

BUNCOMBE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
REZONING ANALYSIS

CASE NUMBER : ZPH2014-00032
 PROPOSED ZONING CHANGE : R-1 TO R-3
 LOCATION : Ball Gap Road
 PINs : 9634.28.5983
 ACREAGE : 3.51 acres

APPLICANT/OWNER: ELIZABETH K BUCKNER
 256 BALL GAP ROAD
 ARDEN, NC 28704

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 3.51 acres from R-1 (Single Family Residential District) to R-3 (Residential District). The subject property is located on the north side of Ball Gap Road. The property is currently undeveloped. The surrounding area is comprised of other tracts of undeveloped land and residential development including single family homes, and manufactured homes. Existing manufactured homes are located to the north, south and west of the subject, 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. 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 reasonable proximity to public utilities
- Has reasonable proximity to a transportation corridor
- Outside Flood Hazard Areas

Therefore, the proposed map amendment would be suitable for the higher intensity uses allowed in the R-3 zoning district as indicated on the suitability matrix within the update. The proposed R-3 zoning would not be detrimental to the owner, adjacent neighbors, and surrounding community. Therefore, the requested zoning would be reasonable and in the interest of the public.

LAND USE PLAN COMPLIANCE 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 show the following regarding the subject property:

- Has reasonable proximity to public utilities
- Has reasonable proximity to a transportation corridor
- Outside of Flood Hazard Areas

Therefore, the proposed map amendment would be suitable for the higher intensity uses allowed in the R3 zoning district as indicated on the suitability matrix within the update. The proposed R3 zoning would not be detrimental to the owner, adjacent neighbors, and surrounding community. Therefore, the requested zoning would be reasonable and in the interest of the public.

NOT CONSISTENT: The requested map amendment would not be 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 show the following regarding the subject property:

- Contains areas greater than 25% slope.
- Contains areas classified as high hazard areas on the Slope Stability Index Map

The requested zoning would not be reasonable and in the interest of the public as the property to the north of the subject property is zoned R-1.