Town of Sylva

NC 1889

83 Allen Street, Sylva, NC 28779

APPLICATION FOR ZONING TEXT OR MAP AMENDMENT

Submit this completed application and all supporting documentation that may be helpful in the review process. In order to ensure that the proposed text amendment or map amendment complies with the Town of Sylva's regulations, we recommend that the applicant review the Town of Sylva Zoning Ordinance prior to application submittal. The request for a Zoning text or Zoning Map amendment may only be initiated by the Town Board of Commissioners, the Town Planning Board, Planning Staff, the owner of property in the Town of Sylva or a citizen of the Town of Sylva.

All responses in this application must be legible and filled out completely. Illegible and/or incomplete applications will be returned to the applicant. The application fee for a text amendment or map amendment is set forth in the Town of Sylva's fee schedule, is non-refundable and must be submitted with the completed application. For map amendment requests, a current survey prepared and sealed by an NC Registered Surveyor will be required. Applications are not accepted via facsimile or email. Please submit application, fees and supporting documentation to the Town of Sylva, 83 Allen Street, Sylva, NC 28779 via hand delivery or U.S. Mail.

Application deadlines are 30 days prior to the Town of Sylva's Planning Board next scheduled meeting. The applicant will be notified of scheduled hearing dates and times. The average text or map amendment petition timeline is 45 days from date of application to Town Hall. Depending on the complexity of the request, it is not unusual for a petition to take up to 6 months to be considered before the Town Board of Commissioners. Hearing schedules are not guaranteed and subject to change.

Conditional Zoning Districts **(CD)** are a zoning tool, permitted in accordance with NCGS 160D-703.b., which may be utilized to create new unique, site-specific districts for uses or developments that may have particular benefits and/or impacts on both the immediate area and the community as a whole. The development of these uses may require deviation of the general district standards. The applicant must provide an initial Master Site Plan and zoning proposal that includes all proposed uses and standards for the conditional zoning district being proposed. It is not the intention of Conditional Zoning to circumvent, reduce, or eliminate particular regulations as they would normally be applied to any particular district or use but rather provide flexibility and design standards unique to the subject property and use.

This negotiated approach between the applicant and the Town through a legislative decision allows maximum flexibility to tailor regulations to a particular site and project. Special restrictions have been placed on Conditional zoning. Conditional Zoning Districts occur at the owner's request and conditions cannot be imposed without the owner's agreement. The individual conditions and site-specific standards that can be imposed are limited to those that are needed to bring a project into compliance with town ordinances and adopted plans and to those addressing the impacts reasonably expected to be generated by the use of the site. The town must assure that all of the factors defining reasonable spot zoning are fully considered and that the public hearing record reflects that consideration.

Conditional Zoning shall be subject to the specific procedural rules located in Articles 3 and 5.

PLEASE COMPLETE ALL SECTIONS OF THE APPLICATION;
INCOMPLETE APPLICATIONS WILL BE RETURNED TO THE APPLICANT;
INDICATE "NOT APPLICABLE" OR "N/A" WHERE APPROPRIATE

Contact Information:

Applicant/Agent: Jackson County, Kevin King- County Manager

(This person will be the contact person and will receive all mailings)

Address: 401 Grindstaff Cove Road

Phone: 828-631-2295 Fax: _____

Email: kevinking@jacksonnc.org

PropertyOwner(s): Jackson County

(If the owner is different than the applicant)

Address: _____

Phone: _____ Fax: _____

Email: _____

Property Information:

Property Location/Address(es): 108 Dillsboro Road,Sylva

_____

Tax Parcel Identification Number(s): 7641-09-2476, 7631-99-9763

_____

Current Use of Property(ies): Single Family Residential, vacant

Acreage to be Rezoned: 5.9

Deed Book: 2419 Page: 1534 Lot / Tract Size: 5.9 (acres)

Property Street Frontage / Width: 366 feet (approx.) Property Depth: _____

Flood Plain: Yes FIRM Panel: 7641

Zoning Information:

Current Zoning District(s): Low Density Residential

Requested Zoning District(s): Institutional

Purpose of Zoning Change *(optional)*: The purpose of the zoning change is to allow the expansion of the operations associated with the Jackson County Justice Center.

_____

_____

_____

Spot Zoning Statement:

In the space below, please indicate whether the proposed rezoning *will* or *will not* constitute a spot zoning and explain *why* the proposed *rezoning will or will not constitute* a spot zoning. *(For more information on spot zoning, refer to the attachment on spot zoning).*

The proposed zoning map amendment will not constitute spot zoning due to the properties being adjacent to property zoned Institutional. In addition, the future land use map in the Town's 2040 Land Use Plan identifies the property within the In- fill Neighborhood character area. The encourage land uses within this area include civic and educational uses that support community residents.

Town of Sylva LAND USE PLAN CONSISTENCY

All rezoning requests must be consistent with the Town of Sylva's *Land Use Map*

Current Land Use Classification(s): Residential

This rezoning request is:

- [x] Consistent with the Town's Land Use Map.
- [ ] NOT consistent with the Town's Land Use Map.

IF THE REZONING REQUEST IS NOT CONSISTENT WITH THE LAND USE MAP:

A Land Use Map Amendment is *REQUIRED*. All rezoning requests MUST BE CONSISTENT with the Town of Sylva's *Land Use Map and/or the Town's Land Use Plan*. All Land Use Amendments must be consistent with one or more of the adopted Land Use Plan Policies located within the Town's Land Use Plan Update document and/or demonstrate a change in the character of the area that warrants a departure from the adopted Land Use Plan. In the space below, please explain *why* the proposed Land Use Amendment will be consistent with the Town of Sylva's Land Use Plan and how the character of the area has changed *(A copy of the Town of Sylva's Land Use Plan and Map can be viewed at Town Hall.*

APPLICATION REQUIREMENTS:

All written materials and photographs must be a minimum of 8½"x11" paper; maps, surveys and plans must be submitted on a minimum 11"x17" paper. For the first level of review with the Town of Sylva Planning Board, the applicant must supply one (1) original and ten (10) copies of the completed application, supporting documents, photographs and materials. For Clerk advertisement and Board of Commissioners consideration, the Planning Staff may request additional documents as necessary. Please plan to attend all meetings and be prepared to answer questions or present information as necessary to the Planning Board or Town Board of Commissioners. Failure to attend may result in a delay or denial of your application.

1. **Legal description and property survey:** For a Major map amendment or if the applicant is seeking to subdivide a property to amend, attach a complete legal description (metes and bounds) of the property. Provide an existing survey of the property, with a scale indicating dimensions. If the applicant is seeking a text amendment, please attach a tax map with PIN number.

2. **Requested zoning change and use:** Indicate the current zoning classification and the proposed zoning classification being requested.

3. **Adjacent property zoning and land use:** Provide the current zoning and land use for the parcels immediately adjacent to the subject property (include all directions – north, south, east and west). Do not include right-of-way when considering adjacent uses.

4. **Land use and future development:** Describe how land use and future development conditions have changed that make the existing zoning designation unsuitable; include detail as to why a rezoning would be compatible with the character of the area.

5. **Public need:** Indicate the perceived need for the additional land to be zoned to the requested classification stated above.

6. **Community impact:** Describe the impact the proposed rezoning would generate on the adjacent properties and the surrounding neighborhoods/communities/businesses. Include in your discussion: transportation, utilities, storm water management, fire, public safety, open space, topography, density, property access and economic development. Provide in detail why or why not (and if so, how) the proposed rezoning will affect the surrounding properties.

7. **Infrastructure demand:** Describe the impact the proposed rezoning would have on public services, facilities and infrastructure (e.g. schools, parks, recreational services, roads, senior services, etc.). Provide in detail estimated demand for existing and/or new services based upon build-out and population projections.

8. **Zoning Ordinance and Comprehensive Plan compliance:** Explain how the proposed rezoning or development will be in compliance with Town's Land Use Plan and/or Comprehensive Plan.

Notification:

All property and business owners within 100 feet of the property being considered for a text or map amendment must be mailed an Adjacent Property Owner Notification a minimum 10 days prior to the Town of Sylva Planning Board and Town Board of Commissioners meetings. The applicant is responsible for supplying a list of the names and mailing address for these properties and businesses affected by the possible text or map amendment change. In addition, the applicant must supply two (2) set of stamped, addressed #10 envelopes for each property and business owner within a 100' radius. The return address should read:

Town of Sylva
83 Allen Street
Sylva, NC 28779

SPOT ZONING

SPOT ZONING DEFINED:

"A zoning ordinance, or amendment, which singles out and reclassifies a relatively small tract owned by a single person and surrounded by a much larger area uniformly zoned, so as to impose upon the smaller tract greater restrictions than those imposed upon the larger area, or so as to relieve the small tract from restrictions to which the rest of the area is subjected, is called spot zoning."

How to determine whether a particular rezoning is spot zoning when a relatively small tract of land is:

o Zoned differently from the surrounding area
o Not taking into account the larger community context
o Not in accordance with the comprehensive plan

Factors to Consider:

1. Size of Rezoning Area

The smaller the area/tract the more likely the rezoning can be considered a spot zoning. The size of the tract must be looked at in context for the larger area.

2. Compatibility with the Plan

How consistent is the rezoning with the Land Use Plan(s). Relationship of the Town's Land use policies and objectives. Is the land suitable for the following:

o Development (e.g., topography, soil types, wetland locations, and flood areas)
o Availability of Services (e.g., water, sewer, roads)
o Existing and Needed Land Uses.

3. Benefits & Detriments

Look at who will benefit and be harmed (if anyone) from the result of the rezoning (e.g. owner, adjacent owners & community at large).

4. Relationships of Uses

The relationship of the proposed uses versus the current uses on adjacent land.

Authorization:

Note: If the person requesting of The Town of Sylva, to take action on a particular piece of property is not the owner of the property, or under contract to purchase, then the actual owner of the land must complete this form with his/her signature notarized. If the property owner is the applicant please complete the section below and sign as indicated.

Fax, Scan or Copied images of the original document will not be accepted.

I, Jackson County/Kevin King- County Manager (Land owner name) am the owner of the property located in the Town of Sylva Zoning Jurisdiction at:

Street address: 401 Grindstaff Cove Road Property PIN: 7641-09-2476, 7631-99-9763

I hereby authorize Jackson County/ Kevin King (owner or applicant's name) to appear with my consent before the Town of Sylva Planning Board and Board of Commissioners in order to request a rezoning for the above noted location. I authorize the Town of Sylva to advertise and the applicant to present this matter in my name as the owner of the property. I hereby authorize the Town Officials to enter my property to conduct relevant site inspections as deemed necessary to process the application. All information submitted and required as part of the approval process shall become public records. I, as the land owner, hereby CERTIFY THAT THE INFORMATION CONTAINED HERIN IS TRUE TO THE BEST OF MY KNOWLEDGE; AND BY ACCEPTING THIS REZONING, if approved, shall in every respect conform to the terms of this application and to provisions of the Statutes and Ordinances regulating development in the Town of Sylva. Any VIOLATION of the terms above stated and/or Town Ordinances or Regulations will result in civil penalties. If there are any questions, you may contact me at:

Street Address: 401 Grindstaff Cove Road

City / State / Zip Code: Sylva, NC 28779

Phone Number: 828-631-2295

Email Address: kevinking@jacksonnc.org

Owners Signature:

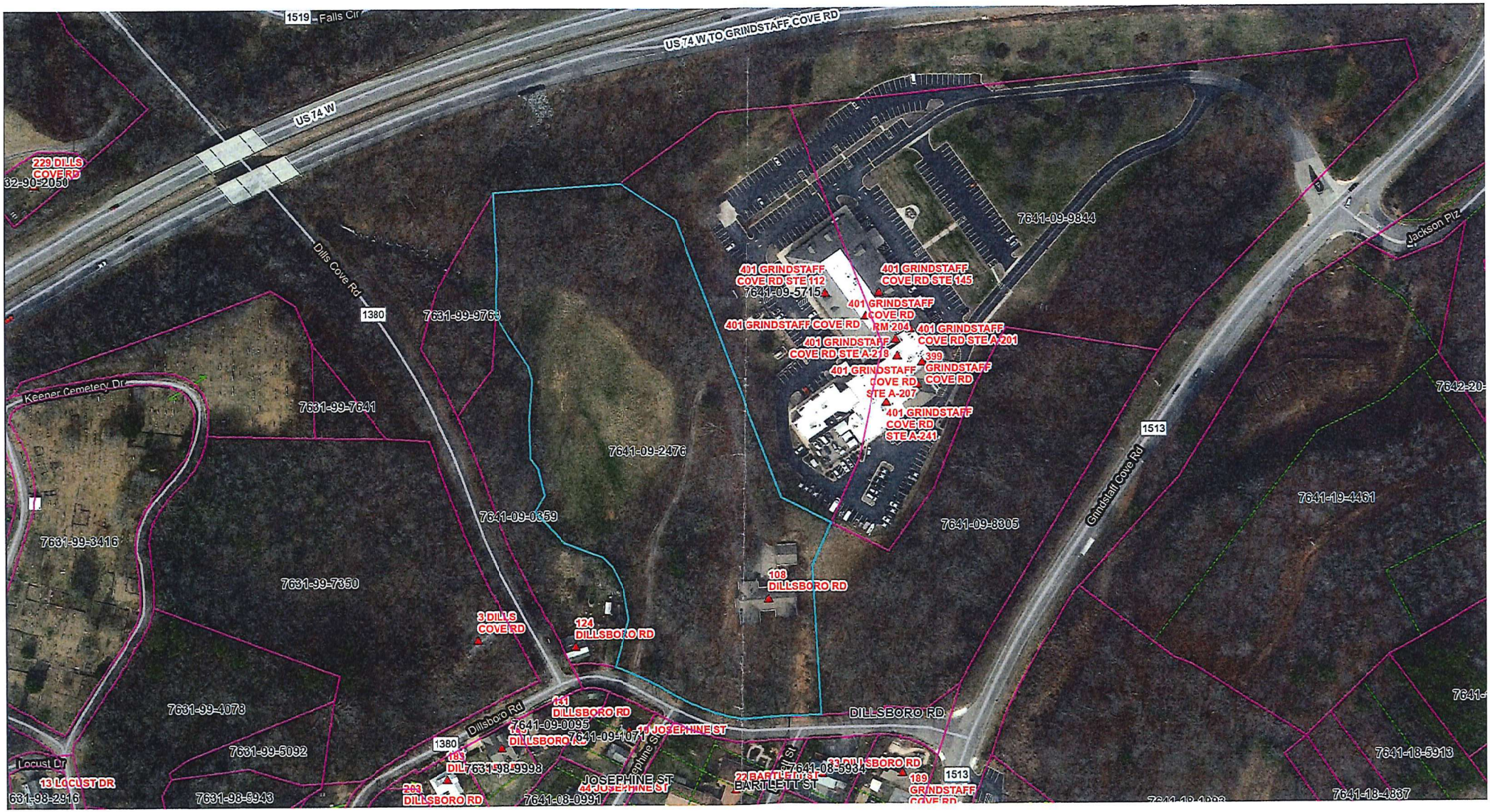
Sworn to and subscribed before me, this the 20 day of August, 2026

Janice M. Cope

Notary Public

My commission expires: 4-02-2028

JANICE M. COPE
MY COMM EXP.
APRIL 02, 2028
JACKSON COUNTY, NC
NOTARY PUBLIC


1519 Falls Cir
US 74 W TO GRINDSTAFF COVE RD
US 74 W
229 DILLS COVE RD
32-90-2050
Dills Cove Rd
1380
7631-99-9763
7641-09-9844
Jackson Plz
401 GRINDSTAFF COVE RD STE 112
7641-09-5715
401 GRINDSTAFF COVE RD STE 145
401 GRINDSTAFF COVE RD RM 204
401 GRINDSTAFF COVE RD
401 GRINDSTAFF COVE RD STE A-201
401 GRINDSTAFF COVE RD STE A-218
399 GRINDSTAFF COVE RD
401 GRINDSTAFF COVE RD STE A-207
401 GRINDSTAFF COVE RD STE A-241
Keener Cemetery Dr
7631-99-7641
7641-09-2476
1513
Grindstaff Cove Rd
7642-20-
7641-19-4461
7641-09-0359
7631-99-8416
7641-09-8305
7631-99-7350
108 DILLSBORO RD
3 DILLS COVE RD
124 DILLSBORO RD
7631-99-4078
141 DILLSBORO RD
Dillsboro Rd
7641-09-0095
DILLSBORO RD
7641-09-1071
14 JOSEPHINE ST
1380
7631-99-5092
Locust Dr
13 LOCUST DR
631-98-2916
7631-98-9998
7631-98-5943
203 DILLSBORO RD
JOSEPHINE ST
44 JOSEPHINE ST
7641-08-0991
BARTLETT ST
22 BARTLETT ST
7641-08-5934
33 DILLSBORO RD
189 GRINDSTAFF COVE RD
1513
7641-18-5913
7641-18-4837

Town of Sylva, North Carolina
Zoning Map Amendment Request
Staff Report – October 5, 2026

Applicant: Jackson County Government – Kevin King, County Manager
Property Location: 108 Dillsboro Road, Sylva NC 28779; PIN's 7641-09-2476, 7631-99-9763
Current Property Zoning: Low Density Residential (LDR)
Ordinance Section for which the Text Amendment is requested: Article 3 - Procedures - Section 3.9.B – Zoning and Map Amendments

Description of Request:
The applicant is requesting a map amendment that would designate the subject properties as Institutional District (ID).

Background:
The Institutional District (ID) is a moderately sized district within Sylva's zoned jurisdiction. The ID District offers a broad range of permitted (use-by-right) and special uses (SUP) such as public/civic/social services, auditoriums, community centers, emergency services, government facilities, places of worship, pre-school/daycare, parks/recreation, health care facilities, professional offices, etc. Property improvements in this district are subject to development standards as set forth in the zoning ordinance including building setbacks, landscaping, architectural standards, sidewalk construction, storm water treatment, etc.

The subject properties are located off Dillsboro and Dills Cove Roads approximately 600 lf west of the Grindstaff Cove Road/Dillsboro Road intersection. These properties total 6.65 acres in total land area and currently has one single-family dwelling located on it. Access to this property is from the public right-of-way of Dillsboro Road. These properties are adjacent to properties to the east and west that are in the Institutional District and portions of these properties are located within the 100-year flood plain. These properties are or can be served by Tuckaseigee Water & Sewer Authority for public utilities.

Application Response:
The applicant is requesting that the existing Town of Sylva Zoning Map be amended to designate these properties (6.65 acres total) as Institutional District.

Staff Findings:
The requested map amendment would not constitute "spot zoning" as the properties to the east and west are zoned Institutional District.

The Town's adopted Land Use Plan for 2040 establishes that this property will be in the future *In-Fill Neighborhoods District* with encouraged land uses for this district being *Primarily single-family, detached residential and related accessory uses, Duplexes, Civic and educational uses that support community residents and some single-family attached residential ownership (e.g. townhomes) is included in this character area to promote housing diversity*.

October 22, 2026

TOWN OF SYLVA PLANNING BOARD

Statement of Consistency pursuant to G.S. 160D

Re: Proposed zoning map amendment to apply a conditional zoning district to parcel identified by PIN #' 7641-09-2476 and 7631-99-9763.

The Town of Sylva Planning Board has found the conditional district zoning map amendment to parcel identified by PIN #s 7641-09-2476 and 7631-99-9763 to be supported by the Town of Sylva 2040 Land Use Plan.

We find the proposed amendment tó be consistent with the key drivers for The Plan for Sylva identified on page 20 and corridor specifications found on page 30 of the Town of Sylva 2040 Land Use Plan. The term driver refers to a top planning consideration that shapes The Plan for Sylva. More specifically:

- Driver 1-Residents, students, commuting employees, and visitors to Sylva enter the town through one of four corridors which are primarily a mix of commercial, retail, and institutional land uses. The corridors include Asheville Highway, Grindstaff Cove, NC 107, and Sylva/Dillsboro (West Main Street). Combined, the corridors comprise 23% of land in The Plan for Sylva study area. While the supply of land should be adequate for near- and long-term needs, much can be done to integrate the corridors with Sylva's overall vision and improve conditions for the people who use these corridors.

- In- Fill Neighborhoods: In-fill Neighborhoods are areas of existing low- (2 to 4 units per acre) to medium-density (4 to 12 units per acre) single-family residential uses. In the future, these stable neighborhoods will retain their existing land use pattern, as a denser development pattern conflicts with topography in most in-fill areas. Encouraged land uses are primarily single-family, detached residential and related accessory uses, duplexes, civic and educational uses that support community residents, some single-family attached residential ownership (e.g. townhomes) is included in this character area to promote housing diversity, and areas that currently allow manufacture housing will continue to allow for this land use.

We therefore consider the proposed zoning map amendment to be reasonable and in the public interest.

Signed: _____

Russ Harris, Vice-Chairman, Town of Sylva Planning Board