Board of Adjustment
Variance
Staff Report & Findings

TO: Town of Woodfin Planning Board of Adjustment **DATE:** June 4, 2024

FROM: Ricky Hurley, AICP
Planning Director

SITE INFO: Street Address: 66 Lake Town Lane
Tax Description (PIN): 9730-99-4827-00000
Zoning: R-7 Residential District (R-7)
Property Owner: Lake Town Lane Revocable Trust

Summary:

Greg Cloos, on behalf of the property owner Lake Town Lane Revocable Trust, is requesting a variance to Section 54-214(e)3(b) of the Zoning Ordinance for the property located at 66 Lake Town Lane and identified in the Buncombe County tax record as PIN 9730-99-4827. The proposed variance seeks to increase the maximum retaining wall height to 20' 6" to allow construction of a new single-family house.

Zoning and Use	Zoning Requirement	Applicant Request	Variance
R-7 Single Family	12 Feet maximum retaining wall height	20 feet, 6 inches (171%)	8 feet, 6 inches (71% increase)

Background/Site Context:

The subject property is a 3.37-acre parcel, containing lots 259 & 260 of Reynolds Mountain platted on November 4, 2004. The property is currently vacant, zoned R-7 Residential District and subject to the Town's Steep Slope standards. Access is provided at the end of publicly maintained Lake Town Lane. Surrounding properties are occupied with a mixture of detached single family and duplex residential homes on individual lots ranging from 0.13 to 3.95 acres in size. The property slopes downhill in a westward direction, with elevations ranging from 2,625 to 2,785 feet. In reviewing the application, staff noted that the proposed site plan appears to comply with all other Steep Slope standards for land disturbance, impervious surfaces, and screening of buildings and structures.

Retaining walls are defined and permitted as accessory structures under the Town's zoning ordinance. The Steep Slope section limits the maximum height of retaining walls to 12 feet and includes the use of stacked or tiered walls. Staff interprets a wall to be stacked or tiered when the horizonal distance between walls is less than the vertical height of the tallest wall. For this reason, the total wall height is determined to be 20 feet, 6 inches rather than the 18 feet height of the single tallest wall reflected on the plan.

Sec. 54-215(e) Steep slope development standards.

b. Accessory structures. The number of accessory structures, not including buildings, are not limited in number however, height shall be limited to no more than 20 feet, except as noted below:

i. All retaining walls are limited to a maximum height of 12 feet. Separate walls that are stacked or tiered shall be combined for the purposes of this section.

Staff Analysis:

The statutory requirements for a variance include considering what would be the ***minimum necessary to afford relief*** that would also allow for the ***reasonable use of the property***. A smaller home and footprint can oftentimes eliminate or reduce the extent of a variance request; however, a Reynolds Mountain Community restrictive covenant requires a minimum home size of 2800 square feet. The petitioner is planning a 3000 square foot home, just above the minimum required. Additionally, the home is proposed to be placed higher on the slope and is oriented parallel to the natural contours which helps to minimize overall land disturbance. The shape of the lot when combined with existing sewer easements, particularly the one along the southern border, further limit flexibility in design by constraining the buildable area on the eastern side of the property. The use of retaining walls helps to address existing site constraints while also meeting the property owner's goals for access into and around the home.

The provided elevations reflect the anticipated style and general appearance for the proposed one-story home and attached two-story garage. Additionally, the proposed home will face southwest towards the setting sun for most of the year and will reflect light more than other orientations. Certain colors or treatments of the wall may be considered to minimize reflectivity and to camouflage the wall against the natural landscape. This will include avoiding use of monotone shades, colors with high light reflectivity such as white or pale shades, and deep (dark) color saturations that may cause increased visibility of the large vertical surface. Staff does not recommend any conditions on the type of materials used for the single family dwelling due to the difficulty in tracking future modifications to exterior features of the home.

Should the board wish to grant the variance, staff recommend three conditions: 1) that any home constructed be limited to one-story and 24 feet in height when constructed above the wall, 2) that the overall size of the home be limited to 3000 square feet, and 3) the wall be made of, or resemble natural stone that will be camouflaged against the native vegetation. Failure to place additional limits on the height of any dwelling has the potential to allow up to a 35-foot-tall house above the elevated construction site, resulting in greater visibility downslope and from other vantage points.

Considerations:

- The typical home is limited to a maximum height of 35 feet when constructed above a 12-foot-tall retaining wall.
- The northern end of the property has a relatively steeper grade than the southern portion closest to Lake Town Lane.
- Steep slope standards require the addition of trees for retaining wall screening and foundation/building screening based on the planar surface of the downhill facing facades.

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 – Site Plan
Exhibit A – Zoning Map
Exhibit B – Aerial
Exhibit C – Streetview
Exhibit D -- Photos

EXHIBIT 1

Property Information

973099482700000

LAKE TOWN LANE REVOCABLE TRUST
Parcel: 973099482700000
66 LAKE TOWN LN

Please use the search fields at the top of the Application to select the Location for the Project.

Applicant Information

* Applicant Name: Chris Burkhart

* Applicant Address: PO Box 8893

* Applicant City, State, ZIP: Asheville, NC 28814

* Applicant Phone Number: (865) 604-7767

* Applicant Email: chrisb@shoresouth.com

Property Information

* Property Address: 66 Lake Town Lane

* City, State, and Zip: Woodfin, NC 28804

* PIN #: 973099482700000

* Zoning District: Woodfin R-7

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 submittal to the Planning and Zoning Board of Adjustment.

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

Construct a single-family home using a series of retaining walls, the tallest of which will have an aggregate height of 20'-6", exceeding the 12' maximum height stipulated in the Woodfin Steep Slope ordinance.

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

Ordinance 2023-22 Sec. 54-214(e)(3)b.ii limits the height of retaining walls to 12'

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:

2. Existing topography has a grade change of over 30' across the building site, creating an unnecessary hardship for construction of a home and associated site improvements, and making it impossible for the owner to assist planned drainage and erosion control improvements for Town of Woodfin road rights-of-way within the Reynolds Mountain community by providing a location for excess cut soil to be generated by that project.

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:

2. Existing topography has a grade change of over 30' across the building site, creating an unnecessary hardship for construction of a home and associated site improvements, and making it impossible for the owner to assist planned drainage and erosion control improvements for Town of Woodfin road rights-of-way within the Reynolds Mountain community by providing a location for excess cut soil to be generated by that project.

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:

3. The property owner's actions did not create or worsen topographic conditions on the project site, nor did they cause drainage and erosion control issues along Lake Town Lane which which the proposed project will help remedy by providing a location for the placement of excess cut soil material.

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:

4. The proposed variance is consistent with the spirit, purpose and intent of the regulation since the total height of the proposed single-family residence (24') plus the 20'-6" retaining wall below it will be less than the combined height of a 12' tall retaining wall plus a 35' tall home as allowed under the ordinance. In addition, continuous plantings of native evergreen trees and shrubs will be provided at the base of the 20'-6" retaining wall, which will screen a majority of it from view through all seasons of the year, and the precast concrete units used to form the wall will have a natural rock pattern and will be stained to enhance that appearance. This variance will the contribute to public health, safety and welfare because the proposed retaining wall in question will help provide a location for excess cut soil associated with proposed public infrastructure work.

Additional Variance Requirements

• The variance may not be a request to permit use of land, building or structure not permitted by right in the district property is located.

• 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.

• No change in permitted uses may be authorized by variance.

• Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.

• No nonconforming use of neighboring land, structures or buildings may be considered grounds for issuance of variance.

I do hereby certify that the information contained herein is true and correct.

* E-Signature:

Chris Burkhart

Required Files for Variance Permit Application

If submitted without file(s) listed below or with the wrong file type, application will not be accepted.

Site Plan

(File Types: .docx, .jpeg, .jpg, .png, or .pdf):

Choose File Burkhart Varia...gs 4-25-24.pdf

The attached PDF includes 4 drawings: an overall property map; a preliminary site plan; a retaining wall cross section and example image; and images for proposed architectural style.

**The required uploads were not found*

Submit

EXHIBIT 2

811 Know what's below. Call before you dig.

Tree Table

POINT	DESCRIPTION
634	10IN CHERRY
714	10IN HARDWOOD
704	10IN HICKORY
619	10IN HICKORY
635	10IN HICKORY
713	10IN POPLAR
793	10IN WALNUT
727	11IN HICKORY
705	11IN HICKORY
717	11IN HICKORY
771	11IN WALNUT
772	11IN WALNUT
626	11IN WHITE OAK
792	12IN HICKORY
790	12IN HICKORY
734	12IN HICKORY
732	12IN HICKORY
616	12IN RED OAK
643	12IN WALNUT
719	12IN WHITE OAK
791	13IN HICKORY
770	13IN WALNUT
723	14IN HICKORY
715	14IN WALNUT
733	15IN HICKORY
722	15IN HICKORY
776	15IN HICKORY
721	16IN YELLOW PINE
633	18IN WALNUT
703	20IN WALNUT
753	21 IN WHITE OAK
706	25IN POPLAR
730	30IN HICKORY
787	30IN HICKORY
729	30IN POPLAR
789	30IN RED OAK
728	30IN RED OAK
620	6IN HICKORY
618	6IN HICKORY
617	6IN HICKORY
623	6IN LOCUST
639	6IN PINE
631	6IN PINE
630	6IN PINE
640	6IN PINE
641	6IN PINE
642	6IN PINE
629	6IN PINE
628	6IN PINE
636	6IN PINE
637	6IN PINE
638	6IN PINE
625	6IN WHITE PINE
624	6IN WHITE PINE
621	6IN WHITE PINE
712	7IN CHERRY
720	7IN HARDWOOD
627	7IN PINE
716	7IN WALNUT
725	8IN CHERRY
726	8IN HARDWOOD
718	8IN HICKORY
644	DOUBLE HICKORY 13IN 12IN
684	DOUBLE RED OAK 18IN 17IN
622	DOUBLE WHITE OAK 12IN 9IN
702	HICKORY 10IN
699	RED OAK 32IN

Line Table

LINE	BEARING	DISTANCE
L1	S 54°20'16" E	66.10'
L2	S 65°19'58" E	56.30'
L3	S 82°44'52" E	47.17'
L4	S 69°22'33" W	34.70'
L5	S 45°09'56" W	58.50'
L6	N 49°03'19" W	133.14'
L7	S 50°19'41" W	137.64'
L8	S 21°25'31" W	68.50'
L9	S 31°38'40" W	55.60'
L10	S 11°04'50" E	50.00'
L11	S 29°25'59" W	15.58'

Curve Table

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	175.00'	109.80'	107.41'	S 89°47'08" E	35°56'09"
C2	125.00'	67.50'	66.68'	S 66°20'53" E	27°43'45"
C3	450.00'	141.30'	140.71'	S 69°40'39" E	18°00'00"
C4	450.23'	77.23'	77.13'	S 33°43'39" E	9°49'51"
C5	111.18'	48.92'	48.52'	S 39°43'58" E	25°12'00"

DEVELOPMENT DATA BLOCK

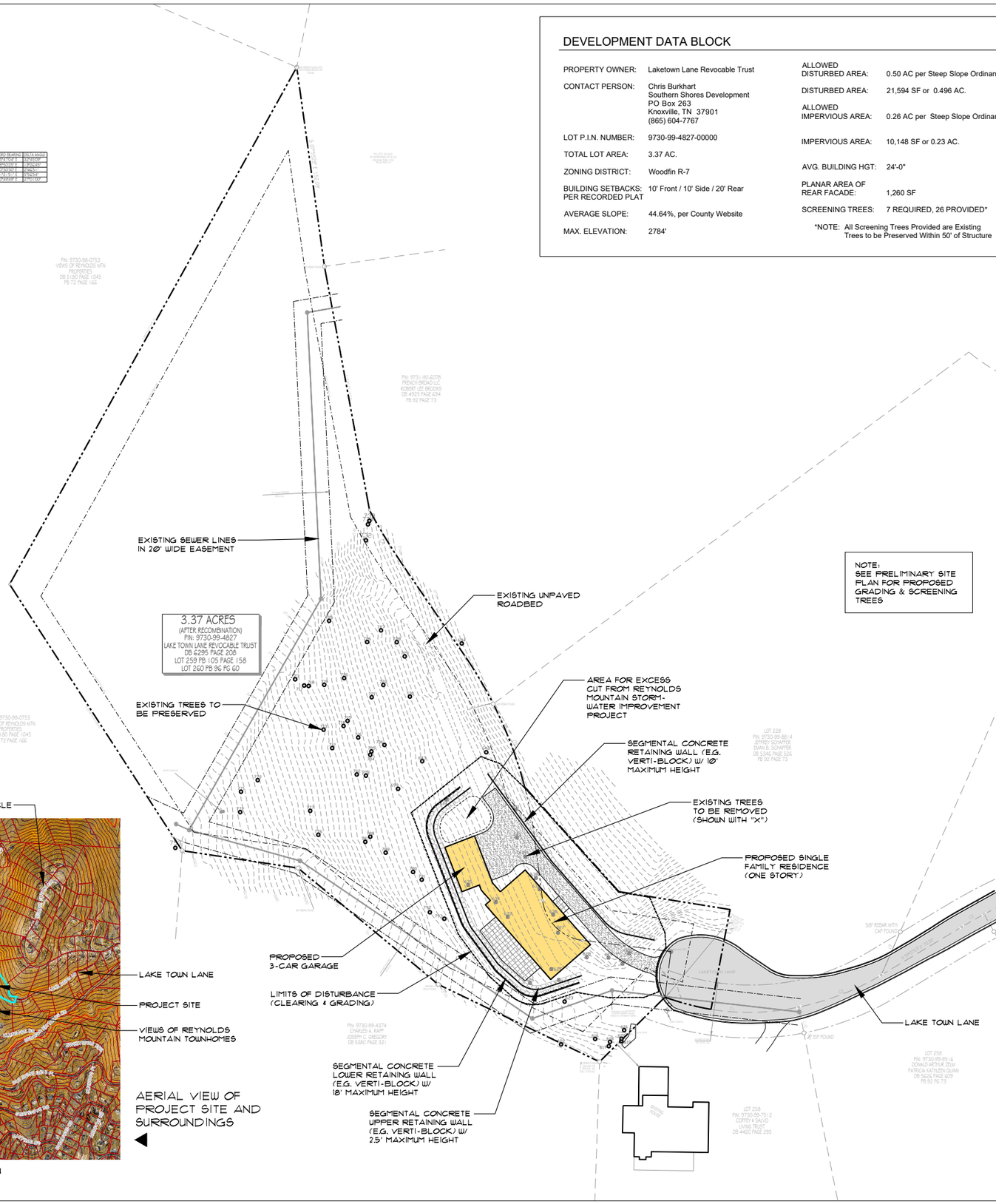
PROPERTY OWNER:	Laketown Lane Revocable Trust
CONTACT PERSON:	Chris Burkhart Southern Shores Development PO Box 263 Knoxville, TN 37901 (865) 604-7767
LOT P.I.N. NUMBER:	9730-99-4827-00000
TOTAL LOT AREA:	3.37 AC.
ZONING DISTRICT:	Woodfin R-7
BUILDING SETBACKS: PER RECORDED PLAT	10' Front / 10' Side / 20' Rear
AVERAGE SLOPE:	44.64%, per County Website
MAX. ELEVATION:	2784'
ALLOWED DISTURBED AREA:	0.50 AC per Steep Slope Ordinance
DISTURBED AREA:	21,594 SF or 0.496 AC.
ALLOWED IMPERVIOUS AREA:	0.26 AC per Steep Slope Ordinance
IMPERVIOUS AREA:	10,148 SF or 0.23 AC.
AVG. BUILDING HGT:	24'-0"
PLANAR AREA OF REAR FACADE:	1,260 SF
SCREENING TREES:	7 REQUIRED, 26 PROVIDED*

*NOTE: All Screening Trees Provided are Existing Trees to be Preserved Within 50' of Structure

Note: Survey Info Provided By Ownbey Land Surveying (828) 595-9668

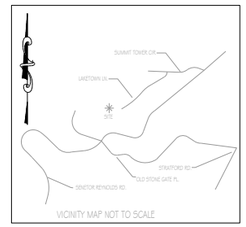
0 40' 80' 160'

SCALE : 1"=40'-0"





AERIAL VIEW OF PROJECT SITE AND SURROUNDINGS



Cloos Landscape Architecture, P.A.
47 YELLOWWOOD LANE - HORSESHOE, NC 28742
PHONE 828-243-1070 - EMAIL gcloos@msn.com

NORTH CAROLINA REGISTERED LANDSCAPE ARCHITECT No. 1167 GREGORY R CLOOS

Burkhart Residence
66 Lake Town Lane, Lot 259 & 260
Reynolds Mountain Community

Overall Property Map

Date: April 25, 2024

L-1.0

Note: Client is responsible for obtaining structural design from registered engineer for any retaining wall over 5' tall.

811 Know what's below. Call before you dig.

Screening Plant List

Key	Qty.	Botanical Name	Common Name	Size	Form
CF	1	Cornus florida	Flowering Dogwood	7' - 8' Ht.	B&B
IN	6	Ilex x 'Nellie R. Stevens'	Nellie Stevens Holly	7' - 8' Ht.	B&B
IO	10	Ilex opaca 'Satyr Hill'	American Holly 'Satyr Hill'	7' - 8' Ht.	B&B
JSW	6	Juniperus scopulorum 'Wichita Blue'	Wichita Blue Juniper	7' - 8' Ht.	B&B
JV	10	Juniperus virginiana	Eastern Redcedar	36" - 48" Ht.	B&B
JVT	12	Juniperus virginiana 'Taylor'	Taylor Redcedar	7' - 8' Ht.	B&B
LR	1	Liquidambar styraciflua 'Rotundiloba'	Fruitless American Sweetgum	2"-2½" Cal.	B&B
MDB	3	Magnolia grandiflora 'D.D. Blanchard'	D.D. Blanchard Magnolia	7' - 8' Ht.	B&B
PA	3	Picea abies	Norway Spruce	7' - 8' Ht.	B&B
PQ	6	Parthenocissus quinquefolia	Virginia Creeper	1 Gallon	Cont.
QC	1	Quercus coccinea	Scarlet Oak	2"-2½" Cal.	B&B
TP	8	Thuja plicata 'Green Giant'	Green Giant Arborvitae	7' - 8' Ht.	B&B

DEVELOPMENT DATA BLOCK

PROPERTY OWNER:	Laketown Lane Revocable Trust
CONTACT PERSON:	Chris Burkhart Southern Shores Development PO Box 8893 Asheville, NC 28814 (865) 604-7767
LOT P.I.N. NUMBER:	9730-99-4827-00000
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ZONING DISTRICT:	Woodfin R-7
BUILDING SETBACKS: PER RECORDED PLAT	10' Front / 10' Side / 20' Rear
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DISTURBED AREA:	21,594 SF or 0.496 AC.
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IMPERVIOUS AREA:	10,148 SF or 0.23 AC.
AVG. BUILDING HGT:	24'-0"
PLANAR AREA OF REAR FACADE:	1,260 SF
SCREENING TREES:	7 REQUIRED, 32.5 PROVIDED*

*NOTE: Screening Trees Include 4 Existing Trees and 23 New Trees Within 50' of Structure

Note: Survey Info Provided By Ownbey Land Surveying (828) 595-9668

0 10' 20' 40'

SCALE : 1"=10'-0"

LIMITS OF DISTURBANCE (CLEARING & GRADING)

APPROX. EXTENT OF EXISTING TREE CANOPY

EXISTING UNPAVED ROADBED

SEGMENTAL CONCRETE RETAINING WALL (E.G. VERTI-BLOCK) W/ 10' MAXIMUM HEIGHT

3 JSW WICHITA BLUE JUNIPER

5 IO AMERICAN HOLLY

ASSORTED SHRUBS ON TERRACE PER FINAL LDSCP. PLAN

AREA FOR EXCESS CUT FROM REYNOLDS MOUNTAIN STORM-WATER IMPROVEMENT PROJECT

SEGMENTAL CONCRETE LOWER RETAINING WALL (E.G. VERTI-BLOCK) W/ 18' MAXIMUM HEIGHT

PROPOSED 3-CAR GARAGE

5 JV EASTERN REDCEDAR

36" HIGH PICKET-STYLE ALUMINUM FENCE ABOVE LOWER RETAINING WALL (BLACK FINISH)

3 MDB MAGNOLIA D.D. BLANCHARD

30' RADIUS FROM PROPOSED HOUSE

SEGMENTAL CONCRETE UPPER RETAINING WALL (E.G. VERTI-BLOCK) W/ 2.5' MAXIMUM HEIGHT

1 LS FRUITLESS SWEETGUM

5 JV EASTERN REDCEDAR

5 IO AMERICAN HOLLY

3 TP GREEN GIANT ARBORVITAE

1 PA NORWAY SPRUCE

3 IN NELLIE STEVENS HOLLY

1 PA NORWAY SPRUCE

5 TP GREEN GIANT ARBORVITAE

CUT SLOPE WITH 1.5:1 MAX. GRADIENT

1 PA NORWAY SPRUCE

3 IN NELLIE STEVENS HOLLY

BUILDING SETBACK LINES (25' FRONT, 15' SIDE AND 25' REAR)

PROPERTY LINE BEFORE LAND TRANSFER AND RECOMBINATION

LAKETOWN LANE

PROPOSED SINGLE FAMILY RESIDENCE (ONE STORY)

PATIO AREA WITH SWIMMING POOL

3 JSW WICHITA BLUE JUNIPER

6 PQ VIRGINIA CREEPER

1 CF FLOWERING DOGWOOD

EXISTING TREES TO BE REMOVED (SHOWN WITH "X")

12 JVT TAYLOR REDCEDAR

1 QC SCARLET OAK

CABLE PEDESTAL

40 RIGHT-OF-WAY PB 105 PG 158

STONE STEPS

EXISTING HOUSE

EXISTING SEWER LINE IN 20' WIDE EASEMENT

Note: Client is responsible for obtaining structural design from registered engineer for any retaining wall over 5' tall.

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NORTH CAROLINA REGISTERED LANDSCAPE ARCHITECT No. 1167 GREGORY R. CLOOS

Burkhart Residence
66 Lake Town Lane, Lot 259 & 260
Reynolds Mountain Community

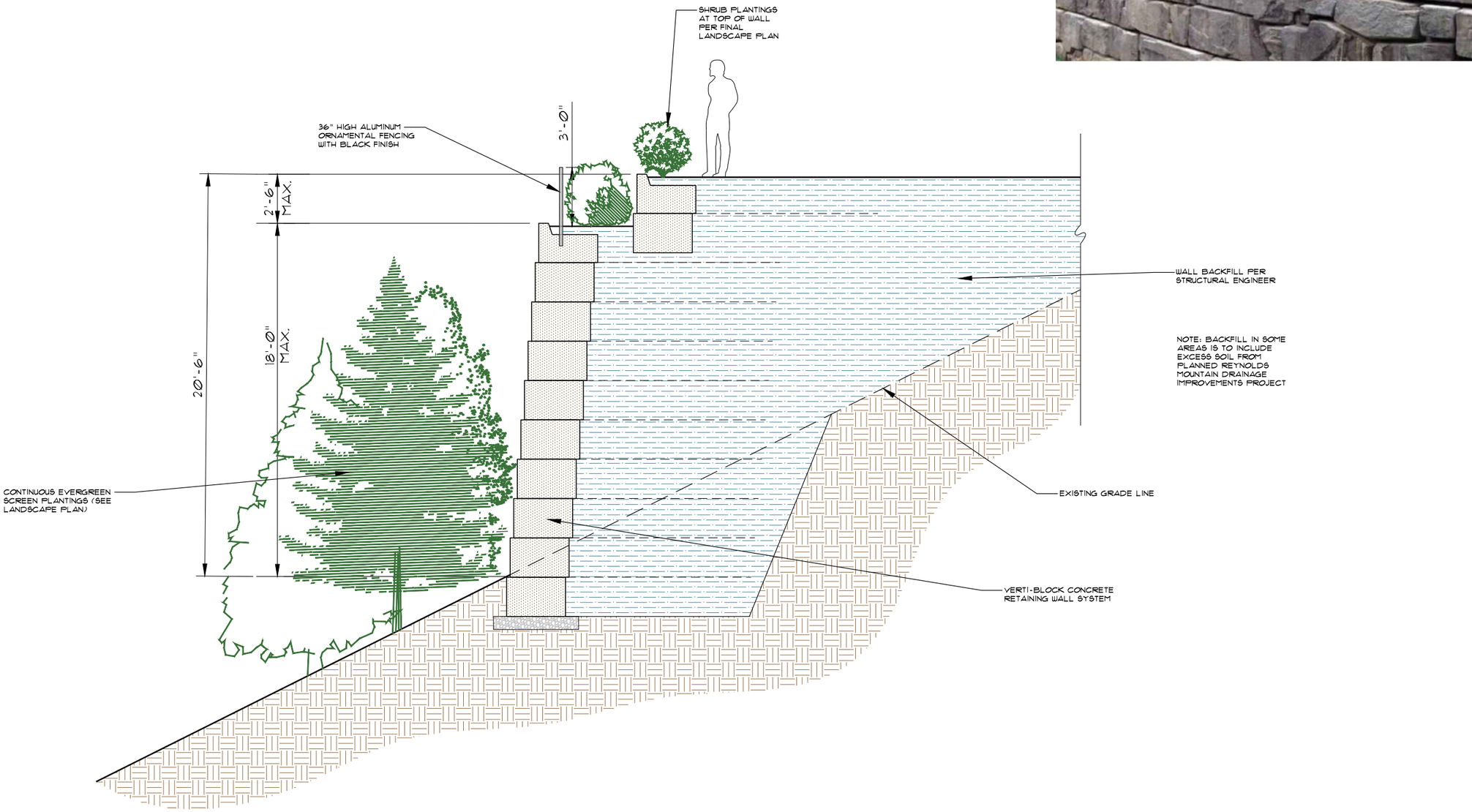
Preliminary Site Plan

Date: April 25, 2024

L-1.1

EXAMPLE IMAGE OF
VERTI-BLOCK PRECAST
CONCRETE WALL SYSTEM
WITH STAINED SURFACE





0 2' 4' 8' 12'

SCALE : 3/8"=1'-0"

Note: Client is responsible for obtaining structural design from registered engineer for any retaining wall over 5' tall.

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NORTH CAROLINA REGISTERED LANDSCAPE ARCHITECT No. 1167 GREGORY R CLOOS

Burkhart Residence
66 Lake Town Lane, Lot 259 & 260
Reynolds Mountain Community

Preliminary Site Plan

Date: April 25, 2024

L-1.2



EXAMPLE IMAGE FOR FRONT (UPHILL) ELEVATION OF HOME



EXAMPLE IMAGE FOR REAR (DOWNHILL) ELEVATION OF HOME

NOTE: THESE IMAGES ARE PRELIMINARY AND ONLY INTENDED TO SHOW PROPOSED APPEARANCE OF HOME FOR INITIAL REVIEW ARCHITECTURAL DESIGN HAS NOT BEEN COMPLETED.

Note: Client is responsible for obtaining structural design from registered engineer for any retaining wall over 5' tall.

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NORTH CAROLINA REGISTERED LANDSCAPE ARCHITECT No. 1167 GREGORY R CLOOS

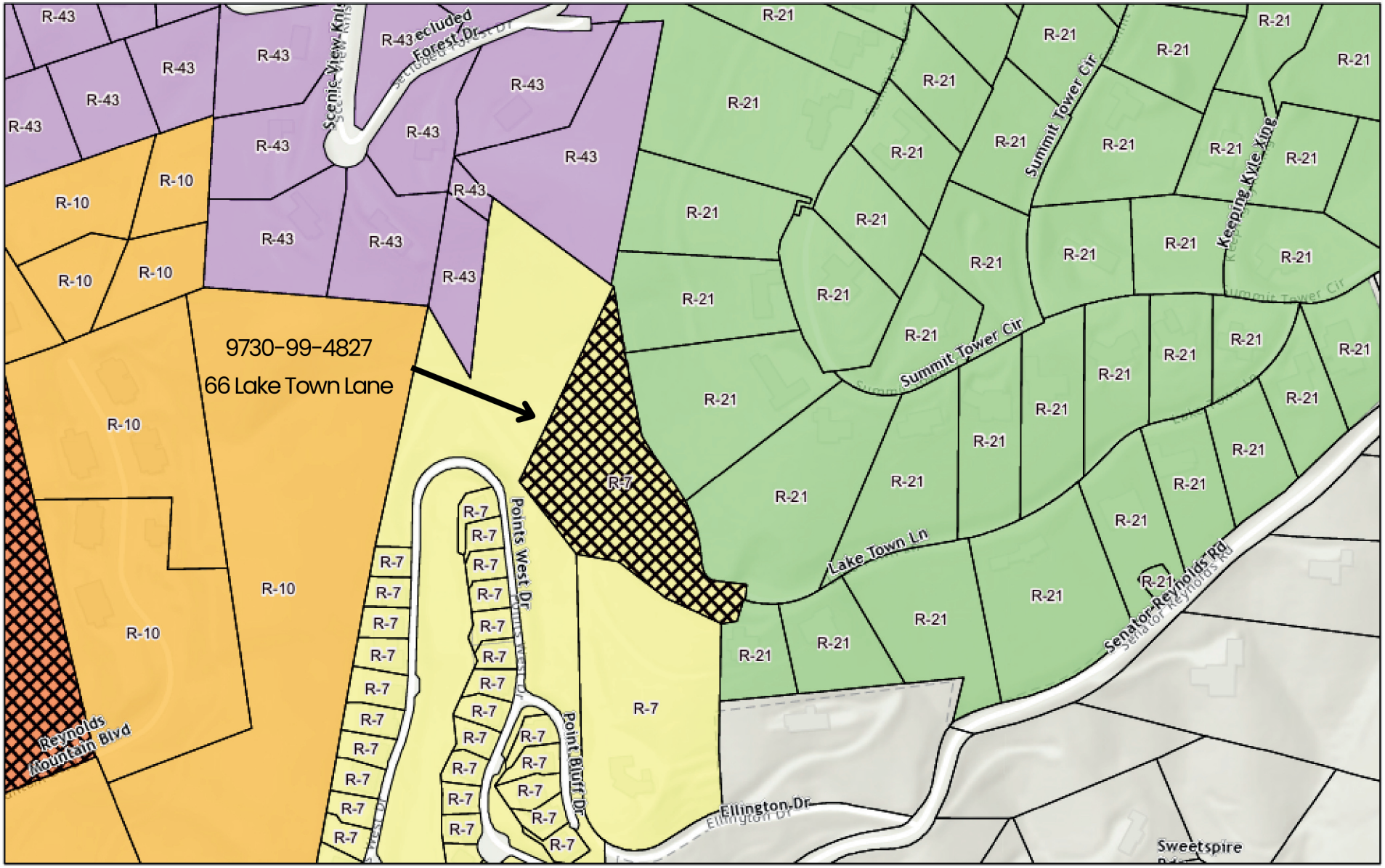
Burkhart Residence
66 Lake Town Lane, Lot 259 & 260
Reynolds Mountain Community

Images for Proposed Architectural Style

Date: April 25, 2024

L-1.4

Exhibit A - Woodfin Zoning Map



Woodfin Zoning 2024

R-21	CS2-CZ
R-7	R-43
R-10	

1:4,514

0 0.03 0.06 0.12 mi

0 0.05 0.1 0.2 km

NCDOT GIS Unit, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA,

5/24/2024

EXHIBIT B--Aerial

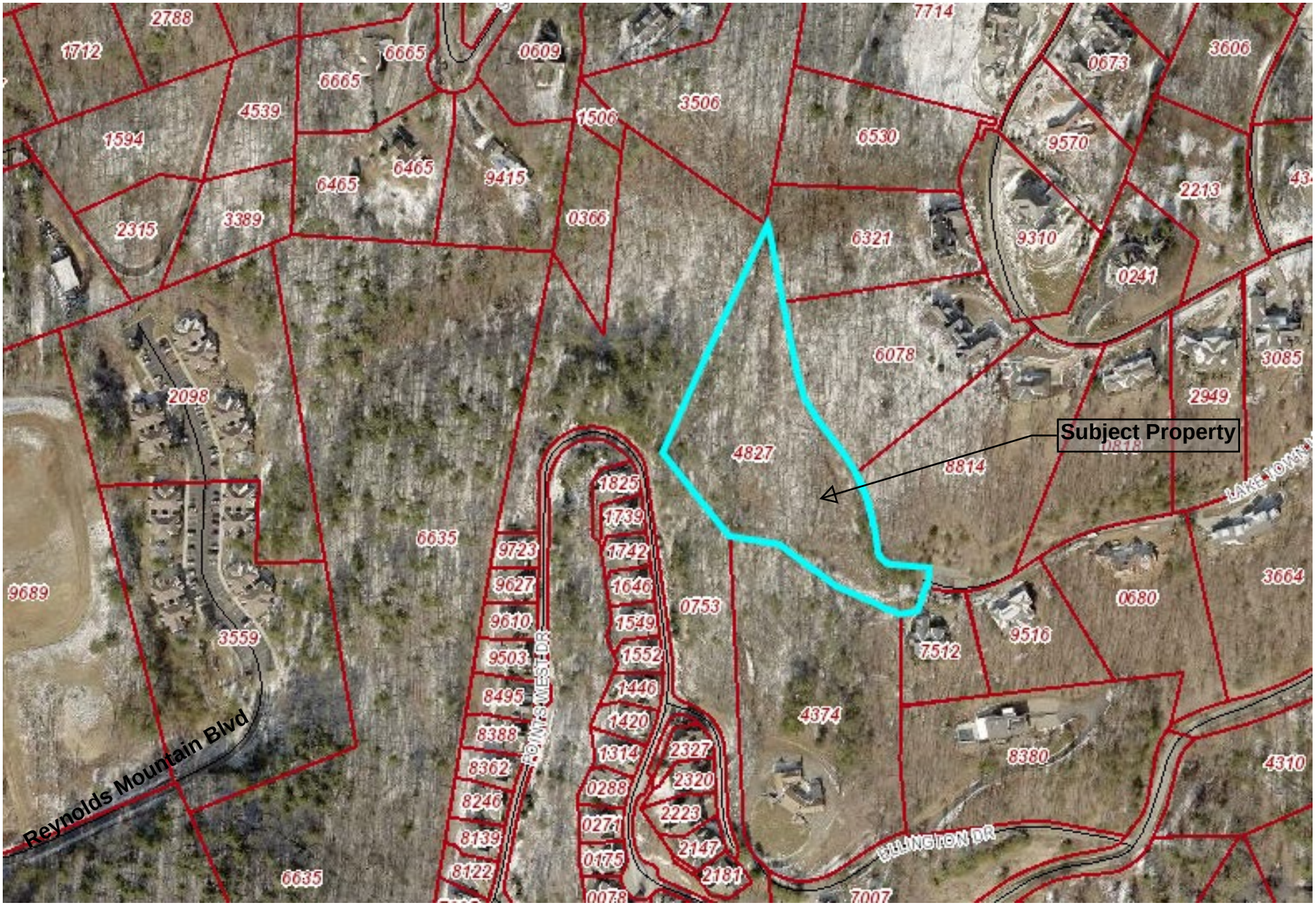
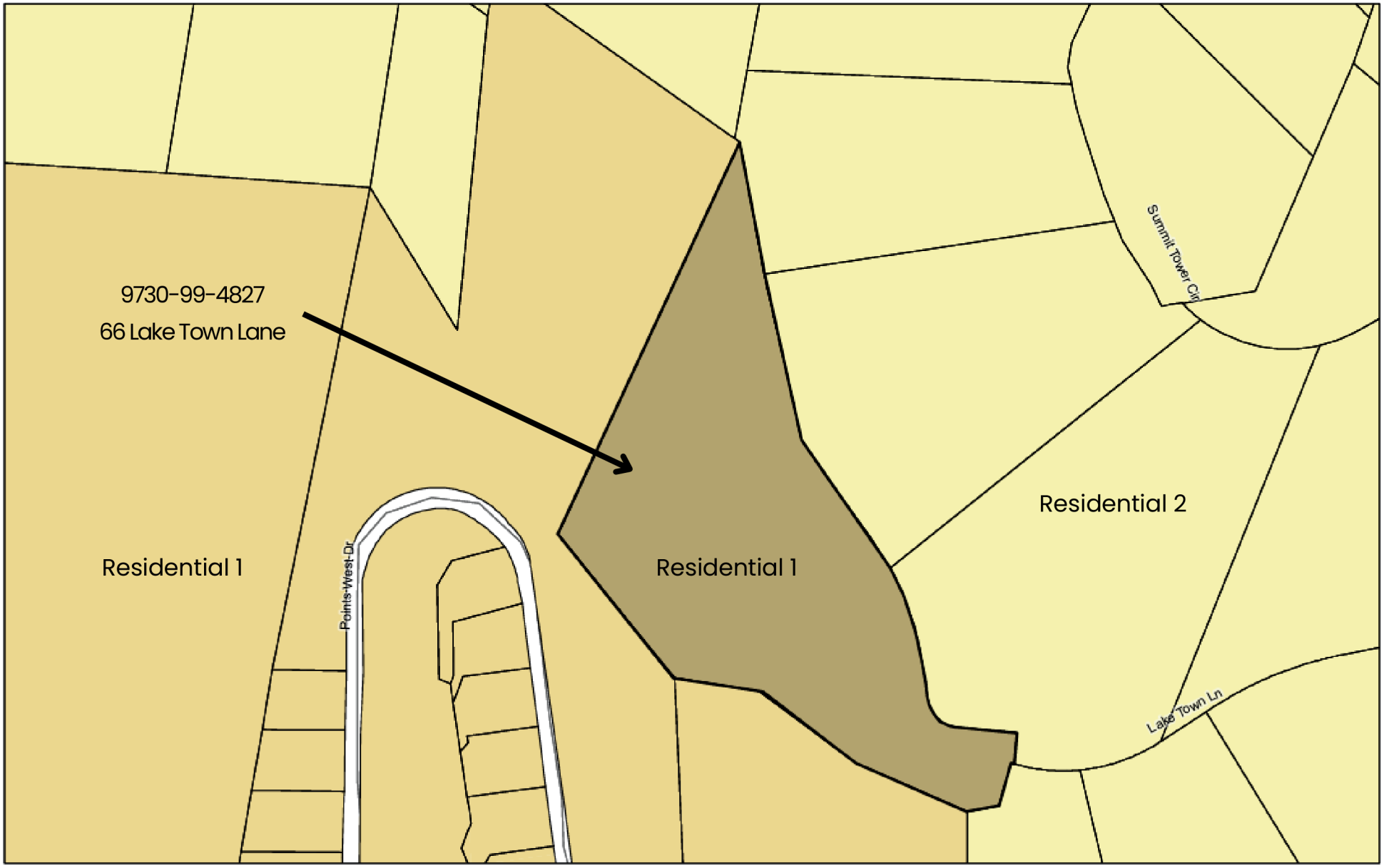


Exhibit C - Woodfin Future Land Use Map



Woodfin Zoning 2024

- Residential 1
- Residential 2

1:2,257

0 0.01 0.03 0.06 mi

0 0.03 0.05 0.1 km

5/24/2024

EXHIBIT D





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Board of Adjustment
Variance
Staff Report & Findings

TO: Town of Woodfin Planning Board of Adjustment **DATE:** June 4, 2024

FROM: Ricky Hurley, AICP
Planning Director

SITE INFO: Street Address: 15 Elk Mountain Road
Tax Description (PIN): 9730-73-2519-00000
Zoning: Community Shopping (CS)
Property Owner: WAGB, LLC

Summary:

The owner, Larry Scott/WAGB, LLC, is requesting a variance to Section 54-151(c) of the Zoning Ordinance for the property located at 15 Elk Mountain Road and identified in the Buncombe County tax record as PIN 9730-73-2519-00000. The proposed variance seeks a reduction in the required buffer strip to allow an existing non-conforming accessory structure to remain.

Zoning and Use	Zoning Requirement	Applicant Request	Variance
CS - Office	10-foot buffer strip	1 foot (10%)	9 feet (90% reduction)

Background/Site Context:

The subject property is a 0.51-acre lot and was originally platted on March 18, 1943. The property is currently occupied by a single-story parsonage and zoned Community Shopping district. Access is provided by a shared driveway from Elk Mountain Road which is maintained by NC DOT. Surrounding properties are occupied with a mixture of detached single-family homes to the north and east, small offices along Elk Mountain Road, and a former church to the west. Adjacent zoning consists of Residential R-7 (R-7) to the north and east, and Community Shopping (CS) to the west, south, and southeast. Commercial development within the CS zoning district must provide a 10-foot buffer strip planting area along property boundaries abutting residentially zoned land. The property owner is in the process of converting the parsonage into an office building and creating the required off-street parking. Due to the insufficient buffer strip planting width, town staff cannot issue the zoning permit unless the structure is removed, or a variance is granted.

Staff Analysis:

In reviewing the site plan, staff noted the existing shed located at the rear of the property creates two nonconforming situations: 1) the building encroaches into the required 15-foot setback; and 2) the building encroaches into the required 10-foot buffer strip. The setback encroachment does not need any variance or modification from the zoning ordinance when evaluated against **Article XII. –**

Nonconformities. The Town recently updated its development standards for nonconforming structures which do not require demolition to comply with setback standards.

However, the existing shed is located within a portion of the required 10-foot buffer strip and prevents compliance with the required screening. The structure's approximate encroachment of 23 feet width and 9 feet depth into the required buffer strip prevents installation of the prescribed plant material. The remaining 1–2-foot depth appears insufficient to accommodate any type of vegetation required for screening and buffering of incompatible zoning districts. Town staff would recommend that if the variance were granted, that the following conditions be added: 1) That if the building is demolished or relocated that the full buffer strip will be installed as required by ordinance; and 2) no additions shall be allowed that increase the degree of nonconformity.

Section 54-342 Nonconforming sites states that *"For the purpose of this section, the value of any addition, expansion, enlargement, or renovations of such structures over a three-year period that is equal to or exceeds 50 percent of the building value, shall comply with the requirements of this article. Compliance with this section shall not require the demolition of existing structure(s)."* The redevelopment project will change the principal use of the property from a detached single-family house (parsonage) to a commercial office and will require compliance with the parking, landscaping, and screening requirements. The project has demonstrated compliance with all other zoning requirements.

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.

Considerations:

- The garage was an accessory structure for the house located at 15 Elk Mountain Road with an approximate construction date of 1967 for both the parsonage and garage.
- The existing shed is a single-story structure and is proposed to be used for storage only. Any change of use would require a permit and compliance with building and zoning code.
- Staff recommends a condition that if demolition of the existing shed occurs, the variance is void and additional plantings will be required for compliance with buffer standards. Any expansion, renovation, or new construction will trigger full compliance with both zoning and building code.

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 -- Site Plan
Exhibit A – Zoning Map
Exhibit B – Aerial
Exhibit C – FLUM Map
Exhibit D -- Photos

EXHIBIT 1

Variance Permit Application

Date: 05/01/2024

Applicant / Owner

Applicant Name:	Larry Scott	Phone:	828-776-8296
Address:	9 Elk Mnt	Email:	larry@scottfinancialplanning.com
City, State, Zip:	Weaverville NC 28804		

Location

Site Address:	15 Elk Mnt	PIN #:	973073251900000
City, State, Zip:	Weaverville Nc	Zoning District:	Community Shopping zoning

Variance

What would you like to do with your property? The original Parish residence is to be converted into to office spaces. This permit is for the shell and site work. Tenants will be permitted individually.

What does the ordinance require? (Include ordinance reference) 15' Landscape Buffer between residence and commercial use. Sec. 54-151

Unnecessary hardship would result from the strict application of the regulation. Explain: The existing shed that is a concrete slab on grade (therefore not movable) is within that 15' landscape buffer. The shed itself creates a buffer.

The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Explain: The shed is built existing and on a concrete slab therefore it cannot be moved.

The hardship did not result from actions taken by the applicant or the property owner. Explain: Shed was existing when site purchased. Building was a residential building in a commercially zoned area. Had been part of church property.

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: The purpose of a landscape buffer is to create a sight and sound buffer between a commercial site and residential. This shed will accomplish the same thing as the landscape buffer. The landscape buffer is it be planted all around the shed as well.

I do hereby certify that the information contained herein is true and correct.

Emili McMakin	05/01/2024
Name	Date

EXHIBIT 2

REGION IMPERVIOUS	EXISTING	NEW
FRONT LOT	NA	3080
FRONT SIDEWALK	NA	134
LOT DRIVEWAY (ONLY PORTION ON THEIR LOT COUNTED, NOT SHARED DRIVE)	53	385
HOUSE (PORCH, EXT STAIR & WMP INCLUDED)	2545	2732
REAR LOT	NA	2411
SHED	459	459
REAR SIDEWALK	362	211
ORGINAL DRIVEWAY	949	949
TOTAL IMPERVIOUS	**4,368**	**10,361**
LANDSCAPE BUFFER		3373
GRADING FOR BACK LOT		1249 +2411
GRADING FOR FRONT LOT		1100 +3080
DRIVEWAY		385
TOTAL DISTURBED		**11,598**

DEVELOPMENT DATA BLOCK

ARCHITECT:
Form & Function Architecture, PC
9 W. Walnut St. Asheville, NC 28801
T: (828) 575-2423
Contact: Emili McMakin
Email: emili@ffarchitecture.com

1. Name of Property Owner: WAGB, LLC

2. Name, Address, and Phone Number of Contact Person:
-Larry Scott
-15 Elk Mountain Rd, Weaverville, NC 28804
-(828) 776-8296
-larry@scottfinancialplanning.com

3. Name of Project: 15 Elk Mountain Rd

4. Pin Number: 973073251900000

5. Zoning: Community Shopping District of Woodfin

6. Proposed Use: Business Shell - tenants to apply for individual zoning approval upon interior upfits.

7. Size of Property: 0.51 AC

BUILDING HEIGHT:
The heights of buildings shall not exceed 35 feet unless otherwise approved as part of the site plan review for a conditional zoning.

LOT COVERAGE:
EXISTING LOT AREA: <35 percent of the total lot area for a business

ACCESSORY STRUCTURES AND USES:
Existing Structure: EQUIPMENT SHED

DENSITY:
N/A

PARKING AND LOADING :
400 sf Area = 1 Spaces

First floor: 1789sf / 400 = 5 Spaces
Basement: 1789sf / 400 = 5 Spaces
11 SPACE PROVIDED (2 ADA)

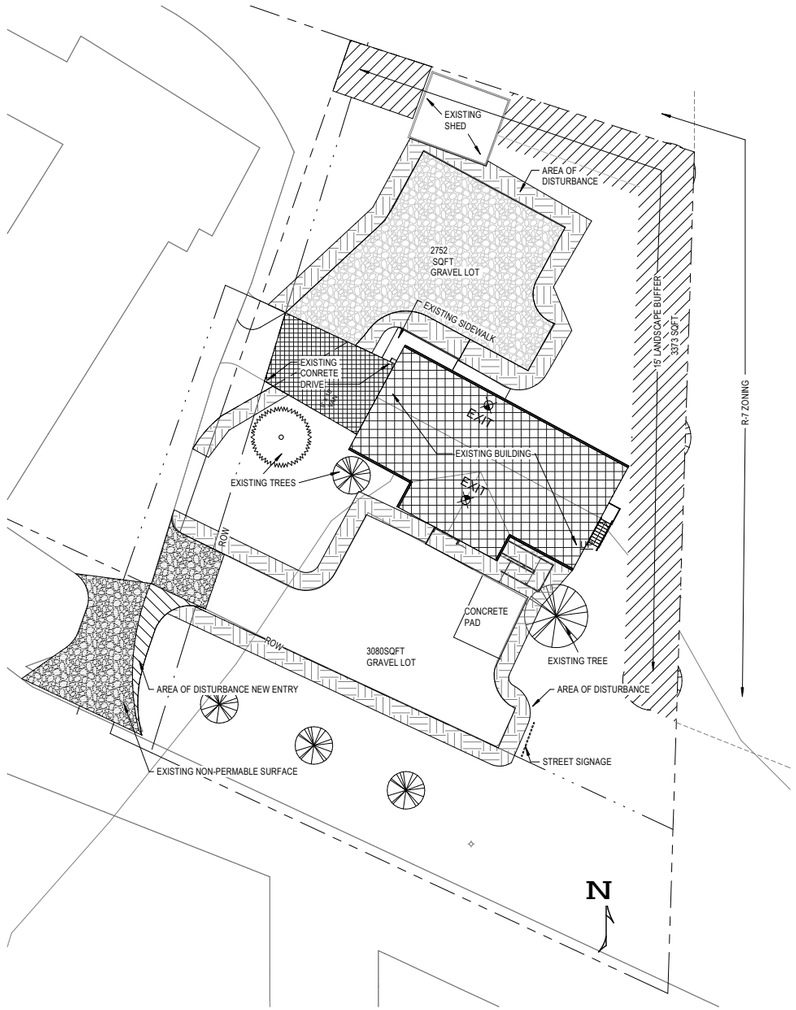
LANDSCAPING AND BUFFERING:
See Site Plan for Buffer Strip: 15' required

CALCULATIONS:
Property = 0.51 Acres = 22,215 sf
House+Existing Impervious = 4,358sf
New Impervious: 6,344sf
Total Impervious: 10,361sf

10,361sf / 22,215sf= 0.47x100= **47%**

Total Disturbed area: 11,598 sf = **52%**

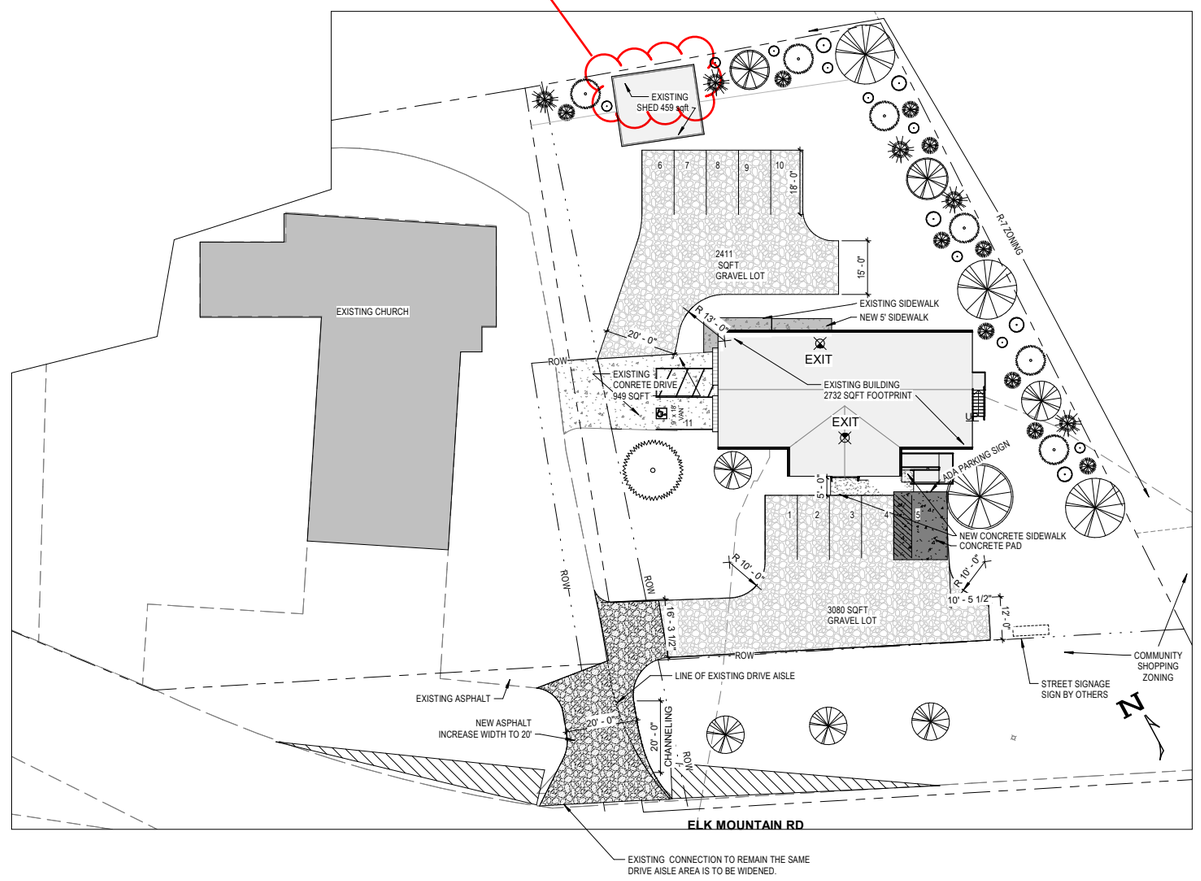




2 SITE PLAN IMPERVIOUS CALCS

A001 | 1" = 20'-0"

Area of request



1 SITE PLAN

A001 | 1" = 20'-0"

WYLES S ALEXANDER
REGISTERED ARCHITECT
10220
NORTH CAROLINA
ASHEVILLE NC

FORM & FUNCTION ARCHITECTURE, PC
REGISTERED ARCHITECTURAL CORPORATION
CERT. NO. 52678
NORTH CAROLINA
ASHEVILLE NC

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828-575-2423 | info@ffarchitecture.com

15 ELK MNT - SHELL

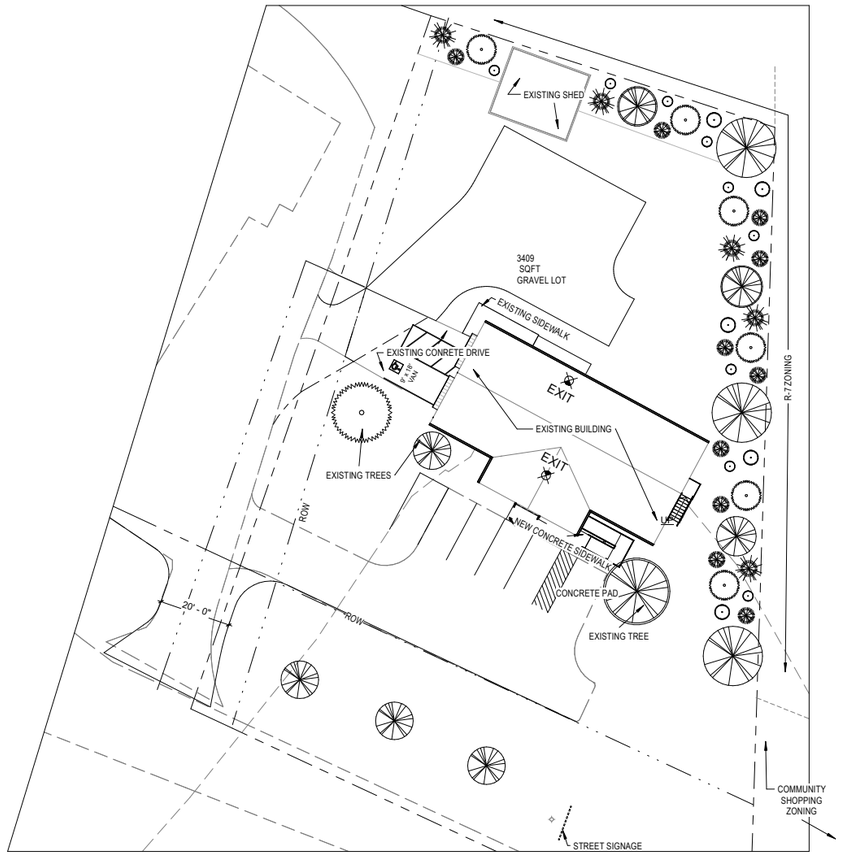
SITE PLAN

Issue Date: 01.25.24

A001

5/31/2024 9:49:46 AM

PLANTING SCHEDULE				
SYMBOL	QTY	BOTANICAL NAME	COMMON NAME	TYPE
	3	Malu spp.	Apple	SM Deciduous
	6	Cedrus libani	Cedar of Lebanon	MD Conifer
	10	Juniperus chinesis	Chinese Juniper	LG Conifer Shrub
	2	Tsuga canadensis	Eastern Hemlock	LG Conifer
	2	Malus	Flowering Crab Apple	SM Deciduous
	11	Ilex crenata	Japanese Holly	MD Conifer Shrub
	6	Syringa vulgaris	Lilac	LG Deciduous Shrub
	2	Populus Nigra Italica	Lombardy Poplar	LG Deciduous
	5	Betula Pendula	Silver Birch	MD Deciduous
	4	Fraxinus Americana	White Ash	LG Deciduous
	7	Abies concolor	White Fir	MD Conifer



1 LANDSCAPE PLAN

A002 | 1" = 20'-0"

REGION IMPERVIOUS	EXISTING	NEW
FRONT LOT	NA	3080
FRONT SIDEWALK	NA	134
LOT DRIVEWAY (ONLY PORTION IN THAR LOT COUNTED, NOT SHARED DRIVE)	53	385
HOUSE (PORCH, EXT STAIR & RAMP INCLUDED)	2545	2732
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-larry@scottfinancialplanning.com

3. Name of Project: 15 Elk Mountain Rd

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EXISTING LOT AREA: <35 percent of the total lot area for a business

ACCESSORY STRUCTURES AND USES:
Existing Structure: EQUIPMENT SHED

DENSITY:
N/A

PARKING AND LOADING :
400 sf Area = 1 Spaces

First floor: 1789sf / 400 = 5 Spaces
Basement: 1789sf / 400 = 5 Spaces
11 SPACE PROVIDED (2 ADA)

LANDSCAPING AND BUFFERING:
See Site Plan for Buffer Strip: 15' required

CALCULATIONS:
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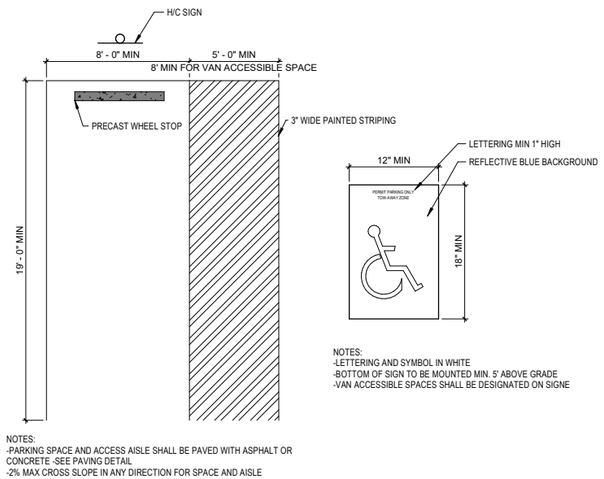
House+Existing Impervious = 4,358sf
New Impervious: 6,344sf
Total Impervious: 10,361sf

10,361sf / 22,215sf= 0.47x100= **47%**

Total Disturbed area: 11,598 sf = **52%**

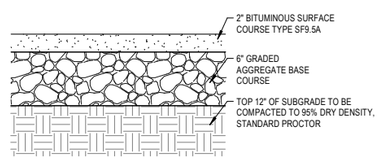


NOTES:
-LETTERING AND SYMBOL IN WHITE
-BOTTOM OF SIGN TO BE MOUNTED MIN. 5' ABOVE GRADE
-VAN ACCESSIBLE SPACES SHALL BE DESIGNATED ON SIGNE

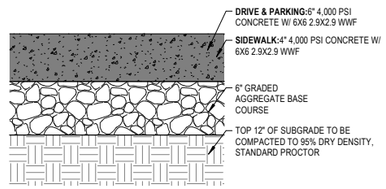
NOTES:
-PARKING SPACE AND ACCESS AISLE SHALL BE PAVED WITH ASPHALT OR CONCRETE -SEE PAVING DETAIL
-2% MAX CROSS SLOPE IN ANY DIRECTION FOR SPACE AND AISLE

3 ADA PARKING DETAIL

A002 | 1/4" = 1'-0"



STANDARD DUTY ASPHALT PAVEMENT SURFACE



CONCRETE DETAIL

2 PAVING DETAILS

A002 | 1 1/2" = 1'-0"

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828-575-2423 | info@ffarchitecture.com

15 ELK MNT - SHELL

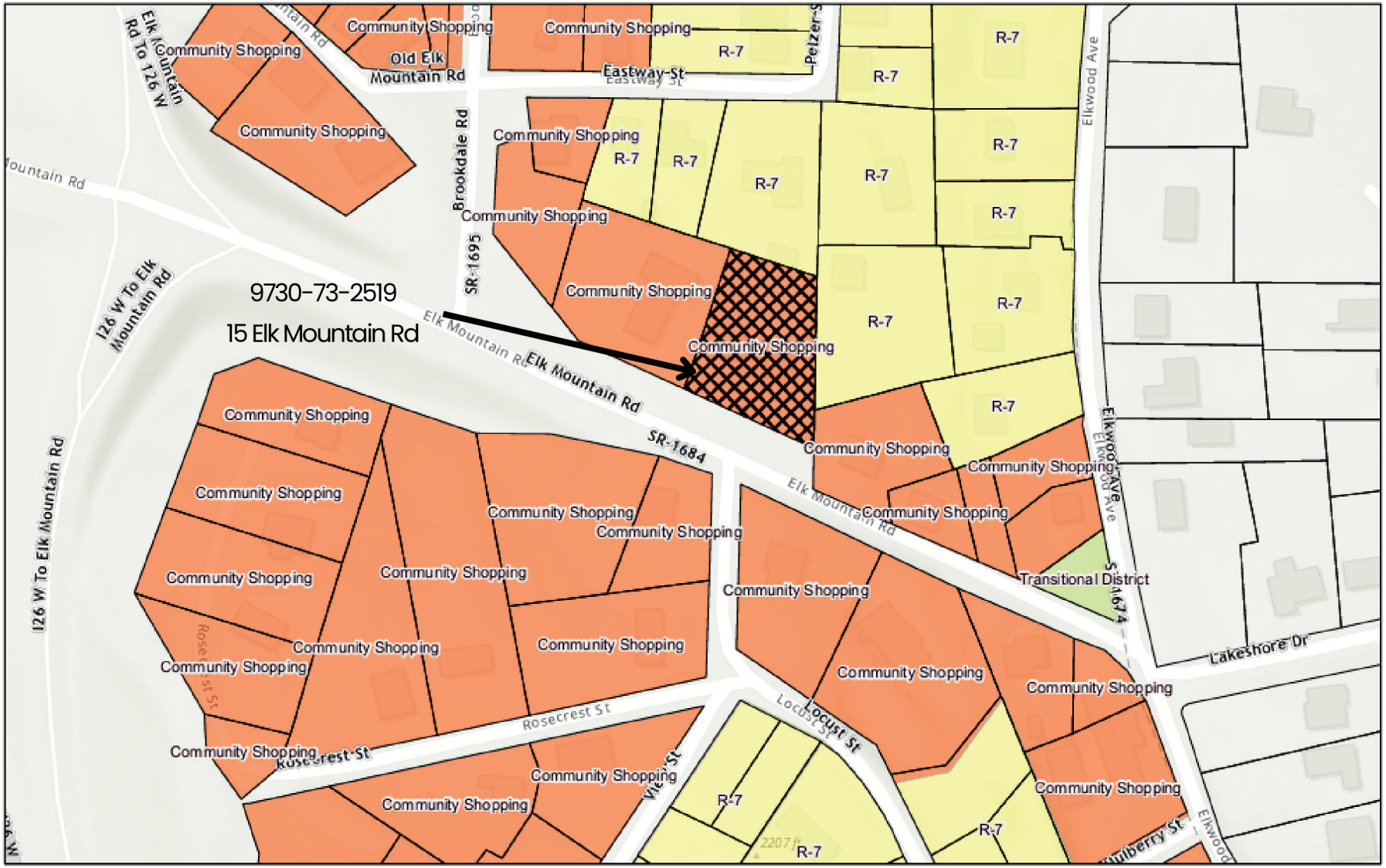
LANDSCAPE PLAN & DETAILS

Issue Date: 01.25.24

A002

5/31/2024 9:49:46 AM

Exhibit A - Woodfin Zoning Map



Woodfin Zoning 2024

- R-7
- Community Shopping
- Transitional District

1:2,257

0 0.01 0.03 0.06 mi

0 0.03 0.05 0.1 km

NCDOT GIS Unit, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA,

5/24/2024

EXHIBIT B--Aerial

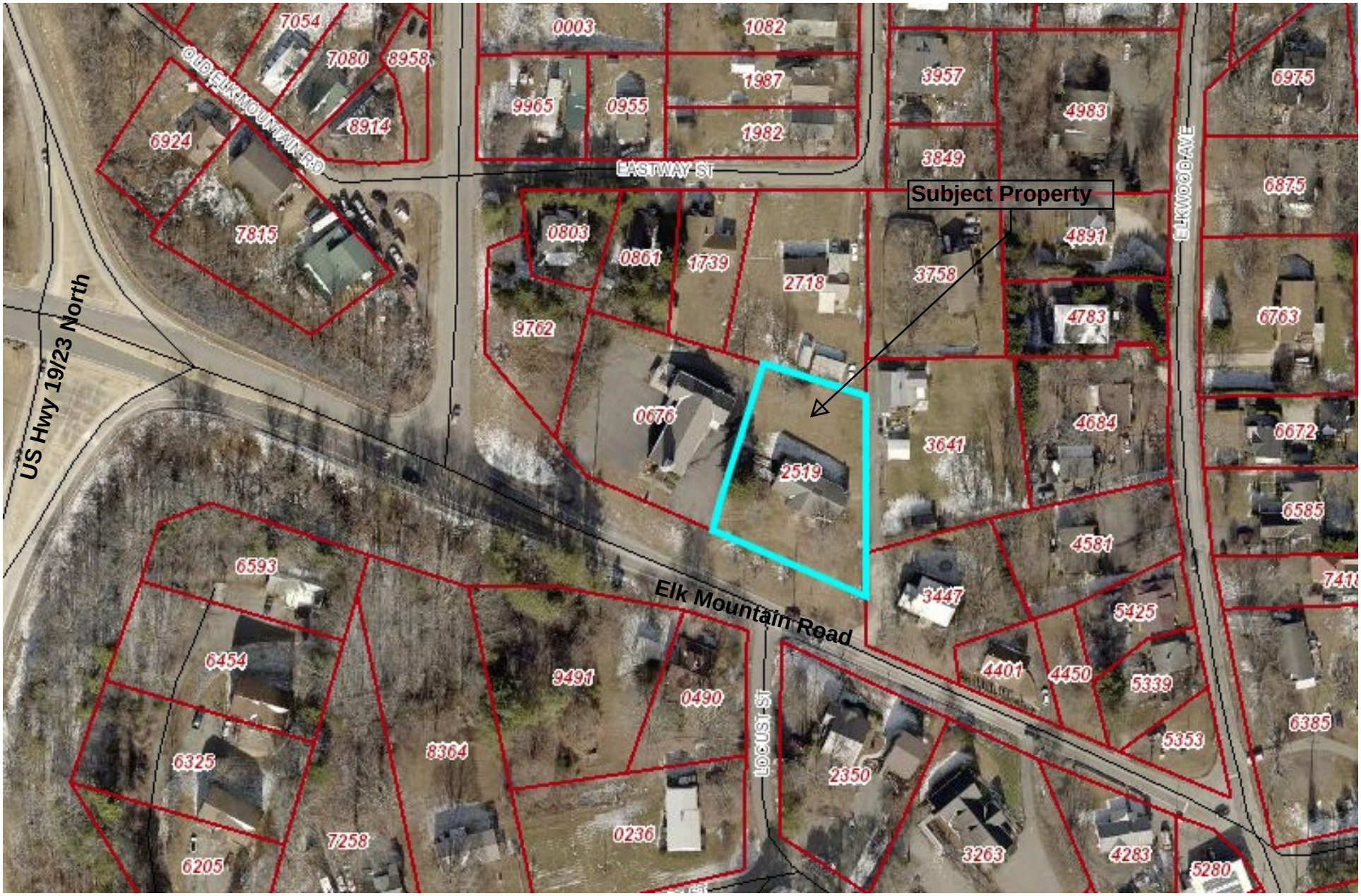
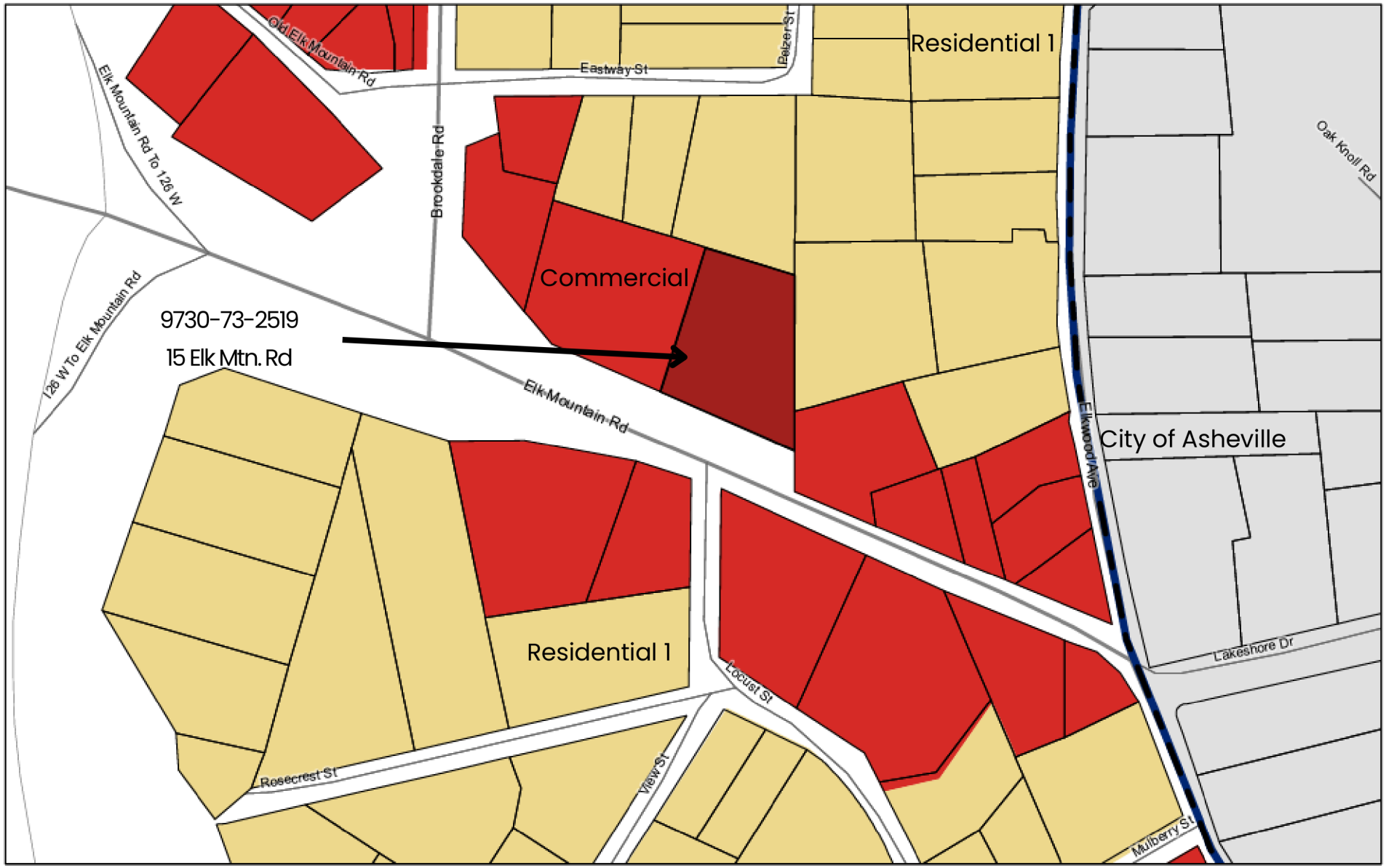


Exhibit C - Woodfin Future Land Use Map



Woodfin Zoning 2024

- Residential 1
- Commercial

1:2,206

0 0.01 0.03 0.06 mi

0 0.02 0.04 0.09 km

5/24/2024

EXHIBIT D



