

IN THE MATTERS OF THE APPLICATIONS OF

UC GLAMPING PARTNERS LLC, Applicants,

to the

HENDERSON COUNTY ZONING BOARD OF ADJUSTMENT,  
Permit Authority,

Regarding

“CAMPGROUND”

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The Henderson County Zoning Board of Adjustment held a quasi-judicial hearing June 27, 2018, to consider the application SUP-18-03, seeking a special use permit to allow use of certain property for a campground. The application was submitted by Conservation Partners of America for the property in question. Having heard all of the evidence and arguments presented at the hearing, the Zoning Board of Adjustment makes the following findings of fact:

1. A quasi-judicial hearing was held by the Henderson County Zoning Board of Adjustment on the special use permit application SP-18-03. A quorum of members of the Zoning Board of Adjustment was present. The members present and participating were:

Ronald S. Kauffman, Chair  
Bill Fishburne  
Jim Hysong  
Louise St.Romain  
Steve Dozier, Alternate Member

1. No party or member objected to any other member’s participation in this hearing.

2. Notice of the quasi-judicial hearing, pursuant to the Henderson County Code (“the Code”) was duly and timely given in accord with the provisions of §42-371. This included mailing to the applicants and all adjacent property owners to the boundary of the subject property and the posting of notice on the subject property.

3. This application was filed by UC Glamping Partners LLC (the “Applicants”). The property to be included in the special use consists of Henderson County PIN 9527792425 (southern portion). This property is currently zoned Residential Three.

4. At the commencement of this hearing, the Chair stated that the Board recognized the Applicants and the Henderson County Zoning Board of Adjustment as parties to this hearing, and inquired whether any person or entity sought to become a party to this action. Thomas Flingos and David Hamilton adjoining property owners, asked to be party to the hearing.

5. In order to grant any special use, the Board must find that the proposed use will:
- 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.

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6. In addition, the Board must find that the proposed use meets the specific standards for each specific special use set out in the Henderson County Land Development Ordinance, Chapter 42 of the Henderson County Code. The use proposed here is "Campground". The use proposed use requires a special use in Residential Three zoning district. The specific standards for the proposed use are set out in Supplemental Regulation SR 4.3 of the Land Development Ordinance, found at Section 42-63 thereof. The standards are as follows:

**SR 4.3. Campground**

1. Site Plan. Major *Site Plan* required in accordance with §42-331 (Major Site Plan Review).
2. Lighting. *Lighting mitigation* required.
3. Size. No *campground* located on/adjacent to a *residential zoning district* shall contain more than 200 campsites. Individual campsites shall be a minimum of 500 square feet.
4. Perimeter Setback. Fifty (50) feet.
5. Common Area. A *common area* shall be provided, that is equivalent in square footage to 25 percent the total square footage in: campsites, *structures* on site, parking areas and *driveways*. *Common area* shall be accessible for the *use* and enjoyment of *campground* occupants, located as to be free of traffic hazards and maintained in good condition by the *applicant*.
6. Operations. The *campground*:
  - a. May contain *structures* ancillary to the use; and
  - b. Shall be permitted one (1) store, exclusively for the sale of incidental gifts and foodstuffs.
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 165 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. Common Area Recreation and Service Facilities. Those facilities within the *campground* shall be for the sole purpose of serving the overnight guests in the *campground*, and shall adhere to the development standards established therefore in SR 4.6 (*Common Area Recreation and Service Facilities*).

7. Pursuant to §42-356H, "[t]he concurring vote of the majority of the members" of the Board is required to grant the special use permit.

8. A motion was made by Louise St.Romain with second from Jim Hysong to grant the special use, all standards having been met, subject to certain conditions (maximum 90 campsites, 50' minimum setback and 9:00pm quite time). All members voted aye.

From the foregoing, the Zoning Board of Adjustment concludes as follows:

1. All parties were properly before the Board, and all evidence presented herein was under oath, and was not objected to by any party. All evidence relied upon in this Order was credible and reliable.
2. The Zoning Board of Adjustment has jurisdiction to hear this matter.
3. All parties, and all persons entitled to notice, have been given proper notice of this hearing and afforded the right to be heard.
4. The application for the special use permit should be granted.

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**IT IS THEREFORE ORDERED** by the Henderson County Zoning Board of Adjustment that Henderson County special use permit amendment application number SUP 18-02 is hereby granted.

Announced 27 June 2018, and approved in final form, this the 25<sup>th</sup> day of July, 2018.

THE HENDERSON COUNTY ZONING BOARD OF ADJUSTMENT

By: \_\_\_\_\_  
RON KAUFFMAN, Chairman

Attest:

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TOBY LINVILLE, Zoning Administrator