MINUTES
BREVARD PLANNING BOARD REGULAR MEETING
MARCH 25th, 2025
COUNCIL CHAMBERS CITY HALL

Brevard Planning Board met for a regular meeting Tuesday, March 25th, 2025, at 5:30 PM, in Council Chambers at City Hall.

Members Present:	Reid Wood, Vice Chair Molly Jenkins Peter Chaveas Alan Mercaldo Karen Darity
Members Absent:	Greg Hunter James Carli
Staff Present:	Aaron Bland, Assistant Planning Director Stephanie Holland, Planner Madalin Baker, Board Clerk

I. Welcome

At 5:32 PM, Reid Wood, Vice Chair, called the meeting to order.

II. Introduction of Planning Board Members

The Board introduced themselves.

III. Certification of Quorum

R. Wood, Vice Chair, confirmed with the Board Clerk that a quorum of the Board was present.

IV. Approval of Agenda

R. Wood, Vice Chair, made a motion to move public comments to above New Business. Motion to approve the agenda with that change by A. Mercaldo, second P. Chaveas, unanimously carried.

V. Approval of Minutes

Motion to approve February 25th, 2025 minutes by M. Jenkins second by P. Chaveas, unanimously carried.

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VI. Public Comments – None

VII. New Business

a. Consideration of Annexation ANN-25-001: Valenti

Aaron Bland, Assistant Planning Director, presented his staff report, a portion of which follows:

Background On February 24, 2025, an application was submitted by John Valenti requesting a voluntary non-contiguous annexation for four of his properties. The properties are located between Reservoir Road and Hampton Road within the City's Extra-Territorial Jurisdiction, identified by PINs 8586-24-2193-000, 8586-24-3036-000, 8586-24-3061-000, and 8586-24-3984-000. The parcels are currently zoned General Residential-4 (GR-4), but the applicant has also submitted a request to rezone these parcels to General Residential-8 (GR-8). See Attachment 1 for the application materials.

Discussion The subject proprieties are located within the City's Extra-Territorial Jurisdiction (ETJ) in close proximity to the corporate limits. The properties currently contain three single-family structures and two garages. Upon annexation, the single-family structures are assumed to be connected to City utilities. The cost of connecting to the City's system will be borne by the property owner.

After giving his report, the Board discussed briefly. M. Jenkins moved to recommend the approval of the Annexation, P. Chaveas seconded, passed unanimously.

b. Consideration of Rezoning REZ-25-001: Valenti

Aaron Bland, Assistant Planning Director, gave his staff report, a portion of which follows:

Background On February 24, 2025, an application was submitted by John Valenti requesting a map amendment (rezoning) for four of his properties. The properties are located between Resevoir Road and Hampton Road outside the City's corporate limits (note the applicant has also applied for a non-contiguous annexation), identified by PINs 8586-24-2193-000, 8586-24-3036-000, 8586-24-3061-000, and 8586-24-3984-000. The parcels are currently zoned General Residential-4 (GR-4). The request is to rezone these parcels to General Residential-8 (GR-8). The properties abut GR-4 on all sides but are in close proximity to GR-8 within the corporate limits. See Attachment B for the application materials and the map of the current zoning.

Discussion The General Residential zoning district is described by the Unified Development Ordinance as follows:

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General Residential (GR-4 and GR-8). The General Residential District is intended for the city's existing predominately-residential neighborhoods as well as provide for new primarily-residential development in accordance with this pattern. These districts are differentiated only by the density of the overall development relative to the planning goals of the city as set forth in the Comprehensive Land Use Plan.

The requested rezoning only changes maximum dwelling unit density and the maximum ground floor area for principal structures. All other standards, including setbacks, maximum height, and allowable uses, are not affected by this rezoning. Typically, properties located within the corporate limits of the City of Brevard are zoned GR-8 instead of GR-4.

Policy Analysis The *Building Brevard 2030 Comprehensive Land Use Plan* designates the properties as "Traditional Neighborhood." The Traditional Neighborhood character area is designed to maintain the character of established neighborhoods while allowing some flexibility in housing types. According to the Future Land Use Character Area Table, GR-8 is an applicable zoning district for Traditional Neighborhood but GR-4 is not. With this in mind, the proposed rezoning is consistent in regard to the City's long-range plans. **Action** Staff recommends approval of the rezoning as requested. Planning Board's role is to make a recommendation to City Council. The Board's options are as follow:

1. Recommend approval as requested;
2. Recommend approval with a change in the area as described by the Board (if the change in area is an expansion of the area requested, the Board shall hold a second meeting discussing the expanded area); or
3. Recommend denial.

In accordance with North Carolina General Statutes, the Planning Board must also submit a statement analyzing the consistency and reasonableness of this proposal with regards to existing policies or plans of the City of Brevard. A Statement of Consistency and Reasonableness is included for the Board's review (Attachment 3).

After A. Bland concluded his report, K. Darity sought clarification on how the rezoning would change the density, which A. Bland explained, saying it would allow for an increased number of dwelling units on the property. Because of the parcel's proximity to the City's corporate limits, A. Bland noted the layout of the neighborhood would not be impacted by this density change.

M. Jenkins moved to recommend the rezoning to City Council with reference to the reasonableness statement. P. Chaevas seconded, passed unanimously.

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c. Consideration of Text Amendment TXT-25-004: Changes to Abandoned Use and Retail Definitions

A. Bland gave his staff report, a portion of which follows:

Background This is a staff-initiated text amendment intended to clarify the Unified Development Ordinance (UDO) to help property owners, business owners, and city staff understand the intent and interpretation of the City's zoning regulations. This amendment focuses on several key definitions that pertain to: 1) the abandonment of a land use, and 2) retail land uses.

Discussion

Abandonment This is a critical definition that is currently not included in the definitions chapter of the UDO. The importance of defining the word "abandoned" is due to its use as a trigger for compliance with nonconforming land uses. Section 14.2 of the UDO is the section that discusses nonconforming land uses, stating: "If a nonconforming use is abandoned for 180 consecutive calendar days or more, the use shall not be allowed to be re-established. All new uses subsequently established shall be conforming." Simply put, if a land use that is grandfathered due to being in operation before the use was disallowed ceases for 180 days, it loses its grandfathered status. It is common for zoning ordinances to provide that a nonconforming use status is lost if that use is inactive for a specified period, often six months or a year, after which whatever use is resumed must comply with the zoning ordinance in effect at the time. The courts have upheld this limit on nonconformities, noting there is a legitimate governmental interest in eventually phasing out nonconformities. Because the continuance of a nonconforming land use hinges on whether it was "abandoned for 180 consecutive calendar days," the definition of what it means to "abandon" a use is important. Staff believes such a definition needs to be added to the UDO to help ensure consistent interpretation of the UDO by the City and expectations by citizens and landowners. The recommended definition was created after reviewing other cities' ordinances and guidance from the UNC School of Government (see attachments).

Retail Land Uses Currently, the UDO groups most retail land uses into one "catchall" use and definition. This definition is open to including temporary outdoor-based retail uses that are markedly different from typical brick-and-mortar retail uses. In fielding questions about potential retail uses, the need to add a definition for outdoor or "pop-up" retail uses became clear. To this end, the "Flea Market" land use has been added to the use matrix. The Board should consider what zoning districts this new use would be appropriate.

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Policy Analysis

How an ordinance deals with nonconformities poses an important policy choice for local governments. The ordinance has to balance several legitimate interests. One interest is that of the landowner or business owner who did something legal at the time but now is a nonconformity due to no action of their own. The interest of the neighbors expecting the protections offered by the ordinance's current restrictions. The community as a whole in having everyone abide by the same rules. A zoning ordinance should give careful thought to how to balance these interests; the benefits to the neighbors and community from uniform compliance with current regulations have to be considered in conjunction with the burden on the owner of the nonconformity. While these specific amendments are not contemplated by the Comprehensive Land Use Plan, it is always a best practice to ensure that the zoning regulations are as clear and unambiguous as possible. This is another in a long line of staff-initiated text amendments aimed at doing just that.

Following the staff report, the board discussed the definitions. P. Chaveas suggested including the word "restoring" to the last clause of the recommended Abandonment definition, which the board seemed amenable to. A. Mercaldo mentioned a desire to remove the word "unintentionally" from the first clause of the recommended Abandonment definition. The board agreed with that change. The board did not have any edits to staff's Retail Land Uses changes.

M. Jenkins moved to accept the definitions with "Abandoned" edited as indicated above and "Flea Market" accepted as recommended by staff. A. Mercaldo seconded, passed unanimously.

VIII. Remarks – None

IX. Adjournment

There being no further business, M. Jenkins made a motion to adjourn seconded by A. Mercaldo, the motion carried unanimously, and the meeting adjourned at 6:06 PM.

_____
Reid Wood, Vice Chair

_____
Madalin Baker, Board Clerk

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RECEIVED 2/24/2025 dh

STATE OF NORTH CAROLINA
COUNTY OF TRANSYLVANIA
CITY OF BREVARD

PETITION REQUESTING A NON-CONTIGUOUS ANNEXATION

G.S. 160A-58.1 (As Amended)

Date: _____

To the City Council of the City of Brevard:

1. We the undersigned owners of real property respectfully request that the area described in paragraph 2 below be annexed to the City of Brevard.

2. The area to be annexed is non-contiguous to the City of Brevard and the boundaries of such territory are as follows:

   Transylvania County Property Identification Number(s): 8586-24-2193; 8586-24-3036; 8586-24-3061; 8586-23-3984

   Street Address: 105 & 117 Reservoir Rd; 82 & 84 Hampton Road

   (ATTACH A METES AND BOUNDS PROPERTY DESCRIPTION AS "ATTACHMENT A")

3. A map is attached showing the area proposed for annexation in relation to the primary corporate limits of the City of Brevard. (ATTACH MAP AS "ATTACHMENT B", including the Tax Map PIN)

4. We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate below and attach proof.)

   Property Owner(s) Do you declare vested rights? Yes___ No✓
   (Vested rights are rights belonging completely and unconditionally to a person which cannot be impaired or taken away by another party.)

Property Owners Contact Information (If there are more than three property owners, provide their names, contact information and signatures upon a separate and attached sheet.)

a. Name John A. Valenti
Address 84 Hampton Rd
Brevard, NC 28712
Telephone 828 343 0204 Email jadamvalenti@gmail.com
Signature

b. Name
Address
Telephone Email
Signature

c. Name
Address
Telephone Email
Signature

Property Ownership by Corporation or LLC: (If there are more than three principals or managing members then provide their names, contact information and signatures upon a separate and attached sheet.)

a. Name John A. Valenti
Address 84 Hampton Rd
Brevard NC 28712
Telephone 828 343 0204 Email jadamvalenti@gmail.com
By: Managing Member
Type or Print Name and Title (President / Managing Member)
Signature

MTS Properties, LLC

b. Name + John Valenti
Address 84 Hampton Rd
Brevard NC 28712
Telephone 828 342 0204 Email jadamvalenti@gmail.com

By: John A. Valenti Managing Member
Type or Print Name and Title (President / Managing Member)

Signature _____

c. Name _____
Address _____

Telephone _____ Email _____

By: _____
Type or Print Name and Title (President / Managing Member)

Signature _____

* * * * * * * * * * *

AGENT:
Name: _____
Address: _____

Telephone: _____ Email _____

Petition along with a copy of the property Deed, Metes and Bounds description (Attachment A), Map / Survey (Attachment B) and cash/credit or check in the amount of $500 made payable to the City of Brevard is to be returned to:

Denise Hodsdon, City Clerk
City of Brevard
95 West Main St., Brevard, NC 28712

CITY ANNEXATION LEGAL DESCRIPTION
FOR PIN#'S 8586-24-2193; 8586-24-3036; 8586-24-3061 AND 8586-23-3984

Beginning at a found rebar with a plastic ID cap 0.1' below grade and having North Carolina NAD 83/2011 grid coordinates of North: 563933.72 East: 882529.34; said rebar standing N 88°15'59" W a distance of of 287.74' from NCGS BURL AZ MK which has North Carolina NAD 83/2011 grid coordinates of North: 563925.02 East: 882816.94;

thence S 53°56'47" W a distance of 82.25' to a ½" iron pipe;

thence S 53°45'51" W a distance of 74.75' to a ½" iron pipe;

thence N 41°40'29" W a distance of 103.15' to a 1/2" rebar;

thence N 28°27'17" W a distance of 49.43' to a 3/4" iron pipe;

thence N 28°17'47" W a distance of 48.93' to a 1 ½" leaning iron pipe;

thence N 22°23'09" W a distance of 98.94' to a axle;

thence N 67°29'48" E a distance of 157.61' to a 1 ½" leaning iron pipe;

thence S 33°41'55" E a distance of 98.10' to a ¾" iron pipe;

thence S 29°17'29" E a distance of 44.39' to a ½" iron pipe;

thence S 30°55'47" E a distance of 39.32' to a rebar with a plastic cap;

thence S 28°49'39" E a distance of 78.46' to a rebar with a plastic cap;

which is the place and point of beginning.


191
160
121
117
116
90
159
105
129
115
84
56
55
82
95
70
64
45
HAMPTON RD
RESERVOIR RD
MOUNTAIN RD

2024001279
TRANSYLVANIA COUNTY NC FEE $26.00
STATE OF NC REAL ESTATE EXTX
$20.00
PRESENTED & RECORDED
03/22/2024 01:16:34 PM
BETH C LANDRETH
REGISTER OF DEEDS
BY: DELIA MCCALL
DEPUTY REGISTER OF DEEDS
BK: DOC 1109
PG: 111 - 113

Please do not place anything in the 3" margin above – for recording information only)

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax $ 20.00

Parcel Identifier No.: 8586-24-2193-000

Mail after recording to: The Van Winkle Law Firm
422 S. Main St., Hendersonville, NC 28792

This instrument was prepared by: Van Winkle, Buck, Wall, Starnes & Davis, P.A. (Michael M. Thompson)

Brief description for the Index:

THIS DEED made this 22 day of March 2024, by and between:

GRANTOR	GRANTEE
Alan Kyle Young, individually and as Executor of the Estate of Wesley Hughes Young aka Wesley H. Young and wife, Teresa Young and Marilyn Elaine Cook nka Marilyn Young Cook, single and Wanda Faye Ackroyd nka Wanda Young Robinson, single	**MTS Properties, LLC, A North Carolina limited liability company** 84 Hampton Road, Brevard, NC 28712

Enter in appropriate block for each Grantor and Grantee: name, mailing address, and, if appropriate, character of entity, e. g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

This instrument was prepared by Michael M. Thompson, a licensed North Carolina attorney. Delinquent taxes, if any, to be paid by the closing attorney to the county tax collector upon disbursement of closing proceeds.

WITNESSETH, that Grantor, for a valuable consideration paid by Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto Grantee in fee simple, all that certain lot or parcel of land situated in the County of Transylvania, North Carolina, and more particularly described as follows:

SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

Submitted electronically by "Van Winkle Law Firm"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Transylvania County Register of Deeds.

The property hereinabove described was acquired by Grantor by instrument recorded in **Deed Book 268 Page 86, Transylvania County Registry and re-recorded February 22, 1985 in Book 274 Page 108, Transylvania County Registry.**

All or a portion of the property herein conveyed ____ **includes** or ____ **does not include** the primary residence of a Grantor.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to Grantee in fee simple.

And Grantor covenants with Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

Easements, covenants, conditions, and restrictions of record; 2024 ad valorem taxes; and utilities physically located on the property.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

_____ (Seal)
Alan Kyle Young, individually and as Executor of the Estate of Wesley Hughes Young aka Wesley H. Young

_____ (Seal)
Teresa Young

_____ (Seal)
Marilyn Elaine Cook nka Marilyn Young Cook

_____ (Seal)
Wanda Faye Ackroyd nka Wanda Young Robinson

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

I, **MORGAN E. GORDON**, a Notary Public of the County and State aforesaid, certify that **Alan Kyle Young, individually and as Executor of the Estate of Wesley Hughes Young aka Wesley H. Young and wife, Teresa Young and Marilyn Elaine Cook nka Marilyn Young Cook, single and Wanda Faye Ackroyd nka Wanda Young Robinson, single**, personally appeared before me this day and acknowledged the execution of the foregoing instrument for the purposes therein expressed. Sworn and subscribed to before me. Witness my hand and official stamp or seal, this 22 day of March, 2024.

SEAL / STAMP

_____
Notary Public
My Commission Expires: 10-19-2024

EXHIBIT A

WHEREAS, the subject property was conveyed to Wesley Hughes Young and wife, Mary Joyce Young by deed recorded June 25, 1984 in Deed Book 268 Page 86, Transylvania County Registry and re-recorded February 22, 1985 in Book 274 Page 108, Transylvania County Registry; and

WHEREAS, Mary Joyce Young died June 20, 2021 and title to the subject property passed to her surviving spouse Wesley H. Young, by right of survivorship; and,

WHEREAS, Wesley H. Young aka Wesley Hughes Young died testate in Transylvania County, NC on June 1, 2023, and pursuant to the terms of his Last Will and Testament duly admitted to probate in Transylvania County Clerk of Superior Court File 23-E- 209, the subject property was devised to his devisees, his children, namely Alan Kyle Young, Marilyn Elaine Cook now known as Marilyn Young Cook, Wanda Faye Ackroyd now known as Wanda Young Robinson; and,

WHEREAS, Alan Kyle Young was qualified and duly appointed as Executor of said estate; and,

WHEREAS, the spouses, if any, join in this instrument to convey their marital interests in and to the subject property.

NOW THEREFORE THIS CONVEYANCE:

BEGINNING on an iron stake standing on the east side of Hampton Road, the same being Clarence Holden's corner, and runs with Clarence Holden's line, North 66 deg. 30 min. East 176 feet to an iron stake at the Reservoir Road; thence with said Reservoir Road, South 30 deg. 30 min. East 42½ feet to an iron stake; thence South 63 deg. 30 min. West 182 feet to a stake at the Hampton Road; thence with the Hampton Road, North 23 deg. West 50 feet to the BEGINNING.

As surveyed and platted by T. N. Davis, RLS, on May 24, 1947.

BEING all of that same real property as deed recorded June 25, 1984 in Deed Book 268 Page 86, Transylvania County Registry and re-recorded February 22, 1985 in Book 274 Page 108, Transylvania County Registry

This property is conveyed together with and subject to the terms and conditions of that right of way agreement recorded in Book 316 Page 296, Transylvania County Registry, reference to which is hereby made and incorporated herein for greater certainty of description.

2024001294
TRANSYLVANIA COUNTY NC FEE $26 00
STATE OF NC REAL ESTATE EXTX
$300.00
PRESENTED & RECORDED
03/25/2024 10:49:06 AM
BETH C LANDRETH
REGISTER OF DEEDS
BY: KARIN SMITH
ASSISTANT
BK: DOC 1109
PG: 160 - 162

Please do not place anything in the 3" margin above – for recording information only!

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax $ 300.00

Parcel Identifier No.: 8586-24-2193-000

Mail after recording to: The Van Winkle Law Firm
422 S. Main St., Hendersonville, NC 28792

This instrument was prepared by: Van Winkle, Buck, Wall, Starnes & Davis, P.A. (Michael M. Thompson)

Brief description for the Index:

THIS DEED made this 22 day of March 2024, by and between:

GRANTOR	GRANTEE
Alan Kyle Young, individually and as Executor of the Estate of Wesley Hughes Young aka Wesley H. Young and wife, Teresa Young and Marilyn Elaine Cook nka Marilyn Young Cook, single and Wanda Faye Ackroyd nka Wanda Young Robinson, single	**MTS Properties, LLC, a North Carolina limited liability company** 84 Hampton Road, Brevard, NC 28712

Enter in appropriate block for each Grantor and Grantee: name, mailing address, and, if appropriate, character of entity, e. g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

This instrument was prepared by Michael M. Thompson, a licensed North Carolina attorney. Delinquent taxes, if any, to be paid by the closing attorney to the county tax collector upon disbursement of closing proceeds.

WITNESSETH, that Grantor, for a valuable consideration paid by Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto Grantee in fee simple, all that certain lot or parcel of land situated in the County of Transylvania, North Carolina, and more particularly described as follows:

SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

Submitted electronically by "Van Winkle Law Firm"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Transylvania County Register of Deeds.

The property hereinabove described was acquired by Grantor by instrument recorded in **Deed Book 185 Page 505, Transylvania County Registry.**

All or a portion of the property herein conveyed ____ **includes** or ____ **does not include** the primary residence of a Grantor.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to Grantee in fee simple.

And Grantor covenants with Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

Easements, covenants, conditions, and restrictions of record; 2024 ad valorem taxes; and utilities physically located on the property.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

_____ {Seal}
Alan Kyle Young, individually and as Executor of the Estate of Wesley Hughes Young aka Wesley H. Young

_____ {Seal}
Teresa Young

_____ {Seal}
Marilyn Elaine Cook nka Marilyn Young Cook

_____ {Seal}
Wanda Faye Ackroyd nka Wanda Young Robinson

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

I, **MORGAN E. GORDON**, a Notary Public of the County and State aforesaid, certify that **Alan Kyle Young, individually and as Executor of the Estate of Wesley Hughes Young aka Wesley H. Young and wife, Teresa Young and Marilyn Elaine Cook nka Marilyn Young Cook, single and Wanda Faye Ackroyd nka Wanda Young Robinson, single,** personally appeared before me this day and acknowledged the execution of the foregoing instrument for the purposes therein expressed. Sworn and subscribed to before me. Witness my hand and official stamp or seal, this 22 day of March 2024.

SEAL / STAMP

Morgan E. Gordon NOTARY PUBLIC Henderson County

_____
Notary Public
My Commission Expires: 10-19-2024

EXHIBIT A

WHEREAS, the subject property was conveyed to Wesley H. Young and wife, Mary Joyce Young by deed recorded July 17, 1970 in Deed Book 185 Page 505, Transylvania County Registry; and

WHEREAS, Mary Joyce Young died June 20, 2021 and title to the subject property passed to her surviving spouse Wesley H. Young, by right of survivorship; and,

WHEREAS, Wesley H. Young aka Wesley Hughes Young died testate in Transylvania County, NC on June 1, 2023, and pursuant to the terms of his Last Will and Testament duly admitted to probate in Transylvania County Clerk of Superior Court File 23-E- 209, the subject property was devised to his devisees, his children, namely Alan Kyle Young, Marilyn Elaine Cook now known as Marilyn Young Cook, Wanda Faye Ackroyd now known as Wanda Young Robinson; and,

WHEREAS, Alan Kyle Young was qualified and duly appointed as Executor of said estate; and,

WHEREAS, the spouses, if any, join in this instrument to convey their marital interests in and to the subject property.

NOW THEREFORE THIS CONVEYANCE:

BEGINNING on an iron pin in the Eastern margin of Hampton Road, formerly known as Subdivision Drive and runs thence with the Eastern margin of said road North 25 degrees 40 minutes West 98.30 feet to an iron pin; thence North 64 degrees East (passing an iron pin at 151.74 feet) 158.63 feet to a stake in the Western margin of Resevoir Road; thence with the Western margin of said road South 35 degrees 29 minutes East 100 feet to a stake; thence leaving said road South 64 degrees West 176 feet to the point of BEGINNING as surveyed and platted by P.B. Baxter, R.L.S. July 8, 1970.

It is intended to convey by this Deed all of the property included in the conveyance from Hilliard Pressley and wife, Mariska Pressley to Clarence Holden and wife, Mary Holden dated November 13th, 1940 and recorded in Deed Book 90, Page 284 of the Deed records of Transylvania County.

BEING all of that same real property as recorded in Book 185 Page 505, Transylvania County Registry.

This property is conveyed together with and subject to the terms and conditions of that right of way agreement recorded in Book 316 Page 296, Transylvania County Registry, reference to which is hereby made and incorporated herein for greater certainty of description.

2013005335
TRANSYLVANIA CO, NC FEE $26.00

NO TAXABLE CONSIDERATION
PRESENTED & RECORDED
09-25-2013 02:56:52 PM
CINDY M OWNBEY
REGISTER OF DEEDS
BY: KARIN SMITH
DEPUTY REGISTER OF DEEDS
BK: DOC 671
PG: 244-246

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: $0.00

Parcel Identifier No. 8586-23-3984-000 & 8586-24-3061-000 Verified by _____ County on the 25 day of Sept, 2013
By: Drew

Mail/Box to: H. Paul Averette, Attorney, P.C., P. O. Box 348, Brevard, NC 28712

This instrument was prepared by: H. Paul Averette, Attorney at Law (NO TITLE SEARCH PERFORMED)

Brief description for the Index: 2 Tracts – Brevard Township

THIS DEED made this 24th day of September, 2013, by and between

GRANTOR	GRANTEE
ALAN VALENTI and wife, MARY VALENTI	**JOHN VALENTI**
37 Huntcliff Drive Taylors, SC 29687	**84 Hampton Road Brevard, NC 28712**

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of _____, _____Brevard_____Township, Transylvania County, North Carolina and more particularly described as follows:

Being all of that property as described in Exhibit "A" attached hereto and incorporated herein by reference.

All or a portion of the property herein conveyed _____ includes or __X__ does not include the primary residence of the Grantor.

NC Bar Association Form No. 3 © 1976, Revised © 1977, 2002
Printed by Agreement with the NC Bar Association – 1981 - Chicago Title Insurance Company

The property hereinabove described was acquired by Grantor by instrument recorded in Book _____, page _____.

A map showing the above described property is recorded in Plat Book _____ page _____.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

Alan Valenti (SEAL)
ALAN VALENTI

Mary Valenti (SEAL)
MARY VALENTI

State of North Carolina - County of Transylvania

I certify the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: **ALAN VALENTI and MARY VALENTI.**

Date: September 24, 2013

LORI L SMITH NOTARY PUBLIC TRANSYLVANIA COUNTY, N.C.

Lori L. Smith, Notary Public

My Commission Expires:
09/10/2016

NC Bar Association Form No. 3 © 1976, Revised © 1977, 2002
Printed by Agreement with the NC Bar Association – 1981 – Chicago Title Insurance Company

EXHIBIT "A"

All of our undivided one-half (1/2) interest in and to the following described parcels:

TRACT I:

Being all of that property as described in a deed from Carolyn J. Gillespie and husband, Alvin B. Gillespie to John Valenti and Alan Valenti, recorded on October 4, 2002 in Document Book 123 at Page 547 of the Transylvania County Reigstry.

TRACT II:

Being all of that property as described in a deed from Carolyn J. Gillespie, acting Individually and as Administrator of the Estates of Vessie Stamey and Clara Louise Stamey and husband, Alvin B. Gillespie; Dawn D. Sentelle and husband, Kerry Sentelle; and Forrest Duane Stamey, (a divorced and unremarried man) to John Valenti and Alan Valenti, recorded on October 4, 2002 in Document Book 123 at Page 550 of the Transylvania County Registry.

TOGETHER WITH and subject to all rights of way, easements and restrictions appurtenant to the Grantors.

NC Bar Association Form No. 3 © 1976, Revised © 1977, 2002
Printed by Agreement with the NC Bar Association – 1981 – Chicago Title Insurance Company

CITY OF BREVARD
CASH RECEIPT
DUPLICATE

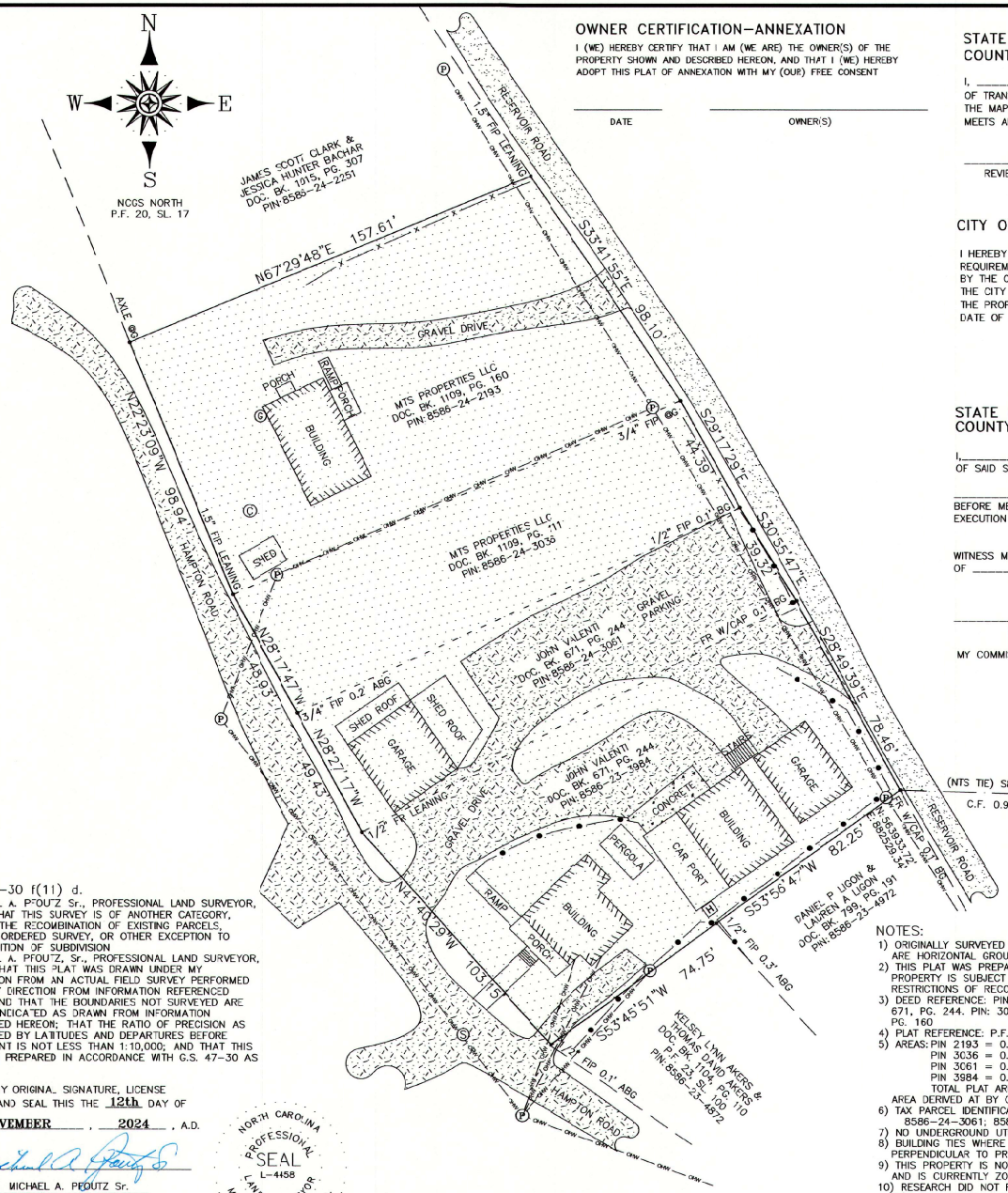
Receipt No: 700074
Date: 2/24/2025
Time: 1:58:12PM

Received From:
JOHN VALENTI

Received: 500.00

For
ZONING ADMIN 500.00
105 RESERVOIR RD-S

Credit 500.00
V 0517
RECEIVED BY WINDOW



OWNER CERTIFICATION–ANNEXATION

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON, AND THAT I (WE) HEREBY ADOPT THIS PLAT OF ANNEXATION WITH MY (OUR) FREE CONSENT

_____ DATE

_____ OWNER(S)

STATE OF NORTH CAROLINA
COUNTY OF TRANSYLVANIA

I, _____, REVIEW OFFICER OF TRANSYLVANIA COUNTY, CITY OF BREVARD, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

_____ REVIEW OFFICER

_____ DATE

CITY OF BREVARD–ANNEXATION

I HEREBY CERTIFY THAT THIS PLAT FOR ANNEXATION HAS FOLLOWED ALL REQUIREMENTS AND PROCEDURES AND A PUBLIC HEARING WAS HELD BY THE CITY OF BREVARD TO ANNEX THE PROPERTY HEREIN DESCRIBED. THE CITY OF BREVARD ADOPTED ORDINANCE NUMBER _____ TO ANNEX THE PROPERTY DESCRIBED HEREIN ON _____ WITH THE EFFECTIVE DATE OF ANNEXATION ON _____

_____ CITY CLERK

STATE OF NORTH CAROLINA
COUNTY OF TRANSYLVANIA

I, _____, A NOTARY PUBLIC OF SAID STATE AND COUNTY, DO HEREBY CERTIFY THAT

_____ PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING INSTRUMENT.

WITNESS MY HAND AND NOTARIAL SEAL, THIS THE _____ DAY OF _____, 20____.

_____ NOTARY PUBLIC

MY COMMISION EXPIRES: _____

LEGEND

PIN	TAX PARCEL IDENTIFICATION NUMBER
NTS	NOT TO SCALE
SR	5/8" SET REBAR WITH IDENTIFICATION CAP
FIP	FOUND IRON PIPE
FR	FOUND REBAR
FIR	FOUND IRON ROD
CP	CALCULATED POINT
C.F.	COMBINED SCALE FACTOR
P.F. SL.	PLAT FILE SLIDE
DOC. BK., PG.	DOCUMENT BOOK, PAGE
D.B., PG.	DEED BOOK, PAGE
O/A	OVERALL
LEAN	LEANING OVER, LOCATED AT BASE
ABG	ABOVE GRADE
@G	AT GRADE
BG	BELOW GRADE
(P)	UTILITY POLE
(S)	SANITARY SEWER MANHOLE
(C)	SEWER CLEAN OUT
(G)	GAS METER
[H]	HVAC PUMP
[M]	H2O METER
	CONCRETE
	ASPHALT
	GRAVEL
	ANNEX AREA
	BUILDING WALL
OHW	OVER HEAD WIRE
	PRIVACY FENCE
x	WIRE FENCE
	ADJOINING LINE NOT SURVEYED
	TIE LINE
	INTERNAL LINES

G.S. 47–30 f(11) d.

I, MICHAEL A. PFOUTZ Sr., PROFESSIONAL LAND SURVEYOR, CERTIFY THAT THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT–ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION

I, MICHAEL A. PFOUTZ, Sr., PROFESSIONAL LAND SURVEYOR, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL FIELD SURVEY PERFORMED UNDER MY DIRECTION FROM INFORMATION REFERENCED HEREON; AND THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION REFERENCED HEREON; THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES BEFORE ADJUSTMENT IS NOT LESS THAN 1:10,000; AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47–30 AS AMENDED.

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER, AND SEAL THIS THE 12th DAY OF NOVEMEER, 2024, A.D.

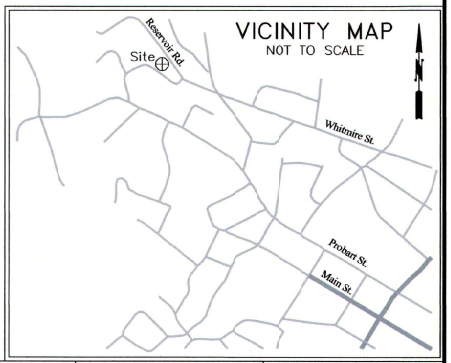
MICHAEL A. PFOUTZ Sr.
PROFESSIONAL LAND SURVEYOR
LICENSE NUMBER L–4458

NORTH CAROLINA PROFESSIONAL SEAL L–4458 LAND SURVEYOR MICHAEL A. PFOUTZ Sr.

NOTES:

1) ORIGINALLY SURVEYED IN MARCH AND APRIL 2024. DISTANCES SHOWN HEREON ARE HORIZONTAL GROUND UNLESS NOTED OTHERWISE.
2) THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH. THIS PROPERTY IS SUBJECT TO ALL RIGHT–OF–WAYS; COVENANTS; EASEMENTS; AND RESTRICTIONS OF RECORD BOTH SHOWN AND NOT SHOWN HEREON.
3) DEED REFERENCE: PIN: 3984; DOC. BK. 671, PG. 244. PIN: 3061; DOC. BK. 671, PG. 244. PIN: 3036; DOC. BK. 1109, PG. 111. PIN: 2193 DOC. BK. 1109, PG. 160
4) PLAT REFERENCE: P.F. 9, SL. 832
5) AREAS: PIN 2193 = 0.375 OF AN ACRE (SURVEY)
PIN 3036 = 0.189 OF AN ACRE (SURVEY)
PIN 3061 = 0.181 OF AN ACRE (SURVEY)
PIN 3984 = 0.346 OF AN ACRE (SURVEY)
TOTAL PLAT AREA = 1.091 ACRES
AREA DERIVED AT BY COORDINATE COMPUTATION
6) TAX PARCEL IDENTIFICATION NUMBERS: 8586–24–2193; 8586–24–3036; 8586–24–3061; 8586–23–3984.
7) NO UNDERGROUND UTILITIES WERE MARKED OR LOCATED FOR THIS SURVEY.
8) BUILDING TIES WHERE SHOWN ARE TO THE STRUCTURAL WALLS AND ARE PERPENDICULAR TO PROPERTY LINE
9) THIS PROPERTY IS NOT WITHIN THE BREVARD CITY LIMITS, IT IS WITHIN THE ETJ, AND IS CURRENTLY ZONED GR4.
10) RESEARCH DID NOT REVEAL A DOCUMENT DELINEATING A DEFINED WIDTH OF A R/W FOR EITHER HAMPTON ROAD OR RESERVOIR ROAD. THE ROAD R/W WIDTH VARIES BETWEEN PROPERTY LINES AND CORNERS ON BOTH SIDES OF THE ROADS.

THIS PLAT WAS PREPARED FOR MTS PROPERTIES LLC AND JOHN VALENTI AND IS PROVIDED AS PART OF THE WORK PRODUCT TO OUR CLIENTS. THIS PLAT IN PART OR IN WHOLE IS NOT TRANSFERABLE AND SHALL NOT BE ALTERED IN ANY WAY OR REUSED IN ANY FORM BY ANY INDIVIDUAL OR ENTITY WITHOLT WRITTEN AUTHORIZATION BY MICHAEL A. PFOUTZ SR. AND IS INTENDED SOLELY FOR THE USE OF THE ORIGINAL CLIENT.
THIS DRAWING IS NOT VALID UNLESS THE ORIGINAL SIGNATURE AND STAMP OF THE SURVEYOR ARE ATTACHED. ANY REPRODUCTION OR VARIANCE TO THIS SURVEY BY ELECTRONIC OR ANY OTHER MEANS ARE NOT TO BE CONSIDERED ISSUED BY THE LICENSED SURVEYOR.



PREPARED BY
CAROLINA MOUNTAIN SURVEYING
FIRM LICENSE NUMBER #F–1205
137 NORTH BROAD STREET; SUITE 2
BREVARD, NORTH CAROLINA 28712
(828) 883–2670
CMSURVEYING@COMPORIUM.NET

ORDINANCE No. _____
105,117 RESERVOIR RD & 82,84 HAMPTON RD
and
PIN's 8586–24–3036 & 8586–24–3061
PROPERTY SITUATE IN
BREVARD TOWNSHIP
TRANSYLVANIA COUNTY, NORTH CAROLINA
OWNERS OF RECORD: MTS PROPERTIES LLC and JOHN VALENTI

CITY ANNEXATION PLAT

PREPARED FOR

MTS PROPERTIES LLC and JOHN VALENTI

DATE: NOVEMBER 12, 2024	FIELD RECORDS: DATA COLLECTOR	DRAWING: CMS24017–ANNEX
		COORD. FILE: CMS24017.CRD
30 0 30 60 90 GRAPHIC SCALE – FEET WRITTEN SCALE: 1"=30'		PROJECT NUMBER: CMS24017

The City of Brevard North Carolina

REQUEST FOR ZONING MAP AMENDMENT (REZONING)

Applicant Information:
Name: John A. Valenti
Address: 84 Hampton Rd Brevard, NC 28712
Phone: 828 342-0204

Property Owner Information (if different than applicant):
Name: _____
Address: _____
Phone: _____

Location of Property: 105 + 117 Reservoir Rd., 82+84 Hampton Rd

8586-24-2193; 8586-24-3036

Property Identification Number (PIN): 8586-24-3061; 8586-24-3984

Present Zoning District: GR4

Request District to be Changed to: GR8 (attach additional explanation if necessary)

Existing Use of Adjacent Properties:
North RESIDENTIAL South RESIDENTIAL
West RESIDENTIAL East RESIDENTIAL

J. A. V. 6/26/24
Signature of Applicant Date

* *

Planning Department must receive the following prior to placement on BPB agenda:

X Completed Application Form
X Survey of Property
X Application Fee ($500.00) – Date Paid 2/24/25 Receipt # 700073

Heard by Planning Board on: _____
Planning Board's Recommendation: ____Approval ____Denial
Heard by City Council on: _____
City Council Action: ____Approval – Ord. Number _____ Effective Date _____
____Denial


191
160
121
117
116
90
159
MOUNTAIN RD
HAMPTON RD
RESERVOIR RD
105
129
115
84
56
55
82
95
70
64
45

STATEMENT OF CONSISTENCY AND REASONABLENESS WITH ADOPTED PLANS AND POLICIES OF THE CITY OF BREVARD
REZ-25-001

NCGS 160D-604 and NCGS 160D-605 requires that the Planning Board shall advise and comment on whether the proposed amendment is reasonable and consistent with any comprehensive plan prior to consideration by the Governing Board. The Planning Board shall provide a written recommendation to the Governing Board that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the Comprehensive Plan shall not preclude consideration or approval of the proposed amendment by the Governing Board.

The Brevard Planning Board forwards this recommendation to City Council with a finding that the proposed zoning map amendment is **reasonable and consistent** with the following elements of the City's adopted plans and policies:

Comprehensive Land Use Plan

The *Building Brevard 2030 Comprehensive Land Use Plan* designates the properties as "Traditional Neighborhood." The Traditional Neighborhood character area is designed to maintain the character of established neighborhoods while allowing some flexibility in housing types. According to the Future Land Use Character Area Table, GR-8 is an applicable zoning district for Traditional Neighborhood but GR-4 is not. With this in mind, the proposed rezoning is consistent in regard to the City's long-range plans.