

**REQUEST FOR BOARD ACTION**  
**HENDERSON COUNTY**  
**ZONING BOARD OF ADJUSTMENT**

MEETING: June 28, 2017

SUBJECT: Request to Appeal SUP-15-04

PRESENTER: Toby Linville

ATTACHMENTS: Staff Report

SUMMARY OF REQUEST:

A Special Use Permit application for a small place of assembly for weddings and receptions was approved September 30, 2015. The decision was affirmed by NC Superior Court on March 7, 2016 and the NC Court of Appeals on December 20, 2016. A copy of this Order is attached. The owners are currently constructing a barn structure to house attendees (permitted February 13, 2016). Adjoining owners Stan and Elizabeth Shelley submitted letters of appeal on May 8, 2017. A copy of this letter is also attached.

Staff understands that actual operation of the small place of assembly has not begun.

**REQUESTED ACTION: Petitioners request that the SUP be revoked (see attached petition letter).**

**ZBA Action: Motion to revoke or uphold SUP-15-04 for Bill & Tamara Crane.**

**REQUESTED ACTION: Staff requests clarification on SUP-15-04 for Bill & Tamra Crane (see attached letter).**

Issues that staff requests to be clarified are:

1. An existing fence and tree line is listed in the findings of facts. It is unclear if this buffering must remain in place as part of the SUP.
2. What standard of buffering is required for the vegetation and fencing of the parking area (type of buffering, width, fence height, location, etc.)?
3. The applicant currently sells gazebos on their property. This use was not addressed in the SUP and should be clarified if it is allowed to continue.
4. The Order states that no event may have more than 150 people. What is the definition of attendees per this condition?
5. Based on the conditions on the Order and clarification, is a revised site plan necessary?



## Henderson County, North Carolina Code Enforcement Services

### 1. Committee Request

- 1.1. **Applicant:** William & Tamra Crane
- 1.2. **Request:** Appeal of Zoning Administrator's decision to revoke SUP-15-04
- 1.3. **PIN:** 9650-34-3953
- 1.4. **Size:** 14.12 acres +/-
- 1.5. **Location:** The subject area is located at 3420 Haywood Road
- 1.6. **Supplemental Requirements:**

### **SR 5.17. *Place of Assembly, Small***

- (1) Site Plan. Major *Site Plan* required in accordance with §200A-331 (Major Site Plan Review).
- (2) Lighting. *Lighting mitigation* required.
- (3) Structure. A *structure* shall be designed to accommodate a minimum of 40 and a maximum of 499 persons.
- (4) Perimeter Setback. Fifty (50) feet.

### **Conditions:**

1. Applicant must agree to in writing the provisions of this order.
2. Applicant must comply with all the requirements in Supplemental Requirement 5.17.
3. Applicants are bound to the site plan as presented except for the conditions in this Order.
4. There must be a 50 foot setback from the property line. There can be no parking in this setback. The only things permitted in the setback are the existing barn and any vegetative buffer, trees, or fence.
5. All designated parking needs to be physically buffered by vegetation or fencing.
6. No events can take place outside the hours of 10 am to 10 pm.
7. No event may have more than 150 people.
8. Any Amendments, changes or modifications of this Order must be approved by this Board.
9. Failure to comply with the conditions in this order may result in the revocation of this Permit.

Map A: Pictometry/Aerial Photography



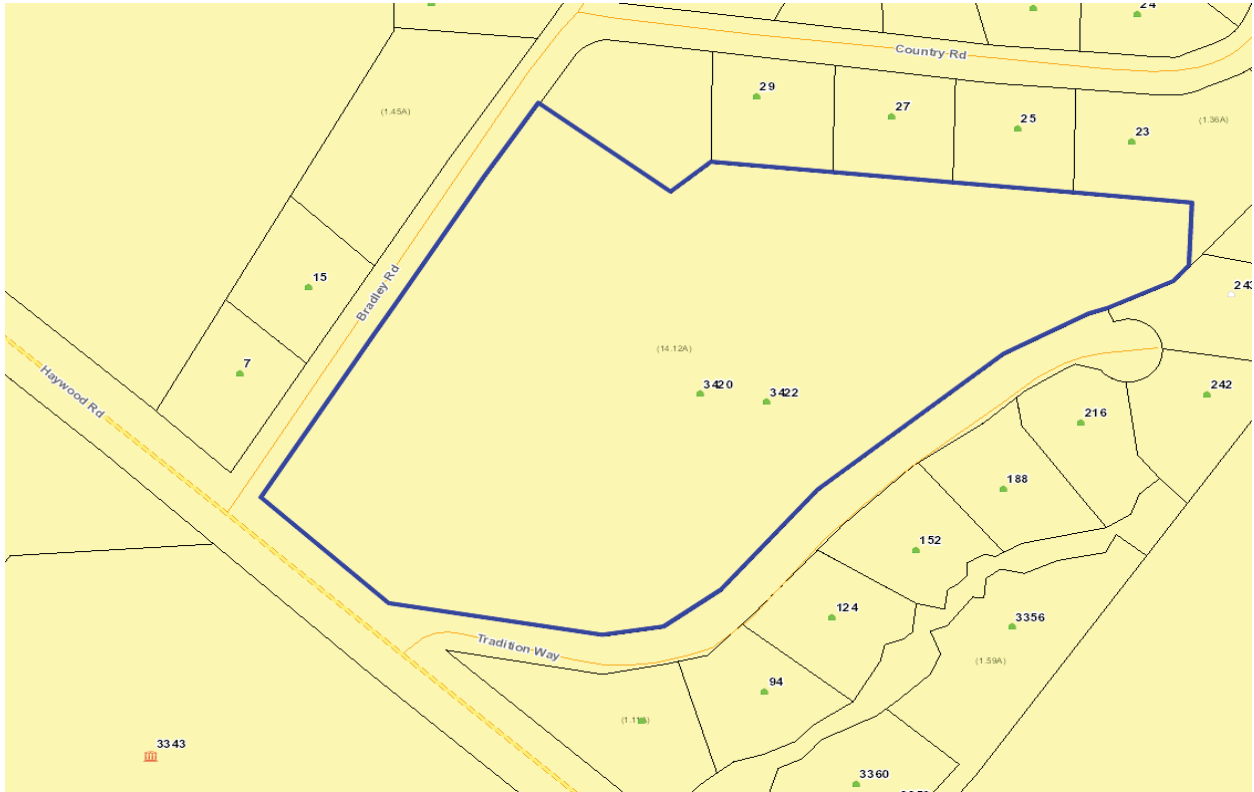
2. Current Conditions

**Current Use:** This parcel is currently in Residential Use.

**Adjacent Area Uses:** The surrounding properties consist of mixed residential and educational uses.

**Zoning:** The surrounding properties are zoned Residential 2 (R2).

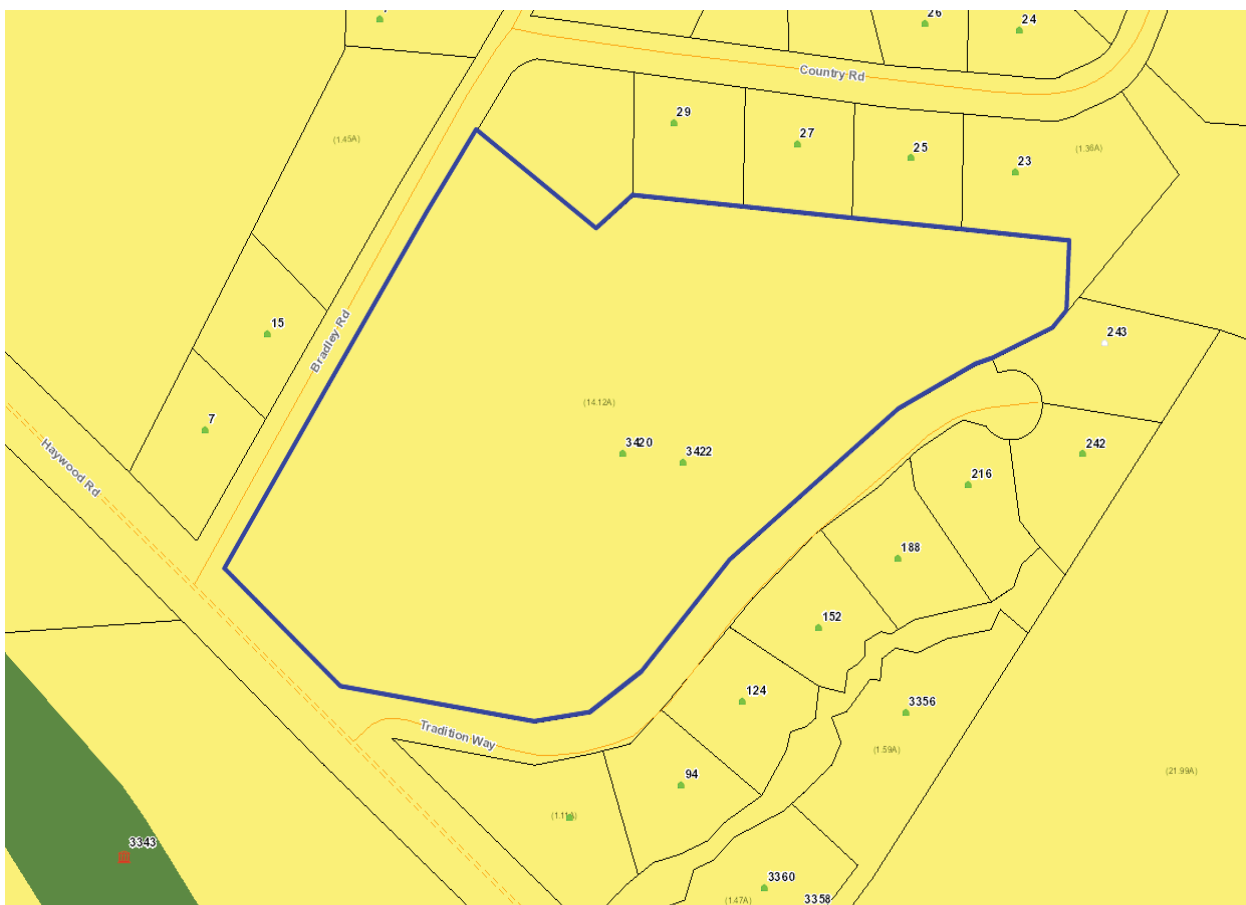
**Map B: Current Zoning**



3. **Floodplain /Watershed Protection** The property is not located in a Special Flood Hazard Area. The parcel is in the Upper French Broad River WS-IV Protected Area Water Supply Watershed district.
  
4. **Water and Sewer** This property will be served by private water and septic.  
Public Water: available  
Public Sewer: not available



### Map C: CCP Future Land Use Map



#### 5. Comprehensive Plan

The 2020 CCP: The CCP Future Land Use Map places the Subject Area in the “Urban Services Area” classification. The text and map of the 2020 CCP suggest that the Subject Area would be more suitable for the following:

1. The Urban Services Area is that area within which most urban services and urban scale development is currently concentrated, and within which such development should generally be concentrated through the year 2020.
2. Growth and development will be proactively managed through extensive planning. Much of the USA falls within municipal planning jurisdictions and will be managed by those jurisdictions. Land use planning for areas falling within the County’s jurisdiction should be comparable and compatible in its approach and intensity with planning conducted within the various municipal jurisdictions.
3. Wide ranges of residential densities will exist. Over the long term, land use regulations and policies should favor higher density development, consistent with natural constraints and the availability of urban services. At the same time, policies and regulations should protect existing less intensely developed communities.
4. The USA will contain considerable commercial development at a mixture of scales: *Local, Community, and Regional, as defined below*. In particular, all Regional Commercial development should be concentrated here. Commercial development will exist within predefined zoning districts whose standards and configuration are in keeping with the surrounding community.

#### 6. Photographs



2017/06/08  
10:58





2017/06/08  
10:58





2017/06/08  
10:58















2017/06/08  
11:12





2017/06/08  
11:14





2017/06/08  
11:16







Fuller Construction Systems, Inc.  
*Constructing Your World from the Elements*



2017/06/08  
11:59



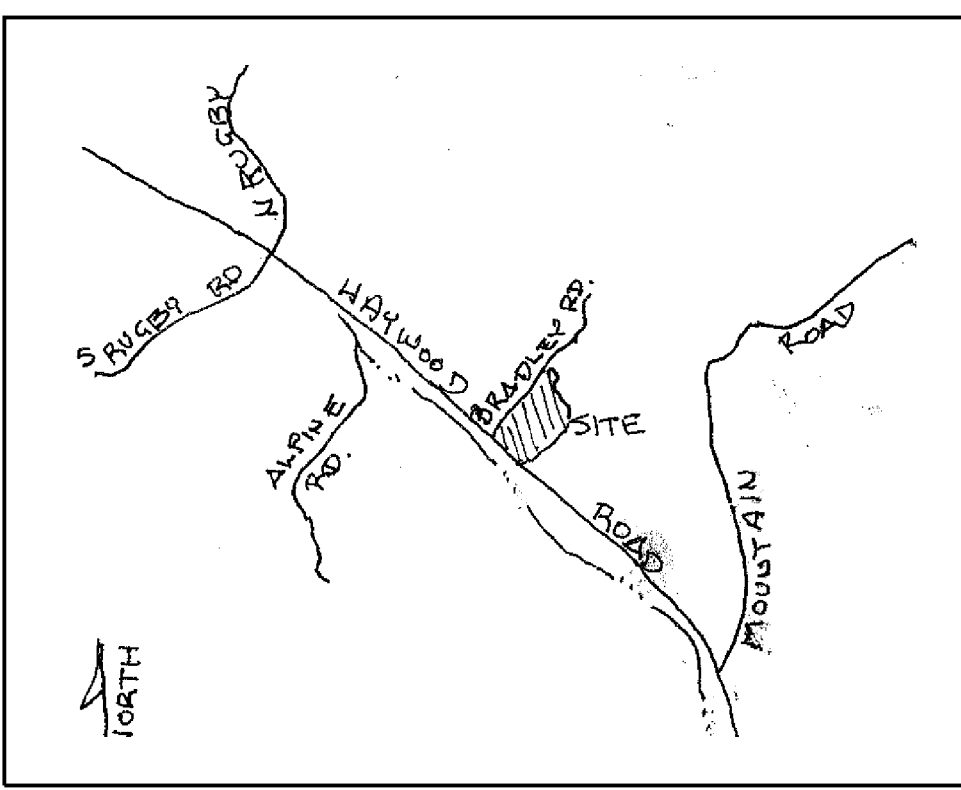




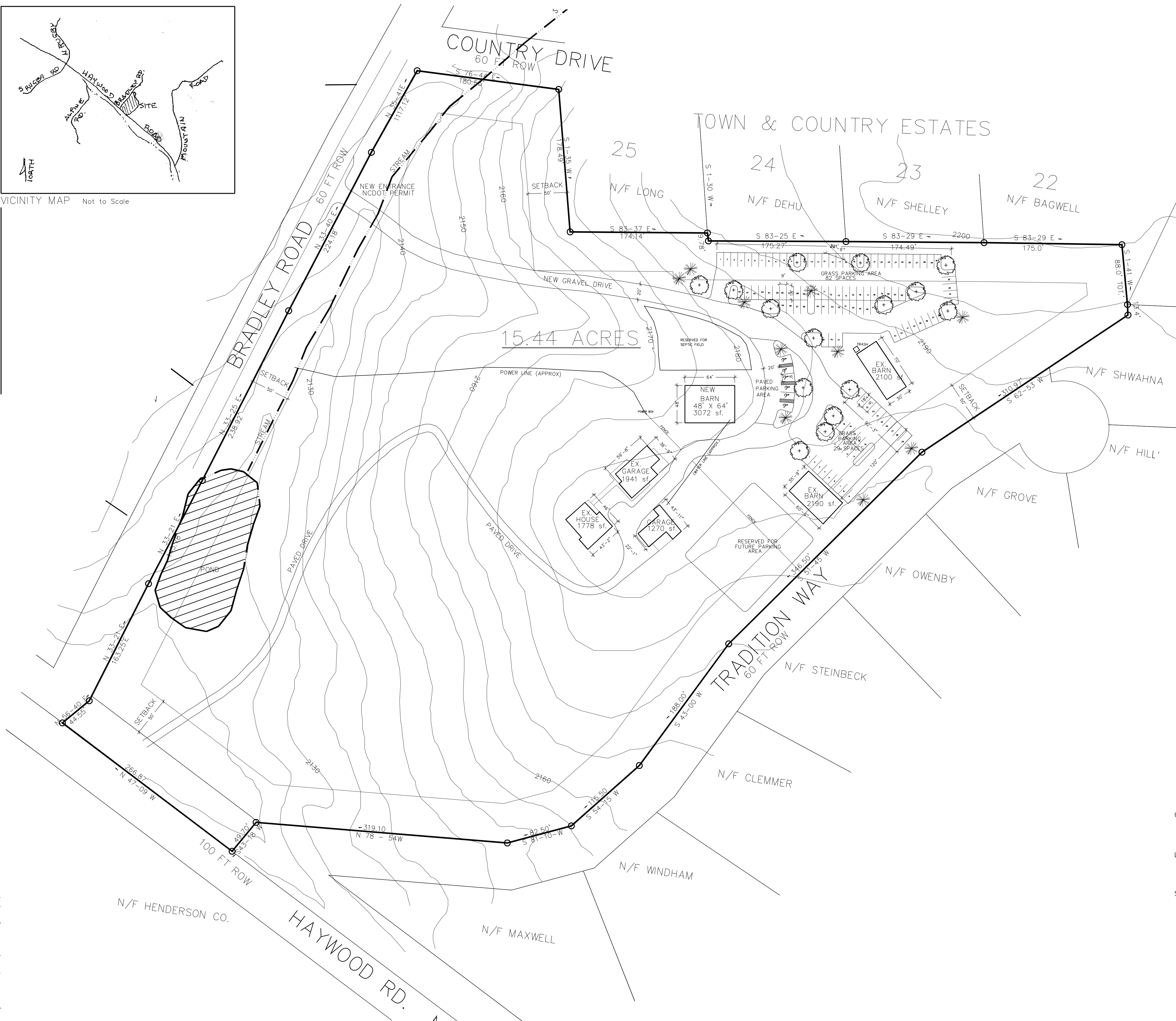


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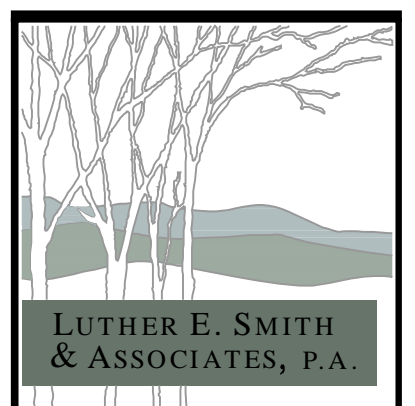


VICINITY MAP Not to Scale



PROJECT SUMMARY	
Total Project Area	15.44±Ac.
PIN No.	9650-34-3953
Existing Zoning	R-2
Proposed Zoning	R-2 SU
Proposed No. Lots	01
Site Coverage	
Existing Buildings	9279sf (1.4%)
Proposed new building	3072sf (0.5%)
Open Space	620,679sf (92.3%)
Parking - Proposed	38,074sf (5.7%)
Max Building Height	35'
Fire District	Mountain Home
Water	Private
Water Supply Watershed	Upper French Broad
Sewer	Private
Trash	Private
Length of Public Road	NA
Length of New Private Drive	872 lf

-No portion of the site is within the 100 yr floodplain.  
 -Entirety of project is located within Henderson County.  
 -Open Space and Common Properties to be maintained by the property Owner.

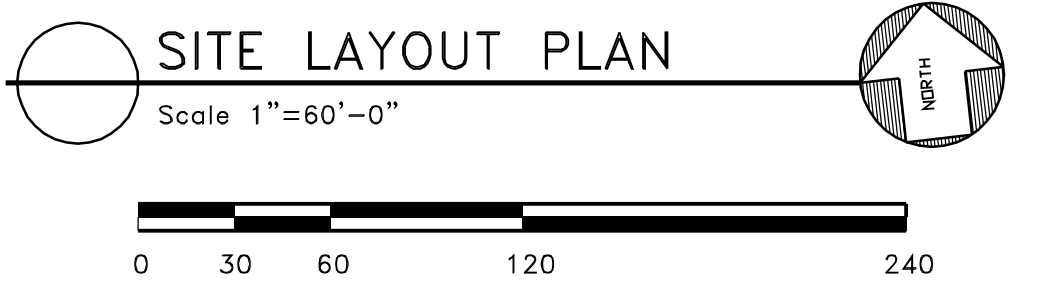


Luther E. Smith & Associates, P.A.  
 LAND PLANNING  
 LANDSCAPE ARCHITECTURE  
 129 Third Avenue West  
 Hendersonville, NC 28792  
 (828) 697-2307  
 (828) 697-8458 Fax  
 ladesign@bellsouth.net

NORTH CAROLINA  
 HENDERSON COUNTY



**CRANE PROPERTY**  
 OWNER: WILLIAM B. & TAMRA H. CRANE  
 3420 HAYWOOD ROAD  
 HENDERSONVILLE, NC 28791  
 828-891-7610  
 LAND PLANNER/  
 LANDSCAPE ARCHITECT: LUTHER E. SMITH & ASSOCIATES, P.A.  
 129 3RD AVENUE WEST  
 HENDERSONVILLE, NC 28792  
 828 697-2307  
 SURVEYOR: SITE LAYOUT BASED ON SURVEY BY  
 FREELAND & ASSOCIATES - HENDERSONVILLE  
 NC, 2-4-1986, DWG NO. HNC 6017



SITE LAYOUT  
 S-1  
 OF

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**§42-356. Special Use Permits**

- A. Purpose. *Special Use* Permits are required where individual consideration of location, design, configuration and/or operation of a *use* at a proposed site are necessary to ensure site appropriateness, compatibility with surrounding *uses* and the protection of the public health, safety and welfare. Development standards shall be used as the basis for developing conditions for a permit; however, individualized conditions may also be imposed throughout the application process. Any *use* identified which requires a permit shall not be permitted without the approval of the Zoning Board of Adjustment (*ZBA*) in accordance with the requirements and procedures set forth in this subsection.
- B. Permit Issuance. The *ZBA* shall grant permits. The *Zoning Administrator* shall issue permits.
- C. Application.
  - (1) Pre-application Conference. Each *applicant* for a permit shall meet with the *Zoning Administrator* in a pre-application conference no later than two (2) calendar weeks prior to the date the application is due. The purposes of this conference are to provide information to the *applicant* regarding the review process and assist in the preparation of the application.
  - (2) Application. Each application for a permit shall be submitted along with the appropriate fee(s) and *site plan*, to the *Zoning Administrator* on or before the first business day of the month. Applications may be modified by *Zoning Administrator* as necessary, who may require the *applicant* to supply additional information pertaining to the permit. Incomplete applications must be resubmitted on or before the first business day of the month or will not be processed until the following month.
  - (3) Review Schedule. Applications for a permit have a 60 day processing period for notification requirements and review by the *Zoning Administrator* and Technical Review Committee (*TRC*) prior to the public hearing.
  - (4) Fees. Any review fee established by the Board of Commissioners shall be submitted with the application.
- D. Staff Review. Code Enforcement Services Staff shall: (1) process and review all applications for a permit; (2) present the application to the *TRC* for its comments and recommendations; (3) forward the application on to the appropriate departments and agencies for their review; and (4) prepare a staff recommendation for the *ZBA* on the permit application.
- E. Formal Review. Prior to taking any action on a permit, the *ZBA* shall consider the *Zoning Administrator's* recommendation on the permit application.
- F. Public Hearing. Prior to considering a permit application the *ZBA* shall hold a public hearing on the application in accordance with §42-371 (Quasi-Judicial Process Standards).
- G. Public Notification. Public notification of such hearing shall comply with the provisions of §42-371 (Quasi-Judicial Process Standards). The *Zoning Administrator* shall be responsible for all necessary public notifications.
- H. Quasi-judicial Proceeding. The concurring vote of a four-fifths (4/5) of the members of the *ZBA* shall be necessary to grant the permit. Vacant seats and disqualified members are not counted in computing the simple majority. Any approval or denial of the request must be in writing and be permanently filed with the office of the *ZBA* and with the *Zoning Administrator* as a public record.
  - (1) Standards of Review. The *ZBA* shall not approve a permit unless it makes written findings that the regulations of this Chapter that set forth specific standards for the *use* have been met. The *ZBA* may consider the type of *use*, size of the *use*, size of the property and other relevant factors in evaluating the permit application. The *applicant* will not bear the burden of proving that all of the site standards (as listed below) have been met; however, the *applicant* will be required to produce evidence sufficient to rebut any evidence presented that the site standards would not be met or that a condition is necessary. The *applicant* may be required, in his/her rebuttal, to show that the proposed *use* will:
    - a. Not materially endanger the public health, safety or welfare;
    - b. Not substantially injure the value of property or improvements in the area; and
    - c. Be in harmony with the surrounding area.Additionally the *applicant* may be required, in his/her rebuttal, to show that the proposed *use* shall be located and developed in such a manner as to:
    - a. Comply with all applicable local, state and federal statutes, ordinances and regulations;



- b. Be in accordance with the *Comprehensive Plan*, Long Range Transportation Plans and Comprehensive Transportation Plans of the County and/or Long Range Transportation Plans and Comprehensive Transportation Plans of any municipality of the County;
- c. Minimize the effects of noise, glare, dust, solar access and odor on those *persons* residing or working in the *neighborhood* of the proposed *use*; and
- d. Minimize the environmental impacts on the *neighborhood* including the following groundwater, surface water, *wetlands*, endangered/threatened species, archeological sites, historic preservation sites and *unique natural areas*.

Finally, the *applicant* may be required, in his/her rebuttal, to show that satisfactory provision/arrangement has been made (where applicable or required) concerning:

- a. Ingress and egress to property and proposed *structures* thereon (with particular reference to automotive/pedestrian safety/convenience and traffic flow/control);
  - b. Off-street parking and loading areas;
  - c. Utilities (with particular reference to locations, availability and compatibility);
  - d. Buffering and landscaping (with particular reference to type, location and dimensions); and
  - e. *Structures* (with particular reference to location, size and *use*).
- (2) Conditions. The ZBA may, in granting a permit, prescribe: (1) additional conditions; (2) additional safeguards; (3) a time limit within which the *use* shall be begun; and/or (4) a time limit within which a *use* shall be completed.

I. Permit Validity. Upon the issuance of a permit a signed order detailing the conditions of the permit shall be submitted to the *Zoning Administrator*. The *Zoning Administrator* may then issue related permits.

- (1) Permit Revocation. The *Zoning Administrator* and/or ZBA may revoke a permit if, at any time after the issuance of the permit, it is found that the conditions imposed on/agreements made with the *applicant* have not been or are not being fulfilled by the holder of the permit.
- (2) Implications of Revoked Permit. Where a permit has been revoked the operation of such *use* shall be terminated and the *use* may only be reinstated upon application as in the case of a new matter.

**IN THE MATTER OF THE APPLICATION OF William and Tamra Crane  
Applicant,**

**To the**

**HENDERSON COUNTY BOARD OF ADJUSTMENT,  
Permit Authority**

**ORDER GRANTING SPECIAL USE PERMIT SUP-15-04**

\*\*\*\*\*

The HENDERSON COUNTY BOARD OF ADJUSTMENT having held a quasi-judicial public hearing on September 30, 2015 to consider the application submitted by **William and Tamra Crane**, to request a Special Use Permit, makes the following FINDINGS OF FACTS and draws the following CONCLUSIONS:

**FINDINGS OF FACT**

1. A quasi-judicial public hearing was held by the Henderson County Board of Adjustment on special use permit request SUP-15-04. A quorum of Board Members was present at the meeting.
2. This Order and the approval herein, was moved by Hunter Marks and seconded by Hilliard Staton. The request for a special use permit was approved by a unanimous vote of 5-0.
3. The subject property is located at 3420 Haywood Road and has a PIN of 9650-34-3953.
4. The Applicants are William and Tamra Crane and as such they were made parties to this action.
5. Toby Linville is the Zoning Administrator with Henderson County. As an agent of Henderson County, Mr. Linville was made a party to this hearing.
6. The following nearby property owners were also made parties to this action as adjacent or nearby property owners as determined by the Board: Russ Ciemmer, President of Tradition Home Owners Association; Mary Stepp; Steve Bagwell; Bob and Connie Johns; Keith Grove; Sarah Massagee, an attorney representing Stanley and Elizabeth Shelley; Alan Windham; Guo Dehu; and Melanie Ellis.
7. The following people were called as witnesses by one of the parties: Mark White, Appraiser, by Ms. Massagee.
8. All parties and all witnesses presented by any party were sworn as witnesses in this proceeding.
9. Two letters were submitted by people who were not present at the hearing. The County objected to these letters being entered into evidence because the writers were not present to determine if they were parties and because the letters were hearsay. The Board upheld the objection and the letters were not entered into evidence.
10. Notice of a quasi-judicial public hearing, pursuant to the Ordinance, the Henderson County Code 42-371 was duly and timely given. The property was posted with notice on 9-8-15 and notice was sent by first class mail to the Applicants and the adjacent property owners.
11. The Applicant's special use permit request is not inconsistent with the Notice of Public Hearing produced, published, and posted for the quasi-judicial proceeding in that the notice contemplated the size and scope of the special use permit request.
12. Upon inquiry by the Vice-Chairman of the Zoning Board of Adjustment, no party objected to any other persons or entities made parties to this action being a party to this action.
13. Without objection from any party, the Board of Adjustment received into evidence a staff memorandum, maps, pictures, application and site plan from Toby Linville. No party disputed any of the information contained in this evidence and the Zoning Board of Adjustment finds all the information contained in the memorandum and its attachments to be credible and to be fact for the purpose of this hearing. The application and site plan were also entered into evidence.



14. The subject property is 14.12 acres.
15. The property is zoned Residential 2 (R2). All the surrounding property is Residential 2 (R2).
16. The Applicant would like a Small Place of Assembly (SR 5.17).
17. The application was reviewed by the Technical Review Committee at their September 1, 2015 meeting. TRC recommended approval of the site plan and recommended the Board of Adjustment approve the Special Use Permit with conditions that the applicant obtain a NCDOT Driveway Permit and apply for Public Water Supply Permit or connect to Municipal Water.
18. **SR 5.17. Small Place of Assembly**
  - (1) Site Plan. Major Site Plan required in accordance with §42-331 (Major Site Plan Review).
  - (2) Lighting. Lighting mitigation required.
  - (3) Structure. A structure shall be designed to accommodate a minimum of 40 and a maximum of 499 persons.
  - (4) Perimeter Setback. Fifty (50) feet.
19. The surrounding uses are mixed residential and educational uses. Rugby Middle School, West Henderson High School and Johnson Farm are in the area of the subject property.
20. The property is currently used for residential and agricultural uses.
21. There is currently a house, two garages and an existing barn on the property.
22. This proposed use will be conducted in a new barn that will be constructed on the property. The barn will be approximately 3000 square feet.
23. The event space will be used for weddings, receptions, and birthday parties with a maximum occupancy of 150 people. Applicants will be onsite during all events.
24. The Applicants have a residence on the subject property and will continue to reside there.
25. The application stated events will not go past 10:00 pm. Applicant agreed that they would accept that as a condition if the Board determined it was appropriate.
26. NCDOT will approve the driveway permit for the entrance off of Bradley Road. The existing drive on Haywood Road will be for the Applicant's personal use and will not be used by the event space.
27. Property lines are buffered by a wooden fence on the southern boundary and the northern boundary has a buffer of mature pine trees.
28. The property is in the Upper French Broad River WS-IV Water Supply Watershed district.
29. The property is not in the Special Flood Hazard Area.
30. The property currently has private water and private septic. Public water is available to the subject property but is not connected.
31. The 2020 County Comprehensive Plan (2020 CCP) designates the property as Urban Service Area.
32. The main entrance for the small place of assembly is proposed off Bradley Road.
33. Impervious surfaces on the property will be increased for the new barn construction and the proposed parking lots.
34. Outdoor lighting will be aimed at the parking lots.
35. Events most likely will take place in the evenings, on the weekends, and primarily from May to October.
36. Events may have alcohol (with permits), music and there may be outdoor events.
37. Mr. Russ Clemmer raised concerns about parking lot lighting on the surrounding residences because of the elevation of the subject property.
38. Mary Stepp has viewed numerous accidents on Country Road and was worried about the increase in traffic due to these events. She also raised concerns about music and alcohol from the events and the effect on property values.
39. Steve Bagwell stated that he can see the subject property through the row of pine trees and is worried about event attendees walking through his property, litter, security concerns to his property and that these events will prevent him from using his backyard.
40. Ms. Massagee presented photos showing the wooded perimeter and the Shelley's property.



41. Witness Mark White, property appraiser, testified that an event venue in the neighborhood would have a significant negative effect on property values and make it harder to find potential buyers but did not prepare any data to present to the Board on the actual effect on property values.
42. Connie Johns testified that she was concerned about traffic on Bradley Road.
43. Keith Grove stated that he had concerns about his daughter traveling to and from school with the increase in traffic.
44. Alan Windham testified about the negative effect this would have on the quality of life for his two small children and on his property value.
45. Mr. Dehu stated that his wife had a heart condition requiring a quiet neighborhood to maintain her health.
46. Melanie Ellis stated that she moved to that neighborhood about a year ago and thought an event space would interrupt the peace and quiet that attracted her to the neighborhood.

### CONCLUSIONS

1. All parties, and all persons entitled to notice, have been given proper notice of this hearing and afforded the right to be heard.
2. All parties were properly sworn before the Board of Adjustment and all evidence presented herein was under oath, and was not objected to by any party. All evidence relied upon in this Order was credible and reliable.
3. Henderson County Code 42-371 grants the Board of Adjustment the jurisdiction to hear and make special use permit decisions.
4. The special use permit does meet all the standards of the Ordinance and the special use permit should be **GRANTED** based on the reasons established below:
  - a. The project does not materially endanger the public health, safety or welfare because the driveway on Haywood Road will be personal use only.
  - b. The project will not substantially injure the value of property or improvements in the area because it is zoned Residential 2 and surrounding uses include a middle school, high school and educational farm. Applicants will continue to reside on the subject property.
  - c. The project is in harmony with the surrounding area because it is zoned Residential 2 and in the Urban Service Area of the Comprehensive Plan.
  - d. The project complies with all applicable local, state and federal statutes, ordinances and regulations because it meets the Special Requirements of the Land Development Code and the requirements of the NC Department of Transportation driveway permit.
  - e. The project is in accordance with the Comprehensive Plan, long-range transportation plans and comprehensive transportation plans of the County and/or long-range transportation plans and comprehensive transportation plans of any municipality of the County because it meets the Land Development Code with the Special Use Permit and is consistent with the Comprehensive Plan.
  - f. The project minimizes the effects of noise, glare, dust, solar access and odor on those persons residing or working in the neighborhood of the proposed use because it will require light mitigation and there are fences and trees on the perimeter.
  - g. The project minimizes the environmental impacts on the neighborhood, including the following groundwater, surface water, wetlands, endangered/threatened species, archeological sites, historic preservation sites and unique natural areas because the additional building will not substantially increase impervious surfaces.
  - h. Ingress and Egress are properly met through an existing driveway off Bradley Road that would be approved by NCDOT.

Based on the foregoing FINDINGS OF FACT and CONCLUSIONS drawn, and it appearing to the HENDERSON COUNTY BOARD OF ADJUSTMENT that the Special Use Permit must be **GRANTED**.



IT IS THEREFORE ORDERED by the HENDERSON COUNTY BOARD OF ADJUSTMENT as follows:

The Applicant's Special Use Permit has been GRANTED. The Applicant must adhere to the conditions established in this Order:

1. Applicant must agree to in writing the provisions of this order.
2. Applicant must comply with all the requirements in Supplemental Requirement 5.17.
3. Applicants are bound to the site plan as presented except for the conditions in this Order.
4. There must be a 50 foot setback from the property line. There can be no parking in this setback. The only things permitted in the setback are the existing barn and any vegetative buffer, trees, or fence.
5. All designated parking needs to be physically buffered by vegetation or fencing.
6. No events can take place outside the hours of 10 am to 10 pm.
7. No event may have more than 150 people.
8. Any Amendments, changes or modifications of this Order must be approved by this Board.
9. Failure to comply with the conditions in this order may result in the revocation of this Permit.

ORDERED this the \_\_\_ day of October 2015.

THE HENDERSON COUNTY BOARD OF AJUSTMENT

By: Mike Earle  
Mike Earle, Vice-Chairman

ATTEST:

Jenny Maybin  
Jenny Maybin  
Secretary to the Zoning Board of Adjustment

TAMBA H. CRANE ACCEPTANCE BY APPLICANT

William B. Crane, Applicant, do hereby acknowledge receipt of this order which is the subject of this special use permit request. I further acknowledge that no work may be done pursuant to this permit except in accordance with all of its conditions and requirements and that this restriction shall be binding on the owner and his successors in interest.

This the 28 day of Oct, 2015.

William B. Crane Tamba H. Crane  
Applicant

Toby Linville, Zoning Administrator

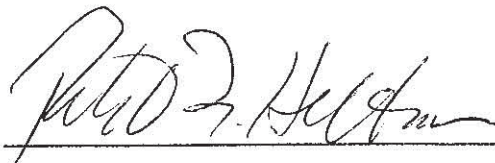
We believe that permit SUP-15-4 should be revoked for the following reasons.

We are presenting this request to Toby Linville, Zoning Administrator. We request that he not be the decision maker on this request because of his long-standing relationship with the Crane family, which requested permit SUP-15-4.

- 1) The Technical Review Committee (TRC) recommended the site plan with the condition "permit public water supply with the state, or connect to city water". The site plan presented by the Crane's calls for private water. But this site plan says that "The TRC voted to recommend approval of the project to the Board of Adjustment and approved the site plan for the project." This is not true. The Technical Review Committee had a condition of using public water.
- 2) One reason stated in ordinance 42-380 for revoking a permit is: "That the permit was obtained by misrepresenting or failing to disclose fully all relevant facts." Access to the property on which the event barn is to be built is by Bradley Rd. which then connects to Hiway 191 or to Country Rd. for those want to go over to US 25. The applicants did not reveal that Bradley Rd and Country Rd are, by the DOT, under a rule of "No Through Trucks" and the reason stated by the DOT is "Necessary for public safety and welfare." This information should have been provided to the ZBA by the applicants but was not.
- 3) During the hearing for this permit the applicants misrepresented the site plan. They had the county present a site plan. Early in the hearing Mr. Crane said the site plan was not correct. (page 38 on my transcript.) The Cranes verbally described alterations to the site plan. The public portion of the hearing continued and then, when public questions were over, there was a break. After the break Mrs. Crane said the original site plan was correct. At this stage, the public was allowed to make final statements but the public never had opportunity to question the original site plan which turned out to be the one approved. This misrepresentation of the site plan qualifies under ordinance 42-380 to revoke the permit.
- 4) The original application for the Special Use Permit said that a 9 foot fence would be built on the South side of the property. This fence is 6 feet. Considering headlights flashing through the parking area this is a significant difference. This also suggests that an inspection should be made for further deviations from the requirements of the permit.
- 5) The Cranes are violating the SUP by selling gazebos on their property. This is a commercial activity not allowed for in the SUP.

Please revoke SUP-15-4

ROBERT F. HELTMAN



NAME

ADDRESS

PO Box 545

H'ville 28793





## Planning Department

100 North King Street  
Hendersonville, NC 28792

May 22, 2017

Mr. Stan Shelley  
25 Country Road  
Hendersonville, NC 28791

RE: SUP-15-4 Crane Small Place of Assembly

Dear Mr. Shelley:

The County has received your petition requesting Special Use Permit (SUP-15-04) for a small place of assembly for William and Tamra Crane be revoked. The Order granting the Special Use Permit (SUP) was granted October 28, 2015 by the Henderson County Zoning Board of Adjustment (ZBA). After the ZBA made its findings of facts and drew the stated conclusions, the SUP for William and Tamra Crane (herein after the applicant) was granted by the Order.

Any procedural objections to the SUP hearing have been reviewed and upheld by the courts.

After consideration, staff believes that there are a number of technical questions that arise related to the Order which should be clarified by the ZBA. Clarification is needed, since the permit may be revoked if the applicant fails to adhere to any of the conditions stated in the Order after operations begin.

The issues that need to be clarified are:

1. An existing fence and tree line are listed in the findings of facts. It is unclear if this buffering must remain in place as part of the SUP.
2. It is unclear what standard of buffering is required for the vegetation and fencing of the parking area (type of buffering, width, fence height, location, etc.).
3. The applicant currently sells gazebos on their property. This use was not addressed in the SUP and should be clarified if it is allowed to continue.
4. The Order states that no event may have more than 150 people. What is the definition of attendees per this condition?
5. Based on the conditions on the Order and clarifications, is a revised site plan necessary?

The ZBA will meet on June 28, 2017 at 4:00 pm in the King Street Meeting Room, located at 100 N. King Street, to discuss these issues. The purpose of the meeting will be to clarify portions of the SUP Order, not to determine whether the permit should be revoked or is valid. This meeting is open to the public but will follow the requirements for quasi-judicial proceedings. Please let me know if you have any questions.

Sincerely,

Autumn Radcliff  
Senior Planner