

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

Henry Kidder, Chair
David Felmet, Vice-Chair
Stephanie Strickland
Joshua Morgan
George Escaravage
Edward Moore

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, February 5, 2020, 5:30 PM

A. CALL TO ORDER:

1. Welcome/Announcements
2. Adoption of Minutes (as presented or amended) from January 7, 2020

B. BUSINESS ITEMS:

1. Public Hearing on request for a variance to Land Development Standards Section 2.4.1 Table of Dimensional Standards 4. Building Setback at 166 Pinewood Drive, PIN 8604-94-6149.

C. ADJOURN



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Development Services
Director
Elizabeth Teague

Stephanie Strickland
Henry Kidder (Chairman)
Joshua Morgan
George Escaravage
Margaret Chandler
Edward Moore

Regular Meeting Town Hall, 9 South Main Street, Waynesville, NC 28786 Tuesday, January 7th, 2020 at 5:30 pm

THE WAYNESVILLE ZONING BOARD OF ADJUSTMENT held its regular meeting on January 7, 2020 at 5:30 p.m. in the board room of the Town Hall, 9 South Main Street, Waynesville, NC.

A. CALL TO ORDER

Chairman Henry Kidder called the meeting to order at 5:30 p.m.

The following members were present:

- Henry Kidder, Chairman
- Stephanie Strickland, Vice Chair
- Joshua Morgan
- George Escaravage
- Edward Moore
- Margaret Chandler

The following members were absent:

None

The following staff members were present:

- Byron Hickox, Land Use Administrator
- Chelle Baker, Administrative Assistant

1. Welcome/Calendar/Announcements

Chairman Henry Kidder asked if there were any announcements. Board Member Margaret Chandler stated that she refused to act. It was determined that with the confusion regarding Primary and Alternate appointments to the board, Ms. Chandler was refusing to act for this meeting so that Board Member Edward Moore, who had tenure, could proceed to be one of the five sitting Board Members for the meeting. Board Member Joshua Morgan asked for staff to take

concerns back to the Town with how appointments are made to the vacancies on the Zoning Board due to the confusion and this being the second instance of this circumstance.

Chairman Kidder asked if there were any other announcements. There were none.

2. Adoption of Minutes (as presented or amended) from December 3, 2019

Vice-Chairman Stephanie Strickland asked for the presentation of minutes from the December 3, 2019 meeting and asked if there were any changes or corrections. Ms. Elizabeth Teague, Director of Development Services advised there was one correction to the signature line.

A motion was made by Board Member Joshua Morgan, seconded by Board Member George Escaravage, to approve the minutes of the December 3, 2019 meeting with the following correction: page 6, signature line should read "Stephanie Strickland, Vice-Chairman," instead of Henry Kidder, Chairman. The motion passed unanimously (5-0).

B. BUSINESS

1. Public Hearing on request for a variance to Land Development Standards Section 2.4.1 Table of Dimensional Standards 4. Building Setback at 180 Ridgewood Drive, PIN 8615-05-4762.

Chairman Henry Kidder reviewed the protocols for a Quasi-judicial hearing and the rules of conduct. He advised this was a request for a variance to Section 4.5.2(1). Witnesses including staff who wished to speak were directed to come forward and were sworn in at 5:45 p.m. Chairman Kidder called upon anyone who wished to have standing other than the Town and the applicant and there were none.

Chairman Kidder polled members of the Board to see if there were any procedural matters, ethical considerations or conflicts of interest that should be disclosed prior to beginning the hearing:

- Have any Members of this Board had any conversations concerning this case other than the agenda packet distributed to the Board in anticipation to this meeting?
All Board Members answered No.
- Any Board Member subject to an impermissible conflict of interest which would make a Member unable to be an impartial decision maker in the matter under consideration?
All Board Members answered no.
- Does any party have an objection concerning the impartiality of this panel?
Mr. Muse stated he had no problem with the Board.

Mr. Kidder invited staff to present. Ms. Elizabeth Teague, Director of Development of Development Services began by entering into evidence the following documents:

- I. Town ordinance by reference
- II. Town Staff report that's included in the agenda packet
- III. Attached maps and property information including property report from county land records, and two aerial photography sites from land records dated 2019 and 2004.

- IV. Notice that was sent to the Mountaineer for publication in two subsequent weeks prior to hearing and mailed to adjacent property owners
- V. Photographic documentation of the property posting at 180 Ridgewood and photographs taken December 30th of the site in question
- VI. Mr. Muse variance application

Chairman Kidder asked Ms. Teague what the distance was that people are notified. Ms. Teague informed that for a variance it is 100 feet from the property boundary on all four sides.

Background: Ms. Teague began the staff report by stating this was a setback variance, Land Development Standards Section 2.4.1 (4) on the property described as 180 Ridgewood Avenue owned by Ron Muse who was present as the applicant. She advised that the applicant would like to build a storage building within the same footprint where one previously had existed. Ms. Teague pointed out the desired footprint site on a GIS map for the Board to see.

Ms. Teague reviewed the staff report with the Board and advised that the property was located in the Hazelwood Urban Residential District. And there was a chain link fence separating the subject property from the back of the Waynesville Middle School Ms. Teague read the purpose and intent of the Hazelwood Urban Residential District (H-UR) Section 2.3.4(B).

Ms. Teague stated that the applicant informed staff that several years ago a storage building on the site burned down. County aerial data from 2004 indicates that the building was gone at that time, but there remains a concrete pad with concrete blocks indicating a former structure. She explained in accordance with LDS 13.2.2, a pre-existing nonconforming use "shall be presumed discontinued when, ...the property, structure, or use has been vacant or completely inactive for 365 days." The pad is opposite a driveway from an existing storage/garage building which is about the same size of the pad. She stated while the address of the property is Ridgewood Drive, the location of the subject building site is accessed from Balsam Drive. Currently cars are parking in the area where the building once stood. She explained that the applicant would like to rebuild a new storage building on the footprint of the one that burned down. However, the rear of the old building footprint would be within any of the minimum setbacks for buildings within the H-UR District (10' Side, 6' in the rear, or 5' for accessory structures) and a survey would be required to determine the distance exactly to the boundary line.

Variance Requirements and staff recommended findings: Ms. Teague told the Board that the proposed variance would permit the property owner to construct an accessory structure within the setback for accessory structures. The proposed structure will otherwise have to comply with the Town of Waynesville's accessory structure standards and building codes, including separation from power lines. Staff offers the following recommendations for possible findings for the Zoning Board of Adjustment's consideration:

1. That there are unnecessary hardships in the way of carrying out the strict letter of this chapter.
 - As a property that is already developed, there is no other location available to accommodate a storage structure and garage that can be accessed by vehicles for the residents than on the proposed location.
 - The existing space is already used as a parking area and once held a storage building which was brought down by fire many years ago.

2. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings located in the same land development district.
 - The property serves a multi-family development that is adjacent to the Middle School. The proposed location of the variance would be against the fence line and boundary of the Middle School and would not impact any other residential properties.

3. That the special conditions and circumstances do not result from the actions of the applicant. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
 - The hardship was not caused by actions of the property owner. Rather, his inaction over time to restore the building after the fire, meant that setbacks imposed by new and updated regulations are now in effect.
 - The addition of a structural storage building and garage would help to clean up the parking area that is adjacent to the school and meet the needs of the residents.

4. That the variance is in harmony with the general purpose and intent of this chapter and preserves its spirit.
 - As indicated above, the purpose and intent statement for this zoning district recognizes the urban nature of the district and the need for "self-contained affordable housing."
 - The granting of this variance will not change the nature of the development, the density, or traffic pattern. However, it will provide indoor storage area for the residents of this lower income development.

5. That the variance is the minimum necessary to afford relief.
 - The variance is the minimum necessary to afford relief in order to install a storage building within an existing concrete pad footprint that encroaches in the rear yard setback.
 - A survey will be required as part of the building permit and will determine the actual on-the-ground location of the boundary line so that there is no encroachment onto the school property.

6. That the public safety and welfare have been assured and substantial justice has been done.
 - The addition of the accessory building will improve the parking lot area and the view from the back of the school building onto the subject lot.

Ms. Teague advised the Board that the Public Notice requirements for this Hearing were met and that notice of this public hearing was mailed to owners of property within 100 feet of the subject property on December 23, 2019. Notice was also submitted to local media on December 23, 2019 and published in two successive weeks prior to this date.

Ms. Teague asked if there were any questions. Chairman Kidder asked Ms. Teague to clarify the address as Ridgewood Avenue or Ridgewood Drive. Ms. Teague stated Ridgewood Drive. Board Member Joshua Morgan questioned how the permitting process would be handled if after having a survey an issue was found such as the concrete pad was on the line or over the line. He stated the concern being making the decision before knowing the survey results and not knowing if it was encroaching. Ms. Teague explained that Development Services cannot issue a building

permit to anyone who is not in possession of the property and recommended that this is included in their action and Attorney Sneed could help the Board with the wording of such.

Chairman Kidder asked who owned the fence between this property and the Waynesville Middle School. Ms. Teague answered that it appeared to be primarily on the school property but Mr. Muse when he spoke may have the answer.

Chairman Kidder invited Mr. Muse to come forward and speak.

**Ron Muse
730 Woodfield Dr
Waynesville, NC 28786**

Mr. Muse stated that this area is ten foot away from the boundary and he can't patrol there, and it is a good hiding place. He described that there is a fence, but kids would crawl under the chain link fence and that is how the previous building got burnt down. He stated that he will go through the building inspections office for permitting. He also advised that he had pictures of the dumpster on the property of people dumping their trash and hanging out back there at 2:30 in the morning. He stated that the building that was there before since 1958 or 1959 and it worked well for all the years it was there. He stated he didn't feel like he would be creating anything new by placing another building there. He thanked the Board for listening and asked if they had any questions.

Chairman Kidder asked Mr. Muse why he wanted to build the building. Mr. Muse replied for storage of items such as lawnmowers and appliances. Mr. Kidder asked Mr. Muse what he used the building across the way for. Mr. Muse advised he felt he would be bringing his storage area back to where it used to be. Board Member Joshua Morgan asked Mr. Muse to clarify how putting another structure there would help in keeping down "riff-raff". Mr. Muse explained that he would be creating a 10 ft x 60 ft structure in a space where nobody could see what was going on. He stated that there would not be a hidden space anymore since he would be putting the building in it and filling it up. Chairman Kidder reiterated that there would be no hiding space because the building would be right up against the fence. Mr. Muse stated yes. Chairman Kidder asked Mr. Muse if he had any plans on repairing the drive coming into it and Mr. Muse replied no, because he did not want people coming in and he wanted them to slow down. He advised he would rather them park on Ridgewood. Chairman Kidder asked about a gate and Mr. Muse advised that this is the location that his dumpster fit, and his dumpster guy would not want to do a gate. Mr. Muse talked about putting up new signs for no trespassing and no dumping on the dumpster but felt like people would still take advantage once it was dark outside.

Chairman Kidder asked if there were anymore questions from the Board for Mr. Muse and there were none. He thanked the applicant, he asked staff if there were anymore questions. Ms. Teague asked Mr. Muse when he puts the building in where the dumpsters would go. Mr. Muse advised it might stay right where it is, they will try to work around it. Ms. Teague advised the Board that if the building is constructed, staff still asks that Mr. Muse consider that still must accommodate for his dumpster and it still has to have a pad. Mr. Muse may have to change the location of the dumpster due to the construction and the dumpster still has to be provided.

Board Member Joshua Morgan stated that there were two things he felt the Board was being asked to address with this variance the first being a variance to the physical location in regards to the property line and the 2nd to do a variance to the part of the Hazelwood Urban Residential District purpose and intent statement “non-residential uses supporting the community are permitted if contributing in scale, design and use to the area.” Mr. Morgan stated that that he already had something on the property that seemed like it was doing the same thing that he was wanting to do and so Mr. Morgan asked Mr. Muse to clarify how this variance was going to help if it’s a nonresidential use and how it was going to support that community with scale and design.

Vice-Chair Stephanie Strickland asked Mr. Muse if there were things he would store to sustain the apartments for example, appliances so if apartment number ones stove expires, would he store an extra stove in there. Mr. Muse stated occasionally he would store furniture for them. Ms. Strickland asked if it could be for residential as well then and Mr. Muse advised he goes through a lot of lawn mowers his own self. Chairman Kidder asked about the design of the building. Mr. Muse replied rectangle with a single, pitched roof, and that he hoped he had answered Mr. Morgan’s question. Mr. Morgan replied not really and that although he understood about storing mowers and weed eaters, he felt the Board was not only being asked to do a variance on the physical space but also a variance on the Residential district as well and he did not want to create a precedent. He advised this building would be a tight squeeze and with a pitched roof would possibly create a run-off issue. Mr. Muse advised he would put gutters on.

Chairman Kidder asked Mr. Muse if he had any further clarification for Board Member Morgan’s question. Ms. Teague reviewed the purpose and intent statement of the Hazelwood Urban Residential District, quoting: “Since it is convenient to shopping and employment, the goal for Hazelwood is to encourage infill development and the rehabilitation of existing structures in keeping with the residential scale and character of the existing neighborhood. Limited non-residential uses supporting the community are permitted if contributing in scale, design and use to the area.” She further stated that looking at those two sentences alone she felt that a storage building is there to support the residents and the property is consistent with this purpose and intent statement. Also, the fact that there used to be a storage building there and Mr. Muse is rehabilitating it or putting it back would also be consistent with this statement.

Chairman Kidder asked how much control staff had with the design of the building and Ms. Teague informed that in this case it is a very small footprint, it was not a very big building and with an accessory structure this size there was not design guidelines to impose on it. Planner Jesse Fowler scaled the building out as max 60 x 20 and Mr. Hickox advised that there would be a land development permit done as well and most of the questions related to land disturbance and floodplain on the form would be a “no”.

Vice-Chair Strickland stated that residents and middle school kids weren’t really going to pay attention and they were really the only ones who were going to be able to see it.

Chairman Kidder asked if there was anything else before closing the public hearing. Or any other questions of the applicant. There were none and Chairman Kidder closed the public hearing at 6:31 p.m.

Board Member George Escaravage stated that if the project complied with all building codes, he felt it was a good utilization for the existing footprint and he would support it.

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.
 - Yes, utility of this building in this residential development is significant enough that not to be allowed to have that building would be a hardship.
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.
 - The width of the driveway to the present location of the slab are some of the things being seen as topographical issues
 - Location with regards to the property line and conditions procured to 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.
 - No, there has been no evidence heard that Mr. Muse put that slab where it is, therefore, he did not cause this problem.
 - Setbacks were changed well after the building was built.
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.
 - Yes, it is consistent with the spirit, purpose and intent of the ordinance.
 - Public safety is one of the goals of the project and Substantial justice is achieved.

A motion was made by Board Member Stephanie Strickland, seconded by Board Member Joshua Morgan, to approve the request for a variance to Land Development Standards 2.4.1 Table of Dimensional Standards 4. Building Setback at 180 Ridgewood Drive, PIN 8615-05-4762. The motion passed unanimously (5-0).

C. ADJOURN

With no further business, a motion was made by Board Member Joshua Morgan, seconded by Board Member George Escaravage, to adjourn the meeting at 6:36 p.m. The motion passed unanimously (5-0).

Henry Kidder, Chairman

Chelle Baker, Administrative Assistant

Zoning Board of Adjustment Staff Report

Subject: Setback Variance, Land Development Standards Section 2.4.1 (4), on the property described as 166 Pinewood Drive
 Applicant: Terry Lee Hendrix, represented by Shawna Hendrix
 Meeting Date: February 5, 2020

Summary Information:

Application Date: January 10, 2020
 Proposed Location: 166 Pinewood Drive; PIN 8604-94-6149
 Property Owner: Terry Lee Hendrix
 Acreage of site: 2.56 acres
 Zoning District: Allens Creek Neighborhood Residential (AC-NR)
 Existing Development: Single Family Home with Accessory Dwelling and outbuildings

Background:

The subject property consists of two residential structures and accessory buildings. Property is within the extra-territorial jurisdiction of Waynesville and the Allens Creek Neighborhood Residential District.

The purpose and intent of this district as established by the Land Development Standards, Section 2.3.3(A) states:

The **Allens Creek Neighborhood District (AC-NR)** is a predominately residential neighborhood of mostly medium density development mixed with agricultural uses. Due to the linear nature of the neighborhood, Allen's Creek Road becomes the "center" of the community and as such, maintaining a "pedestrian-friendly" environment is important. As development occurs, such things as building houses closer to the street, requiring sidewalks and planter strips and allowing narrow lane widths for new streets will help to maintain the pedestrian scale in the area which has already been started. Traffic calming devices may be needed to aid with maintaining a low speed (especially with large trucks) along Allens Creek Road. Connections from within the district to the South Main Street Business District are important and should be made wherever possible. Efforts will be made to preserve existing farmland and restrict development on the steep slopes found in this district. The county soccer complex should be emphasized as a focal point of activity and community for this neighborhood.

The applicant would like to restore an existing building on its same footprint. Aerial data indicates that the structure has stood at its present location since at least 2004, but has not been occupied in over one year. The building sits near the right-of-way line for Pinewood Drive and encroaches into the minimum 10' front setback. Therefore it is a pre-existing non-conforming structure that has not been occupied in over one year. In accordance with LDS 13.5, a pre-existing nonconformity "shall be presumed discontinued when, ...the property, structure, or use has been vacant or completely inactive for 365 days." The variance would allow the structure to be rebuilt where it is, but the setback encroachment should be the minimum necessary and can not be expanded.

- The property and the building have existed for many years prior to Town regulations. The property is within the Town’s ETJ and became subject to Town Zoning laws when the Town extended its planning and zoning jurisdiction in 1993.
 - The 1992 plat of the NCDOT right-of-way indicates that the r-o-w line was established in 1992 and that the structure sits just outside of the r-o-w boundary and greater than 10’ from the edge of pavement.
- (4) That the variance is in harmony with the general purpose and intent of this chapter and preserves its spirit.
- As indicated above, the purpose and intent statement for this zoning district the rural nature of the district and seeks to promote development close to the street while promoting the eventual construction of sidewalks and connectivity. The structure is located close to the roadway but far enough from the edge of pavement to allow for construction of sidewalk should the Town or NCDOT ever determine to build one.
 - The granting of this variance will not change the nature of the existing lot, the density, or traffic pattern.
 - The granting of this variance will add value to the neighborhood by promoting the restoration of a building which is currently dilapidated and uninhabitable.
- (5) That the variance is the minimum necessary to afford relief.
- The variance is the minimum necessary to afford relief in order to restore the existing building on its current foundation.
- (6) That the public safety and welfare have been assured and substantial justice has been done.
- The variance to allow renovation will not change the setback condition as it currently is and has been since before the Town extended its ETJ into this area and its present location has not caused a public safety issue. The re-use of this building at its current location will not endanger the use of the roadway by the public.

Public Notice:

Notice of this Public Hearing was mailed to owners of property within 100 feet of the subject property and sent to the media on January 23, 2020. Property was posted with a notification sign.

Report For

HENDRIX, TERRY LEE
200 BRIDGET DRIVE
WAYNESVILLE, NC 28786

Account Information

PIN: 8604-94-6149

Legal Ref: 425/832

Add Ref: A03/828
470/1254

Site Information

DWELLING, DWELLING
Not Lived In, Not Lived In
166 PINEWOOD DR

Heated Area: 0

Year Built: 1930

Total Acreage: 2.56

Township: Waynesville

Site Value Information

Land Value: \$39,500

Building Value: \$9,700

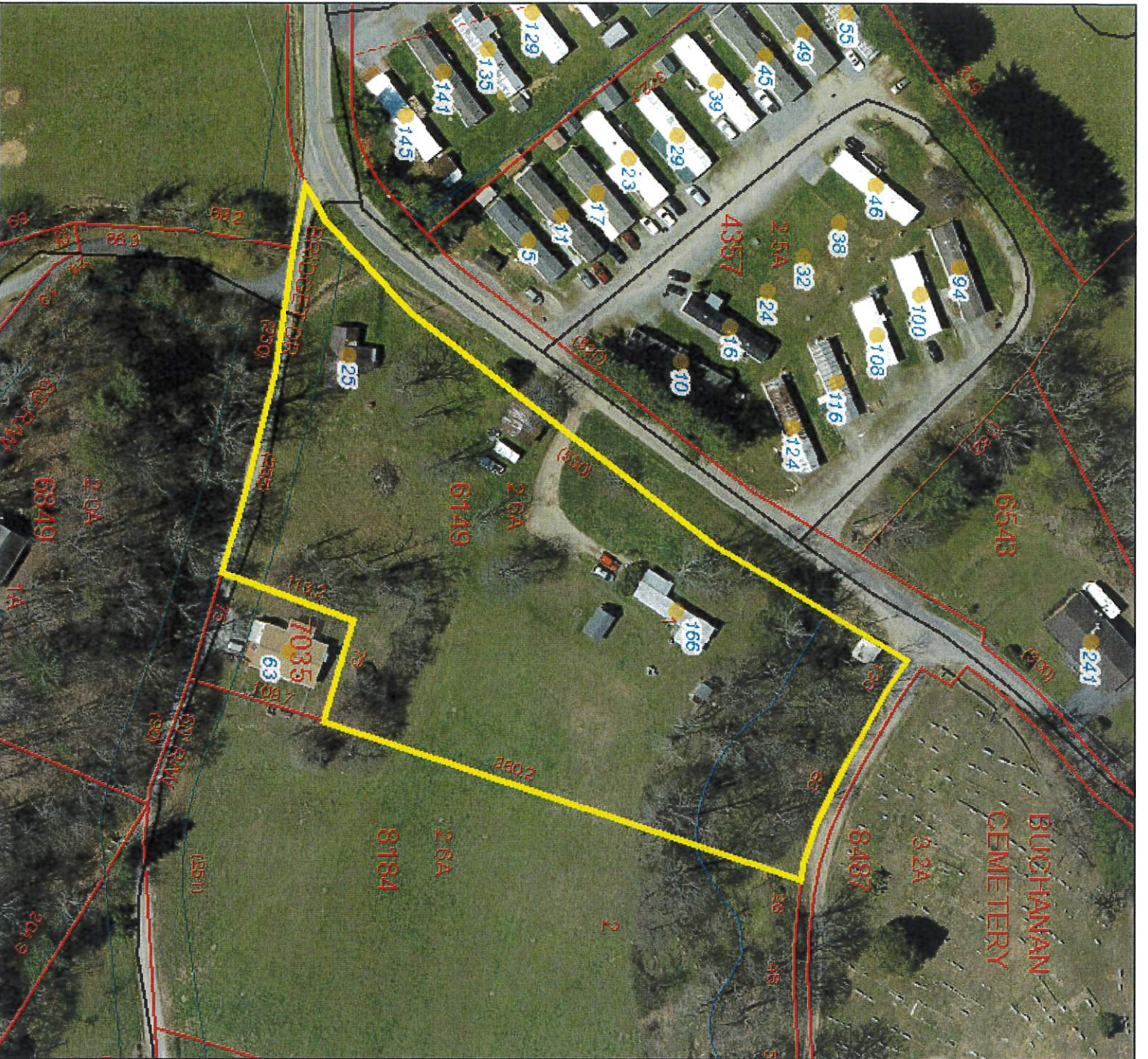
Market Value: \$49,200

Deferred Value: \$0

Assessed Value: \$49,200

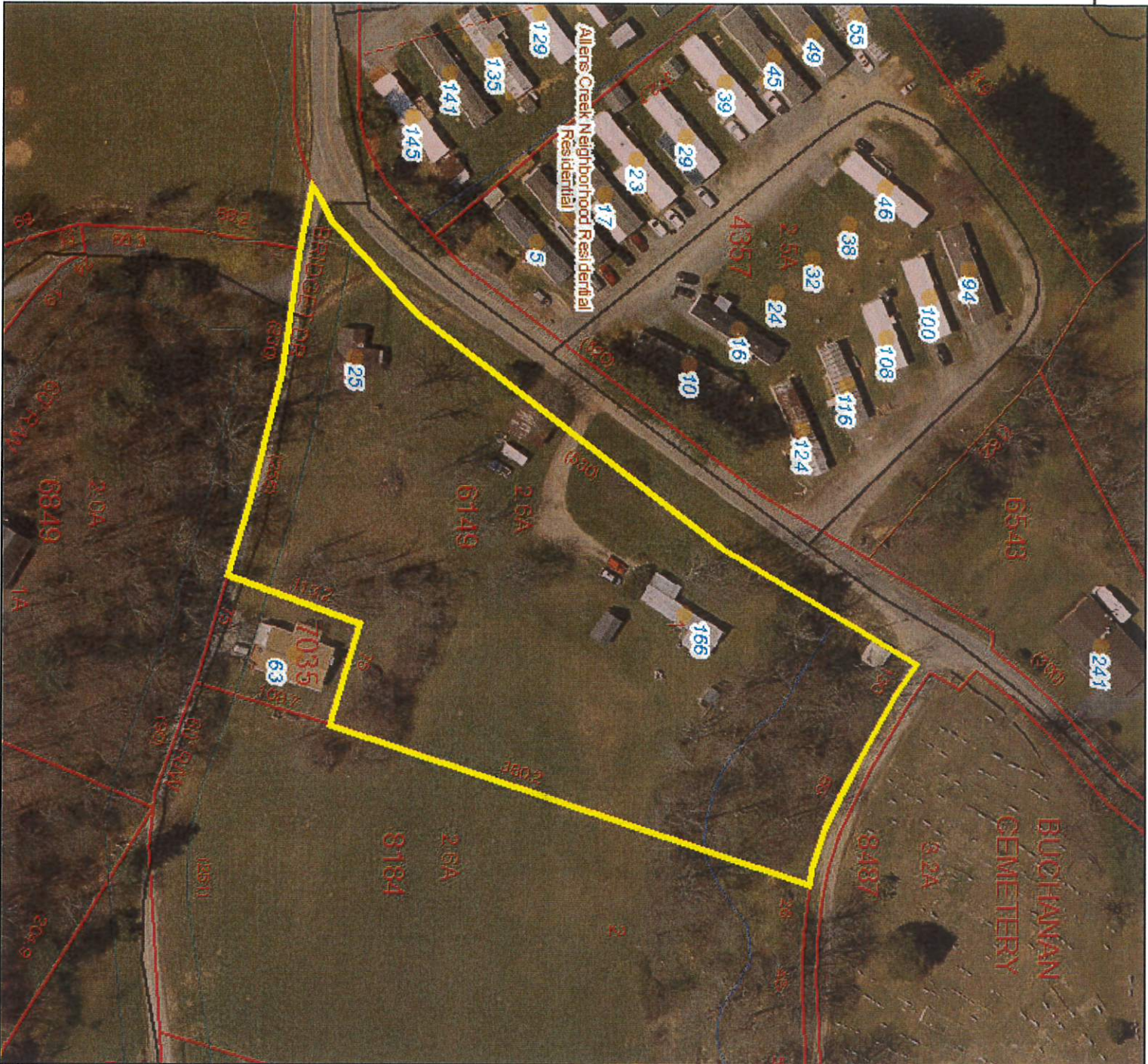
Sale Price: \$0

Sale Date: 04/07/1992



1 inch = 100 feet
January 23, 2020

Disclaimer: The maps on this site are not surveys. They are prepared from the inventory of real property found within the 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.



Report For

HENDRIX, TERRY LEE
 200 BRIDGET DRIVE
 WAYNESVILLE, NC 28786

Account Information

PIN: 8604-94-6149

Legal Ref: 425/832

Add Ref: A03/828
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Site Information

DWELLING, DWELLING
 Not Lived In, Not Lived In
 166 PINEWOOD DR

Heated Area: 0

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Total Acreage: 2.56

Township: Waynesville

Site Value Information

Land Value:

Building Value:

Market Value:

Defered Value:

Assessed Value:

Sale Price:

Sale Date: 04/07/1992



1 inch = 100 feet

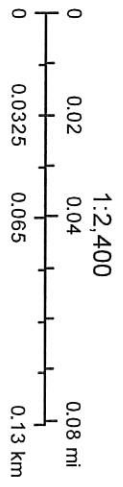
January 23, 2020

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166 Pinewood Area Map



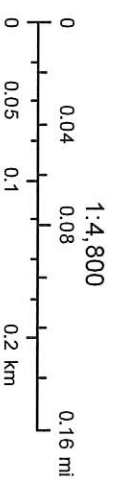
January 28, 2020



Haywood County 2004 aerial



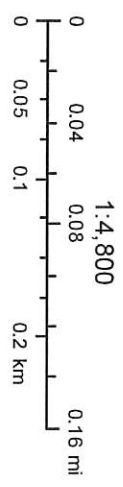
January 29, 2020



Haywood County 2019 aerial



January 29, 2020





Photos taken 1/27/20

Elizabeth Teague

From: Preston Gregg
Sent: Friday, January 24, 2020 9:53 AM
To: Elizabeth Teague; Jeff Stines; Christopher Snyder
Subject: RE: R-O-W encroachment question
Attachments: Pinewood Dr. Plat.pdf

Elizabeth,

Pinewood Dr. has a 45' R/W. This road was once inherited from NCDOT (see attached plat). Their request is acceptable from a streets R/W perspective. Thanks,

Preston

From: Elizabeth Teague <eteague@waynesvillenc.gov>
Sent: Thursday, January 23, 2020 5:49 PM
To: Preston Gregg <pgregg@waynesvillenc.gov>; Jeff Stines <jstines@waynesvillenc.gov>; Christopher Snyder <csnyder@waynesvillenc.gov>
Subject: R-O-W encroachment question

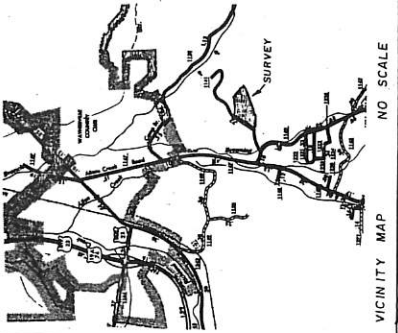
We have an application for a front yard setback variance request at 166 Pinewood, in which the property owners would like to rebuild an old structure in it's current location. The structure appears to be appr. 20' from the edge of pavement, but may just encroach into the r-o-w of Pinewood. Is there a way to verify the location of the r-o-w boundary via the Powell Bill Map or could someone from the streets division verify that it would be out of the public r-o-w?

ET

Elizabeth Teague, AICP, CTP, CFM | Development Services Director
Town of Waynesville, NC
9 S. Main Street | PO Box 100 | Waynesville, NC 28786
(o) 828.456.2004 | (f) 828.452.1492
eteague@waynesvillenc.gov | www.waynesvillenc.gov



C1092



- NOTES:
1. TOTAL AREA = 8.437 ACRES (BY D.M.B.)
 2. I.B.S. = IRON PIPE SET
 3. THIS SURVEY IS AN EXCEPTION TO THE GENERAL CONDITIONS OF SUBDIVISION.
 4. ALL ROADS ARE PRIVATE, EXCEPT N.C.S.R. 1141.

KENNETH R. MUSE
D.B. 235 PG. 690

ALLIE C. HENDRIX
D.B. 240 PG. 477 Tr. 1

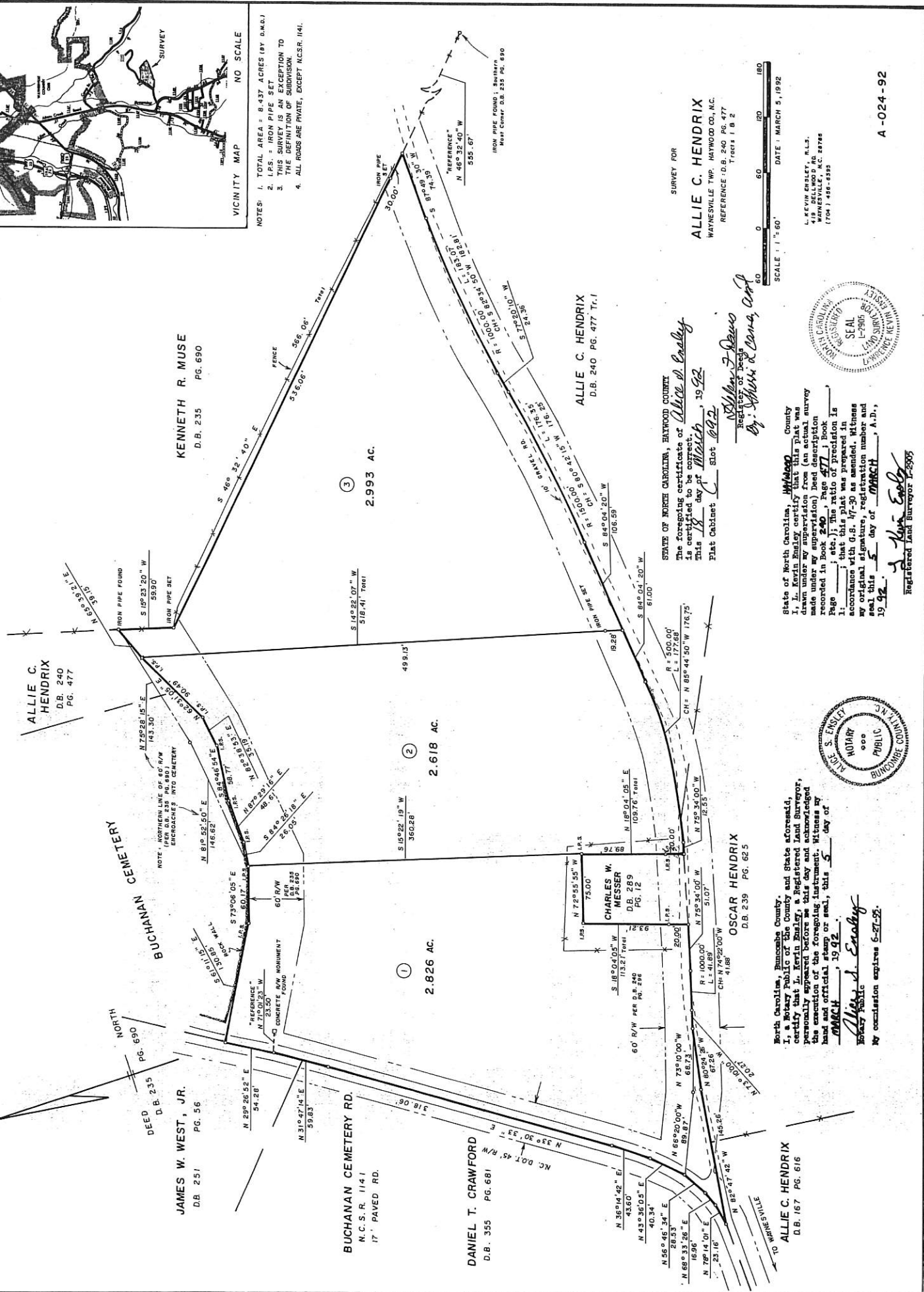
ALLIE C. HENDRIX
WAYNESVILLE TWP., HAYWOOD CO., N.C.
REFERENCE: D.B. 240 PG. 477
Traces I & 2

SCALE: 1" = 60'

DATE: MARCH 5, 1992

L. KEVIN ENLUBY, R.L.S.
118 W. HICKORY ST.
WAYNESVILLE, N.C. 28786
(704) 456-8595

A - 024 - 92



STATE OF NORTH CAROLINA, HAYWOOD COUNTY
The foregoing certificate or *Plat of Enluby*
is certified to be correct.
This 18 day of March, 1992
Flat Cabinet C Slot 1892
By: John J. Devo, Clerk
By: John & Sons, Clerk
REGISTERED CLERK

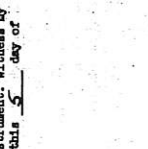
State of North Carolina, Waynesville County
I, L. Kevin Enluby, certify that this plat was
made under my supervision and that the same
is recorded in Book 240, Page 477 of my
Plat Book for said county. (This ratio of precision is
in accordance with G.S. 17-30 as amended. Witness
my original signature, registration number and
seal this 5 day of MARCH, A.D.,
19 92.)

L. Kevin Enluby
Registered Land Surveyor F-2895



North Carolina, Buncombe County.
I, a Notary Public of the County and State aforesaid,
personally appeared before me this day and acknowledged
the execution of the foregoing instrument. Witness my
hand and official seal, this 5 day of
MARCH, 1992.

L. Kevin Enluby
Notary Public
My commission expires 6-27-92.



BUCHANAN CEMETERY RD.
N.C.S.R. 1141
17' PAVED RD.

DANIEL T. CRAWFORD
D.B. 355 PG. 681

ALLIE C. HENDRIX
D.B. 167 PG. 616

OSCAR HENDRIX
D.B. 239 PG. 625

CHARLES W. MESSER
D.B. 289 PG. 12

JAMES W. WEST, JR.
D.B. 251 PG. 56

ALLIE C. HENDRIX
D.B. 240 PG. 477



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

Town of Waynesville Board of Adjustment NOTICE OF VARIANCE HEARING

January 23, 2020

The Town of Waynesville Zoning Board of Adjustment will hold a public hearing on **Wednesday, February 5, 2020 at 5:30 PM** in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC, to consider a variance to setback standards, Land Development Standards Section 2.4.1 on property known as 166 Pinewood Drive, PIN 8604-94-6149.

For more information please contact Elizabeth Teague or Byron Hickox at (828) 456-8647, or by mail at 9 South Main Street, Suite 110, Waynesville, NC 28786.

Elizabeth Teague
Development Services Director
Town of Waynesville

TERRY LEE HENDRIX
SHAWNA HENDRIX
200 BRIDGET DRIVE
WAYNESVILLE, NC 28786

BUCHANAN CEMETERY
120 BUCHANAN DR
WAYNESVILLE, NC 28786

PARTON, DONNA H
118 MARETTA LANE
WAYNESVILLE, NC 28786

MESSER, CHARLES WILLIAM
63 BRIDGET DR
WAYNESVILLE, NC 28786

GALEAZZI, HEATHER ROSEANNE
GALEAZZI, COLLEEN J
85 MAGELLAN DR
WAYNESVILLE, NC 28786-5528

ROBINSON, MICHAEL A
86 MAGELLAN DR
WAYNESVILLE, NC 28786

HART, MATTHEW JAMES
HART, ASHLEY BROOKE
124 BRIDGETT DR
WAYNESVILLE, NC 28786

BROWNING, CARROLL
36 MAGELLAN DR
WAYNESVILLE, NC 28786

MUSE, TROY E
191 WAYNEWOOD DR
WAYNESVILLE, NC 28786

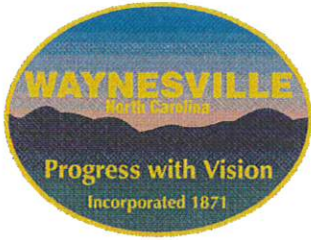
CRAWFORD, KATHEY B
PO BOX 17381
ASHEVILLE, NC 28816

BUCHANAN, EVELYN
MCCLURE, SAMUEL
55 PINWOOD DR
WAYNESVILLE, NC 28786

WEST, JAMES WALTER JR
WEST, WANDA
241 PINWOOD DR
WAYNESVILLE, NC 28786

166 Pinewood Posting





TOWN OF WAYNESVILLE

Development Services Department

PO Box 100

9 South Main Street

Waynesville, NC 28786

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

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Variance Request

Property Address/Location: 166 Pinewood Dr.

Property PIN: 8604-94-1049 Property Zoning District: Allen's Creek Residential

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

Signature of property owner of record: _____ Date: _____

*Applicant Name: Shawna Hendrix Applicant Phone #: 828-456-9581

Applicant Address: 200 Bridget dr Waynesville NC 28786
Application must be filed by the owner of the property or by an agent specifically authorized by the owner.

I, _____, 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: Dimensional Standards for Neighborhood Residential

Ordinance requirement from which relief is sought: Building Setback (Min)
Principal front from 10 ft to 0 ft

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

Interested in restoring old building
on original foot print.

Applicant Signature: [Signature] Date: 1-10-20

**AUTHORIZATION FOR AGENT TO
APPEAR BEFORE WAYNESVILLE PLANNING BOARD OR
ZONING BOARD OF ADJUSTMENT**

The undersigned Owner or Party with a contract or option to purchase that real property located at 166 Pinewood Dr. in Waynesville or the ETJ area of Waynesville, North Carolina, has submitted an application which is to be heard in a quasi-judicial or legislative proceeding by the Planning Board of Waynesville, North Carolina. I hereby authorize the following named individual to present my application and case, as my agent at such hearing.

Name of Authorized Agent: Shawna Hendrix

Title and Company: _____

Address: 200 Bridget dr. Waynesville NC 28786

Phone and email: 828-456-9581 banandrix86@gmail.com

This authorization shall be good through the completion of the project for which the zoning text or map amendment, special use permit, subdivision, variance or appeal, or other Town approval is requested, or until revoked in writing. The Town of Waynesville may rely on this authorization until it is given notice of the revocation of this authorization or of a change of property ownership takes place.

This the 10 day of JANUARY, 2018. 2020

[Signature]
Owner or Party with Contractual Interest in Property

Rhonda L Earley
4-19-2020

RHONDA L EARLEY
Notary Public
North Carolina
Haywood County

TRANSFER MADE ON TAX RECORD
DATE 4/8/92 BY SED

Excise tax - \$ -0-

3636

This instrument prepared (BUT TITLE NOT CHECKED OR CERTIFIED) by Timothy L. Finger, Attorney

Mail after recording to Timothy L. Finger, 273 N. Main Street, Waynesville, NC 28786

Grantee's mailing address: 122 Buchanan Cemetary Road Waynesville, NC 28786

NORTH CAROLINA
HAYWOOD COUNTY

THIS DEED, made this the 26th day of March, 1992, by and between ALLIE C. HENDRIX (widowed and unremarried), Grantor, to TERRY LEE HENDRIX, Grantee;

W I T N E S S E T H:

THAT GRANTOR, for a valuable consideration paid by Grantee, the receipt of which is hereby acknowledged, has bargained and sold, and by these presents does bargain, sell and convey unto Grantee, its heirs and assigns, a tract or parcel of land in the County of Haywood and State of North Carolina, in Waynesville Township, and more particularly described as follows:

BEING tract no. 1, containing 2.826 acres, of the property division designated "Allie C. Hendrix", as is more particularly set forth on plat of survey by L. Kevin Ensley, R.L.S., dated March 5, 1992 (drawing no. A-024-92), said plat of record in plat cabinet "C", slot 692, Haywood County Registry, and TOGETHER WITH, SUBJECT TO and INCLUDING, to the extent Grantor may convey the same and to the extent same affect the property described herein, the joint use of the roadways and rights of way set forth thereon for purposes of ingress, egress and all utilities purposes.

BEING a portion of the property described in deed dated April 22, 1970, from Nella Cunningham (widow) to Swann Hendrix (deceased) and wife, Allie C. Hendrix (Deed Book 240, page 477, Haywood County Registry).

TO HAVE AND TO HOLD the aforesaid tract or parcel of land and all privileges and appurtenances thereunto belonging to Grantee and its heirs and assigns forever.

AND Grantor does covenant that it is seized of said premises in fee and has the right to convey the same in fee simple; that the same are free from encumbrances (except for the exception(s) set forth herein and rights of way, easements and restrictions of

TIMOTHY L. FINGER
ATTORNEY AT LAW
SUITE 3
THE PROFESSIONAL BLDG.
273 NORTH MAIN STREET
WAYNEVILLE, NC 28786

record, if any); and that it will warrant and defend the said title to the same against the lawful claims of all persons whatsoever.

IN TESTIMONY WHEREOF, Grantor has hereunto set its hand and seal the day and year first above written.

Allie C Hendrix (SEAL)
ALLIE C. HENDRIX

NORTH CAROLINA
HAYWOOD COUNTY

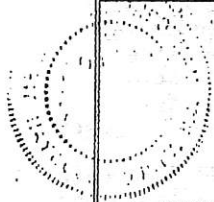
I, a Notary Public of the County and State aforesaid, do hereby certify that ALLIE C. HENDRIX (widowed and unremarried) personally appeared before me this day and duly acknowledged the execution of the foregoing instrument.

Witness my hand and official seal, this the 6 day of April, 1992.

Melissa Higginbotham
Notary Public

My Commission Expires:

5-27-96



Melissa Higginbotham
REGISTER OF DEEDS
HAYWOOD CO. N.C.

REGISTERED
BOOK 425 PAGE 832
52 APR - 8 AM 10:11

STATE OF NORTH CAROLINA, HAYWOOD COUNTY

The foregoing certificate of Melissa Higginbotham is certified to be correct.
This 18 day of April, 1992, Book 425 Page 832.
Heleen F. Davis
Register of Deeds
HELEN F. DAVIS

TIMOTHY L. FINGER
ATTORNEY AT LAW
SUITE 2
THE PROFESSIONAL BLDG.
278 NORTH MAIN STREET
WAYNEVILLE, NC 28786