

**AGENDA**

**ROCKINGHAM COUNTY PLANNING BOARD &  
BOARD OF ADJUSTMENT**

**October 8, 2018 at 7:00 pm**

County Commissioners Chambers

Rockingham County Governmental Center



**I. Call to Order**

**II. Invocation**

**III. Review of Procedures**

**IV. Public Hearings:**

- a. Gideon Grove Church Road: Rezoning Case #2018-022, a request for change from Residential Agricultural (RA) to Neighborhood Commercial (NC) and Residential Agricultural. The property is denoted by Tax PIN 7901-00-94-2175.
- b. Ellisboro Rd and Cannonball Ct: Rezoning Case #2018-027, a request for change from Residential Agricultural (RA) and Residential Protected (RP) to Neighborhood Commercial (NC) and Residential Agricultural. The property is denoted by Tax PIN 7901-00-77-6626.
- c. King Carter Road: Special Use Permit Case #2018-025, a request for a Large Scale Solar Energy Facility. The properties are denoted by Tax PINs 7972-00-59-5783, 7972-00-55-8503, 7972-00-45-6808, 7972-00-68-4202.

**Board of Adjustment**

- d. 148 Brooks Rd: Variance Case #2018-026, a request relief from required residential property line setbacks for storage structure. The property is denoted by Tax PIN 7912-00-91-9348.

**V. Other Business:**

- a. Old Business: 1. Rezoning Case #2018-023 Teramore LLC has been withdrawn.
- b. New Business: 1. Review of changes to Planning Board Membership.  
2. Approval of Tentative Calendar Year 2019 Planning Board Meeting Dates.  
3. Staff request to update the Planning Board Bylaws.

**VI. Adjourn**

**ROCKINGHAM COUNTY PLANNING  
STAFF REPORT  
Case #2018-027, Rezoning RA/RP to NC/RA**



<b>Request:</b>	A request for a Rezoning from Residential Agricultural (RA) and Residential Protected (RP) to Neighborhood Commercial (NC) and Residential Agricultural (RA).
<b>Applicant:</b>	<u>Tom Malone</u>
<b>Identification:</b>	The property is identified as Tax PIN: 7901-00-77-6626
<b>Location:</b>	<u>Ellisboro Rd and Cannonball Ct</u>

**1. Acres / Square Footage of Proposal:**

Total parcel size is +/- 18.9 acres; +/- 2.0 acres for NC use and +/- 16.9 acres for RA use.

**2. Zoning Classification of Adjacent and Surrounding Parcels:**

The most nearby properties are zoned Residential Agricultural (RA) and Residential Protected (RP), with Residential Mixed (RM) and Highway Commercial (HC) approximately ¾ of a mile to the northwest.

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

The neighborhood is being used for residential, agricultural and limited commercial purposes.

**4. Topographical and Environmental Characteristics:**

Soils – May be referenced in the *USDA Soil Survey of Rockingham County*.

Watershed – The parcel does not lie in a protected watershed overlay district.

Flood Plain – This property is located in an “*area of minimal flood hazard, zone x,*” according the *Federal Emergency Management Agency* flood plain map 3710790100J.

Wetlands – There are no wetlands located on the parcel according to the *U.S. Fish and Wildlife Service* National Wetlands Inventory.

**5. Utilities / Services:**

This parcel will be served by individual well and septic.

**6. Unified Development Ordinance:**

*Chapter 2, Article VI, Section 6-1, p. 43 – “General Use Zoning Districts.”*

**7. Land Use Plan:**

This request is located in the *Rural Transition Land Class* of the Rockingham County Land Use Plan.

**8. Previous Zoning History:**

1988: Zoned as Residential Agricultural (RA) and Residential Protected (RP, along Ellisboro Rd frontage).

**9. 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.

- a. ***The sizes of the tracts in question:*** The proposed NC zoned area is +/- 2.0 acres. This exceeds the minimum lot size standard requirement of 30,000 square feet in the NC district when served by individual well and septic. The proposed RA zoned area is +/- 16.9 acres. This exceeds the minimum lot size standard requirement of 43,560 square feet (1 acre) in the RA district when served by individual well and septic.

- b. ***The compatibility of the zoning action with the comprehensive plan:*** The Rockingham County Land Use Plan recommends development of "... lands with limited commercial development with an emphasis on mixed use" in the *Rural Transition Land Class*.
- c. ***The benefits and detriments resulting from the zoning action for the owner of the Rezoning, the neighbors, and the surrounding community:*** This rezoning request fits well within the current context of zoning districts present in the local community, allowing the benefits of limited commercial development while posing minimal effects to existing residential districts.
- d. ***The relationship between the uses envisioned under the rezoning and the uses currently present in adjacent tracts:*** The Rockingham County Land Use Plan encourages "...mixed use commercial development where appropriate and where compatible with surrounding residential uses."

As a whole, this zoning amendment supports the intent and descriptions of the *Rural Transition Land Class* in the Rockingham County Land Use Plan. There are 76 allowed uses in the Neighborhood Commercial (NC) zoning district. Of those, 68 are allowed by right, 4 are allowed with development standards, and 4 are allowed with a Special Use Permit, and 2 are allowed with conditional zoning. There are 61 allowed uses in the Residential Agricultural (RA) zoning district. Of those, 24 are allowed by right, 15 are allowed with development standards, 20 are allowed with a Special Use Permit, 1 use is allowed with conditional zoning, and 1 use is permitted by the Subdivision Ordinance.

When making the decision for a dual, 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.* Staff also notes that this rezoning is a straight rezoning. Therefore, no conditions may be placed upon it.

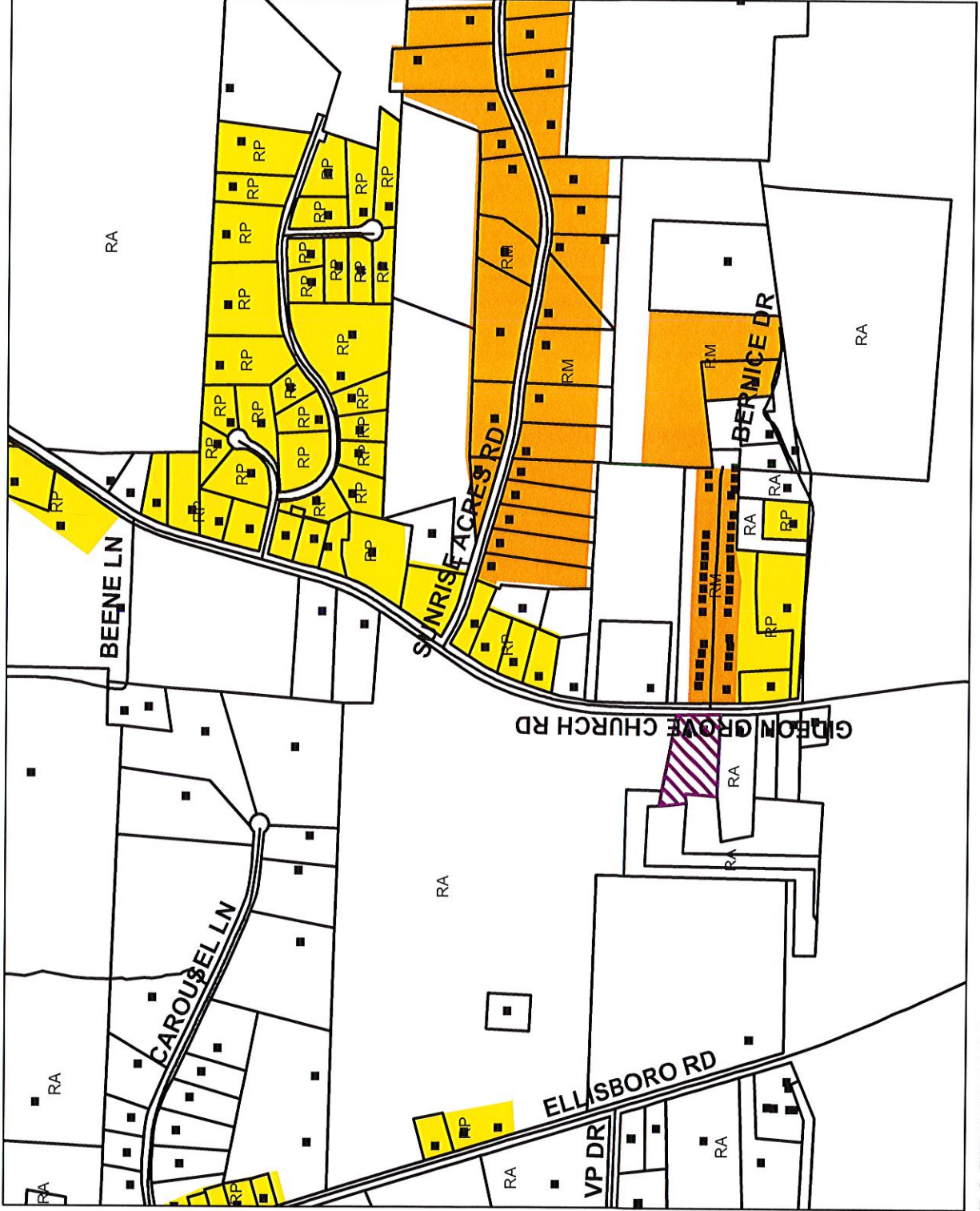
**Based on Staff's analysis, Staff recommends approval of Case #2018-027, a request for a Rezoning from Residential Agricultural (RA) and Residential Protected (RP) to Neighborhood Commercial (NC) and Residential Agricultural (RA).**



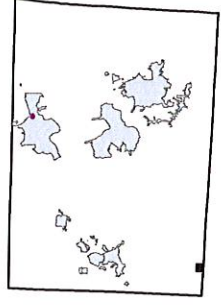
# ROCKINGHAM COUNTY PLANNING BOARD, 10/08/2018

Tax PIN: 7901-00-94-2175

Case #2018-022 Angel REZ (RA to NC, portion))



	Parcels selection
	Parcels
	County Zoning
	<all other values>
<b>ZONE_CODE</b>	
	HC
	HI
	LI
	NC
	OI
	RA
	RC
	RM
	RP



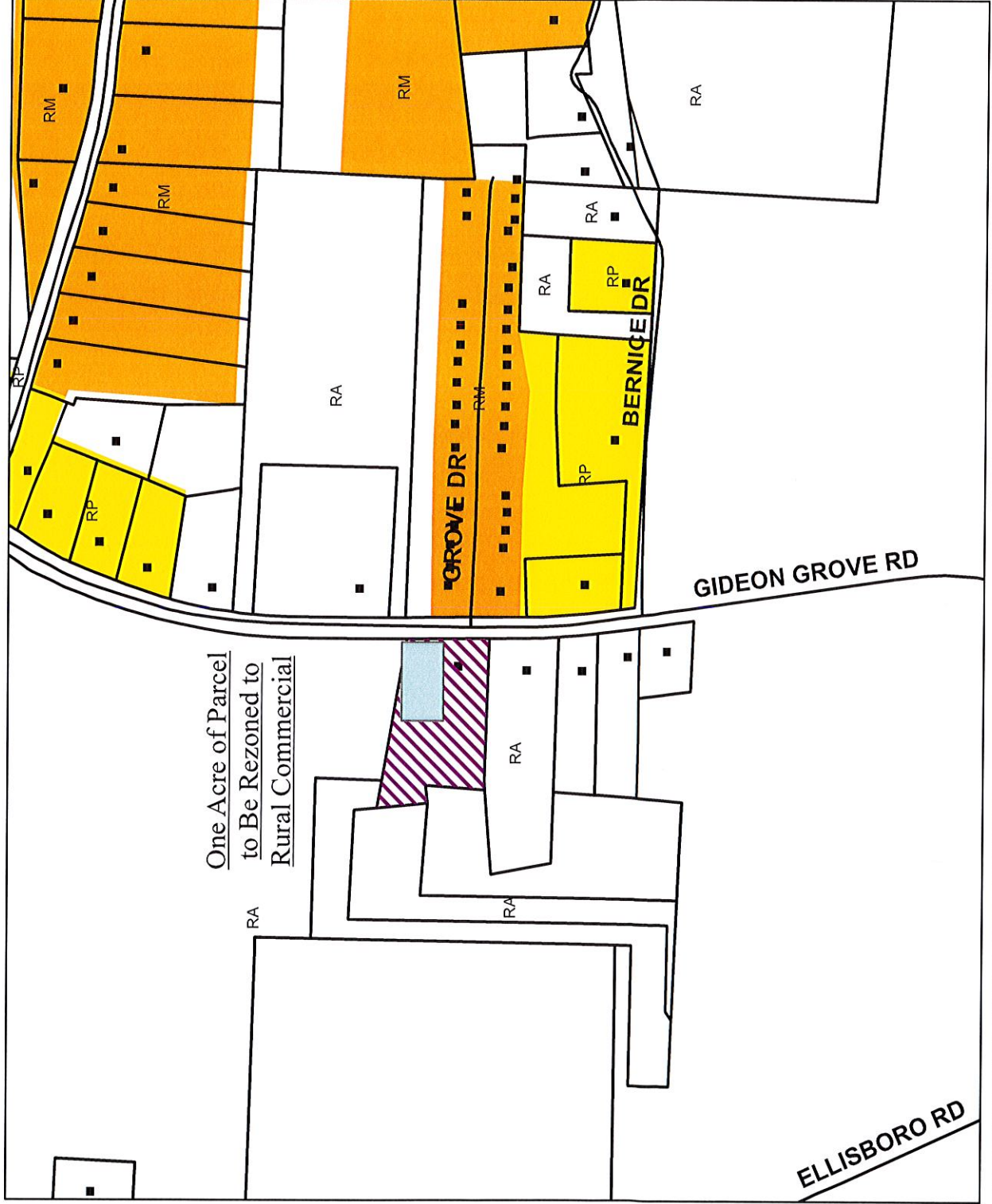
ROCKINGHAM COUNTY PLANNING DEPARTMENT: FOR ILLUSTRATION PURPOSES ONLY  
 1 inch = 0.15 miles



# ROCKINGHAM COUNTY PLANNING BOARD, 10/08/2018

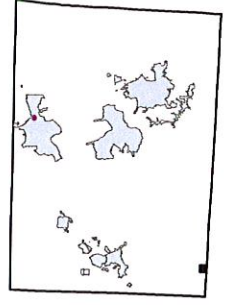
Tax PIN: 7901-00-94-2175

Case #2018-022 Angel REZ (RA to NC-2)



One Acre of Parcel  
to Be Rezoned to  
Rural Commercial

	Parcels selection
	Parcels
	County Zoning
	<all other values>
<b>ZONE_CODE</b>	
	HC
	HI
	LI
	NC
	OI
	RA
	RC
	RM
	RP



ROCKINGHAM COUNTY PLANNING DEPARTMENT: FOR ILLUSTRATION PURPOSES ONLY

1 inch = 0.08 miles





SUNRISE ACRES RD

GIDEON GROVE DR

BERNICE DR

GIDEON GROVE RD

GIDEON GROVE CHURCH RD

ELLISBORO RD



## USES IN NEIGHBORHOOD 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 coaster, fairgrounds)
5. Apparel and accessory sales
6. Auction sales, temporary, one-time use
7. Automobile car-wash, drive through, requiring vehicle stacking
8. Automobile parts sales
9. Automobile sales
10. Automobile service stations
11. Automobile, truck and trailer (hauling) rental
12. Banks & Savings and Loans
13. Barber & Beauty service
14. Beneficial Fill
15. Cabinet making
16. Car wash
17. Churches and their customary uses including child care
18. Clinics, medical, dental
19. Clubs and lodges, private, non-profit
20. Clubs and places of entertainment (commercial)
21. Community centers, public or private non-profit for assembly and recreation
22. Condominiums – commercial
23. Convenience food stores
24. Day care 6 or more persons
25. Drive-in window services (banks, laundries, fast-food, etc.) where use is permitted in district
26. Dry cleaning and laundry
27. Exterminating services
28. Fire, sheriff and emergency services
29. Flea markets (indoors)
30. Flea markets (out-of-doors)
31. Florists
32. Funeral homes
33. Gift shops
34. Golf, miniature
35. Governmental offices
36. Grocery stores
37. Hardware, paint and garden supplies
38. Hotels and motels
39. Home furnishings and appliance sales
40. Home Occupations
41. Health and social services centers
42. Laboratory, medical and dental
43. Laundry or dry cleaning, self-service
44. Library, public
45. Locksmith, gunsmith
46. Mixed commercial and residential use where commercial use is primary and both occupy same structure or lot
47. Mobile home, temporary use for construction projects (Class AA, A or B)
48. Nursery, plant cultivation and sales
49. Office supplies sales
50. Pharmacy and drug store
51. Post office
52. Printing and reproduction
53. Professional and business offices
54. Radio or television studio
55. Reception/Banquet Facility
56. Retail sales, not listed elsewhere



- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>57. Repair, rental and service of products sold at retail in same district</li> <li>58. Restaurant</li> <li>59. Retail stores and shops (excluding vehicle sales) not otherwise listed herein</li> <li>60. Service stations</li> <li>61. Service establishments including but not limited to barber and beauty shops, small item repair and rental</li> </ul> | <ul style="list-style-type: none"> <li>62. Sign, on premises</li> <li>63. Studios for artists, designers, musicians, photographers, sculptors (not as home occupation)</li> <li>64. Tailor shop</li> <li>65. Taxi stand</li> <li>66. Temporary buildings, incidental to development</li> <li>67. Townhouses – Commercial</li> <li>68. Upholstering and furniture refinishing</li> </ul> |
|--|---|

**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. Planned business development – no outdoor storage
- 2. Public utility substations (including public water/sewer plants)
- 3. Schools, academic
- 4. Schools, business/trade

## 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)



**PLANNING BOARD STATEMENT DESCRIBING THE  
PROPOSED AMENDMENT'S CONSISTENCY WITH ROCKINGHAM COUNTY  
COMPREHENSIVE PLANS AND OTHER APPROPRIATE MATTERS**

Applicable Statutory Language:

“The planning board shall advise and comment on whether the proposed amendment is consistent with any comprehensive 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 comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.” NCGS § 153A-341

In **recommending approval** for the zoning amendment before the Planning Board, the Board hereby adopts the following statements as required by NCGS § 153A-341:

1. The Board has determined that the zoning amendment is consistent with the Rockingham County comprehensive plan. The proposed zoning amendment (**Case #2018-022**) is appropriate for the proposed land use and is consistent with all other maps and plans officially adopted by the Board of Commissioners.
2. 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 Transition Land Class**.
3. Additional matters: \_\_\_\_\_  
\_\_\_\_\_

In **recommending denial** for the zoning amendment before the Board, the Board hereby adopts the following statements as required by NCGS § 153A-341:

1. The Board has determined that the zoning amendment is not consistent with the Rockingham County comprehensive plan because the area is not appropriate for the proposed land use; and the proposed land use is not consistent with all other relevant maps or plans officially adopted by the Board of Commissioners.
2. The Board has determined that the zoning amendment is not consistent with the Rockingham County Land Use Plan. As a whole, this zoning amendment does not support the intent and descriptions of the **Rural Transition Land Class**.
3. Additional matters: \_\_\_\_\_  
\_\_\_\_\_

In **recommending approval** for the zoning amendment before the Planning Board, the Board hereby adopts the following statements as required by NCGS § 153A-341:

- 2. The Board has determined that the zoning amendment is inconsistent with the Rockingham County comprehensive plan. The proposed zoning amendment (**Case #2018-0022**) is appropriate for the proposed land use and is inconsistent with all other maps and plans officially adopted by the Board of Commissioners.
- 3. The Board has determined that the zoning amendment is inconsistent with the Rockingham County Land Use Plan. As a whole, this zoning amendment does not support the intent and descriptions of the **Rural Transition Land Class**.
- 4. Approval of this case also deems an amendment to the comprehensive plan. The action is reasonable and in the public interest because:

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**ROCKINGHAM COUNTY PLANNING  
STAFF REPORT  
Case #2018-027, Rezoning RA/RP to NC/RA**



<b>Request:</b>	A request for a Rezoning from Residential Agricultural (RA) and Residential Protected (RP) to Neighborhood Commercial (NC) and Residential Agricultural (RA).
<b>Applicant:</b>	Tom Malone
<b>Identification:</b>	The property is identified as Tax PIN: 7901-00-77-6626
<b>Location:</b>	Ellisboro Rd and Cannonball Ct

**1. Acreeage / Square Footage of Proposal:**

Total parcel size is +/- 18.9 acres; +/- 2.0 acres for NC use and +/- 16.9 acres for RA use.

**2. Zoning Classification of Adjacent and Surrounding Parcels:**

The most nearby properties are zoned Residential Agricultural (RA) and Residential Protected (RP), with Residential Mixed (RM) and Highway Commercial (HC) approximately  $\frac{3}{4}$  of a mile to the northwest.

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

The neighborhood is being used for residential, agricultural and limited commercial purposes.

**4. Topographical and Environmental Characteristics:**

Soils – May be referenced in the *USDA Soil Survey of Rockingham County*.

Watershed – The parcel does not lie in a protected watershed overlay district.

Flood Plain – This property is located in an “*area of minimal flood hazard, zone x,*” according the *Federal Emergency Management Agency* flood plain map 3710790100J.

Wetlands – There are no wetlands located on the parcel according to the *U.S. Fish and Wildlife Service* National Wetlands Inventory.

**5. Utilities / Services:**

This parcel will be served by individual well and septic.

**6. Unified Development Ordinance:**

*Chapter 2, Article VI, Section 6-1, p. 43 – “General Use Zoning Districts.”*

**7. Land Use Plan:**

This request is located in the *Rural Land Class* of the Rockingham County Land Use Plan.

**8. Previous Zoning History:**

1988: Zoned as Residential Agricultural (RA) and Residential Protected (RP, along Ellisboro Rd frontage).

**9. 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.

- a. ***The sizes of the tracts in question:*** The proposed NC zoned area is +/- 2.0 acres. This exceeds the minimum lot size standard requirement of 30,000 square feet in the NC district when served by individual well and septic. The proposed RA zoned area is +/- 16.9 acres. This exceeds the minimum lot size standard requirement of 43,560 square feet (1 acre) in the RA district when served by individual well and septic.



- b. ***The compatibility of the zoning action with the comprehensive plan:*** The Rockingham County Land Use Plan recommends development of "... lands with limited commercial development with an emphasis on mixed use" in the *Rural Transition Land Class*.
- c. ***The benefits and detriments resulting from the zoning action for the owner of the Rezoning, the neighbors, and the surrounding community:*** This rezoning request fits well within the current context of zoning districts present in the local community, allowing the benefits of limited commercial development while posing minimal effects to existing residential districts.
- d. ***The relationship between the uses envisioned under the rezoning and the uses currently present in adjacent tracts:*** The Rockingham County Land Use Plan encourages "...mixed use commercial development where appropriate and where compatible with surrounding residential uses."

As a whole, this zoning amendment supports the intent and descriptions of the *Rural Transition Land Class* in the Rockingham County Land Use Plan. There are 76 allowed uses in the Neighborhood Commercial (NC) zoning district. Of those, 68 are allowed by right, 4 are allowed with development standards, and 4 are allowed with a Special Use Permit, and 2 are allowed with conditional zoning. There are 61 allowed uses in the Residential Agricultural (RA) zoning district. Of those, 24 are allowed by right, 15 are allowed with development standards, 20 are allowed with a Special Use Permit, 1 use is allowed with conditional zoning, and 1 use is permitted by the Subdivision Ordinance.

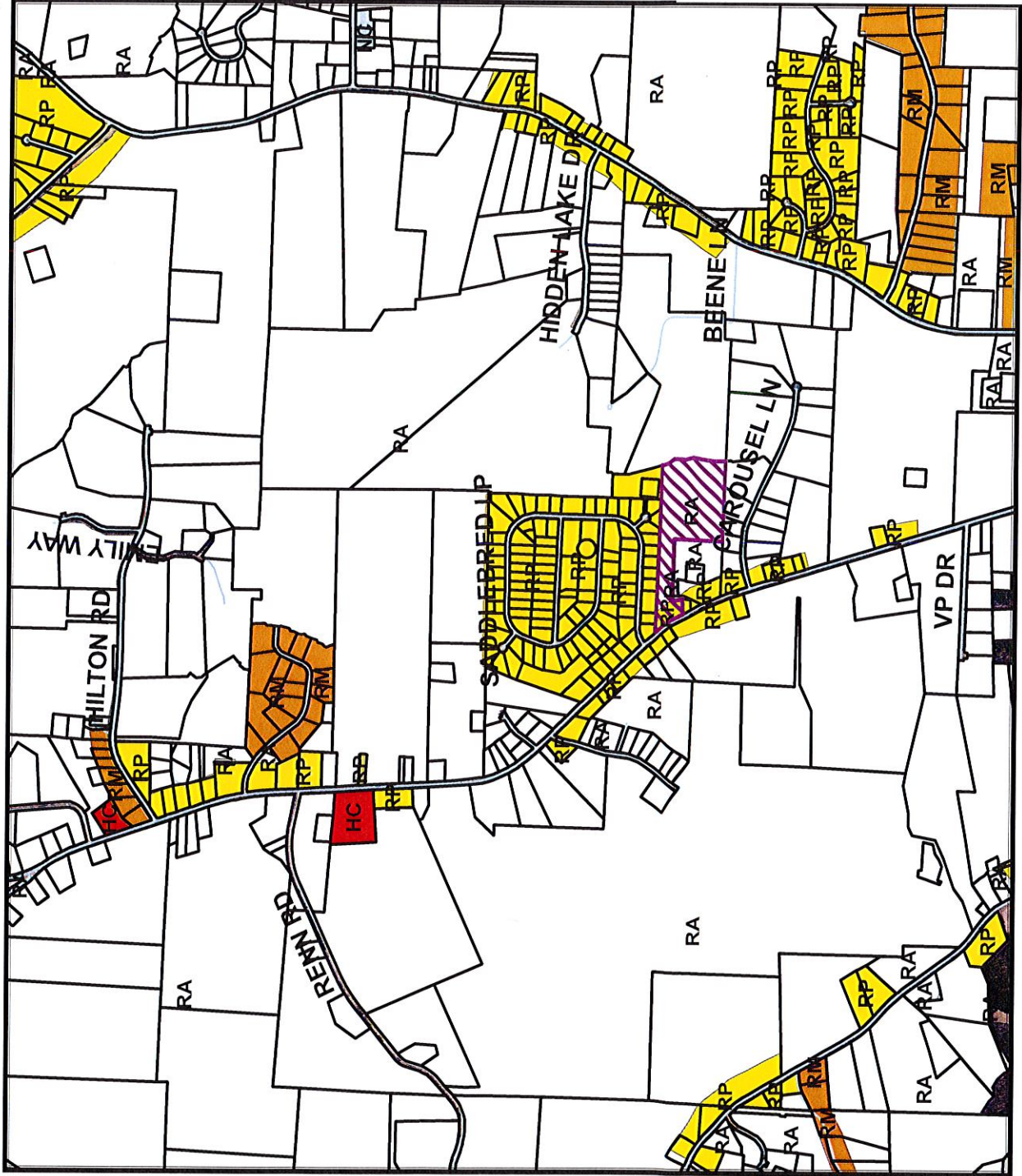
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**Based on Staff's analysis, Staff recommends approval of Case #2018-027, a request for a Rezoning from Residential Agricultural (RA) and Residential Protected (RP) to Neighborhood Commercial (NC) and Residential Agricultural (RA).**

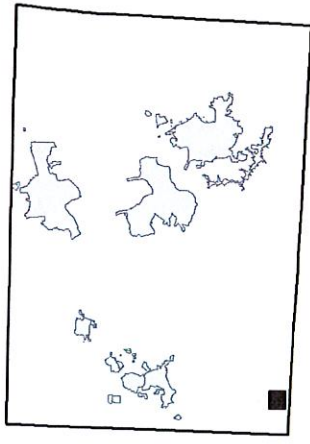
# Malone Rezoning: RA/RP to NC/RA Site Map 1

Tax PIN: 7901-00-77-6626

Case #2018-027



	Malone REZ Parcel
	Parcels
	County Zoning
	<all other values>
<b>ZONE_CODE</b>	
	CS
	HC
	HI
	LI
	NC
	OI
	RA
	RC
	RM
	RP



ROCKINGHAM COUNTY PLANNING BOARD: FOR ILLUSTRATION PURPOSES ONLY

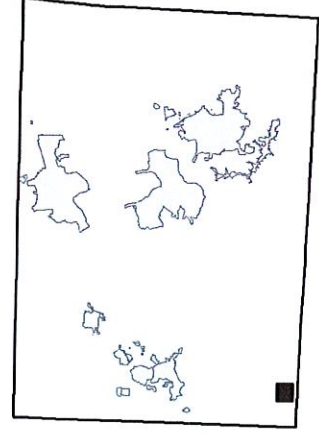
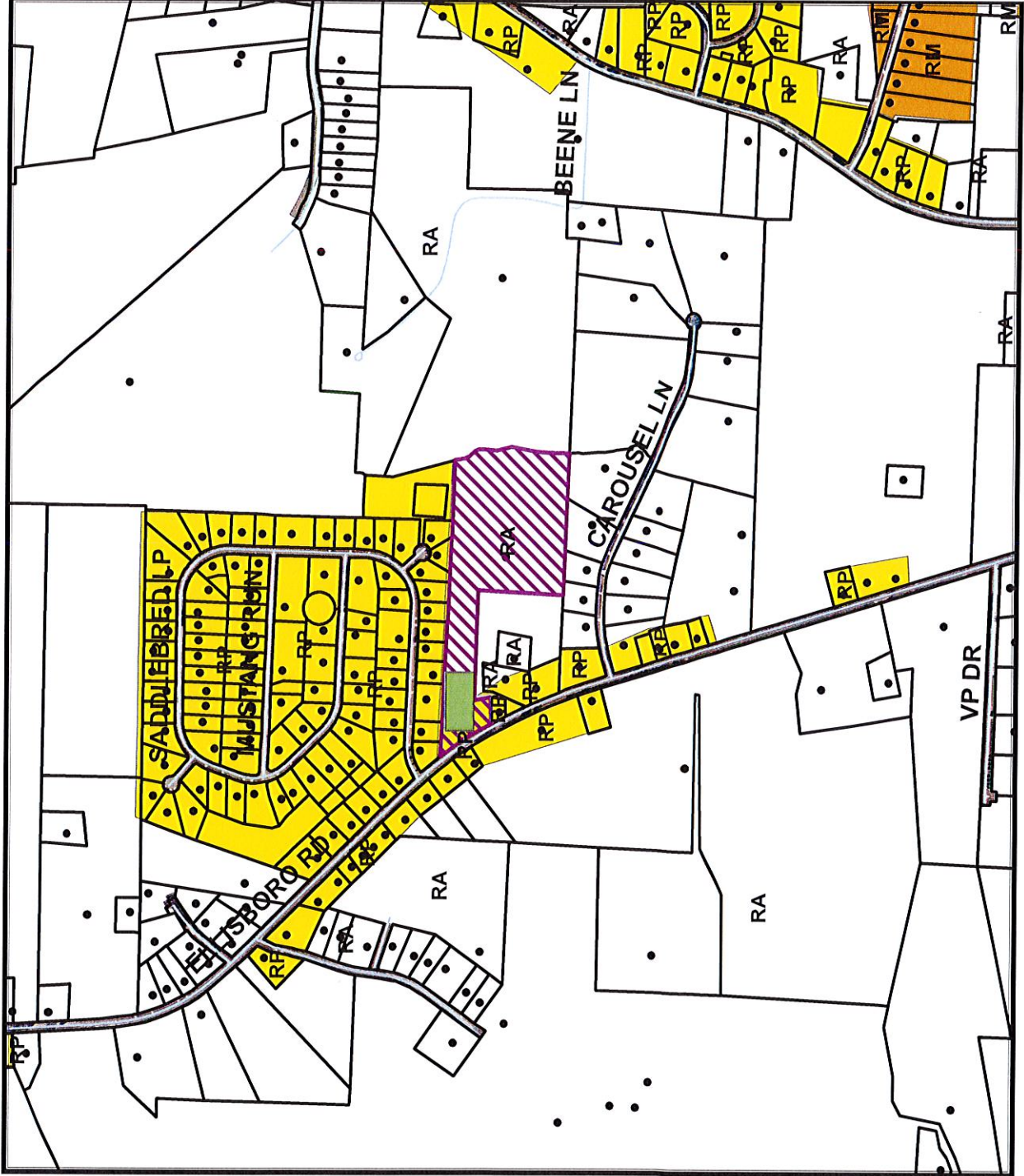
1 inch = 1,667 feet



# Malone Rezoning: RA/RP to NC/RA Site Map 2

Tax PIN: 7901-00-77-6626

Case #2018-027



ROCKINGHAM COUNTY PLANNING BOARD: FOR ILLUSTRATION PURPOSES ONLY

1 inch = 944 feet



## USES IN NEIGHBORHOOD 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 coaster, fairgrounds)
5. Apparel and accessory sales
6. Auction sales, temporary, one-time use
7. Automobile car-wash, drive through, requiring vehicle stacking
8. Automobile parts sales
9. Automobile sales
10. Automobile service stations
11. Automobile, truck and trailer (hauling) rental
12. Banks & Savings and Loans
13. Barber & Beauty service
14. Beneficial Fill
15. Cabinet making
16. Car wash
17. Churches and their customary uses including child care
18. Clinics, medical, dental
19. Clubs and lodges, private, non-profit
20. Clubs and places of entertainment (commercial)
21. Community centers, public or private non-profit for assembly and recreation
22. Condominiums – commercial
23. Convenience food stores
24. Day care 6 or more persons
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27. Exterminating services
28. Fire, sheriff and emergency services
29. Flea markets (indoors)
30. Flea markets (out-of-doors)
31. Florists
32. Funeral homes
33. Gift shops
34. Golf, miniature
35. Governmental offices
36. Grocery stores
37. Hardware, paint and garden supplies
38. Hotels and motels
39. Home furnishings and appliance sales
40. Home Occupations
41. Health and social services centers
42. Laboratory, medical and dental
43. Laundry or dry cleaning, self-service
44. Library, public
45. Locksmith, gunsmith
46. Mixed commercial and residential use where commercial use is primary and both occupy same structure or lot
47. Mobile home, temporary use for construction projects (Class AA, A or B)
48. Nursery, plant cultivation and sales
49. Office supplies sales
50. Pharmacy and drug store
51. Post office
52. Printing and reproduction
53. Professional and business offices
54. Radio or television studio
55. Reception/Banquet Facility
56. Retail sales, not listed elsewhere

- |  |   |
|--|---|
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|--|---|

**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. Planned business development – no outdoor storage
- 2. Public utility substations (including public water/sewer plants)
- 3. Schools, academic
- 4. Schools, business/trade

## USES IN RESIDENTIAL AGRICULTURAL ZONING DISTRICT

### Uses Permitted by right. Zoning Permit may be required.

1. Accessory uses
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6. Cemetery
7. Churches and their customary uses including child care on premises
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16. Pottery crafting and sales
17. Rooming house
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19. Residence, single family detached
20. Riding academy, commercial stables
21. Sawmills, planing mills-temporary
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### 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)

**PLANNING BOARD STATEMENT DESCRIBING THE  
PROPOSED AMENDMENT'S CONSISTENCY WITH ROCKINGHAM COUNTY  
COMPREHENSIVE PLANS AND OTHER APPROPRIATE MATTERS**

Applicable Statutory Language:

“The planning board shall advise and comment on whether the proposed amendment is consistent with any comprehensive 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 comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.” NCGS § 153A-341

In **recommending approval** for the zoning amendment before the Planning Board, the Board hereby adopts the following statements as required by NCGS § 153A-341:

1. The Board has determined that the zoning amendment is consistent with the Rockingham County comprehensive plan. The proposed zoning amendment (**Case #2018-027**) is appropriate for the proposed land use and is consistent with all other maps and plans officially adopted by the Board of Commissioners.
2. 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 Transition Land Class**.
3. Additional matters: \_\_\_\_\_  
\_\_\_\_\_

In **recommending denial** for the zoning amendment before the Board, the Board hereby adopts the following statements as required by NCGS § 153A-341:

1. The Board has determined that the zoning amendment is not consistent with the Rockingham County comprehensive plan because the area is not appropriate for the proposed land use; and the proposed land use is not consistent with all other relevant maps or plans officially adopted by the Board of Commissioners.
2. The Board has determined that the zoning amendment is not consistent with the Rockingham County Land Use Plan. As a whole, this zoning amendment does not support the intent and descriptions of the **Rural Transition Land Class**.
3. Additional matters: \_\_\_\_\_  
\_\_\_\_\_



In **recommending approval** for the zoning amendment before the Planning Board, the Board hereby adopts the following statements as required by NCGS § 153A-341:

2. The Board has determined that the zoning amendment is inconsistent with the Rockingham County comprehensive plan. The proposed zoning amendment (**Case #2018-027**) is appropriate for the proposed land use and is inconsistent with all other maps and plans officially adopted by the Board of Commissioners.
3. The Board has determined that the zoning amendment is inconsistent with the Rockingham County Land Use Plan. As a whole, this zoning amendment does not support the intent and descriptions of the **Rural Transition Land Class**.
4. Approval of this case also deems an amendment to the comprehensive plan. The action is reasonable and in the public interest because:

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ROCKINGHAM COUNTY  
STAFF REPORT  
Case #2018-025, Special Use Permit



<b>Request:</b>	<b>Special Use Permit to allow for a Large Scale Solar System.</b>
<b>Applicant:</b>	Gallant Solar LLC, Cypress Creek Renewables
<b>Identification:</b>	The properties are denoted by Tax PINs: 797200558503, 797200456808, 797200684202, and 797200595783
<b>Location:</b>	Koger Road, Wright Dairy Road, King Carter Road

- 1. Acreage / Square Footage of Proposal:**  
+/- 172 acres for the project site area; +/- 683 acres (total land area)
- 2. Zoning Classification of Adjacent and Surrounding Parcels:**  
Nearby properties are zoned primarily Residential Agricultural (RA), along with a small amount of Residential Protected (RP) parcels, and one (1) Highway Commercial (HC) zoned parcel approximately one-half mile away from the project site.
- 3. Character and Land Uses of Neighborhood and Surrounding Community:**  
The neighborhood is being used primarily for residential and agricultural purposes.
- 4. Topographical and Environmental Characteristics:**  
*Soils* – May be referenced in the USDA Soil Survey of Rockingham County  
*Watershed* - The property is located in the Troublesome Creek WS-III protected overlay.  
*Flood Plain* – Portions of these properties are located in the flood plain of Troublesome Creek, according to the Federal Emergency Management Agency’s National Flood Hazard map, area 3710797200J.  
*Wetlands* – The US Department of the Interior National Wetlands Inventory map for this area indicates that there are wetlands on portions of these properties, primarily associated with Troublesome Creek. Several perennial riverines are noted on the site plan and on the Wetlands Inventory map.
- 5. Utilities / Services:**  
There will be no need for a well or septic utilities on the leased portion of the property.
- 6. Unified Development Ordinance:**  
*Chapter 2, Article IX, Section 9-11 (gg), pp. 171-173*
- 7. Land Use Plan:**  
This project is located in Rural and Rural Transition Land Classes of the Rockingham County Land Use Plan.
- 8. Previous Zoning History:**  
1988: Zoned as Residential Agricultural (RA).
- 9. 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.

Staff Findings:

1. The proposed project site area is located within the Troublesome Creek WS-III protected overlay, including portions of the Troublesome Creek flood plain.
2. A Large Scale Solar Energy System is permitted in a Residential Agricultural zoning district with a Special Use Permit.

Based on Staff's analysis and the requirements of the Solar Energy System Special Use Permit of the Unified Development Ordinance, Staff recommends approval of Case #2018-025, with the following conditions:

1. All development shall proceed in accordance with the site plan, including applicant submitted materials, and any changes may require a Site Plan Amendment.
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 the Solar Energy System special use permit which are listed in the Rockingham County Unified Development Ordinance (pp. 171-173).
4. Fifty (50) foot riparian buffers shall be maintained on each side of all perennial streams in the project area.
5. Prior to operation of the solar energy system, the applicant shall contact the North Carolina Department of Transportation to determine if a commercial driveway permit is needed. The applicant shall provide the Planning Department with a copy of the commercial driveway permit or written verification from the North Carolina Department of Transportation that a permit is not needed.
6. Before construction begins, land disturbance of greater than one (1) acre will require the appropriate permit for a soil erosion and sedimentation control plan issued by the NC Department of Environmental Quality (DEQ).

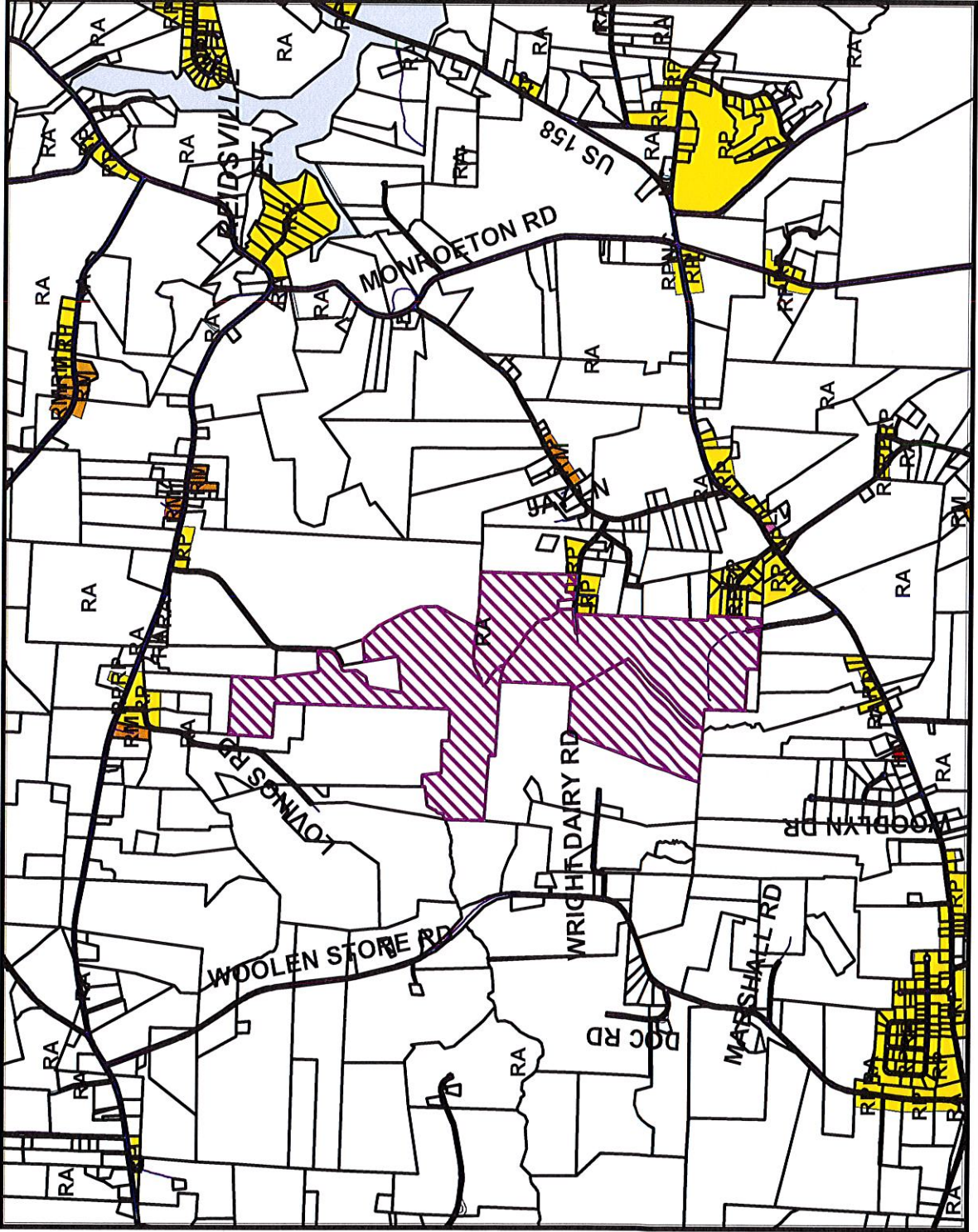




# Gallant Solar, LLC Special Use Permit Site Map

Case #2018-025

Tax PINs: 7972-00-59-5783, 7972-00-68-4202,  
7972-00-55-8503, 7972-00-45-6808



Gallant Solar SUP

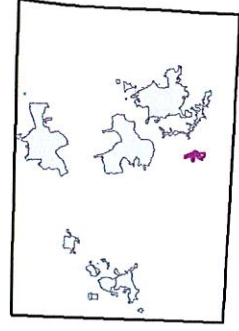
Parcels

County Zoning

<all other values>

**ZONE\_CODE**

CS	HC	HI	LI	NC	OI	RA	RC	RM	RP
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ROCKINGHAM COUNTY PLANNING DEPARTMENT: FOR ILLUSTRATION PURPOSES ONLY





**Case #2018-025**  
**Gallant Solar, LLC SUP**  
**Water Features and Flood Hazards**

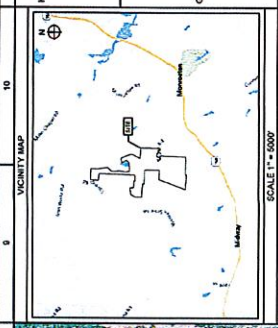


Rockingham County Planning Department: For Illustration Purposes Only

0 0.3 0.6 1.2 Miles







**SITE DATA**

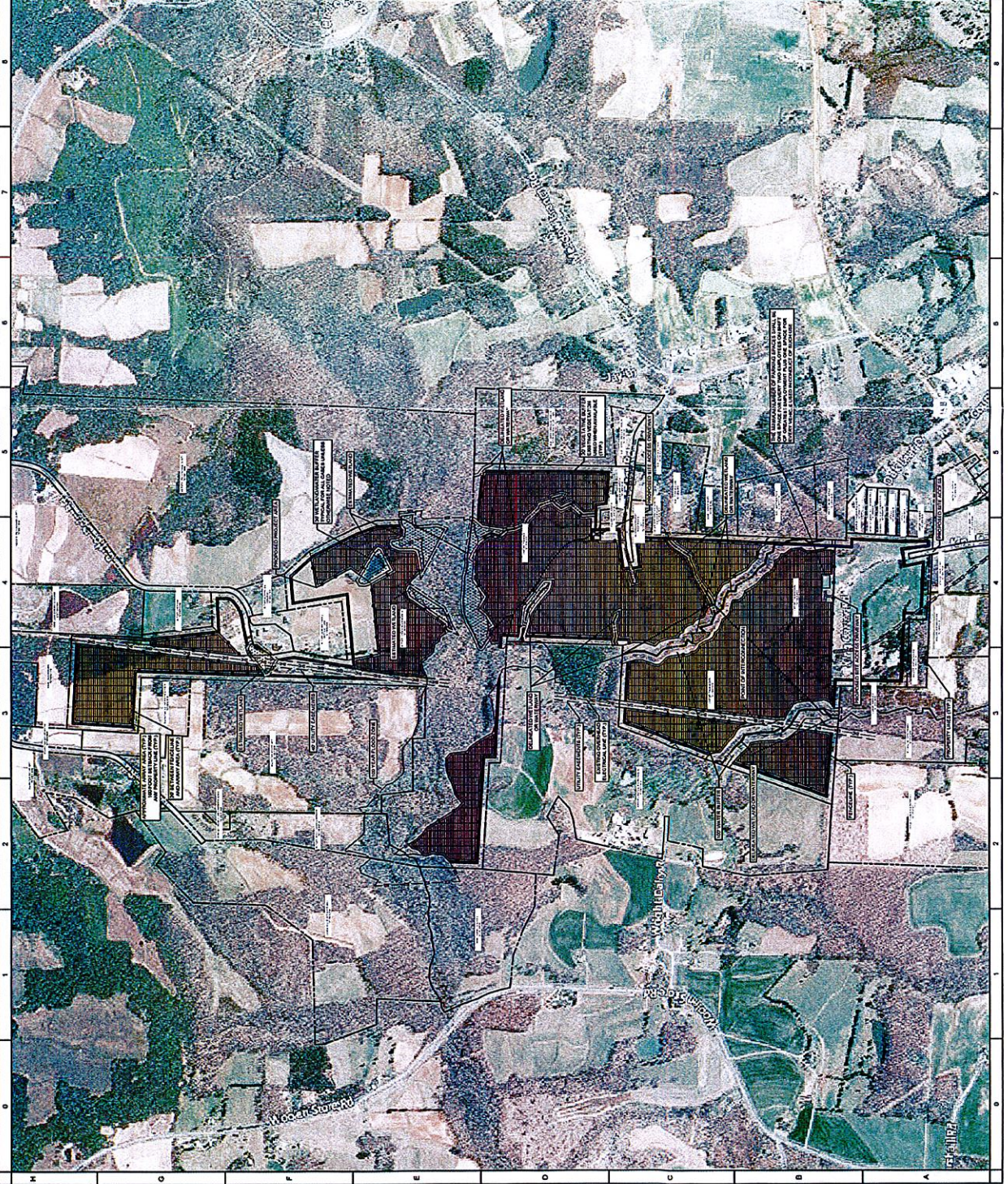
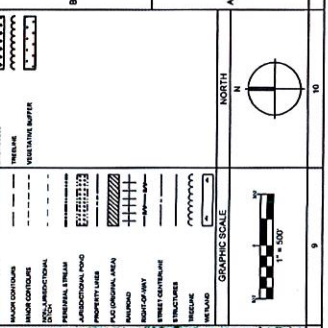
PROJECT NAME	REIDSVILLE SOLAR PROJECT
OWNER	GALLANT SOLAR, LLC
DESIGNER	REIDSVILLE SOLAR, LLC
DATE	NOVEMBER 2018
PROJECT LOCATION	REIDSVILLE, NC
PROJECT AREA	100 ACROSS
PROJECT TYPE	SOLAR
PROJECT STATUS	PRELIMINARY
PROJECT PHASE	PRELIMINARY
PROJECT DESCRIPTION	PRELIMINARY
PROJECT NOTES	PRELIMINARY

**GENERAL NOTES**

- THE PURPOSE OF THIS PLAN IS TO PROVIDE AN APPROXIMATE LAYOUT OF THE PROPOSED SOLAR PANELS AND TRACKS.
- THE PLAN IS BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND IS NOT A GUARANTEE OF ACCURACY.
- THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE, AND FEDERAL AUTHORITIES.
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**LEGEND**

EXISTING ACCESSION	EXISTING ACCESSION
NEW YEAR ACCESSION	NEW YEAR ACCESSION
EXISTING TRACK	EXISTING TRACK
NEW TRACK	NEW TRACK
EXISTING ROW	EXISTING ROW
NEW ROW	NEW ROW
EXISTING FENCE	EXISTING FENCE
NEW FENCE	NEW FENCE
EXISTING ROAD	EXISTING ROAD
NEW ROAD	NEW ROAD
EXISTING UTILITY	EXISTING UTILITY
NEW UTILITY	NEW UTILITY
EXISTING STRUCTURE	EXISTING STRUCTURE
NEW STRUCTURE	NEW STRUCTURE
EXISTING TREE	EXISTING TREE
NEW TREE	NEW TREE
EXISTING WATER	EXISTING WATER
NEW WATER	NEW WATER
EXISTING ELEVATION	EXISTING ELEVATION
NEW ELEVATION	NEW ELEVATION





**(gg) Use: Solar Energy System, Large Scale**

**Special Use District:** Residential Agricultural, Light Industrial and Heavy Industrial

**Approved By:** Planning Board

**Minimum Lot Size:** 10 acres

**Purpose:**

The purpose of this Special Use Permit is to allow larger-scale ground mounted solar systems as a principal use.

**Setbacks:**

Large scale solar energy systems shall be setback a minimum of 100 feet from any property line.

**Height Requirements:**

Large scale solar energy systems shall be a maximum of 15 feet in height as measured from the grade at the base of the structure to the apex of the structure. The Planning Board may approve a waiver of up to 25 feet.

**Required Parking:**

The minimum number of parking spaces shall be 1 (one) space for every 2 (two) employees on shift of greatest employment plus 1 (one) space for every vehicle used in conduct of such use.

**Site Plan:**

A site plan shall be submitted showing the following:

- 1) The location and dimensions of all proposed areas for the placement of solar panels, screening/fencing and related improvements;
- 2) Any preexisting structures on the same lot, and principal structures on other properties that would affect the placement of solar panels;
- 3) Parking and access areas;
- 4) Location of any proposed solar access easements;
- 5) Location where wiring is brought together for inter-connection to system components and/or the local utility power grid;
- 5) Any proposed new structures; and
- 6) Any other relevant elements as requested by the Planning Staff.

### **Other Requirements:**

1. Development of a large scale solar energy system will be subject to other overlay district regulations including watershed impervious surface limits.
2. Any system shall be fully screened from adjoining properties and adjacent roads by a buffer yard. The location of this buffer yard must take shading into account so it does not affect the system's efficiency.
3. Any glare generated by the system must be mitigated or directed away from an adjoining property or adjacent road when it creates a nuisance or safety hazard. Glare resistant solar panels shall be used if the system is adjacent to an airport.
4. All outdoor lighting shall be shielded to direct light and glare onto the system's premises and may be of sufficient intensity to ensure security.
5. Any electrical wiring used in the system shall be underground (trenched) except where wiring is brought together for inter-connection to system components and/or the local utility power grid.
6. Solar panels shall be mounted onto a pole, rack or suitable foundation, in accordance with manufacturer specifications, in order to ensure the safe operation and stability of the system. The mounting structure (fixed or tracking capable) shall be comprised of materials approved by the manufacturer, which are able to fully support the system components and withstand adverse weather conditions.
7. Multiple mounting structures shall be spaced apart at the distance recommended by the manufacturer to ensure safety and maximum efficiency.
8. No ground-mounted large solar energy systems shall be affixed to a block wall or fence.
9. The large solar energy system shall remain painted or finished the color or finish that was originally applied by the manufacturer.
10. All signs, other than the manufacturer's, or installer's identification, appropriate warning signs, or owner identification on a large solar energy system shall be prohibited. Not more than one (1) manufacturer label bonded to or painted upon the solar energy system shall be permitted.

11. It is the responsibility of the owner to remove all obsolete or unused systems within twelve (12) months of cessation of operations. Reusable components are to be recycled whenever possible.
12. The Planning Administrator shall be provided copies of any lease agreement, solar access easement, and plan for removal of system/equipment. If the system is to be interconnected to the local utility power grid, a copy of the conditional approval from the local utility must also be provided.
13. All active large scale solar energy systems shall meet all requirements of the North Carolina State Building Code.
14. All large scale solar energy systems shall comply with the National Electrical Code, current edition.
15. The owner or future owner of a property onto which a large scale solar energy system is installed assumes all risk associated with diminished performance of said system caused by any present or future adjacent structure or landscaping that may interfere with the system's ability to produce power at its rated capacity, regardless of when that adjacent structure or landscaping is constructed or installed.
16. Other conditions, including, but not limited to, buffering and noise controls that provide adequate protection for adjacent residential properties as may be deemed reasonable and appropriate for the type of system, may be added by the Planning Board.



**APPROVAL**  
**SPECIAL USE PERMIT**

**PLANNING BOARD ANALYSIS AND STATEMENT**

The Planning Board approves the Special Use Permit before the Board and adopts the following statements as required by NCGS § 153A-341 and § 153A-342:

1. The Board's action in adopting this Special Use Permit is consistent with the adopted comprehensive plan because:

A. The proposed use is allowed in a **Residential Agricultural** zoning district if a Special Use Permit is granted;

B. The proposed use with a Special Use Permit, is consistent with all other relevant maps or plans officially adopted by the Rockingham County Board of Commissioners, Rockingham County Land Use Plan and small area plans;

C. Additional comments concerning consistency with comprehensive plan:

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2. The Board (in addressing spot zoning concerns) considers its action in adopting the proposed Special Use Permit to be reasonable because:

A. The proposed use is a public necessity and will benefit the community as a whole;

B. The proposed Special Use Permit imposes development conditions specific to this site (set backs, landscape buffers, sign limitations, etc.) which minimize detriments to adjoining properties and the surrounding community;

C. The size of the tract is appropriate for the Special Use Permit requested;

D. The effects of the Special Use Permit within the larger community context are positive because it would provide a vital service to the county;

E. The proposed amendment is an appropriate use for the land, considering its effect upon the entire community as a social, economic and political unit;

F. On balance the following factors: (1) the size of the tract in question, (2) the compatibility of the permitting action with the comprehensive plan, (3) the benefits and detriments resulting from the permitting 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 Special Use Permit; and,

G. Additional comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. The Board considers its action in adopting this Special Use Permit to be in the public interest because:

- A. The Special Use Permit, as proposed, would not negatively impact property values and the quality of life in this area of the county;
- B. The proposed Special Use Permit has sufficient design features that would not negatively impact the existing housing in the neighborhood;
- C. The proposed Special Use Permit is designed to meet or exceed all requirements and goals of the existing UDO and the comprehensive plan; and,

D. Additional comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# DENIAL

## SPECIAL USE PERMIT

### PLANNING BOARD ANALYSIS AND STATEMENT

The Planning Board denies the Special Use Permit before the Board and adopts the following statements as required by NCGS § 153A-341 and § 153A-342:

1. The Board's action in rejecting this Special Use Permit is consistent with the adopted comprehensive plan because:
  - A. The proposed use is not allowed in a **Residential Agricultural** zoning district if a Special Use Permit is not granted;
  - B. The proposed Special Use Permit, is not consistent with all other relevant maps or plans officially adopted by the Board of County Commissioners, including the comprehensive plan and small area plans; and,
  - C. Additional comments concerning inconsistency with the comprehensive plan:  

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2. The Board (in addressing spot zoning concerns) considers its action in rejecting the proposed Special Use Permit to be reasonable because:
  - A. The proposed school is complimentary to the existing uses in this area; however, this would not limit the negative impacts to adjacent properties;
  - B. The proposed Special Use Permit and site plan imposes development conditions specific to this site (set backs, appearance criteria, etc.) which would not minimize detriments to adjoining properties and the surrounding community;
  - C. The size of the tract is not appropriate for the zoning district.
  - D. On balance the following factors: (1) the size of the tract in question, (2) the compatibility of the permitting action with the comprehensive plan, (3) the benefits and detriments resulting from the permitting action for the owner of the newly permitted property, the neighbors, and the surrounding community, and (4) the relationship between the uses envisioned under the new permitting and the uses currently present in adjacent tracts weigh against approving the proposed Special Use Permit; and,



E. Additional comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. The Board considers its action in rejecting this Special Use Permit to be in the public interest because:

- A. The Special Use Permit, as proposed, does not overcome negative impacts on property values and the quality of life in this area of the County;
- B. The proposed Special Use Permit does not have sufficient design features so as to be compatible with or exceed the quality of existing developments in the neighborhood;
- C. The proposed Special Use Permit is not designed to meet or exceed all requirements and goals of the existing UDO and the comprehensive plan; and,

D. Additional comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## APPROVAL OF REQUEST FOR A SPECIAL USE PERMIT

\*You must find **all four of the listed factors exist** to grant the special use permit.

“Based on the evidence presented, I move to **GRANT** the request and specifically find that:

1. 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 BECAUSE . . . \_\_\_\_\_  
\_\_\_\_\_. **(Identify the evidence that supports this factor.)**
  
2. The use or development complies with all required regulations and standards of this ordinance and with all other applicable regulations BECAUSE . . . \_\_\_\_\_  
\_\_\_\_\_. **(Identify the evidence that supports this factor.)**

**(The applicant must only show that competent, material, and substantial evidence exists to support either 3a or 3b.**

- 3a. The use or development is located, designed and proposed to be operated so as to maintain or enhance the value of contiguous property BECAUSE . . . \_\_\_\_\_  
\_\_\_\_\_. **(Identify the evidence that supports this factor.)**

**OR**

- 3b. The use or development is a public necessity BECAUSE . . . \_\_\_\_\_  
\_\_\_\_\_. **(Identify the evidence that supports this factor.)**

**AND**

4. The use or development conforms to the general plans for the land use and development of Rockingham County as embodied in the zoning ordinance and in the Rockingham County Land Use Plan BECAUSE . . . \_\_\_\_\_  
\_\_\_\_\_. **(Identify the evidence that supports this factor.)**

**IN ADDITION, I recommend that the conditions recommended by the Planning Staff be placed on the Special Use Permit.”**

## **DENIAL OF REQUEST FOR A SPECIAL USE PERMIT**

\*You must find that **at least one of the listed factors does not exist** to deny the request for a special use permit.

“Based on the evidence presented, I move to **DENY** the request for a special use permit and specifically find that:

1. The use or development **is not** located, designed and proposed to be operated so as to maintain or promote the public health, safety and general welfare BECAUSE . . . \_\_\_\_\_.  
**(Identify the evidence that supports this factor.)**

**OR**

2. The use or development **does not** comply with all required regulations and standards of this ordinance and with all other applicable regulations BECAUSE . . . \_\_\_\_\_.  
**(Identify the evidence that supports this factor.)**

**OR**

**(The applicant must show that competent, material, and substantial evidence exists to support either 3a or 3b. If the applicant provides evidence to support 3a, you can't deny the special use permit based on no support for 3b.)**

- 3a. The use or development **is not** located, designed and proposed to be operated so as to maintain or enhance the value of contiguous property BECAUSE . . . \_\_\_\_\_  
\_\_\_\_\_. **(Identify the evidence that supports this factor.)**

- 3b. The use or development **is not** a public necessity BECAUSE . . . \_\_\_\_\_  
\_\_\_\_\_. **(Identify the evidence that supports this factor.)**

**OR**

4. The use or development **does not** conform to the general plans for the land use and development of Rockingham County as embodied in the zoning ordinance and in the Rockingham County Land Use Plan BECAUSE . . . \_\_\_\_\_  
\_\_\_\_\_. **(Identify the evidence that supports this factor.)**



ROCKINGHAM COUNTY  
BOARD OF ADJUSTMENT  
STAFF REPORT  
Case #2018-026 Variance



<b>Request:</b>	A request for a Variance from: <i>Chapter 2, Article X, Section 10-1, p.174: The minimum side- and rear-yard setback requirements for structures in the Residential Protected district is 15 feet from the respective property lines.</i>
<b>Applicant:</b>	<u>Mr. Brian Robbins and Mrs. Susan Robbins</u>
<b>Identification:</b>	The property is identified as Tax PIN: 7912-00-91-9348
<b>Location:</b>	<u>148 Brookfield Drive</u>

**1. Acreage / Square Footage of Proposal:**

+/- 0.616 acres

**2. Zoning Classification of Adjacent and Surrounding Parcels:**

The subject parcel is zoned Residential Protected (RP). Nearby parcels are zoned Residential Protected (RP), Residential Agricultural (RA), Heavy Industrial (HI) and Highway Commercial (HC).

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

The neighborhood is being primarily for residential purposes, with agricultural, industrial and commercial uses nearby.

**4. Topographical and Environmental Characteristics:**

Soils – May be referenced in the *Soil Survey of Rockingham County, North Carolina*.

Watershed - This property does not lie in a protected watershed overlay district.

Flood Plain – This property lies in an *area of minimal flood hazard, zone x* according to the *Federal Emergency Management Agency* flood insurance rate maps #3710790200J and 3710792200J.

Wetlands – There are no wetlands located on the parcel according to the *U.S. Fish and Wildlife Service* national wetlands inventory map for this area.

**5. Utilities / Services:**

The property is served by public water and a private septic system.

**6. Unified Development Ordinance:**

*Chapter 2, Article X, Section 10-1, p.174.*

**7. Land Use Plan:**

This request is located in the *Rural Transition Land Class* of the Rockingham County Land Use Plan.

**8. Previous Zoning History:**

1988: This property was zoned Residential Agricultural (RA) when zoning went into effect.

2005: This property was included in a rezoning to Residential Protected (RP) when the Brookfield Subdivision was platted and approved.

**9. Staff Notes and Findings:**

After reviewing the application, Staff concludes that the necessary materials have been submitted for the application to be considered complete for review by the Board of Adjustment. The applicant report and staff recommendations for conditions follow:



Applicant Report:

**A. Practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance.**

1. Evidence is present to indicate that you can secure no reasonable return or use of the property if the ordinance is complied with (rendering the property less valuable is not sufficient):

“A variance is being requested for the location of an existing storage building. The location being requested is to accommodate the septic field and septic maintenance fields in place on the property.”

2. 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:

“The building may not be moved to the back-west part of the property given the drop in land [of a] few feet and trees located in that area. The remaining septic repair area prohibits [placing] the building location toward the center of the property.”

3. Evidence is presented to indicate that the hardship is not a result of the applicant's own actions:

“The parcel layout, topographical characteristics, septic system and other structures prevent the building placement in another area.”

**B. The Variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit.**

1. Evidence is presented to indicate that the variance requested is the least variation for 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 was placed in compliance with Brookfield architectural requirements and was approved by the Home Owners Association. The building is placed approximately 11 feet from the back of the property [rear property line] and approximately 5 feet from the side [property line].”

**C. The granting of the variance secures the public safety and welfare, and does substantial justice.**

1. Evidence is presented to indicate that if the variance is denied, the benefit to the public will not substantially outweigh the harm to you:

“Movement of the building on the property to comply with the setback requirements will conflict with the existing septic system and could cause damage to the property. The building poses no threat or harm to the surrounding areas and complies with the neighborhood look and feel.”

**10. Staff Notes**

- a. The approximate horizontal dimensions of the storage unit measure 12 x 20 feet (240 sq.ft.).
- b. The Variance request includes: 1) exception of 4 approximate feet (of the required 15 feet) from the rear property line and 2) 11 approximate feet (of the required 15 feet) from the side property line.
- c. Staff has visually assessed the property and recommends that all necessary conditions needed to approve the variance have not been sufficiently met and demonstrated.

Based on the above findings and statements, **Staff recommends denial of the requested Variance, Case # 2018-026** - relief from residential property line setback regulations.



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

2018- 026

**APPLICATION FOR VARIANCE**

\*ALL SIGNATURES MUST BE WITNESSED BY STAFF OR NOTARY\*

Date: July 20, 2018

Applicant: Brian Robbins, Susan Robbins

Tax PIN #: 7912-00-91-9348

Mailing Address: 148 Brookfield Dr.  
Stokesdale, NC 27357

Variance Requested (article and section): Ch 2, Article X, section 10-1

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 you can secure no reasonable return or use of the property if the ordinance is complied with? (Rendering the property less valuable is not sufficient.)

*A variance is being requested for the location of an existing storage building. The location being requested is to accommodate the septic field and septic maintenance fields in place on the property.*

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.

*The building may not be moved to the back-west part of the property given the drop in land <sup>sewer</sup> 10 ft and trees located in that area. The remaining septic repair area prohibits the building location toward the center of the property.*

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

*The parcel layout, topographical characteristics, septic system and other structures prevent the building placement in another area.*

**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 was placed in compliance with Brookfield architectural requirements and was approved by the Home Owners Association. The building is placed ~11 feet from the back of the property and ~5 feet from the side.*

**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?

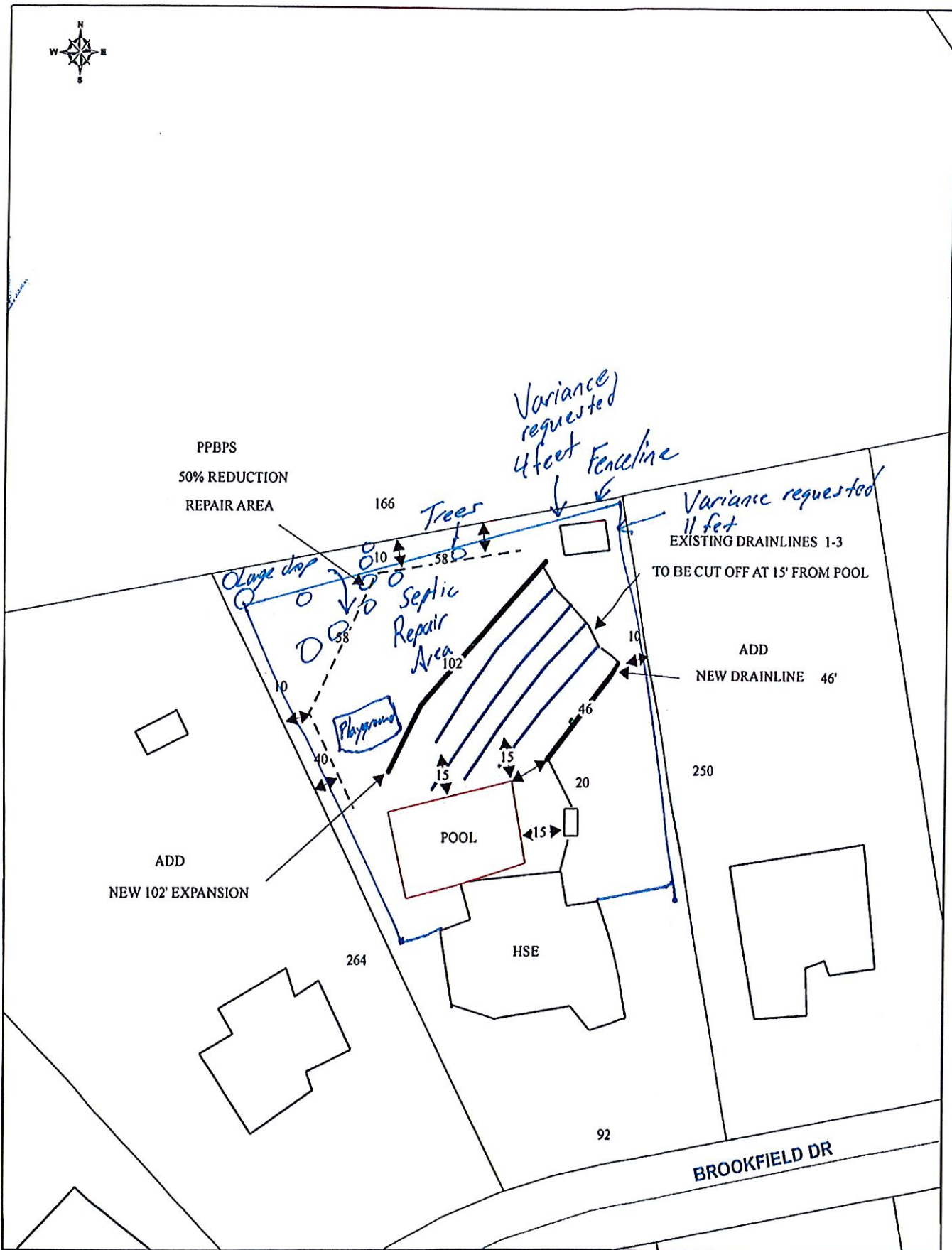
*Movement of the building on the property to comply with the setback requirements will conflict with the existing septic system and could cause damage to the property. The existing building poses no threat or harm to the surrounding areas and complies with the neighborhood look and feel.*

\_\_\_\_\_  
Signature of Applicant

Fee Paid: 7/20/18 AM

Receipt #: MP # 74455



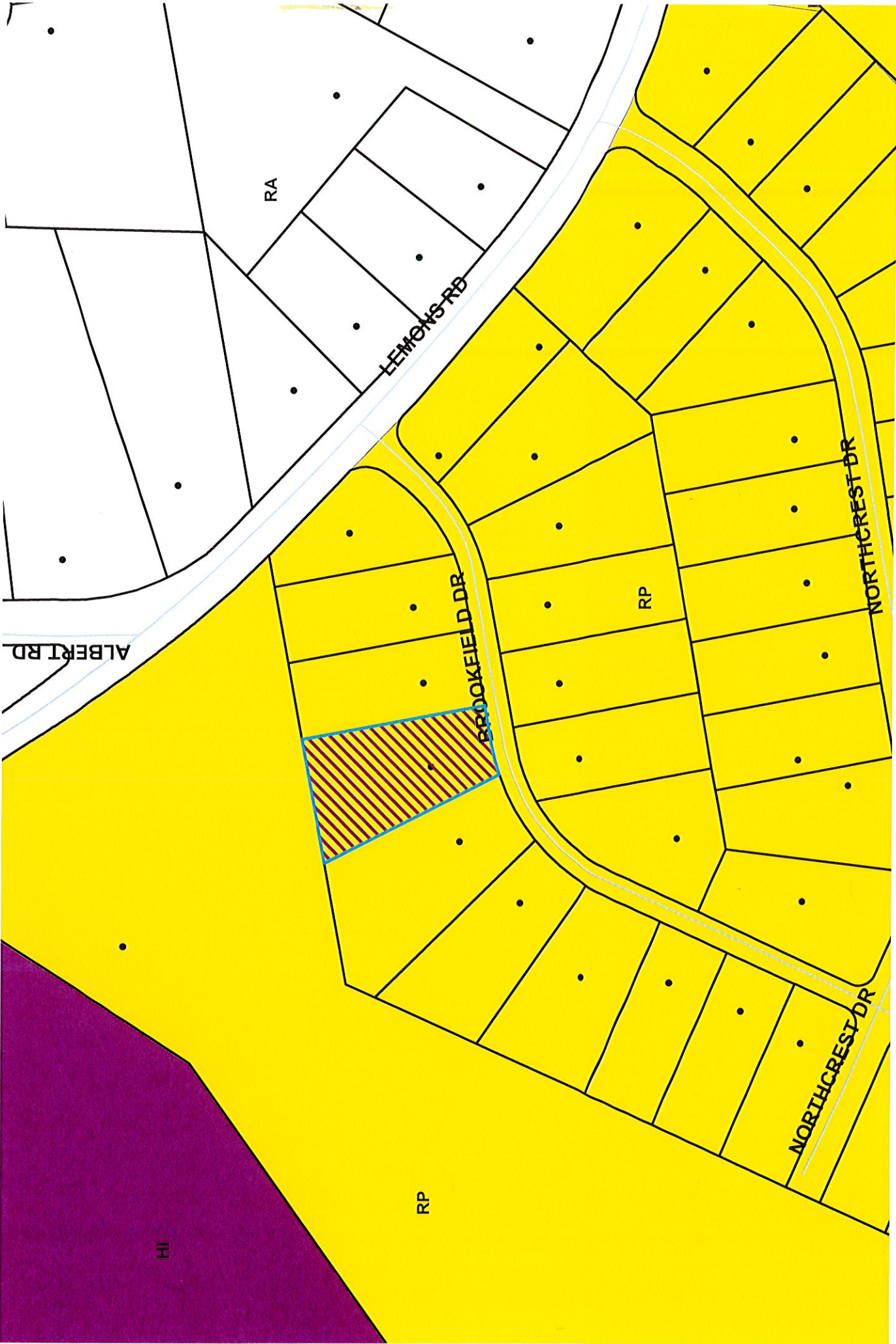


**ROCKINGHAM COUNTY ENVIRONMENTAL HEALTH**

791200919348 EXPANSION  
148 BROOKFIELD DR

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 = 50 feet



RA

LEMONS RD

ALBERT RD

BROOKFIELD DR

RP

NORTHCREST DR

NORTHCREST DR

RP

HI





BROOKFIELD DR

LEMMONS RD

165

158

148

138

128

135

112





BROOKFIELD DR

LEMONS RD







## APPROVAL OF REQUEST FOR A VARIANCE

\*You must find **all the listed factors exist or will not result from granting the variance.**

“Based on the evidence presented, I move to **GRANT** the request and specifically find that:

1. A variance from the terms of the Ordinance will not be contrary to the public interest in this case because:
  - a. The proposed variance will not allow the establishment of a use not otherwise permitted in the present zoning district by the Ordinance;
  - b. The proposed variance will not extend in area or expand a non-conforming use of land;
  - c. The proposed variance will not change the district boundaries shown on the zoning map;
  - d. The proposed variance will not impair adequate supply of light and air to adjacent property;
  - e. The proposed variance will not materially increase the public danger of fire;
  - f. The proposed variance will not materially diminish or impair established property values within the surrounding area;
  - g. The proposed variance will not impair the public health, safety, morals, and general public welfare in any other respect. [In other words, the proposed variance will not create a nuisance or violate any laws. The harm to neighbors from granting the variance will not outweigh the harm to the applicant from denying the variance].

2. Special circumstances exist on the property that do not generally apply to other properties regulated by the Ordinance provision(s) at issue;

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**(Identify the evidence that supports this factor.)**

**AND**

3. Due to these special circumstances (noted in number 2 above), a literal enforcement of the terms of the Ordinance will result in undue hardship to the applicant. An undue hardship will result because:
  - a. There can be no reasonable use of the property without a variance:

---

**(Identify the evidence that supports this factor.)**

**AND**

- b. The hardship is not self-created:

---

**(Identify the evidence that supports this factor.)**

**IN ADDITION**, I recommend that the conditions recommended by the Planning Staff be applied to the variance.



## DENIAL OF REQUEST FOR A VARIANCE

\*You must find **that only one of the listed factors exists or will result** to deny the variance.

“Based on the evidence presented, I move to **DENY** the request and specifically find that:

1. A variance from the terms of the Ordinance will be contrary to the public interest because:
  - a. The proposed variance will allow the establishment of a use not otherwise permitted in the present zoning district by the Ordinance;
  - b. The proposed variance will extend in area or expand a non-conforming use of land;
  - c. The proposed variance will change the district boundaries shown on the zoning map;
  - d. The proposed variance will impair adequate supply of light and air to adjacent property;
  - e. The proposed variance will materially increase the public danger of fire;
  - f. The proposed variance will materially diminish or impair established property values within the surrounding area; **OR**
  - g. The proposed variance will impair the public health, safety, morals, and general public welfare [\*the proposed variance will create a nuisance or violate law. The harm to the neighbors from granting the variance will outweigh the harm to the applicant from denying the variance].

**OR**

2. Special circumstances do not attach to the property that generally apply to other properties affected by the Ordinance provision at issue;

---

**(Identify the evidence that supports this factor.)**

**OR**

3. Due to these special circumstances (noted in number 2 above), a literal enforcement of the terms of the Ordinance will not result in undue hardship to the applicant. An undue hardship will not result because:

- a. There can be reasonable use of the property without a variance.

---

**(Identify the evidence that supports this factor.)**

**OR**

- b. The hardship is self-created.

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**(Identify the evidence that supports this factor.)**