

SHOULDER WIDTH VARIANCE REQUEST - AS BUILT IN PHASE II & 2' IN PHASE III

FINDINGS

1. The present Ordinance was in existence at the time of the planning of the project and there have been no changes in road standards applicable to this project and therefore there is no reason for misunderstanding of the standards required in the Ordinance for shoulder widths.

2. It is a safety issue as stated in the Memo of December 13, 2001 from Gary Tweed, P.E., County Engineer to Karen Smith, Planning Director, in which he states "Also narrow pavement and shoulder widths make these roadways less safe."

3. The Developers clearly stated at the Board of Commissioner's meeting on bonding that they fully intended to comply with conditions of the ordinance. At that time the applicant was aware of the violations of the Ordinance and had projected costs associated with coming into compliance. The applicant discussed asking for a variance after bonding the work. Recommendations were made that the variance should be done first. The applicant is reported to have been told that the bonding precluded the variance. The applicant should keep their word.

4. At the April 25, 2000 Planning Board meeting at which the Master Plan and Preliminary Plans were approved, there was a discussion of road standards in which the applicant noted, "He stated that he would like to reduce the standards because of the low traffic but that the Ordinance does not have any standard regarding this". The Planning Board was also ask to review alternatives.

5. In the APPLICATION FOR A VARIANCE FROM THE HENDERSON COUNTY SUBDIVISION ORDINANCE, the applicant states:

- a. "volume of traffic using the road system will be minimal."
- b. "As built, the road network provides a safe and environmentally friendly system of access and egress throughout the property."
- c. "we have designed and constructed roads that are safe..."
- d. "The costs associated with the changes are not the driving force in our request for this variance."
- e. "Building the roads with the narrower shoulder minimized erosion during and after construction ..."
- f. "The increased width of the shoulders would have minimal effect on resident safety or improvement of access for emergency vehicles."
- g. "Granting of this variance will not increase the risk to public health and safety."
- h. "In keeping with the intent of those restrictions to minimize the impact of construction, we have built roads that provide safe access and egress throughout the development with minimal impact on the environment."
- i. "We went to great extent and expense to save trees while making safe passageway through the property."

None of the above listed items are reasons under the Ordinance to allow variance.

6. The Memo of December 13, 2001 from Gary Tweed, P.E., County Engineer to Karen Smith, Planning Director, in which he states:

(a) "current road shoulder width, travel width, cut and fill slopes, and ditch slopes for the majority of the roads do not meet the ordinance standards"

(b) "It is likely that the narrow shoulder widths, reduced travel widths, steep cut and fill slopes will result in increased maintenance and repair costs for future homeowners of this subdivision."

(c) It is very disturbing to see developments progressing to this point, having completed much of the roadwork before requesting variances. The variance should have been requested prior to completion of grading."

(d) "Cut banks and fill slopes are very steep any will likely be difficult to maintain, resulting in significant erosion."

(e) Many of the cut banks are almost vertical far exceeding the required cut slope. Many of the fill slopes are the same."

(f) The road shoulder widths are in most areas no more than 2 ft. which reduces safety, especially on fill slope areas. Ditch slopes are steep and as ditch lines erode from rainwater, it is likely that areas of pavement undercut will occur. This will result in high maintenance and repair costs for the future homeowners of this development. The roads as constructed do not meet our ordinance or the N.C. State road standards.."

(g) Certifications by boring tests as to stone and pavement depths should be provided."

7. The Minutes of the Planning Board Meeting of April 25, 2000 do not reflect any specific discussion of shoulder widths. The Minutes do reflect a general discussion of roads and convey the Planning Boards concerns about road safety.

8. However noble and well intentioned the applicant may be, there is no provisions in the Ordinance to allow developer modifications because of a desire to be environmentally sensitive. A developer can not disregard the Ordinance requirements because "Overall, we feel we have complied with the intent and spirit of the open space development concept...". This is not compliance with the Ordinance. It is unacceptable to allow developers to violate the Ordinance just because they feel what they are doing is more important that the Ordinance duly passed by the County of Henderson.

9. To allow developers to disregard the Ordinance and set the precedence of allowing variances after completion of non-compliant projects would not serve justice.

10. That the developer has not shown unnecessary hardships or practical difficulties to comply with the ordinance. They have however stated "Given the difficulty of mountain road construction while minimizing erosion problems and the negative impact on the natural beauty of the land, we have designed and construct roads that are safe, environmentally friendly, cost

efficient and in keeping with the intent of preserving the natural beauty of the mountains and the concept of "Open Space Development". The costs associated with the changes are not the driving force in our request for this variance. Our goal is to preserve and protect the beauty of the mountains while creating a marketable low-density, "nature preserve" development."

11. The applicant has shown that the Dana Fire and Rescue 2nd Asst. Chief has "personally inspected the existing roads and have found them to be sufficient to operate our emergency equipment on."

12. The applicant has not shown any evidence or made any statements to contradict the statement of the Henderson County Engineer that "narrow pavement and shoulder widths make these roadways less safe."

13. The Ordinance is very specific about shoulder widths, ditches and slopes. Minimum widths and maximum slopes are shown.

14. The December 3, 2001 Memo from A. J. Ball to Karen Smith - Director requests a variance on "short sections of three roads that do not meet the shoulder width requirements." This request is at substantial variance with the facts. The facts show a substantial portion of the roads to be non-compliant in shoulder width. To me, this appears to be gross ignorance or deception.

15. That for the Henderson County Board of Commissioners to grant a shoulder width variance they should reach three conclusions:

- a. there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance,
- b. that the variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit, and
- c. that in granting the variance, the public safety and welfare have been assured and substantial justice has been done.

CONCLUSION:

The Planning Board Concludes that:

- a. The applicant has not shown any practical difficulties or unnecessary hardships in the way or carrying out the strict letter of the ordinance.
- b. That the variance request is not in harmony with the general purpose and intent of the ordinance and does not preserve its spirit.
- c. That the applicant has not shown public safety and welfare have been assured and substantial justice has been done.

Accordingly, the Planning Board recommends to the County Commissioners that the shoulder width variance be denied.

CURVE RADIUS VARIANCE REQUEST

FINDINGS

1. The Master Plan approved by the Planning Board at the April 25, 2000 meeting shows the road going around the cemetery and meeting the minimum curve radius of 110 feet.
2. The Exhibit III of the Variance Request shows the radius to be 52.21 feet. The road does not go around the cemetery.
3. The road is not in compliance with the Ordinance.
4. On January 8, 2002 a Planning Board Subcommittee inspected the site.
5. At the site visit, "Mr. Ball also stated that he could not go further out because of the cemetery.". This statement is at variance with the Master Plan in which the road goes on out and around the cemetery.
6. The subcommittee discussed alternate routing of the road that would take the road even further from the cemetery. Mr. Ball did not have data to evaluate the concepts discussed.
7. The subcommittee recommended holding the request open until more information is presented and to extend the variance request indefinitely.
8. The applicant did not show any practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance by building the road as originally approved in the Master Plan. The road as originally approved appears to be in compliance with the Ordinance.
9. The applicant did not show the variance was in harmony with the general purpose and intent of the ordinance and that the variance preserves its spirit.
10. The applicant did not show the public safety and welfare would be assured and substantial justice has been done by granting the variance.
11. Allowing developers to modify approved compliant designs with non-compliant construction would be in direct conflict with the general purpose and intent of the ordinance and in the preservation of the spirit of the ordinance.

12. That for the Henderson County Board of Commissioners to grant a radius variance they should reach three conclusions:

- a. there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance,
- b. that the variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit, and
- c. that in granting the variance, the public safety and welfare have been assured and substantial justice has been done.

CONCLUSION:

The Planning Board Concludes that:

- a. The applicant has not shown any practical difficulties or unnecessary hardships in the way or carrying out the strict letter of the ordinance.
- b. That the variance request is not in harmony with the general purpose and intent of the ordinance and does not preserve its spirit.
- c. That the applicant has not shown public safety and welfare have been assured and substantial justice has been done.

Accordingly, the Planning Board recommends to the County Commissioners that the radius variance be denied.

GRADE VARIANCE REQUEST



FINDINGS

1. The Subcommittee of the Planning Board visited the site on January 8, 2002 and inspected the road where it is not in compliance with the Ordinance.
2. At the January 22, 2002 Subcommittee meeting, "Mr. Ball reported that the rock outcroppings were part of the reason." for the grade violation.
3. At the January 22, 2002 Subcommittee meeting, "Mr. Ball stated that the road was paved before the surveyor shot the grade and found it did not meet the standard."
4. The cost to make the road compliant with the Ordinance does not appear to be significant in terms of the total project.
5. The applicant has posted a bond to assure funds are available to make the road grade compliant.
6. The subcommittee discussed at length the cause of the non-compliance with the grade. Was it the failure of consultants to design and stake the road appropriately or was it results of the applicant's own actions? The subcommittee determined it to be primarily not the applicants own actions.
7. The "as built" Exhibit 1 shows about 200 feet of road at a 22% grade. Lengthening the road by about 44.5 feet to 244.5 feet would then produce a grade of 18%.
8. Mr. Ball was "asked if the road could have been taken around. Mr. Ball stated that it would have taken out 2 lots."
9. The subcommittee voted to recommend to the Planning Board that the variance be granted "based on Mr. Ball's testimony that they were not aware of the existence of the grade variation until the road was completed" and "that it was also because it was not of their own doing but was likely due to topography and/or surveying errors".
10. A review of the Development Plan IV approved by the Planning Board shows six curves and five lots on the road in question.
11. A review of the "as built" Exhibit I for the Grade Variance shows a total of only five curves and five lots on the road in question.
12. The actual construction of the road has had one curve removed. This is the exact area in which the grade is in violation.

13. Mr. Ball's statement about the loss of lots is in conflict with the facts as presented in the plans and drawings as listed above.
14. The loss of one curve is a loss of about 50 feet of road way. Had the one curve have been installed, the road would likely have been in compliance.
15. Changing the road grade from 22% to 18% may be a rather significant effort to gain potentially modest results in safety.
16. There is no evidence presented that would show constructing the road as designed would be an unnecessary hardship.
17. There is no evidence presented that would show that an increase from 18% to 22%, or an increase of 4% in grade, is in harmony with the general purpose and intent of the ordinance. Increasing the grade by 22.22% (4% increase divided by the 18% allowable) is a significant increase.
18. Increasing the grade to 22% well may be a public hazard and a violation of the public safety and welfare.
19. That for the Henderson County Board of Commissioners to grant a grade variance they should reach three conclusions:
 - a. there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance,
 - b. that the variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit, and
 - c. that in granting the variance, the public safety and welfare have been assured and substantial justice has been done.

CONCLUSION

The Planning Board Concludes that:

- a. The applicant has not shown any practical difficulties or unnecessary hardships in the way or carrying out the strict letter of the ordinance.
- b. That the variance request is not in harmony with the general purpose and intent of the ordinance and does not preserve its spirit.
- c. That the applicant has not shown public safety and welfare have been assured and substantial justice has been done.

Accordingly, the Planning Board recommends to the County Commissioners that the grade variance be denied.

FINAL PLAN

LOT 36
5.44 acres

LOT 32
21 acres

LOT 33
3.94 acres

LOT 34
4.01 acres

LOT 31
2.85 acres

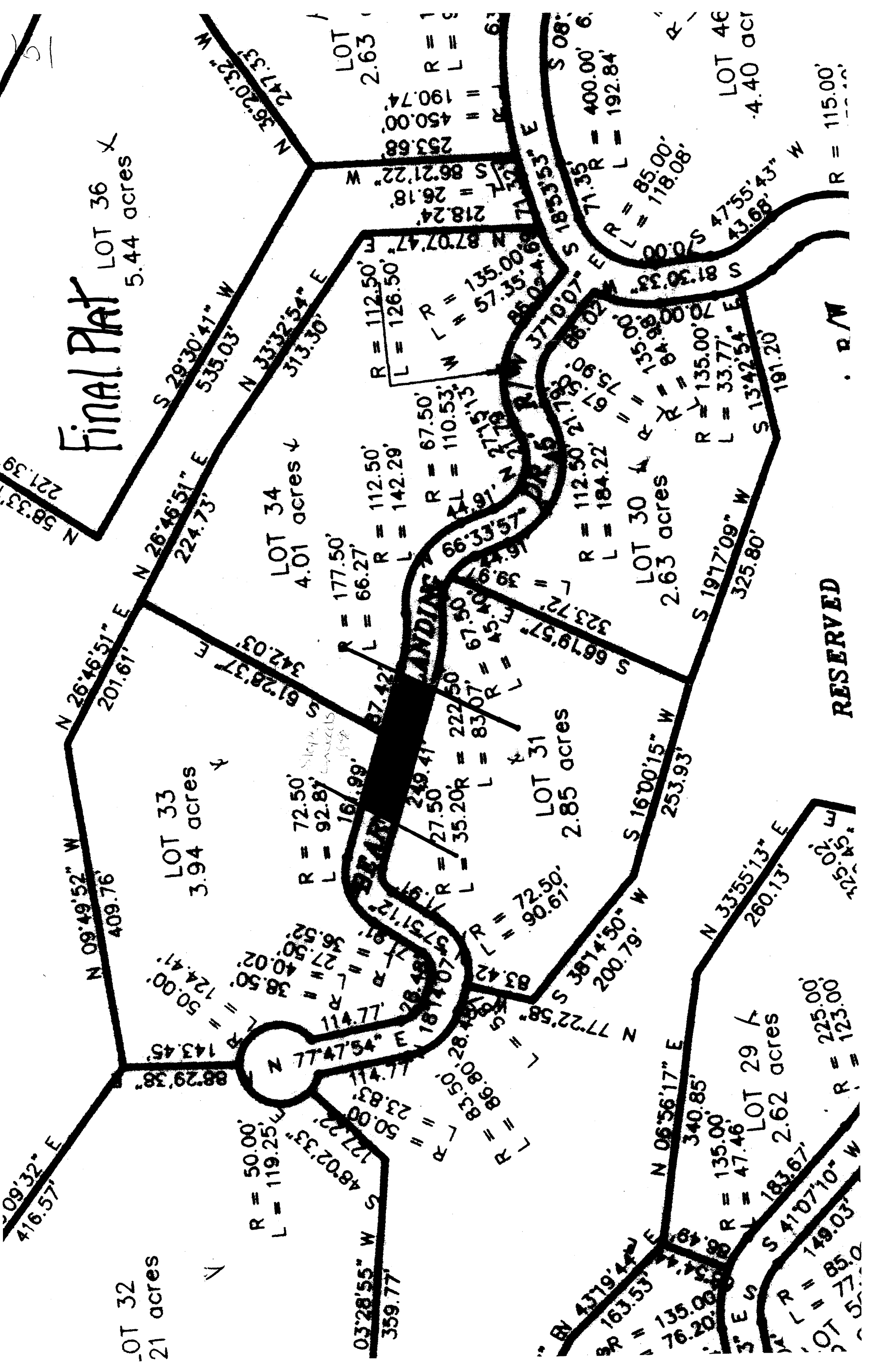
LOT 30
2.63 acres

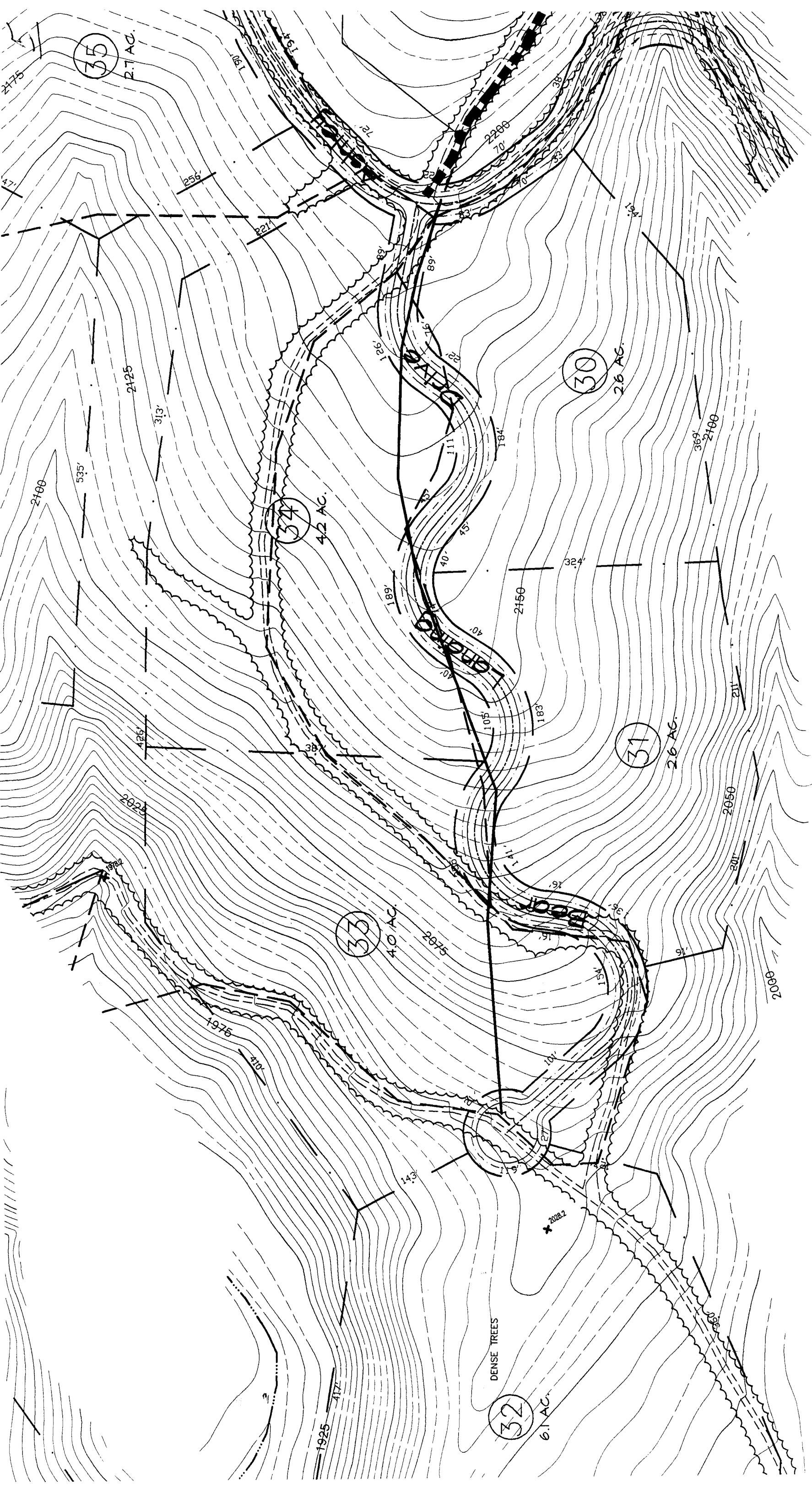
LOT 29
2.62 acres

LOT 2.63

LOT 46
4.40 acres

RESERVED





Development Plan Approved on April 25, 2000

REQUEST FOR BOARD ACTION

**HENDERSON COUNTY
PLANNING BOARD**

MEETING DATE: February 19, 2002

SUBJECT: Oleta Falls Variance Request

- ATTACHMENTS:**
1. Excerpt from January 22, 2002 Subcommittee Meeting Draft Minutes
 2. January 8, 2002 Subcommittee Meeting Minutes
 3. Variance Request Application Cover Sheet
 4. Variance Request Application with attachments and exhibits
 5. County Engineer Review Memo
 6. North Carolina Department of Environment & Natural Resources Memo
 7. Excerpt from April 25, 2000 Planning Board Minutes
 8. Vicinity Map
 9. Parcel Map
 10. Master & Development Plans approved by the Planning Board

SUMMARY OF REQUEST:

On January 22, 2002 the Short Term Issues Subcommittee of the Henderson County Planning Board held its second meeting to discuss four variance requests by the developers of Oleta Falls. The following is a summary of that committee's recommendations. Please refer to the attached draft minutes of the meeting for additional information.

Oleta Falls

Waterside Properties, Owners, A.J. Ball, Agent

Bridge Width Variance Request – The developers previously requested that the width of the bridge from a 16 ft. travelway width to a 13 ft. travelway width. The request was withdrawn by the developer and the withdrawal was acknowledged by the Subcommittee.

Shoulder Width Variance Request – The developers requested that the width of the shoulders be reduced from the 6-foot standard to the "as built" shoulders in place in Phase II and to 2-foot shoulders in Phase III. The subcommittee recommends denial of the request based on the following findings:

1. The ordinance was in existence at the time of the planning of the project.
2. It is a safety issue.
3. The Developers clearly stated at the Board of Commissioners's meeting on bonding that they fully intended to comply with conditions of the ordinance.

Curve Radius Variance Request – The developers requested that the curve radius be reduced from 110 feet to 52 feet. The subcommittee recommends holding the request open until more information is presented and to extend the variance request indefinitely.

Grade Variance Request – The developers requested that the grade be allowed to remain at 22% instead of the required 18% in the Subdivision Ordinance. The subcommittee recommends approval of the request based on the following findings:

1. Mr. Ball's testimony that they were not aware of the existence of the grade variation until the road was completed.
2. The grad was not of their own doing but was likely due to topography and/or surveying errors.

BOARD ACTION REQUESTED:

Action by the Planning Board to develop a recommendation with appropriate findings, conditions, etc., for the Board of Commissioners on the variance application is requested.

**Henderson County Planning Board
Short Term Issues Subcommittee
Minutes of Meeting Held January 22, 2002**

Draft

The Short Term Issues Subcommittee of the Henderson County Planning Board met on January 23, 2002 at 9:30 A.M. in the Land Development Building Meeting room. The members present included Roger Wolff, Jack Lynch, Mike Cooper and Leon Allison. Others present included Planning Director Karen Smith, Planner Melissa Peagler and Assistant County Attorney Jennifer Jackson as well as A. J. Ball, representing Oleta Falls and Jon Laughter, representing October Ridge.

Subcommittee Chairman Jack Lynch began the meeting by asking if anyone had any revisions to the minutes from the January 8, 2002 Subcommittee meeting. Leon Allison made a motion to approve the minutes as written and Mike Cooper seconded that motion. All members voted in favor of the motion.

Oleta Falls Variance Requests

Mr. Lynch asked Mr. Ball if the request for a variance on bridge width had been formally withdrawn. Mr. Ball stated that the request had been formally withdrawn. Mr. Lynch stated that the group would take each sheet prepared by staff and evaluate the requests beginning with the shoulder width variance. Mike Cooper clarified that the variance is from 6-foot shoulders to "as built." Ms. Smith said that this was true in Phase II. In Phase III, which has not been constructed, the developers are requesting a variance to construct 2-foot shoulders.

Mr. Lynch asked for clarification on the meaning of intensity in the ordinance. Ms. Smith replied that it was in regard to the number of units in terms of the size of property but was really relative. Mike Cooper said it would not have been so bad if the shoulder variance request had been in select spots with limiting physical conditions but, conservatively, 80% of the roads don't meet the ordinance requirements. He stated that he had a hard time giving a variance on that much. Mr. Lynch agreed by stating that the standard is published and that is what you have to do. He stated that the property has erosion problems even in places that have the 6-foot shoulders. Mr. Allison stated that the Henderson County Subdivision Ordinance is twice what the state highway is in Henderson County. He asked if there are some alternative solutions to the shoulder requirements, such as guardrails. Mr. Lynch noted the lack of a safety fence, reflectors. He stated that most of the trees in the shoulder are going to die.

Mr. Wolff looked at the request from two perspectives, one as a Planning Board member and the other as one of the developers. He looked to see if it was an economic hardship but decided that it was not the issue. He decided that after listening to the developers' comments on aesthetics, the hardship they are claiming deals with aesthetics. Mr. Wolff wondered how he could justify their actions. He stated that he understood the hardship to put a scar on the side of the road and the curves. Then, Mr. Wolff stated that he could not make the jump from the aesthetic hardship to the satisfying the public safety issue. He could not say it was safe to have 6-inch to 2-foot shoulders along drop-offs. He also commented on the intent of the developer. Mr. Wolff stated that he

would like to look at alternatives too, such as using a guardrail where the shoulder is smaller. Where safety is involved, he could not vote for a shoulder variance. The Subcommittee discussed how some alternatives might require amendments to the Subdivision Ordinance. Ms. Smith stated that the Ordinance addressed guardrails on curves but other alternatives would require some amendments. Mr. Wolff stated that he did not think that he could make a judgment on the safety of the road. He stated that he would need to hear from NCDOT or other professionals but he doesn't see that evidence now.

Mr. Cooper stated that in driving to the site, the State roads fall short of the standard. He wondered how the ordinance came to its standard. The group had some general discussion regarding prior amendments, state standards and the bigger project of future amendments to the Ordinance. Roger Wolff made a motion that the Subcommittee recommend that the request for a variance from the shoulder width for Phases II and III be denied based on the following findings:

1. The Ordinance was in existence at the time of the planning of the project
2. It is a safety issue
3. The developers clearly stated at the Board of Commissioners' meeting on bonding that they fully intended to comply with conditions of the ordinance.

Mr. Cooper expressed concern that the developers had only until early April under the bond to bring the shoulders into compliance and he did not feel that they would be able to do so. Ms. Smith reported that the staff is working with Mr. Ball in regards to that concern. Mr. Cooper seconded the motion and all voted in favor.

Mr. Wolff stated that he would like to entertain another motion that the Planning Board investigates appropriate alternatives to the standard. Mr. Ball asked if these alternatives would apply to Oleta Falls if they were to receive an extension. Mr. Wolff replied that he would rather see good shoulders. Ms. Jackson commented that the developer could come in and ask for new standards to apply. Mr. Cooper asked about the timeline to getting those alternatives in the ordinance. Ms. Smith replied that she could not say and that any alternatives may not meet the full extent of the developers' needs. The group decided to bring up the issue at the next Planning Board meeting.

The Subcommittee proceeded to discuss the curve radius variance issue. Mr. Allison believes this problem can be worked out with the widening of the curve radius as Mike Cooper had suggested at the site visit. Mr. Cooper believes that something went awry in the design or actual building of the curve. Mr. Ball passed out a drawing outlining what the developers could do to achieve a radius that would comply more with the centerline curve radius standards in the Henderson County Subdivision Ordinance. Mr. Ball stated that the road was completed with the radius wrong when they corrected the slope to meet standards. Mr. Ball stated that the corrections may not reach the 110-foot centerline standard but it will be at least between 90 - 95 feet. Mr. Ball stated that he would rather look at the curve and offer more solutions rather than receive a flat "no" on the variance request. Mr. Lynch stated that Mr. Ball is making an effort. Mr. Cooper stated that he believed with some engineering then they could make it meet the standard. Mr. Lynch agreed. Mr. Ball didn't know if it would be feasible at 110 feet. Mr. Wolff said that if he had some topography information and evidence in addition to the radius data, then he might be inclined to look at the variance. The group continued to discuss the layout and design of the curve. Ms.

Smith suggested that the Planning Board could hold open the variance request until more data could be presented. The group discussed holding the variance request open and agreed to leave the request open until more data could be presented. Mr. Wolff moved that the subcommittee go on record to extend the variance request indefinitely. Mr. Alison seconded the motion and all voted in favor. The Subcommittee members also commented that they would like the radius looked at in the Ordinance, too.

Mr. Lynch asked for comments on the grade variance request. Mr. Allison stated that if the Developers go in and spend \$100,000 to meet 18% grade that it would not solve things. He stated that older subdivisions such as Kenmure do not meet the standard. He stated the overall grade is 15% and that makes the 22% look steeper. Mr. Lynch stated that the published stand is what the subcommittee was to look at. Mr. Cooper stated that a grade difference between 18% and 22% on ice would still mean that one would not come down that hill. He wondered what the developers' hardship entailed. Mr. Cooper said that he thought the grade could have been achieved but the error was not realized until after the completion of the road. Mr. Ball stated that the road was paved before the surveyor shot the grade and found it did not meet the standard. Mr. Cooper stated that it was a problem to fix and wondered if the end result was worth the effort. He asked where should the line be drawn if the ordinance says 18% grade. Mr. Lynch looked at the request and asked what is safe and acceptable and if the change would make it any better. Mr. Cooper felt like fixing the grade was a lot of effort for the end result. He questioned if that was enough for the Planning Board to recommend the variance. Mr. Wolff asked if there was an undue hardship. He said he saw no evidence of one. Mr. Cooper stated the only hardship was a financial hardship. Mr. Wolff stated that the developers put up the money to bond the road. The subcommittee talked about the money posted up for the improvement guarantee and how much of that money was for the grade of the road. Mr. Ball said that it was between \$50,000 and \$55,000. Mr. Wolff said that \$50,000 was not much in terms of the potential income from lot sales at Oleta Falls. He stated that economics was not a hardship. Mr. Wolff commented that if it had been done appropriately, the economic burden would have been very little. Mr. Wolff stated that aesthetics doesn't apply and that having the topography information might help him decide. Mr. Cooper said if the developers didn't have the distance to achieve the 18% grade then he could recommend the variance but if it is just a mistake then he couldn't grant the variance. Mr. Ball stated that he would like the subcommittee to take into consideration that the staff said they could recommend a variance on the grade. He stated that changing the road would not make a significant change to the safety of the road. He said in an attempt to change the grade they will get into curve radius issues. Mr. Cooper asked staff why they would recommend the variance. Ms. Smith stated that the recommendation was based on the relatively short distance of the grade in question.

The subcommittee discussed granting variances and changing the ordinance. Ms. Jackson stated that the group could convey in its recommendation that they all seem sympathetic and that the impact is negligible. Ms. Jackson stated that if Mr. Ball brings in additional information, it may be that the short grade is the lesser evil. The group continued to discuss what the hardship on the developer was in this situation. Mr. Allison asked why there was a variance procedure if we didn't grant them. Ms. Smith said that some had been granted. Mr. Wolff stated that with evidence, the Ordinance has given the County the flexibility to grant variances. Mr. Wolff stated that his surveyor had told him roads should never have more than a 20% grade. Mr. Ball commented that if they could not get the variance they would go in and complete the work required to meet the standard. Mr. Cooper asked Mr. Laughter about some grades in Kenmure. Mr. Laughter replied

that some were 22% but they were built and approved prior to the ordinance. The Subcommittee discussed appropriate grades further. Ms. Smith commented that Mike Cooper seems to be struggling with the question of the hardship being a result of the applicant's own actions. Mr. Cooper wondered if the grade existed because of a mistake and if you could grant a variance on a mistake. Mr. Allison stated that it was like a building. If you build a building and then find it doesn't meet the setback by a minimum margin, you must go and get a variance. Mr. Cooper asked Mr. Ball if the engineer had staked the centerline of the road and the cut and fill to make the grade when the right-of-way was cleared. Mr. Ball replied that the engineer had but when the surveyor checked after the road was paved they discovered the problem. Then, they brought the issue to staff's attention. Mr. Cooper stated that this was not a conscious decision but a contractor's mistake. Mr. Wolff asked if the road had been paved when the developers posted the bond and talked to staff. Mr. Ball replied that it was paved. Mr. Cooper stated that he was very sympathetic but it was hard for him to justify a favorable recommendation. Mr. Wolff stated that he was looking for some evidence that proved that it was an aesthetic hardship and no better for safety if it met grade. The subcommittee discussed the construction of the road.

Mr. Ball stated that the developers had made mistakes but, if the grade is corrected no one gains anything. Mr. Wolff stated that if the engineer staked the road wrong then that seems to be more of a hardship than if it was staked and the contractor just didn't complete it to the standard. Mr. Cooper stated he thought the engineer staked it based on drawings, didn't check against aerials, and constructed the road at a 22% grade. Mr. Wolff said that the developers had stated to the Planning Board that they told their contractor to do the least damage. Mr. Ball said that statement referred to opening up the property, not to slope or curve radius. He said they thought they had complied. He added that while they had made a mistake, nothing would be gained by correcting it. Mr. Wolff asked if this was enough to justify since it was not the developers' own error. Mr. Cooper stated that it made him want to give the variance because the developers did not willingly participate in not meeting the standard. Mr. Wolff asked Mr. Ball if he could give him evidence that he did not participate. The group all commented that no one would claim responsibility. Mr. Lynch made a motion that the Subcommittee recommends the variance on the grade based on Mr. Ball's testimony that they were not aware of the existence of the grade variation until the road was completed. Mr. Wolff added that it was also because it was not of their own doing but was likely due to topography and/or surveying errors. Mr. Wolff seconded the motion and all voted in favor.

October Ridge

The group began the discussion of the October Ridge variance request. Mr. Lynch stated that all members were supposed to have visited the site on their own. Mr. Cooper showed photos and Mrs. Peagler passed out photos. Mr. Wolff asked about the width of the gravel. Mr. Lynch stated that when he, Ms. Smith and Mrs. Peagler went out to the site they measured the width of the road. Ms. Peagler reminded the group that Mr. Laughter is going to meet the 16-foot travelway width but has not gone in to upgrade the site yet. Mr. Laughter stated that right now the road is 12-foot in width and in places it is wider. Mr. Cooper stated that road width varies from 12 to 14 feet and more places. He commented that if they had to put in a 6-foot shoulder, the fill would be in the creek. He said there was no where for fill dirt to go and the cut bank has rock in it particularly at the start of the road and it would be a little easier to fix further up the road. Mr. Lynch asked Mr. Laughter if the land on the right as you first start up the road was a lot. Mr. Laughter stated

Oleta Falls Variance Request

Subcommittee Meeting Minutes

January 8, 2002

Mr. Jack Lynch called the meeting to order. The following members were present, Roger Wolff, Leon Allison, Mike Cooper, Planning Director, Karen C. Smith, Planner, Melissa D. Peagler and developer's agent, A.J. Ball. The members discussed the agenda. The next meeting date was confirmed to be January 22, 2002 at 9:30 AM in the Land Development Building.

Mr. Lynch passed out material prepared by the planning staff and asked staff to explain it. Ms. Karen Smith reviewed some sheets provided the Subcommittee members to use to take notes. Those sheets broke down Section 170-48 of the Subdivision Ordinance and the variance application. Ms. Smith explained that the Planning Board would make a recommendation to the Board of Commissioners and the Commissioners would make a decision using facts and evidence they were presented in regard to the requirements of the subdivision ordinance and the answers to the questions on the variance application.

Ms. Smith asked Mr. A.J. Ball, Project Manager for Oleta Falls, if the variance for the bridge width was still valid. Mr. Ball reported that they were withdrawing the request and will leave the bridge at a 16ft. travelway width.

Mr. Lynch asked the subcommittee members to be honest, up front, and objective about the variance request.

Mr. Leon Allison asked about the history of variances and if there was any variance like this one in the past. Ms. Smith stated that each variance should be reviewed on its own merits. She said that Whites Lake asked for a variance on shoulders and then withdrew that request.

Mr. Mike Cooper asked when the ordinance was done. Ms. Smith stated that this particular version was enacted in 1999 but the county has had a subdivision ordinance since 1988.

Mr. Roger Wolff asked when did Mr. Ball and the developers purchase the property. Mr. Ball replied that the property was purchased in January 1999. Ms. Smith stated that he was under the current Subdivision ordinance. Mr. Ball stated that the project did not get an approval until 2000.

The subcommittee left to visit the project site. At that site, the subcommittee stopped at the road section for which a curve radius variance has been requested. Mr. Ball reported that after learning their first attempt at constructing the road did not meet the road standards, the surveyor marked the road and the road was built according to his

specifications. Mr. Ball was asked if the surveyor was local and he reported that the surveyor was from Greenwood but knew the standards in the Subdivision Ordinance.

Mr. Cooper asked if the curve started further up the road, would it fix the curve radius? Mr. Ball asked if he meant taking the inside portion of the curve and giving it greater width? Mr. Cooper replied that it appeared it would fix it and he could avoid a big fill slope. Mr. Ball reported that it might help but not to the 110 ft radius required in the ordinance. Mr. Ball also stated that he could not go further out because of the cemetery.

The subcommittee stopped to see the location of the proposed bridge. Then, the members traveled on to Bear Landing where the grade variance is requested. Mr. Ball stated that the section doesn't meet the 18% grade required in the ordinance. Mr. Cooper stated that the outcroppings of rock could be seen on the side of the road and were probably the reason for the 22% grade. Mr. Ball reported that the rock outcroppings were part of the reason. Mr. Lynch wondered if when they ran into the rock did they know that it would not meet the ordinance and proceed? The subcommittee continued to discuss the removing the rock. Mr. Wolff asked how many yards would have to be blasted? Mr. Ball replied that he didn't know. Mr. Allison and Mr. Cooper agreed that 22% or 18% in bad weather is the same thing. Mr. Ball stated that the staff recommended approval of this variance request. Mr. Wolff stated that if this was a retirement community then, he could not see an 85 year old traveling down this road. Mr. Ball said that the developers did see this property as a 2nd home community and most people purchasing the lots were not over 55 or 60. Mr. Lynch stated that people that age tended to stay put and could be there when they are 85. Mr. Cooper asked if the road could have been taken around. Mr. Ball stated that it would have taken out 2 lots. Mr. Wolff asked if the curve on the other road where they had stopped was widened would they lose lots? Mr. Ball stated no. Mr. Cooper asked is the grade 18% on other parts of this road? Mr. Ball stated that the grade of the overall road is 15%. While in the area asking for a grade variance, Mr. Cooper pulled a measuring tape to measure shoulders. Ms. Smith stated that the ordinance required 6-foot shoulders to the edge of the ditch. Mr. Cooper measured the road to 16'4". Inside the curve and outside the curve the shoulder requirement was not met.

The subcommittee stopped again on Overlook Park Drive to look at shoulder and road width. Mr. Wolff asked about utilities. Mr. Ball reported that everything was in Phase I that power needed to be installed in Phase II. They would be underground. The group discussed ditch slopes and standards for slopes in the ordinance.

Oleta Falls Variance Request
Page 3

The subcommittee then stopped at Section 3, the section that has not been completed. Ms. Smith stated that the developers were requesting variance for shoulder width in this new section. Mr. Cooper asked how much of a variance was requested. Mr. Ball stated they are requesting a 2-foot shoulder in Phase 3. It was stated that not all of the previous sections were at 2 foot and Mr. Ball stated they are requesting a variance on the shoulder width the as-built stat in Phase 2. The meeting was adjourned.

**OLETA FALLS
119B THIRD AVENUE WEST
HENDERSONVILLE, NC 28792**

Date: December 3, 2001

To: Karen Smith – Director
Henderson County Planning Department

Fr: A. J. Ball 

Ref: Oleta Falls

Attached is a Variance request from Waterside Properties, LLC for Oleta Falls Subdivision in Henderson County.

This request covers four specific areas within the Henderson County Subdivision Ordances. The first variance is for a 500 ft. section of road on Oleta Mill Trail that does not meet the radius standard and short sections of three roads that do not meet the shoulder width requirement. The second is a 200 ft. section on Bear Landing Drive that does not meet the slope standard. The third is to request a change in our Master Plan that reduces the driving width of a covered bridge from 16 ft. to 13 ft. (Your revised Ordinance provides for a 12 ft. driving width)

Waterside Properties, LLC desires to have this request presented to the Board of Commissioners at the earliest opportunity.

Please advise me if you require additional information.

My telephone numbers are; Mobile, 828-606-3030 or Office, 828-272-0315.

received
12-3-01

Application No. SV-01-02

COUNTY OF HENDERSON
STATE OF NORTH CAROLINA
APPLICATION FOR A VARIANCE FROM THE
HENDERSON COUNTY SUBDIVISION ORDINANCE

12 3 2001
MONTH DAY YEAR

Applicant Name: Waterside Properties Phone: (828) 272-0315
Address: 419 North Main Street
Hendersonville, NC 28792
Subdivision Name: Oleta Falls County File # _____
Location of Property: Stepp Mill Road / Blue Ridge

TO THE HENDERSON COUNTY BOARD OF COMMISSIONERS

I, A. J. Ball (owner/agent), hereby petition the Henderson County Board of Commissioners for a VARIANCE from the literal provisions of the Subdivision Ordinance of Henderson County. I request a variance from the following provisions of the ordinance (cite section numbers): 170-21C(2) Table 1 curve radius
shoulder width; 170-21E Grade percentage
170-21I(2) Bridge width

The following attachments are submitted herewith: Attachment 1 (responses)
Attachment 2 (Narrative); Attachment 3 (letter)

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE:

The Henderson County Board of Commissioners does not have unlimited discretion in deciding whether to grant a variance. The Board should reach three conclusions as a prerequisite to the issuance of a variance: (a) that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance, (b) that the variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit, and (c) that in granting the variance, the public safety and welfare have been assured and substantial justice has been done.

The Board shall consider the physical characteristics of the land, adjacent land uses and the intensity of the proposed development. In determining an undue hardship, the Board shall consider the unique conditions peculiar to the site and design flexibility to preserve and protect the site's natural features.

received
12-3-01

In the spaces provided below, indicate the facts that you intend to show and the arguments that you intend to make to convince the Board that it can properly reach the three required conclusions stated above:

(a) THERE ARE PRACTICAL DIFFICULTIES OR UNNECESSARY HARDSHIPS IN THE WAY OF CARRYING OUT THE STRICT LETTER OF THE ORDINANCE IN SIMILAR MATTERS RELATING TO LAND USE. The courts have developed three rules to determine whether in a particular situation "practical difficulties or unnecessary hardships" exist. State facts and arguments in support of each of the following:

- (1) If he/she complies with the ordinance, the applicant can secure no reasonable return from or make no reasonable use of his property. (It is not sufficient that failure to grant the variance simply makes the property less valuable).

See attachment 1

- (2) The hardship of which the applicant complains results from unique circumstances related to the applicant's land. (Note: Hardships suffered by the applicant common with his neighbors do not justify a variance. Also, unique personal or family hardships are irrelevant since a variance, if granted, runs with the land).

See attachment 1 + 2

- (3) The hardship is not the result of the applicant's own actions.

See attachment 1 + 2

(b) THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE AND PRESERVES ITS SPIRIT. (State facts and arguments to show that the variance requested represents the least possible deviation from the letter of the ordinance that will allow a reasonable use of the land and that the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood).

see attachment 1

(c) THE GRANTING OF THE VARIANCE SECURES THE PUBLIC SAFETY AND WELFARE AND DOES SUBSTANTIAL JUSTICE. (State facts and arguments to show that, on balance, if the variance is denied, the benefit of the public will be substantially outweighed by the harm suffered by the applicant). See attachment 1, 2+3

I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information, and belief.

Males E. Ausborn
Applicant's Signature

12/3/01
Date

[Signature]
Applicant's Agent (If Applicable)

12/3/01
Date

Staff Use Only

Application Received By: _____ Date: _____
Application Fee: _____ Date Paid: _____ Method: _____

Revised 10/5/99

received
12-3-01

Attachment 1 to the Oleta Falls Variance Request.

Page 1 of 3

Introduction:

Oleta Falls is an open space, low density, gated community that protects and enhances the rugged beauty of Henderson County. Our vision for the development is to provide a private mountain retreat for only seventy-nine (79) very lucky homeowners, the majority of which will be part-time/vacation homes. Because of the low density and reduced traffic flow from part-time residents the volume of traffic using the road system will be minimal. Residents, authorized utility & construction personnel will be the only traffic within the community. The road network of the development will never be used to provide access to other sites within the County and will remain private as stated in our recorded covenants. As built, the road network provides a safe and environmentally friendly system of access and egress throughout the property. We have documented that the roads will provide adequate access for emergency vehicles. Please refer to the attached letter from the Dana Fire & Rescue Department. Our erosion control plan as designed and implemented provides adequate control measures for water run off during storm events and prevents the pollution of the Little Hungry River and it's tributaries within the boundaries of Oleta Falls and the downstream watershed. Overall, we feel we have complied with the intent and spirit of the open space development concept while providing an outstanding protected community that adds value to the natural beauty of the area and enhances the tax base of the County. Please refer to Attachment 2, Narrative on Oleta Falls Variance Request.

Paragraph a (1)

Given the difficulty of mountain road construction while minimizing erosion problems and the negative impact on the natural beauty of the land, we have designed and constructed roads that are safe, environmentally friendly, cost efficient and in keeping with the intent of preserving the natural beauty of the mountains and the concept of "Open Space Development". The costs associated with the changes are not the driving force in our request for this variance. Our goal is to preserve and protect the beauty of the mountains while creating a marketable low-density, "nature preserve" development.

Paragraph a (2)

The subdivision has one paved private road approximately 1200 feet in length that serves five lots which has a two hundred foot section that does not comply with the slope requirements of the county ordinance. Please refer to the attached map marked Exhibit 1. The overall degree of slope on this road is 15%, (from the intersection to the cul-de-sac.) The two hundred foot section, which is out of compliance, is situated on a large rock outcropping. Removal of additional trees and soil, blasting & excavation of the rock would result in unnecessary disruption of the natural environment. Removal of this rock formation would create a substantial erosion problem as well as a significant environmental scar that would be visible from adjacent properties and surrounding mountain peaks. We are respectfully requesting a variance of the vertical allowance from 18% to 22% for the 200ft section of Bear Landing Drive in Phase 2 of Oleta Falls.

Attachment 1 to the Oleta Falls Variance Request.
Page 2 of 3

Paragraph a (2) continued.

The shoulder widths of some sections of roads within the development are less than those agreed to on our preliminary plan. Please refer to the attached map marked Exhibit 2. In keeping with our vision of an open space mountain development and our conscious effort to minimize the impact of road construction we were able to use existing logging roads and build paved roads that exceed the minimum required driving width. The roads in Phase 2 meet the width requirement of the ordinance but do have narrower shoulders due to the slope and curvature of the mountain terrain. Building the roads with the narrower shoulder minimized erosion during and after construction and enabled us to maintain the natural beauty of our mountains. All ditch lines and culverts are of sufficient size and designed to provide adequate control of water run off. Clearing of additional space for the sake of shoulder width would have a significant negative effect on the environment as well as the natural beauty of the property. The increased width of the shoulders would have minimal effect on resident safety or improvement of access for emergency vehicles. We are respectively requesting a variance of the shoulder width requirement from six feet (6ft) to as built on Overlook Park Drive, Bear Landing Drive, Ashley Bend Trail, & Oleta Falls Path. The shoulder width of these sections of roads varies from one foot to four feet. This particular variance is requested for both Phase 2 and Phase 3. (We have not begun road construction in Phase 3.)

A short (100ft) section of a curve on Oleta Mill Trail does not meet the required horizontal allowance (radius) as defined in the Subdivision Ordinance. Please refer to the attached map marked Exhibit 3. This particular section of road is adjacent to a historic cemetery and lies on a steep slope as the road descends into the Little Hungry River valley. The initial layout of this section of road resulted in our being out of compliance in both horizontal (radius) and vertical (slope) allowances. We have been successful in correcting the vertical allowance and extending the overall radius of the curve. Because of the steep slope, the disruption created by additional construction, creating a much larger scar on the land and the restriction imposed by the location of the cemetery we are requesting a variance from the 110ft radius to the 'as built' 52ft radius for this short section of the curve. Please note the overall radius of the curve is not in question only the short section depicted on the map.

We have planned, designed and bonded a two hundred foot cover bridge across the Little Hungry River. We have previously submitted a set of engineer certified bridge plans. The bridge plan reflects a driving surface of 16 ft as required by your previous standards with a rolled curb extending 100ft from both sides of the bridge. This section of rolled curb would reduce the driving (paved) width of Oleta Mill Trail from 18ft to the 16ft. Your current Subdivision Ordinances now allows a minimum of 12 feet of driving surface. The only stipulation in the ordinance is that the roadway of the bridge cannot be less than the roadway on either side of the bridge. We are requesting a variance to extend the rolled curb from 100ft to 150ft and gradually reduce the driving width from 18ft to 13ft on both sides of the bridge. We would provide the required turnouts on both sides of the bridge as required by the ordinance. The bridge is an open sided structure that would allow drivers on either side to have an unobstructed view of any approaching traffic or traffic already on the bridge. The reduction in the overall width of the bridge will significantly reduce the height of the covered portion of the bridge. The reduced height will eliminate the overpowering look of the bridge and allow it to complement the overall natural beauty of this pristine section of our development. This change will not reduce the maximum weight or height requirements as specified by state standards.

Attachment 1 to Oleta Falls Variance Request.
Page 3 of 3

Paragraph a (2) continued.

Our Master Plan will be updated to depict the tapering of the road surface from both sides of the bridge to the 13-foot width and construction of paved turnouts on each end of the bridge. We have an improved ford site with one lane paved access approximately 500ft upstream from the bridge site. This ford is currently used to access Phase 2 and will remain in use after the bridge is completed to provide construction access or an alternate emergency/evacuation route if required.

Please refer to Exhibit 3 - Ford site.

Please refer to Exhibit 4 – Bridge Elevation.

Paragraph a (3)

The hardship/situation is the result of several factors. They include the topography of the mountain terrain, the proximity of roads to historical cemeteries, unanticipated rock formations and the intent to create a low-density development with minimal impact on the land.

Paragraph b

Our road design and construction techniques allowed us to utilize the existing logging roads throughout the property. By using those roads we were able to significantly reduce the overall impact of road construction, minimize erosion problems and maintain the natural beauty of the land. Our concept of a low density, nature preserve community is in keeping with the intent of the counties “Open Space Development Plan.”

Paragraph c

Granting of this variance will not increase the risk to public health and safety. The developments road network has been reviewed by the Dana Fire & Rescue Department. The result of their review validates that the roads are safe, provide adequate access for emergency equipment and are in general, better than many existing roads served by their department. A copy of a letter from the Dana Fire and Rescue Department is attached. If the variance is granted the benefit to the general public will be enhanced. The natural beauty of the land will be preserved, ugly scars on the mountains will not be visible, erosion issues will be eliminated and the safety and well being of the residents of Oleta Falls will not be negatively affected.

Summary:

We feel strongly our vision is the right approach to developing mountain properties. We have set aside nearly 50% of the total 450 acres within the boundaries of Oleta Falls as open/common space. Our covenants and restrictions will always protect the natural beauty of the mountains, the narrow valleys, the meadows and the streams of Oleta Falls. Property owners must submit and receive approval for house sites, number and size of trees to be removed, driveway locations and clearing of view corridors on their lots. These measures will insure that large gaping scars on the mountains will not be possible at Oleta Falls. In keeping with the intent of those restrictions to minimize the impact of construction, we have built roads that provide safe access and egress throughout the development with minimal impact on the environment. Our request for these variances is motivated by our vision for Oleta Falls and if approved will continue to protect and preserve the integrity and natural beauty of this section of Henderson County.

Attachement 2 to the Oleta Falls Variance Request

Narrative on Oleta Falls Variance Request

Waterside Properties is affiliated with Renaissance Communities, a high quality and environmentally sensitive developer. When we purchased the property at Oleta Falls we recognized the uniqueness and environmental values this property possessed. The property had been logged in the past but had been left alone long enough that nature had healed the scars that had been inflicted on the land. We felt an obligation to the land to develop it in a way to do no harm and to restrict it in the future to prevent intensive development but make it economically feasible. We felt the best way to do that was to restrict the number of home sites to seventy nine to lessen the impact on the environment and to lessen the demands on safety issues while at the same time building a strong tax base for local government. The fact that this is a gated community means not only will the burden on local governmental agencies be reduced but also that these roads will not be an avenue for future development of other properties. This means that traffic and safety issues will not be impacted to a greater degree in the future. These roads will always serve only this community and will never be high traffic.

received
12-2-01

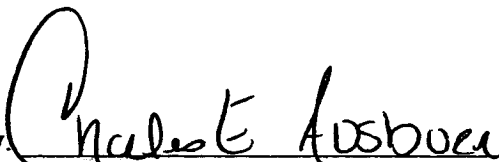
An important part of this process was to utilize the existing logging roads as much as possible to establish the new road system. We did not do this to save money but to save trees and reduce the overall impact on the environment. We went to great extent and expense to save trees while making safe passageway through the property. The local safety agencies have inspected the property and are satisfied with the design and construction of the roads. We therefore request the following variances:

1. Curve radius variance (one curve on Oleta Mill Trail)
2. Minor grade variance (two hundred foot section on Bear Landing Drive)
3. Shoulder width (short sections on Oleta Falls Path and Ashley Bend Trail)
4. Bridge driving width

We feel that if you visit the site you will see we have met the intent of all regulations that were meant to protect the property owners, safety and health issues and the environment.

Sincerely,

Waterside Properties

By: 
Charles E. Ausburn

received
12-3-01

Attachment 3

Oleta Falls Variance Request
Attachment III to Application
Dana Fire & Rescue Letter

DANA FIRE AND RESCUE
POST OFFICE BOX 151
DANA N.C. 28724

To Whom It May Concern:

Concerning the matter of the roads in the Oleta Hills Retreat, I have personally inspected the existing roads and have found them to be sufficient to operate our emergency equipment on. The width and grade of these roads are actually better than quite a few roads that we already operate on. I cannot foresee any problem pertaining to roads and emergency vehicles at this time.

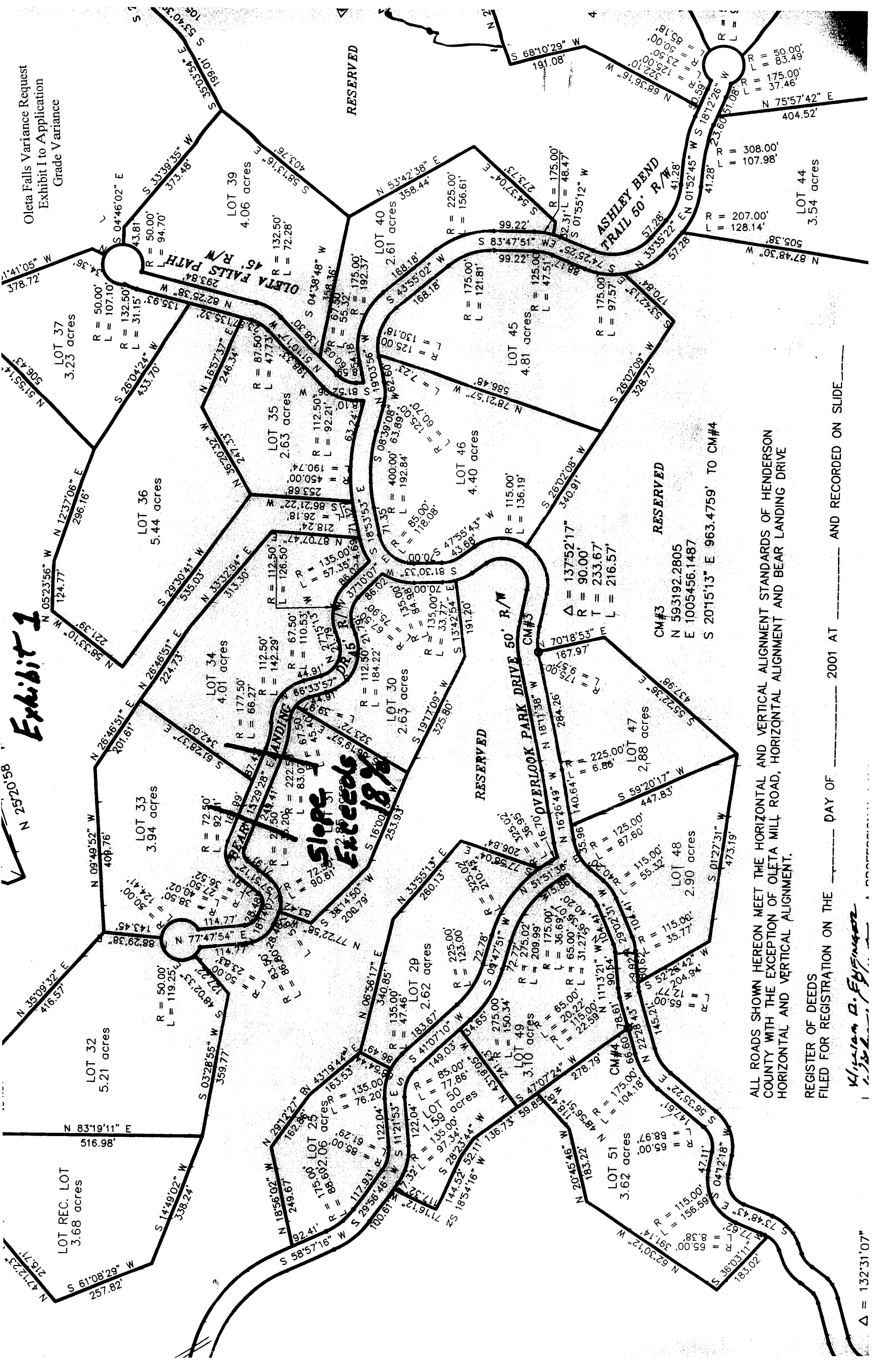
Thank you,
Ronald L Godman
2nd Asst Chief
Dana Fire and Rescue

Ronald L Godman

received
12-3-01

Exhibit 1

Oleta Falls Variance Request
Exhibit I to Application
Grade Variance



ALL ROADS SHOWN HEREON MEET THE HORIZONTAL AND VERTICAL ALIGNMENT STANDARDS OF HENDERSON COUNTY WITH THE EXCEPTION OF OLETA MILL ROAD, HORIZONTAL ALIGNMENT AND BEAR LANDING DRIVE HORIZONTAL AND VERTICAL ALIGNMENT.

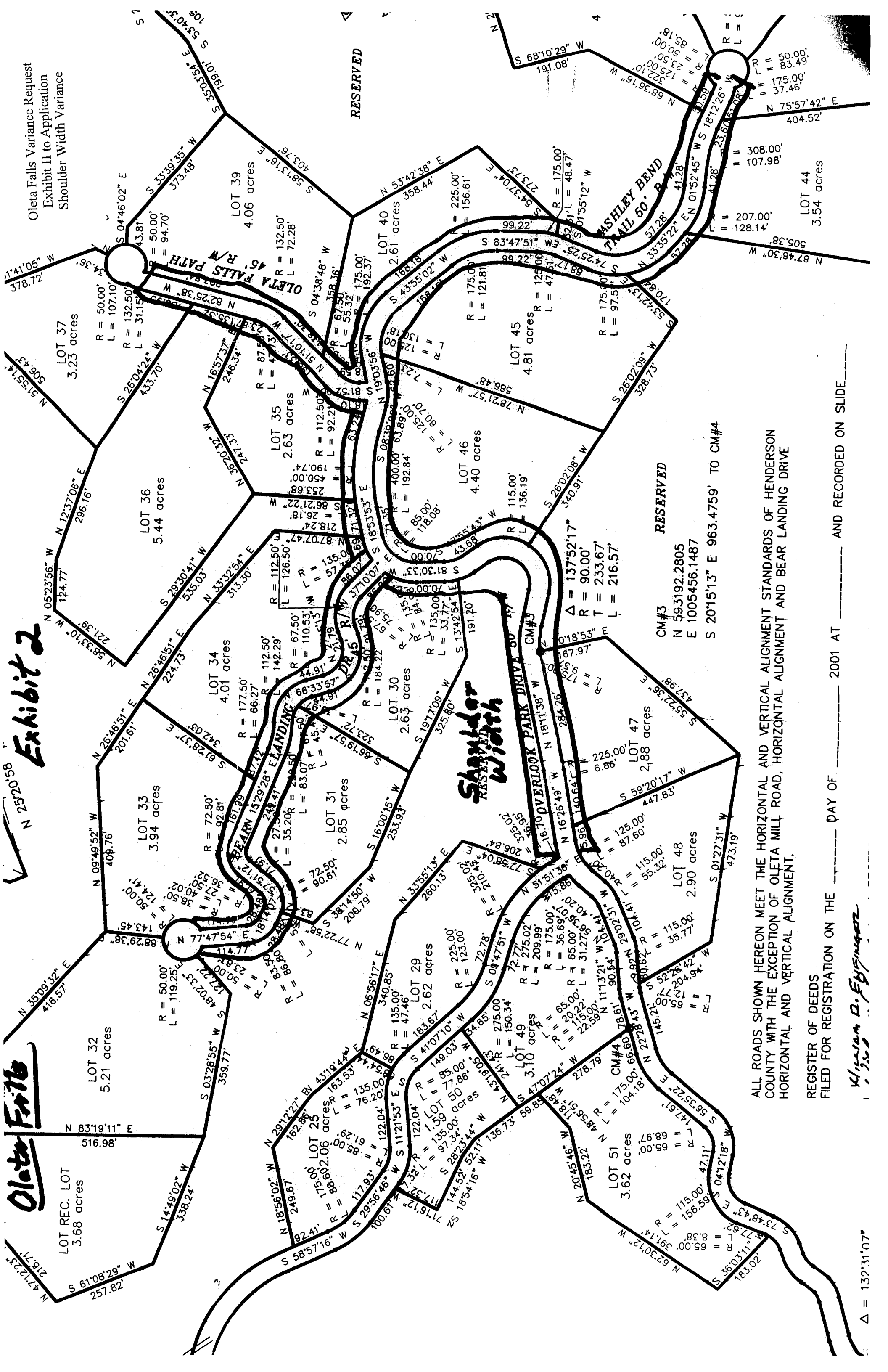
REGISTER OF DEEDS
FILED FOR REGISTRATION ON THE _____ DAY OF _____ 2001 AT _____ AND RECORDED ON SLIDE _____

William D. Egan

Δ = 132'31"07"

Oleta Falls

Exhibit 2



Oleta Falls Variance Request
Exhibit II to Application
Shoulder Width Variance

RESERVED

Shoulder
RESERVED
Width

RESERVED

CM#3
N 593192.2805
E 1005456.1487
S 2015'13" E 963.4759' TO CM#4

ALL ROADS SHOWN HEREON MEET THE HORIZONTAL AND VERTICAL ALIGNMENT STANDARDS OF HENDERSON COUNTY WITH THE EXCEPTION OF OLETA MILL ROAD, HORIZONTAL ALIGNMENT AND BEAR LANDING DRIVE HORIZONTAL AND VERTICAL ALIGNMENT.

REGISTER OF DEEDS
FILED FOR REGISTRATION ON THE _____ DAY OF _____ 2001 AT _____ AND RECORDED ON SLIDE _____

William D. Edinger

Δ = 132'31'07"

Exhibit 3

Oleta Falls Variance Request
 Exhibit III to Application
 Curve Radius Variance

PIN 10-0509-22-8483-55
 D.B. 828 PG. 180

$\Delta = 34'29.16"$
 $R = 259.30'$
 $T = 80.49'$
 $L = 156.08'$

$\Delta = 43'16.53"$
 $R = 125.00'$
 $T = 49.59'$
 $L = 94.43'$

$\Delta = 59'52.37"$
 $R = 131.38'$
 $T = 75.66'$
 $L = 137.30'$

$\Delta = 47'52.06"$
 $R = 194.55'$
 $T = 86.35'$
 $L = 162.54'$

$\Delta = 26'41.09"$
 $R = 305.13'$
 $T = 72.37'$
 $L = 142.12'$

$\Delta = 60'33.52"$
 $R = 162.28'$
 $T = 94.76'$
 $L = 171.54'$

$\Delta = 36'05.04"$
 $R = 290.00'$
 $T = 94.46'$
 $L = 182.64'$

$\Delta = 84'54.53"$
 $R = 99.16'$
 $T = 90.73'$
 $L = 146.96'$

$\Delta = 74'05.31"$
 $R = 52.21'$
 ~~$T = 39.41'$~~
 $L = 67.51'$

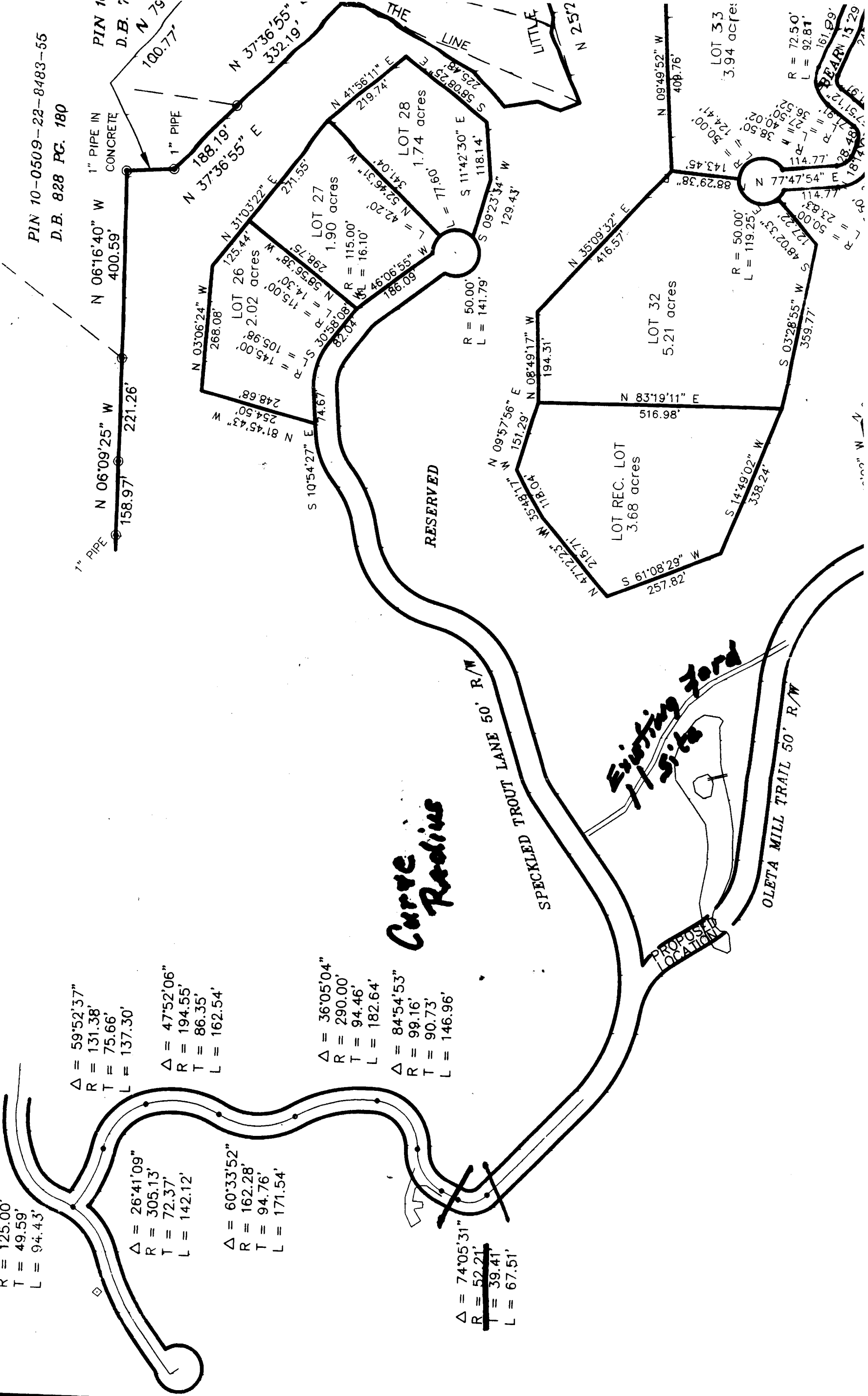
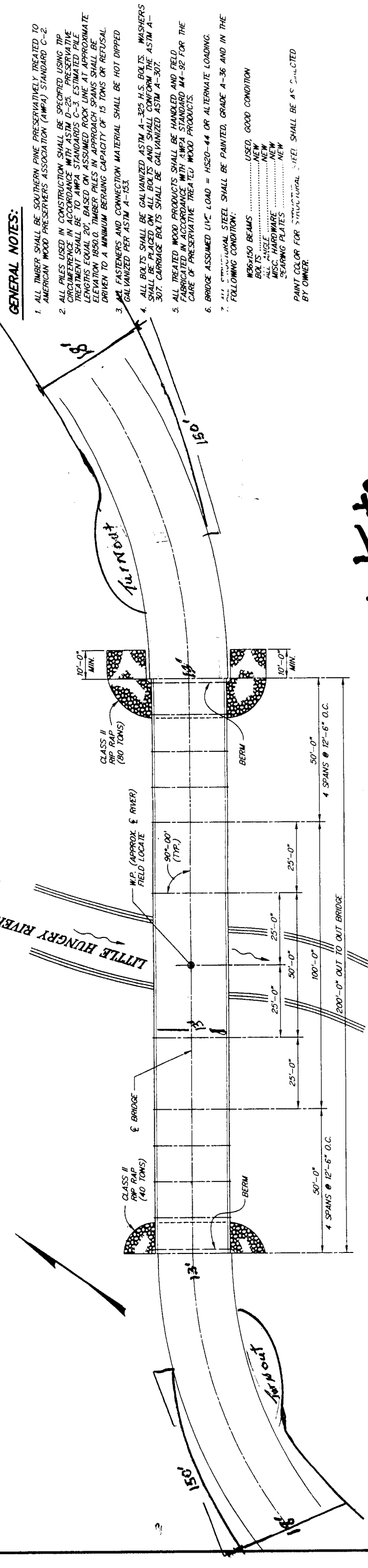


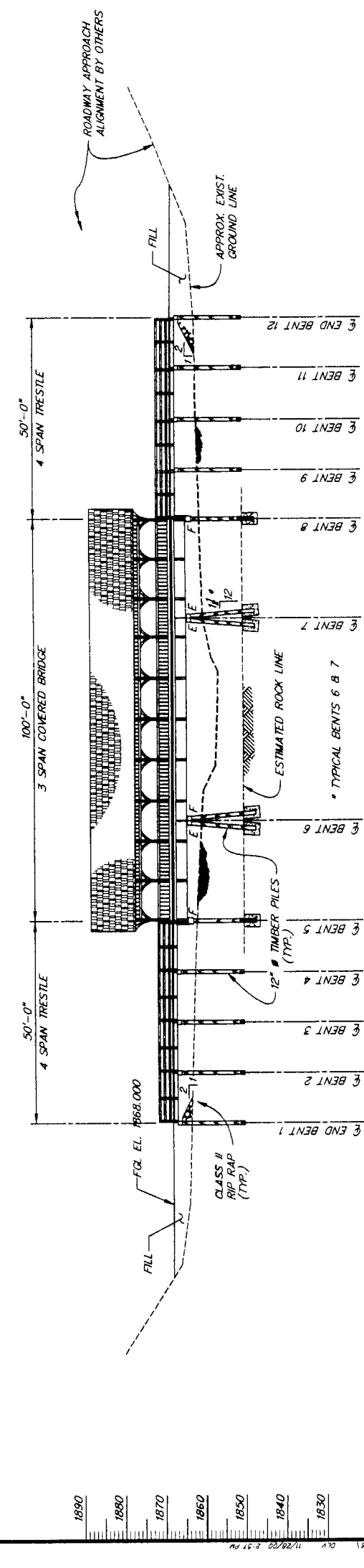
Exhibit 4 Bridge Elevation

Oleta Falls



Not to Scale

PLAN



ELEVATION

NOTE:
 "F" DENOTES FIXED END BEARING CONDITION
 "E" DENOTES EXPANSION END BEARING CONDITION

GENERAL NOTES:

1. ALL TIMBER SHALL BE SOUTHERN PINE PRESERVATIVELY TREATED TO AMERICAN WOOD PRESERVERS ASSOCIATION (AWPA) STANDARD C-2.
2. ALL PILES USED IN CONSTRUCTION SHALL BE SPECIFIED USING TIP CIRCUMFERENCE IN ACCORDANCE WITH ASTM D-25. PRESERVATIVE TREATMENT SHALL BE TO AWPA STANDARDS C-3. ESTIMATED PILE LENGTHS EQUAL 20', BASED ON ASSUMED ROCK LINE. AT APPROXIMATE ELEVATION 1850.0, TIMBER PILES IN APPROACH SPANS SHALL BE DRIVEN TO A MINIMUM BEARING CAPACITY OF 15 TONS OR REFUSAL.
3. ALL FASTENERS AND CONNECTION MATERIAL SHALL BE HOT DIPPED GALVANIZED PER ASTM A-153.
4. ALL BOLTS SHALL BE GALVANIZED ASTM A-325 H.S. BOLTS, WASHERS SHALL BE PLACED ON ALL BOLTS AND SHALL CONFORM TO THE ASTM A-307. CARRIAGE BOLTS SHALL BE GALVANIZED ASTM A-307.
5. ALL TREATED WOOD PRODUCTS SHALL BE HANDLED AND FIELD FABRICATED IN ACCORDANCE WITH AWPA STANDARD M4-92 FOR THE CARE OF PRESERVATIVE TREATED WOOD PRODUCTS.
6. BRIDGE ASSUMED LIVE LOAD = HS20-44 OR ALTERNATE LOADING.
7. ALL STRUCTURAL STEEL SHALL BE PAINTED, GRADE A-36 AND IN THE FOLLOWING CONDITION:

- W8x150 BEAMS USED, GOOD CONDITION
 - BOLTS NEW
 - ALL ANGLE NEW
 - MISC. HARDWARE NEW
 - BEARING PLATES NEW
- PAINT COLOR FOR STRUCTURAL STEEL SHALL BE AS SPECIFIED BY OWNER.



Triplet-King & Associates, Inc.
 CONSULTING ENGINEERS
 P.O. Box 70
 Rock Hill, SC 29731
 803-980-6025

GENERAL DRAWING
 OLETA FALLS COMMUNITY COVERED BRIDGE
 OVER LITTLE HUNGRY RIVER

HENDERSON CO., NC
 DES. BY: BCB
 DATE: 10/20
 SCALE: NONE
 SHEET NO.: 7 OF 5
 TKA JOB #00-36

Office of the County Engineer
802 Stoney Mountain Road
Hendersonville, N.C. 28791
828-698-5115

Henderson County

Memo

To: Karen Smith, Planning Director
From: Gary T. Tweed, P.E.
Date: 12/13/2001
Re: Oleta Falls Subdivision Variance Request

As requested, a review of the variance request for Oleta Falls Subdivision has been completed. A site visit was conducted on December 10, 2001. The variance request is for road construction standards involving road widths, slope, shoulder width, and curve radius. The following comments are offered:

- 1- With respect to slope, shoulder width, and curve radius the variance application is insufficient to determine exactly where in the subdivision the variance request is being made. Specific locations for each section of road needing the variance should be submitted. In visiting the subdivision, many of the roads have been completed and current road shoulder width, travel width, cut and fill slopes, and ditch slopes for the majority of the roads do not meet the ordinance standards. It is likely that the narrow shoulder widths, reduced travel widths, steep cut and fill slopes will result in increased maintenance and repair costs for future homeowners of this subdivision. Also narrow pavement and shoulder widths make these roadways less safe. Many of the roads have been completed and paved.
- 2- With respect to the proposed one lane bridge, this section of the roadway is part of the collector road system, which will serve the majority of the subdivision. The road width at this location should be kept to a minimum of 18 ft. A reduce road width could be allowed if this were to be made a one way road with a second stream crossing for one way exit. It appears that either bridges or culverts could be used for the second crossing. Should only one crossing be provided then it is recommended that a minimum 18 ft travel width be provided. A bridge would require additional width to accommodate railings. To date the subdivision ordinance has not been revised to allow 12 ft. road widths as stated in the application.

It is very disturbing to see developments progressing to this point, having completed much of the roadwork, before requesting variances. The variance should have been requested prior to completion of grading. It is my opinion that the roads were built, not in conformance with the standards, primarily to reduce costs. The roads as constructed have been accomplished with minimal grading and storm water systems. Cut banks and fill slopes are very steep any will likely be difficult to maintain, resulting in significant erosion. By the ordinance the cut and fill slopes are to be no steeper than 2 to 1. That is 2 feet horizontal for 1 foot vertical. Many of the cut banks are almost vertical far exceeding the required cut slope. Many of the fill slopes are the same. The road shoulder widths are in most areas no more than 2 ft. which reduces safety, especially on fill slope areas. Ditch slopes are steep and as ditch lines erode from rainwater, it is likely that areas of pavement undercut will occur. This will result in high maintenance and repair costs for the future homeowners of this development. The roads as constructed do not meet our ordinance or the N.C. State road standards and would likely never be accepted by the N.C. State Highway Department to be included in the State Road System.

Should additional information be requested, the applicant should provide the roadway designs. It is likely that the roads were not designed by a licensed professional engineer in North Carolina. The designs should show where the roads do not meet our ordinance and show all locations for variances listing roadway data at these locations. This should include the requested travel widths, slope of roadway, cut and fills, radius both horizontal and vertical, and shoulder widths. Certifications by boring tests as to stone and pavement depths should be provided.

Should you receive additional information needing review, please contact my office.

**HENDERSON COUNTY
DEPARTMENT AND AGENCY
SUBDIVISION REVIEW RESPONSE FORM**

I have reviewed the plans for the proposed subdivision titled **Oleta Falls Variance Request** and offer the following comments:

THE THE VARIANCE REQUEST DO NOT HAVE
ANY BEING ON THE APPROVED SEDIMENT + EROSION
CONTROL PLAN FOR THE SITE ~~AND~~ AND DOES
NOT APPLY TO THE SEDIMENT POLLUTION CONTROL
ACT. WATERSIDE PROPERTIES HAS DONE A GOOD
JOB WITH SEDIMENT + EROSION CONTROL DURING
THE COURSE OF THIS PROJECT -

(If necessary use the back of the form or additional sheets for comments)

WBeck
Reviewed By

NC DENR
Agency LAND QUALITY
SECTION

12/10/01
Date

Please Return to:

Henderson County Planning Department
101 East Allen Street
Hendersonville, North Carolina 28792

REVISED – 6/19/00

Page 4 – Planning Board Minutes of April 25, 2000.

ditch to handle this type of grade and the flow of water and had to have two-foot boulders in the ditch just to meet the design criteria. He stated that with this Valley Gutter design, it would basically funnel later into the *Valley Gutter* where the culverts would be spaced so that they can handle the flow. He added that with a *Valley Gutter* on steep slopes, there is less problem with erosion. Mr. Rohrbaugh stated that no paved residential road may exceed an 18% grade and Staff would ask that no portion of the road(s) have grades that exceed maximum allowable grade or submit a final as-built graded centerline profile showing grade and alignment for all roads. Mr. Rohrbaugh stated that a note on the final plat shall state that such property lies within 1/2 mile of land in a Farmland Preservation District. Mr. Blalock made a motion to approve Splitrail Master Plan and Development Plan subject to the two items discussed and that the Board agrees to interrupt the *Ordinance* to count the *Valley Gutter* as a shoulder. Jack Beattie seconded the motion and all members voted in favor. Mr. Beattie asked whether we should change the *Ordinance* to accommodate *Valley Gutters*, instead of interpreting the *Ordinance* every time this situation comes up. Chairman McGrady stated that we could discuss this issue at the end of the meeting.

→ Oleta Falls - Master Plan & Development Plan Review (79 lots off Union Hill Rd / Stepp Mill Rd in Blue Ridge Township) - A.J. Ball, Agent for Waterside Properties, LLC, Property Owner. Mr. Gilmer stated that Mr. A.J. Ball, agent for Waterside Properties, LLC, has submitted an application for Master Plan and Development Plan review of *Oleta Falls*. *Oleta Falls* is a proposed single-phase, 79-lot open space subdivision on approximately 442 acres of hilly and wooded property located off of Union Hill Road. Each lot in the subdivision will have direct access to a 215-acre open space system with trails, ponds, and other amenities. The lots will range in size from 1 to 8 acres and will be served by individual wells, individual septic systems, and private roads. The proposed site is located immediately adjacent to the Hungry River Gorge Natural Area as identified in the *Inventory of the Natural Areas of Henderson County*, and is located within 1/2 mile of property in the Blue Ridge Farmland Preservation District. Mr. Gilmer mentioned that Mr. Ball and Mr. Luther Smith are present to answer any questions the Board might have regarding *Oleta Falls*. Mr. Gilmer stated that he has reviewed the Master Plan and Development Plan in accordance with the *Subdivision Ordinance* and offered the following comments. (1) The applicant should provide evidence that a Soil Erosion and Sedimentation Control plan has been received by NCDENR. Regarding second condition in the Staff memo on the dry hydrant, Mr. Gilmer mentioned that a dry hydrant has been proposed near the pond and that this condition has been met. Ms. Padgett asked if that is enough for everyone. Mr. Gilmer mentioned that he did not receive any comments from the Fire Marshal's Office regarding this and he asked Luther Smith to respond. Mr. Smith stated that a dry hydrant needs to be near an adequate amount of water and the stream was not deep enough to pump water out of it. He stated that there are two small ponds, and they located the dry hydrant on the largest pond, on a collector road and in the center of the development. The pond will have an adequate depth and volume of water and that is the reason they chose this location. Mr. Gilmer continued with his comments, saying that # 3 in the memo regarding road classification had been satisfied. (4) All bridges shall be designed and constructed in accordance with the State road standards. Mr. Gilmer stated that Staff recommends that the Planning Board require that the applicant submit bridge plans, prepared by a licensed engineer, that conform to the bridge standards of the NC Department of Transportation and have the engineer certify on the Final Plat that the bridge is, or will be, built to NCDOT standards. Mr. Gilmer added that the applicant should also submit a written notice of bridge plan approval from any other review agencies that have jurisdiction over said structure. Staff may employ its own licensed engineer to review the

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submitted bridge plans certify that they meet NCDOT bridge standards. (5) The Development Plan should show all drainage culvert locations, as well as the length, diameter, and type of culvert. Where the road crosses streams or minor watercourses, culverts shall be designed and installed in accordance with State road standards. (6) Mr. Gilmer stated that Staff would like for a licensed engineer or surveyor to certify on the final plat that no portion of the roads in Oleta Falls exceed an 18% grade for paved private residential collector roads and/or a 16% grade for paved private local residential subdivision roads. (7) The first part of the comment on the Staff memo had been satisfied. A note is required on the Final Plat, which states that the subdivision lies within ½ mile of land in a Farmland Preservation District. (8) The applicant should submit a copy of the proposed restrictive covenants to the Planning Department. (9) The Development Plan shall show the location and approximate layout of recreation areas, clubhouses, mail delivery points, or other project features. Mr. Gilmer stated that Staff recommends approval of the Master Plan and Development Plan subject to the outstanding items discussed and that the Board require that the applicant submit a revised Development Plan that reflects the above conditions and a bridge plan to the Planning Board for Final Plat approval.

Mr. Luther Smith stated that he has reviewed all the conditions and has a few comments to make. He said that for Oleta Falls, which comprises 442 acres, 49% of the property would be classified as “open space.” He stated that there is no problem meeting these conditions. There are two issues however, the first dealing with the bridge. Mr. Smith said that in checking with NCDOT, they want to know a lot of things and their standards are based on a particular plan. He stated that their intention, from an aesthetic standpoint, is to have a covered bridge. Beyond the bridge is an existing heavy-duty crossing, which they plan to upgrade to let vehicles through the property. He stated that the plans for the bridge are to make it a wide, one-lane bridge with a pedestrian walkway to the side for walking or for bicycles. If they must meet the NCDOT loading factor, there will be no problem in doing so. The other issue is regarding the private road standards. He said that the original plan for the subdivision was a loop road system serving the lots. This would mean going to the collector road standards, as the Ordinance requires, which would not be worthwhile for the project. The reason is due to the grade in this situation. He stated that what he would like to get from the Planning Board is the feeling that if the Board is in favor of the loop road system, would the Board support this system if done to the local residential street standards. Mr. Smith stated that they would like for the Board to approve the subdivision tonight as presented (without the loop system), then they propose to go before the Board of Commissioners for a variance request. The basis for the request would be that creating a loop road system would make the entire development work and creates a better transportation system for the development. It would be an asset environmentally in this case to meet the local residential standards as opposed to the collector road standards. Walter Carpenter asked whether all the roads would be paved. Mr. Smith stated that portions of the road would be paved, especially in Section 1, which is west of the river. East of the river, most of the roads will be gravel except where NCDOT requires pavement. He stated that he would like to reduce the standards because of the low traffic but that the Ordinance does not have any standard regarding this. He urged the Planning Board to look at those standards when reviewing the amendments to the *Subdivision Ordinance* to determine whether there are performance methods (alternatives) other than what is spelled out in the Ordinance that would work better for this type of open space development. Mr. Smith then continued reviewing the other conditions as presented. There was further discussion regarding the bridge issue among Board members. Mr. Gilmer stated that he believed the intentions of the Ordinance when

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they did the road and bridge standards, was to make them as close as possible to the State standards so that if in the future someone wanted to make them public, it would be feasible. This came up at the Subcommittee meetings and the State did indicate that if the bridge did not meet State road standards, they would not accept it. Mr. Blalock inquired as to the length of the bridge. Mr. Smith stated that it was approximately 40 – 60 feet. Mr. Carpenter stated that he feels that the Planning Board should forward to the Commissioners the Planning Board's recommendation on the circular drive and the need for the variance as well as recommending a variance for the width of the bridge. Mr. Smith stated that they have not filed for a variance simply because he does not want to hold up approval to proceed with Section 1. He stated that this is a single phase development and so therefore they are not asking the Planning Board for approvals of two or three phases to come, but they would like the Board to approve the plans as presented so that they can proceed and then deal with a variance with the Board of Commissioners and a modification of the plan. Jack Beattie asked why the applicant does not want to build in phases. Mr. Smith stated that the applicant feels best to have it as one phase. Chairman McGrady stated that the main issue concerning the bridge is public safety, that is, will the fire trucks and big equipment vehicles be able to cross the bridge. He stated he wants to make sure it will pass the loading factor of State Standards. Mr. Blalock asked why didn't the Planning Staff make a recommendation that the Planning Board could approve the Master Plan and Development Plan and subject to a variance. Ms. Smith stated that Mr. Smith had not brought in a variance request therefore Mr. Gilmer did not present it the Board as an option. Mr. Ball stated that his company has done two other private road bridges which met the weight standards but they were not 24 feet wide and it was not a problem. After further discussion, Tedd Pearce made a motion to approve the Oleta Falls Master Plan and Development Plan subject to Staff comments (1) The applicant should provide evidence that a Soil Erosion and Sedimentation Control plan has been received by NCDENR; (4) All bridges shall be designed and constructed in accordance with the State road standards. The applicant shall submit bridge plans, prepared by a licensed engineer, that conform to the bridge standards of the NC Department of Transportation and have the engineer certify on the Final Plat that the bridge is, or will be, built to NCDOT standards. Staff may employ its own licensed engineer to review the submitted bridge plans certify that they meet NCDOT bridge standards; (5) The Development Plan should show all drainage culvert locations, as well as the length, diameter, and type of culvert. Where the road crosses streams or minor watercourses, culverts shall be designed and installed in accordance with State road standards; (6) A licensed engineer or surveyor shall certify on the final plat that no portion of the roads in Oleta Falls exceed a 18% grade for paved private residential collector roads and/or a 16% grade for paved private local residential subdivision roads; (7) A note is required on the Final Plat which states that the subdivision lies within ½ mile of land in a Farmland Preservation District and (8) the applicant should submit a copy of the proposed restrictive covenants to the Planning Department. Some Board members felt that NCDOT does not have any standards for bridges in private road areas and were concerned with making it a condition as stated. Michael Case stated that when the interpretation was made in the Ordinance for a roadway system, it was written to be built by State specifications. In the event all property owners decide to turn their road system over to NCDOT, they would not have to have a major expense to bring the road up to grade to meet NCDOT standards. Mr. Smith stated that the road disclosure statement includes private roads. There are no standards for private roads or bridges specified. Mr. Blalock stated that he has no problems with private bridges on private roads as long as there is sufficient visibility at both ends. He feels that the Board needs to deal with this issue and possibly a variance might only be the way to do so. He said in principle, a 12-foot wide

REVISED – 6/19/00

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bridge constructed with the right load bearing standards, giving the flexibility to cover the bridge and making it aesthetically pleasing with the development sounds good. He feels there are only two things critical in this issue (1) load bearing and (2) visibility. Mr. Smith stated that on the plans for the bridge there is approximately 500 feet on either end of the bridge, which is located on flat barren land over open fields, making for good visibility. Chairman McGrady wanted to know what the Planning Board wants to do. Mr. Pearce reiterated that it is hard for him to approve this development if it does not meet HS20 State Standards for bridges. Mr. Beattie disagreed. He feels that according to our Ordinance, private roads meet the standards of the Ordinance, not NCDOT. He referred to a section in the Ordinance, which mentions briefly about bridges, but only related to drainage. Mr. Smith stated that if the bridge has a load capacity that is adequate and an adequate width for emergency vehicles, then would that be the standards for the Board to consider. Chairman McGrady stated that the Board needs to take action on this development. Ms. Padgett stated that along with Mr. Beattie, there are road standards in the Ordinance, but not bridge standards and to go back and refer to NCDOT standards does not answer the question. Ms. Padgett feels that the Board should approve this development subject to allowing them to come back and request a variance and then the Ordinance needs to be improved with regard to handling bridge standards. Mr. Smith stated that he has talked with various structural engineers concerning this bridge and asked for their interpretation of "state standards." They said that it means the loading factor of the bridge. Walter Carpenter seconded the motion of Mr. Pearce's motion. Bill Blalock stated that he would vote against the motion because if it is left as wide as NCDOT standards, it may force them into a 24-foot wide bridge, which is an unreasonable expense and unreasonable design standard for the purposes of development. Rebecca Nesbitt, Chairman McGrady and Mary Jo Padgett agreed with Mr. Blalock and voted against the motion as well. Michael Case, Walter Carpenter, Tedd Pearce and Jack Beattie voted in favor. The motion failed. Mr. Blalock made a motion to approve the Master Plan and Development Plan for Oleta Falls subject to Staff comments (1) The applicant should provide evidence that a Soil Erosion and Sedimentation Control plan has been received by NCDENR; (5) The Development Plan should show all drainage culvert locations, as well as the length, diameter, and type of culvert. Where the road crosses streams or minor watercourses, culverts shall be designed and installed in accordance with State road standards; (6) A licensed engineer or surveyor shall certify on the final plat that no portion of the roads in Oleta Falls exceed a 18% grade for paved private residential collector roads and/or a 16% grade for paved private local residential subdivision roads; (7) A note is required on the Final Plat which states that the subdivision lies within ½ mile of land in a Farmland Preservation District and (8) the applicant should submit a copy of the proposed restrictive covenants to the Planning Department; and, in addition, a licensed engineer shall submit a set of bridge plans that will meet the loading factor of HS 20. The motion failed for lack of a second. The motion failed for lack of a second. Board members asked for a five-minute recess to think about how they can approve this development and the bridge standards.

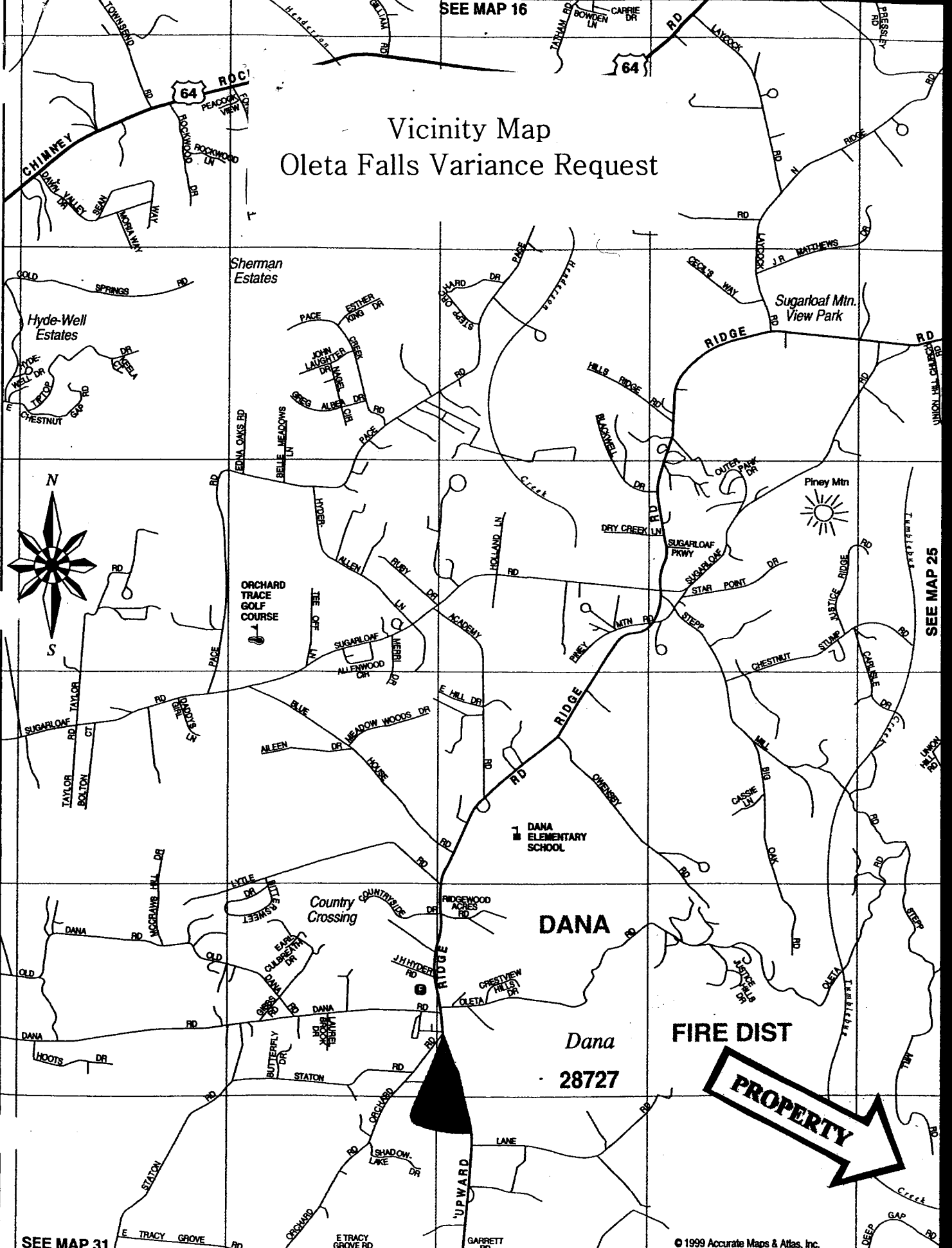
When the meeting reconvened, Mr. Smith requested to amend a portion of the road section in the development to include a curb and gutter section. He said that the State standards for bridges state that "For bridges with curb and gutter approaches, the clear bridge width shall be the same as the curb to curb approach width ..." Mr. Smith proposed a 100' taper from the collector road width of Oleta Mill Trail to the width of the bridge. Chairman McGrady stated that what Mr. Smith is proposing is to put curb and gutter the necessary length on both sides of the bridge to provide a safe approach. He added to also provide a way for an

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engineer to easily determine whether this standard has been met. Tedd Pearce requested to resubmit his previous motion based on the developer's amendment to the plan that would include a curb and gutter approach to the bridge. Walter Carpenter seconded the motion and noted that Tedd's motion included that Staff may employ a licensed engineer to review the submitted bridge plans to certify that they meet NCDOT bridge standards. He added that the actual bridge plans should be submitted to the County. Bill Blalock seconded the motion and all members voted in favor.

Meadow Woods - Master Plan & Development Plan Review, Phase One & Phase Two (20 lots off Brannon Rd in Mills River Township) - Luther E. Smith & Associates, Agent for Deaver McCracken Loweth, Property Owner. Mr. Rohrbaugh stated that there will be some revisions to this plan as the applicant has submitted a revised plan early today that addresses the majority of most of the comments that is in the Planning Board's agenda packet. Mr. Rohrbaugh stated that originally this was a three-phase subdivision, but has been revised to a two-phase subdivision. The remaining large parcel that was shown as phase three, which was a 15-acre tract, is now being proposed as one large tract of land inside of phase two. Mr. Rohrbaugh stated that Meadow Woods is in the Mills River Township off Brannon Road. This area is zoned R-40 and is located inside the WS-IV watershed protection area. The property owner is Deaver McCracken Loweth and the Housing Assistance Corporation of Henderson County is the developer. Mr. Rohrbaugh said that the developer is requesting Master Plan and Phase One approval. Mr. Rohrbaugh reviewed the items for approval as follows: (1) The applicant should provide evidence that an Erosion and Sedimentation Control Plan has been received or approved by NCDENR. (2) The applicant must submit an affidavit certifying that the applicant is aware of existing Farmland Preservation District and that a note on the Final Plat shall state that such property lines within ½ mile of land in a Farmland Preservation District. Mr. Case wanted to know on the map, what is shown on the Northern Boundary along lots 1,2, and 3 and that dead-ends on lot 4. Ms. Valentine, with Luther Smith and Associates stated that was a gravel driveway that accesses another driveway at the top. Mr. Case asked if that was a right-of-way encroaching on you. Ms. Valentine stated that the boundary runs down the center of an old roadbed. Mr. Rohrbaugh stated that if in fact it does plat in the middle of the right-of-way, the Zoning Ordinance would not allow this area inside of this right-of-way to be counted as a square footage. Mr. Case asked whether they plan to dedicate a right-of-way easement across each of the lots. Ms. Valentine stated that there is a gravel driveway that is not shown on the drawing that is outside of this property. She stated that it could be an old abandoned driveway and that she showed what point the new gravel driveway comes from. They continued by stating that the gravel road does not follow up into Lot 3, where a manufactured home sits. Mr. Smith stated that to the best of their knowledge, the gravel road is to the outside of the centerline of the easement. After some discussion, Board members felt that the easement should be noted in the drawing and the acreage should be calculated up to the edge of the easement. Tedd Pearce made a motion to approve the Master Plan and Development Plan for Meadow Woods, subject to the applicant providing evidence that an Erosion and Sedimentation Control Plan has been received or approved by NCDENR; that the applicant must submit an affidavit certifying that the applicant is aware of existing Farmland Preservation District and that a note on the Final Plat shall state that such property lines within ½ mile of land in a Farmland Preservation District; and that the right-of-way width or easement be labeled along the northern boundary of lots 1,2, and 3. Bill Blalock seconded the motion and all members voted in favor.

Vicinity Map Oleta Falls Variance Request



SEE MAP 16

64

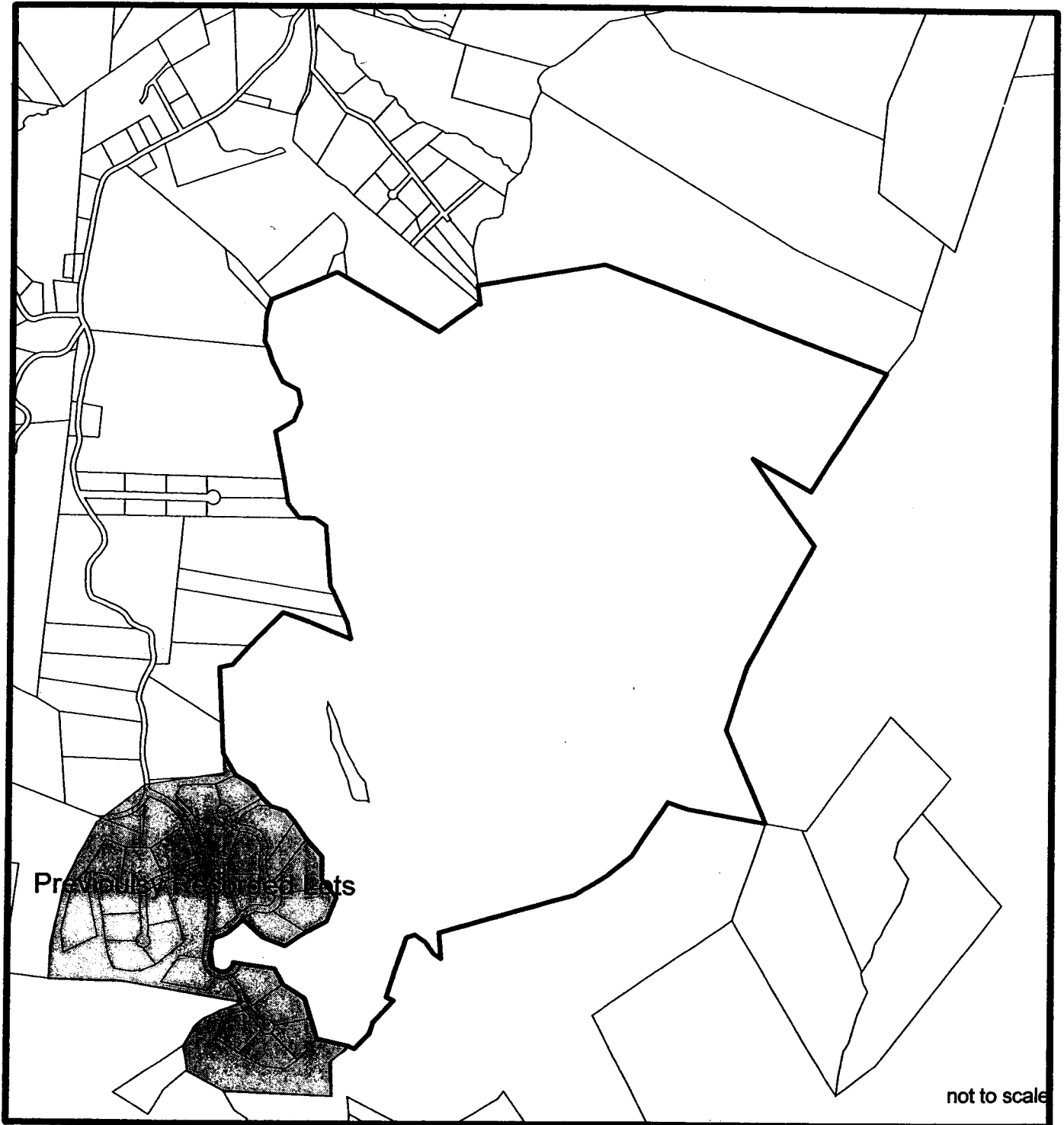
SEE MAP 25

SEE MAP 31

MAP 24

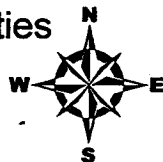
© 1999 Accurate Maps & Atlas, Inc.

Henderson County Planning Department



Oleo Falls, VA, Voluntary Records

Property Owners - Waterside Properties
Agent - A.J. Ball
Tax Pin # 10-0509-53-3310-55
Zoned - Open Use



This map is prepared for the inventory of real property found within this jurisdiction, and is compiled from recorded deeds, plats, and other public records and data. Users of this map, are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map. The County and mapping company assume no legal responsibility for the information contained on this map.

Master Plan
 Approved By Planning Board
 Oleta Falls Variance Request

RESEARCH MASTER PLAN
OLETA FALLS
 HENDERSON COUNTY, NORTH CAROLINA
 PRESENTED BY
WATERSIDE PROPERTIES, LLC
RENAISSANCE COMMUNITY

OWNER
 LAND PLANNERS
 SURVEYOR

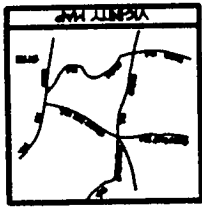
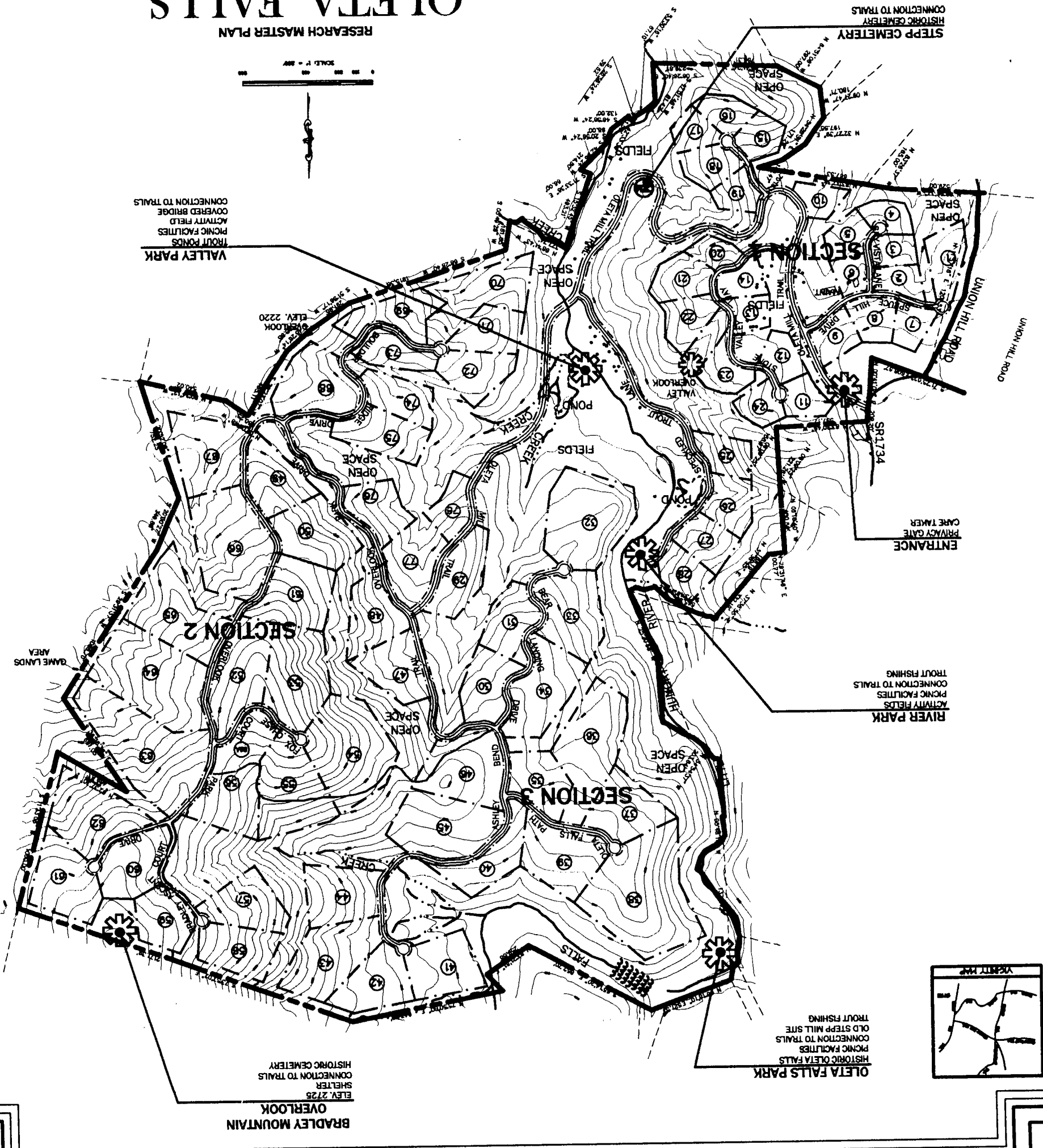
WATERSIDE PROPERTIES, LLC
 LUTHER E. SMITH & ASSOCIATES, P.A.
 PAUL C. WASH SURVEYING CO., INC.
 LUTHER E. SMITH & ASSOCIATES, P.A.
 LAND PLANNERS - LANDSCAPE ARCHITECTS

MARCH 28, 2000

PROJECT SUMMARY

TOTAL PROJECT SIZE	44.0 AC.
PROPOSED UNITS	74
SECTION ONE	28
SECTION TWO	24
SECTION THREE	22
UNIMPROVED	14
IMPROVED	60
W/A	1
MAINTENANCE	1
ZONING	1
TIME DEDUCT	1
DATA	1
INDIVIDUAL	1
PRIVATE	1
ROADS	1
SECTION ONE	1
SECTION TWO	1
SECTION THREE	1
PROPOSED COMMON SPACE	28.3 AC (64%)
FIN NO.	0808-04-0784

received
 0402 5 17 2000
 H7762W



VALLEY PARK
 TROUT PONDS
 PICNIC FACILITIES
 ACTIVITY FIELD
 COVERED BRIDGE
 CONNECTION TO TRAILS

RIVER PARK
 PICNIC FACILITIES
 CONNECTION TO TRAILS
 TROUT FISHING

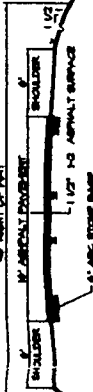
OLETA FALLS PARK
 HISTORIC OLETA FALLS
 PICNIC FACILITIES
 CONNECTION TO TRAILS
 OLD STEPP MILL SITE
 TROUT FISHING

BRADLEY MOUNTAIN
 OVERLOOK
 ELEV. 2726
 SHELTER
 CONNECTION TO TRAILS
 HISTORIC CEMETERY

ENTRANCE
 PRIVACY GATE
 CARE TAKER

STEPP CEMETERY
 HISTORIC CEMETERY
 CONNECTION TO TRAILS

Development Plan I
 Approved By Planning Board
 Oleta Falls Variance Request



Luther E. Smith & Associates, P.A.
 LAND PLANNERS • LANDSCAPE ARCHITECTS
 115-3 Third Avenue West
 Matthews, NC 27641
 Phone (703) 697-6977
 Fax (703) 697-6988
 E-mail lsa@l-e-s.com

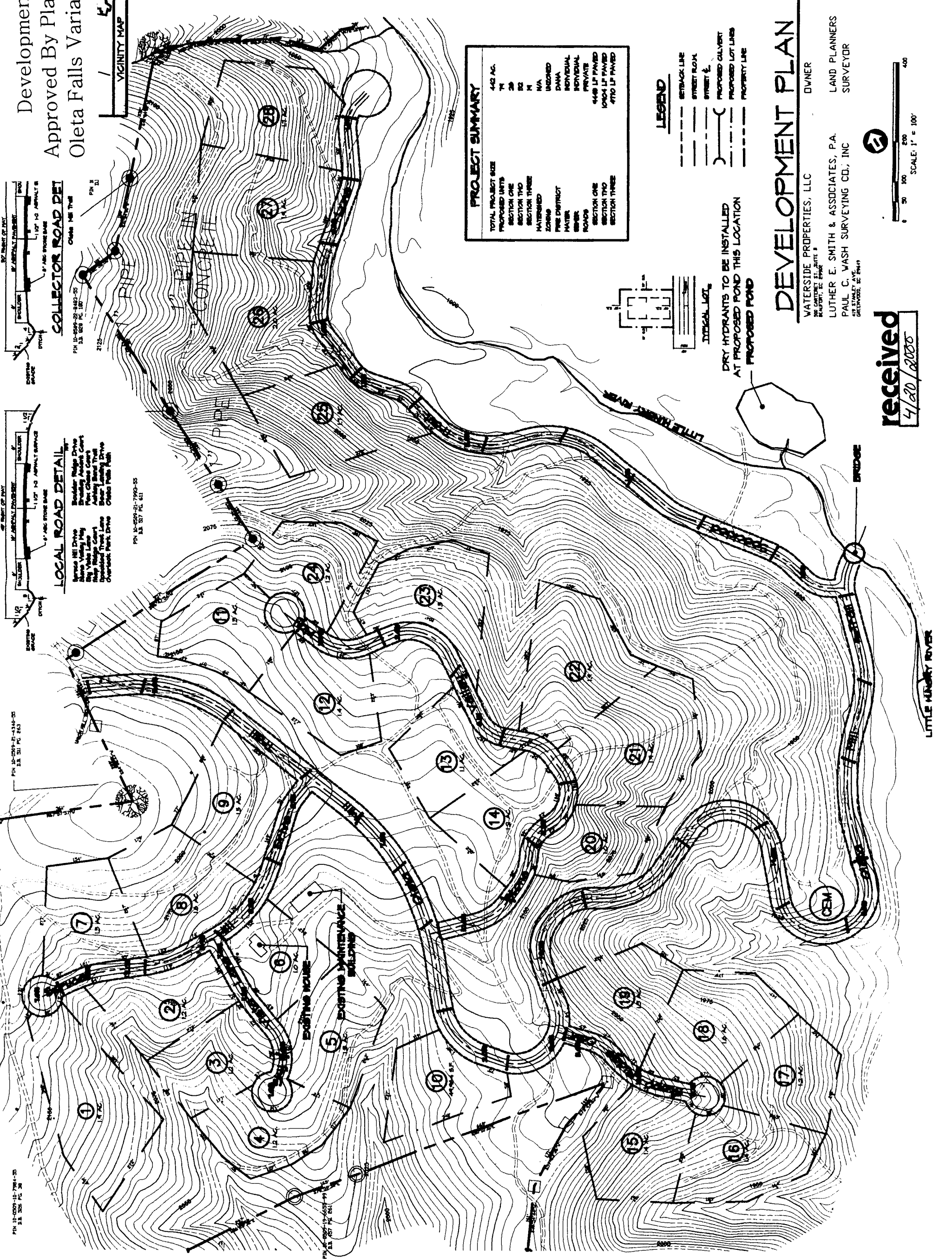
NORTH CAROLINA

SECTION - I DEVELOPMENT PLAN
 OLETA FALLS

HENDERSON COUNTY,

REV. 4-14-00	SHEET	1
DESIGNED BY		
DRAWN BY		
CHECKED BY		
DATE		

OF 4



PROJECT SUMMARY

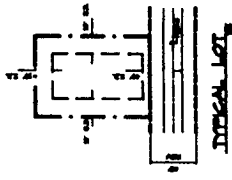
TOTAL PROJECT SIZE	442 AC.
PROPOSED UNITS	74
SECTION ONE	28
SECTION TWO	14
SECTION THREE	14
MATERIALS	N/A
ZONING	INDOZED
PLAT DISTRICT	DATA
MATER	INDIVIDUAL
ROADS	PRIVATE
SECTION ONE	442 LF PAVED
SECTION TWO	1004 LF PAVED
SECTION THREE	4710 LF PAVED

LEGEND

- SETBACK LINE
- STREET R.O.W.
- STREET E.
- PROPOSED CULVERT
- PROPOSED LOT LINES
- PROPERTY LINE

DRY HYDRANTS TO BE INSTALLED
 AT PROPOSED POND THIS LOCATION

--- PROPOSED POND



DEVELOPMENT PLAN

WATERSIDE PROPERTIES, LLC OWNER
 290 CANTONET ST., SUITE 10
 RAYPORT, NC 27857

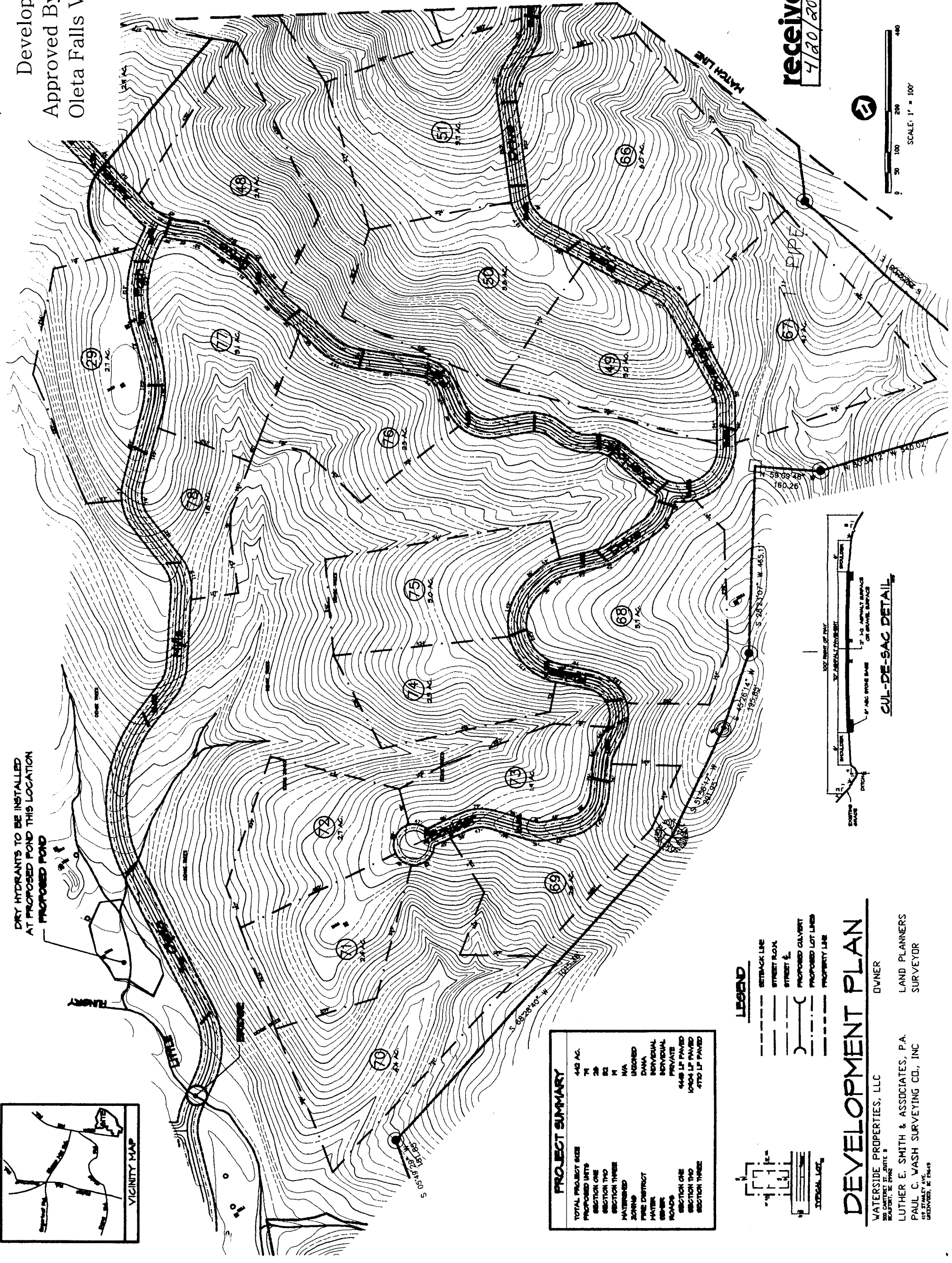
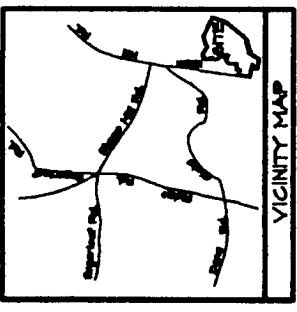
LUTHER E. SMITH & ASSOCIATES, P.A. LAND PLANNERS
 PAUL C. WASH SURVEYING CO., INC. SURVEYOR
 415 STANLEY AVE.
 GREENSBORO, NC 27405

received
 4/20/2008



LITTLE HUNGRY RIVER

Development Plan II
 Approved By Planning Board
 Oleta Falls Variance Request

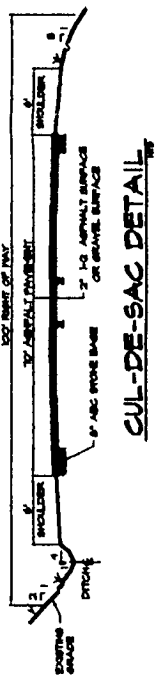


DRY HYDRANTS TO BE INSTALLED
 AT PROPOSED POND THIS LOCATION
 - PROPOSED POND

PROJECT SUMMARY

TOTAL PROJECT SIZE	448 AC.
PROPOSED LOTS	74
SECTION TWO	28
SECTION TWO	32
SECTION THREE	14
PAVEMENT	NA
ZONING	INDICED
FIRE DISTRICT	DANA
WATER	INDIVIDUAL
SEWER	INDIVIDUAL
ROADS	PRIVATE
SECTION ONE	448 LF PAVED
SECTION TWO	10404 LF PAVED
SECTION THREE	4770 LF PAVED

- LEGEND**
- SETBACK LINE
 - STREET ROAD
 - STREET E
 - PROPOSED CULVERT
 - PROPOSED LOT LINES
 - PROPERTY LINE



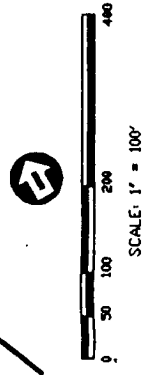
DEVELOPMENT PLAN

WATERVILLE, ME 04901
 WATERSIDE PROPERTIES, LLC
 OWNER

LUTHER E. SMITH & ASSOCIATES, P.A.
 LAND PLANNERS

PAUL C. WASH SURVEYING CO., INC.
 SURVEYOR

received
 7/20/2008



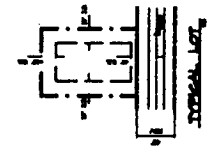
SHEET
2
 OF 4

Development Plan III
 Approved By Planning Board
 Oleta Falls Variance Request

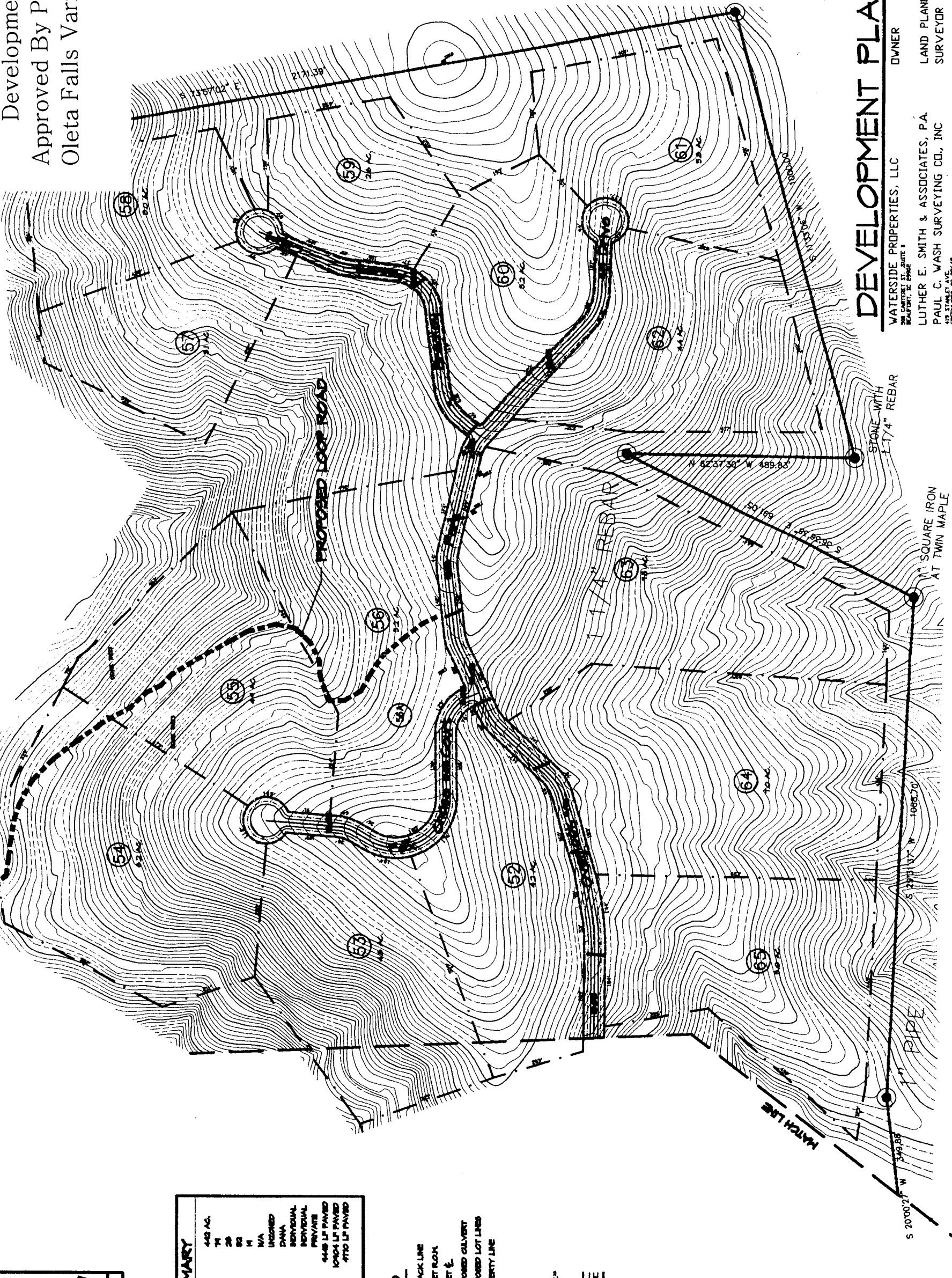
PROJECT SUMMARY	
TOTAL PROJECT SIZE	448 AC.
PROPOSED UNITS	74
SECTION ONE	28
SECTION TWO	32
SECTION THREE	14
MATERIALS	M/A
ZONING	UNZONED
FIRE DISTRICT	DANA
WATER	INDIVIDUAL
SEWER	INDIVIDUAL
ROADS	PRIVATE
SECTION ONE	4448 LF PAVED
SECTION TWO	10404 LF PAVED
SECTION THREE	4770 LF PAVED

LEGEND

- SETBACK LINE
- STREET R.O.W.
- STREET E.
- PROPOSED GULLY
- PROPOSED LOT LINES
- PROPERTY LINE

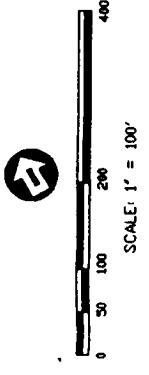


LUTHER E. SMITH & ASSOCIATES, P.A. LAND PLANNERS • LANDSCAPE ARCHITECTS 119-B TOWN CENTER DR. GREENWOOD, SC 29615 Phone (803) 687-4444 Fax (803) 687-4444 E-mail: info@lesai.com		SECTION - II DEVELOPMENT PLAN OLETA FALLS HENDERSON COUNTY, NORTH CAROLINA		SHEET 3 OF 4
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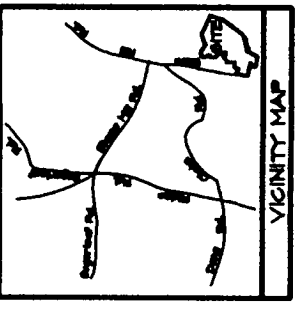


DEVELOPMENT PLAN

WATERSIDE PROPERTIES, LLC OWNER
 200 CAMDEN ST., SUITE 1
 GREENWOOD, SC 29615
 LUTHER E. SMITH & ASSOCIATES, P.A. LAND PLANNERS
 PAUL C. WASH SURVEYING CO., INC SURVEYOR
 412 STANLEY AVE.
 GREENWOOD, SC 29645



received
 4/20/2000



Development Plan IV
 Approved By Planning Board
 Oleta Falls Variance Request

6" x 6"
 CONC. MON.

TWIN
 MAPLE
 N 51°21'51" E 259.58'
 4" x 4"
 CONC. MON.

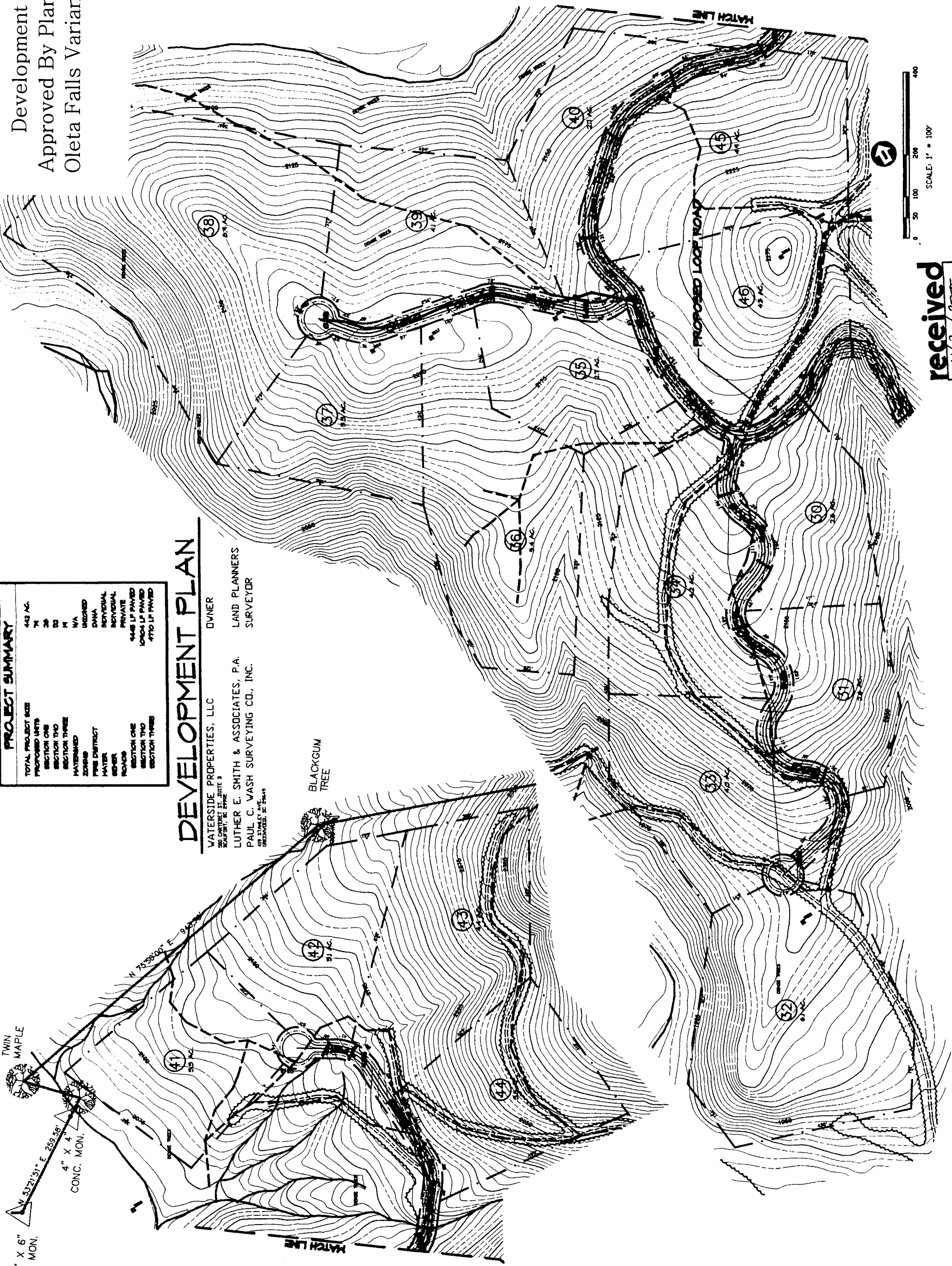
PROJECT SUMMARY	
TOTAL PROJECT SIZE	443 AC.
PROPOSED UNITS	74
SECTION ONE	26
SECTION TWO	28
SECTION THREE	20
MAINTENANCE	M
ZONING	WA
FIRE DISTRICT	UNZONED
WATER	DWA
SEWER	INDIVIDUAL
ROADS	PRIVATE
SECTION ONE	4448 LF PAVED
SECTION TWO	10804 LF PAVED
SECTION THREE	4770 LF PAVED

DEVELOPMENT PLAN

OWNER
 WATERSIDE PROPERTIES, LLC
 900 CANTRELL ST., SUITE 3
 REARPORT, DE 20688

LAND PLANNERS
 LUTHER E. SMITH & ASSOCIATES, P.A.
 PAUL C. WASH SURVEYING CO., INC.
 408 STANLEY AVE.
 GREENSBORO, NC 27443

BLACKGUM
 TREE

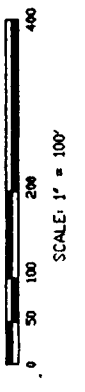


Luther E. Smith & Associates, P.A.
 LAND PLANNERS • LANDSCAPE ARCHITECTS
 110-2 Third Avenue East
 Hendersonville, NC 27033
 Phone: (704) 697-6888
 Fax: (704) 697-6888
 E-mail: info@lesai.com

SECTION - III DEVELOPMENT PLAN
 OLETA FALLS
 HENDERSON COUNTY,
 NORTH CAROLINA

DATE: 08-27-00	REVISED: 04/14/00
DESIGNED BY: [blank]	DESIGNED BY: [blank]
CHECKED BY: [blank]	CHECKED BY: [blank]
DATE: [blank]	DATE: [blank]

SHEET
4
 OF 4



received
 7/20/2020

WATERSIDE PROPERTIES, LLC

**419 North Main Street
Hendersonville, NC 28792**

February 19, 2002

**TO: Karen Smith – Director
Henderson County Planning**

**FROM: A. J. Ball – Agent 
Waterside Properties LLC**

REF: Oleta Falls

Waterside Properties hereby withdraws the variance requests for the following:

1. A reduction of the driving width from 16 feet to 13 feet for the covered bridge across the Little Hungry River in the Oleta Falls Subdivision. Revised bridge plans are being completed by Triplett-King Associates in Rock Hill, SC. W. Merritt King is our Consulting Engineer.
2. A reduction in the curve radius on Oleta Mill Trail near the Cemetery. An improvement guarantee for the work required to correct the radius problem is completed and will be submitted for your review and approval on Wednesday, February 20, 2002.

If you have questions or need additional information please let me know. I can be reached at 828-606-3030 or 828-272-0315. Thanks.

REQUEST FOR BOARD ACTION

HENDERSON COUNTY PLANNING BOARD

MEETING DATE: February 19, 2002

SUBJECT: October Ridge Variance Request

ATTACHMENTS:

1. Excerpt from January 22, 2002 Subcommittee Meeting
2. Variance Request Application with attachments
3. Vicinity Map
4. Parcel Map
5. Combined Master & Development Plan approved by the Planning Board

SUMMARY OF REQUEST:

On January 22, 2002 the Short Term Issues Subcommittee of the Henderson County Planning Board met to discuss a variance request by the developer of October Ridge. The following is a summary of that committee's recommendation. Please refer to the attached draft minutes of the meeting for additional information.

October Ridge

John Free & Betty Sizemore, Owners, Jon Laughter, Agent

Shoulder Width Variance Request – The developers requested that the width of the shoulders be reduced from the 6ft. standard to 2 ft. shoulders. The subcommittee recommends approval of the request based on the following findings:

1. It was a pre-existing road.
2. It was a pre-approved subdivision without qualifications.
3. The developers were planning additional road enhancements.
4. It is a residential use.
5. No more traffic will be added because the land is fully utilized.
6. There would be significant economic hardship if they tried to correct it.
7. It would cut access off to existing residences

BOARD ACTION REQUESTED:

Action by the Planning Board to develop a recommendation with appropriate findings, conditions, etc., for the Board of Commissioners on the variance application is requested.

Excerpt from January 22, 2002
Short Term Issues Subcommittee Meeting

Draft

October Ridge

The group began the discussion of the October Ridge variance request. Mr. Lynch stated that all members were supposed to have visited the site on their own. Mr. Cooper showed photos and Mrs. Peagler passed out photos. Mr. Wolff asked about the width of the gravel. Mr. Lynch stated that when he, Ms. Smith and Mrs. Peagler went out to the site they measured the width of the road. Ms. Peagler reminded the group that Mr. Laughter is going to meet the 16-foot travelway width but has not gone in to upgrade the site yet. Mr. Laughter stated that right now the road is 12-foot in width and in places it is wider. Mr. Cooper stated that road width varies from 12 to 14 feet and more places. He commented that if they had to put in a 6-foot shoulder, the fill would be in the creek. He said there was no where for fill dirt to go and the cut bank has rock in it particularly at the start of the road and it would be a little easier to fix further up the road. Mr. Lynch asked Mr. Laughter if the land on the right as you first start up the road was a lot. Mr. Laughter stated that it was but would be accessed from Bob's Creek Road. Mr. Laughter stated that at one time the road had been graded to serve a lot in the southeast section of the map. He also stated that Bob's Creek Road was built to give a connector to Old US 25 when the interstate came through the area. Mr. Laughter stated that the road in red (on a map he displayed) and others were used prior to Bob's Creek Road being built. After Bob's Creek Road was built, Mr. Free wanted to sell some of the lots. Mr. Laughter stated that he first saw the road in the early 90's and completed a minor subdivision for the family in 1994 or 1995 with 9 lots. Nothing was said at that time about the geometry of the road. At that time, the right-of-way of that road was given and approved as it was at that time. Staff told him that Mr. Free could not sell any more lots until the three-year period was up. He did a second minor subdivision and both sections of that road were approved. Mr. Laughter stated that Mr. Free had sold some lots, added gravel to the road from time to time, and put in cross pipes not to long ago. When Mr. Laughter came in to the Planning Department to do a second minor subdivision, Ms. Smith informed him that he would have to do a major subdivision since that was the condition of the last minor subdivision on the property. The major subdivision went before the Planning Board and all was approved with the exception of the roads. Mr. Laughter stated that they would be able to get a good 20-foot width all the way but he knows that it is about impossible to get 6-foot shoulders without undermining the upper road. He stated that they could do a 16-foot travelway width and 2-foot shoulders on both sides. The group discussed the possibilities of correcting the problem and found no good solution. Mr. Cooper asked if the variance was from 6-foot shoulders to 2-foot shoulders. Mr. Laughter stated that it was. Mr. Cooper said that the grade of the road was not so bad and safety was not an issue. He doesn't know if making 6-foot shoulders would gain anything but, it will prevent owners from getting to their houses for days at a time. He stated that they can't cut off their access and fixing it will cause tremendous erosion problems if they do the work. Ms. Smith asked Mr. Laughter if they would be able to create a ditch. He said they would get the water off the road.

Mr. Wolff stated that they had been looking at alternatives in the previous application. In the previous application, the road was a lot of 18% grade with 2-foot shoulders. The difference in this application is that the grade is different and they are asking permission rather than forgiveness. Mr. Allison added that the road is an existing road. Mr. Cooper said that other residences need to

get in and out and the size of the subdivision is smaller with a minor amount of traffic. Mr. Allison stated that the planned improvements would help the road without disturbing the residents. Mr. Wolff asked about the number of residences. Mr. Lynch said that there were 3 houses with one or more under construction. Mr. Wolff asked where the 16 or 18 lots were located and Mr. Laughter pointed them out to him and stated that there will be using the road for ingress and egress. Mr. Laughter stated that no driveways would be off that portion of the road with the requested variance. Mr. Wolff stated that there were a maximum of about 9 lots off that portion of the road. Mr. Cooper added that it would also allow those other lots to continue to use the road. Mr. Wolff asked if others could subdivide and Mr. Laughter answered that they could not subdivide. Mr. Wolff stated that this affects 9 residences verses the 75-80 residences in Oleta Fall. Mr. Cooper and Mr. Allison stated that improving what is there would increase the safety of that road. Mr. Wolff asked if the road would slope towards the cut or fill slope. Mr. Laughter replied that the road would have a crown. Mr. Wolff asked about crowning a road verses sloping it into the cut for safety. Mr. Laughter replied that crowning it was for drainage purposes. Mr. Wolff asked if they could require that the road slope into the cut side. Mr. Lynch didn't believe the group could require that and all member agreed that they did not want to get into that subject. Mr. Lynch moved that the Subcommittee recommend that the Planning Board support a favorable recommendation on the variance request by October Ridge provided that the travelway width meets the Ordinance requirements based on the following findings outlined by Mr. Wolff:

1. It was a pre-existing road.
2. It was a pre-approved subdivision without qualifications
3. The developers were planning additional road enhancements
4. It is a residential use
5. No more traffic will be added because the land is fully utilized
6. There would be a significant economic hardship if they tried to correct it
7. It would cut access off to existing residences if they have to reconstruct the road.

Mr. Allison seconded the motion and all voted in favor. The meeting adjourned at approximately 11:00 A.M.

Application No. _____

**COUNTY OF HENDERSON
STATE OF NORTH CAROLINA
APPLICATION FOR A VARIANCE FROM THE
HENDERSON COUNTY SUBDIVISION ORDINANCE**

January 15 2002
MONTH DAY YEAR

Applicant Name: John Free Phone: _____

Address: 7, Country Drive
Hingham, MA 02043

Subdivision Name: October Ridge County File # _____

Location of Property: Bob's Creek Road

TO THE HENDERSON COUNTY BOARD OF COMMISSIONERS

I, John Free (owner/agent), hereby petition the Henderson County Board of Commissioners for a VARIANCE from the literal provisions of the Subdivision Ordinance of Henderson County. I request a variance from the following provisions of the ordinance (cite section numbers): Section 170-21

The following attachments are submitted herewith: Job No. 01-228

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE:

The Henderson County Board of Commissioners does not have unlimited discretion in deciding whether to grant a variance. The Board should reach three conclusions as a prerequisite to the issuance of a variance: (a) that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance, (b) that the variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit, and (c) that in granting the variance, the public safety and welfare have been assured and substantial justice has been done.

The Board shall consider the physical characteristics of the land, adjacent land uses and the intensity of the proposed development. In determining an undue hardship, the Board shall consider the unique conditions peculiar to the site and design flexibility to preserve and protect the site's natural features.

697-4533 FAX

In the spaces provided below, indicate the facts that you intend to show and the arguments that you intend to make to convince the Board that it can properly reach the three required conclusions stated above:

(a) THERE ARE PRACTICAL DIFFICULTIES OR UNNECESSARY HARDSHIPS IN THE WAY OF CARRYING OUT THE STRICT LETTER OF THE ORDINANCE IN SIMILAR MATTERS RELATING TO LAND USE. The courts have developed three rules to determine whether in a particular situation "practical difficulties or unnecessary hardships" exist. State facts and arguments in support of each of the following:

(1) If he/she complies with the ordinance, the applicant can secure no reasonable return from or make no reasonable use of his property. (It is not sufficient that failure to grant the variance simply makes the property less valuable).

Existing road bed is adequate to
carry traffic. Cut side is rock face
and opposite side is steep to natural drainage

(2) The hardship of which the applicant complains results from unique circumstances related to the applicant's land. (Note: Hardships suffered by the applicant common with his neighbors do not justify a variance. Also, unique personal or family hardships are irrelevant since a variance, if granted, runs with the land).

Road bed serves the subdivision and
road will not be extended to other property.

(3) The hardship is not the result of the applicant's own actions. _____

No

(b) THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE AND PRESERVES ITS SPIRIT. (State facts and arguments to show that the variance requested represents the least possible deviation from the letter of the ordinance that will allow a reasonable use of the land and that the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood). No

(c) THE GRANTING OF THE VARIANCE SECURES THE PUBLIC SAFETY AND WELFARE AND DOES SUBSTANTIAL JUSTICE. (State facts and arguments to show that, on balance, if the variance is denied, the benefit of the public will be substantially outweighed by the harm suffered by the applicant).

To construct required width will prevent others from using road for an extended period of time.

I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information, and belief.

John Free

Applicant's Signature

JAN 15, 2002

Date

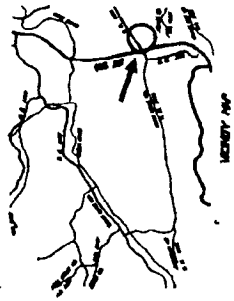
Applicant's Agent (If Applicable)

Date

Staff Use Only

Application Received By: _____ Date: _____
Application Fee: _____ Date Paid: _____ Method: _____

Revised 10/5/99



LOCATION MAP



PLAT SCALE 1/4" = 1'

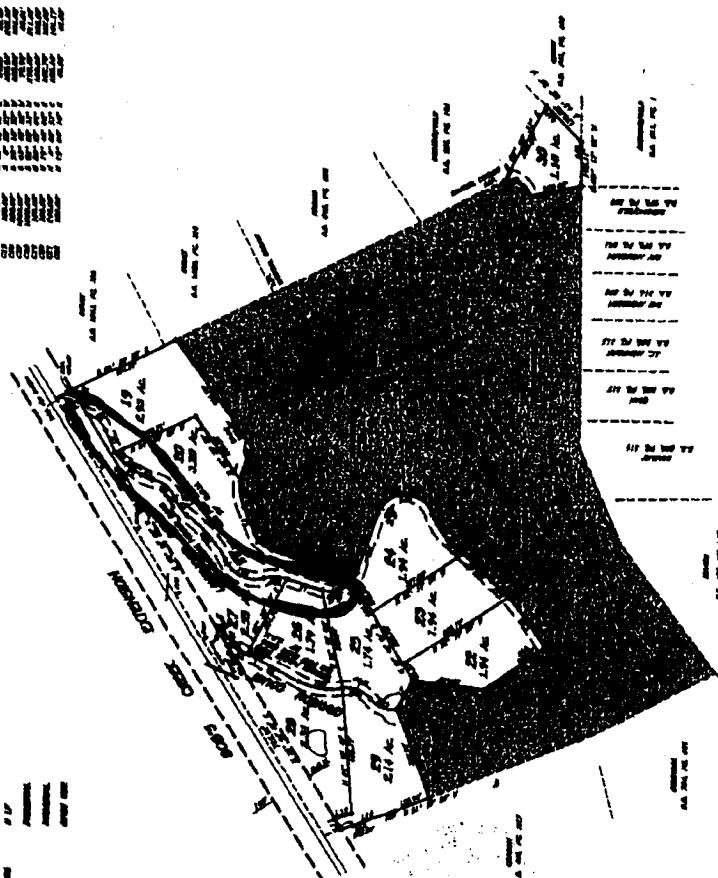
**OCTOBER RIDGE
MASTER PLAN
DEVELOPMENT PLAN
LOTS 19-20 & 22-30
PALMER SUBDIVISION**

OWNER	BOYD COMPANY, INC.
DESIGNER	BOYD COMPANY, INC.
DATE	1/15/02
PROJECT NO.	2002-001
SHEET NO.	1 OF 1
TITLE	DEVELOPMENT PLAN

MAP OF SURVEY
MADE BY
BETTY L. SIZEMORE (Owner)
and
JOHN FRIE (Owner)
7 COUNTRY DRIVE
HUNTSVILLE, TN 38804

JOB NO. 01-228

NO.	DESCRIPTION	AREA	PERCENTAGE
1	LOT 19	1.25	100
2	LOT 20	1.25	100
3	LOT 21	1.25	100
4	LOT 22	1.25	100
5	LOT 23	1.25	100
6	LOT 24	1.25	100
7	LOT 25	1.25	100
8	LOT 26	1.25	100
9	LOT 27	1.25	100
10	LOT 28	1.25	100
11	LOT 29	1.25	100
12	LOT 30	1.25	100

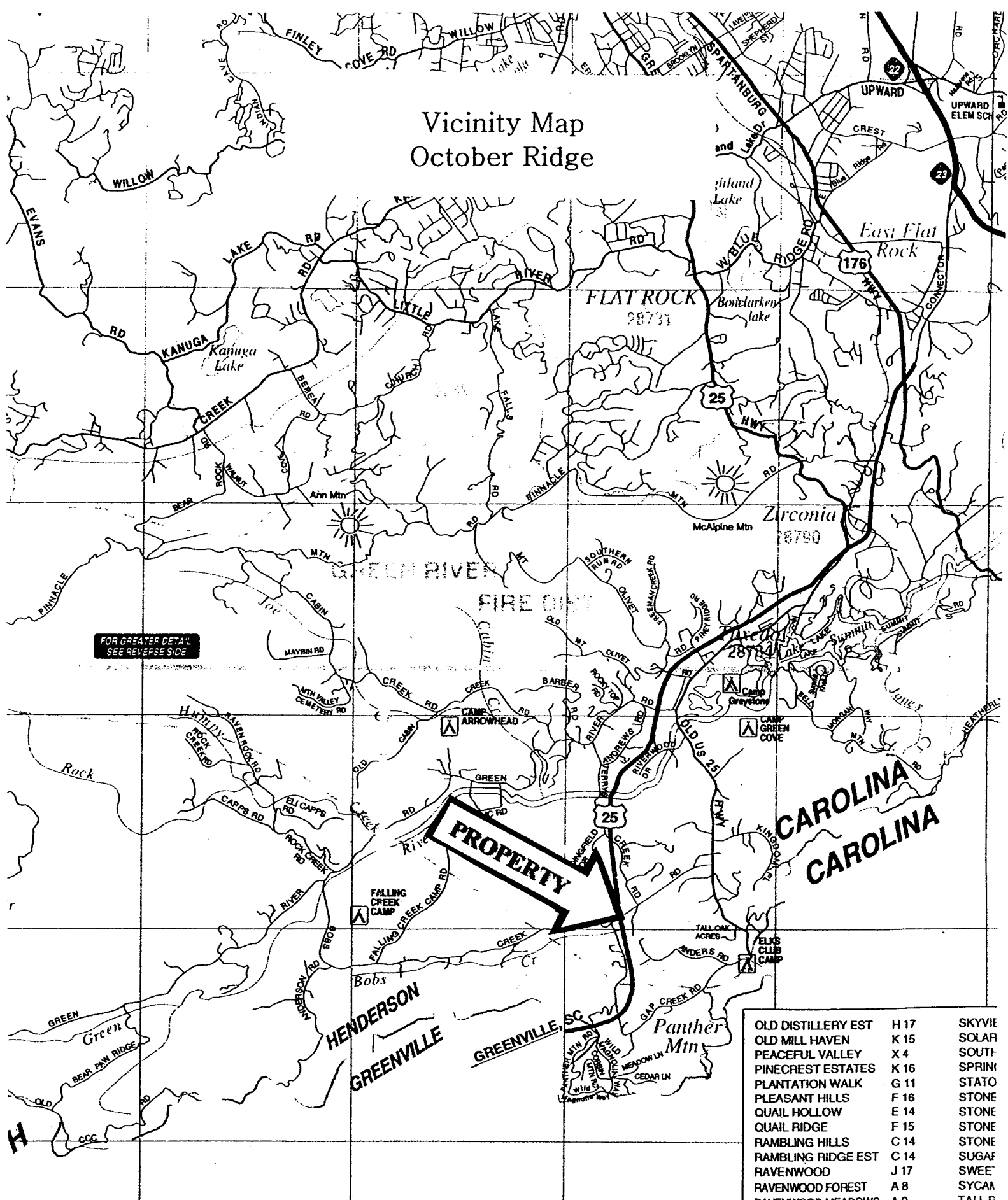


PROJECT SUMMARY
 THIS PROJECT IS A DEVELOPMENT OF 30 LOTS, 19 THROUGH 30, SITUATED ON THE EAST SIDE OF COUNTRY DRIVE, HUNTSVILLE, TN. THE TOTAL AREA OF THE PROJECT IS 37.5 ACRES. THE LOTS ARE 1.25 ACRES EACH. THE PROJECT IS BEING DEVELOPED BY BOYD COMPANY, INC.

NOTES
 1. THE LOTS ARE TO BE DEVELOPED AS SINGLE-FAMILY RESIDENTIAL LOTS.
 2. THE LOTS ARE TO BE DEVELOPED IN ACCORDANCE WITH THE HUNTSVILLE ZONING ORDINANCES.
 3. THE LOTS ARE TO BE DEVELOPED WITH A MINIMUM OF 10,000 SQUARE FEET OF COVERED AREA.
 4. THE LOTS ARE TO BE DEVELOPED WITH A MINIMUM OF 10,000 SQUARE FEET OF OPEN SPACE.
 5. THE LOTS ARE TO BE DEVELOPED WITH A MINIMUM OF 10,000 SQUARE FEET OF HARDWARED AREA.



Vicinity Map October Ridge



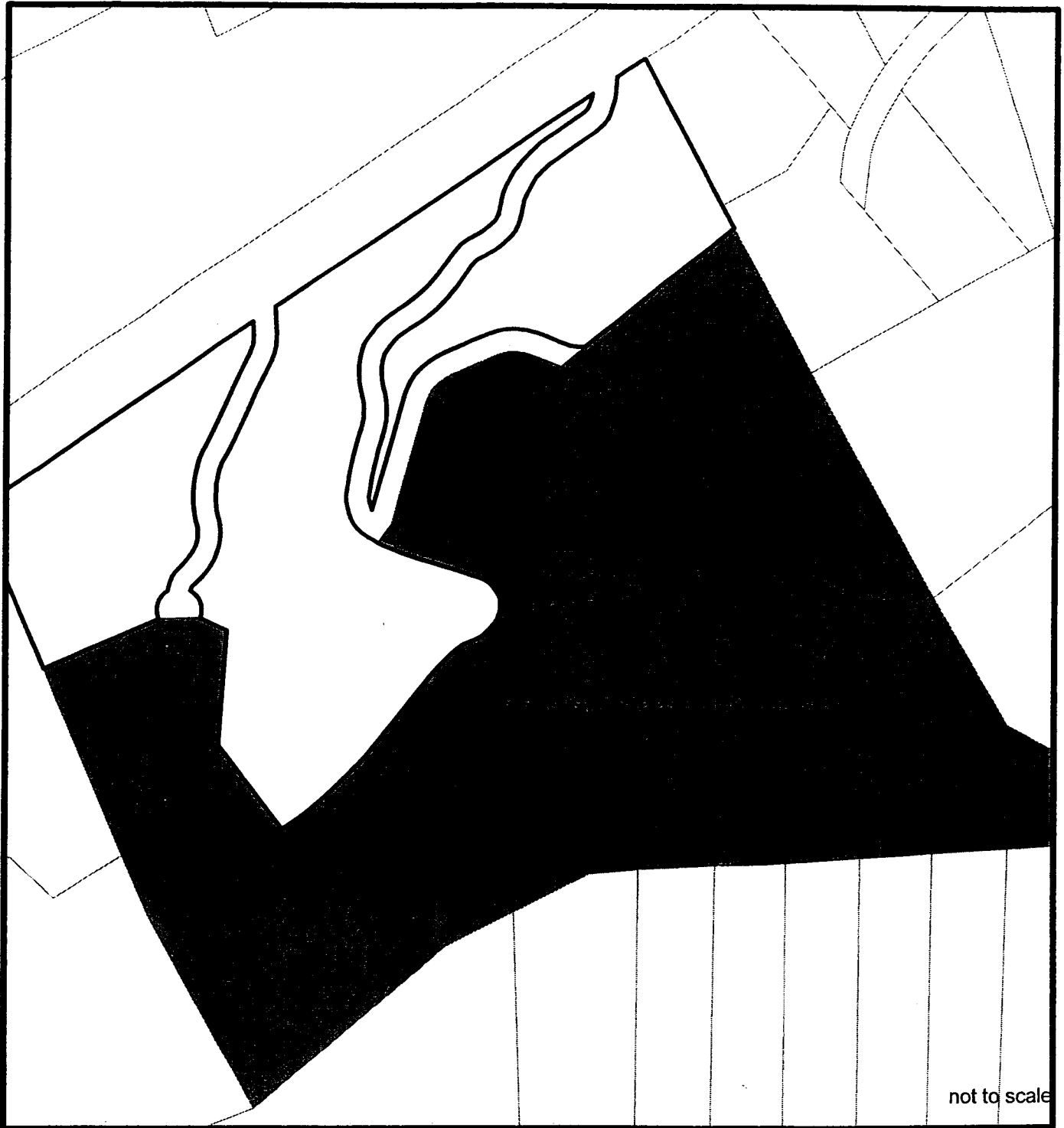
FOR GREATER DETAIL
SEE REVERSE SIDE

OLD DISTILLERY EST	H 17	SKYVIE
OLD MILL HAVEN	K 15	SOLAR
PEACEFUL VALLEY	X 4	SOUTH
PINECREST ESTATES	K 16	SPRING
PLANTATION WALK	G 11	STATO
PLEASANT HILLS	F 16	STONE
QUAIL HOLLOW	E 14	STONE
QUAIL RIDGE	F 15	STONE
RAMBLING HILLS	C 14	STONE
RAMBLING RIDGE EST	C 14	SUGAR
RAVENWOOD	J 17	SWEET
RAVENWOOD FOREST	A 8	SYCAM
RAVENWOOD MEADOWS	A 9	TALL P
REDFERN HILL	A 14	TAMAF
RIVER OAKS	B 6	TATHA
RIVERWIND	Q 8	TENEFF
ROLLING OAKS	E 6	TERRA
ROSEBUD	G 14	THE LE
RUGBY HIGHLANDS	D 9	THE MI
RUGBY KNOLLS	C 9	THE O
RUGBY MEADOWS	E 6	THE W

AKES	G 16	GREYSTONE	J 9	HUCKLEBERRY WOODS	L 6
ESTATES	D 12	GRIMSDALE	H 8	HUNTERS CROSSING	E 10
LLS	E 2	HAWTHORN HILLS	F 11	HUNTERS GLEN	C 11
JFFS	Z 4	HAYWOOD KNOLLS	D 9	HYDE WELL ESTATES	M 8
VACE	B 12	HEARTHSTONE	B 10	INDIAN HILLS	F 10
		HEATHERWOOD	D 6	JETER MTN TERRACE	B 18
		HENDERSON VILLAGE	F 11	KALIMAR HEIGHTS	I 15
				KANUGA PARK	F 15

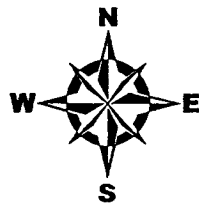
LAKEVIEW ESTATES	K 11
LAKESWOOD	F 14
LAMPLIGHTER EST	L 18
LAUREL FOREST	B 10
LAUREL PARK PLACE	G 11
LONG JOHN MTN EST	F 10
MCCOMBS MONTICELLO	
MORRIE HOME PARK	A 9

Henderson County Planning Department



October Ridge

Property Owners - John Ulric Free
Agent - Jon Laughter
Tax Pin # 9574-11-2586

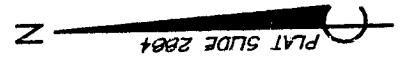
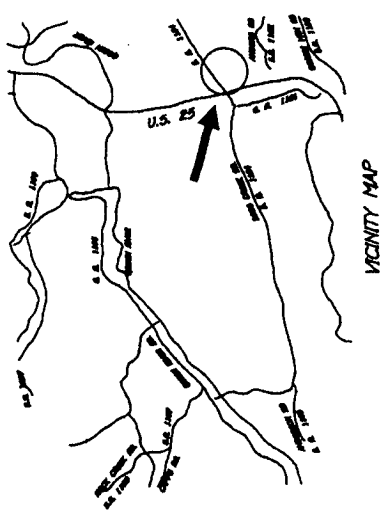


This map is prepared for the inventory of real property found within this jurisdiction, and is compiled from recorded deeds, plats, and other public records and data. Users of this map, are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map. The County and mapping company assume no legal responsibility for the information contained on this map.

OCTOBER RIDGE MASTER PLAN DEVELOPMENT PLAN LOTS 19-20 & 22-30 MAJOR SUBDIVISION

GREEN RIVER TWP.	HENDERSON COUNTY, N.C.		
LAUGHTER, AUSTIN AND ASSOCIATES, P.A. 131 FOURTH AVENUE EAST HENDERSONVILLE, NORTH CAROLINA 28792 (828) 692-9089			
CREW CHIEF: D.A.	CHECKED BY: JHL	DATE: 11/19/01	SHEET NO. 1 OF 1
DRAWN BY: TPN	SCALE: 1" = 400 FT.		
COORD. FILE: 3444373	DRAWING FILE: 01228		
FLOOR PLAN NUMBER: 370125-0135	TITLE: PARCEL NUMBER: 2574-11-2585		

JOB NO. 01-228

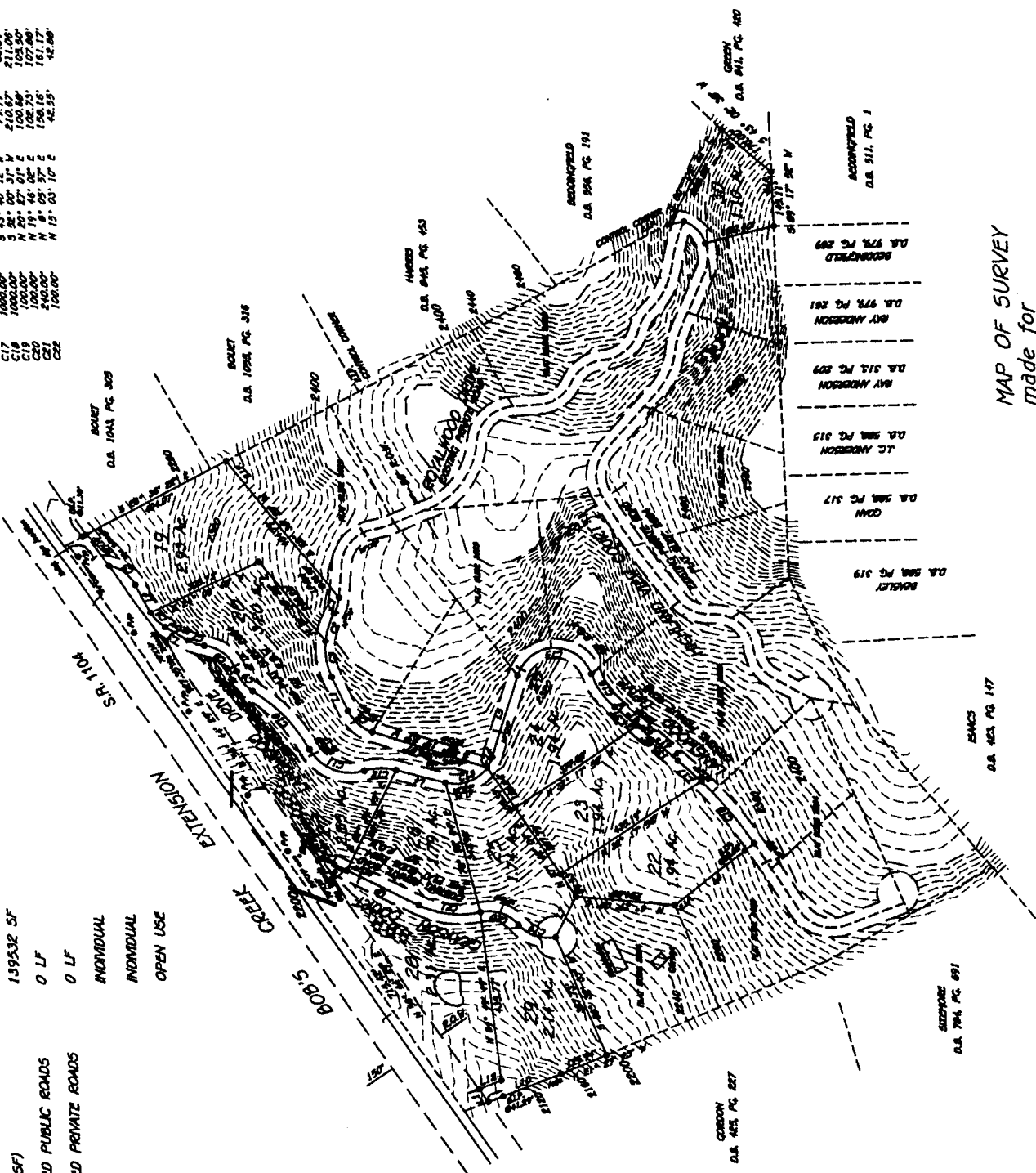


Line	Bearing	Distance	Curve	Radius	Chord Bearing and Distance	Arc Length
L1	S 68° 17' 09" W	85.80'	C1	100.00'	N 71° 47' 30" W	43.93'
L2	S 63° 46' 18" W	88.50'	C2	100.00'	S 81° 11' 48" W	77.96'
L3	S 78° 20' 18" W	130.21'	C3	100.00'	S 84° 11' 48" W	81.83'
L4	S 70° 30' 19" E	212.80'	C4	100.00'	S 89° 27' 18" W	88.14'
L5	N 36° 09' 36" W	116.88'	C5	100.00'	S 89° 19' 48" W	53.67'
L6	N 27° 20' 15" E	204.04'	C6	100.00'	S 89° 17' 00" W	102.21'
L7	N 19° 46' 12" W	35.85'	C7	100.00'	S 89° 17' 00" W	15.24'
L8	S 19° 46' 12" E	41.15'	C8	100.00'	S 89° 17' 00" W	20.72'
L9	S 19° 46' 12" E	61.31'	C9	100.00'	S 89° 17' 00" W	30.70'
L10			C10	100.00'	S 89° 17' 00" W	40.68'
L11			C11	100.00'	S 89° 17' 00" W	50.66'
L12			C12	100.00'	S 89° 17' 00" W	60.64'
L13			C13	100.00'	S 89° 17' 00" W	70.62'
L14			C14	100.00'	S 89° 17' 00" W	80.60'
L15			C15	100.00'	S 89° 17' 00" W	90.58'
L16			C16	100.00'	S 89° 17' 00" W	100.56'
L17			C17	100.00'	S 89° 17' 00" W	110.54'
L18			C18	100.00'	S 89° 17' 00" W	120.52'
L19			C19	100.00'	S 89° 17' 00" W	130.50'
L20			C20	100.00'	S 89° 17' 00" W	140.48'
L21			C21	100.00'	S 89° 17' 00" W	150.46'
L22			C22	100.00'	S 89° 17' 00" W	160.44'

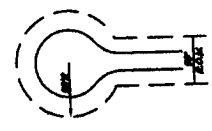
PROJECT SUMMARY

- TOTAL PROJECT AREA: 23.5 AC.
- NUMBER OF PROPOSED LOTS: 11
- MINIMUM LOT SIZE (SF): 49071 SF
- MAXIMUM LOT SIZE (SF): 139532 SF
- LENGTH OF PROPOSED PUBLIC ROADS: 0 LF
- LENGTH OF PROPOSED PRIVATE ROADS: 0 LF
- WATER SYSTEM: INDIVIDUAL
- SEWER SYSTEM: INDIVIDUAL
- CURRENT ZONING: OPEN USE

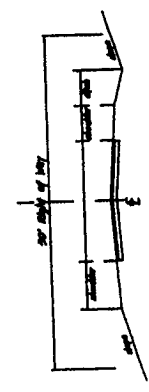
- NOTES**
- REFERENCES - DED BOX, 940, PAGE 439
 - AREA DETERMINED BY COORDINATE COMPUTATION
 - THIS MAP IS FOR INFORMATION ONLY AND MAY NOT BE USED BY ANY OTHER PARTY WITHOUT THE WRITTEN CONSENT OF LAUGHTER, AUSTIN AND ASSOC., P.A. THE MAP IS PROVIDED FOR THE USE OF THE PARTIES NAMED HEREON.
 - THIS PROPERTY IS LOCATED WITHIN 1/2 MILE OF LAND IN A FRESHWATER PRESERVATION DISTRICT, APPROXIMATELY ONE MILE N.E. ALONG S.E. 11th AT LAKE SURRY.
 - A minimum 100-foot setback for buildings or other structures, including bridges or culverts, shall be maintained along all perennial streams or creeks. The most recent version of USGS 1:50,000 (7.5 minute) scale topographic maps.
 - LEGEND:
 - 1.5" SET - IRON PIPE SET
 - 2.0" SET - EXISTING IRON PIPE
 - 2.5" SET - EXISTING IRON PIPE
 - 3.0" SET - EXISTING CONCRETE MANHOLE
 - 4.0" SET - APPROXIMATE FENCE LOCATION
 - 5.0" SET - CENTER LINE (ROAD, STREET, STREAM, ETC.)
 - 6.0" SET - MANHOLE
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 - 29.0" SET - MANHOLE
 - 30.0" SET - MANHOLE



MAP OF SURVEY
made for
BETTY L. SIZEMORE (Owner)
and
JOHN FREE (Owner)
7 COUNTRY DRIVE
HINGHAM, MA 02043



TYPICAL CUL-DE-SAC existing



TYPICAL ROAD SECTION existing

HENDERSON COUNTY
PLANNING DEPARTMENT

MEMORANDUM

Date: February 12, 2002
To: Planning Board Members
From: Melissa D. Peagler, Planning Technician
Re: Plan Reviews for February 19, 2002 Planning Board Meeting
Meadow View (Minor Subdivision)

Meadow View (Minor Subdivision)

Lloyd & Marjorie Ducote, Owners, Jon Laughter, Agent

Meadow View is a 6-lot minor subdivision located in the Mills River Township off of Brickyard Road. Minor Subdivisions typically be reviewed by staff, however, staff does not have the authority to approve alternate cul-de-sac designs as proposed for Meadow View. The lots will be served by an existing road previously built to access a duplex currently located on the parcel. Existing private right-of-ways are required by the Subdivision Ordinance to upgrade to the standards in the Subdivision Ordinance. The road appears to meet and exceed standards. The subdivision is in an Open Use zoning district

Technical and Procedural Comments

Staff has reviewed the Plan for conformance with the Henderson County Subdivision Ordinance and offers the following comments:

1. **Cul-de-Sac** -Alternate Cul-de-sac design must be approved by the Planning Board. The developer's agent will submit a cross section of the turnaround design for review by the Planning Board (HCSO 170-21).

Staff Recommendations

The submittal is for approval of the Minor Subdivision. Staff feels that the submittals satisfactorily address the requirements of the Henderson County Subdivision Ordinance. Staff would recommend approval of the Minor Subdivision subject to the above listed comment being addressed by the Planning Board.

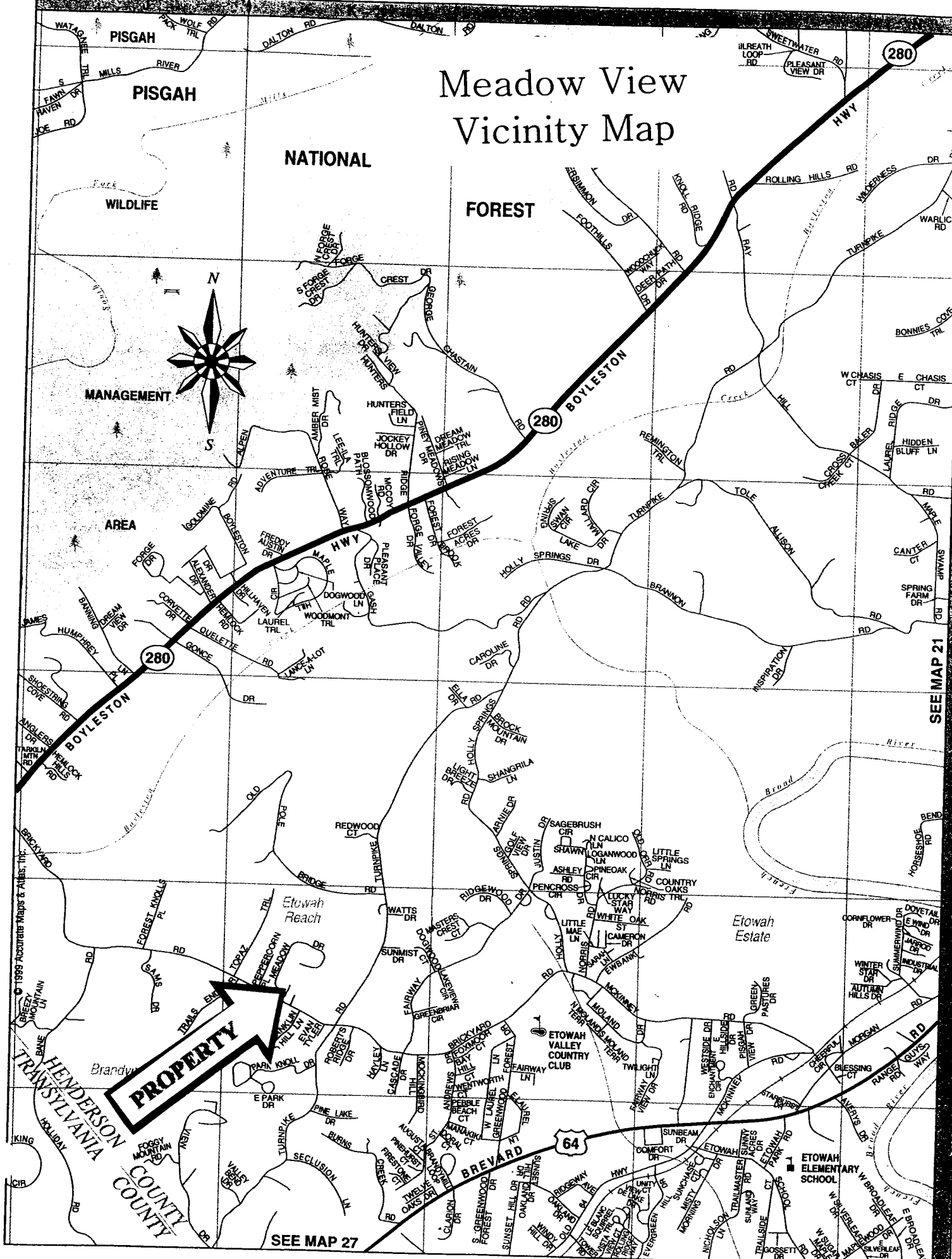
Possible Motion

I move that the Planning Board find and conclude that the Minor Subdivision Plan submitted for Meadow View Subdivision complies with the provisions of the Subdivision Ordinance except for those matters addressed in the Technical Comment section of staff's memo that have not been satisfied;

AND

I further move that such Plan be approved with specific approval of the alternate cul-de-sac (and any other conditions imposed by the Planning Board).

Meadow View Vicinity Map

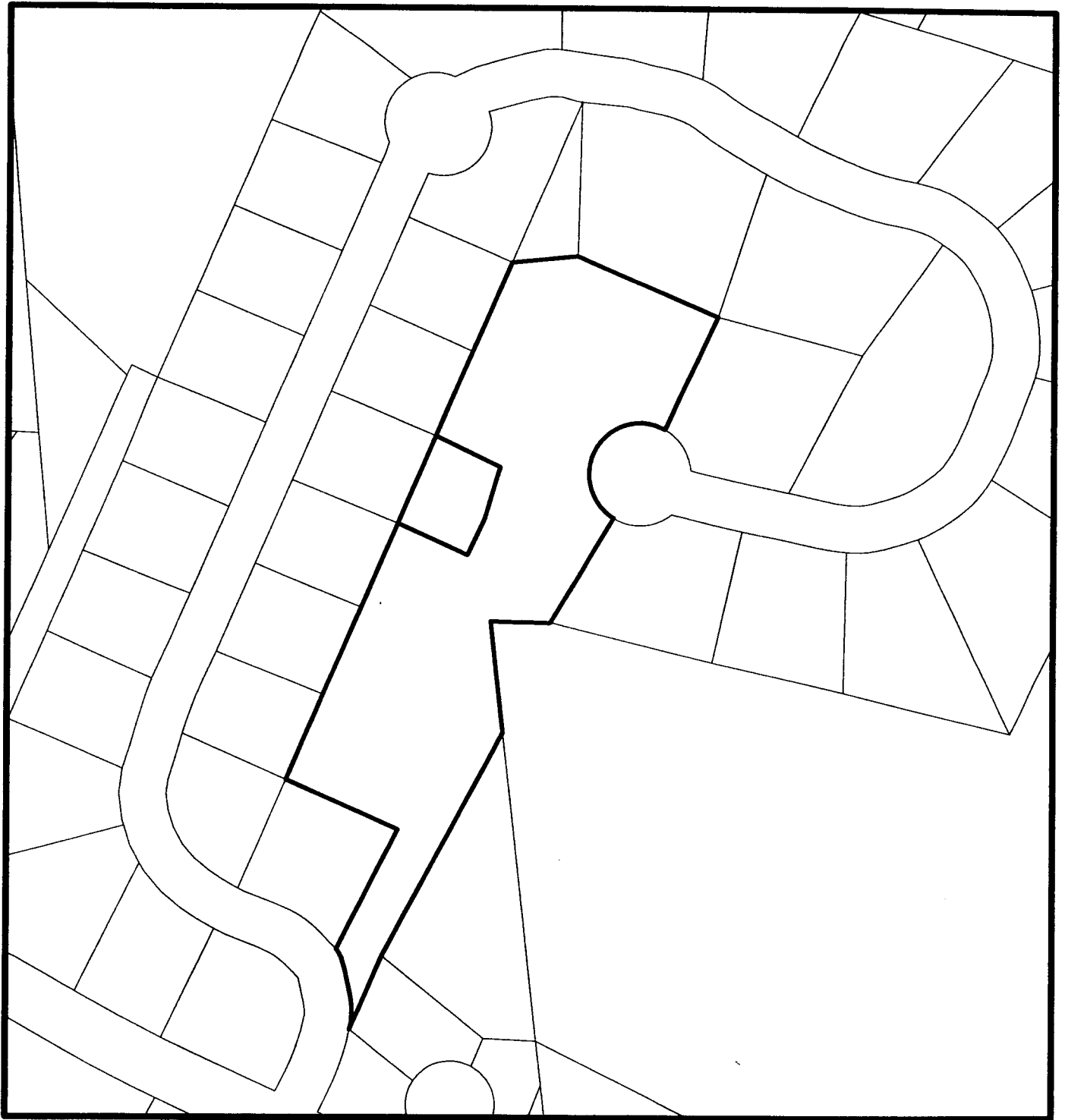


PROPERTY

SEE MAP 21

SEE MAP 27

Henderson County Planning Department



Minor Subdivision

Property Owners - Lloyd Ducote
Agent - Jon Laughter
Tax Pin # 00-9529-02-3655-55
 00-9529-02-4646-55
Zoned - OU

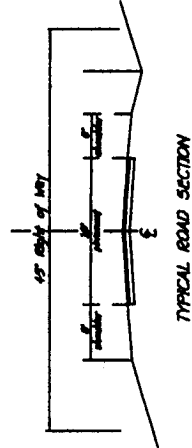
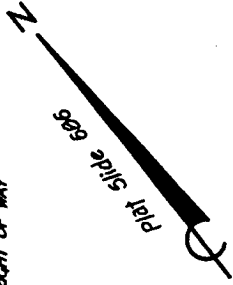


This map is prepared for the inventory of real property found within this jurisdiction, and is compiled from recorded deeds, plats, and other public records and data. Users of this map, are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map. The County and mapping company assume no legal responsibility for the information contained on this map.

NOTES

1. REFERENCES - DEED BOOK 537, PAGE 111
PLAT CABINET _____, SLIDE _____
2. AREA DETERMINED BY COORDINATE COMPUTATION
3. MAP IS FOR RECORDATION
4. NORTH ARROW SHOWN IS OBTAINED FROM MAGNETIC OBSERVATION UNLESS OTHERWISE SHOWN
5. MINIMUM SETBACKS
FRONT _____
SIDE _____
REAR _____
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. A minimum thirty foot setback for buildings or other structures, including bridges or culverts, is required along all perennial streams indicated on the most recent versions of USGS 1:24,000 (7.5 minute) scale topographic maps.

- LEGEND
- I.P. SET - IRON PIPE SET
 - E.I.P. - EXISTING IRON PIPE
 - E.C.M. - EXISTING CONCRETE MARKER
 - P.C. - MAIL MARKER
 - X-X- - APPROXIMATE FENCE LOCATION
 - M/H - MOUND
 - P/P - POWER POLE AND/OR TELEPHONE POLE
 - R/R - RAILROAD
 - R - RADIUS
 - L - LENGTH OF CURVE
 - D.I. - DROP INLET
 - R.O.M. - RIGHT OF WAY



Subdivision Administrator for Henderson County certifies that this plat plan has been reviewed and approved as (b) in accordance with the Henderson County Subdivision Ordinance.

Subdivision Administrator _____ Date _____

I, Donald Jeffrey Austin, S.L.S., certify that this plat was drawn under my supervision from an actual survey made under my supervision; that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____ Page _____; that the ratio of precision is calculated as 1:10,000 plus; that this plat was prepared in accordance with G.S. 47-37 as amended; witness my original signature, registration number and seal this _____ day of _____, 2002.

Registrar of Deeds

I, Linda C. Laughlin, a Notary Public of the State of North Carolina, do hereby certify that I have read and understand the contents of the foregoing instrument, witness my hand and official stamp or seal, this _____ day of _____, 2002.

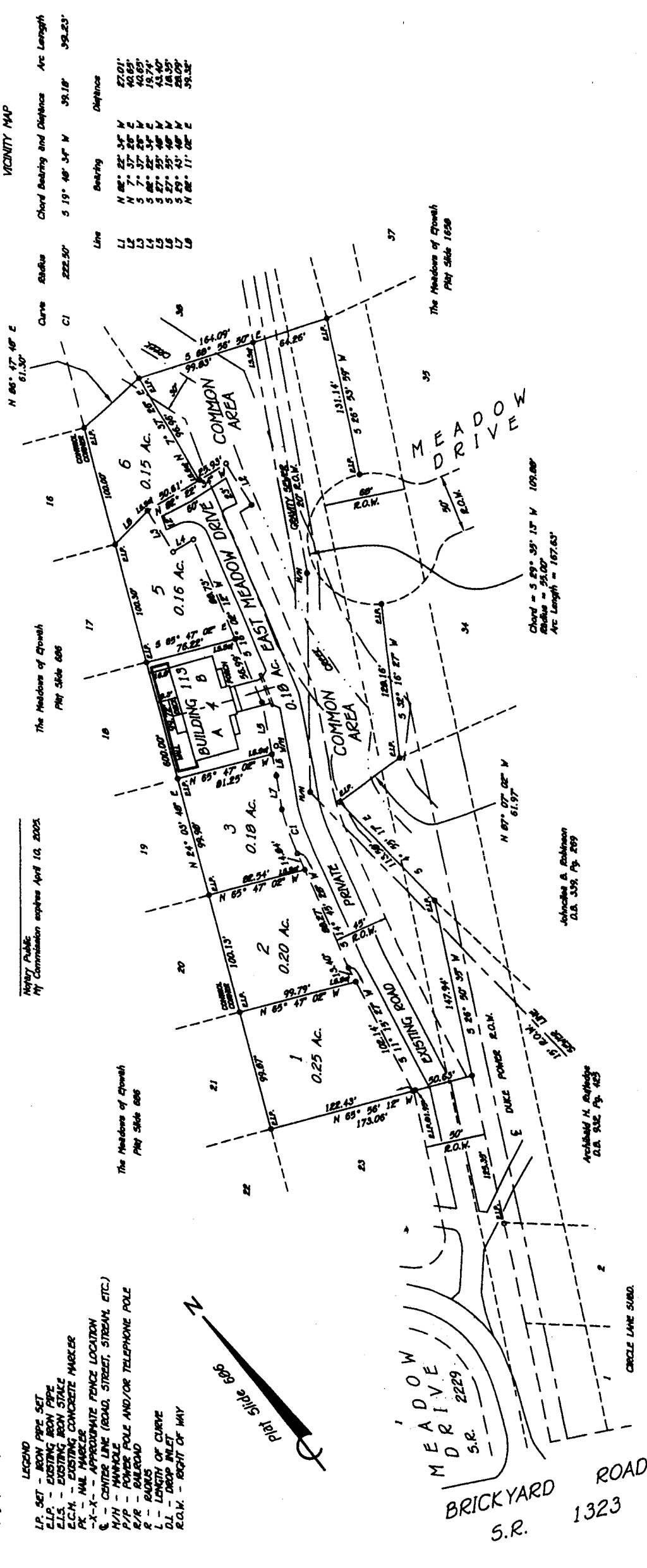
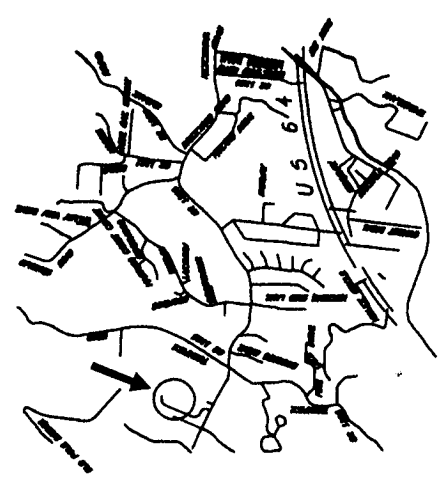
Notary Public
My Commission expires April 10, 2005.

North Carolina, Henderson County
The foregoing certificate of Linda C. Laughlin, a Notary Public in and for the state and county designated is certified to be correct this _____ day of _____, 2002.

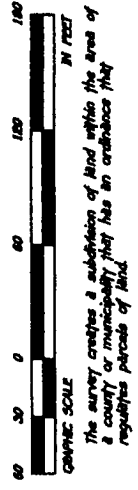
Registrar of Deeds

Filed for registration on the _____ day of _____, 2002 at _____ and recorded at that office.

Registrar of Deeds



MAP OF SURVEY
made for OWNER
LLOYD E. DUCOTE
and wife,
MARJORIE DUCOTE
P.O. BOX 345
ETOWAH, NC 28729



MILLS RIVER TWP.	HENDERSON COUNTY, N.C.		
MINOR SUBDIVISION			
LAUGHTER, AUSTIN AND ASSOCIATES, P.A. 131 FOURTH AVENUE EAST HENDERSONVILLE, NORTH CAROLINA 28792 (828) 692-9089			
CREW CHIEF DUA	CHECKED BY DUA	DATE 1/07/02	SHEET NO. 1 OF 1
DRAWN BY DUA	SCALE 1" = _____ FT.	REVISION FILE 01344	
COORD. FILE 98150	FLUOR MAP PANEL NUMBER 370125	TAX PARCEL NUMBER 9289-02-3579	

JOB NO. 01-344

- NOTES
1. REFERENCES - DEED BOOK 937, PAGE 111.
PLAT CABBINET _____, SLIDE _____
 2. AREA DETERMINED BY COORDINATE COMPUTATION
 3. MAP IS FOR RECORDATION
 4. NORTH ARROW SHOWN IS OBTAINED FROM MAGNETIC OBSERVATION UNLESS OTHERWISE SHOWN
 5. MINIMUM SETBACKS
FRONT _____
SIDE _____
REAR _____
 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 HEREBY.
 7. A minimum thirty foot setback for buildings or other structures, excluding bridges or culverts, is required along all perennial streams indicated on the most recent versions of USGS 1:24,000 (7.5 minute) scale topographic maps.

- LEGEND
- LP - SET - IRON PIPE SET
 - ELP - EXISTING IRON PIPE
 - ELC - EXISTING IRON CULVERT
 - ELM - EXISTING CONCRETE MANHOLE
 - PC - IRON PIPE
 - PC - MILE MARKER
 - X-X - APPROXIMATE FENCE LOCATION
 - M/H - MANHOLE (ROAD, STREET, STREAM, ETC.)
 - P/P - POWER POLE AND/OR TELEPHONE POLE
 - P/R - POWER ROAD
 - R - RAILROAD
 - C - CENTERLINE OF CURVE
 - L - LENGTH OF CURVE
 - D/L - DROP INLET
 - R.O.M. - RIGHT OF WAY

1. Donald Jeffrey Austin, E.L.S., certify that this plat was drawn under my supervision from an actual survey made under my personal supervision, that the boundaries not surveyed are clearly indicated as such, that the area shown is a correct and accurate plat of 10,000 acres, that this plat was prepared in accordance with G.S. 47-30 as amended, witness my original signature, registration number and seal this _____ day of _____, 2002.

Surveyor

Registration Number _____

North Carolina, Henderson County

1. Linda C. Laughter, a Notary Public of the state and county aforesaid, certify that Donald Jeffrey Austin, a Registered Land Surveyor, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

I witness my hand and official stamp or seal, this _____ day of _____, 2002.

Notary Public
My Commission expires April 10, 2005.

North Carolina, Henderson County

The foregoing certificate of Linda C. Laughter, a Notary Public in and for the state and county aforesaid, is certified to be correct this _____ day of _____, 2002.

Register of Deeds

Filed for registration on the _____ day of _____, 2002 at _____

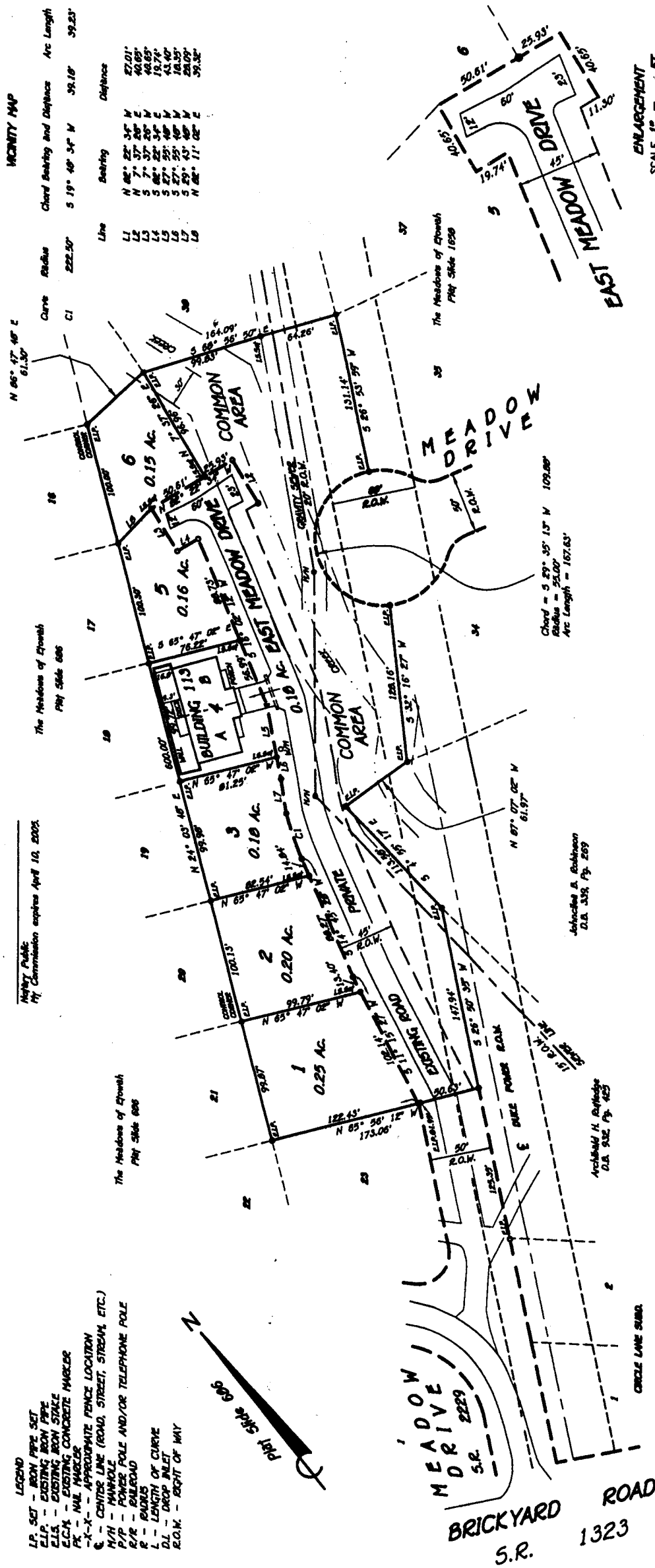
Register of Deeds



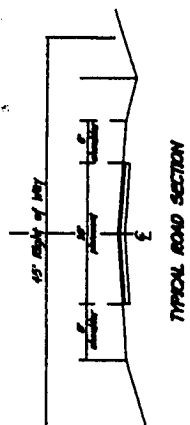
VICINITY MAP

Line	Bearing	Distance
L1	N 06° 28' 34" W	27.01'
L2	N 7° 37' 20" W	40.69'
L3	S 88° 52' 34" E	15.74'
L4	S 27° 25' 40" W	14.30'
L5	S 29° 43' 00" W	20.00'
L6	N 06° 11' 02" E	39.32'

Curve Radius 222.50' Chord Bearing and Distance 5 19° 40' 34" W 39.18' Arc Length 39.23'



MAP OF SURVEY
made for OWNER
LLOYD E. DUCOTE
and wife,
MARJORIE DUCOTE
P.O. BOX 345
ETOWAH, NC 28729



1. _____, Subdivision Administrator for Henderson County, certify that this plat has been reviewed and approved as (a) _____ in accordance with the Henderson County Subdivision Ordinance.

Subdivision Administrator _____ Date _____

1. _____, Subdivision Administrator for Henderson County, certify that this plat has been reviewed and approved as (a) _____ in accordance with the Henderson County Subdivision Ordinance.

Subdivision Administrator _____ Date _____

DEED BOOK	937	PAGE	111
PLAT CABBINET	_____	SLIDE	_____
DATE	1/07/02	SHEET NO.	1 OF 1
SCALE	1" = 100'	DATE	1/07/02
FILED	98190	DATE	01/31/02
FILED MAP NUMBER	370123	FILED MAP NUMBER	9289-02-3579

MINOR SUBDIVISION

HILLS RIVER TWP. HENDERSON COUNTY, N.C.

LAUGHTER, AUSTIN AND ASSOCIATES, P.A.
131 FOURTH AVENUE EAST
HENDERSONVILLE, NORTH CAROLINA 28732
(800) 692-9089

HENDERSON COUNTY
PLANNING DEPARTMENT

MEMORANDUM

Date: February 12, 2002
To: Planning Board Members
From: Melissa D. Peagler, Planning Technician
Re: Plan Reviews for February 19, 2002 Planning Board Meeting
High Vista Falls Phase V Revised (01-M06)

High Vista Falls Phase V Revised (01-M06)
NC Four C's LLC, Owners, Bob Duffy, Agent

This plan is a revised Master Plan and a revised Development Plan for High Vista Falls Phase V. This phase will consist of 24 residential lots. This phase of High Vista Falls was previously approved with 23 residential lots. The reconfiguration of the road system in Phase V and the addition of a residential lot have caused the subdivision to come back before the Planning Board for approval. Water will be provided through a municipal system and the sewage disposal will be provided through a community sewer system. The property is located in the Open Use zoning district.

Technical and Procedural Comments

Staff has reviewed the revised Master Plan and revised Development Plan for conformance with the Henderson County Subdivision Ordinance and offers the following comments:

MASTER PLAN

1. **Owner Name** – The name and address of the owner need to be placed on a revised master plan. (HCSO Appendix 4)
2. **Boundary** – Boundary of the project must be clearly shown on a revised master plan. (HCSO Appendix 4)
3. **Project Summary** – A project summary should be shown on a revised master plan stating the total area of the project, number of lots, length of the road system and type of water and sewer systems. (HCSO Appendix 4)

DEVELOPMENT PLAN
Technical Comments

1. **Owner Address** – The address of the owner need to be placed on a revised development plan (HCSO Appendix 5).
2. **Title** – The plan name should be changed from ‘Preliminary Plat’ to Development Plan on a revised development plan (HCSO Appendix 5).
3. **Cross Section** – A revised development plan should be submitted showing road and cul-de-sac cross-sections at the standards in the Henderson County Subdivision Ordinance. (HCSO Appendix 5 & 170-21)
4. **Project Summary** – A project summary should be located on a revised development plan (HCSO Appendix 5).
6. **Sewer System** - The Applicant must provide documentation indicating that the Community Sewer system has sufficient capacity to handle the increase of wastewater from this development. The applicant must also submit evidence that the appropriate authority has approved the community sewer system plans or evidence of their submission (HCSO 170-20).

Staff Recommendations

The submittal is for approval of the Revised Master Plan and Revised Development Plan for the subdivision. Staff feels that the submittals satisfactorily address the requirements of the Henderson County Subdivision Ordinance. Staff would recommend approval of the Revised Master Plan and approval of the Revised Development Plan subject to the above listed comments being addressed and revised plans addressing the above comments being submitted prior to final plat approval.

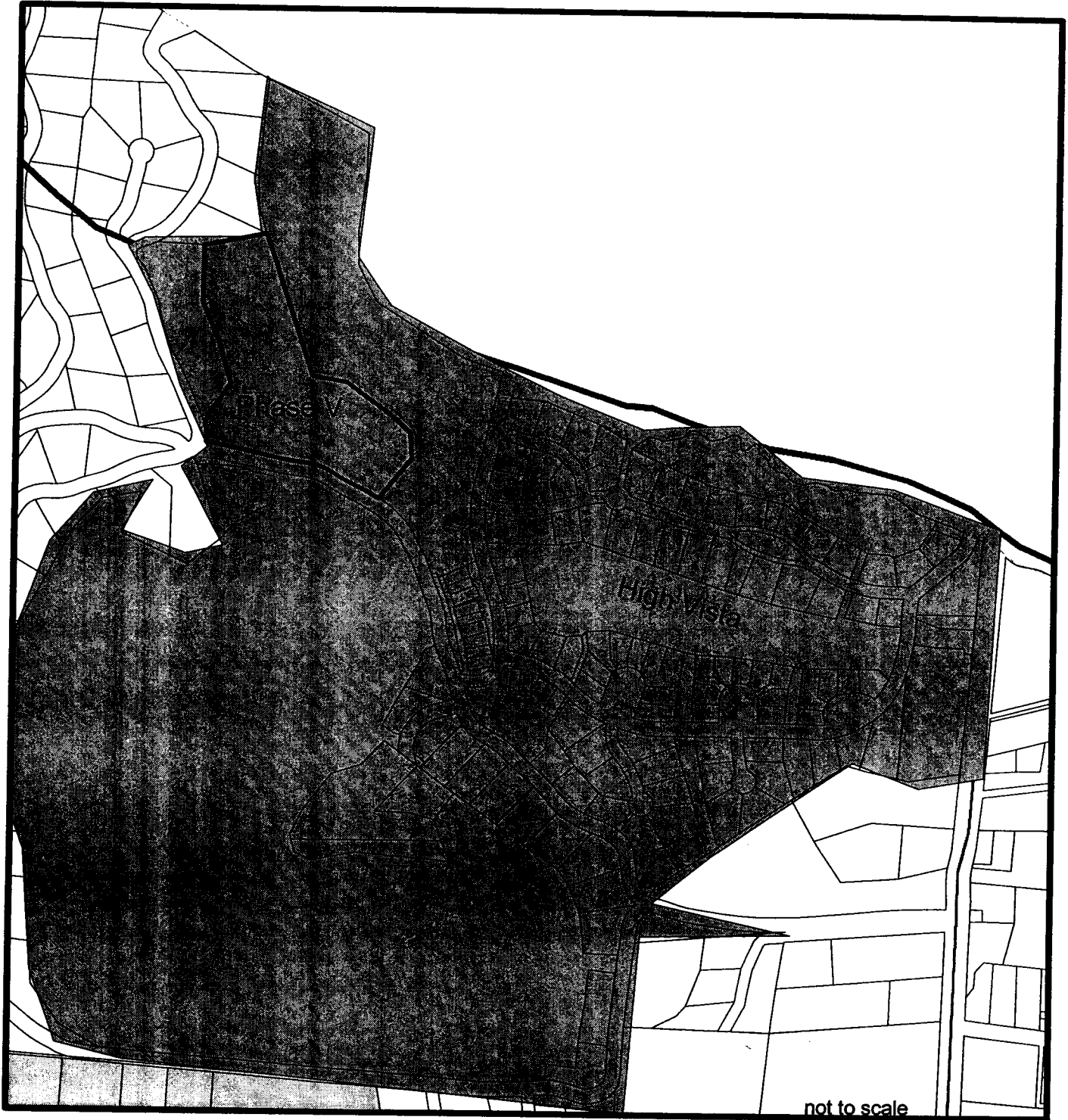
Possible Motions

I move that the Planning Board find and conclude that the Revised Master Plan and the Revised Development Plan submitted for High Vista Falls Phase V Subdivision complies with the provisions of the Subdivision Ordinance except for those matters addressed in the Technical Comment section of staff's memo that have not been satisfied by the applicant;

AND

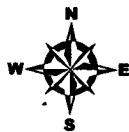
I further move that such Plans be approved subject to the following conditions: The applicant satisfying comments 1 through 3 under the Master Plan Technical comments in the staff memo and comments 1 through 6 under the Development Plan Technical Comments in the staff memo (and any other conditions imposed by the Planning Board).

Henderson County Planning Department



High Vista Falls Phase V Revision

Property Owners - NC Four C's LLC
Agent - Bob Duffy
Tax Pin # 00-9633-21-5881-55
Zoned - OU



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HENDERSON COUNTY
SUBDIVISION APPLICATION FORM

2/5/08
Date of Application

HIGH VISTA FALLS
Subdivision Name

01-M6
Application Number

Major Subdivision Minor Subdivision Other

Property Owners Name: NE FOUR C'S LLC

Address: 81 AUBURN CIRCLE

City, State, Zip: ASHEVILLE, NC 28704

Owner's Agent: ROBERT DUFFY

Telephone No: 828-243-4000

PIN _____ Deed Book/Page _____

Zoning District _____ Fire District _____ Watershed _____

Location of property to be divided: PHASE I HIGH VISTA FALLS, BELOW HIGH VISTA COUNTRY CLUB'S CLUBHOUSE

Type of Subdivision: Residential () Commercial () Industrial Present Use _____

No. Lots Created _____ Original Tract Size _____ New Tract Size _____ No. New Lots _____

Road System: () Public Private () Combination Public and Private

Water System: () Individual () Community Municipal

Sewer System: () Individual Community () Municipal

Fee: \$ 400 ~~100~~ Paid _____ Method _____

I certify that the information shown above is true and accurate and is in conformance with the Henderson County Subdivision Ordinance.

[Signature]
APPLICANT (OWNER OR AGENT)

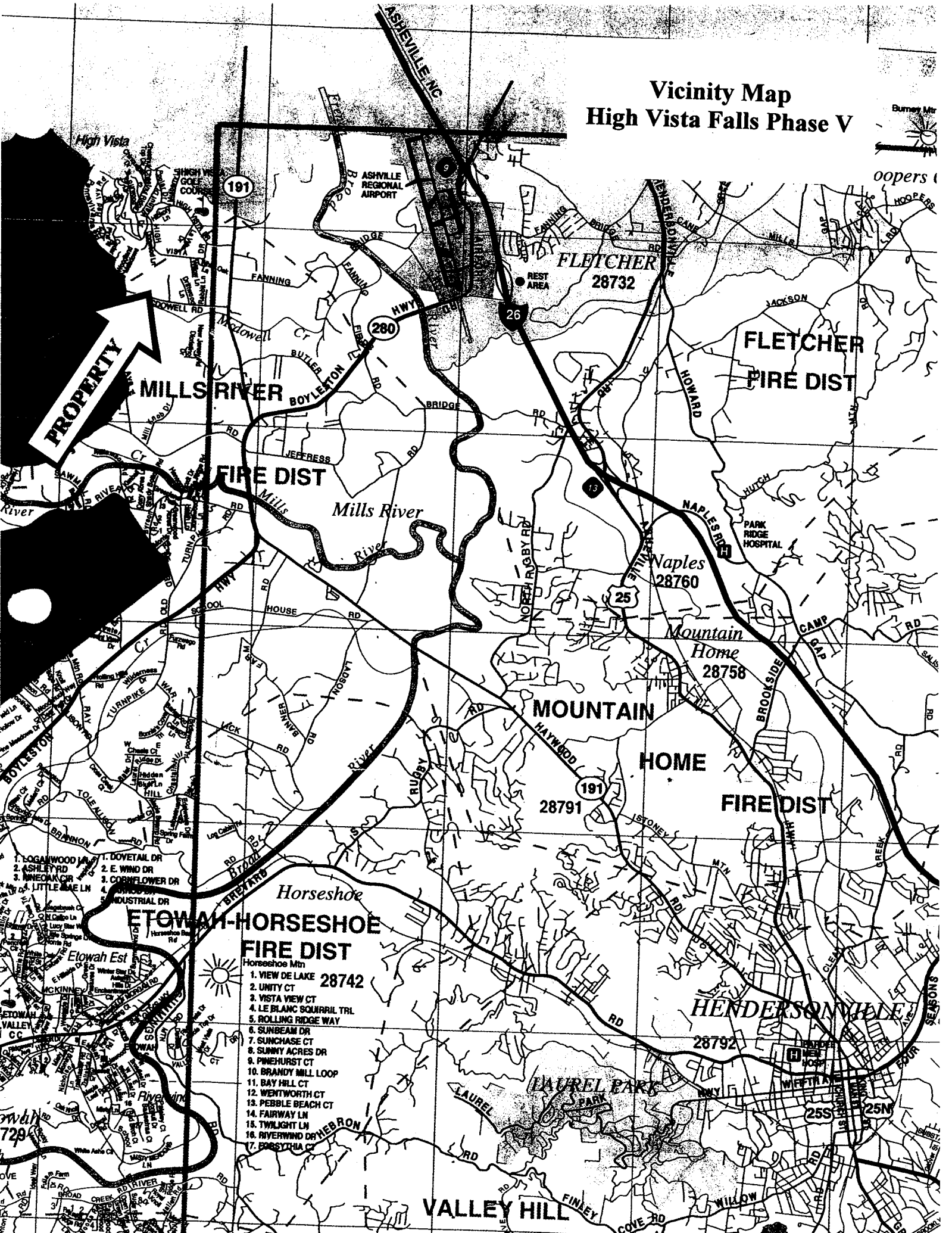
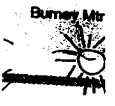
2/5/08
DATE

Development Plan Approval / Conditions _____

Final Plat Approval: _____ Plat Recorded _____



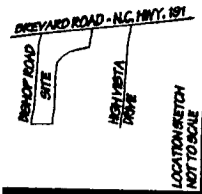
Vicinity Map High Vista Falls Phase V



PROPERTY

- Etowah-Horseshoe Fire Dist**
Horseshoe Mtn
1. VIEW DE LAKE 28742
 2. UNITY CT
 3. VISTA VIEW CT
 4. LE BLANC SQUIRREL TRL
 5. ROLLING RIDGE WAY
 6. SUNBEAM DR
 7. SUNCHASE CT
 8. SUNNY ACRES DR
 9. PINEHURST CT
 10. BRANHY MILL LOOP
 11. BAY HILL CT
 12. WENTWORTH CT
 13. PEBBLE BEACH CT
 14. FAIRWAY LN
 15. TWILIGHT LN
 16. RIVERWIND DR
 17. BOBZYHA CT

- Etowah Est**
1. LOGANWOOD LN
 2. ASHLEY RD
 3. NINEOAK CIR
 4. LITTLE MAE LN
 1. DOVETAIL DR
 2. E. WIND DR
 3. CORNFLOWER DR
 4. INDUSTRIAL DR



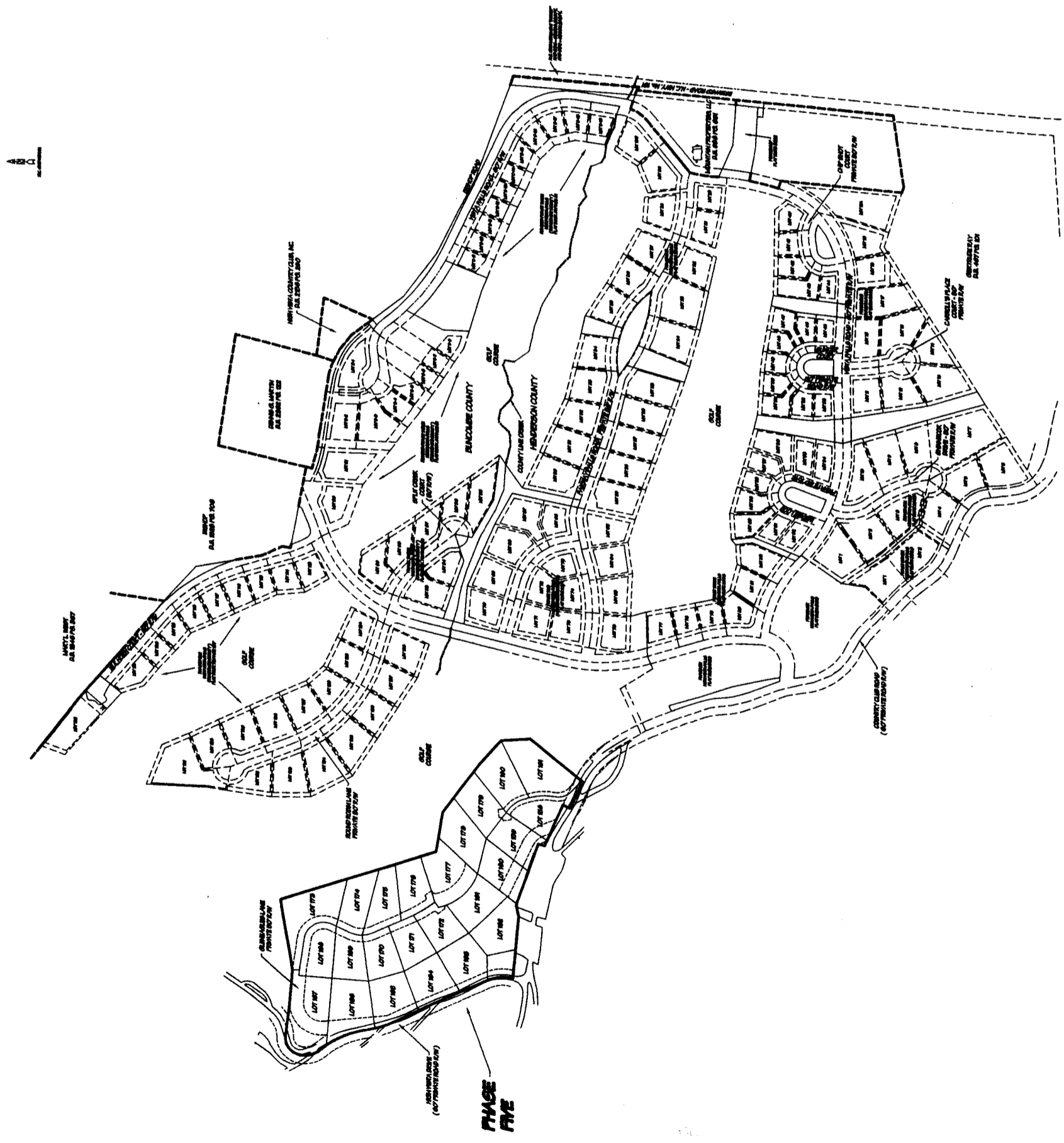
Master Plan
High Vista Falls

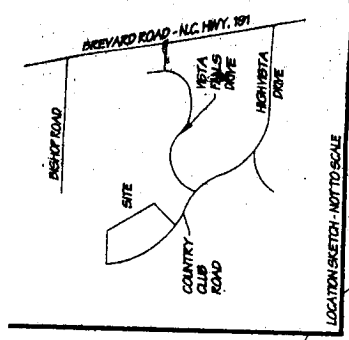
Portion of P.L.N.'s 9633.05-30-0995,
9633.05-40-7502, 9633.05-30-0963,
9633.05-42-0163, 9633.05-42-2047,
9633.05-32-6140, 9633.05-43-6003,
and 9633.05-32-0716

Atty/Const. Trp. Buncombe Co. and
Mills River Trp. Henderson Co., N.C.
Plat Book 72 Pg. 116; Deed Book 106 Pg. 676
Deed Book 100 Pg. 22; Other Plats Referenced as Shown

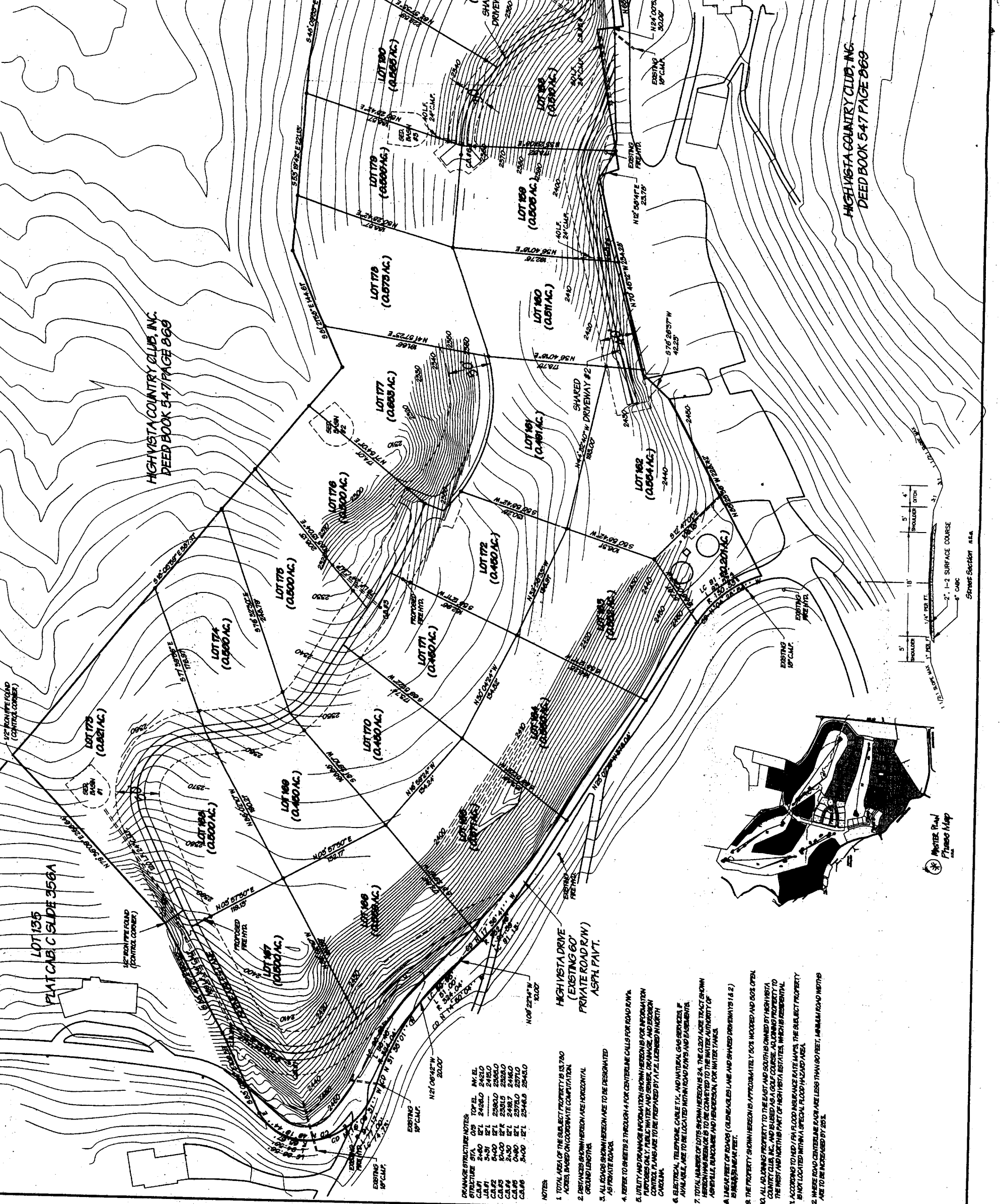
Scale 1" = 200'

Alpha Land Surveying, Inc.
51 College Place Building B Suite 100
Asheville, N.C. 28901 (252) 254-6355
Stephen T. Paul, R.L.S. (FAX) 254-9911
Date: February 12, 2002 Map No. 9633-05-180





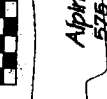
NC GRID NORTH



HIGH VISTA COUNTRY CLUBS, INC.
DEED BOOK 547 PAGE 869

HIGH VISTA COUNTRY CLUB, INC.
DEED BOOK 547 PAGE 869

Scale 1" = 50'



Alpine Land Surveying, Inc.
576 New Airport Road Unit #4
Fletcher, NC 28732 (828) 694-4500
Stephen T. Paul, P.L.S. (FAX) 694-6508
Date: November 9, 2001 Map No. 963403-175

SHEET OF 4

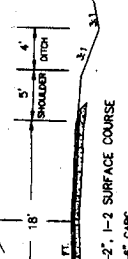
LOT 135
PLAT CAB C SLIDE 356A

DRAINAGE STRUCTURE NOTES

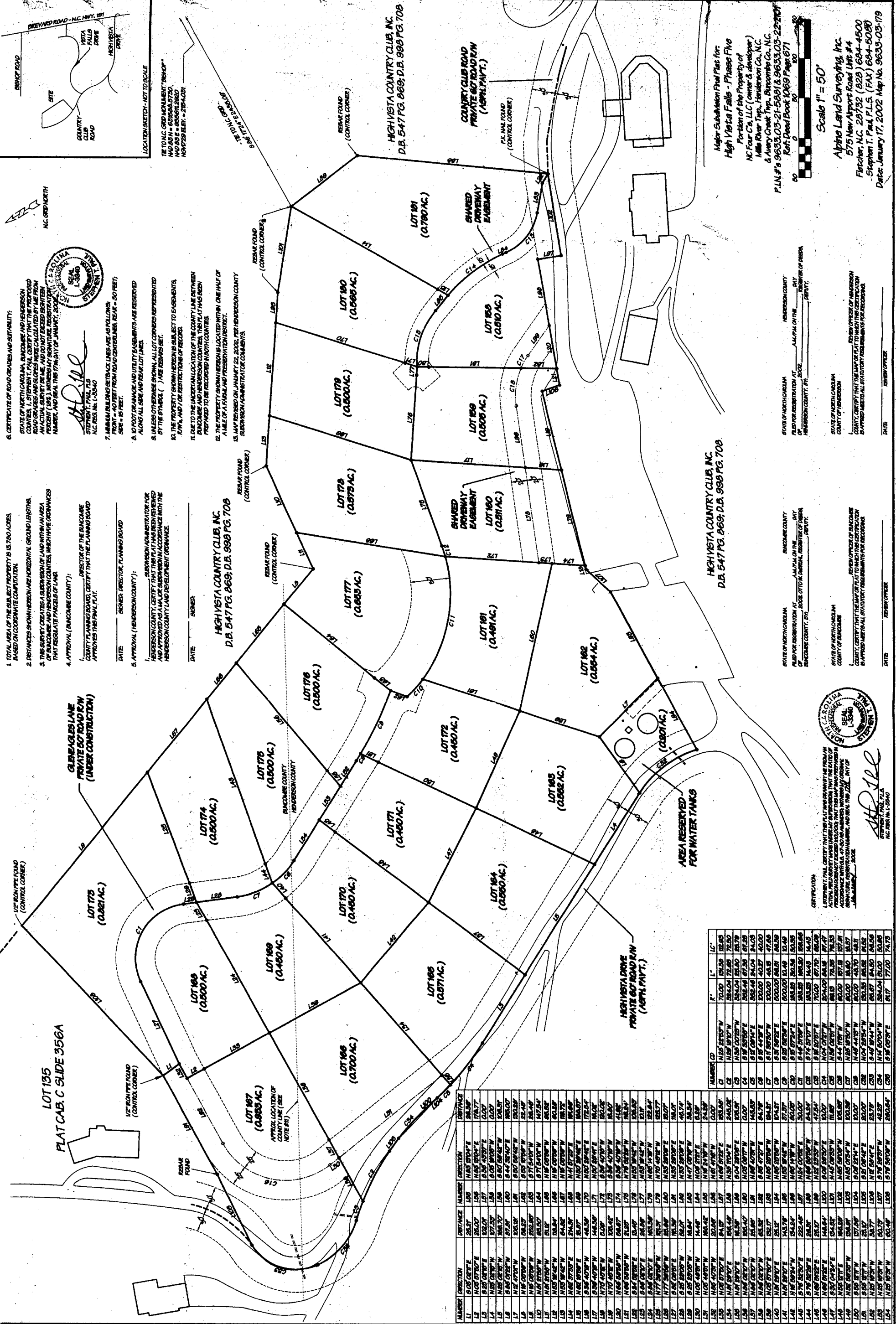
STRUCTURE	STA.	QTY	TOP E.L.	M. E.L.
CA1	5+00	1	2468.0	2421.0
CA2	5+40	1	2468.0	2465.0
CA3	6+00	1	2380.0	2450.0
CA4	6+30	1	2381.5	2380.0
CA5	6+30	1	2418.7	2418.0
CA6	6+40	1	2378.0	2371.0
CA7	6+40	1	2346.5	2345.0

NOTES

- TOTAL AREA OF THE SUBJECT PROPERTY IS 13,780 ACRES BASED ON CONSERVATIVE COMPUTATION.
- DISTANCES SHOWN HEREIN ARE HORIZONTAL GROUND LENGTHS.
- ALL ROADS SHOWN HEREIN ARE TO BE DESIGNATED AS PRIVATE ROADS.
- REFER TO SHEETS 2 THROUGH 4 FOR CENTERLINE CALLS FOR ROAD R/W'S.
- UTILITY AND DRAINAGE LOCATIONS SHOWN HEREIN ARE FOR INFORMATION PURPOSES ONLY. PUBLIC UTILITIES, POWER, SEWERAGE, AND DRAINAGE CONTROL PLANS ARE TO BE PREPARED BY A LICENSED ENGINEER IN CAROLINA.
- ELECTRICAL, TELEPHONE, CABLE T.V., AND NATURAL GAS SERVICES, IF AVAILABLE, ARE TO BE LOCATED WITHIN ROAD R/W'S AND EASEMENTS.
- TOTAL NUMBER OF LOTS SHOWN HEREIN IS 24. THE 0.20 ACRE TRACT SHOWN HEREIN HAS BEEN DEED TO THE CONSERVATION CENTER, WATER TRAIL, ADELLVILLE, RANDOLPH AND HENNINGTON, FOR WATER TRAIL.
- LINEAR FEET OF ROAD (GLENN AGLAS LANE AND SHARED DRIVEWAYS 1 & 2) IS SHOWN BY LINEAR FEET.
- THE PROPERTY SHOWN HEREIN IS APPROXIMATELY 50% WOODED AND 50% OPEN.
- ALL ADJOINING PROPERTY TO THE EAST AND SOUTH IS OWNED BY HIGH VISTA COUNTRY CLUB, INC. AND IS LABELED AS A GOLF COURSE. ALL ADJOINING PROPERTY TO THE WEST AND NORTH IS PART OF HIGH VISTA ESTATES, WHICH IS RESIDENTIAL.
- ACCORDING TO HD/PA/FLOOD INSURANCE RATE MAPS, THE SUBJECT PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA.
- WHERE ROAD CENTERLINE EASEMENTS ARE LESS THAN 60 FEET, MINIMUM ROAD WIDTHS ARE TO BE INCREASED BY 25%.



Street Section AREA



1. TOTAL AREA OF THE SUBJECT PROPERTY IS 18,700 ACRES BASED ON COORDINATE COMPUTATION.
2. DISTANCES SHOWN HEREIN ARE HORIZONTAL GROUND LENGTHS.
3. THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN AN AREA OF BANCORSE AND HENDERSON COUNTIES WHICH HAVE ORDINANCES THAT REGULATE PRACTICES OF LAND.
4. APPROVAL (BANCORSE COUNTY):
 COUNTY PLANNING BOARD, CERTIFY THAT THE PLANNING BOARD APPROVES THIS FINAL PLAN.
 DATE: _____
 DIRECTOR OF THE BANCORSE COUNTY PLANNING BOARD
 APPROVES THIS FINAL PLAN.
5. APPROVAL (HENDERSON COUNTY):
 HENDERSON COUNTY CERTIFY THAT THIS PLAN HAS BEEN REVIEWED AND APPROVED AS A MAJOR SUBDIVISION IN ACCORDANCE WITH THE HENDERSON COUNTY LAND DEVELOPMENT ORDINANCE.
 DATE: _____
 SEWER DIRECTOR (HENDERSON COUNTY)
6. CERTIFICATE OF ROAD GRADING AND SUITABILITY:
 STATE OF NORTH CAROLINA, BANCORSE AND HENDERSON COUNTIES, I, STEPHEN T. PAUL, CERTIFY THAT THE PROPOSED ROAD GRADING AND SLOPES WERE CALCULATED BY ME FROM AN ACTUAL SURVEY OF THE LAND AND DO NOT EXCEED EIGHTEEN PERCENT (18%), WITHIN ANY SEPARATE, SEPARATELY IDENTIFIED, NUMBERED, AND DATED THIS THIRTIETH DAY OF JANUARY, 2002.
7. ANIMAL BURIALING STRIP LINES ARE AS FOLLOWS:
 FRONT - 40 FEET FROM ROAD CENTERLINE, REAR - 30 FEET, SIDE - 15 FEET.
8. 10 FOOT DRAINAGE AND UTILITY EASEMENTS ARE RESERVED ALONG ALL SIDE AND REAR LOT LINES.
9. UNLESS OTHERWISE SHOWN, ALL LOT CORNERS REPRESENTED BY THE SYMBOL () AND REAR CORNER.
10. THE PROPERTY SHOWN HEREIN IS SUBJECT TO EASEMENTS, R/W'S, AND / OR RESTRICTIONS OF RECORD.
11. DUE TO THE UNCERTAINTY OF LOCATION OF THE COUNTY LINE BETWEEN BANCORSE AND HENDERSON COUNTIES THAT HAS BEEN PREPARED TO BE RECORDED IN BOTH COUNTIES.
12. THE PROPERTY SHOWN HEREIN IS LOCATED WITHIN ONE HALF OF A MILE OF A PARK AND PRESERVATION DISTRICT.
13. MAY BE REFERRED TO AS PER HENDERSON COUNTY SUPERVISION ADMINISTRATOR COMMENTS.

1. TOTAL AREA OF THE SUBJECT PROPERTY IS 18,700 ACRES BASED ON COORDINATE COMPUTATION.

2. DISTANCES SHOWN HEREIN ARE HORIZONTAL GROUND LENGTHS.

3. THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN AN AREA OF BANCORSE AND HENDERSON COUNTIES WHICH HAVE ORDINANCES THAT REGULATE PRACTICES OF LAND.

4. APPROVAL (BANCORSE COUNTY):
 COUNTY PLANNING BOARD, CERTIFY THAT THE PLANNING BOARD APPROVES THIS FINAL PLAN.
 DATE: _____
 DIRECTOR OF THE BANCORSE COUNTY PLANNING BOARD
 APPROVES THIS FINAL PLAN.

5. APPROVAL (HENDERSON COUNTY):
 HENDERSON COUNTY CERTIFY THAT THIS PLAN HAS BEEN REVIEWED AND APPROVED AS A MAJOR SUBDIVISION IN ACCORDANCE WITH THE HENDERSON COUNTY LAND DEVELOPMENT ORDINANCE.
 DATE: _____
 SEWER DIRECTOR (HENDERSON COUNTY)

6. CERTIFICATE OF ROAD GRADING AND SUITABILITY:
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7. ANIMAL BURIALING STRIP LINES ARE AS FOLLOWS:
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11. DUE TO THE UNCERTAINTY OF LOCATION OF THE COUNTY LINE BETWEEN BANCORSE AND HENDERSON COUNTIES THAT HAS BEEN PREPARED TO BE RECORDED IN BOTH COUNTIES.

12. THE PROPERTY SHOWN HEREIN IS LOCATED WITHIN ONE HALF OF A MILE OF A PARK AND PRESERVATION DISTRICT.

13. MAY BE REFERRED TO AS PER HENDERSON COUNTY SUPERVISION ADMINISTRATOR COMMENTS.

NUMBER	DIRECTION	DISTANCE	NUMBER	DIRECTION	DISTANCE	R	LC
L1	S 02° 02' 00" W	20.07	L135	N 85° 00' 00" E	18.59	70.00	85.00
L2	N 02° 02' 00" E	17.87	L136	N 85° 00' 00" E	17.87	85.00	70.00
L3	S 02° 02' 00" W	20.07	L137	S 02° 02' 00" W	20.07	20.07	20.07
L4	N 85° 00' 00" E	18.59	L138	S 02° 02' 00" W	18.59	18.59	18.59
L5	N 85° 00' 00" E	18.59	L139	S 02° 02' 00" W	18.59	18.59	18.59
L6	N 85° 00' 00" E	18.59	L140	S 02° 02' 00" W	18.59	18.59	18.59
L7	N 85° 00' 00" E	18.59	L141	S 02° 02' 00" W	18.59	18.59	18.59
L8	N 85° 00' 00" E	18.59	L142	S 02° 02' 00" W	18.59	18.59	18.59
L9	N 85° 00' 00" E	18.59	L143	S 02° 02' 00" W	18.59	18.59	18.59
L10	N 85° 00' 00" E	18.59	L144	S 02° 02' 00" W	18.59	18.59	18.59
L11	N 85° 00' 00" E	18.59	L145	S 02° 02' 00" W	18.59	18.59	18.59
L12	N 85° 00' 00" E	18.59	L146	S 02° 02' 00" W	18.59	18.59	18.59
L13	N 85° 00' 00" E	18.59	L147	S 02° 02' 00" W	18.59	18.59	18.59
L14	N 85° 00' 00" E	18.59	L148	S 02° 02' 00" W	18.59	18.59	18.59
L15	N 85° 00' 00" E	18.59	L149	S 02° 02' 00" W	18.59	18.59	18.59
L16	N 85° 00' 00" E	18.59	L150	S 02° 02' 00" W	18.59	18.59	18.59
L17	N 85° 00' 00" E	18.59	L151	S 02° 02' 00" W	18.59	18.59	18.59
L18	N 85° 00' 00" E	18.59	L152	S 02° 02' 00" W	18.59	18.59	18.59
L19	N 85° 00' 00" E	18.59	L153	S 02° 02' 00" W	18.59	18.59	18.59
L20	N 85° 00' 00" E	18.59	L154	S 02° 02' 00" W	18.59	18.59	18.59
L21	N 85° 00' 00" E	18.59	L155	S 02° 02' 00" W	18.59	18.59	18.59
L22	N 85° 00' 00" E	18.59	L156	S 02° 02' 00" W	18.59	18.59	18.59
L23	N 85° 00' 00" E	18.59	L157	S 02° 02' 00" W	18.59	18.59	18.59
L24	N 85° 00' 00" E	18.59	L158	S 02° 02' 00" W	18.59	18.59	18.59
L25	N 85° 00' 00" E	18.59	L159	S 02° 02' 00" W	18.59	18.59	18.59
L26	N 85° 00' 00" E	18.59	L160	S 02° 02' 00" W	18.59	18.59	18.59
L27	N 85° 00' 00" E	18.59	L161	S 02° 02' 00" W	18.59	18.59	18.59
L28	N 85° 00' 00" E	18.59	L162	S 02° 02' 00" W	18.59	18.59	18.59
L29	N 85° 00' 00" E	18.59	L163	S 02° 02' 00" W	18.59	18.59	18.59
L30	N 85° 00' 00" E	18.59	L164	S 02° 02' 00" W	18.59	18.59	18.59
L31	N 85° 00' 00" E	18.59	L165	S 02° 02' 00" W	18.59	18.59	18.59
L32	N 85° 00' 00" E	18.59	L166	S 02° 02' 00" W	18.59	18.59	18.59
L33	N 85° 00' 00" E	18.59	L167	S 02° 02' 00" W	18.59	18.59	18.59
L34	N 85° 00' 00" E	18.59	L168	S 02° 02' 00" W	18.59	18.59	18.59
L35	N 85° 00' 00" E	18.59	L169	S 02° 02' 00" W	18.59	18.59	18.59
L36	N 85° 00' 00" E	18.59	L170	S 02° 02' 00" W	18.59	18.59	18.59
L37	N 85° 00' 00" E	18.59	L171	S 02° 02' 00" W	18.59	18.59	18.59
L38	N 85° 00' 00" E	18.59	L172	S 02° 02' 00" W	18.59	18.59	18.59
L39	N 85° 00' 00" E	18.59	L173	S 02° 02' 00" W	18.59	18.59	18.59
L40	N 85° 00' 00" E	18.59	L174	S 02° 02' 00" W	18.59	18.59	18.59
L41	N 85° 00' 00" E	18.59	L175	S 02° 02' 00" W	18.59	18.59	18.59
L42	N 85° 00' 00" E	18.59	L176	S 02° 02' 00" W	18.59	18.59	18.59
L43	N 85° 00' 00" E	18.59	L177	S 02° 02' 00" W	18.59	18.59	18.59
L44	N 85° 00' 00" E	18.59	L178	S 02° 02' 00" W	18.59	18.59	18.59
L45	N 85° 00' 00" E	18.59	L179	S 02° 02' 00" W	18.59	18.59	18.59
L46	N 85° 00' 00" E	18.59	L180	S 02° 02' 00" W	18.59	18.59	18.59
L47	N 85° 00' 00" E	18.59	L181	S 02° 02' 00" W	18.59	18.59	18.59
L48	N 85° 00' 00" E	18.59	L182	S 02° 02' 00" W	18.59	18.59	18.59

High Vista Country Club, Inc.
 D.B. 547 PG. 869; D.B. 998 PG. 708

Major Subdivision Final Plat for:
 High Vista Falls - Phase Five
 Portion of the Property of
 NC Four Co, LLC (owner & developer)
 Mills River Twp., Henderson Co., N.C.
 & Avery Creek Twp., Buncombe Co., N.C.
 P.L.N.#s 9633,03-21-5891 & 9633,03-22-2101
 Ref. Deed Book 1069 Page 671

Scale 1" = 50'

Alpha Land Surveying, Inc.
 575 New Airport Road Unit #4
 Fletcher, NC 28732 (919) 684-4500
 Stephen T. Paul, P.L.S. (FAX) 684-6080
 Date: January 17, 2002 Map No. 9633-03-179

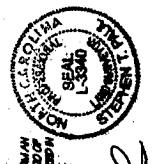
STATE OF NORTH CAROLINA
 FILED FOR REGISTRATION AT
 HENDERSON COUNTY, N.C.
 HENDERSON COUNTY
 CLERK OF RECORDS

STATE OF NORTH CAROLINA
 FILED FOR REGISTRATION AT
 BANCORSE COUNTY, N.C.
 BANCORSE COUNTY
 CLERK OF RECORDS

STATE OF NORTH CAROLINA
 FILED FOR REGISTRATION AT
 HENDERSON COUNTY, N.C.
 HENDERSON COUNTY
 CLERK OF RECORDS

STATE OF NORTH CAROLINA
 FILED FOR REGISTRATION AT
 BANCORSE COUNTY, N.C.
 BANCORSE COUNTY
 CLERK OF RECORDS

DATE: _____ REVIEW OFFICER: _____



CERTIFICATION
 I, STEPHEN T. PAUL, CERTIFY THAT THIS PLAN WAS DRAWN BY ME FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, THAT THE BOUNDARIES AND DISTANCES SHOWN THEREON WERE MEASURED BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT I AM A LICENSED PROFESSIONAL SURVEYOR IN THE STATE OF NORTH CAROLINA.
 DATE: _____

HENDERSON COUNTY
PLANNING DEPARTMENT

MEMORANDUM

Date: February 12, 2002
To: Planning Board Members
From: Melissa D. Peagler, Planning Technician
Re: Plan Reviews for February 19, 2002 Planning Board Meeting
High Vista Country Club Revised (02-M02)

High Vista Country Club Revised (02-M02)
Lon Pierce, Owners, Bob Duffy, Agent

The application is for a revised Master Plan and Development Plan for High Vista Country Club for a re-division of a previously recorded lot. Recently the division of lot CC-3 within High Vista Country Club without approval of a plat has come to the attention of staff. Staff required that the subdivision follow the process of a major subdivision because it lies within an approved major subdivision and will add an additional lot to High Vista Country Club. Water will be provided by a municipal public system and the sewer system will be on a community sewer system. The property is located in the Open Use zoning district.

Technical and Procedural Comments

Staff has reviewed the revised Master Plan and the Development Plan for conformance with the Henderson County Subdivision Ordinance and offers the following comments:

MASTER PLAN

1. **Owner Name** – The name and address of the owner need to be placed on a revised master plan. (HCSO Appendix 4)
2. **Title** – The title of the plan must state master plan on a revised master plan. (HCSO Appendix 4)
3. **Project Summary** – A project summary stating total project area, number of lots, and types of water and sewer systems must be shown on a revised master plan. (HCSO Appendix 4)

DEVELOPMENT PLAN

Technical Comments

1. **Project Summary** - A project summary must be shown on the final plat stating the number of lots, minimum & maximum lot size, type of water & sewer system, and the current zoning, which is Open Use. (HCSO Appendix 5)
2. **Farmland Preservation District** - This property appears to be within 1/2 mile of a Farmland Preservation district. Therefore, the applicant needs to submit an Affidavit of Understanding of Farmland Preservation District. The Final Plat should include a notation that the property is within 1/2 mile of land in a Farmland Preservation District. (HCSO 170-35)

Comments for Discussion

4. **Setbacks** - The President of the High Vista Home Owners Association has informed staff that the restrictive covenants state that the setback off the property line must be from property inside the community. The western property line lies outside the community and the lots will require a vote by the homeowners association in order to make the required setback begin from that line rather than the edge of the property that is still located inside the community. We do not enforce restrictive covenants. The Homeowners Association President asked that the Planning Board require a note on the final plat stating that the additional property must be annexed into the community before the proposed setbacks are applicable. The reference setbacks are those established by High Vista, not by the County as the Open Use District has no setbacks for residential uses. Therefore, staff does not feel that the Planning Board needs to require such a note.

#5 - Final Plat should not hv. the proposed houses on it as
setback lines.

Staff Recommendations

The submittal is for approval of the revised Master Plan and Development Plan for the subdivision. Staff feels that the submittals satisfactorily address the requirements of the Henderson County Subdivision Ordinance. Staff would recommend approval of the revised Master Plan and approval of the Development Plan subject to the above listed comments being addressed and revised plans being submitted prior to final plat approval.

Possible Motions

I move that the Planning Board find and conclude that the Master Plan and the Development Plan submitted for High Vista Country Club Revised Subdivision complies with the provisions of the Subdivision Ordinance except for those matters addressed in the Technical Comment section of staff's memo that have not been satisfied by the applicant;

AND

I further move that such Plan be approved subject to the following Conditions: The applicant satisfies comments 1 through 3 under the Master Plan Technical comments in the staff's memo and comments 1 through 3 under the Development Plan Technical comments in the staff memo (and any other conditions imposed by the Planning Board).

HENDERSON COUNTY
SUBDIVISION APPLICATION FORM

2/5/02 HVCC 3/3A _____
Date of Application Subdivision Name Application Number

Major Subdivision Minor Subdivision Other

Property Owners Name: LEN PROCE

Address: 3 HICKORY LN

City, State, Zip: ASHEW NC 28704

Owner's Agent: ROBERT DUFFY

Telephone No: 828. 243. 4000

PIN _____ Deed Book/Page _____

Zoning District _____ Fire District _____ Watershed _____

Location of property to be divided: HICKORY COMMUNITY @ INTERSECTION OF LA VISTA DRIVE AND COUNTRY CLUB ROAD

Type of Subdivision: () Residential () Commercial () Industrial Present Use 1 LOT

No. Lots Created 1 ~~EXTRA~~ Original Tract Size _____ New Tract Size _____ No. New Lots _____

- Road System: () Public Private () Combination Public and Private
- Water System: () Individual () Community Municipal
- Sewer System: () Individual Community () Municipal

Fee: \$ 400⁰⁰ Paid _____ Method _____

I certify that the information shown above is true and accurate and is in conformance with the Henderson County Subdivision Ordinance.

[Signature]
APPLICANT (OWNER OR AGENT)

2/5/02
DATE

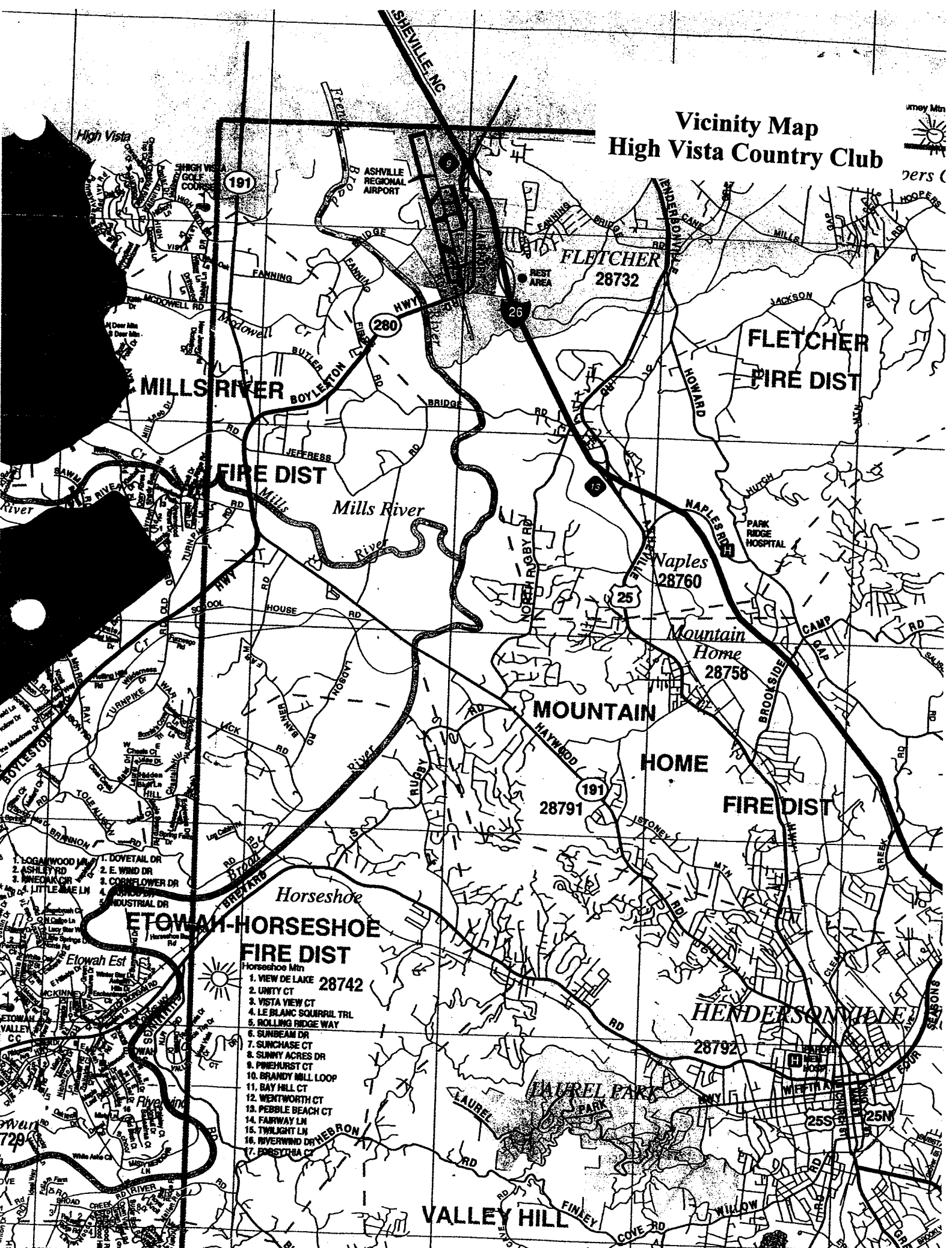
Development Plan Approval / Conditions _____

Final Plat Approval: _____ Plat Recorded _____

Vicinity Map High Vista Country Club



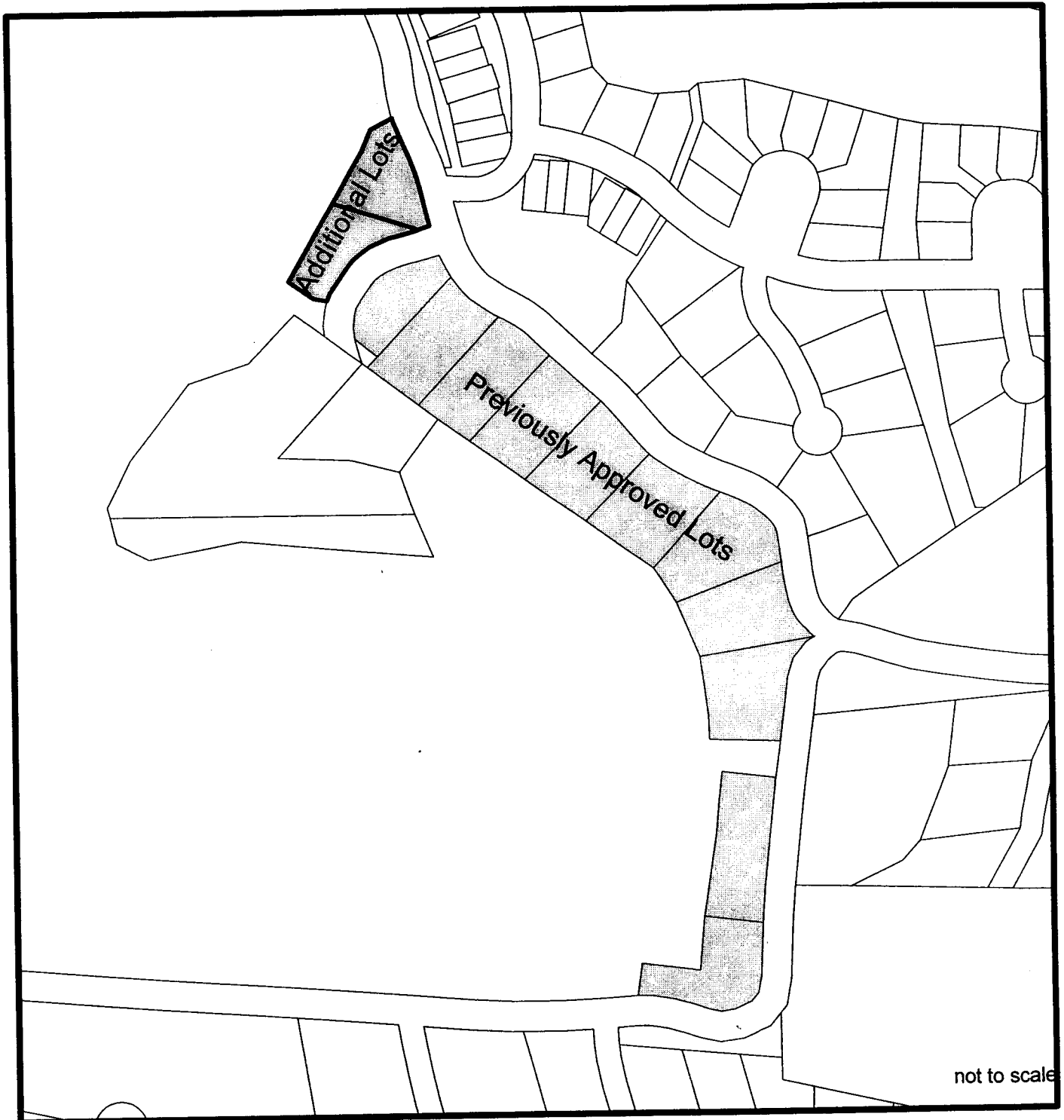
True Mtn



- ETOWAH-HORSESHOE FIRE DIST**
Horseshoe Mtn 28742
1. VIEW DE LAKE
 2. UNITY CT
 3. VISTA VIEW CT
 4. LE BLANC SOUTHWEST TRAIL
 5. ROLLING RIDGE WAY
 6. SUNBEAM DR
 7. SUNCHASE CT
 8. SUNNY ACRES DR
 9. PINEHURST CT
 10. BRANDY MILL LOOP
 11. BAY HILL CT
 12. WENTWORTH CT
 13. PEBBLE BEACH CT
 14. FAIRWAY LN
 15. TWILIGHT LN
 16. RIVERWIND DR
 17. EROSYNIA CT

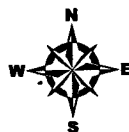
- ETOWAH EST**
1. LOGANWOOD LN
 2. ASHLEY RD
 3. WINDY CREEK DR
 4. LITTLE MAE LN
 5. INDUSTRIAL DR
 6. DOVETAIL DR
 7. E. WIND DR
 8. CORNFLOWER DR
 9. WINDY CREEK DR
 10. WINDY CREEK DR
 11. WINDY CREEK DR
 12. WINDY CREEK DR
 13. WINDY CREEK DR
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 50. WINDY CREEK DR

Henderson County Planning Department

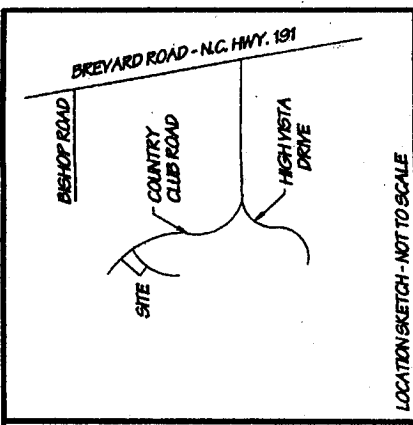


High Vista Country Club Revision

Property Owners - Lon Pierce
Agent - Bob Duffy
Tax Pin # 00-9633-30-1513-55
00-9633-30-2617-55
Zoned - OU



This map is prepared for the inventory of real property found within this jurisdiction, and is compiled from recorded deeds, plats, and other public records and data. Users of this map, are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map. The County and mapping company assume no legal responsibility for the information contained on this map.



CERTIFICATION
 I, STEPHEN T. PAUL, CERTIFY THAT THIS PLAT WAS DRAWN BY ME FROM AN ACTUAL FIELD SURVEY MADE UNDER MY SUPERVISION THAT THE KIND OF PRECEDENCE NOT EXCEEDS 30.000 THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-37.15. I AM A LICENSED SURVEYOR AND MY ORIGINAL SURVEYOR REGISTRATION NUMBER AND SEAL THIS DAY OF NOVEMBER, 2000.

STEPHEN T. PAUL, R.L.S.
 N.C. REG. NO. L-33840

STATE OF NORTH CAROLINA
 FILED FOR REGISTRATION AT _____ DAY
 OF _____ HENDERSON COUNTY, N.C. REGISTER OF DEEDS,
 _____ DEPUTY.

STATE OF NORTH CAROLINA
 COUNTY OF HENDERSON
 I, _____ REVIEW OFFICER OF HENDERSON
 COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION
 IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

DATE _____ REVIEW OFFICER _____

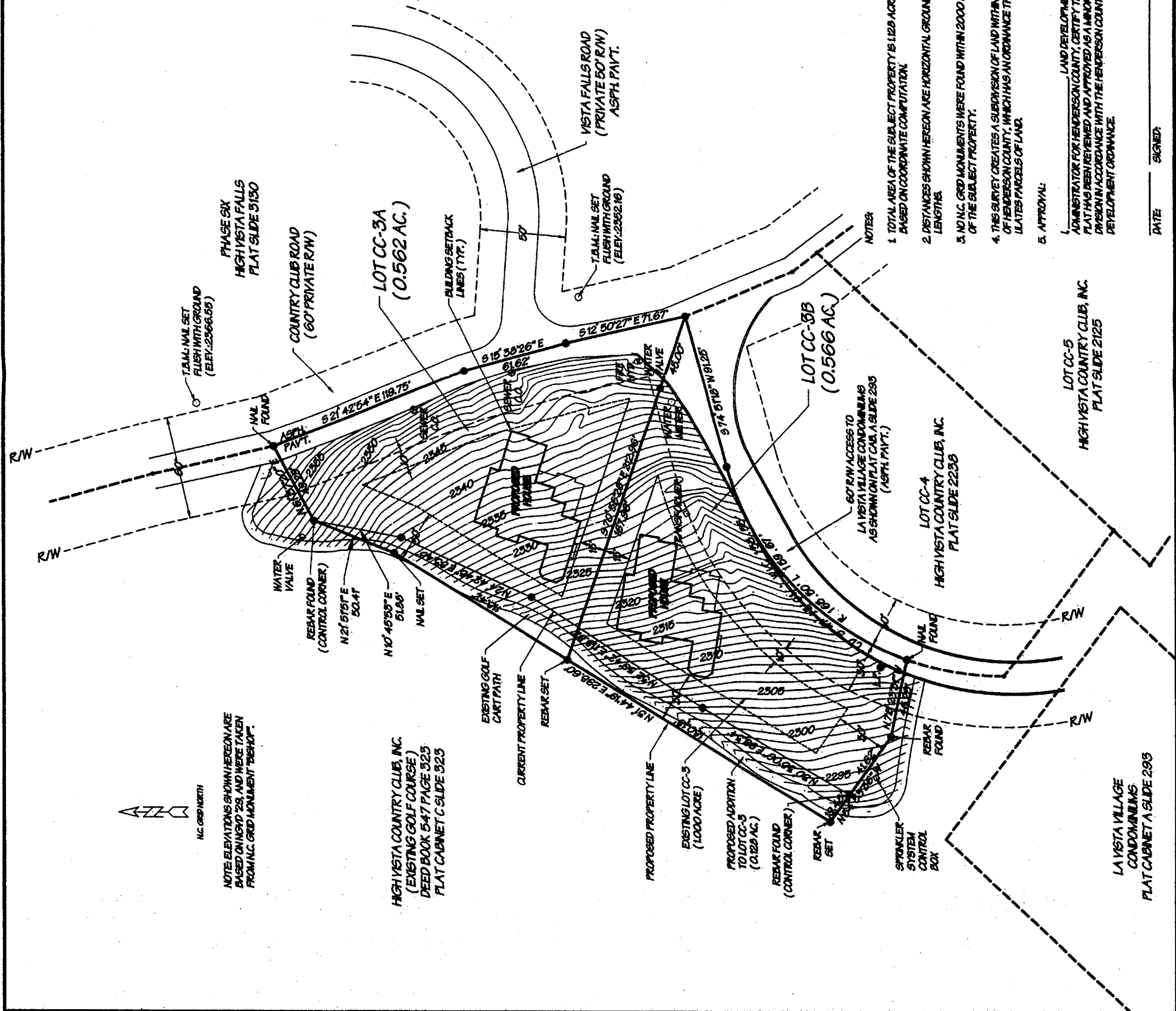
NOTES: (cont.)
 6. MAP REVISED ON NOVEMBER 15, 2000, TO SHOW
 REVISED LOT LINE BETWEEN LOTS CC-3A
 AND CC-3B.

Development Plan for:
Lon Pierce
 (owner & developer)
 Resubdivision of Lot CC-5
 High Vista Country Club, Inc., and
 a portion of the Property of
 High Vista Country Club, Inc.
 Mills River Twp., Henderson Co., N.C.
 Ref: Plat Slides 2125 & 2238



Scale 1" = 40'

Alpine Land Surveying, Inc.
 575 New Airport Road Unit #4
 Fletcher, N.C. 28732 (828) 684-4500
 Stephen T. Paul, P.L.S. (FAX) 684-5080
 Date: November 7, 2000 Map No. 9633-03-111



NOTE: ELEVATIONS SHOWN HEREON ARE BASED ON NGVD 29, AND WERE TAKEN FROM N.C. GRID MONUMENT "BISHOP".

HIGH VISTA COUNTRY CLUB, INC.
 (EXISTING GOLF COURSE)
 DEED BOOK 547 PAGE 323
 PLAT CABINET C SLIDE 323

60' R/W ACCESS TO
 LA VISTA VILLAGE CONDOMINIUMS
 AS SHOWN ON PLAT CAB. A SLIDE 295
 (ASPH. PAVT.)

LOT CC-4
 HIGH VISTA COUNTRY CLUB, INC.
 FLAT SLIDE 2238

LOT CC-5
 HIGH VISTA COUNTRY CLUB, INC.
 FLAT SLIDE 2125

LA VISTA VILLAGE
 CONDOMINIUMS
 PLAT CABINET A SLIDE 295

- NOTES:
- TOTAL AREA OF THE SUBJECT PROPERTY IS 1.128 ACRES BASED ON COORDINATE COMPUTATION.
 - DISTANCES SHOWN HEREON ARE HORIZONTAL GROUND LENGTHS.
 - NO N.C. GRID MONUMENTS WERE FOUND WITHIN 2000 FEET OF THE SUBJECT PROPERTY.
 - THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN A PORTION OF HENDERSON COUNTY, WHICH HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

5. APPROVAL:
 _____ LAND DEVELOPMENT
 ADMINISTRATOR FOR HENDERSON COUNTY, CERTIFY THAT THIS
 PLAT HAS BEEN REVIEWED AND APPROVED AS A MINOR SUB-
 DIVISION IN ACCORDANCE WITH THE HENDERSON COUNTY LAND
 DEVELOPMENT ORDINANCE.

DATE _____ SIGNED _____

REQUEST FOR BOARD ACTION
HENDERSON COUNTY
PLANNING BOARD

Meeting Date: February 19, 2002
Subject: Request for Planning Board-Initiated Rezoning

SUMMARY OF REQUEST:

Staff is requesting that the Planning Board initiate a request that the Henderson County Board of Commissioners rezone several parcels along Souther Road, just south of the Town of Fletcher, from **RC (Rural Conservation)** zoning to **R-20 (Low Density Residential)** zoning. The parcels in question were in fact parcels that should have been included as Subject Parcels for consideration in Rezoning Application R-06-01, which was submitted on November 12, 2001, by Mr. Samuel R. Garland (Applicant and Applicants' Agent). It appears that the parcels in question were excluded from consideration with Rezoning Application R-06-01 as a result of ambiguities within the application and miscommunications between Staff and the Applicants.

Typically, according to the Henderson County Zoning Ordinance, the Planning Board has forty-five days (45) from its first consideration of a rezoning application to make a recommendation to the Henderson County Board of Commissioners on the request. If no recommendation is made within the prescribed forty-five (45) days, the request for rezoning is forwarded to the Board of Commissioners with a favorable recommendation. In this case, the Planning Board was not aware of the need to consider the parcels in question, and therefore did not submit a recommendation to the Board of Commissioners regarding those parcels. Nonetheless, the parcels in question were the subjects of a formally submitted application, and the forty-five day deadline for a Planning Board Recommendation has passed without a recommendation to the Board of Commissioners. Staff is uncertain as to the technical status of the Subject Parcels as a result of their erroneous exclusion from consideration under R-06-01, but it is likely that the lack of a recommendation within the required timeframe constitutes a favorable recommendation from the Planning Board. Nonetheless, Staff feels that it is preferable that the Planning Board have an opportunity to consider the parcels in question, and to offer an explicit recommendation to the Board of Commissioners regarding those parcels. Staff feels that a Planning Board-initiated request to rezone the parcels in question would be the quickest and most straightforward way to offer such a recommendation.

Therefore, Staff recommends that the Henderson County Planning Board submit to the Henderson County Board of Commissioners a request and recommendation that the parcels in question be rezoned from RC (Rural Conservation) zoning to R-20 (Low Density Residential) zoning.

Please note that further information will be provided to the Planning Board at its February 19, 2002 meeting, including a map depicting the precise locations of the parcels in question.

ATTACHMENT 1

Application #: R-05-01

RECEIVED
NOV 13 2001

Application to Amend the Official Zoning Map of Henderson County, NC
REZONING

1. PROPERTY OWNER INFORMATION

Samuel R. Garland
Property Owner Name
442 Southern Rd.
Mailing Address
Fletcher NC 28732
City, State, Zip Code
828-687-2470
Telephone Number(s)

Note:
The property owner must file applications for zoning map amendments. If owners of multiple parcels are requesting rezoning, one owner should sign the application and attach statements or other documents showing support for the application with signatures from the other owners. Include property owner names and mailing addresses as well as parcel identification numbers (PINs).

2. SUBJECT PROPERTY INFORMATION

Attach a description of the property for which rezoning is being proposed. Such description may be in the form of a property survey, a legal description or a legible copy of a Henderson County cadastral or composite tax map which shows the proposed zoning district boundary changes.

Size of Area to be Rezoned 14.86 ac total 4/ Parcel ID Number(s)* See attached printout 4/
Current Zoning* RC Proposed Zoning* R20

* If additional space is needed, attach a list of the PINs, the current zoning and the proposed zoning for each parcel proposed for rezoning.

3. ADJACENT PROPERTY INFORMATION

Attach a list of property owner names, mailing addresses and parcel ID numbers for parcels abutting the property proposed for rezoning.

I certify that the information contained in this application is true and accurate to the best of my knowledge.

Samuel R. Garland
Signature of Property Owner

11-12-01
Date

Staff Use Only

Previous request for same amendment? Yes No Action: _____ Date: _____
Application Received By: Kathy Scanlon Date: 11/13/01

Non-refundable application fee: \$200.00 - Check # 4982

ATTACHMENT 1

We the undersigned understand that our property which is New Duncan Creek Estates is now zoned R.C. and that Duncan Creek Estates is zoned R20. We would like to have our property rezoned to the R20.

Samuel R. Garland 828 687-2470
 442 Southern Rd.
 Fletcher, N.C. 28732 (3954 - 5848)

James R. Suttles 828-684-6959
 119 Fairhaven Dr. * 1867-5928-1630-569
 Fletcher, NC 28732

Maurice D. Paul #230
 76 Fairhaven Dr.
 Fletcher N.C. 28732 828-684-0734

William Morrison #223
 428 Southern Rd
 Fletcher N.C. 28732 684-7300

Ruby Morrison #145-341
 428 Southern Rd
 Fletcher N.C. 28732 684-7300

ATTACHMENT 1

Mariane Baker
404 Souther Rd.
Fletcher, N.C. 28732

828-684-7404
0155

Dale E Smith
374 SOUTHER RD
FLETCHER, NC 28732

9157
687-2684
828-~~684-7404~~
687-9852

Beitha Israel

Fletcher, N.C.

7469 - 8141

Gay Israel

Fletcher, N.C.

Souther Rd. 370

GRADY + JUANITA CUNNINGHAM

828-684-9771

405 SOUTHER RD.

FLETCHER, NC 28732

James Wade Souther

687-1839

330 Souther Rd

Fletcher, NC 28732

Ralph Lipe

2156 - 5415 - 1186 - 3523

439 Souther Rd.

684-1431

Fletcher 28732

ATTACHMENT 1

Angie Dandl

#399

452 Sauther Rd.

828-687-7834

Fletcher, N.C. 28732

Chris Morse

34 Homeway Dr

~~6292~~ 6292

Fletcher NC 28732

828-684-6710

Claudia McMiner

356 Sauther Rd

684-6375

PO Box 624

Fletcher, N.C. 28732

6047-4999

ATTACHMENT 1

ALPHA	NAME 1	NAME 2
00967239015555	BAKER MARIAN	
00967238186755	BYRD MAURICE DEAN	BYRD YVONNE MARIE
00967238395855	GARLAND SAMUEL & WIFE	
00967229814155	ISRAEL FOY	
00967239118655	MORRISON RUBY BYRD & HUSBAND	
00967239215855	MORRISON WILLIAM DALTON & WIFE	
00967228985755	SMITH DALE E	SMITH SANDRA L
00967238163055	SUTTLES J ROBERT & WIFE	
00967238284855	SUTTLES J ROBERT & WIFE	

Henderson County Planning Department Report

Rezoning Application #R-06-01 (RC to R-20) Samuel Garland, Applicant (Representing himself and 8 adjoining property owners)

Introduction

On November 12, 2001, Mr. Samuel R. Garland submitted an application and a petition from other property owners in the area requesting that the county rezone nine (9) separate parcels of land from an **RC (Rural Conservation)** zoning district to an **R-20 (Low-Density Residential)** zoning district (see attachment 1).

Although this request is a single request it involves nine (9) different parcels and eight (8) different property owners. The Applicant is Samuel Garland representing himself and the other co-applicants who have joined his application for rezoning.

Current Conditions

Location

The boundary of the area includes properties on the southern side of Souther Road from the point where Candor Drive intersects Souther road and follows east down Souther Road approximately 780 linear feet. The parcels combined go approximately 810 feet in depth off Souther Road. Map 4 is a site map of the area highlighting the parcels involved in the request.

Zoning and Area History

The request is to have the nine (9) subject parcels rezoned from RC (Rural Conservation) to R-20 (Low-Density Residential). Map 5 is a local zoning map of the area and it can be seen that the subject parcels are contiguous to two areas of R-20 Low-Density Residential zoning. Across Souther Road the Candor subdivision consisting of approximately 30 lots is zoned R-20 and to the south west of the property Duncan Creek Estates subdivision is also zoned R-20. While RC (Rural Conservation) is the predominant zoning district in the area, this request actually links two small districts of R-20 zoning.

The RC District is established to help protect natural resources such as water supply sources, in rural areas of the county while maintaining the rural character associated with existing agricultural and low-density residential development. The district allows for orderly, low-density residential and other compatible uses while ensuring that development not having access to public water supplies and dependent on septic tanks for sewage disposal will occur at sufficiently low density to provide a healthful environment.

The RC District limits its allowed uses to those of mostly residential or agricultural in nature with limited exceptions for uses compatible with residential and agricultural areas. Lot sizes and setback requirements are the largest and most stringent of all the residential districts in the Henderson County Zoning Ordinance. Minimum lot size for an RC District lot is 1 acre (43,560 sf) with setback requirements of 75 feet from centerline of an existing street and 35 feet setbacks from side and rear lot lines. See attachment 6 for a complete description of the RC District.

The R-20 District is intended to be a quiet, low-density neighborhood consisting of single-family residences. Although residential development may be dependent upon septic tanks for sewage disposal, potable water can be provided by a public system or by individual wells. Lot sizes are limited to 20,000 sf or greater in size and have setback requirements of 75 feet from the centerline of major roads or 50 feet from the centerline of other roads. Side and rear setbacks are 25 feet. For this particular request, if granted the front yard setback for lots fronting on Souther Road would be 50 from the centerline of the road. Uses in this district are also limited to residential uses and a limited amount of uses compatible or customary within residential districts. See Attachment 7 for a complete description of the R-20 District.

Adjacent Uses

Of the nine parcels included in this request all are either vacant or used as single-family residential structures. Within a half-mile radius of the area the uses are similar with the predominant use of land being low-density residential and open land. The Candor subdivision, which is currently, zoned R-20 is directly across Souther Road from the subject parcels and Duncan Creek Estates, also currently zoned R-20, is contiguous to the subject parcels to the south west of the parcels. Both of these subdivisions are rather small cul-de-sac designed subdivisions with their entrances coming off Souther Road.

Utilities / Infrastructure

ROAD NETWORK Souther Road is a small collector road in the area which runs predominantly east and west and connects Hoopers Creek and Jackson Road with Terry's Gap Road. Several smaller roads connect to Souther Road providing access to a limited number of parcels or smaller scale subdivisions.

WATER Potable water in the area is provided by the City of Hendersonville. A main line extends down Souther Road to serve the Duncan Creek Estates Development. However this line ends at the intersection of Souther Road and Duncan Creek Drive. In order to serve development that could occur on the subject properties a developer would need to extend water lines further down Souther Road.

SANITARY SEWER Sanitary sewer is not available in this area.

Relevant Policies, Plans and Actions

Henderson County Comprehensive Land Use Plan The Henderson County Comprehensive Land Use Plan recommends the area as a whole remain as residential. The proposed request would not lead to a change in the uses of the area. As in the RC District, allowed uses in the R-20 Zoning District are predominantly residential. What would change if the request were approved is that changes lot size requirements could have some affect on the density of residential development in the area.

Potential Implications of the Proposed Rezoning

The allowed uses of the two zoning districts are similar in nature in that they are both intended to be lower density residential development areas. Simply using lot size requirements as a standard, the density of residential development in an R-20 could be higher than that allowed in an RC district, however the RC District allows certain non-residential development that would not necessarily be allowed in an R-20 District.

Staff Comments and Recommendations

This request is for a multi-parcel rezoning of property from an RC Rural Conservation District to an R-20 Low-Density Residential Development. By completing an application, attaching the additional signatures and defining a complete area, the applicant and the co-applicants have met the requirements of the Henderson County Zoning Ordinance for consideration of this request. The RC District is designed to provide limited protections to the natural environment of Henderson County by providing for orderly development of low-density development in areas where public water and sanitary sewer services may not be available. The R-20 District is designed to provide similar protections.

Since the two districts are somewhat compatible with each other and this particular request actually links two smaller districts of R-20 zoning, Staff submits a **Favorable Recommendation** on rezoning application R-06-01 as submitted.

Recommendations of the Henderson County Planning Board

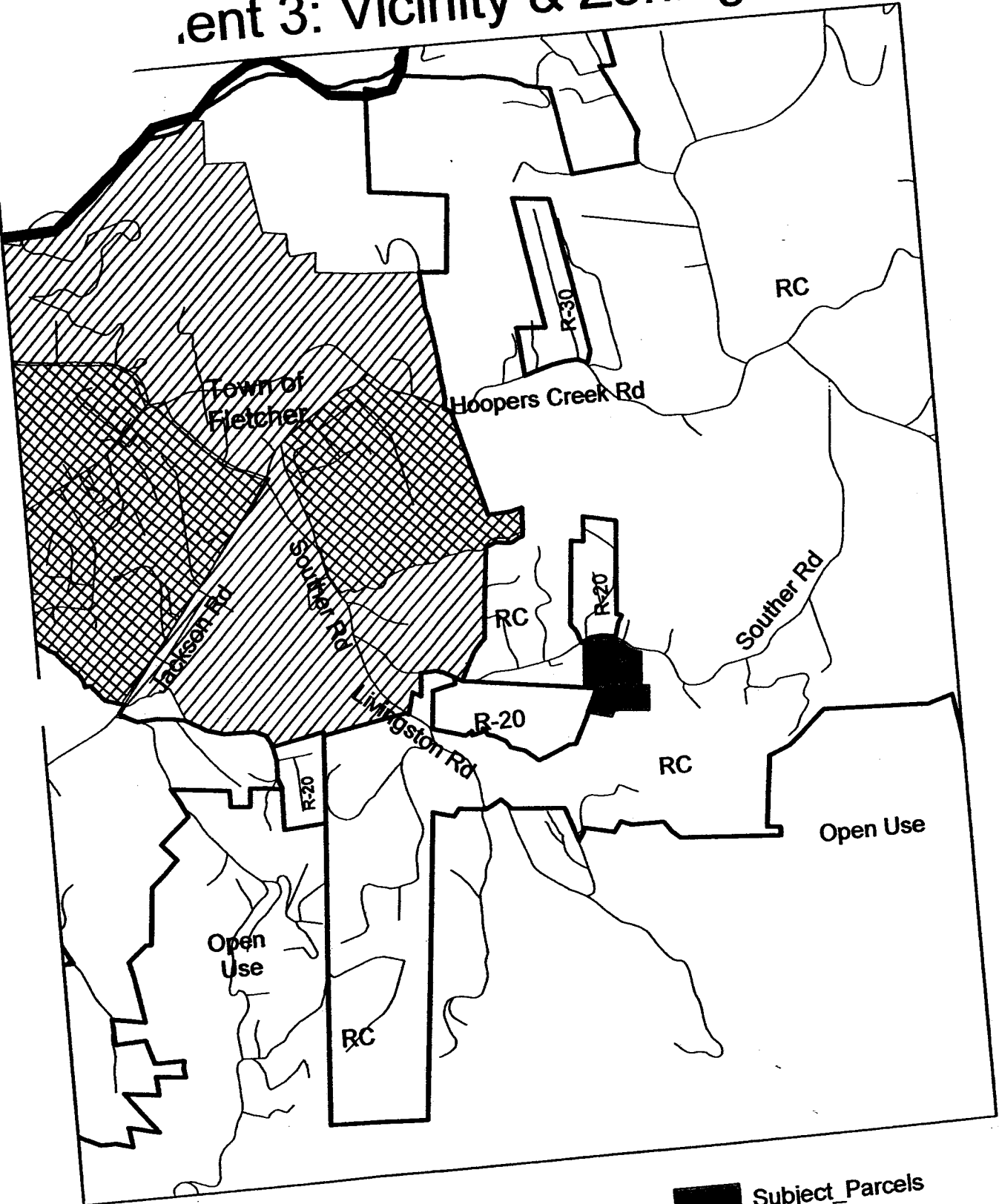
On December 18, 2001 the Henderson County Planning Board voted unanimously to send a **Favorable** recommendation to the Henderson County Board of Commissioners regarding Rezoning Application R-06-01 as submitted.

Please see Attachment 8 for excerpts of the relevant Planning Board meeting.






Authors

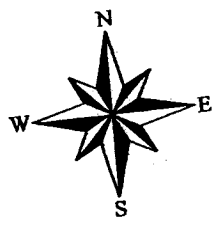
- Lee Smith, Benchmark, Inc.
- Joshua Freeman, Henderson County Planning Department

ent 3: Vicinity & Zoning Map



Rezoning Application R-06-01
 Garland Et. Al.
 Souther Road
 RC to R-20

-  Subject_Parcels
-  County Zoning
-  Town of Fletcher
-  Fletcher ETJ
-  Streets



Attachment 4: Site & Zoning Map



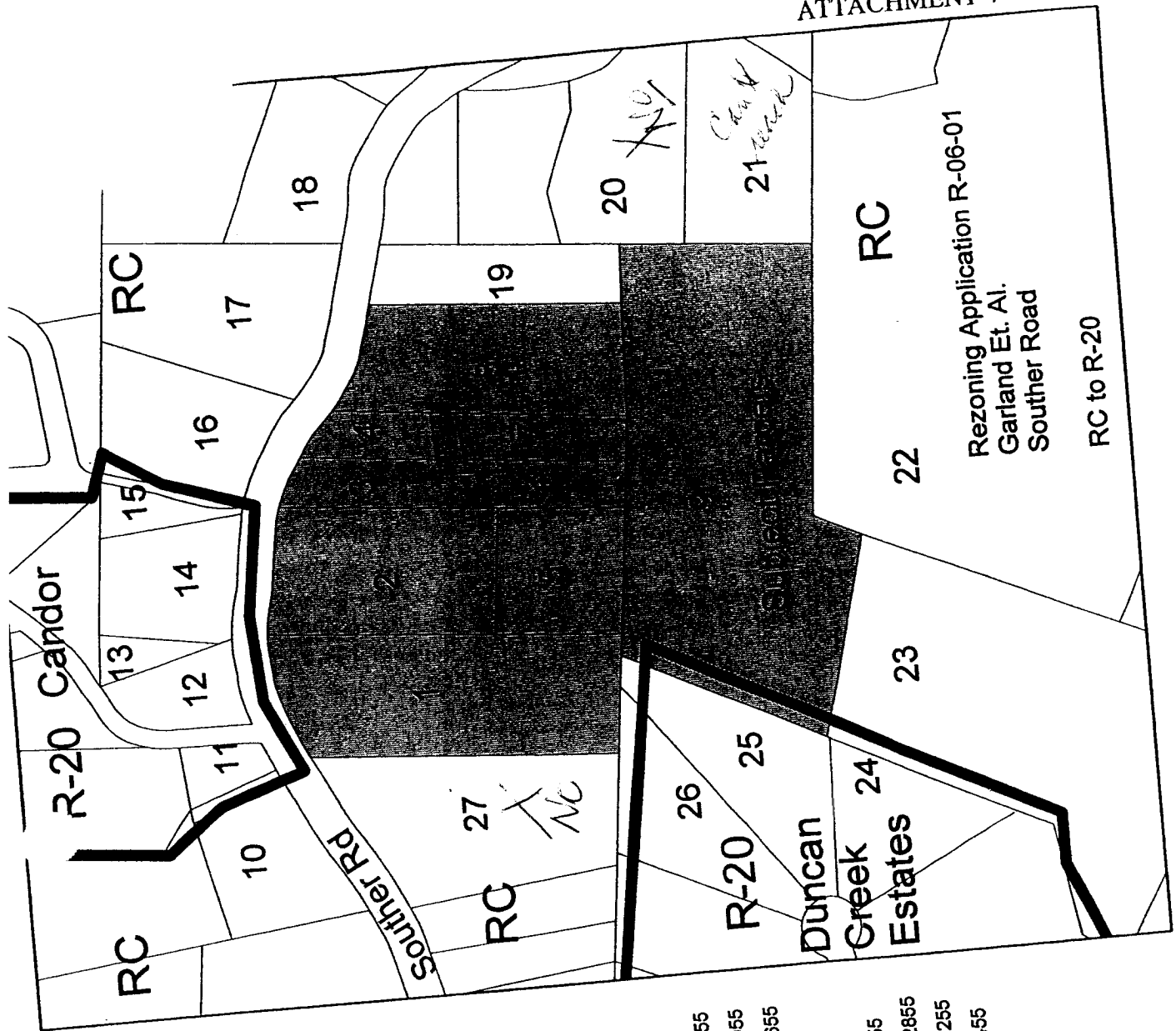
County Zoning

Subject Parcels

- 1 FOY ISRAEL, 00967229814155
- 2 MARIAN BAKER, 00967239015555
- 3 MRS. & MR. RUBY BYRD MORRISON, 00967239118655
- 4 MRS & MR WILLIAM D. MORRISON, 00967239215555
- 5 SANDRA L & DALE E SMITH, 00967228985755
- 6 YVONNE M. & MAURICE D. BYRD, 00967238186755
- 7 MRS. & MR. ROBERT J. SUTTLES, 00967238284855
- 8 MRS. & MR. SAMUEL GARLAND, 00967238395855
- 9 MRS. & MR. ROBERT J. SUTTLES, 00967238163055

Adjacent Parcel Owners

- 10 JUDY A FITE & TEDDY A MCFEE, 00967229549555
- 11 FONDA C & GERALD M HASKINS, 00967229746955
- 12 MRS & MR GEORGE H ERWIN, 00967229858555
- 13 MRS & MR GRADY R CUNNINGHAM, 00967229966455
- 14 MRS & MR GRADY R CUNNINGHAM, 00967239056955
- 15 MRS & MR GRADY R CUNNINGHAM, 00967239156655
- 16 SHARON C & RALPH E LIPE, 00967238352355
- 17 SHARON C & RALPH E LIPE, 00967239541555
- 18 EUNICE & WILLIAM D BARNWELL, 00967239721755
- 19 TRACY L & GREGORY A GARLAND, 00967238592855
- 20 ROBIN S & CHRISTOPHER MORSE, 00967238679255
- 21 ALFREDA H & JAMES R SUTTLES, 00967238750455
- 22 JUDY WOLTER-BAILEY, 00967237789555
- 23 JUDY WOLTER-BAILEY, 00967228713255
- 24 LOIS C HODGSON, 00967228535755
- 25 JAMES C ANDREWS, 00967228657855
- 26 JAMES C ANDREWS, 00967228670255
- 27 CLAUDIA M & VERNON JR MCMINN, 00967228604755



§ 200-32. RC Rural Conservation District. [Added 6-5-1995]

The RC Rural Conservation District is established to help protect natural resources, such as water supply sources, in rural areas of the county while maintaining the rural character associated with existing agricultural and low-density residential development. The district allows for orderly, low-density residential and other compatible uses while ensuring that development not having access to public water supplies and dependent upon septic tanks for sewage disposal will occur at a sufficiently low density to provide a healthful environment.

A. Within the RC District, the following uses are permitted (refer to § 200-38 for listing of site conditions where applicable):

- (1) Agriculture (as defined in § 200-7B).
- (2) Single-family dwellings and two-family dwellings as follows:
 - (a) One principal single-family dwelling, plus one accessory dwelling per lot. Principal and accessory dwellings may include single-family dwellings, manufactured homes, garage apartments or a combination of any of the above. Such units may be either permanent or temporary.
 - (b) Not more than one two-family dwelling per lot.
- (3) Churches (with site conditions).
- (4) Church cemeteries (with site conditions).
- (5) Church bulletin boards not exceeding 12 square feet in area.
- (6) Family cemeteries.
- (7) Signs (with site conditions).
- (8) Customary accessory buildings, including private garages and noncommercial greenhouses, studios and workshops.
- (9) Transformer and public utility stations (with site conditions).
- (10) Public schools having multiple curricula and private schools having curricula approximately the same as ordinarily given in public schools.
- (11) Other governmental and community facilities and buildings (libraries, police, fire and rescue stations, public parks, etc.).
- (12) Community clubs and civic clubs.
- (13) Customary incidental home occupations as accessory uses in a residence (with site

conditions).

- (14) Rural accessory businesses on residential lots subject to the provisions in the definition of "rural accessory business" in § 200-7B (with site conditions).
 - (15) Seasonal stands for the sale of agricultural products as an accessory use, located in the front yard of any lot, provided that they are located a safe distance from the edge of the traveled portion of the street.
 - (16) Bed-and-breakfast inns (with site conditions).
 - (17) Planned seasonal agricultural worker developments (with site conditions).
 - (18) Group 1 communications towers and tower activities (as defined in and subject to the requirements in § 200-38.1). [Added 3-2-1998]
 - (19) Group 2 communications towers and tower activities (as defined in and subject to the requirements in § 200-38.1). [Added 3-2-1998]
 - (20) Group 4 communications towers and tower activities (as defined in and subject to the requirements in § 200-38.1). [Added 3-2-1998]
 - (21) Family care homes, provided that no new family care home shall be located within a one-half-mile radius of an existing family care home. [Added 7-7-1998]
- B. Conditional uses. The following uses shall be permitted, subject to a finding by the Board of Adjustment that both the conditions in the definition of "conditional use" in § 200-7B and those conditions listed in § 200-38, if any, will be met:
- (1) Veterinary clinics.
 - (2) Commercial campground.
 - (3) Commercial outdoor recreation facilities, including, but not limited to, golf courses, tennis clubs, stables, etc.
 - (4) Retail services which may include retail sales related to such services (with site conditions).
 - (5) Offices: business, professional, medical, financial (with site conditions).
 - (6) Nursery and day-care facilities (with site conditions).
 - (7) Camps.
 - (8) Kennels and animal shelters.
 - (9) Agricultural product processing and storage facilities (for products not exclusively

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grown on premises).

(10) Conference centers.

(11) Sawmills no more than two acres in size (with site conditions).

C. Special uses. The following uses shall be permitted, subject to a finding by the Board of Commissioners that both the conditions in the definition of "special use" in § 200-7B and those conditions listed in § 200-38, if any, will be met:

(1) (Reserved)EN(1)

D. Dimensional requirements, residential uses. Within the RC District as shown on the Zoning Map, the following dimensional requirements shall be met:

Minimum Lot Area (sq. ft.)	Minimum Lot Area Per Dwelling (Family) Unit (sq. ft.)	Maximum Building Height (ft.)	Minimum Front Yard Setback From Center		Yards	
			Line of Street		Side (ft.)	Rear (ft.)
			Major ¹ (ft.)	Minimum All Others (ft.)		
43,560	1-family dwelling: 43,560 1st 43,560 2nd	35	75	75	35	35
	2-family dwelling: 43,560 1st 43,560 2nd					

NOTES:

¹ Where the major street is more than two lanes, including parking lanes, setback requirements shall be measured and begin at a point on the pavement 12 feet from the edge of the paved street abutting the property in subject.

E. Dimensional requirements, nonresidential uses. Within the RC District as shown in the Zoning Map, the following dimensional requirements shall be met:

Minimum Lot Area (sq. ft.)	Minimum Lot Area Per Dwelling (Family) Unit (sq. ft.)	Maximum Building Height (ft.)	Minimum Front Yard Setback From Center		Yards	
			Line of Street		Side (ft.)	Rear (ft.)
			Major ¹ (ft.)	Minimum All Others (ft.)		
43,560	43,560	35	75	75	40	40

NOTES:

¹ Where the major street is more than two lanes, including parking lanes, setback requirements shall be measured and begin at a point on the pavement 12 feet from the edge of the paved street abutting the property in subject.

Endnotes

1 (Popup)

Editor's Note: Former Subsection C(1), which provided for radio and television broadcast antennas as a special use, was repealed 3-2-1998.

§ 200-15. R-20 Low-Density Residential District.

This district is intended to be a quiet, low-density neighborhood consisting of single-family residences.

- A. Within the R-20 Low-Density Residential District, the following uses are permitted:
- (1) Single-family dwellings, excluding manufactured homes. [Amended 12-15-1993]
 - (2) Churches, provided that:
 - (a) The structures are placed not less than 50 feet from any property line.
 - (b) They are located with access to a street, as shall be determined by the Zoning Administrator.
 - (c) There is a planted buffer strip along the side and rear property lines, except where such lines run parallel and contiguous with streets, streambeds, lakes and railroad tracks.
 - (3) Church cemeteries on property contiguous to or adjacent to the principal church assembly building, provided that all plots shall be set back at least 20 feet from any property line.
 - (4) Church bulletin boards not exceeding 12 square feet in area.
 - (5) Signs not more than four feet square in area advertising the sale or rental of property on which they are located.
 - (6) Transformer and public stations, provided that:
 - (a) Transformer stations:
 - [1] The structures are placed not less than 75 feet from any property line.
 - [2] The structures are enclosed by a woven-wire fence at least eight feet high.
 - [3] No vehicles or equipment is stored on the premises.
 - [4] There is an evergreen planted buffer strip along the side and rear property lines of residential zoned property.
 - (b) Public utility stations:
 - [1] The structures are located on sufficient land to meet all setback requirements of this chapter.
 - [2] The stations are completely enclosed, either by a building or a wire fence at least

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eight feet high.

- [3] There is an evergreen planted buffer strip along the side and rear property lines of residential zoned property.
- (7) Customary accessory buildings, including private garages, noncommercial greenhouses and workshops.
- (8) Public schools having multiple curricula and private schools having curricula approximately the same as ordinarily given in public schools.
- (9) [Added 11-7-1983] Civic and cultural buildings, including auditoriums, theaters for the performing arts, museums, art galleries, symphony and concert halls and historical societies, provided that:
- (a) The structures are placed not less than 50 feet from any property line.
 - (b) They are located with access to a street, as shall be determined by the Zoning Administrator.
 - (c) There is a planted buffer strip along the side and rear property lines, except where such lines run parallel and contiguous with streets, streambeds, lakes and railroad tracks.
 - (d) The facility is operated not for profit and satisfactory proof of the tax-exempt status of the organization is exhibited to the Zoning Administrator.
 - (e) One parking space is provided for each two seats in auditoriums, theaters and symphony and concert halls.
 - (f) One parking space for each 100 feet of gross floor space directed to patron use shall be provided for museums, art galleries and historical societies.
- (10) Group 1 communications towers and tower activities (as defined in and subject to the requirements in § 200-38.1). [Added 3-2-1998]
- (11) Group 2 communications towers and tower activities (as defined in and subject to the requirements in § 200-38.1). [Added 3-2-1998]
- (12) Family care homes, provided that no new family care home shall be located within a one-half-mile radius of an existing family care home. [Added 7-7-1998]
- B. Special uses. The following uses shall be permitted, subject to a finding by the Board of County Commissioners that both the conditions in the definition of "special use" in § 200-7B and those conditions listed below will be met:
- (1) Planned unit developments, subject to the conditions listed under § 200-33 of this

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chapter.

- (2) R-O Residential Open Spaces Development, subject to the conditions listed under § 200-35 of this chapter.
- (3) R-A Residential Apartment Development, subject to the conditions listed under § 200-36 of this chapter.
- (4) Medical, institutional care development, subject to conditions listed under § 200-37 of this chapter.
- (5) Group 6 communications towers and tower activities (as defined in and subject to the requirements in § 200-38.1). [Added 3-2-1998]

C. Conditional uses. The following uses shall be permitted, subject to a finding by the Board of Adjustment that both the conditions in the definition of "conditional use" in § 200-7B and those conditions listed below will be met:

- (1) Parks, camps, tennis and racquet clubs and golf courses. (Miniature golf courses and practice driving tees operated for commercial purposes are not allowed.)
- (2) Customary incidental home occupations, including, but not limited to, dressmaking, cooking, baking, music instruction, the practice of such professions as insurance, medicine, artistry, architecture accounting, permitted as as accessory uses in a residence.
- (3) Libraries.
- (4) Bed-and-breakfast inns. [Added 12-23-1992]

D. Dimensional requirements. Within the R-20 Low-Density Residential District as shown on the Zoning Map, the following dimensional requirements shall be complied with:

Minimum Lot Area (sq. ft.)	Minimum Lot Area Per Dwelling (Family) Unit (sq. ft.)	Maximum Building Height (ft.)	Minimum Front Yard Setback From Center Line of Street		Minimum Yards	
			Major ¹ (ft.)	All Others (ft.)	Side (ft.)	Rear (ft.)
20,000	20,000	Unlimited	75	50	25	25

NOTES:

¹ Where the major street is more than two lanes, including parking lanes, setback requirements shall be measured and begin at a point on the pavement 12 feet from the edge of the paved street abutting the property in subject.

EXCERPT FROM THE DECEMBER 18, 2001
PLANNING BOARD MINUTES

Zoning Map Amendment Application # R-06-01 to Rezone Approximately 14.86 Acres
Along Souther Road Between Candor Drive and Fairhaven Drive From RC to R-20 –
Samuel R. Garland and Others, Applicants.

Mr. Freeman said that Lee Smith, from Benchmark, did the work on this and the next rezoning applications. On November 12, 2001, Mr. Samuel R. Garland, submitted an application and a petition requesting that the county rezone nine (9) separate parcels of land from an RC (Rural Conservation) zoning district to an R-20 (Low-Density Residential) zoning district. Although this application is a single request it involves nine (9) different parcels and eight (8) different property owners. The Applicant is Samuel Garland representing himself and the other co-applicants who have joined his application for rezoning.

Location

The area that is the subject of the rezoning application includes properties on the southern side of Souther Road from the point where Candor Drive intersects Souther Road and to the east down Souther Road approximately 780 linear feet. The parcels combined go approximately 810 feet in depth off Souther Road. Attachments 3 and 4 highlight the parcels involved in the request.

Zoning and Area History

The request is to have the nine (9) subject parcels rezoned from RC (Rural Conservation) to R-20 (Low-Density Residential). The subject parcels are contiguous to two areas of R-20 Low-Density Residential zoning. Across Souther Road, the Candor subdivision consisting of approximately 30 lots is zoned R-20 and to the south west of the subject parcels. Duncan Creek Estates subdivision is also zoned R-20. While RC (Rural Conservation) is the predominant zoning district in the area, this request actually links two small districts of R-20 zoning. The subject parcels were zoned RC in June of 1999 as part of a large zoning action in the Hoopers Creek area.

The RC District limits its allowed uses to those that are mostly residential or agricultural in nature with limited exceptions for uses compatible with residential and agricultural areas. Minimum lot size for an RC District lot is 1 acre (43,560 sf) with a front setback requirement of 75 feet from centerline of streets (major and other) and 35-foot setbacks from side and rear lot lines. It allows both stick-built and modular homes for residences.

Lot sizes are limited to 20,000 sf or greater. The front setback requirement is 75 feet from the centerline of major roads or 50 feet from the centerline of other roads. Side and rear setbacks are 25 feet. For this particular request, if granted, the front yard setback for lots fronting on Souther Road would be 50 from the centerline of the road, as Souther Road is not considered a major street. Uses in this district are also limited to residential uses and a limited amount of uses compatible or customary within residential districts and does not allow manufactured homes.

Adjacent Uses

Of the nine parcels included in this request, all are either vacant or used as single-family residential structures. Within a half-mile radius of the area the uses are similar with the predominant use of land being low-density residential and open land.

Utilities / Infrastructure

WATER Potable water in the area is provided by the City of Hendersonville

SANITARY SEWER Sanitary sewer is not available in this area.

Potential Implications of the Proposed Rezoning

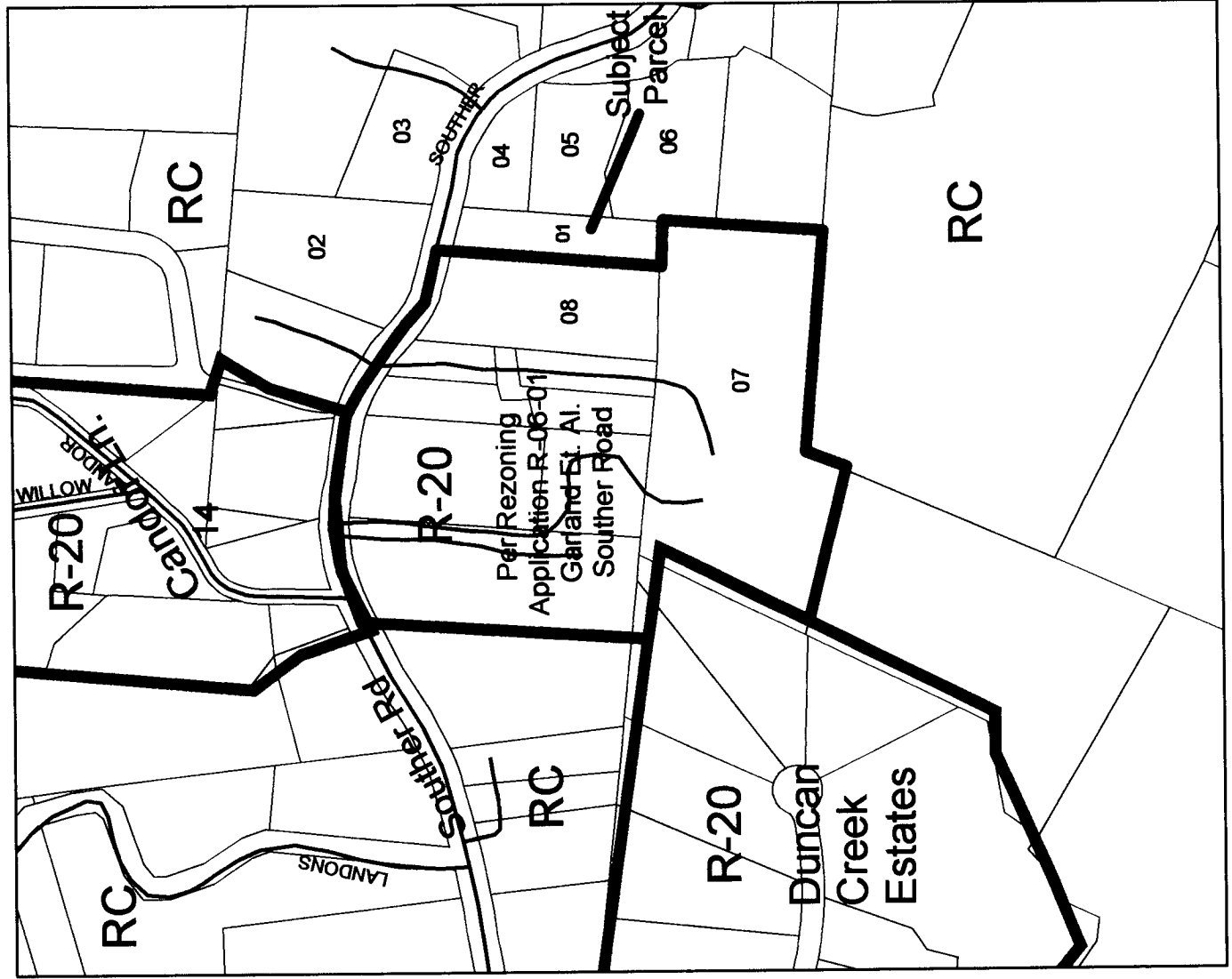
Simply using lot size requirements as a standard, the density of residential development in an R-20 could be higher than that allowed in an RC district, however the RC District allows certain non-residential development that would not necessarily be allowed in an R-20 District. A range of special and conditional uses would no longer be allowed such as veterinary clinics, campgrounds, some office and retail, nurseries and daycare, and kennels.

Staff Comments and Recommendations

Since the two districts are somewhat compatible with each other and this particular request actually links two smaller districts of R-20 zoning, staff would recommend the Planning Board forward a favorable recommendation on this request to the Henderson County Board of Commissioners provided that the applicants are fully aware of the differences between the districts, particularly that manufactured homes are not allowed in the R-20 district.

Chairman Pierce said that usually rezonings are sent to subcommittee and, unless Board members have an objection, it could be voted on tonight. The Board spoke about Duncan Creek Estates, which has about three completed homes. Mr. Carpenter asked why the applicants wanted the change when RC was just put in place in 1999. Chairman Pearce said that the zoning was requested in 1999 because of some disagreements with some things being done in that part of the County. Chairman Pearce asked if there was any opposition from anyone in the audience. Most of the people were the Applicants and there was no opposition. Ms. Welbourn made a motion to send a favorable recommendation to the Board of Commissioners to approve Application R-06-01 to rezone to R-20. Mr. Lynch seconded the motion and all voted in favor.

SITE & ADJACENT OWNERSHIP MAP



Henderson County
 Planning Board-Initiated Rezoning of
 Tracy & Gregory Garland Property
 Parcel # 00967238592855

County Zoning

Area Parcels

- Subject Parcel, 01, TRACY L & GREGORY A GARLAND
- Adjacent Parcel, 02, SHARON & RALPH EDWARD LIPE
- Adjacent Parcel, 03, EUNICE & WILLIAM D BARNWELL
- Adjacent Parcel, 04, GEORGIANNA M & TONY SOUTHER
- Adjacent Parcel, 05, GEORGIANNA M & TONY SOUTHER
- Adjacent Parcel, 06, ROBIN S & CHRISTOPHER W MORSE
- Adjacent Parcel, 07, MRS & MR ROBERT J SUTTLES
- Adjacent Parcel, 08, MRS & MR SAMUEL GARLAND

02/13/02

Produced by Joshua Freeman
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 828-697-4819