Buncombe County Planning Board September 9, 2013

The Buncombe County Planning Board met September 9, 2013 in the meeting room at 30 Valley Street. Members present were Joe Sechler, Josh Holmes, Bernie Kessel, Chairman Tom Alexander, Michelle Wood, and Catherine Martin. Also present were Michael Frue, Staff Attorney; Jon Creighton Assistant County Manager/Planning Director; and Gillian Phillips and Debbie Truempy, Planning staff.

Call to Order

Chairman Alexander called the meeting to order at 9:35 am.

Approval of Agenda

Mr. Holmes made a motion to approve the agenda as submitted. Mr. Kessel seconded and the motion passed unanimously.

Approval of Minutes (August 19, 2013)

Ms. Martin indicated that her name was misspelled in the minutes. Ms. Martin made a motion to approve the minutes as amended. Mr. Kessel seconded the motion and the motion passed unanimously.

Public Hearings (Zoning Map Amendments)

ZPH2013-00020: Teresa S. Beeman applied to rezone tax lot PIN 9618-93-0359 (21 Antique Lane), which is currently zoned Residential District R-2 to Residential District R-3.

The Board was provided with a staff recommendation (Attachment A) and maps of the property (Attachment B) prior to the meeting. Ms. Truempy presented the case to the Board.

Ms. Beeman provided the Board with a packet of information (Attachment C). Ms. Beeman indicated that the property has been in her family for over 40 years. Ms. Beeman described the surrounding property and the other manufactured homes on the surrounding property. Ms. Beeman provided the Board with pictures of the property (Attachment D). Ms. Beeman indicated that she had several offers for the property that fell through due to not being able to place a manufactured home on the property. Ms. Beeman indicated that she would not place a single wide on the property. Mr. Sechler asked if R-2 prohibited manufactured homes. Ms. Truempy indicated that it did not allow manufactured homes.

Chairman Alexander opened the public hearing. The following people raised concerns regarding the proposal:

George Webber (60 Daniel Road) raised concerns regarding manufactured homes being placed on the property.

Dr. Amy Hobbinson (45 Daniel Road) raised concerns regarding a manufactured home being placed on the property.

Terry Myson (40 Daniel Road) raised concerns regarding manufactured homes being placed on the property and that the map request would devalue his property.

Roger Stevenson (33 Antique Lane) raised concerns regarding manufactured homes being placed on the property and that the map request would devalue his property.

Chairman Alexander closed the public hearing.

Mr. Kessel made a motion to approve the map amendment as it was consistent with the Land Use Plan as provided by Attachment A. Mr. Holmes seconded the motion. The Motion passed 5 to 1 with Mr. Sechler voting against it.

ZPH2013-00021: Wade A. Watkins applied to rezone tax lot PIN 9679-90-0385 (80 New Salem Road), which is currently zoned Single Family Residential District R-1 to Residential District R-3.

Chairman Alexander indicated he had an ownership interest in a property near the subject property and wished to be recused from voting. Mr. Frue indicated that it was appropriate for Chairman Alexander to still run the meeting in his role as chairman, and not vote. Ms. Wood made a motion to recuse Chairman Alexander. Ms. Martin seconded the motion and the motion passed unanimously.

The Board was provided with a staff recommendation (Attachment E) and maps of the property (Attachment F) prior to the meeting. Ms. Truempy presented the case to the Board.

Craig Justice was present to represent the case. He indicated that the applicant wished to place a manufactured home on the property. Mr. Justice had a map highlighted with the manufactured homes in the surrounding area that he showed to the Board. Mr. Justice provided the Board with a petition signed by surrounding property owners supporting the proposed map amendment (Attachment G). Mr. Sechler asked questions regarding the maps provided to the Board. Chairman Alexander asked if there was any public comment, there being none, he closed the public hearing. Ms. Woods made a motion to recommend the rezoning per the consistency statement provided in Attachment F. Mr. Holmes seconded and the motion carried unanimously.

Public Comment

Dede Stiles indicated that the Zoning Ordinance should allow exceptions to the permitted use table such as single manufactured homes and motor sports facility tracks.

Adjournment

Mr. Holmes made a motion to adjourn. Ms. Martin seconded the motion and the motion passed unanimously.

BUNCOMBE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT REZONING ANALYSIS

CASE NUMBER : ZPH2013-00020
PROPOSED ZONING CHANGE : R-2 TO R-3
LOCATION : 21 Antique Lane
PINS : 9618.93.0359
ACREAGE : 0.89 acres

APPLICANT/OWNER: Teresa S. Beeman

118 Cherry Meadows Way Asheville, NC 28806

DEPARTMENT RECOMMENDATION: APPROVAL

BOARD CONSIDERATIONS: The Board must determine if there is a reasonable basis for the requested change. An applicant's showing of reasonableness must address the totality of the circumstances and must demonstrate that the change is reasonable in light of its effect on all involved. Good Neighbors of South Davidson v. Town of Denton, 355 N.C. 254, 559 S.E.2d 768 (2002). Determination must be, the "product of a complex of factors." Chrismon v. Guilford County, 322 N.C. 611, 370 S.E.2d 579 (1988). Among the factors relevant to this analysis are the size of the tract in question; the compatibility of the disputed zoning action with an existing comprehensive zoning plan; the benefits and detriments resulting from the zoning action for the owner of the newly zoned property, his neighbors, and the surrounding community; and the relationship between the uses envisioned under the new zoning and the uses currently present in adjacent tracts. Id.

REZONING SUMMARY: The applicant requests rezoning of approximately 0.89 acre tract from R-2 (Residential District) to R-3 (Residential District). The subject property is located on Antique Lane, which is a small private road which connects with Cherokee Road. This property was formerly within the City of Asheville's Extra Territorial Jurisdiction. The property is currently wooded and undeveloped. The surrounding area is comprised of other tracts of undeveloped land and residential development including single family home and manufactured homes. To the north and east of the subject property is property zoned R-3. Given the mix of housing types in the area and the adjacent R-3 district the requested zoning would be consistent with surrounding uses and the Buncombe County Comprehensive Land Use Plan as the Buncombe County Comprehensive Land Use Plan Update indicated that R-3 is suitable for higher density uses and manufactured homes (Buncombe County Comprehensive Land Use Plan, VII-3). The proposed R-3 zoning would be consistent with the surrounding area, which already contains manufactured homes. The requested zoning would not be detrimental to the owner, adjacent neighbors, and surrounding community. Therefore the Buncombe County Department of Planning and Development recommends **APPROVAL** of the request.

LAND USE PLAN COMPLIANCE STATEMENTS

CONSISTENT: The requested map amendment would be consistent with the Buncombe County Comprehensive Land Use Plan as the Buncombe County Comprehensive Land Use Plan Update indicated that R-3 is suitable for manufactured homes (Buncombe County Comprehensive Land Use Plan, VII-3). The requested zoning would be reasonable and in the interest of the public as the surrounding area includes manufactured homes.

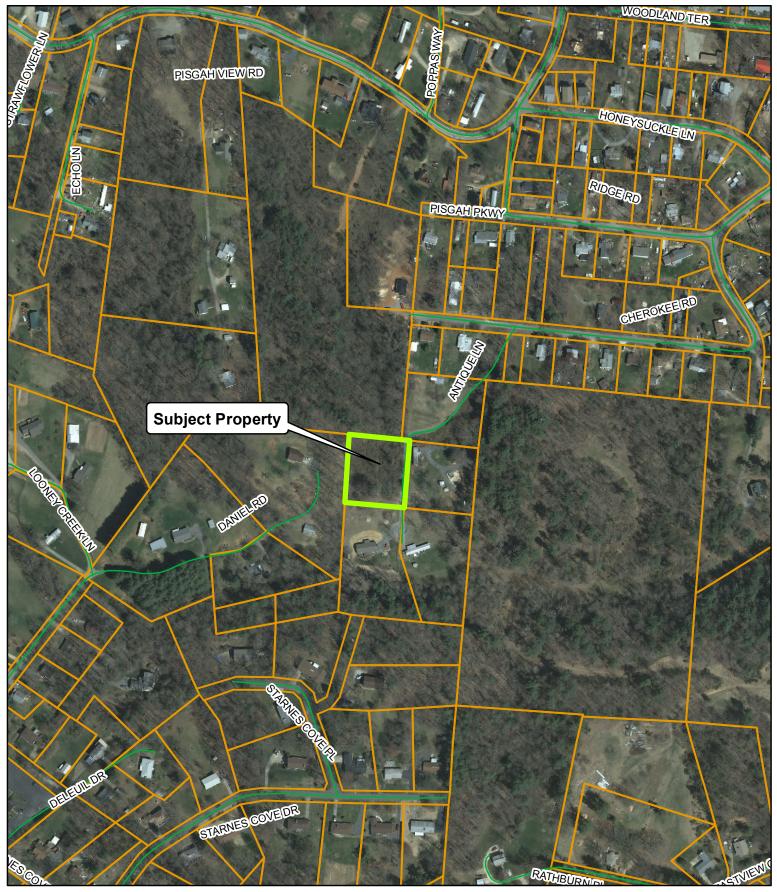
NOT CONSISTENT: The requested map amendment would not be consistent with the Buncombe County Comprehensive Land Use Plan as the Buncombe County Comprehensive Land Use Plan Update indicated that R-3 is suitable for higher density uses and would allow manufactured home parks (Buncombe County Comprehensive Land Use Plan, VII-3). The requested zoning would not be reasonable and in the interest of the public as the property surrounding the subject property to the east and south is zoned R-2.



Planning Board Hearing Date: September 9, 2013 Created By: Buncombe County Plan

On Date: August 7, 2013 Created By: Buncombe County Plan

Date: August 22, 2013

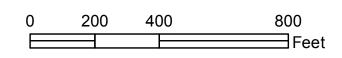


Teresa S. Beeman Map Amendment

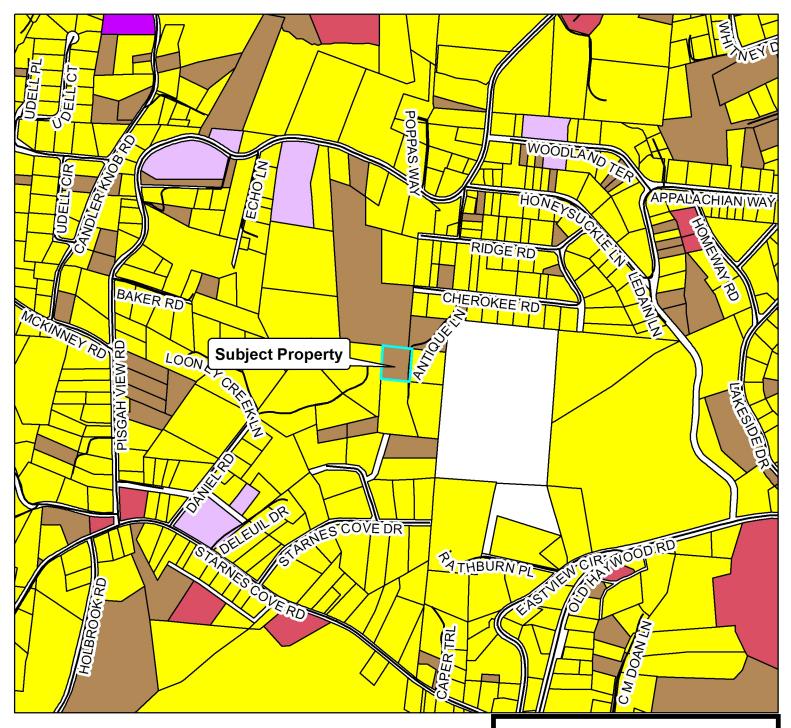
Case Number: ZPH2013-00020

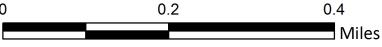
Approximate Property Size: 0.89 acres Application Date: August 7, 2013

Planning Board Hearing Date: September 9, 2013



Created By: Buncombe County Planning Date: August 22, 2013





Teresa S. Beeman Map Amendment



Case Number: ZPH2013-00020

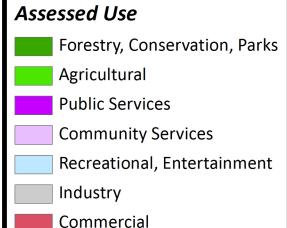
Approximate Property Size: 0.89 acres

Application Date: August 7, 2013

Planning Board Hearing Date: September 9, 2013

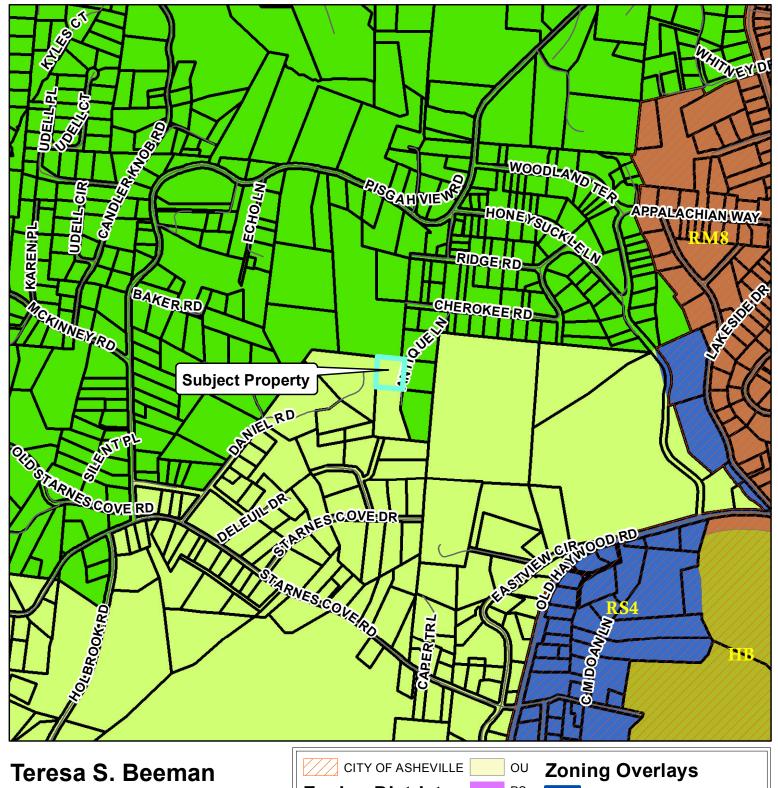
Created By: Buncombe County Planning

Date: August 22, 2013

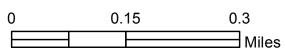


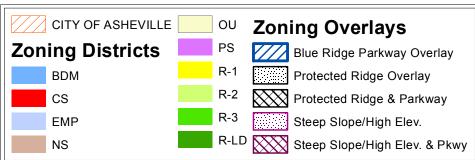
Vacant Land

Residential



Map Amendment





Case Number: ZPH2013-00020 Approximate Property Size: 0.89 acres

Application Date: August 7, 2013

Planning Board Hearing Date: September 9, 2013

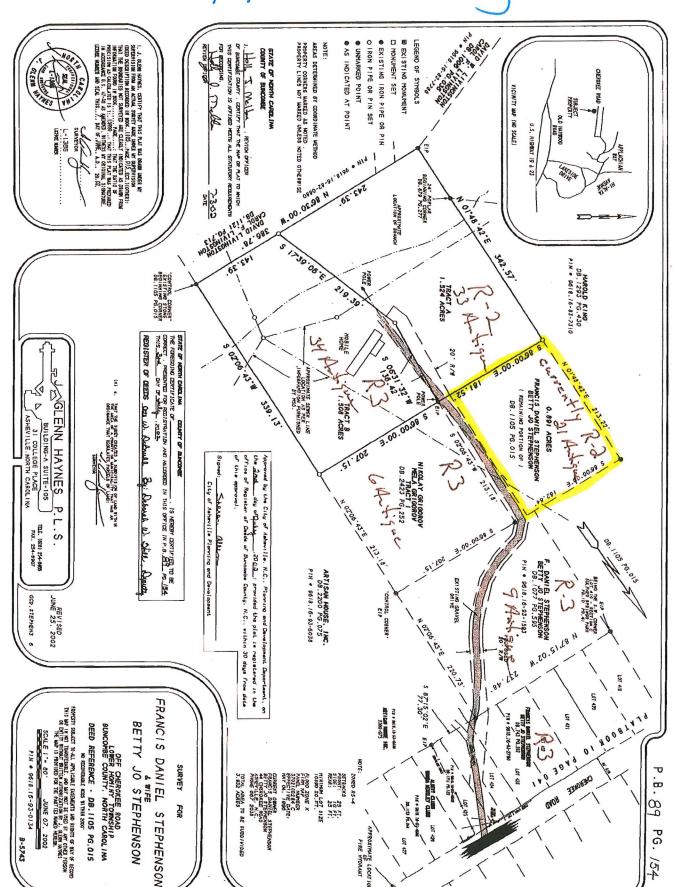


Created By: Buncombe County Planning Date: August 22, 2013

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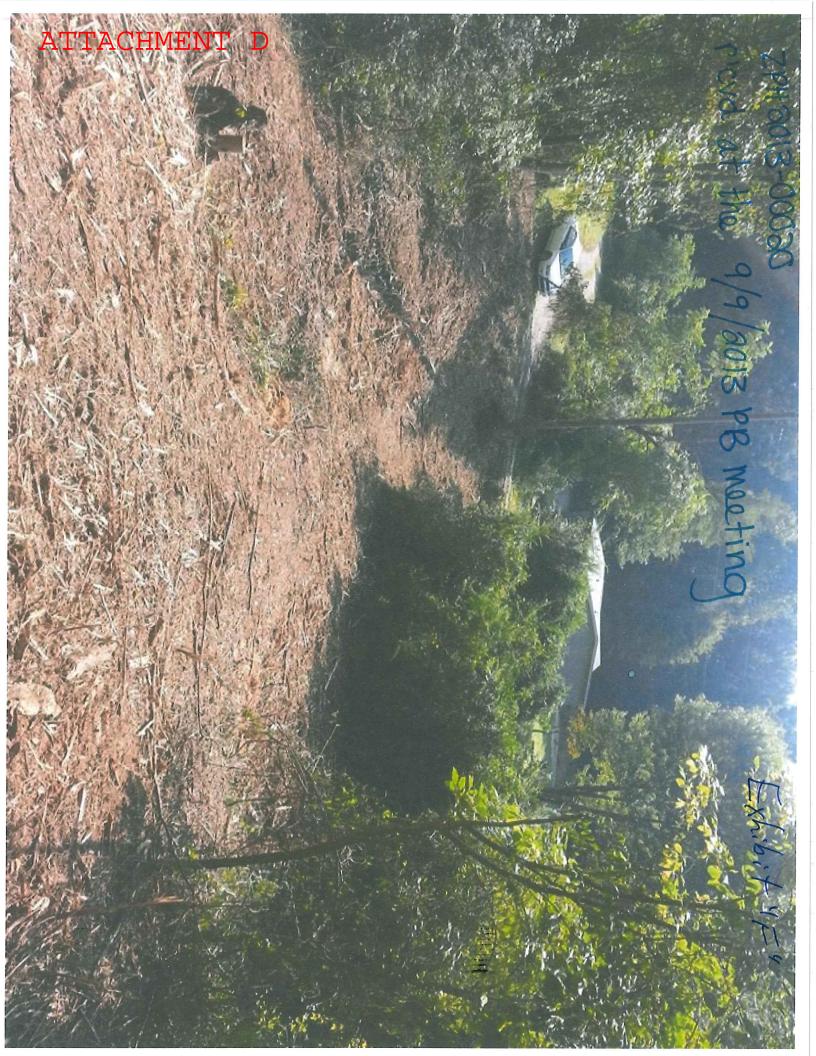
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ZPH2013 - 00020 ricve at the 9/9/2013 PBMelting





Antique Lane







BUNCOMBE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT REZONING ANALYSIS

CASE NUMBER : ZPH2013-00021 PROPOSED ZONING CHANGE : R-1 TO R-3

LOCATION : 80 New Salem Road

PINs : 9679.90.0385 ACREAGE : 1.3 acres

APPLICANT/OWNER: WADE A WATKINS

94 NEW SALEM ROAD ASHEVILLE, NC 28778

DEPARTMENT RECOMMENDATION: APPROVAL

BOARD CONSIDERATIONS: The Board must determine if there is a reasonable basis for the requested change. An applicant's showing of reasonableness must address the totality of the circumstances and must demonstrate that the change is reasonable in light of its effect on all involved. Good Neighbors of South Davidson v. Town of Denton, 355 N.C. 254, 559 S.E.2d 768 (2002). Determination must be, the "product of a complex of factors." Chrismon v. Guilford County, 322 N.C. 611, 370 S.E.2d 579 (1988). Among the factors relevant to this analysis are the size of the tract in question; the compatibility of the disputed zoning action with an existing comprehensive zoning plan; the benefits and detriments resulting from the zoning action for the owner of the newly zoned property, his neighbors, and the surrounding community; and the relationship between the uses envisioned under the new zoning and the uses currently present in adjacent tracts. Id.

REZONING SUMMARY: The applicant requests rezoning of approximately 1.3 acre tract from R-1 (Single Family Residential District) to R-3 (Residential District). The subject property is located on the west side of New Salem Road, north of the intersection of Warren Wilson Road and New Salem Road. The property is currently wooded and undeveloped. The surrounding area is comprised of other tracts of undeveloped land and residential development including single family homes, manufactured homes, and manufactured home parks. An existing manufactured home lies to the north of the subject property, additionally there is property zoned R-3 adjacent to the subject property. Given the mix of housing types in the area and the adjacent R-3 district the requested zoning would be consistent with surrounding uses and the Buncombe County Comprehensive Land Use Plan as the Buncombe County Comprehensive Land Use Plan Update indicated that R-3 is suitable for higher density uses and manufactured homes (Buncombe County Comprehensive Land Use Plan, VII-3). The proposed R-3 zoning would be consistent with the surrounding area, which already contains manufactured homes. The requested zoning would be not be detrimental to the owner, adjacent neighbors, and surrounding community. Therefore the Buncombe County Department of Planning and Development recommends **APPROVAL** of the request.

LAND USE PLAN COMPLIANCE STATEMENTS

CONSISTENT: The requested map amendments would be consistent with the Buncombe County Comprehensive Land Use Plan as the Buncombe County Comprehensive Land Use Plan Update indicated that R-3 is suitable for manufactured homes (Buncombe County Comprehensive Land Use Plan, VII-3). The requested zoning would be reasonable and in the interest of the public as the surrounding area includes manufactured homes.

NOT CONSISTENT: The requested map amendments would not be consistent with the Buncombe County Comprehensive Land Use Plan as the Buncombe County Comprehensive Land Use Plan Update indicated that R-3 is suitable for higher density uses (Buncombe County Comprehensive Land Use Plan, VII-3). The requested zoning would not be reasonable and in the interest of the public as the property to the north, east, and south of the subject property is zoned R-1.

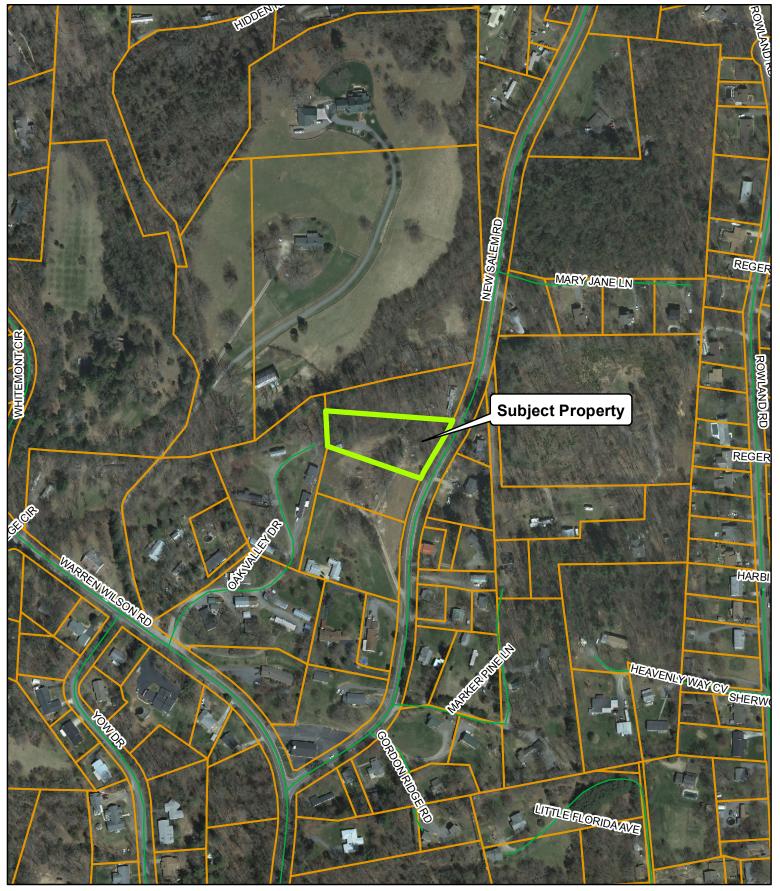


Map Amendment
Case Number: ZPH2013-00021
Approximate Property Size: 1.3 acres

Application Date: August 8, 2013
Planning Board Hearing Date: September 9, 2013

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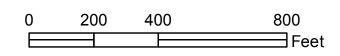
Created By: Buncombe County Planning Date: August 26, 2013



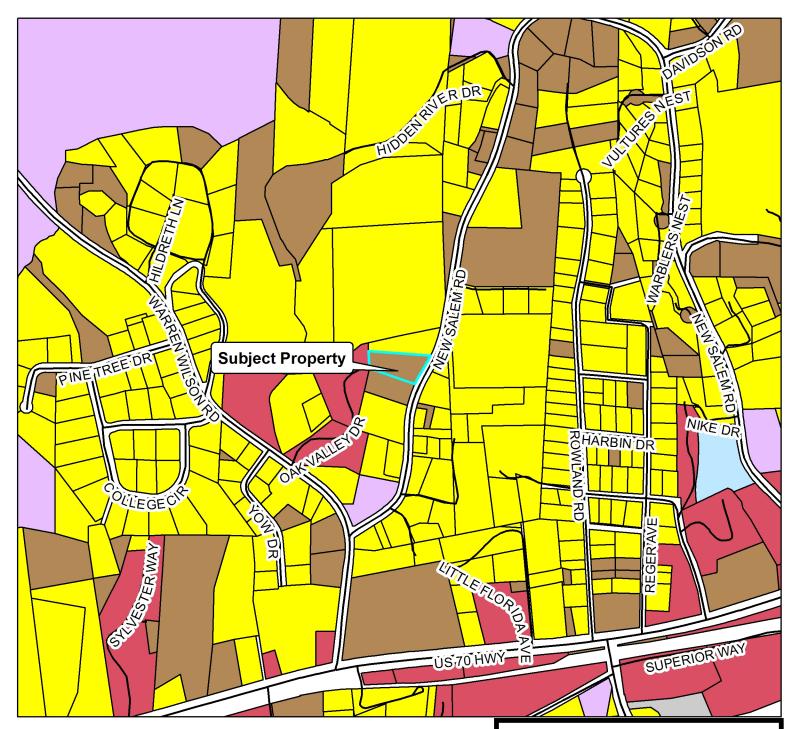
Wade A. Watkins Map Amendment

Case Number: ZPH2013-00021 Approximate Property Size: 1.3 acres Application Date: August 8, 2013

Planning Board Hearing Date: September 9, 2013



Created By: Buncombe County Planning Date: August 23, 2013





Wade A. Watkins Map Amendment



Case Number: ZPH2013-00021 Approximate Property Size: 1.3 acres Application Date: August 8, 2013

Planning Board Hearing Date: September 9, 2013

Created By: Buncombe County Planning

Date: August 23, 2013

Assessed Use

Forestry, Conservation, Parks

Agricultural Agricultural

Public Services

Community Services

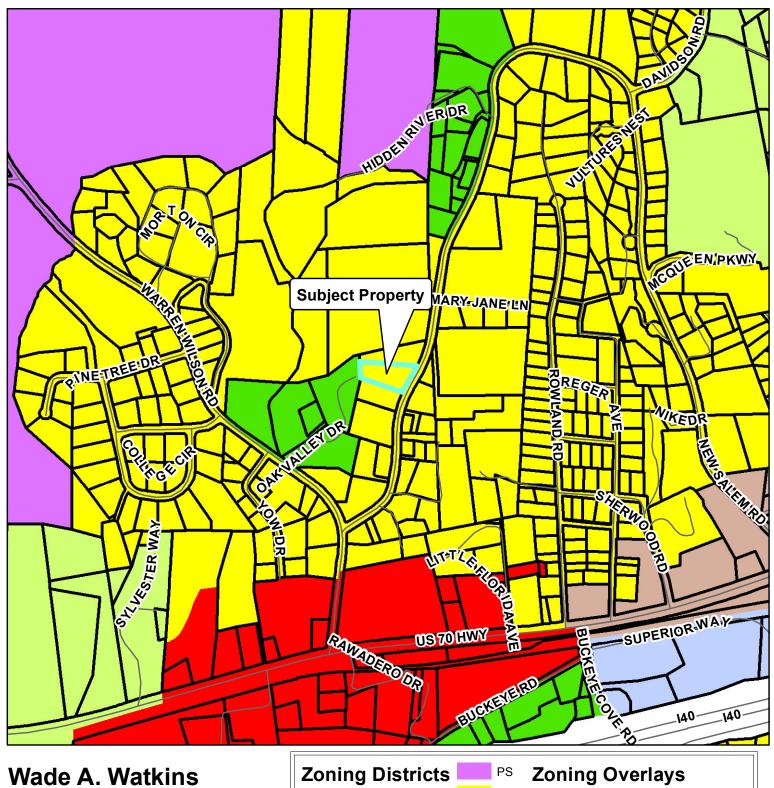
Recreational, Entertainment

Industry

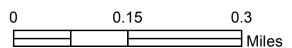
Commercial

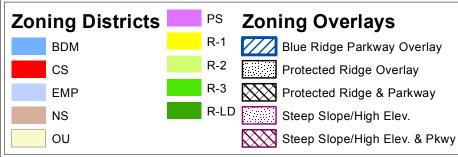
Vacant Land

Residential



Wade A. Watkins Map Amendment





Case Number: ZPH2013-00021 Approximate Property Size: 1.3 acres Application Date: August 8, 2013

Planning Board Hearing Date: September 9, 2013



Created By: Buncombe County Planning Date: August 27, 2013

ZPH2013 -ATTACHMENT06621

PETITION IN SUPPORT OF REZONING 9/9/2013 PB Meeting

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Print Name: Doug KEEVES Signature: Jacob Address: 289 Kouli Banch (Swarp)
Print Name: Kerwin Overman Signature: Ken Jan Address: 110 Lon Gray 80 21 Ashalyak
Print Name: Terey Davis Signature: Toy Os Address: Black Mtv. N.C.
Print Name: Joy Bradley Signature: Dy Bradla Address: Samanoa, NC 28178
Print Name: Vickie Fulle Signature The Sull Address: Asheville, re 2680
Print Name: Dovis Row Signature Down Row Address: 289 korg Arkd. Sw 3878
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Print Name: Linda Brank Signature: Linda Brank Address: Sweyward WC
Print Name: Martha Crais Signature: Matthe Address: Black Mtn nC
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Print Name: Mary And banks Signature: Wary An Hank Address: 77 Dillingham Civile Agreement
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Vickey Wheeler Wickey Wheeler 318 Jaberracle Rd Blk Mtn.
Janks B. Barks Steve B. Banks 355 Loskout Ten. Black Mon. N.C.

The undersigned hereby give notice of their support of the rezoning of that property
owned by Wade Alden Watkins, being located at 80 New Salem Rd., Swannanoa, NC 28778,
from R-1 to R-3.
Print Name: Ricky Edulapes Signature: My Dr. Address: SWANNANON NC 28778 Print Name: Property Signature: My Dr. Address: SWANNANON NC 28778 Print Name: Property Signature: My Dr. Address: SWANNANON NC 28778
Print Name: DAVI & RBAFTS Signature Land Bundentess: 1940 LLING HAMELT
Print Name: Crystal Spillar's Signature Crystal Spillar Address: 13 Dustin Dale Swann, ne
Print Name: Jason Spillar's Signature: Signature: Spill Address: 13 Dustin Drive Swan, NC
Print Name: Thomas Peters Signature: Thomas Peters Signature: Thomas Peters Signature: Thomas Peters
Print Name: Partricia Peters Signature: palachereladdress: 162 New Salem Rd Smannana
Print Name: Address: 70 Hillerest AMS
Print Name: Lestie Bickordsignature: Luke Butter Address: 93 New Solem Bownnama
Print Name: Fuller Kyker Signature: Auth W/RAddress: 93 New Salem Powona ona
Print Name: Wilma Corona Signature: Milma Carona Address: 91 New Salen & Swannona
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Print Name: RICHARD Blood Signature: Address:
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Print Name: (FVEQ HADETS Signature: MAddress: 25 Jordon Pala
Print Name: Danius X. Edger-bisignature: Low XIL Address: 78/2 Jordan Rd.
Print Name: EVA Huskins Signature Huskins Address: 47 Goose Geek Rol Swann.
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Print Name: Address:
Print Name: SUSAN BUNGAN Signature: Sux Bungan Address: 208 5 qual Point Rd Signal
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PETITION IN SUPPORT OF REZONING

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		Address: 25 Lake Calencer. 28711
Print Name: FF Cogoff	Signature:	Address: 37 Moon Jone DN 38730
Print Name: Holly Thompson	Signature Holy Thomas	mAddress: <u>lel Blue Mtn Rel</u> 28732
		. Address: <u>le 1 Blue Mtn R</u> d 28730
Print Name: Saman Ha Mush.	Signature: Saman Hally	Address: 269 W. Chadeston
Print Name: Annie Arrowad	Signature Julianus	Address: 105 Park Bidg - Au 10,28778
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Print Name: Bea Solvey.	Signature Ben Swy	Address: Surunment NC 28
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The undersigned hereby give	ve notice of their support	of the rezoning of that property
owned by Wade Alden Watkins, be	eing located at 80 New Sa	llem Rd., Swannanoa, NC 28778,
from R-1 to R-3.)1/100 1 1 1 1
Print Name: TINA BRICKNEIS KINKER	Signature: Jan Brulmen &	Address: 209 West Charleton Suranan
Print Name: B. LLy REED	Signature: Billy Red	Address: 204 West Charles for are
		Address: 34 Merril LPL Fairview ALL
Print Name: Mandy Davis	Signature: March 1 C	Address: 10 Silveration why swannance we 20178
Print Name: STARY Og/P	Signature: Hace of	Address: 43 Lytte (ove Rd Ext.
Print Name: Kevin Toups	Signature: Ki	Address: 10 Silverado Way Swans
Print Name: Chandler Carlton	Signature: Claude Caste	-Address: 10 Stately Cak way Swannened
Print Name: Chris Oaks	Signature:	Address:
Print Name: Chris Oaks	Signature: h	e-Address: 108 Novth Blue Rd Apt
Print Name: Par CRAwford	Signature: Pat Conful	Address: BLACK. Ntv. rc 28778
Print Name: There Gillel	Signature: Hand	Address: 332 Melody Chicles
Print Name: Sim Gulibrul	Signature: Im Gilila	Address: 320 Melody Cicle Sevon
	10/1 61 00	Address: 322 Melady Circle Swannan oq
	3 10	PAddress: 9 VIOLa land, Swann,
Print Name: Edwin SAWYER	Signatur dum Juge	ykddress: Swann, N.C. 281728
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Print Name: <u>Mathen Heynie</u>	Signature: That Haj Address: Adai ile NC 28805
Print Name: Kayla Pattm	Signature: May Address: Swannana MC 78778
Print Name: Stew Sette	Signature: Jun Address: 11 Jordan Rd Sycannanog
Print Name: Tommy haynie	Signature 1 Signature Address: 1 River V Eiw Church ray 18
Print Name: Tonnie haynil	Signature Address: 60112 5 was 40 a NC
Print Name: Steve Lytte Jo.	Signature: Strugger Address: 51 Joseph Rd
	Signature washe Pultu Address: 31 e 11 Tabeth Crocett
Print Name: Dale Pottin	Signature: Dutte Patt Waddress: Source
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