Opening Remarks

The meeting will now come to order. Welcome to the **August 25th 2025** of the City of Asheville Board of Adjustment. My name is Suzanne Godsey and I am Chair of this board.

The Board of Adjustment is a quasi-judicial body that is governed by the North Carolina General Statutes and the City's Unified Development Ordinance. We are authorized to hear requests for variances from the City's Unified Development Ordinance (also referred to as the UDO), appeals from final determinations made by City officials charged with enforcement of the City's UDO, requests for reasonable accommodations, and other requests, as may be provided in the City's ordinances.

Agenda Items

1. Our first agenda item is the review and adoption of the minutes and Findings of Fact and Conclusions of Law of the June 23rd, 2025 regular meeting.

    - Agenda item 1, adoption of the minutes
        a. Approval of the minutes of the June 23rd, 2025 regular meeting.

    Is there a motion?

    Motion
    Second

    All in favor …

General Introduction to Quasi-Judicial Decisions

We now begin the evidentiary hearings for the cases listed on the agenda. In hearing cases, the Board conducts a quasi-judicial evidentiary hearing. That means it is like a court hearing. State law sets specific procedures and rules concerning how this board must make its decisions. These rules are different from some other types of land use decisions like rezoning cases, which are legislative in nature.

This Board's decisions are constrained by the standards in the City's ordinance and the facts presented at the hearing. The Board hears and considers evidence presented at the hearing, and applies the standards set forth in state law and the City's ordinance. The Board must base its decisions upon competent, material, and substantial evidence presented at the hearing. If you will be speaking as a witness, please focus on the facts and standards, not personal preference or opinion.

Participation is limited. This meeting is open to the public. Everyone is welcome to watch. Parties have rights to participate fully. Parties may present evidence, call witnesses, and make legal arguments. Witnesses may testify as to facts to which they are competent to testify, so

long as those facts relate to the legal standards. In addition, lay (or non-expert) witness testimony is limited to facts, not opinions. For certain topics, this board needs to hear opinion testimony from expert witnesses. These topics include projections about impacts on property values and projections about impacts on traffic safety.

For variance requests, a four-fifths vote of the Board is required to grant the variance. For all other hearings and matters, including the adoption of the minutes, the decision will be made by a simple majority vote of the Board.

Witnesses must swear or affirm their testimony. At this time, we will administer the oath for all individuals who intend to provide witness testimony. Please stand and raise your right hand if you plan to provide testimony.

[Suzanne Godsey will administer the oath]

Do you solemnly swear or affirm that the evidence you shall give to the board in this action shall be the truth, the whole truth, and nothing but the truth?

VARIANCES

The petitioner, Skyler Levenson, is requesting variances to the setback standards in **Section 7-8-3(f)(5) RS-4 Residential Single-Family Medium Density District Setback Standards** of the Unified Development Ordinance ("UDO"). The applicant is seeking relief from the required front, side, and rear setback standards. The property is known as 99999 Campground Road. and PIN 9668-18-1427. For further information please contact Madelyn Stone, Urban Planner I, City of Asheville, PO Box 7148, Asheville, NC, 28802 or 828-259-4052

Madelyn Stone, Urban Planner 1, will be presenting the case this afternoon.

(Madelyn's presentation)

Any questions for Madelyn?

Do the applicants have a presentation or additional testimony for the board to consider?

Any questions for the applicants?

Public Comment

Is anyone from the public here that would like to give expert testimony or testimony from residents with standing?

Discussion

Is there a motion?

Motion

Second

Board members when I say your name, please say aye or nay:

Suzanne Godsey (Chair)
Elliott Smith
John Michael Kleidis
Annette Wise
Jillian Ballard
Jeremy Plemmons

ADMINISTRATIVE APPEALS:

1. The various petitioners, represented by Brian D. Gulden, Esq. of The Van Winkle Law Firm, seek appeal of a Unified Development Ordinance determination made by Planning and Urban Design Assistant Director Chris Collins, Dated February 21, 2025.

City Assistant Attorney Carli Gillingham will be presenting the case.

Would the representatives of the petitioner's like to speak?

Do the applicants have a presentation or additional testimony for the board to consider?

Public Comment

Is anyone from the public here that would like to give expert testimony or testimony from residents with standing?

Discussion

Motion

Second

Board members when I say your name, please say aye or nay.

Suzanne Godsey (Chair)
Elliott Smith
John Michael Kleidis
Annette Wise
Jillian Ballard
Jeremy Plemmons

Adjournment

(NO OBJECTION MOTION)

If there are no objections, we will adjourn the meeting. Any objections? If there are none, this meeting is adjourned.