The Buncombe County Planning Board met February 18, 2013 in the meeting room at 30 Valley Street. Members present were Josh Holmes, Vice-Chairman Bernie Kessel, Jim Young, Joe Sechler, Michelle Pace Wood (arrived late) and Catherine Martin. Also present were Debbie Truempy and Gillian Phillips, Planning staff; Josh O’Conner, Zoning Administrator; Jon Creighton, Planning Director/Assistant County Manager; Dave Spector, CDM Smith; and Michael Frue, County Attorney.

Call to Order
Vice-Chairman Kessel called the meeting to order at 9:34 am.

Approval of Agenda
Mr. Sechler made a motion to approve the agenda as provided to the Planning Board. Mr. Holmes seconded the motion and the motion passed unanimously.

Approval of Minutes (February 4, 2013)
Ms. Martin made a motion to approve the minutes as submitted. Mr. Young seconded the motion, and the motion passed unanimously.

Further discussion of the Comprehensive Land Use Plan Update (Airport Overlay District)
The Board was provided with an information sheet regarding this concept (Attachment A). Ms. Truempy introduced the concept to the Board. Ms. Truempy indicated that the idea behind the overlay was to restrict height surrounding the airport and runway and that height would be determined by how far away from the runway the proposed structure was. Staff indicated that this overlay would be in conjunction with the other jurisdictions surrounding the airport instituting similar overlays. Staff also indicated that the overlay was to bring the County regulations in line with federal rules regarding airports.

Michael A. Reisman (Deputy Executive Director) and Lew Bleiweis (Executive Director) from the Asheville Regional Airport were present to explain the federal regulations regarding development around the airport.


A variance from §70-68(f)(2), Alternative Path Hillside Development Standards, of the Buncombe County Land Development and Subdivision Ordinance has also been requested to develop areas of the tract 50% slope or greater.

The Board was provided with the following items prior to the meeting; the recommended staff conditions for the preliminary approval (Attachment B) and the submitted plans (Attachment C). The Board was provided with Findings of Fact worksheet (Exhibit A) and the variance application (Exhibit B).

Report of Planning Department
Ms. Truempy reviewed the proposed subdivision and variance request for the Board.
Presentation of Application by Petitioner

John Kinnaird (Brooks Engineering) was present to represent the case. Mr. Kinnaird indicated that the applicant wished to reduce the density of this section of the development, as a master plan had been approved for 62 lots. Mr. Kinnaird indicated that the applicant wished to develop these phases as an Alternative Path Cluster Hillside Development, and that they required a variance to allow development in areas of slope 50% or greater to construct private driveways for some of the lots. He indicated that three of the private driveways crossed areas that were over 50% slope. He stated that they wished to develop 22 lots. Mr. Sechler raised concerns regarding the proposed development and the requested variance, and asked if the stormwater system had been designed. Ms. Truempy indicated that the applicant could go back to the previously approved plan of 62 lots if the proposal was not approved. There was discussion regarding the geotechnical aspects of the project, and the proposed variance. The Board also discussed the Slope Stability Index Maps and the areas on the plans that were within the high and moderate hazard areas. Mr. Kinnaird discussed which portions of the proposed roads were already constructed or under construction (as they had approval for construction of the roads under the previous preliminary approval). There was further discussion regarding what had been constructed and if there had been any erosion control issues on the site. There was further discussion regarding stability issues given the steepness of the property.

Public Comment/Discussion

- Stom Peterson, the President of the Hawk’s Landing Homeowners Association, raised concerns regarding the steepness of the property, and the erosion issues they had on the site.

Mr. Frue reminded the Board that for a variance hearing they could only consider evidence.

- Bob Danian also raised concerns regarding the Homeowner’s Association having to take over the roads after they were constructed.
- Burt Conley raised concerns regarding whether or not the lots would perk.
- Stom Peterson raised concerns regarding construction techniques used on the site.
- Steve Lewis also raised concerns regarding sedimentation and stormwater issues.
- Stom Peterson raised issues regarding stormwater management and erosion on the site.
- Dede Stiles raised the issue that if the Planning Board did not approve the 22 lot layout, the developer could go to the 62 lot layout.
- Sandra Carlton, with the property management association that helped run Hawk’s Landing, also raised concerns regarding the current homeowner’s association having to take over maintenance of the development when it was complete.

Vice Chairman Kessel closed the public portion of the hearing for the variance. The Board then discussed the proposed variance.

Action on Petition
Mr. Holmes then made a motion to accept the Findings of Fact as provided for in 1 through 4A of Exhibit A. Mr. Young seconded the motion and the motion passed unanimously. Vice Chairman Kessel then made a motion to approve the variance as submitted. Mr. Holmes seconded the motion and the motion passed unanimously.

Request for preliminary approval
Vice Chairman Kessel asked if anyone would like to make public comment. Ms. Stiles indicated that the submitted plan actually had less disturbance, and was better than the approved master plan. Ms. Woods then made a motion to grant preliminary approval with staff conditions. Mr. Holmes seconded the motion and the motion passed unanimously.

SUB2013-00002: “Ravenmont,” located off Indian Branch Road [tax lot PINs 8697-84-4425 (9 Coralberry Drive), 8697-84-3336 (2 Swallowtail Lane), 8697-84-1110 (118 Indian Branch Road), 8697-84-3126 (1 Red Clover Drive), 8697-84-3505 (2 Coralberry Drive), 8697-84-3565 (6 Coralberry Drive), 8697-84-1531 (1 Clara Parker Drive), 8697-84-3185 (5 Red Clover Drive), 8697-84-3436 (5 Coralberry Drive), 8697-84-2085 (Ravenmont Way East of the intersection with Glasswing Lane), 8697-84-2130 (2 Glasswing Lane), 8697-84-2347 (22 Ravenmont Way), 8697-84-1425 (130 Indian Branch Road), 8697-84-1277 (North and West of Ravenmont Way), 8697-84-2341 (18 Ravenmont Way), 8697-84-1328 (126 Indian Branch Road), 8697-84-2235 (14 Ravenmont Way), 8697-84-4525 (10 Coralberry Drive), 8697-84-1538 (5 Clara Parker Drive), 8697-84-3216 (1 Swallowtail Lane), 8697-84-3296 (5 Swallowtail Lane), 8697-84-2033 (6 Glasswing Lane), 8697-84-4306 (6 Swallowtail Lane), 8697-84-1204 (122 Indian Branch Road), and 8697-84-1302 (124 Indian Branch Road)], seeking preliminary approval and variances.

A variance from §70-5. Definitions of the Buncombe County Land Development and Subdivision Ordinance to allow additional homes to be accessed off of a private drive. A variance request to allow four homes to be accessed applies to the following named roads: Glasswing Way, Red Clover Drive, Swallowtail Lane, and Coralberry Drive. A variance request to allow five homes to be accessed applies to Clara Parker Drive.

A variance from §70-66(g). Lot Frontage of the Buncombe County Land Development and Subdivision Ordinance. This variance request applies to lot 10.

A variance from §70-67(2)(e)(1) regarding the requirement for two feet of additional drivable surface for Ravenmont Way.

The Board was provided with the following prior to the meeting; the recommended staff conditions for the project (Attachment D) and the submitted plans (Attachment E). The Board was provided with Findings of Fact worksheets (Exhibit C) and the variances applications (Exhibit D) at the meeting.

Report of Planning Department
Ms. Truempy reviewed the proposed subdivision and variance requests for the Board. She indicated that they had already received approval for a Planned Unit Development from the Board of Adjustment. Ms. Truempy stated that this project was partially finished and that most of the infrastructure was complete, but they had new financial backing to continue development of the project. As the original development plan was for a condominium project, the applicant required the subdivision approval and variances in
order to finish the development, as condominiums were difficult to finance in today’s economic climate.
Ms. Truempy then reviewed the variances for the Board.

**Presentation of Application by Petitioner**
Brian Morris and Robbie Kirkpatrick were present to represent the case. They indicated that they would be constructing a mix of single family homes and duplexes. There was discussion regarding what the cost of the proposed housing would be. Mr. Morris pointed out that what they were currently proposing would actually be less density than what was originally approved. There was discussion regarding what the surrounding land uses were.

**Public Comment**
Beverly Gottfried was present and wished to make public comment. She indicated that she owned an events facility and rental cabinets that were accessed by Clara Parker Drive, and raised opposition to the proposed variance regarding that private driveway. She indicated that Clara Parker Drive was a secondary access for her facility.

Gary Latham was present and asked a question regarding zoning of the property. Staff indicated that zoning would not change.

**Close of Public Hearing/ Discussion**
There was discussion regarding density of the project, and Mr. O’Connor reminded the Board that the density had already been approved by the Board of Adjustment through the PUD process. There was further discussion of land use in the area, prior to the vote on the proposed variances.

**Action on Petitions**
A variance from §70-5. Definitions of the Buncombe County Land Development and Subdivision Ordinance to allow additional homes to be accessed off of a private drive. A variance request to allow four homes to be accessed applies to the following named roads: Glasswing Way, Red Clover Drive, Swallowtail Lane, and Coralberry Drive. A variance request to allow five homes to be accessed applies to Clara Parker Drive.

Mr. Holmes then made a motion to accept the Findings of Fact as provided for in 1 through 4A of Exhibit C. Mr. Young seconded the motion and the motion passed unanimously. Mr. Holmes then made a motion to approve the variance as submitted. Ms. Wood seconded the motion and the motion passed unanimously.

A variance from §70-66(g). Lot Frontage of the Buncombe County Land Development and Subdivision Ordinance. This variance request applies to lot 10.

Mr. Holmes then made a motion to accept the Findings of Fact as provided for in 1 through 4A of Exhibit C. Mr. Young seconded the motion and the motion passed unanimously. Mr. Holmes then made a motion to approve the variance as submitted. Mr. Sechler seconded the motion and the motion passed unanimously.

A variance from §70-67(2)(e)(1) regarding the requirement for two feet of additional drivable surface for Ravenmont Way.
Ms. Wood then made a motion to accept the Findings of Fact as provided for in 1 through 4A of Exhibit C. Ms. Martin seconded the motion and the motion passed unanimously. Ms. Wood then made a motion to approve the variance as submitted. Ms. Martin seconded the motion and the motion passed unanimously.

Request for preliminary approval
Vice Chairman Kessel asked if anyone would like to make public comment, there being no one the Board voted on the preliminary approval of the project. Ms. Wood made a motion to approve the plans as submitted with recommended staff conditions. Mr. Holmes seconded the motion and the motion passed unanimously.

Further discussion of the Comprehensive Land Use Plan Update

Affordable/Workforce Housing Planned Unit Development
The Board was provided with an information sheet regarding this concept (Attachment F). Mr. O’Conner introduced the concept to the Board. He indicated that the proposed Planned Unit Development type would allow increases in density if the developer developed a portion of the project as affordable or workforce housing. There was discussion regarding how the County would ensure that the project remained affordable. Staff indicated that they had not worked out those details yet. Mae Kreadick with Pisgah Legal was present to offer support for the proposal.

Public Utility and Energy Generation Facilities
The Board was provided with an information sheet regarding this concept (Attachment G). Mr. O’Conner introduced the concept to the Board. Mr. O’Conner described the proposal, and how staff would regulate public utility facilities and how wind turbines would be treated differently. There was also discussion of how decommissioning of these facilities would be handled.

Mary Standaert a resident of Ridgecrest was present and wished to make public comment. She thanked County staff for taking the issue up, and discussed the proposed solar facility in Ridgecrest and the developer of that proposed facility.

Adjournment
There being no one wishing to make public comment, Josh Holmes made a motion to adjourn the meeting. Katherine Martin seconded the motion and the motion passed unanimously.
Airport Overlay District

**Issue:** In an effort to ensure the continued safe operation of the Asheville Regional Airport and to ensure that the Airport is capable of meeting its obligations under Federal Aviation Regulation (FAR) 77, an overlay district needs to be established in accordance with FAR 77.

Federal Regulation Title 14 Part 77 establishes standards and notification requirements for objects affecting navigable airspace. This notification serves as the basis for:

- Evaluating the effect of the construction or alteration on operating procedures
- Determining the potential hazardous effect of the proposed construction on air navigation
- Identifying mitigating measures to enhance safe air navigation
- Charting of new objects
- Notification allows the FAA to identify potential aeronautical hazards in advance thus preventing or minimizing the adverse impacts to the safe and efficient use of navigable airspace.

Airports that have received federal funds are obligated by grant assurance to identify and mitigate hazards to navigable airspace at their airport.

It is prudent for owners to protect the airspace around their airport to prevent loss of existing approaches or other negative impacts affecting utilization of their airport.

**Recommendation:** Buncombe County should adopt a zoning overlay which establishes the limitations required for compliance with FAR 77. This overlay should be adopted alongside jurisdictions which also contain portions of the area controlled through FAR 77 in order to create uniformity.

**Key Points:**

- Construction or alteration of objects on or around airports can have an adverse impact to operations at the airport.
- Construction of objects may result in an increase to approach minimums to runways.
- The location of constructed objects may impact runway protection zones, safety areas, object free areas and obstacle free zones.
- The transmitting frequency of the proposed facility could impact the proper operation of navigational aide facilities at the airport.
Buncombe County Planning Board Meeting
Recommended Staff Conditions
SUB2013-00021
February 18, 2013

Hawk’s Landing Subdivision (Phase V and VI)

The applicant is requesting the following variances:

- a variance from §70-68 (f) (2) to allow development within an area that is 50% slope or greater

If approved by the Buncombe County Planning Board, the applicant shall provide the following information on a revised set of plans (if necessary) submitted to the Buncombe County Department of Planning and Development:

1. Submit signed and sealed geotechnical report regarding road construction. No grading shall occur on the site until geotechnical report is submitted to the Buncombe County Department of Planning and Development.

2. Provide a written statement from the Buncombe County Erosion Control Officer stating that an Erosion Control Plan has been submitted and approved for the project. No grading shall occur on the site until an approved Buncombe County Erosion Control permit is obtained.

3. Provide a written statement from the Buncombe County Stormwater Administrator stating that a stormwater management plan has been submitted and approved for the project. No grading shall occur on the site until an approved Buncombe County Stormwater Permit is obtained.

4. Provide proof of approval of road names and addresses from E-911 Addressing.
Sec. 70-10. Variances.

The purpose of a variance is to provide relief when a strict application of these regulations would impose unusual practical difficulties or unnecessary physical hardships on the applicant. The planning board is responsible for considering applications for variances. The variance request must specify which requirements are to be varied from and must specify alternative methods to be used. Application for a variance shall be with the planning department. A request in complete form shall be received no less than 30 days prior to the planning board meeting.

A variance may also be proper when environmental concerns are viewed in light of the spirit and intent of the planning ordinances. Such request may be made by the applicant or any member of the planning board. Upon motion of any member of the planning board the 30-day requirement may be waived. Variances will not ordinarily be granted if the special circumstances on which the applicant relies are a result of the actions of the applicant or owner or previous owners.

Reasonable conditions may be imposed in connection with a variance as deemed necessary to protect the best interests of the surrounding property or neighborhood, and otherwise secure the purpose and requirements of this chapter.

Variances may be granted in the sole discretion of the planning board for any subdivision plan only if all three expressly written findings below are made:

(1) That a strict or literal interpretation and enforcement of the specified standard or requirement would result in practical difficulty, unnecessary hardship or adverse environmental impact; and

(2) That the granting of the variance will not be detrimental to the public health, safety or welfare; and

(3) That the granting of the variance would support general objectives contained within this chapter.

Variances shall expire if development or building activity is not initiated within one year of the approval date. A six-month extension may be granted by the planning board when reasonable cause is shown.

A variance may also be granted for a reduction in the minimum lot size requirement contained in the slope %, units per acre, and minimum lot in acres requirements as provided in section 70-68 if a developer permanently sets aside green space or nature reserve through dedication of significant common area or grant of a conservation easement within the proposed development. The reduction in minimum lot size through variance under this provision may not exceed the proportion of the common area or conservation easement to the entire proposed development. All other provisions of section 70-68, including but not limited to slope, unit per acre, maximum site area disturbed and maximum impervious area, remain in effect as if the lot were as large as that required without benefit of the variance.

(Ord. No. 20354, art. IX, § 19, 11-30-93; Ord. No. 07-01-06, § 1, 1-16-07)
NOTE:
1. DITCH SHALL HAVE A MINIMUM 3:1
   SIDE SLOPE ON EACH SIDE FOR
   VERTICAL FOOT FROM THE BOTTOM OF
   DITCH.

NOTE:
1. DITCH SHALL HAVE A MAXIMUM 2:1
   SIDE SLOPE ON EACH SIDE FOR
   VERTICAL FOOT FROM THE BOTTOM OF
   DITCH.
Ravenmont Subdivision

The applicant is requesting the following variances:

- A variance from §70-5 to allow four homes to be served by one private drive on Glasswing Way, Red Clover Drive, Swallowtail Lane, and Coralberry Drive; and to allow five homes to be served by one private drive on Clara Parker Drive.

- A variance from §70-66 (g) to allow a lot width of 61.34 feet (a reduction from the required 66 feet) for lot 10 of the proposed subdivision.

- A variance from §70-67 (2) (e) (1) to allow 18 foot roads with non-drivable two foot shoulders.

If approved by the Buncombe County Planning Board, the applicant shall provide the following information on a revised set of plans (if necessary) submitted to the Buncombe County Department of Planning and Development:

1. Indicate on the submitted plans that the subdivision is not a Drastic Variation Hillside Development.

2. Indicate an approximate delineation of wooded and open areas on the submitted plans.

3. Indicate on the submitted plans that the shared driveways are under 20% grade. Provide information showing that the shared private driveways meet width and surface material requirements of the Buncombe County Land Development and Subdivision Ordinance.

4. Provide proof of acceptance of the water lines into the City of Asheville’s water system.

5. Provide proof of acceptance of the sewer lines into the Metropolitan Sewerage District sewage system.

6. Provide proof of compliance with approved Erosion Control Permit.
Sec. 70-10. Variances.

The purpose of a variance is to provide relief when a strict application of these regulations would impose unusual practical difficulties or unnecessary physical hardships on the applicant. The planning board is responsible for considering applications for variances. The variance request must specify which requirements are to be varied from and must specify alternative methods to be used. Application for a variance shall be with the planning department. A request in complete form shall be received no less than 30 days prior to the planning board meeting.

A variance may also be proper when environmental concerns are viewed in light of the spirit and intent of the planning ordinances. Such request may be made by the applicant or any member of the planning board. Upon motion of any member of the planning board the 30-day requirement may be waived. Variances will not ordinarily be granted if the special circumstances on which the applicant relies are a result of the actions of the applicant or owner or previous owners.

Reasonable conditions may be imposed in connection with a variance as deemed necessary to protect the best interests of the surrounding property or neighborhood, and otherwise secure the purpose and requirements of this chapter.

Variances may be granted in the sole discretion of the planning board for any subdivision plan only if all three expressly written findings below are made:

1. That a strict or literal interpretation and enforcement of the specified standard or requirement would result in practical difficulty, unnecessary hardship or adverse environmental impact; and

2. That the granting of the variance will not be detrimental to the public health, safety or welfare; and

3. That the granting of the variance would support general objectives contained within this chapter.

Variances shall expire if development or building activity is not initiated within one year of the approval date. A six-month extension may be granted by the planning board when reasonable cause is shown.

A variance may also be granted for a reduction in the minimum lot size requirement contained in the slope %, units per acre, and minimum lot in acres requirements as provided in section 70-68 if a developer permanently sets aside green space or nature reserve through dedication of significant common area or grant of a conservation easement within the proposed development. The reduction in minimum lot size through variance under this provision may not exceed the proportion of the common area or conservation easement to the entire proposed development. All other provisions of section 70-68, including but not limited to slope, unit per acre, maximum site area disturbed and maximum impervious area, remain in effect as if the lot were as large as that required without benefit of the variance.

(Ord. No. 20354, art. IX, § 19, 11-30-93; Ord. No. 07-01-06, § 1, 1-16-07)
Affordable/Workforce Housing Planned Unit Development

**Issue:** In the context of development and housing availability within Buncombe County, there is a distinct need for housing units to be made available for individuals and families that fall within the income ranges associated with affordable and workforce housing needs. The current land use ordinances lack any incentive to development such housing. While there are a number of programs available to provide financial incentives for such housing to be developed, these incentives in isolation do not provide an adequate mechanism to allow affordable and workforce housing projects to be economically viable in comparison to market rate housing. Developers targeting those eligible for affordable and workforce housing are not provided any tools which enable them to meet the objectives for the availability of such housing.

**Recommendation:** A targeted effort should be made through the Planned Unit Development process, to create incentives for workforce and affordable housing projects. Such an Affordable/Workforce Housing Planned Unit Development should provide mechanisms to allow for appropriate increases in density in exchange for guarantees that units will remain affordable for a determined period of time. The Affordable/Workforce Housing Planned Unit Development should require non-market rate units to be of similar quality (in both construction and aesthetics) as market rate units. Due to the increases in allowed densities, the Affordable/Workforce Housing Planned Unit Development should be focused in areas with adequate access to infrastructure and transportation facilities.

**Key Points:**

- Developers currently experience prohibitive financial constraints in attempting to offer dwelling units which meet the needs of affordable and workforce housing families.
- The County does not currently provide regulatory incentives for such projects.
- The need for affordable and workforce housing continues to expand in Buncombe County.
Public Utilities and Energy Generation Facilities

**Issue:** Under the current land use policies in place within Buncombe County, there are very few opportunities which provide appropriate review of public utility stations and energy generation facilities. Recently with the proposal of several large-scale projects, concern has developed regarding both the placement of these facilities as well as the long-term land use issues associated with maintenance and decommissioning. Currently, Buncombe County does not have a means of evaluating private energy production facilities which do not sell power back to the grid. Additionally, renewable energy generation facilities are not explicitly covered within the current Zoning Ordinance table of uses. While both public utilities and energy generation facilities are a necessity, there should also be efforts to ensure that these facilities are well-maintained and that neighboring property owners have reasonable safeguards put into place.

**Recommendation:** The Zoning Ordinance should be modified in a manner that separates public utility stations and energy generation facilities according to their impact on the surrounding neighborhoods. Energy generation facilities of all types which sell electrical energy back to the grid should be regulated as public utilities (this does not include facilities at a single-family residence scale). Public utility stations and energy generation facilities which sell directly back to the grid should continue to be a conditional use within residential districts and environmentally sensitive areas, and should also be considered conditional in all districts if the collective footprint of the facility is greater than two acres.

Those private generating facilities which can fit within the context of the community with minimal impact (less than a two acre site footprint) should be permitted as a use by right (or as conditional uses in more environmentally sensitive areas). Footprint means the outer perimeter of the facility. Facilities within close proximity to one another under common ownership or operation will be considered collectively.

Additionally given the safety consideration specific to the operation of wind energy facilities, additional public safety regulations should be implemented specific to wind energy. Wind energy facilities should be regulated based on the following classifications in order to appropriately address the level of community impact:

- Small Wind Energy Facility
- Community Scale Wind Energy Facility
- Utility Wind Energy Facility

Given the specific concerns about safety and impacts on adjacent properties, wind energy facilities should separated from residential uses and should be appropriately reviewed through a detailed process.

Specific conditions which ensure the safety of the public should be placed on these facilities as an element within the conditional use process. The conditional use process should require specific security standards for such facilities and should ensure that the site is buffered in a manner that limits aesthetic impacts. As a condition of approval, all such facilities should have a funded decommissioning plan in place which would require decommissioning of the site within one year of the cessation of operations.
Key Points:

- The current categories addressing utilities and energy generation do not adequately address the scales at which these uses may occur.
- The current conditional use process does not provide specific language which would require that inoperable sites be decommissioned (which may create future instances of derelict facilities).
- The current approval process does not regulate public safety in a direct manner.
MOTION TO ADOPT FINDINGS OF FACT

Mr. Chair, based upon the evidence presented to this Board, including the following exhibits: the petitioner’s application, the submitted development plan, the findings of fact worksheet __________________, and __________________;

I move that this Board adopt the following FINDINGS OF FACT:

1. The property located on Hawk’s Landing Boulevard and having the following PIN’s: 9763-04-8181 and 9763-24-2650 is requesting a variance from the Buncombe County Land Development and Subdivision Ordinance.

2. Application is a request for a variance from §70-68 (f) (2) to allow development within an area that is 50% slope or greater.

3. That §70-10 of the Buncombe County Land Development and Subdivision Ordinance was used to evaluate this request.

4A. This application does meet the requirements for granting a variance by demonstrating an unnecessary hardship on the owner for the following reasons:

a. That a strict or literal interpretation and enforcement of the specified standard or requirement would result in practical difficulty, unnecessary hardship or adverse environmental impact.

   Literal interpretation of the Ordinance would require the developer to fall back on an existing, denser, approved master plan for the property.

b. That the granting of the variance will not be detrimental to the public health, safety or welfare.

   By reducing the density, there will be less disturbed area, and less impervious area on the tract.
c. That the granting of the variance would support general objectives contained within this chapter.

Not granting the variance would allow a previously approved, denser neighborhood to be developed, while granting the variance would also a less dense development with conserved open space to be developed under the Alternative Path.

4B. This application does not meet the requirements for granting a variance by demonstrating an unnecessary hardship on the owner for the following reasons:

a. That a strict or literal interpretation and enforcement of the specified standard or requirement would not result in practical difficulty, unnecessary hardship or adverse environmental impact as the applicant should be required to redesign the subdivision in order to avoid areas that are 50% slope or less.

b. That the granting of the variance would not support the general objectives contained within this chapter.

Motion of acceptance of findings of fact by: _____________________
Seconded by: ___________________
Vote for: ______________________
Vote against:___________________

MOTION TO APPROVE/DENY THE VARIANCE

Based upon the foregoing FINDINGS OF FACT and for the reasons set forth therein, I move that the requested variance be approved/denied.

Motion by: _____________________
Second by: ___________________
Vote for: ______________________
Vote against:___________________
Please complete all sections of the application.

A. CONTACT INFORMATION

Date: 1/18/2013

PROPERTY INFORMATION

Subdivision Name: Hawk's Landing

Phase # and/or Name of Phase (if part of a Master Plan for Phased Development):

Address/Street Location of Property: 9999 Hawk's Landing Blvd.

PIN Number(s) of Property to be Subdivided:

9763-04-8181

9763-24-2650

CONTACT INFORMATION

Owner Name: Hawk's Landing Ltd.

Address: 2400 NE 2nd Ave Miami, FL 33137

Phone:

Surveyor/Engineer/Landscape Architect Name and Company Name:

John Kincaid, PE - Brooks Engineering Associates, PA

Address: 17 Arlington St. Asheville NC 28801

Phone: 828-232-4700

Email: jkincaid@brookseng.com

Primary Contact for Submission: John Kincaid

Address: 17 Arlington St Asheville NC 28801

Phone: 828-232-4700

Email: jkincaid@brookseng.com

Buncombe County Planning and Development

Received

JAN 18 2013

SUB 2013 - 0 0 0 2 1
B. APPLICATION FOR VARIANCE

Application is hereby made to the Buncombe County Planning Board for a VARIANCE from the literal provisions of the Buncombe County Land Development and Subdivision Ordinance, because, under the interpretation given to me by the Subdivision Administrator, I am prohibited from using the parcel of land indicated above in a manner shown by the submitted preliminary subdivision plans (please attach one copy of the submitted preliminary plans to this application). The preliminary plans I have submitted include the following:

[✓] a note regarding the type of variance I am seeking
[✓] location of the variance I am seeking shown on the submitted plans (if applicable)

I request a variance from the following provisions of the ordinance:

Section number: 70-68       Section title: Hillside Development Standards
Subsection letters and/or number: (c) (2)       Subsection title(s): Alternative Path
C. FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE:

The Planning Board does not have unlimited discretion in deciding whether to grant a variance. In the spaces provided below, indicate the factors you intend to show and the arguments that you intend to make to convince the Board that it can properly grant the variance as provided for in §70-10. Variances of the Land Development and Subdivision Ordinance of Buncombe County (if necessary please provide the information on a separate sheet of paper).

(a) Indicate how a strict or literal interpretation and enforcement of the specified standard or requirement would result in practical difficulty, unnecessary hardship or adverse environmental impact:

Literal interpretation would require the developer to fall back on an existing, denser, approved master plan for the property.

(b) Indicate how granting the variance will not be detrimental to the public health, safety, or welfare; and

By reducing density, there will be less disturbed area, and less impervious area on the tract.

(c) Indicate how granting the variance would support the general objectives contained within the Land Development and Subdivision Ordinance of Buncombe County.

Granting the variance would allow a previously approved, denser neighborhood to be developed under the alternative hillside path.

D. CERTIFICATION AND SIGNATURE

I certify that all of the information presented by me on this application is accurate to the best of my knowledge, information and belief.

\[Signature\]

Signature of Petitioner

January 14th, 2013

Month Day Year

OFFICE USE ONLY:

Date received: _____________________________

Case number: _____________________________

Scheduled Planning Board meeting: _____________________________
HEARING ON REQUEST FOR A VARIANCE BEFORE THE BUNCOMBE COUNTY PLANNING BOARD

Owner: WI/Indian Branch Road
        People’s National Bank

Subdivision Applicant: Same

Design Professional: Brian Morris (Land Planning Studios)

Subdivision Name: Ravenmont (SUB2013-00002)

Address: Indian Branch Road

Hearing Date: February 18, 2013

MOTION TO ADOPT FINDINGS OF FACT

Mr. Chair, based upon the evidence presented to this Board, including the following exhibits: the petitioner’s application, the submitted development plan, the findings of fact worksheet _____________________, and _____________________;

I move that this Board adopt the following FINDINGS OF FACT:

1. The property located on Indian Branch Road and having the following PIN’s: 8697-84-4425 (9 Coralberry Drive), 8697-84-3336 (2 Swallowtail Lane), 8697-84-1110 (118 Indian Branch Road), 8697-84-3126 (1 Red Clover Drive), 8697-84-3505 (2 Coralberry Drive), 8697-84-3565 (6 Coralberry Drive), 8697-84-1531 (1 Clara Parker Drive), 8697-84-3185 (5 Red Clover Drive), 8697-84-3436 (5 Coralberry Drive), 8697-84-2085 (Ravenmont Way East of the intersection with Glasswing Lane), 8697-84-2130 (2 Glasswing Lane), 8697-84-2347 (22 Ravenmont Way), 8697-84-1425 (130 Indian Branch Road), 8697-84-1277 (North and West of Ravenmont Way), 8697-84-2341 (18 Ravenmont Way), 8697-84-1328 (126 Indian Branch Road), 8697-84-2235 (14 Ravenmont Way), 8697-84-4525 (10 Coralberry Drive), 8697-84-1538 (5 Clara Parker Drive), 8697-84-3216 (1 Swallowtail Lane), 8697-84-3296 (5 Swallowtail Lane), 8697-84-2033 (6 Glasswing Lane), 8697-84-4306 (6 Swallowtail Lane), 8697-84-1204 (122 Indian Branch Road), and 8697-84-1302 (124 Indian Branch Road)]. is requesting a variance from the Buncombe County Land Development and Subdivision Ordinance.

2. Application is a request for a variance from §70-5 to allow four homes to be served by one private drive on Glasswing Way, Red Clover Drive, Swallowtail Lane, and Coralberry Drive; and to allow five homes to be served by one private drive on Clara Parker Drive.

3. That §70-10 of the Buncombe County Land Development and Subdivision Ordinance was used to evaluate this request.
4A. This application does meet the requirements for granting a variance by demonstrating an unnecessary hardship on the owner for the following reasons:

a. That a strict or literal interpretation and enforcement of the specified standard or requirement would result in practical difficulty, unnecessary hardship or adverse environmental impact.

   *The drives are already constructed and the Fire Marshal has approved the additional homes off of the driveways.*

b. That the granting of the variance will not be detrimental to the public health, safety or welfare.

   *The drives are already constructed and the Fire Marshal has approved the additional homes off of the driveways.*

c. That the granting of the variance would support general objectives contained within this chapter.

   *The variance is to bring the existing subdivision into compliance and allow the development of the property to proceed, as opposed to the subdivision remain vacant and unfinished.*

4B. This application does not meet the requirements for granting a variance by demonstrating an unnecessary hardship on the owner for the following reasons:

a. That a strict or literal interpretation and enforcement of the specified standard or requirement would not result in practical difficulty, unnecessary hardship or adverse environmental impact as the applicant should be required to only serve three lots from the one private drive.

b. That the granting of the variance would not support the general objectives contained within this chapter.

Motion of acceptance of findings of fact by: _____________________
Seconded by: ___________________
Vote for: ______________________
Vote against:___________________

**MOTION TO APPROVE/DENY THE VARIANCE**

Based upon the foregoing FINDINGS OF FACT and for the reasons set forth therein, I move that the requested variance be approved/denied.
Motion by: _____________________
Second by: ___________________
Vote for: _____________________
Vote against: ___________________
HEARING ON REQUEST FOR A VARIANCE BEFORE THE BUNCOMBE COUNTY PLANNING BOARD

Owner: WI/Indian Branch Road
People’s National Bank

Subdivision Applicant: Same

Design Professional: Brian Morris (Land Planning Studios)

Subdivision Name: Ravenmont (SUB2013-00002)

Address: Indian Branch Road

Hearing Date: February 18, 2013

MOTION TO ADOPT FINDINGS OF FACT

Mr. Chair, based upon the evidence presented to this Board, including the following exhibits: the petitioner’s application, the submitted development plan, the findings of fact worksheet ________________, and ________________;

I move that this Board adopt the following FINDINGS OF FACT:

1. The property located on Indian Branch Road and having the following PIN’s: 8697-84-4425 (9 Coralberry Drive), 8697-84-3336 (2 Swallowtail Lane), 8697-84-1110 (118 Indian Branch Road), 8697-84-3126 (1 Red Clover Drive), 8697-84-3505 (2 Coralberry Drive), 8697-84-3565 (6 Coralberry Drive), 8697-84-1531 (1 Clara Parker Drive), 8697-84-3185 (5 Red Clover Drive), 8697-84-3436 (5 Coralberry Drive), 8697-84-2085 (Ravenmont Way East of the intersection with Glasswing Lane), 8697-84-2130 (2 Glasswing Lane), 8697-84-2347 (22 Ravenmont Way), 8697-84-1425 (130 Indian Branch Road), 8697-84-1277 (North and West of Ravenmont Way), 8697-84-2341 (18 Ravenmont Way), 8697-84-1328 (126 Indian Branch Road), 8697-84-2235 (14 Ravenmont Way), 8697-84-4525 (10 Coralberry Drive), 8697-84-1538 (5 Clara Parker Drive), 8697-84-3216 (1 Swallowtail Lane), 8697-84-3296 (5 Swallowtail Lane), 8697-84-2033 (6 Glasswing Lane), 8697-84-4306 (6 Swallowtail Lane), 8697-84-1204 (122 Indian Branch Road), and 8697-84-1302 (124 Indian Branch Road)] is requesting a variance from the Buncombe County Land Development and Subdivision Ordinance.

2. Application is a request for a variance from §70-67 (2) (e) (1) to allow 18 foot roads with non-drivable two foot shoulders.

3. That §70-10 of the Buncombe County Land Development and Subdivision Ordinance was used to evaluate this request.
4A. This application does meet the requirements for granting a variance by demonstrating an unnecessary hardship on the owner for the following reasons:

a. That a strict or literal interpretation and enforcement of the specified standard or requirement would result in practical difficulty, unnecessary hardship or adverse environmental impact.

The property has a mild grade and the Fire Marshal has reviewed and approved the reduction in road width, as to not require drivable shoulders.

b. That the granting of the variance will not be detrimental to the public health, safety or welfare.

The Fire Marshal has reviewed and approved the reduction in road width, as to not require drivable shoulders.

c. That the granting of the variance would support general objectives contained within this chapter.

The variance is to bring the existing subdivision into compliance and allow the development of the property to proceed, as opposed to the subdivision remain vacant and unfinished.

4B. This application does not meet the requirements for granting a variance by demonstrating an unnecessary hardship on the owner for the following reasons:

a. That a strict or literal interpretation and enforcement of the specified standard or requirement would not result in practical difficulty, unnecessary hardship or adverse environmental impact as the applicant should be required to provide two foot drivable shoulders.

b. That the granting of the variance would not support the general objectives contained within this chapter.

Motion of acceptance of findings of fact by: _____________________
Seconded by: ___________________
Vote for: ______________________
Vote against:___________________

MOTION TO APPROVE/DENY THE VARIANCE
Based upon the foregoing FINDINGS OF FACT and for the reasons set forth therein, I move that the requested variance be approved/denied.

Motion by: _____________________
Second by: _____________________
Vote for: ______________________
Vote against:___________________
HEARING ON REQUEST FOR A VARIANCE BEFORE THE BUNCOMBE COUNTY PLANNING BOARD

Owner: WI/Indian Branch Road
People’s National Bank

Subdivision Applicant: Same
Design Professional: Brian Morris (Land Planning Studios)
Subdivision Name: Ravenmont (SUB2013-00002)
Address: Indian Branch Road
Hearing Date: February 18, 2013

MOTION TO ADOPT FINDINGS OF FACT

Mr. Chair, based upon the evidence presented to this Board, including the following exhibits: the petitioner’s application, the submitted development plan, the findings of fact worksheet _____________________, and ___________________;

I move that this Board adopt the following FINDINGS OF FACT:

1. The property located on Indian Branch Road and having the following PIN’s: 8697-84-4425 (9 Coralberry Drive), 8697-84-3336 (2 Swallowtail Lane), 8697-84-1110 (118 Indian Branch Road), 8697-84-3126 (1 Red Clover Drive), 8697-84-3505 (2 Coralberry Drive), 8697-84-3565 (6 Coralberry Drive), 8697-84-1531 (1 Clara Parker Drive), 8697-84-3185 (5 Red Clover Drive), 8697-84-3436 (5 Coralberry Drive), 8697-84-2085 (Ravenmont Way East of the intersection with Glasswing Lane), 8697-84-2130 (2 Glasswing Lane), 8697-84-2347 (22 Ravenmont Way), 8697-84-1425 (130 Indian Branch Road), 8697-84-1277 (North and West of Ravenmont Way), 8697-84-2341 (18 Ravenmont Way), 8697-84-1328 (126 Indian Branch Road), 8697-84-2235 (14 Ravenmont Way), 8697-84-4525 (10 Coralberry Drive), 8697-84-1538 (5 Clara Parker Drive), 8697-84-3216 (1 Swallowtail Lane), 8697-84-3296 (5 Swallowtail Lane), 8697-84-2033 (6 Glasswing Lane), 8697-84-4306 (6 Swallowtail Lane), 8697-84-1204 (122 Indian Branch Road), and 8697-84-1302 (124 Indian Branch Road)]. is requesting a variance from the Buncombe County Land Development and Subdivision Ordinance.

2. Application is a request for a variance from §70-66 (g) to allow a lot width of 61.34 feet (a reduction from the required 66 feet) for lot 10 of the proposed subdivision.

3. That §70-10 of the Buncombe County Land Development and Subdivision Ordinance was used to evaluate this request.
4A. This application does meet the requirements for granting a variance by demonstrating an unnecessary hardship on the owner for the following reasons:

a. That a strict or literal interpretation and enforcement of the specified standard or requirement would result in practical difficulty, unnecessary hardship or adverse environmental impact.

   The lot already has been graded and the roads constructed. The variance is to bring the existing subdivision into compliance and allow the development of the property to proceed.

b. That the granting of the variance will not be detrimental to the public health, safety or welfare.

   The variance is to bring the existing subdivision into compliance and allow the development of the property to proceed.

c. That the granting of the variance would support general objectives contained within this chapter.

   The variance is to bring the existing subdivision into compliance and allow the development of the property to proceed, as opposed to the subdivision remain vacant and unfinished.

4B. This application does not meet the requirements for granting a variance by demonstrating an unnecessary hardship on the owner for the following reasons:

a. That a strict or literal interpretation and enforcement of the specified standard or requirement would not result in practical difficulty, unnecessary hardship or adverse environmental impact as the applicant should be required to increase the lot width.

b. That the granting of the variance would not support the general objectives contained within this chapter.

Motion of acceptance of findings of fact by: _____________________
Seconded by: ___________________
Vote for: ______________________
Vote against:___________________

MOTION TO APPROVE/DENY THE VARIANCE
Based upon the foregoing FINDINGS OF FACT and for the reasons set forth therein, I move that the requested variance be approved/denied.

Motion by: _____________________
Second by: ____________________
Vote for: _____________________
Vote against:__________________
Please complete all sections of the application.

A. CONTACT INFORMATION

Date: 1/04/13

PROPERTY INFORMATION

Subdivision Name: Ravenmont PUD

Phase # and/or Name of Phase (if part of a Master Plan for Phase Development):

N/A

Address/Street Location of Property: 118 Indian Branch Rd, Candler 28715

PIN Number(s) of Property to be Subdivided:

8697841110 (Parent Tract)

CONTACT INFORMATION

Owner Name: WI/Indian Branch, LLC

Address: P.O. Box 270, Waynesville, NC 28786

Phone: 828-665-3880

Surveyor/Engineer/Landscape Architect Name and Company Name:

Land Planning Studies

Address: 10 Springside Park, Asheville, NC 28803

Phone: 828-712-9429

Email: intowngrowers@gmail.com

Primary Contact for Submission: Edward Fulpastick

Address: 118 Indian Branch Rd, Candler, NC 28715

Phone: 828-275-7786

Email: fulpastick552@gmail.com

SUB 2013 - 0 0 0 0 2

Page 1 of 3
B. APPLICATION FOR VARIANCE

Application is hereby made to the Buncombe County Planning Board for a VARIANCE from the literal provisions of the Buncombe County Land Development and Subdivision Ordinance, because, under the interpretation given to me by the Subdivision Administrator, I am prohibited from using the parcel of land indicated above in a manner shown by the submitted preliminary subdivision plans (please attach one copy of the submitted preliminary plans to this application). The preliminary plans I have submitted include the following:

[ ] a note regarding the type of variance I am seeking
[ ] location of the variance I am seeking shown on the submitted plans (if applicable)

I request a variance from the following provisions of the ordinance:

Section number: 70.5  Section title: Definitions

Subsection letters and/or number: _ Subsection title(s): _

Private Drives Include:
Glasswing Way, Red Clover Drive, Swallow-tail Lane, Coralberry Dr. and Clara Parker Drive
5 lots off of Clara Parker Drive

Buncombe County Planning and Development
Received

JAN - 4 2013

46 Valley Street
Asheville, NC 28801
828-250-4830

SUB 2013 - 0 0 0 0 2
C. FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE:

The Planning Board does not have unlimited discretion in deciding whether to grant a variance. In the spaces provided below, indicate the factors you intend to show and the arguments that you intend to make to convince the Board that it can properly grant the variance as provided for in §70-10. Variances of the Land Development and Subdivision Ordinance of Buncombe County (if necessary please provide the information on a separate sheet of paper).

(a) Indicate how a strict or literal interpretation and enforcement of the specified standard or requirement would result in practical difficulty, unnecessary hardship or adverse environmental impact:

Drives are constructed and were previously approved

(b) Indicate how granting the variance will not be detrimental to the public health, safety, or welfare; and

Adequate access is provided

(c) Indicate how granting the variance would support the general objectives contained within the Land Development and Subdivision Ordinance of Buncombe County.

It encourages cluster development

D. CERTIFICATION AND SIGNATURE

I certify that all of the information presented by me on this application is accurate to the best of my knowledge, information and belief.

[Signature of Petitioner]

01 04 2013
Month Day Year

OFFICE USE ONLY:

Date received: 1/4/2013
Case number: SUB 2013 - 0 0 0 2
Scheduled Planning Board meeting: 

Page 3 of 3
Please complete all sections of the application.

A. CONTACT INFORMATION

Date: 1/21/2013

PROPERTY INFORMATION

Subdivision Name: Ravenwild

Phase # and/or Name of Phase (if part of a Master Plan for Phased Development):

Address/Street Location of Property: 118 Indian Branch

PIN Number(s) of Property to be Subdivided:

8697-84-3185 Lot #10

CONTACT INFORMATION

Owner Name: Wix/Indian Branch

Address: P.O. Box 310, Waynesville, NC 28786

Phone: 828-452-4089

Surveyor/Engineer/Landscape Architect Name and Company Name:

Brian Morris

Address: 

Phone: 828-712-9429

Email: 

Primary Contact for Submission: Brian Morris

Address: 

Phone: 828-712-9429

Email: 

SUB2013-00002

R100V 1/21/2013
B. APPLICATION FOR VARIANCE

Application is hereby made to the Buncombe County Planning Board for a VARIANCE from the literal provisions of the Buncombe County Land Development and Subdivision Ordinance, because, under the interpretation given to me by the Subdivision Administrator, I am prohibited from using the parcel of land indicated above in a manner shown by the submitted preliminary subdivision plans (please attach one copy of the submitted preliminary plans to this application). The preliminary plans I have submitted include the following:

[ ] a note regarding the type of variance I am seeking
[ ] location of the variance I am seeking shown on the submitted plans (if applicable)

I request a variance from the following provisions of the ordinance:

Section number: 10 - 106
Subsection letters and/or number: 10 (G)
Section title: General Requirements
Subsection title(s): Lot Frontage

For Lot 10
C. FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE:

The Planning Board does not have unlimited discretion in deciding whether to grant a variance. In the spaces provided below, indicate the factors you intend to show and the arguments that you intend to make to convince the Board that it can properly grant the variance as provided for in §70-10. Variances of the Land Development and Subdivision Ordinance of Buncombe County (if necessary please provide the information on a separate sheet of paper).

(a) Indicate how a strict or literal interpretation and enforcement of the specified standard or requirement would result in practical difficulty, unnecessary hardship or adverse environmental impact:

The lot is already at a high elevation near previous plow & subdivisions.

(b) Indicate how granting the variance will not be detrimental to the public health, safety, or welfare; and

Already noted.

(c) Indicate how granting the variance would support the general objectives contained within the Land Development and Subdivision Ordinance of Buncombe County,

Help with housing in this area (affordable)

D. CERTIFICATION AND SIGNATURE

I certify that all of the information presented by me on this application is accurate to the best of my knowledge, information and belief.

[Signature of Petitioner]

[Month 21 2013]

[Signature of Petitioner]

[Month 21 2013]

[Signature of Petitioner]

[Month 21 2013]

OFFICE USE ONLY:

Date received: 2/4/2013

Case number: SUB2013-00003

Scheduled Planning Board meeting:

Page 3 of 3
Buncombe County Government
Application for a variance from the Land Development and
Subdivision Ordinance of Buncombe County

Planning and Development
www.buncombecounty.org

Please complete all sections of the application.

A. CONTACT INFORMATION
Date: 2/1/2013

PROPERTY INFORMATION
Subdivision Name: Potomac
Phase # and/or Name of Phase (if part of a Master Plan for Phased Development):

Address/Street Location of Property: 118 Indian Branch, Candler, NC 28715

PIN Number(s) of Property to be Subdivided:
869784, 1525, 3565, 3505, 4366, 3331, 4429, 3334, 2396, 3216, 3185
(3126, 2033, 2180, 2235, 2341, 2348, 1205, 1131, 1538, 1227, 2085, 114)

CONTACT INFORMATION
Owner Name: W.T./TNTAUR Branch LLC
Address: P.O. Box 370, Waynesville, N.C. 28786
Phone: 828-452-4784

Surveyor/Engineer/Landscape Architect Name and Company Name:
Tri-Town Gardens Land Planning Studios
Address: 18 Springside Park, Asheville, NC 28803
Phone: 828-672-9429
Email: mailto:intowngardens@cgmail.com

Primary Contact for Submission: Robbie Kinsella
Address: 118 Indian Branch, Road, Candler, NC 28712
Phone: 828-275-7230
Email: mailto:kirkpatrick52@gmail.com

Buncombe County Planning and Development
Received
FEB 1 2013

8UB8012-00002 Page 1 of 3
46 Valley Street
Asheville, N C 28801
828-250-4830
B. APPLICATION FOR VARIANCE

Application is hereby made to the Buncombe County Planning Board for a VARIANCE from the literal provisions of the Buncombe County Land Development and Subdivision Ordinance, because, under the interpretation given to me by the Subdivision Administrator, I am prohibited from using the parcel of land indicated above in a manner shown by the submitted preliminary subdivision plans (please attach one copy of the submitted preliminary plans to this application). The preliminary plans I have submitted include the following:

[ ] a note regarding the type of variance I am seeking
[ ] location of the variance I am seeking shown on the submitted plans (if applicable)

I request a variance from the following provisions of the ordinance:

Section number: \(90-427 \{(2)(c)\}(1)\)  
Section title: ____________________________

Subsection letters and/or number: ____________  
Subsection title(s): ________________________
C. FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE:

The Planning Board does not have unlimited discretion in deciding whether to grant a variance. In the spaces provided below, indicate the factors you intend to show and the arguments that you intend to make to convince the Board that it can properly grant the variance as provided for in §70-10. Variances of the Land Development and Subdivision Ordinance of Buncombe County (if necessary please provide the information on a separate sheet of paper).

(a) Indicate how a strict or literal interpretation and enforcement of the specified standard or requirement would result in practical difficulty, unnecessary hardship or adverse environmental impact:

There are driveways that exist on curve (10% grade)
where the opposite side is utilized and with public need.

(b) Indicate how granting the variance will not be detrimental to the public health, safety, or welfare; and

No issues regarding variance.

(c) Indicate how granting the variance would support the general objectives contained within the Land Development and Subdivision Ordinance of Buncombe County.

D. CERTIFICATION AND SIGNATURE

I certify that all of the information presented by me on this application is accurate to the best of my knowledge, information and belief.

[Signature]

Signature of Petitioner

[Month 1 Day 2013]

Month Day Year

OFFICE USE ONLY:

Date received: 3/1/2013

Case number: SUB2013-00002

Scheduled Planning Board meeting: ________________

Page 3 of 3