

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

CASE NUMBER : ZON2010-00038
 PROPOSED ZONING CHANGE : R2 TO R3
 LOCATION : 863 PENNSYLVANIA ROAD
 PIN NUMBER : 9623-99-3986
 ACREAGE : 5 ACRES

APPLICANT/OWNER: STAN ROBINSON FOR THE VIEWS OF WALNUT COVE
 39 OLD BRICKYARD ROAD
 FLETCHER NC 28732

DEPARTMENT RECOMMENDATION: **DENIAL**

REZONING SUMMARY: The applicant requests rezoning of a 5 acre tract from R2 (Residential District) to R3 (Residential District). The subject property is located at 863 Pennsylvania Road near the intersection of Avery Creek Road and Pennsylvania Road. According to tax records the property currently contains two mobile homes. Planning Staff was unable to verify this as the property is gated, and the aerial photo is unclear. However, if two mobile homes do exist on the property, 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 property is one tract with one owner consisting of 5 acres, and is surrounded by tracts of comparable size.

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 (Buncombe County Comprehensive Land Use Plan Update, VII-4). The surrounding area primarily consists of a mix of single family homes on

large lots, agricultural development, residential subdivisions, and vacant land. As such, R-3 zoning would not be suitable in the area. While a few mobile homes do exist in the area, the residential development is primarily single family site built homes. 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 residential development in the surrounding area primarily consists of low density single family site built residential development. R-3 zoning would not be suitable in an area characterized by single family site built, lower density residential development as it 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. Additionally the two existing mobile homes on the subject property would be existing Nonconforming uses and would be allowed to continue by the provisions of the Nonconforming use section of the Buncombe County Zoning Ordinance (Sec. 78-657).

SUMMARY: In conclusion, the requested rezoning is not consistent with the Buncombe County Land Use Plan, is not consistent with the surrounding area, 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.