

**Buncombe County Planning Board
February 5, 2018**

The Buncombe County Planning Board met on February 5, 2018 in the meeting room at 30 Valley Street. Members present were Nancy Waldrop, David Rittenberg, Parker Sloan, Thad Lewis, Robert Martin, Dusty Pless, Billy Taylor, and Joan Walker. Also present were Brandon Freeman, Staff Attorney; and Debbie Truempy, Gillian Phillips, and Shannon Capezzali, Planning staff.

Call to Order

Nancy Waldrop called the meeting to order at 9:31 am.

Approval of Agenda

Dusty Pless made a motion to approve the agenda. The motion was seconded by Robert Martin and passed unanimously.

Approval of Minutes (January 22, 2018)

Joan Walker made a motion to approve the January 22, 2018 meeting minutes. The motion was seconded by Billy Taylor and passed unanimously.

Public Hearing – Subdivision Variance Request:

SUB2017-00578: Dan Fiore of Sleppy LLC applied for a variance from Section 70-67(2)(e)(1) Minimum pavement width of the Buncombe County Land Development and Subdivision Ordinance to allow for a reduction in pavement width in order to develop one additional lot in Fernstone Village Subdivision on tax lot PIN 9689-84-5080 (19 Viera Dr.).

Gillian Phillips presented the variance application (Attachment A) then swore in Eric McAbee, surveyor for the project. Eric McAbee represented the variance application and provided information to the Board. Nancy Waldrop opened the public hearing. Gillian Phillips swore in Richard Boucher. Richard Boucher of Fernstone Village stated that the HOA maintains the road which needs repairs that may cost as much as \$30,000. He wanted clarification about possible impacts of the variance request. Gillian Phillips stated that the variance would not impact the planned repairs. He also asked if the style of the proposed home would be similar to the existing duplexes. Eric McAbee confirmed that it would be the same plan. Nancy Waldrop closed the public hearing. Billy Taylor made a motion to approve the findings of fact #1 – 6A as provided in the Findings of Fact Work Sheet (Attachment B). The motion to approve was seconded by Joan Walker and passed unanimously. Billy Taylor made a motion to approve the variance. The motion was seconded by Parker Sloan and passed unanimously.

Subdivision Review – Preliminary Plan Approval:

SUB2017-00577: Dan Fiore of Sleppy LLC applied for major subdivision approval for one additional lot in the major subdivision identified as Fernstone Village and located on tax lot PIN 9689-84-5080 (19 Viera Dr.).

Billy Taylor made a motion to approve the preliminary subdivision plan. The motion was seconded by Joan Walker and passed unanimously.

Public Hearing – Subdivision Variance Request:

SUB2018-00025: Warren Sugg of Civil Design Concepts, on behalf of Liberty Oaks Fund 1, LP, applied for a variance from Section 70-67(2)(e)(3) Minimum pavement width increased where the road centerline is

less than a 90-foot radius of the Buncombe County Land Development and Subdivision Ordinance to allow for a reduction in pavement width in order to accommodate a single family residential subdivision on tax lot PIN 9607-84-0256 (402 Liberty Rd).

Gillian Phillips presented the variance application (Attachment C) then swore in Warren Suggs. Warren Suggs represented the application and answered questions from the Board. Brandon Freeman provided information about the state statute regarding the ability of the Board to attach conditions to a subdivision variance approval. Nancy Waldrop opened the public hearing. Gillian Phillips swore in Dede Styles, of Swannanoa, who stated that approval of the variance would set a bad precedent by allowing developers to make mistakes or do less than is required and then get approval to not bring it up to standards. She stated that on-street parking is a necessity for visiting guests. Nancy Waldrop closed the public hearing. David Rittenberg asked for clarification from Brandon Freeman on the statute requirements for variance approval. Warren Suggs provided information about the work that would be required to bring the road into compliance if the variance was denied. David Rittenberg made a motion to approve the findings of fact #1 – 6A as provided in the Findings of Fact Work Sheet (Attachment D). The motion was seconded by Joan Walker. The vote was 7 to 1 with Parker Sloan voting against. David Rittenberg made a motion to approve the subdivision variance and the motion was seconded by Billy Taylor. The vote was 7 to 1 with Parker Sloan voting against. The variance was not approved as an affirmative vote of four-fifths of the Board (eight members) is required to approve a variance.

Discussion – Zoning Ordinance Text Amendments:

ZPH2018-00005: Sec. 78-624, Appeals from decision of board of adjustment; Sec. 78-658(b), Off-street parking, Minimum parking requirements; and Sec. 78-677(d), Procedure for obtaining a conditional use permit, Development plan; submission; contents.

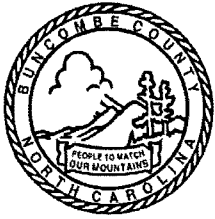
Debbie Truempy provided an overview of proposed Zoning Ordinance text amendments and answered questions from the Board. The Board asked that the public hearing be scheduled for the February 19 meeting.

Public Comment

Sidney Finkle of Fairview provided the Board with a subdivision plat from 1925 off Clay Street. He expressed concern about the County's Planning and Legal Department interpretations of the Subdivision Ordinance and asked the Board to review their interpretations as well as the Subdivision Ordinance for inconsistencies.

Adjourn

The meeting was adjourned at 10:38 a.m.



Buncombe County Planning & Development APPLICATION FOR A VARIANCE FROM THE LAND DEVELOPMENT & SUBDIVISION ORDINANCE

Please complete ALL required items prior to submitting this application and site plans. If the variance is not part of a preliminary approval, 13 copies of the preliminary plat showing the variance is required.

A. Property Information
Date: <u>7/20/17</u>
Subdivision Name: <u>Fernstone Village</u>
Phase # and/or Name of Phase (If part of a Phased Development Master Plan): <u>N/A</u>
PIN(s) of Property to be Subdivided: <u>9689-84-5080</u>
Address/Street Location of Property: <u>19 Viera Dr.</u>
B. Contact Information
Owner's Name <u>Sleppy, LLC c/o Dan Fiore</u>
Mailing Address <u>124 Hillside Dr. Swannanoa, NC 28778</u>
Telephone (828) <u>978-8404</u> Email _____
Surveyor/Engineer/or Landscape Architect's Name <u>Eric McAbee, PLS</u>
Company <u>McAbee + Associates PA</u>
Mailing Address <u>3 McAbee Trail Fairview, NC 28730</u>
Telephone (828) <u>628-1212</u> Email <u>eric@mcabee-survey.com</u>
Primary Contact's Name for Submission <u>Eric McAbee</u>
Company <u>See Above</u>
Mailing Address _____
Telephone () _____ Email _____

OFFICE USE ONLY:

Date received: _____	Case number: <u>SUB2017-00578</u>	PB Meeting: <u>1/8/2017</u>
Staff Comments:	<u>SUB2017-00577</u>	

C. SUBMISSION TYPE

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).

1	<p>The preliminary plans I have submitted include the following:</p> <p><input checked="" type="checkbox"/> a note regarding the type of variance I am seeking</p> <p><input type="checkbox"/> location of the variance I am seeking shown on the submitted plans (if applicable)</p> <p><input type="checkbox"/> If this variance is not part of a preliminary approval, submit 13 copies of the preliminary plat showing the variance.</p>
2	<p>Describe the variance that you are requesting:</p> <p><i>Request to allow 16' wide paving with 2' Valley Gutter on each side of Viera Drive in lieu of the required 18' wide pavement.</i></p>
3	<p>I request a variance from the following provisions of the ordinance:</p> <p>Section number: <u>70-67</u></p> <p>Section title: <u>Road and Design Standards</u></p> <p>Subsection letter(s) and/or number: <u>2(e)(1)</u></p> <p>Subsection title: <u>Private Use</u></p>

D. VARIANCE BURDEN OF PROOF

The Planning Board does not have unlimited discretion in deciding whether to grant a variance. In the spaces provided below, indicate **the facts you intend to demonstrate** 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 *Variations of the Land Development & Subdivision Ordinance of Buncombe County*. If necessary please provide the information on a separate sheet of paper. *If additional space is required, please provide the information on a separate sheet of paper.*

1. Indicate how an unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

This road has been in use for more than 12 years and all driveway connections are installed. This would disrupt an established neighborhood and private driveways to widen the road at this point.

2. Indicate how 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.

As noted above, this is an established road and neighborhood that has experienced no problems due to the existing width of the road. To widen the road would cause hardship to all residents' driveways + landscaping.

3. Indicate how 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.

The existing Viera Drive predates the current width requirements and were installed in compliance with the requirements of the time.

4. Indicate how the requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

The intent of the ordinance is to allow for safe ingress & egress for residents and emergency personnel. The width of the road, including driveable gutter, is sufficient for emergency vehicles and two-way traffic.

E. CERTIFICATION

- I hereby 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

Day

Year



Buncombe County Planning & Development

APPLICATION FOR A PRELIMINARY PLAT FOR A MAJOR SUBDIVISION

Application Fee: \$175, plus \$15 per lot

Any person seeking to develop a subdivision must comply with the Buncombe Land Development and Subdivision Ordinance. Please read the ordinance and complete ALL required items prior to submitting this application and site plans.

A. Property Information

Date: 7/20/17
 Subdivision Name: Fernstone Village
 Phase # and/or Name of Phase (If part of a Phased Development Master Plan): N/A
 PIN(s) of Property to be Subdivided: 9689-84-5080
 Address/Street Location of Property: 19 Vicra Dr

B. Type of Plans & Requests Being Submitted (Select all that apply)

MAJOR SUBDIVISION No. of lots: 28 total
 CONSERVATION DEVELOPMENT or HILLSIDE DEVELOPMENT (Requires a separate application)
 VARIANCE REQUESTS (Submit a separate subdivision variance application for each variance requested)
For MAJOR subdivisions, preliminary plats shall be submitted 30 days prior to the next Planning Board meeting.

C. Contact Information

Owner / Developer Name Sleppy LLC c/o Daniel Fiore
 Mailing Address 124 Hillside Dr., Swannanoa, NC 28778
 Telephone () Email

Primary Design Professional Eric McAbee
 Company McAbee & Associates, P.A.
 Mailing Address 3 McAbee Trail, Fairview NC, 28730
 Telephone (828) 628-1295 Email Eric@McAbeeSurvey.com

Primary Contact Name and Company Eric McAbee
 Mailing Address See Above
 Telephone () Email

OFFICE USE ONLY	Date received: <u>11/30/2017</u>	Case number: <u>SUB2017-00577</u>
Fee paid:	Zoning District:	Min. Lot Size:
Approvals Required: <input type="checkbox"/> STORMWATER <input type="checkbox"/> EROSION	<input type="checkbox"/> Water <input type="checkbox"/> MSD <input type="checkbox"/> NCDOT <input type="checkbox"/> Zoning	<input type="checkbox"/> Flood Prevention <input type="checkbox"/> Watershed <input type="checkbox"/> DENR/ Army Corps

Planning Board Date: 1/8/2017

MAJOR SUBDIVISION PRELIMINARY PLAN SUBMISSION

Staff review preliminary plats within 10 business days of submission. *Please include all of the following:*

- Thirteen (13) copies of the complete preliminary subdivision plans (no larger than 34 inches by 44 inches).
- A digital version of the preliminary subdivision plans in PDF format.
- A copy of the preliminary subdivision plans reduced to 8 1/2"x11" or 11"x17".
- The required subdivision application fee.

E. REQUIRED INFORMATION

<p>1. What is the average natural slope of the submitted subdivision?</p> <p>Average Natural Slope calculated using the formula: $S\% = \frac{0.0023 \times I \times L}{A}$</p> <p>S = Average natural slope of the parcel(s) in percent I = Contour interval of map in feet, with contour intervals of five feet or less L = Total length of the contour lines within the parcel (s) in feet A = Area of the parcel(s) in acres including any areas designated future development 0.0023 = Constant which converts square feet into acres</p> <p><i>Once "S" or the average natural percent of the tract is calculated, round to the nearest whole number when "S" is 25% or greater.</i></p>	<p>Avg: <u>13.6</u></p>		
<p>2. Indicate variables used to determine the average natural slope:</p>	<p>I = <u>5</u></p>	<p>L = <u>459</u></p>	<p>A = <u>0.388 A c</u></p>
<p>3. Is your subdivision a 'Drastic Variation Hillside Development'?</p> <p>A DRASTIC VARIATION HILLSIDE DEVELOPMENT SUBDIVISION (DVHD) is a subdivision with an average slope of its natural terrain of less than 25 percent, but 30 percent of the tract is greater than 35 percent natural slope.</p> <p>Submitted plans must indicate whether the subdivision is or is not a Drastic Variation Hillside Development.</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> I verify that my plans indicate <i>if or if not</i> the subdivision is a DVHD</p>		
<p>4. Indicate number of acres of the tract, and percent of the tract that is 35% natural slope and above:</p>	<p><u>N/A</u> # of Acres <u>0</u> % of tract</p>		
<p>5. Does the proposed development meet the definition of a <i>HILLSIDE DEVELOPMENT</i> (defined by Section 70-68 of the Subdivision Ordinance)?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> If 'yes', include a Hillside Development Application Checklist.</p>		
<p>6. Which of the following utilities will serve the completed development (Check all that apply):</p>	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <input checked="" type="checkbox"/> Public sewer <input type="checkbox"/> Community sewer system <input type="checkbox"/> Septic tanks (<i>per lot or shared</i>) </td> <td style="width: 50%; vertical-align: top;"> <input checked="" type="checkbox"/> Public water <input type="checkbox"/> Community water system <input type="checkbox"/> Wells (<i>per lot or shared</i>) </td> </tr> </table>	<input checked="" type="checkbox"/> Public sewer <input type="checkbox"/> Community sewer system <input type="checkbox"/> Septic tanks (<i>per lot or shared</i>)	<input checked="" type="checkbox"/> Public water <input type="checkbox"/> Community water system <input type="checkbox"/> Wells (<i>per lot or shared</i>)
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F. PUBLIC NOTICE REQUIREMENT

Provide documentation that *WRITTEN NOTICE* has been sent to all landowners adjoining the proposed subdivision (Section 70-44). **No application will be granted preliminary approval without certified mail receipts and a copy of the letter sent to adjacent landowners. Place a check to verify compliance with the notice requirement:**

	✓	<i>Staff Use</i>
Notification sent by certified mail, and includes all of the following:	✓	
a. Tax lot PINS(s);		
b. Address of the parcel(s) to be developed;		
c. Developer's name and address;		
d. Number of acres to be developed; and		
e. Number of proposed building lots.		
f. Proof of notification provided.		

G. FUTURE DEVELOPMENT

1. Is the subdivider or developer also the builder?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. What is the anticipated square footage of all grading for the development? Include home sites if the developer is also the builder. <i>(If available)</i>	<u>7000</u> SF

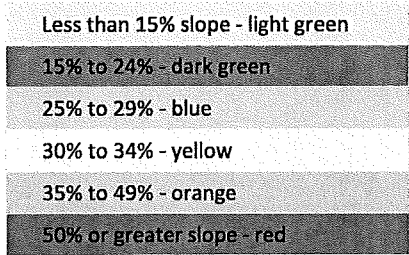
H. SPECIFICATIONS FOR PRELIMINARY PLAT SUBMISSION (Section 70-40; 66; and 67)

Enter all information requested. Place a check in the ✓ column to indicate that the item has been completed and included in your site plan, and/or attached to this application. Place a check in the 'N/A' column if not applicable:

		Applicant		Staff Use	
		✓	N/A	✓	N/A
1. PRELIMINARY PLATS shall be clearly and legibly drawn at a scale of not less than one inch = 200 feet and shall be drawn on an appropriate standard sheet size.		✓			
2. TITLE BLOCK: <i>A title block shall be included that shall contain the following:</i>		✓	N/A	✓	N/A
a	Name and address of owners of record	✓			
b	Name of subdivision	✓			
c	Location (township, county, state)	✓			
d	Date of plans	✓			
e	Graphic scale and written scale	✓			
f	Name, address, telephone number, and proof of current registration of designing engineer, landscape architect, or surveyor (i.e. licensed professional); and	✓			
g	Tax parcel identification number, PIN(s)	✓			
3. ROADS: <i>The following information shall be supplied about roads:</i>		✓	N/A	✓	N/A
a	Existing, platted, and proposed roads within or abutting subdivision (show rights-of-way dimensions and indicate if roads are state maintained)	✓			
b	Road names	✓			

		Applicant		Staff Use	
4. UTILITIES: <i>The following information shall be shown for utilities, if applicable:</i>		✓	N/A	✓	N/A
a	Utility and other easements of record within and abutting the subdivision	✓			
b	Provisions for electrical services	✓			
c	Provision of natural gas lines	N/A			
d	Indication of provision of water and waste water treatment facilities, if not provided by MSD and a local water authority	✓			
e	Sanitary sewers, location, line size, top and invert elevations and approval by MSD or plat book and page number of recorded MSD easements	✓			
f	Waterlines, location, line size and approval by local water authority or plat book and page number of recorded waterline easement; and	✓			
g	Storm sewers, culverts, detention ponds, and other drainage facilities.	✓			

5. PROJECT DATA: <i>Project data shall include the following:</i>		✓	N/A	✓	N/A
a	Total area of tract to be subdivided	✓			
b	Total number of lots	✓			
c	Linear feet in roads (centerline)	✓			
d	Approximate delineation of wooded and open areas	✓			

6. SLOPE ANALYSIS MAP: <i>Each application shall include a detailed slope analysis conducted using the BC slope raster data set at a cell resolution of 50 ft showing the below items. If separate from plat, include 13 copies.</i>		✓	N/A	✓	N/A
a	Average natural slope of the tract in percentage	✓			
b	Areas designated as high hazard or moderate hazard on the Buncombe County Slope Stability Index Map prepared by the North Carolina Geological Survey		✓		
c	Surface waters, as shown on either the most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture or the most recent version of the quadrangle topographic maps prepared by the United States Geological Survey, and surface water buffers including, but not limited to, trout stream buffers and required stormwater setbacks		✓		
d	Location of the floodway and 100-year floodplain boundaries		✓		
e	Wetlands		✓		
f	The number of acres and the percent of the tract in each slope category as shown below				
g	The number of acres and percent of the tract that is 35% slope and above		✓		
h	<p>A map showing the following categories of slope in the assigned colors:</p>  <ul style="list-style-type: none"> Less than 15% slope - light green 15% to 24% - dark green 25% to 29% - blue 30% to 34% - yellow 35% to 49% - orange 50% or greater slope - red 				

		Applicant		Staff Use	
		✓	N/A	✓	N/A
7. OTHER DETAILS: <i>Other details to be shown are as follows:</i>		✓	N/A	✓	N/A
a	Vicinity map showing relationship between proposed subdivision and surrounding area	✓			
b	Surveyed boundaries of tract, shown with bearings and distances or standard curve data	✓			
c	North arrow	✓			
d	Site-specific, field verified topographic information with a minimum five-foot contour interval prepared by a professional land surveyor or engineer licensed by State of NC	N/A			
e	Any natural features affecting the site	✓			
f	The location of the flood hazard and floodway boundaries with the effective FEMA map date, map number, and flood zone	N/A			
g	The location of any known cemeteries	✓			
h	Existing structures, railroads, and bridges within the subdivision	✓			
i	Area of each lot in acres and lot numbers	✓			
j	Names of adjacent property owners and parcel identification numbers (PIN)	✓			
k	The existing uses of the land within and abutting the subdivision	✓			
l	Common open spaces designated; and	✓			
m	Location of retaining walls, including height and width.	✓			

8. WASTE: <i>Statement of permission for waste system by one or more of the following:</i>		✓	N/A	✓	N/A
a	Written statement from the NC Department of Environment and Natural Resources permitting plans for the community sanitary sewer system;	N/A			
b	Proof of preliminary soils investigation that will evaluate the feasibility of developing a subdivision served by individual septic systems, which shall be done by a professional such as a soils engineer or soils scientist, if applicable; or	N/A			
c	The Metropolitan Sewerage District system design and allocation, and upon issuance, an approval letter from the Metropolitan Sewerage District shall also be provided.	✓			

9. WATER: <i>Statement of permission for water system by one or more of the following as applicable: (Note: An investigation evaluating the feasibility of developing a subdivision served by private wells is strongly suggested prior to submission of preliminary plans.)</i>		✓	N/A	✓	N/A
a	A written statement from the North Carolina Department of Environment and Natural Resources approving and permitting plans for a community water system; or		✓		
b	System design and allocation for a public water system shall be provided, and upon issuance, an approval letter from the appropriate Water Authority shall also be provided.	✓			

10. LOTS		✓	N/A	✓	N/A
a	<i>Lot frontage.</i> Any residential lot where the side slope of the land, at a right angle/perpendicular to the frontage street, is in excess of 18% slope shall have a minimum 50 feet street frontage, and the lot street frontage shall be increased four feet for each side slope percentage point over the 18 percent base. <i>Example: Side slope of 50% requires lot frontage of 178 feet (50 ft + 128 ft for the excess side slope of 32%).</i> Planned Unit Developments, Community Oriented Developments, Alternative Path Hillside, and Conservation Developments are not subject to this requirement.	✓			
b	Indicate lot slope perpendicular to the road on plans, or indicate that no lot slope perpendicular to the road exceeds 18%.	✓			
c	<i>Flag lots</i> (lots accessed by a deeded access driveway) will have a minimum "pole" width of 20 feet. If the side slope of the land is in excess of 18 percent, then the minimum width will be established in accordance with the regulation above.		✓		

11. ADDITIONAL ITEMS:		Applicant		Staff Use	
		✓	N/A	✓	N/A
a	<i>Traffic impact study.</i> A traffic impact study shall be submitted for subdivisions with 300 lots or more. Said study shall meet the guidelines for traffic impact studies provided in the North Carolina Department of Transportation's "Policy on Street and Driveway Access to North Carolina Highways." No major subdivision of 300 lots or more shall be approved that would generate a decrease in service to a level D or lower as defined by the Highway Capacity Manual (HCM) and the AASHTO Geometric Design of Highways and Streets.	N/A			

12. PUBLIC & PRIVATE ROADS: Roads for MAJOR subdivisions to be designated either public or private shall conform to the following additional minimum standards contained within the Land Development and Subdivision Ordinance.		✓	N/A	✓	N/A
a	<i>Public roads.</i> A maintenance and financial responsibility plan for the roads within the subdivision, covering the period between the time lot sales begin and when the roads are accepted by the NCDOT must be submitted and approved before final plat approval.		✓		
b	<i>Private roads.</i> Private roads may be platted in any subdivision and shall conform to the standards set forth in section 70-67 of the Subdivision Ordinance. Private roads shall be set out in protective covenants, deeds, or on plats or any combination of those methods, and shall clearly state that the state and/or county will not be obligated to take over or maintain the road.	✓			
c	<i>Notarized Statement of Financial Responsibility.</i> Prior to approval of the final plat with proposed private or public roads or prior to a release of guarantee of improvements for said subdivision, the developer shall submit a notarized statement of financial responsibility for road maintenance within the subdivision which shall remain valid until the roads are dedicated to the NCDOT or other responsible party for public roads, or to an appropriate organization such as a homeowners' association.	✓			
d	Any subdivision road shall be contained within a corridor that shall not exceed 90 feet in width along 80% of its total length; up to 20% of the length of the road corridor may be graded to a maximum width of 135 feet. The corridor height, defined as the height of a combined cut and fill slope, shall not exceed 60 feet. The submitted plans shall specifically show how the roads meet this standard.	✓			
e	Consultation with a geotechnical engineer shall be required for road construction in areas of a tract in excess of 30 percent natural slope and for all areas designated as High Hazard or Moderate Hazard on the Buncombe County Slope Stability Index Map prepared by the North Carolina Geological Survey, and an investigation for colluvial deposits shall be made. If no such areas exist, it shall be indicated on the plans.		✓		
	Recommendations of the geotechnical engineer shall be submitted with the application for review. Prior to final subdivision approval or release of a guarantee of improvements, a report by the geotechnical engineer shall be required certifying that recommendations were followed during construction.		✓		
f	<i>Private Driveways.</i> Individual private driveways shall be shown for the first 20 linear feet, and if traversing a cut or fill slope, the driveway must be shown to the point where it exits the cut or fill slope where the distance is greater than 20 linear feet.	✓			
g	Indicate the location and type of street lights if provided.		✓		
h	If the subdivision is to be gated, it shall be indicated as such on the preliminary plat. If a gate is utilized, the developer shall coordinate with the local Fire Department that serves the subdivision in order to provide emergency service access to the subdivision.		✓		

PUBLIC & PRIVATE ROADS Continued:		Applicant		Staff Use	
		✓	N/A	✓	N/A
i	Shared private driveways shall be shown on the preliminary plat and shall be completed by the developer as a part of the installation of communal infrastructure. Shared private driveways shall also conform to the following minimum standards:		✓		
	i. A minimum driveway width of 10 feet unless the driveway is 500 linear feet or greater, at which point the entire driveway shall be at least 13 feet wide.		✓		
	ii. Shared driveways shall be comprised of asphalt, concrete or other approved driving surface (including compacted stone) capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds. Driving surface shall be approved by the Buncombe County Fire Marshal.		✓		
	iii. Shared private driveways shall be no greater than 10% grade for the first 30 feet and not exceed 20% grade after that.		✓		
	iv. Turnarounds shall be provided if required by the fire marshal at the terminus of the shared private driveway and shall meet the following standards:		✓		
	a. Shall be less than 10% grade;		✓		
	b. Standards as provided on page 11 item 14-m shall be met.		✓		

13. PUBLIC USE ROADS: <i>Subdivision roads dedicated to public use and to be maintained by the NCDOT shall conform in all respects to G.S. 136-102.6, and to the following:</i>		✓	N/A	✓	N/A
a	No major subdivision shall be granted preliminary approval until application has been made to the NCDOT for review of the public roads.		✓		
b	Public subdivision roads shall at a minimum meet the standards for private subdivision roads provided in this section.	✓			
c	Provide proof that the NCDOT district engineer has issued a design certificate of approval. After public road completion, submit confirmation by the NCDOT or a professional engineer that roads have been constructed to NCDOT standards.		✓		

14. PRIVATE USE ROADS: <i>Subdivision roads to be designated as private shall conform to the following minimum design standards:</i>		✓	N/A	✓	N/A
a	The following items shall be shown on the plans:	✓			
	i. Road profile		✓		
	ii. Rights-of-way	✓			
	iii. Road cross sections	✓			
	iv. Road centerline	✓			
b	Access road standards are as follows:				
	i. Minimum deeded and recorded access road right-of-way widths shall be 20 feet.	✓			
	ii. Access roads shall traverse a surveyed right-of-way centerline showing calls and distances and its beginning and ending points in relation to adjoining properties.	✓			
	iii. Access roads with eight-inch min. aggregated base course (ABC) No. 7 stone.	✓			
	iv. Access roads shall be a minimum width of 16 feet.	✓			
	v. Access roads shall be subject to Buncombe County Fire Prevention Ordinance and approval by the Buncombe County Fire Marshal.	✓			
	vi. If access road width is less than 20 feet turn outs shall be provided every 200 feet. Turnouts shall be a minimum of 20 feet wide for 36 feet of length.	✓			

PRIVATE USE ROADS Continued:		Applicant		Staff Use	
		✓	N/A	✓	N/A
c	Minimum subdivision road rights-of-way:				
	i. Collector or any residential lot frontage road, 45 feet;	✓			
	ii. Service or utility access or alley not used as primary residential access, 20 feet;		✓		
	iii. Minimum cul-de-sac radius, 50 feet; and		✓		
	iv. Shared private driveways, 20 feet.	✓			
d	All major subdivision roads (i.e., including features such as streets, cul-de-sacs, and T-turnarounds) shall be paved in accordance with NCDOT "Subdivision Road Minimum Construction Standards," Pavement Design 1(E), current edition. The following applies:	✓			
	i. Specify soil conditions and which combination of base and pavement design (see DOT guidance) will be used. Use worst-case design criteria if soil testing is not provided.		✓		
	ii. Final plans will include a statement by a professional engineer that roads are in compliance with the standards of this chapter.	✓			
	iii. Indicate on submitted plans that no base course shall be placed on muck, pipe, clay, organic matter or other unsuitable matter, and a minimum compaction rate of subgrade prior to paving shall not be less than 95 percent by standard proctor method and certified by a professional engineer.	✓			
	iv. Minimum pavement width shall be 18 feet. - <i>Variance Requested</i>	✓			
	v. Two feet of additional drivable surface shall be provided constructed of asphalt, concrete or other approved driving surface (including compacted stone) capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds. The two foot additional drivable surface requirement may be reduced by the Buncombe County Fire Marshal or his or her designee by use of, but not limited to, residential sprinklers, municipal water supply, loop roads, pull outs, etc. Requests for a variance from the provisions of this article must be accompanied by a letter from the Fire Marshal approving the alternate method.	✓			
e	Retaining walls utilized to support a roadbed or the adjacent slope for both minor and major subdivisions shall be designed and constructed under the supervision of a professional engineer. Retaining wall height, location, and width shall be indicated on the preliminary plat. Prior to final subdivision approval or release of a guarantee of improvements, a professional engineer shall certify that the retaining wall meets the requirements of North Carolina Building Code and the Retaining Wall Ordinance, if applicable.		✓		
f	Minimum shoulder width on fill slopes for both minor and major subdivisions shall not be less than two feet.	✓			
g	If a right-of-way or road is indicated at the boundary of development, then the master plan for MAJOR subdivisions shall include a description of proposed future development; including at a minimum the acreage and anticipated density in houses per acre, if known.		✓		
h	Indicate road centerline radius on submitted plans. The pavement width and base course shall be increased where the road centerline is less than a 90-foot radius. If radius is 70 to 90 feet, increase pavement width 25 percent; if radius is 60 to 70 feet, increase pavement width 35 percent; if radius is 50 to 60 feet, increase pavement width 45 percent; if radius is less than 50 feet, increase pavement width 50 percent;	✓			
i	Cut and fill slopes for both minor and major subdivisions shall be constructed to ensure adequate stability of the natural materials encountered.	✓			

PRIVATE USE ROADS – Continued:		Applicant		Staff Use	
		✓	N/A	✓	N/A
j	Maximum grades for both minor and major subdivisions shall be as follows:	✓			
	i. Maximum centerline grade, 18 percent	✓			
	ii. Tangent grades in excess of 15 percent shall not exceed 200 feet in length and shall have a maximum entrance and exit grade of 15 percent for example:				
	<p>VPC- VERTICAL POINT OF CURVE VPI- VERTICAL POINT OF INTERSECTION VPT- VERTICAL POINT OF TANGENCY</p> <p>15% MAX. 200' MAX. 15.1% TO 18% 15% MAX.</p> <p>ROAD GRADE</p>	✓			
	iii. Maximum grade, 15 percent, where road centerline radius is less than 90 feet.		✓		
	iv. Grades for 30 feet each way from an intersection shall not exceed 10 percent.	✓			
v. Grades for turnarounds shall not exceed 10 percent.	✓				
k	Use NCDOT "Subdivision Roads Minimum Construction Standards," Minimum Design and Construction Criteria (B) for Bridges and Dams, current edition for subdivisions. Prior to recordation of a final plat or release of guarantee of improvements, a signed and sealed engineer's letter certifying that bridges or dams were constructed to the NCDOT "Subdivision Roads Minimum Construction Standards," shall be provided.	✓			
l	The temporary terminus of any subdivision road shall be constructed with a temporary turnaround. No lot shall be recorded and no portion of a guarantee of improvements shall be released until said temporary turnaround is provided.			✓	
	If a subdivision is subject to the hillside development standards, the disturbance required for temporary turnarounds shall count towards the limits for disturbance of communal infrastructure and shall be shown on preliminary plans. The temporary turnaround shall have an eight-inch minimum aggregated base course (ABC) No. 7 stone and shall meet the standards as provided on page 11 item 14-m shall be met.			✓	

Please Note:

Subdivision roads may be designated public or private and are subject to final approval by the BC Fire Marshal.

Natural average slope shall be calculated using the formula provided in Section 70-68 (c) (2).

Please refer to Section 70-43 of the Buncombe County Land Development and Subdivision Ordinance regarding amendments to and modifications of preliminary plans.

All proposed developments shall comply with the regulations contained in Chapter 78 Article II (Watershed Protection) of the Buncombe County Code of Ordinances. Lots within the critical area of the Ivy Watershed are required by the Watershed Protection Ordinance to be at least two acres, while lots within the balance of the watershed shall be at least one acre.

All proposed developments shall comply with the dimensional requirements and usage requirements within Chapter 78 Article VI (Buncombe County Zoning Ordinance) of the Buncombe County Code of Ordinances.

Please provide for and show stream buffers required by the North Carolina Department of Environment and Natural Resources on submitted plans.

PRIVATE USE ROADS Continued:		Applicant		Staff Use	
		✓	N/A	✓	N/A
The minimum Horizontal centerline design standards, stone or pavement widths, and temporary terminus for all private road turnarounds, AND for shared private driveway turnarounds shall be as follows:		✓			
i. Cul-de-sac - 35 feet		ii. T-turnarounds –120 feet min. perpendicular cord			
<p>CUL-DE-SAC</p>		<p>T-TURNAROUND</p>			
iii. L-turnarounds - 60 feet min. each cord		iv. Y-turnarounds – 60 feet min. each cord			
<p>L-TURNAROUND</p>		<p>Y-TURNAROUND</p>			

OFFICE USE ONLY:

Staff Review Comments:

Technical Review Committee:

Fire Marshall:

E-911:

Permits:

Erosion:

Zoning:

Stormwater:

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October 16, 2017

D&E Development of WNC
c/o Mr. Gary Davis, P.E.
Davis Civil Solution, P.A.
135-A Charlotte Highway
Asheville, North Carolina 28803

Subject: **Report of Roadway Section Thickness Measurements
Viera Drive
Fern Stone Village Subdivision
Swannanoa, North Carolina
BLE Project No. J17-11842-01
BLE N.C. Engineering License No. C-1538**

Dear Mr. Davis:

As requested, Bunnell-Lammons Engineering, Inc. (BLE) has completed thickness measurements of the existing pavement sections along Viera Drive in the Fern Stone Village Subdivision in Swannanoa, North Carolina. This report includes a summary of our field services and presents the thickness measurement results.

Project Information and Summary of Field Services

Based on our correspondence with you thickness measurements of the existing in-situ pavement components are needed within the subdivision roadway (Viere Drive).

On October 10, 2017, BLE personnel obtained core samples of asphalt and stone base at the four locations using a diamond-tipped, water-cooled, six-inch diameter core barrel driven by an electric drill. At all four locations, the asphalt cores were removed and measured for thickness. After the asphalt cores were measured, the aggregate base course stone was measured for thickness by our technicians by excavating through the material until the underlying soil subgrade was reached. A steel ruler was then used to measure the in-place aggregate base course stone. After the stone was measured, the spoils were placed back in the hole and the core holes were patched with asphalt cold patch. Core locations were established in the field by BLE personnel by referencing the existing residential structures in the subdivision. The core sample locations are shown on the attached drawing (Figure 1). The locations where the cores were obtained were selected in the field to provide results that are representative of the general roadway section.



Results

The results of our thickness measurements are shown on the following table:

Summary of Thickness Measurements

Core Number	Location	Asphalt Thickness (inches)	Stone Base Thickness (inches)
C-1	Viera Drive (left lane)	2 ¼	8 ½
C-2	Viera Drive (right lane)	2 ¼	9
C-3	Viera Drive (center of road)	2 ¼	9 ½
C-4	Viera Drive (hammer head)	2	10

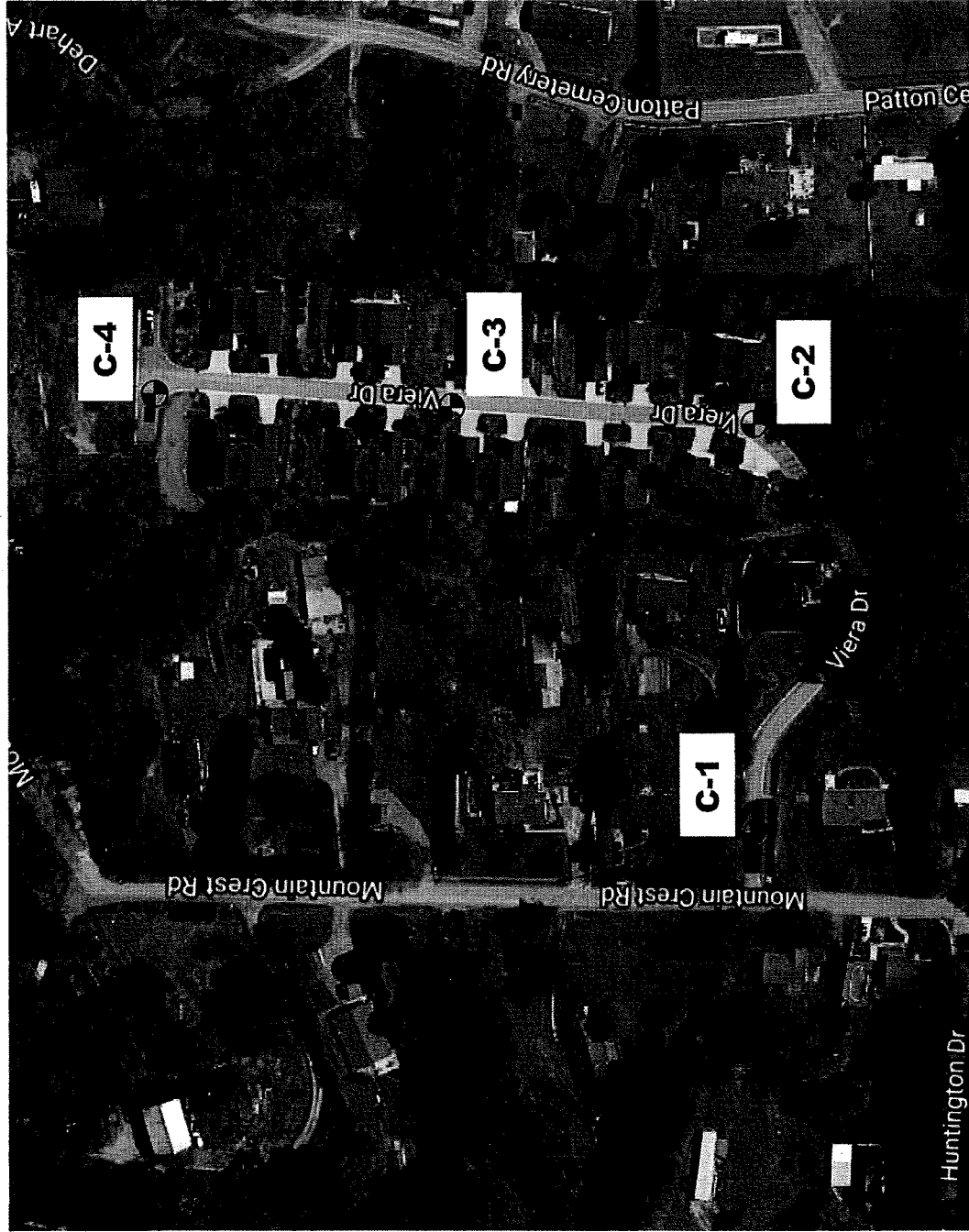
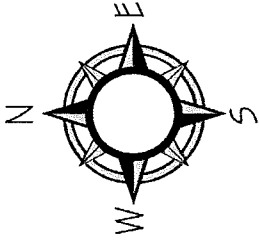
We appreciate the opportunity to be of service to you. If you have any questions concerning our results, please do not hesitate in contacting us.

Sincerely,
Bunnell-Lammons Engineering, Inc.

Sam C. Interlicchia
Project Manager

Jesse R. Jacobson, P.E.
Asheville Branch Manager
North Carolina Registered 030948

Attachment:



Approximate Core Location

Base drawing from Google Maps



BUNNELL-LAMMONS ENGINEERING, INC.

GEOTECHNICAL, ENVIRONMENTAL, AND CONSTRUCTION MATERIALS CONSULTANTS
130 OVAL ROAD, SUITE 200 • ARDEN, NORTH CAROLINA 28704 • (828) 277-0100

Drawn By: SCI

Date: 10/13/17

Fern Stone Village
Viera Drive
Swannanoa, North Carolina
BLE Project No. J17-11842-01

Core Location Plan

Figure No.

1

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

BEFORE THE BUNCOMBE COUNTY
PLANNING BOARD

In the Matter of:
Fernstone Village-Additional Lot
SUB2017-00578
Subdivision Case: SUB2017-00577

ORDER

THIS MATTER came on for hearing before the Buncombe County Planning Board (sometimes hereinafter referred to as "Board") at its **February 5, 2018** regular meeting upon application for a variance from **the Buncombe County Land Development and Subdivision Ordinance**.

Based on the information and evidence presented and after hearing all the evidence, the Board hereby makes the following:

FINDINGS OF FACT

1. The applicant is requesting a variance from the Buncombe County Land Development and Subdivision Ordinance in order to develop one additional lot in Fernstone Village Subdivision.
2. The applicant is requesting a variance from Section 70-67(2)(e)(1) Minimum pavement width of the Buncombe County Land Development and Subdivision Ordinance to allow for a reduction in pavement width shown on the submitted site plan.
3. That §70-10 of the Buncombe County Land Development and Subdivision Ordinance was used to evaluate this request.
4. All required notices were sent, a sign was posted on the property, and a legal ad was published.
5. That at this hearing the applicant and affected property owners were all given the opportunity to offer oral and documentary evidence as well as submit questions to each other, County staff, and Board members.
6. This application does meet the requirements for granting a variance by demonstrating an unnecessary hardship on the owner for the following reasons:
 - a. That an unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

This road has been in use for more than 12 years and all driveway connections are installed. It would cause disruption to the established neighborhood if the road was widened to meet the current standards.

- b. That 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.

As noted above, this is an established road and neighborhood that has experienced no problems due to the existing width of the road. To widen the road would cause hardship to all residents' driveways and landscaping.

- c. That 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.

The existing Viera Drive predates the current width requirements and were installed in compliance with the requirement at the time.

- d. That the requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

The intent of the Ordinance is to allow for safe ingress and egress for residents and emergency personnel. The width of the road, including drivable gutter, is sufficient for emergency vehicles and two-way traffic.

CONCLUSIONS OF LAW

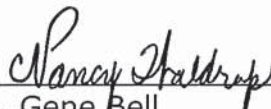
1. This Board has jurisdiction to hear and decide applications for variances under the Land Development and Subdivision Ordinance of Buncombe County, North Carolina; and
2. A strict or literal interpretation and enforcement of the specified standard or requirement would result in practical difficulty, unnecessary hardship or adverse environmental impact; and
3. That granting of the variance will not be detrimental to the public health, safety or welfare; and
4. That the granting of the variance would support general objectives contained within the Land Development and Subdivision Ordinance of Buncombe County, North Carolina.

Now therefore based on the foregoing Findings of Fact and Conclusions of Law the Buncombe County Planning Board hereby Orders as follows:

Upon motion to approve said application for a variance based upon compliance with the terms and conditions of §70-10 (Variances) of the Land Development and Subdivision Ordinance of Buncombe County, North Carolina, the said application for variances is hereby unanimously approved by a vote of ___ to ___ of the voting Board Members present at the meeting.

This 5th day of February , 2018.

Buncombe County Planning Board

By:  _____
for Gene Bell
Chairman, Presiding

Attest:

 _____
Shannon Capezzali
Secretary to the Planning Board