

**BUNCOMBE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT  
REZONING ANALYSIS**

CASE NUMBER : ZPH2013-00053  
 PROPOSED ZONING CHANGE : R-1 TO R-3  
 LOCATION : 55 PARKWAY LANE  
 PIN NUMBER : 9635-62-9935  
 ACREAGE : 8.64 ACRES

APPLICANT/OWNER: NELSON B. ALLISON  
 55 PARKWAY LANE  
 ARDEN, NC 28704

DEPARTMENT RECOMMENDATION: **DENIAL**

**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 the rezoning of 8.64 acres from R-1 (Single Family Residential District) to R-3 (Residential District). The subject property (previously located within the City of Asheville’s ETJ) is located adjacent to the French Broad River, to the north of the Rivercrest Subdivision, which contains single family homes. To the west of the subject is larger tracts zoned R-1 containing single family site-built homes zoned R-1. To the east is the Asheville Firefighters Association campground (zoned Public Service District (PS)). The property currently contains the Parkway Manufactured Home Park. The surrounding area does not contain property zoned R-3 and the subject property is under single ownership. Therefore, the requested zoning may constitute a spot zoning. The proposed map amendment is also inconsistent with the Buncombe County Comprehensive Land Use Plan as the Land Use Constraint maps within the Buncombe County Comprehensive Land Use Plan, 2013 Update show the following regarding the subject property:

- Not outside of steep slope areas
- A large portion of the property is within a flood hazard area
- Does not have reasonable proximity to a major transportation corridor
- Not outside moderate and high slope stability hazards

Therefore, the proposed map amendment would not be suitable for higher density development and multifamily development allowed within the R-3 zoning district as indicated on the suitability matrix within the update. Additionally, the matrix suggests resorts and outdoor recreation be outside flood hazard areas. As the property is adjacent to property zoned R-1 and PS, and does not border property zoned R-3, the proposed map amendment would be detrimental to the owner, adjacent neighbors, and surrounding community as it is not consistent with the surrounding zoned property. Therefore, the requested zoning would not be reasonable and in the interest of the public. The proposed R-3 zoning may be considered a spot zoning given it is in single ownership, and is not adjacent to property zoned R-3. Additionally it would allow for uses currently not allowed in the surrounding area such as manufactured homes, manufactured home parks, multi-family uses, and travel trailer parks. The requested zoning would be detrimental to the adjacent neighbors and surrounding community as it may lead to the encroachment of property zoned R-3 into the area. Therefore the Buncombe County Department of Planning and Development recommends **DENIAL** of the request.

**LAND USE PLAN CONSISTENCY STATEMENTS**

NOT CONSISTENT: The proposed map amendment is inconsistent 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:

- Not outside of steep slope areas
- A large portion of the property is within a flood hazard area
- Does not have reasonable proximity to a major transportation corridor
- Not outside moderate and high slope stability hazards

Therefore, the proposed map amendment would not be suitable for higher density development and multifamily development allowed within the R-3 zoning district as indicated on the suitability matrix within the update. Additionally, the matrix suggests resorts and outdoor recreation be outside flood hazard areas.

As the property is not adjacent to property zoned R-3, the proposed map amendment would be detrimental to the owner, adjacent neighbors, and surrounding community as it is not consistent with the surrounding low-density residentially zoned property. Therefore, the requested zoning would not be reasonable and in the interest of the public.

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 show the following regarding the subject property:

- Has proximity to public utilities

Therefore, the proposed map amendment may be suitable for higher density development and multifamily development allowed within the R-3 zoning district as indicated on the suitability matrix within the update. As the property is adjacent to an institutional use (Asheville Fire Fighters Association Property) the proposed map amendment may be appropriate for higher intensity uses and is therefore reasonable and in the interest of the public.