

Staff Report: ZBA 5/29/13  
Stanberry Appeal

**REQUEST FOR COMMITTEE ACTION**

**HENDERSON COUNTY**

**Zoning Board of Adjustment**

**MEETING: May 29, 2013**

**SUBJECT: Stanberry Appeal**

**PRESENTER: Toby Linville**

**ATTACHMENTS: Staff Report**

**SUMMARY OF REQUEST: Appeal to have a recreational vehicle permitted as a residence**

**Suggested Motion: I move to uphold (overturn) the decision of the Zoning Administrator to allow a RV set up as a permanent residence.**



## Henderson County, North Carolina Code Enforcement Services

### 1. Committee Request

- 1.1. **Applicant:** Donna Stanberry
- 1.2. **Request:** Allow recreational vehicle to be used as accessory dwelling
- 1.3. **PIN:** 9597386983
- 1.4. **Size:** .50 acres +/-
- 1.5. **Location:** The subject area is located at 800 Jackson Loop Road
- 1.6. **Supplemental Requirements:** None

**Map A: Aerial Photo/Pictometry**



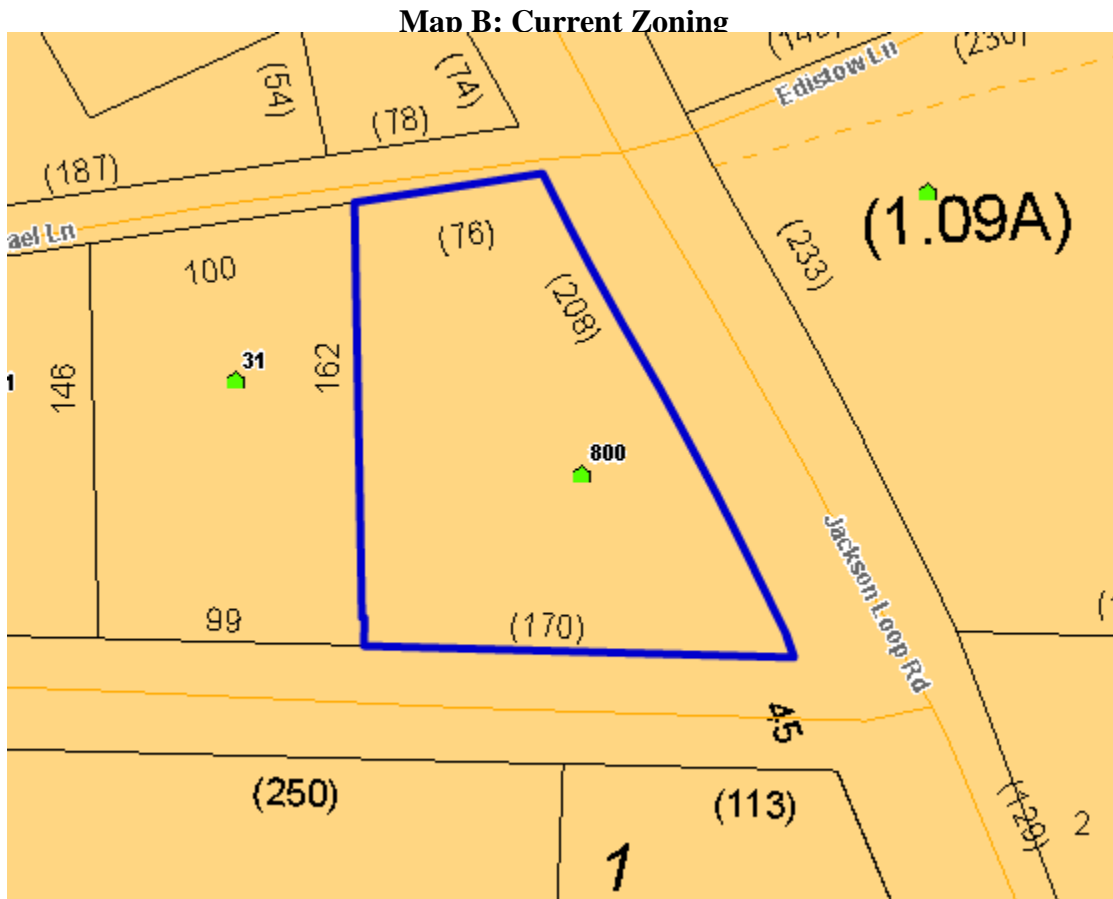


## 2. Current Conditions

**2.1 Current Use:** This parcel is currently in residential use.

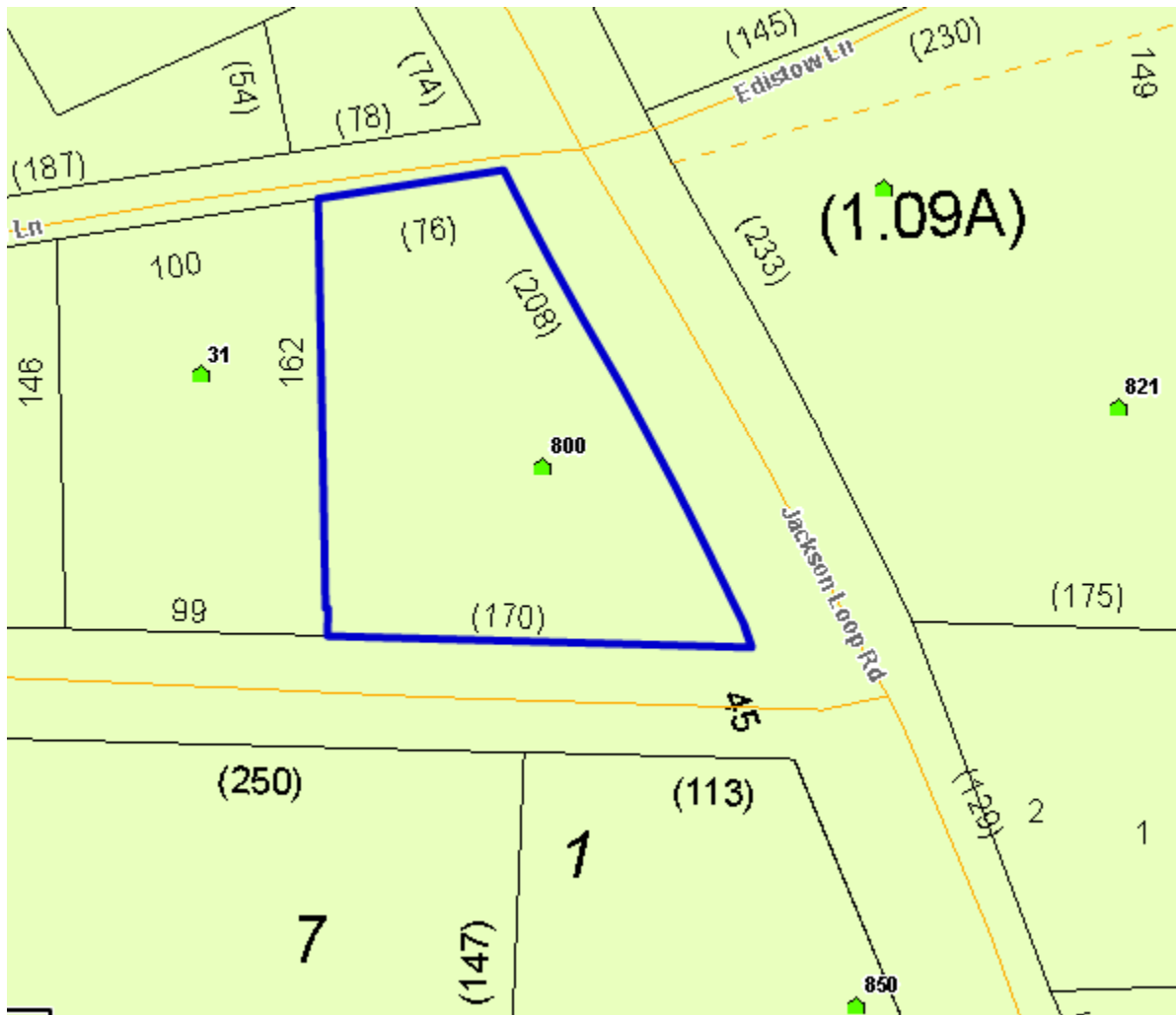
**2.2 Adjacent Area Uses:** The surrounding properties primarily consist of residential use.

**2.3 Zoning:** The surrounding property to the north, south, east and west is Residential 2 Rural (R2R).



3. **Floodplain /Watershed Protection** The property is not located in a Special Flood Hazard Area. The property is not in a Water Supply Watershed district.
4. **Water and Sewer** Community well and private septic system serve this property.
  - 4.1. **Public Water:** Public water is not available.
  - 4.2. **Public Sewer:** Public sewer is not available.

**Map C: CCP Future Land Use Map**



5. **Staff Comments**

**The 2020 CCP:** The CCP Future Land Use Map places the Subject Area in the Rural/Agricultural Area. The text and map of the 2020 CCP suggest that the Subject Area would be more suitable for the following:

1. The RAA covers those portions of the county that are predominantly rural and are characterized by low-density residential development with substantial land areas devoted to agriculture and undeveloped lands. Land use policies will seek to retain that character.
2. Slopes are typically steep, often exceeding 10%, with significant areas greater than 20%.
3. Most sections of the RAA are so far from sewer services as to make their extension largely impossible. Land development regulations should recognize this by not permitting densities that would require sewer services or introduce traffic capacity problems and by encouraging densities that are consistent with steep slopes, poor septic capacities, and sensitive topography.

6. **Staff Recommendations**

Staff's Position at this time, under the guidelines of current plans, policies and studies, is to overrule the appeal and uphold Henderson County's decision to enforce the Land Development Code and disallow a Recreational Vehicle as a permanent residence.

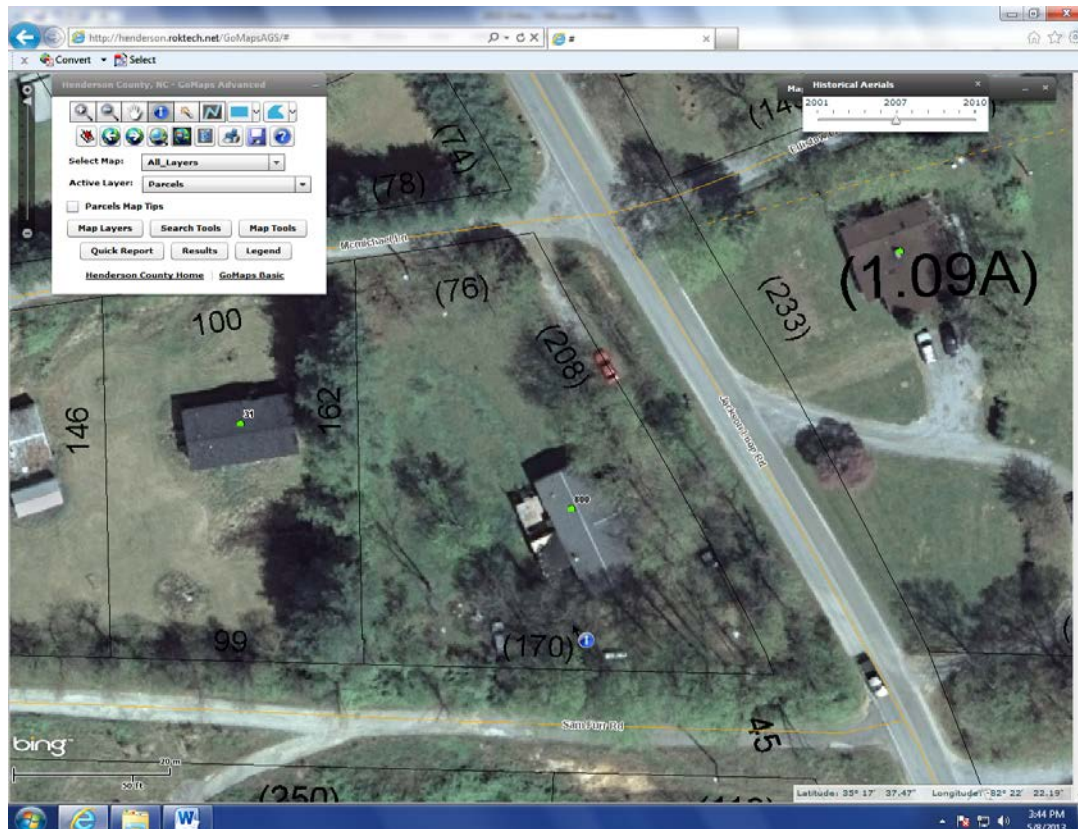


## 7. Photographs

2001 Ortho

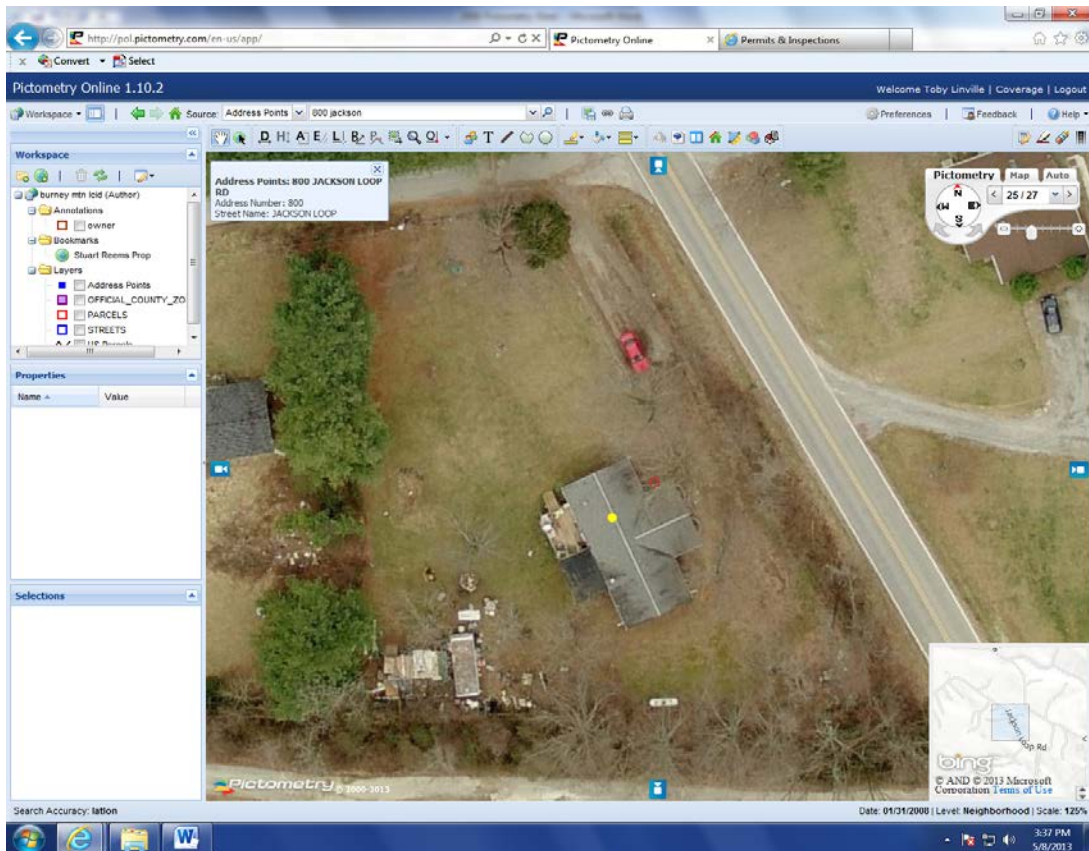


2007 Ortho

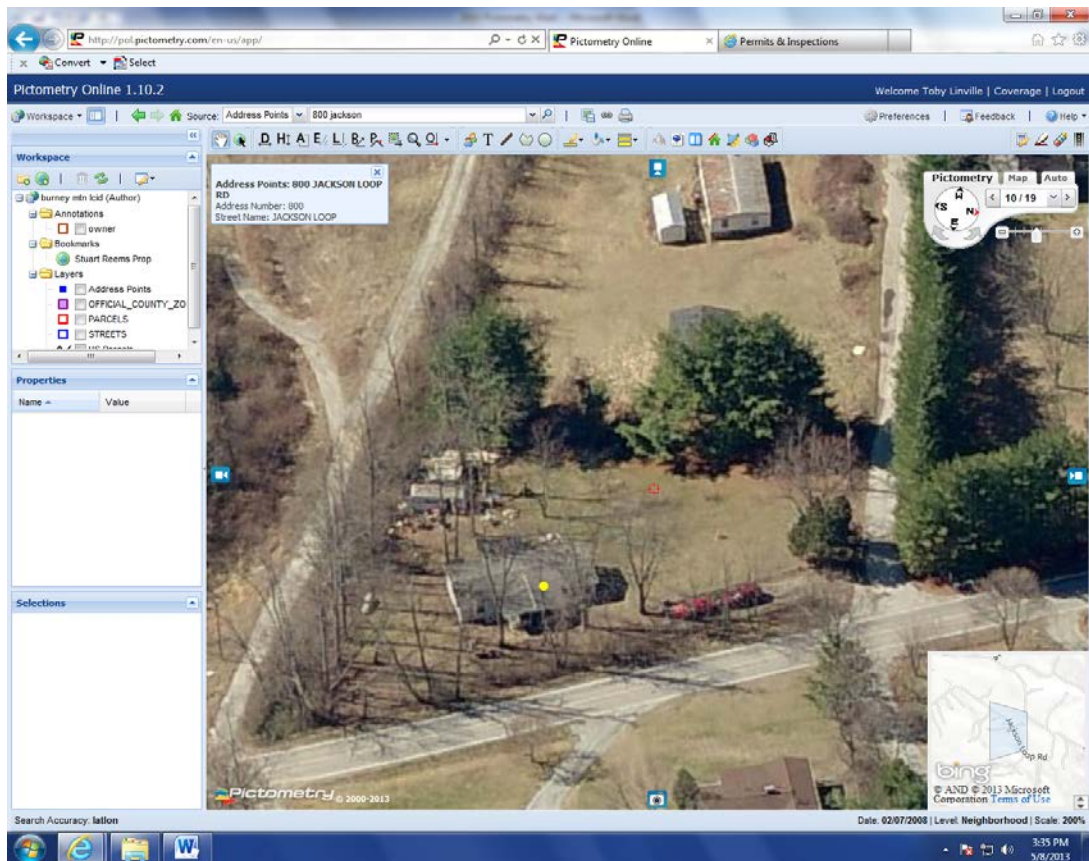




## 2008 Pictometry Ortho

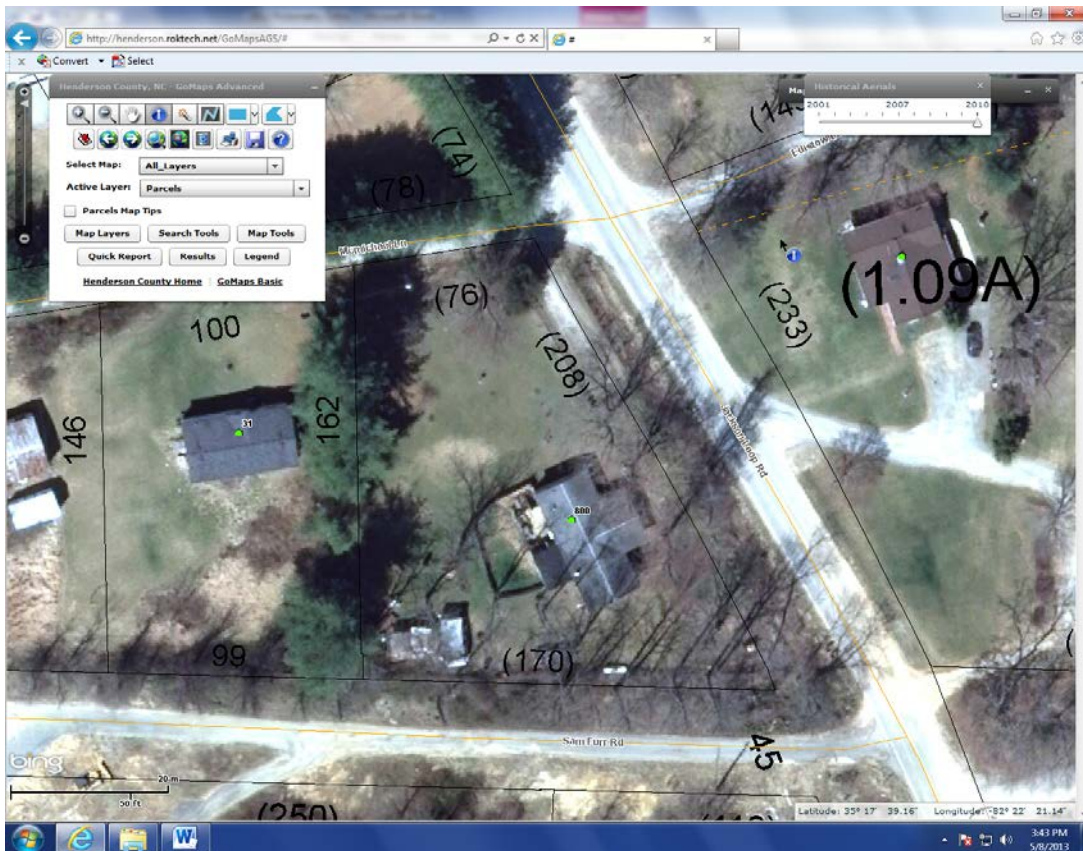


## 2008 Pictometry West

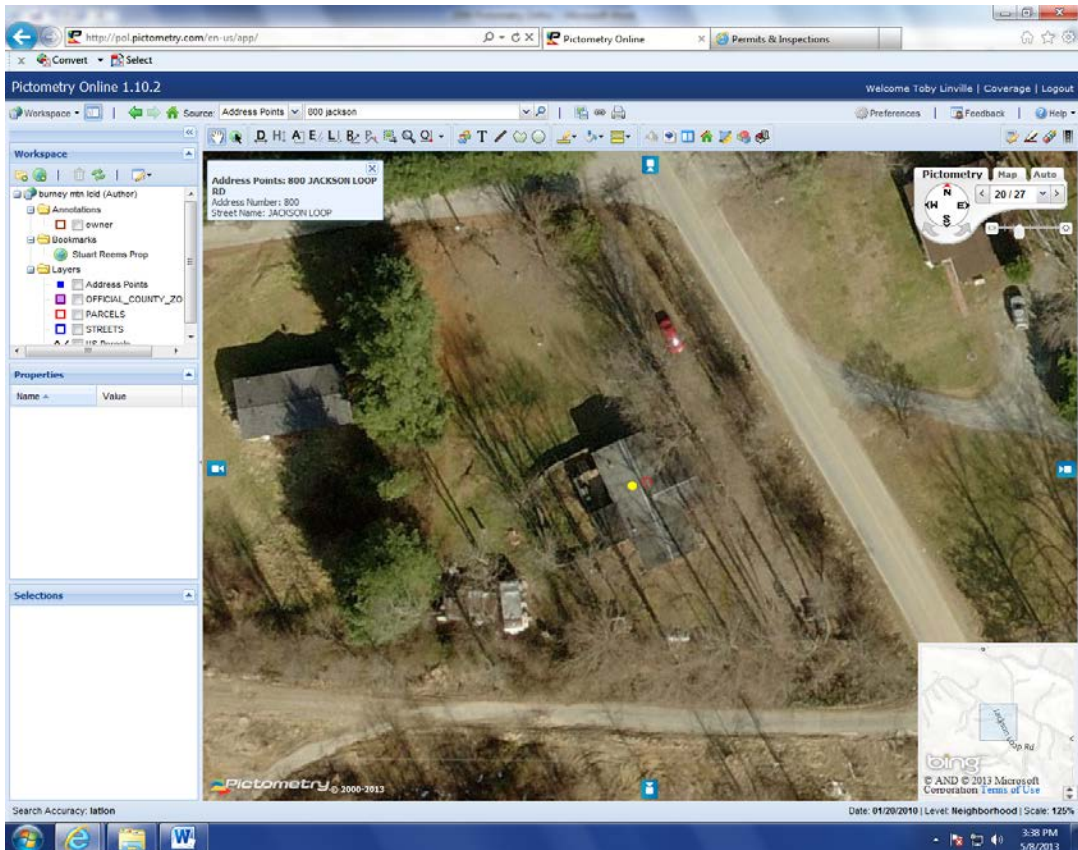




### 2010 Ortho

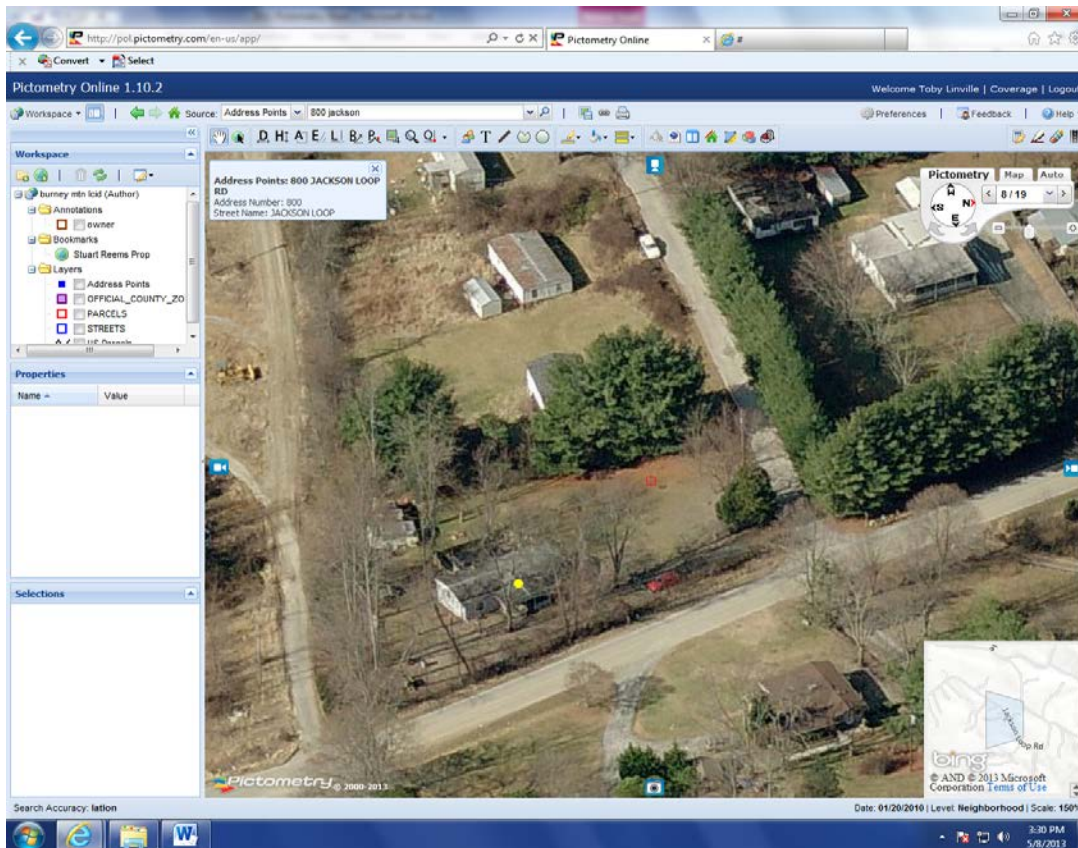


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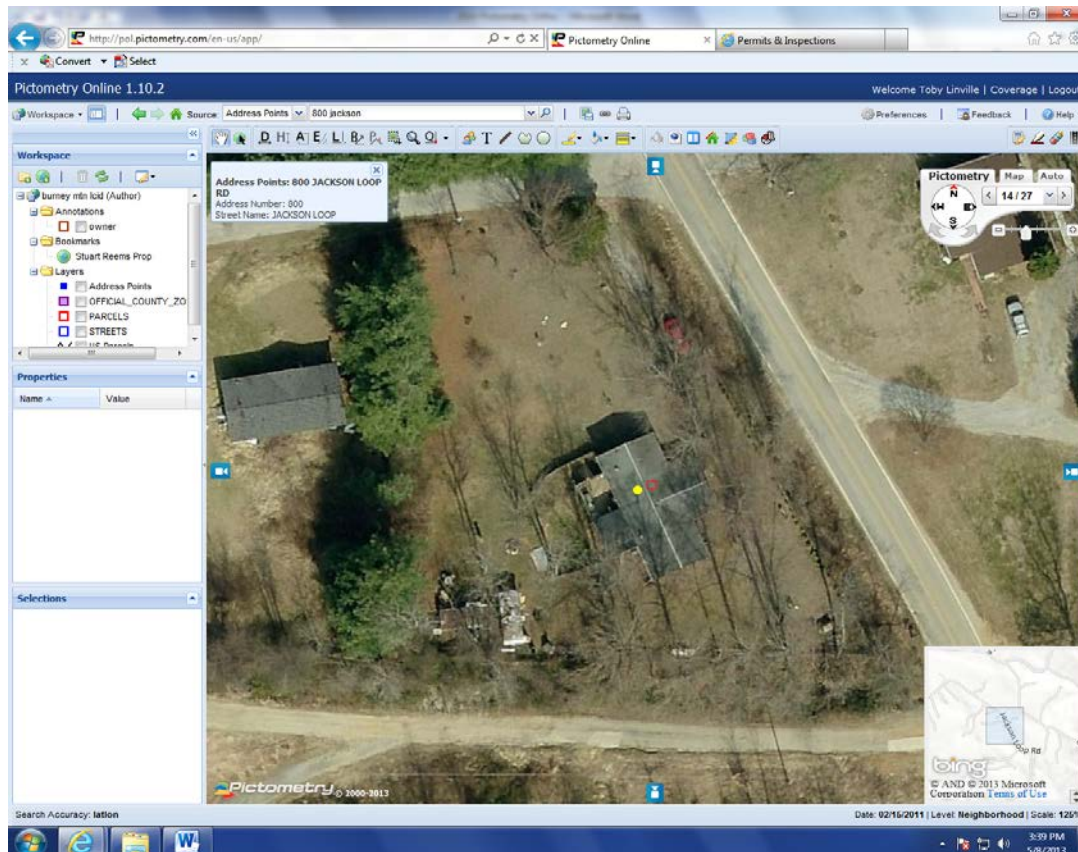




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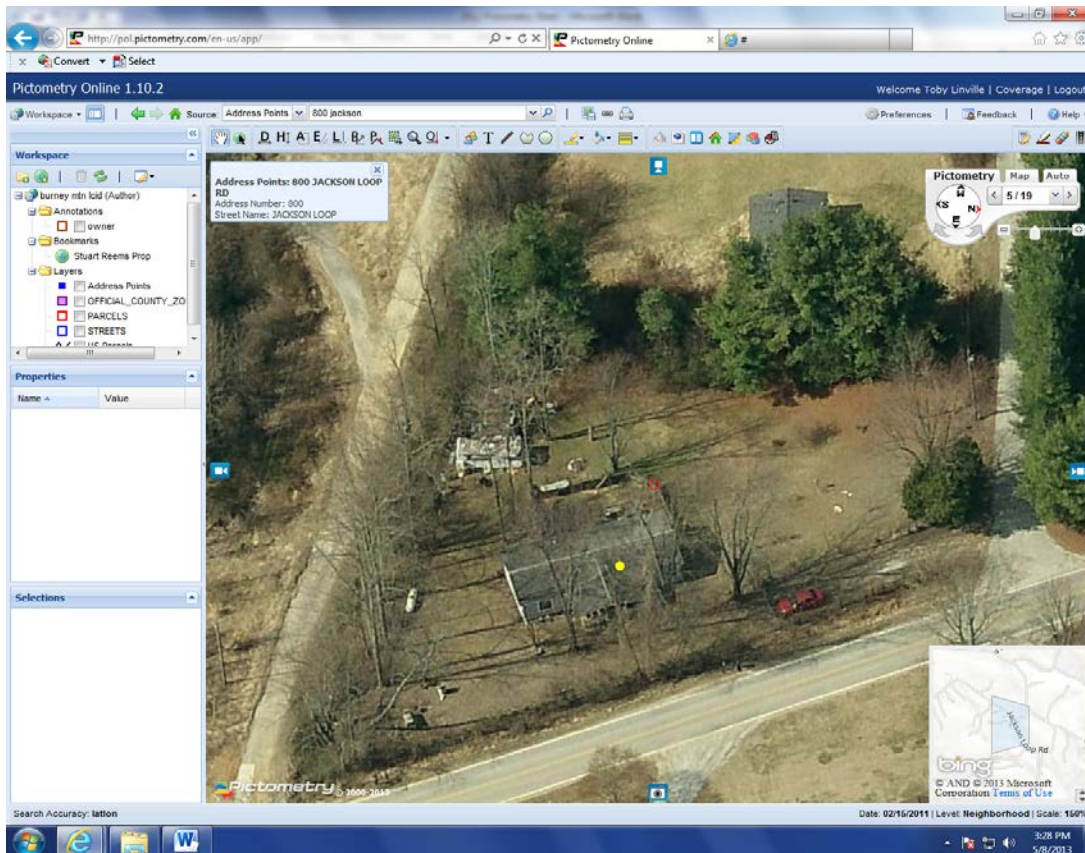


## 2011 Pictometry Ortho

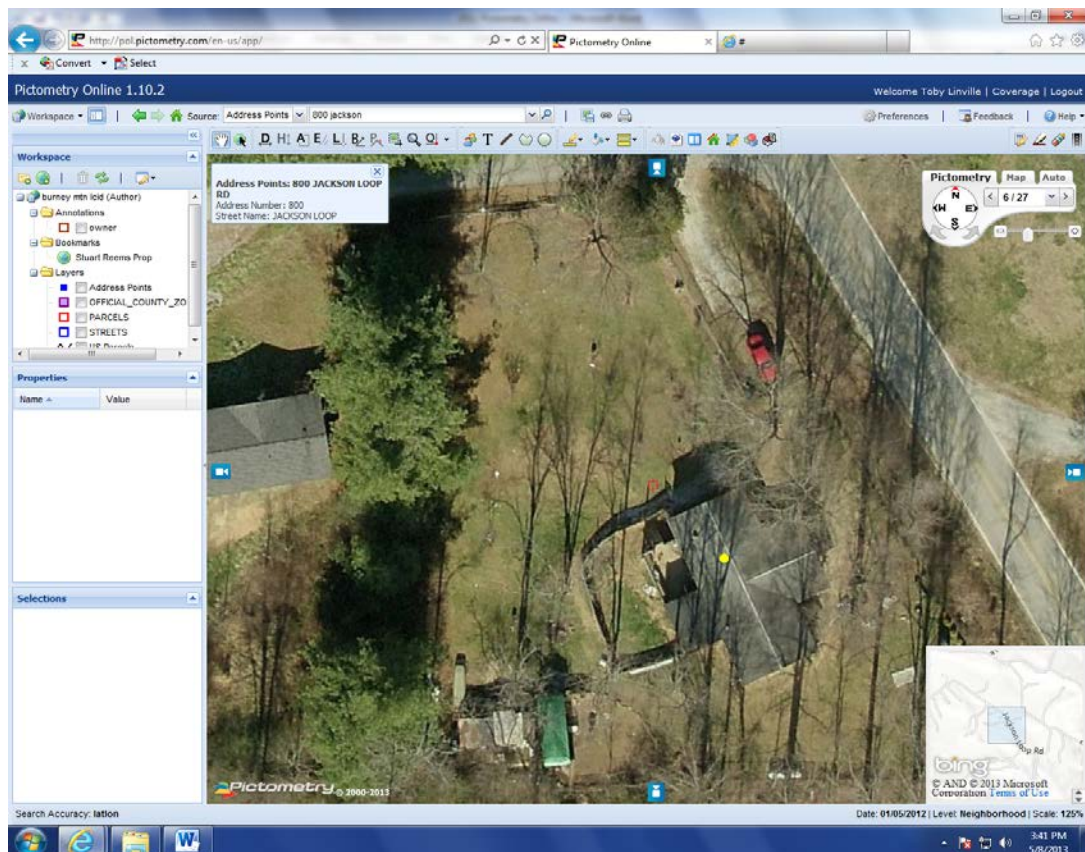




## 2011 Pictometry West

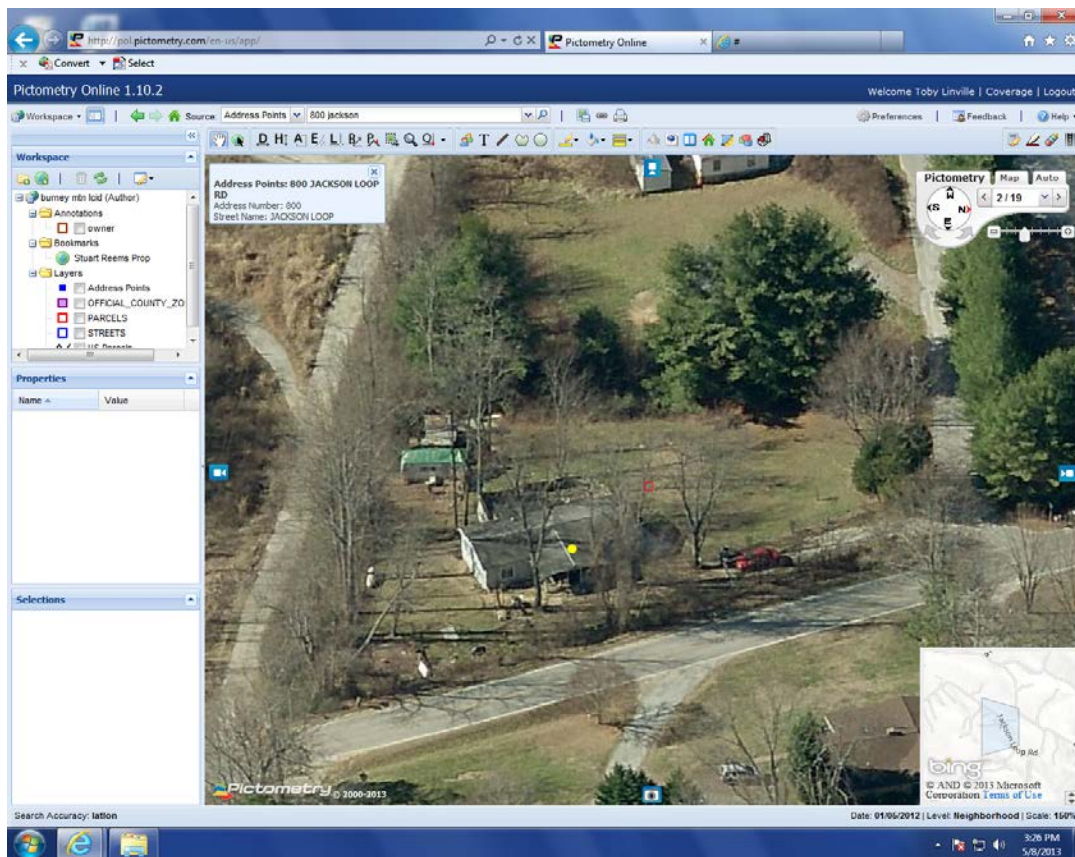


## 2012 Pictometry Ortho





## 2012 Pictometry West



## Current Pictures









800 JACKSON LOOP RD 28739

April 28, 2013

Dear Zoning Board!

This letter is to inform you that we wish to appeal the violation issued to us on our RV camper. This camper has been on the property at 800 Jackson Loop Road since April 12, 2006 and we also had two others here before this one. This is not in violation of any nuisance orders. It is our understanding that any camper on property before 2007 falls under a grandfather clause and we have gone back looked at aerial plots and it

Shows our camper  
on this property  
at the date of  
have indicated. We  
respectfully submit  
this appeal

Thank you  
Donna Stonberg



STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

**Notice of Violation and Declaration of Public Nuisance**

Name of Violator / Property Owner: Marie Stanberry / Donna + Rodney Stanberry  
Street Address: 800 Jackson Loop Rd Flat Rock, NC 28731  
PIN Number: 9597386983

On or about the 24 day of April, 2013, in the County of Henderson a violation of Henderson County Nuisance Ordinance Section 126 did occur by:

126-2.03 A. Improper sewage disposal to such degree that sewage or effluent is discharging onto the surface of the ground, backing up into a structure, or discharging into a body of water.

126-2.03 B. An unsecured opening caused by improperly abandoned cistern, well pit, sewage treatment system, unused or non-maintained swimming pool, mine shaft or tunnel.

126-2.03 C. Failure to keep waste, refuse, or garbage in an enclosed building or properly contained in a closed, insect and rodent-proof container.

126-2.03 D. Accumulation of carcasses of animals, birds, or fish by failing to bury or otherwise dispose of in a sanitary manner within 24 hours after death.

126-2.03 E. Significant outdoor storage of solid waste.

126-2.03 F. Accumulations of rubbish or junk as to become dangerous or injurious to the health and safety of any individual or to the public.

126-2.03 G. Any junked motor vehicles without a current Vehicle Restoration Permit and/or any abandoned manufactured home.

126-2.03 H. Infestations of flies, fleas, cockroaches, lice, rats, mice, fly larvae, hookworm larvae or other insects, parasites or vermin.

126-2.03 I. Breeding grounds which support mosquito larvae and mosquitoes.

~~126-2.03 J.~~ Use of a Recreational Vehicle as a primary residence with out permitted electric, water and sewage connections

126-2.03 K. Recreational vehicles used to store solid waste.

126-2.04 A. Improper outdoor storage.

Other Zoning Violation: RV Set up without permits

Solid Waste Violation (Chapter 165): \_\_\_\_\_

Further more the property mentioned above is hereby declared a Public Nuisance by Henderson County Code Enforcement Services and will remain so until the specific problem(s) is/are abated and approved by Code Enforcement Services at which time the Declaration of Public Nuisance will be dismissed. It is your responsibility to abate the existing problem on the property.

You have 30 days, ending on 5/24/13, to abate the current nuisance. Failure to legally abate the nuisance could result in a warrant being issued against you. Each day that the violation exists past the allotted time period constitutes a separate violation. Violation of this ordinance is a class 3 Misdemeanor, per Section 1-14 of the Henderson County Code.

As the owner, occupant or person in control of the property mentioned it is your responsibility to bring the property into compliance with Henderson County Ordinances. You are hereby ordered to bring the property into compliance by remedying the nuisance in a legal manner and notifying the Henderson County Code Enforcement Department once completed. If the property is not abated or remedied in accordance with this order, Henderson County will have the nuisance abated or removed at the expense of the owner under the provisions of North Carolina Statute 153A-132 and this ordinance.

**Right to appeal:** As the owner of occupant of the property, you may appeal this Declaration by filing a written request with the Zoning Board of Adjustment for an administrative hearing within ten calendar days of receiving this notice. Correspondence may be made by mail to 100 N King St. Hendersonville, NC 28792. Attention Nuisance Enforcement

Please contact officer Jenny Maybin as soon as possible at: 684-6628

Jenny Maybin  
Zoning Enforcement Officer

4-24-13  
Date

1954  
ID#



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Department	<input type="text" value="ALL"/>		
Permit Type	<input type="text" value="ALL"/>		
Appl. Date From	<input type="text"/>	To	<input type="text"/>
Permit Status	<input type="text" value="ANY"/>		

**Owner Based Search**

First Name	<input type="text"/>	Last Name	<input type="text"/>
Address #	<input type="text"/>	Street	<input type="text"/>
City	<input type="text"/>	State	<input type="text"/>
Zip	<input type="text"/>		

**Property Based Search**

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City	<input type="text"/>	Zip	<input type="text"/>
Subdivision	<input type="text"/>	Lot #	<input type="text"/>
Entity	<input type="text"/>		

**Occupant Based Search**

First Name	<input type="text"/>	Last Name	<input type="text"/>
Address #	<input type="text"/>	Street	<input type="text"/>
City	<input type="text"/>	State	<input type="text"/>
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**Contractor Based Search**

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Zip	<input type="text"/>		

**Applicant Based Search**

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City	<input type="text"/>	State	<input type="text"/>
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**Occupant Based Search**

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**Contractor Based Search**

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