



# TOWN OF WAYNESVILLE

## Zoning Board of Adjustment

9 South Main Street  
Waynesville, NC 28786  
Phone (828) 456-8647 • Fax (828) 452-1492  
[www.waynesvillenc.gov](http://www.waynesvillenc.gov)

Stephanie Strickland  
Henry Kidder  
Jack Suddath  
Neil Ensley  
David Felmet  
Charles John Gisler

Development Services  
Director  
Elizabeth Teague

### TOWN OF WAYNESVILLE ZONING BOARD OF ADJUSTMENT SPECIAL CALLED MEETING

Town Hall – 9 South Main Street, Waynesville, NC 28786  
**Wednesday, May 18, 2016, 5:30 PM**

#### **A. CALL TO ORDER:**

1. Welcome/Announcements
2. Adoption of Minutes from the April 5, 2016 Meeting

#### **B. BUSINESS ITEMS:**

1. Variance Request to Chapter 13.5.2.C Nonconforming Uses and Structures, Discontinuance of one year, at 196 East Street, PIN 8615-46-1571.
2. Variance Request to Chapter 2.4.2(4e), Rear Setback, at 1570 South Main Street, PIN 8605-80-9608

**C. ADJOURN** – *The next Regular Meeting is scheduled for June 7, 2016, 5:30 pm*



# TOWN OF WAYNESVILLE

## Zoning Board of Adjustment

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Stephanie Strickland  
Henry Kidder  
Jack Suddath  
Neal Ensley (Chairman)  
David Felmet (Vice Chairman)  
Charles John Gisler

Development Services  
Director  
Elizabeth Teague

### Regular Meeting

Town Hall, 9 South Main Street, Waynesville, NC 28786  
**Tuesday April 5, 2016, 5:30 pm**

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The WAYNESVILLE ZONING BOARD OF ADJUSTMENT held a regular meeting on April 5, 2016 at 5:30 pm in the board room of the Town Hall, 9 South Main Street, Waynesville, NC.

#### A. CALL TO ORDER

##### 1. Welcome/Calendar/Announcements

Mr. Neal Ensley, Chairman, welcomed everyone and called the meeting to order at 5:30 pm.

The following members were present:

Chairman Neal Ensley  
Vice Chairman David Felmet  
Jack Suddath  
Henry Kidder  
John Gisler

Absent:

Stephanie Strickland

The following staff members were present:

Elizabeth Teague, Development Services Director  
Eddie Ward, Deputy Clerk

**2. Adoption of Minutes from the February 2, 2015 Meeting**

*A motion was made by Board Member Henry Kidder, seconded by Vice Chairman David Felmet to approve the minutes of the February 2, 2016 regular board meeting as presented. The motion passed unanimously.*

**B. BUSINESS ITEMS**

**1. Schedule of Variance request for May meeting.**

Ms. Elizabeth Teague, Development Services Director, reminded the Board that their next regularly scheduled meeting would be held on May 3, 2016 at 5:30 pm in the Town Hall Board Room located at 9 South Main Street, Waynesville, NC. She asked Board Members to check their schedules and confirm their attendance to make sure there would be a quorum. She said there is a potential variance request, and a potential appeal for the Board to hear at this meeting.

All Board Members in attendance confirmed their availability for this meeting.

**C. ADJOURN**

*With no further business, Board Member Jack Suddath made a motion, seconded by Board Member Charles Gisler to adjourn at 5:36 p.m. The motion passed unanimously.*

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Neal Ensley, Chairman

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Eddie Ward, Deputy Clerk

## Board of Adjustment Staff Report

Subject: Variance to the 20' rear setback requirement to accommodate the expansion of a building, at 465 Riverbend Street (also addressed as 1570 South Main Street)  
Ordinance Section: 2.4.2(4e)  
Applicant: Lynn Bradley  
Meeting Date: May 18, 2016

### Summary Information:

Application Date: April 18, 2016  
Proposed Location: 465 Riverbend Street (also addressed as 1570 South Main Street)  
Property Owner: Richard Lynn Bradley and Emily Bradley  
Acreage of site: 0.9053 acres  
Zoning District: South Main Street Business District  
Existing Development: Retail Office, Warehouse, Powder coating business

### Background:

The subject property consists of 0.9053 acres that front South Main Street on a corner lot to Riverbend Street. The owners would like to add an additional 2,750.7 square feet to an existing 1 story metal building at the rear of the lot. The existing building is within the 20' setback required by the South Main Street Business District and approximately 11' from the boundary line, tapering to approximately 9' toward the Street. To expand the building would increase this nonconformity. However, to offset the building expansion to comply with the setback would interfere with an existing driveway and parking area which is used for delivery trucks.

The property in question is located in the South Main Street Business District. The purpose and intent of this district as established by the Land Development Standards, Section 2.3.6(C) states:

The **South Main Street Business District (SM-BD)** is a densely developed area that has and will continue to contain a broad mix of land uses. The proximity of this district to so many neighborhoods (Allens Creek, Hazelwood, Country Club, Saunook and Old Balsam) and the variety of services provided here make pedestrian amenities and efficient vehicular movement critical. To help alleviate some of the traffic along the South Main corridor, the existing road network on the west side of this district needs to be continued with rear access drives created as development takes place to the east. Limitations on curb cuts, the institution of traffic calming measures, the prohibition of parking backing on to the street and the planting of street trees will enhance both the driving conditions and walkability of this area. A high priority shall be given to a high quality streetscape along South Main Street. The scale of development in the district will be flexible but articulated to the scale of the pedestrian. Housing mixed in with other uses is strongly encouraged.

According to the Land Development Standards (LDS), Section 2.4.2 the minimum rear setback for this district is twenty feet (20'). Also according to this Section of the Ordinance the minimum side setback is from an adjacent lot is zero feet (0'). The property is addressed off of both Riverbend and South Main

Street on County Land Records Data, but the buildings are oriented to South Main Street. If the buildings were oriented to Riverbend Street and this same lot boundary were considered a side setback, there would be no violation of the setback requirements.

According to Mr. Bradley, the exiting buildings have been on this site for many years and were used for storage as part of the original Cline and Bradley Ace Hardware store that once operated at this location.

The property owner is requesting a variance to allow the expansion of the existing building and in alignment with the building's existing footprint and sidewalls. This will require that a variance be granted for the setback encroachment.

The property boundary in question is also the line between the South Main Street Business District and Hazelwood Urban Residential District. According to Chapter 8.4.1 Required Buffer Yards, proposed development in a business district which is adjacent to an Urban Residential District would require a "Type C" buffer yard which would consist of a 10 or 20 foot wide area to create a "semi-opaque" screen. This space does not exist between the property line and the existing buildings because of the location of the existing buildings. There is an existing fence along the property line which does provide full screening and which extends beyond the area proposed for the building addition. Mr. Bradley has expressed that he is willing to plant a row of Leland cypress or other type of landscape screening within the existing space to create as much buffer as possible in addition to the existing fence if asked.

The site was posted beginning on May 16, 2016. Notice of the Public Hearing was mailed to owners of property within 100 feet of the property in question on May 6, 2016. Notice was submitted to local media and was published in the public notice section on May 6 and 13, 2016.

### **Surrounding Land Use/Zoning Patterns:**

Properties adjacent to the property to the north, across Riverbend Street to the South, and across Main Street to the East are occupied by commercial uses and are within the same zoning district of the South Main street Business District. The property adjacent to the West at the property line where the variance is being requested, is a single-family residence owned by Rebecca Rector and is zoned Hazelwood Urban Residential (UR).

### **Proposed Variance and Staff Recommendation for Findings:**

The requested variance would allow the owner to add to the existing building along the same alignment as the rear wall. The Board of Adjustment shall not grant a variance unless and until it makes all of the following findings:

- (1) 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.

- a. The applicant is asking to expand their building in order to improve their space for a powder coating business, allowing them to have more room to conduct operations inside an enclosed space. A strict application of the ordinance would prevent this expansion.
- (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.
  - a. This particular property and the current buildings within it, have been commercially used since the mid 1980s, prior to the adoption of the current zoning in 2006, and as revised in 2011. The existing buildings are considered pre-existing, nonconforming to the Town's current zoning setbacks.
  - b. If the building were facing toward Riverbend Street instead of toward South Main Street, the boundary line in question would be considered a "side setback" instead of a "rear setback," and would not have a setback requirement.
  - c. As a corner lot in a historically commercial district, the property has a parking and driveway area to accommodate delivery trucks, parking, storage and work areas that face and are accessed by both South Main and Riverbend streets and driveways. This driveway area is shared by and serves a separate property used as a rental/retail operation. The applicant is proposing to locate a new structure in the only area available within the property that would not interfere with the shared uses of the existing driveways and parking areas.
  - d. The location of existing buildings do not allow for what is the current standard for a Type C buffer yard between the zoning districts. However, there is an existing opaque fence along the boundary line and the property owner has indicated that he can supplement screening with tree plantings to the extent possible within the given space.
- (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.
  - a. The property in question was previously owned by the family of the current owner. Mr. Bradley has been re-using the buildings that have been there since he took ownership of the property and has not created the hardship that exists.
- (4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.
  - a. The variance request is only for the footprint of the what is being proposed for expansion.

**Staff Recommendations:**

Staff recommends approval of this variance. The expansion of the building will allow the existing business to conduct more operations indoor and will, in itself, create additional buffer and barrier between business operations and the adjacent residential property. The proposed building expansion is located in the only possible area of the lot that would not interfere with existing driveway and parking areas used by both Mr. Bradley's business and the adjacent rental business.

# Parcel Report For 8605-80-9608

BRADLEY, RICHARD L  
BRADLEY, EMILY  
423 FAIRWAY DR  
WAYNESVILLE, NC 28786

## Account Information

PIN: 8605-80-9608

Deed: 735/900

## Site Information

STORE, RETAIL, OFFICE, GENERAL, WAREH  
COMMERCIAL USE, COMMERCIAL USE, COM  
465 RIVERBEND ST

Heated Area:

Year Built:

Total Acreage: 0.9053 AC

Township: TOWN OF WAYNESVILLE

## Site Value Information

Land Value: \$212,700

Building Value: \$224,900

Market Value: \$437,600

Deferred Value: \$0

Assessed Value: \$437,600

Sale Price: \$0

Sale Date: 05/01/2008

Tax Bill 1: \$2,477.25

Tax Bill 2: \$2,368.73



1 inch = 50 feet

April 27, 2016

Disclaimer: The maps on this site are not surveys. They are prepared from the inventory of real property found within this jurisdiction and are completed from recorded deeds, plats and other public records and data. Users of this site are hereby notified that the aforementioned public primary information sources should be consulted for verification of any information contained on these maps. Haywood county and the website provider assume no legal responsibility for the information contained on these maps.

# Parcel Report For 8605-80-9608

BRADLEY, RICHARD L  
BRADLEY, EMILY  
423 FAIRWAY DR  
WAYNESVILLE, NC 28786

## Account Information

PIN: 8605-80-9608

Deed: 735/900

## Site Information

STORE, RETAIL, OFFICE, GENERAL, WAREH  
COMMERCIAL USE, COMMERCIAL USE, COM  
465 RIVERBEND ST

Heated Area:

Year Built:

Total Acreage: 0.9053 AC

Township: TOWN OF WAYNESVILLE

## Site Value Information

Land Value: \$212,700

Building Value: \$224,900

Market Value: \$437,600

Deferred Value: \$0

Assessed Value: \$437,600

Sale Price: \$0

Sale Date: 05/01/2008

Tax Bill 1: \$2,477.25

Tax Bill 2: \$2,368.73



1 inch = 100 feet

April 27, 2016

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# TOWN OF WAYNESVILLE

Development Services Department

PO Box 100

9 South Main Street

Waynesville, NC 28786

Phone (828) 456-8647 • Fax (828) 452-1492

www.waynesvillenc.gov

## Variance Request

Property Address/Location: 1570 South Main Street

Property PIN: 8605-80-9608 Property Zoning District: South Main District Commercial

Flood Zone?: Yes / Flood Plan Historic Property or District?: \_\_\_\_\_

Signature of property owner of record: [Signature] Date: \_\_\_\_\_

\*Applicant Name: Lynn Bradley Applicant Phone #: 828/421/0339

Applicant Address: 42 Madison Drive, Waynesville NC  
*Application must be filed by the owner of the property or by an agent specifically authorized by the owner.*

I, Lynn Bradley, hereby petition the Board of Adjustment for a variance from the provisions of the Town Ordinance Land Development Standards for this property as described below.

Applicable Ordinance Section: 2.4.2 (4e)

Ordinance requirement from which relief is sought: 20 foot Rear Setback

Variance requested and why (attach additional sheets, maps, or other information as necessary):

- keep building inline with other buildings
- Right of Way for Rent World; Rent World has 60' Ashley Furniture truck to unload at rear of building.
- need area for our loading and work area

Applicant Signature: [Signature] Date: 4/18/2016

TOWN OF WAYNESVILLE  
280 GEORGIA AVENUE  
WAYNESVILLE NC 28786

MISC RECEIPT 1989356  
REFERENCE  
DATE/TIME 05/05/16 08:38  
CLERK 2044ewar  
CUSTOMER L Bradley  
EFF. DATE 05/05/2016  
DEPT

01

TOTAL: 250.00  
250.00

PMT TYPE	QTY	REF
CASH	1	

AMOUNT  
250.00

*Planning Fee*

# ELEVATION CERTIFICATE

**Important: Read the instructions on pages 1-9.**

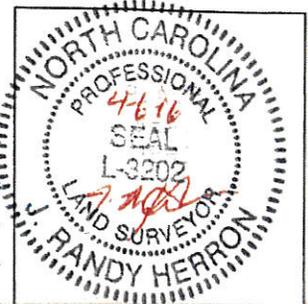
OMB No. 1660-0008  
 Expiration Date: July 31, 2015

SECTION A - PROPERTY INFORMATION		FOR INSURANCE COMPANY USE
A1. Building Owner's Name RICHARD L. & EMILY BRADLEY		Policy Number:
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 465 RIVERBEND STREET		Company NAIC Number:
City WAYNESVILLE	State NC	ZIP Code 28786
A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) PIN # 8605-80-9608		
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) <u>ADDITION - COMMERCIAL</u>		
A5. Latitude/Longitude: Lat. <u>N35.47193°</u> Long. <u>W83.00165°</u>		Horizontal Datum: <input type="checkbox"/> NAD 1927 <input checked="" type="checkbox"/> NAD 1983
A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.		
A7. Building Diagram Number <u>3</u>		
A8. For a building with a crawlspace or enclosure(s):		A9. For a building with an attached garage:
a) Square footage of crawlspace or enclosure(s) <u>N/A</u> sq ft		a) Square footage of attached garage <u>N/A</u> sq ft
b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade <u>N/A</u>		b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade <u>N/A</u>
c) Total net area of flood openings in A8.b <u>N/A</u> sq in		c) Total net area of flood openings in A9.b <u>N/A</u> sq in
d) Engineered flood openings? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		d) Engineered flood openings? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION					
B1. NFIP Community Name & Community Number WAYNESVILLE - 370124		B2. County Name HAYWOOD		B3. State NC	
B4. Map/Panel Number 370124 - 8605	B5. Suffix J	B6. FIRM Index Date 04/03/2012	B7. FIRM Panel Effective/Revised Date	B8. Flood Zone(s) AE	B9. Base Flood Elevation(s) (Zone AO, use base flood depth) 2747.90
B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9. <input type="checkbox"/> FIS Profile <input checked="" type="checkbox"/> FIRM <input type="checkbox"/> Community Determined <input type="checkbox"/> Other/Source: _____					
B11. Indicate elevation datum used for BFE in Item B9: <input type="checkbox"/> NGVD 1929 <input checked="" type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source: _____					
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? Designation Date: _____ <input type="checkbox"/> CBRS <input type="checkbox"/> OPA <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					

SECTION C - BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)	
C1. Building elevations are based on: <input checked="" type="checkbox"/> Construction Drawings* <input type="checkbox"/> Building Under Construction* <input type="checkbox"/> Finished Construction	
*A new Elevation Certificate will be required when construction of the building is complete.	
C2. Elevations - Zones A1-A30, AE, AH, A (with BFE), VE, V1-V30, V (with BFE), AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO. Complete Items C2.a-h below according to the building diagram specified in Item A7. In Puerto Rico only, enter meters. Benchmark Utilized: <u>RM2</u> Vertical Datum: <u>NAVD 1988</u>	
Indicate elevation datum used for the elevations in items a) through h) below. <input type="checkbox"/> NGVD 1929 <input checked="" type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source: _____ Datum used for building elevations must be the same as that used for the BFE.	
Check the measurement used.	
a) Top of bottom floor (including basement, crawlspace, or enclosure floor) <u>2750.70</u>	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters
b) Top of the next higher floor _____	<input type="checkbox"/> feet <input type="checkbox"/> meters
c) Bottom of the lowest horizontal structural member (V Zones only) _____	<input type="checkbox"/> feet <input type="checkbox"/> meters
d) Attached garage (top of slab) _____	<input type="checkbox"/> feet <input type="checkbox"/> meters
e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment and location in Comments) <u>2750.70</u>	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters
f) Lowest adjacent (finished) grade next to building (LAG) <u>2748.53</u>	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters
g) Highest adjacent (finished) grade next to building (HAG) <u>2750.12</u>	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters
h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support <u>2748.53</u>	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters

SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION			
This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.			
<input checked="" type="checkbox"/> Check here if comments are provided on back of form.		Were latitude and longitude in Section A provided by a licensed land surveyor? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<input checked="" type="checkbox"/> Check here if attachments.			
Certifier's Name J. RANDY HERRON	License Number L-3202		
Title LAND SURVEYOR	Company Name HERRON ASSOCIATES		
Address 88 FRAZIER STREET SUITE 5	City WAYNESVILLE	State NC	ZIP Code 28786
Signature <i>[Signature]</i>	Date 04/06/2016	Telephone (828) 456-5761	



<b>IMPORTANT: In these spaces, copy the corresponding information from Section A.</b>		<b>FOR INSURANCE COMPANY USE</b>	
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 465 RIVERBEND STREET		Policy Number:	
City WAYNESVILLE	State NC	ZIP Code 28786	Company NAIC Number:

**SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION (CONTINUED)**

Copy both sides of this Elevation Certificate for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments EQUIPMENT CONSISTS OF ELECTRICAL, PLUMBING & HVAC.

Signature



Date 04/06/2015

**SECTION E – BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO AND ZONE A (WITHOUT BFE)**

For Zones AO and A (without BFE), complete Items E1–E5. If the Certificate is intended to support a LOMA or LOMR-F request, complete Sections A, B, and C. For Items E1–E4, use natural grade, if available. Check the measurement used. In Puerto Rico only, enter meters.

- E1. Provide elevation information for the following and check the appropriate boxes to show whether the elevation is above or below the highest adjacent grade (HAG) and the lowest adjacent grade (LAG).
  - a) Top of bottom floor (including basement, crawlspace, or enclosure) is \_\_\_\_\_  feet  meters  above or  below the HAG.
  - b) Top of bottom floor (including basement, crawlspace, or enclosure) is \_\_\_\_\_  feet  meters  above or  below the LAG.
- E2. For Building Diagrams 6–9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 8–9 of Instructions), the next higher floor (elevation C2.b in the diagrams) of the building is \_\_\_\_\_  feet  meters  above or  below the HAG.
- E3. Attached garage (top of slab) is \_\_\_\_\_  feet  meters  above or  below the HAG.
- E4. Top of platform of machinery and/or equipment servicing the building is \_\_\_\_\_  feet  meters  above or  below the HAG.
- E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance?  Yes  No  Unknown. The local official must certify this information in Section G.

**SECTION F – PROPERTY OWNER (OR OWNER'S REPRESENTATIVE) CERTIFICATION**

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. The statements in Sections A, B, and E are correct to the best of my knowledge.

Property Owner's or Owner's Authorized Representative's Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

ZIP Code \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

Telephone \_\_\_\_\_

Comments \_\_\_\_\_

Check here if attachments.

**SECTION G – COMMUNITY INFORMATION (OPTIONAL)**

The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Sections A, B, C (or E), and G of this Elevation Certificate. Complete the applicable item(s) and sign below. Check the measurement used in Items G8–G10. In Puerto Rico only, enter meters.

- G1.  The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)
- G2.  A community official completed Section E for a building located in Zone A (without a FEMA-issued or community-issued BFE) or Zone AO.
- G3.  The following information (Items G4–G10) is provided for community floodplain management purposes.

G4. Permit Number _____	G5. Date Permit Issued _____	G6. Date Certificate Of Compliance/Occupancy Issued _____
-------------------------	------------------------------	---

G7. This permit has been issued for:  New Construction  Substantial Improvement

G8. Elevation of as-built lowest floor (including basement) of the building: \_\_\_\_\_  feet  meters Datum \_\_\_\_\_

G9. BFE or (in Zone AO) depth of flooding at the building site: \_\_\_\_\_  feet  meters Datum \_\_\_\_\_

G10. Community's design flood elevation: \_\_\_\_\_  feet  meters Datum \_\_\_\_\_

Local Official's Name \_\_\_\_\_

Title \_\_\_\_\_

Community Name \_\_\_\_\_

Telephone \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

Comments \_\_\_\_\_

Check here if attachments.

# Building Photographs

See Instructions for Item A6.

**IMPORTANT: In these spaces, copy the corresponding information from Section A.**

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.  
465 RIVERBEND STREET

City WAYNESVILLE

State NC ZIP Code 28786

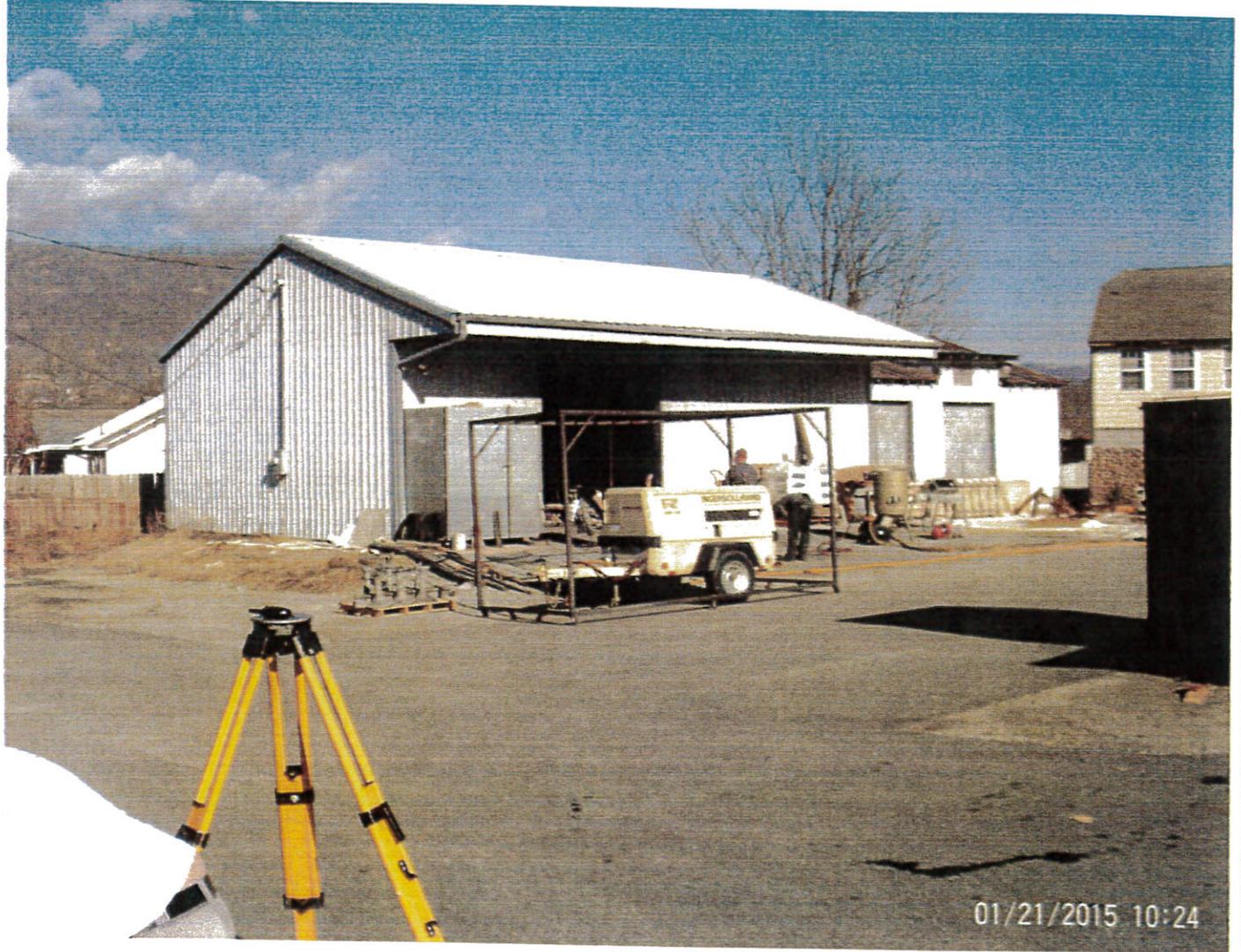
FOR INSURANCE COMPANY USE

Policy Number:

Company NAIC Number:

If using the Elevation Certificate to obtain NFIP flood insurance, affix at least 2 building photographs below according to the instructions for Item A6. Identify all photographs with date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8. If submitting more photographs than will fit on this page, use the Continuation Page.

**FRONT VIEW LOOKING NORTH**



# Building Photographs

Continuation Page

**IMPORTANT:** In these spaces, copy the corresponding information from Section A.

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.  
465 RIVERBEND STREET

City WAYNESVILLE

State NC

ZIP Code 28786

FOR INSURANCE COMPANY USE

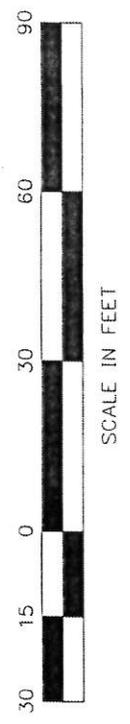
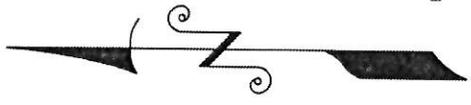
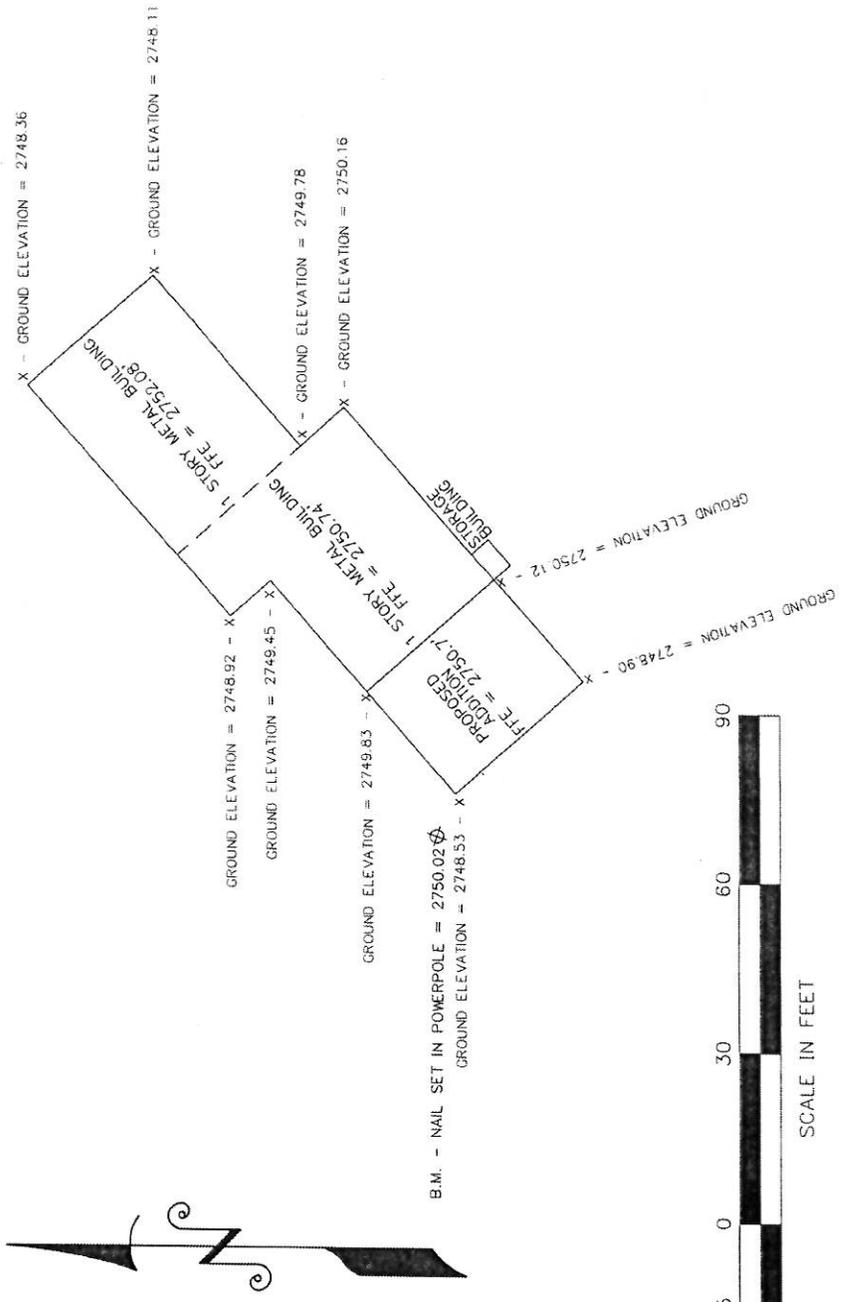
Policy Number:

Company NAIC Number:

If submitting more photographs than will fit on the preceding page, affix the additional photographs below. Identify all photographs with: date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8.

**LEFT VIEW LOOKING NORTHEAST**





## Board of Adjustment Staff Report

Subject: Variance of the nonconformity standards for the multifamily residential development located at 196 East Street  
Ordinance Section: 13.5.2(C)  
Applicant: Austin Lee  
Meeting Date: May 18, 2016

### Summary Information:

Application Date: May 4, 2016  
Proposed Location: 196 East Street – PIN 8615-46-1571  
Property Owner: Austin Lee Properties LLC  
Acreage of site: 0.685 acres  
Zoning District: Pigeon Street Neighborhood Residential District  
Existing Development: Developed lot with 7 residential units

### Background:

The subject property consists of 0.685 acres that front East Street with 7 residential units that are currently occupied and one additional unit that was formerly used as a residential unit but has been used for storage for a period of more than one year. The owner, Austin Lee, would like to return this to use as a residential unit.

The property in question is located in the Pigeon Street Neighborhood Residential District. The purpose and intent of this district as established by the Land Development Standards, Section 2.3.3(E) states:

The **Pigeon Street Neighborhood District (PS-NR)** is a residential community enjoying proximity to Downtown Waynesville and a strong neighborhood center of its own. A mix of medium to high density residential development will continue to occur in this area which already has a strong street system. An attractive pedestrian realm will be established as new development occurs, as will connections between the various neighborhoods in this district and the neighborhood center. The establishment of such connections and the management of traffic to make the area more conducive to pedestrians are important considerations as any improvements to Pigeon Street are made in the future.

According to the Land Development Standards (LDS), Section 2.4.1.2a, the maximum residential unit density for this district is 10 units per acre. This property is 0.685 acres, which would allow a maximum of 6 residential units. This property currently operates 7 units and formerly operated an 8<sup>th</sup> unit. These two units which exceeded the maximum density were considered legal nonconforming (grandfathered) uses. However, for a period of more than one year, the 8<sup>th</sup> unit has been used for storage. Section 13.5.2(C) of the LDS states:

**Discontinuance of 1 Year:** A nonconforming use of a structure that is discontinued for a continuous period of more than one (1) year may not be reestablished. All subsequent uses of

the structure and site must be in conformance with the particular regulations for the land development district in which the property is located.

The property owner is requesting a variance to allow the reestablishment of the 8<sup>th</sup> unit for residential use.

The site was posted beginning on May 16, 2016. Notice of the Public Hearing was mailed to owners of property within 100 feet of the property in question on May 6, 2016. Notice was submitted to local media and was published in the public notice section on May 6 and 13, 2016.

### **Surrounding Land Use/Zoning Patterns:**

All properties immediately adjacent to the property in question are occupied by single-family residences and are also located within the Pigeon Street Neighborhood Residential District. The property is fronted by East Street, a major connector street between downtown Waynesville and North Main Street and Asheville Highway.

### **Proposed Variance and Staff Recommendation for Findings:**

The requested variance would allow the owner to reestablish the 8<sup>th</sup> unit, which has been recently used as storage, as a residence.

The Board of Adjustment shall not grant a variance unless and until it makes all of the following findings:

- (1) 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.
  - a. A strict application of the ordinance would prevent re-use of an existing apartment unit that was built for, and could be permitted today, for this purpose. The fact that a previous owner discontinued renting this space for a period of time in order to use it as office, work and storage space in support of the other rentals, should not prevent this unit from being re-activated for residential use.
- (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.
  - a. The unit exists as part of a triplex and the applicant is not asking to change the footprint or use of the building as it exists now.
- (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.

- a. The applicant purchased the property as it is and is asking for consideration to use the property at the density for which it was originally built and has functioned as for many years.
- (4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.
- a. The addition of a dwelling unit meets the spirit of the LDS which calls for a mix of medium to high density residential development in this district. Waynesville is in need of good-quality rental housing, especially in close proximity to downtown. This variance would allow the addition on one such housing unit without any additional construction.

**Staff Recommendations:**

Staff recommends approval of this variance. The 8<sup>th</sup> unit already exists and contains a bathroom, kitchen, and sleeping area. A Town of Waynesville building inspector has inspected the unit and verified that it is usable as a residence. Reestablishing this dwelling unit would not increase the footprint of the building or otherwise alter the appearance of the building or the property.

# Parcel Report For 8605-80-9608

BRADLEY, RICHARD L  
BRADLEY, EMILY  
423 FAIRWAY DR  
WAYNESVILLE, NC 28786

## Account Information

PIN: 8605-80-9608  
Deed: 735/900

## Site Information

STORE, RETAIL, OFFICE, GENERAL, WAREHOL  
COMMERCIAL USE, COMMERCIAL USE, COMM  
465 RIVERBEND ST

Heated Area:

Year Built:

Total Acreage: 0.9053 AC

Township: TOWN OF WAYNESVILLE

## Site Value Information

Land Value: \$212,700

Building Value: \$224,900

Market Value: \$437,600

Deferred Value: \$0

Assessed Value: \$437,600

Sale Price: \$0

Sale Date: 05/01/2008

Tax Bill 1: \$2,477.25

Tax Bill 2: \$2,368.73



1 inch = 100 feet  
May 12, 2016

Disclaimer: The maps on this site are not surveys. They are prepared from the inventory of real property found within this jurisdiction and are compiled from recorded deeds, plats and other public records and data. Users of this site are hereby notified that the aforementioned public primary information sources should be consulted for verification of any information contained on these maps. Haywood county and the website provider assume no legal responsibility for the information contained on these maps.



# Parcel Report For 8615-46-1571

FINGER, WAYNE  
FINGER, SHIRLEY  
72 S HILL ST  
WAYNESVILLE, NC 28786

## Account Information

**PIN:** 8615-46-1571

**Deed:** 870/1030

## Site Information

DWELLING,DWELLING,DWELLING  
DUPLEX,DUPLEX,MULTI-FAMILY  
196 EAST ST

**Heated Area:** 2650

**Year Built:** 1951

**Total Acreage:** 0.685 AC

**Township:** TOWN OF WAYNESVILLE

## Site Value Information

**Land Value:** \$25,000

**Building Value:** \$243,400

**Market Value:** \$268,400

**Deferred Value:** \$0

**Assessed Value:** \$268,400

**Sale Price:** \$8,000

**Sale Date:** 07/31/2014

**Tax Bill 1:** \$2,667.41

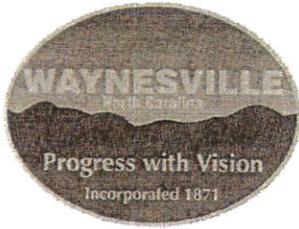
**Tax Bill 2:** \$2,096.85



1 inch = 50 feet

May 12, 2016

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# TOWN OF WAYNESVILLE

Development Services Department

PO Box 100

9 South Main Street

Waynesville, NC 28786

Phone (828) 456-8647 • Fax (828) 452-1492

www.waynesvillenc.gov

## Variance Request

Property Address/Location: 196 East Street

Property PIN: 8615-46-1571 Property Zoning District: PS-NR

Flood Zone?: Yes Historic Property or District?: No

Signature of property owner of record: [Signature] Date: 5/4/16

\*Applicant Name: Austin Lee Properties, LLC (Carlton Austin Lee) Applicant Phone #: 828-421-7289

Applicant Address: PO Box 283 Lake Junaluska NC 28745

*Application must be filed by the owner of the property or by an agent specifically authorized by the owner.*

I, C. Austin Lee, hereby petition the Board of Adjustment for a variance from the provisions of the Town Ordinance Land Development Standards for this property as described below.

Applicable Ordinance Section: 13.5.2 C

Ordinance requirement from which relief is sought: Section C

Variance requested and why (attach additional sheets, maps, or other information as necessary):

Rental unit #8 was used for storage for over 1 year, and I would like to return it to rental use. Utilities were never disconnected and unit is in livable condition. David Kelley has inspected the unit and approved its condition. Property has over 20 years of history with this unit as a rental. See attached documentation.

Applicant Signature: [Signature] Date: 5/4/16

TOWN OF WAYNESVILLE  
280 GEORGIA AVENUE  
WAYNESVILLE NC 28786

MISC RECEIPT 1989036  
REFERENCE  
DATE/TIME 05/03/16 08:53  
CLERK 2044ewar  
CUSTOMER Austin Lee  
EFF. DATE 05/04/2016  
DEPT

01

TOTAL: 250.00  
250.00

PMT TYPE	QTY	REF
CHECK	1	

AMOUNT  
250.00

*Planning Fee*

# AUCTION

SATURDAY, AUGUST 28

2 BIG SALES

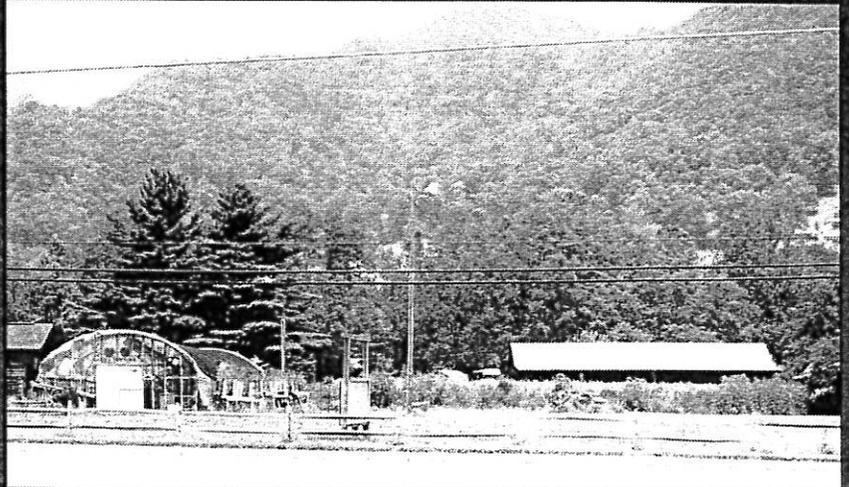
Haywood County, North Carolina

## SALE NO. 1

ABSOLUTE AUCTION

10:00 A.M.

*.998-Acre Commercial Lot in  
Maggie Valley, North Carolina*



## SALE NO. 2

Estate of the Late Edna  
McKay Price – 1:00 P.M.

*.64-Acre Lot, House  
& 7 Apartments,  
196 East Street  
Waynesville, North Carolina*



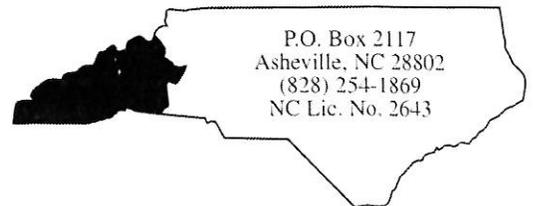
PHONE: (828) 254-1869

(828) 456-8280

CELL PHONE: (828) 507-7581

FAX: (828) 254-5376

WESTERN CAROLINA  
LAND AUCTION COMPANY, INC.



P.O. Box 2117  
Asheville, NC 28802  
(828) 254-1869  
NC Lic. No. 2643

## SALE NO. 2 CONTINUED



*Three efficiency apartments behind the main house, with gas heat, one is set up for electric heat.*

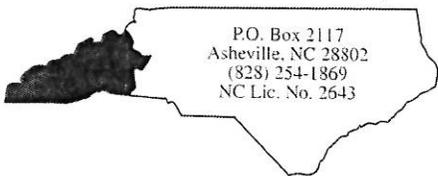


*Two apartments across the stream from the main house. One 1-bedroom with gas heat and one efficiency recently remodeled with electric baseboard heat.*

### INSPECTION

*Auction Company representatives will be on site Friday, August 27 from 1:00 P.M. to 6:00 P.M. – at other times by appointment.*

**WESTERN CAROLINA  
LAND AUCTION COMPANY, INC.**



P.O. Box 2117  
Asheville, NC 28802  
(828) 254-1869  
NC Lic. No. 2643

**FIRST CLASS MAIL**

# AUCTION

SATURDAY, AUGUST 28

HAYWOOD COUNTY  
NORTH CAROLINA

SALE NO. 1 • 10:00 A.M.

SALE NO. 2 • 1:00 P.M.

Personal on-site inspection is recommended. All properties sell "as is, where is" with no warranties expressed or implied. Information was gathered from reliable sources and is believed to be correct; however, it is not guaranteed. All announcements made at the auction take precedence over all other advertising.

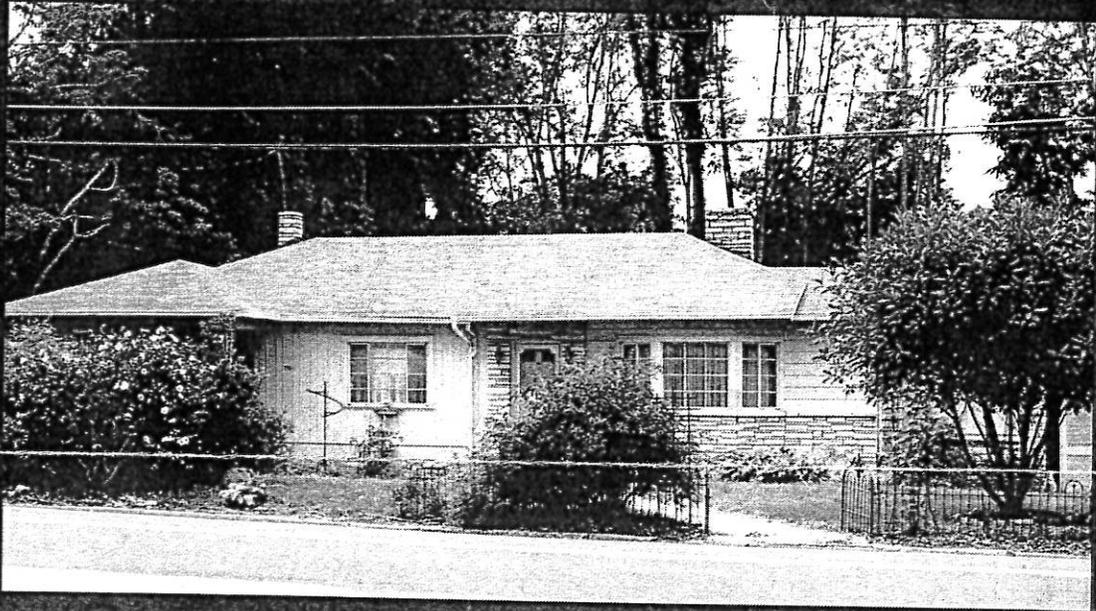
## SALE NO. 2

Estate of the Late Edna McKay Price – 1:00 P.M.

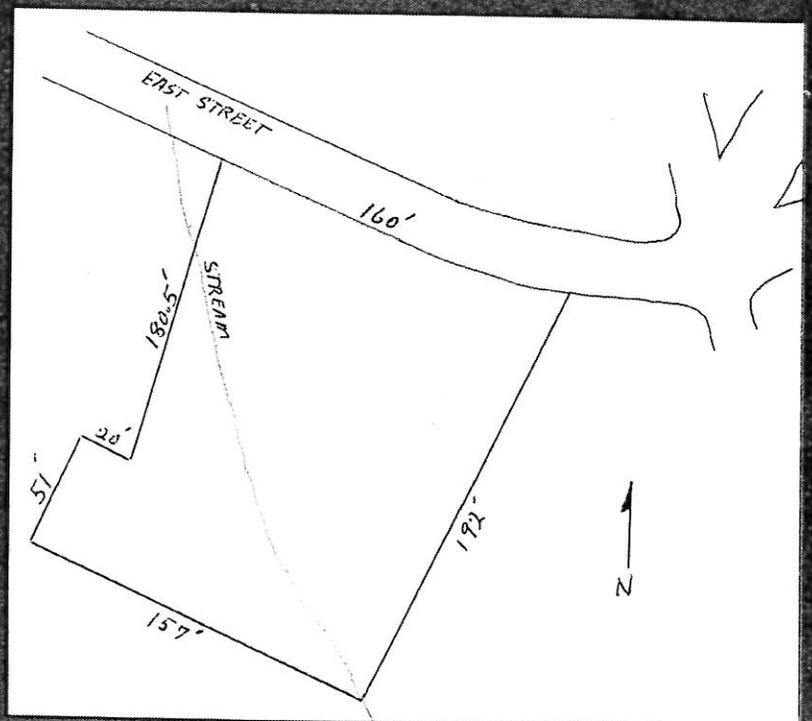
Sale on site, 196 East Street, Waynesville, North Carolina, 2/10 mile from the town hall. Suitable for personal residence and/or residential rental. All residences sell as one, located on .64-acre parcel "as is, where is" including all appliances.

TERMS: 25% down sale day by cash, certified check or pre-approved payment, with the balance due at closing within 30 days.

**SELLING WITH A 10% BUYER'S PREMIUM.**



Primary home consisting of 2,686 sq. ft., including 2 self-contained apartments that can be part of the house. One efficiency apartment and a 1-bedroom apartment with living room, full kitchen, bath, washer and dryer hookup. Remainder of the home contains 2 bedrooms, 2 baths, living room, dining room, den, kitchen, fireplace with gas logs, gas heat.



## 13.5 – Nonconforming Uses and Structures.

### 13.5.1 Definition and Applicability.

**A. Nonconforming Use:** A nonconforming use is a use which was once a permitted use on a parcel of land or within a structure, or which precedes any Ordinances, but which is now not a permitted use of that parcel according to Chapter 2 of this Ordinance. This definition includes open uses of land (e.g., storage yards and golf driving ranges) as well as the structures that contain nonconforming uses. The nonconformity may result from the adoption of this Ordinance or any subsequent amendment.

### 13.5.2 Standards for Nonconforming Uses.

**A. Continuation Permitted:** Any legally established nonconforming use may be continued subject to the standards listed in this section. However, once a nonconforming use is made conforming, it may not later be used for any nonconforming use or expanded in violation of this Ordinance.

**B. Expansion of Use Prohibited:** A nonconforming use may be enlarged or extended only into portions of the structure that existed at the time that the use became nonconforming. No external improvements which would extend or enlarge the nonconforming use or the land area that it covers are permitted. However, routine maintenance of any structure containing a nonconforming use is permitted.

**C. Discontinuance of 1 Year:** A nonconforming use of a structure that is discontinued for a continuous period of more than one (1) year may not be reestablished. All subsequent uses of the structure and site must be in conformance with the particular regulations for the land development district in which the property is located.

**D. Damage or Destruction:** Any structure containing a nonconforming use that has been damaged by fire or natural causes, regardless of the extent of the damage, may be repaired or re-established and continued in accordance with this Ordinance, provided that any such repair or re-establishment does not increase the degree of any nonconformance. Such repair or re-establishment must occur within one (1) year of the date the damage occurred.