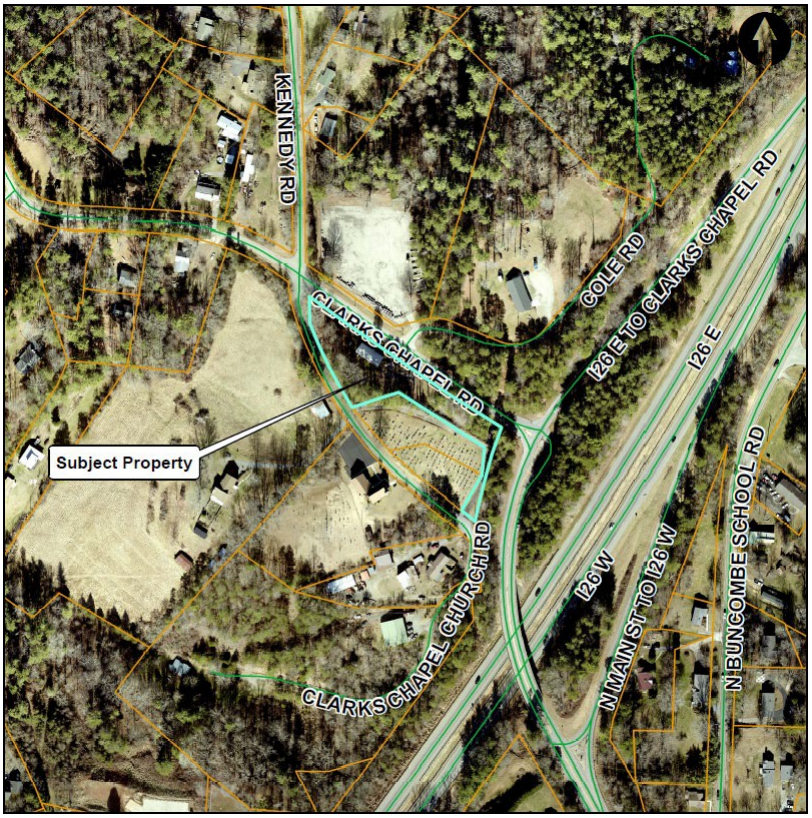
BUNCOMBE COUNTY
PLANNING & DEVELOPMENT
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ZONING MAP AMENDMENT
STAFF ANALYSIS
Legislative Hearing

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	7-23 & 7-30-25 7-23-25 7-25-25 8-5-25

E. RECOMMENDATION & SUMMARY OF CONSISTENCY REVIEW	
STAFF: APPROVAL	Staff recommends that the rezoning of the parcels be approved as it is consistent with the recommendations from the Comprehensive Plan for 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

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

PROPOSED ZONING DISTRICT – CS

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

M. ATTACHMENTS

- Application
- Maps