AGENDA
January 11th, 2024
Laurel Park Board of Adjustment- Regular Meeting

Hearing Location: Laurel Park Town Hall
and electronically via Zoom
Hearing Time: 4:00 p.m.

1. Call to Order
2. Approval of the Agenda
3. Approval of the Minutes
    a. November 16th, 2023
4. Old Business
    a. Oaths of Office
5. New Business
    a. Voting - Chair & Vice Chair
    b. Public Hearing for Variance Request – 91 Ransier Dr.
    c. Public Hearing for Variance Request – 106 Nimbus Ln.
6. Adjournment

LAUREL PARK BOARD OF ADJUSTMENT
Regular Meeting Minutes
November 16, 2023 – 4:00 p.m.

Chair Morse called the Regular Board of Adjustment Meeting to order at 4:00 p.m. on November 16, 2023, in person at Town Hall, 441 White Pine Drive, Laurel Park, NC 28739.

The following attended in person at Town Hall:

- Chair Mark Morse
- Vice-Chair Ray Goetsch
- Richard Groves
- Ronald Bajakian
- Pamela Stover
- Susan Laborde
- Alternate Member Travis Bonnema
- Town Manager Alex Carmichael
- Town Clerk Tamara Amin
- Assistant to the Town Manager Jordan Jones
- Applicant Joanne Cox
- Applicant Tom Cox
- Engineer Scott Keels

The following attended via ZOOM platform:

- Chad Meadows- CodeWright

APPROVAL OF THE AGENDA

Town Clerk Amin said the Agenda should say September 14 minutes not July 18. Ms. Stover moved to approve the amended agenda and was seconded by Vice Chair. Goetsch. Chair Morse asked for discussion; there was none. The vote was unanimous in favor of the motion.

APPROVAL OF THE MINUTES

Ms. Stover moved to approve the September 14, 2023 minutes and was seconded by Vice Chair Goetsch. Chair Morse asked for discussion; there was none. The vote was unanimous in favor of the motion.

OLD BUSINESS

ADOPTION OF THE BOA RULES OF PROCEDURE

Mr. Meadows said Board of Adjustment members, and staff, have been revising the Rules of Procedure over the course of several months. At the last meeting, members and the consultant discussed minor changes but overall agreed with much of the content in the document. Those changes have been made and the document is ready for final review and adoption.

Chair Mark Morse said in 3.2.G the document reads: "The Town may provide the opportunity for remote viewing of BOA meetings on a cases by case basis." It should be case by case, not cases by case.

Mr. Groves moved to recommend to the Town Council the Rules of Procedure with the minor change and was seconded by Ms. Laborde. Chair Morse asked for discussion; there was none. The vote was unanimous in favor of the motion.

Mr. Chad Meadows departed the meeting at 4:05 a.m.

NEW BUSINESS

OATH OF OFFICE- TRAVIS BONNEMA

At the September 14th, 2023, Board of Adjustment meeting it was recommended that Mr. Travis Bonnema step into the role of the alternate position member and his term be extended to December 31, 2026. At the September 19th, 2023, Town Council meeting, the Council moved to appoint Mr. Travis Bonnema for the Board of Adjustment alternate position.

Mr. Bonnema was sworn in by Town Clerk Tamara Amin.

PUBLIC HEARING FOR VARIANCE REQUEST- 349 ORCHARD CIRCLE

Chairman Morse gave an overview of the quasi-judicial process.

Chairman Morse asked for a motion to open the variance hearing. Vice Chair Goetsch made a motion to open the variance hearing at 4:08 p.m., seconded by Mr. Groves. The motion was unanimously approved, and the variance hearing was called to order.

Chairman Morse stated that all individuals who wish to give testimony for the variance hearing must be sworn in.

All in attendance wishing to speak were sworn in by Chairman Morse.

Chairman Morse stated the Board is required to make disclosures of any possible conflicts. Chairman Morse asked for any disclosures from the Board members. There were none.

Board Members seated for this Hearing are Chairman Morse, Vice Chair Ray Goetsch, Richard Groves, Pamela Stover, Susan Laborde, and Ronald Bajakian.

Chairman Morse asked Mr. Jones to give a staff overview.

Assistant to the Town Manager Jordan Jones said the residents at 349 Orchard Circle have proposed to build a 380 square foot addition on the north side of their home. The lot is identified on the records of the Henderson County Mapping Office as PIN# 9558397532. The lot is zoned as R-30, with an estimated acreage of .74 acres, and an average slope of 27%. Lots in the R-30 zone with a slope of 25% or more are considered very steep slope lots.

According to the R-30 dimensional standards found in section 2.5.3, lots that are within the very steep slope category are required to meet the following setback requirements. The principal structure must meet a street and rear setback of 45 feet and a side setback of 40 feet. The current setbacks clearly consume the principal structure entirely or at least crosses through most of the structure. As a result of the current setbacks, the home is considered a nonconforming structure according to section 5.3.

The applicant seeks relief from the setback requirements found in section 2.5.3 but more importantly section 5.3.3.A: Alteration and Expansion which states, "No nonconforming structure may be altered in any way which increases the nonconformity; however, any nonconforming structure or portion thereof may be altered to decrease the degree of nonconformity."

Section 5.1.1: Purpose and Intent of Nonconformities states, "There are existing structures, uses of land, lots of record, and development sites that were lawfully established before the effective date of this Ordinance or a subsequent amendment thereto, that now do not conform to standards and requirements of this Ordinance. Such uses, structures, lots, and sites are collectively referred to as "nonconformities." The purpose and intent of this Chapter is to allow nonconformities to continue to exist, but to regulate and limit their expansion so as to bring them into conformity with these standards to the extent that is reasonably practicable."

The lot is uniquely shaped, narrow along the southwest section that borders Orchard Circle, and generally widens as it slopes downward towards the northeast. The unique shape of the lot and the current setback lines further constrict the allowable buildable area. The proposed area where the addition would be built makes the most reasonable use of the lot as this is the area where the lot begins to open. The unique shape of the lot pre-exists the current UDO setback standards. The new UDO setbacks standards forced this structure into a nonconforming structure. The addition is consistent with the spirit, purpose, and intent of the UDO as professional reports and plans have been prepared, reviewed, and follow all other standards of the UDO.

The Board reviewed the application and supporting documentation. Mr. Goetsch explained to Staff that the Stormwater Management and Geotech reports were not included and he needed those to make a decision. Mr. Jones said the Town Engineer reviewed those reports and approved them. Mr. Jones presented those reports to the board to review.

Chairman Morse asked the applicant to present his case.

Ms. Joanne Cox presented the Board with two letters from adjacent neighbors that had no objections to the application.

a. Adjacent neighbor letters - The aforesaid letters are attached to, and made part of, these minutes as Appendix 1.

Ms. Cox said they needed an area to place a large piano.

The Board went into deliberation. Mr. Groves asked about changes in grade, property changes or impact. Mr. Cox said there will be none of that.

Mr. Goetsch made a motion to grant the variance allowing 349 Orchard Circle to build a 380 square foot addition on the north side of their home. The motion was seconded by Ms. Laborde.

Chairman Morse stated the Board will go through the five standards that must be considered in granting a variance.

1. Unnecessary hardship would result from the strict application of the ordinance. This CONCLUSION is based on the following FINDING(S) OF FACT:

   To Approve: Chairman Mark Morse, Vice Chair Ray Goetsch, Richard Groves, Pamela Stover, Susan Laborde, and Ronald Bajakian.

   To Deny: N/A

2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. This CONCLUSION is based on the following FINDING(S) OF FACT:

   To Approve: Chairman Mark Morse, Vice Chair Ray Goetsch, Richard Groves, Pamela Stover, Susan Laborde, and Ronald Bajakian.

   To Deny: N/A.

3. The hardship did not result from actions taken by the applicant or property owner. This CONCLUSION is based on the following FINDING(S) OF FACT:

   To Approve: Chairman Mark Morse, Vice Chair Ray Goetsch, Richard Groves, Pamela Stover, Susan Laborde, and Ronald Bajakian.

   To Deny: N/A

4. The variance approval is the minimum necessary to make possible the reasonable use of the land, building, or structure:

To Approve: Chairman Mark Morse, Vice Chair Ray Goetsch, Richard Groves, Pamela Stover, Susan Laborde, and Ronald Bajakian.

To Deny: N/A

5. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved. This CONCLUSION is based on the following FINDING(S) OF FACT:

   To Approve: Chairman Mark Morse, Vice Chair Ray Goetsch, Richard Groves, Pamela Stover, Susan Laborde, and Ronald Bajakian.

   To Deny: N/A

Chairman Morse stated the motion to approve the variance is granted for 12 months, that it attaches to the property not the current owner/applicant, is permanent, and is recorded with the Deed for the Property. Mr. Morse asked the applicant if an extension would be needed. Mr. Keels asked if an extension could be granted.

Ms. Stover made a motion to grant a six-month extension for the variance. The motion was seconded by Mr. Groves. Chairman Morse asked for discussion; there was none. The vote was unanimous in favor of the motion.

Ms. Laborde made a motion to close the hearing at 4:35 p.m., seconded by Vice Chair Goetsch. The motion was unanimously approved by the Board.

ADJOURNMENT

Town Clerk Amin said the next meeting will be January 11 at 4:00 p.m.

There being no further business, Mr. Bajakian moved to adjourn at 4:37 p.m. and was seconded by Ms. Stover. Chair Morse asked for discussion; there was none. The motion carried unanimously.

_____
Chair Mark Morse

ATTEST:

_____
Tamara M. Amin, CMC, NCCMC
Town Clerk/Deputy Tax Collector

_____
Date

TOWN OF LAUREL PARK

AGENDA ITEM SUMMARY

Title of Item: Voting - Chair & Vice Chair

Presenter: Tamara Amin, Town Clerk

Attachment(s): Yes/No

Summary of Item: Board of Adjustment members will need to vote on a Chair and Vice Chair.

Suggested Action Requested: Staff request the Board of Adjustment vote on a Chair and Vice Chair.

Suggested Motion: Motion to approve Board of Adjustment Chair and Vice Chair.

TOWN OF LAUREL PARK

AGENDA ITEM SUMMARY

Title of Item: Public Hearing for Variance Request – 91 Ransier Dr.

Presenter: Alex Carmichael, Town Manager

Attachment(s): Yes/No

- Staff Report & Sketch
- Site Plan/Sketch, Variance Application

Summary of Item: Residents at 91 Ransier Drive would like to add a freestanding carport to their lot to accompany their home. The lot is identified on the records of the Henderson County Mapping Office as PIN#9558857732. The lot is in the R-20 zoning district, with an estimated acreage of .78 acres, and an average slope of 17%. The applicant seeks relief from the street setbacks standards of thirty-five (35) feet and the location and placement of the carport to be placed within the "front façade" according to note 7 in section 2.5.3: Dimensional Standards. The carport placement is proposed downslope from street visibility and the roof will be an even height with the street.

Suggested Action Requested: Staff requests that the board review and discuss variance application and attachments.

Suggested Motion: Motion to approve, approve contingent upon any conditions, or deny the variance application.

441 White Pine Dr. | Laurel Park, NC 28739 | www.laurelpark.org | office: 828-693-4840

To: NEVEL, CHRISTOPHER;NEVEL, KATHLEEN
From: Town of Laurel Park
Date: 12/21/2023
RE: Board of Adjustment Hearing

Town of Laurel Park – Public Notice

This notice is being sent to you because you own a property adjacent to a property subject to a Board of Adjustment hearing under the Unified Development Ordinance (UDO).

The following items of business are scheduled to be addressed by the Laurel Park Board of Adjustment on **Thursday January 11th at 4 p.m. at the Laurel Park Town Hall.** You are invited to attend in person or view the hearing online via Zoom. You can view this meeting online via Zoom; however, you must physically be present at the Laurel Park Town Hall if you plan to voice any concerns or recommendations.

Residents at 91 Ransier Dr. have proposed to build a 360 square foot carport on the northeast side of their home. The lot is identified on the records of the Henderson County Mapping Office as PIN# 9558857732. The lot is zoned as R-20, with an estimated acreage of .78 acres, and an average slope of 17%. UDO section 2.4.8 does not allow a carport to encroach into any required setback. UDO section 2.6.3 requires a minimum street setback for accessory structures of 35 feet on lots with steep slopes (15% to 25%).

The applicant seeks relief from section 2.4.8: Allowable Encroachments into Setbacks and section 2.6.3 Dimensional Standards – Minimum Street Setback of 35 feet. Approximately 60 square feet of the carport will encroach roughly 3 feet into the 35-foot street setback area between the primary front façade of the principal structure and the street setback line.

The hearing shall be conducted, and this notice is given, pursuant to the Rules of Procedure for the Laurel Park Board of Adjustment. A copy of the Rules of Procedure, together with a copy of the Application for Variance, may be obtained by contacting the Assistant to the Town Manager or Town Manager at Laurel Park Town Hall, 441 White Pine Drive, Laurel Park, North Carolina, (828) 693-4840. Office hours are Monday – Friday, 9am – 5pm.

IF YOU ARE THE APPLICANT – YOU AND YOUR REPRESENTATIVES MUST BE PRESENT AT THIS MEETING OR YOUR APPLICATION WILL NOT BE REVIEWED.

Zoom Information Located on the Back

441 White Pine Dr. | Laurel Park, NC 28739 | www.laurelpark.org | office: 828-693-4840

Zoom Information

When: Jan 11, 2024 04:00 PM Eastern Time (US and Canada)
Topic: Board of Adjustment – Regular Meeting

Please use the link below to join the webinar:
https://us02web.zoom.us/s/83031973136

Or One tap mobile :
+16468769923,,83031973136# US (New York)
+16469313860,, 83031973136# US

Or Telephone:
Dial(for higher quality, dial a number based on your current location):
+1 646 876 9923 US (New York)
+1 646 931 3860 US
+1 301 715 8592 US (Washington DC)
+1 305 224 1968 US
+1 309 205 3325 US
+1 312 626 6799 US (Chicago)
+1 386 347 5053 US
+1 408 638 0968 US (San Jose)
+1 507 473 4847 US
+1 564 217 2000 US
+1 669 444 9171 US
+1 669 900 6833 US (San Jose)
+1 689 278 1000 US
+1 719 359 4580 US
+1 253 205 0468 US
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+1 360 209 5623 US

Webinar ID: 830 3197 3136

International numbers available: https://us02web.zoom.us/u/kQlaVzVF

441 White Pine Dr. | Laurel Park, NC 28739 | www.laurelpark.org | office: 828-693-4840

Residents at 91 Ransier Drive would like to add a freestanding carport to the lot to accompany the proposed home. The lot is identified on the records of the Henderson County Mapping Office as PIN#9558857732. The lot is in the R-20 zoning district, with an estimated acreage of .78 acres, and an average slope of 17%.

Accessory structures are permitted in the R-20 zoning district provided they meet the applicable setbacks which in this case would be a street setback of thirty-five (35) feet and a side setback of fifteen (15) feet according to the dimensional standards found in section 2.6.3.

Section 10.2.4. D.1 defines a street setback as, "A street setback measured from the right-of-way edge associated with a public street or existing private street." The home is bounded by two streets: Ransier Dr. and Panorama Dr., therefore, a street setback of thirty-five (35) feet applies to each street bordering the lot and a side setback of fifteen (15) feet. Due to the topography of the parcel and being bounded by two streets, the buildable area is constricted.

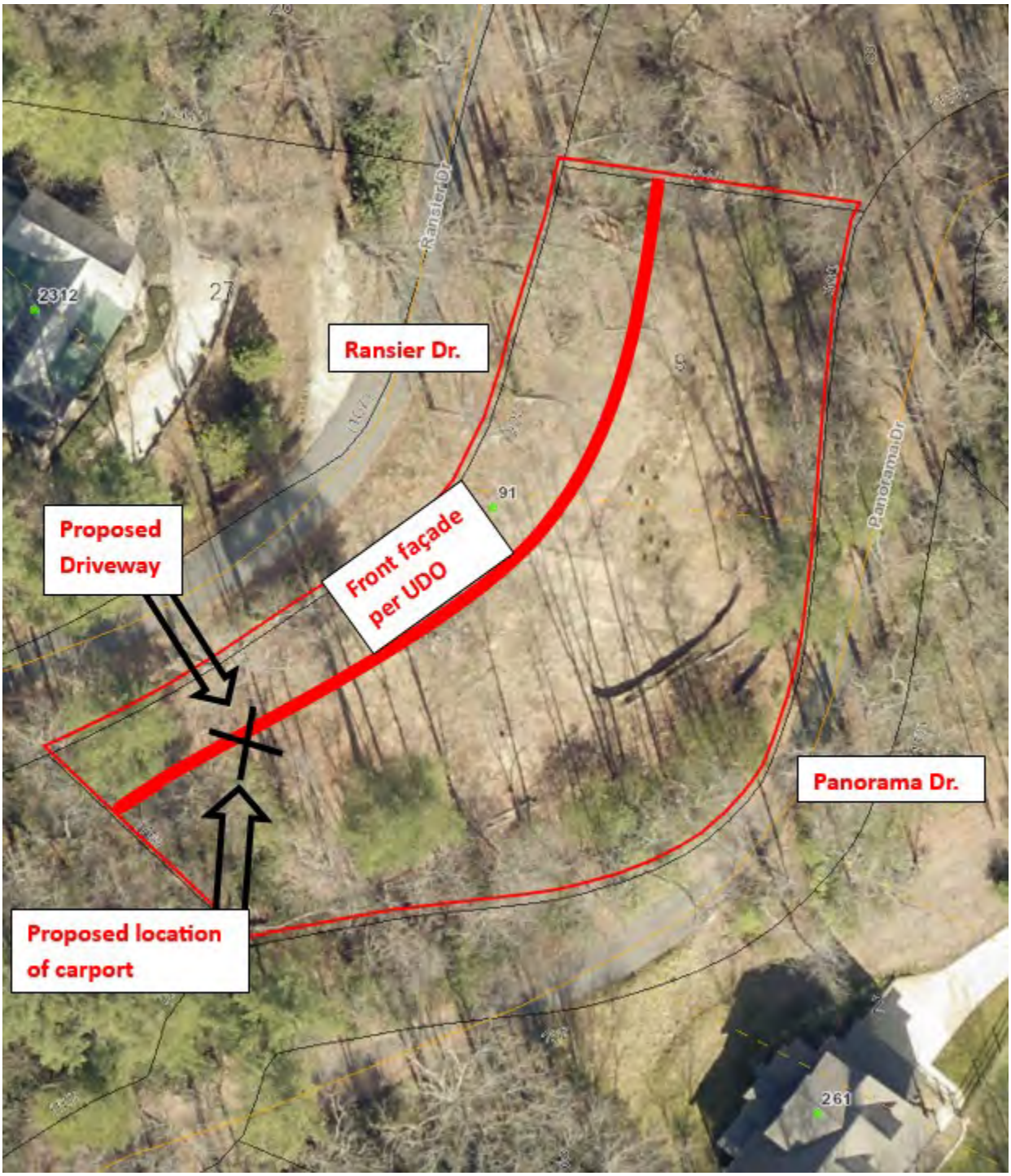
Section 2.6.3 note nine (note/9) points out that, "Except for fences, walls, and features identified in section 2.4.8: Allowable Encroachments into setbacks, detached accessory structures shall not be located between the primary front façade of the principal structure and a street setback line."

The driveway, mailbox, and address for the residence are all proposed to be located on Ransier Dr. The definition of primary building façade (pg. 416) states, "The architectural front wall (façade) of the building that faces the street from which the building is addressed." Therefore, the proposed location of the carport would be located approximately three (3) feet within the primary building façade of the home in accordance with the definition.

Due to the unique factors of being bounded by two streets and the steep topography of the parcel, the applicant seeks relief from the street setback standards of thirty-five feet and the location and placement of the carport to be placed within the "front façade." The carport is proposed down slope from street visibility with the roof being an even height with the street.

Respectfully, Town Staff

441 White Pine Dr. | Laurel Park, NC 28739 | www.laurelpark.org | office: 828-693-4840



VARIANCE APPLICATION FORM

Town of Laurel Park • 441 White Pine Drive • Laurel Park, NC 28739 • P. 828-693-4840 • F. 828-696-4948

APPLICATION PAGE 1 OF 5 APPLICATION LAST UPDATED: 8.28.23

1. THINGS TO KNOW ABOUT THE ZONING/SUBDIVISION VARIANCE PROCEDURE

1. The variance review procedure is described in Section 6.3.20 of the Laurel Park Unified Development Ordinance.
2. A variance application may be filed to request relief from dimensional requirements, development standards, or watershed requirements, stormwater requirements in the UDO.
3. A variance may be used to request relief from a use standard or other development requirement as part of a reasonable accommodation to allow a person with a disability to have access to housing as allowed under the federal Fair Housing Act.
4. A variance may not be used to alter the allowable uses in a zoning district or deviations in applicable conditions of approval.
5. A variance application may not be filed with an application for a planned development.
6. A pre-application conference is mandatory prior to submission of an application for a variance.
7. Applicants are required to demonstrate a hardship (that is not self-imposed) for approval of a variance. Financial hardship is not a valid criteria for the approval of a zoning/subdivision variance.
8. Variances to the special flood hazard area standards are processed in accordance with Chapter 152 of the Town Code of Ordinances.
9. Water-related variances from the watersupply watershed regulations are classified as major or minor. Major variances from the watersupply watershed regulations are decided by the North Carolina Environmental Management Commission following a recommendation by the BOA.
10. Applications for a variance shall require submittal of a Site Plan.
11. In cases where a development application (e.g., a site plan) requires approval of a variance, the variance shall be reviewed and decided prior to review of other aspects of the development application.

2. GENERAL APPLICANT INFORMATION

A. Parcel Information

1. Parcel Address:	91 Ranger Dr. -85-
2. Parcel Identification Number:	D.B. 3684, pg. 716, pin 9558-58-7732
3. Lot Area/Acreage:	Lot 9, .78 ac.
4. Base Zoning District:	R-20
5. Overlay Zoning District (if applicable):	

B. Primary Point of Contact Information

1. Primary Point of Contact Name:	Chris Nevel
2. Mailing Address:	329 Taylor St., Hendersonville, NC 28739
3. Phone:	(828) 808-7254
4. Email:	Kaftchris@gmail.com

VARIANCE APPLICATION FORM

Town of Laurel Park • 441 White Pine Drive • Laurel Park, NC 28739 • P. 828-693-4840 • F. 828-696-4948

APPLICATION LAST UPDATED: 8.28.23

3. DESCRIPTION OF REQUEST

(Please complete the following)

1. Is this application associated with another application? ☐ Yes ☑ No

   If yes, what kind of application?

2. Is this site subject to any approved administrative adjustments? ☐ Yes ☑ No

   If yes, what is the case number (please list all):

3. Please select the type of standards being varied (check all that apply):

☐ Lot coverage	☐ Off-street parking/loading/circulation standard
☐ Lot area	☐ Landscaping standard
☐ Lot width	☐ Fence/wall standard
☑ Minimum yard/setback	☐ Exterior lighting standard
☐ Height	☐ Signage
☐ Stormwater	☐ Water supply watershed
☐ Flood damage prevention	☐ Reasonable accommodation
☐ Other (please specify below):	☐ Design standard

4. Please list the section(s) of the UDO from which the variance is being requested (please list all that apply):

   2.4.8 freestanding carport: may not encroach into any required setback

   2.6.3 minimum street setback: 35' for steep slope 17%

5. Please explain, in detail, the variance you are requesting and why it is needed. Please limit this discussion to facts and the hardships that would be created by strict adherence to the UDO:

   Carport placement is least distructive to the slope of the land. House placement is maxing out septic clearance.

   Attach additional sheets if necessary.

6. Please identify the zoning district designation and existing use of land for all adjacent properties, including those across the street:

   R-20, residential to east, west & north. South side is a vacant lot (carport 51' setback)

   Attach additional sheets if necessary.

7. Is the property exceptionally narrow, shallow or does it have an exceptional size or shape that existed prior to the effective date of this zoning ordinance? ☐ Yes ☑ No

   If yes, please describe below: However, .78 acre with a septic field & repair field having 15' setback to structure limits placement to site plan.

   Attach additional sheets if necessary.

8. Does the property have exceptional topographic conditions or some other extraordinary situation or condition that makes it unlike other properties in the immediate vicinity? ☐ Yes ☑ No

   If yes, please describe below:

   Attach additional sheets if necessary.

9. Is there some particular condition, situation, or development on the property immediately adjacent to the subject property that affects the subject property's ability to comply with the regulations you are seeking a variance from? ☐ Yes ☑ No

   If yes, please describe below:

   Attach additional sheets if necessary.

10. Please provide a written description of any hardship(s) and how such hardship(s) is not self-imposed:

    Carport placement 3' into setback is requested for house design

    Attach additional sheets if necessary.

11. Please describe how the development subject to the requested variance will be in harmony with the general purpose and intent (see Chapter 1) of the UDO:

    Carport shed roof will be an even height with street.

    Attach additional sheets if necessary.

12. Explain any potential negative external impacts that may result from the proposed variance, and how they will be mitigated:

    None. Carport is down slope from street visability.

    Attach additional sheets if necessary.

13. For sign variances, explain how this variance does not confer any special privilege that is denied to similar lands:

    —

    Attach additional sheets if necessary.

14. For sign variances, explain how the variance amount requested is the absolute minimum that will allow reasonable use of the land:

    —

    Attach additional sheets if necessary.

4. SUBMITTAL CHECKLIST

(Please ensure your application includes 3 paper copies and 1 digital (pdf) copy of all of the following)

1. Pre-application conference completed ☐
2. Variance application form ☐
3. Application fee ☐
4. Copy of the deed for subject property(ies) ☐
5. Locations, square footages, and dimensions of all existing and proposed structures ☐

6. All minimum and maximum setbacks, including build-to lines	☐
7. Easement types, locations, and dimensions	☐
8. Locations and sizes of driveways, parking areas	☐
9. An elevation drawing showing proposal building facades when variances to design standards are requested	☐
10. Applications for a variance shall require submittal of a Site Plan and any additional information determined to be necessary by the Town.	☐

5. APPLICANT SIGNATURE

I certify that the information provided on this application form is complete and accurate to the best of my knowledge. I hereby authorize Town officials to enter the subject property for the purposes of determining compliance.

If there are multiple land owners or applicants, a signature is required for each.

Land Owner or Authorized Signature: Chr Nl

Date: 12.7.23

Land Owner or Authorized Signature: _____

Date: _____

Land Owner or Authorized Signature: _____

Date: _____

OFFICE USE ONLY
Project #:
Associated Project #:
Received By:
Filing Date:
Accepted as Complete By:
Complete Date:
Decision:
Decision By:
Decision Date:

Paid $80 on 12/7/23. JC

RIGHT-OF-WAY
NOW OR FORMERLY
TEMPORARY BENCHMARK
DEED BOOK
PLAT BOOK


Laurel Park Hwy
Ransier Dr
Silver Springs
Panorama Dr
3' variance
35' setback
32'
48'
deck 10 x 30
15' min
Septic box
& run
plumbing & fiber
electric run

BOOK 3684 PAGE 716 (3)

948899

This document presented and filed:
04/06/2021 10:32:45 AM

WT

WILLIAM LEE KING, Henderson COUNTY, NC
Transfer Tax: $146.00

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: $146.00

Parcel Identifier 106484 Verified by Henderson County on the _____ day of April, 2021.

Mail/Box to: Hovendon

This instrument prepared by: John C. Hovendon, 100 Chadwick Sq Ct, Ste C, Hendersonville, NC 28739

THIS DEED made this 1 day of **April, 2021**, by and between

GRANTOR	GRANTEE
Ralph G. Williams and Suzanne G. Williams, husband and wife	**Christopher Nevel and Kathleen Nevel, husband and wife**
5742 NE 16th Avenue Ft. Lauderdale, FL 33334	**329 Taylor Street Hendersonville, NC 28739**

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

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in **Henderson** County, North Carolina, and more particularly described as follows:

Please see attached Exhibit A.

This instrument was prepared by John C. Hovendon, a licensed North Carolina attorney. Delinquent taxes, if any, to be paid by the closing firm to the county tax collector upon disbursement of closing proceeds.

The property hereinabove described acquired by Grantor by instrument recorded in **Deed Book 857 at Page 685.** A map showing the above described property is recorded in

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple. And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

a. All rights of way for public utilities;
b. All rights of way for public streets, roadways, and/or easements; and
c. Applicable zoning ordinances, if any.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

By: _____ Ralph G. Williams (SEAL)
Ralph G. Williams

By: _____ Suzanne G. Williams (SEAL)
Suzanne G. Williams

_____ _____ (SEAL)

STATE OF FLORIDA, COUNTY OF BROWARD:

I, MARLEE KAPLAN and Ralph G. Williams Suzanne G. Williams, a Notary Public of BROWARD County, State of Florida, certify that **Ralph G. Williams** and **Suzanne G. Williams** personally came before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this the 1 day of APRIL, 2021.

MARLEE KAPLAN
Commission # GG 346298
Expires July 24, 2023
Bonded Thru Troy Fain Insurance 800-385-7019

_____
Notary Public
My Commission Expires: July 24, 2023

CREDITED TO THE ACCOUNT OF
THE WITHIN NAMED PAYEE
AND ABSENCE OF ENDORSEMENT GUARANTEED BY
TIAA BANK
ABA 063902110

Exhibit A

BEGINNING at a point in the western margin of Panorama Drive, a thirty (30') foot wide right of way, said point being the southeastern corner of the corner of the property conveyed to Ondrusek as found in Deed Book 697 at Page 451, Henderson County Registry, and running thence from said beginning point with Panorama Drive South 13 degrees 28 minutes 54 seconds West 70.76 feet to a point in the edge of the asphalt, thence South 18 degrees 40 minutes 32 seconds West 33.51 feet to a point in the edge of the asphalt, thence South 24 degrees 05 minutes 30 seconds West 70.48 feet to a point in the edge of the asphalt, thence South 43 degrees 25 minutes 06 seconds West 40.34 feet to a point in the edge of the asphalt, thence South 64 degrees 27 minutes 28 seconds West 83.66 feet to a point in the edge of the asphalt, thence with the Williams property as conveyed in Deed Book 650 at Page 771, Henderson County Registry, North 45 degrees 45 minutes 50 seconds West 138.33 feet to a point in the edge of Ransier Drive a thirty (30') foot wide right of way; thence with the southeastern margin of said drive, North 71 degrees 13 minutes 12 seconds East 35.25 feet to a point in the edge of the asphalt, thence North 60 degrees 56 minutes 38 seconds East 39.09 feet to a point in the edge of the asphalt, thence North 35 degrees 06 minutes 18 seconds East 30.20 feet to a point in the edge of the asphalt, thence North 16 degrees 45 minutes 20 seconds East 53.14 feet to a point in the edge of the asphalt, thence North 09 degrees 40 minutes 02 seconds East 34.03 feet to a point in the edge of the asphalt, thence with the Ondrusek property as above to referred, South 78 degrees 00 minutes 00 seconds East 130.17 feet to the point and place of ***BEGINNING***, and containing 0.78 acre of an acre, according to a survey by David C. Huntley and Associates Drawing #H-1584.

The above described property is identical to that property conveyed to Ralph G. Williams and wife, Suzanne G. Williams, by that certain deed from Doris E. Howell, a widow, dated November 21, 1994, and recorded on November 22, 1994, in Book 857 at Page 685, Henderson County Registry.

This conveyance does not include the primary residence of the Grantors.

ALPHA

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Limited Geotechnical Sub-Surface Evaluation Report

91 Ransier Dr.
Hendersonville, NC 28739

Prepared For:

Alan Owings
71 Russel St.
Asheville, NC 28806

Prepared By:

Alpha Environmental
PO Box 2155
Asheville, NC 28802

Alpha Project Number 23100.01 GT
May 25, 2023

Table of Contents

EXECUTIVE SUMMARY

An Alpha geotechnical field team assessed the above referenced site on May 11, 2023. The area of interest on the site is a specific part of Henderson County Parcel 9558857732. The purpose of the visit was to conduct a preliminary subsurface geotechnical investigation to determine the site suitability for construction of a single-family residence and describe the site slope stability characteristics to guide recommendations for site preparation and construction of structure foundations, roadways, and stormwater control.

Alpha received a preliminary site plan indicating the area for proposed development. The extents of the proposed structure were staked onsite. The subsurface soil survey was performed by Wildcat Dynamic Cone Penetrometer testing of soils at four (4) locations determined onsite to be within the footprint of the proposed structure or along the critical cross section for global stability analysis of the development area.

In summary, our investigation of the proposed development location indicated that the site is stable and suitable for construction of a residential structure founded on standard spread footings having a typical 2000psf load bearing capacity. Generally, the site is overlain with 1- to 2-foot-thick layer of a medium dense silty sand material which would be expected to receive and adequately infiltrate dispersed stormwater runoff attributable to a typical residential development. The borings terminated in a layer of very stiff saprolite anticipated to be capable of supporting foundation loadings from a typical residential development. Based on the study it is anticipated that the proposed development plan can be implemented without compromising slope stability on the site itself or neighboring properties.

Alpha Environmental & Engineering appreciates the contract to conduct this investigation and provide this study. Please contact us for any additional questions regarding this report.

Sincerely,
ALPHA ENGINEERING SERVICES, PA

Edward Dzierzynski.
President

NORTH CAROLINA PROFESSIONAL SEAL 053179 ENGINEER MARK VON DOLLEN

5/25/23

Mark Von Dollen, P.E.
Civil Engineer

1. PROJECT OVERVIEW

The primary purpose of the sub-surface evaluation was to provide the client with our opinions on the findings of the existing subsurface soils and their suitability to support the planned building for the site's development and to discuss the type of foundations required to meet the preferred site development plan. A determination of the ability of the site soils to receive rainfall runoff and remain stable is also included. This report presents the procedures and results of our subsurface exploration for the site, Global Stability Analysis (GSA), and describes the subsurface conditions encountered in the borings conducted.

2. EXPLORATION PROCEDURES

2.1. Site Access

The site is accessed from the Northwest property boundary along Ransier Dr. Approx. 30' in from the road lies proposed house site is in a recently cleared area surrounded by many young and old trees. The boundary of the proposed structure was staked to guide the positioning of test locations.

2.2. Subsurface Exploration

Four (4) Wildcat Dynamic Cone Penetrometer (DCP) tests were performed in general accordance with the method described in ASTM STP399. The test apparatus consists of a 35-pound slide hammer with a 1-inch shaft and a conical tip which is driven into the soil in increments of 10 centimeters. The number of blows by the hammer to move the conical tip is used to determine the soil bearing capacity at the elevation of the test. These tests were committed at locations determined on-site as within the footprint of the planned structure or upslope and downslope of the proposed development area for the GSA.

One (1) Hand Auger was performed in the location of WC-1 for the collection soil samples for laboratory evaluation.

A map of the "As-drilled" boring locations is provided as (Figure 2). A record of the blow count was maintained in the field and the test data is shown on the boring logs (Appendix I).

3. EXPLORATORY FINDINGS

3.1 Field Observations

The access road, Ransier Drive, borders the Northwest property boundary. Off the road the property starts with a terrace slope of 40 degrees and continues downward, transitioning to 20 to 25 degree slope to the South end of the property. Aside from the clearing of trees within the proposed development area, the property contains minimal anthropogenic impact and contains no evidence of a springs or surface seepage of groundwater. The soils for the property are classified as Edneyville fine sandy loam. No surface outcroppings of rock or colluvial soil deposits were observed within the development area.

3.2 Site Geology

The site lies within the Blue Ridge Physiological Province of North Carolina. Specifically, this site falls within the Ashe Metamorphic Suite/Tallulah Falls Formation. The geological setting for the site and surrounding soils are typically residual or saprolitic soils that originate from in situ weathering of parent rock. Bedrock in this area is generally comprised of weathered metamorphic rock. Bedrock of the Ashe Metamorphic Suite is generally comprised of Biotite Gneiss interlayered with Biotite-Garnet Gneiss, Biotite-Muscovite Schist, Metagraywacke, and Amphibolite. Origins of the metamorphic material is generally considered to be graywacke consisting of interlayered terrigenous sedimentary and volcanic materials and identified by the dark color and poorly sorted meta-sedimentary layers. Contacts of these units may be sharp or gradational. Major geologic features, such as faults, are documented for this area on the Generalized Geologic Map of North Carolina dated 1985, and in The Geology of the Carolinas, dated 1991.

Specifically, saprolitic soils encountered during the boring process were described as having characteristics of either schist or metagraywacke depending on the location and depth encountered. No surface outcrops of rocks or colluvial soil deposits were witnessed as part of this investigation.

This site is not expected to be affected by any wetland, 401/404 water permit, or endangered species restrictions; however, a formal investigation and determination was not part of this evaluation.

3.3 Soil Conditions

Generally, the site is covered with a thin layer of organic topsoil from 0-1 foot followed by a 1.5 to 2 foot-thick layer of tan brown silty sand. After 2 feet dense gray saprolite was encountered until hand-auger refusal at 3.0'. All borings were performed from the existing ground surface elevation and advanced until auger refusal or limits of the test apparatus depth. See Figure 2 for the Boring Locations. See the Boring Chart below for a summary of the findings.

Boring Data Chart

Boring ID	Surface Elevation (Ft.)	Total Boring Depth (Ft.)	Boring Type	Area	Depth to 2,000psf Material (Ft.)
WC-1	2357’	7.0’	WC/DCP	Proposed Residential Structure	1.5
WC-2	2349’	5.8’	WC/DCP	Downslope of Proposed Residential Structure	1.0
WC-3	2352’	5’	WC/DCP	Proposed Residential Structure	1.0
WC-4	2360’	4.9’	WC/DCP	Upslope of Assumed House Location	1.0
HA-1	2357’	3.0’	Hand Auger	Proposed Residential Structure	
Boring surface elevations are estimated from GIS data. No surveying was performed as part of this investigation.					

The specific findings at each bore location that are assumed to be within the planned house structure footprint are as follows:

- WC-1 and WC-3 borings indicate 2000psf bearing capacity soil suitable for a typical spread footing is achieved at or above 1.5 feet below existing surface grade. The borings terminated in dense saprolite which is generally excavatable with common construction equipment. For protection from frost heave, it is recommended that the footings be embedded at least 24” below final grade.
- The boring for HA-1 observed approximately 2 feet of tan brown silty sand followed by dense saprolite until hand-auger refusal at 3.0’.

The specific findings at each bore location that is outside of the structure footprint are as follows:

- WC-2 encountered medium dense surface soils for the first 1.5 feet of depth followed by a very dense residual stratum until auger refusal at 5.8’.
- WC-4 encountered medium dense surface soils for the first 3.0 feet of depth followed by a stiff layer continuing until auger refusal at 6’.

3.4 Groundwater Conditions

No Groundwater was encountered in the borings. Based on general available geologic and soil data information groundwater can be expected to be found at depths greater than 25 feet below the surface grade and therefore will not interfere with the development plans.

3.5 Seismic Rating

Based on the site boring evaluation and assumptions concerning the soil and rock at depths greater than the depths reached for this investigation, it appears that the site is a Seismic Site Class "C." The soil profile corresponds with that listed in Table 1615.1.1 in the International Building Code. No Remi or other instrument test was performed to evaluate the rating.

TABLE 1615.1.1
SITE CLASS DEFINITIONS

SITE CLASS	SOIL PROFILE NAME	AVERAGE PROPERTIES IN TOP 100 feet, AS PER SECTION 1615.1.5		
		Soil shear wave velocity, $\overline{v}_s$, (ft/s)	Standard penetration resistance, $\overline{N}$	Soil undrained shear strength, $\overline{s}_u$, (psf)
A	Hard rock	$\overline{v}_s > 5{,}000$	Not applicable	Not applicable
B	Rock	$2{,}500 < \overline{v}_s \leq 5{,}000$	Not applicable	Not applicable
C	Very dense soil and soft rock	$1{,}200 < \overline{v}_s \leq 2{,}500$	$\overline{N} > 50$	$\overline{s}_u \geq 2{,}000$
D	Stiff soil profile	$600 \leq \overline{v}_s \leq 1{,}200$	$15 \leq \overline{N} \leq 50$	$1{,}000 \leq \overline{s}_u \leq 2{,}000$
E	Soft soil profile	$\overline{v}_s < 600$	$\overline{N} < 15$	$\overline{s}_u < 1{,}000$
E	—	Any profile with more than 10 feet of soil having the following characteristics: 1. Plasticity index $PI > 20$; 2. Moisture content $w \geq 40\%$, and 3. Undrained shear strength $\overline{s}_u < 500$ psf		
F	—	Any profile containing soils having one or more of the following characteristics: 1. Soils vulnerable to potential failure or collapse under seismic loading such as liquefiable soils, quick and highly sensitive clays, collapsible weakly cemented soils. 2. Peats and/or highly organic clays ($H > 10$ feet of peat and/or highly organic clay where H = thickness of soil) 3. Very high plasticity clays ($H > 25$ feet with plasticity index $PI > 75$) 4. Very thick soft/medium stiff clays ($H > 120$ ft)		

For SI: 1 foot = 304.8 mm, 1 square foot = 0.0929 m², 1 pound per square foot = 0.0479 kPa.

4. ENGINEERING ANALYSIS AND RECOMMENDATIONS

4.1 Site Preparation

During construction activities Best Management Practices to prevent soil erosion and loss of material off site, including silt fences, catchment ponds, and others should be enacted. Tree removal should be limited to the affected construction areas with care given to not disturb any vegetation outside construction limits. Retention of a landscape architect is recommended to identify tree removal and/or replacement to conform to local ordinances.

4.2 Compacted Fill

Should compacted fill be required for this site depending on the final civil/construction design it should be compacted to a minimum of 95 percent of the maximum dry density obtained in accordance with ASTM Specification D-698, Standard Proctor Method. Fill or backfill placed within five horizontal feet of any building structure should be compacted to a minimum of 95 percent of the maximum dry density obtained in accordance with ASTM Specification D-698, Standard Proctor Method. The moisture content of the fill at the time of placement should be within +/- 2 percent of the optimum moisture content established by the above referenced laboratory compaction test.

Structural Fill Placement Location	Per **ASTM D-698**(Std. Proctor Test)		
	Minimum Compaction Requirement (%)	Moisture Content (%) Range for Compaction	
		Minimum	Maximum
Non-Structural Areas	92	-2%	+2%
Foundations and Slabs	95	-2%	+2%
Pavement	95	-2%	+2%

We recommend a low to moderate plasticity index soil (Plasticity Index less than 20) be used as fill. The fill should be placed in loose lifts of nine inches in thickness and properly compacted after each lift with fill operations continuing until the subgrade elevations are achieved. In-place density tests made in accordance with ASTM D-1556 or equivalent should be used to verify compaction.

Fill Type*	USCS Classification	Acceptable Placement Location
Imported Sandy - Silts/Clays and Silty-Clayey-Sand Soils	ML, CL, SC, SM (LL<45)	All locations and elevations
Imported Granular Soil	SW, SP, GW, GP	All locations and elevations
Available On-Site Soils	Dependent upon testing results	Dependent upon testing results
*Materials to be used for compacted fill should be free of organic matter and debris and should be free of material larger than 3-inch diameter. Frozen material should not be used. Samples of material types should be evaluated by the Geotechnical Engineer.		

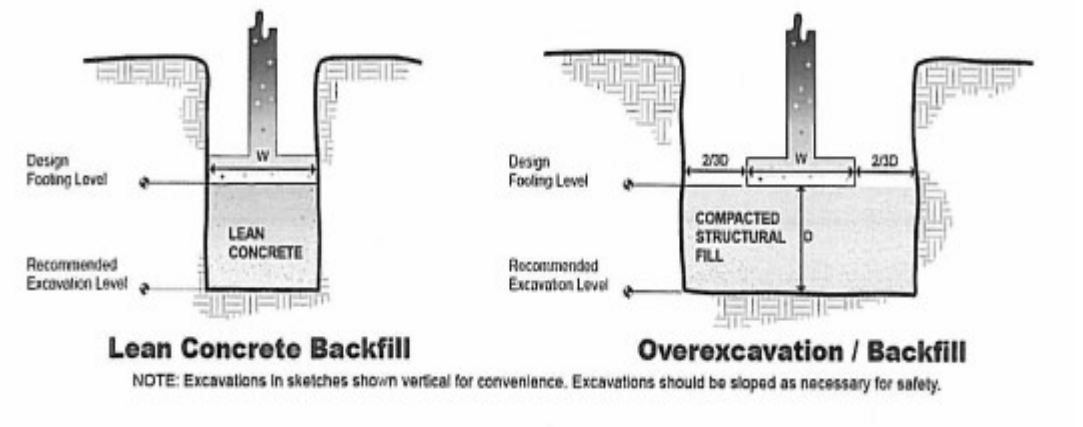
For earthwork operations, and in any areas to receive fill, the fill areas should be extended a minimum five feet beyond the limits of the construction to ensure that all topsoil and otherwise soft or unsuitable soils are removed from the construction area.

4.3 Foundations

All the soil borings indicate that the typical spread footing foundation design for a 2000psf bearing capacity is suitable for the structure. We recommend a minimum footing depth of 2 feet below the existing grade for protection from frost heave.

If rock is encountered within the planned footing excavations, we recommend the footings be keyed into competent rock. The rock surface should be removed to create horizontal steps. The reinforced concrete footings should be connected to the rock with #8 rebar or similar sized dowels epoxied into drill holes in the competent rock. The compressive strength of the rock used to design the dowels should be equal to the crushing strength of the footing concrete. The competent rock has a vertical design bearing capacity of 5000 psf. The structural engineer should specify the size, depth, and layout of the rock pinning. Depending on the horizontal loads calculated by the structural engineer a decision can be made whether rock core samples are needed to design a system of dowels sufficient to accommodate the horizontal loads. Additionally, if rock is found in the footings, further soil repair may be required depending on the final footing designs. We recommend in-process inspections by Alpha during the footing excavation process to verify footing materials suitability.

During construction should any section of a footings encounter loose material, the excavation should be undercut until suitable bearing material is found. The undercut area of the footing excavation should be replaced with lean concrete (mud mat) or be lined with filter fabric such as Mirafi 140NL or equivalent and then filled with #57 washed stone. The stone should be brought to the desired footer depth in 9-inch lifts consolidated by lightly tamping during placement with a vibratory plate tamp. The filter fabric should wrap over the top of the stone.



We recommend in-process inspections by Alpha during any such footing repair process to verify footing the proper installation is performed.

4.4 Floor Slab

Should the main structure basement/lower level or a garage structure call for a slab on or over grade we recommend that a capillary cutoff layer be provided under the floor slab to prevent rise of water through the floor slab. The capillary layer should consist of a minimum of a 4-inch thick, clean crushed stone or washed gravel layer, maximum size of 3/4 inches with a maximum of 2 percent passing the No. 200 sieve. A vapor barrier should be utilized on top of the stone to provide additional moisture protection placed immediately before the placement of the floor slab concrete. Prior to placing the stone for the capillary cutoff layer, the floor slab subgrade soil should be properly compacted and free of standing water or mud. In any areas of soft or depressed soil we recommend that the stone layer be thickened to 6-8 inches for additional slab support. Suitable adjustment to this can be determined by an experienced site or general contractor.

4.5 Pavement Recommendations

In parking areas, we recommend that the pavement be designed as a flexible pavement using guidelines established by the Asphalt Institute for Full Depth Asphalt Pavement Structures. Based on previous laboratory tests on similar material, a California Bearing Ratio of six was selected for on-site soil compacted to 95 percent of the maximum dry density determined in accordance with ASTM Specification D-698, Standard Proctor Method. For any parking areas, we recommend that the pavements be designed for 2 inches of asphalt overlying 6 inches of compacted crushed stone.

Typical Minimum Pavement Section Thickness (Inches)						
Final Proposed Usage/Traffic Type	Pavement Options	Asphalt Concrete (AC) Surface Course	Asphalt Concrete (AC) Binder Course	Portland Cement Concrete (PCC)	Aggregate Base Course (ABC)	Total Thickness (inches)
Light Duty Parking (Cars)	PCC	-	-	5	4	9
	AC	2	-	-	6	8
Heavy Duty (Drives and Truck Access)	PCC	-	-	6.5	4	10.5
	AC	1.25	1.75	-	8	11
Trash Container Pads, Delivery Pads, Entrance and Exit Sections	PCC	-	-	6.5	4	10.5

Regardless of the section and type of construction utilized, saturation of the subgrade materials and asphalt pavement areas results in a softening of the subgrade material and shortened life span for the pavement, therefore, we recommend that both the surface and subsurface materials for the pavement be properly graded

to enhance surface and subgrade drainage. By quickly removing surface and subsurface water, softening of the subgrade can be reduced and the performance of the parking area can be improved. Site preparation for the parking and roadway areas should be like that for the building areas including stripping, proof rolling, and the placement of compacted structural fill.

4.6 Allowable Temporary Cut Slope

For all open slope excavations, the recommended temporary soil back slope should be 1.5 V on 1.0 H, or flatter. This applies to any cross slope and any down slope. In areas where 1.5 V on 1.0 H is not attainable temporary shoring using timbers or sheet piles is recommended. Shoring location and methods that meet OSHA requirements are the responsibility of the excavation contractor.

4.7 Friction Factor for Soil

The reliable force holding the footing in place is the friction between the bottom of the footing and the underlying soil. The friction factor for the soils is .50 with a recommended safety factor of 1.5. The 2000psf is the allowable bearing capacity is for soils at depths defined in this report.

4.8 Friction Factor for Rock

Rock may be encountered in some locations when excavating for footings. In this case the rock will need to be qualified by Alpha. If the footing will reside on rock the friction factor is .30 with a recommended safety factor of 1.5.

4.9 Retained Soils

Should any retaining wall designs be incorporated the following are the engineering values that should be applied to the design that is being progressed by the structural engineer:

- Ka = .25, Kp =4.02, soil unit weight = 110pcf, friction factor between soil and concrete = .50

Any retained soils behind a retaining wall or structural wall should have a PVC drainage pipe installed sized to an estimate of the peak volume of water that may be introduced to the area from rain events, stormwater, or groundwater.

4.10 Surface Water Considerations

The site surface soils were determined to be silty sands of porosity and granularity to that would be expected to infiltrate rainfall runoff from a typical residential development. The soils were found to be of a density and cohesiveness such that erosion and destabilization of the slope is unlikely with appropriate maintenance and implementation of properly designed energy dissipation and dispersion structures. Parcel area outside the

proposed development exists for construction of stormwater dispersal methods such as gravel trenches, level spreaders, and rain gardens. As the underlying formation consists of saprolite, deep percolation of dispersed surface runoff is not expected to decrease soil shear capacities or lead to de-stabilization of the development area. Construction techniques utilizing pervious pavements, rainwater harvesting, or green roofs may also be implemented to reduce concentration and velocity of surface flows should the final development design allow.

4.11 Global Stability Analysis

Slope stability is dependent upon the density of the material forming the slope as well as the degree of slope. Global stability analyses of natural and cut slopes are typically evaluated on the basis of factor of safety (FS) which is the comparison between stabilizing and de-stabilizing forces. Earthen formations with FS of less than 1 are considered unstable and formations with FS between 1 and 1.3 are considered marginally stable with a moderate potential for significant failure. Earth slopes with FS greater than 1.3 are considered to have a low potential for significant failure and are generally acceptable within geotechnical engineering practice.
The analysis utilized subsurface information collected during the soil density testing to develop a stability model of a critical cross-section of the proposed structure. The critical cross section was determined from provided development drawings as passing downslope through the proposed structure. The analysis was performed using HYRCAN v2.0 for both the pre and post development scenarios.

The study boundary was first generated by laying out the proposed structure with the subsequent layers of soil below as determined from the subsurface investigation. The design slope of the critical cross-section at the proposed structure was determined in the field to be an even 25-degree slope. The analyzed soil profile consisted of 2 layers of silty sands underlain by a dense saprolite layer. The pre-construction condition was modelled as scenario 1 (Figure 3) and determined the slope FS to be 1.93. The post-construction condition was modelled as scenario 2 (Figure 4) and simulated the proposed structure foundation pressure of 2,000 psf. The slope FS of the post-construction condition was calculated to be 1.88 with the failure plane encompassing the development area. Both the pre and post- construction scenario analysis yielded values above the minimum slope FS of 1.3, indicating there is a low risk of significant failure in either scenario.

5. GENERAL CONDITIONAL STATEMENT

This report has been prepared to assist the architect and/or engineer in the design of this project. The scope of this report is limited to the specific project and locations described herein, and our description of the project represents our understanding of the significant aspects relative to soil characteristics. In the event that any change in the nature or location of the proposed construction outlined in this report are planned, Alpha should be informed so that the changes can be reviewed, and the conclusions of this report modified or approved in writing by the soil and foundation engineer. The recommendations of this report are to be validated by inspection by an Alpha engineer or qualified field technician during the site preparation for all structural foundations or earth retaining systems.

ALPHA

Figures

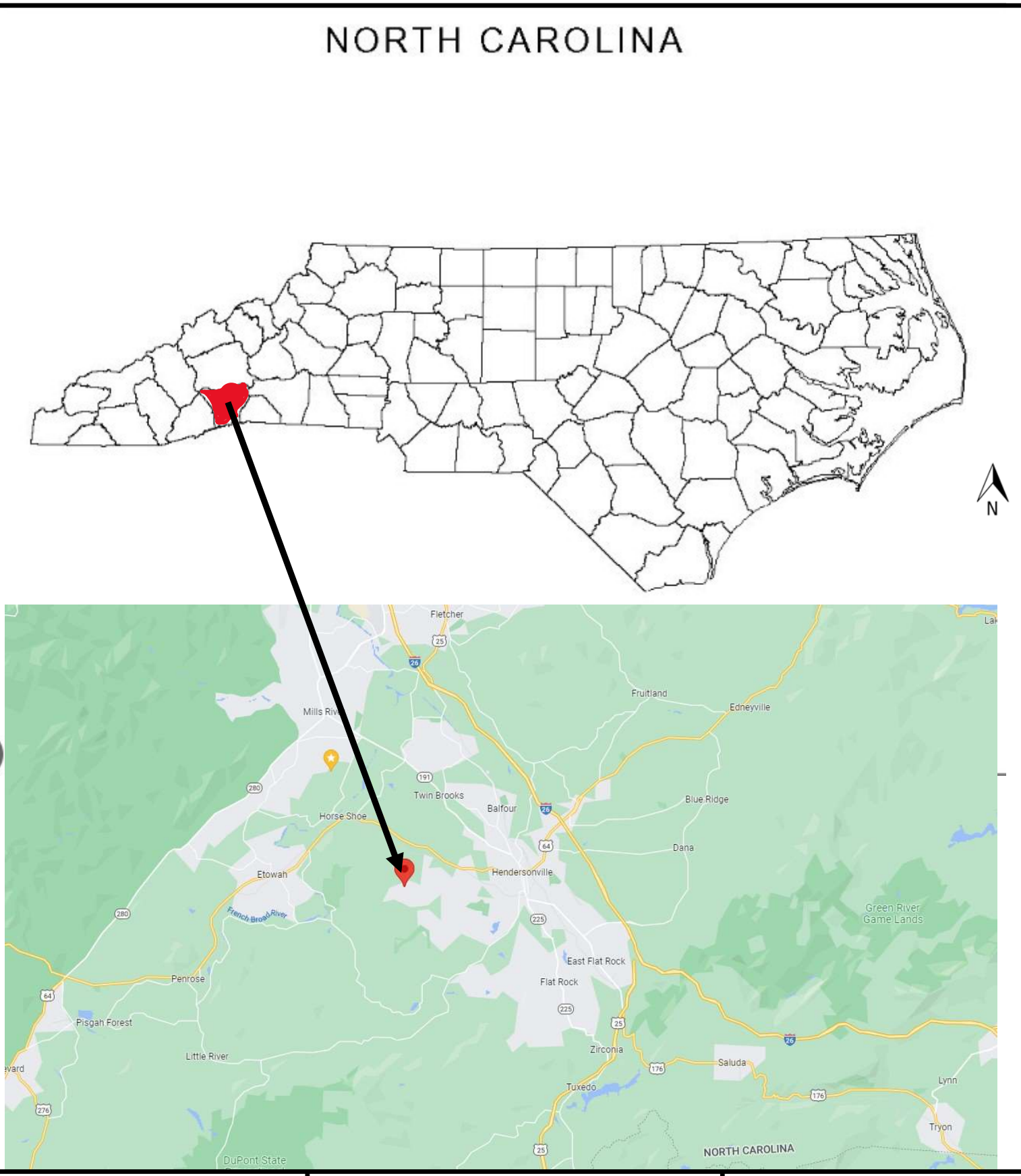


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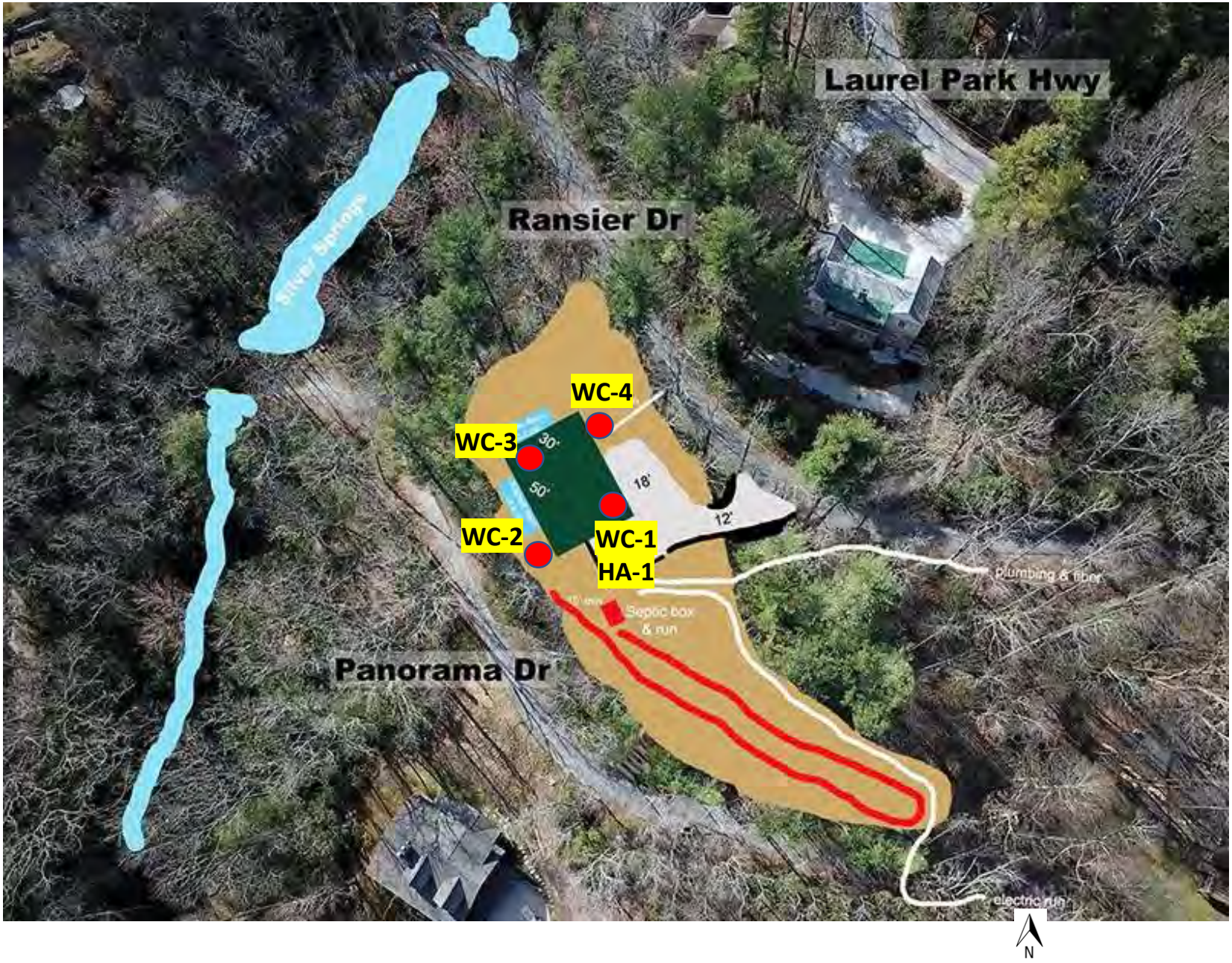
Figure 1
Site Location Map

ALPHA Project No. 23100.01
91 Ransier Dr.
Hendersonville, NC 28739



ALPHA ALPHA ENVIRONMENTAL ALPHA ENGINEERING SERVICES, P.A.	Figure 2 Boring Location Map	ALPHA Project No. 23100.01 91 Ransier Dr Hendersonville, NC 28739

HYRCAN 2.0

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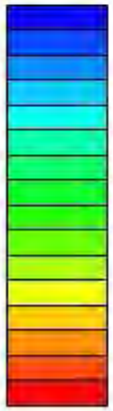
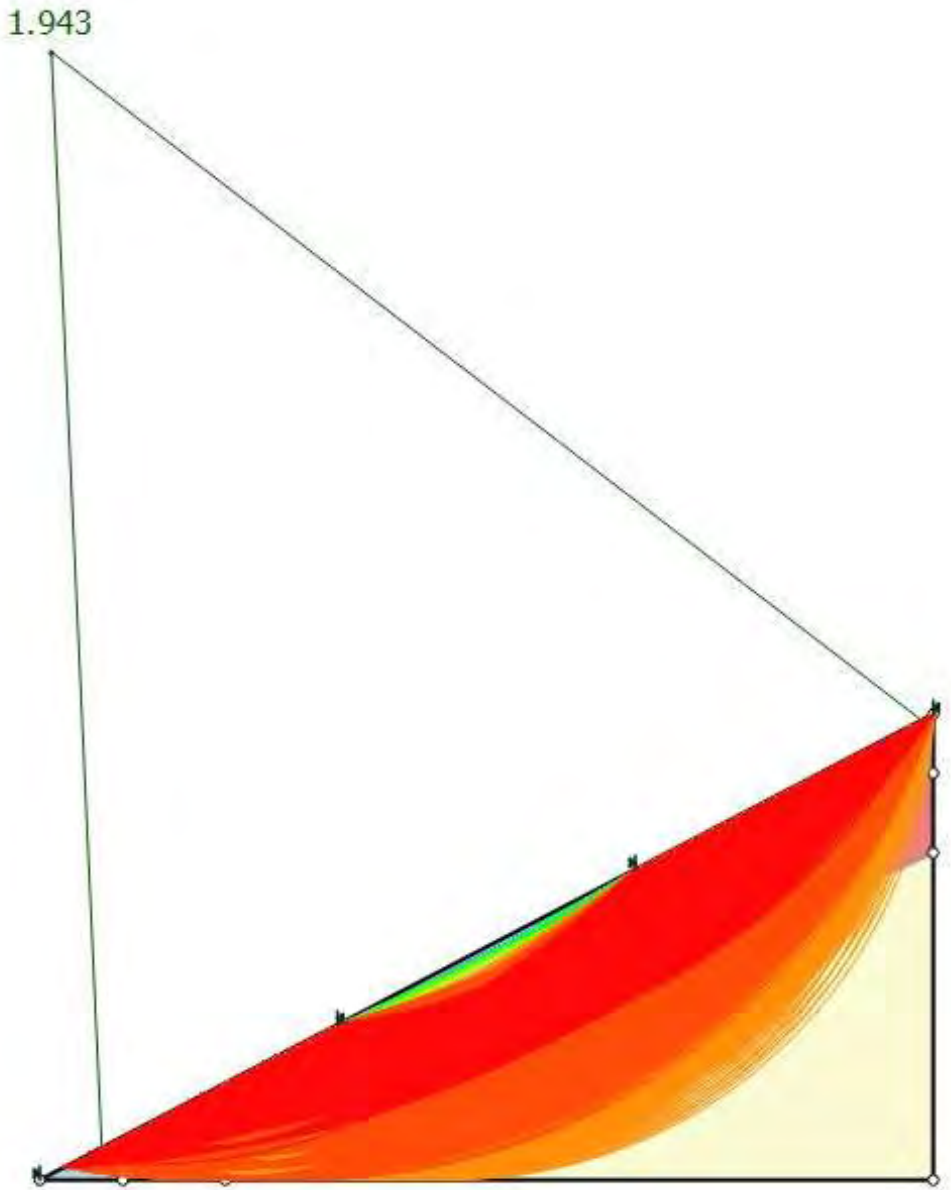
Factor of Safety Info.

Method: Bishop Simplified
Min. FOS: 1.9429
Center: 0.273879,34.1936
Radius: 30.9561
Left Surface Endpoint: 1.69443,3.27018
Right Surface Endpoint: 24.8219,15.3344

FOS Contour Plot



1.35E+01
1.21E+01
1.06E+01
9.18E+00
7.73E+00
6.29E+00
4.84E+00
3.39E+00
1.94E+00



ALPHA ALPHA ENVIRONMENTAL ALPHA ENGINEERING SERVICES, P.A.	Figure 3 Pre-Construction GSA	ALPHA Project No. 23100.01 91 Ransier Dr. Hendersonville, NC 28739

HYRCAN 2.0

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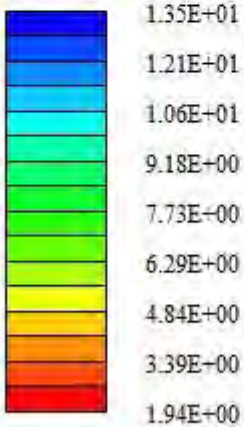
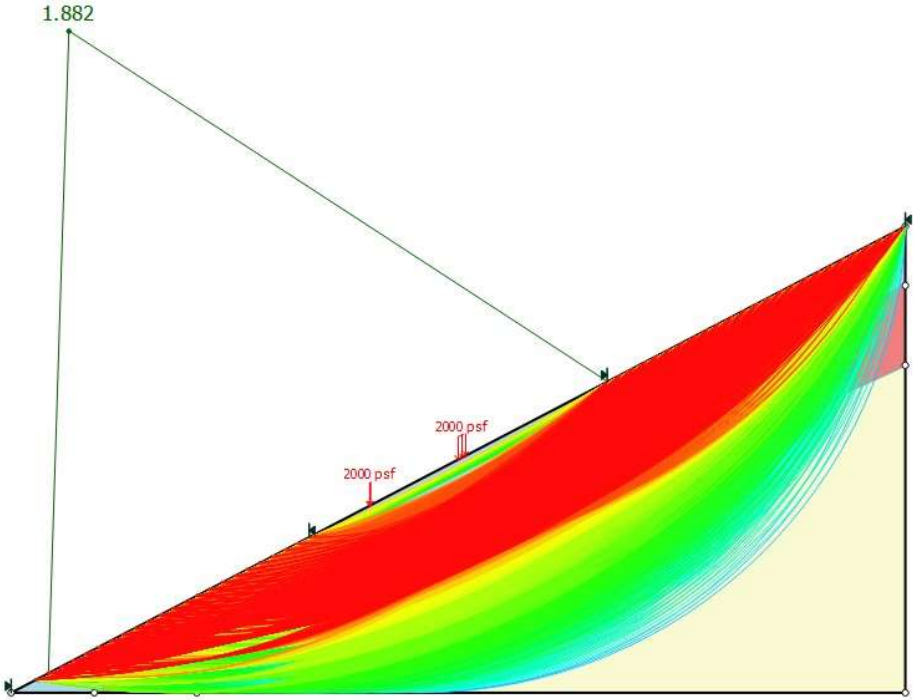
Factor of Safety Info.

Method: Bishop Simplified
Min. FOS: 1.9429
Center: 0.273879,34.1936
Radius: 30.9561
Left Surface Endpoint: 1.69443,3.27018
Right Surface Endpoint: 24.8219,15.3344

FOS Contour Plot





ALPHA ALPHA ENVIRONMENTAL ALPHA ENGINEERING SERVICES, P.A.	Figure 4 Post-Construction GSA	ALPHA Project No. 23100.01 91 Ransier Dr. Hendersonville, NC 28739

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Appendices

I. Boring Logs
II. Laboratory Test Results
III. Unified Soil Classification System
IV. Geotechnical Bulletin

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Appendix I

Boring Logs

WILDCAT DYNAMIC CONE LOG

Alpha Environmental
828-398-2040
admin@alphaenviron.com

PROJECT NUMBER: 23100
DATE STARTED: 05-11-2022
DATE COMPLETED: 05-11-2022

HOLE #: WC-1
CREW: MV
PROJECT: Ransier Dr.
ADDRESS: 91 Ransier Dr.
LOCATION: Laurel Park, NC

SURFACE ELEVATION: 2357
WATER ON COMPLETION: No
HAMMER WEIGHT: 35 lbs.
CONE AREA: 10 sq. cm

DEPTH	BLOWS PER 10 cm	RESISTANCE Kg/cm²	GRAPH OF CONE RESISTANCE 0 50 100 150	N'	TESTED CONSISTENCY NON-COHESIVE	COHESIVE
-	5	22.2	••••••	6	LOOSE	MEDIUM STIFF
-	8	35.5	••••••••••	10	LOOSE	STIFF
- 1 ft	6	26.6	••••••••	7	LOOSE	MEDIUM STIFF
-	10	44.4	•••••••••••••	12	MEDIUM DENSE	STIFF
-	7	31.1	•••••••••	8	LOOSE	MEDIUM STIFF
- 2 ft	7	31.1	•••••••••	8	LOOSE	MEDIUM STIFF
-	9	40.0	••••••••••••	11	MEDIUM DENSE	STIFF
-	8	35.5	••••••••••	10	LOOSE	STIFF
- 3 ft	8	35.5	••••••••••	10	LOOSE	STIFF
- 1 m	8	35.5	••••••••••	10	LOOSE	STIFF
-	10	38.6	•••••••••••	11	MEDIUM DENSE	STIFF
- 4 ft	12	46.3	••••••••••••••	13	MEDIUM DENSE	STIFF
-	11	42.5	•••••••••••••	12	MEDIUM DENSE	STIFF
-	15	57.9	•••••••••••••••••	16	MEDIUM DENSE	VERY STIFF
- 5 ft	17	65.6	••••••••••••••••••••	18	MEDIUM DENSE	VERY STIFF
-	19	73.3	••••••••••••••••••••••	20	MEDIUM DENSE	VERY STIFF
-	26	100.4	••••••••••••••••••••••••••••••	25+	MEDIUM DENSE	VERY STIFF
- 6 ft	29	111.9	••••••••••••••••••••••••••••••••••	25+	DENSE	HARD
-	32	123.5	•••••••••••••••••••••••••••••••••••••	25+	DENSE	HARD
- 2 m	21	81.1	••••••••••••••••••••••••	23	MEDIUM DENSE	VERY STIFF
- 7 ft	50	171.0	•••	25+	DENSE	HARD
-						
-						
- 8 ft						
-						
-						
- 9 ft						
-						
-						
- 3 m 10 ft						
-						
-						
-						
- 11 ft						
-						
-						
- 12 ft						
-						
-						
- 4 m 13 ft						

WILDCAT DYNAMIC CONE LOG

Alpha Environmental
828-398-2040
admin@alphaenviron.com

PROJECT NUMBER: 23100
DATE STARTED: 05-11-2022
DATE COMPLETED: 05-11-2022

HOLE #: WC-2
CREW: MV
PROJECT: Ransier Dr.
ADDRESS: 91 Ransier Dr.
LOCATION: Laurel Park, NC

SURFACE ELEVATION: 2349
WATER ON COMPLETION: No
HAMMER WEIGHT: 35 lbs.
CONE AREA: 10 sq. cm

DEPTH	BLOWS PER 10 cm	RESISTANCE Kg/cm²	GRAPH OF CONE RESISTANCE 0 50 100 150	N'	TESTED CONSISTENCY NON-COHESIVE	COHESIVE
-	4	17.8	•••••	5	LOOSE	MEDIUM STIFF
-	7	31.1	•••••••••	8	LOOSE	MEDIUM STIFF
- 1 ft	6	26.6	••••••••	7	LOOSE	MEDIUM STIFF
-	9	40.0	••••••••••••	11	MEDIUM DENSE	STIFF
-	8	35.5	•••••••••••	10	LOOSE	STIFF
- 2 ft	9	40.0	••••••••••••	11	MEDIUM DENSE	STIFF
-	13	57.7	••••••••••••••••	16	MEDIUM DENSE	VERY STIFF
-	16	71.0	••••••••••••••••••••	20	MEDIUM DENSE	VERY STIFF
- 3 ft	15	66.6	••••••••••••••••••	19	MEDIUM DENSE	VERY STIFF
- 1 m	21	93.2	••••••••••••••••••••••••••	25+	MEDIUM DENSE	VERY STIFF
-	23	88.8	••••••••••••••••••••••••	25	MEDIUM DENSE	VERY STIFF
- 4 ft	34	131.2	••••••••••••••••••••••••••••••••••••	25+	DENSE	HARD
-	41	158.3	••	25+	DENSE	HARD
-	32	123.5	••••••••••••••••••••••••••••••••••	25+	DENSE	HARD
- 5 ft	31	119.7	•••••••••••••••••••••••••••••••••	25+	DENSE	HARD
-	44	169.8	••	25+	DENSE	HARD
-	50	193.0	••	25+	VERY DENSE	HARD
- 6 ft						
-						
- 2 m						
- 7 ft						
-						
-						
- 8 ft						
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- 9 ft						
-						
-						
- 3 m 10 ft						
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-						
-						
- 11 ft						
-						
-						
- 12 ft						
-						
-						
- 4 m 13 ft						

WILDCAT DYNAMIC CONE LOG

Alpha Environmental
828-398-2040
admin@alphaenviron.com

PROJECT NUMBER: 23100
DATE STARTED: 05-11-2022
DATE COMPLETED: 05-11-2022

HOLE #: WC-3
CREW: MV
PROJECT: Ransier Dr.
ADDRESS: 91 Ransier Dr.
LOCATION: Laurel Park, NC

SURFACE ELEVATION: 2352
WATER ON COMPLETION: No
HAMMER WEIGHT: 35 lbs.
CONE AREA: 10 sq. cm

DEPTH	BLOWS PER 10 cm	RESISTANCE Kg/cm²	GRAPH OF CONE RESISTANCE 0 50 100 150	N'	TESTED CONSISTENCY NON-COHESIVE	TESTED CONSISTENCY COHESIVE
-	6	26.6	••••••••	7	LOOSE	MEDIUM STIFF
-	6	26.6	••••••••	7	LOOSE	MEDIUM STIFF
- 1 ft	7	31.1	•••••••••	8	LOOSE	MEDIUM STIFF
-	9	40.0	••••••••••••	11	MEDIUM DENSE	STIFF
-	10	44.4	••••••••••••••	12	MEDIUM DENSE	STIFF
- 2 ft	10	44.4	••••••••••••••	12	MEDIUM DENSE	STIFF
-	11	48.8	•••••••••••••••	13	MEDIUM DENSE	STIFF
-	18	79.9	•••••••••••••••••••••••	22	MEDIUM DENSE	VERY STIFF
- 3 ft	21	93.2	••••••••••••••••••••••••••	25+	MEDIUM DENSE	VERY STIFF
- 1 m	18	79.9	•••••••••••••••••••••••	22	MEDIUM DENSE	VERY STIFF
-	28	108.1	••••••••••••••••••••••••••••••••	25+	MEDIUM DENSE	VERY STIFF
- 4 ft	37	142.8	••	25+	DENSE	HARD
-	31	119.7	••••••••••••••••••••••••••••••••	25+	DENSE	HARD
-	43	166.0	••	25+	DENSE	HARD
- 5 ft	50	193.0	••	25+	VERY DENSE	HARD
-						
-						
- 6 ft						
-						
- 2 m						
- 7 ft						
-						
-						
- 8 ft						
-						
-						
- 9 ft						
-						
-						
- 3 m 10 ft						
-						
-						
-						
- 11 ft						
-						
-						
- 12 ft						
-						
-						
- 4 m 13 ft						

WILDCAT DYNAMIC CONE LOG

Alpha Environmental
828-398-2040
admin@alphaenviron.com

PROJECT NUMBER: 23100
DATE STARTED: 05-11-2022
DATE COMPLETED: 05-11-2022

HOLE #: WC-4
CREW: MV
PROJECT: Ransier Dr.
ADDRESS: 91 Ransier Dr.
LOCATION: Laurel Park, NC

SURFACE ELEVATION: 2360
WATER ON COMPLETION: No
HAMMER WEIGHT: 35 lbs.
CONE AREA: 10 sq. cm

DEPTH	BLOWS PER 10 cm	RESISTANCE Kg/cm²	GRAPH OF CONE RESISTANCE 0 50 100 150	N'	TESTED CONSISTENCY NON-COHESIVE	COHESIVE
-	4	17.8	•••••	5	LOOSE	MEDIUM STIFF
-	7	31.1	•••••••••	8	LOOSE	MEDIUM STIFF
- 1 ft	7	31.1	•••••••••	8	LOOSE	MEDIUM STIFF
-	8	35.5	••••••••••	10	LOOSE	STIFF
-	6	26.6	••••••••	7	LOOSE	MEDIUM STIFF
- 2 ft	9	40.0	•••••••••••	11	MEDIUM DENSE	STIFF
-	9	40.0	•••••••••••	11	MEDIUM DENSE	STIFF
-	13	57.7	••••••••••••••••	16	MEDIUM DENSE	VERY STIFF
- 3 ft	8	35.5	••••••••••	10	LOOSE	STIFF
- 1 m	15	66.6	••••••••••••••••••	19	MEDIUM DENSE	VERY STIFF
-	23	88.8	•••••••••••••••••••••••••	25	MEDIUM DENSE	VERY STIFF
- 4 ft	36	139.0	•••	25+	DENSE	HARD
-	41	158.3	•••	25+	DENSE	HARD
-	50	193.0	•••	25+	VERY DENSE	HARD
- 5 ft						
-						
-						
- 6 ft						
-						
- 2 m						
- 7 ft						
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- 8 ft						
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- 9 ft						
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- 11 ft						
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-						
- 12 ft						
-						
-						
- 4 m 13 ft						

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Appendix II

Laboratory Test Results

Sieve Test

Report #: 003-L1

Client: Chris Nevel
Project: Ransier Dr
Location: 91 Ransier Dr, Hendersonville, North Carolina 28739

Report Date: 05/24/2023
Project #: 23100

SAMPLE DATA

Test Procedure: ASTM D422
Sampled At: 3'
Visual Classification: Brown Silty Sand

Field Activity Date: 05/22/2023
Sample No:

Boring No: WC-1
Depth (ft): 3ft

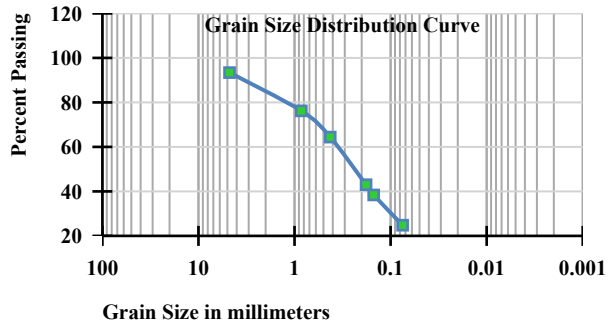
SIEVE ANALYSIS AND TEST RESULTS

Tare Wt	135.99	**Tare #**	2	**Moisture Content (%)**	17.71	**Intended Use**	
Water Wt	47.6	**Wet Wt.+ Tare**	452.75	**Dry Wt**	269.1	**Dry Wt.+ Tare**	405.1

Sieve Sizes	Individual Wt. Retained	% Retained	% Passing	% Passing Total Sample	Spec Limits
4.75mm #4	17.8	6.6	93.4	93	
0.85mm #20	64	23.8	76.2	76	
0.425mm #40	95.9	35.6	64.4	64	
0.18mm #80	153.3	57	43	43	
0.15mm #100	165.9	61.6	38.4	38	
0.075mm #200	202.3	75.2	24.8	25	

Standard		Physical Properties	Results
D-4318	**Atterberg Limits**	**Liquid Limit (LL)**	
		Plastic Limit (PL)	
		Plasticity Index (PI)	
		Non-Plastic	
D-2487	**Classification of Soil**	**Percent Gravel**	6.6
		Percent Sand	68.6
		Percent Fines	24.8

Soil Classification Method
USCS: SM
AASHTO: A-2-4 (0)
Soil Description: Silty Sand



Remarks:

Report Copied to:
Chris Nevel

Lab Representative: Alpha Lab Tech

NORTH CAROLINA PROFESSIONAL SEAL 053179 ENGINEER MARK VON DOLLEN

This item has been electronically signed and sealed by Mark Von Dollen

Alpha Environmental & Engineering

Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

Notes: The results above apply only to the specific samples noted using the aforementioned test method(s) and do not represent any other sample. Reports may not be reproduced except in full without permission.

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Appendix III

Unified Soil Classification System

Unified Soil Classification System

Major Division			Group Symbol		Typical Names	Laboratory Classification Criteria	
Coarse grained soils (more than half of materials are larger than No. 200 sieve size)	Gravel's (More than half of coarse fraction larger than No. 4 sieve size)	Clean gravel's (little of no fines(	GW		Well graded gravel's, gravel sand mixtures, little or no fines	$Cu=D_{60}/D_{10}$ greater than 4; $Cc=(D_{50})2/D_{10}$ X D_{60} between 1 and 3	
			GP		Poorly graded gravel's, gravel sand mixtures, little or no fines	Not meeting all gradation requirements for GW	
		Gravel's with fines (appreciable amount of fines	GM	d	Silty gravel's, gravel sand silt mixtures	Atterberg limits below "A" line or P.I. greater than 4	Above "A" line with P.I. between 4 and 7 are borderline cases requiring use of dual symbols
				u			
			GC		Clayey gravel's, gravel sand clay mixtures	Atterberg limits below "A" line with P.I. greater than 7	
	Sands (More than half of coarse fraction smaller than No. 4 sieve size)	Clean sands (little or no fines)	SW		Well graded sands, gravelly sands, little or no fines	$Cu=D_{60}/D_{10}$ greater than 6; $Cc=(D_{50})2/D_{10}$ X D_{60} between 1 and 3	
			SP		Poorly graded sands, little or no fines	Not meeting all gradation requirements for GW	
		Sands with fines (appreciable amount of fines)	SM	d	Silty sands, sand silt mixture	Atterburg limits below "A" line or P.I. greater than 4	Above "A" line with P.I. between 4 and 7 are borderline cases requiring use of dual symbols
				u			
			SC		Clayey sands, sand clay mixture	Atterberg limits below "A" line with P.I. greater than 7	
Fine grained soils (More than half of materials is smaller than No. 200 sieve size)	Silts and clays (Liquid limit less than 50)		ML		Inorganic silts and very fine sands, rock flour, silty or clayey fine sands or clayey sits, silts with slight plasticity	Determine percentages of sand and gravel from grain-size curve. Depending on percentage of fines (fraction smaller than No. 200 sieve size), coarse grained soils are classified as follows:	
			CL		Inorganic clays of low to medium plasticity, gravelly clays, sandy clays, silty clays, lean clays	Less than 5% - GW, GP, SW, SP More than 12% - GM, GC, Sm, SC	
			OL		Organic silts and organic silty clays of low plasticity	5 - 12% - Borderline cases requiring dual symbols	
	Silts and clays (Liquid limit greater than 50)		MH		Inorganic silts, micaceous or diatomaceous fine sandy or silty soils, elastic silts	Notes:	
			CH		Inorganic clays of high plasticity, fat clays		
			OH		Organic clays of medium to high plasticity, organic silts		
			Pt		Peat and other highly organic soils		

Drilling and Sampling Symbols

SS	Split Spoon 1 1/3" I.D., 2" o.d.	OS	Osterberg Sampler - 3" Shelby Tube
St	Shelby Tube = 2" O.D.	HS	Hollow Stem Auger
PA	Power Auger	WS	Wash Sample
DB	Diamond Bit - NX, BX, AX	FT	Fish Tail
AS	Auger Sample	RB	Rock Bit
JS	Jar Sample	BS	Bulk Sample
VS	Vane Shear	PM	Pressuremeter Test, In-Situ
		GS	Giddings Sampler

Standard "N" Penetration: Blows per foot of a 140-pound hammer falling 30 inches on a 2-inch O.D. split spoon sampler, except where otherwise noted.

Water Level Measurement Symbols

WL	Water Level	WCI	Wet Cave In
WS	While Sampling	DCI	Dry Cave In
WD	While Drilling	BCR	Before Casing Removal
AB	After Boring	ACR	After Casing Removal

Water levels indicated as the boring logs are the levels recorded in the boring at the times indicated. In pervious soils, the indicated elevations are considered reliable groundwater levels. In impervious soils, the accurate determination of groundwater deviation may not be possible even after several days of observations, additional evidence of groundwater elevations must be sought.

Gradation Description and Terminology

Coarse grained or granular soils have more than 50% of their dry weight retained as a #200 sieve; they are described as boulders, cobbles, gravel or sand. Fine grained soils have less than 50% of their dry weight retained as a #200 sieve; they are described as: clays or clayey silts, if they are cohesive and silts is they are not cohesive. In addition to gradation, granular soils are defined on the basis of their relative in-place density and fine grained soils on the basis of their strength or consistence and their plasticity.

Major Components of Sample	**Size Grain**	**Descriptive Term of Components also Present in**	**Percent of Dry Weight**
Boulders	Over 8-inches (200 mm)	Trace	1 - 9
Cobbles	8-inches to 3-inches (200 mm to 75 mm)	Little	10 - 19
Gravel	3-inches to #4 sieve (75 mm to 4/76 mm)	Some	20 - 34
Sand	#4 to #200 sieve (4.76 mm to 0.074 mm)	And	35 - 50
Silt	Passing #200 sieve (0.074 mm to 0,005 mm)		
Clay	smaller than 0.005 mm		

Consistency of Cohesive Soil		**Relative Density of Granular Soils**	
Unconfined Compressive Strength, Q2, tsf	Consistency	N - Blows per foot	Relative Density
<0.25	Very Soft	0 - 3	Very Loose
0.25 - 0.49	Soft	4 - 9	Loose
0.50 - 0.99	Medium (firm)	10 - 29	Medium Dense
1.00 - 1.99	Stiff	30 - 49	Dense
2.00 - 3.99	Very Stiff	50 - 80	Very Dense
4.00 - 8.00	Hard	80	Extremely Dense
>8.00	Very Hard		

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Appendix IV
Geotechnical Bulletin

Important Information About Your

Geotechnical Engineering Report

Subsurface problems are a principal cause of construction delays, cost overruns, claims, and disputes

The following information is provided to help you manage your risks.

Geotechnical Services Are Performed for Specific Purposes, Persons, and Projects

Geotechnical engineers structure their services to meet the specific needs of their clients. A geotechnical engineering study conducted for a civil engineer may not fulfill the needs of a construction contractor or even another civil engineer. Because each geotechnical engineering study is unique, each geotechnical engineering report is unique, prepared *solely* for the client. No one except you should rely on your geotechnical engineering report without first conferring with the geotechnical engineer who prepared it. *And no one - not even you* - should apply the report for any purpose or project except the one originally contemplated.

Read the Full Report

Serious problems have occurred because those relying on a geotechnical engineering report did not read it all. Do not rely on an executive summary. Do not read selected elements only.

A Geotechnical Engineering Report Is Based on A Unique Set of Project-Specific Factors

Geotechnical engineers consider a number of unique, project-specific factors when establishing the scope of a study. Typical factors include: the client's goals, objectives, and risk management preferences; the general nature of the structure involved, its size, and configuration; the location of the structure on the site; and other planned or existing site improvements, such as access roads, parking lots, and underground utilities. Unless the geotechnical engineer who conducted the study specifically indicates otherwise, do not rely on a geotechnical engineering report that was:

- not prepared for you,
- not prepared for your project,
- not prepared for the specific site explored, or
- completed before important project changes were made.

Typical changes that can erode the reliability of an existing geotechnical engineering report include those that affect:

- the function of the proposed structure, as when it's changed from a parking garage to an office building, or from alight industrial plant to a refrigerated warehouse,
- elevation, configuration, location, orientation, or weight of the proposed structure,
- composition of the design team, or
- project ownership.

As a general rule, *always* inform your geotechnical engineer of project changes - even minor ones - and request an assessment of their impact. *Geotechnical engineers cannot accept responsibility or liability for problems that occur because their reports do not consider developments of which they were not informed.*

Subsurface Conditions Can Change

A geotechnical engineering report is based on conditions that existed at the time the study was performed. *Do not rely on a geotechnical engineering report* whose adequacy may have been affected by: the passage of time; by man-made events, such as construction on or adjacent to the site; or by natural events, such as floods, earthquakes, or groundwater fluctuations. *Always* contact the geotechnical engineer before applying the report to determine if it is still reliable. A minor amount of additional testing or analysis could prevent major problems.

Most Geotechnical Findings Are Professional Opinions

Site exploration identifies subsurface conditions only at those points where subsurface tests are conducted or samples are taken. Geotechnical engineers review field and laboratory data and then apply their professional judgment to render an opinion about subsurface conditions throughout the site. Actual subsurface conditions may differ-sometimes significantly from those indicated in your report. Retaining the geotechnical engineer who developed your report to provide construction observation is the most effective method of managing the risks associated with unanticipated conditions.

A Report's Recommendations Are *Not* Final

Do not overrely on the construction recommendations included in your report. *Those recommendations are not final*, because geotechnical engineers develop them principally from judgment and opinion. Geotechnical engineers can finalize their recommendations only by observing actual

subsurface conditions revealed during construction. The geotechnical engineer who developed your report cannot assume responsibility or liability for the report's recommendations if that engineer does not perform construction observation.

A Geotechnical Engineering Report Is Subject to Misinterpretation

Other design team members' misinterpretation of geotechnical engineering reports has resulted in costly problems. Lower that risk by having your geotechnical engineer confer with appropriate members of the design team after submitting the report. Also retain your geotechnical engineer to review pertinent elements of the design team's plans and specifications. Contractors can also misinterpret a geotechnical engineering report. Reduce that risk by having your geotechnical engineer participate in prebid and preconstruction conferences, and by providing construction observation.

Do Not Redraw the Engineer's Logs

Geotechnical engineers prepare final boring and testing logs based upon their interpretation of field logs and laboratory data. To prevent errors or omissions, the logs included in a geotechnical engineering report should *never* be redrawn for inclusion in architectural or other design drawings. Only photographic or electronic reproduction is acceptable, *but recognize that separating logs from the report can elevate risk.*

Give Contractors a Complete Report and Guidance

Some owners and design professionals mistakenly believe they can make contractors liable for unanticipated subsurface conditions by limiting what they provide for bid preparation. To help prevent costly problems, give contractors the complete geotechnical engineering report, *but* preface it with a clearly written letter of transmittal. In that letter, advise contractors that the report was not prepared for purposes of bid development and that the report's accuracy is limited; encourage them to confer with the geotechnical engineer who prepared the report (a modest fee may be required) and/or to conduct additional study to obtain the specific types of information they need or prefer. A prebid conference can also be valuable. *Be sure contractors have sufficient time* to perform additional study. Only then might you be in a position to give contractors the best information available to you, while requiring them to at least share some of the financial responsibilities stemming from unanticipated conditions.

Read Responsibility Provisions Closely

Some clients, design professionals, and contractors do not recognize that geotechnical engineering is far less exact than other engineering disciplines. This lack of understanding has created unrealistic expectations that have led to disappointments, claims, and disputes. To help reduce the risk of such outcomes, geotechnical engineers commonly include a variety of explanatory provisions in their reports. Sometimes labeled "limitations" many of these provisions indicate where geotechnical engineers' responsibilities begin and end, to help others recognize their own responsibilities and risks. *Read these provisions closely.* Ask questions. Your geotechnical engineer should respond fully and frankly.

Geoenvironmental Concerns Are Not Covered

The equipment, techniques, and personnel used to perform a *geoenvironmental* study differ significantly from those used to perform a *geotechnical* study. For that reason, a geotechnical engineering report does not usually relate any geoenvironmental findings, conclusions, or recommendations; e.g., about the likelihood of encountering underground storage tanks or regulated contaminants. *Unanticipated environmental problems have led to numerous project failures.* If you have not yet obtained your own geoenvironmental information, ask your geotechnical consultant for risk management guidance. *Do not rely on an environmental report prepared for someone else.*

Obtain Professional Assistance To Deal with Mold

Diverse strategies can be applied during building design, construction, operation, and maintenance to prevent significant amounts of mold from growing on indoor surfaces. To be effective, all such strategies should be devised for the express purpose of mold prevention, integrated into a comprehensive plan, and executed with diligent oversight by a professional mold prevention consultant. Because just a small amount of water or moisture can lead to the development of severe mold infestations, a number of mold prevention strategies focus on keeping building surfaces dry. While groundwater, water infiltration, and similar issues may have been addressed as part of the geotechnical engineering study whose findings are conveyed in-this report, the geotechnical engineer in charge of this project is not a mold prevention consultant; ***none of the services performed in connection with the geotechnical engineer's study were designed or conducted for the purpose of mold prevention. Proper implementation of the recommendations conveyed in this report will not of itself be sufficient to prevent mold from growing in or on the structure involved.***

Rely on Your ASFE-Member Geotechnical Engineer For Additional Assistance

Membership in ASFE/The Best People on Earth exposes geotechnical engineers to a wide array of risk management techniques that can be of genuine benefit for everyone involved with a construction project. Confer with your ASFE-member geotechnical engineer for more information.

ASFE
The Best People on Earth

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Telephone:' 301/565-2733 Facsimile: 301/589-2017
e-mail: info@asfe.org www.asfe.org

IIGER06045.0M

TOWN OF LAUREL PARK

AGENDA ITEM SUMMARY

Title of Item: Public Hearing for Variance Request – 106 Nimbus Ln.

Presenter: Alex Carmichael, Town Manager

Attachment(s): Yes/No

- Staff Report & Sketch
- Site Plan/Sketch, Storage Shed Renderings, Variance Application

Summary of Item: Residents at 106 Nimbus Lane would like to add a storage shed to their lot to accompany their home. The lot is identified on the records of the Henderson County Mapping Office as PIN#9558286302. The lot is in the R-30 zoning district, with an estimated acreage of .51 acres, and an average slope of 9%. The applicant seeks relief from the street setbacks standards of thirty-five (35) feet and the location and placement of the storage shed to be placed within the "front façade" according to note 7 in section 2.5.3: Dimensional Standards. The storage shed will match the aesthetics of the home and landscaping is planned to help screen the structure from offsite view.

Suggested Action Requested: Staff requests that the board review and discuss variance application and attachments.

Suggested Motion: Motion to approve, approve contingent upon any conditions, or deny the variance application.

441 White Pine Dr. | Laurel Park, NC 28739 | www.laurelpark.org | office: 828-693-4840

To: Suzanne & Craig Preuss – 106 Nimbus Ln.
From: Town of Laurel Park
Date: 12/20/2023
RE: Board of Adjustment Hearing

Town of Laurel Park – Public Notice

This notice is being sent to you because you own a property adjacent to a property subject to a Board of Adjustment hearing under the Unified Development Ordinance (UDO).

The following items of business are scheduled to be addressed by the Laurel Park Board of Adjustment on **Thursday January 11th, 2024, at 4 p.m. at the Laurel Park Town Hall.** You are invited to attend in person or view the hearing online via Zoom. You can view this meeting online via Zoom; however, you must physically be present at the Laurel Park Town Hall if you plan to voice any concerns or recommendations.

Residents at 106 Nimbus Lane would like to add a storage shed to their lot to accompany their home. The lot is identified on the records of the Henderson County Mapping Office as PIN#9558286302. The lot is in the R-30 zoning district, with an estimated acreage of .51 acres, and an average slope of 9%.

Accessory structures are permitted in the R-30 zoning district provided they meet the applicable setbacks which in this case would be a street setback of thirty-five (35) feet and a side and rear setback of ten (10) feet according to the dimensional standards found in section 2.5.3.

Due to the unique factors of being surrounded by three streets and the difficulty in determining the front façade of the home, the applicant seeks relief from the street setbacks standards of thirty-five (35) feet and the location and placement of the storage shed to be placed within the "front façade" according to note 7 in section 2.5.3: Dimensional Standards. The storage shed will match the aesthetics of the home and landscaping is planned to help screen the structure from offsite view.

The hearing shall be conducted, and this notice is given, pursuant to the Rules of Procedure for the Laurel Park Board of Adjustment. A copy of the Rules of Procedure, together with a copy of the Application for Variance, may be obtained by contacting the Assistant to the Town Manager or Town Manager at Laurel Park Town Hall, 441 White Pine Drive, Laurel Park, North Carolina, (828) 693-4840. Office hours are Monday – Friday, 9am – 5pm.

IF YOU ARE THE APPLICANT – YOU AND YOUR REPRESENTATIVES MUST BE PRESENT AT THIS MEETING OR YOUR APPLICATION WILL NOT BE REVIEWED.

441 White Pine Dr. | Laurel Park, NC 28739 | www.laurelpark.org | office: 828-693-4840

Zoom Webinar

Topic: Board of Adjustment - Regular Meeting

Time: Jan 11, 2024 04:00 PM Eastern Time (US and Canada)

Zoom Link: https://us02web.zoom.us/s/83031973136

Webinar ID: 830 3197 3136

Phone one-tap

Phone one-tap: US: +16468769923, 83031973136# or +16469313860,,83031973136#

Join by Telephone

For higher quality, dial a number based on your current location.

Dial:

US : +1 646 876 9923 or +1 646 931 3860 or +1 301 715 8592 or +1 305 224 1968 or +1 309 205 3325 or +1 312 626 6799 or +1 386 347 5053 or +1 408 638 0968 or +1 507 473 4847 or +1 564 217 2000 or +1 669 444 9171 or +1 669 900 6833 or +1 689 278 1000 or +1 719 359 4580 or +1 253 205 0468 or +1 253 215 8782 or +1 346 248 7799 or +1 360 209 5623

441 White Pine Dr. | Laurel Park, NC 28739 | www.laurelpark.org | office: 828-693-4840

Residents at 106 Nimbus Lane would like to add a storage shed to their lot to accompany their home. The lot is identified on the records of the Henderson County Mapping Office as PIN#9558286302. The lot is in the R-30 zoning district, with an estimated acreage of .51 acres, and an average slope of 9%.

Accessory structures are permitted in the R-30 zoning district provided they meet the applicable setbacks which in this case would be a street setback of thirty-five (35) feet and a side and rear setback of ten (10) feet according to the dimensional standards found in section 2.5.3.

Section 10.2.4. D.1 defines a street setback as, "A street setback measured from the right-of-way edge associated with a public street or existing private street." The home is surrounded by three streets: Nimbus Ln., Tower Cir., and Toms Dr., therefore, a street setback of thirty-five (35) feet applies to each street bordering the lot and a rear/side setback of ten (10) feet. Due to the home being surrounded by three streets, this really constricts and limits the buildable areas.

Also, in section 2.5.3 note seven (note/7) points out that, "Except for fences, walls, and features identified in section 2.4.8: Allowable Encroachments into setbacks, detached accessory structures shall not be located between the primary front façade of the principal structure and a street setback line." The definition of primary building façade according to page 416 states, "The architectural front wall (façade) of the building that faces the street from which the building is addressed." Section 10.2.13. A: Exterior building wall facades shall be distinguished as primary, secondary, or tertiary, in accordance with the following standards (see Figure 10.2.14, Building Façade Walls Distinguished):

- 1: Primary walls are the architectural front façade of the building that faces the street from which the building is addressed.
- C: In cases where site conditions result in a situation where a building wall could be designated as either a primary or secondary wall, the wall shall be treated as a primary wall. Nothing in these standards shall limit the number of primary walls on any particular building.

The proposed location of the storage shed would technically be located within the front façade of the home according to the previously mentioned sections (10.2.13.A.1 & C, p. 379/380). The mailbox for the residence is located on Nimbus Ln. and the driveway/house numbers are accessible from Tower Cir. The architectural focal point of the home could be interpreted as the side that is adjacent to Toms Drive (see image below); however, staff made the interpretation that along Nimbus Ln. and Tower Cir. would be the front façade based how the ordinance reads and that the home is addressed by a mailbox and street numbers on the home.

Due to the unique factors of being surrounded by three streets and the difficulty in determining the front façade of the home, the applicant seeks relief from the street setbacks standards of thirty-five feet and the location and placement of the storage shed to be placed within the "front façade." The storage shed will match the aesthetics of the home and landscaping is planned to help screen the structure from offsite view.

Respectfully, Town Staff

441 White Pine Dr. | Laurel Park, NC 28739 | www.laurelpark.org | office: 828-693-4840

VARIANCE APPLICATION FORM

Town of Laurel Park • 441 White Pine Drive • Laurel Park, NC 28739 • P. 828-693-4840 • F. 828-696-4948

APPLICATION LAST UPDATED: 11.14.2021

1. THINGS TO KNOW ABOUT THE ZONING/SUBDIVISION VARIANCE PROCEDURE

1. The variance review procedure is described in Section 6.3.20 of the Laurel Park Unified Development Ordinance.
2. A variance application may be filed to request relief from dimensional requirements, development standards, or watershed requirements, stormwater requirements in the UDO.
3. A variance may be used to request relief from a use standard or other development requirement as part of a reasonable accommodation to allow a person with a disability to have access to housing as allowed under the federal Fair Housing Act.
4. A variance may not be used to alter the allowable uses in a zoning district or deviations in applicable conditions of approval.
5. A variance application may not be filed with an application for a planned development.
6. A pre-application conference is mandatory prior to submission of an application for a variance.
7. Applicants are required to demonstrate a hardship (that is not self-imposed) for approval of a variance. Financial hardship is not a valid criteria for the approval of a zoning/subdivision variance.
8. Variances to the special flood hazard area standards are processed in accordance with Chapter 152 of the Town Code of Ordinances.
9. Water-related variances from the watersupply watershed regulations are classified as major or minor. Major variances from the watersupply watershed regulations are decided by the North Carolina Environmental Management Commission following a recommendation by the BOA.

2. GENERAL APPLICANT INFORMATION

A. Parcel Information

1. Parcel Address: 106 Nimbus Lane, Laurel Park, NC 28739
2. Parcel Identification Number: 9558286302
3. Lot Area/Acreage: 0.51 acres
4. Base Zoning District: Residential R-30
5. Overlay Zoning District (if applicable):

B. Primary Point of Contact Information

1. Primary Point of Contact Name: Suzanne Preuss
2. Mailing Address: 106 Nimbus Lane, Laurel Park, NC 28739
3. Phone: 913-217-0268
4. Email: skpreuss@gmail.com

3. DESCRIPTION OF REQUEST

(Please complete the following)

1. Is this application associated with another application? ■ Yes ☐ No
   If yes, what kind of application? Zoning Compliance Permit Application

2. Is this site subject to any approved administrative adjustments? ☐ Yes ■ No
If yes, what is the case number (please list all):

3. Please select the type of standards being varied (check all that apply):

- ☐ Lot coverage
- ☐ Lot area
- ☐ Lot width
- ■ Minimum yard/setback
- ☐ Height
- ☐ Stormwater
- ☐ Flood damage prevention
- ☐ Other (please specify below):
- ☐ Off-street parking/loading/circulation standard
- ☐ Landscaping standard
- ☐ Fence/wall standard
- ☐ Exterior lighting standard
- ☐ Signage
- ☐ Water supply watershed
- ☐ Reasonable accommodation
- ☐ Design standard

4. Please list the section(s) of the UDO from which the variance is being requested (please list all that apply):
PLEASE REFER TO ADDITIONAL SHEET

5. Please explain, in detail, the variance you are requesting and why it is needed. Please limit this discussion to facts and the hardships that would be created by strict adherence to the UDO:
The topography slopes and shape of the lot limit the buildable area within the parcel. PLEASE REFER TO ADDITIONAL SHEET.
Attach additional sheets if necessary.

6. Please identify the zoning district designation and existing use of land for all adjacent properties, including those across the street:
Residential R-30 for all adjacent properties. including across the street.
Attach additional sheets if necessary.

7. Is the property exceptionally narrow, shallow or does it have an exceptional size or shape that existed prior to the effective date of this zoning ordinance? ■ Yes ☐ No
If yes, please describe below:
REFER TO ADDITIONAL SHEET.
Attach additional sheets if necessary.

8. Does the property have exceptional topographic conditions or some other extraordinary situation or condition that makes it unlike other properties in the immediate vicinity? ■ Yes ☐ No
If yes, please describe below:
The lot is bounded by three street right of ways: Nimbus Lane. Orchard Circle, and Tower Circle.
Attach additional sheets if necessary.

9. Is there some particular condition, situation, or development on the property immediately adjacent to the subject property that affects the subject property's ability to comply with the regulations you are seeking a variance from? ☐ Yes ■ No

   If yes, please describe below:

   Attach additional sheets if necessary.

10. Please provide a written description of any hardship(s) and how such hardship(s) is not self-imposed:
    The topography slopes, the shape of the lot, and the affect of three street right-of-ways (Nimbus Lane, Orchard Circle, and Tower Circle) further influence and limit the buildable area within the parcel.
    Attach additional sheets if necessary.

11. Please describe how the development subject to the requested variance will be in harmony with the general purpose and intent (see Chapter 1) of the UDO:
    PLEASE REFER TO THE ADDITIONAL SHEET.
    Attach additional sheets if necessary.

12. Explain any potential negative external impacts that may result from the proposed variance, and how they will be mitigated:
    PLEASE REFER TO THE ADDITIONAL SHEET.
    Attach additional sheets if necessary.

13. For sign variances, explain how this variance does not confer any special privilege that is denied to similar lands:

    Attach additional sheets if necessary.

14. For sign variances, explain how the variance amount requested is the absolute minimum that will allow reasonable use of the land:

    Attach additional sheets if necessary.

4. SUBMITTAL CHECKLIST

(Please ensure your application includes 3 paper copies and 1 digital (pdf) copy of all of the following)

1. Pre-application conference completed	☐
2. Variance application form	☐
3. Application fee	☐
4. Copy of the deed for subject property(ies)	☐
5. Locations, square footages, and dimensions of all existing and proposed structures	☐
6. All minimum and maximum setbacks, including build-to lines	☐
7. Easement types, locations, and dimensions	☐
8. Locations and sizes of driveways, parking areas	☐

9. An elevation drawing showing proposal building facades when variances to design standards are requested	☐
10. Any additional information determined to be necessary by the Town	☐

5. APPLICANT SIGNATURE

I certify that the information provided on this application form is complete and accurate to the best of my knowledge. I hereby authorize Town officials to enter the subject property for the purposes of determining compliance.

Land Owner or Authorized Signature: _____

Date: _____

Land Owner or Authorized Signature: _____

Date: _____

Land Owner or Authorized Signature: _____

Date: _____

OFFICE USE ONLY
Project #:
Associated Project #:
Received By:
Filing Date:
Accepted as Complete By:
Complete Date:
Decision:
Decision By:
Decision Date:
Pre-application Conference Date (if conducted):

Notes/Comments:

ITEM 4 CONTINUED FROM PAGE 2

4.5.3: GENERAL STANDARDS FOR ALL ACCESSORY USES AND STRUCTURES
B: LOCATION OF ACCESSORY USES AND STRUCTURES
2: WITHIN A REQUIRED SETBACK
No accessory use or structure may be located in a required setback except as permitted by Table
2.4.5: Setback from Streets.
2.4.8: Allowable Encroachments into Setbacks.
2.5.3: Dimensional Standards
Minimum Street Setback for accessory structure and lots with low slopes

ITEM 5 CONTINUED FROM PAGE 2

The parcel is affected by three street right-of-ways (Nimbus Lane, Orchard Circle, and Tower Circle) further restricting the buildable area within the parcel.

ITEM 7 CONTINUED FROM PAGE 2

The lot size is below the minimum lot size 0f 0.69 acres for R-30 Residential. Refer to 5.4.3: Nonconformity Affects Required Setbacks and 5.6.5 Physically Constrained Properties - Comply to Maximum Extent Practicable.

ITEM 11 CONTINUED FROM PAGE 3

The proposed accessory structure will be built so that its dimensions are 12 ft x 10 ft, height under 12 ft from grade. Evergreen landscaping will be planted as a screen from the road using minimum 3 gallon container evergreens. The accessory structure will be located to the side of the principal structure.

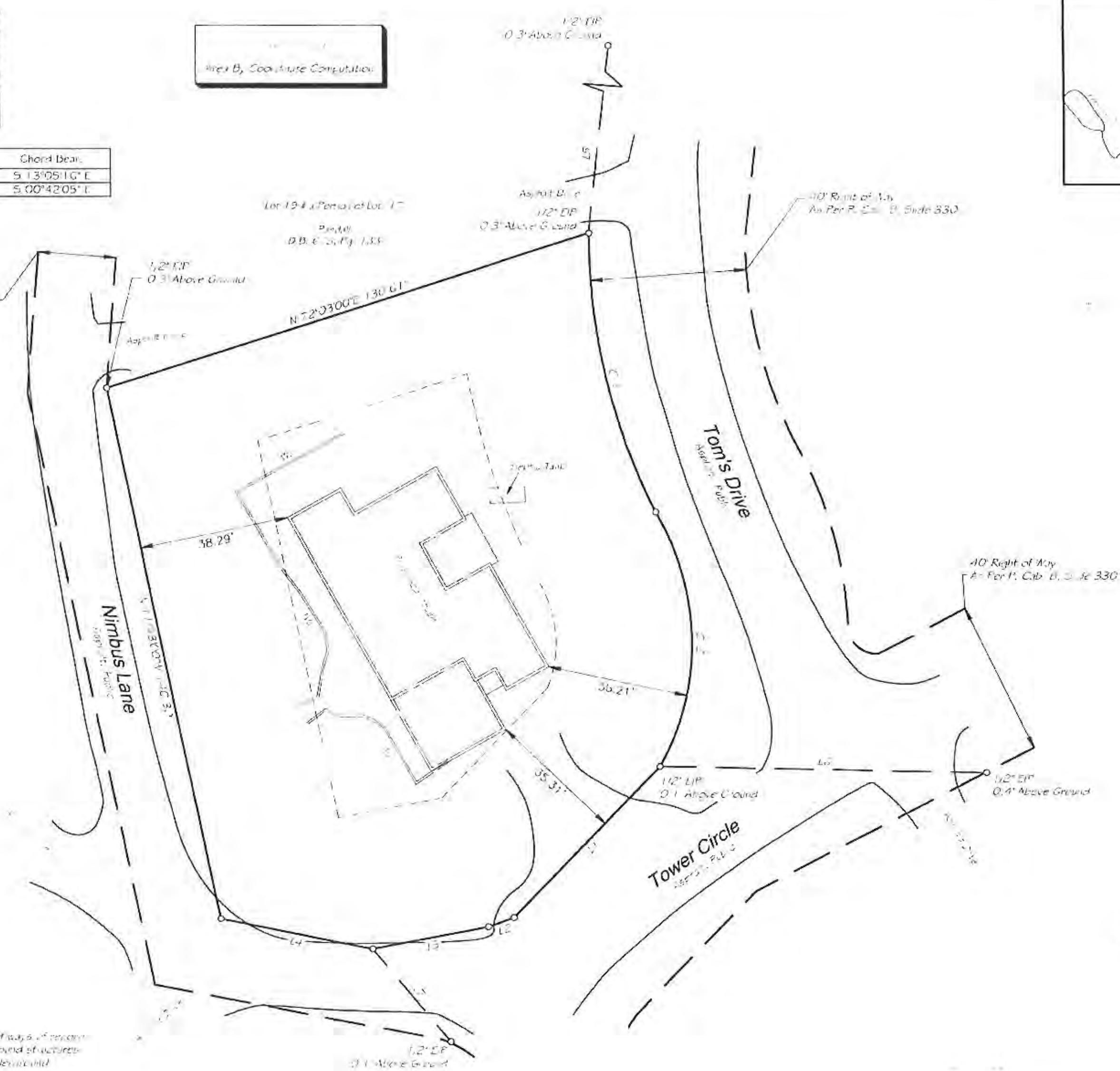
ITEM 12 CONTINUED FROM PAGE 3

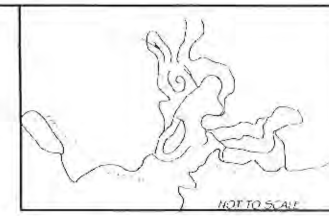
Evergreen landscaping will be planted as a screen from the road using minimum 3 gallon container evergreens. The overhead private streetlight that would have illuminated the accessory structure has already been removed so the structure will not be illuminated at night.

L5-L7 are Tie Lines

Course	Bearing	Distance
L1	S 43°55'21" W	54.58'
L2	S 70°50'54" W	7.00'
L3	S 79°11'45" W	30.59'
L4	N 78°47'27" W	39.65'
L5	N 06°25'04" E	139.22'
L6	S 89°01'23" E	63.47'
L7	S 40°03'08" E	31.28'

Curve	Radius	Length	Chord	Chord Bear.
C1	61.15'	75.09'	74.41'	S 13°05'16" E
C2	66.00'	68.56'	65.52'	S 00°42'05" E





Vicinity Map

Lot 21 and a portion of Lot 23 of Echo Lakes Subdivision

Map of Site Plan for:

Owners:

Pin: 9558-28-6302

Notes:

1. Property is subject to all easements, restrictions and right of ways of record.
2. The locations of underground utilities are based on above-ground structures and record drawings provided to the surveyor. Locations of underground [illegible] utilities/structures may be encountered.
3. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate title search may disclose.
4. This certification of survey and plat was prepared for the entity named in the title block hereon and does not extend to any other entity unless reconfirmed by the professional land surveyor.
5. All miscellaneous survey related materials, including but not limited to: project plans, deed and POM research, maps, field notes and data, survey reports, record title reports, calculations, survey drawings, estimates, and other materials acquired and/or prepared by the surveyor as instruments of service shall remain the property of the surveyor and assigns.
6. This drawing is not valid unless the original signature and stamp are attached. Any reproduction or reliance to this survey by electronic or any other means are not to be considered issued by the professional surveyor.
7. Property is currently zoned R-30 by the Town of Laurel Park.
8. Property is located in a Water Supply Watershed [illegible] Upper French Broad River.
9. Property is not located within 1/2 mile of a designated Farmland Preservation District.

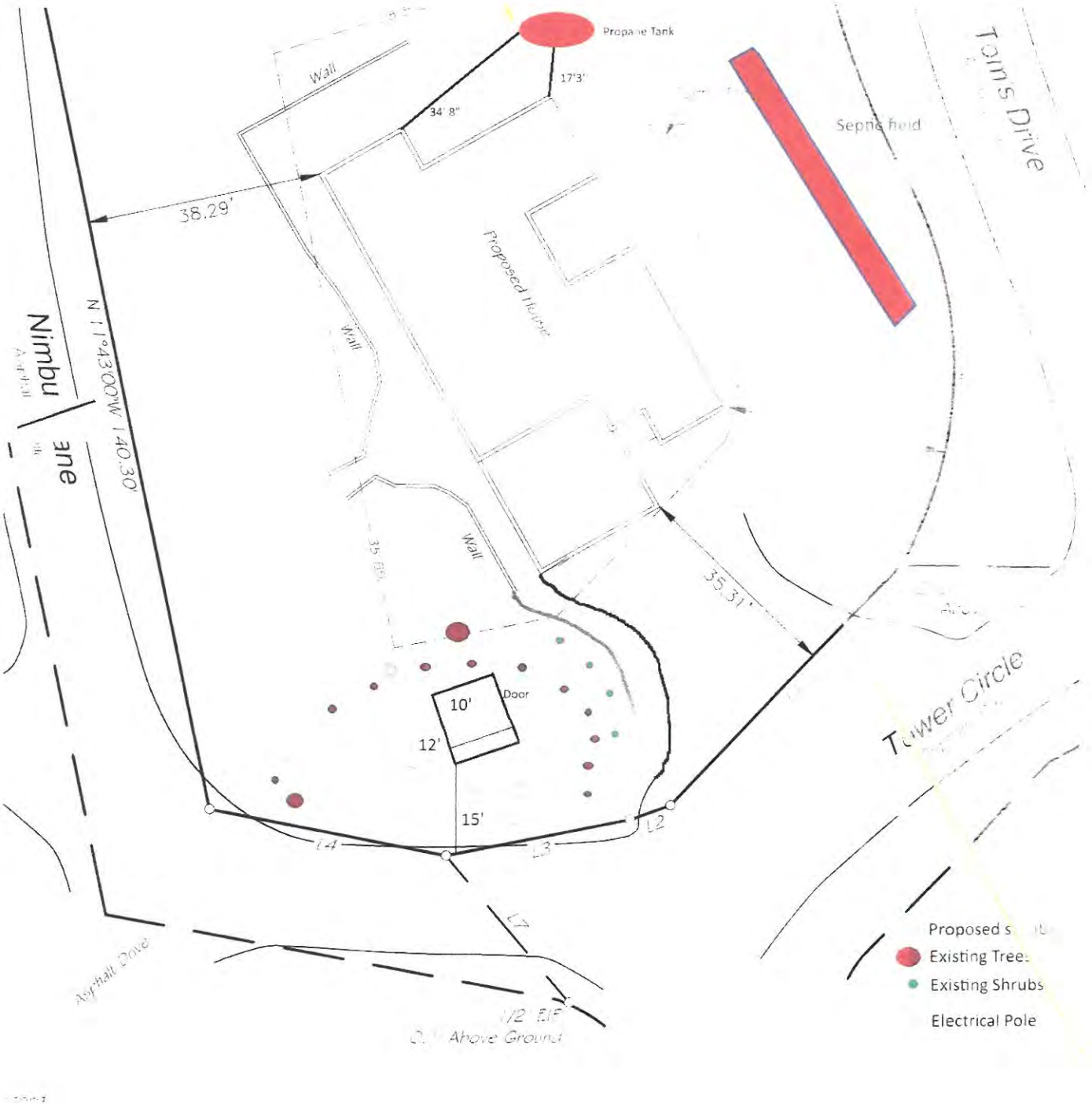
Building Setbacks as per
The Town of Laurel Park R-30 Zoning
Front: 25'
Side: 25'
Rear: 25'

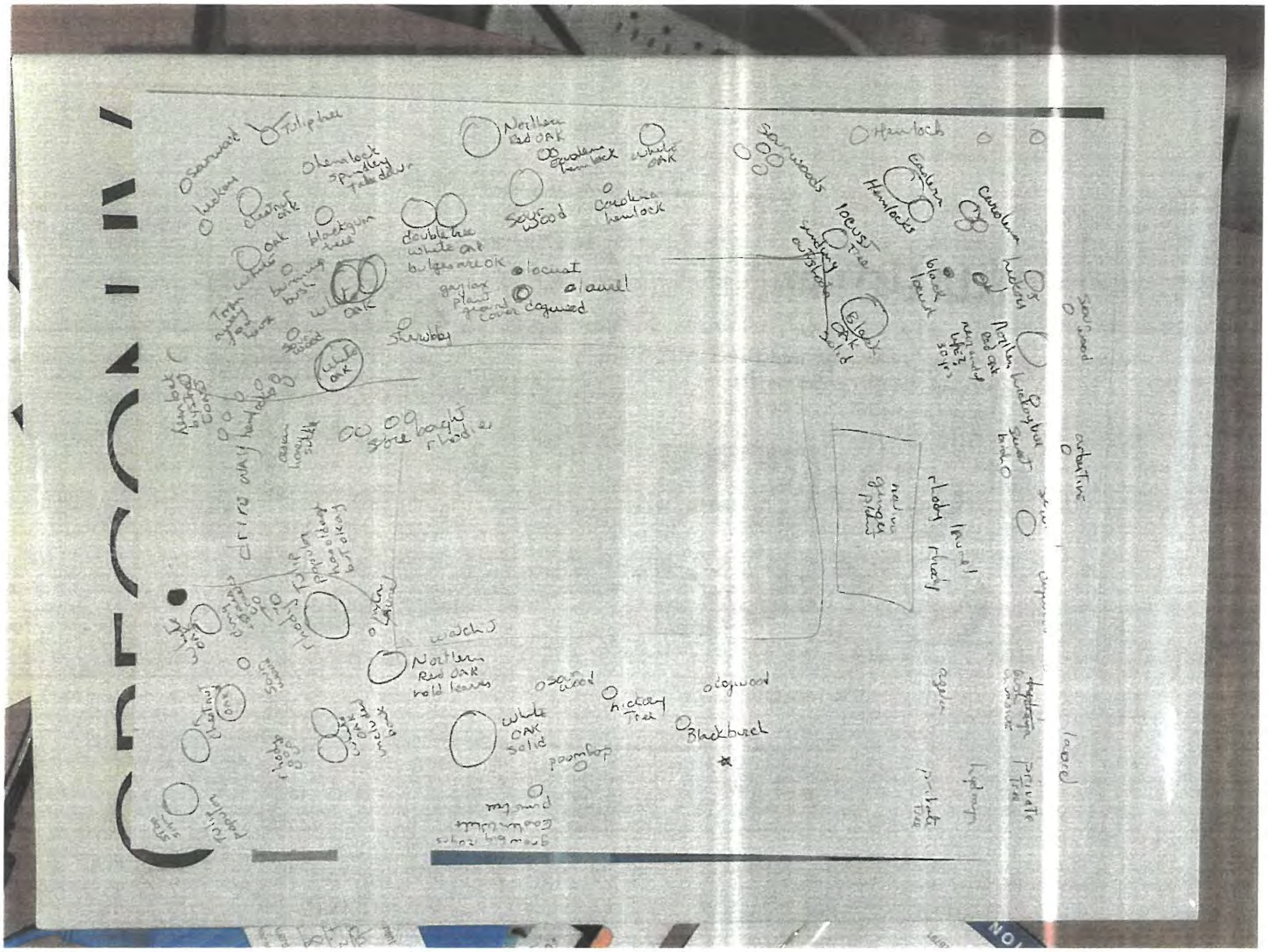
20 0 20 40 60

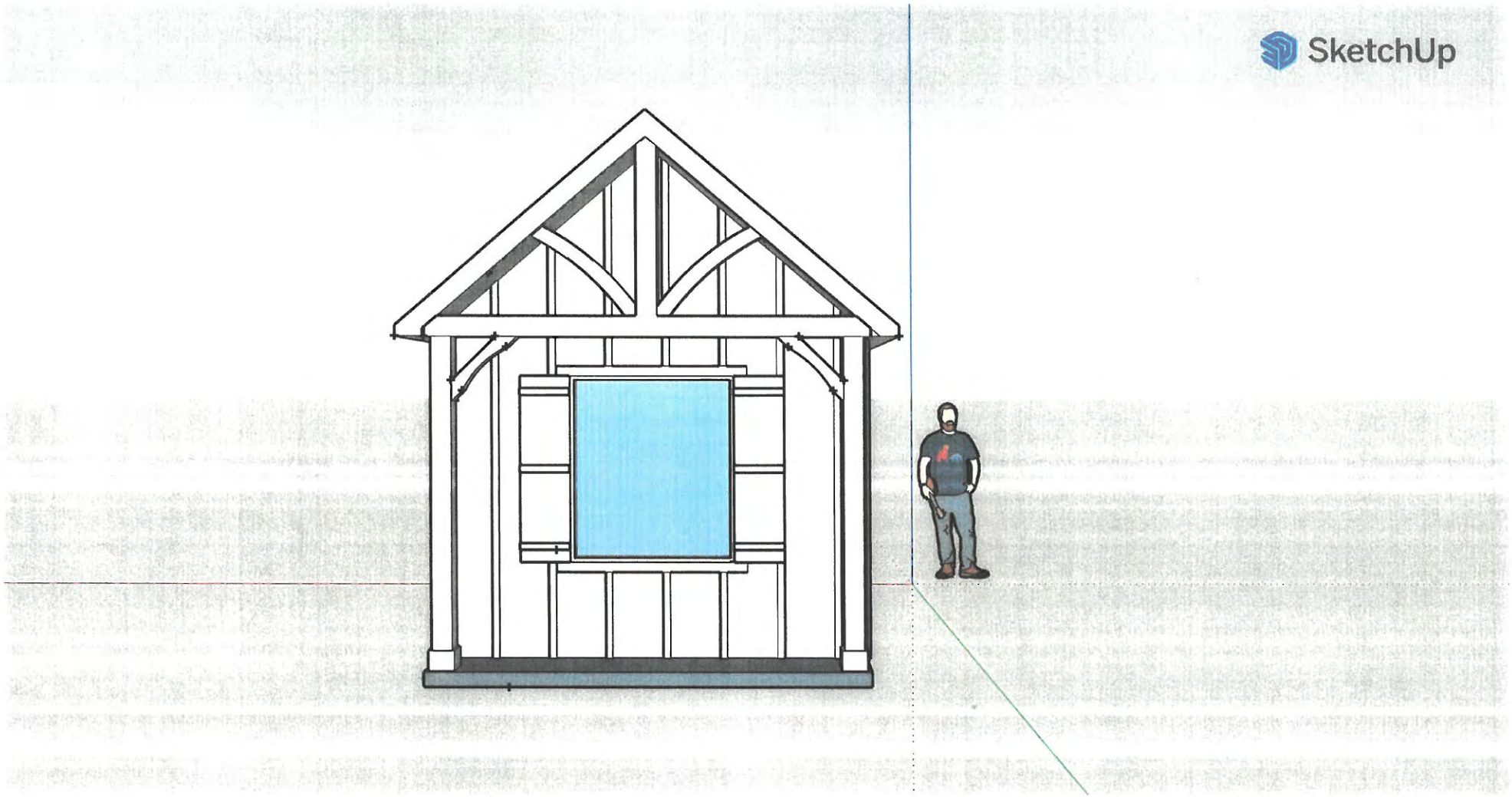
GRAPHIC SCALE - FEET

Legend:
ECM = Existing Concrete Monument
EIP = Existing Iron Pipe
EIS = Existing Iron Stake
IPS = Iron Pipe Set
O = Unmarked Point Unless Otherwise Noted
ROWMON = Right of Way Monument
ROW = Right of Way
RRS = Railroad Spike
BSL = Building Setback Lines
WM = Water Meter
WV = Water Valve

Hendersonville Township	Henderson County, NC
ASSOCIATED LAND SURVEYORS & PLANNERS P.C. P.O. BOX 578 • HORSE SHOE, NC 28742 (828) 890-3507 NC BUSINESS LICENSE NO. C-2774	
SCALE: 1 Inch = 20 Feet	DATE: February 24, 2021
JOB NO.: S-21-081	DRAWN BY: JTB


Propane Tank
17'3'
34' 8"
Wall
38.29'
Proposed House
Wall
Wall
35.31'
Septic field
Toms Drive
Nimbu
ane
N 11°43'00"W 140.30'
10'
Door
12'
15'
L4
L3
L2
L7
Asphalt Drive
Tower Circle
Existing Trees
Existing Shrubs
Electrical Pole


Tulip tree
Northern Red OAK
White OAK
Sourwood
Carolina hemlock
double tree white oak
locust
laurel
Hemlock
Carolina Hemlocks
locust Tree
Black OAK solid
Northern Red OAK hold leaves
White OAK solid
hickory Tree
dogwood
drive way
rhodie
private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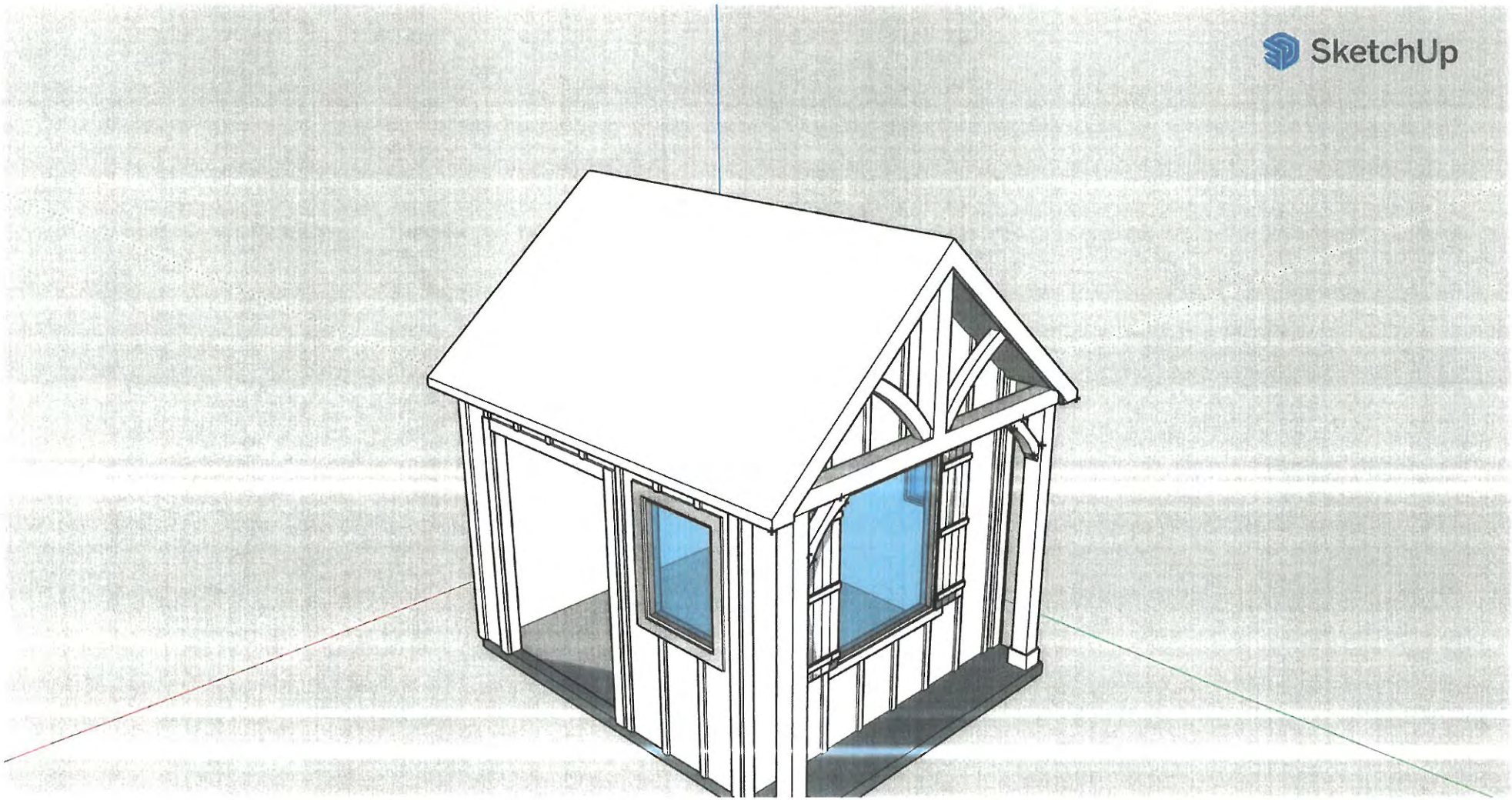
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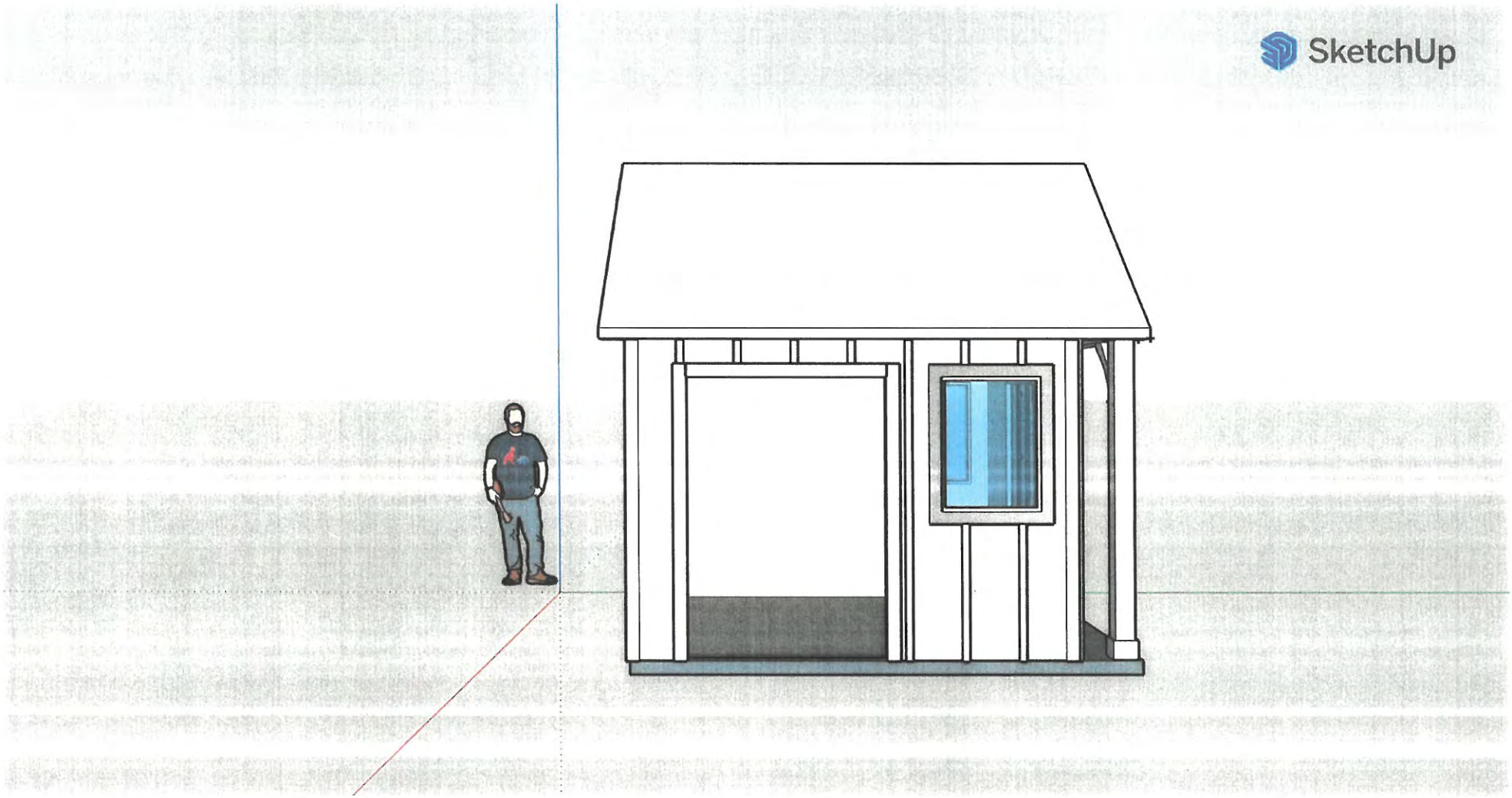
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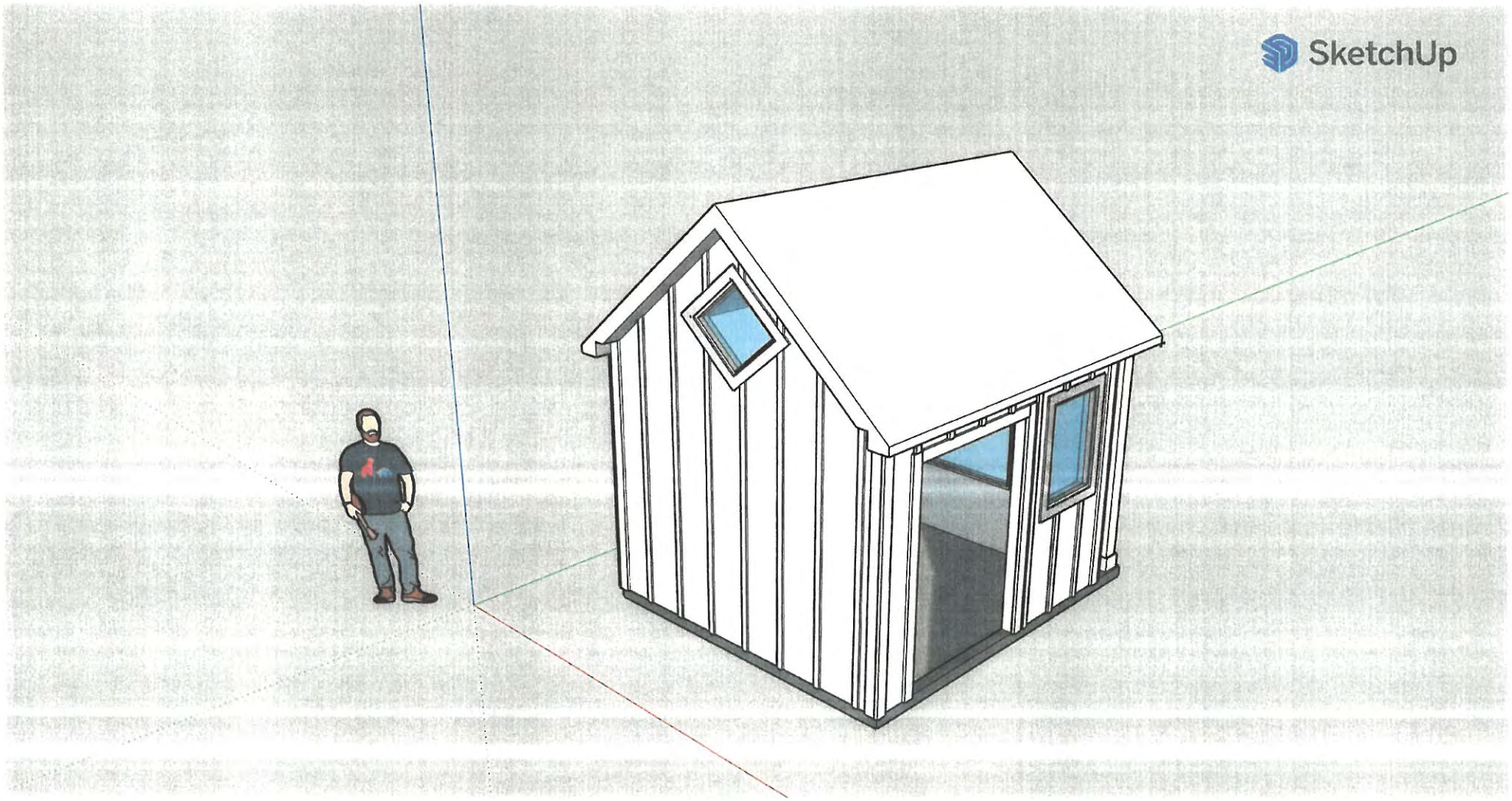
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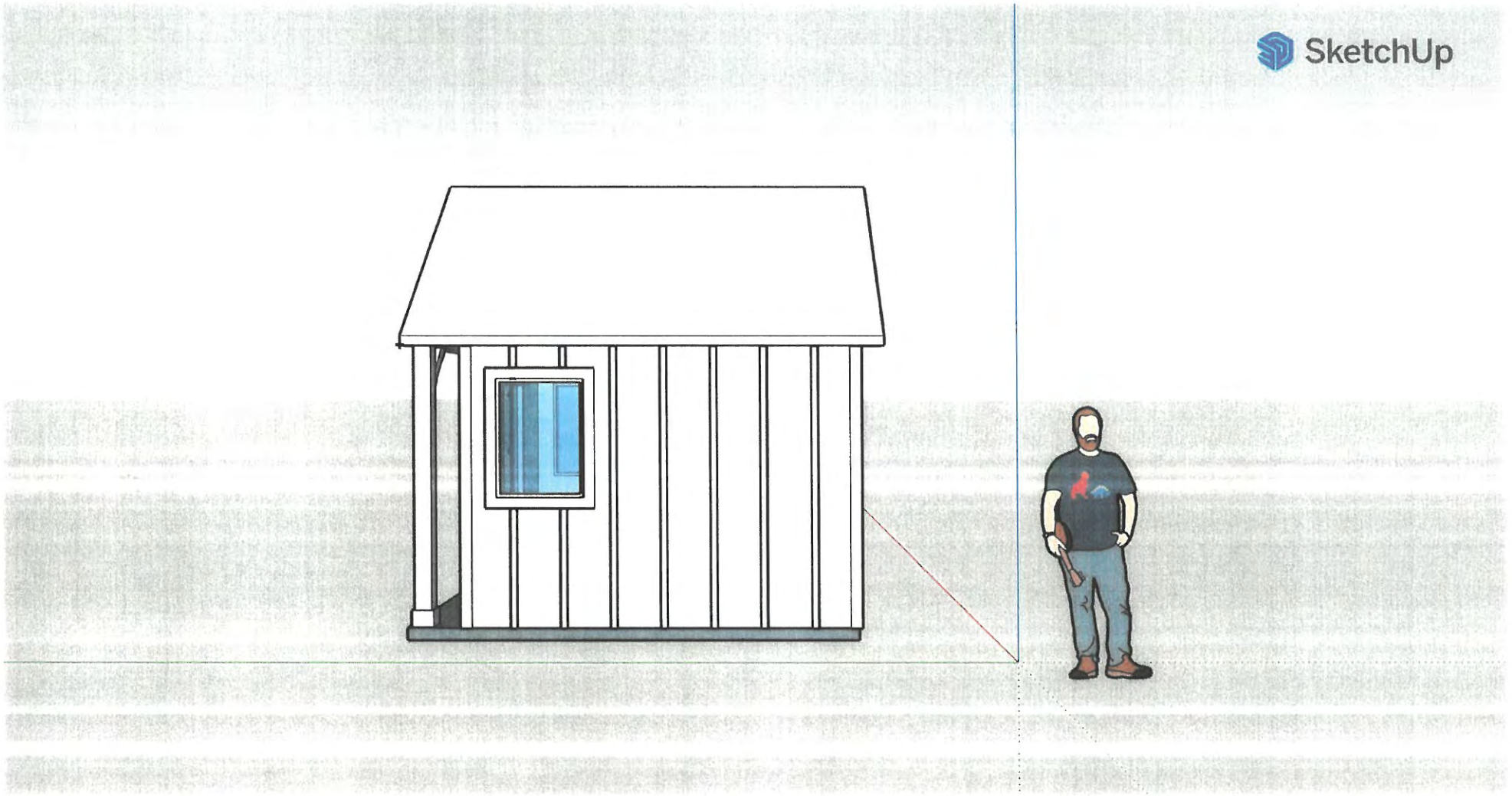
SketchUp

BK 3850 PG 435 - 437 (3) DOC# 971231
This Document eRecorded: 01/10/2022 09:25:37 AM
Fee: $26.00
Henderson County, North Carolina Tax: $1,310.00
William Lee King, Register of Deeds

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: $1,310.00

Parcel Identifier No. 9558286302 Verified by _____ County on the ____ day of _____, 20___
By: _____

Mail/Box to: Goosmann Rose Colvard & Cramer, PA, 77 Central Avenue, Suite H, Asheville, NC 28801, Box # 81

This instrument was prepared by: Goosmann Rose Colvard & Cramer, PA, 77 Central Avenue, Suite H, Asheville, NC 28801 Box # 81 (21-8030)

Brief description for the Index: Parcel ID(s): 9558286302.

THIS DEED made this 5 day of January, 2022, by and between

GRANTOR	GRANTEE
Tinsley & Company, LLC 111 Fairway Drive Hendersonville, NC 28739	Craig Preuss and Suzanne Preuss, married to each other 106 Nimbus Ln Laurel Park, NC 28739

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

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

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot, parcel of land or condominium unit situated in the City of Laurel Park, _____ Township, Henderson County, North Carolina and more particularly described as follows:
See **Exhibit A** attached hereto and incorporated herein by reference. This instrument was prepared by John R. Rose, a licensed NC attorney. Delinquent taxes, if any, to be paid by the closing attorney to the county tax collector upon disbursement of closing proceeds. The property hereinabove described was acquired by Grantor by instrument recorded in Book 3643 page 419.

All or a portion of the property herein conveyed ____ includes or ____ does not include the primary residence of a Grantor.

A map showing the above described property is recorded in Plat Book _____ page _____.

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

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions: Those matters set forth in the description for the property; easements and rights of way of record or in place; restrictive covenants of record; the use provisions of any governmental ordinance affecting the property and taxes for the current year.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

Tinsley & Company, LLC
(Entity Name).

By: _____
Print/Type Name & Title: Christy Tinsley

By: _____
Print/Type Name & Title: Mike Tinsley

State of North Carolina – County of Buncombe

I, the undersigned Notary Public of the County and State aforesaid, certify that Christy Tinsley, personally appeared before me this day and acknowledged that he is the and Mike Tinsley, personally of appeared before me this day and acknowledged that he is the Tinsley & Company LLC, and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this 5th day of January, 2022

My Commission Expires: 12/2/26

_____
Notary Public

CHLOE A. GOBEL NOTARY PUBLIC BUNCOMBE COUNTY, NC

The foregoing Certificate(s) of _____
is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

_____ Register of Deeds for _____ County
By: _____ Deputy/Assistant –Register of Deeds

Exhibit A

Tract One:

Beginning at a stake located at the southeast corner of Lot 20 and the northeast corner of Lot 22, Block 11, Echo Lake Section, Laurel Park Estates Subdivision, as shown on plat recorded in Plat Cabinet B, Slides 329 A and 330, formerly Plat Book 4, at Pages 77 and 77 A, Henderson County Registry; and running thence from said Beginning point, North 72 deg. 03 min. East 130.5 feet to a new iron pin located in the west margin of the 40-foot right-of-way line for said Toms Drive; thence with the western margin said right-of-way line for said Toms Drive as same curves to the left in a southeasterly direction, said curve having a radius of 163.20 feet for an arc distance of 75.05 feet to a new iron pin; thence continuing with the western margin of the right-of-way line for said Toms Drive and passing a point where the said western line of Tower Circle on a curve to the right in a southerly and southwesterly direction, said curve to the right in a southerly and southwesterly direction, said curve having a radius of 66.00 feet for an arc distance of 69.69 feet to a new iron pin; thence South 70 deg. 50 min. West 120 feet to a new iron pin located in the present Nimbus Lane; thence leaving said present Nimbus Lane, North 11 deg. 43 min. West 140.30 feet to the point and place for Beginning; the above-described property being shown on a survey by William Patterson, R.L.S., dated May, 1981 entitled "Proposed property of Ruth J. Leff, Trustee," and designated Job. No. 81+2204, reference to which is hereby made and incorporated herein.

Tract Two:

Beginning at a new iron pin located at the terminus of the third course and distance of the description of that certain deed recorded in Deed Book 602 at Page 343, Henderson County Registry; and running thence from said Beginning point, South 70 deg. 50 min. West 120 feet to a point; thence South 78 deg. 47 min. 27 sec. East 39.65 feet to a point; thence North 79 deg. 11 min. 45 sec. East 30.59 feet to a point; thence North 44 deg. 02 min. 39 sec. East 54.36 feet to the point and place of Beginning.

The above-described Property is all of that property conveyed in that deed recorded in Record Book 3679, at Page 209 of the Henderson County, NC Register's Office.