

BUNCOMBE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
REZONING ANALYSIS

CASE NUMBER : ZPH2012-00050
 PROPOSED ZONING CHANGE : R-LD TO R1
 LOCATION : 300 Bowling Country Drive /Sunset Drive
 PINs : a portion of 9689.38.1040
 ACREAGE : 0.40 acres

APPLICANT: JEANETTE C. BOWLING
 300 BOWLING COUNTRY ROAD
 SWANNANOA NC 28778

OWNER: HAROLD K BOWLING
 300 BOWLING COUNTRY ROAD
 SWANNANOA 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 ANALYSIS: The applicant requests the rezoning of approximately 0.40 acres from R-LD (Low-Density Residential District) to R-1 (Single-Family Residential District). The subject property is located near the end of Sunset Drive within the Bee Tree Forest Subdivision. The portion of the tract the applicant is requesting be rezoned is currently vacant. The surrounding area is comprised of the Bee Tree Forest Subdivision, and the newly created lot would be accessed from the existing Sunset Road within the Bee Tree Forest Subdivision. The requested zoning is consistent with the Buncombe County Comprehensive Land Use Plan as the Buncombe County Comprehensive Land Use Plan Update indicates that “The R-LD low density residential district is primarily intended to provide locations for low density residential and related type development in areas where topographic or other constraints preclude intense urban development” (Buncombe County Comprehensive Land Use Plan Update, VII-3). As the area the applicant is requesting be rezoned is not an environmentally sensitive area or one that would preclude its inclusion into the Bee Tree Forest Subdivision, the proposed rezoning would be consistent with the Buncombe County Comprehensive Land Use Plan. The requested zoning would not be detrimental to the owner, adjacent neighbors, and the existing subdivision. Therefore the Buncombe County Department of Planning and Development recommends **APPROVAL** of the request.

LAND USE PLAN CONSISTENCY STATEMENTS*CONSISTENT:*

Buncombe County Comprehensive Land Use Plan Update indicates that “The R-LD low density residential district is primarily intended to provide locations for low density residential and related type development in areas where topographic or other constraints preclude intense urban development” (Buncombe County Comprehensive Land Use Plan Update, VII-3). As the area the applicant is requesting be rezoned is not an environmentally sensitive area or one that would preclude its inclusion into the Bee Tree Forest Subdivision, the proposed rezoning would be consistent with the Buncombe County Comprehensive Land Use Plan. The requested zoning would not be reasonable or in the public interest as it would not be detrimental to the owner, adjacent neighbors, and the existing subdivision.

NOT CONSISTENT:

Buncombe County Comprehensive Land Use Plan Update indicates that “The R-LD low density residential district is primarily intended to provide locations for low density residential and related type development in areas where topographic or other constraints preclude intense urban development” (Buncombe County Comprehensive Land Use Plan Update, VII-3), as this is part of a larger tract that may contain environmentally sensitive land. The requested zoning would not be reasonable or in the public interest as it may allow for development of an environmentally sensitive area.