

REQUEST FOR BOARD ACTION

HENDERSON COUNTY

Technical Review Committee

MEETING DATE: September 3rd TRC & September 25th ZBA

SUBJECT: Special Use Permit and Variance for a Recreational Vehicle Park

PRESENTER: Toby Linville, Code Enforcement Services Director

ATTACHMENTS:

1. Staff Report
2. Photographs
3. Site Plan

SUMMARY OF REQUEST:

Major site plan review and special use permit for a RV park

Suggested Motion:

I move to approve the major site plan for the Walker RV Park

I recommend forwarding SUP-19-07 to the Henderson County Zoning Board of Adjustment for further review.

In order to grant a special use permit the use must:

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

In order to grant a variance, the applicant must prove:

- a. There are practical difficulties or unnecessary hardships in carrying out the strict letter of this Chapter, as demonstrated by:
 1. The fact that, if the *applicant* complies with the literal terms of this Chapter, he/she cannot secure a reasonable return from, or make a reasonable *use* of, the property.
 2. The hardship of which the *applicant* complains results from unique circumstances related to the *applicant's* land.
 3. The hardship is not the result of the *applicant's* own action.



Henderson County, North Carolina Code Enforcement Services

1. Board Request

- 1.1. **Applicant:** John McCaslin
- 1.2. **Request:** Recreational Vehicle Park
- 1.3. **PIN:** 9549215620
- 1.4. **Size:** 4.79 acres +/-
- 1.5. **Location:** The subject area is located off Battle Creek rd

Supplemental Requirements:

SR 4.15. Recreational Vehicle Park

- (1) Site Plan. Major *Site Plan* required in accordance with §42-331 (Major Site Plan Review).
- (2) Lighting. *Lighting mitigation* required.
- (3) Perimeter Setback. Fifty (50) feet.
- (4) Recreational Vehicle Spaces. *Recreational vehicle* spaces shall be a minimum of 2,000 square feet and shall have dimensions no less than 40 feet by 50 feet. A *recreational vehicle* space may contain up to four (4) campsites for tent set-up. No *recreational vehicle* space is permitted in the 100-year *floodplain*.
- (5) Common Area. A *common area* shall be provided, that is equivalent in square footage to 25 percent the total square footage in: *recreational vehicle/park model home* spaces, *structures* on site, parking areas and *driveways*. *Common area* shall be accessible for the use and enjoyment of *recreational vehicle park* occupants, located as to be free of traffic hazards and maintained in good condition by the *applicant*.
- (6) Operations. The *recreational vehicle park*:
 - a. Shall provide rental spaces:
 1. For the location of *recreational vehicles, park model homes* and/or tent set-up,
 2. Which may contain an open or covered porch not exceeding 15 feet in height and not to exceed 400 square feet in area, and
 3. Which have no point of direct access not indicated on the *site plan*; b. May contain *structures* ancillary to the use;
 - c. Shall be permitted one (1) store, exclusively for the sale of incidental gifts and foodstuffs; and
 - d. Shall provide, at the time of application, an evacuation plan for a natural disaster event.
- (7) Solid Waste Collection. The facility shall provide a suitable method of solid waste disposal and collection consisting of either private collection from individual *uses* or the *use* of dumpsters (installed and/or operated to meet all local and state statutes, ordinances and regulations (including Chapter 95 of the Henderson County Code, *Solid Waste*) and thereafter certified by the Department of Public Health). Where dumpsters are used, Screen Class One (1), Two (2) or Three (3) shall be provided consistent with the requirements of §42-182 (Screen Classification).
- (8) Sewage System. *Recreational vehicle/park model home* spaces shall not be provided individual hookups to a septic tank, *approved public or community sewage disposal system* or *municipal sewage disposal system*; instead, a central dump station shall be provided for the *use* of all occupants. A *recreational vehicle park* shall connect to a *municipal sewage disposal system* when the system is located within a distance equal to the product of 50 feet multiplied by the number of spaces proposed for the *recreational vehicle park*. If a *park* is located more than 2,500 feet from an existing *municipal sewage disposal system*, such connection shall not be required.
- (9) *Common Area Recreation and Service Facilities*. Those facilities within the *recreational vehicle park* shall be for the sole purpose of serving the overnight guests in the *park*, and shall adhere to the development standards established in SR 4.6 (*Common Area Recreation and Service Facilities*).

Map A: Aerial Photo/Pictometry



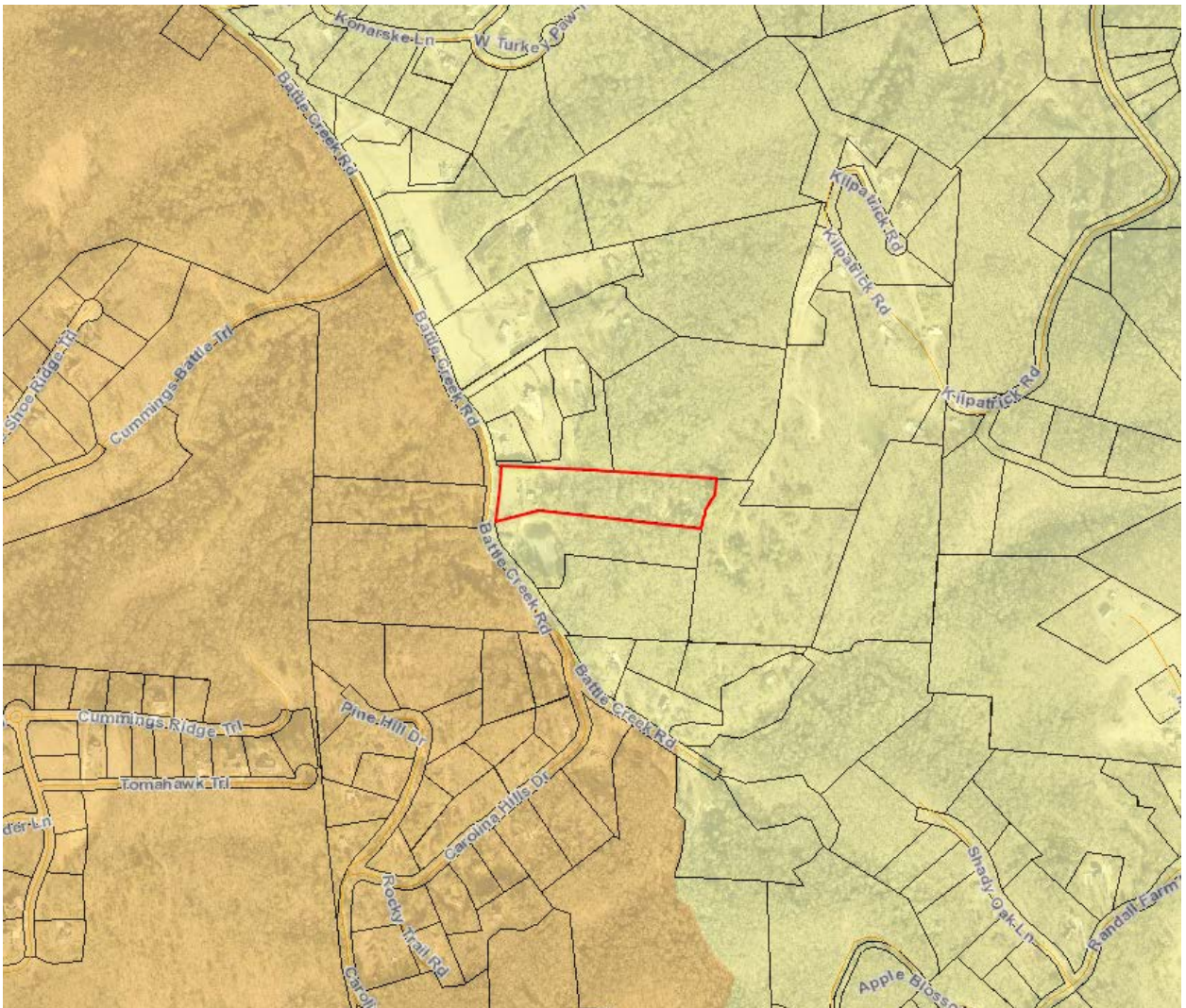
2. **Current Conditions**

2.1 Current Use: This parcel is currently a residence.

2.2 Adjacent Area Uses: The surrounding properties consist of residential uses.

2.3 Zoning: The surrounding property is zoned Residential Two (R2) east of Battle Creek Rd and Residential Two Rural (R2R) west of Battle Creek Rd.

Map B: Current Zoning

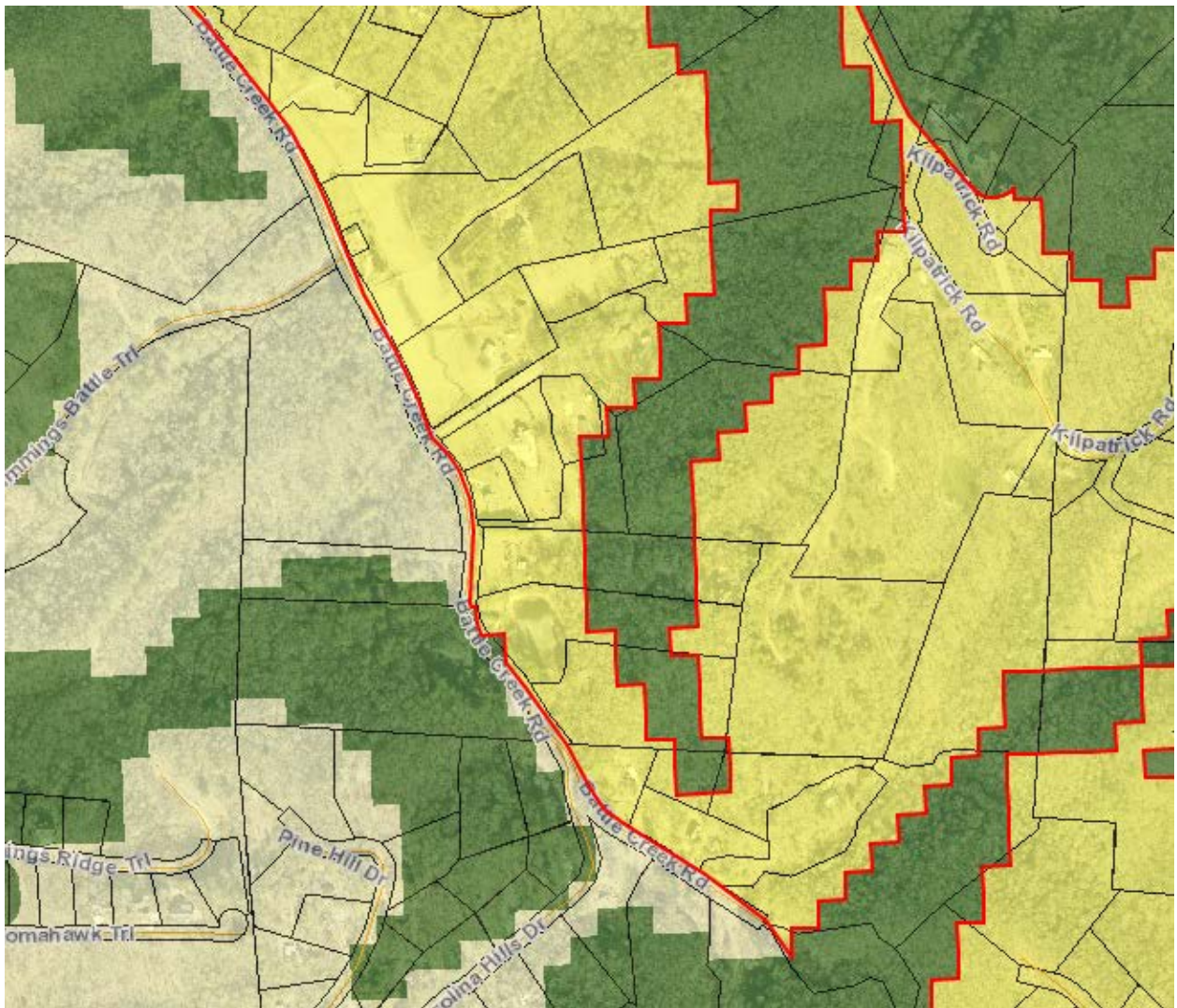


3. **Floodplain /Watershed Protection** The property is not located in a Special Flood Hazard Area. The property is in the WS-IV Upper French Broad River Water Supply Watershed district.

4. **Water and Sewer** Public water and sewer do not serve this property.

Public Water: N/A

Public Sewer: N/A



5. Staff Comments

The 2020 CCP: The CCP Future Land Use Map places the Subject Area in the Urban Service Area. The text and map of the 2020 CCP suggest that the Subject Area would be more suitable for the following:

The following is a description of the patterns of development envisioned within the USA.

1. The Urban Services Area is that area within which most urban services and urban- scale development is currently concentrated, and within which such development should generally be concentrated through the year 2020.
2. Growth and development will be proactively managed through extensive planning. Much of the USA falls within municipal planning jurisdictions and will be managed by those jurisdictions. Land use planning for areas falling within the County’s jurisdiction should be comparable and compatible in its approach and intensity with planning conducted within the various municipal jurisdictions.

6. Staff Recommendations

Staff recommends forwarding the major site plan and special use permit application to the Zoning Board of Adjustment for review.

7. Photographs

SUP-19-08 McCaslin RV Park



**HENDERSON COUNTY
MAJOR SITE PLAN REVIEW APPLICATION**

CONTACT INFORMATION

Property Owner:

Name: John McCaslin Phone: 828-458-7231
Complete Address: 1603 Battle Creek Rd. Horse Shoe, Nc

Applicant:

Name: John McCaslin Phone: 828-458-7231
Complete Address: 1603 Battle Creek Rd.

Agent:

Name: _____ Phone: _____
Complete Address: _____
Agent Form (Circle One): Yes No

Plan Preparer:

Name: _____ Phone: _____
Complete Address: _____

GENERAL INFORMATION

Date of Application: May 27, 2019
Site Plan Attached (Circle One): Yes No

PARCEL INFORMATION

PIN: 9549215620 Tract Size (Acres): 4.79
Zoning District: R2 Fire District: Etowah-Horse Shoe
Supplemental Requirement# _____ Watershed: French Broad
Permitted by Right _____ Floodplain: X
Special Use Permit

Location / Property to be developed: 1603 Battle Creek Rd. Horse Shoe, Nc
A portion of the property would be used as a business

County Use Only

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

Rec'd by: Mike Williams, 7/15/19

SIGNATURES OF APPLICANT

PROPERTY OWNER (APPLICANT)

COMPANY X _____
SIGNATURE *John McCoolin*
ADDRESS X 1603 Battle Creek
Horse Shoe, NC Phone No. 828-458-7231

WITNESS

NAME X Mike Williams, CEO
SIGNATURE *Mike Williams*
ADDRESS X 100 N. King St. Hendersonville, NC
28792

AUTHORIZED AGENT

COMPANY _____
SIGNATURE _____
ADDRESS _____
Phone No. _____

WITNESS

NAME _____
SIGNATURE _____
ADDRESS _____

APPROVALS

APPLICATION RECEIVED BY DISTRICT ENGINEER

SIGNATURE DATE

APPLICATION APPROVED BY LOCAL GOVERNMENTAL AUTHORITY (when required)

SIGNATURE TITLE DATE

APPLICATION APPROVED BY DISTRICT ENGINEER

SIGNATURE DATE

INSPECTION BY NCDOT

SIGNATURE TITLE DATE

COMMENTS:

HENDERSON COUNTY
SPECIAL USE PERMIT APPLICATION FORM

GENERAL INFORMATION

Date of Application: May 21, 2019
Previously Submitted (Circle One): Yes No
Date of Pre-Application Conference: May 22, 2019
Site Plan Attached (Circle One): Yes No
Traffic Impact Study Required (Circle One): Yes No

SPECIAL USE PERMIT INFORMATION

Type of use to be permitted: RV park SR #: _____
Existing Structures or Uses on property: Residence
Road System (Circle): Public Private
Water System (Circle): Individual Community Public (Municipal or County)
Sewer System (Circle): Individual Community Public (Municipal or County)

SITE PLAN REQUIREMENTS

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

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

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

PARCEL INFORMATION

PIN: 9549215620 Deed Book/Page: 1405/670 Tract Size (Acres): 4.79
Zoning District: R2 Fire District: Etamh/Horse Shoe Watershed: _____ Floodplain: X
Location of property to be developed: 1603 Battle Creek Rd. Horse Shoe, NC

CONTACT INFORMATION

Property Owner:
Name: John R. McCaslin Phone: 828-458-7231
Address: 1603 Battle Creek Rd. City, State, and Zip: Horse Shoe, NC
Applicant:
Name: John R. McCaslin Phone: 828-458-7231

Address: 1603 Battle Creek City, State, and Zip: Horse Shoe, NC 28742

Agent:

Name: _____ Phone: _____

Address: _____ City, State, and Zip: _____

Agent Form (Circle One): Yes No

Plan Preparer:

Name: _____ Phone: _____

Address: _____ City, State, and Zip: _____

STANDARDS FOR REVIEW

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

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

The RV Park will not endanger the public health, safety, and welfare.

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

No. The property use will help maintain home values on Battle Creek Rd and surrounding areas

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

The Park will be in harmony with the neighborhood
There will be no signage or additional lighting.
Traffic will not increase to cause safety issues

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

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

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

Yes, the site will comply

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

Yes, the park is in accordance with the Comprehensive Plan for the County

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

Noise, dust, odor will not be an issue

No dogs will be allowed

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

There will be no environmental impacts to the neighborhood.

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

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

- b. Off-street parking and loading areas.

Off street parking will be provided

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

Electric utilities are on location. One meter is installed; another meter will be added

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

Landscape buffering is in place between neighbors

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

There is a 20x40 Barn located between the 2 sites

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

John McCaslin

Print Applicant (Owner or Agent)

John McCaslin
Signature Applicant (Owner or Agent)

July 9, 2019
Date

County Use Only

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

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

Community Planning Area: _____

Application No. _____

**HENDERSON COUNTY
VARIANCE APPLICATION FORM**

GENERAL INFORMATION

Date of Application: May 27, 2019
Previously Submitted (Circle One): Yes No
Date of Pre-Application Conference: May 27, 2019
Site Plan Attached (Circle One): Yes No

PARCEL INFORMATION

Property Address 1603 Battle Creek Rd. Horse Shoe, NC
PIN: _____ Deed Book/Page: _____ Acreage: _____
Zoning District: _____ Fire District: _____ Watershed: _____ Floodplain: No
Driving Directions: 64 West towards Horse shoe, turn left on Battle Creek Rd. 1 1/2 miles on left

REASON FOR VARIANCE _____

FRONT SETBACK (feet/foot) _____

SIDE SETBACK (feet/foot) _____

REAR SETBACK (feet/foot) _____

PROPERTY OWNER CONTACT INFORMATION:

Name: John McCaslin Phone: 828-458-7231
Address: 1603 Battle Creek City, State, and Zip: Horse Shoe, NC 28742

Applicant:

Name: John McCaslin Phone: 828-458-7231
Address: 1603 Battle Creek City, State, and Zip: Horse Shoe, NC 28742

Agent:

Name: _____ Phone: _____
Address: _____ City, State, and Zip: _____

Agent Form (Circle One): Yes No

Plan Preparer:

Name: _____ Phone: _____
Address: _____ City, State, and Zip: _____

SITE PLAN REQUIREMENTS

Site plan of property showing existing structures, natural features (i.e. streams, ponds, etc.) proposed building or addition and indicating distance from such to the edge of right-of-way (centerline for variance request in the R-40, WR, or SW districts) and to the side and rear lot lines, as applicable. **It is required that the site be staked or flagged. The Zoning Administrator will take photos of the site and the staked or flagged area. Show placement of well & septic system and drain field if applicable and distances from structures.**

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

STANDARDS FOR REVIEW

The Zoning Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the state enabling act, the Board is required to reach the following conclusions as a prerequisite to the issuance of a variance. State facts and argument in support of each of the following:

SECTIONS A & D MUST BE ANSWERED BY APPLICANT OR AGENT

A. There are practical difficulties or unnecessary hardships in carrying out the strict letter of this Chapter, as demonstrated by:

1. The fact that, if the applicant complies with the literal terms of this Chapter, he/she cannot secure a reasonable return from, or make a reasonable use of, the property. (It is not sufficient that failure to grant the variance simply make the property less valuable.)

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. Unique personal or family hardships are irrelevant since a variance, if granted, runs with the land.)

3. The hardship is not the result of the applicants own action.

B. The variance is in harmony with the general purpose and intent of the Land Development Code and will preserve 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.)

The site will not detract from the character of the neighborhood.

C. The variance will secure the public safety and welfare and will do substantial justice. (State facts and arguments to show that, on balance, if the variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the applicant.)

SECTIONS A & D MUST BE ANSWERED BY APPLICANT OR AGENT

D. The variance shall not be based on the existence of a nonconforming use of neighboring land or structures in the same district, or permitted nonconforming uses in other districts, and shall in no way constitute a reason for the requested variance.

This is a proper use of the site and is in compliance

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

John McCaslin
Print Applicant (Owner or Agent)

John McCaslin
Signature Applicant (Owner or Agent)

May 27, 2019
Date

County Use Only
Fee: \$ _____ Paid: _____ Method: _____ Received by: _____ Permit#: _____

**HENDERSON COUNTY
CODE ENFORCEMENT SERVICES APPOINTMENT OF AGENT FORM (OPTIONAL)**

I _____ owner of property located on _____,
(Name) (Street Address)
recorded in _____ and having a parcel identification number of _____,
(Deed Book/Page) (PIN)

located in Henderson County, North Carolina, do hereby appoint _____,
(Agent's Name)
_____, to represent me in an **application to the Code Enforcement Services**
(Agent's phone number)

Department and authorize him/her to act as my agent in **all matters**, formal and informal except as stated herein, and authorize him/her to receive all official correspondence.

I however understand that as the listed property owner, I must sign all affidavits and statements required by any applicable ordinance.

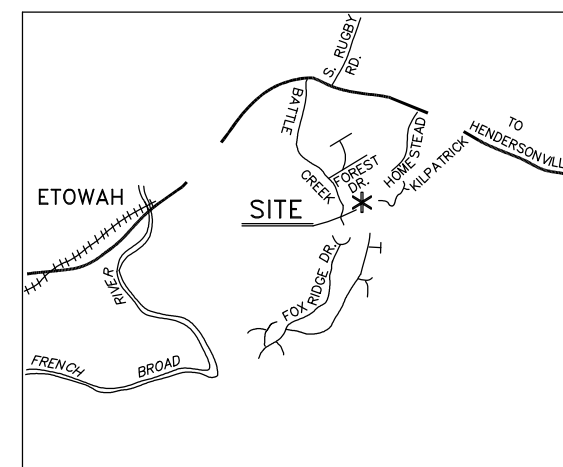
(Property Owner)

(Date)

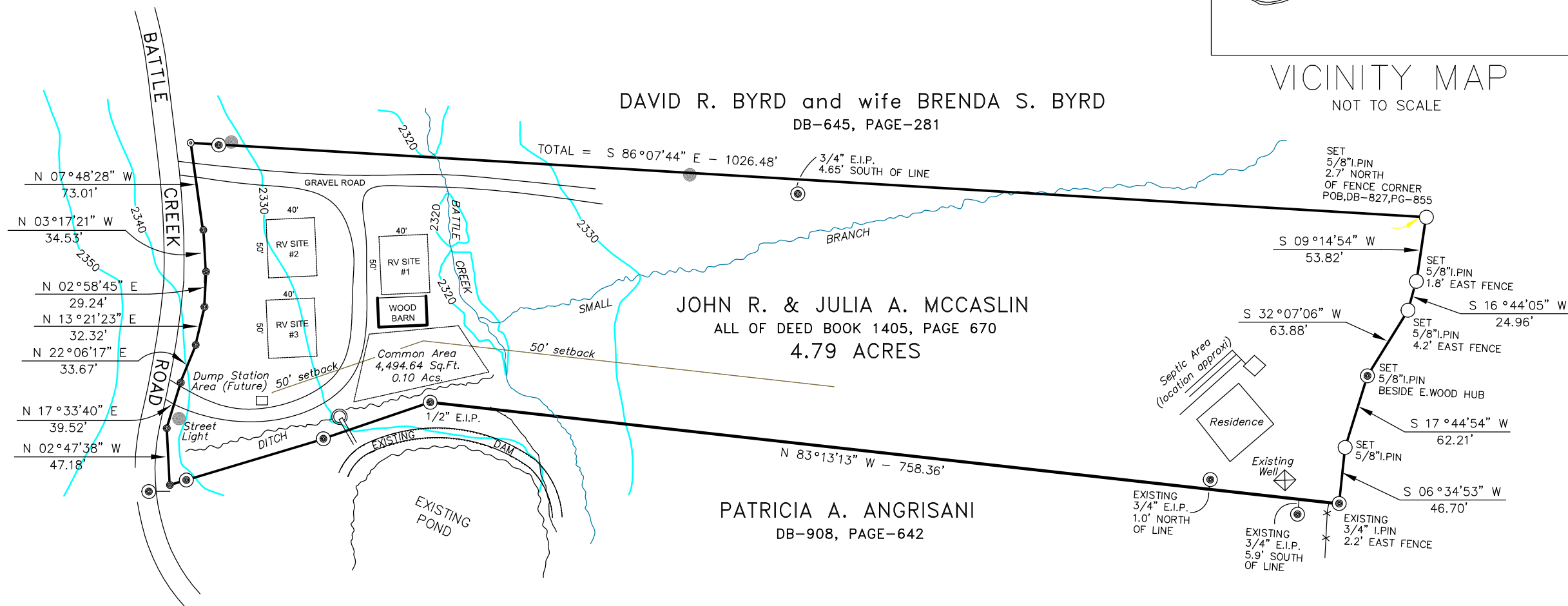
LEGEND

- EXISTING CONCRETE MONUMENT
- CONCRETE MONUMENT SET
- EXISTING IRON PIPE OR PIN
- IRON PIPE OR PIN SET
- UNMARKED POINT
- ⊙ AS INDICATED AT POINT
- SURVEYED LINES
- NON-SURVEYED LINES, ADJACENT LINES FROM DEEDS
- UL — UTILITY LINES

Owner: JOHN R. & JULIA A. McCASLIN
 1603 BATTLE CREEK ROAD
 HORSE SHOE, NC
 Phone: 828-458-7231
 email: johnrmccaslin@gmail.com



VICINITY MAP
NOT TO SCALE



Notes:

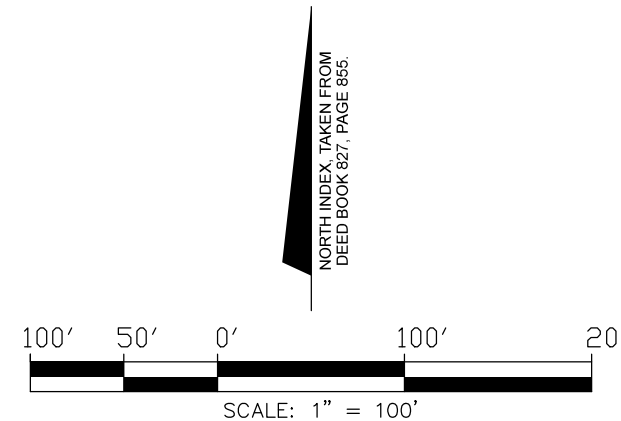
1. The subject property is not located in an area designated as flood zone or floodplain, as per flood insurance rate map published by the Federal Emergency Management Agency, Community Panel Number 9549, Map Number 3700954900J, dated 10-02-2008.
2. Bearings, Distances and Boundary Lines as shown were taken from Plat of Survey by Felix A. Grigsby, LS-3473, dated March 5-1997. This Plat/Map does not represent a current Survey Plat, but is being used for the use of a Site Plan for RV Lot Layout only.
3. This property is subject to any right-of-way, utility and/or private easements, restrictive covenants or other facts of record which may be disclosed by a full and complete title examination.
4. The subject property and adjoining parcels are zoned R2.
5. Garbage collection provided by owner to meet Chapter 95 Solid Waste Ordinance.
6. There is no private external lighting located on Site, only public Street Light along Battle Creek Road.
7. Occupants utilize private well, location shown on site plan.
8. Waste disposal not available on site. Occupants utilize local dump station

GRIGSBY LAND SURVEYING PLLC, P-1383
 140 Westview Drive
 Hendersonville, NC 28791
 Felix A. Grigsby, PLS-3473, Phone: 828-606-5283
 www.GLS-NC.com ~ nc.land.surveyor@gmail.com

I, Felix A. Grigsby, professional land surveyor, certify that this Site Plan is an exemption to the definition of subdivision; and I, hereby certify, to the best of my knowledge, information and belief, and in my professional opinion, that this Site Plan was drawn under my supervision and that this plat/map meets the requirements of the standards of practice for land surveying in North Carolina (21 NCAC 56.1600), witness my original signature, registration number and seal this 30th day of August 2019.



Felix A. Grigsby
 Felix A. Grigsby, PLS No. L-3473



1603 Battle Creek Rd. Horse Shoe, NC

Date: 5/27/2019
 Drawn by: JRM
 Scale: 1" = 100'
 Project #:

SHEET

S-1