

BUNCOMBE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
REZONING ANALYSIS

CASE NUMBER : ZPH2014-00074
 PROPOSED ZONING CHANGE : R-2 TO R-1
 LOCATION : FORMER WEAVERVILLE ETJ/
 : REEMS CREEK ROAD (SEE GIS MAPS)
 PINS : SEE AGENDA
 APPLICANTS : VARIOUS (SEE AGENDA)
 OWNERS : SEE FILE

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 applicants are requesting the rezoning of 215 parcels from R-2 (Residential District) to R-1 (Single-Family Residential District). The subject area was previously within the Town of Weaverville's Extra Territorial Jurisdiction. The subject area contains a variety of residential uses and undeveloped property.

Staff has recommended the approval of the request with the caveat that detailed information is not available on each parcel and several property owners did not provide consent to the application submitted, this recommendation should be weighed carefully against the acknowledgement and consent of individual land owners to account for the fact that on-the-ground assessments of individual parcels could contradict the findings within this recommendation.

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:

- The area is outside high elevations (2,500' +)
- The area has reasonable proximity to the town of Weaverville's water system but is not within the combined water/sewer service area mapped on the constraint maps.
- The area is not within a flood hazard area.
- The area is characterized by lower-density residential uses.

As Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update recommends that single family and low density residential uses allowed in the R-1 zoning district be outside high elevations (2,500' +), has reasonable proximity to the town of Weaverville's water system but is not within the combined water/sewer service area mapped on the constraint maps, is not

within a flood hazard area, and is characterized by lower-density residential uses. Additionally, the majority of the lots currently contain low density residential uses. Therefore the proposed map amendment could be appropriate. The proposed map amendment would also not be detrimental to the owners, adjacent neighbors, and surrounding community as it is consistent with the surrounding properties. 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 show the following regarding the subject property:

- The area is outside high elevations (2,500' +)
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Consistent (denial): 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:

- The area is outside high elevations (2,500' +)
- The area has reasonable proximity to the town of Weaverville's water system but is not within the combined water/sewer service area mapped on the constraint maps.
- The area is not within a flood hazard area.
- The area is characterized by lower-density residential uses.

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