

BUNCOMBE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT  
REZONING ANALYSIS

CASE NUMBER : ZPH2015-00022  
 PROPOSED ZONING CHANGE : R-1 TO R-2  
 LOCATION : 44 PICKENS LN AND DOGWOOD DR  
 PINs : 9742-47-8027 AND 9742-57-8371

APPLICANT/OWNER: BRENDA LANDGROVER REVOCABLE TRUST  
 309 KYFIELDS  
 WEAVERVILLE, NC 28787

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 applicants are requesting the rezoning of 47.45 acres from R-1 (Single Family Residential District) to R-2 (Residential District). The property is largely undeveloped, with one single family home on the property. The property is located on the west side of Dogwood Drive to the south of the intersection of Dogwood Drive and Hamburg Mountain Road. The surrounding area is characterized by single family residential development zoned R-1 and R-2, and land within the Town of Weaverville's municipal limits.

The proposed map amendment is consistent with the Buncombe County Land Use Plan as the Land Use Constraint maps within the Buncombe County Comprehensive Land Use Plan 2013 Update show the following regarding the subject property:

- The area is outside high elevations (2,500'+)
- The area is not within a flood hazard area.
- The property is directly adjacent to both public sewer (MSD) and public water (Town of Weaverville), however this is not reflected on the land use constraint map as the public water lines for the Town of Weaverville are not mapped digitally and were therefore not available during the mapping process.

Figure 20. Appropriate Development Types of the Buncombe County Comprehensive Land Use Plan 2013 Update recommends that residential uses allowed in the R-2 zoning district be outside high elevations (2,500'+), have reasonable proximity to utilities (Weaverville's water system is available but it is not within the combined water/sewer service area mapped on the constraint maps), and not be within a flood hazard area. Therefore the proposed map amendment could be appropriate. The proposed map amendment would also not be detrimental to the owners, adjacent neighbors, and surrounding community as it is consistent with the surrounding properties. Therefore the proposed map amendment could be appropriate.

Additionally, the subject property was part of a large map amendment application of 215 parcels (ZPH2014-00074) initiated by members of the community in question. The Board of Commissioners approved the map amendment to rezone the 215 parcels from R-2 to R-1 in March of this year. While staff sent notices to all the property owners of record, and the applicants for ZPH2014-0074 tried to contact all property owners involved, the Landgrovers have indicated that they did not receive notification and did not wish their property to be rezoned to R-1. Given, that the proposed map amendment is consistent with the Buncombe County Land Use plan, the development pattern in the area, and the circumstances in which it came to be rezoned to R-1, the Buncombe County Department of Planning and Development recommends approval of the request.

## LAND USE PLAN CONSISTENCY STATEMENTS

**Consistent:** The proposed map amendment is consistent with the Buncombe County Land Use Plan as the Land Use Constraint maps within the Buncombe County Comprehensive Land Use Plan 2013 Update show the following regarding the subject property:

- The area is outside high elevations (2,500'+)
- The property is directly adjacent to both public sewer (MSD) and public water (Town of Weaverville), however this is not reflected on the land use constraint map as the public water lines for the Town of Weaverville are not mapped digitally and were therefore not available during the mapping process.
- The area is not within a flood hazard area.

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**Consistent (denial):** The proposed map amendment is consistent with the Buncombe County Land Use Plan as the Land Use Constraint maps within the Buncombe County Comprehensive Land Use Plan 2013 Update show the following regarding the subject property:

- The area is outside high elevations (2,500'+)
- The property is directly adjacent to both public sewer (MSD) and public water (Town of Weaverville), however this is not reflected on the land use constraint map as the public water lines for the Town of Weaverville are not mapped digitally and were therefore not available during the mapping process.
- The area is not within a flood hazard area.

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