

TOWN OF FLETCHER

Lee Bowser
Chair

Robyn Mondin
Vice Chair



Board Members:
Mike Franklin
Doug Ferguson
Leslie Cuevas
Bryan Gilbert
Jacob Compher
Julia Fogel

Zoning Board of Adjustment Regular Meeting **Town Council Chambers | 300 Old Cane Creek Road** **September 15, 2026 at 7:00 PM**

Roll Call; Determination of Quorum

Approval of Minutes of Previous Meeting

- 1) Minutes from the May 19th meeting

Hearing of Cases

- 1) Variance – 55 Baldwin Circle (26-16-VAR) – Tyler Morrow, Planning & Zoning Director

Other Business

- 1) Written Findings of Fact for Variance Request No. 26-04-VAR: Pardee Sign

Adjourn

"This Institution is an equal opportunity provider."

ZONING BOARD OF ADJUSTMENT MINUTES

DATE: May 19, 2026

Town of Fletcher
300 Old Cane Creek Road
Fletcher, NC 28732

Type of Meeting: PUBLIC MEETING

Vice-Chair, Lee Bowser, called a regular meeting of the Zoning Board of Adjustment (ZBA), to order at 6:00 PM.

BOARD MEMBERS PRESENT:

Lee Bowser (Vice Chairman/ District 2)

Mike Franklin (District 1)

Julia Fogel (District 3/ At Large)

Robyn Mondin (District 1/ At Large)

Leslie Cuevas (District 3)

Jacob Compher (District 3/ At Large)

CASE/AGENDA NUMBER	PRESENTED BY:	GRANTED/DENIED/CONTINUED
1 Election of Chairperson and Vice Chairperson	Vice Chair Lee Bowser	Lee Bowser nominated as Chairperson. Robyn Mondin nominated as Vice Chairperson
2. Approval of Minutes of March 18, 2025 ZBA meeting- Additions, corrections, deletions	Vice Chair Lee Bowser	Approved as transcribed
3 Variance request for UNC Pardee Freestanding sign (26-04-VAR) located at 57 Howard Gap Rd	Tyler Morrow, Planning and Zoning Director; Matt Oho, sign contractor; and John Bryant VP, Operations and Support Services UNC Health Pardee	Granted

STAFF PRESENT: Tyler Morrow, Planning and Zoning Director

An audio file of the meeting is available, upon request, for a fee.

Item 1 Election of Chairperson and Vice Chairperson of the Zoning Board of Adjustment

Robyn Mondin nominated **Mr. Lee Bowser** for Chairperson; **Mike Franklin** seconded.

There were no other nominations. The motion carries, all in favor.

Ms. Leslie Cuevas nominated **Mr. Mike Franklin** for Vice Chair. Mr. Franklin declined the appointment.

Mr. Franklin nominated **Ms. Robyn Mondin** for Vice Chairperson, second by **Leslie Cuevas**. There were no other nominations. The motion carries, all in favor.

Item 2 Approval of minutes: corrections-additions-deletions

Chairman Bowser asked for a motion to approve the minutes.

It was so moved by **Mike Franklin** and seconded by **Robyn Mondin**. There was no further discussion. The motion carries, all in favor.

2026-04- VAR

ADDRESS: 57 Howard Gap Rd

PETITIONERS: Ms. Amy Andrews, Sand Pac II LLC; Mr. John Bryant, UNC Health Pardee

PIN #: 9652-78-4270

Mr. Morrow said the petitioner is requesting a variance of the regulations for freestanding signs, as provided in Article 11.7.F.2a- Central Business District, Freestanding directory signs.

They are seeking a variance to increase the allowable sign face area by 56 sq. ft for a total of 60 square feet; to increase the sign height by four feet for a height of 10 feet; and to allow a monument sign with an electronic message board.

Mr. Morrow presented images to show what would be allowed in accordance with the sign regulations of the Land Development Code. Within the CBD district a shingle sign of 6 ft. in height and 4 square ft is what is permitted which is similar to a real estate sign, and very restrictive.

Chairman Bowser inquired about the rules for electronic message signs.

Mr. Morrow said the electronic message area is within the regulations for such signage. The requested sign of 60 sq. feet includes a fourteen square feet message board, which is less than the 32 square ft. which is allowed in non-residential districts. He added that the message cannot change more frequently than every ten seconds.

Mike Franklin asked for clarification of the sign location.

Mr. Oho said it will be 30 feet from the building and approximately 30 feet from Howard Gap Rd. The sign will also be twenty feet from an existing electrical box.

Chairman Bowser made a motion to approve the variance request.

The motion carries, all in favor.

The Board voted to approve the Sign Variance as requested	VOTE
Lee Bowser	Yes
Robyn Mondin	Yes
Leslie Cuevas	Yes
Mike Franklin	Yes
Julia Fogel	Yes
Jacob Compher	Yes

Miscellaneous Items

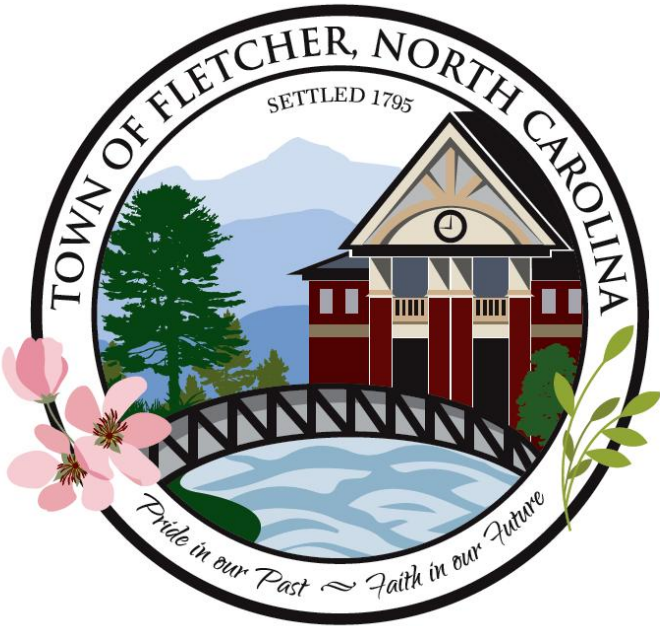
none

Meeting Adjournment: The meeting was adjourned at 6:20 pm.

Read, approved and adopted this _____ day of _____, 2026.

Planning and Zoning Director

Chairman





TOWN OF FLETCHER PLANNING DEPARTMENT AGENDA ITEM COVER SHEET

Meeting Type: Board of Adjustment

Meeting Date: September 15th, 2026

Title of Item:

Variance – 55 Baldwin Circle (26-16-VAR) – Tyler Morrow, Planning & Zoning Director

SUGGESTED MOTION:

For Approval

With regard to the request by Crissy N. Brown and Shawn Lewis of Stonewater Inc. for a variance from Article 2.5 Residential Districts (R-1, R-1A, R-2, R-3), B. Minimum Development Standards: R-2 Side Setback (Minimum) and Appendix 2 Heart of Fletcher Overlay: Development Guidelines Section 5.5. Town Center Housing – East, Building Location, Side:

1. Allow a 2-foot reduction in the required side setback, permitting an 8-foot side setback in lieu of the required 10-foot side setback.

I move the Board to find that:

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

For Denial

With regard to the request by Crissy N. Brown and Shawn Lewis of Stonewater Inc. for a variance from Article 2.5 Residential Districts (R-1, R-1A, R-2, R-3), B. Minimum Development Standards: R-2 Side Setback (Minimum) and Appendix 2 Heart of Fletcher Overlay: Development Guidelines Section 5.5. Town Center Housing – East, Building Location, Side:

1. Allow a 2-foot reduction in the required side setback, permitting an 8-foot side setback in lieu of the required 10-foot side setback.

I move the Board to find that:

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

secured and substantial justice is achieved. For the following reasons: [list factual basis for Approval here.]	achieved For the following reasons: [list factual basis for Denial below.]
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Attachments:	1. Exhibit A- Staff Report 2. Exhibit B- Site Plan 3. Exhibit C- Variance Application
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TOWN OF FLETCHER

PRESTON BLAKELY
MAYOR

MARK E. BIBERDORF
TOWN MANAGER



COUNCIL MEMBERS:
TREVOR LANCE
JIM PLAYER
KEITH REED
AMBER MCKINNEY

Exhibit A

55 Baldwin Circle

Side Setback Variance

Planning Department Staff Report
Tyler Morrow, Planning and Zoning Director

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Process for reviewing a variance

The Zoning Board of Adjustment may only grant a variance having first held a public hearing on the matter and having made the following determinations:

- a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.
- b) Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.
- c) A literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.
- d) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare.
- e) The special circumstances are not the result of the actions of the applicant.
- f) The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.

The following are not cause for a variance:

- 1) The citing of other nonconforming or conforming uses of land or structures in the same or other districts.
- 2) The request to permit a use of land, building or structure which is not permitted by right or by special use in the district involved.
- 3) Economic hardship or the fact that property may be utilized more profitably with a variance.

The Zoning Board of Adjustment, in granting a variance, may prescribe appropriate conditions and safeguards in conformity with this Code. Violation of such conditions and safeguards, when made a part of the terms under which a variance is granted, shall be deemed a violation of this Code and shall be punishable as prescribed in Article 17.

The concurrent, supermajority vote of four-fifths (4/5) of the voting members of the Zoning Board of Adjustment shall be necessary to grant a variance. In all matters coming before the Zoning Board of Adjustment, the applicant shall have the burden of providing clear, competent and material evidence in support of the application. All decisions of the Zoning Board of Adjustment shall be in writing and filed with the Administrator.

Property Information

- According to Henderson County records, the subject property is identified by PIN 9653-73-0449 and is zoned R-2, Medium Density Development District and is also designated as Heart of Fletcher Town Center Housing East. The subject property bares the address of 55 Baldwin Circle.
- According to Henderson County records, the property contains approximately 0.6 acres, or 26136 square feet.
- According to Henderson County records, the property is developed with one structure measuring approximately 864 square feet.
- Town of Fletcher records indicate that Baldwin Circle is maintained by the Town.
- According to Henderson County records, Crissy N. Brown acquired the property on July 10, 2009, by warranty deed.

Summary of the Variance Request

The Planning and Zoning Department has received an application from Crissy N. Brown and Shawn Lewis of Stonewater Inc. for a variance from Article 2.5 RESIDENTIAL DISTRICTS (R-1, R-1A, R-2, R-3), B. Minimum Development Standards: R-2 Side Setback (Minimum) and Appendix 2 Heart of Fletcher Overlay: Development Guidelines section 5.5. TOWN CENTER HOUSING – EAST Building Location, Side in accordance with the definition of “Setback” in Article 18 “Definitions” to reduce the required side setback for the structure from 10’ to 8’ on each side. This would result in a requested variance of 2’ on each side. All other setback requirements will be met.

Ordinance Language

B. Minimum Development Standards:

	R-1/R-1A	R-2	R-3
1. Permitted Development Density			
Maximum Development Density (Units/Acre)	2	3	4 SF; 10 MF
3. New Development Standards (a)			
Principal Structure Dimensional Standards			
Front Setback from Right-of-Way (Minimum)	20 ft	20 ft	20 ft
Front Yard Encroachments (b)	8 ft	8 ft	n/a
Side Setback (Minimum) (c) (e)	10 ft	10 ft	10 ft/3 ft
Setback between Multi-Family Buildings	n/a	n/a	10 ft
Rear Setback from Property Line/Rear Centerline (e)	15 ft	15 ft	15 ft
Height in Stories (Maximum)	2.5	2.5	3
Accessory Structure Dimensional Standards			
600 sq ft or less (Side/Rear Min. Setback) (d)	5 ft (d)	5 ft (d)	5 ft (d)
Height in Stories (Maximum)	2	2	2

2.5 Residential
Districts
(R-1, R-1A, R-2, R-3)

Ordinance Language

Dimensional Requirements:	
Building Height	2-3 stories (25-45 ft)
Density	8-16 units/acre
Building Location	structure shall abut BTL/setback line for 40% of lot width
Front	5-20 ft build-to line (SF); 20 ft minimum setback (MF)
Side	10 ft minimum setback
Rear	15 ft minimum setback
Transparency	30% of ground floor street-facing facade
Parking	specified in Article 9 of Land Development Code
Sidewalks	specified in Article 12 of Land Development Code
Transition Yard	specified in Article 8 of Land Development Code
Design Standards	specified in Article 5 of Land Development Code

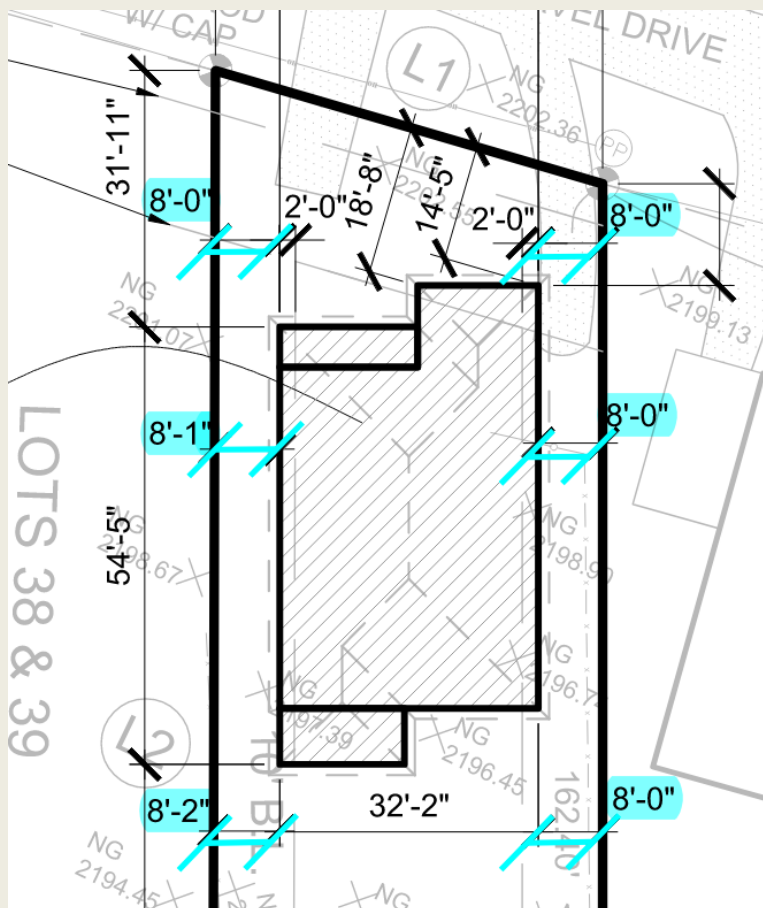
Heart of Fletcher Overlay: Development Guidelines

5. Town Center Housing – East

Variance Request

Allowed: 10' Minimum Side Setback

Proposed: 8' Minimum Side Setback

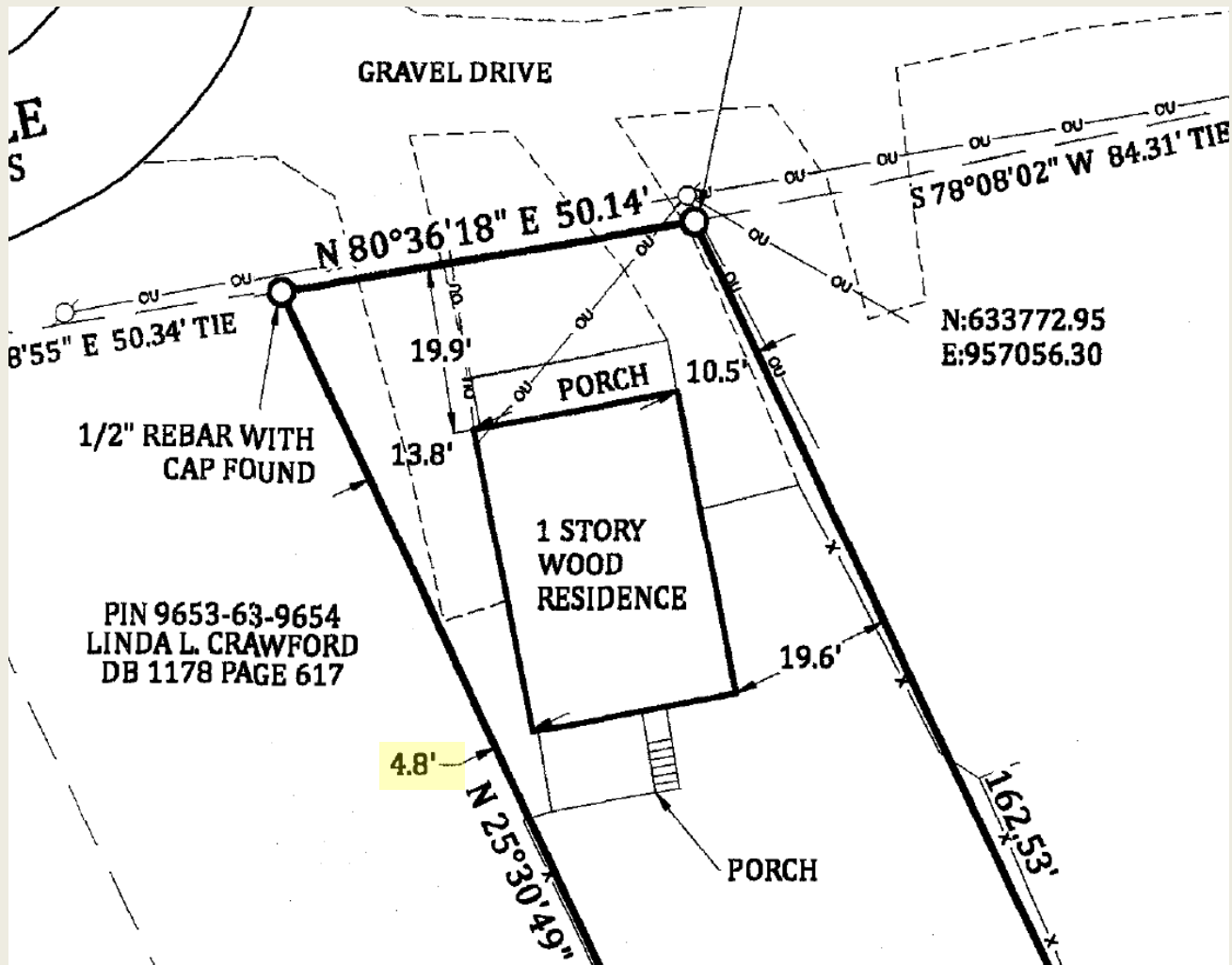


Existing Conditions of the Existing House

Below is a snapshot from a boundary survey prepared by Wilkie Surveying (Richard J. Wilkie) on June 5, 2024. As shown, the majority of the existing residence complies with the current setback requirements of the ordinance. However, the western rear portion of the structure is located only 4.8 feet from the side property line.

If the requested variance is approved, this portion of the proposed residence would be located approximately 8 feet 2 inches from the same property line, bringing that section of the structure closer to compliance than the existing legally nonconforming condition.

Additionally, the existing residence is situated at an angle on the lot. The proposed replacement residence would be more centrally aligned on the property, resulting in a more balanced placement rather than the current off center orientation.



Applicant Provided Rational for the Variance Request **(Condensed from the Application)**

1. If they comply with the provisions of the Land Development Code, the property owner can secure no reasonable return from, or make no reasonable use of, their property. Strict compliance with the required 10-foot setback would prevent the applicant from reasonably rebuilding the home through the approved government rebuilding program. The replacement residence must generally remain in the existing location because of the existing septic system, substantial tree coverage, and sloping terrain. Since the program does not offer a narrower home design, compliance with the setback would prevent the property from being rebuilt for its intended residential use.

2. The hardship of which the Applicant complains results from unique circumstances related to the Applicant's land. The hardship results from physical conditions and existing improvements unique to the property. The buildable area is constrained by the location of the former residence, the existing septic system, extensive tree coverage, and sloping terrain at the rear of the lot. These conditions limit where the replacement home can be located, making the requested approximate 2-foot encroachment into each side setback necessary rather than a means to increase the size or intensity of the proposed use.

3. The hardship is not the result of the Applicant's own actions. The hardship is not the result of the applicant's actions. The existing septic system, mature tree coverage, sloping rear terrain, and limited area available for reconstruction all existed before the proposed rebuild. In addition, the applicant is limited to home designs available through the government rebuilding program and did not choose an oversized custom residence. The requested encroachments are necessary to place a program approved home within the property's existing buildable area while maintaining more than 10 feet of separation from neighboring structures.

4. The variance is in harmony with the general purpose and intent of the land development code and preserves its spirit. The requested variance is limited to an approximate 2-foot encroachment into the required side setback on each side of the residence. The property will continue to be used as a single-family residence, consistent with the intended use of the property and the surrounding neighborhood. The minor encroachments will not alter the character of the neighborhood, increase the intensity of the use, or interfere with the reasonable use and enjoyment of neighboring properties.

5. The granting of the variance secures the public safety and Welfare and does substantial justice. Granting the requested variance will not adversely affect public safety or welfare. The approximate 2-foot side setback encroachments will not obstruct public access, emergency services, utilities, drainage, or the use of adjacent properties. Denial of the variance would create a hardship disproportionate to any public benefit gained through strict enforcement of the setback requirement.

Site Images



This photograph depicts the western side of the subject property from the front of the existing house.



This photograph depicts the western side of the subject property from the rear of the existing house.



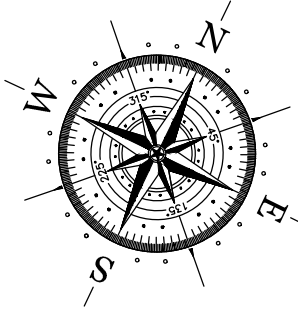
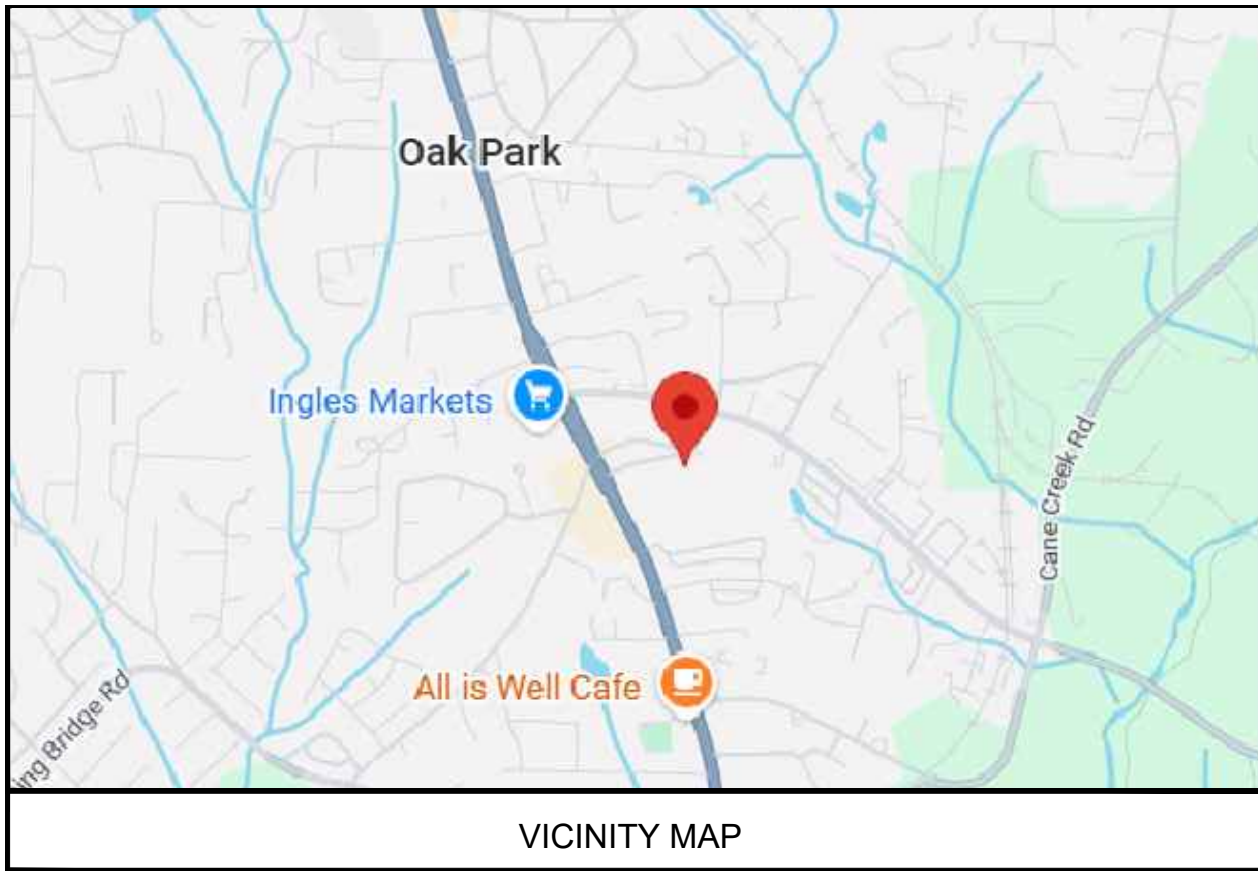
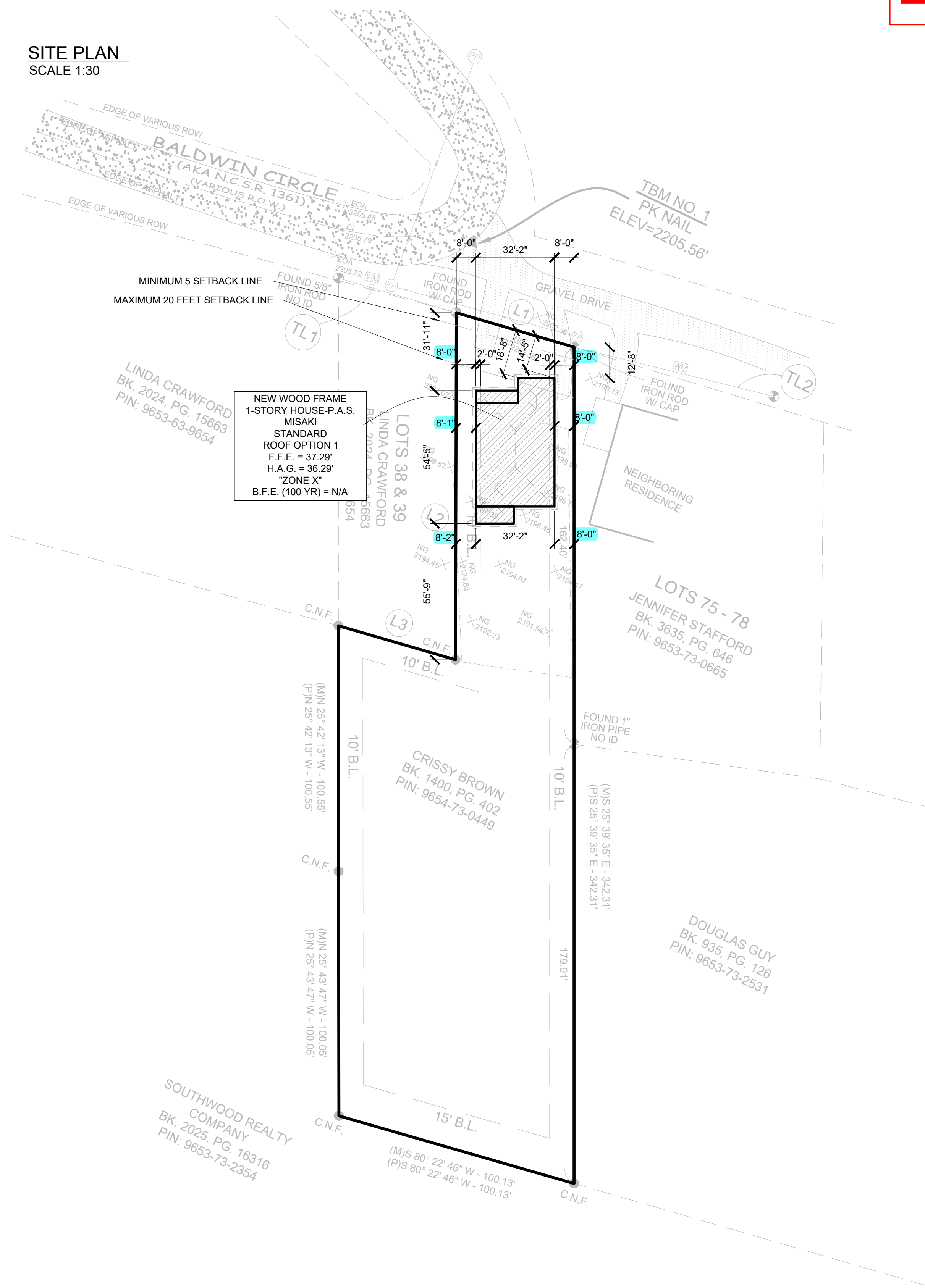
This photograph depicts the eastern side of the subject property from the front of the existing house.



This photograph depicts the front of the existing house.

Exhibit B

SITE PLAN
SCALE 1:30



LEGAL DESCRIPTION:
BEING A TRACT OF LAND, IN HENDERSON COUNTY, NORTH CAROLINA, ACCORDING TO THE DEED THEREOF RECORDED IN BOOK 1400, PAGE 402, OF THE PLAT RECORDS OF HENDERSON COUNTY, NORTH CAROLINA.

PROPOSED CONCRETE	
WALKWAY TO RAMP	0 SQFT
WALKWAY TO FRONT PORCH	0 SQFT
PARKING PAD	0 SQFT
APPROACH	0 SQFT
CONCRETE PAD	0 SQFT
TOTAL	0 SQFT

LEGEND

	GAS METER (GM)		CORRUGATED METAL PIPE
	GAS VALVE (GV)		REINFORCED CONCRETE PIPE
	FIRE HYDRANT (FH)		POLYVINYL CHLORIDE PIPE
	WATER METER (WM)		CORRUGATED PLASTIC PIPE
	WATER VALVE (WV)		SANITARY SEWER EASEMENT
	BACK OF CURB		STORM SEWER EASEMENT
	GRATE INLET (GI)		AERIAL EASEMENT
	SANITARY MANHOLE (S.M.H.)		BUILDING LINE
	STORM MANHOLE (S.M.H.)		CONTROL POINT
	PRESSURE VALVE (PV)		DRAINAGE EASEMENT
	LIGHT POLE (LP)		FINISH FLOOR ELEV.
	WATER WELL (WW)		IRON PIPE
	TRAFFIC SIGNAL POLE (TSP)		IRON ROD
	CLEAN OUT (CO)		RIGHT-OF-WAY
	BURIED CABLE MARKER (BCM)		TEMPORARY BENCHMARK
	POWER POLE (PP)		UTILITY EASEMENT
	UTILITY POLE (UP)		WATER LINE EASEMENT
	SERVICE POLE (SP)		WOOD FENCE
	ELECTRIC BOX (EB)		CHAIN-LINK
	ELECTRIC METER (EM)		IRON FENCE
	SPOT ELEVATION (SE)		PIPELINE
	ELECTRIC SHUTOFF		BUILDING LINE
	KNOX BOX		EASEMENT LINE
	EXISTING TREE		OVERHEAD POWER
	PROPOSED TREE		ASPHALT
	HIGH BANK		CONCRETE
			GRAVEL

B.F.E. - BASE FLOOD ELEVATION (100 YEAR)
D.F.E. - DESIGNATED FLOOD ELEVATION (500 YEAR)
F.F.E. - FINISHED FLOOR ELEVATION
P.A.S. - PILING AND STRINGER
S.O.G. - SLAB ON GRADE
H.A.G. - HIGHEST ADJACENT GRADE
L.A.G. - LOWEST ADJACENT GRADE

NOTES

1. THE FINISHED FLOOR ELEVATION SHALL BE A MINIMUM OF 2'-0" ABOVE B.F.E.
2. THE FINISHED GRADE AT HOUSE FOUNDATION SHALL PROVIDE POSITIVE DRAINAGE AWAY FROM STRUCTURE AND SHALL START A MINIMUM OF 6" BELOW FINISHED FLOOR OF SLAB OR MINIMUM 6" BELOW PIER FOOTINGS FOR ELEVATED FLOOR.
3. GRADING BELOW ELEVATED FLOOR SHALL PROVIDE POSITIVE DRAINAGE AWAY FROM HOUSE FOOTPRINT AND PREVENT POOLING UNDER HOUSE.
4. NO BUILD LINES OR EASEMENTS SHOWN ON PLAT BEYOND THE R.O.W.
5. FINISHED CONSTRUCTION GRADING PATTERN SHALL CONVEY WATER RUN-OFF AWAY FROM ADJACENT PROPERTIES.
6. ANY WETLAND AREA TO REMAIN UNDISTURBED DURING CONSTRUCTION.
7. IF HANDICAP RAMP FOR ACCESS IS REQUIRED, CONTRACTOR MUST GUARANTEE THAT RAMP AND ACCESS DESIGN MUST BE A.D.A. COMPLIANT.

Revisions:

#	DATE	DESCRIPTION OF CHANGE
0	06/29/2026	ISSUED FOR APPROVAL

ALL RIGHTS RESERVED. NO PART OF THIS DOCUMENT MAY BE REPRODUCED OR UTILIZED IN ANY FORM WITHOUT PRIOR WRITTEN AUTHORIZATION OF "COBALT".

FOR APPROVAL

☐ APPROVED ☐ APPROVED AS NOTED ☐ REVISED AND RESUBMIT

SIGNATURE:

DATE:

NOTE: SIGNATURES VALID FOR ONE YEAR ONLY AFTER DATE OF SIGNATURES



CLIENT:
STONEWATER INC.

PROJECT LOCATION OR ADDRESS:
55 BALDWIN CIRCLE,
FLETCHER, NORTH CAROLINA 28732

SITE PLAN

DRAWN BY:	J.M.	CHECKED BY:	CCH
PROJECT #:	25-0295-17	SCALE:	AS NOTED
DATE:	06/29/2026		C-1.00



Town of Fletcher

Planning and Zoning

300 Old Cane Creek Road, Fletcher NC 28732

(828) 687-3985

Fax (828) 687-7133

Exhibit C

Variance Request Application

Application Number 26-16-VAR

Notice is hereby given to the Board of Adjustment of a request for a variance from the ruling of the Zoning Administrator on the 16th day of July, 2026, made in respect to the property located at 55 Baldwin Circle, Fletcher, North Carolina. Under the ruling given to me by the Zoning Administrator, I am prohibited from using this parcel of land for rebuilding a single family home through a government rebuilding program by way of an approved floor plan(Renew NC) (site plan attached).

I request a variance from the following provisions of the Land Development Code for the Town of Fletcher, NC (cite paragraph numbers): Article 2.5 RESIDENTIAL DISTRICTS (R-1, R-1A, R-2, R-3) B. Minimum Development Standards: Side Setback (Minimum)

so that the above-mentioned property can be used in a manner indicated by the site plan, and as more specifically described herein (if a variance is requested for a limited time only, specify duration):

- | | | |
|---|--------------------|---|
| ☐ Front Yard | Amount of Variance | <u></u> |
| ☐ Rear Yard | Amount of Variance | <u></u> |
| ☒ Side Yard | Amount of Variance | <u>2' variance on each side. Provide an</u> |
| ☐ Height | Amount of Variance | <u>8' minimum setback on each side</u>
<u>instead of the required 10'.</u> |

Owner of this property Crissy N Brown.

Address 55 Baldwin Circle City Fletcher State NC Zip 28732.

****NOTE: If the Petitioner is not the property owner, then a notarized letter is required from the property owner stating that the Petitioner has permission to apply to the Board for the requested variance.****

Please fill out completely:

Property Address 55 Baldwin Circle

PIN # 9653-73-0449 PID# 701210

Zoning: R1 R1-A **R2** R3 NBD CBD C-1 C-2 M-1 ETJ

Property Use RES-SINGLE FAMILY

Town of Fletcher
Planning and Zoning
300 Old Cane Creek Road
Fletcher NC 28732

Regarding: 55 Baldwin Circle, Reid # 701210 Variance Request

To whom it may concern:

I, Crissy N Brown, property owner of 55 Baldwin Circle, Fletcher NC 28732, due grant permission to Shawn Lewis, Stonewater Inc, to apply to the Board for a variance request.

Sincerely,

Crissy N Brown
Crissy N Brown

Buncombe County, North Carolina

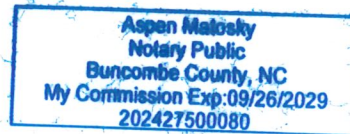
Signed and sworn to before me this day by Crissy N. Brown.

Date: 07/26/2028

Aspen Matosky
Official Signature of Notary

Aspen Matosky, Notary Public
Notary's printed or typed name

My commission expires: 09/26/2029



Shawn Lewis

(Petitioner's Name)

70 Woodfin Place Ashville NC 28801

(Petitioner's Address)

910-729-1727

(Phone Number)

Shawn Lewis

(Signature)

(Agent's Name)

(Agent's Address)

(Phone Number)

(Signature)

FACTORS RELATIVE TO THE ISSUANCE OF A VARIANCE:

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the enabling act, the Board is required to reach three conclusions as a prerequisite to the issuance of a variance: (a) that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Land Development Code; (b) that the variance is in harmony with the general purposes and intent of the Land Development Code and preserves its spirit, and (c) that in granting of the variance, the public safety and welfare have been assured and substantial justice has been done. In the spaces provided below, indicate the **facts** that you intend to show and the **arguments** that you intend to make to convince the Board that it can properly reach these three required conclusions.

(a) THERE ARE PRACTICAL DIFFICULTIES OR UNNECESSARY HARDSHIPS IN THE WAY OF CARRYING OUT THE STRICT LETTER OF THE LAND DEVELOPMENT CODE. The courts have developed three rules to determine whether, in a particular situation, “practical difficulties or unnecessary hardships” exist. State facts and arguments in support of each of the following:

1. If he complies with the provisions of the Land Development Code, the property owner can secure no reasonable return from, or make no reasonable use of, his property. (It is NOT sufficient that failure to grant the variance simply makes the land less valuable.)

Strict compliance with the required 10 ft. setback would prevent the applicant from making reasonable residential use of the property through the approved government rebuilding program. The proposed residence must generally occupy the location of the existing home, the existing septic system is located behind the residence, rear portion of the property contains substantial tree coverage and the more open rear area is sloped. The program offered designs do not include a narrower model that would fit within the required setback. Compliance would require a complete redesign of the residence which is not available & can prevent the property from being rebuilt for it's intended use.

STAFF COMMENT(S): _____

2. The hardship of which the Applicant complains results from unique circumstances related to the Applicant's land. (NOTE: Hardships suffered by the Applicant in comment with his neighbors do not justify a variance. The existence of non-conforming use(s) of neighboring land, buildings, or structures shall not constitute a reason for a variance. Also, unique personal or family hardships are irrelevant since a variance, if granted, runs with the land.)

The hardship results from the physical conditions & existing improvements specific to the property. The suitable building area is constrained by the location of the former residence, the existing septic system behind the home, extensive tree coverage, and the slop of the rear portion of the lot. Together, these conditions create a limited buildable area and prevent the proposed residence from being moved further toward the rear of the property. The requested approximate 2 ft. encroachment into each ten-foot side set back is therefore related to the property's existing site conditions and limited buildable envelope rather than a desire to increase the size or intensity of the proposed use.

STAFF COMMENT(S): _____

3. The hardship is not the result of the Applicant's own actions.

The hardship is not the result of the Applicant's own actions. The site constraints, including the existing septic system, mature tree coverage, sloped rear terrain, and limited location available for reconstruction, existed before the proposed rebuild.

The Applicant is also limited to the home designs made available through the government rebuilding program and did not select an oversized custom residence for the property. The requested encroachments result from the need to place an available program-approved home within the property's existing footprint. The proposed residence will remain more than 10 ft. from neighboring structures.

STAFF COMMENT(S): _____

(b) THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE LAND DEVELOPMENT CODE AND PRESERVES ITS SPIRIT. State facts and arguments to show that the variance requested represents the least possible deviation from the letter of the Land Development Code that will allow a reasonable use of the land and the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood.

The requested variance is limited to a two-foot encroachment into the required setback on each side of the residence. The property will continue to be used as single-family residence, consistent with the intended use of the property & the surrounding neighborhood. The minor encroachments do not substantially affect the character of the neighborhood, increase the intensity of the use, or interfere with the reasonable use of the neighboring properties.

STAFF COMMENT(S): _____

(c) THE GRANTING OF THE VARIANCE SECURES THE PUBLIC SAFETY AND WELFARE AND DOES SUBSTANTIAL JUSTICE. State facts and arguments to show that, on balance, if the variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the Applicant.

Granting the requested variance will not create an adverse impact on public safety or welfare. The two-foot side set back encroachments to not obstruct public access, emergency services, utilities, drainage or the use of adjacent properties. Denial of the variance could require substantial alteration or relocation of the residence, creating a hardship disproportionate to any public benefit obtained from strict enforcement of the setback requirement.

STAFF COMMENT(S): _____

Date 7/27/2026

Shawn Lewis
(Signature of Applicant)

<u>70 Woodfin Place</u>	<u>Ashville</u>	<u>NC</u>	<u>28801</u>
Address	City	State	Zip

910-729-1727
Phone

CHECKLIST FOR VARIANCE APPLICATIONS

Town of Fletcher Planning and Zoning

Variance Application

- ☒ Completed application and Owner's Affidavit, if applicable.
- ☒ Legal description and PINS for subject property; i.e., copy of deed.
- ☒ Filing fee of \$350.00.
- ☒ Area map illustrating subject property and surrounding zoning (staff will assist applicants in preparing this map if necessary).
- ☒ I acknowledge that all property owners abutting the proposed variance will be notified of the request and provided information of the hearing dates.
- ☒ I acknowledge the variance shall not be granted except after the decision by the Zoning Board of Adjustment following the public hearings.
- ☒ I acknowledge and grant consent to Town of Fletcher officials to visit the proposed site for the purpose of investigating this application.

Print Name: Shawn Lewis

Signature: Shawn Lewis

Date: 7/28/2026

This institution is an equal opportunity provider

TOWN OF FLETCHER

LEE BOWSER
CHAIR

ROBYN MONDIN
VICE CHAIR



BOARD MEMBERS:
MIKE FRANKLIN
DOUG FERGUSON
LESLIE CUEVAS
BRYAN GILBERT
JACOB COMPHER
JULIA FOGEL

ZONING BOARD OF ADJUSTMENT WRITTEN FINDINGS OF FACT

Variance- Pardee Health Free Standing Sign (26-04-VAR)

Application Number: 26-04-VAR

Applicant: Amy Andrews of Sand Pac II LLC and John Bryant of UNC Health Pardee

Property Address: 57 Howard Gap Road

PIN: 9652-78-4270

Zoning District: CBD, Central Business District

Hearing Date: May 19th, 2026

Decision: Approved

This matter came before the Fletcher Zoning Board of Adjustment on May 19th, 2026 for a quasi-judicial hearing on the application by Amy Andrews of Sand Pac II LLC and John Bryant of UNC Health Pardee for a variance from the Fletcher Land Development Code Article 11.7 F Central Business District (CBD) subsection 2a Freestanding Directory Signs in accordance with the definition of "Sign, Free-Standing" in Article 18 "Definitions" to increase the allowable sign face area by 56 square feet, to increase the allowed sign height by 4' and to allow for a monument sign with an electronic message board.

Giving testimony were Tyler Morrow, Planning and Zoning Director; Matt Oho, sign contractor; and John Bryant VP, Operations and Support Services UNC Health Pardee, all of whom were sworn and placed under oath.

I. PROCEDURAL FINDINGS

1. The Board of Adjustment has jurisdiction over this matter pursuant to the Town's Land Development Code and N.C.G.S. Chapter 160D.
2. Proper notice of the public hearing was provided.
3. The public hearing was conducted as a quasi-judicial proceeding.
4. All witnesses providing testimony were sworn.
5. All documentary evidence was entered into the record.
6. Board members disclosed any conflicts of interest and recused themselves when required.

II. Findings of Fact

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

1. Amy Andrews of Sand Pac II LLC is the owner of a parcel located at 57 Howard Gap Road in Fletcher, N.C. The lot currently houses a medical office use.
2. The lot is currently zoned CBD, or Central Business District with required sign standards as outlined in Article 11.7 F Central Business District (CBD) subsection 2a Freestanding Directory Signs.
3. On December 3rd, 2025, Cortney Sherer with Sign Systems Asheville applied for a sign permit for a free-standing sign for the business located at 57 Howard Gap Road
4. On December 3rd, 2025, Teresa Ralya, town planning technician, denied the permit application of Cortney Sherer on the basis that the proposed sign exceeded the allowable sign face and height allowance and proposed a monument sign.
5. On April 22nd, 2026, Amy Andrews of Sand Pac II LLC and John Bryant of UNC Health Pardee submitted a complete petition for a variance to increase the allowable sign face area by 56 square feet, to increase the allowed sign height by 4' and to allow for a monument sign with an electronic message board as depicted in exhibit C. This petition was assigned Case Number 26-04-VAR.
6. On May 19th, 2026, the Fletcher Zoning Board of Adjustment conducted a duly advertised and noticed evidentiary hearing on the Pardee freestanding sign variance petition.
7. It was determined that, due to the nature of this use, the standard sign allowance permitted in the CBD district is insufficient. Additional signage is necessary to assist patients, including those who may be visually or otherwise impaired, in safely locating the building. The limited sign allowance

could create confusion and potentially result in health, safety, or welfare concerns along adjacent roadways.

III. Conclusions of Law

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

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.
2. Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.
3. A literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.
4. The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare.
5. The special circumstances are not the result of the actions of the applicant.
6. The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.

IV. Conditions of Approval (if applicable)

1. None

V. Decision

1. Based on the application, the evidence submitted, and the above findings of fact, the board of adjustment by unanimous vote of 5–0 on May 19th, 2026, concludes that the applicants meet each of the six standards set forth for a variance in article 15 of the Fletcher Land Development Code.
2. Amy Andrews of Sand Pac II LLC and John Bryant of UNC Health Pardee are hereby granted a variance to construct a 60 square foot, 10 'high monument sign at 57 Howard Gap Road, Fletcher NC.
3. This decision is effective upon distribution to the parties and filing with the clerk to the Board.
4. The Zoning Board of Adjustment hereby grants a variance to from Article 11.7 F Central Business District (CBD) subsection 2a Freestanding Directory Signs of the Fletcher Land Development Code

to increase the allowable sign face area by 56 square feet, to increase the allowed sign height by 4' and to allow for a monument sign with an electronic message board as depicted in exhibit C and supporting materials and on the record of the public hearing.

This 15th day of September, 2026

Lee Bowser, Chair