

EXHIBIT 4
P. 1

REC & 2/3/23
3:35 PM

Appeal of Administrative Decision

I, Peggy Hannah, filed this appeal on behalf of myself and my neighborhood.

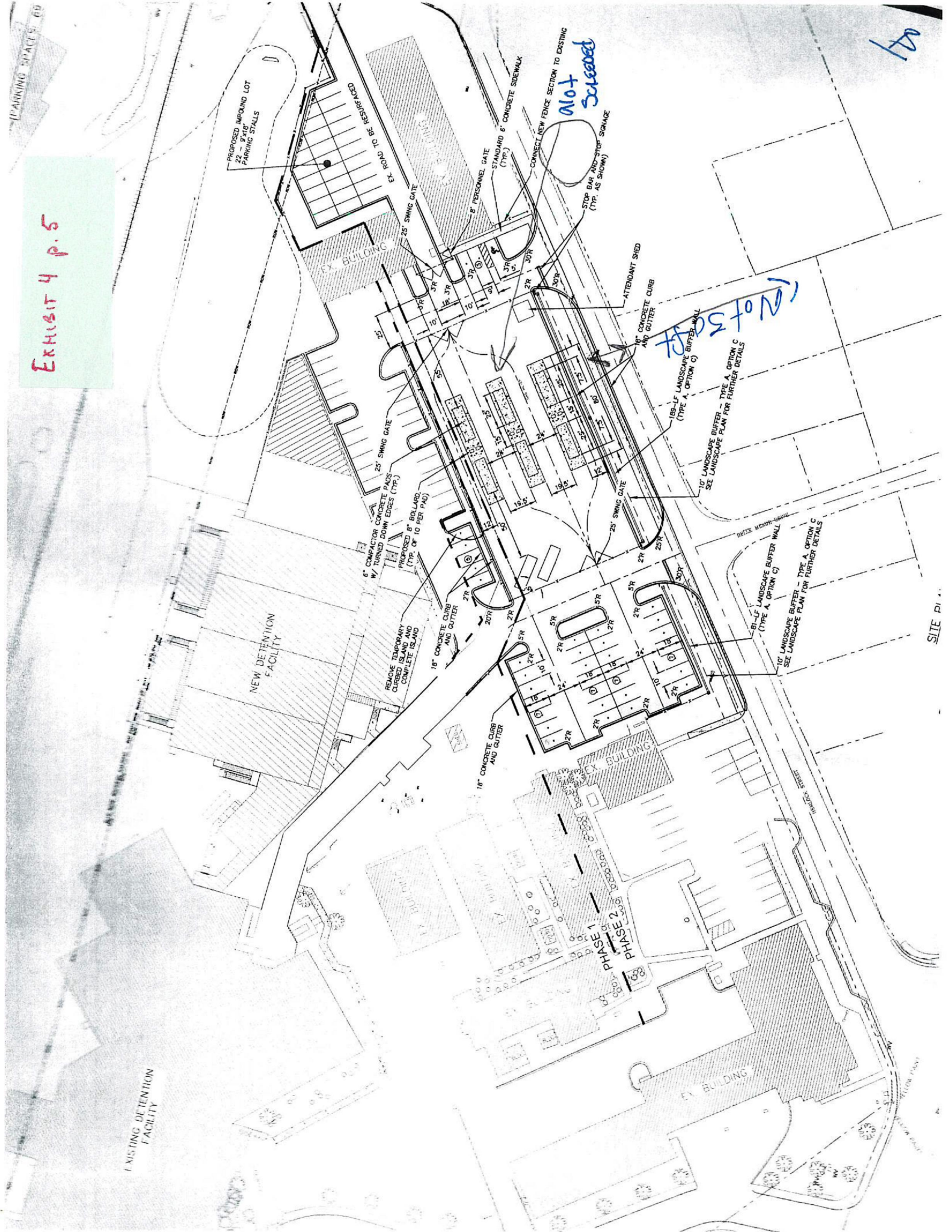
1. About a month ago, a notice of zoning decision was posted in my neighborhood. I live at "268 Hemlock Street" signed by Waynesville Development Director Elizabeth Teague.
2. It states that she makes the following "Administrative Zoning decision for the current use of the property" This property is the large piece of land where the jail detention facilities, sheriff's office, ETC are currently located.
3. The notice or Elizabeth then states the definition of government services under Waynesville Development Standards, LDS 17.3, which is totally nonspecific.
4. Elizabeth Teague then simply concludes that government services "includes the property uses of the county 911 center, communication tower, sheriff department office, and detention center, magistrate, solid waste, recycling transfer station, county garage and maintenance and impound lot and personnel and public parking and storage facilities."
5. Those may be the current uses and those might government activities, but the notice does not say anything about the proper zoning of those uses as you might expect in a "zoning decision".
6. Elizabeth Teague and Bryon Hickox told me that the decision related to the jail or detention facility expansion, which I already knew, and I also knew it involved changing the location of some things such as the waste station.
7. A basic rule of the LDS and of the Town Planning Borad, of which I am a member, is that whenever anything is built, or changed, it has to follow all the regulations for the zoning district, LDS 1.6.1.
8. Bryon also gave me printouts of the proposed detention expansion, which are attached as part of this appeal. The printout shows that the district involved is the Hyatt Creek Regional Center, or HCRC, plans marked A and B.
9. Other than stating Mrs. Teague's view of what the definition of government services is, the notice does not even mention zoning, and if it is supposed to be a "zoning decision" it is entirely unclear what the zoning decision is or if it makes any decision.
10. Since they told me the notice relates to the detention facility expansion it sure looks like it might be implying that the jail expansion and the change in the waste station is properly zoned for the HCRC district.
11. If that is what is intended by the "zoning decision" Elizabeth could not be more wrong.
12. If that is what was intended by this then that "zoning decision" was concealed from the neighborhood and the public.
13. It sure seems like Elizabeth forgot to look at the LDS permitted uses table under LDS 2.5.3, so I will do that for you.

14. Under LDS 2.3.7, HCRC is described as a mix use center containing retail, services, and employment, "must be developed with sensitivity to the surrounding rural setting." That sensitivity to the effects of our neighborhood is exactly what we want
15. Under the description of the categories of the permitted use table, LDS 2.5.1.C says that the office/service use is general business and the provision of services, excluding retail and manufacturing.
16. LDS 2.5.1F says that Civic/Institution use includes SOME government uses. A government institution such as a correctional institution would fall under this category and correctional institution means the same thing as a detention center. Google it!! I did and it is attached as part of this appeal marked C
17. Now let's look at the permitted use table, LDS 2.5.3. It is true that some government uses are permitted in the HCRC. But that is only under the office use of the table. Attachment D.
18. Getting to the more specific parts of the table, remember that the "Institutional" use section is defined as including government uses. Under the "Civic, Instrumental" category, one of the specific items "correctional institution. Remember that a detention facility is the same as correctional institution and in the table that is NOT PERMITTED IN HCRC.
19. Maybe the jail is grandfathered in, but building a new detention facility is building and alternating the existing jail and would have to follow the regulations and would not be permitted.
20. It's the same for the waste station under the list of narrow uses, called the "Use Types" category, materials recovery and waste facility is listed as NOT PERMITTED in HCRC.
21. From my understanding the statements that Elizabeth Teague has made in the notice concerning the detention center and waste facility are completely false and is in no way permitted through the zoning of the property in the HCRC.
22. I also want to say that the waste station ^{was put there} was put there by the county around 2015?. I wonder if that was a "zoning decision" that the public missed because it was not clear, or if it was done without zoning approval. Either way, there is an argument that it has to be removed.
23. Also, there are other rules in the LDS that were not followed regarding that you have to follow to provide that "sensitivity" to the neighborhood that is required that I said before.
24. Regarding correctional institutional there has to be required buffering from adjoining residential property. LDS 3.7.2.
25. Regarding waste recovery station, all aspects of the activity shall be no closer than 50 feet to a property line and "shall be screened from the street and adjacent properties". In addition to not being permitted as it currently exists, the waste station also violates those provisions.
26. The buffering required both correctional institutional and waste facilities is under a type A buffer under LDS 8.4.2.A That requires either a 40-foot yard with required amount of

plants, or a 25-foot yard with plants, and a wall or berm, or a 10-foot yard with plants and a wall. All of those yards and walls must make the buffering "opaque" to the neighbors. That was neither done for the waste station as it currently exists, nor it is shown on the plan to be fully compliant for the new detention facility or changed waste station. Attachment A & B

27. The notice in question is meaningless if it does not actually make a "zoning decision" whether or not the detention expansion is proper. And worse if it was intended to be a "zoning decision" that the detention expansion and changed waste station were proper as permitted uses in HCRC, then it not only is not flat out wrong but the fact that it is so wrong and the intention was so unclear it makes one wonder exactly what is going on.

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SITE PLAN

AC

EXHIBIT 4 P.7



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State prison

Correctional institution means a **state prison**, detention center, multijurisdictional detention center, Correctional institution. ' means any institution or facility under the supervision and control of the secretary of corrections.

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www.lawinsider.com/dictionary/correctional-institution

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People also ask

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- 4. Correctional institution - Definition, Meaning & Synonyms vocabulary.com
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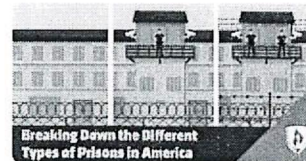
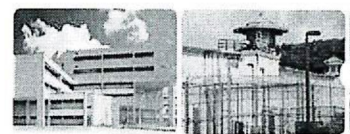
Web **Correctional institution** means any penal or correctional facility (jail, reformatory, detention

Prison



W

A prison, also known as a jail, gaol, penitentiary, detention center, correction center, correctional facility, lock-up, hoosegow or remand center, is a facility in which inmates are confined against ...



From the birth of modern civilization in **3rd millennia BC**, almost every major ancient civilization used concept of prisons as a mean to detain and remove personal freedoms of incarcerated people.

Early American prisons systems like Massachusetts' Castle Island

Penitentiary, built in 1780, essentially imitated the model of the 1500s English

workhouse.

High-security prisons

are also called United States Penitentiaries (USPs). As you might imagine, they provide the highest level of security, where inmates are closely monitored by guards and cameras.



How many days do you recommend fully exploring Prison?

A 1

B 2-3

C 4-7

EXHIBIT 4 p. 8

2.5.3 Table of Permitted Uses (rev. 2012, 2016, 2017, 2018, 2020, 2022):

USE TYPES	Residential-Low Density Districts (RL)				Residential-Medium Density Districts (RM)				Neighborhood Residential (NR)								Urban Residential (UR)				Neighborhood Center (NC)				Business District (BD)				Regional Center (RC)				Commercial/Industrial (CI)
	CC-RL	EN-RL	FC-RL	HT-RL	CP-RL	DRM	HM-RL	SW-RL	AC-NR	LL-NR	MS-NR	N-NR	FS-NR	PC-NR	RC-NR	SS-NR	WS-NR	EW-UR	H-UR	HM-UR	NM-NC	PS-NC	RC-NC	CBD	H-BD	SH-BD	DJ-RC	HC-RC	BA-RC	CI			
	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS			
RESIDENTIAL																																	
Dwelling-Single Family	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Dwelling-Two Family	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Dwelling-Townhome	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Dwelling - Cottage	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Dwelling-Multifamily	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Dwelling-Accessory	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		
Family Care Home (6 or fewer residents)	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		
Halfway Houses	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Home Occupation	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		
Live-Work Units	PL/PS	-	-	-	-	PL/PS	-	PL/PS	-	PL/PS	-	PL/PS	-	PL/PS	-	PL/PS	-	PL/PS	-	PL/PS	-	PL/PS	-	PL/PS	-	PL/PS	-	PL/PS	-	PL/PS	-		
Manufactured Home Parks	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Manufactured Housing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Residential Care Facilities (More than 6 residents)	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP		
LODGING																																	
Bed and Breakfast Homes (Up to 4 Rooms)	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		
Boarding House	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Hotel/Motel (More than 30 Rooms)	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP		
OFFICE/SERVICE																																	
Animal Services	PL	-	PL	-	-	PL	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
ATM	PL	-	PL	-	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	
Banks, Credit Unions, Financial Services	PL	-	PL	-	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	
Business Support Services	PL	-	-	-	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	
Child/Adult Day Care Home (8 or less persons)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Child/Adult Day Care Center (More than 8 persons)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Civic/Social/Fraternal Organization	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Construction & Maintenance Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Drive Thru Service	PL/PS	-	-	-	-	PL/PS	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Dry Cleaning & Laundry Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Funeral Homes	PL	-	-	-	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	
Government Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Kennels	PS	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Medical Outpatient Care Center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Personal Services	PL	-	PL	-	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	
Post Office	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Professional Services	PL	-	PL	-	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	
Studio - Art, dance, martial arts, music	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
COMMERCIAL																																	
Adult Establishment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Alcoholic Beverage Sales Store	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Auto Parts Sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Bar/Tavern/Night Club	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Drive-Thru Commercial	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Gas/Fueling Station	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

P Permitted
 PC Permitted on corner lots only
 PL Permitted in Designated Locations
 PS Permitted subject to Additional Standards in Ch 3
 SUP Special Use Permit Required (See Ch 3 and Ch 15)
 CD Conditional

Not Permitted

P Permitted
 PC Permitted on corner lots only
 PL Permitted in Designated Locations
 PS Permitted subject to Additional Standards in Ch 3
 SUP Special Use Permit Required (See Ch 3 and Ch 15)
 CD Conditional

USE TYPES	Residential-Low Density Districts (RL)				Residential-Medium Density Districts (RM)				Neighborhood Residential (NR)				Urban Residential (UR)				Neighborhood Center (NC)				Business District (BD)				Regional Center (RC)				Commercial Industrial (CI)		
	CC-RL	EN-RL	FC-RL	HT-RL	CP-RL	D-RM	HM-RM	SW-RM	AC-NR	LL-NR	MS-NR	N-NR	PS-NR	PC-NR	RC-NR	SS-NR	WS-NR	EW-UR	H-UR	HM-UR	NM-NC	PS-NC	RC-NC	CBD	H-BD	SM-BD	DJ-RC	HC-RC	RA-RC	CI	
AGRICULTURAL																															
Animal Production	PS		PS	PS		PS	PS	PS				PS	PS																		
Animal Production Support Services			P	P																											
Crop Production & Nurseries	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Crop Production Support Services			P	P																											
Feed Lots																															
Fish Hatcheries																															
Forestry & Logging	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	
Forestry Support Services																															
Produce Stands in Conjunction with Crop Production		P	P	P																											
Swine Farms																															
INFRASTRUCTURE																															
Wireless Communications Facility, Micro	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	
Wireless Communications Facility, Mini	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	
Wireless Communications Facility, Micro	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	
Monopole Wireless Communications Tower	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	
Parking lot/Structure - Principal use																															
Public Transportation Facilities																															
Radio and Television Broadcasting Facilities (Except Towers)																															
Utilities - Class 1	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Utilities - Class 2	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Utilities - Class 3																															

EXHIBIT 4 P. 810

TOWN OF WAYNESVILLE
280 GEORGIA AVENUE
WAYNESVILLE NC 28786

MISC RECEIPT 2881911
REFERENCE Appeal
DATE/TIME 02/27/23 10:25
CLERK 2044ecou
CUSTOMER Peggy Hannah
EFF. DATE 02/27/2023
DEPT

01

TOTAL: 250.00
250.00

PMT TYPE	QTY	REF
CHECK	1	10265

AMOUNT
250.00

EXHIBIT 4 PC 11