



TOWN OF BLACK MOUNTAIN PLANNING BOARD

November 17, 2025

REGULAR MEETING AGENDA

Time: 6:00 PM

Town Hall Council Chambers | 160 Midland Avenue, Black Mountain, NC 28711

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 Conserve Resources; print only when necessary.

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1. CALL TO ORDER

1.A. Welcome

1.B. Determination of Quorum

2. ADOPTION OF AGENDA

2.A. Motion: To adopt the agenda as presented [or as amended]

3. ADOPTION OF MINUTES

3.A. Motion: To adopt the minutes of October 27, 2025, as written [or as amended]

4. OLD BUSINESS

5. NEW BUSINESS

5.A. Major Subdivision Preliminary Plat Review - 37 Old Lakey Gap Road

5.B. Major Subdivision Preliminary Plat Review - 334 N Fork Road

- 6. COMMUNICATION FROM PLANNING BOARD**
- 7. COMMUNICATION FROM STAFF**
- 8. ADJOURNMENT**

**TOWN OF BLACK MOUNTAIN
PLANNING BOARD**

The Black Mountain Planning Board held its regular meeting on Monday, October 27, 2025, at 6:00 p.m. in the Board Room of Town Hall, 160 Midland Avenue, Black Mountain, NC 28711.

I. CALL TO ORDER

The meeting was called to order with the following members present:

Pam Norton, Vice Chair
Lauronda Teeple
Kathy Phillips
Michael Churchman

Absent:

Chris Collins, Chair
Joe Laudenslayer
Rick Earley

Staff:

Jennifer Tipton, Senior Admin
Russell Cate, Planner I/Zoning Administrator

The meeting was called to order at 6:02 p.m. and duly constituted and opened for business with a quorum of four (4) members.

II. ADOPTION OF AGENDA

Lauronda Teeple made a motion to adopt the agenda as presented. The motion was seconded by Kathy Phillips and approved by a vote of 4-0.

III. ADOPTION OF MINUTES

Michael Churchman made a motion to adopt the minutes of September 22, 2025, as written. The motion was seconded by Kathy Phillips and approved by a vote of 4-0.

IV. NEW BUSINESS

1. Sketch Plan Review – Major Subdivision – 37 Old Lakey Gap Road

High Top Colony Road, LLC is proposing a thirteen-lot subdivision on a 7.96-acre parcel at 37 Old Lakey Gap Road. The property is zoned TR-4 with an average slope of 11.97%. The subdivision will have a private road with an emergency turnaround and provide 22.7%, or 1.91 acres, of open space. The subdivision will have two stormwater control measures. The subdivision will connect to town water via an easement from Forest Lane and each lot will have a septic tank and drain field. Scott Roach, Odom Engineering, represented the developer. The Planning Board asked if Mr. Roach would consult the developer about not cutting trees within the open space area, the southern boundary of the parcel, and on lots in excess of clearing for the house seat. Staff confirmed that the sketch plan met all thirteen requirements provided in Chapter 3, Section 3.4.1. The Planning Board did not have any comments for the preliminary plat.

Planning Board Regular Meeting
October 27, 2025

2. Sketch Plan Review – Major Subdivision – 334 North Fork Road

W. David Meyers Builders, Inc is proposing a twelve-lot subdivision on a 4.38-acre parcel at 334 N Fork Road. The property is zoned TR-4 with an average slope of 8.75%. The applicant has provided a stream determination letter for the USGS watercourse on the southern boundary. The subdivision will access N Fork Road and Walker Cove Road and provide 30%, or 1.32 acres, of open space. The subdivision will connect to water and sewer from N Fork Road and Walker Cove Road. The subdivision will have two stormwater control measures. Paul Sexton, Three Notch Group, represented the developer. He confirmed that no fill would be brought in and that there would be some grading and swales between the houses. Mr. Sexton also said that they will be improving the roadside ditch on N Fork Road. Staff confirmed that the sketch plan met all thirteen requirements provided in Chapter 3, Section 3.4.1. The Planning Board did not have any comments for the preliminary plat.

V. OLD BUSINESS

None.

VI. PUBLIC COMMENT

None.

VII. COMMUNICATION FROM PLANNING BOARD

Pam Norton noted that the November meeting is the week of Thanksgiving. The December meeting is the week of Christmas. Lauronda Teeple made a motion to move the November meeting to November 17th and tentatively cancel the December meeting unless something urgent comes up. The motion was seconded Kathy Phillips and approved by a vote of 4-0.

VIII. COMMUNICATION FROM STAFF

Jennifer Tipton said that staff has had one UDO workshop with the Town Attorney and is working to schedule another workshop and are hoping to have a draft by the first of the year.

VX. ADJOURNMENT

With no further business, the meeting was adjourned at 7:51 p.m.

Prepared by:

Chris Collins, Chair

Jennifer Tipton, Senior Admin



TOWN OF BLACK MOUNTAIN

STAFF REPORT: Major Subdivision – 060899486600000 (37 Old Lakey Gap Rd.)

Prepared for November 17, 2025, Planning Board Review of Subdivision Plat

REQUEST

Applicant:

Hightop Colony Road LLC, 11620 7th St. E, Treasure Island, FL 33706

Proposal:

Via the major subdivision process, subdivide 060899486600000 (37 Old Lakey Gap Rd.) into 13 lots

Relevant Ordinance Sections:

Chapter 3 (Subdivisions) of the Land Use Code

- Section 3.1 (Purpose and Applicability)
- Section 3.2 (General Legal Provisions)
- Subsection 3.3.3 (Major Subdivision), which details the steps:
 - Step 1: Technical review meeting with staff with sketch plan (completed on 8/20/2025).
 - Step 2: Planning Board review of sketch plan (10/27/2025).
 - Step 3: Planning Board review of preliminary plat (11/17/2025). Planning Board takes one of three actions on the preliminary plat:
 - approve;
 - approve with modifications;
 - or, deny.
 - Step 4: Applicant submits construction drawings and supporting documentation for each phase or phases of development; if the preliminary plat was approved with modifications by the Planning Board (**Step 3**), the applicant submits a revised plat reflecting such changes.
 - Step 5: Applicant installs or guarantees required improvements and/or infrastructure.
 - Step 6: Applicant submits final plat (must be done within two years of Planning Board approval of preliminary plat).
 - Step 7: Subdivision administrator takes one of three actions on final plat within 15 days of submission of the final plat: approve, disapprove, or approve subject to minor modifications. As part of this step, applicant files the plat for recording with Buncombe County. No permits shall be issued by the Town for individual lots until the plat is recorded with the county.
- Section 3.4 (Subdivision Requirements), which details the requirements for sketch plans, preliminary plats, and final plats
- Section 3.5 (Subdivision Design Standards), which details requirements for:
 - Lots
 - Streets
 - Utilities (water supply and sanitary sewage collection and disposal)
 - Entryways to Subdivisions
 - Pedestrian Circulation (internal pedestrian circulation and points of connectivity with exterior transportation corridors)
 - Open Space
 - Improvement Guarantees
 - Traffic Impact Analysis (applicable if 798 or more daily trips will be generated)
- Section 3.6 (Dedication and Closures of Rights-Of-Way or Easements to the Town) (if applicable)



Chapter 4 (Zoning) of the Land Use Code

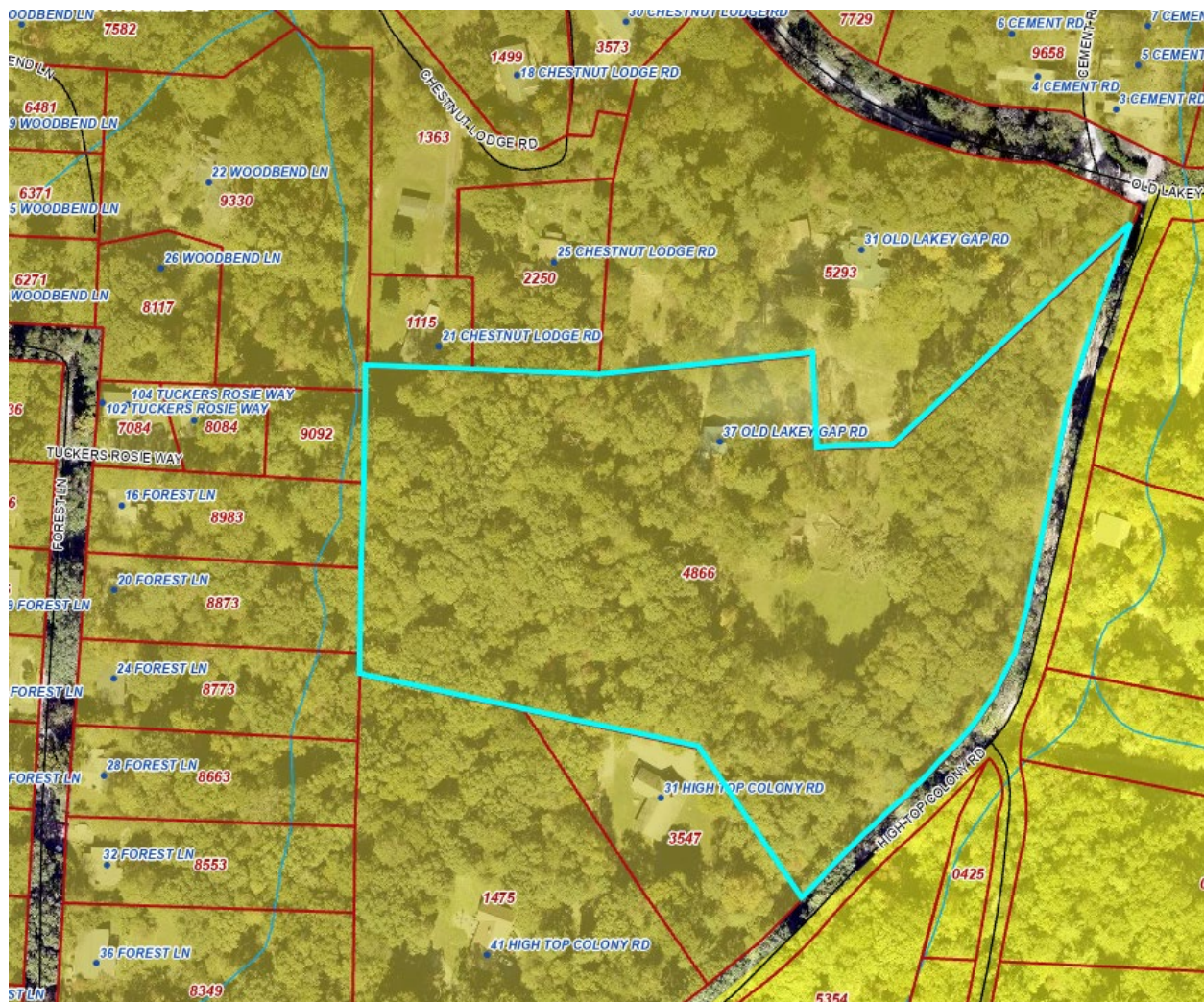
- Section 4.7.15 (Dimensional Requirements by Zoning District)
 - Town Residential (TR-4): minimum lot size: ¼ acre; minimum lot width: 40 feet (15 feet at street); minimum lot depth: 80 feet

Article IX (Stream Buffer Protection Standards) of Chapter 20 (Environment) of the Code of Ordinances

DETAILS OF PROPOSAL

The following is an overview of the parcel and a summary of the subdivision application:

The property is in the Town Residential (TR-4) zoning district. The clip below is from Buncombe GIS – pale yellow is TR-4 and bright yellow is unincorporated land that's in Buncombe County's Residential District (R-1) zoning district. (Image is *Post Helene 2024*.)





The surrounding lots are:

	North	South	East	West
Adjacent Zoning Designation	TR-4	TR-4	Buncombe County's Residential District (R-1) zoning district	TR-4
Adjacent Land Uses	Single-Family Residences	Single-Family Residences	Single-Family Residences	Single-Family Residences; Vacant Lot

The ***Purpose and Intent*** of the TR-4 zoning district is:

The town residential district is established to allow for a variety of housing types while maintaining an overall residential character with medium density. Any use which, because of its characteristics would interfere with the residential nature of the area is excluded.

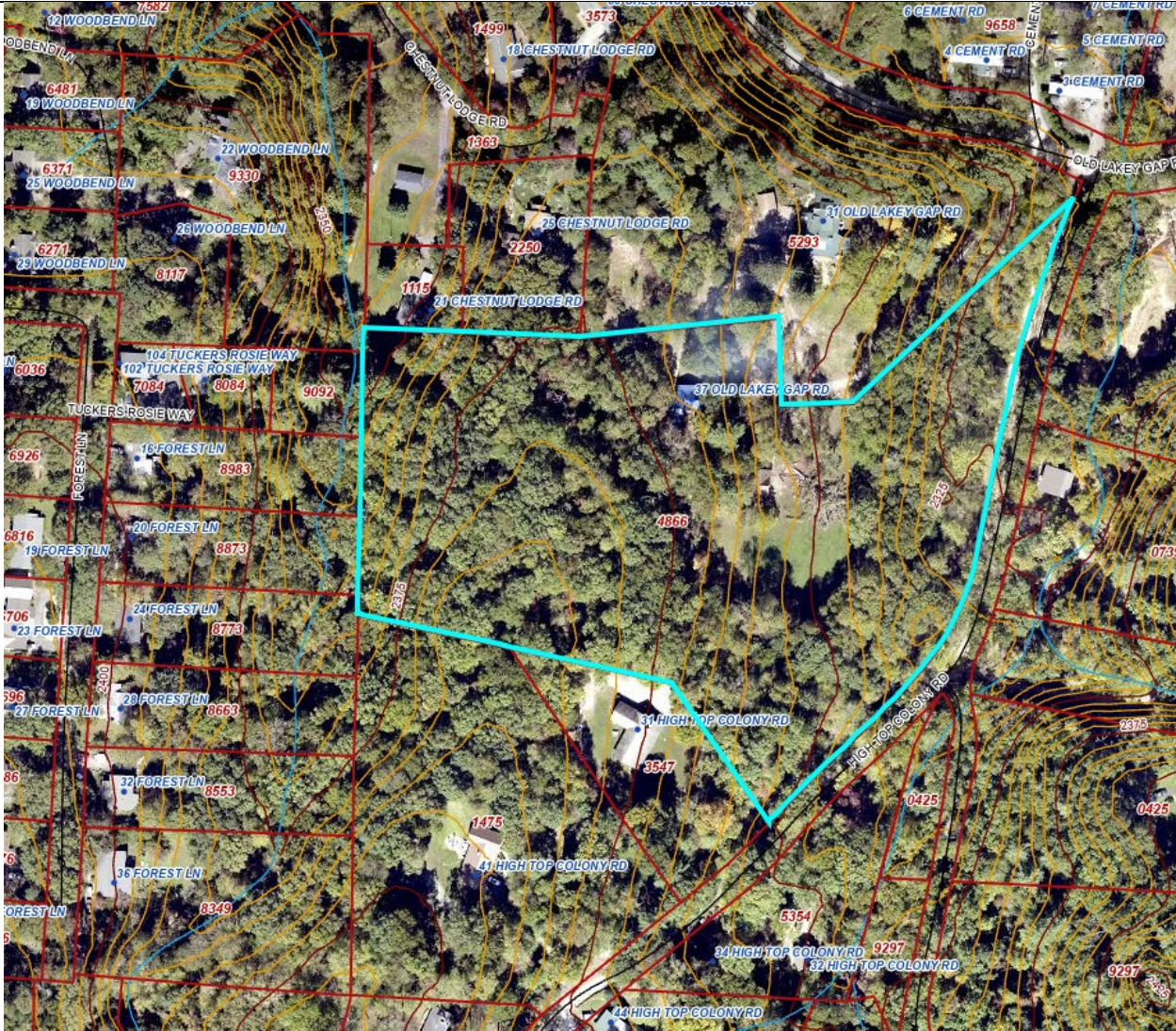
Reference: Section 4.7.3 (Town Residential District – TR-4) of Chapter 4.

Existing Conditions

According to the applicant's engineer-stamped preliminary plat, the parcel is 8.39 acres (365,468 square feet) in size. The Buncombe County Property Record Card lists the following structure on the parcel: 1,566 square foot single-family residence built in 1907.

The overall slope of the lot is 11.97 percent (according to <https://www.mapwnc.org/find-slope-for-parcel>).

Below is a clip from Buncombe GIS with the *5 Foot Contours*, and *Stream & River* layers turned on. (The property is not in the 100-year floodplain and is not in the vicinity of a waterway classified by the NC Department of Environmental Quality.) Image is *Post Helene 2024*.



CONSISTENCY WITH ADOPTED POLICY GUIDANCE:

Step 3 is Planning Board review of sketch plan as described in Section 3.3.3 (Major Subdivision):

A. The applicant shall submit preliminary plat to the subdivision administrator who shall place the item on the agenda of the next regularly scheduled planning board meeting along with his or her recommendation as to whether the preliminary plat should be approved.



- B. Notice shall be given as provided in section 1.5.4.F.
- C. Before the planning board reviews the preliminary plat, the following agencies shall be given an opportunity to make recommendations concerning the proposed subdivision plat:
1. The district highway engineer as to the any proposed state streets, state highways, and related drainage systems;
 2. The county health director, public works director, MSD representative, and representatives of any other local public utility, as appropriate, as to proposed water or sewerage systems;
 3. The fire marshal; and
 4. The stormwater and floodplain administrator(s).

D. The planning board shall review the plat for conformity with the requirements of this land use code and shall either approve, approve with modifications, or deny the application for approval of the preliminary plat.

Sections 3.4 (Subdivision Requirements) and 3.5 (Subdivision Design Standards) list the requirements for preliminary plats and final plats. Staff review found the following:

The sketch plan must contain the following information at a minimum (per Sec. 3.4.1 [Sketch Plans]):	✓ = staff analysis finds that the required element is on the sketch plan
1. The name of the subdivision, the proposed use and the name, address, and phone number of the owner.	✓
2. A vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads, or nearby buildings and their zoning and uses.	✓
3. The boundaries of the tract.	✓
4. Total acreage of the tract and the portion of the tract to be subdivided.	✓
5. Location of significant natural features such as water courses, ponds, rock outcroppings or forest.	✓ (Creek and 30' Creek Buffer depicted in northwest corner, complying with Stream Buffer Protection Standards requirement.)
6. Topography at five-foot intervals and the location of existing drainages or swales.	✓
7. Location of flood hazard areas from FIRM map.	N/A
8. Location of existing or proposed utilities.	✓ (Property Information box: "Water: Town of Black Mountain via City of Asheville. Sewer: on-site waste water via engineered option permitting.")
9. Existing street and lot layout and dimensions, including rights-of-way.	✓
10. Proposed new lot layout and dimensions and any rights-of-way or driveways to be built. Road specifications are indicated in the Town of Black Mountain Standards and Details Manual.	✓



11. Designated open space, greenway or park space that is a minimum of five percent of the total land area of the original tract. Designation of easements to the town for parks and greenways according to the town's pedestrian plan, greenway master plan or recreation and parks plan can qualify for the dedicated open space requirement but must be approved by the town council and planning board in consultation with the planning director and the recreation and parks directors.	✓ (1.91 acres of open space is proposed. 1.91 acres is 22.7% of the parcel size of 8.39 acres.)
12. Sidewalks or greenways which serve all occupiable lots and of equal or greater linear feet than the total linear footage of the subdivision road. Linear greenway easements may count toward the five-percent open space requirement.	✓ (Pedestrian path appears to be depicted on north side of Whisper Cove.) (Sec. 3.5 requirement: "All major subdivisions shall have a plan for internal pedestrian circulation as well as points of connectivity with exterior transportation corridors.")
13. A statement from the town water department and/or MSD that adequate water and sewer service may be provided to the lot(s). If the subdivider intends to use on-site septic, then a statement from the Buncombe County Health Department must be included that indicates that the created lots have septic or are appropriate for septic systems. (Sec. 3.5 requirement: At the time of submitting the preliminary subdivision plat, the applicant must submit "satisfactory evidence as to the proposed method and system of water supply and sanitary sewage collection and disposal.")	✓ (Property Information box: "Water: Town of Black Mountain via City of Asheville. Sewer: on-site waste water via engineered option permitting.")
REPORT PREPARATION This report was prepared by Planning Department staff member Russell Cate, Planner/Zoning Administrator, and reviewed by Michelle Kennedy, Planning Director.	

TOWN OF BLACK MOUNTAIN PLANNING AND DEVELOPMENT SERVICES

MAJOR SUBDIVISION APPLICATION PACKET

Sketch Plan Submittal Requirements:

- 7 – 11” x 17” plats (hard copy or digital) containing the following information:
 - The name of the subdivision and the proposed use and the name, address, and phone number of the owner
 - A vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads, or nearby buildings and their zoning and uses
 - The boundaries of the tract
 - Total acreage of the tract and the portion to be subdivided
 - Location of significant features such as water courses, ponds, rock outcroppings or forest
 - Topography of five-foot intervals and the location of existing drainage or swales
 - Location of flood hazard areas from FIRM map
 - Location of existing or proposed utilities
 - Existing street and lot layout and dimensions, including rights-of-way
 - Proposed new lot layout and dimensions and any rights-of-way or driveways to be built
 - Designated open space, greenway or park space that is a minimum of five percent of the total land area of the original tract
 - Sidewalks or greenways which serve all occupiable lots and of equal or greater linear feet than the total linear footage of the subdivision road
 - A statement from the Town of Black Mountain or City of Asheville Water Department and/or MSD that adequate water and sewer service may be provided to the lot(s). If the subdivider intends to use on-site septic, then a statement from Buncombe County Environmental Health must be included that the created lots have septic or are appropriate for septic systems.
- Completed Major Subdivision Application
- Affidavit of Ownership

Preliminary and Final Plat Submittal Requirements:

- 1 – 18” x 24” plat (hard copy and digital copy)
- 7 – 11” x 17” plats (hard copy and digital copy)
- Completed Checklist (hard copy and digital copy)

Review Process:

- Technical Review Committee (TRC) reviews sketch plan for development standard compliance (meets as necessary).
- Planning Board reviews sketch plan for development standards compliance (meets the 4th Monday of every month).
- Planning Board reviews preliminary plan for development standards compliance.
- Final plat is submitted to Subdivision Administrator for signature.
- **All plats will be processed and made available to the applicant within fifteen (15) business days.**

Checklist Information: X = information is required on pl

Town of Black Mountain
160 Midland Avenue, Black Mountain, NC 28711
Phone: 828-419-9300 ~ Fax: 828-669-2030
www.townofblackmountain.org

TOWN OF BLACK MOUNTAIN PLANNING AND DEVELOPMENT SERVICES

Information	Preliminary Plat		Final Plat	
Title Block Containing:				
• Property title, PIN #, subdivision name or designation	X	☒	X	☐
• Name of owner of record	X	☒	X	☐
• Location (township, county, state)	X	☒	X	☐
• Date(s) of survey and plat preparation	X	☒	X	☐
• Name, address, registration number and seal of surveyor	X	☒	X	☐
Drawn Streets:				
• Proposed streets and their linear feet	X	☒	X	☐
• Connecting streets and platted streets on adjoining properties	X	☒	X	☐
• Rights-of-way, location and dimensions	X	☒	X	☐
• Approximate or final grades	X	☒		☐
• Street Names	X	☒	X	☐
Information and Location of Utilities:				
• Utility and other easements of record	X	☒	X	☐
• Transmission lines	X	☒		☐
• Natural gas lines	X	☒		☐
• Sanitary sewers, location and size	X	☒		☐
• Water lines, location and size	X	☒		☐
• Stormwater facilities, either in place or proposed	X	☒	X	☐
• Plans for individual water supply and sewerage disposal	X	☒	X	☐
Site Features:				
• North Point	X	☒	X	☐
• Graphic Scale	X	☒	X	☐
• Vicinity Map	X	☒		☐
• Existing buildings or other structures, railroads, bridges	X	☒		☐
• Existing property lines to be subdivided or recombined	X	☒	X	☐
• Exact lot lines, bearings, distances and lot/block nos.	X	☒	X	☐
• Minimum building setback lines	X	☒	X	☐
• Topography at 5' intervals, elevations, and slope calculations	X	☒		☐
• Zoning classification of tract and adjoining property	X	☒		☐
• Natural features	X	☒		☐
• Exact location of floodplain, flood fringe, and floodway	X	☒	X	☐
Site Calculations:				
• Acreage in total tract to be subdivided	X	☒	X	☐
• Total number of lots	X	☒	X	☐
• Area of each lot in square feet	X	☒		☐

TOWN OF BLACK MOUNTAIN PLANNING AND DEVELOPMENT SERVICES

MAJOR SUBDIVISION APPLICATION

Application Date: August 8, 2025 Zoning District: TR-4 N S E W C

Owner Name: HIGH TOP COLONY ROAD, LLC

Subdivision Name: OLD LAKEY GAP RD SUBDIVISION

Property Location/Street: BLACK MOUNTAIN TOWNSHIP BUNCOMECOUNTY, NC

PIN #: 0608-99-4866 Deed Book/Page: 6421/0682

Total Site Area: 553212 square feet 12.7 acres

Max. Allowable Lot Density Standard: 16

Max # of Lots Allowable: 31 Proposed # of Lots: 13

Min. Allowable Lot Area: 1/4 ACRE Proposed Min. Lot Area: 15023

Average Lot Area: 24380 SQFT

Min. Allowable Lot Width: 40 Proposed Min. Lot Width: 70

Min. Open Space Area: 83199 Proposed Open Space Area: 83635

Proposed Open Space Use: RECREATION

Proposed Future Development Site Area: N/A

Proposed Impervious Surface Area: 52174

Proposed Impervious Surface Coverage (isa/site area x 100): 9.43 %

Site Area within Area of Special Flood Hazard Area: 0 within Floodway: 0

Slope of Site: 9.6%

Names of Access Street(s) and Number of Access Points along Each:

Name of Access or Adjacent Street	Right-of-Way Width (ft)	Pavement Width (ft)	No. of Lanes	Traffic Volume	Est. Traffic Generated
WISPER COVE	45'	26'	2	100VPD	100VPD

TOWN OF BLACK MOUNTAIN PLANNING AND DEVELOPMENT SERVICES

Owner Name: HIGHTOP COLONEY ROAD LLC Phone: 727-696-6672

Address: 11620 7TH ST E City: TREASURE IS State: FL Zip: 33706

Email Address: shawnlbyrne@gmail.com Mobile #: _____

Developer: SHAWN BYRNE Phone: 727-696-6672

Address: 11620 7TH ST E City: TREASURE IS State: FL Zip: 33706

Email Address: shawnlbyrne@gmail.com Mobile #: _____

Engineer/Consultant: ODOM ENGINEERING Phone: 8282474495

Address: 169 OAK ST City: FOREST CITY State: NC Zip: 28043

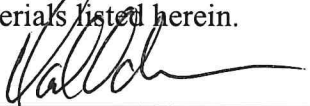
Email Address: scott@odomengineering Mobile #: _____

Registered Surveyor: RONNIE CUTSHALL, PLS Phone: 8282517025

Address: 549 ELK PARK DRIVE, SUITE City: ASHEVILLE State: NC Zip: 28804

Email Address: ronnie@colesurveydesign.com Mobile #: _____

As owner, developer, agent, or engineer of this property, it is requested that the proposed subdivision, as described within this application, be given approval by the Town of Black Mountain Planning Board in accordance with the Town of Black Mountain Subdivision Ordinances. I, DAVID W. ODOM, PE, hereby certify that I have legal authority to submit this application for subdivision and I enclose the required application materials listed herein.


Signature _____ Date 8/13/24

FOR OFFICE USE ONLY

Plat Review Fees: _____ Date Paid: _____ Payment: _____

Project Number: _____ Entry by: _____ Date: _____

Plat Approval Date: _____ Plat Book/Page: _____

Subdivision Administrator _____ Date _____

Town of Black Mountain
160 Midland Avenue, Black Mountain, NC 28711
Phone: 828-419-9300 ~ Fax: 828-669-2030
www.townofblackmountain.org

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

OWNER AFFIDAVIT

THE UNDERSIGNED, being first duly sworn, deposes and says:

1. That he/she is the owner of that real property located at off HIGH TOP COLONY RD, in the Town of Black Mountain, which property is shown on the tax maps for Buncombe County as PIN# 0608994866.

2. That as the owner of the described property he:

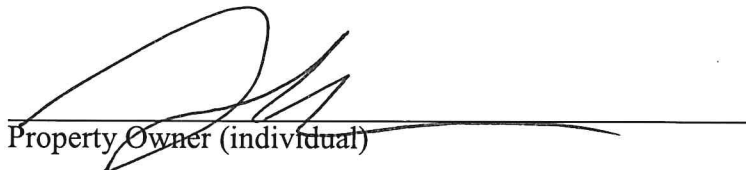


Is applying for subdivision approval.



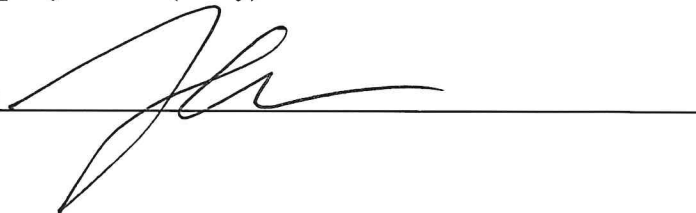
Is authorizing DAVID W. ODOM, PE to apply for subdivision approval.

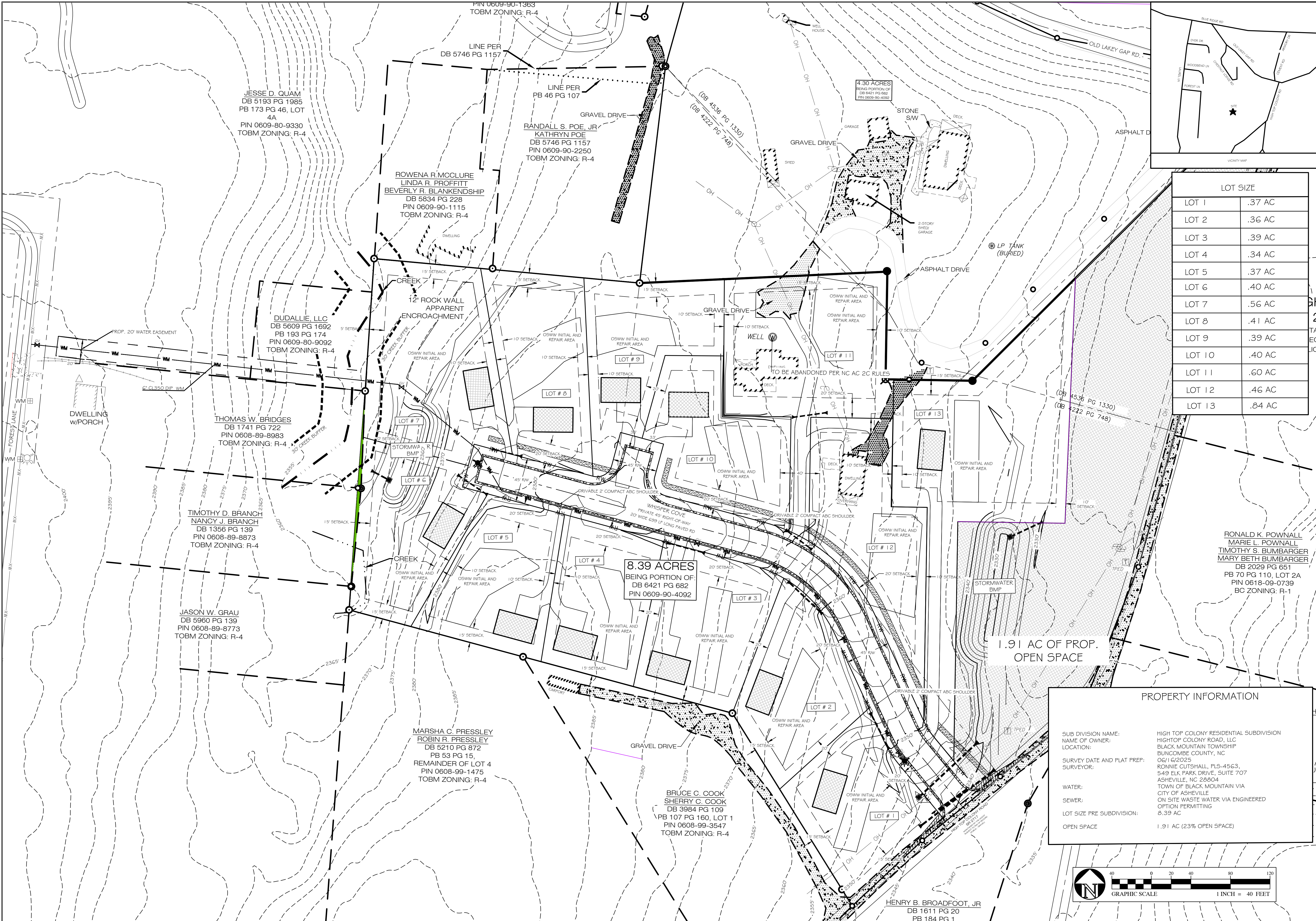
This the 13th day of August, 20 .


Property Owner (individual)

OR

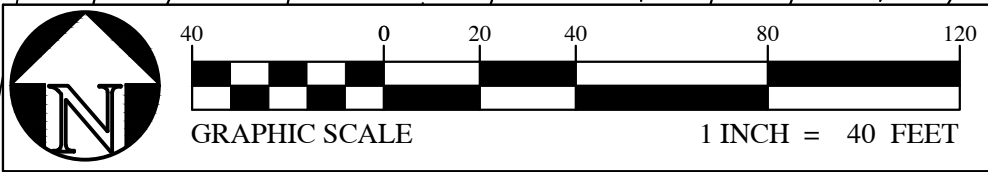
High Top Colony Road, LLC
Property Owner (entity)

By: 



LOT SIZE	
LOT 1	.37 AC
LOT 2	.36 AC
LOT 3	.39 AC
LOT 4	.34 AC
LOT 5	.37 AC
LOT 6	.40 AC
LOT 7	.56 AC
LOT 8	.41 AC
LOT 9	.39 AC
LOT 10	.40 AC
LOT 11	.60 AC
LOT 12	.46 AC
LOT 13	.84 AC

PROPERTY INFORMATION	
SUB DIVISION NAME:	HIGH TOP COLONY RESIDENTIAL SUBDIVISION
NAME OF OWNER:	HIGHTOP COLONY ROAD, LLC
LOCATION:	BLACK MOUNTAIN TOWNSHIP BUNCOMBE COUNTY, NC
SURVEY DATE AND PLAT PREP:	06/16/2025
SURVEYOR:	RONNIE CUTSHALL, PL5-4563, 549 ELK PARK DRIVE, SUITE 707 ASHEVILLE, NC 28804
WATER:	TOWN OF BLACK MOUNTAIN VIA CITY OF ASHEVILLE
SEWER:	ON SITE WASTE WATER VIA ENGINEERED OPTION PERMITTING
LOT SIZE PRE SUBDIVISION:	8.39 AC
OPEN SPACE	1.91 AC (23% OPEN SPACE)



JOB NUMBER:
23197

DATE

BY

DESCRIPTION

REV

DATE

DESCRIPTION

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06/16/2025

ISSUED FOR PERMITTING

2

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ISSUED FOR PERMITTING

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06/16/2025

ISSUED FOR PERMITTING

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06/16/2025

ISSUED FOR PERMITTING

PLANS FOR

OLD LAKEY GAP ROAD SUBD.

BLACK MOUNTAIN

BUNCOMBE COUNTY, NC

PRELIMINARY PLAT

PROFESSIONAL SEAL

STATE OF NORTH CAROLINA

REGISTERED PROFESSIONAL SURVEYOR

RONNIE CUTSHALL

06/16/2025

DATE: 11/05/25

DRAWN BY: TAS

CHECKED BY: DWO

PROJECT MGR: BSR

SHEET:

PRELIM PLAT

September 30, 2025

Jennifer Tipton, Senior Administrator
Town of Black Mountain
304 Black Mountain Ave.
Black Mountain NC 28711

RE: On-Site Wastewater Engineering Statement
Old Lakey Gap Road Subdivision
Black Mountain, NC

Dear Ms. Tipton:

All proposed residential lots in the Old Lakey Gap Road Subdivision shall use individual On-Site Wastewater Systems (Septic tank & drainfield). Each individual residential lot shall be permitted via Engineered Option Permitting (EOP) in lieu of Environmental Health approval and permitting.

Soils analysis and long-term acceptance rates (LTAR) have been performed by Walker Ferguson, LSS (Land Resource Management).

Please call me if you have any questions.

Thank you



David Odom, PE
Odom Engineering, PLLC

Engineer's Report for Water Main Extensions

Date: _____

Project Name: Old Lakey Gap Subdivision (Black Mtn, Shawn Byrnes)

Water System Name: Town of Black Mountain

Water System ID: 01-11-020

County of Project: Buncombe

Prepared by:

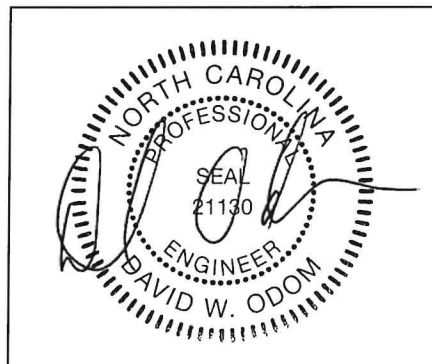
Odom Engineering, PLLC

169 Oak Street

Forest City, NC 28043

This form includes the minimum information needed for the N.C. Public Water Supply Section to review water main extension projects. Complex or unique design conditions must be addressed in a supplemental document as deemed appropriate by the design engineer.

Signature and seal of professional engineer that prepared this report



I attest that this engineer's report has been prepared by me, or under my responsible charge, and is accurate, complete and consistent with the information supplied in the engineering calculations. I further attest that the proposed design has been prepared in accordance with 15A NCAC 18C. Although page 4 of this report incorporates data provided by others, inclusion of these materials under my seal signifies that I have reviewed this material and have judged it to be consistent with the proposed design.

Water Main Extension Engineer's Report Mandatory Information

To present data required by 15A NCAC 18C .0307(b)

Specific citations from 15A NCAC 18C are provided when data is required to confirm compliance with another regulation.

Applicant Information

Applicant name (must be a person): Jamey Matthews, Public Works Director

Applicant mailing address: 304 Black Mountain Avenue, Black Mountain, NC 28711

Applicant phone numbers: Business 828-664-5052

Cell _____

Applicant e-mail address: jamey.matthews@tobm.org

Description of Proposed Project

Name of proposed project: Old Lakey Gap Subdivision (Black Mtn, Shawn Byrnes)

Provide a summary of the diameter, length and material of all piping proposed in the project.

Diameter of piping	Length of piping	Material
<u>6</u> -inch	<u>1,065</u> linear feet	DIP (CL-350)
_____ -inch	_____ linear feet	
_____ -inch	_____ linear feet	
_____ -inch	_____ linear feet	
_____ -inch	_____ linear feet	
_____ -inch	_____ linear feet	

Location of project: (use existing road and intersections, address if available; and identify municipality).

440 LF along Forest Lane, from the intersection of Forest Lane and Laurel Lane.

The proposed project is an expansion of the existing public water system. ☒ Yes ☐ No

The source of water for the proposed project will be provided by a separately owned public water system. ☐ Yes ☒ No

Is the project phased?

☐ Yes ☒ No

If yes, delineate all phases in plan sheets. Partial final approvals may be granted to completed phases specified in this submittal.

If yes, depending on whether the water system does or does not provide fire flow; provide calculations to demonstrate that the project can provide adequate peak demand (domestic peak demand) at the minimum required residual pressure of 30 pounds per square inch gauge (psig) or can provide peak demand with fire flow (domestic plus fire flow) at the minimum pressure of 20 psig through **each** phase of construction.

Check here if project is a water main replacement with no additional demands.

(Water main replacement consists of like size, no additional service connections, and no additional hydrants and no added fire demand.)

☐

If box checked, proceed to page 4

Provide anticipated project flows for any project that will increase demands

Does the proposed project include any in-ground irrigation?	☐ Yes ☒ No
If yes, attach appropriate analysis to address how the system is designed to accommodate the impact of irrigation use on treated water supply, storage needs and system pressure.	
Peak demand of the proposed project	XX _____ gpm
Maximum daily demand of the proposed project	XX x 770 = _____ gpd
Per Rule .0901, are the water mains and water system designed to carry fire protection flows for this project?	☒ Yes ☐ No
If the water mains and water system are not designed to provide fire protection flow, indicate the minimum calculated pressure at domestic peak demand (non-fire flow). The pressure must be at least 30 psig per Rule .0901.	_____ psig
If the water mains and water system are designed to provide fire protection flow, indicate the minimum calculated pressure at peak demand (domestic plus fire flow). Pressure must be at least 20 psig per Rule .0901.	52 _____ psig

gpm: gallons per minute

gpd: gallons per day

psig: pounds per square inch gauge

Water System-Supplied Information

Information on this page must be updated on an annual basis

Data provided by: Jammy Mathew (name) Date provided: 5-16-24

Position: Public Works Director

Number of current connections in water system	<u>4,300</u> connections
Approved number of connections in water system	<u>connections</u> ☒ N/A – local government system
Current average and maximum daily demand of existing system. Average day demand is the one day average demand for the latest calendar year.	<u>750,000</u> average gpd <u>936,000</u> maximum gpd
Current maximum daily treated water supply of existing system Maximum daily treated water supply is the maximum quantity of treated water that can be produced and/or purchased by the system.	<u>2,100,000</u> maximum gpd
Total elevated storage capacity of existing system	<u>gallons</u>
Total ground storage capacity of existing system	<u>2,710,000</u> gallons
Total hydropneumatic storage capacity of existing system	<u>gallons</u>
Contractual storage with other system(s) Attach a copy of the agreement with the providing system	<u>gallons</u>
Systems > 300 connections: - Total storage volume is at least half the average annual daily demand (Rule .0805(c)) - For municipalities, at least 75,000 gallons elevated storage and at least half the average day demand combined elevated and ground finished water storage (Rule .0805(b)) Systems with hydropneumatic storage tanks up to 300 connections: - Volume of hydropneumatic storage tank is sufficient to meet peak demands based on Rule .0802 and calculations in Appendix B, Figure 6 - For residential community systems, volume of hydropneumatic storage tank is at least 40 times the number of connections or 500 gallons, whichever is greater (Rule .0803) - For mobile home park systems, volume of hydropneumatic storage tank is at least 25 times the number of connections or 500 gallons, whichever is greater (Rule .0803) - For campground systems, volume of hydropneumatic storage tank is at least 10 times the number of connections or 500 gallons, whichever is greater (Rule .0803)	☐ Yes ☐ No ☐ Yes ☐ No ☐ N/A ☐ Yes ☐ No ☐ Yes ☐ No ☐ N/A ☐ Yes ☐ No ☐ N/A ☐ Yes ☐ No ☐ N/A

BK 6393 PG 1542 - 1551

Prepared by and Return to:
Culp Elliott & Carpenter, P.L.L.C.
Attn: Adam S. Webb
Three Morrocroft Centre, Suite 400
6801 Carnegie Boulevard
Charlotte, NC 28211
(ASW/32383_3)

STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

EASEMENT AGREEMENT

This Easement Agreement (hereinafter this "Agreement") is made as of this 7th day of March, 2024, by and between JESSE DAVID QUAM, and wife, GRACE GORDON DAVENPORT (hereinafter referred to collectively as "Grantor"), and OLD LACKEY GAP ROAD, LLC, a Florida limited liability company, successor by merger to Black Mountain, LLC (hereinafter referred to as "Grantee").

RECITALS:

- A. Grantor is the owner of those certain tracts or parcels of land situated and lying in the City of Black Mountain, Buncombe County, North Carolina, being identified as Lot 4A and Lot 4B on that certain plat recorded in Plat Book 173, Page 46, Buncombe County Public Registry (hereinafter the "Grantor Property") (for informational purposes only the Grantor Property is Buncombe County tax parcel numbers 0609-80-8117 and 0609-80-9330).
- B. Grantee is the owner of that certain tract or parcel of land situated and lying in the City of Black Mountain, Buncombe County, North Carolina, being identified as Buncombe County tax parcel number 0609-90-4092, such tract being acquired by Grantee in Book 4222, Page 748 and Book 4536, Page 1330, Buncombe County Public Registry and being shown on Plat Book 53, Page 15, Buncombe County Public Registry (the "Grantee Property").
- C. In connection with Grantee's subdivision of the Grantee Property, Grantee has requested that Grantor grant and convey to Grantee a permanent twenty (20) foot easement over, upon, across, under and through a portion of the Grantor Property for the purpose of constructing, installing, operating, maintaining, replacing, and repairing a six (6) inch waterline, together with such pipes, manholes, fittings, fixtures and other accessories as from time to time may

|

submitted electronically by "Culp Elliott & Carpenter, P.L.L.C."
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Buncombe County Register of Deeds.

be required in order to connect to public water facilities and waterlines on, under or adjacent to Forest Lane, together with the right of access, ingress and egress to and from said water lines across the Grantor Property.

NOW, THEREFORE, in consideration of the premises and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by each of the parties, Grantor and Grantee agree as follows:

1. Grant of Easement. Grantor, for itself and for its successors and assigns, hereby grants, bargains, sells and conveys to Grantee, and to Grantee's heirs, successors and assigns, and Grantee's respective employees, agents, contractors, and licensees, a non-exclusive perpetual twenty (20) foot easement over, upon, across, under and through that portion of the Grantor Property shown as "New 20' Utility Easement" on Exhibit A attached hereto and incorporated herein by reference and more particularly described on Exhibit B attached hereto and incorporated herein by reference, for the purpose of constructing, installing, operating, maintaining, replacing, and repairing a six (6) inch waterline, together with such pipes, manholes, fittings, fixtures and other accessories as from time to time may be required in order to connect to public water facilities and waterlines on, under or adjacent to Forest Lane, together with the right of access, ingress and egress to and from said water lines across the Grantor Property, to the extent necessary to exercise the easement rights set forth herein (the "Waterline Easement").

2. Use of Easement. The use of the Waterline Easement will be nonexclusive and for the use and benefit of Grantor and Grantee, their respective heirs, successors, assigns, and such employees, agents, licensees, and contractors as might be designated by each party. No permanent structures may be constructed on or over the Waterline Easement. The Grantee is authorized hereunder to remove and keep removed from the easement all trees, vegetation, landscaping, structures, and other obstructions as necessary, in the opinion of the Grantee, to maintain, repair or protect said waterline or lines and appurtenances. This easement shall not prohibit the Grantor from planting and maintaining shallow-rooted ground cover material within the easement area, all subject to applicable laws and regulations. All risk of damage to such improvements caused by maintenance or repair of the waterline(s) and appurtenant facilities shall be with the Grantor.

3. Maintenance of Waterline Easement. Grantee, its heirs, successors and assigns, shall be responsible for the operation, maintenance, repair and replacement of the Waterline Easement. Notwithstanding the foregoing, if either of Grantee or Grantor or their respective employees, agents, tenants, invitees or guests damage the Waterline Easement, then such party will be solely responsible for the resulting costs to repair, ordinary wear and tear excepted. The Grantors agree that the consideration herein above recited includes payment for any and all damage of whatsoever nature done or to be done to any structure or to trees, crops, or other vegetation within the boundaries of said easements in connection with said waterline; and the Grantors agree, for themselves, their heirs and assigns, that they shall neither have nor make any claim for further damages by reason thereof.

4. Temporary Construction Easement. Grantor, for itself and for its successors and assigns, hereby grants, bargains, sells and conveys to Grantee, and to Grantee's heirs, successors and assigns, and Grantee's respective employees, agents, contractors, and licensees, for the benefit of and as an appurtenance to the Grantee Property, a temporary construction easement across such portions of the

Grantor Property as is reasonably necessary to construct and install the waterline in the Waterline Easement (the "Temporary Construction Easement"). Grantee shall use the Temporary Construction Easement in a manner that does not block or unreasonably interfere with the Grantor's use of the Grantor Property. Grantee shall restore any disturbed areas to the condition existing immediately prior to Grantee's use of the Temporary Construction Easement and shall be liable for any damage to the Grantor Property caused by Grantee's construction and installation of the waterline. Following the installation of the waterline and other fixtures or accessories as necessary, and the completion and restoration of disturbed areas, any temporary construction easement interest herein conveyed to Grantee shall terminate.

5. Legal Effect. The easement and rights created by this Agreement are appurtenant to the Grantee Property and the Grantor Property. Each covenant contained in this Agreement: (a) constitutes a covenant running with the land; (b) binds every owner now having or hereafter acquiring an interest in either the Grantor Property or the Grantee Property; and (c) will inure to the benefit of each owner and each owner's respective heirs, successors, assigns, and mortgagees.

6. Assignment: It is agreed that the Waterline Easement granted herein may be freely assigned by Grantee to the City of Black Mountain, North Carolina or other appropriate governmental entity upon completion of the improvements on the Waterline Easement to enable the City of Black Mountain, North Carolina or other appropriate governmental entity to maintain and operate such waterline.

TO HAVE AND TO HOLD the aforesaid easement and all privileges and appurtenances thereto belonging to each of the parties, and to their respective successors and assigns in perpetuity. This easement shall run with the land and shall inure to the benefit of, and shall be binding upon, the parties, their respective heirs, successors, assigns, and mortgagees.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals as of the day and year first above written.

GRANTOR:

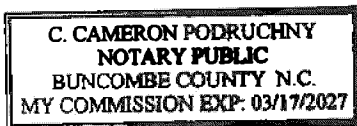
Jesse David Quam (SEAL)

Grace Gordon Davenport (SEAL)
GRACE GORDON DAVENPORT

STATE OF NC
COUNTY OF Buncombe

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: Jesse David Quam.

Date: 3/17/2024
3/17/2024



Cameron Podruchny
Type or Print Notary Name

My Commission Expires: 3/17/2027

(Official Seal)

STATE OF NC
COUNTY OF Buncombe

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: Grace Gordon Davenport.

Date: 3/17/2024
3/17



Cameron Podruchny
Type or Print Notary Name

My Commission Expires: 3/17/2027

(Official Seal)

GRANTEE:

OLD LACKEY GAP ROAD, LLC
a Florida limited liability company

By: [Signature] (SEAL)
Shawn Byrne, Manager

STATE OF Florida
COUNTY OF Pinellas

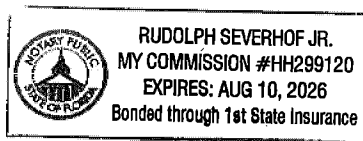
I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: Shawn Byrne, Manager of Old Lackey Gap Road, LLC.

Date: 2/8/2024

[Signature]
Rudolph Severhof Jr, Notary Public
Type or Print Notary Name

My Commission Expires: 8/10/2026

(Official Seal)

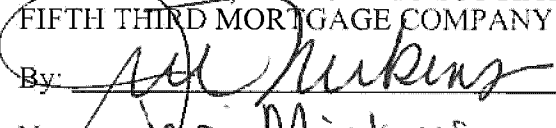


1365918

CONSENT AND SUBORDINATION OF LENDER
(FIFTH THIRD BANK, NATIONAL ASSOCIATION SBM FIFTH THIRD MORTGAGE
COMPANY)

FIFTH THIRD BANK, NATIONAL ASSOCIATION SBM FIFTH THIRD MORTGAGE COMPANY (“**Lender**”), being the Lender under that certain Deed of Trust by and between Lender, Jesse D. Quam, aka Jesse David Quam and Grace Gordon Davenport, husband and wife, and Donald P. Eggleston, as trustee, dated March 20, 2014 and recorded March 20, 2014 in Book 5194, Page 1, Buncombe County Public Registry (the “**Deed of Trust**”), does hereby consent to the recordation of this Easement Agreement (the “**Agreement**”) and to the terms and provisions thereof; and Lender does hereby consent to the subordination of the lien of the Deed of Trust to the provisions of the Agreement and the easement contained therein. Nothing contained within this Agreement shall operate to alter, change or modify the terms, provisions or conditions of the Deed of Trust, or to release or affect the validity or priority of the lien, security interest and other rights of the Lender arising under or by virtue of the Deed of Trust. The lien, security interest and other rights of the Lender to the mortgaged property by virtue of the Deed of Trust shall not be affected in any manner by the execution of this Agreement, except that Lender, and any successor or assign of Lender, acknowledges the existence of the easement contained in the Agreement and agrees to (i) not terminate such easement upon a foreclosure, and (ii) recognize and honor the easement and rights granted in the Agreement upon a foreclosure.

LENDER:
FIFTH THIRD BANK, NATIONAL ASSOCIATION SBM
FIFTH THIRD MORTGAGE COMPANY

By: 
Name: Seri Mickens
Title: Officer
Date: 1/10/24

[Notary on Following Page]

State of OHIO

County of HAMILTON

I, Barbara M Ganim, a Notary Public of the state and county aforesaid, certify that Seri Mickens personally came before me this day and acknowledged that he (or she) is Officer of FIFTH THIRD BANK, NATIONAL ASSOCIATION SBM FIFTH THIRD MORTGAGE COMPANY, an association, and that he/she, as Officer, being authorized to do so, executed the foregoing instrument on behalf of the association.

Witness my hand and official seal, this the 10th day of January, 2024

Date: 1/10/24

Barbara M Ganim
Barbara M Ganim, Notary Public
Type or Print Notary Name

My Commission Expires: 9-20-27

(Official Seal)



BARBARA M. GANIM
Notary Public, State of Ohio
My Commission Expires
September 20, 2027
COMMISSION: 2017-RE-653062

Exhibit “A”

Waterline Easement

[SEE ATTACHED PLAT]

NOTES:

1. THIS PROPERTY IS SUBJECT TO ALL EASEMENTS OF RECORD THAT WOULD BE REVEALED BY A TITLE SEARCH
2. ALL CORNERS ARE MARKED AS SHOWN IN THE LEGEND UNLESS OTHERWISE NOTED
3. ALL DISTANCES SHOWN HEREON ARE HORIZONTAL GR D DISTANCES UNLESS OTHERWISE NOTED
4. NO MISSING CORNERS SET
5. BEARINGS ARE BASED ON N.G.D. NORTH USING THE NODS CONVERSION FACTOR 0.999785
6. POSITIONAL ACCURACY: 0.02 HORIZ (NAD 83/11) 0.05 VERT (NAD 83) (GEOD 18)
7. AREA COMPUTED BY THE COORDINATE METHOD

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

REVIEW
OFFICER OF BUNCOMBE COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING

REVIEW OFFICER

DATE

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I, JOHN WESLEY COLE, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN DEED BOOK 5184 PAGE 18 & DEED BOOK 5193 PAGE 1989). THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN DEED BOOK 1 PAGE 1 THAT THE RATIO OF PRECISION AS CALCULATED WITH G.S. 47-30 AS AMENDED MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 12th DAY OF OCTOBER A.D. 2022

I ALSO HEREBY CERTIFY THAT THIS SURVEY IS OF THE FOLLOWING CATEGORIES AS DESCRIBED IN G.S. 47-30(1)(10): THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION

JOHN WESLEY COLE P.L.S.

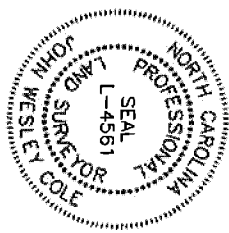
L-4561

COLE SURVEYING & DESIGN, PA

549 ELK PARK DRIVE, SUITE 707
ASHEVILLE, NC 28804

PHONE: 828-251-7025

NC FIRM #C-3106 | SC COA #4052



NEW EASEMENT AREA
0.14 ACRES
6,079.6 SQ. FT.

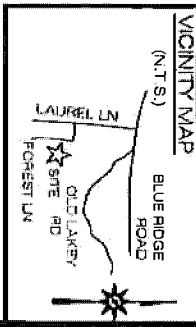
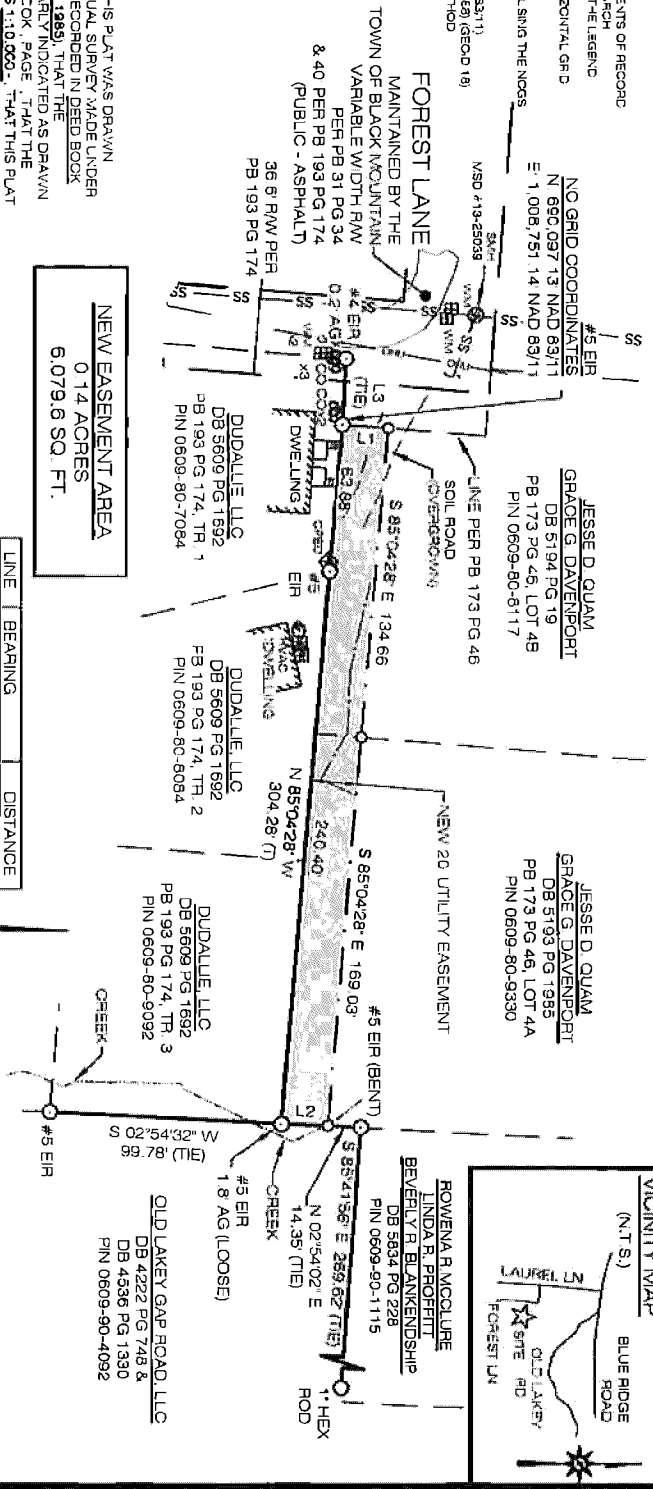
LINE	BEARING	DISTANCE
L1	N 04°37'20" E	20.00'
L2	S 02°54'32" W	20.01'
L3	N 86°53'41" W	28.72'

LEGEND:

- CALCULATED POINT (CP)
- EXISTING IRON REBAR (EIR)
- BY CLEAN OUT (CO)
- BY SEWER MAIN-C/L (NMP)
- EX. SANITARY SEWER
- EX. BOUNDARY LINE
- NEW EASEMENT LINE
- MOVED WIRE/FENCE LINE
- TIE LINE ONLY
- CREEK



NC GRID NORTH NAD 83 (11)



REVISIONS:

DATE	REVISIONS MADE	BY:
10/4	ADDED NAME OF GRACE G. DAVENPORT	RC
10/13	REMOVED NAME FROM TITLE BLOCK	RC

NEW UTILITY EASEMENT ACROSS THE PROPERTY OF
JESSE D. QUAM
GRACE G. DAVENPORT
FOR THE BENEFIT OF THE PROPERTY OF
OLD LAKEY GAP ROAD, LLC

SCALE: 1" = 60' PROJECT #21-139 WL EASE DATE: 10/19/23
TOWN OF BLACK MOUNTAIN, BUNCOMBE COUNTY, NC

THIS MAP MAY NOT BE A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS.

Exhibit "B"

Waterline Easement Legal Description

BEGINNING AT AN EXISTING #5 IRON REBAR WITH NC GRID COORDINATES N: 690,097.13'
E: 1,008,751.14' (NAD 83/11), BEING A CORNER OF DB 5194 PG 19 & PB 173 PG 46, LOT 4B ;
THENCE WITH THE LINE OF PB 173 PG 43, LOT 4B, N 04°37'20" E, A DISTANCE OF 20.00' TO A
CALCULATED POINT;
THENCE S 85°04'28" E, A DISTANCE OF 134.66 ' TO A CALCULATED POINT BEING IN THE DIVIDING LINE OF
LOTS 4B & 4A, PB 173 PG 46;
THENCE S 85°04'28" E, A DISTANCE OF 169.03' TO A CALCULATED POINT BEING IN THE EASTERN LINE OF
LOT 4A, PB 173 PG 46;
THENCE S 02°54'32" W, A DISTANCE OF 20.01' TO A #5 EXISTING IRON REBAR, BEING THE OF SOUTHEAST
CORNER OF LOT 4A, PB 173 PG 46;
THENCE WITH THE SOUTHERN LINES OF LOTS 4B & 4A, PB 173 PG 46, N 85°04'28" W, A DISTANCE OF
240.40' TO A #5 EXISTING IRON REBAR;
THENCE CONTINUING N 85°04'28" W, A DISTANCE OF 63.88' TO THE BEGINNING CORNER;
HAVING AN AREA OF 6,079.6 SQUARE FEET, 0.14 ACRES.

BASED UPON A SURVEY BY JOHN WESLEY COLE, DATED 10/10/2023, FOR THE BENEFIT OF OLD LACKEY
GAP ROAD, LLC, ACROSS THE PROPERTIES OF JESSE D. QUAM AND GRACE G. DAVENPORT.

**North Carolina Department of Environmental Quality
Division of Water Resources
Public Water Supply Section**

**Application for Approval
of Engineering Plans and Specifications
For Water Supply Systems**

Applicant	Design Engineer
Town of Black Mountain (Name of Board, Council or Owner – the Applicant) Jamey Matthews, Public Works Director (Name and Title of Authorized Official or Representative of the Applicant) 304 Black Mountain Ave. (Mailing Address) Black Mountain, NC 28711 (City, State & ZIP) 828-664-5052 (Phone Number) 828-669-4204 (FAX Number) jamey.matthews@tobm.org (Email address) (Signature of Authorized Official or Representative of the Applicant)	David W. Odom, PE (Name of Design Engineer of Record) Odom Engineering, PLLC (Name of Engineering Firm) 169 Oak Street (Mailing Address) Forest City, NC 28043 (City, State & ZIP) 828-247-4495 (Phone Number) 828-247-4498 (FAX Number) davidodom@odomengineering.com (Email address)

Project Name: Old Lakey Gap Subdivision (Black Mtn, Shawn Byrnes)
(Name of Project to appear on Public Water Supply Section records and tracking system)

1,051 LF of water main extension from existing line along Forest Lane.
(description of project)

440 LF along Forest Lane from the intersection of Forest Lane and Laurel Lane
(general location of project)

in Buncombe County.

Date _____
(for DEQ use only)

Serial No. _____
(for DEQ use only)

Application for Approval of Engineering Plans and Specifications for Water Supply Systems

To: Division of Water Resources,
Department of Environmental Quality

The **Applicant** applies under and in full accord with the provision of NCGS 130A-317, and such other statutes and rules as relate to public water systems. The **Authorized Official** or **Representative** of the **Applicant** represents that he is authorized to act for the **Applicant**. The **Authorized Official** or **Representative** of the **Applicant** understands and agrees to the following:

1. The **Applicant** shall not award contracts or begin construction without first receiving "Authorization to Construct" from DEQ.
2. The **Applicant** shall make no change or deviation from the engineering plans and specifications approved by DEQ except as allowed by 15A NCAC 18C .0306 or with the written consent and approval of DEQ.
3. The **Applicant** shall obtain Final Approval in accordance with 15A NCAC 18C .0306 prior to placing the project (or any portion thereof) into service.
4. Digital (PDF) submittals are true image copy of the original sealed/signed documents.

An authorized representative of the **Public Water System** (not always the same as the **Applicant**) is to complete and sign the following WSMP section.

Status of Water System Management Plan (WSMP)

Check one of the following, and if applicable, provide the required information:

- ☐ The WSMP for the project, as defined in the attached engineering plans and specifications, has not been submitted.
- ☐ Three copies of the WSMP for the project, as defined in the attached engineering plans and specifications, are submitted with this application.
- ☒ The WSMP that includes this project, as defined in the attached engineering plans and specifications, was previously submitted.

Provide the following:

Public Water System Name: Town of Black Mountain

Owner Name: Town of Black Mountain

Water System No.: NC 01-11-020

Serial Number of Deemed Complete WSMP: 99-02037

By my signature below, I certify that the previously submitted WSMP contains the information required by 15A NCAC 18C .0307(c) for the project defined in the attached engineering plans and specifications.

(Type or print name of authorized representative of Public Water System)

(Title of authorized representative of Public Water System)

(Signature of authorized representative of Public Water System)

(Date)

Application for Approval of Engineering Plans and Specifications for Water Supply Systems

In accordance with NCGS 130A-328, the Public Water Supply Section charges a fee for plan review. **Any documents submitted for review must be accompanied by a check payable to DEQ-Public Water Supply Section before the review will begin.**

There is a \$25 fee for returned checks.

The charges for review of plans are shown below. Check one of the following.

Distribution System fees

- | | | |
|-------------------------------------|---|--------------|
| ☒ | Construction of water lines, less than 5000 linear feet | \$300 |
| ☐ | Construction of water lines, 5000 linear feet or more | \$400 |
| ☐ | Other construction or alteration to a distribution system | \$150 |

Ground Water System fees

- | | | |
|--------------------------|--|--------------|
| ☐ | Construction of a new ground water system or adding a new well | \$400 |
| ☐ | Alteration to an existing ground water system | \$200 |

Surface water system fees

- | | | |
|--------------------------|---|--------------|
| ☐ | Construction of a new surface water intake or treatment facility | \$500 |
| ☐ | Alteration to existing surface water intake or treatment facility | \$300 |

Other fees

- | | | |
|--------------------------|--|--------------|
| ☐ | Water System Management Plan review | \$150 |
| ☐ | Miscellaneous changes or maintenance not covered above | \$100 |

Notes:

1. Projects for Tank Reconditioning use separate "Application for Water Tank Reconditioning Plan Approval." Tank Reconditioning is considered a miscellaneous change with regard to fee requirements.
2. The fee is not refundable if the plans are not approved.
3. Revisions to plans to address the Public Water Supply Section's or other state agency's comments do not incur an additional fee.
4. If one set of plans has multiple related items (such as a new well with construction of water lines) only one fee must be submitted for highest price item. The amounts are not cumulative, except for fees for Water System Management Plans.
5. **If the appropriate plan review fee is not received within thirty days after the receipt of plans, specifications, and reports for approval, then all plan documents will be recycled. A new set of documents must then be submitted with the appropriate fee for approval.**

This approval does not address all applicable laws, rules, standards and criteria, and other approvals and licenses that may be required by the local, state or federal government.

The Public Water Supply Section has stamped and sealed the official copies of plans and specifications accompanying this application with the serial number of this application _____. Any erasures, additions or alterations of the proposed improvements except those permitted in 15A NCAC 18C .0306 make this approval null and void.

This approval does not constitute a warranty of the design, construction or future operation of the water system.

Rebecca Sadosky, Ph.D., Chief
Public Water Supply Section
Division of Water Resources, NCDEQ

Application for Approval of Engineering Plans and Specifications for Water Supply Systems

Other Information and Checklist Page

- ☒ Attached is a check for the proper plan review fee amount, in accordance with NCGS 130A-328. See note 4 on page 3.

This-submittal includes one paper original with two digital (PDF) CDs of the following items, each item in separate folders:

- ☒ This completed “*Application for Approval of Engineering Plans and Specifications for Water Supply Systems*”
- ☒ The sealed plan drawings, separate file in PDF format for each drawing. Cover sheet must include drawings index;
- ☒ The project-specific Engineering Report (ER) describing the scope and purpose of the project and addressing each of the items listed in 15A NCAC 18C .0307(b), including the design basis of the project. [15A NCAC 18C .0307(b) (12)];
- ☐ Specifications for this project; **OR**
- ☐ The project will use the following system’s previously approved standard specifications for waterline extensions:

Name of System: _____

Serial Number: _____

The Serial Numbers for previously approved standard specifications can be found at the following website:

<https://deq.nc.gov/about/divisions/water-resources/water-planning/plans-specifications/water-systems-approved-standard-specifications>

One of the following:

- ☐ Attached is a letter signed by an authorized representative of the Public Water System agreeing to serve the project and stating that the system has adequate supply;

OR

- ☒ The **Applicant** is the Public Water System.

If the project has sought funding (for example, DWSRF loan) list the program and (if available) the application or funding number below:

Program Name	Application or Funding Number, if available

- Yes No
- ☐ ☐ Project will be completed with significant expenditure of state moneys, greater than ten million dollars (\$10,000,000) in accordance with G.S. 113A-9 (7a).
- ☐ ☐ Project will cause substantial, permanent land-disturbing activity of an area greater than 10 acres of public lands in accordance with G.S. 113A-9 (11).
- ☐ ☐ Project will be at least partially funded through the American Rescue Plan Act (ARPA).

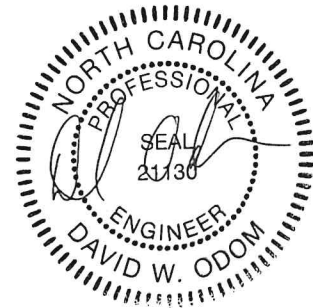
WATER CALCULATIONS

FOR

OLD LAKEY GAP SUBDIVISION

Buncombe County, North Carolina

June 12, 2024



NC FIRM# P-0880

169 Oak Street
Forest City, N.C. 28043
828-247-4495

Water System-Supplied Information

Information on this page must be updated on an annual basis

Data provided by: Jammy Mathew (name) Date provided: 5-16-24

Position: Public Works Director

Number of current connections in water system	<u>4,300</u> connections
Approved number of connections in water system	<u>connections</u> ☒ N/A – local government system
Current average and maximum daily demand of existing system. Average day demand is the one day average demand for the latest calendar year.	<u>750,000</u> average gpd <u>936,000</u> maximum gpd
Current maximum daily treated water supply of existing system Maximum daily treated water supply is the maximum quantity of treated water that can be produced and/or purchased by the system.	<u>2,100,000</u> maximum gpd
Total elevated storage capacity of existing system	<u>gallons</u>
Total ground storage capacity of existing system	<u>2,710,000</u> gallons
Total hydropneumatic storage capacity of existing system	<u>gallons</u>
Contractual storage with other system(s) Attach a copy of the agreement with the providing system	<u>gallons</u>
Systems > 300 connections: • Total storage volume is at least half the average annual daily demand (Rule .0805(c)) • For municipalities, at least 75,000 gallons elevated storage and at least half the average day demand combined elevated and ground finished water storage (Rule .0805(b)) Systems with hydropneumatic storage tanks up to 300 connections: • Volume of hydropneumatic storage tank is sufficient to meet peak demands based on Rule .0802 and calculations in Appendix B, Figure 6 • For residential community systems, volume of hydropneumatic storage tank is at least 40 times the number of connections or 500 gallons, whichever is greater (Rule .0803) • For mobile home park systems, volume of hydropneumatic storage tank is at least 25 times the number of connections or 500 gallons, whichever is greater (Rule .0803) • For campground systems, volume of hydropneumatic storage tank is at least 10 times the number of connections or 500 gallons, whichever is greater (Rule .0803)	☐ Yes ☐ No ☐ Yes ☐ No ☐ N/A ☐ Yes ☐ No ☐ Yes ☐ No ☐ N/A ☐ Yes ☐ No ☐ N/A ☐ Yes ☐ No ☐ N/A

37 Old Lakey Gap Road Property Ow

Name	Address
Leslie Cruz; Daniel Schermerhorn	32 Forest Ln
Anna Parks	28 Forest Ln
Jason Grau	24 Forest Ln
Timothy Branch; Nancy Branch	20 Forest Ln
Thomas Bridges	16 Forest Ln
Robin Pressley; Marsha Pressley	PO Box 365
Bruce Cook; Sherry Cook	31 High Top Colony Rd
Hightop Colony Road LLC	11620 7th St E
Henry Broadfoot Jr	32 High Top Colony Rd
Terri Cranfield	3313 Hedgerow cir
Dudallie LLC	22 Plymouth Cir
Jesse Quam; Grace Davenport	22 Woodbend Ln
Dudallie LLC	22 Plymouth Cir
Jesse Quam; Grace Davenport	22 Woodbend Ln
Linda Proffitt; Beverly Blankenship; Rowena McClure	1406 Hardsrabble Rd
Linda Proffitt; Beverly Blankenship; Rowena McClure	1406 Hardsrabble Rd
Randall Poe Jr; Kathryn Poe	25 Chestnut Lodge Rd
Byrneville LLC	11620 7th St E
The Stepp Nicols Co Inc	PO Box 1338
Andrew Henderson; Rachael Hoch	4 Last Resort Rd
Timothy Bumbarger; Mary Beth Bumbarger	14 High Top Colony Rd
Michael Duckworth; Ruth Duckworth	18 High Top Colony Rd
William P and Vickie L Witcraft Joint Revocable Living Trust	59 Old Lakey Gap Rd
Natalie Clevenger; Sarah Rhymer	15 Ruth St

ners

City	State	Zip	PIN
Black Mountain	NC	28711	60889855300000
Black Mountain	NC	28711	60889866300000
Black Mountain	NC	28711	60889877300000
Black Mountain	NC	28711	60889887300000
Black Mountain	NC	28711	60889898300000
Black Mountain	NC	28711	60899147500000
Black Mountain	NC	28711	60899354700000
Treasure Island	FL	33706	60899486600000
Black Mountain	NC	28711	60899535400000
Trent Woods	NC	28562	60899929700000
Asheville	NC	28803	60980808400000
Black Mountain	NC	28711	60980811700000
Asheville	NC	28803	60980909200000
Black Mountain	NC	28711	60980933000000
Burnsville	NC	28714	60990111500000
Burnsville	NC	28714	60990136300000
Black Mountain	NC	28711	60990225000000
Treasure Island	FL	33706	60990529300000
Black Mountain	NC	28711	60990965800000
Black Mountain	NC	28711	61809042500000
Black Mountain	NC	28711	61809073900000
Black Mountain	NC	28711	61809664600000
Black Mountain	NC	28711	61900008700000
Black Mountain	NC	28711	61900477600000



Town of Black Mountain

160 Midland Avenue ♦ Black Mountain, North Carolina, 28711
Phone: 828-419-9300 ♦ Fax: 828-669-2030 ♦ TDD: 1-800-735-5962

NOTICE OF PUBLIC MEETING FOR MAJOR SUBDIVISION REQUEST

Date: November 7, 2025

To: Property Owners within 200 feet of the subject property located at: 37 Old Lakey Gap Rd

RE: Public Meeting for Major Subdivision Application #MASU-25-0001

Dear Property Owner:

Please be advised that an application for a major subdivision has been filed with the Town of Black Mountain Planning and Development Office concerning the property at 37 Old Lakey Gap Road. This notice is being sent to you because your property is adjacent to or within two hundred feet (200') of the subject property. **Please note that this is a public meeting only.**

Applicant Information:

- Applicant Name: High Top Colony Road LLC

Property Information:

- Property Address: 37 Old Lakey Gap Road
- Parcel Identification Number: 0608-99-4866.00000
- Current Zoning: TR-4
- Total Acreage: 12.7 acres
- Number of Lots Proposed: 13

Public Meeting Details:

A public meeting will be held to consider the preliminary plat for this application. Again, this is a public meeting only.

- Date: Monday, November 17, 2025
- Time: 6:00 p.m.
- Location: Town Hall, 160 Midland Avenue, Black Mountain, NC 28711

How to Learn More:

- Review the Application:
<https://blackmountainnc.v8.civicclerk.com/Meetings/Agenda?id=682>
- Contact the Planner: Russell Cate: 828-419-9373 or russell.cate@tobm.org



Town of Black Mountain

160 Midland Avenue ♦ Black Mountain, North Carolina, 28711
Phone: 828-419-9300 ♦ Fax: 828-669-2030 ♦ TDD: 1-800-735-5962

The meeting is open to the public.

Sincerely,

Jennifer Tipton

Jennifer Tipton
Senior Admin/Clerk to Planning Board
Town of Black Mountain Planning and Development Department



TOWN OF BLACK MOUNTAIN

STAFF REPORT: Major Subdivision – 070092305300000 (334 North Fork Rd.)

Prepared for November 17, 2025, Planning Board Review of Subdivision Plat

REQUEST

Applicant:

Paul Sexton, Three Notch Group, 122 Lyman St., Asheville, NC 28801

Proposal:

Via the major subdivision process, subdivide 070092305300000 (334 North Fork Rd.) into 12 lots

Relevant Ordinance Sections:

Chapter 3 (Subdivisions) of the Land Use Code

- Section 3.1 (Purpose and Applicability)
- Section 3.2 (General Legal Provisions)
- Subsection 3.3.3 (Major Subdivision), which details the steps:
 - Step 1: Technical review meeting with staff with sketch plan (completed on 3/4/2025).
 - Step 2: Planning Board review of sketch plan (10/27/2025).
 - Step 3: Planning Board review of preliminary plat (11/17/2025). Planning Board takes one of three actions on the preliminary plat:
 - approve;
 - approve with modifications;
 - or, deny.
 - Step 4: Applicant submits construction drawings and supporting documentation for each phase or phases of development; if the preliminary plat was approved with modifications by the Planning Board (**Step 3**), the applicant submits a revised plat reflecting such changes.
 - Step 5: Applicant installs or guarantees required improvements and/or infrastructure.
 - Step 6: Applicant submits final plat (must be done within two years of Planning Board approval of preliminary plat).
 - Step 7: Subdivision administrator takes one of three actions on final plat within 15 days of submission of the final plat: approve, disapprove, or approve subject to minor modifications. As part of this step, applicant files the plat for recording with Buncombe County. No permits shall be issued by the Town for individual lots until the plat is recorded with the county.
- Section 3.4 (Subdivision Requirements), which details the requirements for sketch plans, preliminary plats, and final plats
- Section 3.5 (Subdivision Design Standards), which details requirements for:
 - Lots
 - Streets
 - Utilities (water supply and sanitary sewage collection and disposal)
 - Entryways to Subdivisions
 - Pedestrian Circulation (internal pedestrian circulation and points of connectivity with exterior transportation corridors)
 - Open Space
 - Improvement Guarantees
 - Traffic Impact Analysis (applicable if 798 or more daily trips will be generated)
- Section 3.6 (Dedication and Closures of Rights-Of-Way or Easements to the Town) (if applicable)



Chapter 4 (Zoning) of the Land Use Code

- Section 4.7.15 (Dimensional Requirements by Zoning District)
 - Town Residential (TR-4): minimum lot size: ¼ acre; minimum lot width: 40 feet (15 feet at street); minimum lot depth: 80 feet

Article IX (Stream Buffer Protection Standards) of Chapter 20 (Environment) of the Code of Ordinances

DETAILS OF PROPOSAL

The following is an overview of the parcel and a summary of the subdivision application:

The property is in the Town Residential (TR-4) zoning district. The clip below is from Buncombe GIS – pale yellow is TR-4, dark purple is Suburban Residential (SR-2), and light purple is Conservation Residential (CR-1). (Image is *Post Helene* 2024.)





The surrounding lots are:

	North	South	East	West
Adjacent Zoning Designation	CR-1	324 North Fork Rd., which borders to the south and east, is split-zoned. The portion that borders to the south is TR-4; the portion that borders to the east is SR-2.		CR-1
Adjacent Land Uses	Single-Family Residences	Single-Family Residence		Town of Black Mountain golf course

The ***Purpose and Intent*** of the TR-4 zoning district is:

The town residential district is established to allow for a variety of housing types while maintaining an overall residential character with medium density. Any use which, because of its characteristics would interfere with the residential nature of the area is excluded.

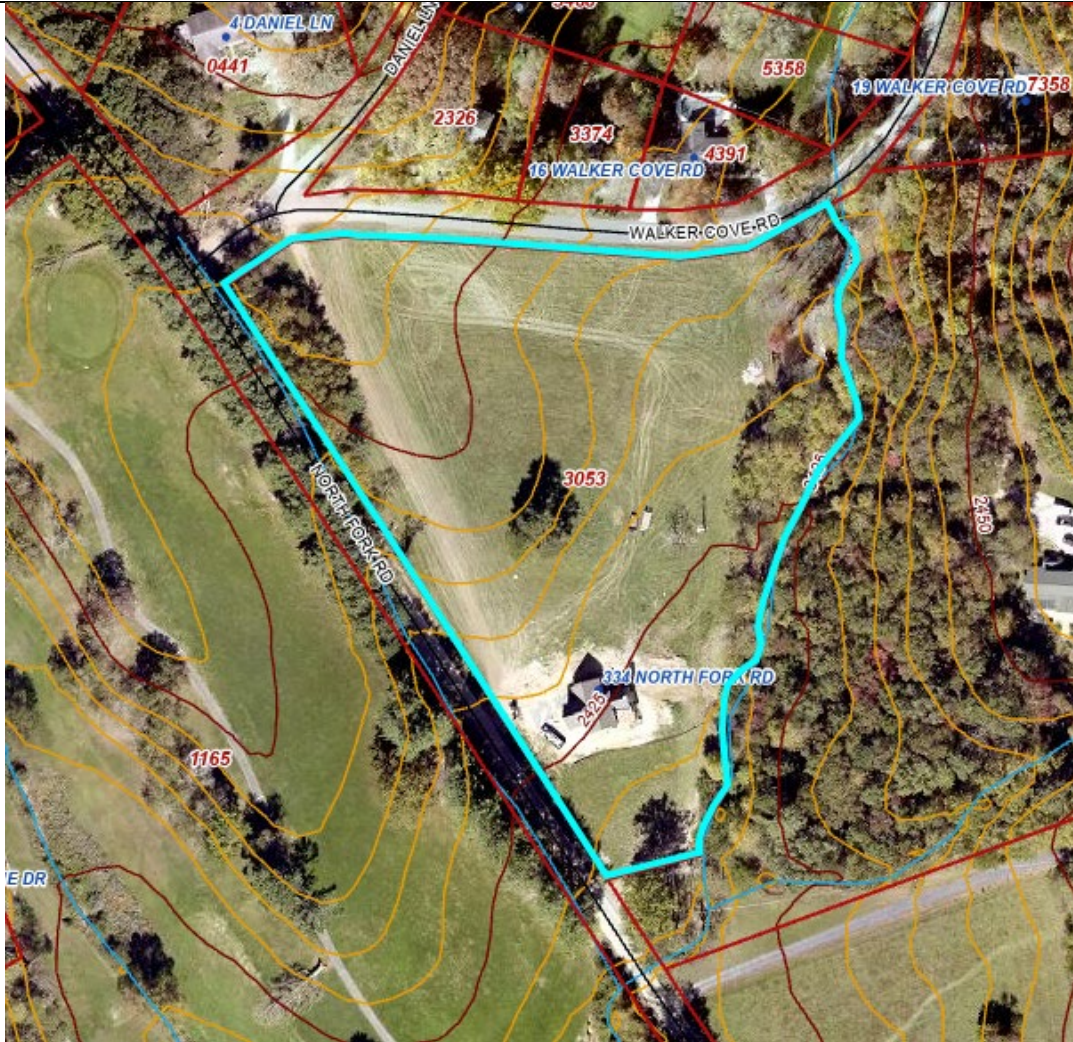
Reference: Section 4.7.3 (Town Residential District – TR-4) of Chapter 4.

Existing Conditions

According to the applicant's engineer-stamped draft preliminary plat, the parcel is 4.38 acres (190,792 square feet) in size. The Buncombe County Property Record Card lists the following structure on the parcel: 2,704 square foot single-family residence built in 2024.

The overall slope of the lot is 8.75 percent (according to <https://www.mapwnc.org/find-slope-for-parcel>).

Below is a clip from Buncombe GIS with the *5 Foot Contours*, and *Stream & River* layers turned on. The property is within 50 feet of a USGS 'watercourse' on the east side of the parcel that is also a waterway classified by the NC Department of Environmental Quality: Tomahawk Branch. (The property is not in the 100-year floodplain.) Image is *Post Helene 2024*.



ANALYSIS

CONSISTENCY WITH ADOPTED POLICY GUIDANCE:

The applicant incorporated feedback on their sketch plan that was conveyed by the Planning Board at their 10/27/2025 meeting (*Step 2*).

Step 3 is Planning Board review of sketch plan as described in Section 3.3.3 (Major Subdivision):

Step 3: Planning board review and approval of preliminary plat

- A. The applicant shall submit preliminary plat to the subdivision administrator who shall place the item on the agenda of the next regularly scheduled planning board meeting along with his or her recommendation as to whether the preliminary plat should be approved.
- B. Notice shall be given as provided in section 1.5.4.F.



- C. Before the planning board reviews the preliminary plat, the following agencies shall be given an opportunity to make recommendations concerning the proposed subdivision plat:
1. The district highway engineer as to the any proposed state streets, state highways, and related drainage systems;
 2. The county health director, public works director, MSD representative, and representatives of any other local public utility, as appropriate, as to proposed water or sewerage systems;
 3. The fire marshal; and
 4. The stormwater and floodplain administrator(s).
- D. The planning board shall review the plat for conformity with the requirements of this land use code and shall either approve, approve with modifications, or deny the application for approval of the preliminary plat.

Sections 3.4 (Subdivision Requirements) and 3.5 (Subdivision Design Standards) list the requirements for preliminary plats and final plats. Staff review found the following:

The sketch plan must contain the following information at a minimum (per Sec. 3.4.1 [Sketch Plans]):	✓ = staff analysis finds that the required element is on the sketch plan
1. The name of the subdivision, the proposed use and the name, address, and phone number of the owner.	✓ Myers North Fork Road Subdivision. David Myers, 56 Legacy Lane, Blk Mtn 28711
2. A vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads, or nearby buildings and their zoning and uses.	✓
3. The boundaries of the tract.	✓
4. Total acreage of the tract and the portion of the tract to be subdivided.	✓
5. Location of significant natural features such as water courses, ponds, rock outcroppings or forest.	✓ Tomahawk Branch , along the east side of the parcel, including the <i>Stream Buffer</i> , is depicted; this complies with the requirements of the Stream Buffer Protection Standards.
6. Topography at five-foot intervals and the location of existing drainages or swales.	✓
7. Location of flood hazard areas from FIRM map.	N/A
8. Location of existing or proposed utilities.	✓
9. Existing street and lot layout and dimensions, including rights-of-way.	✓
10. Proposed new lot layout and dimensions and any rights-of-way or driveways to be built. Road specifications are indicated in the Town of Black Mountain Standards and Details Manual.	✓



11. Designated open space, greenway or park space that is a minimum of five percent of the total land area of the original tract. Designation of easements to the town for parks and greenways according to the town's pedestrian plan, greenway master plan or recreation and parks plan can qualify for the dedicated open space requirement but must be approved by the town council and planning board in consultation with the planning director and the recreation and parks directors.	✓ 1.32 acres (56,905 SF) of open space is proposed. 1.32 acres is 30% of the parcel size of 4.38 acres (190,792 SF).	
12. Sidewalks or greenways which serve all occupiable lots and of equal or greater linear feet than the total linear footage of the subdivision road. Linear greenway easements may count toward the five-percent open space requirement.	✓ The following is shown: <i>4' Wide Mulch Pathway to Common Open Space / 10' Access Easement (5' Each Side of Path)</i>	
13. A statement from the town water department and/or MSD that adequate water and sewer service may be provided to the lot(s). If the subdivider intends to use on-site septic, then a statement from the Buncombe County Health Department must be included that indicates that the created lots have septic or are appropriate for septic systems. (Sec. 3.5 requirement: At the time of submitting the preliminary subdivision plat, the applicant must submit "satisfactory evidence as to the proposed method and system of water supply and sanitary sewage collection and disposal.")	✓ WATER: Applicant submitted a statement from Chris Sloan, Operations Manager, Public Works Department, dated 3/25/2025 confirming water availability. MSD: Applicant submitted a completed MSD <i>Wastewater Allocation Request</i> dated 4/28/2025 with the following information: - Manhole Connection Point: "12 Lot subdivision connecting to MSD Manhole #57-101335." - Project Description: Proposed 12 lot subdivision with frontage on two existing roads (North Fork Rd., Walker Cove Rd.). Proposed installation of six new manholes and 479 linear feet of 8" sewer main."	
REPORT PREPARATION		
This report was prepared by Planning Department staff member Russell Cate, Planner/Zoning Administrator, and reviewed by Michelle Kennedy, Planning Director.		



Record Report for Major Subdivision #MASU-25-0002

Record Overview

Record Number: MASU-25-0002

Record Type: Major Subdivision

Record Status: In Progress

Record Submitted At: Monday October 13, 2025

Record Address: 334 NORTH FORK RD, 28711

Record Owner: Jennifer Tipton

Record Applicant: Paul Sexton

Form Submission

Applicant:

Paul Sexton

122 Lyman Street

Asheville, NC 28801

paul.sexton@3notch.com, (828) 273-9927

Zoning District: TR-4

Subdivision Name: Myers North Fork Road Subdivision

Property
Location: 334 NORTH FORK RD, 28711

PIN #: 700923053

Deed Book / Page: 6396/1767

Total Site Area (acres): 4.99

Max Allowable Lot Density Standard: 4 per acre

Max # of Lots Allowable: 20

Proposed # of Lots: 12

Min. Allowable Lot Area: 0.25

Proposed Min. Lot Area: 0.25

Average Lot Area: 0.29

Min. Allowable Lot Width: 40

Proposed Min. Lot Width: 44.6

Min. Open Space Area: 0.75

Proposed Open Space Area: 1.31
Proposed Open Space Use: Pond Detention & Open/Green Area
Proposed Future Development Site Area: N/A
Proposed Impervious Surface Area: 1.2 Acres
Proposed Impervious Surface Coverage (%): 24
Site Area within Area of Special Flood Hazard Area: 0
Site Area within Floodway: 0
Slope of Site: 9.6
Name of Access or Adjacent Street: North Fork Road
Right of Way Width (ft): 30
Pavement Width (ft): 19
Number of Lanes: 2
Traffic Volume: Not determined
Estimated Traffic Generated: 12
Owner Information:

David Myers
56 Legacy Lane
Black Mountain, NC 28711
davidmyers32@gmail.com, (828) 273-8679

Developer Information:

David Myers
davidmyers32@gmail.com, (828) 273-8679

Engineer / Consultant Information:

Paul Sexton
paul.sexton@3notch.com, (828) 273-9927

Registered Surveyor Information:

Paul Sexton
paul.sexton@3notch.com, (828) 273-9927

Applicant Signature:



Signed in GovWell: Monday October 13, 2025, 10:35am

Generated Documents

No documents generated

Activity History

Email
October 14, 2025, 11:28am

Subject: #MASU-25-0002 | New Plan Set For Review (Paul Sexton) (334 NORTH FORK RD, 28711)
To: Russell Cate

Plan Review Routed
October 14, 2025, 11:28am

Jennifer Tipton routed the plan set for review to Russell Cate.

Email
October 13, 2025, 2:08pm

Subject: #MASU-25-0002 | Thank You For Your Payment (Paul Sexton) (334 NORTH FORK RD, 28711)
To: Paul Sexton

Email
October 13, 2025, 2:08pm

Subject: #MASU-25-0002 | New Task - Route for Plan Review (Paul Sexton) (334 NORTH FORK RD, 28711)
To: Russell Cate

Payment
October 13, 2025, 2:08pm

Paul Sexton paid fees in the amount of \$1,348.32.

Email
October 13, 2025, 12:09pm

Subject: #MASU-25-0002 | Payment is Required (Due on 10/13/25) (Paul Sexton) (334 NORTH FORK RD, 28711)
To: Paul Sexton

Payment
October 13, 2025, 12:09pm

Jennifer Tipton requested fees in the amount of \$1,348.32.

Email
October 13, 2025, 11:30am

Subject: #MASU-25-0002 | Update On Your Submission (Paul Sexton) (334 NORTH FORK RD, 28711)
To: Paul Sexton

Email
October 13, 2025, 11:30am

Subject: #MASU-25-0002 | New Task - Add Fees (Paul Sexton) (334 NORTH FORK RD, 28711)
To: Jennifer Tipton

Status Changed
October 13, 2025, 11:30am

From: Submitted
To: In Progress

Application Review Completed
October 13, 2025, 11:30am

Jennifer Tipton reviewed the application and marked it as complete.

Email
October 13, 2025, 10:35am

Subject: #MASU-25-0002 | New Task - Review Application (Paul Sexton) (334 NORTH FORK RD, 28711)
To: Jennifer Tipton

Email
October 13, 2025, 10:35am

Subject: #MASU-25-0002 | Black Mountain: Submission Received and Status Tracker (Paul Sexton) (334 NORTH FORK RD, 28711)
To: Paul Sexton

Record Submitted

October 13, 2025, 10:35am

Paul Sexton submitted the application.

PRELIMINARY PLAT LEGEND

- EXIST. BOUNDARY
EXIST. ADJOINER
EXIST. STREAM
EXIST. STREAM BUFFER
EXIST. WETLAND
STM
NEW STORM EASEMENT
NEW SEWER EASEMENT
NEW WATER EASEMENT
NEW PROPERTY LINES
NEW RIGHT OF WAY
P-W/E
P-S/E
BUILDING SETBACK LINE

SITE AND ZONING NOTES

PROPERTY ZONING: TR-4
LINEAR FEET OF ROAD: N/A
MINIMUM LOT SIZE: 10,890 SF
MAXIMUM BUILDING HEIGHT: 35'
SETBACKS:
FRONT: 20'
REAR: 15'
SIDE: 10'
MAXIMUM DENSITY ALLOWED: 4 UNITS PER ACRE
MAXIMUM UNITS ALLOWED: 17
PROPOSED NUMBER OF UNITS: 12
PROPOSED DENSITY: 2.74 UNITS PER ACRE
*ALL DIMENSIONS ARE FROM EDGE OF ASPHALT, FACE OF CURB, FACE OF WALL, OR FACE OF BUILDING UNLESS OTHERWISE NOTED.
*ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF DETAILS, SPECIFICATIONS, AND OTHER DEVELOPMENT ORDINANCES OF BLACK MOUNTAIN.
*SUBDIVISION IS NOT A DRASTIC VARIATION HILLSIDE DEVELOPMENT (VHD).
*NO LOT SLOPE PERPENDICULAR TO THE ROAD EXCEEDS 18%
*NO STREET LIGHTNING IS PLANNED TO BE INSTALLED IN THE DEVELOPMENT.
UTILITIES
1) PHONE, CABLE, GAS, AND POWER TO BE PROVIDED BY THE RESPECTIVE PUBLIC UTILITY COMPANIES.
2) PUBLIC WATER TO BE PROVIDED BY TOWN OF BLACK MOUNTAIN.
3) SEWER TO BE PROVIDED BY METROPOLITAN SEWER DISTRICT.

DEVELOPMENT DATA

PROPERTY ADDRESS: 334 NORTH FORK ROAD
BLACK MOUNTAIN, NC 28711
PIN NUMBER: 0700-92-3053
PROPERTY SIZE: 4.38
ZONING REVIEW: BLACK MOUNTAIN
EROSION CONTROL REVIEW: BUNCOMBE COUNTY
STORMWATER REVIEW: BLACK MOUNTAIN
ZONING CLASSIFICATION: TR-4
PROPERTY OWNER: DAVID MYERS BUILDERS, INC.
DAVIDMYERS32@GMAIL.COM
828-273-8679
ADDRESS: 334 NORTH FORK ROAD
BLACK MOUNTAIN, NC 28711
DEVELOPER: DAVID MYERS BUILDERS, INC.
CONTACT: DAVID MYERS
ADDRESS: 56 LEGACY LANE
BLACK MOUNTAIN, NC 28711
EMAIL: DAVIDMYERS32@GMAIL.COM
PHONE: 828-273-8679
ENGINEER: THREE NOTCH GROUP, INC.
CONTACT: PAUL SEXTON, PE
ADDRESS: 122 LYMAN ST
ASHEVILLE, NC 28801
EMAIL: PAUL.SEXTON@3NOTCH.COM
PHONE: 828-232-4700

LINE	BEARING	DISTANCE
L1	S 20°39'18" E	19.70'
L2	S 28°18'23" E	11.42'
L3	S 34°52'06" E	22.79'
L4	S 13°15'04" E	14.01'
L5	S 33°26'43" W	31.65'
L6	S 04°02'01" W	16.72'
L7	S 10°27'00" E	17.97'
L8	S 03°37'01" W	21.96'
L9	S 15°09'57" E	43.56'
L10	S 04°59'37" E	9.79'
L11	S 40°15'55" W	59.15'
L12	S 27°05'45" W	29.52'
L13	S 29°31'56" W	38.52'
L14	S 22°49'19" W	27.36'
L15	S 17°47'12" W	32.40'
L16	S 17°03'38" W	22.05'
L17	S 12°09'33" E	16.08'
L18	S 21°23'19" W	15.25'
L19	S 54°04'50" W	17.47'
L20	S 44°34'23" W	16.11'
L21	S 17°42'07" W	15.01'
L22	S 04°30'04" W	25.96'
L23	S 00°52'12" E	17.06'
L24	S 04°24'05" E	31.16'
L25	S 32°49'57" W	23.06'
L26	S 30°44'20" W	21.45'
L27	S 18°05'36" W	12.15'
L28	S 02°02'41" W	11.08'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	125.00'	82.96'	81.45'	S 77°24'34" W
C3	235.00'	13.02'	13.01'	N 85°07'58" W
C4	235.00'	77.73'	77.37'	S 83°48'18" W
C5	235.00'	62.27'	62.08'	S 66°44'20" W

I hereby certify that the preliminary subdivision plat shown hereon has been found to comply with the subdivision regulations of the Town of Black Mountain, North Carolina, and that this plat was approved by the Planning Board on _____.

Date

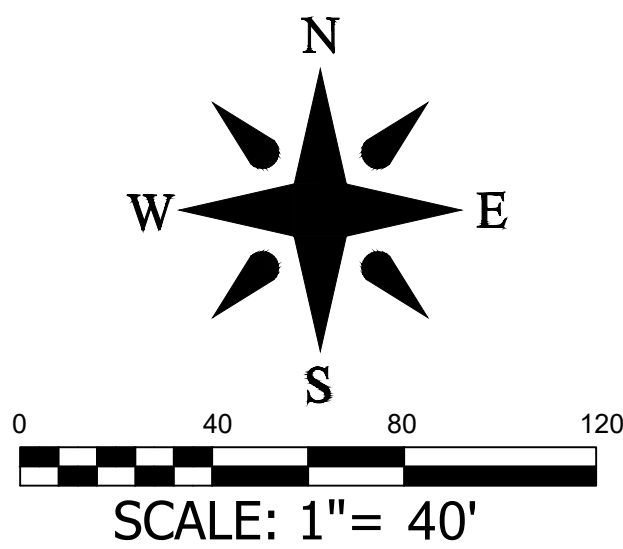
Subdivision Administrator

State of North Carolina	
Buncombe County	
I, <u>Paul Sexton</u> , certify that this plat was (drawn by me/under my supervision) from an actual survey by me/made under my supervision. Deed description recorded in Book __, Page __; and boundaries not surveyed are shown as broken lines plotted from information found in Book __, Page __ and that this map was prepared in accordance with G.S. 47-30, as amended. Witness my original signature, registration number and seal this <u>6th</u> day of <u>Nov</u> , A.D. 2025.	

MYERS - NORTH FORK ROAD SUBDIVISION
NORTH FORK ROAD
BLACK MOUNTAIN, NC 28711

THREE NOTCH GROUP
PRELIMINARY - NOT FOR CONSTRUCTION

PROJECT NO: 8719302002
SHEET NO: 1
DATE: 11/06/2025
SCALE: AS SHOWN
DRAWING TITLE: PRELIMINARY PLAT
C-1.1



DATE:	10/09/2025
REVISION/SUBMISSION	1 PRELIMINARY PLANNING 2 PRELIMINARY PLAT
NO.	1
PROFESSIONAL SEAL	11/06/2025 NORTH CAROLINA PROFESSIONAL LAND SURVEYOR NO L-4447 PAUL E. SEXTON Paul Sexton
COA:	C-4973
ADDRESS:	122 LYMAN STREET SUITE 10 ASHVILLE, NC 28801 (828) 232-4700

JOSH STEIN
Governor
D. REID WILSON
Secretary
RICHARD E. ROGERS, JR.
Director



October 1, 2025

DWR #20251247
Buncombe County

W. David Myers Builders, Inc.
Attn: William David Myers
56 Legacy Lane
Black Mountain, NC 28711

Delivered via email to: davidmyers32@gmail.com

Subject: On-Site Stream Determination

Project Name: Myers Black Mountain Subdivision

Site Address / Location: 334 N Fork Road, Black Mountain, NC 28711 [PIN #070092305300000]

Dear Mr. Myers,

On September 29, 2025, NC Division of Water Resources (Division) staff Tyler McGuire conducted an on-site review of features located on the subject property at the request of William David Myers/W. David Myers Builders, Inc. in accordance with the standardized **"Methodology for Identification of Intermittent and Perennial Streams and Their Origins"** which includes the North Carolina Stream ID Manual Version 4.11.

The feature is shown as a blue line on the most recent copy of the USGS topographic map at 1:24,000 scale (see attached figures). The table below reflects all Division stream determinations conducted during the site visit. There may be other regulated waters, streams or other features located on the property that do not appear on the maps referenced above. Any waters, streams, or other features on the site, including the features identified in this letter, may be considered jurisdictional according to the US Army Corps of Engineers and subject to the Clean Water Act.

Feature ID	E/I/P/ Other	Start @	Stop @
Reach 1	Ephemeral	Northwest Corner of Parcel	Southern Corner of Parcel



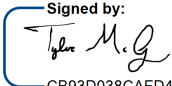
North Carolina Department of Environmental Quality | Division of Water Resources
Asheville Regional Office | 2090 U.S. Highway 70 | Swannanoa, North Carolina 28778
828.296.4500

This on-site determination shall expire five (5) years from the date of this letter. The owner (or future owners) should notify the Division (and other relevant agencies) of this decision in any future correspondences concerning this property. Landowners or affected parties that dispute this determination made by the Division may request a determination by the Director of Water Resources. **This determination is final and binding, unless an appeal request is made within sixty (60) calendar days of the date of this letter to the Director in writing.**

<i>If sending via U.S. Postal Service:</i> Stephanie Goss - DWR 401 & Buffer Permitting Branch Supervisor 1617 Mail Service Center Raleigh, NC 27699-1617	<i>If sending via delivery service (UPS, FedEx, etc.)</i> Stephanie Goss -DWR 401 & Buffer Permitting Branch Supervisor 512 N Salisbury St. Raleigh, NC 27604
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This letter only addresses the applicability of the stated regulations on the features identified on the subject property and/or within the proposed project area. This letter does not approve any activity within buffers or within waters of the state. There may be other regulated waters, streams or other features located on the property that do not appear on the maps referenced above. Any waters, streams, or other features on the site, including the features identified in this letter, may be considered jurisdictional according to the US Army Corps of Engineers and subject to the Clean Water Act. If you have any additional questions or require additional information, please contact Tyler McGuire at (828) 296-4662 or Tyler.McGuire@deq.nc.gov. This determination is subject to review as provided in Articles 3 & 4 of G.S. 150B.

Sincerely,

Signed by:

CB93D038CAFD47F...

Tyler McGuire
NC Department of Environmental Quality
Division of Water Resources
Water Quality Operations Section
Asheville Regional Office

Enclosures: USGS Topographical Map

Electronic cc: Paul Sexton, Three Notch Group, Inc.
Mitchell Anderson, USACE Asheville Regulatory Field Office
DWR, Asheville Regional Office

Filename: 20251247_MyersBlackMountainSubdivision_StreamDetermination





From: United States Geological Survey. Montreat Quadrangle. 1:24,000 Scale. 7.5 Minute Series. Reston, VA: United States Department of the Interior, USGS 2022.





Metropolitan Sewerage District

OF BUNCOMBE COUNTY, NORTH CAROLINA

Wastewater Allocation Request

Complete all appropriate items and return to:

MSD / Planning and Development
2028 Riverside Drive
Asheville, NC 28804
828-254-9646

Attention: System Coordinator: sewerapplications@msdbc.org

1) Person requesting Allocation – (party to receive allocation letter)

Name: Paul Sexton
Address: 122 Lyman Street
Phone: 828-273-9927
E-mail (Required): paul.sexton@3notch.com
Company: Three Notch Group, Inc.

2) Developer Information:

Name: David Myers
Address: 56 Legacy Lane, Black Mountain, NC 28711
Phone: 828-273-8679
E-mail (Required): davidmyers32@gmail.com
Company: W. David Myers Builders, Inc.

3) Name and Location Information:

Name of Project: Myers Black Mountain Subdivision
Pin: 0700923053
Street: North Fork Road/Walker Cove Road

4) Scope of Project and Connection Point with Manhole Number: 12 Lot Subdivision connecting to MSD Manhole #57-101335

Brief Description of Project: Proposed 12 lot subdivision with frontage on two existing roads North Fork Road & Walker Cove Road. Proposed installation of 6 new manholes and 479 linear feet of 8" sewer main.

Residential: # of units 12 # of bedrooms 4

Non-residential: # of employees _____ # of seats _____

Estimate Discharge*: 3600 GPD (75 gallons per bedroom)**

*Please use: 15A NCAC 02T .0114 Wastewater Design Flow Rates except for residential.

**MSD has an agreement with NCDEQ to use 75 GPD/Bedroom

5) Connection Information:

Tap size: (circle) 4 6 8 Other _____

6) Water Source: Black Mountain

For ALL Allocation Requests provide the following information:

- ☐ A site plan showing property/properties to be served
- ☐ Plan showing proposed route to existing MSD sewer with topographic information
- ☐ Connection point to MSD sewer

The Metropolitan Sewerage District will only consider gravity sewer extensions to the existing District sewerage system.

(Form continues, NEXT PAGE)

7) Projects that involve **FOOD SERVICE** or **FERMENTED BEVERAGE PRODUCTION, NON-DOMESTIC** or **INDUSTRIAL WASTE**:

Require additional review by Industrial Waste Services.

Food Service Facilities:

MSD Approval is a 2-Step Process:

- 1) you must contact ALAN TAYLOR at: ATaylor@MSDabc.org or pretreatment@msdbc.org to submit plans for review of grease interceptors ("traps") prior to Sewer Service Application/Building permit approval.
- 2) Once the grease interceptor ("trap") is installed, your contractor must contact ALAN TAYLOR again: **(828) 225-8231** to **schedule a final inspection**.
- 3) The C.O. for the project will be on HOLD until the installation is approved.

<http://www.msdbc.org/iw/foodservice.php>

Fermented Beverage Production:

- 1) All breweries, distilleries, cideries, must contact SHANNON BERGERON at: **(828) 225-8230** and/or pretreatment@msdbc.org to submit plans for review of pre-treatment and complete a Brewery Survey prior to Sewer Service Application/Building permit approval.

<http://www.msdbc.org/fermentedbevman.php>

Industrial Waste:

- ☐ Contact SHANNON BERGERON at: **(828) 225-8230** and/or pretreatment@msdbc.org
- ☐ Industrial-Commercial Permit Application and
- ☐ Industrial Waste Survey may be found on the MSD Website:

<http://www.msdbc.org/industrial.php>

Return completed application to:

MSD Planning and Development - Attention: System Coordinator 2028 Riverside Drive Asheville, North Carolina 28804 or via email: sewerapplications@msdbc.org

A \$170.00 non-refundable fee is also required. Payment can be made by Credit Card over the phone; call (828) 254-9646 and ask for a System Coordinator to pay Allocation Fee.

Or a check payable to: "MSD of Buncombe County" may be mailed or delivered to MSD.

The District reserves the right, in its sole and absolute discretion, to approve or decline any allocation approval request.

Name: **Paul Sexton**

Date: **4/28/2025**



Signed

~Protecting Our Natural Resources~

2028 RIVERSIDE DRIVE, ASHEVILLE, NORTH CAROLINA 28804 TELEPHONE: (828)254-9646 FAX: (828)251-4788 WEBSITE: www.msdbc.org

From: [Jennifer Tipton](#)
To: [Paul Sexton](#)
Subject: FW: WATER ALLOCATION
Date: Friday, April 25, 2025 11:36:28 AM
Attachments: [image001.png](#)

You don't often get email from jennifer.tipton@tobm.org. [Learn why this is important](#)

Hi Paul,

I apologize.

This email got lost in my inbox. You can just forward this email to Russell Cate and then he can attach it to the application.

Thank you!

Jennifer Tipton

Senior Admin
828-419-9371



Town of Black Mountain, NC
160 Midland Ave. | Black Mountain NC 28711
www.townofblackmountain.org

Helene Resources: [Black Mountain Strong](#)

Hazard Mitigation Grant Program: [About Hazard Mitigation | NC DPS](#)

Private Property Debris Removal Program: [County Center - What You Need to Know About Debris Removal](#)

Emergency Watershed Protection Program: [County Center - Helene Recovery: USDA Emergency Watershed Protection Program Offers Support for Damaged Infrastructure](#)

From: Christopher Sloan <christopher.sloan@tobm.org>
Sent: Tuesday, March 25, 2025 5:03 PM
To: Jennifer Tipton <jennifer.tipton@tobm.org>
Subject: Re: WATER ALLOCATION

We have water at both locations of Walker Cove and N. Fork Rd



Chris Sloan
Operations Manager
Public Works Department

Town of Black Mountain
304 Black Mountain Ave
Black Mountain, NC 28711
828-419-7203

From: Jennifer Tipton <jennifer.tipton@tobm.org>
Sent: Tuesday, March 25, 2025 5:01 PM
To: Christopher Sloan <christopher.sloan@tobm.org>
Subject: RE: WATER ALLOCATION

An email will be just fine.

Thanks!

Jennifer Tipton

Senior Admin
828-419-9371



Town of Black Mountain, NC
160 Midland Ave. | Black Mountain NC 28711
www.townofblackmountain.org

Helene Resources: [Black Mountain Strong](#)
Hazard Mitigation Grant Program: [About Hazard Mitigation | NC DPS](#)
Private Property Debris Removal Program: [County Center - What You Need to Know About Debris Removal](#)
Emergency Watershed Protection Program: [County Center - Helene Recovery: USDA Emergency Watershed Protection Program Offers Support for Damaged Infrastructure](#)

From: Christopher Sloan <christopher.sloan@tobm.org>
Sent: Tuesday, March 25, 2025 4:55 PM
To: Jennifer Tipton <jennifer.tipton@tobm.org>
Subject: Re: WATER ALLOCATION

Do you need me to send an email or write something.



Chris Sloan
Operations Manager
Public Works Department

Town of Black Mountain
304 Black Mountain Ave
Black Mountain, NC 28711
828-419-7203

From: Jennifer Tipton <jennifer.tipton@tobm.org>
Sent: Tuesday, March 25, 2025 3:36 PM
To: Christopher Sloan <christopher.sloan@tobm.org>
Subject: FW: WATER ALLOCATION

Hey!

I just need a letter for this stating that we have water on North Fork and/or Walker Cove Road. They just have to attach it to their subdivision application. We will do the SDF's when they get ready to get permits.

Thanks!

Jennifer Tipton

Senior Admin
828-419-9371



Town of Black Mountain, NC
160 Midland Ave. | Black Mountain NC 28711
www.townofblackmountain.org

Helene Resources: [Black Mountain Strong](#)

Hazard Mitigation Grant Program: [About Hazard Mitigation | NC DPS](#)

Private Property Debris Removal Program: [County Center - What You Need to Know About Debris Removal](#)

Emergency Watershed Protection Program: [County Center - Helene Recovery: USDA Emergency Watershed Protection Program Offers Support for Damaged Infrastructure](#)

From: Water Dept <csr@tobm.org>
Sent: Tuesday, March 25, 2025 3:29 PM
To: Jennifer Tipton <jennifer.tipton@tobm.org>
Subject: WATER ALLOCATION

Hi, Jennifer,

I spoke with Paul Sexton, earlier today he is asking for a water allocation letter. He said there is no address yet, that the location is for the end of North Fork Rd. where it meets Walker Cove Rd. on the corner. There are 12 lots total, 6 on each road. He said this is a requirement for these lots to provide to the customer, to prove that water service is available.

Here is Paul's contact information, # 828-273-9927, email address – paul.sexton@cde.com.

Thank you,

Tonya Carver
tonya.carver@tobm.org

334 N Fork Road Property Owners

Name	Address	City	State	Zip
Town of Black Mountain	160 Midland Ave	Black Mountain	NC	28711
M Linda Parker Trustee	320 N Fork Rd	Black Mountain	NC	28711
Don Johnson; Martha Johnson	4 Daniel Ln	Black Mountain	NC	28711
Deborah Vingle; Margaret Levings	10 Daniel Ln	Black Mountain	NC	28711
Alvin Johnson; Rose Johnson	6 Walker Cove Rd	Black Mountain	NC	28711
W David Myers Builders Inc	56 Legacy Ln	Black Mountain	NC	28711
Meredith Fowler	10 Walker Cove Rd	Black Mountain	NC	28711
Judy Eubanks	13 Daniel Ln	Black Mountain	NC	28711
Gene Quesinberry; Sandra Quesinberry	16 Walker Cove Rd	Black Mountain	NC	28711
Gene Quesinberry; Sandra Quesinberry	16 Walker Cove Rd	Black Mountain	NC	28711
Gene Quesinberry; Sandra Quesinberry	16 Walker Cove Rd	Black Mountain	NC	28711
Dorothy Vitale	19 Walker Cove Rd	Black Mountain	NC	28711
Spadin Family Revocable Trust	324 N Fork Rd	Black Mountain	NC	28711

PIN
70090116500000
70091949700000
70092044100000
70092158100000
70092232600000
70092305300000
70092337400000
70092346600000
70092439100000
70092535800000
70092548700000
70092735800000
70092906500000



Town of Black Mountain

160 Midland Avenue ♦ Black Mountain, North Carolina, 28711
Phone: 828-419-9300 ♦ Fax: 828-669-2030 ♦ TDD: 1-800-735-5962

NOTICE OF PUBLIC MEETING FOR MAJOR SUBDIVISION REQUEST

Date: November 7, 2025

To: Property Owners within 200 feet of the subject property located at: 334 N Fork Road

RE: Public Meeting for Major Subdivision Application #MASU-25-0002

Dear Property Owner:

Please be advised that an application for a major subdivision has been filed with the Town of Black Mountain Planning and Development Office concerning the property at 334 N Fork Road. This notice is being sent to you because your property is adjacent to or within two hundred feet (200') of the subject property. **Please note that this is a public meeting only.**

Applicant Information:

- Applicant Name: W David Myers Builders Inc

Property Information:

- Property Address: 334 N Fork Road
- Parcel Identification Number: 0700-92-3053.00000
- Current Zoning: TR-4
- Total Acreage: 4.99 acres
- Number of Lots Proposed: 12

Public Meeting Details:

A public meeting will be held to consider the preliminary plat for this application. Again, this is a public meeting only.

- Date: Monday, November 17, 2025
- Time: 6:00 p.m.
- Location: Town Hall, 160 Midland Avenue, Black Mountain, NC 28711

How to Learn More:

- Review the Application:
<https://blackmountainnc.v8.civicclerk.com/Meetings/Agenda?id=682>
- Contact the Planner: Russell Cate: 828-419-9373 or russell.cate@tobm.org



Town of Black Mountain

160 Midland Avenue ♦ Black Mountain, North Carolina, 28711
Phone: 828-419-9300 ♦ Fax: 828-669-2030 ♦ TDD: 1-800-735-5962

The meeting is open to the public.

Sincerely,

Jennifer Tipton

Jennifer Tipton
Senior Admin/Clerk to Planning Board
Town of Black Mountain Planning and Development Department