

# REQUEST FOR BOARD ACTION

## HENDERSON COUNTY BOARD OF COMMISSIONERS

**MEETING DATE:** March 3, 2025

**SUBJECT:** Public Hearing for Rezoning Application #R-2024-07, Howard Gap Rd, Industrial (I) to Residential Two Rural (R2R)

**PRESENTER:** Liz Hanson, Planner I

**ATTACHMENTS:**

1. Staff Report
2. Certification of Public Hearing Notification
3. Comprehensive Plan Statement
4. Staff PowerPoint Presentation

### **SUMMARY OF REQUEST:**

Rezoning Application R-2024-07, submitted on November 11, 2024, requests that the County rezone approximately 2.81 acres of land from the Industrial (I) zoning district to the Residential Two Rural (R2R) zoning district. The zoning map amendment application is for a portion of PIN: 9660-85-8605 with access from Howard Gap Rd (SR 1006). The property owners and the applicants are Alex and Inna Bortnik.

The Technical Review Committee reviewed the application on February 18, 2025, and made a motion to forward it to the Planning Board for their review and recommendation. The Planning Board reviewed this application at their February 20, 2025, meeting and voted unanimously to forward it to the Board of Commissioners with a favorable recommendation.

### **PUBLIC NOTICE:**

Before taking action on the application, the Board of Commissioners must hold a public hearing. In accordance with §42-303 and §42-346 (C) of the Henderson County Land Development Code and State Law, notice of the March 3, 2025, public hearing regarding rezoning application #R-2024-07 was published in the Hendersonville Lightning on February 19, 2025, and February 26, 2025. The Planning Department sent notices of the hearing via first-class mail to the owners of properties within 400 feet of the Subject Area on February 19, 2025, and posted signs advertising the hearing on February 21, 2025.

### **BOARD ACTION REQUESTED:**

Before taking action on the rezoning request, the Board of Commissioners must hold a public hearing. A suggested motion is provided.

#### **Suggested Motion:**

I move that the Board approve rezoning application #R-2024-07 to rezone the Subject Area to the Residential Two Rural (R2R) zoning district based on the recommendations of the 2045 Comprehensive Plan and;

I move that the Board approve the attached resolution regarding the consistency with the 2045 Comprehensive Plan.



# STAFF REPORT

## HENDERSON COUNTY PLANNING DEPARTMENT

100 North King Street | Hendersonville, NC 28792 | (828) 697-4819

**Prepared by:**  
Liz Hanson, Planner I

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**APPLICATION #**  
R-2024-07

**BOARD OF COMMISSIONERS PUBLIC HEARING DATE:**  
March 3, 2025

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**PROPERTY OWNERS**  
Alex Bortnik  
Inna Bortnik

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**PROPERTY LOCATION/ADDRESS**  
Howard Gap Rd (SR 1006)  
Hendersonville Township

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**APPLICANTS**  
Alex Bortnik  
Inna Bortnik

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**PIN(S):**  
9660-85-8605

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### **SUMMARY OF REQUEST**

A rezoning of the above referenced PINs (hereafter the subject area from Industrial (I) to Residential Two Rural (R2R).

<b>Existing Zoning</b>	Industrial (I)
<b>FLUM Character Area</b>	Neighborhood Anchor
<b>Existing Land Use</b>	Vacant
<b>Site Improvements</b>	NA
<b>Request Acreage</b>	2.81

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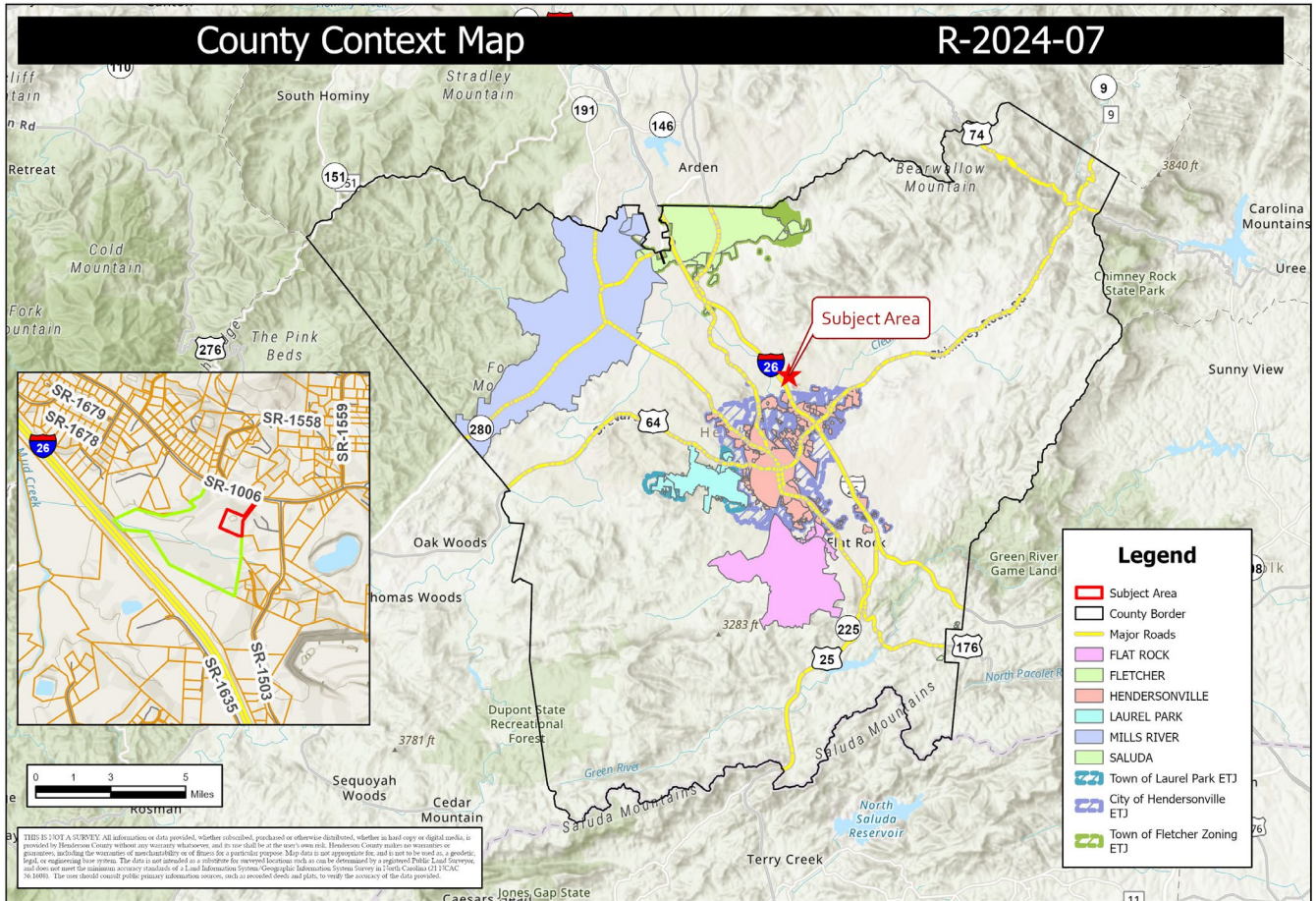
### **ADJACENT ZONING**

### **USE OF LAND**

<b>North</b>	R2R	Residential
<b>East</b>	R2R	Residential
<b>South</b>	I	Vacant
<b>West</b>	I, R1	Residential

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Map A: County Context



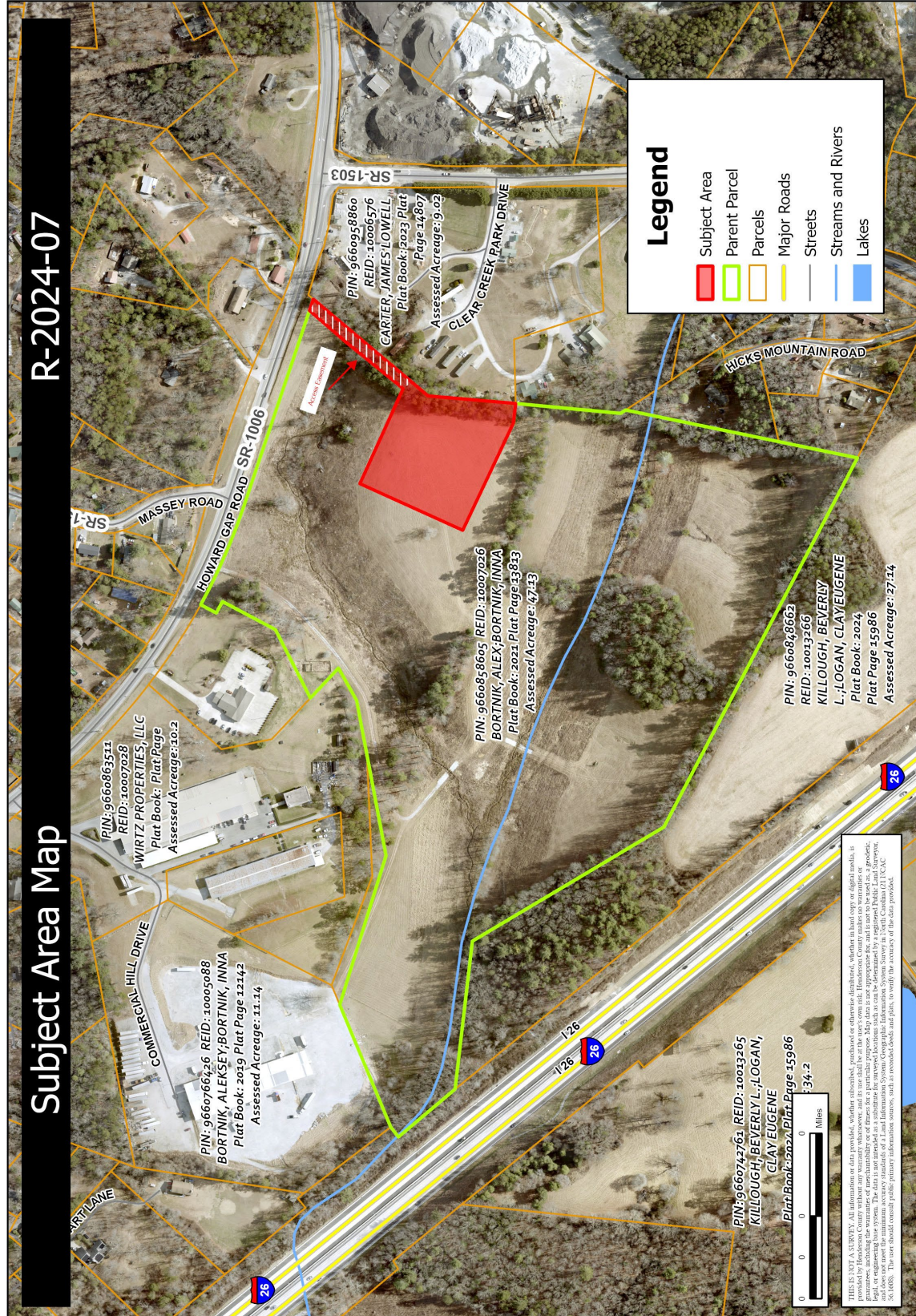
Property Owner(s): Alex and Inna Bortnik  
 Total Acreage: 2.81  
 Zoning District: R1



**BACKGROUND:**

The applicants, Alex and Inna Bortnik, seek to rezone a portion of PIN 9660-85-8605 from Industrial (I) to Residential Two Rural (R2R). The subject area is approximately 2.81 acres. The parcel is currently vacant.

Map B: Subject Area



Property Owner(s): Alex and Inna Bortnik  
 Total Acreage: 2.81  
 Industrial (I) to Residential Two Rural (R2R)

**SUBJECT AREA & ADJACENT PROPERTIES:**

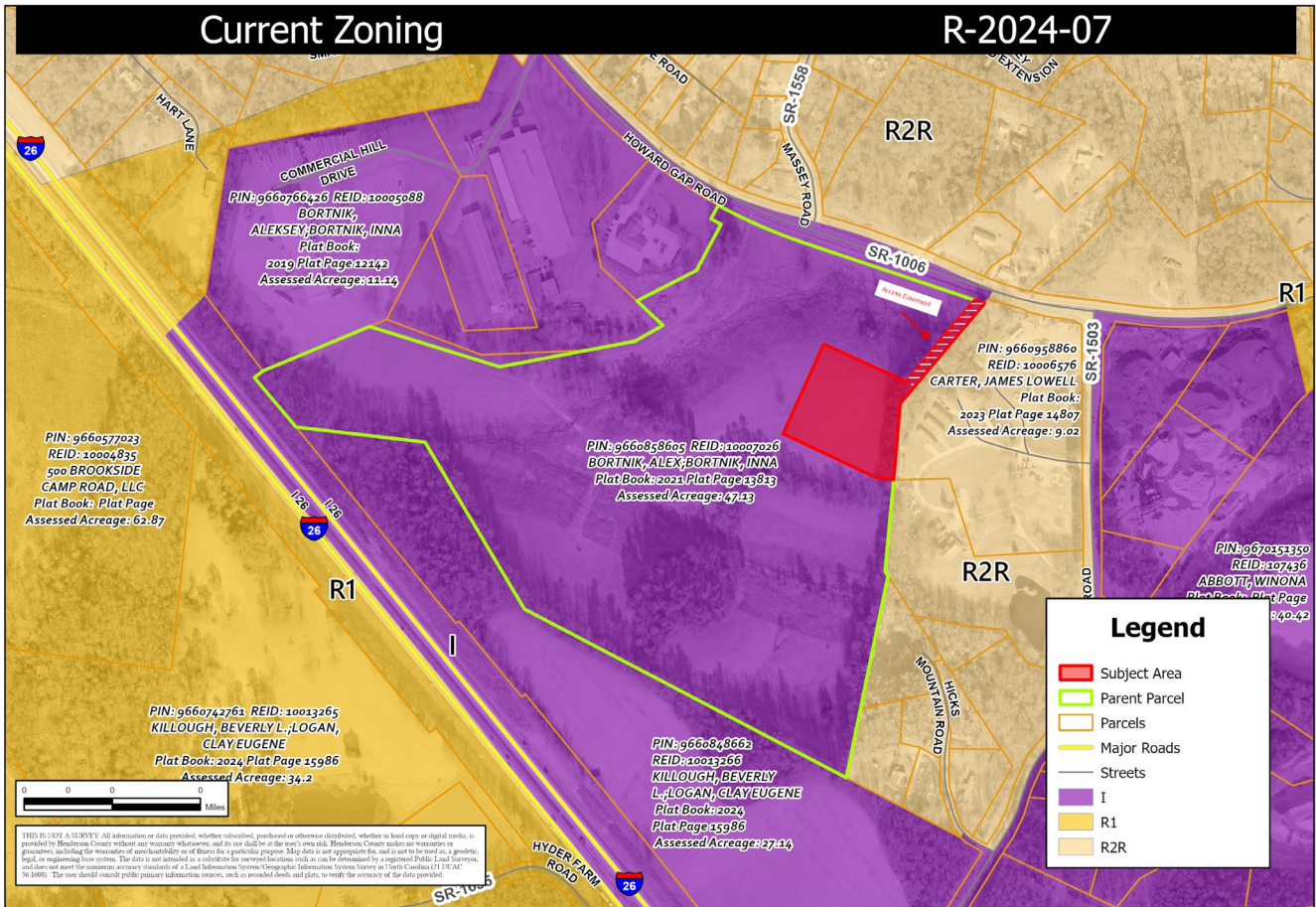
**West:** The parcels to the West of the subject area, across I-26, are currently vacant.

**South:** The parcel to the South of the subject area is currently vacant.

**East:** The parcels to the East of the subject area contain residential structures.

**North:** The parcels to the North of the subject area, across Howard Gap Rd, contain residential structures.

**Map C: Current Zoning**



Property Owner(s): Alex and Inna Bortnik  
Total Acreage: 2.81  
Industrial (I) to Residential Two Rural (R2R)

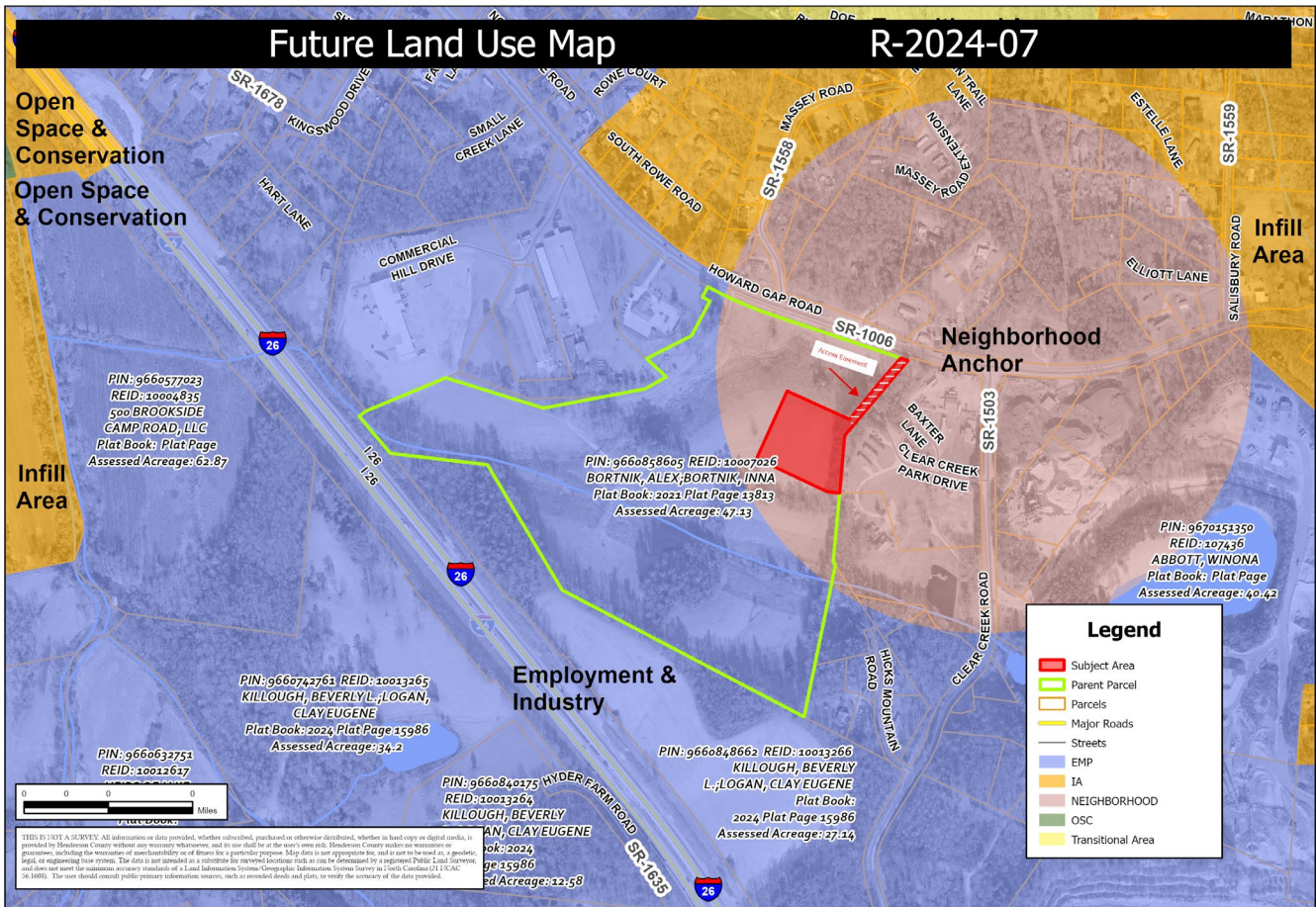


**District Comparison:**

**Industrial (I):** The purpose of the Industrial District (I) is to foster orderly growth where the *principal use* of land is a mixture of *industrial* and heavy commercial. The intent of this district is to allow for *industrial* and heavy *commercial development* that: (1) is compatible with adjacent development and the surrounding community; (2) will minimize conflict between land *uses*; and (3) is sensitive to its impact on surrounding land *uses* and the environment (natural and man-made). This general *use district* is meant to be in the Utility Service Area (USA) as defined in the *Comprehensive Plan*. (LDC §42-36).

**Residential Two Rural (R2R):** “The purpose of Residential District Two Rural (R2R) is to foster orderly growth where the principal use of land is residential. The intent of this district is to allow for low to medium density residential development and rural commercial and light industrial development consistent with the recommendations of the Comprehensive Plan. This general use district is typically meant to be utilized outside areas designated as Utility Service Area (USA) in the *Comprehensive Plan*.” Standard residential density is 1 unit per acre and a maximum height of 40’. (LDC §42-27).

**Map D: 2045 Future Land Use Map**



Property Owner(s): Alex and Inna Bortnik  
 Total Acreage: 2.81  
 Industrial (I) to Residential Two Rural (R2R)





**Water and Sewer**

The subject area is not currently connected to any utilities.

**Existing Roads and Easements**

The subject area currently has access from Howard Gap Rd (SR 1006). The parent parcel contains a number of easements including:

- Duke Energy Corporation Easement
- Duke Power Corporation Easement
- Public Service Gas Company Easement
- State Highway Commission Easement
- Southern Bell Telephone
- Permanent Conservation Easement
- Water Quality Project Easement

The subject area is not included in any of the easement areas.

**Technical Review Committee (TRC) Recommendations**

The Technical Review Committee reviewed this application at their February 18, 2025, meeting and voted to forward it on to the Planning Board.

**Planning Board Recommendations**

The Planning Board reviewed this application at their February 20, 2025, meeting and voted unanimously to send it on to the Board of Commissioners with a favorable recommendation.

**Board of Commissioners Public Hearing**

A public hearing for this application is anticipated to be held on March 3, 2025.

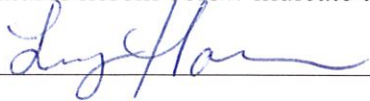


**Certification of Notice of Public Hearing**

In accordance with NCGS 160D-343 the Planning Department certifies notice of the March 3, 2025 hearing regarding Rezoning Application #R-2024-07 were:

1. Submitted to the Hendersonville Lightning on February 12, 2025 to be published on February 19, 2025 and February 26, 2025 by Liz Hanson;
2. Sent, via first class mail, to the owners of properties adjacent to the Subject Area(s) on February 19, 2025 by Liz Hanson;
3. Sent, via first class mail, to the property owner on February 19, 2025, by Liz Hanson; and
4. Signs were posted on the Subject Area(s) on February 21, 2025, by Liz Hanson.

The signatures herein below indicate that such notices were made as indicated herein above:

1. 

STATE OF   NORTH CAROLINA  

COUNTY OF   HENDERSON  

I,   Toby Linville  , a Notary Public, in and for the above County and State, do hereby certify that

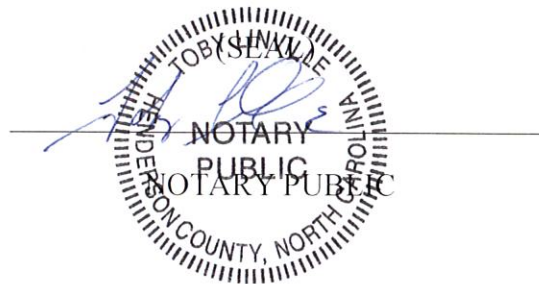
  Liz Hanson  

personally appeared before me this day.

WITNESS my hand and notarial seal, this the   21   day of   February  , 2025.

My commission expires:

  6/29/26  





## REZONING APPLICATION R-2024-07 COMPREHENSIVE PLAN STATEMENT

Related to rezoning application R-2024-07, the Comprehensive Plan states the following:

- **Plan Goal 7: Diversify Housing Choices and Increase Availability**
  - Rec 7.2: Encourage development of housing.
- **Neighborhood Anchor FLUM Character Area**
  - The 2045 Comprehensive Plan Future Land Use Map identifies the subject area as being in the Neighborhood Anchor character area. Neighborhood Anchors are small concentrations of commercial, residential, and civic uses in more rural areas centered around structural anchors like schools, churches, and/or crossroads. The principal use of land in the Residential Two Rural (R2R) zoning district is residential.

The Board should determine if the proposed amendment provides for the sound administration of the Land Development Code while balancing property rights and promoting reasonable growth within the County.

# Rezoning Application: R-2024-07

Board of Commissioners • March 3, 2025 • 5:30 PM

Henderson County Planning Department

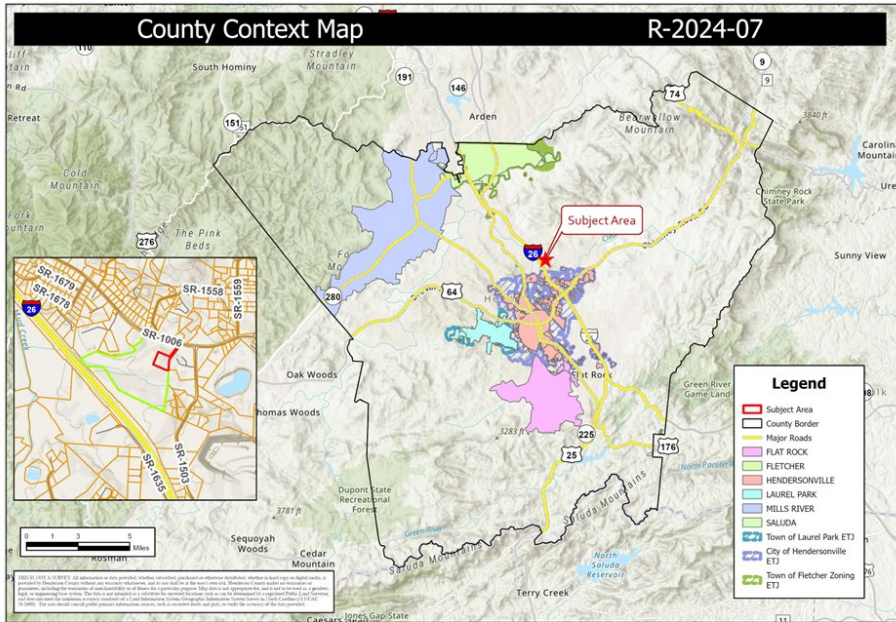
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## Application Background

- Rezoning Application R-2024-07, submitted on November 11, 2024, requests that the County rezone approximately 2.81 acres of land from the Industrial (I) zoning district to the Residential Two Rural (R2R) zoning district.
- The zoning map amendment application is for a portion of PIN: 9660-85-8605 with access from Howard Gap Rd (SR 1006).
- The property owners and applicants are Alex and Inna Bortnik.
- The Technical Review Committee reviewed this application at their February 18, 2025, meeting and voted to move the application on to the Planning Board.
- The Planning Board reviewed this application at their February 20, 2025, meeting and voted unanimously to send it to the Board of Commissioners with a favorable recommendation.

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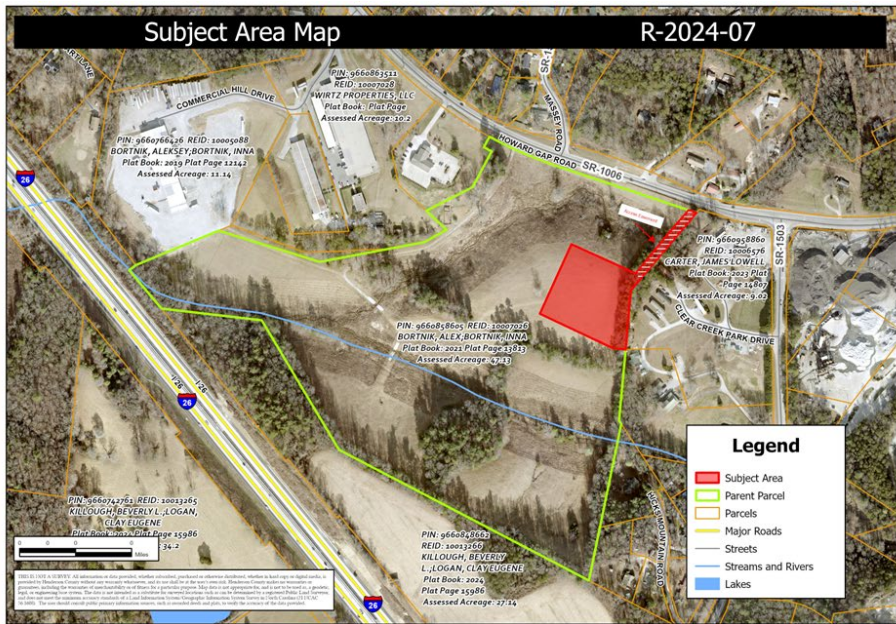
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Property Owner(s): Alex and Inna Bortnik  
 Total Acreage: 2.81  
 Zoning District: R1



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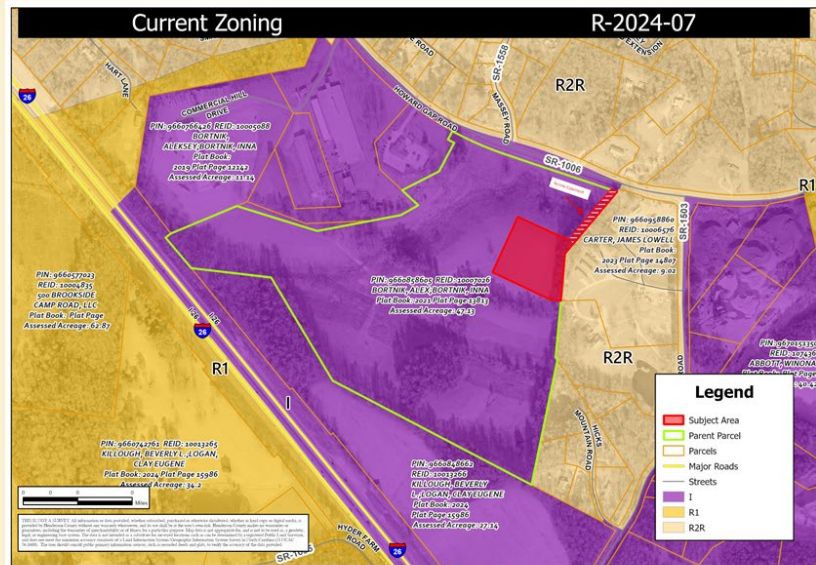
Property Owner(s): Alex and Inna Bortnik  
 Total Acreage: 2.81  
 Industrial (I) to Residential Two Rural (R2R)



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**Industrial (I):** The purpose of the Industrial District (I) is to foster orderly growth where the principal use of land is a mixture of industrial and heavy commercial.

**Residential Two Rural (R2R):** "The purpose of Residential District Two Rural (R2R) is to foster orderly growth where the principal use of land is residential. The intent of this district is to allow for low to medium density residential development and rural commercial and light industrial development consistent with the recommendations of the Comprehensive Plan."



Property Owner(s): Alex and Inna Bortnik  
 Total Acreage: 2.81  
 Industrial (I) to Residential Two Rural (R2R)

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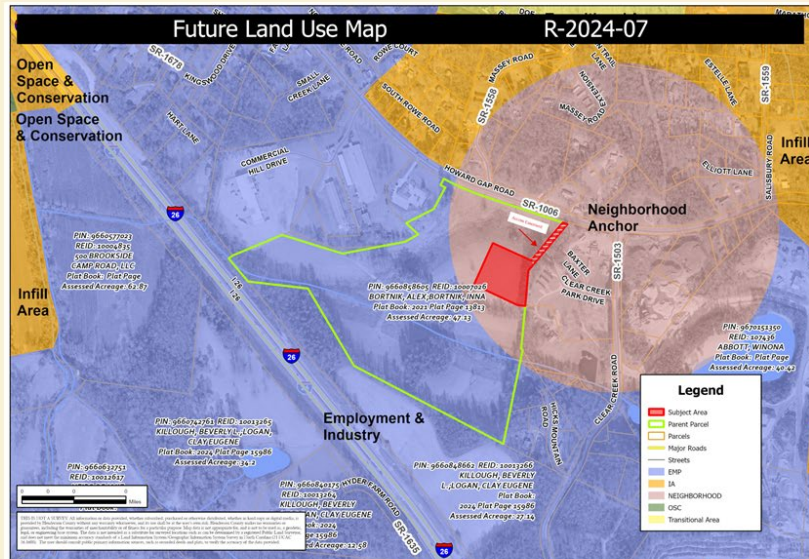
**Neighborhood Anchor:**

"Neighborhood Anchors are small concentrations of commercial, residential, and civic uses in more rural areas centered around structural anchors like schools, churches, and/or crossroads. These areas typically follow a development pattern where commercial uses are clustered directly adjacent to a crossroads, surrounded by residential development and agricultural uses. Developments that accommodate the ability to live, work, and play without commuting, are encouraged here."

**Where:** Typically found at intersections of State Roads or thoroughfares.  
 • The subject area is near the intersection of Howard Gap Rd (SR 1006) and Clear Creek Rd (SR 1503).

**Uses:** Small services and retail, churches, fuel stations, light industry, mix of residential types including small scale multi-family  
 • Residential Two Rural (R2R) primary use is residential.

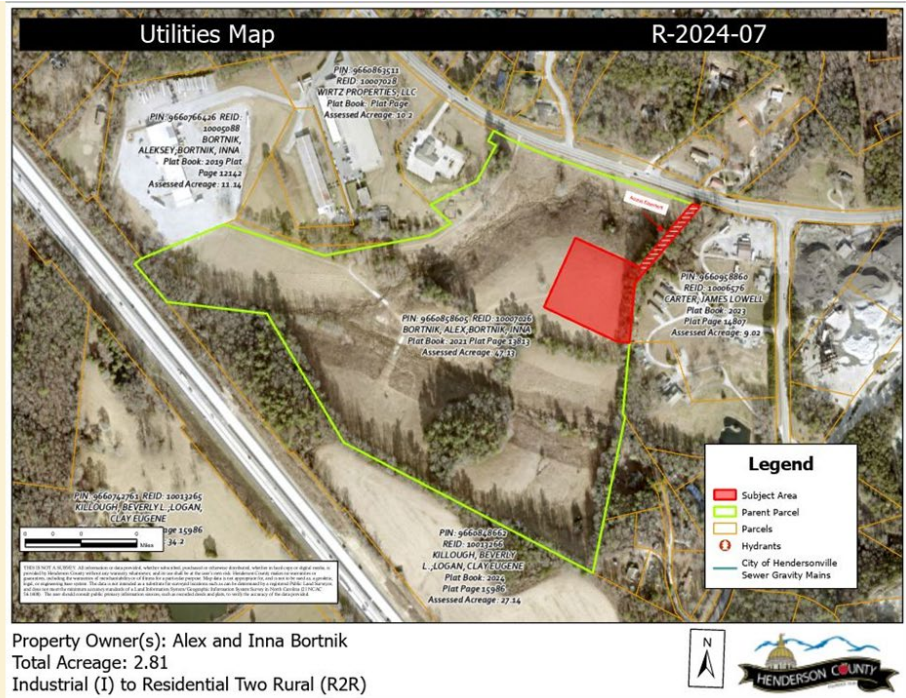
**Utility Access:** Utilities are typically not necessary due to the small-scale of development, but may be necessary for some development types.



Property Owner(s): Alex and Inna Bortnik  
 Total Acreage: 2.81  
 Industrial (I) to Residential Two Rural (R2R)

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The subject area is not currently connected to any utilities.



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## Comprehensive Plan Statement

- **GOAL 7: DIVERSIFY HOUSING CHOICES AND INCREASE AVAILABILITY.**
  - Rec 7.2: Encourage development of housing.
- **NEIGHBORHOOD ANCHOR FLUM CHARACTER AREA**
  - The 2045 Comprehensive Plan Future Land Use Map identifies the subject area as being in the Neighborhood Anchor character area. Neighborhood Anchors are small concentrations of commercial, residential, and civic uses in more rural areas centered around structural anchors like schools, churches, and/or crossroads. The principal use of land in the Residential Two Rural (R2R) zoning district is residential.

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**Thank you!**

REZONING APPLICATION R-2024-07

Henderson County Planning Department