

**REQUEST FOR BOARD ACTION
HENDERSON COUNTY
ZONING BOARD OF ADJUSTMENT**

MEETING: **TRC: 2/1/22 ZBA: 2/23/22**

SUBJECT: **SUP-22-01**

PRESENTER: **Matt Champion**

ATTACHMENTS: **Staff Report, Photos, Major Site Plan**

SUMMARY OF REQUEST: **Special Use Permit for Assisted Living Facility**

SUGGESTED MOTIONS:

I move to approve/deny SUP-21-07 because the 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.**



Henderson County, North Carolina Code Enforcement Services

1. **Committee Request**

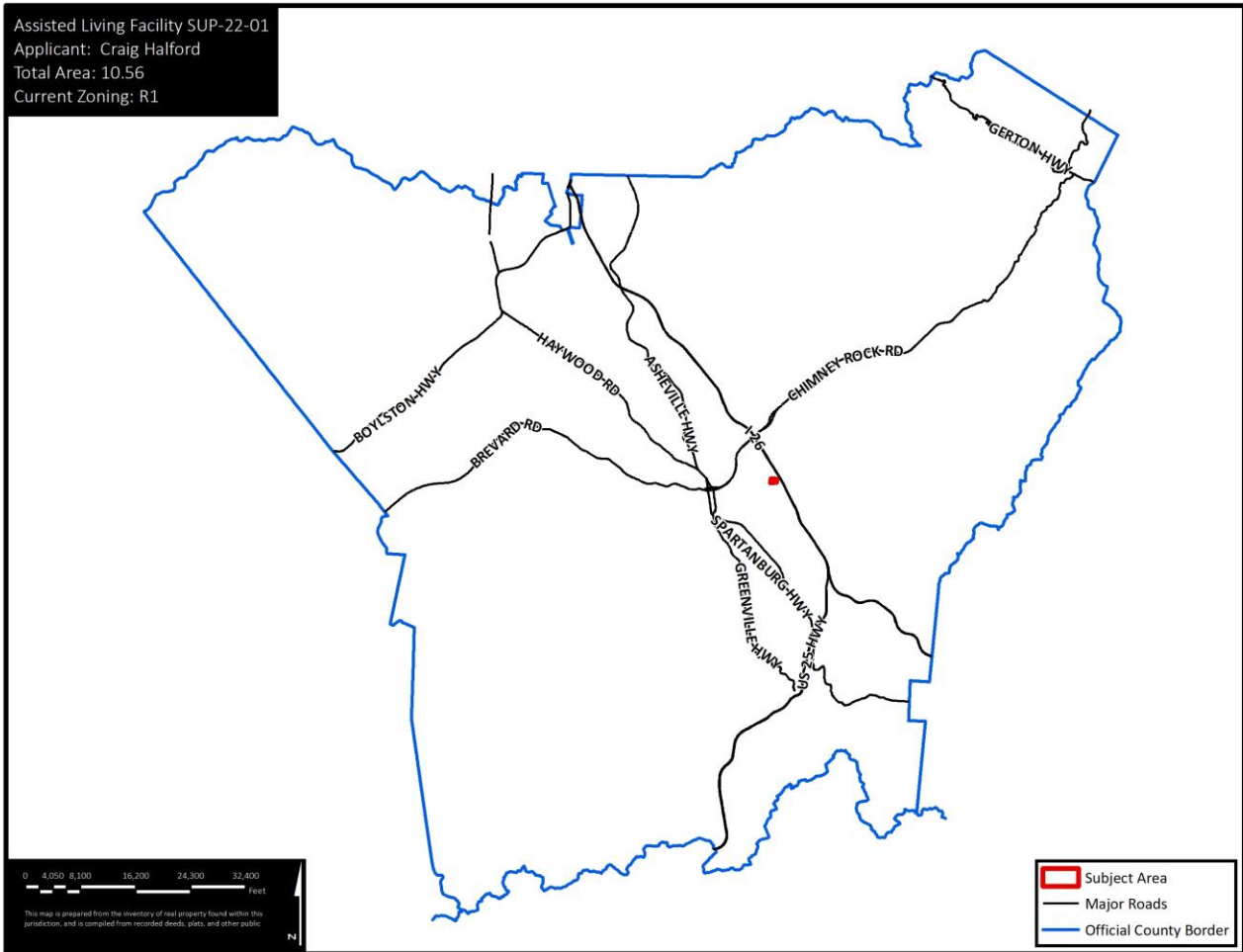
- 1.1. **Applicant:** Craig Halford
- 1.2. **Request:** Special Use Permit & Major Site Plan Review
- 1.3. **PIN:** 9579-70-0239
- 1.4. **Size:** 10.56 acres +/-
- 1.5. **Location:** 53 Orchard Park Road
- 1.6. **Supplemental Requirements:**

SR 1.1. *Assisted Living Residence*

- (1) Site Plan. Major *Site Plan* required in accordance with §42-231 (Major Site Plan Review).
- (2) Lighting. *Lighting mitigation* required.
- (3) Accessibility. *Roads* shall be maintained for motor/emergency *vehicle* access (in accordance with 10A NCAC 13F .0303).
- (4) Certification, Licensure and Permitting. *Certificate of Need* (in accordance with NCGS §131E-178) required (where required for the specific facility type by the state).
- (5) 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).

Assisted Living Residence. A group housing and services program for seven (7) or more unrelated persons, by whatever name it is called, that makes available, at a minimum, one (1) meal a day and housekeeping services and provides personal care services directly or through a formal written agreement with one or more licensed home care or hospice agencies. The Department of Health and Human Services may allow nursing service exceptions on a case-by-case basis. Settings in which services are delivered may include self-contained apartment units or single or shared room units with private or area baths. Assisted living residences are to be distinguished from *nursing homes* subject to provisions of NCGS §131E-102 (NCGS §131D-2(1d)). *Extended care facilities* with seven (7) or more residents (excluding *hospice residential care facilities* and *nursing homes*) shall, for the purposes of this Chapter, be included with and permitted in the same fashion as an assisted living residence.

Map A: County Context



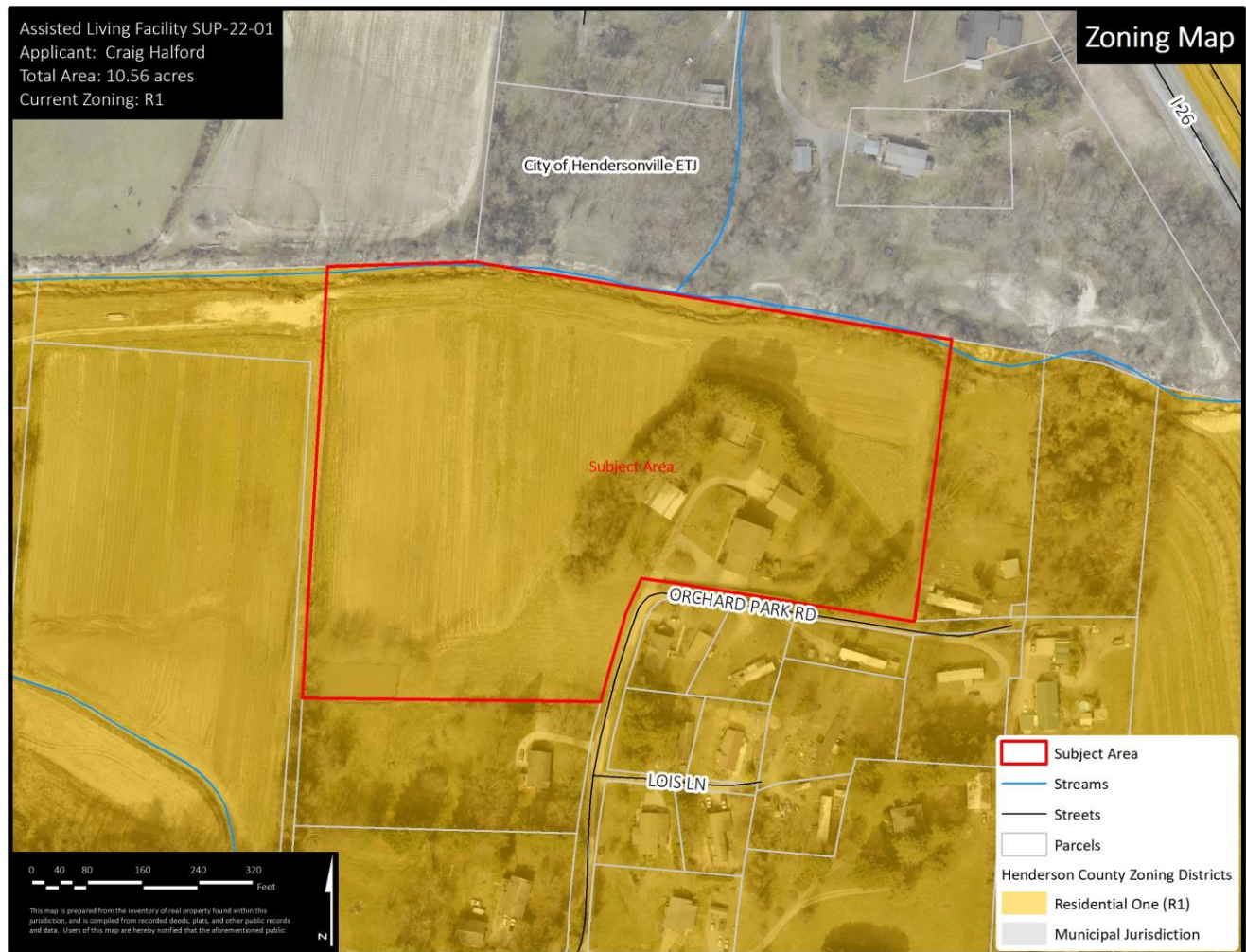
2. Current Conditions

- 2.1. **Current Use:** This parcel currently contains two residential structures, a barn, and a detached garage. The residential structure at 53 Orchard Park Dr is approximately 1,032SQFT and constructed in 1981. The other residential structure at 51 Orchard Park Dr was constructed in 2003 and is approximately 3,175SQFT. The detached garage was added to the property in 1981 and the barn was originally constructed in 1940. The barn is approximately 32'X40' and the detached garage is approximately 36'X36'.
- 2.2. **Adjacent Area Uses:** The surrounding properties contain residential and agricultural uses. Interstate 26 is located east of the subject area. Henderson County's Jackson Park is located approximately 0.75 miles southwest of the subject area.

Map B: Aerial Map



Map C: Current Zoning



3. Current Zoning

3.1. **Existing Zoning District:** The subject area is currently zoned Residential One (R1) by Henderson County. The purpose of R1 is “to foster orderly growth where the *principal use* of land is residential. The intent of this district is to allow for medium to high-density *residential development* consistent with the recommendations of the *Comprehensive Plan*.”

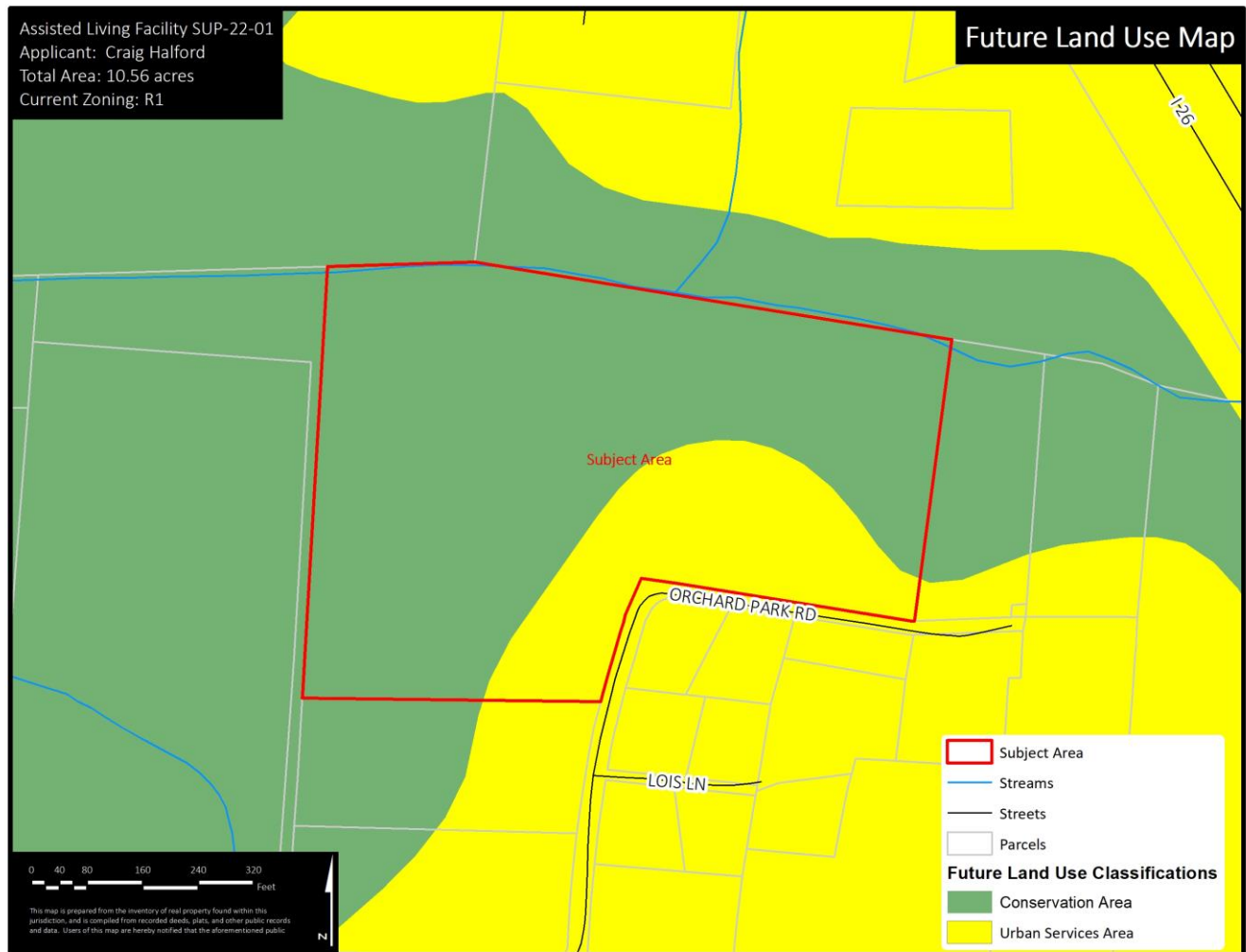
3.2. **Adjacent Zoning Districts:** The subject area is surrounded by R1 zoning to the west, south, and east. City of Hendersonville’s C-2 Secondary Business and R-15 Medium Density Residential is found north of the subject area.

4. Water and Sewer This property is served by private well and a private septic system.

Public Water: N/A

Public Sewer: N/A

Map D: CCP Future Land Use Map



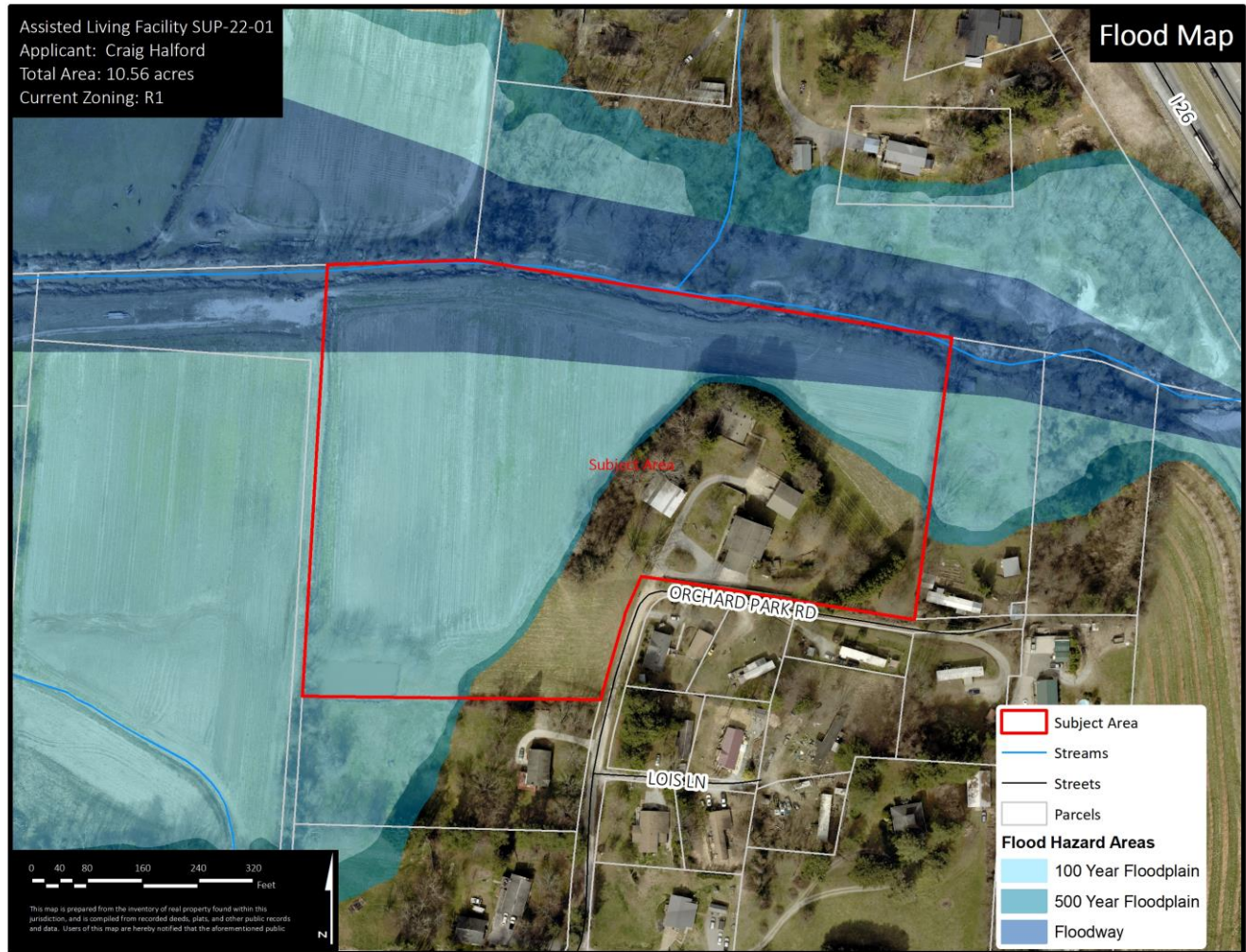
5. Comprehensive Plan

The CCP: The CCP Future Land Use Map places the Subject Area in the Urban Services Area. The text and map of the CCP suggest that the Subject Area would be more suitable for the following:

- 5.1. The Urban Services Area is that area within which most urban services and urban- scale development is currently concentrated, and within which such development should generally be concentrated through the Henderson County Comprehensive Plan.
- 5.2. Growth and development will be proactively managed through extensive planning. Much of the USA falls within municipal planning jurisdictions and will be managed by those jurisdictions. Land use planning for areas falling within the County's jurisdiction should be comparable and compatible in its approach and intensity with planning conducted within the various municipal jurisdictions.

6. **Floodplain /Watershed Protection** The property is located within the Special Flood Hazard Areas. The property is not in a Water Supply Watershed district. Devils Fork is located along the northern boundary of the subject area. Any future improvements to the site would require a Flood Damage Prevention permit. The applicant is not proposing any new structures on the property.

Map E: Flood Hazard Map



7. **Proposal.** The applicant is proposing to convert the existing two residential structures into an Assisted Living Facility. The major site plan does not show any new structures or improvements to the existing site. The applicant has indicated that a total of 5 to 8 rooms will be utilized to house the future residents on the property. There will be approximately 15 to 20 individuals living at the facility. This figure does not account for the staff living and working on-site. Assisted Living Facilities are classified as residential and therefore does not require buffering beyond screening the proposed solid waste collection facility. The subject area is also not required to provide additional parking as one would find in a commercial development.
8. **Technical Review Committee.** The TRC met on February 1, 2022, to discuss the major site plan and special use permit request. The TRC voted to forward the application to the ZBA with the following conditions: a valid NCDOT driveway permit, improvements permit to upgrade the existing septic system, public water supply permit, provide ADA parking spaces, and comply with NC Building Code Regulations regarding the change of use and occupancy.

9. Photographs

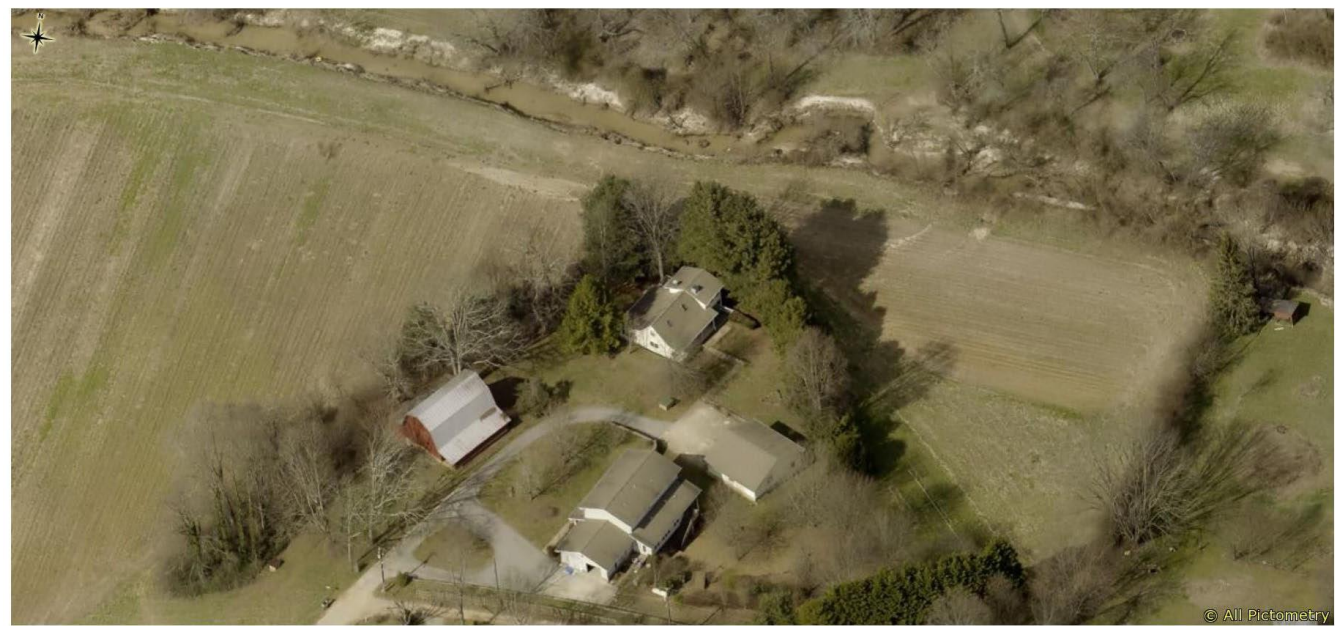
View from East



View from North



View from South



View from West



**HENDERSON COUNTY
MAJOR SITE PLAN REVIEW APPLICATION**

CONTACT INFORMATION

Property Owner:

Name: Bobby + Geneva Bollinger living Trust Phone: _____
Complete Address: _____

Applicant:

Name: First Contact Ministries INC Phone: 828-435-2180
Complete Address: 106 Chadwick Ave, Hendersonville NC 28792

Agent:

Name: Craig HalSord Phone: 828-699-0161
Complete Address: 462 Anders Rd Zirconia NC 28790
Agent Form (Circle One): Yes No

Plan Preparer:

Name: David Hill Phone: 828-693-1409
Complete Address: 403 West Blue Ridge Rd. East Flat Rock 28726

GENERAL INFORMATION

Date of Application: 1/24/22

Site Plan Attached (Circle One): Yes No

PARCEL INFORMATION

PIN: <u>957970 0239</u>	Tract Size (Acres): <u>10.67</u>
Zoning District: <u>R1</u>	Fire District: <u>Blue Ridge</u>
Supplemental Requirement# <u>1.1</u>	Watershed: _____
Permitted by Right <u>No</u>	Floodplain: <u>1% Flood Hazard</u>
Special Use Permit <u>Yes</u>	

Location / Property to be developed: 51 and 53 Orchard Park Rd.
Property is at the end of SR 193 off Tracy Grove Rd.

County Use Only

Fee: \$ N/A Paid: N/A Method: N/A Received by: Matt Changin

NA

APPLICATION IDENTIFICATION		N.C. DEPARTMENT OF TRANSPORTATION	
Driveway Permit No.	Date of Application	STREET AND DRIVEWAY ACCESS PERMIT APPLICATION	
County:			
Development Name:			
LOCATION OF PROPERTY:			
Route/Road:			
Exact Distance	<input type="checkbox"/> Miles <input type="checkbox"/> Feet	N S E W <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
From the Intersection of Route No. _____ and Route No. _____ Toward _____			
Property Will Be Used For: <input type="checkbox"/> Residential /Subdivision <input type="checkbox"/> Commercial <input type="checkbox"/> Educational Facilities <input type="checkbox"/> TND <input type="checkbox"/> Emergency Services <input type="checkbox"/> Other			
Property: <input type="checkbox"/> is <input type="checkbox"/> is not within _____ City Zoning Area.			
AGREEMENT			
<ul style="list-style-type: none"> I, the undersigned property owner, request access and permission to construct driveway(s) or street(s) on public right-of-way at the above location. I agree to construct and maintain driveway(s) or street entrance(s) in absolute conformance with the current "Policy on Street and Driveway Access to North Carolina Highways" as adopted by the North Carolina Department of Transportation. I agree that no signs or objects will be placed on or over the public right-of-way other than those approved by NCDOT. I agree that the driveway(s) or street(s) will be constructed as shown on the attached plans. I agree that that driveway(s) or street(s) as used in this agreement include any approach tapers, storage lanes or speed change lanes as deemed necessary. I agree that if any future improvements to the roadway become necessary, the portion of driveway(s) or street(s) located on public right-of-way will be considered the property of the North Carolina Department of Transportation, and I will not be entitled to reimbursement or have any claim for present expenditures for driveway or street construction. I agree that this permit becomes void if construction of driveway(s) or street(s) is not completed within the time specified by the "Policy on Street and Driveway Access to North Carolina Highways". I agree to pay a \$50 construction inspection fee. Make checks payable to NCDOT. This fee will be reimbursed if application is denied. I agree to construct and maintain the driveway(s) or street(s) in a safe manner so as not to interfere with or endanger the public travel. I agree to provide during construction proper signs, signal lights, flaggers and other warning devices for the protection of traffic in conformance with the current "Manual on Uniform Traffic Control Devices for Streets and Highways" and Amendments or Supplements thereto. Information as to the above rules and regulations may be obtained from the District Engineer. I agree to indemnify and save harmless the North Carolina Department of Transportation from all damages and claims for damage that may arise by reason of this construction. I agree that the North Carolina Department of Transportation will assume no responsibility for any damages that may be caused to such facilities, within the highway right-of-way limits, in carrying out its construction. I agree to provide a Performance and Indemnity Bond in the amount specified by the Division of Highways for any construction proposed on the State Highway system. The granting of this permit is subject to the regulatory powers of the NC Department of Transportation as provided by law and as set forth in the N.C. Policy on Driveways and shall not be construed as a contract access point. I AGREE TO NOTIFY THE DISTRICT ENGINEER WHEN THE PROPOSED WORK BEGINS AND WHEN IT IS COMPLETED. 			
<div style="display: flex; justify-content: space-between;"> 2004-01 NOTE: Submit Four Copies of Application to Local District Engineer, N.C. Department of Transportation TEB 65-04rev. </div> <div style="text-align: center; margin-top: 5px;">61-03419</div>			

SIGNATURES OF APPLICANT

PROPERTY OWNER (APPLICANT)		WITNESS	
COMPANY	X <u>First Contact Ministries Inc</u>	NAME	X <u>BROOKS GABRIEL LANCASTER</u>
SIGNATURE	_____	SIGNATURE	<u>[Signature]</u>
ADDRESS	X <u>106 Chadwick Ave Henderson</u>	ADDRESS	X <u>1316 Old Spartanburg Rd, Hville, NC</u>
	X <u>onville NC 28790</u> Phone No. <u>X 828 435-2180</u>		X <u>28792</u> , <u>828 329 8788</u>

AUTHORIZED AGENT		WITNESS	
COMPANY	_____	NAME	_____
SIGNATURE	_____	SIGNATURE	_____
ADDRESS	_____	ADDRESS	_____
	_____ Phone No. _____		_____

APPROVALS

APPLICATION RECEIVED BY DISTRICT ENGINEER

_____ SIGNATURE	_____ DATE
--------------------	---------------

APPLICATION APPROVED BY LOCAL GOVERNMENTAL AUTHORITY (when required)

_____ SIGNATURE	_____ TITLE	_____ DATE
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APPLICATION APPROVED BY DISTRICT ENGINEER

_____ SIGNATURE	_____ DATE
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INSPECTION BY NCDOT

_____ SIGNATURE	_____ TITLE	_____ DATE
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COMMENTS:

Application No. SUP-22-01

**HENDERSON COUNTY
SPECIAL USE PERMIT APPLICATION FORM**

GENERAL INFORMATION

Date of Application: 1/24/22
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: Assisted Living Facility SR #: 1.1
Existing Structures or Uses on property: 2 houses 1 Barn
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 See plan

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. NA
- 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

Record 3027

PIN: 9579700239 Deed Book/Page: 227 Tract Size (Acres): 10.67
Zoning District: R1 Fire District: Blue Ridge Watershed: _____ Floodplain: 1% Flood Hazard
Location of property to be developed: located at 51 and 53 Orchard Park Rd.
Property is at the end of the Road. SR 1793 off Tracy Grove Rd

CONTACT INFORMATION

Property Owner:

Name: Bobby & Gemma Bollinger Phone: _____
Address: _____ City, State, and Zip: _____

Applicant:

Name: Craig Halford for First Contact Phone: ministries inc. 828-435-2180

Address: 106 Chadwick Ave City, State, and Zip: Hendersonville NC 28790 Application No. _____

Agent:

Name: Craig Halsford Phone: 828-699-0161
Address: 462 Anders Rd City, State, and Zip: Zirconia NC 28790
Agent Form (Circle One): Yes No

Plan Preparer:

Name: David Hill Phone: 828-693-1409
Address: 403 West Blue Ridge Rd City, State, and Zip: East Flat Rock NC 28726

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:

This property will be used for housing individuals who struggle with SUDS (Substance Use Disorder). These individuals will have gone through detox + will be substance free when they get on site. No sexual offenders (convicted) or violent criminals will be allowed. Residents will undergo a rigorous screening process before being admitted.

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

The property will not be altered from its current state. Currently it is the highest valued property in the neighborhood. There will be no signs identifying it as anything other than a residence. There will be no injury to the neighborhood. Residents will not be allowed off property.

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

The size and appearance of the existing structures make this property far + away the most expensive property in the neighborhood. There will be no signs identifying it as anything more than a residence. There will be very little traffic because residents will be processed + transported at our Chadwick Ave office so the harmony with the neighborhood will not be disturbed. Residents will not be allowed off property.

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.

All Henderson County and State guidelines and ordinances will be adhered to.

- 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.

There will be a minimal addition to traffic. All clients will be processed at our 106 Chadwick Ave office and clients will not be allowed to have vehicles.

- 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.

The property is located at the end of the road and has a block wall + a privacy fence separating it from the community, and has a paved drive, these factors will limit noise, glare, dust, solar access + odor.

- 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.

There are no plans to alter the property from its current state so there will be no environmental impact on the property.

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 no change to its current state.

- b. Off-street parking and loading areas.

There will be no off-street parking or loading areas.

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

The existing utilities will be used with the exception of the septic. A professional septic co. will be contracted to expand both the tanks + drainfield.

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

There is an existing block wall + privacy fence separating the property, which is at the end of the road, and the rest of the community.

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

See site plan

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

Craig Halford
Print Applicant (Owner or Agent)

CJ Halford
Signature Applicant (Owner or Agent)

1/24/22
Date

County Use Only

Fee: \$ *N/A* Paid: *N/A* Method: *N/A* Received by: *Math Chang*

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

Community Planning Area: _____

PLAT OF SITE PLAN
FOR
FIRST CONTACT MINISTRIES
BEING THE PROPERTY DESCRIBED IN
BOOK OF RECORD 3027, PAGE 227

HENDERSONVILLE TOWNSHIP
HENDERSON COUNTY
NORTH CAROLINA

SCALE: 1" = 50'
JANUARY XXXX, 2022

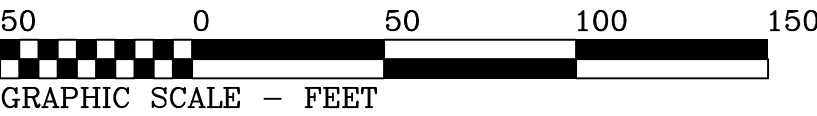
PRELIMINARY
FOR AGENCY OR BOARD
REVIEW PURPOSES ONLY

I, DAVID H. HILL, N.C. PROFESSIONAL LAND SURVEYOR, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION AND THAT LOCAL HORIZONTAL AND VERTICAL GRID CONTROL WAS ESTABLISHED FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION, AND THAT THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:
(1) CLASS OF SURVEY: CLASS A
(2) POSITIONAL ACCURACY: 0.02' HORIZONTAL AT 95%
(3) TYPES OF GPS FIELD PROCEDURE(S): VRS
(4) DATES OF SURVEY: JANUARY, 2022.
(5) DATUM/EPOCH: NAD 83/2011
(6) PUBLISHED/FIXED CONTROL USE:
(7) GEOID MODEL: GEOID 12B
(8) COMBINED GRID FACTOR(S): 0.999777267
(9) UNITS: US SURVEY FOOT
WITNESS MY SIGNATURE, LICENSE NUMBER, AND SEAL
THIS XXXX DAY OF JANUARY, A.D., 2022.

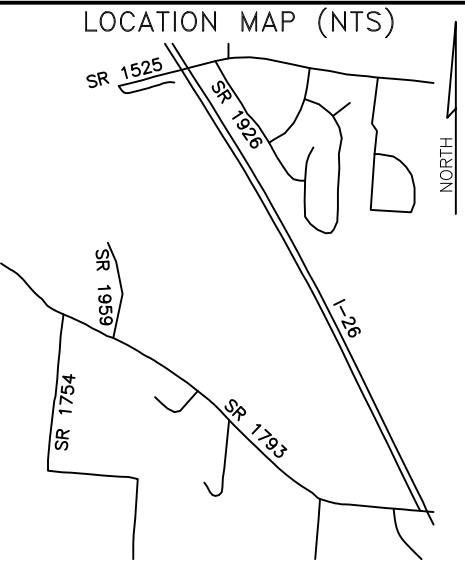
L-3863
N.C. PROFESSIONAL LAND SURVEYOR LICENSE #

I, DAVID H. HILL, certify that this plat was drawn from an actual survey made under my supervision (deed description recorded in Book _SEE_, page _REFERENCES_) that the boundaries not surveyed are clearly indicated as drawn from information found in Book _AS_ page _SHOWN_; that the ratio of precision as calculated is 1:10000; that this plat meets the requirements of The Standards of Practice for Land Surveying in North Carolina (21 NCAC 56.1600) Witness my original signature, registration number and seal this XXXX day of JANUARY, A.D., 2022.

David H. Hill, NCPLS L-3863

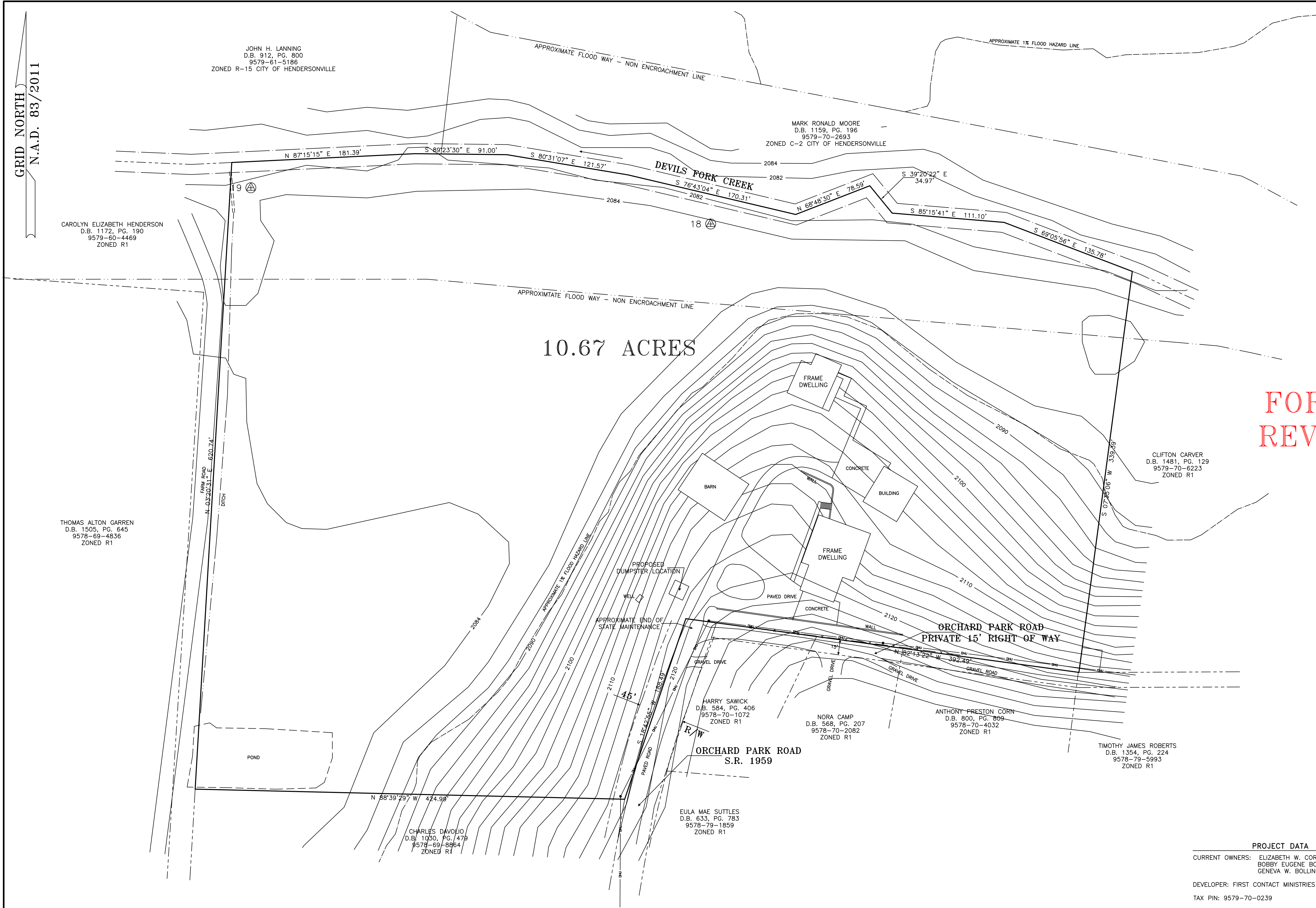


PROJECT DATA
CURRENT OWNERS: ELIZABETH W. CORN
BOBBY EUGENE BOLLINGER
GENEVA W. BOLLINGER
DEVELOPER: FIRST CONTACT MINISTRIES
TAX PIN: 9579-70-0239
ACREAGE: 10.67 ACRES
ZONING: R1
FLOOD PLAIN: PORTION LOCATED IN 1% FLOOD HAZARD AREA PER F.I.R.M. 3700957900J REVISED 10/2/2008



DEED REFERENCES:
B.O.R. 3027, PG. 227
TAX REFERENCES:
9579-70-0239
PARTY CHIEF: TW
REVISIONS:

SURVEY BY HILL AND ASSOCIATES SURVEYORS, P.A. LICENSE NUMBER: C-1991 DAVID H. HILL N.C.P.L.S. 3863 403 WEST BLUE RIDGE ROAD EAST FLAT ROCK, NORTH CAROLINA 28726 (828) 693-1409	
CHECKED BY: DHH	DRAWING: 20222568SP
DATE: JANUARY XXXX, 2022	FILE: 20222568



- NOTES:
- AREAS BY COORDINATE COMPUTATION.
 - ALL AREAS SHOWN ARE SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD OR UNRECORDED THAT MAY DIRECTLY AFFECT ALL AREAS SHOWN.
 - ALL DISTANCES ARE HORIZONTAL GROUND MEASUREMENTS UNLESS OTHERWISE NOTED.
 - THE PROPERTY SHOWN IS WITHIN AN AREA ZONED R1 BY HENDERSON COUNTY.
- SETBACKS:
FRONT- 15' (FROM RIGHT OF WAY)
SIDE- 10'
REAR- 10'
- THE PROPERTY SHOWN IS WITHIN 1/2 MILE OF A FARMLAND PRESERVATION DISTRICT.
 - PORTION OF SUBJECT PROPERTY LOCATED WITHIN 1% FLOOD HAZARD AREA PER F.I.R.M. 3700957900J, REVISED 10/2/2008.
 - 45' RIGHT OF WAY FOR ORCHARD PARK ROAD, S.R. 1959, FOUND IN DEED BOOK 756, PAGE 729.
 - THE CURRENT OWNER OF RECORD IS ELIZABETH W. CORN, BOBBY EUGENE BOLLINGER AND GENEVA W. BOLLINGER.

LEGEND
⊙ MONUMENT FOUND AS NOTED
○ MONUMENT SET AS NOTED
● POINT NOT STAKED
P-PED - PHONE PEDESTAL
UP - UTILITY POLE
PHP - PHONE POLE
TRANS - TRANSFORMER
TV-PED - CABLE TV PEDESTAL
WM - WATER METER
WV - WATER VALVE