

**REQUEST FOR BOARD ACTION**  
**HENDERSON COUNTY**  
**ZONING BOARD OF ADJUSTMENT**

MEETING: **October 30, 2019**

SUBJECT: **Major Site Plan Review for Willow Falls Events**

PRESENTER: **Toby Linville**

ATTACHMENTS: **Staff Report**

SUMMARY OF REQUEST:

Special Use Permit application for a small place of assembly for receptions.

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The applicant is requesting a Special Use Permit to allow the use of this property for a small place of assembly for wedding receptions and other gatherings.

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

**Suggested Motion:**

**I move to approve/deny SUP-19-10 for Michele French with the following conditions:**

**Meet requirements of SR 5.17. *Place of Assembly, Small***

- (1) Site Plan. Major *Site Plan* required in accordance with §42-331 (Major Site Plan Review).
- (2) Lighting. *Lighting mitigation* required.
- (3) Structure. A *structure* shall be designed to accommodate a maximum of 250 persons. Persons shall include all event attendees (guest, hired staff, event workers, etc.).
- (4) Perimeter Setback. One hundred (100) feet. No parking shall be allowed within the setback area.
- (5) Buffer. A B2 buffer is required per Table 5.2 Buffer Width and Plant Material Requirement.

**The use will:**

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



## Henderson County, North Carolina Code Enforcement Services

### 1. Committee Request

- 1.1. **Applicant:** Michele French
- 1.2. **Request:** Major Site Plan Approval-Special Use Permit
- 1.3. **PIN:** 9557362678
- 1.4. **Size:** 3.99 acres +/-
- 1.5. **Location:** The subject area is located at 125 Little Willow Cir
- 1.6. **Supplemental Requirements:**

#### **SR 5.17. Place of Assembly, Small**

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Map A: Pictometry/Aerial Photography



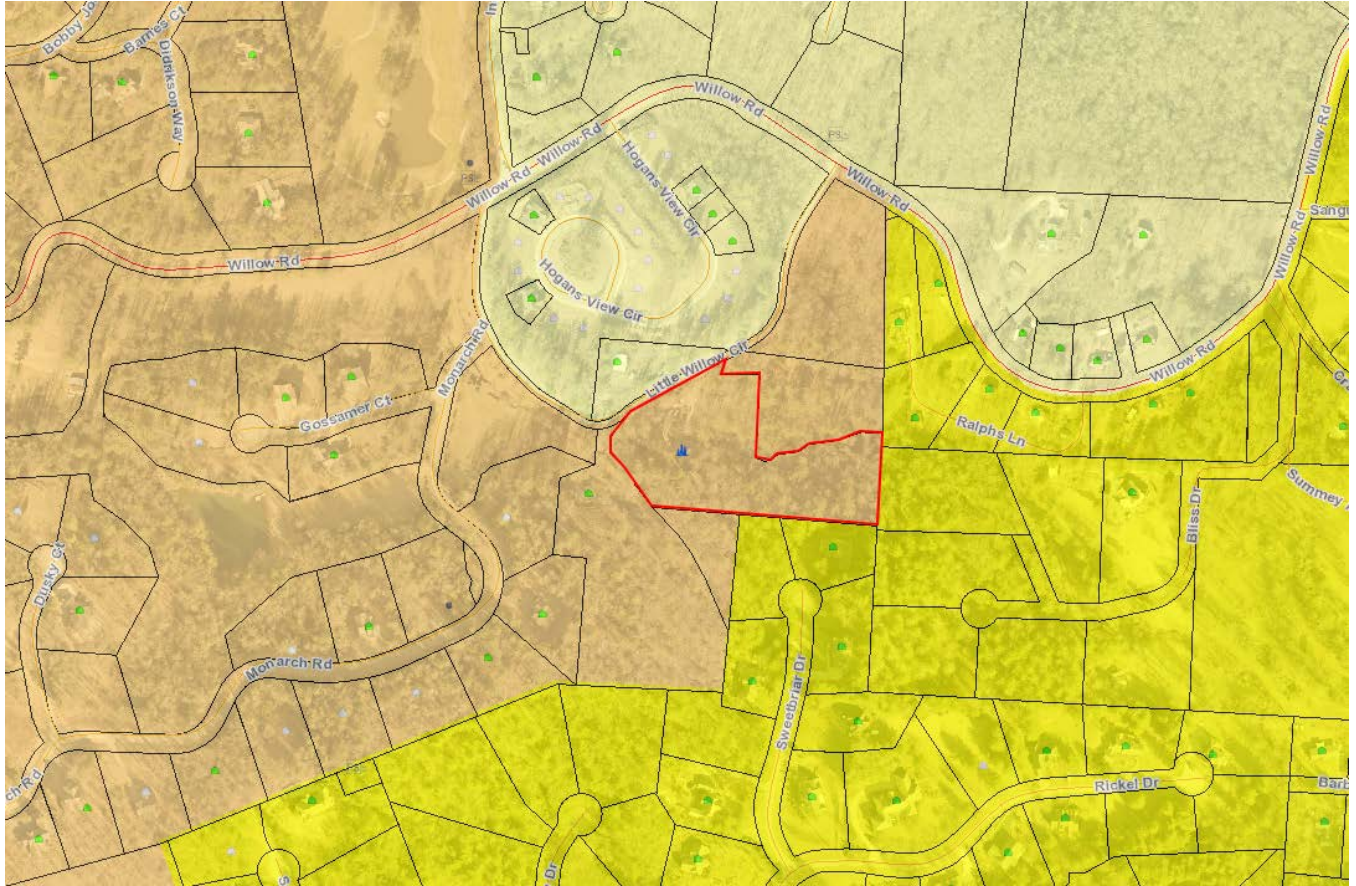
**2. Current Conditions**

**Current Use:** This parcel is currently in Residential Use.

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

**Zoning:** The surrounding properties are zoned Residential Two Rural (R2R). Property north is Residential Three (R3) and property south is Estate Residential (R40).

**Map B: Current Zoning**



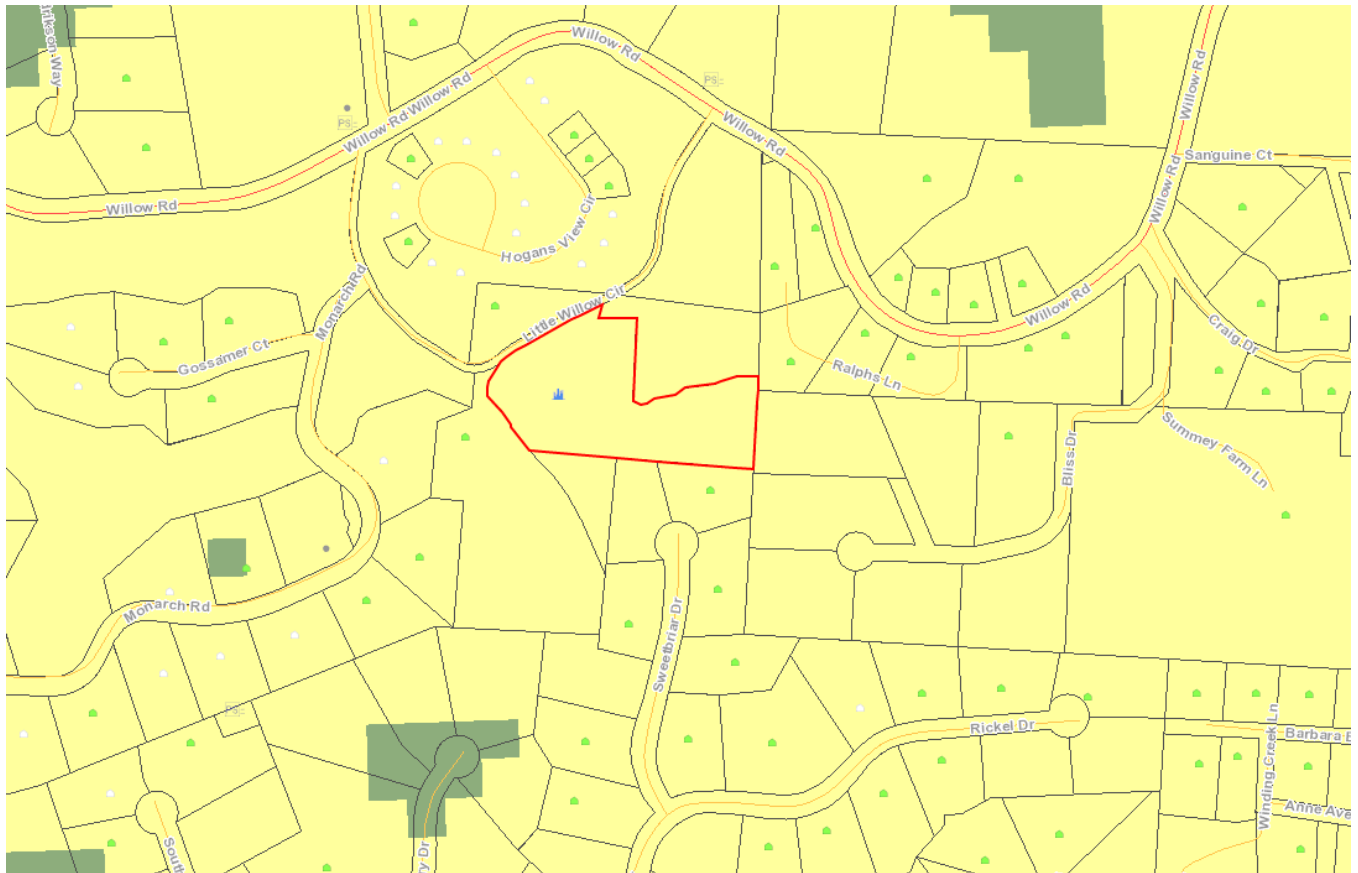
**3. Floodplain /Watershed Protection** The property is not located in a Special Flood Hazard Area. The parcel is not located in a Water Supply Watershed district.

**4. Water and Sewer** This property will be served by public water and septic.

**Public Water:** City of Hendersonville

**Public Sewer:** Unavailable

**Map C: CCP Future Land Use Map**



**5. Comprehensive Plan**

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

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 approval of the major site plan and forwarding the application to the Zoning Board of Adjustment for review.

**7. Photographs and Site Plan**



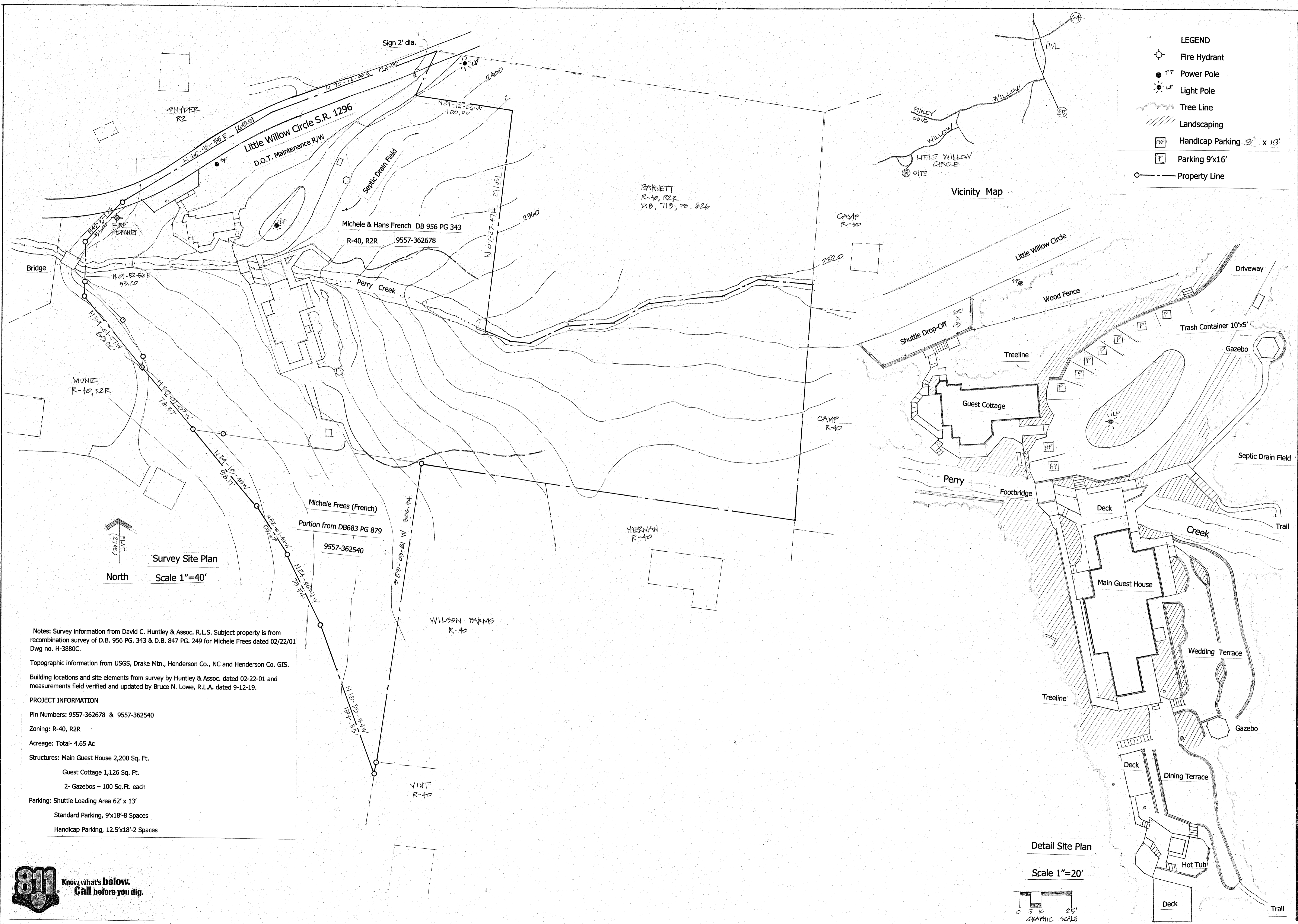












- LEGEND**
- Fire Hydrant
  - Power Pole
  - Light Pole
  - Tree Line
  - Landscaping
  - Handicap Parking 8' x 12'
  - Parking 9'x16'
  - Property Line

Survey Site Plan  
 Scale 1"=40'  
 North

Detail Site Plan  
 Scale 1"=20'  
 GRAPHIC SCALE

Notes: Survey information from David C. Huntley & Assoc. R.L.S. Subject property is from recombination survey of D.B. 956 PG. 343 & D.B. 847 PG. 249 for Michele Frees dated 02/22/01 Dwg no. H-3880C.  
 Topographic information from USGS, Drake Mtn., Henderson Co., NC and Henderson Co. GIS.  
 Building locations and site elements from survey by Huntley & Assoc. dated 02-22-01 and measurements field verified and updated by Bruce N. Lowe, R.L.A. dated 9-12-19.

**PROJECT INFORMATION**

Pin Numbers: 9557-362678 & 9557-362540  
 Zoning: R-40, R2R  
 Acreage: Total- 4.65 Ac  
 Structures: Main Guest House 2,200 Sq. Ft.  
 Guest Cottage 1,126 Sq. Ft.  
 2- Gazebos - 100 Sq.Ft. each  
 Parking: Shuttle Loading Area 62' x 13'  
 Standard Parking, 9'x18'-8 Spaces  
 Handicap Parking, 12.5'x18'-2 Spaces



**SITE PLAN**  
**WILLOW FALLS EVENTS**  
 125 Little Willow Circle  
 Hendersonville, NC 28739

**Owner**  
 Michele Frees (French)  
 828-243-7662

**lowela studio**  
 Bruce N. Lowe, Landscape Architect  
 325 Woodland Meadow Drive  
 Mills River, NC 28759  
 828.674.0819 | lowela49@gmail.com

Date **Sept. 16, 2019**  
 Revisions Date

Seal  
  
 Bruce N. Lowe  
 No. 397  
 Registered Landscape Architect  
 State of North Carolina

Sheet 1 of 1

**HENDERSON COUNTY  
SPECIAL USE PERMIT APPLICATION FORM**

**GENERAL INFORMATION**

Date of Application: 9/3/19  
Previously Submitted (Circle One): Yes No  
Date of Pre-Application Conference: \_\_\_\_\_  
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: Small Events Venue Permit SR #: \_\_\_\_\_  
Existing Structures or Uses on property: 2 Private Homes on the property  
Road System (Circle): Public Private same owner  
Water System (Circle): Individual Community Public (Municipal or County) Large outdoor Decks + Patio  
Sewer System (Circle): Individual Community Public (Municipal or County)  
Private Septic

**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**

Book 3152  
PIN: 9557362678 Deed Book/Page: Page 6 Tract Size (Acres): \_\_\_\_\_  
Zoning District: Henderson Fire District: Valley Hill Watershed: \_\_\_\_\_ Floodplain: outside of floodplain  
Location of property to be developed: Around our two private homes, and 4 acres of property

**CONTACT INFORMATION**

Property Owner:  
Name: Michele + Hans French Phone: 828.243.7662  
Address: 125 Little Willow Circle City, State, and Zip: Henderson County 28739  
Applicant:  
Name: Michele French Phone: 828.243.7662  
Michele@willowfalls-events.com lowela49@gmail.com

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

**Agent:**

Name: NA Phone: \_\_\_\_\_

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

Agent Form (Circle One):    Yes    No

**Plan Preparer:**

Name: NA 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:

Not at all  
\_\_\_\_\_  
\_\_\_\_\_

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

On the contrary it will improve the value of the property and will increase its value  
\_\_\_\_\_  
\_\_\_\_\_

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

yes  
\_\_\_\_\_  
\_\_\_\_\_

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  
We will enforce all noise ordinances at all events  
\_\_\_\_\_

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 nay municipality of the County.

yes  
\_\_\_\_\_  
\_\_\_\_\_

- 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.

*We have hired an incredible landscape and maintenance crew. The property is kept immaculate*

- 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.

*we will and do.*

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).

*yes.*

- b. Off-street parking and loading areas.

*Yes*

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

*yes*

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

*we have fenced the property on the road and planted a barrier of mature trees for privacy and noise buffering*

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

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

Michele French

Print Applicant (Owner or Agent)

Michele French

Signature Applicant (Owner or Agent)

9/3/19  
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: \_\_\_\_\_

15 October 2019

Toby Linville  
Henderson County Zoning Board of Adjustment  
100 North King Street  
Hendersonville, NC 28792

Re: 125 Little Willow Circle (PIN 9557362678) Special-use Permit

Mr. Linville,

My health limits my ability to attend meetings, thus this correspondence.

The “events” at 125 Little Willow Circle have been going on for years, so I am frankly surprised that the entity is just now applying for a commercial license.

My property abuts part of the applicant’s property, with my master bedroom facing said property. When the venue hosts parties (nearly every weekend: Fridays, Saturdays, Sundays, particularly during warm weather), the decibels are so loud and high that my house vibrates. I can scarcely hear my television—even with the volume turned way up and my windows and shutters closed. I retire early and the noise continues well after my bedtime. This would be effected not only by the throbbing “music” emanating from outdoor speakers, but also from a DJ on a microphone. The attendees whoop and scream and holler—all audible in my home. On two occasions I have phoned the Sheriff’s Department about this, to no avail.

Moreover, the partygoers light campfires, and the smoke drifts down here. I cannot have windows opened—not only because of the noise but also because of the putrid stench of the smoke. They burn even during times when we are warned to not burn, during dry periods and during drought or near-drought spells. And there have been incidents of fireworks (in a heavily wooded environment).

Neighbors have also complained about the annoyance of the parties/events. But I get the “full benefit,” being closest, in this subdivision (the Wilson Farm), to the venue.

It is my sincere wish that these people do not obtain a permit to continue this horrendous disturbance—but should they do so, I hope County law enforcement can intervene with an ordinance concerning a stop to the deafening and irritating decibels.

Sincerely yours,



Charles Herrmann  
316 Sweet Briar Drive  
Hendersonville, NC 28739-7047

September 11, 2019

Henderson County, North Carolina

Code Enforcement Services

Jacob Compher, Zoning Enforcement Officer

100 King Street

Hendersonville, NC 28792

From: Phillip and Becky Muniz

183 Little Willow Circle

Hendersonville, NC 28739

Cells (828)691-2558 and (828)691-8877

Re: Alleged disturbances on Little Willow Circle/Willow Falls Wedding and Event Venue

To Whom It May Concern:

We are Phillip and Becky Muniz residing at 183 Little Willow Circle and have adjoining property with Willow Falls Wedding and Event Venue with Michele French as the owner. We understand there has been a complaint issued against her for the use of weddings on the grounds and possibly when music is being played. We honestly have had no problems or personal inconveniences with any event or wedding or when music has been playing. We only had one instance where a guest accidentally parked in our drive, but the wedding planner was so apologetic and immediately had the issue resolved.

Willow Falls' guests have been very polite and seem to be conscious of being located in a neighborhood with houses in close proximity. We have been made aware of the scheduled weddings and the cutoff time for the music and every time like clockwork at 10 pm the music is off or so very low that you have to strain to even hear it. But if music after 10 pm is played, it is only through the house music center and never through any commercial devices.



We personally enjoy hearing the music coming up our way and we have spoken with our neighbors across the street sometime last year and they also stated the music has never been a problem for them. We hope this venue will continue and have much success. The way the French's property is kept for the weddings we feel adds so much more value and charm to our area and especially to our property.

Thank you for taking time to read our recommendation and affirmation of the Willow Falls Wedding and Event Venue.

Sincerely,

*Phillip & Becky Muniz*

Phillip and Becky Muniz

**To:** Whom it may concern

**From:** Verne Snyder  
146 Little Willow Circle  
Hendersonville, NC  
TEL (828) 595-4376

**Re:** Alleged disturbances on Little Willow ( ? )

**Date:** September 4, 2019

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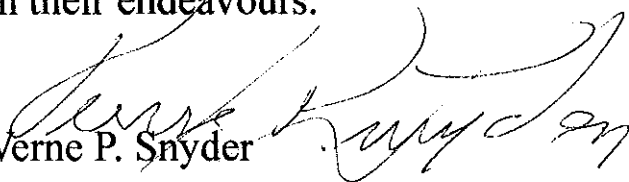
My name is Verne Snyder and my home is all but adjacent to and only a few feet from Willow Falls, which occasionally hosts weddings and other similar events.

Since Willow Falls began hosting such events about four years ago, I am unaware of of a single instance in which I or my wife have been inconvenienced or have witnessed anything approaching even the most slight nuisance disturbance.

The guests have always approached me in a friendly, polite manner. As a simple courtesy, the owners/ operators have gone out of their way to keep us apprised of upcoming events. [ Although irrelevant to the current issue, I wish to add that on rare occasions their employees have even assisted me with moving furniture and the like. ]

In every way the French family has proven to be fine, considerant neighbors, and I hope this note serves to clarify whatever the issue at hand may be.

In every way they have been accommodating, and I wish them every success in their endeavours.

  
Verne P. Snyder