

TOWN OF SEVEN DEVILS
BOARD OF ADJUSTMENT MEETING
Tuesday, February 22, 2022
5:30pm

- 1) Call to Order – Debbie Powers – Zoning Administrator
 - 2) Roll Call/Quorum *3 BOA minimum*
 - 3) Oath of Office – New/Reappointed Board Members – Town Clerk Gropp
 - 4) Nomination for Chairperson *Motion*
 - 5) Adopt Agenda *Motion*
 - 6) Old Business
 - A. Approve Minutes – Board of Adjustment – October 26, 2021 *Motion*
 - B. Zavislak – Variance Request – *Open Recessed item – 10/26/2021*
 - C. Witness Oath *If Needed*
 - D. Disclosures
 - E. Requested items submitted by Town Clerk
 - (i) Engineered Plans – Lot 4 – Dated 12/1/2021
 - (ii) As-Built Survey – Lot 4 – Dated 12/1/2021
 - (iii) Septic Letter – Dated 01/17/2022
 - (iv) Septic Plans – Lot 4 – Date Illegible
 - (v) Septic Plans – Lot 5 – Dated 02/08/1990
 - (vi) Woodwinds POA Statement – Dated 12/14/2021
 - F. Presentation *If Needed*
 - G. Discussion/Board Deliberations on Variance Request
 - H. Decision – Approval, Approval with Conditions, or Denial *4 BOA minimum*
 - I. Close Evidentiary Hearing *Motion*
 - 7) Adjourn *Motion*
-

<https://global.gotomeeting.com/join/416349381>

You can also dial in using your phone.

(For supported devices, tap a one-touch number below to join instantly.)

United States: +1 (872) 240-3212

- One-touch: <tel:+18722403212,416349381#>

Access Code: 416-349-381

OATH OF OFFICE

I, (*state your name*), do solemnly swear/affirm that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of the State of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of as a Member of the Seven Devils Board of Adjustment, so help me God.

On this 22nd day of February, 2022.

Faye Brock

John Wells IV, Alternate

Stu Ryan, Alternate

Administered by Hillary Gropp
Town Clerk

Town of Seven Devils
Board of Adjustment Meeting
Tuesday, October 26, 2021
5:30pm

The Seven Devils Board of Adjustment met on Tuesday, October 26th, 2021 at Town Hall. In-person attendance included: Bob Bridges, Faye Brock, Jack Byrnes, Bobbye Hurlbrink & Frank Sell; A quorum was met. Electronic format – Go To Meeting #163693237

Alternate members – Bert Valery & John Wells IV were absent. Staff included Debbie Powers-Zoning Administrator, Rob Angle–Town Attorney; the minutes were recorded by Hillary Gropp-Town Clerk.

Also in attendance:

Michael & Karen Zavislak – Applicants- 178 Woodwinds Circle
Quinn Morris – President – Woodwinds POA

CALL TO ORDER

Chair Bridges called the meeting to order at 5:30pm.

ROLL CALL

Board of Adjustment members Frank Sell, Faye Brock, Bob Bridges, Bobbye Hurlbrink and Jack Byrnes stated their name and announced their presence for Roll Call.

ADOPT AGENDA

Member Sell made a motion to adopt the agenda; Member Brock seconded the motion. All members agreed.

OLD BUSINESS

A. Approve Minutes

(i) Board of Adjustment – Public Hearing – June 21, 2021

Member Brock made a motion to approve the minutes; Member Hurlbrink seconded the motion. All members agreed.

(ii) Board of Adjustment – Meeting – June 22, 2021

Member Brock made a motion to approve the minutes; Member Hurlbrink seconded the motion. All members agreed.

NEW BUSINESS

A. Open Evidentiary Hearing

Member Byrnes made a motion to open the Evidentiary Hearing; Member Sell seconded the motion. All members agreed.

Hearing Notifications – Town Clerk Gropp stated signage was posted on October 11th and letters were mailed to “Persons with Standing” on October 12th.

Opening Statement

Chair Bridges gave the following opening statement:

"This hearing is a quasi-judicial evidentiary hearing. That means it is like a court hearing. State law sets specific procedures and rules concerning how this board must make its decision. These rules are different from other types of land use decisions like rezoning cases.

"The board's discretion is limited. The board must base its decision upon competent, relevant, and substantial evidence in the record. A quasi-judicial decision is not a popularity contest. It is a decision constrained by the standards in the ordinance and based on the facts presented. If you will be speaking as a witness, please focus on the facts and standards, not personal preference, or opinion.

"Participation is limited. This meeting is open to the public. Everyone is welcome to watch. Parties with standing have rights to participate fully. Parties may present evidence, call witnesses, and make legal arguments. Parties are limited to the applicant, the local government, and individuals who can show they will suffer special damages. Other individuals may serve as witnesses when called by the board. General witness testimony is limited to facts, not opinions. For certain topics, this board needs to hear opinion testimony from expert witnesses. These topics include projections about impacts on property values and projections about impacts of increased traffic. Individuals providing expert opinion must be qualified as experts and provide the factual evidence upon which they base their expert opinion.

"Witnesses must swear or affirm their testimony. At this time, we will make a determination of the Witnesses and the Parties with Standing.

Witness Oath

Town Clerk Gropp administered the Witness Oath to all individuals who intend to provide witness testimony. This included: Michael & Karen Zavislak – Owners-Variance Applicants, Quinn Morris – Woodwinds POA President, and Debbie Powers – Town Zoning Administrator.

Disclosures

Chair Bridges stated the following:

"The parties to this case are entitled to an impartial board. A board member may not participate in this hearing if she or he has a fixed opinion about the matter, a financial interest in the outcome of the matter, or a close relationship with an affected person. Does any board member have any partiality to disclose and recusal to offer?"

No board member replied.

Ex Parte Communication

Chair Bridges stated the following: *"The parties to this case have rights for any ex parte communication to be disclosed. Ex parte communication is any communication about the case outside of the hearing. That may include site visits as well as conversations with parties, staff, or the general public. Does any board member have any site visits to disclose?"*

Chair Bridges and Members Hurlbrink and Sell disclosed driving by the site. Chair Bridges disclosed he has met with staff for the purpose only of setting the agenda.

Chair Bridges asked the following: *"Does any board member have any conversations or other communications to disclose?"*

No board member replied.

Chair Bridges asked the following: *“Based on the disclosures we’ve heard from the board concerning partiality and ex parte communications, does any member of the board or any party to this matter have an objection to a board member’s participation in this hearing?”*

No board member replied.

Presentation – Debbie Powers – Zoning Administrator

Zoning Administrator Powers presented the following:

Findings of Fact:

- The Town of Seven Devils received a Variance Application from Michael Zavislak on August 23, 2021, delivered to Town Hall on this same date, and was received by Zoning Administrator on August 24, 2021.
- The application was complete and accompanied by the \$250 fee and all required documentation.
- The property address is 178 Woodwinds Circle – Lot 4 in the Woodwinds I subdivision; Parcel ID# 1878-23-4854-000, and is .28 acres. Property was deeded to Zavis Echota LLC, a South Carolina Limited Liability Corporation, on 12/30/2020. Michael Zavislak is the Registered agent for the LLC, with address listed as 5 Sherborne Court, Columbia, SC 29229 and status is “Good Standing”.
- Town of Seven Devils property taxes are currently paid, with a \$0 balance.
- Property is in the LDR (Low Density Residential) on the Official Zoning Map of the Town of Seven Devils. Setback regulations are in the UDO (Unified Development Ordinance) on page 38, Table 7.1 noting minimum front yard setbacks of 30’, and minimum side yard setbacks of 15’. The application, as submitted, encroaches onto the side yard setback for both the proposed paved driveway and the storage shed. Table 6.1 ‘Table of Permitted Accessory Uses’ permits Storage Sheds (not to exceed 200 square feet) in LDR Zoning areas.
- From page 15 in the UDO – “Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance or to grant exceptions to the actual meaning of any clause, standard, or regulation contained in this Ordinance.

Zoning Administrator Powers also presented a Timeline of Communications she has had with the Applicant.

Presentation – Michael Zavislak – Applicant

Michael Zavislak updated the BOA of an address change. The South Carolina address as previously indicated is no longer valid, and has been changed to the 178 Woodwinds Circle address.

Zavislak explained the house was purchased as a vacation home, but now he has moved into it as a full time resident, and has a need to accommodate 3 vehicles by extending the driveway. They are already parking in the area that is requested in the Variance, but wants to improve it. The current driveway is 16.5 ft wide and barely accommodates two cars. He stated the drainage lines for the adjacent property is 11 ft off the adjacent property, therefore the extended driveway would be approximately 8ft-11ft from the neighbor’s drain field. The subject property drain field is located on the other side of the house. The utility lines have been identified; Blue Ridge Energy lines are 4ft deep and no to need relocate; Charter Spectrum lines will be moved. Zavislak has submitted a drawing on graph paper of the property, house and proposed driveway extension. He has located and identified the property pins and measurements, but does not have a certified survey. The scope of work will include grading, gravel and paving, as well as repaving the original driveway.

Chair Bridges asked questions for clarity with the scope of work. Chair Bridges asked the Applicant if he knew what the adjacent property owner thought of this request? The Applicant stated the neighboring house is a rental, the owners have been contacted, but has received no response, so he doesn't know. Chair Bridges asked for a clarification on if he's made contact or not? And how?

The Applicant stated the Woodwinds POA just had a meeting on Sunday, October 24th and were told of this Variance request. He invited them to come look or ask questions, and while some looked, nobody responded to him. The Applicant stated they have been parking in the proposed driveway extension since January 2021.

Member Hurlbrink asked if the Applicant spoke to all the homeowners? The Applicant stated they received an email.

Quinn Morris – Woodwinds POA President addressed the BOA.

He stated the owners of Woodwinds POA were notified by email, as the POA has a common area across the street from the subject property. His email to the owners was to let them know he could be the representation on behalf of the POA.

He did receive a response from Anthony Jones & Karmen Baretich of 109 Woodwinds Lane and adjacent property owner.

Chair Bridges stated he would allow his testimony, but asked the Applicant to return to the podium for additional questions from the BOA members.

Member Brock asked the Applicant that when the house was purchased, the driveway was established and did he consider the limitations of space at the time of purchase? The Applicant replied, the house was purchased as a vacation home, but now is being lived in full time. Personal circumstances have increased the household size and the need for additional parking. Member Brock stated even as a secondary home, multiple vehicles would cause parking issues. The Applicant stated that was not a consideration at the time of purchase. The Applicant stated several homeowners park on the street or in a common area of Woodwinds. The goal of the Woodwinds POA is for owners to park vehicles on their private property.

Other Parties with Standing – Quinn Morris – Woodwinds POA

Quinn Morris, Woodwinds POA President, stated he would try to summarize the feedback from the citizens that responded in Woodwinds.

Below is background on the Woodwinds Community, followed by the 3 requirements that the Board of Adjustment will be reviewing for the Variance request.

- A unique bit of history is when the Woodwinds Community was originally developed, it was not as individual plots, but as one parcel of land, and much later, timeframe unknown, the property lines were established. Unfortunately, this has caused some particular challenges, as several homes already encroach in the setbacks.
- The community was developed primarily for vacation homes, and most have limited parking, narrow driveways, and single car garages. Now that most residents in Woodwinds live there full time, there is a constraint with parking.
- The POA owns all septic fields; not individual owners. The responsibility for maintenance of the septic fields lies with the POA and is in the covenants, and includes easements. It should be noted

that a septic field might not even be located on the same property as the house that it services, but on another lot. The POA has reviewed the map of septic fields and the neighboring septic field is fully on the adjacent lot and not the subject parcel for the Variance request.

- Because of the Woodwinds POA covenants and restrictions, this project would require review by the Woodwinds Architectural Committee, whether or not a Variance was requested or approved.

1) The peculiar nature of the limitations of the subject parcel is not singular, but an issue for many, if not all of the properties.

Quinn Morris stated that 7 of the 17 homeowners agreed with this opinion, and expressed concern that allowing a variance would lead the way for many variance requests within the Woodwinds POA.

Quinn Morris also stated that several other homeowners countered with this opinion, replying, this is a problem for the Woodwinds POA, and allowances should be granted to homeowners to make better use of their private property.

Quinn Morris stated the Woodwinds POA is a "Party with Standing" as they own the common area, but they have no official position, and do not want to prejudice the decision of the Board of Adjustment. Whatever the outcome with a Board of Adjustment decision, the Woodwinds POA Architectural Committee would also review.

Michael Zavislak made the Board of Adjustment aware the Woodwinds POA Architectural Committee has already approved a driveway extension using gravel. When the request to pave, instead of gravel only was made, the Woodwinds POA directed the Applicant to contact the Town for any permits needed. Quinn Morris confirmed this previous approval of the footprint of the driveway, by the Woodwinds POA. It was reviewed and approved as a change to landscape, as required by the Woodwinds POA.

Chair Bridges asked the Applicant if he had anything else to say.

Zavislak stated this improvement would increase the property value; Chair Bridges dismissed this as a non-consideration for the Board of Adjustment.

Member Hurlbrink asked specifically what is the opinion of the adjacent property owners?

Quinn Morris read an email from Anthony Jones – Owner – 109 Woodwinds Lane

A septic map survey for 109 Woodwinds Lane was submitted for review; the copy is nearly illegible.

Quinn Morris confirmed the septic field for 109 Woodwinds Lane is located entirely on 109 Woodwinds Lane, and is situated between the two houses. Quinn Morris stated he is not an expert about septic fields or how a variance approval would affect it.

Quinn Morris read an email from Rosalyn Thorpe – Owner – 194 Woodwinds Circle

Chair Bridges confirmed with Quinn Morris that no matter what the decision of the Board of Adjustment, additional review by the Woodwinds POA will be needed. Quinn Morris confirmed with, yes.

Michael Zavislak stated the total distance from the neighboring septic field will be 11 ft.; the closest the driveway extension will be to the adjacent parcel/property line is 8 ft.

****Clerk's Note – All labeled attachments submitted with the agenda or referenced in this Board of Adjustment proceeding are included at the conclusion of these minutes.***

Discussion/Board Deliberations on Variance Request

Chair Bridges read the following statement:

"We will now begin the deliberation of this request. As a reminder this board is tasked with deciding if, based on the evidence presented, this proposal meets the applicable standards. This decision cannot be based on the personal preference of board members. Rather it is based on standards and evidence.

"Board members are encouraged to reference the applicable standards and specific evidence in their deliberation.

"For this particular case, the board is asked to decide: Does the record include competent, relevant, and substantial evidence is true; The board must make the following three (3) findings; all must be true.

- 1. There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance. All of the following must be true under this finding:
 - a. The hardship results from the application of the ordinance.*
 - b. The hardship is suffered by the applicant's property rather than personal circumstances.*
 - c. The hardship is not the result of the applicant's own actions.*
 - d. The hardship is peculiar to the applicant's property.**
- 2. The variance is in harmony with the general purpose and intent of the UDO, Vision Statement, and Comprehensive Use Plan, and preserves their spirit.*
- 3. In granting the variance, the public safety and welfare have been assured and substantial justice has been done.*

Chair Bridges asked for discussion among the Board of Adjustment members.

Member Hurlbrink stated the opinions of the adjacent property owners should be given more consideration, than the other "Parties with Standing". Their concern is for their septic field, and if the driveway will cause harm.

Member Byrnes stated the septic fields are already settled and not fragile; this is a non-issue and the distance is adequate. He said the "blanket" septic easement occurred when Woodwinds was developed. The hardship occurred when Woodwinds was developed and then the property lines were drawn. The drainage lines will always be a reoccurring issue for anyone requesting. The hardship is not peculiar to the applicant's property.

Member Brock would like more evidence showing a survey of the property and showing the septic field. She is also concerned approval of the variance request will set precedent to be followed by others. Chair Bridges stated each BOA variance request in the future is to be considered individually.

Chair Bridges questioned is the hardship due to the property or personal circumstance.

Member Byrnes inquired how the Woodwinds POA has handled previous requests by other owners. Quinn Morris stated that other owners have not always followed the process; The Applicant – Zavislak is taking the correct steps.

Member Hurlbrink said the Woodwinds POA has already approved a gravel driveway extension for the Applicant.

Discussion occurred among the BOA members that more evidence is need to make a decision. Specifically, a request is made for:

- 1) Professional survey**
- 2) Map of septic lines; and requested expert opinion**
- 3) Official position of the Woodwinds POA.**

Recess Evidentiary Hearing

Member Sell made a motion to Recess the Evidentiary Hearing to a future TBD Board of Adjustment meeting; Member Brock seconded the motion. All members agreed.

Roll Call – Frank Sell-Yes, Faye Brock–Yes, Bob Bridges–Yes, Bobby Hurlbrink–Yes, Jack Byrnes-Yes

B. BOA Applications/Recommendations to Town Council

The following applications have been received for the Board of Adjustment.

Faye Brock – Reappointment – Term begins 01/2022 & expires 12/2025

John Wells IV – Reappointment-Alternate – Term begins 01/2022 & expires 12/2025

Stu Ryan – Appointment-Alternate to vacant seat – Term ends 12/2022

Member Byrnes made a motion to approve applicants with recommendation to the Town Council; Member Hurlbrink seconded the motion. All members agreed.

ADJOURN

Member Brock made a motion to adjourn; Member Hurlbrink seconded the motion. All members agreed. The meeting adjourned at 6:37pm.

Robert D. Bridges, Chairperson

Hillary Gropp, Town Clerk

Attachment
Included

Email read by 10/26/2021
Quinn Morris - WW POA

Hillary Gropp

From: Quinn Morris <quinnamorris@gmail.com>
Sent: Tuesday, October 26, 2021 6:17 PM
To: Hillary Gropp
Subject: Fwd: Notice of Variance Request: Response Requested

----- Forwarded message -----

From: Anthony Jones <anthony.p.jones@gmail.com>
Date: Sun, Oct 24, 2021 at 8:02 PM
Subject: Re: Notice of Variance Request: Response Requested
To: Quinn Morris <quinnamorris@gmail.com>

Quinn--

Karmen and I have attempted to reach the Town to request more information, especially related to where the septic, water, and drainage lines lie between our property (at [109 Woodwinds Lane](#)) and the property in question ([178 Woodwinds Circle](#)). Karmen and I are particularly concerned that pavement for a driveway expansion and/or foundation with a shed (along with vehicles and materials that would rest on the driveway and/or in a shed) would combine to create significant pressure and weight that could disrupt the septic, water, and drainage mechanisms. When we purchased our property we were told there were not records of such mechanisms; however, we do know that when our septic system has been pumped, the folks at Triple T have indicated our septic system is at least 9 feet away from our property and in the direction of [178 Woodwinds Circle](#). This measure by professionals tells us that drainage and septic lines at a minimum are present in the area between the two properties and could be damaged, or at a minimum negatively affected, by the presence of a driveway and/or shed plus added weight of vehicles and stored materials/equipment. We believe more research should be conducted and would oppose any variances being granted at this time.

If you need to reach me, my cell phone number is 571-436-8406, Karmen's number is 202-276-2683. Thanks so much.

Anthony

On Fri, Oct 15, 2021 at 8:29 PM Quinn Morris <quinnamorris@gmail.com> wrote:
Woodwinds POA Members,

The Board of Adjustment for the Town of Seven Devils has sent a notice to the Woodwinds POA that Michael and Karen Zavislak ([178 Woodwinds Circle](#)) have requested a variance for a driveway extension and shed encroaching into the setback area. I have attached the notice received from the town. The Woodwinds POA Board of Directors has not taken this matter up as a matter of our architectural review process as of this time, as we require that individuals receive all the necessary approvals from the town/county before proceeding with architectural review.

All persons who own property within 100 feet of the property requesting the variance are considered "persons with standing" and are invited to comment on the requested variance at the evidentiary hearing at the Board of Adjustment meeting scheduled for October 26 at 5:30pm. Since the POA is the owner of the common area surrounded by Woodwinds Circle, the POA is a "person with standing" and as president of the POA, I can make comments on behalf of the members of the POA.

The evidentiary hearing is a quasi-judicial hearing, and decisions are made based not on opinions or personal preferences, but rather using three criteria laid out by [NC General Statute §160A-306\(c\)](#). I will attempt to summarize any comments sent by members of the POA, and the more closely they address the criteria the Board of Adjustment is required by law to consider, the easier it will be for me to share them.

Please share any comments with me directly no later than Monday, October 25 at 5:00pm, and I will attempt to share them in summary at the meeting on Tuesday, October 26. Note that the meeting is open to the public (should you wish to attend) but only persons with standing (who are being notified separately by mail) can discuss the proposed variance.

Best,
Quinn Morris
President, Woodwinds POA

Attachment
Included

Submitted by
Applicant-Zauslak

10/26/2021

PERMIT NO 95209

pumped 8-8-96

3/13/08

TE

APPALACHIAN DISTRICT HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH SECTION

Boone 284-4995 Jefferson 248-8449 Sparta 372-8813
IMPROVEMENTS PERMIT - CERTIFICATE OF COMPLETION

HAYES

109 WOODWINDS LANE

#109 WOODWINDS LN

COUNTY

OWNER

LOCATION

PHONE

SUBDIVISION NAME

LOT NO. 5

SECTION NO.

THIS SYSTEM DESIGNED FOR:

RESIDENTIAL NO. OF UNITS 1

NO. OF BEDROOMS 3

BUSINESS

OTHER

ESTIMATED DAILY FLOW RATE GAL./DAY

SPECIAL FIXTURES

BASEMENT: NO () YES () Fixtures in Basement ()

REPAIR AREA REQUIRED: YES () NO ()

WATER SUPPLY: WELL () SPRING ()
PRIVATE () PUBLIC ()

FmHA () FHA () VA ()

TYPE SYSTEM INSTALLED

Site Classification: () Suitable
Provisionally Suitable ()

Soil Group Texture Depth

Slope (%) Restrictive Horizons (In.)

Soil Drainage/Groundwater

Soil Permeability

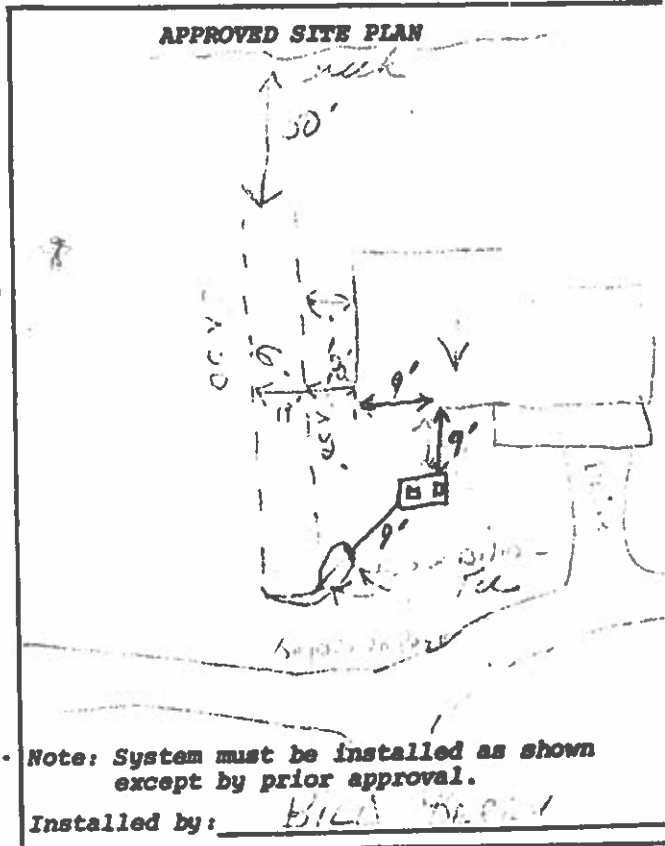
Application Rate Septic Tank Size Gal.

Drainfield Size (sq. ft.) Trench Bed

Stone Depth

Other:

COMMENTS/SPECIAL INSTRUCTIONS



I certify that I have reviewed and agree to the provisions of this permit and any changes will be made only with prior Health Department approval. Note: Grading or excavating could change site suitability.

I certify that the information on this application is true and correct and will not be altered without prior Health Department Approval.

Owner/Agent

Date

Improvements Permit by

Date

Note: Improvements Permit valid for 36 months from date of issue.

Certification of Completion by

Date

Attachment
Included

Email read by
Quinn Morris - WW - POA

10/26/2021

My name is Rosalyn Thorpe and I reside at 194 Woodwinds Circle and am a person with standing, residing next door to the Zavislak's. I am also a member of our POA's Board of Directors. For the record, I have no issue with regard to the Zavislak's request for a variance.

In the early years of the Woodwinds community it is my understanding that a majority of the original homeowners used their NC properties as a second home and were here only on a part-time basis. As the neighborhood has evolved over the past many years, we now have more families who reside here full-time. Out of 17 properties in our Woodwinds Community, half are now occupied by year round residents. The main complaint many of us share is that our homes lack storage space and/or ample parking. I feel that any improvements in those two areas will make a significant refinement in property's appearance, desirability and resale. Many residents need to store miscellaneous items under their decks which are unsightly to neighbors, or have vehicles for visiting guests, etc. needing to park in the roadway around our park or worst case on the sides of homes.

It seems to me that the persons who should have the greatest input or issue with this request would be the owners of the property next door to the Zavislak's at 109 Woodwinds Lane. It is their property that would be affected by a possible encroachment into the setback area. I understand that as of this date Anthony & Karmen Jones-Baretich have not responded to any correspondence and/or emails with regard to this matter.

It is my understanding that the Zavislak's are planning on improving the appearance of their property and making various other upgrades which will enhance the look and value of not only their home but the neighborhood as well.

Thank you for your time and courtesy.

Rosalyn Thorpe

Hillary Gropp

From: Michael Zavislak <michaeldzavislak@hotmail.com>
Sent: Monday, January 17, 2022 11:46 PM
To: Hillary Gropp
Subject: Re: Board of Adjustment Agenda
Attachments: Woodwinds Cir. 12.1.2021 signed.pdf; D21290.pdf; Report for Mike Zavislak.pdf; 178 Woodwinds Circle septic.pdf; 109 Woodwinds Lane septic.pdf

Hillary,

Please find the attached documents regarding our variance request.

1. Engineered plans for new driveway and shed for Lot #4, dated 12/1/2021
2. As-built survey of Lot #4, dated 12/1/2021
3. Septic letter, dated 1/17/2022
4. Septic plans for Lot #4, date not legible
5. Septic plans for Lot #5, dated 2/8/1990

Please put us on the agenda for the next meeting.

Thanks
Michael

From: Hillary Gropp <townclerk@sevendeils.net>
Sent: Thursday, October 21, 2021 12:26 PM
To: michaeldzavislak@hotmail.com <michaeldzavislak@hotmail.com>
Subject: Board of Adjustment Agenda

Greetings Michael,

Attached is the agenda packet for the upcoming Board of Adjustment meeting on Tuesday, October 26th at 5:30pm. For your convenience, I have also printed a hard copy of this and you can pick it up at Town Hall, otherwise it will be available for you at the meeting.

If you have any questions, please contact Debbie Powers, Town Manager/Zoning Administrator.

Sincerely,

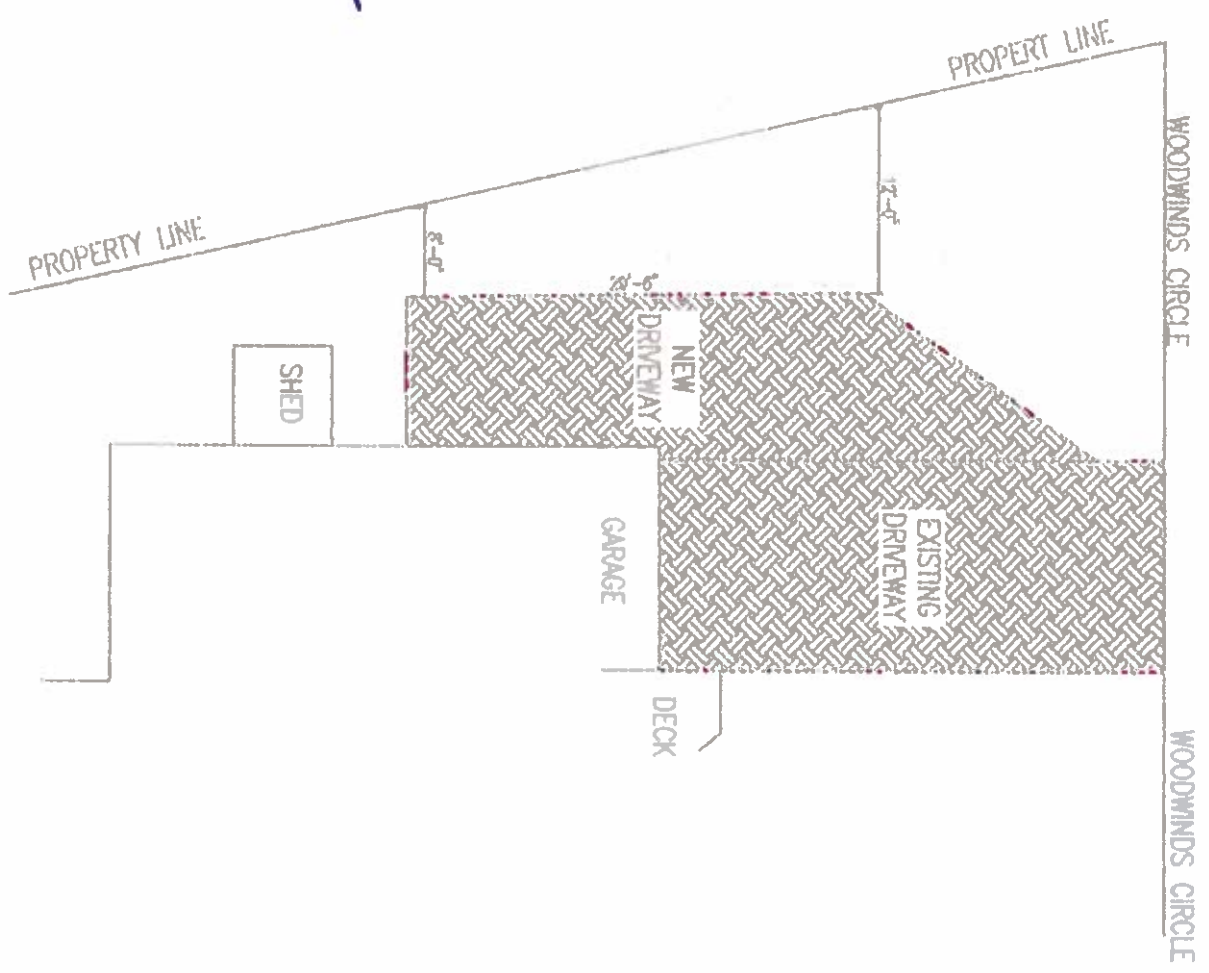
Hillary Gropp, CMC, NCCMC
Town Clerk

Town of Seven Devils
157 Seven Devils Road
Seven Devils, NC 28604
828-963-5343 – Office

townclerk@sevendeils.net
www.sevendeils.net

DISCOVER OUR POSITIVE ALTITUDE!

AGENDA ITEM E.(i)



AGENDA ITEM E. (ii)



VICINITY MAP (NOT TO SCALE)

- LEGEND
- 1/4" = 100' (AS SHOWN)
 - 1/8" = 100' (AS SHOWN)
 - 1/16" = 100' (AS SHOWN)
 - 1/32" = 100' (AS SHOWN)
 - 1/64" = 100' (AS SHOWN)
 - 1/128" = 100' (AS SHOWN)
 - 1/256" = 100' (AS SHOWN)
 - 1/512" = 100' (AS SHOWN)
 - 1/1024" = 100' (AS SHOWN)
 - 1/2048" = 100' (AS SHOWN)
 - 1/4096" = 100' (AS SHOWN)
 - 1/8192" = 100' (AS SHOWN)
 - 1/16384" = 100' (AS SHOWN)
 - 1/32768" = 100' (AS SHOWN)
 - 1/65536" = 100' (AS SHOWN)
 - 1/131072" = 100' (AS SHOWN)
 - 1/262144" = 100' (AS SHOWN)
 - 1/524288" = 100' (AS SHOWN)
 - 1/1048576" = 100' (AS SHOWN)
 - 1/2097152" = 100' (AS SHOWN)
 - 1/4194304" = 100' (AS SHOWN)
 - 1/8388608" = 100' (AS SHOWN)
 - 1/16777216" = 100' (AS SHOWN)
 - 1/33554432" = 100' (AS SHOWN)
 - 1/67108864" = 100' (AS SHOWN)
 - 1/134217728" = 100' (AS SHOWN)
 - 1/268435456" = 100' (AS SHOWN)
 - 1/536870912" = 100' (AS SHOWN)
 - 1/1073741824" = 100' (AS SHOWN)
 - 1/2147483648" = 100' (AS SHOWN)
 - 1/4294967296" = 100' (AS SHOWN)
 - 1/8589934592" = 100' (AS SHOWN)
 - 1/17179869184" = 100' (AS SHOWN)
 - 1/34359738368" = 100' (AS SHOWN)
 - 1/68719476736" = 100' (AS SHOWN)
 - 1/137438953472" = 100' (AS SHOWN)
 - 1/274877906944" = 100' (AS SHOWN)
 - 1/549755813888" = 100' (AS SHOWN)
 - 1/1099511627776" = 100' (AS SHOWN)
 - 1/2199023255552" = 100' (AS SHOWN)
 - 1/4398046511104" = 100' (AS SHOWN)
 - 1/8796093022208" = 100' (AS SHOWN)
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**MICHAEL ATHANAS & ASSOCIATES, INC.
LICENSED SOIL SCIENTIST
556 Walden Trail
Weddington, NC 28173
704-576-3887 (Mobile)**

January 17, 2022

Attn: Michael Zavislak

Reference: Driveway Expansion for Lot 4, 178 Woodwinds Circle, Seven Devils, NC

Dear Mr. Zavislak:

I have reviewed all of the information you have sent over to me concerning the driveway expansion for lot 4, 178 Woodwinds Circle and the potential impact it may have on lot 5, 109 Woodwind Circle residence. Based on the information provided to me, which included septic permits for lot 5 and lot 4, engineered plans for your driveway expansion and a survey of lot 4, I do not see any violation or potential impact to lot 5 septic system as a result of your potential driveway expansion. Please note in accordance with **15A NCAC 18A .1900 "Laws and Rules for Sewage Disposal Systems"**, specifically **15A NCAC 18A .1950 Location of Sanitary Sewage Systems**, there is no setback from a driveway to a septic system.

Please know this investigation was accomplished reviewing documents in the office and a field visit was not made. If you have any questions or concerns, please feel free to contact me.

I trust this report provides you with the information you needed. If I can be of any further assistance, please feel free to call.

Sincerely,

Michael Athanas
South Carolina Professional Soil Classifier, #77
North Carolina Licensed Soil Scientist # 1252

FEE _____

APPALACHIAN DISTRICT HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH SECTION

Boone 264-4995 Jefferson 246-9449 Sparta 372-8813

IMPROVEMENTS PERMIT - CERTIFICATE OF COMPLETION

Pumped 6-27-96
" 4-30-02
11/01/07

BYRUM

178 Woodlands Lane

OWNER [Signature] COUNTY [Signature] 2010

LOCATION 178 _____

SUBDIVISION NAME _____ PHONE _____
NO. SITE 4 SECTION NO. _____

THIS SYSTEM DESIG
RESIDENTIAL

NO. OF BEDROOMS _____

BUSINESS _____

OTHER _____

ESTIMATED DAILY F. _____

SPECIAL FIXTURES _____

BASEMENT: NO ()

REPAIR AREA REQUI. _____

WATER SUPPLY: WELL () SPRING ()
PRIVATE () PUBLIC ()

FmHA () FHA () VA ()

TYPE SYSTEM INSTALLED _____

Site Classification: () Suitable
Provisionally Suitable ()

Soil Group _____ Texture _____ Depth _____

Slope (%) _____ Restrictive Horizons (In.) _____

Soil Drainage/Groundwater _____

Soil Permeability _____

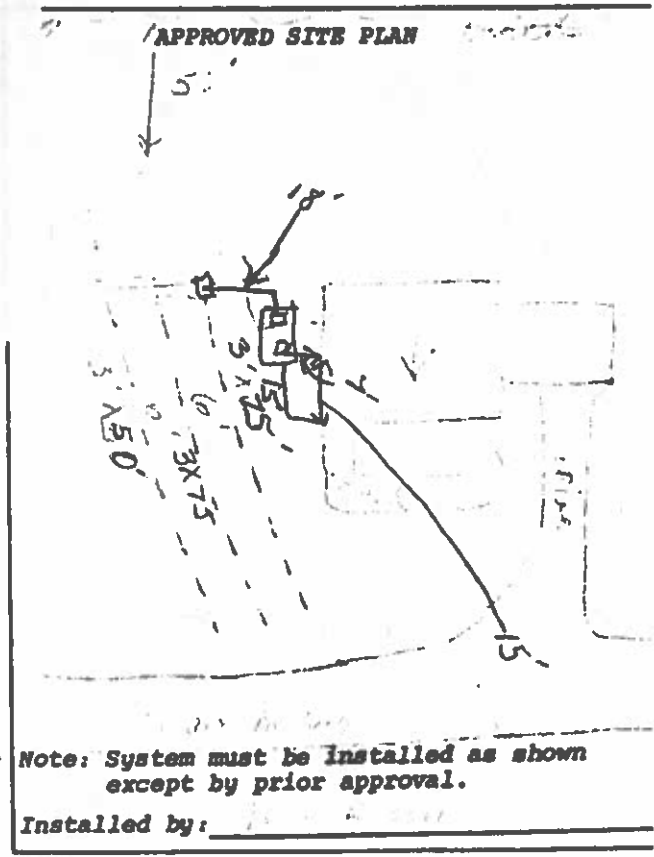
Application Rate _____ Septic Tank Size _____ Gal.

Drainfield Size (sq. ft.) Trench _____ Bed _____

Stone Depth _____

Other: _____

COMMENTS/SPECIAL INSTRUCTIONS _____



I certify that I have reviewed and agree to the provisions of this permit and any changes will be made only with prior Health Department approval. Note: Grading or excavating could change site suitability.

I certify that the information on this application is true and correct and will not be altered without prior Health Department Approval.

Owner/Agent _____ Date _____

Improvements Permit by [Signature] Date 10-28-11

Note: Improvements Permit valid for 36 months from date of issue.

Certification of Completion by _____ Date _____

AGENDA ITEM E.(v)

PERMIT NO 95209

APPALACHIAN DISTRICT HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH SECTION

Boone 284-4995 Jefferson 246-9449 Sparta 372-8813

IMPROVEMENTS PERMIT - CERTIFICATE OF COMPLETION

pumped 8-8-96

3/13/08

HAYES

109 WOODWINDS LANE

#109 WOODWINDS LN

COUNTY

OWNER

LOCATION

PHONE

SUBDIVISION NAME

LOT NO. 5

SECTION NO.

THIS SYSTEM DESIGNED FOR:

RESIDENTIAL NO. OF UNITS 1

NO. OF BEDROOMS 3

BUSINESS

OTHER

ESTIMATED DAILY FLOW RATE GAL./DAY

SPECIAL FIXTURES

BASEMENT: NO () YES () Fixtures in Basement ()

REPAIR AREA REQUIRED: YES () NO ()

WATER SUPPLY: WELL () SPRING ()
PRIVATE () PUBLIC ()

FEMA () FHA () VA ()

TYPE SYSTEM INSTALLED

Site Classification: () Suitable
Provisionally Suitable ()

Soil Group Texture Depth

Slope (%) Restrictive Horizons (In.)

Soil Drainage/Groundwater

Soil Permeability

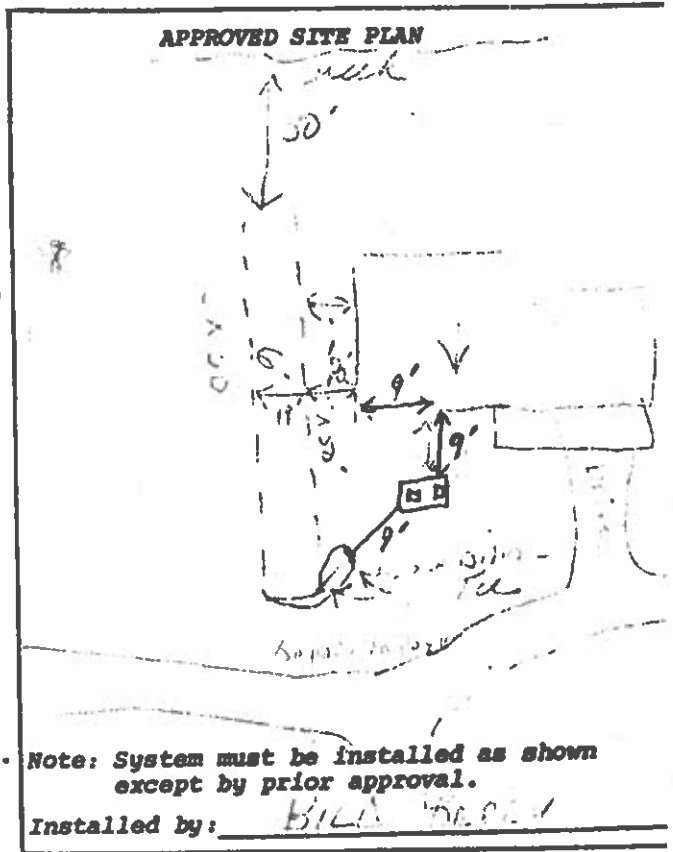
Application Rate Septic Tank Size Gal.

Drainfield Size (sq. ft.) Trench Bed

Stone Depth

Other:

COMMENTS/SPECIAL INSTRUCTIONS



I certify that I have reviewed and agree to the provisions of this permit and any changes will be made only with prior Health Department approval. Note: Grading or excavating could change site suitability.

I certify that the information on this application is true and correct and will not be altered without prior Health Department Approval.

Owner/Agent

Date

Improvements Permit by

Date

Note: Improvements Permit valid for 36 months from date of issue.

Certification of Completion by

Date

Hillary Gropp

From: Quinn Morris <quinnamorris@gmail.com>
Sent: Tuesday, December 14, 2021 11:55 PM
To: Hillary Gropp
Cc: Ann McConnell; Diane Perrell; George Harrison; Rosalyn Thorpe
Subject: Woodwinds POA Statement on Zavislak Variance Request

Hi Hillary,

Per Debbie's email to me earlier today, I am forwarding the below statement from the Woodwinds POA Board of Directors as requested by the Board of Adjustment. Based on my understanding, this is all that was needed by the Board of Adjustment from the POA, and once the Zavislak's submit the items requested of them, the hearing will resume.

I have copied the rest of the POA Board on this email as well, so we are all on the same page.

Statement on Zavislak Variance Request

"The Woodwinds POA Board of Directors has reviewed the variance request submitted by Michael & Karen Zavislak. With respect to the proposed driveway extension, after careful review of septic maps, the board has no objection to the proposed location as based on our reading, the proposed driveway would not interfere with septic easement. The proposed driveway will not encroach on any septic field or any repair area. With respect to the proposed additional structure, the board has no concerns about the proposed location, however additional information about the exact specifications of the structure would be needed for full POA approval. In particular, the board wants to ensure, through exercise of its architectural review process, that the proposed structure is not a separate structure, but rather is integrated into the existing house structure. In summary, the board has no objection to the proposed location of either project, but both proposals will need to pass review by the POA Board, acting as the POA's architectural review committee, before the board can give final approval for either project."

Best,
Quinn Morris
President, Woodwinds POA