BUNCOMBE COUNTY
PLANNING & DEVELOPMENT

Agenda
Buncombe County Planning Board
May 19, 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. 4-21-2025 Minutes
6. General Public Comment
7. Planning Staff Presentations:
    a. ZPH2025-00011 Clarks Chapel Map Amendment (Rezoning)
        i. Staff presentation
        ii. Applicant presentation
        iii. Public Hearing
        iv. Motion
    b. ZPH2025-00012-Permitted Uses & Dimensional Requirements Text Amendment
        i. Work session, no public comment
8. Adjournment

Buncombe County Planning Board

April 21, 2025, Minutes

The Buncombe County Planning Board met on April 21, 2025, at 30 Valley St., Asheville, NC 28801.

Planning Board members present were Nancy Waldrop-Chairperson, Ken Kahn-Vice Chair, Alan Coxie, Eric Robinson, Tim Collins, Jay Marino and Karl Koon.

Also, present were Terri Rogers, Shannon Capezzali, Haylee Madfis - Planning Staff, Nathan Pennington – Planning Director, and Curt Euler - County Attorney.

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

Announcements
Planning and Development Offices are moving to 35 Woodfin St. beginning today and tomorrow.

Roll Call of Board Members
Complete.

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

Minutes (February 17, 2025)
Mr. Kahn made a motion to approve the February 17, 2025 meeting minutes. The motion was seconded by Mr. Marino and passed unanimously.

Public Comment
Dee Dee Styles read a paragraph from manual prepared by the North Carolina Department of Environment and Natural Resources Division of Water Quality. The groundwater section. The name of the manual is a master conceptual model for Hydrogeological site characterization in the Piedmont and Mountain region of North Carolina. Groundwater in the Piedmont and Mountain region of North Carolina occurs in a complex underground environment that is difficult to understand and explain. Adding to the complexities is a variety of reactions that occur as water is withdrawn from wells or as man modifies the natural settings. It is not surprising that in many cases some problems and serious consequences of human actions occur before useful knowledge can be applied. Thank you.

Staff Presentations

1. Swannanoa Small Area Plan

This is one of the small area plans that was identified in the comprehensive plan as an area needing additional planning. There's a number of those, Candler, Fairview, and the Beacon site (Swannanoa). Due to what happened in Swannanoa with Helene, the amount of damage, the quantity of the damages that we've seen, this has been prioritized as one of the first small area plans that we are going to focus on. The purpose of this plan is to work with the community to come up with recovery actions with resiliency goals and policies and kind of more of the typical small area planning agenda items that you would see for other areas. It will have components of a regular plan process, but we'll also have that recovery and resilience focus. And we are going to look at the unique needs and challenges of this area as they are continuing to grow, but also dealing with recovery, looking at some of the challenges caused

by tropical Storm Helene, and then looking to achieve some of the items outlined in the comprehensive plan that we adopted back then.
The comprehensive plan is the county wide focus, with its broad vision statements & broad goals that we could apply to all areas. When we talk about a small area plan, it's focused potentially down to specific roads, specific parcels. We will be looking to the community to help us define a boundary of what exactly should be included in the study area.

Our tentative timeline is broken into two phases. There's a pre-budget phase. Those are the things that staff can work on right now before we have allocated the budget or any grant funding, we began talking about the process in January. Right now, we are getting ready to put out an RFQ for a planning consultant to help with some specific tasks that staff need help with. We will be getting some early stakeholder outreach to local organizations and groups. Some of our service providers start in May and then hoping to have a planning consultant under contract for July 1st start date. We will then begin with the public engagement portion of it where we do our kickoff week where we can have a steering committee appointed of residents of the area to help us with the process and move into being able to go out to some meetings and start talking to people about the plans.

Public Comment - Dee Dee Styles again spoke about the pond and creeks and how they used to be clear running waters and now are all muddy and full of sediment from building on the steep slopes. She also shared that Swannanoa has a grassroots alliance that meets monthly, and it is open to anyone that would like to attend.

2. ZPH2025-00012 - Dimensional Table and Statement of District Intent Revisions

Mr. Pennington shared the purpose of this is to make amendments to the Buncombe County zoning ordinance, specifically to our permitted use section and to our dimensional requirements section. Permitted uses are listed in the table that talks about what types of uses are allowed in each zoning district, as well as what type of review is required for each type of use. It explains if it's permitted use by right, it tells you if it requires a special use permit or if it is not permitted in the district. The dimensional requirement section goes into things like minimum setbacks, maximum height, etc. Those are the sections, those are the type of standards that we're talking about with these text amendments. And what we are proposing is to allow up to two homes per lot in all zoning districts. Right now, that is not the case in every zoning district. We're talking about trying to revise and simplify some of our development standards. They've got a little bit complicated over the years and we have some redundancies that we are trying to realign so that things match a little bit better. We are discussing aligning the Beaverdam zoning district standards with other load density residential districts and adding disturbance and impervious surface limits to the dimensional table, which does not currently exist.

We can do a work session next month where you can really go into the proposed regulations and talk about them and have a meeting to talk about them. And then we could schedule a public hearing.

Adjourn

Mr. Collins motioned to adjourn the meeting seconded by Mr. Kahn. Meeting adjourned at 10:14 a.m.

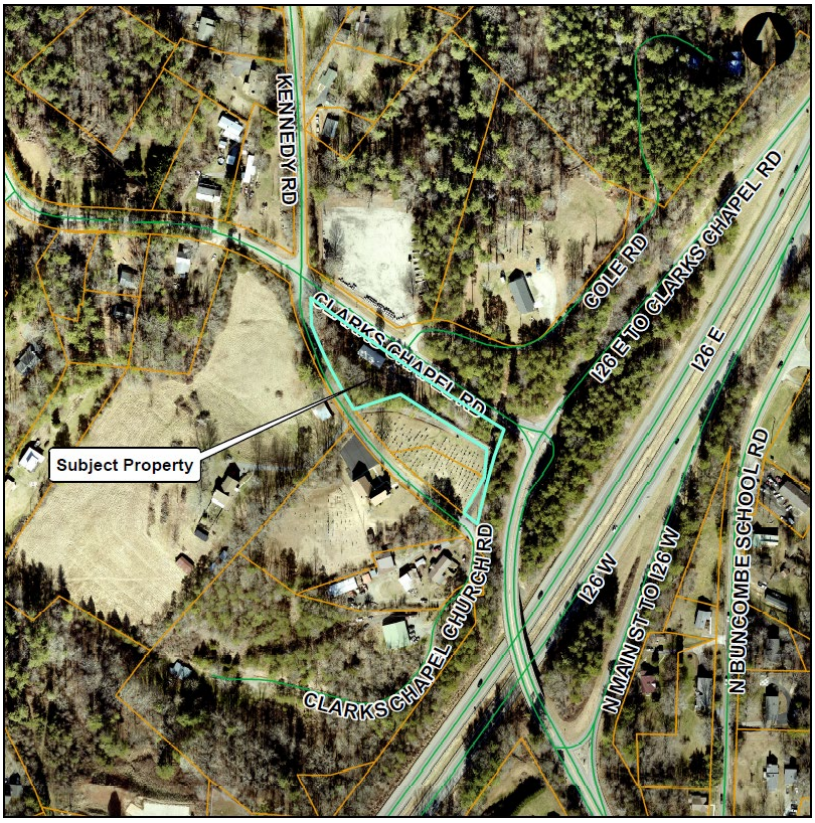
BUNCOMBE COUNTY
PLANNING & DEVELOPMENT
(828) 250-4830 - PlanningInfo@BuncombeCounty.org
www.buncombecounty.org/planning

ZONING MAP AMENDMENT
STAFF ANALYSIS
Legislative Hearing

A. CASE

ZPH2025-00011 Clarks Chapel Rd. Rezoning

LOCATION MAP



B. PROPERTY INFORMATION

Lot #	PIN	Address	Owner	Acreage	Utilities	Access Road
1	974324428900000	60 Clarks Chapel Rd.	Michael Hatch Glass Company	0.73	City Water & Septic	Clarks Chapel Rd.

C. REZONING REQUEST

Summary: Michael and Hilary Hatch have requested to rezone one parcel from R-3 to CS (Commercial Service).

Refer to the Maps exhibit for area of property to be rezoned.

Existing: R-3 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:	5-8-25 5-7-25 5-9-25 5-19-25	TBD

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 density, proximity to transportation corridor, location outside of overlay districts, floodplain and is located in close proximity to other CS zoned areas along the same corridor. Rezoning the parcel would align it more with the G.E.C. map. See Previous Zoning Actions section.

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 subject parcel is approximately .73 acres in size. It is adjoining a parcel zoned R-3 and fronting a public road with C-S on the opposite side. The subject parcels are adjacent or in close proximity to a transportation corridor (I-26). 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 consistent with the Character area description of "Mixed Use 2" (MU2) where this parcel is located.	**X**	
2. **WASTEWATER & POTABLE WATER TYPE** The parcels have access to public water but are currently on septic. There is not currently sewer nearby.		**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 and falls within the range of MU2.	**X**	
4. **PRIMARY AND SECONDARY LAND USES** The uses allowed in the proposed zoning district include additional uses which are 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, I-26, as described in the 2013 update of the Buncombe County Land Use Plan.	**X**	
6. **Support higher density residential development near job centers and amenities** *(Transportation Action 4)* The rezoning from R-3 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 MU2 area on the GEC Map. This is a growth area and the parcel is under an acre and has some vegetation but is surrounded by road and has no known wetlands or other unique habitats.	**X**	
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 near I-26 and the Town of Weaverville and is categorized as MU2 in the GEC map, so it has the potential to be a future economic growth area.	**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 MU2 area where it is located, but it would be more consistent than the current zoning district of R-3 which is strictly residential.	**X**	
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 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 contain a small amount of moderate and high hazard stability areas.	**X**	

H. NEIGHBORHOOD CONSISTENCY			**CONSISTENT**	**NOT CONSISTENT**
1. CURRENT DEVELOPMENT TYPES: Subject acreage has the following adjacent zonings and uses:			**X**	
DIRECTION	**ZONING**	**ADJACENT USES**		
NORTH	CS Commercial Service	Commercial		
EAST	N/A	I-26		
SOUTH	R-3 Residential	Cemetery		
WEST	R-3 Residential	Single-family home		
2. Does the proposed rezoning allow for any transition between higher density or intensity uses and lower density or intensity uses?			**X**	

(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-3 to CS could cause a increase in the types and intensity of uses allowed on the property compared to the current zoning. If rezoned, it would be adjacent to a CS zoned parcel to the north. Any future commercial development would be required by zoning to establish and/or maintain a buffer between adjacent properties with residential uses. The parcel is surrounded by road on three sides which also serve as transitions.		
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 and multi-use commercial (including a cemetery for nearby church).	**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-3 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, manufacturing operations, vehicle impoundment, repair, and sales lots, gas stations, fitness centers, business offices, restaurants, retail, business schools, warehousing and mini-storage, theaters, and more.

5. DENSITY & DIMENSIONAL STANDARDS COMPARISON:

		Existing District:	**Proposed District:**
		R-3 Residential	**CS Commercial Service**
Min. Lot Size	No Public Sewer Public Sewer/No Water Public Water & Sewer	30,000 SF 10,000 SF 6,000 SF	30,000 SF 10,000 SF 5,000 SF
Max. dwelling units per acre		12	12
Setbacks (Front/Side/Rear)		10/7/15 with public sewer 20/10/20 septic system	10/10/10
Max. height		35 feet	50 feet

6. PREVIOUS ZONING ACTIONS & RELEVANT SITE HISTORY:

The parcel located at 60 Clarks Chapel Rd was approved for conditional use as a glass studio by the Town of Weaverville in 2014 when it was in their ETJ. Since then, the ETJ was abolished and the parcel moved to county jurisdiction where it became nonconforming. The parcel is currently being used as a glass studio. 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-3	**PROPOSED ZONING DISTRICT – CS**
R-3 Residential District is primarily intended to provide locations for a variety of residential development depending upon the availability of public water and sewer services. Some areas within the R-3 Residential District will have no public water and sewer services available and will thus be suitable primarily for single-family residential units on individual lots and mobile homes on individual lots. Other areas within the district will have public water and/or sewer service available and will thus be suitable for higher density uses such as multifamily residential units, planned unit developments, and mobile home parks. The R-3 district also provides for various recreational, community service and educational uses that will complement the residential development.	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 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

ZONING MAP AMENDMENT (REZONING) INFORMATION

What is a Zoning Map Amendment (Rezoning)?

The Official Zoning Map is a map, adopted by the Buncombe County Board of Commissioners, which breaks the unincorporated areas of Buncombe County into zoning districts. Regulations pertaining to each zoning district are described in the Buncombe County Zoning Ordinance, including a list of the land use types that may be permitted within each district. A land owner may submit an application for a Zoning Map Amendment ("Rezoning") to change the zoning district to which their property has been assigned. Once a property is rezoned, any use allowed in that Zoning district, as listed in *Section 78-641 Permitted Uses* of the Zoning Ordinance, could be permitted.

Who decides if I will get a Map Amendment?

The proposed rezoning is first reviewed by the Buncombe County Planning Board, which makes a recommendation to approve or deny the proposal. The Planning Board's recommendation is then presented to the Board of Commissioners, which makes the final decision. The Planning Board and Board of Commissioners must consider issues of neighborhood compatibility, zoning consistency, and Comprehensive Land Use Plan priorities for development when considering a rezoning request.

When will my application be decided?

The Planning Board meets the first and third Monday of every month at 9:30am. Staff will confirm your meeting date upon submittal of your application. The applicant or their chosen representative **should be present** at the meeting in order to receive a review by the Board. Applications must be received by the Planning Department 30 days prior to the scheduled Board meeting.

What is the process for obtaining a Map Amendment?

1. **Pre-Conference:** Complete a pre-submittal conference with the Zoning Administrator to review the proposed rezoning.
2. **Submit Application:** At least 30 days prior to the public hearing date.
3. **Public Notice # 1:** Public notice procedures for the Planning Board hearing will be conducted by County staff. Staff must notify all property owners within 1,000 feet of the property in addition to online and newspaper legal advertisements of the public hearing.
4. **Public Hearing # 1:** The Planning Board will hear a summary of Staff's recommendations, information presented by the applicant, statements by the public, and will recommend approval or denial.
5. **Public Notice # 2:** Public notice procedures are repeated for the Board of Commissioner's meeting.
6. **Public Hearing # 2:** The Board of Commissioners will review Planning Board and Staff recommendations, hear statements by the public, and make a final decision at a public hearing to approve or deny the proposal.

Is the Board of Commissioner's decision the final step?

Yes. The Zoning Map amendment process is complete, and the Board of Commissioner's decision takes effect, immediately following a majority decision to approve or deny the request. Once approval is received, the applicant may seek approval to develop the property in accordance with the Zoning, Subdivision, and other ordinance requirements for the approved Zoning district.

What else should I know?

Sometimes, an application is continued to another meeting due to a lack of a quorum or insufficient information, or sent back to the Planning Board for further deliberation. If this occurs, please note that the change in your Planning Board meeting date will also alter your scheduled Board of Commissioners meeting date. Contact the Planning Department for any questions about your assigned meeting dates.

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

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:

0003011278 parcel # 974324428900000

PIN(s): _____

Address(es): 60 Clarks Chapel Road

Acreage: .73 **Available Utilities:** ☒ Public water ☐ Private well ☐ Public MSD Sewer ☒ Private septic

B. Zoning Classification

Current zoning district(s): R-3 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

Michael Hatch Glass Company dba Crucible Glassworks
Company/Corporate Name (*if applicable*)

Michael Hatch
Applicant's Name

167 Central ave
Mailing Address

Weaverville, NC 28787
City, State, and Zip Code

828-645-5660
Telephone

Glasshatch@aol.com
Email

Property Owner Contact Information (*If different*)

Hilary Hatch
Owner's Name

same as Michael H
Mailing Address

City, State, and Zip Code

Telephone

hwilkinshatch@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: _____

D. MAP AMENDMENT CONSISTENCY & APPROPRIATENESS

Please answer the following questions (if necessary attach a separate sheet of paper):

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 .73 Acres we own is adjacent to Clarks Chapel Cemetary on one side, and the two buisnesses across the street, Salvaterra Pottery and The Yard landscapers are both on Commercially zoned property.

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).*

The CS Zoning is more in line with the recent small buisness development as well as proposed development for our part of Town.

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 rezoning would bring us in line with our surrounding businesses' current Commercial Zoning

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.

Michael Hatch

Signature of Applicant **Signature of Owner**

Hilary Hatch

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**

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

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	60 Clarks Chapel rd Weaverville, NC 28787 part of original 30 Cole rd plot	0003011278 parcel 974324428900000
2		
3		
4		
5		
6		
7		
8		
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	Michael Hatch	President	167 Central Ave Weaverville, NC 28787	828-645-5660	Glasshatch@aol.com
	Owner Signature: Michael Hatch Date: 3/24/25		Applicant/ Designated Representative - Name: Signature: Date:		
2	Hilary Hatch	Secretary			
	Owner Signature: Hilary Hatch Date: 3/24/25		Applicant/ Designated Representative - Name: Signature: Date:		
3					
	Owner Signature: Date:		Applicant/ Designated Representative - Name: Signature: Date:		
4					
	Owner Signature: Date:		Applicant/ Designated Representative - Name: Signature: Date:		



0 0.05 0.1 0.2 Miles

60 Clarks Chapel Rd
PIN 9743-24-4289

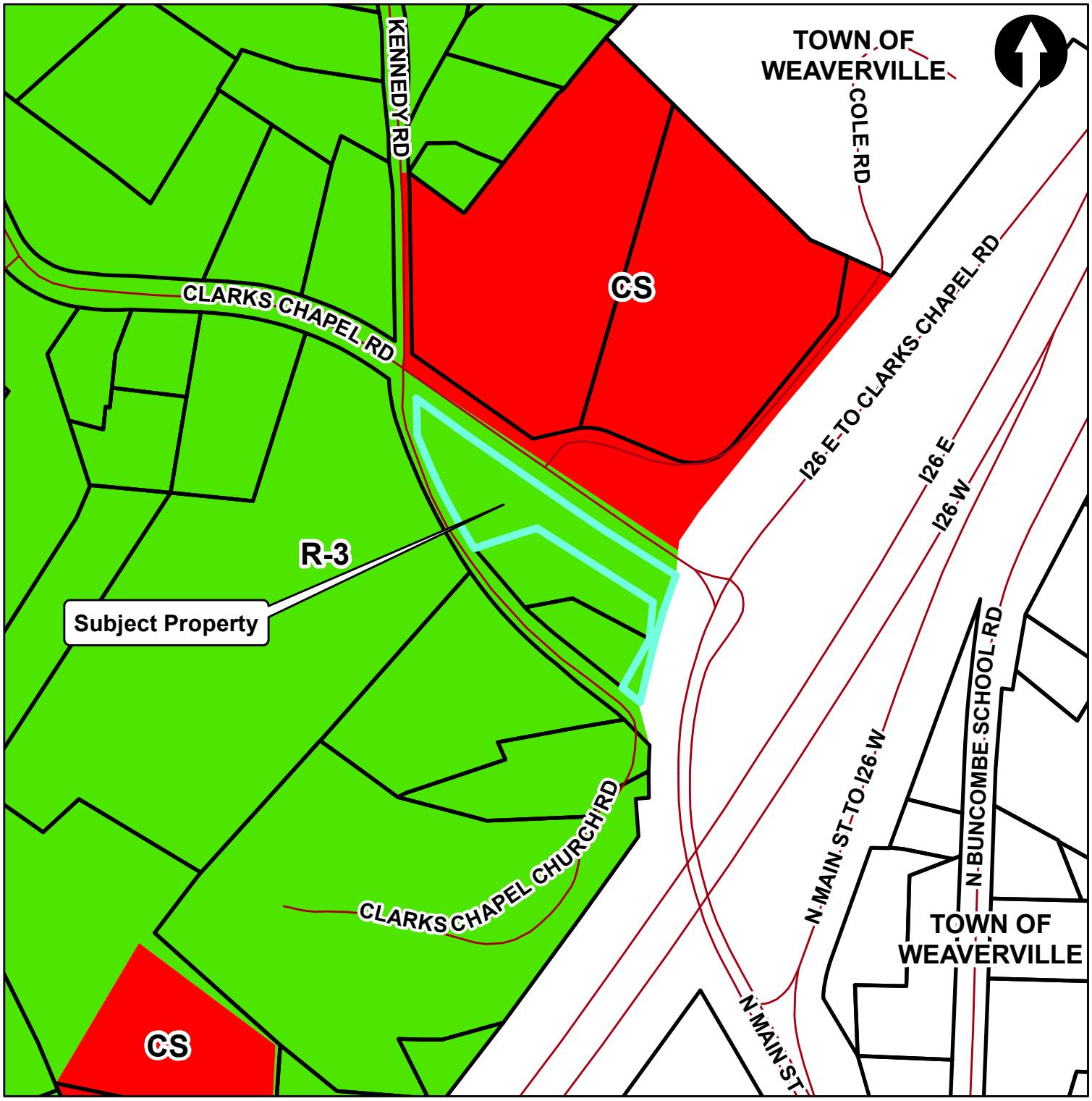
ZPH2025-00011
Clarks Chapel Road Variance

Aerial Map

Roads

Property Boundaries

Created By: Buncombe Co. Planning
Date: 4/28/2025



0 0.05 0.1 0.2 Miles

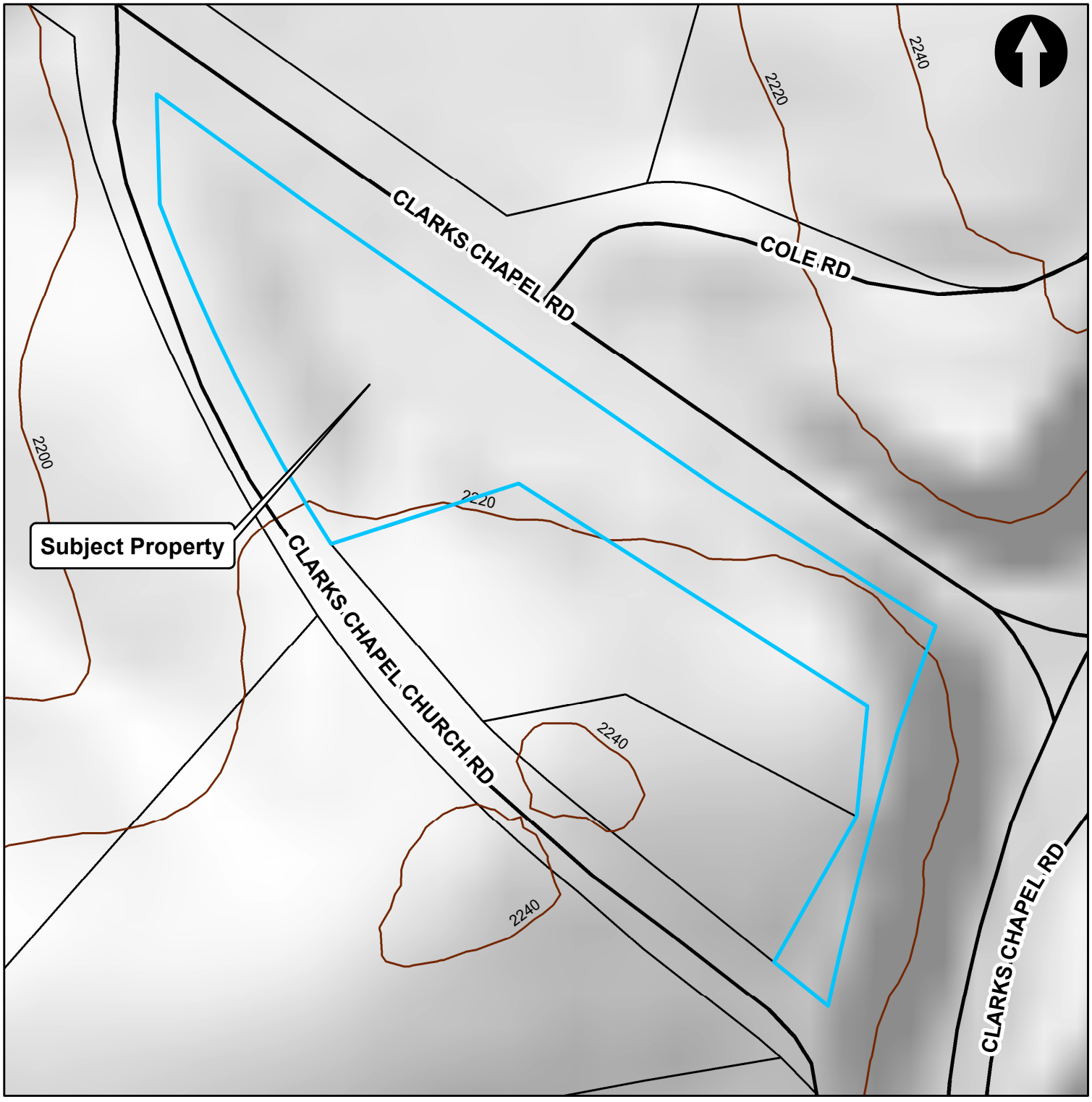
60 Clarks Chapel Rd
PIN 9743-24-4289

ZPH2025-00011
Clarks Chapel Road Variance

Zoning Map

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

Created By: Buncombe Co. Planning
Date: 4/28/2025



Feet
0 87.5 175 350

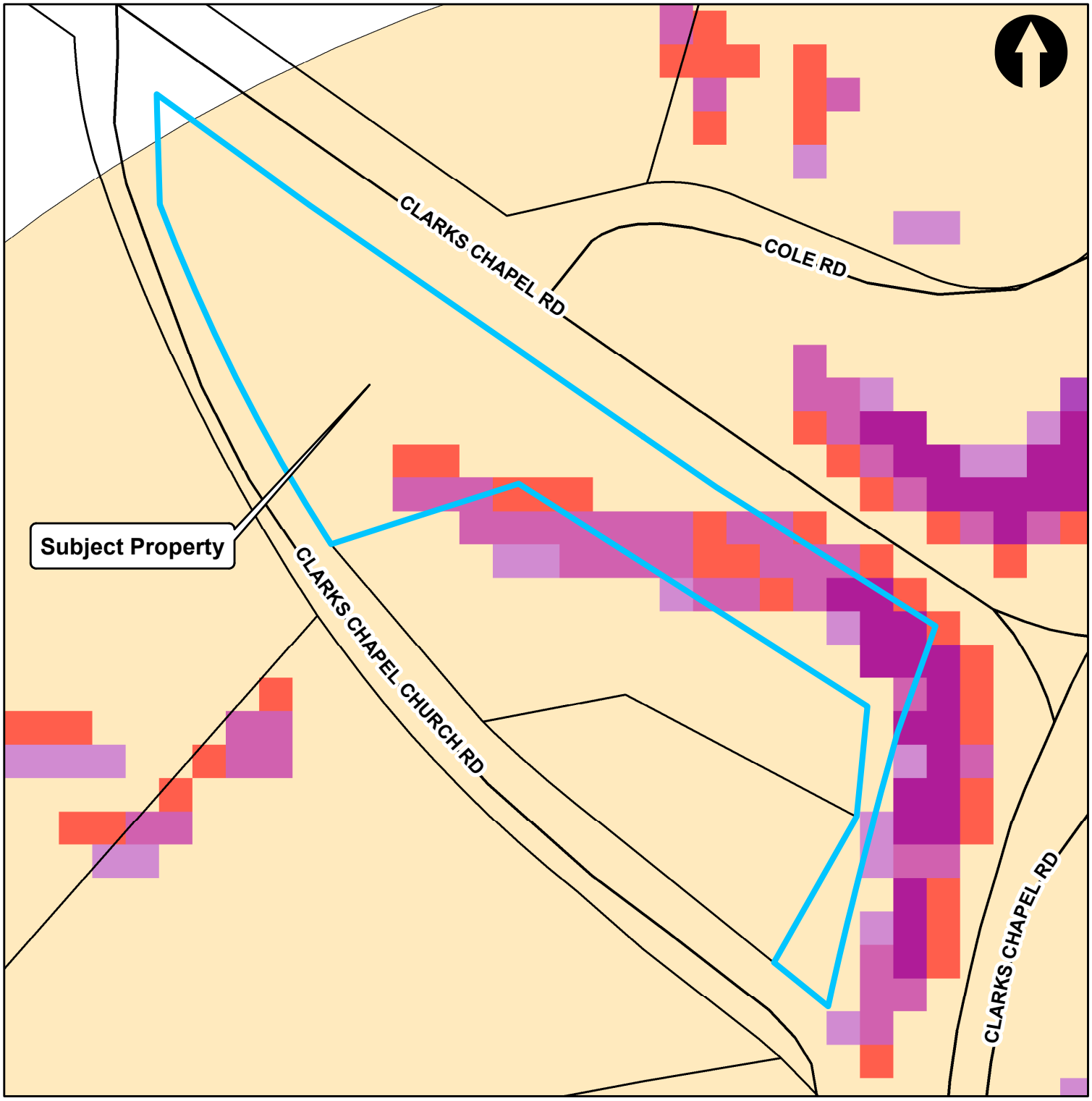
60 Clarks Chapel Rd
PIN 9743-24-4289

ZPH2025-00011
Clarks Chapel Road Variance

Topo Map

Roads
20 Foot Contours
Property Boundaries

Created By: Buncombe Co. Planning
Date: 4/28/2025



Feet
0 87.5 175 350

60 Clarks Chapel Rd
PIN 9743-24-4289

ZPH2025-00011
Clarks Chapel Road Variance

Land Use Map

Created By: Buncombe Co. Planning
Date: 4/28/2025

- 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

Buncombe County Planning and Development
Long Range Planning Division
46 Valley St.
Asheville, NC 28801

To: Buncombe County Planning Board
From: Gillian Phillips, AICP, Long Range Planning Division Manager
Date: 3/10/25
Re: ZPH2025-00012 Text Amendments Addressing Permitted Uses and Dimensional Requirements

PURPOSE

Buncombe County's Zoning Ordinance contains a Statement of District Intent in Section 78-640 which describes the intended purpose of each zoning district in terms of use and density, public utility availability, environmental constraints, and growth potential. One underlying assumption of these districts was that the majority of growth and density in the county would occur within city and town limits, and that zoning district designations would be the sole tool for protecting steeper slope areas. The unprecedented rate of growth, the newly adopted Comprehensive Plan, the adoption of Steep Slope & Protected Ridge Overlay districts, the increasing unaffordability of many areas, and the effects of Hurricane Helene all require that these zoning districts be re-evaluated.

Land Use Regulation through zoning was established in the Beaverdam valley in 1981. This is one of two areas that were zoned in the County, the other being Limestone. The Beaverdam Township Ordinance added regulations regarding development on slope when construction on mountain sides started to occur in the area. County wide zoning was adopted in 2009, and the Beaverdam Township Ordinance became the Beaverdam Zoning District, while the rest of the zoning districts were modeled after the Limestone Township Ordinance. The Steep Slope and Protected Ridge Overlay was then adopted in 2010. These overlay districts were based on best practices for steep slope development but still allow resilient development on steep slopes and ridges in the County.

The Dimensional Requirements table outlines minimum lot sizes, maximum density, setbacks, and height for each zoning district. At least two (2) dwelling units per lot are allowed in all districts except for the Beaverdam (BDM) zoning district. The BDM district contains holdover standards from before County zoning was adopted, which are duplicative with the newer Steep Slope & Protected Ridge Overlay requirements.

These proposed text amendments would change the zoning ordinance to allow for two (2) dwelling units per lot in the BDM district, eliminate the holdover standards which are redundant with the newer overlay requirements, reformat and simplify the district standards to align with other districts, and define those standards to more closely match the R-LD: Residential Low-Density district. These changes would increase consistency with the Comprehensive Plan by centering conservation of our slopes around the Steep Slope/High

Elevation Overlay while providing for more housing to be concentrated in flatter and more accessible areas which are served by public utilities.

EQUITY ANALYSIS

Deciding where certain types of uses are and are not allowed is at the core of zoning regulation and is part of the history of both community-building and what can be biased housing practices. Single-family zoning in particular has been used in the past as a tool to segregate people of different racial groups and income levels. At the same time, there are benefits to separating certain types of industrial and commercial uses from residential areas to protect people from noise, glare, pollution, and other obnoxious impacts.

Dimensional requirements can be used to create a consistent development pattern within certain areas in terms of setbacks, lot sizes, height, and density, and can also serve emergency service purposes through the physical separation between structures. Larger lot sizes and setbacks, and shorter heights can also significantly increase the cost of land and housing and make neighborhoods unaffordable to households below a certain income level. When evaluating dimensional requirements, staff must find a balance between the zoning district intent, utility availability, Comprehensive Plan Future Land Use Map, and the need for more housing stock.

EXISTING COUNTY ORDINANCES

BDM is the only single-family zoning district (excluding the airport, AI) in the county, meaning it is the only one which does not allow for two residential dwellings per lot as a use-by-right. BDM standards regulate lot size based on road lot frontage and natural slope. Land disturbance and impervious surface are restricted to .75 acres and .375 acres respectively, regardless of lot size. These are more restrictive than the Steep Slope/High Elevation Overlay District maximums and apply to lots and building sites which are outside of the overlay. These standards can necessitate the use of a surveyor for projects which otherwise would not require one and can limit the ability of landowners to subdivide their property.

The Steep Slope/High Elevation Overlay District accounts for roughly 70% of the Beaverdam Zoning District based on GIS calculations, and provides standardized protections for the other zoning districts in the unincorporated county limits, including the R-LD district, which is the district staff believes most closely aligns with BDM in terms of intended purpose and level of development. The proposed text amendments support the intent for the overlay districts to provide the most protection for our steep slopes and ridges, but they also introduce disturbed and impervious limits to the Dimensional Requirements table in keeping with the BDM district intent as low-density residential.

COMPREHENSIVE PLAN DIRECTION

These text amendments are supported by the following sections of the Comprehensive Plan:

Growth, Equity, & Conservation

> **Action 1:** Implement new development and re-development policies and prepare small area plans to promote desired land use patterns and designs and maximize the use of public infrastructure.
>
> **Sub-Action:** Evaluate regulatory barriers to infill, redevelopment, and adaptive reuse sites including parking, dimensional requirements, density, and access circulation standards. Consider providing flexibility for achieving these standards to support the redevelopment of underutilized sites
>
> **Action 4:** Expand and protect affordable and accessible housing choices.

Sub-Action: Consider allowing every residential lot in every zoning district to have at least two homes provided the lot or parcel has adequate infrastructure

Action 5: Implement regulatory actions to promote the Growth, Equity, and Conservation Goal.

Sub-Action: Support the development of affordable housing through the following development code adjustments for projects that construct a certain threshold of deed-restricted affordable housing units: Reduced parking requirements; Reduced lot sizes (reduction of side yard setbacks for flexibility for smaller lots); Increased density through Community-Oriented Development process; By-right zoning for middle income housing (duplexes/townhomes/tri/quadplexes) reducing the need for the conditional zoning process for these unit types.

SUMMARY OF PROPOSED TEXT AMENDMENTS

The following table summarizes the proposed Zoning Ordinance Text Amendments:

1	**Align BDM setback definitions with other districts**
2	Simplify BDM statement of district intent
3	Update the Permitted Use Table to include “two residential dwelling units” as a Permitted use by right in BDM
4	Update BDM Dimensional Requirements to align with format of all other zoning districts, and updating standards to align with R-LD district
5	Add a column with maximum disturbed and impervious limits
6	Eliminate the BDM footnotes
7	Permit alternative path and conservation subdivisions in BDM to match RLD

PROPOSED REVIEW TIMELINE

4/21/2025 - Introduction of text amendments to Planning Board

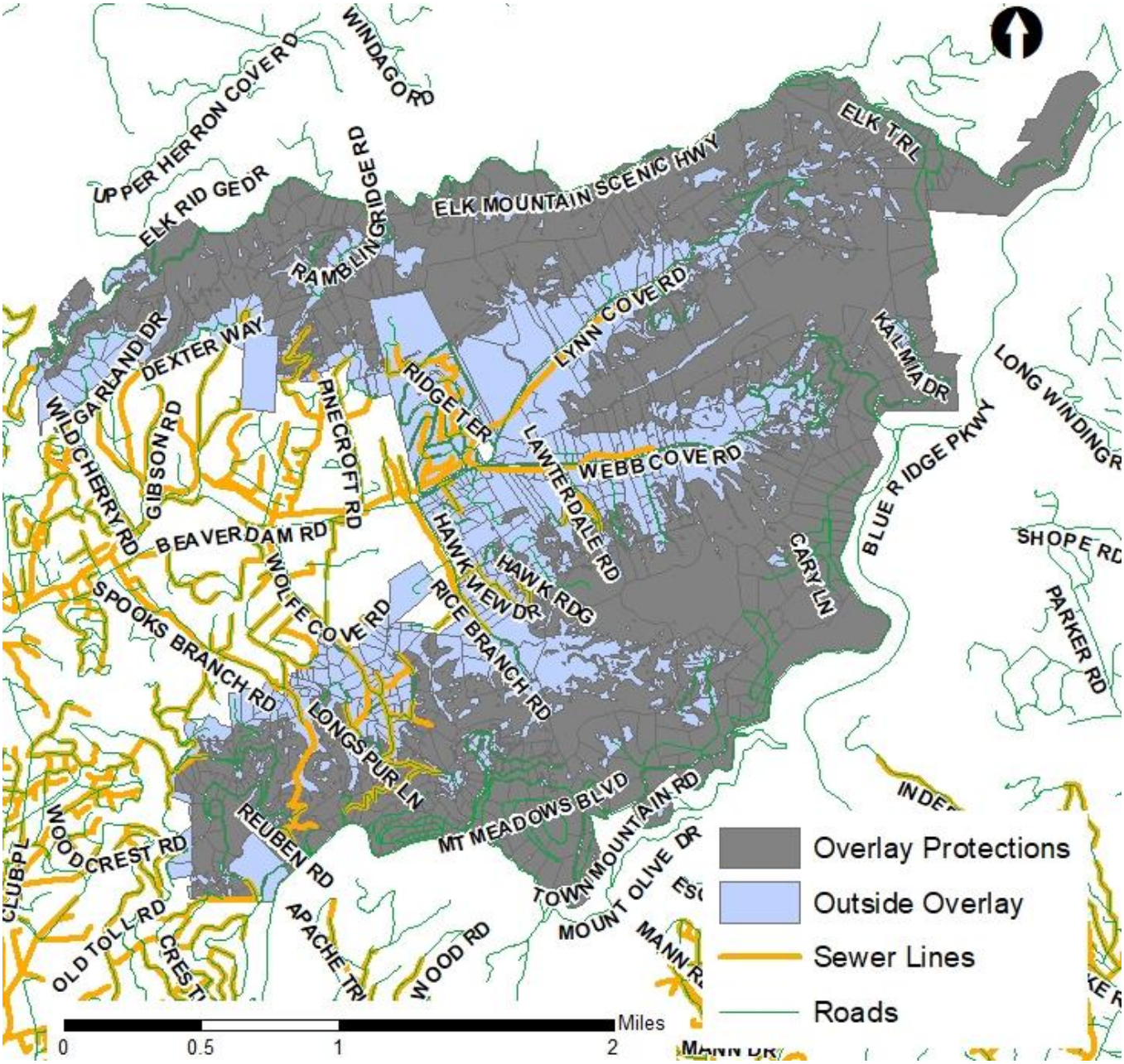
5/19/2025 - Planning Board work session

6/16/2025 - Public Hearing and Recommendation Vote on Proposed Language

ANALYSIS OF LANDS WITHIN THE BEAVERDAM ZONING DISTRICT

- **29%** of BDM is outside of an Overlay District (roughly 978 acres)
- **71%** of BDM is within an Overlay District (roughly 2,377 acres) and subject to the overlay standards:
    - Minimum 1.5 acre lot size in Steep Slopes
    - Minimum 2 acre lot size Protected Ridges
    - Significant limits to land disturbance, grading, and impervious surfaces per lot
    - Height limits
    - Building width limits in Protected Ridges
    - Geotechnical Engineering requirements for slope stability and foundation design
    - Tree screening requirements on downhill slopes

Note: Areas in white are either in the City of Asheville limits, or in a different zoning district than Beaverdam.



ZPH2025-00012
DIMENSIONAL REQUIREMENTS & PERMITTED USES TEXT AMENDMENT
DRAFT LANGUAGE-4/3/2026
VERSION 1

Sec. 78-581. - Definitions.

Building, setback line means a line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided. Front setback lines shall be measured from the highway right-of-way. ~~For purposes of the Beaverdam District only, front setback lines shall be measured from the edge of the road.~~

Setback means a continuous strip of land, measured perpendicular from the plane of the building or structure out to the closest property line or road right-of-way~~, except as otherwise provided in the Beaverdam Zoning District~~.

Sec. 78-640. - Statement of district intent.

(j) Beaverdam Low-Density Residential District (BDM). It is the purpose and intent of the Beaverdam Low-Density Residential District to protect existing and future development in Beaverdam Valley from incompatible uses~~;~~, and to provide for ~~low-density~~ single- and two-dwelling residential development and agricultural uses.~~; and, to set certain standards for such uses based upon an analysis of existing and future conditions of topography, access, public water and sewer utilities, and community facilities, as well as health, safety and general welfare considerations.~~

Sec. 78-641. - Permitted uses.

(a) Permitted use table. Uses are permitted in the various zoning districts pursuant to Table 1.

Table 1—Permitted Use Table												
Uses	**P = Permitted** **~~C~~ S = Allowed as ~~Conditional~~ Special Use** **SR = Permitted with Special Requirements** **Blank Space = Not Permitted**											
	Districts											
	R-LD	**R-1**	**R-2**	**R-3**	**NS**	**CS**	**EMP**	**PS**	**CR**	**AI**	**BDM**	**OU**

Two residential dwelling units (attached or detached)	P	P	P	P	P	P	P	P	P		P	P
Subdivisions, alternative path hillside development	P	P	P	P	P	P	P	P	P		P	P
Subdivision, conservation development	P	P	P	P	P	P	P	P	P		P	p

Sec. 78-642. Dimensional requirements.

The dimensional requirements for structures and land in the various zoning districts shall be in accordance with Table 2.

Table 2. Dimensional Requirements

Districts	Min. Lot Size 1, 2, 4, 5 (Square Feet)	Density 2, 4		Min. Yard Setback Requirements in Feet 3, 4						Max. Height (Feet)	Disturbed & Impervious Limits (Lot size acreage)
		Min. Land Area Per Dwelling (sq ft)	Maximum Number Dwelling Units Per Acre	Front Yard Public Sewer	Side Yard Public Sewer	Rear Yard Public Sewer	Front Yard	Side Yard	Rear Yard		
BDM Beaverdam	~~See Footnote 6 and 8~~ 30,000 (no public sewer); 20,000 (public sewer)	~~See Footnote 6 and 8~~ ~~No more than 1 unit per lot~~ No more than 2 units per lot	~~See Footnote 6 and 8~~ ~~No more than 1 unit per lot~~ 2 units per lot	~~See Footnote 7 and 8~~ 10	~~15~~ 10	~~25~~ 20	~~See Footnote 7 and 8~~ 10	~~15~~ 10	~~25~~ 20	35	<0.5 acre: N/A 0.5-1 acre: 80% / 60% 1-4 acre: 60% / 45% 5-9 acre: 40% / 30%

											10+ acre: 30% / 20%

~~Footnotes 7—9: Applicable to Beaverdam Low-Density Residential District (BDM) only.~~

Footnote 7—Beaverdam Only Development standards:

% Natural Slope	Lot Frontage (Feet)*	Minimum Lot Size (Acres)	Maximum Disturbed	Maximum Impervious Cover (Acres)
			If lot is < 0.75 Acres: 80% of lot	tab>
0—9.99 with public water and sewer	100	0.5	If lot is < 0.75 Acres: 80% of lot If lot is 0.75—1 Acres: 75% of lot If lot is > 1 Acre: 0.75 acres	0.375
0—9.99 no public water and sewer	100	1.1	0.75 Acres	0.375
10—14.99 with or without public utilities	100	1.1	0.75 Acres	0.375
15—19.99 with or without public utilities	100	1.5	0.75 Acres	0.375
20—24.99 with or without public utilities	150	2	0.75 Acres	0.375
25—29.99 with or without public utilities	150	2	0.75 Acres	0.375
30—34.99 with or without public utilities	175	2.5	0.75 Acres	0.375
35—39.99 with or without public utilities	175	3	0.75 Acres	0.375
40+ with or without public utilities	200	5	0.75 Acres	0.375

**Minimum lot frontage shall be 75 feet where adjoining a cul-de-sac.*

Footnote 8—Beaverdam Only

% Natural Slope	Minimum Yard Setback Requirements		
	Front Yard From Edge of Road (Feet)	Side Yard (Feet)	Rear Yard (Feet)
0—39.99	35	15	25
40+	15	15	25

Footnote 9—Beaverdam Only

a. The natural slope is calculated using the following formula:

$$S\% = \frac{0.0023 \times I \times L}{A}$$

Where:

S = Average natural slope of parcel in percent

I = Contour interval of map in feet, with said intervals to be five feet or less

L = Total length of the contour lines within the parcel in feet

A = Area of the parcel in acres

0.0023 = Constant which converts square feet into acres

b. In addition, applicants may submit an alternate method of slope calculation for consideration. These methods may include, but are not limited to, the following methods: weighted average, slope mapping, other field based techniques, etc.