

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

**MEETING DATE:** 5-5-20 TRC and 5-27-20 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 Lane Rd RV Park

I recommend forwarding SUP-20-04 & V-20-01 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

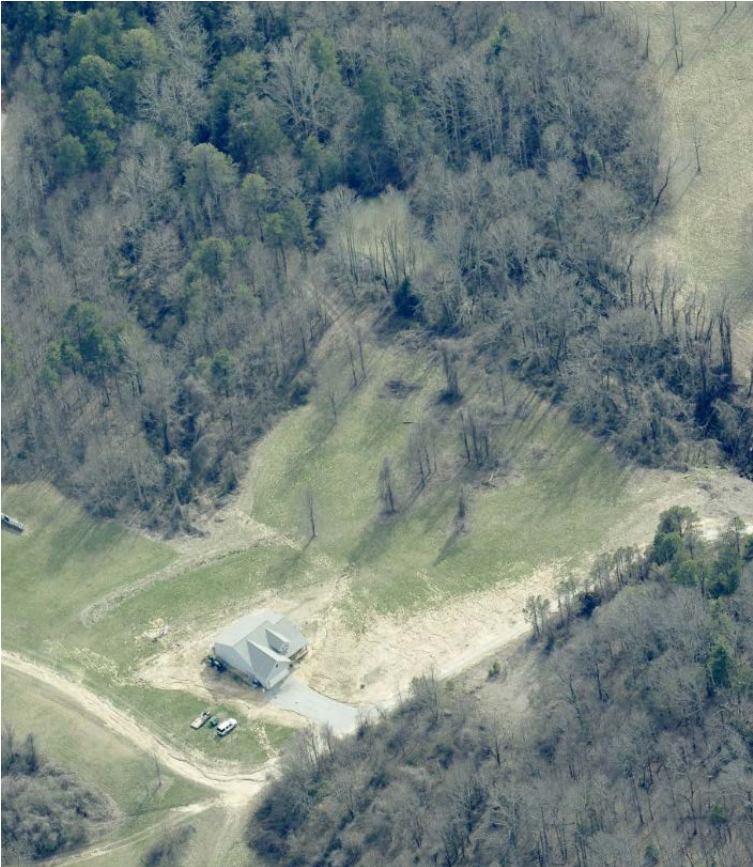
### **1. Board Request**

- 1.1. **Applicant:** Danie'l Flores
- 1.2. **Request:** Recreational Vehicle Park
- 1.3. **PIN:** 9598897496
- 1.4. **Size:** 9.64 acres +/-
- 1.5. **Location:** The subject area is located at the end of Lane 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**





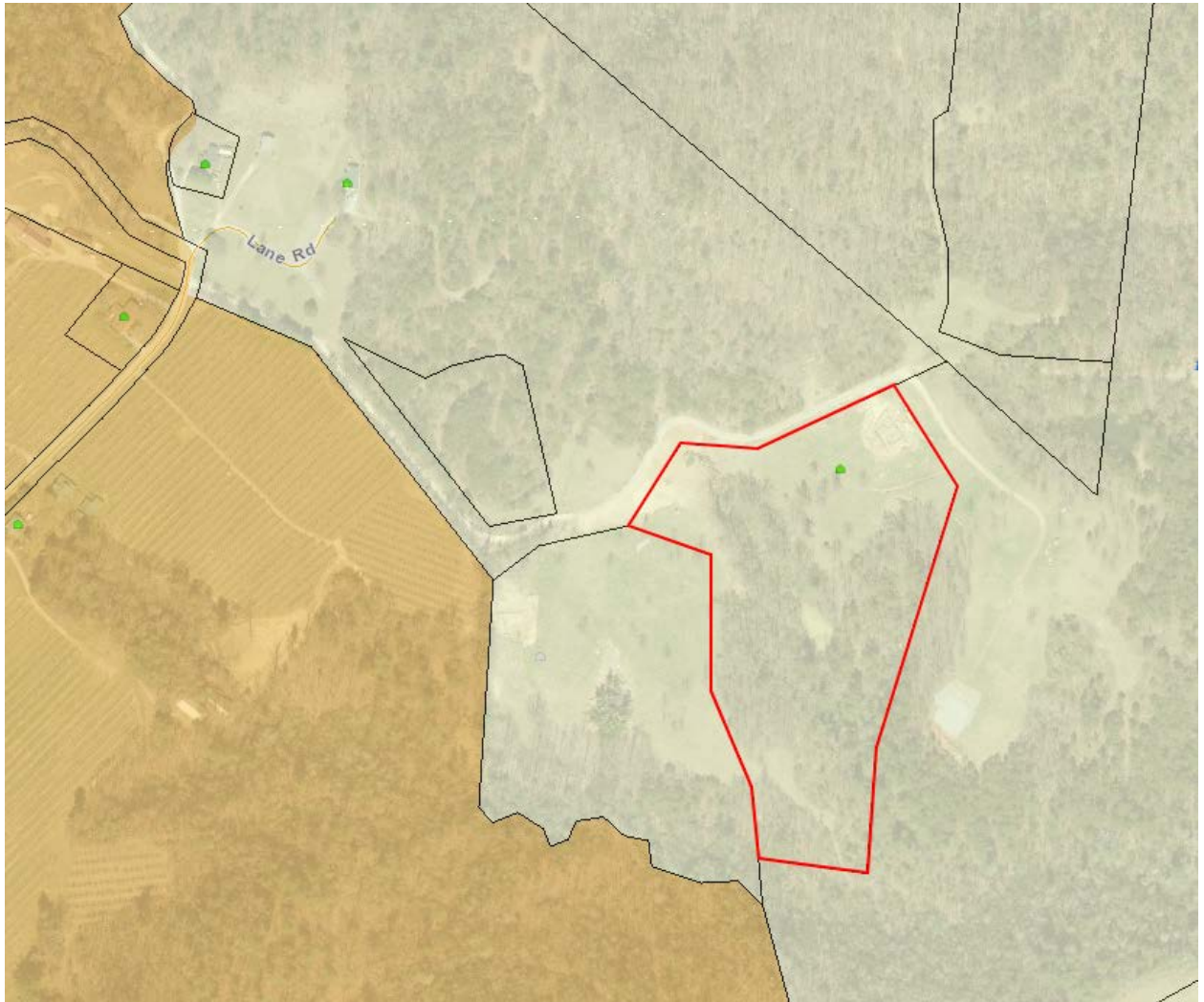
2. **Current Conditions**

**2.1 Current Use:** This parcel is currently residential.

**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**



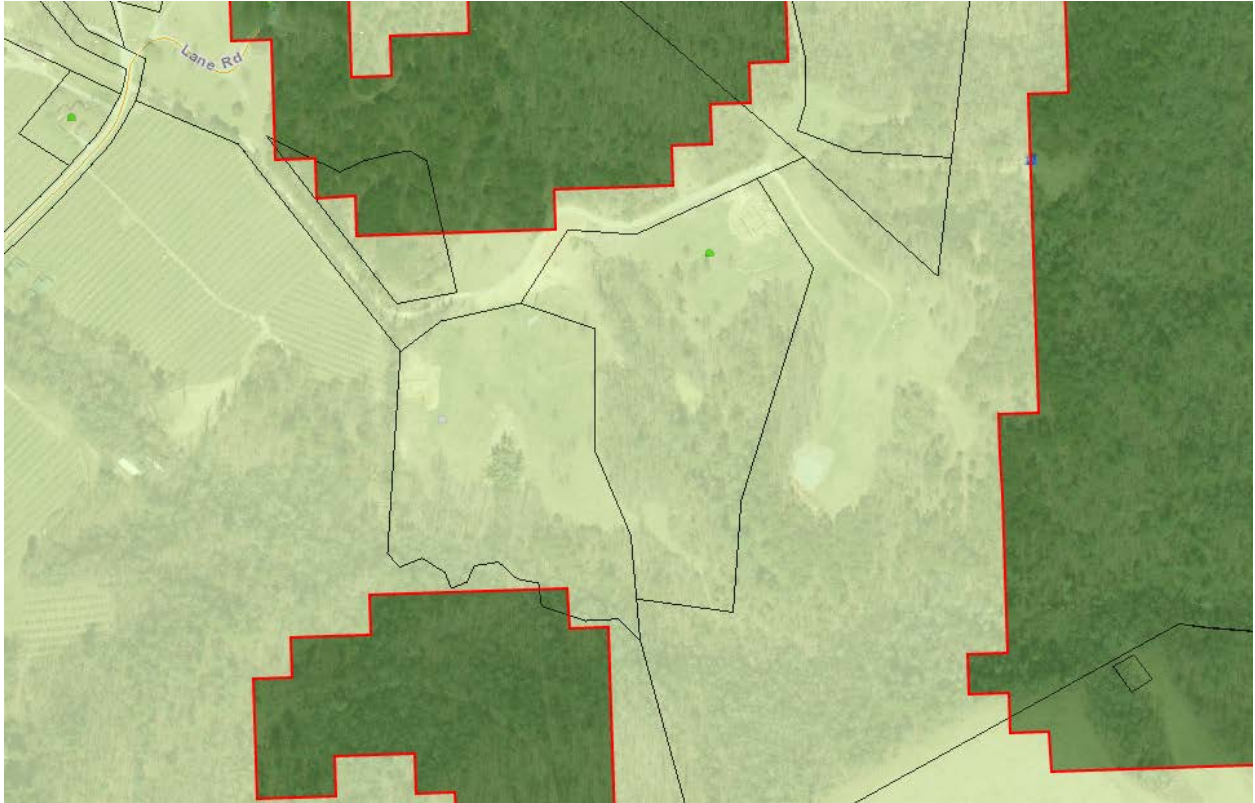
3. **Floodplain /Watershed Protection** The property is not located in a Special Flood Hazard Area. The property is not in a Water Supply Watershed district.

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**

Staff's position at this time, under the guidelines of current plans, policies and studies, is to recommend approval of the major site plan because it is consistent with the current surrounding land uses and future land use recommendations.

**7. Photographs**

SUP-20-04 & V-20-01 Lane Rd RV Park







05.11.2020 10:46





05.11.2020 10:47





05.11.2020 10:55





05.11.2020 10:57



Application No. \_\_\_\_\_

### HENDERSON COUNTY SPECIAL USE PERMIT APPLICATION FORM

#### GENERAL INFORMATION

Date of Application: 03/31/2020

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: Special Use / campground / RV Park SR #: \_\_\_\_\_

Existing Structures or Uses on property: \_\_\_\_\_

Road System (Circle): Public  Private  *shared per HC environmental health dept. recommendation*  
Water System (Circle): Individual  Community  Public (Municipal or County)  
Sewer System (Circle): Individual  Community  Public (Municipal or County)  
*per HC environmental Health dept. recommendation*

#### 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: 9598897496 Deed Book/Page: 003449/0298 Tract Size (Acres): 9.64

Zoning District: R3 Fire District: Dana Watershed: \_\_\_\_\_ Floodplain: outside

Location of property to be developed: 610 lane rd, Flat Rock, NC 28731

#### CONTACT INFORMATION

##### Property Owner:

Name: Daniel Flores Phone: 828-216-0792, 828-215-2567  
Address: 610 lane rd City, State, and Zip: Flat Rock NC 28731

##### Applicant:

Name: Daniel Flores Phone: 828-216-0792, 828-215-2567



Application No. \_\_\_\_\_

Address: \_\_\_\_\_ City, State, and Zip: \_\_\_\_\_

Agent: Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ City, State, and Zip: \_\_\_\_\_

Agent Form (Circle One): Yes No

Plan Preparer: Name: Steven L. Waggoner Phone: 828-693-1022

Address: 545 S Grove 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:  
The purpose of this project is to provide rest and relaxation in nature accompanied by the optional use of more comfortable camping amenities. Thus, we decided park model cabins and camping tents. Given the rural setting, we would prefer the use of septic systems for waste disposal and a well(s) for water. Once waste is properly removed, there shouldn't be anything that would endanger public health. On the contrary, it should be a healthy experience.
- B. General Requirement #2. The use will not substantially injure the value of property or improvements in the area.  
Adding septic systems/well(s) should increase the property value. The park model cabins are movable structures as are the tents.
- C. General Requirement #3. The use will be in harmony with the surrounding area.  
The 7.63 acre tract of land where the cabins will be located is surrounded by 60 acres of forest. Our hope is to preserve this area for retreat purposes/outdoor recreational activities that will allow us to maintain this area as natural as possible. The surrounding area is family land but this project will allow us to generate an income while preserving habitat areas for wildlife and forestry. Our aim is to leave the smallest footprint possible.

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.  
We will obtain all required permits for septic system(s), storage buildings, tent platforms, plumbing and well drilling.
- 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.  
We will act per recommendations



- 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.

We will set rules to forbid parties. Our goal is to offer a place of quiet rest and relaxation. Quiet hours will be from 8pm to 8am. Forest coverage will reduce glare.

- 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.

We will preserve trees/surrounding habitats. Our campsites and park model spots will be located in areas that are naturally free of trees and in some cases with tents we will place them between trees.

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).

There will be a road graded branching off of lane road.

- b. Off-street parking and loading areas.

Not necessary. Parking near rental spaces. Road is wide enough for two cars to pass in most areas.

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

We are requesting septic systems & well.

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

Trees will be planted in any area where rentals may be visible to road.

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

Park model RVs under 400 sq ft.  
2 glamping tents per RV space where cabins aren't designated (a total of two spaces).

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

Daniel Flores

Print Applicant (Owner or Agent)



Signature Applicant (Owner or Agent)

03/31/20

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. \_\_\_\_\_

### HENDERSON COUNTY VARIANCE APPLICATION FORM

#### GENERAL INFORMATION

Date of Application: 03/31/20  
Previously Submitted (Circle One): Yes  No   
Date of Pre-Application Conference: \_\_\_\_\_  
Site Plan Attached (Circle One): Yes  No

#### PARCEL INFORMATION

Property Address: 610 lane rd, Flat Rock, NC 28731  
PIN: 9598897496 Deed Book/Page: 2009/100 Acreage: 9.64  
Zoning District: R3 Fire District: Dana Watershed: \_\_\_\_\_ Floodplain: outside  
Driving Directions: take a right at mailbox #610 when reaching end of paved lane rd. Continue on gravel road until large curve. Take right just before curve to access parcel.

REASON FOR VARIANCE: Rural location/not wanting to move park models  
FRONT SETBACK (feet/foot): \_\_\_\_\_  
SIDE SETBACK (feet/foot): \_\_\_\_\_  
REAR SETBACK (feet/foot): \_\_\_\_\_

#### PROPERTY OWNER CONTACT INFORMATION:

Name: Daniel Flores Phone: 828-216-0792 828-215-2567  
Address: 610 lane rd City, State, and Zip: Flat Rock, NC 28731  
Applicant:  
Name: Daniel Flores Phone: 828-216-0792 828-215-2567  
Address: 610 lane rd City, State, and Zip: Flat Rock, NC 28731  
Agent:  
Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ City, State, and Zip: \_\_\_\_\_  
Agent Form (Circle One): Yes  No   
Plan Preparer:  
Name: Steven L. Whopper Phone: 828-693-1022  
Address: 545 S Grand City, State, and Zip: Hendersonville, 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.)

Park Model RVs are towable structures. It would be unreasonable to expect to tow them back and forth to the dump station. Furthermore, it will increase traffic flow.

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 variance is due to location/accessibility in a rural setting. Furthermore, park model RVs are not drivable. RVs they require hauling/towing. It would be easier to connect them to a septic system.

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

The variance would not affect our operation financially or produce any "hardship", however it is in harmony with the purpose of the operation and development. The nature of the type of rentals we wish to purchase is that they are not drivable.

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.)

The parcel is surrounded by 60 acres of raw land in a rural location. Allowing the use of septic systems will reduce traffic in and out of parcel and will allow for more efficiency as there will be easier access to waste disposal. The nature of the operation is peaceful relaxation in nature, not individuals having to drive back and forth to access water/waste disposal.

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.)

The variance will cause no public harm. It will reduce back and forth traffic, ~~allow for~~ and cause less of a disturbance in our quiet location.



**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.

The variance is due to the parcels location and the nature of the operation in conformity with the surrounding land. It has to do with maintaining the peace as much as possible reducing traffic and removing the burden of having the park model RVs back and forth.

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

Daniel Flores  
Print Applicant (Owner or Agent)

[Signature]  
Signature Applicant (Owner or Agent)

03/31/20  
Date

Fee: \$ \_\_\_\_\_ Paid: \_\_\_\_\_ County Use Only 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)



HENDERSON COUNTY  
MAJOR SITE PLAN REVIEW APPLICATION

CONTACT INFORMATION

Property Owner:

Name: Daniel Flores Phone: 828-216-0792  
Complete Address: 610 lane rd, Flat Rock NC 28731

Applicant:

Name: Daniel Flores Phone: 828-216-0792  
Complete Address: 610 lane rd, Flat Rock NC 28731

Agent:

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

Plan Preparer:

Name: Steven L. Wagoner Phone: 828-693-1022  
Complete Address: 5455 Grove st, Hendersonville NC 28792

GENERAL INFORMATION

Date of Application: 03/31/20  
Site Plan Attached (Circle One):  Yes No

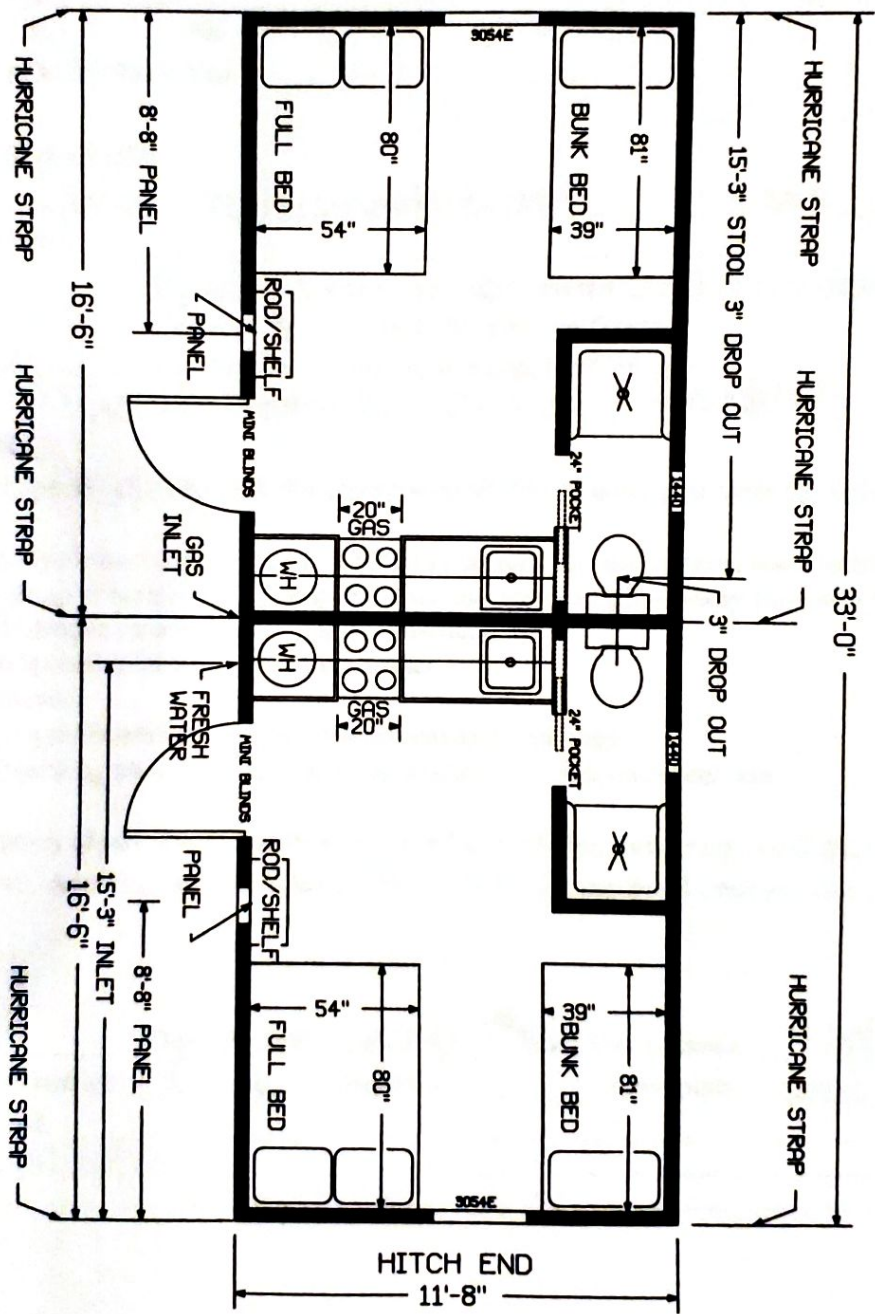
PARCEL INFORMATION

PIN: 9598897496 Tract Size (Acres): 9.64  
Zoning District: R3 Fire District: Dona  
Supplemental Requirement#: \_\_\_\_\_ Watershed: \_\_\_\_\_  
Permitted by Right \_\_\_\_\_ Floodplain: outside  
Special Use Permit \_\_\_\_\_

Location / Property to be developed: 610 lane rd, Flat Rock, NC 28731  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

.....  
County Use Only

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



PROJECT NAME:  
 BRIMSTONE-DUPLEX

EMAIL ADDRESS:

LITERATURE

SCALE: 3/16" = 1'-0"



MARK RICHARD TAYLOR  
D.B.1519 PG.494  
PLAT SLIDE 4404

**SITE PLAN FOR**  
**DANIEL STARLENE CAROLYN FLORES**  
**AND**  
**ALAN JACINTO FLORES NAVA**  
**SHOWING A PARK MODEL CABIN CAMPGROUND**  
BLUE RIDGE TOWNSHIP  
HENDERSON COUNTY  
NORTH CAROLINA  
JANUARY 13th, 2020  
SCALE 1" = 120'

**CONTACT INFORMATION:**  
DANIEL STARLENE CAROLYN FLORES  
AND  
ALAN JACINTO FLORES NAVA  
608 LANE ROAD  
DANA, NC  
(828) 216-0792

**PLAT NORTH**  
SLIDE 11289

RYAN STEINER  
B.O.R. 3217 PG.78  
PLAT SLIDE 11289

RYAN STEINER  
B.O.R. 3217 PG.78  
PLAT SLIDE 11289

WILLIAM H. MAY JR.  
Remainder  
D.B.1125 PG.345 TRACT 1  
PLAT SLIDE 4405

WILLIAM H. MAY JR.  
Remainder  
D.B.1125 PG.345 TRACT 1  
PLAT SLIDE 4405

DANIEL STARLENE CAROLYN FLORES  
ALAN JACINTO FLORES NAVA  
B.O.R. 3245 PG. 849  
PLAT SLIDE 11289  
PH# 8288887206

MARK RICHARD TAYLOR  
D.B.1519 PG.494  
PLAT SLIDE 4404

②  
2.01 AC.

COMMON AREA  
2.14 AC.  
28% OF TOTAL AREA

7.63 AC.

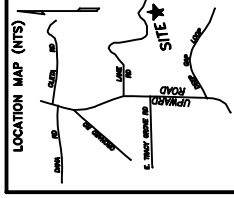
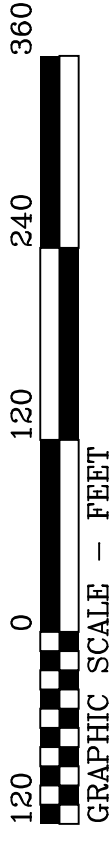
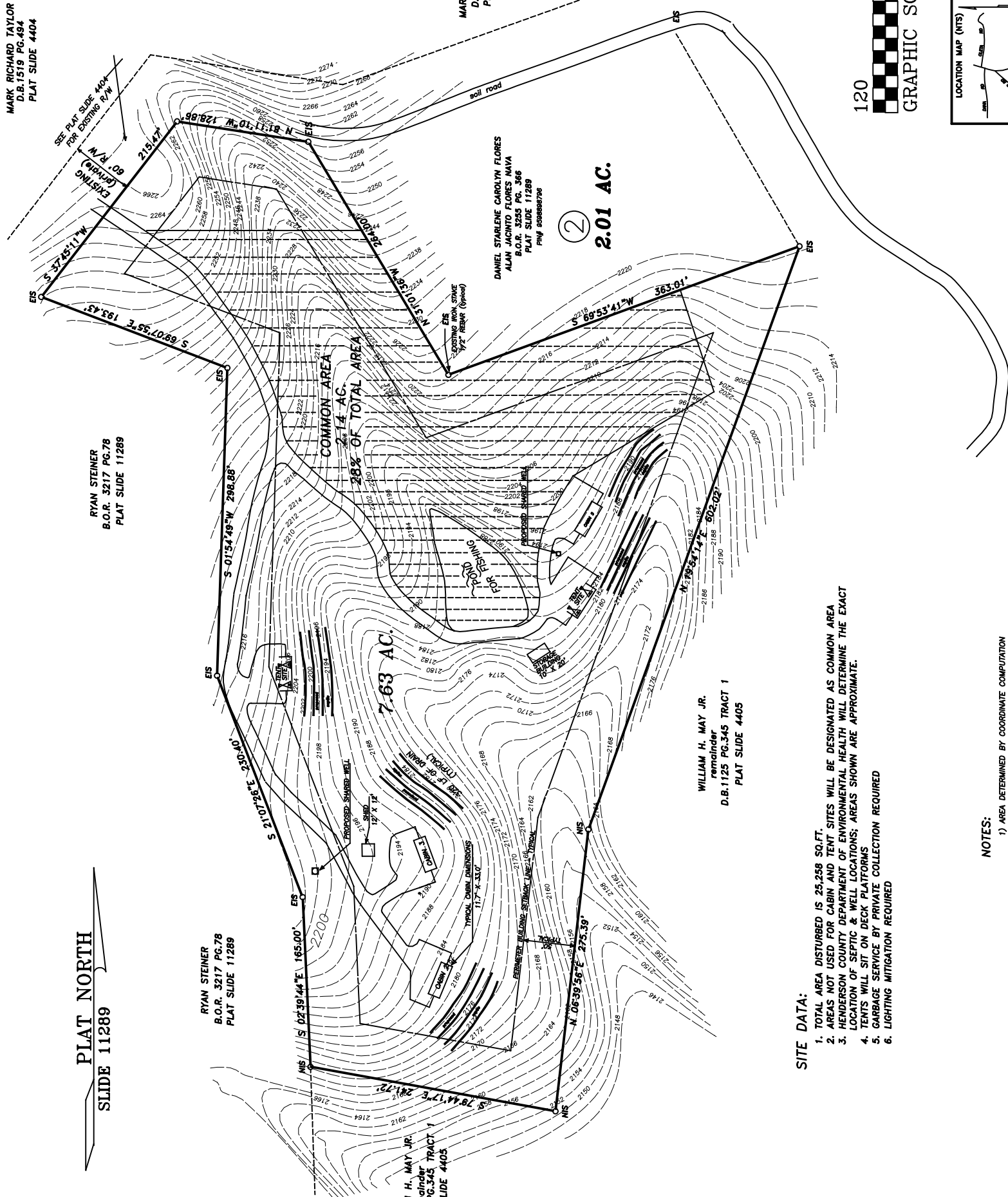
**SITE DATA:**

1. TOTAL AREA DISTURBED IS 25,258 SQ.FT.
2. AREAS NOT USED FOR CABIN AND TENT SITES WILL BE DESIGNATED AS COMMON AREA
3. HENDERSON COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH WILL DETERMINE THE EXACT LOCATION OF SEPTIC & WELL LOCATIONS; AREAS SHOWN ARE APPROXIMATE.
4. TENTS WILL SIT ON DECK PLATFORMS
5. GARBAGE SERVICE BY PRIVATE COLLECTION REQUIRED
6. LIGHTING MITIGATION REQUIRED

**NOTES:**

- 1) AREA DETERMINED BY COORDINATE COMPUTATION
- 2) THE CURRENT OWNERS OF RECORD ARE DANIEL STARLENE CAROLYN FLORES AND ALAN JACINTO FLORES NAVA AS PER B.O.R. 3449 PG. 298
- 3) AREA INCLUDES ANY AND ALL PORTIONS OF PROPERTY UNDER RIGHTS OF WAY AND/OR EASEMENTS, EITHER ACQUIRED OR CLAIMED.
- 4) THIS SUBJECT PROPERTY IS CURRENTLY ZONED R-3, WITH BUILDING SETBACK DIMENSIONS OF: FRONT/ROW 15'; SIDE & REAR 15'.

- LEGEND**
- EXISTING CORNER MONUMENT
  - NEW IRON PIPE SET OR
  - AS NOTED MONUMENT NOT STAKED
  - CONCRETE MONUMENT
  - AS NOTED



**REFERENCES:**  
B.O.R. 50.R.3449 PG.298  
PLAT SLIDE 11289  
TAX ID. REFERENCE:  
9598897496  
SCREEN FILE 19-094SP  
DWG FILE 190410TBY  
REVISIONS:

**SURVEY BY**  
**STEVEN LLOYD WAGGONER**  
NC PLS 2874  
WAGGONER & BROTHERS  
LAND SURVEYORS, PLLC.  
545 SOUTH GROVE STREET  
HENDERSONVILLE, NORTH CAROLINA 28792  
PHONE: 828-493-1122  
FAX: 828-493-4012

DATE: JANUARY 13th, 2020  
DRAWN BY: SLW/DKS  
JOB NUMBER: 19-094