



**Town of Black Mountain
Building, Planning and Zoning**

160 Midland Avenue ♦ Black Mountain ♦ North Carolina ♦ 28711
Phone: 828-419-9300 ♦ Fax: 828-669-2030 ♦ TDD: 1-800-735-2962

STAFF REPORT

Planning Board Meeting Date: March 22, 2021

GENERAL INFORMATION

APPLICANT: Brownie & Elizabeth Newman

HEARING TYPE: Rezoning Request

REQUEST: R-1 Residential District (Buncombe County) to UR-8 (Urban Residential District)

CONDITIONS: This rezoning is for a 2 parcels that are in the process of being annexed into the town.

LOCATION: 201 & 207 Old Toll Road

PARCEL ID NUMBER(S): 0619-87-6495-00000 & 0619-87-7613-00000

PUBLIC NOTIFICATION: The notification for this public meeting was 200 feet (Chapter 1, Section 1.5.4 F of the Land Use Code requires notification of the owner of that parcel of land and the owners of all parcels within 200' of the property boundary of the proposed amendment). **18** notices were mailed to those property owners in the mailing area.

TRACT SIZE: 3.44 acres

TOPOGRAPHY: 17% slope

VEGETATION: Wooded

SITE DATA

EXISTING USE

Single family home and commercial shop (inactive)

SUMMARY OF DISTRICT PURPOSES

R-1 (Residential District)- Buncombe County	Purpose: The R-1 Residential District is primarily intended to provide locations for single-family and two-family residential development and supporting recreational, community service, and educational uses in areas where public water and sewer services are available or will likely be provided in the future. This district is further intended to protect existing subdivisions from encroachment of incompatible land uses, and this district does not allow manufactured home parks.
UR-8 (Urban Residential District)	Purpose: The Mixed Residential District is established to provide a variety of housing types, promote density in the more urbanized and developable areas of Town, and structure the orderly development of residential neighborhoods.

ZONING DISTRICT STANDARDS

District Summary

	<u>Existing</u>	<u>Requested</u>
Zoning District Designation:	R-1	UR-8
Max. Density:	10 units/acre	8 units/acre
Front Setback:	10'	20'
Side Setback:	10'	10'
Rear Setback:	20'	15'
Min. Lot Size:	8,000 sf	1/8 acre (5,446 sf)
Max. Height:	35'	35'
Min. Width:	N/A	15'
Min. Depth:	N/A	None

Permitted Uses:

- | | |
|---|---|
| <ul style="list-style-type: none"> • Single-family residential dwelling, including modular • Two residential dwelling units (attached or detached) • Community oriented developments • Subdivisions | <ul style="list-style-type: none"> • Community Living Facilities • Government facilities • Places of worship • Public utilities • Single-Family Residences • Two-Family Residences (duplex) |
|---|---|

- Subdivisions, alternative path hillside development
- Subdivisions, conservation development
- Accessory buildings
- Places of worship
- Family care home
- Home occupations
- Private utility stations and substations, pumping stations, water and sewer plants, water storage tanks (less than 2 acres in total footprint)
- Recreation use, governmental
- Vacation rentals

Additional Requirements:

- | | |
|---|---|
| <ul style="list-style-type: none"> • HUD-labeled manufactured homes Residential • Day nursery and private kindergarten (up to 8 students) | <ul style="list-style-type: none"> • Accessory structures • Agriculture • Bed & Breakfast Homes • Boarding House • Camps, summer • Conference Centers • Family Care Homes • Home Occupations • Manufactured Home (on individual lots) • Market Gardens • Multi-family Residential • Secondary Dwellings |
|---|---|

Conditional Uses:

- | | |
|---|--|
| <ul style="list-style-type: none"> • Planned unit developments, level I • Private utility stations and substations, pumping stations, water and sewer plants, water | <ul style="list-style-type: none"> • Bed & Breakfast Homes & Inns • Cultural, Community Facilities • Educational facilities |
|---|--|

storage tanks (2 acres or greater in total footprint)

- Public utility stations and substations, pumping stations, water and sewer plants, water storage tanks (less than 2 acres in total footprint)

Special Uses:

- Residential Special Use Developments:
- Conservation Subdivisions
- Cottage Housing (CHD)
- Residential Planned Unit Development (PUD)
- Manufactured Home Parks

Exclusions:

- All uses not specifically enumerated
- Correctional institutions
- All uses not specifically enumerated

SPECIAL INFORMATION

Overlay Districts

Historic District Overlay	N/A
Flood Damage Prevention Overlay	N/A
US 70 Corridor Overlay	N/A
Fire District Overlay	N/A
Pedestrian Master Plan Overlay	N/A
Wellness Protection Overlay	N/A

Environmental

Floodplain	N/A
Floodway	N/A

Stream	A stream runs through the northern side of 207 Old Toll Rd
Utilities	
Water	N/A
Sewer	Closest sewer line runs along Brooks Cove Rd
Landscaping	N/A
Transportation	
Street Classification	Buncombe County Road – Old Toll Road
Site Access	Access is available from Old Toll Rd
Traffic Counts	N/A
Sidewalks	There are no sidewalks on Old Toll Rd
Transit in Vicinity	None
Traffic Impact Analysis (TIA)	Not required by Land Use Code
Street Connectivity	N/A
Other	N/A

IMPACT/POLICY ANALYSIS

The UR-8 district is the most similar town zoning district with the counties. UR-8 conforms to current zoning nearby.



REZONING WORKSHEET

PIN #: 0619-87-6495-00000 & 0619-87-7613-00000

Current Zoning District: R-1 Requested Zoning District: UR-8

The rezoning was granted based on the following reasonable findings of fact:

1. The overall size of the tract of land proposed for rezoning () is / () is not reasonable compared to the size of the zoning district in which the subject property is located.
2. The proposed rezoning () is / () is not consistent with the comprehensive plan or elements thereof.
3. The impact to the adjacent property owners and the surrounding community () is / () is not reasonable, and the benefits of the rezoning shall outweigh any potential inconveniences or harm to the community.
4. The allowed uses with the proposed zoning district () are / () are not similar or comparable to the permitted uses as currently zoned.