

IN THE MATTER OF THE APPLICATION OF

DEVEN NEKOLE, Applicant,
to the
HENDERSON COUNTY ZONING BOARD OF ADJUSTMENT,
Permit Authority,

Regarding

RECREATIONAL VEHICLE PARK

The Henderson County Zoning Board of Adjustment held a quasi-judicial hearing August 25, 2021, to consider the application SUP-21-06, seeking a special use permit to allow use of certain property for the use “recreational vehicle park” under the Chapter 42 of the Henderson County Code (“the Code”), and the related provisions of Supplemental Requirement 4.15 of the Code for such use. The application was submitted by the owners of the property in question. Having heard all the evidence and arguments presented at the hearing, the Zoning Board of Adjustment makes the following findings of fact:

1. A quasi-judicial hearing was held by the Henderson County Zoning Board of Adjustment on the special use permit application SUP-21-06. A quorum of members of the Zoning Board of Adjustment was present. The members present and participating were:

Ronald S. Kauffman, Chair
Louise St. Romain
Anthony Engle
Jim Hysong
Bill Fishburne

2. All members of the Zoning Board of Adjustment affirmed their ability to make an impartial decision in this matter, and no party or member objected to any other member’s participation in this hearing.

3. Notice of the quasi-judicial hearing, pursuant to the Code was duly and timely given in accord with the provisions of §42-371. This included mailing to the applicants and all adjacent property owners to the boundary of the subject property and the posting of notice on the subject property.

4. This application was filed by Deven Nekole (the “Applicant”), as applicant and property owner. The property to be included in the special use consists of Henderson County PIN 9661539876. This property is currently zoned Residential Two (R2). “Recreational Vehicle Park” is a permitted use in this district with a special use permit.

5. At the commencement of this hearing, the Chair stated that the Board recognized the Applicants and Henderson County staff as parties to this hearing and inquired whether any person or entity sought to become a party to this action. No other person asked to be party to the hearing.

6. In order to grant any special use, the Board must find that the proposed 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.

7. The information contained in the Request for Board Action and staff report was received by the Board without objection. The statements found therein are found to be fact by this Board.

8. The Board must find that the proposed use meets the specific standards for each specific special use set out in the Henderson County Land Development Code, Chapter 42 of the Henderson County Code. The use proposed here is “recreational vehicle park”. The specific standards for the proposed use are set out in Supplemental Regulation (“S.R.”) 4.15 of the Land Development Code, found at Section §42-63 thereof. The standards are as follows:

- a. A major Site Plan is required in accordance with §42-331 (Major Site Plan Review).
- b. Lighting mitigation is required.
- c. The perimeter setback is fifty (50) feet.
- d. 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.
- e. 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.
- f. The recreational vehicle park:
 - i. 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;
 - ii. May contain structures ancillary to the use;
 - iii. Shall be permitted one (1) store, exclusively for the sale of incidental gifts and foodstuffs; and

iv. Shall provide, at the time of application, an evacuation plan for a natural disaster event.

g. 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).

h. 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. Pursuant to Code §42-356H, the vote of a majority of the Board is required to grant the special use permit.

10. The request is for a special use permit for recreational vehicle park. Deven Nekole represented this application.

11. The proponents repeated the asserts regarding the requirements of the Code for special uses in general, and for conformity with S.R. 4.15, as appear in their application, which is incorporated herein by reference.

12. At the close of the evidence, Board member Hysong stated that in his opinion with the following conclusions, the application would satisfy all the requirements for the grant of a special use permit, and therefore moved, and the Board approved by a 5-0 vote, that the Board approve the application with the following conditions:

a. A valid Henderson County Department of Public Health Division of Environmental Health well permit shall be obtained and complied with.

b. A valid Henderson County Department of Public Health Division of Environmental Health on-site wastewater collection permit shall be obtained and complied with.

c. Applicant shall adhere to S.R. 4.15.

d. A valid Henderson County Erosion Control permit shall be obtained and complied with.

e. Dominion Energy access approval.

f. Compliance with North Carolina Manufactured Home Code for temporary connections, electrical inspections, and maintain wheels, tongue, and axels on all park models.

From the foregoing, the Zoning Board of Adjustment concludes as follows:

1. All parties were properly before the Board, and all admissible evidence presented herein was under oath, and was not objected to by any party. All evidence relied upon in this Order was credible and reliable.

2. The Zoning Board of Adjustment has jurisdiction to hear this matter.

3. All parties, and all persons entitled to notice, have been given proper notice of this hearing and afforded the right to be heard.

4. The application for the special use permit should be granted, on the conditions contained herein, so long as the Applicant agrees to all the conditions stated herein.

IT IS THEREFORE ORDERED by the Henderson County Zoning Board of Adjustment that Henderson County special use permit amendment application number SP-21-06 is hereby granted, on the following conditions:

1. A valid Henderson County Department of Public Health Division of Environmental Health well permit shall be obtained and complied with.

2. A valid Henderson County Department of Public Health Division of Environmental Health on-site wastewater collection permit shall be obtained and complied with.

3. Applicant shall adhere to S.R. 4.15.

4. A valid Henderson County Erosion Control permit shall be obtained and complied with.

5. Dominion Energy access approval.

6. Compliance with North Carolina Manufactured Home Code for temporary connections, electrical inspections, and maintain wheels, tongue, and axels on all park models.

Announced 25 August 2021, and approved in final form, after first having been approved by the applicants, this the ___ day of September, 2021.

THE HENDERSON COUNTY ZONING BOARD OF ADJUSTMENT

By: _____
RON KAUFFMAN, Chair

Attest:

MATT CHAMPION, Secretary to the Zoning Board of Adjustment

AGREEMENT OF APPLICANT

We agree to all the conditions stated above as conditions for the grant of the special use permit:

Deven Nekole