



CITY OF HENDERSONVILLE BOARD OF ADJUSTMENT

City Hall - 2nd Floor Council Chambers | 160 Sixth Ave. E. | Hendersonville NC
28792

Tuesday, May 11, 2021 – 1:30 PM

AGENDA

1. **CALL TO ORDER**

2. **APPROVAL OF AGENDA**

3. **APPROVAL OF MINUTES**

A. Minutes of April 13, 2021

4. **OLD BUSINESS**

A. Approval of Decision - Craig Payne - Variance

5. **NEW BUSINESS**

A. Application Seeking Approval to Alter a Non-conforming use- David White

B. Presentation for Application to Alter a Non-conforming Use - Tyler Henry - Code Enforcement Officer

C. Variance Application - Stormwater Ordinance: Interfaith Assistance Ministry

D. Presentation for Variance Application of the Stormwater Ordinance - Lew Hallaway - Community Development Director

6. **ADJOURNMENT**

The City of Hendersonville is committed to providing accessible facilities, programs and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or an accommodation for this meeting please contact the City Clerk no later than 24 hours prior to the meeting at 697-3005.

MINUTES OF THE HENDERSONVILLE BOARD OF ADJUSTMENT

Tuesday, April 13, 2021
1:30 p.m. in the City Operations Center

The Hendersonville Board of Adjustment held its regular monthly meeting on April 13, 2021 at 1:30 p.m. in the Council Chambers in City Hall, 160 6th Avenue East, Hendersonville, North Carolina. Those present were: Melinda Lowrance, Chair, Chris Freeman, Ernest Mowell, Roger Woolsey, Libby Collina, Charles Webb, Barbara McCoy, Vice-Chair, Steve Smith, Kathy Watkins, Candi Guffey, Matt Manley, Planning Manager, Angela Beeker, City Attorney, Tyler Henry, Code Enforcement Officer and Secretary to the Board Terri Swann.

Chair called the meeting to order at 1:31 p.m.

Approval of the Revised Agenda: A motion was made by Mr. Freeman and seconded by Ms. McCoy to approve the revised agenda. The motion passed unanimously.

Approval of the Minutes of the March 9, 2021 meeting. A motion was made by Ms. McCoy and seconded by Mr. Freeman to approve the minutes as written. The motion passed unanimously.

Approval of the Decision for a variance from Tim Cagle (File No. V-03-09-01), 305 Blythe Street. A motion was made by Mr. Freeman to accept the decision as written. Mr. Mowell seconded the motion which passed unanimously.

Variance – Craig Payne – Lot 2 Laurel Spring Lane

Chair swore in all persons to give testimony. Those sworn in were Tyler Henry, Code Enforcement Officer and Craig Payne, applicant.

Chair opened the public hearing.

Application for a variance of Section 5-3-3 on the front setback requirement for the property located at Lot 2 Laurel Spring Lane.

Tyler Henry, Code Enforcement Officer with the City of Hendersonville stated his name and title for the record. He asked that the staff reports, and attachments be entered into evidence for this hearing.

Mr. Henry stated this variance is for Lot 2 of Laurel Spring Lane PIN # 9568-16-8927. The subject property is currently zoned R-15, Medium Density Residential. The front setback requirement is 30 feet. The applicant is proposing this to be an 8-foot setback.

Mr. Henry stated on the screen is the proposed hardships stated by the applicant. The applicant is claiming natural barriers specific to the topography and slope of the parcel itself and there is a road barrier that exists and cuts through the front third of the parcel. The slope of the land between the roadbed and the front of the parcel is 25 to 35 degrees and behind the roadbed to the property line it increases in slope to 40 to 60 degrees.

Mr. Henry presented an image of the subject property on screen. The minimum lot size for the R-15 district is 15,000 square feet. This subject property is 20,473 square feet which meets the minimum lot size requirement. The preexisting roadbed outlined by the brown line shows where the roadbed exists on the property. Again, the applicant states that the slope is between 25 and 35 degrees for the front of the property between the property line and the roadbed and beyond the roadbed to the back property line it increases to 40 to 60 degrees. The applicant is proposing to build a single family dwelling between the roadbed and the front property line.

Mr. Henry showed the site plan of the property. You will notice the 8-foot front setback is between the front property line and a small portion of the front of the house. The remainder of the house will be on average 14 feet from the front property line.

Mr. Henry stated based on the staff review of the applicant's information there is a suggested motion for the application.

Chair asked if there were any questions for staff.

Ms. Collina asked if this was an unopened road or a trail, or what is this actually. Mr. Henry stated there appears to be no connection to any existing road now. It appears that the road that was there was an old access road to get to a property that was further down. Ms. Collina stated this is not like an unopened road that was platted in the city. We do have those in the city, and this is not what that is, correct? Mr. Henry deferred this question to the applicant.

Craig Payne state his name. He stated Lot 2 is the proposed property then there is Lot 3 and Lot 4 and that is a driveway that went to an old house on Lot 3 and the garage was on Lot 4. The roadbed was the driveway originally.

Mr. Woolsey asked if this was a new subdivision. Mr. Payne stated it is a new subdivision of 8 lots. The old home has been removed.

Ms. Guffey asked if the applicant would be building on Lot 3. Mr. Payne stated that is a separate parcel with a different owner.

Mr. Payne stated his address is 12 Flycatcher Way in Arden, North Carolina. He stated to start off with the word hardship is in there but there are so many people that are suffering right now, he wouldn't consider this a hardship. He is trying to build on virgin soil. He has 18 years of experience and he would always choose to build on virgin soil. Also, it reduces his impact on the land. It is a much more simplified smarter way to build on this property. The roadbed creates potential engineering issues that he doesn't know about yet because he has not gotten an engineer out there to look at the back two-thirds of the property. It is ridiculously steep.

Chair asked if there were any further questions for the applicant.

Ms. Watkins stated she rode out there and asked if he had built the two houses that are currently there. Mr. Payne stated no. Ms. Watkins stated in the picture of the land where the house will be built it is very steep. Would he have to backfill where the parking is? Mr. Payne stated the idea is to do what is called a suspended slab for the parking and the garage and the lower level would be what is called superior wall on a gravel footer. The suspended slab, the further you go back it gets significantly more expensive and he will need

engineering on that roadbed, and it would make it more complicated. He also stated his father would be in a wheelchair soon and he would like to have the home handicap accessible and the closer he is to the street the more accessible it will be for him.

Ms. Collina asked if the driveway would be suspended. Mr. Payne stated kinda, the superior walls will come up vertically and then the suspended slab system that you won't see, that is steel, and the slab will be poured on that. Ms. Collina stated from the road to his garage will he fill in and build his driveway on gravel or will his driveway be built on corrugated metal. Mr. Payne stated it will be a suspended slab driveway and you will see superior walls on each side and so it will not be open underneath.

Ms. Watkins stated none of that will cause erosion problems that close to the street. Mr. Payne stated no, it will actually help it because it will make it a little more solid.

Chair asked if anyone else would like to speak in favor of the project. No one spoke. Chair asked if anyone would like to speak in opposition. No one spoke.

Chair closed the public hearing for Board discussion.

Ms. Watkins made the following motion: With regard to the request by Mr. Craig Payne for a variance from Section 5-3-3 of 22' on the required 30' front setback to construct a single-family dwelling on Lot 2 of Laurel Spring Lane with a PIN of 9568-16-8927, I move the Board to find (a) strict enforcement of the regulations would result in practical difficulties or unnecessary hardship to the applicant, (b) the variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit, and (c) in the granting of the variance the public safety and welfare have been secured and substantial justice has been done. Accordingly, I further move the Board to grant the requested variance in accordance with and only to the extent represented in the application. Mr. Woolsey seconded the motion.

Chair called for the vote. The following vote was taken by a show of hands.

Mr. Woolsey	Yes
Mr. Freeman	Yes
Mr. Webb	Yes
Ms. McCoy	Yes
Ms. Lowrance	Yes
Mr. Mowell	Yes
Ms. Collina	Yes
Ms. Watkins	Yes
Ms. Guffey	Yes
Mr. Smith	Yes

The vote was unanimous. Motion approved.

Meeting adjourned a 1:53 p.m.

Melinda Lowrance, Chair

Terri Swann, Secretary

**STATE OF NORTH CAROLINA
HENDERSON COUNTY**

**BEFORE THE HENDERSONVILLE
BOARD OF ADJUSTMENT
FILE NO. V-04-13-01**

**IN RE THE APPLICATION OF
CRAIG PAYNE AND LAUREL SPRING, LLC
FOR A ZONING VARIANCE
PIN 9568168927**

DECISION

This matter came before the Hendersonville Board of Adjustment on April 13, 2021 for a quasi-judicial hearing on the application of Craig Payne and Laurel Spring, LLC, for a variance from Section 5-3-3 of 22 feet on the required 30 foot front yard setback, for a property situated at Lot 2 Laurel Spring Ln., Hendersonville, NC 28739, PIN 9568168927.

Giving testimony were Tyler Henry, Hendersonville Code and Zoning Enforcement Officer, and Craig Payne.

Issues

Section 10-8 of the Hendersonville Zoning Ordinance states in pertinent part:

Section 10-8 Variances. A variance is a means whereby the City may grant relief from the effect of the Zoning Ordinance in cases of hardship. A variance constitutes permission to depart from the literal requirements of the ordinance.

A variance from the dimensional requirements of this ordinance may be granted by the Board of Adjustment if it finds the following:

- a) strict enforcement of the regulations would result in practical difficulties or unnecessary hardships to the applicant for the variance,
- b) the variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit, and
- c) in the granting of the variance the public safety and welfare have been secured and substantial justice has been done. Such findings shall be based on the following considerations:
 - 1) The fact that the property could be utilized more profitably or conveniently with the variance than without the variance shall not be considered as grounds for granting the variance.
 - 2) The hardship relates to the applicant's property rather than to personal circumstances.

3) The hardship results from the application of the ordinance and from no other cause, including the actions of the owner of the property or previous owners.

4) The hardship is peculiar to the property in question rather than a hardship shared by the neighborhood or the general public.

The Board of Adjustment shall not have authority to grant a variance when to do so would: 1) result in the extension of a nonconformity regulated pursuant to Section 6-2, above, or 2) permit a use of land, building or structure which is not permitted within the applicable zoning district classification.)

Section 5-3-3 of the Hendersonville Zoning Ordinance states:

5-3-3 Dimensional Requirements:

Minimum Lot Area in Square Feet:	15,000
Lot Area per Dwelling Unit in Square Feet:	15,000 for the first; 7,500 ft ² for one additional dwelling unit in any one building
Minimum Lot Width at Building Line in Feet:	85
Minimum Yard Requirements in Feet: Principal Structure	Front: 30 Side 10 Rear: 15
Accessory Structures:	Front: 30 Side: 5 Rear: 5
Maximum Height in Feet:	35

TESTIMONY

Testimony is accurately reflected in the minutes.

FINDINGS OF FACT

Based on the above testimony, the Board finds as follows:

1. The subject property is Lot 2, Laurel Spring Ln., Hendersonville, NC 28739.
2. The applicant is Craig Payne. The owner of the subject property is Laurel Spring, LLC.
3. The subject property is identified as tax parcel 9568168927.
4. The subject property is zoned R-15, Medium Density Residential.
5. The required front setbacks shown in Section 5-3-3 of the zoning ordinance for the R-15 District is 30 feet.
6. The requested variance is for 22 feet on the required 30-foot front setback in order to construct a single-family dwelling.
7. The slope of the land between the roadbed and the front of the parcel is 25 to 35 degrees and behind the roadbed to the property line it increases in slope to 40 to 60 degrees
8. Due to the existence of an old roadbed dissecting the Subject Property, and the steep slope of the property, meeting the required front yard setback would pose an undue hardship on the Applicant and property owner in the construction of a single-family dwelling.
9. Allowing the variance would allow the construction of the single-family dwelling on the less steep sloped front area of the Subject Property lying between Laurel Spring Lane and the old roadbed.
10. Allowing the variance would provide better handicap access for Applicant's father.
11. No evidence was offered in opposition to the application.

CONCLUSIONS OF LAW

Based on the above findings of fact, the Board concludes as follows:

- 1) strict enforcement of the regulations would result in practical difficulties or unnecessary hardships to the applicant for the variance, namely, that without the granting of the variance, construction of the home would have to occur on the steepest sloped portion of the Subject Property, resulting in an unnecessary hardship.
- 2) the variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit, and allows for the accommodation of a disability of the Applicant's father, and

3) in the granting of the variance the public safety and welfare have been secured and substantial justice has been done.

4) The fact that the property could be utilized more profitably or conveniently with the variance than without the variance shall not be considered as grounds for granting the variance.

5) The hardship relates to the applicant's property rather than to personal circumstances. In particular, the hardship would render the construction of a single-family dwelling on the property a practical impossibility.

6) The hardship results from the application of the ordinance and from no other cause, including the actions of the owner of the property or previous owners.

7) The hardship is peculiar to the property in question rather than a hardship shared by the neighborhood or the general public.

DECISION

For the above reasons,

The Board of Adjustment grants a variance of 22 feet on the required 30-foot front yard setback for the purpose of constructing a single-family dwelling as shown on the site plan submitted by the applicant, and for no other purpose.

Done this 11th day of May, 2021.

Melinda Lowrance, Chair

MEMORANDUM

TO: Board of Adjustment Members

FROM: Community Development Department

DATE: May 11, 2021

RE: Application for Authorization – David White, WCCA – 911 Tebeau Drive.

SUMMARY: The Community Development Department has received an application from David White (Western Carolina Community Action, Inc.) for the Board of Adjustment to authorize the altering and extension of a structure that contains a nonconforming use, located on the parcel at 911 Tebeau Drive (PIN 9569409564), under Section 6-2-12 b): Nonconforming Uses. The subject property is currently zoned R-15, Medium Density Residential. The specific authorization requested is for the following:

The applicant has submitted a site plan that details the removal of an attached cottage in addition to the expansion of two sections of the existing building located on Lot 1 (PIN 9569409564), as detailed in *Exhibit 1*.

PROPOSED FINDINGS OF FACT:

- Western Carolina Community Action, hereinafter “WCCA”, is the owner of that property located at 911 Tebeau Drive processing the PIN 9569409564, hereinafter “Lot 1”, as well as that property possessing the PIN 9569408533, hereinafter “Lot 2”.
- Both Lot 1 and Lot 2 are zoned R-15 Medium-Density Residential.
- The size of Lot 1 is approximately 25,264 Sq Ft. This is well within the required minimum lot size for the R-15 zoning district (15,000 Sq Ft).
- Lot 2 is approximately 43,560 Sq Ft in size. This is well within the required minimum lot size for the R-15 zoning district (15,000 Sq Ft).
- WCCA operates a *childcare center* on Lot 1 and Lot 2. *Childcare Center* was previously, but is not currently, a permitted use in the R-15 Zoning District. The Childcare Center at the subject property is an existing, legal nonconforming use.
- The primary building located on Lot 1 is calculated to have 3,424 Sq Ft of gross leasable area, based on Henderson County records - detailed in *Exhibit 3*.
- Lot 2 (PIN 9569408533) includes a structure that is used in conjunction with the nonconforming use located on Lot 1 and is also considered to be a structure containing a nonconforming use.

- The applicant is proposing to remove the cottage located on Lot 1, as detailed in *Exhibit 1*. The removal of the cottage would reduce the total square footage of the structure located on Lot 1 by approximately 884 Sq Ft (calculations based on information found in *Exhibit 3*).
- Removing the cottage would bring the structure containing a nonconforming use on Lot 1 into compliance with required setbacks. Currently, the cottage portion of the structure is encroaching within both the required side setback (10') and front setback (30') for the R-15 zoning district.
- As detailed in *Exhibit 1*, the applicant proposes to expand the primary structure on Lot 1 in two places - adding approximately 291 Sq Ft to the total structure size.
- The gross leasable area of the structure containing a nonconforming use located on Lot 1 (PIN 9569409564) would be enlarged to be 2,831 Sq Ft. This is based on the current size of the building (according to Henderson County records – *Exhibit 3*) and the proposed changes by the applicant detailed in *Exhibit 1*.
- The nonconforming structure primarily located on Lot 2 (PIN 9569408533) has approximately 4,000 Sq Ft of gross leasable area, based on Henderson County records – detailed in *Exhibit 4*.
- At this time, there are no proposed changes or alterations to the structure containing a nonconforming use that is primarily located on Lot 2.

CODE REFERENCES.

R-15 Dimensional Requirements (Section 5-3-3):

Minimum Lot Area in Square Feet:	15,000
Lot Area per Dwelling Unit in Square Feet:	15,000 for the first; 7,500 ft ² for one additional dwelling unit in one building.
Minimum Lot Width at Building Line in Feet:	85
Minimum Yard Requirements in Feet:	
Principal Structure	Front: 30 Side: 10 Rear: 15
Accessory Structures	Front: 30 Side: 5 Rear: 5
Maximum Height in Feet:	35

6-2-1 Nonconforming Uses. A nonconforming use is a use of land, buildings, or structures that was lawfully established prior to the effective date of this ordinance, or any amendment thereto, but which does not conform to the regulations for the zoning classification in which it is located.

b) No building or structure devoted to a nonconforming use shall be enlarged, extended, reconstructed, moved, or structurally altered unless such building or structure is thereafter devoted to a conforming use; provided, however, such building or structure may be enlarged or extended upon prior authorization from the Board of Adjustment, which authorization shall not be granted unless the Board of Adjustment makes each of the following findings of fact:

- 1) The proposed enlargement or extension shall be de minimis in relation to the existing building or structure.
- 2) The proposed enlargement or extension shall not increase the intensity of the nonconforming use, which is to say, it will not result in an increase in dwelling units for a residential use nor in gross floor area for a nonresidential use.
- 3) The proposed enlargement or extension is designed so that it will not render the use of the property any less compatible than it is in its existing circumstances.
- 4) The authorization of such proposed enlargement or extension is not otherwise contrary to the public health, safety or welfare.

MOTION:

With regard to the request by Mr. David White for authorization to alter a structure that houses a nonconforming use under Section 6-2-12 b) of the Zoning Ordinance as depicted in the site plan, I move the Board to find that (a) strict enforcement of the regulations would result in practical difficulties or unnecessary hardship to the applicant, (b) the variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit, and (c) in the granting of the variance the public safety and welfare have been secured and substantial justice has been done. Accordingly, I further move the Board to grant the requested variance in accordance with and only to the extent represented in the application.

(After the motion has been seconded, the movant should state the factual basis and reasoning for the motion. In doing so, bear in mind the considerations set out in Section 10-8 of the zoning ordinance.)

Remember: Staff suggest the motion be made in the affirmative regardless of whether it is your intention to support or oppose the issuance of a variance. This does not mean that

staff is recommending approval of the application. RATHER, we believe it is better procedurally to approach it this way. Once you have made the motion, you should state your position as to the required findings. For variance applications, it takes seven affirmative votes to approve this application, if others are voicing support of the application, you should make it a point to state your position vis-à-vis the required findings since your vote, even standing by itself may represent the position of the Board.

ATTACHMENTS:

- 1) Exhibit 1: Site Plan (Zoomed)**
- 2) Exhibit 2: Subject Property – Lot 1 & Lot 2**
- 3) Exhibit 3: Building Layout – Lot 1**
- 4) Exhibit 4: Building Layout – Lot 2**
- 5) Exhibit 5: Application**
- 6) Exhibit 6: Full Site Plan**

EXHIBIT 1

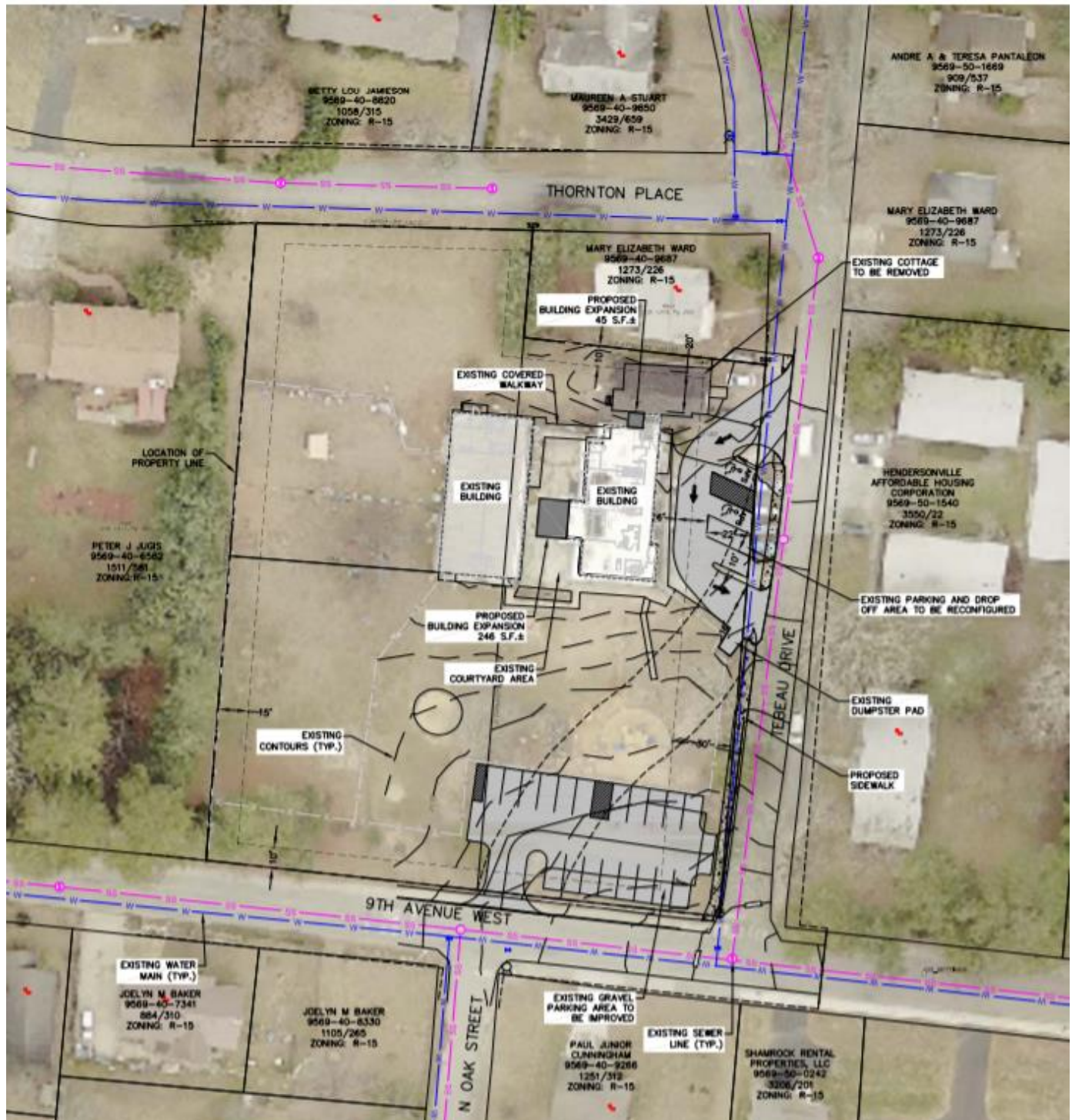


EXHIBIT 2



EXHIBIT 3

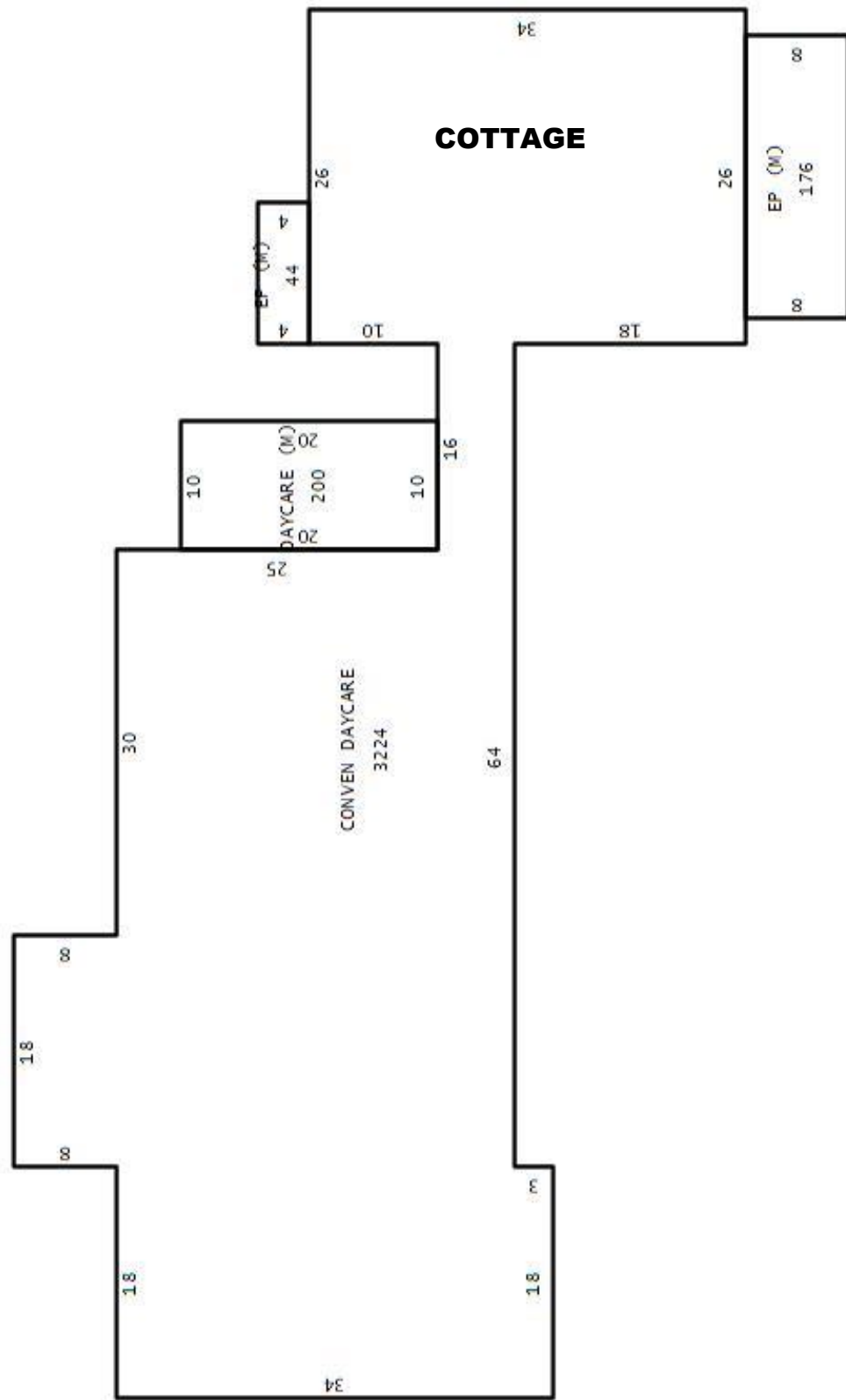
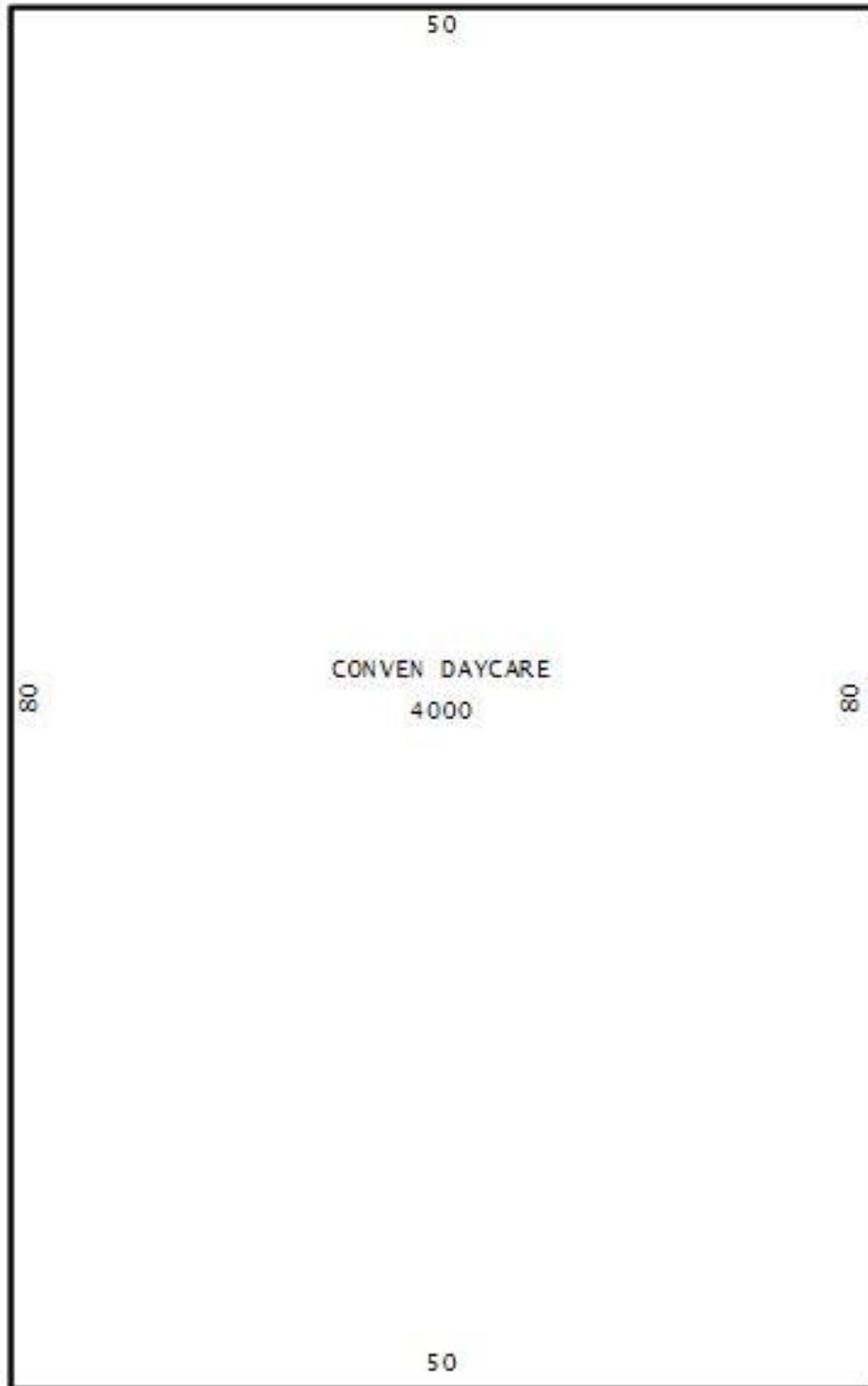
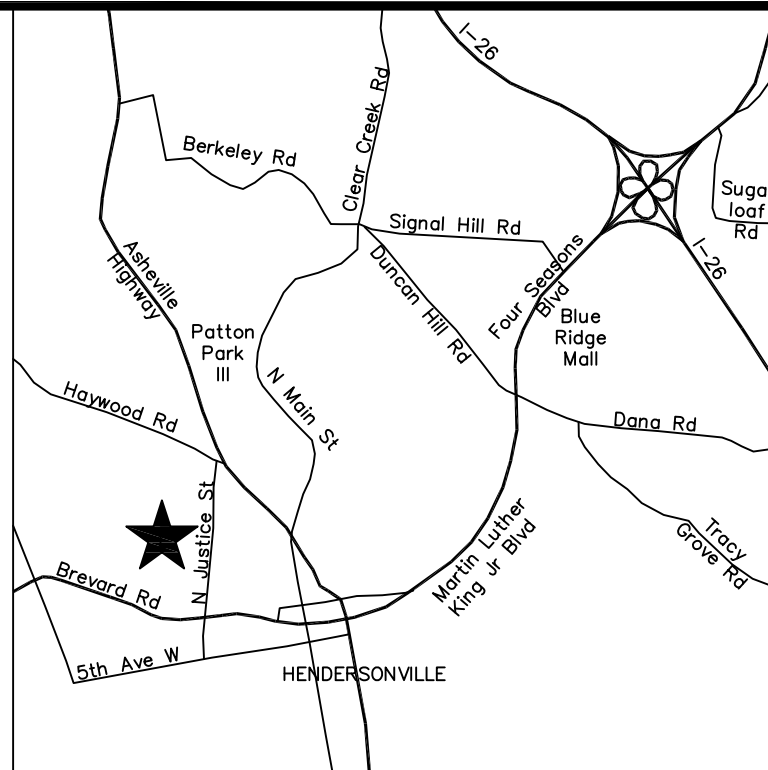


EXHIBIT 4



WGLA Engineering

WGLA ENGINEERING, PLLC
724 5th AVENUE WEST
HENDERSONVILLE, NC 28739
(828) 687-7177
WGLA.COM
NC LICENSE P-1342



LOCATION MAP
N.T.S.

WCCA Tebeau Drive

Town of Hendersonville
Henderson County
North Carolina

Preliminary
Not For
Construction



PROJECT NUMBER: 20175
DATE: 3/21
DRAWN BY: KHC
CHECKED BY: WRB

Preliminary
Site Plan Phase I

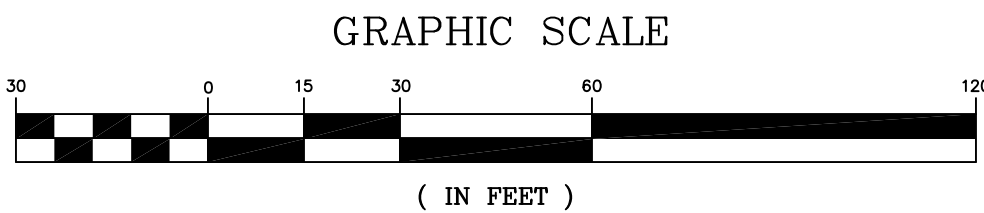
C-101

SCALE: 1"=30'

PROJECT SUMMARY

PROJECT NAME: WCCA Tebeau Drive
PIN # 9569-40-8533 & 9569-40-9564
DB/PG: 877/190 & 673/123
ZONING R-15 MEDIUM DENSITY RESIDENTIAL
OWNER WESTERN CAROLINA COMMUNITY ACTION, INC.
911 TEBEAU DRIVE
HENDERSONVILLE, NC 28791
P.O. BOX 685
HENDERSONVILLE NC 28793
ARCHITECT THE TAMARA PEACOCK COMPANY
TAMARA PEACOCK, R.A.
104 1ST AVENUE E
HENDERSONVILLE, NC 28792
828-696-4000 PHONE
954-728-9225 FAX
ENGINEER WILLIAM R. BUIE, P.E.
WGLA ENGINEERING, PLLC
724 5TH AVENUE WEST
HENDERSONVILLE, NC 28792
ACREAGE 1.74 AC.±
#LOT/UNITS 1
DENSITY 1
WATER SYSTEM ON SITE (PUBLIC)
CITY OF HENDERSONVILLE
SEWER SYSTEM ON SITE (PUBLIC)
CITY OF HENDERSONVILLE
BUILDING SETBACKS FRONT 30'
SIDE 10'
REAR 15'
MAX ALLOWABLE BUILDING HEIGHT 35'
PARKING PROVIDED: 23 SPACES

SURVEY BY: ASSOCIATED LAND
SURVEYORS & PLANNERS, PC.
P.O. BOX 578
HORSESHOE, NC 28742
(828) 890-3507



April 8, 2021

Mr. Matthew Manley, Planning Manager
City of Hendersonville
Community Development Department
100 N. King Street
Hendersonville, NC 28792

RE: BOA Authorization
911 Tebeau Drive

Dear Mr. Manley:

As you know, Western Carolina Community Action (WCCA) purchased the property at 911 Tebeau Drive with the intention of continuing to provide desperately needed child care at this location. Previously the facility at 911 Tebeau Street was operated by Aletheia Academy and was licensed to provide care for up to 137 children.

WCCA understands this facility was operating as a non-conforming use in the R-15 zoning district of the City of Hendersonville. WCCA's short term plans for the property include improving the parking and access and modernizing the buildings to provide safe child care for the community. WCCA Children's Services programs promote child development through services that promote early learning, health, and family well-being. To do this efficiently, WCCA needs to remove the existing non-conforming cottage on the northeast corner of the property and expand the remaining building slightly.

We understand that a non-conforming use cannot be enlarged or expanded without authorization by the Board of Adjustment. We believe the proposed improvements at the Tebeau site will actually reduce the number of non-conformities on the property, and the projected intensity of the use will be less than the original child care facility. Below is our interpretation of the required findings of facts as listed in the City's zoning ordinance.

- a) No building or structure devoted to a nonconforming use shall be enlarged, extended, reconstructed, moved, or structurally altered unless such building or structure is thereafter devoted to a conforming use; provided, however, such building or structure may be enlarged or extended upon prior authorization from the Board of Adjustment, which authorization shall not be granted unless the Board of Adjustment makes each of the following findings of fact:
 - 1) The proposed enlargement or extension shall be de minimis in relation to the existing building or structure.

*The proposed enlargement of the existing building would consist of an addition of 305 SF. With removal of the existing cottage on the property, the total building square footage on the property would be **6065 SF** which is less than currently exists. The property (currently) has 6860 SF.*

- 2) The proposed enlargement or extension shall not increase the intensity of the nonconforming use, which is to say, it will not result in an increase in dwelling units for a residential use nor in gross floor area for a nonresidential use.

With the removal of existing cottage the gross floor area of the non-conforming use will be reduced by 795 SF. The proposed addition would be located in the courtyard area between the existing buildings, so the footprint of the building area would not result in an expansion of the use. The existing parking areas would be reconfigured to allow for a more efficient operation, but the parking areas would not be expanded. Finally, the previous facility operated with a license to serve 137 children. WCCA proposes to serve a maximum of 94 children, so there would be no increase in the intensity of the use from the number of children served.

- 3) The proposed enlargement or extension is designed so that it will not render the use of the property any less compatible than it is in its existing circumstances.

The proposed expansion would reduce the number of incompatible uses on the property. The removal of the existing cottage would result in the removal of a structure that is currently located within the setback. Additionally, this would move the uses further away from the property line and would allow for additional buffering and landscaping. As noted earlier, the proposed building expansion would be located in an existing courtyard area between the two existing buildings. So there would be no expansion of the use closer to the property lines.

- 4) The authorization of such proposed enlargement or extension is not otherwise contrary to the public health, safety or welfare.

The authorization of the proposed enlargement will actually support the public health, safety, and welfare of the community by allowing WCCA to provide a vitally needed service.

In Henderson County there approximately 5,498 children under the age of 5. Of this number, 962 are below the poverty level and 577 are ages zero to three. WCCA serves children ages zero to five that meet the federal and state income eligibility guidelines for poverty. WCCA currently serves approximately 700 children in Henderson, Polk, Transylvania, and Rutherford counties. WCCA is delighted to expand Early Head Start (ages 0 to 3) services by 40 children and Head Start and NC-Pre-K services (ages 3 to 5) by 54 children in Henderson County at the Tebeau Street facility. While our service numbers will be less than the total children served by the previous owners, Aletheia Academy, WCCA services are targeted to the county's most vulnerable families with young children.

Children and families at the WCCA Tebeau Children's Center will receive comprehensive services of education, social service, parent support, nutrition, and health. Parents are involved in all facets of the program, including but not limited to volunteering in the classroom, serving on parent committees, or being a parent representative on the Policy Council. The Policy Council is made up of community members and parent representatives who help share in the decision-making for our local Early Head Start and Head Start programs. Early Head Start and Head Start are nationally funded early childhood education programs that focus on healthy child development and promoting school readiness. These programs support and encourage the whole family by recognizing that parents are their children's primary teachers and offering multiple family

engagement opportunities throughout the school year. Each child in the program is assigned a Family Advocate to help support the family throughout the school year as well.

County	Total Number of Children < 5 Years Old	Number of Children <5 Years Old Below Poverty Level	Child poverty rate (0-18)	Estimated Number of Children 0 – 3 Below Poverty Level
Henderson	5,498	962	17.5%	577

The WCCA Tebeau Children's Center will have 3 NC Pre-K Classrooms. The NC Pre-K program helps provide high-quality early childhood education to enhance school readiness. NC Pre-K prepares children for kindergarten through large and small group experiences, center time, music, movement, literacy activities, and opportunities for social-emotional development. These services operate on the same schedule as the public school system.

WCCA partners with the Henderson County DSS child care subsidy office and Smart Start of Henderson County to provide children enrolled at the Tebeau Children Center, wrap-around vouchers for early morning, and an extended day child care for families that are in school or working 30 or more hours a week.

We hope this information provides the Board of Adjustments with sufficient data to support the finding of fact for the approval of the site plan as submitted. We look forward to the opportunity to present information to the Board at the formal hearing.

If you have any questions, don't hesitate to contact us.

Sincerely,

David White 4/8/2021

David White, MBA
Chief Executive Officer
Western Carolina Community Action
(828) 693-1711

*Signed copy in attachment labeled "complete package"

MEMORANDUM

TO: Board of Adjustment Members

FROM: Community Development Department

DATE: May 11, 2021

RE: Variance Application – Stormwater Ordinance: Interfaith Assistance Ministry
Rick Merrill – 119 Jack Street

SUMMARY:

The Community Development Department has received an application from Interfaith Assistance Ministry requesting the Board of Adjustment grant a variance from the City of Hendersonville Stormwater Ordinance (*City Code of Ordinances – Chapter 24 Article III*) General Standards Sec. 24-147 for treatment of stormwater associated with new facilities on the parcels at 119 Jack Street & 310 Freeman Street (PIN 9579352187 and 9579352036). These parcels have been recombined per the plat submitted by the applicant and included as *Exhibit 1*.

The applicant has submitted a site plan that details the construction of a 4,745 sq.ft. new construction building and the addition of a 4,936 sq.ft. asphalt parking area with 10 parking spaces & 1 ADA parking space, as detailed in *Exhibit 2*. While the new development does not exceed an acre, it was determined that the Ordinance applied under Sec. 24-135(b)(1) as a part of a larger “Common Plan” of development on the recombined 2.02 acre site.

The Stormwater Administrator has made an informal finding that the proposed stormwater treatment measures do not meet the standards established in Sec. 24-147 and 24-148 of the Stormwater Ordinance. The Stormwater Administrator has proposed alternative compliance measures to the applicant’s site engineer, including 1) upgrading the existing rain garden on Lot 1, immediately to the rear of the proposed Thrift Store; or 2) the inclusion of rainwater cisterns at the rear of the proposed Thrift Store.

PROPOSED FINDINGS OF FACT:

- Interfaith Assistance Ministry, hereinafter “IAM”, is the owner of the property located at 119 Jack Street (PIN 9579352187), hereinafter “Lot 1” and at 310 Freeman Street PIN 9579352036, hereinafter “Lot 2”.
- Lot 1 is zoned Residential Commercial Transition and is located within the City’s Extra Territorial Jurisdiction.
- Lot 2 is zoned C-3 Highway Business and is located within the City Limits.

- The size of Lot 1 is approximately 15,246 Sq Ft (0.35 Acres).
- Lot 2 is approximately 72,745.2 Sq Ft (1.67 Acres).
- Lot 1 and 2 have been recombined to create a single 87,991 Sq Ft (2.02 acre) lot.
- IAM operates their social service center, offering financial assistance to individuals and families in crisis, on Lot 2. Food Pantries are a permitted use in C-3.
- IAM proposes to construct and operate a 4,745 Sq Ft Thrift Store on Lot 1 and a portion of Lot 2. Retail stores are a permitted use subject to a 5,000 Sq Ft maximum building size.
- The thrift store was granted a variance of 5' from the required 15' side yard setback at the September 8th, 2020 Board of Adjustments meeting on Lot 1.
- The Site Plan includes sidewalk connectivity between the existing facility on Lot 2 and the new proposed structure on Lot 1 and a portion of Lot 2. Staff understand from the applicant that there will be operational connectivity between the two facilities.
- The applicant has proposed the construction of a single stormwater retention measure along Jack Street which does not meet the General Standards for stormwater control measures established by Section 24-147.

CODE REFERENCES:

Sec. 24-135 Applicability and jurisdiction.

(a) General. Beginning with and subsequent to its effective date, this article shall be applicable to all development and redevelopment, including, but not limited to, site plan applications, subdivision applications, and grading applications, unless exempt pursuant to subsection (b) of this section.

(b) Exemptions.

(1) Development or redevelopment that cumulatively disturbs less than one acre.

(2) Development or redevelopment that disturb less than one acre are not exempt if such activities are part of a larger common plan of development or sale, even though multiple, separate, or distinct activities take place at different times on different schedules.

(3) Activities that are exempt from permit requirements of Section 404 of the federal Clean Water Act as specified in 40 CFR 232 (primarily, ongoing farming and forestry activities) are exempt from the provisions of this article.

(c) No development or redevelopment until compliance and permit. No development or redevelopment shall occur except in compliance with the provisions of this article or unless exempted. No development or redevelopment for which a permit is required pursuant to this article shall occur except in compliance with the provisions, conditions, and limitations of the permit.

(d) Map. The provisions of this article shall apply within all planning and zoning jurisdictions of the city, including its extra-territorial jurisdiction. In the event of a dispute, the applicability of this article to a particular area of land or BMP shall be determined by reference to the North Carolina Statutes, the North Carolina Administrative Code, and local zoning and jurisdictional boundary ordinances. This article does not affect the legal requirements to obtain other permits which may be required by the division of water quality, the division of land resources, the local flood hazard prevention ordinance, zoning or building permits or any other state, federal or local government permit that may be required.

The engineering department shall develop and maintain a storm sewer system base map ("the stormwater map") of stormwater drainage system components including outfalls, BMP locations, drainage areas and receiving streams in accordance with the city's NPDES permit. The stormwater map shall be updated to take into account changes in the land area covered by this article and the geographic location of structural BMPs permitted under this article.

Sec. 24-147 General standards.

All development and redevelopment to which this article applies shall implement stormwater control measures that comply with each of the following standards:

(a) Required for all development or redevelopment which disturbs one acre or more of ground area.

(b) Stormwater treatment.

(1) All stormwater treatment measures shall treat either:

- a. The runoff volume from the disturbed area calculated utilizing the one-year, one-hour design storm rainfall depth; or
- b. The difference in stormwater runoff volume between the pre- and post-development conditions for the one-year, 24-hour storm; whichever is greater.

(2) Runoff volume drawdown time shall be a minimum of 48 hours, but not more than 120 hours.

(3) All structural stormwater treatment systems used shall be designed to have a minimum of 85 percent average annual removal for total suspended solids (TSS).

(c) Stormwater quantity control. Discharge stormwater at a rate equal to or less than the predevelopment discharge rate for both the two-year, 24-hour storm and the ten-year, 24-hour storm with the ability to pass the 25-year, 24-hour storm.

(d) General engineering design criteria for all projects shall be in accordance with 15A NCAC 2H .1008(c), as explained in the design manual.

(e) The approval of the stormwater permit shall require an enforceable restriction on property usage that runs with the land, such as recorded deed restrictions or protective covenants, to ensure that future development and redevelopment maintains the site consistent with the approved project plans. Every structural BMP installed pursuant to this section shall be made accessible for adequate maintenance and repair by a maintenance easement. The easement shall be recorded and its term shall specify who may make use of the easement and for what purposes.

(f) For best management practices that require a separation from the seasonal high water table, provide separation by at least 12 inches of naturally occurring soil above the seasonal high water table.

Sec. 24-148 Standards for stormwater control measures.

(a) Evaluation according to contents of design manual. All stormwater control measures and stormwater treatment practices (also referred to as best management practices, or BMPs) required under this article shall be evaluated by the stormwater administrator according to the policies, criteria, and information, including technical specifications and standards and the specific design criteria for each stormwater practice, in the design manual. The stormwater administrator shall determine whether proposed BMPs will be adequate to meet the requirements of this article.

(b) Determination of adequacy; presumptions and alternatives. Stormwater treatment practices that are designed, constructed, and maintained in accordance with the criteria and specifications in the design manual will be presumed to meet the minimum water quality and quantity performance standards of this article. Whenever an applicant proposes to utilize a practice or practices not designed and constructed in accordance with the criteria and specifications in the design manual, the applicant shall have the burden of demonstrating that the practice(s) will satisfy the minimum water quality and quantity performance standards of this article. The stormwater administrator may require the applicant to provide the documentation, calculations, and examples necessary for the stormwater administrator to determine whether such an affirmative showing is made.

Sec. 24-150 Variances

A variance is a means whereby the city may grant relief from the effect of this article in cases of hardship. A variance constitutes permission to depart from the literal requirements of [this article]. A variance from the dimensional requirements of this article may be granted by the board of adjustment if it finds the following:

- (1) Strict enforcement of the regulations would result in practical difficulties or unnecessary hardships to the applicant for the variance.
- (2) The variance is in harmony with the general purpose and intent of [this article] and preserves its spirit.
- (3) In the granting of the variance the public safety and welfare have been secured and substantial justice has been done. Such findings shall be based on the following considerations:
 - a. The fact that the property could be utilized more profitably or conveniently with the variance than without the variance shall not be considered as grounds for granting the variance.
 - b. The hardship relates to the applicant's property rather than to personal circumstances.
 - c. The hardship results from the application of [this article] and from no other cause, including the actions of the owner of the property or previous owners.
 - d. The hardship is peculiar to the property in question rather than a hardship shared by the neighborhood or the general public.

MOTION:

With regard to the request by Interfaith Assistance Ministry for a variance from the City of Hendersonville Stormwater Ordinance Section 24-147 General standards and Section 24-148 Standards for stormwater control measures, I move the Board to find that (a) Strict enforcement of the regulations would result in practical difficulties or unnecessary hardships to the applicant for the variance, (b) The variance is in harmony with the general purpose and intent of [this article] and preserves its spirit, (c) In the granting of the variance the public safety and welfare have been secured and substantial justice has been done.

(After the motion has been seconded, the movant should state the factual basis and reasoning for the motion. In doing so, bear in mind the considerations set out in Section 24-150 of the Stormwater Ordinance.)

Remember: Staff suggest the motion be made in the affirmative regardless of whether it is your intention to support or oppose the issuance of a variance. This does not mean that staff is recommending approval of the application. RATHER, we believe it is better procedurally to approach it this way. Once you have made the motion, you should state your position as to the required findings. For variance applications, it takes seven affirmative votes to approve this application, if others are voicing support of the application, you should make it a point to state your position vis-à-vis the required findings since your vote, even standing by itself may represent the position of the Board.

ATTACHMENTS:

- 1) Exhibit 1: Subject Properties Survey – Lot 1 & Lot 2**
- 2) Exhibit 2: Site Plan**
- 3) Exhibit 3: Application**
- 4) Exhibit 4: Engineer's Submittal**

GENERAL NOTES			
PROJECT LOCATION: 119 JACK STREET HENDERSONVILLE, NORTH CAROLINA 28739			
ENGINEER: TYSON GRISWOLD, P.E. CONTRACTOR: COOPER CONSTRUCTION COMPANY PROPERTY OWNER: INTER-FAITH ASSISTANCE MINISTRIES ZONING DISTRICT: CITY OF HENDERSONVILLE, RCT RESIDENTIAL COMMERCIAL TRANSITION			
1. TOTAL PARCEL ACREAGE IS: 0.35 ACRES; EXISTING IMPERVIOUS AREA 0 ACRES; PROPOSED IMPERVIOUS AREA 0.25 ACRES; DISTURBED AREA 0.26 ACRES; 2. THIS PROPERTY DOES NOT LIE WITHIN A FLOOD PLANE 3. THIS PROJECT DESIGN IS BASED ON SURVEY INFORMATION GENERATED BY OTHERS. TYSON GRISWOLD, P.E. ASSUMES NO RESPONSIBILITY FOR ACCURACY OR COMPLETENESS OF THIS INFORMATION. 4. THE CONTRACTOR SHALL VISIT THE SITE AND FAMILIARIZE THEMSELVES WITH THE EXISTING CONDITIONS BEFORE GIVING A PRICE. 5. ALL DISTANCE AND DATA SHALL BE CHECKED BY THE CONTRACTOR PRIOR TO THE START OF CONSTRUCTION, IN CASE OF CONFLICT, THE ENGINEER SHALL BE NOTIFIED IMMEDIATELY SO THAT CLARIFICATIONS MAY BE MADE 6. THE CONTRACTOR SHALL SUPPLY AND ESTABLISH SURVEY CONTROL, INCLUDING THE HORIZONTAL AND VERTICAL CONTROL POINTS. THE CONTRACTOR SHALL MAINTAIN THE CONTROL AND PROVIDE ALL BENCHMARKS, STAKES, GRADES, LEVELS, AND LINES NECESSARY FOR CONSTRUCTION. CONTRACTOR SHALL PROVIDE ADEQUATE SUPERVISION TO PREVENT DAMAGE AND MOVEMENT FROM EQUIPMENT WORKING AROUND CONSTRUCTION STAKES. THESE CONSTRUCTION STAKES SHALL REMAIN IN PLACE AND BE PROTECTED UNTIL OWNER APPROVES THEIR REMOVAL. ANY STAKES OR PROPERTY CORNERS THAT HAVE BEEN DISPLACED AS A RESULT OF CONSTRUCTION ACTIVITY ARE TO BE REPLACED BY A LICENSED LAND SURVEYOR AT NO COST TO THE OWNER. 7. BURNING ON OR NEAR THE JOB SITE WILL NOT BE PERMITTED. 8. CITY OF HENDERSONVILLE SHALL BE NOTIFIED PRIOR TO CONSTRUCTION AND A PRE-CONSTRUCTION MEETING SHALL BE COORDINATED AND HELD BY CONTRACTOR. 9. ENGINEER DOES NOT UNDERTAKE OR ASSUME ANY OBLIGATION FOR SUPERVISION OF CONSTRUCTION, SAFETY MEASURES TAKEN DURING THE COURSE OF CONSTRUCTION, RESPONSIBILITY FOR SCHEDULING THE WORK FOR INSURE COMPLETE COMPLIANCE WITH THE DESIGN DOCUMENTS, AND/OR ALL CODE REQUIREMENTS, RULES, AND REGULATIONS OF ANY PUBLIC OR PRIVATE AUTHORITY HAVING JURISDICTION OVER THE WHOLE, OR ANY PART OF THE WORK. THE ENGINEER ASSURES NOR GUARANTEES THE WORK AND/OR PERFORMANCE OF THE CONTRACTOR. 10. HANDICAP ACCESSIBILITY REGULATIONS. 10.1. A HANDICAP PARKING SPACE SHALL HAVE NO GREATER SLOPE THAN 1/4" PER FOOT ACROSS THE SPACE. ALL HANDICAP SPACES SHALL BE MARKED WITH A SIGN. 10.2. ALL HANDICAP SPACES SHALL BE FREESTANDING OR WALL SIGN. THE HANDICAP SIGN SHALL BE 7" IN HEIGHT FROM BOTTOM OF SIGN OR ABOVE THE DRIVING SURFACE. 11. THE CONTRACTOR SHALL RESET ALL MANHOLE COVERS, CATCH BASIN GRATES, AND ANY OTHER UTILITY ACCESS COVERS TO FINISH PAVEMENT SURFACE OR SIDEWALK GRAD. 12. NEW GRADES SHOWN ARE FINISHED GRADES UNLESS OTHERWISE SHOWN. 13. PAVEMENT SHALL BE JOINED BY SAW CUT. 14. ENGINEER ASSUMES NO RESPONSIBILITY FOR ANY LANDSCAPE, ELECTRICAL, OR MECHANICAL PLANS, DRAWINGS, DETAILS, OR SPECIFICATIONS. CONTRACTOR SHALL PERFORM CONSTRUCTION IN ACCORDANCE WITH APPROVED CONSTRUCTION DOCUMENTS FOR ALL PARTS OF THE OVERALL PROJECT. 15. BUILDING MATERIAL WASTE HANDLING - ALL WASTES COMPOSED OF BUILDING MATERIALS SHALL BE DISPOSED OF IN ACCORDANCE WITH NORTH CAROLINA GENERAL STATUTES, CHAPTER 130A, ARTICLE 9 FOR SOLID WASTE MANAGEMENT, AND RULES GOVERNING THE DISPOSAL OF SOLID WASTE. LOCATE AREAS DEDICATED FOR MANAGEMENT OF LAND CLEARING AND DEMOLITION DEBRIS, CONSTRUCTION AND DOMESTIC WASTE, AND HAZARDOUS OR TOXIC WASTE. THIS LOCATION SHALL BE AT LEAST 50 FEET AWAY FROM STORM DRAIN INLETS AND SURFACE WATERS UNLESS IT CAN BE SHOWN THAT NO OTHER ALTERNATIVES ARE REASONABLY AVAILABLE. 16. HANDLING OF CONCRETE - 16.1. CONCRETE MATERIALS ONSITE, INCLUDING EXCESS CONCRETE, MUST BE CONTROLLED AND MANAGED TO AVOID CONTACT WITH NEARBY WETLANDS OR BUFFERS. NO CONCRETE OR CEMENT SLURRY SHALL BE DISCHARGED FROM THE SITE. (NOTE THAT DISCHARGES FROM ONSITE CONCRETE PLANTS REQUIRE COVERAGE UNDER A SEPARATE NPDES PERMIT - NC0140000.) I) 16.2. ANY HARDENED CONCRETE RESIDUE WILL BE DISPOSED OF, OR RECYCLED ON SITE, IN ACCORDANCE WITH LOCAL AND STATE SOLID WASTE REGULATORY AGENCIES. 17. ANY WASTE ASSOCIATED WITH THE PROJECT SHALL GO TO A PERMITTED SITE OR FACILITY.			

CONSTRUCTION SEQUENCE			
1. OBTAIN GRADING/EROSION CONTROL PLAN APPROVAL FROM THE ENGINEERING DEPARTMENT. 2. INSTALL RAIN GAUGE AND JOB BOX. ALL PERMIT APPROVALS, DRAWINGS AND WEEKLY EROSION CONTROL INSPECTIONS SHALL BE KEPT ONSITE AND READILY AVAILABLE FOR REVIEW BY ENGINEER OR COUNTY/STATE INSPECTORS. 3. SET UP PRE-CONSTRUCTION CONFERENCE ON SITE WITH THE APPROPRIATE CITY OF HENDERSONVILLE REPRESENTATIVE. APPROPRIATE REPRESENTATIVE OF THE GRADING CONTRACTOR, EROSION CONTROL INSPECTOR, OWNER AND CIVIL ENGINEER TO DISCUSS EROSION CONTROL MEASURES, PROJECT REQUIREMENTS AND SPECIAL CONDITIONS PRIOR TO BEGINNING CONSTRUCTION. 4. FIELD LOCATE ALL UTILITIES. CALL FOR LOCATES. 5. DETERMINE AND MARK LIMITS OF DISTURBANCE. 6. INSTALL PERIMETER SILT FENCING AND TEMPORARY CONSTRUCTION ENTRANCES AS SHOWN ON THE PLANS. 7. CLEARING ONLY AS NECESSARY TO INSTALL THESE DEVICES. ALL PERIMETER CONTROL SHALL BE IN PLACE PRIOR TO ANY LAND DISTURBANCE AND/OR DEMOLITION. 7. INSTALL TREE PROTECTION WHERE NECESSARY TO PROTECT EXISTING TREES THAT ARE TO REMAIN 8. INSTALL TEMPORARY SEDIMENT TRAP AT AREA SHOWN ON PLANS AND DETAILS. 9. BEGIN GRADING OPERATIONS. MAINTAIN EROSION CONTROL DEVICES AND REPLACE AS NEEDED. PREPARE THE BUILDING PAD AS SOON AS POSSIBLE. INSTALL STORM DRAIN STRUCTURES AND PIPING AS SOON AS GRADING ALLOWS. PROVIDE INLET PROTECTION AS SHOWN. INSPECT AND REPAIR BMPs AFTER EACH RAINFALL 10. AS STORM DRAINAGE CONSTRUCTION CONTINUES, TEMPORARY INLET PROTECTION SHALL BE INSTALLED AND MAINTAINED. 11. AS GRADING PROGRESSES, ADDITIONAL/RELOCATION OF PREVIOUSLY INSTALLED SILT FENCE WILL BE NECESSARY AND EXPECTED. 12. THE CONTRACTOR SHALL DILIGENTLY AND CONTINUOUSLY MAINTAIN ALL EROSION CONTROL DEVICES AND STRUCTURES TO MINIMIZE EROSION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CLEAN-UP AND REMOVAL OF ANY SEDIMENT DISCHARGED ONTO ADJACENT PROPERTIES, AND ANY ASSOCIATED DAMAGES. THE CONTRACTOR SHALL MAINTAIN CLOSE CONTACT WITH THE EROSION CONTROL INSPECTOR SO THAT PERIODIC INSPECTIONS CAN BE PERFORMED AT THE REQUIRED INTERVALS. 13. BEGIN BUILDING CONSTRUCTION, UTILITY INSTALLATION, ETC AS SHOWN ON THE PLANS AS GRADING ALLOWS. 14. INSTALL CURB/GUTTER AND AGGREGATE BASE COURSE ON ALL AREAS TO BE PAVED TO STABILIZE. STABILIZE ALL OTHER DENUDE AREAS AS FINISHED GRADE IS ATTAINED. 15. TEMPORARY GRASSING SHALL BE APPLIED TO AREAS THAT WILL BE DORMANT FOR PERIODS LONGER THAN 14 DAYS. EROSION CONTROL BLANKETS SHALL BE APPLIED TO ALL SLOPES AS NOTED IN THE GENERAL NOTES AS SOON AS FINAL GRADES ARE ACHIEVED IN THOSE AREAS. PERMANENT GRASSING SHALL BE APPLIED TO ALL AREAS AT FINAL GRADE AND IN SEASON AS INDICATED ON GRASSING NOTES. ALL DENUDE AREAS SHALL BE STABILIZED PER NCDOE AND CITY OF HENDERSONVILLE REQUIREMENTS. 16. INSTALL PAVEMENT AS SHOWN ON PLANS AND DETAILS. PROVIDE POST PAVEMENT INLET PROTECTION. 17. INSTALL FINAL LANDSCAPING. 18. STORMWATER TREATMENT INFRASTRUCTURE TO BE INSPECTED AND APPROVED BY ENGINEERED PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY 19. AFTER COMPLETION OF CONSTRUCTION AND THE SITE IS STABILIZED, (A) FLUSH ACCUMULATED SEDIMENT FROM THE STORM DRAINAGE SYSTEM, (B) REMOVE EROSION CONTROL BMPs, (C) REPAIR AND RE-STABILIZE (PERMANENT GRASSING) ALL AREAS DISTURBED BY REMOVAL OF BMPs, (D) REMOVE SILT FENCE MID INLET PROTECTION.			

DRAWING NUMBERING CONVENTION			
Drawing Type	First Character	Sheet Numbers	Last Character
Cover	C	NONE	0
Notes	C	NONE	01-09
Site Plan	C	100-199	(see below)
Erosion Control	C	200-299	(see below)
Demolition	C	300-399	(see below)
Grading	C	400-499	(see below)
Stormwater	C	500-599	(see below)
Wet Utilities Plan	C	600-699	(see below)
Dry Utilities Plan	C	700-799	(see below)
Landscaping Plan	C	800-899	(see below)
Sheet Types	Second Character Options		
Plan View	P		
Detail	D		
Profile	V		
Section	S		

CONTRACTOR NOTES	
1. CONTRACTOR SHALL LOCATE PORTABLE RESTROOM FACILITIES IN SUCH A MANNER SO AS TO PREVENT LEAKAGE OR DISCHARGE INTO SURROUNDING WATER BODIES AND/OR DRAINAGE STRUCTURES. 2. CONTRACTOR SHALL PROVIDE A DESIGNATED LOCATION AND MEANS OF ENCLOSING AND/OR CONTAINING ALL CONSTRUCTION RELATED DEBRIS PRIOR TO THEIR LAWFUL DISPOSAL. THIS CONTAINMENT SHALL PREVENT THE DEBRIS FROM SPREADING OR LEAVING THE SITE. 3. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ANY AND ALL APPLICABLE PERMITS (INCLUDING BUT NOT LIMITED TO NPDES) FOR OFF-SITE BORROW AND/OR BORROW SITES REQUIRED TO COMPLETE THE GRADING ACTIVITIES INDICATED ON THIS PLAN. 4. CONTRACTOR SHALL VERIFY ALL BENCHMARK INFORMATION INDICATED IN THESE PLANS WITH THE SURVEYOR. TYSON GRISWOLD, P.E. IS NOT RESPONSIBLE FOR BENCHMARK INTERPRETATION OR LOCATION ERRORS. 5. CONTRACTOR IS RESPONSIBLE FOR CALLING UTILITY LOCATE 811. CONTRACTOR IS ALSO RESPONSIBLE FOR IDENTIFYING AND RELOCATING EXISTING UTILITIES, INCLUDING ITEMS NOT IDENTIFIED ON PROPOSED PLANS AND SURVEY. CONTRACTOR IS RESPONSIBLE FOR COORDINATING WITH EACH UTILITY PROVIDER. 6. ADEQUATE SITE SECURITY MEASURES SHALL BE PROVIDED BY THE CONTRACTOR TO PREVENT UNAUTHORIZED PERSONNEL FROM ACCESSING THE SITE DURING/AFTER WORKING HOURS. CONTRACTOR IS ALSO RESPONSIBLE FOR PROVIDING APPROPRIATE AND VISIBLE SIGNAGE TO RESTRICT UNAUTHORIZED PERSONNEL FROM THE SITE. ALL VISITORS MUST REGISTER WITH THE SITE SUPERINTENDENT AND NOT BE ALLOWED TO ROAM THE SITE. UN-SUPERVISED, TEMPORARY GATES AND FENCING MAY BE REQUIRED TO ADEQUATELY PROVIDE THIS. 7. SITE DESIGN IS BASED UPON HENDERSON GIS AND DATA PROVIDED BY FIELD SURVEYOR. 8. CONTRACTOR SHALL COORDINATE WITH ARCHITECTURAL PLANS FOR BUILDING LAYOUT. 9. CONTRACTOR IS RESPONSIBLE FOR PROVIDING TRAFFIC CONTROL DURING CONSTRUCTION PER NCDOT REQUIREMENTS. 10. DURING CONSTRUCTION, SEDIMENT AND EROSION CONTROL BMPs MAY NEED TO BE MOVED OR ADJUSTED IN ORDER TO ACHIEVE FINAL GRADES AND PRIOR TO FINAL STABILIZATION. 11. FOR AREAS TO RECEIVE SOD, CONTRACTOR SHALL INCLUDE THE COST TO REMOVE TEMPORARY GRASS, FINE GRADE, ESTABLISH TOP SOIL AND INSTALL SOD. TEMPORARY IRRIGATION MAY BE NEEDED TO ESTABLISH SOD. 12. NO MECHANICAL GRADING SHALL OCCUR OUTSIDE THE LIMITS OF THE PROPERTY.	
EROSION AND SEDIMENT CONTROL NOTES	
1. CONTACT THE CITY OF HENDERSONVILLE EROSION CONTROL OFFICE 48 HOURS PRIOR TO LAND DISTURBANCE 2. CONTACT THE EROSION CONTROL OFFICE TO SET UP A PRE-CONSTRUCTION MEETING PRIOR TO ANY LAND DISTURBING ACTIVITIES 3. ALL EROSION AND SEDIMENT CONTROL MEASURES ARE TO BE IN STRICT COMPLIANCE WITH NORTH CAROLINA EROSION AND SEDIMENT CONTROL PLANNING AND DESIGN MANUAL, (MAY 2013). 4. ESTABLISH THE LIMIT OF DISTURBANCE FOR ANY PROPOSED SITE CLEARING OR GRADING. 5. ESTABLISH THE LOCATION OF PROPOSED EROSION AND SEDIMENT CONTROL MEASURES (STABILIZED CONSTRUCTION ENTRANCE, SILT FENCE, TOPSOIL STOCKPILE AREA, ETC.). CLEAR SAID LOCATION FOR INSTALLATION. 6. INSTALL STABILIZED CONSTRUCTION ENTRANCE. 7. INSTALL SEDIMENT BARRIERS AND TRAPS (SILT FENCE, BASIN TRAPS, OUTLET PROTECTION, ETC.). INSTALL ADDITIONAL TRAPS AND BARRIERS AS NEEDED DURING GRADING. 8. INSTALL RUNOFF CONTROL MEASURES (DIVERSIONS, OUTLET PROTECTION, ETC.). INSTALL ADDITIONAL RUNOFF CONTROL MEASURES AS NEEDED DURING GRADING. 9. CLEAR AND GRADE THE PROPOSED AREA OF DISTURBANCE. 10. EXCESS SOIL TO BE STOCKPILED WITHIN THE LIMITS OF SITE DISTURBANCE IF NOT USED IMMEDIATELY FOR GRADING PURPOSES. INSTALL SILT FENCE OR HAY BALES AROUND SOIL STOCKPILES. 11. APPLY SURFACE STABILIZATION MEASURES. AREAS UNDERGOING CLEARING OR GRADING AND WHERE WORK IS DELAYED OR COMPLETED AND WILL NOT BE REDISTURBED FOR 30 DAYS OR MORE SHOULD BE STABILIZED WITH TEMPORARY OR PERMANENT VEGETATIVE COVER WITHIN 14 DAYS. (SEE SPECIFICATIONS FOR TEMPORARY AND PERMANENT VEGETATIVE COVER) 12. SEEDED AREAS TO BE MULCHED WITH STRAW OR HAY MULCH, SPREAD UNIFORMLY AT A RATE OF TWO (2) TONS PER ACRE. 13. THE CONTRACTOR IS RESPONSIBLE FOR THE INSTALLATION AND MAINTENANCE OF ALL EROSION AND SEDIMENT CONTROL MEASURES THROUGHOUT THE COURSE OF CONSTRUCTION. 14. THE CONTRACTOR IS RESPONSIBLE FOR CONTROLLING DUST BY SPRINKLING EXPOSED SOIL AREAS PERIODICALLY WITH WATER AS REQUIRED. THE CONTRACTOR IS TO SUPPLY ALL EQUIPMENT AND WATER. 15. WHEN ALL DISTURBED AREAS ARE STABLE. ALL TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES SHALL BE REMOVED.	

CLEARING AND GRUBBING	
REMOVE TREES, SHRUBS, GRASS AND OTHER VEGETATION, IMPROVEMENTS, OR OBSTRUCTIONS INTERFERING WITH INSTALLATION OF NEW CONSTRUCTION. WHERE POSSIBLE, ALLOW EXISTING TREES AND SHRUBS WHICH CAN ADD AESTHETIC, SHADE, AND LANDSCAPE VALUE TO PROPERTY TO REMAIN. REMOVE SUCH ITEMS ELSEWHERE ON SITE OR PREMISES AS REQUIRED FOR CONSTRUCTION. REMOVAL INCLUDES DIGGING OUT STUMPS AND ROOTS. CAREFULLY AND CLEANLY CUT ROOTS AND BRANCHES OF TREES TO BE LEFT STANDING. WHERE SUCH ROOTS AND BRANCHES OBSTRUCT NEW CONSTRUCTION, CLEARING AND GRUBBING OPERATIONS SHALL BE COMPLETED SUFFICIENTLY IN ADVANCE OF GRADING OPERATIONS AS MAY BE NECESSARY. ALL WORK SHALL BE PERFORMED IN A MANNER THAT WILL CAUSE A MINIMUM OF SOIL EROSION. THE CONTRACTOR SHALL PERFORM SUCH EROSION CONTROL WORK, TEMPORARY OR PERMANENT AS MAY BE DIRECTED BY THE ENGINEER, IN ORDER TO SATISFACTORILY MINIMIZE EROSION RESULTING FROM CLEARING AND GRUBBING OPERATIONS. THE CONTRACTOR SHALL CONDUCT HIS OPERATIONS IN MANNER TO PREVENT LIMB, BARK, OR ROOT INJURY TO TREES, SHRUBS, OR OTHER TYPES OF VEGETATION THAT ARE TO REMAIN GROWING AND ALSO TO PREVENT DAMAGE TO ADJACENT PROPERTY. WHEN ANY SUCH INJURIES UNAVOIDABLY OCCUR, ALL ROUGH EDGES OF SCARRED AREAS SHALL FIRST BE MADE REASONABLY SMOOTH IN ACCORDANCE WITH GENERALLY ACCEPTED HORTICULTURAL PRACTICE, AND THE SCARS THEN THOROUGHLY COVERED WITH ASPHALTUM BASE FREE PAINT. ANY SUCH PLANTS THAT ARE DAMAGED BY ANY CONSTRUCTION OPERATIONS TO SUCH AN EXTENT AS TO DESTROY THEIR VALUE FOR SHADE OR OTHER LANDSCAPE PURPOSES, SHALL BE CUT AND DISPOSED OF BY THE CONTRACTOR.	

LAND GRADING AND CONSTRUCTION SPECIFICATIONS	
1. CONSTRUCT AND MAINTAIN ALL EROSION AND SEDIMENTATION CONTROL PRACTICES AND MEASURES IN ACCORDANCE WITH THE APPROVED SEDIMENTATION CONTROL PLAN AND CONSTRUCTION SCHEDULE. 2. REMOVE EXCESS TOPSOIL FROM AREAS TO BE GRADED AND FILLED, AND PRESERVE IT FOR USE IN FINISHING THE GRADING OF ALL CRITICAL AREAS. 3. SCARIFY AREAS TO BE TOPSOILED TO A MINIMUM DEPTH OF 2 INCHES BEFORE PLACING TOPSOIL (PRACTICE 6.04, TOPSOILING). 4. CLEAR AND GRUB AREAS TO BE FILLED BY REMOVING TREES, VEGETATION, ROOTS, OR OTHER OBJECTIONABLE MATERIAL THAT WOULD AFFECT THE PLANNED STABILITY OF THE FILL. 5. ENSURE THAT FILL MATERIAL IS FREE OF BRUSH, RUBBISH, ROCKS, LOGS, STUMPS, BUILDING DEBRIS, AND OTHER MATERIALS INAPPROPRIATE FOR CONSTRUCTING STABLE FILLS. 6. PLACE ALL FILL IN LAYERS NOT TO EXCEED 9 INCHES IN THICKNESS, AND COMPACT THE LAYERS AS REQUIRED TO REDUCE EROSION, SLIPPAGE, SETTLEMENT, OR OTHER RELATED PROBLEMS. 7. DO NOT INCORPORATE FROZEN, SOFT, MUCKY, OR HIGHLY COMPRESSIBLE MATERIALS INTO FILL SLOPES. 8. DO NOT PLACE FILL ON A FROZEN FOUNDATION, DUE TO POSSIBLE SUBSIDENCE AND SLIPPAGE. 9. KEEP DIVERSIONS AND OTHER WATER CONVEYANCE MEASURES FREE OF SEDIMENT DURING ALL PHASES OF DEVELOPMENT. 10. HANDLE SEEPS OR SPRINGS ENCOUNTERED DURING CONSTRUCTION IN ACCORDANCE WITH APPROVED METHODS (PRACTICE 6.81, SUBSURFACE DRAIN). 11. PERMANENTLY STABILIZE ALL GRADED AREAS IMMEDIATELY AFTER FINAL GRADING IS COMPLETED ON EACH AREA IN THE GRADING PLAN. APPLY TEMPORARY STABILIZATION MEASURES ON ALL GRADED AREAS WHEN WORK IS TO BE INTERRUPTED OR DELAYED FOR 30 WORKING DAYS OR LONGER. 12. SHOW TOPSOIL STOCKPILES, BORROW AREAS, AND SPOIL AREAS ON THE PLANS, AND MAKE SURE THEY ARE ADEQUATELY PROTECTED FROM EROSION. INCLUDE FINAL STABILIZATION OF THESE AREAS IN THE PLAN.	

SURFACE ROUGHENING CONSTRUCTION SPECIFICATIONS	
1. CUT SLOPE ROUGHENING FOR AREAS NOT TO BE MOWED 2. STAIR-STEP GRADE OR GROOVE CUT SLOPES WITH A GRADIENT STEEPER THAN 3:1 (FIGURES 6.03B AND 6.03C). 3. USE STAIR-STEP GRADING ON ANY ERODIBLE MATERIAL SOFT ENOUGH TO BE RIPPED WITH A BULLDOZER. SLOPES CONSISTING OF SOFT ROCK WITH SOME SUBSOIL ARE PARTICULARLY SUITED TO STAIR-STEP GRADING. 4. MAKE THE VERTICAL CUT DISTANCE LESS THAN THE HORIZONTAL DISTANCE, AND SLIGHTLY SLOPE THE HORIZONTAL POSITION OF THE "STEP" IN TOWARD THE VERTICAL WALL. 5. DO NOT MAKE INDIVIDUAL VERTICAL CUTS MORE THAN 2 FEET IN SOFT MATERIALS OR MORE THAN 3 FEET IN ROCKY MATERIALS. 6. GROOVING USES MACHINERY TO CREATE A SERIES OF RIDGES AND DEPRESSIONS THAT RUN ACROSS THE SLOPE (ON THE CONTOUR). GROOVE USING ANY APPROPRIATE IMPLEMENT THAT CAN BE SAFELY OPERATED ON THE SLOPE, SUCH AS DISKS, TILERS, SPRING HARROWS, OR THE TEETH ON A FRONT-END LOADER BUCKET. DO NOT MAKE SUCH GROOVES LESS THAN 3 INCHES DEEP NOR MORE THAN 15 INCHES APART. 7. FILL SLOPE ROUGHENING FOR AREAS NOT TO BE MOWED 8. PLACE FILL SLOPES WITH A GRADIENT STEEPER THAN 3:1 IN LIFTS NOT TO EXCEED 9 INCHES, AND MAKE SURE EACH LIFT IS PROPERLY COMPACTED. ENSURE THAT THE FACE OF THE SLOPE CONSISTS OF LOOSE, UNCOMPACTED FILL 4 TO 6 INCHES DEEP. USE GROOVING, AS DESCRIBED ABOVE, TO ROUGHEN THE FACE OF THE SLOPES, IF NECESSARY. 9. DO NOT BLADE OR SCRAPE THE FINAL SLOPE FACE. 10. CUTS, FILLS, AND GRADED AREAS THAT WILL BE MOWED 11. MAKE MOWED SLOPES NO STEEPER THAN 3:1. 12. ROUGHEN THESE AREAS TO SHALLOW GROOVES BY NORMAL TILLING, DISKING, HARROWING, OR USE OF CULTIPACKER-SEEDER. MAKE THE FINAL PASS OF ANY SUCH TILLAGE IMPLEMENT ON THE CONTOUR. 13. MAKE GROOVES, FORMED BY SUCH IMPLEMENTS, CLOSE TOGETHER (LESS THAN 10 INCHES) AND NOT LESS THAN 1 INCH DEEP. 14. EXCESSIVE ROUGHNESS IS UNDESIRABLE WHERE MOWING IS PLANNED. 15. ROUGHENING WITH TRACKED MACHINERY 16. LIMIT ROUGHENING WITH TRACKED MACHINERY TO SANDY SOILS TO AVOID UNDUE COMPACTION OF THE SOIL SURFACE. TRACKING IS GENERALLY NOT AS EFFECTIVE AS THE OTHER ROUGHENING METHODS DESCRIBED. 17. OPERATE TRACKED MACHINERY UP AND DOWN THE SLOPE TO LEAVE HORIZONTAL DEPRESSIONS IN THE SOIL. DO NOT BACK-BLADE DURING THE FINAL GRADING OPERATION.	

NCG01 GROUND STABILIZATION

GROUND STABILIZATION SPECIFICATION

Stabilize the ground sufficiently so that rain will not dislodge the soil. Use one of the techniques in the table below:

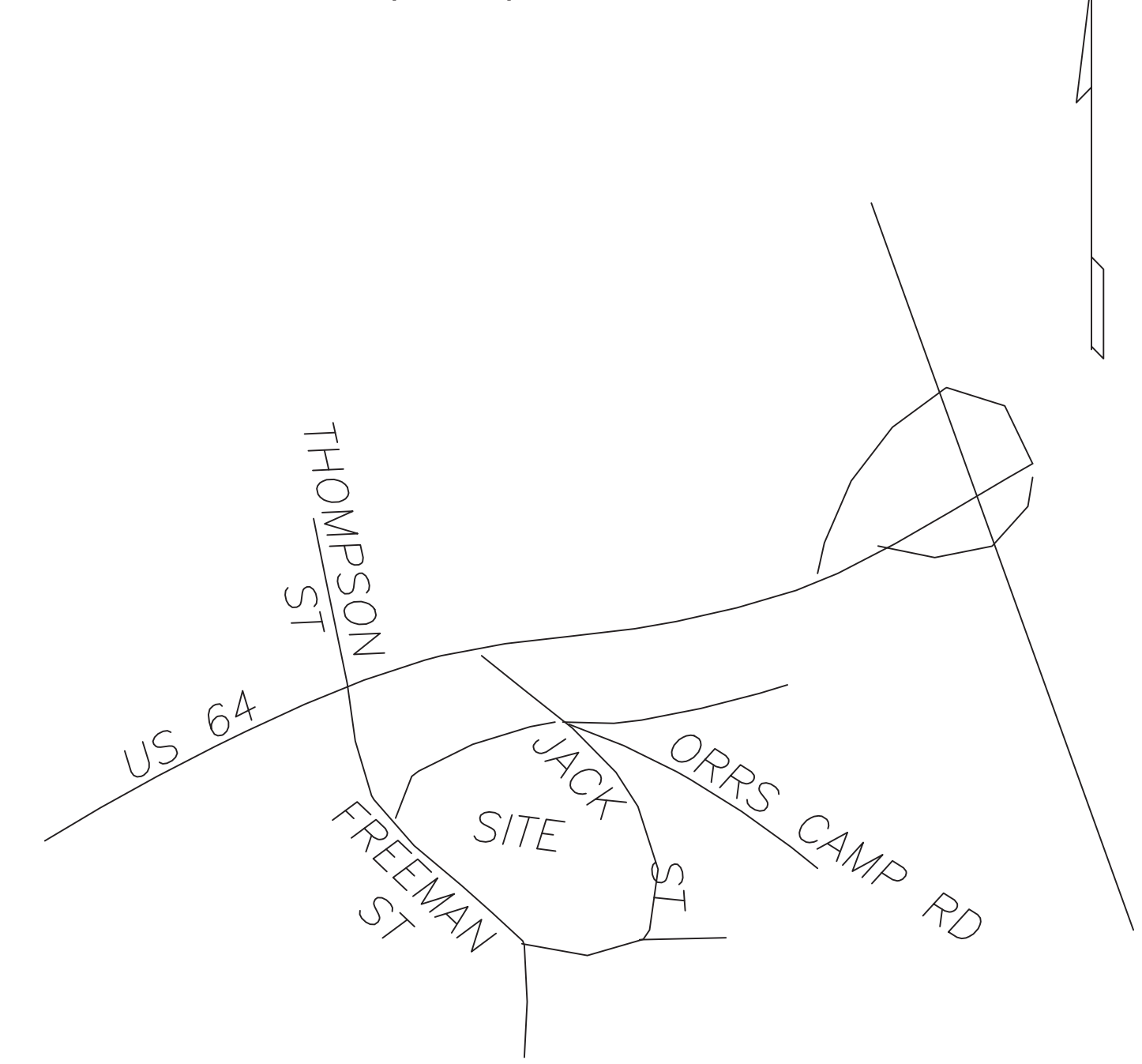
Temporary Stabilization	Permanent Stabilization
Temporary Grass seed covered with straw or other mulches and tackifiers	Permanent grass seed covered with straw or other mulches and tackifiers
Hydroseeding	Geotextile fabrics such as permanent soil reinforcement matting
Rollled erosion control products with or without temporary grass seed	Hydroseeding
Appropriately applied straw or other mulch	Shrubs or other permanent plantings covered with mulch
Plastic Sheetting	Uniform and evenly distributed ground cover sufficient to restrain erosion
	Structural methods such as concrete, asphalt or retaining walls
	Rollled erosion control products with grass seed

GROUND STABILIZATION AND MATERIALS HANDLING PRACTICES FOR COMPLIANCE WITH THE NCG01 CONSTRUCTION GENERAL PERMIT	
Implementing the details and specifications on this plan sheet will result in the construction activity being considered compliant with the Ground Stabilization and Materials Handling sections of the NCG01 Construction General Permit (Sections E and F, respectively). The permittee shall comply with the Erosion and Sediment Control plan approved by the delegated authority having jurisdiction. All details and specifications shown on this sheet may not apply depending on site conditions and the delegated authority having jurisdiction.	

SECTION E: GROUND STABILIZATION		
Required Ground Stabilization Timeframes		
Site Area Description	Stabilize within this many calendar days after ceasing land disturbance	Timeframe variations
(a) Perimeter dikes, swales, ditches, and perimeter slopes	7	None
(b) High Quality Water (HQW) Zones	7	None
(c) Slopes steeper than 3:1	7	If slopes are 10' or less in length and are not steeper than 2:1, 14 days are allowed
(d) Slopes 3:1 to 4:1		
(e) Areas with slopes flatter than 4:1		

Note: After the permanent cessation of construction activities, any areas with temporary ground stabilization shall be converted to permanent ground stabilization as soon as practicable but in no case longer than 90 calendar days after the last land disturbing activity. Temporary ground stabilization shall be maintained in a manner to render the surface stable against accelerated erosion until permanent ground stabilization is achieved.

VICINITY MAP (NTS)



REFER TO SHEET C22 FOR TEMPORARY SEEDING DETAILS

 Civil Engineer Tyson Griswold, PE 421 5th Avenue West Hendersonville, NC 28739 (828) 393-5820 engineer@tysongriswold.com	
SEAL / LOGO:	
NORTH ARROW	
REVISIONS Rev. 10 DELETED SHTS C-101 & C-501; REV'D SHTS C-100, C-102, C-103, C-104, C-300, C-400, C-500, C-502, C-503, C-600, C-601 & C-800; DSM 02/15/21	
Rev. 11 REVISED SHEET C-104-D; DSM 02/22/21	
Rev. 12 REVISED SHHETS 100-P, 102-D, 103-D, 104-D, 300-P, 500-P, 503-V & 600-P; DSM 02/25/21	
Rev. 13 PER COH, INCLUDE EXISTING BUILDING & PARKING ON PLAN VIEW 100-P; ADDED NEW PLAN VIEW 101-P FOR NEW CONSTRUCTION; RENUMBERED ALL SHEETS ACCORDINGLY; TO GENERAL NOTES ADDED CONTRACTOR & OWNER INFO; FROM CONSTRUCTION SEQUENCE DELETED NOTES 18, 19 & 22; TO LAND GRADING DELETED NOTES 1 & 2; DSM 03/02/21	
PROJECT PROPOSED THRIFT STORE FOR INTER-FAITH MINISTRY, INC. 119 JACK ST. HENDERSONVILLE, NC 28739 PIN# 9579352187 0.35 ACRES	
SHEET TITLE COVER PAGE	
ISSUED FOR PERMITTING DWG NO. HEC-070320 ISSUED DATE 03/02/21 DWG DATE 01/04/21 SCALE NTS SHEET 1 OF 18 DRAWN DSM CHECKED TMG APPR BY TMG	

NOTES:

1. NEW CONSTRUCTION CONSISTS OF ADDING 4,745 SQ. FT. THRIFT STORE ON PARCEL ADJACENT TO THE EXISTING INTERFAITH MINISTRY BUILDING & PARKING.
2. NEW CONSTRUCTION WILL INCLUDE BUILDING & 4,936 SQ. FT. ASPHALT PARKING LOT WITH 11 PARKING SPACES INCLUDING 1 ADA SPACE.
3. INSTALL NEW RAIN GARDEN ALONG JACK STREET PLANTED WITH NORTH CAROLINA NATIVE SPECIES PER SHEET C-502-D.
4. INSTALL NEW CONCRETE WALKWAY ALONG THE FRONT AND EAST SIDE OF THE NEW THRIFT STORE.

LOVE AT MOUNTAIN 1st LLC
D.B. 1346, PG. 544
PLAT SLIDE 7095 ZONE C-3

QUATTLEBAUM PROPERTIES E, LLC
D.B. 1178, PG. 330
TRACT 1 ZONE C-3

EXISTING
TWO STORY
BUILDING

INTER-FAITH ASSISTANCE
MINISTRY INC.
D.B.1637, PG. 55
ZONED C-3

INTER-FAITH ASSISTANCE
MINISTRY INC.
BOR 3424, PG. 191
ZONED RCT

ANDERSON CHAPEL CHURCH
TRUSTEES OF THE CHURCH OF GOD
OF ABRAHAMIC FAITH
D.B. 277, PG. 272
ZONED RCT

LEGEND OF SYMBOLS

- WM WATER METER
- W WATER VALVE
- GATE VALVE
- W WATER LINE
- H FIRE HYDRANT
- SS SEWER
- ROOF DRAIN
- UTILITY POLE
- OVERHEAD UTILITY
- GAS LINE
- PROPERTY LINE
- TREE
- DETAIL FIGURE REFERENCE
- FIGURE NO.
- SHEET NO.

Griswold Engineering &
Environmental PLLC
Civil & Environmental Engineering Consultants
Civil Engineer
Tyson Griswold, PE
421 5th Avenue West
Hendersonville, NC 28739
(828) 393-5820
engineer@tysongriswold.com

SEAL / LOGO:

NORTH ARROW

REVISIONS

- Rev. 8
REVISED JACK ST. BASIN, PARKING
GRADING AND JACK ST. ROW;
DSM 01/29/2021
- Rev. 9
DELETED ENLARGEMENT OF EXISTING
RAIN GARDEN, NOTE 1 AND ASSOCIATED
MATERIAL; DELETED NEW DUMPSTER
DETAILS; REPLACED CONCRETE
SIDEWALK ON SIDE OF BLDG WITH
GRASS AND GRAVEL;
DSM 02/15/2021
- Rev. 10
CHANGED GRASS WALKWAY TO
CONCRETE, ADDED EXISTING DUMPSTER
ENCLOSURE, REV'D PARKING AREA FROM
4,863 TO 4,936 SQ. FT.
DSM 02/25/21
- Rev. 11
PER COH, SHOW EXISTING BLDG &
PARKING; REVISED SCALE;
DSM 03/02/21



PROJECT

PROPOSED THRIFT STORE
FOR
INTER-FAITH MINISTRY, INC.
119 JACK ST.
HENDERSONVILLE, NC
28739

SHEET TITLE

SITE PLAN EXISTING &
NEW CONSTRUCTION

ISSUED FOR	PERMITTING	DWG NO.	HEC-070320
ISSUED DATE	03/02/21	DWG DATE	03/07/20
SCALE	1:20	SHEET	3 OF 18
DRAWN	DSM		
CHECKED	TMG		
APPR. BY	TMG		

C-100-P

Entry #: 16

Date Submitted: 4/20/2021 9:46 AM

Items to Accompany Application:

Completed application form

Site plan of property showing existing structures, natural features (i.e. streams, ponds, etc.) proposed building or addition and indicating distance from such to the centerline of street and to the side and rear lot lines, as applicable. Show placement of septic systems and drain field if applicable and distances from structures.

Copy of septic permit, if applicable

Other documents supporting application, if applicable.

Photographs (optional)

Application fee of \$75.00

Shortly after application for a variance is accepted, staff will take photographs of the site. Please have the corners of the proposed structure and septic system staked so that they may be seen in such photos.

For more information call (828) 697-3010

Date:

4/20/2021

Applicant Name:

Inter-Faith Assistance Ministry Rick Merrill, Vice President

Address

119 Jack St, Hendersonville, North Carolina 28792

Phone

(828) 329-5565

Email

merrillr@beverly-hanks.com

Property Owner's Name (if different from above)

Property Owner's Address (if different from above)

PO Box 2562 Hendersonville, NC 28793

Parcel ID

115170

Zoning District:

RCT

Directions to property from Hendersonville:

64 E, left on Orrs Camp, bear right on Jack St, subject on left past United Federal Credit Union

Attach site plan and any supporting documents/pictures

To the Board of Adjustment:

Name

Rick Merrill, Board Vice President

(owner/agent), hereby petition the Zoning Board of Adjustment for a VARIANCE from the literal provisions of the Zoning Ordinance of the City of Hendersonville because I am prohibited from using the parcel of land described in the form "Zoning Permit Application" in a manner shown by the site plan.

I request a variance from the following provisions of the ordinance (cite section numbers):

Chapter 24 Article III - Section 24-147 and 24-148

Factors Relevant to the Issuance of a Variance

The Zoning Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the enabling act the Board is required to reach four conclusions as a prerequisite to the issuance of a variance: (a) 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, (b) the variance is in harmony with the general purpose and intent of the ordinance, preserves its spirit, public safety is secured, and substantial justice is achieved, (c) 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 general public, may not be the basis for granting a variance, (d) the hardship did not result from actions taken by the applicant or owner of the property. 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. In the spaces provided, indicate the facts that you intend to show and the arguments that you intend to make to convince the Board that it can properly reach these four required conclusions:

Unnecessary Hardship would result from the strict application of the ordinance: State facts and arguments to show that, 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)

The stormwater rules exempt sites of less than an acre. This was way less than an acre until it was recombined with IAM's adjoining main facility site to facilitate construction of a Thrift Store by eliminating the rear setback. The stormwater rules for a site over an acre are very expensive and nearly impossible to meet on such a small (0.35 acre) site. The site could be nearly triple the size and be exempt. It will be an extreme hardship to be held to the standards of a much larger site. This is truly a case of unintended consequences that we doubt the authors of the stormwater ordinance intended. Were it still a free standing 0.35 acres no stormwater measures would be required. How physically does that change in the recombination?

The variance is in harmony with the general purpose and intent of the ordinance. preserves its spirit, public safety is secured and substantial justice is achieved. (State facts and arguments to show that, on balance, if the variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the applicant).

Again the concept of unintended consequence. There is no diminishment to public safety, welfare or the surrounding community. This rule was obviously created to prohibit major developers from staging their development in phases to avoid the rule's intention. That is hardly applicable to a not for profit trying to build a 4700 SF Thrift shop on a very small lot.

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. (State facts and arguments to show that the variance requested represents the least possible deviation from the letter of the ordinance that will allow a reasonable use of the land and that the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood).

Were the site like it was initially, it would be totally exempt. How does recombination change the physical amount or velocity of the run off?

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. (State any facts pertaining to the hardship that is not the result of the applicant's own actions).

Unintended consequences of which we had no awareness. The acre plus stormwater rule defies logic in this unusual case.

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

Signature of Applicant:

Date:

4/20/2021

Signature of Property Owner:

Date:
4/20/2021

Item C.

A handwritten signature in black ink, appearing to be 'R S' followed by a stylized flourish, is written over a horizontal line.

In the event that any discrepancies exist between the criteria outlined on this form and the Zoning Ordinance of the City of Hendersonville, the ordinance shall prevail.

Received By:

Date:

Fee Paid:

Date Received:

A VOTE OF SEVEN MEMBERS OF THE BOARD IS REQUIRED TO APPROVE A VARIANCE.



April 27, 2021

Mr. Michael Huffman
Stormwater Administrator
City of Hendersonville
Via email

RE: Proposed IAM Thrift Stormwater
Calcs showing added flow
25-year, 24-hour storm

Dear Mr. Huffman:

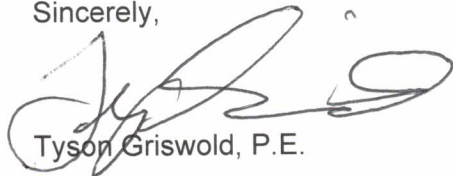
We are providing information regarding the added flow to the reference site, taking into consideration of the proposed thrift store for Interfaith Assistance Ministries (IAM). This information is provided to support a variance request for the project. The added flow without additional stormwater control measures is 0.41 CFS for the 25-year, 24-hour storm.

The overall flow for the entire site in its current condition, which considers the existing SCMs onsite, is 10.16 CFS. The added 0.41 CFS represents 4% of that overall flow. We have worked in other jurisdictions which allows added flows under 10% to not have to add additional SCMs to a development.

We believe only adding 4% to the 25-year, 24-hour storm is sufficient justification for a variance to the City of Hendersonville's stormwater ordinance Section 24-147 and 24-148 for this project.

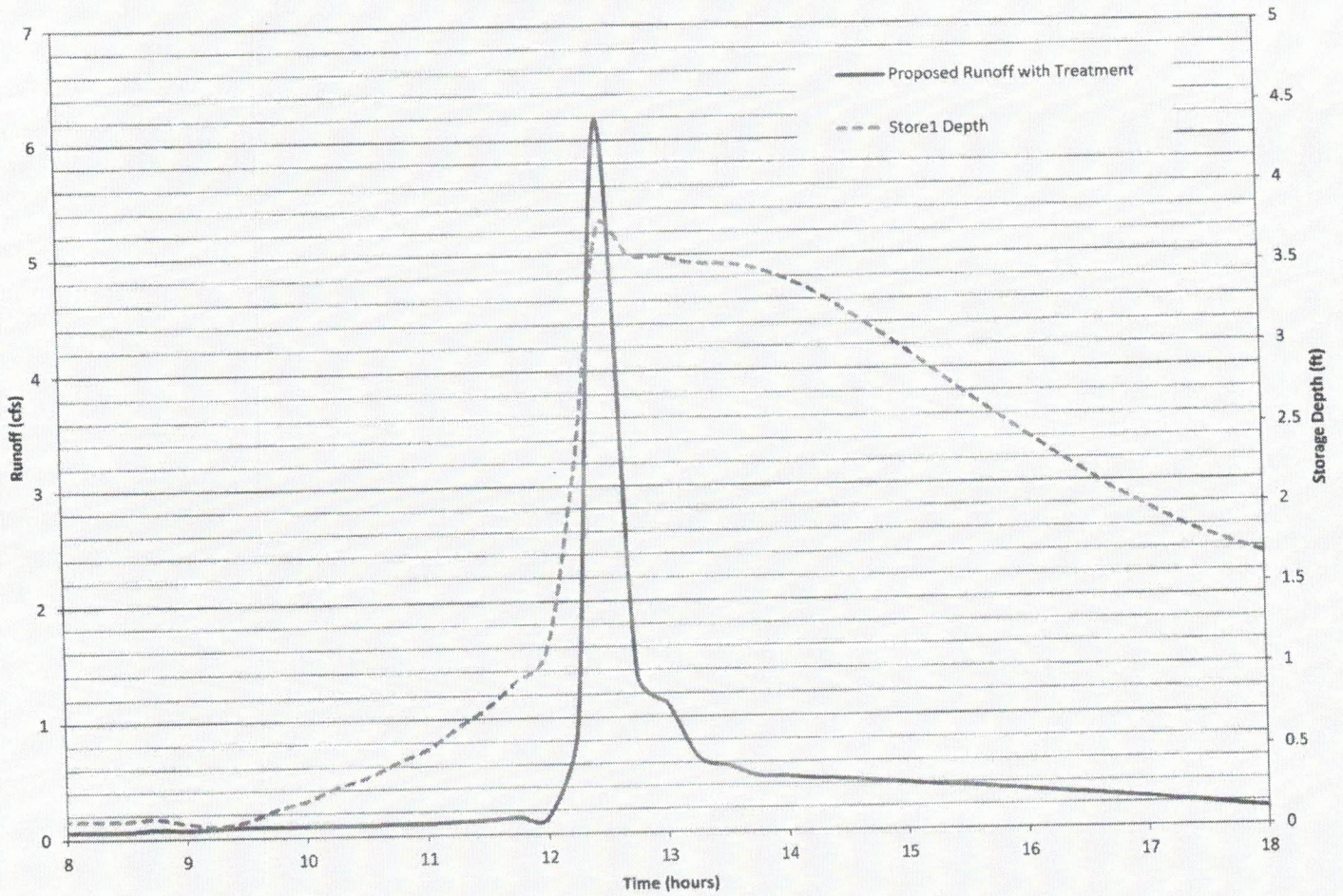
Please see the attached hydrographs. Please let me know if you have any questions or comments.

Sincerely,

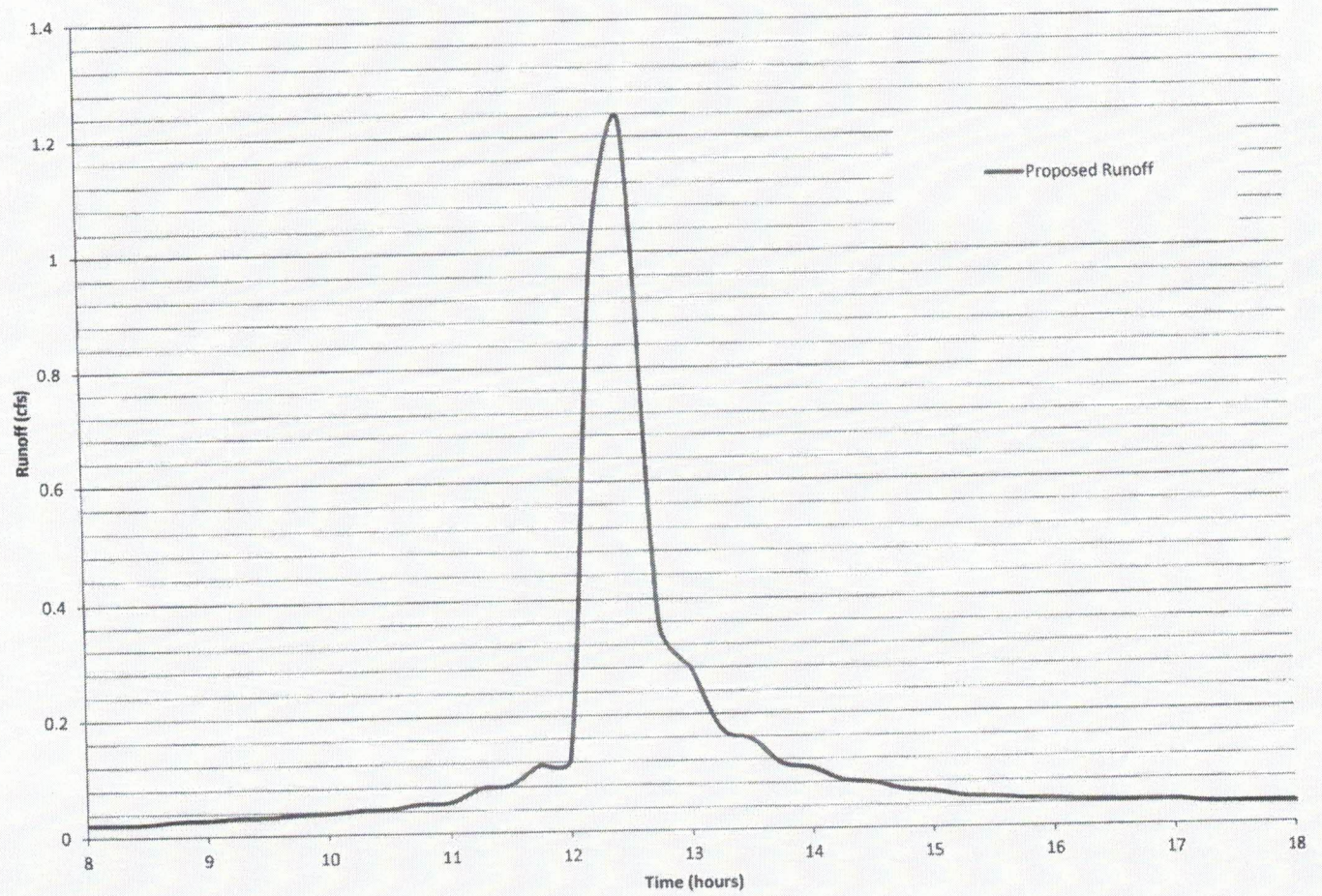


Tyson Griswold, P.E.

Freeman Street Drainage 25 Year-24 Hour Storm



Jack Street Drainage
25 year-24 hour Storm



Summary for Subcatchment 4S: Existing Conditions

[49] Hint: $T_c < 2dt$ may require smaller dt

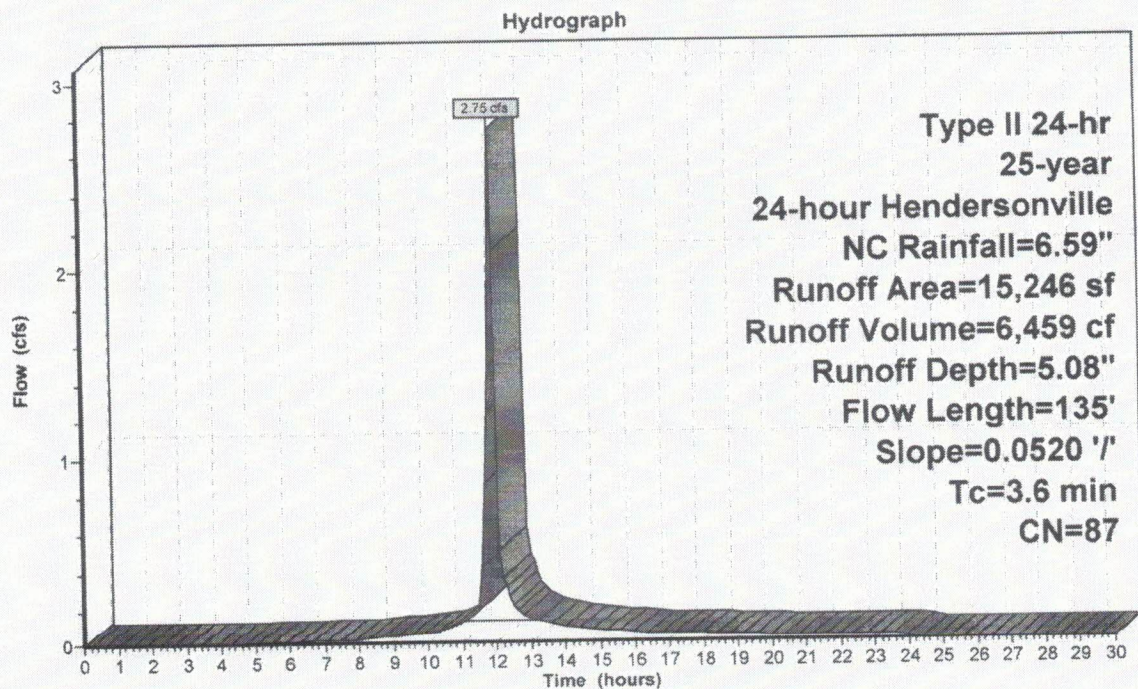
Runoff = 2.75 cfs @ 11.92 hrs, Volume= 6,459 cf, Depth= 5.08"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-30.00 hrs, $dt=0.10$ hrs
 Type II 24-hr 25-year, 24-hour Hendersonville, NC Rainfall=6.59"

Area (sf)	CN	Description
13,606	86	<50% Grass cover, Poor, HSG C
* 1,040	98	Existing BUA prior to demolition
* 600	89	
15,246	87	Weighted Average
14,206		93.18% Pervious Area
1,040		6.82% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
3.6	135	0.0520	0.62		Sheet Flow, Cultivated: Residue<=20% n=0.060 P2= 4.01"

Subcatchment 4S: Existing Conditions



IAM Thrift Jack St raingarden Type II 24-hr 25-year, 24-hour Hendersonville, NC Rainfall=6.59"
 Prepared by Tyson Griswold, P.E. Printed 4/27/2021
 HydroCAD® 10.10-3a s/n 11211 © 2020 HydroCAD Software Solutions LLC Page 2

Summary for Subcatchment 5S: Proposed Conditions

[49] Hint: $T_c < 2dt$ may require smaller dt

Runoff = 3.16 cfs @ 11.90 hrs, Volume= 7,033 cf, Depth= 5.54"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-30.00 hrs, $dt=0.10$ hrs
 Type II 24-hr 25-year, 24-hour Hendersonville, NC Rainfall=6.59"

	Area (sf)	CN	Description
*	4,863	98	Asphalt parking
*	1,270	98	Concrete
*	4,368	74	Grass good condition
*	4,745	98	New building
	15,246	91	Weighted Average
	4,368		28.65% Pervious Area
	10,878		71.35% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
0.9	75	0.0200	1.45		Sheet Flow, Smooth surfaces $n=0.011$ $P2=4.01"$
0.6	85	0.0750	2.53		Sheet Flow, Gravel Smooth surfaces $n=0.011$ $P2=4.01"$
0.5	75	0.0680	2.37		Sheet Flow, Smooth surfaces $n=0.011$ $P2=4.01"$
2.0	235	Total			

Subcatchment 5S: Proposed Conditions

