

IN THE MATTER OF THE APPLICATION OF
BOYD L. HYDER, Applicant,

to the

HENDERSON COUNTY ZONING BOARD OF ADJUSTMENT,
Permit Authority,

Regarding

“HYDER RECREATIONAL VEHICLE AND BOAT STORAGE”

The Henderson County Zoning Board of Adjustment held a quasi-judicial hearing May 29, 2024, to consider the application SUP-24-01, seeking a special use permit to allow use of certain property for a recreational vehicle and boat storage area. The application was submitted by Ryan Luttrell for Boyd L. Hyder at 4021 Haywood Rd. Having heard all of 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 SP-24-01. A quorum of members of the Zoning Board of Adjustment was present. The members present and participating were:

Andrew Riddle, Chair
Louise St.Romain
Carlos Ruiz
Tony Engle
Lynn Freeman Bush

2. No party or member objected to any other member’s participation in this hearing.

3. Notice of the quasi-judicial hearing, pursuant to the Henderson County Code (“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 Ryan Luttrell (the “Applicant”), as agent for property owner. The property to be included in the special use consists of Henderson County PIN 9641-41-1179. This property is currently zoned Local Commercial.

5. At the commencement of this hearing, the Chair stated that the Board recognized the agent Ryan Luttrell, Scott Boylard, and the Henderson County Zoning Administrator as parties to this hearing and inquired whether any person or entity sought to become a party to this action. No other persons 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.

Order on Special Use
File Number SUP-24-01

7. In addition, the Board must find that the proposed use meets the requirements for each specific special use set out in the Henderson County Land Development Ordinance, Chapter 42 of the Henderson County Code. The use proposed here is “Self Storage Warehousing, Mini-Warehouses” and “Outdoor Storage greater than 5,000 square feet”. The proposed use requires a special use permit in the Local Commercial zoning district. The specific standards for the proposed use are set out in Article 7 of the Land Development Ordinance. The standards are as follows:

- 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.
- Separation. Self storage warehousing, mini-warehouses *structures* shall not be constructed within 100 feet of any adjacent existing *dwelling unit* (located in a *residential zoning district* and not located on the same property as the *use*).
- Structure. Garage/storage bays shall be oriented away from the public *right-of-way* where possible.
- Operations. The mini-warehouse units shall be used for “dead” storage only (no commercial enterprise can be conducted from an individual unit or units and no *wholesale trade* or retail sales shall be permitted).
- Lighting. Exterior lighting shall not exceed ten (10) feet in height.
- Street Trees. Street *trees* shall be provided in accordance with Article V. Landscape Design Standards, Subpart C. Street Tree Requirements (Major Subdivisions).
- Outdoor Storage. Open storage of *recreational vehicles* and dry storage of pleasure boats shall constitute an *outdoor storage* (see SR 2.8 and SR 2.9 (Outdoor Storage)).
- Locational Requirements. Storage areas shall not be placed in a *front yard*.
- Screening. Screen Class Three (3) or Four (4) shall be provided consistent with the requirements of §42-181 (Screen Classification).

7. Pursuant to §42-356H, “[t]he concurring vote of the majority of the members” of the Board is required to grant the special use permit.

8. The Board heard evidence that the application met all the foregoing, so long as the following conditions were added: a valid North Carolina Department of Transportation driveway permit be obtained; a valid North Carolina Department of Transportation encroachment agreement be executed where required; a valid Henderson County commercial zoning permit for the change of use be obtained; the applicant install a screen class 3 or 4 around the proposed outdoor storage area if the existing vegetation is removed; and the application monitor and/or install an oil absorbent material below recreational vehicles and boats to capture any oil if necessary.

9. A motion was made by acclamation to grant the special use, all standards having been met (with the conditions contained herein), the applicant will install oil absorbent material below any recreational vehicle or boat stored on the property if necessary. All members voted aye.

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

1. All parties were properly before the Board, and all 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.

