BUNCOMBE COUNTY
PLANNING & DEVELOPMENT

Agenda
Buncombe County Planning Board
January 27, 2025
30 Valley Street, Asheville, NC 28801

1. **Call to Order**

2. **Announcements – Nancy Waldrop**

3. **Roll Call of Board Members**

4. **Approval of Agenda**

5. **Planning Minute Approvals**

    a. **12-16-2024 Minutes**

6. **Public Comment**

7. **Public Hearing:**

    ZPH2024-00039 Long Shoals Rd Rezoning

    Bobby Haney, Suzanne Mossburg, Outdoor impressions LLC, Michael Schmitt, Sharon Anderson Tolley, and Kermit Tolley requested to rezone five (5) parcels of land identified as tax lot PINs 9634654608 (589 Long Shoals Rd.), 9634653566 (611 Long Shoals Rd.), 9634651454 (621 Long Shoals Rd.), 9634650386 (99999 Long Shoals Rd.), and 9634650212 (631 Long Shoals Rd.) from R-1 Residential to CS Commercial Service and three (3) parcels of land identified as tax lot PINs 9634653308 (5 W Haven Dr.), 9634655316 (5 Curtis Dr.), and 9634656376 (99999 Curtis Dr.) from R-2 Residential to CS Commercial Service.

- Staff Presentation
- Public Hearing
- Planning Board Discussion
- Planning Board Vote and Consistency Statement with BC Comprehensive Plan

8. **Adjournment**

Buncombe County Planning Board

December 16, 2024 Minutes

The Buncombe County Planning Board met on December 16, at 30 Valley St., Asheville, NC 28801.

Planning Board members present were Nancy Waldrop-Chairperson, Ken Kahn-Vice Chair, Anthony Coxie, Karl Koon, Jay Marino, Eric Robinson and John Noor.

Also, present were Terri Rogers, Gillian Phillips, Shannon Capezzali - Planning Staff, and Curt Euler - County Attorney.

Call to Order
Chair Ms. Waldrop called the meeting to order at 9:30 am.

Announcements
Public Comments protocol was shared.

Roll Call of Board Members
Complete.

Approval of Agenda
A motion was made by Mr. Marino and seconded by Mr. Kahn and passed unanimously.

Approval of Minutes (September 16, 2024, and November 18, 2024)
Mr. Kahn made a motion to approve the September and November meeting minutes. The motion was seconded by Mr. Koon and passed unanimously.

Public Comment
None

Public Hearing

ZPH2024-00034: Barney Danzansky of Equity Development Group, LLC applied to rezone a 10.35-acre portion of one (1) parcel of land identified as tax lot PIN 9619-86-2572 (14 Hitching Post Lane) from R-2 Residential to CS Commercial Service.

Ms. Capezzali shared the staff review of the application for this rezoning.

Mr. Craig Justice with CDC spoke to the Board about the request for the rezoning of this property and how it will blend into the current community that is a hub of commercial businesses and the growth along that part of the New Leicester Hwy.

The board held a public hearing, and no one else in the audience wished to speak. The Board closed the public hearing, and then discussed the proposal. A motion was made by Mr. Koon to approve seconded by Mr. Marino, All were in favor and request was approved.

Adjourn

Mr. Kahn motioned to adjourn the meeting seconded by Mr. Marino. Meeting adjourned at 10:05 a.m.

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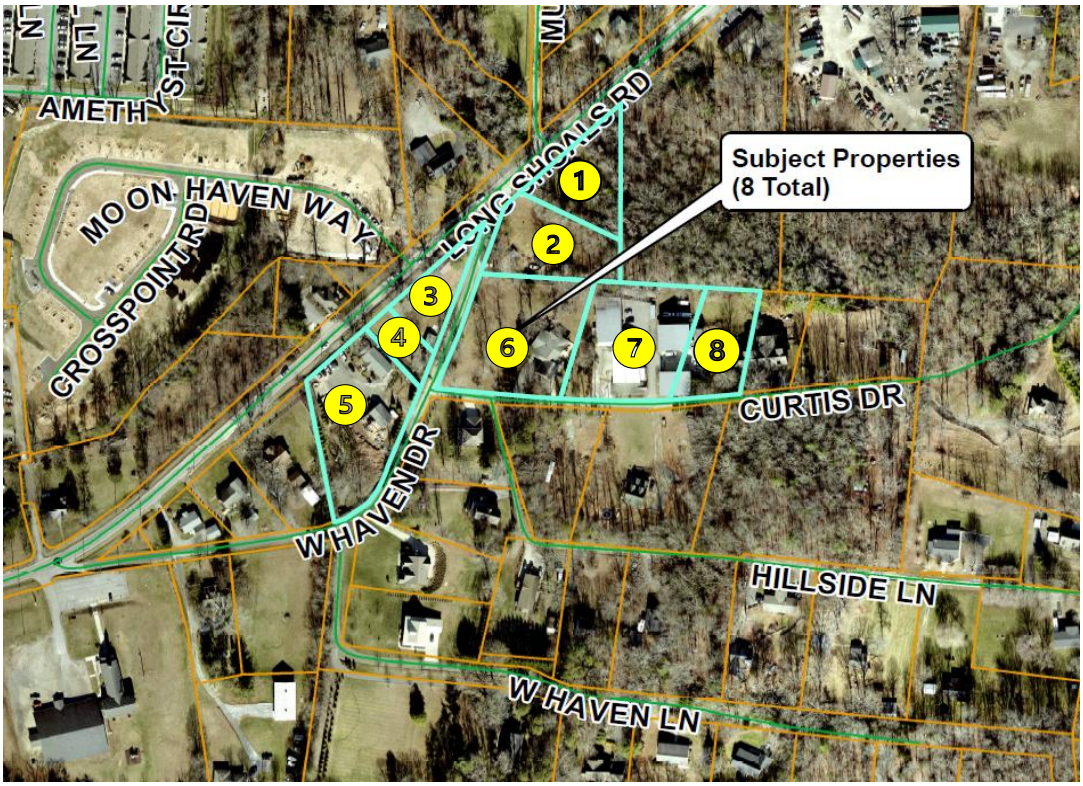
ZONING MAP AMENDMENT
STAFF ANALYSIS
Legislative Hearing

A. CASE	ZPH2024-00039 Long Shoals Rd. Rezoning

LOCATION MAP



B. PROPERTY INFORMATION

Lot #	PIN	Address	Owner	Acreage	Utilities	Access Road
1	9634654608	589 Long Shoals Rd.	Bobby Haney	0.57	City Water & Septic	Long Shoals Rd.
2	9634653566	611 Long Shoals Rd.	Jewel Gilbert	0.69	City Water & Septic	W Haven Dr.
3	9634651454	621 Long Shoals Rd.	Outdoor Impressions LLC	0.29	City Water & Septic	Long Shoals Rd.
4	9634650386	99999 Long Shoals Rd. (Unaddressed)	Outdoor Impressions LLC	0.25	City Water & Septic	Long Shoals Rd.
5	9634650212	631 Long Shoals Rd.	Michael Schmitt	1.1	City Water & Septic	Long Shoals Rd.
6	9634653308	5 W Haven Dr.	Sharon Tolley	1.24	City Water & Septic	Curtis Dr.
7	9634655316	5 Curtis Dr.	Sharon Tolley	1	City Water & Septic	Curtis Dr.
8	9634656376	99999 Curtis Dr. (Unaddressed)	Sharon Tolley & Kermit Tolley	0.56	City Water & Septic	Curtis Dr.

C. REZONING REQUEST		
Summary: Bobby Haney, Suzanne Mossburg, Outdoor impressions LLC, Michael Schmitt, Sharon Anderson Tolley, and Kermit Tolley have requested to rezone five parcels from R-1(Residential) to CS (Commercial Service) and three parcels from R-2 (Residential) to CS (Commercial Service). Refer to the Maps exhibit for area of property to be rezoned.	**Existing:** R-1 and R-2 Residential **Proposed:** CS- Commercial Service	
D. PUBLIC NOTICE	**Planning Board**	**Board of Commissioners**
Citizen Times and BC website: Mailed to owners within 1,000 ft: Physical posting on site: Hearing Date:	1-15-25 1-15-25 1-15-25 1-27-25	
E. RECOMMENDATION & SUMMARY OF CONSISTENCY REVIEW		
STAFF: APPROVAL	Staff recommends that the rezoning of the parcels be approved as it is consistent with the recommendations from the Comprehensive Plan for potable water, density, proximity to transportation corridor, location outside of overlay districts, high/moderate hazard stability areas, floodplain and is located in close proximity to other CS zoned areas along the same corridor. While not completely consistent with the G.E.C. map, this area could be appropriate for more intense development as Long Shoals Rd emerges as a commercial corridor. This rezoning would resolve an ongoing code violation for the parcel located at 631 Long Shoals Rd and align with the pre-existing non-conforming commercial uses on the parcels located at 5 Curtis Dr. and 99999 Curtis Dr.	

F. SPOT ZONING & STATEMENT OF REASONABLENESS		
Spot Zoning: *A zoning ordinance, or amendment, which singles out and reclassifies a relatively small tract owned by a single person and surrounded by a much larger area uniformly zoned, so as to impose upon the smaller tract greater restrictions than those imposed upon the larger area, or so as to relieve the small tract from restrictions to which the rest of the area is subjected, is called "spot zoning." Spot Zoning, David W. Owens, April, 2020, quoting Blades v. City of Raleigh, 280 N.C. 531, 547, 187 S.E.2d 35, 45 (1972).*	**CONSISTENT**	**POTENTIAL SPOT ZONING**
1. Staff Analysis of spot zoning: The eight (8) subject parcels to be rezoned are a combined total of 5.7 acres in size. Three (3) out of the eight parcels requesting rezoning are adjacent to a parcel currently zoned Commercial Service (CS). The subject parcels are adjacent or in close proximity to a transportation corridor. Based on the nature of the request, Staff does not have concerns related to spot zoning.	**X**	
Statement of Reasonableness: *When adopting or rejecting any petition for a zoning map amendment, a statement analyzing the reasonableness of the proposed rezoning shall be approved by the governing board. This statement of reasonableness may consider, among other factors:*	**CONSISTENT**	**IN-CONSISTENT**
1. The size, physical conditions, and other attributes of the area proposed to be rezoned	**X**	
2. The benefits and detriments to the landowners, the neighbors, and the surrounding community	**X**	
3. The relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment	**X**	
4. The action taken is in the public interest	**X**	
5. Any changed conditions warranting the amendment	**N/A**	

G. 2043 COMPREHENSIVE PLAN CONSISTENCY		
PLEASE NOTE: If a rezoning request is approved that is not consistent with the adopted comprehensive plan, the zoning amendment shall have the effect of also amending any future land use map (e.g., the Growth, Equity, and Conservation Map) in the approved plan. No additional request or application for a plan amendment shall be required per the statute.		
GEC CHARACTER FRAMEWORK (FUTURE LAND USE MAP):	**CONSISTENT**	**NOT CONSISTENT**
1. **FLUM CATEGORY DESCRIPTION** The proposed rezoning is not consistent with the Character area description of 'Mixed Use Neighborhood' where this parcel is located. However, this group of parcels is in close proximity, about an eighth of a mile, to the Mixed Use II FLUM category at the corner of Long Shoals Rd. and Brevard Rd. which aligns with the commercial services zoning district.		**X**

2. **WASTEWATER & POTABLE WATER TYPE** The parcels have access to public water but are currently on septic. The subject parcels are within reasonable proximity to existing sewer infrastructure. As the parcels develop and the need arises, MSD may be an option in the future.	**X**	
3. **DENSITY** The proposed zoning district has a maximum density of up to 12 units an acre which is the same as the current zoning district.	**X**	
4. **PRIMARY AND SECONDARY LAND USES** The uses allowed in the proposed zoning district include uses which are not recommended in the Character Framework for this area.		**X**
PLAN POLICIES AND ACTIONS:	**CONSISTENT**	**NOT CONSISTENT**
5. **Proximity to Transportation Corridor** *(Transportation Action 4)* The parcels are located on or near a transportation corridor, Long Shoals Road. Long Shoals Rd. has seen several rezonings from residential to commercial over the last few years, which is indictive of its progression to a commercial corridor.	**X**	
6. **Support higher density residential development near job centers and amenities** *(Transportation Action 4)* The rezoning from R-1 and R-2 to CS will not result in any change to the allowable density.	**N/A**	
7. **Prioritize environmental conservation of other natural lands (such as intact forest lands, wetlands, and other unique habitats) to protect and increase the capacity to sustain the county's existing biodiversity** *(Env. Conserv. Action 3)* This parcel is in the Mixed Use Neighborhood area on the GEC Map. This is a growth area and so this question does not apply.	**N/A**	
8. **Prioritize the conservation of physical connections between natural landscapes to avoid fragmentation of large forest blocks in order to benefit wildlife migration** *(Env. Conserv. Action 3)* This rezoning would not cause the fragmentation of a large forest block.	**X**	
9. **Using the guidance of the GEC Map, work with private development partners to bring new sites to market that have promising transportation access, proximity to current and future economic corridors, a robust utility service, labor draw, community synergies, etc.** *(Economic Dev. Action 2)* The rezoning of this parcel will increase the land use options for the existing and future property owners. It is located on Long Shoals Rd., a transportation corridor with the potential to be a future economic corridor.	**X**	
10. **Support the creation of place-based community gathering destinations at Walkable Destination Centers, Mixed Use Areas, and Rural Centers identified on the GEC Map** *(Economic Dev. Action 3)* Rezoning the subject parcel to CS would not necessarily result in the creation of more place-based community gathering destinations in the Mixed Use Neighborhood area where it is located.	**N/A**	

11. **Integrate equity considerations into projects that improve air, water, and land quality by utilizing tools including redlining maps of Asheville and other municipalities and EPA's Environmental Justice Screening Tool** *(Health Action 7)* The parcel is not in an area identified on the red lining map of Asheville and does not score high on the Buncombe County Community Index Map Equity Index.	**Equity Analysis is not suggested for this parcel.**

ENVIRONMENTAL:	**CONSISTENT**	**NOT CONSISTENT**
12. Steep Slope/High Elevation and Protected Ridge Overlay Districts The parcel is not within an Overlay District.	**X**	
13. Regulated Flood Hazard Areas The parcel is partially located within a regulated flood hazard area.	**X**	
14. High or Moderate Hazard Stability Areas The parcel does not contain significant hazard stability areas.	**X**	

H. NEIGHBORHOOD CONSISTENCY

1. CURRENT DEVELOPMENT TYPES:
Subject acreage has the following adjacent zonings and uses:

DIRECTION	ZONING	ADJACENT USES
NORTH	R-2 Residential	Residential low density
EAST	CS Commercial Service	Multi-Use Commercial
SOUTH	R-1 Residential	Single Family Homes and Manufactured home
WEST	R2- Residential	Single-family home, Office, and vacant land

CONSISTENT: **X** **NOT CONSISTENT:**

2. Does the proposed rezoning allow for any transition between higher density or intensity uses and lower density or intensity uses? *(Examples include medium intensity zoning between a low and high intensity district, topographic separations, other natural features to ensure a transition or buffer.)*

The rezoning of the properties from R-1 and R-2 to CS could cause a increase in the types and intensity of uses allowed on the property compared to the current zoning. If all parcels are rezoned together they would be adjacent to a CS zoned parcel to the northeast. Any future commercial development would be required by zoning to establish and/or maintain a buffer between adjacent properties with residential uses.

CONSISTENT: NOT CONSISTENT: **X**

3. Are the uses allowed in the proposed zoning district compatible with the existing uses in the area? The proposed zoning district allows a variety of uses from residential to commercial, and warehousing. The existing uses in the immediate area includes single-family residential, multifamily residential, office, and multi-use commercial.	**X**	

4. ALLOWED DEVELOPMENT TYPES AFTER CHANGE:

The proposed rezoning would allow additional uses in the CS district that are not currently allowed in the R-1 and R-2 districts. Examples of uses that would be allowed after the rezoning include commercial planned unit developments, veterinary clinics, banks, cargo and freight terminals, commercial greenhouses, hotels and motels, kennels, manufacturing operations, medical clinics, vehicle impoundment, repair, and sales lots, gas stations, fitness centers, business offices, restaurants, retail, business schools, warehousing and mini-storage, vacation rental complexes, and more.

5. DENSITY & DIMENSIONAL STANDARDS COMPARISON:

		Existing District:	**Existing District**	**Proposed District:**
		R-1 Residential	**R-2 Residential**	**CS Commercial Service**
Min. Lot Size	No Public Sewer	30,000 SF	30,000 SF	30,000 SF
	Public Sewer/No Water	10,000 SF	10,000 SF	10,000 SF
	Public Water & Sewer	8,000 SF	6,000 SF	5,000 SF
Max. dwelling units per acre		10	12	12
Setbacks (Front/Side/Rear)		10/7/15 with public sewer 20/10/20 septic system	10/7/15 with public sewer 20/10/20 septic system	10/10/10
Max. height		35 feet	35 feet	50 feet

6. PREVIOUS ZONING ACTIONS & RELEVANT SITE HISTORY:

The parcels located at 5 Curtis Dr. and 99999 Curtis Dr. are pre-existing non-conforming commercial use (vehicle repair). The parcel located at 631 Long Shoals Rd. is being used as a landscaping business as a home occupation. The rezoning would be consistent with these uses and would help rectify the current inconsistencies.

I. COMPARISON OF ZONING ORDINANCE DISTRICT STATEMENT OF INTENT

EXISTING ZONING DISTRICT – R-1	**EXISTING ZONING DISTRICT – R-2**	**PROPOSED ZONING DISTRICT – CS**
The R-1 Residential District is primarily intended to provide locations for single-family and two-family residential development and supporting recreational, community service, and educational uses in areas where public water and sewer services are available or will likely be provided in the future.	The R-2 District is primarily intended to provide locations for residential development and supporting recreational, community service and educational uses in areas where public water and sewer services are available or will likely be provided in the future. These areas will usually be adjacent to	The CS Commercial Service District is primarily intended to provide suitable locations for clustered commercial development to encourage the concentration of commercial activity in those specified areas with access to major traffic arteries, to discourage strip commercial development, and to allow for

This district is further intended to protect existing subdivisions from encroachment of incompatible land uses, and this district does not allow manufactured home parks.	R-1 Residential Districts, will provide suitable areas for residential subdivisions requiring public water and sewer services, and in order to help maintain the present character of R-1 districts, will not allow manufactured home parks.	suitable noncommercial land uses. Such locations should currently have water and sewer services or be expected to have such services available in the future. This CS Commercial Service District may be applied to suitable areas adjacent to existing commercial concentration to allow for their expansion.

J. EQUITY ANALYSIS

1. Buncombe County Government is utilizing an Equity Analysis Tool for certain types of planning-related development decisions. The following is Staff's Equity Analysis for this rezoning:

Based on this parcel's ranking on the Community Index Map, this parcel is not located in an equity opportunity area.

K. PLANNING BOARD RECOMMENDATION

1. BOARD BASIS FOR DECISION MAKING

The Board must determine if there is a reasonable basis for the requested change in light of its effect on all involved including the following considerations:

- The requested change does not directly or indirectly result in the creation of spot zoning
- Size of the tract in question
- Compatibility of the change with the adopted 2043 Comprehensive Plan
- Benefits and detriments resulting from the change for the owner of the newly zoned property, their neighbors, and the surrounding community
- Relationship between the uses envisioned under the new zoning and the uses currently present in adjacent tracts

References: Good Neighbors of South Davidson v. Town of Denton, 355 N.C. 254, 559 S.E.2d 768 (2002)
Chrismon v. Guilford County, 322 N.C. 611, 370 S.E.2d 579 (1988)

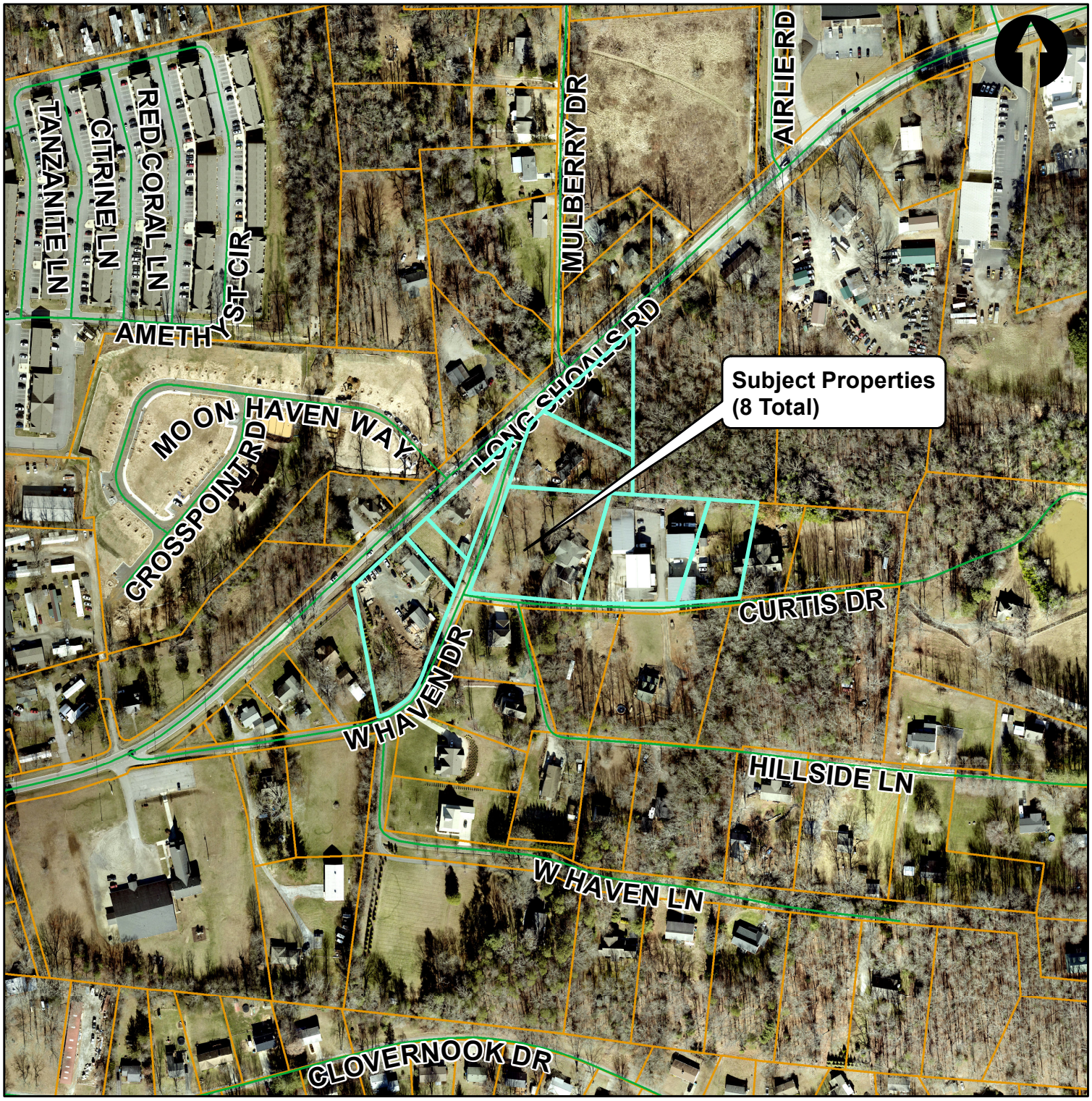
L. BOARD OPTIONS

The following options are available to the Board:

a. Recommend approval of the proposed rezoning as it is consistent with the Buncombe County 2043 Comprehensive Plan, as presented.
b. Recommend approval of a portion of the proposed rezoning as it is consitent with the Buncombe County 2043 Comprenhensive Plan.
c. Recommend denial of the proposed rezoning, as presented as it is inconsistent with the Buncombe County 2043 Comprehensive Plan.

M. ATTACHMENTS

- Application
- Maps



0 0.05 0.1 0.2 Miles

589, 611, 621, 631, 99999 Long Shoals Rd;
5 & 99999 Curtis Dr; 5 W Haven Dr
PINs 9634-65-4608, 9634-65-3566,
9634-65-1454, 9634-65-0386, 9634-65-0212,
9634-65-6376, 9634-65-5316, & 9634-65-3308

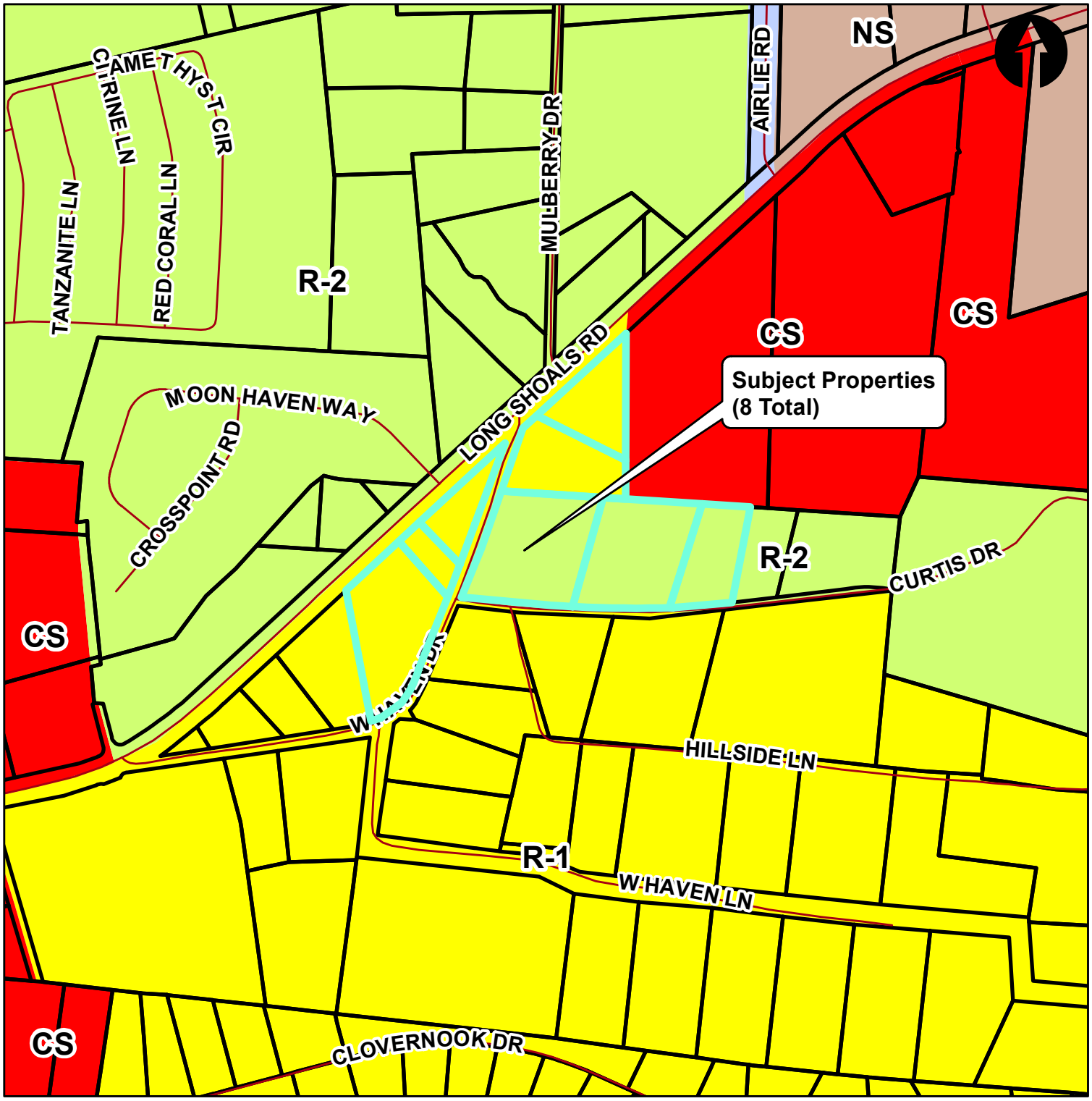
Roads

Property Boundaries

ZPH2024-00039
Long Shoals
Map Amendment

Aerial Map

Created By: Buncombe Co. Planning
Date: 1/2/2025



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589, 611, 621, 631, 99999 Long Shoals Rd;
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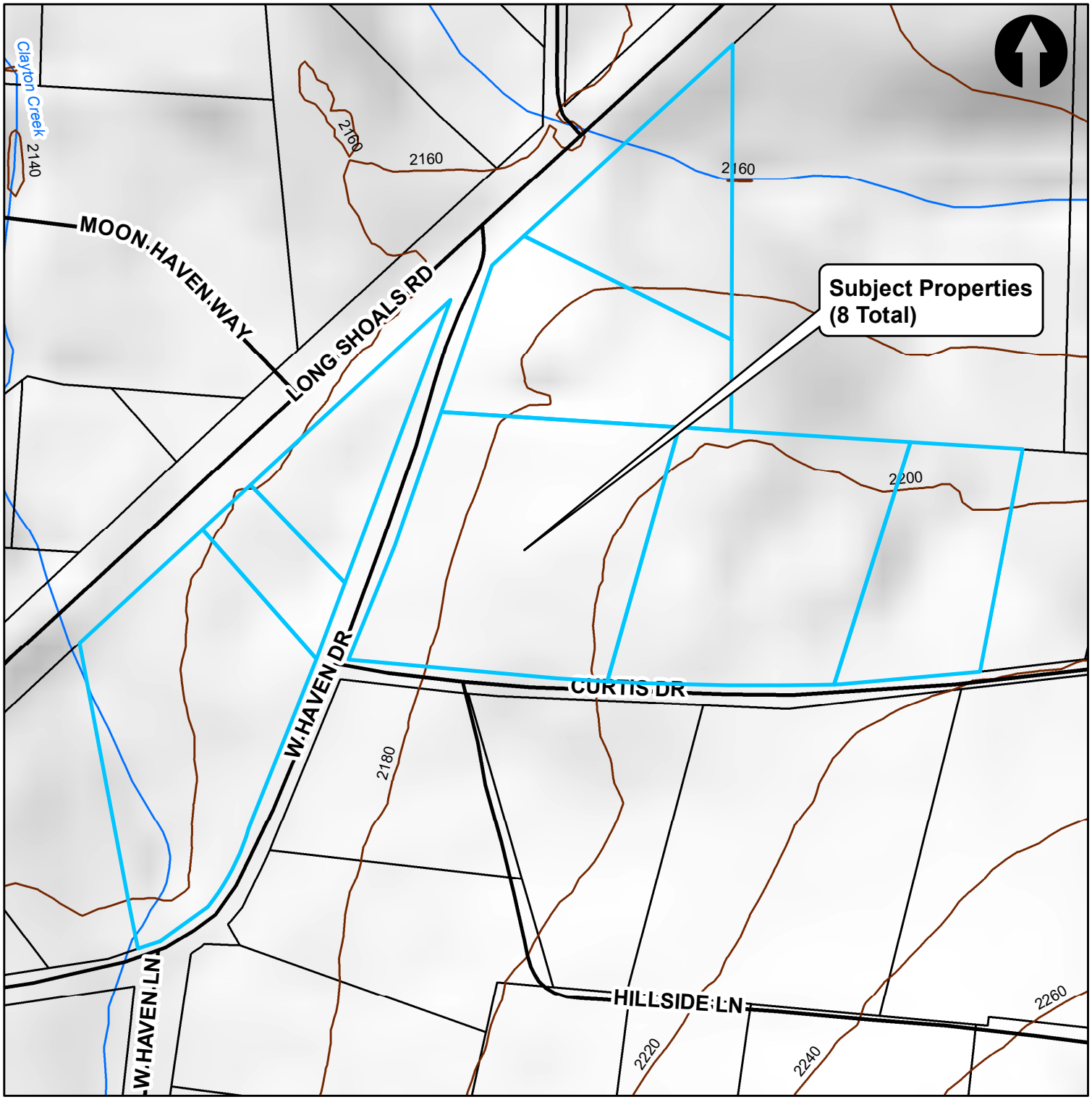
9634-65-1454, 9634-65-0386, 9634-65-0212,
9634-65-6376, 9634-65-5316, & 9634-65-3308

AI	EMP	R-1
BDM	NS	R-2
CR	OU	R-3
CS	PS	R-LD

ZPH2024-00039
Long Shoals
Map Amendment

Zoning Map

Created By: Buncombe Co. Planning
Date: 1/2/2025



0 125 250 500 Feet

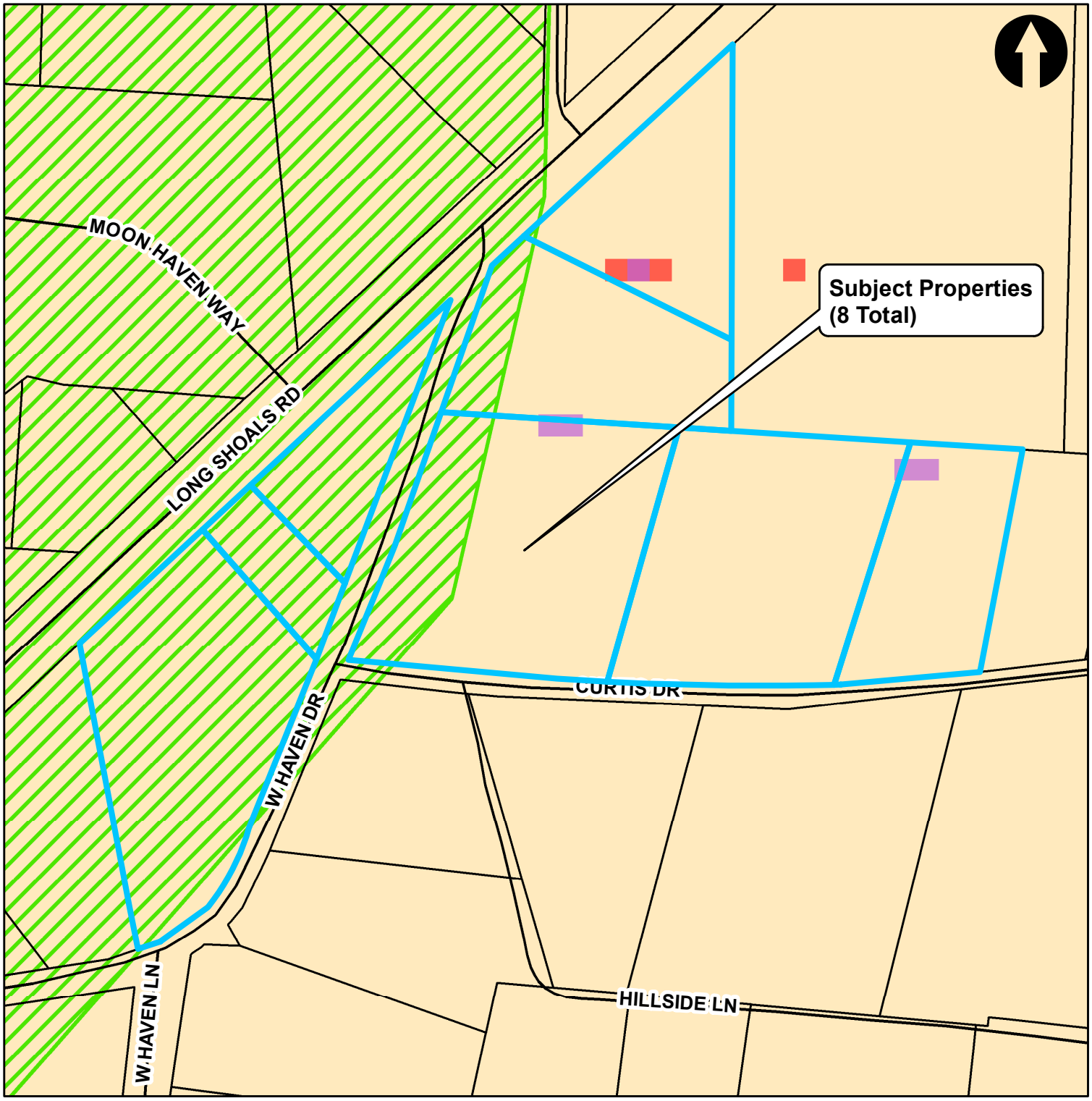
589, 611, 621, 631, 99999 Long Shoals Rd;
5 & 99999 Curtis Dr; 5 W Haven Dr
PINs 9634-65-4608, 9634-65-3566,
9634-65-1454, 9634-65-0386, 9634-65-0212,
9634-65-6376, 9634-65-5316, & 9634-65-3308

ZPH2024-00039
Long Shoals
Map Amendment

Topo Map

Roads
20 Foot Contours
Property Boundaries

Created By: Buncombe Co. Planning
Date: 1/2/2025



0 125 250 500 Feet

589, 611, 621, 631, 99999 Long Shoals Rd;
5 & 99999 Curtis Dr; 5 W Haven Dr
PINs 9634-65-4608, 9634-65-3566,
9634-65-1454, 9634-65-0386, 9634-65-0212,
9634-65-6376, 9634-65-5316, & 9634-65-3308

ZPH2024-00039
Long Shoals
Map Amendment

Land Use Map

Created By: Buncombe Co. Planning
Date: 1/2/2025

- 500 yr
- A - 100yr
- AE - 100 yr
- High Hazard
- Moderate Hazard
- Low Hazard
- 0 - 25 % Slope
- Greater than 25% Slope
- Greater than 2500'
- Proximity to Public Utilities
- Transportation Corridors

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Application for a Zoning MAP AMENDMENT *(Rezoning)*

A PRE-SUBMITTAL CONFERENCE WITH THE PLANNING DEPARTMENT IS REQUIRED PRIOR TO SUBMITTAL.

A. Property Information

Application is hereby made to the Board of Commissioners of Buncombe County to amend the Official Zoning Map of Buncombe County as it pertains to the following properties:

PIN(s): 963465460800000

Address(es): 589 Long Shoals Road, Arden, NC 28704

Acreage: 0.57 **Available Utilities:** ☐ Public water ☐ Private well ☐ Public MSD Sewer ☐ Private septic

B. Zoning Classification

Current zoning district(s): R-1 Requested zoning district(s)*: CS

**If only a portion of the property is requested to be rezoned, or a rezoning to include more than one zoning district is proposed, please enclose a map indicating the area(s) of the property to be considered for rezoning.*

C. Applicant Contact Information

Company/Corporate Name (*if applicable*)

Bobby D. Haney
Applicant's Name

589 long shoals Road
Mailing Address

Arden, N.C. 28704
City, State, and Zip Code

(828) 329-0475
Telephone

Bobbyhaney2@Gmail.com
Email

Property Owner Contact Information (*If different*)

Bobby D. Haney
Owner's Name

589 Long Shoals Road
Mailing Address

Arden, NC 28704
City, State, and Zip Code

( )
Telephone

Email

OFFICE USE ONLY:

Case Number: ZPH -

Date Received:

Owner's Affidavit Submitted: ☐ Yes ☐ No

Pre-Submittal meeting with:

Planning Board Hearing Date:

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A. Property Information

Application is hereby made to the Board of Commissioners of Buncombe County to amend the Official Zoning Map of Buncombe County as it pertains to the following properties:

PIN(s): 963465356600000

Address(es): 611 Long Shoals Road, Arden, NC 28704

Acreage: 0.69 **Available Utilities:** ☐ Public water ☐ Public MSD Sewer ☐ Private well ☐ Private septic

B. Zoning Classification

Current zoning district(s): R-1 Requested zoning district(s)*: CS

**If only a portion of the property is requested to be rezoned, or a rezoning to include more than one zoning district is proposed, please enclose a map indicating the area(s) of the property to be considered for rezoning.*

C. Applicant Contact Information	Property Owner Contact Information (*If different*)
Company/Corporate Name (*if applicable*)	
Suzanne Mossburg Applicant's Name	Suzanne Mossburg Owner's Name
391 McAbee Road Mailing Address	391 McAbee Road Mailing Address
Chesnee, SC 29323 City, State, and Zip Code	Chesnee, SC 29323 City, State, and Zip Code
(864)431-7267 Telephone	( ) Telephone
mossburgsa@gmail.com Email	Email

OFFICE USE ONLY:

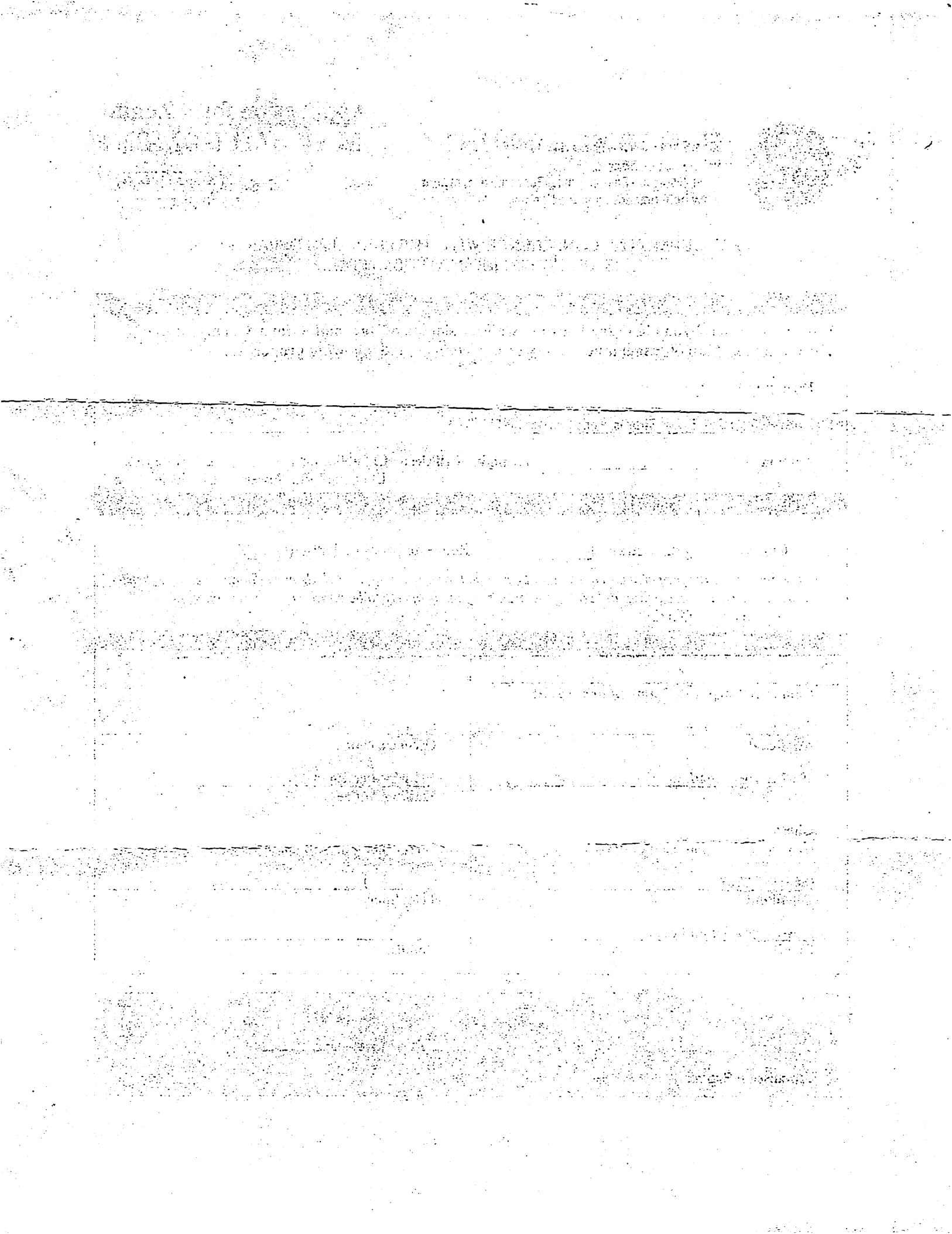
Case Number: ZPH -

Date Received:

Owner's Affidavit Submitted: ☐ Yes ☐ No

Pre-Submittal meeting with:

Planning Board Hearing Date:



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A. Property Information

Application is hereby made to the Board of Commissioners of Buncombe County to amend the Official Zoning Map of Buncombe County as it pertains to the following properties:

PIN(s): 963465145400000, 963465038600000 and 963465021200000

Address(es): 621 Long Shoals Road, 99999 Long Shoals Road, and 631 Long Shoals Road, Arden

Acreage: 0.29, 0.25, and 1.10 **Available Utilities:** ☐ Public water ☐ Private well ☐ Public MSD Sewer ☐ Private septic

B. Zoning Classification

Current zoning district(s): R-1 Requested zoning district(s)*: CS

**If only a portion of the property is requested to be rezoned, or a rezoning to include more than one zoning district is proposed, please enclose a map indicating the area(s) of the property to be considered for rezoning.*

C. Applicant Contact Information

Outdoor Impressions, LLC
Company/Corporate Name (*if applicable*)

Michael B. Schmitt
Applicant's Name

631 Long Shoals Rd
Mailing Address

Arden NC 28704
City, State, and Zip Code

(828) 545-6092
Telephone

OUTDOORIMPRESSIONS.AVL@GMAIL.COM
Email

Property Owner Contact Information (*If different*)

Outdoor Impressions, LLC and Michael Schmitt
Owner's Name

631 Long Shoals Road
Mailing Address

Arden, NC
28704
City, State, and Zip Code

(828) 216-2380
Telephone

Email

OFFICE USE ONLY:

Case Number: ZPH_____-_____

Date Received: _____

Owner's Affidavit Submitted: ☐ Yes ☐ No

Pre-Submittal meeting with: _____

Planning Board Hearing Date: _____

Application for a Zoning MAP AMENDMENT *(Rezoning)*

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A. Property Information

Application is hereby made to the Board of Commissioners of Buncombe County to amend the Official Zoning Map of Buncombe County as it pertains to the following properties:

PIN(s): 963465330800000, 963465531600000, and 963465637600000

Address(es): 5 W Haven Drive, 5 Curtis Drive, and Curtis Drive

Acreage: 1.24, 1.00, and 0.56 **Available Utilities:** ☒ Public water ☐ Private well ☐ Public MSD Sewer ☒ Private septic

B. Zoning Classification

Current zoning district(s): R-2 Requested zoning district(s)*: CS

**If only a portion of the property is requested to be rezoned, or a rezoning to include more than one zoning district is proposed, please enclose a map indicating the area(s) of the property to be considered for rezoning.*

C. Applicant Contact Information

Company/Corporate Name (*if applicable*)

Kermit Tolley
Applicant's Name

5 West Haven dr.
Mailing Address

Arden, NC, 28704
City, State, and Zip Code

(828) 712-0184
Telephone

KermitTolley@Gmail.com
Email

Property Owner Contact Information (*If different*)

Sharon Tolley and Kermit Tolley
Owner's Name

5 W Haven Drive
Mailing Address

Arden, NC 287
City, State, and Zip Code

( )
Telephone

KermitTolley@Gmail.com
Email

OFFICE USE ONLY:

Case Number: ZPH -

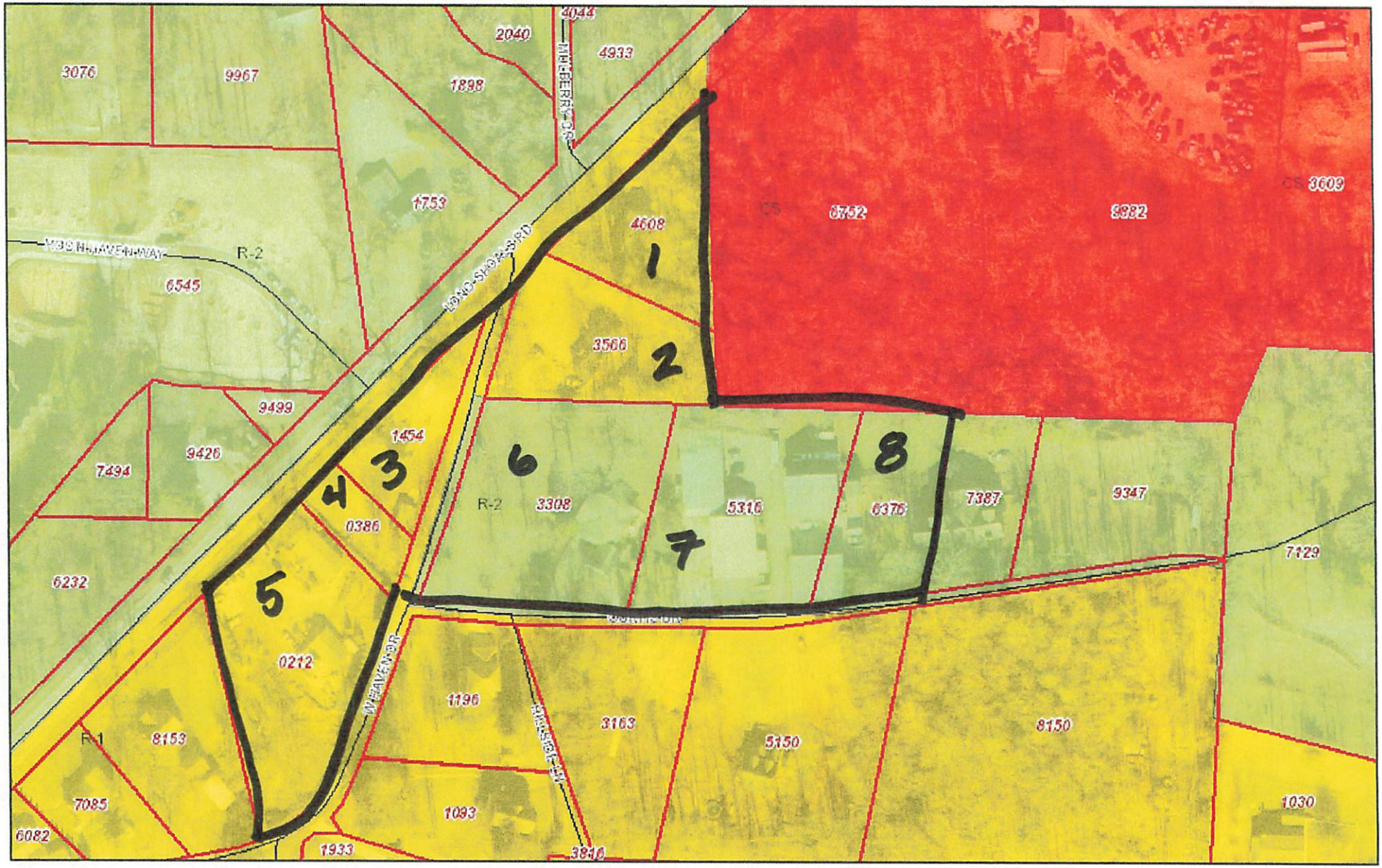
Date Received:

Owner's Affidavit Submitted: ☐ Yes ☐ No

Pre-Submittal meeting with:

Planning Board Hearing Date:

Buncombe County



July 5, 2024

1:2,257

0 0.01 0.03 0.06 mi

0 0.03 0.05 0.1 km

D. MAP AMENDMENT CONSISTENCY & APPROPRIATENESS – SUPPLEMENTAL PAGE

1. Describe how the size of the tract proposed for rezoning in reference to surrounding properties makes it suitable for the proposed zoning classification.

The eight properties consist of approximately 5.7 acres in total. The properties in the CS District which adjoin this group of properties are similar in size and range from 1.09 acres to 5.35. Out of the 8 lots in the application, there are two owners which own 3 lots each. Those 2 sets of 3 lots are the largest portion of the acreage, at 2.8 acres and 1.64 respectively. However, the other 2 lots, at .57 and .69 acres, would still accommodate a significant number of allowable commercial development with access to major traffic arteries.

2. Describe how the proposed rezoning is consistent with the Growth, Equity, and Conservation Framework from Buncombe County's 2043 Comprehensive Plan (available on the BC Planning Department website, section starts on page 46 in the Plan).

Significant growth continues to occur along Long Shoals Road west of Interstate 26 and continues to migrate west to Brevard Road. C2 would allow adjacent commercial areas to expand or new commercial uses to be established. This potential creates job opportunities for those residents in that area. With the potential for multifamily residential, which is not currently allowed, it further enhances the potential to live and work in the same area thus reducing reliance on cars which lessens environmental impacts. This growth does not interfere with any conservation area and allows for mixed use as contemplated on the Growth Map.

3. Describe how the proposed rezoning would be reasonable and in the public interest, with specific attention to the zoning and existing land uses of surrounding properties, and the potential effects of the proposed rezoning on property owners, adjacent neighbors, and the surrounding community.

The proposed zoning district is reasonable in light of the current uses, some of which are legal non-conforming, and will assist in bringing these properties into compliance with the current zoning ordinance. The proposed properties that are part of the application are mostly separated from adjoining residential uses by public roadways thus eliminating conflict between uses. The expanded residential uses allowed in CS could help address the housing deficit which is important to public interest. CS is adjacent to the proposed properties with commercial non-conforming uses extending west on the north side of Long Shoals Road.

4. Is/are the applicant(s) listed below the owner(s) of the property? ☑Yes ☐No

If the applicant(s) listed herein are not the owner(s) as listed within the Buncombe County Tax Records, North Carolina General Statutes require the applicant to certify that the owner(s) received notice for each public hearing. An owner's affidavit must be submitted with this application, and certification of notice must be provided by the applicant once notice has been made for each public hearing 5 days prior to the hearing date; sample documents for both items can be obtained from the Planning Department.

E. CERTIFICATION

- I hereby certify that I am the owner, authorized agent of the owner, or have provided legal notification to the owner, and the above information is correct to the best of my knowledge and hereby make application for a Zoning Map Amendment. Any information given that is incorrect will cause this application to become null and void.
- I acknowledge that withdrawal of this application after notice has been made will result in forfeiture of any application fees associated with said application.

Signature of Applicant	**Signature of Owner**
Signature of Applicant	**Signature of Owner**
Signature of Applicant	**Signature of Owner**
Signature of Applicant	**Signature of Owner**
Signature of Applicant	**Signature of Owner**
Signature of Applicant	**Signature of Owner**

4. Is/are the applicant(s) listed below the owner(s) of the property? ☑Yes ☐No

*If the applicant(s) listed herein are not the owner(s) as listed within the Buncombe County Tax Records, North Carolina General Statutes require the applicant to certify that the owner(s) received notice for each public hearing. **An owner's affidavit must be submitted with this application, and certification of notice must be provided by the applicant once notice has been made for each public hearing** 5 days prior to the hearing date; **sample documents for both items can be obtained from the Planning Department.***

E. CERTIFICATION

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Signature of Applicant	**Signature of Owner**
Signature of Applicant	**Signature of Owner**

BUNCOMBE COUNTY
NORTH CAROLINA
PLANNING & DEVELOPMENT
(828) 250-4830 - PlanningInfo@BuncombeCounty.org
www.buncombecounty.org/planning

NOTE TO USER: THIS VERSION OF SECTION E. CERTIFICATION IS FOR USE IN CASES WHERE NUMEROUS PROPERTIES, OWNED BY NUMBEROUS PROPERTY OWNERS, ARE INVOLVED IN THE REZONING APPLICATION

Application for a Zoning
MAP AMENDMENT
Multiple Lots and Owners

E. CERTIFICATION

E.1. Required Information: Each property owner who is participating in this rezoning application must complete this form. Each owner or group of owners (corporation, LLC, trust, or similar) should provide their information on a separate form. Owners of multiple properties within the rezoning area may use one form to list all affected properties. Use additional forms if necessary.

E.1.1. Location of Properties Proposed for Rezoning

	Physical E-911 Address *Street number, name, city, state, zip code. You may verify your E911 Address at* https://discover.buncombecounty.org/	**PIN Number** *15-digit unique identifier for each parcel. PIN numbers can be found on your tax bill or online at https://gis.buncombecounty.org/buncomap/. Example: 965415728000000 or 9654-15-7280*
1	589 Long Shoals Road, Arden, NC 28704	963465460800000
2	611 Long Shoals Road, Arden, NC 28704	963465356600000
3	621 Long Shoals Road, Arden, NC 28704	963465145400000
4	99999 Long Shoals Road, Arden, NC 28704	963465038600000
5	631 Long Shoals Road, Arden, NC 28704	963465021200000
6	5 W. Haven Drive, Arden, NC 28704	963465330800000
7	5 Curtis Drive, Arden, NC 28704	963465531600000
8	Curtis Drive, Arden, NC 28704	963465637600000
9		
10		
11		
12		

E.1.2. ***Contact Information and Certification of All Owners of Above-Referenced Property or Properties.***

By signing this document I hereby certify that I am the owner of the property or properties referenced herein, and that any information given that is incorrect will cause this application to become null and void. I hereby authorize Buncombe County Staff to enter upon the property referenced below for the purpose of processing this rezoning request. I acknowledge that withdrawal of this application after notice has been made will result in forfeiture of any application fees associated with said application. I hereby authorize the Applicant referenced below, to act as my representative for the purposes of this rezoning request.

	Owner Name	**Corporate Title** (if applicable)	**Mailing Address** *Street number, name, city, state, zip code*	**Telephone Number**	**Email Address**
1	Bobby D. Haney		589 Long Shoals Road, Arden, NC 28704		
	Owner Signature: Bobby D. Haney Date: 8-2-24		Applicant/ Designated Representative - Name: BRIAN GULDEN - ATTY Signature: Bri Gull Date:		
2	~~Jewel T. Gilbert~~		~~611 Long Shoals Road, Arden, NC 28704~~		
	Owner Signature: Date:		Applicant/ Designated Representative - Name: Signature: Date:		
3	Outdoor Impressions, LLC		631 Long Shoals Road, Arden, NC 28704	828/258-2991	bgulden@uwlawfirm.com
	Owner Signature: Date:		Applicant/ Designated Representative - Name: BRIAN GULDEN - ATTY Signature: Bri Gull Date:		
4	Outdoor Impressions, LLC		631 Long Shoals Road, Arden, NC 28704		
	Owner Signature: Date:		Applicant/ Designated Representative - Name: BRIAN GULDEN - ATTY Signature: Bri Gull Date:		

E.1.2. ***Contact Information and Certification of All Owners continued.***

By signing this document I hereby certify that I am the owner of the property or properties referenced herein, and that any information given that is incorrect will cause this application to become null and void. I hereby authorize Buncombe County Staff to enter upon the property referenced below for the purpose of processing this rezoning request. I acknowledge that withdrawal of this application after notice has been made will result in forfeiture of any application fees associated with said application. I hereby authorize the Applicant referenced below, to act as my representative for the purposes of this rezoning request.

	Owner Name	**Corporate Title** (if applicable)	**Mailing Address** *Street number, name, city, state, zip code*	**Telephone Number**	**Email Address**
5	Michael Schmitt		631 Long Shoals Road, Arden, NC 28704		
	Owner Signature: [signature] Date:		Applicant/ Designated Representative - Name: BRIAN GULDEN - ATTY Signature: [signature] Date:		
6	Sharon Tolley		5 W Haven Drive, Arden, NC 28704		
	Owner Signature: [signature] POA Date:		Applicant/ Designated Representative - Name: BRIAN GULDEN - ATTY Signature: [signature] Date:		
7	Sharon Tolley		5 W Haven Drive, Arden, NC 28704		
	Owner Signature: [signature] POA Date:		Applicant/ Designated Representative - Name: BRIAN GULDEN - ATTY Signature: [signature] Date:		
8	Sharon Tolley and Kermit Tolley		5 W Haven Drive, Arden, NC 28704		
	Owner Signature: [signature] Date:		Applicant/ Designated Representative - Name: BRIAN GULDEN - ATTY Signature: [signature] Date:		

E.1.2. *Contact Information and Certification of All Owners continued.*

By signing this document I hereby certify that I am the owner of the property or properties referenced herein, and that any information given that is incorrect will cause this application to become null and void. I hereby authorize Buncombe County Staff to enter upon the property referenced below for the purpose of processing this rezoning request. I acknowledge that withdrawal of this application after notice has been made will result in forfeiture of any application fees associated with said application. I hereby authorize the Applicant referenced below, to act as my representative for the purposes of this rezoning request.

	Owner Name	**Corporate Title** (if applicable)	**Mailing Address** *Street number, name, city, state, zip code*	**Telephone Number**	**Email Address**
9	Suzanne Mossburg		391 McAbee Road, Chesnee, SC 29323	864.431.7267	Mossburgss@gmail
	Owner Signature: Suzanne Mossburg Date: 9.25.24		Applicant/ Designated Representative - Name: BRIAN GUCDEN - ATTY Signature: Brian Gulden Date:		
10					
	Owner Signature: Date:		Applicant/ Designated Representative - Name: Signature: Date:		
11					
	Owner Signature: Date:		Applicant/ Designated Representative - Name: Signature: Date:		
12					
	Owner Signature: Date:		Applicant/ Designated Representative - Name: Signature: Date:		

Application to Amend the Buncombe County Zoning Map: Owners' Affidavit

Planning and Development
www.buncombecounty.org

46 Valley Street
Asheville, NC 28801
Telephone (828) 250-4830
Fax (828) 250-6086

OWNERS' AFFIDAVIT

The persons listed below do hereby appear before a Notary Public and affirm that they are the legal owners of the property located at: 611 Long Shoals Road, Asheville, NC,

PIN(s) # 9634-65-3566.

As the Owner, the persons listed below are authorized to submit to Buncombe County a request to amend the zoning map for the above listed properties from:

Current zoning district: R-1 Requested zoning district: CS.

This application will be submitted to be heard by the Planning Board in a public hearing on _____, 20__ and to be subsequently heard by the Commissioners.

Owner's Name (Print)	Owner's Signature	Date
Suzanne Mossburg		10-2-24

STATE OF SOUTH CAROLINA
COUNTY OF Spartanburg

I, William J Carter, a Notary Public of the County and State aforesaid, certify that Suzanne Mossburg, PROPERTY OWNER, personally appeared before me this day and voluntarily acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this the 2 day of October, 2024

William J Carter
Notary Public

My Commission Expires: 01/20/2027

WILLIAM J CARTER NOTARY PUBLIC SOUTH CAROLINA