## **REQUEST FOR COMMITTEE ACTION**

### HENDERSON COUNTY

### **BOARD OF ADJUSTMENT**

MEETING: TRC 4-6-21 & ZBA 4-28-21

SUBJECT: Special Use Permit Review – Epperson Office & Outdoor Storage SUP-21-01

PRESENTER: Matt Champion

ATTACHMENTS: Staff Report & Site Plan

SUMMARY OF REQUEST: Special Use Permit review for Office: Business, Professional and Public & Outdoor Storage >5,000SQFT

**SUGGESTED MOTION:** 

I move to approve/deny SUP-21-01 because the use will:

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.



# Henderson County, North Carolina Code Enforcement Services

# 1. Committee Request

- 1.1. Applicant: Timothy Dale Epperson
- 1.2. Request: Major Site Plan Approval/SUP-21-01
- 1.3. **PIN:** 9690-94-0589
- 1.4. Size: 8.36 acres +/-
- 1.5. Location: Intersection of Ridge Road and Laycock Road
- 1.6. Supplemental Requirements:

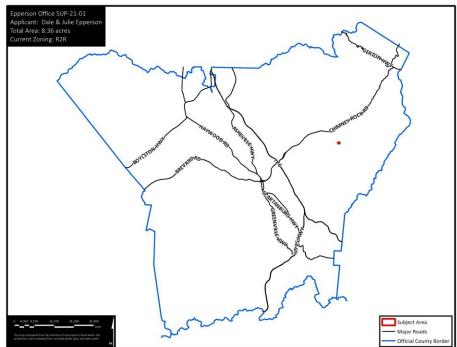
# SR 6.9. Office: Business, Professional and Public

Site Plan. Major *Site Plan* required in accordance with §42-331 (Major Site Plan Review).
 Lighting. *Adequate lighting* shall be placed in areas used for vehicular/pedestrian access including, but not limited to stairs, sidewalks, crosswalks, intersections, or changes in grade. *Lighting mitigation* required.

# SR 2.10. Outdoor Storage greater than 5,000 square feet

(1) Locational Requirements. Storage areas shall not be placed in a *front yard*.

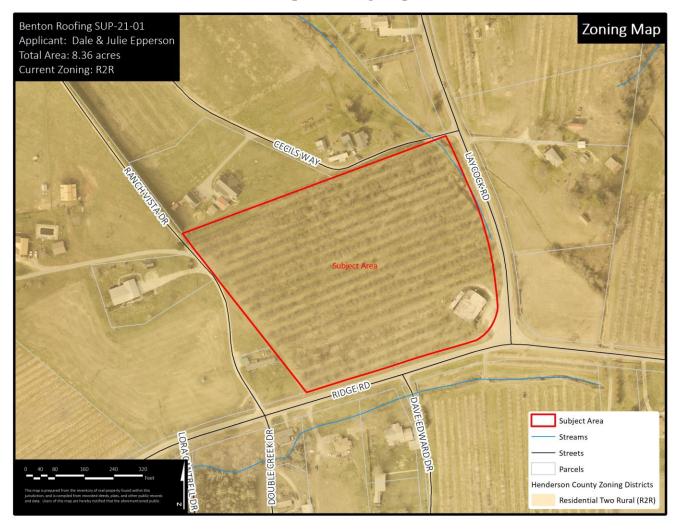
(2) Screening. Screen Class Three (3) or Four (4) shall be provided consistent with the requirements of \$42-182 (Screen Classification).



Map A: County Context Map



## Map B: Aerial Map



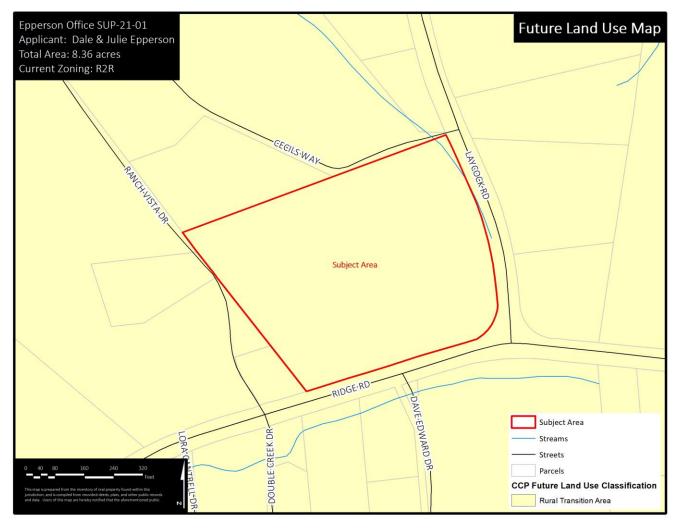
## Map C: Zoning Map

## 2. <u>Current Conditions</u>

**Current Use:** The subject area previously operated as an apple orchard with an agricultural packing house. According to the Tax Department, the land class is listed as commercial. There is an existing 4,800SQFT commercial structure on the property.

Adjacent Area Uses: Adjacent land uses consist of residential, agricultural, and vacant land surrounding the subject area. The subject area is approximately 0.3 miles away from a large solar generation facility off Ridge Road. Sugar Loaf Missionary Baptist Church is approximately 0.1 miles away from the subject area.

**Zoning:** The subject area is currently zoned Residential Two Rural (R2R). R2R is primarily a residential zoning district allowing some recreational, educational, and institutional, and some other light uses. The subject area is surrounded by Residential Two Rural (R2R) in all directions.



## Map D: CCP Future Land Use Map

### 3. Comprehensive Plan

**Henderson County Comprehensive Plan (CCP).** The Future Land Use Map of the CCP shows the Subject Area as being located within the Rural Transition Area (RTA) Classification.

- a. **Rural Transition Area:** "The RTA is currently rural in character, with existing pockets of limited higher density residential and commercial development. Slopes vary across the RTA, although the area can be considered generally developable. The primary factor preventing urban development in the RTA is the absence of sewer and water service. The RTA will continue to experience extensive development over the operational timeframe of this Comprehensive Plan."
  - i. Population and residential densities should be generally lower than the more urban population densities found within the USA and should be generally in keeping with topography, septic limitations, and school and transportation capacities. The RTA will remain in a state of transition and will absorb much of the development pressure in the USA. The RTA will be necessary to allow more dense development where appropriate.
- 4. <u>Floodplain /Watershed Protection</u> The property is not located in a Special Flood Hazard Area. The property is not in a Water Supply Watershed district.

- 5. <u>Water and Sewer</u> This property is served by individual well and septic.
- 6. <u>Proposal</u> The applicant is proposing to covert the existing packinghouse structure to a shop/maintenance facility for his tree service business. The major site plan shows a proposed 50' by 125' storage building, gravel drives/parking area, 4 general parking spaces, 1 ADA accessible parking space, and a common staging area for timber transfer. The common staging area is shown as 70,000SQFT of outdoor storage. Outdoor storage greater than 5,000SQFT requires a Screen Class 3 or 4. The existing well and septic currently serving the site will be utilized for the proposed use.

## 7. <u>Screen Class for Outdoor Storage.</u>

- 7.1. Screen Class Three (3). A fence or wall constructed with a minimum height of six (6) feet, that is at least 75 percent *opaque*, where all spaces are evenly distributed, and with the finished side of the fence facing the adjacent property or *road*. Fences longer than 20 linear feet shall be landscaped with: a row of *shrubs* spaced a maximum of ten (10) feet apart, or a row of *evergreen trees* planted no more than 15 feet apart (see Figure 5D).
- 7.2. Screen Class Four (4). A fence or wall constructed with a minimum height of eight (8) feet designed to facilitate the movement of maintenance and emergency response equipment to and from the proposed site. Gates should be secured at all times (unless for maintenance, inspection, or other unforeseen instances) following the completion of construction. Fencing may be in common with other *existing uses* on site. Fences longer than 20 linear feet shall be landscaped (excluding the gate area) with: a continuous hedge of *evergreen shrubs* planted in a five (5) foot strip spaced a maximum of eight (8) feet apart. The *Zoning Administrator* may require additional *screening* to minimize adverse impacts of ground level lighting (where installed) (see Figure 5E).
- 8. <u>Technical Review Committee</u> The Technical Review Committee met on 4/6/2021 and voted to approve and forward the major site plan to the ZBA with the following conditions: NCDOT driveway permit, ADA parking space to be paved per NC Building Code, erosion and sedimentation control permit, and stormwater control permit.

# 9. <u>Photographs</u>





Epperson Office & Outdoor Storage SUP-21-01 TRC 4-6-21 ZBA 4-28-21



# HENDERSON COUNTY MAJOR SITE PLAN REVIEW APPLICATION

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CONTACT INFORMATION		
Property Owner:	an (828) 606-0455	
Name: Timothy Dale Epperso	on Phone: (828) 606-0455 untain Page Road, Saluda, NC 28773	
_		
Applicant:	phone: (828) 606-0455	
Name: Timothy Dale Epperso	buntain Page Road, Saluda, NC 28773	
<b>*</b>	Juliant Page Road, Saluda, NO 20110	
Agent:	Phone	
	Phone:	
Complete Address:	Vac AD	
Agent Form (Circle One):		
Plan Preparer: Name: Stanley C. Byers, PE	Phone: (828) 329-4650	
Complete Address: 130 Sch	pol House Road, Mills River, NC 28759	
Complete Address.		
PARCEL INFORMATION PIN: 9690940589 Zoning District: R2R Supplemental Requirement# 6.9 and Permitted by Right Special Use Permit SOP 6.9 and	Floodplain: None	Pood
Location / Property to be developed:	7 Laycock Road - North West Corner of Laycock Road and Ridge F	Road.
*********************************	.*************************************	*****
Fee: \$ Paid:	Method: Received by: M.H. Champ.	Ion

APPLICATION IDENTIFICATION	N.C. DEPARTMENT OF TRANSPORTATION		
Driveway Date of Permit No. Application	STREET AND DRIVEWAY ACCESS		
<sub>County:</sub> Henderson	PERMIT APPLICATION		
Development Name: Timothy Dale Epperson			
LOCATION OF P			
Route/Road: 7 Laycock Road - North West Corner of Laycock F	Road and Ridge Road (SR1722).		
Exact Distance <sub>Existing</sub> Drive at Old ☐ Miles N S E W Packing House (15') ☑ Feet			
	☐ Educational Facilities ☐ TND ☐ Emergency Services ☑ Other within HendersonvilleCity Zoning Area.		
Property: ☐ is ☑ is not AGREEMI			
<ul> <li>I, the undersigned property owner, request access and permisoid-way at the above location.</li> <li>I agree to construct and maintain driveway(s) or street entrances Street and Driveway Access to North Carolina Highways" as a Transportation.</li> <li>I agree that no signs or objects will be placed on or over the permission of the driveway(s) or street(s) as used in this agreets and the driveway(s) or street(s) as used in this agreets speed change lanes as deemed necessary.</li> <li>I agree that if any future improvements to the roadway become located on public right-of-way will be considered the property will not be entitled to reimbursement or have any claim for pressing the "Policy on Street and Driveway Access to No</li> <li>I agree to pay a \$50 construction inspection fee. Make check application is denied.</li> <li>I agree to provide during construction proper signs, signal light of traffic in conformance with the current "Manual on Uniform Amendments or Supplements thereto. Information as to the a District Engineer.</li> <li>I agree to such facilities, within the highway right-of-way li</li> <li>I agree to such facilities, within the highway system.</li> <li>The granting of this permit is subject to the regulatory powers law and as set forth in the N.C. Policy on Driveways and shall</li> <li>I AGREE TO NOTIFY THE DISTRICT ENGINEER WHEN THE COMPLETED.</li> </ul>	ce(s) in absolute conformance with the current "Policy on adopted by the North Carolina Department of public right-of-way other than those approved by NCDOT. shown on the attached plans. ment include any approach tapers, storage lanes or the necessary, the portion of driveway(s) or street(s) of the North Carolina Department of Transportation, and I esent expenditures for driveway or street construction. ray(s) or street(s) is not completed within the time rth Carolina Highways". Its payable to NCDOT. This fee will be reimbursed if in a safe manner so as not to interfere with or endanger nts, flaggers and other warning devices for the protection Traffic Control Devices for Streets and Highways" and above rules and regulations may be obtained from the epartment of Transportation from all damages and claims will assume no responsibility for any damages that may mits, in carrying out its construction. amount specified by the Division of Highways for any s of the NC Department of Transportation as provided by II not be construed as a contract access point. <b>HE PROPOSED WORK BEGINS AND WHEN IT IS</b>		
2004-01 NOTE: Submit Four Copies of Application to Local Distric	ct Engineer, N.C. Department of Transportation TEB 65-04rev. 19		

	PROPERTY OWNER (APPLICANT)		WITNES	S
COMPANY	χ Timothy Dale Epperson	NAME	<u>X</u>	
SIGNATURE		SIGNATURE		
ADDRESS	X 2080 Mountain Page Road, Saluda, NC 28		<u>X</u> X	
	X Phone No. X (	828) 606-0455		28
COMPANY	AUTHORIZED AGENT	NAME	VIINE	55
SIGNATURE				
ADDRESS		ADDRESS		
	Phone No.			
		APPROVALS		
	RECEIVED BY DISTRICT ENGINEER	<u>1997 - Barris Mandel, Mandeland († 1997) 1997 - Ba</u> rris		
	SIGNATURE		DATE	
APPLICATION	APPROVED BY LOCAL GOVERNMENTAL AUTHO	RITY (when required)	<u></u>	
	SIGNATURE	TITLE		DATE
APPLICATION	APPROVED BY DISTRICT ENGINEER			
	OLONIATUDE		DATE	
	SIGNATURE		DATE	
INSPECTION			DATE	
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# HENDERSON COUNTY SPECIAL USE PERMIT APPLICATION FORM

GENERAL INFORMATION	
Date of Application: March 10, 2021	
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	
SPECIAL USE PERMIT INFORMATION	
Type of use to be permitted: Office and Outdoor Storage Facility (See Attached)	SR #: 1722
Existing Structures or Uses on property: Existing Structure: Apple Orchard Packing House	

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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:	9690940	589		Deed Book/F	age: 3523/6	59 Tract	Size (Acres):	8.36	
Zoning	g District:	R2R	Fire District:	Edneyville	Watershed	None	_ Floodplain:	None	
-	-	erty to be dev	veloped: 7 La	ycock Road ir	n Edneyville.	North We	est Corner of L	aycock Road a	nd
Ridge	· ·	·	-						

### CONTACT INFORMATION

Property Owner:	
	Phone: (828) 606-0455
Address: 2080 Mountain Page Road	City, State, and Zip: Saluda, NC 28773
Applicant: Name: Timothy Dale Epperson	Phone: (828) 606-0455
Name: I imothy Dale Epperson	

	Application No
Address: 2080 Mountain Page Road	City, State, and Zip: Saluda, NC 28773
Agent:	
Name:	Phone:
Address:	City, State, and Zip:
Agent Form (Circle One): Yes (No)	
Plan Preparer:	
Name: Stanley C. Byers, PE	Phone: (828) 329-4650
Address: 130 School House Road	City, State, and Zip: <u>Mills River, NC 28759</u>

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

SEE ATTACHED

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

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. SEE ATTACHED
- 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. SEE ATTACHED

Application No.

- 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. SEE ATTACHED
- 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. SEE ATTACHED

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). SEE ATTACHED
- b. Off-street parking and loading areas. SEE ATTACHED
- c. Utilities (with particular reference to locations, availability and compatibility). SEE ATTACHED
- d. Buffering and landscaping (with particular reference to type, location and dimensions). SEE ATTACHED
- e. Structures (with particular reference to location, size and use). SEE ATTACHED

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

Timothy Dale Epperson

Print Applicant (Owner or Agent)

Signature Applicant (Owner or Agent)

Date

County Use Only				
Fee: \$	Paid:	Method:	Received by:	
Authority to grant the requested permit is contained in the Land Development Code, Sections:				
Community Plan	ning Area:			

### DESCRIPTION OF PROPOSED USE AND GENERAL REQUIREMENTS

For the proposed Business Service Facility at 7 Laycock Road, Hendersonville, NC

#### **Description of Proposed Use:**

This application seeks special use approval to utilize the property located at 7 Laycock Road in the Edneyville area of Henderson County, North Carolina, as a tree business maintenance facility and staging area. The property was originally used as an apple orchard, and the existing structure was utilized as a packing house. Under this request, the existing structure will be utilized as a shop/maintenance facility and it is proposed that the property be enhanced to include a 50' X 125' storage building, gravel drives/parking area, and a common staging area for timber transfer (processing the timber into firewood and/or log transfer to sawmills). The existing driveway, septic system, and well will be utilized as part of this proposal. No other driveway accesses or utilities will be needed under this request. Although the Zoning Code for R2R does not specifically name this type of use for the property, there is little difference in the proposed use versus the processes involved in an apple orchard and packaging operations. It is of our opinion that the proposed use for this property is in line with the past uses and will not affect the surrounding area or the special use requirements.

### **General Requirements:**

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

The proposed uses will be carried out in accordance with required building safety standards. The portion of the property to receive the proposed storage structure and staging area is largely insulated from the surrounding properties due to the distance from adjoining properties. A buffer area will be provided along the north and west adjoining property lines. There are no obvious additional dangers or safety risks that would be created by implementing this proposal.

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

We do not foresee anything within the proposed concept that would injure the value of property or any potential improvements in this area. This proposal will respect the existing NCDOT right-of-way and all required setbacks for property lines. The new use would eliminate the diseased apple trees, giving the property a better appearance, and should improve water quality runoff from the site.

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

The surrounding properties in this region consist of residential and farmland, more specifically, homes, apple orchards, and solar farms. The proposed uses will be in harmony with the surrounding area's agricultural feel.

### **Specific Requirements:**

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

The proposed uses will be constructed in accordance with all required statutes, ordinances, and regulations that apply. Only one new structure is proposed, and all building requirements will be adhered to. Land disturbance will be restricted to less than one acre, and all erosion control requirements will be followed.

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.

We do not foresee anything within the proposed concept that would interfere with any future transportation plans. All state setbacks will be adhered to from existing NCDOT rights-of-way.

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

The proposed uses will be utilized in a way that will not add any additional noise, glare, dust, solar access, or odor to the surrounding properties. We feel that this portion of the property is largely insulated from the surrounding residents, primarily due to its distance from the adjoining properties.

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.

The proposed uses will be constructed in a way that will minimize any environmental impacts to groundwater and surface water. Regulatory guidelines will be adhered to. There are no known wetlands, endangered/threatened species, archeological sites, or historic preservation sites located on this property.

#### **Other Provisions:**

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

Ingress and egress will be obtained by utilizing the existing driveway location for this proposal. No other access onto the property will be needed for this special use provision. The existing driveway location onto the property is in a highly visible location (ample site distance) and close to an intersection where traffic speeds low. There are no obvious additional dangers or safety risks that would be created by implementing the proposed use for traffic or pedestrian flow.

b) Off-street parking and loading areas.

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All vehicle parking and loading needs will take place within the property limits. The proposed use will not require parking or loading within the NCDOT rights-of-way, and buffers will be provided along the adjoining property lines as well.

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

Existing septic system, well, and power will be utilized for this proposal. No other provisions will be required under this special use permit.

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

Ample buffering will be provided along the adjoining property lines. No landscaping is anticipated at this time due to the length of clear zone between the proposed use area and existing residents.

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

One building will be constructed under this proposal (see site plan for location). This structure will be approximately 50' X 125' and will be utilized as a storage facility for small equipment and materials.

