

BUNCOMBE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
REZONING ANALYSIS

CASE NUMBER	: ZPH2014-00059
PROPOSED ZONING CHANGE	: R-2 to R-LD
LOCATION	: 393 Lytle Cove Road
PINs	: 9698.87.5226
ACREAGE	: 2.62
 APPLICANT/OWNER:	 BRUCE AND SHEILA GASPERSON 393 LYTLE COVE ROAD SWANNANOVA, 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 SUMMARY: The applicant requests rezoning of approximately 2.62 acres from R-2 (Residential District) to R-LD (Low-Density Residential District). The subject property is located on the west side of Lytle Cove Road at the Scroops Drive intersection. The property currently contains a single family home. The surrounding area is characterized by tracts of undeveloped land and residential development including single family homes and manufactured homes. Additionally, there is property zoned R-LD adjacent to the subject property. The area is also characterized by a large area within the Steep Slope/ High Elevation Overlay. Given the mix of housing types in the area and the adjacent property zoned R-LD, 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:

- Is not within a reasonable proximity to public utilities
- Is not within a reasonable proximity to transportation corridor
- Contains areas with greater than 25% slope
- Contains areas of moderate slope stability hazard on the slope stability index map
- Is outside of high elevations
- Is outside of flood hazard areas
- Is not separated from low-density residential uses

The Buncombe County Comprehensive Land Use Plan 2013 Update (Figure 20. Appropriate Development Types) “highly suggests” that multi-family residential development be located within

reasonable proximity to public utilities, within reasonable proximity to a transportation corridor, and outside moderate slope stability hazards and the 2013 Update “suggests” that multi-family development be located in areas less than 25% slope and be separated from low-density residential uses. The property is also adjacent to property zoned R-LD and is utilized as a single family residence. Therefore, the proposed map amendment would be more suitable for the lower intensity uses allowed in the R-LD zoning district, would not be detrimental to the owner, adjacent neighbors, and surrounding community, and is therefore reasonable and in the interest of the public and Buncombe County Planning and Development Department recommends **APPROVAL** of the request.

LAND USE PLAN CONSISTENCY STATEMENTS

APPROVAL: The proposed map amendment **is consistent with the Buncombe County Land Use Plan** as Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update recommends the following in regards to the constraints mapped within the Land Use Maps:

- The property is not within reasonable proximity to public utilities, which is highly suggested for multi-family residential development but is not required for low-density residential development.
- The property is not within reasonable proximity to a transportation corridor, which is highly suggested for multi-family residential development but is not required for low-density residential development.
- The property contains areas with greater than 25% slope. It is suggested that multi-family residential development be located outside these areas but is not required for low-density residential development.
- The property contains areas of moderate slope stability hazard on the slope stability index map. It is highly suggested that multi-family residential development be located outside these areas but is not required for low-density residential development.
- The property is not separated from low-density residential uses which is suggested for multi-family residential development.

The property is also adjacent to property zoned R-LD and is utilized as a single family residence. Therefore, the proposed map amendment would be more suitable for the lower intensity uses allowed in the R-LD zoning district and is therefore **reasonable and in the interest of the public**.

DENIAL: The proposed map amendment **is consistent with the Buncombe County Land Use Plan** as the Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update recommends the following in regards to the constraints mapped within the Land Use Plan Maps:

- The property is not within a reasonable proximity to public utilities, which is highly suggested for multi-family residential development but is not required for low-density residential development.
- The property is not within a reasonable proximity to a transportation corridor, which is highly suggested for multi-family residential development but is not required for low-density residential development.
- The property contains areas with greater than 25% slope. It is suggested that multi-family residential development be located outside these areas but is not required for low-density residential development.
- The property contains areas of moderate slope stability hazard on the slope stability index map. It is highly suggested that multi-family residential development be located outside these areas but is not required for low-density residential development.
- The property is not separated from low-density residential uses which is suggested for multi-family residential development.

The property is adjacent to property zoned R-2 and is a larger tract that might therefore be suited for higher intensity development in the future. Therefore, the requested zoning would be **neither reasonable nor in the public interest**.