

IN THE MATTERS OF THE APPLICATIONS OF

PRESTON AND LORI ALLMAN, Applicants,

to the

HENDERSON COUNTY ZONING BOARD OF ADJUSTMENT,  
Permit Authority,

Regarding

“CAMPGROUNDS”

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The Henderson County Zoning Board of Adjustment held a quasi-judicial hearing September 28, 2016, to consider the application SUP-16-04, seeking a special use permit to allow use of certain property for campgrounds. The application was submitted by tenants of the property in question. Having heard all of the evidence and arguments presented at the hearing, the Zoning Board of Adjustment makes the following findings of fact:

1. A quasi-judicial hearing was held by the Henderson County Zoning Board of Adjustment on the special use permit application SP-16-04. A quorum of members of the Zoning Board of Adjustment was present. The members present and participating were:
  2. Ronald S. Kauffman, Chair  
Jim Clayton  
Morton Lazarus  
Tony Engel  
Anne Pouch
3. All members of the Zoning Board of Adjustment affirmed their ability to make an impartial decision in this matter, and no party or member objected to any other member's participation in this hearing.
4. Notice of the quasi-judicial hearing, pursuant to the Henderson County Code (“the Code”) was duly and timely given in accord with the provisions of §42-371. This included certified mailing to the applicants and all adjacent property owners to the boundary of the subject property, published notice, and the posting of notice on the subject property.
5. This application was filed by Lori Allman and Preston Allman (the “Applicants”). Applicants are owners of the property to be included in the special use, which property consists of Henderson County PIN 9525499441. This property is currently zoned Residential Three.
6. At the commencement of this hearing, the Chair stated that the Board recognized the Applicants and the Henderson County Planning Department as parties to this hearing, and inquired whether any person or entity sought to become a party to this action.
  - a. Randy Heiny is an adjacent property owner and was made a party to this action.

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7. In order to grant any special use, the Board must find that the proposed use will:

- a. Not materially endanger the public health, safety or welfare;
- b. Not substantially injure the value of property or improvements in the area; and
- c. Be in harmony with the surrounding area.

8. In addition, the Board must find that the proposed use meets the specific standards for each specific special use set out in the Henderson County Land Development Ordinance, Chapter 42 of the Henderson County Code. The use proposed here is "Campground". The use proposed is a potential special use in Residential Three zones. The specific standards for the proposed use are set out in Supplemental Regulation SR 4.3 of the Land Development Ordinance, found at Section 42-63 thereof. The standards are as follows:

- a. Site Plan. Major Site Plan required in accordance with §42-331 (Major Site Plan Review)
- b. Lighting. Lighting mitigation required.
- c. Size. No campground located on/adjacent to a residential zoning district shall contain more than 200 campsites. Individual campsites shall be a minimum of 500 square feet.
- d. Perimeter Setback. Fifty (50) feet.
- e. Common Area. A common area shall be provided, that is equivalent in square footage to 25 percent the total square footage in: campsites, structures on site, parking areas and driveways. Common area shall be accessible for the use and enjoyment of campground occupants, located as to be free of traffic hazards and maintained in good condition by the applicant.
- f. Operations. The campground: a. May contain structures ancillary to the use; and b. shall be permitted one (1) store, exclusively for the sale of incidental gifts and foodstuffs.
- g. 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 statutes, 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 §42-182 (Screen Classification)
- h. Common Area Recreation and Service Facilities. Those facilities within the campground shall be for the sole purpose of serving the overnight guests in the campground, and shall adhere to the development standards established therefore in SR 4.6 (Common Area Recreation and Service Facilities).

9. Pursuant to §42-356H, "[t]he concurring vote of four-fifths (4/5) of the members" of the Board is required to grant the special use permit.

10. A motion was made by Tony Engel to grant the special use, all standards having been met, subject to certain conditions. All members voted aye.

From the foregoing, the Zoning Board of Adjustment concludes as follows:

1. All parties were properly before the Board, and all evidence presented herein was under oath, and was not objected to by any party. All evidence relied upon in this Order was credible and reliable.

2. The Zoning Board of Adjustment has jurisdiction to hear this matter.

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3. All parties, and all persons entitled to notice, have been given proper notice of this hearing and afforded the right to be heard.

4. The application for the special use permit should be granted.

**IT IS THEREFORE ORDERED** by the Henderson County Zoning Board of Adjustment that Henderson County special use permit amendment application number SP-16-04 is hereby granted.

IT IS THEREFORE ORDERED by the HENDERSON COUNTY BOARD OF ADJUSTMENT as follows:

**The Applicant's Special Use Permit has been GRANTED. The Applicant must adhere to the conditions established in this Order:**

1. Applicant must agree to in writing the provisions of this order.
2. Applicant must comply with all the requirements in Supplemental Requirement 4.3.
3. Applicants are bound to the site plan as presented except for the conditions in this Order.
4. Approval is contingent on a NCDOT driveway permit, approval by Environmental Health for the well and the septic systems and the requirements placed by the Technical Review Committee.
5. There will be no generators, no motor bikes, no hunting, and no shooting on the project.
6. The campground must have a curfew for music and lights of 10:30pm.
7. Any Amendments, changes or modifications of this Order must be approved by this Board.
8. Failure to comply with the conditions in this order may result in the revocation of this Permit.

Announced September 28, 2016, and approved in final form, this the 26<sup>th</sup> day of October 2016.

THE HENDERSON COUNTY ZONING BOARD OF ADJUSTMENT

By: \_\_\_\_\_  
RON KAUFMAN, Chairman

Attest:

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TOBY LINVILLE, Secretary to the Zoning Board of Adjustment