

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

CASE NUMBER : ZON2010-00028
 PROPOSED ZONING CHANGE : R-1 to NS
 LOCATION : WARREN WILSON ROAD
 PIN NUMBER : 9679-86-5531
 ACREAGE : 1.03ACRES

APPLICANT/OWNER: DON HUNLEY
 307 NORTHEAST AVENUE
 SWANNANOVA, NC 28778

DEPARTMENT RECOMMENDATION: **DENIAL**

REZONING SUMMARY: The applicant requests rezoning of the 1.03-acre tract from R-1 (Residential District) to NS (Neighborhood Service District). The subject property is located at the northeast corner of the intersection of Halcyon Road and Warren Wilson Road. The property is currently wooded and undeveloped.

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 PROPOSED TRACT: The surrounding area is comprised of residential development and the Warren Wilson College campus. The subject property is a small tract, and does not include a large number of property owners.

CONSISTENCY WITH BUNCOMBE COUNTY COMPREHENSIVE LAND USE PLAN: The requested zoning is not consistent with the Buncombe County Comprehensive Land Use Plan. The Buncombe County Comprehensive Land Use Plan Update calls for the conservation of areas characterized by low density residential and rural uses. The proposed property is in an area characterized by low density residential development, and approval of this rezoning could lead to the encroachment of commercial uses into an area characterized by residential and intuitional uses.

AFFECT ON SURROUNDING PROPERTIES AND USES: The requested zoning would not be consistent with surrounding uses, which are primarily residential in nature, and consist of single family homes and the Warren Wilson College campus. The surrounding property is all zoned for residential uses. While property zoned EMP does exist in the area, it is farther to the east of the subject property, which is completely surrounded by residential uses. Approval of the subject property as a commercial zoning could lead to the encroachment of commercial uses into an area characterized by residential uses and Warren Wilson College.

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 the property is currently surrounded by residential uses and residential zoning. Approval of the property as a commercial zoning could lead to the encroachment of a commercial use into an established residential area. Additionally, Susan B. Kask Hunley, one of the property owners, has indicated to the Planning Department in a signed letter that she does not wish the property to be rezoned.

SUMMARY: In conclusion, the requested rezoning is not consistent with the Buncombe County Land Use Plan and could lead to the encroachment of a commercially zoned property into an area that is characterized by low density residential uses. Approving the requested rezoning would result in less strict zoning requirements for the subject property and thus cause a land use that is not in harmony with the surrounding area. The proposed zoning could lead to the encroachment of commercial uses into an area characterized by residential uses and Warren Wilson College. Therefore the Buncombe County Department of Planning and Development recommends DENIAL of the request.