

REQUEST FOR BOARD ACTION

HENDERSON COUNTY

Technical Review Committee

MEETING DATE: June 18th TRC & June 26th ZBA

SUBJECT: Special Use Permit for Outdoor Storage

PRESENTER: Toby Linville, Code Enforcement Services Director

ATTACHMENTS:

1. Staff Report
2. Photographs
3. Site Plan

SUMMARY OF REQUEST:

Major site plan review and special use permit for Outdoor Storage

Suggested Motion:

I move to approve the major site plan for Gagnon Outdoor Storage

I recommend forwarding SUP-19-06 to the Henderson County Zoning Board of Adjustment for further review.

In order to grant a special use permit the use must:

- 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.



Henderson County, North Carolina Code Enforcement Services

1. Board Request

- 1.1. **Applicant:** Roger Gagnon
- 1.2. **Request:** Outdoor Storage >5000sqft
- 1.3. **PIN:** 9650886117
- 1.4. **Size:** .57 acres +/-
- 1.5. **Location:** The subject area is located at 3661 Asheville Hwy
- 1.6. **Supplemental Requirements:**

SR 2.10. Outdoor Storage greater than 5,000 square feet

- (1) Locational Requirements. Storage areas shall not be placed in a *front yard*.
- (2) Screening. Screen Class Three (3) or Four (4) shall be provided consistent with the requirements of §42-182 (Screen Classification).

C. Screen Class Three (3). A fence or wall constructed with a minimum height of six (6) feet, that is at least 75 percent *opaque*, where all spaces are evenly distributed, and with the finished side of the fence facing the adjacent property or *road*. Fences longer than 20 linear feet shall be landscaped with: a row of *shrubs* spaced a maximum of ten (10) feet apart, or a row of *evergreen trees* planted no more than 15 feet apart (see Figure 5D).

Map A: Aerial Photo/Pictometry



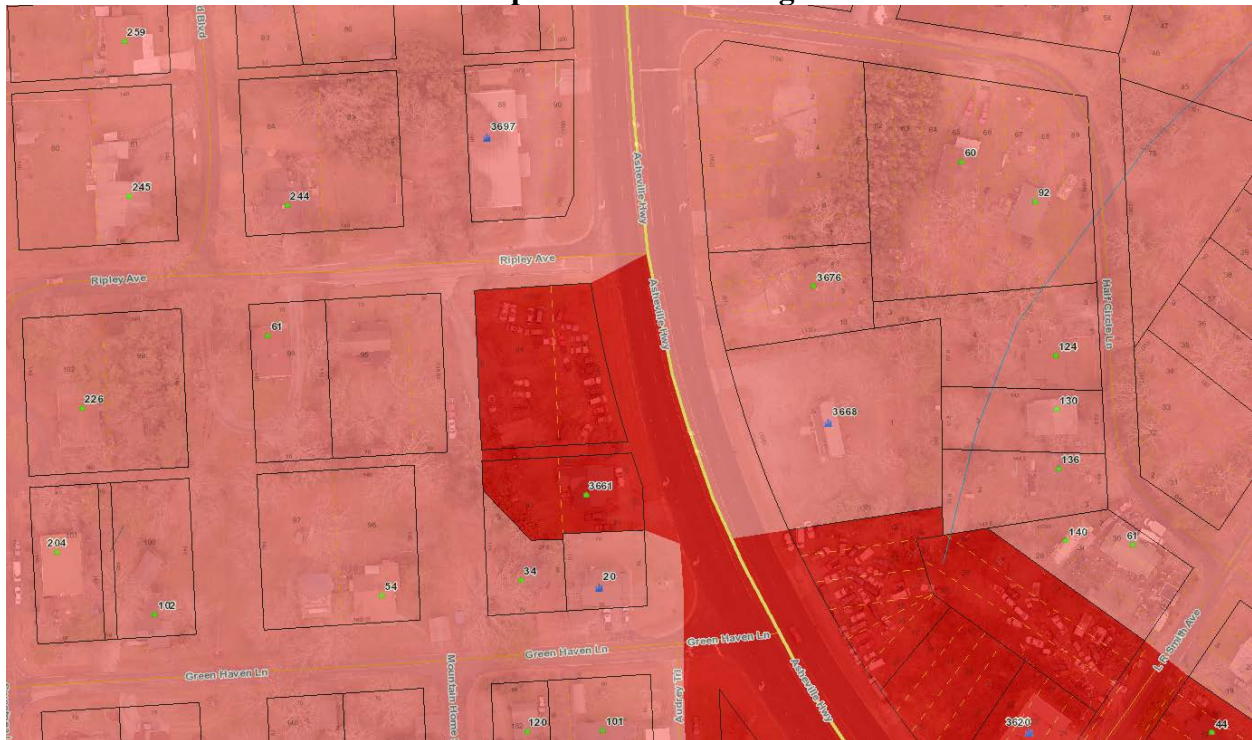
2. Current Conditions

2.1 Current Use: This parcel is currently used for automotive detailing.

2.2 Adjacent Area Uses: The surrounding properties consist of residential and commercial uses.

2.3 Zoning: The surrounding property is zoned Residential Two Rural (R2R) and Local Commercial (LC).

Map B: Current Zoning



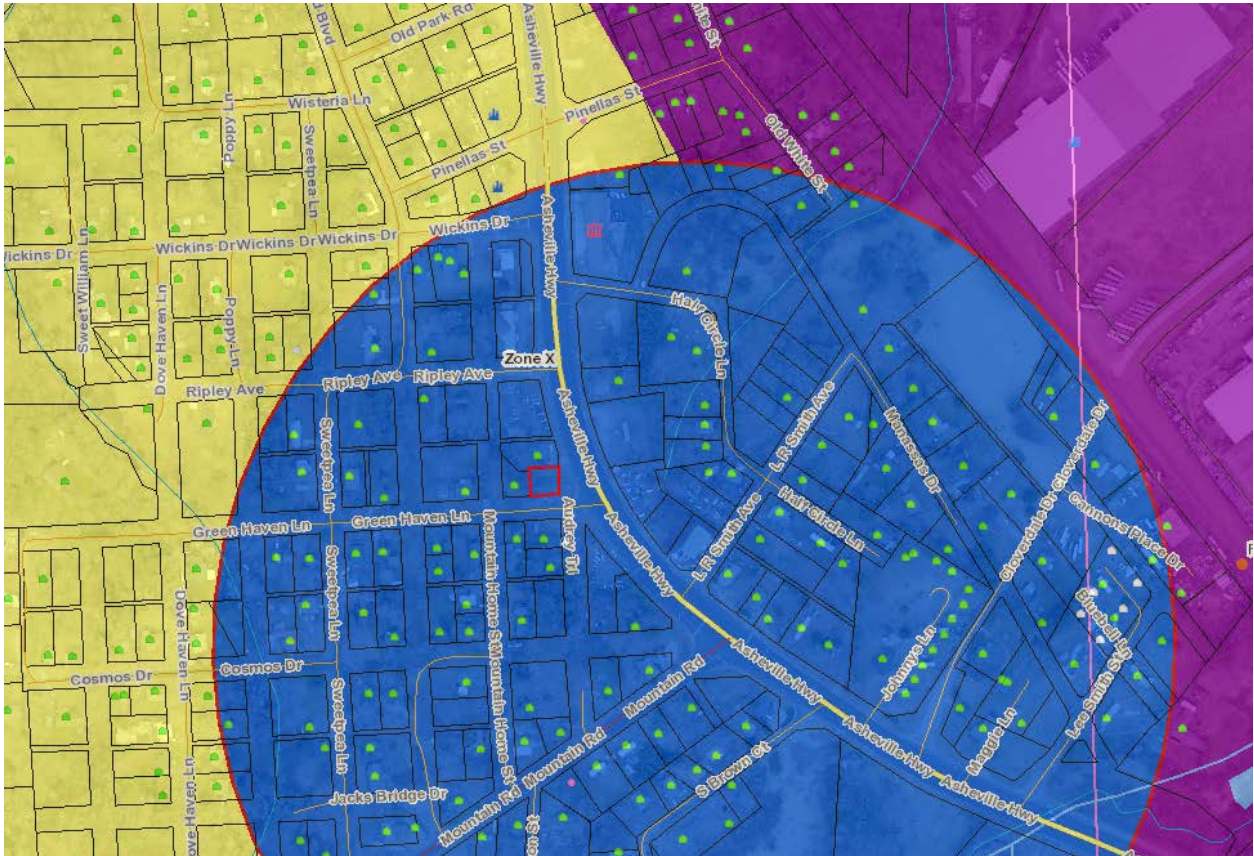
3. Floodplain /Watershed Protection The property is not located in a Special Flood Hazard Area. The property is not in a Water Supply Watershed district.

4. Water and Sewer Public water and septic system serve this property.

Public Water: City of Hendersonville

Public Sewer: n/a

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 Community Service Center. The text and map of the 2020 CCP suggest that the Subject Area would be more suitable for the following:

Community Service Centers are intended to be intensive, efficient, defined concentrations of mixed services that meet the needs of the surrounding community and defined service areas. Community Service Centers are appropriate for a mixture of commercial uses scaled to the service area in question; residential uses of varying densities depending upon available services; and Community Facilities such as schools, parks, community centers, and other similar Community Facilities. The mixture and intensity of land uses contained within Community Service Centers are intended to be appropriate within the context of the surrounding community and intended service area. Community Service Centers should also be properly controlled by appropriate aesthetic standards, access management standards, and other appropriate development control measures.

6. Staff Recommendations

Staff's position at this time, under the guidelines of current plans, policies and studies, is to recommend approval of the major site plan because it is consistent with the current surrounding land uses and future land use recommendations.

7. Photographs



**HENDERSON COUNTY
MAJOR SITE PLAN REVIEW APPLICATION**

CONTACT INFORMATION

Property Owner:

Name: Roger Gagnon Phone: 808-2253
Complete Address: 2107 Asheville Hwy Hendersonville 28791

Applicant:

Name: _____ Phone: _____
Complete Address: _____

Agent:

Name: _____ Phone: _____
Complete Address: _____
Agent Form (Circle One): ☐ Yes ☐ No

Plan Preparer:

Name: Joshua Edwards Phone: 859-5390
Complete Address: josh.butter Associates@gmail.com

GENERAL INFORMATION

Date of Application: 5/31/19
Site Plan Attached (Circle One): ☒ Yes ☐ No

PARCEL INFORMATION

PIN: <u>9650886117</u>	Tract Size (Acres): <u>.57</u>
Zoning District: <u>CC</u>	Fire District: <u>MHFD</u>
Supplemental Requirement# <u>2.10</u>	Watershed: <u>N</u>
Permitted by Right _____	Floodplain: <u>N</u>
Special Use Permit <u>Y</u>	

Location / Property to be developed: 3661 Asheville Hwy

County Use Only

Fee: \$ _____ Paid: _____ Method: _____ Received by: _____

APPLICATION IDENTIFICATION		N.C. DEPARTMENT OF TRANSPORTATION	
Driveway Permit No.	Date of Application	STREET AND DRIVEWAY ACCESS PERMIT APPLICATION	
County:			
Development Name:			
LOCATION OF PROPERTY:			
Route/Road: <u>3661 ASHEVILLE Hwy</u>			
Exact Distance	<input type="checkbox"/> Miles <input type="checkbox"/> Feet	<div style="display: flex; justify-content: space-around;"> NSEW </div> <div style="display: flex; justify-content: space-around;"> <input type="checkbox"/><input type="checkbox"/><input type="checkbox"/><input type="checkbox"/> </div>	
From the Intersection of Route No. <u>Hwy 25</u> and Route No. <u>State St</u> Toward _____			
Property Will Be Used For: <input type="checkbox"/> Residential /Subdivision <input type="checkbox"/> Commercial <input type="checkbox"/> Educational Facilities <input type="checkbox"/> TND <input type="checkbox"/> Emergency Services <input type="checkbox"/> Other			
Property: <input type="checkbox"/> is <input type="checkbox"/> is not within _____ City Zoning Area.			
AGREEMENT			
<ul style="list-style-type: none"> I, the undersigned property owner, request access and permission to construct driveway(s) or street(s) on public right-of-way at the above location. I agree to construct and maintain driveway(s) or street entrance(s) in absolute conformance with the current "Policy on Street and Driveway Access to North Carolina Highways" as adopted by the North Carolina Department of Transportation. I agree that no signs or objects will be placed on or over the public right-of-way other than those approved by NCDOT. I agree that the driveway(s) or street(s) will be constructed as shown on the attached plans. I agree that that driveway(s) or street(s) as used in this agreement include any approach tapers, storage lanes or speed change lanes as deemed necessary. I agree that if any future improvements to the roadway become necessary, the portion of driveway(s) or street(s) located on public right-of-way will be considered the property of the North Carolina Department of Transportation, and I will not be entitled to reimbursement or have any claim for present expenditures for driveway or street construction. I agree that this permit becomes void if construction of driveway(s) or street(s) is not completed within the time specified by the "Policy on Street and Driveway Access to North Carolina Highways". I agree to pay a \$50 construction inspection fee. Make checks payable to NCDOT. This fee will be reimbursed if application is denied. I agree to construct and maintain the driveway(s) or street(s) in a safe manner so as not to interfere with or endanger the public travel. I agree to provide during construction proper signs, signal lights, flaggers and other warning devices for the protection of traffic in conformance with the current "Manual on Uniform Traffic Control Devices for Streets and Highways" and Amendments or Supplements thereto. Information as to the above rules and regulations may be obtained from the District Engineer. I agree to indemnify and save harmless the North Carolina Department of Transportation from all damages and claims for damage that may arise by reason of this construction. I agree that the North Carolina Department of Transportation will assume no responsibility for any damages that may be caused to such facilities, within the highway right-of-way limits, in carrying out its construction. I agree to provide a Performance and Indemnity Bond in the amount specified by the Division of Highways for any construction proposed on the State Highway system. The granting of this permit is subject to the regulatory powers of the NC Department of Transportation as provided by law and as set forth in the N.C. Policy on Driveways and shall not be construed as a contract access point. I AGREE TO NOTIFY THE DISTRICT ENGINEER WHEN THE PROPOSED WORK BEGINS AND WHEN IT IS COMPLETED. 			

2004-01
NOTE: Submit Four Copies of Application to Local District Engineer, N.C. Department of Transportation
TEB 65-04rev.

61-03419

SIGNATURES OF APPLICANT

PROPERTY OWNER (APPLICANT)		WITNESS	
COMPANY	X <u>BOBBY L. GAGNON</u>	NAME	X
SIGNATURE	<u>[Signature]</u>	SIGNATURE	
ADDRESS	X <u>3661 ASHEVILLE HWY</u>	ADDRESS	X
X	Phone No. <u>X 808-2233</u>	X	

AUTHORIZED AGENT		WITNESS	
COMPANY		NAME	
SIGNATURE		SIGNATURE	
ADDRESS		ADDRESS	
	Phone No. _____		

APPROVALS

APPLICATION RECEIVED BY DISTRICT ENGINEER

SIGNATURE DATE

APPLICATION APPROVED BY LOCAL GOVERNMENTAL AUTHORITY (when required)

SIGNATURE TITLE DATE

APPLICATION APPROVED BY DISTRICT ENGINEER

SIGNATURE DATE

INSPECTION BY NCDOT

SIGNATURE TITLE DATE

COMMENTS:

Application No. SUP-19-06

**HENDERSON COUNTY
SPECIAL USE PERMIT APPLICATION FORM**

GENERAL INFORMATION

Date of Application: 5/31/19

Previously Submitted (Circle One): Yes (No)

Date of Pre-Application Conference: _____

Site Plan Attached (Circle One): (Yes) No

Traffic Impact Study Required (Circle One): Yes (No)

SPECIAL USE PERMIT INFORMATION

Type of use to be permitted: OUTDOOR STORAGE SR #: 2.10

Existing Structures or Uses on property: AUTO DETAILING

Road System (Circle): (Public) Private

Water System (Circle): Individual Community (Public) (Municipal or County)

Sewer System (Circle): (Individual) Community Public (Municipal or County)

SITE PLAN REQUIREMENTS

If a minor or major site plan is not specifically required, the applicant shall submit a site plan with the following items:

- Dimensions of property.
- Location of existing and proposed structures (including accessory structures), and general use thereof.
- Setbacks of existing and proposed structures from property lines and edge of right-of-way for roads (from centerline of roads for uses located in the R-40, WR, or SW districts).
- Separation of existing and proposed structures from one another.
- Parking and off/on loading areas
- Location of signs (including sign dimensions, height, type of material, lighting).
- Location and dimensions of existing and proposed roads / driveways and their entrance/exits.
- Location of dumpsters.
- Location and general description of any fences, landscaping or other buffering (proposed or existing).

Site plan not to exceed 11 X 17 size. Anything submitted larger than 11 X 17, the applicant must provide 12 copies with the application form.

PARCEL INFORMATION

PIN: 9650886117 Deed Book/Page: 3046/706 Tract Size (Acres): .57

Zoning District: CC Fire District: MHFD Watershed: N Floodplain: N

Location of property to be developed: 3661 Asherville Hwy

CONTACT INFORMATION

Property Owner:

Name: ROGER GAGNON Phone: 808-2233

Address: 2107 Asherville Hwy City, State, and Zip: Hendersonville NC 28784

Applicant:

Name: _____ Phone: _____

Address: _____ City, State, and Zip: _____ Application No. _____
Agent:
Name: _____ Phone: _____
Address: _____ City, State, and Zip: _____
Agent Form (Circle One): Yes No

Plan Preparer:

Name: Joshua Edwards Phone: 857-5350
Address: josh.edwards@smail.com City, State, and Zip: _____

STANDARDS FOR REVIEW

The Land Development Code imposes the following GENERAL REQUIREMENTS on the use requested by the applicant. Under each requirement, the applicant should explain, where applicable, how the proposed use satisfies these requirements:

- A. General Requirement #1: The use will not materially endanger the public health, safety or welfare:

Surrounded by Asheville Hwy & motor vehicle sales

- B. General Requirement #2. The use will not substantially injure the value of property or improvements in the area.

Similiar use

- C. General Requirement #3. The use will be in harmony with the surrounding area.

Yes

The Land Development Code also imposes the following SPECIFIC REQUIREMENTS on the use requested by the applicant. The applicant should be prepared to demonstrate that satisfactory provisions have been made for the following, where applicable.

The proposed use shall be located and developed in such a manner as to:

- a. Comply with all applicable local, state and federal statutes, ordinance and regulations.

Yes

- 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.

Yes

Application No. _____

- 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.

Yes

- 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.

Yes

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).

Yes

- b. Off-street parking and loading areas.

Yes

- c. Utilities (with particular reference to locations, availability and compatibility).

Yes

- d. Buffering and landscaping (with particular reference to type, location and dimensions).

Yes

- e. Structures (with particular reference to location, size and use).

Yes

I certify that the information shown above is true and accurate and is in conformance with the Land Development regulations of Henderson County.

ROGER L. GAGNON

Print Applicant (Owner or Agent)

Signature Applicant (Owner or Agent)

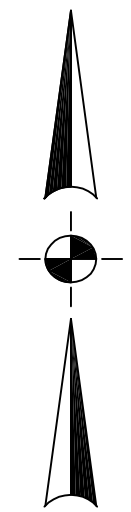
Date

County Use Only

Fee: \$ _____ Paid: _____ Method: _____ Received by: _____

Authority to grant the requested permit is contained in the Land Development Code, Sections: _____

Community Planning Area: _____



NORTH ARROW BASED ON
DEED BOOK 1494, PAGE 458
HENDERSON COUNTY REGISTRY.

NOTES:
THIS PARCEL IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
NO TITLE SEARCH PERFORMED BY BUTLER ASSOCIATES.
BEING A PORTION OF LOTS 91, 92, 93 AND ALL OF LOT 94 PLAT BOOK 3 PAGE 117.
SEE NCDOT PLAT DATED 11-06-07 AND REVISED 12-17-07.
PSD 248-07-R
TIP R-2214A
WBS 34389.1.1
PAR 66

Listed To: GAGNON, ROGER L
Physical Address: 3661 ASHEVILLE HWY
REID: 1018174
PIN: 9650886117
Plat: Not Available
Deed: 3046/706
Date Recorded: 2017/04/28
Municipality: UNINCORPORATED
Mailing Address: 2107 ASHEVILLE HWY
Mailing City: HENDERSONVILLE
Mailing State: NC
Mailing Zip Code: 28791

ZONING: COMMUNITY COMMERCIAL DISTRICT (CC)
Table 2.8. CC Density and Dimensional Requirements
(1) Residential Density (units/acre) 16
Maximum Impervious Surface (%) 80
(4) Maximum Floor Area (sq ft) 80,000 or 30,000
(4) Yard Setbacks (feet) Front or ROW Local 10
Collector 10
Thoroughfare 20
Boulevard 30
Expressway 40
Freeway 45
Side 10
Rear 10
(5) Maximum Height (feet) 50

LEGEND:
NIR - NEW IRON ROD
CM - CONCRETE MONUMENT
EIP - EXISTING IRON PIPE
EIR - EXISTING IRON ROD
⊕ - UTILITY POLE
⚡ - FIRE HYDRANT
☀ - AREA LIGHT
⚪ - WELL/WATER METER
----- DRIVE/ROAD
----- ADJOINING BOUNDARY LINE
----- R/W
- - - - - OVERHEAD UTILITIES
===== BOUNDARY LINE
// // // STORAGE AREA

NOTE:
THIS PROPERTY IS NOT
LOCATED IN A SPECIAL FLOOD
HAZARD AS DETERMINED BY THE
FEDERAL INSURANCE RATE MAP OF
NORTH CAROLINA.

NC FIRM LICENSE NO. P-1922
RATIO OF PRECISION: 1:10,000
D-158-59

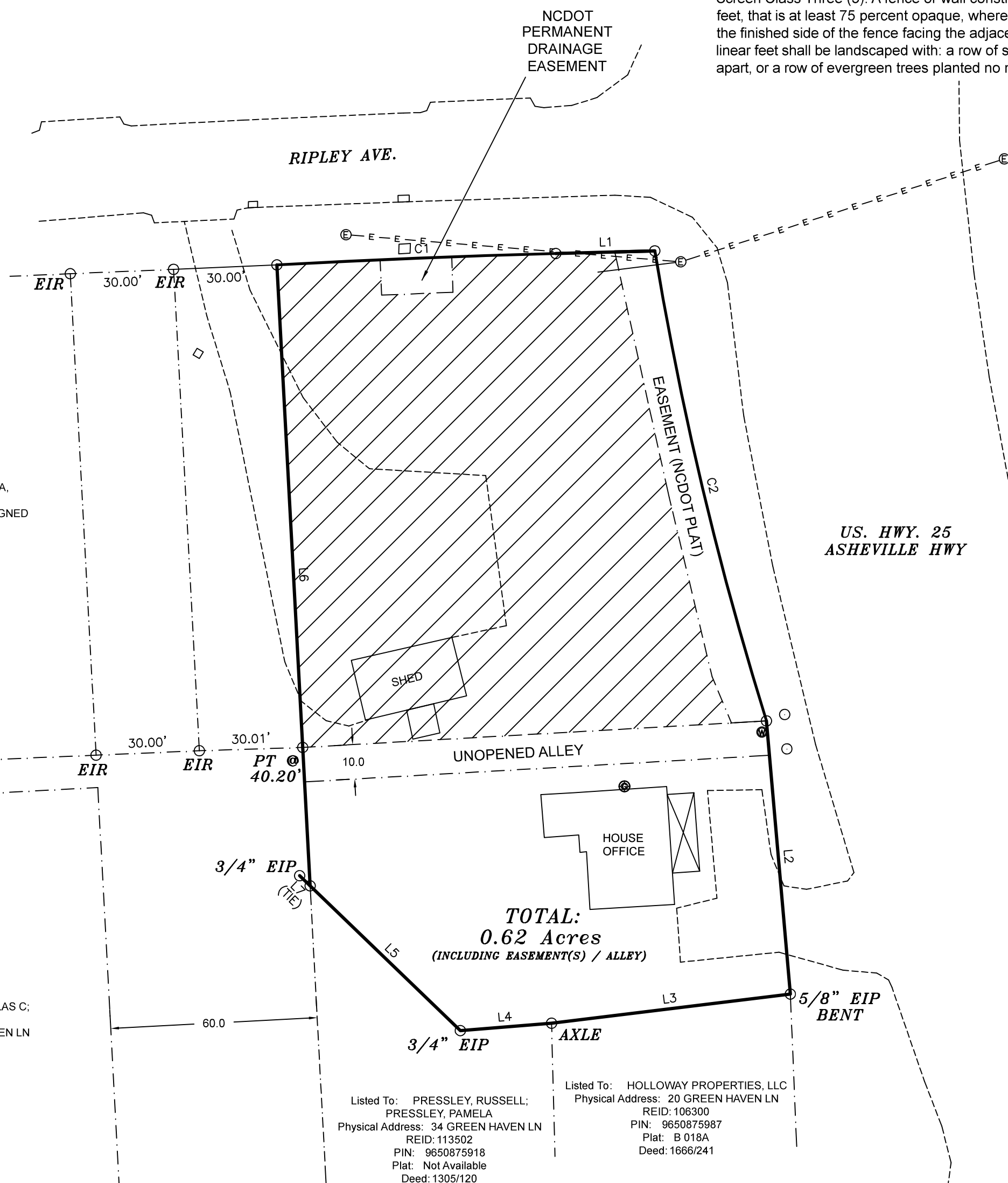
Listed To: LORNTZ, JOHN; ACOSTA,
MARIBEL MILKES
Physical Address: 0 NO ADDRESS ASSIGNED
REID: 100159
PIN: 9650883186
Plat: Not Available
Deed: 1456/304

Listed To: STRICKLAND, DOUGLAS C;
STRICKLAND, DEBORA D
Physical Address: 54 GREEN HAVEN LN
REID: 116270
PIN: 9650883051
Plat: Not Available
Deed: 848/440

Listed To: PRESSLEY, RUSSELL;
PRESSLEY, PAMELA
Physical Address: 34 GREEN HAVEN LN
REID: 113502
PIN: 9650875918
Plat: Not Available
Deed: 1305/120

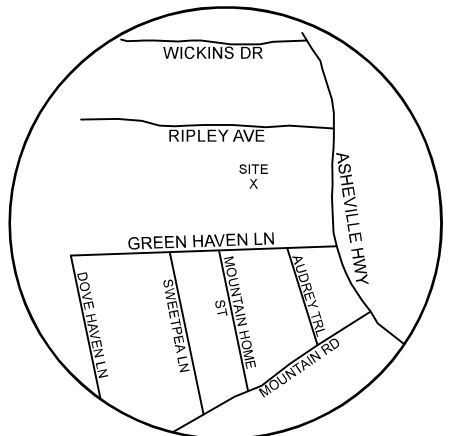
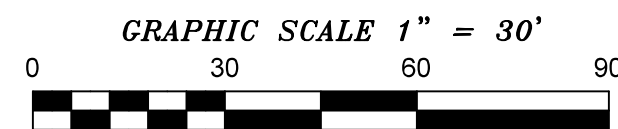
Listed To: HOLLOWAY PROPERTIES, LLC
Physical Address: 20 GREEN HAVEN LN
REID: 106300
PIN: 9650875987
Plat: B 018A
Deed: 1666/241

LINE	BEARING	DISTANCE
L1	N 88°28'43" E	28.74'
L2	S 04°59'47" E	79.52'
L3	S 83°02'13" W	69.80'
L4	S 85°22'42" W	26.57'
L5	N 46°03'55" W	60.52'
L6	N 03°04'04" W	180.35'
L7	N 46°03'55" W	4.22'



SITE PLAN FOR
ROGER L. GAGNON
HENDERSONVILLE TWP., HENDERSON CO., NO. CAR.
LEGAL REFERENCE: DB. 3046-706
APRIL 1, 2019
BUTLER ASSOCIATES
LAND SURVEYING, PLLC.
28 NORTH TRADE ST.
TRYON, NC 28782
828-859-5390
NC FIRM NO. P-1922

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	81.01'	2834.79'	1°38'15"	N 87°39'31" E	81.01'
C2	140.24'	1009.93'	7°57'23"	S 13°22'05" E	140.13'



VICINITY MAP
(NOT TO SCALE)

REVIEW OFFICER CERTIFICATION

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

I, _____, REVIEW OFFICER OF
HENDERSON COUNTY, CERTIFY THAT THE MAP OR PLAT
TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL
STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER

DATE

STATE OF NORTH CAROLINA

HENDERSON COUNTY
OFFICE OF REGISTER OF DEEDS
FILED FOR RECORD THIS THE ____ DAY OF
____, 20__ AT ____ O'CLOCK ____ M
AND DULY REGISTERED IN SAID OFFICE
CARD FILE ____ PAGE ____

REGISTER OF DEEDS

NOTE:
THIS SURVEY REPRESENTS AN EXISTING TAX LOT PARCEL AND
DOES NOT CREATE A NEW STREET OR CHANGE ANY EXISTING
STREET. G.S. 47-30 (F)(11)(C)(1).

STATE OF NORTH CAROLINA, HENDERSON COUNTY, I JOSHUA L. EDWARDS
CERTIFY THAT THIS MAP WAS (DRAWN UNDER MY SUPERVISION)
FROM (AN ACTUAL SURVEY MADE UNDER MY SUPERVISION)-DEED
DESCRIPTION RECORDED IN BOOK ____ PAGE ____
BOOK ____ PAGE ____ ETC., THAT THE RATIO OF PRECISION AS CALCULATED
BY LATITUDES AND DEPARTURES IS 1/10,000; THAT THE BOUNDARIES
NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION
FOUND IN BOOK ____ PAGE ____ THAT THIS MAP WAS PREPARED IN
ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY HAND AND SEAL
THIS ____ DAY OF _____, 2019.

SURVEYOR

L-5135
REG. NO.

TAX PIN:
9650886117

13445B