# ROCKINGHAM COUNTY

# PLANNING BOARD

**MINUTES**

**ROCKINGHAM COUNTY PLANNING BOARD AND BOARD OF ADJUSTMENT**

**REGULAR MEETING – NOVEMBER 9, 2020 - 7:00 P.M.**

The Rockingham County Planning Board met in regular session on November 9, 2020, 7:00 PM, Governmental Center, Commissioner’s Chambers, Wentworth, North Carolina.

1. Vice-Chairman Talbert called the meeting to order at 7:00 pm.

**2.** Invocation was given by James Harris.

**3.** Attendance:

Regular members present: James Harris, James Fink, Vice-Chairman Julie Talbert, Philip Stone, Tim Wyatt and Cory Scott

Alternate members present: Dylan Moore

Staff and others present: Carrie Spencer- Planning Director, Emily Bacon & Tim Mack- Planners, John Morris – County Attorney, Roy Sawyers – A/V Technician, Bricen Wall – Code Enforcement, and citizens

**4. The following Minutes were approved.**

October 26th, 2020, Philip Stone motioned to approve the submitted minutes, James Fink seconded. The Board approved the minutes 6-0.

**5. PROCEDURES**

Vice-Chairman Talbert read the Rules of Procedure for public hearings.

**6. PUBLIC HEARINGS BEFORE THE PLANNING BOARD**

Special Use Permit Case #2020-30, Gore: Seeking SUP to allow for Reception/Banquet Facility in a Residential Agricultural District. Tax PIN: 794200302069, 117 Southern C’s Trail – New Bethel Township

Carrie Spencer, Director of Community Development, read the Staff Report into the record. She noted the discrepancy in the applicant-submitted site plans between the packet and what was in the slides. She informed the Board that the Planning Staff feels sufficient information has been submitted and recommends for approval of the Special Use Permit.

Vice-Chairman Julie Talbert asked the Board if there were any questions for the Planning Staff. Vice-Chairman Talbert asked if the applicant had given any indication about anticipated traffic or number of events to be held yearly.

Carrie Spencer said they did, and that they were present at the meeting to explain their intent. She then reminded the Board that they are reviewing the Special Use Permit through the lens of the ordinance.

Vice-Chairman Talbert then asked Carrie Spencer if Planning Staff had any other guidance or information to help the Board render a decision.

Carrie Spencer added that once zoning in passed, the applicant will submit all the necessary paperwork for permits in order to bring all facilities on property up to code.

Vice-Chairman Talbert asked the Board if there were any additional questions for Planning Staff. There were none.

Jennifer Gore, applicant, [address not given], took the stand and was sworn in to address the Board. She stated the parcel is 75 acres and part of 127-acre farm. She said the farm has lot of history and character, and that she wants to be able to share that with other people in the form of smaller groups for time with horses, photo shoots, receptions and weddings. She also added that it is a great way to supplement their income and help pay for their property. She told the Board that they hope to hold 20-30 weddings per year, with roughly 50-plus guests. She said there is plenty of privacy from both the neighbors and roadway with trees and wooded area. Lastly, she noted a log cabin on the property, and said she would like to use it as an Airbnb.

Vice-Chairman Talbert asked if there were any questions from the Board.

James Fink asked the applicant what their anticipated revenue was.

Carrie Spencer said that revenue was not germane to the Special Use Permit.

James Fink altered his question to focus on intensity of the operation. The applicant reiterated their hope to host 20-30 weddings and events per year.

Philip Stone asked if the parcel just beyond that as the owner’s property.

The applicant said yes. A second party standing with the applicant, Scott Horne, [address not given], added that we own everything to the West of that as well.

The applicant followed by stating that, overall, the property consists of five structures on 127 acres, with one being the aforementioned log cabin.

Vice-Chairman Talbert asked if the applicant owns the pasture. Carrie Spencer answered yes, everything to the South of that.

Cory Scott asked Carrie Spencer about the Tax PIN, and whether or not the events facility shown on the site plan is included. Carrie Spencer referred Cory Scott to the new site plan in the slides – that that was the corrected version, not the one in the packet.

Carrie Spencer went on to add that the site plan was re-done by the applicant in order to line everything up under the request parcel.

The Board asked Carrie Spencer about possible Airbnb regulations, and if current ordinances address them. Carrie Spencer replied no.

Vice-Chairman Talbert questioned whether Rockingham County ordinance was behind the times. Carrie Spencer replied by suggesting it was more having to do with how new the Airbnb industry is, rather than it being strictly ordinance related.

James Harries asked the applicant if the facilities on site plan currently exist. Scott Horne replied on behalf of the applicant that everything exists, though the structure labeled pavilion will be built, and other structures will be upgraded if feasible.

Vice-Chairman Talbert made a procedural pause to swear-in Scott Horne, and his testimony was retroactively added to the record.

Vice-Chairman Talbert began questioning again. She asked is the amount of horses have any bearing on the use. Carrie Spencer replied yes, but added that only in a good way; that their ability to produce revenue could potentially allow them a farm exemption. She added that the number of horses do not prohibit use.

Vice-Chairman Talbert asked if they lived there at the property. Scott Horne said yes, and that he resided on the 240 side of Southern C’s Trail; he added that they have couple of rental houses on that side as well.

Vice-Chairman Talbert asked how many events they were expecting to host. Applicant, Jennifer Gore, replied that they are hopeful for 20-30 events, with between 50-100 guests at a time.

Vice-Chairman Talbert asked if there were any further questions from the Board. There were none.

Prior to any motion, Carrie Spencer referred the Board to the conditions listed, and reminded them to base their motion on that information.

**After deliberation among the Board, Tim Wyatt moved to approve the Special Use Permit. Philip Stone seconded. The motion passed 6-0.**

After the Special Use Permit hearing, James Fink motion to adjourn the Planning Board. Cory Scott seconded. The vote was 6-0 to adjourn.

The Board of Adjustment was then called to order by Vice-Chairman Julie Talbert.

**7. PUBLIC HEARINGS BEFORE THE BOARD OF ADJUSTMENT**

Variance Case #2020-31, Rackley: Seeking Variance to Side Yard Setback requirements in a Residential Protected District. Tax PIN: 792204604540, 421 Red Oak Drive – Stokesdale

Carrie Spencer, Director of Community Development, read the Staff Report into the record. She noted that the Planning Staff concluded that the application and all other submitted materials were complete, and provided sufficient evidence for the Board to render a decision.

Vice-Chairman Talbert asked the Board if they have read the Conclusions (items 1-4).

Carrie Spencer added that those are reflected in the analysis and statement as well.

Vice-Chairman Talbert asked if there were any questions for Staff.

James Fink asked if there were any calls for or against. Carrie Spencer replied that there were not.

Philip Stone asked how this Variance request came up.

Carrie Spencer replied that the owner came into apply for a building permit and realized his setbacks were in violation. And at that point, Planning Staff recommend he apply for a Variance.

Vice-Chairman Talbert asked if there were any other questions for Staff.

James Harris asked if the issue was known prior to construction. Carrie Spencer replied no, and the Variance is requested in order to bring a building into compliance.

Vice-Chairman Talbert asked how long the building been there. Carrie Spencer replied that the applicant, Robert Rackley, is present, and will be able to address the Board.

Robert Rackley, 421 Red Oak Drive – Stokesdale, was sworn in to address the Board.

Tim Wyatt asked how long before the Variance request was the building put up on.

The applicant stated that there was an anonymous complaint called in as retaliation – apologized for starting that way – and then continued, three years, it’s been there. He said there was a complaint about the building, but that he has signed statements from neighbors that they are okay with it. He said that he and his wife’s intent was not to violate any code – that he just was not aware of it.

Carrie Spencer offered that the Variance application was made when he found out he was in violation.

The applicant stated that he has submitted site plans to show that he is trying to keep the building off the line as much as possible, and that the only flat area on the property is where the house is sitting. He added that the property raises up in the back.

Philip Stone made an observation: That the building on a neighboring property looks to be overhanging on the applicant’s property. The applicant replied yes, and that it’s easy to see how everyone in the neighborhood is in violation.

Vice-Chairman Talbert asked how far the property line goes back to the fence. The applicant replied about 125 feet.

Tim Wyatt noted that hardships are needed to be proved in order for a Variance to be granted. He asked the applicant what argument he can make that this not of his own actions. The applicant replied that there’s no other place to put the building, and that he was just basing its location on what other neighbors were doing. He admitted that he didn’t do any site work, but said that his home is located on the only flat ground available.

Vice-Chairman Talbert asked the applicant what the structure is used for. He replied that it is currently used for about 75 percent storage, but also place for his son to play saxophone and for his wife to craft. Essentially, general use purposes.

James Harris mentioned that it’s good to have a building for those purposes, but it doesn’t have anything to do with the location of its placement. The applicant at that point just reiterated that the location is just based off the lay of the land, and that it would be unsightly anywhere else.

Vice-Chairman Talbert asked if the building is electrified. The applicant replied yes.

Cory Scott asked if the Board has seen the topographical aerial. They answered yes.

The applicant added that you can see from the topographical map that there’s nothing flat about the property.

Philip Stone asked if the way a variance is structured, if it stays with the property when sold.

Carrie Spencer replied yes.

The applicant then stated that prior to purchasing the home, there was a car port that was basically in line with the driveway, since removed by previous owners. He added that he and his wife just didn’t’ believe they were doing anything against any ordinance.

Cory Scott asked if the carport is still there. Applicant replied no, that the previous owners took it with them when they left.

James Fink state that the applicant had signatures from neighbors. Asked again if there were any calls or complaints. Carrie spencer said no.

No one else stood to address the Board in support or opposition.

Carrie Spencer suggested that the Board refer to the Analysis Statement in order to help facilitate their decision.

Philip Stone asked the Planning Staff if they need a building permit for storage. Carrie Spencer replied yes, if the building is bigger than 400 sq. feet.

Cory Scott asked if the building falls into this category. Carrie Spencer replied that it would need building permits.

Cory Scott followed his question by asking if the Board doesn’t approve, what then would the remedy be. Carrie Spencer replied with two options: 1) Dismantle and remove it, or 2) Find an alternative place on the property.

Cory Scott asked what the time frame is to remove. Carrie Spencer replied that, as long as the property is owner is making progress, the Planning Department doesn’t put a specific time period on it.

Vice-Chairman Talbert mentioned that this is one situation where people are just ignorant of law, and that hardships can sometime result from that. She went on to question whether the hardship would result from actually having to move the building.

Philip Stone asked the Planning Staff what the initial intentions were of setback regulations. Carrie Spencer answered that it was originally created to increase light and air between buildings, and that setbacks, as we think of them now, are a way of configuring appearance, design and layout of a zoning district.

Vice-Chairman Talbert noted that it’s pertinent that five neighbors have signed off on this Variance request and support it.

Tim Wyatt added that Variances used to not be granted without being able to justify the use land, and that legislators have changed it to allow for more flexibility.

**With no further discussion among the Board, Tim Wyatt moved to approve the Variance. Philip Stone seconded. The motion passed 5-1, with James Harris dissenting.**

Tim Wyatt then moved to adjourn the Board of Adjustment. Cory Scott seconded. The motion passed 6-0 to adjourn.

**8. OTHER BUSINESS**

1. Old Business - none
2. New Business – Eric, from the Destination by Design team, provided a brief, introductory look at the new land-use plan to the Planning Board. He discussed changes in zoning, and said that their work is about 90 percent completed. He stated that he wanted the policies to best reflect Rockingham County’s needs and goals. He addressed zoning changes in RM and RA, and a new manufactured home district. He also discussed the economic and development opportunities that exist down the 220 corridor, suggesting water and sewer infrastructure investments in that area.
3. 2021 Planning Board meeting and Board of Commissioners meetings were reviewed and approved, and ready to be recommended to the Commissioners.

**9. ADJOURN**

Philip Stone moved to adjourn. Cory Scott seconded. The motion was approved 6-0, and the Planning Board adjourned at 8:54 PM.

Minutes Read and Approved, Respectfully submitted,

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Chairperson, Planning Board Date Planning Staff Date