

REQUEST FOR BOARD ACTION

HENDERSON COUNTY

Technical Review Committee

MEETING DATE: February 20th TRC & March 28th ZBA

SUBJECT: 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:

Mr. Barnwell is requesting a variance of Supplemental Requirement 4.15 (8) of the Henderson County Land Development Code. This SR requires:

(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.

Mr. Barnwell is requesting a variance to utilize two septic systems on the property for RV septic hookups rather than a central dump station.

Suggested Motion:

I move to approve/deny V-18-02 because it meets the requirements of the Land Development Code to grant a variance.

a. There are practical difficulties or unnecessary hardships in carrying out the strict letter of this Chapter, as demonstrated by:

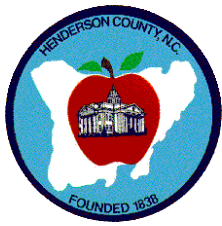
1. The fact that, if the *applicant* complies with the literal terms of this Chapter, he/she cannot secure a reasonable return from, or make a reasonable *use* of, the property.
2. The hardship of which the *applicant* complains results from unique circumstances related to the *applicant's* land.
3. The hardship is not the result of the *applicant's* own action.

b. The *Variance* is in harmony with the general purpose and intent of this Chapter and will preserve its spirit.

c. The *Variance* will secure the *public safety* and welfare and will do substantial justice.

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*.

e. The *Variance* shall not allow for an increase in density for the purposes of subdividing the land that would otherwise not be permitted by the applicable zoning district or *subdivision* regulations.



Henderson County, North Carolina Code Enforcement Services

1. Board Request

- 1.1. **Applicant:** Gary Barnwell
- 1.2. **Request:** Recreational Vehicle Park
- 1.3. **PIN:** 9575108506
- 1.4. **Size:** 6.93 acres +/-
- 1.5. **Location:** The subject area is located off Old US 25 Hwy and SR 1289
- 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



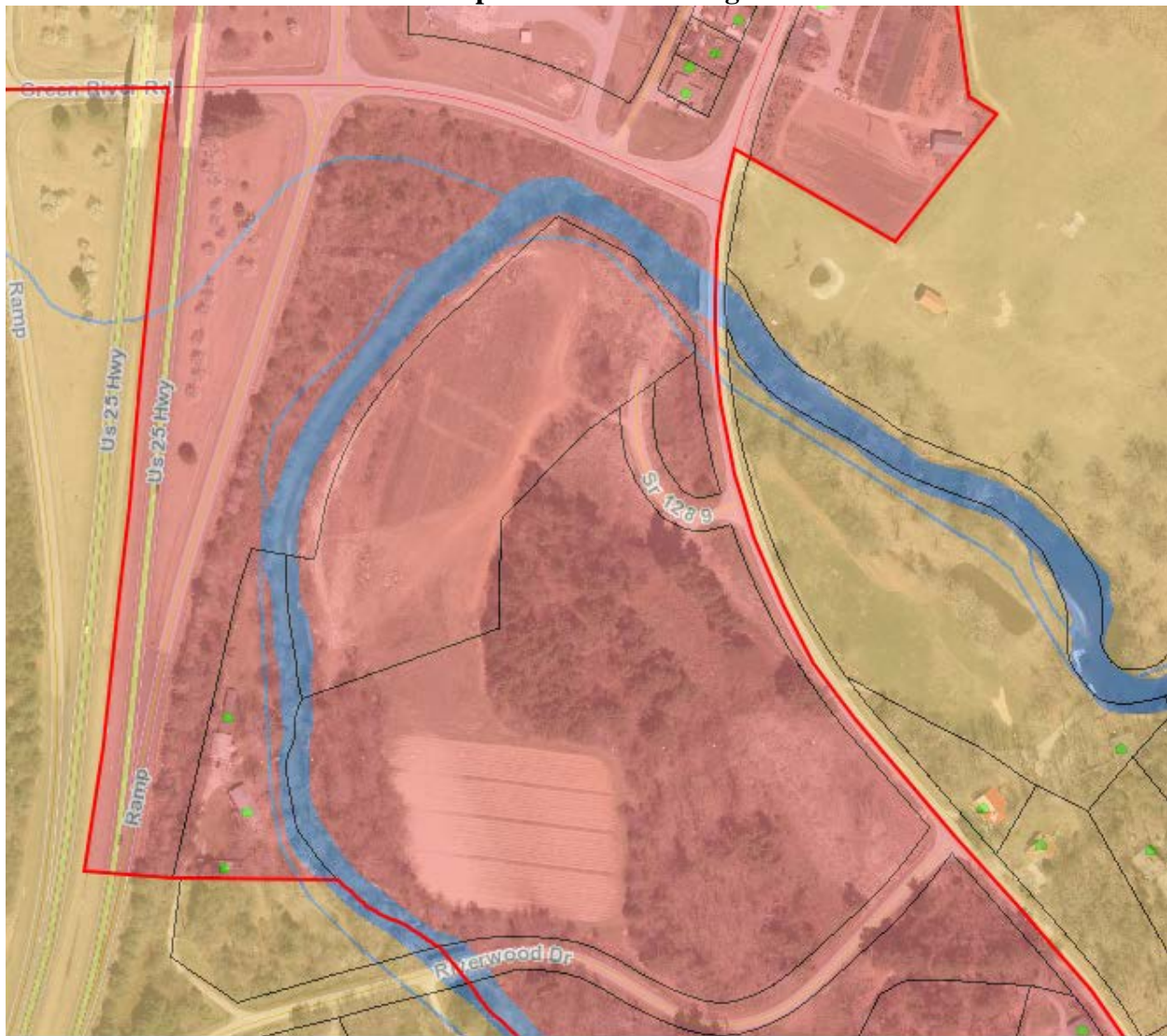
2. **Current Conditions**

2.1 Current Use: This parcel is currently vacant

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

2.3 Zoning: The adjoining property is zoned Local Commercial (LC). Property to the east is Residential Two Rural (R2R).

Map B: Current Zoning



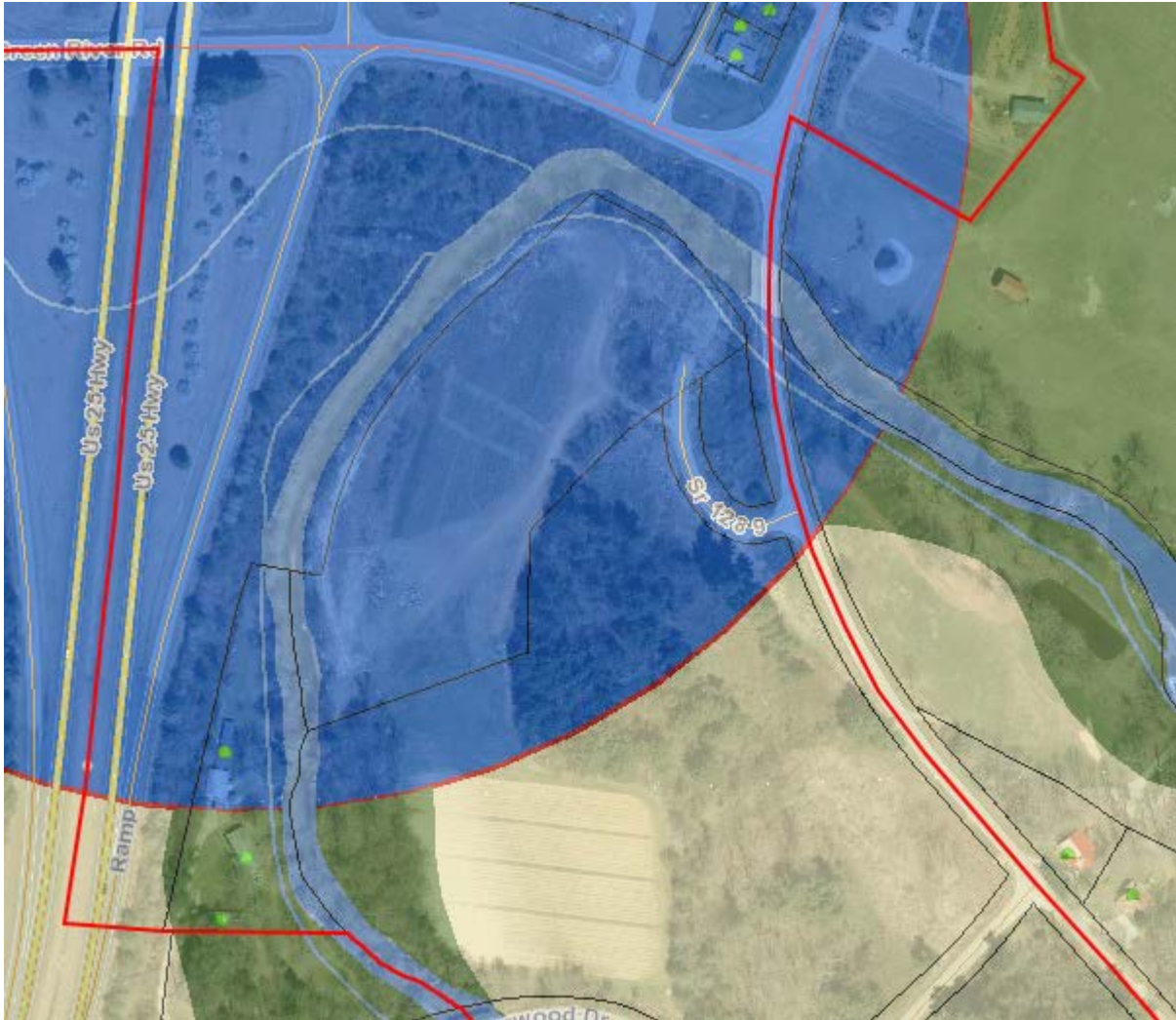
3. **Floodplain /Watershed Protection** The property is located in a Special Flood Hazard Area. The property is not in a Water Supply Watershed district.

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 a Community Service Center. The text and map of the 2020 CCP suggest that the Subject Area would be more suitable for the following:

Community Service Centers are intended to be intensive, efficient, defined concentrations of mixed services that meet the needs of the surrounding community and defined service areas. *Community Service Centers* are appropriate for a mixture of commercial uses scaled to the service area in question; residential uses of varying densities depending upon available services; and *Community Facilities* such as schools, parks, community centers, and other similar *Community Facilities*. The mixture and intensity of land uses contained within *Community Service Centers* are intended to be appropriate within the context of the surrounding community and intended service area. *Community Service Centers* should also be properly controlled by appropriate aesthetic standards, access management standards, and other appropriate development control measures.

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**

V-18-02-Gary Barnwell-RV Park



V-18-02-Gary Barnwell-RV Park



V-18-02-Gary Barnwell-RV Park



Application No. V-18-02

HENDERSON COUNTY
VARIANCE APPLICATION FORM

GENERAL INFORMATION

Date of Application: 2-26-18
Previously Submitted (Circle One): Yes No
Date of Pre-Application Conference: _____
Site Plan Attached (Circle One): Yes No

PARCEL INFORMATION

Property Address At the end of S.R. 1289
PIN: 9575108506 Deed Book/Page: 1541/406 Acreage: ~~6.94~~ 7.39
Zoning District: LC Fire District: Green River Watershed: _____ Floodplain: _____
Driving Directions: _____

REASON FOR VARIANCE Need to use septic for Park Models Instead of Dumping Station.
FRONT SETBACK (feet/foot) _____
SIDE SETBACK (feet/foot) _____
REAR SETBACK (feet/foot) _____

PROPERTY OWNER CONTACT INFORMATION:

Name: Gary Barnwell Phone: 828-606-2580
Address: P.O. Box 891 City, State, and Zip: Flat Rock NC 28731

Applicant:

Name: Same Phone: _____
Address: _____ City, State, and Zip: _____

Agent:

Name: _____ Phone: _____
Address: _____ City, State, and Zip: _____

Agent Form (Circle One): Yes No

Plan Preparer:

Name: _____ Phone: _____
Address: _____ City, State, and Zip: _____

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.)

Sites are being used for Park Models,
which are not easily moved for
dumping stations.

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.)

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

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.)

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.)

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.

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

Gary Barnwell
Print Applicant (Owner or Agent)

Gary Barnwell
Signature Applicant (Owner or Agent)

2/26/18
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)

SUBJECT TO ALL STATE AND LOCAL ORDINANCE REGARDING RECREATIONAL VEHICLE DEVELOPMENT.

EVACUATION ROUTE TO BE ROUTED ALONG EXISTING DRIVEWAY ENTRANCE.

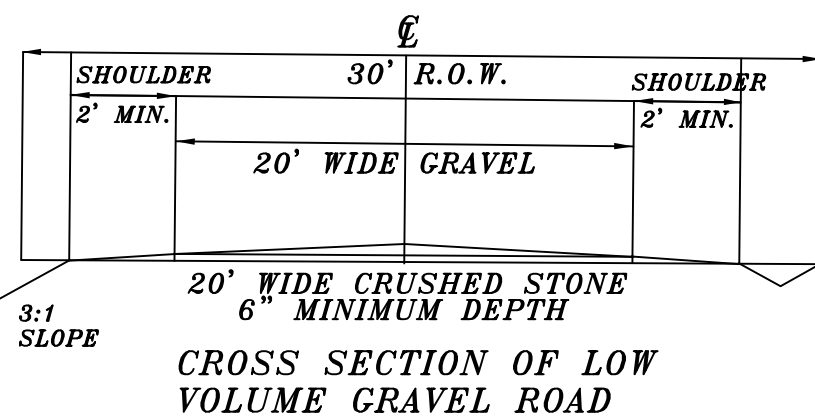
ZONED LC

THERE WILL BE ONE SEPTIC TANK TO SERVICE TWO LOTS. TO BE LOCATED WEST OF THE PROPOSED LOTS.

ELEVATIONS SHOWN ALONG THE 100 YEAR FLOODLINE ARE LOCATED AT THE B.F.E. PER FLOOD MAPS.

THERE WILL BE NO DEVELOPMENT INTO THE FEMA- REGULATED FLOODWAY.

LIGHTING MITIGATION REQUIRED. DUMPSTER MUST BE SCREENED PER SR 2:3



REVISED: 2/9/18 ROAD NAME, SEPTIC AREA.

GARY BARNWELL
1497/638

PREPARED BY:
BARRY L. COLLINS NCPLS 3018
P.O.B. 937
PICKENS, S.C. 29671
(864) 878-8623

NCDOT

LOT 1 2028.2 SQ. FT.
LOT 2 2239.4 SQ. FT.
LOT 3 2017.3 SQ. FT.
LOT 4 2009.2 SQ. FT.
LOT 5 2170.5 SQ. FT.
LOT 6 2004.7 SQ. FT.

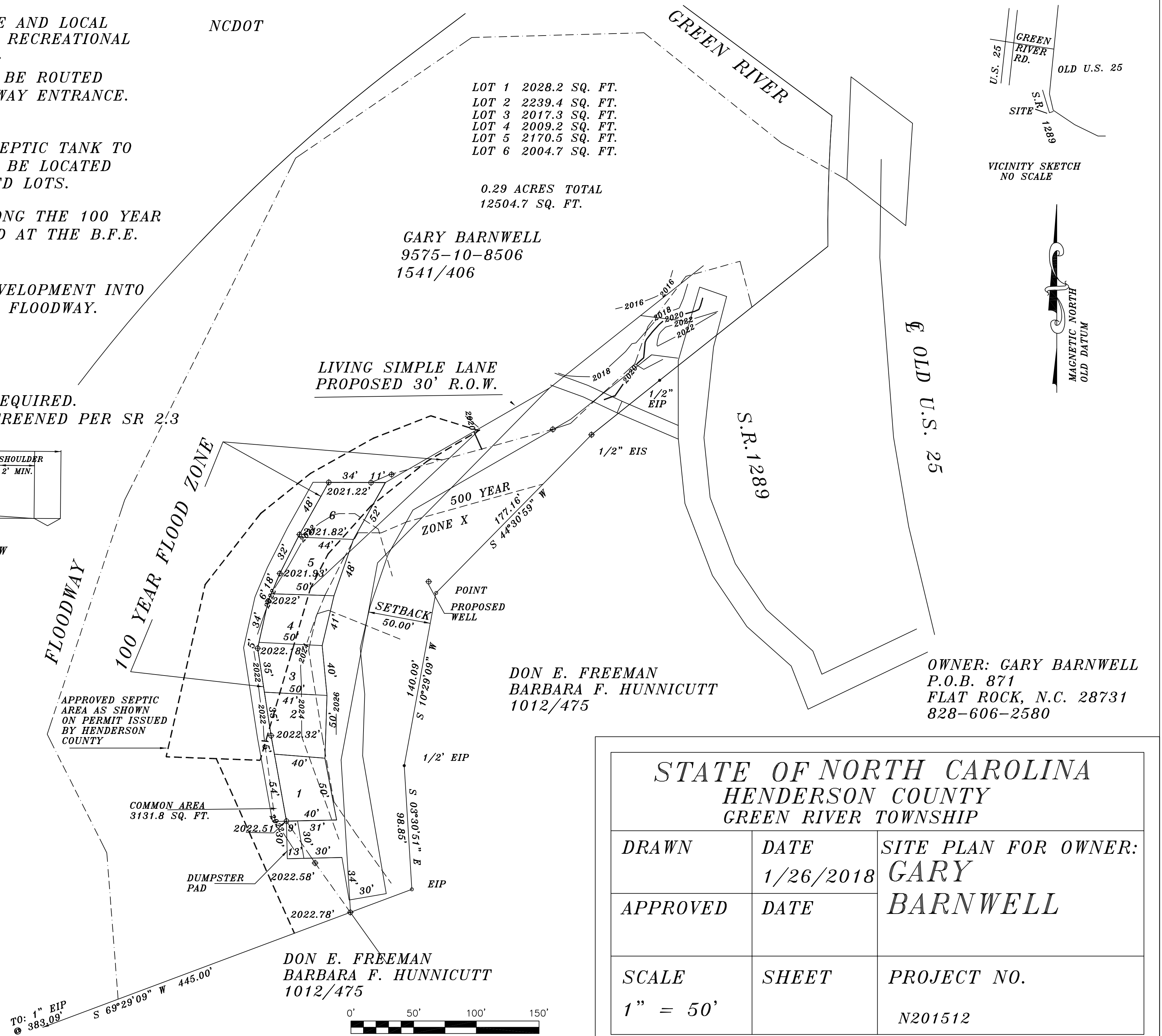
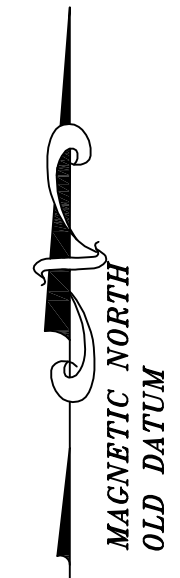
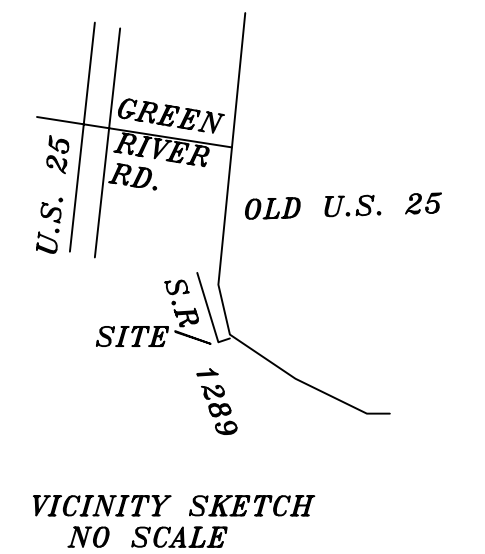
0.29 ACRES TOTAL
12504.7 SQ. FT.

GARY BARNWELL
9575-10-8506
1541/406

LIVING SIMPLE LANE
PROPOSED 30' R.O.W.

DON E. FREEMAN
BARBARA F. HUNNICUTT
1012/475

OWNER: GARY BARNWELL
P.O.B. 871
FLAT ROCK, N.C. 28731
828-606-2580



STATE OF NORTH CAROLINA HENDERSON COUNTY GREEN RIVER TOWNSHIP		
DRAWN	DATE	SITE PLAN FOR OWNER: GARY BARNWELL
	1/26/2018	
APPROVED	DATE	
SCALE	SHEET	PROJECT NO.
1" = 50'		N201512