



UHERKA ZONING MAP AMENDMENT

Presented by

Joshua S. Freeman, AICP, CFM

Planning & Development Department



BUNCOMBE COUNTY



Hearing Notification

- ✓ CASE NUMBER: ZPH2019-00022
- ✓ Notice in Asheville Citizen Times legal ad: 7/26/19 & 8/2/19
- ✓ Notice mailed to owners within 1,000 ft: 7/24/19
- ✓ Physical posting: 7/26/19
- ✓ Notice on BC Website: 7/24/19
- ✓ Public Hearing: 8/6/19



Applicant Information

- ✓ Applicant: Robert & Laura Uherka / RuLu LLC
- ✓ Owner: Robert & Laura Uherka / RuLu LLC
- ✓ Address(es): 119 Woodland Dr., Swannanoa

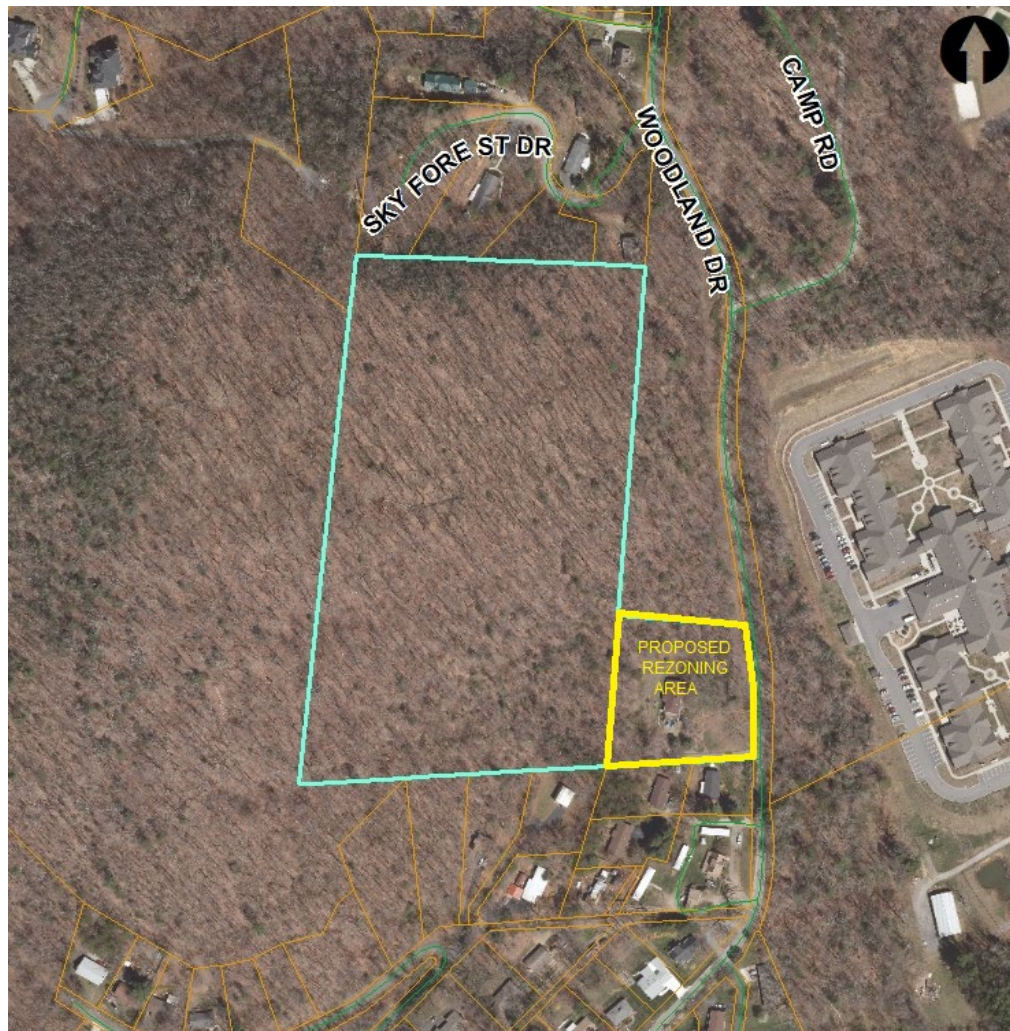


Application History

- ✓ May 20, 2019: Planning Board first considered rezoning (original version)
- ✓ June 18, 2019: Applicant withdrew rezoning proposal prior to the Board of Commissioners Public Hearing
- ✓ June 19, 2019: Applicant submitted revised rezoning
- ✓ July 01, 2019: Planning Board unable to consider revised rezoning due to lack of quorum
- ✓ July 15, 2019: Planning Board considered revised rezoning
- ✓ August 8, 2019: Board of Commissioners to consider revised rezoning



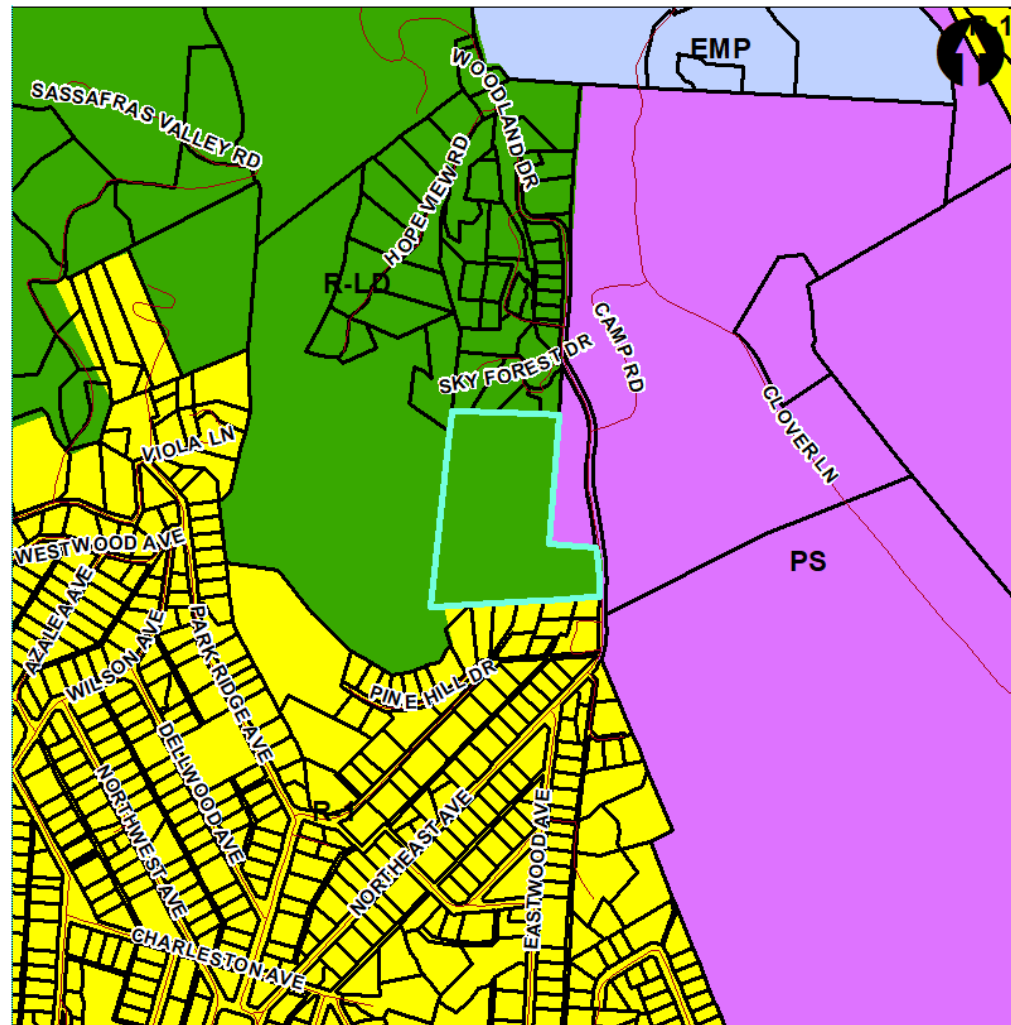
Property Information



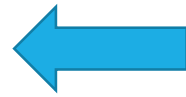
- ✓ Subject parcel 14.07 acres in size
- ✓ ~~Rezoning area 1.7 acres in size~~
- ✓ Rezoning area 1.05 acres per field survey
- ✓ One existing single family home
- ✓ Maximum Elevation: 2419' above sea level
- ✓ Serviceable by public water & wastewater utilities



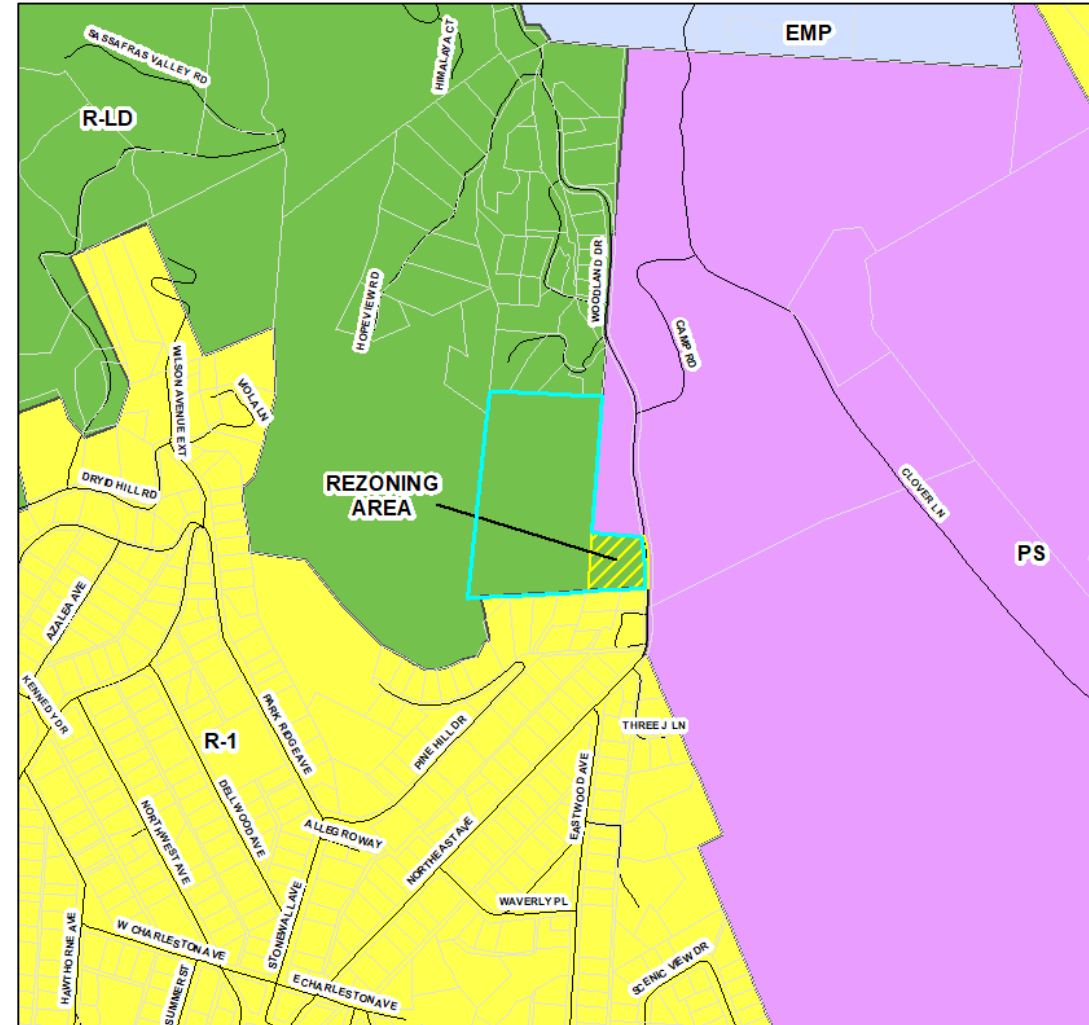
Rezoning Information



Current Zoning:
R-LD Residential



Proposed Zoning:
R-1 Residential



Rezoning Information

EXISTING ZONING DISTRICT:

Residential Low Density (R-LD)

Low-Density Residential District (R-LD). The R-LD Low-Density Residential District is **primarily intended to provide locations for low-density residential and related-type development in areas where topographic or other constraints preclude intense urban development.** These areas are not likely to have public water and sewer services available, and the minimum required lot area will be one acre unless additional land area is required for adequate sewage disposal. **These are environmentally sensitive areas that are characterized by one or more of the following conditions: Steep slopes, fragile soils, or flooding.**

PROPOSED ZONING DISTRICT:

Residential District (R-1).

The R-1 Residential District is **primarily intended to provide locations for single-family and two-family residential development and supporting recreational, community service, and educational uses in areas where public water and sewer services are available** or will likely be provided in the future. This district is further intended to protect existing subdivisions from encroachment of incompatible land uses, and this district does not allow manufactured home parks.



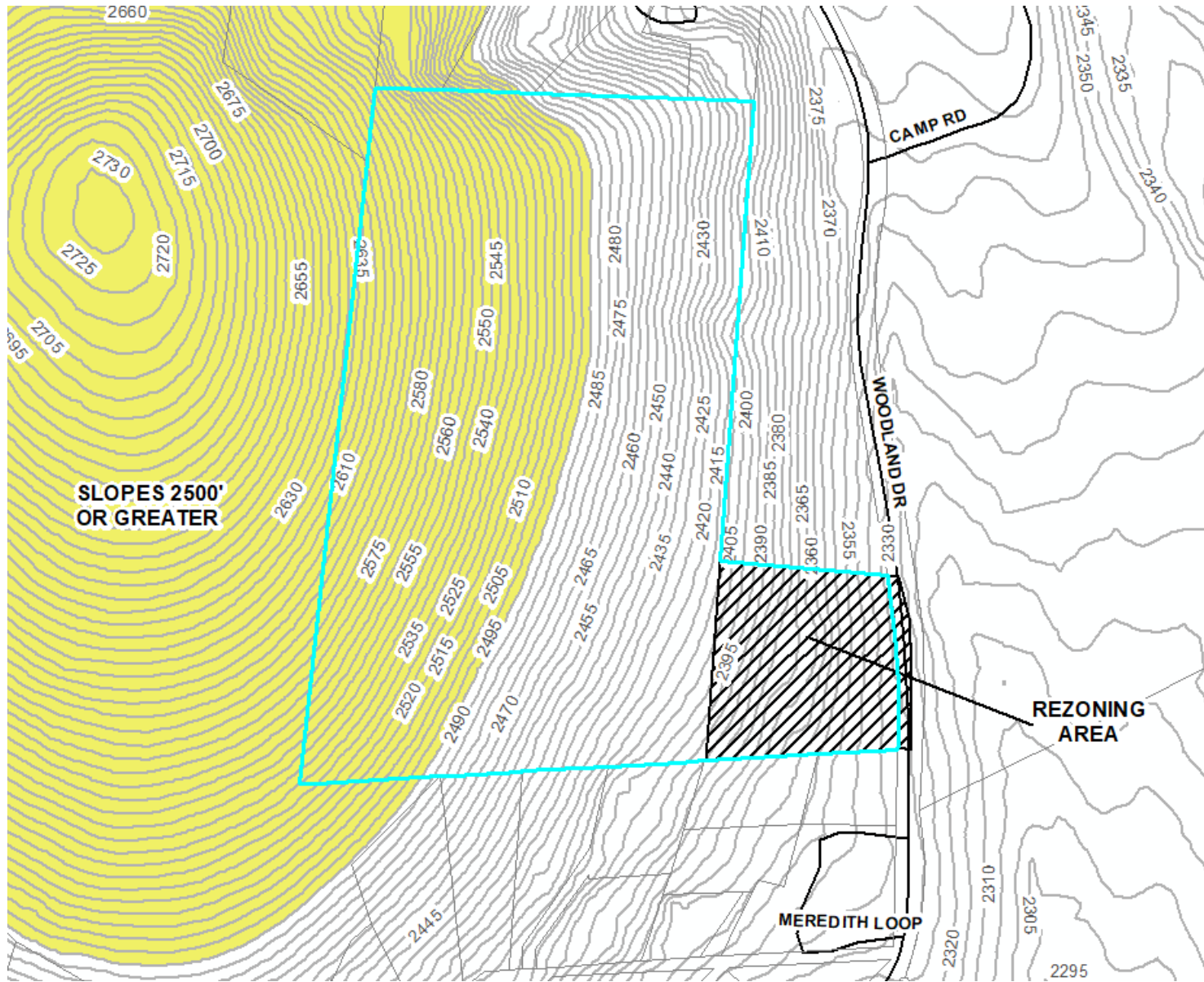
Neighborhood Consistency

- ✓ In terms of land use types, single-family / duplex residential development would be consistent with neighborhood character of adjacent neighborhoods
- ✓ Rezoning would reduce minimum lot size from 1 acre to 30,000 square feet for septic, or as low as 8,000 square feet for lots on public water & sewer


	Existing District:	Proposed District:
	R-LD Residential	R-1 Residential
Minimum Lot Size	43,560 SF	8,000 SF (Public water/sewer) 30,000 SF (Septic system)
Max dwelling units per acre	2	10
Setbacks (Front/Side/Rear)	10/10/20	10/7/15 (Water/sewer) 20/10/10 (Septic)
Max height	35 feet	35 feet


	Existing District:	Proposed District:
	R-LD Residential	R-1 Residential
Total Acres	1.05	1.05
Total Sq.Ft.	46,356.5	46,356.5
Min. Lot Size	43,560 sf (1 acre)	8,000 sf
Max. Dwellings (single family dwelling)	2 DU	5 DU





— 5 Foot Contours

 Greater than 2500'

 Property Boundaries



BUNCOMBE COUNTY

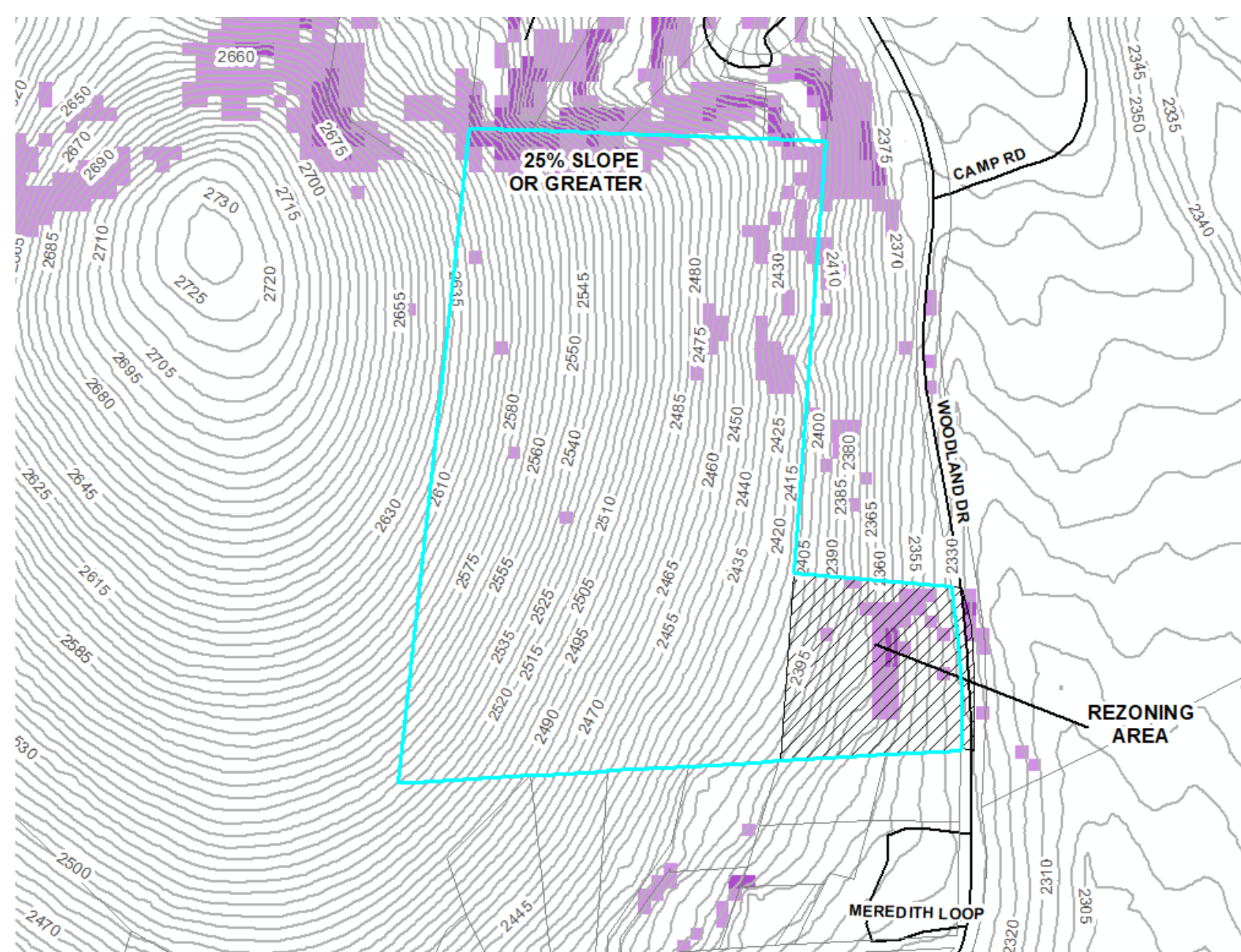




- 5 Foot Contours
- 0 - 25 % Slope
- Greater than 2500'
- Property Boundaries

**NOTE: STEEP SLOPE
REGULATIONS DO NOT
APPLY BELOW 35% SLOPE**





- 5 Foot Contours
- High Hazard
- Moderate Hazard
- Low Hazard
- Property Boundaries



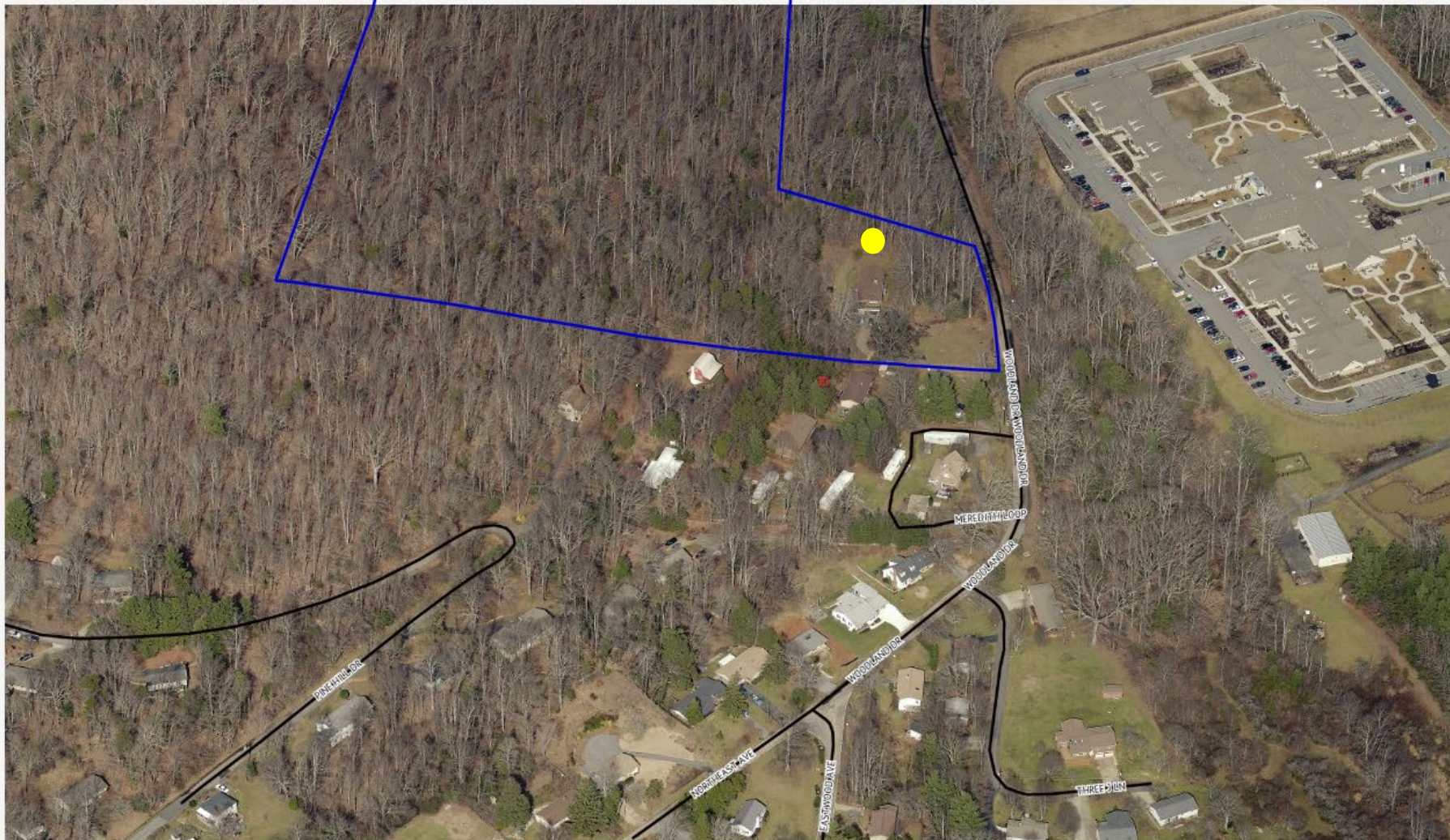
BUNCOMBE COUNTY





Workspaces

12/15/2023 10:00 AM

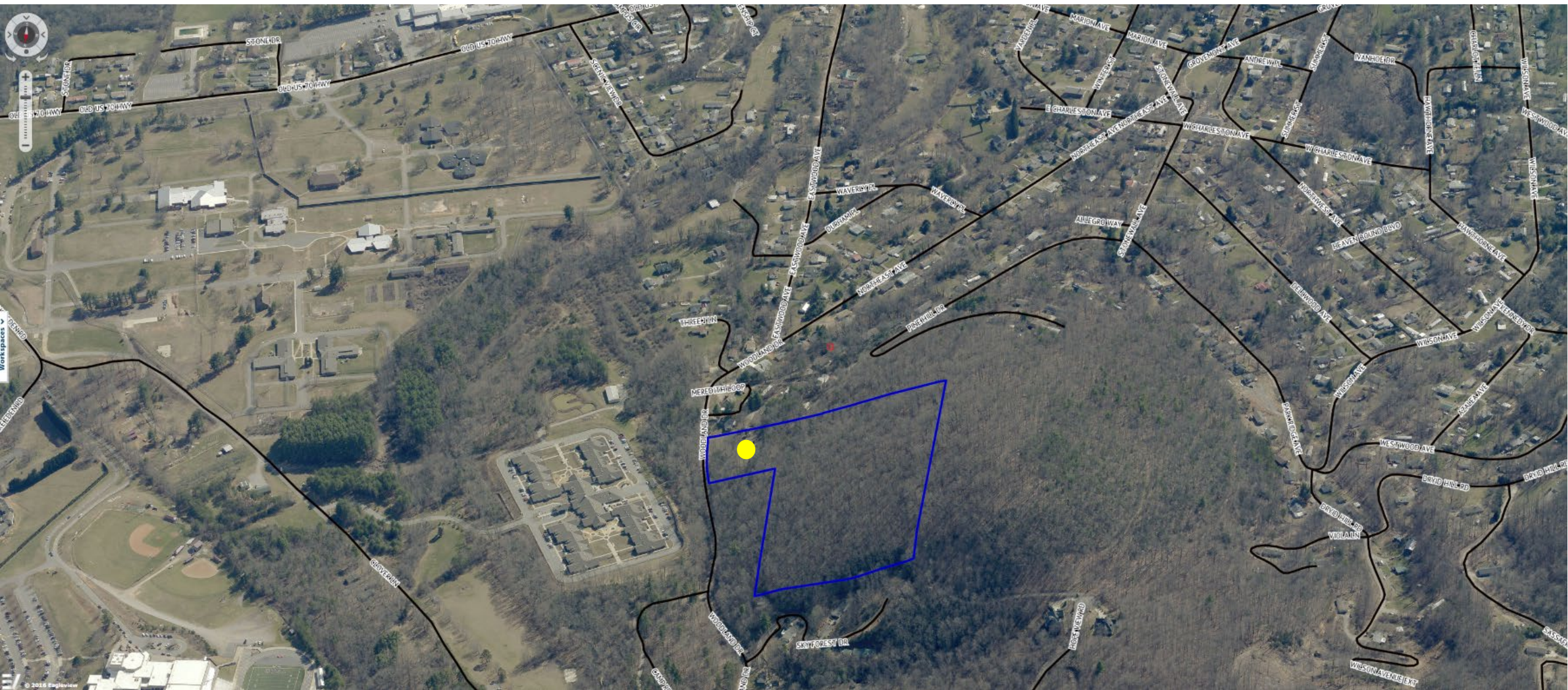


NORTHERN VIEW



BUNCOMBE COUNTY





SOUTHERN VIEW



BUNCOMBE COUNTY





EASTERN VIEW



BUNCOMBE COUNTY





WESTERN VIEW



BUNCOMBE COUNTY



Land Use Plan Analysis

- ✓ **Is not** within reasonable proximity to a major transportation corridor
- ✓ **Is** within reasonable proximity to infrastructure
- ✓ **Is within** an area of steep slope (25% +)
- ✓ **Is not in an area** of high elevation greater than 2,500 feet
- ✓ **Does contain** high and moderate slope stability hazard areas
- ✓ **Is outside** a flood hazard area

Staff:

Proposed amendment **would not be** detrimental to the owners, adjacent neighbors, and surrounding community as it **does adhere** to Buncombe County Comprehensive Land Use Plan Update



Recommendations

✓ Planning Board
recommends denial as
submitted (revised)

✓ Staff recommends approval
as submitted (revised)

✓ 7/1 vote, 5/20/19

✓ 3/3 vote, 7/15/19



Applicant Presentation

Board of Commissioners Public Hearing

8/6/2019

I, ERNEST C. DRAKE, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 5708, PAGE 841, ETC.); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN DEED RECORDS, BOOK 5411, THAT THE BASIS OF PRECISION OR PORTION, ACCURACY AS CALCULATED IS 1:10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL, THIS

DAY OF JULY, 2019.
NOT A CERTIFIED DOCUMENT
ERNEST C. DRAKE, PLS L-3758



STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE
FILE FOR RECORDATION ON THE DAY OF
2019, AT _____ AND RECORDED IN PLAT BOOK
PAGE _____
BY _____ REGISTER OF DEEDS
SOPHIE

REVIEW OFFICER
STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

SUPPLIER OF BUNCOMBE COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS ATTACHED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDATION.

DATE _____
REVIEW OFFICER'S SIGNATURE _____

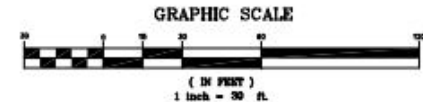
This plat has been reviewed by the Buncombe County Planning and Development Department and meets the requirements for a special or family subdivision. Access to this subdivision is considered a private driveway or private road. Lots within this subdivision may not be further subdivided for more than (3) years after the date of the recording of this plat. Any further subdivision that occurs within the three (3) years from the date of recording shall be considered a minor subdivision. The approval that is not within the three (3) years from the date of recording shall be considered a minor subdivision. The approval that is not within the three (3) years from the date of recording shall be considered a minor subdivision. The approval that is not within the three (3) years from the date of recording shall be considered a minor subdivision.

Date _____ County Planner _____

CURRENT ZONING
R-100 LOW DENSITY RESIDENTIAL DISTRICT
FRONT SETBACK 10'
SIDE SETBACK 10'
REAR SETBACK 20'
MINIMUM LOT SIZE 6000 SQ. FT.

GENERAL NOTES:

1. All new corners are 1/2" rebar.
2. Property subject to all easements and restrictions of record.
3. Lines not surveyed are shown as broken lines from information referenced on the face of this plat.
4. The area shown herein was computed using the coordinate computation method.
5. Location of utilities, whether public or private, is based upon field location of visible easements.
6. All distances are horizontal ground.
7. This plat has been prepared in conformity with North Carolina standards, 03.47-30, and requirements of law, but a North Carolina Licensed Professional Engineer should be consulted regarding correct verticality, width, and location of easements and other title questions created by the subdivision.
8. Subject property is not located in a designated flood hazard area per FEMA Map 370566060J Dated 01/24/2010.



N/F
State of North Carolina
D.B. 946 Pg. 527

N/F
RULU LLC
Remaining Portion of
D.B. 5707 Pg. 941
Not surveyed property lines
plotted from deed.

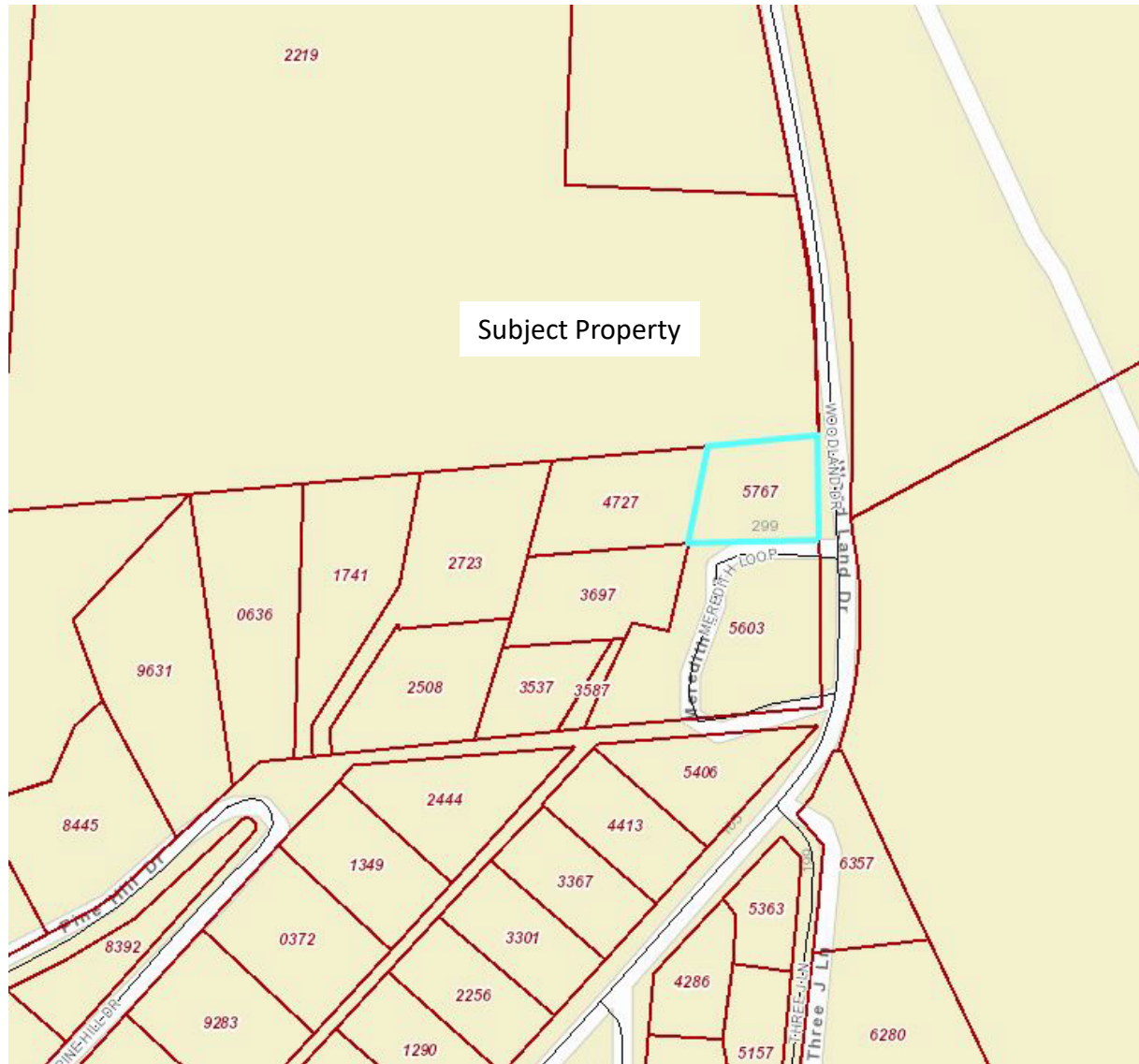
N/F
Vicky Matthews
D.B. 1962 Pg. 278

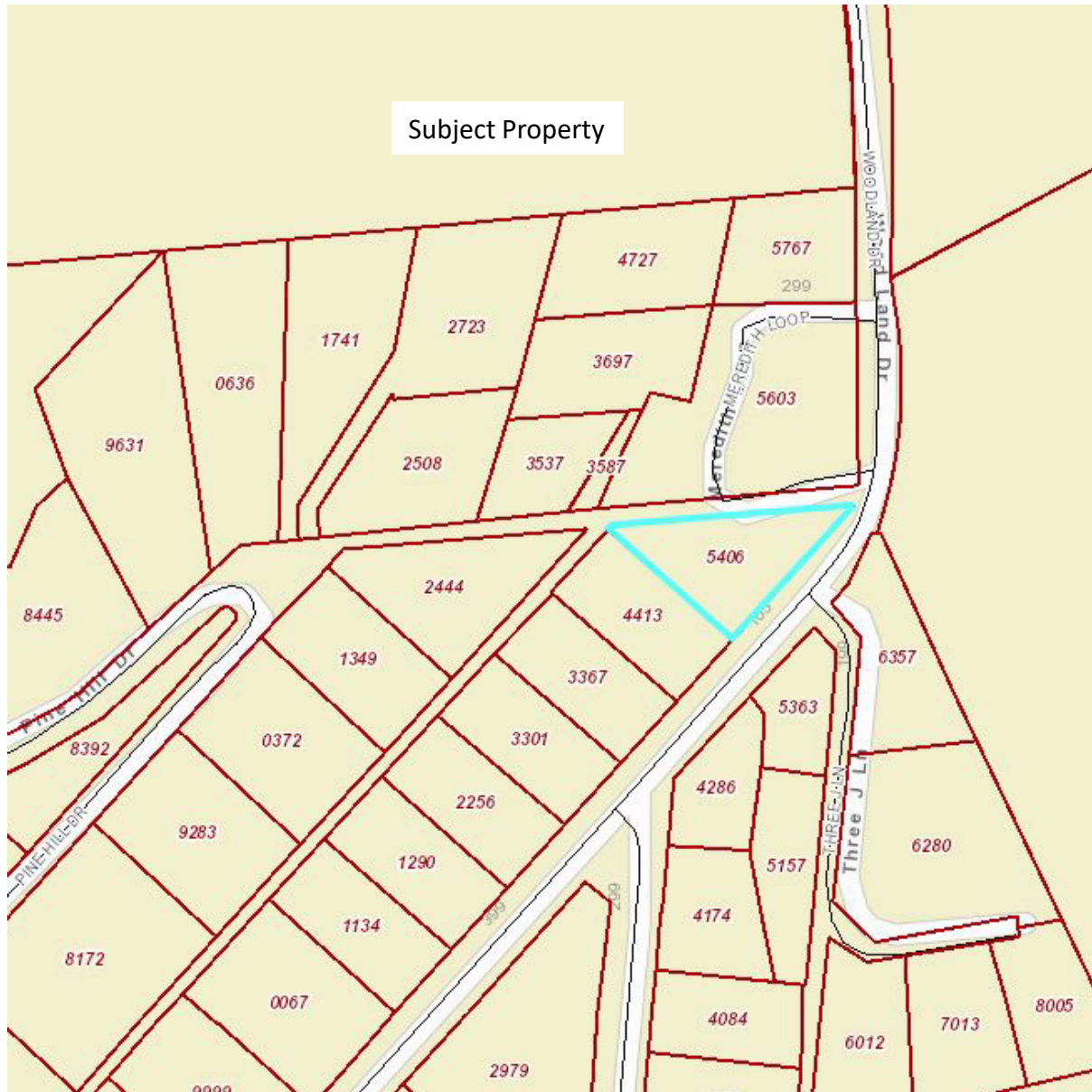
N/F
James Redmon
D.B. 5754 Pg. 1319

MINOR SUBDIVISION SURVEY FOR			
RULU LLC			
SWANNANOVA TOWNSHIP, BUNCOMBE COUNTY, NORTH CAROLINA			
PROPERTY OWNER			
RULU LLC			
PROPERTY & DRAWING INFORMATION			
Deed Reference	5708 & 941	Surveyed by	CCD
Plot Reference	NONE	File Number	P-1650
File Number	889582219	Date of Survey	05/15/19
Drawn by	CCD	File Name	113woodland.dwg
Surveyed by	CCD	Date	MAY 18, 2019
File Number	P-1650	Job No.	04-06-19
Date of Survey	05/15/19	Scale	1" = 30'
File Name	113woodland.dwg	Drawing No.	1 of 1

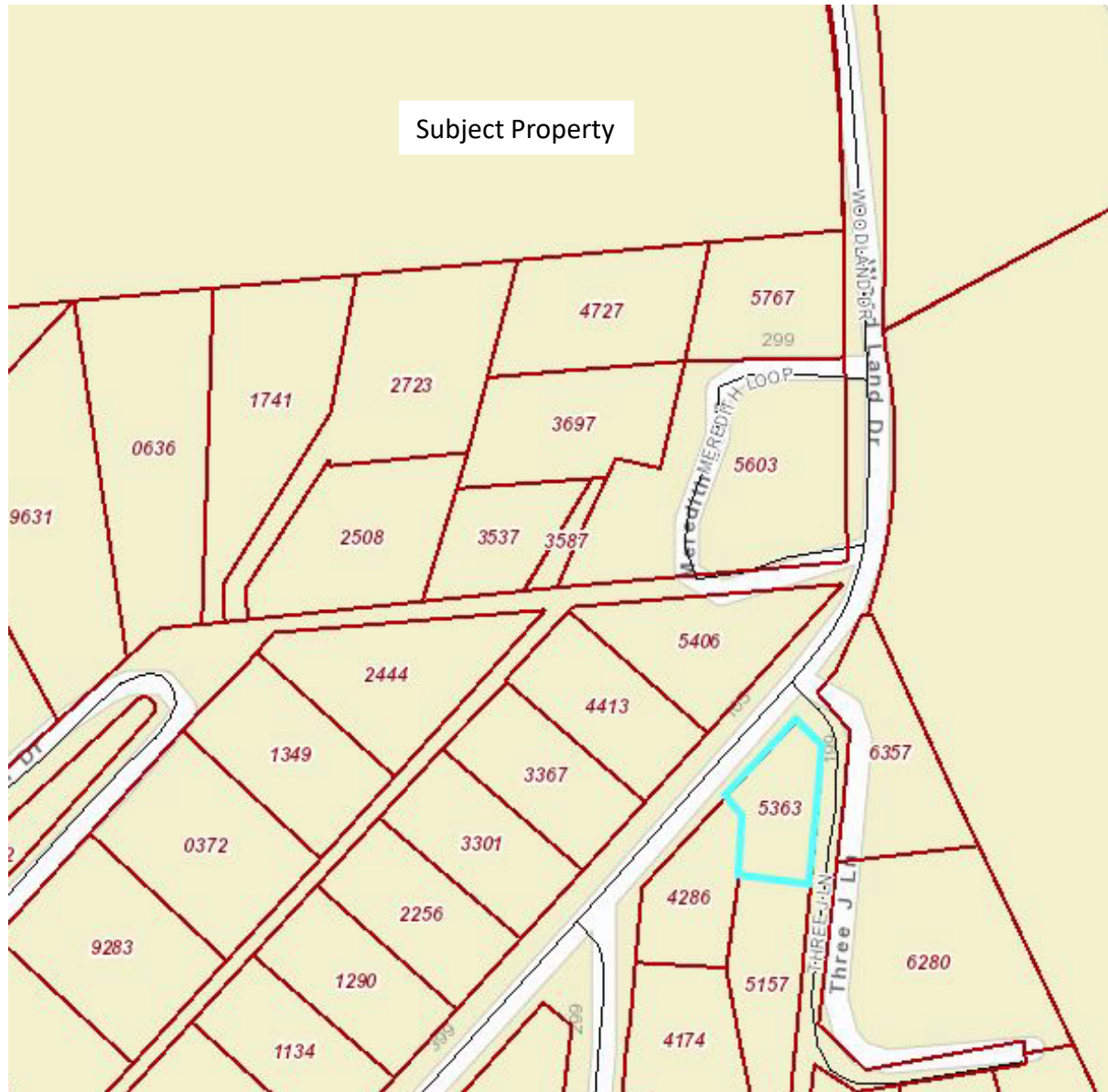
ERNEST C. DRAKE, PLS, LLC
1109 Cranbrook Drive
Arden, North Carolina 28704
TELEPHONE: (818) 674-0008



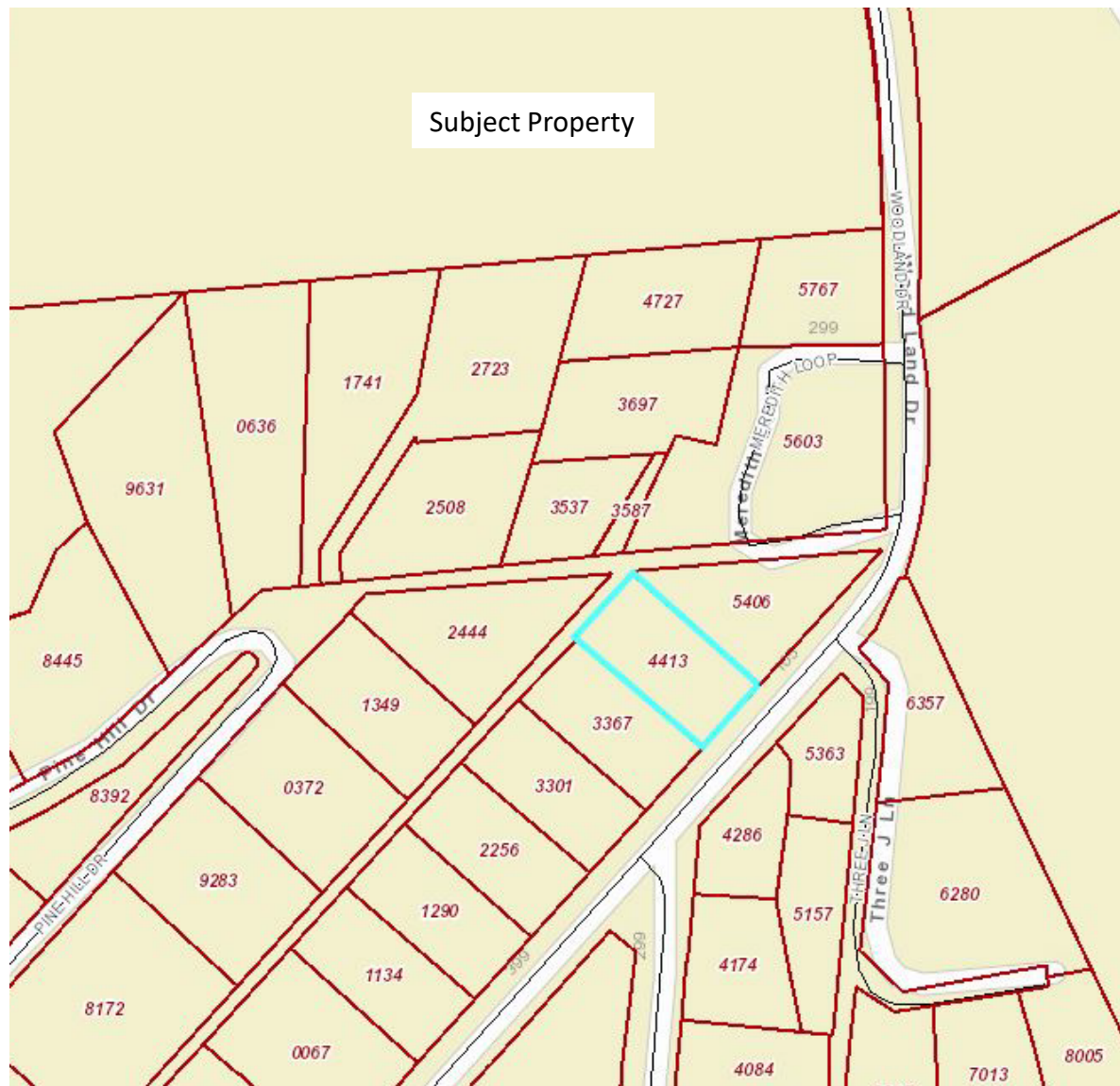


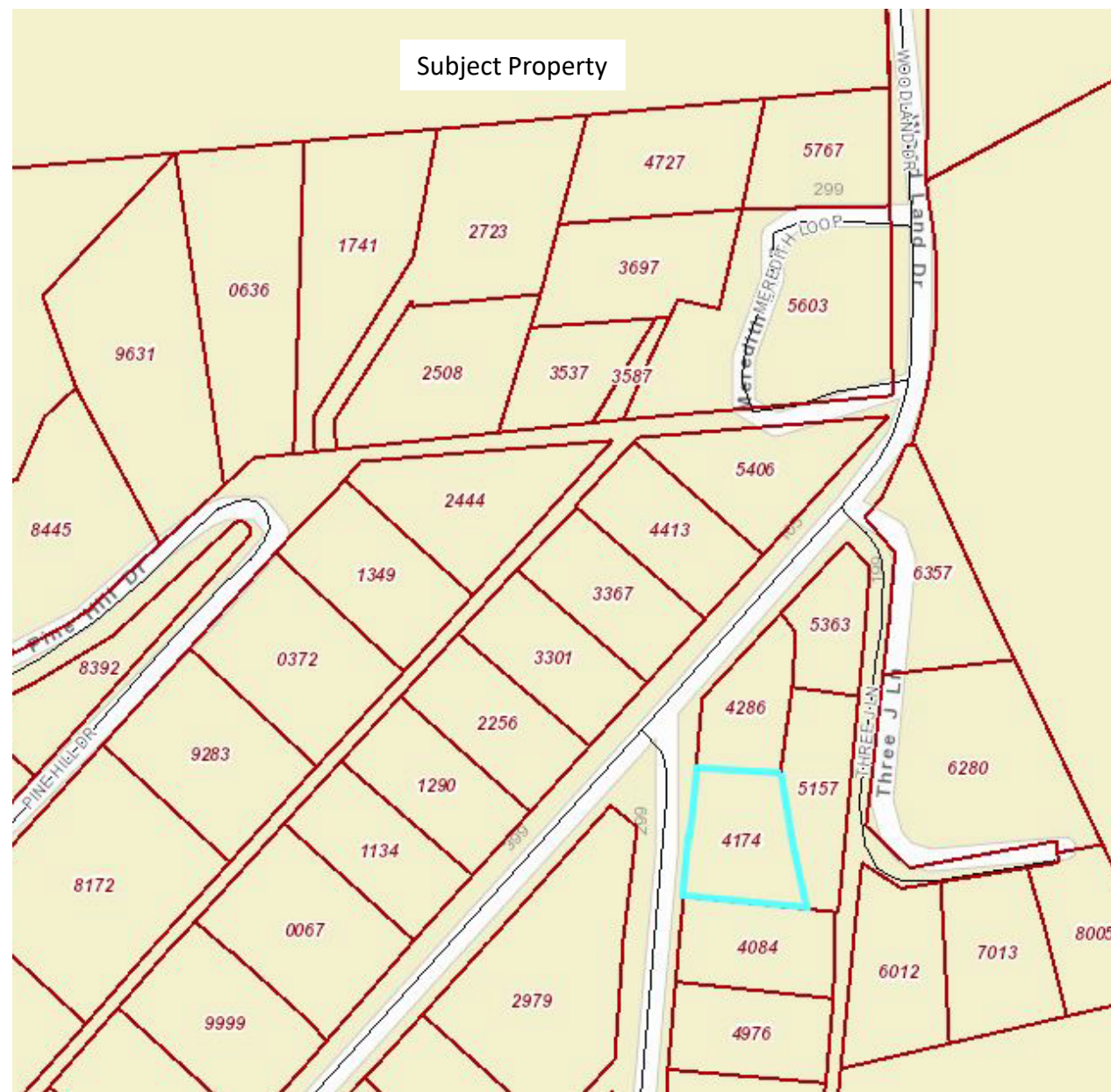


PIN: 9699-55-5406
Address: 105 Woodland Drive
Acreage: 0.31 acres



PIN: 9699-55-5363
Address: 106 Woodland Drive
Acreage: 0.18 acres





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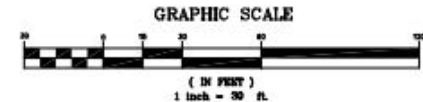
This plat has been reviewed by the Buncombe County Planning and Development Department and meets the requirements for a quality of land subdivision. As to the subdivision, it is considered a private subdivision or private tract. Lots within this subdivision may not be further subdivided for more than 120 days after the date of the recording of this plat. Any further subdivision that occurs within the 120 days from the date of recording shall be considered a minor subdivision. The approval that is not within the 120 days is recorded in the office of the Buncombe County Register of Deeds within 180 days from the date of approval by the Planning and Development Department.

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State of North Carolina
D.B. 946 Pg. 527

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Vicky Matthews
D.B. 1962 Pg. 278

N/F
James Redmon
D.B. 5754 Pg. 1319

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