

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

CASE NUMBER : ZON2010-00019
 PROPOSED ZONING CHANGE : R2 TO R3
 LOCATION : 5 TEEMS LANE
 PIN NUMBER : 9678-48-7248
 ACREAGE : 6.1 ACRES

APPLICANT/OWNER: BRANCH BANKING & TRUST
 150 S STATFORD ROAD
 WINSTON SALEM NC 27104

DEPARTMENT RECOMMENDATION: **DENIAL**

REZONING SUMMARY: The applicant requests rezoning of a 6.1 acre tract from R2 (Residential District) to R3 (Residential District). The subject property is located off Tunnel Road on Teems Lane. The property is currently vacant, but the property has been graded and some road infrastructure has been constructed on the property. A 40-lot single family subdivision was approved by the Buncombe County Planning Board in 2007 (SUB2006-00235). That approval is still valid as the site still has a valid erosion control permit (ERO2006-00114), and the stormwater controls on the lot were completed due to the County Stormwater Administrator cashing in a bond and facilitating the completion of the improvements.

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.

DEPARTMENT CONSIDERATIONS

SIZE OF THE TRACT: The subject property is one tract consisting of 6.1 acres, and is surrounded by property zoned R-2 and adjacent to property zoned CS.

CONSISTENCY WITH BUNCOMBE COUNTY COMPREHENSIVE LAND USE PLAN: The requested zoning is not consistent with the Buncombe County Comprehensive Land Use Plan as the Buncombe County Comprehensive Land Use Plan Update indicated that R-3 is suitable for higher density uses and mobile homes. The surrounding area primarily consists of single family homes on large tracts. R-3 zoning would not be suitable as the area is characterized

by single family stick built residential development with commercial development to the east of the property. While a small apartment complex and a few mobile homes do exist in the area, the residential development in the surrounding area primarily consists of low density single family stick built residential development and undeveloped tracts. The proposed R-3 zoning would allow for uses currently not allowed in the area such as mobile homes, mobile home parks, and travel trailer parks.

AFFECT ON SURROUNDING PROPERTIES AND USES: The requested zoning would not be consistent with surrounding uses. The surrounding residential development in the area consists primarily of single family homes on large tracts. R-3 zoning would not be suitable as the area is characterized by single family stick built, lower density residential development with commercial development to the east of the subject property. While a small apartment complex and a few mobile homes do exist in the area, the residential development in the surrounding area primarily consists of low density single family stick built residential development and undeveloped tracts. The proposed R-3 zoning would allow for uses currently not allowed in the area such as mobile homes, mobile home parks, and travel trailer parks.

BENEFITS AND/OR DETRIMENTS THE REZONING WILL HAVE ON OWNERS,

ADJACENT NEIGHBORS, AND THE SURROUNDING COMMUNITY: The requested zoning would be detrimental to the owner, adjacent neighbors, and surrounding community as it may lead to the encroachment of uses into the area that are currently not allowed such as mobile homes, mobile home parks, and travel trailer parks.

SUMMARY: In conclusion, the requested rezoning is not consistent with the Buncombe County Land Use Plan, is not consistent the surrounding area which is characterized by single family stick built residential uses , and may lead to the encroachment of uses not currently allowed in the area such as mobile homes, mobile home parks, and travel trailer parks. Therefore the Buncombe County Department of Planning and Development recommends DENIAL of the request.