

**REQUEST FOR COMMITTEE ACTION**  
**HENDERSON COUNTY**  
Zoning Board of Adjustment

**MEETING DATE:** June 26, 2013

**SUBJECT:** Special Use Permit Application (SUP-13-03) for an Outdoor Recreational Facility-  
151 J D Hogg Lane (off Old Clear Creek Rd)

**PRESENTER:** Toby Linville, Code Enforcement Director

**ATTACHMENTS:**

1. Staff Report
2. Photographs
3. Site Plan
4. Special Use Permit Application

**SUMMARY OF REQUEST:**

The applicants are requesting a Special Use Permit to allow them to use this property as an Outdoor Recreational Facility.

Staff requests that the ZBA review the application and make a decision based on evidence presented for this project.

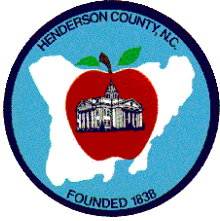
**Suggested Motion:**

**I move to approve SUP-13-03 for Fred Lyda with the following conditions:**

- **Meet requirements of SR 4.15**

**The use will:**

- a) **Not materially endanger the public health, safety or welfare because the owners reside on the property and will monitor its use;**
- b) **Not substantially injure the value of the property or improvements in the area because the use will be rural in nature: and**
- c) **Be in harmony with the surrounding area because it will be rural and residential in nature.**



## Henderson County, North Carolina Code Enforcement Services

### 1. **Board Request**

- 1.1. **Applicant:** Lyda Outdoor Recreational Facility
- 1.2. **Request:** Special Use Permit
- 1.3. **PIN:** 0602-37-8235
- 1.4. **Size:** 16.42 acres +/-
- 1.5. **Location:** The subject area is located at 151 J D Hogg Lane.
- 1.6. **Supplemental Requirements:**

**SR 4.15. Outdoor Recreational Facilities.** *Outdoor recreational facilities* shall include courts (basketball, tennis, etc.), playing fields (soccer, baseball, etc.), swimming pools, batting cages, shuffleboard areas and/or any other such *uses* that fit the intent of this section as interpreted by the *Zoning Administrator*.

- (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) Perimeter Setback. One hundred (100) feet (equipment, machinery and/or mechanical devices shall not be placed within 200 feet of a *residential zoning district*. All *structures* shall be 100 feet from a *residential zoning district* property).
- (4) Structure. For activities which present potential safety hazards (batting cages, baseball fields, driving tees, etc.) fencing, netting or other control measures shall be required.
- (5) Operations. A recreational facility may contain on-site food sales for patrons of the recreational facility only, provided they obtain all necessary permits.
- (6) 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 §200A-182 (Screen Classification)).
- (7) Public Address/Loud Speakers. Public address and loud speaker systems shall not be operated before 8:00 a.m. or after 12:00 midnight.
- (8) Hours of Operation. 6:00 a.m. to 12:00 midnight.

**Map A: Aerial Photo/Pictometry**





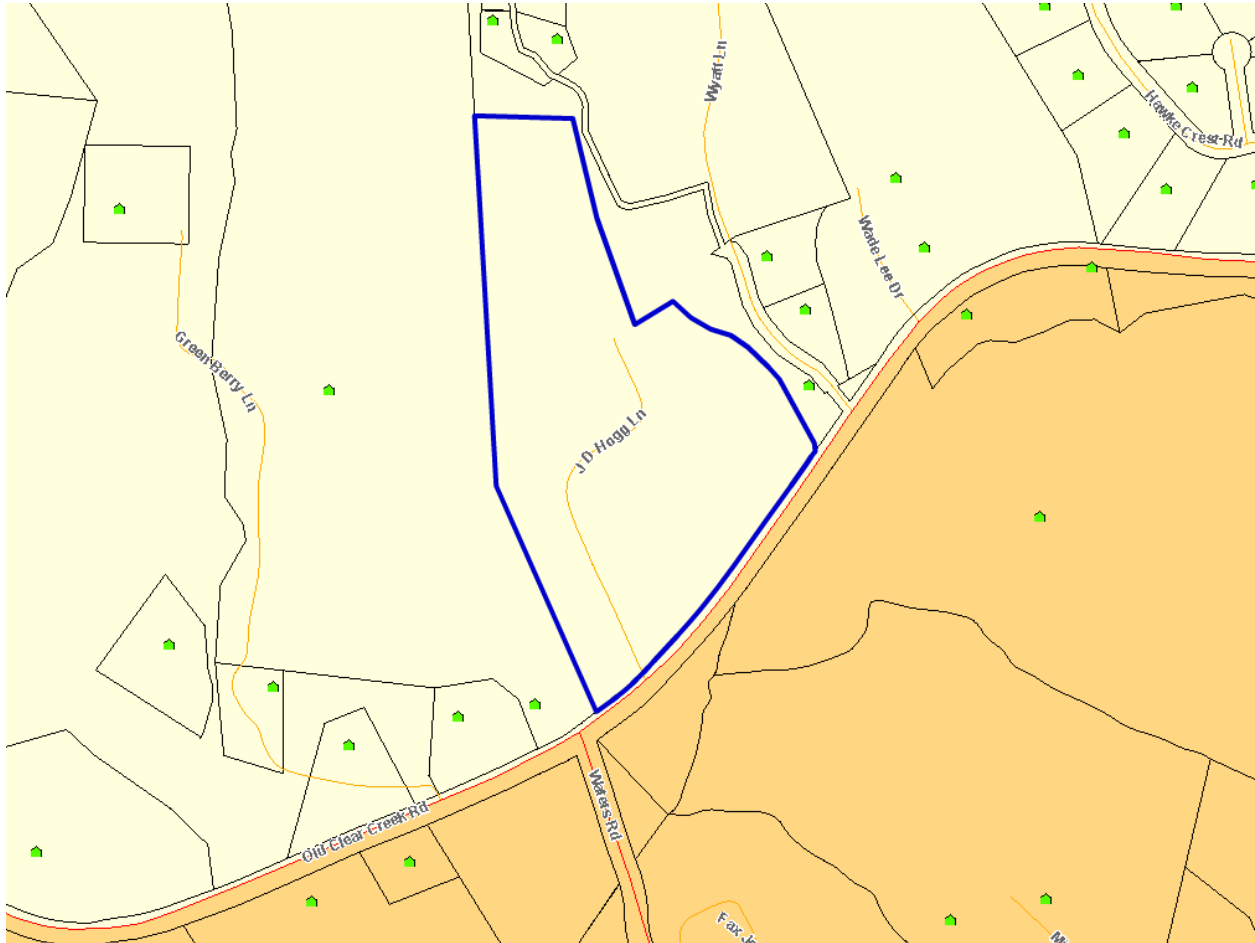
**2. Current Conditions**

**2.1 Current Use:** This parcel is currently in residential use.

**2.2 Adjacent Area Uses:** The surrounding properties consist of residential and undeveloped land.

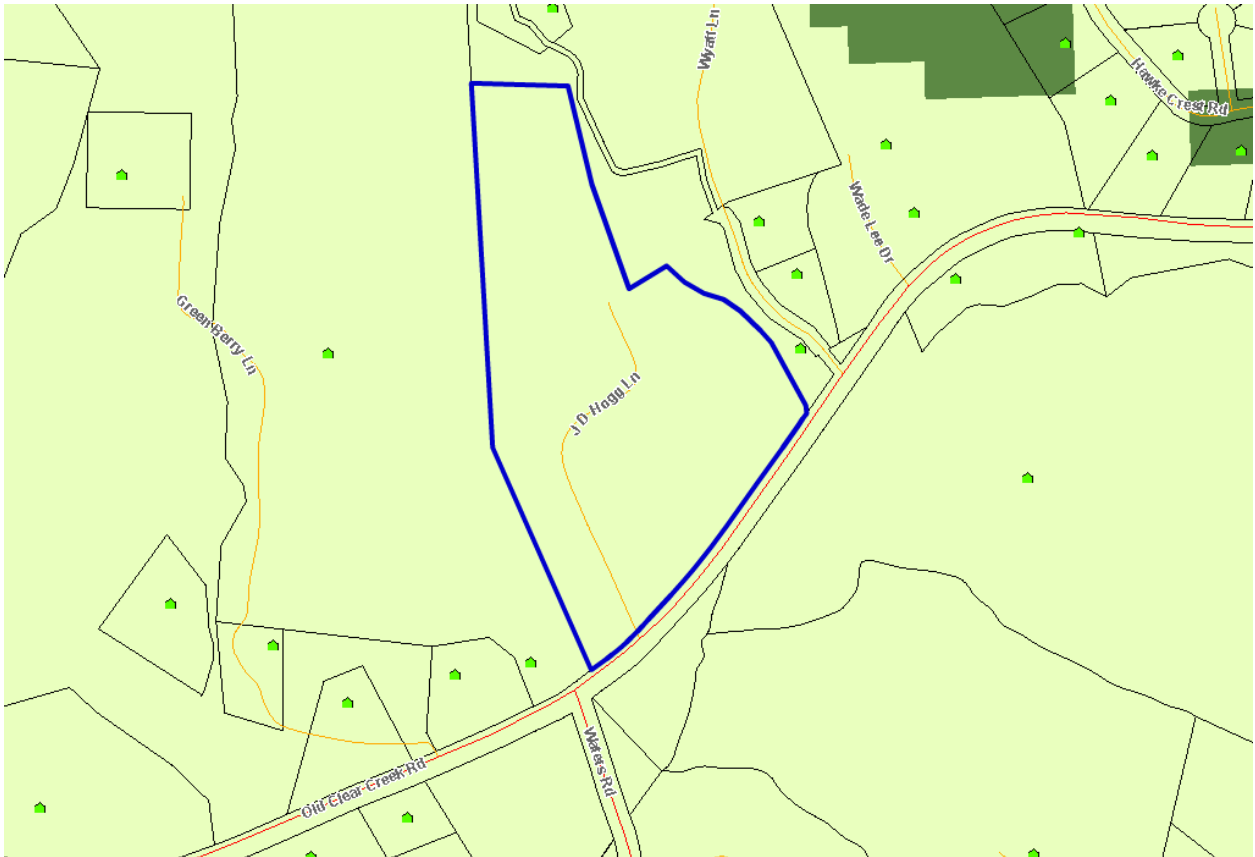
**2.3 Zoning:** The surrounding property to the north and west is zoned Residential 3 (R3), property to the east is zoned Residential 3 (R3) and Residential 2 Rural (R2R), and property to the south is zoned Residential 2 Rural (R2R).

**Map B: Current Zoning**



3. The property is not located in special flood hazard area. The property is not in a Water Supply Watershed district.
4. **Water and Sewer** Private well and septic system serve this property.

### Map C: CCP Future Land Use Map



#### 5. Staff Comments

**The 2020 CCP:** The CCP Future Land Use Map places the Subject Area in the Rural/Agricultural Area classification. The text and map of the 2020 CCP suggest that the Subject Area would be more suitable for the following:

1. The RAA covers those portions of the county that are predominantly rural and are characterized by low-density residential development with substantial land areas devoted to agriculture and undeveloped lands. Land use policies will seek to retain that character.
2. Slopes are typically steep, often exceeding 10%, with significant areas greater than 20%.
3. Most sections of the RAA are so far from sewer services as to make their extension largely impossible. Land development regulations should recognize this by not permitting densities that would require sewer services or introduce traffic capacity problems and by encouraging densities that are consistent with steep slopes, poor septic capacities, and sensitive topography.

#### 6. Staff Recommendations

The Technical Review Committee voted to recommend approval of the project to the Board of Adjustment and approved the site plan for the project.



7. **Photographs**

**Looking Northeast along Old Clear Creek Rd**



**Looking North**





**Looking Southeast**



**Looking Southwest along Old Clear Creek Rd.**





**Looking South**





NOTES

1. REFERENCES - DEED BOOK 1501, PAGE 717  
PLAT CABINET \_\_\_\_\_, SLIDE \_\_\_\_\_
2. AREA DETERMINED BY COORDINATE COMPUTATION
3. MAP IS NOT FOR RECORDATION
4. NORTH ARROW SHOWN IS OBTAINED FROM MAGNETIC OBSERVATION UNLESS OTHERWISE SHOWN
5. MINIMUM SETBACKS  
FRONT 15'-  
REAR 15'-  
SIDE 15'- ZONED R-3
6. THIS MAP IS NOT TRANSFERABLE AND MAY NOT BE USED BY ANY OTHER PERSON OR ENTITY WITHOUT WRITTEN AUTHORIZATION BY LAUGHTER, AUSTIN AND ASSOC., P.A. THE MAP IS PROVIDED FOR THE USE OF THE PARTIES NAMED HEREON.
7. This project is located within 1/2 mile of land in a Farmland Preservation District.
8. The private roads indicated on this Final Plat may not meet the requirements of the North Carolina Department of Transportation for acceptance into the state road system.
9. Precise track of Fitness Trails and locations of Fitness Stations to be determined.
10. Event hosting activities will likely encompass entire property.
11. No new permanent structures planned at this time.
12. Fully accessible public restroom facilities will be located in the basement of the house.
13. TOPO TAKEN FROM GIS.

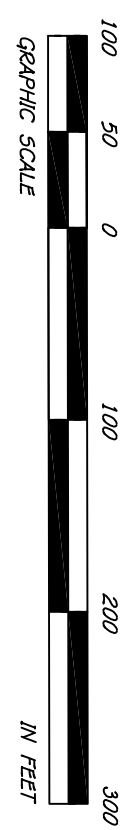
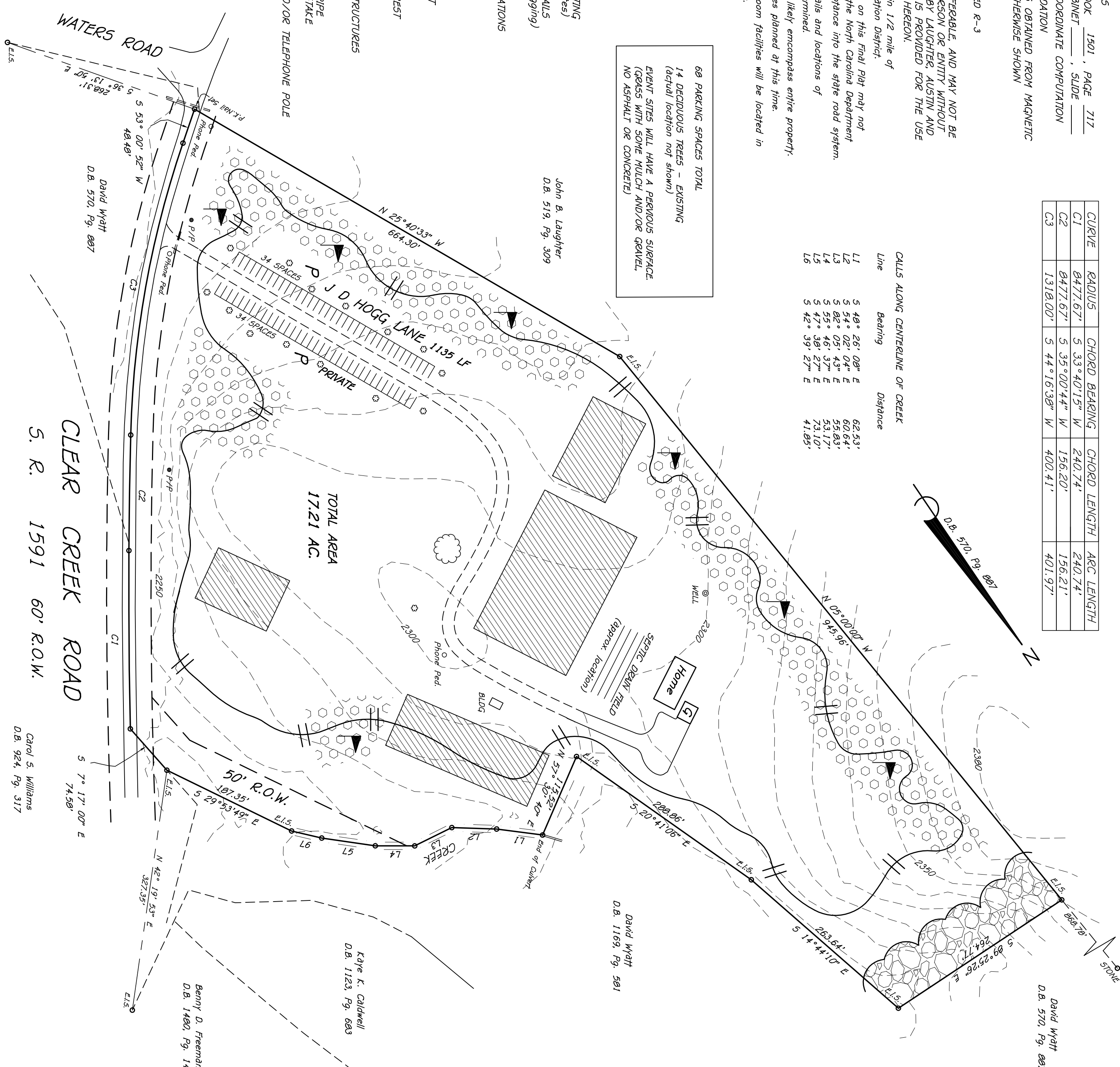
CURVE	RADIUS	CHORD BEARING	CHORD LENGTH	ARC LENGTH
C1	8477.67'	S 33°40'15" W	240.74'	240.74'
C2	8477.67'	S 35°00'44" W	156.20'	156.21'
C3	1318.00'	S 44°16'38" W	400.41'	401.97'

CALLS ALONG CENTERLINE OF CREEK

Line	Bearing	Distance
L1	S 48° 25' 08" E	62.53'
L2	S 54° 02' 04" E	60.64'
L3	S 82° 05' 43" E	55.83'
L4	S 55° 46' 37" E	53.17'
L5	S 47° 38' 27" E	73.10'
L6	S 42° 39' 27" E	41.85'

68 PARKING SPACES TOTAL  
14 DECIDUOUS TREES - EXISTING  
(actual location not shown)  
EVENT SITES WILL HAVE A PERVIOUS SURFACE  
(GRAVSS WITH SOME MULCH AND/OR GRAVEL,  
NO ASPHALT OR CONCRETE)

- LEGEND
- EVENT HOSTING (primary sites)
  - FITNESS TRAILS (walking/jogging)
  - FITNESS STATIONS
  - PARKING
  - OLD FOREST
  - YOUNG FOREST
  - EXISTING STRUCTURES
- E.I.P. - EXISTING IRON PIPE  
E.I.S. - EXISTING IRON STAKE  
F.K. - NAIL MARKER  
P/P - POWER POLE AND/OR TELEPHONE POLE  
R.O.W. - RIGHT OF WAY  
R - RADIUS  
L - LENGTH OF CURVE



FLOOD HAZARD NOTE

BY GRAPHIC PLOTTING ONLY. THIS PROPERTY IS NOT IN A FLOOD HAZARD ZONE OF THE FLOOD INSURANCE RATE MAP, PANEL NO. 370125 0050 WHICH BEARS AN EFFECTIVE DATE OF MARCH 1, 1982. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE AND AN ELEVATION CERTIFICATE MAY BE NEEDED TO VERIFY THIS DETERMINATION OR APPLY FOR A VARIANCE FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

SITE PLAN  
made for  
**MOUNTAIN SKYLARK FARM**  
151 J D HOGG LANE  
HENDERSONVILLE, NC 28792  
(828) 243-4000

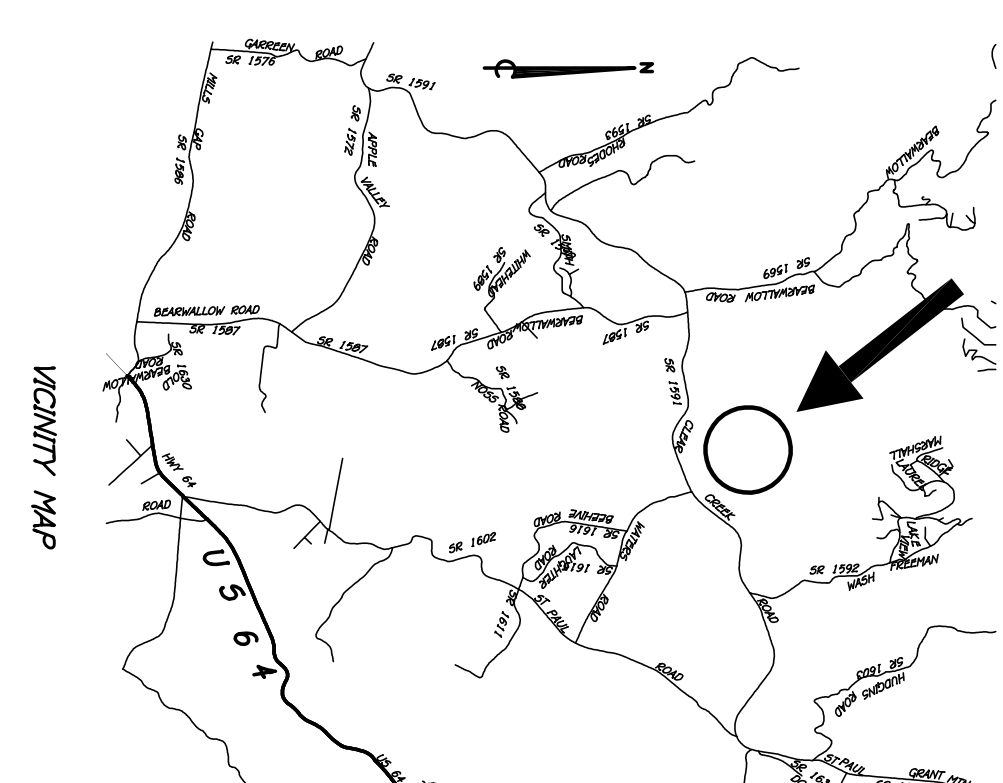
OWNER  
**FREDERICK R. LYDA**  
and wife,  
**CATHERINE L. LYDA**

OUTDOOR RECREATIONAL FACILITY

EDNEVILLE TWP. HENDERSON COUNTY, N.C.

**LAUGHTER, AUSTIN AND ASSOCIATES, P.A.**  
131 FOURTH AVENUE EAST  
HENDERSONVILLE, NORTH CAROLINA 28792  
(828) 692-9089 Cell (828) 606-9995

CREW CHIEF	TPW	CHECKED BY	DATE	SHEET NO.
DRAWN BY	TPW	SCALE	1" = 100 FT.	1 OF 1
CORRD. FILE	00416	DRAWING FILE	13020	
FLOOD MAP PANEL NUMBER	370125 0050	TAX PARCEL NUMBER	0602-37-8235	



JOB NO. 13-020

**HENDERSON COUNTY  
SPECIAL USE PERMIT APPLICATION FORM**

**GENERAL INFORMATION**

Date of Application: 03 Jun 13  
Previously Submitted (Circle One): Yes  No   
Date of Pre-Application Conference: TRC 21 May 13  
Site Plan Attached (Circle One): Yes  No   
Traffic Impact Study Required (Circle One): Yes  No

**SPECIAL USE PERMIT INFORMATION**

Type of use to be permitted: Outdoor Recreational Facility SR #: \_\_\_\_\_  
Existing Structures or Uses on property: house and shed  
Road System (Circle): Public  Private   
Water System (Circle):  Individual Community Public (Municipal or County)  
Sewer System (Circle):  Individual Community Public (Municipal or County)

**SITE PLAN REQUIREMENTS**

If a minor or major site plan is not specifically required, the applicant shall submit a site plan with the following items:

- Dimensions of property.
- Location of existing and proposed structures (including accessory structures), and general use thereof.
- Setbacks of existing and proposed structures from property lines and edge of right-of-way for roads (from centerline of roads for uses located in the R-40, WR, or SW districts).
- Separation of existing and proposed structures from one another.
- Parking and off/on loading areas
- Location of signs (including sign dimensions, height, type of material, lighting).
- Location and dimensions of existing and proposed roads / driveways and their entrance/exits.
- Location of dumpsters.
- Location and general description of any fences, landscaping or other buffering (proposed or existing).

Site plan not to exceed 11 X 17 size. Anything submitted larger than 11 X 17, the applicant must provide 12 copies with the application form.

**PARCEL INFORMATION**

1501/717  
PIN: \_\_\_\_\_ Deed Book/Page: 519/309 Tract Size (Acres): 17.21  
Zoning District: \_\_\_\_\_ Fire District: Edneyville Watershed: No Floodplain: No  
Location of property to be developed: off Old Clear Creek Rd in Edneyville.

**CONTACT INFORMATION**

**Property Owner:**

Name: Fred R. Lyda Phone: 828-243-4000  
Address: 151 J D Hogg Ln City, State, and Zip: Hendersonville, NC 28792

**Applicant:**

Name: Fred R. Lyda Phone: 828-243-4000



Address: 151 J D Hogg Ln

Application No. \_\_\_\_\_  
City, State, and Zip: Hendersonville, NC 28792

**Agent:**

Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, and Zip: \_\_\_\_\_

Agent Form (Circle One):    Yes    No

**Plan Preparer:**

Name: Laughter, Austin & Assoc.

Phone: 828-692-9089

Address: 131 4th Ave East

City, State, and Zip: Hendersonville, NC 28792

**STANDARDS FOR REVIEW**

The Land Development Code imposes the following GENERAL REQUIREMENTS on the use requested by the applicant. Under each requirement, the applicant should explain, where applicable, how the proposed use satisfies these requirements:

A. General Requirement #1: The use will not materially endanger the public health, safety or welfare:

Facilities will comply with applicable regulations and code.

B. General Requirement #2. The use will not substantially injure the value of property or improvements in the area.

We intend to ensure Mountain Skylark Farm is the most scenic and meticulously maintained property in the area.

C. General Requirement #3. The use will be in harmony with the surrounding area.

Mountain Skylark Farm already has a solid relationship with our neighbors, and we intend to offer special rates for use by locals, thereby encouraging fitness, while bringing business to the area through advertising.

The Land Development Code also imposes the following SPECIFIC REQUIREMENTS on the use requested by the applicant. The applicant should be prepared to demonstrate that satisfactory provisions have been made for the following, where applicable.

The proposed use shall be located and developed in such a manner as to:

a. Comply with all applicable local, state and federal statutes, ordinance and regulations.

Will add 20' apron at beginning of driveway. Near-term expansion will include restroom facility with paved parking/ access. Will comply with all ordinances and regulations.

b. Be in accordance with the Comprehensive Plan, Long Range Transportation Plans and Comprehensive Transportation Plans of the county and/or Long Range Transportation Plans and comprehensive Transportation Plans of any municipality of the County.

Will comply.



- c. Minimize the effects of noise, glare, dust, solar access and odor on those persons residing or working in the neighborhood of the proposed use.

*The size of our property allows us to avoid impacting the neighborhood.  
No intent to produce excessive noise, glare, dust or odor.*

- d. Minimize the environmental impacts on the neighborhood including the following groundwater, surface water, wetlands, endangered/threatened species, archeological sites, historic preservation sites and unique natural areas.

*Our only environmental impact will be positive.*

Show that satisfactory provision/arrangement has been made (where applicable or required) concerning:

- a. Ingress and egress to property and proposed structures thereon (with particular reference to automotive/pedestrian safety/convenience and traffic flow/control).

*Driveway will be maintained properly and regularly.*

- b. Off-street parking and loading areas.

*All parking and loading areas are on the property, not on the street.*

- c. Utilities (with particular reference to locations, availability and compatibility).

*Utilities will be configured with a special focus on efficiency, convenience and safety.*

- d. Buffering and landscaping (with particular reference to type, location and dimensions).

*Buffering/landscaping is already in progress.*

- e. Structures (with particular reference to location, size and use).

*Events will utilize temporary structures (tents).  
Will add small restroom(s) and catering kitchen facilities soon.*

I certify that the information shown above is true and accurate and is in conformance with the Land Development regulations of Henderson County.

*Fred R. Lyda*  
Print Applicant (Owner or Agent)

*[Signature]*  
Signature Applicant (Owner or Agent)

*03 June 13*  
Date

**County Use Only**

Fee: \$ \_\_\_\_\_ Paid: \_\_\_\_\_ Method: \_\_\_\_\_ Received by: \_\_\_\_\_

Authority to grant the requested permit is contained in the Land Development Code, Sections: \_\_\_\_\_

Community Planning Area: \_\_\_\_\_