Town of Fletcher

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

Rezoning Application
Application Number 26-20-RZO [to be assigned by Town staff]

OWNERSHIP INFORMATION:

Property Owner: Dirt and Sticks, Inc.

Owner's Address: P.O. Box 475 City Skyland State NC Zip 28776

LOCATION OF PROPERTY (Address or Description): unaddressed parcel northeast of 564 Mills Gap Rd, Fletcher, NC 28732 (Dollar General)

PIN # 9663545612 PID# _____

Current Land Use: vacant/forested

Size (Square Feet or Acres): 15.31 AC (accounting for NCDOT R/W; ~~16.45~~ 16.49 AC per PLS survey)

ZONING REQUEST

Existing Zoning: M-1 Manufacturing Proposed Zoning: R-1A Residential

Purpose of Zoning Change:
The site's sloping topography would better support low-intensity residential development (via proposed R-1A zoning) compared to the existing M-1 Manufacturing zoning.

	Barry Bialik
Name of Agent	**Name of Petitioner(s)**
	P.O. Box 475
Agent's Address	Address of Petitioner(s)
	Skyland, NC 28776
City, State, Zip	City, State, Zip
	828-712-3781
Telephone Number	Telephone Number
Signature of Property Owner if other than Petitioner	Signature

Received By: _____ Date: _____

Owner's Affidavit

I (we) the undersigned do hereby give permission to (agent's name or organization) Dirt and Sticks, Inc. to file petition (application) for property(s) located at unaddressed parcel at Mills Gap Rd. / SR 1551 with PIN (or PID)# 9663545612 on this affidavit for the purpose of requesting a Rezoning from the Town Council of the Town of Fletcher, NC. I further understand that my signature is consent to all conditions and/or stipulations that may be imposed or adopted by such Town Council as part of the petition approval.

1. Owner's Name (Please Print) Barry Bialik

   Owner's Signature _____ Date 7/24/26

2. Owner's Name (Please Print) _____

   Owner's Signature _____ Date _____

3. Owner's Name (Please Print) _____

   Owner's Signature _____ Date _____

4. Owner's Name (Please Print) _____

   Owner's Signature _____ Date _____

Agent's (Contact) Information

Name: Barry Bialik Address: P.O. Box 475, Skyland, NC 28776

Phone Number: 828-712-3781 Fax Number: _____

CHECKLIST FOR REZONING APPLICATIONS

Town of Fletcher Planning and Zoning

Rezoning 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 rezoning will be notified of the request and provided information of the hearing dates.

☑ I acknowledge the rezoning shall not be granted except after the recommendation of the Planning Board and decision by the Town Council 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: Barry Bialik

Signature: _____

Date: 7/24/26

This institution is an equal opportunity provider

BK 4229 PG 297 - 300 (4) DOC# 1001022854
This Document eRecorded: 11/22/2024 02:57:31 PM
Fee: $26.00
Henderson County, North Carolina Tax: $384.00
William Lee King, Register of Deeds

NORTH CAROLINA SPECIAL WARRANTY DEED

Excise Tax: $384.00

Parcel Identifier No. 9663-54-4641 (Tax Parcel 10006332)
Verified by _____ County on the ____ day of _____, 2024.
By: _____

Mail/Box to: Allen Stahl + Kilbourne, PLLC, 20 Town Mountain Road, Suite 100, Asheville, NC 28801
This instrument was prepared by: Scott K. Burger (Allen Stahl + Kilbourne, PLLC, 20 Town Mountain Road, Suite 100, Asheville, NC 28801), a licensed North Carolina attorney. Delinquent taxes, if any, are to be paid by the closing attorney to the county tax collector upon disbursement of the closing proceeds.

Brief description for the Index: 26.61 ac. (+/-) AKA Lot 2, less and except 2.406 ac. (+/-) and 0.763 ac. (+/-)

THIS DEED made this 21st day of November, 2024, by and between:

GRANTOR	GRANTEE
KME Development, LLC, an Alabama limited liability company	**Dirt and Sticks, Inc., a North Carolina corporation**
Post Office Box 18968 Huntsville, AL 35804	1944 Hendersonville Road, Suite E2 Asheville, NC 28803

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.

Submitted electronically by "Allen, Stahl, & Kilbourne, PLLC"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Henderson County Register of Deeds.

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, parcel of land or condominium unit situated in Henderson County, North Carolina and more particularly described as follows:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 3327, at Page 574.

All or a portion of the property herein conveyed ☐ does 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 the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, other than the following exceptions:

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

[SIGNATURE(S) AND NOTARY ACKNOWLEDGMENT(S) APPEAR ON FOLLOWING PAGE(S)]

[SIGNATURE(S) AND NOTARY ACKNOWLEDGMENT(S) TO NORTH CAROLINA SPECIAL WARRANTY DEED]

KME Development, LLC, an Alabama
limited liability company

BY: _____
Lisa M. Hawkins, Authorized Agent

STATE OF ALABAMA

COUNTY OF MADISON

I, the undersigned Notary Public, certify that Lisa M. Hawkins, Authorized Agent of KME Development, LLC, an Alabama limited liability company, personally came before me this day and (I have personal knowledge of their identity) (I have seen satisfactory evidence of their identity by a current state identification with their photograph in the form of a driver's license) and acknowledged that they signed the foregoing instrument for the purpose and in the capacity herein expressed.

Witness my hand and Notarial stamp or seal, this 21st day of November, 2024.

Notary Public Signature: _____

Notary Public Printed Name: Tammy Hyde

My Commission Expires: 9/6/2024

(Affix Seal)

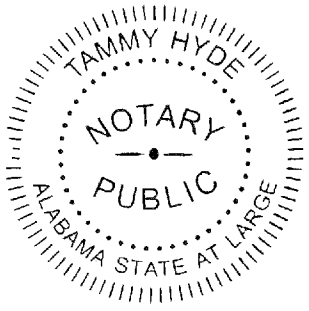


EXHIBIT "A"

Real Property Description

LYING IN HENDERSON COUNTY, NORTH CAROLINA

BEING a 26.61-acre tract, and being part of Tax Parcel 9633 54 3485, the property of Jack and Lillian Youngblood Trust, recorded in Deed Book 1473, Page 183, Hooper's Creek Township, Henderson County, North Carolina.

ALSO KNOWN as Lot 2, Survey Plat Map for The Broadway Group, LLC, recorded February 14, 2019, in Book 2019, Page 11637, Register of Deeds, Henderson County, North Carolina.

LESS AND EXCEPT the following:

BEING a 2.406 acre area portion of the 26.61-acre tract, the property of KME Development, LLC, an Alabama limited liability company, as recorded in Deed Book 3327, Page 574 of the Henderson County Registry and also as shown as Lot 2, Survey Plat Map for The Broadway Group, LLC, recorded in Book 2019, Page 11637 of the Henderson County Registry.

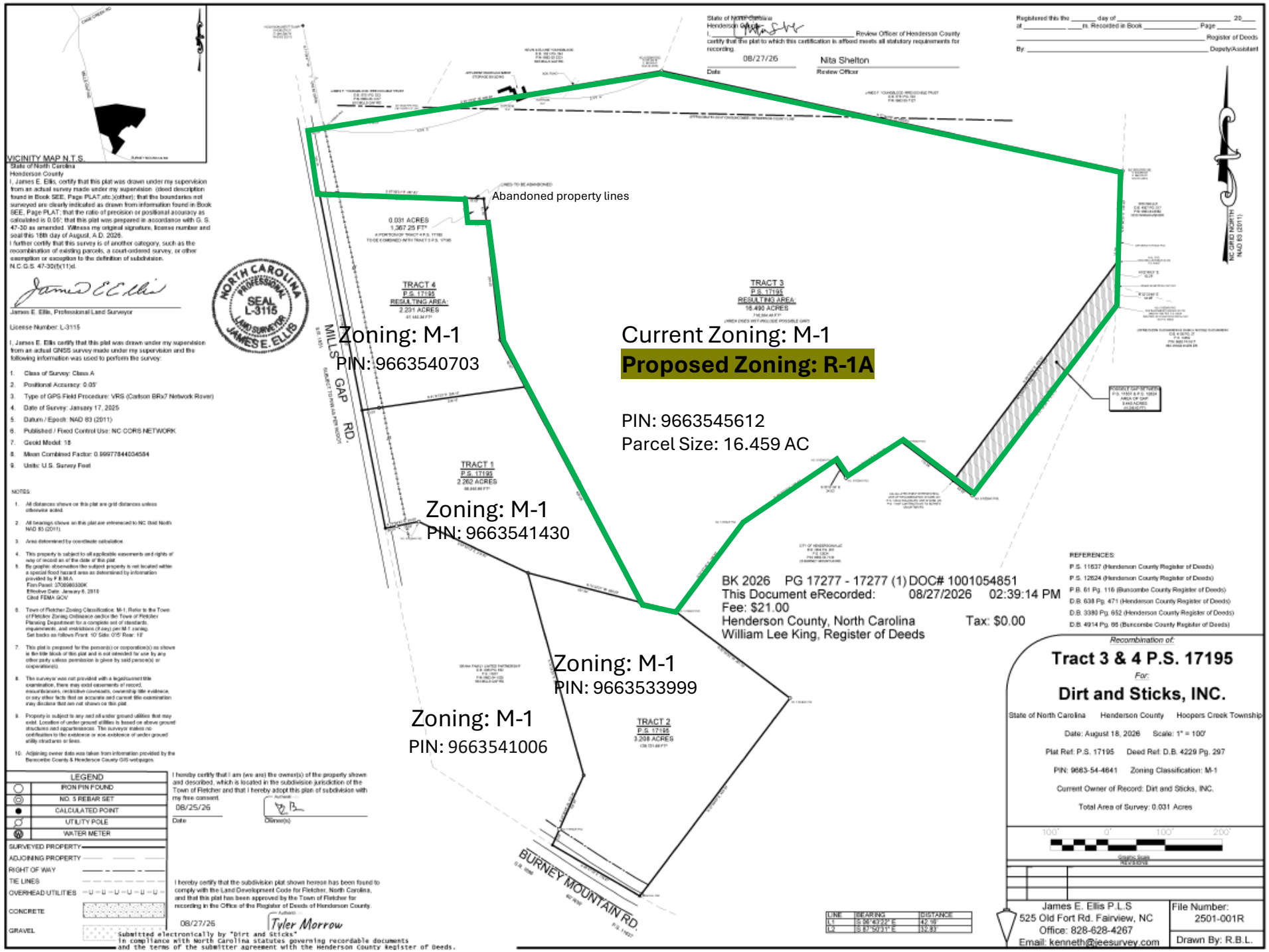
SAID 2.406 acre area more particularly described on plat slide 11928 of the Henderson County Registry.

ALSO LESS AND EXCEPT the following:

BEING all of that 0.763 acre tract as shown on that plat recorded in Plat Slide 12624 of the Henderson County Registry.

AND BEING a portion of that property described in that deed recorded in Deed Book 3327, at Page 574 in the Henderson County Register of Deeds.

TOGETHER WITH AND SUBJECT TO all easements, rights of way, conditions, covenants and restrictions appurtenant to the property described above.


VICINITY MAP N.T.S.
Abandoned property lines
Zoning: M-1
PIN: 9663540703
Current Zoning: M-1
Proposed Zoning: R-1A
PIN: 9663545612
Parcel Size: 16.459 AC
Zoning: M-1
PIN: 9663541430
Zoning: M-1
PIN: 9663533999
Zoning: M-1
PIN: 9663541006
TRACT 4
P.S. 17195
RESULTING AREA:
2.231 ACRES
TRACT 3
P.S. 17195
RESULTING AREA:
16.493 ACRES
TRACT 1
P.S. 17195
2.262 ACRES
TRACT 2
P.S. 17195
3.208 ACRES
0.031 ACRES
1,367.25 FT²
MILLS GAP RD.
BURNEY MOUNTAIN RD.
NC GRID NORTH
NAD 83 (2011)
BK 2026 PG 17277 - 17277 (1) DOC# 1001054851
This Document eRecorded: 08/27/2026 02:39:14 PM
Fee: $21.00
Tax: $0.00
Henderson County, North Carolina
William Lee King, Register of Deeds
REFERENCES:
P.S. 11637 (Henderson County Register of Deeds)
P.S. 12624 (Henderson County Register of Deeds)
P.B. 61 Pg. 116 (Buncombe County Register of Deeds)
D.B. 638 Pg. 471 (Henderson County Register of Deeds)
D.B. 3380 Pg. 652 (Henderson County Register of Deeds)
D.B. 4914 Pg. 66 (Buncombe County Register of Deeds)
Recombination of:
Tract 3 & 4 P.S. 17195
For:
Dirt and Sticks, INC.
State of North Carolina Henderson County Hoopers Creek Township
Date: August 18, 2026 Scale: 1" = 100'
Plat Ref: P.S. 17195 Deed Ref: D.B. 4229 Pg. 297
PIN: 9663-54-4641 Zoning Classification: M-1
Current Owner of Record: Dirt and Sticks, INC.
Total Area of Survey: 0.031 Acres
James E. Ellis P.L.S
525 Old Fort Rd. Fairview, NC
Office: 828-628-4267
Email: kenneth@jeesurvey.com
File Number: 2501-001R
Drawn By: R.B.L.
LEGEND
IRON PIN FOUND
NO. 5 REBAR SET
CALCULATED POINT
UTILITY POLE
WATER METER
SURVEYED PROPERTY
ADJOINING PROPERTY
RIGHT OF WAY
TIE LINES
OVERHEAD UTILITIES
CONCRETE
GRAVEL
LINE BEARING DISTANCE
L1 S 04°43'22" E 42.18'
L2 S 87°50'31" E 12.83'
State of North Carolina
Henderson County
I, James E. Ellis, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description found in Book SEE, Page PLAT,etc.)(other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book SEE, Page PLAT; that the ratio of precision or positional accuracy as calculated is 0.05'; that this plat was prepared in accordance with G. S. 47-30 as amended. Witness my original signature, license number and seal this 18th day of August, A.D. 2026.
I further certify that this survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exemption or exception to the definition of subdivision.
N.C.G.S. 47-30(f)(11)d.
James E. Ellis, Professional Land Surveyor
License Number: L-3115
NORTH CAROLINA PROFESSIONAL SEAL L-3115 LAND SURVEYOR JAMES E. ELLIS
I, James E. Ellis certify that this plat was drawn under my supervision from an actual GNSS survey made under my supervision and the following information was used to perform the survey:
1. Class of Survey: Class A
2. Positional Accuracy: 0.05'
3. Type of GPS Field Procedure: VRS (Carlson BRx7 Network Rover)
4. Date of Survey: January 17, 2025
5. Datum / Epoch: NAD 83 (2011)
6. Published / Fixed Control Use: NC CORS NETWORK
7. Geoid Model: 18
8. Mean Combined Factor: 0.99977844034584
9. Units: U.S. Survey Feet
NOTES:
1. All distances shown on this plat are grid distances unless otherwise noted.
2. All bearings shown on this plat are referenced to NC Grid North NAD 83 (2011).
3. Area determined by coordinate calculation.
4. This property is subject to all applicable easements and rights of way of record as of the date of this plat.
5. By graphic observation the subject property is not located within a special flood hazard area as determined by information provided by F.E.M.A.
Firm Panel: 3708960330K
Effective Date: January 6, 2010
Cited FEMA GOV
6. Town of Fletcher Zoning Classification: M-1. Refer to the Town of Fletcher Zoning Ordinance and/or the Town of Fletcher Planning Department for a complete set of standards, requirements, and restrictions (if any) per M-1 zoning.
Set backs as follows Front: 10' Side: 0'/5' Rear: 15'
7. This plat is prepared for the person(s) or corporation(s) as shown in the title block of this plat and is not intended for use by any other party unless permission is given by said person(s) or corporation(s).
8. The surveyor was not provided with a legal/current title examination, there may exist easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title examination may disclose that are not shown on this plat.
9. Property is subject to any and all under ground utilities that may exist. Location of under ground utilities is based on above ground structures and appurtenances. The surveyor makes no certification to the existence or non-existence of under ground utility structures or lines.
10. Adjoining owner data was taken from information provided by the Buncombe County & Henderson County GIS webpages.
I hereby certify that I am (we are) the owner(s) of the property shown and described, which is located in the subdivision jurisdiction of the Town of Fletcher and that I hereby adopt this plan of subdivision with my free consent.
08/25/26
Date
Owner(s)
I hereby certify that the subdivision plat shown hereon has been found to comply with the Land Development Code for Fletcher, North Carolina, and that this plat has been approved by the Town of Fletcher for recording in the Office of the Register of Deeds of Henderson County.
08/27/26
Tyler Morrow
Submitted electronically by "Dirt and Sticks" in compliance with North Carolina statutes governing recordable documents and the terms of the submitter agreement with the Henderson County Register of Deeds.
State of North Carolina
Henderson County
I, _____, Review Officer of Henderson County certify that the plat to which this certification is affixed meets all statutory requirements for recording.
08/27/26
Date
Nita Shelton
Review Officer
Registered this the _____ day of _____, 20____
at _____ m. Recorded in Book _____, Page _____
Register of Deeds
By: _____ Deputy/Assistant