



**Town of Weaverville  
Zoning Board of Adjustment  
Council Chambers  
October 28, 2019, 7pm**

**Agenda**

1. Call to Order – Chairman Tycer Lewis.
2. Approval of the Agenda.
3. Approval of the Minutes from the June 10, 2019 Meeting of the Board.
4. Public Hearing Regarding a Variance Application for the Property Commonly Known as 120 South Main Street.
5. Consideration of a Motion Establishing a Ruling on the Aforementioned Variance Application.
6. Any Other Business to Come Before the Board.
7. Adjournment.

## OVERVIEW OF ZONING BOARD OF ADJUSTMENT MATTERS – *PROVIDED AS INFORMATION ONLY AND NOT AS LEGAL ADVICE*

The Zoning Board of Adjustment almost exclusively does its work by making **QUASI-JUDICIAL** decisions on appeals from Zoning Administrator decisions, variance requests and applications for special use permits. Strict adherence to statutorily prescribed procedures before, during and after a hearing must be followed to ensure that constitutional due process rights of all parties are preserved. As rights are determined in these hearings it may be advisable for you to consult with an attorney on these matters.

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### PUBLIC NOTICE OF HEARING

The Town Staff must provide notice of the hearings.

**MAILED NOTICE** – Notice of hearings must be mailed to the applicant, the owner of the affected property, and owners of properties located within 500 feet of the property affected. Mailings are sent first class to addresses maintained by Buncombe County Tax Office and must be sent at least 10 days but not more than 25 days prior to the scheduled hearing.

**POSTING OF PROPERTY** – The property that is subject to an appeal, variance request or special use permit application must be prominently posted. This posting must be on the property affected or on an adjacent street or highway right of way and must also be done at least 10 days but not more than 25 days prior to the scheduled hearing.

**PUBLICATION IN NEWSPAPER** –The hearing must also be advertised in a newspaper of general circulation.

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### INTRODUCTION AT HEARING

The Chairman of the Zoning Board of Adjustment will provide an introduction prior to the start of the hearing in order to make sure that those in attendance understand the matter to be heard, who is allowed to participate, and a general overview of the procedural aspects of the hearing including the burden of proof and standards the Zoning Board of Adjustment must apply.

**BURDEN OF PROOF** - The person appealing a zoning administrator decision, or applying for a variance or special use permit has the burden of proving sufficient evidence for the Zoning Board of Adjustment to conclude that the applicable standards have been met. If insufficient evidence is presented, the application must be denied or the Zoning Board of Adjustment can continue the hearing to a later date to receive additional evidence. Once sufficient evidence has been presented that the standards have been met, the applicant is entitled to approval. If conflicting evidence is presented, the Board must determine which facts it believes are correct.

**STANDARDS** - The Town's zoning ordinance provides specific standards for the issuance of variances and special use permits. See separate Section on Standards.

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### BOARD DISCLOSURES AND RECUSALS

The Zoning Board of Adjustment must make sure that it is an impartial decision maker and that all communications with the Board on the matter prior to the hearing have been disclosed.

**RECUSAL FOR BIAS/CONFLICT OF INTEREST** - Prior to the opening of the hearing, the Chairman will inquire of the Board members if there is any reason that they could not be an impartial decision maker. If any member has a fixed opinion prior to the hearing, a close familial, business or other associational relationship with an affected person, or a direct or indirect financial interest in the outcome he or she should not participate in that hearing, deliberation or vote. Alternate members of the Zoning Board of Adjustment have been appointed to fill a seat in those situations. If there are members who express bias or conflict of interest then the recusals of those members would be appropriate.

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**OUTSIDE COMMUNICATION** – The Chairman will also provide an opportunity for members of the Board to disclose any communication that has occurred prior to the hearing. Some incidental communication is common and hard to avoid. However, substantial communication that occurs outside of the hearing should be disclosed.

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### IDENTIFICATION OF PARTIES

Only those people who have a sufficient interest, or standing, in the outcome of matter before the Board are allowed to become a party and present evidence. Anyone that can show some “special damage,” or damage not common to all other persons who may oppose what is being requested, will have standing to contest the matter and will be a proper party. The following have standing:

- (1) Anyone that has an ownership interest in the property that is the subject of the hearing;
- (2) Anyone that has a leasehold interest in the property that is the subject of the hearing.
- (3) Anyone that has an interest in the property that is the subject of the hearing that has been created by an easement, restriction, or covenant.
- (4) Anyone that has an option or contract to purchase the property that is the subject of the hearing.
- (5) Anyone that is an applicant before the decision-making board.
- (6) Any other person who will suffer special damages as the result of the decision.
- (7) An incorporated or unincorporated association to which owners or lessees of property in a designated area belong by virtue of their owning or leasing property in that area, or an association otherwise organized to protect and foster the interest of the particular neighborhood or local area, so long as at least one of the members of the association would have standing as an individual.
- (8) The Town if the Town believes that the Zoning Board of Adjustment made a decision that it believes is inconsistent with the proper interpretation of an ordinance adopted by Town Council.

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### OATH OF WITNESSES

State law requires that the Zoning Board of Adjustment’s decisions be based on testimony that is given under oath. The Chairman will ask that anyone wishing to testify at the hearing come forward to be sworn under oath before the hearing begins.

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### HEARING IS OPENED FOR THE PRESENTATION OF EVIDENCE

The hearing is conducted in order to determine the facts relevant to the matter before the Zoning Board of Adjustment. The decision of the Zoning Board of Adjustment must be made based on competent, material and substantial evidence in the record of the hearing. The Zoning Board of Adjustment’s scope is limited to applying facts to the standards set forth in the zoning ordinance. Any testimony as to unrelated matters is inappropriate and cannot be considered.

**DOCUMENTARY EVIDENCE/EXHIBITS** - Examples of documents that can be entered into evidence include: the application, staff reports, supporting documentation, documents from witnesses, maps, photographs, videos, studies.

**FACTUAL TESTIMONY** – Testimony about facts within the personal knowledge of a witness can be fully considered by the Zoning Board of Adjustment. Factual testimony should be limited to those facts which relate to the standards. The Zoning Board of Adjustment can only rely on opinions offered by qualified experts. The testimony of lay witnesses offering only opinions or conclusions is not considered as competent evidence on which the Board can basis its determination.

**OPINION TESTIMONY BY QUALIFIED EXPERTS** – Opinion testimony should be provided only by properly qualified experts. North Carolina law specifically prohibits the use of non-expert testimony on how the use of a property would affect property values, the increase in vehicular traffic resulting from the proposed development would pose a danger to public safety, or any other matters that a court would require expert testimony in court. Non-expert opinions on these technical matters are not considered to be competent evidence upon which a decision can be made.

## **OVERVIEW OF ZONING BOARD OF ADJUSTMENT MATTERS – PROVIDED AS INFORMATION ONLY AND NOT AS LEGAL ADVICE**

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### **CROSS-EXAMINATION**

In order to preserve constitutional rights, parties have the right to cross-exam or question all witnesses. Board members are also free to pose questions to anyone presenting evidence.

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### **HEARING IS CLOSED AND BOARD DELIBERATION BEGINS**

At the close of the hearing the Board then takes an opportunity to review the evidence in light of the standards that the Board must apply. The Board's review should focus on contested facts. Where conflicting evidence is presented, the Zoning Board of Adjustment has the responsibility of deciding how much weight to accord each piece of evidence. The Board also has the responsibility of determining credibility of witnesses. In its discussion the Board can consider conditions that might be imposed in order to bring the project into compliance with a standard.

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### **VOTING**

For most matters coming before the Zoning Board of Adjustment a simple majority vote is all that is needed. For variance applications, however, North Carolina law requires a super majority of at least 4/5.

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### **WRITTEN DECISIONS**

The Board's decision must be reduced to writing; however, this is usually done at a subsequent meeting. Prior to that it is permissible to issue a temporary order consistent with the Board's deliberations and vote. The written decision must determine any contested facts and apply the facts to the applicable standards. Staff drafts a written decision and presents it to the Board at the Board's next meeting for consideration and adoption.

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### **APPEALS**

Anyone "aggrieved" by a decision of the Zoning Board of Adjustment can appeal a decision by filing a petition for writ of certiorari with the Buncombe County Superior Court within 30 days of the mailing of the written decision or the filing of that decision with the Board's clerk or secretary, which is later. It is important to remember that the time is not measured from the date of the decision, but from the mailing of the written decision. It is also important to note that appeals are not heard by Town Council.

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### **STANDARDS**

The standards as adopted by the Town Council must be set forth in an unambiguous manner so that the Zoning Board of Adjustment can apply those standards to the facts of a particular case. This doesn't mean that the standards must all be objective standards, subjective standards (such as "general welfare" and "hardship") are permissible.

#### **STANDARDS FOR SPECIAL USE PERMITS**

- (1) The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
- (2) The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values within the neighborhood.
- (3) The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- (4) The exterior architectural appeal and functional plan of any proposed structure will not be so at variance with the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the

## **OVERVIEW OF ZONING BOARD OF ADJUSTMENT MATTERS – PROVIDED AS INFORMATION ONLY AND NOT AS LEGAL ADVICE**

immediate neighborhood or with the character of the applicable district as to cause a substantial depreciation in the property values within the neighborhood.

- (5) Adequate utilities, access roads, drainage and/or other necessary facilities have been, are being or will be provided.
- (6) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- (7) The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the zoning board of adjustment.

### **STANDARDS FOR VARIANCES**

- (1) Unnecessary hardship would result from the strict application of [the zoning ordinance].
- (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography; however, 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.
- (3) The hardship did not result from actions taken by the applicant or the property owner.
- (4) The requested variance is consistent with the spirit, purpose, and intent of [the zoning ordinance] such that public safety is secured and substantial justice is achieved.
- (5) The variance is not a request to permit a use of land, building or structure which is not permitted in the zoning district in which the property is located.
- (6) The variance is not a request to permit a prohibited sign.



**Agenda Item 3  
Minutes**

Town of Weaverville

Zoning Board of Adjustment  
Minutes – Monday, June 10, 2019

The Zoning Board of Adjustment of the Town of Weaverville met for its regularly scheduled monthly meeting at 7pm on Monday, June 10, 2019, in Council Chambers at Town Hall at 30 South Main Street, Weaverville.

Present: Vice Chair Cynthia Wright, Board Members Paul Clauhs, Roger Parkin, and Sylvia Valois, Town Attorney Jennifer Jackson and Planning Director James Eller. Absent: Chair Tycer Lewis, Alternate member Gene Knoefel, and Alternate Member Bob Pace.

**1. Call to Order**

In the absence of Chairman Tycer Lewis, Vice Chair Cynthia Wright called the meeting to order at 7:00pm and welcomed those in attendance to the meeting. The board members and staff introduced themselves.

**2. Approval of Minutes**

Board Member Clauhs made a motion to approve the minutes from the May 13, 2019, meeting of the Board as presented. Board Member Parkin seconded the motion and all voted in favor of approving the minutes.

**3. Evidentiary Hearing on a Request for a Sidewalk Waiver for the Property owned by MRS Land Development, LLC, located at 320 Merrimon Avenue**

Vice Chair Wright asked Attorney Jackson to provide an overview on how quasi-judicial hearings work. The following were Attorney Jackson's statements:

Tonight the Zoning Board of Adjustment will hold a quasi-judicial hearing on a request for a waiver of the sidewalk requirement. The purpose of the quasi-judicial hearing is for the Zoning Board of Adjustment to hear and consider pertinent facts related to the request. The Board is required to comply with procedural rules much like those of a trial court and to provide for the constitutional right to due process such as proper notice of the meeting, an impartial decision maker, sworn testimony of witnesses, and an opportunity for parties to be heard by allowing direct examination and cross examination of witnesses.

The Board is asked to make a quasi-judicial decision which is like a court decision in several important ways. It requires the Board to use its judgment in applying general laws to a particular land use situation while ensuring the constitutional due process rights of all parties.

Tonight's hearing is a formalized means of gathering evidence relevant to the issues that are before the Board tonight. This is not an opportunity for citizens to come and just speak their minds like in a public hearing on a legislative matter before Town Council. The Board's decisions can only be made based on competent, material and substantial evidence in the record of the respective hearings.

“Competent” evidence is generally understood to mean that evidence which is legally admissible in a court of law. Competent evidence does not include the opinion testimony of lay witnesses as to any of the following:

- Use of property in a particular way affecting the value of other property;
- Increase in vehicular traffic resulting from a proposed development posing a danger to the public safety;
- Matters about which only expert testimony would generally be admissible under rules of evidence applicable to trial courts.

The burden is on the applicant to demonstrate that the application complies with the review and approval standards of the zoning ordinance. Once an application has been submitted and all evidence in support of the application has been presented, then the burden shifts to those who have standing to oppose the application to present evidence to the Board. Where conflicting evidence is presented the Board must determine the weight of the evidence and the credibility of witnesses. The Board can consider reasonable conditions that, if imposed, would bring a project into compliance with the standards set out in the zoning ordinance.

Vice Chair Wright introduced the matter by stating that MRS Land Development, LLC, is the owner of property located at 320 Merrimon Avenue (Buncombe County Parcel Identification Numbers of 9732-80-6733 and 9732-80-7768), which located in the C-2 Zoning District and is being developed for commercial use. Section 36-24(b) requires the construction of sidewalks for all new construction and development except for single family dwellings and duplexes. In accordance with Section 36-24(c)(2) the property owner has requested a waiver from this sidewalk requirement. This Code section grants the Board with authority to hear and decide on sidewalk waiver requests under the following circumstances:

The establishment, maintenance, or operations of the special use (as amended) will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

1. If sidewalks are scheduled to be installed as part of a state or town project within 10 years, then the developer may pay a fee in lieu of construction equal to 100% of the full cost of the sidewalk as estimated by the Town’s engineer
2. Where existing and future (based on the potential for development in the area) pedestrian volumes and/or vehicles volumes are so low that the level of conflict between vehicles and pedestrians walking on the street is minimal. This exception may not be used where road geometry creates sight distance problems
3. Where the construction of sidewalks in the findings of fact by the BOA would create greater harm or danger to the pedestrians.

Vice Chair Wright declared the hearing open and began by polling the board members to see whether or not any members had conflicts of interest or bias that might disqualify them from serving on the Board during the hearing. None were reported. No board member indicated that they had had any *ex parte* communication with the applicant. No concerns were noted about the board hearing the matter were expressed.

Vice Chair Wright noted that the applicant/property owner, MRS Land Development, LLC, through it member manager Mike Schoeppler, had standing to participate in the hearing, as did James Eller on behalf of the Town. No one else expressed a desire to be made a party to the proceeding.

The following individuals were sworn in and gave testimony: James Eller, Mike Schoeppler as the representative for MRS Land Development, LLC, and Earl Valois.

Mr. Eller described the application and asked that the following exhibits be entered into evidence:

Exhibit 1-A – Affidavit of Mailing and Posting

Exhibit 1-B – Affidavit of Publication

Exhibit 2 – The entire meeting packet, including specifically the Affidavit of Mailing and Posting; Staff Report prepared by James Eller addressing the application, jurisdiction, precedent, and other matters; and a vicinity map.

All exhibits were accepted into evidence without objection from any party.

Mr. Schoeppler gave a brief overview of his request and offered to answer any questions that the Board might have. Mr. Eller reviewed the application and noted specifically that the Applicant owns the property located at 320 Merrimon Avenue bearing Buncombe County Parcel Identification Numbers 9732-80-6733 and 9732-80-7768 and zoned C-2, and that sidewalks are required for all new commercial development. Under Town Code Section 36-24(c), Applicant has requested a waiver of the sidewalk requirement and the Board has jurisdiction to consider the request. Sidewalks do not exist on Merrimon Avenue at or near the intersection of Garrison Road or on Garrison Road at or near the intersection of Merrimon Avenue. Mr. Eller indicated that he was unaware of any plans for sidewalks along Merrimon Avenue or Garrison Road within the next 10 years. Mr. Eller also indicated that the closest sidewalk to the Applicant's property is approximately 0.4 miles away at Creekside Village so, if required and constructed, the sidewalk would only be in front of the Applicant's commercial development and is not likely to connect to any other sidewalks. It was noted that foot traffic along Merrimon Road is very minimal so the conflict between vehicles and pedestrians is not likely to occur on Garrison Road or Merrimon Avenue. Mr. Eller stated his opinion that the construction of the sidewalk in front of the applicant's commercial development may actually cause greater harm or danger to the pedestrians on Merrimon Avenue and Garrison Road due to the abrupt beginning and ending of a sidewalk.

The Applicant plans to open an office on the property but is allowed to use the property for any use permitted in the C-2 zoning district.

While not a party and not a witness called by either party to the proceeding, Earl Valois made comments that suggested that sidewalks should be required for safe ingress and egress, especially in emergency situations. Mr. Eller indicated that the NC Building Code and the NC Fire Code governs those issues. Zoning regulations do require on-site parking for all commercial uses within the C-2 district.

#### **4. Ruling on Request for a Sidewalk Waiver for the Property owned by MRS Land Development, LLC, located at 320 Merrimon Avenue**

Having heard all the evidence and heard the responses to all questions asked, Vice Chair Wright asked if the Board had a motion concerning the matter. Based on the documentary and testimonial evidence presented during the hearing, Board Member Parkin made the motion to approve the requested sidewalk waiver. Board Member Clauhs seconded the motion and all voted in favor of approving the waiver.

The Town Attorney indicated that she had a draft written order for the Board to consider and reviewed the same with the Board including specifically the draft findings of fact. Board Member Clauhs made a motion to adopt the order as presented by the Town Attorney, Board Member Parkin seconded the motion, and all board members voted to adopt the written order.

**5. Approval of Written Order for Special Use Permit Amendment for 16 Monticello Village Drive**

Board Member Clauhs made a motion to approve the proposed written order amending the special use permit for 16 Monticello Village Drive that was heard and decided by the Board at its May 13, 2019, meeting. Board Member Valois seconded the motion. All voted in favor and the order was adopted.

**6. Other Business - None**

**7. Adjournment**

At approximately 7:25 pm, Board Member Parkin made a motion to adjourn, which was seconded by Board Member Clauhs. All voted in favor and the meeting was adjourned.

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**Tycer Lewis, Chair  
Board of Adjustment**

**ATTEST:**

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**James W. Eller  
Planning Director / Deputy Town Clerk**



**Agenda Items 4&5**  
**Variance Application – 120 South Main**

**ZONING BOARD OF ADJUSTMENT  
MEETING SHEET FOR OCTOBER 28, 2019**

**VARIANCE REQUEST**

**INTRODUCTION:** Hazel S. Reese is the owner of property located at 120 South Main Street that has a Buncombe County Parcel Identification Number of 9742-25-8178 and is zoned R-1. Through her Attorney-in-Fact, Judy Williams, she has applied for a minimum lot width variance.

**JURISDICTION:** Sec. 36-328(2) authorizes the BOA to grant variances when hardships would result from carrying out the strict letter of the terms of the zoning ordinance. Variances require a 4/5 vote of the board.

**STANDARDS FOR VARIANCES:**

1. Unnecessary hardship would result from the strict application of the zoning ordinance. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
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 the variance.
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.
4. The requested variance is consistent with the spirit, purpose, and intent of the zoning ordinance such that public safety is secured and substantial justice is achieved.
5. The variance is not a request to permit a use of land, building or structure which is not permitted in the zoning district in which the property is located.
6. The variance is not a request to permit a prohibited sign.

**QUESTION FOR DELIBERATION:** Does the record include competent, relevant and substantial evidence that the variance requested by the property owner meets the standards and should therefore be granted?

# Town of Weaverville, North Carolina

## Staff Report: Proposed Variance at 120 South Main Street

Prepared October, 2019

Sources: Town of Weaverville Code of Ordinances

### Introduction to the Property

The subject parcel, commonly known as 120 South Main Street, consists of .85 acres as shown on Buncombe County tax records. The property may be found just south of the intersection of Phipps, South Main and West Streets. The property is also in close proximity to Weaverville Elementary School whose roofline is visible in the lower left hand corner of the following map. The plat of record is also attached hereto which shows the deeded interior lot lines not depicted on the GIS image. It is the two interior lots which front Phipps Street shown as lots 26 & 27 on the plat that the application seeks to convert into buildable lots.



### Question of Jurisdiction

Section 36-351(b)(2) tasks the Zoning Board of Adjustment to consider requests for variances where the minimum lot area or lot width are more than 20% below the minimum standard set by the zoning district in which the property is located. The R-1 zoning district requires a minimum lot width of 100 feet and the plat of record provided shows a lot width of 54 feet for the two interior lots which front Phipps Street.

Based upon the aforementioned variables, it is the belief and understanding of staff that the Zoning Board of Adjustment is duly authorized to consider a variance application for this property.

### Previous Decisions

Similar variance requests to convert a nonconforming lot of record into a buildable lot have been heard by the Zoning Board of Adjustment. The Board granted a variance for substantially similar applications for the properties commonly known as 124 and 126 South Main Street in July of 2013 and 84 West Street in May of 2017.

PB 145 Pg 98

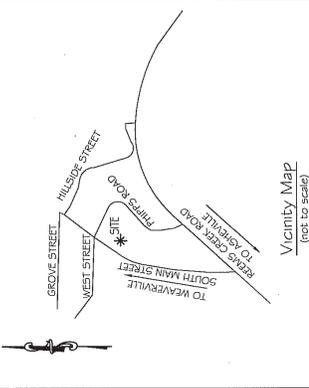
STATE OF NORTH CAROLINA  
COUNTY OF BUNCOMBE

I, **Ed Holmes & Associates**, REVIEW OFFICER OF BUNCOMBE COUNTY,  
HEREBY CERTIFY THAT THE ABOVE DESCRIBED SURVEY MEASUREMENTS  
AFFIRMED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REGISTERED TICKET: **5-11-2009** DATE

REGISTERED THIS **11** DAY OF **May**  
AT **4:50** P.M., RECORDED IN BOOK **145**  
AT PAGE **98**

BY: **Sharon Stiles** DEPUTY  
**Orton DeMunn**  
REGISTER OF DEEDS



Vicinity Map  
(not to scale)

NOTES

- This survey is of existing parcels of land.
- Total Area = 0.85 ± ACRE.
- All areas calculated by coordinate computation method.
- The survey was prepared without benefit of abstract title and matters of title should be referred to an attorney-at-law.
- This survey may be subject to all rights-of-way, easements, reservations and restrictions, written and unwritten, recorded and unrecorded.
- The certification shown hereon is not a certification of title, zoning or freedom from encumbrances.
- Adjoining property owner information taken from the Buncombe County GIS website.
- No underground utilities were located. Call 1-800-632-4949 before digging.
- Based on graphical location information from the FEMA Map Service Center, the subject property lies within Zone X, areas determined to be outside the 500 year floodplain, as shown on FEMA Flood Insurance Rate Map 3702 (03 03 C, effective date May 06, 1995).
- Any streams, creeks, ponds, lakes, wetlands, etc. located on the property, shown or not shown hereon, may be subject to buffer areas. It is the owner/developer's responsibility to have the areas designated by person(s)/firm(s) authorized, by the proper authorities, to make such determination.
- All distances shown hereon are horizontal ground distances unless otherwise noted.
- Bearings and distances in parentheses are from Deed Book 701, Page 231.
- Leaving corners found were located at ground level.
- Property is zoned R1.
- Setback dimensions taken from Town of Weaverville Zoning Code Article IV, Sec. 36-106.

**LEGEND**

○	IRON PIPE FOUND AS DESCRIBED
△	CONCRETE NAIL SET
●	AXLE FOUND
⊙	# 5 REBAR FOUND
⊕	NGCS MONUMENT
⊗	SANITARY SEWER MANHOLE
⊙	UNRECORDED POINT
⊕	POWER POLE
---	PROPERTY LINE
---	ADJOINING PROPERTY LINE
---	FENCE
---	INTERIOR LOT LINE
---	SANITARY SEWER LINE
---	RIGHT OF WAY LINE
---	OVERHEAD ELECTRIC LINE

NGCS MONUMENT  
WEAVERVILLE AZ MK  
N 725717.25  
E 1000.41  
N.C. GRID  
NAD 83 (NSRS 2007)

GROUND DISTANCE 493.95  
CORRECTION FACTOR 0.988900  
S 40°21'38" W  
S 32°29'07" W

STEPHEN & MARSHA DINGLE  
PIN: 9742-25-9235  
D.B. 1423 PG. 172  
P.B. 1, PG. 14

3/4" OPEN IRON PIPE FOUND  
PIN: 9742-25-9204  
D.B. 701 PG. 231  
P.B. 1, PG. 14

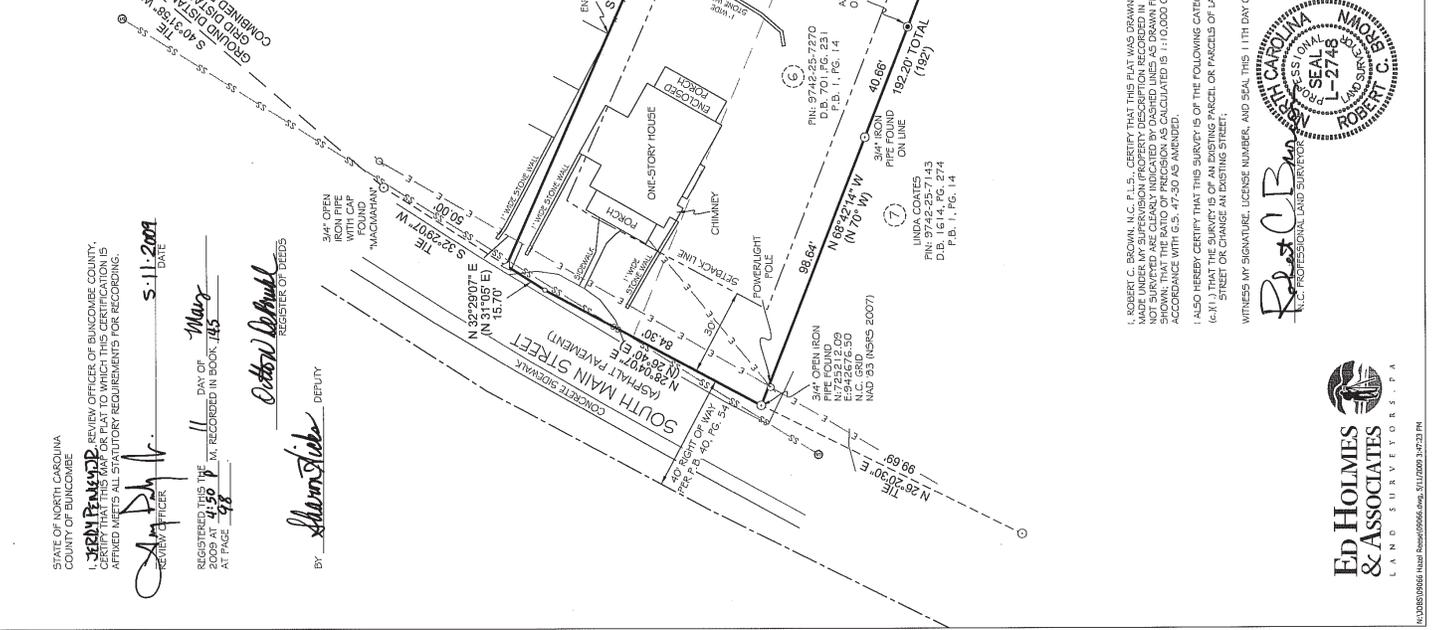
AXLE FOUND  
0.03 NORTH (LEANING)  
PIN: 9742-25-9185  
D.B. 701 PG. 231  
P.B. 1, PG. 14

3/4" IRON PIPE FOUND ON LINE  
N 68°42'44" W  
(N 70° W)  
PIN: 9742-25-9143  
D.B. 1614, PG. 274  
P.B. 1, PG. 14

3/4" IRON PIPE FOUND  
N 62°44'33" W  
(N 63°30" W)  
PIN: 9742-25-9151  
D.B. 701 PG. 231  
P.B. 1, PG. 14

3/4" IRON PIPE FOUND  
S 64°43'54" E  
208.78  
(S 66°10' E)  
PIN: 9742-25-9185  
D.B. 701 PG. 231  
P.B. 1, PG. 14

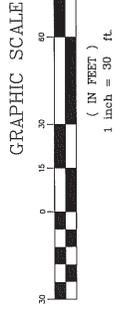
3/4" IRON PIPE FOUND  
N 32°52'04" E  
(N 32°52'04" E)  
PIN: 9742-25-9151  
D.B. 701 PG. 231  
P.B. 1, PG. 14



Boundary Survey for  
**Hazel Reese**

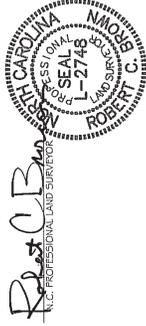
- REFERENCES**
- PIN 9742-25-7270
  - PIN 9742-25-6204
  - PIN 9742-25-9185
  - PIN 9742-25-9143
  - DEED BOOK 701, PAGE 231
  - FLAT BOOK 1, PAGE 14
  - TOTAL AREA = 0.85 ± ACRE
  - Town of Weaverville, Buncombe County, N.C.
  - DATE: 4-30-09 DRAWN BY: P. White
  - JOB #09066 CHECKED BY: R.C. Brown

Robert C. Brown, PLS  
Ed Holmes & Associates Land Surveyors, P.A.  
P.O. Box 17335 Asheville, NC 28816  
828.225.6562



1 inch = 30 ft.  
(IN FEET)

Ed Holmes & Associates  
LAND SURVEYORS, P.A.



I, ROBERT C. BROWN, N.C. P.L.S., CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (PROPERTY DESCRIPTION RECORDED IN DEED BOOKS AS SHOWN). THAT THE BOUNDARIES SHOWN ON THIS PLAT ARE THE RESULT OF A SURVEY MADE BY ME OR UNDER MY SUPERVISION AND THAT THE RATIOS OF PRECISION AS CALCULATED IS 1:10,000 OR GREATER. THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.  
I ALSO HEREBY CERTIFY THAT THIS SURVEY IS OF THE FOLLOWING CATEGORY AS DESCRIBED IN G.S. 47-30(11):  
(6.N) THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET;  
WITNESS MY SIGNATURE, LICENSE NUMBER, AND SEAL THIS 11TH DAY OF MAY, A.D., 2009.

DIS ID: 08195318881 Type: CSP  
Recorded: 05/17/2009 at 04:58:21 PM  
Verified: 05/17/2009 at 04:58:21 PM  
Buncombe County, NC  
Register of Deeds  
PB 145 pg 98

**TOWN OF WEAVERVILLE  
AGENT AUTHORIZATION FOR LAND USE DEVELOPMENT  
PETITION/APPLICATION AND APPROVAL**

**PROPERTY LEGAL DESCRIPTION:**

**PARCEL ID:** 9742-25-8178

**STREET ADDRESS:** 120 S. Main Street Weaverville, NC 28787

**PROPERTY OWNER:** Hazel S. Reese by and through  
Judy Williams Attorney in Fact  
(complete Certificate of Authority if a corporation or LLC)

**PROPERTY OWNER:**

**PROPERTY OWNER CONTACT INFORMATION:**

**EMAIL ADDRESS:** Hazesrun@aol.com

**PHONE NUMBER:** 864-288-9958

**MAILING ADDRESS:** 414 Bishop Dr. Mauldin, SC 29662

**PERMIT SOUGHT/APPLICATION TO BE SUBMITTED:** *A Variance*

**NAME OF INDIVIDUAL AGENT:** *Tonya Gudger*

**NAME OF CONTRACTOR/CONSULTING FIRM:**

**AGENT CONTACT INFORMATION:**

**EMAIL ADDRESS:** *tonyagudger@KW.COM*

**PHONE NUMBER:** *828-712-8100*

**MAILING ADDRESS:** *23 Terrace Ln. Weaverville, NC 28787*

We, the undersigned property owner(s) of the above noted property, do hereby authorize the individual or company listed above as the property owner's agent to act on his/her/their behalf and to take all actions necessary for the processing, issuance, and acceptance of the above-referenced permit or application. We hereby certify the above information submitted in this application is true and accurate to the best of our knowledge.

*Judy R. Williams*  
\_\_\_\_\_  
Property Owner Signature

\_\_\_\_\_  
Property Owner Signature

Date: 9-21-19

Date: \_\_\_\_\_

## TOWN OF WEAVERVILLE APPLICATION FOR A VARIANCE

Planning and Zoning Department, 30 South Main Street, P.O. Box 338, Weaverville, NC 28787  
(828) 484-7002— fax (828) 645-4776 — [jeller@weavervillenc.org](mailto:jeller@weavervillenc.org)  
Application Fee: \$250.00 + \$50.00 for each variance requested

### General Notes:

- Applications for a variance are required to be submitted at least two weeks in advance of the next scheduled meeting of the Zoning Board of Adjustment to afford sufficient time for the legal advertising of the evidentiary hearing.
- Fees associated with the application cover the cost of legal advertising of the evidentiary hearing and are nonrefundable once submitted.
- Subsequent permit fees may be applicable dependent upon the type and scope of construction.
- The Zoning Board of Adjustment follows a quasi-judicial process when making a determination on an application for a variance. Strict adherence to statutorily prescribed procedures before, during and after a hearing must be followed to ensure that constitutional due process rights of all parties are preserved.
- A document providing an overview of Zoning Board of Adjustment matters can be furnished by staff at the request of the applicant.
- Each item listed in subsections A-F listed below must be addressed in order for an application to become complete and eligible for review by the Zoning Board of Adjustment.

### A. Property Information

Address of Subject Property: 120 South Main

PIN(s) of Subject \_\_\_\_\_

Property: 9742-25-8178

### B. Contact Information

Owner's Name: Judy Williams

Mailing Address: 414 Bishop Dr. Mauldin, SC 29662

Telephone #: 864-288-9958 Email: hazestun@aol.com

Primary Contact if Other Than Owner and Authorization to Represent

Owner: Tonya Gudger

Mailing Address: 23 Terrace Ln. Weaverville, NC 28787

Telephone #: 828-712-8100 Email: tonyagudger@kw.com

### C. Type of Submission

Describe the Variance

Requested: Minimum Lot Width of the Underlying R-1 Zoning District

Provision of Ordinance Relevant to Variance Application Including Section Title, Section Number, Subsection Number or

Letter: Sec. 36-106 Table of Dimensional Requirements

**TOWN OF WEAVERVILLE APPLICATION FOR  
A VARIANCE**

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Application Fee: ~~\$250.00~~ + ~~\$50.00~~ for each variance requested

**D. Variance Burden of Proof**

The Zoning Board of Adjustment is authorized to grant a variance when unnecessary hardships would result from carrying out the strict letter of the terms of Chapter 36 of the Code of Ordinances upon a showing of all of the following criteria. The burden of proof falls upon the applicant for each of the six standards listed below. Following each standard please indicate the facts you intend to demonstrate and the arguments you intend to make in support of the variance application. You may attach a separate page if necessary.

a. Unnecessary hardship would result from the strict application of this chapter. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. an unnecessary hardship will result in the strict application of the Zoning Ordinance as the lot without the variance cannot be used for single family residential purposes, the primary use within an R-1 zoning district;

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.

Though additional variances have been granted under similar circumstances, it should be noted that a vast majority of other parcels of land have been built upon suggesting the preexisting nonconformity is peculiar to the property

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 shall not be regarded as a self-created hardship.

Preexisting nonconforming lots were originally recorded in 1920, well in advance of the Town's zoning ordinance taking effect in 1978

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

Substantiall ysimilar preexisting nonconforming lots in the immediate vicinity at 124 South Main, 126 South Main, 84 West have previously received variance as per 36-531(B)(2).

e. The variance is not a request to permit a use of land, building or structure which is not permitted in the zoning district in which the property is located.

Structures to be located on present lots with preexisting nonconformities will be used for residential use

f. The variance is not a request to permit a prohibited sign.

N/A

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

**TOWN OF WEAVERVILLE APPLICATION FOR  
A VARIANCE**

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Application Fee: \$250.00 + \$50.00 for each variance requested

**E. List of Supporting Documents**

Please provide an inventory of additional documentation submitted to the Board in support of the application. Such documentation should include a site plan with such information as the zoning administrator determines as needed for a full review of the application: Plat Attached

**F. Certification**

\*I hereby certify that the information contained on this application is accurate to the best of my knowledge.

Signature of Owner: Agent Tomp Gudger Date: 10-1-19

Please indicate on the following line how you wish to receive a copy of the written order establishing a decision related to this application.

**OFFICE USE ONLY**

Date Received: 10.1.19

Date of Public Hearing: 10.28.19

**Staff**

Comments: Staff has reviewed the statements made in Section D related to the burdon of proof and can generally attest to the facts provided by the applicant

Fee: \$250

Date: 10.1.19

Decision:

Date:

Approved with

Conditions:

Signature of Zoning Administrator: James Eller

STATE OF NORTH CAROLINA  
COUNTY OF BLANDFORD

1. **ROBERT C. BROWN**, SENIOR OFFICER OF BLANDFORD COUNTY, CERTIFY THAT THIS MAP OR PLAN TO WHICH THIS CERTIFICATION IS APPLIED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REGISTERED TO BE THE 11 DAY OF May 2007  
AT PAGE 98 OF RECORD BOOK 145  
BY Robert C. Brown REGISTER OF DEEDS  
DATE 5-11-2007

BY Robert C. Brown SENIOR OFFICER

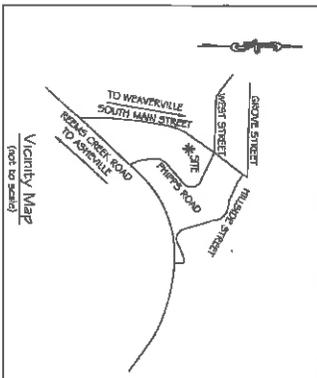
Robert C. Brown REGISTER OF DEEDS

NECS MONUMENT  
N 27° 51' 25" E  
D 24.972 L 41  
N 0° 0' 0" E  
D 0.000  
N 60° 03' 00" W  
D 2007

3.40' STRIP W  
GRID DISTANCE 493.66  
COMBINED FACTOR 0.998800

**LEGEND**

- IRON PIPE FOUND AS DESCRIBED
- △ CONCRETE WALL SET
- ASLT FOUND
- ⊕ # 5 REBAR FOUND
- ⊙ NECS MONUMENT
- ⊕ SHARPLY SINKING MARK
- ⊕ SHARPLY SINKING MARK
- ⊕ POWER POLE
- PROPERTY LINE
- ADJOINING PROPERTY LINE
- FENCE
- INTERIOR LOT LINE
- SHARPLY SINKING LINE
- RIGHT OF WAY LINE
- OVERHEAD ELECTRICAL LINE



**NOTES**

- \* This survey is of existing parcels of land.
- \* Total Area = 0.25± ACRES.
- \* All areas calculated by coordinate comparison method.
- \* This survey was prepared without benefit of adjacent title and no claims of title should be referred to an attorney-in-law.
- \* This survey may be subject to all rights-of-way, easements, encroachments, and other restrictions, whether or not shown, recorded and unrecorded.
- \* The certification shown herein is not a certification of title, zoning or freedom from encumbrances.
- \* Adjoining property owner's addresses taken from the Bladen County GIS website.
- \* No underground utilities were located. Call 1-800-453-1848 before digging.
- \* Based on geophysical location information from the FEMA Mitigation Center, the subject property lies within Zone X, areas determined to be outside the 500 year floodplain, as shown on FEMA Flood Insurance Rate Map 9702 (01) 03 C, effective date May 01, 1995.
- \* All structures, roads, poles, lines, vehicles and located on this property, shown or not shown herein, may be subject to better title. It is the consultant's responsibility to have the areas delineated by personally authorized by the proper authorities, to make such determination.
- \* 30' distance, object markers are horizontal ground distances unless otherwise noted.
- \* Bearings and distances in parentheses are from Deed Book 701, Page 251.
- \* Laying corners (land) were located at ground level.
- \* Property is zoned R1.
- \* Standard dimensions taken from Town of Weaverville Zoning Code (adopted 11/2005, Sec. 5B, 5C).

**Boundary Survey for**  
**Hazel Reese**

**REFERENCES**  
PIN 9742-25-720  
PIN 9742-25-8204  
PIN 9742-25-9151  
PIN 9742-25-9185  
DEED BOOK 701, PAGE 231  
TOTAL AREA = 0.25± ACRES  
PLAT AREA = 0.25± ACRES

Town of Weaverville, Bladen County, N.C.  
DATE: 5/11/2007  
JOB #09056 CHECKED BY: R.C. Brown

Robert C. Brown, PLS  
Ed Holmes & Associates Land Surveyors, PA  
P.O. Box 17335 Asheville, NC 28916  
828.225.6562

**GRAPHIC SCALE**  
( IN FEET )  
1 Inch = 30 Ft.



DATE: 5/11/2007  
PROJECT: HAZEL REESE  
JOB #09056  
CHECKED BY: R.C. Brown

## AFFIDAVIT OF PUBLICATION

### BUNCOMBE COUNTY

SS.  
NORTH CAROLINA

Before the undersigned, a Notary Public of said County and State, duly commissioned, qualified and authorized by law to administer oaths, personally appeared **Kelly Loveland**, who, being first duly sworn, deposes and says: that she is the **Staff Accountant** of **The Asheville Citizen-Times**, engaged in publication of a newspaper known as **The Asheville Citizen-Times**, published, issued, and entered as first class mail in the City of Asheville, in said County and State; that she is authorized to make this affidavit and sworn statement; that the notice or other legal advertisement, a true copy of which is attached hereto, was published in **The Asheville Citizen-Times** on the following date: October 9, 16, 2019. And that the said newspaper in which said notice, paper, document or legal advertisement was published was, at the time of each and every publication, a newspaper meeting all of the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina.

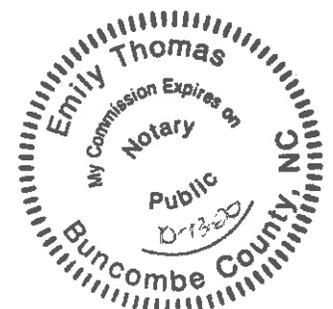
Signed this 16<sup>th</sup> day of October, 2019

  
\_\_\_\_\_  
(Signature of person making affidavit)

Sworn to and subscribed before me the 16<sup>th</sup> day of October, 2019.

  
\_\_\_\_\_  
(Notary Public)

My Commission expires the 13<sup>th</sup> day of October, 2020



**NOTICE OF SPECIAL CALLED MEETING AND PUBLIC HEARING**

Public Notice is hereby given that the Town of Weaverville Zoning Board of Adjustment will hold a special called meeting in which to hold a Public Hearing, following quasi-judicial procedures, on Monday, October 28, 2019 at 7:00p.m., or at such time as the Board reaches the matter. This meeting will occur within Council Chambers at Town Hall located at 30 South Main Street, Weaverville, NC to consider the following item:

An application for a variance to build upon a nonconforming lot of record with a dimensional nonconformity more than 20 percent below the minimum standards established by the R-1 Zoning District on a property bearing Buncombe County PIN#9742-25-8178, 120 South Main Street, Weaverville, NC.

If you would like additional information or to review the content related to the Public Hearing you may contact Planning Director and Deputy Town Clerk James Eller at 828-484-7002 or jeller@weaverville.nc.org. 0003832123

**TOWN OF WEAVERVILLE  
REGARDING THE MATTER OF:**

Variance - Public Hearing  
120 South Main Street, Buncombe County PIN 9742-25-8178

**AFFIDAVIT OF MAILING AND POSTING**

Being first duly sworn, I, James W. Eller, do hereby swear or affirm that on the 7th day of October, 2019, I:

1. Mailed the attached Notice of Public Hearing, attached as Exhibit A, to all of the persons listed on the attached Exhibit B and that said mailing was accomplished by putting the Notice in envelopes, with postage pre-paid, addressed to all persons shown and at the addresses reflected on the attached Exhibit B, and that said envelopes were deposited in a U.S. Mail Box under the exclusive control of the U.S. Postal Service; and
2. Posted the attached Notice of Public Hearing Sign(s), Exhibit C, at the location commonly known as 120 South Main Street and that a Notice of Public Hearing, Exhibit A, was affixed to the reverse side of same.

This the 7<sup>th</sup> day of October, 2019.

  
\_\_\_\_\_  
James W. Eller

Sworn to and subscribed before me  
this 7<sup>th</sup> day of October 2019

\_\_\_\_\_  
Notary Public

My Commission Expires: 8/29/2021

[Notary Seal]



Exhibit A

## **NOTICE OF SPECIAL CALLED MEETING AND PUBLIC HEARING**

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Exhibit B

OWNER	ADDRESS	CITYNAME	STATE	ZIPCODE
A HAROLD LINDAU REVOCABLE LIVING TRUST	21 Phipps St	Weaerverville	NC	28787
ANDREOLA MARSHA SASKIA	85 WEST ST	WEAVERVILLE	NC	28787
BALCRANKLONG LLC	1650 DES PERES RD STE 303	SAINT LOUIS	MO	63131
BISHOP EDITH;SMITH PAULINE R	120 REEMS CREEK RD	WEAVERVILLE	NC	28787
BLANKENSHIP JAY M JR;BLANKENSHIP JANIS G	PO BOX 551	WEAVERVILLE	NC	28787
BOYD CAROLYN J;BOYD ERNEST W	103 S MAIN ST	WEAVERVILLE	NC	28787
BROWN KIRSTEN	400 S ELAM AVE	GREENSBORO	NC	27403
BUCKNER KENNETH J;BUCKNER KATHERINE M	14 GROVE ST	WEAVERVILLE	NC	28787
BUNCOMBE COUNTY BOARD OF EDUCATION	175 BINGHAM RD	ASHEVILLE	NC	28806
BYERS DIANE C	119 S MAIN ST	WEAVERVILLE	NC	28787
CARTER THOMAS E	113 S MAIN ST	WEAVERVILLE	NC	28787
CHEEK BETTY J;GARRISON ELAINE C;ALLMAN MARJORIE C;	PO BOX 204	WEAVERVILLE	NC	28787
CHILDRESS KRISTEN B	25 PHIPPS ST	WEAVERVILLE	NC	28787
COATES LINDA N	181 MURPHY HILL RD	WEAVERVILLE	NC	28787
DANA BRISCOE BROWN REVOCABLE TRUST	18 GROVE ST	WEAVERVILLE	NC	28787
DAUPHINAIS LUCAS	144 REEMS CREEK RD	WEAVERVILLE	NC	28787
DAVISON WILMA CATHERINE	115 S MAIN ST	WEAVERVILLE	NC	28787
DUNCAN WILLIAM JACK	33 PHIPPS ST	WEAVERVILLE	NC	28787
DUNCAN WILLIAM JACK	33 PHIPPS ST	WEAVERVILLE	NC	28787
DUNCAN WILLIAM JACK	33 PHIPPS ST	WEAVERVILLE	NC	28787
DUNCAN WILLIAM JACK	33 PHIPPS ST	WEAVERVILLE	NC	28787
EASTERLING HARRY E;EASTERLING SYLVIA H	5 HILLSIDE ST	WEAVERVILLE	NC	28787
ELISHA BAIRD HEIRS	280 COLLINS AVE APT 1A	MOUNT VERNON	NY	10552

FIESER CALEB WALTER ZACHARY;CHUMBLEY LEAH CRAIG	118 S MAIN ST	WEAVERVILLE	NC	28787
FITZSIMMONS WILLIAM PATRICK	114 S MAIN ST	WEAVERVILLE	NC	28787
GENTRY CARL RAYMOND JR;GENTRY BARBARA	7 NORTH ST	WEAVERVILLE	NC	28787
GREENE BRUCE E	86 MARLBOROUGH RD	ASHEVILLE	NC	28804
GREENE C REBECCA	86 MARLBOROUGH RD	ASHEVILLE	NC	28804
HALL JAMES WALTER JR;HALL NORA R	PO BOX 1672	WEAVERVILLE	NC	28787
HAMEL DANA LOUISE	83 CARRINGTON AVE	MILFORD	CT	6460
HELEN SUE BLEVINS (LE)	99 S Main St	Weaverville	NC	28787
JARVIS SANDRA	140 S MAIN ST	WEAVERVILLE	NC	28787
LAWRENCE NEIL STEVEN;LAWRENCE JENNIFER ANNE	2 S COLLEGE ST	WEAVERVILLE	NC	28787
LITTLE MOUNT ZION BAPTIST CHURCH	21 HILLSIDE ST	WEAVERVILLE	NC	28787
LITTLE MOUNT ZION BAPTIST CHURCH	21 HILLSIDE ST	WEAVERVILLE	NC	28787
LITTLE MT ZION BAPTIST CHURCH	PO BOX 1532	WEAVERVILLE	NC	28787
MCKINNEY DAVID E JR;MCKINNEY BRENDA	11 PHIPPS ST	WEAVERVILLE	NC	28787
MCLENDON SHERRI L	9 NORTH ST	WEAVERVILLE	NC	28787
MULL MITCHELL E;MULL AMANDA C	142 REEMS CREEK RD	WEAVERVILLE	NC	28787
MURRAY GEORGIA FRANCES WAYNE	5 W COVE ST	WEAVERVILLE	NC	28787
NANCY J ABRAMS LIVING TRUST	116 LINCOLN RD	LINCOLN	MA	1773
NASH STEVEN E;NICHOLSON-CHRISTEN CHRISTINA C	124 S MAIN ST	WEAVERVILLE	NC	28787
NELMS (LE) HERBERT RAY;NELMS (LE) CORRINE B	34 PHIPPS ST	WEAVERVILLE	NC	28787
NINES CHARLES K;NINES CATHERINE A	37 PHIPPS ST	WEAVERVILLE	NC	28787
OLENICK CHAD;OLENICK NICOLE	136 Reems Creek Rd	Weaverville	NC	28787
PAUL P SHEPPARD (TRUSTEE) AWA MARIE SNIDER SHEPPARD (TRUSTEE)	615 LACASA DR	JOHNSON CITY	TN	37601
PENLAND RANDALL E;PENLAND RUTH M	PO BOX 1057	WEAVERVILLE	NC	28787
RAY TYLER NETTLES	134 S MAIN ST	WEAVERVILLE	NC	28787

REESE HOWARD;REESE HAZEL S	414 BISHOP DR	MAULDIN	SC	29662
RICE PHILLIP W	87 OLD BURNSVILLE RD	WEAVERVILLE	NC	28787
RICHARD M WEAVER (HEIRS)	100 S MAIN ST	WEAVERVILLE	NC	28787
RUNNE ANDRE G	9 HILLSIDE ST	WEAVERVILLE	NC	28787
RUNNE ANDRE G;RUNNE MELONIE	9 HILLSIDE ST	WEAVERVILLE	NC	28787
RYDE HELEN V;SCHIAPPA KATHY A	24 PHIPPS ST	WEAVERVILLE	NC	28787
SAMS HEATHER A;EZELL STEPHEN P	84 West St	Weaverville	NC	28787
SANDY WEST TRUST	2523 Watkins Way	Austin	TX	78746
SONDRA LYNN HALL TRUST	557 NORTH MAIN STREET	SEBASTOPOL	CA	95472
SPEARS CHILDRENS TRUST 2011 GLADYS H				
SPEARS TRUSTEE	PO BOX 1091	WEAVERVILLE	NC	28787
SPEARS CHILDRENS TRUST 2011 GLADYS H				
SPEARS TRUSTEE	PO BOX 1091	WEAVERVILLE	NC	28787
SPEARS FRANK D JR;SPEARS REGINA C	PO BOX 1183	WEAVERVILLE	NC	28787
T & E PROPERTY INVESTMENTS LLC	52 MEADOW VILLAGE LN	ASHEVILLE	NC	28803
THOMAS RUSSELL A	PO BOX 268	FAIRVIEW	NC	28730
THOMAS RUSSELL A	PO BOX 268	FAIRVIEW	NC	28730
TURNER JEFFREY S	PO BOX 86	BOALSBURG	PA	16827
WATLEY CYNTHIA	70 ROSEWOOD AVE	ASHEVILLE	NC	28801
WEAVER CEMETERY	UNKNOWN STREET	WEAVERVILLE	NC	28787
WILLIAM CHAMBERS (HEIRS)	PO BOX 204	WEAVERVILLE	NC	28787
WILSON ALLEN L;WILSON CAROLYN	PO BOX 941	WEAVERVILLE	NC	28787
WILSON KATHERINE	PO BOX 533	WEAVERVILLE	NC	28787
WILSON(LE) LARRY C;WILSON(LE) SYLVIA L	26 PHIPPS ST	WEAVERVILLE	NC	28787
YOKOI NORIKO;GARTNER STEVE	96 WEST ST	WEAVERVILLE	NC	28787
YOKOI NORIKO;GARTNER STEVE	96 WEST ST	WEAVERVILLE	NC	28787

Exhibit C

