



# TOWN OF TRYON

301 North Trade Street Tryon, NC 28782 • 828-859-6654 • Fax 828-859-6653

## Variance Application Board of Adjustment

Case #: 26-VAR-01

### 1. Property Information

Date of Application 2/16/26 Name of Project Malcolm Residence  
 Location 1361 Hogback Mountain Rd. Property Size (acres) .49 acres  
 Current Land Use residential Proposed Land Use residential  
 Tax Parcel Number(s) P36-39

### 2. Contact Information

Lynda R. Malcolm  
 Property Owner  
1361 Hogback Mountain Rd. Tryon, NC 28782  
 Mailing Address City, State Zip  
803.422.6076  
 Telephone Fax  
Lynda Malcolm Lynda Malcolm 2/16/26  
 Signature Print Name Date

### 3. Practical Difficulty and Unnecessary Hardship

Ordinance Name: Town of Tryon Zoning Ordinance  
 Applicable Section(s) of the Ordinance: 4.7 Dimensional & Density Table  
 Variance requested: R-2 zoning requires 20' side setback  
requesting variance to encroach into setback up to 8' (maintain 12' from property line)

Please describe the following: See included Site Plan exhibit for clarification.

**A. There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance:**

This is an older home, built in the 1960s with small bathrooms. The owner would like to add accessible restrooms at the primary suite and guest suite on the main level in order to age in place in the home.

1. If the provisions of the Ordinance are complied with, the property owner can secure no reasonable return from or make no reasonable use of the property.

Long term use of the property is restricted without the ability to expand the footprint of the bathrooms to allow for long term use of this home as a primary residence.

2. The hardship results from the application of the Ordinance.

The 20' side setback does not allow for expansion on the side. A small side addition would allow for above listed use. A rear addition on the main level is not an option due to the steep slope of the site and location of needed bathroom expansion.

3. The hardship is suffered by the applicant's property.

This is a narrow lot in the R-2 zoning district. Minimum lot width in R-2 is 150', and this lot is only 106' wide. With (2) 20' side setbacks, this limits the home width to 66' wide, while conforming lots allow for a home that may be 110' wide.

4. The hardship is not a result of the applicant's own actions.

The lot width was already established when this zoning ordinance and side setbacks were put into place. The homeowner has made no improvements to the property since purchase.

**B. The hardship is peculiar to the applicant's property.**

The narrow width of the lot for this zoning district is peculiar to this property.

**C. The variance request is in harmony with the general purpose and intent of the Ordinance and preserves its spirit.**

It would maintain significant distance between the two adjacent homes (12' on this property and 42' on the adjacent property at the driveway side for a 54' separation between structures.)

**D. In granting the variance, the public safety and welfare are assured and substantial justice done.**

Public safety and welfare are assured and substantial justice would be done by granting this variance. There is no impact on public safety or welfare by the granting of this variance.

**Staff Use Only:**

Date Application Received: \_\_\_\_\_

2/16/26

Received By: \_\_\_\_\_

TIM DANIELS

Fee Paid: \$ \_\_\_\_\_

800 PD. 2/24

Case #: \_\_\_\_\_

26-VAR-01

Notes: \_\_\_\_\_

LRM 2/16/26

NOTES:  
 THIS PARCEL IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.  
 NO TITLE SEARCH PERFORMED BY BUTLER ASSOCIATES.  
 ALL DISTANCES ARE GROUND DISTANCES IN U.S. SURVEY FEET UNLESS OTHERWISE NOTED.

THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AS DETERMINED BY THE FEDERAL INSURANCE RATE MAP OF NORTH CAROLINA.

STATE OF NORTH CAROLINA

POLK COUNTY  
 OFFICE OF REGISTER OF DEEDS  
 FILED FOR RECORD THIS THE \_\_\_\_ DAY  
 OF \_\_\_\_ 20\_\_ AT \_\_\_\_ O'CLOCK \_\_\_\_ M  
 AND DULY REGISTERED IN SAID OFFICE  
 CARD FILE \_\_\_\_ PAGE \_\_\_\_

REGISTER OF DEEDS

NOTE:  
 THIS SURVEY REPRESENTS AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE ANY EXISTING STREET. G.S. 47-30 (E)(1)(X)(1).

STATE OF NORTH CAROLINA, POLK COUNTY, J. OSHAAL EDWARDS CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION. DEED DESCRIPTION RECORDED IN BOOK 122 PAGE 182 BOOK 122 PAGE 182, THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:10,000. THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN BOOK 122 PAGE 182 THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY HAND AND SEAL THIS \_\_\_\_ DAY OF \_\_\_\_ 2023.

variance request to extend elevated uncovered wooden walkway that currently sits within setback to meet driveway from level of back deck, in line with existing walkway. stairs from back deck would be eliminated.

existing walkway

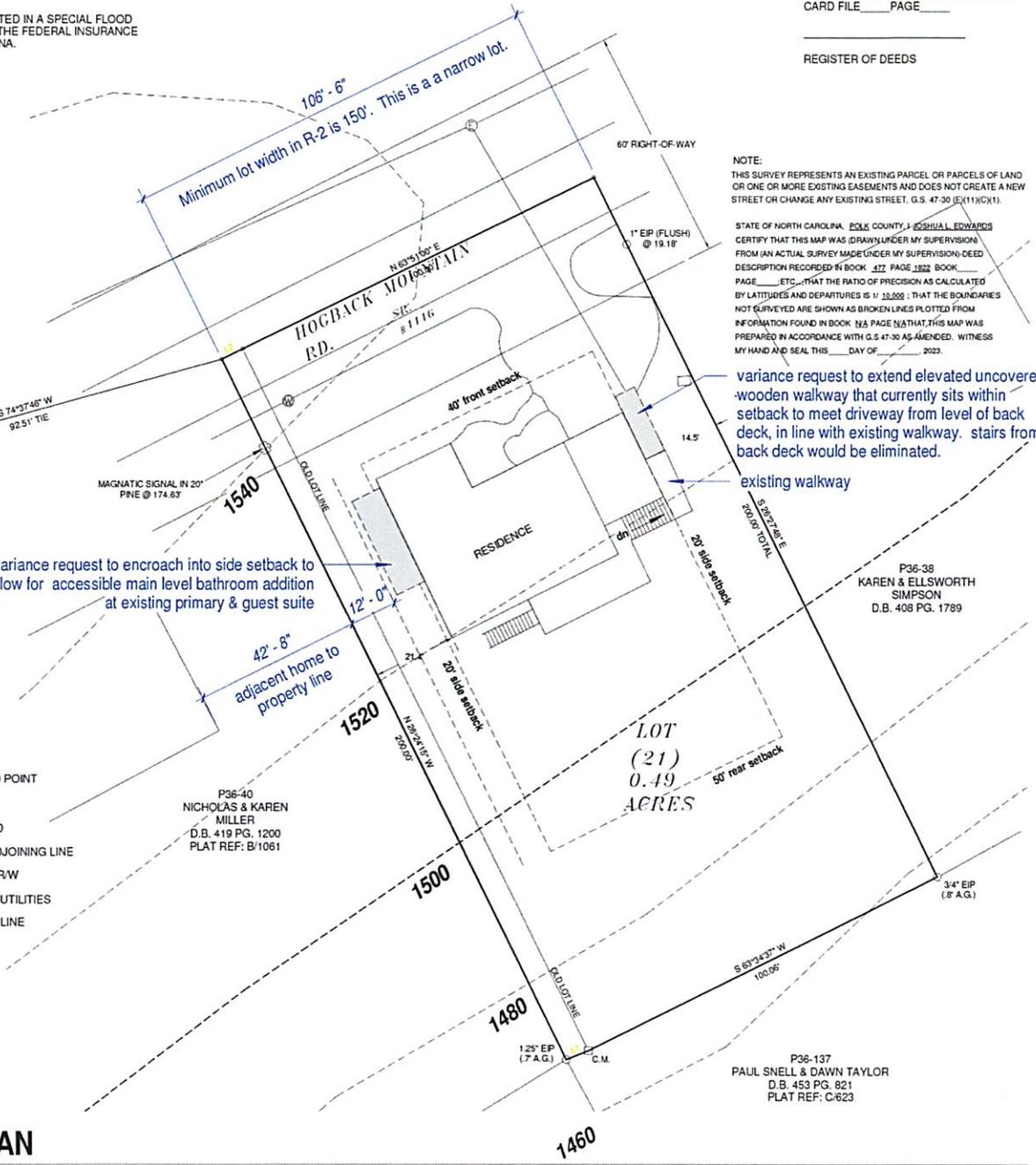
variance request to encroach into side setback to allow for accessible main level bathroom addition at existing primary & guest suite

adjacent home to property line

- LEGEND:
- NIR - NEW IRON ROD
  - CM - CONCRETE MONUMENT
  - EIP - EXISTING IRON PIPE
  - EIR - EXISTING IRON ROD
  - MN - MAG NAIL
  - AG - ABOVE GRADE
  - BG - BELOW GRADE
  - ⊕ - ELECTRICAL
  - ⚡ - FIRE HYDRANT
  - ⊙ - AREA LIGHT
  - ⊕ - WELL/WATER METER
  - - CALCULATED/UNMARKED POINT
  - △ - MAG NAIL
  - - CONCRETE MONUMENT
  - DRIVE/ROAD
  - APPROX. ADJOINING LINE
  - APPARENT R/W
  - OVERHEAD UTILITIES
  - BOUNDARY LINE

REVIEW OFFICER  
 CERTIFICATION  
 STATE OF NORTH CAROLINA  
 COUNTY OF POLK

1 **SITE PLAN**  
 Site 1 1/32" = 1'-0"

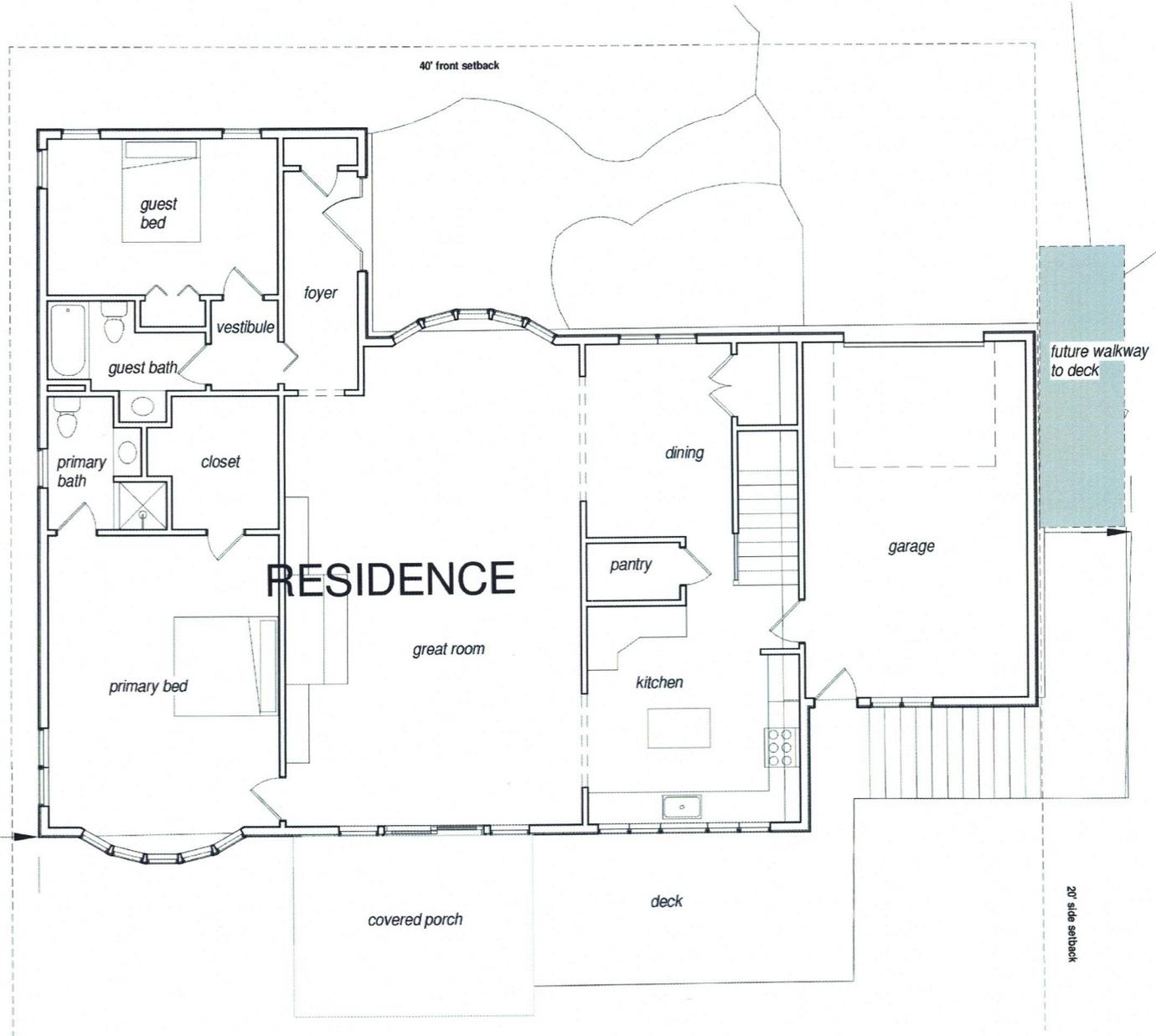


TEAGUE STUDIO  
 ARCHITECTURE + DESIGN

Greg and Lynda Malcolm  
**Malcolm Residence**  
 1361 Hogback Mountain Rd.  
 Tryon, NC

PROJ. NO. 26011  
 DATE 2/16/26  
 SKETCH NO.  
 Site Plan  
**Site 1**

LOT LINE



21.4'

20' side setback

40' front setback

RESIDENCE

future walkway to deck

14.5'

covered porch

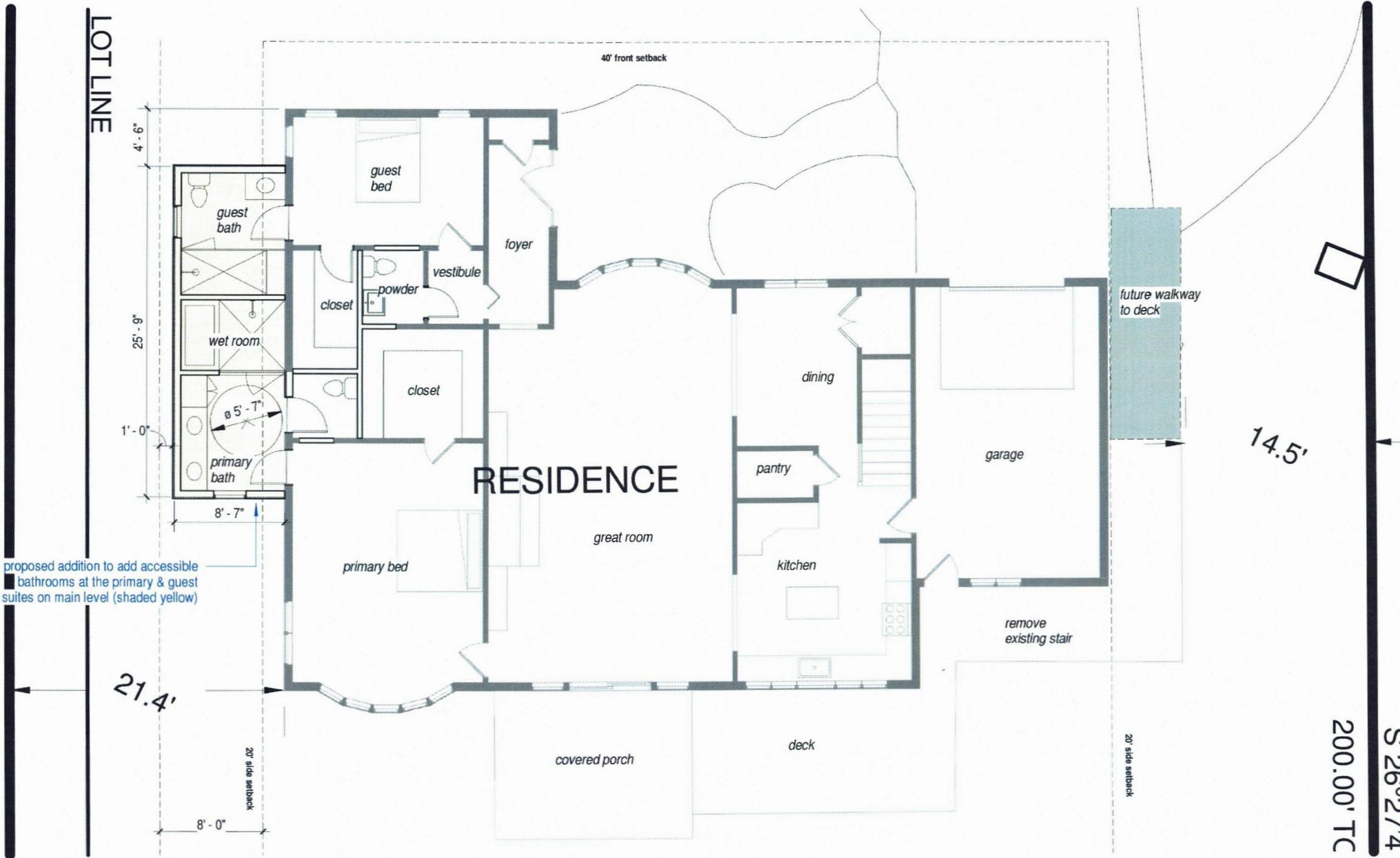
deck

20' side setback

200.00' TC

S 26°27'4"

1 MAIN LEVEL EXISTING FLOOR PLAN



1 MAIN LEVEL PROPOSED FLOOR PLAN



< >

☰ 1 of

### Tax Parcel: P36-39

📄 ^ >

🔍 Zoom to

**OWNER INFORMATION:**  
MALCOLM LYNDA R., (ID:58865)  
1515 ADGER RD  
COLUMBIA, SC 29205

**PHYSICAL STREET ADDRESS:** 1361 HOGBACK MOUNTAIN RD  
**ACRES:** 0.49  
**DEED:** 477/1822 **DEED YEAR:**2023  
**PREVIOUS DEED:** /  
**PLAT REF:** G/498

#### [REGISTER OF DEEDS LOOKUP](#)

**LAND VALUE:** \$88,200  
**BUILDING VALUE:** \$439,690  
**TOTAL VALUE:** \$527,890

**NEIGHBORHOOD:** G-WOODS PINEY RIDGE  
**SCHOOL CODE:** 0  
**DISTRICT CODE:** 8

#### [CURRENT TAX INFO-PRC](#)

For information regarding this layer, please contact:



MOUNTAIN

R-3



OVERLOOK

R-2

## Section 4.7 Dimensional and Density Table

Each use shall as a minimum conform to the dimensional requirements of the district in which it is located. Minimum lot area shall exclude any area located within a right-of-way. In some cases, a specific use may be required to meet the Special Requirements a set forth in Section 4.6. The P-1 District has no dimensional or density regulations.

District	Minimum Lot Area (sq. ft.)	Land Area per Dwelling Unit (sq.ft.)	Lot Width (feet)	Minimum Yard Requirements			Max. Height (feet)
				Front (feet)	Side (feet)	Rear (feet)	
<b>R-1</b>	217,800 (5 acres)	217,800 (5 acres)	200 (a)	50	50 (b) (c)	100 (c)	35
<b>R-2</b>	43,560	43,560	150 (a)	40	20 (b) (c)	50 (c)	35
<b>R-3</b>	21,780	21,780	85 (a)	35	20 (b) (c)	30 (c)	30
<b>R-4</b>	10,000	10,000	75 (a)	25	10 (b) (c)	30 (c)	30
<b>R-5</b>	8,000	8,000	60 (a)	20	8 (b) (c)	24 (c)	30
<b>RM</b>							
Single-family	8,000	8,000	60 (a)	25	10 (b) (c)	30 (c)	30
Two-family	16,000	16,000	60 (a)	25	20 (b) (c)	30 (c)	30
Multi-family	n/a	5,445 (8 dua) (d)	60 (a)	50	50 (c)	24 (c)	30
Other	16,000	16,000	60 (a)	50	50 (c)	24 (c)	30
<b>PRD</b>	(e)	5,445 (8 dua) (d)	(e)	(e)	(e)	(e)	(e)
<b>CB</b>	--	--	--	--	--	--	30
<b>TB</b>	--	--	--	25	10	20	30
<b>GB</b>	--	--	--	25	10	20	30
<b>I-1</b>	--	--	--	50	30	50	40
<b>I-P</b>	15,000	--	80	30	20	25	35

- a. On those lots situated on a cul-de-sac or on a curve in the right-of-way the lot width may be measured at the front face of the building, the nearest point of which shall not be closer than the minimum setback establishment for each residential district.
- b. The width of a side yard abutting upon a street shall be no less than the minimum front yard depth required on the adjoining lot fronting upon such street, but this shall not reduce the buildable width of any lot of record at the time of passage of this chapter to less than 40 feet.
- c. All yards abutting on a street shall be considered as front yards for setback purposes.

