56 Moore Avenue

7-12-2(e)(2)a1 Mandatory Standards for land disturbing activity & Section 7-12-2(f)(3)a Aquatic buffers: Post construction

THE CITY OF ASHEVILLE

Summary Statement:

The petitioner, Ryan Reynolds, is requesting a variance from the standards found in **7-12-2(e)(2)a1 *Mandatory Standards for land disturbing activity & Section 7-12-2(f)(3)a Aquatic buffers: Post construction*** of the Unified Development Ordinance (UDO) to allow for construction of one single family dwelling (SFD) within the 30-foot aquatic buffer.

- UDO Section 7-12-2(e)(1)a1 states, *"Land disturbing activity shall not occur within a 30-foot undisturbed buffer around all perennial and intermittent surface waters."*
- UDO Section 7-12-2(f)(3)a states *"a. Aquatic buffer: A 30-foot undisturbed aquatic buffer shall be required along perennial and intermittent waterbodies. Landowners may challenge the classification of a stream (i.e. perennial, intermittent, ephemeral), using the methods for delineating waters developed by the North Carolina Division of Water Quality. Property owners are responsible for the cost of having the necessary field investigations performed by competent persons. By approval of this ordinance, the North Carolina Division of Water Quality hereby authorizes appropriately trained city staff to make a field determination of the stream classification."*

The requested variances will allow the applicant to conduct the necessary temporary grading/disturbance activity and construct a permanent structure within the aquatic buffer. Per the applicant's submitted documents, the structure will maintain the required setbacks per RS-8 standards to ensure required parking can be created. In addition, the applicant has proposed new plantings, installation of rain catchment system, stabilization, and other remediation steps as required by City ordinances.

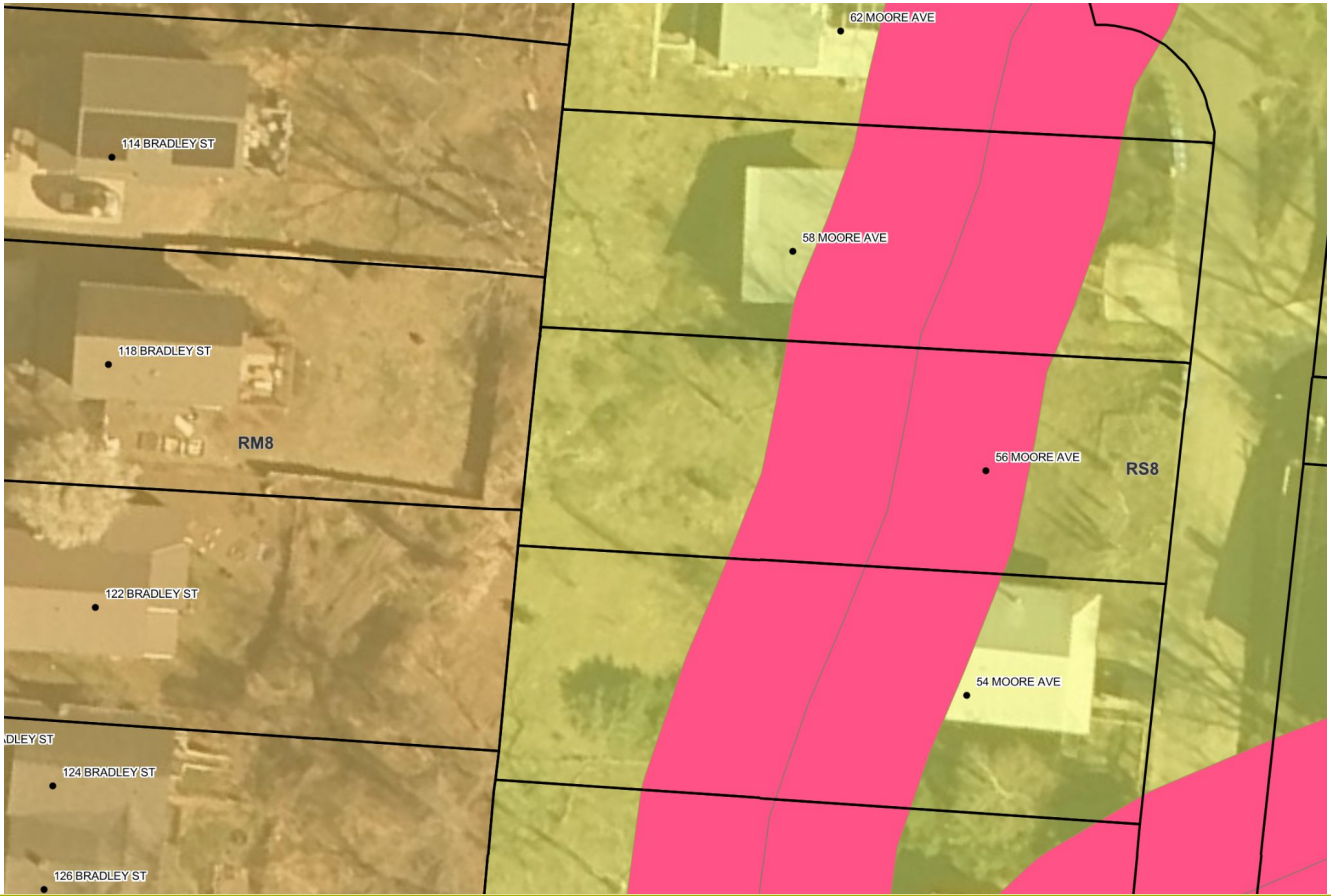
Exhibit A



Variance Request:

Zoning and Use	UDO Requirement	Applicant Request	Variance
RS-8 Residential Single-Family High Density	7-12-2(e)(1)a1:No land disturbing activity shall occur within a 30-foot undisturbed buffer around all perennial and intermittent surface waters.	Temporary encroachment of 880 sq. ft. into the 30-foot aquatic buffer area along the eastern bank (buildable area within the standard setbacks).	69 percent reduction of the aquatic buffer area along the eastern bank within the buildable area. 33 percent reduction of the entire (east and west) aquatic buffer within the buildable area.
RS-8 Residential Single-Family High Density	7-12-2(f)(3)a:A 30-foot undisturbed aquatic buffer shall be required along perennial and intermittent waterbodies.	Reduction of the 30-foot aquatic buffer along the eastern bank by an average of 23’ for 45 linear ft., for a permanent encroachment of 720 sq. ft. for the construction of SFD on the subject parcel (buildable areas within the standard setbacks).	An average buffer depth reduction of approximately 77 percent from the eastern bank.

Exhibit B


62 MOORE AVE
114 BRADLEY ST
58 MOORE AVE
118 BRADLEY ST
RM8
56 MOORE AVE
RS8
122 BRADLEY ST
54 MOORE AVE
124 BRADLEY ST
126 BRADLEY ST

Background:

The subject parcel is a 0.17 acre residential lot in East West Asheville, located north of Amboy Road and east of State Street. This parcel was created prior to the enactment of the Unified Development Ordinance as well as the aquatic buffer ordinance set in 2010. The subject parcel is bisected by a jurisdictional stream with elevation descending on either side. The stream flows south into the Moore Branch, a tributary of the French Broad. A 30-foot aquatic buffer is situated parallel to the streambank, encompassing approximately 2,654 square feet of the subject property within the required setbacks for RS8. The buildable area outside of the aquatic buffer is roughly, 1619 square feet, with 571 square feet on the eastern side and 1048 square feet on the western side. The applicant proposes the construction of a single-family dwelling with a 864 square foot footprint. The proposed single-family dwelling is a one-story structure with a basement.

Total Parcel Area	Total Aquatic Buffer Area (within setbacks)	Area Permanently Impacted	Area Not Impacted
7,489 sq. ft.	2,654sq. ft.	720 sq. ft.	1,934 sq. ft.

The applicant indicated that there was a plat with a note of a non-jurisdictional stream. This was a staff mark-up of a 2011 plat, stream determination back-up data was provided by the staff member. Additionally official determinations are listed as valid for 5 years, so a new determination would need to have been made. The property upstream lot, 58 Moore Avenue was determined by Army Corp of Engineers as jurisdictional in 2013. The ACOE determination upstream, verification of the stream on the USGS maps, the stream at this location was determined to be jurisdictional. This determination is additionally supported by the evidence of consistent water flow and aquatic life.

The applicant has shown grading, erosion control, mitigation, and revegetation on the proposed site plan in accordance with the City provided checklist. If the variance is approved, the applicant will then apply for a residential SFD permit. The permit will be subject to review and once granted to regular grading inspections. The proposed plans, if approved, will be conducted with guidance from the City's UDO and approved riparian species list. The Board may condition approval with specific requirements in relation to additional planting and remediation.

Proposed Site Plan

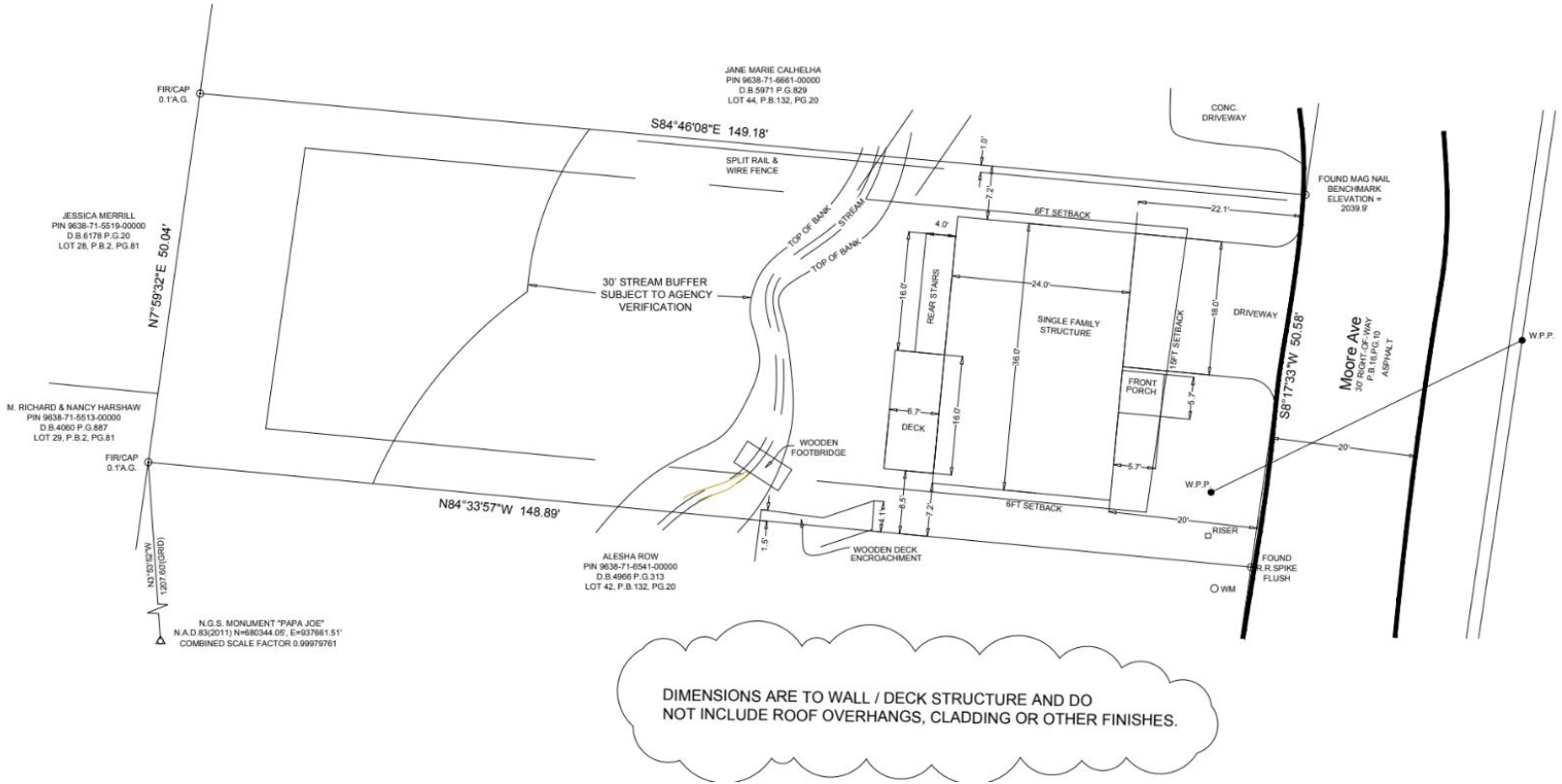


Exhibit C


POSTED
KEEP OUT
DEVELOPMENT
APPLICATION
PENDING


POSTED
KEEP OUT
DEVELOPMENT
APPLICATION
PENDING

Exhibit C - cont.



EXHIBIT 1

56 Moore Ave

PIN: 963871655600000

POC:
Ryan Reynolds
rmreynolds@me.com
828.398.8692

Variance Request regarding the Aquatic Buffer requirements as stated in the City of Asheville UDO:

- Section 7-12-2 (e)(2), *Mandatory Standards for Land Disturbing Activities*
- *Section 7-12-2* (f)(3), *Aquatic Buffers: Post Construction*

56 Moore Ave

Orientation

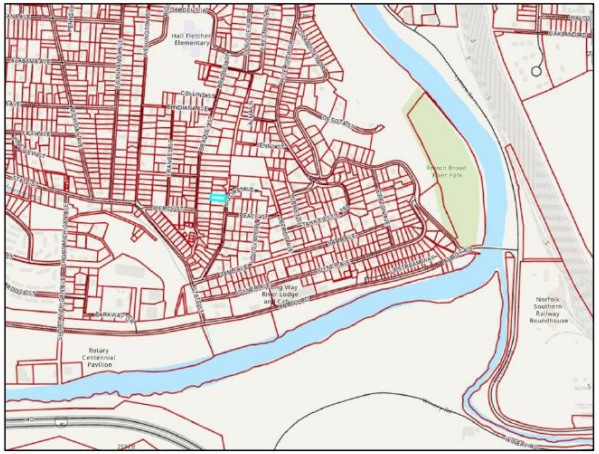






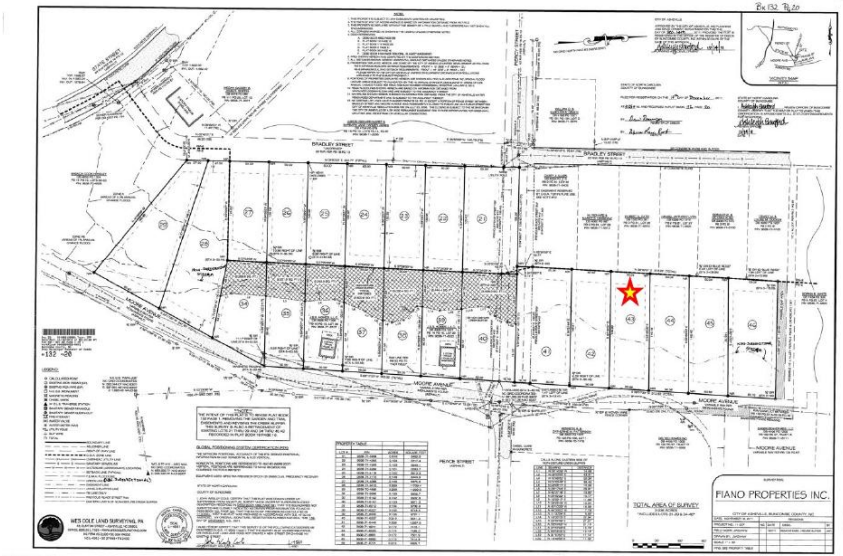
EXHIBIT 1

EXHIBIT 1

56 Moore Ave

Orientation

- Lot 43 in Original Plat – 1929 (Bk 16, Pg 10)
- Lot 43 in Plat – 2011 (Bk 132, Pg 20)



- Subject parcel had no dimensional or boundary changes from original plat.
- No recorded easements.

EXHIBIT 1

56 Moore Ave

Orientation

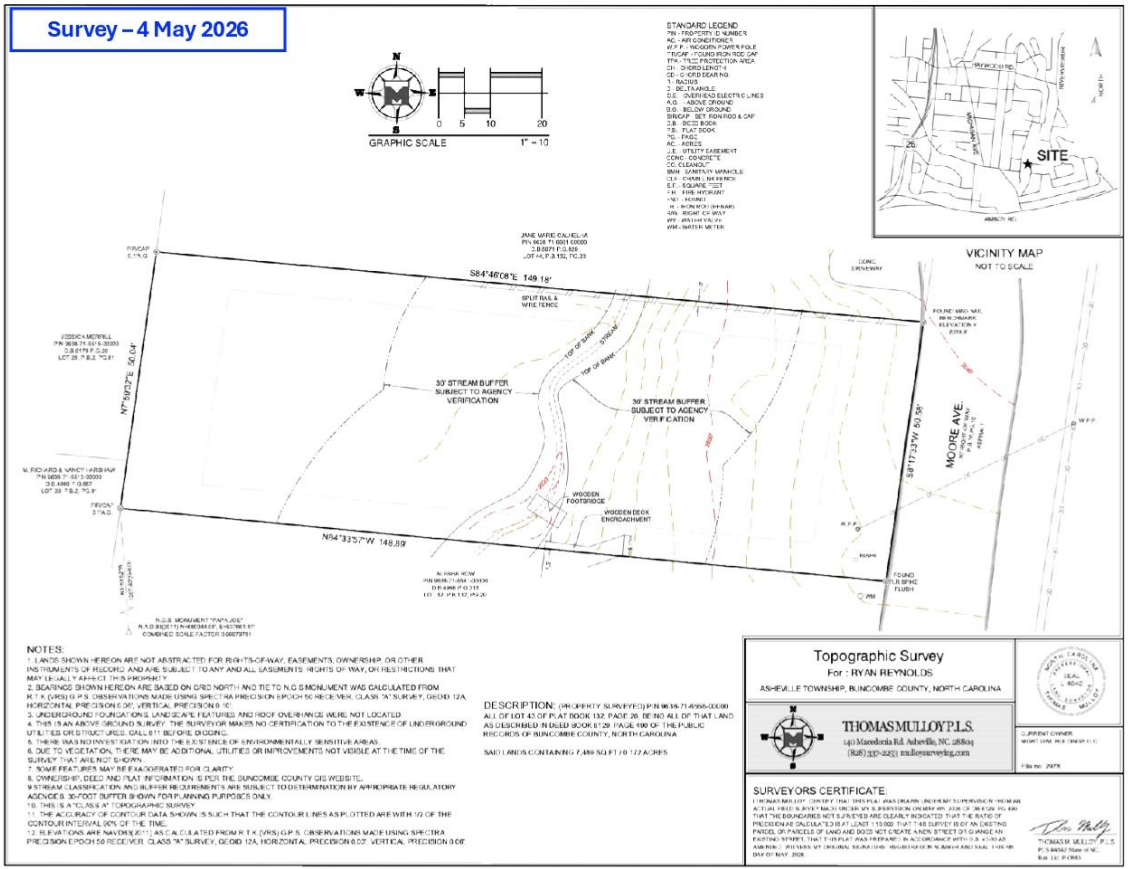
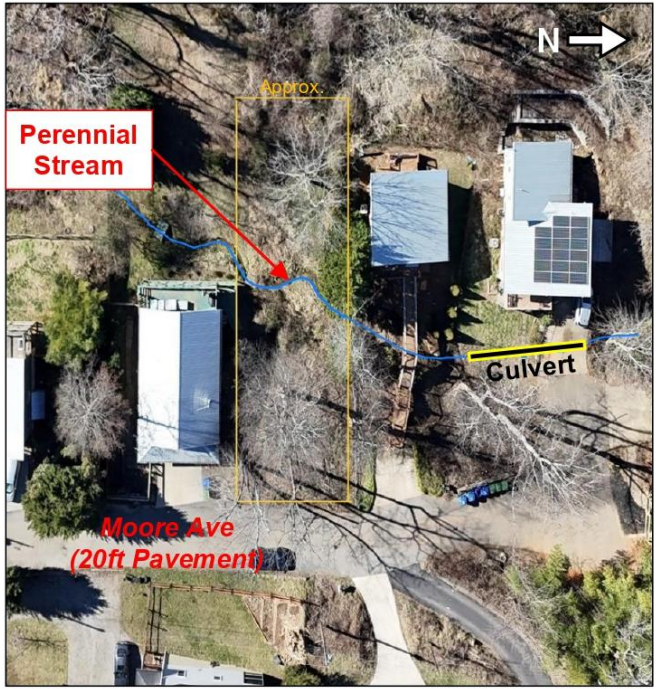


EXHIBIT 1

56 Moore Ave

Orientation

Overhead View





View Overhead NE towards Moore Ave



Looking E towards Moore Ave



Looking W towards rear of property

EXHIBIT 1

56 Moore Ave

Perennial Waterway

- There is an unnamed, intermittent stream shown on the 2011 plat and noted as “Non-Jurisdictional Stream”.
- This waterway is shown as a perennial waterway on the current USGS 7.5-minute quadrangle map.
- Aquatic Buffer Requirements in Section 7-12-2
  - (e)(2)(a.)(1.): “Land disturbing activity shall not occur within a 30-foot undisturbed buffer around all perennial and intermittent surface waters.”
  - (f)(3)(a.): “Aquatic Buffer: A 30-foot undisturbed aquatic buffer shall be required along perennial and intermittent waterbodies.”

EXHIBIT 1

56 Moore Ave

Perennial Waterway



Stream View





Looking Upstream towards 58 Moore Ave



Looking Downstream towards 54 Moore Ave

EXHIBIT 1

56 Moore Ave

Existing Conditions

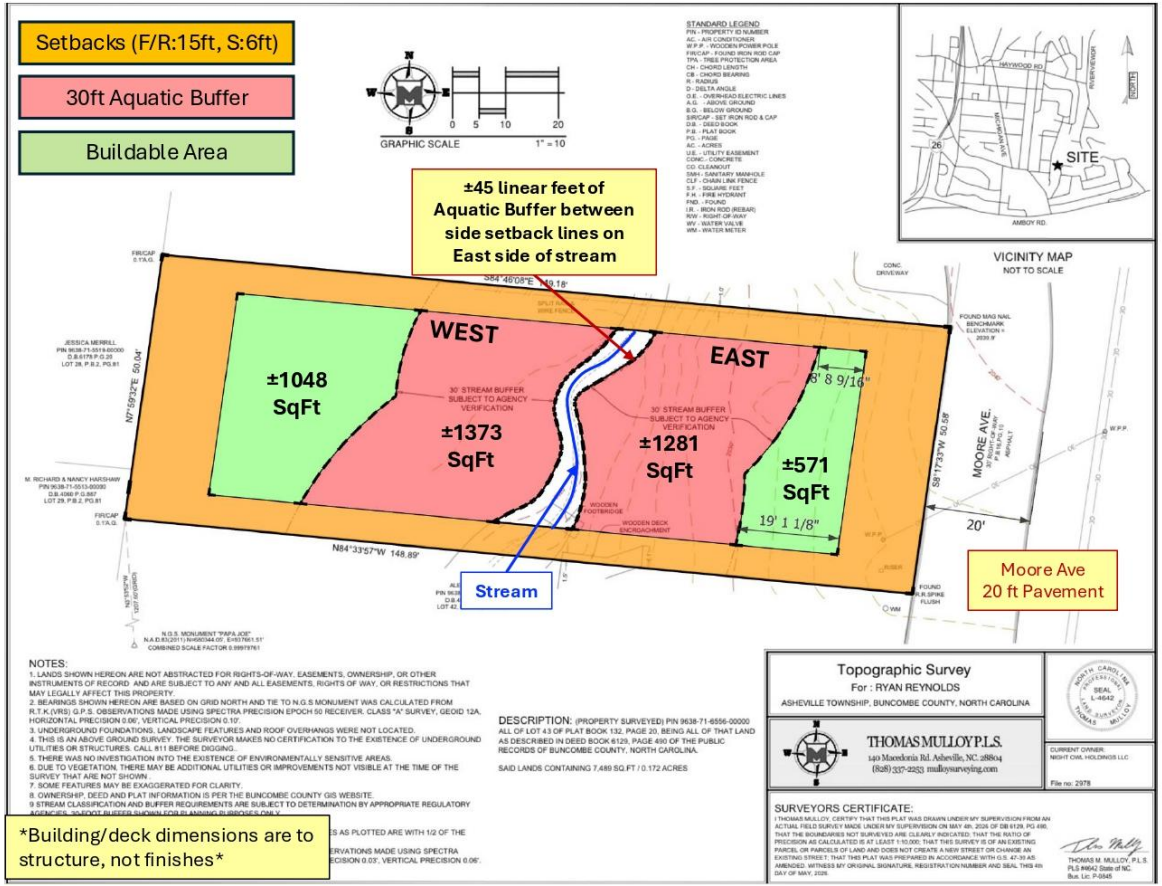


EXHIBIT 1

56 Moore Ave

Proposed Site Plan

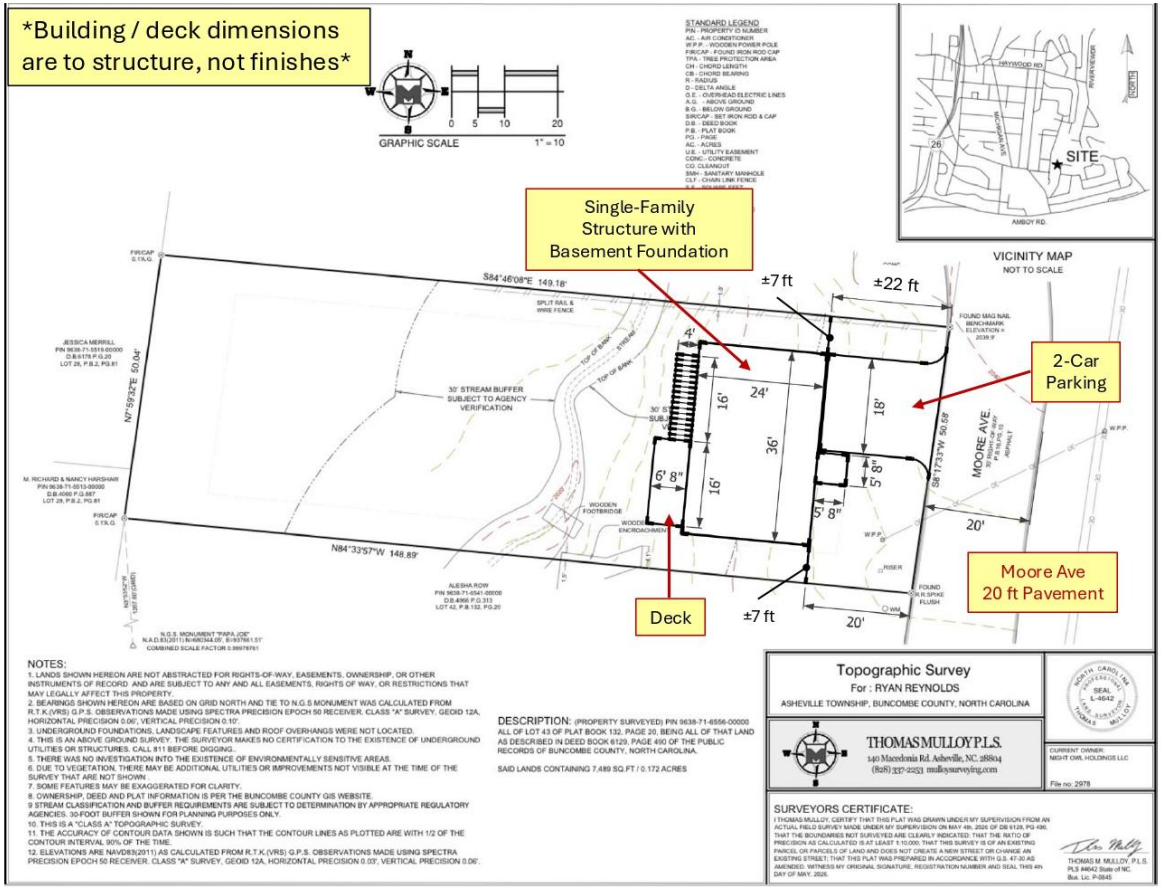
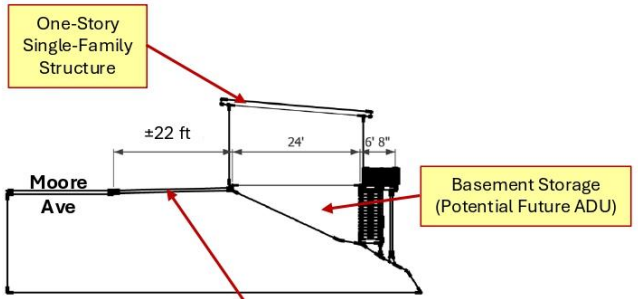


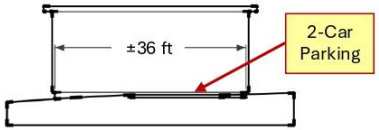
EXHIBIT 1

56 Moore Ave

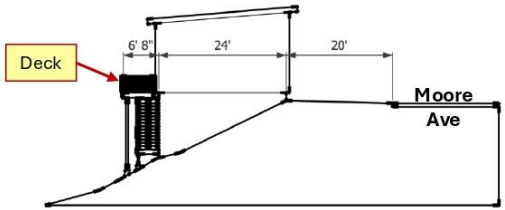
Elevation Concepts (*pending final design*)



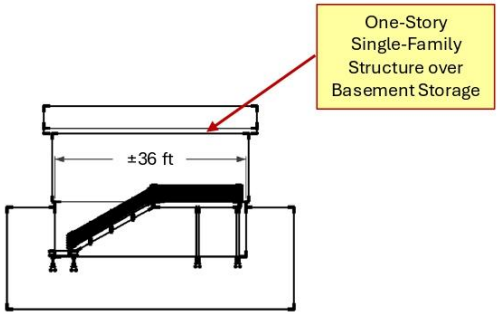
North Elevation



Front Elevation



South Elevation



Rear Elevation

Building/deck dimensions are to structure, not finishes

EXHIBIT 1

56 Moore Ave

Variance Requested

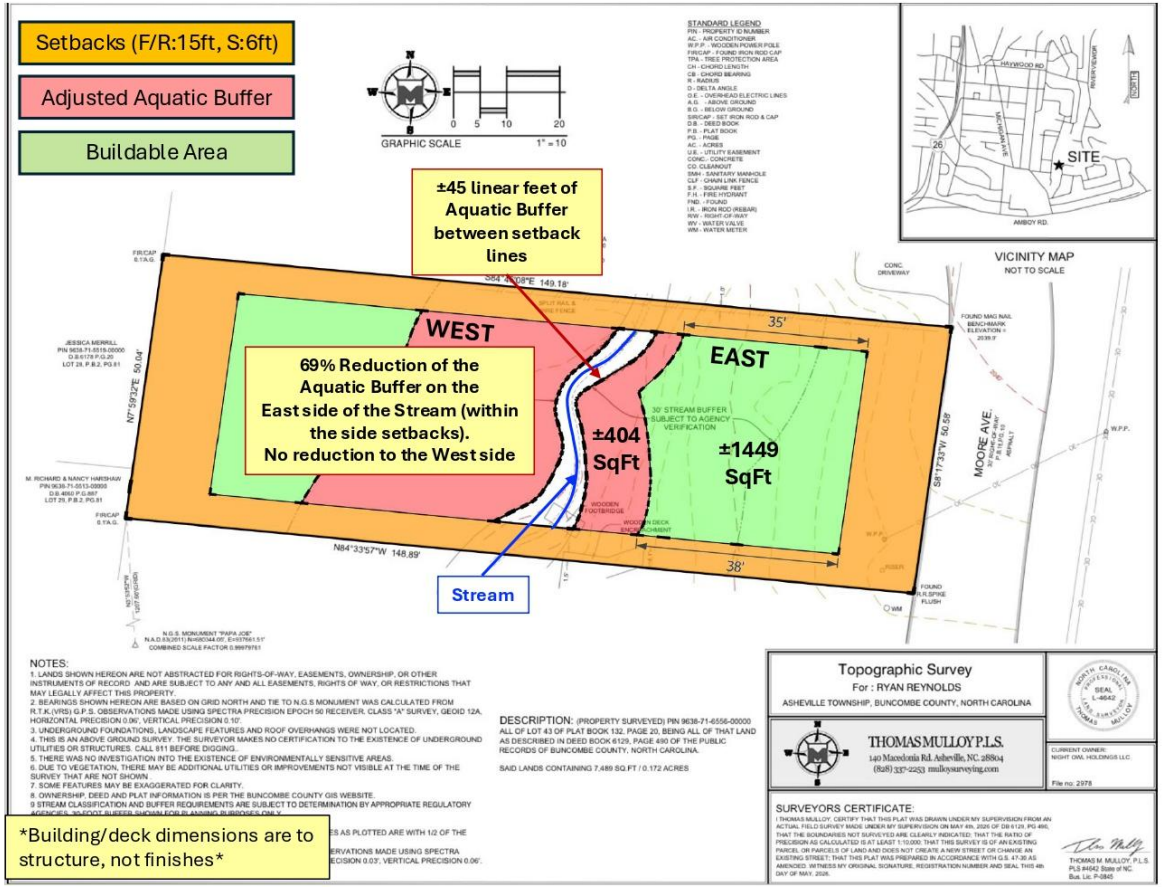


EXHIBIT 1

56 Moore Ave

Proposed Site Plan with Approved Variance

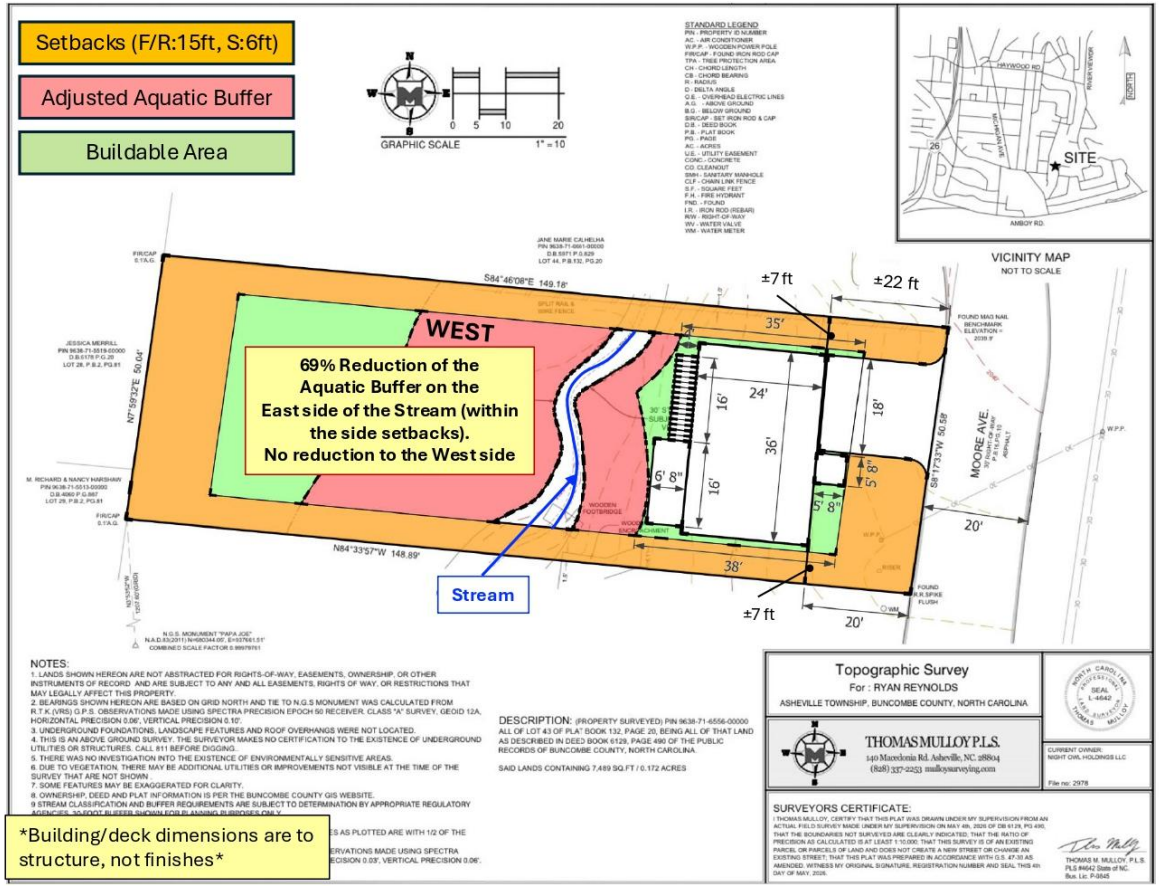


EXHIBIT 1

56 Moore Ave

Proposed Erosion Control During Construction

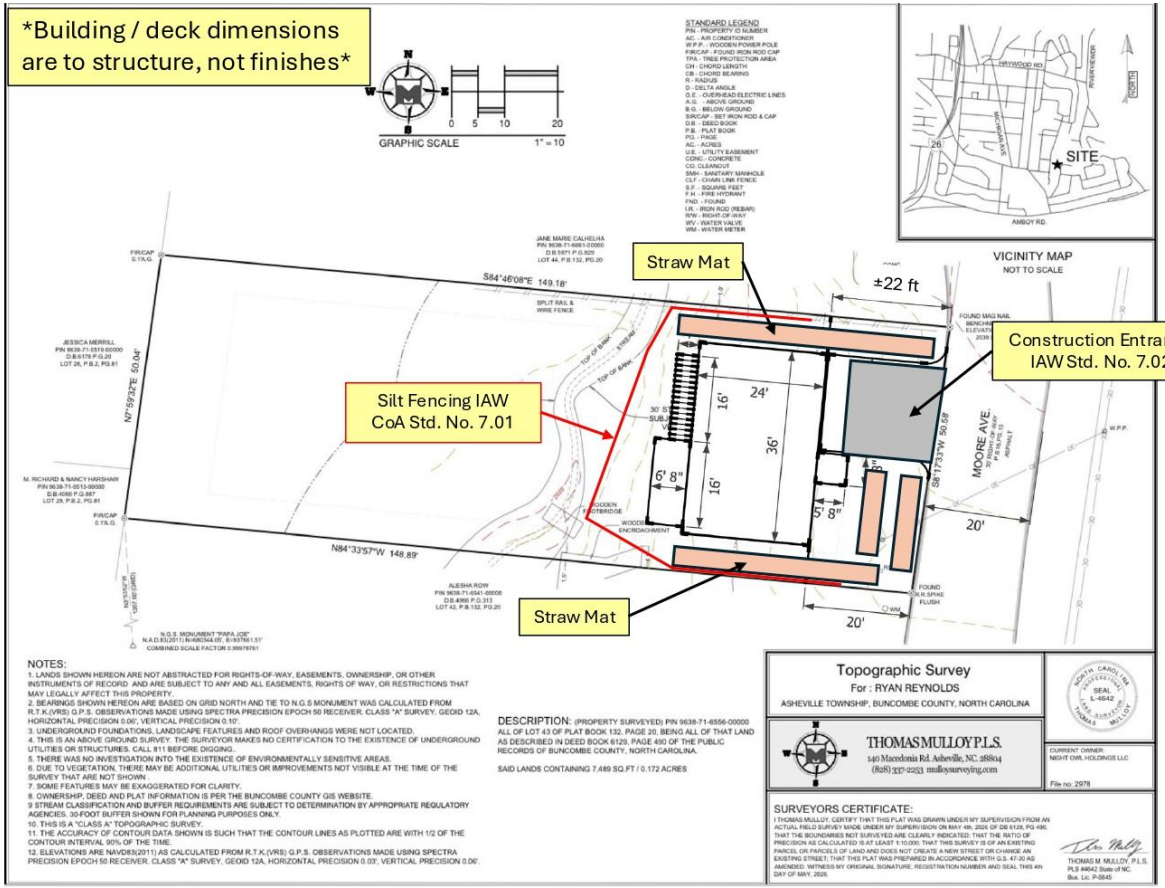


EXHIBIT 1

56 Moore Ave

Proposed Landscaping & Rainwater Management

