



**Town of Weaverville  
Zoning Board of Adjustment  
Council Chambers  
January 8, 2018, 7pm**

**Agenda**

1. Call to Order – Chairman Jeff McKenna.
2. Approval of the Minutes from the October 9 and November 13, 2017 Meetings of the Board.
3. Approval of an Order Amending an Existing Special Use Permit for the Development Commonly Known as Northridge Commons.
4. Approval of an Order Reversing the Decision of the Zoning Administrator Related to Certain Finishing Materials to be Used Based Upon the Conditional Zoning District which Established the Development Commonly Known as Weaver Village.
5. Public Hearing Regarding an Application for a Variance on the Property Commonly Known as 52 Governor Thomson Terrace. The Nature of Said Variance is from the Front Yard Setback Established by the R-2 Zoning District.
6. Consideration of a Motion Establishing a Ruling on the Aforementioned Application for an Amendment to an Existing Special Use Permit.
7. Any Other Business to Come Before the Board.
8. Adjournment.

Town of Weaverville

Zoning Board of Adjustment  
Minutes – Monday, October 9, 2017

The Zoning Board of Adjustment of the Town of Weaverville met for its regularly scheduled monthly meeting at 7pm on Monday, October 9, 2017 in council chambers at Town Hall at 30 South Main Street, Weaverville.

Present: Vice Chairman Tycer Lewis, Board Members Paul Clauhs, Roger Parkin and Cynthia Wright, Town Attorney Jennifer Jackson and Planning Director James Eller. Absent: Chairman Jeff McKenna.

**1. Call to Order**

Vice Chairman Tycer Lewis called the meeting to order at 7:00pm.

In recognition that the property owner for the Fairfield Inn project had traveled a good distance to attend the meeting tonight, Ms. Wright made the motion to move up the items pertaining to Fairfield Inn so that they were the first substantive hearing of the evening. Mr. Parkin seconded that motion and all voted to adjust the agenda in that regard.

Vice Chairman Lewis gave those in attendance a description of the quasi-judicial process to which the Zoning Board of Adjustment is bound which included the following.

*Tonight the Zoning Board of Adjustment will holding 2 quasi-judicial hearings. The purpose of each quasi-judicial hearing is for the Zoning Board of Adjustment to hear and consider pertinent facts related to each 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 hearings that will be held tonight are 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.*

*Generally the following will occur for each matter:*

- 1. **OPENING OF HEARING AND INTRODUCTION** – The hearing will be opened and a brief introduction of the matter will be made in which the applicant, the property affected and the request are briefly identified.*
- 2. **BOARD DISCLOSURES** - The Board will then discuss any potential bias or conflict of interest and make any adjustments to the Board’s membership for that particular matter. The Board will disclose the nature of any outside communication that has been received prior to the hearing on the matter.*
- 3. **IDENTIFICATION OF PARTIES** - We will then go through a process to identify the relevant parties to the hearing. Only those people who have a sufficient interest, or standing, in the outcome of the 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 be opposed to the request, will have standing to be identified as a party.*
- 4. **SWEARING IN OF WITNESSES** - Anyone thinking that they might wish to provide testimony during the hearing, even if not a party, will then be asked to come forward and take an oath to tell the truth during such testimony. This will be done as a group with all signing a sheet giving your name and address.*
- 5. **STAFF PRESENTATION** – Staff will summarize the request, state the applicable standards, recite notice provided, state what materials were provided to the board in advance, and summarize the content of any staff analysis. In appeals of staff decisions, the staff person acts as a party to the case rather than in the typical role of staff to the board.*
- 6. **APPLICANT TESTIMONY AND ARGUMENT** – The Applicant will present evidence and legal arguments in support of the request. Evidence and arguments must focus upon the applicable standards.*
- 7. **TESTIMONY AND ARGUMENT OF OTHER PARTIES** – Other parties, in the order called on by the chair, will present evidence and legal arguments for or against the request. Evidence and arguments must focus upon the applicable standards.*
- 8. **TESTIMONY OF OTHER FACTUAL WITNESSES** – Anyone wishing to provide factual testimony concerning the request will be provided an opportunity to do so. Factual testimony should be limited to how the project does or does not meet the standards. Testimony should be limited to facts and not personal preferences and opinions.*
- 9. **RESPONSE** – Parties with standing will have an opportunity to offer rebuttal testimony and a closing argument. Responses should focus on legal arguments and new or clarifying evidence and avoid repetition of the evidence already presented.*
- 10. **MOTION TO CONTINUE THE HEARING** - In some circumstances the board may decide to continue a hearing to a later meeting. This may be at the request of a party or on the board’s own motion.*
- 11. **DELIBERATION** – The board will ask any final questions or offer any personal knowledge or additional facts relevant to the matter and then begins its deliberations. The hearing will remain open during deliberations so that the board may ask clarifying questions as needed. The board must make its decisions based on the competent, relevant and substantial evidence in the record and the application of those facts to the standards set out in the Town’s Code. The decision cannot be based on the personal preference of board members, but on the standards and the evidence.*

12. **MOTION AND VOTE** – A motion to approve, approve with conditions, or deny the request will be made based on the board’s discussions and a vote will be taken.
13. **DECISION** - The Board will then discuss important facts relevant to its decision and direct Staff to prepare a written decision consistent with the Board’s discussion and vote. That written decision will be reviewed by the Board at its next meeting. The written decision will be provided to the applicant and other parties with a right to such notice. Parties have thirty days to appeal the decision.
14. **CLOSING OF HEARING** – The hearing will be closed and we will move on to the next matter.

**2. Approval of the Minutes from the June 12, 2017 Meeting of the Board.**

Mr. Clauhs motioned to approve the minutes as presented. Mr. Parkin seconded and all voted unanimously.

**3. Public Hearing Regarding an Application for a Six Month Extension of Time Related to the Start of Construction for the Project Commonly Known as Fairfield Inn ,Weaverville Subject to a Special Use Permit Originally Granted by the Zoning Board of Adjustment on Monday, September 12, 2016.**

Vice Chairman Lewis reviewed the procedure for the public hearing which included the following.

**INTRODUCTION:** Blue Ridge Hospitality Ventures, LLC, is the developer of the Fairfield Inn and Suites by Marriott at 166 Weaver Boulevard, under a special use permit that was issued in September of 2016. The developer has requested a 6-month extension of the time period in which to complete their plans and permitting so that they can begin construction

**JURISDICTION:** Sec. 36-240(h)(2) authorizes the BOA to consider one 6-month extension of time for the start of construction on projects subject to special use permits

**STANDARDS:** Reasonable cause shown

Vice Chairman Lewis declared the evidentiary hearing open.

Vice Chairman Lewis also inquired of the Board if any member had any bias or had participated in any ex parte communication regarding the matter to be heard. No Board Member disclosed such a bias or action.

Vice Chairman Lewis asked which individuals wished to participate as parties to the matter before the Board. The Board acknowledged applicant Blue Ridge Hospitality Ventures, LLC and Planning Director James Eller had standing to participate in the hearing, each were duly sworn and made parties to the matter. No other appearances or requests were made to be a party to this matter.

Mr. Eller described the nature of the application which called for a six month extension for the start of construction on projects subject to a special use permit.

Mr. Eller submitted into evidence an affidavit of mailing as exhibit 1-A, an affidavit of posting as exhibit 1-B and an affidavit of publication as exhibit 1-C.

Mr. Eller also submitted a packet of information into evidence as exhibit 2. Said packet of information included a “Statement Regarding an Extension of Time for the Start of Construction for Projects Subject to an Existing Special Use Permit”, Section 36-240 of the Code of Ordinances entitled Unified Business Development, a

vicinity map, order granting a special use permit to the subject property on October 10, 2016 and a request for extension dated August 28, 2017.

Mr. Mercer, appearing on behalf of the owner and applicant, testified that the delay in construction was in parts due to the difficulty of the applicant in obtaining ownership of the property and the months long process of obtaining certain permit from Buncombe County.

Having heard all the evidence and heard the responses to all questions asked, Vice Chairman Lewis closed the evidentiary hearing.

**4. Consideration of a Motion Establishing a Ruling on the Aforementioned Application for a Six Month Extension of Time for a Project Subject to a Special Use Permit.**

Vice Chairman Lewis reviewed with the Board the question for deliberation: Does the record include competent, relevant and substantial evidence that the developer of the Fairfield Inn and Suites by Marriott should be granted a 6-month extension on the deadline to begin construction?

Based on the evidence presented and the arguments made Mr. Clauhs motioned to approve requested six month extension of time related to the start of construction. Ms. Wright seconded and all voted unanimously. Mr. Clauhs then made the motion to adopt the written order consistent with the board's action on this matter. Mr. Parkin seconded the motion and all voted in favor to adopt the order.

**5. Public Hearing Regarding an Application for a Sidewalk Waiver Related to a Proposed Development Near the Intersection of Garrison Road and Merrimon Avenue. The Nature of Said Waiver is from the Sidewalk Construction Requirement of all New Multi-family or Commercial Uses.**

Vice Chairman Lewis reviewed the procedure for the evidentiary hearing which included the following.

**INTRODUCTION:** Serota Mars Hill, LLC, through Wilder Wadford, has requested a waiver of the sidewalk requirement for its commercial project located near the intersection of Garrison Road and Merrimon Avenue and bears PIN 9732-80-8797 and 9732-90-0726

**JURISDICTION:** Sec. 36-24(c)(2) authorizes the BOA to consider a waiver of the sidewalk requirement for all new multi-family residential and/or commercial uses.

**STANDARDS:** Exceptions to the sidewalk requirement may be considered under the following circumstances:

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 Chairman Lewis declared the public hearing open.

Vice Chairman Lewis also inquired of the Board if any member had any bias or had participated in any ex parte communication regarding the matter to be heard. No Board Member disclosed such a bias or action.

Vice Chairman Lewis asked which individuals wished to participate as parties to the matter before the Board. The Board acknowledged applicant Serota Mars Hill, LLC (through Wilder Wadford) and Planning Director James Eller had standing to participate in the hearing, each were duly sworn and made parties to the matter. No other appearances or requests were made to be a party to this matter.

Mr. Eller described the nature of the application which called for a waiver of the sidewalk requirements applicable to all new multifamily and commercial development.

Mr. Eller submitted into evidence an affidavit of mailing as exhibit 1-A, an affidavit of posting as exhibit 1-B and an affidavit of publication as exhibit 1-C.

Mr. Eller also submitted a packet of information into evidence as exhibit 2. Said packet of information included a "Statement Regarding Sidewalk Waiver, Garrison Road", Section 36-24 entitled sidewalk requirements from the Code of Ordinances, a vicinity map and a site plan submitted by the applicant showing the proposed use of the property.

Mr. Eller testified that sidewalks do not exist on Merrimon Avenue or Garrison Road in the vicinity of the project and stated that there was no evidence of a sidewalk project occurring along same during the next ten years due to the terrain and lack of right-of-way.

Mr. Mercer, appearing on behalf of the owner and applicant, testified that if constructed as required by Section 36-24, the sidewalk would only be in front of the applicant's commercial development and would not connect to any other sidewalks. The construction of the sidewalk in front of the applicant's commercial development are not warranted and may actually cause greater harm or danger to the pedestrians on Garrison Road due to the abrupt beginning and ending of a required sidewalk.

Having heard all the evidence and heard the responses to all questions asked, Vice Chairman Lewis closed the evidentiary hearing.

#### **6. Consideration of a Motion Establishing a Ruling on the Aforementioned Sidewalk Waiver.**

Vice Chairman Lewis reviewed with the Board the question for deliberation: Does the record include competent, relevant and substantial evidence that the sidewalk construction requirement for commercial uses should be waived for the Stoney Knob Commercial development?

Based on the evidence presented and the arguments made, Mr. Parkin motioned to approve the sidewalk waiver for the aforementioned property and adopt the written order as presented. Mr. Clauhs seconded and all voted unanimously. Mr. Clauhs made the motion to adopt the draft written order that was presented. Ms. Wright seconded the motion and all voted to adopt said order.

**7. Discussion Related to a Staff Request that the Board Consider the Elimination of a Previously Established Order.**

Vice Chairman Lewis introduced the next item of business as follows:

**INTRODUCTION:** The Town requests the repeal of an order dated August 10, 2015, which granted a variance on a proposed development that was never approved. The property is now owned by Shakamar Investment Group, LLC, is located on Reems Creek Road and bears PIN 9742-94-9526.

**JURISDICTION:** Sec. 36-328(2) provides BOA authority to grant variances.

**STANDARD TO REPEAL:** Did the BOA have jurisdiction on August 10, 2015, to grant the variance as requested?

Vice Chairman Lewis declared the public hearing open.

Vice Chairman Lewis also inquired of the Board if any member had any bias or had participated in any ex parte communication regarding the matter to be heard. No Board Member disclosed such a bias or action.

Vice Chairman Lewis asked which individuals wished to participate as parties to the matter before the Board. The Board acknowledged that current owner Shakamar Investments, LLC and Planning Director James Eller had standing to participate in the hearing, each were duly sworn and made parties to the matter. No other appearances or requests were made to be a party to this matter.

Mr. Eller submitted a packet of information into evidence as exhibit 2. Said packet of information included a "Statement Regarding a Proposed Elimination of an Existing Order of the Zoning Board of Adjustment", Order granting a variance dated August 10, 2015, Minutes from a Planning and Zoning Board meeting from September 1, 2015 and Session Law 2014-26.

Mr. Eller testified that on August 10, 2015 the Zoning Board of Adjustment held a quasi-judicial hearing and adopted an order granting three setback variances for a proposed major subdivision then known as Fox Ridge. Session Law 2014-26 dictated that the Town of Weaverville lost its extra territorial jurisdiction on July 1, 2014 and the property wasn't annexed into the municipal limits of the Town until August 21, 2017. Therefore the Zoning Board of Adjustment, at the time of the evidentiary hearing, did not have jurisdiction over the property

Having heard all the evidence and heard the responses to all questions asked, Vice Chairman Lewis closed the evidentiary hearing.

**8. Consideration of a Motion Establishing a Ruling on the Aforementioned Elimination of a Previously Established Order.**

Vice Chairman Lewis reviewed with the Board the question for deliberation: Does the record include competent, relevant and substantial evidence that the variance granted on August 10, 2015 for Village of Fox Ridge Subdivision should be repealed?

Based on the evidence presented and the arguments made, and after reviewing a draft written order, Mr. Parkin motioned to repeal the aforementioned variance and adopt the order presented. Ms. Wright seconded and all voted unanimously.

**9. Any Other Business to Come Before the Board.**

Staff previewed that in the upcoming months they would be working on the board's rules of procedure. Staff also gave a brief update on the status of some of the projects that had previously come before the board.

There being no further business before the Board, Vice Chairman Lewis called for a motion to adjourn.

**10. Adjournment.**

Mr. Parkin motioned to adjourn. Mr. Clauhs seconded and all voted unanimously.

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**Tycer Lewis, Vice Chairman  
Zoning Board of Adjustment**

**ATTEST:**

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**James W. Eller  
Town Planner / Deputy Town Clerk**

Town of Weaverville

Zoning Board of Adjustment  
Minutes – Monday, November 13, 2017

The Zoning Board of Adjustment of the Town of Weaverville met for its regularly scheduled monthly meeting at 7pm on Monday, November 13, 2017 in council chambers at Town Hall at 30 South Main Street, Weaverville.

Present: Chairman Jeff McKenna, Vice Chairman Tyker Lewis, Board Members Paul Clauhs, Roger Parkin and Cynthia Wright, Town Attorney Jennifer Jackson and Planning Director James Eller. Absent: none.

**1. Call to Order**

Chairman Jeff McKenna called the meeting to order at 7:00pm.

Chairman McKenna gave those in attendance a description of the quasi-judicial process to which the Zoning Board of Adjustment is bound which included the following.

*Tonight the Zoning Board of Adjustment will holding 2 quasi-judicial hearings. The purpose of each quasi-judicial hearing is for the Zoning Board of Adjustment to hear and consider pertinent facts related to each 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 hearings that will be held tonight are 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.*

*Generally the following will occur for each matter:*

1. **OPENING OF HEARING AND INTRODUCTION** – *The hearing will be opened and a brief introduction of the matter will be made in which the applicant, the property affected and the request are briefly identified.*
2. **BOARD DISCLOSURES** - *The Board will then discuss any potential bias or conflict of interest and make any adjustments to the Board’s membership for that particular matter. The Board will disclose the nature of any outside communication that has been received prior to the hearing on the matter.*
3. **IDENTIFICATION OF PARTIES** - *We will then go through a process to identify the relevant parties to the hearing. Only those people who have a sufficient interest, or standing, in the outcome of the 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 be opposed to the request, will have standing to be identified as a party.*
4. **SWEARING IN OF WITNESSES** - *Anyone thinking that they might wish to provide testimony during the hearing, even if not a party, will then be asked to come forward and take an oath to tell the truth during such testimony. This will be done as a group with all signing a sheet giving your name and address.*
5. **STAFF PRESENTATION** – *Staff will summarize the request, state the applicable standards, recite notice provided, state what materials were provided to the board in advance, and summarize the content of any staff analysis. In appeals of staff decisions, the staff person acts as a party to the case rather than in the typical role of staff to the board.*
6. **APPLICANT TESTIMONY AND ARGUMENT** – *The Applicant will present evidence and legal arguments in support of the request. Evidence and arguments must focus upon the applicable standards.*
7. **TESTIMONY AND ARGUMENT OF OTHER PARTIES** – *Other parties, in the order called on by the chair, will present evidence and legal arguments for or against the request. Evidence and arguments must focus upon the applicable standards.*
8. **TESTIMONY OF OTHER FACTUAL WITNESSES** – *Anyone wishing to provide factual testimony concerning the request will be provided an opportunity to do so. Factual testimony should be limited to how the project does or does not meet the standards. Testimony should be limited to facts and not personal preferences and opinions.*
9. **RESPONSE** – *Parties with standing will have an opportunity to offer rebuttal testimony and a closing argument. Responses should focus on legal arguments and new or clarifying evidence and avoid repetition of the evidence already presented.*
10. **MOTION TO CONTINUE THE HEARING** - *In some circumstances the board may decide to continue a hearing to a later meeting. This may be at the request of a party or on the board’s own motion.*
11. **DELIBERATION** – *The board will ask any final questions or offer any personal knowledge or additional facts relevant to the matter and then begins its deliberations. The hearing will remain open during deliberations so that the board may ask clarifying questions as needed. The board must make its decisions based on the competent, relevant and substantial evidence in the record and the application of those facts to the standards set out in the Town’s Code. The decision cannot be based on the personal preference of board members, but on the standards and the evidence.*
12. **MOTION AND VOTE** – *A motion to approve, approve with conditions, or deny the request will be made based on the board’s discussions and a vote will be taken.*
13. **DECISION** - *The Board will then discuss important facts relevant to its decision and direct Staff to prepare a written decision consistent with the Board’s discussion and vote. That written decision will be*

*reviewed by the Board at its next meeting. The written decision will be provided to the applicant and other parties with a right to such notice. Parties have thirty days to appeal the decision.*

**14. CLOSING OF HEARING** – *The hearing will be closed and we will move on to the next matter.*

Ms. Jackson described that an application related to an amendment of an existing special use permit for the property commonly known as Fairfield Inn, Weaverville, which had been duly noticed and therefore eligible to be heard by the Board, had been removed from consideration at the request of the applicant.

Mr. Lewis motioned to remove the previously listed items 4 and 5 from the agenda which related to the aforementioned matter. Mr. Parkin seconded and all voted unanimously.

## **2. Public Hearing on an Amendment to an Existing Special Use Permit which Governs the Property Commonly Known as Northridge Commons.**

Chairman McKenna introduced the first matter on for hearing as follows:

**INTRODUCTION:** HFW Endeavors, LLC, is the owner of the commercial development known as Northridge Commons located at 152 Monticello Road, which was developed under a special use permit that was issued on June 5, 2006. The developer has requested an amendment to its special use permit to remove Outparcel F, 2.64+/- acres, from the operation of the special use permit.

**JURISDICTION:** Sec. 36-328(1) authorizes the BOA to amend previously granted special use permits

### **STANDARDS:**

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 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 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.

Chairman McKenna declared the evidentiary hearing open.

Chairman McKenna then inquired of the Board if any member had any bias or had participated in any ex parte communication regarding the matter to be heard. No Board Member disclosed such a bias or action. Chairman McKenna asked which individuals wished to participate as parties to the matter before the Board.

The Board acknowledged applicant and owner HFW Endeavors, LLC and Planning Director James Eller had standing to participate in the hearing, each were duly sworn and made parties to the matter. No other appearances or requests were made to be a party to this matter.

Mr. Eller described the nature of the application which called for the removal of outparcel F from the special use permit which governs Northridge Commons granted on June 5, 2006.

Mr. Eller submitted into evidence an affidavit of mailing as exhibit 1-A, an affidavit of posting as exhibit 1-B and provided testimony that the public hearing had been duly advertised in a paper of record but the affidavit of publication had not been received prior the meeting.

Mr. Eller also submitted a packet of information into evidence as exhibit 2. Said packet of information included the application to amend an existing special use permit, a site plan for the property, development standards for Northridge Commons, an open space bulletin and the order granting the special use permit for Northridge Commons from June, 2006.

Speaking specifically to the aforementioned development standards and open space bulletin, Mr. Eller testified that one variable of the development standards called for the reservation of 20% of the property as open space and it was his belief and understanding that the open space bulletin provided by the applicant ensured that the removal of outparcel F from the special use permit would not adversely affect the standards placed upon the remainder of the development.

Applicant Steve Harris testified that he was the owner of the subject property and spoke in support of the application.

Warren Sugg, a professional engineer from Civil Design Concepts and representative of the applicant, testified to the accuracy of the aforementioned open space bulletin and affirmed Mr. Eller's position that enough open space would remain for the rest of Northridge Commons.

Having heard all the evidence and heard the responses to all questions asked, Chairman McKenna closed the evidentiary hearing.

### **3. Consideration of a Motion Establishing a Ruling on the Aforementioned Application for an Amendment to an Existing Special Use Permit.**

Chairman McKenna reviewed with the board the question for deliberation: Does the record include competent, relevant and substantial evidence that the amendment as requested by developer meets the standards and should therefore be granted?

Based on the evidence presented and the arguments made Mr. Lewis made a motion to remove Outparcel F from the special use permit for Northridge Commons originally granted on June 5, 2006. Ms. Wright seconded and all voted unanimously to approve the requested amendment to the special use permit.

**4. Public Hearing on an Appeal of a Decision of the Zoning Administrator Related to the Design Standards Established by Ordinance within the Conditional Zoning District for the Property Commonly Known as Weaver Village.**

Chairman McKenna introduced the next matter on for hearing as follows:

**INTRODUCTION:** Brandt Point Investments is the owner of one of the lots within Weaver Village which was developed under a conditional zoning district that was adopted by ordinance on May 19, 2008. The conditional zoning district has many development standards, one of which is that the exterior of all buildings must be of an arts and crafts style, using arts and crafts finishes (which include stone, wood timbers, brick, stucco, and cement siding and cedar shake shingles on exterior elevations and architectural design roof shingles) and colors. The owner has requested approval to construct the exterior of its lots with metal siding that is made to resemble stucco. The zoning administrator has determined that this is inconsistent with the Order, that he is without authority to grant a zoning permit with this construction material. The owner has appealed the zoning administrator's decision and requests that the metal siding made to resemble stucco be allowed as a permissible construction material under the Order.

**JURISDICTION:** Sec. 36-328(3) authorizes the BOA to hear and decide appeals of decisions of the zoning administrator

**STANDARDS:** When the issue is whether the zoning administrator erred in interpreting an ordinance, the BOA reviews the issue de novo or as if it were deciding the question in the first place. The board must consider the interpretation of the zoning administrator but is not bound by that interpretation and may freely substitute its judgment. The board must also ensure that the rights of the appellant have not been prejudiced because the zoning administrator's findings, inferences, conclusions, or decision were:

1. In violation of constitutional provisions, including those protecting procedural due process rights.
2. In excess of the authority conferred upon the zoning administrator by ordinance.
3. Inconsistent with applicable procedures specified by statute or ordinance.
4. Affected by other error of law.
5. Unsupported by substantial competent evidence in view of the entire record.
6. Arbitrary or capricious.

Chairman McKenna declared the public hearing open.

Chairman McKenna next inquired of the Board if any member had any bias or had participated in any ex parte communication regarding the matter to be heard. No Board Member disclosed such a bias or action.

Chairman McKenna asked which individuals wished to participate as parties to the matter before the Board. The Board acknowledged applicant and owner Brandt Point Investments, LLC, (through Darren Cady) and Planning Director James Eller had standing to participate in the hearing, each were duly sworn and made parties to the matter. No other appearances or requests were made to be a party to this matter.

Mr. Eller described the nature of the application which called for the use of a metal siding which had been designed to resemble stucco.

Mr. Eller submitted into evidence an affidavit of mailing as exhibit 1-A, an affidavit of posting as exhibit 1-B and provided testimony that the public hearing had been duly advertised in a paper of record but the affidavit of publication had not been received prior the meeting.

Mr. Eller also submitted a packet of information into evidence as exhibit 2. Said packet of information included the application to appeal a decision of the zoning administrator, construction material information, a zoning permit denial letter, the ordinance establishing Weaver Village as a conditional zoning district, power point slides referenced in the aforementioned ordinance, zoning permit application for the proposed structure, site plans and construction details submitted with the zoning permit application, a photograph of a building which had been constructed with the proposed siding and the Merriam-Webster definitions of stucco, plaster and emboss. Additionally Mr. Eller submitted into evidence a material sample of metal embossed to resemble stucco.

Mr. Eller provided additional testimony related to the materials submitted, a recitation of Condition #14 in the CZD Ordinance which states that “architecture of all the structures located on the property shall be on an arts and crafts style, using arts and crafts finishes (which include stone, wood timbers, brick, stucco, cement siding and cedar shake shingles on exterior elevations...), and an explanation of the reasoning behind his determination that the metal embossed to resemble stucco did not comply with Condition #14, i.e. embossed metal siding still most resembled a corrugated metal building, and not an arts and crafts finish.

Appellant and Owner Darren Cady gave testimony and submitted to the Board as exhibits 3 and 4, different materials than had been submitted to the zoning administrator in conjunction with the zoning permit application. Using Exhibit 3, the new material was demonstrated to be a metal siding/insulation product that was sprayed with a synthetic stucco substance. The construction shown by exhibit 4 was noted to be real rock/stone 3 to 4 feet up and then the stucco substitute panels. Mr. Cady also indicated that this newer product will allow for easier expansion of the building as the end can be deconstructed and reconstructed with relative ease.

Chris Cormier, a general contractor on the project, also gave testimony in support of the approval of this substituted siding product and answered questions concerning the siding product, the construction process, the frequency of expansion joints.

After an opportunity for the board to have all of its questions answered and all evidence and testimony of the parties was submitted, Chairman McKenna closed the hearing.

#### **5. Consideration of a Motion Establishing a Ruling on the Aforementioned Appeal.**

Chairman McKenna reviewed the question that the board must answer in this matter: Did the zoning administrator err in interpreting the Order? If so, does the board wish to substitute its judgment?

After recognizing that the material that was submitted with the application differed from what was presented during the hearing, Mr. Parkin motioned to reverse the decision of the zoning administrator related to the construction material to be used on a building within Weaver Village. Ms. Wright seconded and all voted unanimously.

#### **6. Any Other Business to Come Before the Board.**

There being no further business before the Board, Chairman McKenna called for a motion to adjourn.

**7. Adjournment.**

Mr. Lewis motioned to adjourn. Mr. Clauhs seconded and all voted unanimously.

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**Jeff McKenna, Chairman  
Zoning Board of Adjustment**

**ATTEST:**

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**James W. Eller  
Town Planner / Deputy Town Clerk**

**TOWN OF WEAVERVILLE  
ZONING BOARD OF ADJUSTMENT**

**ORDER AMENDING  
SPECIAL USE PERMIT**

**APPLICANT:** HFW Endeavors, LLC

**PROPERTY LOCATION:** 152 Monticello Road, Weaverville, NC

**PARCEL IDENTIFICATION NUMBER:** 9733-70-0398

The Zoning Board of Adjustment of the Town of Weaverville (hereinafter “Board”) held a quasi-judicial evidentiary hearing (hereinafter “Hearing”) on Monday, November 13, 2017, at 7 p.m. in Council Chambers at Town Hall at 30 South Main Street, Weaverville, on a request for an amendment to the special use permit issued on June 5, 2006 for the development known as Northridge Commons, in order to remove Outparcel F, +/- 2.64 acres, from the operation of the special use permit.

A quorum of the Board was present with Chairman Jeff McKenna, Vice Chairman Tycer Lewis, Board Members Paul Clauhs, Cynthia Wright, and Roger Parkin in attendance. Town Attorney Jennifer Jackson and Town Planner James Eller were also present.

The Hearing was held after notice of the meeting had been mailed to property owners within five hundred feet of the subject property, notice of the meeting was posted on the subject property and notice of the meeting was duly advertised in a paper of record.

At the Hearing on November 13, 2017, Chairman McKenna presided and reviewed the procedure for the Hearing on the requested amendment. The Board acknowledged that the following individuals had standing to participate in the Hearing and made parties to this matter: Applicant/Owner HFW Endeavors, LLC, and Town Planner James Eller. No one else appeared and requested to be made a party to this matter.

The Zoning Board of Adjustment for the Town of Weaverville, after having held the Hearing in this matter and having considered all the evidence and arguments presented at the hearing, finds as fact and concludes as follows:

1. Documentary evidence was submitted and admitted into evidence without objection as follows:
  - a. An affidavit of mailing, an affidavit of posting were submitted into evidence by James Eller as Exhibit 1-A and 1-B.
  - b. A packet of information submitted to the Board and parties was submitted into evidence by James Eller as Exhibit 2 and included the following items:

Application

Site Plan

Development Standards for Northridge Commons

Open Space Bulletin

BOA Decision dated June 5, 2006, which granted the Special Use Permit

2. Mr. Eller provided testimony that the notice of hearing had run in the newspaper as required by law but that he had not yet received the affidavit of publication at the time of hearing. Mr. Eller also provided a summary of the request.
3. Steve Harris appeared and gave testimony as the Applicant/Owner and Warren Sugg, a professional engineer from Civil Design Concepts, also gave testimony in support of the Applicant's request.
4. The Applicant owns the property shown as Outparcel F of Northridge Commons which also bears Parcel Identification Number 9733-70-0398, and believes that the highest and best use of the property is for residential use.
5. If Outparcel F is pulled out of the Northridge Commons development there is still 20% open space that will remain in that development.
6. Section 36-328(1) provides the Board of Adjustment with authority to amend previously granted special use permits.
7. The Board finds that the findings that were necessary to be made for the original issuance of the special use permit and the conditions imposed by that special use permit are not impacted by the removal of Outparcel F from the operation of the special use permit.
8. The Board also acknowledges that the affidavit of publication is now in hand as additional proof that this matter was published as required by law.

**NOW THEREFORE**, based upon the foregoing findings of fact and conclusions, the Zoning Board of Adjustment for the Town of Weaverville concludes (1) that it has jurisdiction to hear this application for amendment to a special use permit; (2) that the matter was properly notice; and (3) that the request for the amendment to remove Outparcel F from the operation of that special use permit issued on June 5, 2006, should be granted.

**IT IS, THEREFORE, ORDERED** that the Applicant's request to remove Outparcel F from the operation of the special use permit issued on June 5, 2006 is hereby granted.

**ORDERED THIS** the \_\_\_\_\_ day of November, 2017.

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**Jeff McKenna, Chairman  
Zoning Board of Adjustment**

**ATTEST:**

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**James W. Eller  
Town Planner / Deputy Town Clerk**

**TOWN OF WEAVERVILLE  
ZONING BOARD OF ADJUSTMENT**

**ORDER REGARDING APPEAL OF  
ZONING ADMINISTRATOR**

**APPELLANT:** Brant Point Investments, LLC

**PROPERTY LOCATION:** Weaver Village Way, Weaverville, NC

**PARCEL IDENTIFICATION NUMBER:** 9742-29-0485

The Zoning Board of Adjustment of the Town of Weaverville (hereinafter “Board”) held a quasi-judicial evidentiary hearing (hereinafter “Hearing”) on Monday, November 13, 2017, at 7 p.m. in Council Chambers at Town Hall at 30 South Main Street, Weaverville, on an appeal of the zoning administrator’s determination that metal siding embossed to resemble stucco did not comply with the design standards contained in the Conditional Zoning District adopted by Town Council on May 19, 2008, and denial of a zoning permit on that basis.

A quorum of the Board was present with Chairman Jeff McKenna, Vice Chairman Tyker Lewis, Board Members Paul Clauhs, Cynthia Wright, and Roger Parkin in attendance. Town Attorney Jennifer Jackson and Town Planner James Eller were also present.

The Hearing was held after notice of the meeting had been mailed to property owners within five hundred feet of the subject property, notice of the meeting was posted on the subject property and notice of the meeting was duly advertised in a paper of record.

At the Hearing on November 13, 2017, Chairman McKenna presided and reviewed the procedure for the Hearing on the requested amendment. The Board acknowledged that the following individuals had standing to participate in the Hearing and made parties to this matter: Applicant/Owner Brant Point Investments, LLC, and Zoning Administrator James Eller. No one else appeared and requested to be made a party to this matter.

The Zoning Board of Adjustment for the Town of Weaverville, after having held the Hearing in this matter and having considered all the evidence and arguments presented at the hearing, finds as fact and concludes as follows:

1. Documentary evidence was submitted and admitted into evidence without objection as follows:
  - a. An affidavit of mailing, an affidavit of posting were submitted into evidence by James Eller as Exhibit 1-A and 1-B.
  - b. A packet of information submitted to the Board and parties was submitted into evidence by James Eller as Exhibit 2 and included the following items:

Appeal Form

Construction Material Information

Zoning Administrator’s Letter dated October 9, 2017

Ordinance Establishing Conditional Zoning for Weaver Village with Exhibit B

Power Point Slides referenced in Ordinance

Zoning Permit Application dated August 9, 2017

Site Plans and Construction Details

Siding Details

Photograph

Merriam-Webster definitions of “stucco,” “plaster,” and “emboss”

- c. Material sample, metal embossed to resemble stucco, submitted with the zoning permit application that was labeled as Exhibit 2-A
  - d. Material sample, metal with a synthetic stucco substance applied, submitted during the Hearing and labeled as Exhibit 3.
  - e. Photograph taken during the Hearing by Attorney Jackson of large constructed model used during the Hearing, subsequently labeled as Exhibit 4.
2. Mr. Eller provided testimony that the notice of hearing had run in the newspaper as required by law but that he had not yet received the affidavit of publication at the time of hearing.
  3. The Applicant owns the unaddressed property on Weaver Village Way that is further identified as Parcel Identification Number 9742-29-0485, which is subject to the conditions imposed by the Conditional Zoning District that is in place on the entirety of Weaver Village.
  4. Mr. Eller provided a summary of the materials submitted, a recitation of Condition #14 in the CZD Ordinance which states that “architecture of all the structures located on the property shall be on an arts and crafts style, using arts and crafts finishes (which include stone, wood timbers, brick, stucco, cement siding and cedar shake shingles on exterior elevations...), and an explanation of the reasoning behind his determination that the metal embossed to resemble stucco did not comply with Condition #14, i.e. embossed metal siding still most resembled a corrugated metal building, and not an arts and crafts finish.
  5. Darren Cady appeared and gave testimony as the Appellant/Owner and submitted a proposed siding product that appeared to the Board to be different than what was originally presented to the zoning administrator for consideration. Using Exhibits 3 and the large model that is depicted in Exhibit 4, the new material was demonstrated to be a metal siding/insulation product that was sprayed with a synthetic stucco substance. The construction was noted to be real rock/stone 3 to 4 feet up and then the stucco substitute panels. Mr. Cady also indicated that this newer product will allow for easier expansion of the building as the end can be deconstructed and reconstructed with relative ease.
  6. Chris Cormier, a general contractor on the project, also gave testimony in support of the approval of this substituted siding product and answered questions concerning the siding product, the construction process, the frequency of expansion joints.
  7. The zoning administrator and Board agreed that as presented the substituted siding product did constitute a construction material that was permissible under Condition #14.

8. Section 36-328(3) provides the Board of Adjustment with authority to hear and decide appeals of decisions of the zoning administrator and in so doing has the authority to hear the matter de novo.
9. The Board believes that the zoning administrator was not in error in his original determination but finds that the siding product that was presented during the Hearing is in compliance with the construction material standards set out in Condition #14.
10. The Board also acknowledges that the affidavit of publication is now in hand as additional proof that this matter was published as required by law.

**NOW THEREFORE**, based upon the foregoing findings of fact and conclusions, the Zoning Board of Adjustment for the Town of Weaverville concludes (1) that it has jurisdiction to hear this appeal; (2) that the matter was properly notice; and (3) that the siding product that is shown on Exhibit 3 and depicted on Exhibit 4 is compliant with Condition #14 of the CZD Ordinance.

**IT IS, THEREFORE, ORDERED** that the Applicant's application for a zoning permit should not be denied based upon the usage of the siding product that is shown on Exhibit 3 if constructed to be similar to that model depicted in Exhibit 4.

**ORDERED THIS** the \_\_\_\_\_ day of November, 2017.

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**Jeff McKenna, Chairman  
Zoning Board of Adjustment**

**ATTEST:**

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**James W. Eller  
Zoning Administrator / Deputy Town Clerk**

**ZONING BOARD OF ADJUSTMENT  
MEETING SHEET FOR JANUARY 8, 2018**

**VARIANCE REQUEST**

**INTRODUCTION:** John and Constance Aceves are the owners of a lot in Reems Creek Village having an address of 52 Governor Thomson Terrace and a Buncombe County Parcel Identification Number of 9752-05-1477. The Aceves have requested a 9.2 foot variance of the 30-foot front yard setback and are represented by Jeff Osborne of Osborne Construction.

**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 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**

OWNER/APPLICANT NAME:

APPLICATION DATE: 12/21/17

John and Constance Aceves represented by:  
Jeff Osborne of Osborne Construction

PHONE NUMBER:  
828-713-5941

MAILING ADDRESS: 3652 Gabriel's Creek Rd  
Weaverville, NC 28787

NATURE OF THE VARIANCE(S): We would like to move the house seat forward into the 30 foot setback because unforeseen fill located in the house area.

PROPERTY ADDRESS: 52 Governor's Thompson Terrace  
Weaverville, NC 28787

PIN: 9752-05-1477

LOT AREA (acres) 0.5

ZONING DISTRICT: Town of Weaverville

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:

- 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.
- 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.
- c. The hardship did not result from action 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.
- 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.
- e. The variance is not a request to permit use of land, building or structure which is not permitted in the zoning district in which the property is located.
- f. The variance is not a request to permit a prohibited sign.

**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**

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

**It is the applicant's responsibility to obtain a copy of the Town of Weaverville Zoning Ordinance and to be fully aware of the regulations detailed therein.**

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

*Please email to [josborne@osborneconstruction.net](mailto:josborne@osborneconstruction.net). Send hard copy to mailing address.*  
Application has been reviewed with the applicant.

	<u>12/21/17</u>
SIGNATURE OF APPLICANT	DATE
	<u>12.21.17</u>
SIGNATURE OF ZONING ADMINISTRATOR	DATE



**SITE PLAN**

FOR  
**OSBORNE CONSTRUCTION**  
 PIN 9762-05-1477  
 52 GOV THOMSEN TERRACE  
 REEMS CREEK TWP. BUNCOMBE COUNTY NC

SCALE: 1" = 30' DRAWN BY: SMH FILE: BNC17-084  
 DATE: 08/08/17 PG 888  
 DATE REFERENCE: 08/08/17 PG 136  
 SURVEY BY: SMH/KAH DATE: NOV 2017  
 DRAWING NO: BNC17084BASE

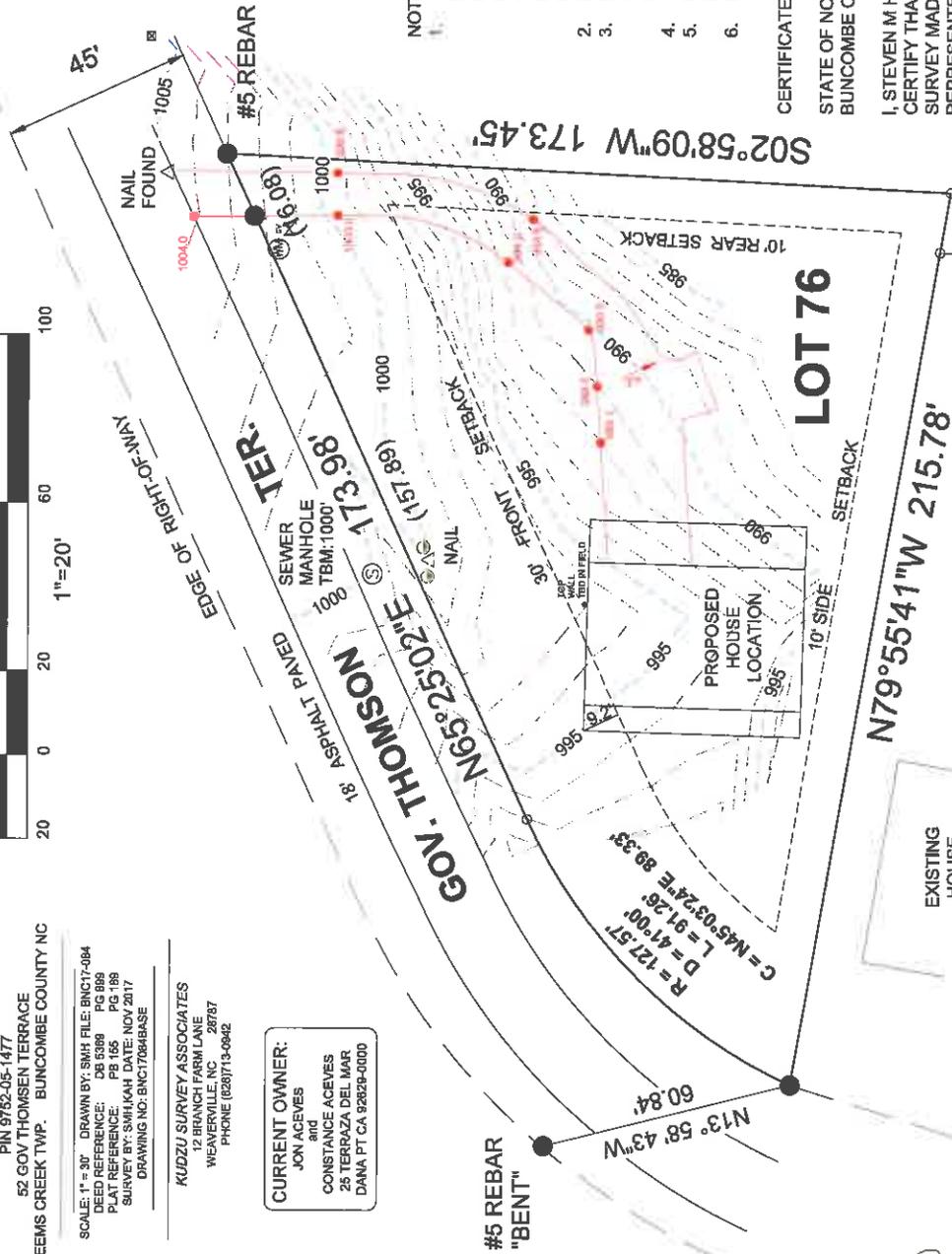
KUDZU SURVEY ASSOCIATES  
 12 BRANCH FARM LANE  
 WEAVERVILLE, NC 28787  
 PHONE (628)713-0842

**CURRENT OWNER:**  
 JON ACEVES  
 and  
 CONSTANCE ACEVES  
 25 TERRAZA DEL MAR  
 DANA PT CA 92829-0000

GRAPHIC SCALE  
 (FEET)



VICINITY MAP  
 (NOT TO SCALE)



- LEGEND:**
- ⊙ SEWER CLEANOUT
  - ⊠ TELEPHONE PEDESTAL
  - ⊡ TELEPHONE PEDESTAL
  - ⊞ GAS VALVE
  - ⊞ WATER METER
  - ⊞ COMPUTED POINT
  - FOUND #6 REBAR
  - ⊙ MANHOLE

- LEGEND:**
- DB: DEED BOOK
  - PB: PLAT BOOK
  - PG: PAGE
  - FFE: FINISHED FLOOR ELEVATION
  - TBM: TEMPORARY BENCH MARK
  - NTS: NOT TO SCALE
  - MAJOR CONTOUR
  - MINOR CONTOUR

- NOTES:**
1. SURVEYOR HAS MADE NO INDEPENDENT INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE TITLE SEARCH MAY DISCLOSE
  2. PROPERTY IS ZONED XXX.
  3. PROPERTY IS LOCATED IN ZONE X OF FIRM #37026 PANEL 9752 SUFFIX J EFFECTIVE DATE 6 JAN 2010.
  4. ALL DISTANCES ARE HORIZONTAL.
  5. ELEVATIONS ARE BASED ON AN ASSUMED ELEVATION OF 2205.20'
  6. NO NGS MONUMENT WITHIN 2000'.

CERTIFICATE OF SURVEY AND ACCURACY:

STATE OF NORTH CAROLINA  
 BUNCOMBE COUNTY

I, STEVEN M HIGLEY, PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT THIS PLAT WAS DRAWN BY ME FROM AN ACTUAL SURVEY MADE UNDER MY DIRECTION; THAT THIS PLAT REPRESENTS AN EXISTING PARCEL OF LAND PER G.S. 47-30 (f) 11c1; DEED DESCRIPTION RECORDED IN BOOK: 3577, PAGE: 573 AND PLAT BOOK 137, PAGE 141; THAT THE RATIO OF PRECISION OF THE SURVEY BEFORE ADJUSTMENT WAS ONE PART IN 15,000, AS CALCULATED BY LATITUDES AND DEPARTURES, AND THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30, AS AMENDED, WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER, AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

NC PROFESSIONAL LAND SURVEYOR #4702