



CITY OF HENDERSONVILLE BOARD OF ADJUSTMENT

City Hall – 3rd Floor Meeting Room | 160 6th Ave. E. | Hendersonville, NC 28792
Tuesday, August 11, 2026 – 1:30 PM

AGENDA

1. **CALL TO ORDER**
2. **APPROVAL OF AGENDA**
3. **APPROVAL OF MINUTES**

A. Minutes of October 14, 2025

4. **OLD BUSINESS**
5. **NEW BUSINESS**

A. Election of Chair and Vice-Chair

B. Sheetz Upward Road – Variance (26-50-VAR) – Sam Hayes | *Planner II*

6. **OTHER BUSINESS**
7. **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, October 14, 2025
1:30 p.m. in the Council Chambers

The Hendersonville Board of Adjustment held their regular meeting on October 14, 2025, at 1:30 p.m. in the Council Chambers in City Hall, 160 6th Avenue East, Hendersonville, North Carolina. Those present were: Charles Webb, Reid Barwick, Chair, Libby Collina, Laura Flores, Kyle Gilgis, Brett Werner, Sam Hayes, Planner II, Daniel Heyman, Assistant City Attorney.

Absent: Rhona Reagen Steve Collins

Chair called the meeting to order at 1:30 p.m. Chair stated a quorum has been established.

Approval of the Agenda: A motion was made by Ms. Collina to approve the agenda. The motion was seconded by Ms. Flores and passed unanimously.

Approval of the Minutes of the September 9, 2025 meeting. A motion was made by Ms. Flores to approve the minutes as written. The motion was seconded by Mr. Werner and passed unanimously.

Special Use Permit – 322 Killarney Street – (25-73-SUP). Chair stated today we have one public hearing to consider. A special use permit from Catherine Nason for the property located at 322 Killarney Street. Any persons desiring to testify in these hearings must first be sworn in. Since this is a quasi-judicial hearing, it is very important that we have an accurate record of what goes on here. Therefore, we must ask that you refrain from speaking until recognized by the Chair and, when recognized, that you come forward to the podium and begin by stating your name and address. Anyone present who has knowledge of anything of value that has been given or promised in exchange for a position to be taken on these applications should disclose it now.

Chair swore in all persons to give testimony. Mindy Weiner, Mark Bastin, Chirs Koepf, Ken Fitch, Wayne House, Albert Walker, Cole Ordiway and Sam Hayes were sworn in.

Chair opened the public hearing.

Sam Hayes, Planner II stated his name and title for the record. He formally entered the staff report and presentation into the record. He stated this is a special use permit for the property located at 322 Killarney Street, PIN 9569-71-1600.

Mr. Hayes gave the project background:

The applicant for this property is Catherine (Cathy) Nason who is part of Berkeley's Edge Properties, LLC and they are the property owners as well. The property is zoned R-6, High Density Residential and this is a special use permit request to operate a bed and breakfast

The subject property is located at 322 Killarney Street. Based on the Henderson County records the subject parcel lot size is approximately 1.13 acres. The current use of the property is a single family home.

Site photos were shown and are included in the staff report and presentation.

A site plan was shown and the owner provided this to show the parking that could be provided for this property. The site plan is included in the staff report and the presentation.

Mr. Hayes discussed Section 5-2-2 of the zoning ordinance. He discussed Section 16-4-5, the supplementary standards for bed and breakfasts. This is included in the staff report and presentation.

Mr. Hayes stated staff has provided a condition to the motion that would basically require the applicant provide a landscaping plan to staff for approval prior to obtaining the zoning compliance permit.

Mr. Hayes stated he will answer any questions the Board may have.

Chair asked staff to tell him about it being historic. Mr. Hayes stated that doesn't have any bearing on this hearing. It falls within one of our local historic districts so if they wanted to do any changes, alterations to the site, then they would need to get a Certificate of Appropriateness from our Historic Preservation Commission. That is a separate process. Chair asked when the building was built. Mr. Hayes stated in the 1800's, he believes 1850's but he could be wrong. Chair stated so it does have a certain historic value. Mr. Hayes stated yes, it's in one of the historic buildings.

Chair stated he is getting down to the building to sell. Architecturally is the city familiar with the building? Mr. Hayes stated yes, the city has surveyed this district. This is one of the listed properties within that district. Chair stated in the context of preserving it, but designated it as a historic building in the city's history, would that have some value. Mr. Hayes stated yes, what he will mention about the historic district is that they are overlay districts and so they don't regulate the use, the underlying use of the property.

More discussion was made on the property being historic.

Ms. Collina asked about the sign being twelve square feet. Mr. Hayes stated that may have been a typo in the application. The sign is four square feet.

Discussion was made on parking and parking on the street.

Mr. Werner asked about the separate parcel. Mr. Hayes stated that parcel is also owned by the applicant but it is a separate parcel. Mr. Werner asked for the Fire Code would sprinklers be required for the conversion. Mr. Hayes stated he could not speak to that but they would have to meet all fire regulations and could not get their approval if they did not. They would have to get approval from the Fire Marshal. Mr. Werner stated if the Fire Marshal says yes then they would also have to go before the historic board because they would have to modify the exterior. Mr. Hayes stated possibly. Mr. Werner asked if they plan to install a commercial kitchen. Mr. Hayes stated that is a question for the applicant.

There were no further questions for staff.

Chair asked the applicant to address the Board.

Mindy Weiner stated she was here on behalf of Catherine Nason and they are trying to get someone to confirm that this is the oldest house in Hendersonville. They know it is one of two for sure. Ms. Nason plans to take this home back to its historical heritage and in 1859 when it was built and so it has had several years of being a bed and breakfast, and what they call a boarding house. Over the years it has gone through being a private residence and Ms. Nason's hope is to share it with the community, to open it to historic tours and just to really honor the property.

Ms. Weiner stated no a commercial kitchen is not being added. She wants to keep the original character as much as she can. Also, Mr. Hayes touched on the additional property. The owners of the property who sold us the Killarney House, they are actually the people living at 1210 Oakland and so they are there for three years. It was part of the purchase agreement and they are very involved in the day-to-day and are very much in support, Suzanne and Hunter Hale, of this transferring over into a bed and breakfast. They were supposed to be here but could not speak on behalf of Cathy so they did not come. She asked if anyone had any questions.

Mr. Werner asked who was going to live there as part of the requirements. Ms. Weiner stated on the third floor there is a caretaker apartment and that does have a kitchenette in it. It is completely sealed off. They will be meeting with the Fire Marshal to make sure that by adding the sixth bedroom on the third level, that it does meet the fire code for egress. That is an apartment that does have a kitchenette but is completely separate and his name is Spencer. He was the Hale's houseboy and he helps on a day-to-day basis and he's agreed to stay and take care of it.

Chair asked about the owner having a lineage from the point the house was built. Ms. Weiner stated they do and it is in this book. This is the Bible of the home that she has been entrusted with.

Chair asked if there was anyone that would like to speak in favor of the application. Chair asked if anyone wanted to speak against the application.

Mark Bastin stated he lives in Asheville and he is the Chief Marketing Officer for Yonder Luxury Vacation Rentals and they are helping to market and get some folks in who want to stay there. He wanted to give some key elements that they will incorporate into their marketing. Chair stated they are only here for the zoning. How they market it is up to them. Mr. Bastin stated to preserve the sanctity of the home and encourage meaningful engagement, a minimum of five night stay. Premium average daily rate to reflect the value of the setting and the exclusively manual guest bedding. So folks can't just book online so to speak. We will be talking to everyone who wants to stay there. They will have a greeter for every arrival so that they can develop human connection with those folks, those guests as well as talk about the history of the house and show them around. They believe it has a tremendous historic value.

Chair asked if there was anyone that would like to speak against the application.

Ken Fitch, 1046 Patton Street stated his family has lived on Patton Street for over 30 years and he lives catty-cornered to the entrance on Killarney Street on a diagonal. He is not opposed to a bed and breakfast use. For a short time it was a bed and breakfast. He is here today because the site plan that has been submitted and the application statements raise serious questions and issues of concern, and traffic and parking seem to be major issues. As Mr. Hayes noted this property is in the Hyman Heights Historic District. It's both national and local and it's an overlay district and it's subject to standards and restrictions.

Mr. Fitch asked about the motion for denial and there being a reference to a restaurant. He asked if that was an error. He discussed the street and there being two other homes on the street. He also had concerns about the sign and they would want to know where the sign will be located and what will it say. He discussed the eight parking spaces and he asked what the need was for overflow. He stated Killarney is a narrow one-way street and it has the character of an alley but it's also a distinctive feature of the historic district and parking on that street would impede access and egress to the two homes there. That raised the issue in Article 16 regarding health and safety of persons residing in the neighborhood because there would be health issues for people not being able to access their property. He discussed parking on the street and there are issues with that. Delivery trucks would also have an issue accessing the property. Historic trees could be impacted by damage roots and the embankment.

He was concerned about pedestrians walking and people walking their dogs. He was also concerned about having emergency access for emergency vehicles.

Chris Koepf stated he lives on Killarney Street and he stated the carport as she mentioned is their main access for their elderly mother. The front actually has three sides of it, it's a very old building, historic building as well and she cannot go up those stairs. Chair asked Mr. Koepf to point this out on the map. Mr. Koepf stated there's some steep steps here, two sets and this is pretty much inaccessible. Even for emergency people, fire trucks and this is the main access. Mr. Koepf pointed all of this out on the map. He stated his main concern is the parking on Killarney Street and the overflow parking and how often that would be used. He doesn't think this is a good idea. He is not opposed to the bed and breakfast but everyone walks down that street. He was just concerned about the safety of his mom getting in and it's hard to negotiate out if there's going to be a car cross.

Cole Ordiway stated he was the listing agent who recently sold the property. (Chair sworn Mr. Ordiway in to speak). Mr. Ordiway stated he wanted to mention that he has sold the house and represented the sellers and not the buyers and not Ms. Nason. He thought for fifteen months about the highest and best use for this property and he also thought about the highest and best use in terms of preservation. Mr. and Mrs. Hale as the homeowners and residents of the property, built in the 1850's they spent, as they moved there in 2010, they spent about four or five years and about half a million dollars in renovations to get it back up because it was previously mentioned it was a B&B and then it was converted into single-family living and then it was converted back into a B&B and then it was back to single-family. He believes this use is the highest and best use for the home and the preservation.

Discussion was made on the history of the home and the architect for the home.

Ms. Weiner stated they are concerned about the safety of children and are very much concerned with the safety of the neighborhood. As far as the trees, they have a landscape company and they have someone who is taking care of all the trees. This is very much a partnership between the old owners and the new owners. She discussed the overflow spaces and they have spoken to the Baptist church. They are not taking out any trees, they are adding trees. There is absolutely no restaurant that is going in. There will not be a commercial kitchen. She did not feel they would even need the ten spaces in the confines. Ms. Collina stated the overflow parking is not even required. Ms. Weiner stated they were just trying think things through and probably raised concerns when they shouldn't have.

Albert Walker was sworn in to speak.

Albert Walker, 1124 Oakland Street stated one term he heard that gets him, bed and breakfast. This is a beautiful home and a beautiful area. They are fairly new to this area and it is amazing with the children, the older people walking there and it's an astounding place to live and he comes from big cities. The term she mentioned was bed and breakfast and six rooms and he doesn't have a problem with that but touring and bringing people in for events, special events and things like that no. The parking, the curves of the street, it's a closed community because traffic used to be so bad through there. It is wonderful now and it is quiet. He has a problem with events and if they are having special events there will be multiple cars on Killarney and that is a one-way street. He discussed a bed and breakfast on Highland Avenue and they have plenty of acreage and they do special events without any problems but there isn't room here for that. He was concerned about events and traffic and the safety of the neighborhood.

Wayne House was sworn in to speak.

Wayne House, 1133 Oakland Street stated he is not against the concept of a bed and breakfast here. He stated Killarney has a significant hill and that was his concern. They would have more people entering here and he was concerned about traffic and speeding in this area and the visibility at this point.

Conditions were discussed that could be added to the motion.

Ms. Weiner talked about the events and stated there have been small weddings here in the past. There have been pop-up dinners on the porch. There have been cookie bakes and holiday tours as part of the historic preservation. She stated they very much want to be part of the community and she believes any issues can be overcome.

Ms. Collina asked per the Fire Marshal and the Fire Code how many people are allowed on the property at one time. Ms. Weiner stated she does not have a number for that. She stated the next step after approval would be to get the Fire Marshal out there. It was stated the Fire Marshal will definitely have an occupancy limit but that is up to them.

Chair closed the public hearing for Board discussion.

The Board discussed their thoughts on the special use permit and the conditions.

Mr. Webb made the following motion: **With regard to the special use permit request by Catherine Nason 1. The special use permit is requested for a bed and breakfast under Section 5.5-2 of the zoning ordinance. I move that the Board find that 1. The proposed use complies with the standards for such contained in Article 16 of the zoning ordinance. 2. The proposed use will not adversely affect the health or safety of persons residing or working in the neighborhood of such proposed use. 3. The proposed use will not be detrimental or injurious to the property or public improvements in the neighborhood of such proposed use.** For the following reasons: the applicant has provided sufficient evidence that the landscaping buffer will adhere to the landscaping requirements and the zoning ordinance, the applicant's proposal stated that a resident manager shall live on premises, the site provides for sufficient parking for the number of residents staying in the bed and breakfast. ***With the added conditions that a complete landscaping plan will be submitted to staff and reviewed to ensure their compliance with Section 15-6 Buffer Yards, of the zoning ordinance, and that there's no parking on Killarney and the intersection of Oakland and Killarney needs to be better maintained with vegetation for visibility for making the turns.*** Ms. Flores seconded the motion.

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

Ms. Flores	Yes
Mr. Webb	Yes
Mr. Barwick	Yes
Ms. Werner	Yes
Ms. Collina	Yes

The motion passed unanimously.

Approval of the Annual Meeting Dates for 2026. – Ms. Flores moved the Board to approve the meeting dates for 2026. Ms. Collina seconded the motion which passed unanimously.

Approval of Decision – 1926 Haywood Road (25-66-VAR) – Mr. Webb made a motion to approve the Decision for 25-66-VAR. Ms. Flores seconded the motion which passed unanimously.

Meeting adjourned at 2:43 p.m.

Reid Barwick, Chair

Terri Swann, Secretary

DRAFT



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY PLANNING DIVISION

SUBMITTER: Sam Hayes, Planner II **MEETING DATE:** August 11th, 2026

AGENDA SECTION: New Business **DEPARTMENT:** Community Development

TITLE OF ITEM: Sheetz Upward Road – Variance (26-50-VAR) – Sam Hayes | *Planner II*

SUGGESTED MOTION(S):

1. For Recommending Approval:

With regard to the request by Jesse Hanlin for a variance from *Section 5-27-5.2.1* to:

1. *Reduce the 100 ft minimum corner clearance to 71.7 ft.*

I move the Board to find that (must find all of these):

- 1) An unnecessary hardship **would** result from the strict application of the ordinance.
- 2) The hardship **results** from the conditions that are peculiar to the property, such as location, size, or topography.
- 3) The hardship **did not** result from actions taken by the applicant or the property owner.
- 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**.

For the following reasons: ***[list factual basis for Approval here.]***

The strict application of the ordinance would result in significant challenges to the internal vehicular flow, which is a direct result of the peculiar conditions of the property.

[DISCUSS & VOTE]

1. For Recommending Denial:

With regard to the request by Jesse Hanlin for a variance from *Section 5-27-5.2.1* to:

1. *Reduce the 100 ft minimum corner clearance to 71.7 ft.*

I move the Board to find that (must find at least one of these):

- 1) An unnecessary hardship **would not** result from the strict application of the ordinance.
- 2) The hardship **does not** result from the conditions that are peculiar to the property, such as location, size, or topography.
- 3) The hardship **did** result from actions taken by the applicant or the property owner.
- 4) The requested variance **is not** consistent with the spirit, purpose, and intent of the regulation, such that public safety **is not** secured and substantial justice **is not** achieved

For the following reasons: ***[list factual basis for Denial below.]***

The strict application of the 100 ft minimum corner clearance does not meet the threshold for unnecessary hardship. The hardship is a self-created hardship that is not directly related to the peculiar conditions of the property.

Based on the foregoing findings I further move the Board deny the request for a variance.

[DISCUSS & VOTE]

--	--

SUMMARY:

The Community Development Department has received an application from Jesse Hanlin, and engineer for Blue Ridge Engineering, PLLC, for a variance from Section 5-27-5.2.1 – Transportation requirements in accordance with the requirement that corner clearance along a side street be 100 ft. The subject property is currently zoned CHMU – Commercial Highway Mixed Use. The specific variance requested is for the following:

Variance Request: The Applicant is requesting a variance from the requirement that corner clearance along a side street be 100 ft. The applicant is requesting to decrease this corner clearance to 71.7 ft.

The subject property is 2.65 acres and is zoned CHMU - Commercial Highway Mixed Use. The property is currently vacant, however, a gas station is proposed for the site. The site plan has gone through the preliminary site plan review process and was approved by the planning board with the condition that either the corner clearance requirement is met *or* a variance is granted from the Board of Adjustment.

PROJECT/PETITIONER NUMBER:	26-50-VAR
PETITIONER NAME:	Jesse Hanlin – Blue Ridge Engineering, PLLC (Applicant) Quattlebaum Properties F LLC (Owner)
EXHIBITS:	A. Staff Report B. Application C. Warranty Deed D. Site Photos

MEMORANDUM

TO: Board of Adjustment Members

FROM: Community Development Department

DATE: August 4th, 2026

RE: Variance Application –Sheetz Upward Road

SUMMARY: The Community Development Department has received an application from Jesse Hanlin for a variance from *Section 5-27-5.2.1 – Transportation* to reduce the required 100 ft corner clearance to 71.7 ft. The subject property is currently zoned CHMU – Commercial Highway Mixed Use.

VARIANCE REQUEST: The Applicant is requesting a variance from the requirement that corner clearance along a side street be 100 ft. The applicant is requesting to decrease this corner clearance to 71.7 ft.

The subject property is 2.65 acres and is zoned CHMU - Commercial Highway Mixed Use. The property is currently vacant, however, a gas station is proposed for the site. The site plan has gone through the preliminary site plan review process and was approved by the planning board with the condition that either the corner clearance requirement is met or a variance is granted from the Board of Adjustment.

PROPOSED FINDINGS OF FACT:

- Based on Henderson County records the subject property possesses a PIN of 9588-40-7325 and is zoned CHMU – Commercial Highway Mixed Use.
- Based on Henderson County records, the lot size is approximately 2.38 acres.
- Based on Henderson County records, the subject property is currently vacant.
- Based on the City of Hendersonville records, Upward Road is an NCDOT maintained road.
- Based on Henderson County records a North Carolina Quit Claim Deed was acquired by Quattlebaum Properties F, LLC on the 17th of February, 2004.
- **5-27-5.2.1 Driveways.** Where permitted, driveways shall comply with the requirements of this section and, if applicable, the regulations of the North Carolina Department of Transportation.
- **5-27-5.2.1.b** All driveway approaches for both mid-block and corner lots along major thoroughfares shall have both minimum corner and side clearances as below:

Clearance Type	Along Major Thoroughfare	Along Side Street
Corner clearance ²	250 feet	100 feet
Side clearance ³	30 feet	10 feet

- Based on the Variance Application (*Exhibit A*), the Applicant a driveway on a side street that has a clearance of 71.7 ft.

CODE REFERENCES.

5-27-5.2.1 Driveways. Where permitted, driveways shall comply with the requirements of this section and, if applicable, the regulations of the North Carolina Department of Transportation.

- a) The number of driveways permitted for new development shall relate to the amount of linear frontage for the proposed development as depicted below:

Linear Frontage	Number of Permitted
Less than 350 feet	1
Greater than 350 feet	2
Greater than 1,000 feet	3 ¹

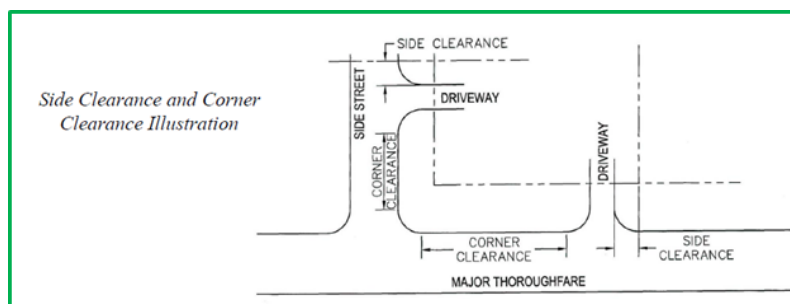
¹With approval of the city after demonstration of need in the required TIA.

- b) All driveway approaches for both mid-block and corner lots along major thoroughfares shall have both minimum corner and side clearances as below:

Clearance Type	Along Major Thoroughfare	Along Side Street
Corner clearance ²	250 feet	100 feet
Side clearance ³	30 feet	10 feet

²Corner clearance shall be measured from the point of tangency of the radius curvature of the intersection streets.

³Side clearance shall represent the distance from the driveway to the side property line.



- c) No driveways shall be allowed along a major thoroughfare within 250 feet of any intersection, as measured from the intersection of the projected right-of-way lines, except for properties which cannot meet this restriction due to limited frontage within the desired corner clearance.
- d) One-way driveways are not considered full-movement driveways therefore, two, one-way driveways may be considered as a single driveway provided that:
- The minimum spacing between the two driveway segments is 60 feet.

- 2) The driveway segments are clearly signed and marked as one-way driveways, using pavement arrows and directional signs.
- 3) The maximum combined pavement width of both driveway segments at the right-of-way line is 40 feet and the minimum width of a single segment is 14 feet.

Section 10-9 Variance.

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. When unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the Board of Adjustment shall vary any of the provisions of the ordinance upon a showing of the following:

- 1) Unnecessary hardship would result from the strict application of the ordinance. It is not necessary to demonstrate that, in the absence of the Variance, no reasonable use can be made of the property.
- 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. 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.
- 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 is not a self-created hardship.
- 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.

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. Per NCGS 160D-705 (d), appropriate conditions may be imposed on any Variance, provided that the conditions are reasonably related to the Variance.



WORKSPACE INFORMATION

Application number 26-50-VAR	Category Variance	Workspace state Waiting for payment
Workspace created 06/18/2026, 1:49:54PM EDT	Application submitted 07/06/2026, 11:02:52AM EDT	
Assignee Sam Hayes	Package generation date 07/30/2026, 9:55:25AM EDT	

LOCATION INFORMATION

Address	Property information
0 NO ADDRESS ASSIGNED, Hendersonville, NC 9588407325,	

PARTIES

NAME AND COMPANY	CONTACT DETAILS	ROLES
Jesse Hanlin Blue Ridge Engineering, PLLC	[REDACTED]	Applicant
Ashley Rhoades	[REDACTED]	Engineer
QUATTLEBAUM PROPERTIES F LLC	[REDACTED]	Property owner
	[REDACTED]	Applicant
	[REDACTED]	Engineer
QUATTLEBAUM PROPERTIES F LLC	[REDACTED]	Property owner

TABLE OF CONTENTS

Item B.

Cover page	1
Table of contents	2
Variance Application	3-5
Zoning-Applicant (Developer) Company Information	6
Zoning-Property Owner Company Information	7
Pre-Consultation Form	8
Attachments	9



Project Description
Please describe the nonconformity: Section 5-27-5.2.1.b of the City of Hendersonville Zoning Ordinance requires a minimum of 100' of corner clearance for driveways along a side street. Footnote 2 states that corner clearance shall be measured from the point of tangency of the radius curvature of the intersection streets. The projects proposes a right-in only driveway with 71.7 ft of corner clearance measured as defined by section 5-27-5.2.1.b
Please describe the requested modifications: We are requesting a modification to allow the corner clearance to be reduced to 71.7 ft.
Total Project Area (acres) 2.65

Variance Burden of Proof

Item B.

When unnecessary hardships would result from carrying out the strict application of a zoning ordinance, the Board of Adjustment shall vary any of the provisions upon a showing of the factors listed below. The Board does not have unlimited discretion in deciding whether to grant a variance. Under the state enabling act, the Board shall grant a variance only upon showing of all of the factors below as provided in Section 10-9 of the City of Hendersonville Zoning Ordinance.

Instructions: In the spaces provided below, indicate the facts you intend to demonstrate and the arguments that you intend to make to demonstrate to the Board that it can properly grant the variance as provided in Section 10-9 of the City of Hendersonville Zoning Ordinance.

1. Unnecessary hardship would result from the strict application of the ordinance. In order to determine whether an unnecessary hardship exists, the Applicant must demonstrate the following factors:	a. Indicate how an unnecessary hardship would result from the strict application of the ordinance. It is not necessary to demonstrate, that in the absence of the variance, no reasonable use can be made of the property. Strict adherence to the 100 ft minimum corner clearance would require a shift to the proposed right-in driveway which would negatively impact the traffic flow of the proposed project. While the measurement does not meet the requirement, the intent of the requirement to provide sufficient stacking space to not back up into the intersection is met. A shift in the proposed driveway would require the inbound traffic to stop and either turn left or right to access the parking area. This stop condition could result in queuing of entering vehicles into the entrance road from the signal. The proposed right-in driveway location connects to the main drive isle between the Sheetz building and fuel canopy, providing direct and free flowing access to the site.	b. Indicate how the hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. 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 The hardship results from the large radius provided at the intersection between Upward Road and the access road. As shown in the attached exhibit, if the radius from Upward Road the to the access road were reduced to 45 ft and the radius to the right in driveway was reduced to 15 ft, the proposed drive would meet the corner clearance requirement, however this would negatively impact the intersection and future access. By providing larger radii for increased mobility for larger vehicles including fire fighting vehicles the corner clearance, as defined by the City Zoning Ordinance, is reduced. As previously mentioned relocating the proposed right-in increases the storage required on the access road due to the stop condition required. The proposed design considers the future development impacts in mind, in doing a larger radii has been proposed at this intersection.	c. Indicate how the hardship did not result from actions taken by the applicant or property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship. Strict adherence to the corner clearance requirement creates unnecessary design changes that do not improve the stacking and queuing intended by the requirement. The lease area has already been defined by the underlying property owner and the end user and cannot be arbitrarily changed. Furthermore, shifting the entire site to the South would require a significant amount of fill material to be brought into the site and impact the useability of the future development adjacent to the subject property.
2. Indicate how 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. As previously noted, the larger radius does not impact the amount of queuing or storage between the intersection of Upward Road and the access road which is the intent of the corner clearance requirement. Relocating the proposed right-in to strictly adhere to the City Zoning Ordinance creates an inferior site design and may result in additional stacking and queueing in the access road which is the opposite of the intent of the corner clearance requirement. The location of the proposed right-in considers safety as well as traffic flow to prevent unnecessary stacking into the access road and potentially into Upward Road due to the stop condition created.			

Item B.



Applicant (Developer) Company Information	
Authorized Representative Name: Wes Hall, PE	Company Name (if applicable, check corresponding box below) Sheetz
Company Type: ☒ Corporation: ☐ Partnership: ☐ Limited Liability Company: ☐ Other: ☐ Trust:	If other:
Authorized Representative Title (if applicable - i.e. Member/Manager, President, etc.) Entitlement Project Manager	



Zoning-Property Owner Company Information

Item B.

Property Owner Company Information (if different from Applicant)

Authorized Representative Name:

Robert Quattlebaum

Company Name (if applicable, check corresponding box below)

Quattlebaum Properties F, LLC

Company Type:

If other:

☐

Corporation:

☒

Limited Liability
Company:

☐

Trust:

☐

Partnership:

☐

Other:

Authorized Representative Title (if applicable - i.e. Member/Manager, President, etc.)

Member/Manager



Project Description

Project Description

This project consists of development of a 2.65 acre tract located on Upward Road in Hendersonville, NC. The proposed development includes a new 6,139 sf Sheetz Convenience store with drive-thru, fueling canopy, and a 1,122 sf car wash. Development will also include a new shared access drive, stormwater pipe system, shared stormwater detention pond, water main extensions, other utilities, and landscape. Access will be provided via a new right-in, right out driveway and full access intersection at Ballenger Road (SR 1791) and Upward Road (SR 1783). Roadway work include improvements along Upward Road, Ballenger Road, and the I-26 off ramp. Water and sanitary sewer service is provided by the City of Hendersonville.

Parcel Identification Number (PIN): 9588407325	Total Project Area (acres) 2.65	Total Lots/Units 1	Proposed building square footage: 6139.0 sq.ft.
Gen H Future Land Use Designation: Mixed Use Commercial	Current Zoning District CHMU		Proposed Meeting Date Option 1 06/19/2026
Proposed Meeting Date Option 2 06/22/2026	Proposed Meeting Time Option 1 10:00 AM		Proposed Meeting Time Option 2 11:00 AM

© COPYRIGHT 2026 BY BLUE RIDGE ENGINEERING PLLC, NC LICENSE #P-0205. ALL RIGHTS RESERVED. THIS PLAN MAY NOT BE RE-USED, SOLD, LOANED OR GIVEN TO OTHERS. REPRODUCTION OR PHOTOCOPYING OF THIS PLAN WITHOUT THE WRITTEN CONSENT OF BLUE RIDGE ENGINEERING PLLC IS PROHIBITED.

ORIGINAL ISSUE DATE: 06/29/2026
PROJECT #: 24039
DRAWN BY: WIH
REVISIONS:

Blue Ridge Engineering PLLC
924 Main Street - Suite 200
North Wilkesboro, NC 28659
336.838.2500
www.ridge.blue
Firm #P-0205



Prepared for:

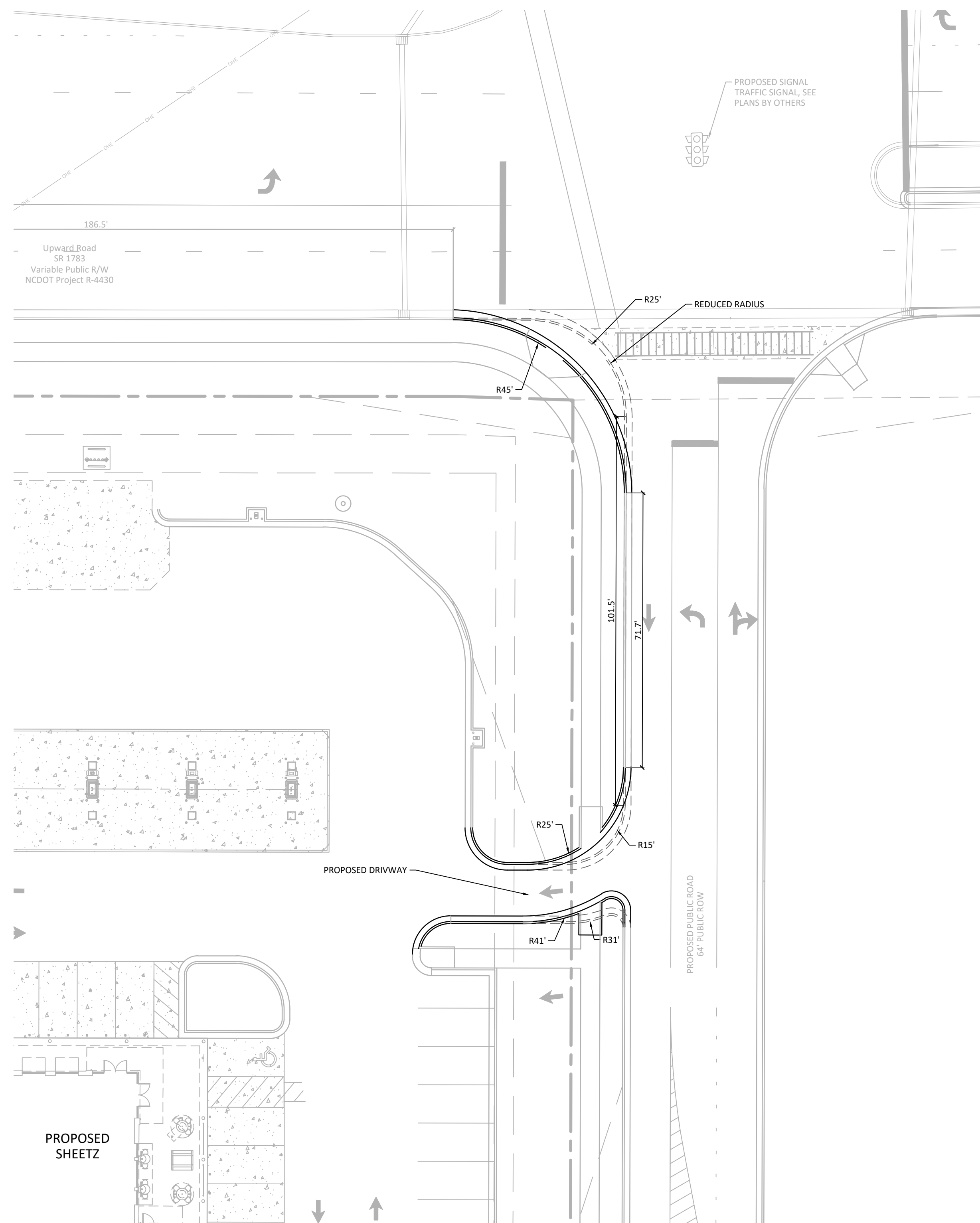
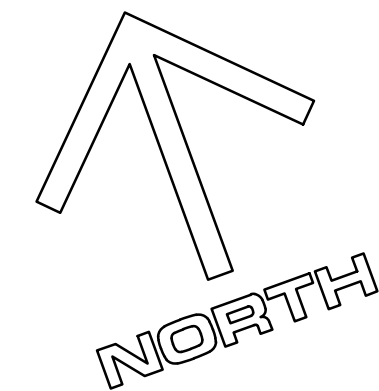
Variance Exhibit

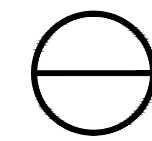
Sheetz

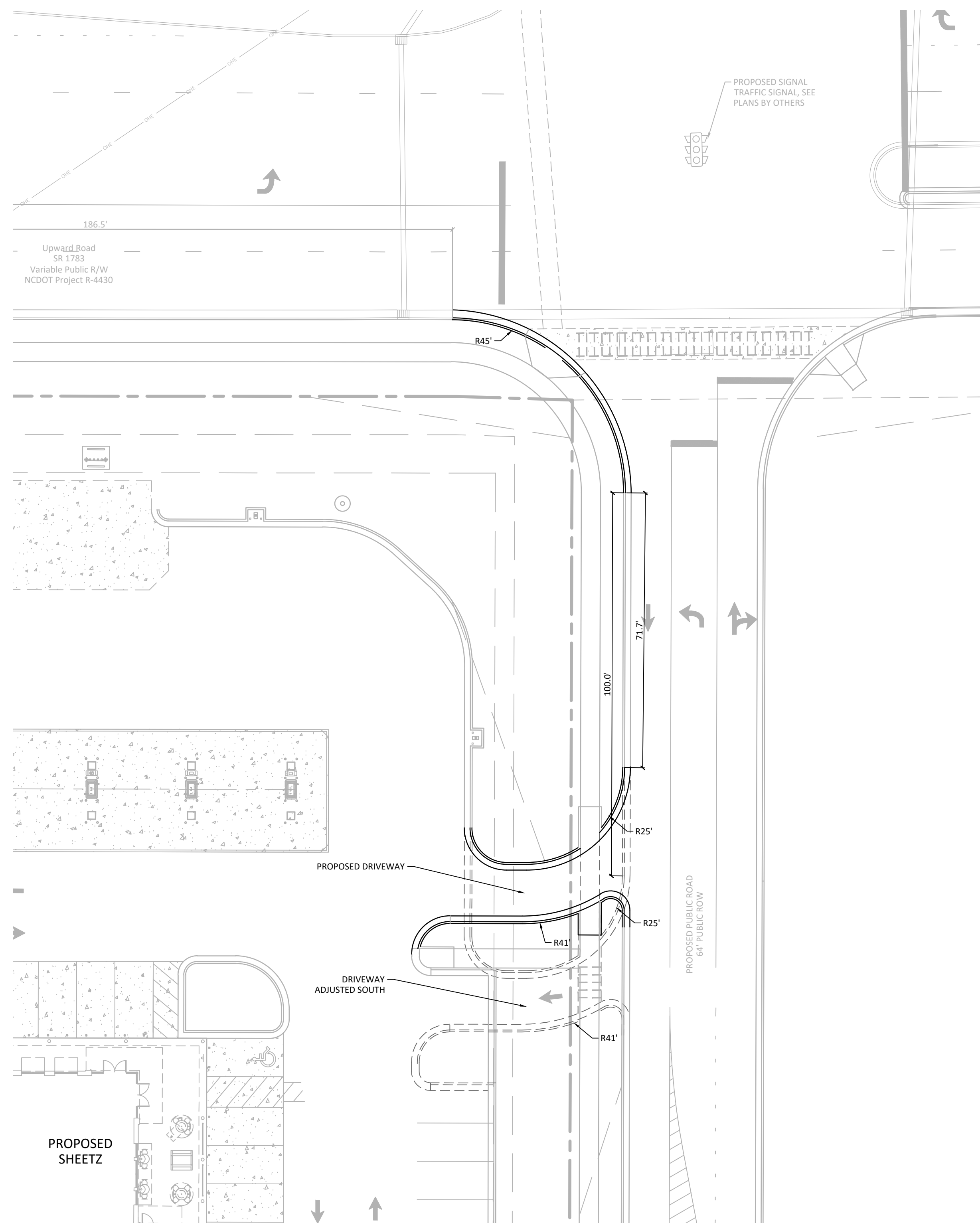
780 Upward Road
Hendersonville, NC 28731

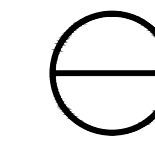
SHEET

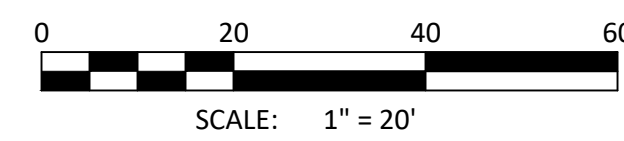
Exhibit



 **MODIFIED RADIUS**
SCALE: 1"=20'



 **DRIVEWAY SHIFT SOUTH**
SCALE: 1"=20'





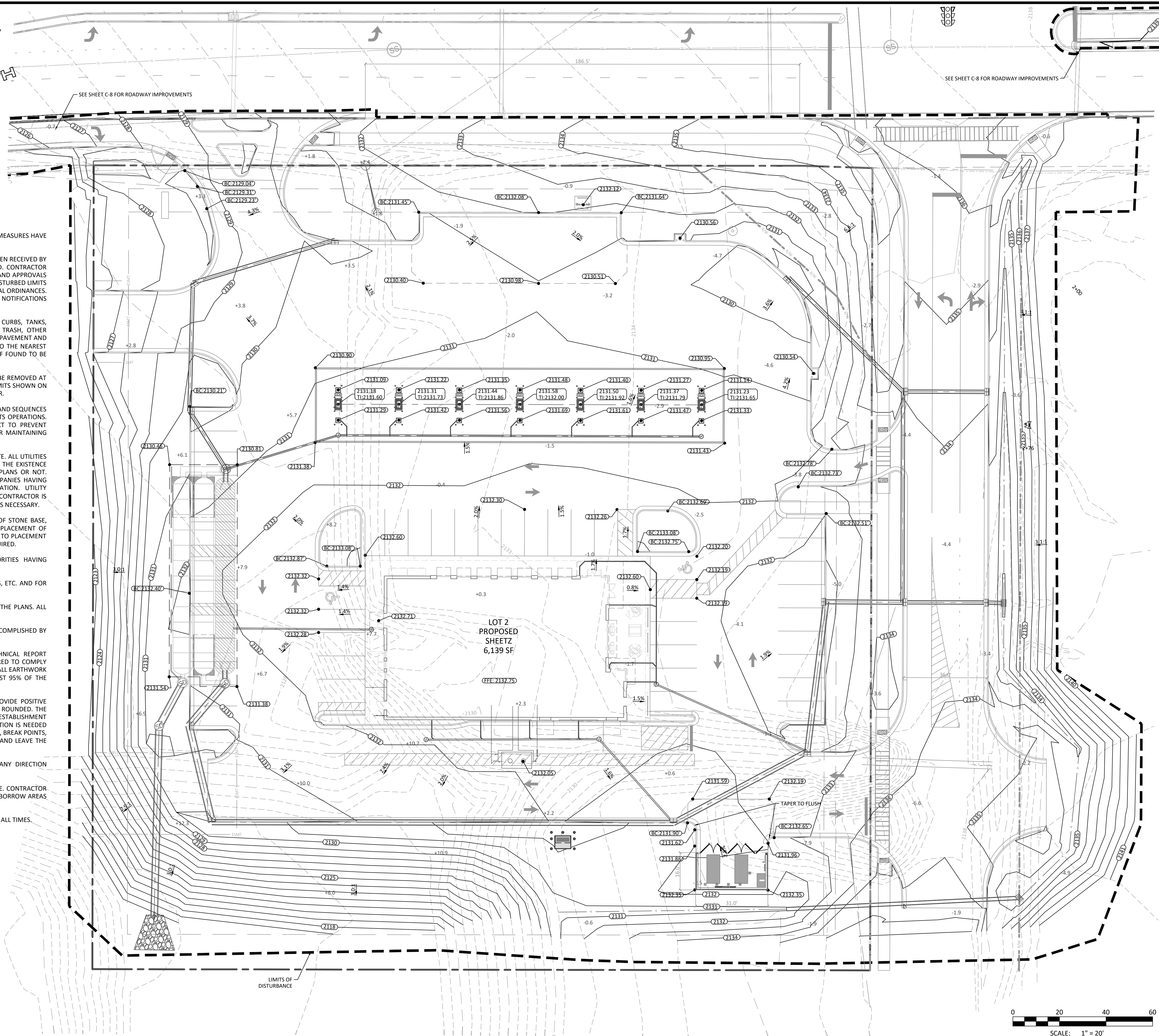
CLEARING AND GRADING NOTES

1. GRADING SHALL NOT PROCEED UNTIL APPROPRIATE EROSION AND SEDIMENT CONTROL MEASURES HAVE BEEN INSTALLED.
2. LAND DISTURBING ACTIVITIES SHALL NOT COMMENCE UNTIL APPROVAL TO DO SO HAS BEEN RECEIVED BY GOVERNING AUTHORITIES AND SEDIMENT CONTROL MEASURES HAVE BEEN INSTALLED. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING OR VERIFYING THAT ALL ASSOCIATED PERMITS AND APPROVALS HAVE BEEN OBTAINED FOR THIS WORK. NO WORK SHALL BE PERFORMED OUTSIDE THE DISTURBED LIMITS SHOWN ON THIS PLAN. CONTRACTOR SHALL COMPLY WITH ALL FEDERAL, STATE AND LOCAL ORDINANCES. CONTRACTOR IS RESPONSIBLE FOR ALL NESHAP NOTIFICATIONS REQUIRED. ALL SUCH NOTIFICATIONS SHALL BE MADE AT LEAST TWO WEEKS PRIOR TO ANY DEMOLITION WORK.
3. ALL ASPHALT, TREES, STUMPS, BRUSH, ROOTS, STRUCTURES, WALLS, FOUNDATIONS, CURBS, TANKS, BARRELS, FLOOR SLABS, CONCRETE, METAL, SEPTIC TANKS, FENCING, SIGNS, POLES, TRASH, OTHER DEBRIS, AND UNSUITABLE FILL MATERIAL SHALL BE PROPERLY DISPOSED OF OFF-SITE. ALL PAVEMENT AND CONCRETE EDGES SHALL BE SAWCUT. ALL CONCRETE SHALL BE REMOVED/REPLACED TO THE NEAREST JOINT. STORM DRAINAGE BOXES, GRATES AND PIPE TO BE REMOVED MAY BE REUSED IF FOUND TO BE SUITABLE BY THE ENGINEER, UNLESS OTHERWISE NOTED.
4. CERTAIN TREES WITHIN 10 FEET OF THE TOP OF ANY CUT SLOPE MAY BE REQUIRED TO BE REMOVED AT THE DISCRETION OF THE ENGINEER. CERTAIN TREES WITHIN 5 FEET OF THE CLEARING LIMITS SHOWN ON THE DRAWINGS MAY BE REQUIRED TO BE REMOVED AT THE DISCRETION OF THE ENGINEER.
5. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL SAFETY, METHODS, MEANS, PROCEDURES AND SEQUENCES OF ITS OPERATIONS. CONTRACTOR SHALL PROVIDE ADEQUATE TRAFFIC CONTROL FOR ITS OPERATIONS. CONTRACTOR SHALL INSTALL ABUNDANT ORANGE SAFETY FENCING ON THE PROJECT TO PREVENT OTHERS FROM ENTERING THE WORK AREA. CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING SAFETY FENCING AS NECESSARY FOR THE DURATION OF THE PROJECT.
6. THE LOCATION OF UTILITIES SHOWN ON THE PLANS SHALL BE CONSIDERED APPROXIMATE. ALL UTILITIES MAY NOT BE SHOWN. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY THE EXISTENCE AND ACTUAL LOCATION OF ALL EXISTING UTILITY LINES WHETHER SHOWN ON THE PLANS OR NOT. CONTRACTOR SHALL CONTACT ULOCO. CONTRACTOR SHALL NOTIFY ALL UTILITY COMPANIES HAVING UNDERGROUND UTILITIES ON SITE OR WITHIN RIGHT-OF-WAY PRIOR TO EXCAVATION. UTILITY ADJUSTMENTS AND/OR REMOVAL/RELOCATION IS INCLUDED IN THE SCOPE OF WORK. CONTRACTOR IS RESPONSIBLE FOR WORK ASSOCIATED WITH MAINTAINING/REPAIRING UTILITY SERVICES AS NECESSARY.
7. ALL FILL PLACED SHALL PASS A PROOF-ROLL TEST BEFORE AND AFTER INSTALLATION OF STONE BASE, SLABS OR PAVEMENTS. SUBGRADE SHALL BE ACCEPTED BY THE ENGINEER PRIOR TO PLACEMENT OF STONE BASE. STONE BASE SHALL BE INSPECTED AND ACCEPTED BY THE ENGINEER PRIOR TO PLACEMENT OF ASPHALT. CONTRACTOR SHALL PROVIDE A LOADED TRUCK FOR ALL PROOF-ROLLS REQUIRED.
8. ALL WORK IS SUBJECT TO INSPECTION OF THE OWNER, ENGINEER AND AUTHORITIES HAVING JURISDICTION. THE OWNER SHALL PAY FOR ALL QUALITY ASSURANCE TESTING REQUIRED.
9. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING NECESSARY APPROVALS, PERMITS, ETC. AND FOR PROPER DISPOSAL OF ANY MATERIAL REMOVED FROM THE SITE.
10. EXISTING DRAINAGE PATTERNS SHALL BE MAINTAINED UNLESS OTHERWISE SHOWN ON THE PLANS. ALL AREAS OF THE SITE SHALL BE SHAPED TO DRAIN TO EROSION CONTROL DEVICES.
11. THE CONTRACTOR SHALL KEEP ALL STREETS AND ROADWAYS CLEAN. THIS SHALL BE ACCOMPLISHED BY STREET SWEEPING AND WASHING AS NECESSARY ON A DAILY BASIS.
12. ALL FILL SHALL BE PLACED AND COMPACTED IN ACCORDANCE WITH THE GEOTECHNICAL REPORT PREPARED FOR THIS PROJECT. DRYING OR WETTING OF FILL MATERIAL MAY BE REQUIRED TO COMPLY WITH MOISTURE LIMITS SPECIFIED. IF NO GEOTECHNICAL STUDY HAS BEEN PERFORMED, ALL EARTHWORK PLACED SHALL BE WITHIN 5% OF OPTIMUM MOISTURE AND COMPACTED TO AT LEAST 95% OF THE STANDARD PROCTOR.
13. THE CONTRACTOR SHALL SMOOTH AND BLEND IN ALL GRADE TRANSITIONS AND PROVIDE POSITIVE DRAINAGE AROUND ALL BUILDINGS. THE TOP OF SLOPE FOR ALL CUT SLOPES SHALL BE ROUNDED. THE FINAL GRADE OF ALL CUT SLOPES SHALL BE SCARIFIED AND TRACKED AS NECESSARY FOR ESTABLISHMENT OF GROUND COVER. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IF ANY CLARIFICATION IS NEEDED CONCERNING THE INTENT OF THE DRAWINGS, INCLUDING SPOT GRADES, CONTOUR LINES, BREAK POINTS, DRAINAGE PATTERNS, ETC. THE CONTRACTOR SHALL DRAG AND RAKE THE ENTIRE SITE AND LEAVE THE ENTIRE SITE IN A CLEAN, NEAT, SMOOTH CONDITIONS SUITABLE FOR MOWING.
14. SLOPES IN ADA PARKING SPACES AND ACCESS AISLES SHALL NOT EXCEED 2% IN ANY DIRECTION INCLUDING THE DIAGONAL.
15. THIS PROJECT MAY INCLUDE MATERIAL TO BE IMPORTED/EXPORTED TO/FROM THIS SITE. CONTRACTOR SHALL BE RESPONSIBLE FOR PERMITTING AND APPROVALS REQUIRED FOR ANY OFF-SITE BORROW AREAS OR WASTE AREAS.
16. CONTRACTOR SHALL MAINTAIN A STAMPED APPROVED SET OF PLANS ON THE JOB SITE AT ALL TIMES.

ESTIMATED
EARTHWORK QUANTITY

CUT	CUT TO F/G	8,960 CY
	SLABS/PAVEMENT	1,847 CY
	TOTAL	10,807 CY
FILL	FILL TO F/G	11,054 CY
	SLABS/PAVEMENT	(1,266CY)
	SHRINKAGE, 12%	1,174 CY
	TOTAL	10,962 CY

NOTE:
QUANTITIES LISTED ARE APPROXIMATE AND
ARE PROVIDED FOR REFERENCE ONLY.
CONTRACTOR SHALL PERFORM ALL
NECESSARY INVESTIGATION TO DETERMINE
EXACT QUANTITIES OF WORK REQUIRED.
STRIPPINGS ASSUMED TO BE WASTED ON SITE
IN NON-STRUCTURAL AREAS.



ORIGINAL ISSUE DATE:	12/15/2025	PROJECT #:	24039	DRAWN BY:	WJH
REVISIONS:	08/09/2026	REVISIONS:	08/09/2026	REVISIONS:	08/09/2026
REVISIONS:	08/09/2026	REVISIONS:	08/09/2026	REVISIONS:	08/09/2026
REVISIONS:	08/09/2026	REVISIONS:	08/09/2026	REVISIONS:	08/09/2026
REVISIONS:	08/09/2026	REVISIONS:	08/09/2026	REVISIONS:	08/09/2026
REVISIONS:	08/09/2026	REVISIONS:	08/09/2026	REVISIONS:	08/09/2026
REVISIONS:	08/09/2026	REVISIONS:	08/09/2026	REVISIONS:	08/09/2026
REVISIONS:	08/09/2026	REVISIONS:	08/09/2026	REVISIONS:	08/09/2026
REVISIONS:	08/09/2026	REVISIONS:	08/09/2026	REVISIONS:	08/09/2026
REVISIONS:	08/09/2026	REVISIONS:	08/09/2026	REVISIONS:	08/09/2026



Blue Ridge Engineering PLLC
924 Main Street - Suite 200
North Wilkesboro, NC 28659
336.838.2500
www.ridge.blue
Firm #P-0205



Prepared for:

Grading Plan

Sheetz

780 Upward Road
Hendersonville, NC 28731

SHEET

C-9

North Carolina, Henderson County The foregoing certificate(s) of
Jeffrey B. Camp
Notary Public (Notaries Public) is/are certified to be correct, this
instrument presented for registration and recorded in this office
this 14 day of April, 2004
at 9:45A in book 1178, page 326
Nedra W. Moles Doris N. Serph
Register of Deeds (Assistant Deputy)

NORTH CAROLINA NON- WARRANTY DEED

Excise Tax \$0.00	Recording Time, Book and Page
Tax Lot No. _____	Parcel Identifier No. _____
Verified by _____	County on the _____ day of _____, 2002
by _____	

→ Mail after recording to Adam L. Shealy, Van Winkle, Buck, Wall, Starnes, Davis, P.A.
422 South Main Street, Hendersonville, NC 28792

This instrument was prepared by Adam L. Shealy, Van Winkle, Buck, Wall, Starnes, Davis, P.A.

Brief description for the Index SR 1722 on Upward Road (DEED PREPARATION ONLY)

THIS DEED made this 17th day of FEBRUARY, 2004, by and between

GRANTOR	GRANTEE
QUATTLEBAUM COMPANY, a North Carolina General Partnership (In Dissolution), F/K/A QUATTLEBAUM, BELL & QUATTLEBAUM, a North Carolina General Partnership	QUATTLEBAUM PROPERTIES F, LLC A North Carolina Limited Liability Company
	Address: Robert H. Quattlebaum, Manager P.O. Box 5007 Hendersonville, NC 28793

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity,
e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns,
and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby
acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that

certain lot or parcel of land situated in the City of _____, Blue Ridge Township,
Henderson County, North Carolina and more particularly described as follows:

SEE EXHIBIT ATTACHED HERETO AND MADE A PART HEREOF AS IF SET FORTH HEREIN VERBATIM.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 642, Page 655, and
Book 646, Page 155, Henderson County Registry
A map showing the above described property is recorded in Plat Book _____ page _____.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to
the Grantee in fee simple.

THE GRANTOR MAKES NO WARRANTY, EXPRESS OR IMPLIED, AS TO TITLE TO THE PROPERTY.

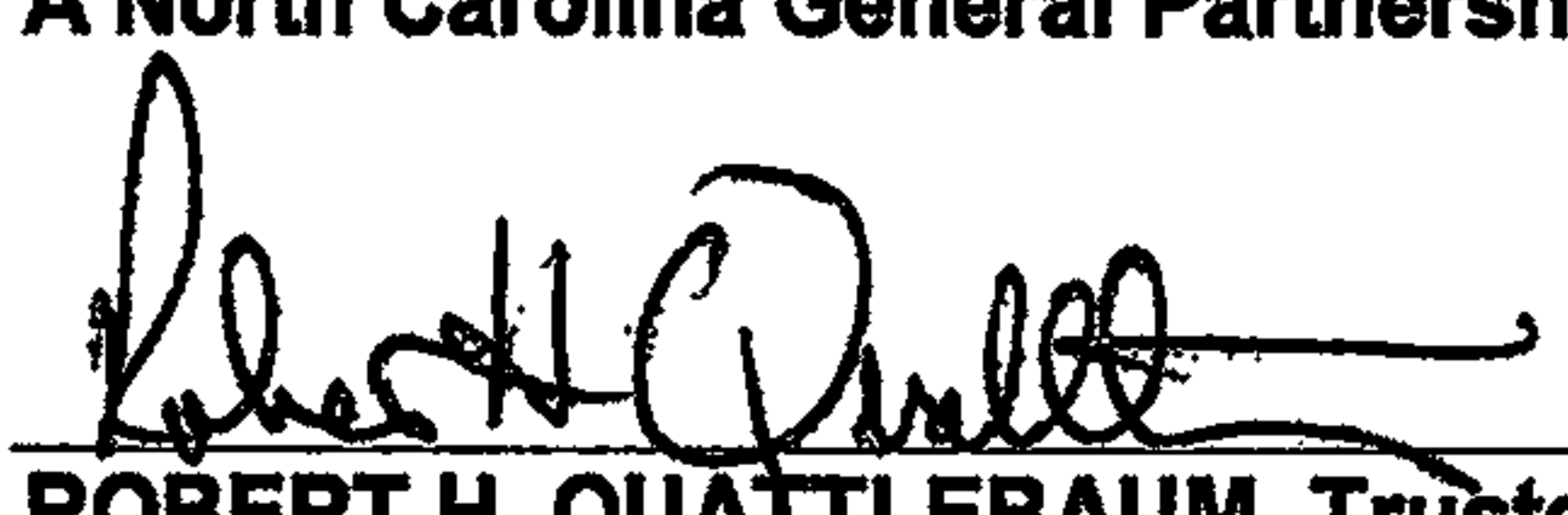
This conveyance is made subject to easements, conveyances, deeds of trust, rights of way, covenants, conditions and
restrictions of record and utilities physically located on the property.

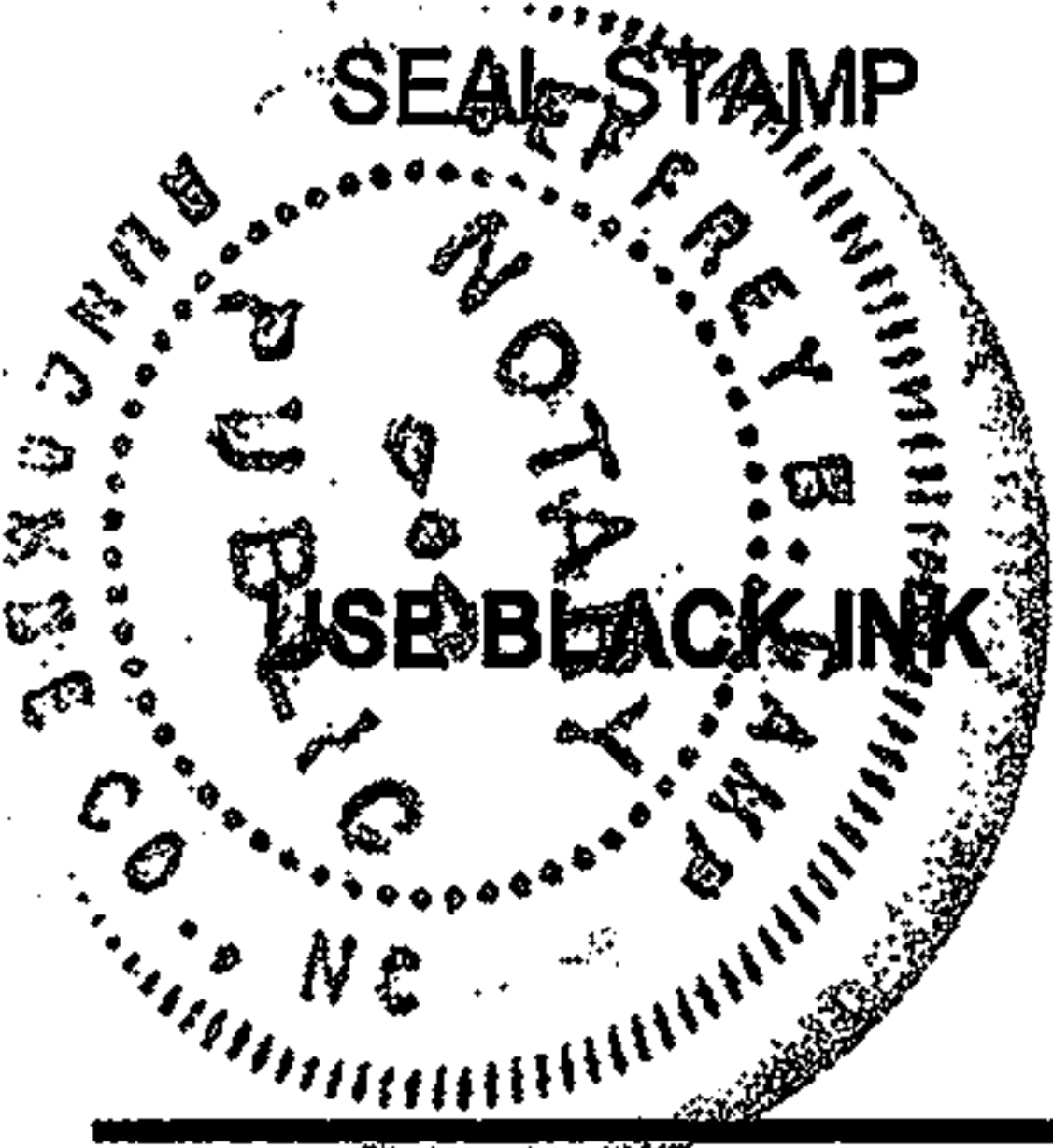
IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument
to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board
of Directors, the day and year first above written.

USE BLACK INK

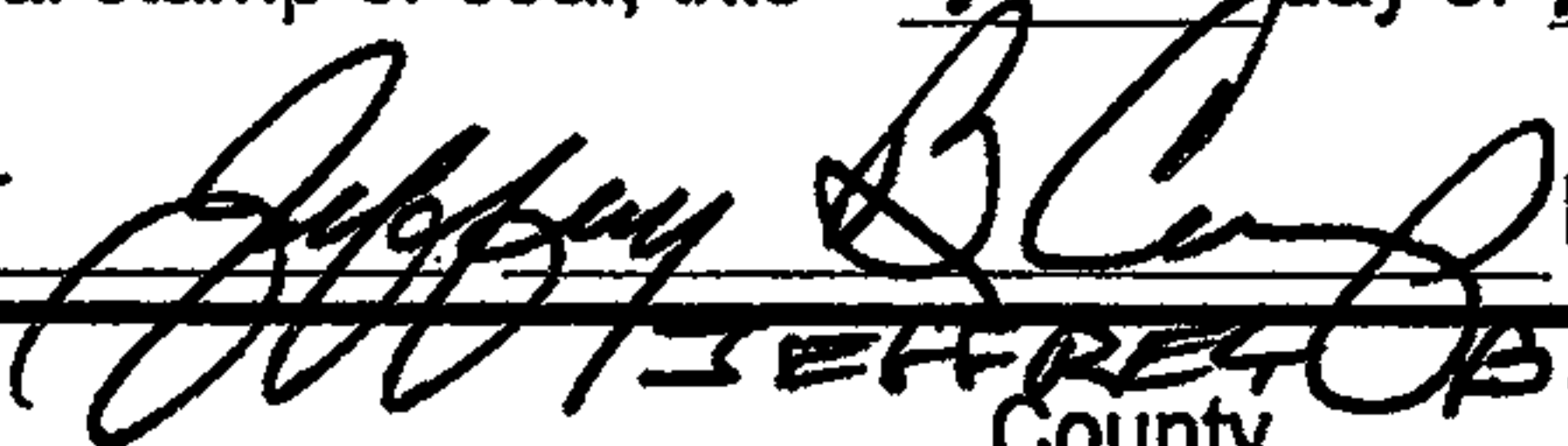
(Corporate Name)
By: _____

President
ATTEST: _____

Secretary (Corporate Seal)
QUATTLEBAUM COMPANY, A North Carolina
General Partnership (In Dissolution),
F/K/A QUATTLEBAUM, BELL & QUATTLEBAUM
A North Carolina General Partnership
 (SEAL)
ROBERT H. QUATTLEBAUM, Trustee of
The Robert H. Quattlebaum Revocable Trust
Dated June 15, 2001, as General Partner



NORTH CAROLINA, _____ HENDERSON _____ County.
I, a Notary Public of the County and State aforesaid, certify that Robert H. Quattlebaum, as
Trustee of the Robert H. Quattlebaum Revocable Trust dated June 15, 2001 General Partner
of QUATTLEBAUM COMPANY, F/K/A QUATTLEBAUM, BELL & QUATTLEBAUM, Grantor,
personally appeared before me this day and acknowledged the execution of the foregoing
instrument. Witness my hand and official stamp or seal, this 12th day of FEBRUARY
2004

My commission expires: 1/19/05  Notary Public
JEFFREY B. CAMP
County.

SEAL-STAMP

USE BLACK INK

NORTH CAROLINA, _____
I, a Notary Public of the County and State aforesaid, certify that _____,
personally came before me this day and acknowledged that he is _____ Secretary of
_____ a North Carolina corporation, and that by authority
duly given and as the act of the corporation, the foregoing instrument was signed in its name by
its _____ President, sealed with its corporate seal and attested by _____
as its _____ Secretary.
Witness my hand and official stamp or seal, this _____ day of _____,
My commission expires: _____ Notary Public

The foregoing Certificate(s) of _____

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book
and Page shown on the first page hereof.

REGISTER OF DEEDS FOR HENDERSON COUNTY
By _____ Deputy/Assistant - Register of Deeds

EXHIBIT A

**DEED FROM QUATTLEBAUM COMPANY,
A NORTH CAROLINA GENERAL PARTNERSHIP (IN DISSOLUTION),
F/K/A QUATTLEBAUM, BELL & QUATTLEBAUM,
A NORTH CAROLINA GENERAL PARTNERSHIP**

TO

**QUATTLEBAUM PROPERTIES F, LLC,
A NORTH CAROLINA LIMITED LIABILITY COMPANY**

PROPERTY DESCRIPTION

BEING all of the following described lots or parcels of land situated in Blue Ridge Township, Henderson County, North Carolina (hereinafter referred to as the Subject Property):

PARCEL ONE: All of that certain property described in Deed dated March 1, 1984, from Clarence W. Smith and wife, Bertha, and Robert H. Williams and wife, Phyllis Williams, to Quattlebaum, Bell & Quattlebaum, a North Carolina Partnership, recorded in Deed Book 638, at Page 295, Henderson County Registry, reference to which is hereby made and incorporated herein. The description contained in said Deed recorded in Deed Book 638, at Page 295, Henderson County Registry, was modified pursuant to a subsequent Deed of Correction dated November 30, 1990, between Danny G. Dowell, Trustee, NCNB National Bank and Quattlebaum, Bell & Quattlebaum, a North Carolina General Partnership, recorded in Book 768, at Page 276, Henderson County Registry, reference to which is hereby made and incorporated herein.

PARTNERSHIP HISTORY AND DISSOLUTION

WHEREAS, on September 28, 1979, ROBERT H. QUATTLEBAUM, JOSEPH O. BELL, III, and CECIL L. QUATTLEBAUM formed a North Carolina General Partnership (the "Partnership") doing business under the name QUATTLEBAUM, BELL & QUATTLEBAUM, as evidenced by an Assumed Name Certificate dated October 9, 1979, recorded in Book 2 at Page 251, Henderson County Registry;

WHEREAS, ROBERT H. QUATTLEBAUM has previously acquired all of the Partnership Interest of JOSEPH O. BELL, III and CECIL L. QUATTLEBAUM, thereby becoming the sole owner of the Partnership and causing the dissolution of the General Partnership pursuant to North Carolina General Statutes §59-61; and

WHEREAS, ROBERT H. QUATTLEBAUM thereafter continued to conduct the Partnership business under the assumed name QUATTLEBAUM, BELL & QUATTLEBAUM during the winding up of the Partnership's business and pending the final termination of the Partnership and the distribution of the assets of the Partnership, as evidenced by an Amended Certificate of Assumed Name dated July 6, 1993, recorded in Book 8, at Page 401, Henderson County Registry; and

WHEREAS, ROBERT H. QUATTLEBAUM, in continuing the winding up of the Partnership business pending termination of the Partnership and distribution of the assets of the Partnership, changed the name under which the Partnership would conduct business to QUATTLEBAUM COMPANY, as evidenced by an Amended Certificate of Assumed Name dated December 10, 1993, recorded in Book 8, at Page 563, Henderson County Registry; and

WHEREAS, ROBERT H. QUATTLEBAUM, as the sole remaining Partner and owner of the entire Partnership Interest, by Assignment of Partnership Interest dated June 25, 2001, assigned all of his right, title and interest in and to the Partnership, including, but not limited to, his right, as the sole remaining Partner and owner of the entire Partnership Interest, to receive distribution of all of the assets held in the name of the Partnership during the winding up of the Partnership business following the dissolution of the Partnership, to THE ROBERT H. QUATTLEBAUM REVOCABLE TRUST dated June 15, 2001, with ROBERT H. QUATTLEBAUM as the current Trustee; and

WHEREAS, the sole remaining Partner, THE ROBERT H. QUATTLEBAUM REVOCABLE TRUST dated June 15, 2001, with ROBERT H. QUATTLEBAUM as the Trustee, has continued to conduct the business of the Partnership during the winding up of the Partnership business pending final termination of the Partnership and distribution of the assets of the Partnership under the name QUATTLEBAUM COMPANY, as evidenced by an Amended Certificate of Assumed Name dated June 25, 2001, recorded in Book 12, at Page 157, Henderson County Registry; and

WHEREAS, ROBERT H. QUATTLEBAUM, as Trustee of the ROBERT H. QUATTLEBAUM REVOCABLE TRUST dated June 15, 2001, and as the sole remaining Partner and owner of the entire Partnership Interest, is entitled to receive distribution of all of the assets of QUATTLEBAUM COMPANY in winding up the business of the Partnership and the Subject Property is an asset of the Partnership; and

WHEREAS, ROBERT H. QUATTLEBAUM, as Trustee of the ROBERT H. QUATTLEBAUM REVOCABLE TRUST dated June 15, 2001, and as the sole remaining Partner and owner of the entire Partnership Interest, in exercise of the right to receive distribution of all of the assets of QUATTLEBAUM COMPANY, desires to have the Subject Property distributed directly to QUATTLEBAUM PROPERTIES F, LLC, a North Carolina Limited Liability Company, in winding up the business of the Partnership; and

WHEREAS, the Partnership has no objection to distributing the Subject Property by conveying all of its interest in the Subject Property directly to QUATTLEBAUM PROPERTIES F, LLC, in accordance with the desire of ROBERT H. QUATTLEBAUM, as Trustee of the ROBERT H. QUATTLEBAUM REVOCABLE TRUST dated June 15, 2001, and as the sole remaining Partner.

NOW THEREFORE, ROBERT H. QUATTLEBAUM, as Trustee of the ROBERT H. QUATTLEBAUM REVOCABLE TRUST dated June 15, 2001, being the sole Partner and owner of the Partnership conducting business as QUATTLEBAUM COMPANY (F/K/A QUATTLEBAUM, BELL & QUATTLEBAUM), does by this Deed grant, bargain, sell and convey unto QUATTLEBAUM PROPERTIES F, LLC, all of the right, title, and interest of QUATTLEBAUM COMPANY, in the Subject Property, as a distribution of assets of the Partnership during the winding up of the Partnership's business following dissolution.

SITE IMAGES



View of property looking east from Upward Road.



View south onto property from Upward Road.

SITE IMAGES



View west onto property from Upward Road.