



**TOWN OF SYLVA
BOARD OF COMMISSIONERS
REGULAR MEETING**

Thursday, April 09, 2026 at 5:30 PM
Board Room, 83 Allen Street Sylva, North Carolina

AGENDA

CALL TO ORDER

APPROVAL OF AGENDA

All items listed and adopted are for discussion or possible action

APPROVAL OF CONSENT AGENDA

1. April 9, 2026 Consent Agenda

PUBLIC COMMENTS

REPORTS

2. Mayor's Report
3. Commissioner's Report
4. Manager's Report

PUBLIC HEARING

5. Zoning Map Amendment-Conditional District--Modification (COOP Properties, LLC)

NEW BUSINESS

6. Zoning Map Amendment-Conditional District--Modification (COOP Properties, LLC)
 - A. Application
 - B. Statement of Consistency

7. Planning Board Appointment

ADJOURNMENT

**Town of Sylva
CONSENT AGENDA
April 9, 2026**

1- APPROVE MINUTES: March 12, 2026, **Regular Board Meeting;** March 12, 2026; **Board of Adjustment,** March 26, 2026, **Regular Board Meeting;** March 26, 2026, **Budget Work Session**

2- BUDGET AMENDMENT:

#35 10-353-0100 PD Donations Great Smoky Health Foundation Grant	\$1,100 C
10-510-3700 PD Community Policing	1,100 D

REF: To appropriate PD donations into community policing.

#36 10-354-0000 PD Security	\$ 660 C
10-510-0300 PD OT Wages	525 D
10-510-0500 PD FICA	76 D
10-510-0700 PD Retirement	23 D

REF: To reimburse for off-duty police services.

3- REPORTS:

1. Business Registration Permits – N/A
2. Ad Valorem Tax Report as of **February 28, 2026**
3. Statement of Revenues, Expenditures, Changes in Fund Balance as of **February 28, 2026**

4 -OTHER:

- **Amended Façade Improvement Grant Program Project Ordinance (see attached)** *To amend the project ordinance to reflect actual remaining balance.*

General Fund
Statement of Revenues, Expenditures, and Changes in Fund Balances
2/28/2026

		General Fund				Actual to	Statement		
		2025-2026	Previously	2025-2026	Current	2025-2026	Percent	Variance	
		Budgeted	Reported	YTD Actual	Month	Budget Balance	8		
Revenues:									
Ad valorem taxes	\$	2,713,680	2,730,564.70	2,840,030.20	\$ 109,465.50	\$ (126,350.20)	104.66%	66.67%	37.99%
Other taxes and licenses	\$	2,200	1,140.00	1,300.00	\$ 160.00	\$ 900.00	59.09%	66.67%	-7.58%
Unrestricted intergovernmental	\$	3,137,261	1,667,135.03	1,868,115.37	\$ 200,980.34	\$ 1,269,145.63	59.55%	66.67%	-7.12%
Permits and Fees	\$	15,000	7,346.50	11,303.40	\$ 3,956.90	\$ 3,696.60	75.36%	66.67%	8.69%
Restricted intergovernmental	\$	321,988	182,391.76	182,391.76	\$ -	\$ 139,596.24	56.65%	66.67%	-10.02%
Investment earnings	\$	133,800	167,355.87	202,722.09	\$ 25,111.51	\$ (68,922.09)	151.51%	66.67%	84.84%
Other revenues	\$	68,357	54,349.69	66,893.05	\$ 12,543.36	\$ 1,463.95	97.86%	66.67%	31.19%
Total revenues	\$	6,392,286	4,810,283.55	5,172,755.87	352,217.61	\$ 1,219,530.13	80.92%	66.67%	14.26%
Expenditures:									
General Government									
Salaries & Benefits	\$	1,116,400	614,789.77	674,030.72	59,240.95	442,369.28	60.38%	66.67%	6.29%
Capital outlay	\$	444,310	239,024.97	307,194.79	34,084.91	-	-	-	-
All other expenditures	\$	23,144	19,696.00	19,696.00	-	-	-	-	-
	\$	562,767	356,068.80	347,139.93	25,156.04	-	-	-	-
Public Safety									
Salaries & Benefits	\$	4,715,476	1,938,110.36	2,282,200.23	249,020.89	2,433,275.77	48.40%	66.67%	18.27%
Capital outlay	\$	1,901,424	1,038,124.06	1,235,612.42	137,675.71	-	-	-	-
All other expenditures	\$	1,298,626	129,649.98	149,295.23	19,645.25	-	-	-	-
	\$	1,325,073	770,336.32	897,292.58	91,699.93	-	-	-	-
Culture and Recreation									
Salaries & Benefits	\$	143,112	45,729.37	86,870.48	41,141.11	56,241.52	60.70%	66.67%	5.97%
Capital outlay	\$	35,300	14,347.27	15,749.91	1,402.64	-	-	-	-
All other expenditures	\$	10,474	-	-	-	-	-	-	-
	\$	97,338	31,382.10	71,120.57	39,738.47	-	-	-	-
Transportation									
Salaries & Benefits	\$	1,089,720	547,506.90	603,016.26	55,509.36	486,703.74	55.34%	66.67%	11.33%
Capital outlay	\$	358,500	206,199.47	234,692.73	28,493.26	-	-	-	-
All other expenditures	\$	290,700	128,243.58	128,243.58	-	-	-	-	-
	\$	440,520	213,063.85	240,079.95	27,016.10	-	-	-	-
Economic and Physical Development									
Salaries & Benefits	\$	-	-	-	-	-	0.00%	0.00%	0.00%
Capital outlay	\$	-	-	-	-	-	-	-	-
All other expenditures	\$	-	-	-	-	-	-	-	-
Environmental Protection									
Salaries & Benefits	\$	486,323	129,146.46	140,934.86	11,788.40	345,388.14	28.98%	66.67%	37.69%
Capital outlay	\$	104,500	59,751.01	67,817.78	8,066.77	-	-	-	-
All other expenditures	\$	261,508	-	-	-	-	-	-	-
	\$	120,315	69,395.45	73,117.08	3,721.63	-	-	-	-
Total expenditures	\$	7,551,031	3,275,282.86	3,787,052.55	416,700.71	3,763,978.45	50.15%	66.67%	16.51%
Revenues over expenditures	\$	(1,158,745)	1,535,000.69	1,385,703.32	(64,483.10)	(2,544,448.32)	-33.70%		
Other financing sources (uses):									
Transfers in	\$	289,000	289,000.00	250,000.00	-	-	-	-	-
Appropriated fund balance	\$	436,093	-	-	-	-	-	-	-
Transfers to other depts	\$	374,236	374,236.00	-	-	-	-	-	-
ARPA Appropriations	\$	30,000	-	-	-	-	-	-	-
Fund Balance rollover	\$	825,652	-	-	-	-	-	-	-
Capital reserve fund	\$	60,000	60,000.00	-	-	-	-	-	-
Lease Liability	\$	-	-	-	-	-	-	-	-
Sale of Assets	\$	37,000	-	-	-	-	-	-	-
Interfund Loan	\$	200,000	200,000.00	200,000.00	-	-	-	-	-
	\$	2,251,981	923,236.00	450,000.00	-	-	-	-	-
Transfers to other funds:									
Contributed to GF fund balance	\$	-	-	-	-	-	-	-	-
Transfers out	\$	759,236	759,236.00	-	-	-	-	-	-
Transfer to Capital Reserve	\$	334,000	334,000.00	334,000.00	-	-	-	-	-
	\$	1,093,236	1,093,236.00	334,000.00	-	-	-	-	-
Total other financing sources (uses)	\$	1,158,745	(170,000.00)	784,000.00	-	-			
Revenues and other sources over expenditures and other uses	\$	-	1,365,000.69	2,169,703.32	(64,483.10)	(2,544,448.32)			

Analysis:

* Timing of revenues - grants and taxes

Tax Summary
as of February 28, 2026

(10-301-XX)	2024	2023	2022	2021	2020	2019	2018	2017	2016	2015	Total	Current Year	TOTALS
Starting Balances	54280.15	27507.36	14404.67	9193.08	8413.67	5331.96	4600.86	4282.07	2411.82	1747.04	132,172.68	\$2,827,207.32	10,261,000.00
July	-1709.47		-341.05	-148.53							-2,199.05		-2,199.05
August	-141.85	-95.83	-92.62	-198.14							-528.44	-407,376.28	-418,099.98
September	-8071.28	-664.71	-512.45	-376.82	-273.58	-273.58	-275.64	-275.64			-10,723.70	-166,657.75	-170,087.93
October	-2443.33	-545.9	-440.95								-3,430.18	-487,585.15	-490,694.73
November	-1838.84	-1031.6	-239.14								-3,109.58	-1,234,210.28	-1,238,031.87
December	-4711.59	-16.48	-93.52								-4,821.59	-322,104.31	-328,173.24
January	-4761.36	-326.64	-648.42								-6,068.93	-106,120.46	-105,809.26
February	981.19	-421.18	-210.53								311.20		311.20
March											0.00		0.00
April											0.00		0.00
May											0.00		0.00
June											0.00		0.00
July - June Totals	-22696.53	-3102.34	-2578.68	-1094.28	-273.58	-273.58	-275.64	-275.64	0	0	-30,570.27	-2,724,054.23	-2,754,624.50
Releases											0.00	-6,745.36	-6,745.36
Add to Original Levy											0.00	322,145.08	322,145.08
Under Appeal											0.00		0.00
Bankruptcy											0.00		0.00
Refund/Adj											0.00		0.00
Subtotals	-22,696.53	-3,102.34	-2,578.68	-1,094.28	-273.58	-273.58	-275.64	-275.64	0.00	0.00	-30,570.27	-2,408,654.51	-2,439,224.78
EOY Adjustment													
(10-110-XX) Balance	\$31,583.62	\$24,405.02	\$11,825.99	\$8,098.80	\$6,140.09	\$5,058.38	\$4,325.22	\$4,006.43	\$2,411.82	\$1,747.04	101,602.41	\$418,552.81	\$520,155.22
Interest	2024	2023	2022	2021	2020	2019	2018	2017	2016	2015	Total		
July	106.77		102.56	45.47							254.80		254.80
August	80.31	1.44	51.38	1.86							134.99		134.99
September	678.66	70.72	193.40	114.71	120.83	145.55	168.21	192.93	1.13	1.54	1,687.68	1.54	1,689.22
October	210.66	96.81	17.64								325.11		325.11
November	167.57	190.92	19.86								378.35		378.35
December	482.37	3.09	6.48								491.94		491.94
January	492.09	135.75	148.14	126.17							902.15	2,034.22	2,936.37
February	30.5	49.13	45.85	14.98							140.46	2,891.28	3,031.74
March											-		-
April											-		-
May											-		-
June											-		-
Interest Collected	\$2,248.93	\$547.86	\$585.31	\$303.19	\$120.83	\$145.55	\$168.21	\$192.93	\$1.13	\$1.54	\$4,315.48	\$4,927.04	\$9,242.52
Submitted by: Amanda Murajda, Tax Collector												Collection Rate	86.7095%

Top 10 Delinquent Accounts (2025 & prior)		Balance
Name		2/28/2026
Jackson Paper Manufacturing		\$ 296,579.80
JTS Transport		\$ 13,615.21
American Sewing Corp		\$ 9,730.62
Kelly Robinson		\$ 7,705.14
Tamara Holland		\$ 7,609.93
Greta Worley		\$ 7,572.20
Margorie Herbert Smith		\$ 6,872.40
Mica Ridge Apartments LLC		\$ 6,838.40
Mountain Park Urgent Care		\$ 6,208.67
Joe Wilson		\$ 6,120.25

**AMENDED
SYLVA FAÇADE IMPROVEMENT GRANT PROGRAM
PROJECT ORDINANCE**

BE IT ORDAINED by the Governing Board of the Town of Sylva, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statues of North Carolina, the following grant project is adopted:

Section 1. The project authorized is intended to help property owners in the Main Street district through the availability of grant-matching funds (up to \$3,000) for improvements to their building exterior.

Section 2. The project may be funded by financing through grant funding, fund balance reserves, or other revenue sources that are applicable.

Section 3. The officers of this unit are hereby directed to proceed with the grant project within the budget contained herein.

Section 4. The following amounts are authorized and appropriated for the project:

Revenues:	Original	Amended	Balance
Jackson County TDA	20,000	-18,910	1,090
WNC Community Foundation	<u>10,000</u>	<u>-10,000</u>	<u>0</u>
	\$ 30,000	\$-28,910	\$ 1,090
Expenditures:			
Facade Expense	<u>30,000</u>	\$-28,910	\$ 1,090
	\$ 30,000		

Section 6. The Finance Officer is authorized to transfer amounts between line items within the project ordinance, including the contingency appropriation, provided that the total project budget remains unchanged.

Section 7. If needed, funds may be advanced from the General Fund Balance for the purpose of making payments due. Any funds appropriated from Fund Balance will be approved by the Board of Commissioners.

Section 8. The Finance Officer is hereby directed to maintain within the grant project ordinance sufficient detailed accounting records to satisfy the requirements of a grantor agency and any federal regulations if applicable.

Section 9. The Finance Officer is directed to report on a quarterly basis the financial status of each project element in Section 4.

Section 10. Copies of this grant capital project ordinance shall be furnished to the Clerk of the Governing Board and the Finance Officer for direction in carrying out this project.

Section 10. Fund 33 (Sylva Façade Grant Program) will account for the bookkeeping records of this project.

Section 11. The Façade Grant Program General Guidelines document directs how the program shall be administered.

Adopted this the 9th day of April 2026.

Johnny Phillips, Mayor

ATTEST:

Amanda Murajda, Town Clerk



TOWN OF SYLVA BOARD OF COMMISSIONERS REGULAR MEETING

Thursday, March 12, 2026, at 5:30 PM
Board Room, 83 Allen Street Sylva, North Carolina

MINUTES

PRESENT: Blitz Estridge, Commissioner
Perry Matthews, Commissioner
Johnny Phillips, Mayor
Joseph Waldrum, Commissioner
Brad Waldrop, Mayor Pro Tem

Paige Dowling, Town Manager
Amanda Murajda, Town Clerk
Eric Ridenour, Town Attorney

ABSENT: Samuel McGuire, Commissioner

CALL TO ORDER

Mayor Phillips called the meeting to order following a Board of Adjustment meeting at 5:30 p.m.

STAFF PRESENT: None.

VISITORS: None.

APPROVAL OF AGENDA

Commissioner Estridge made a motion to approve the agenda. The motion carried with a unanimous vote.

APPROVAL OF CONSENT AGENDA

Commissioner Waldrum made a motion to approve the consent agenda. The motion carried with a unanimous vote.

PUBLIC COMMENTS: None.

MAYOR'S REPORT:

Mayor Phillips commended Public Works Director Jake Scott for his dedication and efficiency, noting his assistance with snow removal operations while maintaining regular sanitation services during inclement weather.

COMMISSIONER'S REPORT:

Commissioner Waldrum expressed appreciation for the recent joint meeting involving Jackson County and the municipalities within the county, noting that the meeting was beneficial and informative and expressing hope for continued collaboration. Commissioner Matthews reported attending the opening of the Sunrise Community Recovery and Wellness Center. The center provides peer support services, recovery groups, employment assistance, and connections to community resources for individuals seeking recovery support. The facility is located in downtown Sylva above Blue Ridge Coffee. Citizens were encouraged to share this resource with individuals who may benefit from its services.

MANAGER'S REPORT: Manager Dowling reported the following:

- Hometown Place Road Sidewalk Project: The Town of Dillsboro has been working since 2020 with the N.C. Department of Transportation and the Southwestern Commission on a sidewalk project connecting Mark Watson Park to Monteith Park and an existing sidewalk along U.S. 23, including a crosswalk. A public comment period has begun, and postcards were mailed to adjacent property owners. The Town of Sylva's role will be maintenance of the sidewalk upon completion.
- The Town received notification from the Department of Commerce Small Business Infrastructure Program that the Downtown Stormwater Inlet Rehabilitation and Capacity Improvement Project was awarded funding in the amount

of \$952,760. Upcoming steps include adoption of a project ordinance, qualification-based selection under the Mini-Brooks Act, and preparation of a preliminary engineering report. The garbage truck should arrive next week.

- The RTP grant is still in progress in Pinnacle Park. Two small bridges are now needed instead of one long bridge on Trail A. The terrain on Trail B is rougher and rockier than what was drawn on the map. The trail builder is working with the grant administrator and RTP program to determine how to proceed on that trail section.
- Assault on Blackrock is March 21st.
- The next budget work session is March 26th after the meeting.
- Chief Hatton's retirement is April 30th from 2:00 p.m.-4:00 p.m. in the atrium of the historic courthouse.
- Greening Up the Mountains is April 25th from 10:00 a.m.-4:00 p.m. and vendor spaces are full.
- Department heads need to remember the grant spending deadline is March 31st.

NEW BUSINESS:

None.

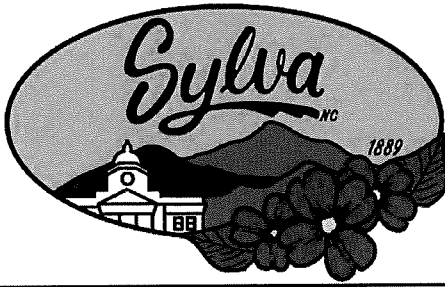
CLOSED SESSION: Commissioner Waldrop made a motion to enter closed session at 7:02 p.m. pursuant to NCGS. 143-318-11(a)(3), (2) and (6) for personnel, prevent the premature disclosure of an award, and to consult with attorney. The motion carried with a unanimous vote.

Commissioner Waldrum made a motion to come out of closed session. The motion carried with a unanimous vote and the Board entered into regular session at 7:24 p.m. No action was taken during closed session.

ADJOURNMENT: Commissioner Waldrop made a motion to adjourn the meeting at 7:25 p.m. The motion carried with a unanimous vote.

Johnny Phillips
Mayor

Amanda W. Murajda
Town Clerk



TOWN OF SYLVA BOARD OF COMMISSIONERS REGULAR MEETING

Thursday, March 26, 2026, at 9:00 AM
Board Room, 83 Allen Street Sylva, North Carolina

MINUTES

PRESENT: Blitz Estridge, Commissioner
Perry Matthews, Commissioner
Samuel McGuire, Commissioner
Johnny Phillips, Mayor
Joseph Waldrum, Commissioner
Brad Waldrop, Mayor Pro Tem

Paige Dowling, Town Manager
Amanda Murajda, Town Clerk
Eric Ridenour, Town Attorney

ABSENT:

CALL TO ORDER

Mayor Phillips called the meeting to order at 9:00 a.m.

STAFF PRESENT: Mike Beck (Fire Chief), Bernadette Peters (Economic Dev. Director) and Jake Scott (Public Works Director).

VISITORS: Tracy Fitzmaurice and Dave Russell.

APPROVAL OF AGENDA

Commissioner Waldrum made a motion to approve the agenda. The motion carried with a unanimous vote.

APPROVAL OF CONSENT AGENDA:

Commissioner Waldrum made a motion to approve the consent agenda. The motion carried with a unanimous vote.

PUBLIC COMMENTS: None.

MAYOR'S REPORT:

Mayor Phillips thanked the Public Works Department for having Vance Street and Municipal Drive resurfaced.

COMMISSIONER'S REPORT:

Commissioner McGuire commented on the value of a recent municipalities meeting, highlighting regional collaboration opportunities. He also commended Tracy Fitzmaurice for years of service with the Jackson County Library. Commissioner Waldrum shared that the improvements at Pinnacle Park looked very good. He also announced an upcoming 5K benefiting the Southwestern Child Development Commission. Commissioner Estridge shared his experiences touring the *Sylva Herald* building and attending a county business meet-and-greet event, noting discussions about affordable housing initiatives. Commissioner Matthews expressed appreciation for EMS, fire, and police response to a recent pedestrian accident downtown, and the public was encouraged to remain attentive in crosswalk areas.

MANAGER'S REPORT: Manager Dowling reported the following:

- RTP Trail construction is nearing completion, with final work expected within the next week.
- Department heads were reminded that the grant spending deadline is March 31.
- Greening Up the Mountains Festival scheduled for April 25 (10:00 a.m.–4:00 p.m.); all vendor spaces are filled.
- Chief Hatton's retirement reception will be held April 30 from 2:00–4:00 p.m. at the Historic Courthouse atrium.
- A report on the Fisher Creek Dam is expected soon.
- Engineering work continues on the Scotts Creek wall despite FEMA meeting delays related to the federal government shutdown.
- Town Hall will be closed April 3 for Good Friday.

Regular Board Meeting March 26, 2026

PUBLIC WORKS DEPARTMENT REPORT: Jake Scott reported the following:

- Vance Street and Municipal Drive resurfacing and repainting completed and reopened.
- RTP Trail inspection showed strong progress; bridge construction underway with project completion expected shortly.
- Poteet Park restroom renovations are nearing completion ahead of festival deadlines.
- New garbage truck has been delivered.
- Air quality testing underway at multiple town locations in partnership with Western Carolina University.
- Seasonal maintenance activities begin, including pothole repair, mowing, pruning, and park preparation.
- Ritz Lot project planning includes geotechnical exploration to address known unsuitable soils and sinkhole risks; contingency funds included in estimates.
- DOT monitoring settling asphalt near the fountain; no major townwide sinkhole concerns currently identified.

POLICE DEPARTMENT REPORT:

None.

FIRE DEPARTMENT REPORT: Mike Beck, Fire Chief, reported the following:

- A total of 354 calls for service so far in 2026.

MAIN STREET REPORT: Bernadette Peters, reported the following:

- Successful Bloom Business Appreciation Dinner attended by approximately 200 business owners.
- Request for additional volunteers for Greening Up the Mountains, particularly for end-of-day teardown shifts.
- Downtown Cleanup scheduled for April 18 at Bridge Park.
- Attendance at the North Carolina Main Street Conference with implementation of new initiatives planned.
- Announcement that the Sylva Depot Plaza public restrooms received a North Carolina Main Street Award for Best Infill Project — the town's first such award.

PLANNING BOARD REPORT: None.

TWSA BOARD REPORT: None.

NEW BUSINESS

RECOGNITION OF APPRECIATION: The Board presented a Certificate of Appreciation to Tracy Fitzmorris recognizing 35 years of dedicated service to the Fontana Regional Library and Jackson County Public Library.

RESOLUTION IN SUPPORT OF JACKSON COUNTY LIBRARY: Commissioner Waldroup introduced and read a resolution in support of the Jackson County Library. *Commissioner Waldroup made a motion to approve the resolution. The motion carried with a unanimous vote.*

LOCAL NEWS DAY PROCLAMATION: *Commissioner Waldrum made a motion to approve the proclamation. The motion carried with a unanimous vote.*

RESOLUTION OF EXEMPTION FROM ARCHITECT/ENGINEER/SURVEYOR QUALIFICATIONS-BASED SELECTION—RITZ PARKING LOT: The resolution for exemption from qualification-based selection allows the Town to hire an engineer to develop the preliminary engineering report for the downtown stormwater inlet rehabilitation in the Ritz lot. The exemption will allow the Town to move forward with the next critical step for the SmallBiz grant from the NC Commerce Department. *Commissioner Waldrum made a motion to approve the resolution. The motion carried with a unanimous vote.*

FY 2025-2026 AUDIT CONTRACT: The Town received two proposals for the audit contract. Staff is recommending the Board award the contract to Gould Killian CPA Group, P.A. for a total not to exceed \$39,500. *Commissioner McGuire made a motion to approve the contract. The motion carried with a unanimous vote.*

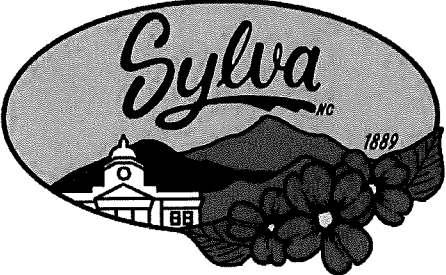
SPECIAL EVENT REQUEST: The Farmer's Market is requesting alcohol at Bridge Park for their salsa showdown fundraiser September 19th. Innovation is the beer vendor. This request comes before the board since the event is held on Town property. *Commissioner McGuire made a motion to approve the request. The motion carried with a unanimous vote.*

Regular Board Meeting March 26, 2026

ADJOURNMENT: *Commissioner Waldrop made a motion to adjourn the meeting at 9:28 a.m. The motion carried with a unanimous vote.*

Johnny Phillips
Mayor

Amanda W. Murajda
Town Clerk

	TOWN OF SYLVA	
	BUDGET WORK SESSION	
	Thursday, March 26, 2026 at 10:00 AM	
	Board Room, 83 Allen Street Sylva, North Carolina	
MINUTES		

PRESENT: Blitz Estridge, Commissioner
 Perry Matthews, Commissioner
 Samuel McGuire, Commissioner
 Johnny Phillips, Mayor
 Joseph Waldrum, Commissioner
 Brad Waldrop, Mayor Pro Tem

Paige Dowling, Town Manager
 Amanda Murajda, Town Clerk

ABSENT:

CALL TO ORDER

Mayor Phillips called the meeting to order at 9:51 a.m.

STAFF PRESENT: Mike Beck (Fire Chief), Lynn Bryant (Finance Officer), Bernadette Peters (Econ. Development Director) and Jake Scott (Public Works Director).

VISITORS: None.

Overview of Budget Process

The Town Manager provided an overview of the budget development process. Department heads have submitted their budget requests, which have been compiled into a balanced proposed budget. The purpose of the work session was to review projected revenues and expenditures and consider the Board’s established priorities. The Manager explained the remaining timeline:

- Draft budget to be presented to the Board on April 17, 2026
- Board review period prior to the April budget work session
- Advertisement and public hearing scheduled for May (with the public hearing occurring the evening of the regular meeting day)
- Final budget adoption planned for June

The Manager also reviewed Board priority rankings, noting previously distributed goal summaries.

Revenue Review

The Manager presented the revenue summary sheets and explained column comparisons between the current budget, current year figures, and proposed upcoming budget.

Key revenue highlights included:

- Interest on investments increased due to higher interest rates.
- Main Street Program revenues increased by approximately \$3,250 based on the proposed Main Street and Greening Up the Mountains budget.
- Sale of fixed assets decreased by \$27,000 due to fewer surplus items anticipated.
- State revenues were projected using historical trends, economic conditions, and anticipated impacts from the U.S. 107 project.
- Powell Bill revenues increased by approximately \$4,000.
- No fund balance appropriation or rollover funds were proposed in the upcoming budget.

Total projected revenues reflect approximately \$410,000 less revenue, largely related to reduced equipment sales and capital-related changes.

During discussion, the Board clarified:

- Property tax revenue increases are attributable to county property revaluation, not an increase in the Town tax rate.
- Interest earnings are projected revenue deposited into the General Fund.
- Revenue projections account for expected tax collection rates.
- Equipment replacement planning considers rising equipment costs and long-term capital needs.

Expenditure Review

The Manager reviewed expenditure summaries and departmental line items, explaining how totals align with revenue projections to maintain a balanced budget.

General Government

- Small increase for Mayor and Board liability insurance.
- Administration increased approximately \$40,455 due to salaries, benefits, vacation payout, and training.
- Pay and classification study implementation and cost-of-living adjustments were included in projections.
- Professional services increased approximately \$19,000 for legal and audit costs.

Police Department

- Increases related to salary and benefits.
- Upgrades to body cameras with AI translation capability.
- Purchase of two vehicles.
- Drone purchase funded through capital reserves.
- Liability insurance adjustments included.

Fire Department

- Increase in auto maintenance and personnel-related costs.
- Significant capital adjustments due to apparatus purchases.
- First pumper truck previously purchased; second financed through a loan rather than upfront payment.

Planning Department

- Approximately \$4,000 decrease due to fewer inspections projected based on recent trends.

Sanitation Department

- Decrease of approximately \$242,373 resulting from no garbage truck purchase in the upcoming fiscal year.

Facilities Maintenance

- Liability insurance increases noted.

Non-Departmental

- Approximately \$18,000 decrease due to completion of the pay study in the current year.
- No library contract budgeted.
- ABC grant funding shifted to support the Community Care Social Worker.
- Increased tax appeal allowance included.

Overall general government expenditures decreased by approximately \$52,000 compared to the prior year.

Recreation

- Approximately \$12,000 increase for IT upgrades, cameras, and liability insurance.

Separation Allowance

- Increased by \$20,000 for retirement-related obligations.

Grants, Transfers, and Capital Equipment

The Manager reviewed major capital and grant-related expenditures, including:

- Transfer from capital reserves totaling approximately \$287,500 for:
 - Public Works brush truck
 - Police drone
 - Street department trailer
 - Salt spreader equipment
- Fire department vehicle funding and grant adjustments.

The total general fund expenditure difference of approximately \$987,822 reflects a capital-equipment-heavy budget year rather than operational spending increases.

Board Discussion

Board members discussed the importance of communicating to the public that budget increases are primarily tied to equipment and service needs rather than discretionary spending.

Discussion points included:

- Significant inflation in equipment costs, including garbage trucks and fire apparatus.
- Long-term equipment replacement cycles:
 - Fire trucks: approximately 20-year lifespan
 - Public works vehicles: approximately 10 years
 - Police vehicles: approximately 8-year rotation, heavily affected by idle time
- Importance of maintaining equipment through increased maintenance funding.

The Manager encouraged Board members to review detailed line-item sheets following the meeting and submit additional questions prior to the next work session.

Recess: *Commissioner Waldrum made a motion to recess at 10:41 a.m. until 1:00 p.m. for a salary study presentation. The motion carried with a unanimous vote.*

Reconvene: Mayor Phillips reconvened the meeting at 1:00 p.m.

Salary Study Presentation

Manager Dowling introduced Becky Veazy of The MAPS Group, the consulting firm conducting the Town's salary study and pay classification review through the North Carolina League of Municipalities. Ms. Veazy presented an overview of the study process, methodology, and findings.

Consultant Background and Services

Ms. Veazy provided background information on her professional experience, including work in municipal human resources with several North Carolina local governments and more than three decades of consulting experience with municipalities statewide. She explained that The MAPS Group assists local governments with:

- Classification and compensation studies
- Personnel policy updates
- Supervisory training
- Performance evaluation systems
- Hiring and recruitment assistance

Purpose of Classification and Pay Studies

It was explained that classification and compensation systems consist of two related components:

Classification

The classification component evaluates:

- Job duties and responsibilities
- Required education, experience, knowledge, and skills
- Appropriate job titles
- Development of class specifications (job descriptions)

The goal is to accurately define, and rank positions based on duties rather than individual employees.

Pay Structure

The compensation component determines:

- Appropriate salary ranges for each position
- Market competitiveness compared to similar municipalities
- Starting and maximum salary ranges

Reasons for Maintaining an Updated Plan

Key reasons municipalities maintain updated classification and pay plans:

- Recruitment of qualified employees
- Retention of experienced staff
- Internal equity across departments
- Equal pay for equal work
- Cost effectiveness in allocating limited resources
- Legal defensibility under employment laws

She emphasized that accurate job descriptions assist hiring managers in recruitment and interview processes, while competitive salary structures help reduce turnover.

Need for Periodic Updates

The consultant explained that classification and pay studies are typically conducted every three to five years due to:

- Changes in job duties resulting from technology, organizational restructuring, regulations, or growth
- Market wage changes that vary among professions
- Rapid increases in certain fields, particularly law enforcement compensation in recent years

Regular updates ensure pay structures remain competitive and accurate.

Study Methodology

Steps completed during the Town’s study:

1. Identification of need for the study
2. Employee orientation sessions explaining the process
3. Completion of employee job-duty questionnaires
4. Supervisor and management review of submissions
5. Consultant interviews with employees and department heads
6. Collection and analysis of market salary data
7. Preparation of a draft report
8. Town review and feedback prior to final presentation

She noted only minor adjustments were needed following Town review.

Classification Methodology Explained

- Classification vs. Position: A classification may include multiple similar positions, while a position refers to a specific job held by an employee.
- Class Specifications: Describe duties common to all positions within a classification.
- Position-Based System: The study evaluates jobs, not individual employees, ensuring the structure remains valid as personnel change.

She emphasized that classifications are determined by job duties and required skills rather than employee performance, tenure, or workload volume.

Common Misunderstandings

Factors that do not determine job classification levels, including:

- Volume of work performed
- Length of service of an employee
- Individual performance levels

Instead, classifications are based solely on differences in duties, responsibilities, and required competencies.

ADJOURNMENT: *Commissioner Waldrop made a motion to adjourn the meeting at 1:55 p.m. The motion carried with a unanimous vote.*

Johnny Phillips
Mayor

Amanda W. Murajda
Town Clerk

BOARD OF ADJUSTMENT MEETING
Town of Sylva Board of Commissioners
March 12, 2026

The Town of Sylva Board of Adjustment met in a Quasi-Judicial Hearing on March 12, 2026, 5:30 p.m., at Town Hall, 83 Allen Street, Sylva, North Carolina.

Present:	Blitz Estridge, Commissioner Perry Matthews, Commissioner Johnny Phillips, Mayor Brad Waldrop, Commissioner Joseph Waldrum, Commissioner	Paige Dowling, Town Manager Amanda Murajda, Town Clerk Eric Ridenour, Town Attorney
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Absent: Sam McGuire, Commissioner

Mayor Phillips called the meeting to order at 5:30 p.m.

STAFF PRESENT: Michael Poston (Director, County Planning).

VISITORS: Josh Moss and Dianne Sherrill.

Mayor Pro-tem Waldrop: A quasi-judicial meeting is an evidentiary hearing where the Town of Sylva Board of Adjustment will make a decision based solely on competent, material and substantial evidence in the record. The record is all of the materials and input that is presented to the Board, including the application, exhibits, testimony and related materials. The record may include some insufficient evidence, but the Board may not base its decision on it. These types of hearings are conducted in a manner similar to courts.

Opening of the Quasi-Judicial Meeting

Mayor Pro-tem Waldrop: The next item on the agenda is a request from RLJ Land Development, LLC for a variance from the required for Section 7.2.C.2 – Design Standards for Lots; Section 7.3.C-Exterior Materials (buildings). This would be a variance for exterior siding materials (northwest side), which will be required on the northeast and northwest sides of the proposed structure. The hearing on this matter is judicial in nature and will be conducted in accordance with special due process safeguards.

Disclosures

Mayor Pro-tem Waldrop: Before we begin, I'd like to give Board members a chance to reveal any possible disclosures or conflicts. I would like to remind the Board that a conflict of interest has a stricter definition with a quasi-judicial matter than a general legislative matter. If an individual board member has a strong personal interest in a case, he or she must not participate in this case. Disclosures might include site visits, Ex parte communications with any person including County and Town staff and consultants, specialized knowledge related to the case, family, business or other relationship with the applicant or affected person, financial interest in the outcome or any other relevant information.

Waldrop: Are there any disclosures to be made? No.

Parties

Mayor Pro-tem Waldrop inquired if there was anyone other than the Applicant and the County/Town Staff who wished to be a party to this action. Anyone other than the Applicant and County/Town Staff who want to be a Party in this action must have standing as explained earlier. Those wishing to be a party to the action, in addition to county and town staff were Josh Moss. Mayor Pro-tem Waldrop administered an oath to the above-mentioned individuals, Michael Poston (Director, County Planning) and Paige Dowling (Town Manager).

Variance Request—RLJ Land Development, LLC (Josh Moss)

(1) General Information:

- (a) Project: Catamount Fitness
- (b) Applicant: RLJ Land Development, LLC
- (c) Location: 423 Jackson Plaza, Sylva, PIN 7641-19-7590; GB District (General Business)

(2) Explanation of Proceedings: Mayor Pro-tem Waldrop explained the order of business for the hearing as follows:

- a. Staff Presentation of Report.
- b. Applicant Presentation of Evidence and Witnesses.
- c. Other Parties with standing Presentation of Evidence and Witnesses.
- d. Rebuttal.
- e. Closing Statements

(3) Evidence: Mayor Pro-tem Waldroup added that if anyone wanted the Board to see written evidence such as reports, maps, or exhibits, the witness who is familiar with the evidence should ask that it be introduced during or at the end of their testimony. Also, parties may cross-examine witnesses when questions are called for.

EXHIBITS:

- (A) Application for the Variance Request
- (B) Drawings
- (C) Staff Report
- (D) Staff Report drawings and maps
- (E) Picture PowerPoint Presentation
- (F) Videos (2)
- (G) 4 Additional pictures

(4) Staff Presentation of Report: Michael Poston, Director, Jackson County Planning, presented the staff report. Jackson County is contracted by the Town of Sylva to do planning and zoning. The applicant is requesting a variance from the required Section 7.2.C.2 – Design Standards for Lots; Section 7.3.C-Exterior Materials (buildings). This would be a variance for exterior siding materials (northwest side), which will be required on the northeast and northwest sides of the proposed structure. Poston read the staff report as follows:

Project: Catamount Fitness

Applicant: RLJ Land Development, LLC (Josh Moss)

Property Location: 423 Jackson Plaza, Sylva, PIN number 7641-19-7590

Property Zoning: GB (General Business District)

Ordinance Request: Article 3, Section 3.5.H-Variance Review Process; Section 3.8.B-Variances, Quasi-Judicial Procedures

Description of Request: The applicant is requesting a variance for Section 7.2.C.2 – Design Standards for Lots; Section 7.3.C-Exterior Materials (buildings). The Zoning Board of Adjustment shall have the power to authorize a variance from the terms of this Article (Article 7 – Development Standards). The variance process administered by the Board of Adjustment is intended to provide limited relief from the requirements of this ordinance in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of the land in a manner otherwise allowed under this ordinance. However, in no event shall the Board of Adjustment grant a variance that would conflict with any state code, would allow the establishment of use that is not otherwise allowed in a particular zoning district, or which would change the zoning district classification or the district boundary of the property in question.

Background: The property for the requested variance is located at 423 Jackson Plaza in Sylva adjacent to the Jackson Plaza Shopping Center. This property is 1.48 acres in land area and is bordered by Jackson Plaza to the northeast and vacant land to the west and south. The applicant is seeking a variance for exterior siding materials (northwest side), which will be required on the northeast and northwest sides of the proposed structure. Section 7.3.C.1 is stated as follows:

“Exterior materials permitted on non-residential buildings shall include, but may not be limited to, at least eighty-five (85) percent of wood, brick, stone, cement board, stucco, and high-quality metal products, when approved by the Planning Board. Additions and new construction shall use facing materials that are compatible in quality, color, texture, finish, and dimension to those common on surrounding parcels. Under no circumstances shall metal siding, unfinished concrete block, or vinyl siding be allowed. Metal clad or covering may be used as an accent material and cumulatively may not exceed fifteen (15) percent of each exterior wall area with road frontage.”

Staff Findings: Based on the submitted documents by the applicant, the requirements for a variance application have been met for review by the Town Planning Board and Board of Adjustment.

The findings as required by:

- Article 3, Section 3.8 Quasi-Judicial Procedures; 3.8.B Variances:

Section 3.8.B.2 Review Process:

- a. Upon receipt of the request for a variance from the Zoning Administrator, the Board of Adjustment shall hold a public, evidentiary hearing on the request.
- b. After conducting the hearing and within forty-five (45) days, the Board of Adjustment may: deny the application; conduct an additional public hearing on the application; approve the application; or approve the application with additional conditions. A concurring vote of four-fifths (4/5) of the members of the Board of Adjustment shall be necessary to grant a variance.
- c. Conditions. In granting any variance, the Board of Adjustment may attach such conditions to the approval as it deems necessary and appropriate to satisfy the purposes and objectives of this ordinance. The Board of Adjustment may also attach conditions in order to reduce or minimize any injurious effect of such variance upon other property in the neighborhood and to ensure compliance with other terms of this ordinance. Such conditions and safeguards must be reasonably related to the condition or circumstance that gives rise to the need for a variance.
- d. Any approval or denial of the request shall be accompanied by written findings of fact supporting the conclusion that the variance meets or does not meet each of the standards set forth in Section 7.3.B.3.

Section 3.8.B.3 Required Findings:

The Board of Adjustment shall not grant a variance unless and until it makes all of the following findings:

- a. Carrying out the strict letter of the ordinance would result in unnecessary hardship. 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 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.
- c. The hardship did not result from actions taken by the applicant of the property owner. The act of purchasing property with the knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
- d. The requested variance is consistent with the spirit, purpose, and intent of this ordinance, such that public safety is secured, and substantial justice is achieved.
- e. The variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit. That is, the applicant is not seeking to establish, or expand, or extend a nonconforming use. Moreover, the existence of a nonconforming use is the same or in any other zoning district shall not constitute a reason for granting the requested variance.

Additional Information:

- Planning Staff met with the applicant March 15, 2023 (before ownership of the subject property) and May 23, 2023 (the week after taking ownership of the subject property); on both occasions, the ordinance development and architectural regulations were discussed at length and the applicant acknowledged these standards.
- On March 13, 2024, Planning Staff received site development plans from the applicants Civil Engineer. These plans could meet the ordinance standards for site development.
- On December 4, 2024, Planning Staff received architectural renderings showing the exterior materials for the building northeast and northwest frontages of the proposed structure. The materials shown are composite cladding and are acceptable for meeting ordinance standards.

Questions from the applicant: None.

Questions from parties with standing: None.

Questions from the Board of Adjustments or Town Attorney:

Mr. Poston concluded his presentation.

Attorney Ridenour stated he was having a hard time with the plans and was confused by the reference. He asked, "So we've got up is north, right?"

Poston: Yeah.

Ridenour: Okay, so the southeast side is what? Northeast, northwest?

Poston: Yeah. And the variance is in the northwest.

Ridenour: Oh, just on this site plan? Just this over here?

Poston: No, where the blue line is. These are the areas that would require treatment. That's the side of the building they're asking for.

Ridenour: Oh, that's different than what I'm talking about now.

Poston: So, if you look at the property, that's your triangle.

Poston: There are two buildings.

Ridenour: Yeah. Oh, okay. So, it's just this back side up here.

Poston: Correct. This is the frontage road here.

Ridenour: Well, this is the driveway within the development. So, they'll have the front road here and here, and then this back side?

Poston: Yeah.

Ridenour: Is there any question they're going to put the required materials on this side and this side?

Poston: Yes, those sides will have the required materials. That's the parking lot there.

Ridenour: So, the variance request is really about this building right here and this side?

Poston: That's the side the Board of Adjustment is being asked to consider the variance for. It's only that back side, correct?

Ridenour: And are they building both buildings to begin with?

Poston: The applicant could explain sequencing, but the site plan indicates both buildings could fit and meet standards.

Ridenour: From this vantage point I only see one building.

Poston: That may be because the second building is behind it.

Waldrop: If you'd like to offer evidence, you will need to be sworn in.

Waldrop: Actually, we should start with cross-examination by the applicant of Mr. Poston.

Sherrill: So, you will make a recommendation to the board based on the report?

Poston: Correct. The recommendation is that the application is complete and can be reviewed. Staff has not made a recommendation on approval or denial.

Sherrill: So you won't do that?

Poston: No, we do not. The report reflects that. Staff findings are limited to completeness of the application.

Sherrill: With regard to the diagram, the long blue line is the side of the building we're discussing and sits above Frontage Road?

Poston: Yes.

Waldrop: Mrs. Sherrill, I need to swear you in if you're going to cross-examine.

Ridenour: She's not giving testimony, just asking questions as the attorney.

Sherrill: I want to clarify that this is the only side the applicant is asking relief from.

Poston: Yes. The property sits above Grindstaff Cove Road and the building is near the middle of the triangle-shaped property.

Sherrill: You're familiar with placement of materials only being required if visible from a primary frontage?

Poston: Yes.

Sherrill: That's all I have. Thank you.

Waldrop: Do we have additional questions from the board or town attorney, for Mr. Poston?

Phillips: What's facing the highway that meets requirements of the ordinance, correct?

Poston: Based on documents submitted to the Planning Department, treatment would be required on two sides. The variance request seeks relief only from the northwest side standard.

Phillips: If I understand the law, to approve this, we would need to find unnecessary hardship?

Waldrop: That is one requirement; we will address that through evidence. Any additional questions?

Matthews: In this diagram, would the wall shown in blue toward the bottom left be visible from any side?

Poston: That was not the determination made

Waldrop: No variance is requested for that wall — only the northwest wall.

Poston: Well, it's not the two. It's just the one. It's the northwest. The determination by staff is that the northeast, what's shown in blue would need to be treated. The variance request is to seek relief from the standard on the northwest wall.

Ridenour: So, to be clear, the sides visible from frontage roads require upgraded materials, while other sides may be metal.

Poston: Yes. The material list applies only to the identified sides. The request is to exempt the northwest side from treatment.

(5A) Applicant Presentation of Evidence and Witnesses:

Waldrop: If there are no additional questions from the board, the applicant may now give a presentation of evidence and witnesses. Do you have any exhibits not already admitted?

Sherrill: Yes, we do, and we will introduce them through the applicant.

(Dianne Sherrill, applicant attorney, questioned her client in order to give the presentation.)

Sherrill: Asked Mr. Moss if there were any differences from the staff presentation to the applicant presentation drawings.

Moss: The roof line has been revised. There was a cut in on the old building. We filled that in. So it's now 150 ft long by 70 ft wide on all dimensions. We would still have the longer part of the building facing Grindstaff Cove Road or above it. The structure of the side facing Grindstaff Cove Road—space for a parking lot and off to the side is the embankment; the steepness is around 36% and there is a height difference of around 40 feet between road and property. So, uh, you guys have some pictures, I'm sure, in your, uh, in your packet there. Um, on this side of the building, there is space for a parking lot. However, slightly off to the side here is an embankment. And so, there's a very steep bank going down towards. So, the steepness there was somewhere around 36%. So, it's pretty steep and there was a height difference between the road and the actual property line at the wood line somewhere around 40 ft. So it's a straight up slope there and that's just right off to the outside of this building.

Sherrill: Will you click back to the design structure itself where it lays on the property?

Clerk: It's the only four that were on that attachment you sent me.

Sherrill: Can we put the diagram back up that Mr. Poston was using? So, in relation to the side of the building that you're asking for a variance for, you just mentioned the parking area. Will you show on that diagram where that is?

Moss: We're asking for the variance on this side building. Okay. The, uh, wood line is here, follows along to the dotted or slotted yellow lines there. Parking lot, continues on over to the edge of the property. At this point, drops down 40 or so feet down to Grind Staff Cove Road, which be slightly out of the picture up here, but is adjacent to the property. So, you're looking up from the road to see well, you only see this line. Well, what we're trying to say today is that you can't see the building because of how far it's set back away from the road and the steepness.

Sherrill: And the parking area you pointed out. Is there also another area in relation to the parking area.

Moss: So, there is a food truck position closer to the wood line than is the building. So um from the road you may be able to see the edge of that but you won't be able to see the actual building. It's not visible from the road because of the angle in which you're looking up and the setback from the property line to the building at its farthest is roughly You're looking up and back be able to see that front road.

Sherrill: Is there a sign down on the corner of the property?

Moss: There currently is up in the very top corner there is an old sign from the western sizzling. You can kind of see that one uh from the road but again the building is roughly 120 ft farther away from the road than that sign is higher.

I can't use that. It has to be taken down. I have no sign, no visibility from the road.

Sherrill: And you mentioned wooded area. What are you speaking of? What kind of wooded area?

Moss: Along the entire property line? Of course, all this back here is uh mountainous. This is this undeveloped residential property. Along this line here is thick wood-locked. It's all trees, shrubs. You drive by there right now and you can't see through the trees even when there's no shrubs or there's no leaves or anything on the trees. So it's extremely dense uh tree line all the way across.

Sherrill: And to the left of that tree line, is that your property?

Moss: No, that's someone else's property. That's uh the Grindstaff's and then Holland's. So, there are two separate properties that are still in front of mine before you get to Grindstaff Cove Road.

Phillips: That trail line couldn't be cleared by other property owners or something like that?

Moss: I doubt it because of erosion. It's extremely steep bank. I'm not a professional there, but I don't think that would be possible.

Sherrill: And do you know how long it's been since that block has been used for anything?

Moss: Thirty years. Western Sizzlin burnt down so it has been sitting vacant.

Sherrill: And back to the building itself, talk about the type of materials that the building will be made out of.

Moss: Okay. So, the building is of course a metal structure. It will have metal siding on all four sides. We have no problem putting the siding on the front side facing the parking lot, facing the shopping center which is up the right-hand side. That was a new tech polywood along with some stonework. So that is what we planned on these two sides. However, the side we don't have to put plating on all of the entire length of the building because no one's ever seen the front of the building. We'll have it as a metal structure.

Sherrill: So, uh, we would submit that additional exhibit with the new roof lines addition to what you have in the record.

Moss: There were roofline issues we had with the building manufacturer itself. So, we ended up with a planted roof shed style roof. So this will be the front side of the building facing parking lot, facing the shopping center there. So that's with the new tech polywood on the front of it. Windows and all the other things that match the wire pieces. And of course we have a corner shot here or a side view of what that side will look like with the awning. There are large garage doors. There's other glass doors

all the way alongside. So, it's not just nasty looking doors. And of course, it doesn't show it in this picture, but the wood line of course is, you know, so this building is encapsulated trees and mountain.

Sherrill: Is that the side of the building facing or above staff code?

Moss: Yes. Correct. This long side is the one that is above staff code.

Sherrill: I'll go ahead and submit those two additional exhibits. I think we have those. Thank you.

Matthews: What was the alternative material that was on the side instead of the clad? Was that a black-glazed roof?

Moss: No, that's for the bottom layer that runs around the bottom roughly 2 feet. So, the polyclad wood looking material would have been fireside 150 ft long by 22 and 1/2 ft tall.

Matthews: What's the alternative to that?

Moss: Alternative is anything that we can use. There's stucco. There's lots of options. However, we're asking that we don't have to put anything on that side because we're not going to be visible. I don't want everyone to see that side of the building.

Waldrop: You still have more evidence to present.

Sherrill: Just a little bit more.

Waldrop: Okay. Let's hold our questions till they complete offering their evidence. Thank you.

Sherrill: I don't want to beat the dead horse on this, but you mentioned the state grade and I know that there are exhibits in your packet one that shows the grade from the actual GIS flat which is exhibit seven also with that and exhibit 8 for the cross-section where the steepness was actually calculated. If you'll talk about that, how how you arrived at the steepness ratio.

Moss: Well, it's just using the topo maps seeing what's the actual street bud versus what the top property line is. So, flat across from the road to that one is the difference.

Sherrill: And what is that grade again?

Moss: 336 I believe right on the drop.

Sherrill: And is it correct then that you look up the embankment from Grindstaff Cove Road?

Moss: Yes.

Sherrill: And then the building is how much further back from the edge?

Moss: From the top portion of the building is roughly 100 to 120 based on final design. Top portion of the building is 120 ft roughly from property line where you can see the edge.

Sherrill: If we can go to the photographs. Let's just actually watch the videos first. We're going to have a couple of videos here that will be evidence as well.

Sherrill: Let's do photos first. Okay, that's the first one. Mr. Moss, do you have photographs that you're familiar with that depict what we're going to say they do here today as far as the lot of the property? What is this first photograph depict?

Moss: That's the picture of the current sign that is along the property line we were discussing which is above Grindstaff Staff Cove Road and a reference point for where the building would sit. So you would say that the building would be 120 ft farther away in place. That's the farthest-most point on the property.

Sherrill: Before we go to the next photograph, I should have asked you this. Where is the front of the building in relation to Jackson Plaza and your parking lot

Moss: So, the front of the building would be facing this way.

Sherrill: And do you access it from this side of the lot or the other side of the lot?

Moss: Uh, the other side of the lot.

Sherrill: And is that closest to Jackson Plaza, the end of the strip there?

Moss: Yes.

Sherrill: So that's where the actual building will be. Describe how the private access road comes up from Grindstaff.

Moss: So the private access road does come off of Grindstaff Cove Road somewhere way down here and it does pass along and eventually up to where you would take a right and turn, come into the plaza.

Sherrill: And as you come on down from there, where do you go to get to the front of your buildings?

Moss: You would follow the very front of all the buildings and so on. You would follow you directly in front of them to pull straight into the building.

Sherrill: And about when was that photo taken?

Moss: That would have been early summer, so roughly April, May last year.

Sherrill: If you'll continue and just tell us what the photographs depict.

Moss: You can still kind of see it right here. That's the same sign that we were just looking at from a different angle. So, we are a little bit farther, of course, away from uh the sign now. We're at the point where you would start seeing the corner of our building here facing it. So that's how far away from the tree line the building will be.

Sherrill: Okay. You'll continue.

Moss: Right. So, uh another picture of the wood line, of course, uh the sign would have been further along this way. It's just following the edge of the property here. So, down way below that would be the road coming into center and then beyond that and down the hill would also be over that reference point from the tree line standing on heavy rock.

Sherrill: Continue and describe that as well.

Moss: Okay, so this would be almost directly at the sign that we were looking at earlier. Um so that's the edge of the property there and that is the view looking toward uh the entrance to Jackson Plaza, which of course hits right here. So even up to this point, you still would just barely be able to see the front of the building. Not the one that we're asking the variance for.

Moss: Again, another picture from the wood line of the property. This one is a little bit farther set back with the back corner. There's nothing but foliage behind it. This is a photo taken from one of the videos that we took uh looking at the shopping center uh as you exit there. So, as soon as you get off the highway, I pulled over and stopped and took a shot of where the property is, which is behind uh those trees, you can see there's a little bit of a gap of parking lot here, which we're doing right in front of roses. So, in summertime, you can't see anything, just the trees.

Another shot from roughly the same area, a little bit farther down toward the actual exit. So now we have a larger opening. We still cannot see where my building would be sitting, which would be back in this corner.

Sherrill: Just continue on.

Moss: Another small uh window up here if you will into the parking lot a little bit further down the ramp. And here we are now on Grindstaff Cove Road. We've come off the exit passing under the highway here and this the first view that you get of the shopping center. You guys can see the plots of ponds here. Um and then of course that building extends over. My property is again hidden completely from sight. Another shot from different angle from coming down the ramp. That's the only opening you can see staring directly onto the Jackson Plaza sign and storefront there. Another angle uh coming up under the overpass there again hidden from Grindstaff Cove Road.

Okay. And this is a shot from Grindstaff Cove Road as you are entering on the highway coming on ramp going toward Waynesville. All right. So now we are sitting at the base of the Justice Center here. Grindstaff Cove of course is cutting across the entrance into my property. That's the road that goes up and around. So you're staring at what would be the view from that space in front of them. Again, completely invisible to side.

Sherrill: That's it. I would go ahead and submit all those photographs. They're all in one package for exhibits.

Moss: Videos that we've recently taken show that there's animal foliage. See, there's still a curtain of trees when we get to it, but that would be of course the difference between the summer and the winter months. See the difference there between the view that's to use this show it to bear it or make it full screen.

Moss: So, this is coming away from, and this is going toward my property from downtown Sylva along Grindstaff Cove Road. My property will be on the right-hand side. See the justice center there. So we're now looking up toward the property right side entry signs. So, the tree line at the very top is the edge of property we spoke about.

Phillips: I believe you said you're building 120 ft back from the edge of that property?

Moss: Correct.

Moss: So, you're looking up and have to be looking.

Sherrill: So, when you say that if that's what a driver of a vehicle would see as they go up that road, correct?

Moss: One more video. So, coming off of the Sylva exit, similar to the pictures that I showed you already, we're coming off the exit, you should be able to see the shopping center. As you come down you see how steep the grade is.

Sherrill: We'll get those in a form that you will have to be able to introduce into evidence, but I will introduce them now.

Waldrop: Okay.

Sherrill: I think that's all I have. No questions.

Questions from the Board of Adjustments or Town Attorney:

Waldrop: Does the board adjustments or the town attorney have any additional questions based on the evidence that was presented by the applicant.

Waldrop: Do we have any video or photos from the highway the building kind of seeing that angle? Those seem to be all Grindstaff Cove. I'm wondering if it's visible from the highway without the trees.

Sherrill: Yeah, we do have a couple from 74.

Moss: I didn't have any winter ones, but the ones that I showed earlier were from 74 in the summertime.

Waldrop: Yeah, I'd be looking for specifically winter ones. That would be my point of curiosity would be what it looks like from the highway in the wintertime when the trees are opened up.

Moss: However, we are looking to get the variance based on what you can see from the frontage road not highway 74

Moss: From here you can see how many trees are there and foliage. It's extremely hard to see anything. You can't even see the shopping center. Uh there's the best gap that you can see from the highway. You still wouldn't be able to see my building. You can see the corner of the current shopping center here. You would only be able to see the front portion of my building either way. So you'd be looking directly at the front of it and not the along the side on just seeing area.

Phillips: I would assume that the reason you're applying for a variance is because the planning department deemed that side of that building visible from Grindstaff Cove somewhere and that somewhere is probably right here and it's probably got something to do with the fact that those trees that are there now don't belong to you so you can't you can't give any assurance that they'll always be there. Anybody that owns it can cut it back. So that's where the planning department took their position with that. Am I correct in that?

Poston: I think we just took a position that the front road would have visibility

Phillips: So if y'all had deemed that it was not visible, then it wouldn't be need. Is that correct?

Poston: Right.

Sherrill: I will speak to that and to what we can do for future plans or not see want to do that as well.

Phillips: In my mind, if there was a hedge planted to hide it on your property that you controlled to stay within compliance of the ordinance, then I can see that. I can't see you having any guarantees that those trees that you do not own will always be.

Waldrop: This would be the time just to ask questions about the evidence that they said it. Is that correct, Eric?

Waldrop: Yeah. I mean, yeah, I think I mean I think he's going to Are you framing that as a question or Yeah. Okay.

Phillips: That's my position in order to always comply with ordinance, those trees would have to always be there.

Sherrill: I'm going to go ahead because I think Eric probably knows this as well, when you're looking at a variance, you have to look at present conditions, not future conditions? Then we can argue that I can find a law for it. So we look at the way it is now, not what it could be or will be because that's all we can look at the rest of the speculation. And I'm sorry if I spoke out of turn we're sort of getting to a point where we're going to go somewhere for a long time.

Waldrop: Currently, we're just asking questions about the evidence presented by the applicant.

Ridenour: I guess I had a question or two. I don't know what we've got. If we could go back, I guess, to the site plan. So this over here isn't a building at all. Right?

Poston: It is.

Eric: But this is the building though. This is the building here, right?

Poston: Correct. The other one is parking and then it says it could be a building in the future. Correct.

Ridenour: Right. Okay. So what we're dealing with is this and this right here. Grindstaff Cove Road that runs basically here?

Poston: It's much farther away. You said it'll be on the other side of the Holland property. Okay. So, the road is much further.

Ridenour: The courthouse that faces that directly, right?

Poston: Roughly. Probably. Okay. Not that building.

Ridenour: All right. So, tell me why this is not the front road and that's the front road.

Poston: That's their interior driveway.

Sherrill: I have just one question just to go back to try to clarify Mr. Moss if you will. The areas where Mr. Ridenour were just pointing as far as your property line were within your property boundaries. Correct?

Moss: That's correct. Those are interior spots.

Sherrill: And where does the road actually come into your property on that diagram?

Moss: So the road directly in front of the buildings comes in here. So that's the if you want to call it frontage road.

Sherrill: and is that the side of the building that you are covering planning to cover?

Moss: Yes. Building

Waldrop: Any additional questions from the board or attorney? Since there are no other sworn parties, then this would be an opportunity for closing statements from each party and you may give a three minute or less closing statement.

(5D) CLOSING STATEMENTS:

Waldrop: Does the staff have any closing statements? None.

Waldrop: Does the applicant have any closing statements?

Sherrill: Okay. Then I'll make a closing statement. Basically the ordinance we're looking at says if the property's facing or it's visible from the primary frontage road that it has to have a flag covering over it. So, I think the evidence we presented is substantial and tends to show that there is no clear line of sight from Grindstaff Cove which is the primary frontage road we're talking about for purposes of this issue. And part of that is due to the steepness of the bank. Part of it's due to the tree line and vegetation is there. And part of it's just the topography itself, the shape of this piece of property and how far back the building will be sit on it. So that you saw from the videos, how are you how are you going to see it? Uh I think that meets the undue hardship portions of the ordinance we're looking at and also the intent and the purpose of the ordinance which was to have structured and consistent development and be consistent with the neighboring properties which obviously the only real neighboring property with anything on it is uh Jackson Plaza. So, we're more we're actually doing more than Jackson Plaza did that they come under a different ordinance at a different time. Also we're looking at this property just has not been developed in almost 30 years probably for some of the same reasons. I would speculate a little bit on that, but it needs to be developed.

I just looking at it and can't see how that it harms the intent of the ordinance which is to protect property and life and the intrinsic value and to make development consistent. It does all that. It's just not visible to the extent that the ordinance Stretches and it should be allowed for those reasons. I would add just what I said earlier. It doesn't have to look at the way the property is now, not what it might be in the future. That's clearly state law. And if you need to look that up, ok.

Ridenour: I don't think it was one argument. So, if you have that, you're welcome to. I'm not familiar with that.

Waldrop: Does the planning staff any have any other additional comments?

Poston: No sir.

Waldrop: Does the board have any additional questions for staff post?

Waldrop: Is there any additional discussion from the board? That would be questions for staff or the applicant.

Waldrop: If there's no further discussion, do I have a motion to close the hearing?

Being no further comment Mayor Pro-tem Waldrop asked for a motion to close the hearing. *Commissioner Waldrum made a motion to close the hearing at 6:37: p.m. The motion carries with a unanimous vote.*

NEW BUSINESS:

Mayor Pro-tem Waldrop summarized the quasi-judicial hearing with the following:

Project: Catamount Fitness

Applicant: RLJ Land Development, LLC (Josh Moss)

Property Location: 423 Jackson Plaza, Sylva, PIN number 7641-19-7590

Property Zoning: GB (General Business District)

Ordinance Request: Article 3, Section 3.5.H-Variance Review Process; Section 3.8.B-Variances, Quasi-Judicial Procedures

Description of Request: The applicant is requesting a variance for Section 7.2.C.2 – Design Standards for Lots; Section 7.3.C- Exterior Materials (buildings).

Discussion/Motions:

Waldrop: Is there any additional discussion from the Board on this variance request application? None.

Waldrop: Is there a motion from the board to vote on the variance request application? We need a motion to vote on it now.

Waldrop: I understand our options to be to make a motion and pass a motion to vote or to continue to a later date.

Paige: At this point there should be a motion to vote or a motion to reopen a hearing if you have questions that weren't covered.

Waldrop: I motion that we vote on the variance request application. I can make that motion.

Waldrop: All in favor of voting on the variance request application, raise your hand and say I. (Waldrop, Estridge, and Matthews)

Waldrop: All those opposed (Waldrum). We have a passing vote.

Decision:

Waldrop: Now comes the decision time on this. The following items are necessary in granting a variance. All must be approved for the request to be granted.

Item 1: Carrying out the strict letter of the ordinance would result in unnecessary hardship.

Votes in the affirmative? Perry-yes

Votes against?3 brad, joe and blits

Item 2: The hardship results from conditions that are peculiar to the property, such as location, size, or topography.

Votes in the affirmative?

Votes against?all 4

Item 3: The hardship did not result from actions taken by the applicant of the property owner.

Votes in the affirmative? Brad and perry and joe

Votes against? Blitz

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

Votes in the affirmative? none

Votes against? All 4

Item 5: The variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit.

Votes in the affirmative? none

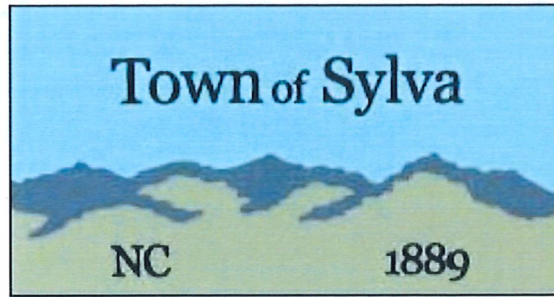
Votes against? All 4

(e) Motion: *Commissioner Waldrop made a motion to deny the variance request based on items 1-5. The motion carries with a unanimous vote.*

There being no further business, Commissioner Waldrum made a motion to adjourn the meeting at 6:46 p.m. The motion carries with a unanimous vote.

Brad Waldrop
Mayor Pro-tem

Amanda W. Murajda
Town Clerk



83 Allen Street, Sylva, NC 28779

APPLICATION FOR ZONING TEXT OR MAP AMENDMENT

Submit this completed application and all supporting documentation that may be helpful in the review process. In order to ensure that the proposed text amendment or map amendment complies with the Town of Sylva's regulations, we recommend that the applicant review the Town of Sylva Zoning Ordinance prior to application submittal. The request for a Zoning text or Zoning Map amendment may only be initiated by the Town Board of Commissioners, the Town Planning Board, Planning Staff, the owner of property in the Town of Sylva or a citizen of the Town of Sylva.

All responses in this application must be legible and filled out completely. Illegible and/or incomplete applications will be returned to the applicant. The application fee for a text amendment or map amendment is set forth in the Town of Sylva's fee schedule, is non-refundable and must be submitted with the completed application. For map amendment requests, a current survey prepared and sealed by an NC Registered Surveyor will be required. Applications are not accepted via facsimile or email. Please submit application, fees and supporting documentation to the Town of Sylva, 83 Allen Street, Sylva, NC 28779 via hand delivery or U.S. Mail.

Application deadlines are 30 days prior to the Town of Sylva's Planning Board next scheduled meeting. The applicant will be notified of scheduled hearing dates and times. The average text or map amendment petition timeline is 45 days from date of application to Town Hall. Depending on the complexity of the request, it is not unusual for a petition to take up to 6 months to be considered before the Town Board of Commissioners. Hearing schedules are not guaranteed and subject to change.

Conditional Zoning Districts (CD) are a zoning tool, permitted in accordance with NCGS 160D-703.b., which may be utilized to create new unique, site-specific districts for uses or developments that may have particular benefits and/or impacts on both the immediate area and the community as a whole. The development of these uses may require deviation of the general district standards. The applicant must provide an initial Master Site Plan and zoning proposal that includes all proposed uses and standards for the conditional zoning district being proposed. It is not the intention of Conditional Zoning to circumvent, reduce, or eliminate particular regulations as they would normally be applied to any particular district or use but rather provide flexibility and design standards unique to the subject property and use.

This negotiated approach between the applicant and the Town through a legislative decision allows maximum flexibility to tailor regulations to a particular site and project. Special restrictions have been placed on Conditional zoning. Conditional Zoning Districts occur at the owner's request and conditions cannot be imposed without the owner's agreement. The individual conditions and site-specific standards that can be imposed are limited to those that are needed to bring a project into compliance with town ordinances and adopted plans and to those addressing the impacts reasonably expected to be generated by the use of the site. The town must assure that all of the factors defining reasonable spot zoning are fully considered and that the public hearing record reflects that consideration.

Conditional Zoning shall be subject to the specific procedural rules located in Articles 3 and 5.

**PLEASE COMPLETE ALL SECTIONS OF THE APPLICATION;
INCOMPLETE APPLICATIONS WILL BE RETURNED TO THE APPLICANT;
INDICATE "NOT APPLICABLE" OR "N/A" WHERE APPROPRIATE**

Contact Information:

Applicant/Agent: Catherine Connors

(This person will be the contact person and will receive all mailings)

Address: 3007 Valleystone Dr, Cary, NC 27519

Phone: 919-610-7883 Fax: n/a

Email: cathy.connors@solsticepartners.net

PropertyOwner(s): COOP Properties LLC

(If the owner is different than the applicant)

Address: c/o Don Hensley; PO Box 741, Sylva, NC 28779

Phone: 828-586-5094 Fax: n/a

Email: don@westernbuildersinc.com

Property Information:

Property Location/Address(es): Savannah Drive, Sylva, NC

Tax Parcel Identification Number(s): 7631-66-1393

Current Use of Property(ies): Vacant land

Acreage to be Rezoned: 6.83

Deed Book: 2348 Page: 905 Lot / Tract Size: 6.83 (acres)

Property Street Frontage / Width: Approx 800 feet Property Depth: Approx 625 feet

Flood Plain: Zone X FIRM Panel: 3700763100J

Zoning Information:

Current Zoning District(s): Sylva ETJ - General Business District - Conditional District

Requested Zoning District(s): Conditional District

Purpose of Zoning Change (optional): Applying for a modification to the existing condition district to increase the project size from 48-units to 60-units.

APPLICATION REQUIREMENTS:

Item 6.

All written materials and photographs must be a minimum of 8½"x11" paper; maps, surveys and plans must be submitted on a minimum 11"x17" paper. For the first level of review with the Town of Sylva Planning Board, the applicant must supply one (1) original and ten (10) copies of the completed application, supporting documents, photographs and materials. For Clerk advertisement and Board of Commissioners consideration, the Planning Staff may request additional documents as necessary. Please plan to attend all meetings and be prepared to answer questions or present information as necessary to the Planning Board or Town Board of Commissioners. Failure to attend may result in a delay or denial of your application.

1. **Legal description and property survey:** For a Major map amendment or if the applicant is seeking to subdivide a property to amend, attach a complete legal description (metes and bounds) of the property. Provide an existing survey of the property, with a scale indicating dimensions. If the applicant is seeking a text amendment, please attach a tax map with PIN number.
2. **Requested zoning change and use:** Indicate the current zoning classification and the proposed zoning classification being requested.
3. **Adjacent property zoning and land use:** Provide the current zoning and land use for the parcels immediately adjacent to the subject property (include all directions – north, south, east and west). Do not include right-of-way when considering adjacent uses.
4. **Land use and future development:** Describe how land use and future development conditions have changed that make the existing zoning designation unsuitable; include detail as to why a rezoning would be compatible with the character of the area.
5. **Public need:** Indicate the perceived need for the additional land to be zoned to the requested classification stated above.
6. **Community impact:** Describe the impact the proposed rezoning would generate on the adjacent properties and the surrounding neighborhoods/communities/businesses. Include in your discussion: transportation, utilities, storm water management, fire, public safety, open space, topography, density, property access and economic development. Provide in detail why or why not (and if so, how) the proposed rezoning will affect the surrounding properties.
7. **Infrastructure demand:** Describe the impact the proposed rezoning would have on public services, facilities and infrastructure (e.g. schools, parks, recreational services, roads, senior services, etc.). Provide in detail estimated demand for existing and/or new services based upon build-out and population projections.
8. **Zoning Ordinance and Comprehensive Plan compliance:** Explain how the proposed rezoning or development will be in compliance with Town's Land Use Plan and/or Comprehensive Plan.

Notification:

All property and business owners within 100 feet of the property being considered for a text or map amendment must be mailed an Adjacent Property Owner Notification a minimum 10 days prior to the Town of Sylva Planning Board and Town Board of Commissioners meetings. The applicant is responsible for supplying a list of the names and mailing address for these properties and businesses affected by the possible text or map amendment change. In addition, the applicant must supply two (2) set of stamped, addressed #10 envelopes for each property and business owner within a 100' radius. The return address should read:

Town of Sylva
83 Allen Street
Sylva, NC 28779

SPOT ZONING**SPOT ZONING DEFINED:**

"A zoning ordinance, or amendment, which singles out and reclassifies a relatively small tract owned by a single person and surrounded by a much larger area uniformly zoned, so as to impose upon the smaller tract greater restrictions than those imposed upon the larger area, or so as to relieve the small tract from restrictions to which the rest of the area is subjected, is called spot zoning."

How to determine whether a particular rezoning is spot zoning when a relatively small tract of land is:

- o Zoned differently from the surrounding area
- o Not taking into account the larger community context
- o Not in accordance with the comprehensive plan

Factors to Consider:**1. Size of Rezoning Area**

The smaller the area/tract the more likely the rezoning can be considered a spot zoning. The size of the tract must be looked at in context for the larger area.

2. Compatibility with the Plan

How consistent is the rezoning with the Land Use Plan(s). Relationship of the Town's Land use policies and objectives. Is the land suitable for the following:

- o Development (e.g., topography, soil types, wetland locations, and flood areas)
- o Availability of Services (e.g., water, sewer, roads)
- o Existing and Needed Land Uses.

3. Benefits & Detriments

Look at who will benefit and be harmed (if anyone) from the result of the rezoning (e.g. owner, adjacent owners & community at large).

4. Relationships of Uses

The relationship of the proposed uses versus the current uses on adjacent land.

Authorization:

Note: If the person requesting of The Town of Sylva, to take action on a particular piece of property is not the owner of the property, or under contract to purchase, then the actual owner of the land must complete this form with his/her signature notarized. If the property owner is the applicant please complete the section below and sign as indicated.

Fax, Scan or Copied images of the original document will not be accepted.

I, Don Hensley (Land owner name) am the owner of the property located in the Town of Sylva Zoning Jurisdiction at:

Street address: Savannah Drive Property PIN: 7631-66-1393

I hereby authorize Cathy Connors (owner or applicant's name) to appear with my consent before the Town of Sylva Planning Board and Board of Commissioners in order to request a rezoning for the above noted location. I authorize the Town of Sylva to advertise and the applicant to present this matter in my name as the owner of the property. I hereby authorize the Town Officials to enter my property to conduct relevant site inspections as deemed necessary to process the application. All information submitted and required as part of the approval process shall become public records. I, as the land owner, hereby CERTIFY THAT THE INFORMATION CONTAINED HERIN IS TRUE TO THE BEST OF MY KNOWLEDGE; AND BY ACCEPTING THIS REZONING, if approved, shall in every respect conform to the terms of this application and to provisions of the Statutes and Ordinances regulating development in the Town of Sylva. Any VIOLATION of the terms above stated and/or Town Ordinances or Regulations will result in civil penalties. If there are any questions, you may contact me at:

Street Address: 201 Bonnie Lane

City / State / Zip Code: Sylva NC 28779

Phone Number: (828) 399-1414

Email Address: don@westernbuildersinc.com

Owners Signature: Don Hensley

Sworn to and subscribed before me, this the 13th day of February, 2021

Kathryn R. May
Notary Public

My commission expires: 07/29/2029



Authorization:

Note: If the person requesting of The Town of Sylva, to take action on a particular piece of property is not the owner of the property, or under contract to purchase, then the actual owner of the land must complete this form with his/her signature notarized. If the property owner is the applicant please complete the section below and sign as indicated.

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City / State / Zip Code: Sylva NC 28779

Phone Number: (828) 399-1414

Email Address: don@westernbuildersinc.com

Owners Signature: Don Hensley

Sworn to and subscribed before me, this the 13th day of February, 2021

Kathryn R. Mayer
Notary Public

My commission expires: 07/29/2029



Rezoning Application Responses
Waterfall Gardens, Savannah Dr, Sylva, NC

1. Legal description and property survey: *For a Major map amendment or if the applicant is seeking to subdivide a property to amend, attach a complete legal description (metes and bounds) of the property. Provide an existing survey of the property, with a scale indicating dimensions. If the applicant is seeking a text amendment, please attach a tax map with PIN number.*

Survey including legal description are included in drawing set sent with application.

2. Requested zoning change and use: *Indicate the current zoning classification and the proposed zoning classification being requested.*

Current zoning is General Business District in the Sylva ETJ with a conditional zoning for 48 multifamily units. We are requesting a modification to the conditional zoning to allow for 60 multifamily units.

3. Adjacent property zoning and land use: *Provide the current zoning and land use for the parcels immediately adjacent to the subject property (include all directions – north, south, east and west). Do not include right-of-way when considering adjacent uses.*

North – Sylva GB – General Business District (apartments)
East – Sylva LDR – Low Density Residential (apartments and single-family homes)
South – Sylva LDR – (apartments and single-family homes)
West – No zoning – vacant land

4. Land use and future development: *Describe how land use and future development conditions have changed that make the existing zoning designation unsuitable; include detail as to why a rezoning would be compatible with the character of the area.*

The subject property is suitable to be used for multifamily housing because it is a relatively flat near commercial amenities that makes a convenient location for residential use. A conditional zoning to allow for a 60-unit multifamily project would be compatible with the character of the area because there are several other multifamily communities to the north, east and south of the parcel.

5. Public need: *Indicate the perceived need for the additional land to be zoned to the requested classification stated above.*

The award of the requested conditional rezoning would allow for 60 new units of affordable housing to be developed for the residents of Sylva. A market study was completed for this project, and it showed strong support for new multifamily housing because other multifamily communities have waiting lists and because the area is growing.

6. Community impact: *Describe the impact the proposed rezoning would generate on the adjacent properties and the surrounding neighborhoods/communities/businesses. Include in your discussion: transportation, utilities, storm water management, fire, public safety, open space, topography, density, property access and economic development. Provide in detail why or why not (and if so,*

how) the proposed rezoning will affect the surrounding properties.

The proposed conditional zoning would have a neutral or positive impact on adjacent properties, and the surrounding neighborhoods/communities/businesses would have positive impacts. This moderately-scaled community will be largely self-contained with sufficient parking and recreational amenities on site (playground, computer center, community room), and stormwater control. The site will be designed to provide a safe connection to the existing street network for the residents and visitors as well as sufficient room for fire trucks, police and ambulances to be able to provide emergency services. In addition, the property will be buffered appropriately, according to Sylva's UDO, for a spatial and visual barrier to adjacent properties. Therefore, the proposed development will have a neutral impact on adjacent properties.

Overall, the proposed development will be a positive addition to the community because residents of Sylva who earn less than 60% of the median income for Jackson County will have access to new, workforce housing units. The economic impact on the community will be positive because it will provide housing near commercial areas of Sylva, allowing for local businesses to be supported by new customers and potential employees.

7. Infrastructure demand: *Describe the impact the proposed rezoning would have on public services, facilities and infrastructure (e.g. schools, parks, recreational services, roads, senior services, etc.). Provide in detail estimated demand for existing and/or new services based upon build-out and population projections.*

The moderate scale of the proposed multifamily community would have a minor impact on existing infrastructure demand. In addition, according to the market study, majority of the demand for the proposed development comes from existing households in the market area who are currently overburdened by housing costs and will find the proposed community more attractive because of price, unit features, and property amenities. Therefore, this project is unlikely to have much, if any, felt impact on existing or new public services, facilities, and infrastructure.

8. Zoning Ordinance and Comprehensive Plan compliance: *Explain how the proposed rezoning or development will be in compliance with Town's Land Use Plan and/or Comprehensive Plan.*

We believe the proposed rezoning request will be in compliance with the Town's Land Use Plan because it would provide new multifamily housing in an area of town that can support it with existing infrastructure and where it will be compatible with its surroundings. The 2020 LUP recognizes Sylva's relatively low housing density and the value of having more housing type diversity in town.

In the future land use plan, the neighborhood to the east of the proposal site is characterized as "Urban Neighborhoods" which is described in the Town's Land Use Plan as on which, "includes existing residential and new areas where it is envisioned that reinvestment in the community can and will occur, with a focus on providing a variety of housing options that are walkable to Downtown Sylva and the Town's other commercial areas. Higher-density residential uses... including multifamily residential...are appropriate for and encouraged within this character area. Building heights should fall into the 3 to 4 story range."

Town of Sylva, North Carolina
Zoning Map Amendment – Conditional District
Staff Report – April 18, 2023
Modification – March 10, 2026

Applicant: COOP Properties, LLC; (Solstice Partners, LLC; Cathy Connors, Partner)

Property Location: Savannah Drive, Sylva – PIN 7631-66-1393

Current Property Zoning: General Business District (GB), ETJ

Ordinance Sections for Review: Article 3 – Procedures; Section 3.5.J – Review Process/Conditional Zoning; Section 3.9.B – Zoning and Map Amendments and Article 4, Section 4.4 – Conditional District

Description of Request:

The applicant is requesting a map amendment to create a *General Business - Conditional District* on the property identified by PIN 7631-66-1393 to allow for a multi-family residential development. The Town Board of Commissioners may approve Conditional Districts through the legislative review process identified in *Article 3 – Procedures, Section 3.5 – Review Process*.

This proposed conditional district for a multi-family residential development includes three, ~~2-story~~ **3-story** structures consisting of ~~eight~~ **twelve** 1-bedroom units, ~~twenty-eight~~ **thirty** 2-bedroom units and ~~twelve~~ **eighteen** 3-bedroom units (~~48~~ **60** total units, **126 bedrooms total**). Included amenities are a community center with laundry, computer center; playgrounds and cover picnic shelter with tables/grills.

Background:

The property for this development is located on the south and west sides of Savannah Drive and approximately 1,120 lf south of the intersection of Business 23 (West Main Street) and Savannah Drive. The area of this vacant property is 6.83 total acres and this proposed complex would be developed on the entire tract. Public utilities will be provided by Tuckasegee Water and Sewer Authority (water and sanitary sewer) and Duke Power. This property will be served by the Sylva Fire Department. Driveway access and 3-party encroachment (sidewalk) will be required from NCDOT during their review/approval process as Savannah Drive is a state road (S.R. 1356).

Application Response:

The applicant is requesting a zoning map amendment to create a *General Business - Conditional District* on the 6.83-acre property. *Article 4 - Section 4.4 Conditional Districts* of the Town's Zoning and Subdivision Ordinance allows the Town Board of Commissioners to create these districts:

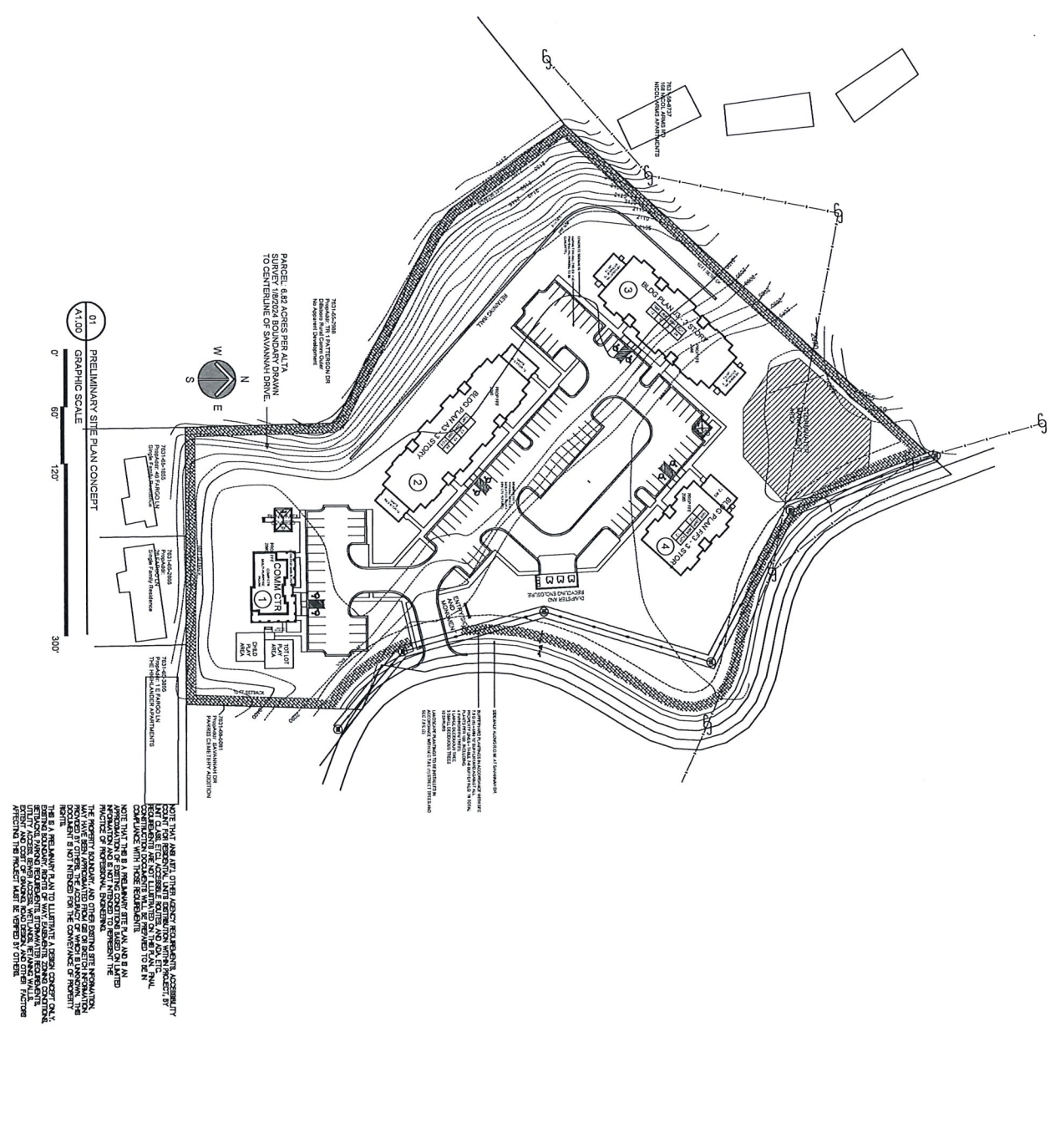
Conditional Zoning Districts (-CD) are a zoning tool, permitted in accordance with NCGS 160D-703.b., which may be utilized to create new unique, site-specific districts for uses or developments that may have particular benefits and/or impacts on both the immediate area and the community as a whole. The development of these uses may require deviation of the general district standards. The applicant must provide an initial Master Site Plan and zoning proposal that includes all proposed uses and standards for the conditional zoning district being proposed. It is not the intention of Conditional Zoning to circumvent, reduce, or eliminate particular regulations as they would normally be applied to any particular district or use but rather provide flexibility and design standards unique to the subject property and use. This negotiated approach between the applicant and the Town through a legislative decision allows maximum flexibility to tailor regulations to a particular site and project. Special restrictions have been placed on Conditional zoning. Conditional Zoning Districts occur at the owner's request and conditions cannot be imposed without the owner's agreement. The individual conditions and site-specific standards that can be imposed are limited to those that are needed to bring a project into compliance with town ordinances and adopted plans and to those addressing the impacts reasonably expected to be generated by the

use of the site. The town must assure that all of the factors defining reasonable spot zoning are fully considered and that the public hearing record reflects that consideration.

Staff Findings:

The conclusion of Planning Staff is that this proposed development can meet or exceed the regulations set forth in of the zoning ordinance including; General Business District standards and required development regulations (Article 7). Approval for this *Conditional District* is required by the Town Board of Commissioners for this application. Planning Staff will issue a zoning permit at the time of final plan review/approval.

Waterfall Gardens		Sylva, North Carolina			Date:	2/18/2026	
Project Data Summary							
Building Summary							
Bldg. Number		1 BR 1 BA	2 BR 2 BA	3 BR 2 BA	Total	Net	Gross
1 Community Building						2,140	3,205
2 Residential Building	A3		12	12	24	26,772	30,879
3 Residential Building	J3	12	6	6	24	22,410	26,407
4 Residential Building	FF3		12		12	12,480	14,587
Total		12	30	18	60	63,802	75,078
		20%	50%	30%		100%	
Total number of residential units		60					
Building Ht. (Mean Roof Height - Residential Buildings)		38 Feet					
Building Ht. (Highest Roof Height - Residential Buildings)		44 Feet					
Residential Units SF		Net	# Units	Net Total	Heated	Heated Total	
1 Bedroom / 1 Bath Apartment Unit		752	12	9,024	708	8,496	
2 Bedroom / 2 Bath Apartment Unit		1,040	30	31,200	987	29,610	
3 Bedroom / 2 Bath Apartment Unit		1,191	18	21,438	1,131	20,358	
Residential Total						58,464	
Community Building						2,077	
Project Total						60,541	
		1	2	3	4		
Gross Building Area	Comm Ctr	A3	J3	FF3			
3rd Floor		9,777	8,324	4,597			
2nd Floor		9,777	8,324	4,597			
1st Floor		3,205	11,325	9,759	5,393		
		3,205	30,879	26,407	14,587		75,078
Community Building		2,077	Heated				
		2,140	Net				
		3,205	Gross				
ANSI HC Type A Units		1 BR	2 BR	3 BR			
ANSI Type A		1	1	1	3	5.0%	
ANSI Type A with Roll in Shower (req'd by NCHFA)		1	1	1	3	5.0%	
Subtotal		2	2	2	6	10.0%	
Parcel Area	6.82 Acres						
	297,079 SF						
NCHFA Parking Requirement 1.75 spaces per unit	105						



01. PRELIMINARY SITE PLAN CONCEPT
 GRAPHIC SCALE
 0 60 120 300'

NOTE: THIS PLAN AND ALL OTHER AGENCY REQUIREMENTS, ACCESSIBILITY CODES, AND REGULATIONS ARE SUBJECT TO CHANGE WITHOUT NOTICE. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.

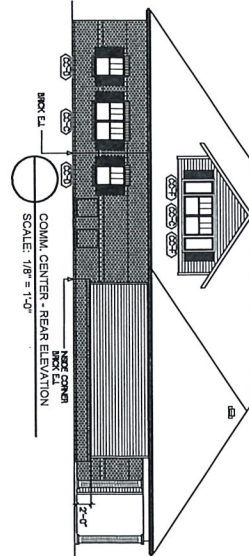
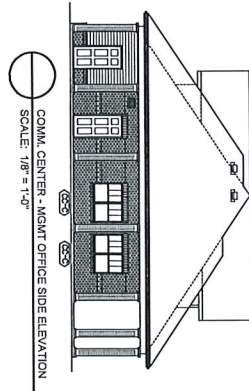
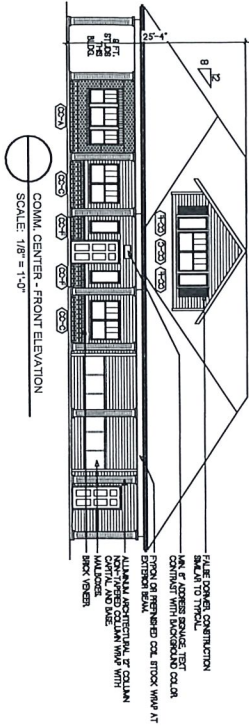
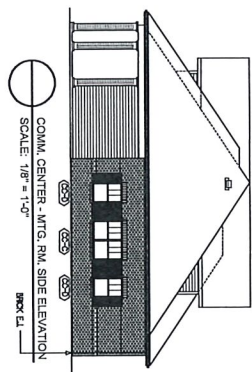
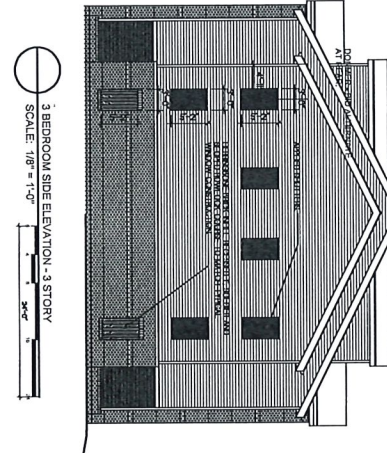
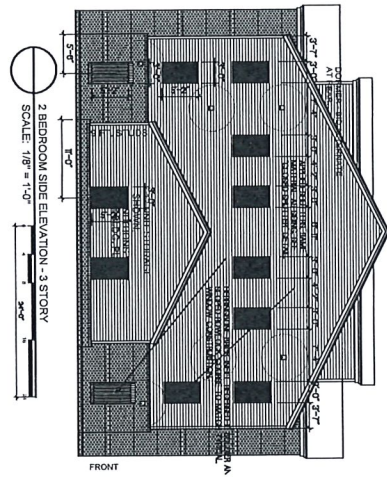
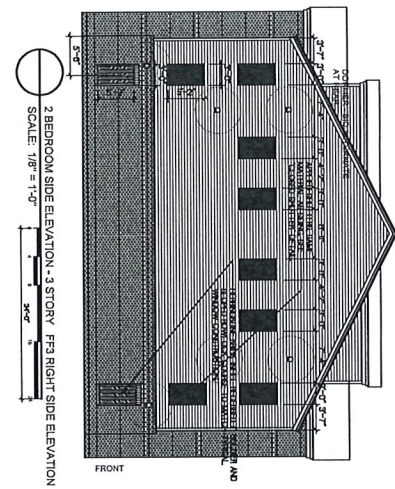
NOTE: THIS IS A PRELIMINARY SITE PLAN AND IS NOT TO BE USED FOR CONSTRUCTION. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.

PROJECT OF ARCHITECTURE, PLLC
 2005 Breecham Circle
 Raleigh, NC 27607
 Tel: (919) 302-0404

WATERFALL GARDENS
 JACKSON COUNTY
 SYLVIA, NC
 60 RESIDENTIAL UNITS

COMPILED BY: ALLIANCE RESIDENTIAL, LLC
 DATE: 04/20/2020
 FILE: 101-000000
 REV: 02/17/2020

RECONING APPLICATION SET
 NOT FOR CONSTRUCTION
 PRELIMINARY
 SITE PLAN
A1.00



REOPENING APPLICATION SET
NOT FOR CONSTRUCTION
BUILDING ELEVATIONS
A5.02

THESE DRAWINGS ARE THE
PROPERTY OF JONES ARCHITECTURE, PLLC
DATE: 6/14/2018
FILE: 191112001
REV: 01/11/2019
REV: 01/11/2019

WATERFALL
GARDENS
JACKSON COUNTY
SYLVA, NC
60 RESIDENTIAL UNITS



JA Jones Architecture, PLLC
2005 Beecham Circle
Raleigh, NC 27607
Tel: (919) 302-6404



March 26, 2026

TOWN OF SYLVA PLANNING BOARD

Statement of Consistency pursuant to G.S. 160D

Re: Proposed zoning map amendment to apply a conditional zoning district to parcel identified by PIN# 7631-66-1393.

The Town of Sylva Planning Board has found the conditional district zoning map amendment to parcel identified by PIN# 7631-66-1393 to be supported by the Town of Sylva 2040 Land Use Plan.

We find the proposed amendment to be consistent with the key drivers for The Plan for Sylva identified on page 20 and corridor specifications found on page 29 of the Town of Sylva 2040 Land Use Plan. The term driver refers to a top planning consideration that shapes The Plan for Sylva. More specifically:

- Driver 2-Providing Diversity in Housing Choices: To align with the vision, Sylva needs a wide range of housing options to attract the full range of employees necessary for existing and future employers and service providers. In addition, providing a wider range of housing provides more options for Sylva residents as they age over time, allowing residents to stay in their community as they age in place. Diversifying the mix of housing types in Sylva would offer more choices to the consumer.
- Urban Neighborhoods: The Urban Neighborhood character area includes existing residential and new areas where it is envisioned that reinvestment in the community can and will occur. A focus on things such as the walkability to Downtown Sylva and the Town's other commercial areas, higher density residential units and live-work units are included in the Urban Neighborhoods. This parcel lies in the Town's ETJ area directly adjacent to the Urban Neighborhood corridor area of the Town of Sylva 2040 Land Use Plan.

We therefore consider the proposed zoning map amendment to be reasonable and in the public interest.

Signed: 

Melissa Madrona, Chairman, Town of Sylva Planning Board



April 9, 2026

TOWN OF SYLVA BOARD OF COMMISSIONERS

Statement of Consistency pursuant to G.S. 160D

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We therefore consider the proposed zoning map amendment to be reasonable and in the public interest.

Signed: _____

Johnny Phillips, Mayor, Town of Sylva Board of Commissioners

Town of Sylva



APPLICATION FOR CONSIDERATION OF APPOINTMENT TO TOWN OF SYLVA BOARDS OR COMMISSIONS

Applicants are strongly urged to attend several meetings of a board prior to applying
and/or appointment to a board.

NAME ROB BURNS DATE 3.18.26

ADDRESS 556B WEST MAIN ST. SYLVA, NC 28779

EMAIL ROBERTBURNS@HOTMAIL.COM

HOME PHONE (704) 359-7696 WORK PHONE SAME

EMPLOYER CARLY AND CASS OCCUPATION CO-OWNER

EMPLOYER'S ADDRESS 552 WEST MAIN ST. SYLVA, NC 28779

DO YOU LIVE WITHIN THE MUNICIPAL LIMITS OF SYLVA? y

DO YOU LIVE WITHIN THE EXTRA TERRITORIAL ZONING DISTRICT? _____

NAME OF BOARD OR COMMISSION FOR WHICH YOU ARE APPLYING TO SERVE ON:
PLANNING COMMISSION

PLEASE LIST ANY SPECIAL SKILLS, INTEREST OR QUALIFICATIONS WHICH YOU FEEL
WOULD BE AN ASSET TO SAID BOARD OR COMMISSION:

PRIOR TO RETIRING FROM THE TEGA Cay POLICE DEPT. I WAS
IN CHARGE OF THE MAJORITY OF COMMUNITY EVENTS INVOLVING
THE P.D. INCLUDING ESTABLISHING THE SPECIAL OLYMPICS POLAR PLUNGE,
CAMP CADET FOR KIDS IN THE SUMMER, FUNDRAISER GOLF TOURNAMENTS, NATIONAL NIGHT
OUT,
... ETC.

I BELIEVE THE POTENTIAL FOR THE TOWN TO EXPAND FINANCIALLY
AND GROW OUR TOURISM TAX DOLLARS IS HUGE IF DONE IN A WELL
PLANNED MANDR. BY UTILIZING RESOURCES THROUGHOUT THE COUNTRY AS
A TEMPLATE THIS CAN BE DONE.

**PLEASE RETURN THIS APPLICATION TO TOWN HALL
83 ALLEN STREET, SYLVA, NC 28779**