



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, Zoning Administrator
Re: Agenda Packet for August 27, 2018
Date: August 20, 2018

The **Town of Black Mountain Planning Board** will meet on **Monday, August 27, 2018 at 6:00 p.m.** in Town Hall at 160 Midland Avenue.

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

1. The proposed agenda;
2. Draft minutes from July 23, 2018;
3. Continuation of Road Closure Request for First Street; and
4. Road Closure Request for Wolf Creek Drive.

Please let Jennifer Tipton know if you are **unable** to attend this meeting.
jennifer.tipton@townofblackmountain.org or (828) 419-9373.

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) 419-9373 or by email at jennifer.tipton@townofblackmountain.org.

CC: Jessica Trotman, Planning Director
Ron Moore, Interim Town Manager



PUBLIC NOTICE

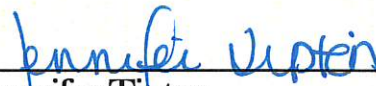
BLACK MOUNTAIN PLANNING BOARD

REGULAR MEETING

Monday, August 27, 2018 at 6:00 p.m.

The Black Mountain Planning Board will meet for their monthly meeting on **Monday, August 27, 2018 at 6:00 p.m.** at Town Hall, 160 Midland Avenue, Black Mountain, N.C. The purpose of this meeting is to continue the request for the right-of-way closure for First Street (off of Blue Ridge Assembly Drive) and to consider a right-of-way closure request for Wolf Creek Drive.

The meeting is open to the public.



Jennifer Tipton
Zoning Administrator

The Town of Black Mountain is committed to providing accessible facilities, programs and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or a particular accommodation for this meeting please contact, Jennifer Tipton at (828) 669-2030 or by email at Jennifer.tipton@townofblackmountain.org

Posted to the Town Bulletin Board 08/01/18

www.townofblackmountain.org



**Planning Board Regular Meeting
August 27, 2018**

PROPOSED AGENDA

- I. CALL TO ORDER**
 - Welcome
 - Roll Call
- II. ADOPTION OF AGENDA**
 - **Motion:** To adopt the agenda as presented [or as amended]
- III. ADOPTION OF MINUTES**
 - **Motion:** To adopt the minutes of July 23, 2018 as presented [or as amended]
- IV. OLD BUSINESS**
 - Right-of-Way Closure Request for First Street (off of Blue Ridge Assembly Drive)
- V. NEW BUSINESS**
 - Right-of-Way Closure Request for Wolf Creek Drive
- VI. COMMUNICATION FROM PARTNERING AGENCY**
- VII. COMMUNICATION FROM PLANNING BOARD**
- VIII. COMMUNICATION FROM STAFF**
- IX. ADJOURNMENT**



Town of Black Mountain
Building, Planning and Zoning

160 Midland Avenue ♦ Black Mountain ♦ North Carolina ♦ 28711
Phone: 828-419-9300 ♦ Fax: 828-669-2030 ♦ TDD: 1-800-735-2962

Date: July 30, 2018

To: Black Mountain Planning Board

From: Jennifer Tipton, Zoning Administrator

RE: First Street Right-of-Way Closure Request

Please find pertinent information attached.

Summary

Andrew and Kirsten Bobilya and Charles and Katherine Clegg are requesting to close a portion of a right-of-way known as First Street off of Blue Ridge Assembly Drive. The requested portion is approximately 274 feet long. The Bobilya's and the Clegg's are looking to put in a shared 12' driveway and will allow for any utility easements that may be needed by any other property owners that abut the right-of-way.

The petition has been signed by Andrew Bobilya, Kirsten Bobilya, Charles Clegg and Katherine Clegg.

Definitions

The land use code defines the following terms:

Abut: Having a common boundary or lot line not separated by a street, alley, railroad or other right-of-way (distinguished from adjacent which can include abutting property of those across a street.)

Adjacent: Either abutting or being directly across a street.

Alley: A service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation.

Right-of-way: 1) A strip of land acquired by purchase, reservation dedication, forced dedication, prescription, or condemnation and intended to be occupied by a roadway, greenway, sidewalk, railroad, utility, storm sewer, or other uses; and 2) the right of one to pass over the property of another.

3.6.2 Dedication and closures of rights-of-way or land to the town

- A. Improvements within rights-of-way, open space or easements, such as utility lines, street paving, drainage facilities or stormwater BMPs, sidewalks or trails may be accepted for maintenance by the town upon approval by the town board of aldermen.

Does not apply.

- B. Property owners or other parties of interest may petition for the closure of a right-of-way offering through the planning department. The planning board, planning department, or other government or utility agency may also request the closure of a right-of-way. Rights-of-way closures shall follow these procedures:
 - 1. A right-of-way closure petition is filed with the planning department. Owners of property abutting the right-of-way or portion of the right-of-way requested for closure must sign the petition and pay a fee as established by the board of aldermen. If all owners of the abutting properties do not sign the petition, notices

to abutting property owners shall be given as required by NCGS. If the request is generated from town staff or a board or commission, the fee shall not apply.

Andrew Bobilya submitted a petition for street closing request on June 8, 2018. The petition was signed by Andrew and Kirsten Bobilya, owners of 32 Blue Ridge Assembly Drive and an abutting vacant property and Charles and Katherine Clegg, owners of 38 Blue Ridge Assembly Drive and two abutting vacant properties. Andrew Bobilya submitted check #2059 for the amount of \$300.00 for the petition. A copy of the petition is attached.

*N.C.G.S 160A-299 (a) states that when a city proposes to permanently close any street or public alley, the council shall first adopt a resolution declaring its intent to close the street or alley and calling a public hearing on the question. The resolution shall be published once a week for four successive weeks prior to the hearing, **a copy thereof shall be sent by registered or certified mail to all owners of property adjoining the street or alley as shown on the county tax records** and a notice of the closing and public hearing shall be prominently posted in at least two places along the street or alley.*

2. The planning director or his/her designee will prepare a staff report that includes a map that shows the length of the right-of-way from terminus to terminus, an inventory of uses within the right-of-way if any (utilities, etc.) and information on possible future uses from any of the town's adopted plans, and place the issue on the next planning board agenda if the petition is filed two weeks before the date of the next meeting, or otherwise at the next meeting.

*The requested right-of-way closure is approximately 274' in length.
Currently there are no uses in the right-of-way and is a wooded area.
The right-of-way does not contain any utility lines.*

3. The planning board will review the request and make a recommendation to the board of aldermen to accept the petition for closure, to accept the right-of-way into town control or maintenance, to close any additional areas of right-of-way in addition to the petition, or not accept the petition and leave the right-of-way as an offering.

Staff recommends that the planning board recommend the right-of-way for closure.

4. The planning board shall consider any or all of the following criteria in making their recommendation for closure of a right-of-way:
 - a. Right-of-way identified is not part of adopted town plans.

*The requested right-of-way closure is not identified in any of the following plans:
Bike Plan, Comprehensive Plan, Greenway Master Plan, Stormwater Master Plan, Recreation and Parks Master Plan, Pedestrian Plan, Wellhead Protection Plan, Hazard Mitigation Plan or Veteran's Park Master Plan.*

- b. Right-of-way is not necessary for current or future utilities.

There are currently no utilities in the right-of-way but the Bobilya's and the Clegg's have indicated that they will grant any utility easements that might be necessary, however, most of the lots have utility access from either Blue Ridge Assembly Drive or Laurel Lane.

- c. Right-of-way in its current condition poses a hazard to public health, safety or welfare.

The right-of-way does not pose a threat to public health, safety or welfare.

- d. Right-of-way is along a drainage that is part of a stormwater management plan.

There are no stormwater systems on this right-of-way nor is it along any drainage system.

- e. Right-of-way provides a current or future corridor for a greenway, alley, or roadway that would meet a specific transportation need.

The right-of-way is not a current corridor for a roadway or a greenway and is not identified on the Greenway Master Plan or the Pedestrian Master Plan for future roadways or greenways. The existing houses have access from Blue Ridge Assembly Drive and the intent is to install a 12' shared driveway for the vacant lots in the back. The properties at the back of the right-of-way have access from Laurel Lane.

- f. Abutting property owners have signed the petition in favor of the closure.

The owners of 32 Blue Ridge Assembly Drive with the abutting vacant lot and the owners of 38 Blue Ridge Assembly Drive with two abutting vacant lots have signed the petition. These are the owners that abut the portion of the right-of-way that is requested to be closed.

- 5. The planning board may also make a recommendation to amend the scope or length of the right-of-way closure petition if the board determines that there are compelling reasons to do so. In these cases, the board may direct staff to contact additional abutting property owners to get their input before making a determination.

As the property owners at the back of the right-of-way have been contacted and have given their input, staff does not feel or find that there are any compelling reasons to amend the scope of the petition. The petitioner has requested the portion be closed that is property touches and he cannot ask for more than that. Staff does not feel that property value is a determining factor in recommending a road closure and the other properties have reasonable means of ingress and egress from Laurel Lane.

- 6. Planning board recommendation is forwarded to the board of aldermen who shall establish a date for a public hearing by adopting a resolution of intent to close. The town attorney shall prepare a description of the right-of-way in question for use in setting the public hearing.

If the planning board recommends the closure then the next step would be a call for public hearing before the Board of Aldermen.

7. Area for closure is posted with a visible sign, indicating the scope of the petition, the date for the public hearing, and the phone number of the staff person to contact for information.

Staff will take care of this portion.

8. Board of aldermen holds a public hearing and accepts or rejects the petition for closure.

The public hearing will be advertised and held at a regularly scheduled meeting of the Board of Aldermen.

TOWN OF BLACK MOUNTAIN, NORTH CAROLINA

PETITION FOR STREET CLOSING REQUEST

We, the undersigned property owners of property located abutting a private street or alleyway known as

First Street

located off of

Blue Ridge Assembly Drive

do hereby petition the Black Mountain Board of Aldermen to permanently close said street or alleyway.

NAME/SIGNATURE	PROPERTY/MAILING ADDRESS
1. Andrew J. Bobilya / Kirsten Dault Bobilya	32 Blue Ridge Assembly Dr.
Andrew J. Bobilya / Kirsten Dault Bobilya	Black Mtn NC 28711
2. Charles N. Clegg / Katherine U. Clegg	"Montreat Cottage Rentals"
Katherine U. Clegg / Katherine U. Clegg	38 Blue Ridge Assy Dr
3. Charles N. Clegg / Katherine U. Clegg	"Charles N. & Katherine U. Clegg"
Katherine U. Clegg / Katherine U. Clegg	38 Blue Ridge Assy Dr -
4. _____	MAILING ADDRESS -
5. _____	Charles N. Clegg
6. _____	PO Box 185
7. _____	Montreat NC
8. _____	28757

Date Request Received at Town Hall: 11/10/18

by: Jennifer Werten

pd \$300.00
check # 2059
11/10/18

Adopted 12/11/84
Revised 7/02

Town of Black Mountain
North Carolina

Date: August 4, 2018

**TO THE BOARD OF ALDERMEN OF THE
TOWN OF BLACK MOUNTAIN**

We, the undersigned, being (some) (all) of the owners of the property adjoining the street or alley described below, do hereby petition the Board of Aldermen of the Town of Black Mountain, to close the following described street or alley:

First Street Right of Way (Between 32 Blue Ridge
Assembly Drive and 38 Blue Ridge Assembly Dr.)
all the way to Penley's land.

The undersigned petitioners do certify that the closing of the above described street or alley will not be contrary to the public interest and that no individual owning property in the vicinity of said street or alley, and if it is located in a subdivision, no individual owning property in said subdivision, will be deprived of reasonable means of ingress and egress to his/her property.

The following persons, in addition to the petitioners, own property adjoining the above described street or alley:

<u>NAME</u>	<u>ADDRESS</u>
<u>see previous submission on June 6, '18 for Bobilya and Clegg Signatures</u>	
<u>Max Penley</u>	<u>15 Laurel Lane</u>

WHEREFORE, your petitioners respectfully request the Board of Aldermen of the Town of Black Mountain to adopt a resolution ordering the closing of the above described street or alley.

Witness our signatures the day and year first above written. House 828-669-4385

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
→	<u>Max H. Penley</u>	<u>15 Laurel Ln.</u>	<u>828-231-1049</u>
→	<u>Mark D. Penley</u>	<u>11 Laurel Lane</u>	<u>828-669-2091</u>

Town of Black Mountain

Procedure for Closing Streets and Alleys

1. **PETITION:** Complete the attached petition by completing the date at the top, by striking out either the word "some" or "all" in the opening line by filling in, in the blank space near the center of the petition, a description of the street or alley requested to be closed, and if less than all adjoining property owners sign the petition, by filling in on the blank lines provided for listing additional property owners the names and addresses of any adjoining property owners now signing the petition. If all adjoining property owners sign the petition, put "none" on one side of the lines provided for listing additional property owners. Describe the street or alley as fully as possible. Give its width and length, the block number (if applicable) in which it is located, the direction in which it runs, and the intersecting streets or alleys at either end of the street or alley petitioned to be closed. The petition must be signed by all persons listed on the deed to the property. If any petitioner is a partnership, all partners must sign. If any petitioner is a corporation, insert the name of the corporation, affix the corporate seal and have the appropriate officers of the corporation sign. Turn the petition in to the Zoning Administrator's Office. At the time that you file the petition, enclose a check payable to the "Town of Black Mountain" in the amount of \$300.00 to cover costs of legal notices and advertisements.
2. **MEETINGS:** This procedure requires three board meetings. The first meeting will be with the Planning Board, who will consider the petition and recommend the petition move forward to the Board of Aldermen. The second meeting will be for the Board of Aldermen to adopt of Resolution of Intent for the closure and to call for a public hearing for the closure. The third meeting will be the public hearing before the Board of Aldermen at which time the Board of Aldermen will make a decision to approve or not approve the closure. The Board of Aldermen will reserve its right, title, and interest in any utility improvement or easement as is deemed necessary.
3. **NOTICE:** The street or alley will be posted in two prominent places prior to the Planning Board meeting as well as notice will be sent to all property owners adjoining the street or alley petitioned to be closed. Once a Resolution of Intent is adopted, the Resolution of Intent will run in the Black Mountain News for four consecutive weeks, two notices will be prominently placed on the street or alley petitioned to be closed and notices of the public hearing will be sent to all property owners adjoining the street or alley petitioned to be closed.
4. **RESOLUTION AND RECORDING:** If the Board of Aldermen approve the street or alley closing, the Town Attorney will record the resolution closing the street or alley and will provide a certified copy of the resolution to the petitioners. Any person aggrieved by the resolution may appeal within thirty (30) days to the Superior Court of Buncombe County.

TOTAL AREA = 0.486 AC.
By Coord. Computation

James H. Robinson, Jr. & Susan R. Robinson
DA 1803 P 741

Max H. & Edith P. Penley
DA 1585. P 630

Charles N. & Katherine O. Clegg
DB 1940, p. 54

Charles N. & Katherine V. Clegg
DH 1940 P 54

Montreal Cottage Rentals
 DA 3001 P 351

Boundary Survey For:
Andrew Bobilya

P.I.N. 0609-70-9786 & 80-1724
Town of Black Mountain, Buncombe County, NC

REFERENCES: DEED BOOK 5169, PAGE 1476
DEED BOOK 1296, PAGE 506. Payment statements.

HIGH COUNTRY SURVEYORS, INC.
403-B WEST STATE ST., BLACK MOUNTAIN, NC 28711 (828) 664-0091
SERVICES: LAND SURVEYING, EROSION CONTROL, ETC.

DRAWING NO. 2018-059

COORD. FILE 2016-254 end

WITNESSES:

[illegible]

LEGEND

[illegible]

RTN Classifications were used only for the aircraft. The AC Grid

Professional Land Surveyor
License No. 1-2002

Andrew Bobilya
Kirsten DeWitt-Bobilya
32 Blue Ridge Assembly Drive
Black Mountain, NC 28711

July 7, 2018

Dear Black Mountain Planning Board:

We respectfully submit this letter for your consideration as you review our right-of-way closure request for unopened access between our property (32 Blue Ridge Assembly Drive) and the Clegg properties to the south (aka Montreat Cottage Rentals). We have asked Andrew's brother and our general contractor, Dana Bobilya, to represent us at the upcoming July 23, 2018 Planning Board meeting while we are in Michigan with our daughters helping at their summer camp. Below is a brief explanation which will hopefully describe our intent with regard to the road closure request.

We have lived in the same home in Black Mountain for the past fourteen years and always kept our eye out for a property that would allow us to build a 1,800-2,000 square foot home that more adequately meets our family's needs while also giving us the option of having a second home for either of our sets of parents to move into as they age. We recently purchased the property at 32 Blue Ridge Assembly Drive which has an adjoining lot immediately behind it (to the East). The Clegg family owns the neighboring property that adjoins the unopened ROW and they have given their full support of our request. We are now asking that the town "close" the unopened road right-of-way so that we may create a "private drive" rather than a public thoroughfare that would only access our properties. We plan to construct a private driveway to access our lot and build a single-family home where we will reside while also maintaining ownership of the existing home at 32 Blue Ridge Assembly Drive.

Thank you for considering our request. Should you have any questions, please convey them to Dana at the July board meeting and/or contact us at 828-545-1506.

Sincerely,

Andrew J. Bobilya
Kirsten DeWitt-Bobilya



Fire Prevention & Inspections Office

Black Mountain Fire Department
106 Montreat Road
Black Mountain, NC 28711
828.419.9333

6/27/2018

Jennifer,

After careful review of the proposed right-of-way closure off of Blue Ridge Assembly Drive, I have determined that fire department access code application does not apply to this right-of-way. My understanding is that there will only be one additional house built. The NC Fire Code only applies to subdivisions. A simple driveway would suffice for access. While we believe it to be helpful for fire department access considerations be addressed, there is no code that applies to a single house. We thank you and the Planning Board for inclusion on this proposal.

Regards,

Spencer Elliott
Fire Inspector/Safety Officer
Black Mountain Fire Department



**Town of Black Mountain
Building, Planning and Zoning**

160 Midland Avenue ♦ Black Mountain ♦ North Carolina ♦ 28711
Phone: 828-419-9300 ♦ Fax: 828-669-2030 ♦ TDD: 1-800-735-2962

July 13, 2018

Max and Edith Penley
15 Laurel Lane
Black Mountain, NC 28711

Dear Mr. and Mrs. Penley,

This correspondence is to notify you that two property owners have petitioned the Town of Black Mountain to close a portion of the right-of-way, known as First Street, which abuts your property.

A map has been enclosed to show the portion of the right-of-way that the property owners are requesting to be closed.

This is your notification that the Planning Board will hear this request at their next regularly scheduled meeting on Monday, July 23, 2018 at 6:00 p.m. in the Board Room of Town Hall at 160 Midland Avenue.

If you have questions you may contact me at (828) 419-9373 or jennifer.tipton@townofblackmountain.org.

Respectfully,

Jennifer Tipton, CZO
Zoning Administrator

Enclosure (1)



Town of Black Mountain
Building, Planning and Zoning

160 Midland Avenue ♦ Black Mountain ♦ North Carolina ♦ 28711
Phone: 828-419-9300 ♦ Fax: 828-669-2030 ♦ TDD: 1-800-735-2962

July 13, 2018

Karen Groves
1927 Stonegate Court
Baton Rouge, LA 70815

Dear Ms. Groves,

This correspondence is to notify you that two property owners have petitioned the Town of Black Mountain to close a portion of the right-of-way, known as First Street, which abuts your property.

A map has been enclosed to show the portion of the right-of-way that the property owners are requesting to be closed.

This is your notification that the Planning Board will hear this request at their next regularly scheduled meeting on Monday, July 23, 2018 at 6:00 p.m. in the Board Room of Town Hall at 160 Midland Avenue.

If you have questions you may contact me at (828) 419-9373 or jennifer.tipton@townofblackmountain.org.

Respectfully,

Jennifer Tipton, CZO
Zoning Administrator

Enclosure (1)



Town of Black Mountain
Building, Planning and Zoning

160 Midland Avenue ♦ Black Mountain ♦ North Carolina ♦ 28711
Phone: 828-419-9300 ♦ Fax: 828-669-2030 ♦ TDD: 1-800-735-2962

Date: July 30, 2018

To: Black Mountain Planning Board

From: Jennifer Tipton, Zoning Administrator

RE: Wolf Creek Drive Right-of-Way Closure Request

Please find pertinent information attached.

Summary

Daniel Shayne Peninger resides at 30 Wolf Creek Drive. Mr. Peninger is requesting to close a right-of-way at the end of Wolf Creek Drive that is approximately 122' in length. The properties that abut the right-of-way are 27 Wolf Creek Drive, 29 Wolf Creek Drive, 30 Wolf Creek Drive and 99999 Greenbriar Road.

The petition has been signed by Maya Peninger, Wanda Peninger, Daniel Shayne Peninger and Louis Jerome Bobilya for Black Mountain Center for Research and Technology, LLC.

Definitions

The land use code defines the following terms:

Abut: Having a common boundary or lot line not separated by a street, alley, railroad or other right-of-way (distinguished from adjacent which can include abutting property or those across a street.)

Adjacent: Either abutting or being directly across a street.

Alley: A service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation.

Right-of-way: 1) A The strip of land acquired by purchase, reservation dedication, forced dedication, prescription, or condemnation and intended to be occupied by a roadway, greenway, sidewalk, railroad, utility, storm sewer, or other uses; and 2) the right of one to pass over the property of another.

3.6.2 Dedication and closures of rights-of-way or land to the town.

- A. Improvements within rights-of-way, open space or easements, such as utility lines, street paving, drainage facilities or stormwater BMPs, sidewalks or trails may be accepted for maintenance by the town upon approval by the town board of aldermen

Does not apply.

- B. Property owners or other parties of interest may petition for the closure of a right-of-way offering through the planning department. The planning board, planning department, or other government or utility agency may also request the closure of a right-of-way. Rights-of-way closures shall follow these procedures:
 - 1. A right-of-way closure petition is filed with the planning department. Owners of property abutting the right-of-way or portion of the right-of-way requested for closure must sign the petition and pay a fee as established by the board of aldermen. If all owners of the abutting properties do not sign the petition, notice to abutting property owners shall be given as required by NCGS. If the request is generated from town staff or a board or commission, the fee shall not apply.

Daniel Shayne Peninger submitted a petition for street closing request on July 23, 2018. The petition was signed by Maya Peninger, owner of 29 Wolf Creek Drive; Wanda Peninger, owner of 27 Wolf Creek Drive; Daniel Shayne Peninger, owner of 30 Wolf Creek Drive; and Louis Jerome Bobilya, owner of 99999 Greenbriar Road. Daniel Shayne Peninger submitted check #4181 for the amount of \$300.00 for the petition. A copy of the petition is attached.

*N.C.G.S. 160A-299 (a) states that when a city proposes to permanently close any street or public alley, the council shall first adopt a resolution declaring its intent to close the street or alley and calling a public hearing on the question. The resolution shall be published once a week for four successive weeks prior to the hearing, **a copy thereof shall be sent by registered or certified mail to all owners of property adjoining the street or alley as shown on the county tax records** and a notice of the closing and public hearing shall be prominently posted in at least two places along the street or alley.*

2. The planning director or his/her designee will prepare a staff report that includes a map that shows the length of the right-of-way from terminus to terminus, an inventory of uses within the right-of-way if any (utilities, etc.) and information on possible future uses from any of the town's adopted plans, and place the issue on the next planning board agenda if the petition is filed two weeks before the date of the next meeting, or otherwise at the next meeting.

*The requested right-of-way closure is approximately 122' in length.
Currently there are no uses in the right-of-way other than some parking of vehicles.
The right-of-way does not contain a sewer line or water line.*

3. The planning board will review the request and make a recommendation to the board of aldermen to accept the petition for closure, to accept the right-of-way into town control or maintenance, to close any additional areas of right-of-way in addition to the petition, or not accept the petition and leave the right-of-way as an offering.

Staff recommends that the planning board recommend the right-of-way for closure.

4. The planning board shall consider any or all of the following criteria in making their recommendation for closure of a right-of-way:
 - a. Right-of-way identified is not part of adopted town plans.

*The requested right-of-way closure is not identified in any of the following plans:
Bike Plan, Comprehensive Plan, Greenway Master Plan, Stormwater Master Plan, Recreation and Parks Master Plan, Pedestrian Plan, Wellhead Protection Plan, Hazard Mitigation Plan or Veteran's Park Master Plan.*

- b. Right-of-way is not necessary for current or future utilities.

There is only one vacant lot and the sewer line runs through the back of the lot. The other houses already have sewer access.

- c. Right-of-way in its current condition poses a hazard to public health, safety or welfare.

The right-of-way does not pose a threat to public health, safety or welfare.

- d. Right-of-way is along a drainage that is part of a stormwater management plan.

There are no stormwater systems on this right-of-way nor is it along any drainage system.

- e. Right-of-way provides a current or future corridor for a greenway, alley, or roadway that would meet a specific transportation need.

The right-of-way is not a current corridor and is not identified on the Greenway Master Plan or the Pedestrian Plan for future corridors or roadways. The existing houses have access to their properties from the maintained portion of Wolf Creek Drive. If the vacant lot were to be developed, an easement would be granted for access.

- f. Abutting property owners have signed the petition in favor of the closure.

The owners of 27 Wolf Creek Drive, 29 Wolf Creek Drive, 30 Wolf Creek Drive and 99999 Greenbriar Drive have signed the petition. These are the owners that abut the portion of the right-of-way that is requested to be closed.

- 5. The planning board may also make a recommendation to amend the scope or length of the right-of-way closure petition if the board determines that there are compelling reasons to do so. In these cases, the board may direct staff to contact additional abutting property owners to get their input before making a determination.

Staff does not find any compelling reasons to amend the scope of the petition. Staff has sent notification to all owners on Wolf Creek Drive to advise them of the Planning Board meeting.

- 6. Planning board recommendation is forwarded to the board of aldermen who shall establish a date for a public hearing by adopting a resolution of intent to close. The town attorney shall prepare a description of the right-of-way in question for use in setting the public hearing.

If the Planning Board recommends the closure then the next step would be a call for public hearing before the Board of Aldermen.

7. Area for closure is posted with a visible sign, indicating the scope of the petition, the date for the public hearing, and the phone number of the staff person to contact for information.

Staff will take of this portion.

8. Board of aldermen holds a public hearing and accepts or rejects the petition for closure.

The public hearing will be advertised and held at a regularly scheduled meeting of the Board of Aldermen.

TOWN OF BLACK MOUNTAIN, NORTH CAROLINA

PETITION FOR STREET CLOSING REQUEST

We, the undersigned property owners of property located abutting a private street or alleyway known as Wolf Creek Drive,
located off of Blue Ridge Road,
do hereby petition the Black Mountain Board of Aldermen to permanently close said street or alleyway.

NAME/SIGNATURE

PROPERTY/MAILING ADDRESS

1. Maya Peninger

29 Wolf Creek Dr, Blk Mtn, NC 28711

Maya Peninger

Mailing: 30 Wolf Creek Dr, Blk Mtn, NC 28711

2. Wanda Peninger

27 Wolf Creek Dr

Wanda Peninger

Black Mtn, NC 28711

3. Shaune Peninger

30 Wolf Creek Dr.

Shaune Peninger

Black Mountain, NC 28711

4. The Black Mt. Center for
RESEARCH and Technology, LLC

PO Box 418

Louis Jerome Bobilya,

Black Mountain, NC 28711

5. _____

6. _____

7. _____

8. _____

Date Request Received at Town Hall: July 23, 2013

by: Jennifer J. J. J.

pd. 7/23/13
check # 4181 - \$300.00
JT

NOTED FOR REGISTRATION THIS 8 DAY OF Sept
 AT 11:30 O'CLOCK am AND RETURNED IN PLATE
98 AUC 88
 OTTO D. BERRY, REGISTER OF DEEDS,
 ST. LOUIS, MO. Frank Miller

6/8/05

LINE	BEARING	DISTANCE
L1	N17°45'16"E	49.11'
L2	N04°31'30"W	22.95'
L3	N04°31'36"W	11.18'
L4	N26°47'41"W	49.05'
L5	N20°13'08"E	24.82'
L6	N20°13'08"E	17.40'
L7	N25°11'34"W	48.84'
L8	N25°11'34"W	10.20'

C

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②

1. TOTAL AREA = 1.292 ACRES

2. BUILDING LINES: 30' - FRONT, 20' - REAR,
10' - SIDES

3. PROPERTY IS NOT LOCATED IN A FLOOD HAZARDOUS AREA. REFERENCE FIRM MAP PANEL 35D, DATED 11/80.

19

LOTS 1, 2, 3, 4, AND 5 OF BLOCK "B"
OF CHESTNUT - HUNST - DEVELOPMENT
PLAT BOOK 7 PAGE 8
DEED BOOK 1836 PAGE 690
PIN 0609-19-71-2054
25 WOLF CREEK DRIVE

WNSHIP

100

Book: 00 Date: 28 Dec: 1

30 Wolf Creek Drive Right-of-Way Closure Request





Fire Prevention & Inspections Office

Black Mountain Fire Department
106 Montreat Road
Black Mountain, NC 28711
828.419.9333

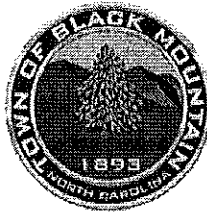
8/16/2018

Wolf Creek Drive Right-of-Way

Jennifer,

Chief Jones and I have made both a site visit and a careful review of the maps. We have determined that keeping this right-of-way open could provide a critical upgrade to the fire protection in this area. Currently, if a fire occurred in this area we would likely have to shut down Access Rd, Blue Ridge Rd, and Wolf Creek Drive. If a road were ever added, and water service extended on the adjacent property, this right-of-way could allow us to connect Wolf Creek Drive and thereby improve the fire protection service to these citizens.

Spencer Elliott
Fire Inspector/Safety Officer
Black Mountain Fire Department



Town of Black Mountain
Building, Planning and Zoning

160 Midland Avenue ♦ Black Mountain ♦ North Carolina ♦ 28711
Phone: 828-419-9300 ♦ Fax: 828-669-2030 ♦ TDD: 1-800-735-2962

August 16, 2018

Name
Address
City, State, Zip

Dear Name,

This correspondence is to notify you that four property owners have petitioned the Town of Black Mountain to close a portion of the right-of-way at the end of Wolf Creek Drive.

A map has been enclosed to show the portion of the right-of-way that the property owners are requesting to be closed.

This is your notification that the Planning Board will hear this request at their next regularly scheduled meeting on Monday, August 27, 2018 at 6:00 p.m. in the Board Room of Town Hall at 160 Midland Avenue.

If you have questions you may contact me at (828) 419-9373 or
jennifer.tipton@townofblackmountain.org.

Respectfully,

Jennifer Tipton, CZO
Zoning Administrator

Enclosure (1)

CERTIFICATE OF MAILING

This is to certify that the foregoing document (NOTICE OF RIGHT-OF-WAY CLOSURE REQUEST FOR WOLF CREEK DRIVE TO BE HEARD AT PLANNING BOARD) has been duly served by depositing a copy of the same in the United States Mail, first-class, postage pre-paid, to the following:

Kaley Wolfe
3 Wolf Creek Drive
Black Mountain, NC 28711

Daniel & Ramona Cochran
511 W 2nd Street
Washington, NC 27889

Steve & Dana Reynolds
9 Wolf Creek Drive
Black Mountain, NC 28711

Christian & Tiffany Walker
PO Box 454
Swannanoa, NC 28778

Dane & Sarah Young
19 Wolf Creek Drive
Black Mountain, NC 28711

Ray & Melinda Stafford
5 Wolf Creek Drive
Black Mountain, NC 28711

John & Susan Clements, Jr.
1 Wolf Creek Drive
Black Mountain, NC 28711

Harry McCulloch & Stephen McCulloch
710 Independence Place, Ut. 604
Raleigh, NC 27603

Travis & Heather Martin
26 Wolf Creek Drive
Black Mountain, NC 28711

Judy Shelton
190 Wilson Cove Road
Swannanoa, NC 28778

Peggy Branstetter
10 Wolf Creek Drive
Black Mountain, NC 28711

Theresa Rogers
24 Wolf Creek Drive
Black Mountain, NC 28711

Jennifer Tipton
Jennifer Tipton, CZO
Zoning Administrator

August 17, 2018
Date

Buncombe County, North Carolina

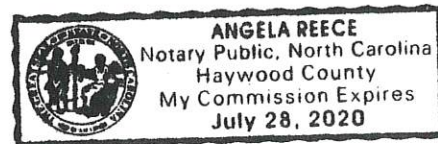
I certify that the following person personally appeared before me this day, acknowledging to me that she signed the foregoing document: Jennifer Tipton.

Date: August 17, 2018

Notary Signature: Angela Reece

Notary Printed Name: Angela Reece

My Commission Expires: July 28, 2020



(Official Seal)