

**BUNCOMBE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT  
REZONING ANALYSIS**

CASE NUMBER : ZPH2017-00006  
 PROPOSED ZONING CHANGE : R-LD TO R-1  
 LOCATION : PROPERTY TO THE NORTHWEST OF 220  
 PINE HILL DRIVE  
 PIN(s) : 9699-45-0630  
 APPLICANT : DAVID HILL (HILL VENTURES, LLC)  
 OWNERS : DAVID HILL (HILL VENTURES, LLC)

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 one (1) parcel comprising approximately 6.85 acres (property northwest of 220 Pine Hill Drive) from R-LD (Low Density Residential District) to R-1 (Residential District). The subject property is currently vacant and located at the terminus of Pine Hill Drive. Property to the north of the subject parcel is a large estate lot which is moderately to steeply sloped, contains a single-family residence and is zoned R-LD. Properties to the east, west and south have been developed as single-family homes within an established neighborhood (Grovemont) consisting of smaller lots and exclusively zoned R-1. Access to the subject property is afforded via Pine Hill Drive which is maintained by the NCDOT (SR 2449). The surrounding neighborhood is serviced by NCDOT maintained roads and public sewer and water utilities. The applicant is seeking a rezoning request in order to extend the single-family neighborhood pattern that is prevalent in the surrounding neighborhood by extending road, sewer and water services into the subject property. Further, survey grade slope analysis has been conducted to assure that future subdivision development will not trigger hillside subdivision standards which require larger lots and contain average natural slope areas of greater than 25%.

The proposed map amendment is consistent with Section 78-640(b) Residential District (R-1) of the Zoning Ordinance of Buncombe County which states, “The R-1 Residential District is primarily intended to provide locations for single-family and two-family 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. This district is further intended to protect existing subdivisions from encroachment of incompatible land uses, and this district does not allow manufactured home parks.” Additionally, the developable characteristics of the subject property are less closely aligned with the intent of the R-LD district which is reserved for areas not likely to have public utilities and more directly impacted by environmentally sensitive constraints.

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 accessible via a series of NCDOT maintained roads within an established neighborhood and located within one (1) mile of US 70 which is an identified transportation corridor.
- The subject property is located inside of the combined water/sewer service area as indicated on the applicable Land Use Constraint Maps. Public water and sewer serve adjacent residential properties to the south, west and east of the subject property.
- The subject property does contain areas identified as steep slope according to GIS data (greater than 25%); however, the applicant has demonstrated through topographical survey data performed by a licensed surveyor that the bulk of the property does not exceed the 25% slope threshold.
- The bulk of the subject property is located outside of high elevations greater than 2500 feet; however, a small sliver of property along the eastern property line is located above 2500 feet in elevation. No portion of the subject property is located within the steep slope/high elevation overlay district.
- The subject property contains a small area of moderate slope stability hazard concentrated within the north central quadrant of the parcel.
- The subject property is **not** located within a FEMA Flood Hazard Area.

Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update identifies single-family/duplex development as “suggested” within reasonable proximity to major transportation corridors and within reasonable proximity to combined water/sewer service areas. The Plan “suggests” that single-family/duplex development be located outside of steep slope areas (greater than 25%), and outside of high elevations (greater than 2,500 feet). The Plan “highly suggests” single-family/duplex development be located outside of moderate and high slope stability areas and outside of flood hazard 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. Therefore, the Buncombe County Department of Planning and Development recommends **approval** of the rezoning request as it is compatible with the development pattern of the surrounding residential neighborhood and is readily accessed by NCDOT maintained roads, and can be served by public water and sewer.

### 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 accessible via a series of NCDOT maintained roads within an established neighborhood and conveniently located within one (1) mile of US 70 which is an identified transportation corridor.
- The subject property is located inside of the combined water/sewer service area as indicated on the applicable Land Use Constraint Maps. Public water and sewer serve adjacent residential properties to the south, west and east of the subject property.
- The subject property does contain areas identified as steep slope according to GIS data (greater than 25%); however, the applicant has demonstrated through topographical survey data performed by a licensed surveyor that the bulk of the property does not exceed the 25% threshold.
- The bulk of the subject property is located outside of high elevations greater than 2500 feet; however, a small sliver of property along the eastern property line is located above 2500 feet in elevation. No portion of the subject property is located within the steep slope/high elevation overlay district.
- The subject property contains a small area of moderate slope stability hazard concentrated within the north central quadrant of the parcel.
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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 bulk of the subject property is located outside of high elevations greater than 2500 feet; however, a small sliver of property along the eastern property line is located above 2500 feet in elevation. No portion of the subject property is located within the steep slope/high elevation overlay district.
- The subject property contains a small area of moderate slope stability hazard concentrated within the north central quadrant of the parcel.

Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update suggests that single-family/duplex development be located outside of high elevations

(greater than 2,500 feet). The Plan “highly suggests” single-family/duplex development be located outside of moderate and high slope stability areas. Therefore the proposed map amendment would be inconsistent as the subject property contains an area that exceeds 2500 feet in elevation and may be prone to slope stability hazards as identified above. Therefore, the requested zoning would **not be reasonable and in the public interest.**