

BUNCOMBE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT  
REZONING ANALYSIS

CASE NUMBER : ZPH2015-000031  
 PROPOSED ZONING CHANGE : R-LD TO R-2  
 LOCATION : 131-133 AVERY CREEK ROAD  
 PIN(s) : 9634.12.9938; 9634.12.9736  
           9634.13.9128; 9634.13.9325

APPLICANT/OWNER : CHARLES AND JEREMY ARTHUR  
                           P.O. BOX 223 & P.O. BOX 1002  
                           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 ANALYSIS: The applicant is requesting the rezoning of four (4) parcels comprising approximately 4.89 acres from R-LD (Low-Density Residential District) to R-2 (Residential District). The subject properties are located to the north of Avery Creek Road and are directly accessed via a shared driveway that connects to Avery Creek Road. Two of the lots (PIN #'s 9128 and 9938) each contain an existing single-family residence and the remaining two parcels (PIN #'s 9325 & 9736) are currently vacant. The subject properties are largely surrounded by vacant pasture land, wooded areas and sparse single-family residential development. Surrounding property is zoned R-2 to the north, south and east. Property to the west of the subject parcels is zoned R-LD.

The proposed map amendment is consistent with Section 78-640(c) Residential District (R-2) of the Zoning Ordinance of Buncombe County which states that the R-2 residential district is primarily intended to provide locations for residential development and supporting recreational, community service and educational uses in areas where public water and sewer services are available or will likely be provided in the future. The Land Use Constraint maps contained within the Buncombe County Comprehensive Land Use Plan 2013 Update illustrate the following conclusions regarding the subject property:

- The subject property is not directly adjacent to a transportation corridor but is adjacent to an NCDOT road and is located within ¾ mile from Brevard Road (NC 191) which is an identified transportation corridor.
- The subject property is located outside of areas identified as steep slope (greater than 25%) and only a negligible amount of land falls within a moderate hazard slope stability area.
- The subject property lies outside of areas containing high elevations (greater than 2,500 feet).
- The subject property is **not** located within a FEMA Flood Hazard Area.

- The subject property is partially located within the combined water/sewer service area as indicated on the applicable Land Use Constraint Maps. Public water is available along Avery Creek Road, and public sewer extends to the east of the church property along the road frontage.

Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update identifies higher density residential development as “highly suggested” within reasonable proximity to major transportation corridors and within combined water/sewer service areas. While the subject property is not directly adjacent to an identified transportation corridor, it is adjacent to a paved NCDOT road and within  $\frac{3}{4}$  miles of Brevard Road (NC 191) which is an identified transportation corridor. Further, the plan “highly suggests” that higher density development be located outside of flood and slope stability hazard areas and “suggests” that this type of development be located outside of steep slope and high elevation areas. The proposed map amendment 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 Update and is adjacent to other properties currently zoned R-2. 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 and the associated Land Use Constraint maps contained within the Buncombe County Comprehensive Land Use Plan 2013 Update. The following information is relevant to the subject property:

- The subject property is not directly adjacent to a transportation corridor but is adjacent to an NCDOT road and is located within ¾ mile from Brevard Road (NC 191) which is an identified transportation corridor.
- The subject property is located outside of areas identified as steep slope (greater than 25%) and only a negligible amount of land falls within a moderate hazard slope stability area.
- The subject property lies outside of areas containing high elevations (greater than 2,500 feet).
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**Inconsistent:** The proposed map amendment is inconsistent with the Buncombe County Land Use Plan and the associated Land Use Constraint maps contained within the Buncombe County Comprehensive Land Use Plan 2013 Update. The following information is relevant to the subject property:

- The subject property is located slightly outside of an identified transportation corridor.

Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update identifies higher density residential development as “highly suggested” within reasonable proximity to a major transportation corridor. Therefore the proposed map amendment would be inconsistent as the subject property is located slightly outside of an identified transportation corridor. Therefore, the requested zoning would **not be reasonable and in the public interest**.