



**Board of Adjustment  
Zoning Variance  
Staff Report & Findings**

**TO:** City of Asheville Board of Adjustment **DATE:** 1/11/16  
**FROM:** Shannon Tuch, RLA  
Zoning Administrator  
**PREPARED BY:** Mike Wheeler  
Urban Planner  
**SITE INFO:** Tax Description (PIN#): 9638.34.3715.00000  
Street Address: 610 Haywood Road  
Zoning: HR3-CRDR (Corridor)  
Property Owner: WNC Vista LLC

Summary Statement:

The petitioner, J. Wayne Forehand, is requesting a variance to the off-street parking standards of Section 7-8-28(4.1)(c)(2)(a) of the Unified Development Ordinance (UDO) to eliminate the required on-site accessible parking space for the proposed redevelopment of this property. The applicant proposes to renovate the existing building to establish a new tenant space in the basement of the structure currently vacant. The HR-3 CRDR district permits remote parking, however, the code requires the accessible parking space to be located on the site of the proposed use(s).

Variance Request:

Proposed/Existing Uses	UDO Requirement	Applicant Request	Variance
Retail	One accessible parking space shall be provided on site	Elimination of this standard	100% reduction in requirement

Background:

The project site consists of one .08 acre parcel according to the Buncombe County Property Records and is located along Haywood Road. The existing building fully encompasses approximately 63% of the front of the property. The applicant proposes to renovate the building.

The property was originally developed in 1928, which was prior to the adoption of the City of Asheville's first zoning ordinance in 1948. The building is pedestrian oriented as it fronts along the street (Haywood Road) and has direct access to the public sidewalk, which is consistent with the historic development pattern of the area. The structure's footprint is approximately 2408 square feet.

Review, Analysis & Considerations:

- The petitioner seeks to renovate the existing building to provide a new tenant space in the lower level basement that is currently vacant (use of this space is undetermined at this time).
- Property drops in elevation from the front of the property to the rear. The lower level is accessed only from the rear of the property and is partially underground.
- The property is situated along a commercial thoroughfare which is zoned to encourage mixed-use developments, with a focus on making the corridor more walkable and pedestrian friendly. The structure is pedestrian oriented along Haywood Road and has direct access to the public sidewalk.

- The existing footprint of the building (2,408 sq. ft.) along with the limited lot area (.08 acre or 3,484 sq. ft.) restricts the amount of land available to create off-street parking. The applicant plans to work with neighboring property owners to secure remote parking allowed by the code to support the minimum required parking for the entire building and tenants.
- The only available area for accessible parking on the site would be south of the building which has been evaluated by the Director and Transportation and found to be inadequate to support the accessible space and maneuvering area required. This area may not be used for any parking (accessible or regular) without the use of adjacent properties (which the applicant does not control) or the street right-of-way (which is prohibited under Section 7-11-2 of the Unified Development Ordinance).
- Rear of property could be used for intermittent loading/unloading.

**FINDINGS:**

**Unnecessary hardship would result from the strict application of the ordinance.**

**The hardship results from the conditions that are peculiar to the property, such as location, size, or topography.**

**The hardship did not result from actions taken by the applicant or the property owner.**

**The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.**

Date Petition Filed: December 21, 2015

Date Reviewed by Board of Adjustment: January 25, 2016

Determination by the Board: To Be Determined