

AGENDA

ROCKINGHAM COUNTY PLANNING BOARD

October 12, 2020 at 7:00 pm

County Commissioners Chambers

Rockingham County Governmental Center



I. Call Planning Board to order

II. Invocation

III. Approval of Minutes: September 14, 2020

IV. Review of Procedures for Planning Board

V. Public Hearings before the Planning Board

1. Rezoning Case #2020-23, South Rockingham Corporate Park, LLC: Requesting change from Residential Agricultural to Light Industrial District. Tax PINs 792101487577, 792101478425, & 792102570679, Sylvania Rd & NC 65 - New Bethel Township
2. Rezoning Case #2020-27, Teramore Development: Requesting change from Residential Agriculture/ Highway Commercial to Highway Commercial – Conditional District, 2 acres of Tax PIN 706114446761, NC 14 & NC 87 – Leaksville Township
3. Special Use Permit Case #2020-26, Nancy & Clayton Bennett: Seeking SUP to allow for a Doublewide Manufactured Home in Residential Protected District. Tax PIN: 792204510995, 815 Bennett Farm Road – New Bethel Township
4. Rezoning Case #2020-29, Gene Blackburn: Requesting change from Residential Protected to Residential Agriculture.
Tax PIN: 891200600902, 1404 Mizpah Church Rd – Williamsburg 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 #2020-25, Glen Moore: Seeking Variance to Side Yard Setback requirements in a RP-Residential Protected district.
Tax PIN: 792302884080, 140 Larkspur Lane – New Bethel Township

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 – September 14, 2020 - 7:00 P.M.

The Rockingham County Planning Board met in regular session on September 14, 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, Julie Talbert, Michael Lee, Tim Wyatt, Philip Stone

Alternate members present for training: Cory Scott, 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.**
August 24th, 2020, Tim Wyatt motioned to approve the submitted minutes, James Harris 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 #2020-20, Faircloth: Rural Family Occupation. Tax PIN: 790300667217, 281 Ellisboro Garden Rd, Huntsville Township

Carrie Spencer stated that more information had been provided to the Planning Department to be included in the read ahead packet prior to today's meeting.

The applicant, Richard Faircloth, of 281 Ellisboro Garden Rd, was sworn in to testify. He stated that he has worked to clarify his requested use. He is working towards getting the funding for fencing and screening his property to operate a junk salvage and towing operation.

Tim Wyatt asked the applicant how his business will be operated to promote the public health, and general welfare of the public. Faircloth stated that his neighbors will not be affected, his business does tow vehicles from Rockingham County wrecks.

Philip Stone asked how long he holds vehicles after wrecks. If he vehicle is of value then at most one month, if it is held for insurance than it is generally there two weeks or less.

James Harris asked about the vehicles in front of his house. Harris drove by Faircloth's property on Friday and noted that it was hard to view his house due to the number of vehicles present. Faircloth answered that the vehicles in front of his home are mostly for personal use. The vehicle in question is hard to move and he purchased it for parts.

Julie Talbert asked Carrie Spencer why the Planning Department has recommended denial for this case. Spencer answered that when she answered that it was hard to discern the intensity of this business and if it fit into the nature of the Rural Family Occupation. Spencer also stated that there is a fine line between a Rural Family Occupation and a formal Junk Yard, noting that the Board can put conditions on this Special Use Permit but it needs to be enforceable. Spencer recommended that they add a condition on the specific sized area instead of number of cars.

Julie Talbert asked if there was any discussion from the Board. Michael Lee asked Carrie Spencer if his request has changed in nature and he was still planning to live here. Michael Lee stated that he understands that Faircloth is trying to use his property to make a living. It is a very secluded/ rural area.

Bricen Wall noted that the proposed area is in the rear of the property and can not be seen from the road.

James Fink asked about fencing he had previously mentioned. Faircloth stated that he had acquired highway sound barrier that he could use as a fence. He feels it is only necessary where the vehicles are stored.

Philip Stone asked what the use was of the larger tract neighboring Faircloth's property was used for. Faircloth stated that this property is undeveloped.

James Fink motioned to approve the Special Use Permit. After considering that it is consistent with UDO, proposed to operated to promote public health and welfare, it will maintain or increase the value of neighboring property, it conforms with the Land Use Plan. Additionally, the applicant will adhere to the site plan showing 2500 square feet for junked vehicles with a fence or barrier surrounding the area. Philip Stone seconded the motion. The motion carried 6-0, approving Case# 2020-20.

2. Special Use Permit Case #2020-24, Clayton Homes: Request for Doublewide manufactured home in Residential Protected district. Tax PIN 893200571037, NC 150 & Somers Loop, Williamsburg Township

Carrie Spencer presented the staff report, and noted that the planning staff recommended approval. It was noted that there are a number of neighboring Manufactured Homes as indicated via a map shown in the presentation.

Philip Stone asked if the Planning Department knew why it was initially zoned as Residential Protected. Spencer stated that we can only speculate that it was due to the number of lots present when the

Michael Lee motioned to approve, the following findings were found use or development will maintain or promote public health and welfare, it complies with all other regulations and ordinances, it will maintain or enhance the value of contiguous property, it conforms to the general intent of the Land Use Plan. James Fink seconded the motion, the motion carried 6-0, approving Case# 2020-24.

Planning Board Training by Piedmont Triad Regional Council
Given by Jesse Day.

Topics Discussed During Mr. Day's Presentation

Planning Board Roles and Responsibilities

Duties of the Planning Board

Types of Decisions That Planning Board Members Make

Expected Conduct of Planning Board Meetings

Public Hearings and Public Engagement

Legislative vs. Quasi-Judicial Decision Making

Bylaws and Parliamentary Procedure

Meeting Minutes

Wrap Up and Critique

10. OTHER BUSINESS

- a) Old Business (none)
- b) New Business

10. ADJOURN

Julie Talbert motioned, James Fink seconded. The Board voted 6-0 to adjourn at 9:28PM.

Minutes Read and Approved,

Respectfully submitted,

Chairperson, Planning Board

Date

Planning Staff

Date

**ROCKINGHAM COUNTY PLANNING
STAFF REPORT
Case #2020-23**



Request:	Residential Agricultural to Light Industrial
Applicant:	<u>South Rockingham Corporate Park, LLC</u>
Identification:	The properties are denoted by Parcel Numbers: 180813, 180812, & 121039 Tax PINs: 792101487577, 792101478425, 792102570679
Location:	<u>531 Sylvania Rd & NC 65, New Bethel Township</u>

1. Acreeage and Location of Proposal:

The parcels have a combined acreage of (+/-) 24.63 and are located near intersection of NC 65 and US 220 (Future I73), by the northern Guilford County boundary.

2. Zoning Classification of Adjacent and Surrounding Parcels:

Adjacent properties are zoned Residential Agricultural to the north, south and west, and abuts US 220 to the east. Across NC 65 of the parcels is an area of Light Industrial and Highway Commercial zoning.

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

The neighborhood is characterized by industrial, residential, and agricultural uses. There are two Mobile Home Parks and a communications tower nearby. The requested parcels and surrounding properties are located within an area bounded by highways US 220, NC 68, and NC 65.

4. Topographical and Environmental Characteristics:

Watershed – The subject parcels are partially located within the Troublesome Creek III and Jordan Lake protected watersheds.

Flood Plain – These properties are not located in a floodplain according to the *Federal Emergency Management Agency* flood plain map 3710792200J.

Wetlands and streams – There are no wetlands or streams located on these parcels.

5. Utilities / Services:

These parcels will be served by Rockingham County public water and sewer.

6. Previous Zoning History:

1988: The area was designated Residential Agricultural zoning with the adoption of the UDO.

7. Adopted Regulation and Plans:

These parcels meet the lot size requirements of the LI district. Any proposed uses that require a Special Use Permit or Development Standards will be subject to the requirements of those sections of the UDO.

These properties are located in the *Economic Development Land Class* of the Rockingham County Land Use Plan. The proposed rezoning meets the purposes and characteristics of that Land Class, summarized below. A more detailed description of policies and guidelines from relevant sections of the Land Use Plan is attached.

Land Class	Purposes	Characteristics	Services	Residential Density
Economic Development	To accommodate and encourage new industrial and commercial uses in areas where local government supports substantial investments in water, sewer and transportation systems.	Lands outside of Developed and Urban Transition areas where substantial capital investments are strongly encouraged to create new jobs and build the County tax base.	Access to major transportation facilities and supported by public water and sewer.	Moderate to high density land uses. 2-3 units/acre

8. 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 and Board of Commissioners.

The parcels proposed for rezoning are located in an area identified by the county's Land Use Plan as a key growth interchange along US 220/ Interstate 73.

Property in close proximity to the subject parcels were recently rezoned from Residential to Light Industrial. The proposed zoning fits well into the context and adopted plans for the area. The rezoning of this area encourages new and expanding industries to diversify and boost the local economy. Industrial and manufacturing uses that would be permitted within the proposed district include the highest job producing business sectors.

There are no streams subject to Jordan Lake Rules. Development of the property will be governed by the state approved Rockingham County Watershed Protection Ordinance. No uses that are prohibited in the watersheds are proposed. The provision of public water and sewer to serve development in this area will further help to protect the watershed. The County will utilize provisions of the watershed ordinance that allow up to 10% of the watershed to be developed with new development at a maximum of 70% built-upon surface area. Site development will require the approval of a sedimentation plan by NCDEQ. Development will also be subject to the approval of a detailed Site Plan with TRC review.

Please remember that this request is for a straight rezoning with no conditions. When making the decision for a straight rezoning, the Board must consider all allowed uses in each zoning district. *No testimony referencing current or future uses should be discussed; nor may any testimony of this nature be considered in making the decision to grant or deny the rezoning.* Uses permitted in the Light Industrial district include 50 uses by right, 9 with a Special Use Permit, 6 with Design Criteria, and 3 allowed only as part of a conditional zoning district. A full list is attached.

It is Staff's recommendation that the rezoning request meets the intent of the Land Use Plan and will fit well within the context of current zoning and land use in the local community and the region.

Based on Staff's analysis, Staff recommends approval of Case #2020-023, a request for Rezoning from Residential Agriculture to Light Industrial.



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

APPLICATION FOR ZONING MAP AMENDMENT

ALL SIGNATURES ON ALL PAGES MUST BE WITNESSED BY STAFF OR NOTARY

Date: 9/9/2020

Applicant: Carroll Industrial Development (for owner)

Mailing Address: 201 N. Elm Street
Greensboro, NC 27401

Telephone: 336.814.3218

Owner: South Rockingham Corporate Park

Mailing Address: 201 N. Elm Street
Greensboro, NC 27401

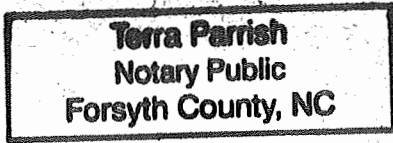
Telephone: 336.814.3218

Tax PIN: 792101487577, 792101478425, 792102570679

Road Name: Sylvania and NC65

Size of parcel for rezoning: 21.94AC, 1.75AC, .94AC

Terra Parrish
 Notary Public
07-16-2024
 My Commission Expires



Current Zoning District: RA - Residential Ag

Proposed Zoning District: LI - Light Industrial

 Signature of Applicant/Owner (1)

[Signature]
 * Signature of Applicant/Owner (2)
 for South Rockingham Corporate Park

(Office Use Only)

Date Fee Paid: 8/14/2020 Receipt Number: PL000522

Planning Board Recommendation: Approve () Deny () Vote: _____
 Date of Hearing October 12, 20 Date of rehearing _____

Board of Commissioners Decision: Approve () Deny () Vote: _____
 Date of Hearing October 19, 20 Date of rehearing _____

 Authorized County Official

USES IN LIGHT INDUSTRIAL ZONING DISTRICT

Uses Permitted by right. Zoning Permit may be required.

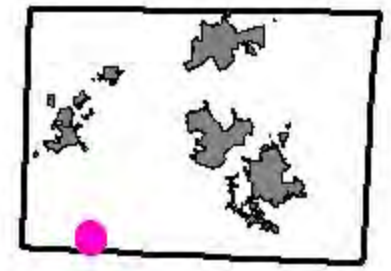
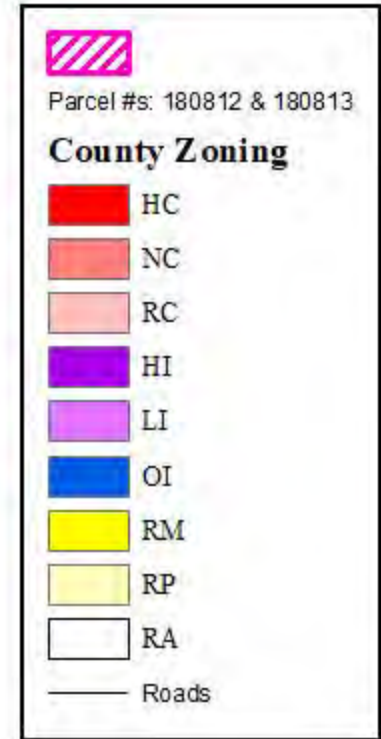
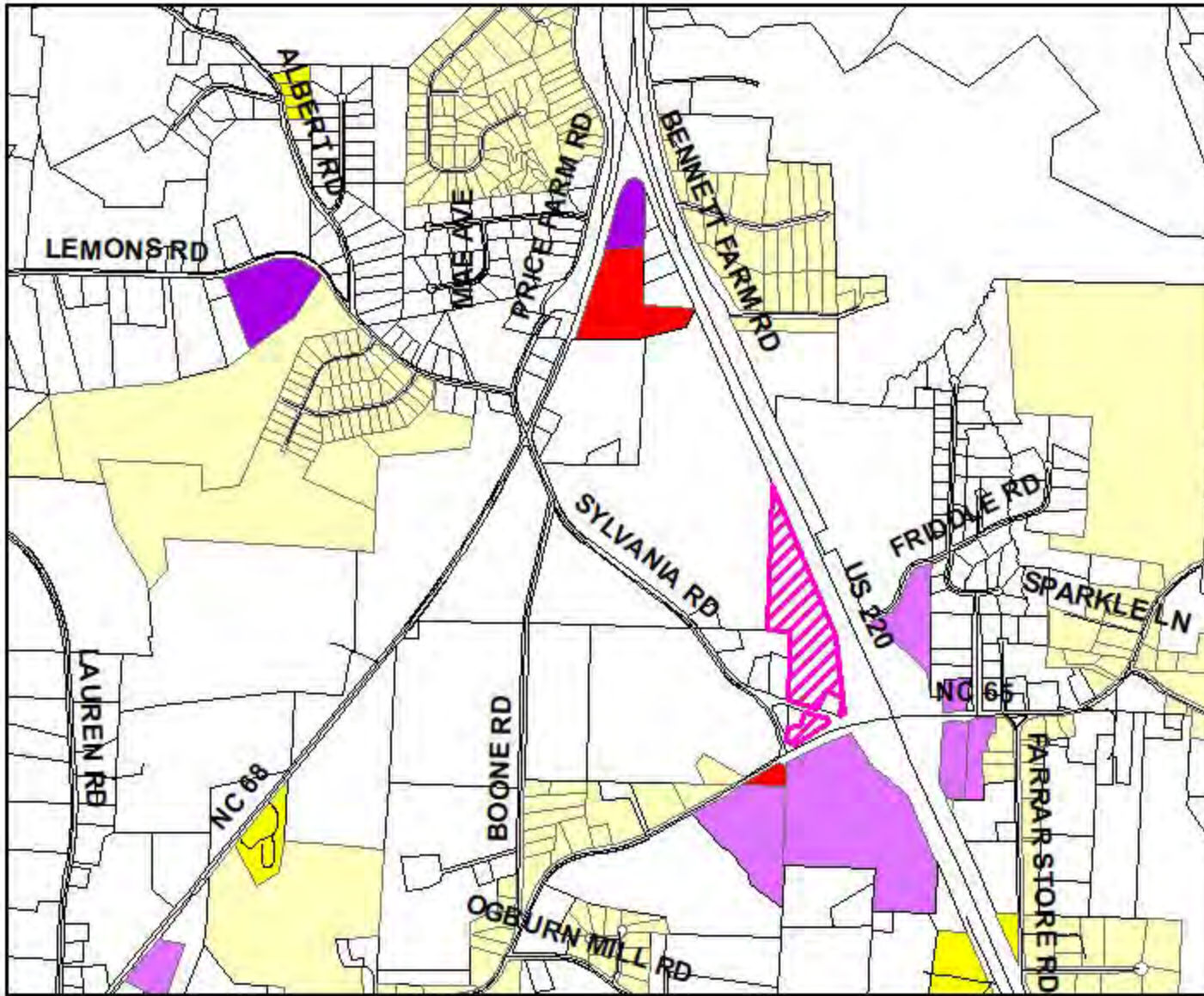
1. Accessory uses
2. Agricultural use (not regulated)
3. Auction sales, temporary, one-time use
4. Auction sales, yards, permanent
5. Automobile body shops (excluding open storage of wrecked vehicles)
6. Automobile car-wash, drive through, requiring vehicle stacking
7. Automobile parts sales
8. Automobile sales
9. Automobile service stations
10. Automobile storage (excluding wrecked & junked vehicles) – no outdoor storage
11. Automobile, truck and trailer (hauling) rental
12. Boats, recreational vehicles sales and service
13. Bottling plants
14. Builders supply sales – no outdoor storage
15. Cabinet making
16. Car wash
17. Chemical manufacturing
18. Coal sales and storage – no outdoor storage
19. Compartmentalized storage for individual storage of residential and commercial goods
20. Dairy products, wholesale and processing
21. Farm machinery sales
22. Fire, sheriff and emergency services
23. Food freezer operations
24. Furniture manufacturing
25. Home occupations
26. Industrial equipment sales and service
27. Kennels
28. Laboratory, research
29. Lumber yard – no outdoor storage
30. Machine shop, welding shop
31. Manufacturing, apparel, soft goods, textiles
32. Manufacturing and other industrial uses
33. Mixed commercial and residential use where commercial use is primary and both occupy same structure or lot
34. Mobile home, temporary use for construction projects (Class A or B)
35. Mobile home, travel trailer, camper, marine, recreational vehicle sales
36. Monument and cut stone manufacture and sales
37. Nursery and plant cultivation and sales
38. Pottery crafting and sales
39. Printing and reproduction
40. Radio or television studio
41. Sawmills, planing mills – temporary
42. Service stations
43. Sheet metal fabrication
44. Sign, outdoor advertising (off-premises)
45. Sign, on premises
46. Temporary buildings, incidental to development
47. Temporary carnivals, rides, ferris wheels
48. Theatre, drive-in
49. Tire recapping
50. Tobacco sales and warehousing
51. Truck terminal
52. Upholstering and furniture refinishing
53. Veterinary clinics
54. Warehouses, sales or service
55. Wholesale sales, not otherwise listed

Uses Permitted with Design Standards or other standards. Zoning Permit may be required.

1. Agritourism Activities – Design Guidelines
2. Automobile storage (excluding wrecked and junked vehicles) – with outdoor storage yard fencing requirements
3. Builders supply sales – with outdoor storage yard fencing requirements
4. Coal sales and storage – with outdoor storage yard fencing requirements
5. Contractor’s yard and outdoor storage area –fencing requirements
6. Lumber yard - with outdoor storage yard fencing requirements

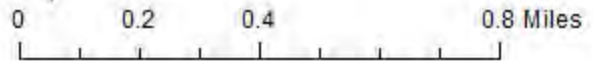
Uses requiring Special Use Permit

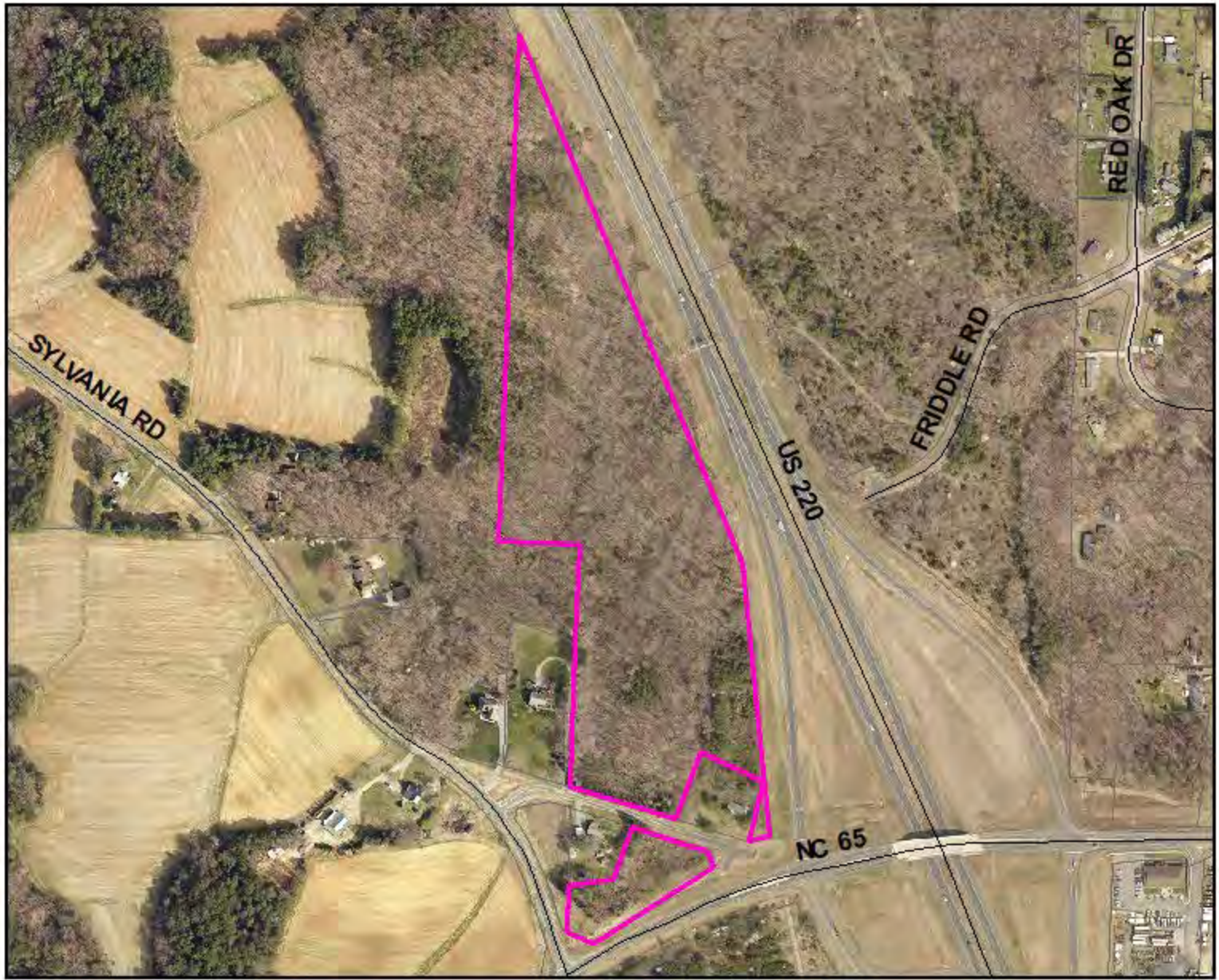
1. Adult uses
2. Air fields (general aviation)
3. Junk yards (600 sq/ft or more in size)
4. Planned business development
5. Public utility substations
6. Sanitary Landfill
7. Schools, academic
8. Storage, flammable liquids above ground in quantities for distribution
9. Wireless Telecommunications Facilities – new tower



**Case #2020-23, South Rockingham Corporate Park,
Residential Agriculture to Light Industrial**

Zoning Vicinity Map





Aerial Map

 Parcel #: 180812 & 180813

Parcels

 Parcels

 Roads



0 0.05 0.1 0.2 Miles

Case #2020-23, South Rockingham Corporate Park, Residential Agriculture to Light Industrial

ROCKINGHAM COUNTY PLANNING DEPARTMENT, FOR ILLUSTRATION PURPOSES ONLY

**PLANNING BOARD ANALYSIS AND STATEMENT
CASE #2020-23, South Rockingham Corporate Park
Residential Agricultural to Light Industrial**

APPROVAL, CONSISTENT WITH LAND USE PLAN

The Planning Board has reviewed the **Light Industrial** zoning amendment and adopts the following statements as required by NCGS § 153A-341 and § 153A-342:

1. After considering Rockingham County adopted comprehensive plans, the Planning Board recommends **approval** of (Case #2020-23). This action is **consistent** with the adopted Rockingham County Land Use Plan. This zoning amendment supports the intent and descriptions of the **Economic Development Land Class**.
2. The Board considers its action in adopting the proposed zoning amendment to be reasonable because:
 - A. The proposed use is an appropriate use for the land, considering its effect upon the entire community as a social, economic and political unit;
 - B. The size of the parcel is appropriate for the district requested;
 - C. The property for the request abuts properties that are currently zoned **Highway Commercial, Residential Agricultural, and Light Industrial**.
3. The Board considers its action in adopting this zoning amendment to be in the public interest because:
 - A. The proposed development has sufficient design features so as to be compatible with or exceed the quality of existing developments in the neighborhood;
 - B. The uses permitted in **Light Industrial** would have similar impacts as the surrounding residentially zoned properties. This would not impose significant harm on the neighbors and surrounding community
 - C. The proposed rezoning is designed to meet or exceed all requirements and goals of the existing UDO and the comprehensive plan; and,
4. On balance the following factors: (1) the size of the tract in question, (2) the compatibility of the zoning action with the comprehensive plan, (3) the benefits and detriments resulting from the zoning action for the owner of the newly permitted property, the neighbors, and the surrounding community, and (4) the relationship between the envisioned permitted use and the uses currently present in adjacent tracts weigh in favor of approving the proposed zoning amendment.
5. Additional comments: _____

The Rockingham County Planning Board adopted this statement:

“The Board has determined that the zoning amendment is consistent with the Rockingham County Land Use Plan. As a whole, this zoning amendment supports the intent and descriptions of the *Economic Development Land Class*.

The area is appropriate for the proposed land use; and the proposed zoning amendment is consistent with all other maps and plans officially adopted by the Board of Commissioners.”

**PLANNING BOARD ANALYSIS AND STATEMENT
CASE #2020-23, South Rockingham Corporate Park
Residential Agricultural to Light Industrial**

APPROVAL, INCONSISTENT WITH LAND USE PLAN

The Planning Board has reviewed the **Light Industrial** zoning amendment and adopts the following statements as required by NCGS § 153A-341 and § 153A-342:

1. After considering Rockingham County adopted comprehensive plans, the Planning Board recommends **approval of (Case #2020-23)**. This action is **not consistent** with the adopted Rockingham County Land Use Plan. This zoning amendment does not support the intent and descriptions of the **Economic Development Land Class**.
2. The Board considers its action in adopting the proposed zoning amendment to be reasonable because:
 - A. The proposed use is an appropriate use for the land, considering its effect upon the entire community as a social, economic and political unit;
 - B. The size of the parcel is appropriate for the district requested;
 - C. The property for the request abuts properties that are currently zoned **Highway Commercial, Residential Agricultural, and Light Industrial**.
3. The Board considers its action in adopting this zoning amendment to be in the public interest because:
 - A. The proposed development has sufficient design features so as to be compatible with or exceed the quality of existing developments in the neighborhood;
 - B. The uses permitted in **Light Industrial** would have similar impacts as the surrounding residentially zoned properties. This would not impose significant harm on the neighbors and surrounding community
 - C. The proposed rezoning is designed to meet or exceed all requirements and goals of the existing UDO and the comprehensive plan; and,
4. On balance the following factors: (1) the size of the tract in question, (2) the compatibility of the zoning action with the comprehensive plan, (3) the benefits and detriments resulting from the zoning action for the owner of the newly permitted property, the neighbors, and the surrounding community, and (4) the relationship between the envisioned permitted use and the uses currently present in adjacent tracts weigh in favor of approving the proposed zoning amendment; and,

Additional comments: _____

The Rockingham County Planning Board adopted this statement:
“The Board has determined that the zoning amendment is consistent with the Rockingham County Land Use Plan. As a whole, this zoning amendment supports the intent and descriptions of the Economic Development *Land Class*.

The area is appropriate for the proposed land use; and the proposed zoning amendment is consistent with all other maps and plans officially adopted by the Board of Commissioners.”

**PLANNING BOARD ANALYSIS AND STATEMENT
CASE #2020-23, South Rockingham Corporate Park
Residential Agricultural to Light Industrial**

DENIAL

The Planning Board has reviewed the **Light Industrial** zoning amendment and adopts the following statements as required by NCGS § 153A-341 and § 153A-342:

1. After considering Rockingham County adopted comprehensive plans, the Planning Board recommends **denial** of (**Case #2020-23**). This action is **not consistent** with the adopted Rockingham County Land Use Plan. This zoning amendment does not support the intent and descriptions of the **Economic Development Land Class**.
2. The Board does not consider the adoption of the proposed zoning amendment to be reasonable because:
 - A. The proposed use is not an appropriate use for the land, considering its effect upon the entire community as a social, economic and political unit;
 - B. The size of the parcel is not appropriate for the district requested;
 - C. The property for the request abuts properties that are currently zoned **Highway Commercial, Residential Agricultural, and Light Industrial**.
3. The Board does not consider the adoption of the proposed zoning amendment to be in the public interest because:
 - A. The proposed development does not have sufficient design features so as to be compatible with or exceed the quality of existing developments in the neighborhood;
 - B. The uses permitted in **Light Industrial** would not have similar impacts as the surrounding residentially zoned properties. This would potentially impose significant harm on the neighbors and surrounding community
 - C. The proposed rezoning is not designed to meet or exceed all requirements and goals of the existing UDO and the comprehensive plan; and,
4. On balance the following factors: (1) the size of the tract in question, (2) the compatibility of the zoning action with the comprehensive plan, (3) the benefits and detriments resulting from the zoning action for the owner of the newly permitted property, the neighbors, and the surrounding community, and (4) the relationship between the envisioned permitted use and the uses currently present in adjacent tracts weigh in favor of approving the proposed zoning amendment; and,

Additional comments: _____

The Rockingham County Planning Board adopted this statement:
“The Board has determined that the zoning amendment is consistent with the Rockingham County Land Use Plan. As a whole, this zoning amendment supports the intent and descriptions of the *Economic Development Land Class*.

The area is appropriate for the proposed land use; and the proposed zoning amendment is consistent with all other maps and plans officially adopted by the Board of Commissioners.”

**ROCKINGHAM COUNTY PLANNING
STAFF REPORT
Case #2020-27**



Request:	Residential Agricultural/ Highway Commercial to Highway Commercial – Conditional District
Applicant:	<u>Teramore Development</u>
Identification:	Tax PIN: 706114446761 (portion) Parcel Number: 103890
Location:	<u>Intersection of NC 14 & NC 87</u>

1. Acreeage and Location of Proposal:

This rezoning request is for (+/-)2 acres out of a parcel with a total acreage of (+/-) 15.99. It is located across NC 14 from the intersection of NC 14 & NC 87, about a mile west of Eden’s ETJ in Leaksville Township.

2. Zoning Classification of Adjacent and Surrounding Parcels:

Adjacent properties are zoned Residential Agricultural to the North, South and East, Residential Mixes to the West, and abuts NC 14.

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

The neighborhood is characterized by Residential Single Family Stick Built and Manufactured Homes and Agricultural uses. Along NC 14 there are a number of neighboring properties zoned Highway Commercial.

4. Topographical and Environmental Characteristics:

Watershed – The subject parcel is located within the Smith River WS-IV protected watershed.

Flood Plain – The subject parcel is not located in a floodplain according to the *Federal Emergency Management Agency* flood plain map 3711706100J.

Wetlands and streams – There are no wetlands or streams located on the portion of the property requested for this rezoning.

5. Utilities / Services:

The subject parcel will be served by public water, and private septic. Dan River Water has a waterline that runs along NC 87 across the road from this parcel.

6. Previous Zoning History:

1988: The parcel was granted a Conditional Use permit for a Contractor’s Yard

7. Adopted Regulation and Plans:

The subject parcel meets the lot size requirements of the Highway Commercial District. Any proposed uses that require a Special Use Permit or Development Standards will be subject to the requirements of those sections of the UDO.

The subject parcel is located in the *Urban Transition Land Class* of the Rockingham County Land Use Plan. The proposed rezoning meets the purposes and characteristics of that Land Class, summarized with relevant sections detailed below.

Land Class	Purposes	Characteristics	Services	Residential Density
Urban Transition	To provide for future intensive urban and economic development on lands that most likely to be scheduled for provision of necessary public utilities and services.	Lands being developed for urban purposes but which do not yet have usual urban services, lands necessary to accommodate population growth over the next 20-year period, lands which can be readily service with usual urban services, lands generally free from severe physical limitations for development.	Typical municipal or public services currently available or to be made available at the time of development or soon thereafter.	Moderate to high density land uses. 3-5 units/acre.

Growth Management Strategies:

Strategy 4) Identify key growth corridors and interchanges that require non-residential development sites be prioritized and planned.

The NCDOT AADT (Annual Average Daily Traffic) for NC 14 at this location is 6,900 vehicle trips per day, increasing to 8,300 vehicle trips per day north of the intersection. The roadway is classified by NCDOT as a primary route.

Strategy 5) Strengthen the municipal commercial centers to provide more in-County retail opportunities. and

Strategy 6) Promote growth in and around municipalities and other targeted growth areas

The location of this property close to the City of Eden, and along a route connecting Eden to Martinsville, VA supports this strategy. The conditional nature of this rezoning request allows for the opportunity to organize the development site with conditions related to the Land Use Plan.

Strategy 7) Develop and refine detailed design guidelines and standards for non-residential development to be applied countywide.

The development of this property will be subject to UDO Site Design and Landscape Requirements for Non-Residential Zoning Districts, Article XVII of the Rockingham County Unified Development Ordinance (UDO).

Growth Management Policies:

5.2.2 Transportation

The intensity and size of the proposed request do not represent high traffic generating uses. The location, nature and signalization of the driveway will be determined with a commercial driveway permit from NCDOT.

5.2.5 Commercial Development

This request for Highway Commercial zoning would create a neighborhood center with a local convenience store at an intersection. Landscaping must be effective for buffering existing residential uses. This is not a major intersection, therefore the size of the parcel proposed for rezoning is relevant.



ROCKINGHAM COUNTY

Community Development

APPLICATION FOR ZONING MAP AMENDMENT

Case Number: 2020-27

Property Address: NC 14 + 87
 Parcle No / Tax Pins(s): 103890
 Current District including overlays: Split zoning H C E R A
 Acreage requested for rezoning: 2.0 (attach legal description if acreage represents a portion of a parcel)

Owner: Andrew M. Clark Leon Allen Clark
 Mailing Address: 601 Powell Rd Ridgeway VA 24148-4062
 Telephone: 276-226-0576 Email: N/A

Applicant: Teramore Development
 Mailing address: 214 Klumac rd
 Telephone: 704-224-7369 email: jstrickland@teramore.ncd

Proposed District including overlays: HC

Andrew M. Clark
 Signature of Applicant/Owner (circle)

Leon A. Clark
 Signature of Applicant/Owner (circle)

NOTARIZE SIGNATURES BELOW IF NOT WITNESSED BY STAFF

OR

Proposed Conditional District including overlays: (list conditions and attach site plan if appropriate)

HC-C.D

(attach additional pages if needed)

An application has been duly filed requesting that the property involved in the application be rezoned as above. It is understood and acknowledged that if the property is rezoned as requested and the Conditional District authorized, the property involved in this request will be perpetually bound to the uses and conditions as imposed unless subsequently changed or amended by the Rockingham County Board of Commissioners. It is further understood and acknowledged that any development plans to be submitted pursuant to any such Conditional District so authorized shall be submitted to the Board of Commissioners for review and approval.

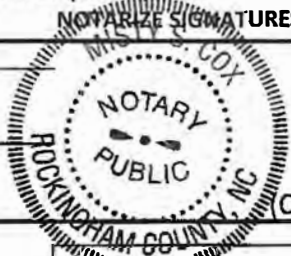
M. S. Cox
 Signature of Applicant/Owner (circle)

Leon A. Clark
 Signature of Applicant/Owner (circle)

NOTARIZE SIGNATURES BELOW IF NOT WITNESSED BY STAFF

Notary Public

12-5-2020
 My Commission Expires



Authorized County Official

(Office Use Only)

- > legal description of area
- > all owner signatures
- > fees
- > conditions
- > site plan

Date of Planning Board Hearing _____
 Date of Board of Commissioners Hearing _____
 Planning Board Recommendation: Approve () Deny () Vote: _____
 Board of Commissioners Decision: Approve () Deny () Vote: _____



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

I, Andrey M. Clark
Leon Allen Clark, owner of the property denoted by Rockingham
 County Tax PIN # 103890 do hereby request that the property be granted a
 Rezoning to HC-CD. I understand that if the
 Planning Board and/or the Board of Commissioners approve the request for rezoning, they may
 add conditions that will be binding on the property. I feel this will serve my best interests.

X Andrey M. Clark
 X Leon A. Clark
 Signature

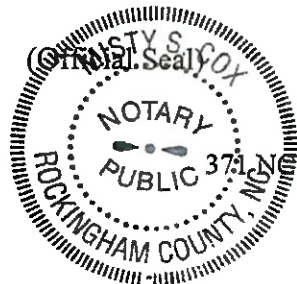
9-10-2020
 Date

61 Powell Rd
 Mailing Address
Ridgeway VA 24148 - 4062
 City, State, Zip
276-226-0576
 Phone Number

Rockingham County, North Carolina I certify that the following person(s) personally
 appeared before me this day, each acknowledging to me that he or she signed the foregoing
 document: name(s) of principal(s).

Date: 9/10/20 Mary S. Cox

_____, Notary Public
 My commission expires: 12-5-2020



65, Reidsville, NC 27320 | PO Box 105, Wentworth, NC 27375
 TELEPHONE: (336) 342-8130 | FAX: (336) 342-8362

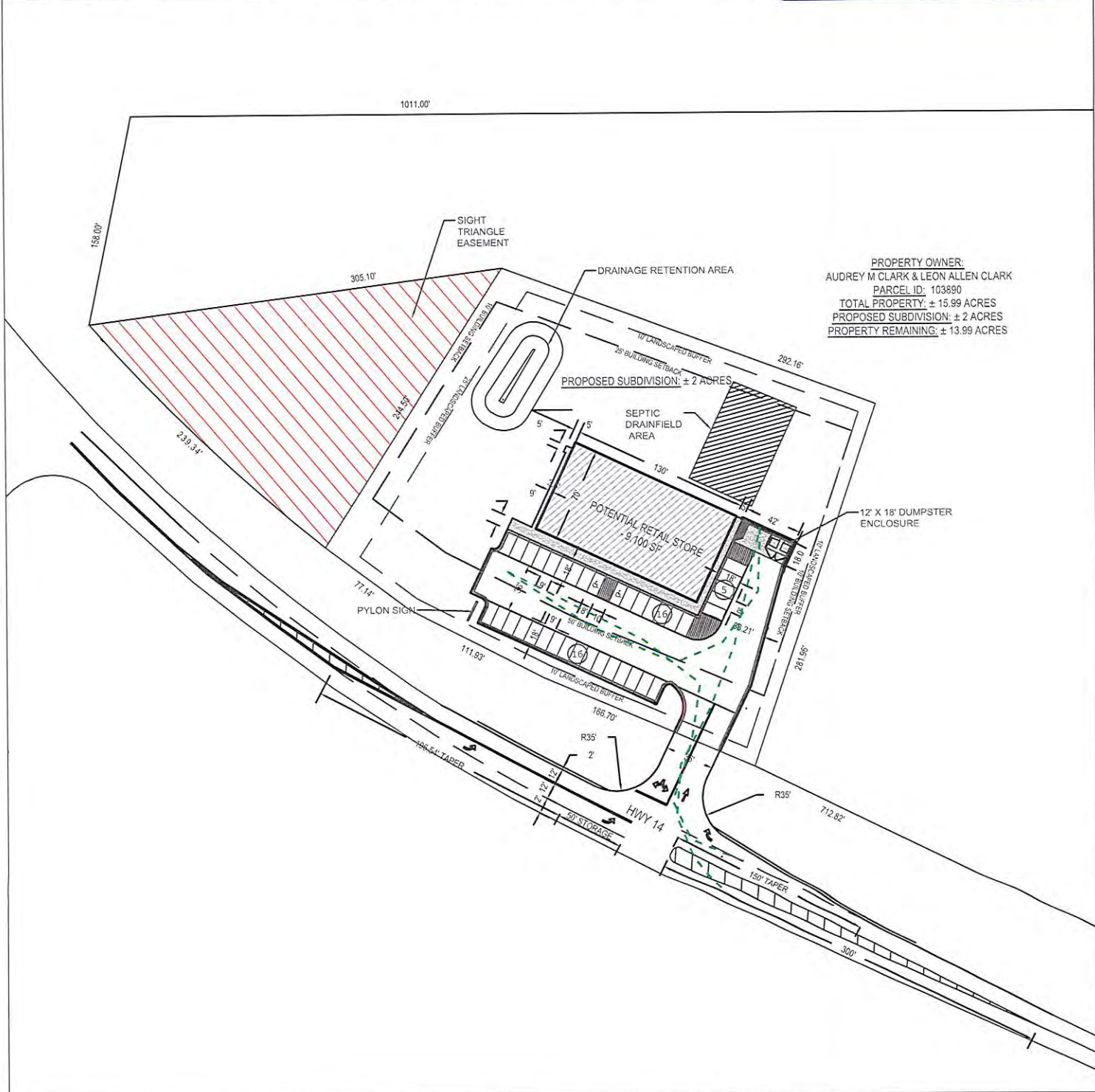
PRELIMINARY SITE PLAN

CITY, STATE - STREET:
EDEN, NC - HWY 14



PROTOTYPE:	D9100	DEVELOPER	DESIGNER	DATE:
SALES SF/LEASE SF:	7,302/9,100	COMPANY: TERAMORE DEVELOPMENT, LLC	COMPANY: BREC, PA	7/6/20
ACREAGE:	2.00	NAME: JOSH HUFSTETLER	NAME: JUSTIN CHURCH	
PARKING SPACES:	37	PHONE #: (229) 977-3931	PHONE #: (336) 844-4088	

REVIEWED
By Sarah James Myatt at 7:24 am, Jul 23, 2020



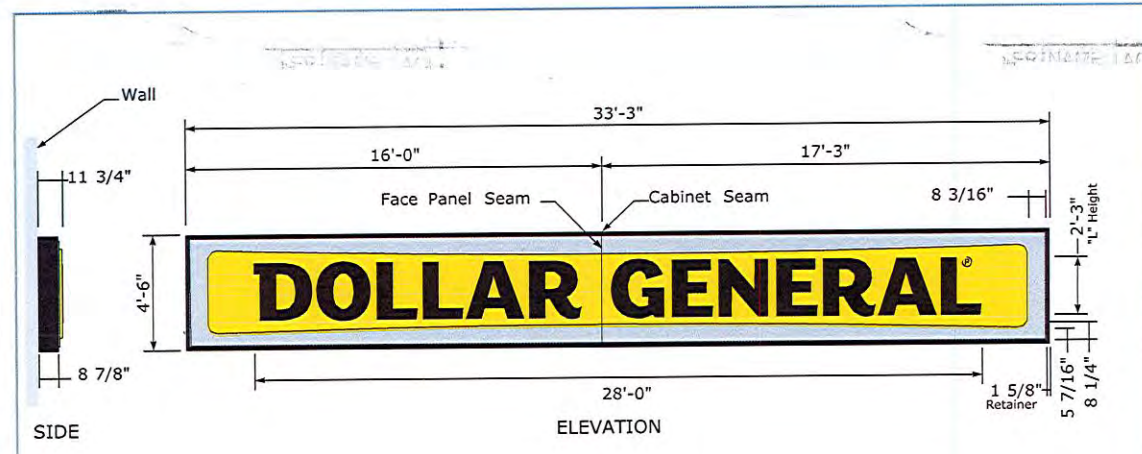
PROPERTY OWNER:
AUDREY M CLARK & LEON ALLEN CLARK
PARCEL ID: 103890
TOTAL PROPERTY: ± 15.99 ACRES
PROPOSED SUBDIVISION: ± 2 ACRES
PROPERTY REMAINING: ± 13.99 ACRES

LEGEND			
	EXISTING ASPHALT		PROPOSED HD ASPHALT
	PROPOSED CONCRETE		PROPOSED LD ASPHALT

GENERAL NOTES:
1. PRELIMINARY BOUNDARY IS BASED ON INFORMATION FROM PROPERTY APPRAISER AND SHALL BE USED FOR ILLUSTRATIVE PURPOSES ONLY. THIS PLAN SHALL NOT BE INTENDED TO CERTIFY THE ACCURACY OF EXISTING SURFACE OR SUBSURFACE CONDITIONS. ALL AREAS AND DIMENSIONS ARE APPROXIMATE AND SHOULD BE VERIFIED BY ACTUAL SURVEY.
2. PROPOSED ACCESS LOCATIONS SHALL BE APPROVED BY REGULATORY AGENCIES HAVING JURISDICTION.
3. LIMITS OF R.O.W. DEDICATION ARE APPROXIMATE BASED ON PARCEL DATA FROM COUNTY GIS.







.150" clear UV polycarbonate (Spartech) pan formed face with Black copy over Spraylat C8-2633 Yellow on PMS Cool Gray 5 background. Cabinet to be painted Satin Black.

SQUARE FOOTAGE		COLOR SPECIFICATIONS	
ACTUAL	140.63 sq. ft.	Yellow:	match Spraylat C8-2633
		Brushed Aluminum:	match Spraylat FM-171
		Black (Copy):	match Spraylat
		Black	Black
		Satin Black (Metal):	match Black Polyurethane
		Cool Gray:	match PMS Cool Gray 5
		Dark Bottom Gray:	match Sherwin Williams SW7062
		Green:	match PMS 366C

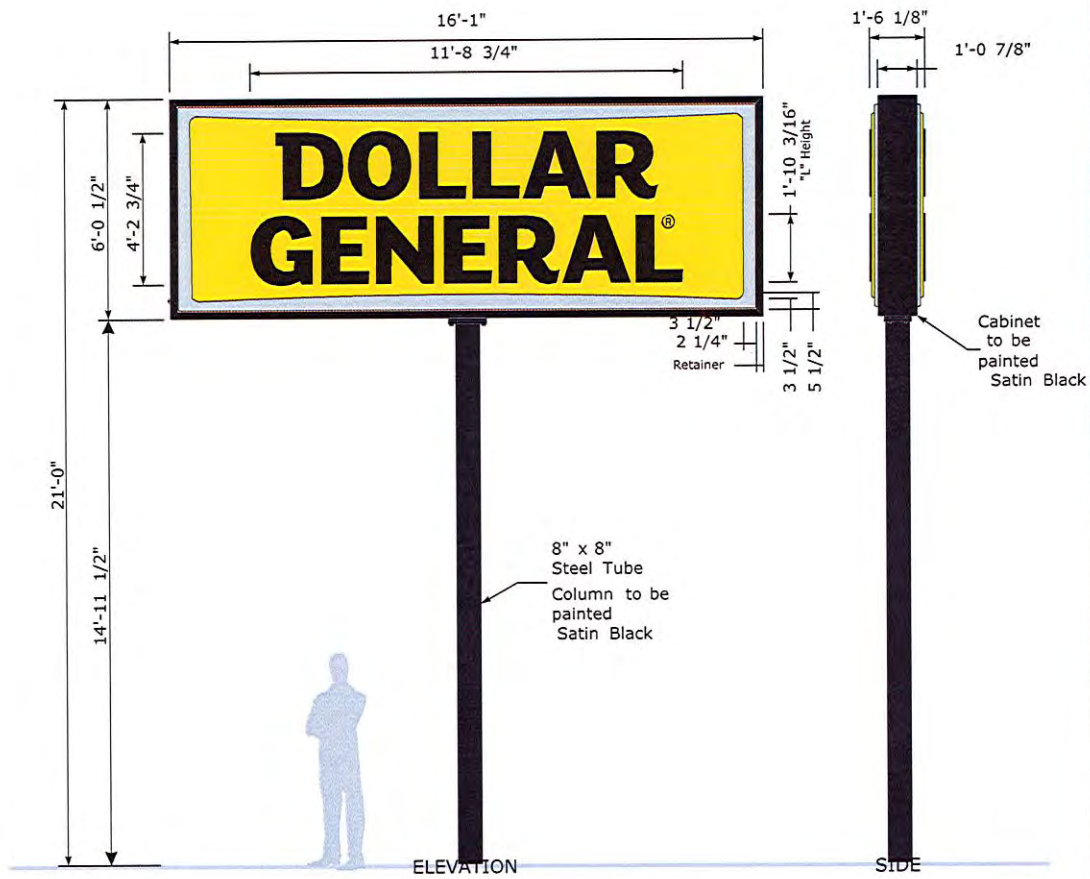


File Name: Dollar General Cutsheets 2013
 Project #: 13-0181 Page 10 of 33
 Date: 04/12/2013
 Approved By:

LINK
 135 South David Lane
 Knoxville, TN 37922
 Office: 865-539-4001
 Fax: 865-539-0851
 www.linkengr.com

Artwork is the property of Dollar General. Material herein shall not be copied or reproduced without permission.

EXHIBIT "L"



SQUARE FOOTAGE

ACTUAL	97.17 sq. ft.
--------	---------------

COLOR SPECIFICATIONS

Yellow:	match Spraylat C8-2633
Brushed Aluminum:	match Spraylat EM-171
Black (Copy):	match Spraylat
Black:	
Satin Black (Metal):	match Black Polyurethane
Cool Gray:	match PMS Cool Gray 5
Rock Bottom Gray:	match Sherwin Williams SW7062
Green:	match PMS 368C



File Name: Dollar General Cutsheets 2013
 Project #: 13-0181 Page 1 of 33
 Date: 04/12/2013
 Approved By:

LINK
 135 South David Lane
 Knoxville, TN 37922
 Office: 865-539-4001
 Fax: 865-539-0851
 www.linkengr.com

Artwork is the property of Dollar General. Material herein shall not be copied or reproduced without permission.

EXHIBIT "K"

USES IN HIGHWAY COMMERCIAL ZONING DISTRICT

Uses Permitted by right. Zoning Permit may be required.

1. Accessory uses
2. Agricultural use (not regulated)
3. Amusements, indoor commercial (e.g. bowling alleys, skating rinks)
4. Amusements, out-of-doors commercial (e.g. roller coasters, fairgrounds)
5. Apparel and accessory sales
6. Auction sales, temporary, one-time use
7. Automobile body shops (excluding open storage of wrecked vehicles)
8. Automobile car-wash, drive through, requiring vehicle stacking
9. Automobile parts sales
10. Automobile sales
11. Automobile service stations
12. Automobile storage (excluding wrecked & junked vehicles)
13. Automobile, truck and trailer (hauling) rental
14. Banks, and Savings and loans
15. Barber and beauty service
16. Beneficial Fill
17. Boats, recreational vehicles sales and service
18. Bottling plants
19. Bus station
20. Cabinet making
21. Car wash
22. Churches and their customary uses including child care
23. Clinics, medical, dental
24. Clubs and lodges, private, non-profit
25. Clubs and places of entertainment (commercial)
26. Community centers, public or private non-profit for assembly and recreation
27. Compartmentalized storage for individual storage of residential and commercial goods
28. Condominiums- Commercial
29. Convenience food stores
30. Day care – 6 or more persons
31. Drive – in window services (banks, laundries, fast-food, etc., where permitted in district)
32. Dry cleaning and laundry
33. Exterminating services
34. Farm machinery sales
35. Farm supplies sales (feed, seed, fertilizer, etc.)
36. Fire, sheriff and emergency services
37. Fleamarkets (indoors)
38. Fleamarkets (out-of-doors)
39. Florists
40. Food freezer operations
41. Funeral Homes
42. Gift shops
43. Golf, miniature
44. Governmental offices
45. Grocery stores
46. Hardware, paint and garden supplies
47. Home furnishings and appliance sales
48. Home Occupations
49. Hotels and motels
50. Health and social services centers
51. Industrial equipment sales and service
52. Kennels
53. Laboratory, medical and dental
54. Laboratory, research
55. Laundry or dry cleaning, self-service
56. Library, public
57. Locksmith, gunsmith
58. Machine shop, welding shop
59. Mixed commercial and residential – commercial primary
60. Mobile home, temporary use for construction projects (Class A or B)

- | | |
|---|---|
| 61. Mobile home, travel trailer, camper, marine, recreational vehicle sales | 77. Service establishments including but not limited to barber and beauty shops, small item repair and rental |
| 62. Monument and cut stone manufacture and sales | 78. Sign, outdoor advertising (off-premises) |
| 63. Nursery, Plant Cultivation, & Sales | 79. Sign, on premises |
| 64. Office supplies, sales | 80. Studios for artists, designers, musician, photographers, sculptors (not as home occupation) |
| 65. Pharmacy and drug store | 81. Tailor shop |
| 66. Post office | 82. Taxi stand |
| 67. Pottery crafting and sales | 83. Temporary buildings, incidental to development |
| 68. Printing and reproduction | 84. Temporary carnivals, rides, ferris wheels |
| 69. Professional and business offices | 85. Theatre, drive-in |
| 70. Radio or television studio | 86. Townhouses - commercial |
| 71. Reception/Banquet Facility | 87. Upholstering and furniture refinishing |
| 72. Retail sales, not listed elsewhere | 88. Veterinary clinics |
| 73. Repair, rental and service of products sold at retail in same district | 89. Warehouses, sales or service |
| 74. Restaurant | 90. Wholesale sales, not otherwise listed |
| 75. Retail stores and shops (excluding vehicle sales) not otherwise listed herein | |
| 76. Service stations | |

Uses Permitted with Design Standards or other standards. Zoning Permit may be required.

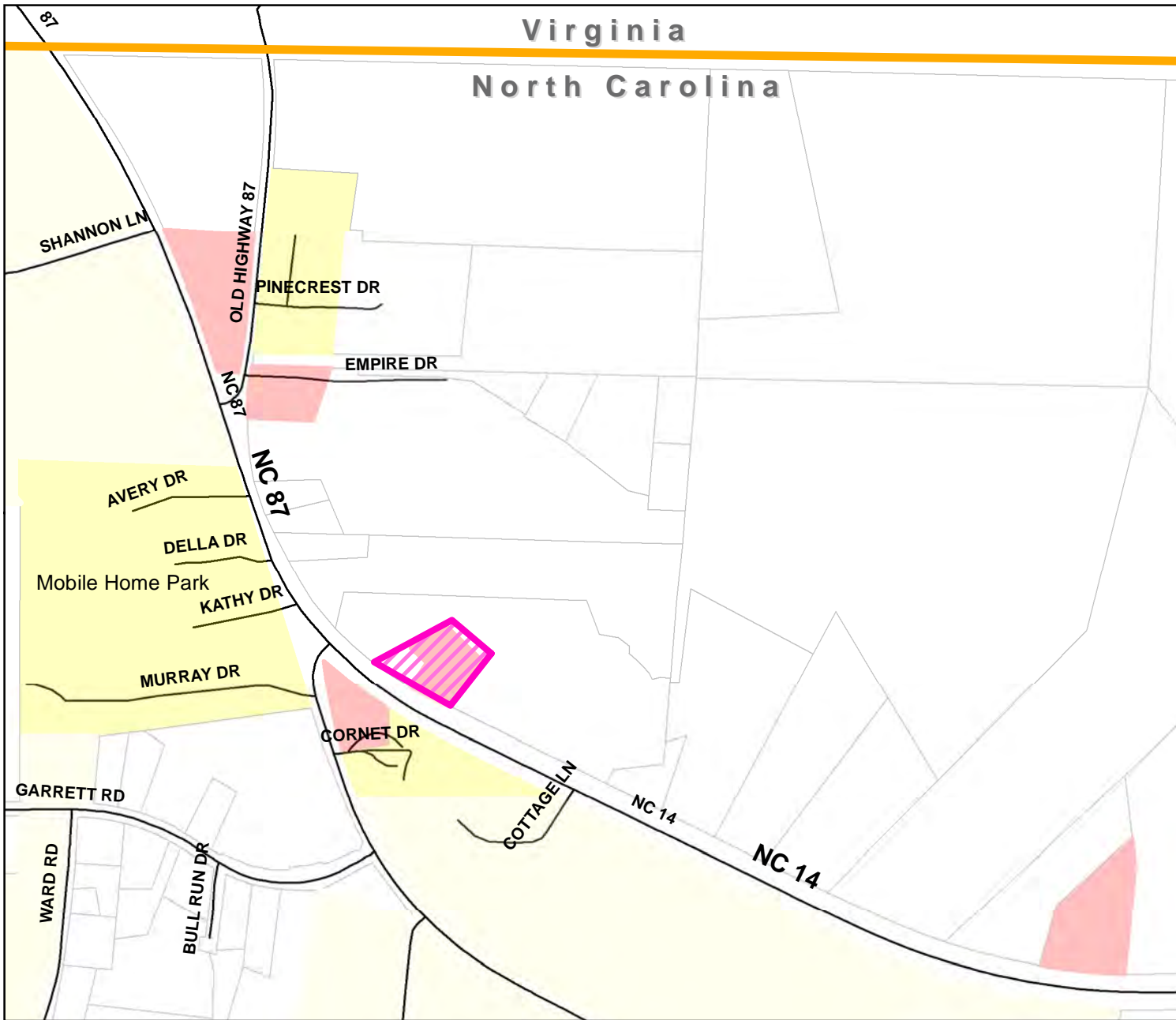
1. Agritourism Activities
2. Outdoor Display Area (non-residential)
3. Outdoor Storage Area (non-residential)
4. Special Events

Uses with Special Use Permit

- | | |
|---------------------------------|---|
| 1. Adult uses | 6. Schools, academic |
| 2. Electronic Gaming Operations | 7. Schools, business/trade |
| 3. Paintball Facility (outdoor) | 8. Turkey Shoots (for profit, year round) |
| 4. Planned business development | 9. Wireless Telecommunications Facilities – new tower |
| 5. Public utility substations | |

Uses Permitted with Conditional Zoning. Rezoning and Zoning Permits may be required.

1. Airstrips



Part of Tax Pin: 706114446761

County Boundary

HC

NC

RC

HI

LI

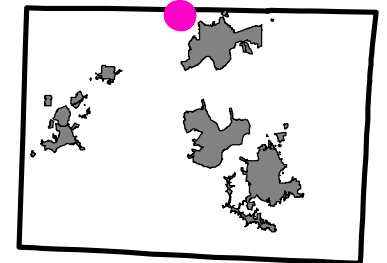
OI

RM

RP

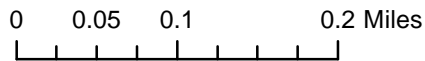
RA

Roads






**Zoning
Vicinity Map**

**Case #2020-27: Teramore Development,
Rezoning from HC/RA to HC-CD**





**Case #2020-27: Teramore Development,
Rezoning from HC/RA to HC-CD**

-  Part of Tax Pin: 706114446761
-  Parcels
-  Roads

Aerial Map



0 0.0175 0.035 0.07 Miles

ROCKINGHAM COUNTY PLANNING DEPARTMENT, FOR ILLUSTRATION PURPOSES ONLY

PLANNING BOARD ANALYSIS AND STATEMENT

CASE #2020-27, Teramore Development

Residential Agricultural/ Highway Commercial to Highway Commercial – Conditional District

APPROVAL, CONSISTENT WITH LAND USE PLAN

The Planning Board has reviewed the **Highway Commercial – Conditional District** zoning amendment and adopts the following statements as required by NCGS § 153A-341 and § 153A-342:

1. After considering Rockingham County adopted comprehensive plans, the Planning Board recommends **approval** of (**Case #2020-27**). This action is **consistent** with the adopted Rockingham County Land Use Plan. This zoning amendment supports the intent and descriptions of the **Urban Transition Land Class**.
2. The Board considers its action in adopting the proposed zoning amendment to be reasonable because:
 - A. The proposed use is an appropriate use for the land, considering its effect upon the entire community as a social, economic and political unit;
 - B. The size of the parcel is appropriate for the district requested; and,
 - C. The property for the request abuts properties that are currently zoned **Residential Agricultural**.
3. The Board considers its action in adopting this zoning amendment to be in the public interest because:
 - A. The proposed development has sufficient design features so as to be compatible with or exceed the quality of existing developments in the neighborhood;
 - B. The uses permitted in the **Highway Commercial – Conditional District** would have similar impacts as the surrounding residentially zoned properties. This would not impose significant harm on the neighbors and surrounding community
 - C. The proposed rezoning is designed to meet or exceed all requirements and goals of the existing UDO and the comprehensive plan; and,
4. On balance the following factors: (1) the size of the tract in question, (2) the compatibility of the zoning action with the comprehensive plan, (3) the benefits and detriments resulting from the zoning action for the owner of the newly permitted property, the neighbors, and the surrounding community, and (4) the relationship between the envisioned permitted use and the uses currently present in adjacent tracts weigh in favor of approving the proposed zoning amendment.
5. Additional comments: _____

Applicable Statutory Language:

“The planning board shall advise and comment on whether the proposed amendment is consistent with any Land Use Plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the Land Use Plan shall not preclude consideration or approval of the proposed amendment by the governing board.” NCGS § 153A-341

PLANNING BOARD ANALYSIS AND STATEMENT

CASE #2020-27, Teramore Development

Residential Agricultural/ Highway Commercial to Highway Commercial – Conditional District

APPROVAL, INCONSISTENT WITH LAND USE PLAN

The Planning Board has reviewed the **Highway Commercial – Conditional District** zoning amendment and adopts the following statements as required by NCGS § 153A-341 and § 153A-342:

1. After considering Rockingham County adopted comprehensive plans, the Planning Board recommends **approval** of (**Case #2020-27**). This action is **not consistent** with the adopted Rockingham County Land Use Plan. This zoning amendment does not support the intent and descriptions of the **Urban Transition Land Class**.
2. The Board considers its action in adopting the proposed zoning amendment to be reasonable because:
 - A. The proposed use is an appropriate use for the land, considering its effect upon the entire community as a social, economic and political unit;
 - B. The size of the parcel is appropriate for the district requested; and,
 - C. The property for the request abuts properties that are currently zoned **Residential Agricultural**.
3. The Board considers its action in adopting this zoning amendment to be in the public interest because:
 - A. The proposed development has sufficient design features so as to be compatible with or exceed the quality of existing developments in the neighborhood;
 - B. The uses permitted in the **Highway Commercial – Conditional District** would have similar impacts as the surrounding residentially zoned properties. This would not impose significant harm on the neighbors and surrounding community
 - C. The proposed rezoning is designed to meet or exceed all requirements and goals of the existing UDO and the comprehensive plan; and,
4. On balance the following factors: (1) the size of the tract in question, (2) the compatibility of the zoning action with the comprehensive plan, (3) the benefits and detriments resulting from the zoning action for the owner of the newly permitted property, the neighbors, and the surrounding community, and (4) the relationship between the envisioned permitted use and the uses currently present in adjacent tracts weigh in favor of approving the proposed zoning amendment; and,

Additional comments: _____

Applicable Statutory Language:

“The planning board shall advise and comment on whether the proposed amendment is consistent with any Land Use Plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the Land Use Plan shall not preclude consideration or approval of the proposed amendment by the governing board.” NCGS § 153A-341

PLANNING BOARD ANALYSIS AND STATEMENT
CASE #2020-27, Teramore Development
Residential Agricultural/ Highway Commercial to Highway Commercial –
Conditional District

DENIAL

The Planning Board has reviewed the Highway Commercial – Conditional District zoning amendment and adopts the following statements as required by NCGS § 153A-341 and § 153A-342:

1. After considering Rockingham County adopted comprehensive plans, the Planning Board recommends **denial** of (**Case #2020-27**). This action is **not consistent** with the adopted Rockingham County Land Use Plan. This zoning amendment does not support the intent and descriptions of the **Urban Transition Land Class**.
2. The Board does not consider the adoption of the proposed zoning amendment to be reasonable because:
 - A. The proposed use is not an appropriate use for the land, considering its effect upon the entire community as a social, economic and political unit;
 - B. The size of the parcel is not appropriate for the district requested; and,
 - C. The property for the request abuts properties that are currently zoned **Residential Agricultural**.
3. The Board does not consider the adoption of the proposed zoning amendment to be in the public interest because:
 - A. The proposed development does not have sufficient design features so as to be compatible with or exceed the quality of existing developments in the neighborhood;
 - B. The uses permitted in the **Highway Commercial – Conditional District** would not have similar impacts as the surrounding residentially zoned properties. This would potentially impose significant harm on the neighbors and surrounding community
 - C. The proposed rezoning is not designed to meet or exceed all requirements and goals of the existing UDO and the comprehensive plan; and,
4. On balance the following factors: (1) the size of the tract in question, (2) the compatibility of the zoning action with the comprehensive plan, (3) the benefits and detriments resulting from the zoning action for the owner of the newly permitted property, the neighbors, and the surrounding community, and (4) the relationship between the envisioned permitted use and the uses currently present in adjacent tracts weigh in favor of approving the proposed zoning amendment; and,

Additional comments: _____

Applicable Statutory Language:

“The planning board shall advise and comment on whether the proposed amendment is consistent with any Land Use Plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the Land Use Plan shall not preclude consideration or approval of the proposed amendment by the governing board.” NCGS § 153A-341

ROCKINGHAM COUNTY
STAFF REPORT
Case #2020-26, Special Use Permit



Request:	Special Use Permit to allow a Class AA Manufactured Home in Residential Protected Zoning District
Applicant:	Nancy & Clayton Bennett
Identification:	The property is identified as Tax PIN 792204510995
Location:	815 Bennett Farm Rd, New Bethel Township

1. Acreeage and Location of Proposal:

The total parcel area is (+/-) 1.52 acres. It is located south of Madison, east of US 220, and south of where US 220 intersects with NC 68.

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

The neighborhood is predominantly residential lots developed with residential single-family stick built and manufactured homes. Across US 220 there is a newly rezoned Light Industrial region.

3. Relevant Unified Development Ordinance Section:

Chapter 2, Article IX, Section 9-11(o), p. 120-121

4. Adopted Regulation and Plans:

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

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

Economic Development	To accommodate and encourage new industrial and commercial uses in areas where local government supports substantial investments in water, sewer and transportation systems.	Lands outside of Developed and Urban Transition areas where substantial capital investments are strongly encouraged to create new jobs and build the County tax base.	Access to major transportation facilities and supported by public water and sewer.	Moderate to high density land uses. 2-3 units/acre
----------------------	--	---	--	---

The Residential Protected zoning district is described by the UDO:

The purpose of this district is to provide a place for low density single-family residential uses where water and sewer needs are met by individual wells and septic tanks. Requests for rezoning to a higher intensity use district must demonstrate that the proposed development will be adequately provided with water and sewer services to specifications approved by the county health department, the Department of Natural Resources and Community Development or the Department of Human Resources.

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 Manufactured Housing, Class AA, staff recommends approval of Case #2020-26 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 #2020-26, a request for a Special Use Permit to allow for a Class AA Manufactured Housing in an RP zoning district.**



ROCKINGHAM COUNTY

Community Development

APPLICATION FOR SPECIAL USE PERMIT

Property Address: 815 Bennett Farm Rd

Date: 9/9/20

Parcel No / Tax Pins(s): 792204510995/ 121467

Zoning District including overlays: Residential Protected

Acreage requested for Special Use Permit: 1.52 acres

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

Owner: John Johnson

Mailing Address: 306 W J J Dr, Greensboro, NC 27460

Telephone: _____ email: _____

Applicant: Nancy & Clayton Bennett

Mailing address: 3203 Stoneburg Ct. Apartment C, Greensboro, NC 27409

Telephone: 336-382-4858 email: Nancybennett94@gmail.com

Proposed Use: Doublewide Manufactured Home in Residential Protected District

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

The use will be developed according to the attached site plan.

Nancy Bennett
Signature of Applicant/Owner (circle)

Signature of Applicant/Owner (circle)

NOTARIZE SIGNATURES BELOW IF NOT WITNESSED BY STAFF

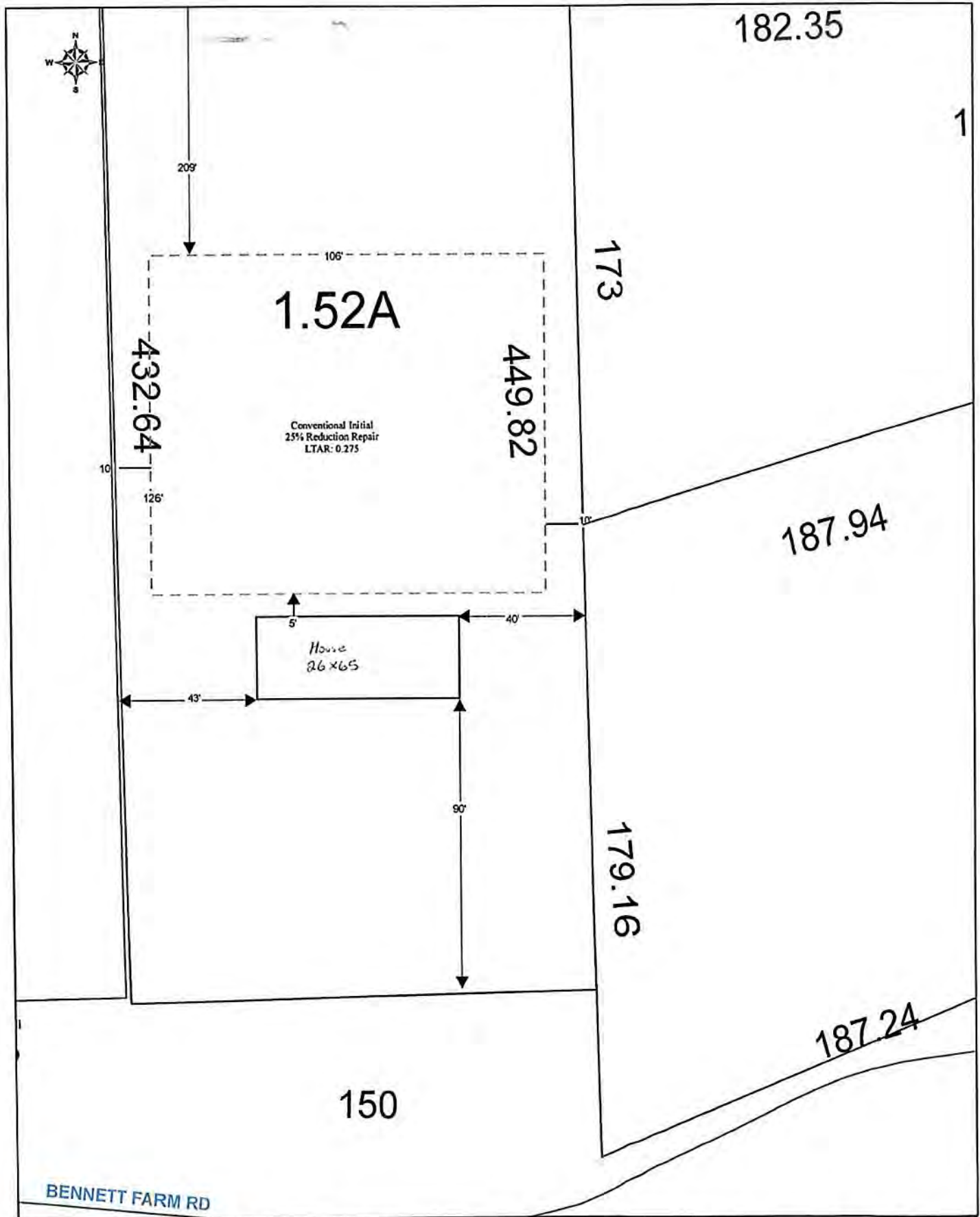
_____ County, North Carolina NA witnessed by staff EKB

I certify that _____ personally appeared before me this the ____ day of _____, _____, and acknowledged the due execution of the foregoing instrument.

Notary Signature _____ Notary Printed Name _____ My Commission Expires: _____

(Office Use Only)

<input type="checkbox"/> legal description of area <input type="checkbox"/> all owner signatures <input type="checkbox"/> fees <input type="checkbox"/> conditions <input type="checkbox"/> site plan	Case Number: <u>2020-26</u>
	Date of Planning Board Hearing: <u>10/12/20</u>
	Planning Board Decision: Approve () Deny () Vote: _____
	Staff Member: <u>Emily Bacon</u> Date: <u>9/9/20</u>



ROCKINGHAM COUNTY ENVIRONMENTAL HEALTH

815 Bennette Farm Rd
EHSP2003-018
Improvement Permit

Disclaimer: Rockingham County shall not be liable for any errors in this data. This includes errors of omission, commission, errors concerning the content of the data, and relative and positional accuracy of the data. Primary sources of this data must be consulted for verification of data.

1 inch = 40 feet

**(o) Manufactured Housing, Class AA
(Added by Amendment 3/1/1999)**

Special Use District: RP
Approved By: Planning Board
Minimum Lot Area: In accordance with district where located

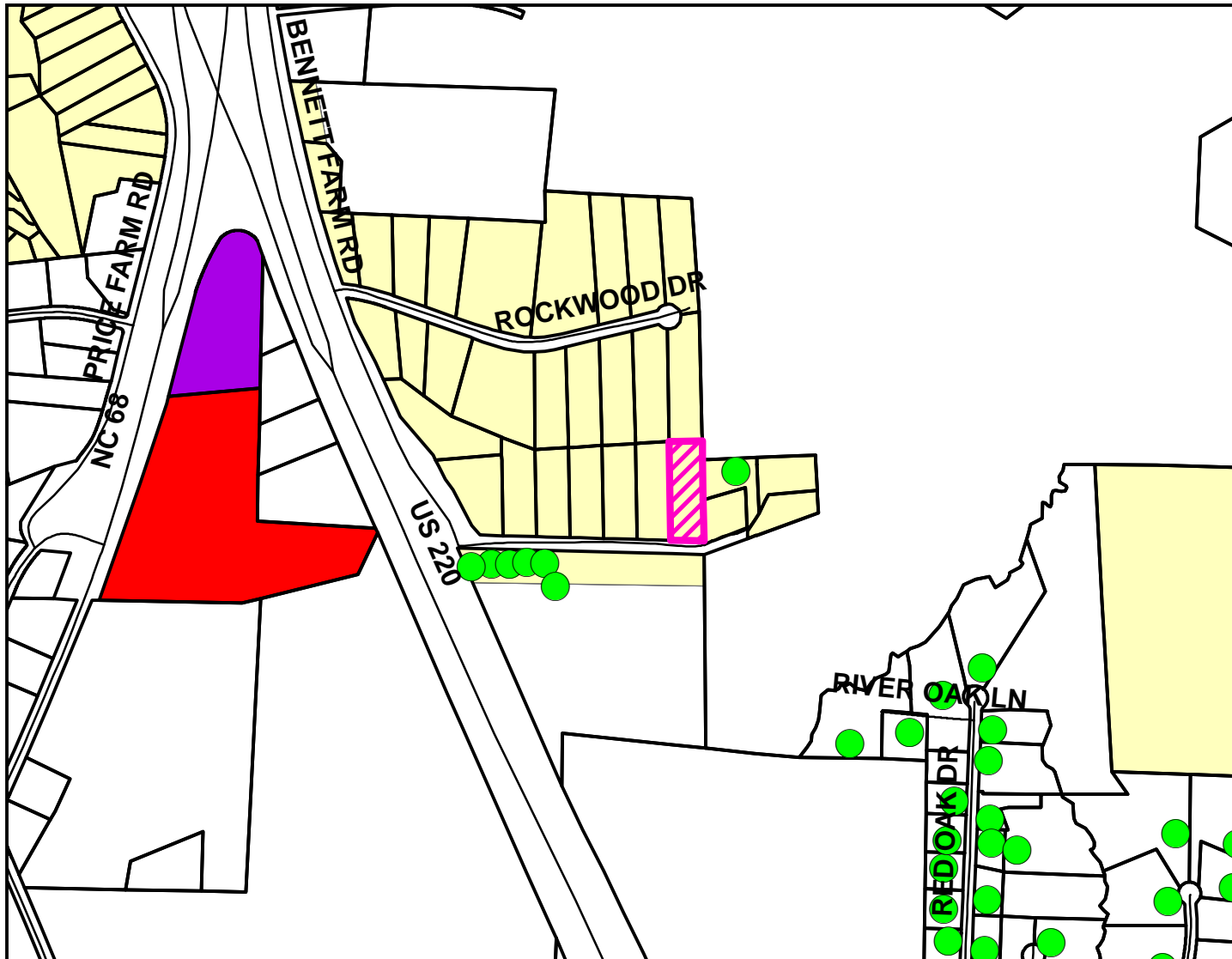
Appearance Criteria:


- (a) Is occupied as a single family dwelling;
- (b) Has a minimum width of 18 feet; (Amended 1/6/2003)
- (c) Has a length not exceeding four times its width, with length measured along the longest axis and width measured perpendicular to the longest axis at the narrowest part; and towing apparatus not included in length and width measurements; (Amended 4/3/2006)
- (d) has removable towing apparatus, wheels, axles, and transporting lights removed after final placement on the site and before occupancy; has non-removable towing apparatus concealed by curtain wall or masonry foundation of same material as underpinning/skirting, or screened with shrubbery. Such shrubbery at time of planting shall be of a height to ensure a total visual barrier of the towing apparatus and maintained so as to continue their effectiveness; (Amended 4/3/2006)
- (e) Is set up in accordance with standards established by the N.C. Department of Insurance. In addition, a continuous, permanent masonry foundation or masonry curtain wall constructed in accordance with the standards of the N.C. Uniform Residential Building Code for One- and Two-Family Dwellings, unpierced except for required ventilation and access, shall be installed under the perimeter, with no visible exposed concrete block;
- (f) Has exterior siding, comparable to the exterior siding commonly used in standard residential construction, consisting of one or more of the following: 1) vinyl or aluminum lap siding (whose reflectivity does not exceed that of flat white paint); 2) cedar or other wood siding; 3) wood grain, weather resistant press board siding; 4) stucco siding; or 5) brick or stone siding;
- (g) Has a roof pitch minimum vertical rise of four feet (4) for each twelve (12) feet of horizontal run; (Amended 1/6/2003)


(h) Has a roof finish with a Class C or better roofing material that is commonly used in standard residential construction;

(i) Has an eave projection of no less than six inches which may include gutters and downspouts; (Amended 1/6/2003)











(j) Has stairs, porches, entrance platforms, ramps, decks, and other means of entrance and exit installed or constructed in accordance with the standards set by the North Carolina State Building Code, anchored securely to the ground. Wood stairs shall only be used in conjunction with a porch or entrance platform with a minimum of 24 square feet. Wooden porches or entrance platforms must be covered with Class C roof. The use of wood stairs alone is prohibited at any entrance. A brick porch with a minimum of 24 square feet may be used in lieu of a wooden porch or entrance platform with a roof. (Amended 1/6/2003)

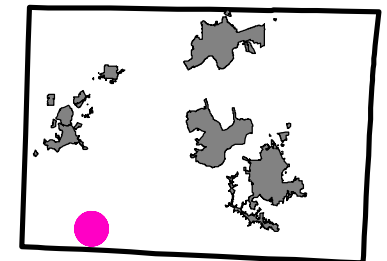


 Tax PIN: 792204510995

 Existing Mobile Homes

County Zoning

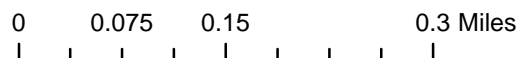
-  HC
-  NC
-  RC
-  HI
-  LI
-  OI
-  RM
-  RP
-  RA
-  Roads

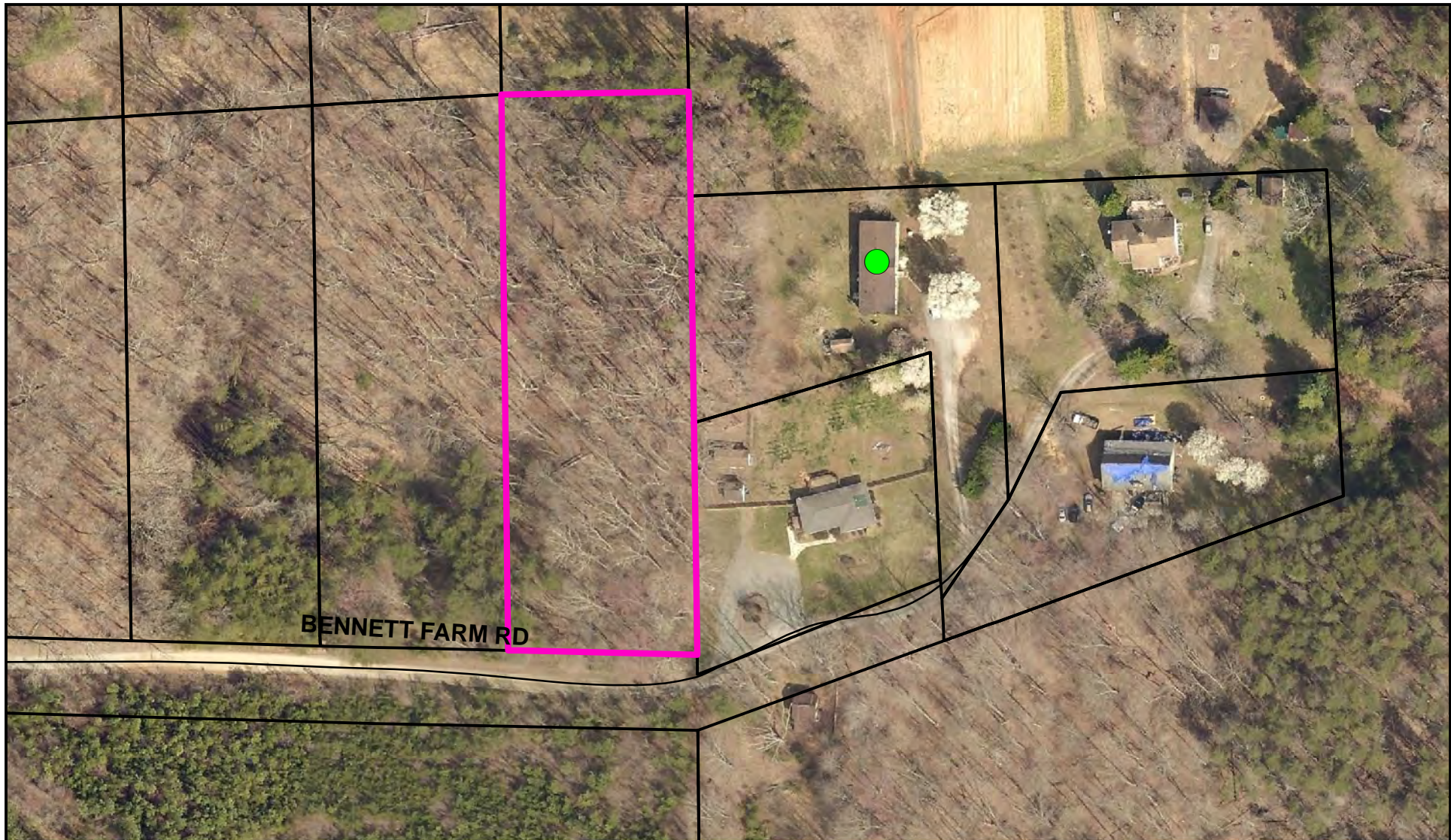


Vicinity Map



**Case #2020-26: Bennett,
SUP for Doublewide in Residential Protected district**





**Case #2020-26: Bennett,
SUP for Doublewide in Residential Protected district**

Aerial Map

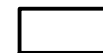
0 0.01 0.02 0.04 Miles



Tax PIN: 792204510995



Existing Mobile Homes



Parcels

PLANNING BOARD ANALYSIS AND STATEMENT
CASE # 2020-26: Nancy & Clayton Bennett
Special Use Permit to allow for a Doublewide Manufactured Home in Residential Protected 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** (2020-26). 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 Protected 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 **Economic Development Land Class** and the intended purpose of the Residential Protected zoning district?

3. Additional comments: _____

**ROCKINGHAM COUNTY PLANNING
STAFF REPORT
Case #2020-29**



Request:	Residential Protected to Residential Agricultural
Applicant:	<u>Gene Blackburn</u>
Identification:	The properties are denoted by Parcel Number: 157122 Tax PIN: 891200600902
Location:	<u>1404 Mizpah Church Rd – Williamsburg Township</u>

1. Acreeage and Location of Proposal:

The subject parcel totals 11.48 acres, and is located on Mizpah Church Rd in Williamsburg Township, about 4300 feet East of Jones Lake Rd.

2. Zoning Classification of Adjacent and Surrounding Parcels:

Adjacent parcels are zoned Residential Agricultural to the East, West and South. Mizpah Church Rd fronts the subject property on the North, and parcels on the other side are zoned Residential Agricultural/Highway Commercial and Residential Agricultural.

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

The neighborhood is characterized by residential, commercial, and agricultural uses.

4. Topographical and Environmental Characteristics:

Watershed – The subject parcel is located within the Jordan Lake protected watershed as established on the Watershed Protection Map of Rockingham County, North Carolina.

Flood Plain – The subject parcel is not located in a floodplain according to the *Federal Emergency Management Agency* flood plain map 3711706100J.

Wetlands and streams – No streams or wetlands are located on the subject parcel, according to USGS.

5. Utilities / Services:

The subject parcel is served by community well and septic.

6. Previous Zoning History:

1988: The area was designated Residential Protected zoning with the adoption of the UDO. It was the site of a Rockingham County Public School.

7. Adopted Regulation and Plans:

The subject parcel meets the lot size requirements of the Residential Agricultural district. Any proposed uses that require a Special Use Permit or Development Standards will be subject to the requirements of those sections of the UDO.

The subject parcel 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. A more detailed description of policies and guidelines from relevant sections of the Land Use Plan is attached.

Land Class	Purposes	Characteristics	Services	Residential Density
Rural Transition	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

8. 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 and Board of Commissioners.

The property is currently unoccupied but developed with an institutional structure (a former school) and parking area. The proposed zoning fits well into the context and adopted plans for the area, and is a logical expansion of surrounding parcels.

Please remember that this request is for a straight rezoning with no conditions. When making the decision for a straight rezoning, the Board must consider all allowed uses in each zoning district. No testimony referencing current or future uses should be discussed; nor may any testimony of this nature be considered in making the decision to grant or deny the rezoning.

The parcel is located in the Jordan Lake watershed and subject to Jordan Lake Rules. Development of the property will be governed by the state approved Rockingham County Watershed Protection Ordinance. No uses that are prohibited in the watersheds are proposed. The County will utilize provisions of the watershed ordinance that allow up to 10% of the watershed to be developed with new development at a maximum of 70% built-upon surface area. Site development will require the approval of a sedimentation plan by NCDEQ.

It is Staff's recommendation that the rezoning request meets the intent of the Land Use Plan and will fit well within the context of current zoning and land use in the local community and the region.

Based on Staff's analysis, Staff recommends approval of Case #2020-29, a request for Rezoning from Residential Protected to Residential Agricultural.



ROCKINGHAM COUNTY

GOVERNMENTAL CENTER

Community Development Department

APPLICATION FOR ZONING MAP AMENDMENT

ALL SIGNATURES ON ALL PAGES MUST BE WITNESSED BY STAFF OR NOTARY

Date: 9/3/20
 Address of property: 1404 Mizpah Church Rd
 Acreage requested: +/-11.48
 Tax PIN(s): 891200600902

Current District: Residential Protected
 Proposed District: Residential Agricultural

Applicant: Gene Blackburn
 Mailing Address: same
 Telephone: as owner
 Email: _____

Owner: Gene Blackburn
 Mailing Address: 5937 Poley Rd, brown summit, NC
 Telephone: 336-392-9970
 Email: newsong10@bellsouth.net

Na Signed
 Notary Public in office
 My Commission Expires _____

Conditions: Not Applicable

An application has been duly filed requesting that the property involved in the application be rezoned as above. It is understood and acknowledged that if the property is rezoned as requested and the Conditional District authorized, the property involved in this request will be perpetually bound to the uses and conditions as imposed unless subsequently changed or amended by the Rockingham County Board of Commissioners. It is further understood and acknowledged that any development plans to be submitted pursuant to any such Conditional District so authorized shall be submitted to the Board of Commissioners for review and approval.

[Signature] Signature of Applicant/Owner (1) [Signature] Signature of Applicant/Owner (2)

(Office Use Only)

Case #: REZ 2020-28 Blackburn Trakit Record #: 9/03/20
 Date Fee Paid: 9/3/20 Receipt Number: PL 000 536

Planning Board Hearing Date: Oct 12, 2020
 Approve () Deny () Vote: _____

Board of Commissioners Hearing Date: Nov 16, 2020
 Approve () Deny () Vote: _____

Authorized County Official: Emily K. B... signing for Carrie Spencer

USES IN RESIDENTIAL AGRICULTURAL ZONING DISTRICT

Uses Permitted by right. Zoning Permit may be required.

1. Accessory uses
2. Agricultural use (not regulated)
3. Athletic fields, recreation buildings, playgrounds, swim and racquet clubs (no commercial gain) – may be lighted
4. Auction Sales, temporary, one-time use
5. Beneficial Fill
6. Cemetery
7. Churches and their customary uses including child care on premises
8. Clubs and lodges, private, non-profit
9. Community centers, public or private non-profit for assembly and recreation
10. Day care – 5 persons or less
11. Farm supplies sales (feed, seed, fertilizer, etc.)
12. Fire, sheriff and emergency services
13. Golf courses
14. Home occupations
15. Nursery and plant cultivation and sales
16. Pottery crafting and sales
17. Rooming house
18. Residence, duplex
19. Residence, single family detached
20. Riding academy, commercial stables
21. Sawmills, planing mills-temporary
22. Sign, on premises
23. Studios for artists, designers, musician, photographers, sculptors (not as home occupation)
24. Temporary buildings, incidental to development

Uses Permitted with Design Standards or other standards. Zoning Permit may be required.

1. Agritourism Activities
2. Bed & Breakfast Home
3. Family care homes (must be at least ½ mile from any other family care home)
4. Guest House
5. Kennel (8 or less domesticated animals)
5. LCID Landfill, Minor (off-site)
6. Lumber yard – outdoor storage yard screening requirements
7. Manufactured housing on individual lot - Class AA or A (foundation and screening requirements for towing apparatus)
8. Manufactured housing on individual lot - Class B (permitted in certain instances, foundation and screening requirements for towing apparatus)
9. Manufactured housing on lot during construction of new dwelling
10. Outdoor Storage Area (residential)
11. Poultry Breeding Facility
12. Special Events
13. Turkey Shoots – Non-Profit
14. Temporary Manufactured Home for Custodial Care
15. Temporary Storage Unit

Uses requiring a Special Use Permit

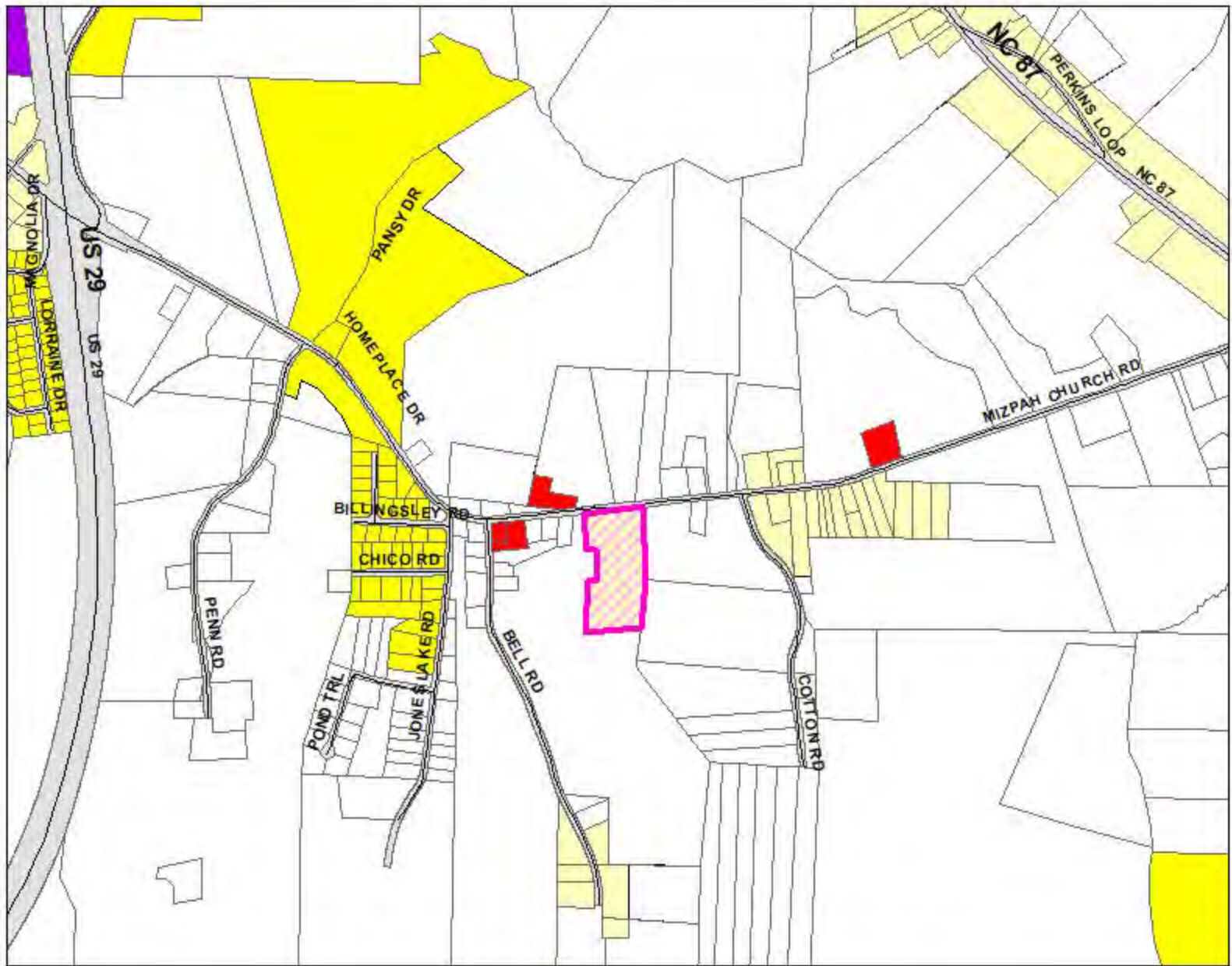
1. Commercial feeder operation
2. Day care – 6 or more persons
3. Group homes
4. Kennel (more than 8 domesticated animals)
5. LCID Landfill, Major (off-site)
6. Nursing and rest homes
7. Paintball Facility (outdoor)
8. Planned unit development
9. Public utility substations (including public water/sewer plants)
10. Reception/Banquet Facility
11. Rural family occupation of commercial/industrial nature
12. Rural Guest Establishment
13. Rural Tourism Activity
14. Schools, academic
15. Schools, business/trade
16. Skeet, trap, and sporting clay ranges
17. Solar Energy System, Large Scale
18. Travel trailer parks
19. Turkey Shoots, For Profit – year around
20. Wireless Telecommunications Facilities – new tower







High Impact Use – Conditional Zoning

1. Air Strips

Types of Subdivisions

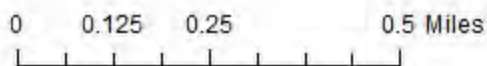
1. Minor subdivisions (1-5 lots with access to public road or where nor more than 3 lots are served by a private road)



- Tax PIN: 891200600902
-  Tax PIN: 891200600902
 -  HC
 -  NC
 -  RC
 -  HI
 -  LI
 -  OI
 -  RM
 -  RP
 -  RA
 -  Parcels



Case #2020-29: Blackburn, Rezoning from RP to RA



**Zoning
Vicinity Map**



Case #2020-29: Blackburn, Rezoning from RP to RA

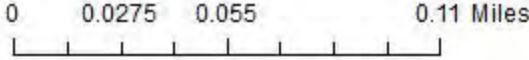


Aerial Map

Tax PIN: 891200600902



Parcels



PLANNING BOARD ANALYSIS AND STATEMENT
CASE #2020-29, Gene Blackburn
Residential Protected (RP) to Residential Agricultural (RA)

APPROVAL, CONSISTENT WITH LAND USE PLAN

The Planning Board has reviewed the **Residential Agricultural** zoning amendment and adopts the following statements as required by NCGS § 153A-341 and § 153A-342:

1. After considering Rockingham County adopted comprehensive plans, the Planning Board recommends **approval** of (Case #2020-29). This action is **consistent** with the adopted Rockingham County Land Use Plan. This zoning amendment supports the intent and descriptions of the **Rural Transition Land Class**.
2. The Board considers its action in adopting the proposed zoning amendment to be reasonable because:
 - A. The proposed use is an appropriate use for the land, considering its effect upon the entire community as a social, economic and political unit;
 - B. The size of the parcel is appropriate for the district requested; and,
 - C. The property for the request abuts properties that are currently zoned **Residential Agricultural**.
3. The Board considers its action in adopting this zoning amendment to be in the public interest because:
 - A. The proposed development has sufficient design features so as to be compatible with or exceed the quality of existing developments in the neighborhood;
 - B. The uses permitted in the **Residential Agricultural** district would have similar impacts as the surrounding residentially zoned properties. This would not impose significant harm on the neighbors and surrounding community
 - C. The proposed rezoning is designed to meet or exceed all requirements and goals of the existing UDO and the comprehensive plan; and,
4. On balance the following factors: (1) the size of the tract in question, (2) the compatibility of the zoning action with the comprehensive plan, (3) the benefits and detriments resulting from the zoning action for the owner of the newly permitted property, the neighbors, and the surrounding community, and (4) the relationship between the envisioned permitted use and the uses currently present in adjacent tracts weigh in favor of approving the proposed zoning amendment.
5. Additional comments: _____

Applicable Statutory Language:

“The planning board shall advise and comment on whether the proposed amendment is consistent with any Land Use Plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the Land Use Plan shall not preclude consideration or approval of the proposed amendment by the governing board.” NCGS § 153A-341

PLANNING BOARD ANALYSIS AND STATEMENT
CASE #2020-29, Gene Blackburn
Residential Protected (RP) to Residential Agricultural (RA)

APPROVAL, INCONSISTENT WITH LAND USE PLAN

The Planning Board has reviewed the **Residential Agricultural** zoning amendment and adopts the following statements as required by NCGS § 153A-341 and § 153A-342:

1. After considering Rockingham County adopted comprehensive plans, the Planning Board recommends **approval** of (**Case #2020-29**). This action is **not consistent** with the adopted Rockingham County Land Use Plan. This zoning amendment does not support the intent and descriptions of the **Rural Transition Land Class**.

2. The Board considers its action in adopting the proposed zoning amendment to be reasonable because:
 - A. The proposed use is an appropriate use for the land, considering its effect upon the entire community as a social, economic and political unit;
 - B. The size of the parcel is appropriate for the district requested; and,
 - C. The property for the request abuts properties that are currently zoned **Residential Agricultural**.

3. The Board considers its action in adopting this zoning amendment to be in the public interest because:
 - A. The proposed development has sufficient design features so as to be compatible with or exceed the quality of existing developments in the neighborhood;
 - B. The uses permitted in the **Residential Agricultural** district would have similar impacts as the surrounding residentially zoned properties. This would not impose significant harm on the neighbors and surrounding community
 - C. The proposed rezoning is designed to meet or exceed all requirements and goals of the existing UDO and the comprehensive plan; and,

4. On balance the following factors: (1) the size of the tract in question, (2) the compatibility of the zoning action with the comprehensive plan, (3) the benefits and detriments resulting from the zoning action for the owner of the newly permitted property, the neighbors, and the surrounding community, and (4) the relationship between the envisioned permitted use and the uses currently present in adjacent tracts weigh in favor of approving the proposed zoning amendment; and,

Additional comments: _____

Applicable Statutory Language:

“The planning board shall advise and comment on whether the proposed amendment is consistent with any Land Use Plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the Land Use Plan shall not preclude consideration or approval of the proposed amendment by the governing board.” NCGS § 153A-341

PLANNING BOARD ANALYSIS AND STATEMENT
CASE #2020-29, Gene Blackburn
Residential Protected (RP) to Residential Agricultural (RA)

DENIAL

The Planning Board has reviewed the Highway Commercial – Conditional District zoning amendment and adopts the following statements as required by NCGS § 153A-341 and § 153A-342:

1. After considering Rockingham County adopted comprehensive plans, the Planning Board recommends **denial** of (Case #2020-29). This action is **not consistent** with the adopted Rockingham County Land Use Plan. This zoning amendment does not support the intent and descriptions of the **Rural Transition Land Class**.
2. The Board does not consider the adoption of the proposed zoning amendment to be reasonable because:
 - A. The proposed use is not an appropriate use for the land, considering its effect upon the entire community as a social, economic and political unit;
 - B. The size of the parcel is not appropriate for the district requested; and,
 - C. The property for the request abuts properties that are currently zoned **Residential Agricultural**.
3. The Board does not consider the adoption of the proposed zoning amendment to be in the public interest because:
 - A. The proposed development does not have sufficient design features so as to be compatible with or exceed the quality of existing developments in the neighborhood;
 - B. The uses permitted in the **Residential Agricultural** district would not have similar impacts as the surrounding residentially zoned properties. This would potentially impose significant harm on the neighbors and surrounding community
 - C. The proposed rezoning is not designed to meet or exceed all requirements and goals of the existing UDO and the comprehensive plan; and,
4. On balance the following factors: (1) the size of the tract in question, (2) the compatibility of the zoning action with the comprehensive plan, (3) the benefits and detriments resulting from the zoning action for the owner of the newly permitted property, the neighbors, and the surrounding community, and (4) the relationship between the envisioned permitted use and the uses currently present in adjacent tracts weigh in favor of approving the proposed zoning amendment; and,

Additional comments: _____

Applicable Statutory Language:

“The planning board shall advise and comment on whether the proposed amendment is consistent with any Land Use Plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the Land Use Plan shall not preclude consideration or approval of the proposed amendment by the governing board.” NCGS § 153A-341

**ROCKINGHAM COUNTY
STAFF REPORT
Case #2020-25, Variance**



Request:	Variance to UDO Chapter 2, Article X, 10-1, Dimensional Requirements
Applicant:	<u>Glen Moore</u>
Identification:	The property is denoted by Tax PIN 792302884080
Location:	140 Larkspur Lane

1. Acreage and Location of Proposal:

The total parcel area is +/- 1.96 acres and is located in a neighborhood off Gold Hill Road in New Bethel Township.

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

The neighborhood is predominantly characterized by Single-Family Residences. This property is home to Glen and Francis Moore. There are several other residences nearby, with no commercial or industrial areas.

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 6' 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 #2020-25.

The property for this request is zoned RP-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 build a shelter that can protect his vehicle from debris that falls from the trees overhead.

The applicant has noted that the driveway to his property pre-existed his ownership, and that there is no other location for a shelter that would be suitable. Moving the shelter in any direction would require moving mature trees, grading, and would not align with the driveway.

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 #2020-25, a request for a variance to the setback requirements in a Residential Protected district.**

9/8/2020

TO: Rockingham County Planning Board / Board of Adjustments
Government Center
371 NC Highway 65
Wentworth, NC 27375

RE: Variance Request: Minor reduction in setback requirement on side lot
Glen & Frances Moore
140 Larkspur Lane
Madison, NC 27025
Parcel Number: 168058 Long PIN: 792302884080

Summary: Following this letter is our “**APPLICATION FOR VARIANCE**” (Attachment 1), along with support documents. We respectfully request the board allow the construction of a shelter underneath trees in an existing clearance. The left corner at the entry of the proposed shelter will be less than 15’ away from the property line. The far corner will be 17’, well within the setback requirements.

There is an appropriate cleared space underneath large trees at the end of my driveway that is a natural parking spot. I do NOT wish to remove trees or grade the property so as to not damage the roots. I wish to construct an complementary natural appearing shelter to protect from falling leaves, sticks, sap, ice, snow and other things that can damage my vehicle.

Fortunately, this is on an old roadbed, solid, cleared, almost perfectly positioned and sized. Unfortunately, there is no other location suitable. It cannot be
moved left (closer to the line),
moved right (severely uphill, requires essential tree removal)
or placed farther back: Requires multiple tree removal and grading

Attachments:

- Attachment 1:* Application for Variance
- Attachment 2:* Front view of property from Rockingham County GIS
- Attachment 3:* Aerial View, with area for new shelter marked
- Attachment 4:* Area where permission to build shelter is requested.
- Attachment 5:* Representative picture of shelter to be built. This is stock photo from Home Depot website. Ours will be narrower, with natural ground floor.
- Attachment 6:* Rockingham County Zoning requirement that we request variance from
- Attachment 7:* Plot Plan showing desired location
- Attachment 8:* Topo showing no other spot is feasible
- Attachment 9:* Adjacent owner statement of NO OBJECTION

The proposed shelter is carefully planned to improve the area in both appearance and function. I am aware that we could purchase a metal pre-fab carport from one of several local sellers for much less cost without a building permit, but I am willing to pay more to have something that is an asset to the property and neighborhood.

Thank you for your time and consideration, and I await your favorable response.



Glen E Moore



ROCKINGHAM COUNTY

Community Development

APPLICATION FOR VARIANCE

Property Address: 140 Larkspur Lane
Parcel No / Tax Pins(s): 168058 / 792302884080
Article and Section of UDO requested for Variance: UDO Chapter 2, Article X, 10-1

Owner: Glen & Frances Moore
Mailing Address: 140 Larkspur Lane, Madison NC 27025
Telephone: (336) 500-1169 email: Glenmoore1950@triad.rr.com

Applicant: Glen Moore
Mailing address: 140 Larkspur Lane, Madison NC 27025
Telephone: (336) 500-1169 email: Glenmoore1950@triad.rr.com

The Board of Adjustment must determine that the variance will not:

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

The Board is also required to reach the four conclusions listed below before they can approve a variance. In the space below each conclusion, indicate the EVIDENCE that you will present and the ARGUMENTS that are made to convince the Board that it can properly reach these four required 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);
Parking directly under trees exposes vehicle to sticks, sap, leaves, dirt, rain, snow wind and ice. Protection is needed.
Attachment 4, 5

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*.
this driveway pre-exists my ownership, and there is no other location for a shelter that would be suitable. Moving the shelter in any direction would require moving mature trees, grading, and would not align with the driveway.
Attachment 2, 3

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
This hardship was not caused or exposed by the property owner. It has simply been endured until we were in a position to remedy it. The proposed solution will improve the property appearance and value, thus being an asset to the neighborhood and county. Attachment 7, 8,



ROCKINGHAM COUNTY

Community Development

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.

~~The requested variance is consistent with the spirit, purpose, and values of the planning board in that property is improved with no hardship or effect on any adjoining property or neighbor. Attachment 9, Survey~~

Steve Moore
Signature of Owner

Signature of Owner

Signature of Owner

(Office Use Only)

<input type="radio"/> all owner signatures <input type="radio"/> fees <input type="radio"/> site plan(s)	Case Number: _____ Date of Board of Adjustment Hearing _____ Board of Adjustment Decision: Approve () Deny () Vote: _____
--	---

STATEMENT OF NO OBJECTION TO REQUESTED VARIANCE

TO Rockingham County Planning Board / Board of Adjustments

I, Kyle Lawrence, am owner and resident of 131 Larkspur Lane, adjacent to the Moore residence at 140 Larkspur Lane.

I am fully aware of the Moore's plan to erect a shelter on their property, and that it will have less than 15' of setback on one corner. This will cause NO hardship to me or my property, and I have no objection.

Please approve the requested variance.

Kyle Lawrence

Kyle Lawrence

9/7/20

Date

← 100 Larkspur Ln Madison, North Carolina

140 Larkspur Ln
Madison, NC 27025
36.32°N, 79.92°W

140 Larkspur Lane

Attachment 2



Google

2D
+ -



Aerial View with driveway.



Current view of area where shelter is proposed.



Similar shelter to what we plan... except only 12' wide to accommodate one vehicle.

This photo taken from Home Depot web page Project Guide.

We plan to have local builder Glenn Myrick build the shelter – with your permission, of course.



Plot Plan
140 LOCKSTOWER LANE

SCALE 1" = 100' ±

output:\Utilities\PrintingTools_GPServer!\ags_55a89ea8-ectab5-11ea-a88d-005056b92898.jpg 1/1

Site Plan.

Desired shelter is approx. 9' from property line on left front corner. Approximately 17' from property line on left rear corner.

Depending on what document rules, setback code is 10' or 15'.



224.76°

338.61'

463.55'

NEW
50'

127.51'

140

100

50'

LANSFORD LN

85

304

304



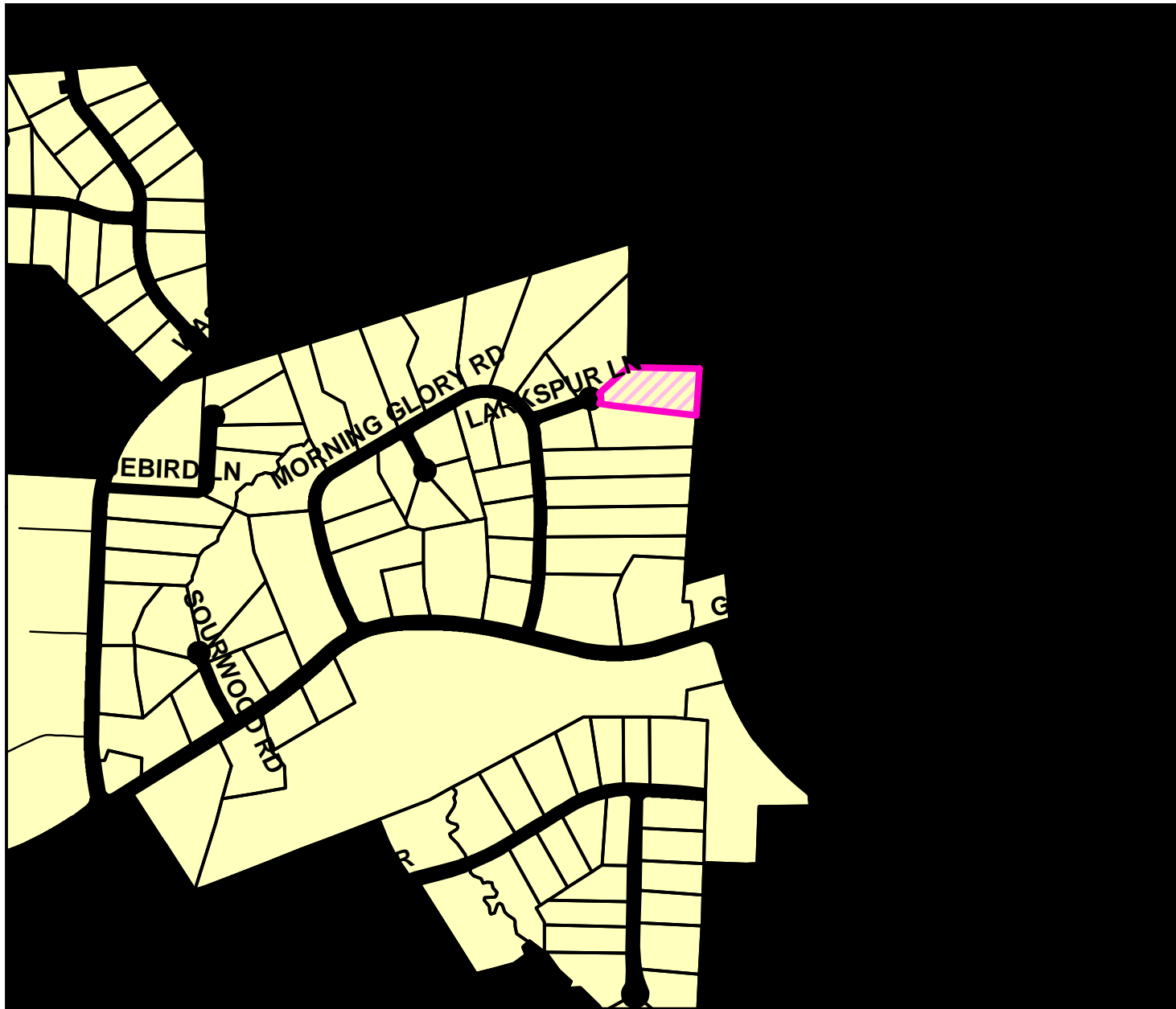
Aerial Topo


ARTICLE X DIMENSIONAL REQUIREMENTS

10-1 Table of Area and Yard Requirements (Setbacks)












SEE NOTES FOLLOWING CHART

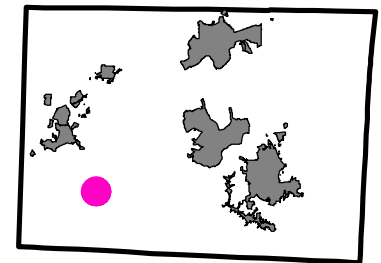
DISTRICT	AREA IN SQUARE FEET <i>Note 1</i>	LOT WIDTH IN FEET AT BUILDING LINE <i>Note 2</i>	FRONT YARD SETBACK IN FEET <i>Note 3</i>	REAR YARD DEPTH IN FEET	SIDE YARD WIDTH IN FEET	HEIGHT <i>Note 3</i>
RA Single Unit	43,560 (1 Acre) Individual Water/Sewer (<i>Amend. 4/2/01</i>) 25,000 Community/Public Water or Sewer 15,000 Community/Public Water and Sewer (see Chapter 2, Section 5-5 for Major Subdivision Overlay District)	100	35	20% Mean lot depth or 15' max (Note 4)	15 (20 where abutting street) (Note 4)	35
RP Single Unit	43,560 (1 Acre) Individual Water/ Sewer (<i>Amend 4/2/01</i>) 25,000 Community/ Public Water or Sewer 15,000 Community/ Public Water and Sewer (see Chapter 2, Section 5-5 for Major Subdivision Overlay District)	100	35	20% Mean lot depth or 15' max (Note 4)	15 (20 where abutting street) (Note 4)	35
RP Major Subdivision	30,000 Individual Water/Sewer 20,000 Community/ Public Water or Sewer 12,000 Community/ Public Water and Sewer (see Chapter 2, Section 5-5 for Major Subdivision Overlay District)	100	35	20% Mean lot depth or 15' max (Note 4)	15 (20 where abutting street) (Note 4)	35
RM Single Unit	43,560 (1 Acre) Individual Water/ Sewer (<i>Amend 4/2/01</i>) 25,000 Community/ Public Water or Sewer 15,000 Community/ Public Water and Sewer (see Chapter 2, Section 5-5 for Major Subdivision Overlay District)	100	35	20% Mean lot depth or 15' max (Note 4)	15 (20 where abutting street) (Note 4)	35
RM Duplex	45,000 Individual Water/ Sewer 35,000 Community/ Public Water or Sewer 25,000 Community/ Public Water and Sewer (see Chapter 2, Section 5-5 for Major Subdivision Overlay District)	100	35	20% Mean lot depth or 15' max (Note 4)	15 (20 where abutting street) (Note 4)	35



 Tax Pin ID #792302884080

County Zoning

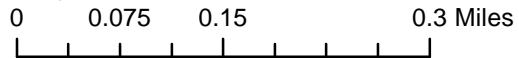
-  HC
-  NC
-  RC
-  HI
-  LI
-  OI
-  RM
-  RP
-  RA
-  Parcels
-  Roads

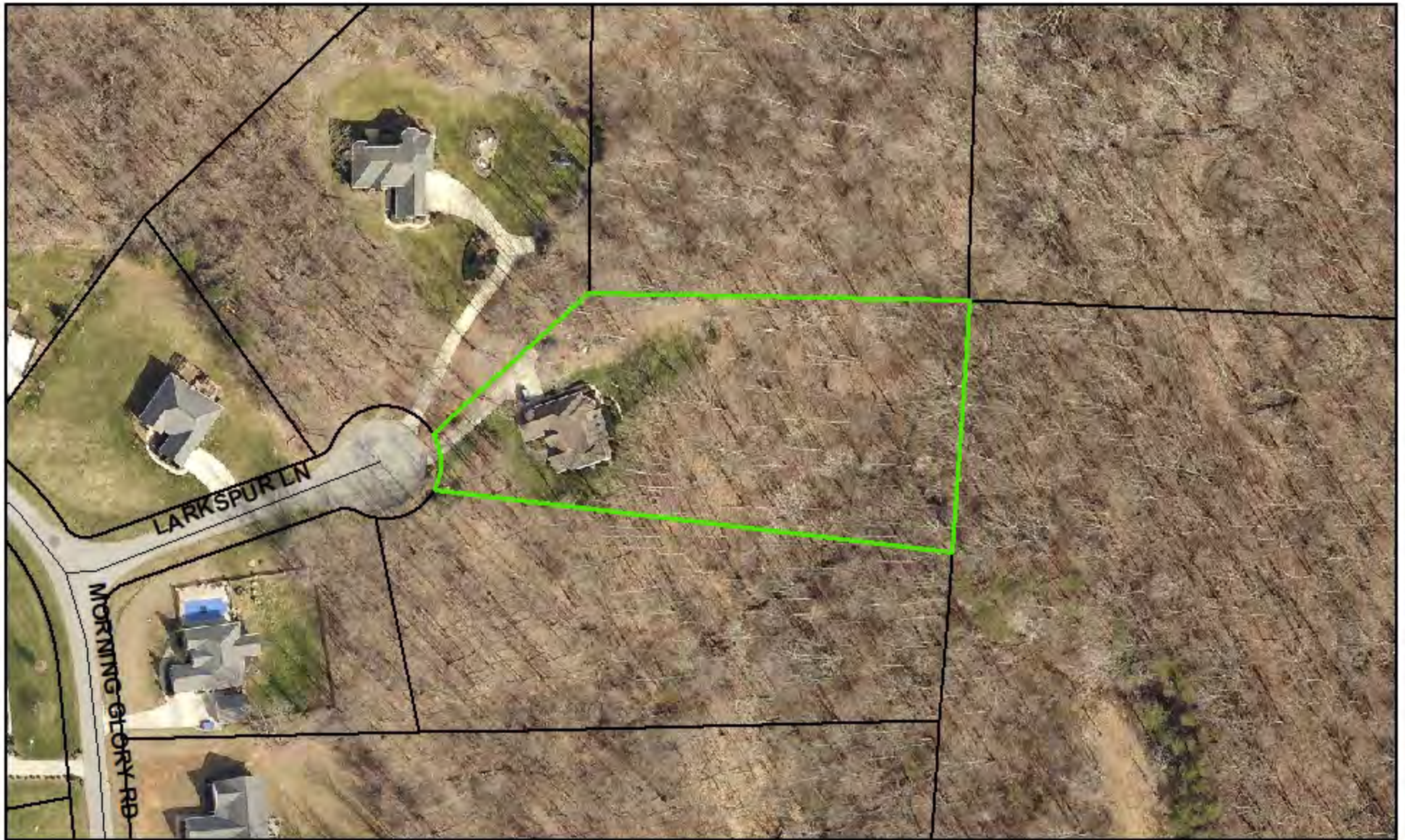


Vicinity Map



Case #2020-25 Moore, Variance to Side Yard Setback in Residential Protected





**Case #2020-25 Moore, Variance to Side Yard Setback in Residential Protected
Aerial Map | 140 Lakespur Lane**

0 0.01 0.02 0.04 Miles



ROCKINGHAM COUNTY PLANNING DEPARTMENT, FOR ILLUSTRATION PURPOSES ONLY

PLANNING BOARD ANALYSIS AND STATEMENT
CASE #2020-25, Glen Moore
Variance to Side Yard Setbacks in an RP-Residential Protected 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 #2020-25)**. 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.