

BUNCOMBE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
REZONING ANALYSIS

CASE NUMBER : ZPH2013-00005
 PROPOSED ZONING CHANGE : R-1 TO NS
 LOCATION : 1359 US HWY 19-23
 PINs : 8697.73.6467 AND 8697.73.4449
 ACREAGE : 1.78 ACRES

APPLICANT: ABCCM
 SCOTT ROGERS
 30 CUMBERLAND AVE
 ASHEVILLE NC 28801

OWNER: ARTHUR & JOAN MCELRATH
 219 ALTA VISTA DRIVE
 CANDLER NC 28715

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 1.78 acres from R-1 (Single-Family Residential District) to NS (Neighborhood Service District). The subject property is located at the southeast corner of the intersection of Gossett Road and Smokey Park Highway (US Hwy. 19-23). The tract is currently vacant. The surrounding area is comprised of a mixture of uses, including residential uses and commercial uses along Smokey Park Highway. While residential uses are directly adjacent to the subject property, commercial uses zoned CS and NS lie to the east and west of the subject property on the north and south side of Smokey Park Hwy. The requested zoning is consistent with the Buncombe County Comprehensive Land Use Plan as the Buncombe County Comprehensive Land Use Plan Update indicates that NS “is designed to allow for a mix of residential, commercial, business and service uses in limited areas at key intersections leading to residential neighborhoods” (Buncombe County Comprehensive Land Use Plan Update, VII-4). The requested zoning would not be detrimental to the owner, adjacent neighbors, and surrounding community as it is consistent with the property currently zoned NS to the northwest of the subject property on Smokey Park Highway. Therefore the Buncombe County Department of Planning and Development recommends **APPROVAL** of the request.

LAND USE PLAN CONSISTENCY STATEMENTS*CONSISTENT:*

The requested zoning is consistent with the Buncombe County Comprehensive Land Use Plan as the 2006 Buncombe County Comprehensive Land Use Plan Update indicates that NS “is designed to allow for a mix of residential, commercial, business and service uses in limited areas at key intersections leading to residential neighborhoods” (VII-4). The requested zoning would be reasonable and in the public interest as it would allow for a commercial business in an area that allows a wide variety of commercial uses.

NOT CONSISTENT:

The map amendment is not consistent with the Buncombe County Comprehensive Land Use Plan as the 2006 Buncombe County Comprehensive Land Use Plan Update indicates that “the type of uses allowed and the standards established for development in this NS district should be compatible with the residential character of the area and should neither add to traffic congestion; cause obnoxious noise, dust, odors, fire hazards or lighting objectionable to surrounding residences; nor visually detract from overall appearance of the neighborhood” (VII-4). The requested zoning would not be reasonable or in the public interest as it would allow for a commercial business in an area that includes a large amount of residential development.