

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BEFORE THE ZONING BOARD OF ADJUSTMENT
FILE NUMBER: SUP-24-05

IN THE MATTER OF THE APPLICATION OF

SIMPLE LIFE HAMLET, LLLP, Applicant

to the

HENDERSON COUNTY ZONING BOARD OF ADJUSTMENT,
Permit Authority,

Regarding

RV PARK (TINY HOMES)

The Henderson County Zoning Board of Adjustment held a quasi-judicial hearing December 18, 2024, to consider application SUP-24-05, 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”). The application was submitted by purchaser of the property in question. The property in question is currently under the ownership of the Hoots Family. 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-24-05. A quorum of members of the Zoning Board of Adjustment was present. The members present and participating were:

Steve Dozier, Chair
Louise St.Romain
Ken Gordon

Mark Casoria
Carlos Ruiz

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 certified mailing to the applicants and all adjacent property owners to the boundary of the subject property, published notice, and the posting of notice on the subject property.

4. This application was filed by Simple Life Hamlet, LLLP, as applicant. The property to be included in the special use consists of a portion of Henderson County PIN 9588620283. This property is currently zoned residential one (“R1”). “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 Applicant and the Henderson County Planning Department as parties to this hearing, and inquired whether any person or entity sought to become a party to this action. No such person responded.

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 Ordinance, 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 SR 4.15 of the Land Development Ordinance, found at Section 42-63 thereof. The standards, deleting any which are inapplicable to the site plan proposed by the applicant, are as follows:

- a. (1) Site Plan. Major Site Plan required in accordance with §42-331 (Major Site Plan Review).
- b. Lighting. Lighting mitigation required.
- c. Perimeter Setback. Fifty (50) feet.
- d. Recreational Vehicle Spaces. 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. Operations. The recreational vehicle park:
 - (1) Shall provide rental spaces:
 - (a) For the location of recreational vehicles, park model homes and/or tent set-up,
 - (b) Which may contain an open or covered porch not exceeding 15 feet in height and not to exceed 400 square feet in area, and
 - (c) Which have no point of direct access not indicated on the site plan;
 - (2) May contain structures ancillary to the use;
 - (3) Shall be permitted one (1) store, exclusively for the sale of incidental gifts and foodstuffs; and
 - (4) Shall provide, at the time of application, an evacuation plan for a natural disaster event.
- g. Solid Waste Collection. 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. Sewage System. 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.

i. Common Area Recreation and Service Facilities. Those facilities within the recreational vehicle park shall be for the sole purpose of serving the overnight guests in the park, and shall adhere to the development standards established in SR 4.6 (Common Area Recreation and Service Facilities).

9. 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.

10. 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 traffic impact analysis; recombining the subject property with the existing Village of Wildflowers property; a valid soil erosion and sedimentation control permit; a valid stormwater control permit; a valid flood damage prevention development permit; a valid private sewer easement to the existing private manhole, and a valid permit from North Carolina Department of Environmental Quality to increase capacity to the existing lift station.

11. A motion was made by acclamation to grant the special use, all standards having been met (with the conditions contained above). 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.

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, with the conditions stated above.

IT IS THEREFORE ORDERED by the Henderson County Zoning Board of Adjustment that Henderson County special use permit amendment application number SP-24-05 is hereby granted.


Approved the 18th of December, 2024, and approved in final form, this the 29th of January, 2025.

HENDERSON COUNTY ZONING BOARD OF ADJUSTMENT

By: _____

ANDREW RIDDLE, Chair

Attest:



Matt Champion, Zoning Administrator

