

REQUEST FOR COMMITTEE ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: August 4, 2025

SUBJECT: Rezoning Application #R-2025-07, Hickory Tree Lane

PRESENTER: Carlos Martinez, Planner I

ATTACHMENTS: 1.) Staff Report
2.) Certification of Public Hearing Notification
3.) Comprehensive Plan Statement
4.) Consent to Downzoning
5.) PowerPoint Slides

SUMMARY OF REQUEST:

Staff received rezoning application #R-2025-07 for PIN 9547-42-5733 (hereafter, the subject area) for the entire 1.12 acres of the parcel. Bragg and Bragg Properties LLC owns the subject area with frontage along Hickory Tree Lane. The owner has requested that the subject area be rezoned from Estate Residential District (R-40) to Residential District Two Rural (R2R). The application was submitted on June 8, 2025.

PUBLIC NOTICE:

Before taking action on the application, the Board of Commissioners must hold a public hearing. Per the Henderson County Land Development Code and State Law, notices of the August 4, 2025, public hearing were published in the Hendersonville Lightning on July 23, 2025, and July 30, 2025. Notices were also sent via first-class mail to the property owners within 400' of the Subject Area on July 16, 2025, and staff posted signs advertising the hearing on the Subject Area on July 22, 2025.

BOARD ACTION REQUESTED:

Before taking action on the rezoning request, the Board of Commissioners must hold a public hearing. A suggested motion is provided.

Suggested Motion:

I move that the Board **approve** rezoning application #R-2025-07 to rezone the Subject Area to the Residential District Two Rural (R2R) zoning district based on the Henderson County 2045 Comprehensive Plan recommendations.

Or

I move that the Board **deny** rezoning application #R-2025-07 to rezone the Subject Area to the Residential District Two Rural (R2R) zoning district based on the Henderson County 2045 Comprehensive Plan recommendations.



STAFF REPORT

HENDERSON COUNTY PLANNING DEPARTMENT

100 North King Street | Hendersonville, NC 28792 | (828) 697-4819

Prepared by:

Carlos Martinez, Planner I

APPLICATION #
R-2025-07

BOARD OF COMMISSIONERS
MEETING DATE:
August 4, 2025

PROPERTY OWNER
Bragg And Bragg Properties LLC

PROPERTY LOCATION/ADDRESS
210 Hickory Tree Ln
Laurel Park, NC 28739

APPLICANT
Jeff Bragg

PIN(S):
9547-42-5733

SUMMARY OF REQUEST

To rezone the above-referenced PIN (hereafter the subject area) from Estate Residential District (R-40) to Residential District Two Rural (R2R).

Existing Zoning	Estate Residential District (R-40)
FLUM Character Area	Agriculture/Rural
Existing Land Use	Vacant
Site Improvements	N/A
Request Acreage	1.12

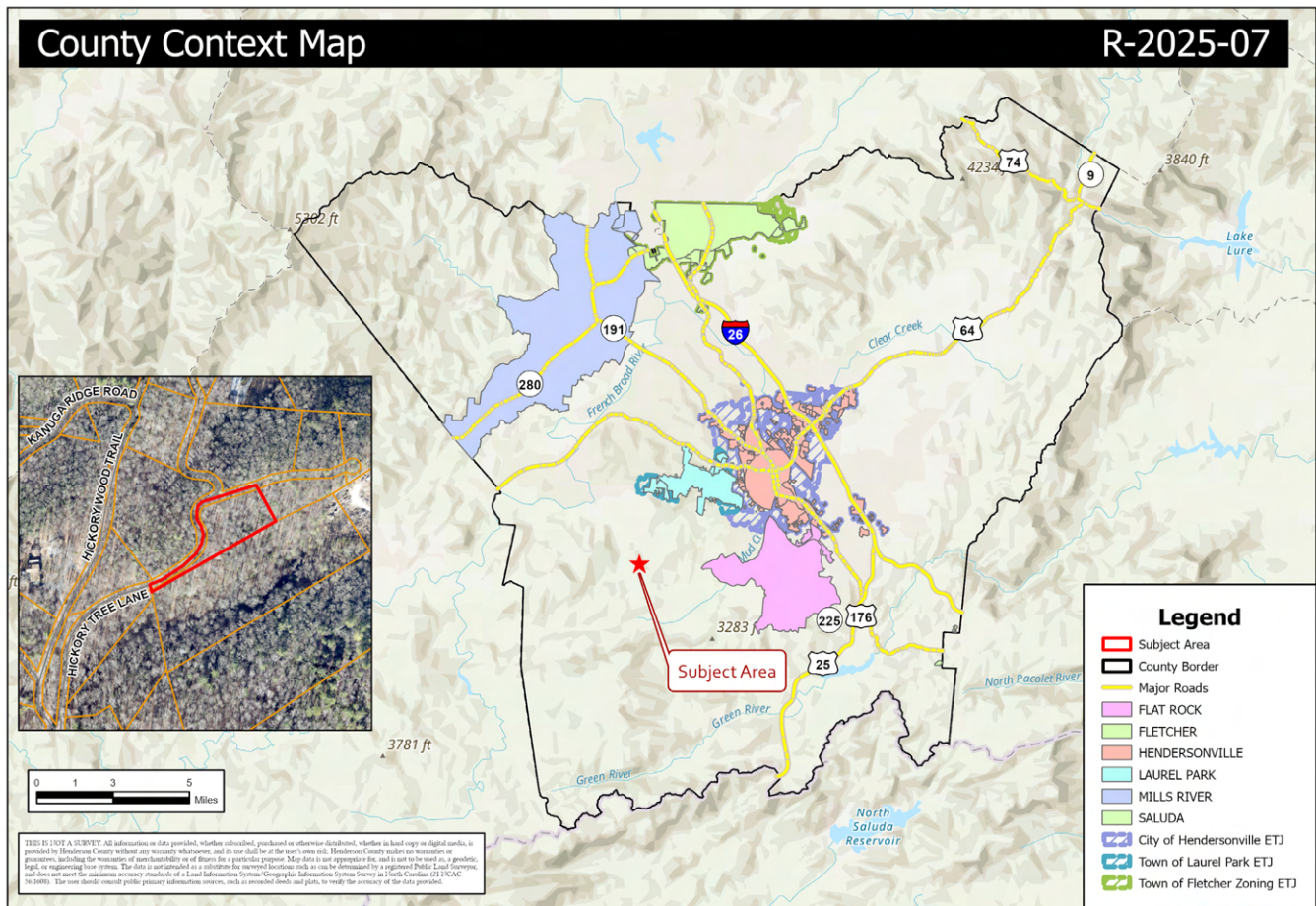
ADJACENT ZONING

North	R-40
East	R2R
South	R2R
West	R-40

PROPERTY CLASS

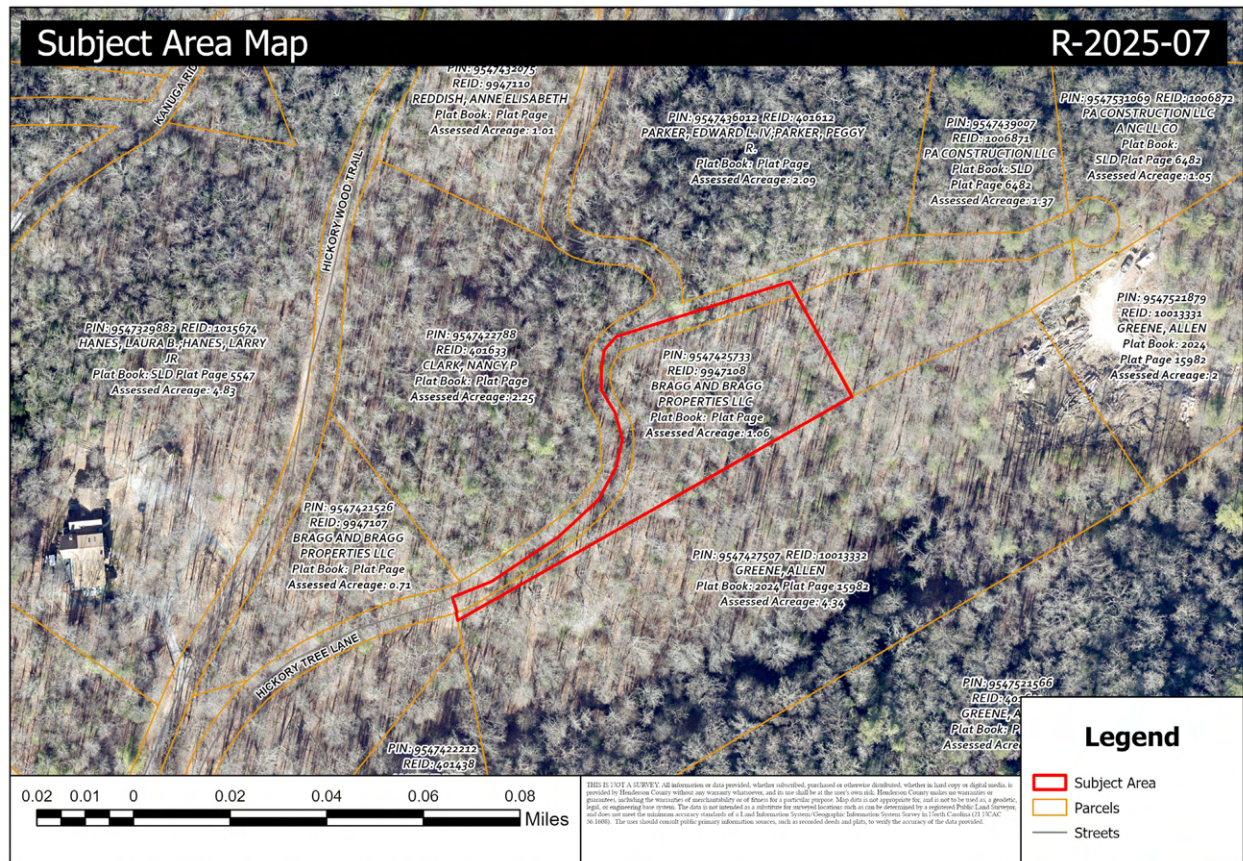
Residential
Residential, Vacant
Vacant
Residential

Map A: County Context

**BACKGROUND:**

Rezoning application #R-2025-07 is for PIN: 9547-42-5733 (hereafter, the subject area). Bragg and Bragg Properties LLC owns the parcel with frontage along Hickory Tree Lane. The applicant seeks to rezone the subject area from Estate Residential District (R-40) to Residential District Two Rural (R2R). The subject area is approximately 1.12 acres. The parcel is currently vacant.

Map B: Subject Area



Property Owner(s): Bragg and Bragg Properties LLC

Total Acreage: 1.12

Estate Residential District (R-40) to Residential District Two Rural (R2R)



SUBJECT AREA & ADJACENT PROPERTIES:

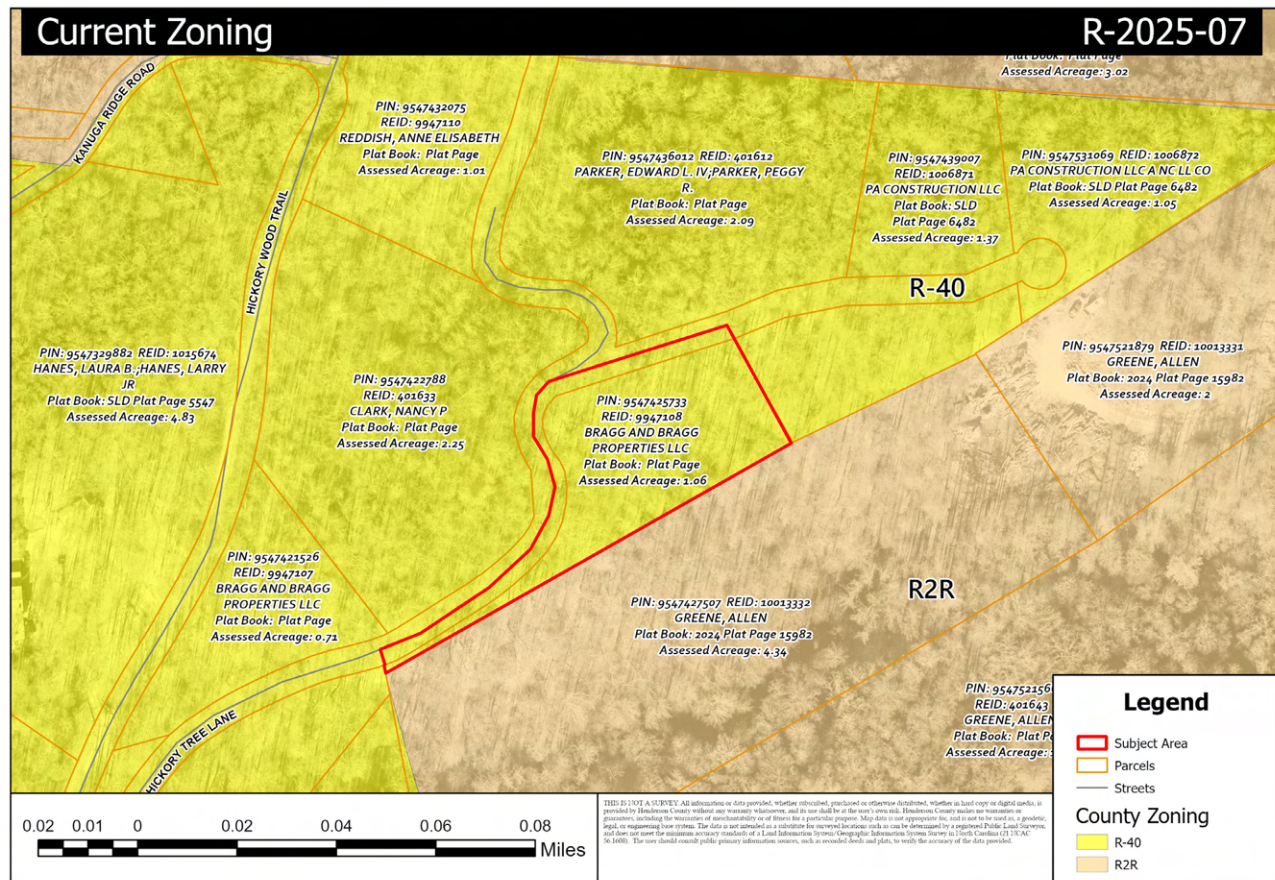
West: Hickory Tree Lane borders the subject area along the west and north. Residential uses further west.

South: The adjacent property is vacant, and several more vacant lots are further south.

East: The adjacent property is vacant, and a subdivision along Willow Springs CV is further east

North: There is a mix of residential and vacant uses to the north.

Map C: Current Zoning



Property Owner(s): Bragg and Bragg Properties LLC

Total Acreage: 1.12

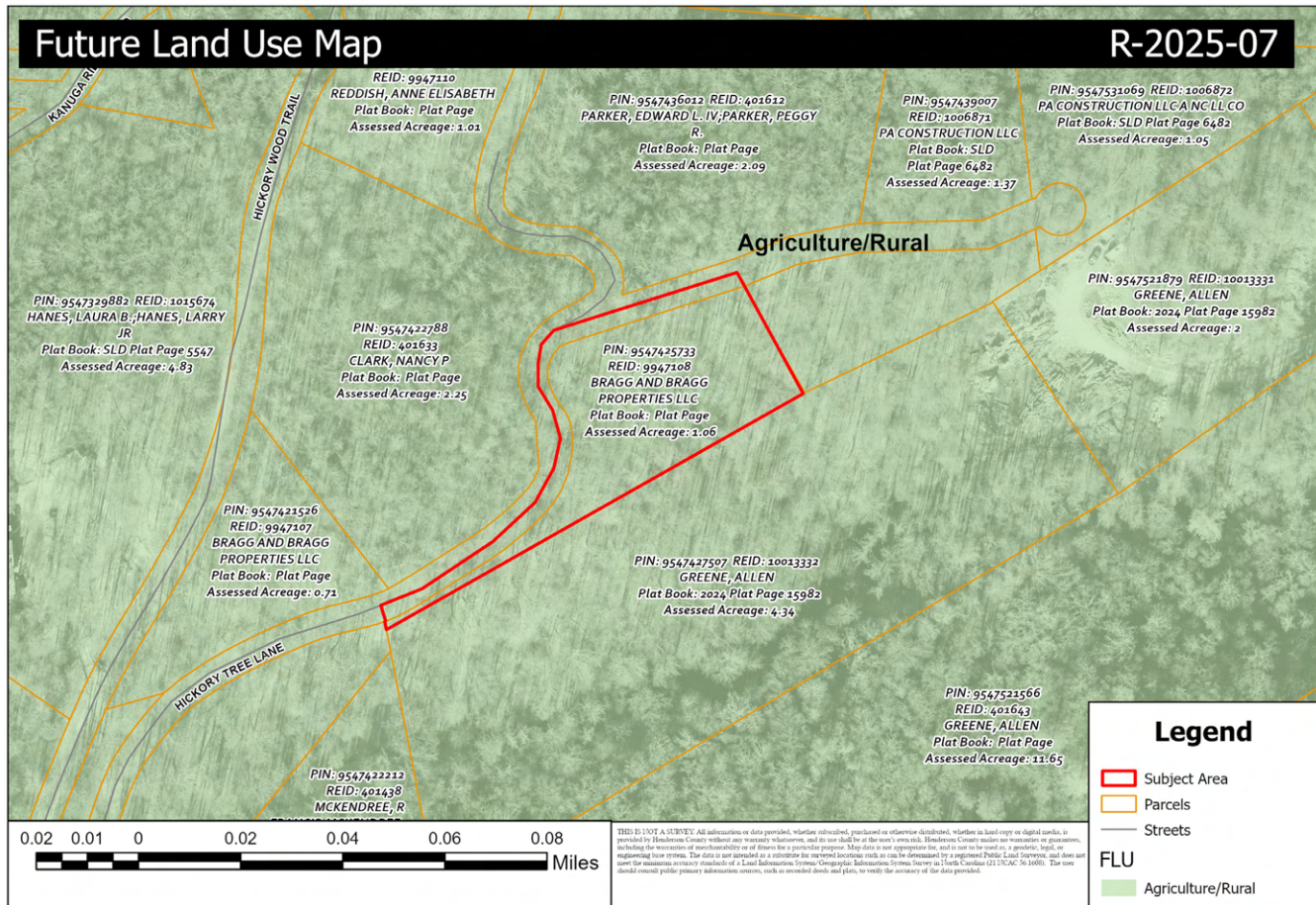
Estate Residential District (R-40) to Residential District Two Rural (R2R)

**District Comparison:**

Estate Residential District (R-40): “The Estate Residential District is established as a district in which the principal use of the land is for low-density residential use. This district is intended to ensure that *residential development* without access to public water supplies and dependent upon septic tanks for sewage disposal will occur at a sufficiently low density to provide a healthful environment. This district is also intended to be a quiet, low-density neighborhood consisting of single-family residences. The R-40 District shall not be extended from the locations designated on the Official Zoning Map, nor shall new R-40 District areas be designated except where initiated by the Board of Commissioners or Planning Board. The R-40 District may be altered or removed.” (LDC §42-37).

Residential District Two Rural (R2R): “The purpose of Residential District Two Rural (R2R) is to foster orderly growth where the principal use of land is residential. The intent of this district is to allow for low to medium density residential development and rural commercial and light industrial development consistent with the recommendations of the Comprehensive Plan. This general use district is typically meant to be utilized outside areas designated as Utility Service Area (USA) in the Comprehensive Plan.” Standard residential density in Residential District Two Rural is one unit per acre. The maximum density is two units per acre. The maximum height is 40’.

Map D: 2045 Future Land Use Map



Property Owner(s): Bragg and Bragg Properties LLC

Total Acreage: 1.12

Estate Residential District (R-40) to Residential District Two Rural (R2R)



Agriculture/Rural

Employment and Industry areas offer job generation, site-ready parks, accessible road networks, and utilities. The design of development sites in these areas should be tailored to be compatible with other nearby uses. (Pt. 2, pg. 46)

- **Where:** In and around concentrations of working agricultural lands and steep mountains.
- **Uses:** Forestry, very low-density single-family residential, outdoor recreation/tourism, and agriculture of all types, including orchards, greenhouses, and some rural businesses
- **Utility Access:** Varies

2045 Comprehensive Plan Compatibility

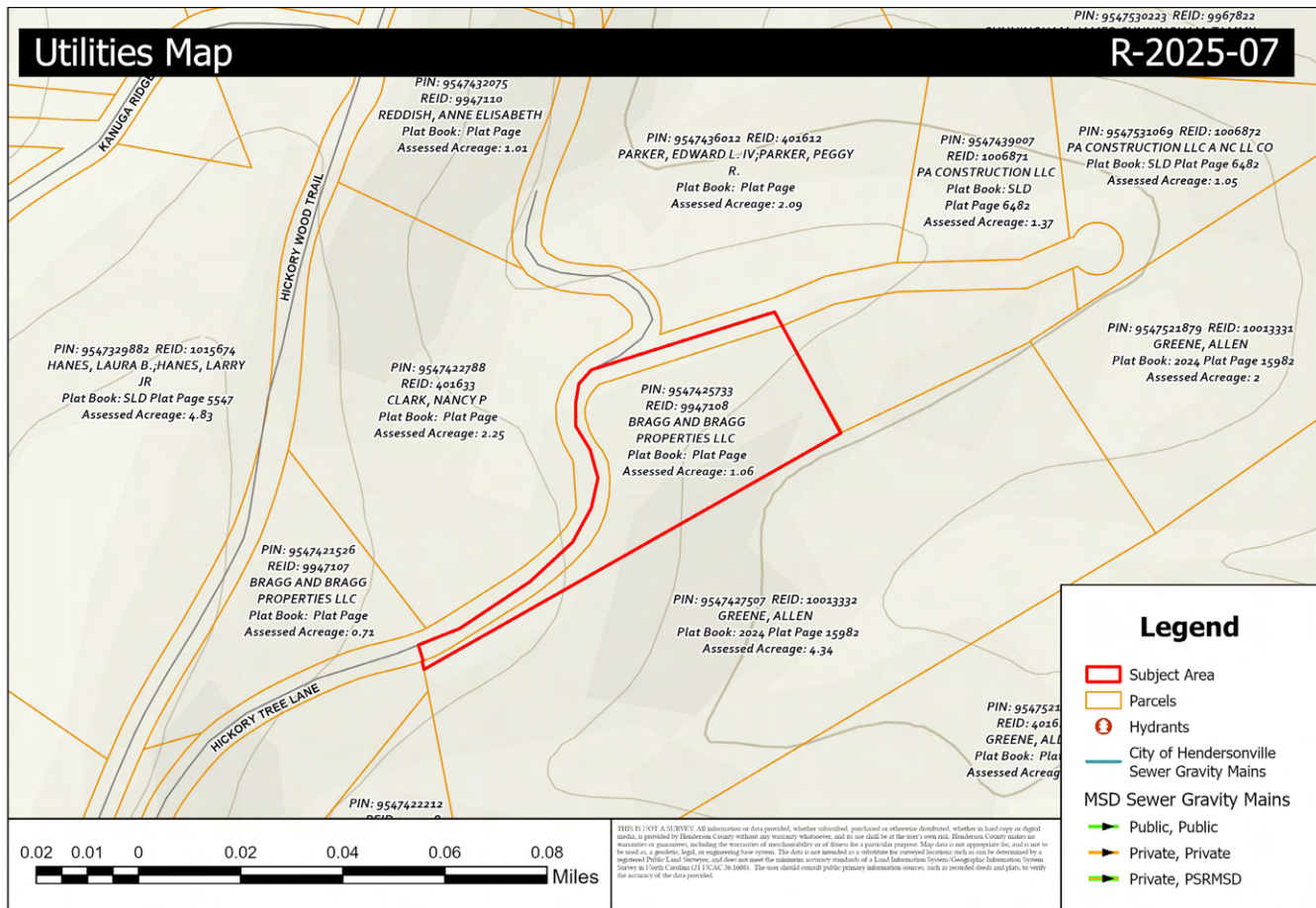
Plan Goal 2: Protect and Conserve Rural Character and Agriculture

- **Rec 2.3:** Promote cooperation between existing agriculture and new residential development.

Plan Goal 7: Diversify Housing Choices and Increase Availability

- **Rec 7.2:** Encourage development of housing.

Map F: Utility Map



Property Owner(s): Bragg and Bragg Properties LLC
 Total Acreage: 1.12
 Estate Residential District (R-40) to Residential District Two Rural (R2R)

**Water and Sewer**

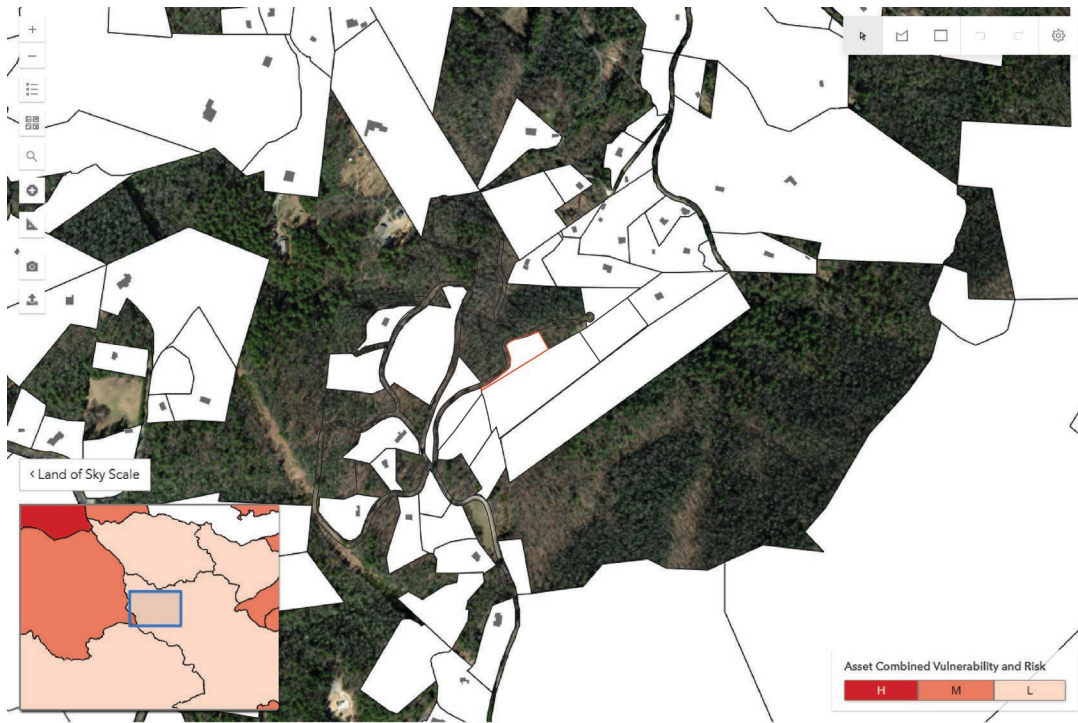
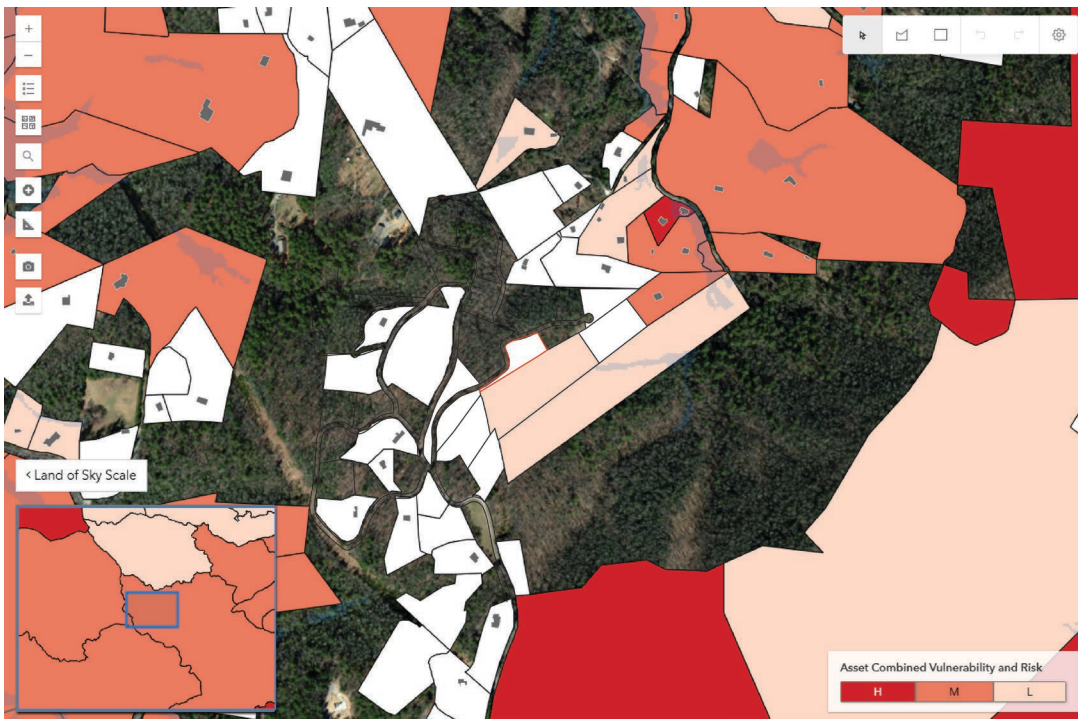
The subject area does not have access to the City of Hendersonville sewer or water.

Existing Access

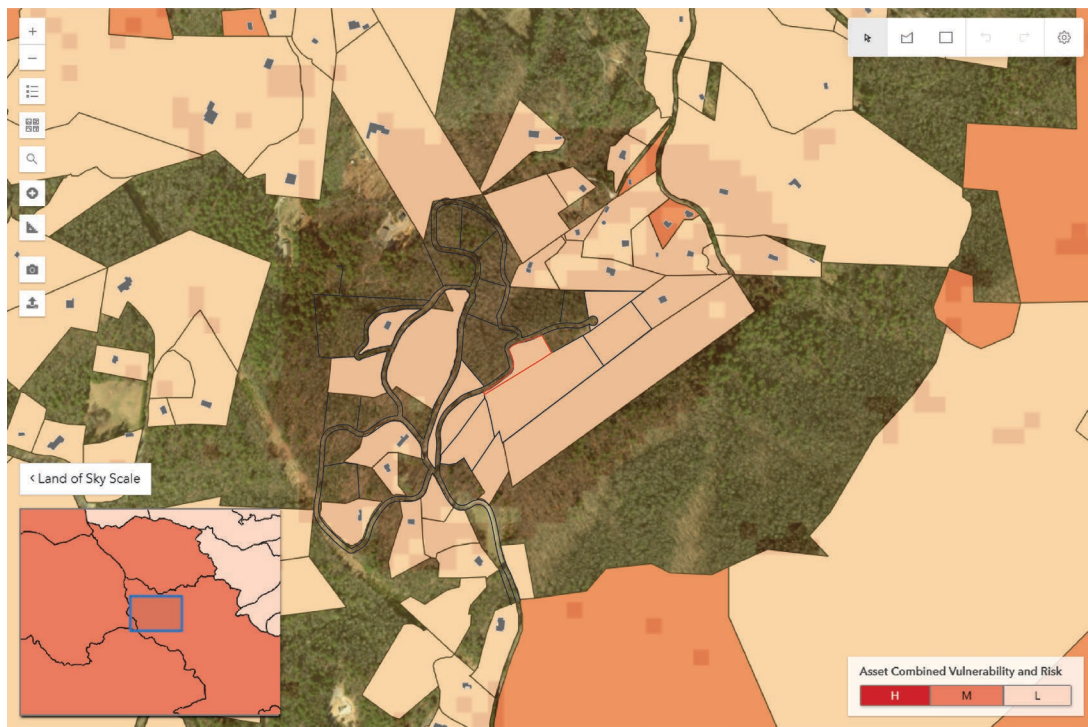
The subject area has access from Hickory Tree Lane, a private road off Evans Road SR 1196.

AccelAdapt - Land of Sky Resilience Assessment Tool

AccelAdapt addresses resilience through actionable vulnerability assessments and risk insights. Its data-informed and defensible analyses can improve resilience planning while preparing for a more adaptive future. **This analysis is intended to be informational and is not regulatory.**

FEMA Flood**NCEM Advisory Flood**

Wildfire



Landslide



Analysis:

The subject area has a low risk of wildfires and minimal risk of flooding and landslides.

Technical Review Committee (TRC) Recommendations

The Technical Review Committee (TRC) met on July 15, 2025. The Technical Review Committee made a motion to forward the application to the Planning Board for its review and recommendation without additional comments.

Planning Board Recommendations

The Planning Board met on July 17, 2025, to review the rezoning application and unanimously voted to recommend the rezoning application.

Board of Commissioners Public Hearing

The Board of Commissioners will meet on August 4, 2025 to review and vote on the rezoning application.

Certification of Notice of Public Hearing

In accordance with NCGS 160D-343, the Planning Department certifies notice of the August 4, 2025 hearing regarding Rezoning Application #R-2025-07, Hickory Tree Lane were:

1. Submitted to the Hendersonville Lightning on July 21, 2025 to be published on July 23, 2025 and July 30, 2025 by Carlos Martinez;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area(s) on July 16, 2025 by Carlos Martinez;
3. Sent, via first class mail, to the property owner on July 16, 2025 by Carlos Martinez; and
4. Signs were posted on the Subject Area(s) on July 22, 2025, by Carlos Martinez.

The signatures herein below indicate that such notices were made as indicated herein above:

1. Carlos Martinez

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

I, Toby Linville, a Notary Public, in and for the above County and State, do hereby certify that

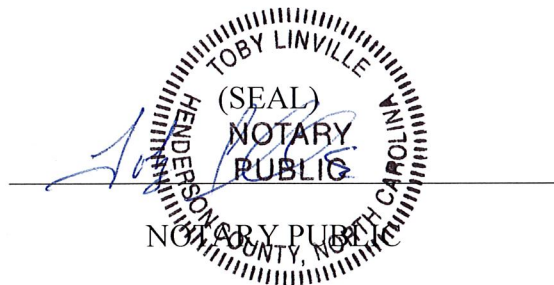
Carlos Martinez

personally appeared before me this day.

WITNESS my hand and notarial seal, this the 22 day of July, 2025.

My commission expires:

6/29/26





**REZONING APPLICATION #R-2025-07
HICKORY TREE LANE
COMPREHENSIVE PLAN STATEMENT**

Related to rezoning application #R-2025-07, the Comprehensive Plan states the following:

Plan Goal 2: Protect and Conserve Rural Character and Agriculture

- Rec 2.3: Promote cooperation between existing agriculture and new residential development.

Plan Goal 7: Diversify Housing Choices and Increase Availability

- Rec 7.2: Encourage development of housing.

The Board should determine if the proposed amendment provides for the sound administration of the Land Development Code while balancing property rights and promoting reasonable growth within the County.

CONSENT TO DOWNZONING

I, Jeffrey Bragg Sr, formally acknowledge and consent to the downzoning of a 1.12-acre property located at PIN: 9547-42-5733 (Hickory Tree Lane). I understand that this change in zoning designation from Estate Residential District (R-40) to Residential District Two Rural (R2R) will impact the property's permitted uses and development potential.

Henderson County staff has informed me that the proposed downzoning is entirely voluntary and that I am not required to agree to the rezoning. The staff explained the process to me, and I understand my involvement is voluntary.

I voluntarily applied for rezoning of the property at PIN: 9547-42-5733 on June 9, 2025, which the Henderson County Planning Department processed. This statement serves as my formal consent and acknowledgment that I am aware of and agree to downzoning my property.

JEFFREY D. BRAGG SR
Printed Name

Jeff D Bragg Sr
Signature Date 6.16.25

Additional Signatories, if applicable:

Katrina Bragg
Printed Name

Katrina Bragg
Signature Date 6-16-25

Printed Name

Signature Date _____

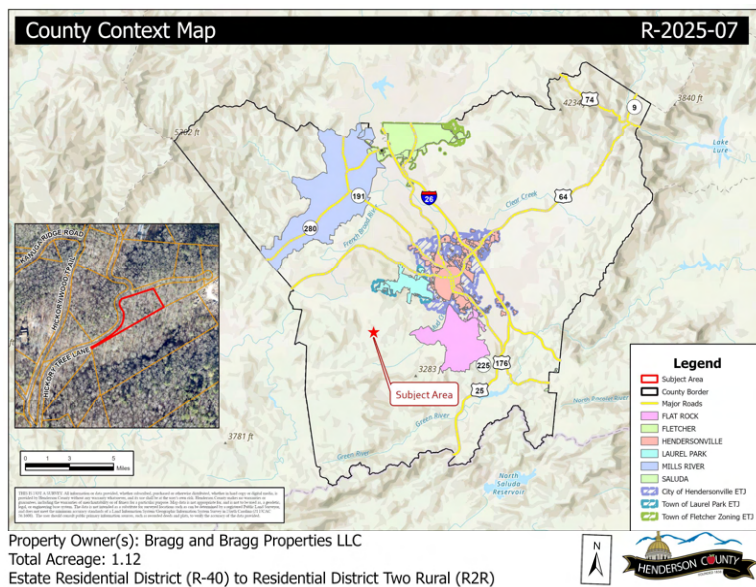
REZONING APPLICATION: R-2025-07

Board of Commissioners • August 4, 2025 • 5:30 PM

Henderson County Planning Department

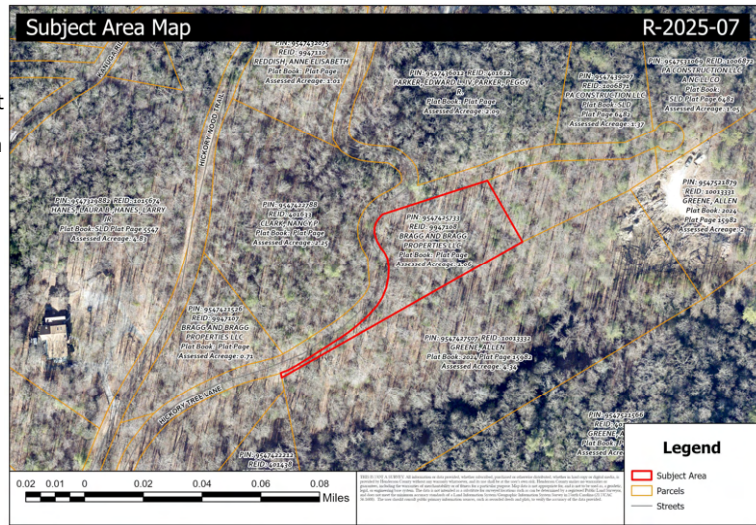
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- This zoning map amendment is for PIN: 9547-42-5733 (hereafter the subject area) with access from Hickory Tree Lane off Kanuga Ridge Road.
- The parcel is 1.12 acres.
- Zoned Estate Residential District.



2

- Rezoning Application R-2025-07, submitted on June 8, 2025, requests that the County rezone the subject area from Estate Residential District (R-40) to Residential District Two Rural (R2R).
- The property owner and applicant is Bragg and Bragg Properties LLC
- On July 15, 2025, the Technical Review Committee motioned to forward the application to the Planning Board for its review and recommendation.
- On July 17, 2025, the Planning Board voted unanimously to recommend the rezoning application.



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R-40 Minimum lot Area: 40,000 sq ft

Residential Uses (Single-family and multi-section manufactured homes)

Church

Accessory Structures (excluding ADU)

Schools and Civic Buildings

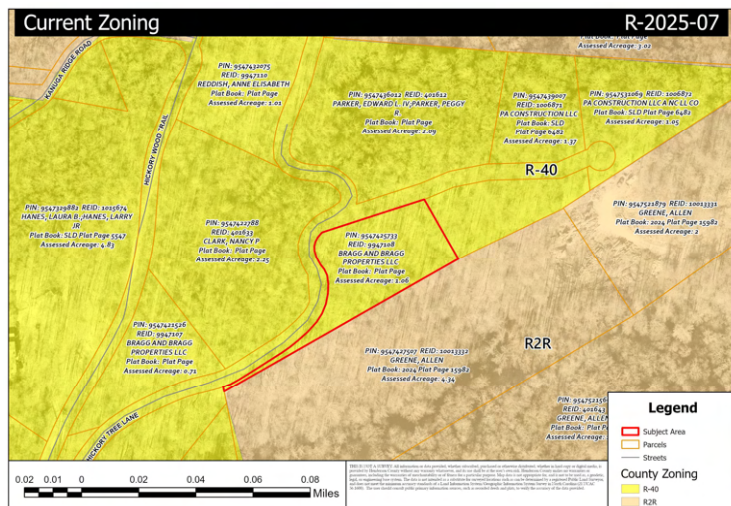
R2R Standard density: 1 unit per acre

Residential Uses (Single-family, two-family, and accessory dwellings by right. Multifamily and Adult Care Homes with special use)

Accessory structures (Garage, Greenhouse, Carport, Storage Shed, etc.)

Accessory Uses (Home occupation, home school, dumpster, solar panels)

Educational Uses (Religious institutions, schools, childcare)



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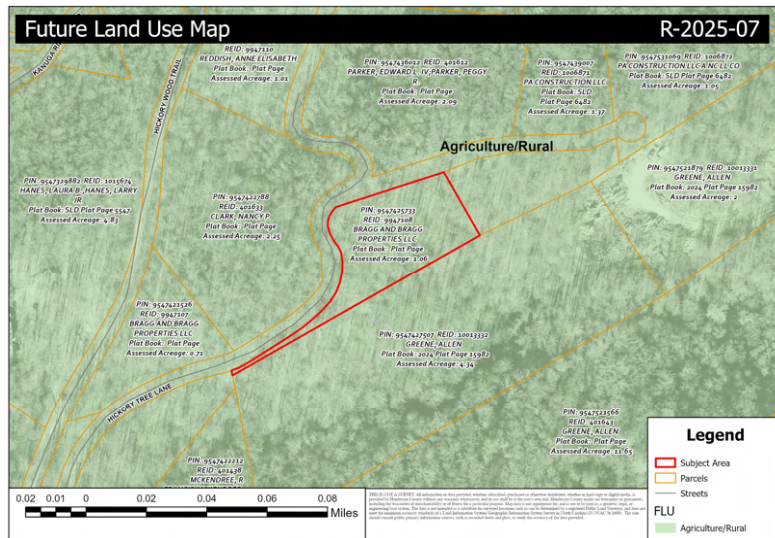
Agriculture/Rural

Agriculture/Rural areas are important for their ability to support diverse agricultural activities. Development in these areas should be uses that do not interfere with agricultural production or drastically change the rural landscape. (Pt. 2, pg. 43).

Where: In and around concentrations of working agricultural lands. Also includes areas in and around conservation areas, steep mountain ridges, and on the edges of the County

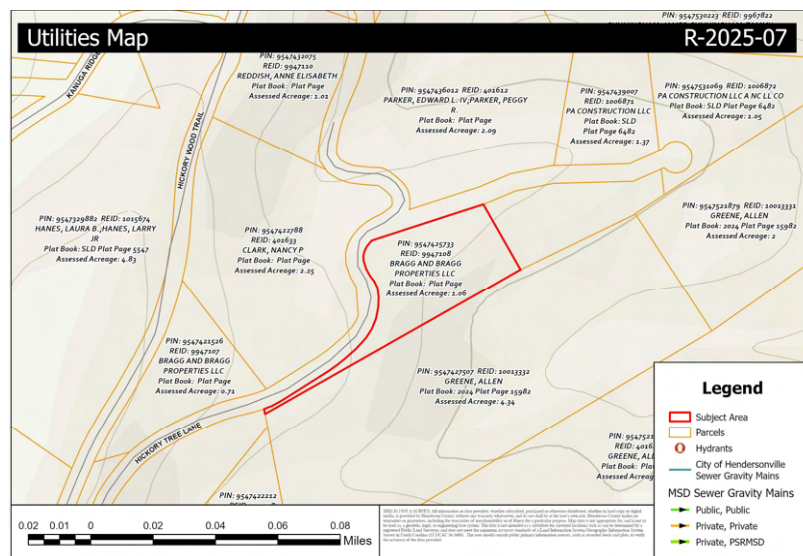
Density: The majority of the areas will have a maximum allowable density of one unit per acre

Uses: Forestry, very low-density single-family residential, outdoor recreation/tourism, and agriculture of all types



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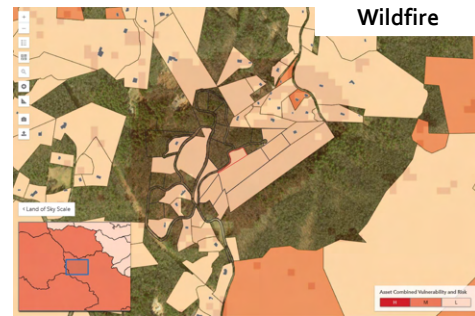
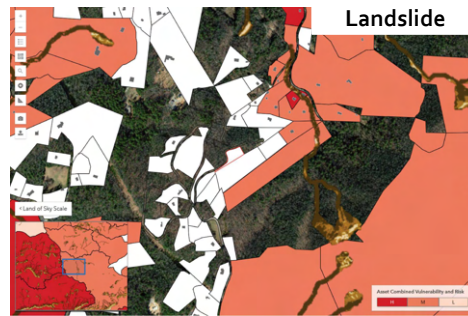
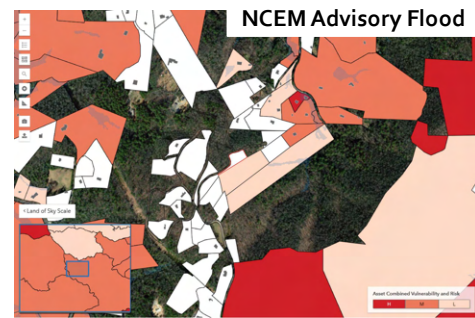
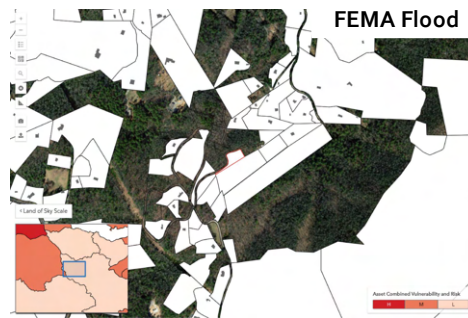
The subject area does not have access to the City of Hendersonville sewer or water.



6

**AccelAdapt
Land of Sky
Resilience
Assessment Tool**

The subject area
has a low risk of
wildfires and
minimal risk of
flooding and
landslides.



7

Thank you!

Questions?

Rezoning Application: R-2025-07



Henderson County Planning Department

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