BUNCOMBE COUNTY
PLANNING & DEVELOPMENT

Agenda
Buncombe County Planning Board
August 18, 2025
30 Valley Street, Asheville, NC 28801

1. Call to Order
2. Announcements – Nancy Waldrop
3. Announcements – Staff
4. Roll Call of Board Members
5. Approval of Agenda
6. Planning Minute Approvals
    a. 7-21-2025 Minutes
7. General Public Comment
8. Public Hearings:
    a) **ZPH2025-00021 Foundation for the Arts Map Amendment:** Sarena Fuller, on behalf of Foundation for the Arts at the Core of Education, Inc. has applied to rezone two (2) parcels of land further identified as PIN 9688-19-0048 and 9688-19-1005, from R-1 Residential to NS-Neighborhood Services.
    b) **ZPH2025-00022 Ramsey Map Amendment:** Quinlan Matthews of Penny Cup Pit Stop, on behalf of Lynne and Patsy Ramsey, has applied to rezone one (1) parcel of land further identified as PIN 9639-31-9355, from R-3 Residential to CS- Commercial Service.
    c) **ZPH2025-00025 Edins Map Amendment:** Kevin Edins has applied to rezone one (1) parcel of land further identified as PIN 9653-57-2381 from R-2 Residential to CS – Commercial Service.
9. Adjournment

Buncombe County Planning Board

July 21, 2025 Minutes

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

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

Also, present were Brittain Sluder – Planning Staff and Interim Clerk, 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 Comment protocol was shared.

Roll Call of Board Members
Complete.

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

Approval of Minutes (June 16, 2025)
Mr. Kahn made a motion to approve the May meeting minutes. The motion was seconded by Mr. Marino and passed unanimously.

Public Comment
There was no public comment.

Staff Presentation

Donut Holes: Mrs. Gillian Phillips explained the presentation would be about the initial zoning process in general, rather than about the first batch of parcels. Mrs. Phillips presented on the un-zoned "donut holes" and the overall staff plan to zone these parcels which were excluded for various reasons during countywide zoning in 2009 or discovered during county boundary re-surveys. The first batch will likely be brought in August/September.

Swannanoa Small Area & Resilience Plan: Mrs. Shannon Capezzali presented an update on staff's progress and timeline for the Swannanoa SAP, including Partners for Green Growth grant and technical assistance, staff collaboration with Appalachian Design Center at MountainTrue. Staff is collaborating with them to consolidate events and engagement for the area and not overload people.

Mr. Robinson asked about staff efforts to reach out to those in the area who might have been displaced, and Mrs. Capezzali said the county is working on focused outreach and alternative ways via CAPE.

Mrs. Capezzali described the selection of Land of Sky Regional Council as consultant for the Swannanoa SAP and detailed their role. Mr. Kahn asked about the main contact at LOS; Mrs. Phillips said it was Mary Roderick.

Mrs. Capezzali went over the formation and role of the SAP Steering Committee. Mr. Koon asked whether applicants had to be residents or could be landowners and Mr. Robinson clarified that the BOC was doing an interview process for appointments. Staff explained non-residents like business owners were able to apply.

Mrs. Capezzali gave an overview of upcoming phases and events, including a version of a SWOT analysis for Planning Board. Mrs. Phillips advised the Board that staff will be sending out a version of the SWOT analysis as "homework" for the members in August.

Board Discussion

Mr. Koon inquired about whether staff could include in the minutes that the Board affirms consistency with the comprehensive plan. Mr. Euler said this was covered by the resolution that the Board members sign, but staff agreed to implement this.

Adjourn

Mr. Koon motioned to adjourn the meeting seconded by Mr. Kahn. Meeting adjourned at 10:03 a.m.

BUNCOMBE COUNTY
PLANNING & DEVELOPMENT
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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:

PIN(s): 9688190048000008968819100500000

Address(es): 104 Sherwood Road, Swannanoa NC 28778

Acreage: 0.38

Available Utilities: ☑ Public water ☐ Private well ☑ Public MSD Sewer ☐ Private septic

B. Zoning Classification

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

**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)*
Foundation for the arts at the core of education, Inc **Company/Corporate Name** *(if applicable)*	
Sarena Fuller, Registered Agent **Applicant's Name**	**Owner's Name**
2030 US Hwy 70 **Mailing Address**	**Mailing Address**
Swannanoa, NC 28778 **City, State, and Zip Code**	**City, State, and Zip Code**
(828) 298-2787 **Telephone**	( ) **Telephone**
sarena.fuller@artspacecharter.org **Email**	**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 0.32-acre tract proposed for rezoning is well-suited for the NS (Neighborhood Service) zoning classification due to its strategic location and relationship to sorrounding properties. The tract directly adjoins our existing NS-zoned property to the south and west, creating an opportunity for cohesive development that extends the existing neighborhood service area. While modest in size, the parcel is ideally proportioned for small-scale neighborhood service uses that will complement rather than overwhelm the adjacent residential properties to the north. The property's size is consistent with the scale of existing NS-zoned parcels in the area and provides adequate space for the intended neighborhood-serving functions while maintaining appropriate transitions to nearby residential uses. This rezoning represents a logical extension of the existing NS district rather than an isolated spot zoning

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 proposed rezoning from R1 to NS aligns with the Growth, Equity, and Conservation Framwork of Buncombe County's 2043 Comprehensive Plan by supporting its Mixed Use Area 1 designation. This framework identirfies areas appropriate for community serving commercial, retail, and office operations while creating walkable, well-connected spaces with mixed land uses. The plan specifically states that Mixed Use Area 1 should encompass "lands along partially developed corridors that have an existing mix of residential and commercial or retail developments" and be "intended to support further planned development and to facilitate providing the full range of services and amenities to the sorrounding neighborhoods." Our proposal embodies these principles by extending an existing NS zone to create a more cohesive neighborhood service area that can better serve the sorrounding community. Additionally, the rezoning supports the Conprehensive Plan's broader goals of promoting compact development in appropriate growth areas, encouraging walkability and connectivity, and creating balanced mixed use environments that reduce vehicle trips while enhancing community access to services and amenities.

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 rezoning from R1 to NS would be reasonable and in the public interest for several compelling reasons. First, by extending an existing NS zone for a nonprofit educational unit, the rezoning creates a more cohesive development pattern that aligns with sound planning principles. This contiguous NS zoning enables more coordinated design, acces, and functionallty than would be possible with disconnected commercial parcels. The rezoning respects existing land use patterns by maintaining a logical transition from commercial to residential uses. With R1 zoning to the north and existing NS property to the south and west, this rezoning creates a sensible progression of land uses rather than an abrupt change. The modest 0.38-acre size ensures that any future development will remain at a neighborhood-appropriate scale. For the surrounding community, this rezoning will enahnce access to neighborhood-serving amenities and potentially reduce vehicle trips for basic services. The NS zoning classification specifically supports small-scale, low impact commercial uses that are designed to serve nearby residents rather than drawing traffic from wider areas. This focus on neiborhood service aligns with the Comprehensive Plan's vision for creating walkable communities with convenient access to daily needs.
Property owners and adjacent neighbors will benefit from well-designed neighborhood services that enhance property values while minimizing potential negative impacts through the NS district's built-in protections regarding building scale, landscaping, lighting, and operational characteristics. Should this rezoning be approved, we commit to thoughtful development that respects the character of the area and serves as a positive transition between different land use intensities.

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** (FACE Registered Agent)
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
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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	104 Sherwood Rd, Swannanoa, NC 28778	9688190048000000
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	Fandation for the Arts at the Core of Education, Inc	FACE	2030 US Hwy 70 Swannanoa, NC 28778	828·298·2787	estevc.cl@artspace charter.org
	Owner Signature: [signature] Date: 6/13/25		Applicant/ ~~Designated Representative~~ - Name: Esteve Coll-Larrosa Signature: [signature] Date: 6/16/25		
2					
	Owner Signature: Date:		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:		

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					
	Owner Signature: Date:		Applicant/ Designated Representative - Name: Signature: Date:		
6					
	Owner Signature: Date:		Applicant/ Designated Representative - Name: Signature: Date:		
7					
	Owner Signature: Date:		Applicant/ Designated Representative - Name: Signature: Date:		
8					
	Owner Signature: Date:		Applicant/ Designated Representative - Name: 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					
	Owner Signature: Date:		Applicant/ Designated Representative - Name: Signature: 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:		

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ZONING MAP AMENDMENT
STAFF ANALYSIS
Legislative Hearing

A. CASE	ZPH2025-00021 Foundation for the Arts Rezoning

B. LOCATION MAP



C. PROPERTY INFORMATION

PIN: 9688-19-0048, 9688-19-1005

ADDRESS: 104 SHERWOOD RD

OWNER: FOUNDATION FOR THE ARTS AT THE CORE OF EDUCATION INC

ACREAGE: 0.32 acres, 0 acres

UTILITIES: Public water, MSD Sewer

ACCESS ROAD: SHERWOOD RD

D. REZONING REQUEST

Summary: Sarena Fuller, on behalf of Foundation for the Arts at the Core of Education, Inc. has applied to rezone two (2) parcels of land from R-1 Residential to NS Neighborhood Services.	**Existing:** R-1 Residential
	Proposed: NS Neighborhood Services

E. PUBLIC NOTICE	Planning Board	Board of Commissioners
Newspaper and BC website: Mailed to owners within 1,000 ft: Physical posting on site: Hearing Date:	8-6-25 8-5-25 8-8-25 8-18-25	TBD

F. RECOMMENDATION & SUMMARY OF CONSISTENCY REVIEW

STAFF: APPROVAL	Staff recommends that the rezoning of the parcels be approved as it is consistent with the G.E.C recommendations from the 2043 Comprehensive Plan.

G. 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 main subject parcel is approximately 0.32 acres in size. There is a second sliver, which is just under 204 sq ft. The recorded plat (PB 244/PG 142) states this sliver is to be recombined with the adjoining Foundation for the Arts property to the south at PIN 968819205100000 (2044 US 70 HWY). The properties are adjacent to R-1 to the north and northeast as well as along the Sherwood Rd right-of-way that borders to the west. It is adjacent to NS zoning to the south and southeast, as well as across Sherwood Rd to the west, where the rest of the NS-zoned ArtSpace Charter School facilities are. Staff does not consider this 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	**X**	

H. 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 I" where this parcel is located.	**X**	
2. **WASTEWATER & POTABLE WATER TYPE** The parcels are intended to continue to be served by public water and MSD.	**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 R-2 zoning also allows 12 units per acre.	**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 parcel is located just off of US 70 Hwy, which is a major transportation corridor in the County.	**X**	
6. **Support higher density residential development near job centers and amenities** *(Transportation Action 4)* The density will not change since the allowable density is the same in R-2 and NS.	**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 I area on the GEC map which is designated as a growth area. There are no intact forest lands, wetlands, or other unique habitat that we know of.	**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 does not apply to this amendment.	**N/A**	
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)* This property has the potential to attract a larger variety of commercial, mixed-use, and residential developments with the change from R-1 to NS.	**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)*	**X**	

This parcel is designated as a Mixed Use I on the GEC map. NS could allow for civic or commercial opportunities that can be accessed from the surrounding neighborhood.		
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 however is has a high score on the Buncombe Community Index Map indicating that there may be vulnerable populations in the area of the rezoning.	**Equity Analysis is 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 not within a regulated flood hazard area.	**X**	
14. High or Moderate Hazard Stability Areas The parcel contains an insignificant amount of moderate and high hazard stability areas to the rear of the parcel.	**X**	

I. NEIGHBORHOOD CONSISTENCY			**CONSISTENT**	**NOT CONSISTENT**
1. CURRENT DEVELOPMENT TYPES: Subject acreage has the following adjacent zonings and uses:			**X**	
DIRECTION	**ZONING**	**ADJACENT USES**		
NORTH	R-1	Low density residential		
EAST	R-1, NS	Low density residential, school		
SOUTH	NS	School		
WEST	R-1, NS	School		
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 to NS could cause a increase in the types and intensity of uses allowed on the property compared to the current zoning. R-1 zoning is intended for low density housing. NS allows for some higher intensity commercial and other non-residential use, however it is intended for areas between established residental areas and heavy commercial uses to act as a transitional				**X**

area. Additionally, the zoning ordinance requires that a buffer be established between commercial and residential uses.		
3. Are the uses allowed in the proposed zoning district compatible with the existing uses in the area? Much of the the land along this part of US 70 Hwy is already zoned NS and the parcel currently intended for use as part of ArtSpace Charter School. The neighboring NS-zoned parcels are currently being used as a school by the owners. The uses in the CS zoning district are compatible with the current uses in the area and with US Hwy 70 as a major transportation and commercial corriodor.	**X**	

4. ALLOWED DEVELOPMENT TYPES AFTER CHANGE:

The proposed rezoning would allow additional uses in the district that are not currently allowed. Examples of new uses: Veterinarian clinics and kennels, clubs or lodges, community-oriented developments, larger day nurseries and kindergartens, group homes, healthcare facilities and medical clinics, libraries, manufactured home parks, travel trailers and travel trailer parks, motor vehicle maintenance and repair, gas stations, multifamily (up to 8-unit apartments), gyms, telecomm towers, and schools.

5. DENSITY & DIMENSIONAL STANDARDS COMPARISON:

		Existing District:	**Proposed District:**
		R-1 Residential	**NS Neighborhood Service**
Min. Lot Size	No Public Sewer	30,000 SF	30,000 SF
	Public Sewer/No Water	10,000 SF	10,000 SF
	Public Water & Sewer	6,000 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	10/7/15 with public sewer 20/10/20 septic system
Max. height		35 feet	35 feet

6. PREVIOUS ZONING ACTIONS & RELEVANT SITE HISTORY:

In 2024, these parcels were part of a special subdivision. On the recorded plat, Lot 2 (current PIN 968819100500000) states it is to be conveyed to and recombined with the commonly-owned parcel to the south (PIN 968819205100000). Art Space Charter school received a Special Use Permit to expand the school facility in 2022 (ZPH2022-00005).

J. COMPARISON OF ZONING ORDINANCE DISTRICT STATEMENT OF INTENT

EXISTING ZONING DISTRICT – R-1	**PROPOSED ZONING DISTRICT – NS**
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. This district is further intended to protect existing subdivisions from encroachment	The NS Neighborhood Service District is primarily intended to provide suitable locations for limited, neighborhood-oriented, commercial, business, and service activities in close proximity to major residential neighborhoods. The NS Neighborhood Service District is designed to allow for a mix of residential, commercial, business and service uses in limited areas along major traffic arteries and at key

of incompatible land uses, and this district does not allow manufactured home parks.	intersections leading to residential neighborhoods in order to provide such service to the residents of that particular neighborhood. As such, the type of uses allowed and the standards established for development in this NS Neighborhood Service District should be compatible with the residential character of the area and should neither add to traffic congestion; nor cause obnoxious noise, dust, odors, fire hazards, or lighting objectionable to surrounding residences; nor should they visually detract from the overall appearance of the neighborhood. The NS Neighborhood Service District should currently have water and sewer services or be expected to have such services in the foreseeable future.

K. 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 located in an equity opportunity area. This parcel is in a Census Tract that ranks at 115 out of 153. The higher the number on the index, means that that the area faces more equity challenges. Equity Opportunity Areas fall between rankings of 94-153. Here are some factors to consider that contribute to the high ranking on the Equity Index:

- **28.6% of the population is Below the Poverty Line.**
- **$50,921 median HH income**

The Planning Board and Board of Commissioners should consider how the proposed rezoning will impact the surrounding neighborhoods and residents.

L. 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)

M. 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.

N. ATTACHMENTS

- Application
- Maps



0 0.05 0.1 0.2 Miles

104 Sherwood Rd
PINs 9688-19-0048 & 9688-19-1005

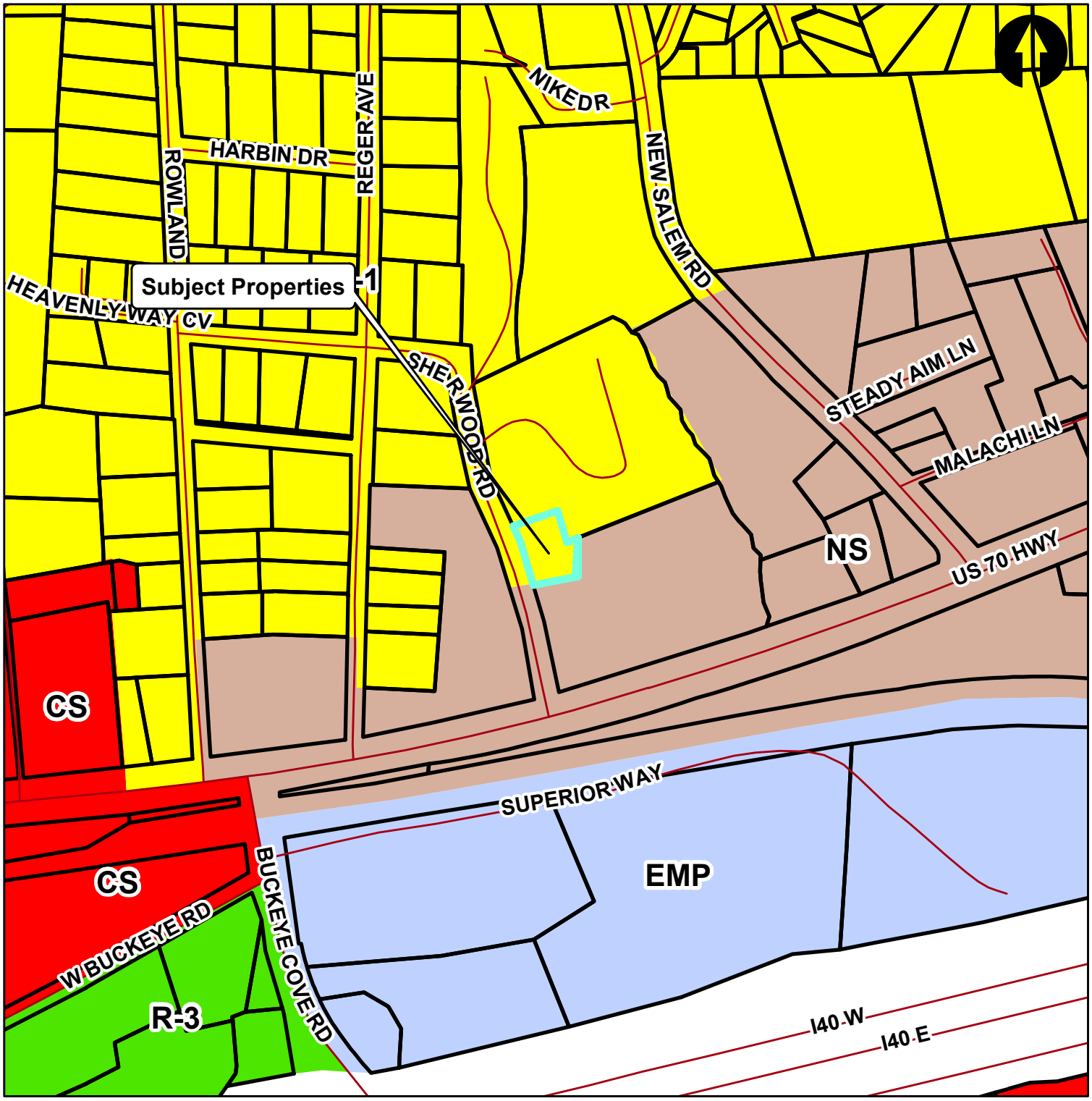
ZPH2025-00021
ArtSpace
Map Amendment

Aerial Map

Roads

Property Boundaries

Created By: Buncombe Co. Planning
Date: 7/3/2025



0 0.05 0.1 0.2 Miles

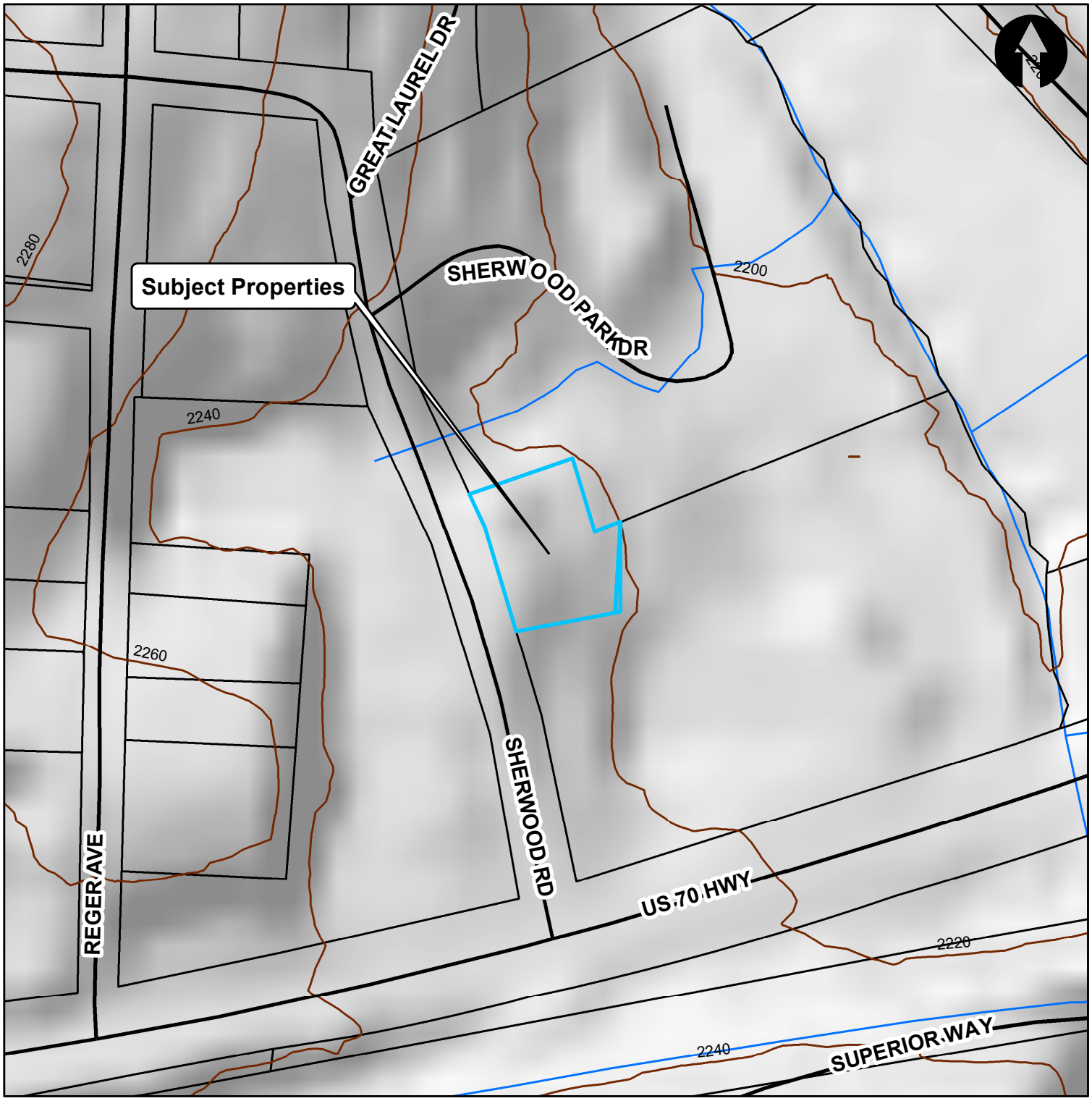
104 Sherwood Rd
PINs 9688-19-0048 & 9688-19-1005

ZPH2025-00021
ArtSpace
Map Amendment

Zoning Map

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

Created By: Buncombe Co. Planning
Date: 7/3/2025



Feet
0 125 250 500

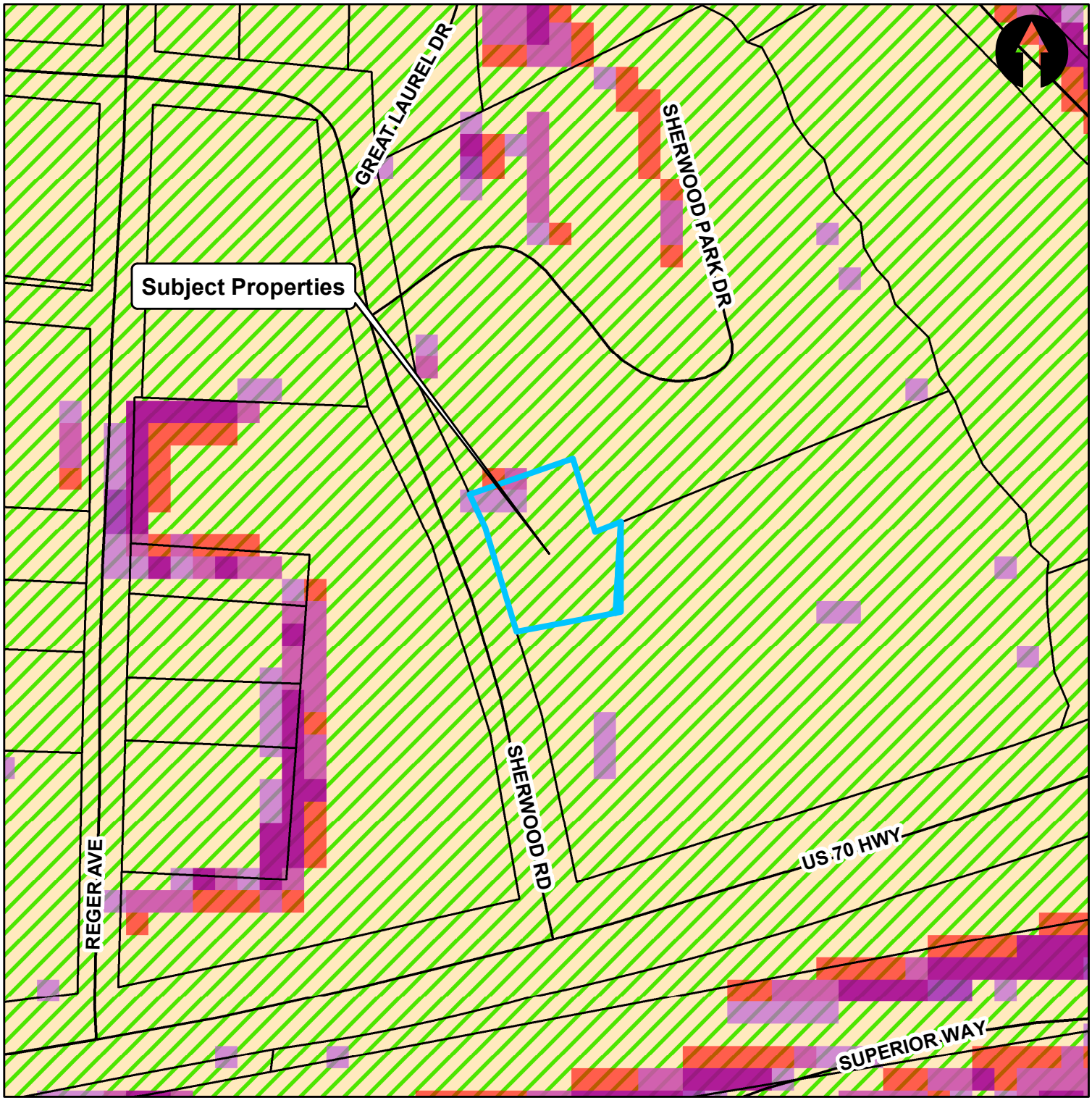
104 Sherwood Rd
PINs 9688-19-0048 & 9688-19-1005

ZPH2025-00021
ArtSpace
Map Amendment

Topo Map

Roads
20 Foot Contours
Property Boundaries

Created By: Buncombe Co. Planning
Date: 7/3/2025



0 125 250 500 Feet

104 Sherwood Rd
PINs 9688-19-0048 & 9688-19-1005

ZPH2025-00021
ArtSpace
Map Amendment

Land Use Map

Created By: Buncombe Co. Planning
Date: 7/3/2025

- 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): 963931935500000

Address(es): _____

Acreage: 1.32 **Available Utilities:** ☐ Public water ☐ Private well ☑ Public MSD Sewer ☐ Private septic

B. Zoning Classification

Current zoning district(s): R3 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)*
Penny Cup Pit Stop **Company/Corporate Name (*if applicable*)**	
Quinlan Matthews **Applicant's Name**	Lynne Ramsey Patsy Ramsey **Owner's Name**
31 Brickyard Rd **Mailing Address**	15 Emma Hills Dr. **Mailing Address**
Asheville, NC. 28806 **City, State, and Zip Code**	Asheville, NC. 28806 **City, State, and Zip Code**
(972) 987-7027 **Telephone**	(828) 380-1052 **Telephone**
qmatthews424@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: _____

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:

parcel size is over 1 acre and suited for commercial use.

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)*.

parcel is in mixed use neighborhood, commercial strip of adjacent properties aligns with intended use

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.

Current zoning has prevented this property from being used due to its inappropriate size and location for residential use. Commercial zoning will make effective use of its circle drive with no impact to the surrounding green space.

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**

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ZONING MAP AMENDMENT
STAFF ANALYSIS
Legislative Hearing

A. CASE	ZPH2025-00022 Ramsey Rezoning

B. LOCATION MAP



C. PROPERTY INFORMATION

PIN: 9639-31-9355

ADDRESS: Unaddressed on Emma Rd

OWNER: Emmett Ramsey Trust

ACREAGE: 1.32 acres

UTILITIES: Public water, MSD Sewer

ACCESS ROAD: Emma Rd.

D. REZONING REQUEST

Summary: Quinlan Matthews of Penny Cup Pit Stop, on behalf of Lynne and Patsy Ramsey, has applied to rezone one (1) parcel of land further identified as PIN 9639-31-9355, from R-3 Residential to CS-Commercial Service.	**Existing:** R-3 Residential
	Proposed: CS Commercial Services

E. PUBLIC NOTICE	Planning Board	Board of Commissioners
Newspaper and BC website: Mailed to owners within 1,000 ft: Physical posting on site: Hearing Date:	8-6-25 8-5-25 8-8-25 8-18-25	TBD

F. RECOMMENDATION & SUMMARY OF CONSISTENCY REVIEW

STAFF: APPROVAL	Staff recommends that the rezoning of the parcels be approved as it is consistent with the G.E.C recommendations from the 2043 Comprehensive Plan.

G. 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 1.32 acres in size. It is adjacent to CS zoning to the west, R-3 zoning to the north and east, and the City of Asheville across the train tracks to the south. The parcel adjoins other R-2 parcels to the east that the owner also owns, and to the south. Most of the nearby parcels along Emma Rd to the west and centered around the intersection of Emma Rd and N Louisiana Ave are zoned CS. Staff does not consider this request a 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	**X**	

H. 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 Neighborhood" where this parcel is located.	**X**	
2. **WASTEWATER & POTABLE WATER TYPE**	**X**	

The parcels are intended to be served by public water and MSD.		
3. **DENSITY** The proposed zoning district has a maximum density of up to 12 units an acre, which is the same as the current R-3 zoning also allows 12 units per acre.	**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 parcel is located near Patton Ave, which is part of a major transportation corridor running through the City of Asheville the larger County.	**X**	
6. **Support higher density residential development near job centers and amenities** *(Transportation Action 4)* The density will not change since the allowable density is the same in R-3 and CS.	**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 which is designated as a growth area. There are no intact forest lands, wetlands, or other unique habitat that we know of.	**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 does not apply to this parcel.	**N/A**	
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)* This property has the potential to attract a larger variety of commercial, mixed-use, and residential developments with the change from R-3 to CS.	**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)* This parcel is designated as a Mixed Use Neighborhood on the GEC map. CS could allow for commercial opportunities that can be accessed from the surrounding neighborhood.	**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 however it has a high score on the Buncombe Community Index Map indicating that there may be vulnerable populations in the area of the rezoning.	**Equity Analysis is 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 not within a regulated flood hazard area.	**X**	
14. High or Moderate Hazard Stability Areas The parcel contains an insignificant amount of moderate and high hazard stability areas to the rear of the parcel.	**X**	

I. NEIGHBORHOOD CONSISTENCY			**CONSISTENT**	**NOT CONSISTENT**
1. CURRENT DEVELOPMENT TYPES: Subject acreage has the following adjacent zonings and uses:			**X**	
DIRECTION	**ZONING**	**ADJACENT USES**		
NORTH	R-3	Medium density MHP		
EAST	R-3	Low density residential		
SOUTH	COA	Crowne Plaza Resort & Hotel		
WEST	CS	Commercial Vacant		
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-3 to CS could cause a increase in the types and intensity of uses allowed on the property compared to the current zoning. R-3 zoning is intended for low to medium density housing. CS allows for higher intensity commercial uses. The public rights-of-way provide transitions between proposed CS and neighboring R-3.			**X**	

3. Are the uses allowed in the proposed zoning district compatible with the existing uses in the area? Much of the land along the road outside the intersection of Emma Road and N Louisiana Ave is already zoned CS and the majority of the uses are commercial as well. The uses in the CS zoning district are compatible with the current uses in the area and in promixity to both residential and commercial uses inside the adjacent municipality.	**X**	

4. ALLOWED DEVELOPMENT TYPES AFTER CHANGE:
The proposed rezoning would allow additional uses in the district that are not currently allowed. Examples of new uses: Veterinarian Clinics, Banks, Greenhouses, Kennels, Dry cleaners, Medical clinics, Retail, Gas stations, Nightclubs/Bars, Gyms, Post Office, PUD II, Schools, Storage and Warehousing, Theaters, etc.

5. DENSITY & DIMENSIONAL STANDARDS COMPARISON:

		Existing District:	**Proposed District:**
		R-3 Residential	**CS Commercial**
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 with public sewer 10/10/10 septic system
Max. height		35 feet	50 feet

6. PREVIOUS ZONING ACTIONS & RELEVANT SITE HISTORY:
The parcel is undeveloped, and was formerly part of City of Asheville's ETJ.

J. COMPARISON OF ZONING ORDINANCE DISTRICT STATEMENT OF INTENT

EXISTING ZONING DISTRICT – R-3	**PROPOSED ZONING DISTRICT – CS**
The 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	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.

provides for various recreational, community service and educational uses that will complement the residential development.	

K. 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 located in an equity opportunity area. This parcel is in a Census Tract that ranks at 120 out of 153. The higher the number on the index, means that that the area faces more equity challenges. Equity Opportunity Areas fall between rankings of 94-153. Here are some factors to consider that contribute to the high ranking on the Equity Index:

- **34.7% identifying as Hispanic or Latino**
- **26.35% Spanish spoken at home**
- **22.42% limited English-speaking HH**
- **$48,073 median HH income**

The Planning Board and Board of Adjustment should take into consideration how the proposed rezoning may affect the vulnerable populations in the area.

L. 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)

M. 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.

N. ATTACHMENTS

- Application
- Maps



0 0.05 0.1 0.2 Miles

99999 Emma Rd
PIN 9639-31-9355

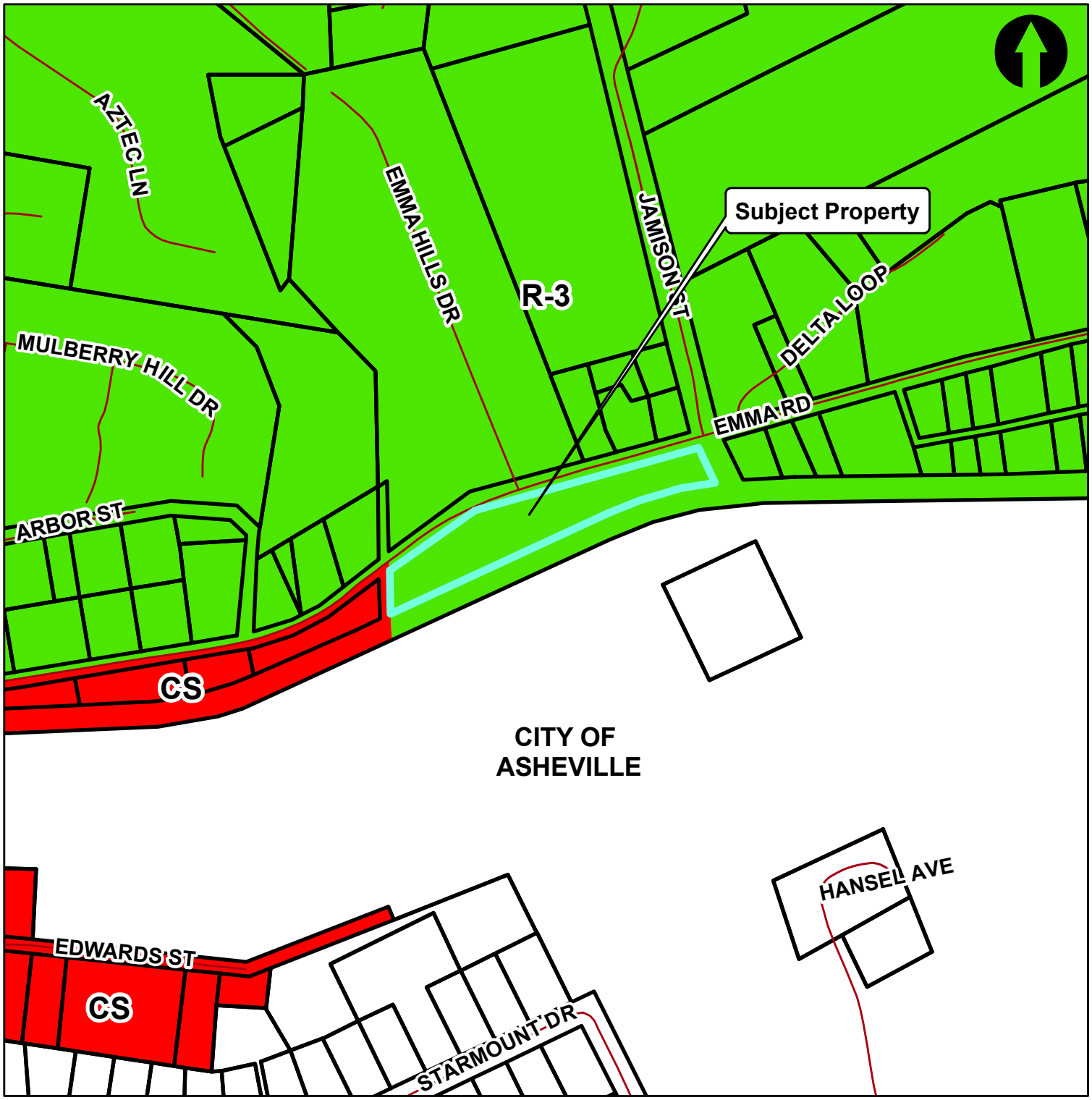
ZPH2025-00022
Ramsey
Map Amendment

Aerial Map

Roads

Property Boundaries

Created By: Buncombe Co. Planning
Date: 8/4/2025



0 0.05 0.1 0.2 Miles

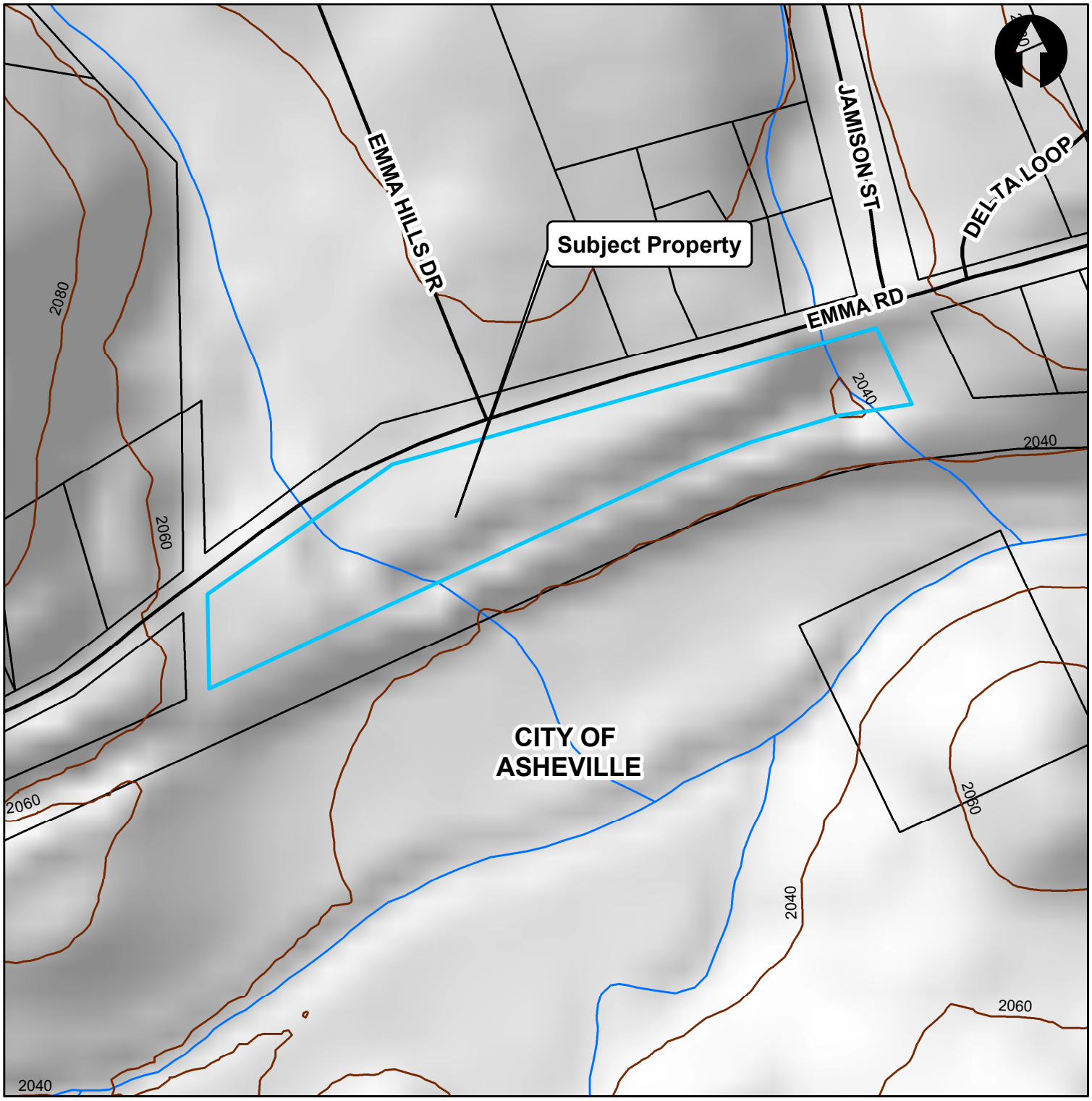
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Created By: Buncombe Co. Planning
Date: 8/4/2025



0 125 250 500 Feet

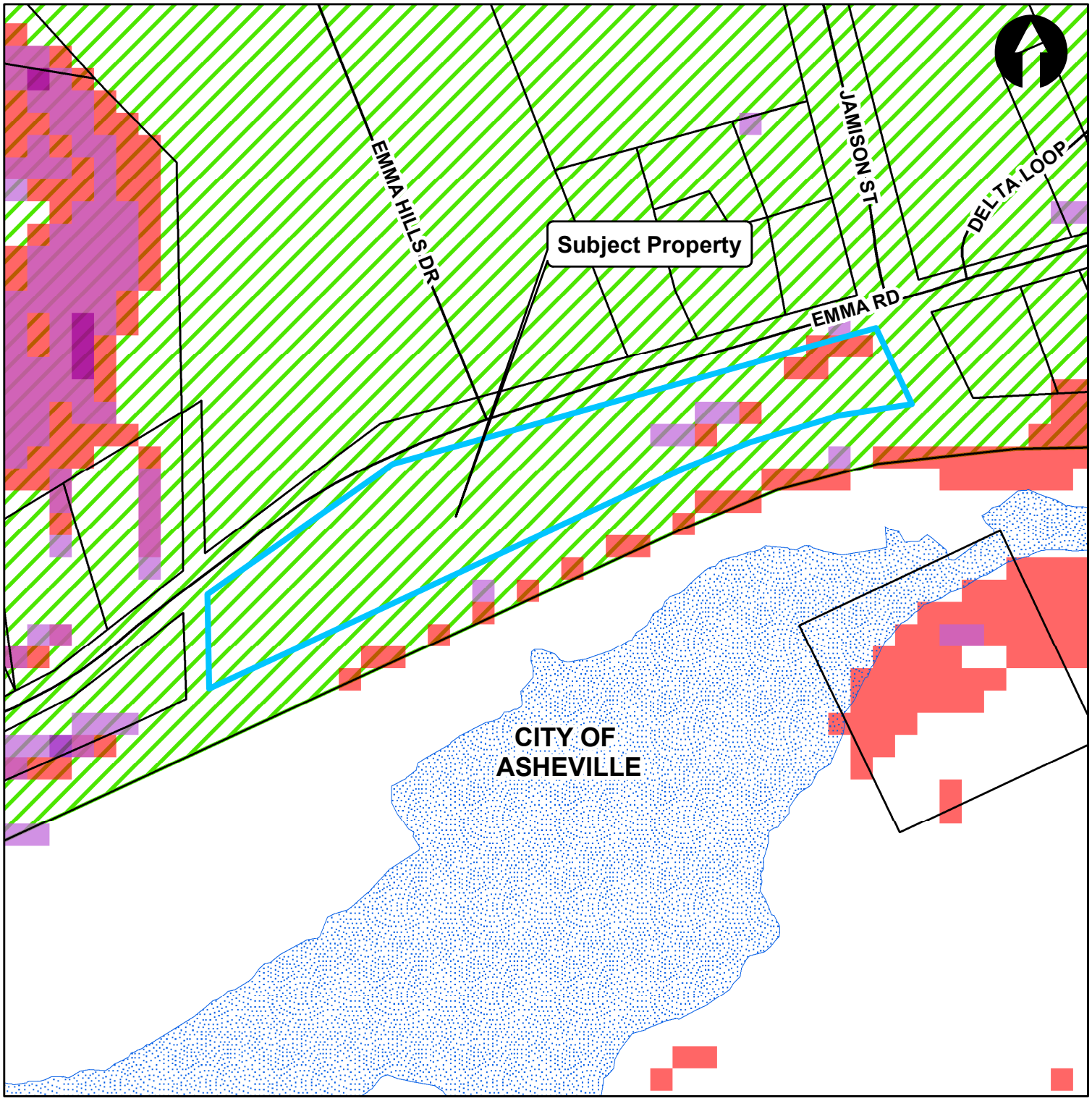
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20 Foot Contours
Property Boundaries

Created By: Buncombe Co. Planning
Date: 8/4/2025



Feet
0 125 250 500

99999 Emma Rd
PIN 9639-31-9355

ZPH2025-00022
Ramsey
Map Amendment

Land Use Map

Created By: Buncombe Co. Planning
Date: 8/4/2025

- 500 yr
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- 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): 9653572381000000

Address(es): 2596 HENDERSONVILLE RD. ARDEN

Acreage: .920

Available Utilities: ☑ Public water ☑ Public MSD Sewer ☐ Private well ☐ 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*)

KEVIN EDINS
Applicant's Name

121 MAPLE STREET
Mailing Address

Roswell GA 30075
City, State, and Zip Code

(770) 825-6340
Telephone

a.s.anddesign@gmail.com
Email

Property Owner Contact Information (*If different*)

SAME
Owner's Name

Mailing Address

City, State, and Zip Code

( )
Telephone

Email

OFFICE USE ONLY:

Date Received: _____

Pre-Submittal meeting with: _____

Case Number: ZPH_____-_____

Owner's Affidavit Submitted: ☐ Yes ☐ No

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:

.92 ACRE PROPERTY LOCATED ON HENDERSONVILLE Rd. IS FLANKED BY COMMERCIAL USE PROPERTIES ZONED CS ON BOTH SIDES OF THE ROAD. THIS ZONING CHANGE would ALLOW FOR CURRENT tenANT EXPANSION and not AFFECT THE SURROUNDING NEIGHBORHOODS. I CURRENTLY OWN & Live in the Residential PARCEL that is to the REAR of this 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).*

THIS PARCEL is, effectively, an ISLAND of Residential zoning in a Corridor that has clearly transitioned to Commercial use. The current R2 ZONING is NO longer Consistent with the Existing Land use Pattern.

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 SUBJECT PARCEL IS ONE OF the ONLY REMAINING property zoned R2 in a corridor that has clearly transitioned to COMMERCIAL USE. All immediately adjacent and nearby parcels Along both sides of the Hwy. are ALREADY ZONED CS. This Includes the propety Directly Abutting the Subject Parcel which I Also own. Since I OWN ALL the Parcels that touch this Parcel Rezoning would NOT negatively affect ANY other Prophy OWNER. Since We Are only Expanding our Current tenants NO increase in TRAFFIC VOLUMN OR Impact to LOCAL INFRASTRUCTURE is ANTICIPATED.

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**

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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	2596 HENDERSONVILLE Rd.	9653572381000000
2	ARDEN NC. 28704	
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	KEVIN EDINS		121 MAPLE St Roswell GA. 30075	770-825-6340	a.s.anddesign@gmail.com
	Owner Signature: Date: 7-9-2025		Applicant/ Designated Representative - Name: Signature: Date:		
2					
	Owner Signature: Date:		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:		

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ZONING MAP AMENDMENT
STAFF ANALYSIS
Legislative Hearing

A. CASE	ZPH2025-00025 Edins Rezoning

B. LOCATION MAP



C. PROPERTY INFORMATION

PIN: 9653-57-2381

ADDRESS: 2596 Hendersonville Rd

OWNER: Kevin Edins

ACREAGE: 0.92 acres

UTILITIES: Public water, MSD Sewer

ACCESS ROAD: Hendersonville Rd.

D. REZONING REQUEST

Summary: Kevin Edins has requested to rezone one parcel from R-2 Residential to CS Commercial.

Existing: R-2 Residential

Proposed: CS Commercial Services

E. PUBLIC NOTICE	Planning Board	Board of Commissioners
Newspaper and BC website:	8-8-25	
Mailed to owners within 1,000 ft:	8-8-25	
Physical posting on site:	8-8-25	TBD
Hearing Date:	8-18-25	

F. RECOMMENDATION & SUMMARY OF CONSISTENCY REVIEW

STAFF: APPROVAL	Staff recommends that the rezoning of the parcels be approved as it is consistent with the G.E.C recommendations from the 2043 Comprehensive Plan.

G. 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 0.92 acres in size. It is adjacent to CS zoning to the North and there is CS zoning across Hendersonville Rd. to the west. The parcel adjoins other R-2 parcels to the east that the owner also owns, and to the south. Most of the parcels along this portion of Hendersonville Rd. are zoned CS. Staff does not consider this request a 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	**X**	

H. 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 I" where this parcel is located.	**X**	
2. **WASTEWATER & POTABLE WATER TYPE** The parcels are intended to be served by public water and MSD.	**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 R-2 zoning also allows 12 units per acre.	**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 parcel is located on Hendersonville Rd, this is a major transportation corridor in the County.	**X**	
6. **Support higher density residential development near job centers and amenities** *(Transportation Action 4)* The density will not change since the allowable density is the same in R-2 and CS.	**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 I area on the GEC map which is designated as a growth area. There are no intact forest lands, wetlands, or other unique habitat that we know of.	**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 does not apply to this parcel.	**N/A**	
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)* This property has the potential to attract a larger variety of commercial, mixed-use, and residential developments with the change from R-2 to CS.	**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)* This parcel is designated as a Mixed Use I on the GEC map. CS could allow for commercial opportunities that can be accessed from the surrounding neighborhood.	**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 however is has a high score on the Buncombe Community Index Map indicating that there may be vulnerable populations in the area of the rezoning.	**Equity Analysis is 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 not within a regulated flood hazard area.	X	
14. High or Moderate Hazard Stability Areas The parcel contains an insignificant amount of moderate and high hazard stability areas to the rear of the parcel.	X	

I. 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
EAST	R-2	Low density residential
SOUTH	R-2	Park Area
WEST	CS	Commercial Vacant

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-2 to CS could cause a increase in the types and intensity of uses allowed on the property compared to the current zoning. R-2 zoning is intended for low to medium density housing. CS allows for higher intensity commercial uses. While there will be no transition from CS to R-2 for the property adjacent to the east of the subject parcel, the zoning ordinance requires that a buffer be established between commercial and residential uses.		X
3. Are the uses allowed in the proposed zoning district compatible with the existing uses in the area? Much of the the land along this part of Hendersonville Rd is already zoned CS and the majority of the uses are commercial service as well. The uses in the CS zoning district are compatible with the current uses in the area and with Hendersonville Rd. as a major transportation and commercial corriodor.	X	

4. ALLOWED DEVELOPMENT TYPES AFTER CHANGE:

The proposed rezoning would allow additional uses in the district that are not currently allowed. Examples of new uses: Veterinarian Clinics, Banks, Greenhouses, Kennels, Dry cleaners, Medical clinics, Retail, Gas stations, Nightclubs/Bars, Gyms, Post Office, PUD II, Schools, Storage and Warehousing, Theaters, etc.

5. DENSITY & DIMENSIONAL STANDARDS COMPARISON:

		Existing District:	Proposed District:
		R-1 Residential	**CS Commercial**
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 with public sewer 10/10/10 septic system
Max. height		35 feet	50 feet

6. PREVIOUS ZONING ACTIONS & RELEVANT SITE HISTORY:

In 2010 this parcel was the subject of a rezoning request from R-2 to CS. The Planning Board recommended approval stating that the rezoning was **consistent** with the Land Use Plan. The Board of Commissioners denied the rezoning stating that the rezoning was **inconsistent** with the Land Use Plan. Hendersonville has changed over the last 15 years and has become an established commercial corridor. The rezoning aligns with the Buncombe 2043 Comprehensive Plan.

J. COMPARISON OF ZONING ORDINANCE DISTRICT STATEMENT OF INTENT

EXISTING ZONING DISTRICT – R-2	**PROPOSED ZONING DISTRICT – CS**
The R-2 Residential 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 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.	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.

K. 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 located in an equity opportunity area. This parcel is in a Census Tract that ranks at 136 out of 153. The higher the number on the index, means that that the area faces more equity challenges. Equity Opportunity Areas fall between rankings of 94-153. Here are some factors to consider that contribute to the high ranking on the Equity Index. The Planning Board and Board of Commissioners should consider how the proposed rezoning will impact the surrounding neighborhoods and residents. The Staff notes that this property is within an established commercial corridor and continues a development pattern of commercial uses along Hendersonville Road. While adjacent to residential uses, regulations within the Zoning Ordinance would require buffering adjacent to existing residential uses.

- **18% of the population is Below the Poverty Line.**
- **14.7% of the population experiences Food Insecurity**
- **41.5% of the population identifies as Hispanic/Latino**
- **26.5% of the population speaks Spanish at home.**

L. 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)

M. 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.

N. ATTACHMENTS

- Application
- Maps



0 0.05 0.1 0.2 Miles

2596 Hendersonville Rd
PIN 9653-57-2381

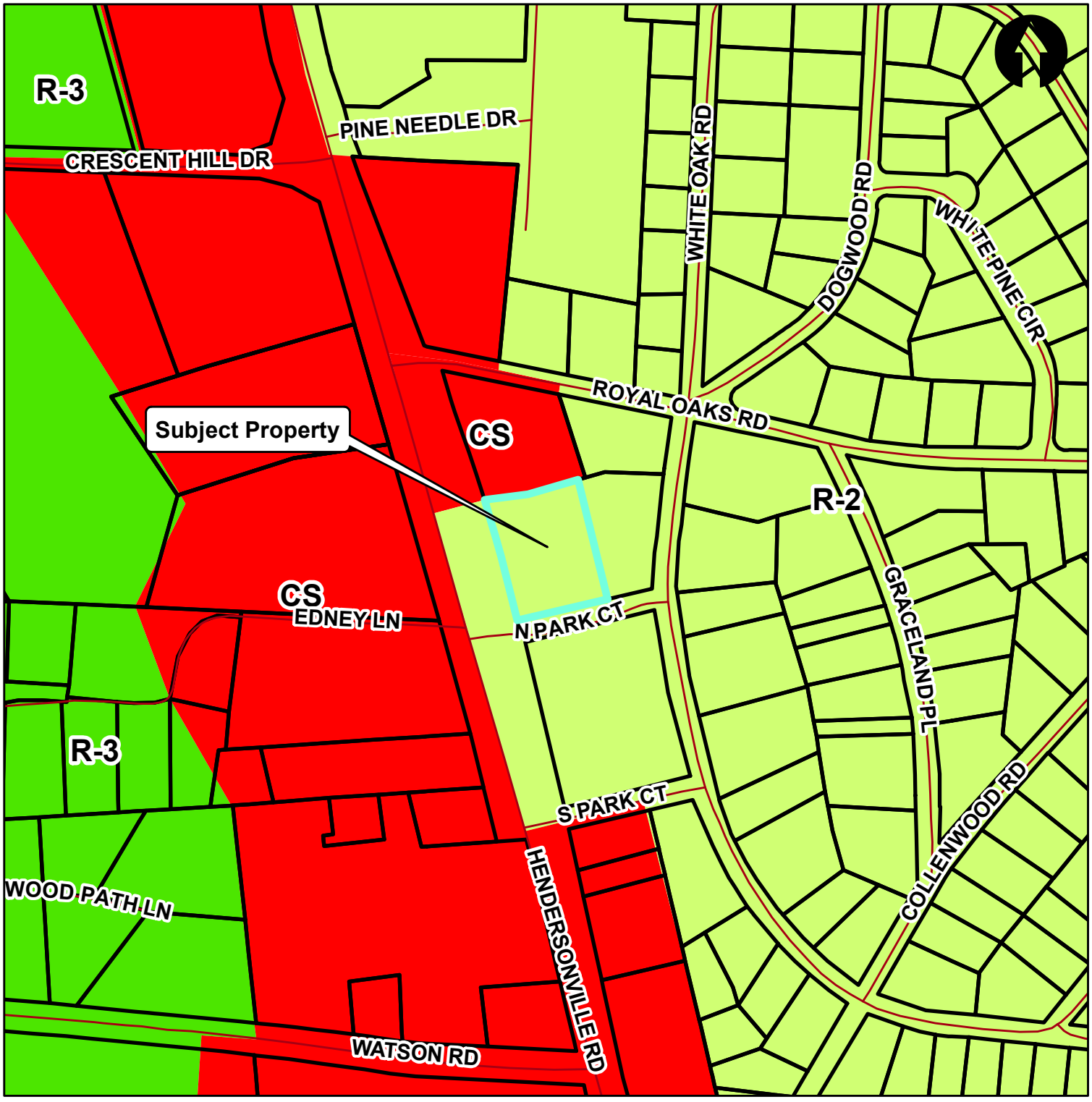
ZPH2025-00025
Edins
Map Amendment

Aerial Map

Roads

Property Boundaries

Created By: Buncombe Co. Planning
Date: 7/24/2025



0 0.05 0.1 0.2 Miles

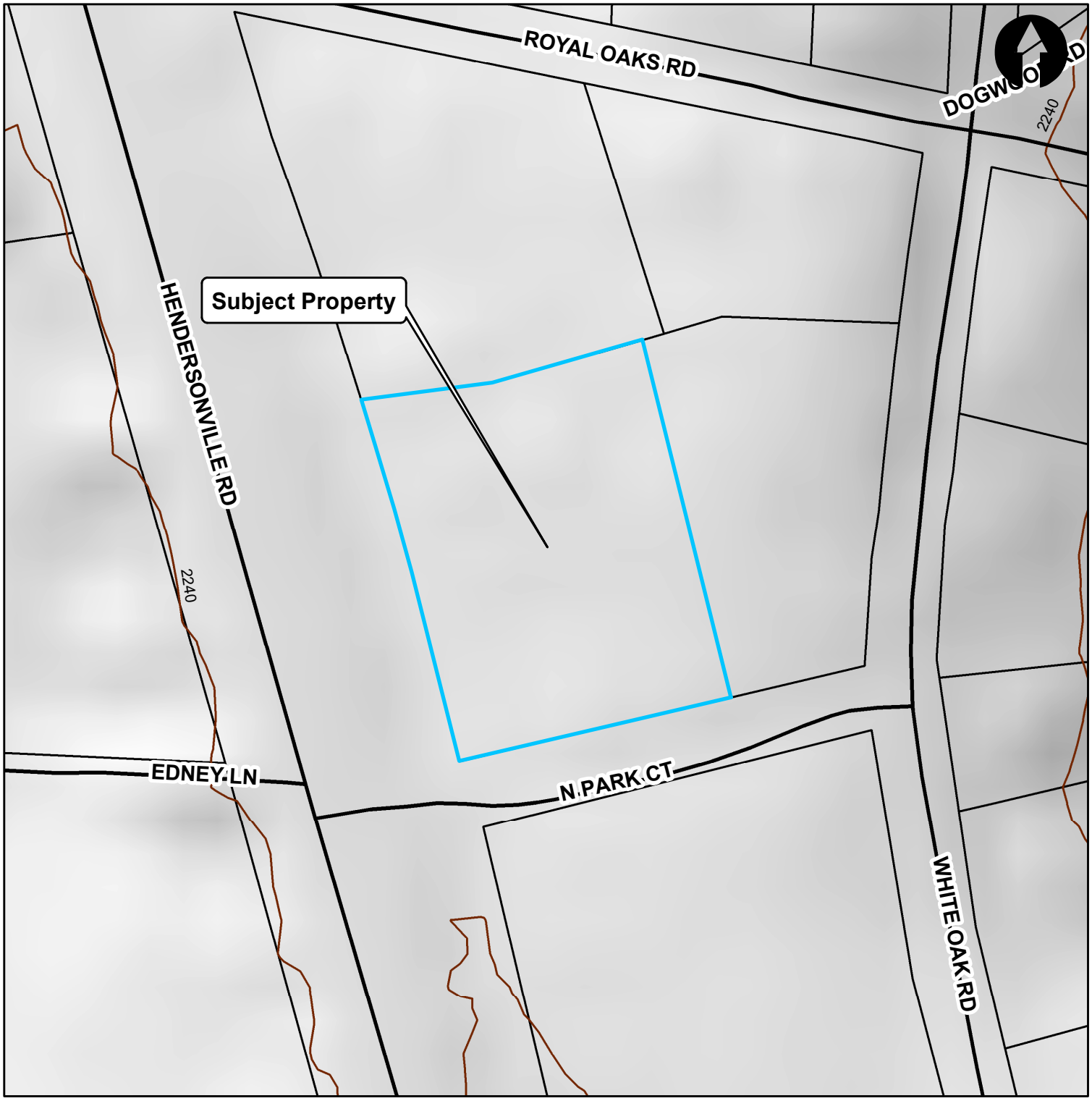
2596 Hendersonville Rd
PIN 9653-57-2381

ZPH2025-00025
Edins
Map Amendment

Zoning Map

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

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Feet
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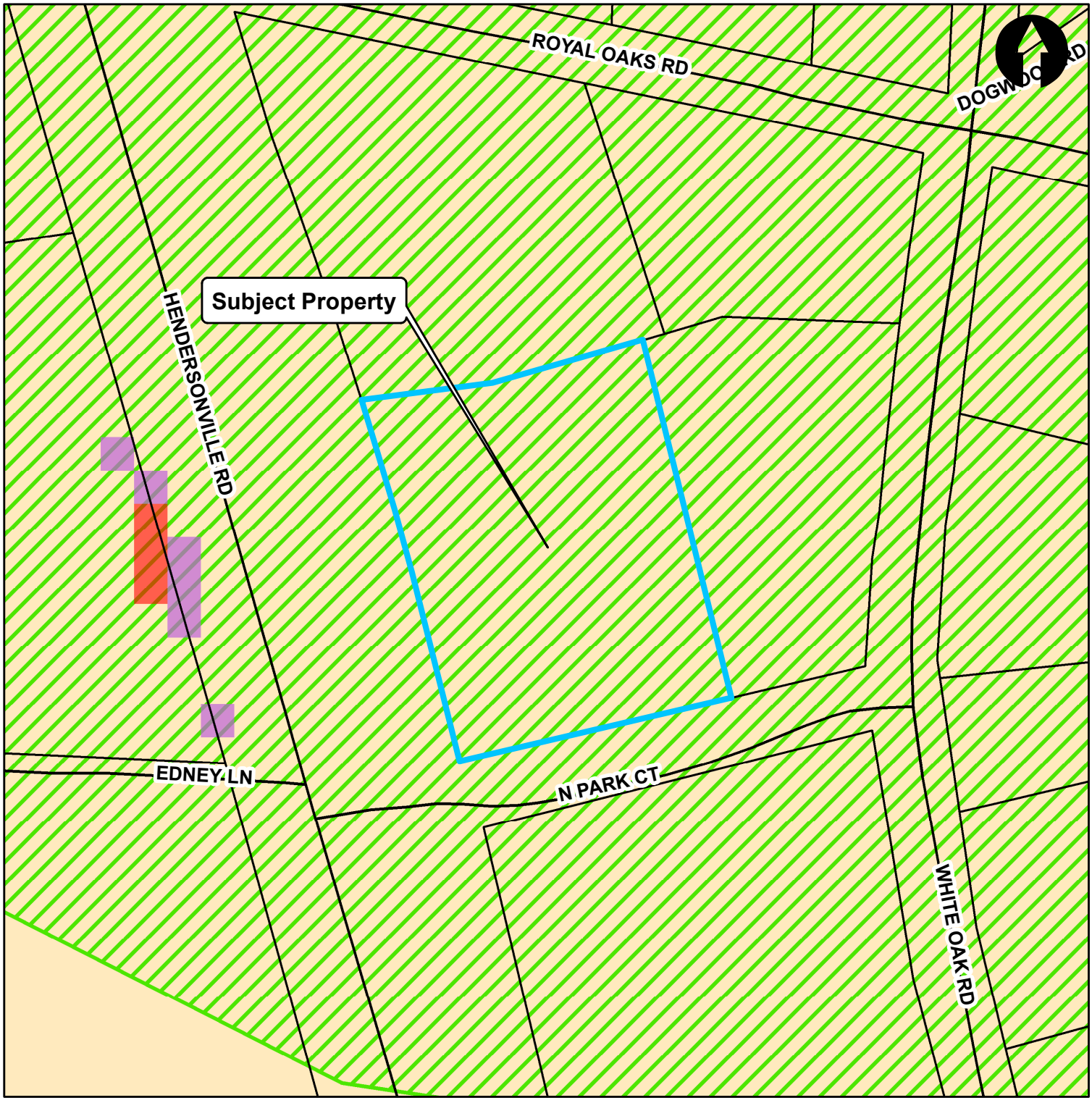
2596 Hendersonville Rd
PIN 9653-57-2381

ZPH2025-00025
Edins
Map Amendment

Topo Map

Roads
20 Foot Contours
Property Boundaries

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0 100 200 400 Feet

2596 Hendersonville Rd
PIN 9653-57-2381

ZPH2025-00025
Edins
Map Amendment

Land Use Map

Created By: Buncombe Co. Planning
Date: 7/24/2025

- 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