

RESOLUTION OF PLANNING BOARD RECOMMENDATION TO THE BUNCOMBE COUNTY BOARD  
OF COMMISSIONERS ON APPLICATION FOR PROPOSED ZONING MAP AMENDMENT

---

WHEREAS, the Zoning Administrator for Buncombe County has received an application from Charles and Jeremy Arthur requesting an amendment to The Official Zoning Map of Buncombe County on the parcels identified as follows and as shown in Figure A attached:

tax lot PIN 9634-12-9938 (131 Avery Creek Rd);

tax lot PIN 9634-12-9736 (South of 131 Avery Creek Rd);

tax lot PIN 9634-13-9128 (133 Avery Creek Rd);

tax lot PIN 9634-13-9325 (North of 133 Avery Creek Rd).

The Applicant is requesting that the zoning designation for these parcels be changed from Low-Density Residential District R-LD to Residential District R-2;

WHEREAS, the Zoning Administrator certified that notices of the meeting of the Buncombe County Planning Board at which this application was considered have been properly mailed to members of the Planning Board, the applicant(s), owner(s), and all adjoining property owners at least ten (10) days prior to the meeting; public notice of the meeting has been properly published in a newspaper having general circulation in the County; and notice of the public hearing concerning this zoning map amendment has been prominently posted as required;

WHEREAS, pursuant to N.C. Gen. Stat. §153A-344 and §78-719 of the Buncombe County Code of Ordinances, the Planning Board is charged with making a recommendation to the Board of Commissioners and to comment on whether the requested zoning change is consistent or inconsistent with the Buncombe County Comprehensive Land Use Plan and Updates and on whether the requested zoning change is reasonable and in the public interest; and

WHEREAS, the Planning Board has reviewed the application, has heard public comment, and consulted with planning staff, and, after careful review, has determined that it is in order to approve this application and make recommendation to the Board of Commissioners for Buncombe County that the application be approved.

Based on the facts as set forth above the Buncombe County Planning Board hereby finds and concludes as follows pertaining to the proposed amendment to the Zoning Map as set forth in the said application of Charles and Jeremy Arthur:

1. said zoning change is consistent with the Buncombe County Comprehensive Land Use Plan and Updates because the Buncombe County Comprehensive Land

Use Plan 2013 Update (Figure 20. Appropriate Development Types) highly suggests that higher density residential development is located within reasonable proximity to major transportation corridors (the property is not directly adjacent to a transportation corridor but is adjacent to a paved NCDOT road and is located within  $\frac{3}{4}$  of a mile from Brevard Road which is an identified transportation corridor), within combined water/sewer service areas, and outside of flood and slope stability hazard areas. Furthermore, Figure 20 suggests that higher density residential development be located outside of steep slope and high elevation areas;

2. the subject property is adjacent to property zoned Residential District R-2;
3. the rezoning of the subject property would not be detrimental to the owners, adjacent neighbors, and surrounding community as it meets a number of goals as identified in the Buncombe County Comprehensive Land Use Plan; and
4. therefore said zoning change is reasonable and is in the public interest.

NOW, THEREFORE, BE IT RESOLVED that upon motion and second, the Buncombe County Planning Board hereby recommends as follows:

1. That the Board of Commissioners approve this application for a zoning change for tax lot PINs 9634-12-9736 (South of 131 Avery Creek Rd), 9634-12-9938 (131 Avery Creek Rd), 9634-13-9128 (133 Avery Creek Rd), and 9634-13-9325 (North of 133 Avery Creek Rd),

as shown in Figure A, to Residential District R-2.

Adopted by a vote of 7 to 0.

This the 20<sup>th</sup> day of July, 2015.

BUNCOMBE COUNTY PLANNING BOARD

By:   
Chair

Consented to:

Planning Board Members:

Nancy Waldrop

David Rittenberg

Thad B. Lewis

Dusty Pless (absent)

Joan M. Walker

Robert J. Martin (absent)

Gene Bell

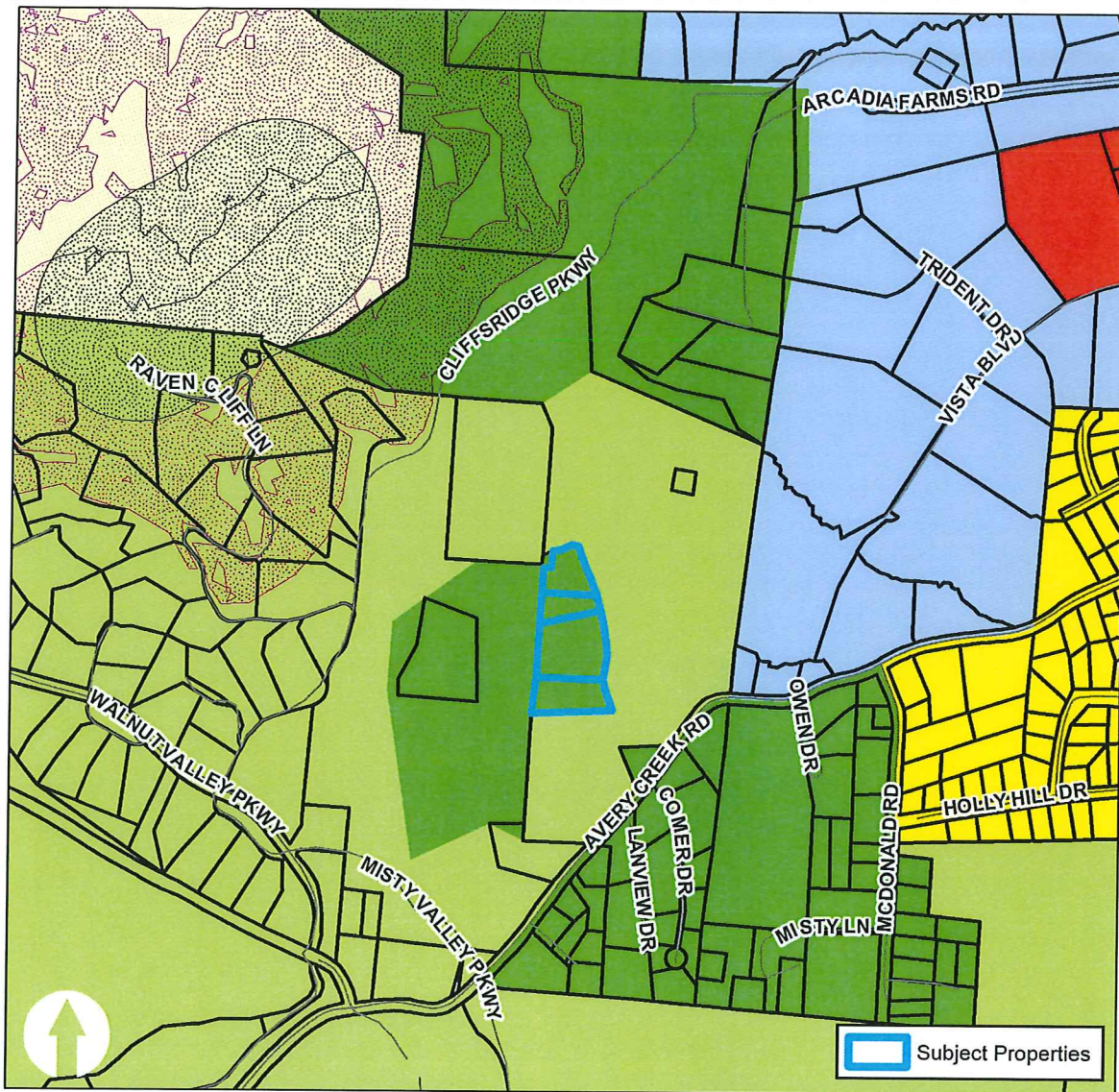
Parker Sloan  
Bob Taylor

  
\_\_\_\_\_  
Debbie Truempy, Zoning Administrator

Approved as to form:  
  
\_\_\_\_\_  
Michael Frue, Senior Staff Attorney



Figure A



0 0.2 0.4  
Miles

## Charles and Jeremy Arthur Map Amendment

Case Number: ZPH2015-00031  
Approximate Property Size: 3.89 acres  
Application Date: June 3, 2015  
Planning Board Hearing Date: July 20, 2015

Created By: Buncombe County Planning  
Date: July 1, 2015

|                               |     |      |
|-------------------------------|-----|------|
| AI                            | EMP | R-1  |
| BDM                           | NS  | R-2  |
| CR                            | OU  | R-3  |
| CS                            | PS  | R-LD |
| Blue Ridge Parkway Overlay    |     |      |
| Protected Ridge Overlay       |     |      |
| Protected Ridge & Parkway     |     |      |
| Steep Slope/High Elevation    |     |      |
| Steep Slope/High Elev. & Pkwy |     |      |