

REQUEST FOR COMMITTEE ACTION

HENDERSON COUNTY

BOARD OF ADJUSTMENT

MEETING: **ZBA 6-26-24**

SUBJECT: **Special Use Permit – Hanson Auto Sales SUP-24-03**

PRESENTER: **Matt Champion**

ATTACHMENTS:

- 1. Staff Report & Oblique Photos**
- 2. Special Use Permit Application**
- 3. Major Site Plan Application**
- 4. Major Site Plan**

SUMMARY OF REQUEST: **Major site plan review for SR 7.10 Motor Vehicle Sales or Leasing (Including automobile, motorcycle, boat and recreational sales and rental cars)**

SUGGESTED MOTION:

I move to approve SUP-24-03 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.**

I move to deny SUP-24-03 because the use will:

- a. Materially endanger the public health, safety or welfare;**
- b. Substantially injure the value of property or improvements in the area; and**
- c. Not be in harmony with the surrounding area.**



Henderson County, North Carolina Code Enforcement Services

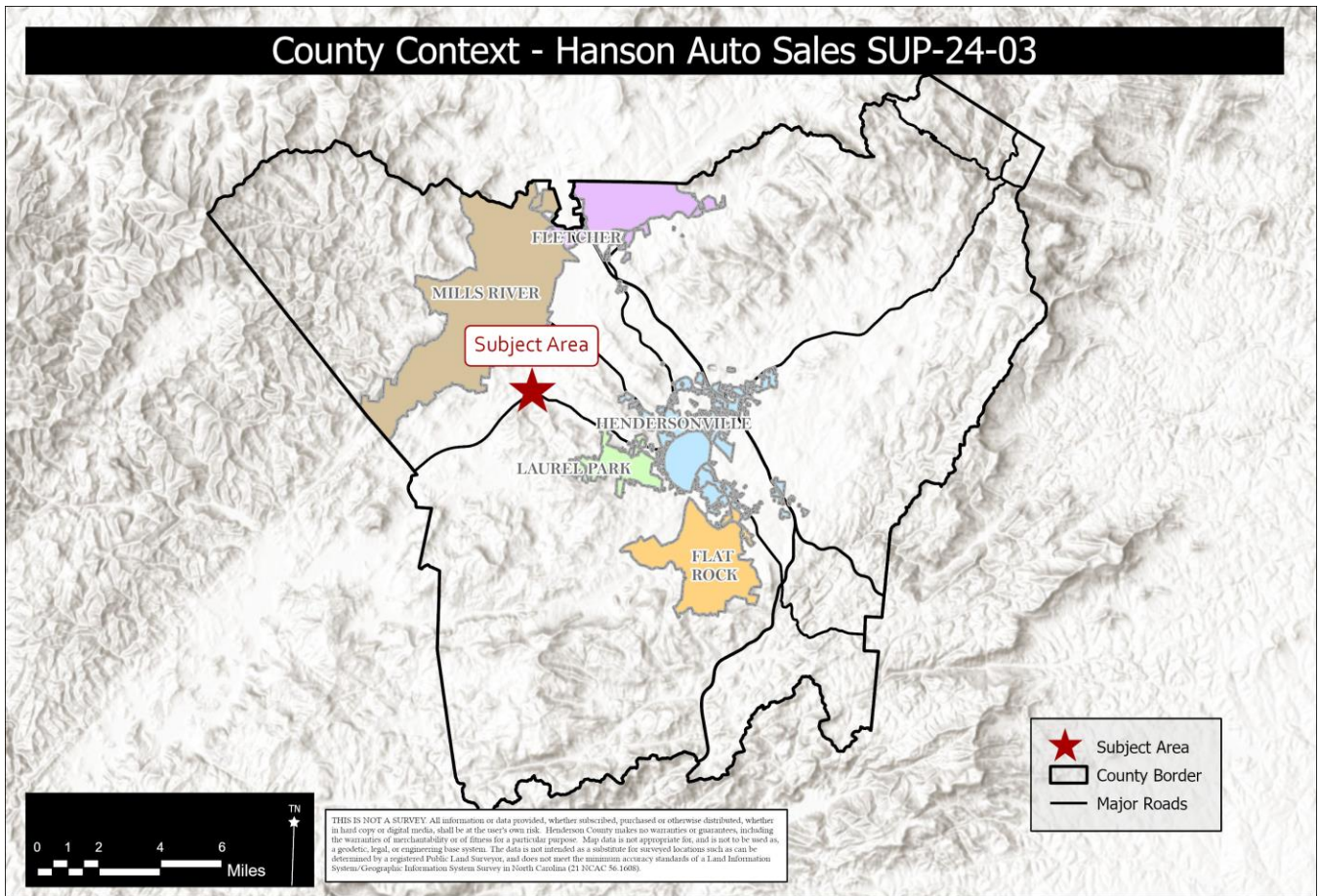
1. **Committee Request**

- 1.1. **Applicant:** Michael Hanson
- 1.2. **Request:** Major Site Plan Approval/SUP-24-03
- 1.3. **PIN:** 9539-98-6904
- 1.4. **Size:** 2.24 acres +/-
- 1.5. **Location:** 4319 Brevard Rd, Horse Shoe, NC 28742
- 1.6. **Supplemental Requirements:**

SR 7.10. Motor Vehicle Sales or Leasing (Including automobile, motorcycle, boat and recreational sales and rental cars)

- (1) Site Plan. Major *Site Plan* required in accordance with §42-330 (Major Site Plan Review).
- (2) 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.
- (3) Dust Reduction. Unpaved *roads, travelways* and/or parking areas shall be treated to prevent dust from adverse affects to adjacent properties.

Map A: County Context Map



Property Owner/Applicant: Michael Hanson
Assessed Acreage: 2.24 Acres PIN: 9539-98-6904
Current Zoning: Community Commercial (CC)



2. History & Characteristics:

- 2.1. **Current Property Owners:** Michael Hanson originally acquired the subject area through a General Warranty Deed on November 9, 2021, from Ethel J. Hamilton.
- 2.2. **Natural Resources:**
 - 2.2.1. **Streams:** The subject area does not contain any surface water sources.
 - 2.2.2. **Water Supply Watershed:** The subject area is located within a water supply watershed.
 - 2.2.3. **Slopes:** 2.20 acres of the subject area contains slopes between 0% to 16%. 0.03 acres of the subject area contains slopes between 16% to 25%.

Map B: Aerial Map



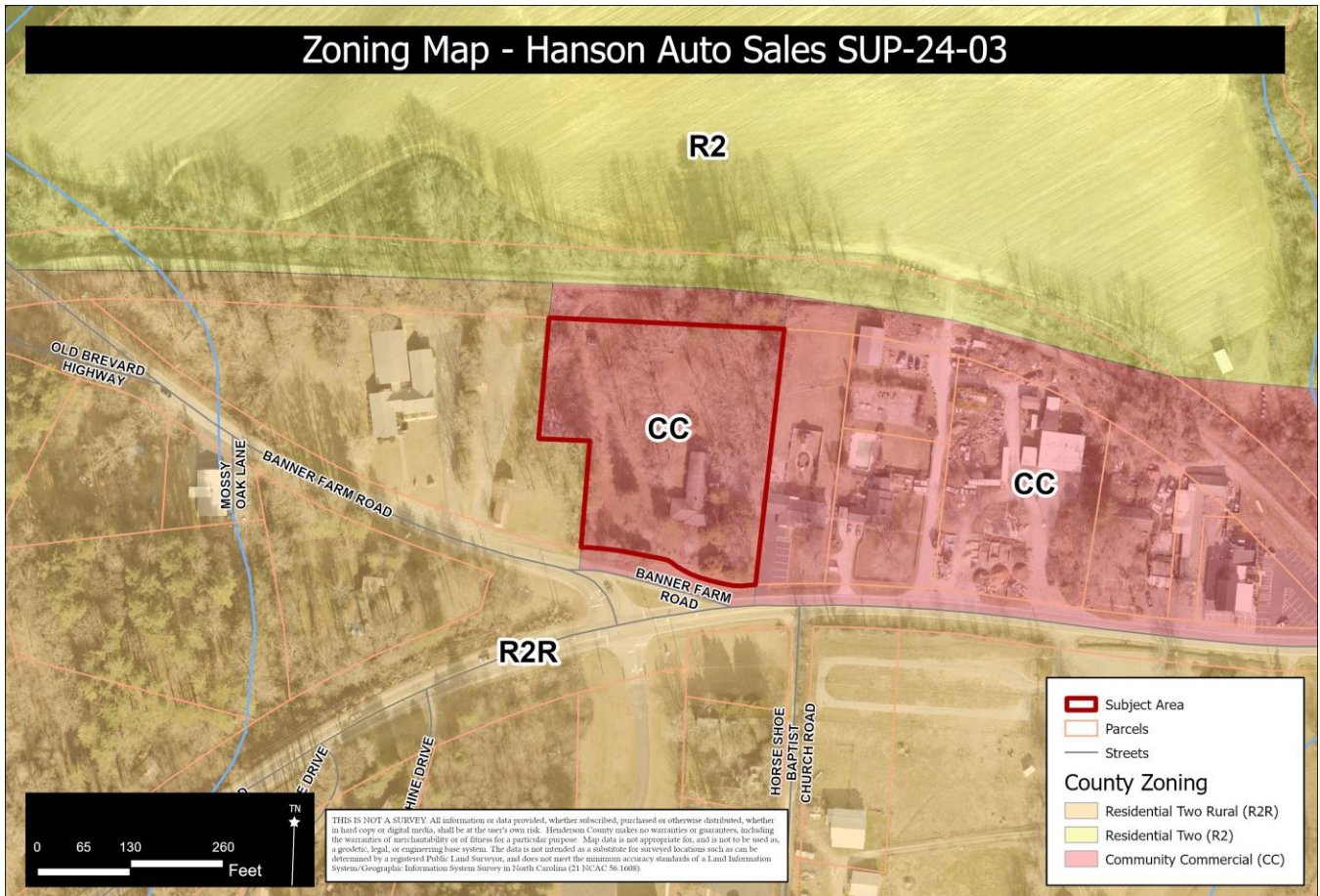
Property Owner/Applicant: Michael Hanson
 Assessed Acreage: 2.24 Acres PIN: 9539-98-6904
 Current Zoning: Community Commercial (CC)



3. Current Conditions

- 3.1. **Current Use:** The subject area currently contains an existing 2,069SQFT residential structure that was built in 1960. There is also a 10'X6' utility building on the subject area located near the railroad right-of-way. The rest of the subject area is currently vacant and contains a mix of forested land and open space. The subject area's norther boundary is the existing railroad that is currently being converted into the Ecusta Trail. Access to the subject area is through an 8' right-of-way on the property located directly east.
- 3.2. **Adjacent Area Uses:** Properties located north of the subject are contains large scale agricultural uses. Horse Shoe Community Church is located west of the subject area. A veterinary office is located east of the subject area. Another church, a residential structure, and vacant land is found south of the subject area across Brevard Rd.

Map C: Zoning Map



Property Owner/Applicant: Michael Hanson
 Assessed Acreage: 2.24 Acres PIN: 9539-98-6904
 Current Zoning: Community Commercial (CC)



3. Zoning The subject area is located within the Community Commercial (LC) zoning district.

3.1 Community Commercial (CC): The purpose of the Community Commercial District (CC) is to foster orderly growth where the *principal use* of land is commercial. The intent of this district is to allow for *commercial development* that includes a variety of retail sales and services, public and private administrations, offices and all other *uses* done primarily for sale or profit on the local and community level. (LDC §42-34) The subject area was rezoned to Community Commercial (CC) from Residential Two Rural (R2R) by the Board of Commissioners on Monday, February 5, 2024.

3.2 Adjacent Zoning: Community Commercial (CC) zoning is found east of the subject area. Residential Two Rural (R2R) is located west and south of the subject area. Residential Two (R2) is found north of the subject area.

Map D: Natural Resources Map



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- 4. **Floodplain /Watershed Protection** The subject area is not located within a Flood Hazard Area. The property is located within a Water Supply Watershed district. The entire subject area is located within the WS-IV Upper French Broad River Protected Area watershed. There are no known surface water sources found on the subject area according to the USGS.

Map E: Public Utilities Map



Property Owner/Applicant: Michael Hanson
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5. **Water and Sewer** The subject area currently served by an individual well and private septic system. No new water or sewer connections are proposed.

Public Water: City of Hendersonville

Public Sewer: N/A

Map E: 2045 Future Land Use Map



Property Owner/Applicant: Michael Hanson
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 Current Zoning: Community Commercial (CC)



6. **2045 Comprehensive Plan Compatibility** The 2045 Comprehensive Plan Future Land Use Map identifies the subject area as being in a Neighborhood Anchor character area (See Map E).

- a. **Neighborhood Anchor:** From Part 2 page 45, “Neighborhood Anchors are small concentrations of commercial, residential, and civic uses in more rural areas centered around structural anchors like schools, churches, and/or crossroads. These areas typically follow a development pattern where commercial uses are clustered directly adjacent to a crossroads, surrounded by residential development and agricultural uses. Developments that accommodate the ability to live, work, and play without commuting, are encouraged here.
 - i. **Where:** Typically found at intersections of State Roads or thoroughfares
 - ii. **Uses:** Small services and retail, churches, fuel stations, light industry, mix of residential types including small-scale multi-family
 - iii. **Utility Access:** Utilities are typically not necessary due to the small-scale of development, but may be necessary for some development types

7. **Proposal** The applicant is proposing to develop a portion of the subject area for vehicle sales. The major site plan shows a proposed 11,070SQFT gravel area that will used for the proposed use.

The gravel lot will be accessed by a gravel drive off Banner Farm Rd near the southwestern corner of the subject area. The existing residential structure has an existing office at the front of the structure that will be used for the vehicle sales office. The major site plan shows a total area of disturbance as 17,490SQFT. Total impervious surfaces post development is shown as 20,519SQFT.

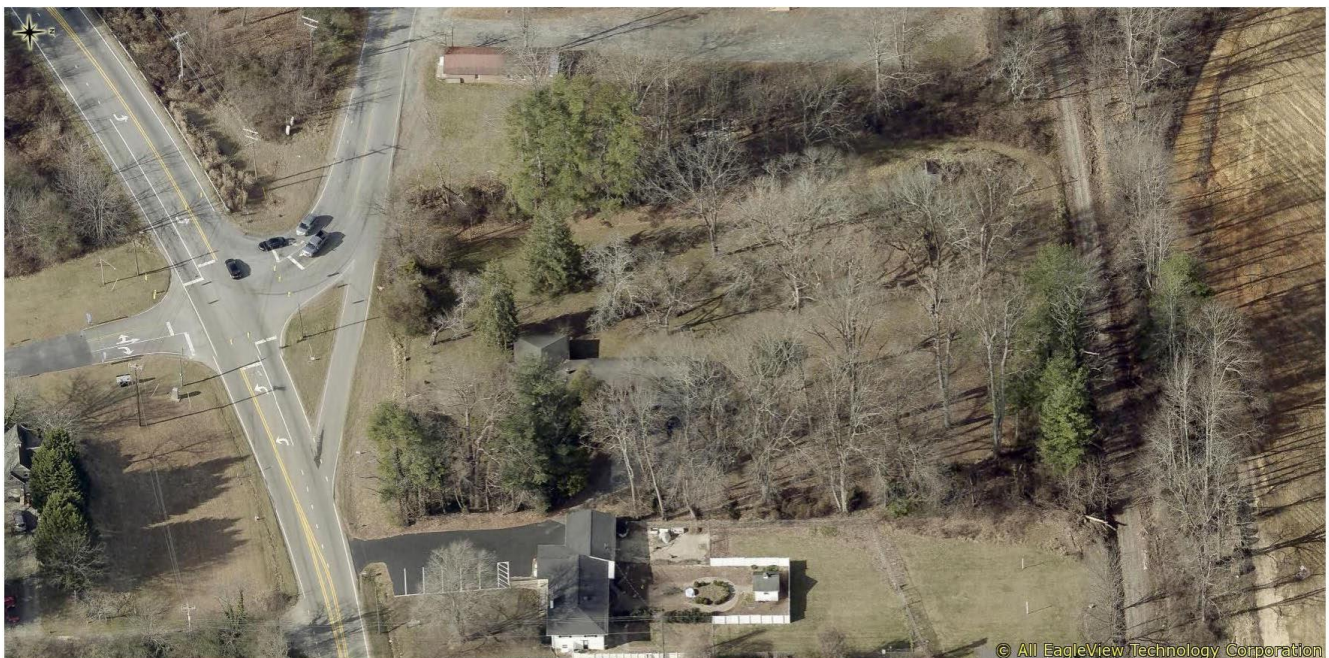
8. **Landscaping** The applicant will be required to install a B1 Buffer along the subject area's boundary that adjoins a residential zoning district. The applicant intends to leave as much existing vegetation possible to buffer the proposed use.

8.1. B1 Buffer consists of 1 large or 2 small deciduous trees or 2 large or 6 small evergreen trees per 100' linear feet. The requirement buffer width is 20'. Trees or shrubs shall not be planted within 5' of any property line to ensure maintenance for access and to avoid encroaching onto the adjacent property. Where a setback requirement is less than the buffer requirement, the buffer width shall override the setback width.

9. **Technical Review Committee.** The TRC met on June 4, 2024, to discuss the major site plan and special use permit request. The TRC voted to forward the application to the ZBA with the following conditions: NCDOT driveway permit and a to comply with NC Building Code Regulations pertaining to the conversion of the home office.

10. **Oblique Aerial Photos**

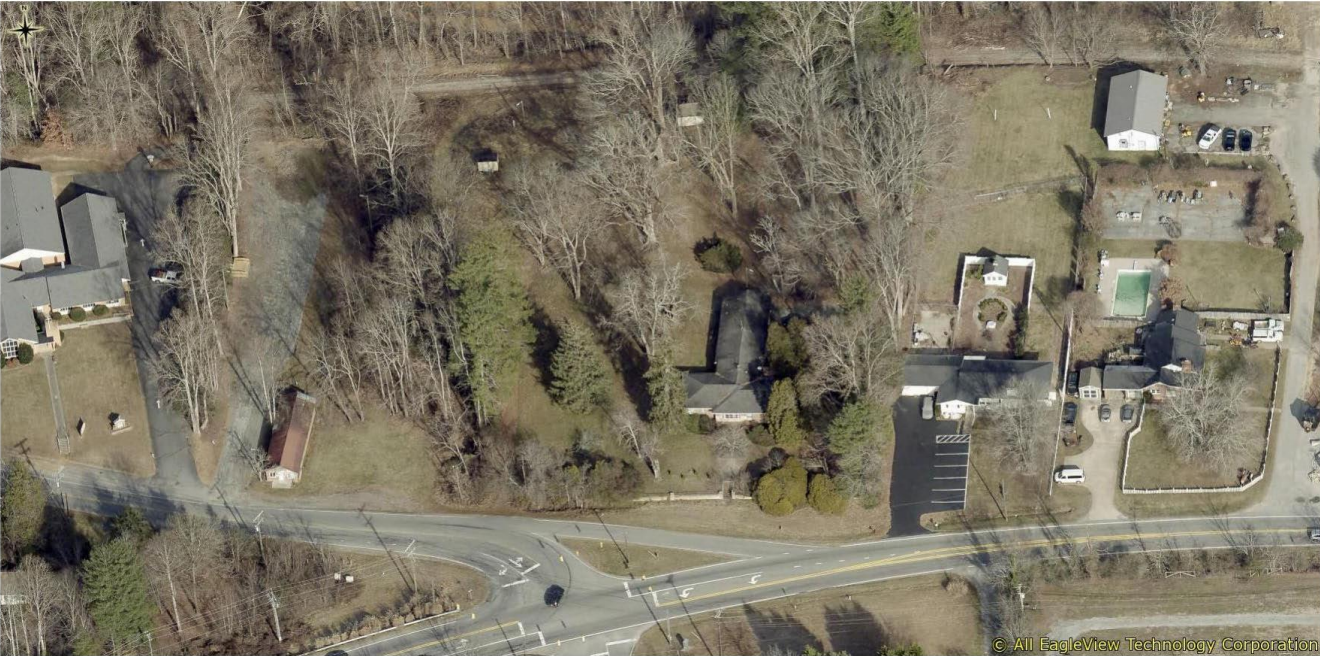
View from East



View from North



View from South



View from West



01/05/2024

**HENDERSON COUNTY
SPECIAL USE PERMIT APPLICATION FORM**

GENERAL INFORMATION

Date of Application: 3-1-24
Previously Submitted (Circle One): Yes No
Date of Pre-Application Conference: 2-6-24
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: Motor Vehicle Sales SR #: _____
Existing Structures or Uses on property: Home with office
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: 9539-98-6904 Deed Book/Page: 3823-00540 Tract Size (Acres): 2.24
Zoning District: HENDERSON Fire District: ETOWAH Watershed: _____ Floodplain: outside
Location of property to be developed: 4319 Brewood Road Horse Shoe Nc 28742

CONTACT INFORMATION

Property Owner:

Name: MICHAEL HANSON Phone: 828 713 9285
Address: _____ City, State, and Zip: HORSE SHOE NC 28742

Applicant:

Name: MICHAEL HANSON Phone: 828 713 9285

Address: Same City, State, and Zip: _____ Application No. _____

Agent:

Name: _____ Phone: _____
Address: _____ City, State, and Zip: _____
Agent Form (Circle One): Yes No

Plan Preparer:

Name: Associated Land Surveyors Phone: 828 390 3507
Address: 6475 Brewster Road City, State, and Zip: Kinston NC 28729

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.

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

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.

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.

- 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.

- 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.

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.

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

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

- 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.

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 Planning Area: _____

April 10th 2024

4319 Brevard Road

Horse Shoe NC 28742

Standards for review

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

The proposed gravel used car lot will not endanger the public health,safety or welfare . Dealerships have been around since 1889 founded in Reading ,Pennsylvania . Safe pratices will be used too seel quality cars at a fair price . As we live in more of an online world customers will be attracted from all over bringing people here too see the lovely mountains .

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

The lot considering its location will not impact the value of the surrounding area

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

It is a neccesaity for people too have reliable means of transport especially here in the mountains . This will provide a service too give the people the means of transportation .

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.

The proposed building and use will follow all applicable codes and requirements.

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.

The proposed use will not impact any traffic, existing or future along Banner Farm Road or have an effect on Long Range and Comprehensive Plans.

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 gravel lot will have a buffer around it and will be hardly visible from Banner Farm Road . I also look forward too working with Henderson County on suggestions too make the back of the property more attractive . I have already made a lot of improvements since I purchased the land and removed a lot of junk .

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 gravel lot is set well beyond any nearly sensitive environmental areas. The goal of the project is to minimize land disturbance with just gravel added too the land .

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 site plan

b) Off-street parking and loading areas.

⌚ See site plan

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

⌚ There will be no need for any new utilities as the house has an office attached ..

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

⌚ Buffers and landscaping will meet requirements. e) e. Structures (with particular reference to location, size and use).

**HENDERSON COUNTY
MAJOR SITE PLAN REVIEW APPLICATION**

CONTACT INFORMATION

Property Owner:

Name: Michael Hanson Phone: 828-713-9295
Complete Address: 4319 Breward Rd, Horse Shoe, NC 28742

Applicant:

Name: Michael Hanson Phone: 828-713-9295
Complete Address: 4319 Breward Rd, Horse Shoe, NC 28742

Agent:

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

Plan Preparer:

Name: Cameron Baker Phone: 928-890-3507
Complete Address: PO Box 578, Horse Shoe, NC 28742

GENERAL INFORMATION

Date of Application: 5/3/24
Site Plan Attached (Circle One): Yes No

PARCEL INFORMATION

PIN: <u>9539-94-6904</u>	Tract Size (Acres): <u>2.24</u>
Zoning District: <u>CC</u>	Fire District: <u>Etowah Horse Shoe</u>
Supplemental Requirement# <u>7.10</u>	Watershed: <u>WS-IV P</u>
Permitted by Right _____	Floodplain: <u>N/A</u>
Special Use Permit <u>X</u>	

Location / Property to be developed: 4319 Breward Rd, Horse Shoe, NC 28742

County Use Only

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

