STAFF REPORT

To: Planning Board of Adjustment

Agenda Title: Zoning Text Amendment – Accessory Dwelling Units in Community Shopping

Staff Contact: Ricky Hurley

Meeting Date: May 5, 2026

Summary:

The proposed text amendment is intended to add Accessory Dwelling Units as a Limited Use in the Community Shopping District in addition to updating the associated definition and limited use standards.

Background:

Periodic updates to the Town's zoning regulations are necessary in response to changing economic needs, evolving construction technology, and greater development pressure being felt by the greater Asheville-Buncombe region. The proposed amendment will make allowance for a smaller subordinate dwelling on commercially developed properties that may serve as living quarters for business owners, staff, or caretakers. Community Shopping currently allows multifamily as a Limited Use and Community Shopping-Type 2 and Type 3 allow for attached or detached single family homes with a Special Use Permit.

Staff Analysis:

Table of Uses: The proposed amendment will add Accessory Dwelling as a Limited Use. Although not every potential use can be identified and listed, targeted expansion of the permitted use table with updated definitions can reduce the chance for appeals related to a zoning administrator's determination on whether to allow a use within a certain zoning district.

Definitions: The proposed modification to the existing definition will expand the allowance for an Accessory Dwelling Unit when there is a primary commercial use present on the parcel and replace "primary dwelling" with "principal dwelling or structure"

Limited uses: Limited uses are allowed by right when specific objective standards provided within the code are met by the applicant and are approved administratively by Town staff without the need for any public hearing. The proposed update to the Table of Uses will add Accessory Dwelling Units only to the Community Shopping District (C-S), while applying all existing standards for ADUs. Community Shopping-Type 2 or Type 3 will not be impacted by this amendment.

Staff Recommendation:

Staff recommends approval of the zoning text amendment.

Suggested Motion:

I move to approve the proposed text amendment and find that it is reasonable, is in the public interest, is consistent with the ***Woodfin Together*** comprehensive plan, and meets the development needs of the community in that the request:

1. Promotes an integrated mix of housing types and affordability options and designed with people in mind (1.1.2).
2. Balances the supply of land for housing and employment and protects land for economic development and ensures an adequate supply of appropriately located and sized employment space (3.1.5, 3.2.5).

Attachments:

(1) Ordinance 2026-XX
(2) Code Changes - Redline
(3) Draft Planning Board of Adjustment Recommendation

ORDINANCE AMENDING CHAPTERS 54 OF THE CODE OF ORDINANCES OF THE TOWN OF WOODFIN TO INCLUDE ACCESSORY DWELLINGS IN THE COMMUNITY SHOPPING (CS) DISTRICT

Ordinance: 2026-0x

Passed _____

WHEREAS, the Town of Woodfin has the authority pursuant to Article 1 of Chapter 160D of the North Carolina General Statutes to adopt development regulations; and

WHEREAS, the Woodfin Town Council may amend said regulations from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, the Town initiated a recommendation to amend 54-Zoning of the Town of Woodfin Code of Ordinances; and

WHEREAS, the public hearing for this text amendment has been noticed in compliance with the North Carolina General Statutes; and

WHEREAS, the Woodfin Planning Board of Adjustment reviewed this text amendment at its May 5, 2026, public meeting and voted ___ to find the amendment reasonable considering the potential benefits to development of the Town of Woodfin and surrounding community; and

WHEREAS, the Woodfin Town Council held the public hearing on June 16, 2026, and, after hearing such, made the following required findings:

The development code text amendment is consistent with the comprehensive plan in the following ways:

1. Promotes an integrated mix of housing types and affordability options and designed with people in mind (1.1.2).
2. Balances the supply of land for housing and employment and protects land for economic development and ensures an adequate supply of appropriately located and sized employment space (3.1.5, 3.2.5).

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Woodfin, that Chapter 54-Zoning is hereby amended as follows:

Section 1:

a. Amend Sec. 54-10 by replacing the following definition in its entirety:

Dwelling, accessory unit means a separate and complete dwelling unit that is ancillary and subordinate to a principal single-family dwelling or commercial building located on the same lot. Accessory dwelling units may be either detached or attached to the principal dwelling or building.

b. Replace Sec. 54-144(a)(1) to read as follows:

(1) *Accessory dwelling units (ADUs). Limited use in R-7, R-10, R-21, R-43, MV, CS, and TR:*

a. *General provisions.* The following standards apply to all ADUs located in all residential districts.

ADUs shall be:

1. Co-located on a residential lot containing no more than one single-family detached structure. The residential lot may contain other accessory structures, as allowed in this ordinance. Commercial lots are limited to one residential accessory unit. No additional residential units are permitted under this section.
2. Located on lots that conform to the minimum dimensional standards for the district in which it is located.
3. Subordinate to the principal structure in size, location, and height (except as otherwise allowed).
4. Provided parking at a minimum rate of one space per ADU. Parking for the primary dwelling unit or use must also be maintained or replaced on site.

ADUs shall not be:

1. Regarded as additional dwelling units for the purpose of determining minimum lot size, lot width, or maximum density for residentially zoned properties.
2. Used as a short-term rental.

b. *Additional Standards.* ADUs may be either attached or detached to the primary dwelling unit or principal structure, subject to complying with the following standards.

1. Detached ADUs:

a. The gross square floor area of the detached ADU shall not exceed 70 percent of the gross floor area of the principal structure or primary dwelling unit, or 800 square feet, whichever is greater.

b. The height of a detached ADU may not exceed the height of the principal unit, up to a maximum height of 25 feet for residentially zoned properties and the district maximum for the CS district.

c. Detached ADUs must comply with all required setbacks for the district in which it is located.

d. Detached ADUs must be located to the side or rear of the principal structure or primary unit and no closer to the street than the leading edge of the primary dwelling on lots that are less than two acres. For lots equal to or greater than two acres, a detached ADU may be placed in any location on the lot provided the structure can comply with all setback requirements.

2. Attached ADUs that expand the footprint of the existing structure:

a. The gross floor area of the attached accessory dwelling unit may not exceed 70 percent of the gross floor area of the primary dwelling unit, or 800 square feet, whichever is greater.

b. The height of the accessory dwelling unit may exceed the height of the existing primary dwelling unit or structure by up to four feet, but may not exceed the height limit of underlying district.

c. The expansion area must comply with all setback requirements for the district in which it is located.

3. Attached ADUs that do not expand the existing structure and share a common foundation, exterior walls, and roof of the principal structure or dwelling:

   a. May be included within a non-conforming residential structure.

   b. Will not be limited in gross floor area or height in residentially zoned properties but shall not exceed 10% of the existing gross floor area in commercially zoned properties.

c. Amend Sec. 54-143(b) by updating the Use Table by adding a "L" under the C-S column for "Dwelling, accessory unit".

Section 2: If any provisions of this Ordinance are for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, independent provision and such holding shall not affect the validity of any other provision thereof, and to that end, the provisions of this Ordinance are hereby declared to be severable.

Section 3: This Ordinance is adopted on this 16th day of June 2026 and shall become effective immediately upon adoption.

Section 4. This ordinance shall be deemed published as of the day of its adoption and approval by the Town Council and the Clerk of the Town of Woodfin is hereby authorized and ordered to file a copy of said ordinance in the Office of the Town Clerk.

Section 5. Except as modified herein, this ordinance shall be in full force and effect immediately on the date of its publication and filing thereof in the Office of the Clerk, and said ordinance shall be presumptive evidence in all courts and places of the ordinances and all provisions, sections, penalties and regulations therein contained and of the date of passage, and that the same is properly signed, attested recorded and approved and that any public hearings and notices thereof as required by law have been given.

Ayes _____
Nays _____

_____
James C. McAllister, Mayor

Attest:

_____
Town Clerk

Sec. 54-10. Definitions.

Dwelling, accessory unit means a separate and complete dwelling unit that is ancillary and subordinate to a principal single-family dwelling or commercial building located on the same lot. Accessory dwelling units may be either detached or attached to the ~~primary dwelling~~ principal dwelling or building.

Sec. 54-144. Limited uses.

(a) *Limited uses.* Limited uses are permitted by right, in the districts identified in the Table of Uses found in section 54-143 above, and provided that the specific standards set forth in this section are satisfied. The specified standards are intended to ensure these uses fit the intent of the districts within which they are permitted, and that these uses are compatible with other development permitted within the districts. Identified limited uses shall comply with the following.

(1) *Accessory dwelling units (ADUs). Limited use in R-7, R-10, R-21, R-43, MV, CS, and TR:*

a. *General provisions.* The following standards apply to all ADUs located in all residential districts.

ADUs shall be:

1. Co-located on a residential lot containing no more than one single-family detached structure. The residential lot may contain other accessory structures, as allowed in this ordinance. Commercial lots are limited to one residential accessory unit. No additional residential units are permitted under this section.
2. Located on lots that conform to the minimum dimensional standards for the district in which it is located.
3. Subordinate to the principal structure in size, location, and height (except as otherwise allowed).
4. Provided parking at a minimum rate of one space per ADU. Parking for the primary dwelling unit or use must also be maintained or replaced on site.

ADUs shall not be:

1. Regarded as additional dwelling units for the purpose of determining minimum lot size, lot width, or maximum density for residentially zoned properties.
2. Used as a short-term rental.

b. *Additional Standards.* ADUs may be either attached or detached to the primary dwelling unit or principal structure, subject to complying with the following standards.

1. Detached ADUs:

(a) The gross square floor area of the detached ADU shall not exceed 70 percent of the gross floor area of the principal structure or primary dwelling unit, or 800 square feet, whichever is greater.

(b) The height of a detached ADU may not exceed the height of the principal unit, up to a maximum height of 25 feet for residentially zoned properties and the district maximum for the CS district.

(c) Detached ADUs must comply with all required setbacks for the district in which it is located.

(d) Detached ADUs must be located to the side or rear of the principal structure or primary unit and no closer to the street than the leading edge of the primary dwelling on lots that are less than two acres. For lots equal to or greater than two acres, a detached ADU may be placed in any location on the lot provided the structure can comply with all setback requirements.

2. Attached ADUs that expand the footprint of the existing structure:

(a) The gross floor area of the attached accessory dwelling unit may not exceed 70 percent of the gross floor area of the primary dwelling unit, or 800 square feet, whichever is greater.

(b) The height of the accessory dwelling unit may exceed the height of the existing primary dwelling unit or structure by up to four feet, but may not exceed the height limit of underlying district.

(c) The expansion area must comply with all setback requirements for the district in which it is located.

3. Attached ADUs that do not expand the existing structure and share a common foundation, exterior walls, and roof of the principal structure or dwelling:

(a) May be included within a non-conforming residential structure.

(b) Will not be limited in gross floor area or height in residentially zoned properties but shall not exceed 10% of the existing gross floor area in commercially zoned properties.

(b) Uses allowed. Only the following permitted "P", limited "L" and special "S" uses may be allowed in any district as enumerated in the following table:

Explanation of table abbreviations:

P = indicates that the use type is permitted by right in that zoning district, subject to compliance with applicable standards set forth in this chapter.

L = indicates that the use type is permitted in that zoning district after review and approval by the planning director in accordance with the standards established in section 54-144 and other applicable standards set forth in this chapter.

S = indicates that the use type is permitted in that zoning district after review and approval by the Planning Board of Adjustment in accordance with procedures and standards established in section 54-69, section 54-144 and other applicable standards set forth in this chapter.

EXP = indicates that the use type is expressly prohibited in that zoning district.

Land Use	Zoning District												
	R-7	R-10	R-21	R-43	MV	C-S	C-S-2	C-S-3	TR	L-I	H-I	MHO	MHC
	7,000 sq. ft. min. lot size Setbacks: 20' Front, 10' Side, 20% or 30' Rear	10,000 sq. ft. min. lot size Setbacks: 25' Front, 10' or 15' Side, 20% or 30' Rear	21,000 sq. ft. min. lot size Setbacks: 30' Front, 15' or 20 Side, 20% or 30' Rear	43,000 sq. ft. min. lot size Setbacks: 30' Front, 15' Side, 20% or 30' Rear	0 sq. ft. min. lot size Setbacks: None	No yards are required. Abutting a residential district, 15' side and rear yard clearance.			20,000 sq. ft. min. lot size Setbacks: 20' Front, 10' Side, 20% or 30' Rear	43,560 sq. ft. min. lot size Setbacks: 50' Front, 15' Side 25' from each principal building	43,560 sq. ft. min. lot size Setbacks: 50' Front, 15' Side 25' from each principal building	Can be applied over the following residential districts: R-7, R-10, R-21, R-43 and MV	4,000 sq. ft. min. lot size Setbacks: 25' Front, 10' Side, 20' Rear
Residential													
Dwelling, accessory unit	L	L	L	L	L	L			L				

RECOMMENDATION FROM
TOWN OF WOODFIN PLANNING BOARD OF ADJUSTMENT TO WOODFIN TOWN COUNCIL

Having reviewed the **Accessory Dwelling Unit Text Amendment** of the Town of Woodfin Code of Ordinances for amendments to Zoning (Ch. 54) Ordinances on **May 5, 2026,** and having considered information from the planning staff of the Town of Woodfin along with comments from other persons, pursuant to 160D-604(d), the Town of Woodfin Planning Board of Adjustment hereby adopts the following motion, effective May 5, 2026:

The Town of Woodfin Planning Board of Adjustment hereby recommends approval of the proposed text amendment and finds that it is reasonable, in the public interest, and consistent with the Woodfin Together Comprehensive Plan because the proposed text amendment will:

1. Promotes an integrated mix of housing types and affordability options and designed with people in mind (1.1.2).
2. Balances the supply of land for housing and employment and protects land for economic development and ensures an adequate supply of appropriately located and sized employment space (3.1.5, 3.2.5).

Vote:

Ayes/No

This document is a true and accurate statement of the findings and recommendations of the Woodfin Planning Board of Adjustment.

_____ _____

Chair - Michael Hayes Date

Request to rezone 0.19 acres
from CS to R-7

Recommend Continuing until
June 2, 2026 Regular Meeting

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STAFF REPORT

To: Planning Board of Adjustment

Agenda Title: General Rezoning—Second Street

Presenter: Ricky Hurley, Planning Director

Meeting Date: May 5, 2026

Summary:

A proposed rezoning of 1.73-acres for properties located at 7 Second Street and 23 Second Street from R-10 Residential District (R-10) to Manufactured Home Community (MHC) District. The subject properties are currently developed as a manufactured home park and identified in the Buncombe County tax record as PINs 9730-26-9183 and 9730-36-0041. The applicants and property owners are Cassandra (Sandi) & Matthew Childs.

Background:

A general rezoning may be requested by a property owner or initiated by the Town as part of the zoning map amendment process. This type of rezoning does not include a site-specific plan, and as part of the Board's review and consideration must evaluate all potential uses permitted by right, special use, or limited use. If the Board were to grant the rezoning request, the uses would be limited to those enumerated in the Table of Uses for the proposed Manufactured Home Community (MHC) District.

The properties are currently occupied by six manufactured homes, five are part of a small park of single wide manufactured homes.

Staff Analysis:

The property is located in a residential area along Elk Mountain Road, with most of the surrounding properties being developed for detached single-family, except for a large tract east of the site, which developed as a mix of light manufacturing and warehouse space (Elk Mountain Business Park). Church Street provides the principal means of access to the development and is a Town maintained street that serves the surrounding residential area.

Zoning classifications for surrounding properties are R-10 Residential District to the north and south of the site, R-7 Residential District is across Church Street to the west, and Light Industrial abuts to the east. The Future Land Use Map (FLUM) identifies the area as Residential 1 but will require amending the map to Mobile Home Community as part of the rezoning request. The district is described as "Mobile home communities are an important part of Woodfin that provide housing at affordable rates. Mobile home communities may face a wide variety of challenges related to housing standards, flooding, or

instability surrounding ownership arrangements. Care should be taken to improve conditions for residents, protect these housing sources, and support stable tenure options."

The topography of this area is rolling hills, typically found within the historic heart of Woodfin. The parcel is not subject to either the Town's Steep Slope or Flood regulations.

The use of spot zoning in North Carolina is not categorically illegal, but highly discouraged and requires evaluation of the local government's comprehensive plan, surrounding zoning classifications, existing land uses, future land use map, and other adopted policy goals. When reviewing this particular request, staff noted the following evidence in supporting the request:

- Four different zoning classifications exist within 500 feet of the site, two of which are commercial/industrial.
- The rezoning will eliminate a non-conforming use and further comprehensive plan goals in preserving existing affordable and manufactured housing stock within the Town.
- The Future Land Use Map identified all existing manufactured home communities as Mobile Home Community, although this smaller park appears to have been overlooked.
- The use is residential in nature and not dissimilar to that of a small multifamily or residential subdivision in density or traffic generation, both of which are allowable under the current and surrounding residential zoning classifications.
- Other nearby non-residential uses include the Town's community center and park, Woodfin Fire Department, church, and small industrial park.

Considerations:

- The proposed zoning classification for the site will require amending the FLUM from Residential 1 to Mobile Home Community.
- The proposed rezoning would make the existing manufactured home park a conforming use and further Town goals in preserving existing affordable housing stock.
- The manufactured home park was established prior to 1992, based on historical aerial photographs.
- The existing community is not located within any identified high hazard zones for floods, landslides, or wildfires.
- All other known manufactured home communities in Woodfin are currently designated as Mobile Home Community on the FLUM and it appears this specific location was overlooked due to the small size. Amending the FLUM will correct this error.

Staff Recommendation:

Staff support approval of the proposed zoning of the subject properties to Manufactured Home Community District (MHC) as shown in Exhibit A & B. Staff considered the comprehensive plan support for preservation of existing naturally occurring affordable housing and specific language in protecting these housing resources. Additionally, the requested rezoning is not speculative, but in response to the Town's outreach to property owners of manufactured home communities that protects housing stock and eliminates a non-conforming use.

Suggested Motion:

I move to:

1) Approve the rezoning of 1.73 acres from R-10 Residential District to Manufactured Home Community District (MHC) as shown on Exhibit A; and
2) Amend the Woodfin Together Future Land Use Map for areas identified on Exhibit B from Residential 1 to Mobile Home Community and find that the request is reasonable, is in the public interest, is consistent with the Woodfin Together Comprehensive Plan, and meets the development needs of the community in that the request:
    1. Uses the Future Land Use Map for guide development decisions (1.1.1).
    2. Promotes an integrated mix of housing types and affordability options while discouraging gentrification and displacement of existing residents (1.1.2 & 1.2.1).
    3. Protects existing affordable housing (1.2.2).

Attachments:

(1) Exhibit A – Zoning Map
(2) Exhibit A.1 – Color Zoning Map
(3) Exhibit B – Future Land Use Map
(4) Aerial Map
(5) Draft Planning Board Recommendation
(6) Ordinance 2026-XX

EXHIBIT A - ZONING

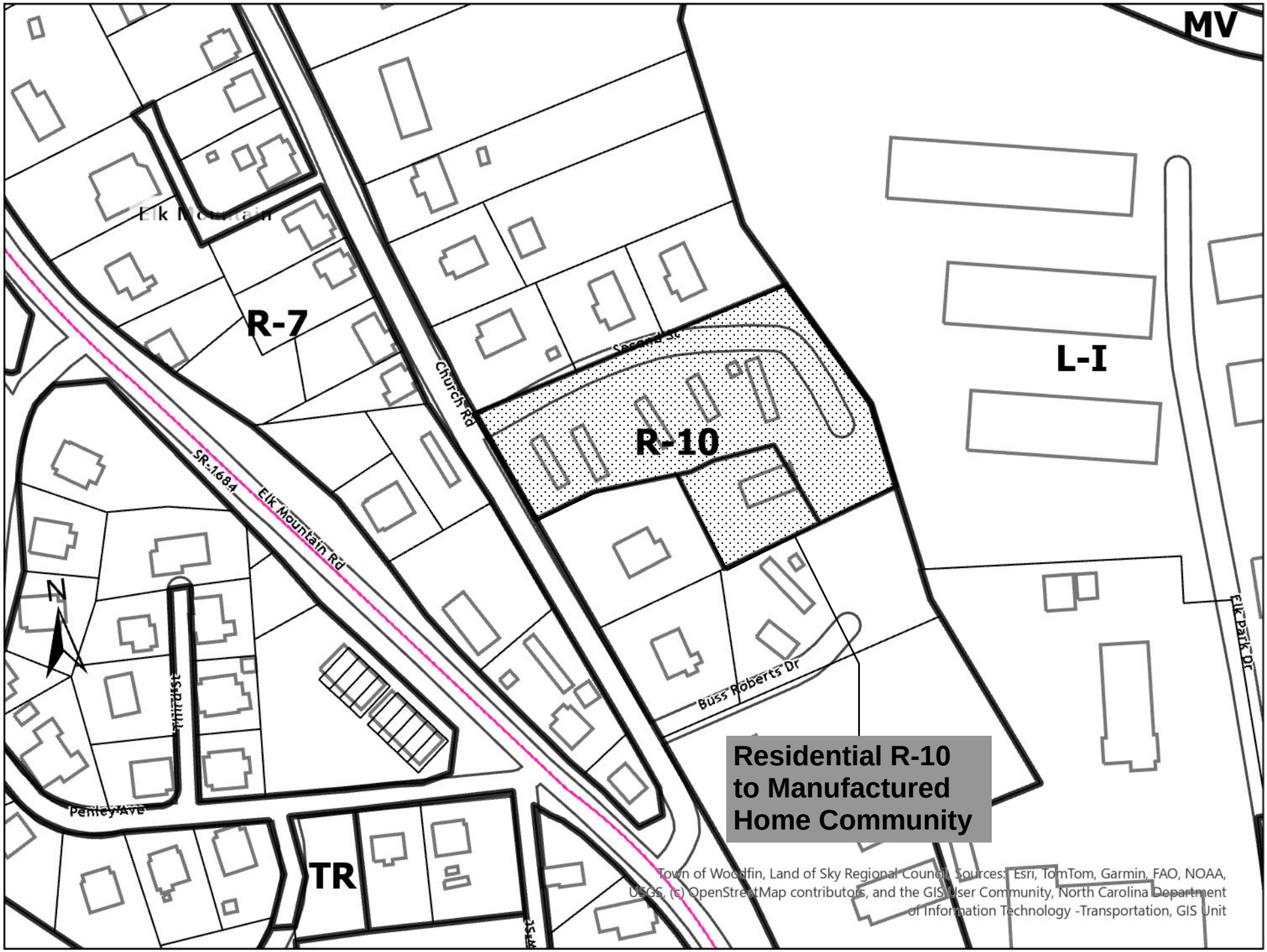


EXHIBIT A.1 - COLOR ZONING

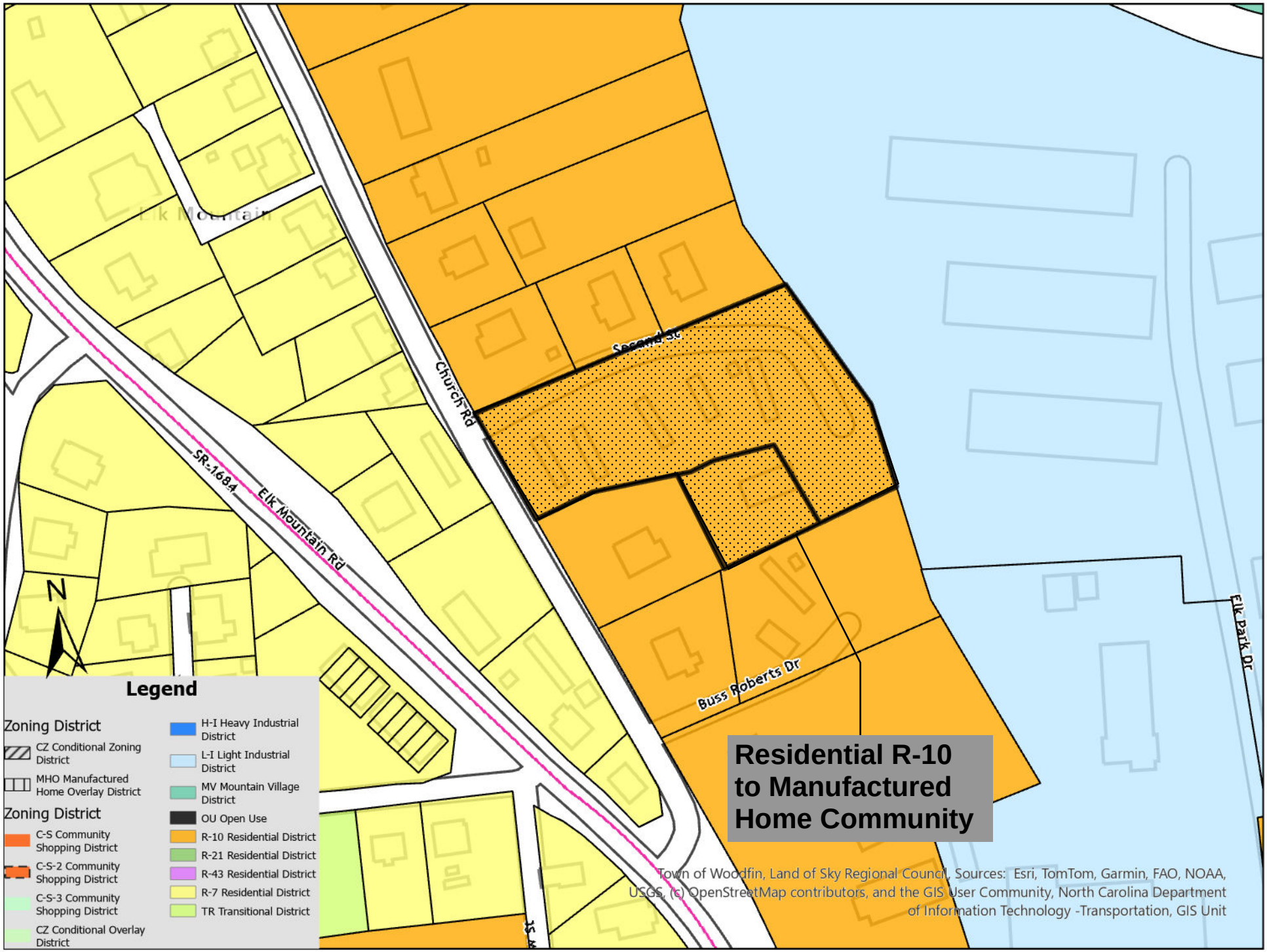
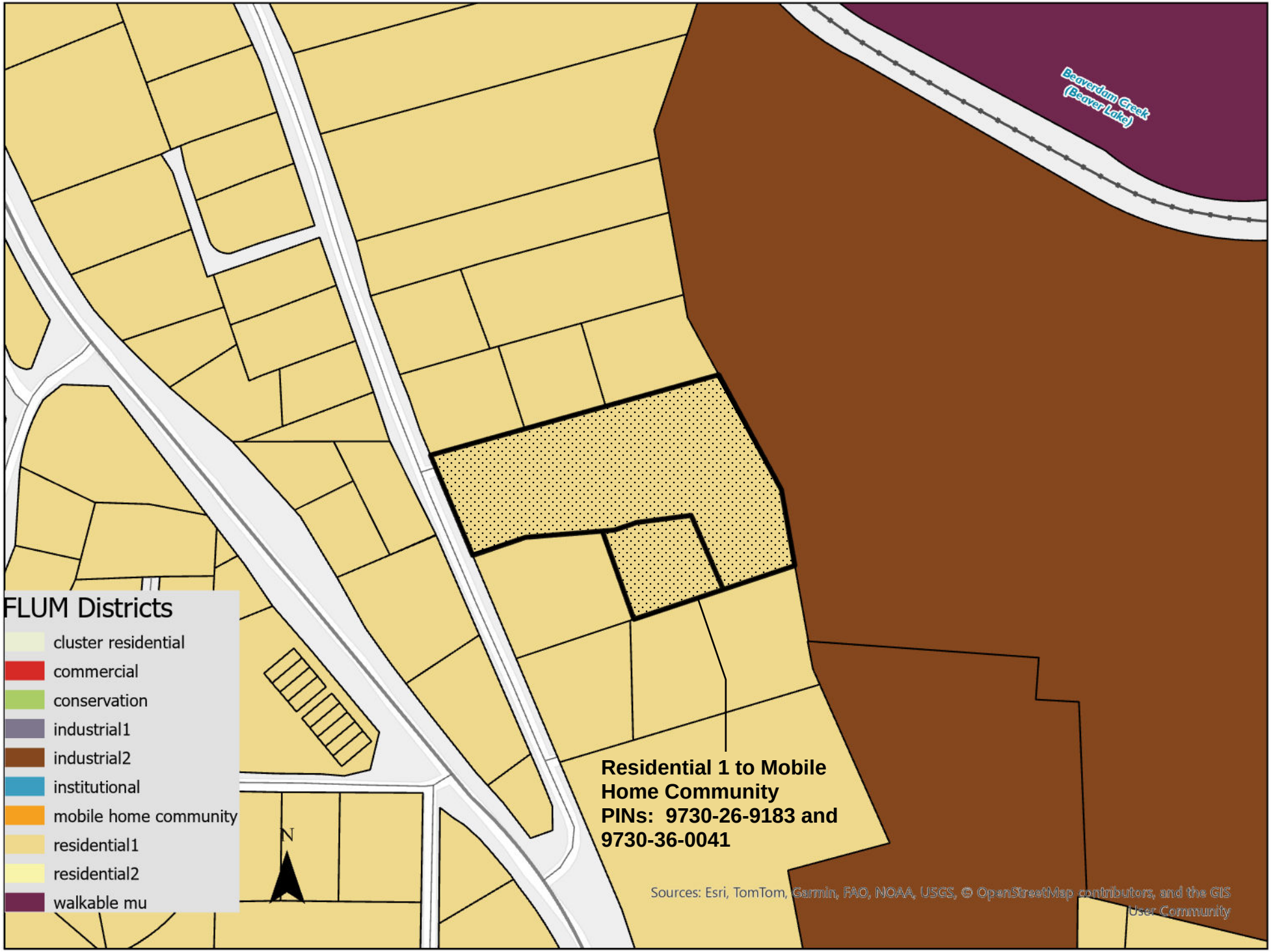


EXHIBIT B - FLUM




Subject Parcels
Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS
nent of Information Technology -Transportation GIS
Unit

RECOMMENDATION FROM TOWN OF WOODFIN PLANNING BOARD OF ADJUSTMENT TO WOODFIN TOWN COUNCIL

Having reviewed the **Zoning Map Amendment** to rezone properties at 7 & 23 Second Street (PINs 9730-26-9183 and 9730-36-0041) from R-10 Residential District (R-10) to Manufactured Home Community District (MHC) on **May 5, 2026**, and having considered information from planning staff of the Town of Woodfin and comments from the other persons, pursuant to 160D-604(d), the Town of Woodfin Planning Board of Adjustment hereby adopts the following motion, effective May 5, 2026:

The Town of Woodfin Planning Board of Adjustment recommends approval of the proposed map amendment and finds that it is reasonable, in the public interest, and consistent with the Woodfin Together Comprehensive Plan in that the proposed rezoning will:

1. Uses the Future Land Use Map for guide development decisions (1.1.1).
2. Promotes an integrated mix of housing types and affordability options while discouraging gentrification and displacement of existing residents (1.1.2 & 1.2.1).
3. Protects existing affordable housing (1.2.2).

Vote:

Ayes/No

This document is a true and accurate statement of the findings and recommendations of the Woodfin Planning Board of Adjustment.

_____ _____

Chair Date

ORDINANCE APPROVING A REZONING FOR PROPERTY LOCATED AT 7 & 23 SECOND STREET

Ordinance: 2026-0

Passed _____

WHEREAS, the Town of Woodfin has the authority pursuant to Article 1 of Chapter 160D of the North Carolina General Statutes to adopt development regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, the town's zoning regulations are codified in Chapter 54 of the Town of Woodfin Code of Ordinances (herein "Zoning Ordinance"), and maps dividing and classifying the property within the town's zoning jurisdiction are on file and maintained in the office of the Zoning Administrator (herein "Official Zoning Map"); and

WHEREAS, an application for a general zoning of real property was received on April 1, 2026; and

WHEREAS, the public hearing for this map amendment has been noticed in compliance with the North Carolina General Statutes; and

WHEREAS, the Woodfin Planning Board of Adjustment reviewed this general zoning request and voted ___ to recommend approval of the request at their May 5, 2026, public meeting finding that the general zoning request was reasonable considering the potential benefits to the Town of Woodfin and surrounding community; and

WHEREAS, the Woodfin Town Council held the public hearing on June 16, 2026, and, after hearing such, made the following required findings:

The zoning map amendment is consistent with the comprehensive plan in the following ways:

1. Uses the Future Land Use Map for guide development decisions (1.1.1).
2. Promotes an integrated mix of housing types and affordability options while discouraging gentrification and displacement of existing residents (1.1.2 & 1.2.1).
3. Protects existing affordable housing (1.2.2).

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Woodfin, that:

Section 1: The Official Zoning Map be, and the same is hereby, amended as follows:

The zoning classification of portions of certain real properties described in Exhibit "A" and identified on Buncombe County tax maps as PINs 9730-26-9183 and 9730-36-0041, recorded in Deed Book/Pages 5487/491 and currently owned by Cassandra & Matthew Childs is changed from R-10 Residential District (R-10) to Manufactured Home Community (MHC). A copy of the official zoning map showing said lot is attached hereto as Exhibit "A" and made a part hereof. The Woodfin Together Future Land Use Map classification for the described real properties as shown on the attached Exhibit "B" are designated as Mobile Home Community on the FLUM.

Section 2. That the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3: If any provisions of this Ordinance are for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, independent provision and such holding shall not affect the validity of any other provision thereof, and to that end, the provisions of this Ordinance are hereby declared to be severable.

Section 4: The ordinances shall be enforced as provided in Chapter 54 of the Town of Woodfin Code of Ordinances.

Section 5: This Ordinance shall be effective on this 16th day of June 2026.

Ayes _____

Nays _____

_____

Attest: James C. McAllister, Mayor

_____

Town Clerk

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Staff Report & Findings

To: Planning Board of Adjustment
Agenda Title: Variance
Presenter: Ricky Hurley, Planning Director
Meeting Date: May 5, 2026

SITE INFO: Street Address: 127 Jonestown Rd
Tax Description (PIN): 9730-23-7387-00000 & 9730-23-8338-00000
Zoning: R-10 Residential District (R-10)
Property Owner: Samuel Spees & Blaine Steiner

Summary:

The owner, Samuel Spees, is requesting a variance to Section 54-143(c)4 and Sec. 54-147(c) of the Zoning Ordinance for the property located at 127 Jonestown Road and identified in the Buncombe County tax record as PINs 9730-23-7387-00000 & 9730-23-8338-00000. The proposed variance seeks a reduction in the required front setback of 25 feet and the locational standard for detached accessory structures to allow construction of a new 450 square foot workshop/studio.

Zoning and Use	Zoning Requirement	Applicant Request	Variance
R-10 Single Family	Placement in rear or side yard	Placement in front yard	100%
	Front Setback: 25 feet	12 feet setback	13 feet or 52%

Background/Site Context:

The subject properties, when combined are 0.59-acre tract, being both Lots A & B of a subdivision platted on August 8, 2019. The property is currently occupied by a single-family home and one small accessory structure and zoned R-10 Residential District. Access is provided by privately maintained shared driveway to Jonestown Road. Surrounding properties are occupied with a mixture of detached single family, manufactured homes, du- and tri-plex residential homes on individual lots ranging from 0.2 to 1.2 acres in size. In reviewing the application, staff noted two existing nonconforming situations related to the properties, being 1) an accessory structure on a lot by itself; and 2) the structure encroaches into the required front setback.

An accessory use or structure is defined in the Town's zoning ordinance as *"a use or detached structure subordinate to the principal use of a structure or land and located on the same lot or parcel serving a purpose customarily incidental to the principal use or the principal structure."*

Accessory structures are only permitted for properties with an established principal use and not by themselves. New accessory structures must maintain a 10-foot setback from side and rear property lines and be placed no closer to the road than the front facade of the principal dwelling.

The owner has explored placing the structure in a more compliant location, however the property slopes downward towards a dry stream bed/drainage swale along the eastern property line. It appears that previous owners have attempted to terrace the slope between the driveway and dry streambed, though no evidence of recent grading activity was observed at the time staff visited the property. An MSD sewer line and easement serving this portion of Jonestown Road follows the same dry streambed, running parallel to the eastern property boundary, with a shorter line crossing the rear yard of the house. MSD typically claims a 20-foot easement centered on lines maintained by the district. The front setback reduction could provide some flexibility in placement of the proposed structure while preserving existing off-street parking and vehicular maneuvering area for the residents.

Variance requests should be the minimum necessary relief to afford reasonable use of the property. This may include alternative designs, smaller footprints, and conditions upon variances granted to mitigate impacts.

Review, Analysis, and Considerations:

- Although the proposed construction is in the front yard of the home, intervening houses appear to screen the proposed building from Jonestown Road.
- The existing house was constructed in 1927 and unknown age for the small accessory structure.
- The existing home is placed toward the rear of the lot, therefore limiting options where the structure would be beside or behind the home.
- MSD sewer lines and easements run across the rear of both lots, and along the eastern property boundary.

Staff Recommendation:

Staff support the requested variance for placement of the accessory structure in front of the principal structure when considering limitations associated with sewer easements, topography, lack of presence along the primary street, and placement of the existing home. Staff recommends denial of the request to reduce the front setback as no evidence has been presented supporting the request as required by ordinance findings and state law. Reduction in the front setback would have the greatest impact on the adjacent property immediately to the south.

Staff recommend that if the variances were to be approved, that it:

- Require recombination of the lots;
- Limit the new structure to a single story and 450 square feet shown; and
- When the smaller existing metal structure is removed, it cannot be replaced except in compliance with the zoning ordinance.

Findings:

Per Section 54-77(1), When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the board of adjustment may vary any of the provisions of the zoning regulation upon a showing of **all** the following (all four findings must be satisfied):

a. Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

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. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

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 is not a self-created hardship.

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

Attachments:

Exhibit 1 – Application
Exhibit 2 – Supplemental information
Exhibit 3 – Site Plan
Exhibit 4 -- Photos
Exhibit A – Zoning Map
Exhibit B – Aerial

Exhibit 1

Applicant Information

* Applicant Name: Sam Spees
* Applicant Address: 127 Jonestown Rd.
* Applicant City, State, ZIP: Woodfin, NC 28804
* Applicant Phone Number: 937-272-3681
* Applicant Email: info@samfspees.com

Property Information

* Property Address: 127 Jonestown Rd.
* City, State, and Zip: Woodfin, NC 28804
* PIN #: 9730237387 and 9730238295
* Zoning District: R-10

Application Requirements

APPLICATION REQUIREMENTS: An application to the Planning and Zoning Board of Adjustment for a variance must be submitted to the Town of Woodfin planning staff at least 21 days prior to the meeting at which the application will be considered. A pre-application meeting with Town staff is required prior to application submission to the Planning and Zoning Board of Adjustment.

* What would you like to do with your property?:

We would like to add a metal building with a poured concrete slab. The goal of this structure is a functional workshop/studio space and storage for tools and equipment pertaining to the maintenance of our property as well as personal projects. This additional structure will have plumbing and electrical, with a long term goal of HVAC. The structure will be 450 square feet setback at least 12 ft. from the front property line.

* What does the ordinance require? (Include ordinance reference):

The ordinance requires accessory structures be setback 25 ft from the front property line [ref. Ordinance chapter and section] and parallel to or behind the dwelling place [ref. Sec. 54-143].

N.C.G.S. 160D-705(d) requires that the Planning and Zoning Board of Adjustment vary the provisions of the Zoning Ordinance only upon presentation of ALL of the items below. Strict procedure must be followed, and all determinations must be decided by a concurring vote of four-fifths of the members of the Board. It is important to provide detailed supporting documentation for board review, which will be presented during the variance hearing. If necessary, additional sheets may be attached to this application.

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

* Explain: **Our property is unique because 1) it is a combined flaglot property that is set behind multiple other properties, 2) the dwelling place is set back ½ to ⅔ from our front property line, 3) the topography of our property consists of a very steep slope in the required zones for a structure like this and multiple areas are labeled 'unstable ground' on the county GIS map, and 4) we have multiple sewage lines as well as a water an overflow/run-off stream shown on the county GIS map.**

2. 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).

* Explain: **The hardship is a result of the topography, presence of sewage lines and a stream, and the location of the dwelling on the property.**

3. 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).

* Explain: **The topography of the land, location of the dwelling, and presence of stream and sewer lines have been present since the origin of the house in 1927.**

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

* Explain: **Our hope is not only to create a beautiful structure for our needs as a new family but to add to the property in an intentional manner. As first time homeowners who work with our hands professionally in the arts and fabrication, we look forward to creating a space that completes our needs. In the building of this structure we intend to take design cues from the neighboring properties, blending it seamlessly into the neighborhood. Having this structure will allow us the long-term opportunity to maintain our property as well as add to its total value.**

Exhibit 2

Below I have attached three additional photos showing that the proposed 450 sqft structure will only break one ordinance (existing in front of dwelling, not behind). The proposed structure will exist 12’ from the neighboring property line at the front of the property and 20’ from the neighboring property line on the side.



Image 1: Dimensions and location of the proposed 450’ sqft structure.



Image 2: The additional structure is setback 12’ from the front property line

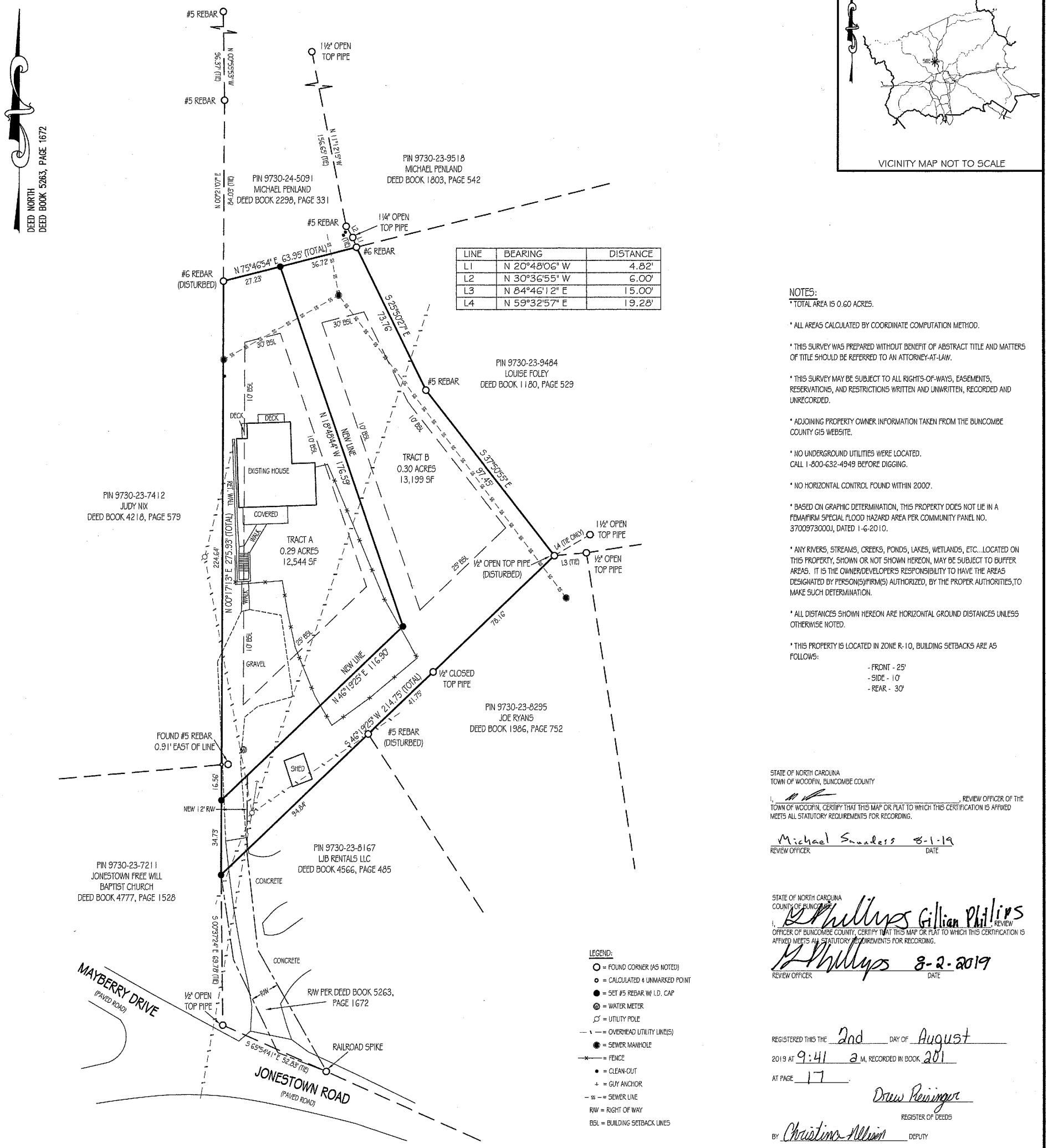


Image 3: The additional structure will exist 20’ from the neighboring property line on the side.

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Exhibit 3

201/17



LINE	BEARING	DISTANCE
L1	N 20°48'06" W	4.82'
L2	N 30°36'55" W	6.00'
L3	N 84°46'12" E	15.00'
L4	N 59°32'57" E	19.28'

LEGEND:
- = FOUND CORNER (AS NOTED)
- = CALCULATED & UNMARKED POINT
- = SET #5 REBAR W/ I.D. CAP
- = WATER METER
- = UTILITY POLE
- = OVERHEAD UTILITY LINE(S)
- = SEWER MANHOLE
- = FENCE
- = CLEAN-OUT
- = GUY ANCHOR
- = SEWER LINE
- R/W = RIGHT OF WAY
- BSL = BUILDING SETBACK LINES

NOTES:
* TOTAL AREA IS 0.60 ACRES.

* ALL AREAS CALCULATED BY COORDINATE COMPUTATION METHOD.

* THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF ABSTRACT TITLE AND MATTERS OF TITLE SHOULD BE REFERRED TO AN ATTORNEY-AT-LAW.

* THIS SURVEY MAY BE SUBJECT TO ALL RIGHTS-OF-WAYS, EASEMENTS, RESERVATIONS, AND RESTRICTIONS WRITTEN AND UNWRITTEN, RECORDED AND UNRECORDED.

* ADJOINING PROPERTY OWNER INFORMATION TAKEN FROM THE BUNCOMBE COUNTY GIS WEBSITE.

* NO UNDERGROUND UTILITIES WERE LOCATED. CALL 1-800-632-4949 BEFORE DIGGING.

* NO HORIZONTAL CONTROL FOUND WITHIN 2000'.

* BASED ON GRAPHIC DETERMINATION, THIS PROPERTY DOES NOT LIE IN A FEMA/FIRM SPECIAL FLOOD HAZARD AREA PER COMMUNITY PANEL NO. 3700973000J, DATED 1-6-2010.

* ANY RIVERS, 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/DEVELOPER'S RESPONSIBILITY TO HAVE THE AREAS DESIGNATED BY PERSON(S)/FIRM(S) AUTHORIZED, BY THE PROPER AUTHORITIES, TO MAKE SUCH DETERMINATION.

* ALL DISTANCES SHOWN HEREON ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.

* THIS PROPERTY IS LOCATED IN ZONE R-10, BUILDING SETBACKS ARE AS FOLLOWS:
- FRONT - 25'
- SIDE - 10'
- REAR - 30'

STATE OF NORTH CAROLINA
TOWN OF WOODFIN, BUNCOMBE COUNTY

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

Michael Saunders 8-1-19
REVIEW OFFICER DATE

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I, Gillian Phillips, REVIEW OFFICER OF BUNCOMBE COUNTY, CERTIFY THAT THIS MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

Gillian Phillips 8-2-2019
REVIEW OFFICER DATE

REGISTERED THIS THE 2nd DAY OF August
2019 AT 9:41 a M. RECORDED IN BOOK 201
AT PAGE 17.

Drew Reisinger
REGISTER OF DEEDS

BY Christina Allison DEPUTY

Doc ID: 032493340001 Type: CRP
Recorded: 08/02/2019 at 09:41:05 AM
Fee Amt: $21.00 Page 1 of 1
Workflow# 0000534446-0001
Buncombe County, NC
Drew Reisinger Register of Deeds
BK 201 PG 17

Structure Dimensions:
450 square feet
30 ft x 16 ft outer dimensions
shown by red rectangle

20 Ft setback

12 Ft setback

I, JASON D. SPENCER, N.C. P.L.S., CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (PROPERTY DESCRIPTION RECORDED IN DEED BOOKS AND PLATS AS SHOWN IN THE TITLE BLOCK); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED BY DASHED LINES AS DRAWN FROM INFORMATION FOUND IN DEED BOOKS AS SHOWN; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000 OR GREATER; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

I ALSO HEREBY CERTIFY THAT THIS SURVEY IS OF THE FOLLOWING CATEGORY AS DESCRIBED IN G.S. 47-30(f)(11):

(a.) THAT THE SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND;

WITNESS MY SIGNATURE, LICENSE NUMBER, AND SEAL THIS 16TH DAY OF JULY, A.D., 2019.

NORTH CAROLINA PROFESSIONAL SEAL L-4785 LAND SURVEYOR JASON D. SPENCER

N.C. PROFESSIONAL LAND SURVEYOR

L-4785
LICENSE #

SPENCER
SURVEYING & MAPPING
1085 HENDERSONVILLE RD, SUITE S2, ASHEVILLE, NC 28803
jason@spencer-surveying.com (828)384-1480 P-1720

SUBDIVISION SURVEY FOR
LINDSAY DILLEY
REFERENCES
PIN 9730-23-8337
DEED BOOK 5263, PAGE 1672
TOTAL AREA = 0.60 ACRES
TOWN OF WOODFIN, BUNCOMBE COUNTY, N.C.
DATE: 7-10-2019 DRAWN BY: MSW
JOB #190707 CHECKED BY: SMG

CURRENT OWNER:
LINDSAY DILLEY
127 JONESTOWN ROAD
ASHEVILLE, NC 28804

30' 0' 30' 60'
SCALE 1" = 30'

ORIGINAL DOCUMENT RETURNED TO CUSTOMER AT TIME OF RECORDING.

201/17

Exhibit 4.a



Exhibit 4.b



Exhibit 4.c



Exhibit 4.d



Exhibit 4.e

EXHIBIT A - ZONING

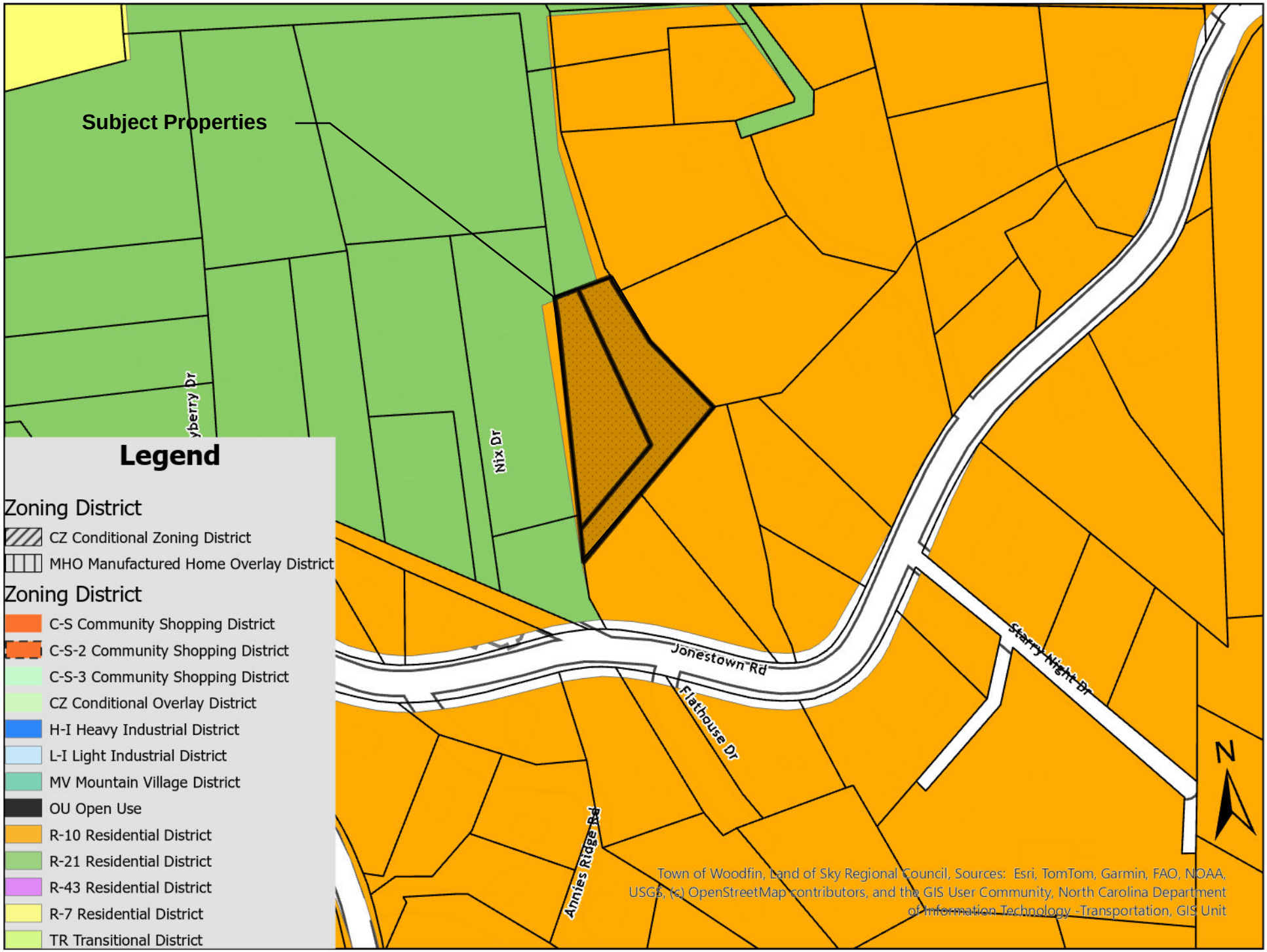


EXHIBIT B - AERIAL

