



TOWN OF BLACK MOUNTAIN

160 Midland Avenue ♦ Black Mountain ♦ N.C. ♦ 28711

Phone: (828) 419-9300 ♦ Fax: (828) 669-2030

MEMORANDUM

To: Town of Black Mountain Planning Board
From: Jennifer Tipton, Senior Admin
Re: Agenda Packet for November 23, 2020
Date: November 16, 2020

The **Town of Black Mountain Planning Board** will meet on **Monday, November 23, 2020, at 6:00 p.m.** electronically via Zoom.

Please find the following items for your information and use at the meeting:

1. The proposed agenda;
2. Draft minutes from October 26, 2020;
3. Potential Road Closure (Goldmont/W College St Alley) and discussion with Jamey Matthews regarding water lines;
4. Proposed Annexation – Brooks Cove Road; and
5. Text Amendment - Cheshire Cottage Court

Please let Jennifer Tipton know if you are **unable** to attend this meeting.
jennifer.tipton@townofblackmountain.org or (828) 419-9371.

The Town of Black Mountain is committed to providing accessible facilities, programs and services for all people in compliance with the American with Disabilities Act. Should you need assistance or a particular accommodation for this meeting, please inform Jennifer Tipton at (828) 419-9371 or by email at jennifer.tipton@townofblackmountain.org.

CC: Jessica Trotman, Planning Director
Jake Hair, Planner
Ron Sneed, Town Attorney



PUBLIC NOTICE

BLACK MOUNTAIN PLANNING BOARD

In order to maintain the safety of Town residents, staff, and the Planning Board, the Planning Board regular meeting scheduled for **Monday, November 23, 2020 at 6:00 p.m. will be conducted electronically using Zoom software** in lieu of its in-person meeting. The Town of Black Mountain Town Hall will not be open for this meeting.

There are three ways the public can participate in the meeting:

1. **Join the meeting through Zoom on your computer or smart device.** **Citizen video feeds will not be enabled. There is no password.*

<https://us02web.zoom.us/j/84828450406>

Meeting ID: 848 2845 0406

If you have not used Zoom before on a computer or smart device, you are encouraged to download the application from their website at [Zoom.us/download](https://zoom.us/download) and try it out prior to the meeting. There is no cost associated with the software or attending the meeting and there are toll free number options to dial in to listen live only.

2. **Join the meeting by telephone (listen only).**

Simply call US Toll-free 1-877-853-5247 or US Toll-free 1-888-788-0099

Meeting ID: 848 2845 0406 followed by the Pound sign (#)

3. **Email or call in your comments or questions prior to the meeting.**

Call in comments prior to the meeting: Clerk to Planning Board at 828-419-9371

Email comments to: jennifer.tipton@townofblackmountain.org


Jennifer Tipton
Clerk to Planning Board

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Posted to the Town Bulletin Board 11/02/2020
www.townofblackmountain.org



**Planning Board Regular Meeting
November 23, 2020**

PROPOSED AGENDA

I. CALL TO ORDER

- Welcome
- Determination of Quorum

II. ADOPTION OF AGENDA

- **Motion:** To adopt the agenda as presented [or as amended]

III. ADOPTION OF MINUTES

- **Motion:** To adopt the minutes of October 26, 2020 as written [or as amended]

IV. OLD BUSINESS

V. NEW BUSINESS

- Potential Road Closure (Goldmont/W College Alleyway) and discussion with Jamey Matthews regarding water lines
- Proposed Annexation – Brooks Cove Road
- Text Amendment - Cheshire Cottage Court

VI. COMMUNICATION FROM PLANNING BOARD

VII. COMMUNICATION FROM STAFF

VIII. ADJOURNMENT

TOWN OF BLACK MOUNTAIN PLANNING BOARD

The Black Mountain Planning Board held its regular meeting on Monday, October 26, 2020 at 6:00 p.m. in Town Hall electronically via Zoom.

I. CALL TO ORDER

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

Chris Collins, Chair
Lauronda Teeple
Chas Fitzgerald
Rick Earley
Jesse Gardner

Absent:

Pam Norton, Vice Chair
Scott Reed

Staff:

Jennifer Tipton, Senior Admin
Jessica Trotman, Planning Director
Jake Hair, Planner

The meeting was called to order at 6:03 p.m. and duly constituted and opened for business with a quorum of five (5) regular members.

II. ADOPTION OF AGENDA

There was one amendment to the agenda and that was to move the road closure from old business to new business, which was just a typo. Lauronda Teeple made a motion to adopt the agenda as amended. The motion was seconded by Chas Fitzgerald and approved by a roll call vote of 5-0.

III. ADOPTION OF MINUTES

There were several amendments to the minutes from September 28, 2020 from Chas Fitzgerald. The amendments were mainly word choice and sentence structure. Chas Fitzgerald made a motion to adopt the minutes of September 28, 2020 as amended. The motion was seconded by Rick Earley and approved by a roll call vote of 5-0.

IV. OLD BUSINESS

None.

V. NEW BUSINESS

1. Road Closure Request – Goldmont and W. College Street Alley

Jennifer Tipton presented the staff report to the board. David and Emily Carmona and Michael and Gretchen Glass submitted a petition to the town to close a fifty foot by fifteen foot portion of a platted alleyway between W. College Street and Goldmont Street. Ms. Tipton said that the petitioners followed the correct procedure to submit the petition and had paid the appropriate fee. Letters of the requested closure were sent to all property owners along the alleyway, which runs from Goldmont Street to US 70 Hwy. Ms. Tipton said that staff had received some phone calls from other property owners who abut the alleyway who would be interested in having the section

Planning Board Regular Meeting
October 26, 2020

behind their houses closed as well. Ms. Tipton explained to the board that they do have the option to recommend further closures of the alleyway and it would be a complimentary application to the petitioner's request and would run about a month behind the petitioner's request. Ms. Tipton went through the criteria for road closures and stated that the alleyway is not identified in any of the adopted town plans, is not a danger to the public, is not part of a drainage system or stormwater system, does not have current or planned future utilities, and is not identified to be a part of a greenway or road. Ms. Tipton did note that further south in the alleyway, there are some utilities, but the town will put in the resolution about reserving the right for maintenance of those utilities. Ms. Tipton also noted that the entire alleyway is encumbered by sheds, satellite dishes, fences, trees, and other objects.

David Carmona, 218 W. College Street, said that he is requesting the closure because he is wanting to build a home office on his property and the additional land would allow him to build without having to do major changes to his driveway.

Brenda Reeves, 88 Goldmont Street, said that she is not in support of the closure and is concerned about encroachment from the neighbor onto her fence line.

Jesse Gardner asked about water lines and that the town is in the process of taking over some of the Asheville water lines and questioned if this area might be needed in the future for water lines. Mr. Gardner said he would like to talk to Public Works Director Jamey Matthews about the water lines. Mr. Gardner also said he was not in support of closing just a small portion and is not a fan of closing rights-of-way in general.

Jesse Gardner made a motion to open up public comment. The motion was seconded by Chris Collins and approved by a roll call vote of 5-0.

Gretchen Glass, 74 Goldmont Street, said that she is in support of her neighbor, Mr. Carmona, expanding his business and that she is also wanting to an addition to her house and the additional land from the closure would make up for the land that would be lost to the addition. Ms. Glass also said that most people along the alleyway had already adopted the space as theirs without going through the process.

Levon Lindsey, 400 S. Oconeechee Avenue, said he was not in support of the closure to help keep the confusion down.

Jesse Gardner made a motion to close public comment. The motion was seconded by Rick Earley and approved by a roll call vote of 5-0.

Chris Collins said he would like to look at the possibility of closing a larger section of the alleyway and was also not in support of closing just a small portion. Ms. Tipton reminded the board that they would have to take action on the submitted petition, but the board has the option to bring the issue back up at their next meeting if they would like to.

Jesse Gardner made a motion to not recommend the road closure to the Board of Aldermen. The motion was seconded by Rick Earley and approved by a roll call vote of 5-0.

VI. COMMUNICATION FROM PLANNING BOARD

Chris Collins asked how the Planning Board's recommendations are given to the Board of Aldermen and it was explained that the Aldermen receive the recommendations in both the cover sheet and the staff report for the particular agenda item.

VII. COMMUNICATION FROM STAFF

Planning Board Regular Meeting
October 26, 2020

Jennifer Tipton just asked all board members to be considering options for the December meeting. The date of the meeting is the Monday after Christmas. Ms. Tipton said the board could go ahead and cancel the meeting or leave the meeting date as it is scheduled.

VIII. ADJOURNMENT

Jesse Gardner made a motion to adjourn at 7:08 p.m. The motion was seconded by Chas Fitzgerald and approved by a roll call vote of 5-0.

Prepared by:

Chris Collins, Chair

Jennifer Tipton, Zoning Administrator



TOWN OF BLACK MOUNTAIN

VOLUNTARY ANNEXATION SUBMITTAL REQUIREMENTS

Only complete submittals will be processed. The following items are required to be submitted to the Planning and Development Department in order for your application to be deemed complete:

- ☒ Original Petition Form Signed by ALL Owners of the property
- ☒ Legal Description of the area to be annexed in both hard and digital (Word) format
- ☒ A complete copy of the last deed of record for each parcel of property to be annexed
- ☒ 3 paper copies of the draft annexation plat prepared by a registered land surveyor including the following information:

- Title block:
Annexation File #: _____
- Vicinity map showing location of property in relation to the primary corporate town limits (indicate where corporate limits are adjacent to the property or the location of the closest point of the primary Town Limits)
- Surveyor's certificate
- The following review officer's certificate:
Review Officer's Certificate
State of North Carolina
Buncombe County
I, _____, Review Officer of Buncombe County, certify that the plat or map to which this certification is affixed meets all statutory requirements for recording.

Review Officer

Date

After the draft annexation plat is approved by Town staff, one (1) mylar and two (2) paper copies of the Annexation Plat as well as ten 11x17 paper copies will be required to be submitted prior to the Public Hearing and official action by the Board of Aldermen.

VOLUNTARY ANNEXATION PETITION FORM

To: **The Town of Black Mountain Board of Aldermen**Date: 10/13/20

We, the undersigned, being all of the owners of the real property described herein, respectfully request that the area described herein be annexed to the Town of Black Mountain pursuant to the provisions of G.S. 160A-31.

The area to be annexed is ☒ contiguous ☐ non-contiguous to the existing Town Limits and the boundaries of such territory are as indicated on the attached map and description.

Parcel Identification Number(s): 0619 88 6353 00000Current County Zoning District: R-1Town Zoning District designation requested: UR8Buncombe County property tax valuation: \$224,600Do you declare vested rights*? ☐ yes ☒ no

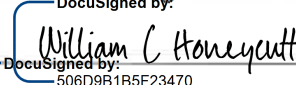
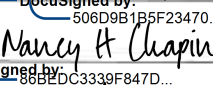
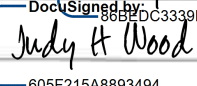
*We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate "yes" and attach proof.)

Are you requesting water service from the Town of Black Mountain? ☒ yes ☐ noNumber of existing residential dwelling units: 0 Number of commercial units: 0

A legal description of the area, complete copy of the last deed of record for each parcel of property to be annexed, and copies of the draft annexation plat prepared by a registered land surveyor are attached. We have also provided the following for your additional information: Please feel free to attach any additional information you feel may help the Board of Aldermen in determining the appropriateness of annexing this parcel into the Town of Black Mountain.

Property Owner(s): Address: Signature: Date:

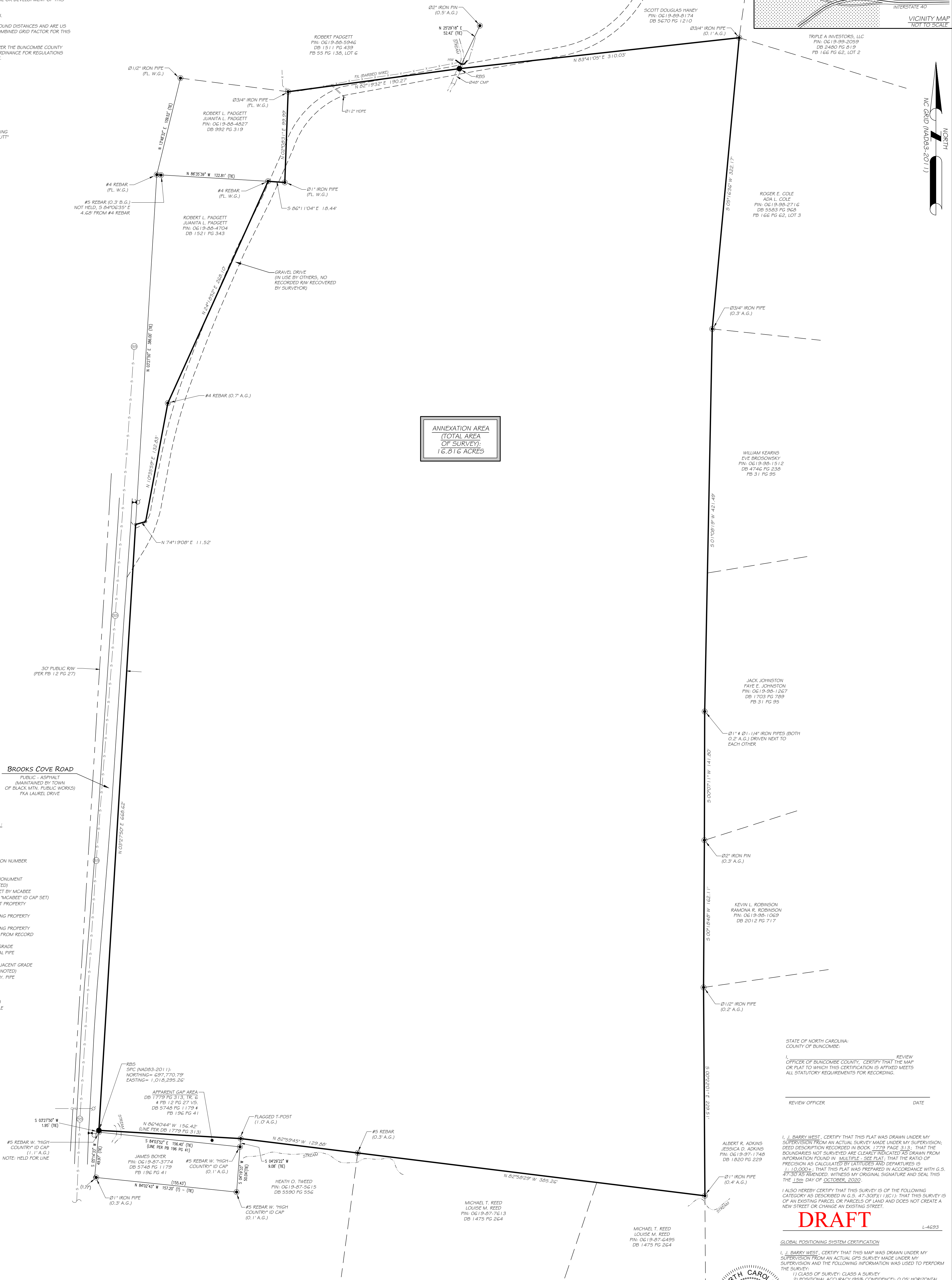
All property owners must sign this petition including husband and wife if jointly owned. Add other sheets as needed.

william C Honeycutt :		11/6/2020
Nancy H Chapin :		11/6/2020
Judy H wood :		11/7/2020

Please Return Completed Applications to the Town of Black Mountain Planning and Development Department, 160 Midland Avenue, Black Mountain, NC 28711, (828) 419-9300.

- 1) THIS PROPERTY IS NOT LOCATED IN A SPECIAL PLANNED HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY PER F.I.R.M.#97-0061-8000, DATED 1/06/2010.
- 2) PROPERTY SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD, INCLUDING, BUT NOT LIMITED TO, THOSE SHOWN HEREON.
- 3) SURVEYOR WAS NOT PROVIDED WITH A LEGAL, TITLE SEARCH, THESE RECORDS, ENCUMBRANCES, EASEMENTS, RESTRICTIONS, COVENANTS, COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS PERTINENT TO THIS PROPERTY THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE THAT AFFECT THE USE OF THIS PROPERTY.
- 4) BUILDINGS, SURFACE AND SUBSURFACE IMPROVEMENTS ADJACENT TO THE SITE ARE NOT NECESSARILY SHOWN. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT SURVEYED OR CONSIDERED AS PART OF THIS SURVEY. NO EVIDENCE OR STATEMENT IS MADE CONCERNING THE EFFECT OF UNDERGROUND CONDITIONS, CONTAMINERS OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY.
- 5) AREA BY COORDINATE COMPUTATION.
- 6) ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES AND ARE US SURVEY FEET MEASUREMENTS. THE COMBINED GRID FACTOR FOR THIS SURVEY IS 0.99976724.
- 7) SUBJECT PROPERTY IS ZONED JR - RIF BE THE BUNCOMBE COUNTY ZONING ORDINANCE. REFERENCE TO THE ORDINANCE FOR REGULATIONS APPLICABLE TO THE SUBJECT PROPERTY.

- DB 1779 PG 313
- DB 765 PG 475
- PB 12 PG 27
- UNRECORDED SURVEY BY MURLEY T. KING
TITLED "SURVEY FOR WILLIAM HONEYCUTT"



J. BARRY WEST, I CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; THE DEED DESCRIPTION RECORDED IN BOOK 1779 PAGE 313; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN MULTIPLE - SEE PLAT; THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 147-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS 15th DAY OF OCTOBER, 2020.

DRAFT

- 1) J. BARRY WEST, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:
- 2) CLASS OF SURVEY: CLASS A SURVEY
- 3) POSITIONAL ACCURACY (95% CONFIDENCE): 0.05' HORIZONTAL
0.10' VERTICAL
- 4) TYPE OF GPS FIELD PROCEDURE: RTK NETWORK SOLUTIONS
USING A SPECTRA PROMARK 7C
DUAL FREQUENCY RECEIVER
- 5) DATE OF SURVEY: 9/25 - 1/01/2020
- 6) DATUM / EPOCH: NAD83 / EPOCH 4/2011
- 7) PUBLISHED FIXED CONTROL DATA: N/A - VES RTN
- 7) GEOID MODEL: G012A
- 8) COMBINED GRID FACTOR: 0.99978224
- 9) GPS SURVEY

ANNEXATION FILE #:

DATE: 10/15/2020
PROJECT #: 1332
DRAWING #: G-20-5292
DRAWN BY: JBW
SCALE: 1" = 50'

CURRENT OWNER:
WM C HONEYCUTT, JR. (ET AL)

[illegible]

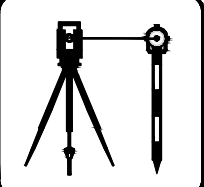
PLAT FOR VOLUNTARY ANNEXATION INTO TOWN OF BLACK MOUNTAIN FOR:

WM C. HONEYCUTT, JR.
(ET AL)

PIN: 0619-88-6353
SITE ADDRESS: N/A - VACANT SITE

BLACK MOUNTAIN TOWNSHIP
BUNCOMBE COUNTY, N.C.

CURRENT OWNER:
EYECUTT, JR. (ET AL)



Eric S. McAbee, PLS Fax (828) 628-1294
J. Barry West, PLS Telephone (828) 628-1295
Wallace S. McAbee, PLS (Emeritus)
3 McAbee Trail Fairview North Carolina, 28730
www.mcabeesurvey.com Firm License Number: C-694

LEGAL DESCRIPTION FOR VOLUNTARY ANNEXATION

BEING LOCATED WITHIN THE BLACK MOUNTAIN TOWNSHIP, BUNCOMBE COUNTY NORTH CAROLINA AND BEING THE PROPERTY RECORDED AND DESCRIBED IN THE DEED RECORDED IN BOOK 1249 PAGE 459 (TRACT 6), SEE ALSO BOOK 765 PAGE 475, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A #4 REBAR WITH "MCABEE" IDENTIFICATION CAP SET ON THE EASTERN MARGIN OF THE THIRTY FOOT PUBLIC RIGHT OF WAY OVER BROOKS COVE ROAD (FKA LAUREL DRIVE); SAID REBAR BEARING STATE PLANE COORDINATES (NAD83-2011) OF: NORTHING= 697,770.79 FEET AND EASTING= 1,018,295.26 FEET; THENCE FROM SAID POINT OF BEGINNING AND RUNNING WITH THE SAID EASTERN MARGIN OF THE PUBLIC RIGHT OF WAY OVER BROOKS COVE ROAD NORTH 03°27'50" EAST A DISTANCE OF 668.62 FEET TO A CALCULATED POINT; THENCE TURNING AND RUNNING WITH THE EASTERN BOUNDARIES OF THE PROPERTIES OF ROBERT & JAUNITA PADGETT (RECORDED IN DEED BOOK 1521 PAGE 343 & DEED BOOK 992 PAGE 319) THE FOLLOWING FIVE COURSES AND DISTANCES: 1) NORTH 74°19'08" EAST A DISTANCE OF 11.52 FEET TO A CALCULATED POINT, 2) NORTH 10°35'59" EAST A DISTANCE OF 132.83 FEET TO A #4 REBAR STANDING 0.7' ABOVE ADJACENT GRADE, 3) NORTH 24°18'52" EAST A DISTANCE OF 268.10 FEET TO A #4 REBAR STANDING FLUSH WITH ADJACENT GRADE, 4) SOUTH 86°11'04" EAST A DISTANCE OF 18.44 FEET TO A 1" DIAMETER IRON PIPE STANDING FLUSH WITH ADJACENT GRADE, AND 5) NORTH 02°08'31" EAST A DISTANCE OF 99.99 FEET TO A 3/4" DIAMETER IRON PIPE STANDING FLUSH WITH ADJACENT GRADE; THENCE TURNING AND RUNNING WITH THE SOUTHERN BOUNDARY OF THE ROBERT PADGETT PROPERTY (RECORDED IN DEED BOOK 1511 PAGE 439) NORTH 82°19'32" EAST A DISTANCE OF 190.27 FEET TO A #4 REBAR WITH "MCABEE" IDENTIFICATION CAP SET OVER A 48" DIAMETER CORRUGATED METAL CULVERT; THENCE RUNNING WITH THE SCOTT DOUGLAS HANEY PROPERTY (RECORDED IN DEED BOOK 5670 PAGE 1210) NORTH 83°41'05" EAST A DISTANCE OF 310.03 FEET TO A 3/4" DIAMETER IRON PIPE STANDING 0.1' ABOVE ADJACENT GRADE; THENCE TURNING AND RUNNING WITH THE ROGER & ADA COLE PROPERTY (RECORDED IN DEED BOOK 5583 PAGE 968) SOUTH 05°16'36" WEST A DISTANCE OF 322.17 FEET TO A 3/4" IRON PIPE STANDING 0.3' ABOVE ADJACENT GRADE; THENCE WITH THE WILLIAM KEARNS & EVE BROSKOWSKY PROPERTY (RECORDED IN DEED BOOK 4746 PAGE 238) AND ALSO WITH A PORTION OF THE JACK & FAYE JOHNSTON PROPERTY (RECORDED IN DEED BOOK 1703 PAGE 789) SOUTH 01°08'19" WEST A DISTANCE OF 421.49 FEET TO 1" AND 1-1/4" DIAMETER IRON PIPES DRIVEN NEXT TO ONE ANOTHER; THENCE CONTINUING WITH THE SAID JOHNSTON PROPERTY SOUTH 00°07'11" WEST A DISTANCE OF 141.80 FEET TO A 2" DIAMETER IRON PIN STANDING 0.3' ABOVE ADJACENT GRADE; THENCE RUNNING WITH THE KEVIN & RAMONA ROBINSON PROPERTY (RECORDED IN DEED BOOK 2012 PAGE 717) SOUTH 00°18'48" WEST A DISTANCE OF 162.11 FEET TO A 1/2" DIAMETER IRON PIPE STANDING 0.2' ABOVE ADJACENT GRADE; THENCE RUNNING WITH THE ALBERT & JESSICA ADKINS PROPERTY (RECORDED IN DEED BOOK 1820 PAGE 229) SOUTH 00°22'01" EAST A DISTANCE OF 229.51 FEET TO A 1" DIAMETER IRON PIPE STANDING 0.4' ABOVE ADJACENT GRADE; THENCE TURNING AND RUNNING WITH THE MICHAEL & LOUISE REED PROPERTY (RECORDED IN DEED BOOK 1475 PAGE 264) NORTH 82°58'29" WEST A DISTANCE OF 385.26 FEET TO A #5 REBAR STANDING 0.3' ABOVE ADJACENT GRADE; THENCE WITH THE PROPERTY OF HEATH O. TWEED (RECORDED IN DEED BOOK 5590 PAGE 556) NORTH 82°59'45" WEST A DISTANCE OF 129.88 FEET TO A FLAGGED T-POST STANDING 1.0' ABOVE ADJACENT GRADE; THENCE NORTH 86°40'44" WEST A DISTANCE OF 156.42 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING 16.816 ACRES.

PREPARED BY: Alfred G. Adams
 VAN WINKLE, BUCK, WALL, STARNES & DAVIS, P.A.
 P. O. BOX 7376, ASHEVILLE, N. C. 28807

State of North Carolina
County of Buncombe,

This Indenture, made this 25th day of July, 1980 by and between

WACHOVIA BANK AND TRUST COMPANY, N.A., Successor Trustee u/w William C. Honeycutt

hereinafter called Grantors, and WILLIAM C. HONEYCUTT, JR., JUDY H. WOOD AND NANCY H. CHAPIN,
 as Tenants in Common hereinafter called Grantees, (said designations shall include the respective parties, whether one or more, individual or corporate, and their respective successors in interest or assigns).

Witnesseth; That the Grantors, for and in consideration of the sum of Ten Dollars, and other good and valuable considerations to them in hand paid by the Grantees, the receipt whereof is hereby acknowledged, have given, granted, bargained, sold and conveyed, and by these presents do give, grant, bargain, sell, convey and confirm unto the Grantees their heirs and/or successors and assigns (subject, however, to any conditions, restrictions, limitations, reservations or exceptions appearing after the description below), the following particularly described real estate, located in Buncombe County, North Carolina, to-wit:

All of Grantors interest whether fractional or otherwise in the properties located in Black Mountain Township of Buncombe County and more particularly described as follows:

TRACT I

BEING that property conveyed by W. N. H. Smith, et al, to W. C. Honeycutt recorded in Deed Book 644, at Page 267, of the Buncombe County, N. C. Register's Office, reference to said Deed Book being made for a more particular description of the property conveyed herein.

TRACT II

BEING that property conveyed by John Howard Littrell and wife, Eula Mae Littrell, to W. C. Honeycutt recorded in Deed Book 713, at Page 197, of the Buncombe County, N. C. Register's Office, reference to said Deed Book being made for a more particular description of the property conveyed herein.

TRACT III

BEING that property conveyed from May Edna Carland to W. C. Honeycutt by deed recorded in Deed Book 713, at Page 198, of the Buncombe County, N. C. Register's Office, reference to said Deed Book being made for a more particular description of the property conveyed herein.

TRACT IV

BEING that property conveyed by L. T. Pierce to R. H. Carland and William C. Honeycutt by deed recorded in Deed Book 487, at Page 231, of the Buncombe County, N. C. Register's Office, reference to said Deed being made for a more particular description of the property conveyed herein.

TRACT V

BEING that property conveyed by Charles Walker and wife, Mattie Belle Walker, to W. C. Honeycutt by deed recorded in Deed Book 734, at Page 51, of the Buncombe County, N. C. Register's Office, reference to said Deed being made for a more particular description of the property conveyed herein.

TRACT VI

BEING that property conveyed by Tom Brown, Commissioner, to W. C. Honeycutt by deed recorded in Deed Book 765, at Page 475, of the Buncombe County, N. C. Register's Office, reference to said Deed being made for a more particular description of the property conveyed herein.

The above described Tracts of land are conveyed subject to easements, restrictions and rights of way of record.

BK 1249 PG 460

The Grantor herein warrants that it has full power and authority to convey the above described property and that the same is free from any lien, encumbrance or other condition affecting the title to the above described premises as placed thereon by the Grantor herein and that it will warrant and defend the title to such property against the claims of any person, firm or corporation claiming by, through or under it, but no further.

To Have and to Hold the above described land and premises, with all the appurtenances thereunto belonging, or in any wise appertaining, unto the Grantees, their heirs and/or successors and assigns forever.

XXXXXX

In Witness Whereof, the Grantors have hereunto set their hands and seals, or, if corporate, has caused this Deed to be executed by its duly authorized officers and its seal to be hereunto affixed, the day and year first above written.

ATTEST:

WACHOVIA BANK AND TRUST COMPANY, N.A.
Successor Trustee u/w William C. Honeycutt

By: William C. Reynolds (SEAL)
Secretary

(SEAL)

(SEAL)

(SEAL)

(SEAL)

(SEAL)

By: G. Wells (SEAL)
President

(SEAL)

(SEAL)

(SEAL)

(SEAL)

State of North Carolina, County of Buncombe
Notary Public of said State and County, certify that William C. Reynolds personally
came before me this day and acknowledged that he is Asst. Secretary of Wachovia Bank and Trust
Company, N.A., a corporation, and that, by authority duly given and as the act of the corporation, the foregoing instrument was signed in
its name by its Vice President, sealed with its corporate seal, and attested by her self as its Asst. Secretary.
Witness my hand and Notarial Seal, this the 25th day of July, 1980..
My commission expires: October 12, 1980
Rita Y. Medford (Hudson), Notary Public

State of _____ County of _____
I, _____, a Notary Public of said State and County, do hereby certify that
personally appeared before me this day and acknowledged the due execution of the foregoing instrument.
Witness my hand and Notarial Seal, this _____ day of _____, 19____.
My commission expires: _____, Notary Public.

State of North Carolina, County of Buncombe
Each of the foregoing certificates, namely of Rita Y. Medford (Hudson)
a notary or Notaries public of the State and County designated is certified to be correct.
This 29th day of July, 1980
Filed for registration on the 29th day of July, 1980
COPYRIGHT 1987 - BUNCOMBE COUNTY BAR ASSOCIATION
Ottie DeBrui
Register of Deeds, Buncombe County
By Parula Bailey Deputy
1980 at 11:15 M.
Ottie DeBrui
Register of Deeds, Buncombe County
By Parula Bailey Deputy

NORTH CAROLINA,
BUNCOMBE COUNTY.

THIS DEED, made this the 7th day of October, 1955, by and between TOM BROWN, Commissioner under a judgment of the Superior Court of said County, in the Special Proceedings entitled, "Tom Brown, Administrator of the Estate of U. G. Brown, deceased, Plaintiff, vs. Birdine Brown, Widow of U. G. Brown, deceased; Rufus T. Brown and wife, Fleeta Brown; Coralee Brown, single; Flora Brown Pruitt and husband, J. H. Pruitt; and Gay Brown Hampton and husband, H. B. Hampton, Defendants", party of the first part, /and W. C. HONEYCUTT, of Buncombe County, North Carolina, party of the second part,

W I T N E S S E T H:

THAT WHEREAS the said Tom Brown, Commissioner, being thereto licensed by a judgment of the Court in said proceedings, did on the 8th day of September, 1955, pursuant to an order of the Superior Court of Buncombe County, North Carolina, sell the property hereinafter described, at a private sale, to W. C. Honeycutt, for the price and sum of \$6000.00; and

WHEREAS upon a report of said sale to said Court the same was confirmed, and the said licensed Commissioner, as aforesaid, was ordered by the judgment of said Court to execute a deed, in fee simple, to said purchaser upon the payment of said purchase money; and

WHEREAS the said purchase price of \$6000.00 has been paid in full by the party of the second part.

NOW, THEREFORE, in consideration of the premises and in execution of the power and authority aforesaid, and for the further consideration of the purchase price of \$6000.00, as aforesaid, the said Tom Brown, Commissioner, does hereby bargain, sell, convey and confirm, and by these presents does bargain, sell, convey and confirm unto W. C. Honeycutt, his heirs and assigns, that certain real estate, located in Black Mountain Township, Buncombe County, North Carolina, and described as follows:

FIRST TRACT: BEING Lots 114 to 130, inclusive; Lots Nos. 160 to 163, inclusive, and Lots Nos. 130 to 151, inclusive, as laid down and shown on the Plat of Mountain View Estate, which said plat is duly recorded in Plat Book 12 on page 27 of the

Buncombe County Records, to which reference is hereby made. Being the same property described and conveyed in the deed dated August 14th, 1939 from Lula W. Cooper (unmarried) T. U. G. Brown, to which deed reference is hereby made.

SECOND TRACT: BEGINNING on a stake in the lot which leads eastwardly along the southern line of the Maggie Pressley property, and which stake is the Southwest corner of said Maggie Pressley property, and runs thence along and with the Southern line of said property, North 79 degs. 47' East 191 ft. to a point in the center of the bridge located over the creek known as Little Flat Creek; thence North 82 deg. 39' East 310.18 feet to a stake on the bank located just above the spring in the western line of the 17 Acre tract formerly belonging to Lula W. Cooper; thence South 4 deg. 23' West 323 ft. to a stake in the fence corner and runs South 0 deg. 26' East 943.24 ft. to an iron pipe formerly a Railway iron and near a branch in the Queen line; thence North 85 deg. 52' West 518.37 feet to an iron pipe located near a large poplar in the Wall-Cooper line; thence along and with the easterly line of the Wall-Cooper property and crossing Little Flat Creek, North 1 deg. 56' East 1155.2 ft. to the Beginning. Containing 13.6 Acres, and being a part of the Jenkins tract. Being Lot 164, Sheet 52 of the Black Mountain Township Tax Maps. Being the same property conveyed by deed dated December 3, 1938 from Lula W. Cooper to U. G. Brown, and recorded in DB 506 page 575 of the Buncombe County Records, to which reference is hereby made.

TO HAVE AND TO HOLD said lands and premises, with all the appurtenances belonging or in anywise appertaining, to the said party of the second part, his heirs and assigns, in fee simple, and in as full and ample manner as the said Tom Brown, Commissioner as aforesaid, is authorized and empowered to convey the same.

IN WITNESS WHEREOF the said Tom Brown, Commissioner, has hereunto set his hand and seal this the day and year first above written.

Tom Brown (SEAL)
COMMISSIONER.

NORTH CAROLINA,
BUNCOMBE COUNTY.

I, Lois R. Fitzgerald, a Deputy Clerk Superior Court and for the State and County aforesaid, do hereby certify that this day personally appeared before me Tom Brown, Commissioner, and acknowledged the due execution by him of the foregoing instrument for all the purposes therein expressed. Let this instrument and certificate be registered.

WITNESS my hand and Notarial Seal, this the 7 day of October, 1955.

MY COM. EXPIRES:

Lois R. Fitzgerald
Deputy Clerk Superior Court

Registered Nov. 11, 1955, at 1:05 p.m.
Deputy Clerk
Registrar of Deeds



TEXT AMENDMENT APPLICATION www.townofblackmountain.org

APPLICANT INFORMATION

Applicant Name

C.S. Ragan, LLC

Applicant Address (Number, Street, City, State, ZIP)

5 Rantis Lane, Black Mountain, NC 28711

Home Phone

Cell Phone

828-215-4193

Email Address

csragan@gmail.com

TEXT AMENDMENT LOCATION AND REQUEST

I request a text amendment for the following provision(s) of the ordinance:

Chapter: NA Section: NA Title: NA

Current Text:

NA

Requested Amendment:

See Attached Cottage Court Design Code Jacobs Edition for The Village of Cheshire

Reason for Requested Amendment:

A Request from The Town of Black Mountain's Zoning Department to reprocess this one page document, from the initial approval in May of 2015, for the Jacobs Cottages a Cottage Court Pocket Village at The Village of Cheshire to satisfy the Town's legal process.

CERTIFICATION

I hereby certify that all of the information presented by me on this application is accurate to the best of my knowledge, information and belief. I acknowledge that withdrawal of this application after notice has been made will result in forfeiture of any application fees associated with said application. I acknowledge that attendance at the Planning Board meeting is mandatory for the review of this application.



Applicant Signature

11/12/20

Date

OFFICE USE ONLY

Date Received:

Fee: \$100.00

Cash: ☐ Check: ☐ # Credit: ☐

Vote: ____ to ____ For ☐ Against ☐

Planning Board Meeting Date:

Vote: ____ to ____ For ☐ Against ☐

Board of Aldermen Meeting Date:

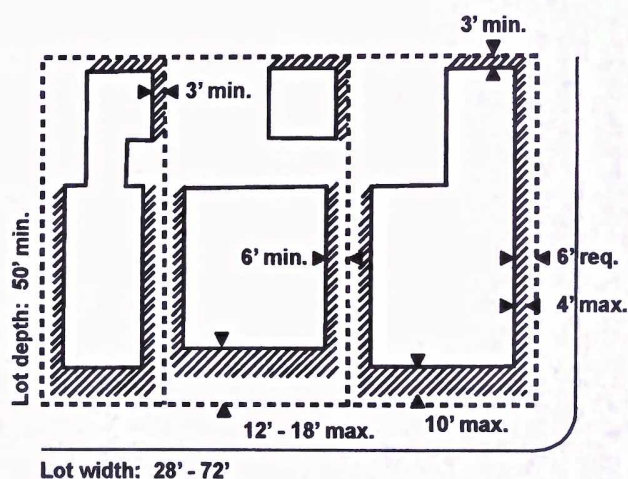
Town of Black Mountain
160 Midland Avenue, Black Mountain, NC 28711
Phone: 828-419-9300 ~ Fax: 828-669-2030

DESIGN CODE

Urban Standards, General Zone

NEIGHBORHOOD GENERAL - COTTAGE COURT

A Cottage Court is a single-family dwelling, smaller than a house, on a separate lot or sharing a lot with other cottages on a court. Within the Neighborhood General this type occupies lots 28 to 72 feet in width by a minimum depth of 50 feet. The principle building setbacks measured from the lot lines shall be 12 feet minimum from the frontage, 6 feet minimum from each side, and 3' minimum from the rear. Porches, stoops, and balconies may encroach into the setbacks. Principle buildings may be a maximum of two and one-half stories tall. An ancillary building containing a garage and/or apartment (not exceeding 500 square feet in footprint) is permitted in the rear yard. The ancillary building shall be setback 3 feet minimum from the alley. A single story structure of a maximum width of 12 feet may connect the house to the ancillary building. parking shall be provided at the rear of the lot and/or in a common parking area.



Lot size	28' x 40' min.
Building Setbacks	
at Building Frontage	12 to 18 ft.
at Building Side	6 ft. min.
at Building Rear	3 ft. min.
at Outbuilding Rear	3 ft. min.
Building Frontage at setback	60% of lot width min.
Encroachments	
at Building Frontage	10 ft. max.
at Building Side	2 ft. max.
Height	2.5 stories max.
of First Floor above grade	2.5 ft. min.
Parking	1 sp per bldg., 1 sp per outbuilding

