

REQUEST FOR BOARD ACTION
HENDERSON COUNTY
ZONING BOARD OF ADJUSTMENT

MEETING: 5-5-20 TRC 5-27-20 ZBA

SUBJECT: **Small Place of Assembly**

PRESENTER: **Toby Linville**

ATTACHMENTS: **Staff Report**

SUMMARY OF REQUEST:

Special Use Permit application for a small place of assembly for receptions.

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The applicant is requesting a Special Use Permit to allow the use of this property for a small place of assembly for wedding receptions and other gatherings.

Staff requests that the ZBA review the application and make a decision based on evidence presented for this project.

Suggested Motion:

I move to approve/deny SUP-20-03 for C Steven Edney with the following conditions:

Meet requirements of SR 5.17. *Place of Assembly, Small*

- (1) Site Plan. Major *Site Plan* required in accordance with §42-331 (Major Site Plan Review).
- (2) Lighting. *Lighting mitigation* required.
- (3) Structure. A *structure* shall be designed to accommodate a maximum of 250 persons. Persons shall include all event attendees (guest, hired staff, event workers, etc.).
- (4) Perimeter Setback. One hundred (100) feet. No parking shall be allowed within the setback area.
- (5) Buffer. A B2 buffer is required per Table 5.2 Buffer Width and Plant Material Requirement.

The use will:

- a) **Not materially endanger the public health, safety or welfare;**
- b) **Not substantially injure the value of the property or improvements in the area; and**
- c) **Be in harmony with the surrounding area.**



Henderson County, North Carolina Code Enforcement Services

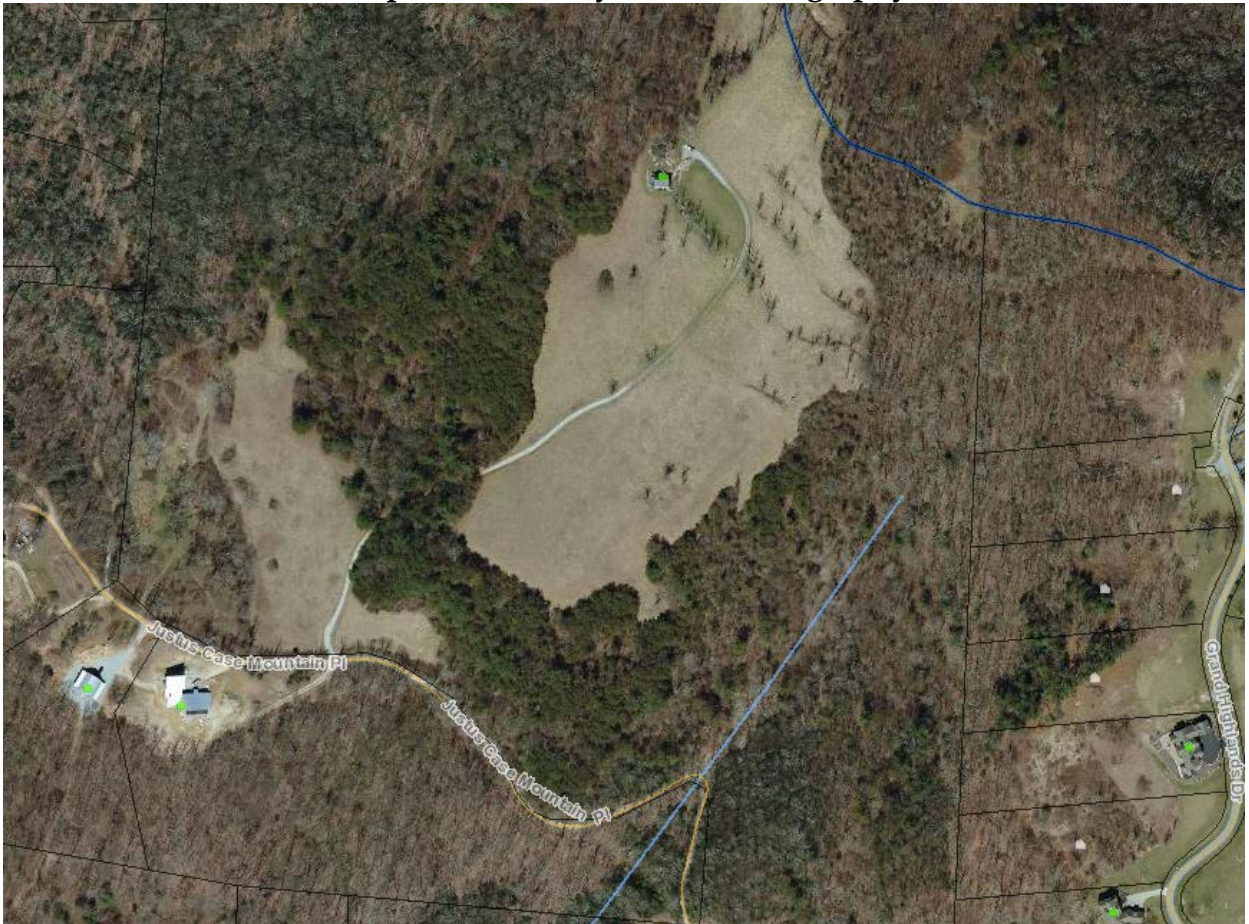
1. Committee Request

- 1.1. **Applicant:** C. Steven Edney
- 1.2. **Request:** Major Site Plan Approval-Special Use Permit
- 1.3. **PIN:** 9694205627
- 1.4. **Size:** 97.86 acres +/-
- 1.5. **Location:** The subject area is located at 488 Justus Case Mountain Pl
- 1.6. **Supplemental Requirements:**

SR 5.17. *Place of Assembly, Small*

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Map A: Pictometry/Aerial Photography



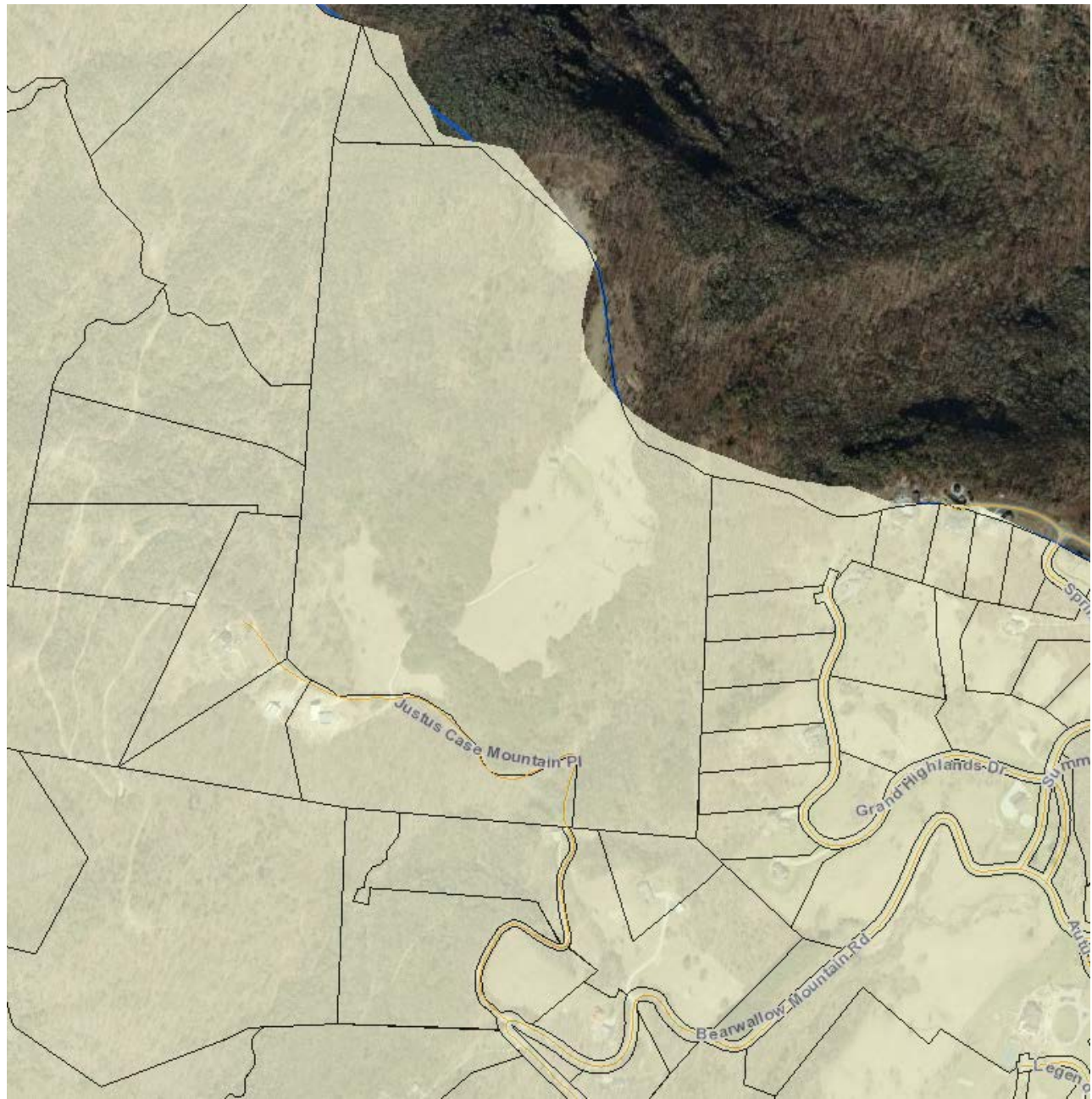
2. **Current Conditions**

Current Use: This parcel is currently in Residential Use.

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

Zoning: The surrounding properties are zoned Residential Three (R3).

Map B: Current Zoning



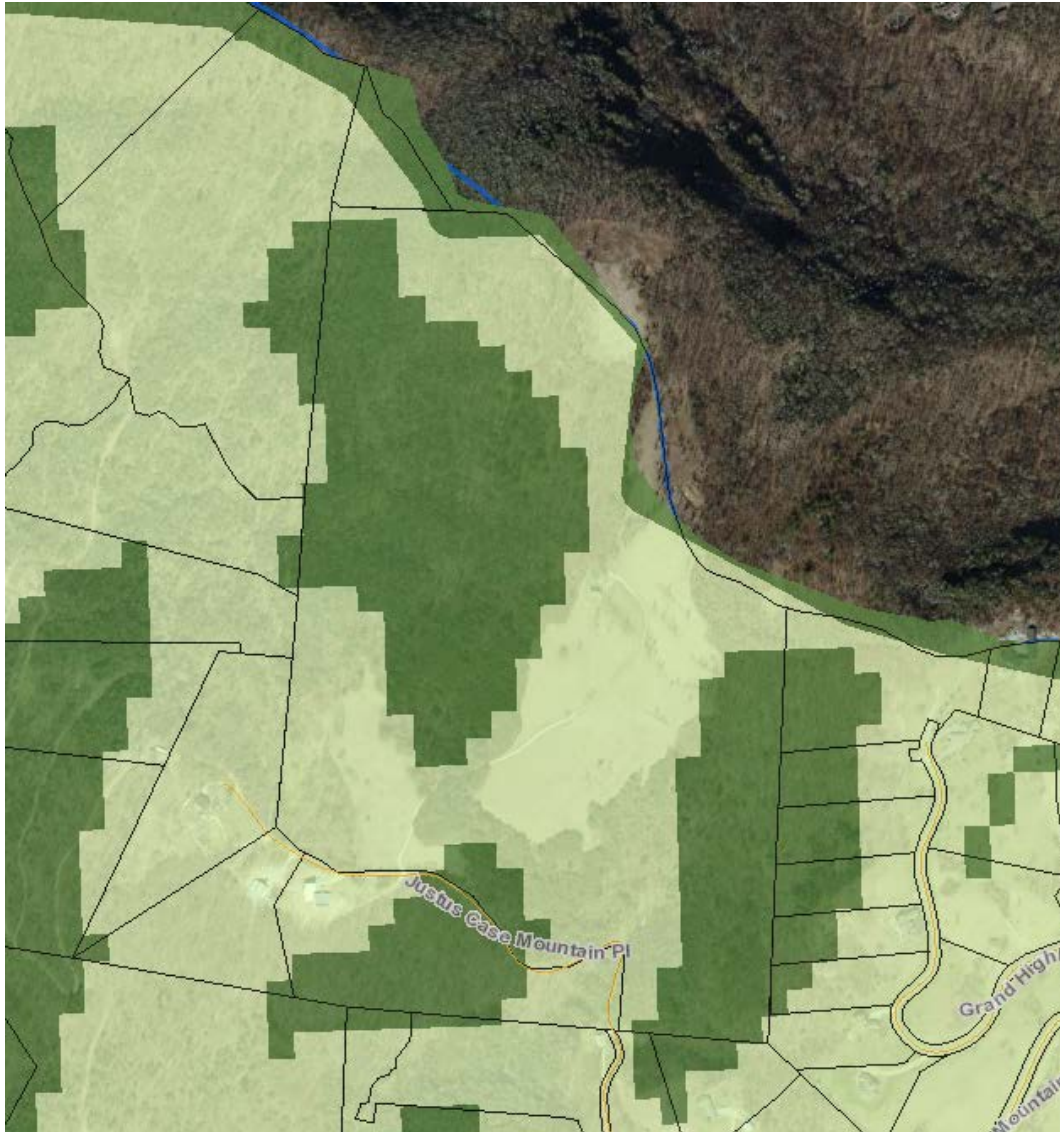
3. **Floodplain /Watershed Protection** The property is not located in a Special Flood Hazard Area. The parcel is not located in a Water Supply Watershed district.

4. **Water and Sewer** This property will be served by private well and septic.

Public Water: N/A

Public Sewer: N/A

Map C: CCP Future Land Use Map



5. Comprehensive Plan

The 2020 CCP: The CCP Future Land Use Map places the Subject Area in the Rural Agriculture Areas classification. The text and map of the 2020 CCP suggest that the Subject Area would be more suitable for the following:

The following is a description of the patterns of development envisioned within the RAA:

1. 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.
2. Slopes are typically steep, often exceeding 10%, with significant areas greater than 20%.

6. Staff Recommendations

Staff recommends approval of the major site plan and forwarding the application to the Zoning Board of Adjustment for review.

7. Photographs and Site Plan



03.20.2020 14:42



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JUSTICE ROAD N.W.

03.20.2020 14:50

**HENDERSON COUNTY
SPECIAL USE PERMIT APPLICATION FORM****GENERAL INFORMATION**Date of Application: 3-10-2020Previously Submitted (Circle One): Yes No

Date of Pre-Application Conference: _____

Site Plan Attached (Circle One): Yes NoTraffic Impact Study Required (Circle One): Yes No**SPECIAL USE PERMIT INFORMATION**Type of use to be permitted: OUTDOOR WEDDING VENUE SR #: _____Existing Structures or Uses on property: 1 CABIN RENTAL (AIR BNB) VACANT PASTURE LANDRoad System (Circle): Public PrivateWater 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 INFORMATIONPIN: 9694205627 Deed Book/Page: 1497/296 Tract Size (Acres): 97.86Zoning District: R-3 Fire District: 63520M Watershed: N Floodplain: MLocation of property to be developed: 488 JUSTUS CASE MOUNTAIN PL**CONTACT INFORMATION****Property Owner:**Name: C. STEVEN EDNEYPhone: 828-696-1662Address: 14 SECRETARIAT DR.City, State, and Zip: HENDERSONVILLE, NC. 28792**Applicant:**Name: GEORGE PENDLETONPhone: 828-697-5625

Application No. _____

Address: P.O. BOX 457

City, State, and Zip: MAPLES, NC 28760

Agent:

Name: _____

Phone: _____

Address: _____

City, State, and Zip: _____

Agent Form (Circle One): Yes No

Plan Preparer:

Name: DAVID HUNTLEY & ASSOC.

Phone: 828-693-8077

Address: 675 MAPLE ST.

City, State, and Zip: HENDERSONVILLE, 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:

SUBJECT PROPERTY OFFERS A VERY WALKABLE, GENTLE SLOPING HIGH ELEVATION MEADOW WITH EXPANSIVE LONG RANGE VIEWS. ITS REMOTE AND PRIVATE LOCATION MAKE IT AN IDEAL SPOT FOR AN OUTDOOR WEDDING VENUE. THE PROPOSED IMPROVEMENTS WILL GREATLY IMPROVE USER CONVENIENCE AND SAFETY. THE EVENTS AND PROPOSED USE SHOULD NOT POSE ANY DANGER OR RISK TO THE PUBLIC.

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

THE PROPOSED EVENT SITE IS CENTRALLY LOCATED WITHIN A LARGE 98 ACRE TRACT OF LAND. A PRIVATE DRIVE LEADS TO A LARGE OPEN MEADOW SURROUNDED BY FOREST. THESE FOREST LANDS PROVIDE A NATURAL VISUAL BUFFER, OFFERING PRIVACY FROM ALL EXISTING RESIDENT NEIGHBORS OR PROPERTY ADJOINERS. THE EVENT SITE IS OPEN BUT VERY SECLUDED. WE DO NOT PERCEIVE ANY NEGATIVE IMPACT TO THE VALUE OF SURROUNDING PROPERTIES.

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

GREAT EFFORT AND PLANNING IS INTENDED TO PRESERVE AND ENHANCE THE NATURAL PRIMITIVE BEAUTY OF THIS PROPERTY. THAT IS VALUABLE FOR THIS TYPE OF EVENT. ALL PROPOSED IMPROVEMENTS ARE DESIGNED TO BE UNDERSTATEMENTS AND FUNCTIONAL TO AN OUTDOOR EVENT BEING HELD IN A BEAUTIFUL, NATURAL SETTING. GRANDHIGHLANDS FORMERLY OFFERED A POPULAR WEDDING VENUE BUT CLOSED TO PUBLIC SINCE 2016. OUTDOOR PUBLIC TRAILS ARE BEING DEVELOPED AND OPENED ON BEARWALLOW MTN. VICINITY ENCOURAGING OUTDOOR ACTIVITY.

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.

PROPOSED USE MEETS ALL APPLICABLE REGULATIONS

- 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.

PROPOSED USE IS IN ACCORDANCE WITH COMPREHENSIVE PLAN CONSERVATION DISTRICT. PROPERTY WILL REMAIN LARGELY UNDERDEVELOPED BUT USABLE BY OTHERS.

- 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.

GENERALLY NOT APPLICABLE - THE REMOTE LOCATION OF THE PROPOSED EVENT SITE IN RELATION TO OTHER PROPERTIES REDUCES CONCERN TO THE ABOVE.

- 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.

MINIMAL SOIL DISTURBANCE STRATEGIES HAVE BE PLANNED TO PERFORM A LOW IMPACT GRADING PLAN. ALL PARKING SURFACES AND ROADWAYS WILL BE OR REMAIN PERVIOUS. PLANNING TAKES ADVANTAGE OF GENTLE TOPOGRAPHY TO REDUCE RUN OFF.

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).

APPROPRIATE BUT CAUTIOUS USE OF DIRECTIVE, WELCOMING SIGNAGE WILL PROVIDE GUESTS NECESSARY INFORMATION. EXISTING SINGLE TRACK DRIVES WILL BE WIDENED WITH PULL-OFFS BEING ADDED. GUEST DROP OFF LOOP WITH HARD WALKING SURFACES PROPOSED TO EVENT SITE.

- b. Off-street parking and loading areas.

NA. ADEQUATE PARKING BEING PROPOSED FOR OUTDOOR VENUE. LOADING AREA WITH HARD SURFACE WALK BEING PROPOSED TO THE EVENT SITE. ADA REQUIREMENTS WILL BE MET.

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

PRIVATE WELL ON-SITE, ON-SITE ELECTRIC METER (EXISTING) SEPTIC SYSTEM FOR RESTROOMS (PROPOSED)

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

SEE NOTES TO SITE PLAN, REFERENCE RE-FORESTATION

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

* EXISTING - RENTAL CABIN

* PROPOSED - ADA RESTROOM 350 SQ. FT.

FUTURE - BRIDAL HOUSE 2500 SQ. FT. (+/-) HEATED PWS SEASONAL PORCHES
- PAVILLION 1500 SQ. FT. COVERED WEDDING (INCLEMENT WEATHER)
RECEPTION SEATING

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

GEORGE PANDUSTON - AGENT

Print Applicant (Owner or Agent)

Signature Applicant (Owner or Agent)

3-10-2020

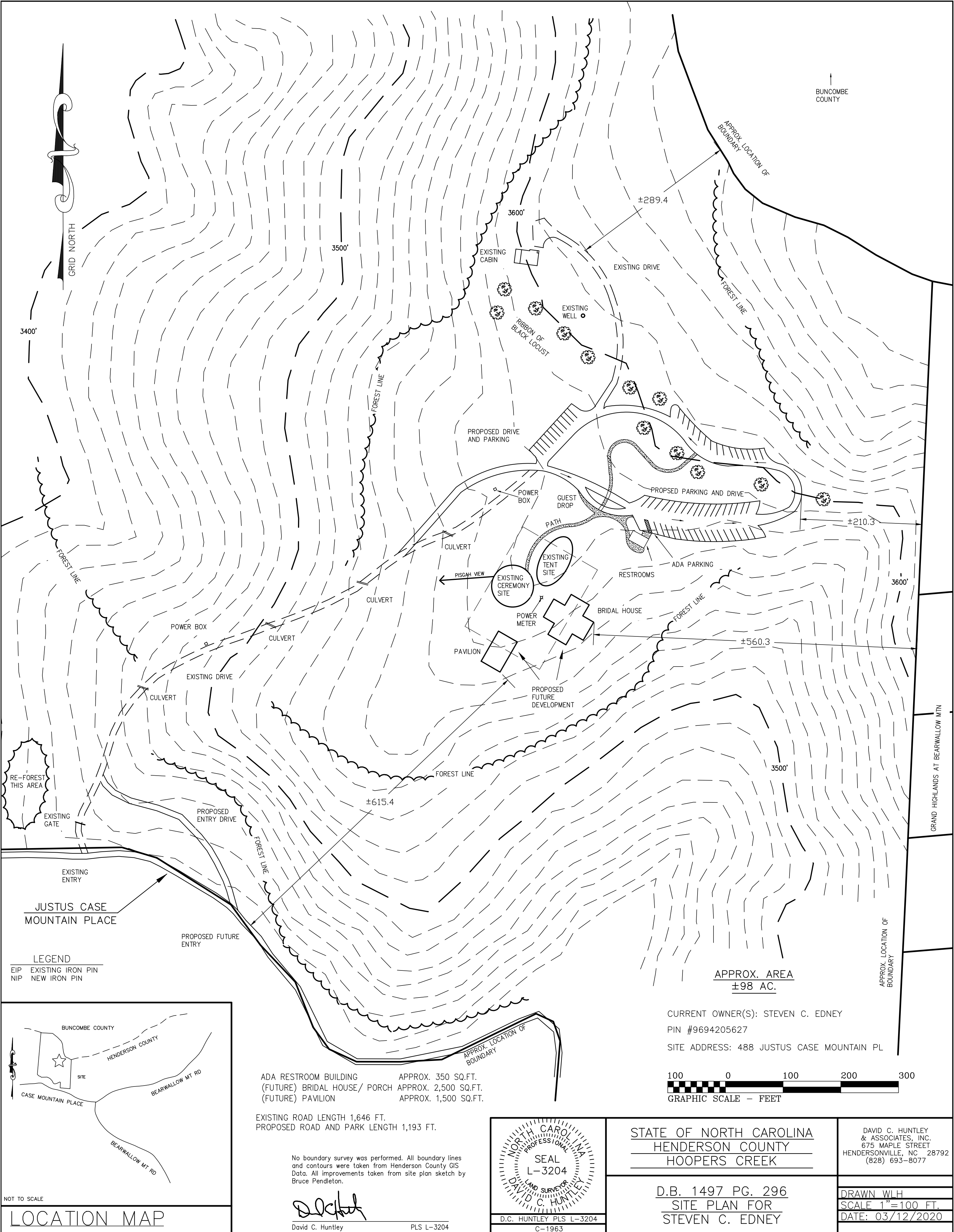
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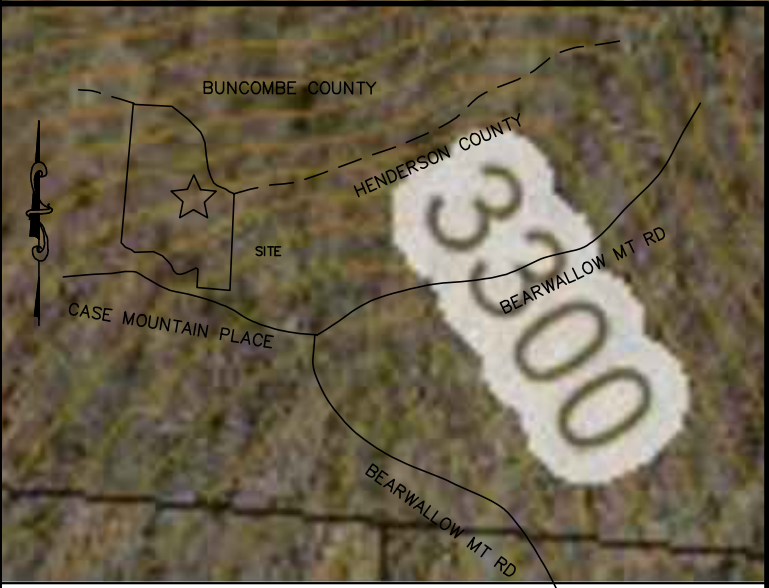
County Use Only

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

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

Community Planning Area: _____





NOT TO SCALE

LOCATION MAP

David C. Huntley
PLS L-3204

SEAL
L-3204
DAVID C. HUNTLEY
D.C. HUNTLEY PLS L-3204
C-1963

STATE OF NORTH CAROLINA
HENDERSON COUNTY
HOOPERS CREEK

D.B. 1497 PG. 296
SITE PLAN FOR
STEVEN C. EDNEY

DAVID C. HUNTLEY & ASSOCIATES, INC.
675 MAPLE STREET
HENDERSONVILLE, NC 28792
(828) 693-8077

DRAWN W/LH
SCALE 1"=100 FT.
DATE: 03/12/2020