



AGENDA
BREVARD BOARD OF ADJUSTMENT - REGULAR MEETING
Tuesday, October 3, 2023 - 3:00 PM
City Council Chambers

I. Welcome

II. Introduction of Board Members

III. Certification of Quorum

IV. Approval of Agenda

V. Approval of Minutes

- a. August 1, 2023

VI. Approval of Orders

VII. New Business

- a. Consideration of Request of Kim Keifrider for a variance from UDO Chapter 2.3.C for a 5 foot reduction in the rear setback of 25 feet. The property is located in the zoning jurisdiction of the City of Brevard in the General Residential zoning district, further identified by PIN# 8585-68-4387-000.

Consideration of Administrative Appeal, APL-23-002, by Nancy Scardo to the Order of Paul Ray, Planning Director, requiring compliance with the Flood Damage Prevention Ordinance based on substantial improvement to property located in the 100 year floodplain in the General Residential zoning district and further identified by PIN# 8596-47-5007-000.
- b.

VIII. Unfinished Business

IX. Remarks

X. Adjourn

Agenda Posted, Website September 26, 2023

J. Pinson, Clerk to the Board

To review Agenda materials, go to the City's website www.cityofbrevard.com. Select "Your Government" tab followed by "Agenda Packet" tab. Agenda packet materials are posted on Friday afternoon prior to the meeting.

MINUTES
BREVARD BOARD OF ADJUSTMENT REGULAR MEETING
Tuesday, August 1, 2023 – 3:00 PM

The Brevard Board of Adjustment (BOA) met for a regular meeting on Tuesday, August 1, 2023, at 3:00 PM.

Members Present: Kevin Jones, Chair
Judith Mathews
Allen Delzell
Peter Offen, Vice Chair
Tad Fogel

Staff Present: Paul Ray, Planning Director
Katherine Buzby, Planner
Janice Pinson, Board Clerk
Brian Gulden, Board Attorney

Others: Kasey Canton, Applicant
Rhea Abramson, Witness
Ken Ruggles, Witness

I. WELCOME

Chair, Kevin Jones, called the meeting to order at 3:00 PM and welcomed those present.

II. INTRODUCTION OF BOARD MEMBERS

Board members, Board Attorney, and Staff introduced themselves.

III. CERTIFICATION OF QUORUM

Chair, Kevin Jones had the Clerk certify that a quorum of the Board was present.

IV. APPROVAL OF AGENDA

Motion to approve the agenda by A. Delzell, second by T. Fogel, carried unanimously.

V. APPROVAL OF MINUTES

Motion to approve the minutes of the May 2, 2023, meeting by A. Delzell, second by T. Fogel, carried unanimously.

VI. NEW BUSINESS:

a. Consideration of request of Kasey Canton for a variance from UDO Chapter 4.5 and 4.9, variance from fence height of 2' in the front yard to allow a 6' fence, and variance of 3.5' in the site triangle requirements. The property is located in the zoning jurisdiction of the City of Brevard in the General Residential zoning district, further identified by PIN #8586-15-9047-000.

Kevin Jones, Chair, explained quasi-judicial hearing procedures, including parties with standing. He further explained that Dr. Canton could call witnesses to testify if he chose to do so during the proceedings.

Kasey Canton and Katherine Buzby were sworn in.

Chair Jones polled the board as to exparte communications and conflicts of interest and there were none. He polled the applicant, Dr. Canton as to conflicts with any board members and he had none.

Chair Jones opened the hearing.

Katherine Buzby presented her staff report a portion of which follows:

Background

The applicant, Kasey Canton, owns property 370 Burrell Mountain Rd, which is located in the General Residential-4 (GR-4) zoning district and in the City's Extra Territorial Jurisdiction (ETJ). The parcel identification number is 8586-15-9047-000.

The applicant is requesting a variance from the requirements of a fence height of 2.5 feet in the site triangle and 4.0 feet in the front yard. The applicant installed a 6.0-foot fence in both locations, therefore asking for a variance of 3.5 feet for the site triangle and 2.0 feet in the front yard.

Discussion

The applicant's fence was observed during an unrelated final inspection of a deck addition to the house. The fence was installed without a permit the height requirement of 2.5 feet in the site triangle of the driveway and 4.0 feet in the front yard per UDO 4.5 and 4.9. A Notice of Violation was issued on May 24, 2023 stating that there was no permit pulled for the new fence and the fence height is not in compliance with the UDO. The applicant chose to apply for a variance, as he believes he has a unique hardship peculiar to his property.

Standards for the Granting of Variances

In order to grant the variance all of the conditions below must be met:

1. Unnecessary hardship would result from the strict application of the regulations. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose, and intent of the regulations, such that public safety is secured, and substantial justice achieved. Substantial justice is not achieved when granting the variance would be injurious to the neighborhood or to the general welfare.

Economic hardship or the fact that property may be utilized more profitably with a variance shall not constitute an unnecessary hardship. In its motion the Board should include Findings of Fact to support each of the items listed above.

Dr. Canton summarized the situation at his home as indicated in his letter included in the application dated, June 1, 2023, which is attached hereto and labeled, Exhibit "A". He explained that multiple dogs run loose and come upon their property and take things from their deck. That the neighbors fight, yell racial epithets and threaten their safety and the enjoyment of their home and property. The fence has allowed them to enjoy their home and property and to block the view of the neighbor's property. Dr. Canton offered into evidence arrest and criminal documentation on the neighbors. The criminal reports are attached hereto and labeled, Exhibit "B".

He explained that he has made several attempts through animal control and police services to attempt to remedy the problems to no avail.

He also testified that the fence was built without knowledge that they were in the ETJ and needed a permit from the City, and that he had asked adjoining neighbors if the fence bothered them and testified that it does not bother his neighbor's. He stated that he believes the fence to be complying on the west side but not on the east side.

Dr. Canton called Ken Ruggles as a witness, Mr. Ruggles was sworn in. Ken Ruggles testified that he lives at 323 Burrell Mountain Road. He testified that he and his wife have lived here since 1990. He further testified that he has no problem with the fence and that he understands why they built the fence.

Dr. Canton called Rhea Abramson as a witness. Ms. Abramson was sworn in. She testified that they have a dog and that it is difficult to walk the dog because the neighbor's dogs are running loose and attacking her. She testified that the neighbors got into fights and that during one of their fights they were talking about guns and thought she overheard so they started threatening her and using racial epithets. She explained how difficult it is to live across the street from the filth and threats.

Katherine Buzby, Planner, went over the sight triangle ordinance requirements for Dr. Canton and the board. She further explained that the ordinance sight triangle requirements are in place for safety reasons when pulling or backing out of driveways so as to be able to see and be seen.

Dr. Canton explained that there have been no safety issues and that the road is a low traffic road.

Fence Contractor, Nathan Brody Conley, Transylvania Fence, was called to testify by Dr. Canton. Mr. Conley was sworn in. He testified that he did not realize the property was in the ETJ, that they do projects in Transylvania County and the City of Brevard. He further testified that while they were building the fence they witnessed loud music, trash, and yelling. He explained that they try to build a good project and want safety for everyone.

Dr. Canton showed pictures and testified that the height of the fence blocks their view of the neighbors and provides them privacy and the enjoyment of their property, and that if they had to lower the fence because of the topography it would defeat its purpose. He explained that the fence has given them comfort and removed them from a really bad situation.

There being no further questions or testimony, Kevin Jones, Chair, closed the hearing.

P. Offen asked the board attorney if he had any concerns about the variance being granted. Brian Gulden, Attorney, explained that the board needed to consider the facts and the evidence and make the appropriate findings of fact in the case. That if the board granted the variance and the decision is appealed, he would be prepared to represent the board in the matter.

Tad Fogel made the following motion:

With regard to variance request **23-004**, the application of Kasey Canton, seeking a variance from Chapters 4.5.B and 4.9.C of the UDO to allow for an increase in the fence height on property located at 370 Burrell Mountain Road, Brevard, North Carolina, within the General Residential-4 (GR-4) Zoning District, I move the Board to make the following findings of fact:

- a) that unnecessary hardship would result from the strict application of the regulations;

The concerns about continued harassment and abuse by the neighbors, on going noise from fighting neighbors and their dogs, and the neighbors property in an eyesore of garbage and debris.

- b) the hardship results from conditions that are peculiar to the property such as location size or topography;

The condition of the neighboring property and the behavior of the neighbors and the direct proximity of their home

- c) the hardship did not result from actions taken by the applicant or the property owner; and

The applicant and his family did not create the hardship, the privacy fence does not extend beyond the border of the neighbor at 379 Burrell Mountain Road and therefore is not injurious to the neighbors, the fence was built to avoid dangerous and abusive neighbors after trying to mitigate the situation through other channels unsuccessfully.

- d) the requested variance is consistent with the spirit purpose and intent of the regulations such that Public Safety is secured and substantial Justice achieved.

Accordingly, I further move the board to **GRANT** the requested variance to allow for a 2-foot increase of the maximum fence height requirement in the front yard of the subject property and a 3.5-foot increase of the maximum closed fence height requirement within the driveway sight triangles of the subject property in accordance with and only to the extent represented in the application and plans.

Seconded by Judy Mathews unanimously carried.

Katherine Buzby requested that the Order be expedited so the permit could be issued, and the matter resolved.

VII. UNFINISHED BUSINESS

None.

VIII. REMARKS

Brian Gulden explained to the board the purpose of the extraterritorial jurisdiction and how the city has zoning jurisdiction over the area only, not code enforcement.

IX. ADJOURN

A. Delzell moved to adjourn the meeting, seconded by J. Mathews. The motion carried unanimously. The meeting was adjourned at 3:45 PM.

Kevin Jones, Chair

Janice H. Pinson, Board Clerk

DRAFT

STAFF REPORT

Board of Adjustment, Tuesday, October 3, 2023

Title: Consideration of Request of Kim Keifrider for a variance from UDO Chapter 2.3.C for a 5 foot reduction in the rear setback of 25 feet. The property is located in the zoning jurisdiction of the City of Brevard in the General Residential zoning district, further identified by PIN# 8585-68-4387-000.

Speaker: Katherine Buzby, City Planner

Prepared by: Katherine Buzby, Planner/Assistant Zoning Administrator

Approved by: Paul Ray, Planning Director

Background

An application for a variance has been submitted by Kim Keifrider, owner of 161 Wilson Drive. The subject property is a single-family home in the General Residential-8 (GR-8) zoning district within the corporate limits of the City of Brevard. The parcel identification number 8585-68-4387-000.

The applicant is requesting a variance from the rear setback requirement for the GR-8 zoning district of 25 feet, per Section 2.3.C of the City's Unified Development Ordinance. The request is for a variance of 5 feet, which would result in a setback of 20 feet. See Attachment 1 for the application materials and Attachment 2 for a site map.

Notice of the hearing was advertised and posted on the property in accordance with North Carolina General Statute §160D-406.

Discussion

The applicant is requesting a variance to construct a new deck on the rear of the house that would allow access from the living room to the back yard. The house currently sits on a slope, so the new deck would be technically on the 2nd story with stairs descending to the rear yard. Ms. Keifrider would like the deck to be 10'x16', and the current allowable building area with the rear setback would only allow a 5' deep deck. She is requesting a variance of 5 feet from the required 25-foot setback.

Standards for the Granting of Variances

In order to grant the variance, all the following conditions must be met:

1. Unnecessary hardship would result from the strict application of the regulations. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships

resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

4. The requested variance is consistent with the spirit, purpose, and intent of the regulations, such that public safety is secured, and substantial justice achieved. Substantial justice is not achieved when granting the variance would be injurious to the neighborhood or to the general welfare.

Economic hardship or the fact that property may be utilized more profitably with a variance shall not constitute an unnecessary hardship. In its motion the Board should include Findings of Fact to support each of the items listed above.

Attachments:

1. VAR-23-006_Keifrider_Application
2. VAR-23-006_Keifrider_Site Plan
3. Pics



The City of
Brevard
North Carolina

City of Brevard Planning Department
95 West Main Street
Brevard, North Carolina 28712
Phone (828) 885-5630
Fax (828) 885-5625
cityofbrevard.com

VAR File # VAR-23-006

APPLICATION FOR A VARIANCE (VAR)
BREVARD BOARD OF ADJUSTMENT

PURPOSE OF VARIANCE - A variance is the official allowance of a variation from the dimensional requirements of the City of Brevard Unified Development Ordinance or other development regulations. An applicant for a variance must demonstrate valid reasons which create a need for a Variance. These reasons cannot be strictly economic in nature and must generally involve some physical problem with the subject property which will not allow it to be developed in a reasonable manner if City development regulations are followed literally, such as a lot which is substandard in area or width.

BOARD OF ADJUSTMENT - The Board of Adjustment or BOA, is the official City Board that considers request for variances. The BOA receives sworn testimony at its meetings and issues decisions on variance requests based on this testimony. It is the responsibility of each applicant for a variance to attend the BOA meeting and present sworn testimony in support of the request. Authority to grant a variance is found in 16.8.E of the City of Brevard's Unified Development Ordinance pursuant to North Carolina General Statute's 160D-705. The Unified Development Ordinance requires that the Brevard Board of Adjustment, when granting a variance must find that all four (4) of the following standards found in UDO Chapter 16.8.E.2. exist. In the spaces provided below, indicate the standards that you intend to show and the arguments that you intend to convince the Brevard Board of Adjustment that it can properly reach the four (4) required conclusions:

REASONS FOR VARIANCE REQUEST - Explain in your own words why you are requesting a Variance. Be sure to clearly indicate the problem(s) you will experience in complying with the City development regulations. (Attach additional sheets if needed.)

Variance of 5' of rear yard set back UDO 2.3
I currently have no access from the
main living area of my home into
my back yard. I would like to
build a deck off the main level wh
is one story above yard surface.
The current setback requirement would
limit me to a 5 foot or smaller deck.
my adjoining neighbors have decks
over 9 feet in depth towards the
wooded area behind our homes.
My neighbors Fred & Lauren Weed

The BOARD OF ADJUSTMENT is required to make the following four (4) findings before granting a Variance. Write a thorough response to each of these items.

1. Unnecessary hardship would result from the strict application of the regulations. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

4. The requested variance is consistent with the spirit, purpose, and intent of the regulations, such that public safety is secured, and substantial justice achieved. Substantial justice is not achieved when granting the variance would be injurious to the neighborhood or to the general welfare.

ATTACH SITE PLAN DESCRIBING VARIANCE REQUEST

PROPERTY LOCATION INFORMATION

Street address of subject property 161 Wilson Drive

Tax Parcel Number of subject property 8585684387000

ATTACH TAX PARCEL & OWNERSHIP INFORMATION FOR ADJACENT PROPERTIES

APPLICANT INFORMATION

Name: Kim Keifrieder

Address: 161 Wilson DR.

Breward, NC 28712

Phone: 828-489-2422 Email: KimRK@Comporium.
Net

OWNER INFORMATION

(Same) Name: Kim Keifrieder

Address: 161 Wilson Dr.
Brevard, NC 28712

Phone: 828-489-2422 Email: KIMRK@COMPORIUM.
Net

ATTACH AGENT FORM IF THE APPLICANT IS NOT OWNER

DATE: 8-17-23

APPLICANT'S SIGNATURE

N/A
Kim R. Giff

Please refer to the City of Brevard Planning Department Board of Adjustment Category III
Application Timeline for Variances.

VARIANCE REQUEST TO BE HEARD BY BOA ON: 10/3/23

177 Wilson Dr.

Parcel
8585685269000

Transylvania County - Tax Bill Search for 2014 and forward

Fred & Lauren Weed

TRANSYLVANIA
COUNTY

Transylvania County Web Site

Basic Search

Real Estate Search

Tax Bill Search

Sales Search

Help

Hide Details...

Owner Last Name: Weed

Owner First Name: Fred

Account #:

Parcel #:

Tax Year: All Years

Bill #:

Unpaid Bills Only:

Sort By: Oldest to Newest

Search

Clear

House #

Unit #

Direction

Street Name

Type

Suffix

Municipality

Property Address:

Search Results

click on a tax bill below to continue

Hide Details...

Year Bill#	Account#	Owner Name	Owner Name	Orig Levy	Balance	Disc Year	Property ID	Property Address
2014 028414	70132200	WEED FREDERICK E & LAUREN R		1,600.59	0.00	0	8585685269000	177 WILSON DR
2015 028327	70132200	WEED FREDERICK E & LAUREN R		1,536.06	0.00	0	8092 08014 08 MS.07	177 WILSON DR
2016 028281	70132200	WEED FREDERICK E & LAUREN R		1,596.21	0.00	0	8585685269000	177 WILSON DR
2017 028302	70132200	WEED FREDERICK E & LAUREN R		1,620.37	0.00	0	8092 08014 08 MS.07	177 WILSON DR
2018 028348	70132200	WEED FREDERICK E & LAUREN R		1,644.53	0.00	0	8585685269000	177 WILSON DR
2019 028061	70132200	WEED FREDERICK E & LAUREN R		1,324.41	0.00	0	8092 08014 08 MS.07	177 WILSON DR
2020 028062	70132200	WEED FREDERICK E & LAUREN R		1,324.41	0.00	0	8585685269000	177 WILSON DR
2021 028126	70132200	WEED FREDERICK E & LAUREN R		1,462.04	0.00	0	8092 08014 08 MS.07	177 WILSON DR
2022 028205	70132200	WEED FREDERICK E & LAUREN R		1,462.04	0.00	0	8585685269000	177 WILSON DR
2023 028394	70132200	WEED FREDERICK E & LAUREN R		1,462.04	1,462.04	0	8092 08014 08 MS.07	177 WILSON DR

Selected Tax Bill Info

Account#: 70132200
WEED FREDERICK E & LAUREN RBill #: 028414
Parcel #: 8585685269000
Pin #: 8092 08014 08 MS.07
Escrow:
Status:
Legal Description: WILSON DRIVE 1.000LTLast Trans Date: 01/02/2015
Last Payment: 01/02/2015Building Value: 136,860
Outbuilding Value: 510
Land Value: 40,000
Parcel Value Total: 177,370
Deferred Value: 0
Taxable Value: 177,370
Current Balance: 0.00
Original Levy: 1,600.59
Personal Value: 0
Total Valuation: 177,370
Exemption: 0177 WILSON DR
BREVARD NC 28712-0000
177 WILSON DR

Taxes and Fees Billed By County

Description	Levied	Interest/Fees	Released	Collected	Balance
COUNTY TAX	797.99	0.00	0.00	797.99	0.00
BREVARD CITY	802.60	0.00	0.00	802.60	0.00
Totals	1,600.59	0.00	0.00	1,600.59	0.00

*** If searching for tax bills prior to 2014, please contact our office ***

All information on this site is prepared for the inventory of real property found within Transylvania County. All data is compiled from recorded deeds, plats, and other public records and data. Users of this data are hereby notified that the aforementioned public information sources should be consulted for verification of the information. All information contained herein was created for the Transylvania County's internal use. Transylvania County, its employees and agents make no warranty as to the correctness or accuracy of the information set forth on this site whether express or implied, in fact or in law, including without limitation the implied warranties of merchantability and fitness for a particular use.

If you have any questions about the data displayed or technical problems related to this website, please email lesuca@transylaniacounty.org

135 Wilson Dr.

Transylvania County - Tax Bill Search for 2014 and forward

Larry Gregory

TRANSYLVANIA
COUNTY

BUREAU OF RECORDS

Transylvania County Web Site

Basic Search

Real Estate Search

Tax Bill Search

Sales Search

Help

Hide Details...

Owner Last Name: Gregory

Owner First Name: Larry

Account #:

Parcel #:

Tax Year: All Years

Bill #:

Unpaid Bills Only:

Sort By: Oldest to Newest

Search

Clear

House #

Unit #

Direction

Street Name

Type

Suffix

Municipality

Property Address:

Search Results

click on a tax bill below to continue

Hide Details...

Year Bill#	Account#	Owner Name	Owner Name	Orig Levy	Balance	Disc Year	Property ID	Property Address
2014 010433	70049180	GREGORY LARRY WILSON		1,586.96	0.00		8585685489000 8092 08012 08 MS.07	135 WILSON DR
2015 010414	70049180	GREGORY LARRY WILSON		1,622.13	0.00	0	8585685489000 8092 08012 08 MS.07	135 WILSON DR
2016 010435	70049180	Gregory Larry Wilson		1,782.71	0.00		8585685489000 8092 08012 08 MS.07	135 WILSON DR
2017 010466	70049180	Gregory Larry Wilson		1,809.70	0.00	0	8585685489000 8092 08012 08 MS.07	135 WILSON DR
2018 010448	70049180	Gregory Larry Wilson		1,836.68	0.00	0	8585685489000 8092 08012 08 MS.07	135 WILSON DR
2019 010339	70049180	Gregory Larry Wilson		577.11	0.00	0	8585685489000 8092 08012 08 MS.07	135 WILSON DR
2020 010319	70049180	Gregory Larry Wilson		577.11	0.00	0	8585685489000 8092 08012 08 MS.07	135 WILSON DR
2021 010305	70049180	Gregory Larry Wilson		1,183.86	0.00		8585685489000 8092 08012 08 MS.07	135 WILSON DR
2022 010245	70049180	Gregory Larry Wilson		891.26	0.00		8585685489000 8092 08012 08 MS.07	135 WILSON DR
2023 010344	70049180	Gregory Larry Wilson		890.35	890.35		8585685489000 8092 08012 08 MS.07	135 WILSON DR

Selected Tax Bill Info

Account#: 70049180
GREGORY LARRY WILSONBill#: 010433
Parcel#: 8585685489000
Pin#: 8092 08012 08 MS.07Last Trans Date: 03/25/2015
Last Payment: 03/25/2015135 WILSON DRIVE
BREVARD NC 28712-3842
135 WILSON DREscrow:
Status:
Legal Description: WILSON DRIVE 1.000LT

Building Value:	124,350	Current Balance:	0.00
Outbuilding Value:	1,510	Original Levy:	1,586.96
Land Value:	50,000	Personal Value:	0
Parcel Value Total:	175,860	Total Valuation:	175,860
Deferred Value:	0	Exemption:	0
Taxable Value:	175,860		

Taxes and Fees Billed By County

Description	Levied	Interest/Fees	Released	Collected	Balance
BREVARD INT	0.00	25.65	0.00	25.65	0.00
COUNTY TAX INT	0.00	25.49	0.00	25.49	0.00
COUNTY TAX	791.19	0.00	0.00	791.19	0.00
BREVARD CITY	795.77	0.00	0.00	795.77	0.00
Totals	1,586.96	51.14	0.00	1,638.10	0.00

*** If searching for tax bills prior to 2014, please contact our office ***

All information on this site is prepared for the inventory of real property found within Transylvania County. All data is compiled from recorded deeds, plats, and other public records and data. Users of this data are hereby notified that the aforementioned public information sources should be consulted for verification of the information. All information contained herein was created for the Transylvania County's internal use. Transylvania County, its employees and agents make no warranty as to the correctness or accuracy of the information set forth on this site whether express or implied, in fact or in law, including without limitation the implied warranties of merchantability and fitness for a particular use.

If you have any questions about the data displayed or technical problems related to this website, please email Jesica.McCall@transylva.org



CITY OF BREVARD
95 WEST MAIN STREET
BREVARD, NC 28712-3635

828-885-5610

Applicants Property

RETURN SERVICE REQUESTED



5

*****AUTO**SCH 5-DIGIT 28712 1565 1 AV 0.495

KEIFRIDER KIM R

161 WILSON DR

BREVARD NC 28712 3842

CITY OF BREVARD PROPERTY TAX BILL
IMPORTANT INFORMATION - PLEASE READ

- **DUE DATE:** Property taxes are due and payable September 1 and delinquent after Jan 5, 2024
- **INTEREST:** Accrues at the rate of 2% for January and 3% each month thereafter January interest is applied to all unpaid balances on January 8, 2024
- **RETURN CHECKS:** NCGS 105-357 provides a 10% penalty or a minimum \$25 charge, which is greater, for any check returned due to insufficient funds. Tax receipts are null and void if payment is made with a check that fails to clear the bank. No counter or two-party checks are accepted.
- **PROPERTY SOLD:** If you have sold the real property assessed to you, please forward this notice to the new owner.
- **FAILURE TO PAY:** Delinquent taxes are subject to garnishment of wages, levy on personal property, attachment of accounts, and foreclosure proceedings AFTER January 5, 2024
- **PARTIAL PAYMENTS:** For your convenience, partial payments will be accepted. Account must be paid in full by January 5, 2024
- **PAYMENTS SUBMITTED BY MAIL:** are deemed to be received as of the date of the U.S. Postal Service postmark, not metered mail dates.
- **ESCROW/MORTGAGE ACCOUNTS:** The property owner is responsible for ensuring full payment of this bill. If funds are held in escrow to pay taxes, information will be sent to mortgage holder on record. If you have changed mortgage holder please forward this notice to them.
- **CREDIT CARD PAYMENTS:** Please contact our office at 828-885-5610 or visit our website www.cityofbrevard.com

2023 Ad Valorem Tax Notice for Real and Personal Property

TAX YEAR	ACCOUNT NUMBER	BILL NUMBER	BILL DUE DATE	TAX DISTRICT
2023	32220	3559	9/1/2023	
MAP NUMBER		PROPERTY DESCRIPTION		
8585684387000		161 WILSON DR		
FAIR MARKET VALUE	RATIO	NET TAXABLE	EXEMPT AMOUNT	ASSESSED VALUE
233,930		233,930	0	233,930
PAYMENT INSTRUCTIONS		TAX SUMMARY	ASSESSED VALUE	MILL RATE
• Please Make Check or Money Order Payable to: City of Brevard • Please write the bill number(s) on your check. • If a receipt is desired, please include a stamped, self-addressed envelope. • If taxes are to be paid by a mortgage company, send them this portion only. • If you are paying after the due date, please call our office for the full amount due.		Tax Amount Due	233,930	.480
		Penalties And Interest		
		Total Current Due		1,122.86
		Back Taxes		0.00
			PAY THIS AMOUNT	1,122.86

IF PAID BEFORE SEPT. 1, 2023 AMOUNT DUE: 1,100.40 (2% Discount thru Aug. 31, 2023)

PLEASE RETURN BOTTOM PORTION WITH PAYMENT

PAYABLE BY MAIL, ONLINE AT
WWW.CITYOFBREVARD.COM OR AT THE OFFICE OF THE
 TAX COLLECTOR

TAXPAYER'S STATEMENT

KEIFRIDER KIM R
 161 WILSON DR
 BREVARD, NC 28712

ACCOUNT NUMBER	MAP NUMBER
32220	8585684387000
BILL NUMBER	DUE DATE
3559	9/1/2023
TOTAL TAX DUE	
1,122.86	

IF PAID BEFORE SEPT. 1, 2023 AMOUNT DUE: 1,100.40

PLEASE SEND PAYMENT TO:

CITY OF BREVARD
95 WEST MAIN STREET
BREVARD, NC 28712-3635



Site Plan
See drawing of deck location
below



- ① Deck 2nd Floor back of house
Raised on piers (~ 8 ft off ground)



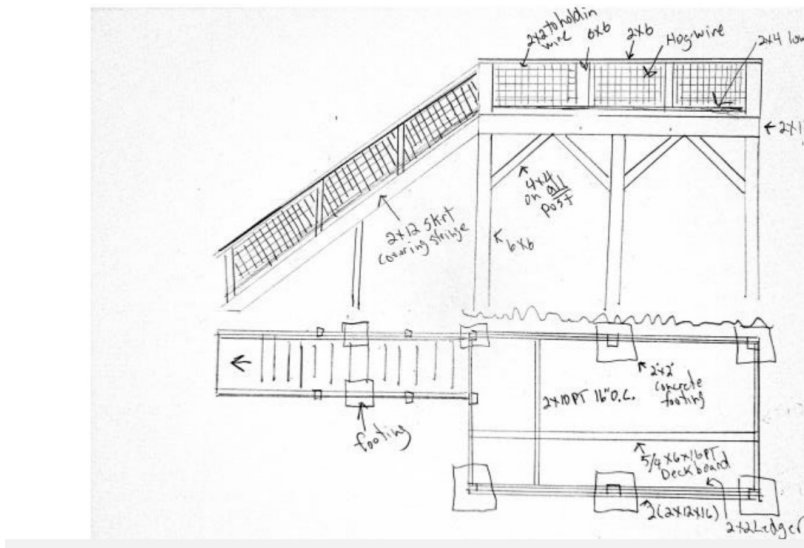




Proposed deck location



Description of Project



STAFF REPORT

Board of Adjustment, Tuesday, October 3, 2023

Title: Consideration of Administrative Appeal, APL-23-002, by Nancy Scardo to the Order of Paul Ray, Planning Director, requiring compliance with the Flood Damage Prevention Ordinance based on substantial improvement to property located in the 100 year floodplain in the General Residential zoning district and further identified by PIN# 8596-47-5007-000.

Speaker: Katherine Buzby
Prepared by: Katherine Buzby, Planner/Assistant Zoning Administrator
Approved by: Paul Ray, Planning Director

Background

The applicant, Nancy Scardo, is the managing member of 12 SALS LLC, which owns property at 12 Sal's Lane, which is located in the General Residential-4 (GR-4) zoning district and in the City's Extra Territorial Jurisdiction (ETJ). The parcel is located in the 100-year (1% chance) floodplain and the identification number is PIN# 8596-47-5007-000.

The applicant is appealing the administrative decision of Paul Ray, the Planning Director, to elevate the house per the Substantial Improvement regulations under the City's Floodplain Damage Prevention, Chapter 34. An order was sent to the owner on July 3, 2023.

Discussion

On July 25, 2022, Ms. Scardo submitted a floodplain development permit application to the planning dept. stating that she wanted to do \$50,000 worth of renovations to the existing house at 12 Sal's Lane. The application was denied as it did not meet the City's ordinance.

Chapter 34-32 states "New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in section 34-5 of this chapter."

The ordinance states the definition of Substantial Improvement as "any combination of repairs, reconstruction, rehabilitation, addition, or other modification or improvement of a structure taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure as of the date the improvement was permitted (or, in the absence of any permit, before the date of start of construction of the improvement). In the absence of any information pertaining to market value, the administrator shall utilize the assessed value of the structure."

Market Value is defined as “means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (actual cash value); or adjusted tax assessed values. The income capitalization approach of appraisal shall not be utilized to determine market value.

On July 27, 2022, Ms. Scardo met in my office and resubmitted the floodplain development permit application but did not possess any documentation required by the ordinance to determine market value. The Planning Department used the Transylvania County Tax Assessor's assessed tax value of the main structure (house). Per their website, the structure was valued at \$54,260. A permit was issued that states that renovations are **not to exceed \$27,000** (approximately 49% of the value). The Substantial Improvement requirements were discussed at length in person and via email to Ms. Scardo. A copy of the permit was given to the applicant and the building dept.

On March 13, 2013, I observed major renovations being completed from the right-of-way and sent a letter to the owner requesting receipts supporting that the work has not exceeded \$27,000 (Per Corrective Procedures 34-24). The requested information was not received.

A hearing was held on June 23rd at 11am, with Ms. Scardo, Brian Stretcher (Attorney for Ms. Scardo), Mack McKeller (City Attorney), Katherine Buzby (Floodplain Administrator) and Paul Ray (Planning Director) in the Planning Dept. The owner submitted copies of bank statements & receipts that show she had spent **\$79,812.68**, exceeding the permitted amount of \$27,000. It was the determination of the Planning Director that she needed to come into compliance with the ordinance by elevating the house.

An Order to elevate the house was sent to the owner, her attorney, and the City attorney on July 3, 2023. The Order gave the homeowner until December 23, 2023 to come into compliance.

The Planning Department received an official request for appeal dated July 18, 2023 from Ms. Scardo's attorney. The original BOA hearing was set for September 5th but the homeowner rescheduled it for October 5, 2023.

Staff Recommendation

The Planning Director's determination to elevate the house is based on the regulations stated in Chapter 34, Floodplain Damage Prevention. A permit was issued with the condition that it could not exceed \$27,000 in renovations. The permit was violated and staff took steps to get the homeowner to come into compliance with the ordinance's regulations.

Staff recommends denying the appeal and requiring the homeowner to comply with the

Order dated July 3, 2023.

Attachments:

1. Chapter 34 Flood Damage Prevention
2. Transylvania County Assessed Value
3. Permit and Application
4. Scardo submitted expenses
5. ORDER - 12 Sals Lane



Certified Local Government (CLG) Programs are approved by the U.S. Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

Income capitalization means a valuation method appraisers and real estate investors use to estimate the value of income producing real estate. It is based upon the premise of anticipation i.e., the expectation of future benefits. This method of valuation relates value to two things: (1) the "market rent" that a property can be expected to earn; and (2) the "reversion" (resale) when a property is sold.

Letter of map change (LOMC) means an official determination issued by FEMA that amends or revises an effective flood insurance rate map or flood insurance study. Letters of map change include:

- A. *Letter of map amendment (LOMA)*: An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
- B. *Letter of map revision (LOMR)*: A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
- C. *Letter of map revision based on fill (LOMR-F)*: A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
- D. *Lowest adjacent grade (LAG)* means the elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

Lowest floor means lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (actual cash value); or adjusted tax assessed values. The income capitalization approach of appraisal shall not be utilized to determine market value.

New construction means structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.



Substantial improvement means any combination of repairs, reconstruction, rehabilitation, addition, or other modification or improvement of a structure taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure as of the date the improvement was permitted (or, in the absence of any permit, before the date of start of construction of the improvement). In the absence of any information pertaining to market value, the administrator shall utilize the assessed value of the structure. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either of the following:

- A. Any correction of existing violations of state, city, or county health, sanitary, or safety code specifications which have been identified by the administrator or other authorized official of the State of North Carolina or Transylvania County, and which are the minimum necessary to assure safe living conditions; or
- B. Any alteration of a historic structure provided it meets the following criteria: such alteration is necessary to maintain, retain or restore historically significant characteristics; the alteration will not preclude the structure's continued designation as a historic structure; and the alteration does not result in the expansion of a non-conforming condition.

Variance means a grant of relief from the requirements of this chapter.

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in [ARTICLE II](#) and [ARTICLE III](#) is presumed to be in violation until such time as that documentation is provided.

Water surface elevation (WSE) means the height, in relation to NAVD 88, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Watercourse means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

34-6. Lands to which this chapter applies.

This chapter shall apply to all special flood hazard areas within the jurisdiction, including extraterritorial jurisdictions (ETJs) if applicable, of the City of Brevard and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability. For purposes of complying with state or federal law, property that is exempt from the exercise of municipal extraterritorial planning and development regulation jurisdiction shall be subject to floodplain regulation provisions.

(Ord. No. 20-09, § 5(Exh. C), 9-21-09; Ord. No. 2020-23 , § 1(Exh. A), 10-19-20)

34-7. Basis for establishing the special flood hazard areas.

The special flood hazard areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its flood insurance study (FIS) and its accompanying flood insurance rate maps (FIRM), most recently adopted for Transylvania County, which are adopted by reference and declared to be a part of this chapter. It should be noted that the initial flood insurance rate maps for the City of Brevard were adopted by Brevard City Council on September 29, 1978. The initial flood insurance rate maps for Transylvania County, of which the City of Brevard is the County Seat, were adopted by the Transylvania County Board of Commissioners on January 2, 1980.



provided in [CHAPTER 18](#) of the City of Brevard [UNIFIED DEVELOPMENT ORDINANCE](#). Further, nothing therein contained shall prevent the City of Brevard from taking any other such lawful action as is necessary to prevent or remedy any violation.

- Q.** Revoke floodplain development permits as required. The administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable state or local law may also be revoked.
- R.** Make periodic inspections throughout the special flood hazard areas within the jurisdiction of the community. The administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- S.** Follow through with corrective procedures of section [34-24](#).
- T.** Review, provide input, and make recommendations for variance requests.
- U.** Maintain a current map repository to include, but not limited to, the FIS report, FIRM and other official flood maps and studies adopted in accordance with section [34-7](#) of this chapter, including any revisions thereto including letters of map change, issued by FEMA. Notify state and FEMA of mapping needs.
- V.** Coordinate revisions to FIS reports and FIRMs, including letters of map revision based on fill (LOMR-F) and letters of map revision (LOMR).
- W.** All costs associated with the administration of this chapter, including but not limited to the review of engineering analysis for the benefit of the city and the costs associated with map revisions, shall be borne by the applicant, developer or property owner, as appropriate.

(Ord. No. 20-09, § 5(Exh. C), 9-21-09; Ord. No. 2015-29, § 01(Exh. A), 10-19-15)

34-24. Corrective procedures.

- A.** *Violations to be corrected.* When the administrator finds violations of applicable state and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.
- B.** *Actions in event of failure to take corrective action.* If the owner of a building or property shall fail to take prompt corrective action, the administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
 - 1. That the building or property is in violation of the floodplain management regulations;
 - 2. That a hearing will be held before the administrator at a designated place and time, not later than ten days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
 - 3. That following the hearing, the administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.
- C.** *Order to take corrective action.* If, upon a hearing held pursuant to the notice prescribed above, the administrator shall find that the building or development is in violation of the flood damage prevention ordinance, they shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than 60 calendar days, nor more than 180 calendar days. Where the



administrator finds that there is imminent danger to life or other property, they may order that corrective action be taken in such lesser period as may be feasible.

- D.** *Appeal.* Any owner who has received an order to take corrective action may appeal the order to the Board of Adjustment by giving notice of appeal in writing to the administrator and the clerk within ten days following issuance of the final order. In the absence of an appeal, the order of the administrator shall be final. The Board of Adjustment shall hear an appeal within a reasonable time and as provided in Section 16.8 of the City of Brevard **UNIFIED DEVELOPMENT ORDINANCE**.
- E.** *Failure to comply with order.* If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the Board of Adjustment following an appeal, the owner shall be subject to remedies and penalties as provided for in **CHAPTER 18** of the City of Brevard **UNIFIED DEVELOPMENT ORDINANCE**.

(Ord. No. 20-09, § 5(Exh. C), 9-21-09; Ord. No. 2021-16, § 1(Exh. A), 4-19-21, Ord. No. 2023-18, § 1(Exh. A), 6-5-23)

Effective on: 6/5/2023

34-25. Variance procedures.

- A.** The Board of Adjustment as for the City of Brevard shall hear and decide requests for variances from the requirements of this chapter. Variances shall follow the same procedures and be subject to the same requirements as those established in UDO section 16.8.E.

(Ord. No. 20-09, § 5(Exh. C), 9-21-09; Ord. No. 2015-29, § 01(Exh. A), 10-19-15; Ord. No. 2021-16, § 1(Exh. A), 4-19-21)

34-26—34-30. Reserved.

ARTICLE III. PROVISIONS FOR FLOOD HAZARD REDUCTION

Contents:

- 34-31. General standards.
- 34-32. Specific standards.
- 34-33. No adverse impact determination.
- 34-34. Standards for floodplains without established base flood elevations.
- 34-35. Standards for riverine floodplains with BFE, but without established floodways or non-encroachment areas.
- 34-36. Floodways and non-encroachment areas.
- 34-37. Standards for areas of shallow flooding (Zone AO).
- 34-38—34-40. Reserved.

34-31. General standards.

In all special flood hazard areas the following provisions are required:



- P. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.
- Q. When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest base flood elevation shall apply.

(Ord. No. 20-09, § 5(Exh. C), 9-21-09; Ord. No. 2015-29, § 01(Exh. A), 10-19-15)

34-32. Specific standards.

In all special flood hazard areas where base flood elevation (BFE) data has been provided, as set forth in section 34-7, or section 34-34, the following provisions, in addition to the provisions of section 34-31, are required:

- A. *Residential construction.* New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in section 34-5 of this chapter.
- B. *Nonresidential construction.* New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in section 34-5 of this chapter. Structures located in A, AE, AO, and A1—30 Zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the regulatory flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with subsection 34-37.B. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the administrator as set forth in subsection 34-22.C, along with the operational, maintenance and inspections plans.
- C. *Manufactured homes.*
 - 1. New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in section 34-5 of this chapter.
 - 2. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to N.C.G.S. 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above 36 inches in height, an engineering certification is required.
 - 3. All enclosures or skirting below the lowest floor shall meet the requirements of subsection 34-32.D.
 - 4. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the administrator and the local emergency management coordinator.
- D. *Elevated buildings.* Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

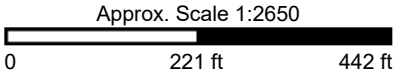


Layer: Parcels

PIN: 8596-47-5007-000
Owner: 12 SALS LLC
Address2: PO Box 937
City: Pisgah Forest
State: NC
Zip: 28768
Acres: 0.69279703
Land Area: 1
Land Units: LT
Township: 02
Fire District: FR02
Land Value: 22500
Assessed Value: 80490
Bldg Value: 54260
XFOB Value: 3730
Legal Address: OLD HWY 64

Layer: Voting Tabulation Districts (VTD)	
Name:	Pisgah Forest
Layer: Precincts	
Description:	PF_PISGAH FOREST
Layer: Brevard Zoning	
District:	General Residential (4)

Disclaimer: The information contained on this page is NOT to be construed or used as a survey or legal description. Map information is believed to be accurate but accuracy is not guaranteed.





The City of
Brevard
North Carolina

PERMIT

FLP-22-013

Floodplain Development Permit

PROJECT NAME: 12 Sal's Lane

SCOPE OF WORK: Remodel-Renovations not to exceed \$27,000- No footprint change to house

DATE APPROVED: 07/27/2022

SITE ADDRESS: 12 Sal's Ln

DATE EXPIRES: 07/22/2023

PARCEL: 8596-47-5007-000

APPLICANT: SCARDO, NANCY
12 SALS LANE
BREVARD, NC 28712
931-260-6650

OWNER: SCARDO, NANCY
12 SALS LANE
BREVARD, NC 28712

PROJECT COST:

Fixtures	Quantity	Per Unit	Value	FEES:	Paid	Due
----------	----------	----------	-------	-------	------	-----

REQUIRED INSPECTIONS

Inspection

Approved By

Date Approved

FLOODPLAIN INSPECTION

☐ Pass ☐ Fail (See Comments)

CONDITIONS

1. All permits shall expire in 12 months after the date of issuance if the work authorized by the permit has not been commenced. If, after commencement, the work is discontinued for a period of 12 months, the permit therefor shall immediately expire. No work authorized by any permit which has expired shall thereafter be performed until a new permit therefor has been secured. Any temporary permit shall expire on the date specified thereon.
2. Your project requires a final inspection only.



The City of
Brevard
North Carolina

Floodplain Development Permit | FLP-22-013

COMMENTS

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of Laws and Ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state/local law regulating construction or the performance of construction.

Reviewed By: Katherine Buzby

Review Date: 07/27/2022

Issued By:

Paul Ray - Planning Director

Issue Date: 07/27/2022

Contractor or Authorized Agent: _____

Received Date: _____

Not valid until signed

FLOODPLAIN DEVELOPMENT PERMIT APPLICATION

This form is to be filled out in duplicate.

SECTION I: General Provisions (APPLICANT to read and sign):

1. No work of any kind may start until a permit is issued.
2. The permit may be revoked if any false statements are made herein.
3. If revoked, all work must cease until permit is re-issued.
4. Development shall not be used or occupied until a Certificate of Compliance is issued.
5. The permit will expire if no work is commenced within six months of issuance.
6. Applicant is hereby informed that other permits may be required to fulfill local, state, and federal regulatory requirements.
7. Applicant hereby gives consent to the Local Administrator or his/her representative to make reasonable inspections required to verify compliance.
8. THE APPLICANT, CERTIFY THAT ALL STATEMENTS HEREIN AND IN ATTACHMENTS TO THIS APPLICATION ARE, TO THE BEST OF MY KNOWLEDGE, TRUE AND ACCURATE.

(APPLICANT'S SIGNATURE) Scardo DATE July 24, 2022

SECTION 2: Proposed Development (To be completed by APPLICANT)

NAME	ADDRESS	TELEPHONE
APPLICANT		
Nancy N. Scardo	PO Box 937 Pisgah Forest, NC 28768	9312606650
BUILDER		
ENGINEER		

PROJECT LOCATION:

To avoid delay in processing the application, please provide enough information to easily identify the project location. Provide the street address, lot number or legal description (attach) and, outside urban areas, the distance to the nearest intersecting road or well-known landmark. A sketch attached to this application showing the project location would be helpful.

12 Sal'S Lane Pisgah Forest, NC 28768

DESCRIPTION OF WORK (Check all applicable boxes):

Application # _____
Page 2 of 4

A. STRUCTURAL DEVELOPMENT

ACTIVITY

STRUCTURE TYPE

- ☐ New Structure
☐ Addition
☒ Alteration
☐ Relocation
☐ Demolition
☐ Replacement

- ☐ Residential (1-4 Family)
☐ Residential (More than 4 Family)
☐ Non-residential (Floodproofing? ☐ Yes)
☐ Combined Use (Residential & Commercial)
☐ Manufactured (Mobile) Home (In Manufactured Home Park? ☐ Yes)

ESTIMATED COST OF PROJECT \$

27,000

B. OTHER DEVELOPMENT ACTIVITIES

- ☐ Clearing ☐ Fill ☐ Mining ☐ Drilling ☐ Grading
☐ Excavation (Except for Structural Development Checked Above)
☐ Watercourse Alteration (Including Dredging and Channel Modifications)
☐ Drainage Improvements (Including Culvert Work)
☐ Road, Street or Bridge Construction
☐ Subdivision (New or Expansion)
☐ Individual Water or Sewer System
☐ Other (Please specify) _____

After completing SECTION 2, APPLICANT should submit form to the Local Administrator for review.

SECTION 3: Floodplain Determination (To be completed by the Administrator)

The proposed development is located on FIRM Panel No. 3700859600J, Dated 10/02/2009.

The Proposed Development:

☐ Is NOT located in a Special Flood Hazard Area (Notify the applicant that the application review is complete and NO FLOODPLAIN DEVELOPMENT PERMIT IS REQUIRED).

☐ Is partially located in the SFHA, but building/development is not.

☒ Is located in a Special Flood Hazard Area
FIRM zone designation is AE.
"100-Year" flood elevation at the site is: _____ ft. NGVD (MSL)
☒ Unavailable

☐ Is located in the floodway.

FBFM Panel No. _____ Dated _____
(if different from the FIRM panel and date)

☐ See Section 4 for additional instructions.

SIGNED [Signature] DATE July 24, 2022

APPEALS: Appealed to Board of Appeals? ☐ Yes ☒ No
 Hearing date: _____
 Appeals Board Decision - Approved? ☐ Yes ☒ No

Reasons/Conditions: _____

SECTION 6: AS-BUILT ELEVATIONS (To be submitted by APPLICANT before Certification of Compliance is issued)

The following information must be provided for structures that are part of this application. This section must be completed by a registered professional engineer or a licensed land surveyor (or attach a certification to this application). Complete 1 and 2 below.

1. Actual (As-Built) Elevation of the top of the lowest floor, including basement (in Coastal High Hazard Areas, bottom of lowest horizontal structural member of the lowest floor, excluding piling(s) and columns) is: _____ ft. NGVD (MSL).
2. Actual (As-Built) Elevation of floodproofing protection is _____ ft. NGVD (MSL).

SECTION 7: COMPLIANCE ACTION (To be completed by LOCAL ADMINISTRATOR)

The **LOCAL ADMINISTRATOR** will complete this section as applicable based on inspection of the project to ensure compliance with the community's local law for flood damage prevention.

INSPECTIONS	DATE: _____	BY _____	DEFICIENCIES?	☐ Yes	☐ No
	DATE _____	BY _____	DEFICIENCIES?	☐ Yes	☐ No
	DATE _____	BY _____	DEFICIENCIES?	☐ Yes	☐ No

SECTION 8: CERTIFICATE OF COMPLIANCE (To be completed by LOCAL ADMINISTRATOR)

Certificate of Compliance issued: DATE _____ BY _____

The applicant must submit the documents checked below before the application can be processed:

- Also, _____

- ☐ Other: _____

12 Sal's Expenses

Supplies	29,041.91
Painting	4,200.00
Labor	28,685 -
Buchinglow Elect.	5,524 -
Steve's Plumbing	12,361.77

\$ 79,812.68



The City of *Brevard* North Carolina

July 3, 2023

ORDER TO COMPLY

In the matter of:

12 SALS, LLC)
NANCY SCARDO) COMPLY
12 SAL'S LANE) ORDER
BREVARD, NC 28712)

ORDER

PREMISES: 12 SAL'S LANE, BREVARD, NC 28712; PIN 8596-47-5007-000

OWNER: NANCY SCARDO

OWNER'S MAILING ADDRESS: PO BOX 937, PISGAH FOREST, NC 28768

PROCEDURAL HISTORY

Per Section 34-Flood Damage Prevention of the City of Brevard's Code of Ordinances, a floodplain development permit was issued to the owner of 12 Sal's Lane for renovation and repair with costs not to exceed \$27,000. The floodplain administrator and inspector, Katherine Buzby, noticed in March 2023 that the renovations appear to be exceeding the allowable amount and receipts, estimates and proof of work was requested from the owner, but not received. A Notice of Violation was sent, per the Corrective Procedures subsection of the Flood Damage Prevention Ordinance, Section 34-24. The owner failed to take corrective action and a hearing was scheduled for June 23, 2023, at 11am.

HEARING SUMMARY

A hearing was conducted on the aforementioned date and time in the Brevard Planning Department. Present at the hearing was Paul C. Ray, the Director of the Planning Department, Katherine Buzby, City Planner/Floodplain Administrator and Inspector, Mack McKeller, City Attorney, Nancy Scardo, property owner, and Brian Stretcher, Attorney for the property owner. Mr. Stretcher produced copies of expenses that were given to him by Ms. Scardo, with an estimated amount of \$79,812.68. This amount exceeded the amount written on the permit submitted by Ms. Scardo, and the improvements to 12 Sal's Lane is "substantial" as defined by

Section 34-32.A of the Code of Ordinance. The Flood Damage Prevention Ordinance states, in part, that substantial improvements and new construction shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation (Base Flood Elevation plus two feet of freeboard). The owner and her attorney were notified at the hearing of this requirement, which is to elevate the principal structure at 12 Sal's Lane.

FINDINGS OF FACT

- 1) Nancy Scardo of 12 Sals LLC is the legal owner of the property at 12 Sal's Lane, Brevard NC 28712; Parcel Identification Number 8596-47-5007-000.
- 2) A permit was issued for floodplain development with the costs of renovation/repairs not to exceed \$27,000.
- 3) The costs of renovation and repairs exceeded the permitted amount, therefore making the repairs and renovation a substantial improvement as defined and therefor the building is in violation of the flood damage prevention ordinance.
- 5) The structure shall be elevated to the Base Flood Elevation and 2 additional feet of freeboard.

CONCLUSIONS

The house repair/renovations are considered a substantial improvement and must be elevated to the regulatory flood protection elevation as determined by a NC licensed surveyor or engineer.

DISPOSITION

IT IS HEREBY ORDERED AS FOLLOWS:

- 1) The owner shall cause the house to be elevated to comply with the City's Flood Damage Prevention Ordinance and obtain the appropriate permits from the City of Brevard, the Transylvania County Building & Inspections Department and any other agency required by law.
- 2) Three elevation certificates are required per the City's Flood Damage Prevention Ordinance.
- 3) The owner will comply with all inspection requirements of the City and County.
- 4) All work shall pass a final inspection by the City of Brevard and the Transylvania County Inspections Department by **Monday, December 23, 2023**.

APPEAL

Per Sec 34-24-Corrective Procedures, any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the administrator and the clerk within ten days following issuance of the final order.

In the absence of an appeal, the order of the administrator shall be final. The City of Brevard Board of Adjustment shall hear an appeal within a reasonable time and as provided in Chapter 16, Section 16.4 of the City of Brevard Unified Development Ordinance. If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be subject to remedies and penalties as provided for in Chapter 18 of the City of Brevard Unified Development Ordinance.

This ORDER has been issued in accordance with the North Carolina General Statutes and the City of Brevard's Code of Ordinance.

A handwritten signature in blue ink that reads "Paul C. Ray". The signature is fluid and cursive, with the first name "Paul" and last name "Ray" being clearly legible, and "C." as a small middle initial.

Paul C Ray
Planning Director
City of Brevard
paul.ray@cityofbrevard.com
(828) 885-5630