

TOWN OF WAYNESVILLE Zoning Board of Adjustment

9 South Main Street,
Suite 110
Waynesville, NC 28786
Phone (828) 456-8647 • Fax (828) 452-1492
www.waynesvillenc.gov

Board Members:

Edward Moore – Vice Chair
John Mason
Sam Hyde
Jan Grossman
Mary Ford
Carly Pugh (Alternate)
Jessi Stone (Alternate)

Development Services Director

Elizabeth Teague

Assistant Development Services Director

Olga Grooman

TOWN OF WAYNESVILLE ZONING BOARD OF ADJUSTMENT REGULAR MEETING

Town Hall – 9 South Main Street, Waynesville, NC 28786
Tuesday, October 7, 2025, 5:30 PM

A. CALL TO ORDER:

1. Welcome/Announcements/Introductions
2. Adoption of Minutes (as presented or amended) from the August 5th, 2025, Regular Meeting.

B. BUSINESS ITEMS:

1. Variance request for the side yard setbacks between the properties at 253 Boyd Avenue (PIN 8615-06-9335) and 259 Boyd Avenue (PIN 8615-06-8366) in Waynesville, NC 28786.

C. ADJOURN.



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

Board Members

Joshua Morgan, Chairman
Edward Moore, Vice Chairman
Sam Hyde
Henry Kidder
John Mason
Carly Pugh-Alternate
Jan Grossman-Alternate

Development Services

Director
Elizabeth Teague

Assistant Development

Services Director
Olga Grooman

MINUTES OF THE TOWN OF WAYNESVILLE ZONING BOARD OF ADJUSTMENT

Regular Meeting

Town Hall – 9 South Main St., Waynesville, NC 28786

Tuesday, August 5th, 2025

THE TOWN OF WAYNESVILLE ZONING BOARD OF ADJUSTMENT held a Regular Meeting on Tuesday August 5th, 2025, at 5:30 p.m., in the Town Hall Board Room at 9 South Main Street, Waynesville, NC 28786.

A. CALL TO ORDER

1. Welcome/Calendar/Announcements

The following members were present:

Joshua Morgan, Chair
Edward Moore, Vice Chair
Henry Kidder
John Mason
Sam Hyde

The following alternate members who sat in the audience:

Jan Grossman
Carly Pugh

The following staff were present:

Olga Grooman, Assistant Development Services Director
Alex Mumby, Land Use Administrator
Esther Coulter, Administrative Assistant
Ron Sneed, Board's Attorney

The applicant and their witnesses were present:

Michael Sandifer, with Vogue Towers, LLC
David Adams, Police Chief
Tyler Howell, President of the Waynesville Police Association

Zoning Board of Adjustment Minutes

Regular Meeting

August 5th, 2025

Chairman Joshua Morgan welcomed everyone and called the meeting to order at 5:30 p.m.

Mr. Morgan asked Assistant Development Services Director Olga Grooman if there were any announcements. Ms. Grooman stated there were not any announcements at this time.

Chairman Joshua Morgan asked for a motion to approve the May 6th, 2025, minutes.

A motion was made by Vice Chair Edward Moore, seconded by Board Member Sam Hyde, to approve the May 6th, 2025, minutes. The motion carried unanimously.

Chairman Joshua Morgan informed the audience that the board needed to elect a Chair and Vice Chair. He proceeded to ask for nominations.

Board Member Sam Hyde nominated Joshua Morgan to be Chairman, seconded by Board member Henry Kidder. The board voted unanimously for Joshua Morgan to be the Chairman of the Zoning Board of Adjustment.

Chairman Joshua Morgan nominated Edward Moore for Vice Chairman, seconded by Board member Henry Kidder. The board voted unanimously for Edward Moore to be the Vice Chairman of the Zoning Board of Adjustment.

Chairman Joshua Morgan read through the process and procedures for the quasi-judicial hearing.

Attorney Ron Sneed explained the criteria for having standing in the case emphasized the importance of expert testimony.

B. BUSINESS:

Two (2) variance requests related to the proposed placement of a monopole wireless communications tower at 311 Happy Hill Road in Waynesville, NC (PIN 8616-54-8639):

- 1. Variance to allow the tower to be located on the property owned by the Waynesville Police Association, Land Development Standards (LDS) Section 3.10.4.B.1.*

Assistant Development Services Director Olga Grooman presented her staff report and stated that the property is owned by the Waynesville Police Association. The proposed 180-foot monopole wireless communications tower would be located at 311 Happy Hill Road in Waynesville. (PIN 8616-54-8639). Vogue Towers is partnering with Verizon Wireless on the project, and the proposed facility has a potential to accommodate multiple providers, including emergency services. The wireless communications towers may only be located above an elevation of three thousand five hundred (3,500) feet or on property owned by the Town of Waynesville or Haywood County. The applicant stated that they were not able to find suitable alternatives among the properties at elevations above 3,500 ft and are seeking the variance from this provision.

Ms. Grooman provided the following comments regarding the criteria for the findings of facts that the Zoning Board of Adjustment must consider in order to approve, approve with conditions, or deny the variance request:

- 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.**

The applicant states that the LDS provision related to specific ownership of the property “creates an unattainable condition or physical ban to large portions of the Town, greatly limiting the opportunity to locate and develop solutions to improve wireless communication services as property is not available within a reasonable geographic area.” The applicant also states after the Town-owned property search was exhausted, the “applicant searched for parcels meeting the 3,500’ minimum ground elevation but could not identify any such property meeting that minimum ground level within ½ mile in any direction of the proposed parcel”. The applicant contends that “the proposed facility is needed to improve wireless service quality in the area.”

- 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.**

The applicant was unable to find a suitable property that met their needs for the tower which was either above 3,500 ft or which was owned by the Town or County. This property meets their criteria for siting a tower for needed and effective expansion of service, and it has flat space available to accommodate the tower, even though it is a site that has some steep terrain.

- 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.**

The applicant provides the following argument: “The hardships exist in attempting to comply with the ordinance as well as physical property limitations and existing uses on the property.” The applicant “attempted to comply with the ordinance, first seeking Town owned property as required, and then seeking alternative properties...” The location of the tower in this area is necessary for improved service, and the applicant attempted to find property that met the ordinance criteria within the target area for a tower but was un-successful.

- 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.**

The proposed tower is part of critical infrastructure that is essential for public safety operations. The applicant stated that the proposed multi-provider wireless communications facility will improve wireless service and safety in the area for residents as well as EMS and first responders. Quality wireless service is a part of the critical infrastructure necessary for public safety in emergency situations, such as accidents, crimes, health incidents, and natural disasters.

2. *A setback variance to reduce the distance from the southern property line, LDS Section 3.10.4.B.5.*

Ms. Grooman stated that the subject property has a steep topography with elevations ranging between 2,650 to 2,795 ft. The proposed placement of the tower- slightly west of center of the lot- is in a flat area of the site. To the north, the site is adjacent to the Dellwood Residential Medium Density (D-RM) zoning district. The proposed 180-ft tower would be surrounded by residentially zoned properties, therefore, the required setback is 180 ft from all property lines. The applicant is seeking to reduce the required setback from the southern property line from 180 feet to 74 feet, 6 in, a setback reduction variance of 105 ft, 6 inches.

Ms. Grooman provided the following comments regarding the criteria for the findings of facts that the Zoning Board of Adjustment must consider in order to approve, approve with conditions, or deny the variance request:

- 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.**

The applicant proposes a 180-ft self-supporting monopole tower with a reduced fall zone and argues that the required setback unnecessarily restricts the use of the land. The engineering documentation shows that "the tower will be designed such that the top 40% will collapse over onto itself in the event of a catastrophic failure," reducing the fall radius. The fall zone remains fully within the parcel boundaries meeting the spirit of the ordinance.

- 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.**

The applicant explains, "the property is mostly atop a knoll with steep terrain on multiple sides limiting the use of the property. The location and size of existing uses, including the existing Duke Energy transmission lines and associated 50-ft wide easement across the property, existing multi-use building, existing access drive/road, and existing firing range utilized by the Town, greatly limit available locations within the parcel to comply with this minimum setback requirement."

- 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.**

The property has physical limitations and existing uses that constrain the placement of the tower. "The setback hardship exists in locating the facility on the property to best support the property owner's use, as well as providing sufficient distances from other existing structures on the property. And, as noted above, the engineered fall zone for this proposed facility will be contained within the subject parcel, not endangering any surrounding properties."

- 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.**

The proposed tower facility will be unmanned, located within a secured, fenced compound, and visited periodically by a technician. The applicant emphasizes the growing need for additional wireless infrastructure in the area and provides the following statistics highlighting the growing reliance on wireless communications, including for public safety:

- “240 million 911-calls are made annually. In many areas, 80% or more are from wireless devices.” National Emergency Number Association, 9-1-1 Statistics (January 7, 2019)
- “The average North American smartphone user will consume 48 GB of data per month in 2023, up from just 5.2 GB per month in 2016 and 7.1 GB per month in 2017.” Ericsson Mobility Report, November 2017.
- “More than one-half of American homes had wireless only homes.” CDC’s 2018 Wireless Substitution: Early Release of Estimates from the National Health Interview Survey, January-July, 2018.
- “In North America, the average household has 13 connected devices with smartphones outnumbering tablets 6 to 1.” IHS Market Connected Device Market Monitor: Q1 2016 , June 7, 2016.

Items Entered into Evidence:

- Staff Report
- LDS Sections 3.10.4.B.1 and 3.10.4.B.5
- Maps: property, zoning, ETJ, street view
- Application materials with payment
- Articles of Incorporation for the Waynesville Police Department Association, Inc.
- Public notices
- Town of Waynesville LDS, NC Building and Fire Codes, and NC GS 160D by reference.

Applicant:

Michael Sandifer, with Vogue Towers, gave his presentation referring to what Ms. Grooman had presented. Mr. Sandifer gave statistics of cell calls and emergency calls over a period of time showing the need for another tower.

Public Comment:

- **Marie Ingle** expressed concern with health issues from radio frequency, increase in cancer, biochemical changes, noise pollution from existing gun range, metal contamination, and traffic impact.
- **Bill Duckett** expressed concerns with building setbacks to his property and wanted to know if back in the 1950’s the site was a landfill area. He also wanted to see the design of the proposed tower.
- **Patsy Cook** expressed concerns for the nearby homeowners, specifically her children and grandchildren who could potentially build a home on her property. She said people don’t want

to build a home and have a tower in their back yard. Ms. Cook also added that gun noises are very disruptive.

- **Dustin Mull** expressed concerns with health issues related to radiation, cancer, headache, sleepiness, cognitive disabilities, and fertility issues. He was also concerned about mudslides, tower falling, and the conflict between interests of the community and the financial profits from leasing space for the tower.

Mr. Morgan asked the Applicant to answer some questions and inquired whether the design of the tower included lighting.

Mr. Sandifer explained that they follow an FAA process, and anything under 200 ft does not require lighting. He also commented that every site goes through an environmental assessment, and they also test the quality of the dirt before foundation is constructed.

Mr. Morgan asked for a motion to close the public hearing.

A motion was made by Board member Sam Hyde, seconded by Board member Edward Moore to close the public hearing at 7:02 p.m.

The board deliberated on each variance separately.

Board Member Henry Kidder made a motion to approve the first variance for the location of the tower, with the hardships listed as accurate. The motion was seconded by Board Member John Mason. The motion passed unanimously.

Board Member John Mason made a motion to approve the second variance for the setback from the property line, with the hardships listed as accurate. The motion was seconded by Vice Chairman Edward Moore. The motion passed unanimously.

Chairman Morgan mentioned that the Planning Board will hold a public hearing on this project on August 18th, 2025.

C. AJOURN

Chairman Joshua Morgan adjourned the meeting at 7:15 p.m.

Joshua Morgan, Chairman

Esther Coulter, Administrative Assistant

Zoning Board of Adjustment Staff Report

Summary Information:

Meeting Date: October 7, 2025
Subject: Two (2) variance requests:

- Variance requests to the side yard setbacks between the properties at 253 Boyd Avenue (PIN 8615-06-9335) and 259 Boyd Avenue (PIN 8615-06-8366), resulting from the repositioning of the shared side property line of the two lots.

Subject Properties: 253 Boyd Avenue (PIN 8615-06-9335) and 259 Boyd Avenue (PIN 8615-06-8366) in Waynesville, NC
Acreage: 253 Boyd Avenue- 0.18 ac; 259 Boyd Avenue- 0.4 ac
Zoning District: Main Street Neighborhood Residential (MS-NR)
Existing Development: Single-family dwelling on each lot
Applicant: Erin Boyd
Property Owner: Waynesville Properties, LLC
Application Date: September 18, 2025
Staff: Olga Grooman, Assistant Development Services Director

Background:

The variance requests pertain to two (2) properties: 253 Boyd Avenue and 259 Boyd Avenue. Both are owned by Waynesville Properties, LLC- a Boyd family entity. Mr. Reese Boyd is one of the owners within the LLC. His daughter, Erin Boyd, is in the process of financing 253 Boyd Avenue in order to purchase the property from her family and transfer ownership in her name. As a part of this process, the properties are being removed from the LLC and placed into individual ownership, with 259 Boyd Avenue being deeded to Mr. Reese Boyd, and 253 Boyd Avenue being deeded to Ms. Erin Boyd.

However, The existing side property line between the two lots runs through the part of the house at 253 Boyd Avenue, specifically through the laundry room/garage. In order for Erin to obtain financing, the bank requires clear property lines that do not cross any structures. Erin currently resides at 253 Boyd Avenue.

The applicants propose to redraw the shared property line, as indicated on the attached survey. This adjustment will resolve the encroachment on the structure, but will also create a side-yard setback nonconformity on both lots. Both properties are located within the Main Street Neighborhood Residential (MS-NR) zoning district. Per LDS 2.4.1, the setbacks for MS-NR are as follows:

- Front- 10 ft
- **Side setback from adjacent lot- 10 ft** (requested variances)
- Rear 6 ft
- Street side/secondary frontage- 5 ft
- Setback between buildings is 6 ft

The new property line will be located midway between the two houses. At the closest point, each house would be 2.9 ft from the property line, which is below the required side setback of 10 ft. At other points, the distance between each house and the new property line varies, ranging from approximately 8 to 12 ft. All other property lines will remain as they currently are.

Both properties are flat and are not in the floodplain. The proposed readjustment of the side property line will bring both lots into better compliance with zoning regulations and enable financing, and is drawn in the only way which can split the distance and maximize the side-yard setback for both lots.

Surrounding Land Use / Zoning Patterns:

Both subject properties are owned by the applicant's family -- Waynesville Properties LLC. They are located at the intersection of Boyd Avenue and Richland Street, within the residential area and approximately 550 ft (0.1 mile) from Waynesville Middle School, which is located to the southwest of the subject properties. Both lots are surrounded by several vacant properties to the south and northwest, as well as similarly sized lots with single-family residences to the northeast, east, and west.

Both properties, as well as all abutting properties, are within Main Street Neighborhood Residential (MS-NR) zoning district. Per LDS 2.3.3, the district is intended to be "a walkable, in-town neighborhood separating two business districts — the Central Business District and the South Main Street Business District. In addition to the convenient location, the public library, Central Elementary School and many larger, older homes are among the amenities that make this area attractive for residential living. Future development should ... attract ongoing residential use of this district. ..."

The repositioning of the side lot line does not change the use or character of the subject properties. In fact, it brings existing structures into better compliance with current zoning regulations because the new side property line will no longer encroach onto any structure. Both lots will also continue to remain compliant with dimensional standards of the MS-NR district for minimum lot size, width, and minimum pervious surface of 10%.

Proposed Variance:

The requested variances would allow the side property line between the two lots to be relocated so that it no longer crosses any existing buildings. While this change will create a side setback nonconformity for both lots, it will result in improved overall compliance in aligning the property line with existing conditions. Staff offers the following comments regarding the findings that must be considered by the Zoning Board of Adjustment (*LDS 15.13, NC GS 160D-705(d)*):

- 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.**

The existing side lot line currently crosses through the attached laundry room and garage of the house at 253 Boyd Avenue, where the applicant, Ms. Boyd, lives. The encroachment must be resolved in order for Ms. Boyd to buy the property from her family through a bank. In the application materials, she states that the "Properties are being sold, and clear property is needed. It will be removed from LLC and stay in family."

- 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.**

Haywood County GIS records indicate that the house at 253 Boyd Avenue was constructed in 1910, and the house at 259 Boyd Avenue was constructed in 1896. Both homes are located on long-held family land, and the current owners do not have knowledge of how the existing side lot line was created. In the application, Ms. Boyd notes that “The houses 253 and 259 are both owned by our family and were originally owned by my great-great aunt and her husband, assuming the lot lines didn’t matter when 253 was built, and it crossed the line of 259.”

- 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.**

As previously explained, the lot line is pre-existing and did not result from any actions taken by the applicant. In the application materials, Ms. Boys explains, “When we bought 259 (2016?), we paid cash, and since we already owned 253, the lot lines didn’t matter to us.”

The property at 259 Boyd Avenue is owned by Ms. Boyd’s father – Mr. Reese Boyd. Now that the family is dividing ownership of the two properties, the bank requires that the side property line be cleared and does not cross through any structures.

- 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.**

The properties will remain within the same family, but they will be removed from the LLC transferred into the names of individual family members. Also, the repositioning of the side property line will help the properties with any future financing needs that may arise.

Additional Comments:

No change in permitted uses may be authorized by variance and this variance will not change the use of the properties. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance (*LDS 15.13*).

Public Notice:

Staff provided notice of this public hearing by posting both subject properties and mailing the notice to the adjacent property owners within 100 ft on 09/19/2025. The hearing was advertised in the *Mountaineer* newspaper for two (2) consecutive weeks on 09/24/2025 and 10/01/2025. The notice was also submitted on the local media on 09/24/2025.

Items Entered as Evidence:

- Staff report
- Application materials with payment
- Property maps
- Street view images
- Public Notices
- Town of Waynesville Land Development Standards by reference



TOWN OF WAYNESVILLE

Development Services Department

9 South Main Street, Suite 110

Waynesville, NC 28786

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

www.waynesvillenc.gov

Variance Application

Property Address / Location: 253 Boyd Ave.

253 - Property PIN: 8615-06-9335 Parcel Size (ac): .18 / 259 8615-06-8366
.364

Property Zoning District: CENTRAL School Historic Property or District: _____

Flood Zone: NO Elevation of the property is at 2,900 ft or more (circle): Yes ☐ No ☒

Applicant

Application must be completed by the property owner or by an agent specifically authorized by the owner. If the applicant is an agent, the Agent Authorization Form (attached) must also be completed.

Printed Name of Applicant: Erin Boyd

Applicant's Phone #: 828.400.9119 Applicant's Email: eeboyd@bellsouth.net

Applicant's Address: 253 Boyd Ave., Waynesville NC, 28786

I, Erin Boyd, hereby petition the Board of Adjustment for a variance from the provisions of the Town of Waynesville Land Development Standards for this property as described below.

Applicable Ordinance Section: _____

Ordinance requirement from which relief is sought: LDS 2.4.1

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

At least 50' street front for 253 & a clean
line around the property including a
driveway variance for 259.

By signature below, I hereby acknowledge my understanding that this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Zoning Board of Adjustment, except through sworn testimony at the public hearing.

Applicant's Signature: [Signature] Date: 9/18/25

Property Owner (if different than applicant)

Printed Name of Property Owner: Reese Boyd (Waynesville Properties, LLC)

Owner's Phone #: 828.421.4419 Owner's Email: _____

Owner's Address: 117 Secret Hollow Ln., Waynesville, NC 28786

I, Reese Boyd, hereby petition the Board of Adjustment for a variance from the provisions of the Town of Waynesville Land Development Standards for this property as described below.

Applicable Ordinance Section: _____

Ordinance requirement from which relief is sought: _____

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

CURRENT PROPERTY LINE BETWEEN 253 BOYD AVE. AND 259 BOYD AVE ENCROACHES ON CORNER OF BUILDING ON 253 BOYD AVE. PROPERTIES ARE BEING SOLD AND CLEAR PROPERTY IS NEEDED. IT WILL BE REMOVED FROM LLC AND STAY IN FAMILY.

By signature below, I hereby acknowledge my understanding that this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the Zoning Board of Adjustment, except through sworn testimony at the public hearing.

Owner's Signature: Reese Boyd Date: 9-15-2025
WAYNESVILLE PROPERTIES LLC

In the following spaces, indicate **FACTS** that demonstrate to the Board of Adjustment you meet all the standards for granting a variance (use additional sheets, if necessary):

1. 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.

Unfortunately my ⁽²⁵³⁾ laundry room & garage exist over the line of 259. so allowing this variance would help reperate the two plots for any future endeavors.

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 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.

The houses 253 & 259 are both owned by our family & were originally owned by my great-great aunt & her husband, assuming the lines didn't matter when 253 was built & it crossed the line of 259.

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 is not a self-created hardship.

When we bought 259 (2016?) we paid cash and since we already owned 253 the property lines didn't matter to us. Now that we are dividing some of the properties the bank would like clear lines.

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.

Since the properties are in our same family & being removed from the LLC & put in our individual names having clear properties lines will only help in the future.

Standards of Review for Variances

1. General Variance Requests: The Board of Adjustment shall not grant a variance unless and until it makes all of the following findings:

- 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.

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.

2. Floodplain Development Regulation Variance Requests:

- a) Variances from the standards set forth in this ordinance for flood damage prevention may be granted. The town must notify the North Carolina Secretary of Crime Control and Public Safety at least thirty (30) days prior to granting the variance.
- b) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result or when the variance will make the structure in violation of other federal, state or local laws.
- c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- d) Variances shall only be issued upon: a showing of good and sufficient cause; a determination that failure to grant the variance would result in exceptional hardship; and, a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
- e) In passing upon variances, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter and:
 - The danger that material may be swept onto other lands to the injury of others.
 - The danger to life and property due to flooding or erosion damage.
 - The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - The importance of the services provided by the proposed facility to the community.
 - The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
 - The compatibility of the proposed use with existing and anticipated development.
 - The relationship of the proposed use to the land development plan and flood damage prevention program for that area.
 - Safety of access to the property in times of flood for ordinary and emergency vehicles.
 - The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.

- The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

3. Additional Conditions:

In granting any variance, the Board of Adjustment may attach such conditions to the approval as it deems necessary and appropriate to satisfy the purposes and objectives of this ordinance. The board may also attach conditions in order to reduce or minimize any injurious effect of such variance upon other property in the neighborhood and to ensure compliance with other terms of this chapter.

4. Notification Requirements:

Planning Staff will provide written notice of the hearing to all property owners within one hundred (100) feet of the subject property. Staff will also:

- Publish a notice in a newspaper of general circulation in the Town once a week for two (2) consecutive weeks;
- Prominently post a notice on the subject property or on an adjacent public street or highway right-of-way; and
- Distribute a notice to local media contacts.

Additional notification requirements may apply.

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

The undersigned Owner or Party with a contract or option to purchase that real property located at 253 Boyd Ave. in Waynesville or the ETJ area of Waynesville, North Carolina, has submitted an application which is to be heard in a proceeding by Board(s) of the Town of Waynesville, North Carolina. I hereby authorize the following named individual to present my application and case, as my agent at such hearings.

Name of Authorized Agent: Erin Boyd

Title and Company: _____

Address: 117 Secret Hollow Ln., Waynesville, NC 28786

Phone and email: 828.400.9119 ee.boyd@bellsouth.net

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 15th day of September, 2025.

Owner or Party with Contractual Interest in Property:

Reese Boyd

Address and phone number:

117 Secret Hollow Ln.
Waynesville, NC 28786
828.421.4419

CERTIFICATE OF APPROVAL FOR RECORDING PLAT AND ACCEPTANCE OF DEDICATION

I, _____, the Town Clerk of the Town of Waynesville, North Carolina, do hereby certify that on the _____ day of _____, 20____, the Board of Aldermen of the Town of Waynesville approved this plat for recording and where applicable, accepted the dedication of the streets, easements, rights - of - way and public parks, and other sites for public purposes as shown hereon, but assumes no responsibility to open or maintain same until, in the opinion of the Board of Aldermen of the Town of Waynesville it is in the public interest to do so.

Date _____ Town Clerk _____

CERTIFICATE OF OWNERSHIP AND DEDICATION

We do hereby certify that we are the owners of the property shown and described hereon, and that we hereby accept this plat of subdivision with our free consent, establish minimum building lines, and dedicate all streets, easements, water lines, ditches, ponds, and other sites to public or private use as noted. Further we certify the land shown hereon is within the platting jurisdiction of the Town of Waynesville, North Carolina.

Date _____ Owner _____

CERTIFICATE OF APPROVAL BY THE PLANNING BOARD

I, _____, Chairman of the Planning Board, hereby certify that the said Board has approved the first plat on the subdivision entitled _____ on the _____ day of _____, 20____.

Chairman _____

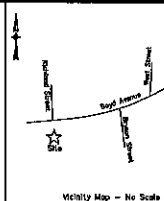
I hereby certify that this plat has been approved for recording in the Haywood County Register of Deeds.

Town Planner _____ Date _____

State of North Carolina, County of Haywood

I, _____, Review Officer of Haywood County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

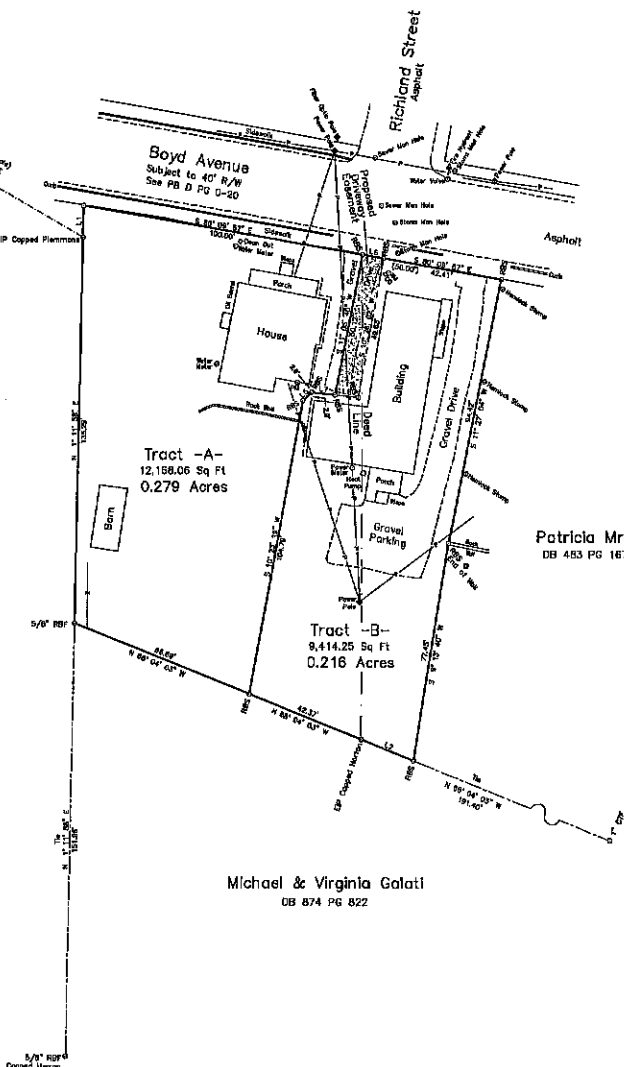
Review Officer _____



Scale Point
NGS Monument
May 15
N = 658,044.16'
E = 805,112.77'
MAD 83(2011)
Geoid Factor
0.99973528

Gail Moody
DB 486 PG 1482

Survey by
John Land Surveying, PLLC
FBN # P-3605
180 Mountain Spring Road
Waynesville, North Carolina, 28785
828-226-0538



Line	Bearing	Distance
1	N 89° 04' 00" W	14.75'
2	S 89° 04' 00" E	14.75'
3	N 89° 04' 00" W	14.75'
4	S 89° 04' 00" E	14.75'
5	N 89° 04' 00" W	14.75'
6	S 89° 04' 00" E	14.75'
7	N 89° 04' 00" W	14.75'
8	S 89° 04' 00" E	14.75'
9	N 89° 04' 00" W	14.75'
10	S 89° 04' 00" E	14.75'
11	N 89° 04' 00" W	14.75'
12	S 89° 04' 00" E	14.75'
13	N 89° 04' 00" W	14.75'
14	S 89° 04' 00" E	14.75'
15	N 89° 04' 00" W	14.75'
16	S 89° 04' 00" E	14.75'
17	N 89° 04' 00" W	14.75'
18	S 89° 04' 00" E	14.75'
19	N 89° 04' 00" W	14.75'
20	S 89° 04' 00" E	14.75'

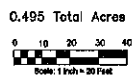
- General Notes -
- Acreage calculated by coordinate computation method.
- Property is subject to all applicable assessments and rights of way of record.
- This survey was prepared without benefit of abstract title; all matters of title should be referred to an attorney.
- All distances shown are horizontal ground measured distances.
- Property is within the jurisdiction of the Town of Waynesville and is zoned Main Street Neighborhood Residential.
- Building setbacks are as follows:
Front and Side 10' from adjacent lot
Rear 0'
Street side/secondary footage 5'
Between buildings 6'

Michael & Virginia Galati
DB 874 PG 822

- LEGEND**
- RF = Rebar found
 - RF 5/8" = 5/8" Rebar set
 - OT = Open top pipe found
 - EP = Existing iron pipe
 - CT = 6" top pipe found
 - PM = Power meter
 - CO = Clean out
 - WM = Water meter
 - W = Fence line
 - P = Power line
 - B = Boundary line
 - R = Right of way
 - A = Adjacent line
 - T = Tie line

I, Michael L. John, certify that this plat was drawn under my supervision from an actual survey made under my supervision.
(Deed description recorded in Deed Book 486 Page 2209 & Deed Book 918 Page 1951);
that the boundaries not surveyed are clearly indicated as shown from information shown hereon; that the ratio of precision or positional accuracy as calculated is 1:10,000; and that the global navigation satellite system (GNSS) was used to perform a portion of this survey, and the following information was used:
Class of Survey: A
Positional Accuracy: 0.08'
Type of GPS Field Procedure: RTK Base and rover
Date of Survey: July 16, 2025
DATUM / EPOCH: NAD83/GS11
Published/Fixed-Control use: GPS Control Point - Grid Monument Shown
Brand Model: GeoC18
Combined Grid Factor: 0.9975928
Units: US Survey Feet
That this plat meets the requirements of the standards of practice for land surveying in North Carolina (21 NCAC 55.1600) and that this plat was prepared in accordance with G.S. 47-30 as amended.
I further certify that this survey is of another category, such as the recombination of existing parcels, a court ordered survey, or other exception to the definition of subdivision, G.S. 47-30 F. (1), 3d.
Witness my original signature, registration license number and seal
this the _____ day of _____ A.D. _____

Recombination Survey and Plat Prepared for:
WAYNESVILLE PROPERTIES, LLC
Waynesville Township Haywood County, North Carolina
Parcel Numbers 8615-06-8366 8615-06-8335
Owners of Record: Waynesville Properties, LLC
Date: 9-18-2025 Drawn By: DGG Drawing Number 2025-360-2



PRELIMINARY
Not for recordation or conveyance

PAYMENT SUMMARY RECEIPT

TOWN OF WAYNESVILLE
16 S MAIN ST

DATE: 09/19/25 CUSTOMER#:
TIME: 12:19:21
CLERK: 2044ecou

RECPT#: 3235342 PREV BAL: 300.00
TP/YR: P/2026 AMT PAID: 300.00
BILL: 3235342 ADJSTMNT: .00
EFF DT: 09/19/25 BAL DUE: .00
Misc Cash Receipts

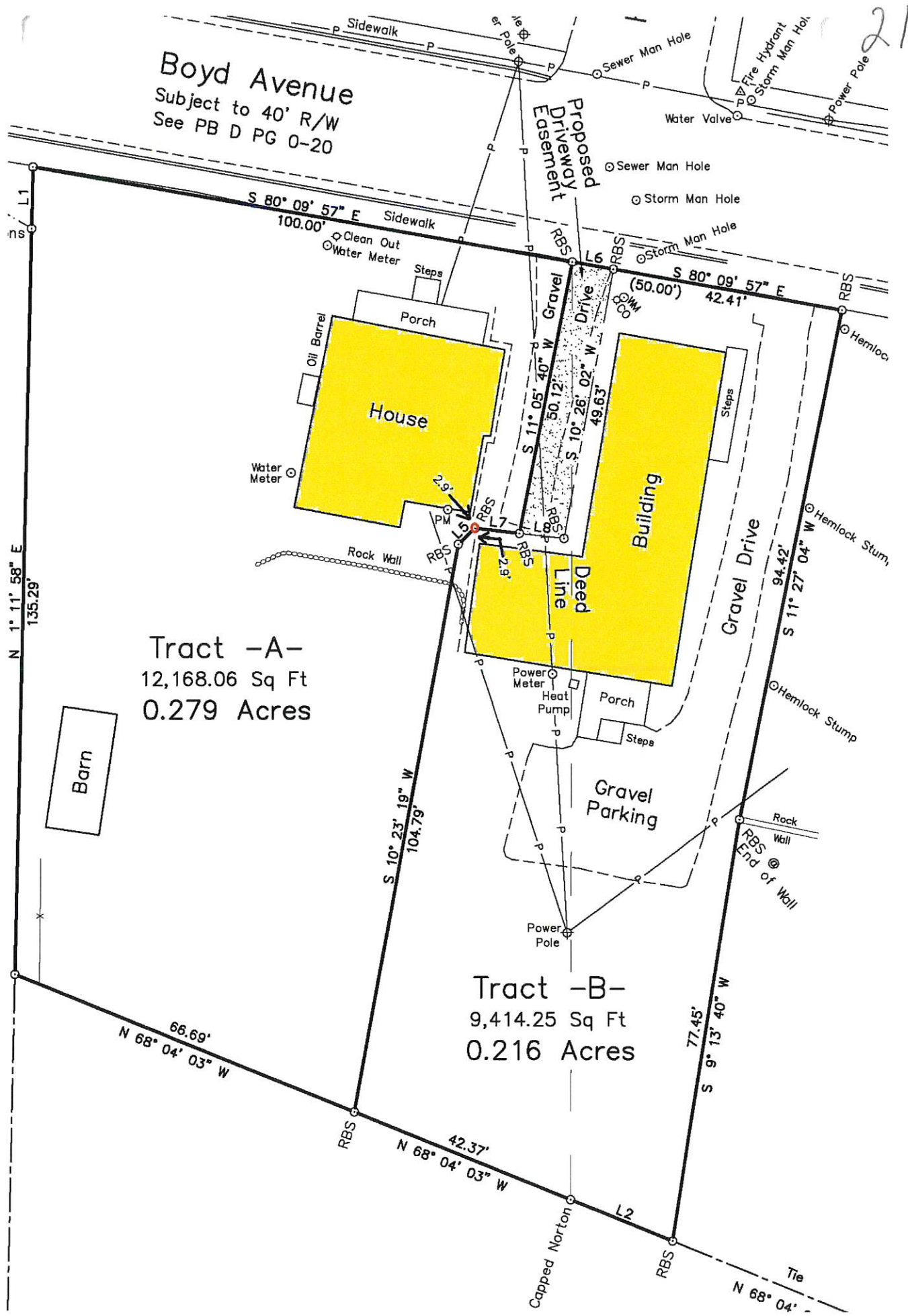
-----TOTALS-----

PRINCIPAL PAID: 300.00
INTEREST PAID: .00
ADJUSTMENTS: .00
DISC TAKEN: .00

AMT TENDERED: 300.00
AMT APPLIED: 300.00
CHANGE: .00

PAID BY: Waynesville Prop Zoning
PAYMENT METH: CHECK
PAYMENT REF: 0118

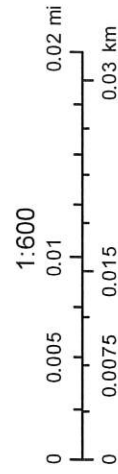
TOT PREV BAL DUE: 300.00
TOT BAL DUE NOW : .00



Haywood County



September 17, 2025



22

Report For

WAYNESVILLE PROPERTIES LLC
PO BOX 11
WAYNESVILLE, NC 28786

Account Information

PIN: 8615-06-9335

Deed: 469/2209

A12/154

Site Information

OAK FOREST ADDITION
DWELLING

253 BOYDAVE

Heated Area: 1240

Year Built: 1910

Total Acreage: 0.18

Township: Town of Waynesville

Site Value Information

Land Value: \$18,900

Building Value: \$140,200

Market Value: \$159,100

Deferred Value: \$0

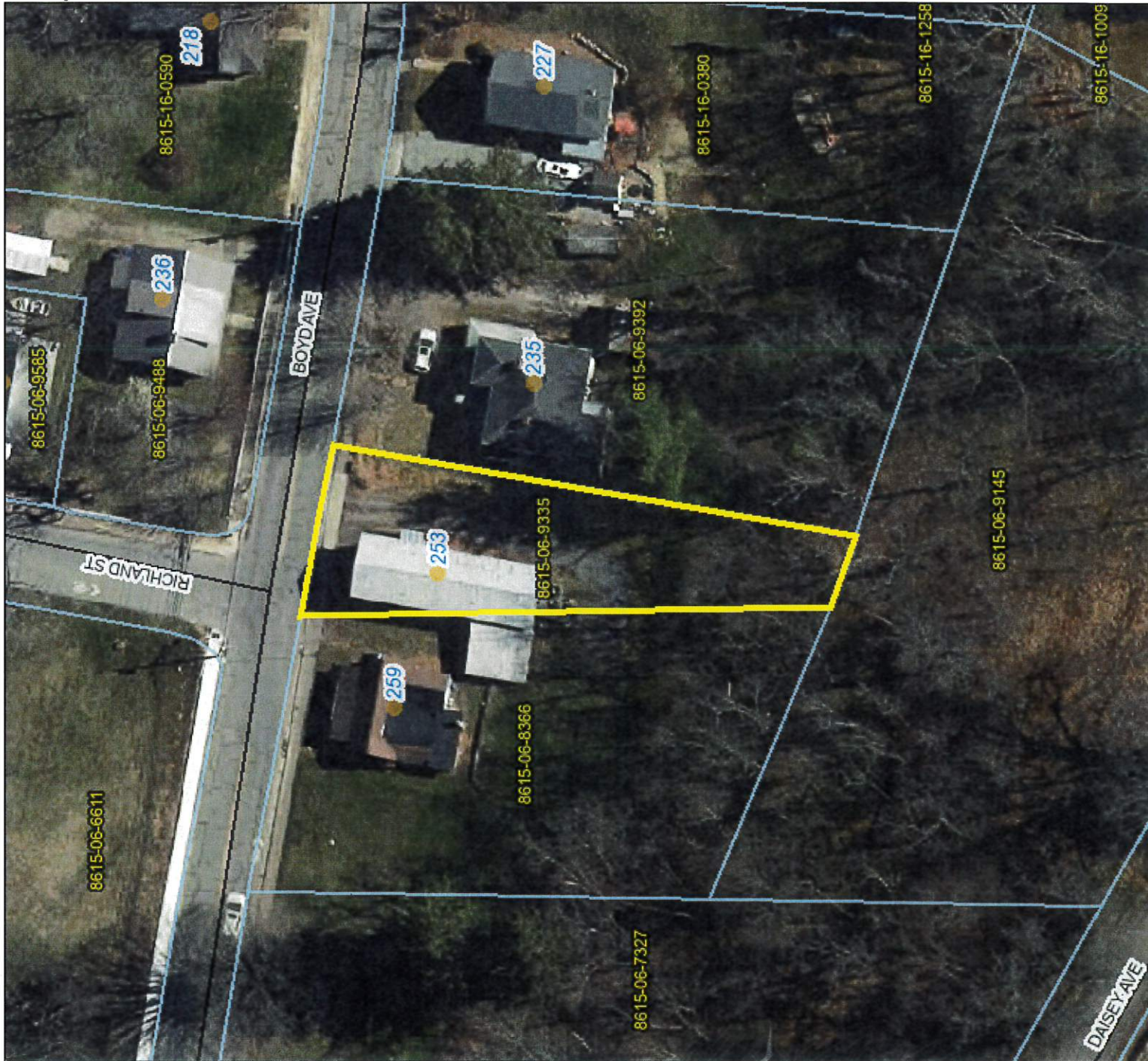
Assessed Value: \$159,100

Sale Price: \$0

Sale Date: 12/30/1998

Tax Bill 1: \$1,034

Tax Bill 2: \$1,034



1 inch = 50 feet

September 17, 2025

23

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.

Report For

WAYNESVILLE PROPERTIES LLC
PO BOX 11
WAYNESVILLE, NC 28786

Account Information

PIN: 8615-06-8366
Deed: 918/1951

A96/122
D/-20

Site Information

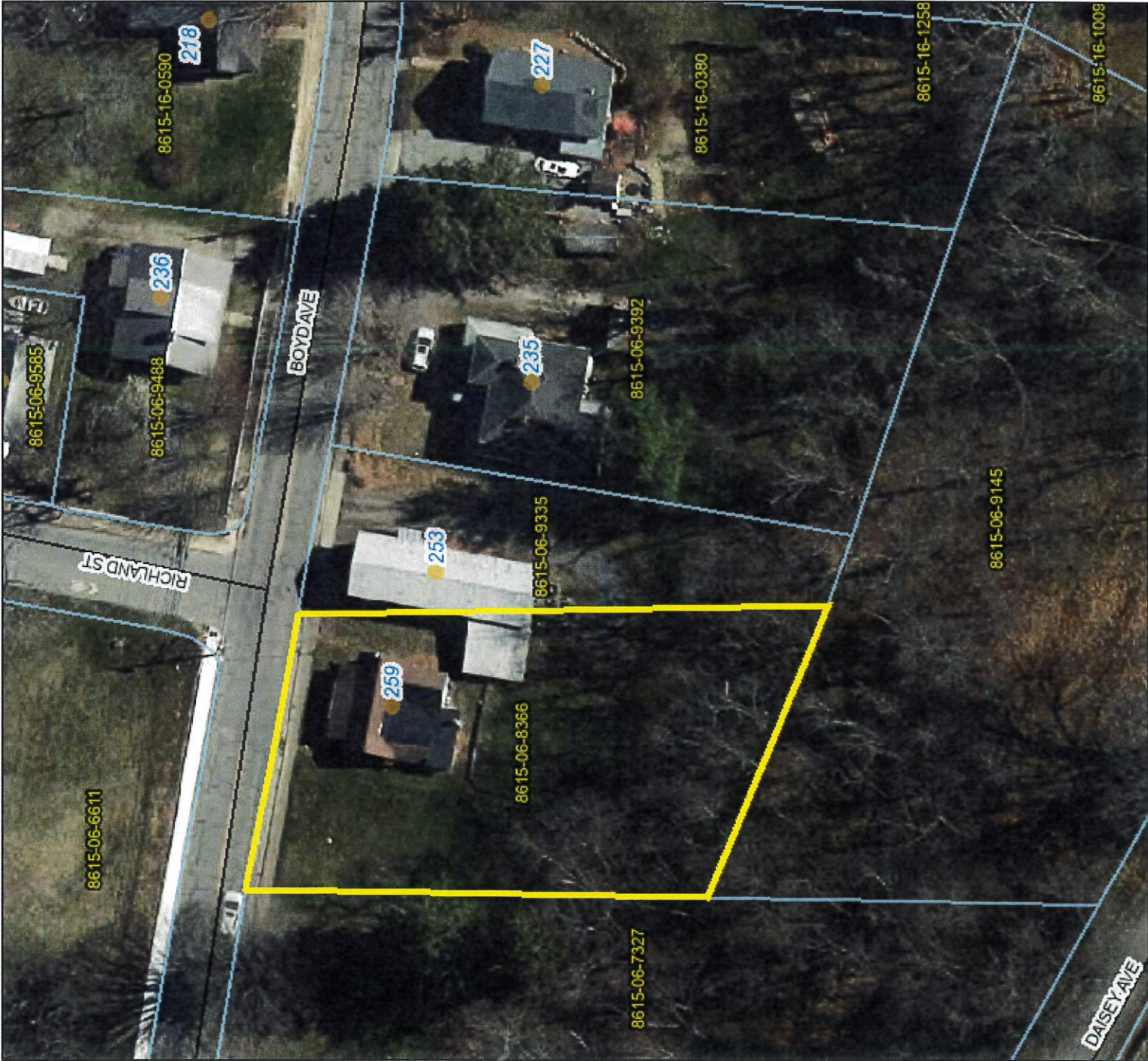
OAK FOREST ADDITION
DWELLING

259 BOYD AVE

Heated Area: 0
Year Built: 1896
Total Acreage: 0.4
Township: Town of Waynesville

Site Value Information

Land Value: \$24,500
Building Value: \$56,600
Market Value: \$81,100
Deferred Value: \$0
Assessed Value: \$81,100
Sale Price: \$55,000
Sale Date: 12/1/2016
Tax Bill 1: \$605
Tax Bill 2: \$605



1 inch = 50 feet

September 17, 2025

24

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.

This aerial map displays a residential neighborhood with various property lots. The streets shown include RICHLAND ST, BOYD AVE, Daisey Ave, and CLINTON ST. A yellow rectangle highlights a specific lot area, which is labeled with the address 8615-06-8366 and the text 'Main Street Neighborhood Residential'. Other visible addresses include 8615-06-5874, 8615-06-4735, 8615-06-6611, 8615-06-3341, 8615-06-5346, 8615-06-7327, 8615-06-5144, 8615-05-5889, 8615-06-4025, 8615-05-4954, 8615-06-8675, 8615-16-0700, 8615-16-0760, 8615-16-1700, 8615-16-0632, 8615-06-9585, 8615-06-9488, 8615-16-0590, 8615-16-1489, 8615-06-9392, 8615-16-0380, 8615-16-1258, 8615-16-2260, 8615-16-2172, 8615-16-2096, 8615-16-1062, 8615-15-0950, 8615-15-2922, 8615-05-9947, 8615-06-9145, 8615-06-9947, 8615-06-5874, 8615-06-4735, 8615-06-6611, 8615-06-3341, 8615-06-5346, 8615-06-7327, 8615-06-5144, 8615-05-5889, 8615-06-4025, 8615-05-4954, 8615-06-8675, 8615-16-0700, 8615-16-0760, 8615-16-1700, 8615-16-0632, 8615-06-9585, 8615-06-9488, 8615-16-0590, 8615-16-1489, 8615-06-9392, 8615-16-0380, 8615-16-1258, 8615-16-2260, 8615-16-2172, 8615-16-2096, 8615-16-1062, 8615-15-0950, 8615-15-2922, 8615-05-9947, 8615-06-9145, 8615-06-9947, 8615-06-5874, 8615-06-4735, 8615-06-6611, 8615-06-3341, 8615-06-5346, 8615-06-7327, 8615-06-5144, 8615-05-5889, 8615-06-4025, 8615-05-4954, 8615-06-8675, 8615-16-0700, 8615-16-0760, 8615-16-1700, 8615-16-0632, 8615-06-9585, 8615-06-9488, 8615-16-0590, 8615-16-1489, 8615-06-9392, 8615-16-0380, 8615-16-1258, 8615-16-2260, 8615-16-2172, 8615-16-2096, 8615-16-1062, 8615-15-0950, 8615-15-2922, 8615-05-9947, 8615-06-9145, 8615-06-9947, 8615-06-5874, 8615-06-4735, 8615-06-6611, 8615-06-3341, 8615-06-5346, 8615-06-7327, 8615-06-5144, 8615-05-5889, 8615-06-4025, 8615-05-4954, 8615-06-8675, 8615-16-0700, 8615-16-0760, 8615-16-1700, 8615-16-0632, 8615-06-9585, 8615-06-9488, 8615-16-0590, 8615-16-1489, 8615-06-9392, 8615-16-0380, 8615-16-1258, 8615-16-2260, 8615-16-2172, 8615-16-2096, 8615-16-1062, 8615-15-0950, 8615-15-2922, 8615-05-9947, 8615-06-9145, 8615-06-9947, 8615-06-5874, 8615-06-4735, 8615-06-6611, 8615-06-3341, 8615-06-5346, 8615-06-7327, 8615-06-5144, 8615-05-5889, 8615-06-4025, 8615-05-4954, 8615-06-8675, 8615-16-0700, 8615-16-0760, 8615-16-1700, 8615-16-0632, 8615-06-9585, 8615-06-9488, 8615-16-0590, 8615-16-1489, 8615-06-9392, 8615-16-0380, 8615-16-1258, 8615-16-2260, 8615-16-2172, 8615-16-2096, 8615-16-1062, 8615-15-0950, 8615-15-2922, 8615-05-9947, 8615-06-9145, 8615-06-9947, 8615-06-5874, 8615-06-4735, 8615-06-6611, 8615-06-3341, 8615-06-5346, 8615-06-7327, 8615-06-5144, 8615-05-5889, 8615-06-4025, 8615-05-4954, 8615-06-8675, 8615-16-0700, 8615-16-0760, 8615-16-1700, 8615-16-0632, 8615-06-9585, 8615-06-9488, 8615-16-0590, 8615-16-1489, 8615-06-9392, 8615-16-0380, 8615-16-1258, 8615-16-2260, 8615-16-2172, 8615-16-2096, 8615-16-1062, 8615-15-0950, 8615-15-2922, 8615-05-9947, 8615-06-9145, 8615-06-9947, 8615-06-5874, 8615-06-4735, 8615-06-6611, 8615-06-3341, 8615-06-5346, 8615-06-7327, 8615-06-5144, 8615-05-5889, 8615-06-4025, 8615-05-4954, 8615-06-8675, 8615-16-0700, 8615-16-0760, 8615-16-1700, 8615-16-0632, 8615-06-9585, 8615-06-9488, 8615-16-0590, 8615-16-1489, 8615-06-9392, 8615-16-0380, 8615-16-1258, 8615-16-2260, 8615-16-2172, 8615-16-2096, 8615-16-1062, 8615-15-0950, 8615-15-2922, 8615-05-9947, 8615-06-9145, 8615-06-9947, 8615-06-5874, 8615-06-4735, 8615-06-6611, 8615-06-3341, 8615-06-5346, 8615-06-7327, 8615-06-5144, 8615-05-5889, 8615-06-4025, 8615-05-4954, 8615-06-8675, 8615-16-0700, 8615-16-0760, 8615-16-1700, 8615-16-0632, 8615-06-9585, 8615-06-9488, 8615-16-0590, 8615-16-1489, 8615-06-9392, 8615-16-0380, 8615-16-1258, 8615-16-2260, 8615-16-2172, 8615-16-2096, 8615-16-1062, 8615-15-0950, 8615-15-2922, 8615-05-9947, 8615-06-9145, 8615-06-9947, 8615-06-5874, 8615-06-4735, 8615-06-6611, 8615-06-3341, 8615-06-5346, 8615-06-7327, 8615-06-5144, 8615-05-5889, 8615-06-4025, 8615-05-4954, 8615-06-8675, 8615-16-0700, 8615-16-0760, 8615-16-1700, 8615-16-0632, 8615-06-9585, 8615-06-9488, 8615-16-0590, 8615-16-1489, 8615-06-9392, 8615-16-0380, 8615-16-1258, 8615-16-2260, 8615-16-2172, 8615-16-2096, 8615-16-1062, 8615-15-0950, 8615-15-2922, 8615-05-9947, 8615-06-9145, 8615-06-9947, 8615-06-5874, 8615-06-4735, 8615-06-6611, 8615-06-3341, 8615-06-5346, 8615-

WAYNESVILLE, NC 28786

A12/154

OAK FOREST ADDITION
DWELLING

Township: Town of Waynesville

Tax Bill 2:



1 inch = 100 feet

September 17, 2025

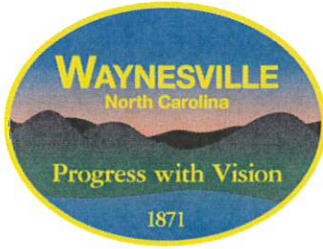
Disclaimer: The maps on this site are not surveys. They are prepared from the inventory of real property found within this jurisdiction and are compiled from recorded deeds, plats and other public records and data. Users of this site are hereby notified that the aforementioned public primary information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

The property line is proposed to be between the two buildings



The property line is proposed to be between the two buildings





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

FOR PUBLICATION IN THE MOUNTAINEER: September 24 and October 1 (Wednesday) editions

Date: September 19, 2025

Contact: Olga Grooman, (828) 356-1172

Notice of Public Hearing

Waynesville Zoning Board of Adjustment

Variance Request

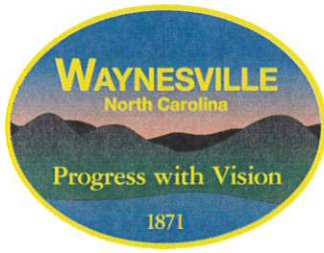
The Town of Waynesville Zoning Board of Adjustment will hold a public hearing on Tuesday, October 7, 2025, at 5:30 pm in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC, to consider a variance request for the side yard setbacks between the properties at 253 Boyd Avenue (PIN 8615-06-9335) and 259 Boyd Avenue (PIN 8615-06-8366) in Waynesville, NC 28786.

For more information contact the Development Services Department at: (828) 356-1172, email: ogrooman@waynesvillenc.gov, mail: 9 South Main Street, Suite 110, Waynesville, NC 28786.

Properties Posted on 9-19-2025

29





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

September 19, 2025

Notice of Public Hearing: Variance Request Waynesville Zoning Board of Adjustment

The Town of Waynesville Zoning Board of Adjustment will hold a public hearing on Tuesday, October 7, 2025, at 5:30 pm in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC, to consider a variance request for the side yard setbacks between the properties at 253 Boyd Avenue (PIN 8615-06-9335) and 259 Boyd Avenue (PIN 8615-06-8366) in Waynesville, NC 28786.



Questions related to the hearing itself should be directed to the Waynesville Development Services Department, (828) 356-1172, ogrooman@waynesvillenc.gov.

WAYNESVILLE PROPERTIES LLC
PO BOX 11
WAYNESVILLE, NC 28786

ERIN BOYD
253 BOYD AVENUE
WAYNESVILLE, NC 28786

BRIAN REESE BOYD 31.
259 BOYD AVENUE
WAYNESVILLE, NC 28786

W R BOYD INVESTMENTS
474 MOUNTAIN COVE RD
WAYNESVILLE, NC 28786

CRANE, ROBIN KEITH
CRANE, PATTI LYNN
10307 SW LETTUCE LAKE AVE LOT 91
ARCADIA, FL 34269

CARDINAL PROPERTIES LLC A NC LLC
PO BOX 567
WAYNESVILLE, NC 28786

MRAZ, PATRICIA/TR
PATRICIA MRAZ TRUST
190 TROUT COVE RD
WAYNESVILLE, NC 28785

COLLINS, WILLIAM TRAVIS
COLLINS, MELISSA B
227 BOYD AVE
WAYNESVILLE, NC 28786

GALATI, MICHAEL
GALATI, VIRGINIA ANN
82 PISGAH DR
WAYNESVILLE, NC 28786

MOODY, GAIL
77 DAISEY AVE
WAYNESVILLE, NC 28786

**ADJACENT PROPERTY
OWNERS WITHIN 100 FT**

32.

Olga Grooman

From: Candace Poolton
Sent: Wednesday, September 24, 2025 9:47 AM
To: Media Contacts
Subject: Notice of Public Hearing-Waynesville Zoning Board of Adjustment-Variance Request

Good morning,

The Town of Waynesville Zoning Board of Adjustment will hold a public hearing on Tuesday, October 7, 2025, at 5:30 pm in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC, to consider a variance request for the side yard setbacks between the properties at 253 Boyd Avenue (PIN 8615-06-9335) and 259 Boyd Avenue (PIN 8615-06-8366) in Waynesville, NC 28786.

For more information contact the Development Services Department at: (828) 356-1172, email: ogrooman@waynesvillenc.gov, mail: 9 South Main Street, Suite 110, Waynesville, NC 28786.

Candace Poolton, CMC | Town Clerk/Assistant to the Manager

Town of Waynesville, NC

16 S. Main Street | PO Box 100 | Waynesville, NC 28786

(o) 828.452-2491 | (f) 828.456.2000

cpoolton@waynesvillenc.gov | www.waynesvillenc.gov