

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

MEETING: **ZBA 5-29-24**

SUBJECT: **Special Use Permit – Hyder RV & Boat Storage SUP-24-02**

PRESENTER: **Matt Champion**

ATTACHMENTS:

- 1. Staff Report & Oblique Photos**
- 2. Special Use Permit Application**
- 3. Major Site Plan Application**
- 4. Major Site Plan**

SUMMARY OF REQUEST: **Special Use Permit for SR 9.7 Self-Storage Warehousing**

SUGGESTED MOTION:

**I move to approve SUP-24-01 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.**

**I move to deny SUP-24-01 because the use will:**

- a. Materially endanger the public health, safety or welfare;**
- b. Substantially injure the value of property or improvements in the area; and**
- c. Not be in harmony with the surrounding area.**



## Henderson County, North Carolina Code Enforcement Services

### 1. **Committee Request**

- 1.1. **Applicant:** Boyd Hyder
- 1.2. **Request:** Major Site Plan Approval/SUP-24-01
- 1.3. **PIN:** 9641-41-1179
- 1.4. **Size:** 5.29 acres +/-
- 1.5. **Location:** 4021 Haywood Rd
- 1.6. **Supplemental Requirements:**

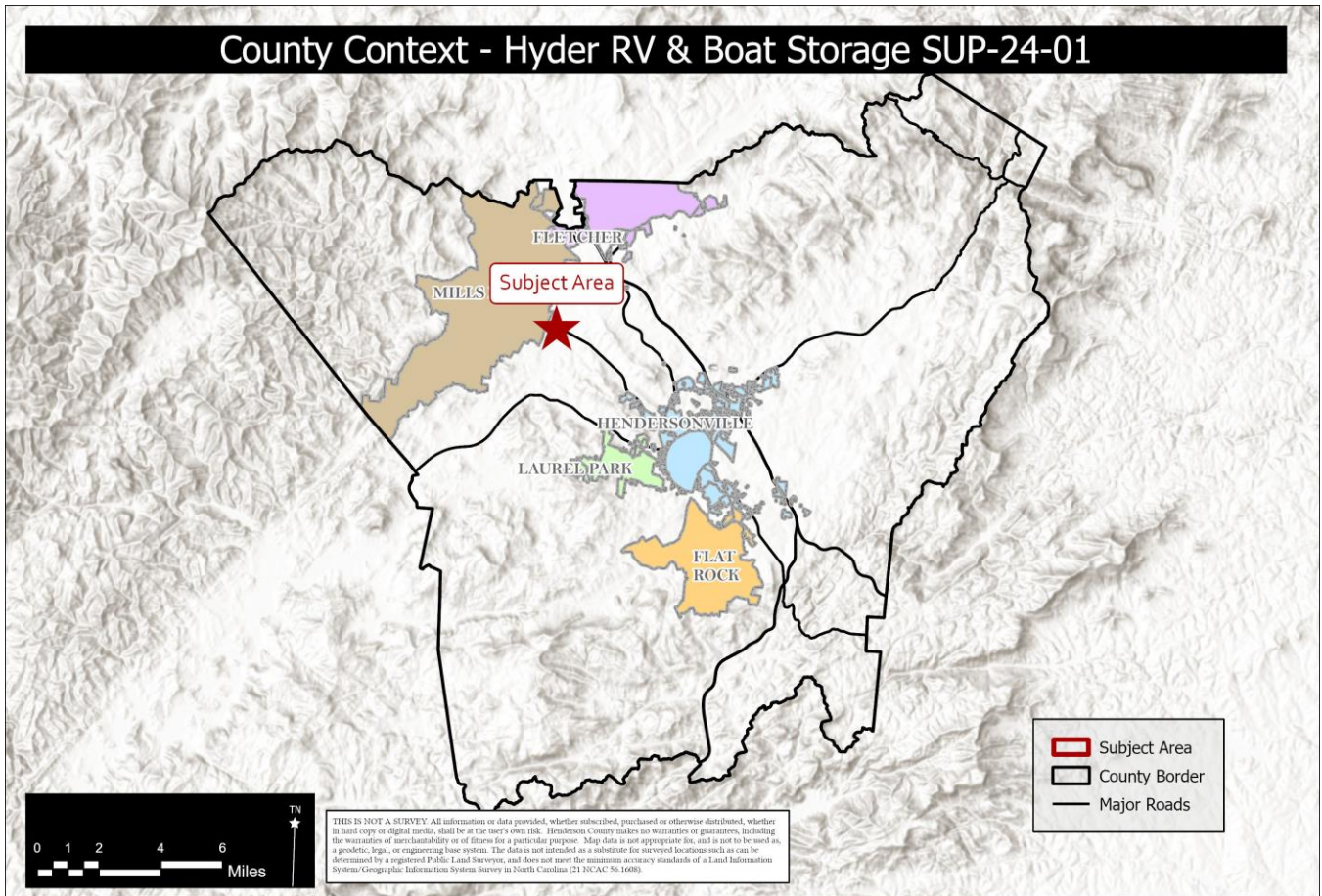
### **SR 9.7. Self Storage Warehousing, Mini-Warehouses (for Commercial District)**

- (1) Site Plan. Major *Site Plan* required in accordance with §42-331 (Major Site Plan Review).
- (2) Lighting. *Adequate lighting* shall be placed in areas used for vehicular/pedestrian access including, but not limited to: stairs, sidewalks, crosswalks, intersections, or changes in grade. *Lighting mitigation* required.
- (3) Separation. Self storage warehousing, mini-warehouses *structures* shall not be constructed within 100 feet of any adjacent existing *dwelling unit* (located in a *residential zoning district* and not located on the same property as the *use*).
- (4) Structure. Garage/storage bays shall be oriented away from the public *right-of-way* where possible.
- (5) Operations. The mini-warehouse units shall be used for “dead” storage only (no commercial enterprise can be conducted from an individual unit or units and no *wholesale trade* or retail sales shall be permitted).
- (6) Lighting. Exterior lighting shall not exceed ten (10) feet in height.
- (7) Street Trees. Street *trees* shall be provided in accordance with Article V. Landscape Design Standards, Subpart C. Street Tree Requirements (Major Subdivisions).
- (8) Outdoor Storage. Open storage of *recreational vehicles* and dry storage of pleasure boats shall constitute an *outdoor storage* (see SR 2.8 and SR 2.9 (Outdoor Storage)).

### **SR 2.10. Outdoor Storage greater than 5,000 square feet**

- (1) Locational Requirements. Storage areas shall not be placed in a **front yard**.
- (2) Screening. Screen Class Three (3) or Four (4) shall be provided consistent with the requirements of §42-181 (Screen Classification).

### Map A: County Context Map



Property Owner: Boyd L. Hyder Agent: Ryan Luttrell  
Assessed Acreage: 5.29 Acres PIN: 9641-41-1179  
Current Zoning: Local Commercial (LC)



## 2. History & Characteristics:

- 2.1. **Current Property Owners:** Boyd L. Hyder originally acquired the subject area through a General Warranty Deed on March 17, 2020, from Jack L. Trantham.
- 2.2. **Natural Resources:**
  - 2.2.1. **Streams:** The subject area does contain some surface water sources.
  - 2.2.2. **Water Supply Watershed:** The subject area is located within a water supply watershed.
  - 2.2.3. **Slopes:** The subject area only contains slopes between 0% to 16%.

### Map B: Aerial Map



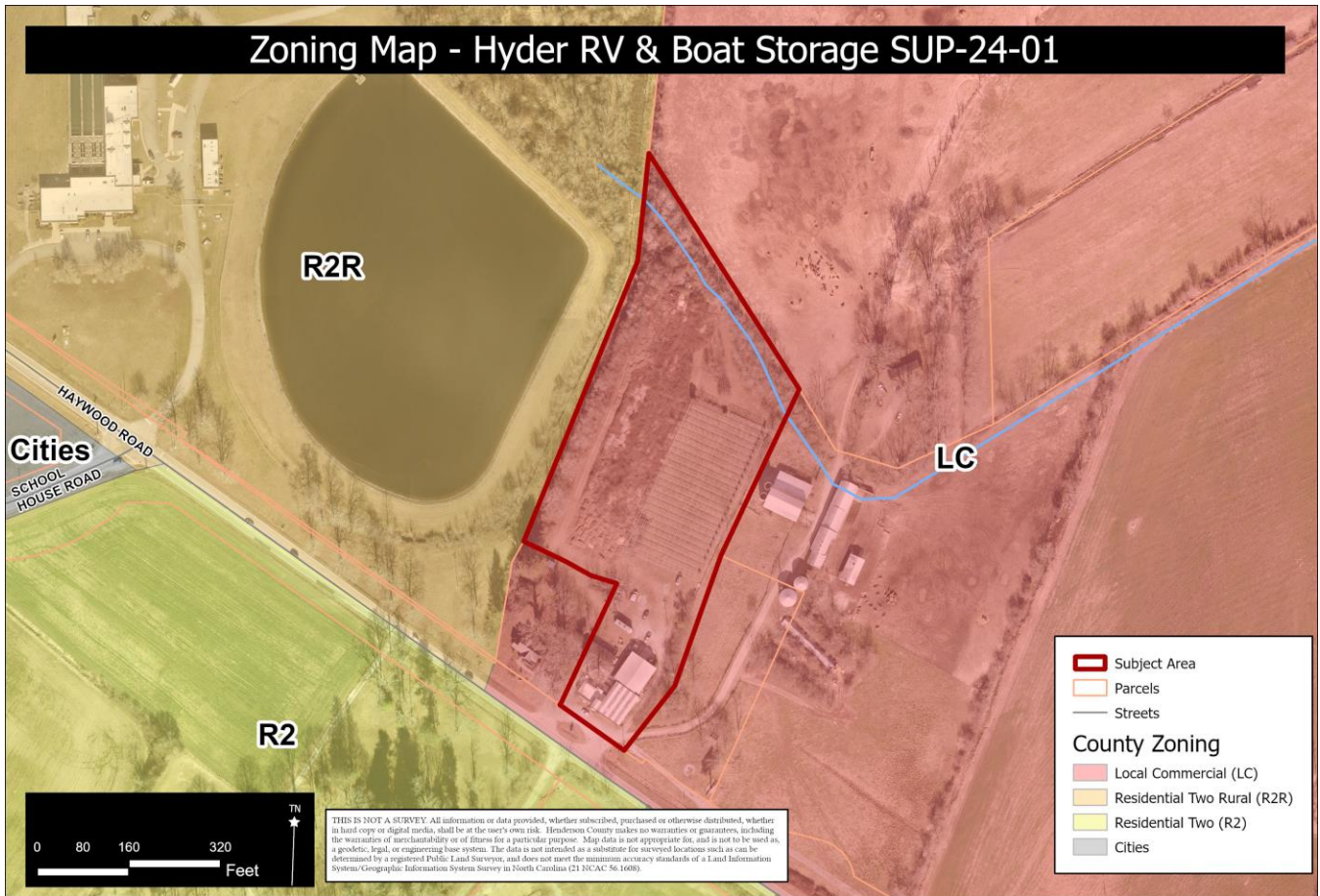
Property Owner: Boyd L. Hyder Agent: Ryan Luttrell  
Assessed Acreage: 5.29 Acres PIN: 9641-41-1179  
Current Zoning: Local Commercial (LC)



### 3. Current Conditions

- 3.1. **Current Use:** The subject area currently contains an existing 1,073SQFT residential structure that was built in 1960. There is an existing 6,768SQFT commercial structure used for general retail that was constructed around the same time as the residential structure. Additionally, there is large greenhouse shell located on the back of the property that is no longer enclosed. The existing commercial structure was most recently used for a café and before that, the structured housed a flower retail store. The subject area is already graveled with vegetation growing on top.
- 3.2. **Adjacent Area Uses:** Properties located east and north of the subject are contains agricultural uses and a residential structure. The City of Asheville’s water treatment facility is located west of the subject area along with a residential structure. More agricultural uses are found south of the subject area across Haywood Rd.

### Map C: Zoning Map



Property Owner: Boyd L. Hyder Agent: Ryan Luttrell  
Assessed Acreage: 5.29 Acres PIN: 9641-41-1179  
Current Zoning: Local Commercial (LC)

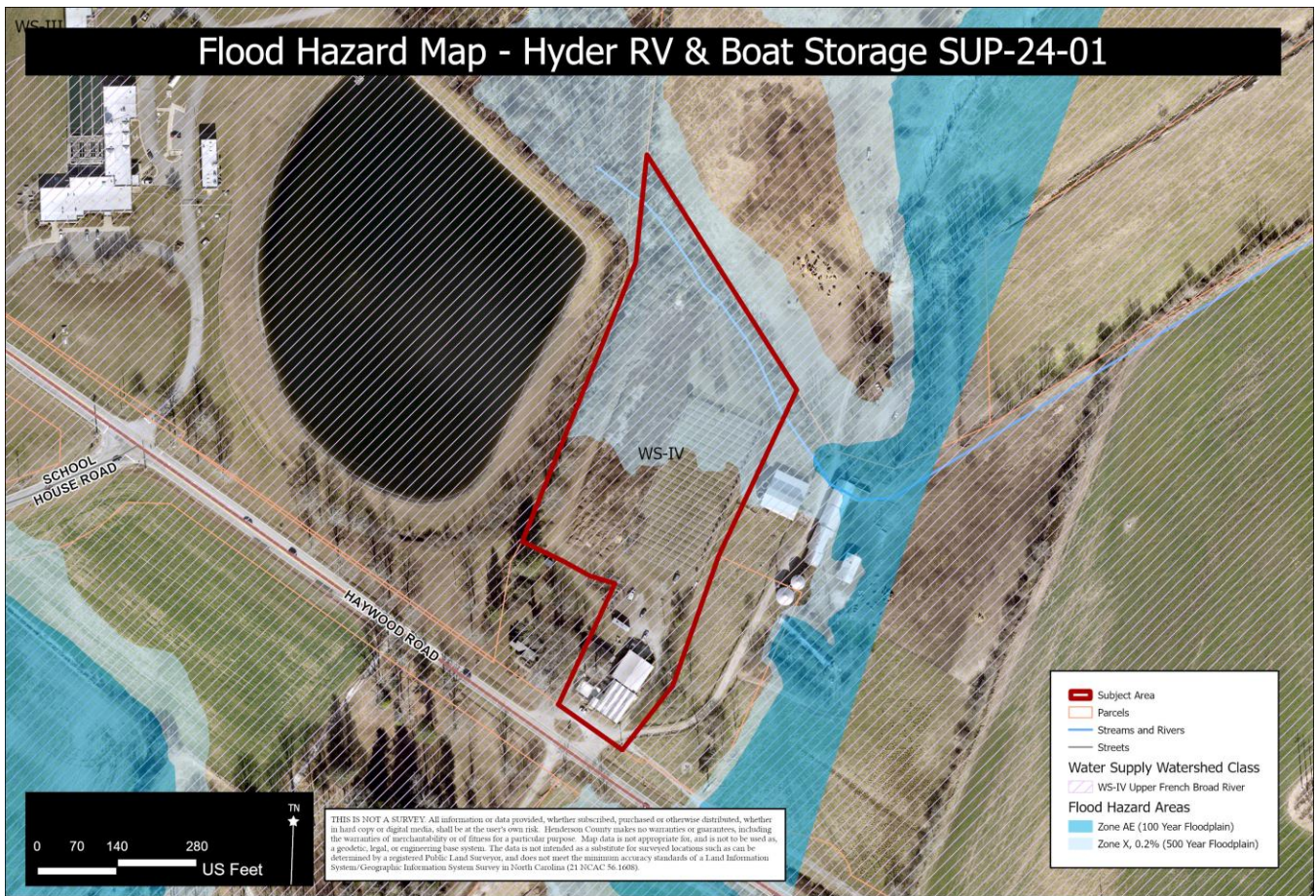


**3. Zoning** The subject area is located within the Local Commercial (LC) zoning district.

**3.1 Local Commercial (LC):** The purpose of the Local Commercial District (LC) is to foster orderly growth where the *principal use* of land is commercial and residential. The intent of this district is to allow for *commercial development* uses and *residential development* that: (1) includes a variate of retail sales and services, public and private administrations, offices and all other uses done primarily for sale or profit on a local or *neighborhood* scale; (2) is compatible with adjacent development and the surrounding community; and (3) will minimize congestion and sprawl. (LDC §42-33)

**3.2 Adjacent Zoning:** Local Commercial (LC) zoning is found east and north of the subject area. Residential Two Rural (R2R) is located west of the subject area. Residential Two (R2) is found south of the subject area. The Town of Mills River incorporated limits is found at the intersection of Haywood Rd and School House Rd west of the subject area.

### Map D: Flood Hazard Map

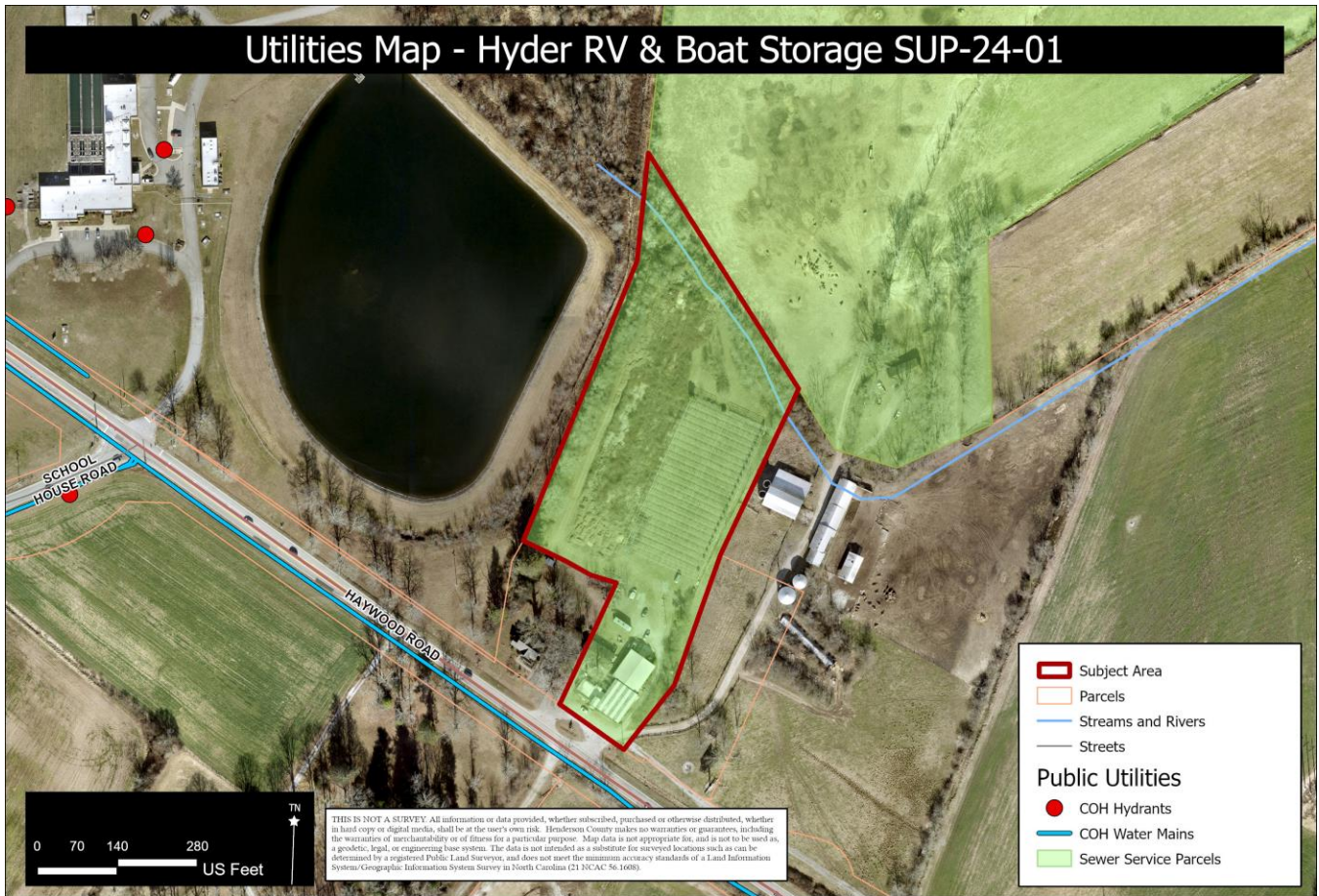


Property Owner: Boyd L. Hyder Agent: Ryan Luttrell  
Assessed Acreage: 5.29 Acres PIN: 9641-41-1179  
Current Zoning: Local Commercial (LC)



- Floodplain /Watershed Protection** The subject area is encumbered by a Special Flood Hazard Area. A portion of the subject area is located within the 500-year flood hazard area. Henderson County does not regulate structures or uses within the 500-year flood hazard area. The property is located within a Water Supply Watershed district. The entire subject area is located within the WS-IV Upper French Broad River Protected Area watershed. There is one known surface water found on the subject area according to the USGS.

### Map E: Public Utilities Map



Property Owner: Boyd L. Hyder Agent: Ryan Luttrell  
Assessed Acreage: 5.29 Acres PIN: 9641-41-1179  
Current Zoning: Local Commercial (LC)

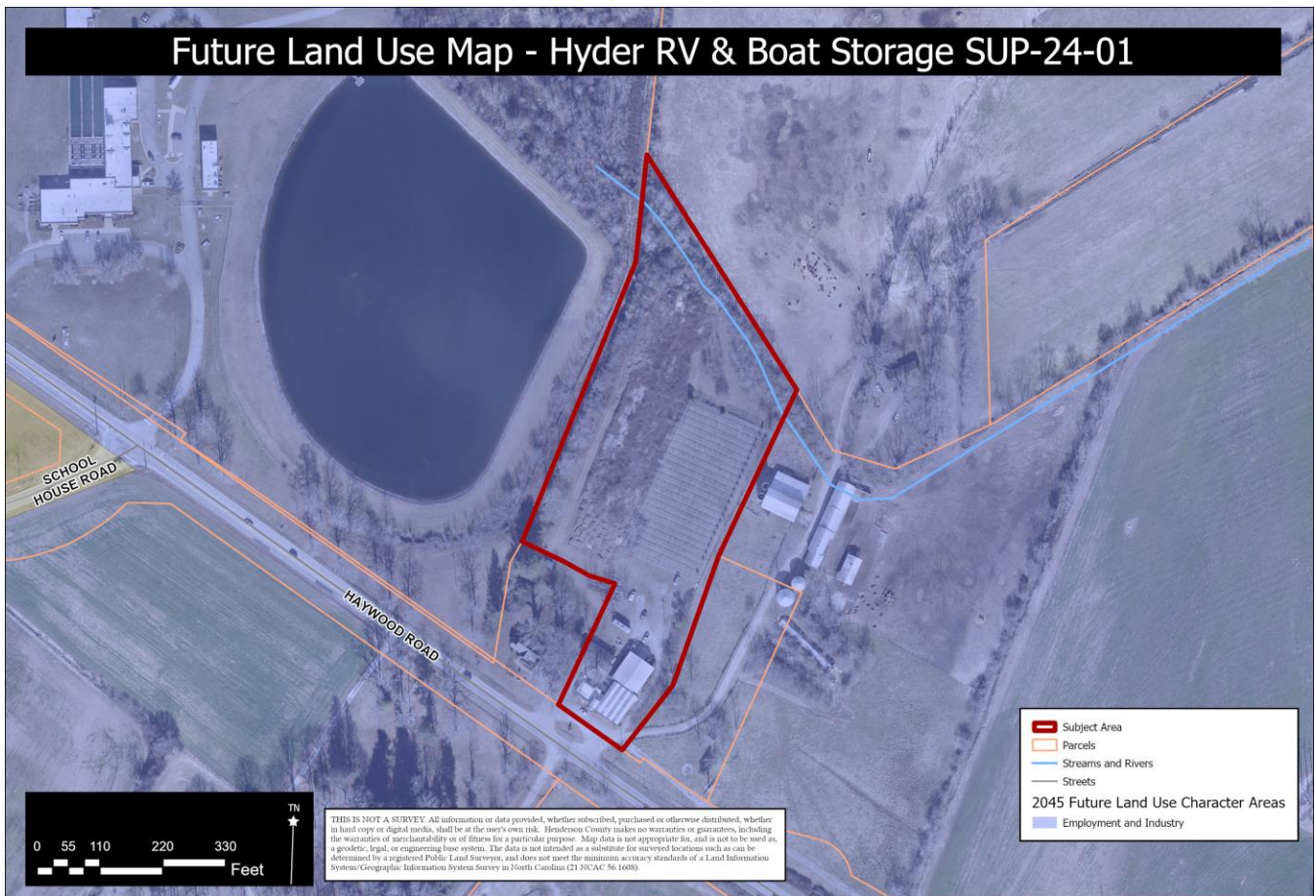


5. **Water and Sewer** The subject area currently has access to public water and public sewer. No new water or sewer connections are proposed.

**Public Water:** City of Hendersonville

**Public Sewer:** MSD

### Map E: 2045 Future Land Use Map



Property Owner: Boyd L. Hyder Agent: Ryan Luttrell  
Assessed Acreage: 5.29 Acres PIN: 9641-41-1179  
Current Zoning: Local Commercial (LC)



6. **2045 Comprehensive Plan Compatibility** The 2045 Comprehensive Plan Future Land Use Map identifies the subject area as being in an Employment and Industry character area (See Map E).
- a. **Employment and Industry:** From Part 2 page 46, “Employment and Industry areas offer job-generation, site-ready parks, accessible road networks, and utilities. Industries come in many different forms including manufacturing, agriculture, and distribution, office, research and development (R&D), etc. The design of development sites in these areas should be tailored to be compatible with other nearby uses.
    - i. **Where:** Strategic areas with highway and utility access, large available parcels
    - ii. **Uses:** Agricultural uses including processing facilities and large-scale greenhouses, office and light-to-heavy industrial, as appropriate
    - iii. **Utility Access:** The majority of these areas will be served by utilities
7. **Proposal** The applicant is proposing to develop the subject area as a self-storage facility that will be specifically for recreational vehicles and boats. The existing greenhouse frame on the back portion of the property will be used as open-air partially covered storage for recreational vehicles. A portion of the roof will be added back to provide cover for RV’s stored on the property. The existing structures found along the front portion of the subject area adjacent to Haywood Rd will



be used as office space for the employees. The major site plan shows 48 total proposed parking spaces within the existing greenhouse after the conversion, 18 total open-air spaces at the back of the property, and 66 total open-air spaces along the western edge of the property. The RV parking spaces range from 30'X12' to 40'X12'. All the proposed spaces will be graveled and lighted with approximately 20 solar light fixtures. The major site plan does not show an increase in the already existing impervious surfaces. The subject area will utilize the existing curb-cut off Haywood Rd to serve the property. A security fence will be installed around the proposed storage area.

8. **Landscaping** The applicant will be required to install a Screen Class Three (3) or Screen Class Four (4) around the proposed outdoor storage area if the existing vegetation is removed from the perimeter of the subject area.
  - 8.1. A Screen Class Three (3) consists of a fence or wall constructed with a minimum height of six (6) feet, that is at least 75 percent *opaque*, where all spaces are evenly distributed, and with the finished side of the fence facing the adjacent property or *road*. Fences longer than 20 linear feet shall be landscaped with: a row of *shrubs* spaced a maximum of ten (10) feet apart, or a row of *evergreen trees* planted no more than 15 feet apart.
  - 8.2. A Screen Class Four (4) consists of a fence or wall constructed with a minimum height of eight (8) feet designed to facilitate the movement of maintenance and emergency response equipment to and from the proposed site. Gates should be secured at all times (unless for maintenance, inspection, or other unforeseen instances) following the completion of construction. Fencing may be in common with other *existing uses* on site. Fences longer than 20 linear feet shall be landscaped (excluding the gate area) with: a continuous hedge of *evergreen shrubs* planted in a five (5) foot strip spaced a maximum of eight (8) feet apart. The *Zoning Administrator* may require additional *screening* to minimize adverse impacts of ground level lighting (where installed)
9. **Technical Review Committee.** The TRC met on May 7, 2024, 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: NCDOT driveway permit and a NCDOT encroachment agreement.

**10. Oblique Aerial Photos**

**View from East**



**View from North**



### View from South



### View from West



**HENDERSON COUNTY  
SPECIAL USE PERMIT APPLICATION FORM**

**GENERAL INFORMATION**

**Date of Application:** 04-15-24  
**Previously Submitted (Circle One):** Yes  No   
**Date of Pre-Application Conference:** 03-01-24  
**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: Part of an existing green house and plant nursery SR #: \_\_\_\_\_  
Existing Structures or Uses on property: Previous greenhouse and open gravel area  
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:** 9641411179 **Deed Book/Page:** 3469/577 **Tract Size (Acres):** 5.29  
**Zoning District:** LC **Fire District:** Mills River **Watershed:** WS IV **Floodplain:** part of 500 yr 0.2%  
**Location of property to be developed:** 4021 Haywood Rd.  
Mills River, NC 28759

**CONTACT INFORMATION**

**Property Owner:**

**Name:** Boyd Hyder **Phone:** 828-606-4424  
**Address:** 163 Puncheon Camp Creek Rd. **City, State, and Zip:** Hendersonville, NC 28792

**Applicant:**

**Name:** Ryan Luttrell **Phone:** 828-273-2438

Address: 4021 Haywood Rd City, State, and Zip: Mills River, NC 28759 Application No. \_\_\_\_\_

**Agent:**

Name: Ryan Luttrell Phone: 828-273-2438  
Address: 4021 Haywood Rd City, State, and Zip: Mills River, NC 28759  
Agent Form (Circle One): Yes  No

**Plan Preparer:**

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

**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 use will not materially endanger the public health, safety, or welfare. This property will only be used for temporary parking of recreational vehicles. Facility hours will be 6am to 9pm 7 days a week with onsite security. A privacy fence will be install behind the existing commercial warehouse structure on property and located over 150 feet off of Haywood Rd
- B. General Requirement #2. The use will not substantially injure the value of property or improvements in the area.  
This will not decrease the value of the existing property and fill only enhance the current conditions of the existing structures.
- C. General Requirement #3. The use will be in harmony with the surrounding area.  
The proposed use is in harmony with the surrounding area and a current buffer of natural shrubs and trees will not be disturbed. It is repurposing of an existing gravel lot and green house structure

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.  
Yes we comply with all of Henderson County LDC and zoning requirements and we have already applied for a NCDOT driveway permit of the existing driveway already in use off of Haywood Rd.
- 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.  
We are set back from the road and behind a warehouse. We are aware of the NCDOT project of 191 (Haywood Rd) and we will not effect the up coming changes proposed by the NCDOT.

- 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 not increase noise, glare, or solar access and based on current neighbors we will assume we will decrease the odor and certainly not try to compete for odor already existing from neighboring properties.**

- 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 not effect the current environmental impacts of the neighboring commercial properties and the existing cattle farms. We are only maintaining the current layout of the open gravel fields and existing open air greenhouse structure.**

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).

**We are using existing egress and ingress to current property. We are not building any new structures to the property.**

- b. Off-street parking and loading areas.

**There is no need to add additional off street parking, we are asking for a special use to be a parking lot. There will not be a need for a loading area**

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

**There is current utilities on property, however we plan to use all solar power security lights and solar power gates and cameras. We will only use the existing power in place if need be.**

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

**Location is 150 plus feet behind a current existing warehouse, we do not believe there is a need to add additional landscaping. We are not removing any of the current natural landscape or trees and even though our fencing is behind the current warehouse, we will add a privacy screen to the fence**


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

**There are no new structures being add to this project other than the re-use of an existing open air greenhouse**

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

**Ryan Luttrell**

Print Applicant (Owner or Agent)



Signature Applicant (Owner or Agent)

**04-15-24**

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: \_\_\_\_\_

**HENDERSON COUNTY  
MAJOR SITE PLAN REVIEW APPLICATION**

**CONTACT INFORMATION**

**Property Owner:**

Name: BOYD L HYDER Phone: 828-606-4424  
Complete Address: 163 PUNCHWON CAMP RD HENDERSONVILLE NC 28792

**Applicant:**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Complete Address: \_\_\_\_\_

**Agent:**

Name: RIAN LUTTRELL Phone: 828 273 2438  
Complete Address: 150 MITCHELLE RD HENDERSONVILLE NC 28792  
Agent Form (Circle One): Yes  No

**Plan Preparer:**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Complete Address: \_\_\_\_\_

**GENERAL INFORMATION**

Date of Application: \_\_\_\_\_

Site Plan Attached (Circle One):  Yes  No

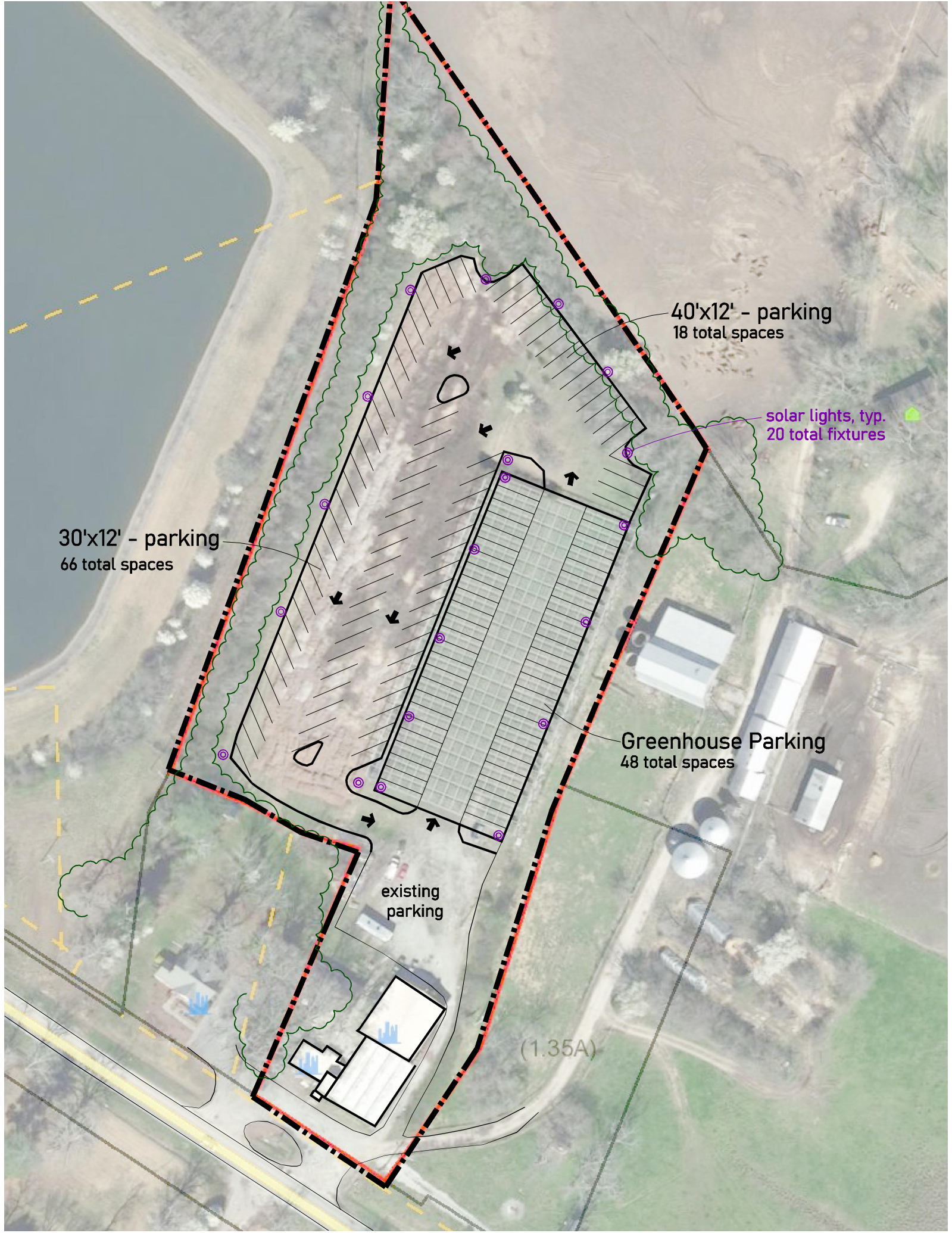
**PARCEL INFORMATION**

PIN: 964141179 Tract Size (Acres): 5.29  
Zoning District: LC Fire District: MILLS RIVER FIRE DEPT  
Supplemental Requirement# 9.7 Watershed: WS-IV  
Permitted by Right \_\_\_\_\_ Floodplain: 500 YEAR ZONE X SHADED 0.2%  
Special Use Permit

Location / Property to be developed: 4021 HAYWOOD RD  
MILLS RIVER NC 28759

\*\*\*\*\*  
**County Use Only**

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



30'x12' - parking  
66 total spaces

40'x12' - parking  
18 total spaces

solar lights, typ.  
20 total fixtures

Greenhouse Parking  
48 total spaces

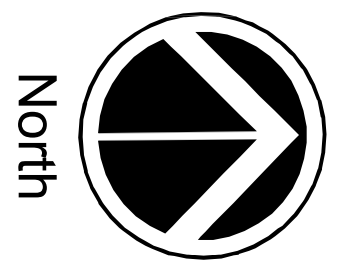
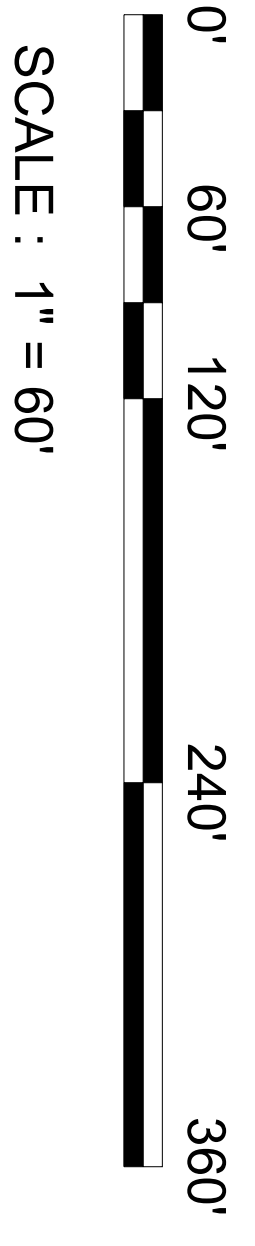
existing  
parking

(1.35A)



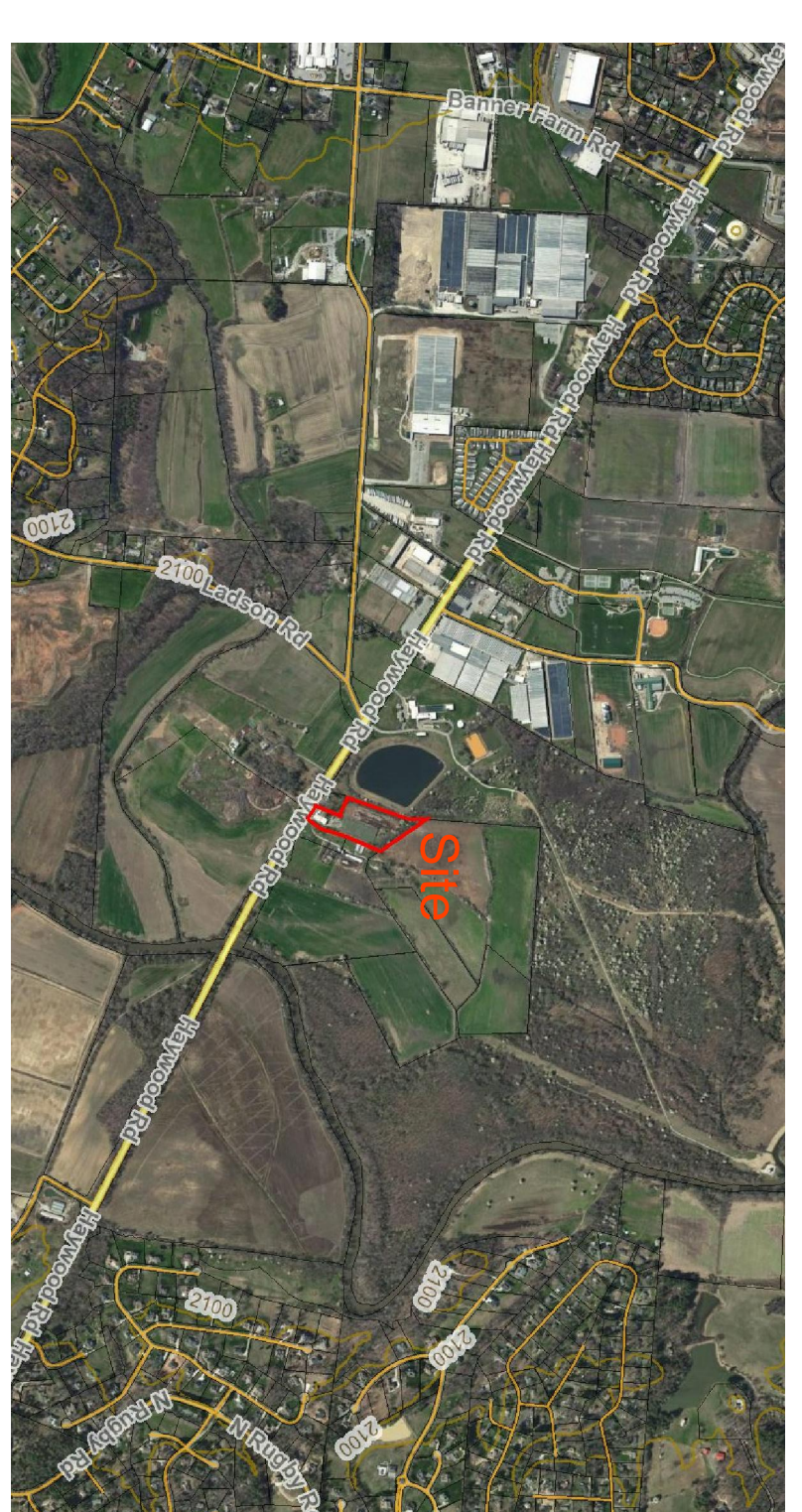


**Survey**

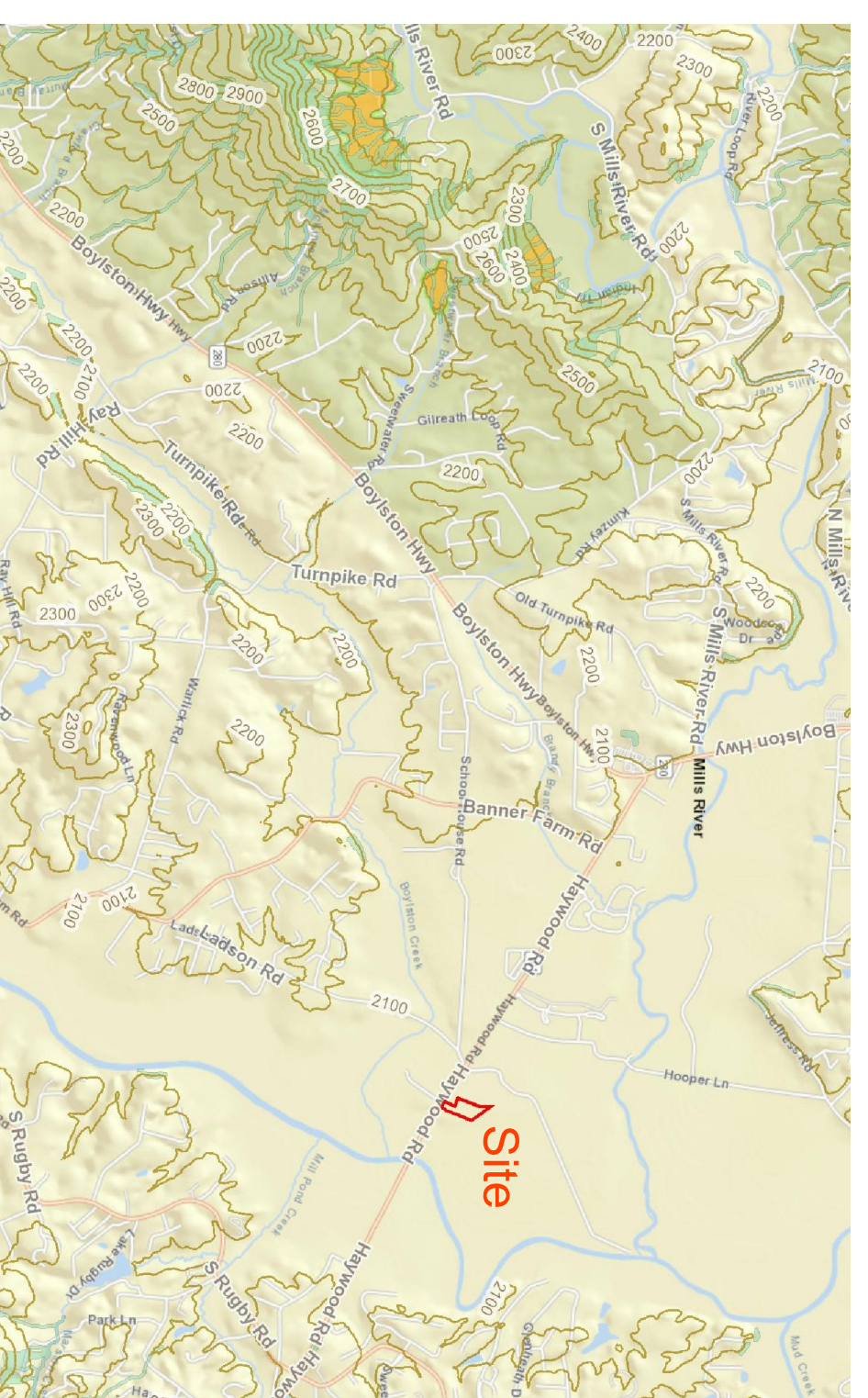


**SLOPE COLORS**  
 WHITE = 0 TO 16%  
 BLUE = 16% TO 20%  
 YELLOW = 25% TO 60%  
 RED = 60%+

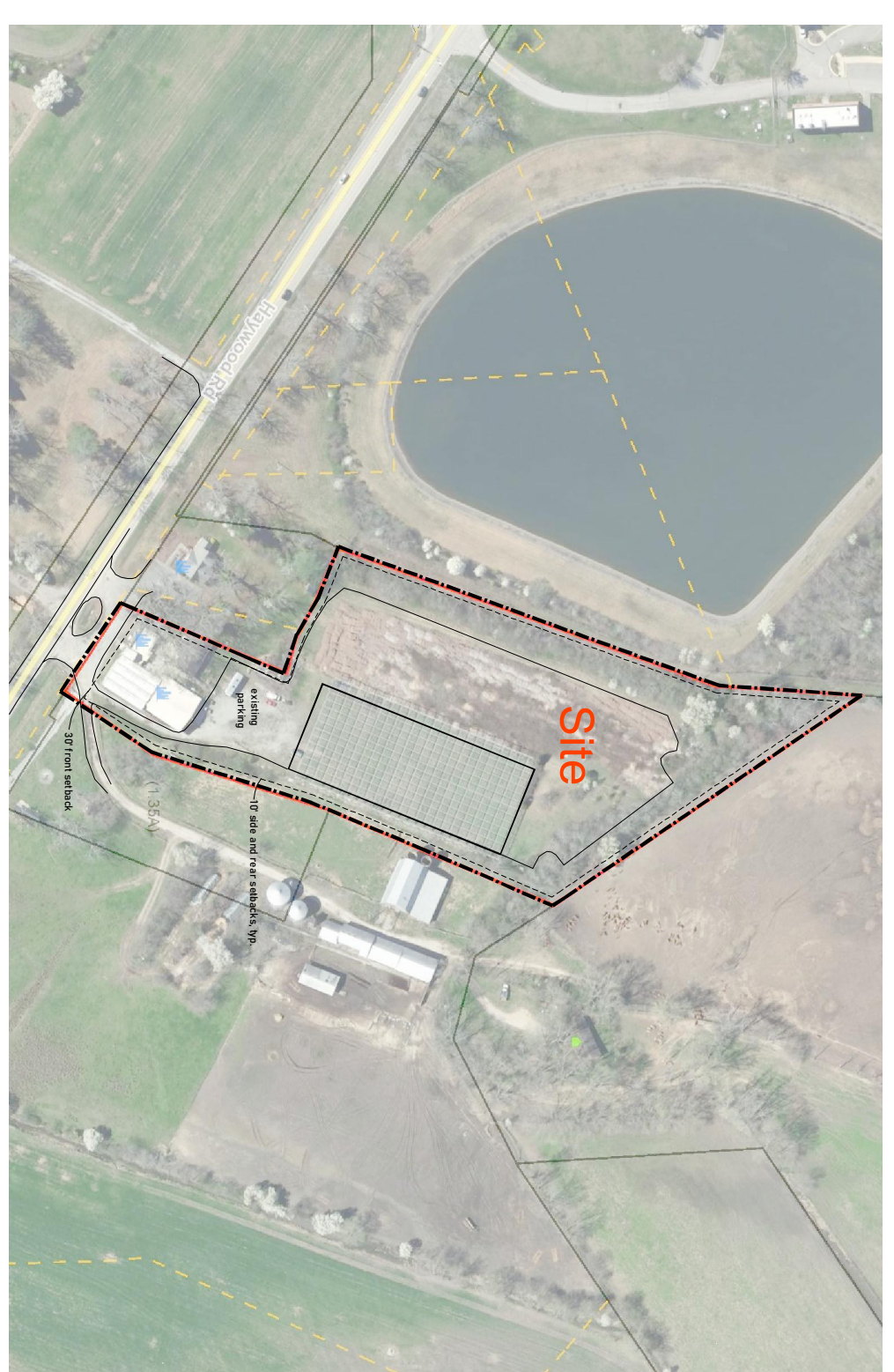
THIS PROPERTY IS APPROXIMATELY 3% AVERAGE SLOPE. IT IS NOT IN A DESIGNATED STEEP SLOPE ZONE FOR HENDERSON COUNTY



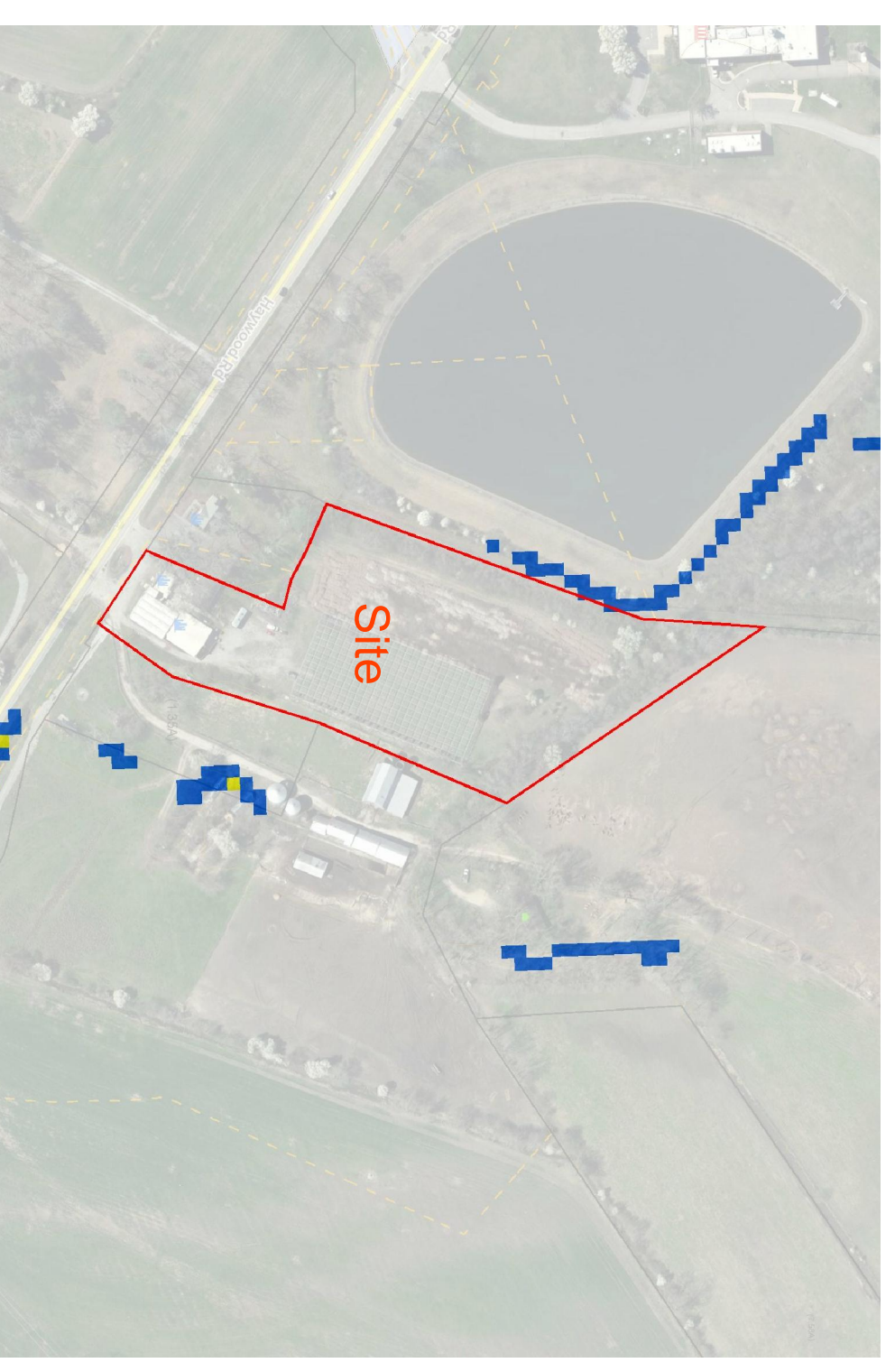
Regional Map - Not to Scale



Landslide Map - Not to Scale



Aerial + Topo Map - Not to Scale



Slope Map - Not to Scale

Other Consultants:

Owner	Boyd Hyder
PIN: 9641-41-1179	

Project:	Parking and Storage 4021 Haywood Road Hendersonville, Henderson County, N.C.
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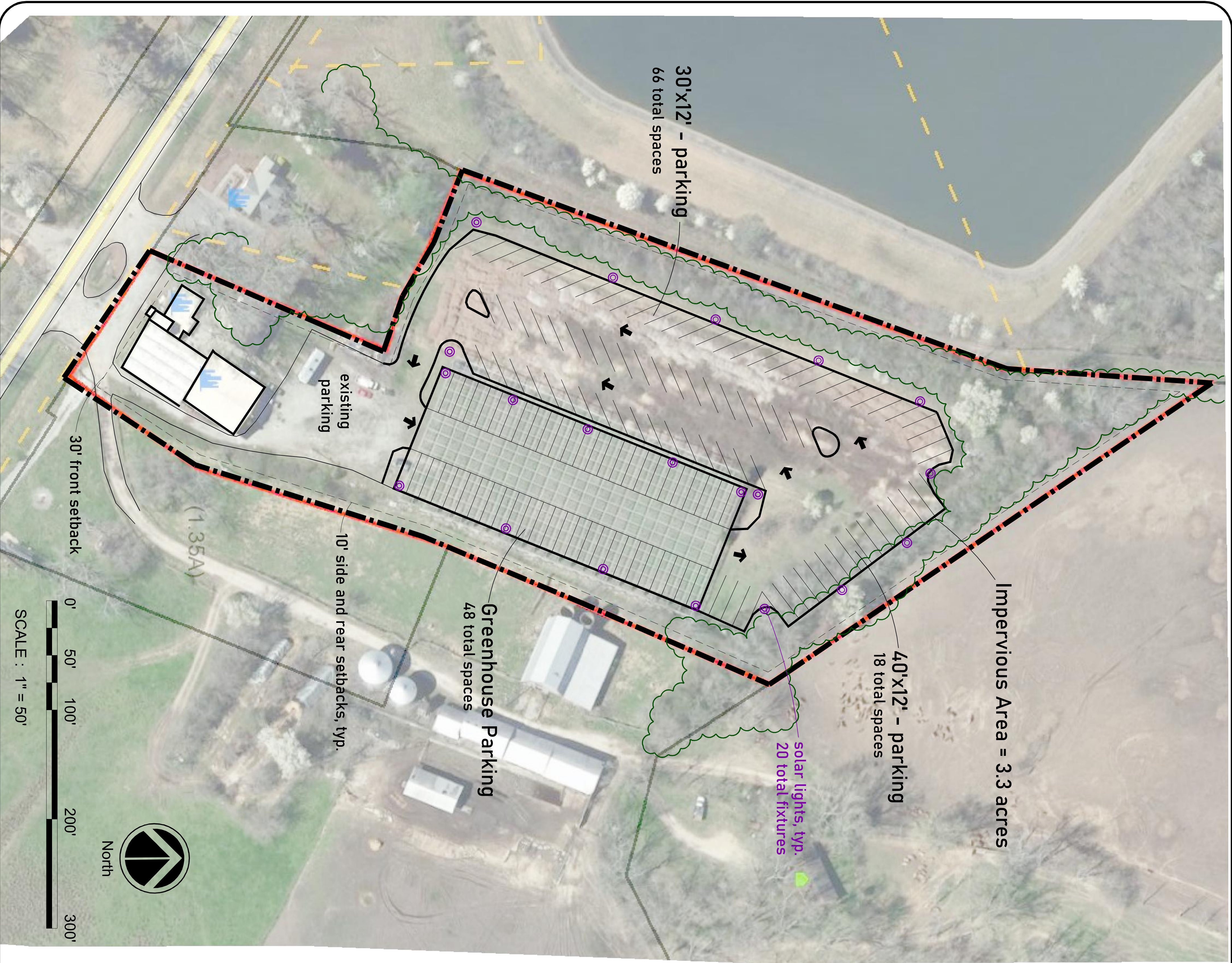
Sheet:	Survey + Site Maps
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Designed By:

landscape architecture | land planning | community and resort design  
 1003 4th avenue west, hendersonville, north carolina 28739  
 p 828 696 9992 | f 828 696 9954

ISSUE DATE:	April 15, 2025
DESIGNED BY:	DB
DRAWN BY:	SB
APPROVED BY:	DSB

Project Number:  
SHEET NUMBER:  
L1

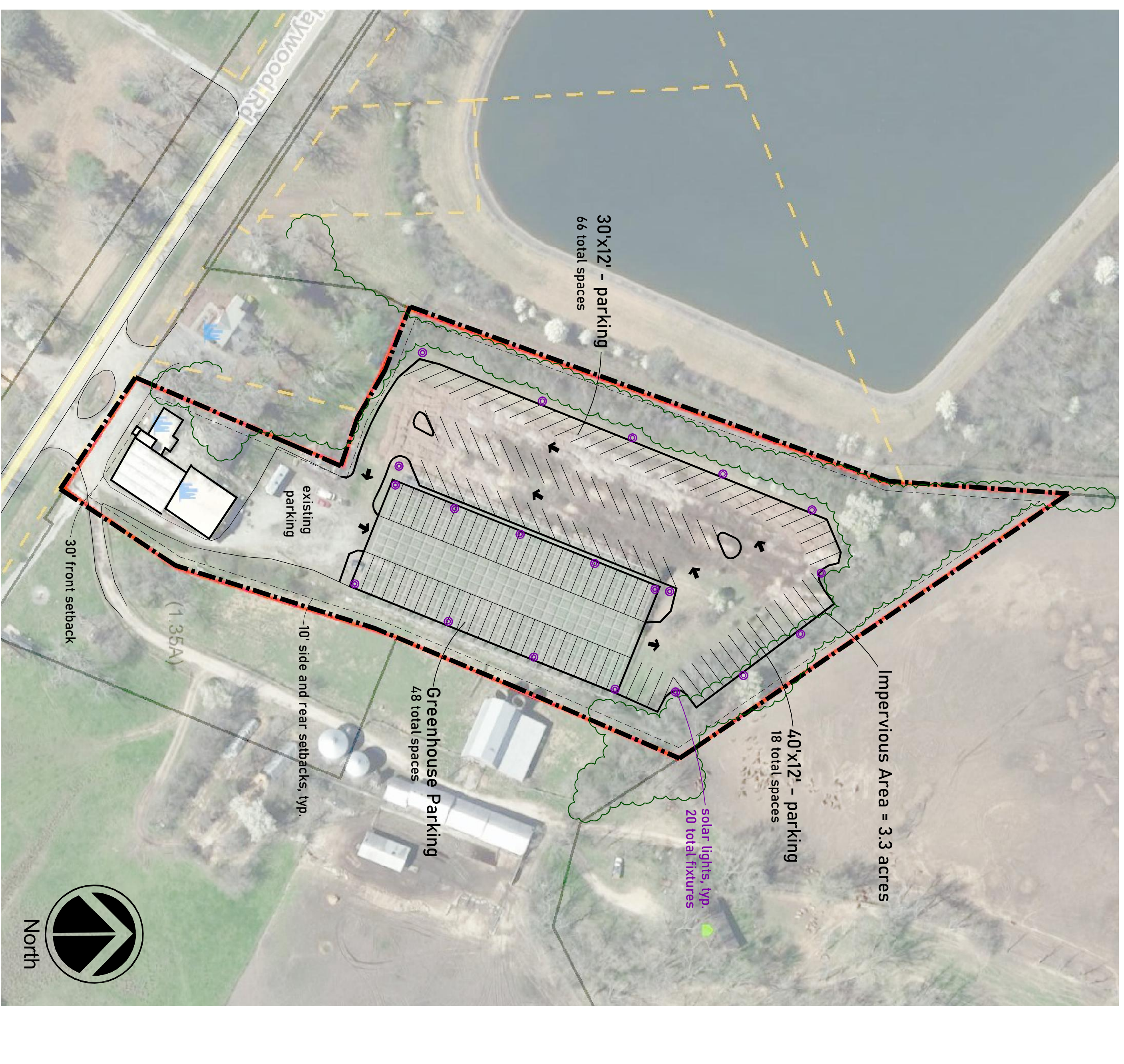


**Site Calculations**

Total Property = 5.29 acres  
 Total Proposed Disturbed Area - New = 0 acres  
 Percentage of New Lot Disturbed = 0%  
 Total Existing Impervious Area = 3.3 acres  
 Percentage of Lot Impervious Area = 62%  
 The average slope in the area of construction for this site is approximately 3%  
 There are no floodplains on or adjacent to this property

**PERMIT CLARIFICATIONS**

1) THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY PER D.F.I.R.M.# 3700969300J - EFFECTIVE DATE: JANUARY 6, 2010.  
 2) THIS PROPERTY HAS APPROXIMATELY 3% AVERAGE SLOPE WITHIN THE LIMITS OF DISTURBANCE AND IS UNDER THE 1 ACRE THRESHOLD FOR REQUIRING AN EROSION CONTROL PERMIT.



Other Consultants:

Owner  
 Boyd Hyder

Project:  
 Parking and Storage  
 4021 Haywood Road  
 Hendersonville, Henderson County, N.C.

Sheet:  
 Site Plan

Designed By:  
**cds** Creative Development Solutions  
 landscape architecture | land planning | community and resort design  
 1003 4th avenue west, hendersonville, north carolina 28739  
 p 828 696 9992 | f 828 696 9954

ISSUE DATE:  
 REVISIONS:  
 DESIGNED BY: DB  
 DRAWN BY: SB  
 APPROVED BY: DSB

Project Number:  
 SHEET NUMBER:  
 L2