

**MINUTES OF THE REGULARLY SCHEDULED MEETING OF:  
THE ROCKINGHAM COUNTY PLANNING BOARD**



**BOARD OF COMMISSIONERS CHAMBERS  
ROCKINGHAM COUNTY GOVERNMENTAL CENTER  
WENTWORTH, NC  
OCTOBER 10, 2022 AT 6:30 PM**

MEMBERS PRESENT: Paul Ksieniewicz, Chairperson  
Julie Talbert, Vice-Chairperson  
T. Matt Cardwell  
James Fink  
Cyndy Hayworth  
Cory Scott  
Jeff Kallam (new member, sworn in during New Business)

ALTERNATE MEMBERS PRESENT: John Roberts (new member, sworn in during New Business)

STAFF PRESENT: John Morris, County Attorney  
Hiram Marziano, Community Development Director  
Lynn Cochran, Senior Planner  
Victoria Pedigo, Planner  
Ben Curry, Code Enforcement Officer  
Bricen Wall, Code Enforcement Officer

**I. CALL TO ORDER**

Chairperson Ksieniewicz called to order the regularly scheduled meeting of the Rockingham County Board of Adjustment at 6:30 pm.

**II. INVOCATION**

Mr. Scott conducted the invocation.

**III. ADOPTION OF THE AGENDA**

Chairperson Ksieniewicz confirmed a quorum for conducting business. Mrs. Talbert motioned to adopt the agenda as written. Mr. Scott seconded. The board voted unanimously to adopt the motion (6-0).

**IV. APPROVAL OF MINUTES**

August 8, 2022 – Mrs. Hayworth motioned to adopt the minutes as written, and Mrs. Talbert seconded. The board voted unanimously to adopt. (6-0)

September 12, 2022 – Mr. Fink motioned to adopt the minutes as written, and Mr. Scott seconded. The board voted unanimously to adopt. (6-0)

**V. PROCEDURES FOR QUASI-JUDICIAL HEARINGS**

Mr. Ksieniewicz reviewed the procedures for quasi-judicial hearings before the Board of Adjustment.

## VI. MATTERS BEFORE THE BOARD OF ADJUSTMENT

- a. Appeal 2022-18 Hyatt: An Appeal has been filed regarding the property denoted by Tax PIN 7941-00-49-5944, located at 741 and 743 Hudson Rd, Summerfield NC 27358 in the New Bethel Township. Appeal by owner located at 761 Hudson Rd, Summerfield NC 27358 in the New Bethel Township.

Mr. Cochran presented the appeal request. At this property, there has been a commercial operation in place since before an ordinance existed in Rockingham County in combination with residential structures since 1988-89. The owner at the time came in to get a special use permit. Some of the paper records from that period were limited. Around May 2020, a complaint was filed regarding the property at 741 Hudson Road by Mr. Hyatt. The Community Development Director at the time, Ms. Spencer, made the determination that the activities occurring among the pre-existing commercial operation along with the special use permit were justifiable. A second complaint inquiry was received in January 2022 about the property, and staff met with the neighbor of the property owner on several occasions. Mr. Marziano provided a summary of all evidence, and reiterated Ms. Spencer's decision from 2020. A letter from the County Attorney was being appealed, however the County Attorney is not a ministerial agent of Rockingham County. Therefore, any correspondence from the County Attorney cannot be considered administrative and is invalid. Additionally, appeals of administrative decisions must be received within thirty days of the decision. The appeal was not filed within this time frame. Because there was no jurisdictional subject matter for the Board of Adjustment to consider, the appeal was considered to be void.

Mr. Hyatt was represented by Mr. McDonough, located at 100 S Elm St Suite 500 in Greensboro, North Carolina. Mr. McDonough's argument raised questions regarding jurisdictional bounds, administrative decisions, validity of the appeal, the role of the County Attorney, the timeline of the appeal, land use regarding the special use permit, record keeping, and the appeal's characterization. Mr. Ksieniewicz asked when Mr. McDonough's representation was requested. Mr. McDonough began representation in March 2022.

Mr. Holcomb, at 377 S Swing Rd in Greensboro, represented the owners of 741 Hudson Rd. He explained that there was no appealable determination within thirty days from the decision date. He further stated that the letter of decision confirmation from the County Attorney did not provide an appealable determination and that there was no jurisdiction in the matter.

Mr. Dennis, at 1229 Brooklyn Ave in Ramseur, North Carolina. He stated that in 1983, he purchased the 741 Hudson Road. He wanted to verify the presence of a heating and air conditioning business at that time as well as a spray booth and dust collection system. Mrs. Hayworth asked about the special use permits, and Mr. Dennis elaborated on his special use permit history. Mr. Marziano mentioned that records of these special use permits were sparse. Mrs. Talbert also inquired about documentation verification for these permits. Mr. Scott sought clarification on when the work building on the property was constructed.

Mr. Herman represented Rockingham County. He explained that matters had not been properly appealed because the appeal concerned the letter from the non-ministerial County Attorney, Mr. Morris. The administrative decision itself could have been appealed back in 2020 within thirty days, but it was not appealed within this time frame. This appeal did not regard the 2020 administrative decision but instead appealed the Mr. Morris' confirmation letter. He called for the Board of Adjustment to dismiss the appeal due to lack of jurisdictional subject matter. Mrs. Hayworth inquired about complaints as opposed to appeals, and Mr. Herman explained these differences and further discussed merits of this case. She also asked how administrative determinations can be made when records and permits are missing, and Mr.

Herman stated that this information was available at time back in the eighties. Mrs. Talbert asked about the appeal process and the absence of documents. Mr. Herman explained that the absent documents and special use permits did not pertain to this appeal, as the appeal was regarding Mr. Morris' letter instead of the administrative decision. Mr. Dennis explained the history of the spray booth and dust collection system as part of the special use permits.

**Mr. Ksieniewicz stated that there was no subject matter jurisdiction regarding this appeal and recommended that the appeal must be dismissed. Mr. Fink motioned to dismiss the appeal, and Mrs. Talbert seconded. The board voted to dismiss the appeal (5-1), with Mrs. Hayworth dissenting.**

#### VII. PROCEDURES FOR LEGISLATIVE HEARINGS

The Planning Board was convened. Mr. Ksieniewicz reviewed the procedures for legislative (zoning amendment hearings).

#### VIII. MATTERS BEFORE THE PLANNING BOARD

- a. Rezoning Request 2022-21 Morris: A rezoning request has been made for four parcels of land denoted by Tax PINs 8913-00-44-0440, 8913-00-44-1201, 8913-00-44-2270 and 8913-00-43-2946 located at the corner of NC Highway 87 & Holiday Loop, Reidsville, NC in the Reidsville Township. The request is to rezone the properties from Residential Protected (RP) to Highway Commercial (HC).

Mr. Cochran presented the application request and packet information to the board, including staff recommendation to approve the request. Mr. Ksieniewicz asked about the legal non-conforming uses existing currently. Mr. Marziano explained that automobile use and retail use is currently allowed on this parcel. Mr. Fink asked about inquiries, and Mr. Marziano stated that two inquiry calls were received neither for nor against.

**Mr. Ksieniewicz closed the public comment period and opened the floor for board discussion, motions and voting. Mrs. Talbert motioned to recommend approval of this rezoning request to “rezone the specified parcels on the rezoning application to the requested zoning district based upon the consistency and reasonableness determination statements that are included in the Board agenda packet, submitted during the rezoning presentation and as may be amended, incorporated into the motion, to be included in the minutes.” Mr. Fink seconded. The board voted unanimously to recommend approval of the rezoning request (6-0).**

- b. Rezoning Request 2022-22 Mitchell: A rezoning request has been made for the property denoted by Tax PIN 8901-00-94-3529, located at 8580 Friendship Church Road in the Williamsburg Township. The request is to rezone the property from Residential Protected (RP) to Residential Agricultural (RA).

Mr. Cochran presented the application request and packet information to the board, including staff recommendation to approve the request.

Mr. Broadnax, of 912 Norman Street, spoke in support of this rezoning.

Mr. Scott asked about the home already sitting on the property. Mr. Marziano explained that the applicants were under the impression that they had proper permits, however they did not due to a past discrepancy within the planning department.

Mr. Ksieniewicz closed the public comment period and opened the floor for board discussion, motions and voting. Mr. Fink motioned to “recommend approval of this rezoning request to rezone the specified parcel on the rezoning application to the requested zoning district based upon the consistency and reasonableness determination statements that are included in the agenda, submitted during the rezoning presentation and as may be amended, incorporated into the motion, to be included in the minutes.” The board voted to recommend approval of the rezoning request (6-0).

VII. OTHER BUSINESS

a. New Business: New Members

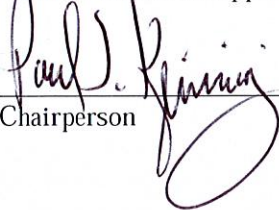
Jeff Kallam and John Roberts were introduced and sworn in as new Rockingham County Planning Board members. Mr. Kallam will serve as a standing Planning Board member, and Mr. Roberts will serve as an alternate.

b. Old Business: None

There was no old business.

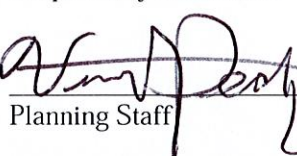
**As there was no additional business or discussion, Mrs. Talbert motioned to adjourn the meeting. Mr. Fink seconded. The board voted unanimously to adjourn at 7:54 pm (7-0).**

Minutes Read and Approved,

  
Chairperson

11/22/2022  
Date

Respectfully Submitted,

  
Planning Staff

11/14/22  
Date