

Buncombe County Government
Application to Amend the Buncombe County Zoning Map

Planning and Development
www.buncombecounty.org

46 Valley Street
Asheville, NC 28801
Telephone (828) 250-4830
Fax (828) 250-6086

OFFICE USE ONLY:

Case Number: ZPH 2019 - 00003 Date Received: 1/29/19
Scheduled Planning Board Hearing Date: 3/4/19

Application is hereby made to the Board of Commissioners of Buncombe County to amend the Official Zoning Map of Buncombe County as pertains to the following properties:

Property description:

- Property Identification Number(s): 972030444300000 & 972030644000000
- Address(es) of Property : 65 Lees Creek Rd & 67 Lees Creek Rd
- Total Acreage of Property: 3.2 ac

Zoning Classification(s):

Current zoning district(s): R-1 Requested zoning district(s)*: PS

**If only a portion of the property is requested to be rezoned, or a rezoning to include more than one zoning district is proposed, please enclose a map indicating the area(s) of the property to be considered for rezoning.*

Please answer the following questions (if necessary attach a separate sheet of paper):

1. Describe how the size of the tract proposed for rezoning in reference to surrounding properties makes it suitable for the proposed zoning classification:

 The tracts proposed for rezoning are currently dual zoned PS and R-1. 65 Lees Creek Rd is a 1.9 acre tract surrounded on three sides by large tracts of land with commercial and multifamily uses. The adjacent residential neighborhood has homes with lots on average 0.3ac. Access to the property will be separate from the residential neighborhood. There is a physical and existing landscaping buffer between the building at 65 Lees Creek Rd and the closest single family home. The tract size is appropriate and adequate for parking and access requirements.

2. Describe how the proposed rezoning is consistent with Buncombe County's Comprehensive Land Use Plan (available at www.buncombecounty.org/planning):

 The proposed PS rezoning is consistent with the County's Land Use plan is that it is 1 mi from New Leicester Hwy, is accessed via a DOT maintained road that is already utilized for other commercial purposes including three schools. It has public water and sewer, is outside of steep slope areas, outside high elevation, outside flood hazard areas and separate from low-density residential uses.

Describe how the proposed rezoning would be reasonable and in the public interest, with specific attention to the zoning and existing land uses of surrounding properties, and the potential effects of the proposed rezoning on property owners, adjacent neighbors, and the surrounding community.

___The proposed rezoning from R-1 to PS is consistent with the surrounding properties, three of which are zoned PS and include multifamily housing, Buncombe Co. Emergency Management and Erwin High School. The recent historic use of the building was as a group home. Our use will be as a preschool that has the potential to serve employees and siblings of attendees of the nearby schools and residents of the adjacent and nearby residential housing at the very least. Access to affordable child care has become a major problem this preschool will help to address. Morning traffic will be staggered to minimize affects to neighbors. _____

3. Is/are the applicant(s) listed below the owner(s) of the property? Yes No

If the applicant(s) listed below are not the owner(s) as listed within the Buncombe County Tax Records, North Carolina General Statutes require the applicant to certify that the owner(s) received notice for each public hearing. An owner's affidavit should be submitted with this application, and certification of notice must be provided by the applicant once notice has been made for each public hearing 5 days prior to the hearing date; sample documents for both items can be obtained from the Planning Department.

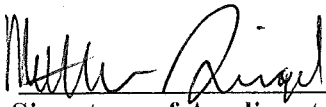
Contact information:

_____ Matthew Siegel, Ampersand Ellipsis LLC _____
Applicant Name(s) (please print)

_____ 109 Michigan Ave Asheville, NC 28806 _____
Mailing Address (including town/city, state, and zip)

_____ 610-390-9984 _____
Telephone

_____ mattsiegelavl@gmail.com _____
Email Address



Signature of Applicant

Signature of Applicant

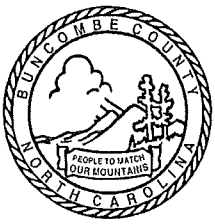
Signature of Applicant

Signature of Applicant

Signature of Applicant

Signature of Applicant

Withdrawal of an application after notice has been made will result in forfeiture of any application fees associated with said application.



Application to Amend the Buncombe County Zoning Map:
Owners' Affidavit

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APPLICANT'S AFFIDAVIT:
CERTIFICATION TO THE BOARD OF COMMISSIONERS OF NOTICE

I, Matthew Siegel, Ampersand Ellipsis LLC, the undersigned applicant, do hereby certify that
Liberty Corner Enterprises Inc [name(s) of owner(s)] has/have
received actual notice of the proposed amendment and a copy of the notice of public hearing for the
Planning Board/Board of Commissioners (circle one) meeting scheduled for March 4, 2019
pursuant to the North Carolina General Statutes, for consideration of rezoning for property located at:
65 Lees Creek Rd & 67 Lees Creek Rd,
PIN(s) # 972030444300000 & 972030644000000

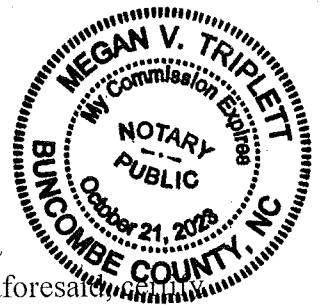
Current zoning district: R-1 Requested zoning district: PS

Notice was provided in the following manner (check one; if a variety methods were utilized to reach
multiple applicants please provide a separate form for each method):

- Certified mail with return receipt (return receipts will be forwarded to the Planning Department
upon receipt).
X Personal delivery on January 23, 2019, at (location): 119 Tunnel Rd Suite 120,
Asheville, NC 28805
Service processor (service processor receipt enclosed).

Matthew Siegel January 28th, 2019

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE



I, Megan V. Triplett, a Notary Public of the County and State aforesaid,
that Matthew Siegel, APPLICANT, personally appeared before me this day and
voluntarily acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this the 28th day of January, 2019.

Megan V. Triplett
Notary Public

My Commission Expires: October 21, 2023

G.S. § 10B-43 NOTARIAL CERTIFICATE FOR AN OATH OR AFFIRMATION

Furcell County, North Carolina

Signed and sworn to before me this day by Matthew Siegel
Name of principal

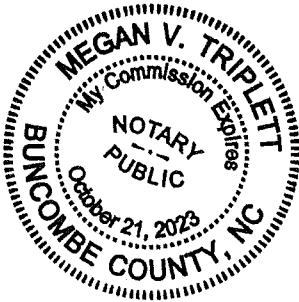
Date: January 28, 2019

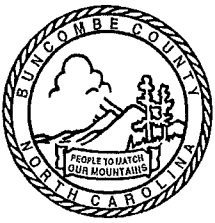
(Official Seal)

Megan V. Triplett
Official Signature of Notary

Megan V. Triplett Notary Public
Notary's printed or typed name

My commission expires: October 21, 2023





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OWNERS' AFFIDAVIT

The persons listed below do hereby appear before a Notary Public and affirm that they are the legal owners of the property located at:

_____ 65 Lees Creek Rd & _____ 67 Lees Creek Rd _____,

PIN(s) 972030444300000 & 972030644000000 _____ (same owner of both properties) _____.

The persons listed below do hereby give authorization and permission to:

____ Matthew Siegel _____ of _____ Ampersand Ellipsis LLC _____
(Name of Representative/Agent) (Name of Organization)

to submit to Buncombe County a request to amend the zoning map for the above listed properties from:

Current zoning district: _____ R-1 _____ Requested zoning district: _____ PS _____.

This application will be submitted to be heard by the Planning Board in a public hearing on March 4, 2019 and to be subsequently heard by the Commissioners.

<u>Owner's Name (Print)</u>	<u>Owner's Signature</u>	<u>Date</u>
<u>Liberty Corncor Enterprises, Inc.</u>	<u>Matthew Byrd, Exec. Dir.</u>	<u>1-23-19</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I, AMBER E. CLOUTIER, a Notary Public of the County and State aforesaid, certify that
GRATI BYRD, PROPERTY OWNER, personally appeared before me this day and voluntarily
acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 28 day of JANUARY, 2019.

Amber E. Cloutier
Notary Public

My Commission Expires: 9/14/19

AMBER E CLOUTIER
NOTARY PUBLIC
WAKE COUNTY, NC
My Commission Expires 9-14-2019

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I, _____, a Notary Public of the County and State aforesaid, certify that _____, PROPERTY OWNER, personally appeared before me this day and voluntarily acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this the ____ day of _____, 20__.

Notary Public

My Commission Expires:

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I, _____, a Notary Public of the County and State aforesaid, certify that _____, PROPERTY OWNER, personally appeared before me this day and voluntarily acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this the ____ day of _____, 20__.

Notary Public

My Commission Expires:

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I, _____, a Notary Public of the County and State aforesaid, certify that _____, PROPERTY OWNER, personally appeared before me this day and voluntarily acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this the ____ day of _____, 20__.

Notary Public

My Commission Expires: