

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

CASE NUMBER : ZPH2012-00008  
PROPOSED ZONING CHANGE : R-1 TO PS  
LOCATION : 15 TUPPER ROAD  
PIN NUMBER : 0629.57.7347  
ACREAGE : 0.3 ACRES

APPLICANT: PHILLIP WARREN  
PO BOX 1386  
BLACK MOUNTAIN, NC 28711

OWNER: ALAN AND LUCINDA HARGUS  
103 STRAIGHT BR  
ROBBINSVILLE NC 28771

DEPARTMENT RECOMMENDATION: **DENIAL**

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 SUMMARY: The applicant requests the rezoning of 0.3 acres from R-1 (Single Family Residential District) to PS (Public Service). The subject property is located on the east side of Tupper Road. The property currently contains a single family home. The surrounding area is characterized by single family homes and the Ridgecrest Conference Center. While PS zoning is present in the area, it is characterized by property that is part of the Ridgecrest Conference Center. 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. The subject property would not be associated with the Ridgecrest Conference Center. The proposed PS zoning would allow for uses currently not allowed in the surrounding residential neighborhood. The requested zoning would be detrimental to the adjacent neighbors and surrounding community as it may lead to the encroachment of uses allowed in the PS zoning district that are not compatible with the residential nature of the street the subject property is located on. Therefore the Buncombe County Department of Planning and Development recommends **DENIAL** of the request.

**LAND USE PLAN COMPLIANCE STATEMENTS**

NOT CONSISTENT: The requested map amendment would not be consistent with the Buncombe County Comprehensive Land Use Plan. 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 part of a large institution, zoning as PS would not be consistent with the Buncombe County Comprehensive Land Use Plan. The requested zoning would not be reasonable and would be detrimental to the adjacent neighbors and surrounding community and the public interest as it might lead to the encroachment of non-residential uses into a residential neighborhood.

CONSISTENT: The requested map amendment would be consistent with the Buncombe County Land Use Plan because 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 as a drug rehabilitation facility is institutional in nature the proposed map amendment could be consistent with the Buncombe County Comprehensive Land Use Plan. The requested zoning would be reasonable and in the interest of the adjacent neighbors and surrounding community and the public it as it would allow for a variety of uses in the area.