

**Town of Woodfin**  
**Planning and Zoning Board of Adjustment Meeting**  
**Town Hall (via Zoom)**  
<https://zoom.us/j/95751363172>

May 3, 2021

**6:30 P.M.**

A. Call to Order

- Meeting Call to Order
- Invocation

B. Approval of the Agenda

C. Approval of the Minutes

D. Public Forum

E. Old Business

a. Conditional Use Permit Hearing – **Bluffs on River Bend (Richmond Hill)**

Suggested Motion: To grant/deny a conditional use permit for exceeding maximum building height of 35'. The property is located in the Mountain Village District and is further identified by NCPIN# 9730-40-9222

F. New Business

a. Conditional Use Permit Hearing – Allowing use of a kennel in the community shopping district for property located at **119 Weaverville Road** and further identified by NCPIN#9731-73-0523.

b. Variance Hearing – Request to reduce the front yard setback from 30' to 15'. The property is located in the R-21 zoning district at **133 Ventana Drive** and further identified by NCPIN# 9741-43-0268.

c. Ordinance Text Amendment Public Hearing – Presentation of recommended zoning and subdivision ordinance changes for compliance with 160D legislation.

G. Adjournment



## STAFF REPORT

Agenda Title: Conditional Use Permit – 119 Weaverville Road

Presenter: Adrienne Isenhower

Meeting Date: May 3, 2021

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An application has been submitted by Emili McMakin for a conditional use permit for use of a dog training facility/kennel to be located at 119 Weaverville Road. This property is located at the intersection of Reynolds Mountain Blvd and Weaverville Road and currently houses Go Store It. The dog training facility/kennel would be located on the ground floor of that facility.

The standards applicable to this request are provided in the zoning ordinance, Sec. 54-255. A worksheet is included with this packet for your review during the hearing. In addition, zoning ordinance Sec. 54-256, requires two specific conditions for approval of a kennel/dog training facilities, as follows:

1. No pens or kennels shall be located closer than 20 feet to any property line.
2. All outside facilities will be screened from sight of adjacent properties.

The board will hear testimony from the applicant and any other parties at the hearing and should make your decision based on whether that testimony meets the standards described above.

# Conditional Use Permit Worksheet

Planning and Zoning Board of Adjustment



Applicant: \_\_\_\_\_

Property Location: \_\_\_\_\_

Zoning District: \_\_\_\_\_

Proposed Use: \_\_\_\_\_

## **A. Compliance with Conditional Use Standards**

1. The establishment, maintenance, or operation of the conditional use **will/will not** be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

### **Findings of Fact**

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2. The conditional use **will/will not** be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted **and/or** substantially diminish and impair property values within the neighborhood.

### **Findings of Fact**

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3. The conditional use **will/will not** impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

### **Findings of Fact**

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4. The exterior architectural appeal and functional plan of any proposed structure **will/will not** be so at variance with the exterior architectural appeal and functional plan of the structures already constructed or with the character of the applicable district as to cause a substantial depreciation in the property values within the neighborhoods.

### **Findings of Fact**

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5. Adequate utilities, access roads, drainage, and or other necessary facilities have/have not been or are being provided.

**Findings of Fact**

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6. Adequate measures have/have not been taken to provide ingress and egress so designed as to minimize traffic congestion on the public streets.

**Findings of Fact**

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**B. Decision of Planning and Zoning Board of Adjustment**

☐ The application is recommended for approval, subject to the following conditions:

- The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board.
- Prior to construction commencing, applicant shall ensure appropriate performance requirements are met with a surety bond or equivalent security (Mountain Village Multi-Use/Group Developments)
- The conditional use shall conform to all applicable regulations of the district in which it is located.
- If any of the conditions imposed or agreements made have not been or are not being fulfilled by the holder of the conditional use permit, a zoning violation shall be issued and the permit shall be terminated.
- Other Conditions: \_\_\_\_\_

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\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

☐ The application is recommended for denial for the following reasons: \_\_\_\_\_

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\_\_\_\_\_  
Planning and Zoning Board of Adjustment Chair

\_\_\_\_\_  
Date



## CONDITIONAL USE PERMIT APPLICATION

Applicant Name: Emili McMakin  
Property Address: 119 Weaverville Road  
Phone: 828-575-2423 Email: emili@ffarchitecture.com  
PIN #: 97306874860000 Zoning District: OU

The applicant must show the use sought will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use and will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood.

All conditional use applications are heard by the Planning and Zoning Board of Adjustment and applications are due at least **21 days** prior to the meeting at which your request is heard.

Explain how the project will not adversely affect public interest and will be harmonious with the neighborhood:

Taming the Wild is primarily a dog training facility with several kennels for overnight stay of the dogs. All training occurs inside the building its self at indoor play yards and training areas. There will be no contamination from dog droppings as all of that is handled within the building(proper drains and clean up are being handled by a plumbing engineer and procedural requirements). Dog barking will also not be an issue as there is not residential areas within earshot of the kennel and again they are inside.

There will be min traffic impact as the building was designed for multiple tenants and Taming the Wild will be taking up all of these spaces as one tenant, so there is plenty of extra parking already available.

The outside of the building will remain mostly the same(brick & storefront), with a bit of signage and decorative mountains over the doors(as seen in the elevation).

Description of Proposed Project: Dog training facility with doggie daycare and boarding availability. <https://www.tamingthewild.com/> (similar store currently open in Memphis TN)

Signature of Applicant: \_\_\_\_\_

Digitally signed by Emili McMakin  
DN: C=US, E=emili@ffarchitecture.com,  
O=Form & Function Architecture,  
CN=Emili McMakin  
Date: 2021.03.03 10:18:54-05'00'

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





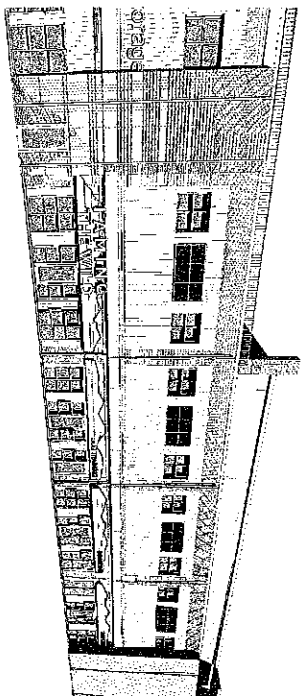
# Town of Woodfin Zoning Compliance Permit Application

PLEASE PRINT OR TYPE

<b>LOCATION</b>	
Street Address: 119 weaverville Rd	
PIN Number: 973068748600000	Current Zoning: CU
Is this site a vacant site: ( ) YES (X) NO	
<b>CHARACTERISTICS OF SITE WITH REQUESTED ALTERATIONS</b>	
Front Yard:	Rear Yard:
Side Yard:	Corner Lot: (X) YES ( ) NO
Lot Area: 1.58 acres	
<b>REQUESTED DEVELOPMENT</b>	
<input type="checkbox"/> New Structure <input type="checkbox"/> Repair <input type="checkbox"/> Addition <input checked="" type="checkbox"/> Other Interior Upfit of com bldg	
<b>TYPE OF USE/COST: Business</b>	
Use of Property: <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Other	
Total Estimated Cost: \$ 110,000	
Contractor (if other than owner): Wells Construction	
Permit Fee:	
<b>PLOT PLAN</b>	
Attach site plan or draw plan accurately and to scale. Show dimensions of lot and located structures by dimensions from property line	
<b>CERTIFICATIONS</b>	
If permit is granted I/We agree to conform to all Town Ordinances and the laws of the State of North Carolina regulation such work: the specifications or plans submitted. I/We hereby swear that the foregoing statements are accurate and correct to the best of my/our understanding and knowledge.	
Signature of Applicant: [Signature]	
Mailing Address: 9 W Walnut St BB	
Street Name	
City: 9 W. Walnut St 3B	State: NC
Zip Code: 28047-28801	Phone Number: 828-575-2423

Approved:	Rejected:
By:	Date: / / 20
Permit Number:	

Town Administrator: \_\_\_\_\_



# Taming the Wild

Sheet List	
Sheet Number	Sheet Name
001	COVER
002	COVER DATA
003	PER SITE PLAN
004	SECTION AND REFLECTED CEILING PLAN
005	DETAILS

1. PROJECT NUMBER	1119
2. PROJECT NAME	TAMING THE WILD
3. PROJECT ADDRESS	1119 WEAVER ROAD, ASHEVILLE, NC 28804
4. PROJECT OWNER	FORM & FUNCTION ARCHITECTURE
5. PROJECT ARCHITECT	FORM & FUNCTION ARCHITECTURE
6. PROJECT DATE	02/23/21
7. PROJECT SCALE	1/8" = 1'-0"
8. PROJECT DRAWING	SECTION AND REFLECTED CEILING PLAN
9. PROJECT SHEET	005
10. PROJECT TOTAL SHEETS	5
11. PROJECT DRAWING	SECTION AND REFLECTED CEILING PLAN
12. PROJECT SHEET	005
13. PROJECT TOTAL SHEETS	5
14. PROJECT DRAWING	SECTION AND REFLECTED CEILING PLAN
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16. PROJECT TOTAL SHEETS	5
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100. PROJECT TOTAL SHEETS	5

ASBESTOS

DESIGN TEAM



TAMING THE WILD  
119 Weaver Road  
Asheville, NC 28804

Issue Date: 02.23.21

CVR

COVER

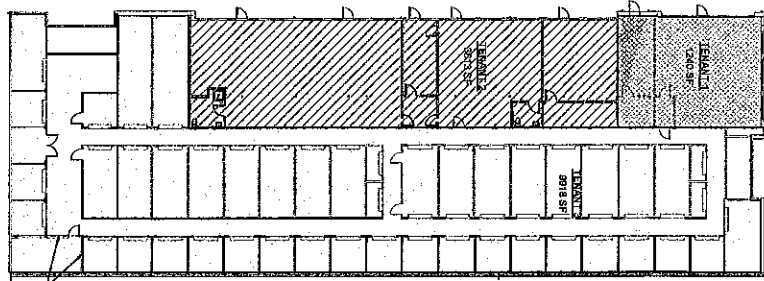
005





## 2 KEY PLAN

Ref: 104-110



104-110  
TAMING THE WILD  
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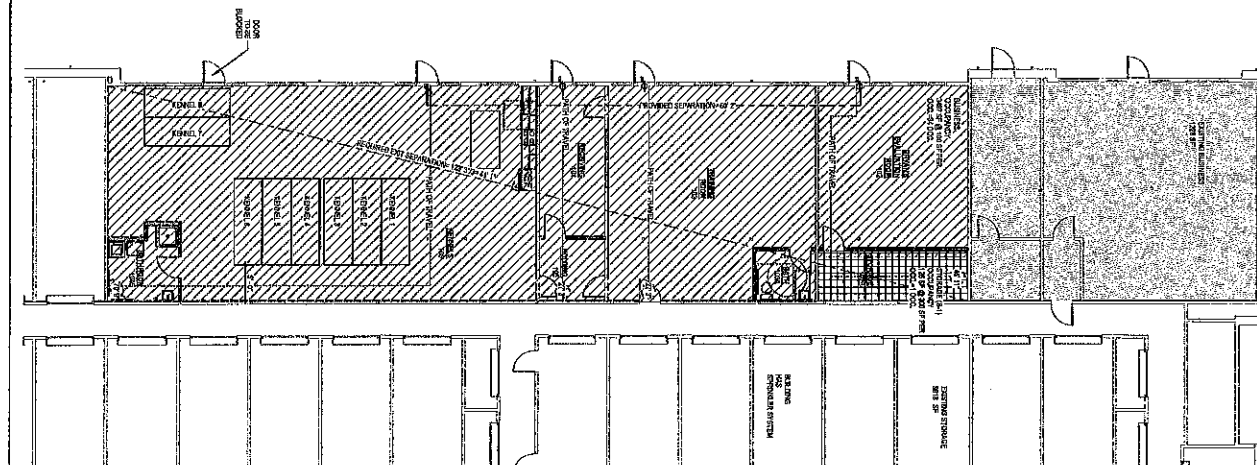
## 1 LIFE SAFETY PLAN

Ref: 104-110

**EXIT REQUIREMENTS**

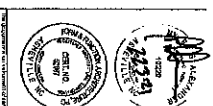
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104-110	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

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Issue Date: 02.23.21  
**LS1**

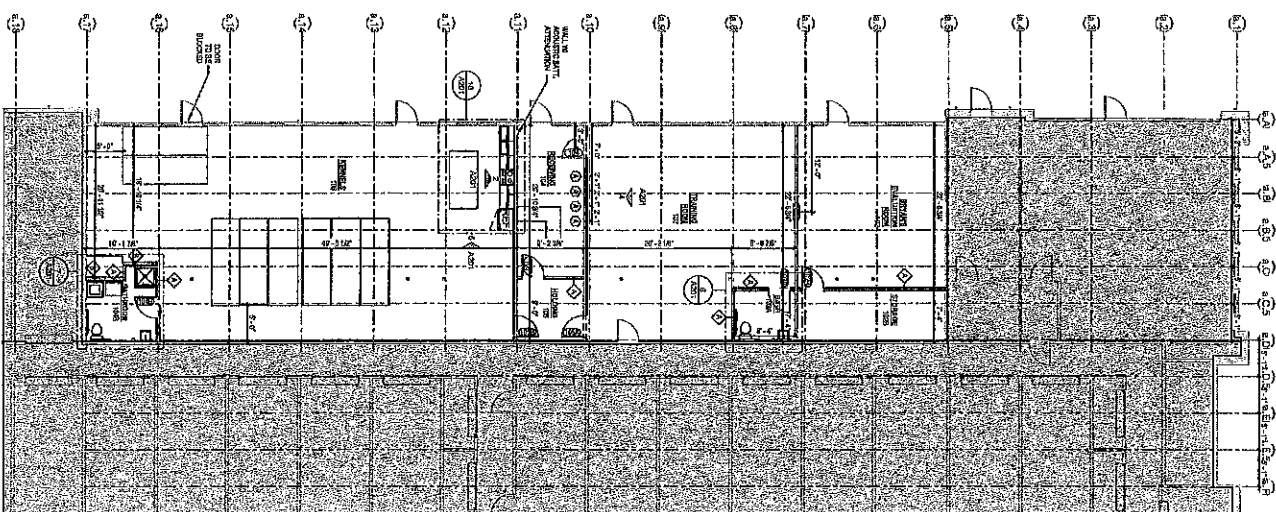
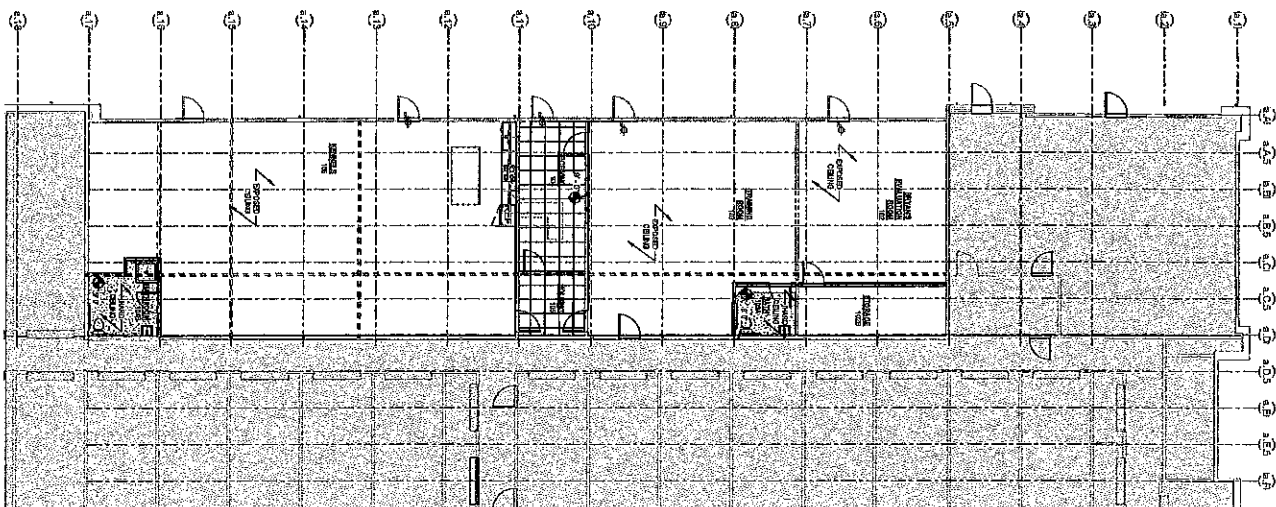
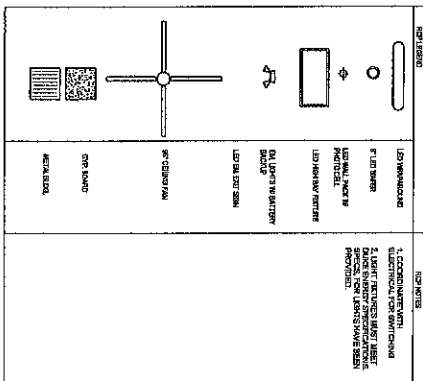
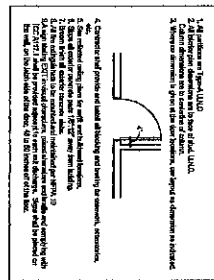
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119 Weaverville Road  
Asheville, NC 28904

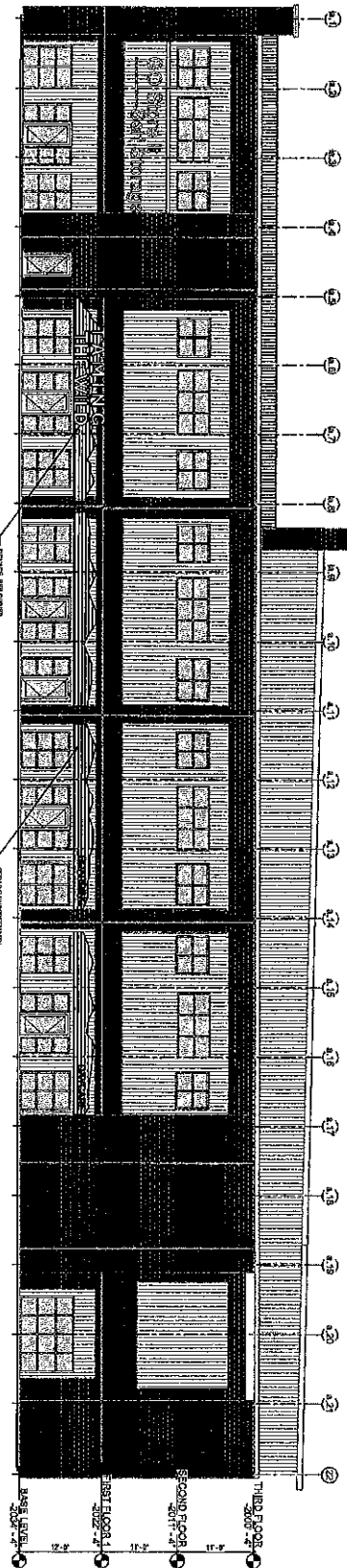


NO.	DESCRIPTION	UNIT	QTY	REMARKS
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2	CEILING JOISTS	LINEAL FT.	1,000	
3	CEILING BRACES	LINEAL FT.	1,000	
4	CEILING HANGERS	LINEAL FT.	1,000	
5	CEILING SCREWS	LINEAL FT.	1,000	
6	CEILING LIGHTS	LINEAL FT.	1,000	
7	CEILING VENTS	LINEAL FT.	1,000	
8	CEILING ACCESSORIES	LINEAL FT.	1,000	
9	CEILING PAINT	SQ. FT.	1,000	
10	CEILING TRIM	LINEAL FT.	1,000	

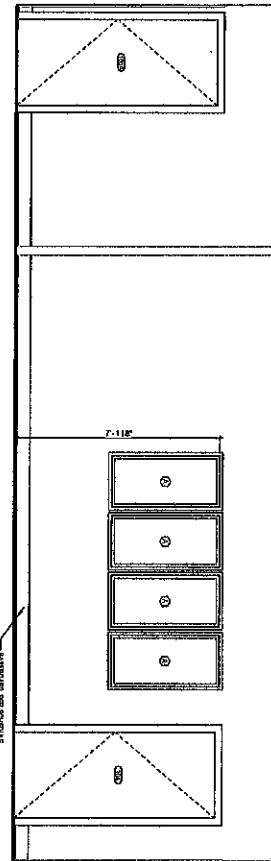
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2	CEILING JOISTS	LINEAL FT.	1,000	
3	CEILING BRACES	LINEAL FT.	1,000	
4	CEILING HANGERS	LINEAL FT.	1,000	
5	CEILING SCREWS	LINEAL FT.	1,000	
6	CEILING LIGHTS	LINEAL FT.	1,000	
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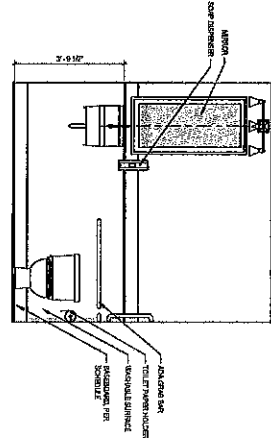




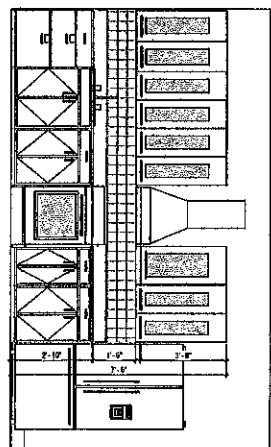
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A201 | 1/8\"/>



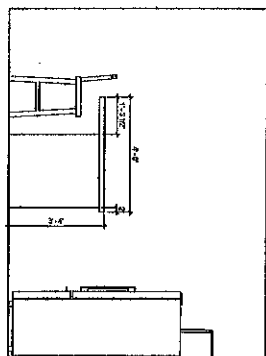
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A201 | 1/8\"/>



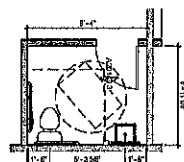
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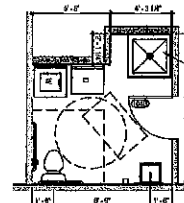
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A201 | 1/8\"/>



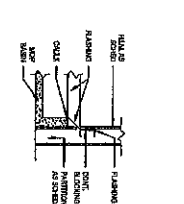
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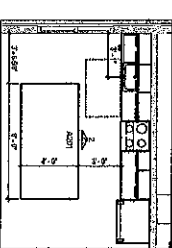
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A201 | 1/8\"/>



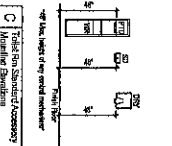
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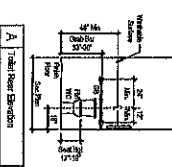
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A201 | 1/8\"/>



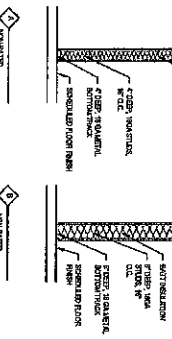
10. ENLARGED KITCHEN DETAIL  
A201 | 1/8\"/>



11. TYPICAL RESTROOM DETAIL  
A201 | 1/8\"/>



12. LAVATORY DETAIL  
A201 | 1/8\"/>



9. Partition Types  
A201 | 1/8\"/>



# Buncombe County



April 19, 2021

1:2,257  
0 0.0175 0.035 0.07 mi  
0 0.03 0.06 0.12 km

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),



## STAFF REPORT

Address: 133 Ventana Drive

Presenter: Michael Saunders / Dustin Penland

Meeting Date: May 3<sup>rd</sup>, 2021

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### **Summary:**

A variance is requested for a 15 feet encroachment on the front setback. The front yard setback is required to be 30 feet minimum according to the R-21 Zoning District. This is a minor change to the setback. The homeowners would like to follow all rules pertaining to Woodfin's Code of Ordinances.

### **Process and Timeline:**

- Variance request sent to Town of Woodfin Planning Department.
- Variance accepted by Town of Woodfin Planning Department.
- Meeting scheduled for Planning and Zoning Board.
- Planning and Zoning Board hears request.
- If Variance is approved Variance permit will be issued.
- Once permit issued, and fee is paid. Variance will be granted.

### **Recommendation/Next Steps**

Staff Recommendation is to approve this Variance Request.





## VARIANCE APPLICATION

Applicant Name: DUSTIN PERLAND w/ MILESTONE CONTRACTING, LLC  
Property Address: 133 VENTANA DRIVE, ASHEVILLE NC 28804  
Phone: (828) 342-8241 Email: dustin@milestonebuilding.com  
PIN #: 974143026800000 Zoning District: R-21

APPLICATION REQUIREMENTS: An application to the Planning and Zoning Board of Adjustment for a variance must be submitted to the Town of Woodfin planning staff at least 21 days prior to the meeting at which the application will be considered. A pre-application meeting with Town staff is required prior to application submittal to the Planning and Zoning Board of Adjustment.

What would you like to do with your property? WE WOULD LIKE TO MOVE  
THE HOUSE CLOSER TO THE STREET. JUST LIKE LOT 37 NEXT  
DOOR WE WOULD LIKE TO BE GRANTED A 15' SET BACK

What does the ordinance require? (Include ordinance reference) IT REQUIRES A  
30' SET BACK.

N.C.G.S. 160D-705(d) requires that the Planning and Zoning Board of Adjustment vary the provisions of the Zoning Ordinance only upon presentation of ALL of the items below. Strict procedure must be followed, and all determinations must be decided by a concurring vote of four-fifths of the members of the Board. It is important to provide detailed supporting documentation for board review, which will be presented during the variance hearing. If necessary, additional sheets may be attached to this application.

1. Unnecessary hardship would result from the strict application of the regulation. (It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property).

Explain: THE 30' SET BACK RESULTS IN THE HOUSE  
BEING SO FAR DOWN THE STEEP GRADE IT BECOMES  
UNREALISTIC TO BUILD. COST & APPEARANCE BOTH WOULD  
RENDER THIS LOT USELESS!



2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. (Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance).

Explain: THE TOPOGRAPHY ON THIS LOT LIMITS THE SET BACK THAT CAN BE USED TO MAKE THIS LOT BUILDABLE. ASIDE FROM THE ROOF BEING BELOW THE ROAD, WHICH IS HIGHLY UNATTRACTIVE THE COST INCURRED FOR THE 30' OFFSET WOULD BE \$150,000 MORE IN SITEWORK, TREE REMOVAL, DRIVEWAY + FOUNDATION.

3. The hardship did not result from actions taken by the applicant or the property owner. (The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship).

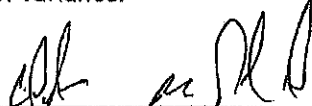
Explain: THESE HARDSHIPS HAVE ALWAYS BEEN HERE WHICH IS WHY THESE LOTS ARE THE LAST TO SELL IN THIS DEVELOPMENT. THE OWNERS BOUGHT THE PROPERTY B/C THE RETAILER + DEVELOPER ALLOWED THEM TO BELIEVE THAT A REDUCED SET BACK WOULD BE GRANTED

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

Explain: REDUCING THE SET BACK WOULD BE IN THE NAME OF SAFETY TO EVERYONE INVOLVED IN BUILDING OF THE HOME AS WELL AS LESS TREE REMOVAL, LESS EROSION, AND ALLOWING THE HOME TO BE LESS SUSCEPTIBLE TO WATER PROBLEMS AS THE HOME WOULD BE LEVEL TO ROAD INSTEAD OF BELOW IT CREATING A WATER TRAP.

Additional Variance Requirements:

- The variance may not be a request to permit use of land, building or structure not permitted by right in the district property is located.
- A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
- No change in permitted uses may be authorized by variance.
- Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.
- No nonconforming use of neighboring land, structures or buildings may be considered grounds for issuance of variance.

Signature of Applicant: 

Date: 3-15-21

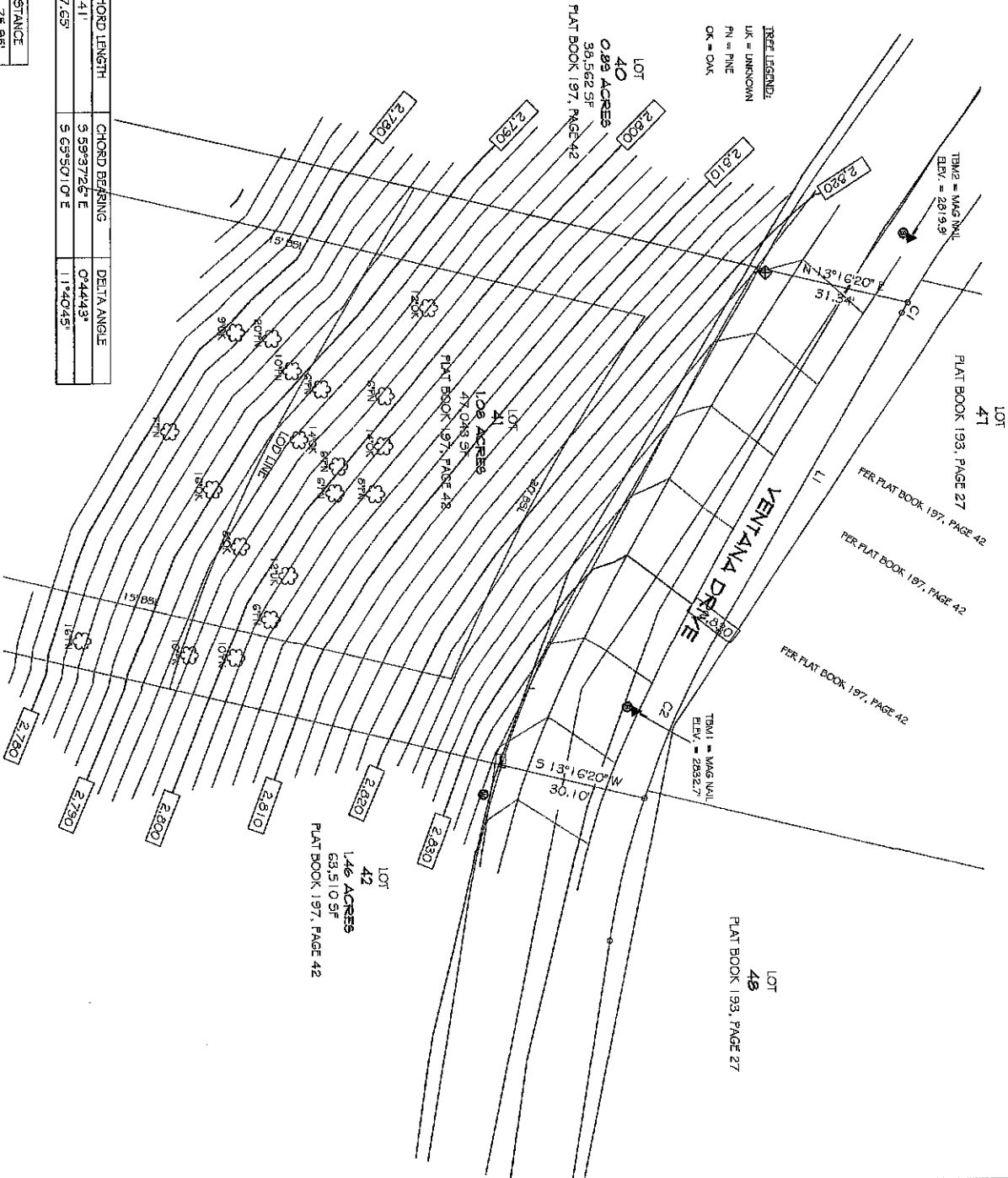


LINE	BEARING	DISTANCE
L1	S 59°59'47" E	75.95'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	185.00'	2.41'	2.41'	S 59°37'26" E	0°44'43"
C2	185.00'	37.71'	37.55'	S 63°50'10" E	11°40'45"

ORIGINAL SURVEY

1"=10'-0"



RAYMOND W. SMITH  
RESIDENTIAL DESIGNER, INC.

1509 KENTMERE LANE  
ASHEVILLE, N.C. 28803

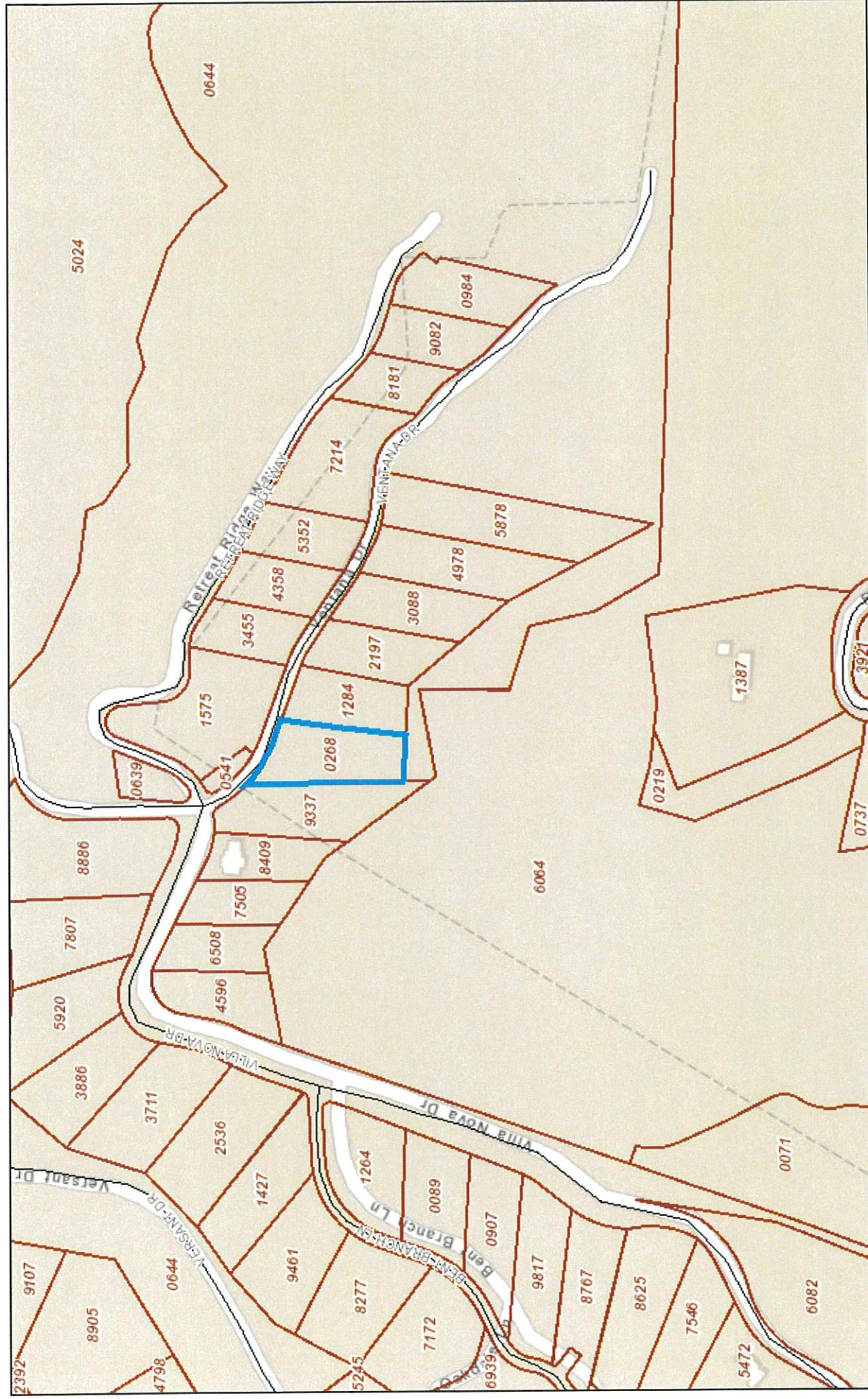
PHONE: (828) 316-9936  
EMAIL: RSMITHDESIGNER@AOL.COM

REVISIONS: B71

DATE	2/1/00
DRAWN	2/1/00
CHECKED	2/1/00
BY	2/1/00



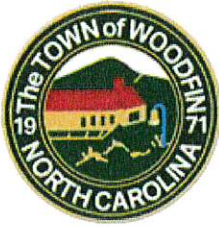
# Buncombe County



April 19, 2021

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),





## Staff Report

Agenda title: Ordinance Text Amendment Public Hearing  
Presenter: Adrienne Isenhower  
Meeting Date: May 3, 2021

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New land use law legislation was adopted by the N.C. General Assembly in 2019 with an original compliance date for local governments of January 2021. Due to COVID-19 and subsequent legislation in response to the pandemic, the new compliance date is July 2021. This means all local ordinances must be updated and amended to include mandatory changes as well as optional authorities provided for in the new statutes.

The previous legislation, Article 19 of NCGS 160A and Article 18 of NCGS 153, split development regulations for cities and counties into separate chapters, but much of the language was identical. While there are some substantive changes, the main goal of the new legislation is to consolidate and reorganize current enabling legislation for development regulations for cities and counties into a single chapter that is more comprehensible and user-friendly. The new legislation seeks to provide clarification on the terminology and the authorities provided to local governments in land use regulation.

Staff drafted the initial ordinance amendments and received assistance of a code scan from the UNC School of Government. The final recommended changes are complete and staff will present the proposed amendments to the Planning and Zoning Board of Adjustment. The board will make a recommendation to be provided to the Board of Commissioners who will take up the matter for approval at their next regular meeting on May 18, 2021.

The powerpoint slides staff will present are included with this packet for your review prior to the meeting.



## WRITTEN CONSISTENCY STATEMENT OF THE TOWN OF WOODFIN PLANNING AND ZONING COMMISSION

**Proposed Text Amendment:** Various zoning ordinance amendments for compliance with NCGS 160D planning and development regulation legislation.

The Town of Woodfin Planning and Zoning Board of Adjustment considered this text amendment on May 3, 2021 and hereby adopts one of the following motions:

- (A) \_\_\_\_\_ Motion to adopt the following resolution: RESOLVED, that the Town of Woodfin Planning and Zoning Board of Adjustment hereby advises and comments to the Town of Woodfin Board of Commissioners that the proposed text amendment is consistent with the Town of Woodfin comprehensive plan. The following reasons and other matters were considered in the deliberations of the Town of Woodfin Planning and Zoning Board of Adjustment with respect to this motion: the proposed text amendment is reasonable considering the potential benefits to development of the Town of Woodfin and surrounding community; and the proposed text amendment advances the public health, safety, and welfare of the Town of Woodfin.
- (B) \_\_\_\_\_ Motion to adopt the following resolution: RESOLVED, that the Town of Woodfin Planning and Zoning Board of Adjustment hereby advises and comments to the Board of Commissioners that the proposed text amendment is not consistent with the Town of Woodfin comprehensive plan.

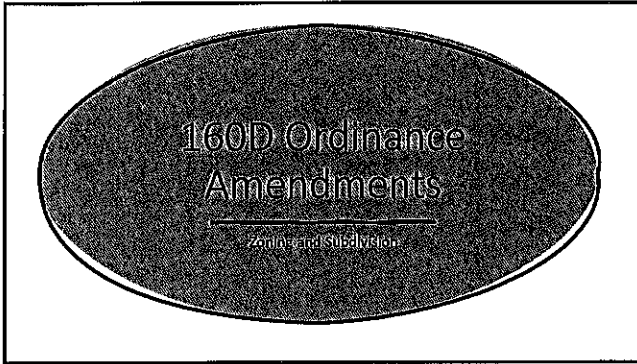
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Planning and Zoning Board of Adjustment Chair

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Date





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Background Information on 160D

Previously NCGS §160A, Article 19 and NCGS §153A, Article 18

Consolidate and reorganize into single chapter

Provides further clarification on certain land use practices

Local ordinance updates by July 2021

Code Scan by School of Government

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General Reorganization

- Update statutory citations from 160A to 160D, where applicable
- Consolidate boards language into one chapter
- Created tables of uses and dimensional requirements for each district
- Reorganized permitted uses table and relocated to Appendix A
- Replace conditional use with special use
- Removed Mountainous Residential District

District	Single-Family Detached	Single-Family Attached	Medium-Density Residential	High-Density Residential	Office	Business	Industrial	Community Center	Public Use	Conditional Use
Single-Family Detached	Yes	Yes	No	No	No	No	No	No	No	No
Single-Family Attached	No	Yes	No	No	No	No	No	No	No	No
Medium-Density Residential	No	No	Yes	Yes	No	No	No	No	No	No
High-Density Residential	No	No	No	Yes	No	No	No	No	No	No
Office	No	No	No	No	Yes	Yes	No	No	No	No
Business	No	No	No	No	Yes	Yes	Yes	No	No	No
Industrial	No	No	No	No	No	No	Yes	No	No	No
Community Center	No	No	No	No	No	No	No	Yes	No	No
Public Use	No	No	No	No	No	No	No	No	Yes	No
Conditional Use	No	No	No	No	No	No	No	No	No	Yes

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## Boards

### Planning and Zoning Board

- Prepare/recommend comprehensive plan adoption and changes
- Facilitate citizen engagement in planning process
- Advise governing board on zoning text and map amendments
- Review subdivision plats
- Other duties directed by commissioners

### Board of Adjustment

- Hear and Decide all quasi-judicial matters, including:
  - Variance Requests
  - Special Use Permits
  - Appeals of the zoning administrator

7

## Conditional Districts

### Purpose

- Consider proposed uses and tailor zoning to accommodate
- Corresponds to general use districts
- Specific conditions may be proposed by petitioner, staff, or BOC
- Site plan and site analysis requirements provided

### Approval

- Initial Meeting with Staff
- Public Information Meeting – abutting residential districts or requiring TIA
- Traffic Impact Analysis (TIA) – peak hour trips exceed 200 or total daily trip volume exceeds 2000
- Formal staff review, same public hearing procedures as a rezoning

8

## Development Agreements

Long-term, large scale developments

Vested rights for up to five years


All proposals must meet local, state and federal requirements

Agreement may cover land use intensities, heights, setbacks, and other dimensional standards

Master plan submittal with required minimum standards

Recommendation of staff and planning board to commissioners

9



## Administrative Minor Modifications

- Staff authorized to approve minor modifications to conditional zoning district or special use permit
- No use changes or density increases
- What is allowed?
  - Minor site design modifications
  - Parking requirements – adjust up to 5 spaces or 20 percent
  - Setback Requirements – adjust up to 24 inches or 10 percent
  - Building floor areas – adjust up to 20 percent
  - Building heights – adjust up to 10 percent

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## Performance Guarantees

- Allow subdivider to elect type of guarantee used
- Amount cannot exceed 125%, must cover all associated costs
- Added language on release of security
  - Released when improvements complete
  - May be extended or new security issued
- Referenced language in zoning ordinance for zoning approvals

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## Subdivision Ordinance

- Defined minor and major subdivisions
- Amended subdivision definition for statutory compliance
- Amended variance standards with exact statutory language
- Completeness review language added for minor and major subdivision applications
- Administrative approval of minor subdivisions
- Addition of concept plan option for major subdivision review
- Amended underground wiring provision based on statutory requirements

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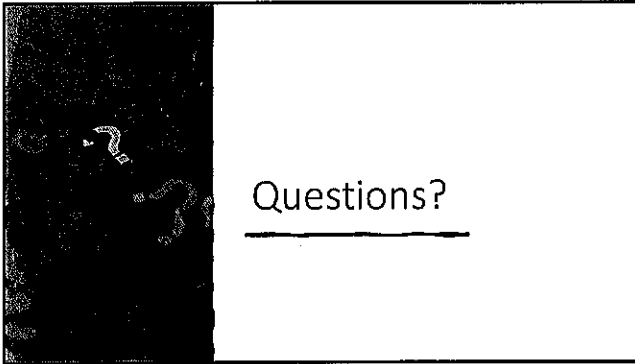
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