

AGENDA

ROCKINGHAM COUNTY PLANNING BOARD

May 11, 2020 at 7:00 pm

County Commissioners Chambers

Rockingham County Governmental Center



- I. Announce location and means of conducting meeting**
- II. Call Planning Board to order**
- III. Invocation**
- IV. Approval of Minutes; September 9, 2019, October 14, 2019, March 9, 2020**
- V. Review of Procedures for Planning Board**
- VI. Public Hearings:**
 - A. SPECIAL USE PERMIT CASE # 2020-10, CMH Homes:** A request for a Special Use Permit to allow a Class AA Manufactured Home in a Residential Protected zoning district. 8645 Friendship Church Rd, Tax PIN 8901-00-93-8866, Reidsville Township
 - B. SPECIAL USE PERMIT CASE # 2020-06, Harrison & Sons:** A request for a Special Use Permit for a Rural Family Occupation, Auto Repair and Sales. 117 Rolling Hills Drive, Tax PIN 8911-00-33-3139, Reidsville Township
 - C. REZONING CASE # 2020-09, South Rockingham Corporate Park, LLC:** A request for rezoning from Residential Agricultural and Residential Mixed to Light Industrial. NC 65 & US 220, Tax PINs 7921-01-46-1484 & 7921-02-56-3455, New Bethel Township
- VII. Adjourn Planning Board**
- VIII. Call Board of Adjustment to Order**
- IX. Review of Procedures**
- X. Public Hearing:**
 - A. VARIANCE REQUEST # 2020-11, Peters:** A request for a Variance from UDO Chapter 1, Article II to allow a Home Occupation in a building other than the dwelling. 1143 Whetstone Creek Rd, Tax PIN 7957-02-57-6941, Mayo Township
- XI. Other Business:**
 - a. Old Business: None
 - b. New Business: Updates from Community Development Director
- XII. Adjourn**



ROCKINGHAM COUNTY PLANNING BOARD

MINUTES

ROCKINGHAM COUNTY PLANNING BOARD AND BOARD OF ADJUSTMENT REGULAR MEETING – SEPTEMBER 9, 2019 - 7:00 P.M.

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

1. Chairman Wyatt called the meeting to order at 7:00 pm.
2. Invocation was given by James Harris.
3. Membership Present:
Regular members: Timothy Wyatt, Ann Cunningham, James Harris, Paul Ksieniewicz, Michael Lee, T. Matt Cardwell, Julie Talbert
Staff and others Present: Carrie Spencer- Planning Director, Emily Bacon - Planner, Roy Sawyers – A/V Technician, Bricen Wall – Code Enforcement, citizens, and members of the news media
4. Julie Talbert motioned, Philip Stone seconded, and the vote was unanimous (7-0) to approve the agenda for tonight's meeting and the minutes for June 24th, 2019.
5. **PUBLIC HEARINGS**
Ann Cunningham read the Rules of Procedure for public meetings.
Tim Wyatt swore in speakers from the audience.
 - a) **Rezoning Case #2019-012:** A request for a rezoning from RA/RP to RA. The parcel is denoted by Tax PIN: 8909-00-41-2812, at 795 Hampton Road.

Carrie Spencer, Director, Community Development, presented the case based on the Staff Report.

The applicant, Bruce Lloyd, of 795 Hampton Rd, told the Board that he has operated an HVAC business on this property since 2001. He was informed by the County that he needed to rezone his land and obtain a Special Use Permit.

Joseph Mitchell, a neighbor, spoke in favor of this rezoning.

As there was no Board discussion, Mike Lee motioned to recommend approval, Julie Talbert seconded. They adopted the following statement: This request is consistent with the adopted Rockingham County Land Use Plan, it supports the description and intent of the Rural Land Class, it is reasonable and in the public interest because it preserves agricultural land.” The Board voted to recommend approval 7-0.

The final decision for this case will take place at the regularly scheduled Board of Commissioners meeting on October 21st, 2019 at 6:30pm.

- b) **Rezoning Case #2019-014:** A request for a rezoning from RA to RP. The parcel is denoted by Tax PIN: 7913-00-35-7233, at 764 Gideon Grove Church Road.

Mrs. Spencer presented case. The stated intent of the applicant is to subdivide the property, at this time the number of lots has not been determined. Only the 20 acres along the road is being considered for this straight rezoning.

Steve Aheron, the applicant, took the stand to answer questions about the request. There were none.

The public comment period was opened. Speakers Michael Landers, Robert Griffin, Velvet Griffin, and Cheryl Artis, spoke in opposition to this rezoning request. Reasons cited for their position were concerns over ground water capacity, utility infrastructure, destruction of Rural Character, destruction of agricultural land, light pollution, and safety in regards to increased traffic.

Steve Aheron took the stand again for rebuttal. He stated that he is working with the county to ensure there is enough ground water capacity for individual wells. He wants to preserve the rural character of the area, while at the same time giving others the opportunity to live here. The Board asked if he owned the land, how he learned it was for sale, and if he knew how many homes could be placed on this proposed site yet, He stated that he has not had a soil scientist evaluate the land yet, and that the sale of this property is subject to this rezoning request.

The public comment period was closed. The Board discussed the Technical Review that the property would need to go through before sites were sold, including the Environmental Health department and the power company.

Julie Talbert motioned to recommend denial of the request on the basis of inconsistency with the County’s Land Use Plan. Paul Ksieniewicz seconded the motion. The motioned failed (3–4), with James Harris, Tim Wyatt, Ann Cunningham, and Mike Lee dissenting.

Mike Lee motioned to recommend approval of the request. The motion was seconded by Ann Cunningham. The following statement was adopted: This action is consistent with Rockingham County’s Land Use Plan, it supports the intent and description of the Rural Transition Land Class, and is reasonable and in the public interest because it provides housing in Rockingham County.” The vote carried (4-3) with Julie Talbert, T. Matt Cardwell, and Paul Ksieniewicz dissenting.

6. OTHER BUSINESS

- a) Old Business: None

b) New Business

- The Land Use Plan is behind. The County is pursuing options for moving forward.
- New Planning Board procedures will be soon available to vote on. Staff are looking into new processes.

7. ADJOURN

Julie Talbert moved, Mike Lee Seconded. The Board Voted 7-0 to adjourn.

Date approved: _____

Signed by:

Title:



ROCKINGHAM COUNTY PLANNING BOARD

MINUTES

ROCKINGHAM COUNTY PLANNING BOARD AND BOARD OF ADJUSTMENT REGULAR MEETING – October 14th, 2019 - 7:00 P.M.

The Rockingham County Planning Board met in regular session on October 14th, 2019, 7:00 pm, Governmental Center, Commissioner's Chambers, Wentworth, North Carolina.

1. Chairman Ksieniewicz called the meeting to order at 7:00 pm.
2. Invocation was given by James Harris.
3. Membership Present:
Regular members: James Fink, James Harris, Paul Ksieniewicz, Julie Talbert, Philip Stone.
Members Absent: Mike Lee, T. Matt Cardwell, Timothy Wyatt, & Ann Cunningham.
Staff and others Present: Carrie Spencer- Planning Director, John Morris – County Attorney, Roy Sawyers – A/V Technician, Code Enforcement, citizens, and members of the news media
4. The approval of September 9th, 2019's Meeting Minutes was continued.
5. **PROCEDURES**
Julie Talbert read the Rules of Procedure for public hearings.
- V. **Cases:**
 - a. Rezoning Case #2019-015: A request for rezoning from RA to RC. The parcel is denoted by Tax PIN: 7901-00-49-3824, at 4368 Ellisboro Road.

Carrie Spencer, Director, Community Development, presented the case, based on the staff report. She stated that it was only a slightly higher use of zoning district above RA.

Chairperson Tim Wyatt opened the floor for public comment. Nearby residents to this request spoke in opposition: Janet Delloso, Eeron Delloso, Charles Bauer, and Nicole Beck. They cited concerns about losing rural character, excess water runoff, traffic safety in

regards to speed limits, and potential negative impacts to animals at a neighboring wildlife refuge.

The applicant Milton Via spoke in rebuttal of these concerns and answered questions from Julie Talbert. He stated that there will not be any heavy equipment or semi-trucks on the property. The work his crews do stores equipment on the jobsites, and materials are shipped to the job site. There is a large buffer between this property and the adjacent residential property. A drainage investigation has not been conducted but they only plan on using 2 of the 5 acres.

Julie Talbert motioned, James Fink seconded, the vote was 5-0 to recommend approval to the Board of Commissioners. The Board determined that: the zoning amendment is consistent with land use plan, it is appropriate for proposed land use, is consistent with officially adopted plans, and as a whole this zoning amendment supports the intent and description of the urban transition land class.

This case will have a final decision voted on by the Board of Commissioners on November 18th, 2019 at 6:30 PM.

- b. Rezoning Case #2019-016: A request for rezoning from RA to LI. The parcel is denoted by Tax PIN: 7924-00-25-3490 (part), Williams Rd at Hwy 220.

Carrie Spencer, Director, Community Development, presented the case based on the Staff Report. Stating that the rezoning request was for a parcel located off of US 220 in the Economic Development land class.

Randy Barham, representing the applicant Wilson Properties of the Triad, took the stand to explain their plans for the property. Sky Walker Roofing's current business is split between Guilford and Rockingham County, this property would allow them to be fully located in Rockingham.

Chairperson Tim Wyatt opened the floor for public comment. William Lingle, the adjacent neighbor, spoke against the rezoning. He cited reasons of increased traffic on Williams Rd, and needing to maintain rural residential character.

Philip Stone motioned, James Fink seconded, the vote was 5-0 to recommend approval to the Board of Commissioners. The Board determined that: the zoning amendment is consistent with land use plan, it is appropriate for proposed land use, is consistent with officially adopted plans, and as a whole this zoning amendment supports the intent and description of the Economic Development land class. Stone added that the County is anticipating more growth in this area, and that Sky Walker roofing has a great reputation.

This case will have a final decision voted on by the Board of Commissioners on November 18th, 2019 at 6:30 PM.

- c. Rezoning Case #2019-017: A request for rezoning from HC to RA. The parcel is denoted by Tax PIN: 7935-00-59-2033, Mosley Loop.

Carrie Spencer, Director, Community Development, presented the case based on the Staff Report. She stated that this request was a downzoning to a less intense district.

Mardoro Brown, the applicant took the stand. He stated that the topography makes the property not suitable for commercial usage, he understands that the property is surrounded by commercial zoning.

Julie Talbert motioned, Philip Stone seconded, the vote was 5-0 to recommend approval to the Board of Commissioners. The Board determined that: the zoning amendment is consistent with land use plan, it is appropriate for proposed land use, is consistent with officially adopted plans, and as a whole this zoning amendment supports the intent and description of the Rural Transition land class.

This case will have a final decision voted on by the Board of Commissioners on November 18th, 2019 at 6:30 PM.

- d. Rezoning Case #2019-018: A request for rezoning from RA to LI-CD. The parcel is denoted by Tax PIN: 7911-00-63-3514, 1300 NC Hwy 68.

Carrie Spencer, presented the case based on the Staff Report. She stated that this rezoning is to bring the parcel's current usage into compliance. The business being run currently on the property is of a Light Industrial nature. It is directly adjacent of Stanley Grading's Light Industrial facility.

Maria Damien, the applicant took the stand, stating that she is the land owner and both lives and operates a landscaping business on the property. This zoning class will allow her to continue to operate the business and live on the property.

Julie Talbert motioned, James Fink seconded, the vote was 5-0 to recommend approval to the Board of Commissioners. The Board determined that: the zoning amendment is consistent with land use plan, it is appropriate for proposed land use, is consistent with officially adopted plans, and as a whole this zoning amendment supports the intent and description of the Economic Development land class.

This case will have a final decision voted on by the Board of Commissioners on November 18th, 2019 at 6:30 PM.

6. OTHER BUSINESS

a) Old Business

b) New Business-

- The initial contract for the Land Use Plan/ UDO update has been terminated. This was due to deadlines not being met and a critical need to get these plans adopted. A Request for Proposals has been sent out to find a new consultant. This request has a quick turnaround, and the County expects to award a contract in early November 2019. The Land Use Plan Advisory Board is heavily involved in awarding this new contract. The new timeline is that Spring 2020 will have the public input.
- The Board of Commissioners have requested a Text Amendment to expand radius of notifications for Zoning Requests to 1000 ft.

7. ADJOURN

Julie Talbert motioned, Paul Ksieniewicz seconded. The Board 5-0 voted to adjourn at 8:34pm.

Minutes Read and Approved,

Respectfully submitted,

Chairperson, Planning Board Date

Planning Staff Date



ROCKINGHAM COUNTY PLANNING BOARD

MINUTES

ROCKINGHAM COUNTY PLANNING BOARD AND BOARD OF ADJUSTMENT REGULAR MEETING – March 9th, 2020 - 7:00 P.M.

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

1. Chairman Ksieniewicz called the meeting to order at 7:00 pm.
2. Invocation was given by James Harris.
3. Membership Present:
Regular members: James Fink, James Harris, Paul Ksieniewicz, Julie Talbert, T. Matt Cardwell.
Members Absent: Mike Lee, Timothy Wyatt, & Ann Cunningham.
Staff and others Present: Carrie Spencer- Planning Director, John Morris – County Attorney, Emily Bacon - Planner, Roy Sawyers – A/V Technician, Benjamin Curry – Code Enforcement, citizens, and members of the news media
4. Julie Talbert motioned, James Fink seconded, and the vote was unanimous (5-0) to approve the agenda for tonight's meeting and the minutes for January 13, 2020.
5. **PROCEDURES**
Chairman Ksieniewicz read the Rules of Procedure for public hearings.
6. **CASES**
 - a) **Rezoning Case #2020-07: Rezoning from OI to NC - CD, 3077 NC 158, applicant Steven Seguine, Tax PINs: 891500824016 & 891500814883**

Carrie Spencer, Director, Community Development, presented the case based on the Staff Report. Spencer stated that although this rezoning was requested for a parcel in the Rural land class, the character of the surrounding area is better aligned to the Urban Transition land class. This property is already developed and is currently zoned Office Institutional, the request is to adjust what commercial uses are allowed. Across the street is the Yanceyville Volunteer Fire House, and a Dollar General.

Applicant Steven Seguire took stand. Board asked questions about as built condition of the site, and confirmed that a site plan would need to be approved when the applicant applies for a change of use permit.

Public comment period was closed. No discussion by board. Motion by T. Matt Cardwell to approve because it is consistent with land use, supports Rural Land class, is appropriate for all plans adopted by Board of Commissioners. Julie Talbert seconded. The board voted 5-0 to recommend approval to the Board of Commissioners. The case will have its final vote at the Commissioner's April 20th, 2020 meeting.

- b) Special Use Permit Case #2020-03: Solar Energy System – Large Scale, Williamsburg Solar LLC.**
Tax PINs: 893200421413, 893100474902, 893100392112, 893200411269, 893100375809, 893100587267, 893100678903, 893100672748, 893100774845, 893200556085, 893200502991, 893100581962, 893100590474, 893100497549, 893100482588, 893100686709, 893100673136, 893200136465, 893100666681, 893200634792, 893200435933, 893200749137, 893200316775, 893200406256, 893100472164, 893200649817, 893100479942, 893200307863, 893200400748

Paul Ksieniewicz swore people in who signed up to speak.

Carrie Spencer presented case. She noted that the read ahead packet they received had a typo in it. Staff recommend approval of this Special Use permit. John Morris, stated that it has been requested by the Board of Commissioners that the applicant obtain a decommissioning bond. This condition has been added to the application via approval by the applicant.

The Board had no questions for staff.

Chris Killenberg, spoke on behalf of the applicant Community Energy who owns Williamsburg Solar LLC. He stated that the purpose of this request is to sell solar energy to Duke Energy. The site was selected based on access to electrical grid infrastructure, and its fairly remote nature. They are in the competitive bid process with Duke Energy, they will find out if they have been selected by Duke for the bid by April. They anticipate starting on the project in 2022.

They are happy to add the condition of Bonding their Decommissioning Plan.

The Board asked the applicant questions pertaining to their site plan. Their plan includes ~570 acres, of their leased area the panels will cover 70% all face south in a fixed position. Existing forest and vegetation will be left undisturbed where possible, additional fencing and landscaping will be added to meet UDO requirements. Fencing will be placed in 'pod' groups around solar arrays, wildlife can move between properties around the arrays. The panels will benefit the community by providing a source of cheap

power to the regional grid, construction jobs and, and tax revenue for the County. Annually the Energy System would provide enough power for 15,000 householders at a lower cost than conventional energy.

During the public hearing Pamela Williams, and David McKinney, opposed the request. They cited concerns of solar panel's proximity to residences, and excess pollution from stormwater and erosion. There was discussion about the land owner's who chose to lease their property taking land out of agricultural production.

Chris Killenberg, retook the stand for his rebuttal. The panels will be at least 150' from property lines as required in the UDO. Runoff and stormwater management will be managed by the State. Land owners should be allowed to take their property out of agriculture if they choose.

The public comment period of was closed.

As there was no Board discussion Julie Talbert motioned for approval on the condition that their Decommissioning Plan was Bonded. She cited reasons for approval that this development will benefit the public and is energy production is a necessity. Jim Fink seconded. The motion was approved 5-0. The special use permit was granted.

6. OTHER BUSINESS

a) Old Business

b) New Business

- Three new Planning Board members started their training today. They will complete training before sitting on the Board as voting members. Stacey Southern and Corey Scott were present at the meeting.
- There will be a series of formal trainings for new and current members. These trainings will be done during both April meetings. There was discussion of topics to be included in the trainings: voting protocol, Robert's rules, presentation standards to Special Use Permit cases.

7. ADJOURN

Paul Ksieniewicz motioned, T. Matt Cardwell seconded. The Board 5-0 voted to adjourn at 8:15pm.

Minutes Read and Approved,

Respectfully submitted,

Chairperson, Planning Board

Date

Planning Staff

Date

ROCKINGHAM COUNTY
STAFF REPORT
Case #2020-10, Special Use Permit



Request:	Special Use Permit to allow a Class AA Manufactured Home in Residential Protected Zoning District
Applicant:	CMH Homes
Identification:	The property is identified as Tax PIN 8901-00-93-8866
Location:	8645 Friendship Church Rd, Reidsville Township

1. Acreage and Location of Proposal:

The total parcel area is +/- 1 acre.

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

The neighborhood is predominantly large residential lots developed with residential single family stick built and manufactured homes.

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 *Rural Transitional Land Class* of the Rockingham County Land Use Plan.

The Rural Transitional Class is intended “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.”

The Class is described as: “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. “

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 #2020-10 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 #2020-10, a request for a Special Use Permit to allow Class AA Manufactured Housing in an RP zoning district.**

**(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

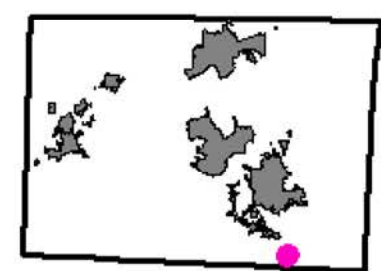
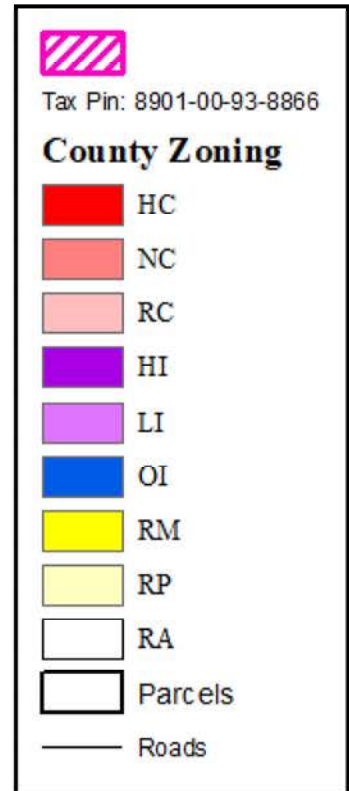
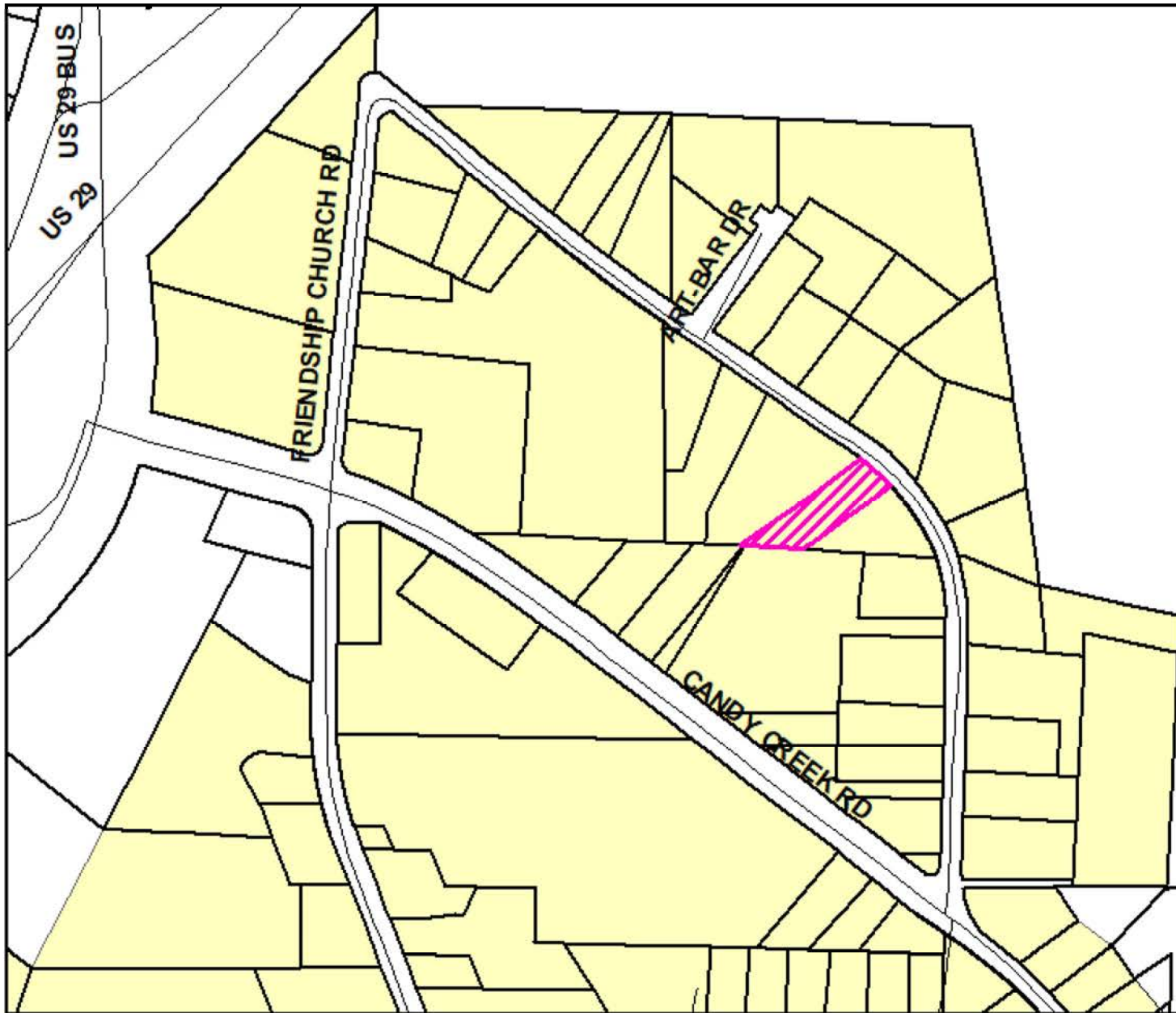
Appearance Criteria:

- (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)

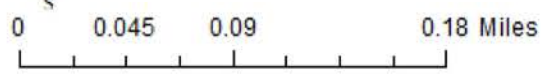
(j) Has stairs, porches, entrance platforms, ramps, decks, and other means of entrance and exit installed or constructed in accordance with the standards set by the North Carolina State Building Code, anchored securely to the ground. Wood stairs shall only be used in conjunction with a porch or entrance 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)



Vicinity Map



Case #2020-10, CMH Homes, Doublewide in Residential Protected District

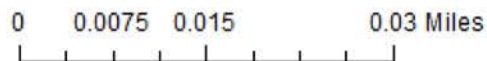




Case #2020-10, CMH Homes, Doublewide in Residential Protected District

Aerial Map

		Parcels
Tax Pin: 8901-00-93-8866		Roads



PLANNING BOARD ANALYSIS AND STATEMENT
CASE #2020-010, CMH Homes
Special Use Permit to allow Class AA Manufactured Home in RP 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 (Case #2020-10)**. 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? The manufactured home will be used for a single family home in a neighborhood mixed with stick built and manufactured home types and will meet all permitting and zoning standards.
- 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 manufactured home meets or exceeds 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 housing type be compatible with or exceed the quality of existing developments in the neighborhood and have similar impacts as the surrounding single family residential building types? The property is located in a neighborhood with homes that currently include manufactured homes.
- yes no** (d) That the use or development conforms with the general plans for the land use and development of Rockingham County as embodied in this chapter and in the Rockingham County UDO.
The Board finds:
Does this Special Use Permit support the policies and guidelines of the **Rural Land Class** and the intended purpose of the Residential Protected zoning district?

3. Additional comments: _____

**ROCKINGHAM COUNTY
STAFF REPORT
Case #2020-06, Special Use Permit**



Request:	Special Use Permit to allow for a Rural Family Occupation for an Auto Sales & Repair Business
Applicant:	Harrison & Sons
Parcel #:	181202
Tax PIN:	891100333139
Location:	117 Rolling Hill Dr, Reidsville Township

1. Acreage and Location of Proposal:

The total parcel area is 3.5 acres.

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

The neighborhood is predominantly characterized by residential and agricultural land uses.

3. Relevant Unified Development Ordinance Section:

Rockingham UDO Chapter 2 Article XI Section 9-11 (t) Rural Family Occupation of Nonagricultural/Commercial Nature

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 *Rural Transitional Land Class* of the Rockingham County Land Use Plan.

The Rural Transitional Class is intended “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.”

The Class is described as: “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.

The Residential Agricultural zoning district is described by the UDO:

The purpose of this district is to provide a place for agricultural and very low-density residential uses. Requests for rezoning to a higher intensity use district must demonstrate that the proposed development would be in accordance with the Rockingham County comprehensive plan. (Amended 4/10/2006)

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 to operate a Rural Family Occupation of Nonagricultural/Commercial Nature, staff recommends approval of Case #2020-06, 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 #2020-06, a request for a Special Use Permit to conduct a Rural Family Occupation of Nonagricultural/Commercial Nature for an Auto Sales & Repair Business.**

(t) Rural Family Occupations of Nonagricultural/Commercial Nature

Special Use District: RA
Approved By: Planning Board
Minimum Lot Size: 3 acres

Other Requirements:

The owner must reside on the property on which the business is located.

(Note: Unlike home occupations, Rural Family Occupations of a Nonagricultural or Commercial Nature may be conducted within an accessory building)

Accessory commercial structures and uses shall maintain the same property line and rights of way setbacks as required in the Residential Agricultural district. (**Additional setbacks may be required upon consideration of the nature of any proposed commercial use and/or structure.*)

Business uses shall not create any noxious fumes, odors, traffic congestion or other nuisances.

Restrictions as to fencing, indoor storage and other development criteria may be added as necessary.

Signs:

Primary Use Identification Sign: 1 ground sign per road frontage or 1 wall sign affixed to front of business use structure

Permitted Sign Area: 9 sq. ft. for ground sign; 12 sq. ft. for wall sign.

Permitted Illumination: None.

Harrison And Sons Body Shop

117 Rolling Hills Dr. Reidsville, NC 27320

Office: 336-621-0181

Harrisonandsonsbodysshop@gmail.com



We would like to be able to buy vehicles at the auction, repair and sale to the local dealers. This would be considered to be an Automotive Wholesaler.

Here is a list of business activities,

1. Auto Body Repairs

Collision repair, fixing damaged vehicles

2. Automotive Sales

Wholesaler not to the public.

3. Hours of operation

Monday – Friday 8am -5pm

4. Number of Employees

2 or 3

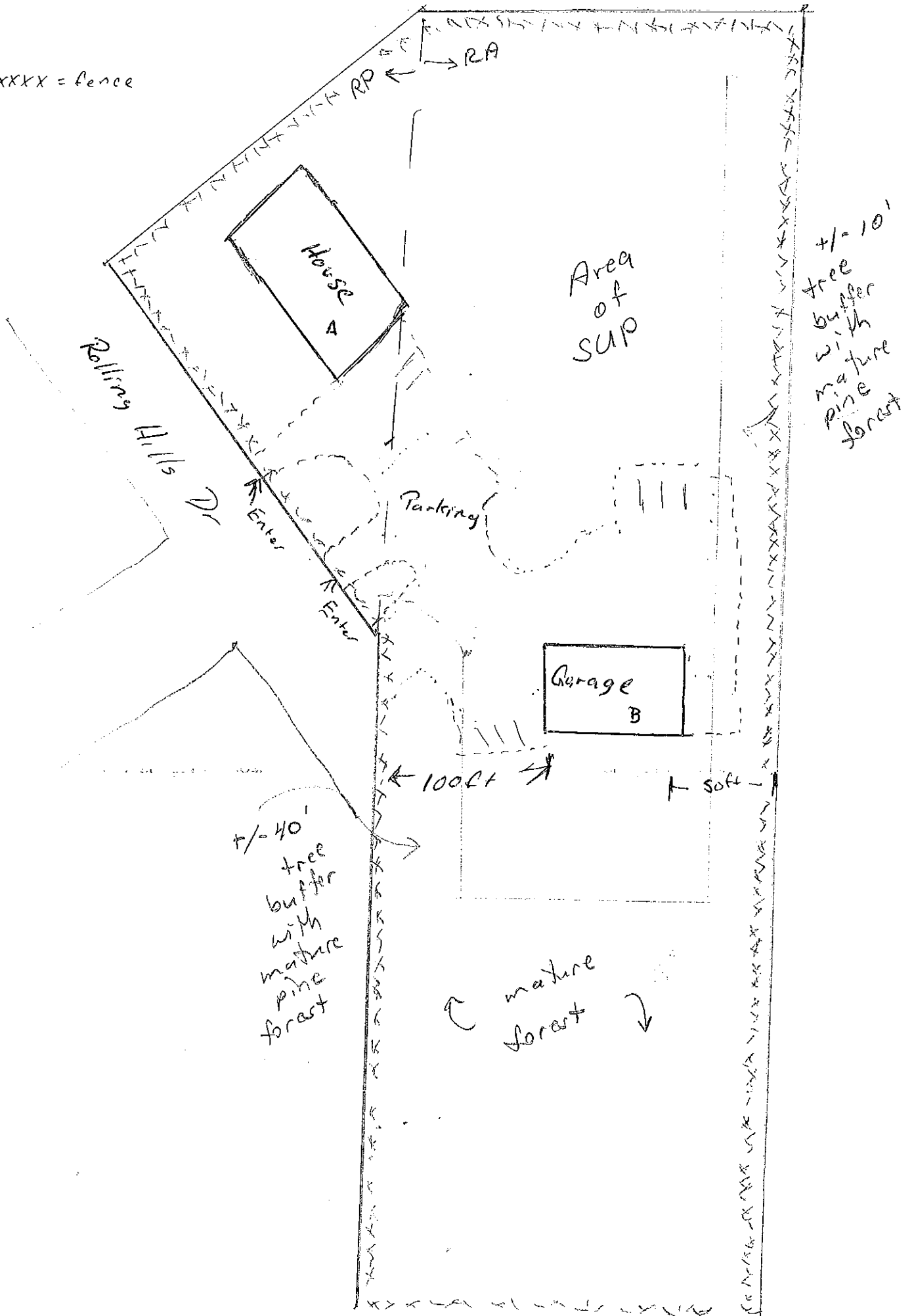
5. Noise level

The average noise levels (using the OSHA criteria is 94.4 dB)
We plan to comply with Public Peace Order Chapter 16 Sec. 16-1

Sincerely,

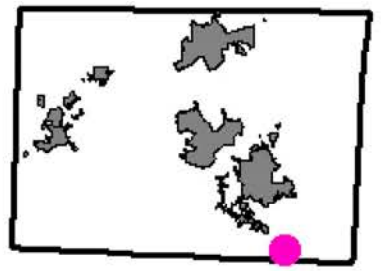
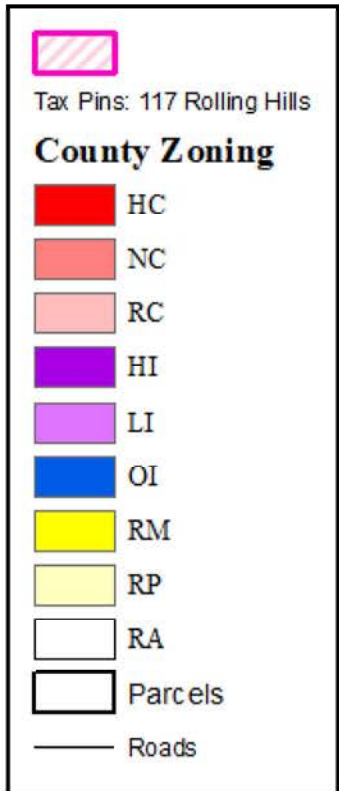
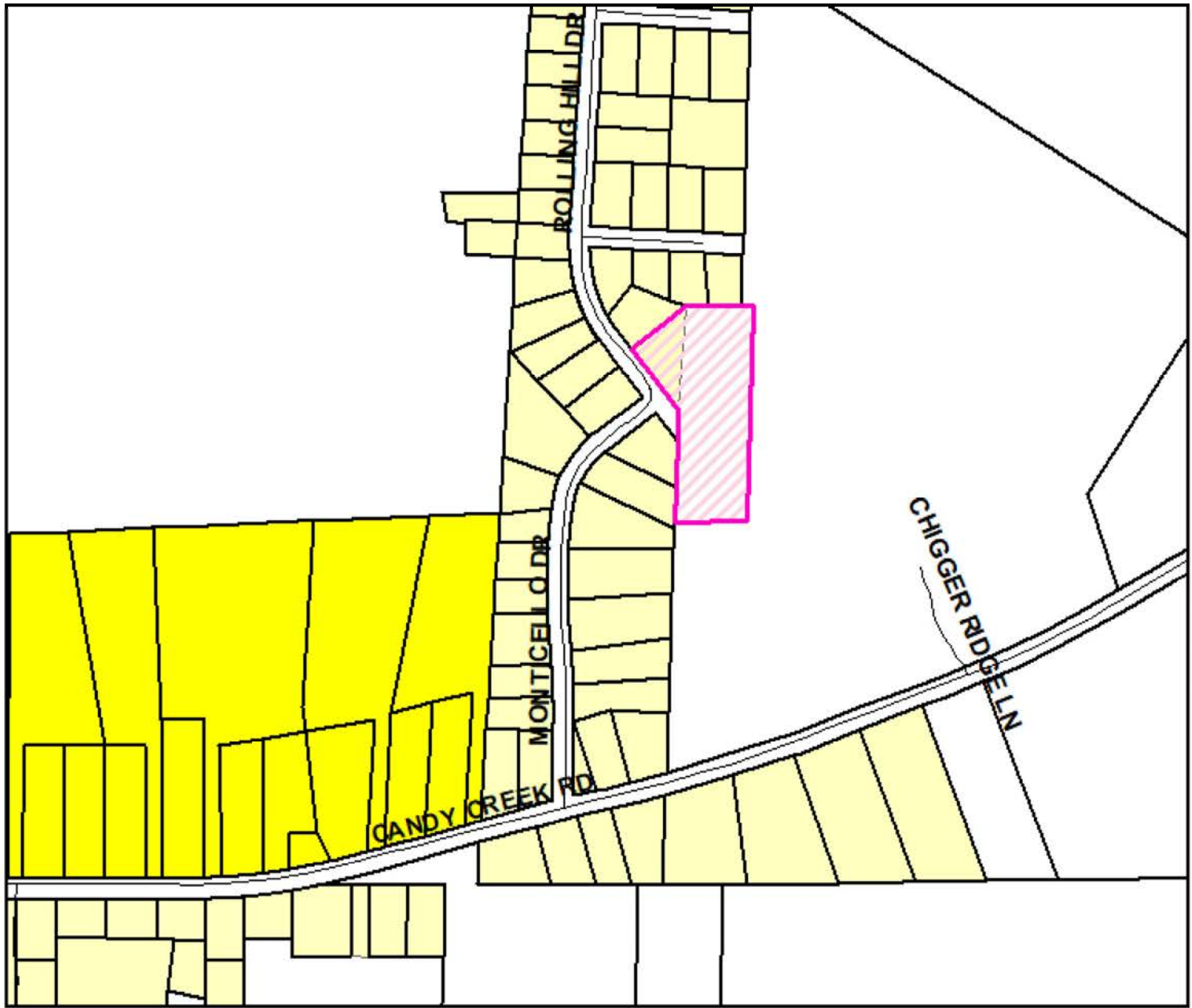
CEO: Chester Harrison Sr.

XXXX = fence





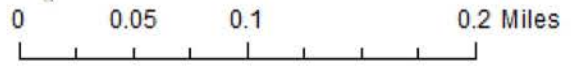
HARRISON AND SON'S
BODY SHOP
336-821-0181

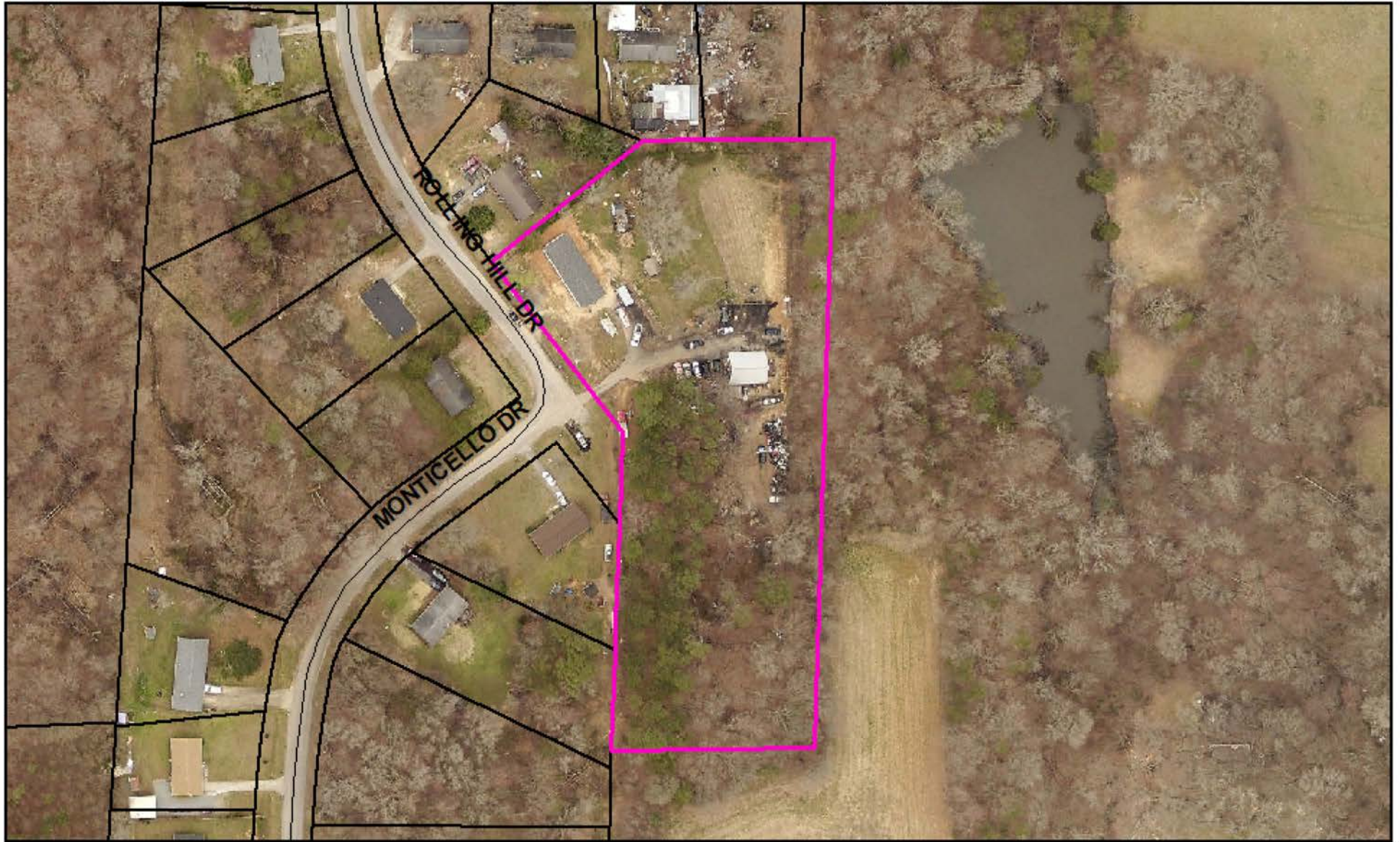


Vicinity Map



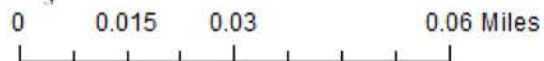
Case #2020-06 Harrison & Sons, Special Use Permit - Rural Family Occupation



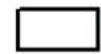


Case #2020-06 Harrison & Sons, Special Use Permit - Rural Family Occupation

Aerial Map



Tax Pins: 117 Rolling Hills



Parcels



Roads

PLANNING BOARD ANALYSIS AND STATEMENT
CASE #2020-06, Harrison & Sons
Special Use Permit to allow Rural Family Occupation in RA 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 (Case #2020-06)**. 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? The business is located behind a single family residence and has been in operation for 10 years. Stands of dense trees screen the business from the road and from neighbors.

yes no (b) That the use or development complies with all required regulations and standards of this ordinance and with all other applicable regulations;
The Board finds:
That the proposed use is an allowed use in a Residential Agricultural zoning district if a Special Use Permit is approved, that the parcel is greater than 3 acres in area, 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 single family residential building types? The property is located in a neighborhood, but sits on a large property and is screened from view. There have been no complaints reported to this department about the business.

yes no (d) That the use or development conforms with the general plans for the land use and development of Rockingham County as embodied in this chapter and in the Rockingham County UDO.
The Board finds:
Does this Special Use Permit support the policies and guidelines of the **Rural Land Class** and the intended purpose of the Residential Agricultural zoning district?

3. Additional comments: _____

**ROCKINGHAM COUNTY PLANNING
STAFF REPORT
Case #2020-09**



Request:	Residential Agricultural/ Residential Mixed to Light Industrial
Applicant:	<u>South Rockingham Corporate Park, LLC</u>
Identification:	The property is denoted by Tax Parcels: 180814 & 121034
Location:	<u>NC 65 & US 220, New Bethel Township</u>

1. Acreeage and Location of Proposal:

Two parcels with a combined acreage of (+/-) 60.04 acres. The parcels are located at the southwest intersection of NC 65 and US 220 (Future I73), near the northern Guilford County boundary.

2. Zoning Classification of Adjacent and Surrounding Parcels:

Adjacent properties are zoned Residential Agricultural to the south, Highway Commercial between the 2 parcels, and Residential Agricultural and Residential Protected separated by Hwy 65 to the north. Light Industrial zoned parcels are located immediately across US 220 along with some Residential Agricultural.

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

The neighborhood is characterized by residential and agricultural uses, including 2 Mobile Home Parks and a communications tower. The requested parcels and surrounding properties are located within an area bounded by highways US 220, US 158, NC 68, and NC 65.

4. Topographical and Environmental Characteristics:

Watershed – These parcels are located within the overlay districts designated as the Troublesome Creek WS-III and Jordan Lake protected watersheds as established on the Watershed Protection Map of Rockingham County, North Carolina.

Flood Plain – This property is 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 and Residential Mixed zoning with the adoption of the UDO. The RM district was established over a former mobile home park.

7. Adopted Regulation and Plans:

The 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 area proposed for rezoning is located at an intersection of US 220, planned for future upgrade to I73. The parcels are located in a key growth interchange, along a key growth corridor established by the county's adopted Land Use Plan. US220 is planned for upgrade to interstate I73.

This area of the county has experienced anticipated growth fueled by its proximity to PTIA airport, a larger interstate network, and easy access to jobs. Properties in 2 other corners of the intersection are zoned Light Industrial, with one undeveloped and the other developed for Yates Construction Company commercial and industrial building construction. 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 #2020-009, a request for Rezoning from Residential Agriculture/ Residential Mixed to Light Industrial.

USES IN LIGHT INDUSTRIAL ZONING DISTRICT

Uses Permitted by right. Zoning Permit may be required.

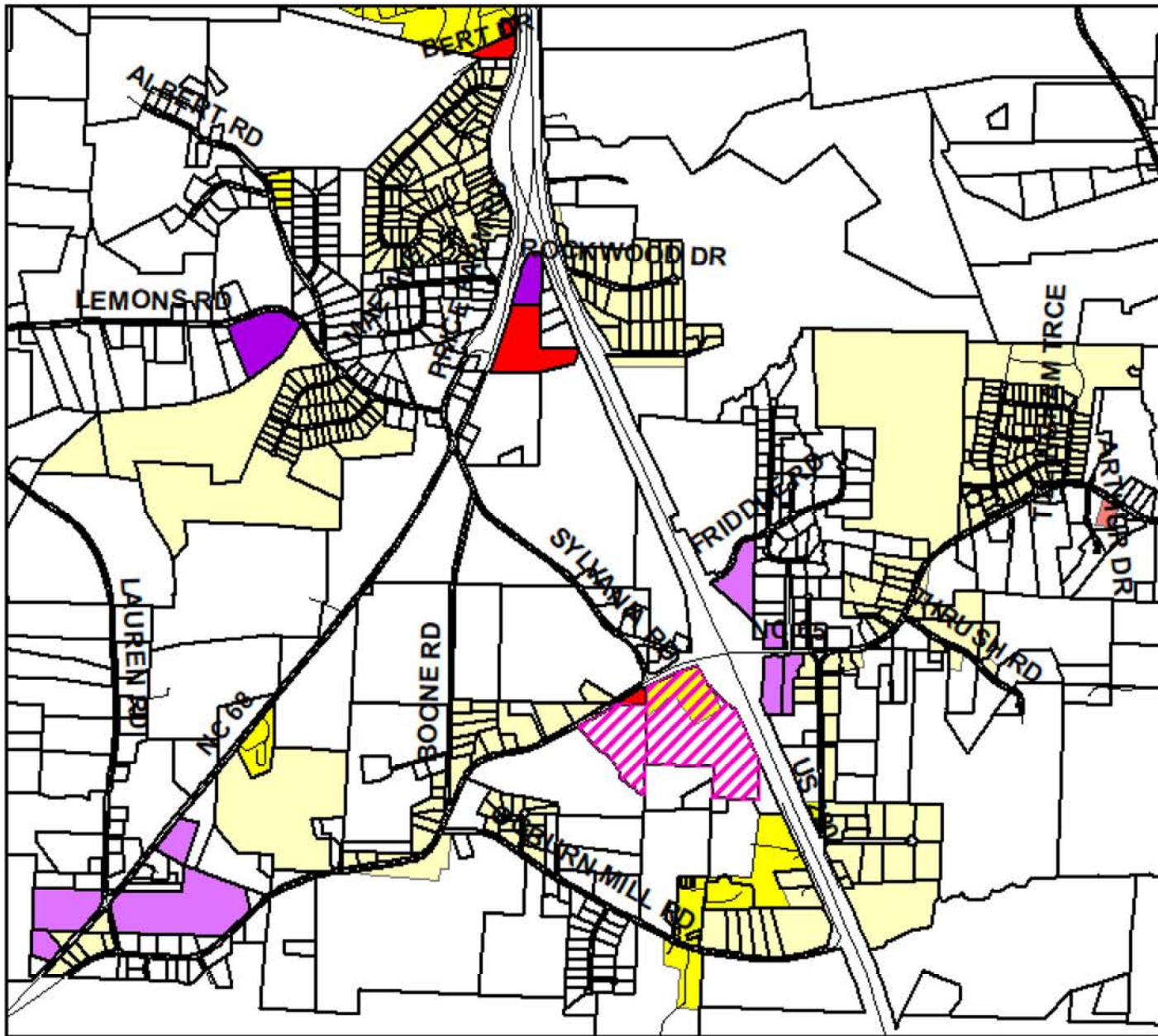
1. Accessory uses
2. Agricultural use (not regulated)
3. Auction sales, temporary, one-time use
4. Auction sales, yards, permanent
5. Automobile body shops (excluding open storage of wrecked vehicles)
6. Automobile car-wash, drive through, requiring vehicle stacking
7. Automobile parts sales
8. Automobile 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

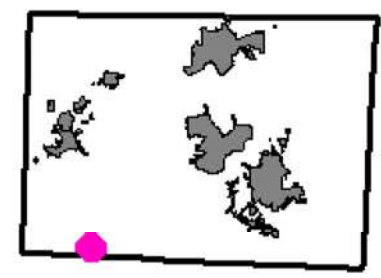
1. Adult uses
2. Air fields (general aviation)
3. Junk yards (600 sq/ft or more in size)
4. Planned business development
5. Public utility substations
6. Sanitary Landfill
7. Schools, academic
8. Storage, flammable liquids above ground in quantities for distribution
9. Wireless Telecommunications Facilities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



Parcels: 180814 & 121034

County Zoning

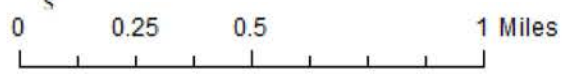
- HC
- NC
- RC
- HI
- LI
- OI
- RM
- RP
- RA
- Parcels
- Roads

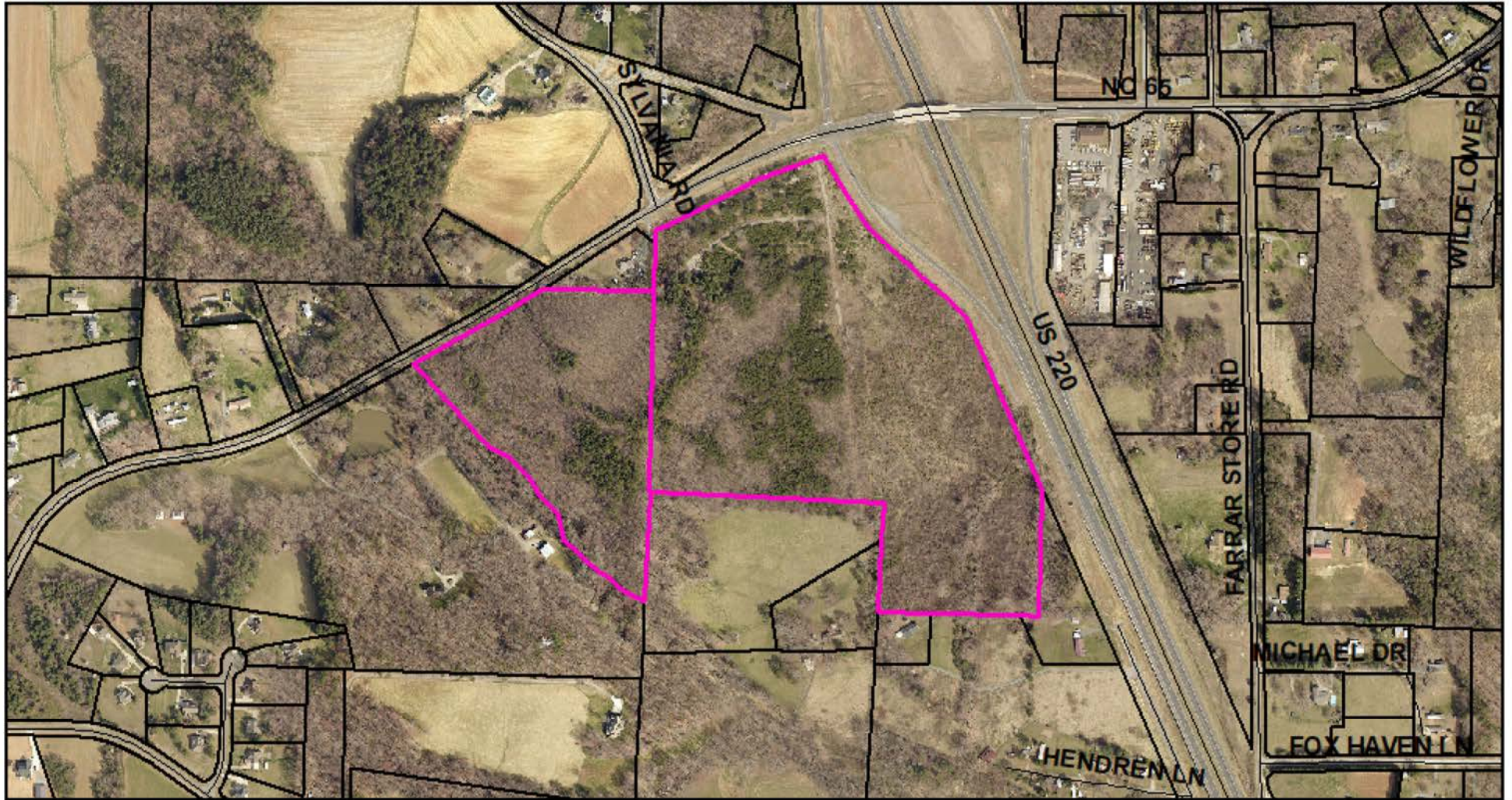


Aerial



Case #2020-09, South Rockingham Corporate Park, RA/RM to LI

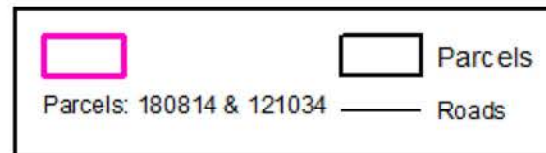




Case #2020-09, South Rockingham Corporate Park, RA/RM to LI



Aerial Map



**PLANNING BOARD ANALYSIS AND STATEMENT
CASE #2020-09, South Rockingham Corporate Park
Residential Agricultural and Residential Mixed 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 #2020-09). 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 Residential Protected**.
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 *Rural 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 #2020-09, South Rockingham Corporate Park
Residential Agricultural and Residential Mixed 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 #2020-09)**. 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 Residential Protected**.
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 *Rural 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 #2020-09, South Rockingham Corporate Park
Residential Agricultural and Residential Mixed 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 #2020-09**). 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 Residential Protected**.
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 *Rural 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
STAFF REPORT
Case #2020-11, Variance**



Request:	Variance to allow for a Home Occupation to be located in an accessory structure.
Applicant:	<u>Deborah Peters</u>
Identification:	The property is denoted by Tax PIN 7957-02-57-6941
Location:	1143 Whetstone Creek Rd, Stoneville, Mayo Township

1. Acreege and Location of Proposal:

The total parcel area is +/- 2 acres

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

The neighborhood is predominantly characterized by large lot residential and agricultural uses.

3. Relevant Unified Development Ordinance Section:

Chapter 1, Article II, Definitions.

“Home Occupation

*Any use conducted **entirely within a dwelling** and carried on by the occupants thereof which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and in connection with which there is no display and no more than one (1) person, not a resident on the premises, is employed specifically in connection with the home occupation. Uses for a Home Occupation shall include only the following:*

- a. The office or studio of a physician or surgeon, dentist, artist, crafts person, musician, lawyer, architect, teacher, or other like professional person residing on the premises;*
- b. Workshops not conducted for profit;*
- c. Customary home occupations such as millinery, dressmaking and hairdressing, conducted by a person residing on the premises.*

Provided that no show window or sales room is installed on the premises and no mechanical equipment is installed or used except such that is normally used for domestic or professional purposes and provided further that not over 25% of the total actual floor area or 500 square feet, whichever is less, of any structure shall be used for home occupations or professional purposes. Off-street parking shall meet the standards and requirements as set forth in this ordinance.”

4. Approval Process:

Staff concludes that the applicant has submitted a complete application for Case #2020-11 and the request appears to meet the conclusions required to grant it.

Variiances 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. **Based on Staff's analysis, Staff recommends approval of Case #2020-11, a request for a variance to the requirements of a Home Occupation, as described by definition, to allow a property owner to operate a Home Occupation in a separate structure from their principal residence.**



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

Case: 2020-11

APPLICATION FOR VARIANCE

ALL SIGNATURES MUST BE WITNESSED BY STAFF OR NOTARY

Application Date: April 30, 2020

Meeting Date: May 11, 2020 at 7:00PM

Applicant: Deborah Peters

Owner/ Applicant Mailing Address: PO BOX 3 Stoneville, NC 27048

Owner / Applicant Email: kiwirosebodycare@hotmail.com

Phone: 336-623-1782 (home)/ 336-616-4849 (cell)

Tax PIN #: 7957-02-57-6941

Parcel Address: 1143 Whetstone Creek Rd, Stoneville, NC 27048

Variance Requested (article and section): UDO Chapter 1, Article II Definitions, Home Occupation

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

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

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

Our house size is around 1,100 SF and too small to have a business safely inside. The site around the home is constricted by underground utilities and septic, driveway, and drainage so we cannot add to the house. Without this variance, I would not be able to use my property for a home occupation as is permitted in my zoning.

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

Drainage, underground utilities, septic, driveway are all situated in a way that does not allow me to have the business inside my home.

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

The house was built before the UDO created the requirement to have a business only within the home. Rockingham County issued us a permit to operate a car wash around 2003. We built the shop based on

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

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

that permission. No one in the planning or inspections department informed us at that time that we had any limitations about the land size or the business being in the house.

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

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

The building we built for a business is 30' by 40', the minimum size that would allow us to up-fit it for commercial use. The building is connected to the house via our driveway and appears to be a typical single family residential garage or shop. If we have to conduct the business within the house we would be changing the entire character of the property to a commercial use because of the size of the house.

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

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

The business will be conducted in a way that does not change the character of the neighborhood, will not generate additional traffic, and will be restricted to the number of clients.

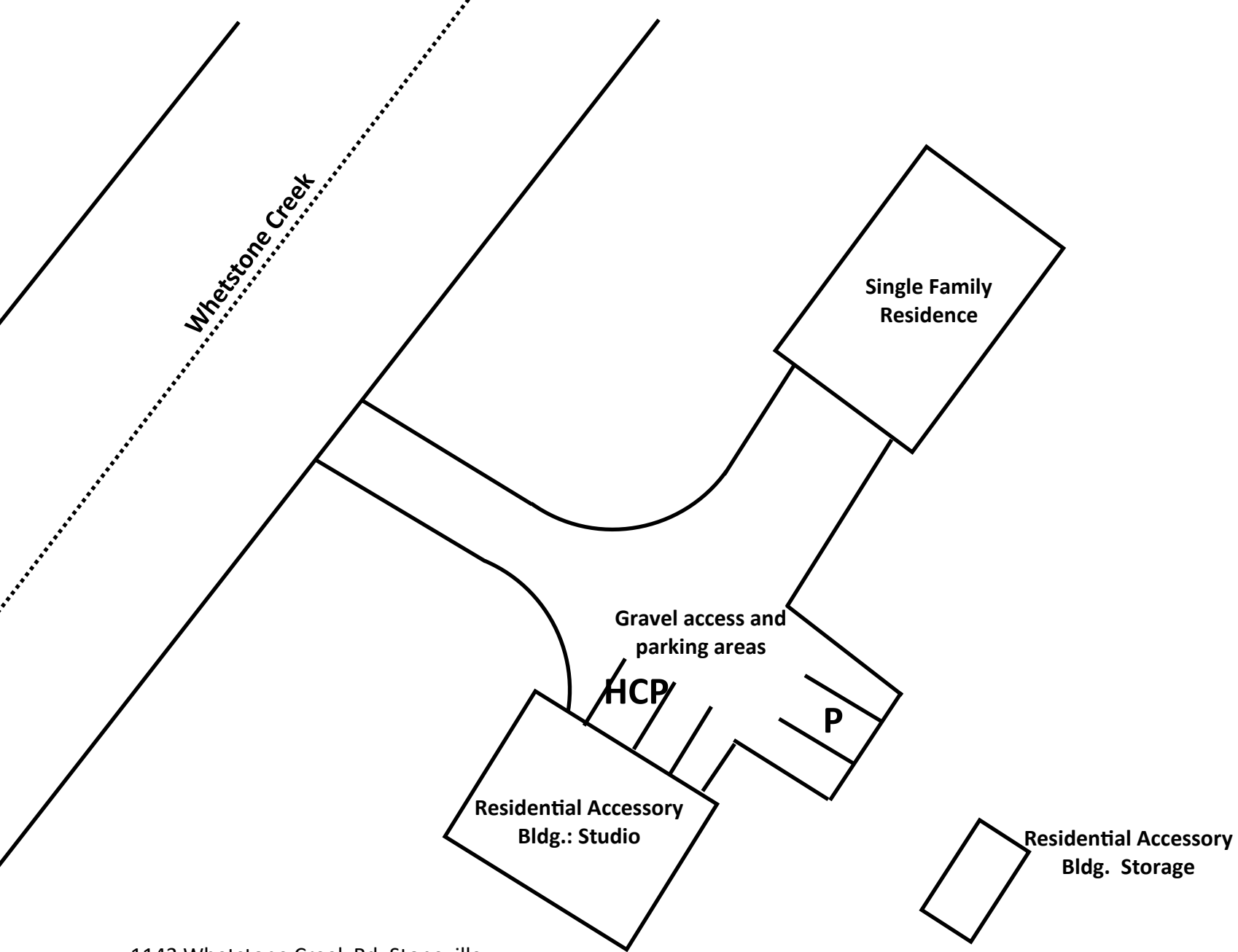
Deborah Anne Peters

Signature of Applicant

Fee Paid: 350⁰⁰/no

Receipt #: PL000436

CRG 4/30/20



1143 Whetstone Creek Rd, Stoneville

Site Plan for Variance to Home Occupation requirements as set forth in UDO definitions

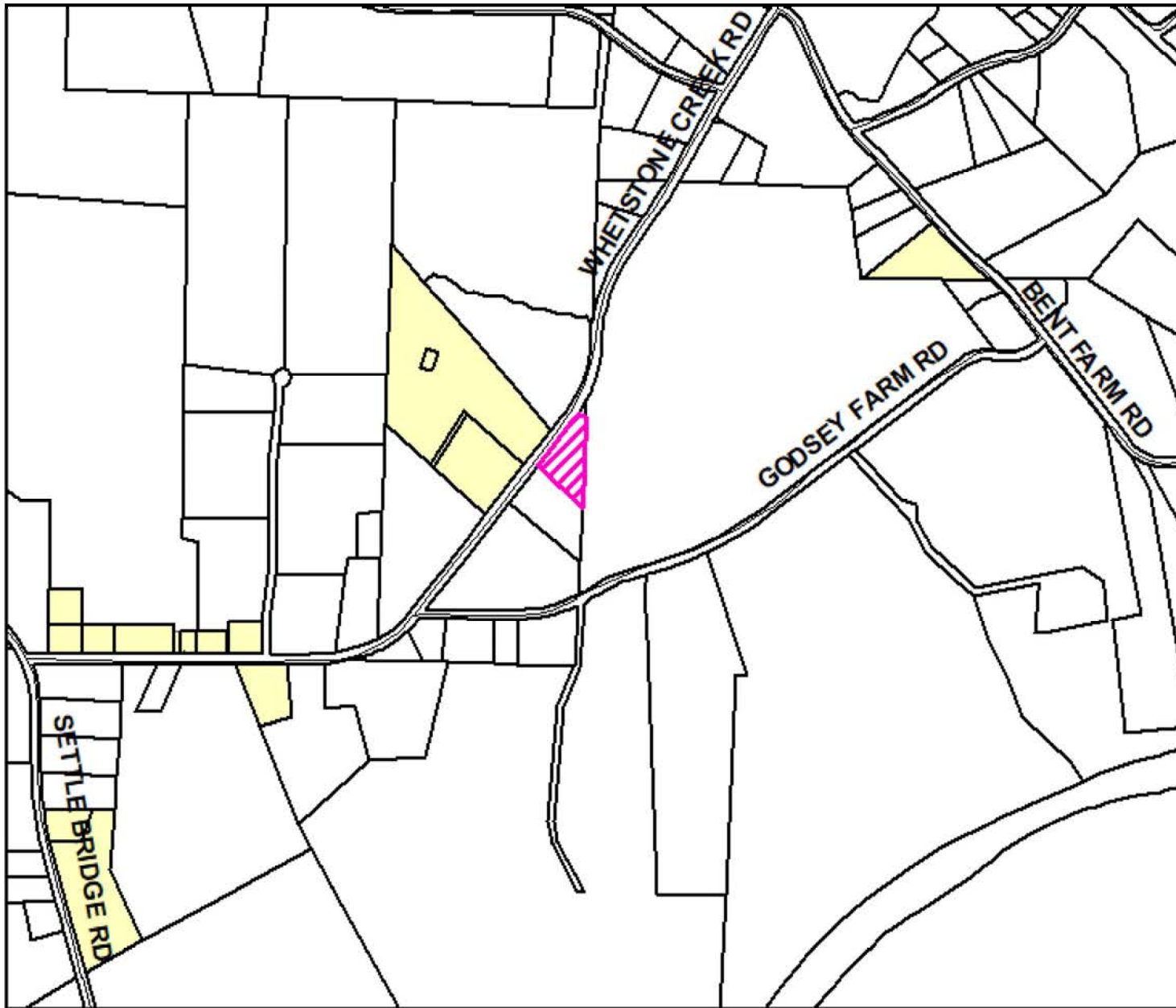
Robert and Deborah Peters













795702576941

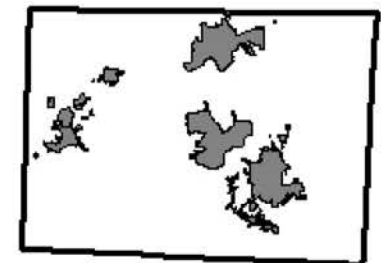
2 AC

Mayo Township

Change of Use permit will be required to change use of accessory building from garage to Therapy Office (NAICS Code 621340)



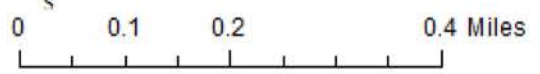
 Tax PIN: 795702576941
County Zoning
 HC
 NC
 RC
 HI
 LI
 OI
 RM
 RP
 RA
 Parcels
 Roads

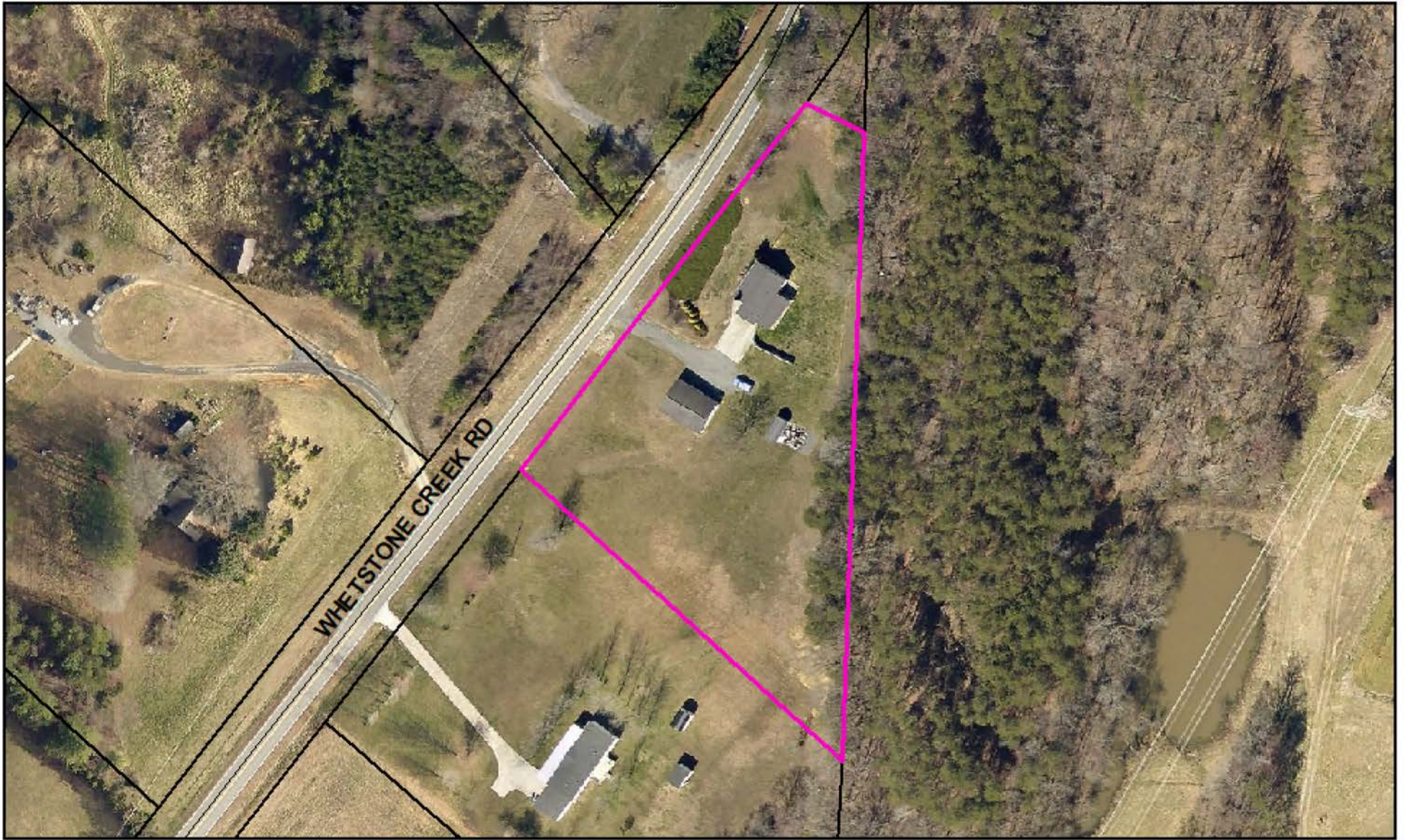


Vicinity Map



Case #2020-11 Peters, Variance to Home Occupation Definition

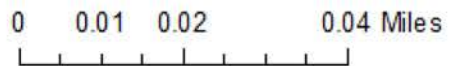




Case #2020-11 Peters, Variance to Home Occupation Definition



Aerial Map



Tax PIN: 795702576941



Parcels



Roads

PLANNING BOARD ANALYSIS AND STATEMENT

CASE #2020-11, Deborah Peters

Variance to Definition of Home Occupation to allow the use of an accessory building for a home occupation

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 #2020-11)**. 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.