BUNCOMBE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
REZONING ANALYSIS

CASE NUMBER	: ZON2010-00039
PROPOSED ZONING CHANGE	: R-1 TO PS
LOCATION	: 140 HOLLY STREET
PIN NUMBERS	: 0629-76-1375
	: 0629-76-2329
ACREAGE	: 0.41 TOTAL ACRES

APPLICANT/OWNER: DANIELLE DEMARINO
140 HOLLY STREET
BLACK MOUNTAIN, NC 28711

DEPARTMENT RECOMMENDATION: **DENIAL**

REZONING SUMMARY: The applicant requests to rezone two tracts (consisting of a total of 0.41 acres) from R-1 (Residential District) to PS (Public Service District). The subject properties are located at 140 Holly Street in Ridgecrest. Holly Street is located off of Weston Drive, which intersects with Yates Avenue. The properties currently contain the Mountain Getaway Bed and Breakfast. While bed and breakfasts are not allowed in the R-1 zoning district, the use would be an existing nonconforming use and would be allowed to continue by the provisions of the nonconforming use section of the Buncombe County Zoning Ordinance (Sec. 78-657).

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 properties total 0.41 acres and are surrounded by similar sized tracts and large tracts of land which are part of the Lifeway Ridgecrest Conference Center.

CONSISTENCY WITH BUNCOMBE COUNTY COMPREHENSIVE LAND USE PLAN: The proposed rezoning is not consistent with the Buncombe County Comprehensive Land Use Plan as the PS zoning district was intended for institutional uses. The PS district is described in the Buncombe County Comprehensive Land Use Plan as a "district that provides areas for clustering uses such as schools, parks, and other government services within residential

concentrations" (Buncombe County Comprehensive Land Use Plan, 17). As the proposed use is not institutional in nature, or part of a large institution, zoning as PS would not be consistent with the Buncombe County Comprehensive Land Use Plan. Additionally, the use is an existing nonconforming use and would be allowed to continue by the provisions provided for in the nonconforming use section of the Buncombe County Zoning Ordinance (Sec. 78-657).

AFFECT ON SURROUNDING PROPERTIES AND USES: The requested zoning would not be consistent with surrounding uses as the surrounding area contains single family site built homes, undeveloped tracts of land, and large tracts of land owned by Lifeway Ridgecrest Conference Center. While the land owned by Lifeway Ridgecrest Conference Center is zoned PS, it is undeveloped and heavily wooded. Approval of the subject properties as PS could lead to the encroachment of uses allowed in PS into a residential neighborhood.

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 variety of uses allowed in the PS zoning district is not compatible with the surrounding residential nature. While the land owned by Lifeway Ridgecrest Conference Center is zoned PS, it is undeveloped and heavily wooded. Additionally, while bed and breakfasts are not allowed in the R-1 zoning district, the use would be an existing Nonconforming use and would be allowed to continue by the provisions provided for in the Nonconforming use section of the Buncombe County Zoning Ordinance (Sec. 78-657).

SUMMARY: In conclusion, the tract is a small piece of property with just one owner. The requested rezoning is not consistent with the Buncombe County Comprehensive Land Use Plan. The subject properties are in an area characterized by single family site built homes and undeveloped tracts of land, and would be detrimental to the owner, adjacent neighbors and surrounding community as the variety of uses allowed in the PS zoning district would not be compatible with the surrounding neighborhood. Therefore the Buncombe County Department of Planning and Development recommends DENIAL of the requests.