Buncombe County Board of Adjustment
Meeting Minutes
October 8, 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
- **Craig Allen**, Regular Member
- **Greg Phillips**, Regular Member
- **Joel Mazelis**, Regular Member
- **Wesley Greene,** Alternate Member

Staff Present

- **Amy Broughton**, Staff Attorney
- **Nathan Pennington**, Planning Director
- **Thana Alley,** Planner II
- **Jason Payne,** Planner II
- **Griffin Kearns,** Clerk to Board

A. Call to Order & Welcome – Chair

- The meeting was called to order at 12:04 P.M.

B. Announcements

- **Mr. Pennington** announced that the applicant for ZPH2025-00031 Biltmore Market Gardener's Cottage Flood Variance had previously requested a continuance of the case to the Board's November regular meeting.
- **Mr. Kearns** stated than a request to participate as a party with standing had been received in case ZPH2025-00032 Villa Variance.
    - **Chairperson Ball** suggested that the agenda order be modified as a result.
      Motion to modify the agenda order to the following:
        1. *ZPH2025-00019 New Leicester Grocery SUP;*
        2. *ZPH2025-00029 Ingles #34 Swannanoa SUP;*
        3. *ZPH2025-00032 Villa Variance.*

      Made by: **Katherine Morosani**
      Seconded by: **Craig Allen**
      Result: **PASS** (7-0)
        1. **Joel Mazelis** – Yes
        2. **Paul Wilczynski** – Yes
        3. **Craig Allen** – Yes
        4. **Andy Ball** – Yes
        5. **Katherine Morosani** – Yes
        6. **Greg Phillips** – Yes
        7. **Wesley Greene** – Yes

C. Roll Call of Board Members

1. **Joel Mazelis** – Present
2. **Paul Wilczynski** – Present

3. **Craig Allen** – Present
4. **Andy Ball** – Present
5. **Katherine Morosani** – Present
6. **Greg Phillips** – Present
7. **Wesley Greene** – Present

D. Approval of Meeting Minutes

Motion to approve the minutes from the Board's regular meeting on September 10, 2025:
Made by: **Craig Allen**
Seconded by: **Paul Wilczynski**
Result: **PASS** (7-0)

1. **Joel Mazelis** – Yes
2. **Paul Wilczynski** – Yes
3. **Craig Allen** – Yes
4. **Andy Ball** – Yes
5. **Katherine Morosani** – Yes
6. **Greg Phillips** – Yes
7. **Wesley Greene** – Yes

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

- None

F. Public Hearings

1. ZPH2025-00019 New Leicester Grocery SUP

Description:

Warren Sugg, P.E., of Civil Design Concepts, P.A.; on behalf of Barney Danzansky of Equity Development Group, LLC, applicant; and Harry and Marjorie Clay, owners; 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)(7); to establish a Planned Unit Development (Level 2) for a retail trade facility on tax lot PIN 9689-70-6170 (14 Hitching Post Lane). Planner coordinating review: Thana Alley.

Summary of Exhibits:

Ex #	Description	Submitted by	Record
	Application	Applicant	**Admitted**
	Site Plans and Elevations	Applicant	**Admitted**
	Supplemental Documents: • Business Plan • Deeds • MSD Sewer Allocation	Applicant	**Admitted**

	• Letter of Commitment for Water Availability from City of Asheville Water Resources Department • Wetland and Stream Delineation Map		
A	Affidavit of Warren Sugg and accompanying exhibits: 1. Résumé of Warren Sugg 2. Executive Statement from Warren Sugg	Applicant	**Admitted**
B	Affidavit of Monisha Badarinath and accompanying exhibits: 1. Résumé of Monisha Badarinath 2. NCDOT TIA Scoping Report and Email Correspondence 3. Transportation Impact Analysis 4. NCDOT Preliminary Review Memorandum 5. NCDOT Final Decision Letter	Applicant	**Admitted**
C	Affidavit of John Palmer and accompanying Market Impact Study	Applicant	**Admitted**
	Staff GIS Maps	Staff	**Admitted**
	Staff Report	Staff	**Admitted**

Staff Presentation:

- **Thana Alley** presented the staff analysis of the application and offered the above listed exhibits into the record; Chairperson Ball admitted the exhibits.

Applicant Presentation:

- **Craig Justus** appeared as the applicant's counsel.
- **Warren Sugg** of Civil Design Concepts was tendered by Mr. Justus and admitted by Chairperson Ball as an expert in civil engineering. An affidavit of Mr. Sugg, with two accompanying exhibits, was admitted as *Exhibit A*. Mr. Sugg reviewed the site location, site conditions, and development plan; including road access, stormwater/erosion control measures, utilities, and stream/wetland delineation. Mr. Sugg stated that the proposed project would meet the applicable standards for a Planned Unit Development and Special Use Permit. In response to questions from the Board, Mr. Sugg stated that while internal sidewalks were proposed, there were no existing or proposed sidewalks along New Leicester Highway, and that old pipes would be excavated and new conveyances installed for the existing underground channeled stream, resulting in an improvement to the existing conditions.
- **Monisha Badarinath** of Davenport was tendered by Mr. Justus and admitted by Chairperson Ball as an expert in traffic engineering. An affidavit of Ms. Badarinath, with five accompanying exhibits, was admitted as *Exhibit B*. Ms. Badarinath reviewed the Transportation Impact Analysis that her firm prepared for the proposed development, including the scope of the study and the NC Department of Transportation's review and approval of the final TIA. Ms. Badarinath stated that the project would meet the applicable standards for a Planned Unit Development and Special Use Permit.

- **Mr. Justus** tendered *Exhibit C*, an affidavit of John Palmer accompanied by a Market Impact Study, into the record; Chairperson Ball admitted it.

Board Discussion, Deliberation, and Motions:

- **Vice Chairperson Morosani** stated her belief that the application was well thought-through.
    - **Mr. Allen** concurred with Vice Chairperson Morosani and noted the project's proposed improvements to stormwater infrastructure.
    - **Chairperson Ball** and **Mr. Phillips** concurred as well.

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: **Katherine Morosani**
Seconded by: **Craig Allen**
Result: **PASS** (7-0)

1. **Joel Mazelis** – Yes
2. **Paul Wilczynski** – Yes
3. **Craig Allen** – Yes
4. **Andy Ball** – Yes
5. **Katherine Morosani** – Yes
6. **Greg Phillips** – Yes
7. **Wesley Greene** – 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: **Katherine Morosani**
Seconded by: **Craig Allen**
Result: **PASS** (7-0)

1. **Joel Mazelis** – Yes
2. **Paul Wilczynski** – Yes
3. **Craig Allen** – Yes
4. **Andy Ball** – Yes
5. **Katherine Morosani** – Yes
6. **Greg Phillips** – Yes
7. **Wesley Greene** – Yes

Presentation of Order:

- **Ms. Broughton** presented a draft order.

    Motion to approve the order:
    Made by: **Katherine Morosani**
    Seconded by: **Craig Allen**
    Result: **PASS** (7-0)

1. **Joel Mazelis** – Yes
2. **Paul Wilczynski** – Yes
3. **Craig Allen** – Yes
4. **Andy Ball** – Yes
5. **Katherine Morosani** – Yes
6. **Greg Phillips** – Yes
7. **Wesley Greene** – Yes

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2. ZPH2025-00028 Ingles #34 Swannanoa SUP

Description:

Preston Kendall of Ingles Markets, Inc.; on behalf of Randy Jameson of Ingles Markets, Inc., applicant; 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)(7); to establish a Planned Unit Development (Level 2) for a retail trade facility on tax lot PIN 9689-70-6170 (2317 US 70 Highway). Planner coordinating review: Jason Payne.

Summary of Exhibits:

Ex #	Description	Submitted by	Record
	Application and Business Plan	Applicant	**Admitted**
	Site Plans, Landscape Plans, and Elevations	Applicant	**Admitted**
A	Affidavit of Stacey Conner and accompanying exhibits: 1. Résumé of Stacey Conner 2. Executive Statement from Stacey Conner 3. Zoning/Project Site Map 4. MSD Sewer Allocation	Applicant	**Admitted**
B	Affidavit of Mark Teague and accompanying exhibits: 1. Curriculum Vitae of Mark Teague 2. NCDOT TIA Scoping Email Correspondence	Applicant	**Admitted**
	Staff GIS Maps	Staff	**Admitted**
	Staff Report	Staff	**Admitted**

Staff Presentation:

- **Jason Payne** presented the staff analysis of the application and offered the above listed exhibits into the record; Chairperson Ball admitted the exhibits. In his presentation, Mr. Payne clarified which parts of the overall development plan were subject to the Special Use Permit and which were not.

Applicant Presentation:

- **Craig Justus** appeared as the applicant's counsel.

- **Stacey Conner** of Land Planning Associates was tendered by Mr. Justus and admitted by Chairperson Ball as an expert in civil engineering. An affidavit of Ms. Conner, with four accompanying exhibits, was admitted as *Exhibit A*. Ms. Conner reviewed the site plans and proposed site layout, including plans for the new Ingles store and the rehabilitation and conversion of the existing previous Ingles building. She mentioned that the applicant did not seek any deviations from ordinance standards, that public water and sewer service were available on the site, that the new Ingles building is outside the regulatory floodplain but would nonetheless be raised by four feet, and that a 26-foot access easement had been provided per the Fire Marshal's review comments. Ms. Conner stated that the proposed project would meet the applicable standards for a Planned Unit Development and Special Use Permit. In response to a question from Chairperson Ball, Ms. Conner explained that the proposed outparcels shown on the plans would be reserved for future development to be leased, but that that development would be accounted for in the stormwater plans.
- **Mark Teague** of J.M. Teague Engineering & Planning was tendered by Mr. Justus and admitted by Chairperson Ball as an expert in traffic engineering. An affidavit of Mr. Teague, with two accompanying exhibits, was admitted as *Exhibit B*. Mr. Teague explained that the Traffic Impact Analysis process for this development was unable to begin until the start of the school year, but that the Department of Transportation had granted verbal approval of the scope for the TIA. Mr. Teague explained that two new traffic signals were proposed for the project, and that the main purpose of the TIA would be to determine whether those new signals were warranted. Mr. Teague stated that the project would meet the applicable standards for a Planned Unit Development and Special Use Permit. In response to questions from the Board, Mr. Teague clarified that the existing signal between US 70 and the proposed outparcels would remain, and that a 1% traffic growth rate for Swannanoa was the rate required by NCDOT to be used for the study.
- **Preston Kendall** of Ingles Markets, Inc., shared information with the Board about the history of Ingles' business and operations in Buncombe County and at this specific site. Mr. Kendall expressed a desire on behalf of the company to reopen the Swannanoa store and support the community.

<u>Board Discussion, Deliberation, and Motions:</u>

- **Vice Chairperson Morosani** and Mr. Allen stated that they saw no issues with the application.
    - **Chairperson Ball** mentioned the need for the project in the Swannanoa community.
    - **Mr. Greene** complimented the site redesign.

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: **Katherine Morosani**
Seconded by: **Greg Phillips**
Result: **PASS** (7-0)

1. **Joel Mazelis** – Yes
2. **Paul Wilczynski** – Yes
3. **Craig Allen** – Yes
4. **Andy Ball** – Yes
5. **Katherine Morosani** – Yes
6. **Greg Phillips** – Yes
7. **Wesley Greene** – 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: **Katherine Morosani**
Seconded by: **Greg Phillips**
Result: **PASS** (7-0)

1. **Joel Mazelis** – Yes
2. **Paul Wilczynski** – Yes
3. **Craig Allen** – Yes
4. **Andy Ball** – Yes
5. **Katherine Morosani** – Yes
6. **Greg Phillips** – Yes
7. **Wesley Greene** – Yes

Presentation of Order:

- **Ms. Broughton** presented a draft order.
  Motion to approve the order:
  Made by: **Katherine Morosani**
  Seconded by: **Paul Wilczynski**
  Result: **PASS** (7-0)
  1. **Joel Mazelis** – Yes
  2. **Paul Wilczynski** – Yes
  3. **Craig Allen** – Yes
  4. **Andy Ball** – Yes
  5. **Katherine Morosani** – Yes
  6. **Greg Phillips** – Yes
  7. **Wesley Greene** – Yes

A recess was called at 1:08 P.M.

The meeting was called back to order at 1:19 P.M.

3. ZPH2025-00032 Villa Variance

Description:

Walter Lucas of Titan Factory Direct; on behalf of Pilar Villa Chacon, owner; 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 9639-13-9962 (90 Hazelwood Road). Planner coordinating review: Jason Payne.

Motion to Continue:

- The property owner, Pilar Villa Chacon, was not present at the meeting and did not have licensed legal counsel present. Due to the case being contested by a party asserting standing, Donna Chrissy Lytle, the Board determined that it would not be appropriate to proceed without the owner or her counsel present and elected to continue the case to the next regular meeting.

  Motion to continue case ZPH2025-00032 to the November 12, 2025 regular meeting of the Board:
  Made by: **Katherine Morosani**
  Seconded by: **Joel Mazelis**
  Result: **PASS** (7-0)
  1. **Joel Mazelis** – Yes
  2. **Paul Wilczynski** – Yes
  3. **Craig Allen** – Yes
  4. **Andy Ball** – Yes
  5. **Katherine Morosani** – Yes
  6. **Greg Phillips** – Yes
  7. **Wesley Greene** – Yes

G. Adjourn

- The meeting was adjourned at 1:30 P.M.