

BUNCOMBE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
REZONING ANALYSIS

CASE NUMBER : ZPH2013-00026
 PROPOSED ZONING CHANGE : R-3 to CS
 LOCATION : 60 Adams Hill Road
 PIN : 9639.24.8662
 ACREAGE : 1.96

APPLICANT/OWNER: Anthony Case
 129 Logan Avenue
 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 ANALYSIS: The applicant requests the rezoning of approximately 1.96 acres from R-3 (Residential District) to CS (Commercial Service District). The subject property is located on the south side of Adams Hill Road, near the intersection of Louisiana Avenue and Adams Hill Road. The tract currently contains a single family home. The surrounding area consists of commercial zoned property at the intersection of Louisiana Avenue and Adams Hill Road, with residential property surrounding the subject property.

The proposed map amendment is consistent with the Buncombe County Land Use Plan as the Land Use Constraint maps within the Buncombe County Comprehensive Land Use Plan, 2013 Update shows the following regarding the subject property:

- Reasonable proximity to infrastructure
- Outside of steep slope areas
- Outside high elevations
- Outside of moderate and high slope stability hazards
- Outside of flood areas

While the property is adjacent to residentially zoned property, it is located at an established commercial intersection in this area. The requested zoning would not be detrimental to the owner, adjacent neighbors, and surrounding community as it is consistent with the commercially zoned property adjacent to the subject property and surrounding property. Therefore the Buncombe County Department of Planning and Development recommends **APPROVAL** of the request.

LAND USE PLAN CONSISTENCY STATEMENTS

CONSISTENT: The proposed map amendment is consistent with the Buncombe County Land Use Plan as the Land Use Constraint maps within the Buncombe County Comprehensive Land Use Plan, 2013 Update shows the following regarding the subject property:

- Reasonable proximity to infrastructure
- Outside of steep slope areas
- Outside high elevations
- Outside of moderate and high slope stability hazards
- Outside of flood areas

Therefore, the requested zoning would be reasonable and in the interest of the public.

NOT CONSISTENT: The map amendment is not consistent with the Buncombe County Comprehensive Land Use Plan as the Land Use Constraint maps within the Buncombe County Comprehensive Land Use Plan, 2013 Update shows the following regarding the subject property:

- It is not separated from low density residential uses
- It does not have reasonable proximity to major transportation corridors

Therefore, the requested zoning would not be reasonable and in the interest of the public.