

## MEETING OF THE HENDERSON COUNTY BOARD OF ADJUSTMENT

Administration Building  
King Street Meeting Room  
100 N. King Street  
Hendersonville, NC 28792

Wednesday, July 25, 2012

4:00 PM

### CASES

● **Case SUP-12-03** Albert & Valudia Jackson requested a Special Use Permit for a commercial dog kennel at 1050 Upward Rd, required in Residential Two Rural and in the Community Commercial Zoning District per SR 6.7 in the Land Development Code. PIN 9597094920.

● **Case SUP-12-04** Boyd Hyder requested a Special Use Permit for an Asphalt Plant located off of Clear Creek Rd, required in industrial Zoning District per SR 10.1 in the Land Development Code. PIN 9660929834.



## Henderson County, North Carolina Code Enforcement Services

### 1. **Board Request**

- 1.1. **Applicant:** Albert & Valudia Jackson
- 1.2. **Request:** Special Use Permit to allow a Dog Kennel-SR 6.7
- 1.3. **PIN:** 9597-09-4920
- 1.4. **Size:** 17.91 acres +/-
- 1.5. **Location:** The subject area has access off of Upward Rd and Howard Gap Rd.
- 1.6. **Supplemental Requirements:**

(1) Site Plan. Major Site Plan required in accordance with §200A-331 (Major Site Plan Review).

(2) Lighting. Adequate lighting shall be placed in areas used for vehicular/pedestrian access including, but not limited to: stairs, sidewalks, crosswalks, intersections, or changes in grade. Lighting mitigation required.

(3) Separation. A Kennel shall not be constructed or newly located within 200 feet of an existing dwelling unit (Located in a residential zoning district and not located on the same property as the use).

(4) Structure. The Kennel shall provide pens which are enclosed and adequately ventilated.

(5) Operations. Limited outdoor exercise runs/facilities shall be permitted, however, hours of use shall be restricted to from 8:00 am to 8:00 pm. Food and animal refuse shall be kept in airtight containers.

(6) Screening. Screen Class three (3) shall be provided consistent with the requirements of §200A-182 (Screen Classification)).

(7) Solid Waste Collection. The facility shall provide a suitable method of solid waste disposal and collection consisting of either private collection from individual uses or the use of dumpsters (installed and/or operated to meet all local and state states, ordinances and regulations (including Chapter 165 of the Henderson County Code, Solid Waste) and thereafter certified by the Department of Public Health). Where dumpsters are used, screen class One (1), two (2), or three (3) shall be provided consistent with the requirements of §200A-182 (Screen Classification)).

## TRC Comments from July 3, 2012

Please add the following items to the site plan:

- Draw screening and dumpster location

The following Conditions were added by the Technical Review Committee:

- Apply for NCDOT Driveway Permit
- Coordinate Waterline Installation/Encroachment Permit with NCDOT/City of Hendersonville
- Apply for Erosion Control Permit
- Provide Backflow Prevention for City of Hendersonville
- Obtain an Upward Road Address
- Draw Screening and dumpster location on site plan

Map A: Aerial Photo



**2. Current Conditions**

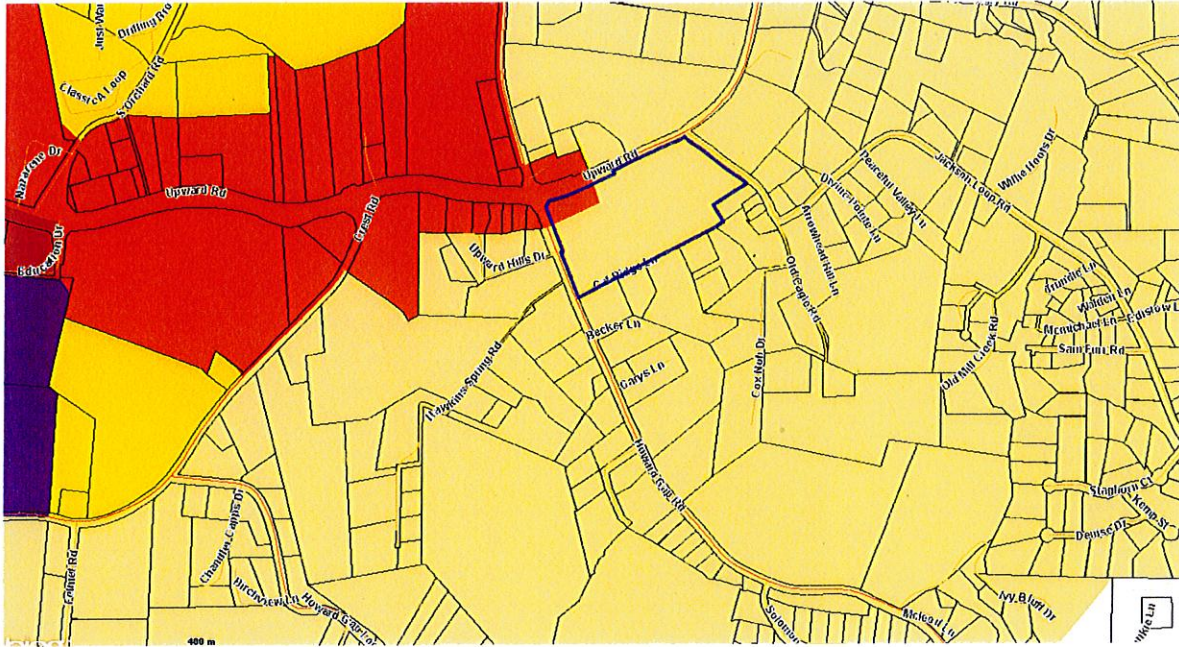
**2.1 Current Use:** The parcel was originally permitted for residential and agricultural use

**2.2 Adjacent Area Uses:** The surrounding properties to the north, south, east and west are commercial, residential, and agricultural. Surrounding businesses include one car repair business and an exiting apple orchard onsite.

**2.3 Zoning:** The current zoning of surrounding property to the north-east, east, west, and south is zoned (R2R). The adjacent property to the north-west is zoned (CC). The nearest commercial business is just on the other side of Upward Road approximately 100' west of the property driveway entrance.

**2.4 Floodplain /Watershed Protection** The property is not located in a Special Flood Hazard Area. The property is not in a Water Supply watershed district.

**Map B: Current Zoning**



**3. Water and Sewer**

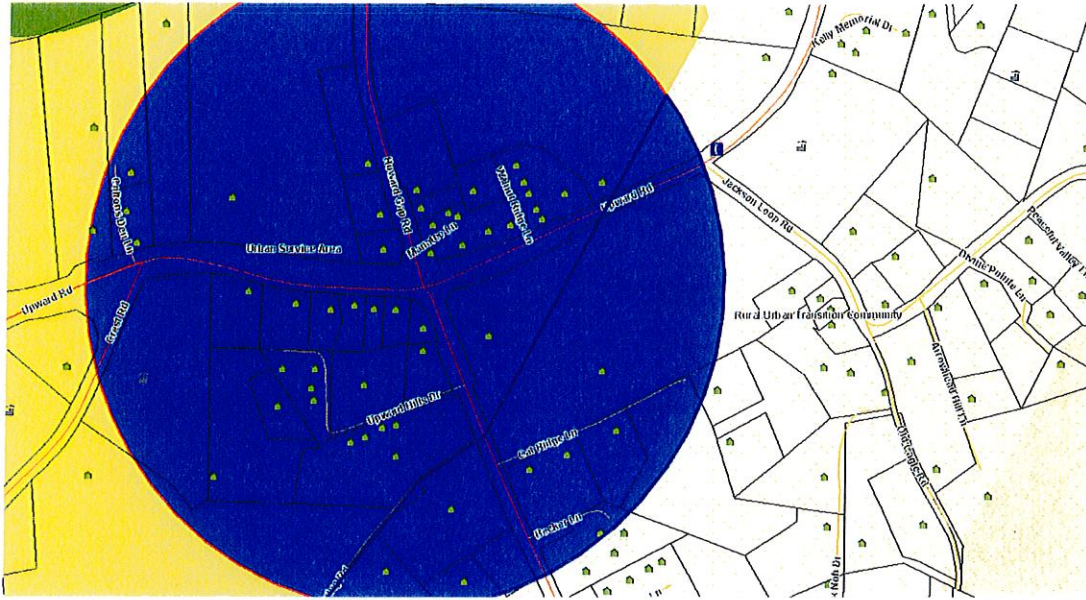
This property currently has the owners' residence, an accessory dwelling and an orchard.

- 3.1. **Public Water:** City of Hendersonville water is available for this property
- 3.2. **Private Sewer:** Property has existing septic systems for two existing structures.

**4. Comprehensive Plan**

**The 2020 CCP:** The CCP Future Land Use Map places the Subject Area in the "Community Service Center" classification. These areas are defined as follows:

*Community Service Centers* are intended to be intensive, efficient, defined concentrations of mixed services that meet the needs of the surrounding community and defined service areas. *Community Service Centers* are appropriate for a mixture of commercial uses scaled to the service area in question; residential uses of varying densities depending upon available services; and *Community Facilities* such as schools, parks, community centers, and other similar *Community Facilities*. The mixture and intensity of land uses contained within *Community Service Centers* are intended to be appropriate within the context of the surrounding community and intended service area. *Community Service Centers* should also be properly controlled by appropriate aesthetic standards, access management standards, and other appropriate development control measures.



**5. Staff Recommendations**

- a. Staff's position at this time, under the guidelines of current plans, policies and studies, is to support the Special Use Permit.

**6. Photographs (Looking down driveway into property from Upward Rd.**



**Looking East on Upward Road**



**Looking West towards Howard Gap Intersection**

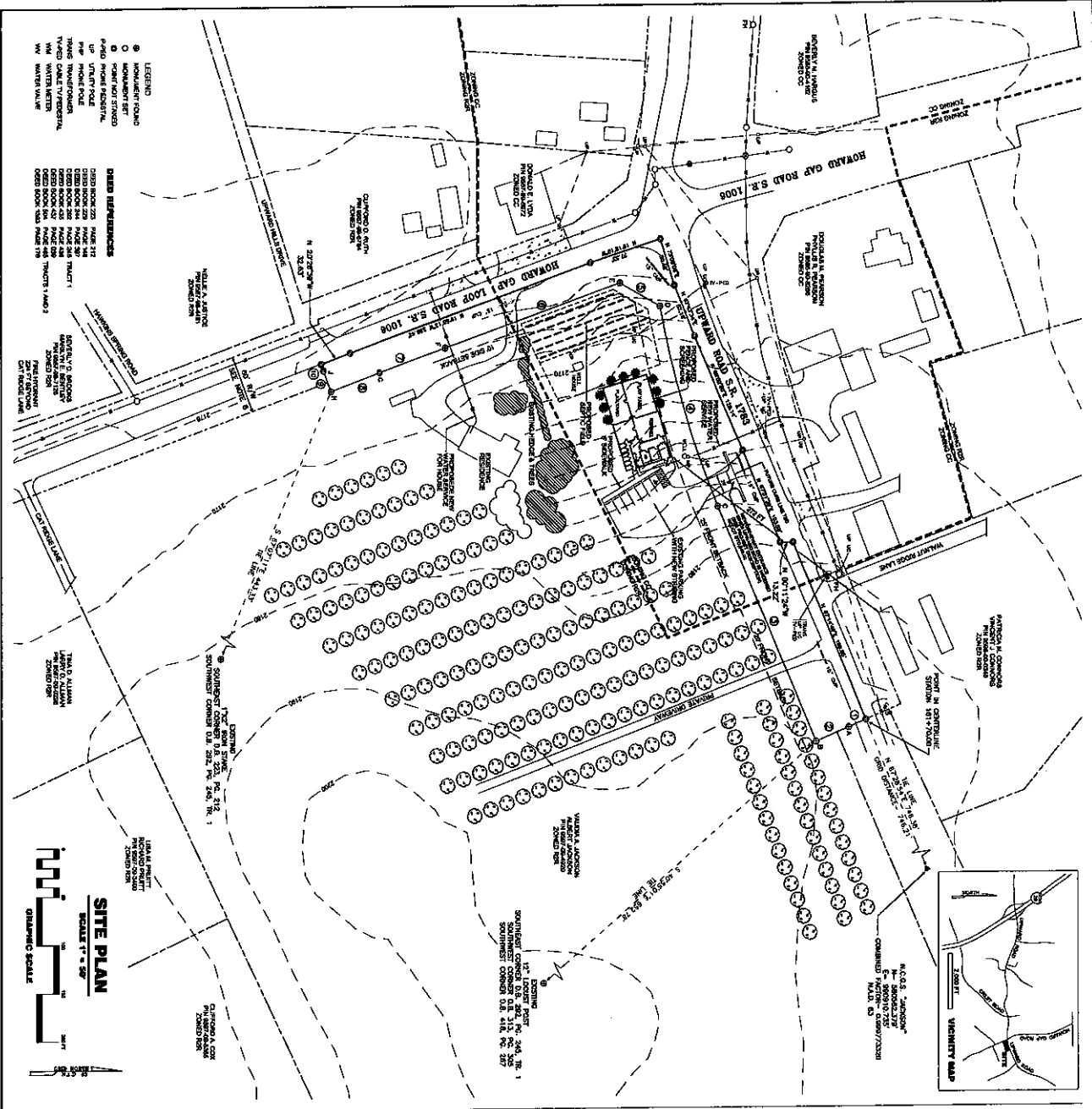


Staff Report: SUP 12-03  
Albert and Vaudia Jackson - Frady Kennel

**View of Accessory Dwelling and Kennel Location**







**NOTES**

**ASSURTY INFORMATION**

1. DESIGNER HAS CONDUCTED VISUAL SURVEY OF THE PROPERTY FROM THE ADJACENT ROADS AND HAS OBSERVED THE PROPERTY FROM THE ADJACENT ROADS. THE DESIGNER HAS CONDUCTED VISUAL SURVEY OF THE PROPERTY FROM THE ADJACENT ROADS AND HAS OBSERVED THE PROPERTY FROM THE ADJACENT ROADS. THE DESIGNER HAS CONDUCTED VISUAL SURVEY OF THE PROPERTY FROM THE ADJACENT ROADS AND HAS OBSERVED THE PROPERTY FROM THE ADJACENT ROADS.

**GENERAL NOTES**

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**PROPERTY DESCRIPTION**

OWNER: ASHLEY W. AND JONAS A. ANDERSON  
 ADDRESS: 1050 UPWARD ROAD, FLAT ROCK, NC 28731  
 COUNTY: WASHINGTON COUNTY, NC  
 ZONING: R-10  
 AREA: 1.14 ACRES  
 DEED REFERENCE: TWO (2) DEEDS, RECORDS 1008 AND 1009, WASHINGTON COUNTY, NC, DATED 08/14/08 AND 08/14/09.

**PROJECT DESCRIPTION**

DESIGN AND CONSTRUCTION OF A DOG KENNEL FACILITY, INCLUDING BUT NOT LIMITED TO: DOG KENNELS, WALKING PATHS, FENCING, AND SUPPORT BUILDINGS.

**EXISTING CONDITIONS**

EXISTING UTILITIES: 10" WATER MAIN, 6" GAS MAIN, 4" SANITARY SEWER, 12" RAINFALL MAIN, 18" POWER LINE.  
 EXISTING FENCING: 6' TALL WOODEN FENCING ALONG THE ADJACENT ROADS.

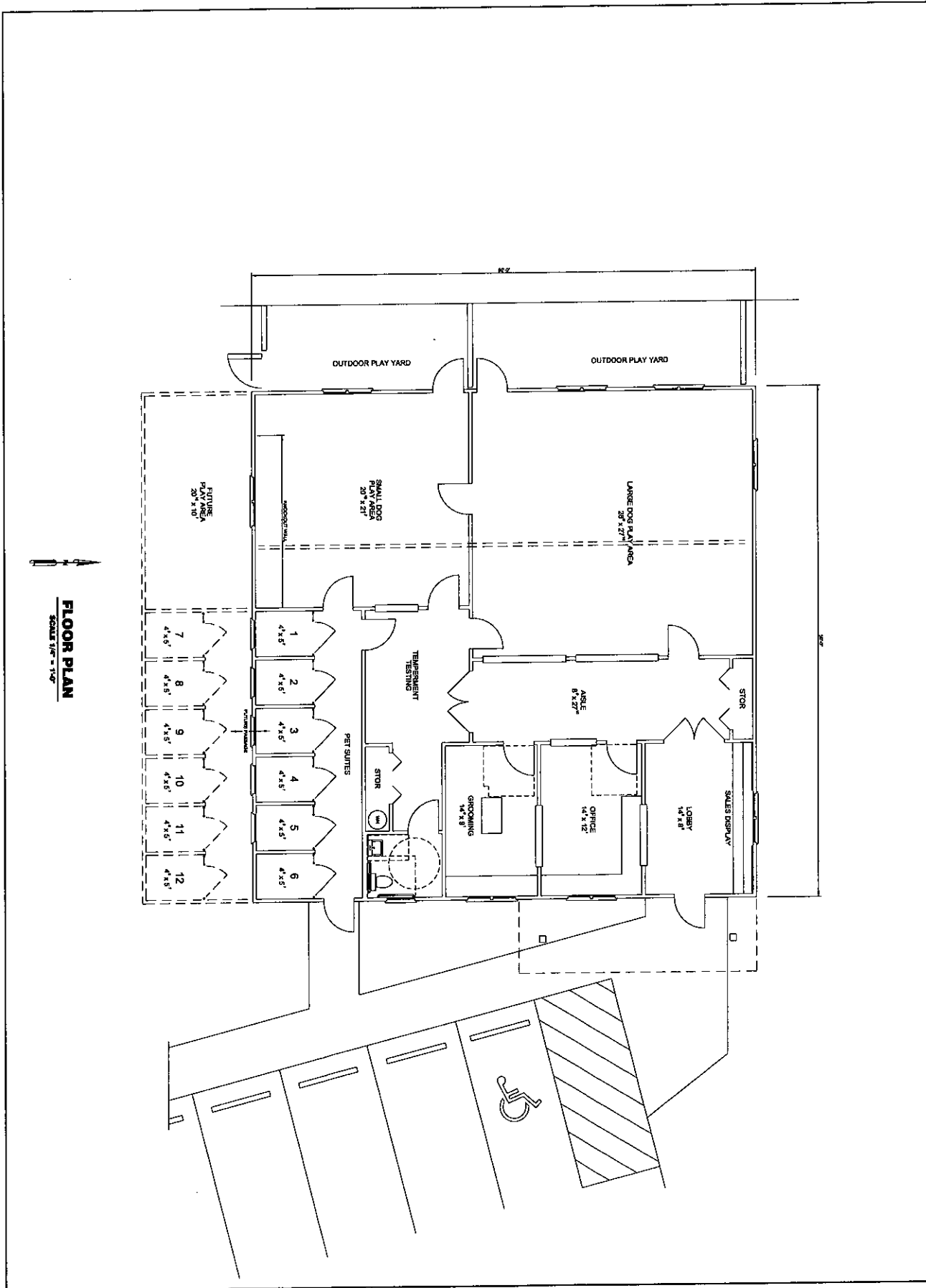
**PROPOSED CONDITIONS**

NEW DOG KENNELS: 100 UNITS, 10' X 10' EACH.  
 WALKING PATHS: 10' WIDE, 10' SPACING.  
 FENCING: 6' TALL WOODEN FENCING ALONG THE ADJACENT ROADS AND A PERIMETER FENCE.  
 SUPPORT BUILDINGS: 10' X 10' STORAGE BUILDING, 10' X 10' WALKING PATHS, 10' X 10' WALKING PATHS.

**CONSTRUCTION NOTES**

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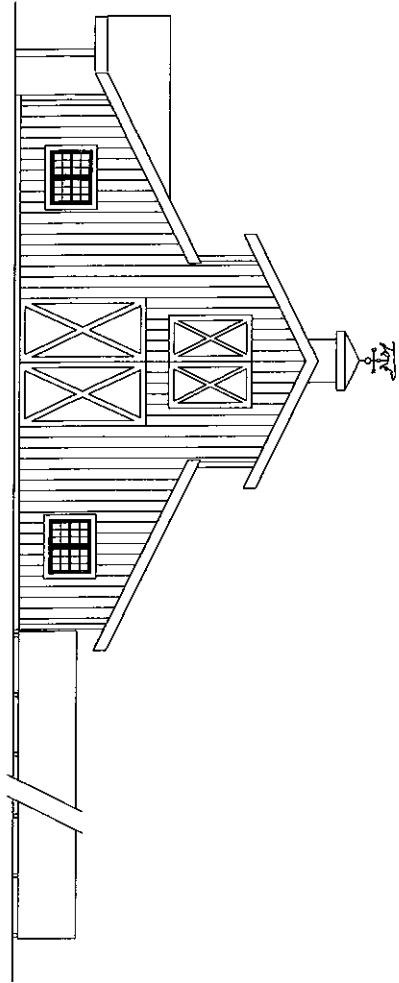
<p>NEW DOG KENNEL FOR  <b>DEIDRA FRADY</b>          1050 UPWARD ROAD - FLAT ROCK NC 28731          PETER G. KNOWLAND - ARCHITECT, PLLC 2A HERMAN AVENUE EXTENSION - ASHEVILLE NC 28803 (828) 667-2448</p>	<p>DATE: 6/17/12</p> <p>REVISIONS: ADDED TOBY LAVILLE REVIEW COMMENTS</p>	<p>CONTRACT NO. 2012-001</p> <p>PROJECT: NEW DOG KENNEL FOR DEIDRA FRADY</p>	<p>2788</p>
	<p>REVISED: 6/17/12</p> <p>SHEET: 01</p>		



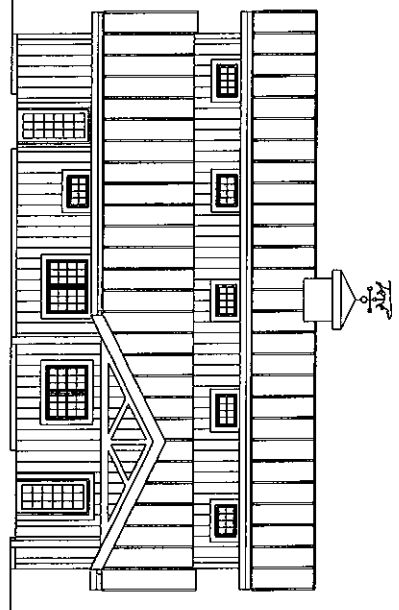
**FLOOR PLAN**

SCALE 1/8" = 1'-0"

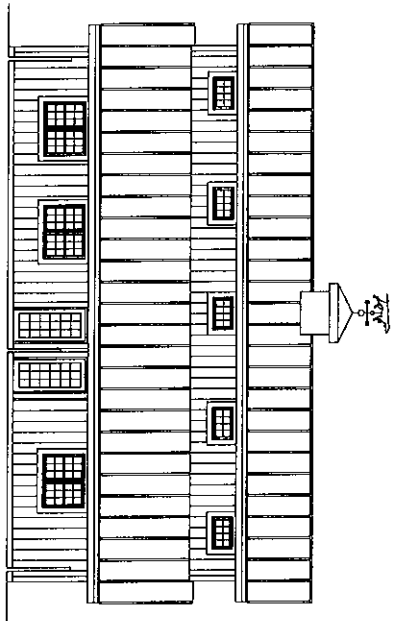
<p><b>A1</b></p> <p>SHEET</p> <p>OF 2</p>	<p>NEW DOG KENNEL FOR</p> <p><b>DEIDRA FRADY</b></p> <p>1050 UPWARD ROAD - FLAY ROCK NC 28731</p> <p>PETER G. KNOWLAND - ARCHITECT, PLLC 2A HERMAN AVENUE EXTENSION - ASHEVILLE NC 28603 (828) 697-2445</p>	DATE	REVISIONS	<p>REGISTERED ARCHITECT</p> <p>PETER G. KNOWLAND, AIA</p> <p>NO. 51391</p> <p>STATE OF NORTH CAROLINA</p>	<p>2788</p>



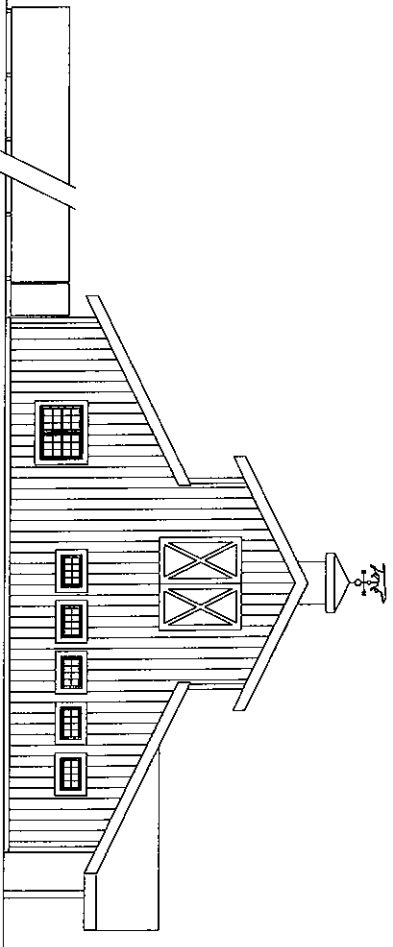
**NORTH ELEVATION**  
SCALE 3/16" = 1'-0"



**EAST ELEVATION**  
SCALE 3/16" = 1'-0"



**WEST ELEVATION**  
SCALE 3/16" = 1'-0"



**SOUTH ELEVATION**  
SCALE 3/16" = 1'-0"

DATE	REVISIONS

PROFESSIONAL SEAL  
PETER G. KNOWLAND  
ARCHITECT



NEW DOG KENNEL FOR  
**DEIDRA FRADY**  
 1050 UPWARD ROAD - FLAT ROCK NC 28731  
 PETER G. KNOWLAND - ARCHITECT, PLLC 2A HERMAN AVENUE EXTENSION - ASHVILLE NC 28803 (828) 667-8445

DATE: JUNE 16, 2012  
 SHEET: **A2**  
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