

AGENDA

ROCKINGHAM COUNTY PLANNING BOARD and BOARD OF ADJUSTMENT

November 9, 2020 at 7:00 pm

County Commissioners Chambers

Rockingham County Governmental Center



I. Call Planning Board to order

II. Invocation

III. Approval of Minutes: October 26th, 2020

IV. Review of Procedures for Planning Board

V. Public Hearings before the Planning Board

1. Special Use Permit Case #2020-30, Jennifer 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

VI. Adjourn Planning Board

VII. Call Board of Adjustment to Order

VIII. Review of Procedures for Board of Adjustment

IX. Public Hearings before the Board of Adjustment

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

X. Other Business:

- a. Old Business:None
- b. New Business: Update on Land Use Plan and UDO contract

XI. Adjourn



ROCKINGHAM COUNTY PLANNING BOARD

MINUTES

ROCKINGHAM COUNTY PLANNING BOARD AND BOARD OF ADJUSTMENT REGULAR MEETING – October 26, 2020 - 7:00 P.M.

The Rockingham County Planning Board met in regular session on October 26, 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, Stacy Southern, and Cory Scott

Alternate members present: Stacy Southern, and Cory Scott

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

4. **The following Minutes were approved.**
October 12th, 2020, Philip Stone motioned to approve the submitted minutes, Cory Scott 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**
 1. Special Use Permit Case #2020-28, Wells: To allow for a Travel Trailer Park with 5 sites. Tax PIN: 702100255241, 650 Anglin Mill Rd – Stoneville.

Carrie Spencer, Director of Planning, read the Staff Report into the record.

Philip Stone asked if the whole 15 acres would be developed. Carrie noted that a site plan amendment would be needed if the applicant wished to develop beyond the acre, or so shown on the site plan.

Vice-Chairman Talbert asked how many acres are required to be included in this special use permit. Carrie referred Vice-Chairman Talbert to the design standards in the read ahead packet.

Philip Stone asked if this was currently in the land use area classified as Rural. Carrie confirmed that it was.

Lisa Wells, was called to the stand as the applicant, she lives at 650 Anglin Mill Rd. She was sworn in to speak by Julie Talbert. She stated that the purpose of this request is to temporarily allow two of her adult children to live on her property. This is an affordable temporary option for her family.

Cory Scott, asked how many trailers her plan includes. She plans to go with a larger septic tank to give the property the flexibility of having up to five travel trailers. Their initial plan is for only two travel trailer sites.

Stacy Southern asked if they planned on renting out the spaces once their children do not need this housing. Lisa Wells answered that she did not know at this time. They will not have a sign at the road until this happens.

James Harris, asked if she is required to have all five sites developed. Carrie Spencer answered that they would be allowed to put up to 5 travel trailer sites.

John Morris, was consulted about if the Planning Board would be allowed to condition them renting this out to the public.

Cory Scott, asked why they did not utilize the guest house option. Lisa Wells answered that they did not want to separate their property and the guest house provision only allows for 1 guest home.

Philip Stone, asked how long the widest part of the parcel is. Lisa Wells answered that it is around 200 ft wide. And the reason that they have chosen to locate the RV sites there is due to the location of the septic tank and well.

Julie Talbert asked about what it means to live somewhere versus temporarily occupy it. Carrie Spencer answered that there is no definitive answer in Rockingham County's UDO.

Billy Watkins, (address inaudible), stood to address the Board. He was not in opposition to the applicant, but did ask about excess waste and sewage disposal.

There were no other speakers in opposition.

Abigail Cunningham (*nee*' Wells) stood to address the Board in support of the applicant. She is one of the adult children who would be occupying one of the RV sites. She currently lives at 650 Anglin Mill Rd. She told the Board that she and her husband would be staying at the proposed site in order for them to save money and pay off student loans.

Julie Talbert asked what she views as short term. She answered two years.

James Harris, asked if this would be a separate septic system to their home. Lisa Wells answered that yes it would have to be a separate system. They have talked with Jacob

Williamson from Environmental Health. They have not yet looked at the elevations of the site plans.

Julie Talbert asked for discussion by the Board. Julie asked if this Special Use Permit accommodates what exactly the family is trying to do. Philip Stone confirmed that there is not affordable housing of the type they are describing. James Harris asked about someone asking about how someone requested an RV site for hunting on their property. Carrie answered that it was different because there are a number of households that are requesting area to live.

Emily Bacon was requested to speak about the calls received about this case. She stated that Community Development received a number of calls about this request. Once the scope of the project was described, callers were no longer opposed. There was one individual who was not able to get his comment in-time.

Julie asked about tabling this case. Carrie asked what extra things they needed to provide. Julie Talbert said she wanted to learn more about plans down the road.

Philip asked about how this decision effects other similar requests. Carrie stated that if the special use permit was approved, it could be problematic. John said that you have to treat all cases the same, applying the rules the same.

James Fink motioned for approval, he said the use or developed to maintain the welfare of the area, it will maintain or enhance the value, the use or development conforms to the Land Use Plan. Julie Talbert called for a second. The motion did not carry.

Phillip asked about looking in the new UDO for guidance. Phillip does know that affordable housing is an issue. That maybe an alternative set of standards could be applied. Cory Scott asked if they should table it. Carrie and John stated that the case would have to be considered with the current application and the current UDO.

Philip motioned for Denial stating that the proposal does not meet the design standards of the Udo, it is promoting general welfare. It is not clear about temporary occupancy and he would like to have the UDO updated for clarity. Julie (8:10pm) seconded. The motion carried 5-1, with James Fink dissenting.

Discussion between the Board and Carrie and about making a text amendment to make the use more appropriate. Philip addressed the Wells family that he understands the needs for rentable property, and supports a text amendment in order to help them find the right solution.

7. OTHER BUSINESS

a) Old Business

b) Carrie informed Board that Paul K. has been in contact with her and reported that he is doing very well, and is looking forward to being back on the Board, and Thank You to the

Board for carrying on in his absence. Carrie discussed the next meeting on 11/9 – will have the LUP and UDO consultant come and present to them. And then on 12/14, the Board will be asked to recommend that LUP for approval. On 1/11, there will be a reviewing of the UDO, and the recommendation for adoption will happen in February.

8. ADJOURN

James Fink moved to adjourn, James Harris seconded. The Board voted 6-0 to adjourn at 8:15PM.

Minutes Read and Approved,

Respectfully submitted,

Chairperson, Planning Board

Date

Planning Staff

Date

**ROCKINGHAM COUNTY
STAFF REPORT
Case #2020-30, Special Use Permit**



Request:	Special Use Permit to allow for a Reception/Banquet Facility in a Residential Agricultural district
Applicant:	Jennifer Gore
Identification:	The property is identified as Tax PIN 794200302069
Location:	117 Southern C's Trail – New Bethel Township

1. Acreage and Location of Proposal:

The total parcel area is (+/-) 74.71 acres. It is located in New Bethel Township, east of US 220, and north of where NC 158 intersects with Hudson Rd.

2. Character and Land Uses of Neighborhood and Surrounding Community:

The neighborhood is predominantly undeveloped rural lots. There are several residential single-family stick built and manufactured homes directly south, running along Hudson Rd.

3. Relevant Unified Development Ordinance Section:

Chapter 2, Article IX, Section 8-6 (dd), p. 162

4. Adopted Regulation and Plans:

The property and surrounding properties are zoned Residential Agricultural (RA).

This property is located in the *Rural Transition Land Class* of the Rockingham County Land Use Plan. The proposed rezoning meets the purposes and characteristics of that Land Class, summarized below.

Rural Transition Land Class	To accommodate existing residential neighborhoods and to balance the need to retain the area's rural character and beauty with the strong demand for continued residential development.	Lands where residential development is grouped in existing neighborhoods and cross-road community settlements and where it will occur in similar neighborhoods and settlements during the following 20-year period, lands with limited commercial development with an emphasis on mixed-use.	Limited public services available now or in the future, with no anticipation of public sewer services being provided.	Low to moderate density with a strong emphasis on cluster development to help retain rural character. 1 unit/acre.
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The Residential Agricultural zoning district is described by the UDO:

The purpose of this district is to provide a place for agricultural and very low-density residential uses. Requests for rezoning to a higher intensity use district must demonstrate that the proposed development would be in accordance with the Rockingham County comprehensive plan

5. Staff Findings and Recommendation:

After reviewing the application, Staff concludes that sufficient information has been provided for the application to be processed for consideration by the Planning Board. Based on Staff's analysis and the UDO requirements for a Special Use Permit for a Reception/Banquet Facility, staff recommends approval of Case #2020-30 with the following conditions:

1. The applicant must comply with the site plan approved by, and any other conditions imposed by, the Planning Board.
2. The applicant is responsible for obtaining and complying with all required permits and approvals.
3. The applicant must follow all of the requirements for a Special Use Permit which are listed in the Rockingham County Unified Development Ordinance.

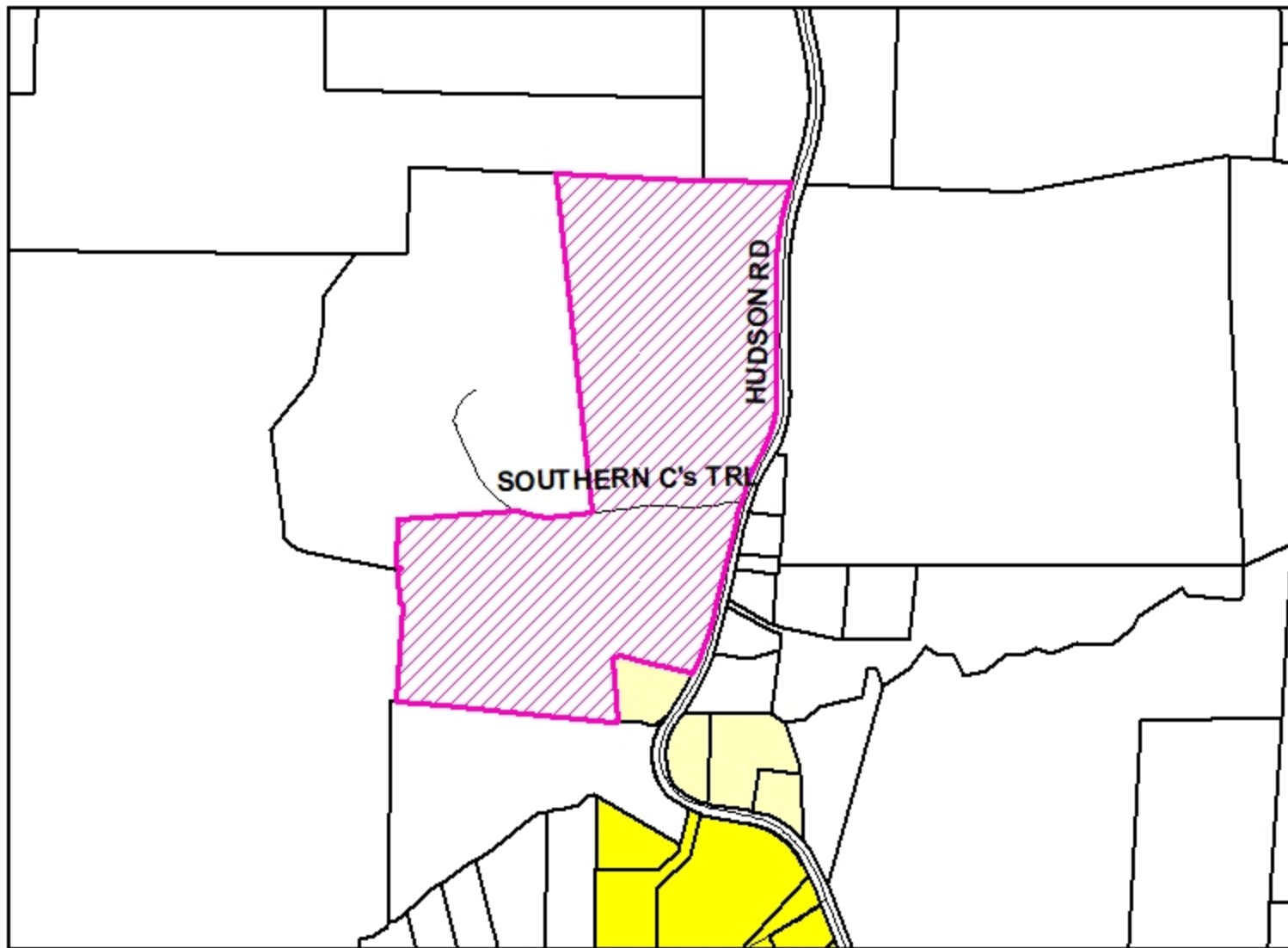
6. Approval Process:

No Special Use Permit shall be granted by the Planning Board unless each of the following findings is made concerning the proposed special use:

- (a) That the use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
- (b) That the use or development complies with all required regulations and standards of this ordinance and with all other applicable regulations;
- (c) That the use or development is located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property or that the use or development is a public necessity; and
- (d) That the use or development conforms with the general plans for the land use and development of Rockingham County as embodied in this chapter and in the Rockingham County Development Guide.

There shall be competent, material and substantial evidence in the record to support these conclusions and the Planning Board must find that all of the above exist or the application will be denied.

7. **Based on Staff's analysis, Staff recommends approval of Case #2020-30, a request for a Special Use Permit to allow for a Reception/Banquet Facility in a Residential Agricultural district.**



 Tax PIN #794200302069

County Zoning

 HC

 NC

 RC

 HI


 LI


 OI

 RM

 RP

 RA

 Roads

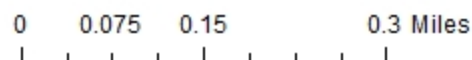
 Parcels

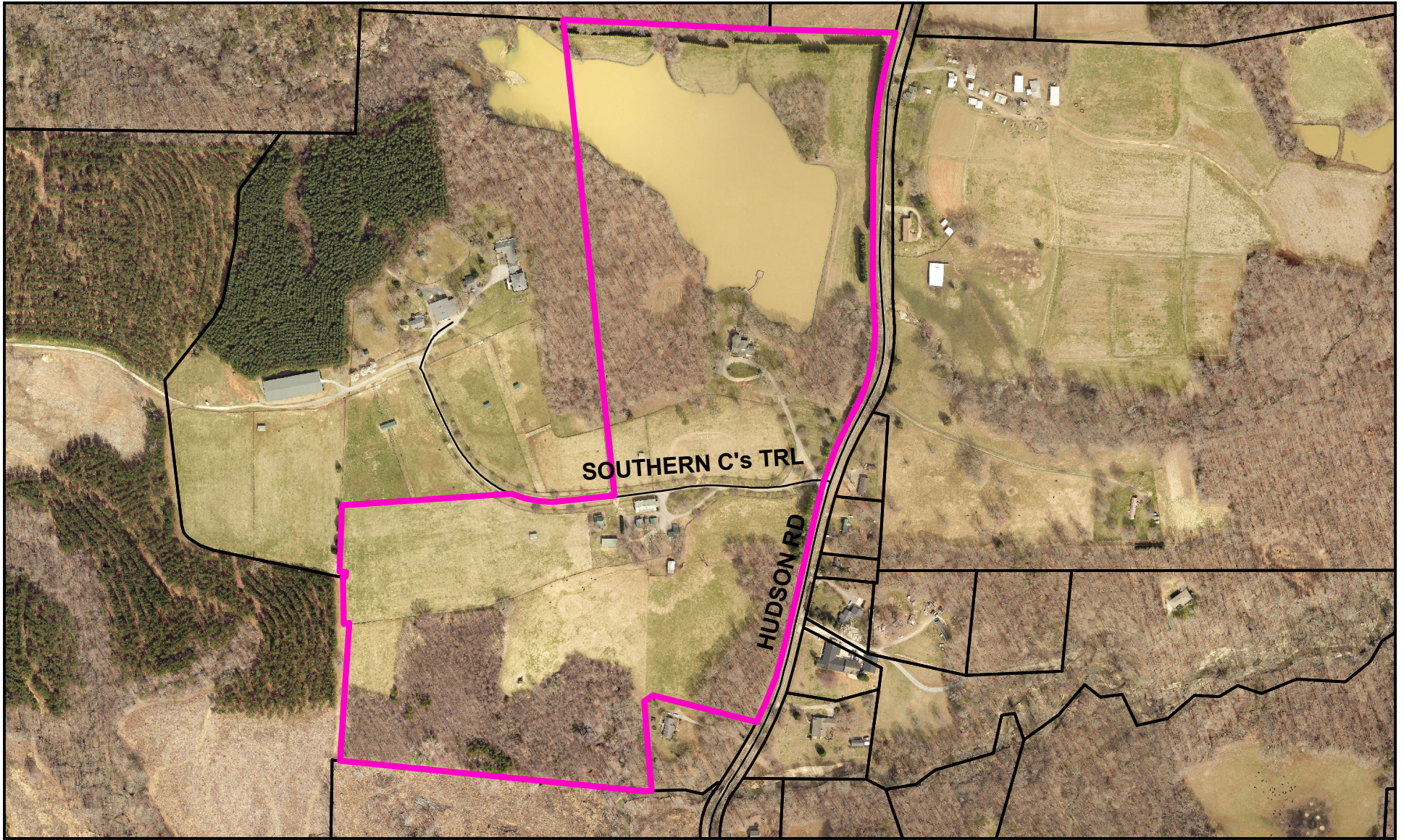


Existing Zonning of Surrounding Parcels



**Case #2020-30: Gore, SUP for Reception/Banquet Facility
Zoning Map**





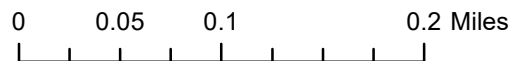
Case #2020-30: Gore, SUP for Reception/Banquet Facility

Tax PIN #794200302069

Aerial Map

— Roads

▭ Parcels





ROCKINGHAM COUNTY

Community Development

APPLICATION FOR SPECIAL USE PERMIT:

Property Address: 117 Southern C's Trail, Summerfield, NC 27358 Date: 10-1-20

Parcel No / Tax Pins(s): 177843/794200302069

Zoning District including overlays: _____

Acreage requested for Special Use Permit: 5

(attach legal description if acreage represents a portion of a parcel)

Owner: JKW Boardwalk, Inc.

Mailing Address: 240 Southern C's Trail, Summerfield, NC 27458

Telephone: 336-430-0216 email: kgore7831@gmail.com

Applicant: Jennifer Gore

Mailing address: 1 Brownstone Lane, Greensboro, NC 27410

Telephone: 336-430-0216 email: kgore7831@gmail.com

Proposed Use: Event Venue

Description and plans for the use (attach additional sheets if needed):

The use will be developed according to the attached site plan. We plan to open an event venue on approximately 5 acres of the 75 acre parcel. The existing 4br residence will be used for bride's quarters and overnight accommodations if needed. Weddings/events will take place on the grounds, either near the lake or under the pavilion to be constructed near the lake. Parking will be in the 3 acre pasture next to the house/lake or using the hard surface parking area by the house. Wedding hours are 10am-12pm on Saturdays and no later than 10:00pm other days. Our goal is one-two weddings per week. The pavilion will seat 200 guests but average weddings are expected to be 50-75 guests.

[Signature]
Signature of Applicant/Owner (circle)

Signature of Applicant/Owner (circle)

DIANE R. MELTON
NOTARY PUBLIC
GUILFORD COUNTY, NC

NOTARIZE SIGNATURES BELOW IF NOT WITNESSED BY STAFF

Guilford County, North Carolina

I certify that Jenny personally appeared before me this the 8 day of Oct., 2020 and acknowledged the due execution of the foregoing instrument.

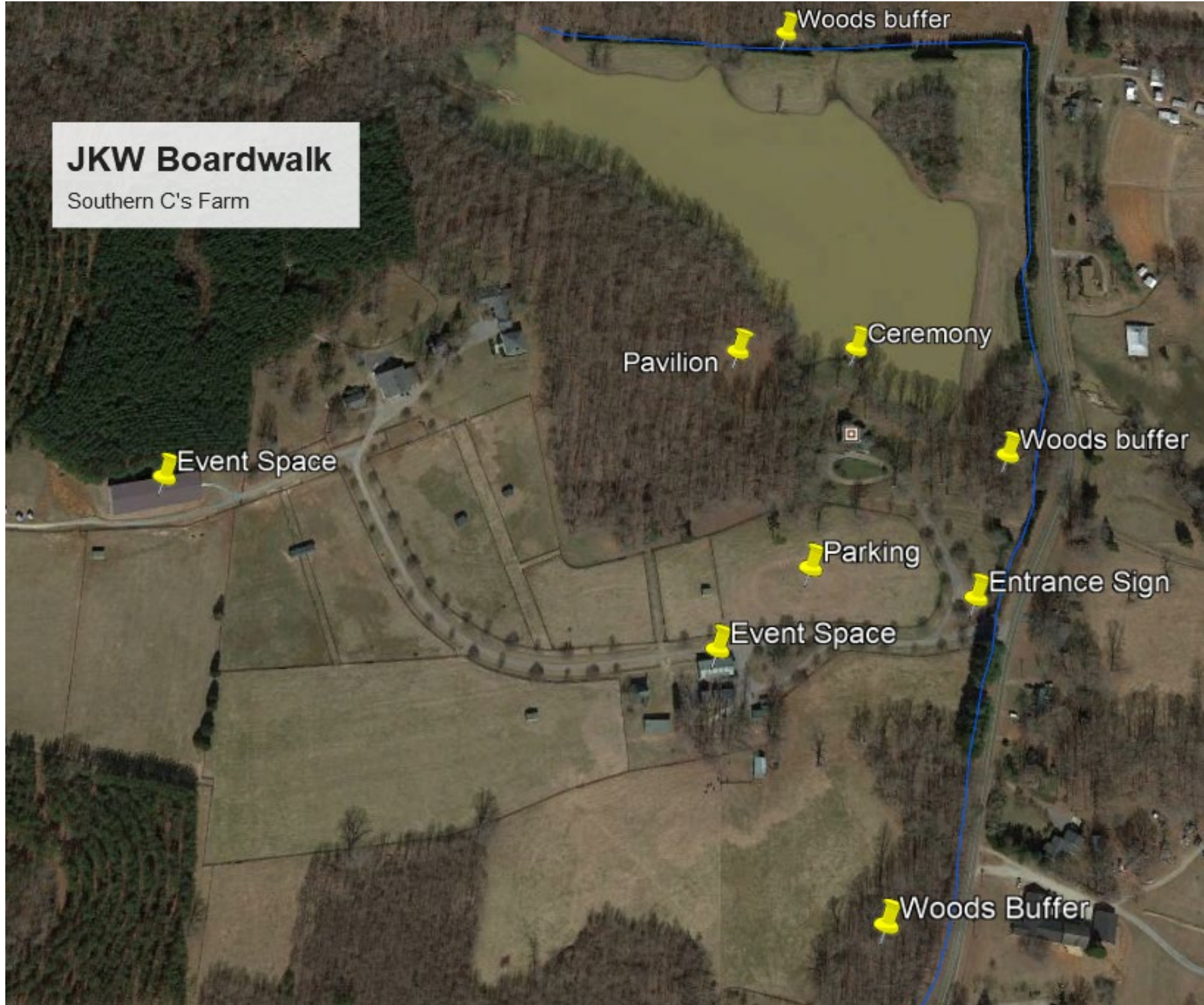
[Signature] Notary Signature Diane R. Melton Notary Printed Name My Commission Expires: 2/18/2023

(Office Use Only)

<input checked="" type="checkbox"/> legal description of area <input checked="" type="checkbox"/> all owner signatures <input type="checkbox"/> fees <input checked="" type="checkbox"/> conditions <input checked="" type="checkbox"/> site plan	Case Number: 2020-30 _____ Date of Planning Board Hearing <u>Nov 9, 2020 7 PM</u> Date of Board of Commissioners Hearing <u>NA</u> <u>[Signature]</u> 10/9/2020
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JKW Boardwalk

Southern C's Farm



(dd) Reception/Banquet Facility

Zoning District: RA, RC (Note: Allowed by right in NC and HC)

Approved By: Planning Board

Application Requirements:

1. A complete description of the facility including but not limited to:
 - types of events, days and hours of operation;
 - site plan showing layout of all buildings, parking areas, landscaping, buffers, etc.
 - projected number of users per weekday and weekend days, with the maximum number expected at any one event
 - total number of seats
 - types of accessory uses, if any, planned on the site (includes any accessory structures---ex. gazebo, barn, playground)
 - total number of employees, both full-time and part-time
 - any and all other relevant information that will help describe the facility
 - building elevations may be required
2. Proposed roadway improvements serving the site should also be detailed.
3. Other information may be required as determined by location and proposed use. (e.g. traffic study)

Standards:

1. Site Size. The site shall contain a minimum of five acres.
2. Access. The parcel must have frontage on a publically maintained road. There shall be no more than two points of access to a public road. This requirement shall not preclude an additional access for emergency vehicles only. Proposed access points must be approved by NCDOT.
3. Structure. A residential structure that is used for a reception facility shall not be altered in any way that changes its general residential appearance. Building height and other dimensional requirements for new construction shall be governed by the zoning district in which the property is located. New construction shall meet non-residential design standards. No overnight accommodations are allowed.
4. Setbacks. All structures and outdoor viewing and seating areas shall be set back at least one hundred (100) feet from any street or property line.
5. Lighting. Outdoor lights must be shielded to direct light and glare only onto the facilities' premises and may be of sufficient intensity to discourage vandalism.

6. Noise Control. Depending on the plans presented, the special use permit may also specify the noise reduction measures, including but not limited to muting, special landscape treatment and berms.
7. Buffer. If a facility abuts residential property, landscaping and buffers shall meet non-residential design standards.
8. Parking. The facility must provide two parking spaces for the owner or operator; one space for every 2 employees on the shift of greatest employment, including service providers (i. e. caterers, band); and one for every four persons in attendance. A maximum of 20 parking spaces may be gravel surface. The remainder of the parking area must be grassed (no impervious surface). Handicap accessible parking is required to be an improved/hard surface and to meet requirements of the North Carolina State Accessibility Code. No on street parking is permitted.
9. Meals. Other than as part of the reception events, no meals shall be served to the general public on the site.
10. Accessory uses. The accessory uses (e.g. playground, bathroom facilities, gazebo, barn) may be permitted as incidental to and limited to the patrons of the principal use:
11. Signage. Reception/Banquet Facilities are allowed:
 - One ground sign, located ten feet from street right-of-way and outside the site distance triangle. Maximum sign area is limited to sixteen square feet with a maximum sign height of five feet; and
 - One wall sign per building. Maximum sign area is limited to four square feet.
12. Alcohol consumption or sale. There shall be no consumption or sale of alcohol unless a liquor license is approved.

PLANNING BOARD ANALYSIS AND STATEMENT

CASE # 2020-30: Jennifer Gore

Special Use Permit to allow for a Reception/Banquet Facility in a Residential Agricultural district

FINDINGS

The Planning Board has reviewed the **Special Use Permit** and adopts the following statements as required by the Rockingham County UDO and NCGS § 153A-341 and § 153A-342:

1. After considering Rockingham County adopted comprehensive plans and UDO, the Planning Board **approves/disapproves** (2020-30). This action is **consistent/not consistent** with the adopted Rockingham County Land Use Plan.

2. After review of competent, material and substantial evidence in the record, the Board makes the following findings for the 4 conclusions necessary to approve a Special Use Permit:

yes no (a) That the use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;

The Board finds:

Would the approval of this permit impose significant harm on the neighbors and surrounding community?

yes no (b) That the use or development complies with all required regulations and standards of this ordinance and with all other applicable regulations;

The Board finds:

That the proposed use is an allowed use in a Residential Agricultural zoning district if a Special Use Permit is approved, that the conditions of the Special Use Permit will ensure development meets or exceeds all requirements and goals of the existing UDO, and that the Rockingham County permitting and inspections department will ensure the structures and site meet or exceed all state and local standards for construction and design.

yes no (c) That the use or development is located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property or that the use or development is a public necessity; and

The Board finds:

Will the proposed business be compatible with or exceed the quality of existing developments in the neighborhood and have similar impacts as the surrounding building types?

yes no (d) That the use or development conforms with the general plans for the land use and development of Rockingham County as embodied in this chapter and in the Rockingham County UDO.

The Board finds:

Does this Special Use Permit support the policies and guidelines of the **Rural Transition Land Class** and the intended purpose of the Residential Agricultural zoning district?

3. Additional comments: _____

**ROCKINGHAM COUNTY
STAFF REPORT
Case #2020-31, Variance**



Request:	Variance to UDO Chapter 2, Article X, 10-1, Dimensional Requirements
Applicant:	<u>Robert Rackley</u>
Identification:	The property is denoted by Tax PIN 792204604540
Location:	421 Red Oak Drive – New Bethel Township

1. Acreage and Location of Proposal:

The total parcel area is +/- 0.69 acres, and located in a neighborhood off Friddle Road in Stokesdale, between NC 65 and US 220.

2. Character and Land Uses of Neighborhood and Surrounding Community:

The neighborhood is predominantly characterized by Single-Family Residences. This property belongs to Robert Rackley and Nicolette Hopper. There are no commercial or industrial areas nearby.

3. Relevant Unified Development Ordinance Sections:

Rockingham County UDO, Chapter 2 Zoning, Article X, Section 10-1, Dimensional Requirements, RP Single Unit Side Yard Setback

The applicant is requesting a variance of 7' from the required side yard setback of 15'.

4. Staff Findings:

After reviewing the application, Staff concludes that the applicant has submitted a complete application for Case #2020-31.

The property for this request is zoned RA-Residential Protected with a minimum setback requirement of 15' to the rear and 15' to the sides. The applicant is asking for a variance to those requirements in order to maintain an accessory building previously constructed.

The applicant has noted that the structure was built under the assumption that there was enough room, and that, without a variance to the setback, he would be required to move the building to another location on the property, which would require extensive grading.

5. Approval Process:

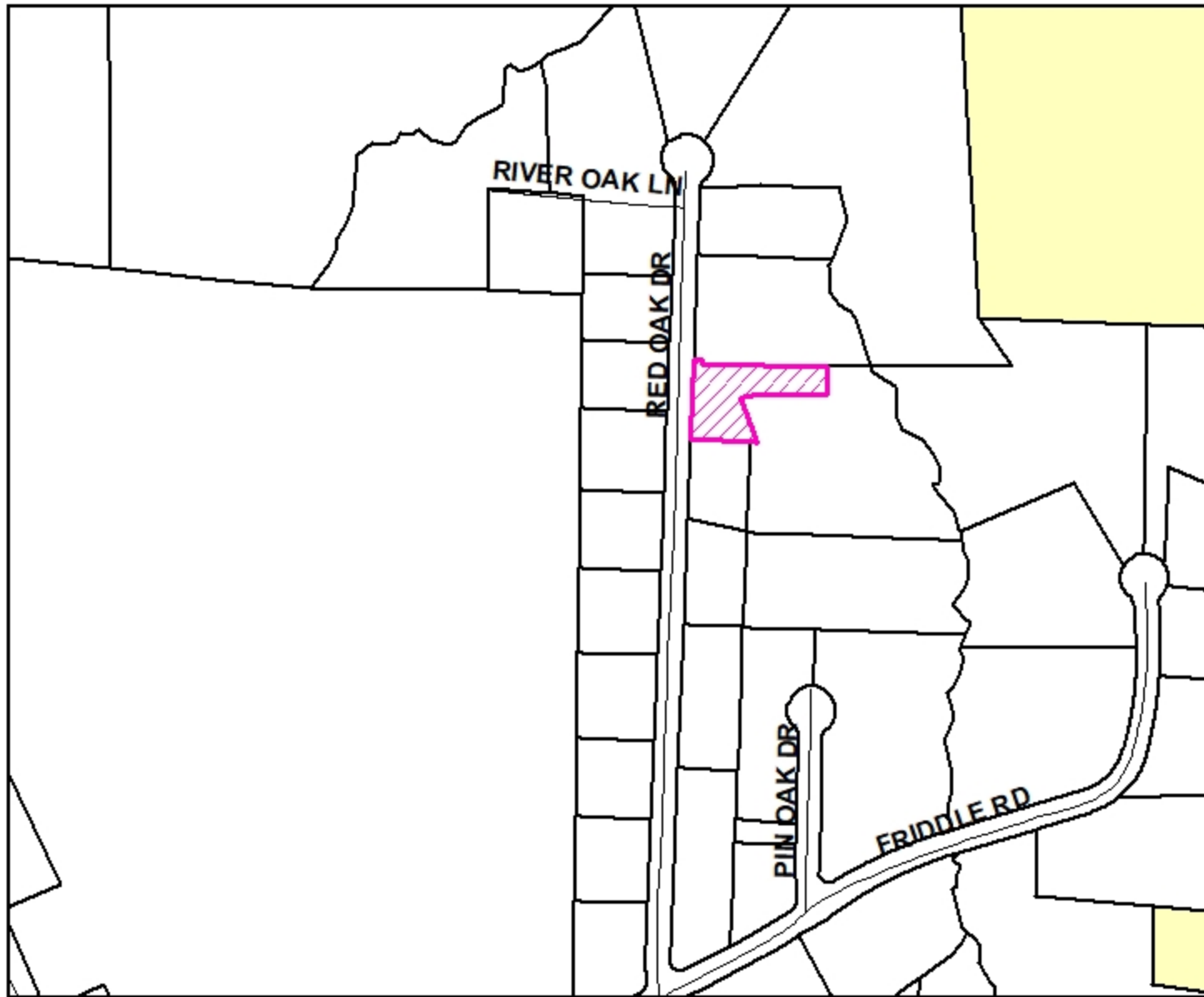
Variations are granted through a quasi-judicial proceeding with a concurring vote of four-fifths of the board. A variance may be granted if evidence presented to the Board persuades it to reach all of the following conclusions:







1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance;

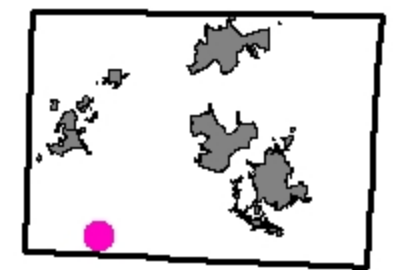
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship; and
4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

Additionally, the Board shall determine that the proposed variance will not:

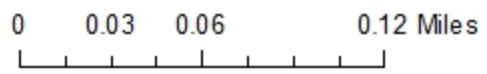
1. extend in area or expand a non-conforming use of land;
 2. change the district boundaries shown on the zoning map;
 3. impair any adequate supply of light and air to adjacent property;
 4. materially increase the public danger of fire;
 5. materially diminish or impair established property values within the surrounding area; or
 6. in any other respect impair the public health, safety, morals, and general welfare.
- 6. Staff's analysis concludes that the applicant has submitted sufficient information for the Board to make a decision for Case #2020-31, a request for a variance to the setback requirements in a Residential Protected district.**

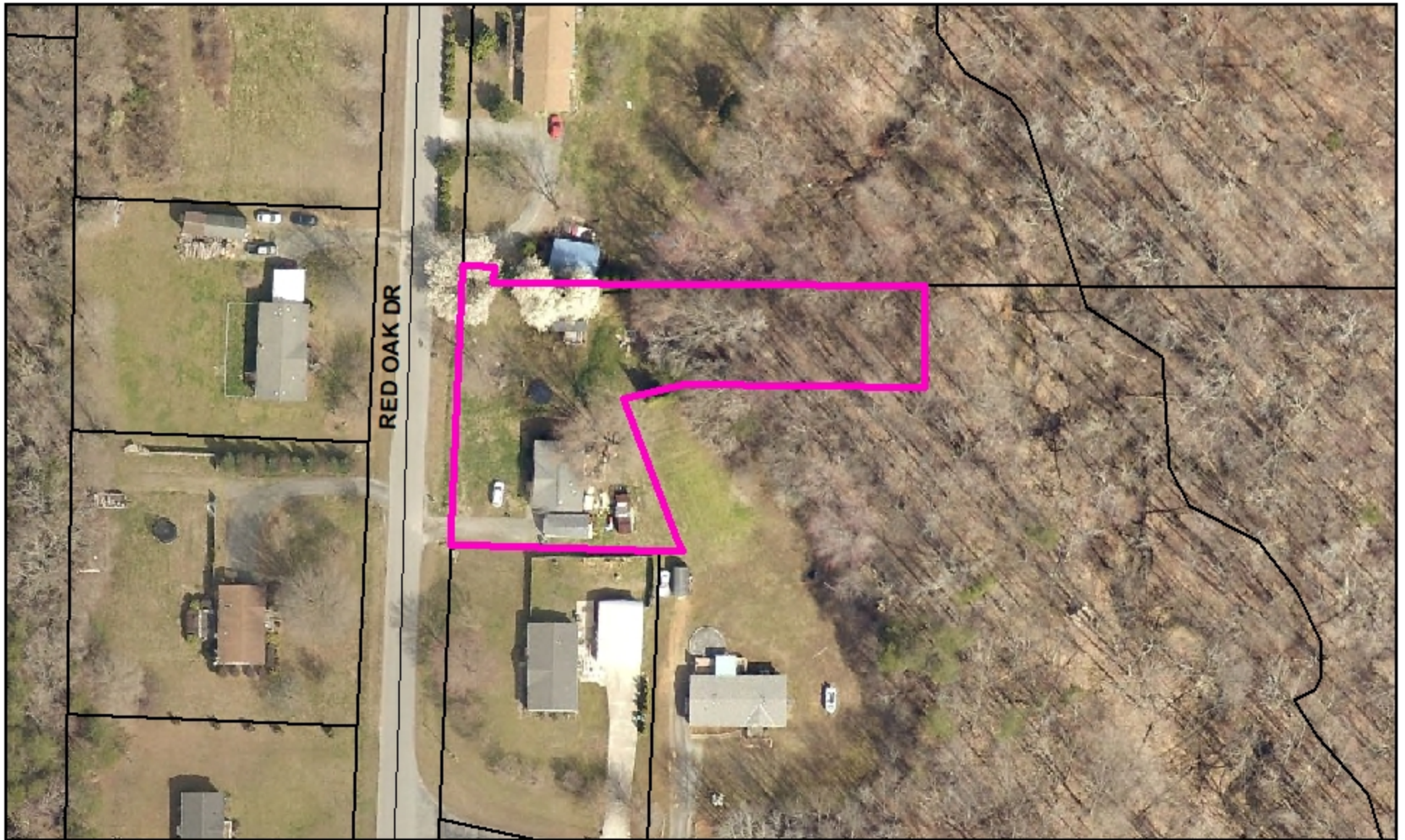


-  Tax PIN : 792204604540
-  Parcels
-  Roads
-  HC
-  NC
-  RC
-  HI
-  LI
-  OI
-  RM
-  RP
-  RA



Case #2020-31 Rackley, Variance to Side Yard Setback in Residential Agricultural Zoning Map | 421 Red Oak Drive





**Case #2020-31 Rackley, Variance to Side Yard Setback in Residential Agricultural
Aerial Map | 421 Red Oak Drive**

0 0.0075 0.015 0.03 Miles

A horizontal scale bar with four segments, corresponding to the labels 0, 0.0075, 0.015, and 0.03 Miles.

ROCKINGHAM COUNTY PLANNING DEPARTMENT, FOR ILLUSTRATION PURPOSES ONLY



ROCKINGHAM COUNTY
GOVERNMENTAL CENTER
Departments of Planning, Inspection and Central Permitting

Case: 2020-31
BOA 2020-0003

APPLICATION FOR VARIANCE

ALL SIGNATURES MUST BE WITNESSED BY STAFF OR NOTARY

Application Date: 10-19-20

Meeting Date:

Applicant: Robert G. Rackley

Applicant Mailing Address: 421 RED OAK DR, STOKESDALE NC 27357

Applicant Phone/Email: 336 464 6556 rackley96@yahoo.com

Owner Mail Address:

Phone/Email:

N/A

Tax PIN #: 192204604540

Parcel Address: 121492

Variance Requested (article and section): UDO Chapter 2, Article X, 10-1
Dimensional Requirements.

The Board is required to reach three conclusions before it may issue a variance, noted in A, B, and C below. In the spaces below each conclusion, indicate the EVIDENCE that is shown and the ARGUMENTS that are made to convince the Board that it can properly reach these three required conclusions.

A. THERE ARE PRACTICAL DIFFICULTIES OR UNNECESSARY HARDSHIPS IN THE WAY OF CARRYING OUT THE STRICT LETTER OF THE ORDINANCE.

1) What evidence is presented to indicate that unnecessary hardship would result from the strict application of the ordinance?

See attached section A

2) What evidence is presented to indicate that the hardship results from unique circumstances to the land? (Personal or family hardships are irrelevant.) A variance runs with the land.

371 NC 65, Reidsville, NC 27320 | PO Box 105, Wentworth, NC 27375

TELEPHONE: (336) 342-8130 | FAX: (336) 342-8362

3) What evidence is presented to indicate that the hardship is not a result of your own actions?

B. THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE AND PRESERVES ITS SPIRIT.

1) What evidence is presented to indicate that the variance requested is the least variation from the ordinance that will allow the reasonable use of the property and which will not substantially detract from the character of the neighborhood?

See attached B. section.

C. THE GRANTING OF THE VARIANCE SECURES THE PUBLIC SAFETY AND WELFARE AND DOES SUBSTANTIAL JUSTICE.

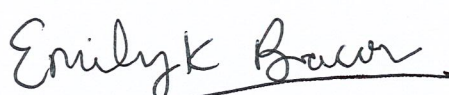
1) What evidence is presented to indicate that if the variance is denied, the benefit to the public will not substantially outweigh the harm suffered by you?

see attached C. section

 10-19-20
Signature of Applicant

Fee Paid: 10/19/20
Receipt #: PL000571

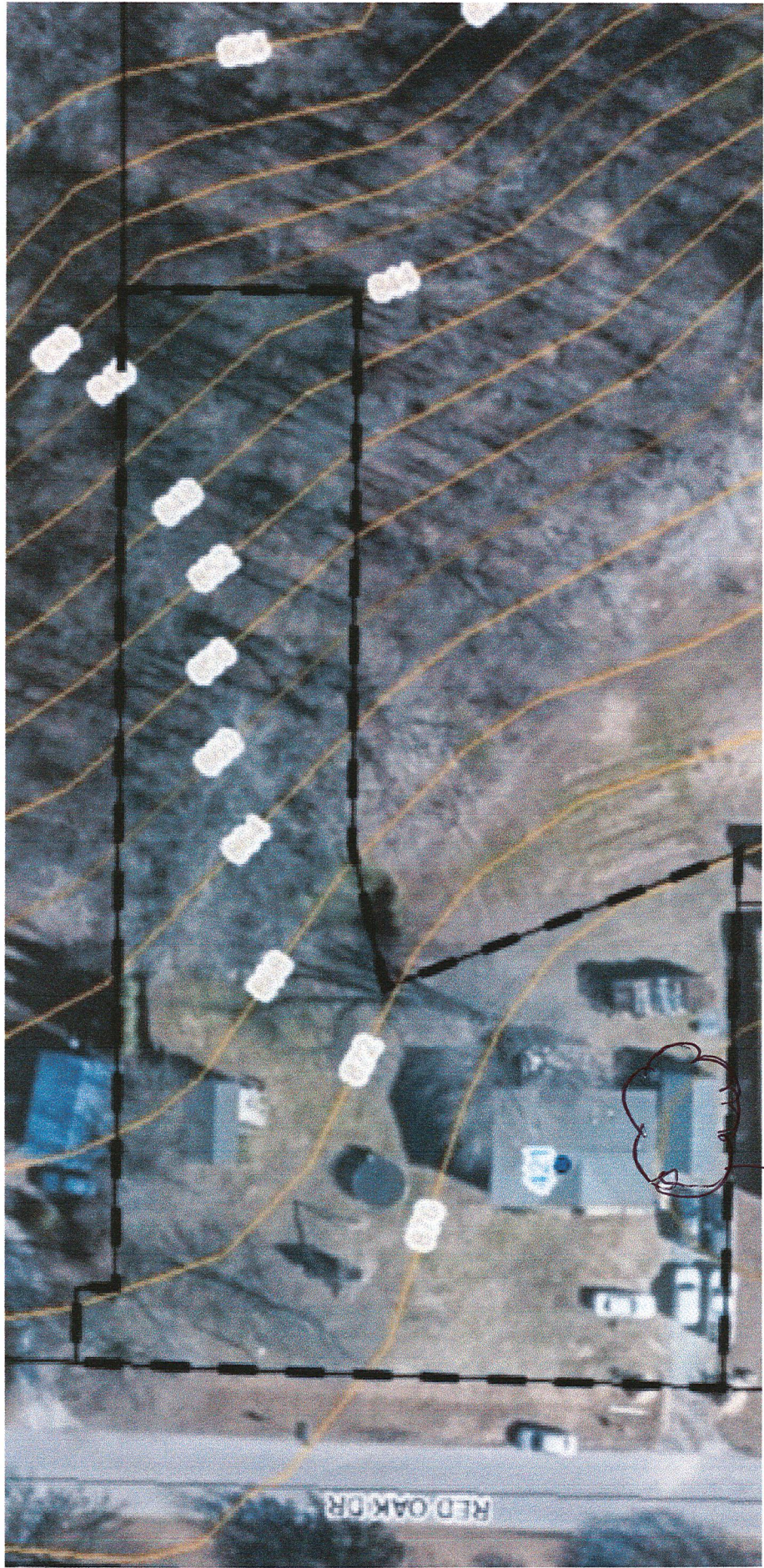
Hearing Date: Dec 14, 2020
7:00 pm

 10/19/20
planning dept

From: Robert rrackley96@yahoo.com
Subject: A. THERE ARE PRACTICAL DIFFICULTIES OR UNNECESSARY
HARDSHIPS IN THE...
Date: Oct 18, 2020 at 6:46:10 PM
To: Nicolette Rackley nrackley982@yahoo.com
Cc: rrackley96@yahoo.com

A. THERE ARE PRACTICAL DIFFICULTIES OR UNNECESSARY HARDSHIPS IN THE WAY OF CARRYING OUT THE STRICT LETTER OF THE ORDINANCE:

- *Please see Photo.*
- *Topography photograph shows the lay of the land having a substantial fall outside of the proposed location of the building.*
- *Having grade or site work done to the property would be extremely costly, and building location then would be an unpleasant view to the public.*
- *Without site work or grading a relocation of the building would have it extremely high from the ground, this would be unsightly and possibly a safety hazard.*
- *The Property was bought "as is", placement of the House, Parcel Layout etc.*
- *Purchase of additional Property to the East is not an option Due to the Use of that Property (see site plan "B")*

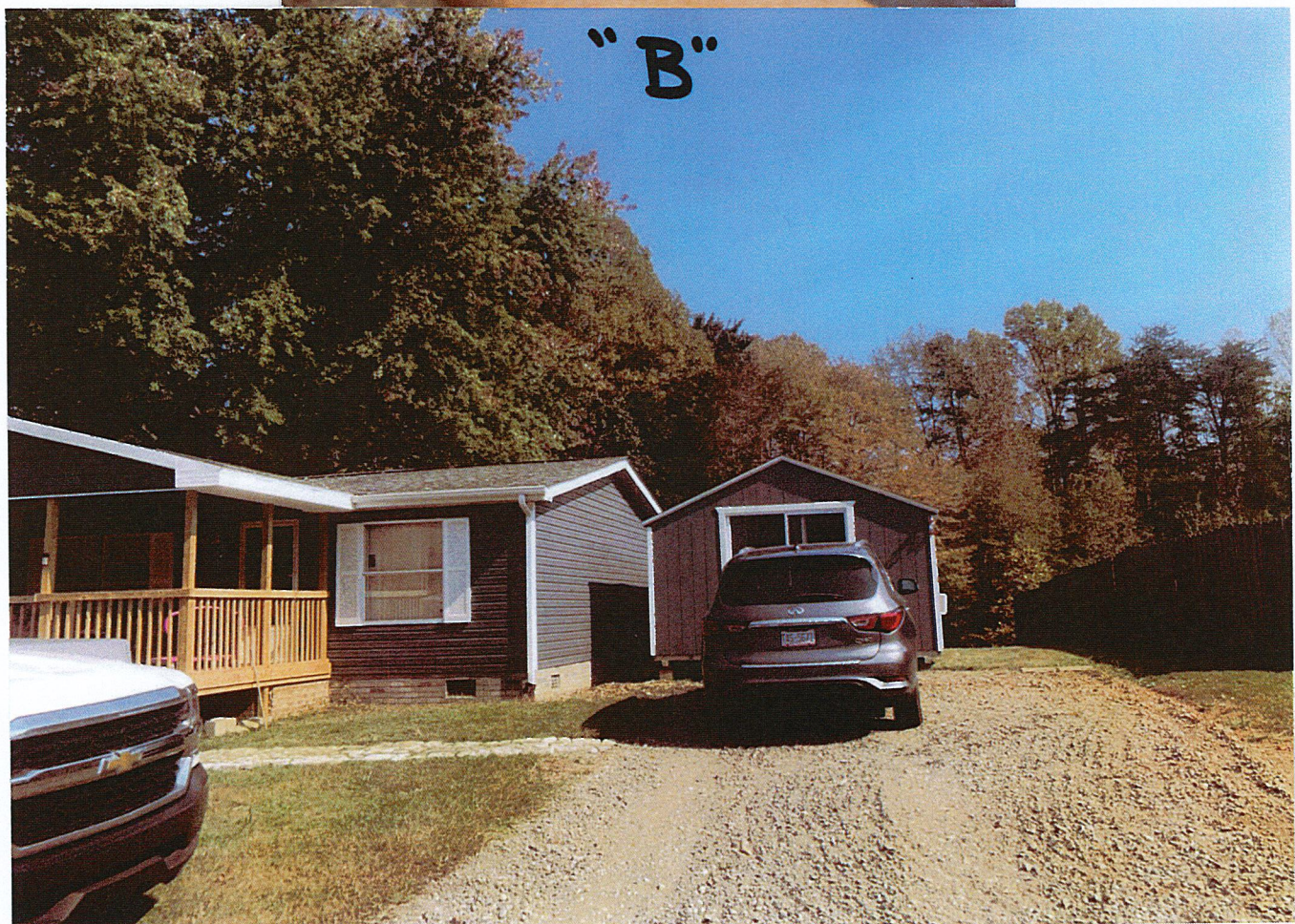


Proposed Location

From: Robert rrackley96@yahoo.com
Subject: B. THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE
AND INTENT...
Date: Oct 18, 2020 at 7:55:21 PM
To: Nicolette Rackley nrackley982@yahoo.com
Cc: rrackley96@yahoo.com

B. THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE AND PRESERVES ITS SPIRIT.

- *Please see "B" photos, and site plan "B"*
- *The building was placed in its location presuming we were not in violation of any ordinances, this being based from the placement and location of buildings on surrounding properties throughout the neighborhood (see site plan "B").*
- *Photos show our intentions were to set the building as far from the property line as possible on level ground, 8' from property line 12'+ from neighboring fence, we initially thought the property line was much closer to the fence. (see photos "B")*




"B"

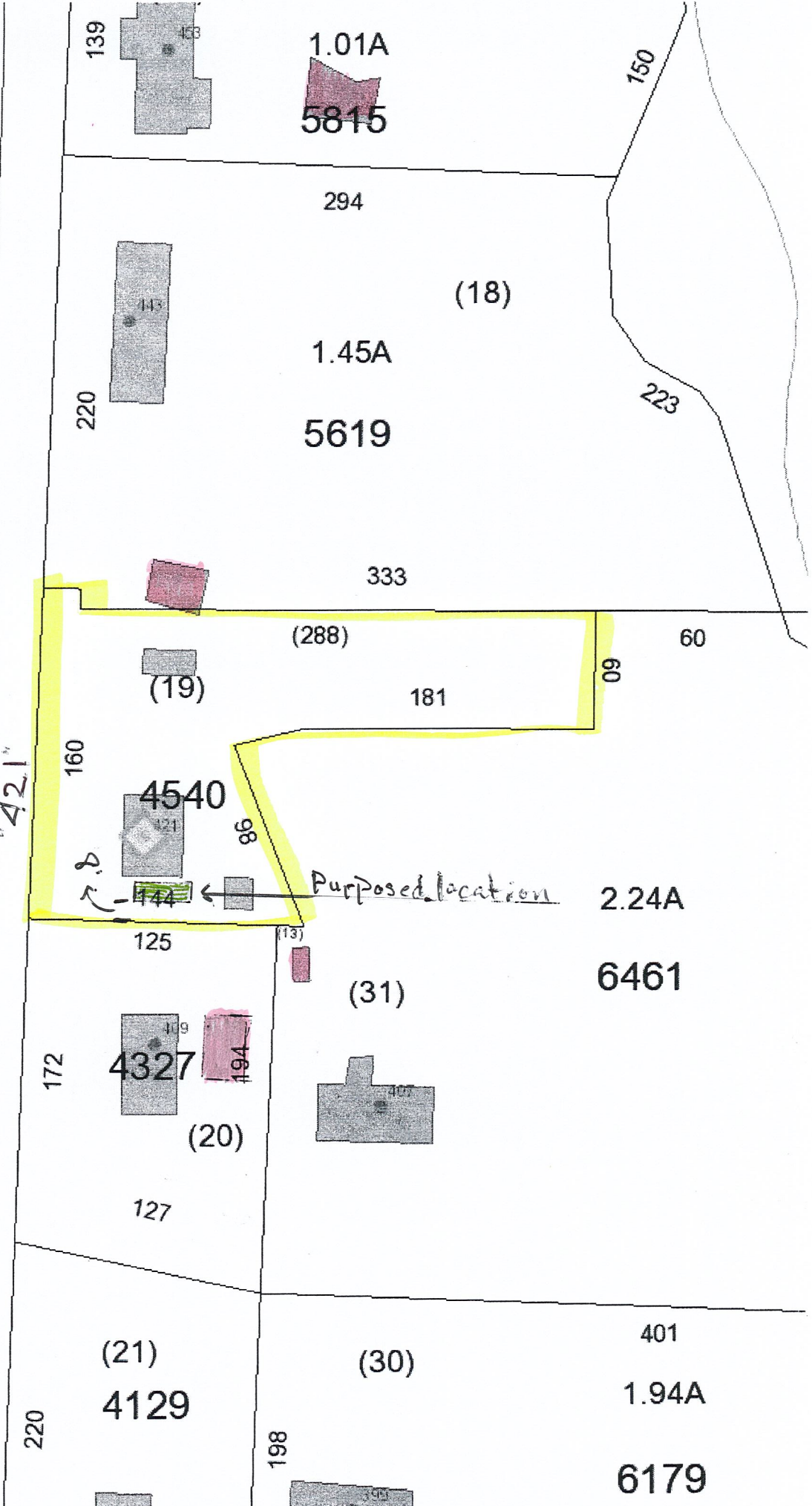
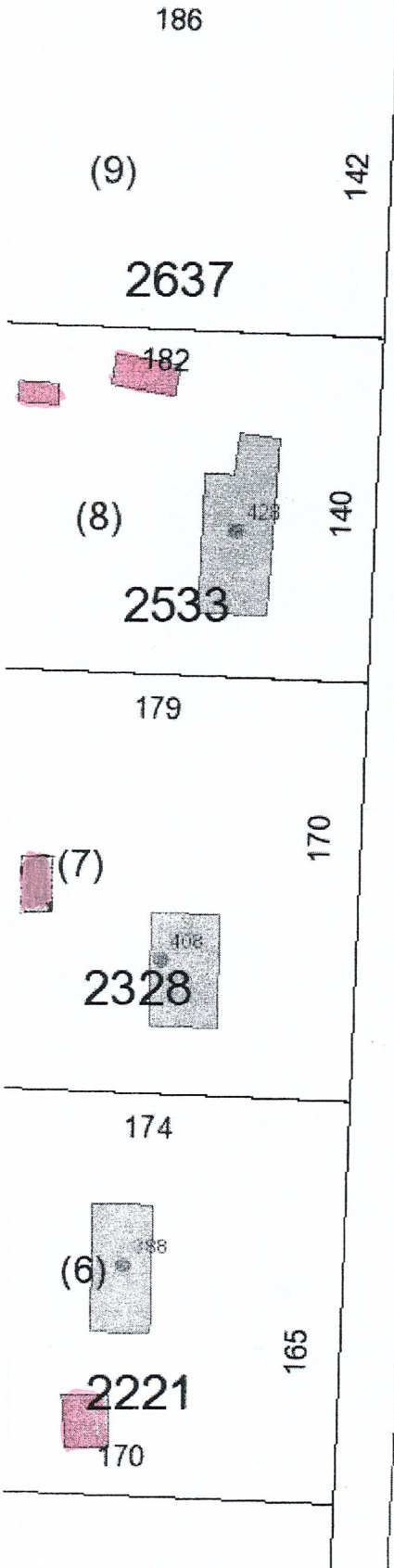


"B"



SITE PLAN "B"

 = Building locations
Throughout



From: Robert rrackley96@yahoo.com
Subject: C. THE GRANTING OF THE VARIANCE SECURES THE PUBLIC SAFETY
AND WELFARE...
Date: Oct 18, 2020 at 9:23:11 PM
To: Nicolette Rackley nrackley982@yahoo.com
Cc: rrackley96@yahoo.com

C. THE GRANTING OF THE VARIANCE SECURES THE PUBLIC SAFETY AND WELFARE AND DOES SUBSTANTIAL JUSTICE.

- *Please see signed statements, and property card.*
- *While the complaint was anonymous It was nothing more than a means of retaliation.*
- *Per conversations with immediate neighbors we have received nothing less than compliments and words of encouragement / support in our efforts to improve the property (see signed statement from surrounding home owners.)*
- *The building has been in place for 3+ plus years (see Rockingham County property card).*
- *The location of the building was not done with any intentional disregard to ordinances, and if not granted a variance the building will have to be sold and removed from the property entirely.*

3 August 2020

To Whom it concerns,

This letter stands to serve as testimony on behalf of the surrounding property owners, that we see no problems and issue no complaints against the residents at 421 Red Oak Dr, Stokesdale NC 27357. In understanding the complaints against our neighbors about property (storage buildings) being too close to property lines by zoning codes and laws, we like to state that we have no matters of arguments or complaints regarding the structures being located as they stand.

Sincerely,

Surrounding neighbors

X Brenda Lemar <Brenda Tony>
408 Red Oak Dr.

X Keith & Melissa Mills
407 Red Oak Dr.

X [Signature]
428 Red Oak Dr.

X Phillip King
443 Red Oak Dr.

X Carrie Cochran Bennett
409 Red Oak Dr.

DATE 7/13/20
 TIME 17:10:00
 USER RKKWALLACE

ROCKINGHAM COUNTY
 PROPERTY CARD
 FOR YEAR 2020

PAGE 1
 PROG# AS2006

RACKLEY ROBERT G
 HOPPER NICOLETTE N

PARCEL ID.. 121492
 LOCATION... 421 RED OAK DR
 DEED YEAR/BOOK/PAGE.. 2010 1407 1547
 PLAT BOOK/PAGE.. 26 22
 LEGAL DESC: .69 AC PT LOT 18-19 SEC 1
 & DWMH RED OAK VILLAGE
 TOWNSHIP... 5 NEW BETHEL

PIN... 7922 04 60 4540 00
 ASSESSMENT NONE
 OWNER ID.. 1290128
 DISTRICT.. 112 STOKESDALE FD
 Area/Fire: 912 STOKESDALE (GUILFORD)

STOKESDALE NC 27357-8516
 DESCRIPTION MANU/HOME/DW
 DESCRIPTION

NBRHOOD... R904A RED OAK VILLAGE
 NH CLASS..
 RESIDENTIAL RES AG COUNTY

MAINTAINED.. 7/11/2019 BY RKMARMC VALUED.. 1/16/2019 BY DIWILSON
 VISITED..... 8/23/2017 BY CC PREV PARCEL 121493
 PARCEL STATUS... ACTIVE

ROUTING#..
 CATEGORY.. REAL & PERSONAL

DISCLAIMER-OWNERSHIP, ZONING AND OTHER INFORMATION SHOULD BE VERIFIED. INFORMATION AND VALUE SUBJECT TO CHANGE.

SALES HISTORY

DEED BK/PAGE	SALE DATE	SALES INSTRUMENT	DISQUALIFIED	SALE AMOUNT	STAMP AMOUNT	DEED NAME
1407 1547	12/17/2010	DEED	QUALIFIED	66,500		RACKLEY ROBERT G & HOPPER NICO
1397 0348	6/14/2010	DEED	GOVT/PUB UT/LEN	36,000		BENITEZ JOSE SABINO
1397 0345	6/14/2010	REF ONLY	OTHER			STEWARDSHIP FUND LP
1391 0163	3/01/2010	DEED	GOVT/PUB UT/LEN	9,500		STEWARDSHIP FUND LP
1391 0161	3/01/2010	DEED	GOVT/PUB UT/LEN	9,500		HOME SERVICING LLC
1378 1207	7/14/2009	DEED	FORCED SALE / P	44,500		EMC MORTGAGE CORPORATION
1131 1741	1/08/2003	DEED	STAMPS BELOW MI			SIMMONS BRANDON L & JANA M
1018 2365	8/13/1999	DEED	LAND SALES CONT	75,000		STEPHENS VIRGINIA L
0930 0728	12/20/1995	DEED	QUALIFIED			SOUTHERN TED SHERRON APPLE JAM

LAND SEGMENTS

LND #	ZONE	STRAT CODE	LAND TYPE/CODE	LAND QTY	LAND RATE	DPT%	SHP%	LOC%	SIZ%	OTH%	TOP%	TOT ADJ	CURRENT FMV	
2	RA	100	LT LT	1.000	15,000.00	.00	.00	.00	.00	100.00	100.00	.00	15,000	
TOTAL ACRES..				.690									TOTAL LAND FMV..	15,000

IMPROVEMENT # 1 MAJOR IMPR-M

MAIN FIN AREA.. 1,120.00 ACT/EFF YR/AGE.. 1995 1995 24 VISITED.. 8/23/2017 BY CC
 STRAT..... 100 DESCRIPT.... MANUFACTURED HOME D/WIDE MAINTAINED.. 7/11/2019 BY RKMARMC
 MAIN GROUND SF.... 1,120.000
 BUILT USE..... 08 MANUFACTURED HOME D/WIDE CURRENT USE.... CR CURRENT USE RESIDENTIAL
 LOCATION #..... 421 RED OAK DR

COMPONENT	TYPE/CODE/DESC	PCT	UNITS	RATE	STR#	STR%	SIZ%	HGT%	PER%	CDS%	COST	%CMPL
AC ST	STOOP	100	30.00	6.40	1.00							192
AC WD	WOOD DECK	100	192.00	9.60								1,843
MA R33	28-32 FT DW M/HOME A	100	1120.00	52.25	1.00		108.00					63,201
EW 04	VINYL SIDING	100	136.00	.00								0
- UB UB	SITE IMPROVEMENT	100	1.00	9000.00								9,000
	RCN...		PCT COMPLETE				100	x			74,236	
	RCN...		COUNTY RCN ADJ				100.00	x			74,236	
	QUAL.. QG	000	000				100.00	x			74,236	
	DEPR.. MDA		DWMH AVERAGE				38.00	-	28,209		28,209	T
	--FMV...										46,027	

DATE 7/13/20
 TIME 17:10:00
 USER RKKWALLACE

ROCKINGHAM COUNTY
 PROPERTY CARD
 FOR YEAR 2020

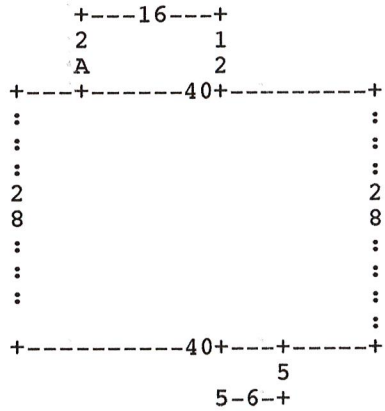
PAGE 2
 PROG# AS2006

RACKLEY ROBERT G

PARCEL ID.. 121492

PIN... 7922 04 60 4540 00

----- IMPROVEMENT # 1 MAJOR IMPR-M -----



AC ST				STOOP				TRAVERSE			
M R	24.00	D D		5.00	D R	6.00	D U	5.00	D L	6.00	
AC WD				WOOD DECK				TRAVERSE			
M U	28.00	M R		7.00	D U	12.00	D R	16.00	D D	12.00	D L 16.00
MA R33				28-32 FT DW M/HOME A FLOOR:				TRAVERSE			
D U	28.00	D R		40.00	D D	28.00	D L	40.00			

----- IMPROVEMENT # 2 MISC IMPR-X -----

MAIN FIN AREA.. ACT/EFF YR/AGE.. 2010 2010 9 VISITED.. 8/23/2017 BY CC
 STRAT..... 100 DESCRIPT.... STORAGE BLDG MAINTAINED.. 7/11/2019 BY RKMARMC
 BUILT USE..... 10 STORAGE BLDG CURRENT USE.... CR CURRENT USE RESIDENTIAL
 LOCATION #..... 421 RED OAK DR

COMPONENT	TYPE/CODE/DESC	PCT	UNITS	RATE	STR#	STR%	SIZ%	HGT%	PER%	CDS%	COST	%CMPL
MS UT2	UT BLDG AVG COST FRA	100	192.00	20.00							3,840	
	RCN...		PCT COMPLETE			100		x			3,840	
	QUAL.. QG	000	000			100.00		x			3,840	

PLANNING BOARD ANALYSIS AND STATEMENT
CASE #2020-31, Robert Rackley
Variance to Side Yard Setbacks in an RA-Residential Agricultural Zoning District

FINDINGS

The Planning Board has reviewed the **Variance** and adopts the following statements as required by the Rockingham County UDO:

After review of competent, material and substantial evidence in the record, The Planning Board **approves/disapproves (Case #2020-31)**. The Board makes the following findings for the 4 conclusions necessary to approve a Variance:

- yes no** 1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the *variance*, no reasonable use can be made of the property;

Finding and supporting evidence: _____

- yes no** 2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a *variance*;

Finding and supporting evidence: _____

- yes no** 3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a *variance* shall not be regarded as a self-created hardship; and

Finding and supporting evidence: _____

- yes no** 4. 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

Finding and supporting evidence: _____

The Board of Adjustment has also determined that the variance will not:

1. extend in area or expand a non-conforming use of land;
2. change the district boundaries shown on the zoning map;
3. impair any adequate supply of light and air to adjacent property;
4. materially increase the public danger of fire;
5. materially diminish or impair established property values within the surrounding area; or
6. in any other respect impair the public health, safety, morals, and general welfare.