

**REQUEST FOR BOARD ACTION
HENDERSON COUNTY
Technical Review Committee**

MEETING DATE: TRC November 5th & ZBA November 19th

SUBJECT: Whalen Tiny Home Special Use Permit (SUP-24-08) for a Recreational Vehicle Park and Variance (V-24-03)

PRESENTER: Matt Champion, Zoning Administrator

ATTACHMENTS:

1. Staff Report
2. Oblique Photos
3. Site Plan & Applications

SUMMARY OF REQUEST:

Major site plan review for an RV park.

Suggested Motion:

I move to forward the special use permit application and variance application to the ZBA with conditions as discussed.



**Henderson County, North Carolina
Code Enforcement Services**

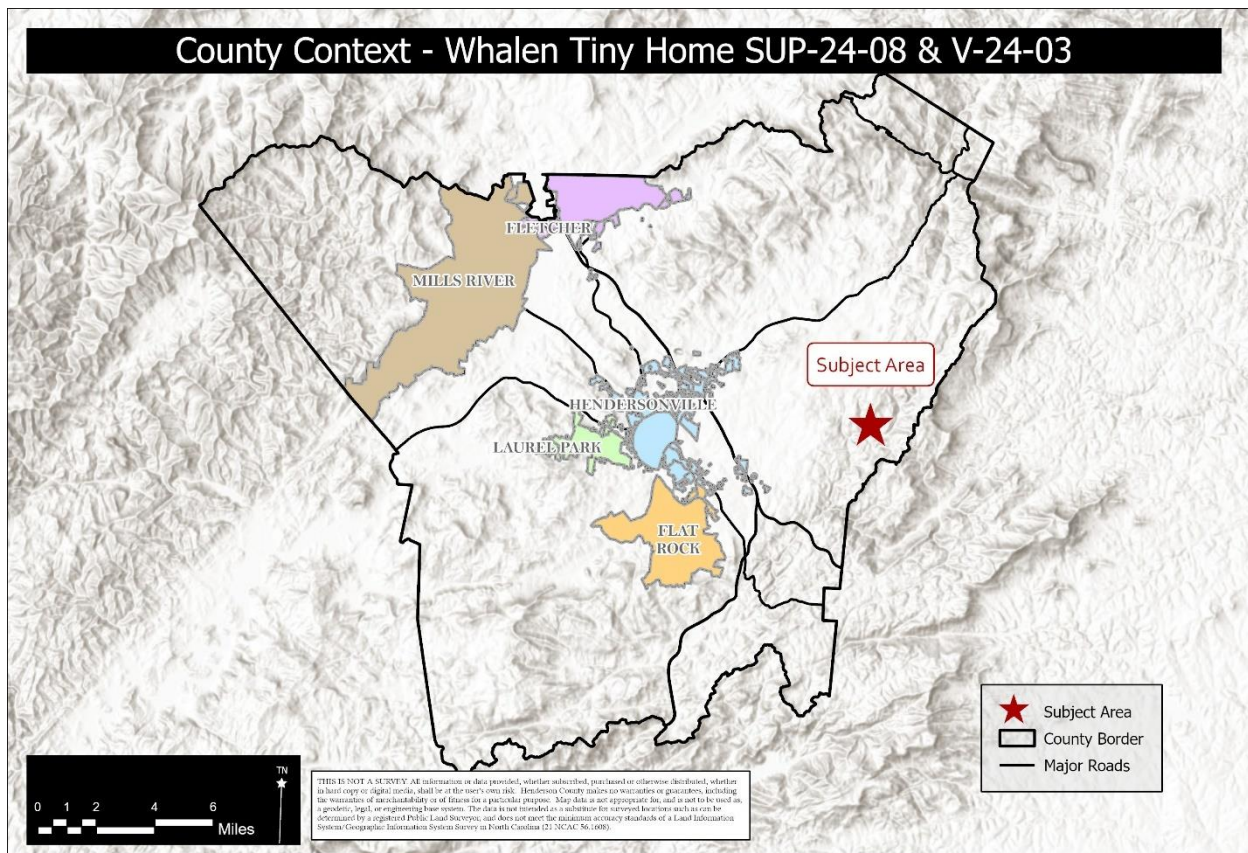
1. Board Request

- 1.1. **Applicant:** Treton Whalen
- 1.2. **Request:** Recreational Vehicle Park Special Use Permit & Variance
- 1.3. **PIN:** 0508-59-8548
- 1.4. **Size:** 1 acre +/-
- 1.5. **Location:** The subject area located at 534 Linbrook Trl
- 1.6. **Supplemental Requirements:**

SR 4.15. Recreational Vehicle Park

- (1) Site Plan. Major *Site Plan* required in accordance with §42-331 (Major Site Plan Review).
- (2) Lighting. *Lighting mitigation* required.
- (3) Perimeter Setback. Fifty (50) feet.
- (4) Recreational Vehicle Spaces. *Recreational vehicle* spaces shall be a minimum of 2,000 square feet and shall have dimensions no less than 40 feet by 50 feet. A *recreational vehicle* space may contain up to four (4) campsites for tent set-up. No *recreational vehicle* space is permitted in the 100-year *floodplain*.
- (5) Common Area. A *common area* shall be provided, that is equivalent in square footage to 25 percent the total square footage in: *recreational vehicle/park model home* spaces, *structures* on site, parking areas and *driveways*. *Common area* shall be accessible for the use and enjoyment of *recreational vehicle park* occupants, located as to be free of traffic hazards and maintained in good condition by the *applicant*.
- (6) Operations. The *recreational vehicle park*: a. Shall provide rental spaces: 1. For the location of *recreational vehicles*, *park model homes* and/or tent set-up, 2. Which may contain an open or covered porch not exceeding 15 feet in height and not to exceed 400 square feet in area, and 3. Which have no point of direct access not indicated on the *site plan*; a. May contain *structures* ancillary to the use; b. Shall be permitted one (1) store, exclusively for the sale of incidental gifts and foodstuffs; and c. shall provide, at the time of application, an evacuation plan for a natural disaster event.
- (7) Solid Waste Collection. The facility shall provide a suitable method of solid waste disposal and collection consisting of either private collection from individual *uses* or the *use* of dumpsters (installed and/or operated to meet all local and state statutes, ordinances and regulations (including Chapter 95 of the Henderson County Code, *Solid Waste*) and thereafter certified by the Department of Public Health). Where dumpsters are used, Screen Class One (1), Two (2) or Three (3) shall be provided consistent with the requirements of §42-182 (Screen Classification).
- (8) Sewage System. *Recreational vehicle/park model home* spaces shall not be provided individual hookups to a septic tank, *approved public or community sewage disposal system* or *municipal sewage disposal system*; instead, a central dump station shall be provided for the *use* of all occupants. A *recreational vehicle park* shall connect to a *municipal sewage disposal system* when the system is located within a distance equal to the product of 50 feet multiplied by the number of spaces proposed for the *recreational vehicle park*. If a *park* is located more than 2,500 feet from an existing *municipal sewage disposal system*, such connection shall not be required.
- (9) *Common Area Recreation and Service Facilities*. Those facilities within the *recreational vehicle park* shall be for the sole purpose of serving the overnight guests in the *park*, and shall adhere to the development standards established in SR 4.6 (*Common Area Recreation and Service Facilities*).

Map A: County Context



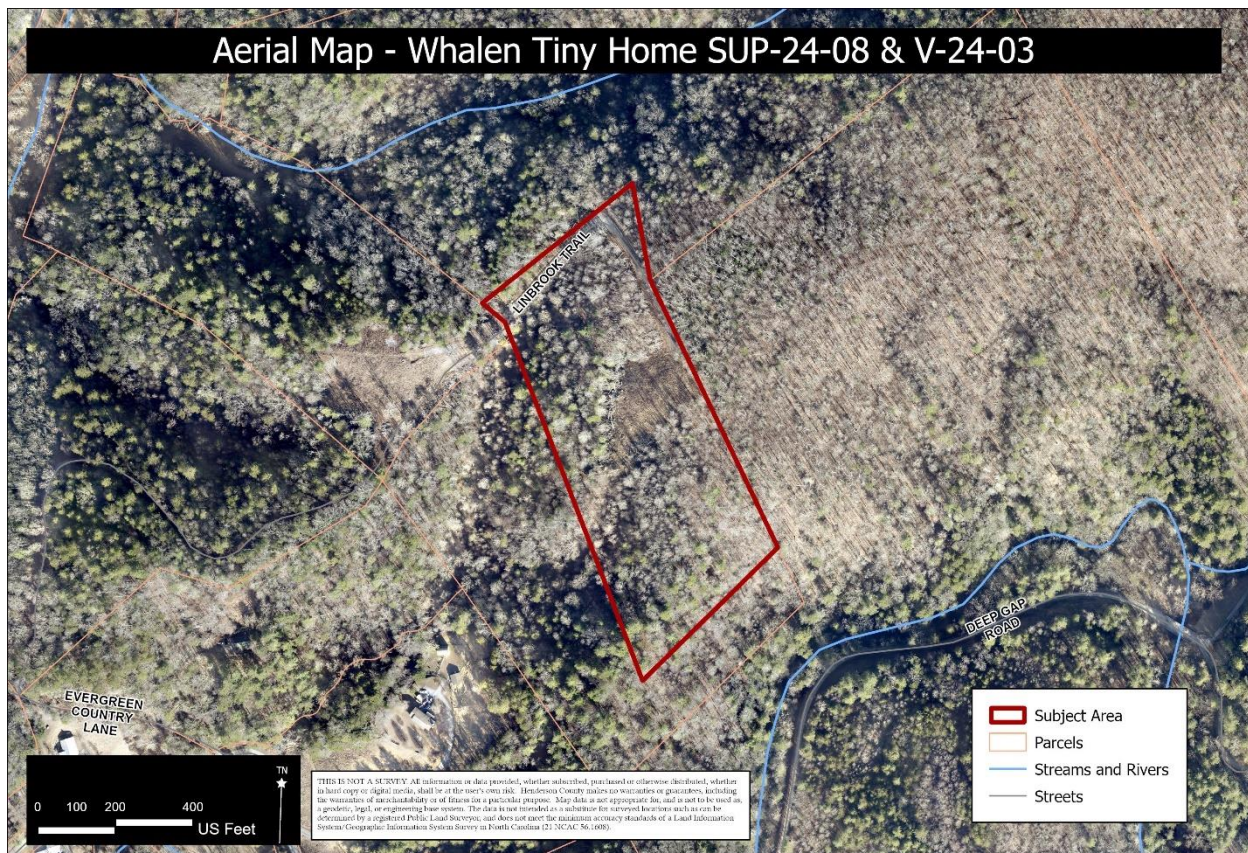
Property Owners/Applicants: Trenton Whalen & Courtney Whalen
 Project Acreage: 1 Acre out of 10 Acres Portion of PIN: 0508-59-8548
 Current Zoning: Residential Three (R3)



2. History & Characteristics:

- 2.1. **Current Property Owners:** The property is currently owned by Trenton Kenneth Whalen and Courtney Hale Whalen. The Whalen's purchased the property on the 30th of April 2024.
- 2.2. **Previous Property Owners:** The property was formally owned by Ann Daniel Lea.
- 2.3. **Natural Resources:**
 - 2.3.1. **Streams:** The subject area does not contain any surface water sources.
 - 2.3.2. **Slopes:** The subject area contains 0.42 acres of slopes between 0% to 16%, 1.23 acres of slopes between 16% to 25%, 7.64 acres of slopes between 25% to 60%, and 0.71 acres of slopes greater than 60%.

Map B: Aerial Map



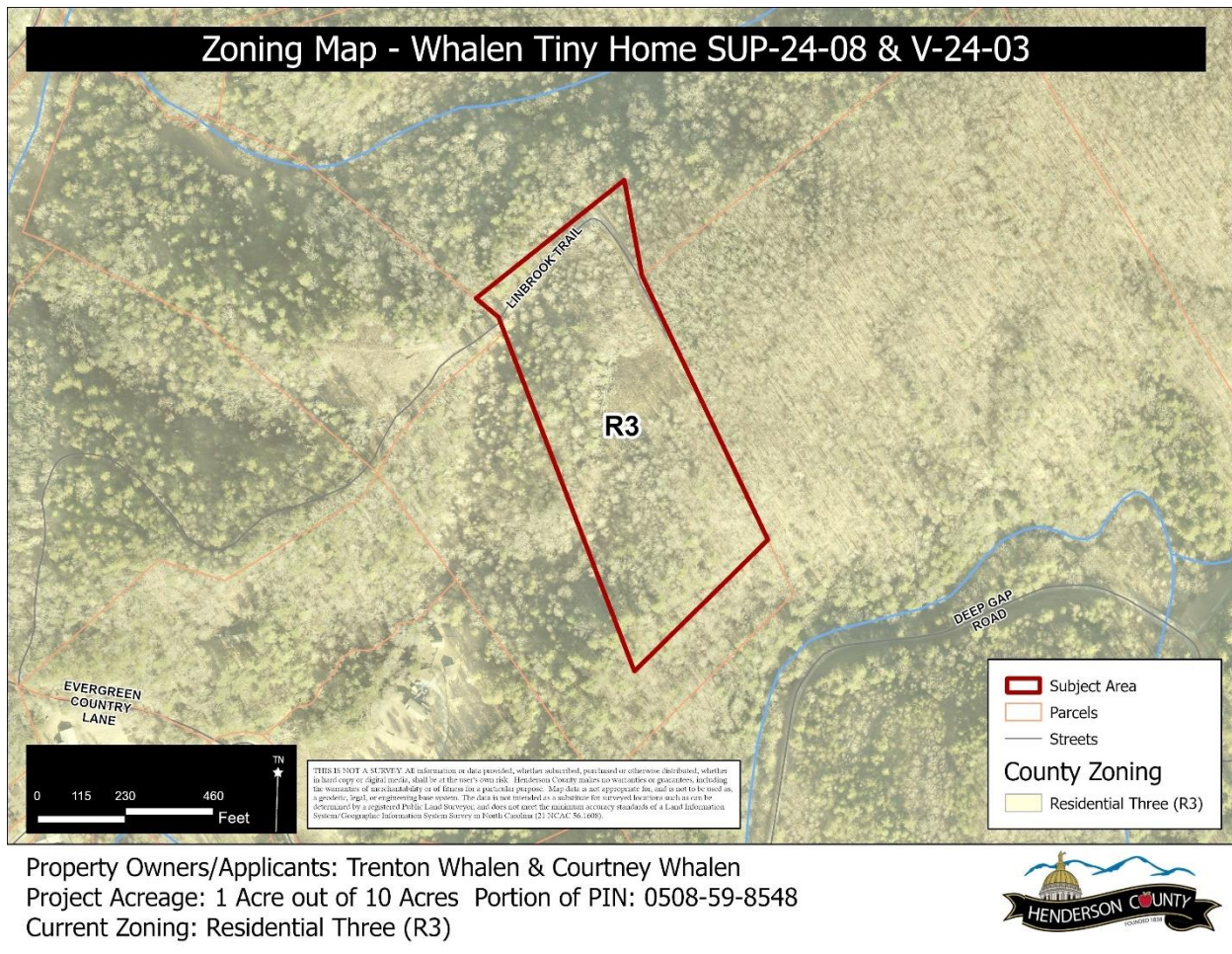
Property Owners/Applicants: Trenton Whalen & Courtney Whalen
 Project Acreage: 1 Acre out of 10 Acres Portion of PIN: 0508-59-8548
 Current Zoning: Residential Three (R3)



3. Current Conditions

- 3.1. **Current Use:** The property and subject area is currently vacant. There is a small clearing on the property not included in the application where the property owners plan to build a single-family stick-built structure. The subject area included in this application is heavily forested with direct access to the existing 30' private right-of-way named Linbrook Trail.
- 3.2. **Adjacent Area Uses:** The surrounding properties consist of residential structures and large vacant tracts that are heavily forested. The parcel to the northeast is owned by Hungry River, LLC and is approximately 2,059.89 acres in size. The remainder of the adjacent parcel are currently vacant and owned by Ann Daniel Lea.

Map C: Zoning Map



4. Existing Zoning

4.1. Subject Area Zoning: The subject area is currently zoned Residential Three (R3) by Henderson County.

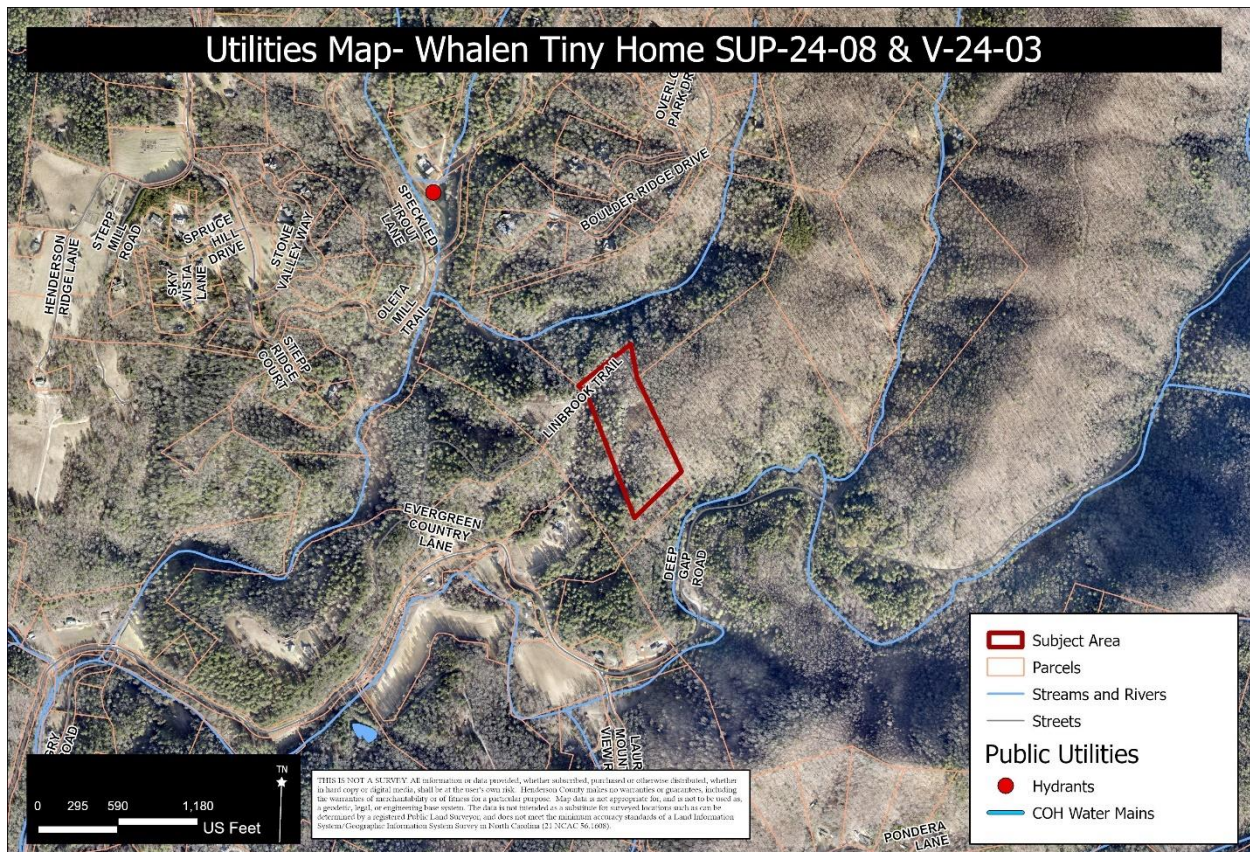
4.1.1. Residential Three (R3) Zoning District: The purpose of Residential District Three (R3) is to foster orderly growth where the *principal use* of land is low density residential. The intent of this district is to allow for *residential development* consistent with the recommendations of the *Comprehensive Plan*. This general *use district* is typically meant to be utilized outside areas designated as Utility Service Area (USA) in the *Comprehensive Plan*.

4.1.2. Surrounding Zoning: All the surrounding properties are also zoned Residential Three (R3).

5. Floodplain /Watershed Protection The subject area is not located within a Special Flood Hazard Area. The subject area is not located within a Water Supply Watershed district.

5.1. The subject area does not have any surface water sources.

Map E: Utilities Map



Property Owners/Applicants: Trenton Whalen & Courtney Whalen
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 Current Zoning: Residential Three (R3)



6. **Water and Sewer** The subject area is proposing the use of a private well and individual septic system to serve the future structure. No public utilities are found in the vicinity of the subject area.

Public Water: N/A

Public Sewer: N/A

Map F: 2045 Future Land Use Map



Property Owners/Applicants: Trenton Whalen & Courtney Whalen
 Project Acreage: 1 Acre out of 10 Acres Portion of PIN: 0508-59-8548
 Current Zoning: Residential Three (R3)



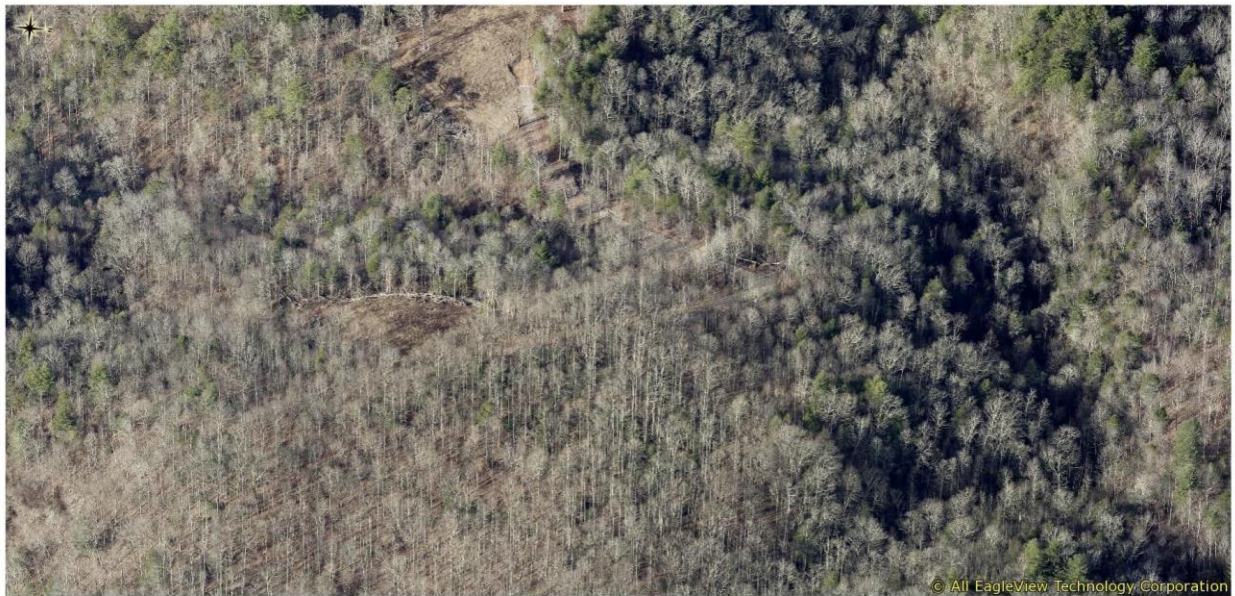
7. **The Henderson County 2045 Comprehensive Plan (2045 Plan):** The 2045 Plan Future Land Use Map places the subject area in the Agriculture/Rural character area.
- Agriculture/Rural Character Areas** are important for their ability to support diverse agricultural activities. Development in these areas should be uses that do not interfere with agricultural production or drastically change the rural landscape. There are also areas that are significantly constrained due to steep slopes, few road networks, and limited access to infrastructure including broadband and cellular service. Forestry management, agriculture, very low density residential, outdoor recreation, and tourism are expected uses in these areas. (2045 Plan Part 2 Page 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 and the environmentally sensitive areas will have a maximum allowable density of one unit per five acres (gross density)
 - Uses:** Forestry, very low-density single family residential, outdoor recreation/tourism, and agriculture of all types including row crops, orchards, greenhouses, production and distribution facilities, agritourism operations, and some rural businesses

8. Proposal

- 8.1. The applicant is proposing to cut off a 1-acre tract from the existing 10-acres to place a single tiny home/park model. The property owners plan on residing in the structure until their future home is built on the remaining 9-acre parent tract. The applicant has already permitted an individual septic system to serve the structure. The individual septic is the reason for the variance. The total area of disturbance is shown as 0.244 acres and total impervious surfaces post development is shown as 0.094 acres.

9. Oblique Photographs

View from East



View from North



01/08/2024

View from South



01/05/2024

View from West



01/05/2024

**HENDERSON COUNTY
MAJOR SITE PLAN REVIEW APPLICATION**

CONTACT INFORMATION

Property Owner:

Name: Trenton K Whalen Phone: 704-641-7770
Complete Address: 449 Union St S Concord, NC 28025

Applicant:

Name: Trenton K Whalen Phone: " "
Complete Address: " "

Agent:

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

Plan Preparer:

Name: _____ Phone: _____
Complete Address: _____

GENERAL INFORMATION

Date of Application: 9/13/2024
Site Plan Attached (Circle One): Yes No

PARCEL INFORMATION

PIN: 0508598548 Tract Size (Acres): 10
Zoning District: R3 - East Flat Rock Fire District: Dura Fire
Supplemental Requirement# _____ Watershed: N
Permitted by Right _____ Floodplain: N
Special Use Permit _____

Location / Property to be developed: 534 Linbrook Trail East Flat Rock, NC

County Use Only

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

- 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. We will have natural light other than required for safety. Should be aesthetically pleasing.

- 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.

Looking to do minimal disturbance to the area as the natural beauty is important to the site.

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).

Road developed to have best access to the property. Should Emergency vehicles be needed the road would support their needs.

- b. Off-street parking and loading areas.

Small tiny house and gravel areas for parking, ingress, and egress

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

Pump will be brought in after utilities set. Solar is an option but power will be underground to avoid poles.

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

Current trees seem sufficient but grass likely to be added as structures are placed and settled.

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

To be small and allow for outdoor enjoyment as best as possible

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

Treston K. Whalen
Print Applicant (Owner or Agent)

Treston K. Whalen
Signature Applicant (Owner or Agent)

9/13/2024
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: _____

MAJOR SITE PLAN STANDARDS

Major Site Plan Standards	
Title Block and Plan Details	
✓	Owner name, address and daytime phone and/or Applicant name, address, and daytime phone (if other than owner)
N/A	Firm or Individual preparing plan with name, address and telephone number (Should be prepared by a professional)
✓	Adjoining property owners names <i>Ann Lea</i>
✓	Vicinity map and phase map (if applicable)
✓	Date of plan and any revisions
✓	Scale written and graphic
✓	North arrow
✓	Zoning district(s) of subject area and adjacent properties
✓	Total number of proposed lots, units, rooms, structures and etc. for the proposed use of the property
✓	Total acreage of proposed subject area
✓	Proposed project density (units/acres), if applicable
✓	Square footage of proposed and existing buildings and structures <i>400 sq ft</i>
✓	Location and square footage of any outdoor storage
✓	Arrangement of all existing and proposed structures clearly labeled with front, side and rear of the property clearly indicated
✓	Setbacks for all structures clearly indicated
✓	City limits, fire tax district boundaries, zoning district, watershed districts and other jurisdiction lines, if any, on the tract
✓	Boundaries of the tract with bearings and distances
✓	Location, dimension and use(s) of all existing and proposed structures; distances between structures measured at the closest point; distance from structures to closest property lines
✓	Location, acreage and percentage or total property for all common area and/or open space
✓	Contour intervals of no greater than five (5) feet and labeling at least two (2) contours per map
✓	Proposed lot lines and footage, if applicable
✓	Length of road frontage
✓	Location and dimension of any proposed buffers
✓	Separation of proposed uses from nearest residential zoning districts (may be required based on proposed use)
Parking	
✓	Location and dimension of all parking areas (with paving/base to be met)
✓	Location and dimension of driveways, loading areas, off-street loading facilities, bikeways and pedestrian walkways
✓	Within parking areas clearly number each parking space and indicate required size (including handicap and van accessible spaces)

Major Site Plan Standards	
Landscaping	
✓	Location and dimension of any required street planting yards, interior planting yards, and parking lot planting yards
✓	Width and type of planting yards, walls, and berms
✓	Location of proposed plantings with a description of the species to be used
✓	Approximate height, species and method of tree protection (where existing vegetation is to be preserved)
✓	Location and dimension of dumpster/compactors and screening to be provided
✓	Location and angle of exterior lighting when lighting mitigation is required
Streets, Sidewalks and Bike Lanes	
✓	Location of existing roads (with type (public/private and width), right-of-way, easements, bridges, water features, culverts, utilities, structures)
✓	Location of proposed roads (with road classification, right-of-way, approximate finished grades, approximate curve radii, bridges and easements)
✓	Bridge design plans (if applicable)
✓	Length of proposed roads (total)
✓	Cross section of typical street for each proposed road classification used (private row corridor/collector/service/driveway) and/or cul-de-sac/alternative turnaround with an indication of design standards (right-of-way width, paving/base to be met, road width, shoulder width, cut and fill slope, ditch slope and vertical clearance).
✓	Proposed road names approved by the Henderson County Property Addressing Office ¹
✓	Existing/proposed sidewalks showing width and materials description (if applicable)
✓	Sidewalks adjacent to the site and potential connection points
✓	Proposed drainage improvements (designed according to NCDOT standards) including culvert locations, length, diameter (minimum 18 inches), type, and drainage easements
✓	Existing/proposed bike lanes showing width and a materials description
✓	Bike lanes adjacent to the site and potential connection points
✓	Driveways adjacent to the site and the distance between the site's drive and the existing drive. Also, show drives on the opposite side of the street from the site
✓	Label all adjoining streets

¹ The applicant should contact the Henderson County Property Addressing Office for road name approval. The Code Enforcement Services Department may verify this with the Property Addressing Office.

Major Site Plan Standards	
Water, Sewer and Solid Waste	
✓	Existing and proposed utility layout showing connection to existing system, proposed line sizes and direction of flow for sanitary sewer lines. Also, depict proposed public outfalls and service to adjacent properties
✓	Existing and proposed utility layout showing connection to existing system and proposed sizes for water distribution lines location of fire hydrants and fire department connection. Also, depict extensions to serve adjacent properties
Stream Buffer and Related Information	
✓	Location of all streams, drainageways and wetlands
✓	Indicate proposed location of stream crossing(s) showing the proposed grading and overall stream impact (includes culvert and outlet protection length)
Floodway/Floodplain Information	
✓	Identify any FEMA regulated floodway and floodplain on the property and note the 100-year Base Flood Elevation, as applicable
✓	If the site is located within a Special Flood Hazard Area (SFHA): (1) note the finished floor/floodproofing elevations of all structures, (2) note the percentage of structures in the floodway fringe, (3) note that no encroachment/development into FEMA-regulated floodway allowed, and (4) note any proposed fill
Stormwater Control Information	
✓	Indicate the type(s) of non-structural and/or structural stormwater control(s) that is/are proposed
✓	Location of the proposed stormwater controls and the location of the inlets and outlets to the controls
✓	Layout of stormwater control, grading, and significant components

Application No. _____

**HENDERSON COUNTY
VARIANCE APPLICATION FORM**

GENERAL INFORMATION

Date of Application: 9/13/2024
Previously Submitted (Circle One): Yes ☐ No ☒
Date of Pre-Application Conference: 8/30/2024
Site Plan Attached (Circle One): Yes ☒ No ☐

PARCEL INFORMATION

Property Address: 534 Linbrook Trail
PIN: 0508598548 Deed Book/Page: 4160/386 Acreage: 1 acre
Zoning District: _____ Fire District: Dana Watershed: N Floodplain: N
Driving Directions: Upward Road to R on Deep Gap to L on Evergreen Country Lane to Ben Linbrook Trail and go to the end.

REASON FOR VARIANCE Septic for Tiny Home designated as RV Park
FRONT SETBACK (feet/foot) _____
SIDE SETBACK (feet/foot) _____
REAR SETBACK (feet/foot) _____

PROPERTY OWNER CONTACT INFORMATION:

Name: Trenton K Whalen Phone: 704-641-7770
Address: 449 Union St S City, State, and Zip: Concord, NC 28025

Applicant:

Name: Trenton K Whalen Phone: 704-641-7770
Address: 449 Union St S City, State, and Zip: Concord, NC 28025

Agent:

Name: Trenton K Whalen Phone: 704-641-7770
Address: 449 Union St S City, State, and Zip: Concord, NC 28025

Agent Form (Circle One): Yes ☐ No ☐

Plan Preparer:

Name: _____ Phone: _____
Address: _____ City, State, and Zip: _____

SITE PLAN REQUIREMENTS

Site plan of property showing existing structures, natural features (i.e. streams, ponds, etc.) proposed building or addition and indicating distance from such to the edge of right-of-way (centerline for variance request in the R-40, WR, or SW districts) and to the side and rear lot lines, as applicable. **It is required that the site be staked or flagged. The Zoning Administrator will take photos of the site and the staked or flagged area. Show placement of well & septic system and drain field if applicable and distances from structures.**

NOTE: 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.

STANDARDS FOR REVIEW

The Zoning Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the state enabling act, the Board is required to reach the following conclusions as a prerequisite to the issuance of a variance. State facts and argument in support of each of the following:

SECTIONS A & D MUST BE ANSWERED BY APPLICANT OR AGENT

A. There are practical difficulties or unnecessary hardships in carrying out the strict letter of this Chapter, as demonstrated by:

1. The fact that, if the applicant complies with the literal terms of this Chapter, he/she cannot secure a reasonable return from, or make a reasonable use of, the property. (It is not sufficient that failure to grant the variance simply make the property less valuable.)

The site is planned to have 4 tiny homes it is our desire to have that home Attached to a septic rather than install an expensive dump station for a single structure that will likely never move. we feel this is best for the area and the slope of the property would not be conducive for a dump station.

2. The hardship of which the applicant complains results from unique circumstances related to the applicant's land. (Note: Hardships suffered by the applicant common with his neighbors do not justify a variance. Unique personal or family hardships are irrelevant since a variance, if granted, runs with the land.)

The land contains a slope that is suitable for septic but would provide significant challenges to adding a dump station. We are hoping to do what is best given the property. The neighbor Mrs. Lee is in support of the proposed placement of these structures as well.

3. The hardship is not the result of the applicants own action.

The lands natural contours are the result of natural events. None of these challenges were created by us.

B. The variance is in harmony with the general purpose and intent of the Land Development Code and will preserve its spirit. (State facts and arguments to show that the variance requested represents the least possible deviation from the letter of the ordinance that will allow a reasonable use of the land and that the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood.)

Yes, this will keep the site natural as possible and allow all that can see it to be pleased with the aesthetic

C. The variance will secure the public safety and welfare and will do substantial justice. (State facts and arguments to show that, on balance, if the variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the applicant.)

This variance will not affect public safety. It may benefit it by not having a public dumping site on this parcel.

Application No. _____

HENDERSON COUNTY
SPECIAL USE PERMIT APPLICATION FORM

GENERAL INFORMATION

Date of Application: 9/13/2024
Previously Submitted (Circle One): Yes No
Date of Pre-Application Conference: 8/30/2024
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: RV Park for 1 Tiny Home SR #: _____
Existing Structures or Uses on property: none
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: 0508598548 Deed Book/Page: 4160/386 Tract Size (Acres): 1 acre
Zoning District: East Flat Rock Fire District: Dana Fire Watershed: N Floodplain: N
Location of property to be developed: 534 Linbrook Trail
Evergreen Country line to last (R) on Linbrook Trail follow to top of hill and look to right

CONTACT INFORMATION

Property Owner:

Name: Trenton K Whalen
Address: 449 Union St S

Phone: 704-641-7770
City, State, and Zip: Concord, NC 28025

Applicant:

Name: Trenton K Whalen

Phone: 704-641-7770

Address: 449 Union St S City, State, and Zip: Concord, NC 28025 Application No. _____
Agent: Concord, NC 28025

Name: see Above Trisha Kuhlman Phone: _____
Address: _____ City, State, and Zip: _____

Agent Form (Circle One): Yes No

Plan Preparer:

Name: _____ Phone: _____
Address: _____ 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:

This use will not endanger. It will allow us to put a small house on the property for family use.

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

This should only help the value of the land and adjacent property

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

Yes, it will be in harmony with the surrounding area. Neighbor is supportive of the change

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, we also are requesting a variance. Will comply.

- 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 should have no impact to transportation plans

SECTIONS A & D MUST BE ANSWERED BY APPLICANT OR AGENT

- D. The variance shall not be based on the existence of a nonconforming use of neighboring land or structures in the same district, or permitted nonconforming uses in other districts, and shall in no way constitute a reason for the requested variance.

There is no known non-conforming use of neighboring land. This request has not been submitted with the intent. We are aware of other tiny homes in the county that have requested the variance to connect a tiny home to septic and it was granted. We are hoping we will be allowed to also connect our tiny home to septic as it will be better for the long term health of the land.

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

Treston K. Whalen
Print Applicant (Owner or Agent)

[Signature]
Signature Applicant (Owner or Agent)

9/13/2024
Date

County Use Only

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

**HENDERSON COUNTY
CODE ENFORCEMENT SERVICES APPOINTMENT OF AGENT FORM (OPTIONAL)**

I _____ owner of property located on _____,
(Name) (Street Address)
recorded in _____ and having a parcel identification number of _____,
(Deed Book/Page) (PIN)

located in Henderson County, North Carolina, do hereby appoint _____,
(Agent's Name)
_____, to represent me in an **application to the Code Enforcement Services**
(Agent's phone number)

Department and authorize him/her to act as my agent **in all matters**, formal and informal except as stated herein, and authorize him/her to receive all official correspondence.

I however understand that as the listed property owner, I must sign all affidavits and statements required by any applicable ordinance.

(Property Owner)

(Date)

APPLICATION IDENTIFICATION		N.C. DEPARTMENT OF TRANSPORTATION STREET AND DRIVEWAY ACCESS PERMIT APPLICATION
Driveway Permit No.	Date of Application <u>9/13/2024</u>	
County: <u>Henderson</u>		
Development Name: <u>N/A</u>		

LOCATION OF PROPERTY:	
Route/Road: <u>Evergreen County Lane at end of R on Linbrook Trail</u>	
Exact Distance	<input type="checkbox"/> Miles N S E W <input type="checkbox"/> Feet <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
From the Intersection of Route No. _____ and Route No. _____ Toward _____	

Property Will Be Used For:	<input checked="" 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 checked="" type="checkbox"/> is not within <u>Hendersonville</u> City Zoning Area.

AGREEMENT

- 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.**

SIGNATURES OF APPLICANT

PROPERTY OWNER (APPLICANT)			WITNESS		
COMPANY	X <u>Trenton K Whalen</u>	NAME	X <u>Courtney Whalen</u>		
SIGNATURE	<u>449 Union St S</u>	SIGNATURE	<u>449 Union St S</u>		
ADDRESS	X <u>Concord, NC 28025</u>	ADDRESS	X <u>Concord, NC 28025</u>		
	X <u>[Signature]</u> Phone No. <u>X 704-641-7770</u>		X <u>[Signature]</u>		

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:

private road + home.

LEGEND

	= PROPERTY LINE
	= RIGHT OF WAY
	= ADJOINING PROPERTY LINE
	= CENTERLINE SOIL ROAD
	= CENTERLINE OF STREAM
	= EASEMENT LINE
	= SOIL ROAD
	= GRAVEL ROAD
	= ABOVE GRADE
	= BELOW GRADE
	= CENTER LINE
	= FOUND OPEN TOP IRON PIPE
	= FOUND IRON REBAR
	= SET IRON REBAR
	= FOUND STONE MONUMENT
	= FOUND MAG NAIL
	= STUMP
	= BOUNDARY TREE
	= PLAT BOOK
	= DEED BOOK
	= PAGE
	= ACRES
	= SQUARE FEET
	= RIGHT OF WAY
	= CORRUGATED METAL PIPE

0509600609
LEA, ANN DANIEL
DB 3836, PG 111
ZONING R-3

LOT 4A1
ESTIMATED PROPOSED
AREA OF DISTURBANCE
10,649 SF - 0.244 AC
ESTIMATED IMPERVIOUS
SURFACES
4085 SF - 0.094 AC
(SOLID WASTE TO BE COLLECTED THROUGH
INDIVIDUAL TRASH CANS)

0519349727
HUNGRY RIVER LLC
D.B. 1010 PG. 144
SLD 3278A

LINE	BEARING	DISTANCE
L718	S 29°10'38" W	125.16'
L72	S 43°22'39" W	84.56'
L73	S 39°39'25" W	95.29'
L74	S 50°00'18" W	175.27'
L75	S 39°49'38" W	38.48'

LINE	BEARING	DISTANCE
L80	N 83°16'50" W	418.85'
L81	S 52°27'39" E	446.60'
L82	N 29°10'38" E	181.78'
L83	N 43°22'39" E	75.35'
L84	N 39°39'25" E	89.48'
L85	N 50°00'18" E	47.19'
L86	N 47°49'20" E	204.52'
L89	N 59°20'32" W	184.74'
L90	N 36°59'37" E	21.17'
L91	N 25°17'48" E	30.53'
L92	N 19°31'03" E	31.92'
L93	N 23°37'11" E	33.59'
L94	N 18°56'24" E	31.40'
L95	N 28°34'36" E	32.09'
L96	N 35°35'17" E	22.65'
L97	N 43°04'18" E	24.25'
L98	N 39°51'05" E	25.26'
L99	N 26°49'59" E	32.33'
L100	N 17°50'49" E	32.66'
L101	N 18°23'49" E	20.55'
L102	N 29°29'52" E	28.63'
L103	N 47°31'10" E	25.16'
L104	N 61°34'35" E	25.59'
L105	N 85°39'52" E	23.58'
L106	S 68°16'50" E	32.79'
L107	S 48°52'10" E	16.65'
L108	S 36°10'09" E	19.95'

SITE DATA:

ADDRESS: 534 LINBROOK TRAIL
FLAT ROCK, NC 28731

PIN: 0508598548
D.B. 3836 PG. 111
P.B. 2024, PG. 15535

TOTAL AREA: 10.00 ACRES

EXISTING ZONING: R3
R3 DEVELOPMENT STANDARDS:
RESIDENTIAL DENSITY(UNITS/ACRE): 0.66
(1 UNIT/1.5 ACRES)
MINIMUM LOT SIZE: 15,000 SQ. FT.
MINIMUM LOT WIDTH: 100'
FRONT SETBACK: 15' (LOCAL ROAD)
SIDE SETBACK: 15'
REAR SETBACK: 15'
MAXIMUM BUILDING HEIGHT: 35'
BUILDING SITE COVERAGE: 35%

NAD 83(2011) NC GRID
COORDINATES ON
FIELD LOCATED IRON
REBAR
N: 589148.40
E: 1006281.93

0519349727
HUNGRY RIVER LLC
D.B. 1010 PG. 144

SURVEYOR'S CERTIFICATION:

"I, DAVID B. IVEY, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 4160 PAGE 386, ETC.); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK AS PAGE SHOWN; THAT THE RATIO OF PRECISION 1:7500; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 11th DAY OF SEPTEMBER, A.D., 2024.

G.S. 47-30 F(11)(A) THAT THE SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

PROFESSIONAL LAND SURVEYOR

L-5210
LICENSE NUMBER

SURVEYOR'S CERTIFICATION

I, DAVID B. IVEY, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:
1. CLASS OF SURVEY ACCURACY: CLASS B
2. POSITIONAL ACCURACY: 0.11
3. TYPE OF GPS FIELD PROCEDURE: REAL TIME NETWORK
4. DATES OF SURVEY: 5/9/2023 - 12/6/2023
5. DATUM/EPOCH: NAD83(2011)/EPOCH (2010)
6. PUBLISHED/FIXED-CONTROL USE: NA
7. GEOD MODEL: 18
8. MEAN COMBINED GRID FACTOR: 0.99978718
9. UNITS: US SURVEY FEET

NAD 83(2011) NC GRID
COORDINATES ON
FIELD LOCATED IRON
REBAR
N: 588649.21
E: 1005774.53

0508582639
BILLY RICHARD
STAPP AND WIFE
D.B. 519 PG. 595

0508487996
FRANK T. & NANCY
GOSNELL WIERZBICKI
D.B. 930 PG. 548

GENERAL NOTES:

- AREA DETERMINED BY COORDINATE COMPUTATIONS
- GRID TIE INFORMATION BASED ON MONUMENTATION AND DATUM AS SHOWN, ALL DISTANCES ARE GROUND DISTANCES (US FEET) UNLESS OTHERWISE SHOWN.
- NO CONTROL MONUMENTS FOUND WITHIN 2000 FEET OF THIS PROPERTY, NGS OR OTHER.
- NO SUBSURFACE INVESTIGATION PERFORMED BY FLEMING ENGINEERING, INC.
- UTILITY LOCATION WORK SHOWN HEREON WAS DERIVED BY ABOVE GROUND INDICATORS ONLY, UNLESS OTHERWISE NOTED.
- THIS MAP IS SUBJECT TO ANY EASEMENTS, AGREEMENTS OR RIGHTS OF WAY RECORDED PRIOR TO THE DATE OF THIS MAP WHICH WERE NOT VISIBLE AT THE TIME OF INSPECTION.
- THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE X (ZONE X AREAS ARE DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AREA AS INDICATED ON THE FLOOD INSURANCE RATE MAP (FIRM) MAP NUMBER 3710050800J EFFECTIVE DATE OCTOBER 2ND 2008
- THE CLASSIFICATION OF THIS SURVEY IS NORTH CAROLINA CLASS B.
- HORIZONTAL DATUM: NAD83(2011).
- FOR ORIGINAL BOUNDARY, REFERENCE SLIDE 14218 AT THE HENDERSON COUNTY REGISTER OF DEEDS OFFICE.
- DASHED LINES NOT RE-SURVEYED AT THIS TIME

STATE OF NORTH CAROLINA, HENDERSON COUNTY

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

I, _____ SUBDIVISION ADMINISTRATOR FOR HENDERSON COUNTY, CERTIFY THAT THIS MAP HAS BEEN REVIEWED AND APPROVED AS A SUBDIVISION IN ACCORDANCE WITH HENDERSON COUNTY LAND DEVELOPMENT CODE.

SUBDIVISION ADMINISTRATOR DATE

PLAT FOR: TRENTON WHALEN

MINOR SUBDIVISION

PROJECT LOCATION:
COUNTY: HENDERSON
STATE: NORTH CAROLINA

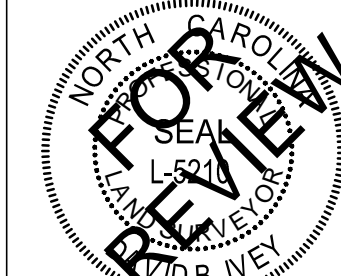
CURRENT OWNER:
COUNTY: HENDERSON
STATE: NORTH CAROLINA

CLIENT INFORMATION:
TRENTON WHALEN

REVISION NOTE

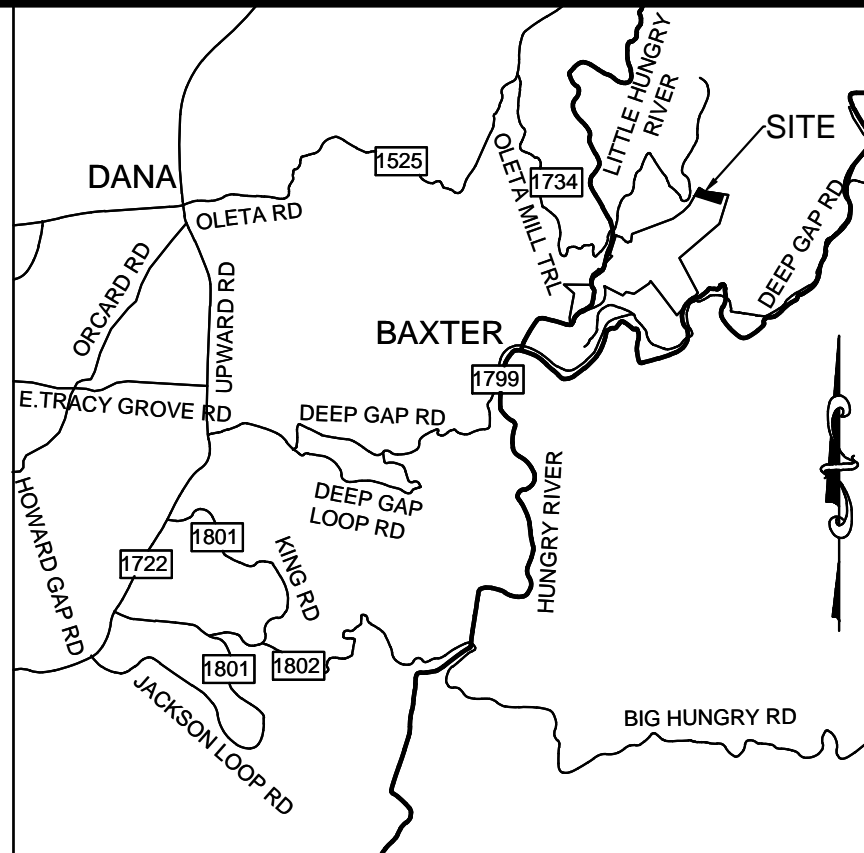
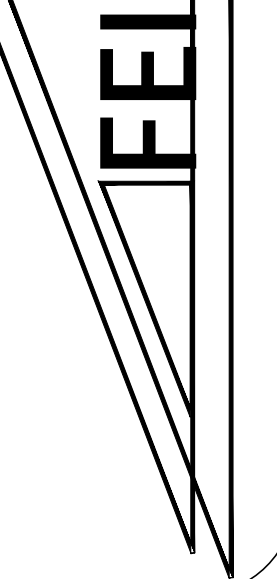
NO. DATE

DRAWN BY: DBI & TLM
CHECKED BY: DBI
DATE: 09-11-24
PROJECT NO.: 23042.001
REF. NO.:
SCALE: 1" = 60'

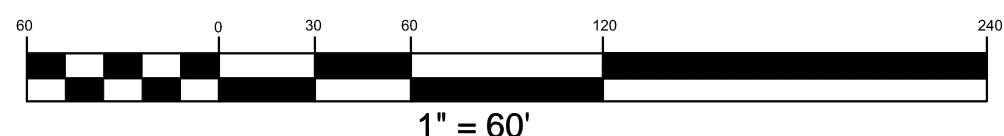


SHEET
1 OF 1

Civil Engineers and Land Surveyors
Benchmark Center
7 Glen Bridge Road, Suite H
Arden, NC 28704
www.felconsulting.com
(828) 676-2011
License No. C-0950



VICINITY MAP
1" = 2,000'



1" = 60'