Exhibit C

Town of Fletcher

Planning and Zoning
300 Old Cane Creek Road, Fletcher NC 28732
(828) 687-3985 Fax (828) 687-7133

Variance Request Application
Application Number 26-16-VAR

Notice is hereby given to the Board of Adjustment of a request for a variance from the ruling of the Zoning Administrator on the 16th day of July, 2026, made in respect to the property located at 55 Baldwin Circle, Fletcher, North Carolina. Under the ruling given to me by the Zoning Administrator, I am prohibited from using this parcel of land for rebuilding a single family home through a government rebuilding program by way of an approved floor plan(Renew NC) (site plan attached).

I request a variance from the following provisions of the Land Development Code for the Town of Fletcher, NC (cite paragraph numbers): Article 2.5 RESIDENTIAL DISTRICTS (R-1, R-1A, R-2, R-3) B. Minimum Development Standards: Side Setback (Minimum)

so that the above-mentioned property can be used in a manner indicated by the site plan, and as more specifically described herein (if a variance is requested for a limited time only, specify duration):

- ☐ Front Yard — Amount of Variance _____
- ☐ Rear Yard — Amount of Variance _____
- ☒ Side Yard — Amount of Variance 2' variance on each side. Provide an 8' minimum setback on each side instead of the required 10'.
- ☐ Height — Amount of Variance _____

Owner of this property Crissy N Brown.

Address 55 Baldwin Circle City Fletcher State NC Zip 28732.

****NOTE: If the Petitioner is not the property owner, then a notarized letter is required from the property owner stating that the Petitioner has permission to apply to the Board for the requested variance.****

Please fill out completely:

Property Address 55 Baldwin Circle

PIN # 9653-73-0449 PID# 701210

Zoning: R1 R1-A R2 R3 NBD CBD C-1 C-2 M-1 ETJ

Property Use RES-SINGLE FAMILY

Town of Fletcher
Planning and Zoning
300 Old Cane Creek Road
Fletcher NC 28732

Regarding: 55 Baldwin Circle, Reid # 701210 Variance Request

To whom it may concern:

I, Crissy N Brown, property owner of 55 Baldwin Circle, Fletcher NC 28732, due grant permission to Shawn Lewis, Stonewater Inc, to apply to the Board for a variance request.

Sincerely,

Crissy N Brown

Crissy N Brown

Buncombe County, North Carolina

Signed and sworn to before me this day by Crissy N. Brown.

Date: 07/26/2024

Official Signature of Notary

Aspen Matosky, Notary Public

Notary's printed or typed name

My commission expires: 09/26/2029

Aspen Matosky
Notary Public
Buncombe County, NC
My Commission Exp:09/26/2029
202427500080

Shawn Lewis	
(Petitioner's Name)	(Agent's Name)
70 Woodfin Place Ashville NC 28801	
(Petitioner's Address)	(Agent's Address)
910-729-1727	
(Phone Number)	(Phone Number)
Shawn Lewis	
(Signature)	(Signature)

FACTORS RELATIVE TO THE ISSUANCE OF A VARIANCE:

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the enabling act, the Board is required to reach three conclusions as a prerequisite to the issuance of a variance: (a) that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Land Development Code; (b) that the variance is in harmony with the general purposes and intent of the Land Development Code and preserves its spirit, and (c) that in granting of the variance, the public safety and welfare have been assured and substantial justice has been done. In the spaces provided below, indicate the **facts** that you intend to show and the **arguments** that you intend to make to convince the Board that it can properly reach these three required conclusions.

(a) THERE ARE PRACTICAL DIFFICULTIES OR UNNCECESSARY HARDSHIPS IN THE WAY OF CARRYING OUT THE STRICT LETTER OF THE LAND DEVELOPMENT CODE. The courts have developed three rules to determine whether, in a particular situation, "practical difficulties or unnecessary hardships" exist. State facts and arguments in support of each of the following:

1. If he complies with the provisions of the Land Development Code, the property owner can secure no reasonable return from, or make no reasonable use of, his property. (It is NOT sufficient that failure to grant the variance simply makes the land less valuable.)

Strict compliance with the required 10 ft. setback would prevent the applicant from making reasonable residential use of the property through the approved government rebuilding program. The proposed residence must generally occupy the location of the existing home, the existing septic system is located behind the residence, rear portion of the property contains substantial tree coverage and the more open rear area is sloped. The program offered designs do not include a narrower model that would fit within the required setback. Compliance would require a complete redesign of the residence which is not available & can prevent the property from being rebuilt for it's intended use.

STAFF COMMENT(S): _____

_____

_____

2. The hardship of which the Applicant complains results from unique circumstances related to the Applicant's land. (NOTE: Hardships suffered by the Applicant in comment with his neighbors do not justify a variance. The existence of non-conforming use(s) of neighboring land, buildings, or structures shall not constitute a reason for a variance. Also, unique personal or family hardships are irrelevant since a variance, if granted, runs with the land.)

The hardship results from the physical conditions & existing improvements specific to the property. The suitable building area is constrained by the location of the former residence, the existing septic system behind the home, extensive tree coverage, and the slop of the rear portion of the lot. Together, these conditions create a limited buildable area and prevent the proposed residence from being moved further toward the rear of the property. The requested approximate 2 ft. encroachment into each ten-foot side set back is therefore related to the property's existing site conditions and limited buildable envelope rather than a desire to increase the size or intensity of the proposed use.

STAFF COMMENT(S): _____

_____

_____

3. The hardship is not the result of the Applicant's own actions.

The hardship is not the result of the Applicant's own actions. The site constraints, including the existing septic system, mature tree coverage, sloped rear terrain, and limited location available for reconstruction, existed before the proposed rebuild.

The Applicant is also limited to the home designs made available through the government rebuilding program and did not select an oversized custom residence for the property. The requested encroachments result from the need to place an available program-approved home within the property's existing footprint. The proposed residence will remain more than 10 ft. from neighboring structures.

STAFF COMMENT(S): _____

(b) THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE LAND DEVELOPMENT CODE AND PRESERVES ITS SPIRIT. State facts and arguments to show that the variance requested represents the least possible deviation from the letter of the Land Development Code that will allow a reasonable use of the land and the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood.

The requested variance is limited to a two-feet encroachment into the required setback on each side of the residence. The property will continue to be used as single-family residence, consistent with the intended use of the property & the surrounding neighborhood. The minor encroachments do not substatailly affect the character of the neighborhood, increase the intensity of the use, or interfere with the reasonable use of the neighboring properties.

STAFF COMMENT(S): _____

(c) THE GRANTING OF THE VARIANCE SECURES THE PUBLIC SAFETY AND WELFARE AND DOES SUBSTANTIAL JUSTICE. State facts and arguments to show that, on balance, if the variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the Applicant.

Granting the requested variance will not create an adverse impact on public safety or welfare. The two-foot side set back encroachments to not obstruct public access, emergency services, utilities, drainage or the use of adjacent properties. Denial of the variance could require substantial alteration or relocation of the residence, creating a hardship disproportionate to any public benefit obtained from strict enforcement of the setback requirement.

STAFF COMMENT(S): _____

Date 7/27/2026

Shawn Lewis
(Signature of Applicant)

70 Woodfin Place	Ashville	NC	28801
Address	City	State	Zip

910-729-1727
Phone

CHECKLIST FOR VARIANCE APPLICATIONS

Town of Fletcher Planning and Zoning

Variance Application

☑ Completed application and Owner's Affidavit, if applicable.

☑ Legal description and PINS for subject property; i.e., copy of deed.

☑ Filing fee of $350.00.

☑ Area map illustrating subject property and surrounding zoning (staff will assist applicants in preparing this map if necessary).

☑ I acknowledge that all property owners abutting the proposed variance will be notified of the request and provided information of the hearing dates.

☑ I acknowledge the variance shall not be granted except after the decision by the Zoning Board of Adjustment following the public hearings.

☑ I acknowledge and grant consent to Town of Fletcher officials to visit the proposed site for the purpose of investigating this application.

Print Name: Shawn Lewis

Signature: Shawn Lewis

Date: 7/28/2026

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