

**REQUEST FOR BOARD ACTION**

HENDERSON COUNTY

Technical Review Committee

**MEETING DATE:** February 19<sup>th</sup> TRC & February 27<sup>th</sup> ZBA

**SUBJECT:** Special Use Permit and Variance for a Recreational Vehicle Park

**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 a RV park

**Suggested Motion:**

I move to approve the major site plan for the Trail Creek RV Park

I recommend forwarding SUP-19-01 & V-19-01 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.

In order to grant a variance the applicant must prove:

- 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.



## Henderson County, North Carolina Code Enforcement Services

### **1. Board Request**

- 1.1. **Applicant:** Doug Anderson
- 1.2. **Request:** Recreational Vehicle Park
- 1.3. **PIN:** 9682740088
- 1.4. **Size:** 8.59 acres +/-
- 1.5. **Location:** The subject area is located of Green Mountain Rd near Kyles Creek Rd
- 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 vacant.

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

**2.3 Zoning:** The surrounding property is zoned Residential Three (R3).

**Map B: Current Zoning**



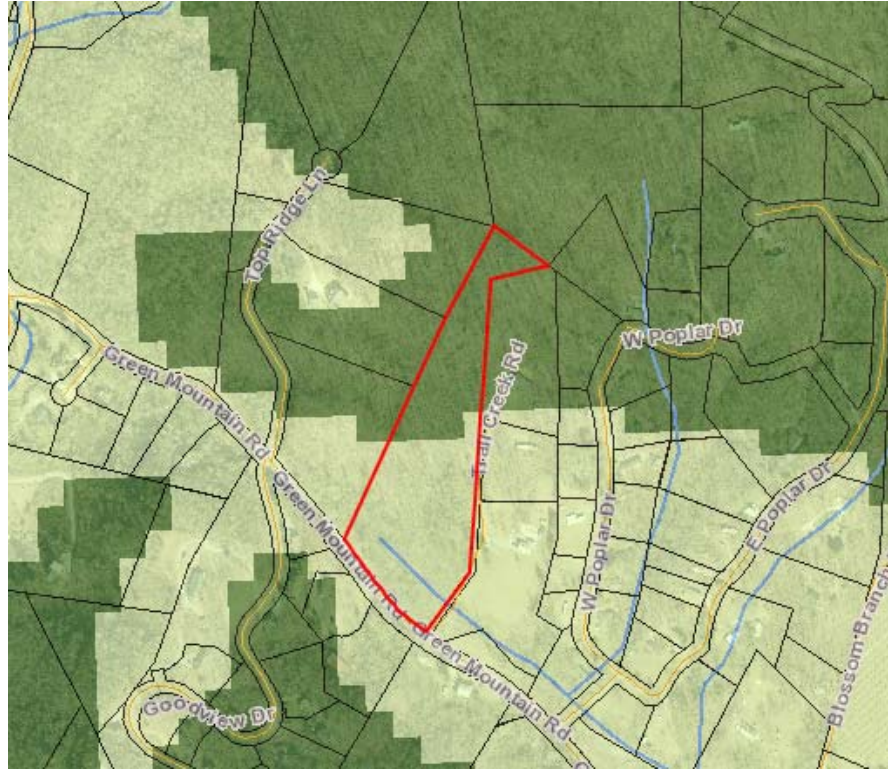
**3. Floodplain /Watershed Protection** The property is not located in a Special Flood Hazard Area. The property is not in a Water Supply Watershed district.

**4. Water and Sewer** Public water and sewer do not serve this property.

**Public Water:** N/A

**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 Rural/Agricultural/Open Space Area and Conservation Area. The text and map of the 2020 CCP suggest that the Subject Area would be more suitable for the following:

**RAA:** The RAA covers those portions of the county that are predominantly rural and are characterized by low-density residential development with substantial land areas devoted to agriculture and undeveloped lands. Land use policies will seek to retain that character.

**Conservation:** This category includes land areas that are intended to remain largely in their natural state, with only limited development. Such areas should be targeted for protection through regulations and incentives. Conservation areas are lands that generally exhibit any of the following characteristics:

#### 6. Staff Recommendations

The Technical Review Committee approved the major site plan with the following conditions:

- Park Model set-up per NCDOI requirements
- Erosion Control and Stormwater Permits for disturbance >1 acre
- Minimum 16' travel way.
- Army Corps of Engineers and Department of Environmental Quality Permits required for culvert replacement
- Recommend soil scientist for septic design
- NCDOT Driveway Permit

#### 7. Photographs





02.01.2019 15:09





02.01.2019 15:09



TRAIL CREEK RD

FLETCHER  
FIRE & RESCUE  
PROTECTION DISTRICT  
DIAL 911

ADT

02.01.2019 15:10





02.01.2019 15:10







HENDERSON COUNTY  
SPECIAL USE PERMIT APPLICATION FORM

GENERAL INFORMATION

Date of Application: 1/23/19  
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: RV PARK SR #: \_\_\_\_\_  
Existing Structures or Uses on property: VACANT  
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: 9682-74-0088 Deed Book/Page: 311/363 Tract Size (Acres): 9.32  
Zoning District: R-3 Fire District: Fletcher Watershed: N/A Floodplain: "X"  
Location of property to be developed: Intersection of GREEN MTN Rd & Trailer Rd.

CONTACT INFORMATION

Property Owner:  
Name: Doug Anderson Phone: 828-243-2455  
Address: 192 Trail Crk Rd City, State, and Zip: Hendersonville NC 28792  
Applicant:  
Name: Doug Anderson Phone: 828-243-2455

Address: 192 Trail Ck Rd City, State, and Zip: Hendersonville NC 28792 Application No. \_\_\_\_\_

**Agent:**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ City, State, and Zip: \_\_\_\_\_  
Agent Form (Circle One): Yes No

**Plan Preparer:**

Name: F. V. Clinkscale, JR. Phone: 828-697-6539  
Address: 201 2nd Ave. E City, State, and Zip: H'ville NC 28792

**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:  
I Plan to meet & Exceed Any Rules & Regulations A Required.
- B. General Requirement #2. The use will not substantially injure the value of property or improvements in the area.  
The Area to Be developed is to have A Nice Land Scaper. In The Past I owned A mobil Home Park. I made Improvements with My Experience By Making RAW Land to Be more desired By Visitors. I had many Tenants Complement on The New Look. I Plan To do The same with The RV Park. They will have A Nice Common Area & Surrounding.
- C. General Requirement #3. The use will be in harmony with the surrounding area.  
Across The Street There is A Upcoming Winery. Down The Rd There is A Entertainment - wedding Center. I Plan To keep AS Natural Environment AS Possible. I watched how The Cliffs of Walnut Cove developed. Thats About how I would like To have My RV Park.

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.  
I Agree 100% My RV Park will Be inspected By The County Inspectors I have Been in Contact & will continue To Stay in contact with The Planning Dept.
- 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 nay municipality of the County.  
I will have A Evacuation Plan Posted & For Ea Tenant.



- 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.

I will have Rules & Regulations For All Tenants.

- 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.

I Plan To Abide By All Setbacks & Plant A Barrier OF Green Giants. & have A wooden Fence Around The dumpster.

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).

Thinking OF Possibly making As A gated RV Park.

- b. Off-street parking and loading areas.

I Already have A Area For A Parking Lot.

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

I Plan To have ~~Signs~~ directional Signs Posted

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

Green Giants will Be used to Buffer. & IF needed Plant or Landscape The property To Beautify.

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

The Long Term Residents will have The option OF A Storage Shed I Needed. No Larger Than 12' X 12'.

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

Douglas Lee Anderson

Print Applicant (Owner or Agent)

Douglas Lee Anderson

Signature Applicant (Owner or Agent)

1/30/2019  
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: \_\_\_\_\_

Application No. V-19-01

HENDERSON COUNTY  
VARIANCE APPLICATION FORM

GENERAL INFORMATION

Date of Application: 1/23/19  
Previously Submitted (Circle One): Yes  No   
Date of Pre-Application Conference: \_\_\_\_\_  
Site Plan Attached (Circle One):  Yes  No

PARCEL INFORMATION

Property Address Green Mountain Rd. 8.59  
PIN: 9682-~~200~~74-0088 Deed Book/Page: 3111/363 Acreage: 9.32 (Decoded 9.25)  
Zoning District: R-3 Fire District: Fletcher Watershed: N/A Floodplain: "X"  
Driving Directions: \_\_\_\_\_

REASON FOR VARIANCE Putting in RV Park 4.15 (8) Sewage System  
FRONT SETBACK (feet/foot) 50'  
SIDE SETBACK (feet/foot) 50'  
REAR SETBACK (feet/foot) 50'

PROPERTY OWNER CONTACT INFORMATION:

Name: Doug Anderson Phone: 828-243-2455  
Address: 92 Trailer Rd City, State, and Zip: Hendersonville N.C. 28752

Applicant:  
Name: S/A Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ City, State, and Zip: \_\_\_\_\_

Agent:  
Name: S/A Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ City, State, and Zip: \_\_\_\_\_

Agent Form (Circle One): Yes  No

Plan Preparer:

Name: F.V. Clinkscales, Jr. Phone: (828) 697-6539  
Address: 201 2nd Ave. E City, State, and Zip: H'ville, NC 28792

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.)

Tiny houses semi permanent. No sewer available. Central Pump  
Station less environmentally friendly than septic system

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.)

Cannot connect public mains without septic systems

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

Area far from sewer

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.)

Installed septic will be compatible with other homes in area

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 harm will be caused by septic installation

**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.

No nearby RV Parks for Comparison  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Douglas Lee Anderson  
Print Applicant (Owner or Agent)

Douglas Lee Anderson  
Signature Applicant (Owner or Agent)

2/11/2019  
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)

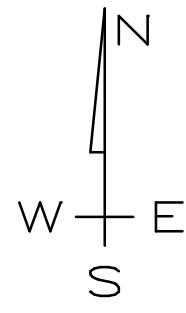
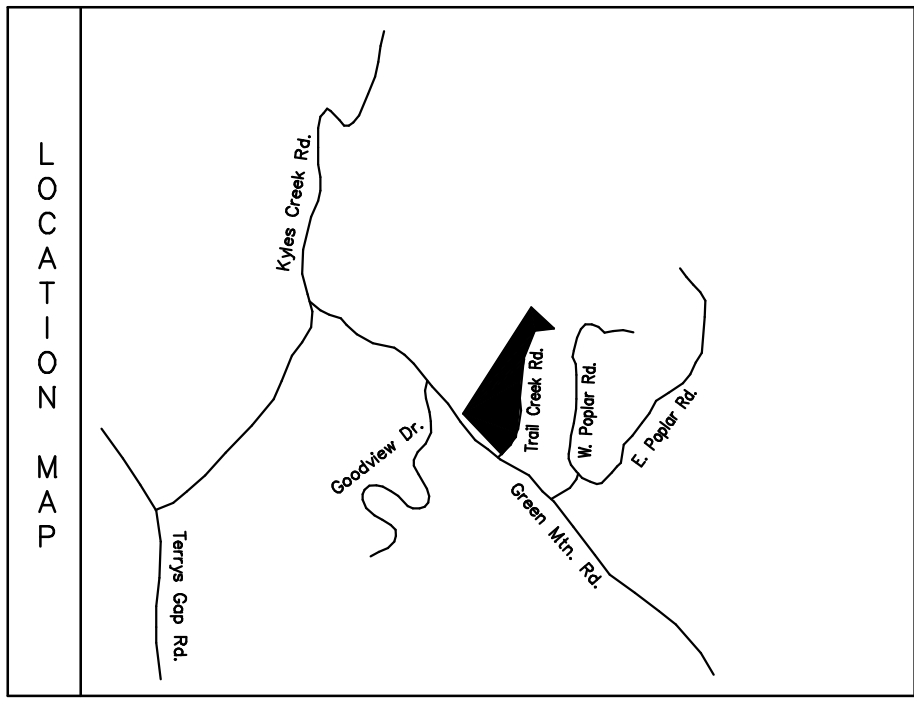
located in Henderson County, North Carolina, do hereby appoint \_\_\_\_\_,  
(Agent's Name)  
\_\_\_\_\_ to represent me in an application to the Code Enforcement Services  
(Agent's phone number)

**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)





Lot 7  
Paul Hanson  
D.B. 1463, Pg. 417  
P.S. 7066  
PIN: 9682-74-0820  
Zoned: R-3

Angela & Christopher Dunagin-Sellers  
D.B. 1381, Pg. 161  
PIN: 9682-75-7069  
Zoned: R-3

**GENERAL SURVEY NOTES:**

- This survey was made in accordance with laws and/or Minimum Standards of the State of North Carolina.
- The basis of bearing for this site plan is NC Grid based on NAD83.
- The basis of elevations this site plan is 2342.44' at a found concrete monument, based on NAVD83. The contours as shown are taken from North Carolina Geodetic Survey of Henderson County, North Carolina, dated January 12, 2004.
- Subject Property is located within an area having a Zone Designation "X" by the Federal Emergency Management Agency (FEMA), on Flood Insurance Rate Map No. 370098200J, with a date of identification of October 2, 2008, for Community No. 370125, in Henderson County, State of North Carolina, which is the current Flood Insurance Rate Map for the community in which said premises is situated.
- Subject Property is within a half mile of a Farmland Preservation Area.
- There are 48 RV Sites within the Subject Property.
- More than 50% of the Subject Property will remain as Common Area.

**ZONING INFORMATION**

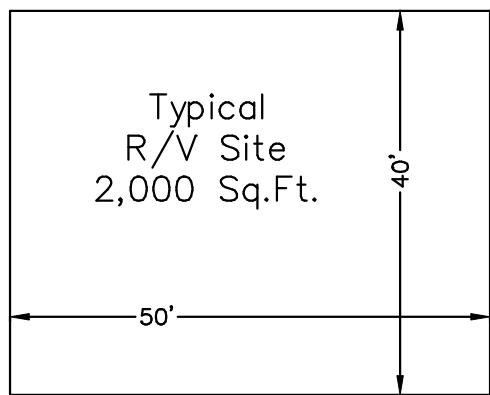
Zoning District: R-3 (Residential)

Setbacks:  
Front: 20' (Collector)  
Side: 15'  
Rear: 15'  
RV Buffer: 50'  
Stream Buffer: 30'

Height: 40'

**LAND AREA:**

9.32 Acres± (402,252 Square Feet)



Scale 1" = 20'

Lot 6  
Christie & Michael Mattingly  
D.B. 1446, Pg. 88  
P.S. 7066  
PIN: 9682-64-8565  
Zoned: R-3

Tract 1  
Tanya Jo Shook  
D.B. 1459, Pg. 641  
P.S. 4298  
PIN: 9682-74-4399  
Zoned: R-3

Lot 5  
Christie & Michael Mattingly  
D.B. 1500, Pg. 639  
P.S. 7066  
PIN: 9682-64-8037  
Zoned: R-3

Tract 2  
Tallie & Todd Stempien  
D.B. 1430, Pg. 524  
P.S. 4298  
PIN: 9682-73-4959  
Zoned: R-3

Trail Creek Road  
20' Private Right of Way

Green Mountain Road  
50' Public Right of Way

Sheila E. Stempien, et al  
D.B. 489, Pg. 161  
PIN: 9682-73-3596  
Zoned R-3

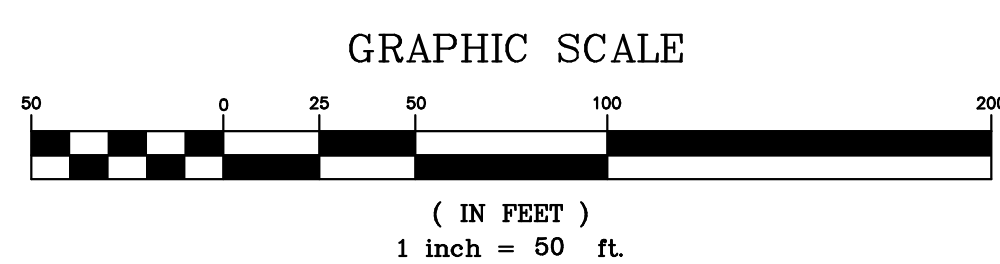


Not valid without the signature of a Professional Land Surveyor

No.	REVISIONS	Date
1	Reduced Number of RV Sites	2/18/19

LEGEND	
○	IPF IRON PIN FOUND
○	IPS IRON PIN SET
○	PT POINT-No Monumentation
⊙	STORM DRAIN MANHOLE
⊗	GAS VALVE
⊗	FIRE HYDRANT
⊗	SEWER MANHOLE
⊗	CATCH BASIN
⊗	CURB INLET
⊗	WATER METER
⊗	WATER VALVE
⊗	TRANSFORMER
⊗	TELEPHONE PEDESTAL
⊗	CABLE BOX
⊗	LIGHT POLE
⊗	POWER POLE
⊗	CLEAN OUT
—OHU—	OVERHEAD UTILITY LINE
—S—	SEWER LINE
—x—	FENCE
P.O.B.	POINT OF BEGINNING
P.O.C.	Point of Commencement
(M)	MEASURED
(R)	RECORD

LINE (L1)  
B=S04°50'12"W  
L=31.34'



**MAJOR SITE PLAN**  
**Trail Creek RV's**  
Green Mountain Road  
Clear Creek Township, Henderson County  
State of North Carolina

**FREELAND - CLINKSCALES & ASSOCIATES, INC. of NC**  
Engineers \* Land Surveyors  
201 2nd AVE. EAST  
HENDERSONVILLE, N.C. 28792  
(828) 697-6539  
(828) 697-8195 (Fax)  
fcaofnc@outlook.com

REF. PLAT BOOK	xx/xx
REF. DEED BOOK	3111/363
TAX MAP	9682-74-0088
PARTY CHIEF	GAB
DRAWN	TEC
DATE	January 7, 2019
DWG. NO.	H39009