



AGENDA
February 7th, 2024
Laurel Park Board of Adjustment- Special Called 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. January 11th, 2024
4. Old Business
 - a. Public Hearing for Variance Request – 106 Nimbus Ln.
5. Adjournment



TOWN OF LAUREL PARK
AGENDA ITEM SUMMARY

Title of Item: Approval of Minutes – January 11th, 2024

Presenter: Tamara Amin, Town Clerk

Attachment(s): Yes/No

- January 11th, 2024 Board of Adjustment Meeting Minutes

Summary of Item: Meeting minutes from the January 11th, 2024 regularly scheduled Board of Adjustment Meeting.

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

Suggested Motion: Motion to approve, approve with changes, or postpone approval of meeting minutes.



LAUREL PARK BOARD OF ADJUSTMENT
Regular Meeting Minutes
January 11, 2024 – 4:00 p.m.

Chair Morse called the Regular Board of Adjustment Meeting to order at 4:00 p.m. on January 11, 2024, 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
- Interim Town Planner Kaitland Finkle

APPROVAL OF THE AGENDA

Town Clerk Amin asked to add the Joint meeting minutes of November 16, 2023 to the agenda. Chair Morse asked to remove the 106 Nimbus Lane from the agenda for a later date. There was much discussion about removing this item from the agenda. Ms. Stover did not think it was fair for the applicant to have to come back again because the neighbors with standing were unable to attend in person. Other board members wanted to give the neighbors an opportunity to come and speak since public comments needed to be in person and not written comments.

Vice Chair Goetsch moved to approve the amended agenda with the removal of the 106 Nimbus Lane application and the addition of the Joint meeting minutes and was seconded by Ms. Laborde. Chair Morse asked for discussion; there was none. Ms. Stover voted nay but the motion was passed by majority vote.

Mr. Rick Groves joined the meeting at 4:11 p.m.

Alternate Member Bonnema was replaced by Mr. Groves for the rest of the meeting at 4:11 p.m.

APPROVAL OF THE MINUTES

Vice Chair Groves moved to approve the November 16, 2023 regular minutes and was seconded by Mr. Bajakian. Chair Morse asked for discussion; there was none. The vote was unanimous in favor of the motion.

Ms. Stover moved to approve the November 16, 2023 joint minutes and was seconded by Ms. Laborde. Chair Morse asked for discussion; there was none. The vote was unanimous in favor of the motion.

OLD BUSINESS

OATHS OF OFFICE

Ms. Pamela Stover was sworn in by Town Clerk Amin.

NEW BUSINESS

VOTING- CHAIR & VICE CHAIR

Mr. Mark Morse nominated Mr. Goetsch as Vice Chair. There were no other nominations. Mr. Morse moved to appoint Mr. Goetsch as Vice Chair, seconded by Ms. Laborde. Chair Morse asked for discussion; there was none. The vote was unanimous in favor of the motion.

Ms. Laborde nominated Mr. Morse as Chair. There were no other nominations. Ms. Laborde moved to appoint Mr. Morse as Chair, seconded by Mr. Goetsch. Chair Morse asked for discussion; there was none. The vote was unanimous in favor of the motion.

PUBLIC HEARING FOR VARIANCE REQUEST- 91 RANSIER DRIVE

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

Chairman Morse asked for a motion to open the variance hearing. Mr. Groves made a motion to open the variance hearing at 4:18 p.m., seconded by Vice Chair Goetsch. 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 Ms. Finkle to give a staff overview.

Interim Town Planner Finkle, being duly sworn, said the 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.

The Board reviewed the application and supporting documentation and introduced themselves to the audience.

Chairman Morse asked the applicant to present his case.

Mr. Chris Nevel, being duly sworn, presented pictures of the carport he applied for.

- a. Carport Pictures - The aforesaid pictures are attached to, and made part of, these minutes as Appendix 1.

Ms. Elaine Ciampi, of 2312 Laurel Park Highway asked Mr. Nevel some questions for clarification on the carport. But she had no objections.

The Board went into deliberation.

Ms. Laborde made a motion to grant the variance allowing 91 Ransier Drive the addition of a freestanding carport to the lot to accompany the proposed home. The motion was seconded by Mr. Bajakian.

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. Nevel said he would not need an extension.

Vice Chair Goetsch made a motion to close the hearing at 4:43 p.m., seconded by Ms. Laborde. The motion was unanimously approved by the Board.

ADJOURNMENT

Town Clerk Amin said the next meeting will be March 14 at 4:00 p.m. The Board discussed options for a special meeting to discuss 106 Nimbus Lane. The Board asked Staff to send out a survey with dates within the next 30 days, no Fridays, and at 4:00 p.m.

There being no further business, Ms. Stover moved to adjourn at 4:50 p.m. and was seconded by Ms. Laborde. Chair Morse asked for discussion; there was none. The motion carried unanimously.

ATTEST:

Chair Mark Morse

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

Date



**TOWN OF LAUREL PARK
AGENDA ITEM SUMMARY**

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

Presenter: Kaitland Finkle, Interim Town Planner

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 10' x 12' storage shed to their property. The storage shed is proposed to match the aesthetics of the home and landscaping is proposed to screen the structure from offsite view. 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 a reduction from the street setbacks standards of thirty-five (35) feet to instead be fifteen (15) 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.

Suggested Action Requested: Staff requests that the board review and discuss the 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: 1/24/2024
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 rescheduled to be addressed by the Laurel Park Board of Adjustment on **Wednesday February 7th, 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 propose to add a 10' x 12' storage shed to their lot. The storage shed is proposed to match the aesthetics of the home and landscaping is proposed to screen the structure from offsite view. A site plan and renderings of the proposed shed are attached.

106 Nimbus Lane 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 dimensional standards found in section 2.5.3 which are a street setback of thirty-five (35) feet and a side and rear setback of ten (10) feet.

The applicant seeks relief from section 2.5.3: Dimensional Standards due to the unique factors of being surrounded by three streets and the difficulty in determining the front façade of the home. The specific request is a reduction in the street setback standards of thirty-five (35) feet to fifteen (15) feet abutting the southwestern boundary and note 7 prohibiting the location and placement of the storage shed to be within the “front façade”.

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 – Special Continued Meeting

Time: Feb 7, 2024 04:00 PM Eastern Time (US and Canada)

Zoom Link: <https://us02web.zoom.us/j/81306269651>

Webinar ID: 813 0626 9651

Phone one-tap

Phone one-tap: US: +13052241968,,81306269651# or +13092053325,,81306269651#

Join by Telephone

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

Dial:

US: +1 305 224 1968 or +1 309 205 3325 or +1 312 626 6799 or +1 646 876 9923 or +1 646 931 3860 or +1 301 715 8592 or +1 253 215 8782 or +1 346 248 7799 or +1 360 209 5623 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



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 PAGE 1 OF 5

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

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APPLICATION PAGE 2 OF 5

APPLICATION LAST UPDATED: 11.14.2021



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):

- | | |
|--|--|
| <input type="checkbox"/> Lot coverage | <input type="checkbox"/> Off-street parking/loading/circulation standard |
| <input type="checkbox"/> Lot area | <input type="checkbox"/> Landscaping standard |
| <input type="checkbox"/> Lot width | <input type="checkbox"/> Fence/wall standard |
| <input checked="" type="checkbox"/> Minimum yard/setback | <input type="checkbox"/> Exterior lighting standard |
| <input type="checkbox"/> Height | <input type="checkbox"/> Signage |
| <input type="checkbox"/> Stormwater | <input type="checkbox"/> Water supply watershed |
| <input type="checkbox"/> Flood damage prevention | <input type="checkbox"/> Reasonable accommodation |
| <input type="checkbox"/> Other (please specify below): | <input type="checkbox"/> 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.

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APPLICATION PAGE 3 OF 5

APPLICATION LAST UPDATED: 11.14.2021



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 | <input type="checkbox"/> |
| 2. Variance application form | <input type="checkbox"/> |
| 3. Application fee | <input type="checkbox"/> |
| 4. Copy of the deed for subject property(ies) | <input type="checkbox"/> |
| 5. Locations, square footages, and dimensions of all existing and proposed structures | <input type="checkbox"/> |
| 6. All minimum and maximum setbacks, including build-to lines | <input type="checkbox"/> |
| 7. Easement types, locations, and dimensions | <input type="checkbox"/> |
| 8. Locations and sizes of driveways, parking areas | <input type="checkbox"/> |

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APPLICATION PAGE 4 OF 5

APPLICATION LAST UPDATED: 11.14.2021



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.

If there are multiple land owners, all owners must sign and return this page.

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):

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APPLICATION PAGE 5 OF 5

APPLICATION LAST UPDATED: 11.14.2021



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 of 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

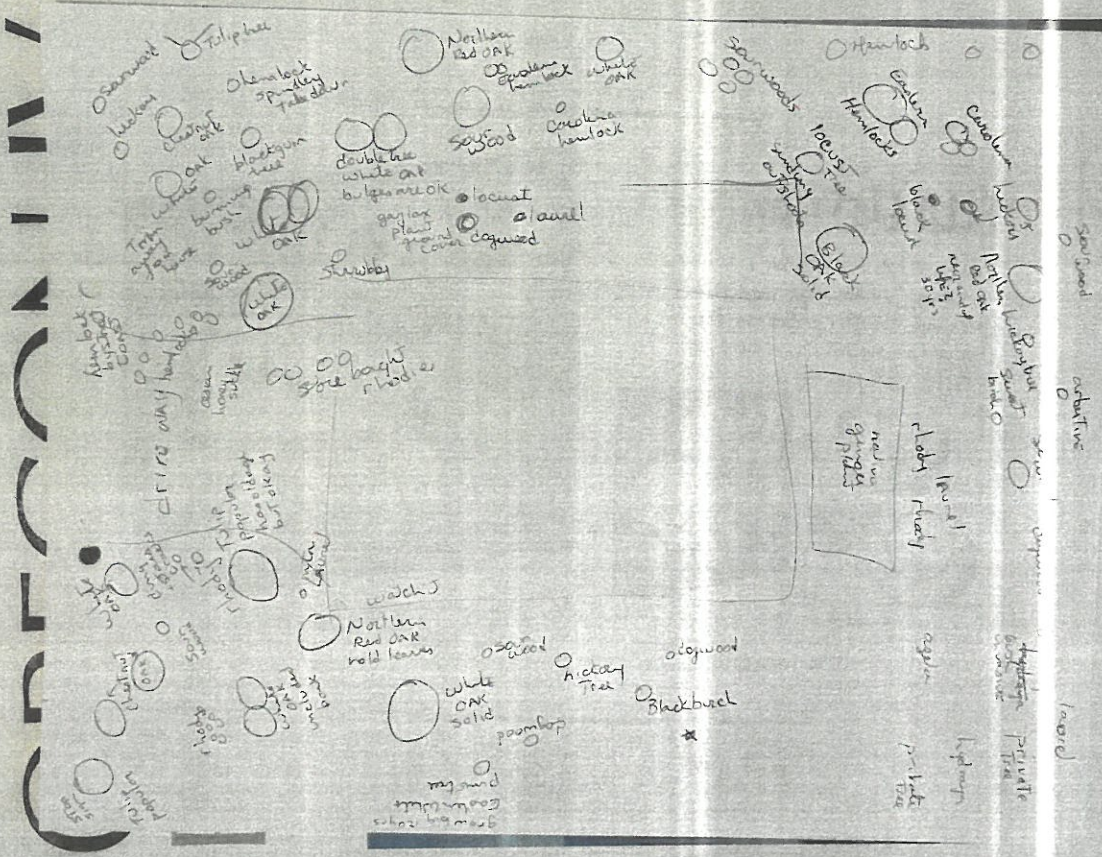
The proposed accessory structure will be built so that its dimensions are 12 ft x 10 ft, height under 12 ft from grade. Evergreen landscaping will be planted as a screen from the road using minimum 3 gallon container evergreens. The accessory structure will be located to the side of the principal structure.

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.



01/20/20

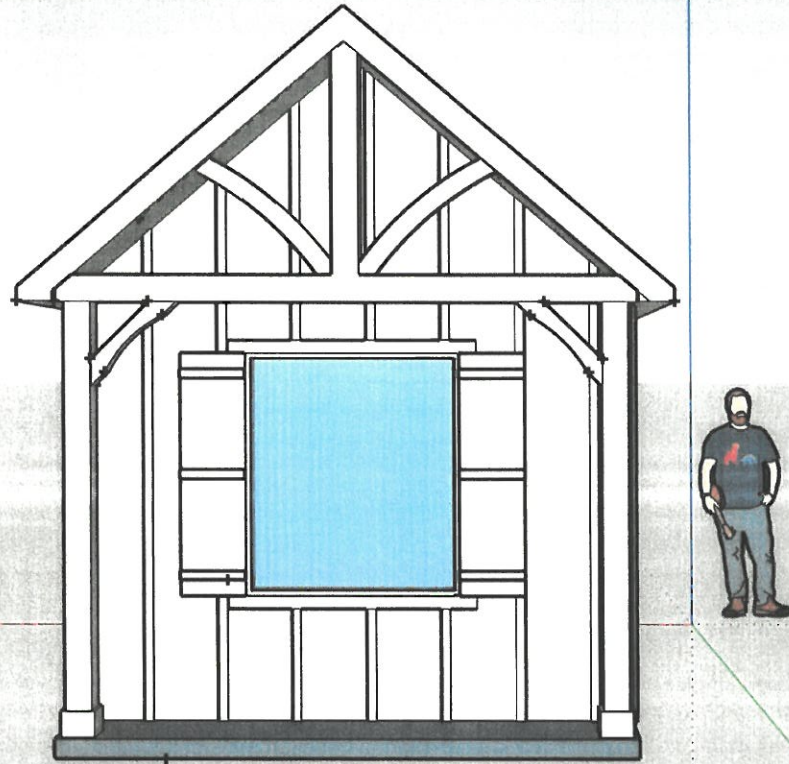


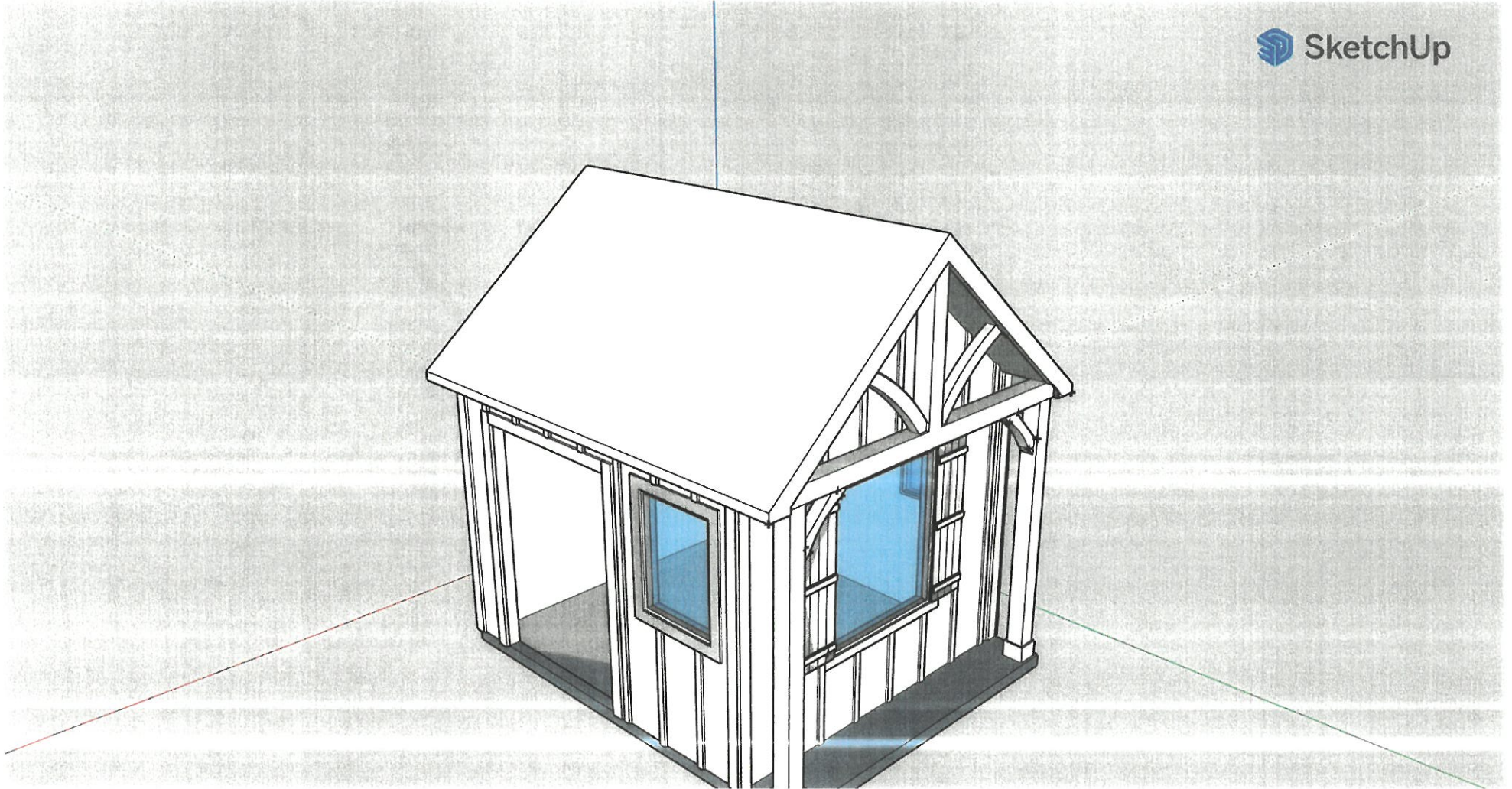
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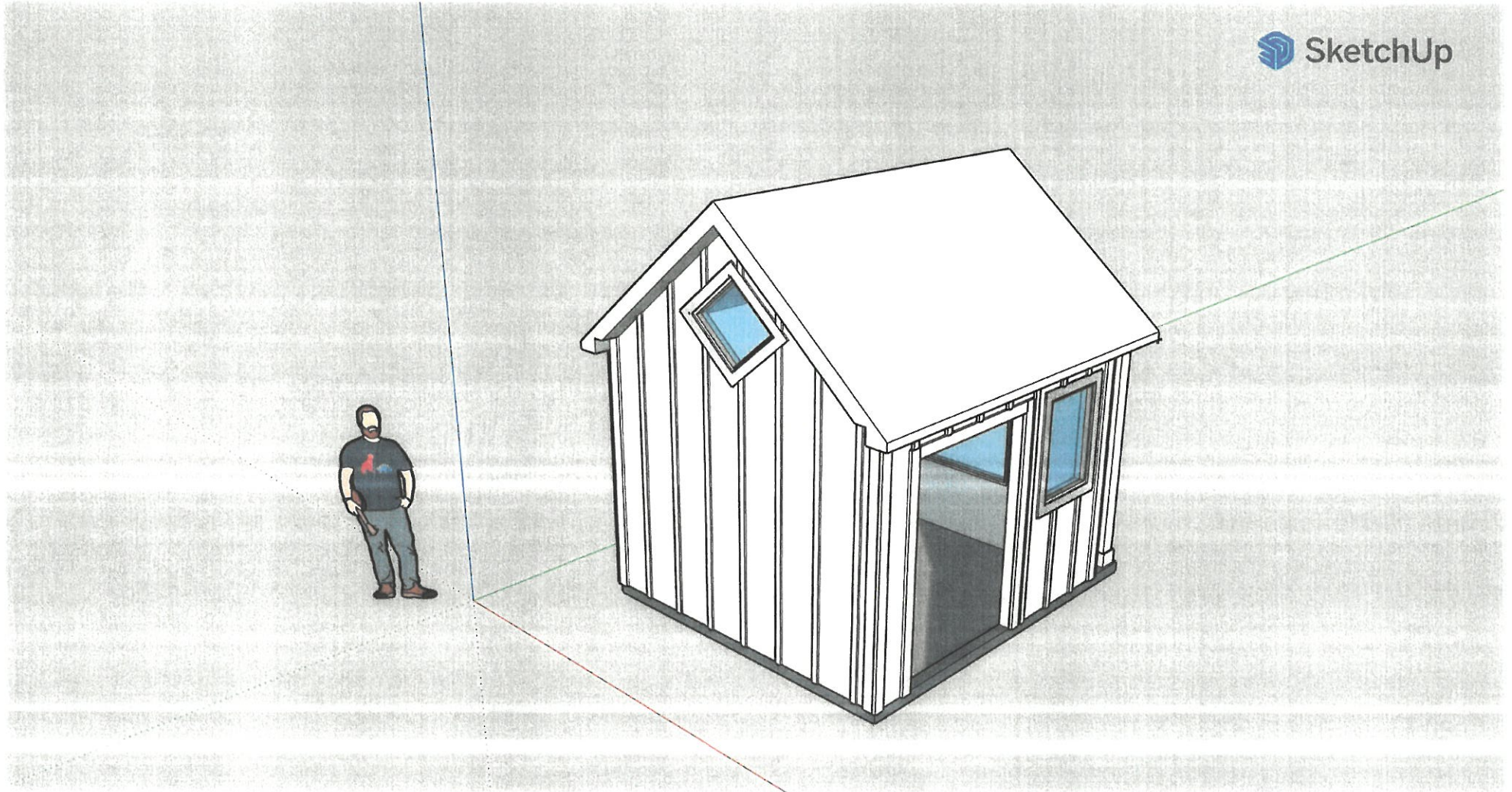
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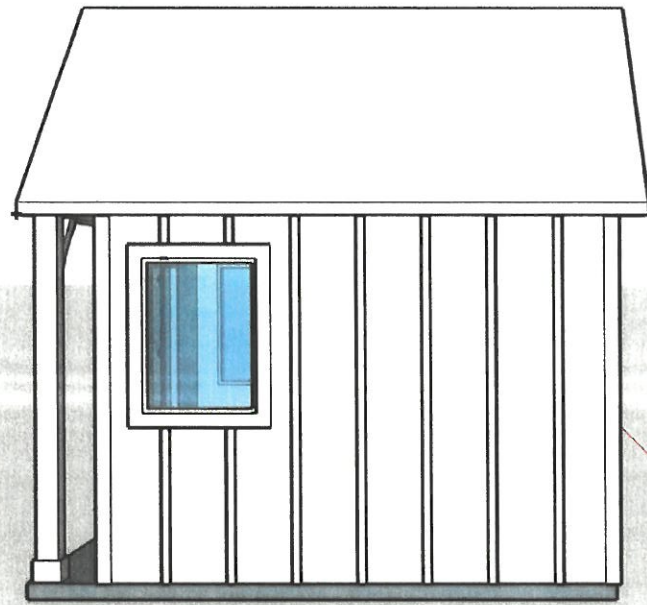
light
 private























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
William Lee King, Register of Deeds

Tax: \$1,310.00

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: *Christy Tinsley*
Print/Type Name & Title: Christy Tinsley

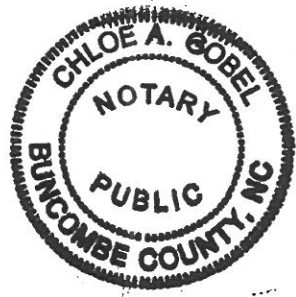
By: *Mike Tinsley*
Print/Type Name & Title: Mike Tinsley

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 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: 12/2/20

Chloe A. Gobel
Notary Public



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

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

Exhibit ATract 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.