

REQUEST FOR BOARD ACTION
HENDERSON COUNTY
Technical Review Committee

MEETING DATE: April 25, 2018

SUBJECT: Variance from Evacuation Plan requirement for a Recreational Vehicle Park

PRESENTER: Toby Linville, Code Enforcement Services Director

ATTACHMENTS:

1. Staff Report
2. Photographs
3. Site Plan

SUMMARY OF REQUEST:

Simple Life LLLP is requesting a variance of Supplemental Requirement 4.15 (6)3d. of the Henderson County Land Development Code. This SR requires:

- (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*; b. May contain *structures* ancillary to the use;
- c. Shall be permitted one (1) store, exclusively for the sale of incidental gifts and foodstuffs; and
d. Shall provide, at the time of application, an evacuation plan for a natural disaster event.

Simple Life LLLP is requesting a variance to remove the requirement for a evacuation plan.

Suggested Motion:

I move to approve/deny V-18-04 because it meets the requirements of the Land Development Code to grant a variance.

- 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.
 2. The hardship of which the *applicant* complains results from unique circumstances related to the *applicant's* land.
 3. The hardship is not the result of the *applicant's* own action.
- b. The *Variance* is in harmony with the general purpose and intent of this Chapter and will preserve its spirit.
- c. The *Variance* will secure the *public safety* and welfare and will do substantial justice.
- 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*.
- e. The *Variance* shall not allow for an increase in density for the purposes of subdividing the land that would otherwise not be permitted by the applicable zoning district or *subdivision* regulations.



Henderson County, North Carolina Code Enforcement Services

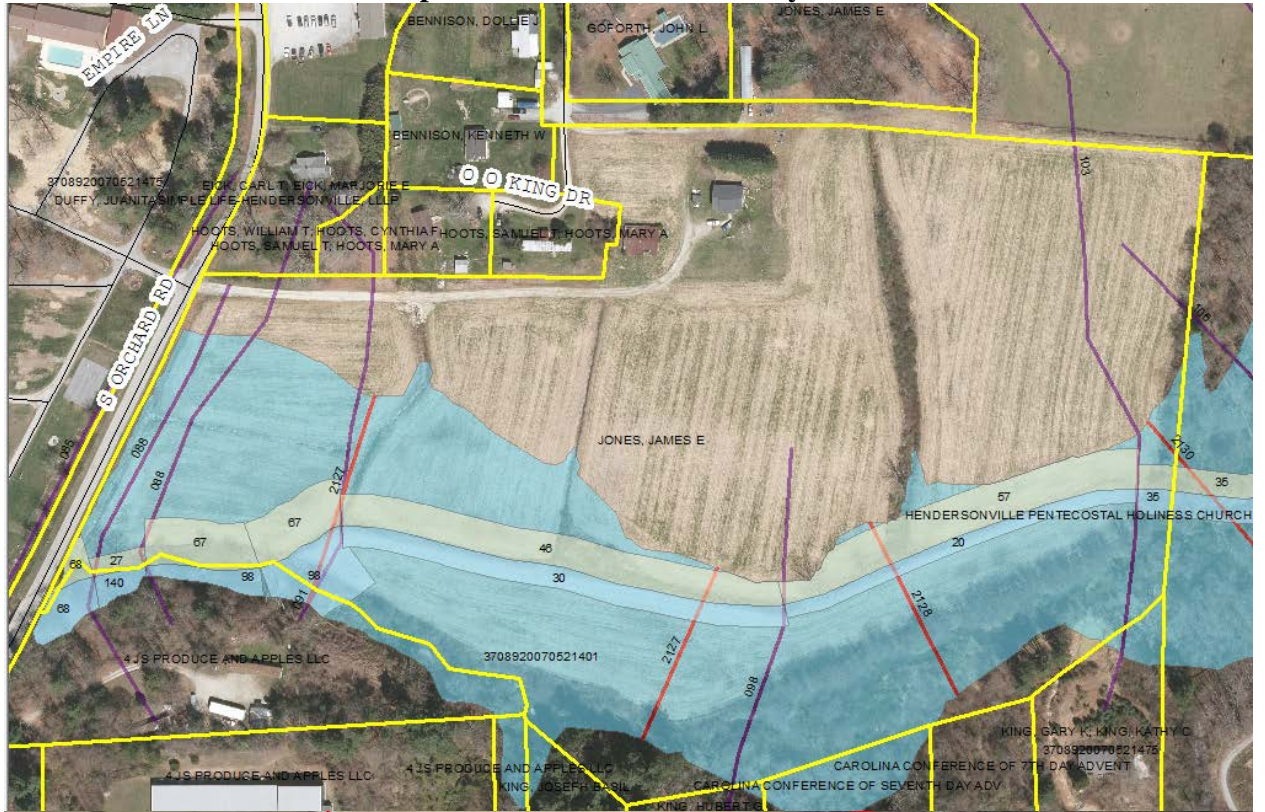
1. **Board Request**

- 1.1. **Applicant:** Simple Life-Hendersonville, LLLP
- 1.2. **Request:** Recreational Vehicle Park
- 1.3. **PIN:** 9588811468
- 1.4. **Size:** 25.91 acres +/-
- 1.5. **Location:** The subject area is located of S Orchard Rd east of the existing Village of Wildflowers.
- 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*;
 - b. May contain *structures* ancillary to the use;
 - c. Shall be permitted one (1) store, exclusively for the sale of incidental gifts and foodstuffs; and
 - d. 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: Aerial Photo/Pictometry



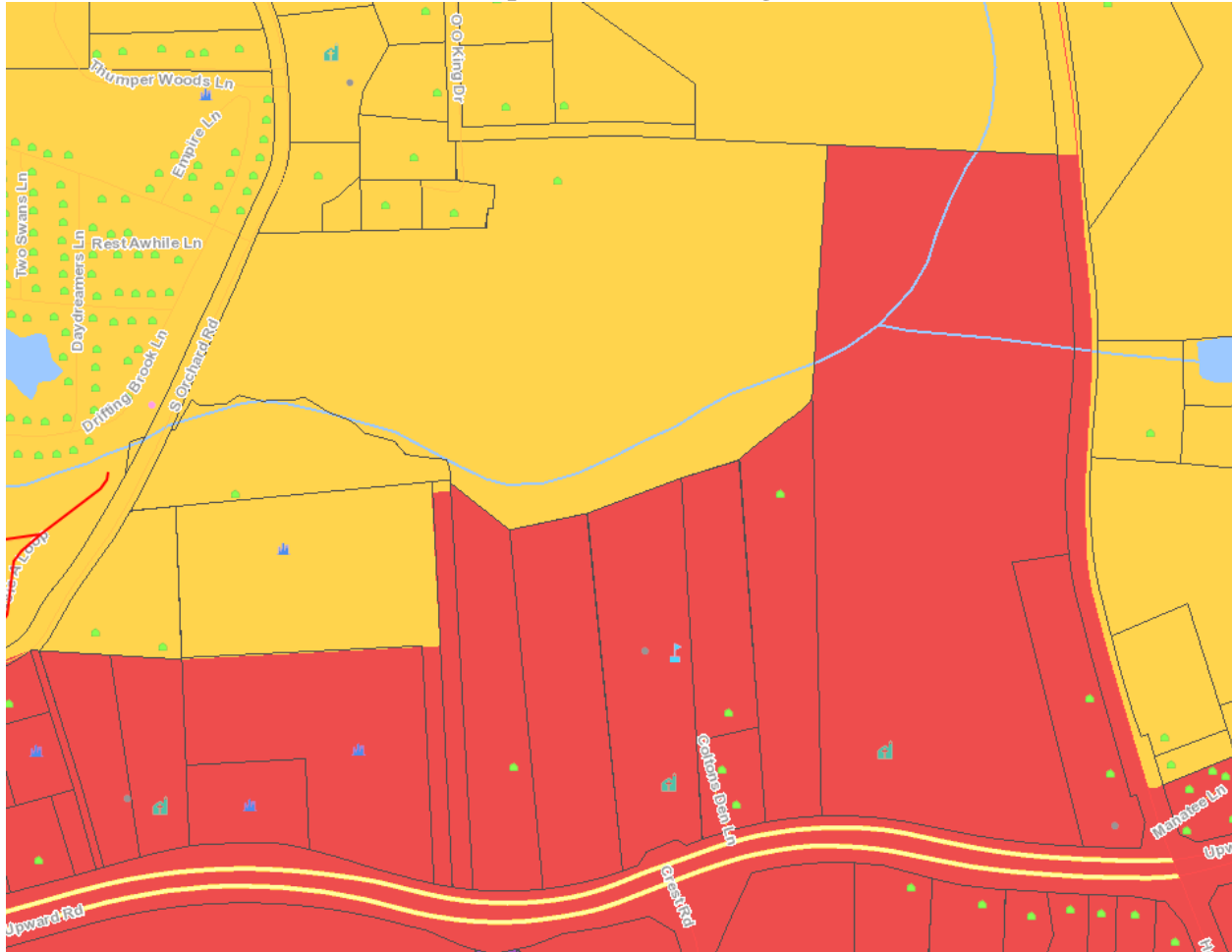
2. **Current Conditions**

2.1 Current Use: This parcel is currently residential and agricultural.

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

2.3 Zoning: The surrounding property is zoned Residential One (R1) north and Local Commercial (LC) south.

Map B: Current Zoning



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

4. **Water and Sewer** Public water and sewer serve this property.

Public Water: City of Hendersonville

Public Sewer: City of Hendersonville

V-18-04-Simple Life, The Hamlet



V-18-04-Simple Life, The Hamlet



V-18-04-Simple Life, The Hamlet



V-18-04-Simple Life, The Hamlet



Application No. _____

**HENDERSON COUNTY
VARIANCE APPLICATION FORM**

GENERAL INFORMATION

Date of Application: 4.2.18
Previously Submitted (Circle One): Yes No
Date of Pre-Application Conference: _____
Site Plan Attached (Circle One): Yes No

PARCEL INFORMATION

Property Address: 420 S. ORCHARD DR. FLAT ROCK NC.
PIN: 9588618497 Deed Book/Page: 3087/167 Acreage: 25.56 ACRES
Zoning District: A-1 Fire District: BIVENIDGE Watershed: NO Floodplain: YES
Driving Directions: ACROSS FROM VILLAGE FORMERLY THE VILLAGE OF WILD HORNS

REASON FOR VARIANCE: REMOVE REQUIREMENT TO PROVIDE EVACUATION PLAN
FRONT SETBACK (feet/foot): _____ FOR PARK MODEL UNITS WHICH IS
SIDE SETBACK (feet/foot): _____ NOT POSSIBLE
REAR SETBACK (feet/foot): _____

PROPERTY OWNER CONTACT INFORMATION:

Name: JAMES JONES Phone: _____
Address: PO BOX 2277 City, State, and Zip: ETOWAH NC. 28729

Applicant:
Name: Simple Life Hendersonville, LLC Phone: 904-982-1545
Address: 135 2ND AVE N. City, State, and Zip: TACKSONVILLE BEACH FL. 32256

Agent:
Name: ROBERT WRIGHT Phone: 980-521-6264
Address: P.O. BOX 1069 City, State, and Zip: FLAT ROCK NC. 28731
Agent Form (Circle One): Yes No

Plan Preparer:
Name: JOEL OSGOOD Phone: 828-527-6464
Address: 14 CHURCH ST. City, State, and Zip: ASHEVILLE NC. 28801

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 EVACUATION PLAN AS WRITTEN IN THE CODE, MAXIMUM 8 HOURS TO EVACUATE + RELOCATE IS NOT POSSIBLE FOR A PARK MOBILE UNIT.

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.)

THIS CODE WAS CONTEMPLATED FOR TRANSIENT UNITS
PARK MOBILES HAVE NEVER BEEN TRANSIENT UNITS.

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

CONNECT.

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.)

IT IS.

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.)

NO THREAT TO PUBLIC SAFETY.

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.

NOT APPLICABLE TO THIS APPLICATION.

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

M. M. Carr
Print Applicant (Owner or Agent)

M. M. Carr
Signature Applicant (Owner or Agent)

4.2.18

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)

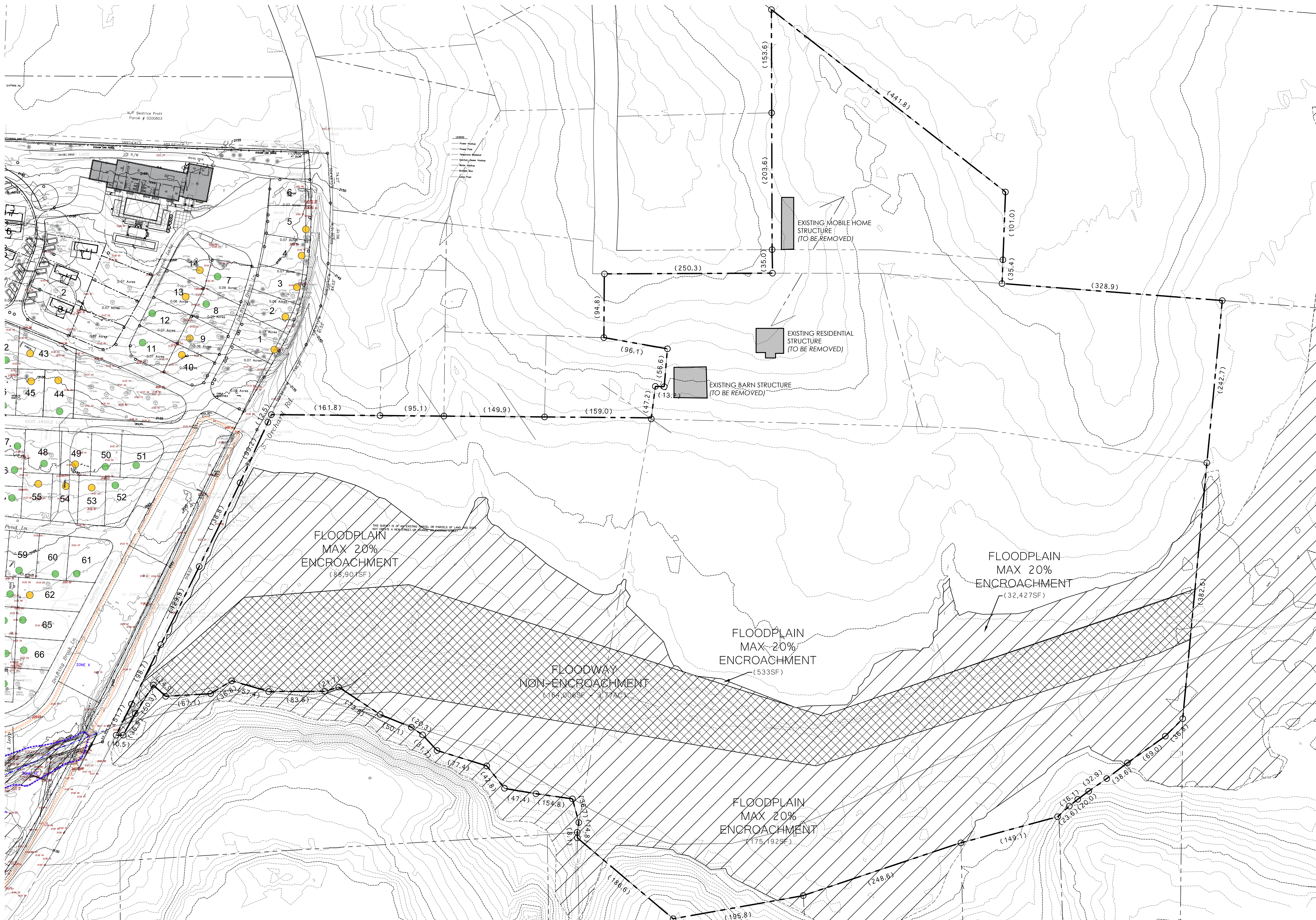
located in Henderson County, North Carolina, do hereby appoint _____,
(Agent's Name)
_____, to represent me in an **application to the Code Enforcement Services**
(Agent's phone number)

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)



THE HAMLET :: PROPERTY DIMENSIONS

SIMPLE LIFE
 FLAT ROCK, NORTH CAROLINA
 30 JANUARY, 2018

Simple Life
 Celebrate life. Discover home.

Osgood
 LANDSCAPE ARCHITECTURE

MASTER PLAN :: SUMMARY:

RESIDENTIAL UNITS

- 150 LOTS AT 2,000 SF MIN.

PRIVATE ACCESS ROADS

- TWO-WAY ROADS AT 20' MIN. WIDTH IN 20' MIN. ROW

- ONE-WAY ROADS AT 12' MIN. WIDTH IN 20' MIN. ROW

FLOODPLAIN IMPACTS

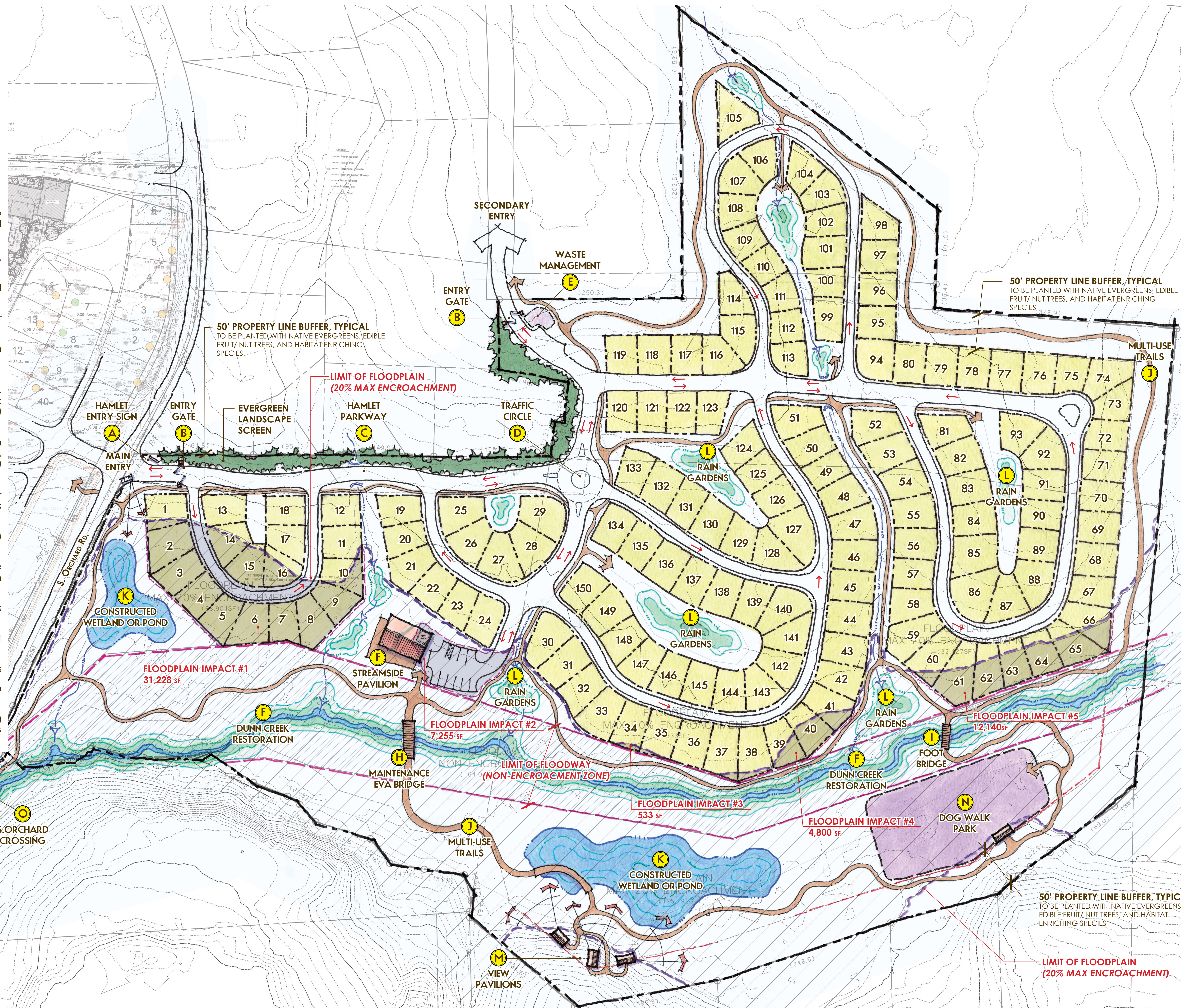
- TOTAL EXISTING AREA = 297,053 SF (6.82 AC)

- MAX 20% IMPACT = 59,410 SF (1.36 AC)

- PROPOSED = 55,955 SF (1.28 AC) - 18.8%

AMENITIES + FEATURES

- A HAMLET ENTRY SIGN** :: Main entry sign from S. Orchard Rd. (Sign to be mounted on 3'x8' specimen boulder with metal letters pinned on wood slab at 18" x 96" with dark sky compliant lighting)
- B MAIN ENTRY GATES** :: Located 50' min offset from S. Orchard Rd. and at secondary entry
- C HAMLET PARKWAY** :: Main Entry drive at 20' wide without residential driveways for clean arrival experience
- D TRAFFIC CIRCLE** :: Roundabout at 65' dia with mountable center island for large truck, fire, and emergency vehicle access
- E WASTE MANAGEMENT** :: Dumpster/ trash pickup location with vehicular pull out for (2) vehicles
- F STREAMSIDE PAVILION** :: Raised pavilion structure on stilts at 40'x60' with community meeting space, mail kiosk, expansive deck space, event lawn, and (10) parking spaces including accessible space; also serves as trail head for nature trail (Location and size indicated subject to change)
- G DUNN CREEK RESTORATION** :: Possible future stream restoration effort to include invasive species removal, stream bank repair, and wildlife corridor enhancement (Requires additional study and permitting + engineering review)
- H MAINTENANCE/EVA BRIDGE** :: Minimal impact stream crossing for utility and emergency vehicle access at 12' max. width (Requires additional review)
- I FOOT BRIDGES** :: Low impact stream crossings (Requires additional review)
- J MULTI-USE TRAILS** :: Pedestrian trails with interpretative signage throughout + opportunities for passive and active recreation (Approx. 1.25 miles of trails indicated)
- K CONSTRUCTED WETLANDS OR PONDS** :: Stormwater features as possible wet retention to encourage additional ecology
- L RAIN GARDENS** :: Biofiltration stormwater measures throughout available community open spaces
- M VIEW PAVILIONS** :: Small open air pavilions on stilts as trail destinations
- N DOG WALK PARK** :: Fenced off dog park with open-air pavilion structure (0.6 ac.)
- O S ORCHARD CROSSING** :: Grade separated pedestrian crossing below S. Orchard Rd. as potential future greenway (Requires additional review)



THE HAMLET :: PRELIMINARY MASTER PLAN

SIMPLE LIFE
 FLAT ROCK, NORTH CAROLINA
 30 JANUARY, 2018

This plan is conceptual in nature and subject to change. The concepts represented are not intended for construction and may require further engineering and architectural review through the design and implementation process.

Simple Life
 Celebrate life. Discover home.

Osgood
 LANDSCAPE ARCHITECTURE

