Town of Montreat
Board of Adjustment (BOA)
Meeting Agenda
September 25, 2025, 5:00 p.m.
Montreat Town Hall
1210 Montreat Rd., Black Mountain, NC 28711

I. **CALL TO ORDER**

- Welcome and Introductions
- Moment of Silence

II. **CERTIFICATION OF QUORUM**

III. **AGENDA ADOPTION**

- **Suggested Motion**: To adopt the meeting agenda as presented/amended

IV. **ADOPTION OF JUNE 26, 2025, MEETING MINUTES**

- **Suggested Motion:** To adopt the June 26, 2025, Meeting Minutes as drafted/amended.

V. **ORDER OF APPROVAL**

1) **Special Use Request** –A Special Use Permit request was submitted by The Town of Montreat Landcare Committee to construct a handicap accessible trail, associated parking, a welcome area, and seating areas in the area adjacent to the Montreat Memorial Garden owned by the Town of Montreat. The subject property is located on the eastern side of Assembly Drive at the intersection of Assembly Drive, Virginia Road, and Kanawha Drive (PIN# 071063480000000). The subject property is zoned Conservation District (CD) and development of parks or other public recreational facilities requires a Special Use Permit in this Zoning District (Montreat Zoning Ordinance, Article V – Zoning District Regulations, Sec. 500: Permitted Uses Table, Table 1: Permitted Uses Table).

   Suggested Motion: To approve/approve with revisions/deny the written order of approval for the Town of Montreat Landcare Committee Special Use Request.

2) **Special Use Permit Request** –A Special Use Permit request was submitted by Grant Dasher, Property Owner, to build an accessory dwelling unit at 167 Virginia Road (PIN# 071075493000000). The subject property is zoned R-2 Residential District and requires a Special Use Permit in this Zoning District for accessory dwelling units (Montreat Zoning Ordinance, Article V – Zoning District Regulations, Sec. 500: Permitted Uses Table, Table 1: Permitted Uses Table).

   Suggested Motion: To approve/approve with revisions/deny the written order of approval for Grant Dasher.

3) **Variance Request (536 Calvin Trail) –** A Variance request was submitted by Wade Burns (on behalf of Property Owner, Graceful Blessings LLC) for the lot addressed as 536 Calvin Trail, Montreat, NC 28711 and described as PIN#072009848300000 located on Calvin Trail, approximately 36 feet west of Providence Terrace. This Variance request is to Section 501.81 of the Montreat Zoning Ordinance to reduce the side setback requirement from 15 feet to 2 feet on the southern 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 the Variance Request for 536 Calvin Trail.

4) **Variance Request (428 South Carolina Terrace)** – A Variance request was submitted by Ewing Construction (on behalf of Property Owners, Albert and Lucy Robinson) for the lot addressed as 428 South Carolina Terrace, Montreat, NC 28711 and described as PIN# 072017083400000 located on South Carolina Terrace. This Variance request is to Section 501.5 (Minimum Front Yard) of the Montreat Zoning Ordinance to reduce the front setback requirement from 30 feet to 20 feet on the western side of the Subject Property for the purpose of building a single-family residential dwelling.

Suggested Motion: To grant/grant with conditions/deny the Variance Request for 428 South Carolina Terrace.

VI. **NEW BUSINESS**

VII. **ADJOURNMENT**

Board of Adjustment

Meeting minutes – June 26, 2025

Board of Adjustment Members Present
David Neel, Vice-Chair/Presiding Officer
Bill Scheu
George Sawyer
Arrington Cox
Ed Kramer

Board of Adjustment, Members Absent
Danny Sharpe, Chair
Matt Horne
Mari Gramling

Town Staff Present
Kayla DiCristina, Zoning Administrator
Brandon Freeman, Town Attorney
Angie Murphy, Town Clerk

Call To Order

Vice Chairman David Neel called the meeting to order at 5:02 p.m. A moment of silence was observed.

Certification Of Quorum

The Board confirmed that a quorum of four members was present, which was sufficient to hold the meeting. Kayla DiCristina, the Zoning Administrator, clarified that five members were needed to hold a hearing. Member Ed Kramer arrived at 5:04 p.m., which then allowed the board to proceed with the scheduled hearing.

Agenda Adoption

Vice Chairman Neel requested a motion to adopt the agenda.

> *George Sawyer moved to adopt the agenda. Arrington Cox seconded the motion. The motion carried unanimously.*

Adoption Of May 22, 2025, Meeting Minutes

Vice Chairman Neel called for a motion to approve the minutes from the May 22, 2025, meeting. Arrington Cox initially expressed confusion about presiding over the previous meeting but was reminded by Kayla DiCristina that she had indeed presided due to it being shortly after her surgery.

> *Bill Scheu moved to adopt the May 22, 2025, meeting minutes. George Sawyer seconded the motion. The motion carried unanimously.*

Evidentiary Hearing

a. Variance Request (VA-2025-02)

Vice Chairman Neel read the details of the variance request VA-2025-02, submitted by April Carder, Landscape Architect, on behalf of property owners William P. and Gail K. Brown, for the property at 222 Louisiana Road,

Montreat, NC 28711. The variance request was to reduce the front setback requirement from 30 feet to 24 feet on the western side of the property for the purpose of constructing stairs to the existing dwelling.

Before the proceeding, George Sawyer disclosed that he and April Carder were working together on another project for the town, involving an accessible trail system. The Town Attorney, Brandon Freeman, questioned him to ensure there was no conflict of interest. After questioning, it was determined that this did not constitute a conflict of interest as the outcome of this case had no bearing on their other project, and Mr. Sawyer felt he could remain impartial. This disclosure was important as a board member may not participate in the hearing if they have a fixed opinion about the matter, a financial interest in the outcome, or a close relationship with an affected party. There were no objections or concerns from other board members about this disclosure.

Kayla DiCristina, the Zoning Administrator, presented the staff report, explaining the details of the property, the nature of the variance request, and the surrounding area. She also clarified that the applicant was requesting a variance of six feet, not including the four feet that steps are allowed to encroach into the setback by definition. She described the site's topography and existing conditions, noting that a series of 17 straight steps currently led to the dwelling, which lacked landings.

April Carder, on behalf of the applicant, subsequently addressed the board. She explained that the purpose of the variance was to create easier egress to the primary entrance of the dwelling. She clarified that they were proposing to revise the current system of 17 straight steps to include two landings, which necessitated crossing over the setback. This was required to create a safer and more accessible entrance to the home. Carder emphasized the challenging topography of the lot and stated that the proposed revision to the stairs would enhance safety and accessibility.

The board engaged in a discussion regarding the impacts of the variance and confirmed that the request aligned with the surrounding context and did not adversely affect the neighborhood. After discussion and clarification, a motion was made to approve the variance request.

> *Bill Scheu moved to approve the application. George Sawyer seconded the motion. The motion carried unanimously.*

b. Variance Request (VA-2025-03)

Vice Chairman Neel read the details of the variance request VA-2025-03, submitted by Martin Kerr on behalf of the Kerr Revocable Trust, for the property at 364 Oklahoma Road, Montreat, NC 28711.

The variance request was to reduce the front setback requirement from 30 feet to 13 feet on the southern side of the property for the purpose of constructing a screened porch.

Kayla DiCristina presented the staff report, detailing the property characteristics, the nature of the variance request, and the surrounding area.

Martin Kerr, the applicant, presented additional information about the property's history and the proposed changes. He explained that the house was originally built in 1957 and had undergone several additions over the years. The current request was to replace an existing deck with a screened porch, moving it further back from the current setback.

Mr. Kerr provided context about the property's location relative to Oklahoma Road, which was extended after the house was built. He also mentioned that moving the porch back to meet the current setback would require access through a bedroom and necessitate moving an HVAC unit, oil tank, and potentially removing a tree.

Board members asked questions about the porch's specifications, including its size (approximately 156 square feet) and whether it would change the height of the structure (it would not).

After discussion, a motion was made to approve the variance request.

> *Bill Scheu moved to approve the application. Ed Kramer seconded the motion. The motion carried unanimously.*

New Business

Kayla DiCristina announced that this would be her last meeting as the Zoning Administrator. She expressed her appreciation for working with the board and encouraged them to continue their diligent work.

The board members thanked Ms. DiCristina for her excellent work and service to the board.

Adjournment

Arrington Cox moved to adjourn the meeting. Bill Scheu seconded the motion. The motion carried unanimously.

The meeting was adjourned at 5.52 p.m.

_____ _____

David Neel, Presiding Officer Angie Murphy, Town Clerk

TOWN OF MONTREAT
NORTH CAROLINA

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

Staff Report – Special Use Permit for PIN# 071063480000000 (Town of Montreat Landcare Committee)

Proposed Project: The Town of Montreat Landcare Committee is requesting approval of a Special Use Permit to construct a handicap accessible trail, associated parking, a welcome area, and seating areas in the area adjacent to the Montreat Memorial Garden owned by the Town of Montreat. The subject property is located on the eastern side of Assembly Drive at the intersection of Assembly Drive, Virginia Road, and Kanawha Drive (PIN# 071063480000000). The subject property is zoned Conservation District (CD) and development of parks or other public recreational facilities requires a Special Use Permit in this Zoning District (Montreat Zoning Ordinance, Article V – Zoning District Regulations, Sec. 500: Permitted Uses Table, Table 1: Permitted Uses Table).

Created by:

Alexis Baker, AICP
Interim Zoning Administrator
Town of Montreat

Created for:

Montreat Board of Adjustment

September 25th, 2025

STAFF REPORT

Summary

A Special Use Permit was approved for the requested use, a handicap accessible trail, associated parking, a welcome area, and seating areas in the area adjacent to the Montreat Memorial Garden owned by the Town of Montreat, on PIN# 071063480000000 in the Conservation Zoning District by the Montreat Board of Adjustment on August 25, 2022. Due to Hurricane Helene, the project was put on hold. This Special Use Permit was not acted upon within twelve months. Additionally, the applicant has adjusted the handicap accessible trail from 10 feet to 7 feet. The applicant originally anticipated that the trail would be vehicular grade to be used for Staff accessing the Montreat maintenance building near Town Hall. As this is no longer necessary, the trail was reduced to 7 feet. Finally, a new site plan was necessary due to changes in landscape from unanticipated flooding in September 2024.

The original Staff Report, written by previous Zoning Administrator, Kayla DiCristina, is attached for information along with the updated site plan.

Attachments:

1. August 25, 2022, Special Use Permit Report
2. Revised Site Plan

TOWN OF MONTREAT
NORTH CAROLINA

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

Staff Report – Special Use Permit for PIN# 071063480000000 (Town of Montreat Landcare Committee)

Proposed Project: The Town of Montreat Landcare Committee is requesting approval of a Special Use Permit to construct a handicap accessible trail, associated parking, a welcome area, and seating areas in the area adjacent to the Montreat Memorial Garden owned by the Town of Montreat. The subject property is located on the eastern side of Assembly Drive at the intersection of Assembly Drive, Virginia Road, and Kanawha Drive (PIN# 071063480000000). The subject property is zoned Conservation District (CD) and development of parks or other public recreational facilities requires a Special Use Permit in this Zoning District (Montreat Zoning Ordinance, Article V – Zoning District Regulations, Sec. 500: Permitted Uses Table, Table 1: Permitted Uses Table).

Created by:

Kayla DiCristina, AICP
Zoning Administrator
Town of Montreat

Created for:

Montreat Board of Adjustment

August 25th, 2022

TABLE OF CONTENTS

Summary.....03
Public Notice.....04
Special Use Permit Request & Findings of Fact.....05
Uses.....05
Setbacks and Lot Size.....06
Landscaping and Trees.....09
Erosion and Sediment Control.....09
Post Construction Stormwater Measures.....10
Hillside Development.....10
Floodplain Damage Prevention and Development.....11
Comprehensive Plan.....12

Table of Figures

Figure 1: Surrounding Zoning and Uses
Figure 2: Properties within 250' of Subject Property for Public Notice
Figure 3: Mountain Retreat Association (MRA) Greenspace Agreement
Figure 4: Site Plan
Figure 5: Approximate Setbacks
Figure 6: Assembly Drive Right-of-Way
Figure 7: Floodplain Areas on Subject Property
Figure 8: Proposed Town Wide Plan
Figure 9: Planning Area

Exhibits

Exhibit A: Property Plat
Exhibit B: MRA Greenspace Agreement
Exhibit C: Subject Property Topography Map

STAFF REPORT

Summary

The following report summarizes the Zoning Administrator's review of an application for a Special Use Permit submitted by the Town of Montreat's Landcare Committee (formally submitted by Patricia Pyle). The subject property, owned by the Town of Montreat, is adjacent to the Montreat Memorial Garden and is located on the eastern side of Assembly Drive at the intersection of Assembly Drive, Virginia Road, and Kanawha Drive (PIN# 071063480000000). The applicant proposes to construct a handicap accessible trail, associated parking, a welcome structure, and seating areas in addition to existing recreational facilities on the subject property.

Parcel Identifier Number (PIN #): 071063480000000

Address: Unaddressed. Property is located on the eastern side of Assembly Drive at the intersection of Assembly Drive, Virginia Road, and Kanawha Drive

Owner: The Town of Montreat*

PO Box 423, Montreat, NC 28757

*Staff notes that the proposed project is on land owned by the Town of Montreat and land dedicated to the Town of Montreat from the MRA.

Applicant: The Town of Montreat Landcare Committee (formally submitted by Patricia Pyle)

Zoning: Conservation District (CD)

Surrounding Zoning (Figure 1: Surrounding Zoning and Uses):

North: Woodland District zoning (WL) and Assembly Drive with R-1 Residential District (R-1) zoning beyond.

South: WL zoning with Institutional zoning (I) beyond.

East: WL and R-1 zoning.

West: WL zoning with Assembly Drive and R-1 zoning beyond.

Current Land Use: Recreation Area

Surrounding Land Use (Figure 1: Surrounding Zoning and Uses):

North: Assembly Drive with Single Family Dwellings beyond.

South: Recreation with Town of Montreat owned buildings beyond.

East: Recreation with Single Family Dwellings beyond.

West: Assembly Drive with Single Family Dwellings beyond.

Utilities: N/A

Acres: 1.18 acres (51,400.80 SF lot)

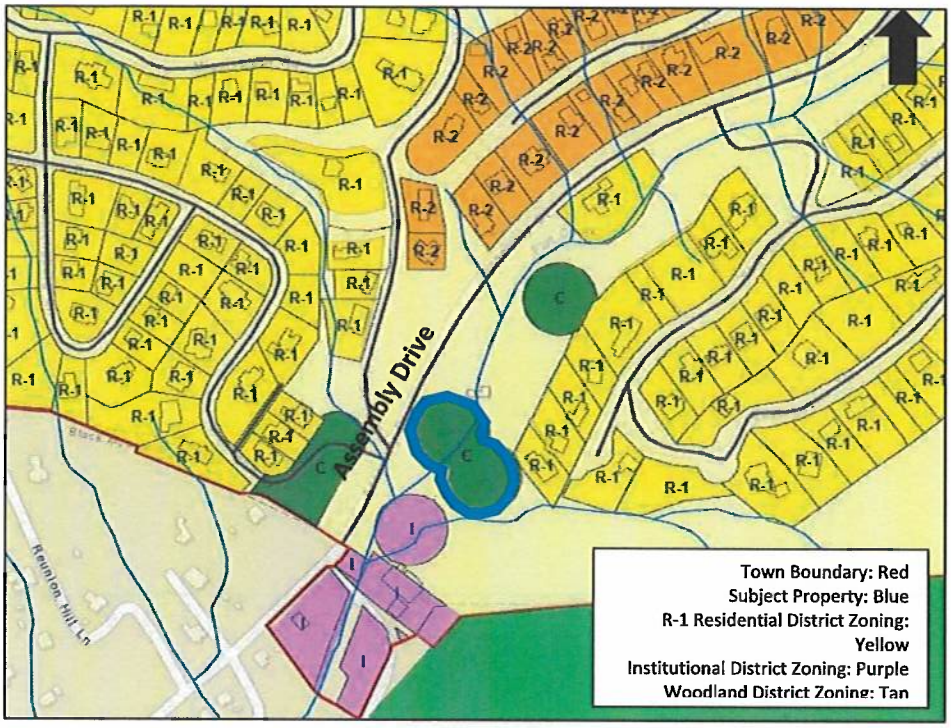
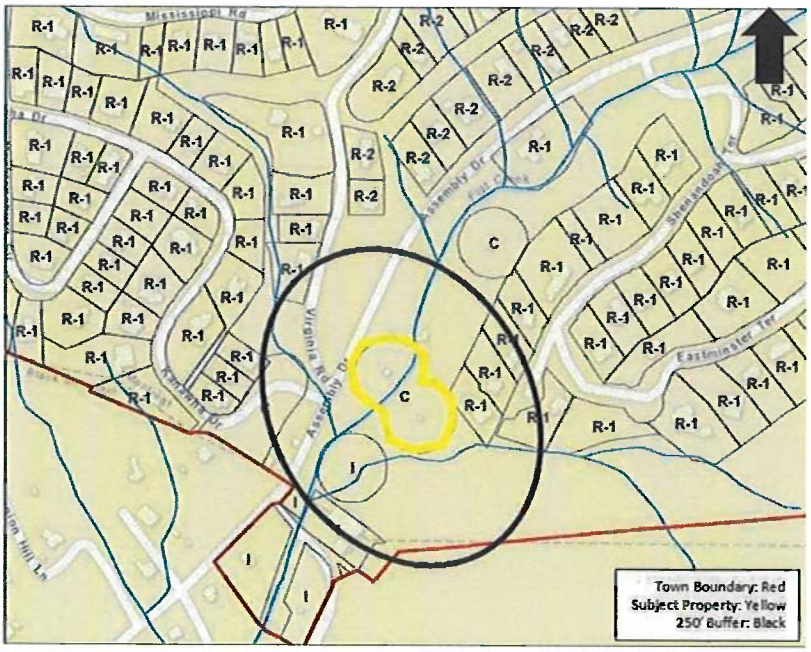


Figure 1: Surrounding Zoning and Uses; provided by staff

Public Notice

Staff mailed notice to properties within 250' of the site **8/11/21** (see Figure 2: Properties within 250' of Subject Property for Public Notice) for the Board of Adjustment Hearing on **8/25/22**.



Special Use Permit Request

The Town of Montreat Landcare Committee is requesting approval of a Special Use Permit to construct a handicap accessible trail, associated parking, a welcome structure, and seating areas adjacent to the Montreat Memorial Garden, owned by the Town of Montreat, on the eastern side of Assembly Drive at the intersection of Assembly Drive, Virginia Road, and Kanawha Drive (PIN# 071063480000000). The subject property is within the "hatched green" area of the MRA Greenspace Agreement (Figure 3: Mountain Retreat Association (MRA) Greenspace Agreement). Hatched green areas are to be used only for recreation, fishing, greenspaces, and beautification. The subject property is zoned Conservation District (CD) and development of parks or other public recreational facilities requires a Special Use Permit in this Zoning District (Montreat Zoning Ordinance, Article V – Zoning District Regulations, Sec. 500: Permitted Uses Table, Table 1: Permitted Uses Table).

See **Staff Findings** (i.e. Kayla DiCristina, AICP, Montreat Zoning Administrator) in addition to applicant-provided materials. **Staff Findings** contain references to the Montreat Zoning Ordinance **(MZO)** and Montreat General Ordinances **(MGO)** where noted.

Special Use Permit Findings of Fact

USES

Staff Findings

"Parks or Other Public Recreational Facilities" require a Special Use Permit in the Conservation District (CD) Zoning District, subject to the Board of Adjustment's review and approval (MZO, Article V – Zoning District Regulations, Sec. 500: Permitted Uses Table, Table 1: Permitted Uses Table). This Zoning District allows no uses permitted by right. The only two uses listed in the MZO's Table of Permitted Uses allowed in the CD Zoning District, albeit with the approval of a Special Use Permit, are "Parks and Other Public Recreational Facilities" and "Agriculture Excluding Logging and Timber Harvest" (MZO, Article V – Zoning District Regulations, Sec. 500: Permitted Uses Table, Table 1: Permitted Uses Table). The subject property is within the "hatched green" area of the Mountain Retreat Association Greenspace Agreement (Figure 3: Mountain Retreat Association (MRA) Greenspace Agreement). Hatched green areas are to be used only for recreation, fishing, greenspaces, and beautification.

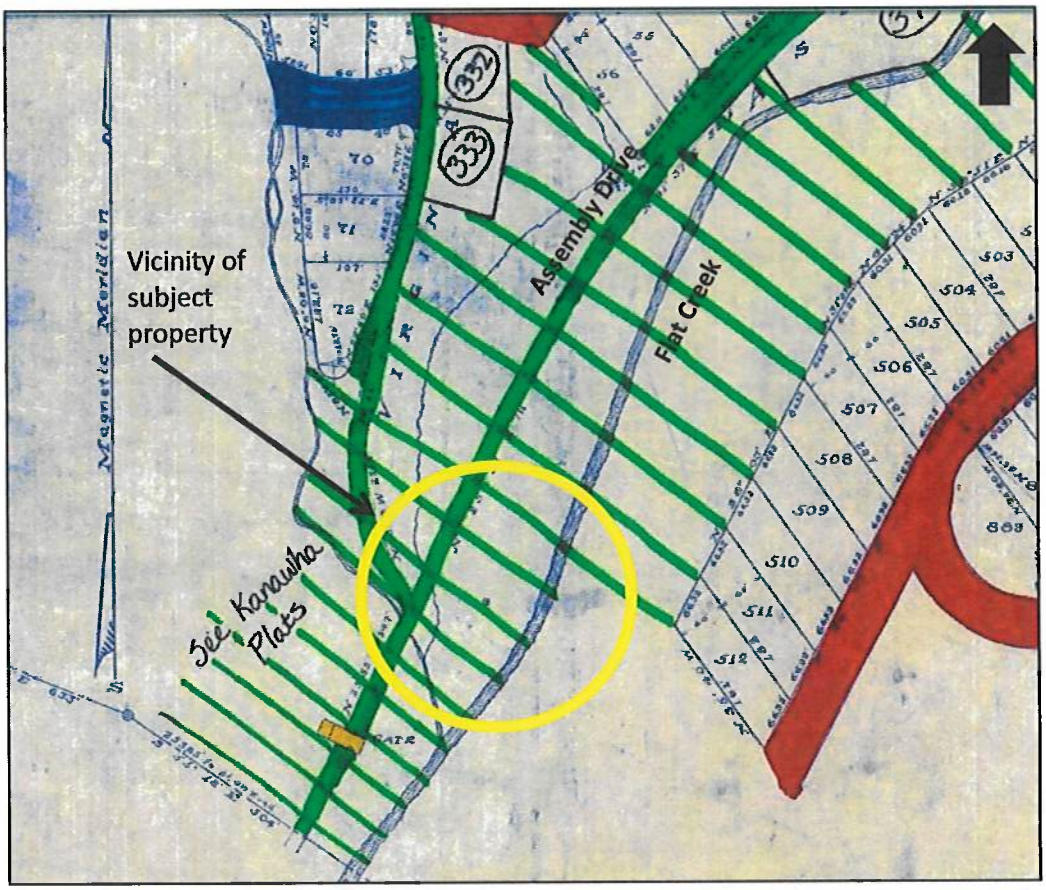


Figure 3: Mountain Retreat Association (MRA) Greenspace Agreement (recorded in L.1443, f. 145 with the Buncombe County Register of Deeds); provided by staff

SETBACKS AND LOT SIZE

Staff Findings

As stated previously, the CD Zoning District only allows two uses within the district with the approval of a Special Use Permit, "Parks and Other Public Recreational Facilities" and "Agriculture Excluding Logging and Timber Harvest". **The MZO does not list required dimensional standards for development classified under these uses** (MZO, Article V – Zoning District Regulations, Sec. 509: CD – Conservation District). The applicant proposes to construct a small welcome area with a covered bench shelter (Figure 2: Site Plan). The definition of a "structure" per the MZO reads as follows:

Structure: Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground, including Decks, retaining walls, exterior stairways, Fences, and Signs provided, however, neither a driveway (including associated guardrails), a walkway (including associated steps and railings), an elevated boardwalk, nor a fence shall

be considered a Structure for the purpose of Setback and minimum Yard requirements. Accessibility Features approved pursuant to Section 606.4 and also signs complying with the requirements and limitations of this Ordinance shall not be considered a Structure for the purpose of Setback and minimum Yard requirements.

Depending on final design elements of the covered bench, this element may be considered a structure. Staff notes that the covered bench is approximately 34.2' from the right-of-way of Assembly Drive, approximately 48.6' from the edge of Flat Creek, and approximately 68.7' from the existing building on the site (Figure 5: Approximate Setbacks). Staff also notes that the right-of-way of Assembly Drive is 30' from the centerline on either side of the road per the MRA Greenspace Agreement recorded in L.1443, f. 145 with the Buncombe County Register of Deeds (Figure 3: MRA Greenspace Agreement). The applicant's drawing appears to show a portion of the proposed ADA parking lot within the 30' right-of-way of Assembly Drive (Figure 6: Assembly Drive Right-of-Way). The MZO does not explicitly prohibit construction of parking lots within the right-of-way and staff notes that Section 606.4 of the MZO notes the following requirements for reasonable accommodations and accessibility improvements:

606.4 REASONABLE ACCOMMODATION. *In addition to meeting the general requirements of Section 606.1, a property owner may erect or install Accessibility Features within the required Yard Setback, subject to meeting all the following conditions:*

> *606.41 The proposed accessibility improvements shall provide "reasonable accommodations" to avoid discrimination against individuals with disabilities. The intrusion upon the Setback will not exceed that which is practically required as determined by the Zoning Administrator.*
>
> *606.42 Expansion of, or addition to, Decks and other appurtenant Structures beyond what is deemed necessary by the Zoning Administrator to provide reasonable accommodation for accessibility shall not be permitted.*
>
> *606.43 Accessibility improvements designed and sited to occupy a portion of Street Right-of-Way fronting the property served are also subject to review for Administrative Approval by the Town Administrator prior to application for the associated construction permits.*

The definitions of "street" and "right-of-way" from the MZO are noted below.

Right-of-Way: A dedicated or condemned strip of land reserved for a specific Use, such as for a Street or utility Easement.

Street: A dedicated Right-of-Way for vehicular traffic which affords the principal means of access to abutting property.

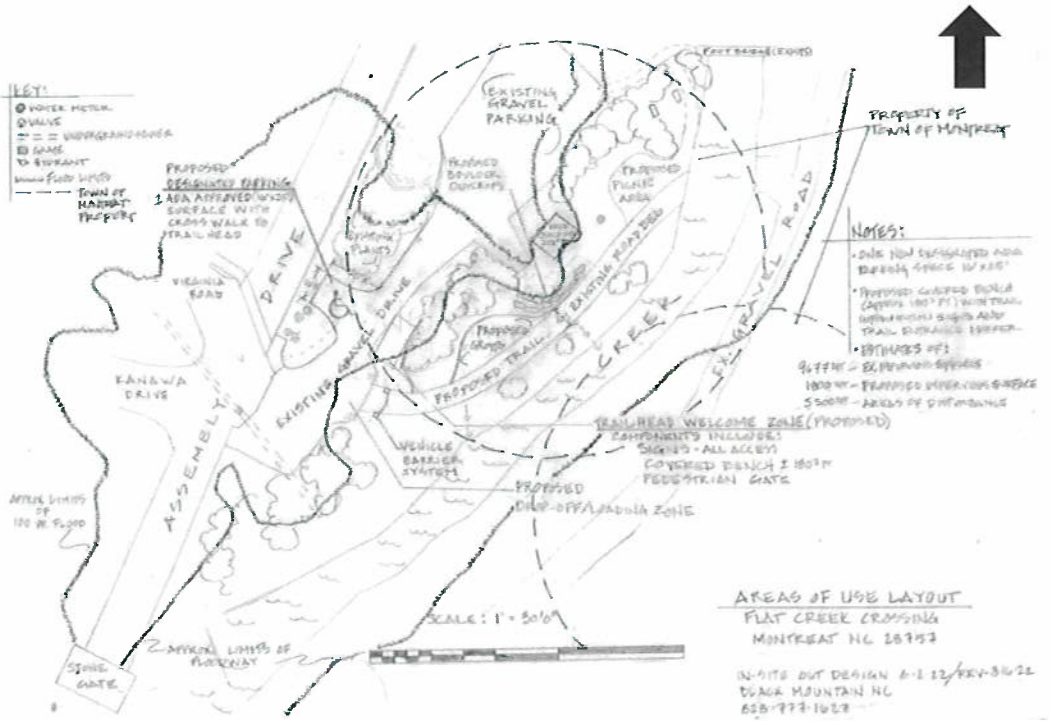


Figure 4: Site Plan; provided by applicant

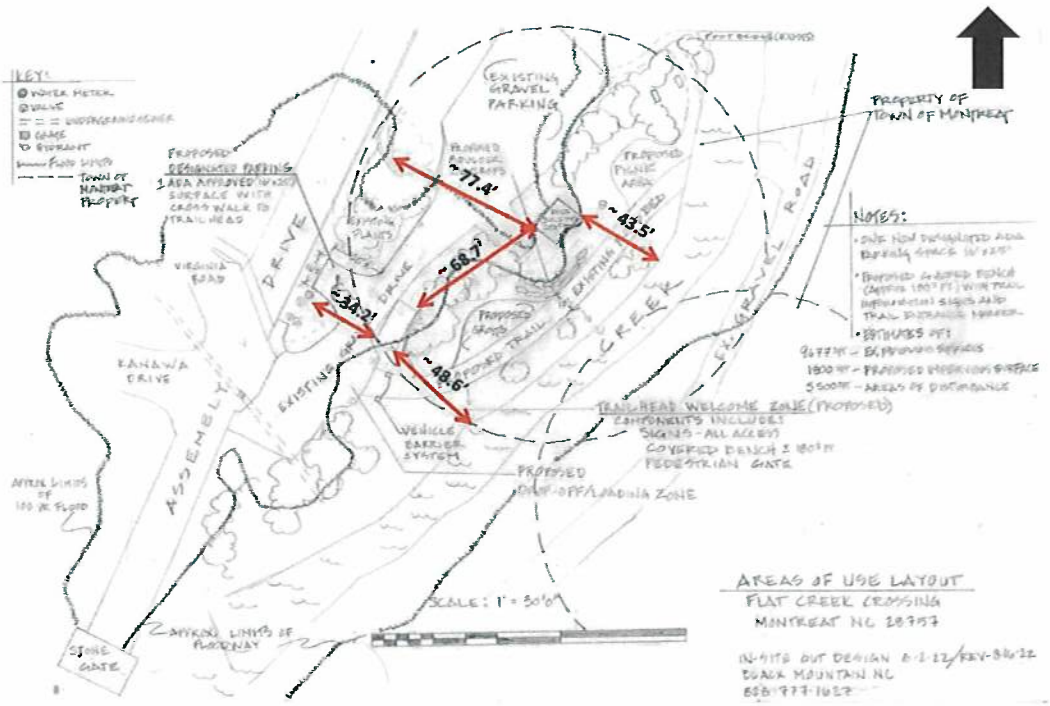


Figure 5: Approximate Setbacks; provided by staff

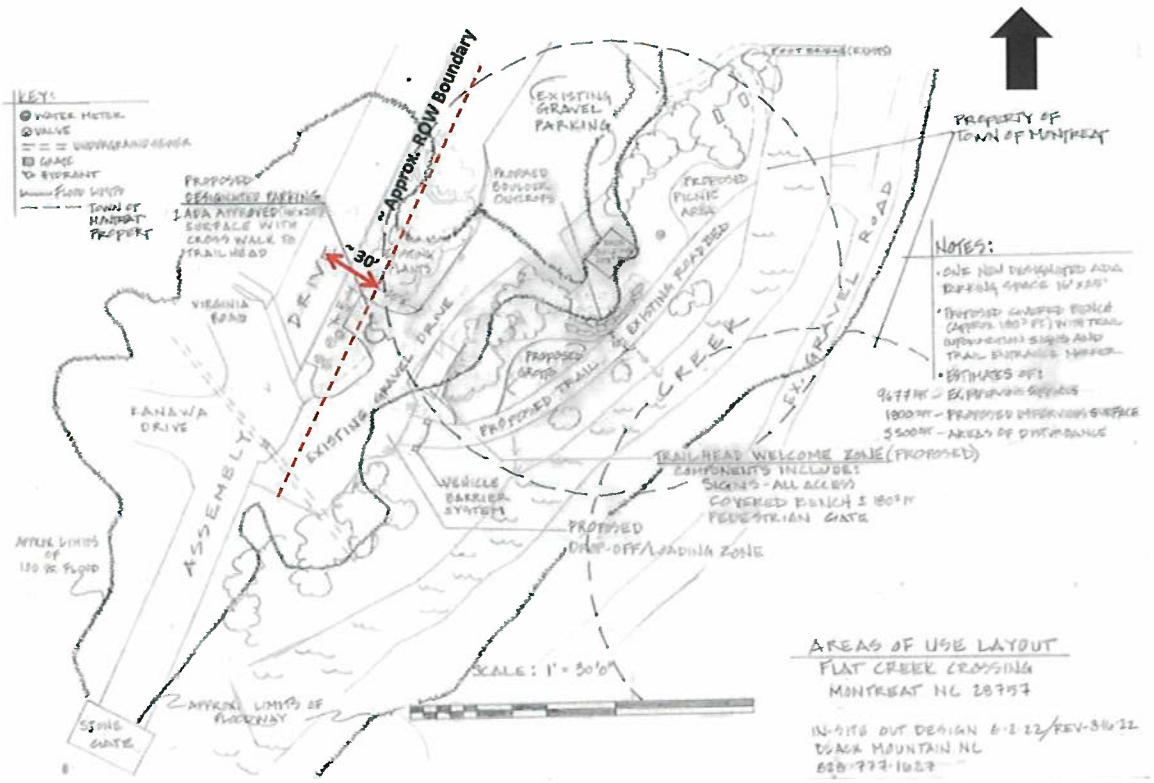


Figure 6: Assembly Drive Right-of-Way; provided by staff

LANDSCAPING AND TREES

Staff Findings

The applicant does not propose removing any trees within the right of way of Assembly Drive, which is a Town of Montreat right-of-way; therefore the **Town of Montreat's Tree Ordinance does not apply** to this site. (MGO, Chapter K – Environment, Article V: Trees, Section 1: Applicability).

EROSION & SEDIMENT CONTROL (ESC)

Staff Findings

The applicant does not proposed to conduct any land disturbing activity which uncovers one or more acres on a tract of land and is not proposing residential land disturbing activity. Therefore, **an ESC plan and land disturbing permit under the Buncombe County Soil Erosion and Sedimentation Control Ordinance, as cited in the MGO, Chapter K – Environment, Article III: Soil Erosion and Sediment Control Ordinance, is not required** for this site. The applicant must take all reasonable measures, as outlined in Division 3 of the Buncombe County Soil Erosion and Sedimentation Control Ordinance, to protect all public and private property from damage caused by land disturbing activities associated with the construction of the handicap accessible trail and associated parking lot.

POST-CONSTRUCTION STORMWATER MEASURES

Staff Findings

The subject property contains approximately 9,677 square feet of impervious area in the form of an existing gravel trail/roadbed, parking area, and building. The applicant proposes to construct an additional 1,800 square feet of impervious area, approximately, in the form of improvements to the existing gravel trail/roadbed, ADA parking, and a welcome area. This construction will disturb approximately 5,500 square feet of land. Impervious surface and land disturbance are defined as follows in the Stormwater Management Ordinance:

Impervious surface: Any surface that, in whole or in part, restricts or prevents the natural absorption of water into the ground. Such surfaces may include, but are not limited to, gravel, concrete, asphalt or other paving material, and all areas covered by the footprint of buildings or structures.

Disturbed area: The portions of a development project that include graded areas disturbed so as to remove the natural cover in conjunction with development activities; both pervious and impervious surfaces installed and/or constructed including, but not limited to, buildings; concrete/asphalt pavement and gravel areas such as parking lots, patios, roads, and paths; lawns and artificially surfaced (e.g. recycled rubber mulch, crushed brick, etc.) areas; retention structures including, but not limited to, timber, stone and masonry walls; installation of septic/sewage systems, buried tanks or cisterns, etc.

In accordance with the MGO, Chapter K – Environment, Article III: Stormwater Management, Section 303 Administration and Procedures, 3. Review and Appeal Procedure, a Stormwater Control Permit (SCP) is required for the following:

- **Disturbed area of ≥5,000 sq. ft. [≥0.12 AC]; or**
- ≥24% total lot area developed to include impervious cover;
- Or addition of ≥2,500 sq. ft. [0.06 AC] or more impervious surface, unless exempt pursuant to this ordinance.

The applicant is triggering the disturbance condition listed above and therefore **will be required to obtain an SCP and comply with the provisions outlined in MGO, Chapter K – Environment, Article III: Stormwater Management, Section 304 Permit Application and Plans.**

At the time of this application, the applicant has not determined the proposed stormwater control measures on the site, but states in their Application Addendum that they will apply for the required SCP.

HILLSIDE DEVELOPMENT

Staff Findings

The **Town of Montreat's Hillside Development Ordinance is not applicable** to the subject property as the subject property does not contain steep slopes greater than 40% (MGO, Chapter K – Environment, Article IV: Hillside Development Regulations).

FLOODPLAIN DAMAGE PREVENTION AND DEVELOPMENT

Staff Findings

The subject property contains areas located in both the 100-year and 500-year floodplain, as shown on the applicant's site plan (Figure 7: Floodplain Areas on Subject Property & Figure 4: Site Plan). The Town of Montreat's Flood Damage Prevention Ordinance states that the provisions of said ordinance apply to all Special Flood Hazard Areas (SFHA) within the jurisdiction of the Town of Montreat (MGO, Chapter K – Environment, Article I: Flood Damage Prevention Ordinance, Article 3: General Provisions: Section A: Lands To Which This Ordinance Applies). The SFHA is defined as the land in the floodplain subject to a one percent or greater chance of being flooded in any given year as determined in Article 3, Section B of the ordinance (i.e. by the Cooperating Technical State agreement between the State of North Carolina and FEMA in its Flood Insurance Study and its accompanying Flood Insurance Rate Maps for Buncombe County dated January 6th, 2010, which are adopted by reference and declared to be a part of this ordinance) (MGO, Chapter K – Environment, Article I: Flood Damage Prevention Ordinance, Article 2: Definitions). The 100-year floodplain is synonymous with the SFHA. Given that the subject property contains areas location in the SFHA, **the Town of Montreat's Flood Damage and Prevention Ordinance applies.**

The Flood Damage and Prevention Ordinance requires that a floodplain development permit be obtained prior to the commencement of any development activities (MGO, Chapter K – Environment, Article I: Flood Damage Prevention Ordinance, Article 3: General Provisions, Section C: Establishment of Floodplain Development Permit). Development is defined under this ordinance as follows:

Development: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

This definition includes filling, grading, and paving activities and buildings or other structures, all of which will be necessary to accomplish the applicant's proposal. However, structures are defined in the Floodplain Damage and Prevention Ordinance as follows:

Structure: A walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

Should the applicant proceed to the Zoning Compliance Certificate stage of development, a floodplain permit will be required. The applicant's proposal **meets the standards of the Town of Montreat's Flood Damage and Prevention Ordinance,** for purposes of the Special Use Permit review process.

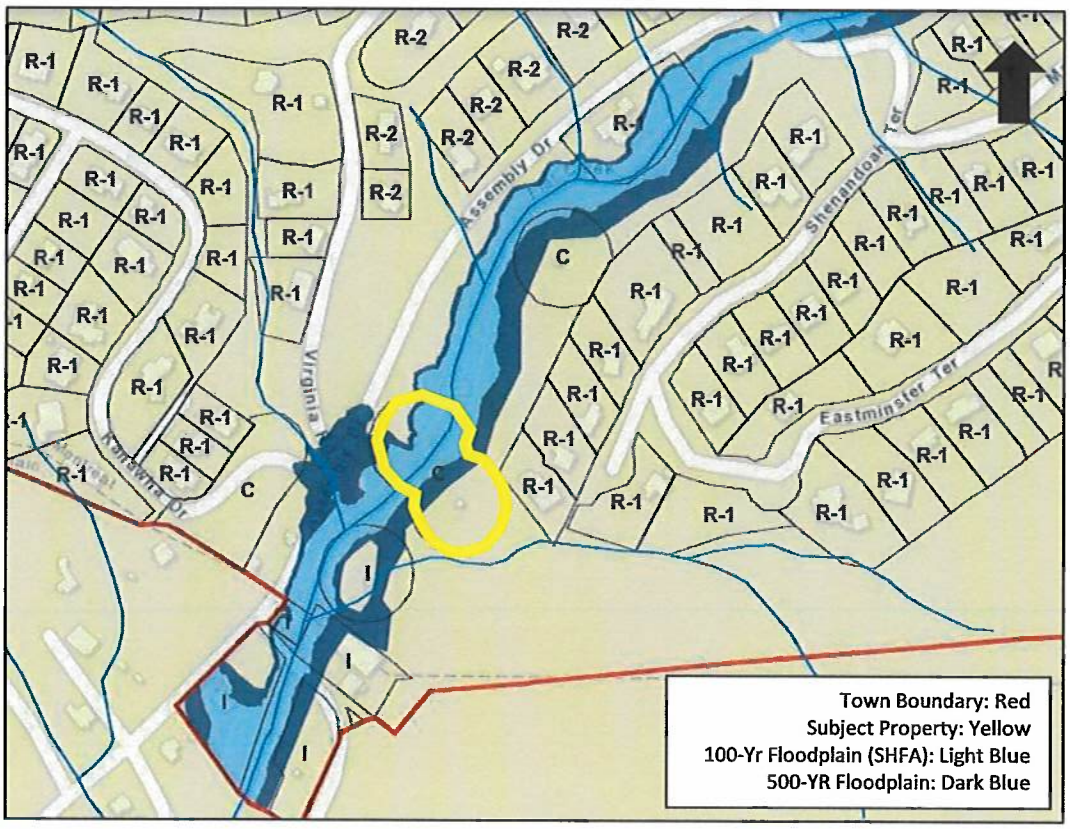


Figure 7: Floodplain Areas on Subject Property; provided by staff

COMPREHENSIVE PLAN

Staff Findings

The subject property is within the sub-area in the Comprehensive Plan identified as "Recreation". The Recreation subarea is adjacent to the existing residential area identified as "Existing Residential 1" and leads visitors and residents into the Town Center along Assembly Drive. The Comprehensive Plan explicitly calls out the improvement of the Town's network of pathways and trails in order to connect the community "to the wilderness and beyond" (Comprehensive Plan, p.43). Recommendation 4 of the traffic circulation section also advises the Town provide additional pedestrian and bicycle connectivity along Assembly Drive (Comprehensive Plan, p. 45). While the applicant's proposal does not address issues of traffic or bicycle infrastructure, **it does propose connections to natural areas as desired by the Comprehensive Plan, specifically Flat Creek, along Assembly Drive**. The following text contains excerpts from the Comprehensive Plan and copies of the Planning Area and Proposed Town Wide Plan follow (Figure 9: Planning Area & Figure 8: Proposed Town Wide Plan).

Excerpt on Assembly Drive (p. 29 of the Comprehensive Plan)

*As the gateway into Montreat, Assembly Drive is envisioned to remain **a scenic entranceway and corridor that sets the tone for the place**. However, over time, minor changes could occur to allow this corridor to accommodate a wider variety of land uses without significantly altering the character of Montreat. A range of uses along Assembly Drive could include a richer mix of uses: institutional uses of the MRA, the town or churches; mixed-use; residential; services such as a bed and breakfast. Along Assembly Drive, the road's cross-section may be changed to better*

accommodate non-vehicular traffic more comfortably to provide improved connectivity between destinations, as well as the use of multiple forms of mobility.

Excerpt on Non-Vehicular Circulation (p.43 of Comprehensive Plan)

Montreat has an extensive network of pathways and trails that connect the community to the wilderness beyond. ***This system could be expanded and improved to connect key destinations within the community,*** *as well as connect hikers and bikers to points outside of Montreat, such as Black Mountain. Montreat should prioritize the enhancement of the trail system, indeed the entire pedestrian network, to focus on areas where the improvements would provide better mobility and* ***create the greatest benefit to the most people, from novices to expert users.*** *The town should evaluate and consider the creation of a dedicated fund for pedestrian amenities. Improving mobility is crucial throughout Montreat, but especially vital in the Town Center area. Connections to the Black Mountain Trail along Assembly Drive should* ***include widening, improving and maintaining the existing path by constructing six-foot to eight-foot pathways for hiking and biking along Flat Creek.***

Excerpt from 3.3.7 Traffic Circulation (p. 45 of Comprehensive Plan)

Non-Vehicular Mobility Recommendation 4: ***Provide additional pedestrian and bicycle opportunities.***

Strategy 1: ***Improve pedestrian and bicycle connectivity*** *to residential neighborhoods, especially along Harmony Road, Lookout Road, and* ***Assembly Drive,*** *as these roads are major connections to existing neighborhoods.*

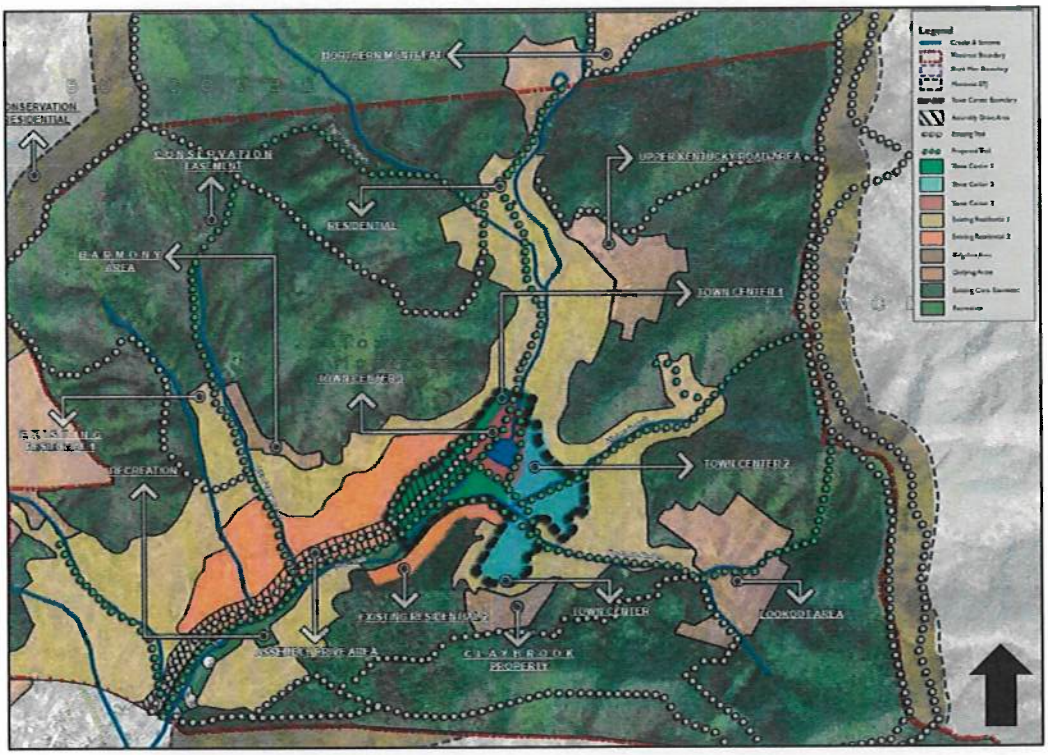


Figure 8: Proposed Town-Wide Plan (Comprehensive Plan, 2008); provided by staff

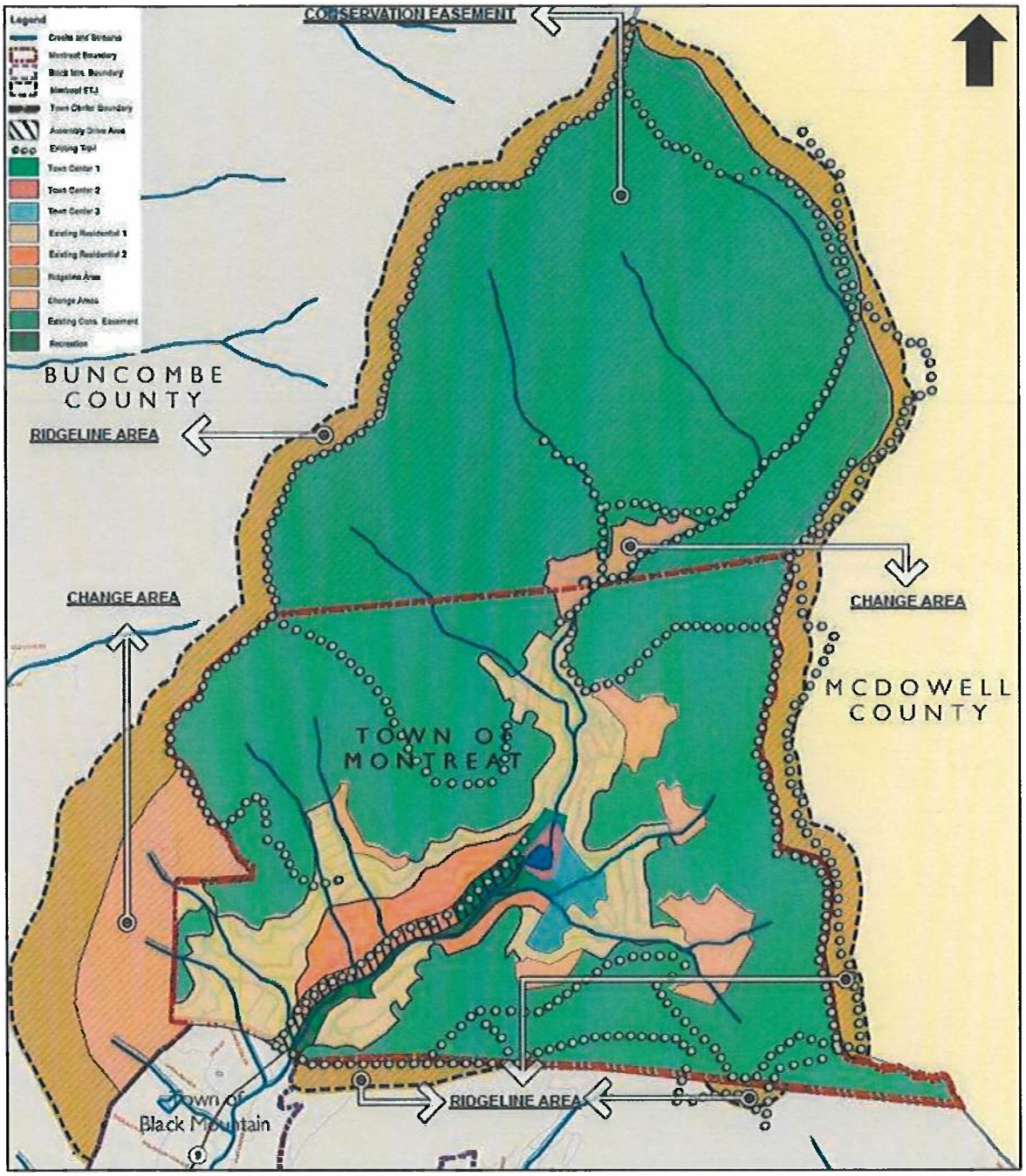
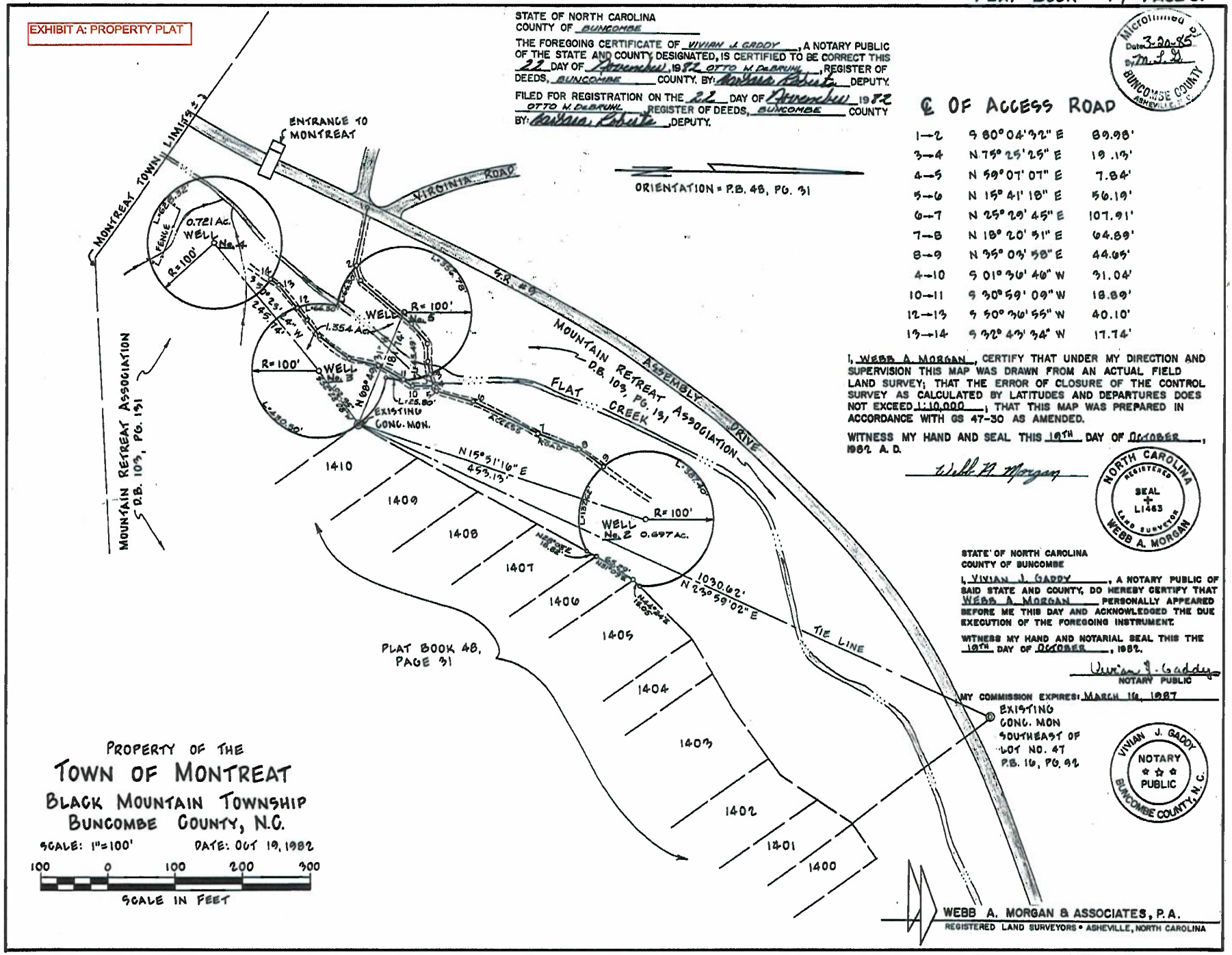


Figure 9: Planning Area (Comprehensive Plan, 2008); provided by staff

PLAT BOOK 47 PAGE 52

47/52

EXHIBIT A: PROPERTY PLAT



STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

THE FOREGOING CERTIFICATE OF VIVIAN J. GADDY, A NOTARY PUBLIC OF THE STATE AND COUNTY DESIGNATED, IS CERTIFIED TO BE CORRECT THIS 22 DAY OF Nov., 1982 OTTO M. DeBRUHL, REGISTER OF DEEDS, BUNCOMBE COUNTY. BY: Barbara Roberts DEPUTY.

FILED FOR REGISTRATION ON THE 22 DAY OF Nov. 1982 OTTO M. DeBRUHL REGISTER OF DEEDS, BUNCOMBE COUNTY BY: Barbara Roberts DEPUTY.

Microfilmed Date: 3-20-85 By: M.L.H. BUNCOMBE COUNTY ASHEVILLE, N.C.

℄ OF ACCESS ROAD

1—2	S 80° 04' 32" E	89.98'
3—4	N 75° 25' 25" E	19.13'
4—5	N 59° 07' 07" E	7.84'
5—6	N 15° 41' 18" E	56.19'
6—7	N 25° 29' 45" E	107.91'
7—8	N 18° 20' 51" E	64.89'
8—9	N 35° 03' 58" E	44.05'
4—10	S 01° 36' 40" W	31.04'
10—11	S 30° 59' 09" W	18.89'
12—13	S 50° 36' 55" W	40.10'
13—14	S 32° 43' 34" W	17.74'

I, WEBB A. MORGAN, CERTIFY THAT UNDER MY DIRECTION AND SUPERVISION THIS MAP WAS DRAWN FROM AN ACTUAL FIELD LAND SURVEY; THAT THE ERROR OF CLOSURE OF THE CONTROL SURVEY AS CALCULATED BY LATITUDES AND DEPARTURES DOES NOT EXCEED 1:10,000; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH GS 47-30 AS AMENDED.

WITNESS MY HAND AND SEAL THIS 19TH DAY OF OCTOBER, 1982 A. D.

Webb A. Morgan

NORTH CAROLINA REGISTERED SEAL L1463 LAND SURVEYOR WEBB A. MORGAN

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I, VIVIAN J. GADDY, A NOTARY PUBLIC OF SAID STATE AND COUNTY, DO HEREBY CERTIFY THAT WEBB A. MORGAN PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING INSTRUMENT.

WITNESS MY HAND AND NOTARIAL SEAL THIS THE 19TH DAY OF OCTOBER, 1982.

Vivian J. Gaddy
NOTARY PUBLIC

MY COMMISSION EXPIRES: MARCH 16, 1987

VIVIAN J. GADDY NOTARY PUBLIC BUNCOMBE COUNTY, N. C.

PROPERTY OF THE
TOWN OF MONTREAT
BLACK MOUNTAIN TOWNSHIP
BUNCOMBE COUNTY, N.C.

SCALE: 1"=100' DATE: OCT 19, 1982

100 0 100 200 300
SCALE IN FEET

WEBB A. MORGAN & ASSOCIATES, P.A.
REGISTERED LAND SURVEYORS • ASHEVILLE, NORTH CAROLINA

FILE NO. 8101-MBS

After recording return to
Adams, Hendon, Carson, Crow
72 Patton Ave.
Asheville NC 28801

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

REGISTERED
'86 AUG 28 P4:20

OFFER OF DEDICATION

BK 1443PG 145

THIS OFFER OF DEDICATION, made this 12th day of May, 1983, by and from MOUNTAIN RETREAT ASSOCIATION, a North Carolina corporation (hereinafter referred to as "Association") to and in favor of THE TOWN OF MONTREAT, a municipal corporation organized and existing under the laws of the State of North Carolina (hereinafter referred to as "Town");

W I T N E S S E T H :

WHEREAS, Association has from time to time recorded in the Office of the Register of Deeds for Buncombe County, North Carolina (hereinafter referred to as the "Register of Deeds") various Plats of properties owned by the Association, a schedule of said Plats being attached hereto as Exhibit "A" and hereinafter referred to as the "Plats"; and

WHEREAS, from time to time some question has arisen as to the extent to which road rights of way and certain additional areas shown on said Plats may have been offered for dedication for use by the public by virtue of the recording by Association of said Plats; and

WHEREAS, Association further wishes hereby to dedicate to Town for the benefit of the public the road rights of way and certain additional areas shown on said Plats and more particularly described herein, which areas are still owned by Association, such dedication, however, being subject to the reservations hereinafter stated;

NOW, THEREFORE, Association hereby states and declares as follows:

(1) There is attached as Exhibit "B" hereto a set of color-coded copies of the Plats referred to in Exhibit "A" attached hereto. Each page of said Exhibit "B" has been initialed by the President of Association and the Mayor of Town as constituting a portion of said Exhibit "B". There is also attached hereto as Exhibit "C" a color-coded copy of the official Town zoning map showing said areas as to general location, Exhibit "C" also being initialed by the President of Association and the Mayor of Town. Said Exhibits "B" and "C" will be separately filed for record in the Office of the Register of Deeds and in the Office of Town's Clerk.

(COLOR-CODED COPIES OF PLATS FILED IN MISCELLANEOUS MAPS FILE)

(2) Said color-coding in solid green, red and blue has been made of those portions of said Plats designated as rights of way. Said color-codings shall signify the following dedication to use of said respectively color-coded areas by Association for the use and benefit of Town and/or the general public as follows, with the exception of any specific notations made and initialed as stated above on the individual pages constituting said Exhibit "B":

Color Code		Permitted Uses of Rights of Way
Solid Green	-	area previously dedicated to public and Town for street and utility right of way purposes by recording of said MRA Plats and previously accepted and presently maintained by Town
Red	-	area previously dedicated to public and Town for above purposes by recording of said MRA Plats but with no existing roads previously accepted by Town but not presently maintained by Town
Blue	-	area previously dedicated to public and Town for above purposes by recording of said MRA Plats, containing existing roads and/or utilities, some of which have been previously accepted and are maintained by Town and some by adjoining property owners

The right of way of all roads shown on Exhibit "B" shall extend to the lot line of all numbered lots abutting upon such right of way in all instances where said right of way is abutted on both sides by numbered lots. Where a numbered lot does not abut on both sides of a right of way as shown on the Plats, the right of way width on the side or sides not abutting a numbered lot shall, except as otherwise noted on said Exhibit "B", be as follows:

Thirty (30) feet from center line

Assembly Drive

Twenty five (25) feet from center line

Assembly Circle
Lookout Road
Appalachian Way to Oklahoma Road
Texas Road
Community Circle
Louisiana Road to John Knox Road
Georgia Terrace
Virginia Road between Assembly Drive and Mississippi Road
Kanawha Drive from Assembly Drive to Holston Lane

Twenty (20) feet from center line

All other roads

provided, however, that in no event shall a right of way be deemed to extend into a natural stream bed except where said right of way as shown on the Plats traverses said stream bed.

(3) Said color-coding in hatched green on Exhibit "B" hereto designates areas as to which Association does not acknowledge any previous dedication by Association to Town and/or the public. Association hereby offers for dedication in perpetuity to Town and the public, including Association, said hatched green-designated areas to be used only for recreation, fishing, greenspaces and beautification and for such street, bridge and utility rights of way as Town shall deem reasonably necessary for its use or shall grant to others for such purpose; subject, however, to Association's right hereby expressly reserved to itself to use said areas for said purposes, and further provided that any changes in the present character and natural condition of said hatched green-designated areas (other than for streets, bridges and utility rights of way) shall be as determined by mutual agreement between Town and Association from time to time. In the event that Town shall undertake to make any use of said area or change in said character or condition of said hatched green-designated areas other than as above permitted without agreement with Association, then and in such event, Association at its option may rescind and nullify this Offer of Dedication, whereupon all rights of Town and the Public under this Offer of Dedication shall cease and terminate.

(4) This Offer of Dedication is made by Association conditioned and contingent upon the adoption by Town's Council of a proposed Resolution accepting this Offer of Dedication and acknowledging that Town does not assert any interest in or ownership of the hatched yellow-designated areas shown on Exhibit "B" hereto, over which areas Association asserts sole control, ownership and right of use and transfer to others, subject only to Town's general laws, ordinances and regulations relating to land use, as the same may be in effect from time to time. In the event any portion of said proposed Resolution,

once adopted by Town's Council, is in any manner amended or rescinded by subsequent action of Town, the reverter rights reserved to Association under the foregoing Paragraph (3) shall become applicable and enforceable at the option of Association.

(5) The limitations imposed by this Offer of Dedication upon the uses and ownership of lands not dedicated hereby and presently owned by Association shall not be construed as applicable to (a) any real property owned by Association located outside the existing geographical limits of Town or (b) any real property owned by Association located within the existing geographical limits of Town and not designated in color coding on Exhibit "B" hereto.

IN WITNESS WHEREOF, Association has caused the within Offer of Dedication to be executed by its duly authorized officers the day and year first above written.

(CORPORATE SEAL)

ATTEST: Elizabeth H. Lamb
Secretary

MOUNTAIN RETREAT ASSOCIATION

By: Samuel R. Hoke
President

STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

I, a Notary Public of said State and County, certify that ELIZABETH H. LAMB personally came before me this day and acknowledged that she is Secretary of MOUNTAIN RETREAT ASSOCIATION, a North Carolina corporation, and that, by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal, and attested by herself as its Secretary.

WITNESS my hand and Notarial Seal, this 12th day of May, 1983.

My commission expires:
May 15, 1985

Notary Public

Registered August 25, 1986 at 4:20 P.M.
Register of Deeds
Deputy

TOWN OF MONTREAT CORPORATE SEAL

I CERTIFY THIS IS A TRUE COPY OF THIS DEDICATION.

Town Clerk

Doc ID: 024443140007 Type: CRP
Recorded: 04/02/2012 at 12:04:15 PM
Fee Amt: $26.00 Page 1 of 7
Workflow# 0000105302-0001
Buncombe County, NC
Drew Reisinger Register of Deeds
BK4969 PG1380-1386

STATE OF NORTH CAROLINA

AMENDMENT TO OFFER OF DEDICATION

COUNTY OF BUNCOMBE

Prepared by and return to: Susan Taylor Rash
Adams, Hendon, Carson, Crow & Saenger. P.A. Box #1

THIS AMENDMENT TO OFFER OF DEDICATION ("Amendment") is entered into this the ____ day of March, 2012, by and between MOUNTAIN RETREAT ASSOCIATION, a North Carolina non-profit corporation (hereinafter referred to as the "Association" or "MRA"), and the TOWN OF MONTREAT, a North Carolina municipal corporation (hereinafter referred to as the "Town").

WITNESSETH:

WHEREAS, the Association executed and recorded an Offer of Dedication dated May 12, 1983, and recorded August 28, 1986, in Deed Book 1443 at Page 145 in the Office of the Register of Deeds for Buncombe County, North Carolina (the "Offer of Dedication");

WHEREAS, the Town adopted a Resolution of the Board of Commissioners accepting the Offer of Dedication on May 12, 1983, which was recorded August 28, 1986 in Deed Book 1443 at Page 144 in the Office of the Register of Deeds for Buncombe County, North Carolina (the "Resolution of Acceptance"); and

WHEREAS, the Town and the Association desire to clarify certain provisions of the Offer of Dedication and Resolution of Acceptance.

NOW THEREFORE, the Association and the Town, for valuable consideration, the receipt and sufficiency of which the parties hereby acknowledge, hereby agree to amend the Offer of Dedication for the purpose of clarifying certain provisions regarding those certain road rights-of-way through those portions of Association property identified as "hatched yellow-designated areas" in the Offer of Dedication as follows:

1. MRA and the Town of Montreat agree that going forward there will be consistent and uniform rights-of-way through the "yellow-hatched" areas noted in Exhibit B of the 1983 Offer of Dedication as follows:

   Thirty (30) feet from center line
   Assembly Drive

   Twenty five (25) feet from center line
   Assembly Circle
   Lookout Road
   Texas Road
   Community Circle
   Georgia Terrace

   Twenty (20) feet from center line
   All other roads

2. (a)The Town and MRA agree those existing structures and uses located in the above-designated rights-of-way and listed on Exhibit A, attached hereto and incorporated herein by reference, will be subject to special considerations (the "Designated Structures and Uses"). The Town agrees that it will not require the MRA to remove the Designated Structures and Uses located in the rights-of–way in yellow-hatched areas except as it relates to Essential Town Services or Public Safety, and in such cases, MRA acknowledges that the Town shall have the authority to remove the Designated Structures and Uses in accordance with this Amendment. The Town agrees that the MRA can repair and maintain the Designated Structures and Uses in the rights–of-way in yellow-hatched areas in accordance with applicable statutes and ordinances. The Town further agrees that, for the purpose of approving MRA plans for the repair, maintenance, and replacement of the Designated Structures, the agreement that the Town requires for construction in rights-of-way will be modified for such events in a manner that is consistent with this Amendment.

   (b)The Town will consult with the MRA on any Town construction projects located in the rights-of-way within the yellow-hatched areas.

   (c)The MRA will have sole discretion to approve the altering, moving, removing or rebuilding of the Designated Structures and Uses for Town projects in the rights-of-way through yellow-hatched areas except as it relates to Essential Town Services.

   (d)For Essential Town Services (i.e. streets, bridges, utilities, stormwater systems) and public safety projects affecting the Designated Structures and Uses in the rights-of-way in yellow-hatched areas, the Town will seek input from the MRA on the design of the project and will consider any MRA proposals that are submitted in a timely manner in developing and implementing project plans. In order to obtain funding for public utility and public safety projects, the Town is required to have control of the project area. The

Town will have authority to approve and implement project plans that involve the altering, moving, removing or rebuilding of MRA's Designated Structures and Uses for Town projects in the rights-of-way through yellow-hatched areas as they relate to Essential Town Services or public safety. MRA agrees that the Town shall not have to seek input or approval for altering, moving, removing or rebuilding the Designated Structures and Uses for emergency repairs that ensure public safety.

(e)Any of the Designated Structures and Uses altered, moved, removed, or rebuilt at the Town's initiative for any reason will be made at the Town's expense.

(f)All of the Designated Structures and Uses within the rights-of-way will be maintained, repaired or improved at MRA's expense.

(3) Except as set forth above, the Offer of Dedication and Resolution of Acceptance remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed this the day and year first above written.

[The remainder of this page is left blank intentionally. Signatures follow on attached pages.]

Signature Page for Amendment to Offer of Dedication
between Mountain Retreat Association
and the Town of Montreat

TOWN OF MONTREAT

[Corporate Seal]

By: Letta Jean Taylor
Letta Jean Taylor, Mayor

Attest:

Misty R. Gedlinske
Misty Gedlinske, Town Clerk

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I, a Notary Public of said County and State, do hereby certify that Misty Gedlinske personally appeared before me this day and acknowledged that she is the Town Clerk of Montreat, a municipal corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Mayor sealed with its corporate seal and attested by herself as its Town Clerk.

Witness my hand and official stamp or seal, this 13 day of March, 2012.

[Notarial Seal]

ROSA B. HILBERT
NOTARY
MY COMMISSION EXPIRES 9/5/2015
PUBLIC
BUNCOMBE COUNTY, NC

Rosa B Hilbert
Notary Public

My commission expires:
9-5-2015

Signature Page for Amendment to Offer of Dedication between Mountain Retreat Association and the Town of Montreat

Mountain Retreat Association

By: _____ (Seal)
Albert G. Peery, Jr., President

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I, a Notary Public of said County and State, do hereby certify that the following person(s) personally appeared before me this day, each acknowledging to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Albert G. Peery, Jr., in his capacity as President of Mountain Retreat Association, a North Carolina non-profit corporation, by authority duly granted by the company.

Witness my hand and official stamp or seal, this 21st day of March, 2012.

[notarial seal]

Alice A Cornett
Notary Public

My commission expires: 11-24-16

Typed or printed name of notary: Alice A. Cornett

Exhibit A
To Amendment to Offer of Dedication

Catalog of MRA Designated Structures and Uses
in rights-of-way in the yellow-hatched areas acknowledged by the Town
in the 2012 Amendment to the 1983 Offer of Dedication

The structures and uses listed in this Catalog are located partially or fully in the Town rights-of-way in the yellow-hatched areas shown in the exhibits to the 1983 Offer of Dedication. The provisions of the Amendment to Offer of Dedication apply to those portions of these Designated Structures and Uses that are located in the Town rights-of-way.

Assembly Drive

1. Gate
2. Gate House & sidewalk
3. Upper stacked stone retaining wall by Dowd Recreation Area
4. Portion of chain link fence by Dowd Recreation Area
5. Portion of Dowd Recreation Area (court)
6. Steps to Dowd Recreation Area and Post Office with railing
7. Split rail fence by Welch Field
8. Stone retaining wall by Welch Field
9. Sign for Welch Field
10. Backstop for Welch Field
11. Portion of Welch Field
12. Gravel parking area across from Dowd Recreation Area(east side)
13. Stone wall around parking space for McCallum Lodge
14. Parking space by McCallum Lodge
15. Service drive to Assembly Inn
16. Parking on east side of Assembly Drive from service drive to Inn to driveway to Inn
17. Parking on west side of Assembly Drive from Assembly Circle to Dam
18. Signage for Left Bank
19. Steps to Left Bank
20. Drive to Assembly Inn
21. Steps to Assembly Inn toward kitchen
22. Stone retaining wall by Assembly Inn from Assembly Inn drive to Georgia Terrace
23. Steps to Assembly Inn
24. Lampposts from steps to Left Bank to Lookout Road
25. Portion of walk by Lake from dam toward Left Bank
26. Portion of fence and rock columns by Lake from dam to Left Bank

Georgia Terrace

1. Stone retaining wall by Assembly Inn
2. Lamppost & sign by walkway
3. Walkway to Meditation Garden
4. Walkway to Convocation Hall
5. Driveway from Assembly Inn
6. Two driveways into Post Office
7. Portion of parking at Post Office

North Carolina Terrace

1. Stone wall near old miniature golf clubhouse

Collegiate Circle

1. Two driveway entrances to Reynolds Lodge
2. Stacked stone retaining wall on east side of street near Georgia Terrace

Tennessee Road

1. Stacked stone retaining wall for Dowd Recreation area
2. Portion of Dowd Recreation area
3. Chain link fence for Dowd Recreation area

Texas Road

1. Split rail fence by Welch Field
2. Portion of Welch Field
3. Cornwell Tennis Courts sign
4. Cornwell Tennis Courts stone wall and cross-ties
5. Cornwell Tennis Courts chain link fence
6. Portion of Cornwell Tennis Courts
7. Walk to Cornwell Courts
8. Walk to Bill Wilde Youth Center
9. Walk to Robert Lake Park
10. Parking by Updike Playground & Building to Community Center Circle
11. Lower parking area near Creek between Community Circle & 338 Texas Road (near Anderson Auditorium)
12. Driveway to Dunn Pavilion
13. Boulder wall by drive to Dunn Pavilion

Community Center Circle

1. Portion of creekside parking for Anderson Auditorium
2. Portion of main Anderson Auditorium Parking lot
3. Two drives into Walkup Building
4. Portion of parking at Walkup Building (2 spaces)
5. Lamppost by creekside parking
6. Lamppost by main Anderson parking
7. Split rail fences on both sides of Community Circle near bridge
8. Timber retaining wall by creekside parking

Lookout Road

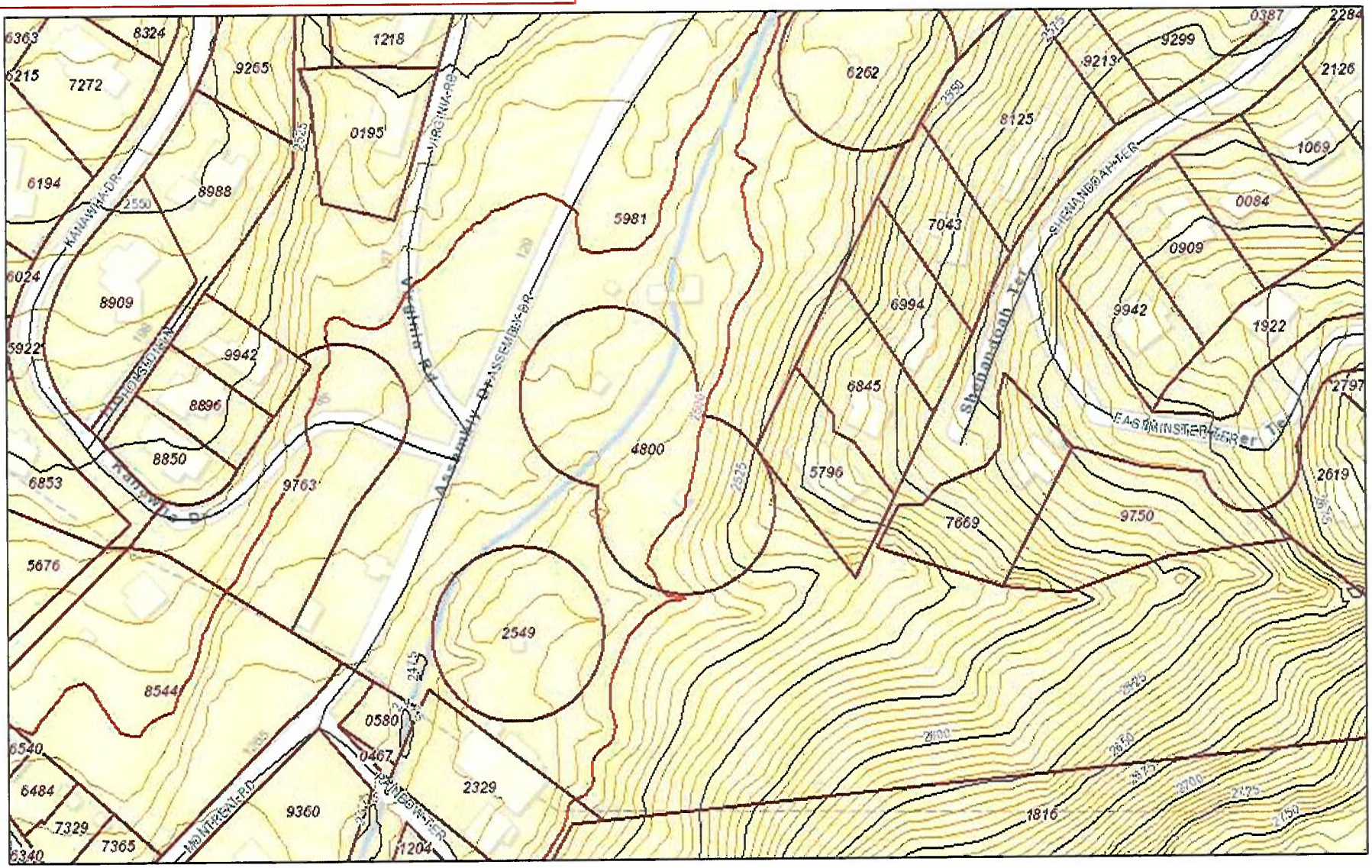
1. Stone retaining wall by Way Out Building
2. Steps & sidewalk to Way Out Building
3. Lampposts by Way Out Building (2)
4. Concrete entrance (portion of sidewalk) to Allen Building
5. Sidewalk from front of Allen Building to main Anderson Auditorium parking lot
6. Steps and walk to Anderson Auditorium
7. Parking by Moore Field
8. Portion of Moore Field
9. Walks to Moore Center
10. Driveway to Moore Center
11. Portion of main Anderson Auditorium parking lot
12. Timber retaining wall along sidewalk next to Anderson Auditorium main parking lot

Assembly Circle

1. Stone retaining wall by Way Out Building
2. Walk & steps to Way Out Building
3. Parking area above Moore Field
4. Parking spaces from dam walkway to the gym
5. Rock & timber retaining wall & path by Lake in front of Howerton Hall
6. Walk from Assembly Circle over dam
7. Steps to bridge by the gym
8. Driveway by the Barn
9. Parking lot around the Barn
10. Parking lot in front of the Velvet Moose
11. Driveway to Glen Rock Inn

EXHIBIT C: SUBJECT PROPERTY TOPOGRAPHY MAP

Topo Map



August 18, 2022

1:2,257

0 0.0175 0.035 0.07 mi

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),

Subject Property Overview

Parcel Identification Number (PIN#): 071063480000000

Location: On the eastern side of Assembly Drive at the intersection of Assembly Drive, Virginia Road, and Kanawha Drive at the Montreat Memorial Garden.

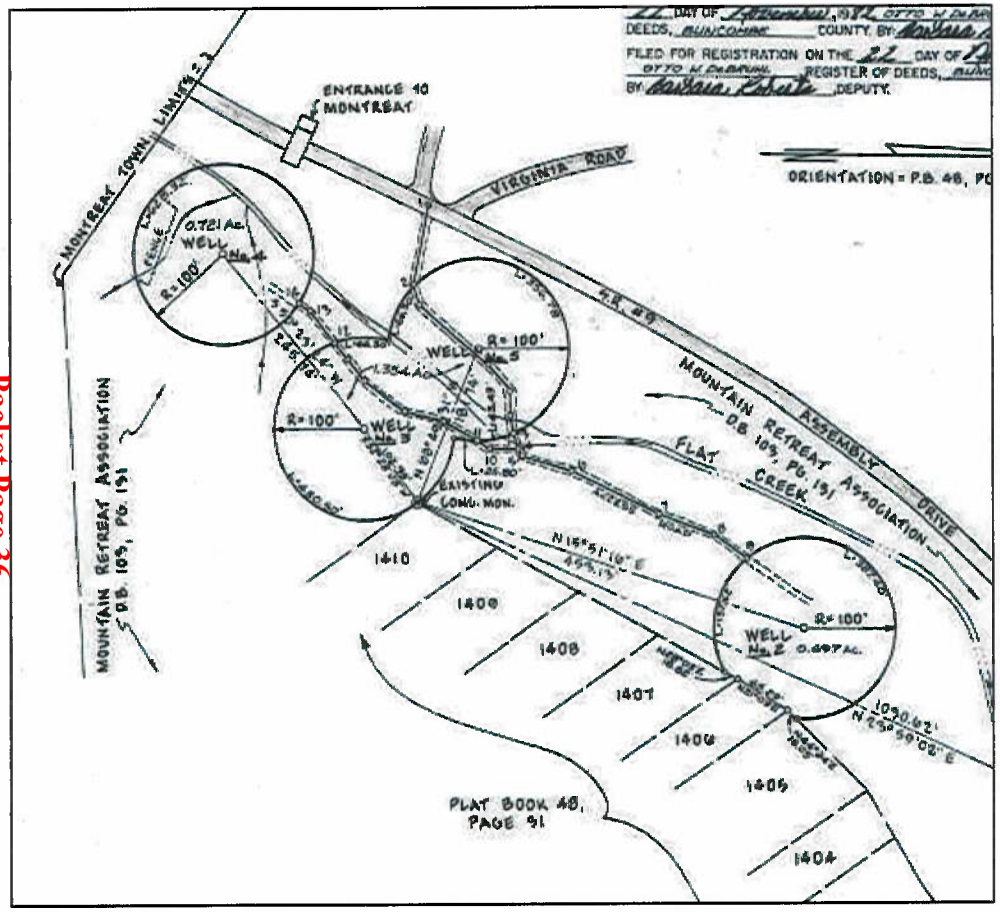
Owner: The Town of Montreat* (PO Box 423, Montreat, NC 28757).
*Staff notes that the proposed project is on land owned by the Town of Montreat and land dedicated to the Town of Montreat from the MRA.

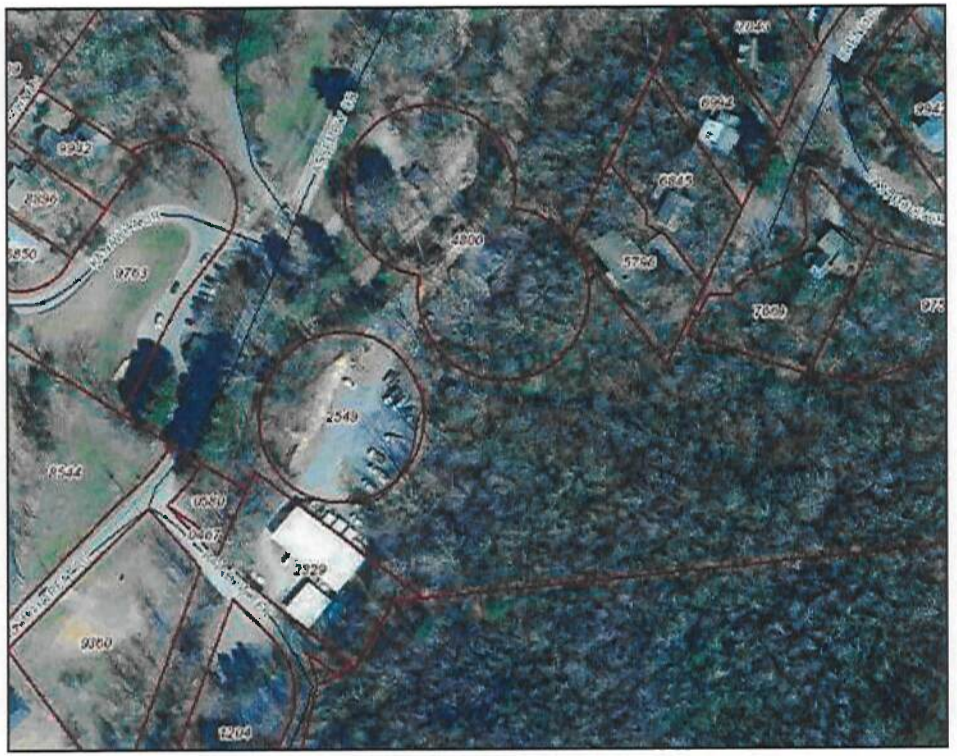
Size: 1.18 acres.

Current Zoning and Use: Zoned Conservation District (CD) and contains a recreation area (Montreat Memorial Garden). The subject property is also located within the "hatched green" area of the MRA Greenspace Agreement, which denotes areas used for recreation, fishing, beautification, and greenspaces.

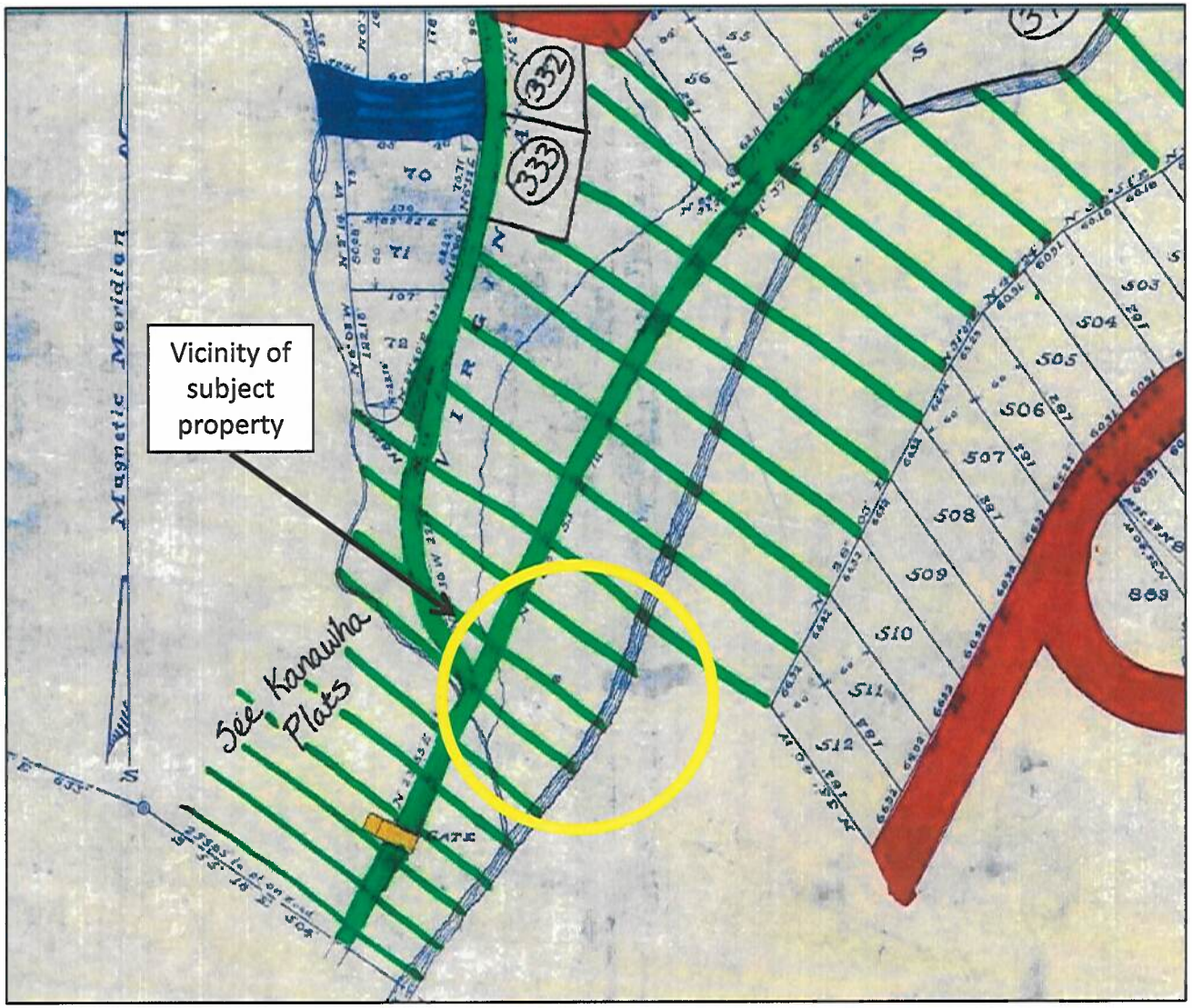
Surrounding Zoning and Uses:

- To the north: Woodland District zoning (WL) and Assembly Drive with R-1 Residential District (R-1) zoning containing single family dwellings beyond.
- To the south: WL zoning containing recreation with Institutional zoning (I) containing buildings owned by the Town of Montreat beyond.
- To the east: WL zoning with recreation and R-1 zoning with single family dwellings beyond.
- To the west: WL zoning and Assembly Drive with R-1 zoning containing single-family dwellings beyond.

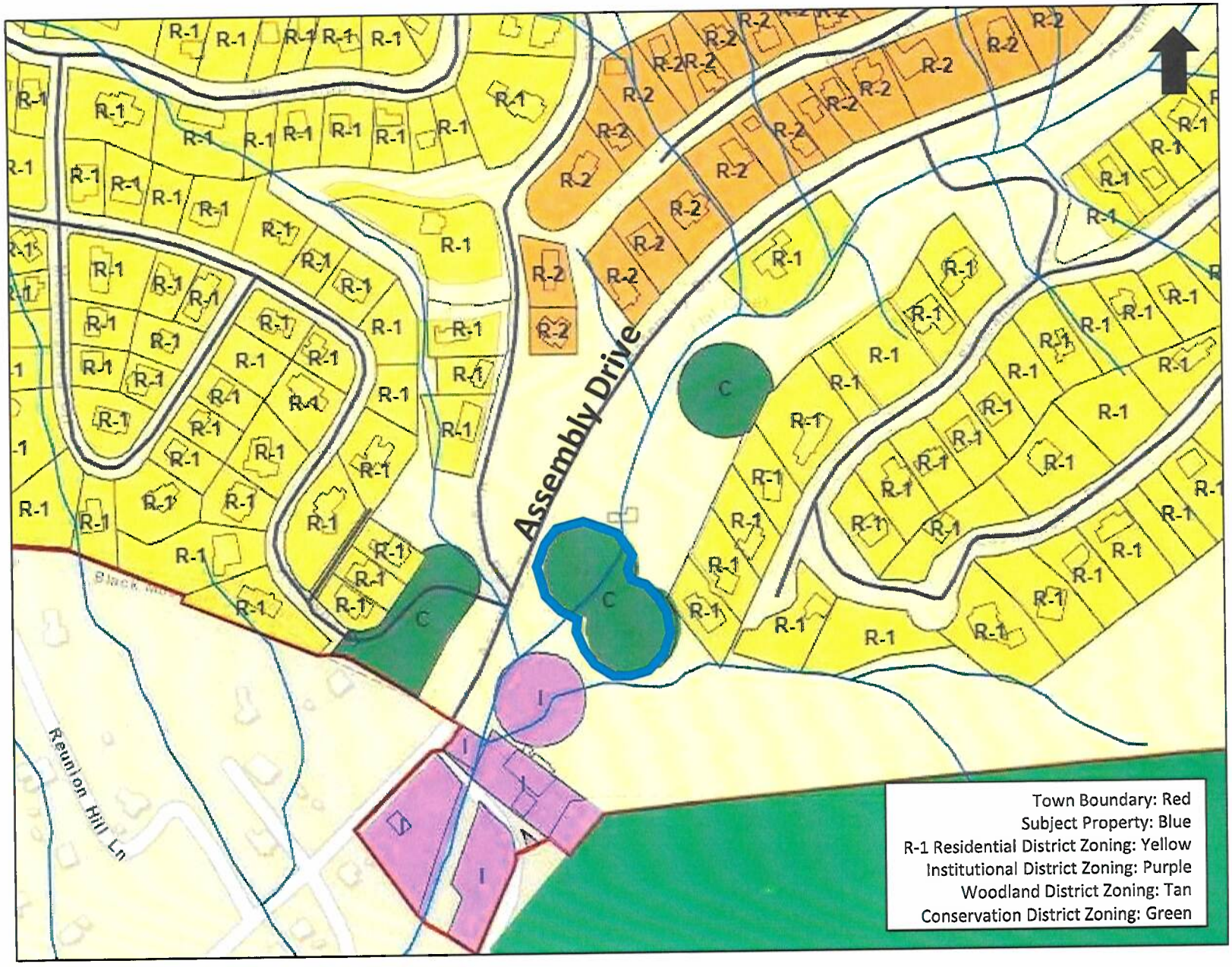

ENTRANCE TO MONTREAT
VIRGINIA ROAD
ORIENTATION = P.B. 48, PG
MONTREAT TOWN LIMITS
0.721 Ac.
WELL No. 4
R=100'
WELL No. 5
R=100'
WELL No. 3
R=100'
EXISTING CONC. MON.
MOUNTAIN RETREAT ASSOCIATION D.B. 105, PG. 191
MOUNTAIN RETREAT ASSEMBLY DRIVE
MOUNTAIN RETREAT ASSOCIATION D.B. 105, PG. 191
FLAT CREEK
N 15°51'10" E
WELL No. 2 0.497 Ac.
R=100'
N 25°59'02" E
1410
1409
1408
1407
1406
1405
1404
PLAT BOOK 48, PAGE 91
DEEDS, BUNCOMBE COUNTY. BY:
FILED FOR REGISTRATION ON THE 22 DAY OF
OTTO W. DEBRUHL REGISTER OF DEEDS, BUNC
BY DEPUTY.


2549
2929

Plat & Aerial



MRA Greenspace Agreement



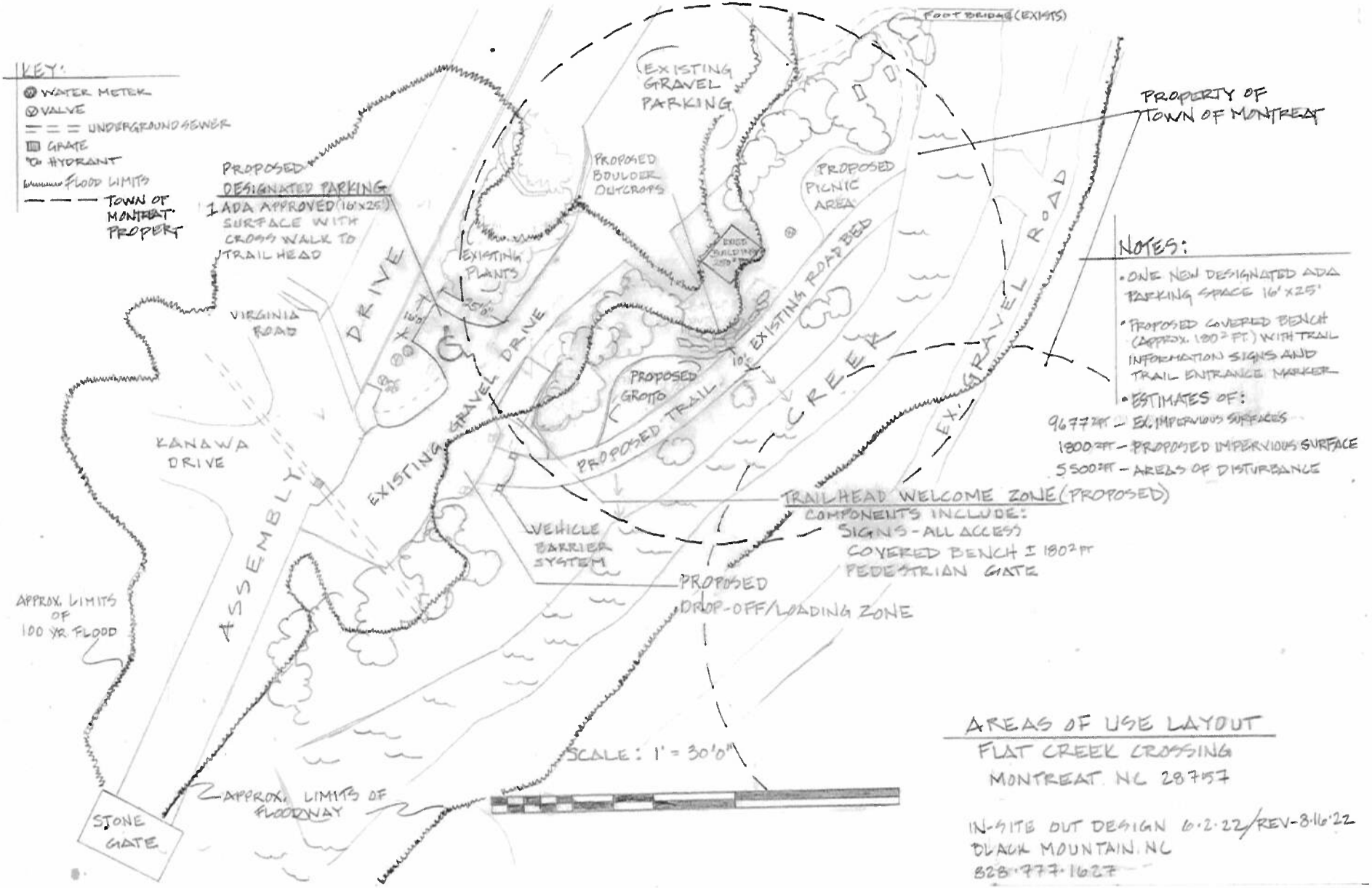
Surrounding Zoning & Uses

Application Overview

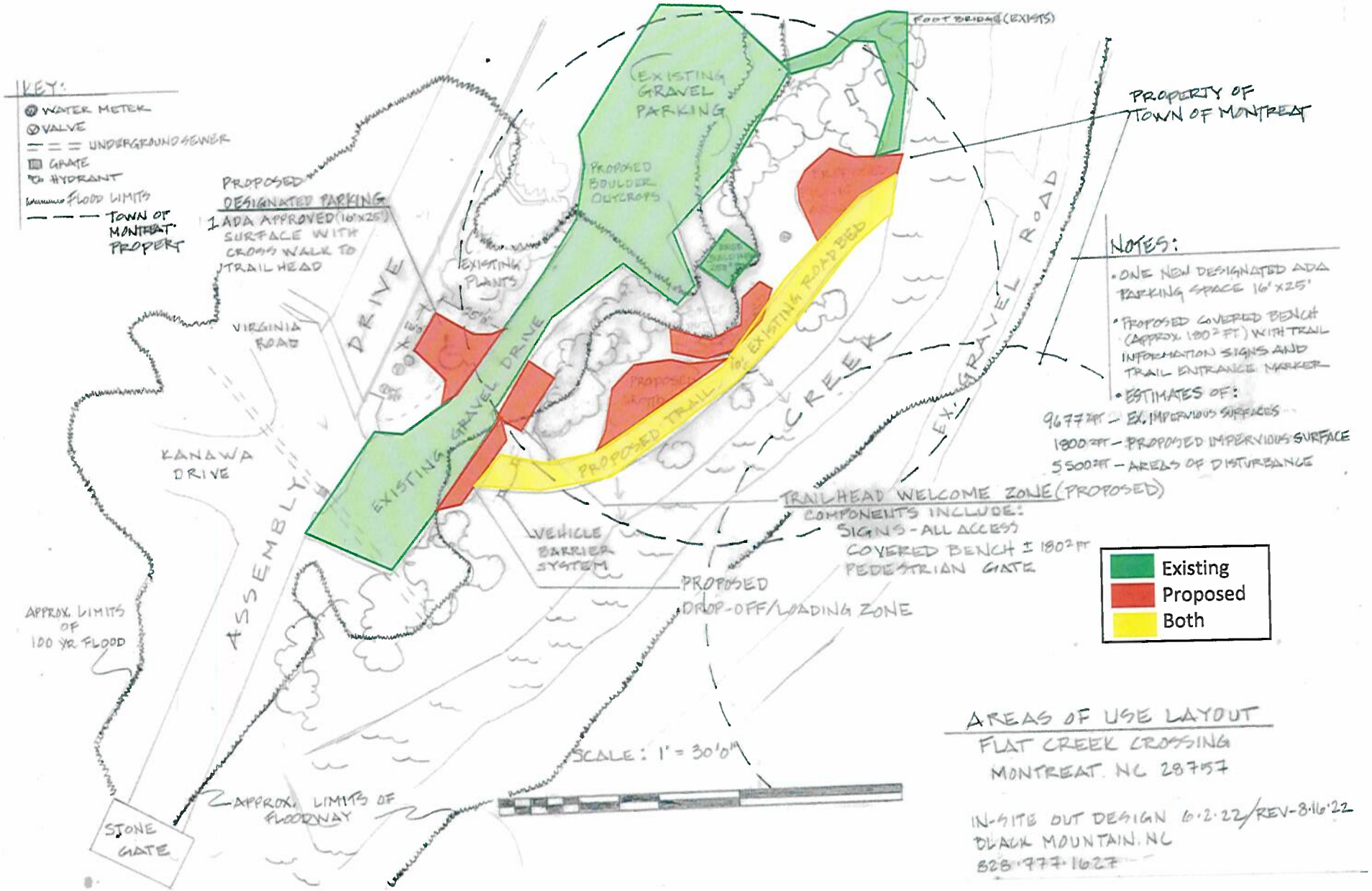
Applicant: The Town of Montreat Landcare Committee

Project Summary: The applicant proposes...

- To pave and improve the existing trail/roadbed from the parking lot on the subject property to Flat Creek so that it is handicap accessible.
- To construct a trail welcome area with a covered bench and signage.
- To construct an ADA accessible parking spot.
- To add seating areas to along the trail/roadbed adjacent to Flat Creek.



Site Plan - Overview



Site Plan – Existing & Proposed Structures

Findings of Fact

Uses

- The MZO Table of Permitted Uses **requires a Special Use Permit** in the Conservation District Zoning District for "Parks and Other Public Recreational Facilities". The subject property is located within the green-hatched area of the MRA Greenspace Agreement. These areas are to be used only for recreation, fishing, greenspaces, and beautification.

Landscaping and Trees

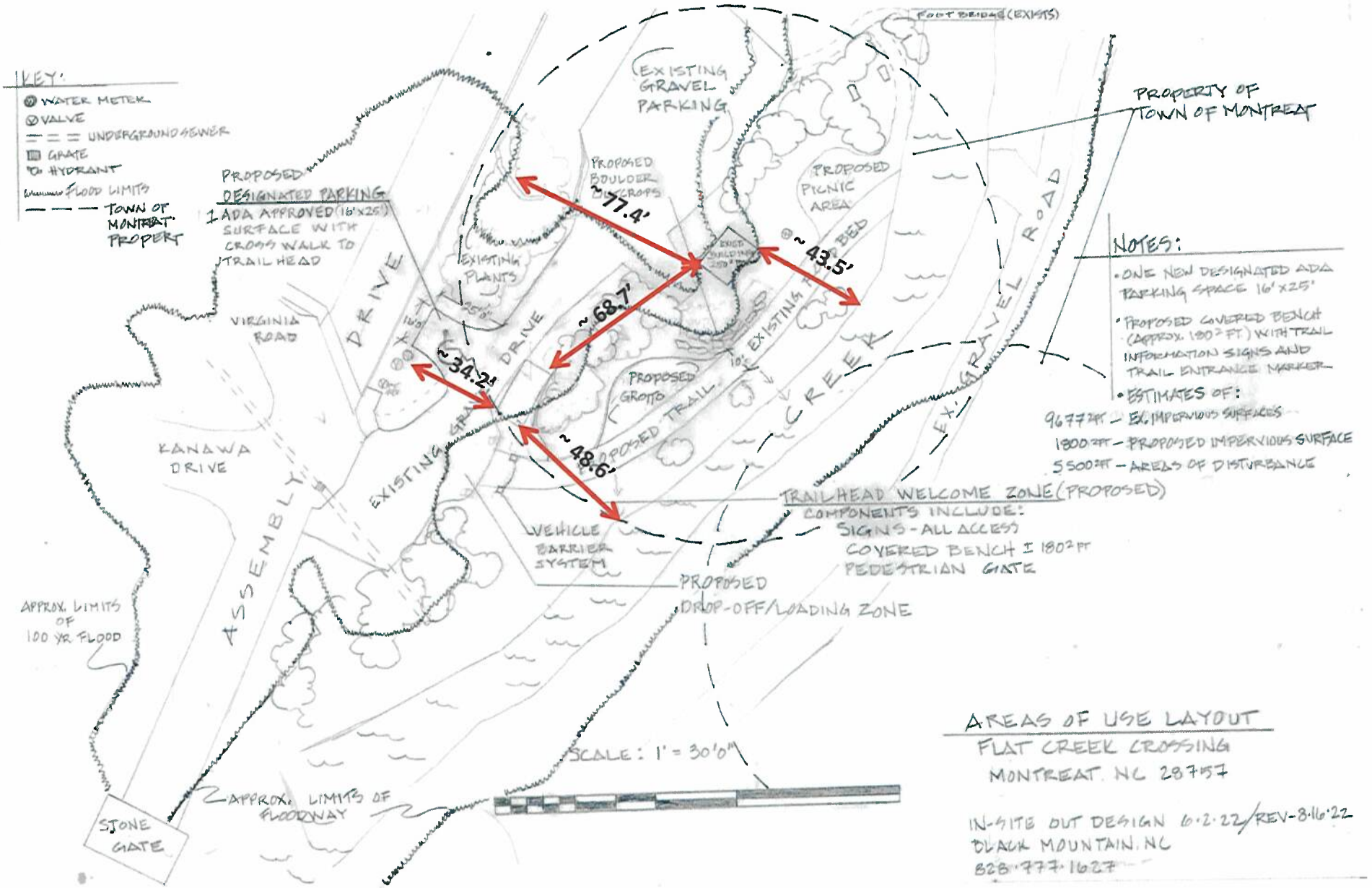
- The applicant does not propose to remove any trees within the right-of-way of Assembly Drive. The **Town of Montreat's Tree Ordinance does not apply**.

Findings of Fact

Setbacks and Lot Size

- The MZO **does not list required dimensional standards** for development within the CD Zoning District. Staff notes that the **applicant proposes to construct a small welcome area with a covered bench shelter.** Based on final design elements, this element may be considered a structure. The definition of a structure from the MZO is as follows:

> *Structure: Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground, including Decks, retaining walls, exterior stairways, Fences, and Signs provided, however, neither a driveway (including associated guardrails), a walkway (including associated steps and railings), an elevated boardwalk, nor a fence shall be considered a Structure for the purpose of Setback and minimum Yard requirements. Accessibility Features approved pursuant to Section 606.4 and also signs complying with the requirements and limitations of this Ordinance shall not be considered a Structure for the purpose of Setback and minimum Yard requirements.*



Site Plan – Structure Setbacks

Findings of Fact

Setbacks and Lot Size

- Staff notes that a portion of the proposed ADA parking area may extend into the 30' right-of-way of Assembly Drive. The MZO does not explicitly prohibit construction of parking lots within the right-of-way.

- The definitions of "street" and "right-of-way" from the MZO are as follows:

  Right-of-Way: A dedicated or condemned strip of land reserved for a specific Use, such as for a Street or utility Easement.

  Street: A dedicated Right-of-Way for vehicular traffic which affords the principal means of access to abutting property.

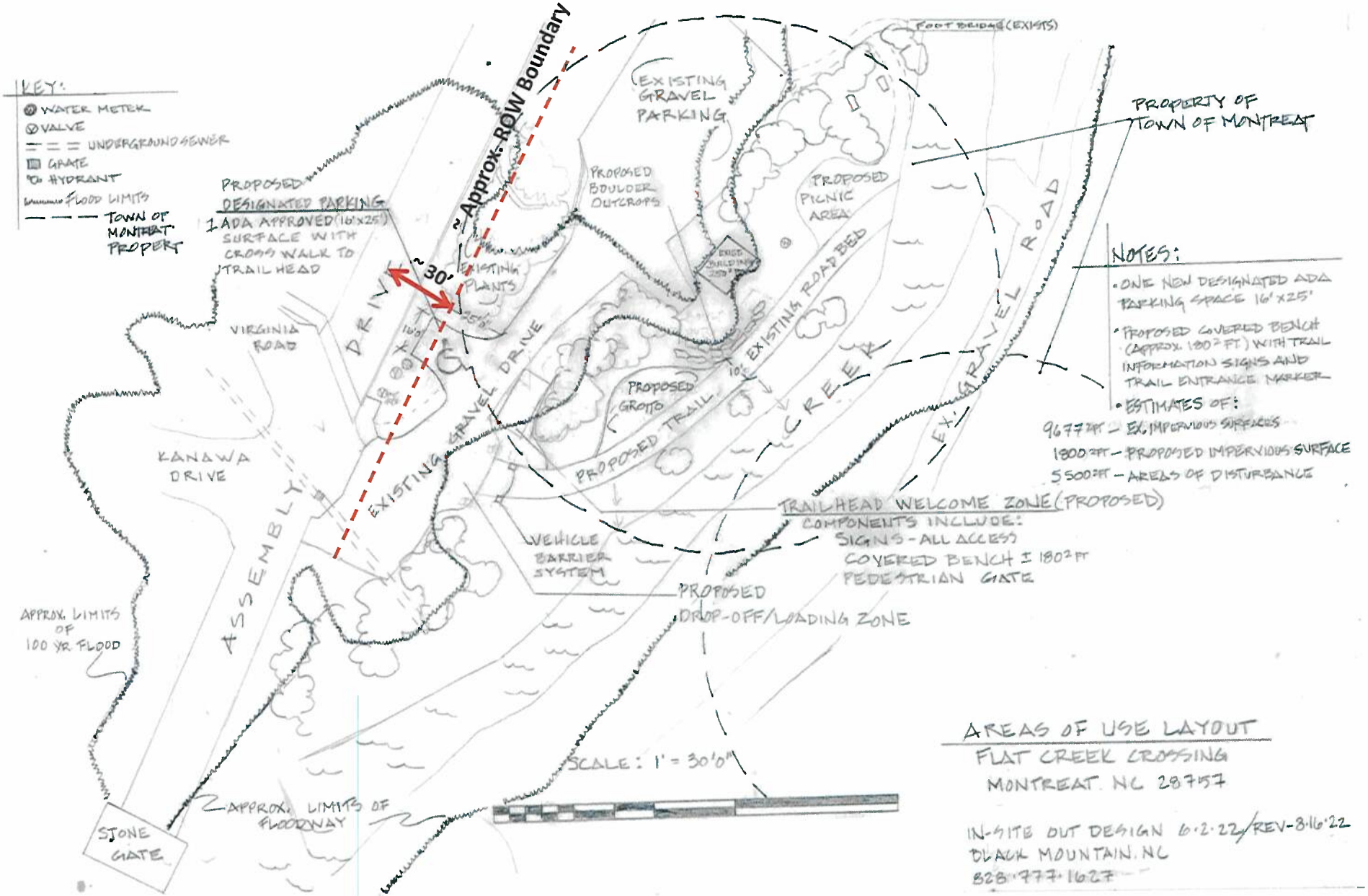
- Staff notes the requirements of the following section for reasonable accommodations and accessibility improvements:

  ***606.4 REASONABLE ACCOMMODATION**. In addition to meeting the general requirements of Section 606.1, a property owner **may erect or install Accessibility Features within the required Yard Setback**, subject to meeting all the following conditions:*

  *606.41 The proposed accessibility improvements **shall provide "reasonable accommodations"** to avoid discrimination against individuals with disabilities. The intrusion upon the Setback will not exceed that which is practically required as determined by the Zoning Administrator.*

  606.42 Expansion of, or addition to, Decks and other appurtenant Structures beyond what is deemed necessary by the Zoning Administrator to provide reasonable accommodation for accessibility shall not be permitted.

  606.43 Accessibility improvements designed and sited to occupy a portion of Street Right-of-Way fronting the property served are also subject to review for Administrative Approval by the Town Administrator prior to application for the associated construction permits.



Site Plan – Assembly Drive R.O.W.

Findings of Fact cont'd

Erosion and Sediment Control

- The applicant does not propose to conduct any land disturbing activity which uncovers one or more acres on a tract of land and is not proposing residential land disturbing activity. An **ESC plan and land disturbing permit are not required under the Buncombe County Soil and Erosion and Sediment Control Ordinance, as cited in the MGO, Chapter K – Environment, Article III: Soil Erosion and Sediment Control Ordinance** for this site.

- However, the applicant must take all reasonable measures, as outlined in Division 3 of the Buncombe County Soil Erosion and Sediment Control Ordinance, to protect all public and private property from damage caused by land disturbing activities.

Hillside Development

- The subject property does not contain steep slopes greater than 40%. The **Town of Montreat's Hillside Development Ordinance does not apply.**

Findings of Fact cont'd

Post-Construction Stormwater Measures

- The subject property contains approximately 9,677 square feet of existing impervious surface in the form of an existing gravel trail/roadbed, parking area, and building.

- The applicant proposes to construct an additional 1,800 square feet of impervious area, approximately, in the form of a improvement to the existing trail/roadbed, ADA parking area, welcome area, and drop/off area. The applicant will disturb approximately 5,500 square feet during construction.

- The definitions of "impervious surface" and "disturbed area" from the MGO Stormwater Management Ordinance are as follows:

Impervious surface: Any surface that, in whole or in part, restricts or prevents the natural absorption of water into the ground. Such surfaces may include, but are not limited to, gravel, concrete, asphalt or other paving material, and all areas covered by the footprint of buildings or structures.

Disturbed area: The portions of a development project that include graded areas disturbed so as to remove the natural cover in conjunction with development activities; both pervious and impervious surfaces installed and/or constructed including, but not limited to, buildings; concrete/asphalt pavement and gravel areas such as parking lots, patios, roads, and paths; lawns and artificially surfaced (e.g. recycled rubber mulch, crushed brick, etc.) areas; retention structures including, but not limited to, timber, stone and masonry walls; installation of septic/sewage systems, buried tanks or cisterns, etc.

Findings of Fact cont'd

Post-Construction Stormwater Measures

- The following conditions trigger the requirement for a Stormwater Control Permit and additional plan requirements, as outline in the regulations:
  - **Disturbed area of ≥5,000 sq. ft. [≥0.12 AC]; or**
  - ≥24% total lot area developed to include impervious cover;
  - Or addition of ≥2,500 sq. ft. [0.06 AC] or more impervious surface, unless exempt pursuant to this ordinance.

The applicant is triggering the disturbance condition listed above and **is required to obtain an SCP and comply with Town of Montreat Stormwater Regulations.**

- At the time of this application, the applicant has not determined what stormwater control measures will be installed on site.
- The applicant states the following in the Application Addendum, "sheet flow and drainage patterns will be assessed closely and a plan developed prior to applying for the requisite Stormwater Control Permit".

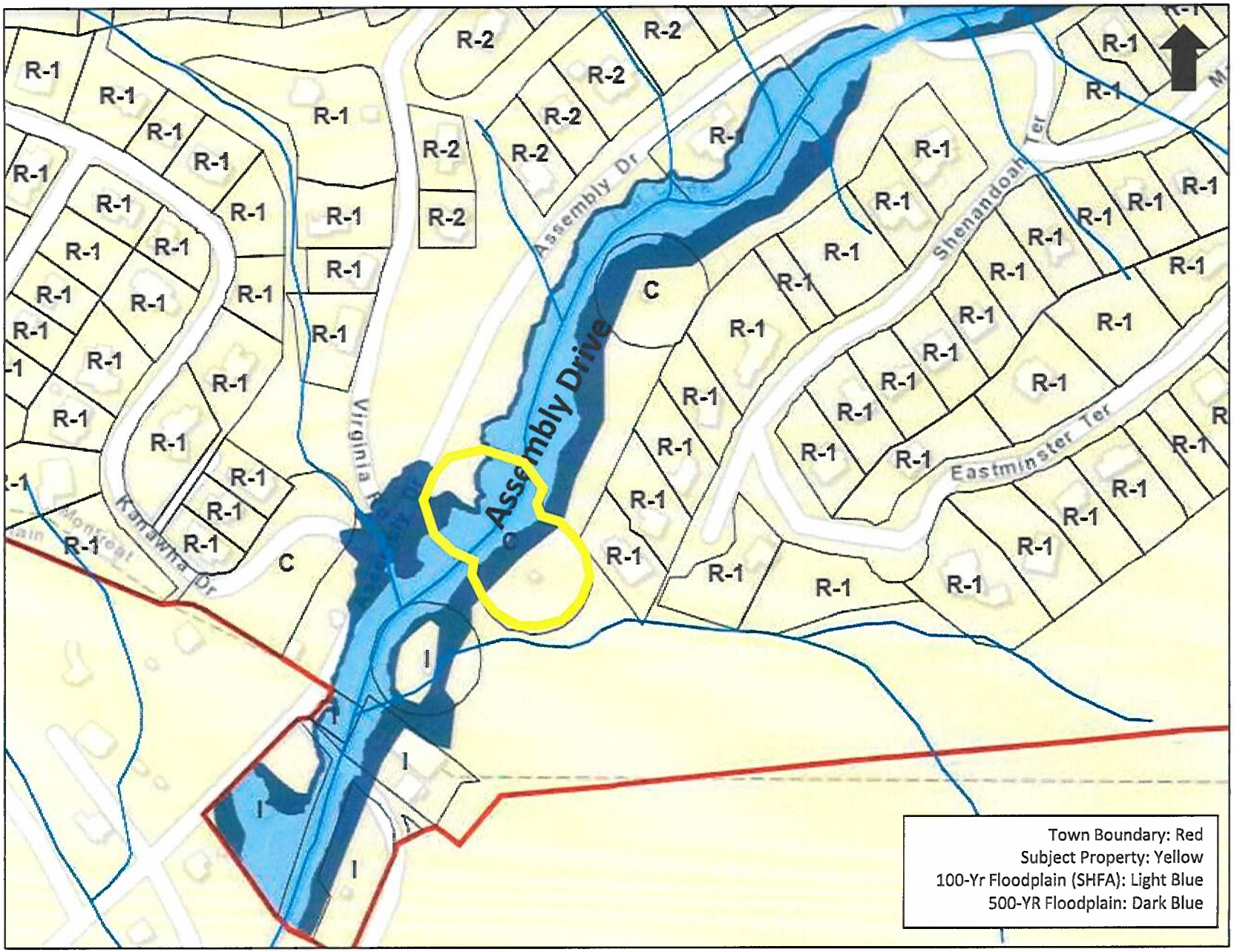
Findings of Fact cont'd

Floodplain Damage Prevention and Development

- The subject property contains areas located in both the 100-year and 500-year floodplain.
- The Special Flood Hazard Area is defined as the land in the floodplain subject to a one percent or greater chance of being flooded in any given year and is synonymous with the 100-year floodplain.
- The Town of Montreat's Flood Damage and Prevention Ordinance requires a floodplain development permit prior to commencement of any development activities in the SFHA. The definition of "development" and "structure" from the MGO Flood Damage and Prevention Ordinance are as follows:

  Development: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

  Structure: A walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground



Surrounding Zoning & Uses

Findings of Fact cont'd

Floodplain Damage Prevention and Development

- The applicant is proposing to conduct activities (filling, grading, paving, etc.) on the subject property within the areas of the SFHA. Therefore, the **Town of Montreat's Flood Damage and Prevention Ordinance applies** to this application.

- The applicant is not proposing any above or underground structures or utility extensions. However, they will need to obtain a Floodplain Development Permit at the time of applying for their Zoning Certificate of Compliance due to the presence of SFHA.

- For purposes of the Special Use Permit review and approval process, **this application meets the standards of the Town of Montreat's Flood Damage and Prevention Ordinance.**

Findings of Fact cont'd

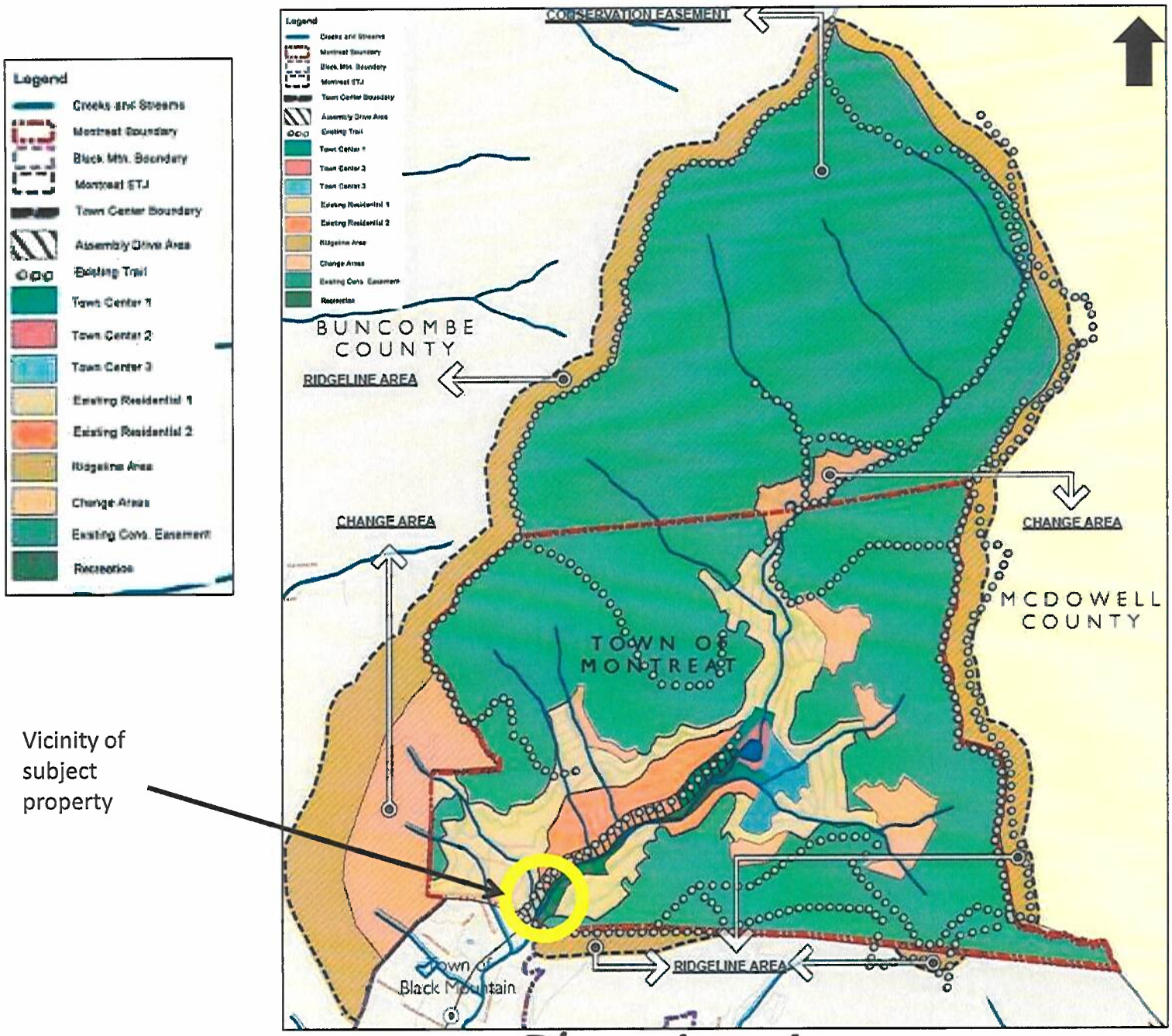
Comprehensive Plan

- The subject property is located within the "Recreation" sub-area of the Town of Montreat's Comprehensive Plan.

- This sub-area is adjacent to existing residential areas and leads visitors and residents into the Town Center along Assembly Drive.

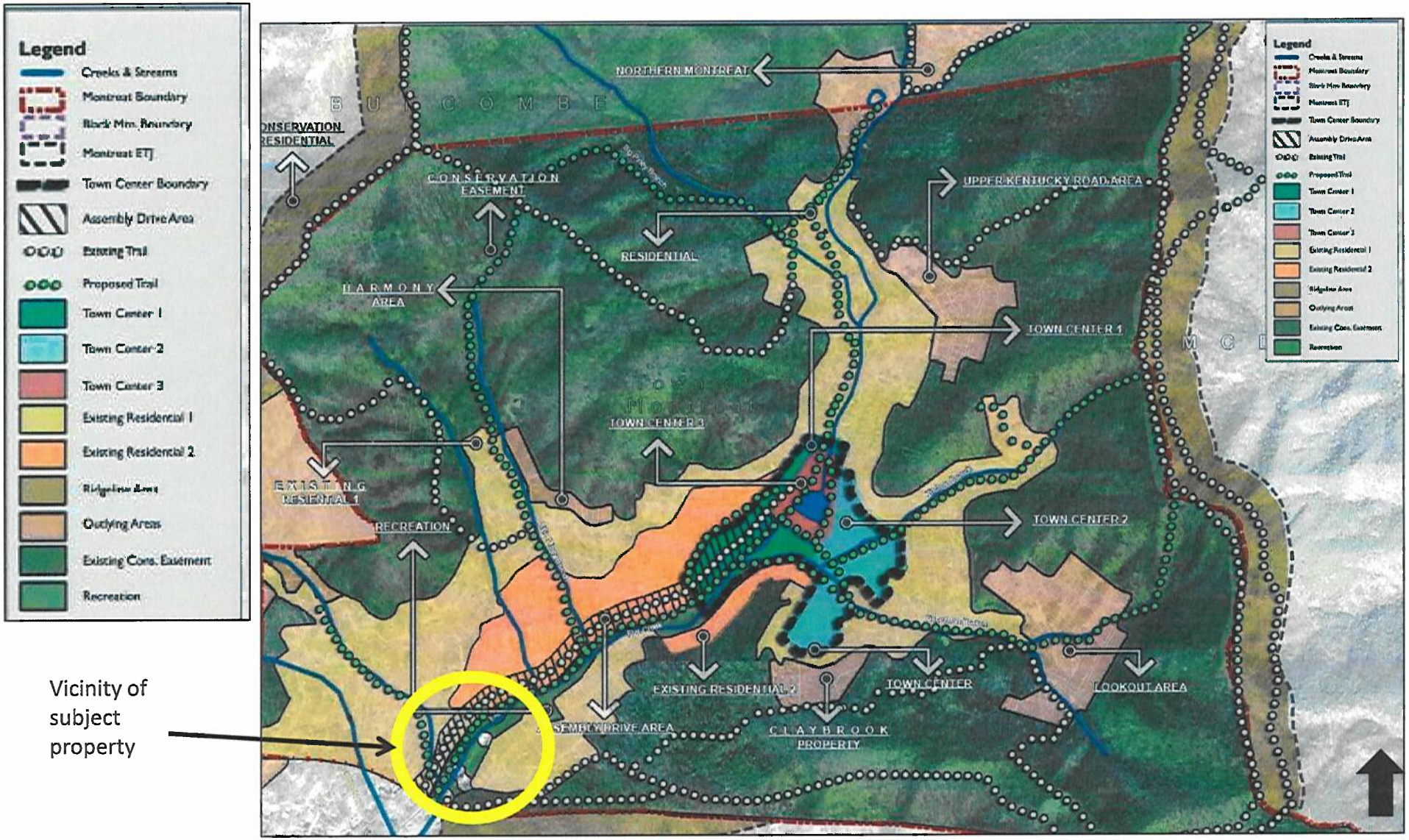
- The Comprehensive Plan identifies the improvement of the Town's network of pathways and trails in order to connect the community "to the wilderness beyond" as a priority and recommends that the Town provide additional pedestrian and bicycle connectivity along Assembly Drive.

- The applicant's proposal, while not addressing and not the subject of traffic or bicycle infrastructure, **proposes connections to natural areas as is desired by the Comprehensive Plan, specifically Flat Creek, along Assembly Drive**.



Vicinity of subject property

Planning Area



Proposed Town-Wide Plan

Board of Adjustment Decision

Per Section 310.634 and 310.635 of the MZO, the Board of Adjustment shall only **approve the requested application if it concludes**, based upon the information submitted at the hearing that...

1. The requested permit is within its jurisdiction to grant according to the Table of Permitted Uses.

2. The application for the permit is complete.

3. If completed as proposed in the application, the development will comply with all the requirements of this Ordinance.

4. All findings of fact listed in Section 310.62 are found to be made by the application.

As a reminder, per Section 310.641 of the MZO, the Board of Adjustment **may impose reasonable and appropriate conditions** accompanying its approval of the Special Use Permit on the application to assure that the use in its proposed location will be harmonious and with the spirit and intent of this ordinance.

Board of Adjustment Findings

Finding #1 (310.621) - That the Use will not be detrimental to or endanger the public health, safety or general welfare if located where proposed 38 and developed according to the plan as submitted and approved.

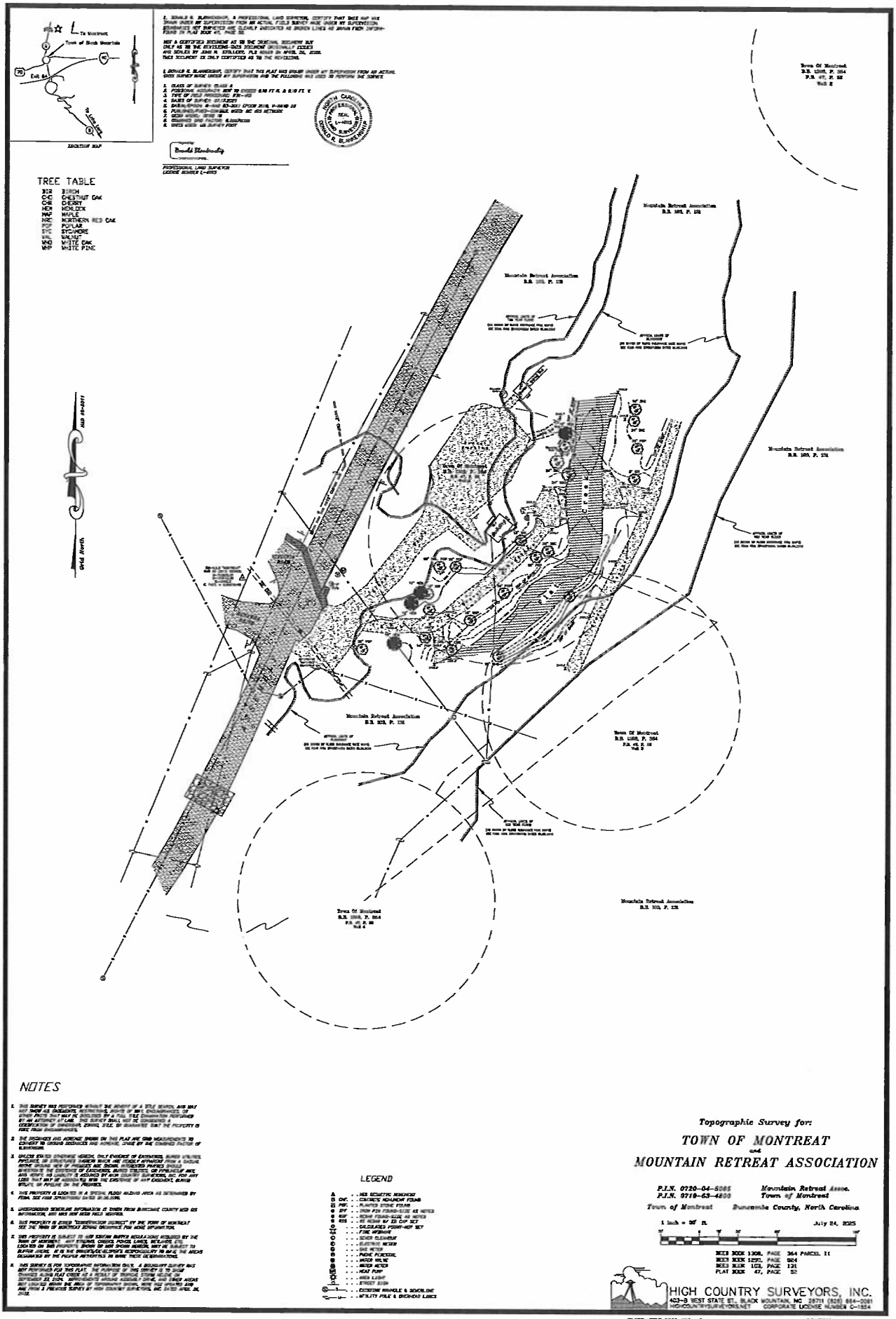
Finding #2 (310.622) - That the Use meets or will meet all the required and applicable development standards and conditions of the Town of Montreat (including without limitation all development standards, conditions, and requirements related to utilities, parking, access, and stormwater drainage and the applicable regulations of the Zoning District in which it is located, except as such regulations may, for each case, be modified by the Board of Adjustment).

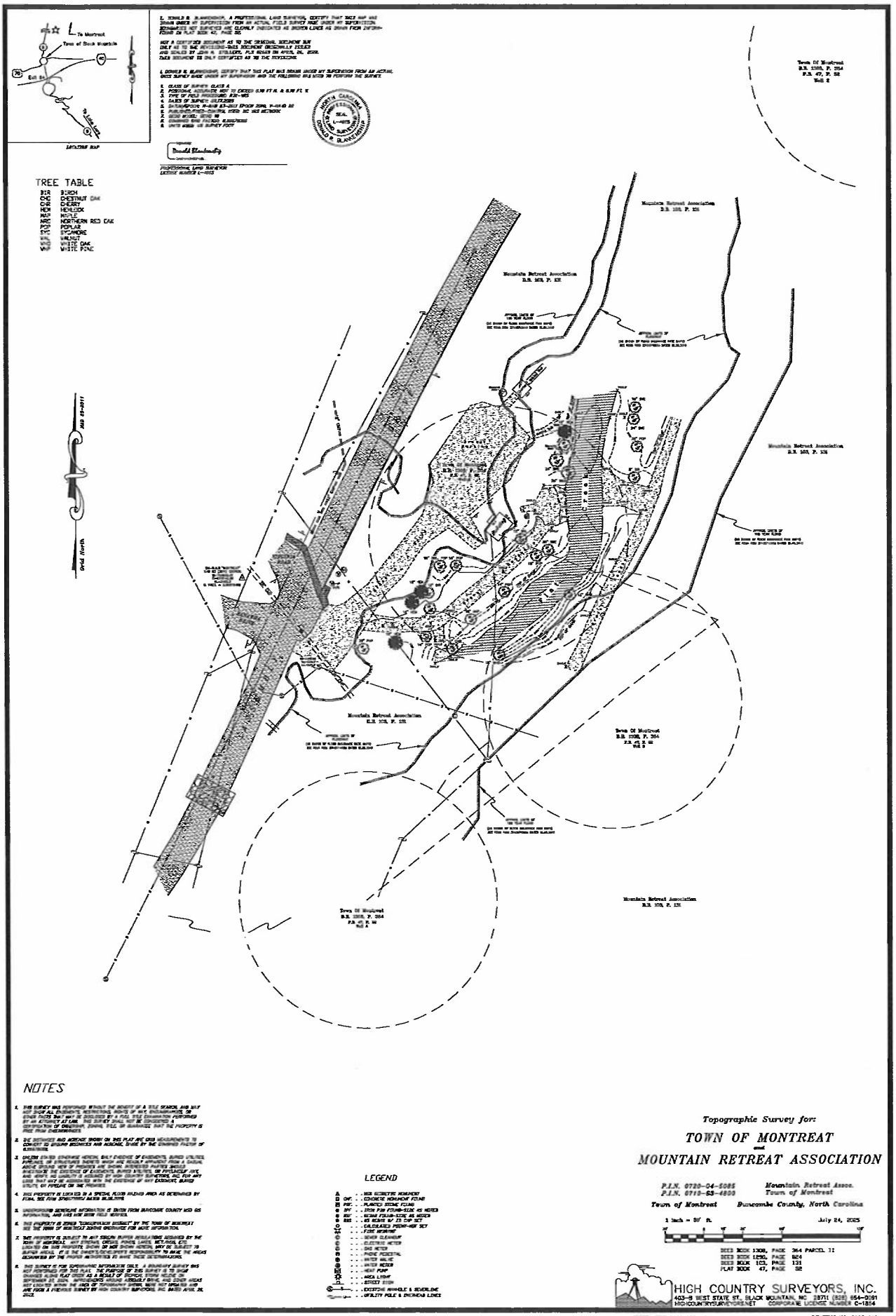
Finding #3 (310.623) - That the Use will not substantially diminish and impair the value of any property any portion of which is located within two hundred fifty feet (250') of the boundary of the parcel on which the Use will be located.

Final #4 (310.624) - That the location and character of the Use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will not be injurious to the use and enjoyment of other property, for the purposes already permitted, within the area in which it is located.

Finding #5 (310.625) - That the location and character of the Use, if developed according to the plan as submitted and approved, will be in general conformity with the adopted policies and plans, including the Comprehensive Plan of the Town of Montreat.

Finding #6 (310.626) - That adequate measures have been taken or will be taken to provide ingress and egress so designed as to minimize congestion in the public streets.


TREE TABLE
BIR BIRCH
CHC CHESTNUT OAK
CHR CHERRY
HCK HICKORY
MAP MAPLE
NRO NORTHERN RED OAK
POP POPLAR
SYC SYCAMORE
WAL WALNUT
WHO WHITE OAK
WIP WHITE PINE
NOTES
LEGEND
Topographic Survey for:
TOWN OF MONTREAT
and
MOUNTAIN RETREAT ASSOCIATION
P.I.N. 0720-04-5085
P.I.N. 0719-63-4800
Mountain Retreat Assoc.
Town of Montreat
Town of Montreat
Buncombe County, North Carolina
July 24, 2025
HIGH COUNTRY SURVEYORS, INC.
403-B WEST STATE ST., BLACK MOUNTAIN, NC 28711 (828) 664-0091
CORPORATE LICENSE NUMBER C-1824


TREE TABLE
BIR BIRCH
CHE CHESTNUT OAK
CHR CHERRY
HEM HEMLOCK
HIC HICKORY
NRO NORTHERN RED OAK
POP POPLAR
SYC SYCAMORE
WAL WALNUT
WHO WHITE OAK
WPI WHITE PINE
NOTES
LEGEND
Topographic Survey for:
TOWN OF MONTREAT
and
MOUNTAIN RETREAT ASSOCIATION
P.I.N. 0720-04-5085
P.I.N. 0719-93-4800
Mountain Retreat Assoc.
Town of Montreat
Town of Montreat
Buncombe County, North Carolina
1 Inch = 50' ft.
July 24, 2025
DEED BOOK 1308, PAGE 364 PARCEL 11
DEED BOOK 1250, PAGE 824
DEED BOOK 103, PAGE 131
PLAT BOOK 47, PAGE 52
HIGH COUNTRY SURVEYORS, INC.
403-B WEST STATE ST., BLACK MOUNTAIN, NC 28711 (828) 664-0191
HIGHCOUNTRYSURVEYORS.NET
CORPORATE LICENSE NUMBER C-1814

KEY:
- WATER METER
- VALVE
- UNDERGROUND SEWER
- GRATE
- HYDRANT
- FLOOD LIMITS
- TOWN OF MONTREAT PROPERT

PROPOSED DESIGNATED PARKING
1 ADA APPROVED 16'X25' SURFACE WITH CROSS WALK TO TRAIL HEAD

FOOT BRIDGE (EXISTS)

PROPERTY OF TOWN OF MONTREAT

EXISTING GRAVEL PARKING

PROPOSED BOULDER OUTCROPS

PROPOSED PICNIC AREA

EXISTING PLANTS

EXIST. BUILDING 250² FT

VIRGINIA ROAD

KANAWA DRIVE

ASSEMBLY DRIVE

EXISTING GRAVEL DRIVE

16'0"

25'0"

EXISTING ROAD BED

PROPOSED GROTTO

PROPOSED TRAIL

FLAT CREEK

EXISTING GRAVEL ROAD

VEHICLE BARRIER SYSTEM

TRAILHEAD WELCOME ZONE (PROPOSED)
COMPONENTS INCLUDE:
SIGNS - ALL ACCESS
COVERED BENCH 1 180² FT
PEDESTRIAN GATE

PROPOSED DROP-OFF/LOADING ZONE

APPROX. LIMITS OF 100 YR FLOOD

APPROX. LIMITS OF FLOODWAY

STONE GATE

SCALE: 1" = 30'0"

NOTES:

- ONE NEW DESIGNATED ADA PARKING SPACE 16'X25'
- PROPOSED COVERED BENCH (APPROX. 180² FT.) WITH TRAIL INFORMATION SIGNS AND TRAIL ENTRANCE MARKER
- ESTIMATES OF:

9677 ²FT – EX IMPERVIOUS SURFACES
1800 ²FT – PROPOSED IMPERVIOUS SURFACE
5500 ²FT – AREAS OF DISTURBANCE

Addendum – 9/5/25

Updated Calculations:

Proposed Impervious Surface is reduced from 1800 sq.ft. to 1500 sq.ft
(Trail width reduced from 10' wide to 7' wide)

AREAS OF USE LAYOUT
FLAT CREEK CROSSING
MONTREAT, NC 28757

IN-SITE OUT DESIGN 6·2·22/REV-8·16·22
REV-9·5·24
BLACK MOUNTAIN, NC
828·777·1627

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

Staff Report – Special Use Permit for 167 Virginia Rd (PIN# 071075493000000)

Proposed Project: Grant Dasher, Property Owner, is requesting the approval of a Special Use Permit to build an accessory dwelling unit at 167 Virginia Road (PIN# 071075493000000). The subject property is zoned R-2 Residential District and requires a Special Use Permit in this Zoning District (Montreat Zoning Ordinance, Article V – Zoning District Regulations, Sec. 500: Permitted Uses Table, Table 1: Permitted Uses Table).

Created by:

Alexis Baker, AICP
Interim Zoning Administrator
Town of Montreat

Created for:

Montreat Board of Adjustment

September 25th, 2025

Table of Contents

STAFF REPORT 3
Summary 3
Public Notice 5
Special Use Permit Findings of Fact 6
USES 6
EROSION & SEDIMENT CONTROL (ESC) 8
POST-CONSTRUCTION STORMWATER MEASURES 8
HILLSIDE DEVELOPMENT 9
COMPREHENSIVE PLAN 10
Board of Adjustment Findings 11
Template Special Use Permit Decision Language 12
Attachments 13

1. Response to Six Findings
2. Scale Site Plan
3. Deed

Table of Figures

Figure 1: Surrounding Zoning and Uses (Subject Property with Blue Dot); provided by Staff 4
Figure 2: Properties within 250 ft of Subject Property for Public Notice 5
Figure 3: Site Plan; Provided by Applicant 7
Figure 4: 100-Year Floodplain 10
Figure 5: Comprehensive Plan 2008; Provided by Staff (Comprehensive Plan, 2008) 11

STAFF REPORT

Summary

The following report summarizes the Zoning Administrator's review of an application for a Special Use Permit submitted by Grant Dasher, Property Owner, requesting the approval of a Special Use Permit to build an accessory dwelling unit at 167 Virginia Road (PIN# 071075493000000). The subject property is zoned R-2 Residential District and requires a Special Use Permit in this Zoning District (Montreat Zoning Ordinance, Article V – Zoning District Regulations, Sec. 500: Permitted Uses Table, Table 1: Permitted Uses Table).

Parcel Identifier Number (PIN #): 071075493000000

Address: 167 Virginia Road

Owner: Grant Dasher

P.O Box 836, Montreat, NC 28757

Applicant: Grant Dasher

Zoning: R-2 Residential District

Surrounding Zoning (Figure 1: Surrounding Zoning and Uses):

North: R-2 zoning

South: R-2 zoning

East: R-2 zoning

West: R-2 zoning

Current Land Use: Single-family residential.

Surrounding Land Use (Figure 1: Surrounding Zoning and Uses):

North: Single-family residential

South: Virginia Road

East: Single-family residential

West: Single-family residential

Utilities: On-site

Acres: 0.598 acres (26,049 square feet)



Figure 1: Surrounding Zoning and Uses (Subject Property with Blue Dot); provided by Staff

Public Notice

Staff mailed notice to properties within 250' of the site **9/15/25**(see Figure 2: Properties within 250' of Subject Property for Public Notice) for the Board of Adjustment Hearing on **9/25/25**.

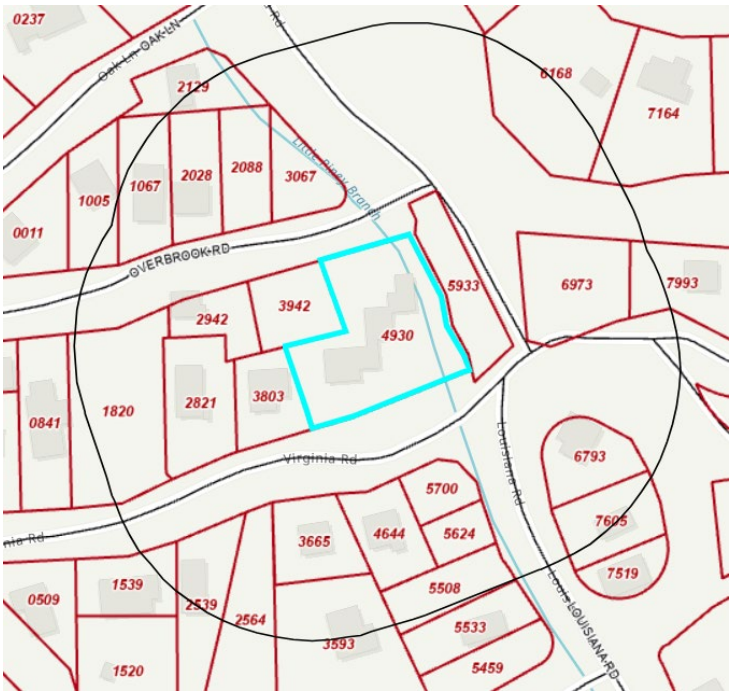


Figure 2: Properties within 250 ft of Subject Property for Public Notice

Special Use Permit Request

Grant Dasher, Property Owner, is requesting the approval of a Special Use Permit to build an accessory dwelling unit at 167 Virginia Road (PIN# 071075493000000). The subject property is zoned R-2 Residential District and requires a Special Use Permit in this Zoning District (Montreat Zoning Ordinance, Article V – Zoning District Regulations, Sec. 500: Permitted Uses Table, Table 1: Permitted Uses Table).

See **Staff Findings** (i.e. Alexis Baker, AICP, Interim Montreat Zoning Administrator) in addition to applicant-provided materials. **Staff Findings** contain references to the Montreat Zoning Ordinance (**MZO**) and Montreat General Ordinances (**MGO**) where noted.

Special Use Permit Findings of Fact

USES

Staff Findings

The R-2 Zoning District allows accessory dwelling units by Special Use Permit (MZO, Article V – Zoning District Regulations, Sec. 500: Permitted Uses Table, Table 1: Permitted Uses Table). The applicant proposes to demolish the existing accessory dwelling unit and replace it with a 912 square foot accessory dwelling unit with an 8' x 24' porch. The requirements for accessory dwelling units per Section 619 of the MZO are as follows:

619 Accessory Dwelling Units. *The purpose of an Accessory Dwelling Unit is to:*

a) Provide flexible housing options for residents and their families:
b) Integrate affordable housing into the community with minimal negative impact:
c) Provide elderly citizens with the opportunity to retain their homes and age in place.

619.1 STANDARDS

1. *An Accessory Dwelling Unit shall be located only on a residential Lot containing one Single Family detached Structure. The residential Lot may contain other accessory Structures as provided in this ordinance.*
2. *Only one Accessory Dwelling Unit shall be permitted per Lot.*
3. *No Accessory Dwelling Unit shall exceed the height of the principal Structure.*
4. *The Accessory Dwelling Unit shall meet the appropriate Setbacks.*
5. *The Accessory Dwelling Unit shall be clearly subordinate to the main Structure.*
6. *The Accessory Dwelling Unit must contain complete kitchen facilities including a stove or cook top and a full bath including lavatory, water closet, and tub or shower (or combination).*
7. *At least one Parking Space shall be provided in addition to those required for the principal Dwelling.*
8. *Manufactured housing, campers, travel trailers and recreational vehicles are not permitted for Use as an Accessory Dwelling Unit.*
9. *An Accessory Dwelling Unit shall be occupied by no more than four (4) persons.*

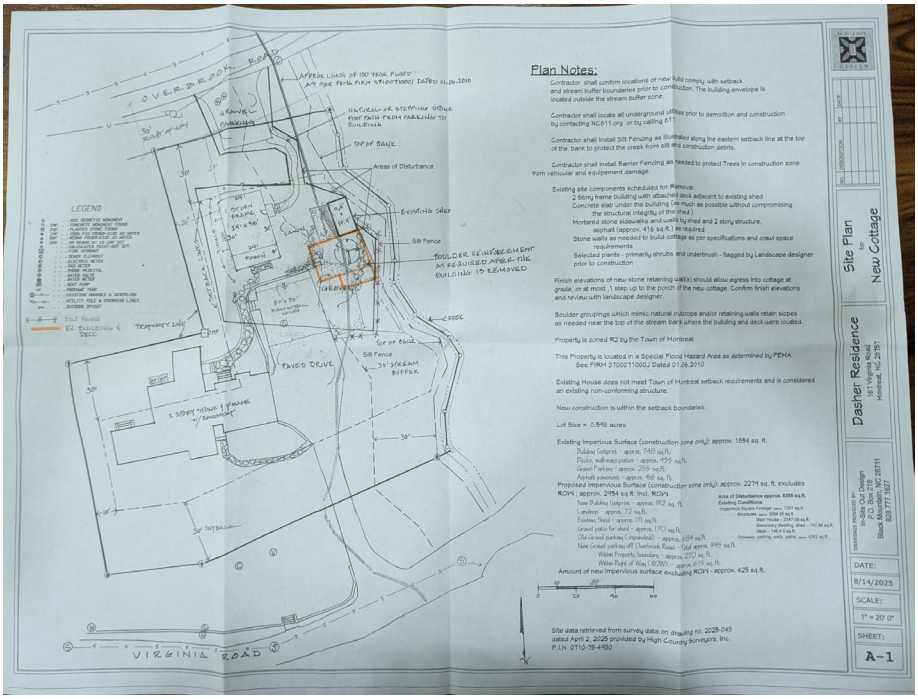


Figure 3: Site Plan; Provided by Applicant

EROSION & SEDIMENT CONTROL (ESC)

Staff Findings

The applicant does not propose to conduct any land disturbing activity which uncovers one or more acres on a tract of land. Therefore, **an ESC plan and land disturbing permit under the Buncombe County Soil Erosion and Sedimentation Control Ordinance, as cited in the MGO, Chapter K – Environment, Article III: Soil Erosion and Sediment Control Ordinance, is not required** for this site. The applicant must take all reasonable measures, as outlined in Division 3 of the Buncombe County Soil Erosion and Sedimentation Control Ordinance, to protect all public and private property from damage caused by land disturbing activities associated with the construction of the handicap accessible trail and associated parking lot.

POST-CONSTRUCTION STORMWATER MEASURES

Staff Findings

The subject property contains approximately 7,357 square feet of impervious area in the form of building footprints, decks, walkways, patios, gravel parking, and asphalt paving. The existing 748 square foot accessory dwelling unit will be demolished and replaced with a 912 square foot accessory dwelling. The site plan indicates that a new gravel parking lot will be built off Overbrook Road and the existing gravel lot will be expanded. The applicant indicates that only 425 square feet of impervious surface will be created, exclusive of the right-of-way. Additionally, it is anticipated that 8,385 square feet will be disturbed. Impervious surface and land disturbance are defined as follows in the Stormwater Management Ordinance:

Impervious surface: Any surface that, in whole or in part, restricts or prevents the natural absorption of water into the ground. Such surfaces may include, but are not limited to, gravel, concrete, asphalt or other paving material, and all areas covered by the footprint of buildings or structures.

Disturbed area: The portions of a development project that include graded areas disturbed so as to remove the natural cover in conjunction with development activities; both pervious and impervious surfaces installed and/or constructed including, but not limited to, buildings; concrete/asphalt pavement and gravel areas such as parking lots, patios, roads, and paths; lawns and artificially surfaced (e.g. recycled rubber mulch, crushed brick, etc.) areas; retention structures including, but not limited to, timber, stone and masonry walls; installation of septic/sewage systems, buried tanks or cisterns, etc.

In accordance with the MGO, Chapter K – Environment, Article III: Stormwater Management, Section 303 Administration and Procedures, 3. Review and Appeal Procedure, a Stormwater Control Permit (SCP) is required for the following:

- **Disturbed area of ≥5,000 sq. ft. [≥0.12 AC]; or**
- **≥24% total lot area developed to include impervious cover**;
- Or addition of ≥2,500 sq. ft. [0.06 AC] or more impervious surface, unless exempt pursuant to this ordinance.

The applicant is triggering the disturbance condition listed above and therefore **will be required to obtain an SCP and comply with the provisions outlined in MGO, Chapter K – Environment, Article III: Stormwater Management, Section 304 Permit Application and Plans.**

HILLSIDE DEVELOPMENT

Staff Findings

The **Town of Montreat's Hillside Development Ordinance is not applicable** to the subject property as the subject property does not contain steep slopes greater than 40% (MGO, Chapter K – Environment, Article IV: Hillside Development Regulations).

FLOODPLAIN DAMAGE PREVENTION AND DEVELOPMENT

Staff Findings

The subject property is located in the 100-year floodplain. The Town of Montreat's Flood Damage Prevention Ordinance states that the provisions of said ordinance apply to all Special Flood Hazard Areas (SFHA) within the jurisdiction of the Town of Montreat (MGO, Chapter K – Environment, Article I: Flood Damage Prevention Ordinance, Article 3: General Provisions: Section A: Lands To Which This Ordinance Applies). The SFHA is defined as the land in the floodplain subject to a one percent or greater chance of being flooded in any given year as determined in Article 3, Section B of the ordinance (i.e. by the Cooperating Technical State agreement between the State of North Carolina and FEMA in its Flood Insurance Study and its accompanying Flood Insurance Rate Maps for Buncombe County dated January 6th, 2010, which are adopted by reference and declared to be a part of this ordinance) (MGO, Chapter K – Environment, Article I: Flood Damage Prevention Ordinance, Article 2: Definitions). The 100-year floodplain is synonymous with the SFHA. Given that the subject property contains areas location in the SFHA, the **Town of Montreat's Flood Damage and Prevention Ordinance applies**.

The Flood Damage and Prevention Ordinance requires that a floodplain development permit be obtained prior to the commencement of any development activities (MGO, Chapter K – Environment, Article I: Flood Damage Prevention Ordinance, Article 3: General Provisions, Section C: Establishment of Floodplain Development Permit). Development is defined under this ordinance as follows:

Development: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

This definition includes filling, grading, and paving activities and buildings or other structures, all of which will be necessary to accomplish the applicant's proposal. However, structures are defined in the Floodplain Damage and Prevention Ordinance as follows:

Structure: A walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

The applicant indicated that the new accessory dwelling unit will be outside the SFHA and the 30 -foot stream buffer. However, should the applicant proceed to the Zoning Compliance Certificate stage of development, a floodplain permit may be required. The applicant's proposal **meets the standards of the Town of Montreat's Flood Damage and Prevention Ordinance**, for purposes of the Special Use Permit review process.

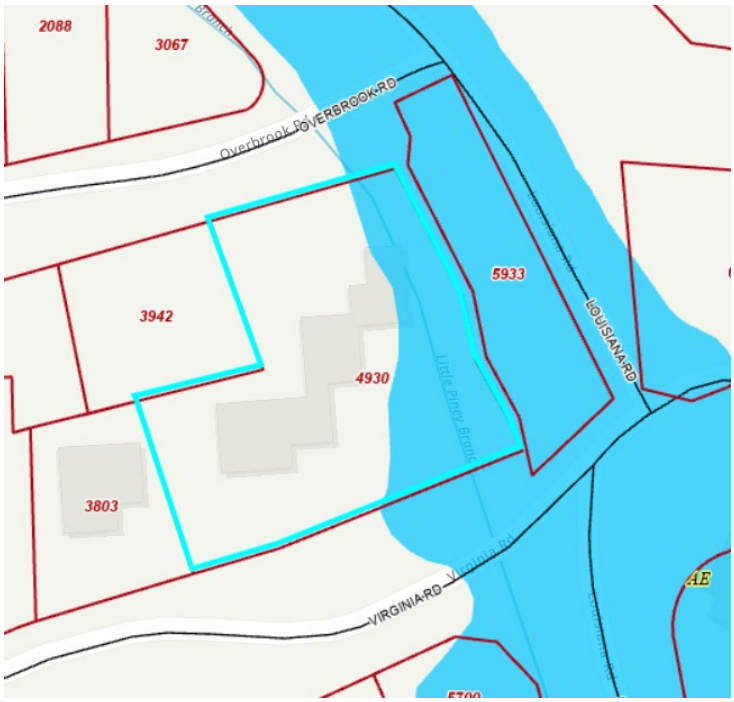


Figure 4: 100-Year Floodplain

COMPREHENSIVE PLAN

Staff Findings

The subject property is within the sub-area in the Comprehensive Plan identified as "Existing Residential 2" (Figure 5: Comprehensive Plan 2008; Provided by Staff (Comprehensive Plan, 2008)). The proposed land use of an accessory dwelling unit appears to conform to the existing zoning and proposed townwide plan.

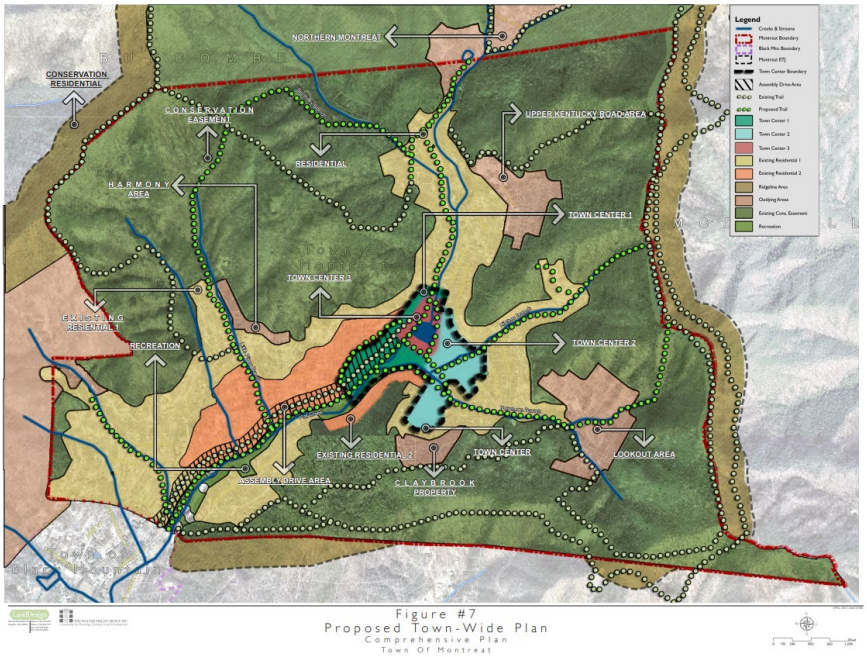


Figure 5: Comprehensive Plan 2008; Provided by Staff (Comprehensive Plan, 2008)

Board of Adjustment Findings

The Board of Adjustment should consider this application using the following findings per Section 310.621-310.626:

1. That the Use will not be detrimental to or endanger the public health, safety or general welfare if located where proposed and developed according to the plan as submitted and approved;

2. That the Use meets or will meet all the required and applicable development standards and conditions of the Town of Montreat (including without limitation all development standards, conditions, and requirements related to utilities, parking, access, and stormwater drainage and the applicable regulations of the Zoning District in which it is located, except as such regulations may, for each case, be modified by the Board of Adjustment);

3. That the Use will not substantially diminish and impair the value of any property, any portion of which is located within two hundred fifty feet (250') of the boundary of the parcel on which the Use will be located;

4. That the location and character of the Use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will not be injurious

to the use and enjoyment of other property, for the purposes already permitted, within the area in which it is located;

5. That the location and character of the Use, if developed according to the plan as submitted and approved, will be in general conformity with the adopted policies and plans, including the Comprehensive Plan of the Town of Montreat; and

6. That adequate measures have been taken or will be taken to provide ingress and egress so designed as to minimize congestion in the public streets.

Template Special Use Permit Decision Language

Per Section 310.634 and 310.635 of the MZO, the Board of Adjustment shall only **approve the requested application** if it concludes, based upon the information submitted at the hearing that:

1. The requested permit is within its jurisdiction to grant according to the Table of Permitted Uses.
2. The application for the permit is complete.
3. If completed as proposed in the application, the development will comply with all the requirements of this Ordinance

Motion for Decision: "I move that the Board [*approve/approve with conditions/deny*] the Special Use Permit for 167 Virginia Road to allow an accessory dwelling unit per Sec. 500: Permitted Uses Table, Table 1: Permitted Uses Table. [*List any conditions of approval in the motion, if applicable*].

Attachments

Six Standards Attachment

Montreat Zoning Ordinance Sections 310.621 through 310.626

Special Use Permit Application

Dasher Residence
167 Virginia Road
Montreat, NC 28757

MZO 310.621 - Not Detrimental
Public health, safety and general welfare will not be compromised with this project. Health and safety will be improved since the potential flooding issue will be voided by constructing the dwelling outside the floodplain and stream buffer zone

MZO 310.622 – Will meet required and applicable standards for Montreat R2 zoning.

- One cottage structure will be removed and replaced with another outside the stream buffer zone and within building setbacks.

MZO 310.623 – Property values within 250 feet will not diminish.

- The removal of the two story structure improves views into the site from the adjacent neighbor since plantings will be installed in its place.
- The new cottage is sited further into the property at a location surrounded with mature plantings / and or deep buffer plantings between properties.
- Removal of existing plants required for construction purposes will be kept to the necessary minimum.

MZO 310.624 – Location and character of use will be in harmony with the area and without injury to the use and enjoyment of other property.

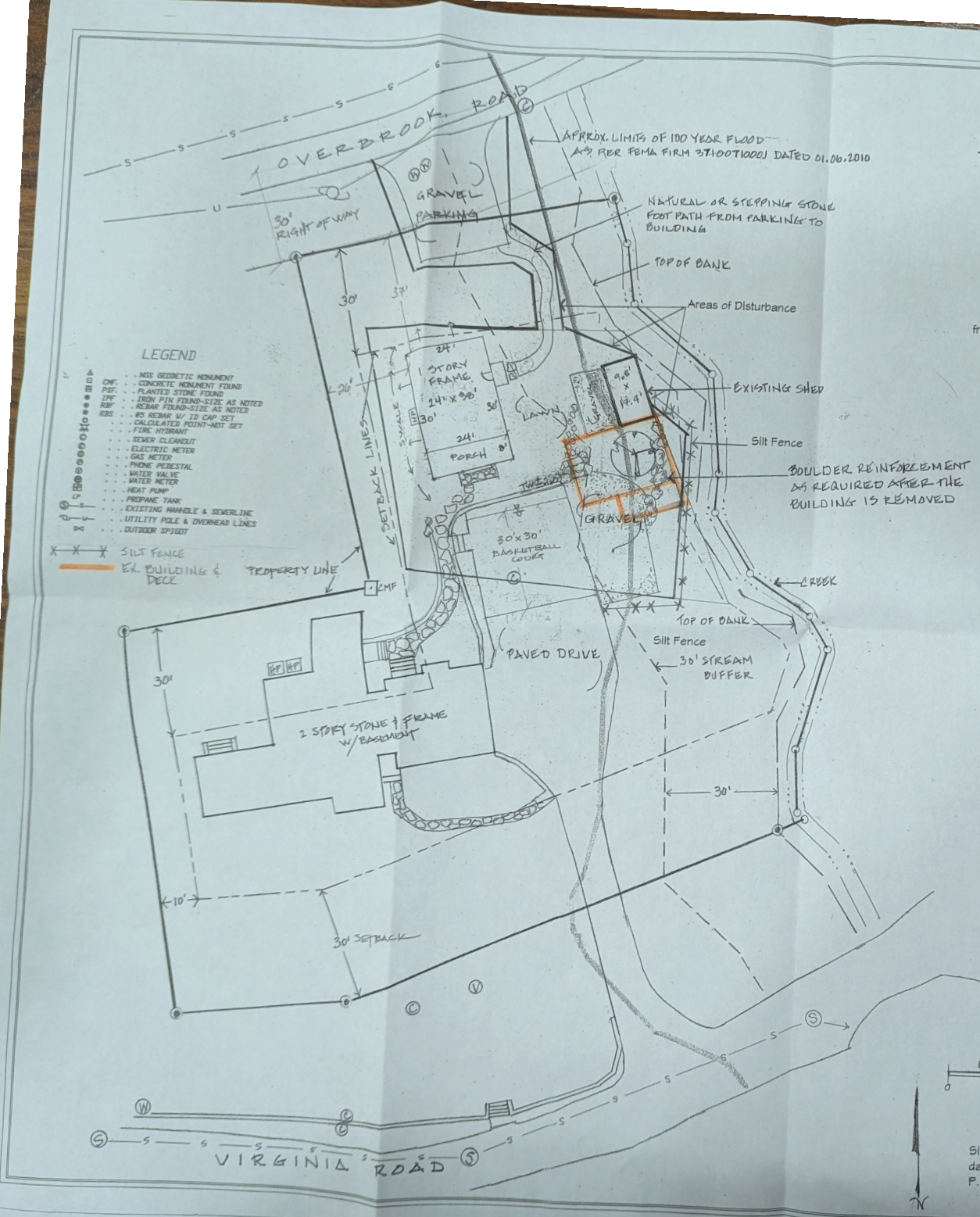
- Residential character will be contained and maintained with the plan.

MZO 310.625 – Generally conforms to adopted policies and plans of Montreat

- Residential criteria will be met.
- Stormwater management will meet standards and not encroach into waterways
- Improves stream buffer quality by removing a built structure and adding native plantings

MZO 310.626 – Adequate measures will be taken to provide minimal congestion to the public streets

- Off street parking for two cars will be available for the new cottage, accessible via Overbrook Road



Plan Notes:

Contractor shall confirm locations of new build comply with setback and stream buffer boundaries prior to construction. The building envelope is located outside the stream buffer zone.

Contractor shall locate all underground utilities prior to demolition and construction by contacting NC811.org or by calling 811.

Contractor shall install Silt Fencing as illustrated along the eastern setback line at the top of the bank to protect the creek from silt and construction debris.

Contractor shall install Barrier Fencing as needed to protect Trees in construction zone from vehicular and equipement damage.

Existing site components scheduled for Removal:
- 2 Story frame building with attached deck adjacent to existing shed
- Concrete slab under the building (as much as possible without compromising the structural integrity of the shed)
- Mortared stone sidewalks and walls by shed and 2 story structure, asphalt (approx. 416 sq.ft.) as required
- Stone walls as needed to build cottage as per specifications and crawl space requirements
- Selected plants - primarily shrubs and underbrush - flagged by Landscape designer prior to construction

Finish elevations of new stone retaining wall(s) should allow egress into cottage at grade, or at most ,1 step up to the porch of the new cottage. Confirm finish elevations and review with landscape designer.

Boulder groupings which mimic natural outcrops and/or retaining walls retain slopes as needed near the top of the stream bank where the building and deck were located.

Property is zoned R2 by the Town of Montreat

This Property is located in a Special Flood Hazard Area as determined by FEMA.
See FIRM 3700071000J Dated 01.06.2010

Existing House does not meet Town of Montreat setback requirements and is considered an existing non-conforming structure.

New construction is within the setback boundaries.

Lot Size = 0.598 acres

Existing Impervious Surface (construction zone only): approx. 1854 sq. ft.
- Building footprint - approx. 748 sq.ft.
- Decks, walkways,patios - approx. 435 sq.ft.
- Gravel Parking - approx. 255 sq.ft.
- Asphalt pavement - approx. 416 sq. ft

Proposed Impervious Surface (construction zone only): approx. 2279 sq. ft. excludes ROW ; approx. 2954 sq.ft. incl. ROW
- New Building footprint - approx. 912 sq. ft.
- Landings - approx. 72 sq.ft.
- Existing Shed - approx. 171 sq.ft
- Gravel patio for shed - approx. 170 sq.ft.
- Old Gravel parking (expanded) - approx. 684 sq.ft
- New Gravel parking off Overbrook Road - Total approx. 945 sq.ft.
  - Within Property boundary - approx. 270 sq. ft.
  - Within Right of Way (ROW) - approx. 675 sq. ft.

Amount of new impervious surface excluding ROW - approx. 425 sq.ft.

Area of Disturbance approx. 8385 sq.ft.
Existing Conditions:
Impervious Square Footage: approx. 7357 sq.ft.
Structures: approx. 3094.95 sq.ft.
Main House – 2347.09 sq.ft.
Secondary dwelling, shed – 747.86 sq.ft.
Deck – 146.4 0 sq.ft.
Driveway, parking, walls, paths: approx. 4262 sq.ft.

0 10 20 30 40 60

Site data retrieved from survey data on drawing no. 2025-043 dated April 2, 2025 provided by High Country Surveyors, Inc.
P.I.N 0710-75-4930

IN-SITE OUT DESIGN

NO.	DESCRIPTION	BY	DATE

Site Plan for New Cottage

Dasher Residence
167 Virginia Road
Montreat, NC 28757

DRAWINGS PROVIDED BY:
In-Site Out Design
P.O. Box 216
Black Mountain, NC 28711
828.777.1627

DATE: 8/14/2025

SCALE: 1" = 20' 0"

SHEET: A-1

Type: CONSOLIDATED REAL PROPERTY
Recorded: 3/12/2021 1:37:47 PM
Fee Amt: $1,496.00 Page 1 of 3
Revenue Tax: $1,470.00
Buncombe County, NC
Drew Reisinger Register of Deeds

BK 6033 PG 1800 - 1802

Excise Tax $,1470.00 | Recording Time, Book and Page

Tax Map No. | Parcel Identifier No. 0710-75-4930-00000

Mail after recording to **Goosmann Rose Colvard & Cramer, P.A., Box 82**

This instrument was prepared by **William H. Christy,** 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 closing proceeds. This deed was prepared at the request of the Grantor based upon information provided by the Grantor and without title examination, survey, or verification of property description.

NORTH CAROLINA
GENERAL WARRANTY DEED

THIS DEED made this _____ day of March, 2021, by and between

GRANTOR
Robert R. Boyd a/k/a Robert Rogers Boyd and Spouse, Barbara Jean Boyd
1131 Montreat Road
Black Mountain, NC 28711

GRANTEE
Grant C. Dasher and Spouse, Jessica Dasher
167 Virginia Road
Montreat, NC 28757

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

SEE ATTACHED DESCRIPTION

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

Submitted electronically by "Goosmann Rose Colvard & Cramer, PA"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Buncombe County Register of Deeds.

The property hereinabove described was acquired by Grantor by instrument in Book 1604, Page 417.

A map showing the above described property is recorded in Plat Book 16, Page 93.

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 whomever except for the exceptions hereinafter stated.

Title to the property hereinabove described is hereby conveyed subject to all valid and subsisting restrictions, reservations, covenants, conditions, rights of ways and easements properly of record, if any, ad valorem taxes for the current year and subsequent years.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals, or, if corporate, has caused this Deed to be executed by its duly authorized officers and its seal to be hereunto affixed, the day and year first above written.

Robert R. Boyd (SEAL)
Robert R. Boyd

Barbara Jean Boyd (SEAL)
Barbara Jean Boyd

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

Personally appeared before me this day the said Robert R. Boyd and Spouse, Barbara Jean Boyd, known to me personally or who produced satisfactory evidence of their identity in the form of a driver's license, and who acknowledged that they voluntarily executed the foregoing instrument for the purposes stated therein this the 11th day of March, 2021.

My Commission Expires:
3-6-2023

DONNA L. FARR NOTARY PUBLIC BUNCOMBE CO., N.C.

Donna L Farr
Notary Public

Description of property for transfer from Robert R. Boyd a/k/a Robert Rogers Boyd and Spouse, Barbara Jean Boyd to Grant C. Dasher and Spouse, Jessica Dasher

Beginning on an iron pin in the northern margin of the right of way of Virginia Road, said iron pin being located North 82' 22' East 42.22 feet from the southwest corner of Lot 159, as shown on plat of Mountain Retreat Association, which plat is recorded in Plat Book 16, at Page 93, of the Buncombe County, North Carolina Register's Office; and runs thence from said established Beginning point North 10 deg. 44' 57" West 103.07 feet to an iron pin which is located North 77 deg. 13' East 82.33 feet from a concrete monument in the western boundary line of Lot 158 as shown on the above-referenced plat of Mountain Retreat Association; thence North 77 deg. 13' East 67.85 feet to a concrete monument; thence North 17 deg. 18' West 93.3 feet to a stake in the northern boundary line of Lot 183 as shown on the above-referenced plat; thence with the northern boundary line of said Lot 183 North 77 deg. 13' East 91.09 feet to a stake in the center margin of a creek which is in the western margin of the right of way of Louisiana Road (as now located); thence down said creek and the western margin of the right of way of Louisiana Road (as now located) the following four calls: South 24 deg. 08' 48" East 60.06 feet to a stake; South 09 deg. 28' 19" East 20.58 feet; South 19 deg. 13' 17" East 81.11 feet to a stake; and South 28 deg. 58' 50" East 15.68 feet to a stake in said creek and the western margin of the right of way of Louisiana Road (as now located); thence leaving said creek and the western margin of the right of way of Louisiana Road South 66 deg. 30' West 135.13 feet to a stake marking the southeast corner of Lot 159 of Mountain Retreat Association as shown on the above-referenced plat; thence with the southern boundary line of said Lot 159 South 82 deg. 22' West 46.77 feet to the point of Beginning, and being all of Lot 160 and a portion of Lots 159, 182 and 183 together with a strip of land lying west of a creek and east of Lots 183, 182 and 160, all of which are shown on plat of Mountain Retreat Association recorded in Plat Book 16, at Page 93, of the Buncombe County, North Carolina Register's Office.

The above-described property is conveyed subject to easements, restrictions and rights of way of record and particularly to restrictions and rights of way as described in Deed Book 824, at Page 629, of the Buncombe County, North Carolina Register's Office.

The above-described property being all of that property conveyed in that deed recorded in Record Book 1604, at Page 417 of the Buncombe County, NC Register's Office.

TOWN OF MONTREAT
NORTH CAROLINA

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

Staff Report
536 Calvin Trail

Variance Request (536 Calvin Trail) – A Variance request submitted by Wade Burns (on behalf of Property Owner, Graceful Blessings LLC) for the lot addressed as 536 Calvin Trail, Montreat, NC 28711 and described as PIN#072009848300000 located on Calvin Trail, approximately 36 feet west of Providence Terrace. This Variance request is to Section 501.81 of the Montreat Zoning Ordinance to reduce the side setback requirement from 15 feet to 2 feet on the southern side of the Subject Property for the purpose of expanding the existing dwelling on the Subject Property.

Created by:

Alexis Baker, AICP
Interim Zoning Administrator
Town of Montreat

Created for:

Montreat Board of Adjustment
September 25, 2025

Table of Contents

STAFF REPORT 3

Application Summary 3

Property Summary 3

Public Notice 4

Variance Request 5

Staff Findings 5

Template Variance Decision Language 11

Attachments 12

1. Copy of Deed
2. Response to Six Standards
3. Site Plan to Scale

Table of Figures

Figure 1: Subject Property Aerial 4

Figure 2: 250 feet Public Notice for Variance Request 5

Figure 3: Subject Property and Surrounding Zoning 6

Figure 4: Site Plan with Setbacks Labeled 7

Figure 5: Subject Property and Surrounding Topography (5ft contours) 8

Figure 6: Calvin Road Right-of-Way (Driveway Easement on Southwestern Corner) 9

Figure 7: Subject Property and Water Features 10

STAFF REPORT

See **STAFF FINDINGS** (i.e. Alexis Baker, AICP, Interim 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, Graceful Blessings LLC) for the lot addressed as 536 Calvin Trail, Montreat, NC 28711 and described as PIN#072009848300000 located on Calvin Trail, approximately 36 feet west of Providence Terrace. This Variance request is to Section 501.81 of the Montreat Zoning Ordinance to reduce the side setback requirement from 15 feet to 2 feet on the southern side of the Subject Property for the purpose of expanding the existing dwelling on the Subject Property.

Property Summary

Parcel Identifier Number (PIN#): 072009848300000

Address: 536 Calvin Trail
Montreat, NC 28711

Owner: GRACEFUL BLESSINGS LLC
6421 BLUE GROSBEAK CIRCLE
LAKEWOOD RANCH, FL 34202

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

Zoning: R-1 Residential District.

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

Acres: 1.12 acres.

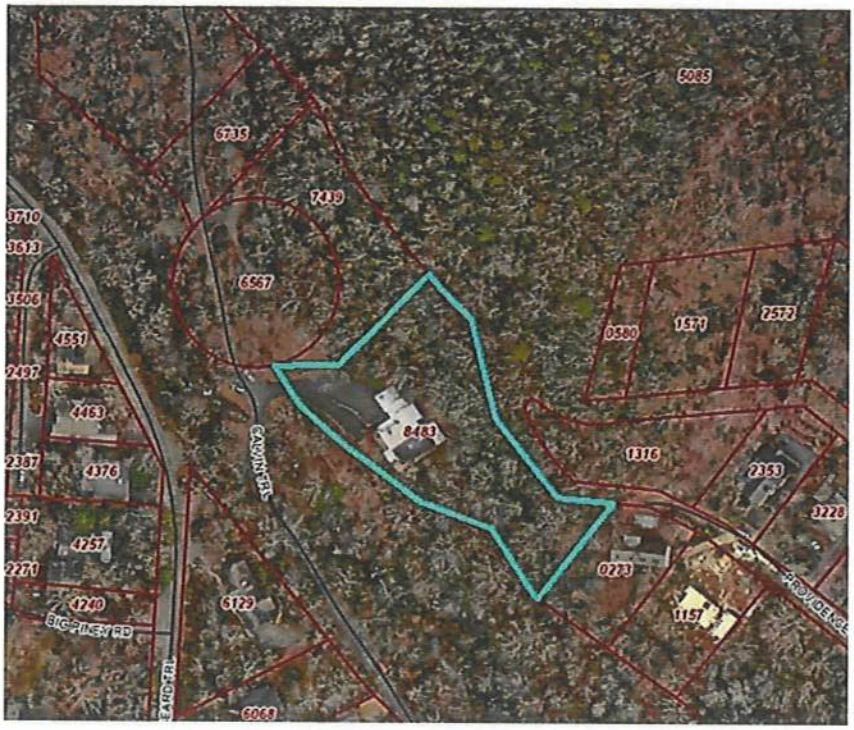


Figure 1: Subject Property Aerial

Public Notice

Staff mailed notice to properties within 250 feet of the Subject Property on **September 15, 2025.** Staff posted the Subject Property on **September 15, 2025.** BOA Hearing: **September 25, 2025.**

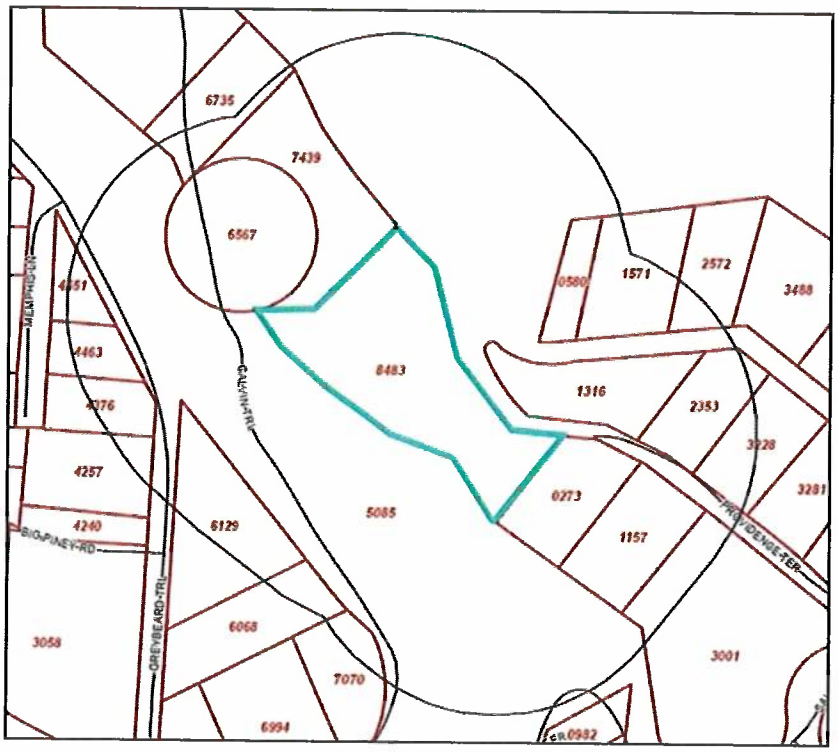


Figure 2: 250 feet Public Notice for Variance Request

Variance Request

The Applicant, Wade Burns (on behalf of Property Owner, Graceful Blessings LLC), requests that the Board of Adjustment grant a variance request to Section 501.81 of the Montreat Zoning Ordinance to reduce the side setback requirement from 15 feet to 2 feet on the southern side of the Subject Property for the purpose of expanding the existing dwelling on the Subject Property.

Staff Findings

Subject Property Summary

- The Subject Property is 1.12 acres and currently contains a single-family dwelling. The Applicant intends to expand the existing dwelling.
- The Subject Property accesses Calvin Trail via a driveway easement and is approximately 36 feet west of Providence Terrace.
- The slope of the Subject Property is 50.6 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-1 Residential Zoning District (R-1). The existing single-family dwelling was built in approximately 1985 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 accesses Calvin Trail via a driveway easement on the southwestern portion of the Property. It is surrounded on all sides by the R-1 Zoning District with a Montreat wellhouse to the North and a single-family residence, adjacent to the Property, to the southeast.

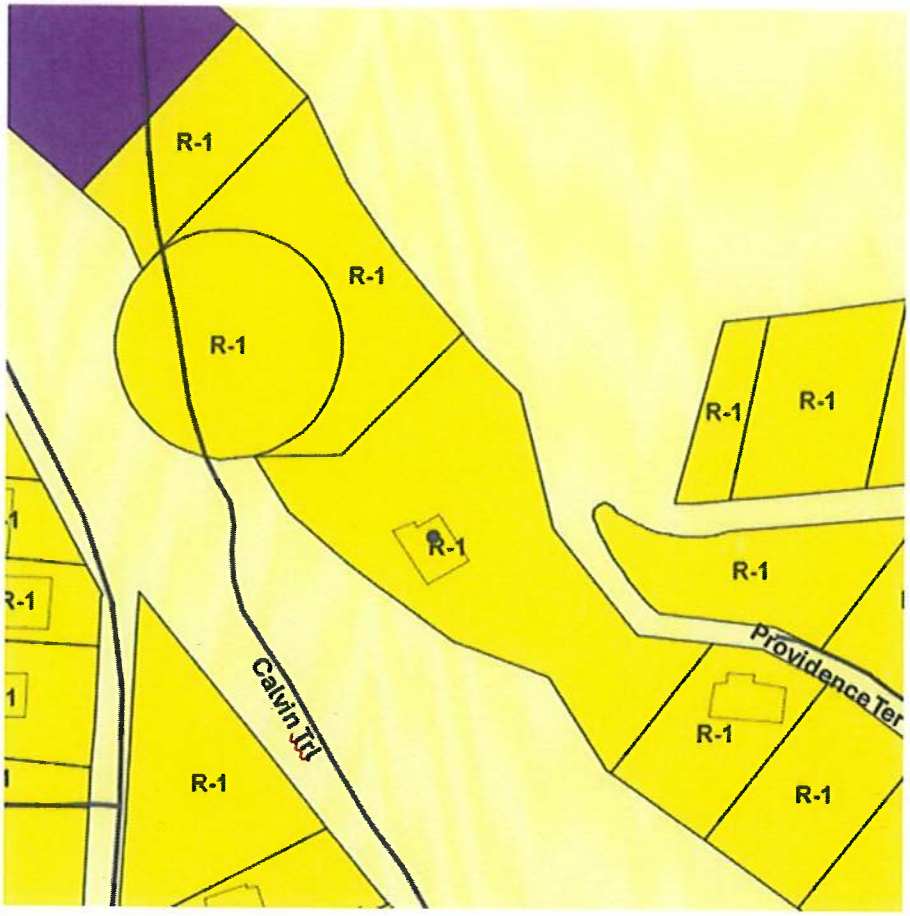


Figure 3: Subject Property and Surrounding Zoning

Setbacks

The Subject Property is in the R-1 Zoning District. The Applicant's Variance request is to the side setback requirement. The Applicant intends to meet the remaining setback requirements on the Subject Property.

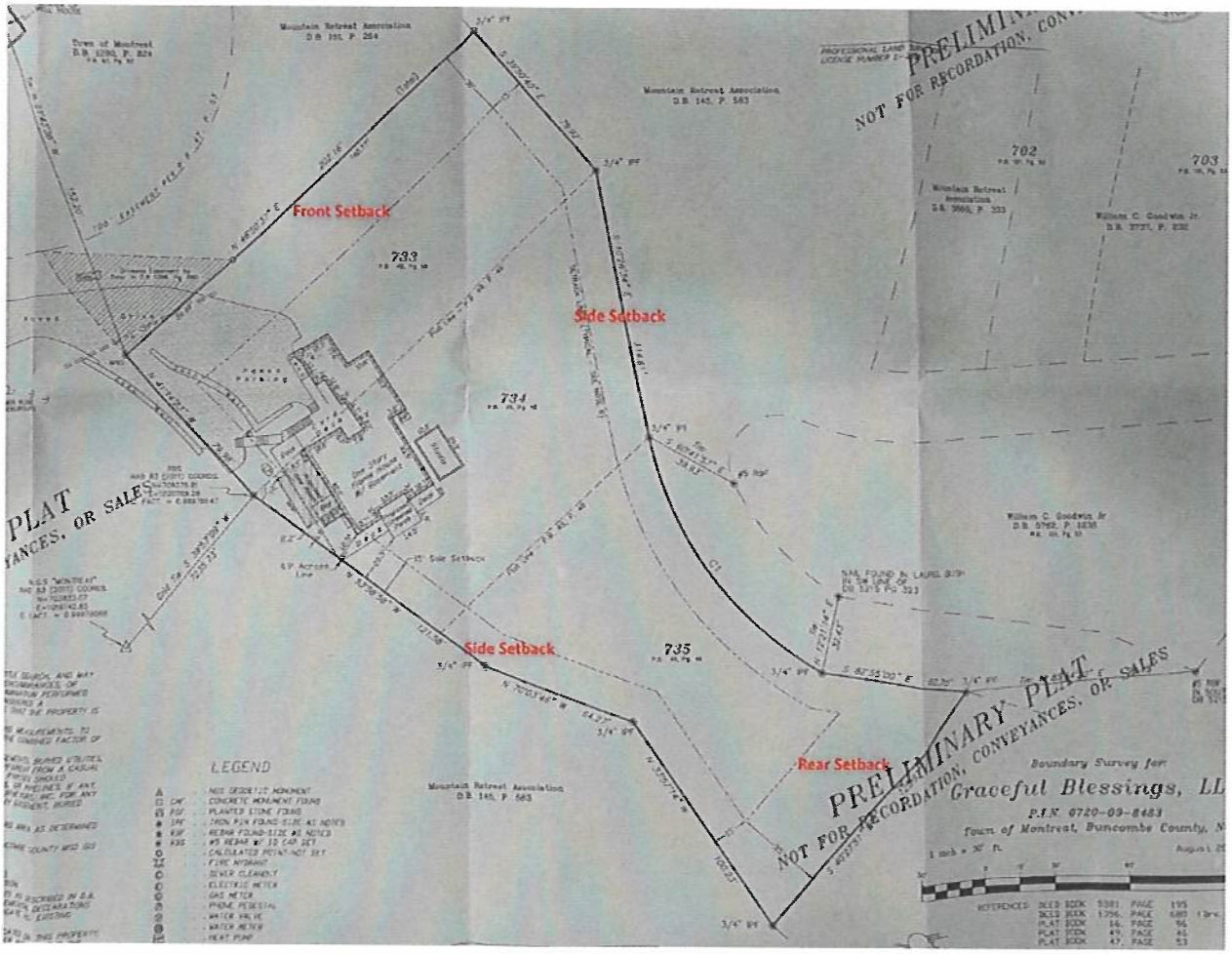


Figure 4: Site Plan with Setbacks Labeled

The table below shows the required setbacks for R-1 on the Subject Property, per Section 501 of Montreat's Zoning Ordinance, and the requested setback Variances from the Applicant's application. For simplicity, the front setback, which runs from the northern corner of the Property to the southwest, is considered the "west" setback.

	Required R-1 Zoning District Setback	Requested Variance
Front (West)	30 feet	N/A
Side (North)	15 feet	N/A
Side (South)	15 feet	2 feet
Rear (East)	35 feet	N/A

Lot Size

The Subject Property is 1.12 acres.

Topography

The slope of the Subject Property, per the Buncombe County Steep Slope Calculator, is 50.6 percent. The Subject Property slopes downward from north to south. The Subject Property would be subject to Hillside Development Ordinance.

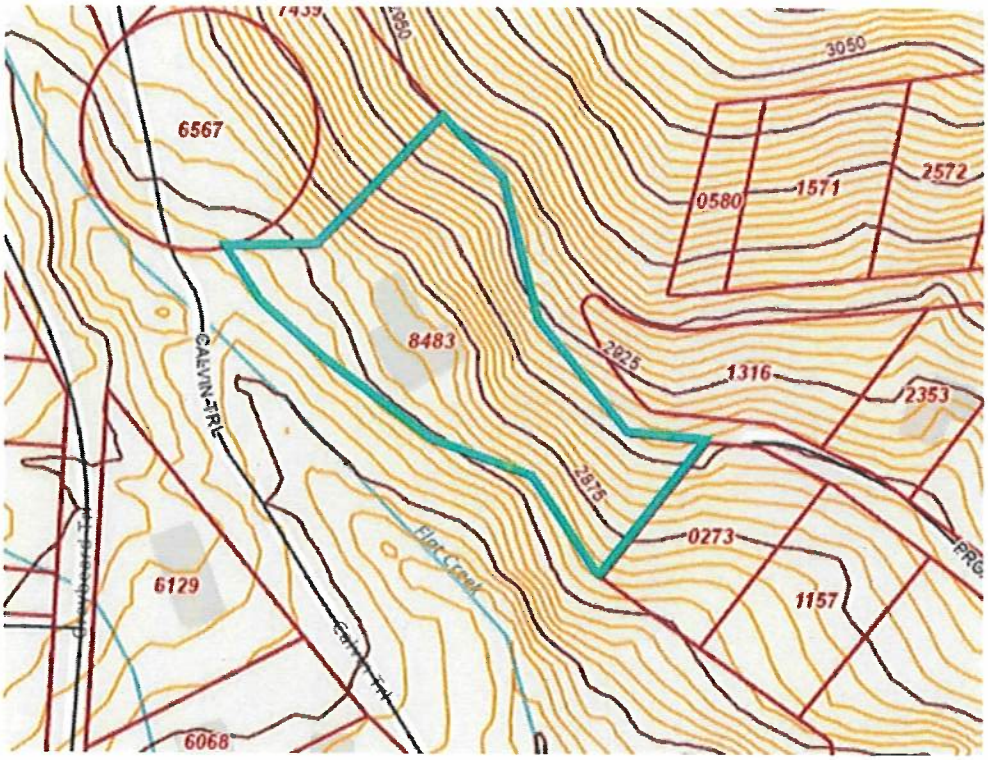


Figure 5: Subject Property and Surrounding Topography (5ft contours)

Rights-of-Way

The Subject Property accesses Calvin Trail via a driveway easement. The easement is highlighted in yellow.

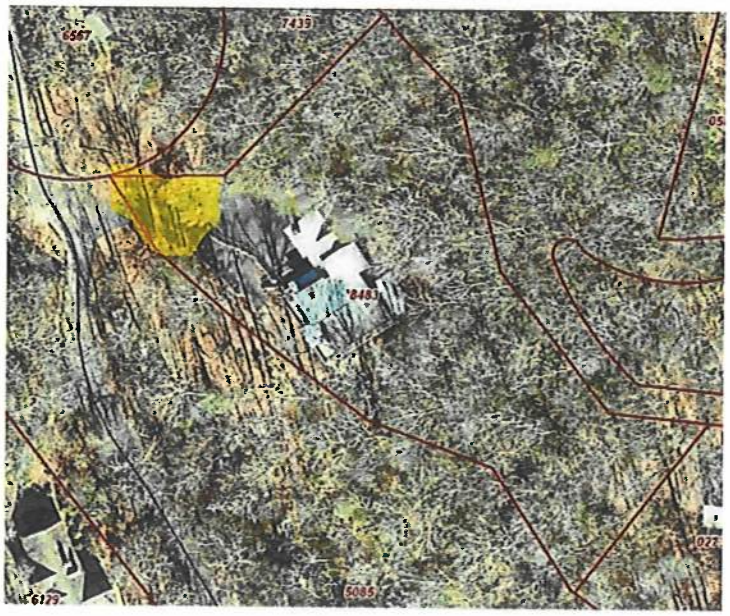


Figure 6: Calvin Road Right-of-Way (Driveway Easement on Southwestern Corner)

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.

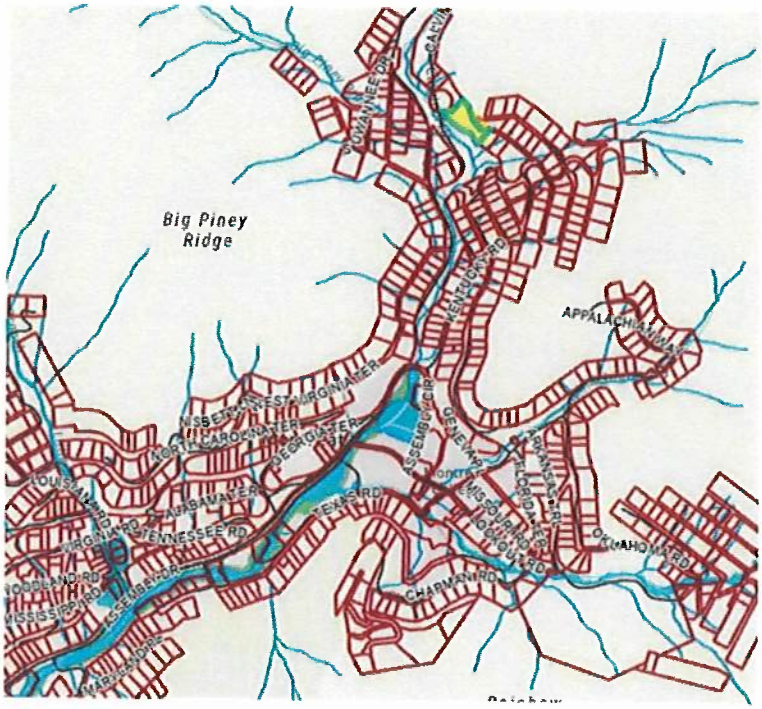


Figure 7: Subject Property and Water Features

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 for 536 Calvin Trail to 501.81 of the Montreat Zoning Ordinance to reduce the side setback requirement from 15 feet to 2 feet on the southern 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*]

Attachments

5

Doc ID: 029893100005 Type: CRP
Recorded: 12/15/2015 at 02:23:31 PM
Fee Amt: $1,284.00 Page 1 of 5
Revenue Tax: $1,258.00
Workflow# 0000323714-0001
Buncombe County, NC
Drew Reisinger Register of Deeds
BK5381 PG195-199

RF

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax $1,258.00

Parcel Identifier No. 0720-09-8483-00000
This instrument has been prepared by Ronald E. Sneed, a licensed North Carolina attorney. Delinquent taxes, if any, will be paid by the closing attorney to the county tax collector upon disbursement of the closing proceeds.

Mail after recording to **Stone & Christy, P.A.** (Box 52)

Brief description for the Index **Lots 733, 734, 735 PB 49 PG 46**

THIS DEED made this **15th day of December, 2015**, by and between

GRANTOR	GRANTEE
GEORGE H. MCEACHERN **and wife** **CAROLYN E. MCEACHERN** **5624 Woodland Trace** **Wilmington, NC 28409**	**GRACEFUL BLESSINGS, LLC,** **a North Carolina Limited Liability Company** **13211 Prima Drive** **Lakewood Ranch, Florida 34211**

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 Town of **Montreat**, **Black Mountain** Township, **Buncombe** County, North Carolina and more particularly described as follows:

AS SET OUT IN THE ATTACHED EXHIBIT A WHICH IS HEREBY INCORPORATED BY REFERENCE AS IF FULLY SET OUT HEREIN

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

The property hereinabove described was acquired by Grantor by instrument recorded in Deed Book 1859 at Page 738, Buncombe County Registry. A map showing the above described property is recorded in Plat Book 49 page 46.

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 except for the exceptions hereinafter stated.

Title to the property hereinabove described is hereby conveyed subject to all valid and subsisting restrictions, reservations, covenants, conditions, rights of ways and easements properly of record, if any, ad valorem taxes for the current year and subsequent years, and any local, county, state, or federal laws, ordinances, or regulations relating to zoning, environment, subdivision, occupancy, use, construction, or development of the subject property, including existing violations of said laws, ordinances, or regulations.

IN WITNESS WHEREOF, the Grantor has set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

[*Signature pages to follow*]

_____ (SEAL)
GEORGE H. MCEACHERN

BY: _____ (SEAL)
CAROLYN E. MCEACHERN
Attorney in Fact

NORTH CAROLINA, COUNTY OF New Hanover

I, a notary public of the County of New Hanover, State of North Carolina, do hereby certify **CAROLYN E. MCEACHERN** personally appeared before me this day, and being by me duly sworn, says that she executed the foregoing and annexed instrument for an in behalf of **GEORGE H. MCEACHERN**, and that her authority to execute and acknowledge said instrument is contained in an instrument duly executed, acknowledged and recorded in the office of the Buncombe County, North Carolina, Register of Deeds at Book 5379, Page 1954, and that this instrument was executed under and by virtue of the authority given by said instrument granting her power of attorney; that the said **CAROLYN E. MCEACHERN** acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed for an in behalf of the said **GEORGE H. MCEACHERN**.

Witness my hand and official seal.

Dated: 12/10/2015

_____
Notary Public

Amy K. Browning
Printed Name

My commission expires:

March 11, 2017

STAMP/SEAL:



Carolyn E. McEachern (SEAL)
CAROLYN E. MCEACHERN

NORTH CAROLINA, COUNTY OF New Hanover

I certify that the following person personally appeared before me this day acknowledging that she signed the foregoing document: CAROLYN E. MCEACHERN

Dated: 12/10/2015

Amy K. Browning
Notary Public

Amy K. Browning
Notary's typed or printed name

My commission expires: March 11, 2017

STAMP/SEAL:



EXHIBIT A

BEING all of Lots 733, 734 and 735 of Montreat, being the same property shown on that survey for Mountain Retreat Association recorded in the Office of the Register of Deeds for Buncombe County, North Carolina in Plat Book 49 at Page 46 and also shown on Plat recorded in Plat Book 16 at Page 96, reference to which is hereby made for a more particular description of said lots.

TOGETHER WITH that easement for ingress, egress and regress over a driveway described in instrument recorded in Deed Book 1396, Page 680 of the Buncombe County Registry.

SUBJECT to the conditions, agreements, restrictions and covenants applicable to lots sold by the Mountain Retreat Association as set out in Schedule A of that certain instrument recorded in Book 1395, Page 559, Buncombe County Registry.

Standards for Granting a Variance

Request by Graceful Blessings, LLC
Rev Richard & Rev Elizabeth Deibert, owners
536 Calvin Trail

Please see Photo Exhibits

MZO 310.42(A)

Strict application of the 15-foot side-yard setback would result in an unnecessary hardship because the four bedrooms, two baths, and narrow living area—which routinely houses 15 youth/adults during Montreat conferences—are crowded into a dark basement with dirt on three sides and minimum windowing for light and view. Currently, the only view outside is limited to and darkened by two French doors which open under the deck above on the main level. The use and enjoyment of this living space is severely restricted and generates a desire for the 15 inhabitants to "escape" from their "confinement."

MZO 310.42(B)

The conditions that currently restrict the use and enjoyment of this living space are due to the percentage of the lot originally designated "Steep Slope." Construction of the original foundation and house required carving into the steep slope and "burying" this basement living space into the slope on three sides.

The side-yard setback is intended to ensure that development on a side yard, coupled with development on a directly adjacent lot, will provide a minimum respectable separation between the adjacent developed properties.

In this case, the directly adjacent property is a very large dedicated Green Space owned by the MRA, with no foot or vehicular traffic within 100 feet of the requested improvement, guaranteeing that the intent of the zoning remains entirely intact.

MZO 310.42(C)

The hardship did not result from actions taken by the applicant.

MZO 310.42(D)

The spirit, purpose, and intent of the ordinance, and the very creation of Montreat, share a common vision to provide an environment that not only protects but celebrates the natural beauty of Montreat and promotes Montreat as a gathering place of spiritual support for all ages.

This house was built by a former president of MRA with guest accommodations beyond his family's needs to provide additional housing for MRA programs and conferences.

The current owners, the Rev. Dr. Richard Deibert, MD and his wife the Rev. Elizabeth Deibert, both ordained PCUSA pastors (and the former a physician), have continued this commitment to hospitality, providing critical housing for nearly 3,000 youth and adults in conferences and family retreats during their ten years of ownership. The only consistent complaint by guests over the years is the "dark, damp, and drab basement" that provides poor views of MRA's beautiful adjacent Green Space.

The proposed addition will provide a glassed-in gathering space that looks out on this Green Space with its long stretch of Greybeard Stream. Richard and Elizabeth are retiring to Montreat in September and plan to continue offering their home to conference guests and families so that, when the Inn is full, as many as possible may enjoy Montreat's beauty and programming for years to come. The house has an attached one-bedroom apartment to which they can retreat when guests are present.

MZO 310.42(E)

The requested Variance is the minimum Variance that will make the requested use possible because the basement consists of four bedrooms, a kitchenette, and a narrow sitting area that currently

provides inadequate space to gather and enjoy the extraordinary adjacent beauty of the Green Space.

Moreover, Hurricane Helene's destruction and the extensive reconstruction of Greybeard Stream dramatically expanded this room's potential view. This "new" view is now even more irresistible and will intensify the desire of Montreat guests to commune with its beauty throughout all four seasons. This new windowed room is powerfully consistent with the spirit, purpose, and desire inherent to the creation of Montreat.

MZO 310.42(F)

The requested Variance and proposed use is permitted in the applicable Zoning District and perfectly consistent with its intent.

Photo 01 – 536 Calvin Trail Variance Request

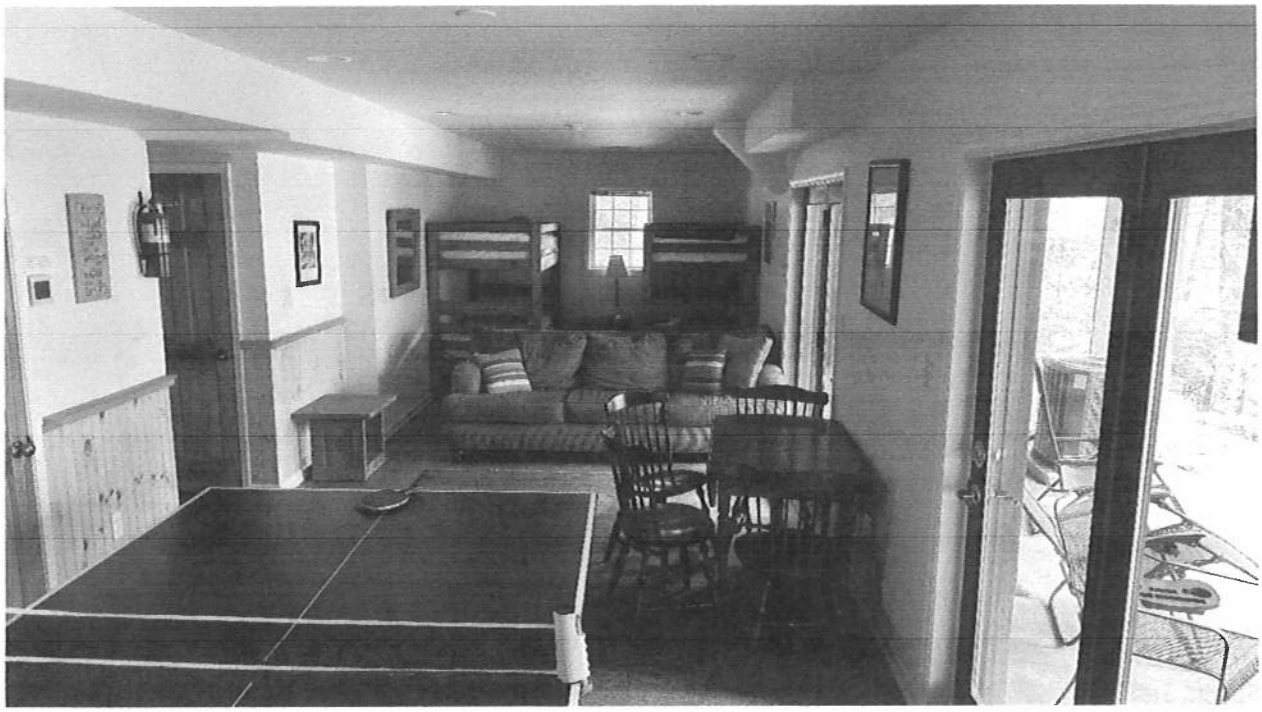


Photo 02 – 536 Calvin Trail Variance Request



Photo 03 – 536 Calvin Trail Variance Request

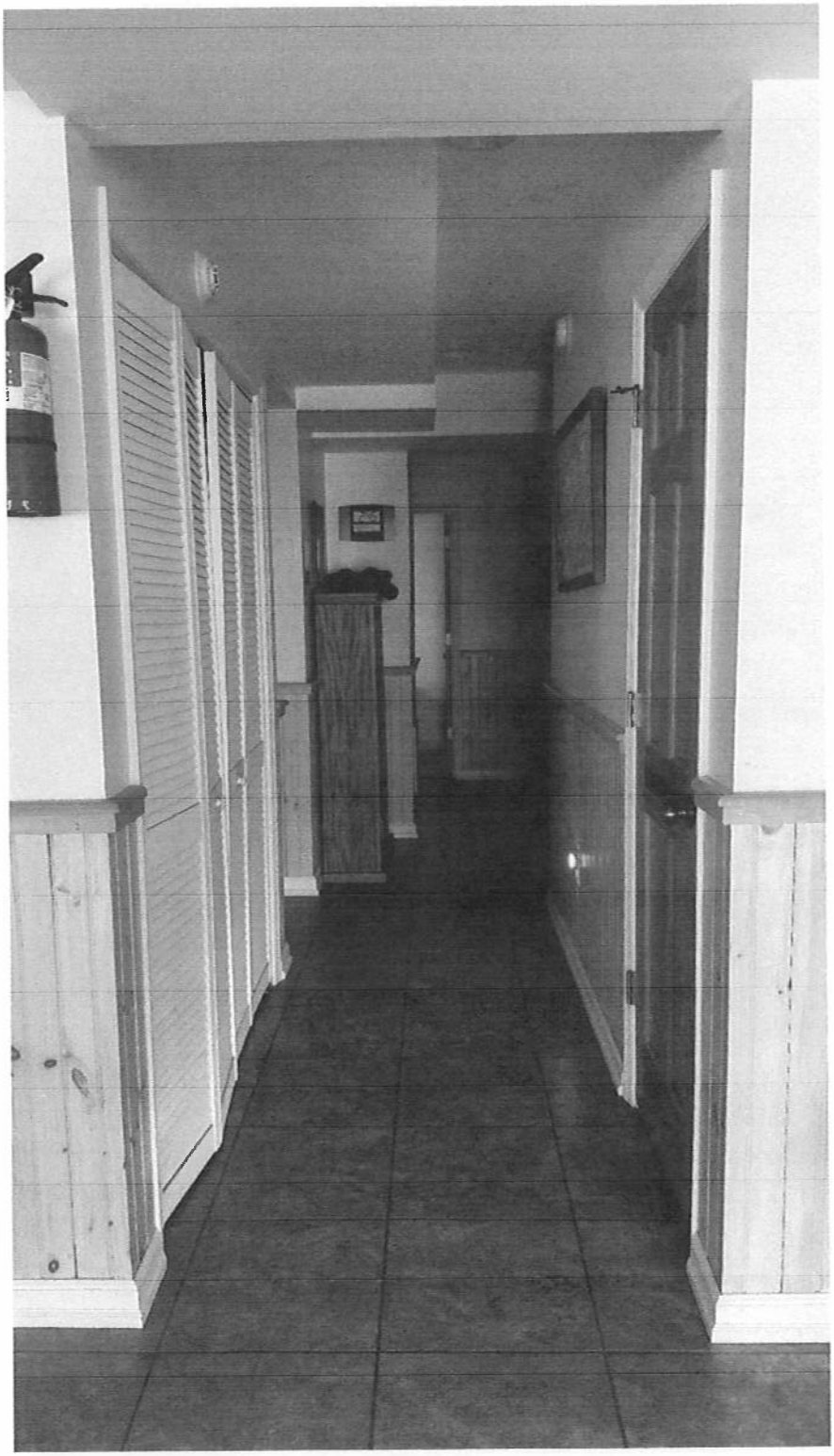
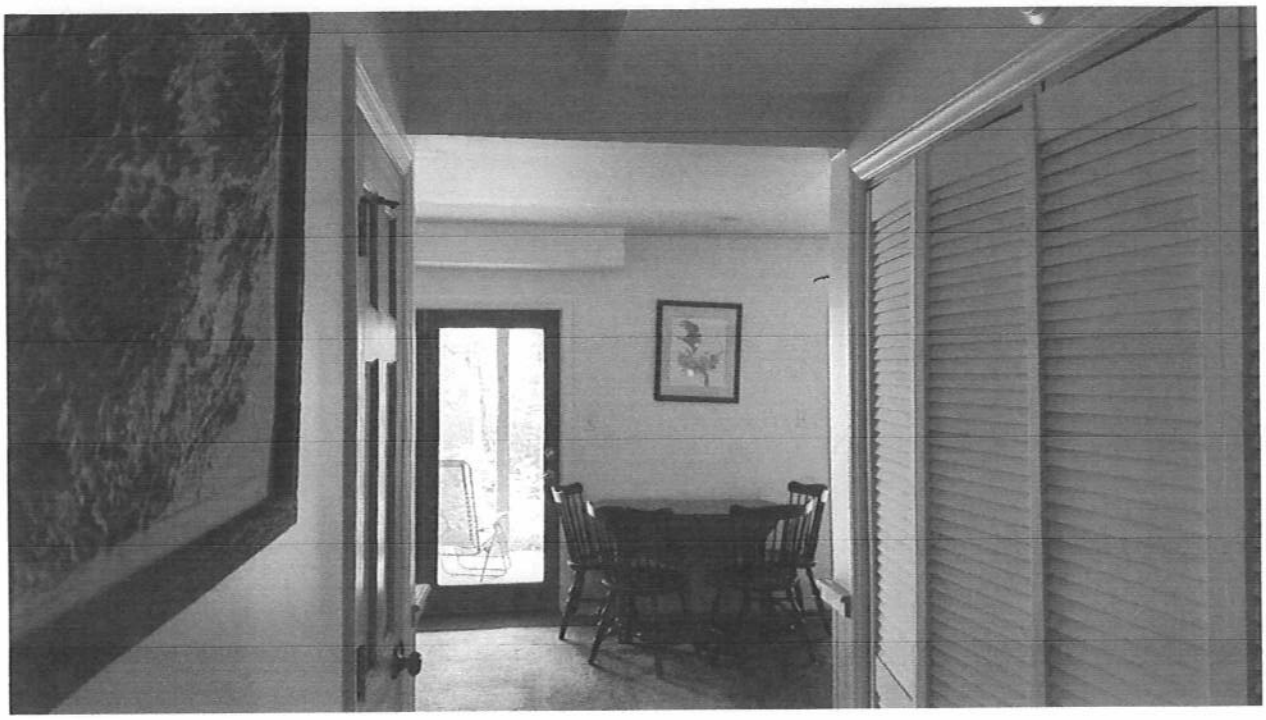
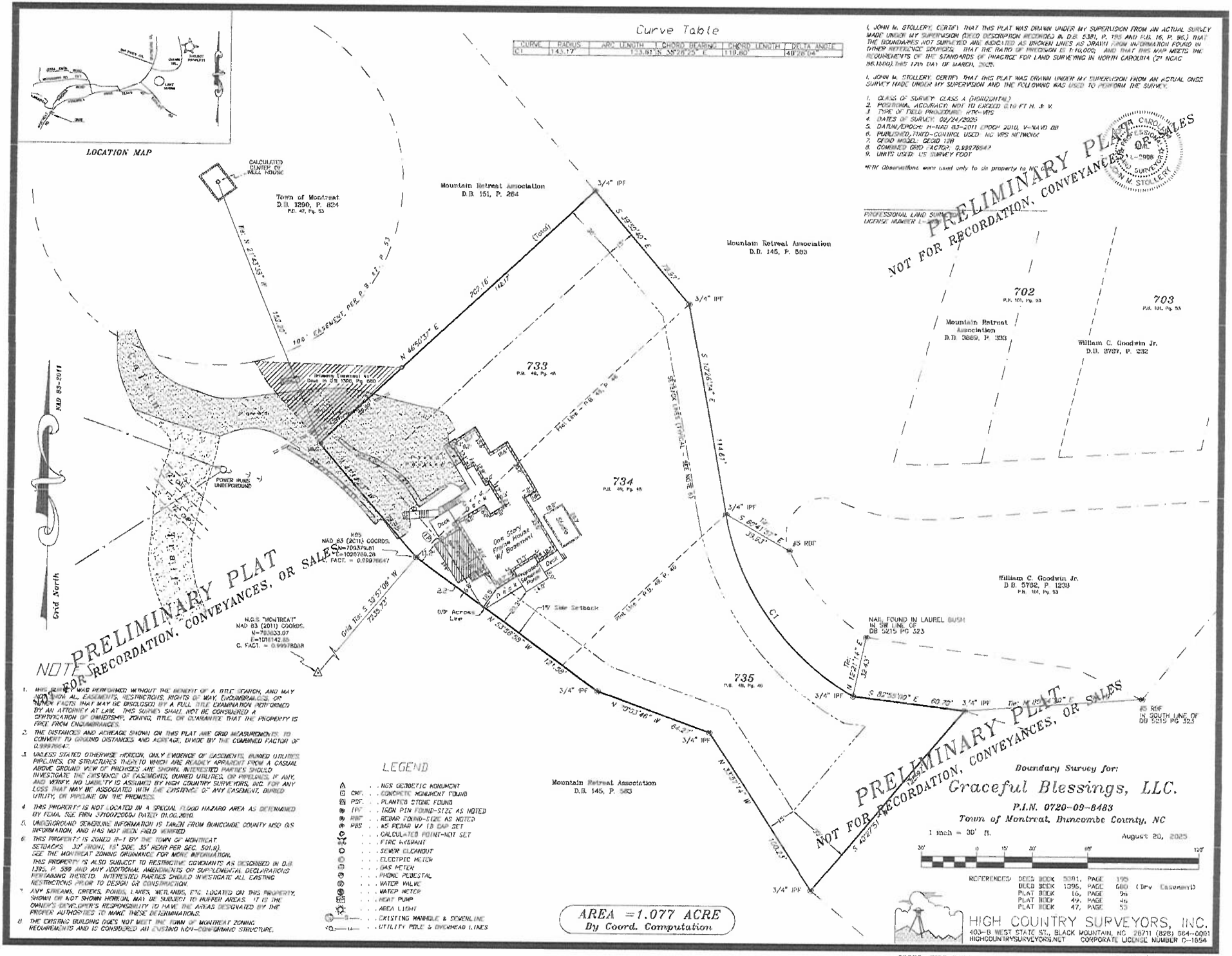


Photo 04 – 536 Calvin Trail Variance Request




LOCATION MAP
Curve Table
CURVE | RADIUS | ARC LENGTH | CHORD BEARING | CHORD LENGTH | DELTA ANGLE
C1 | 143.17' | 153.91' | N 55°26'25" E | 119.80' | 49°28'04"
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. 5381, P. 195 AND P.B. 16, P. 96,) 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 17th 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 0.10 FT H. & V.
3. TYPE OF FIELD PROCEDURE: RTK-VRS
4. DATES OF SURVEY: 02/24/2025
5. DATUM/EPOCH: H-NAD 83-2011 EPOCH 2010, V-NAVD 88
6. PUBLISHED/FIXED-CONTROL USED: NC VRS NETWORK
7. GEOID MODEL: GEOID 12B
8. COMBINED GRID FACTOR: 0.9997664
9. UNITS USED: US SURVEY FOOT
*RTK Observations were used only to tie property to NCGS
PROFESSIONAL LAND SURVEYOR
LICENSE NUMBER L-3998
PRELIMINARY PLAT
NOT FOR RECORDATION, CONVEYANCES, OR SALES
Town of Montreat
D.B. 1290, P. 824
P.B. 47, Pg. 53
Mountain Retreat Association
D.B. 151, P. 264
Mountain Retreat Association
D.B. 145, P. 583
Mountain Retreat Association
D.B. 3869, P. 333
William C. Goodwin Jr.
D.B. 5782, P. 1238
702
703
733
734
735
CALCULATED CENTER OF MEET HOUSE
Tie: N 21°43'35" W 152.10'
100' EASEMENT, REF. P.B. 47, P. 53
202.16'
142.17'
N 46°50'37" E
S 39°32'40" E
S 10°28'14" E
114.67'
S 60°41'27" E
39.93'
#5 RBF
Tie: N 82°14'14" E 32.43'
S 82°55'10" E 60.70'
3/4" IPF
#5 RBF IN SOUTH LINE OF DB 5215 PG 323
NAIL FOUND IN LAUREL BUSH IN SW LINE OF DB 5215 PG 323
Tie: N 85°30'00" E
Tie: N 85°30'00" E
Driveway Easement to Goodwin Jr. Deed in D.B. 1290, Pg. 820
POWER RUNS UNDERGROUND
One Story Frame House W/ Basement
Deck
Patio
Shed
Gravel
Asphalt Drive
Set Back Line - P.B. 47, P. 53
SEE NOTE 6
Set Back Line - P.B. 47, P. 53
15' Side Setback
0.9' Across Line
RBS
NAD 83 (2011) COORDS.
N=709379.81
E=1026769.29
C. FACT. = 0.9997647
N.G.S. "MONTREAT"
NAD 83 (2011) COORDS.
N=708633.07
E=1026142.85
C. FACT. = 0.9997808
Grid Tie: S 32°57'08" W 723.23'
N 53°58'59" W 191.59'
N 9°53'46" W 64.27'
N 35°57'14" W 102.47'
S 40°27'51" E 125.65'
15'
NAD 83-2011
Grid North
NOTE:
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 0.9997664.
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 3710022000J DATED 01.06.2010.
5. UNDERGROUND SENSITIVE INFORMATION IS TAKEN FROM BUNCOMBE COUNTY MSD GIS INFORMATION, AND HAS NOT BEEN FIELD VERIFIED.
6. THIS PROPERTY IS ZONED R-1 BY THE TOWN OF MONTREAT.
SETBACKS: 30' FRONT, 15' SIDE, 35' REAR PER SEC. 501.9).
SEE THE MONTREAT ZONING ORDINANCE FOR MORE INFORMATION.
THIS PROPERTY IS ALSO SUBJECT TO RESTRICTIVE COVENANTS AS DESCRIBED IN D.B. 1396, P. 599 AND ANY ADDITIONAL AMENDMENTS OR SUPPLEMENTAL DECLARATIONS PERTAINING THERETO. INTERESTED PARTIES SHOULD INVESTIGATE ALL EXISTING RESTRICTIONS PRIOR TO DESIGN OR CONSTRUCTION.
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 OR DEVELOPER'S RESPONSIBILITY TO HAVE THE AREAS DESIGNATED BY THE PROPER AUTHORITIES TO MAKE THESE DETERMINATIONS.
8. THE EXISTING BUILDING DOES NOT MEET THE TOWN OF MONTREAT ZONING REQUIREMENTS AND IS CONSIDERED AN EXISTING NON-CONFORMING STRUCTURE.
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
. . SEWER CLEANOUT
. . ELECTRIC METER
. . GAS METER
. . PHONE PEDESTAL
. . WATER VALVE
. . WATER METER
. . HEAT PUMP
. . AREA LIGHT
. . EXISTING MANHOLE & SEWERLINE
. . UTILITY POLE & OVERHEAD LINES
AREA = 1.077 ACRE
By Coord. Computation
PRELIMINARY PLAT
NOT FOR RECORDATION, CONVEYANCES, OR SALES
Boundary Survey for:
Graceful Blessings, LLC.
P.I.N. 0720-09-8483
Town of Montreat, Buncombe County, NC
1 inch = 30' ft.
August 20, 2025
30' 0 15' 30' 60' 120'
REFERENCES: DEED BOOK 5381, PAGE 195
DEED BOOK 1396, PAGE 599 (Drv Easement)
PLAT BOOK 16, PAGE 96
PLAT BOOK 47, PAGE 46
PLAT BOOK 47, PAGE 53
HIGH COUNTRY SURVEYORS, INC.
403-B WEST STATE ST., BLACK MOUNTAIN, NC 28711 (828) 664-0001
HIGHCOUNTRYSURVEYORS.NET CORPORATE LICENSE NUMBER C-1654
COORD. FILE 2025-029.crd
DRAWING NO. 2025-029

TOWN OF MONTREAT
NORTH CAROLINA

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

Staff Report
428 South Carolina Terrace

Variance Request (428 South Carolina Terrace)– A Variance request submitted by Ewing Construction (on behalf of Property Owners, Albert and Lucy Robinson) for the lot addressed as 428 South Carolina Terrace, Montreat, NC 28711 and described as PIN# 072017083400000 located on South Carolina Terrace. This Variance request is to Section 501.5 (Minimum Front Yard) of the Montreat Zoning Ordinance to reduce the front setback requirement from 30 feet to 20 feet on the western side of the Subject Property for the purpose of building a single-family residential dwelling.

Created by:

Alexis Baker, AICP
Interim Zoning Administrator
Town of Montreat

Created for:

Montreat Board of Adjustment
September 25, 2025

Table of Contents

STAFF REPORT 3

Application Summary 3

Property Summary 3

Public Notice 4

Variance Request 5

Staff Findings 5

Template Variance Decision Language 11

Attachments 12

1. Copy of Deed
2. Response to Six Standards
3. Site Plan to Scale

Table of Figures

Figure 1: Subject Property Aerial 4
Figure 2: 250 feet Public Notice for Variance Request 5
Figure 3: Subject Property and Surrounding Zoning 6
Figure 4: Site Plan with Setbacks Labeled 7
Figure 5: Subject Property and Surrounding Topography (5ft contours) 8
Figure 6: Calvin Road Right-of-Way (Driveway Easement on Southwestern Corner) 9
Figure 7: Subject Property and Water Features 10

STAFF REPORT

See **STAFF FINDINGS** (i.e. Alexis Baker, AICP, Interim 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 Ewing Construction (on behalf of Property Owners, Albert and Lucy Robinson) for the lot addressed as 428 South Carolina Terrace, Montreat, NC 28711 and described as PIN# 072017083400000 located on South Carolina Terrace. This Variance request is to Section 501.5 (Minimum Front Yard) of the Montreat Zoning Ordinance to reduce the front setback requirement from 30 feet to 20 feet on the western side of the Subject Property for the purpose of building a single-family residential dwelling.

Property Summary

Parcel Identifier Number (PIN#): 072017083400000

Address: 428 South Carolina Terrace
Montreat, NC 28711

Owner: ALBERT ROBINSON
143 PERRIN PL.
CHARLOTTE, NC 28207

Applicant: Ewing Construction (on behalf of the Property Owner)

Zoning: R-1 Residential District.

Current Land Use: The Subject Property contains an existing single-family dwelling. The applicant will demolish this residence to build a new single-family dwelling.

Acres: 0.53 acres



Figure 1: Subject Property Aerial

Public Notice

Staff mailed notice to properties within 250 feet of the Subject Property on **September 15, 2025.** Staff posted the Subject Property on **September 15, 2025.** BOA Hearing: **September 25, 2025.**



Figure 2: 250 feet Public Notice for Variance Request

Variance Request

The Variance request by Ewing Construction (on behalf of Property Owners, Albert and Lucy Robinson) is for the lot addressed as 428 South Carolina Terrace, Montreat, NC 28711 and described as PIN# 072017083400000 is located on South Carolina Terrace. This Variance request is to Section 501.5 (Minimum Front Yard) of the Montreat Zoning Ordinance to reduce the front setback requirement from 30 feet to 20 feet on the western side of the Subject Property for the purpose of building a single-family residential dwelling.

Staff Findings

Subject Property Summary

- The Subject Property is .53 acres and currently contains a single-family dwelling. The Applicant intends to demolish the existing single-family dwelling and build a single-family dwelling.
- The Subject Property fronts on South Carolina Terrace.
- The slope of the Subject Property is 51.84 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-1 Residential Zoning District (R-1). The existing single-family dwelling was built in approximately 1919 per the Buncombe County Tax Card for the Subject Property. The Applicant seeks to obtain a Variance to build a new single-family residential home that will encroach into the front setbacks.

The Subject Property fronts on South Carolina Terrace. It is surrounded on three sides by the R-1 Residential District with the Woodland District (WL) to the east. There appears to be a vacant residential parcel to the north, a single-family residential structure to the south, woodland to the east, and a vacant residential parcel and single-family homes to the west.



Figure 3: Subject Property and Surrounding Zoning

Setbacks

The Subject Property is in the R-1 Zoning District. The Applicant's Variance request is to the front setback requirement. The Applicant intends to meet the remaining setback requirements on the Subject Property.

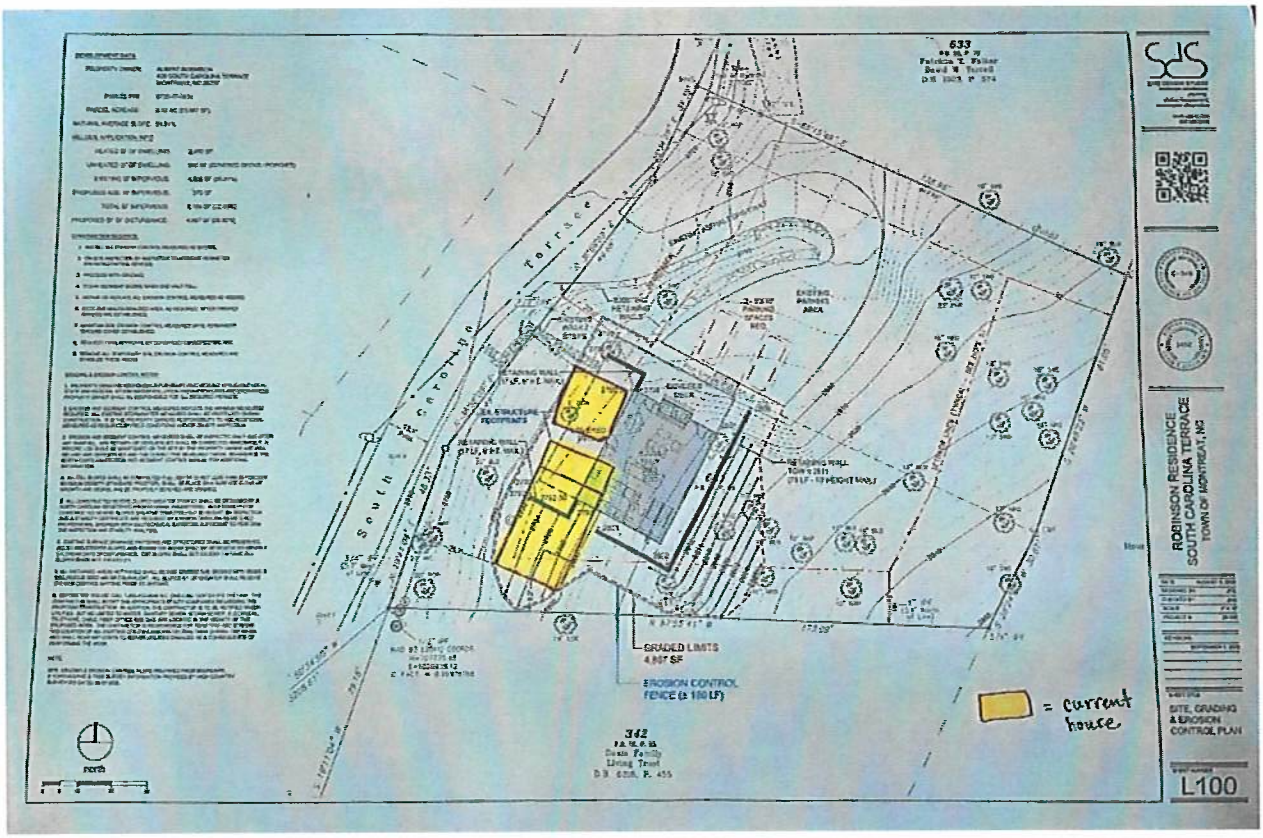


Figure 4: Site Plan with Setbacks Labeled

The table below shows the required setbacks for R-1 on the Subject Property, per Section 501 of Montreat's Zoning Ordinance, and the requested setback Variances from the Applicant's application.

	Required R-1 Zoning District Setback	Requested Variance
Front (West)	30 feet	20 feet
Side (North)	15 feet	N/A
Side (South)	15 feet	N/A
Rear (East)	35 feet	N/A

Lot Size

The Subject Property is 0.53 acres.

Topography

The slope of the Subject Property, per the Buncombe County Steep Slope Calculator, is 51.84 percent. The Subject Property slopes upward from north to south. The Subject Property would be subject to Hillside Development Ordinance.

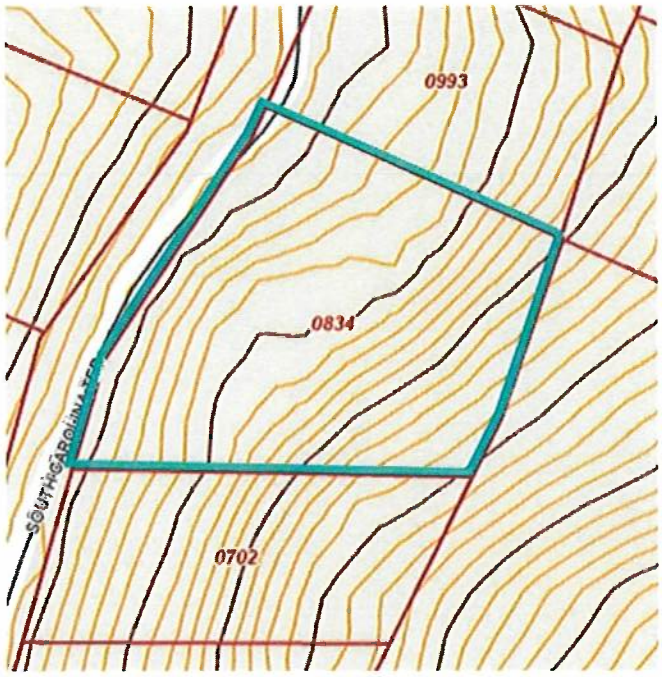


Figure 5: Subject Property and Surrounding Topography (5ft contours)

Rights-of-Way

The Subject Property fronts on South Carolina Terrace. There is an existing asphalt driveway on the Property.



Figure 6: South Carolina Terrace Right-of-way

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 7: Subject Property and Water Features

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*] Variance request for 428 South Carolina Terrace to Section 501.5 (Minimum Front Yard) of the Montreat Zoning Ordinance to reduce the front setback requirement from 30 feet to 20 feet on the western side of the Subject Property for the purpose of building a single-family residential dwelling. *List any conditions of approval in the motion, if applicable*]

Attachments

Type: CONSOLIDATED REAL PROPERTY
Recorded: 7/3/2023 9:19:21 AM
Fee Amt: $26.00 Page 1 of 4
Revenue Tax: $0.00
Buncombe County, NC
Drew Reisinger Register of Deeds

BK 6331 PG 1877 - 1880

There are no delinquent taxes that are a lien the parcel(s) described in the deed which the Buncombe County Tax Collector is charged with collecting.
07-03-2023
Date
Deputy Tax Collector

TRUSTEE'S DEED

Parcel: 0720-17-0834-00000

Revenue Stamps: $0.00

☐ If checked, the property includes the primary residence of at least one of the parties depicted as party of the first part. (N.C. Gen. Stat. § 105-317.2)

STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

THIS TRUSTEE'S DEED, made and entered into this the 19th day of June, 2023 by and between LESLIE DEAN ROBINSON MORRIS, TRUSTEE UNDER THE ROBINSON FAMILY REVOCABLE TRUST DATED FEBRUARY17, 2021, AS AMENDED, party of the first part (the address of the party of the first part is: 480 Old Haw Creek Road, Asheville, NC 28805); and ALBERT L. ROBINSON, party of the second part (the address of the party of the second part is: 1910 Colleton Court, Wilmington, NC 28403.

WITNESSETH:

That the party of the first part, in consideration of the sum of Ten and No/100 Dollars ($10.00) and other good and valuable considerations to said party paid by the party of the

---

Prepared by Terri W. Sharp, Esq., Ward and Smith, P.A., 1001 College Court (28562), Post Office Box 867, New Bern, NC 28563-0867
Please return to Ward and Smith, P.A., 127 Racine Drive (28403), Post Office Box 7068, Wilmington, NC 28406-7068
Attention: Eldridge D. Dodson

No opinion on title is rendered by Ward and Smith, P.A., without a separate written opinion on title from Ward and Smith, P.A.

This instrument was prepared by Terri W. Sharp, 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.

Submitted electronically by "Ward and Smith, P.A." in compliance with North Carolina statutes governing recordable documents and the terms of the submitter agreement with the Buncombe County Register of Deeds.

second part, the receipt and sufficiency of which hereby are acknowledged, and pursuant to Article V, Paragraph B of the Robinson Family Revocable Trust, has bargained and sold and by these presents does bargain, sell and convey unto the party of the second part, said party's heirs and assigns, the following described property to wit:

> All that certain tract or parcel of land lying and being situate in Montreat Township, Buncombe County, North Carolina, and being more particularly described as follows:
>
> BEING all of Lots 631 and 632 as shown on a plat of Montreat recorded in the Buncombe County, North Carolina Deed Registry in Plat Book 16 at Page 95, to which plat reference is hereby made for a more particular description of said lots.
>
> Being the same property described as Tract 1 in the deed recorded in Book 6117, Page 1013 in the office of the Register of Deeds of Buncombe County.
>
> This conveyance is made subject to easements of record or on the ground, restrictive covenants of record, and ad valorem taxes for the current year, which taxes the party of the second part, by accepting this deed, agrees to pay.

TO HAVE AND TO HOLD said property and all privileges and appurtenances thereunto belonging to the party of the second part, said party's heirs and assigns, forever.

The party of the first part covenants and warrants that said party has not, as Trustee of the Robinson Family Revocable Trust, placed or suffered to be placed any presently existing liens or encumbrances upon the aforesaid property and agrees that the party of the first part will warrant and defend the title to same against the lawful claims of all persons claiming by, through, under or on account of the party of the first part as Trustee insofar as it is the party of the first part's duty to do so by virtue of said party's office as Trustee, but no further.

IN TESTIMONY WHEREOF, the party of the first part has caused this instrument to be executed under seal and in such form as to be binding this the day and year first above written.

Leslie Dean Robinson Morris (SEAL)
Leslie Dean Robinson Morris, Trustee under
the Robinson Family Revocable Trust dated
February 17, 2021, as amended

STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

I certify that the following person personally appeared before me this day, acknowledging to me that he or she signed the foregoing document for the purpose(s) stated therein, in the capacity indicated therein: LESLIE DEAN ROBINSON MORRIS, TRUSTEE UNDER THE ROBINSON FAMILY REVOCABLE TRUST DATED FEBRUARY 17, 2021, AS AMENDED.

Date: June 19, 2023

Sandra Hamel
Signature of Notary Public

Sandra Hamel
Notary's printed or typed name

My commission expires: 12/12/2026

(Official Seal)

SANDRA HAMEL NOTARY PUBLIC HENDERSON COUNTY, NC

Notary seal or stamp must appear within this box.

201307-00002
ND:4863-5672-0230, v. 1

Variance Application – 428 S. Carolina Terrace – Robinson

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.*

In the absence of the variance, the property owner would be limited to renovating the existing structure, which currently encroaches on the side yard setback and the front setback. Our request is limited to a requesting a variance for the front setback only which will dimensionally improve the existing condition.

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.*

Our hardship is peculiar due to the existing site conditions, including the current retaining walls, driveway and parking area, as well as the topography of the site.

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.*

The location of existing structure and encroachment of the front and side setbacks were not created by the existing owner. The proposed development and requested variance will improve the encroachment within the setbacks.

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.*

Yes, this is correct.

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

Yes, the variance requested is the minimum amount we feel comfortable with.

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.*

Yes, this is correct.

DEVELOPMENT DATA

PROPERTY OWNER:	ALBERT ROBINSON 428 SOUTH CAROLINA TERRACE MONTREAT, NC 28757
PARCEL PIN:	0720-17-0834
PARCEL ACREAGE:	0.53 AC (23,087 SF)
NATURAL AVERAGE SLOPE:	51.84%

HILLSIDE APPLICATION INFO

HEATED SF OF DWELLING:	2,450 SF
UNHEATED SF OF DWELLING:	900 SF (COVERED DECKS / PORCHES)
EXISTING SF IMPERVIOUS:	4,805 SF (20.81%)
PROPOSED ADD. SF IMPERVIOUS:	379 SF
TOTAL SF IMPERVIOUS:	5,184 SF (22.45%)
PROPOSED SF OF DISTURBANCE:	4,807 SF (20.82%)

CONSTRUCTION SEQUENCE:

1. INSTALL ALL EROSION CONTROL MEASURES AS SHOWN;
2. ON-SITE INSPECTION BY INSPECTOR TO APPROVE PERIMETER EROSION CONTROL DEVICES;
3. PROCEED WITH GRADING;
4. CLEAN SEDIMENT BASINS WHEN ONE-HALF FULL;
5. REPAIR OR REPLACE ALL EROSION CONTROL MEASURES AS NEEDED;
6. SEED AND MULCH DENUDED AREA, AS REQUIRED, AFTER FINISHED GRADES ARE ESTABLISHED;
7. MAINTAIN SOIL EROSION CONTROL MEASURES UNTIL PERMANENT GROUND COVER ESTABLISHED;
8. REQUEST FINAL APPROVAL BY CONSTRUCTION INSPECTOR; AND,
9. REMOVE ALL TEMPORARY SOIL EROSION CONTROL MEASURES AND STABILIZE THESE AREAS.

GRADING & EROSION CONTROL NOTES:

1. PROPERTY OWNER IS RESPONSIBLE FOR COMPLYING WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL STORM WATER POLLUTION PREVENTION LAWS AND ORDINANCES. PROPERTY OWNER SHALL BE RESPONSIBLE FOR ALL REQUIRED PERMITS.

2. EROSION AND SEDIMENT CONTROL MEASURES INDICATE THE MINIMUM MEASURES REQUIRED. ALL EXISTING STORMWATER MEASURES SHALL BE PROTECTED DURING CONSTRUCTION. IT IS THE PROPERTY OWNERS RESPONSIBILITY TO ADD ADDITIONAL MEASURES AS REQUIRED BY FIELD CONDITIONS AND/OR ON-SITE INSPECTION.

3. EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSPECTED DAILY AND AFTER ANY RAINFALL. ANY REPAIRS OR DEFICIENCIES SHALL BE CORRECTED IMMEDIATELY. A RECORD LOG SHALL BE MAINTAINED ON THE SITE BY THE PROPERTY OWNER AND WILL RECORD ANY DEFICIENCIES AND THE CORRECTIVE MEASURES TAKEN. REFERENCE THE NORTH CAROLINA EROSION AND SEDIMENT CONTROL MANUAL FOR ADDITIONAL INFORMATION.

4. ALL FILL SLOPES SHALL BE COMPACTED FULL DEPTH TO NOT LESS THAN 95 PERCENT MAXIMUM DENSITY (STANDARD PROCTOR), SHALL BE PLACE ON A SURFACE CLEAR OF GROWTH AND DEBRIS, AND BE PROPERLY BENCHED AND DRAINED.

5. ALL CONSTRUCTED SEVERE SLOPES GREATER THAN 2:1 SHALL BE DESIGNED BY A NORTH CAROLINA REGISTERED PROFESSIONAL ENGINEERING. ADDITIONALLY FOR CONSTRUCTED SEVERE SLOPES GREATER THAN FIVE FEET IN HEIGHT, AN INSPECTION AND A STABILITY CERTIFICATE ARE REQUIRED BY A NORTH CAROLINA REGISTERED PROFESSIONAL ENGINEER WITH GEOTECHNICAL EXPERTISE SUFFICIENT TO PERFORM THE INSPECTION AND STABILITY ANALYSIS.

6. EXISTING SURFACE DRAINAGE PATTERNS AND STRUCTURES SHALL BE PRESERVED. ALL 3:1 AND STEEPER SLOPES AND PERIMETER AREAS SHALL BE REVEGETATED WITHIN 7 CALENDAR DAYS OF DISTURBANCE. CUT SLOPES SHALL NOT EXCEED 1.5:1 AND FILL SLOPES SHALL NOT EXCEED 2:1.

7. ALL DISTURBED AREAS NOT PAVED SHALL BE FINE GRADED AND SEEDED WITH REBEL II TALL FESCUE SEED MIX OR EQUIVALENT. ALL SLOPES 4:1 OR GREATER SHALL RECEIVE EROSION CONTROL MATTING PRIOR TO SEEDING.

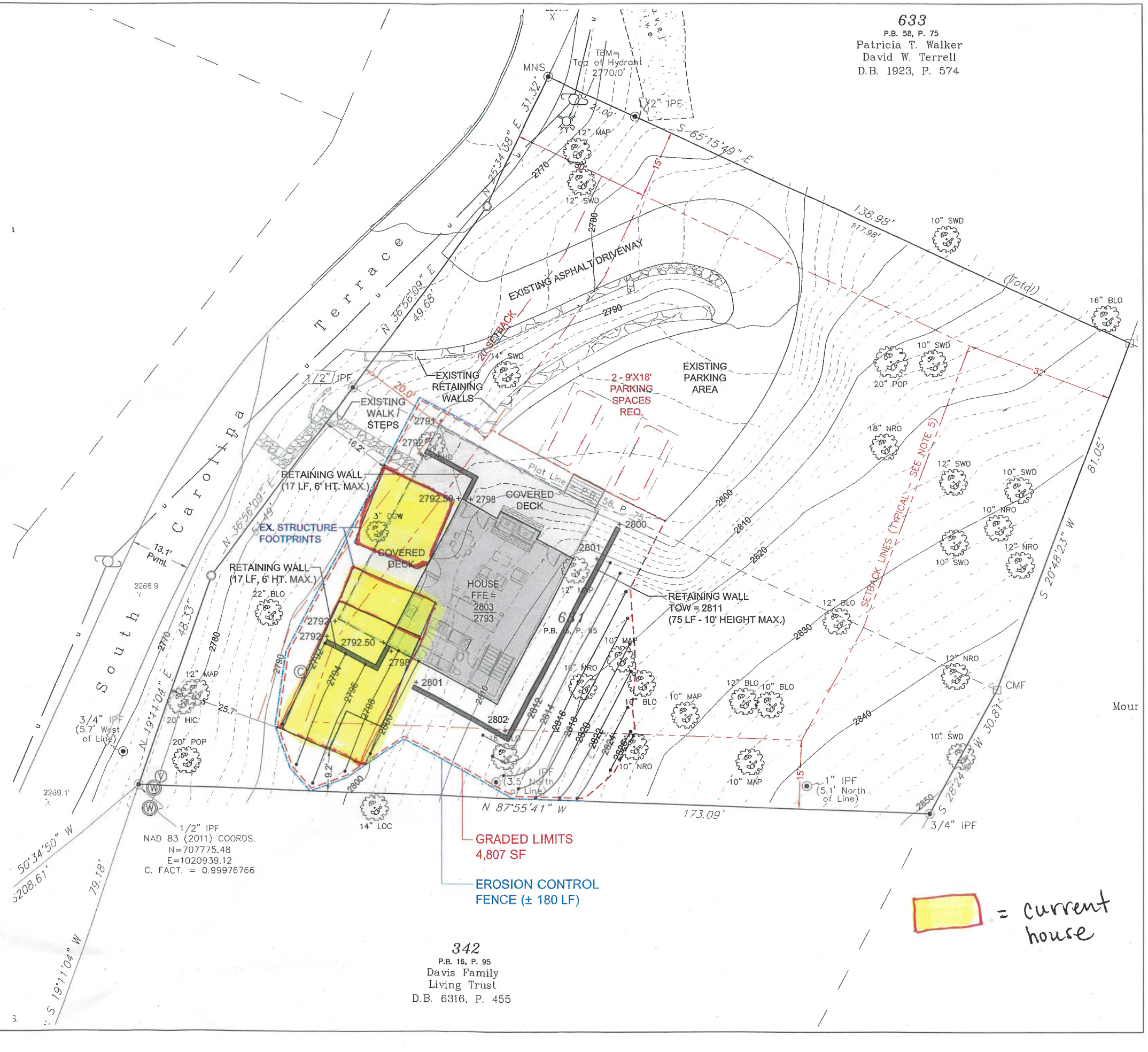
8. BEFORE THE YOU DIG CALL 1-800-632-4949 N.C. ONE-CALL CENTER IT'S THE LAW. THE CONTRACTOR SHALL NOTIFY THE APPROPRIATE UTILITY COMPANIES REGARDING THE PROPOSED CONSTRUCTION. IN ADDITION, THE CONTRACTOR IS TO BE NOTIFIED WHICH UTILITIES , BUT NO LIMITED TO WATER, SANITARY SEWER, STORM SEWER, ELECTRICAL, TELEPHONE, CABLE, FIBER OPTICS AND GAS, ARE LOCATED IN THE VICINITY OF THE PROPOSED WORK. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING AND STAKING THE LOCATION OF ALL EXISTING UTILITIES AND PROTECTING THEM DURING THE WORK AND SHALL BEAR ANY COSTS TO REPAIR UTILITIES DAMAGED AS A CONSEQUENCE OF PERFORMING THE WORK.

NOTE:

SITE, GRADING & EROSION CONTROL PLANS PREPARED FROM BOUNDARY, 2' TOPOGRAPHIC & TREE SURVEY INFORMATION PROVIDED BY HIGH COUNTRY SURVEYORS DATED 05-07-2025.

north

0 5 10 20 30



SITE DESIGN STUDIO
landscape architecture
planning
project management
construction observation
www.sds-la.com
828.484.8225

NORTH CAROLINA REGISTERED LANDSCAPE ARCHITECTURAL CORPORATION
SITE DESIGN STUDIO
C-349

NORTH CAROLINA REGISTERED LANDSCAPE ARCHITECT
1452
JACK F. GILLILAND

ROBINSON RESIDENCE
SOUTH CAROLINA TERRACE
TOWN OF MONTREAT, NC

DATE:	AUGUST 5, 2025
DESIGNED BY:	JTG
CHECKED BY:	JNG
SCALE:	1" = 10'
PROJECT #:	25-025

REVISIONS:
SEPTEMBER 4, 2025

SHEET TITLE
SITE, GRADING & EROSION CONTROL PLAN

SHEET NUMBER
L100