BUNCOMBE COUNTY
PLANNING & DEVELOPMENT
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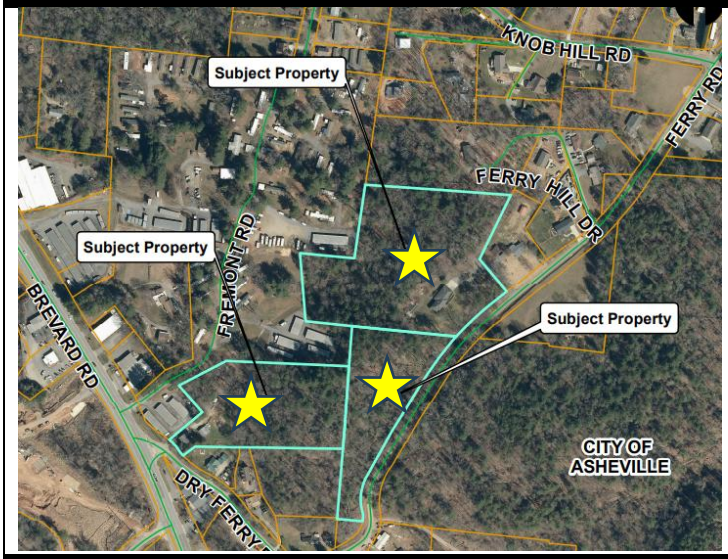
ZONING MAP AMENDMENT
STAFF ANALYSIS
Legislative Hearing

A. CASE	ZPH2025-00036 Rogers Rezoning

B. LOCATION MAP



C. PROPERTY INFORMATION

PIN: 9626-91-0044, 9626-91-5565, 9626-91-5565

ADDRESS: 4 Dry Ferry Rd, unaddressed parcel on Ferry Rd, and 80 Ferry Rd

OWNER: Ricky Rogers and Rebecca Rogers

ACREAGE: 13.4 acres

UTILITIES: In the vicinity of Public water, MSD Sewer

ACCESS ROAD: Dry Ferry Rd. and Ferry Rd.

D. REZONING REQUEST

Summary: Ricky and Rebecca Rogers have requested to rezone three (3) parcels of land from R-1 Residential to R-3 Residential.	**Existing:** R-1 Residential
	Proposed: R-3 Residential

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:	11-5-25 11-5-25 11-5-25 11-17-25	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 parcels are approximately a combined 13.4 acres in size. They are adjacent to R-3 zoning to the North and West. The parcel located at 4 Dry Ferry Rd is adjacent to R-1 zoning to the South and East and some CS zoning the Southwest. The unaddressed parcel on Ferry Rd. is adjacent to the City of Asheville to the East across Ferry Rd. The parcel located at 80 Ferry Rd. is adjacent to R-1 to the North and East. 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 these parcels are 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)* All three parcels are within 1,500 ft from Brevard Rd. which is less than 1/3 of a mile. The parcel located at 4 Dry Ferry Rd. is less than 100 ft from Brevard Rd.	**X**	
6. **Support higher density residential development near job centers and amenities** *(Transportation Action 4)* The density will change from 10 units per acre to 12 units per acre. These properties are roughly a mile south of the Outlet Mall and a mile north of the Pratt and Whitney site. Both are considered job centers in the area.	**X**	
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)* These parcels are in the Mixed Use Neighborhood land use type 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 these parcels.	**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)* These properties have the potential to be developed at a slightly higher residential intensity if rezoned to R-3. This would include manufactured home parks and multi-family residential.	**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)* These parcels are designated as a Mixed Use Neighborhood. This does not apply	**N/A**	
ENVIRONMENTAL:	**CONSISTENT**	**NOT CONSISTENT**
11. Steep Slope/High Elevation and Protected Ridge Overlay Districts The parcel is not within an Overlay District.	**X**	
12. Regulated Flood Hazard Areas The parcel is not within a regulated flood hazard area.	**X**	

13. 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:

DIRECTION	ZONING	ADJACENT USES
NORTH	R-1	Low density residential
EAST	CoA (Com Exp)	Government land
SOUTH	R-1	Residential Building lot
WEST	R-3	Manufactured Home Park

X

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.)*

Many of the existing R-1 parcels are currently already adjacent to R-3 parcels. There is no transition needed bewteen R-1 and R-3 since they are both residential zoning districts. If a commercial project were proposed for the parcels, 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?

Most of the properties immediately adjacent to the subject parcels are low density residential uses and a manufcatured home park. The uses allowed in R-3 align with these current uses. The parcels are also in close proxmity to commercial land uses on Brevard Rd. and Dry Ferry Rd.

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: Bed & Breakfast Inns, Cemetery, Group Homes, Libraries, Manufactured Home Parks, Medical Clinics, Multi-family residential, and schools, etc.

5. DENSITY & DIMENSIONAL STANDARDS COMPARISON:

		Existing District:	Proposed District:
		R-1 Residential	**R-3 Residential**
Min. Lot Size	No Public Sewer	30,000 SF	30,000 SF
	Public Sewer/No Water	12,000 SF	10,000 SF
	Public Water & Sewer	8,000 SF	6,000 SF
Max. dwelling units per acre		10	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:

The subject properties are located in close proximity to a Buncombe County owned property that was recently approved for a residential development by the City of Asheville. The site is commonly referred to as the Ferry Rd. development.

J. COMPARISON OF ZONING ORDINANCE DISTRICT STATEMENT OF INTENT

EXISTING ZONING DISTRICT – R-1	**PROPOSED ZONING DISTRICT – R-3**
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 of incompatible land uses, and this district does not allow manufactured home parks.	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 provides for various recreational, community service and educational uses that will complement the residential development.

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