BUNCOMBE COUNTY
PLANNING & DEVELOPMENT
(828) 250-4830 - PlanningInfo@BuncombeCounty.org
www.buncombecounty.org/planning

Application for a SPECIAL USE PERMIT
NOT FOR PUD APPLICATIONS

PLEASE NOTE: A PRE-SUBMITTAL CONFERENCE IS REQUIRED PRIOR TO SUBMITTING THIS APPLICATION.

A. Property Information

PIN(s): 9686 47281000000 and 9686-48-4152 JP 5/24/2023

Address(es): 347, 345 OLD FORT ROAD FAIRVIEW NC 28730

Project Name: N/A Acreage: _____

Zoning District: OU Average Natural Slope: 9 % Elevation: 2340 - 2420 FT above sea level

Current Land Use(s): Residential Vacant Utilities: electrical

☐ Floodplain ☐ Steep Slope/High Elevation ☐ Protected Ridge ☐ Watershed ☐ BR Pkwy ☒ WOODED

B. Application for Special Use Permit

1. Application is hereby made to the Board of Adjustment to issue a Special Use Permit for use of the property described above as a (*please provide a brief description of the use*):
I would like to change the use of Dwellings 347, 345 OLD FORT ROAD (which are already approve for long term rental) to short term rental.

Identical Structures

2. Provide information about any structures:
units: 4 Combined size of all structures: 2673 SF per house
structures: 2 Size of largest individual building: Same SF

3. Community Meeting: Date: _____ Location: _____ or ☐ No meeting held

C. Land Development Standards

Plan to subdivide lots? If so, how many lots: _____ Smallest lot size proposed: _____ SF

Smallest distance between buildings: _____ FT Height of tallest retaining wall: _____ FT

Height of tallest structure on its shortest side after anticipated grading (grade to roof peak): _____ FT

OFFICE USE ONLY: Date received: Case: ZPH20

Approval of a PUD is conceptual and does not exempt the applicant from meeting all required Ordinance standards, except for those standards specifically listed on this application to be deviated from, and agreed to by the Board. PUD's which intend to subdivide must submit a subdivision application.

Applicant Contact Information *(Developer of this project)*

Pattavina Property Management LLC
Company/Corporate Name (*if applicable*)

Jonathan Pattavina
Applicant's Name

84 Dogwood Forest Rd Fairview NC 28730
Mailing Address *(Street number, Street name, City, State, Zip Code)*

(603) 491-3939 JonathanPattavina@gmail.com
Telephone **Email**

3/22/2023
Signature **Date**

5/24/2023

Additional emails, not listed elsewhere on this page, to receive correspondence about the application/meeting:

B. Authorized Representative *(If different)*

Company/Corporate Name (if applicable)

Applicant's Name

Mailing Address

City, State, and Zip Code

( ) **Telephone**

Email

Signature **Date**

E. Owner *(If different)*

Jonathan + Maria Pattavina
Owner's Name

Same
Mailing Address

City, State, and Zip Code

( ) **Telephone**

Email

Maria a Pattavina 3/22/2023
Signature **Date**

3/22/2023

Maria a Pattavina 5/24/2023

5/24/2023

H. ADDITIONAL SPECIAL USE STANDARDS

Before issuance of a Special use permit for one of the specific uses listed in *§78-678(b) Special Use Standards* of the Buncombe County Zoning Ordinance, additional standards must be met. **The petitioner shall be required to submit an additional form** specific to the use, in order to assure these conditions are met. An application for a use listed in *§78-678(b)* shall not be deemed complete without the additional form.

If you are applying for one of the uses listed below, you must submit an additional form:

- ☐ Bed and Breakfast
- ☐ Day Nursery and Private Kindergarten
- ☐ Junkyard
- ☐ Kennels
- ☐ Travel Trailer Parks
- ☐ Utilities and Towers
- ☒ Vacation Rental Complex/Rooming Board *(See note at bottom of page)*
- ☐ Manufactured Home Parks

- ☐ Planned Unit Development of 5+ structures, or buildings 50,000+ sf in size **(Please do not use this form for a PUD. There is a separate combined PUD/Special Use Permit application)**

I. CERTIFICATION

- I hereby certify that I am the owner, contractor, or authorized agent of the owner, and the above information is correct to the best of my knowledge and hereby make application for a Special use permit. Any information given that is incorrect will cause this application to become null and void.
- I acknowledge that withdrawal of this application after notice has been made will result in forfeiture of any application fees associated with said application.

DPm

Signature of Petitioner

5/24/2023

3 / 22 / 2023

Month / Day / Year

***NOTE: Vacation Rental Complex:**
If you will have 5 or more structures on your property, please do not use this Special Use Permit application. Submit the Special Use Permit – Planned Unit Development application, in addition to the Vacation Rental Complex additional form.

BUNCOMBE COUNTY
PLANNING & DEVELOPMENT
(828) 250-4830 - PlanningInfo@BuncombeCounty.org
www.buncombecounty.org/planning

Application for a SPECIAL USE PERMIT
NOT FOR PUD APPLICATIONS

PLEASE NOTE: A PRE-SUBMITTAL CONFERENCE IS REQUIRED PRIOR TO SUBMITTING THIS APPLICATION.

A. Property Information

PIN(s): 9688 47281000000

Address(es): 347, 345 OLD FORT ROAD FAIRVIEW NC 28730

Project Name: N/A Acreage: _____

Zoning District: OU Average Natural Slope: 9 % Elevation: 2340 - 2420 FT above sea level

Current Land Use(s): Residential Vacant Utilities: electrical

☐ Floodplain ☐ Steep Slope/High Elevation ☐ Protected Ridge ☐ Watershed ☐ BR Pkwy

☒ WOODED

B. Application for Special Use Permit

1. Application is hereby made to the Board of Adjustment to issue a Special Use Permit for use of the property described above as a (*please provide a brief description of the use*):
I would like to change the use of Dwellings 347, 345 OLD FORT ROAD (which are already approve for long term rental) to short term rental.

2. Provide information about any structures:
Identical Structures
units: 4 Combined size of all structures: 2673 SF per house
structures: 2 Size of largest individual building: Same SF

3. Community Meeting: Date: _____ Location: _____ or ☐ No meeting held

C. Land Development Standards

Plan to subdivide lots? If so, how many lots: _____ Smallest lot size proposed: _____ SF

Smallest distance between buildings: _____ FT Height of tallest retaining wall: _____ FT

Height of tallest structure on its shortest side after anticipated grading (grade to roof peak): _____ FT

OFFICE USE ONLY: Date received: Case: ZPH20

Approval of a PUD is conceptual and does not exempt the applicant from meeting all required Ordinance standards, except for those standards specifically listed on this application to be deviated from, and agreed to by the Board. PUD's which intend to subdivide must submit a subdivision application.

Applicant Contact Information *(Developer of this project)*

Pattavina Property Management LLC
Company/Corporate Name (*if applicable*)

Jonathan Pattavina
Applicant's Name

84 Dogwood Forest Rd Fairview NC 28730
Mailing Address *(Street number, Street name, City, State, Zip Code)*

(603) 491-3939 JonathanPattavina@gmail.com
Telephone **Email**

3/22/2023
Signature **Date**

Additional emails, not listed elsewhere on this page, to receive correspondence about the application/meeting:

D. **Authorized Representative** *(If different)*

Company/Corporate Name (if applicable)

Applicant's Name

Mailing Address

City, State, and Zip Code

( ) **Telephone**

Email

Signature **Date**

E. **Owner** *(If different)*

Jonathan + Maria Pattavina
Owner's Name

Same
Mailing Address

City, State, and Zip Code

( ) **Telephone**

Email

Maria A Pattavina 3/22/2023
Signature **Date**

JP 3/22/2023

H. ADDITIONAL SPECIAL USE STANDARDS

Before issuance of a Special use permit for one of the specific uses listed in *§78-678(b) Special Use Standards* of the Buncombe County Zoning Ordinance, additional standards must be met. **The petitioner shall be required to submit an additional form** specific to the use, in order to assure these conditions are met. An application for a use listed in *§78-678(b)* shall not be deemed complete without the additional form.

If you are applying for one of the uses listed below, you must submit an additional form:

- ☐ Bed and Breakfast
- ☐ Day Nursery and Private Kindergarten
- ☐ Junkyard
- ☐ Kennels
- ☐ Travel Trailer Parks
- ☐ Utilities and Towers
- ☒ Vacation Rental Complex/Rooming Board *(See note at bottom of page)*
- ☐ Manufactured Home Parks

- ☐ Planned Unit Development of 5+ structures, or buildings 50,000+ sf in size **(Please do not use this form for a PUD. There is a separate combined PUD/Special Use Permit application)**

I. CERTIFICATION

- I hereby certify that I am the owner, contractor, or authorized agent of the owner, and the above information is correct to the best of my knowledge and hereby make application for a Special use permit. Any information given that is incorrect will cause this application to become null and void.
- I acknowledge that withdrawal of this application after notice has been made will result in forfeiture of any application fees associated with said application.

DPM

Signature of Petitioner

3 / 22 / 2023

Month / Day / Year

***NOTE: Vacation Rental Complex:**
If you will have 5 or more structures on your property, please do not use this Special Use Permit application. Submit the Special Use Permit – Planned Unit Development application, in addition to the Vacation Rental Complex additional form.

G. BURDEN OF PROOF

In the spaces provided below, indicate **the facts you intend to demonstrate** and **the arguments that you intend to make** to demonstrate to the Board that it can properly grant the Special Use Permit as provided for in *§78-677(g) Procedures for obtaining a Special Use Permit, Conditions for granting approval.* The Board of Adjustment has limited discretion in deciding whether to grant a Special Use Permit.

Answers must be provided in the spaces below, not as an attachment. Applicants may submit additional documentation, or expand on questions through an attachment, however the majority of your answer must be contained on this application. Where applicable, indicate if a requirement does not apply. If this is a revision to a previously approved SUP and the answers to the statements below have not changed, indicate 'no change from previous approval' in the space provided.

1. Indicate how the proposed SUP will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed SUP:

APPLICANT NARRATIVE

347,345 is a Log Cabin Duplex Dwelling on 1.55 acres in the woods located over 1,000 feet off the road of old Fort Rd. Its located deep into the property. Above is a 30+ acre lot where one house will eventually be at the very top of the mountain. Nowhere in sight. Traffic will not change. No health or Saftey Risks, No change other than long term to short term use. Long term has already been approved.

2. Indicate how the proposed SUP will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood of the proposed SUP:

APPLICANT NARRATIVE

Public welfare or injurious to property or public improvements will not change. It has private Driveway, electrical and approved Septic. Short term use will not Change any of this.

3. Indicate how the proposed SUP will not cause or have adverse effects on surrounding properties due to noise, vibration, odor, or glare effects:

APPLICANT NARRATIVE

House is isolated over 1000 feet into woods away from all other dwellings Above and Below. There will be no change from the already approved long term usage.

4. Indicate how satisfactory ingress and egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control have been provided or how the items listed are not applicable to the proposed SUP:

APPLICANT NARRATIVE

This dwelling has already been inspected for proper egress + code. It is already approved for Long term use.

Driveway has been Approved by Fire Department. The structure already exists.

This project has been approved and is actively going through regular inspections process. I'm simply chansing it from Long term to Short-term Rental.

5. Indicate how off-street parking and loading areas are proposed to be provided, with particular attention to the items in §78-658 of the Buncombe County Zoning Ordinance or how the items listed are not applicable to the proposed SUP:

APPLICANT NARRATIVE

This is Not applicable. This structure has it's own parking. It can not be seen from the Road. It is in the woods. It is not commercial.

Parking meets 78-658
There are more than 2 spaces per Dwelling
OFF Street Parking: N/A

6. Indicate how adequate and proper utilities, with reference to locations, availability, and compatibility are to be provided or how the items listed are not applicable to the proposed SUP:

APPLICANT NARRATIVE

It has well and approved Septic for level of occupency. Out Door lighting, parking and recreational Porches, decks and Sitting area.

It is already Approved for long term.

7. Indicate how buffering, with reference to type, locations, and dimensions will be provided or how it is not applicable to the proposed SUP:

APPLICANT NARRATIVE

It is buffered on all sides By woods. It is already isolated and will not affect any surrounding dwelling.

8. Indicate how signs, if any, and proposed exterior lighting with reference to glare, traffic safety, and economic effect will be compatible and harmonious with properties in the area or how the items listed are not applicable to the proposed SUP:

APPLICANT NARRATIVE

Same as #7

Lighting is no different than any other residental housing or Neighbors.

9. Indicate what playgrounds, open spaces, yards, landscaping, access ways, and pedestrian ways are proposed, with reference to location, size, and suitability in relation to the proposed SUP or how the items listed are not applicable to the proposed SUP:

APPLICANT NARRATIVE

N/A for what is being requested

This is a typical cabin in the woods with bushes, landscaping, stairs etc. If requested signs can be placed.

10. Describe building(s) and structure(s) with reference to location, size, and use and how the proposed buildings would be compatible with the surrounding neighborhood or how the items listed are not applicable to the proposed SUP:

APPLICANT NARRATIVE

This is a five bedroom Log Cabin split into a top level 3 bedroom Apartmen upstairs and downstairs. The second Apartment is 2 bedroom within 12" Superior walls (foundation).

The house is over 1000feet off old Fort Rd. in the woods. During the summer you can't even see the house. During the winter you can barely see the house. These cabins are asthetically Pleasing and enhance the neighborhood. They fit right in to the neighborhood.

11. Describe the hours of operation of the proposed use and how those hours will protect and maintain the character of the surrounding neighborhood or how the hours of operation are not applicable to the proposed SUP:

APPLICANT NARRATIVE

I believe traffic will decrease with short term rental. Occupency will never be at 100%. Where as with Long term someone is the 7 days a week. I live up the street to handle problems. I can be there in 3-5 minutes. Operation of hours will be no different than Long term rental. In fact most vacationers are taking in the sites of Wester NC during the day.

Continued to next page...

From:	Stuart Black
To:	Evan Camby
Cc:	Donna Willis; Jacob Compher
Subject:	RE: SEP2022-00097 & SEP2022-00606
Date:	Wednesday, April 26, 2023 8:42:17 AM
Attachments:	image001.png Scan - 2023-04-26T083815.688.pdf Scan - 2023-04-26T083907.566.pdf image003.png

Hi Evan,
I do not have a problem with using the approved 5BR septic systems (SEP2022-00097 and SEP2022-00606, copies attached for 3/2 duplexes with 5BR total for each . Please let me know if there are questions. Thanks.
Stuart Black

Stuart Black, Environmental Health Specialist
Buncombe County Health and Human Services
30 Valley Street
Asheville NC 28801
Office Phone: (828) 250-5217
Mobile Phone: (828) 273-5050

The information contained in this correspondence may contain privileged information and should be considered CONFIDENTIAL and is intended only for the addressee. If you are not the intended addressee be hereby notified that any dissemination, copying or distribution of this correspondence is prohibited. If you received this information in error, please notify this office at once by telephone or fax and permanently delete the correspondence.

From: Evan Camby <avlbalancedbuilders@gmail.com>
Sent: Wednesday, April 26, 2023 8:28 AM
To: Stuart Black <Stuart.Black@buncombecounty.org>
Subject: SEP2022-00097 & SEP2022-00606

Good morning sir,

The septic permits for both SEP2022-00097 and SEP2022-00606 are being changed from 5 bedroom single family dwellings to 3/2 Duplexes. Thank you for your help with this project!
--

Evan Camby
Balanced Builders, LLC
avlbalancedbuilders@gmail.com
828-279-0519

From: Kevin Tipton
To: Jacob Compher; Savannah Gibson
Cc: Jonathan Pattavina
Subject: Re: Duplex complexes ZPH2023-00012
Date: Wednesday, April 26, 2023 3:46:23 PM
Attachments: image002.png
image003.png
Outlook-hmtbux3p.png

Please remove my comments from this case as he has supplied the proper documentation and it is approved from a Fire Marshal standpoint.

Respectfully,
Kevin

Kevin Tipton
He/His
Fire Marshal
Emergency Services
(828) 250-6624 / cell (828) 450-5024
164 Erwin Hills Rd. Asheville N.C. 28806
Respect. Integrity. Collaboration. Honesty. Equity.
Facebook • Twitter • Instagram • YouTube • LinkedIn

From: Jacob Compher <Jacob.Compher@buncombecounty.org>
Sent: Tuesday, April 25, 2023 11:33 AM
To: Kevin Tipton <Kevin.Tipton@buncombecounty.org>
Cc: Jonathan Pattavina <jonathanpattavina@gmail.com>
Subject: FW: Duplex complexes ZPH2023-00012

Thank you for the documentation.

Respectfully,

Jacob Compher
Planner II - *Development Services*
Buncombe County Planning & Development
46 Valley Street - Asheville, NC 28801
828.250.4871
Respect-Integrity-Collaboration-Honesty-Equity

From: Jonathan Pattavina <jonathanpattavina@gmail.com>
Sent: Tuesday, April 25, 2023 7:23 AM
To: Jacob Compher <Jacob.Compher@buncombecounty.org>
Subject: Re: Duplex complexes ZPH2023-00012

Jacob,

Please submit the revised plan showing the culvert and not a bridge. Lso the site plans indicate the structure that is being requested as a short term rental. Also included are the specs and a letter from Richard Kania who actually built and owns the culvert. If you could have this added to the submission. Iam still working on the septic change and Fire Marshall.

Jacob, is there any way I can attend this next meeting? Correct me if I am wrong. These structures and septics and driveways and all necessary protocol has already been done. It seems that the powers at bee are under the impression that we are just starting this. The sepics are already designed for five bedrooms and 3 /12 baths each. They have passed inspections.
I have already been approved for a 2 unit short term rental for the lower lot and 2 unit long term rental for the upper lot. I am simply trying to get official approval for the the upper lot being allowed as a short term rental. All procedures for sub division, septic permits, and building permits have been followed.

Could you please submit this email along with the attachments I'm providing?
Thank you, as Always I appreciate your help in navigating me through this.

Jonathan

On Mon, Apr 24, 2023 at 8:29 AM Jacob Compher <Jacob.Compher@buncombecounty.org> wrote:

> Provide the documentation from Richard Kania and Jerry Leatherwood indicating the bridge/culvert's structural integrity is sound to the Fire Marshal, Kevin Tipton for approval. I would recommend removing the word "bridge" from your site plan if you wish to call the access over the perennial stream something different.
>
> Environmental Health requested your current permit (SEP2022-00097 attached) be updated to reflect the change from a single family dwelling to a duplex. This should just be paperwork, but you need to consult with them for confirmation. Their second request is to simply apply for the septic permit for the southernmost units whenever you are ready. They noticed two systems on your site plan and could only find one permit on file.
>
> Contact the respective agency should you need more information on these requests. Please let me know if you need any additional assistance.
>
> Respectfully,

Jacob Compher
Planner II - *Development Services*
Buncombe County Planning & Development
46 Valley Street - Asheville, NC 28801
828.250.4871
Respect-Integrity-Collaboration-Honesty-Equity

From: Jonathan Pattavina <jonathanpattavina@gmail.com>
Sent: Saturday, April 22, 2023 4:50 PM
To: Jacob Compher <Jacob.Compher@buncombecounty.org>
Subject: Re: Duplex complexes ZPH2023-00012

Jacob,

First, thanks for helping me out. Your well appreciated.

Can you help clarify. The entrance is not a bridge but is a culvert. It happens to look like a bridge for aesthetics. The culvert pipe was recommended by the army core of engineers. It was built by Richard Kania. He will provide me with details. I really would prefer not to spend money on an engineer for a properly designed culvert misinterpreted as a bridge. In order to subdivide and get building permits the entrance and driveways were inspected by jerry leatherwood who was/is Fire Marshal. I personally met with him and he inspected and went over the driveway and entrance with me and signed off on fire truck access for both locations. The sole purpose was to make sure trucks could access. This project wouldn't have gotten off the ground with out it. I believe his signature is on the subdivision. I guess I don't see why it has to be done a second time.

How do I reapply for a septic duplex? Not sure what to do with that. Is this just paper work? Or are they going to try to make me make changes? I am at loss of where to go in this as nothing is physically changing from short term to long term rental.

Thanks
Jonathan

On Fri, Apr 21, 2023 at 9:54 AM Jacob Compher <Jacob.Compher@buncombecounty.org> wrote:

> Jonathan,
>
> Attached is the staff report from yesterday's TRC meeting.
>
> The primary concern is the weight and width of the bridge going over the small branch of Cane Creek at the entrance of the property. This will not delay your project, but engineered documentation will need to be approved by the Fire Marshall before a CO is issued. A minor correction on the site plan needs to indicate a duplex instead of single family dwelling for the southern structure. Environmental Health requested you revise the current septic permit and apply for the additional one as a duplex instead of single family. Everything else looked great.
>
> Email your revisions and/or correspondence to me by May 15, 2023 to still be on schedule for the June BOA meeting. Please let me know if you have any questions or need further clarification.
>
> Respectfully,
>
> **Jacob Compher**
> **Planner II** - *Development Services*
> Buncombe County Planning & Development
> 46 Valley Street - Asheville, NC 28801
> **828.250.4871**
> Respect-Integrity-Collaboration-Honesty-Equity
>
> ---
>
> **From:** Jonathan Pattavina <jonathanpattavina@gmail.com>
> **Sent:** Thursday, April 20, 2023 8:01 AM
> **To:** Jacob Compher <Jacob.Compher@buncombecounty.org>
> **Subject:** Re: Duplex complexes ZPH2023-00012
>
> Got it. I understand now. Your we'll appreciated.
> Jonathan
>
> On Tue, Apr 18, 2023 at 11:53 AM Jacob Compher <Jacob.Compher@buncombecounty.org> wrote:

TRC SUBMITTAL DEADLINE	FINAL APPLICATION SUBMITTAL DEADLINE	BOARD OF ADJUSTMENT MEETING DATE
11/3/2022	12/12/2022	**1/11/2023**
12/1/2023	1/9/2023	**2/8/2023**
1/5/2023	2/6/2023	**3/8/2023**
2/2/2023	3/13/2023	**4/12/2023**
3/2/2023	4/10/2023	**5/10/2023**
4/6/2023	5/15/2023	**6/14/2023**
5/4/2023	6/12/2023	**7/12/2023**

April 6th was the deadline to submit your application for TRC. You submitted everything on time to meet the deadline for the TRC meeting happening this Thursday (4/20/23). If there are any comments/issues from the various disciplines, then I will pass them along to you immeidately. They will need to be rectified by 5/15/23 to be on the agenda for the June BOA meeting (6/14/23). This is why your only obligation now is to wait for comments.

The SPR/BLD cases you currently have approved can continue with the construction and inspection process. The use of the property as a vacation rental complex is essentially what is seeking approval, not necessarily the structures themselves. Again, atypical situation, so no need to be concerned about being a pain.

Please do not hesitate to let me know if you have any further questions.

Respectfully,

Jacob Compher
Planner II - *Development Services*
Buncombe County Planning & Development
46 Valley Street - Asheville, NC 28801
828.250.4871
Respect-Integrity-Collaboration-Honesty-Equity

From: Jonathan Pattavina <jonathanpattavina@gmail.com>
Sent: Tuesday, April 18, 2023 9:17 AM
To: Jacob Compher <Jacob.Compher@buncombecounty.org>
Subject: Re: Duplex complexes ZPH2023-00012

Jacob

I'm a little confused as to the May 6th date as one of the dates you have circled in red for meetings. Is there more paperwork for that. What do you mean by continue with SPR/BLD.
I'm just waiting to hear from you after the next meeting correct? Don't mean to be a pain but I'm afraid I will drop the ball on my end. This is very new to me.
Thanks
Jonathan

On Mon, Apr 17, 2023 at 1:54 PM Jacob Compher <Jacob.Compher@buncombecounty.org> wrote:

> Hi Jonathan,
>
> You have submitted everything correctly and are just waiting for now. You can continue with your SPR/BLD cases, but you will not receive a CO until BOA approval. I will pass along any comments to you prior to BOA should there be any items that need to be addressed.
>
> Please let me know if you need any additional assistance.
>
> Respectfully,
>
> **Jacob Compher**
> **Planner II** - *Development Services*
> Buncombe County Planning & Development
> 46 Valley Street - Asheville, NC 28801
> **828.250.4871**
> Respect-Integrity-Collaboration-Honesty-Equity
>
> ---
>
> **From:** Jonathan Pattavina <jonathanpattavina@gmail.com>
> **Sent:** Monday, April 17, 2023 11:14 AM
> **To:** Jacob Compher <Jacob.Compher@buncombecounty.org>
> **Subject:** Re: Duplex complexes
>
> Hi Jacob,
> Are we good on my application for the short term rental special consideration.
> I'm not sure if I need to do anything or just wait.

thanks
Jonathan

On Tue, Mar 21, 2023 at 11:31 AM Jacob Compher <Jacob.Compher@buncombecounty.org> wrote:

BUNCOMBE COUNTY
PLANNING & DEVELOPMENT

BOARD OF ADJUSTMENT
2023 Application Deadlines & Meeting Schedule

The table below summarizes the Board of Adjustment application deadlines and meeting dates for 2023.

PRE-APPLICATION MEETING	TRC SUBMITTAL DEADLINE	FINAL APPLICATION SUBMITTAL DEADLINE	BOARD OF ADJUSTMENT MEETING DATE
Pre-application meetings occur on Tuesdays between 8AM-12PM on a first come, first served basis. Contact Jason Payne at Jason.Payne@buncombecounty.org to schedule a meeting.	11/3/2022	12/12/2022	**1/11/2023**
	12/1/2023	1/9/2023	**2/8/2023**
	1/5/2023	2/6/2023	**3/8/2023**
	2/2/2023	3/13/2023	**4/12/2023**
	3/2/2023	4/10/2023	**5/10/2023**
	4/6/2023	5/15/2023	**6/14/2023**
	5/4/2023	6/12/2023	**7/12/2023**
	6/1/2023	7/10/2023	**8/9/2023**
	7/6/2023	8/14/2023	**9/13/2023**
	8/3/2023	9/11/2023	**10/11/2023**
	9/7/2023	10/9/2023	**11/8/2023**
	10/26/2023	12/4/2023	**1/10/2024** *(No December Meeting)*

Please Note: Submittal of an application in accordance with the deadlines published above, does not guarantee that the application will be heard or decided on the associated hearing date. The Board typically does not hear more than three (3) cases per meeting to provide sufficient time for deliberation. However, factors such as unexpected continuances, failure to achieve quorum, late submittal of plan revisions and supporting documentation, legal issues that are outside the Board's control, and other variables may impact the hearing and decision schedule for both active and pending cases. Staff's review of the preliminary site plan may generate required or recommended revisions.

To schedule Pre-Application meetings & submit Applications, contact jason.payne@buncombecounty.org

The approval process should be fairly straightforward for you going forth. I apologize for the burdensome process because it can be confusing. I am here to help guide you through it, so please do not hesitate to reach out with any questions or concerns.

Respectfully,

Jacob Compher
Planner II - *Development Services*
Buncombe County Planning & Development
46 Valley Street - Asheville, NC 28801
828.250.4871
Respect-Integrity-Collaboration-Honesty-Equity

From: Jonathan Pattavina <jonathanpattavina@gmail.com>
Sent: Sunday, March 19, 2023 2:13 PM
To: Jacob Compher <Jacob.Compher@buncombecounty.org>
Subject: Re: Duplex complexes

Jacob
I am unable with I access that schedule link. It takes me to a link that says job scheduler over quota. Can you just give me an appointment and I'll make it happen. Thanks
Jonathan

On Fri, Mar 17, 2023 at 3:43 PM Jacob Compher <Jacob.Compher@buncombecounty.org> wrote:

> Absolutely. I am still unaware how far along in the process you got with Savannah, so please schedule a preliminary meeting through the Buncombe County Meeting Scheduler.
>
> This way there will be no arguments about whether you skipped a step in the process, and it'll be good to have a few other minds to hear from besides mine.
>
> Please let me know if you need any additional assistance.
>
> Respectfully,
>
> **Jacob Compher**
> **Planner II** - *Development Services*

Buncombe County Planning & Development
46 Valley Street - Asheville, NC 28801
828.250.4871
Respect-Integrity-Collaboration-Honesty-Equity

From: Jonathan Pattavina <jonathanpattavina@gmail.com>
Sent: Friday, March 17, 2023 1:52 PM
To: Jacob Compher <Jacob.Compher@buncombecounty.org>
Subject: Re: Duplex complexes

Thanks Jacob. Can I email the application to you?
Jonathan

On Fri, Mar 17, 2023 at 11:50 AM Jacob Compher <Jacob.Compher@buncombecounty.org> wrote:

> The $25 fee is for the site plan review that also creates your case number. There is an additional $25 fee for the zoning permit and inspection once plans are approved for each unit. I have reattached the vacation rental complex information and included the special use permit application.
>
> Please let me know if you have any futher questions.
>
> Respectfully,
>
> **Jacob Compher**
> **Planner II** - *Development Services*
> Buncombe County Planning & Development
> 46 Valley Street - Asheville, NC 28801
> **828.250.4871**
> Respect-Integrity-Collaboration-Honesty-Equity

From: Jonathan Pattavina <jonathanpattavina@gmail.com>
Sent: Thursday, March 16, 2023 8:40 PM
To: Jacob Compher <Jacob.Compher@buncombecounty.org>
Subject: Re: Duplex complexes

Jacob,
It's sounds right She said there was a $25 fee. Does that sound right? Unfortunately I can't open the file. Can you resend it?

Thanks
Jonathan

On Thu, Mar 16, 2023 at 2:05 PM Jacob Compher <Jacob.Compher@buncombecounty.org> wrote:

> Hi Jonathan,
>
> Thank you for reaching out. Savannah was most likely referring to our Board of Adjustment (BOA) issuing a special use permit to operate as a vacation rental complex (info attached). This process typically takes about 2 to the 3 months for approval and is not a guarantee.
>
> If this does not sound familiar, please ellaborate further and I will attempt to answer what I can until her return. Please let me know if you need any additional assistance.
>
> Respectfully,
>
> **Jacob Compher**
> **Planner II** - *Development Services*
> Buncombe County Planning & Development
> 46 Valley Street - Asheville, NC 28801
> **828.250.4871**
> Respect-Integrity-Collaboration-Honesty-Equity

From: Jonathan Pattavina <jonathanpattavina@gmail.com>
Sent: Thursday, March 16, 2023 8:56 AM
To: Jacob Compher <Jacob.Compher@buncombecounty.org>
Subject: Duplex complexes

BC Email Security couldn't recognize this email as this is the first time you have received an email from this sender jonathanpattavina@gmail.com.

Hi Jacob,

I was working with Savannah before she went out on maternity leave. I had gotten a permit through here for a short term duplex and a long term rental. I had bee applying for two short terms but had to do one of both to keep things moving. She told me I could apply for special consideration and gave me a name. I can't find it? Do you know who I would contact about this. I got your email off her automatic email reply. Could you pleas advise me.

Thank you

Jonathan Pattavina

Sign up to receive emergency texts directly from Buncombe County for breaking health and safety news. Text **BCALERT** on your smart phone to **99411** to receive alerts on important information such as floods, communicable disease, county office closings, and relevant traffic safety notifications OR visit **buncombeready.org**

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

This electronic communication may contain information that is confidential, privileged, proprietary, or otherwise legally exempt from disclosure. Additionally, the unauthorized disclosure of juvenile, health, legally privileged, proprietary, or otherwise confidential information may be prohibited by law. If you have received this email in error, you are hereby notified that you are not authorized to read, print, retain, copy, or disseminate this communication, any part of it, or any attachments. Please notify the sender immediately and delete all records of this email. There is no intent on the part of the sender to waive any privilege that may attach to this communication.

Sign up to receive emergency texts directly from Buncombe County for breaking health and safety news. Text **BCALERT** on your smart phone to **99411** to receive alerts on important information such as floods, communicable disease, county office closings, and relevant traffic safety notifications OR visit **buncombeready.org**

Sign up to receive emergency texts directly from Buncombe County for breaking health and safety news. Text **BCALERT** on your smart phone to **99411** to receive alerts on important information such as floods, communicable disease, county office closings, and relevant traffic safety notifications OR visit **buncombeready.org**

Sign up to receive emergency texts directly from Buncombe County for breaking health and safety news. Text **BCALERT** on your smart phone to **99411** to receive alerts on important information such as floods, communicable disease, county office closings, and relevant traffic safety notifications OR visit **buncombeready.org**

Sign up to receive emergency texts directly from Buncombe County for breaking health and safety news. Text **BCALERT** on your smart phone to **99411** to receive alerts on important information such as floods, communicable disease, county office closings, and relevant traffic safety notifications OR visit **buncombeready.org**

Sign up to receive emergency texts directly from Buncombe County for breaking health and safety news. Text **BCALERT** on your smart phone to **99411** to receive alerts on important information such as floods, communicable disease, county office closings, and relevant traffic safety notifications OR visit **buncombeready.org**

Sign up to receive emergency texts directly from Buncombe County for breaking health and safety news. Text **BCALERT** on your smart phone to **99411** to receive alerts on important information such as floods, communicable disease, county office closings, and relevant traffic safety notifications OR visit **buncombeready.org**

Sign up to receive emergency texts directly from Buncombe County for breaking health and safety news. Text **BCALERT** on your smart phone to **99411** to receive alerts on important information such as floods, communicable disease, county office closings, and relevant traffic safety notifications OR visit **buncombeready.org**

U.S. ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT

Action ID. **2015-01148** County: **Buncombe** U.S.G.S. Quad: **NC-Oteen**

GENERAL PERMIT (REGIONAL AND NATIONWIDE) VERIFICATION

Permittee: **Morningstar Greenway Association/Richard J. Kania**
Address: **600-A Centerpark Drive**
Asheville, NC 28805
Telephone Number: **828-230-6940**

Nearest Town: **Fairview**
Nearest Waterway: **Cane Creek** Coordinates: **35.538028° N, -82.414169° W**
River Basin/ HUC: **French Broad**

Location description: **The project is located at off Old Fort Road, near Fairview, Buncombe County, North Carolina.**

Description of projects area and activity: **The permittee is authorized to impact approximately 20lft of an unnamed tributary to Cane Creek to install culvert for a driveway crossing to a single family residence.**

Applicable Law: ☒ Section 404 (Clean Water Act, 33 USC 1344)
☐ Section 10 (Rivers and Harbors Act, 33 USC 403)

Authorization: Regional General Permit Number or Nationwide Permit Number: **29**
SEE ATTACHED RGP or NWP GENERAL, REGIONAL, AND SPECIAL CONDITIONS

Your work is authorized by the above referenced permit provided it is accomplished in strict accordance with the attached conditions and your submitted application and attached information dated May 28, 2015. Any violation of the attached conditions or deviation from your submitted plans may subject the permittee to a stop work order, a restoration order, a Class I administrative penalty, and/or appropriate legal action.

This verification will remain valid until the expiration date identified below unless the nationwide/regional authorization is modified, suspended or revoked. If, prior to the expiration date identified below, the nationwide/regional permit authorization is reissued and/or modified, this verification will remain valid until the expiration date identified below, provided it complies with all requirements of the modified nationwide/regional permit. If the nationwide/regional permit authorization expires or is suspended, revoked, or is modified, such that the activity would no longer comply with the terms and conditions of the nationwide/regional permit, activities which have commenced (i.e., are under construction) or are under contract to commence in reliance upon the nationwide/regional permit, will remain authorized provided the activity is completed within twelve months of the date of the nationwide/regional permit's expiration, modification or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend or revoke the authorization.

Activities subject to Section 404 (as indicated above) may also require an individual Section 401 Water Quality Certification. You should contact the NC Division of Water Resources (telephone 919-807-6300) to determine Section 401 requirements.

For activities occurring within the twenty coastal counties subject to regulation under the Coastal Area Management Act (CAMA), prior to beginning work you must contact the N.C. Division of Coastal Management.

This Department of the Army verification does not relieve the permittee of the responsibility to obtain any other required Federal, State or local approvals/permits.

If there are any questions regarding this verification, any of the conditions of the Permit, or the Corps of Engineers regulatory program, please contact **Tasha Alexander** at **828-271-7980, ext. 226** or **tasha.l.alexander@usace.army.mil**.

Corps Regulatory Official: _____ Date: **June 17, 2015**
Tasha Alexander

Expiration Date of Verification: **May 18, 2017**

2015-01148

Determination of Jurisdiction:

A. ☐ Based on preliminary information, there appear to be waters of the US including wetlands within the above described project area. This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process (Reference 33 CFR Part 331).

B. ☐ There are Navigable Waters of the United States within the above described project area subject to the permit requirements of Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

C. ☒ There are waters of the US and/or wetlands within the above described project area subject to the permit requirements of Section 404 of the Clean Water Act (CWA)(33 USC § 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

D. ☐ The jurisdictional areas within the above described project area have been identified under a previous action. Please reference jurisdictional determination issued . Action ID: **SAW-** .

Basis for Determination:

There are stream channels located on the property that exhibit indicators of ordinary high water marks.
The stream channel on the property is an unnamed tributary (UT) to Cane Creek which flows into the French Broad River.
The French Broad River is located within the French Broad-Holston watershed and eventually drains to the Gulf of Mexico.
Specifically, the French Broad River merges with the Holston River to form the Tennessee River. The Tennessee River then drains to the Ohio River and then on to the Mississippi River before entering the Gulf of Mexico.

E. Attention USDA Program Participants

This delineation/determination has been conducted to identify the limits of Corps' Clean Water Act jurisdiction for the particular site identified in this request. The delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA Program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

F. Appeals Information (This information applies only to approved jurisdictional determinations as indicated in B and C above).

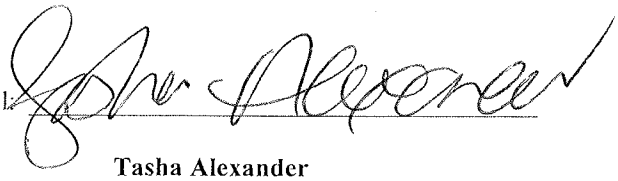
This correspondence constitutes an approved jurisdictional determination for the above described site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and request for appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the following address:

US Army Corps of Engineers
South Atlantic Division
Attn: Jason Steele, Review Officer
60 Forsyth Street SW, Room 10M15
Atlanta, Georgia 30303-8801
Phone: (404) 562-5137

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address within 60 of the issue date below.

It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this correspondence.

2015-01148

Corps Regulatory Official: 

Tasha Alexander

Issue Date of JD: **June 17, 2015**

Expiration Date of JD: Five years from *Issue Date*

The Wilmington District is committed to providing the highest level of support to the public. To help us ensure we continue to do so, please complete our Customer Satisfaction Survey, located online at http://regulatory.usacesurvey.com/.

2015-01148

SPECIAL CONDITIONS

Please review the attached North Carolina Wildlife Resources Commission letter dated June 12, 2015.

*Culverts greater than 48 inches in diameter will be buried at least one foot below the bed of the stream. Culverts 48 inches or less shall be buried at an appropriate depth to maintain aquatic passage as defined in Final Regional Condition 3.6 attached to this NWP.

Please be advised that if additional impacts to waters of the U.S., either on this property or on/adjacent to this property and associated with this project/activity, are proposed at a later date, those impacts will be combined with the current impacts to waters of the U.S. and will be reviewed cumulatively. Generally, compensatory mitigation will be required if individual or cumulative (i.e., past and present) losses or degradation of waters of the U.S. are greater than 150 linear feet of perennial or intermittent stream channel and/or 0.1 acre of wetland. Additionally, cumulative impacts that result in the loss or degradation of greater than 300 linear feet of perennial or intermittent* stream channel, and/or 0.5 acre of wetland, will be processed under an Individual Permit. This verification of the use of the Nationwide Permit Program for this project does not imply that this office will necessarily approve any future proposal to impact waters of the U.S. on this property and/or associated with this project/activity.

** The District Commander has the ability to waive the 300 linear foot limit for intermittent streams on a case-by-case basis. All requests for waiver must be in writing and shall include rationale for the request.**

Action ID Number: 2015-01148 County: Buncombe

Permittee: Morningstar Greenway Association/Richard J. Kania

Date Verification Issued: June 17, 2015

Project Manager: Tasha Alexander

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

US ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT
Attn.: CESAW-RG-A
151 Patton Avenue, Room 208
Asheville, North Carolina 28801-5006

Please note that your permitted activity is subject to a compliance inspection by a U. S. Army Corps of Engineers representative. Failure to comply with any terms or conditions of this authorization may result in the Corps suspending, modifying or revoking the authorization and/or issuing a Class I administrative penalty, or initiating other appropriate legal action.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and condition of the said permit, and required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

March 10, 2017
Date

THE KANIA LAW FIRM
A PROFESSIONAL ASSOCIATION

CAPITAL CENTER
82 PATTON AVENUE, SUITE 500
ASHEVILLE, NORTH CAROLINA 28801
PHONE: 828.252.8010
FACSIMILE: 828.252.8760

RICHARD J. KANIA
JAY A. KANIA [1]
E. LAUREN WATSON HUBBARD
HUNTER FREDERICK
SARAH E.G. PILON

[1] ALSO LICENSED IN TEXAS

April 24, 2023

To whom it may concern:

The stone and pipe structure located at the driveway serving Parcel ID #9686-36-9836-0000 (per Buncombe County GIS) and currently owned by Morningstar Greenway Association is not a bridge as envisioned by the NC Building Code, but rather a culvert.

With regards to the structure, there are no piers or abutments that are characteristic of a bridge, nor does the structure consist of any constructed roadway over the unnamed creek. The structure consists of a 64" diameter, 43" high corrugated, aluminized arched pipe 20 feet in length, buried 12" under the existing creek bed, and backfilled with loose lifts of fill of 12" being thoroughly compacted before successive lifts were added, with a minimum fill depth of 36" above the corrugated pipe. Poured concrete headwalls were poured at both ends of the pipe for the purpose of soil retention, and were faced with a 5" veneer stone.

Because the structure qualifies as a culvert, and not a bridge, permitting by the Building Inspections office was not required, and the sole permitting required was by the Army Corps of Engineers. I have attached a copy of that permit issued in 2015, as well as the certificate of completion submitted to the Army Corps of Engineers on March 10, 2017.

Very truly yours,



Richard J. Kania

RJK/dan
enclosures