Town of Montreat
Board of Adjustment
Meeting Agenda
April 24, 2025, 5:00 p.m.
Montreat Town Hall
1210 Montreat Road, Black Mountain, NC 28711

I. **CALL TO ORDER**
- Welcome
- Moment of Silence

II. **CERTIFICATION OF QUORUM**

III. **AGENDA ADOPTION** *(Packet page 1)*
- **Suggested Motion**: To adopt the meeting agenda as presented/amended

IV. **SWEARING IN OF NEW MEMBERS**
- If present at this meeting, swear in **Margaret "Mari" Gramling** as a Regular Member of the Town of Montreat's Board of Adjustment.
- If present at this meeting, swear in **William "Bill" Scheu** as a Regular Member of the Town of Montreat's Board of Adjustment.
- If present at this meeting, swear in **Arrington Cox** as an Alternate Member of the Town of Montreat's Board of Adjustment.
- If present at this meeting, swear in **Matt Horne** as an Alternate Member of the Town of Montreat's Board of Adjustment.

V. **ADOPTION OF JANUARY 23, 2025, MEETING MINUTES** *(Packet pages 2 – 3)*
- **Suggested Motion:** To adopt the January 23, 2025, Meeting Minutes as drafted/amended.

VI. **EVIDENTIARY HEARING**

a) **Variance Request (VA-2025-01)** – A Variance request submitted by Wade Burns (on behalf of Property Owner, Richard W Hitch) for the lot addressed as 205 Virginia Road, Montreat, NC 28711 and described as PIN#071075992300000 located at the intersection of Virginia Road and Alabama Terrace. This Variance request is to Section 502.5 of the Montreat Zoning Ordinance to reduce the front setback requirement from 30 feet to 23.4 feet on the southern side of the Subject Property and to Section 502.81 of the Montreat Zoning Ordinance to reduce the side setback requirement from ten feet to nine feet on the northern side of the Subject Property for the purpose of expanding the existing dwelling on the Subject Property.

Suggested Motion: To grant/grant with conditions/deny VA-2025-01.

Applicant materials (packet pages 4 – 11)
Staff materials (packet pages 12 – 28)

VII. **NEW BUSINESS**

VIII. **ADJOURNMENT**

Board of Adjustment

Meeting minutes – January 23, 2025

Call to Order

The meeting was called to order.

Certification of a Quorum

Danny Sharpe acknowledged that a quorum was present.

Agenda Adoption

Danny Sharpe called for a motion to adopt the agenda as presented.

> *Motion to adopt the agenda as presented was made by Mari Gramling and seconded by David Neel The motion passed unanimously.*

Adoption of May 23, 2024, Meeting Minutes

Danny Sharpe called for a motion to adopt the minutes from the May 23, 2024 meeting. He noted that the minutes were well done, short, and clear about what happened at that meeting.

> *Motion to adopt the May 23, 2024 meeting minutes was made by Mari Gramling, seconded by George Sawyer. The motion passed unanimously.*

Organization of Board of Adjustment

Election of Officers

The board proceeded to elect officers for the upcoming year.

Chairman

It was noted that Arrington was moving to an alternate seat and therefore could not serve as chairman. Danny Sharpe expressed willingness to serve but mentioned that he travels frequently and might not be able to attend many meetings.

> *Motion to elect Danny Sharpe as Chairman was made by Martha Chastain, seconded by David Neel. The motion passed.*

Vice Chair

> *Motion to nominate David as Vice Chair was made by Mari Gramling, seconded by George Sawyer. The motion passed unanimously.*

Secretary

> *Motion to nominate Angela Murphy as Secretary was made by Mari Gramling, seconded by Martha Chastain. The motion passed unanimously.*

Danny Sharpe requested that "superwoman" be included in the minutes next to Angela Murphy's name.

Adoption of 2025 Meeting Schedule

Kayla presented the 2025 meeting schedule, noting that she had mistakenly labeled all dates as 2024 instead of 2025. She also pointed out that the November and December meeting dates needed to be changed due to conflicts with holidays.

The board discussed and agreed on the following changes:

DRAFT

- November meeting to be held on November 20, 2025
- December meeting to be held on December 18, 2025

Motion to adopt the 2025 meeting schedule as amended was made by Martha Chastain, seconded by David Neel. The motion passed unanimously.

New Business

Membership Changes

Kayla provided an update on membership changes:

- Martha Chastain will be leaving the board. The board thanked Martha for her time and energy.
- Arrington Chair will be moving to an alternate chair position.
- Two new members, Bill Sheu and Matt Horne, were present and will be sworn in at the next meeting.
- It was confirmed that another member Ed Framer is still with the board but was absent due to an emergency.

Board Training

Kayla discussed plans for board training:

- A separate new member training will be conducted virtually, focusing on board basics.
- Full board training will be held in person, practicing case scenarios.
- The board agreed to schedule the full board training for February 12, 2025, at 2:00 PM, to be held at Town Hall.
- The training is expected to last about an hour, with the possibility of extending if needed.

Town Hall Update

Angie provided an update on the Town Hall:

- The staff will be moving back into the building the following day.
- The Town Hall will reopen to the public on Tuesday.
- There was significant interior damage from a recent event (possibly a hurricane), including sheet rock removal and mold remediation, but no structural damage.
- Some office locations may change, but details were not yet finalized.

Adjournment

Danny Sharpe called for a motion to adjourn the meeting.

Motion to adjourn the meeting was made by David Neel, seconded by Martha Chastain. The motion passed unanimously.

After the formal adjournment, Commissioner Jane Alexander thanked Martha for her service on the board. The board members also expressed their appreciation for Martha's long-standing commitment and steady presence on the board, as well as their gratitude for the continuing and new members.

DRAFT

TOWN OF MONTREAT
NORTH CAROLINA

VARIANCE APPLICATION

Town of Montreat Planning and Zoning
1210 Montreat Road, Black Mountain, NC 28711 | (828) 669-8002
REQUIRED FEE: $350.00 (CASH OR CHECK)

APPLICANT INFORMATION

APPLICANT NAME: WADE BURNS TELEPHONE: 828-231-0650

MAILING ADDRESS: P.O. Box 610 CITY: MONTREAT STATE: N.C. ZIP: 28757

EMAIL: WBURNS@INLIVING@GMAIL.COM

PROPERTY INFORMATION

ADDRESS: 205 Virginia Road CITY: Montreat STATE: N.C. ZIP:

PIN# : 0710-75-9923 TOTAL ACREAGE: .276 acre FLOODPLAIN: ☐ YES ☑ NO

ZONING: R-2 OTHER: OVERLAY ZONING: N/A

PROPERTY OWNER: Richard W. Hitch TELEPHONE: 214 208 4013

MAILING ADDRESS: PO Box 142344, Irving, Texas 25714

PROPOSED LAND USE

TYPE OF LAND USE: ☑ Residential ☐ Non-Residential ☐ Other

DESCRIPTION OF PROPOSED DEVELOPMENT: Add a 1,310 SF 2 story addition connected on the south side of the existing home

Add a closet and storage room to the north side of the existing home.

VARIANCE REQUEST

MONTREAT ZONING ORDINANCE SECTION: ~~702.7~~ 502.5 KD (30' building setback) ~~702.81~~ 502.81 KD (10' side yard setback)

DESCRIPTION OF REQUESTED VARIANCE: Reduce the north 10' setback to 9' for a new closet and to reduce the south 30' setback to be reduced to 23.4' setback foe the new addition.

FINDINGS OF FACT

THE TOWN OF MONTREAT'S BOARD OF ADJUSTMENT WILL RENDER A DECISION ON THIS APPLICATION AT A PUBLIC HEARING. IN APPROVING THE REQUEST, THE BOARD OF ADJUSTMENT WILL EXAMINE THE APPLICATION AND MUST FIND THAT THE FOLLOWING SIX ELEMENTS ARE SATISFIED IN THE PROPOSAL:

MZO 310.42(A) *Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the Variance, no reasonable use can be made of the property.*

MZO 310.42(B) *The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a Variance.*

MZO 310.42(C) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a Variance shall not be regarded as a self-created hardship.

MZO 310.42(D) The Variance is consistent with the spirit, purpose and intent of the Ordinance such that public safety is secured and substantial justice is achieved.

MZO 310.42(E) The Variance requested is the minimum Variance that will make possible the requested Use of the land, Building or Structure.

MZO 310.42(F) The Variance is not a request to permit a Use of land, Building or Structure which is not permitted in the applicable Zoning District.

ATTACHMENTS

THIS APPLICATION MUST BE ACCOMPANIED BY THE FOLLOWING ATTACHMENTS:

1. A copy of the deed for the property which is the subject of the application for a Variance, a copy of the plat showing such property if one exists, and any contract to purchase or other relevant documents.
2. A response to the six findings listed above and found in the Montreat Zoning Ordinance Section 310.42.
3. A to scale site plan showing the existing property conditions (including the adjoining road and any existing improvements) and the proposed locations, dimensions, and setbacks of any structure to be built or modified which is the subject of the Variance. If the Variance request concerns the elevation of a building, include an elevation drawing.

SIGNATURES AND ACKNOWLEDGEMENT

I, Wade D Burns, agent, hereby certify that all of the information set forth above is true and accurate to the best of my knowledge.

_____ 3/17/25

Signature of Applicant *Date*

Wade D. Burns, agent for Richard W. Hitch

Printed Name of Applicant

OFFICE USE ONLY

☐ Complete ☐ Incomplete

_____ _____

Zoning Administrator Signature *Date*

_____

Printed Name of Zoning Administrator

Fee:_____ Paid: ☐ Yes ☐ No Payment Method:_____

Scheduled Board of Adjustment Meeting Date:_____

4

Workflow No. 1841810 PT

Doc ID: 015232200003 Type: CRP
Recorded: 12/13/2004 at 12:46:38 PM
Fee Amt: $20.00 Page 1 of 3
Excise Tax: $0.00
Workflow# 1841810
Buncombe County, NC
Otto W. DeBruhl Register of Deeds
BK 3866 PG 393-395

NORTH CAROLINA SPECIAL WARRANTY DEED

Excise Tax: NO TAXABLE CONSIDERATION
Parcel Identifier No. 0710.02-75-8857 Verified by _____ County on the ___ day of _____, 20__
By: _____

Mail/Box to: Steven T. Aceto courthouse box #8

This instrument was prepared by: Steven T. Aceto

Brief description for the Index: DEED OF DISTRIBUTION

THIS DEED made this 30 day of November, 2004, by and between

GRANTOR	GRANTEE
Richard W. Hitch, Executor of the Estate of Candler Dooley Hitch	Richard W. Hitch, individually P.O. Box 142344 Irving, TX 75014

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 Montreat, Black Mountain Township, Buncombe County, North Carolina and more particularly described as follows:
See Attached

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 _____.

NC Bar Association Form No. L-6 © 1977, 2002
Printed by Agreement with the NC Bar Association – 1981 SoftPro Corporation, 333 E. Six Forks Rd., Raleigh, NC 27609

ATTACHMENT

BEING ALL of Lot 179 described in Plat Book 16 Page 92 et seq., and BEING ALSO ALL of the same property described in a deed from Mannie Wardlaw Warren and husband T. Baker Warren to Candler Dooley Hitch and wife, Elizabeth W. Hitch recorded September 8, 1964 in Deed Book 908 Page 125. Elizabeth W. Hitch died February 21, 1985 a resident of Tyler (Smith County) Texas. Being a Deed of Distribution out of the Estate of Candler Dooley Hitch, who died testate a resident of Buncombe County June 23, 2004 (Estate File 04 E 814). Including all tangible personal property, furniture and fixtures.

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.

_____ Estate of Candler Dooley Hitch (SEAL)
(Entity Name)

By: _____ By: Richard W. Hitch (SEAL)
Title: _____ Richard W. Hitch, Executor

By: _____ _____ (SEAL)
Title: _____

By: _____ _____ (SEAL)
Title: _____

State of TEXAS - County of ATASCOSA

I, the undersigned Notary Public of the County and State aforesaid, certify that Richard W. Hitch, Executor of the Estate of Candler Dooley Hitch personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 30 day of NOVEMBER, 2004

JAVIER ALEXIS ELIZARRARAS
Notary Public, State of Texas
My Commission Expires
September 23, 2007

My Commission Expires: 9-23-20 _____ Notary Public

State of North Carolina - County of _____

I, the undersigned Notary Public of the County and State aforesaid, certify that _____ personally came before me this day and acknowledged that he is the _____ of _____, a North Carolina or _____ corporation/limited liability company/general partnership/limited partnership (strike through the inapplicable), and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this ____ day of _____, 20__.

My Commission Expires: _____ _____
Notary Public

State of North Carolina - County of _____

I, the undersigned Notary Public of the County and State aforesaid, certify that _____
_____. Witness my hand and Notarial stamp or seal, this ____ day of _____, 20__.

My Commission Expires: _____ _____
Notary Public

The foregoing Certificate(s) of Javier Alexis Elizarraras is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

Otto W. DeBruhl Register of Deeds for Buncombe County
By: Sharon C. Taylor Deputy/Assistant Register of Deeds

NC Bar Association Form No. L-6 © 1977, 2002
Printed by Agreement with the NC Bar Association – 1981 SoftPro Corporation, 333 E. Six Forks Rd., Raleigh, NC 27609

Provided by Applicant

FINDINGS OF FACT 205 Virginia Road

a. Unnecessary hardship would result from the strict application of the ordinance.

10' setback: The existing house is not parallel to the property line and fitting in the much needed closet/ storage space requires a small corner of the closet to encroach 1' into the side setback. The closet location is where the closet can fit into the existing floor plan of this very old house. You will see in the other Findings, the small corner of the closet will not impact the neighboring properties in any discernable way.

30' setback: The new addition has been designed to preserve the space and views of the old house and runs parallel to the south property line but because the south eastern property line is at a near 45 degree angle, fitting in the new addition requires a corner to encroach 6.6' in to the 30'setback. You will see in other findings the southwest Property line is not parallel to Virginia road. The existing house corner comes 2.2' into the 30' setback and yet that corner is 42' from Virginia Road. The addition corner (requested) will come 6.6 ' in to the 30' setback and will be 48' from Virginia Road. More separation from the public space than the existing od house.

The very purpose of the building setbacks from the property line, is to create a 30' space between a building and the public space and road. The elevated topography of the lot above the road provides more than the desired 30' separation from both the existing home and the new addition. Additionally, as Town R/W is generally 30' wide itself, but in this case the R/W is 48' wide, it is providing more separation from the public space.

Similarly, the north 10' setback is intended to provide separation from a neighbor's property line, the separation from the north property line seems inconsequential as that R/W is 108' wide and 108' from the nearest neighbors Property line. There is only an 8' gravel drive in that R/W and that is 48' from the edge of the Hitch property line.

Therefore, the requested variances do not intrude into the intended special separations afforded by our zoning setbacks and a strict application of the setbacks in this case would result in an unnecessary hardship on the applicant.

b. The hardship results from conditions that are peculiar to the property such as location, size or topography.

This lot is very peculiar and different from other Montreat lots. No boundary lines are parallel to another, no corner angles of the 5 boundary lines are the same and one is a partial circle. The R/W's are very wide ranging from 108' wide to 48' wide with varying slopes.

c. The hardship did not result from actions taken by the applicant or the property owner. That is correct. The property was inherited.

d. The variance is consistent with the spirit, purpose and intent of the ordinance such that public safety is secured and substantial justice is achieved.

The variances requested allow a long time (60 years) family to move to Montreat full time and when completed will be consistent with the spirit, purpose and intent of the ordinance.

e. The Variance requested is the minimum Variance that will make possible the requested Use of the land, building or structure.

The existing home has only 2 proper bedrooms and very little closet or storage space. The existing home was completely upgraded by Richard Hitch's late father, Rev. Dooley Hitch. The solid cherry wood floors, upscale kitchen and baths are in "as new" condition. Rev. Dooley Hitch made these immaculate improvements in his retirement years as a single man. Richard Hitch and his wife Debby have extended family and grand children living 2 hours away and need more room for their generation.

To avoid gutting much of the existing house and adding needed space, their plans are to preserve what is now perfect but too small and add space without harming what is existing.

Mrs. Hitch has very little closet space that barely works for vacation use but not for full time living. The new closet/ storage addition will address this need.

The new addition is so important for their children and grandchildren to be able to share Montreat's magic with them and the addition is designed to preserve the function and views of the existing while adding the needed sleeping and living space for full family living.

f. The Variance is not a request to permit a Use of land, Building or Structure which is not permitted in the applicable Zoning District.

That is true.

I, JOHN M. STOLLERY, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN D.B. 3866, P. 393 AND P.B. 16, Pg. 93.) THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS BROKEN LINES AS DRAWN FROM INFORMATION FOUND IN OTHER REFERENCE SOURCES; THAT THE RATIO OF PRECISION IS 1:10,000; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600). THIS 18th DAY OF MARCH, 2025.

I, JOHN M. STOLLERY, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GNSS SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING WAS USED TO PERFORM THE SURVEY.

1. CLASS OF SURVEY: CLASS A (HORIZONTAL)
2. POSITIONAL ACCURACY: NOT TO EXCEED 0.1 FEET +/- 100 PPM
3. TYPE OF FIELD PROCEDURE: RTK-VRS *
4. DATES OF SURVEY: 01/29/2018
5. DATUM/EPOCH: H-NAD 83-2011 EPOCH: 2010.00 V-NAVD 88
6. PUBLISHED/FIXED-CONTROL USED: NC VRS NETWORK
7. GEOID MODEL: GEOID 12A
8. COMBINED GRID FACTOR: 0.99977720
9. UNITS USED: US SURVEY FOOT

*RTK Observations were used only to tie property to NC Grid.

PROFESSIONAL LAND SURVEYOR
LICENSE NUMBER L-2996

PRELIMINARY PLAT
NOT FOR RECORDATION, CONVEYANCES, OR SALES

LEGEND

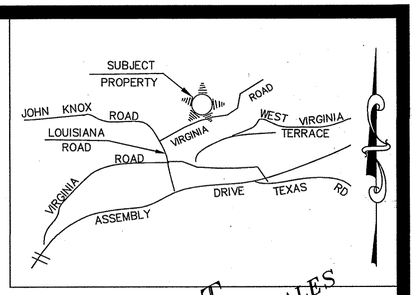
- △ . . . NGS GEODETIC MONUMENT
- CMF. . . CONCRETE MONUMENT FOUND
- PSF. . . PLANTED STONE FOUND
- IPF . . . IRON PIN FOUND-SIZE AS NOTED
- RBF . . . REBAR FOUND-SIZE AS NOTED
- RBS . . . #5 REBAR W/ ID CAP SET
- . . . CALCULATED POINT-NOT SET
- . . . FIRE HYDRANT
- (C) . . . SEWER CLEANOUT
- (E) . . . ELECTRIC METER
- (G) . . . GAS METER
- (P) . . . PHONE PEDESTAL
- (V) . . . WATER VALVE
- (W) . . . WATER METER
- HP . . . HEAT PUMP
- . . . AREA LIGHT
- S . . . EXISTING MANHOLE & SEWERLINE
- u . . . UTILITY POLE & OVERHEAD LINES
- . . . WOOD RAIL FENCE LINE

Luis & Mary DeLuzuriaga
D.B. 4652, P. 475

Charlotte Williams
D.B. 4686, P. 980

Witherington McKaughan LLC.
D.B. 5348, P. 736
P.B. 16, P. 93

Tie Only: N 86°46'38" E 40.07'
1" SOLID ROD FOUND
1" IPF
Tie Only: N 86°35'09" E 80.59'
3/4" IPF
Tie Only: N 69°04'40" E 65.05'
CMF
Boardwalk
Tie Only: N 36°16'23" E 107.17'



PRELIMINARY PLAT
NOT FOR RECORDATION, CONVEYANCES, OR SALES

Gravel Parking

Town of Montreat
D.B. 1443, P. 145
P.B. 16, P. 93
(Area of R/W defined by "Green" Color Code Per Exhibit B. D.B. 1443, P. 145)
P.I.N. 0720-04-5095

2" IPF In Conc.
At NW Cor. Of
D.B. 2093, P. 336

Tie: N 80°20'01" W 121.28'

VIRGINIA ROAD
Varying R/W - Per P.B. 16, P. 93

Variance Request from 10 ft. Setback
N 87°34'25" E 100.00'
#5 RBF
#5 RBF
Town of Montreat Setback Lines (See Note 6)
10'
30'
C1

Proposed Closed Addition
Deck
Two Story Frame House W/ Crawlspace
179
P.B. 16, P. 93
P.I.N. 0710-75-9923
Proposed Building
105.91'
N 01°54'39" E
Variance Request from 30 ft. Setback
30.0'
93.88'
S 58°15'16" W
N 86°35'36" W 43.00'
#5 RBF

180
P.B. 154, P. 1
Elizabeth S. Ellett
D.B. 2093, P. 336

#5 RBF At SW COR.
Of D.B. 2093, P. 336
Tie Only: N 68°19'21" W 127.45'

#5 RBF
NAD 83 (2011) COORDS.
N=705860.09
E=1017862.42
C. FACT. = 0.99977720

N.G.S "MONTREAT"
NAD 83 (2011) COORDS.
N=703833.07
E=1016142.85
C. FACT. = 0.99978088
Grid Tie: S 40°18'31" W 2658.14'
C2

Town of Montreat
D.B. 1443, P. 145
P.B. 16, P. 93
(Area of R/W defined by "Green" Color Code Per Exhibit B. D.B. 1443, P. 145)
P.I.N. 0720-04-5095

NAD 83-2011
Grid North

PRELIMINARY PLAT
NOT FOR RECORDATION, CONVEYANCES, OR SALES

NOTES

1. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE SEARCH, AND MAY NOT SHOW ALL EASEMENTS, RESTRICTIONS, RIGHTS OF WAY, ENCUMBRANCES, OR OTHER FACTS THAT MAY BE DISCLOSED BY A FULL TITLE EXAMINATION PERFORMED BY AN ATTORNEY AT LAW. THIS SURVEY SHALL NOT BE CONSIDERED A CERTIFICATION OF OWNERSHIP, ZONING, TITLE, OR GUARANTEE THAT THE PROPERTY IS FREE FROM ENCUMBRANCES.
2. THE DISTANCES AND ACREAGE SHOWN ON THIS PLAT ARE GRID MEASUREMENTS TO CONVERT TO GROUND DISTANCES AND ACREAGE, DIVIDE BY THE COMBINED FACTOR OF 0.99977720.
3. UNLESS STATED OTHERWISE HEREON, ONLY EVIDENCE OF EASEMENTS, BURIED UTILITIES, PIPELINES, OR STRUCTURES THERETO WHICH ARE READILY APPARENT FROM A CASUAL ABOVE GROUND VIEW OF PREMISES ARE SHOWN. INTERESTED PARTIES SHOULD INVESTIGATE THE EXISTENCE OF EASEMENTS, BURIED UTILITIES, OR PIPELINES,IF ANY, AND VERIFY. NO LIABILITY IS ASSUMED BY HIGH COUNTRY SURVEYORS, INC. FOR ANY LOSS THAT MAY BE ASSOCIATED WITH THE EXISTENCE OF ANY EASEMENT, BURIED UTILITY, OR PIPELINE ON THE PREMISES.
4. THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY FEMA. SEE FIRM 3710071000J DATED 01.06.2010.
5. UNDERGROUND SEWERLINE INFORMATION IS TAKEN FROM BUNCOMBE COUNTY MSD GIS INFORMATION, AND HAS NOT BEEN FIELD VERIFIED.
6. THIS PROPERTY IS ZONED TR-4 BY THE TOWN OF MONTREAT.
   SETBACKS: 30' FRONT, 10' SIDE, REAR IS 20% MEAN LOT DEPTH (17.2')
   SEE THE TOWN OF MONTREAT ZONING ORDINANCE FOR MORE INFORMATION.
   INTERESTED PARTIES SHOULD INVESTIGATE ALL EXISTING RESTRICTIONS PRIOR TO DESIGN OR CONSTRUCTION. HIGH COUNTRY SURVEYORS, INC MAKES NO CLAIM TO THE EXISTANCE OF ANY RESTRICTIONS OR COVENANTS.
7. ANY STREAMS, CREEKS, PONDS, LAKES, WETLANDS, ETC. LOCATED ON THIS PROPERTY, SHOWN OR NOT SHOWN HEREON, MAY BE SUBJECT TO BUFFER AREAS. IT IS THE OWNER'S/DEVELOPER'S RESPONSIBILITY TO HAVE THE AREAS DESIGNATED BY THE PROPER AUTHORITIES TO MAKE THESE DETERMINATIONS.
8. EXISTING HOUSE DOES NOT MEET TOWN OF MONTREAT SETBACK REQUIREMENTS AND IS CONSIDERED AN EXISTING NON-CONFORMING STRUCTURE.

Recombination Survey for:

Richard W. Hitch

P.I.N. 0710-75-9923

Town of Montreat, Buncombe County, NC

1 inch = 20 ft. MARCH 18, 2025

20' 0 10' 20' 40' 80'

REFERENCES: DEED BOOK 3866, PAGE 393
DEED BOOK 1443, PAGE 145
PLAT BOOK 16, PAGE 93

HIGH COUNTRY SURVEYORS, INC.
403-B WEST STATE ST., BLACK MOUNTAIN, NC 28711 (828) 664-0091
HIGHCOUNTRYSURVEYORS.NET CORPORATE LICENSE NUMBER C-1854

TOTAL AREA =0.276 AC.
By Coord. Computation

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	34.18'	89.87'	150°39'56"	S 16°59'19" E	66.13'

COORD. FILE 2021-129.crd

DRAWING NO. 2024-171

TOWN OF MONTREAT
P. O. Box 423, Montreat, NC 28757
Tel: (828) 669-8002 | Fax: (828) 669-3810
www.townofmontreat.org

Staff Report
VA-2025-01

Variance Request (VA-2025-01) – A Variance request submitted by Wade Burns (on behalf of Property Owner, Richard W Hitch) for the lot addressed as 205 Virginia Road, Montreat, NC 28711 and described as PIN#071075992300000 located at the intersection of Virginia Road and Alabama Terrace. This Variance request is to Section 502.5 of the Montreat Zoning Ordinance to reduce the front setback requirement from 30 feet to 23.4 feet on the southern side of the Subject Property and to Section 502.81 of the Montreat Zoning Ordinance to reduce the side setback requirement from ten feet to nine feet on the northern side of the Subject Property for the purpose of expanding the existing dwelling on the Subject Property.

[Note: Section 502 includes two Sections 502.5, the first is Minimum Lot Width and the second is Minimum Front Yard. For purposes of this Staff Report, references to Section 502.5 will mean the second Section 502.5 referring to Minimum Front Yard.]

Created by:

Kayla DiCristina, AICP, CZO
Zoning Administrator
Town of Montreat

Created for:

Montreat Board of Adjustment
April 24, 2025

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STAFF REPORT

See **STAFF FINDINGS** (i.e. Kayla DiCristina, AICP, CZO, Montreat Zoning Administrator) in addition to applicant-provided materials. **STAFF FINDINGS** contain references to the Montreat Zoning Ordinance (MZO) where noted. Only those findings relevant to the Variance requested are included in this staff report.

Application Summary

The following report summarizes the Zoning Administrator's review of an application for a Variance by Wade Burns (on behalf of Property Owner, Richard W Hitch) for the lot addressed as 205 Virginia Road, Montreat, NC 28711 and described as PIN#071075992300000 located at the intersection of Virginia Road and Alabama Terrace. This Variance request is to Section 502.5 of the MZO to reduce the front setback requirement from 30 feet to 23.4 feet on the southern side of the Subject Property and to Section 502.81 of the MZO to reduce the side setback requirement from ten feet to nine feet on the northern side of the Subject Property for the purpose of expanding the existing dwelling on the Subject Property.

[Note: Section 502 includes two Sections 502.5, the first is Minimum Lot Width and the second is Minimum Front Yard. For purposes of this Staff Report, references to Section 502.5 will mean the second Section 502.5 referring to Minimum Front Yard.]

Property Summary

Parcel Identifier Number (PIN#): 071075992300000

Address: 205 Virginia Road
Montreat, NC 28711

Owner: HITCH RICHARD
PO BOX 142344,
IRVING, TX, 75014

Applicant: Wade Burns (on behalf of the Property Owner)

Zoning: R-2 Residential District.

Current Land Use: The Subject Property contains an existing single-family dwelling.

Acres: 0.28 acres.



Figure 1: Subject Property Aerial

Public Notice

Staff mailed notice to properties within 250 feet of the Subject Property on **April 10, 2024** (see Figure 2: 250 feet Public Notice for Variance Request). Staff posted the Subject Property on **April 10, 2024**. BOA Hearing: **April 24, 2025.**

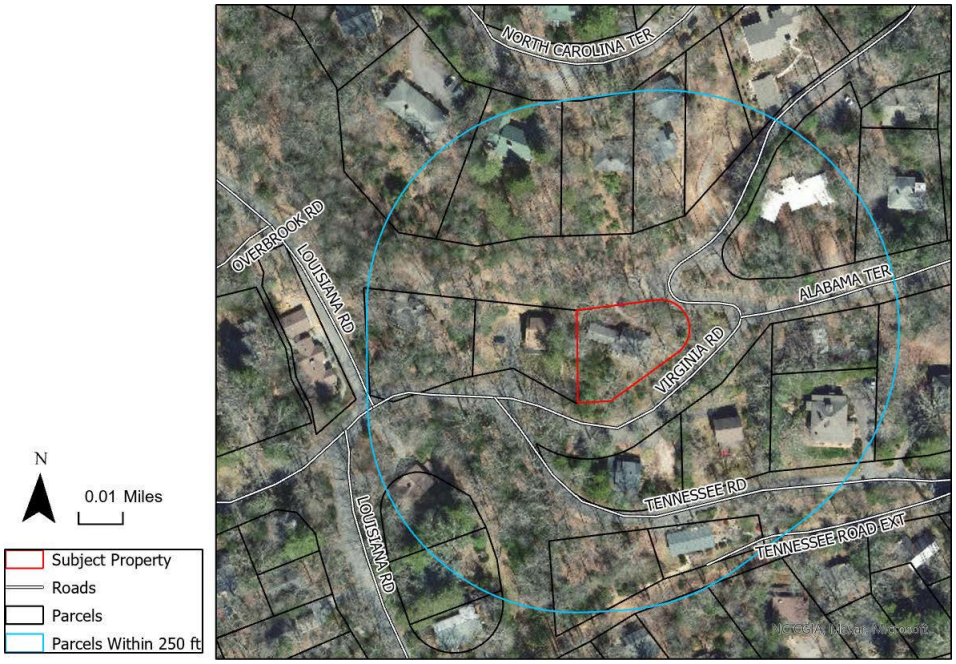


Figure 2: 250 feet Public Notice for Variance Request

Variance Request

The Applicant, Wade Burns (on behalf of Property Owner, Richard Hitch), requests that the Board of Adjustment grant a Variance to Section 502.5 of the MZO to reduce the front setback requirement from 30 feet to 23.4 feet on the southern side of the Subject Property and to Section 502.81 of the MZO to reduce the side setback requirement from ten feet to nine feet on the northern side of the Subject Property for the purpose of expanding the existing dwelling on the Subject Property.

[Note: Section 502 includes two Sections 502.5, the first is Minimum Lot Width and the second is Minimum Front Yard. For purposes of this Staff Report, references to Section 502.5 will mean the second Section 502.5 referring to Minimum Front Yard.]

Staff Findings

Subject Property Summary

- The Subject Property is 0.28 acres and currently contains a single-family dwelling. The Applicant intends to expand the existing dwelling.
- The Subject Property abuts Virginia Terrace to the south and east and right-of-way identified as solid green in the Mountain Retreat Association's Greenspace Agreement ("Agreement") to the north. Virginia Terrace is a public road maintained by the Town of Montreat. The solid green right-of-way does not contain a road, but appears to contain a driveway leading to 208 Virginia Road.
- The slope of the Subject Property is 21.56 percent.
- There are no streams or Special Flood Hazard Areas on the Subject Property.

Subject Property & Surrounding Lots

Land Use & Zoning

The Subject Property of the Variance request is in the R-2 Residential Zoning District (R-2). The existing single-family dwelling was built in approximately 1916 per the Buncombe County Tax Card for the Subject Property. The Applicant seeks to obtain a Variance to expand the existing dwelling on the Subject Property.

The Subject Property is bound on three sides by rights-of-way. To the south and east is the right-of-way of Virginia Road, a public road maintained by the Town of Montreat. Beyond this right-of-way in both directions are properties zoned R-2 containing existing single-family dwellings. To the north is right-of-way identified as solid green in the Agreement. This area is dedicated right-of-way and does not contain a road, but appears to contain a private driveway leading to 208 Virginia Road (PIN# 071075697300000). Beyond this right-of-way are properties zoned R-1 Residential containing existing single-family dwellings. To the west is an existing single-family dwelling zoned R-2.

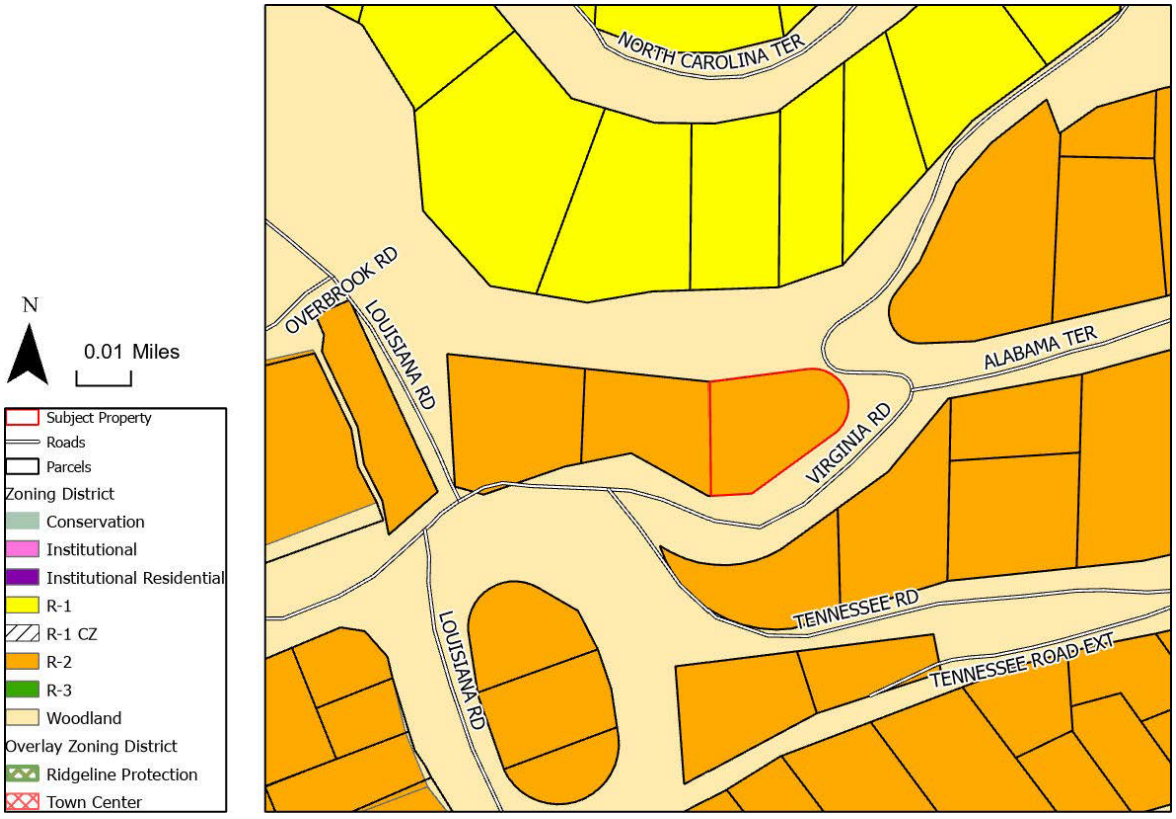


Figure 3: Subject Property and Surrounding Zoning

Setbacks

The Subject Property is in the R-2 Zoning District and is considered a double frontage lot abutting two or more streets. Double frontage lots are defined in the MZO as lots that have frontage on two separate streets and includes corner lots abutting three or more streets. Section 608 of the MZO regulates double frontage lots abutting more than two streets. Based on this section, the east and south sides of the Subject Property abutting Virginia Road are subject to the Minimum Front Yard setback for the R-2 Zoning District and the north (abutting dedicated right-of-way) and west sides of the Subject Property are subject to the Minimum Side Yard setback for the R-2 Zoning District.

The Applicant's Variance request is to the front setback requirement on the south side of Virginia Road, per Section 502.5 of the MZO, and the side setback requirement on the north side of the Subject Property, per Section 502.81. Note: Section 502 includes two Sections 502.5, the first is Minimum Lot Width and the second is Minimum Front Yard. For purposes of this Staff Report, references to Section 502.5 will mean the second Section 502.5 referring to Minimum Front Yard. The Applicant intends to meet the remaining setback requirements on the Subject Property.

The table below shows the required setbacks for R-2 on the Subject Property and the requested setback Variances from the Applicant's application.

	Required R-2 Zoning District Setback	Requested Variance
North (Side)	10 feet	9 feet
South (Front)	30 feet	23.4 feet
East (Front)	30 feet	N/A
West (Side)	10 feet	N/A

Lot Size

The Subject Property is 0.28 acres.

Topography

The slope of the Subject Property, per the Buncombe County Steep Slope Calculator, is 21.56 percent. The Subject Property slopes downwards from north to south.

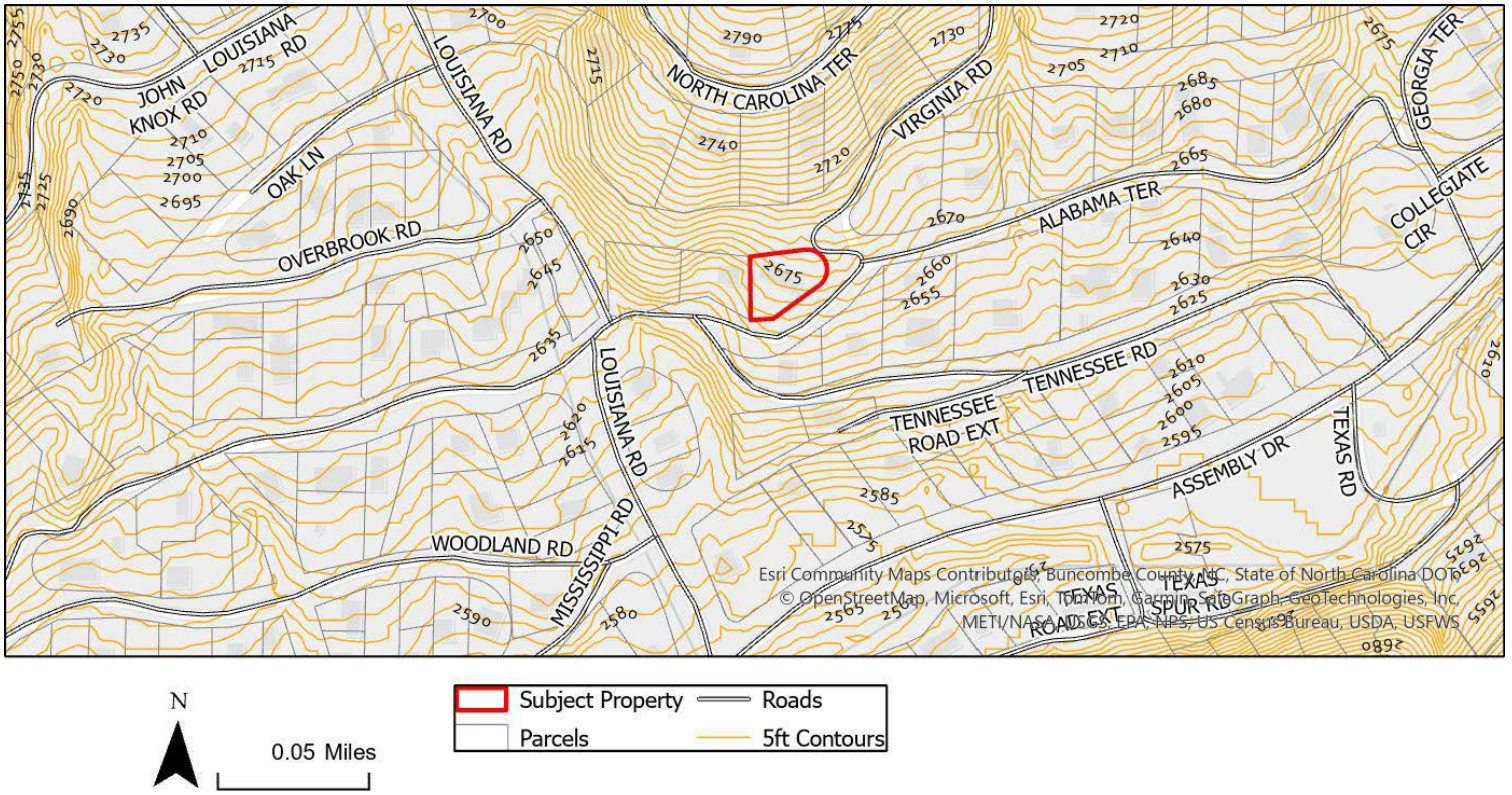


Figure 4: Subject Property and Surrounding Topography

Rights-of-Way

The Subject Property is bound on three sides by rights-of-way. To the south and east of the Subject Property are the rights-of-way of Virginia Road.

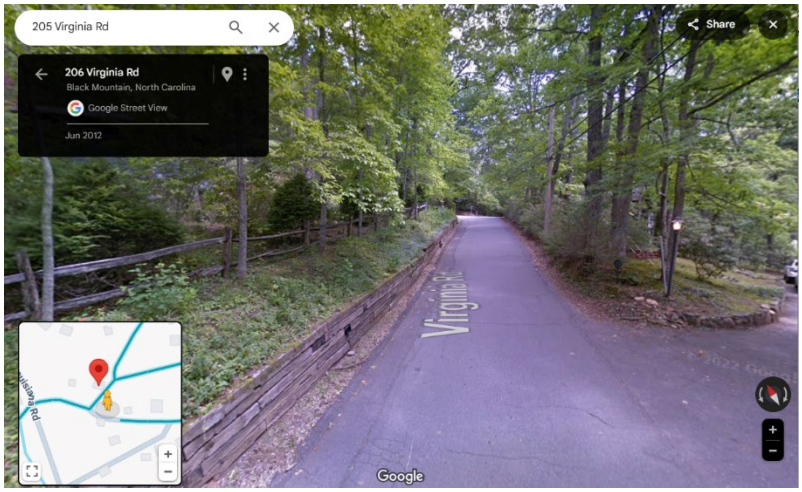
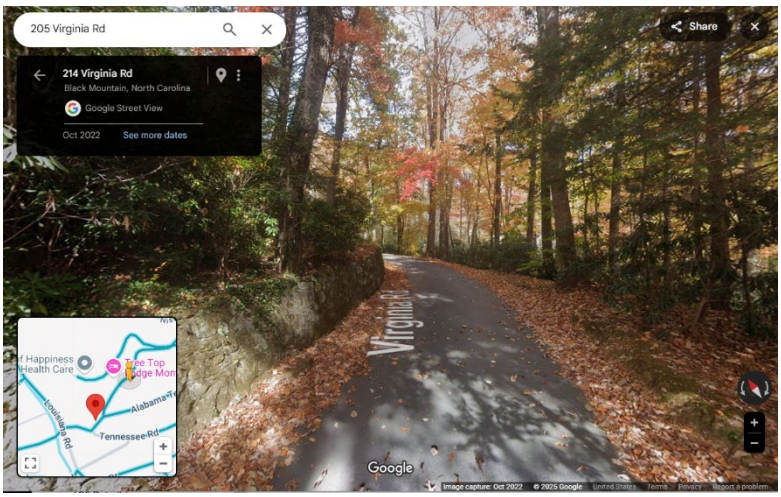


Figure 5: Virginia Road Right-of-Way (South of Subject Property)





Figure 6 & 7: Virginia Road Right-of-Way (East of Subject Property)



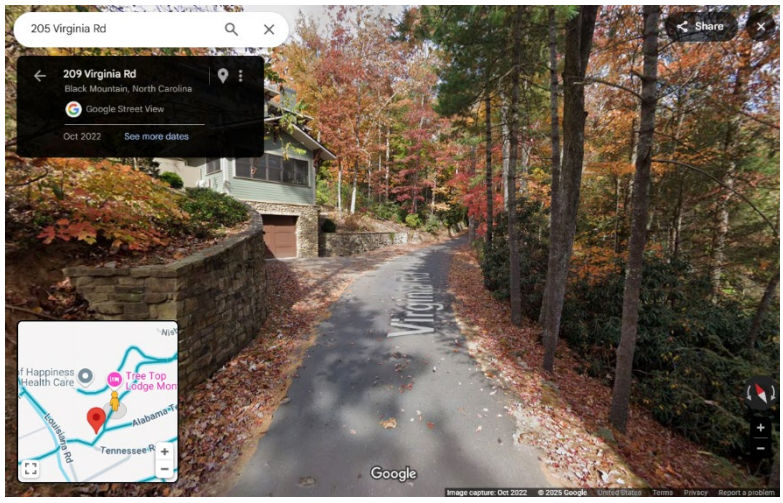


Figure 8 & 9: Virginia Road Right-of-Way (North of Subject Property)

There is a dedicated right-of-way to the north of the subject property. The image below shows an aerial of this right-of-way.

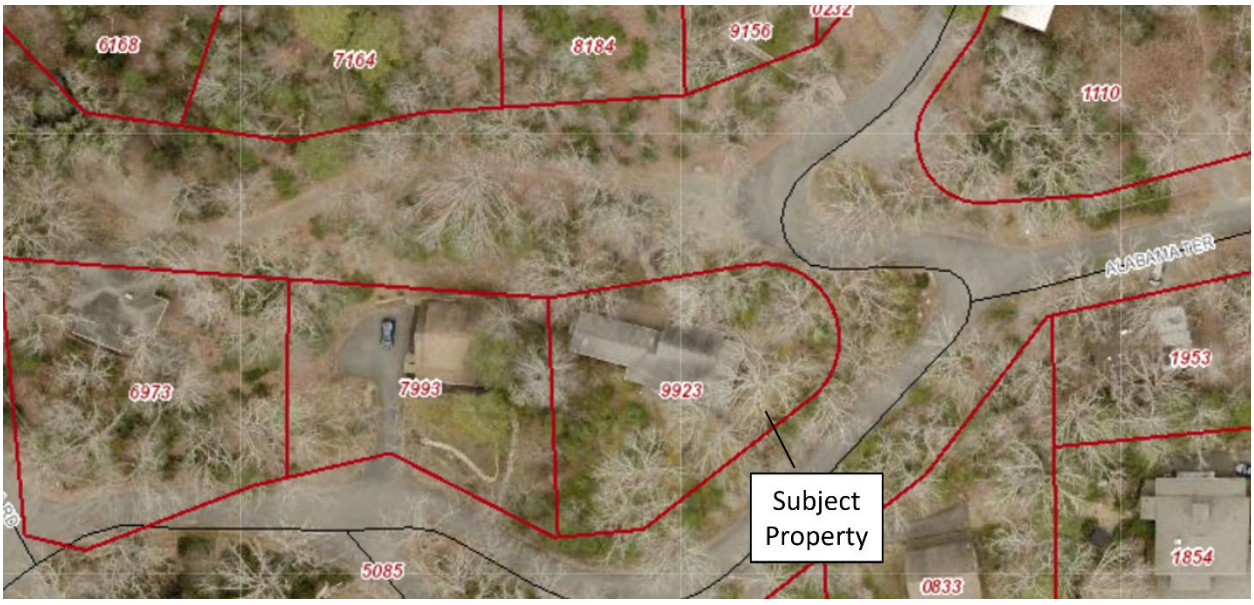


Figure 10: Right-of-Way (North of Subject Property)

Water Features

There are no streams or Special Flood Hazard Areas on the Subject Property. Prior to development permit issuance, the Applicant will be required to comply with the Town of Montreat's General Ordinance Chapter K Article III.

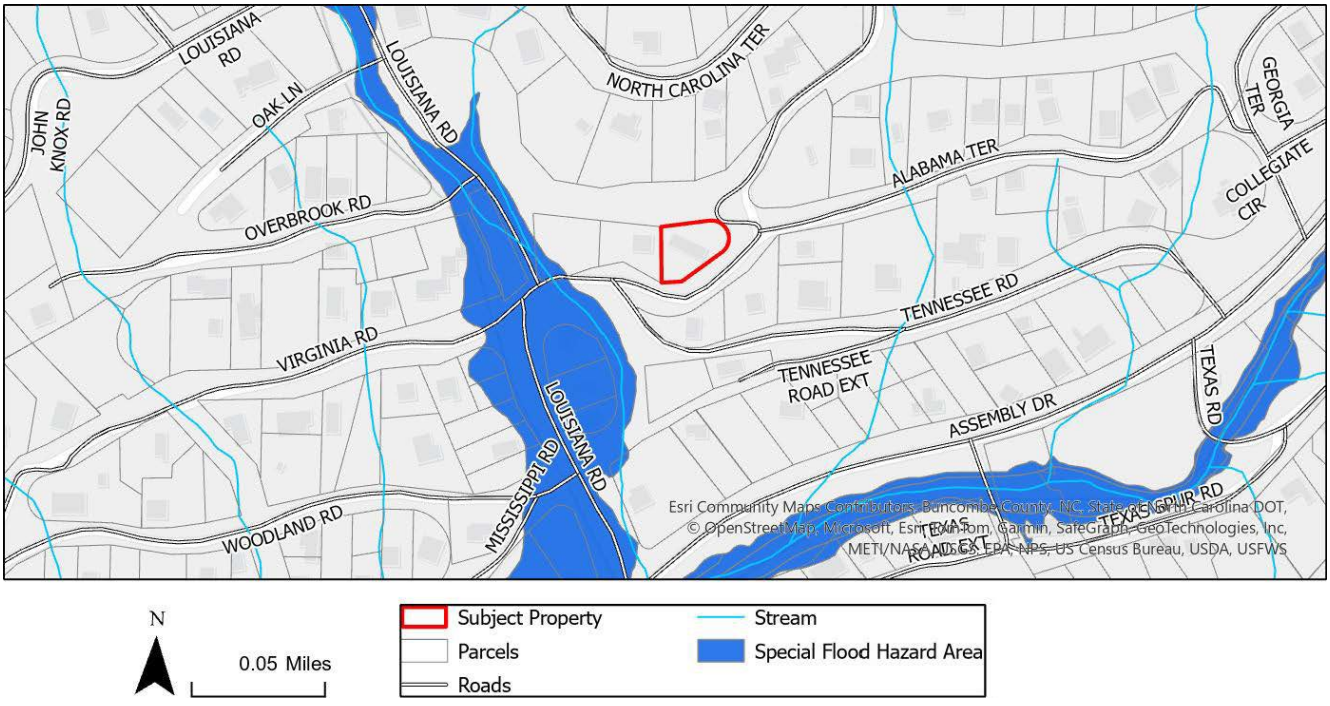


Figure 11: Subject Property and Water

Template Variance Decision Language

The Board is welcome to use the language below to issue a decision on the Variance Request. Prior to making the approval motion, the Board must state the specific findings that lead to the approval of each finding of fact as required by Section 310.42 of the MZO.

Findings of Fact:

1. The Board finds that unnecessary hardship [*would/would not*] result from the strict application of the Ordinance because…
2. The Board finds that the hardship results from conditions that [*are/are not*] peculiar to the property because…
3. The Board finds that hardship [*did/did not*] result from actions taken by the applicant or the property owner because…
4. The Board finds that the variance [*is/is not*] consistent with the spirit, purpose, and intent of the ordinance …
5. The Board finds that the variance requested [*is/is not*] the minimum variance that will make possible the requested use of the land because…
6. The Board finds that the variance [*is/is not*] a request to permit a use of land that is not permitted in the applicable Zoning District as the variance request is for…

Motion for Decision: "I move that the Board [*approve/approve with conditions/deny*] the Variance Request VA-2025-01 502.5 of the Montreat Zoning Ordinance to reduce the front setback requirement from 30 feet to 23.4 feet on the southern side of the Subject Property and to Section 502.81 of the Montreat Zoning Ordinance to reduce the side setback requirement from ten feet to nine feet on the northern side of the Subject Property for the purpose of expanding the existing dwelling on the Subject Property. [*List any conditions of approval in the motion, if applicable*]

VA-2025-01
Variance Request

PIN # 071075992300000

Montreat Board of Adjustment

April 24, 2025

TOWN OF MONTREAT
NORTH CAROLINA

1

1

Subject Property Overview

PIN: 071075992300000

ADDRESS: 205 Virginia Road,
Montreat, NC 28711

OWNER: HITCH RICHARD
PO BOX 142344,
IRVING, TX, 75014

SIZE: 0.28 acres

CURRENT ZONING AND USE:
R-2 Residential District;
Contains an existing dwelling



N
0.01 Miles
Subject Property
Roads
Parcels

2

2

Application Overview

Applicant: Wade Burns (on behalf of the Property Owner)

Application Summary:

- Variance to Section 502.5 MZO reduce the front setback required on the southern side Subject Property from 30 feet to 23.4 feet of the Subject Property.
- Variance to Section 502.81 MZO to reduce the side setback required on the northern side Subject Property from ten feet to nine feet.

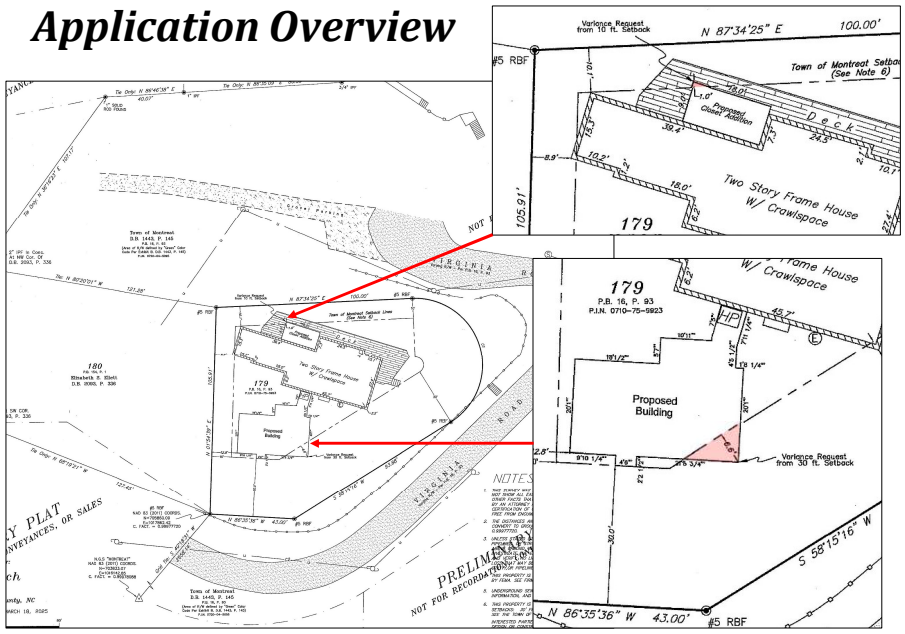
	Required R-2 Zoning District Setback	Requested Variance
North (Side)	10 feet	9 feet
South (Front)	30 feet	23.4 feet
East (Front)	30 feet	N/A
West (Side)	10 feet	N/A

Note: Section 502 includes two Sections 502.5, the first is Minimum Lot Width and the second is Minimum Front Yard. For purposes of this presentation, references to Section 502.5 will mean the second Section 502.5 referring to Minimum Front Yard.

3

3

Application Overview



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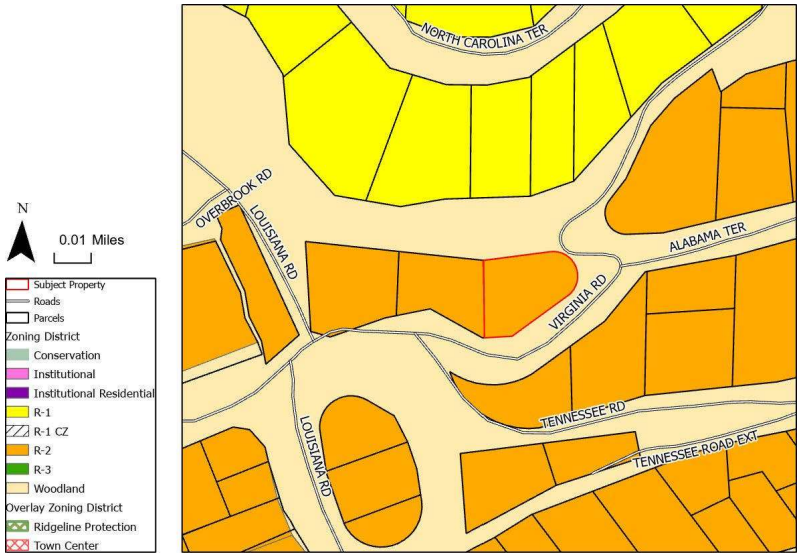

Land Use, Zoning, & Lot Size

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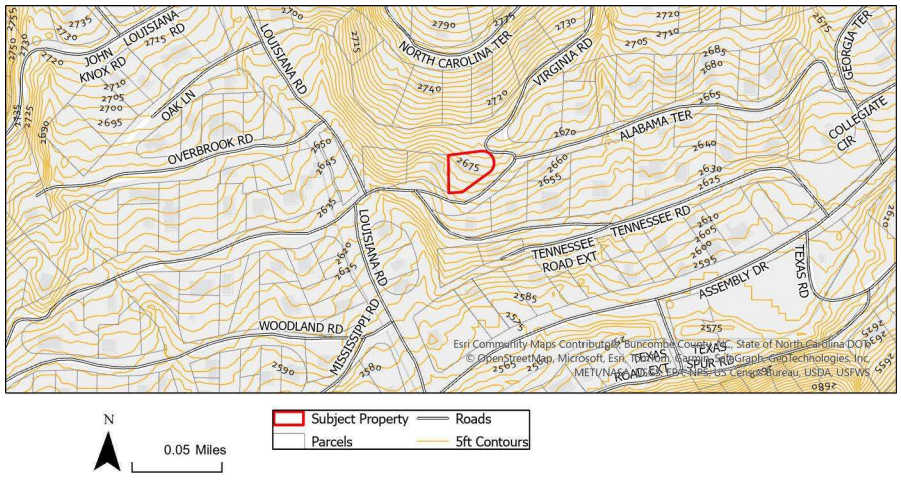


Topography

6

6

Rights-of-Way

- Subject Property bounded on three sides by rights-of-way.
- Virginia Road, public road, to the south and east.
- Right-of-way to the north.

AT SUBJECT PROPERTY →







EAST OF SUBJECT PROPERTY ←



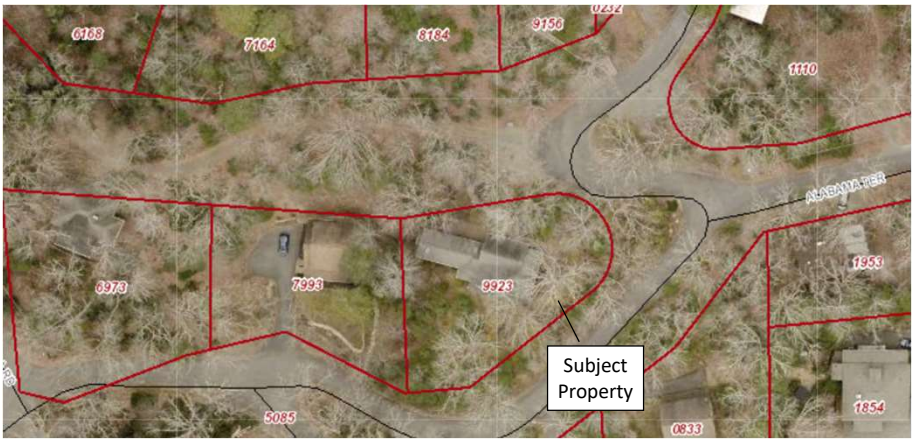


NORTH OF SUBJECT PROPERTY ←

7

7

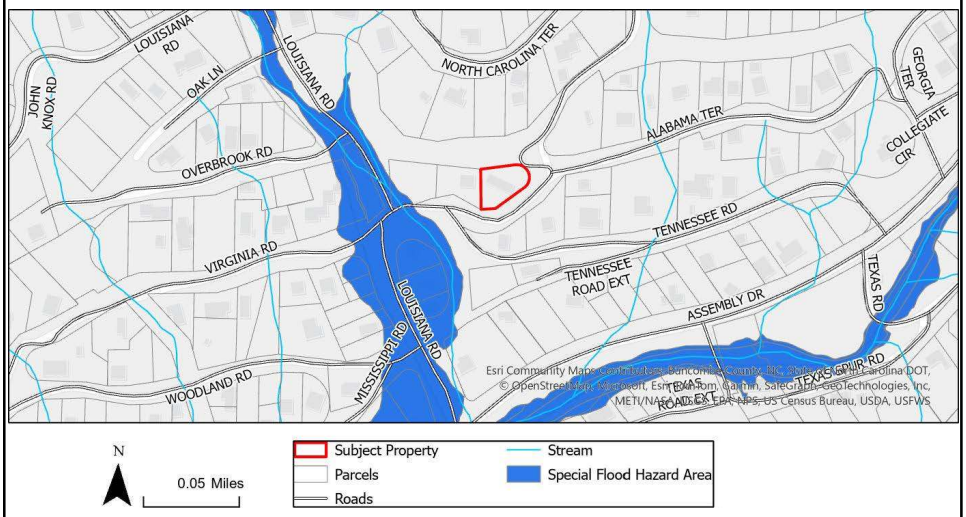
Rights-of-Way



RIGHT-OF-WAY NORTH OF SUBJECT PROPERTY

8

8



Water Features

9

9

Board of Adjustment Decision

The Board shall grant a Variance upon showing of **all** of the following:

310.42(A) Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the Variance, no reasonable use can be made of the property.

310.42(B) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a Variance

310.42(C) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a Variance shall not be regarded as a self-created hardship.

310.42(D) The Variance is consistent with the spirit, purpose and intent of the Ordinance such that public safety is secured and substantial justice is achieved.

310.42(E) The Variance requested is the minimum Variance that will make possible the requested Use of the land, Building or Structure.

310.42(F) The Variance is not a request to permit a Use of land, Building or Structure which is not permitted in the applicable Zoning District.

As a note… If a Variance is granted it shall be the least possible deviation from the requirements of this Ordinance. In granting any Variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Setback Variances are granted for the development shown on the site plan included in the application.

10

10

VA-2025-01
Variance Request

PIN # 071075992300000

Montreat Board of Adjustment

April 24, 2025

TOWN OF MONTREAT
NORTH CAROLINA

11