT on traffic, and that his concerns about transit access would be resolved through the agreed-upon conditions.

- **Mr. Weinstein** concurred with Mr. Craig Allen's comments and stated that conditions regarding the dog exercise and relief facilities and pedestrian shelter at the bus stop were necessary.
- **Mr. Quesinberry** expressed belief that the shelter would need to be built to City of Asheville ART standards and wanted to ensure pedestrian access to it.

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: **Craig Allen**
Seconded by: **David Weinstein**
Result: **PASS** (6-0)

1. **Paul Wilczynski** – Yes
2. **Craig Allen** – Yes
3. **Katherine Morosani** – Yes
4. **Gabe Quesinberry** – Yes
5. **Damien Vacaflor** – Yes
6. **David Weinstein** – 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: **Craig Allen**
Seconded by: **David Weinstein**
Result: **PASS** (6-0)

1. **Paul Wilczynski** – Yes
2. **Craig Allen** – Yes
3. **Katherine Morosani** – Yes
4. **Gabe Quesinberry** – Yes
5. **Damien Vacaflor** – Yes
6. **David Weinstein** – Yes

Presentation of Order:

- **Mr. Euler** presented a draft order.

  Motion to approve the order:
  Made by: **Katherine Morosani**
  Result: **PASS** (6-0)

  1. **Paul Wilczynski** – Yes
  2. **Craig Allen** – Yes
  3. **Katherine Morosani** – Yes
  4. **Gabe Quesinberry** – Yes
  5. **Damien Vacaflor** – Yes
  6. **David Weinstein** – Yes

A recess was called at 1:34 P.M.

The meeting was called back to order at 1:45 P.M.

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2. ZPH2025-00010 Case Cove Road Residential SUP

Description:

Chris Rollins of CAGE Engineering; on behalf of Adam Knoblock of Ease Asheville, LLC, applicant; and William Austin Cole of Triple C, LLC, owner; has applied for 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); to establish a Planned Unit Development (Level 1) for a 35-unit residential development on tax lot PIN 9606-65-3788 (an unaddressed parcel off of Case Cove Road). Planner coordinating review: Savannah Glance.

Summary of Exhibits:

Ex #	Description	Submitted by	Record
	Application	Applicant	**Admitted**
	Site Plan	Applicant	**Admitted**
	Supplemental Documents: • Business Plan • Phasing Plan • Building Elevations and Floor Plans • City of Asheville Water Letter of Commitment • Preliminary Soils Evaluation Report	Applicant	**Admitted**
APP 1	Résumé of Chris Rollins	Applicant	**Admitted**
APP 2	Affidavit of Chris Rollins	Applicant	**Admitted**
	Staff GIS Maps	Staff	**Admitted**
	Staff Report	Staff	**Admitted**

Staff Presentation:

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

Applicant Presentation:

- **Taylor Osborne** and **Brian Gulden** of the Van Winkle Law Firm appeared as the applicant's counsel.
- **Bill Cole** of Triple C, LLC; the owner; discussed the history of the property and his familiarity with the project proposed in the SUP application. Mr. Cole described a virtual meeting to which adjoining property owners were invited to discuss the project. Mr. Cole reviewed the site layout, development phasing, community amenities, building layouts, project timeline, and ownership

of the property. In response to questions from the Board, Mr. Cole explained that the property would eventually be managed by Adam Knoblock, who lived nearby.

- **Chris Rollins** of CAGE Engineering was tendered by Ms. Osborne and admitted by Vice Chairperson Morosani as an expert in land planning and site development. A résumé of Mr. Rollins was admitted into the record as *Applicant Exhibit 1*. Mr. Rollins described his involvement with this project and the applicant; he provided additional details on the site layout, soils evaluation, access to the development, driveway and parking provisions, preservation of undeveloped areas, utilities, and onsite amenities. Mr. Rollins stated that the project complied with the SUP and PUD standards in his opinion. An affidavit of Mr. Rollins, summarizing his review of the project and his findings on its compliance with the standards, was admitted as *Applicant Exhibit 2*. In response to questions from the Board, Mr. Rollins stated that sidewalks within the development had not been considered, that walking trails would be present on the property, and that forgoing sidewalks would reduce the overall development footprint. Mr. Rollins stated that the road surface would consist of gravel during the construction phase and eventually be paved after significant completion of construction. He confirmed that land-disturbing activities for the septic installation may not be straight lines as shown on the plan, and that they would try to follow contours and maintain trees and foliage wherever possible. Mr. Rollins stated that he had been in contact with Victoria Hoyland to discuss stormwater requirements.
- In response to Board questions about the Americans with Disabilities Act and its applicability to a rental community, Mr. Gulden stated that due to the project not being federally funded, it would not be subject to ADA provisions, but that the applicant would nonetheless be willing to agree to a condition of compliance with all applicable federal, state, and local laws.

<u>Non-Party Witness Testimony:</u>

- **Ann Clark** stated that this development would not be compatible with other residences on the road and expressed concerns about the density of the project. She expressed concerns about noise, traffic, and light pollution, and a loss of the tree canopy and wildlife habitat. Ms. Clark mentioned frequent power outages, delayed snow removal during the winter, low water pressure, and wildfire risk in the neighborhood.
- **Alan McNutt** complimented the applicant's intention to provide housing options, yet expressed concerns about traffic volume increases from the development and criticized the site layout and road design. Mr. McNutt expressed concerns about storm impacts, accessibility to recreation areas and trails, and the use of a non-local firm for construction of the semi-modular units. Mr. McNutt asked for as much woodland as possible to be preserved for wildlife and to preserve the road frontage.
- **Emily Sutton Dezio** stated that she and her mother owned an adjoining property and that they had received tax benefits from forestry easements. She asked for preservation of the existing tree canopy on the subject property, and that all streetlights be required to face downward. Ms. Dezio mentioned that a slope led downward from the proposed septic area to a stream into Biltmore Lake and suggested that the MSD sewer line should be extended.

Board Discussion, Deliberation, and Motions:

- **Mr. Wilczynski** stated that the project seemed reasonable and that he would be inclined to vote in favor of granting the requested SUP.
- **Mr. Craig Allen** mentioned that the subject property was in the OU zoning district and that worse uses could occur on this property as a result.

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: **Craig Allen**
Seconded by: **David Weinstein**
Result: **PASS** (6-0)

1. **Paul Wilczynski** – Yes
2. **Craig Allen** – Yes
3. **Katherine Morosani** – Yes
4. **Gabe Quesinberry** – Yes
5. **Damien Vacaflor** – Yes
6. **David Weinstein** – 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: **Craig Allen**
Seconded by: **David Weinstein**
Result: **PASS** (6-0)

1. **Paul Wilczynski** – Yes
2. **Craig Allen** – Yes
3. **Katherine Morosani** – Yes
4. **Gabe Quesinberry** – Yes
5. **Damien Vacaflor** – Yes
6. **David Weinstein** – Yes

Presentation of Order:

- **Mr. Euler** presented a draft order.

  Motion to approve the order:
  Made by: **Craig Allen**
  Seconded by: **Damien Vacaflor**
  Result: **PASS** (6-0)

  1. **Paul Wilczynski** – Yes
  2. **Craig Allen** – Yes
  3. **Katherine Morosani** – Yes
  4. **Gabe Quesinberry** – Yes

5. **Damien Vacaflor** – Yes
6. **David Weinstein** – Yes

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3. ZPH2025-00020 Fillio Variance

Description:

Wayland Shamburger of Shamburger Architectural Group; on behalf of Chris and Kristen Fillio, owners; has applied for a Variance pursuant to the Zoning Ordinance of Buncombe County, Sec. 78-621(4) and Sec. 78-645(f)(4), to request an increase in the building width for a single-family residential dwelling on tax lot PIN 9677-56-4036 (565 Southcliff Parkway). Planner coordinating review: Savannah Glance.

Summary of Exhibits:

Ex #	Description	Submitted by	Record
	Application	Applicant	**Admitted**
	Site Plan	Applicant	**Admitted**
	Building Elevations	Applicant	**Admitted**
	Staff GIS Maps	Staff	**Admitted**
	Staff Report	Staff	**Admitted**

Staff Presentation:

- **Gillian Phillips** reviewed the staff analysis of the application, mentioning that the subdivision containing this lot was platted prior to the adoption of the Protected Ridge Zoning Overlay.

Applicant Presentation:

- **Wayland Shamburger** of Shamburger Architectural Group stated that this project was a unique case and that he had not encountered issues with the Protected Ridge building width provision on previous projects. He mentioned that the wider area on the northern side of the lot had a large rock outcrop and described the conditions on the immediately adjoining lots.

Board Discussion, Deliberation, and Motions:

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 Variance contained in Buncombe County Code of Ordinances Sec. 78-621(4).*

Made by: **Craig Allen**
Seconded by: **Gabe Quesinberry**
Result: **PASS** (6-0)

1. **Paul Wilczynski** – Yes
2. **Craig Allen** – Yes

3. **Katherine Morosani** – Yes
4. **Gabe Quesinberry** – Yes
5. **Damien Vacaflor** – Yes
6. **David Weinstein** – Yes

Motion to approve the Variance and that staff be instructed to draft an order consistent with this motion approving the permit with any agreed upon conditions for review and execution by the Chair, Acting Chair, or such person's designee, on behalf of this Board:
Made by: **Craig Allen**
Seconded by: **Damien Vacaflor**
Result: **PASS** (6-0)

1. **Paul Wilczynski** – Yes
2. **Craig Allen** – Yes
3. **Katherine Morosani** – Yes
4. **Gabe Quesinberry** – Yes
5. **Damien Vacaflor** – Yes
6. **David Weinstein** – Yes

Presentation of Order:

- **Mr. Euler** presented a draft order.

  Motion to approve the order:
  Made by: **Damien Vacaflor**
  Seconded by: **Gabe Quesinberry**
  Result: **PASS** (6-0)

  1. **Paul Wilczynski** – Yes
  2. **Craig Allen** – Yes
  3. **Katherine Morosani** – Yes
  4. **Gabe Quesinberry** – Yes
  5. **Damien Vacaflor** – Yes
  6. **David Weinstein** – Yes

G. Adjourn

- The meeting was adjourned at 3:30 P.M.