

AGENDA

ROCKINGHAM COUNTY BOARD OF ADJUSTMENT & PLANNING BOARD

OCTOBER 10, 2022 at 6:30PM

County Commissioners Chambers

Rockingham County Governmental Center



I. Call to Order

II. Invocation

III. Adoption of the Agenda

IV. Approval of Minutes

- a. August 8, 2022
- b. September 12, 2022

V. Review of Quasi-Judicial Procedures

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.

VII. Convene Planning Board – Review of Procedures for Legislative Matters

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).
- 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).

IX. Other Business:

- a. New Business: New Members
- b. Old Business: None

X. Adjourn

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



**BOARD OF COMMISSIONERS CHAMBERS
ROCKINGHAM COUNTY GOVERNMENTAL CENTER
WENTWORTH, NC
August 08, 2022 AT 6:30 PM**

MEMBERS PRESENT: Paul Ksieniewicz, Chairperson
Julie Talbert, Vice-Chairperson
T. Matt Cardwell
Cory Scott
James Fink
Cyndy Hayworth
Dylan Moore (Alternate)

STAFF PRESENT: Hiram Marziano, Community Development Director
Victoria Pedigo, Planner
Bricen Wall, Code Enforcement Officer

I. CALL TO ORDER

Chairperson Ksieniewicz called to order the regularly scheduled meeting of the Rockingham County Planning Board 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. Fink seconded. The board voted unanimously to adopt the motion. (7-0)

IV. APPROVAL OF MINUTES

July 11, 2022 – Mr. Fink motioned to adopt the minutes as written, and Mrs. Talbert seconded. The board voted unanimously to adopt. (7-0)

V. PROCEDURES FOR LEGISLATIVE HEARINGS

Mr. Ksieniewicz reviewed the procedures for legislative (zoning amendment hearings).

VI. MATTERS BEFORE THE BOARD

- a. Rezoning Request 2022-17 Baker Knight REZ: A request to rezone two parcels of land from Residential Agricultural (RA) to Highway Commercial Conditional District (HCCD). Tax PINs: 7903-03-31-9666 & 7903-03-41-0693, located on Shelton Rd – Huntsville Township.

Mr. Marziano presented the application request and packet information to the board, including staff recommendation to deny the request.

Mr. Ksieniewicz inquired about the zoning, development, and land use of parcels within the surrounding area.

Mrs. Talbert and Mr. Marziano discussed previous commercial rezoning along Shelton Road as well as the distance of the subject parcels to the marina.

Mr. Ksieniewicz noted there are many more uses listed within the application's conditions compared to the applicants' suggested uses. Mr. Marziano stated that the list of conditional uses has a wide range to avoid restriction of future land use.

Mr. Cardwell asked about calls pertaining to this case. There were five calls in opposition, one inquiry, and no emails. Mrs. Talbert asked about the nature of the callers' objections. Ms. Pedigo stated that callers were concerned with traffic and safety as well as non-compliance with the neighborhood characterization.

Mr. Fink and Mr. Marziano discussed proximity to growth nodes.

Mr. Ksieniewicz called the applicant, Jeff Knight to the podium. Mr. Knight, of 564 NC Hwy 68 in Stokesdale, provided the Board with more information on the proposed land use plans.

Mrs. Talbert discussed prior ownership of the property and aesthetic qualities with Mr. Knight.

Mrs. Hayworth, Mr. Knight, and Mr. Marziano discussed the range of proposed conditional uses. Mrs. Hayworth also posed traffic concerns.

Mr. Fink and Mr. Knight discussed resident objections and neighborhood characterization.

Trey Baker, the co-applicant at 1668 Mineral Springs Road in Madison, waived his right to speak.

Mr. Ksieniewicz closed the public comment period and opened the floor for board discussion, motions and voting. Mrs. Hayworth asked why staff recommended denial, and Mr. Marziano explained the determination. Mrs. Talbert suggested narrowing the list of proposed conditional uses. Mr. Moore asked about boat storage availability and demand. Further discussion about land use consistency and characterization ensued, and the Board asked Mr. Knight about the deed history of the parcels. Mr. Marziano proposed a narrowed list of conditional uses. Mrs. Talbert motioned to

“recommend approval of this request zoning of the specific parcels to the zoning district requested in the application contrary to the consistency and reasonableness determination statements that are included in the Board agenda packet submitted during the rezoning request presentation and as may be amended incorporated into the motion to be included into the minutes including the noted conditions and the noted conditions will be: strike all uses with the exception of boats, recreation, vehicles sales and service,

Mr. Fink seconded. The board voted to recommend approval of the rezoning request (6-1) with Mr. Ksieniewicz dissenting.

- b. Rezoning b. Text Amendments Package 2022-02: a proposal for four (4) text amendments to the Unified Development Ordinance:

1. 2022-02a: Table 41.05-1. Dimensional Standards Table

Mr. Marziano presented the proposed text amendment.

Mr. Ksieniewicz asked about utilities in relation to lot size.

Mr. Scott discussed lot size and density with Mr. Marziano.

Mr. Marziano discussed subdivision thoroughfare, front setbacks, the addition of the RC zone to the dimensional standards table, and the elimination non-conformities.

2. 2022-02b: Sec. 62.16. Campgrounds/RV Parks

Mr. Marziano presented the proposed text amendment.

Mr. Ksieniewicz asked about the minimum emergency vehicle turnaround. Marziano proposed an amendment to the statement that the turnaround must comply with the Fire Marshall and Department of Transportation standards.

Mr. Moore and Mr. Marziano discussed campground buffers.

The Planning Board and Mr. Marziano discussed road width, one-way roads, and the use of loops for emergency turnarounds.

3. 2022-02c: Sec. 53.03. Road Standards

Mr. Marziano presented the proposed text amendment.

There was no discussion for this amendment.

4. 2022-02d: Table 41.04-1. Outdoor Storage of Boats/RVs

Mr. Marziano presented the proposed text amendment.

Mr. Moore asked about outdoor storage rules. Mr. Ksieniewicz, Mr. Marziano, and Mrs. Talbert offered input on this topic.

Mr. Scott motioned to recommend approval for the amended text amendments as consistent with the Rockingham County Land Use Plan and Unified Development Ordinance. Mr. Fink seconded. The board voted unanimously to recommend approval of the proposed text amendments as amended. (7-0)

VII. OTHER BUSINESS

- a. New Business: None.

There was no new business.

- b. Old Business: None.

As there was no additional business or discussion, Mrs. Talbert motioned to adjourn the meeting. Mrs. Hayworth seconded. The board voted unanimously to adjourn at 7:42 pm (7-0).

Minutes Read and Approved,

Respectfully Submitted,

Chairperson

Date

Planning Staff

Date

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



**BOARD OF COMMISSIONERS CHAMBERS
ROCKINGHAM COUNTY GOVERNMENTAL CENTER
WENTWORTH, NC
September 12, 2022 AT 6:30 PM**

MEMBERS PRESENT: Paul Ksieniewicz, Chairperson
Julie Talbert, Vice-Chairperson
Cory Scott
James Fink
Dylan Moore (Alternate)

STAFF PRESENT: Hiram Marziano, Community Development Director
Victoria Pedigo, Planner
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 6:31 pm.

II. INVOCATION

Mr. Scott conducted the invocation.

III. ADOPTION OF THE AGENDA

Mrs. Talbert motioned to adopt the agenda as written. Mr. Scott seconded. The board voted unanimously to adopt the motion. (5-0)

IV. APPROVAL OF MINUTES

August 08, 2022 –The minutes were tabled for later review at the October 10, 2022 meeting. Mr. Ksieniewicz confirmed a quorum for conducting business.

V. MATTERS BEFORE THE BOARD OF ADJUSTMENT

- a. Appeal 2022-18 Hyatt: This hearing has been postponed to the October 10, 2022 Board of Adjustment meeting at the direction of the County Attorney.

Mr. Ksieniewicz motioned to table this matter until the October 10, 2022 meeting, per the County Attorney. Mrs. Talbert seconded. The board voted unanimously to continue this case at the October meeting. (5-0)

VI. CONVENE PLANNING BOARD - PROCEDURES FOR LEGISLATIVE HEARINGS

Mr. Ksieniewicz reviewed the procedures for legislative (zoning amendment hearings).

VII. MATTERS BEFORE THE BOARD

- b. Rezoning Request 2022-19 Doss: A request to rezone a parcel of land from Residential Agricultural (RA) and Light Industrial (LI) to Residential Agricultural (RA). Tax PIN: 7939-11-77-0075, located on GSI Drive, Stoneville – Mayo Township.

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

Mr. Scott visited the parcel, and he agreed that the rezoning to Residential Agricultural would fit with the neighborhood characteristics.

Mrs. Talbert inquired about proximity to the Stoneville extraterritorial jurisdiction.

There were no speakers for the public comment period.

Mr. Fink asked planning staff if any calls or emails were received pertaining to this case. Mr. Marziano stated that staff had received several calls that were all inquiry. Mr. Scott commented on the location of the public notification sign for this case.

Mr. Ksieniewicz opened the floor for board motions and voting. Mrs. Talbert motioned to recommend approval of the request as consistent with the Rockingham County Land Use Plan, future land use map, and current land uses in the local area. Mr. Scott seconded. The board voted unanimously to recommend approval of the rezoning request. (5-0)

- c. Rezoning Request 2022-20 Carter: A request to rezone a parcel of land from Residential Agricultural (RA) to Neighborhood Commercial Conditional District (NC-CD). Tax PIN: 7974-01-47-7353, located at the corner of Sandy Cross Rd & Giles Rd – Simpsonville Township.

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

Mr. Ksieniewicz inquired about calls and emails pertaining to this case. Mr. Marziano stated that two calls were received by staff, both of which were inquiries.

Mr. Moore sought clarification on land use chart symbology within the Unified Development Ordinance.

Terry Lynn, of 398 Giles Road in Reidsville, expressed her concern regarding possible environmental implications. She asked the board about potentially posting a no outlet sign on this road due to traffic concerns. In relation to code enforcement, she shared her hopes for restricting the number of vehicles allowed on the lot. Mr. Ksieniewicz addressed these concerns, stating that code enforcement is complaint-driven. Mr. Ksieniewicz also discussed the Technical Review Committee process, explaining that environmental and traffic concerns are reviewed collaboratively.

Chad Carter, of 261 Vernon Rd in Reidsville, spoke on behalf of the applicant. He addressed Mrs. Lynn's environmental concerns and stated his intention of having a clean space to repair vehicles.

Mr. Scott and Mr. Carter discussed building materials, such as concrete and asphalt, as well as fencing.

Mr. Ksieniewicz opened the floor for board motions and voting. Mrs. Talbert motioned to recommend approval of the rezoning request with conditions as consistent with the Rockingham County Land Use Plan, future land use map, and current land uses in the local area. Mr. Moore seconded. The board unanimously voted to recommend approval of the rezoning request. (5-0)

After the vote, the Planning Board and Mr. Marziano discussed obtaining a no outlet sign for Giles Road.

VII. OTHER BUSINESS

a. New Business: Election of Board Officers

Mr. Ksieniewicz reminded the board members that the chairperson must be present as a voting member of the Technical Review Committee, and these qualifications were discussed. Mrs. Talbert and Mr. Ksieniewicz both **nominated themselves as chairperson, however Mrs. Talbert promptly rescinded her nomination. The board unanimously voted to re-elect Mr. Ksieniewicz as Chairperson. (5-0)**

Mr. Scott nominated Mrs. Talbert to continue to serve as Vice Chairperson. Mr. Fink seconded. The board unanimously voted to re-elect Mrs. Talbert as Vice Chairperson. (5-0)

Additionally, Mr. Marziano mentioned that two new Planning Board members have been appointed. More information is to follow.

b. Old Business: None

IX. ADJOURN

As there was no old business or discussion, Mr. Fink motioned to adjourn the meeting. Mr. Scott seconded. The board voted unanimously to adjourn at 7:03 pm (5-0).

Minutes Read and Approved,

Respectfully Submitted,

Chairperson

Date

Planning Staff

Date

**ROCKINGHAM COUNTY COMMUNITY DEVELOPMENT
STAFF REPORT: BOARD OF ADJUSTMENT
CASE 2022-18: ZONING APPEAL**



Request: An Appeal of a Determination of the Zoning Administrator
Appellant: David G.J. Hyatt
Darren A. McDonough, Attorney
Identification: The subject property is denoted by Tax PIN: 7941-00-49-5944
Location: 741 Hudson Rd, Summerfield – New Bethel Township

Only matters of fact may be considered deciding an appeal in the nature of certiorari. Testimony that is determined by the chairperson or any member of the board of adjustment to be hearsay, opinion or otherwise non-factual may not be taken into consideration.

Enabling Statute

N.C.G.S. § 160D-302(b) Boards of Adjustment

Duties. - The board shall hear and decide all matters upon which it is required to pass under any statute or development regulation adopted under this Chapter. The ordinance may designate a planning board or governing board to perform any of the duties of a board of adjustment in addition to its other duties and may create and designate specialized boards to hear technical appeals. If any board other than the board of adjustment is assigned decision-making authority for any quasi-judicial matter, that board shall comply with all of the procedures and the process applicable to a board of adjustment in making quasi-judicial decisions.

Administrative and Legal Provisions: Powers & Duties of the Boards of Adjustment

Rockingham County Unified Development Ordinance, *Article II, Division 3, Sec. 23.07 (p. 37)*

Pursuant to state law The Board of Adjustment has the power to: Hear and decide appeals and review any order, requirement, decision or determination made by the Community Development Director in the performance of his duties as the order, requirement, decision or determination relates to this chapter.

Appeals Procedure

Rockingham County Unified Development Ordinance, *Article II, Sec. 33.06 (p.57)*

The Board of Adjustment shall hear and decide all appeals from and review any administrative action taken by the Community Development Director. Each decision of the Board of Adjustment is subject to review by the superior court by proceedings in the nature of certiorari and subject to G.S. 160D-406 Quasi-judicial procedure.

Administrative Decisions: Definition

N.C.G.S. § 160D-106 (d-1)

“Administrative decision. - Decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in this Chapter or local government development regulations. These are sometimes referred to as ministerial decisions or administrative determinations.”

Governing Statute: Appeals Time Frame

N.C.G.S. § 160D-405(d) Appeals of Administrative Decisions

Time to appeal – The owner or other party has 30 days from receipt of written notice of the determination within which to file an appeal. Any other person with standing to appeal has 30 days from receipt from any source of actual or constructive notice of the determination within which to file an appeal. In the absence of evidence to the contrary, notice given pursuant to G.S. 160D-403(b) by first class mail is deemed received the third business day following deposit of the notice for mailing with the United States Parcel Service.

Staff Summary

County Exhibits A through D demonstrate the timeline of two administrative determinations that were made in response to inquiries from the appellant. Former Community Development Director, Carrie Spencer, made a determination May 2020, with which staff agrees. The second administrative determination was made February 2022 by the current Community Development Director, Hiram Marziano. In response to a request for records pertaining to Mr. Harrell's parcel and uses, County Attorney issued a letter to the appellant's attorney, Mr. McDonough.

Appeals of administrative permits or determinations must be received within 30 days of the decision, according to The County UDO. The Community Development Director and designees are ministerial agents of the county. As noted in the appeal filing, the issue being appealed is Mr. Morris's letter date June 9, 2022. The County Attorney is not a ministerial agent of the county. Therefore, there exists no effective or valid appeal. Additionally, there exists no jurisdictional subject matter for the Board of Adjustment to consider.

**STATE OF NORTH CAROLINA
COUNTY OF ROCKINGHAM**

BEFORE THE BOARD OF ADJUSTMENT

Case: 2022-46

**IN RE: 741 Hudson Road
Summerfield, NC**

Appeal of Administrative Decision


NOW COMES, Darren A. McDonough, counsel for David G. Hyatt, owner of the property located at 761 Hudson Road, Summerfield, North Carolina, and appeals the administrative decision of the County Department of Community Development dated June 9, 2022, and in support of said appeal shows the following:

1. This appeal is made pursuant to North Carolina General Statute § 160D-405, and, Article III, § 33.06 of the Unified Development Ordinance (“UDO”).
2. This appeal involves the violation of a special use permit (“SUP”) issued to 741 Hudson Road, Summerfield, Rockingham County, North Carolina 27358 (“Property”) on May 10, 1988.
3. The current owner of the Property is Anthony Douglas Harrell and Katelin Haskell Harrell.
4. David G. Hyatt (“Mr. Hyatt”) is the owner of a tract adjoining the Property and has standing to bring this appeal pursuant to North Carolina General Statute §§ 160D-405(b) and 160D-1402(c) for the special damages he has and will continue to suffer as set forth below.
5. Mr. Hyatt, through counsel, brought to the attention of the Rockingham County Department of Community Development and the Community Development Director (“CDD”) that the current owners of the Property were using the Property in contravention of the SUP. A copy of the letter notifying the CDD of the violation is attached hereto as Exhibit A and is incorporated herein by reference.
6. In response, the CDD, through counsel, notified Mr. Hyatt via letter dated June 9, 2022, that the CDD determined that the existing use of the Property was in compliance with the SUP. A copy of said letter is attached hereto as Exhibit B and is incorporated herein by reference.
7. The administrative decision made by the CDD on June 9, 2022 was in error and the Property is currently being used in contravention of the SUP and UDO.
8. The current use of the Property produces substantial noise and noise pollution. It also produces emissions which affect the health of Mr. Hyatt and his family. Given the structures on the Property and the location of Mr. Hyatt’s home that adjoins the Property, Mr. Hyatt and his family suffer the consequences of the noise, noise pollution, and emissions to a much greater degree and severity than the rest of the community.

9. The current use of the Property has and will (1) devalue Mr. Hyatt's real property, (2) create an ongoing nuisance, (3) create detrimental health issues, and (4) continually intrude upon and unlawfully interfere with Mr. Hyatt's peaceful occupation, possession, and use of his real property in violation of his constitutional rights.
10. In addition to the foregoing, the continued existing use of the Property is prohibited by the UDO and is in violation of the SUP.
11. The administrative decision fails to provide the basis for the CDD's determination that the existing use of the Property is in compliance with the SUP.
12. The administrative decision fails to cite any specific provision of the UDO upon which the decision is based.

NOW THEREFORE, David G. Hyatt, by and through the undersigned counsel, appeals the administrative decision of the Rockingham County Department of Community Development and Community Development Director as provided for under North Carolina General Statute and the Unified Development Ordinance.

This the 6 day of June, 2022.



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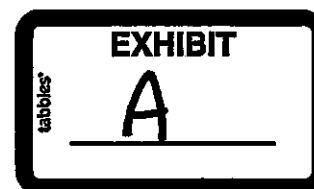
**AMERICAN BOARD CERTIFIED IN
BUSINESS BANKRUPTCY

***BOARD CERTIFIED SPECIALIST IN
STATE AND FEDERAL CRIMINAL LAW

May 17, 2022

Hiram J. Marziano, II
Rockingham County
Department of Community Development
P.O. Box 105
Wentworth, North Carolina 27375

Re: 741 Hudson Road



Dear Mr. Marziano, II:

We represent David Hyatt. As you know, Mr. Hyatt has had questions and concerns regarding the use of 741 Hudson Road ("Subject Property"), which is adjacent to his property. As part of our investigation, we requested that the Department of Community Development ("Department") provide us with a copy of all documents related to the Subject Property and its special use permit. Mr. Hyatt has also provided us with a copy of your Action Report and Determination dated February 4, 2022 ("Report"). Unfortunately, the documents provided by the Department are incomplete and fail to support the findings made in your Report.

The Subject Property was granted a Special Use Permit on May 10, 1988. A copy of the Special Use Permit is enclosed. The proposed use was limited to "Contractor Sales & Storage", though the minutes from the Planning Board meeting reflect that the applicant, Wayne Dennis, was requesting approval to construct an addition to his existing business to be used for "contractor sale and *service*" (emphasis added). A copy of the minutes is enclosed. The Special Use Permit required "any future modification of this site and use, new buildings, uses, etc., be approved only through action of the Planning Board."

As noted in your Report, Carrie Spencer from the Department stated in a letter dated June 12, 2020 that the Subject Property had an approved and valid Special Use Permit for a Rural Family Occupation. She notes that the permit was issued in 1988, with additional uses approved by the Department in 1989 and 1992. As you can see, Ms. Spencer incorrectly notes the Special Use

Permit was issued in 1988 for a Rural Family Occupation. It was not. It was issued for use related to "Contractor Sales & Storage." Further, we have not been provided any documentation that shows an application was made to the Planning Board in 1989 or in 1992 that sought additional uses for the Subject Property, nor have we received any special use permit that allows for additional uses. If the Department is in possession of such, please provide them as soon as possible.

Ms. Spencer goes on to note that the Subject Property was being used for residential purposes, a cabinet shop with spray booth, and an automobile service shop. She concludes that the non-residential previous and current uses are "most like the NAICS Code 'Specialty Trade Contractors'" and that the "use of a paint spray booth as well as a dust collection system are both legal nonconforming standards allowed as part of the original permit approval." In your Report, you accept Ms. Spencer's conclusions.

With all due respect to Ms. Spencer, her conclusions are not supported by the documents we have been provided or Rockingham County's Uniform Development Ordinance ("UDO"). As clearly shown in the original Special Use Permit, the Subject Property was able to be used for Contractor Sales and Storage and the purpose of the permit was to construct an addition to the existing business, which was "Wayne Dennis Heating & Air Conditioning." A cabinet shop, paint spray booths, a dust collection system, and an automobile service shop are not noted in the original permit or the minutes from the meeting that granted it.

The current UDO, which was in place when Ms. Spencer wrote her letter, prohibits a rural family occupation of a nonagricultural nature in a rural agricultural zone ("AG"), which, as you, is the zoning designation for the Subject Property. Ms. Spencer's attempt to justify the nonconforming uses by reference to the NAICS Code seems a desperate attempt to justify a use that is not permitted by the UDO and which cannot be shown by approved permits issued from the Planning Board. There is no need to reference an outside source if the Planning Board issued a special use permit in 1989 or 1992 to allow a cabinet shop, a spray booth, or an automobile service shop.

The only other document we have been provided that is potentially related to the use of the Subject Property is an Affidavit by the former landowner, Albert Wayne Dennis, dated December 17, 1992 ("Affidavit"). A copy of the Affidavit is enclosed. It appears Mr. Dennis provided the Affidavit as part of a request to build a three-story addition. This is consistent with the original Special Use Permit's requirement that any "new buildings" be approved by the Planning Board. In the Affidavit, Mr. Dennis reiterates that existing one-story frame building at 741 Hudson Road, Summerfield, North Carolina is used for "Wayne Dennis Heating & A/C offices and sheet metal shop." This is consistent with the initial special use permit. Mr. Dennis also notes that there is a 40' x 60' building on the property used for "Storage of lumber and equipment for Wayne Dennis Heating and A/C Company." Again, this use would be in conformity with the initial special use

application. Mr. Dennis goes on to state that the new three-story addition would be used for his “*personal* woodworking shop” (emphasis added) in the basement, that Hight Service Company would occupy the first floor, and the top floor would be unfinished and unoccupied. The Affidavit is telling for a number of reasons.

First, the Affidavit does not state that any portion of the property is being used as a cabinet shop. Mr. Dennis’s affidavit clearly states that the basement of the new addition would be occupied by his *personal* woodworking shop. This was not a commercial endeavor and a permit therefore would not be required. The permit was required because the three-story building was new construction.

Second, the Affidavit makes no mention of a spray booth or an automobile service shop. Clearly, if these services were being provided in 1992, Mr. Dennis would have stated so in his affidavit. Their absence would seem to speak volumes.


Third, if the Subject Property was not being used as a commercial cabinet shop, a spray booth, or an automobile service shop in 1992, those uses must have been added after 1992. But if that is the case, then, as the Department has acknowledged, no application was made nor was an permit given for these uses.

Fourth, it seems that the third-story addition built by Mr. Dennis in 1992 was provided a new address: 743 Hudson Road. It would be reasonable to presume that this address would require a permit to be built and any nonconforming use of the property would also require a new permit and could not be “grandfathered” in under an existing permit.

Based on the documents provided by the Department and the UDO, the Subject Property is currently being used for unpermitted, nonconforming uses. The only legal justification for these uses would be the issuance of a special use permit for each. Save for the initial Special Use Permit, we have not seen an application, permit, or even minutes from a meeting where additional uses have been approved by the Planning Board. Again, if these documents exist, please forward them. Absent their production, we would like to know what action the Department will take to enforce the UDO and stop the current nonconforming using from continuing on the Subject Property.

Thank you for your time and attention to this matter. We look forward to hearing from you.

Very truly yours,
IVEY, McCLELLAN, SIEGMUND
BRUMBAUGH & McDONOUGH, LLP



Darren A. McDonough

Enclosures

CC: David Hyatt

Rockingham County
Department of Planning and Building Inspections

Route 8, Box 701-F
Reidsville, North Carolina 27320

919-342-8130

ROCKINGHAM COUNTY
SPECIAL USE PERMIT GRANTED

Date of public hearing: May 9, 1988

Applicant: Wayne Dennis Heating & Air Conditioning

Property location: Hudson Road

Tax PIN # 7941-00-49-4724

Proposed use of property: Contractor Sales & Storage

Zoning District: Residential-Agricultural

Having heard all the evidence and argument presented at the hearing, the Board finds that the application is complete, that the application complies with all of the applicable requirements of the Ordinance for the development proposed, and that therefore the application to make use of the above-described property for the purpose indicated is hereby approved, subject to all applicable provisions of the Ordinance and the following conditions:

1. The applicant meet all requirements for outdoor storage, parking, etc., for commercial use.
2. Signage for the use be limited to existing signs unless otherwise approved by modification of this permit by the Board.
3. The garbage dumpster area be screened from view from the public and from the adjacent properties, and be well kept so as to not attract rodents and insects.
4. That any future modification of this site and use, new buildings, uses, etc., be approved only through action of the Planning Board.
5. The existing privacy fence on the adjacent property should be maintained and preserved. If the owner should cease maintenance on this fence, the applicant should install and maintain a similiar buffer.

The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Department of Planning and Building Inspections.

If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.

Rich Benton
Authorized County Official

5-10-88
Date

Minutes of the Rockingham County Planning Board
Regular Meeting May 9, 1988 - 7:00 PM
Governmental Center, Commissioners Meeting Room
Wentworth, North Carolina

Chairman Jerry Turpin called the meeting to order, and the Board was led in prayer by Dot Tredway.

The April 11th minutes were read and approved.

The following members were present: Jerry Turpin, Robert Moore, Ed Harlow, Charles Page, Benny Cardwell, James Kellar, Dorothy Tredway, W. H. Knight, Thurston Pearson, and Brad Rochester.

Planning Director Rick Benton was present.

Due to the absence of the county attorney, the by-laws will be discussed at the next meeting.

All witnesses to offer evidence during this meeting were sworn in.

Item #1:
Application was made to the Board for a Special Use Permit by Wayne Dennis Heating and Air Conditioning. Mr. Dennis requested approval to construct an addition to his existing business to be used for contractor sales and service. This property is zoned Residential Agricultural. After hearing the evidence presented, the Board approved the application because the findings of fact regarding the proposal were met: Necessary Health Department requirements were met, along with all other applicable development requirements and it would be operated to maintain Public Health, Safety and Welfare. The use was characteristic of the neighborhood and would maintain the value of the adjoining properties. The proposal would protect the residential-agricultural district characteristics provided for in the County development plans. The Board heard no negative evidence in these findings of fact. Benny Cardwell made the motion to approve the permit based on the findings as presented and with the following conditions:

1. The applicant meet all requirements for outdoor storage, parking, etc., for commercial use.
2. Signage for the use be limited to existing signs unless otherwise approved by modification of this permit by the Board.
3. The garbage dumpster area be screened from view from the public and from the adjacent properties, and be well kept so as to not attract rodents and insects.
4. That any future modification of this site and use, new buildings, uses, etc., be approved only through action of the Planning Board.
5. The existing privacy fence on the adjacent property should be maintained and preserved. If the owner should cease maintenance on this fence, the applicant should install and maintain a similar buffer.

Ed Harlow seconded the motion and the vote was unanimous to approve the application for the special use permit.



ROCKINGHAM COUNTY
GOVERNMENTAL CENTER
Community Development Department

June 12, 2020

To: Tony Harrell
From: Carrie Spencer

Re: Zoning Verification

The following correspondence has been prepared regarding a property located within the zoning jurisdiction of Rockingham County and described as:

Tax PIN: 794100495944
Parcel Number: 127086
Address: 741 and 743 Hudson Road, Summerfield
Plat: Book 28 Page 594, Lot 1

The property contains (+/-) 1.45 acres and is zoned RA (Residential Agricultural) with an approved and valid Special Use Permit for a Rural Family Occupation. This permit was issued in 1988 with additional uses approved by this office in 1989 and 1992. The current uses on the property are residential, cabinet shop with spray booth, and automobile service shop. The non-residential previous and current uses are most like the NAICS Code "Specialty Trade Contractors", copy attached, and allowed within the scope of the original permit. The size of the property and the use of a paint spray booth as well as a dust collection system are both legal nonconforming standards allowed as part of the original permit approval.

Any additional uses outside the scope described here, and any changes to the site plan associated with the Special Use Permit, must be requested through this office.

Regards,

Carrie Spencer, AICP
Director, Community Development

Incl:
Approved Site Plan
NAICS Definition
Rural Family Occupation Standards

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

Telephone: (336) 342-8130/8117 | Fax: (336) 342-8362

Use.:

Rural Family Occupations of Nonagricultural/Commercial Nature

Special Use District:

RA

Approved By:

Planning Board

Minimum Lot Size:

3 acres was originally approved for less than 3 acres, so this is ok.
Owner must reside on property on which business is located

Other Requirements:

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

Business use must be set back at least 100 ft. from road right-of-ways

Business use shall not create any noxious fumes, odors, traffic congestion or other nuisance factors

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

Signs:

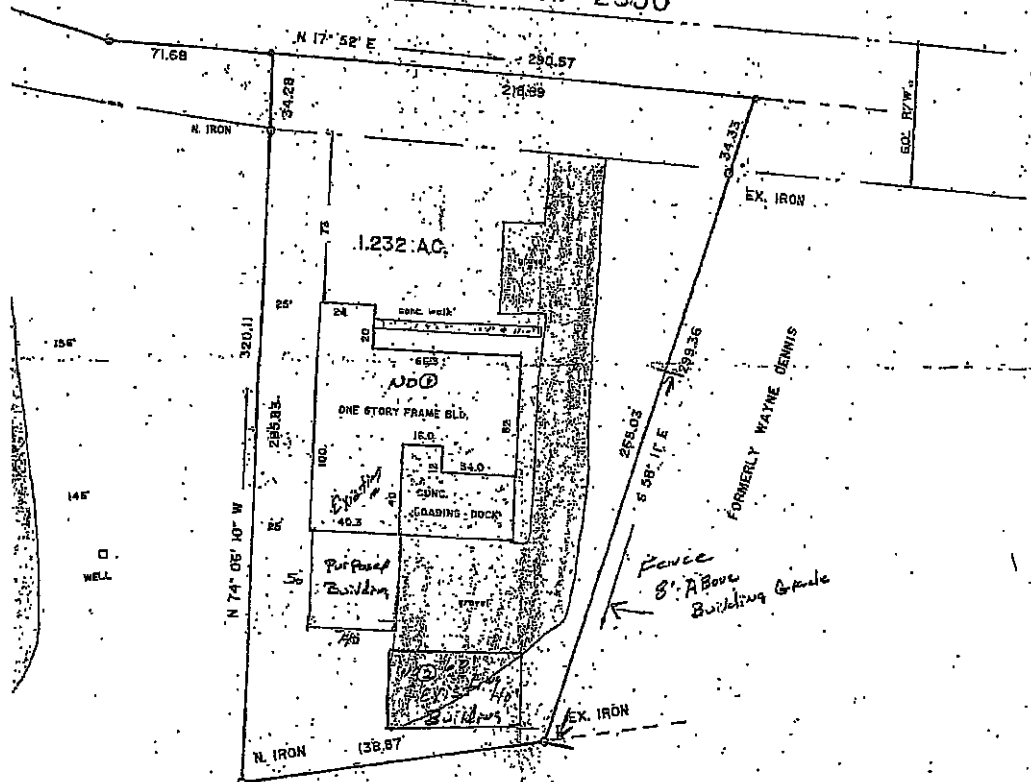
Type sign: Identification Permitted number: 1 ground sign per road frontage or 1 wall sign affixed to front of business use structure

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

Permitted illumination: None.



HUDSON RD. SR. 2350



McCOLLUM



ALBERT WAYNE DENNIS ELLEN W. DENNIS	
SCALE: 1" = 50'	APPROVED BY:
DATE: JAN. 5, 1987	DRAWN BY:
NEW BETHEL TOWNSHIP ROCKINGHAM COUNTY NORTH CAROLINA	
SEE MOORE SURVEYS	DRAWING NUMBER:
BOX 2172 GREENSBORO, NC	

2017 NAICS Definition

Sector 23 -- Construction^T

238 Specialty Trade Contractors^T

The Specialty Trade Contractors subsector comprises establishments whose primary activity is performing specific activities (e.g., pouring concrete, site preparation, plumbing, painting, and electrical work) involved in building construction or other activities that are similar for all types of construction, but that are not responsible for the entire project. The work performed may include new work, additions, alterations, maintenance, and repairs. The production work performed by establishments in this subsector is usually subcontracted from establishments of the general contractor type or for-sale builders, but especially in remodeling and repair construction, work also may be done directly for the owner of the property. Specialty trade contractors usually perform most of their work at the construction site, although they may have shops where they perform prefabrication and other work. Establishments primarily engaged in preparing sites for new construction are also included in this subsector.

There are substantial differences in types of equipment, work force skills, and other inputs required by specialty trade contractors. Establishments in this subsector are classified based on the underlying production function for the specialty trade in which they specialize. Throughout the Specialty Trade Contractors subsector, establishments commonly provide both the parts and labor required to complete work. For example, electrical contractors supply the current-carrying and noncurrent-carrying wiring devices that are required to install a circuit. Plumbing, heating, and air-conditioning contractors also supply the parts required to complete a contract.

Establishments that specialize in activities primarily related to heavy and civil engineering construction that are not normally performed on buildings, such as the painting of lines on highways, are classified in Subsector 237, Heavy and Civil Engineering Construction.

Establishments that are primarily engaged in selling construction materials are classified in Sector 42, Wholesale Trade, or Sector 44-45, Retail Trade, based on the characteristics of the selling unit.

December 16, 1992

Albert Wayne Dennis

Affidavit:

The existing one-story frame building at 741 Hudson Road, Summerfield, NC is used for: Wayne Dennis Heating & A/C offices and sheet metal shop.

The three-story addition is used for:

Basement - Wayne Dennis personal woodworking shop

First Floor - Occupied by Hight Service Company

Top Floor - Unfinished and unoccupied

The 40' x 60' building is used for: Storage of lumber and equipment for Wayne Dennis Heating and A/C Company

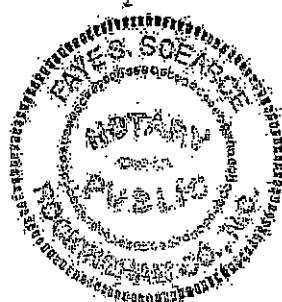
ATTEST
BY:

STATE OF NORTH CAROLINA
COUNTY OF ROCKINGHAM

I, FAYE S. SCARCE, A Notary Public in and for the State and County aforesaid, do certify that Albert Wayne Dennis whose name is signed to the writing above bearing date on the 17th day of December, 1992, has acknowledged the same before me in my county aforesaid. Given under my hand this 17th day of December, 1992.

Faye S. Scarce
Notary Public

My Commission Expires 11-27-93





ROCKINGHAM COUNTY
GOVERNMENTAL CENTER
County Attorney's Office

June 9, 2022

Darren A. McDonough
Ivey, McClellan, Siegmund,
Brumbaugh & McDonough, LLP
551 Monroe Street
Eden, NC 27288
dam@iveymcclellan.com



Re: 741 Hudson Road, Summerfield, NC

Darren,

We are in receipt of your letter dated May 17, 2022 regarding the above referenced property ("Subject Property"). The Subject Property was granted a Special Use Permit ("SUP") on May 10, 1988. As you are aware once a SUP is issued, it strictly applies to the property involved and all the conditions included in the original permit still apply. In other words, the SUP "runs with the property."

It's my understanding that the County Department of Community Development has extensively reviewed this matter and has made an administrative determination that the existing use of the Subject Property is in compliance with the May 10, 1988 SUP.

Additionally, you request the Department disclose all information regarding this matter. I have been assured that the Department has disclosed all information related to this Subject Property.

Should you have any further questions, please don't hesitate to contact me by phone or email.

Best Regards,

John M. Morris
County Attorney

CC: Marzy Marziano, Community Development Director



ROCKINGHAM COUNTY
GOVERNMENTAL CENTER
Community Development Department

APPLICATION FOR APPEAL FROM DECISION OF THE ZONING ADMINSTRATOR

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

Date: July 6, 2022
 Applicant: David G. Hyatt
 Mailing Address: 761 Hudson Road
 Summerfield, NC 27358
 Telephone: 336.420.0582

Request (please include specific details, UDO sections and pertinent dates):

Appeal of Administrative Decision dated June 9, 2022. N.C. Gen. Stat. § 160D-405, UDO, Article III, Sec. 33.06.

NOT available for the August 8, 2022 hearing date. Please set for the hearing date immediately after the August 8 meeting.

David G. Hyatt

 Signature of Applicant

 Signature of Owner (if different)

Notarial Certification

Guilford County, North Carolina	
I certify that <u>David G. Hyatt</u> personally appeared before me this the <u>7th</u> day of <u>July</u> , 2022,	
and acknowledged the due execution of the foregoing instrument.	
Notary Signature: <u>Germaine M. Smith</u>	<div style="border: 1px solid black; padding: 5px; text-align: center;"> GERMAINE M. SMITH NOTARY PUBLIC Guilford County, North Carolina My Commission Expires 10/02/2023 </div>
Notary Printed Name: <u>Germaine M. Smith</u>	
My Commission Expires: <u>10/02/2023</u>	
(Seal)	



ROCKINGHAM COUNTY
GOVERNMENTAL CENTER
Community Development Department

(Office Use Only)

Date Fee Paid: 7/7/2022 BOA

~~Planning Board Decision~~: Approve () Deny () Vote: _____

Date of Hearing: 9/12/2022

NE
Authorized County Official



ROCKINGHAM COUNTY
GOVERNMENTAL CENTER
County Attorney's Office

June 9, 2022

Darren A. McDonough
Ivey, McClellan, Siegmund,
Brumbaugh & McDonough, LLP
551 Monroe Street
Eden, NC 27288
dam@iveymccllellan.com

County Exhibit A

Re: 741 Hudson Road, Summerfield, NC

Darren,

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It's my understanding that the County Department of Community Development has extensively reviewed this matter and has made an administrative determination that the existing use of the Subject Property is in compliance with the May 10, 1988 SUP.

Additionally, you request the Department disclose all information regarding this matter. I have been assured that the Department has disclosed all information related to this Subject Property.

Should you have any further questions, please don't hesitate to contact me by phone or email.

Best Regards,

A handwritten signature in black ink, appearing to read "John M. Morris".

John M. Morris
County Attorney

CC: Marzy Marziano, Community Development Director



ROCKINGHAM COUNTY
GOVERNMENTAL CENTER
Community Development Department

June 12, 2020

To: Tony Harrell
From: Carrie Spencer

County Exhibit B

Re: Zoning Verification

The following correspondence has been prepared regarding a property located within the zoning jurisdiction of Rockingham County and described as:

Tax PIN: 794100495944
Parcel Number: 127086
Address: 741 and 743 Hudson Road, Summerfield
Plat: Book 28 Page 594, Lot 1

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Any additional uses outside the scope described here, and any changes to the site plan associated with the Special Use Permit, must be requested through this office.

Regards,

Carrie Spencer, AICP
Director, Community Development

cc: [redacted] Site Plan
[redacted] Definition
Rural Family Occupation Standards

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

Telephone: (336) 342-8170/8117 | Fax: (336) 342-8362

5225
1500
1200
375
2N

2485

12

2017 NAICS Definition

County Exhibit C

Sector 23 -- Construction^T

238 Specialty Trade Contractors^T

The Specialty Trade Contractors subsector comprises establishments whose primary activity is performing specific activities (e.g., pouring concrete, site preparation, plumbing, painting, and electrical work) involved in building construction or other activities that are similar for all types of construction, but that are not responsible for the entire project. The work performed may include new work, additions, alterations, maintenance, and repairs. The production work performed by establishments in this subsector is usually subcontracted from establishments of the general contractor type or for-sale builders, but especially in remodeling and repair construction, work also may be done directly for the owner of the property. Specialty trade contractors usually perform most of their work at the construction site, although they may have shops where they perform prefabrication and other work. Establishments primarily engaged in preparing sites for new construction are also included in this subsector.

There are substantial differences in types of equipment, work force skills, and other inputs required by specialty trade contractors. Establishments in this subsector are classified based on the underlying production function for the specialty trade in which they specialize. Throughout the Specialty Trade Contractors subsector, establishments commonly provide both the parts and labor required to complete work. For example, electrical contractors supply the current-carrying and noncurrent-carrying wiring devices that are required to install a circuit. Plumbing, heating, and air-conditioning contractors also supply the parts required to complete a contract.

Establishments that specialize in activities primarily related to heavy and civil engineering construction that are not normally performed on buildings, such as the painting of lines on highways, are classified in Subsector 237, Heavy and Civil Engineering Construction.

Establishments that are primarily engaged in selling construction materials are classified in Sector 42, Wholesale Trade, or Sector 44-45, Retail Trade, based on the characteristics of the selling unit.

Use.: **Rural Family Occupations of Nonagricultural/Commercial Nature**

Special Use District: RA

Approved By: Planning Board

Minimum Lot Size: 3 acres *was originally approved for less than 3 acres, so this is OK.*

Other Requirements: Owner must reside on property on which business is located

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

Business use must be set back at least 100 ft. from road right-of-ways

Business use shall not create any noxious fumes, odors, traffic congestion or other nuisance factors

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

Signs: Type sign: Identification Permitted number: 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.



ROCKINGHAM COUNTY

GOVERNMENTAL CENTER

Department of Community Development

Subject: 741 Hudson Complaint
RE: Action Report and Determination
Date: February 4, 2022

County Exhibit D

Summary

On Friday, January 10, 2022, David Hyatt met with Lynn Cochran, Senior Planner, to make a complaint regarding the business located at 741 Hudson Road, directly adjacent to Mr. Hyatt's property. The complaint involved asking how he was able to have a business at this location. Mr. Cochran brought me in on the discussion and we went to looking into the matter. We did find a folder and minutes that established a special use permit for the property in 1988. We told Mr. Hyatt that we would further investigate the complaint.

On Thursday, January 13, 2022, Ms. Adriana Hasiu met with me and Mr. Cochran. She is the neighbor directly behind the subject address. She too complained about the business.

Collectively, the complaints included the following:

- Operating a business in residential zoned area.
- Living on-site with the business.
- Noise.
- New equipment added without a permit/inspection.
- Dumpster in plain sight.
- Parking blocking the driveway.
- Environmental concerns.
- Other items of a civil or personal nature.

Mr. Cochran and I both began investigating these issues. We began by looking through our files for special use permits and minutes of the Planning Board. We consulted with Mr. Ben Curry, Chief Code Enforcement Officer, regarding previous complain made by the neighbor at 761 Hudson Road against the subject property and the results of that investigation. We interviewed Mr. Anthony Harrell, the current property/business owner. Mr. Mark Langel, Chief Building Inspector, investigated the property. Site visits were conducted by Planning and Code Enforcement staff. I consulted with the County Attorney just to clarify my investigation process and seek his advice on how to proceed with this inquiry.

Findings



ROCKINGHAM COUNTY

GOVERNMENTAL CENTER

Department of Community Development

Operating a Business in Residential Zoned Area

- Through our investigations, we turned up documentation related to the establishment of the original special use permit. This permit does indicate that the property was permitted for Contractor Sales & Storage.
- Further, during a previous complaint by the neighbor at 761 Hudson Road, Carrie Spencer, former Community Development Director for Rockingham County, made the determination that the existing business was compliant with the original special use permit and further clarified the use as a Rural Family Occupation and that the current operations did indeed meet the criteria of contractor sales and storage through “Specialty Trade Contractors” definitions.
- I agree with Mrs. Spencer’s determination. Mr. Harrell’s use of the property is compliant with the special use permit.

Living On-Site with the Business

- As established by Mrs. Spencer’s determination above, Mr. Harrell’s occupation of the property as a residence is compliant with the special use permit.

Noise

- I was presented with a recording by Ms. Hasiu she displayed on her personal phone of the noise coming from the property. Mr. Cochran and I both advised Ms. Hasiu of the noise regulations for the County and instructed her to contact the Sheriff’s office for a complaint of this nature.
- I have driven by to listen for myself. While there is some noise, I do not believe it is occurring outside normal business hours. Further, as I am not an expert, I cannot say if the noise is a violation of the County ordinances.
- Deputy Wall in Code Enforcement mentioned that he did not feel the noise would violate the County’s ordinances when he investigated the site.
- No violation of the UDO was determined from this complaint.

New Equipment Added Without a Permit/Inspection

- Mr. Langel inspected the property and discussed the equipment with Mr. Harrell.
- Mr. Harrell informed Mr. Langel that the equipment was a replacement of existing equipment.
- Mr. Langel determined that an electrical permit would be needed to reach compliance.
- Mr. Harrell declared that he would be applying for said permit (as of this writing it has not been applied for).

Dumpster in Plain Sight



ROCKINGHAM COUNTY

GOVERNMENTAL CENTER

Department of Community Development

- Ms. Hasiu displayed pictures regarding the dumpster for the business was in full display. This was a violation of the special use permit, specifically condition number 3. During our conversations with Mr. Harrell, we addressed this issue. He has since placed the dumpster back behind the building and out of view of the public. The fence constructed by Ms. Hasiu and the layout of the buildings screens the dumpster from view of the adjacent properties as best staff has been able to determine.
- Violation was determined but has been brought into compliance.

Parking Blocking the Driveway

- Ms. Hasiu complained about vehicles parked in her access to her home. While our site visits did not show this to be the case, by her own admission, the fence she erected solved this issue.

Environmental Concerns

- Mr. Hyatt addressed some air quality and water run-off concerns with Mr. Cochran. He was given the information for the Winston-Salem office for NCDEQ to relay these concerns as they are the relevant authority.
- No action needed by Community Development.

Other Items of a Civil or Personal Nature.

- We advised that civil action would be their best route for complaints of this nature.
- No action needed by Community Development.

Determination

Based on the County's investigations the following determinations are being made regarding the complaints:

- The use of the property appears to be compliant with the special use permit.
- An electrical permit is needed for the recently replaced equipment.

Once the electrical permit is obtained and the work passes inspection, the property will be in full compliance.

Report Created By

A handwritten signature in red ink that reads "Hiram J. Marziano, II".

Hiram J. Marziano, II
Community Development Director

**ROCKINGHAM COUNTY COMMUNITY DEVELOPMENT
STAFF REPORT: PLANNING BOARD
CASE 2022-21: ZONING MAP AMENDMENT (REZONING)**



Request: A request for **Rezoning from Residential Protected (RP) to Highway Commercial (HC)**

Applicant: Rick Morris

Identification: Tax PINs: 8913-00-43-2946, 8913-00-44-1201, 8913-00-44-0440, and 8913-00-44-2270

Location: 3847 & 3867 NC Highway 87 – Reidsville Township

1. Acreage and Location of Parcel:

This request involves four (4) parcels of land comprising approximately 3.36 acres of land, roughly one-half mile south of the Reidsville ETJ boundary and just under one mile from the eastern Reidsville ETJ boundary.

2. Utilities: These parcels will be served by public water and individual septic system wastewater disposal.

3. Zoning Classification of Uses of Surrounding Parcels:

This parcel directly abuts others that are zoned Residential Protected (RP) and Residential Agricultural (RA). Nearby parcels are zoned for Neighborhood Commercial (NC), Heavy Industrial (HI), and Office Institutional (OI) uses. Zoning districts located in nearby Reidsville are primarily industrial in nature. One Highway Commercial (HC) zoned parcel is located about half a mile to the northwest along NC Highway 87 in Rockingham County. An additional Neighborhood Commercial (NC) zoned parcel is located directly across the intersection of NC Highway 87 and Holiday Loop.

4. Land Use Plan:

- a. This parcel is located in the G-1 Land Class according to the *Rockingham County Comprehensive Land Use Plan*. This land class is characterized by low density residential development, and commercial uses located at targeted crossroads. This parcel sits directly adjacent to an identified commercial node at the intersection of NC Highway 87 and Freeway Dr.
- b. “Areas located within the G-1 transect are [generally] rural, but are located near strategic intersections where neighborhood commercial could be appropriate.” p. 48
- c. Economic Goal 2.2 ”Encourage new and expanding businesses including small business...” p. 92

5. Previous Zoning History:

1988: These properties were zoned Residential Protected (RP). Of note, there are two legal nonconforming commercial uses present at 3847 & 3867 NC Highway 87. These have been in operation since before the institution of zoning in Rockingham County. The uses include a commercial automobile garage.

6. Staff Notes and Analysis:

The following factors were considered by the staff before making a recommendation:

- a. ***The size of the tracts in question.*** The size of each parcel requested for rezoning exceeds the minimum lot size of 20,000 square feet in the Highway Commercial (HC) District and are of typical size for the area.
- b. ***The compatibility of the zoning action with the comprehensive plan.*** *The Rockingham County Land Use Plan* encourages neighborhood commercial uses at targeted crossroads in the G-1 land class across the county. Highway commercial uses are not specifically discouraged in the G-1 land class, nor are they explicitly supported. The long history of legal nonconforming commercial uses of a highway commercial nature on two of these four parcels supports the request for rezoning to Highway Commercial (HC)
- 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 will allow all uses in

the Highway Commercial (HC) zoning district. Potentially, the applicant and owner of these parcels may benefit from the allowed uses enabled by this rezoning. The nearby community may receive benefits from the commercial services allowed in the district. The road network at this intersection supports commercial uses. And, given the history of legal nonconforming commercial uses among these parcels, rezoning to Highway Commercial (HC) will pose very minimal impacts from the change in zoning status.

- d. ***The relationship between the uses envisioned with the rezoning and the uses currently present in adjacent tracts.*** Uses among adjacent parcels are primarily residential with industrial, neighborhood commercial and institutional (place of worship) uses very close by. Commercial uses are already present among the subject parcels and have been in place for some time. The nature of mixed zoning among nearby parcels suggests that this rezoning will not be incompatible with current uses in the area. If this rezoning is approved any development will be subject to the non-residential development standards contained in the *Rockingham County Unified Development Ordinance*.

7. Staff Recommendations:

After reviewing the application, Staff concludes that the application is complete and that sufficient information has been provided for the Planning Board and Board of Commissioners to consider the request. As a whole, the *Rockingham County Comprehensive Land Use Plan*, future land use map and present conditions support this request. This is a non-conditional “straight” rezoning request. Therefore, no specific uses or conditions may be considered or required when making the decision to approve or deny this request.

Based on analysis, Staff recommends approval of Case #2022-21, a request for a Rezoning from Residential Protected (RP) to Highway Commercial (HC).

ZAMEND 2022 - 0020



ROCKINGHAM COUNTY

Community Development

APPLICATION FOR ZONING MAP AMENDMENT

Property Address: 3847 & 3867 NC 87
 Parcel No / Tax Pins(s): 8913-00-43-0746; 8913-00-44-1201; 8913-00-44-2270;
 Current District including overlays: RECREATIONAL PROTECTED 8913-00-44-0440
 Acreage requested for rezoning: 2.87 (attach legal description if acreage represents a portion of a parcel)

Owner: Thomas Sharpe, Debbie Sharpe, Richard Isaacs, and Tera Peggam Isaacs
 Mailing Address: 2544 Holiday Loop Reidsville, NC 27320 & 800 Lake Lenoir Road Reidsville, NC 27320
 Telephone: _____ email: _____

Applicant: Rick Morris
 Mailing address: 361 VERNON ROAD REIDSVILLE NC 27320
 Telephone: 336 520 2598 email: Morris pm 2019@yahoo.com

Proposed District including overlays: HIGHWAY COMMERCIAL

[Signature]
 Signature of Applicant/Owner (circle)

[Signature]
 Signature of Applicant/Owner (circle)
Rep

OR

Proposed Conditional District including overlays: _____

- The conditions I am proposing are attached
- The site plan I am proposing is attached

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

 Signature of Owner

 Signature of Owner

NOTARIZE SIGNATURES BELOW IF NOT WITNESSED BY STAFF

_____ County, North Carolina

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

 Notary Signature

 Notary Printed Name

My Commission Expires: _____

(Office Use Only)

<input type="radio"/> legal description of area <input type="radio"/> all owner signatures <input type="radio"/> fees	Case Number: _____
	Date of Planning Board Hearing _____
	Date of Board of Commissioners Hearing _____
Planning Board Recommendation: Approve () Deny () Vote: _____	
Board of Commissioners Decision: Approve () Deny () Vote: _____	



ROCKINGHAM COUNTY

Community Development

APPLICATION FOR NON-CONDITIONAL ZONING MAP AMENDMENT

Applicant Certification of Owner

I, Rick Morris, applicant to rezone the property(ies) denoted by Rockingham County

Tax PIN(s) # 8913-00-43-2946, # 8913-00-44-1201, # 8913-00-44-2270
8913-00-44-0440

do hereby certify that all owners of the parcel(s) of land as shown on the county tax listing have received actual notice of the proposed amendment and a copy of the notice of the hearing pursuant to § 160D-602.

Signature

9-8-2022

Date

361 VERNON ROAD

Mailing Address

REIDSVILLE NC 27320

City, State, Zip

336 520-2598

Phone Number

SIGNED IN FRONT OF
STAFF. NO NOTARY
REQUIRED -
HML
9/8/22

Notarial Certificate

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

Name(s) of principal(s).

Date: _____

Official Signature of Notary

_____, Notary Public
Notary's printed or typed name

(Official Seal)

My commission expires: _____



ROCKINGHAM COUNTY

GOVERNMENTAL CENTER

Community Development Department

APPLICATION FOR ZONING MAP AMENDMENT

Owner Signature

(complete one for each owner)

Tena Pegram Isaacs
Tena Pegram Isaacs

owner of the property denoted by Rockingham

County Tax PIN(s) # 8913-00-44-0440, 8913-00-44-2270, 8913-00-44-1201, 8913-00-43-2946, ~~8913-00-43-0214~~

~~8913-00-43-0214~~ do hereby request that the property be rezoned from Residential Protected

(RP) to Highway Commercial (HC). I feel this will serve my best interests.

Tena Pegram Isaacs
Signature

9-7-22
Date

800 LAKE LEMAR Road
Mailing Address

REIDSVILLE
City, State, Zip

NC - 27320
City, State, Zip

Phone Number
336-432-7108

[Signature]
Staff Signature

Notarial Certification

Rockingham County, North Carolina

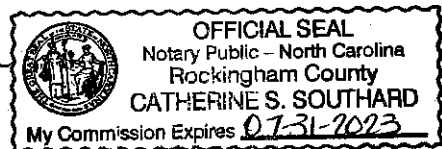
I certify that Tena Pegram Isaacs personally appeared before me this the 7 day of Sept, 2022

and acknowledged the due execution of the foregoing instrument.

Notary Signature: Catherine S. Southard

Notary Printed Name Catherine S. Southard

My Commission Expires: 07-31-2023



(Seal)



ROCKINGHAM COUNTY

GOVERNMENTAL CENTER

Community Development Department

APPLICATION FOR ZONING MAP AMENDMENT

Owner Signature

(complete one for each owner)

I, Richard Isaacs, owner of the property denoted by Rockingham

County Tax PIN(s) # 8913-00-44-0440, 8913-00-44-2270, 8913-00-44-1201, 8913-00-43-2946, and a

~~portion of 8913-00-45-0144~~ do hereby request that the property be rezoned from Residential Protected

(RP) to Highway Commercial (HC). I feel this will serve my best interests.

Richard Isaacs
Signature

Sept. 7, 2022
Date

800 Lake Lenoir Rd
Mailing Address

Reidsville, N.C. 27320
City, State, Zip

336-432-7113
Phone Number

[Signature]
Staff Signature

Notarial Certification

Rockingham County, North Carolina

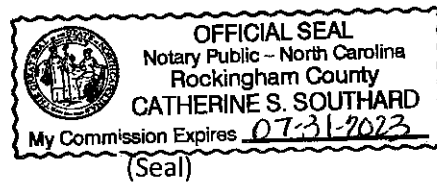
I certify that Richard Isaacs personally appeared before me this the 7 day of Sept, 2022

and acknowledged the due execution of the foregoing instrument.

Notary Signature: Catherine S. Southard

Notary Printed Name Catherine S. Southard

My Commission Expires: 07-31-2023





ROCKINGHAM COUNTY

GOVERNMENTAL CENTER

Community Development Department

APPLICATION FOR ZONING MAP AMENDMENT

Owner Signature

(complete one for each owner)

I, Dobie P. Sharpe, owner of the property denoted by Rockingham

County Tax PIN(s) # 8913-00-44-0440, 8913-00-44-2270, 8913-00-44-1201, 8913-00-43-2946, and a

~~8913-00-43-0144~~ do hereby request that the property be rezoned from Residential Protected

(RP) to Highway Commercial (HC). I feel this will serve my best interests.

Dobie P. Sharpe

Signature

2544 Holiday Loop Rd

Mailing Address

Reidsville, NC. 27320

City, State, Zip

336-342-2500

Phone Number

9/6/22

Date

[Signature]

Staff Signature

Notarial Certification

Rockingham County, North Carolina

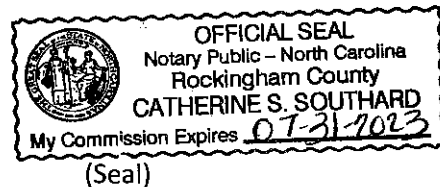
I certify that Dobie P. Sharpe personally appeared before me this the 6 day of Sept, 2022

and acknowledged the due execution of the foregoing instrument.

Notary Signature: Catherine S. Southard

Notary Printed Name Catherine S. Southard

My Commission Expires: 07-31-2023





ROCKINGHAM COUNTY

GOVERNMENTAL CENTER

Community Development Department

APPLICATION FOR ZONING MAP AMENDMENT

Owner Signature

(complete one for each owner)

I, Thomas P. Sharpe, owner of the property denoted by Rockingham

County Tax PIN(s) # 8913-00-44-0440, 8913-00-44-2270, 8913-00-44-1201, 8913-00-43-2946, and a

~~portion of 8913-00-45-0144~~ do hereby request that the property be rezoned from Residential Protected

(RP) to Highway Commercial (HC). I feel this will serve my best interests.

Thomas P. Sharpe

Signature

9-6-22

Date

2544 Holiday Loop

Mailing Address

Reidsville, NC 27320

City, State, Zip

336-932-9516

Phone Number

[Signature]

Staff Signature

Notarial Certification

Rockingham County, North Carolina

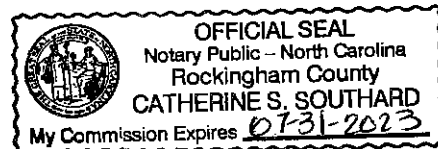
I certify that Thomas P. Sharpe personally appeared before me this the 6 day of Sept, 2022

and acknowledged the due execution of the foregoing instrument.

Notary Signature: Catherine S. Southard

Notary Printed Name Catherine S. Southard

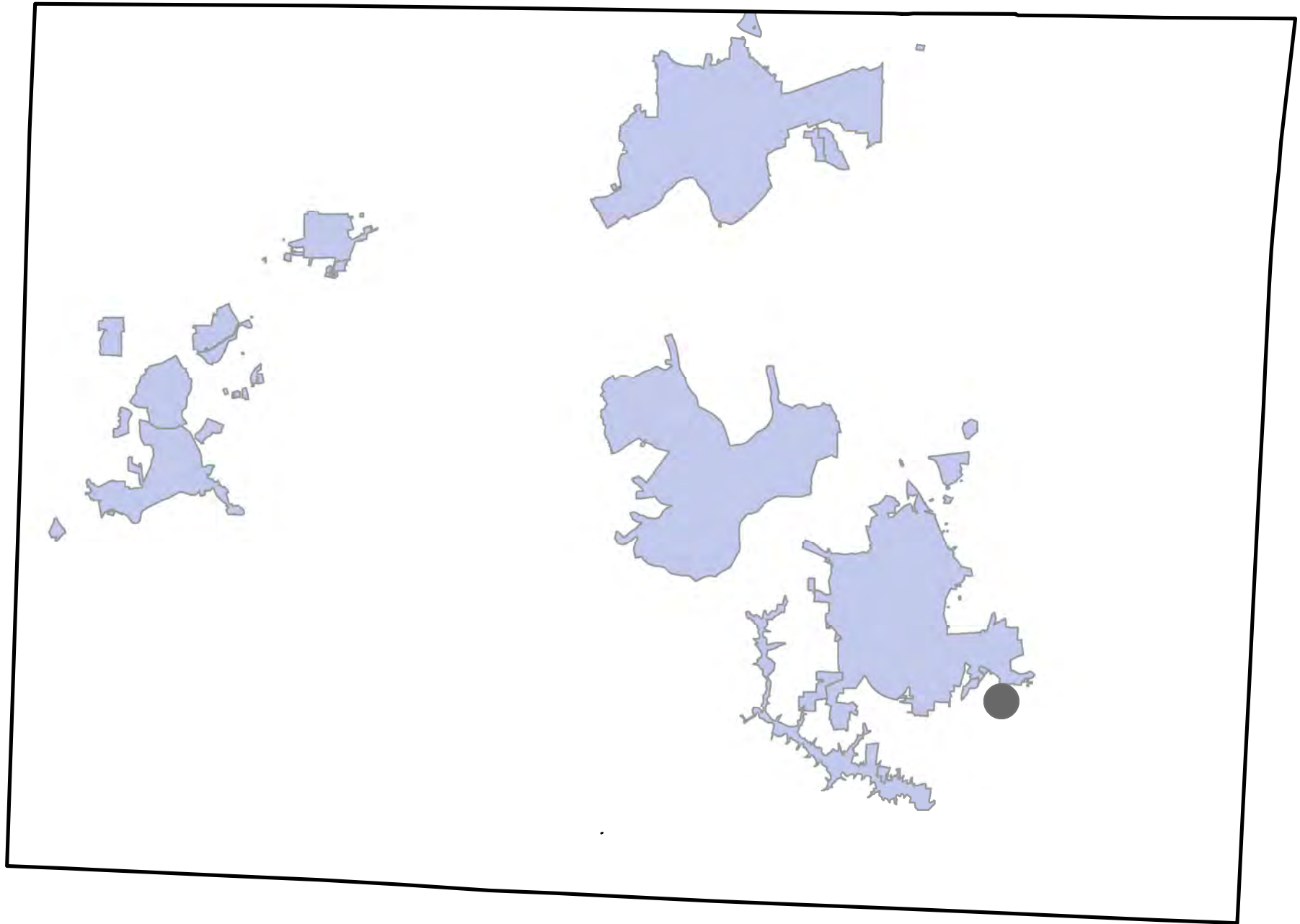
My Commission Expires: 07-31-2023



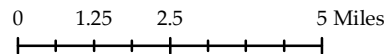
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CASE 2022-01 MORRIS REZ RP to HC VICINITY MAP

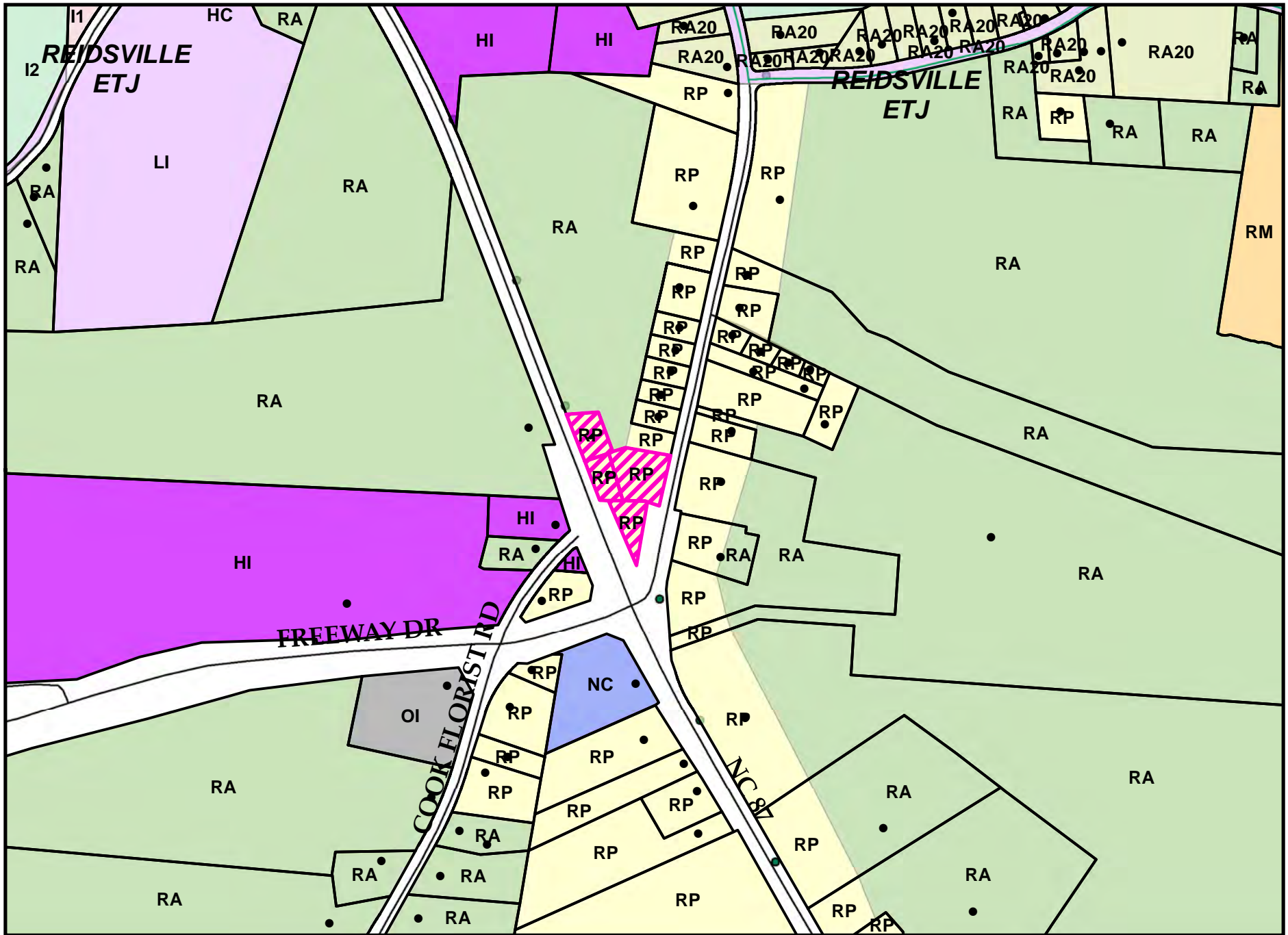


ROCKINGHAM COUNTY COMMUNITY DEVELOPMENT: FOR ILLUSTRATION PURPOSES ONLY

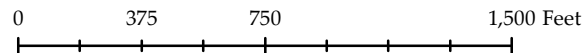




CASE 2022-01 MORRIS REZ RP to HC ZONING MAP

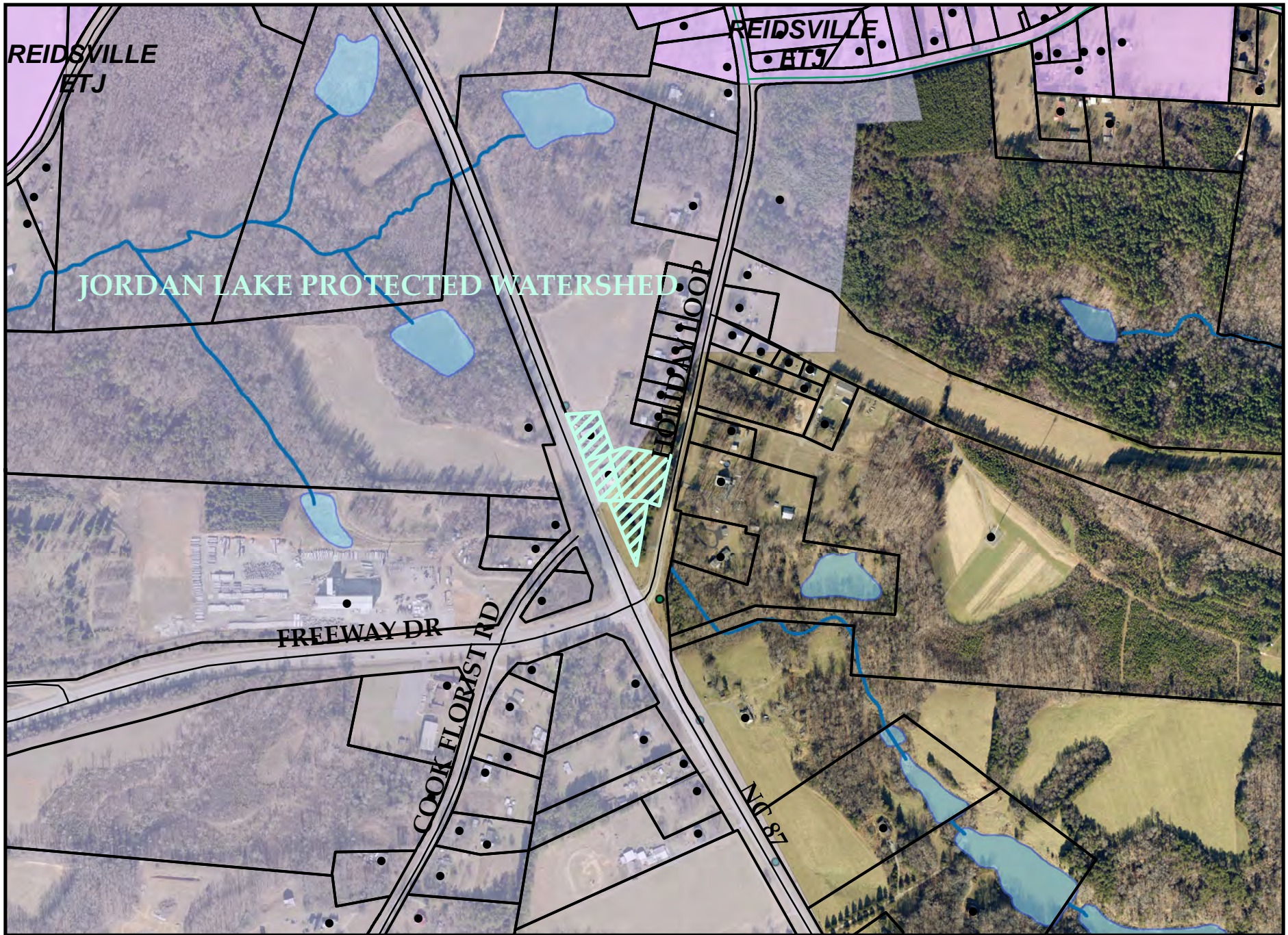


ROCKINGHAM COUNTY COMMUNITY DEVELOPMENT: FOR ILLUSTRATION PURPOSES ONLY

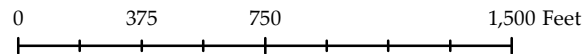




CASE 2022-01 MORRIS REZ RP to HC AREIAL & ENVIRONMENTAL MAP

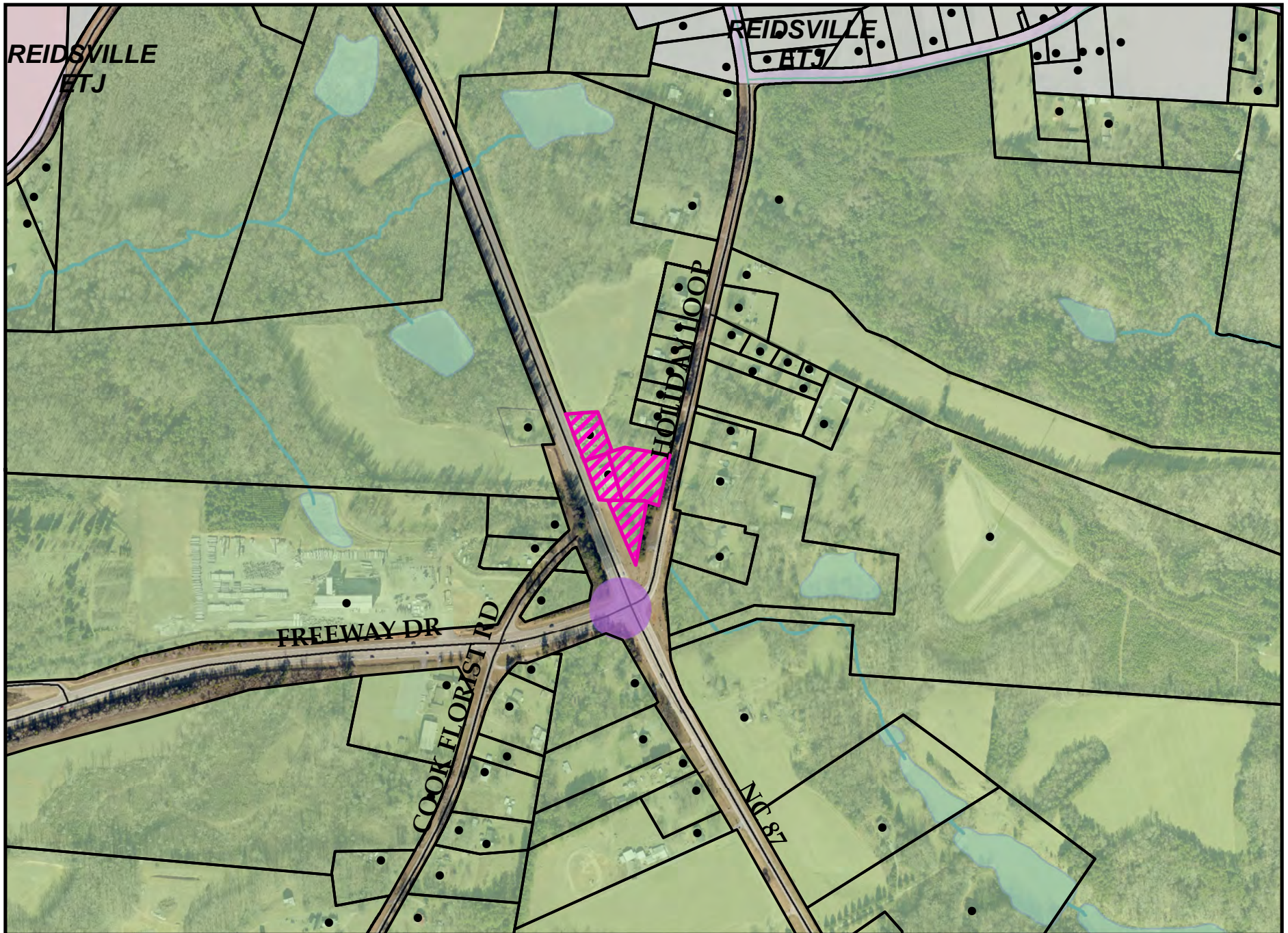


ROCKINGHAM COUNTY COMMUNITY DEVELOPMENT: FOR ILLUSTRATION PURPOSES ONLY

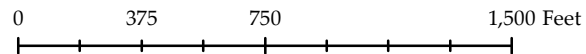




CASE 2022-01 MORRIS REZ RP to HC FUTURE LAND USE MAP (G-1)



ROCKINGHAM COUNTY COMMUNITY DEVELOPMENT: FOR ILLUSTRATION PURPOSES ONLY





**ROCKINGHAM COUNTY
COMMUNITY DEVELOPMENT
CONSISTENCY AND REASONABLENESS DETERMINATION**

The Board has reviewed **Case 2022-21**, rezoning to **Highway Commercial (HC)** and as required by NCGS § 160D makes the following findings:

1. The proposed action is consistent with the adopted *Rockingham County Comprehensive Land Use Plan*. This zoning amendment is supported by the intent and descriptions of the **G-1 Land Class**.
 - A. The permitted uses in the **Highway Commercial (HC)** district are compatible with the character of existing developments on adjacent parcels and in the neighborhood; and
 - B. The proposed rezoning conforms to the guidelines, goals and polices of the *Rockingham County Comprehensive Land Use Plan G-1 Land Class* and future land use map.

2. The proposed action is found to be reasonable because:
 - A. The sizes of the subject parcels are appropriate for the **Highway Commercial (HC)** District as they exceed the minimum lot size necessary in the district and are typical of parcels in the area;
 - B. The proposed uses allowed in the district are appropriate for the land, considering its effect upon the landowners, neighbors and community. Among the subject parcels, two are in use as legal nonconfirming commercial operations at the **Highway Commercial (HC)** scale and have been for some time. These parcels are located adjacent to a targeted crossroads commercial node and at the junction of a major thoroughfare and state highway in the G-1 land class. Development criteria for non-residential uses will mitigate impacts to abutting parcels;
 - C. The subject property abuts others that are currently zoned **Residential Protected (RP)**. Nearby parcels are zoned for a mix of commercial, industrial, institutional, residential and agricultural residential uses. The **Highway Commercial (HC)** district is suited to the zoning characteristics of the area.



**ROCKINGHAM COUNTY
COMMUNITY DEVELOPMENT
DRAFT MOTION TO APPROVE/DENY**

APPROVE

“I make the motion to recommend **APPROVAL** of this rezoning request to rezone the specified parcel(s) 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.”

DENY

“I make the motion to recommend **DENIAL** of this rezoning request to rezone the specified parcel(s) 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.”

**ROCKINGHAM COUNTY COMMUNITY DEVELOPMENT
STAFF REPORT: PLANNING BOARD
CASE 2022-22: ZONING MAP AMENDMENT (REZONING)**



Request: A request for a **Rezoning from Residential Protected (RP) to Residential Agricultural (RA)**.
Applicant: Andrew D. and Tracey Mitchell (owners)
Identification: The property is denoted by Tax PIN: 8901-00-94-3529
Location: 8580 Friendship Church Rd – Williamsburg Township

1. Acreage and Location of Parcel:

(+/-) 1.0 acres (according to Tax Department records) located on Friendship Church Road, near the intersection of US Highway 29 Business and Candy Creek Road (SR 2627).

2. Utilities: This parcel will be served by individual well and septic system.

3. Zoning Classification of Uses of Surrounding Parcels:

This parcel directly abuts others that are zoned Residential Protected (RP) and Residential Agricultural (RA). Nearby zoning districts also include Residential Mixed (RM). The area is characterized by mixed residential uses. Of note, multiple Special Use Permits have been issued over time in this area, allowing a mix of manufactured housing and site-built single family residences.

4. Land Use Plan:

- a. This parcel is located in the G-1 Low Density Growth Land Class according to the *Rockingham County Comprehensive Land Use Plan*. This land class is characterized by low density residential development with mixed housing types.
- b. “Policy G-1(1) encourages “...residential development to be located in areas surrounding existing rural crossroads as identified on the Future Land Use Map.
- c. The G-1 Low Density Growth Land Class stipulates that some zoning classes may be “appropriate to provide for a mix of housing types...”
- d. *The Rockingham County Land Use Plan* suggests that these areas should generally be zoned Residential Agricultural (RA), p 47. Housing variety is targeted as a major goal of the land use plan, p 88.

5. Previous Zoning History:

1988: This property was zoned Residential Protected (RP).

6. Staff Notes and Analysis:

The following factors were considered by the staff before making a recommendation:

- a. ***The size of the tract in question*** (+/-) 1.0 acres. As an existing lot of record, it may be developed with any permitted uses in the approved zoning district, including low-density housing and accessory uses.
- b. ***The compatibility of the zoning action with the comprehensive plan.*** This zoning request is supported by *The Rockingham County Land Use Plan* and future land use map in the G-1 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 will allow all uses in the Residential Agricultural (RA) district, which would have or allow impacts matching those of other parcels in the area. Further, even though this area has a cluster of Residential Protected (RP) zoning, there exists a significant mixture of housing types.
- d. ***The relationship between the uses envisioned under the rezoning and the uses currently present in adjacent tracts.*** The uses allowed in the Residential Agricultural (RA) district are harmonious with uses currently in place in the area. Surrounding parcels feature mixed residential and agricultural uses. Several properties within the immediate area have special use permits for the placement for manufactured homes under previous iterations of the development regulations.

7. Staff Recommendations:

After reviewing the application, Staff concludes that sufficient information has been provided for the Planning Board and Board of Commissioners to consider the request. As a whole, this zoning amendment is in keeping with the intent and descriptions of the G-1 Low Density Growth Land Class of the *Rockingham County Comprehensive Land Use Plan* and future land use map.

Based on analysis, Staff recommends approval of Case #2022-22, a request for a Rezoning from Residential Protected (RP) to Residential Agricultural (RA).



ROCKINGHAM COUNTY
GOVERNMENTAL CENTER
Department of Community Development

APPLICATION FOR ZONING MAP AMENDMENT

Date of Application/Fee: 9/28/2020

Property Address: 8580 Friendship Church Rd

Parcel No / Tax Pins(s): 148333 / 8901-06-94-3529

Current District including overlays: RESIDENTIAL PROTECTED RP

Proposed District (including overlays): RESIDENTIAL AGRICULTURAL RA

Acreage requested for rezoning: 1.0

Township: Williamsburg

Owner(s): Andrew D. Mitchell, Tracey H. Mitchell

Mailing Address: 8580 Friendship Church Rd

Telephone: 336 324-7733 email: Mitchell Dominique ~~1906@gmail.com~~ 1906@gmail.com

Applicant(s): Tracey Mitchell

Mailing Address: 8580 Friendship Church Rd

Telephone: 336-383-8767 email: mitchelltracey59@gmail.com

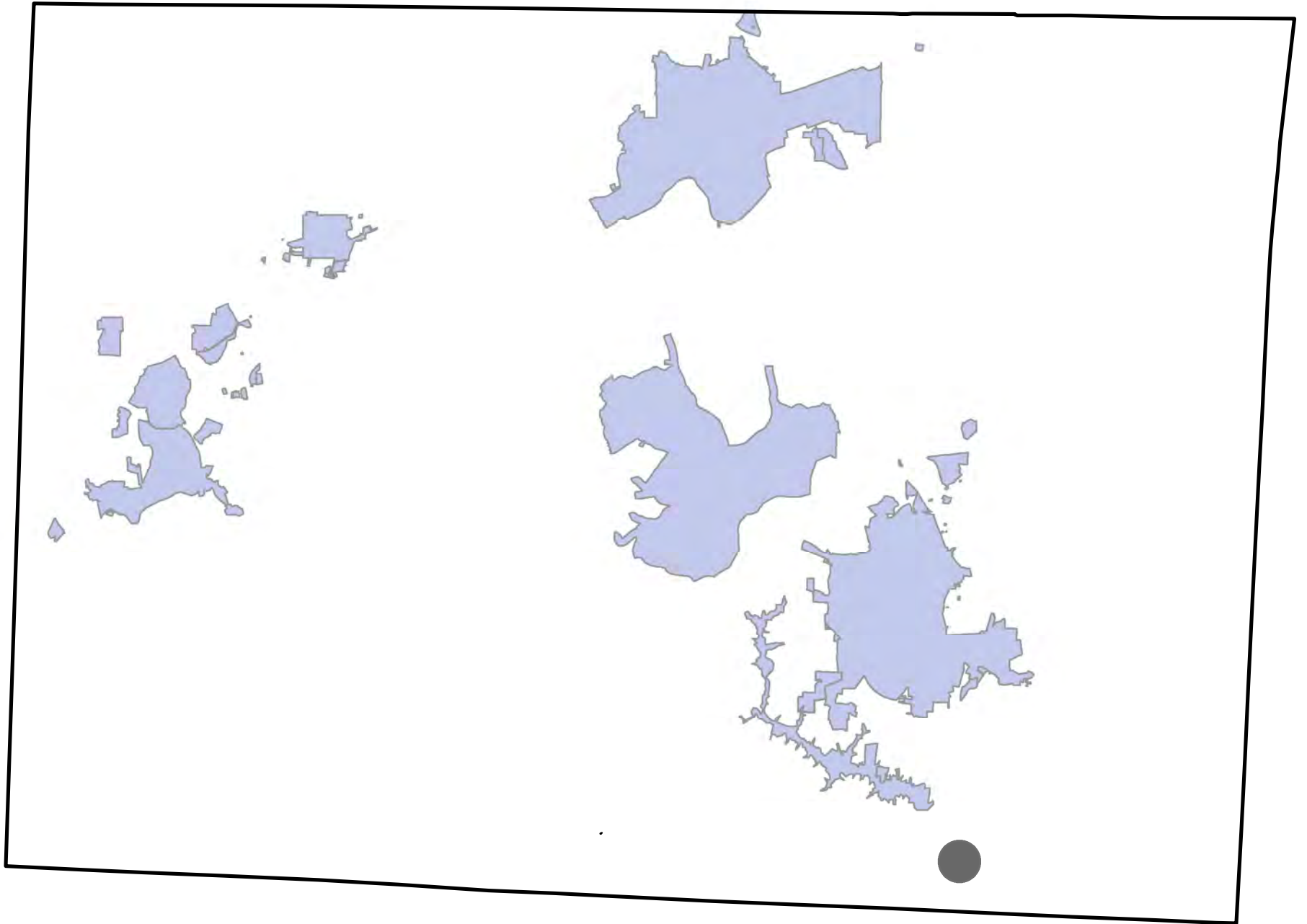
Andrew Mitchell
 Applicant/Owner Signature

Tracey Mitchell
 Applicant/Owner Signature

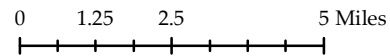
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 Staff Signature



CASE 2022-22 MITCHELL REZ: RP to RA VICINITY MAP

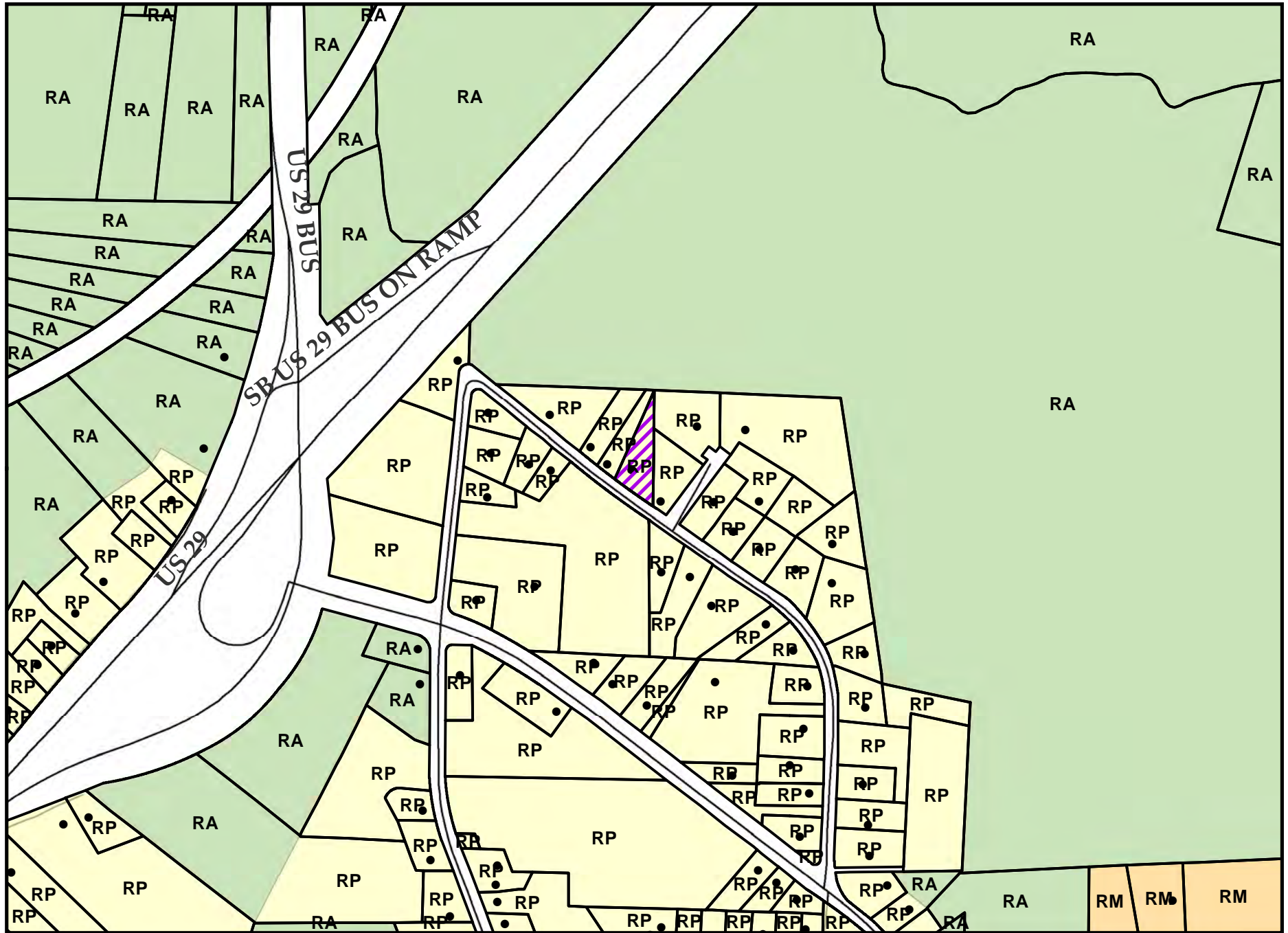


ROCKINGHAM COUNTY COMMUNITY DEVELOPMENT: FOR ILLUSTRATION PURPOSES ONLY

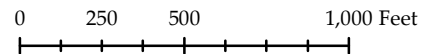




CASE 2022-22 MITCHELL REZ: RP to RA ZONING MAP

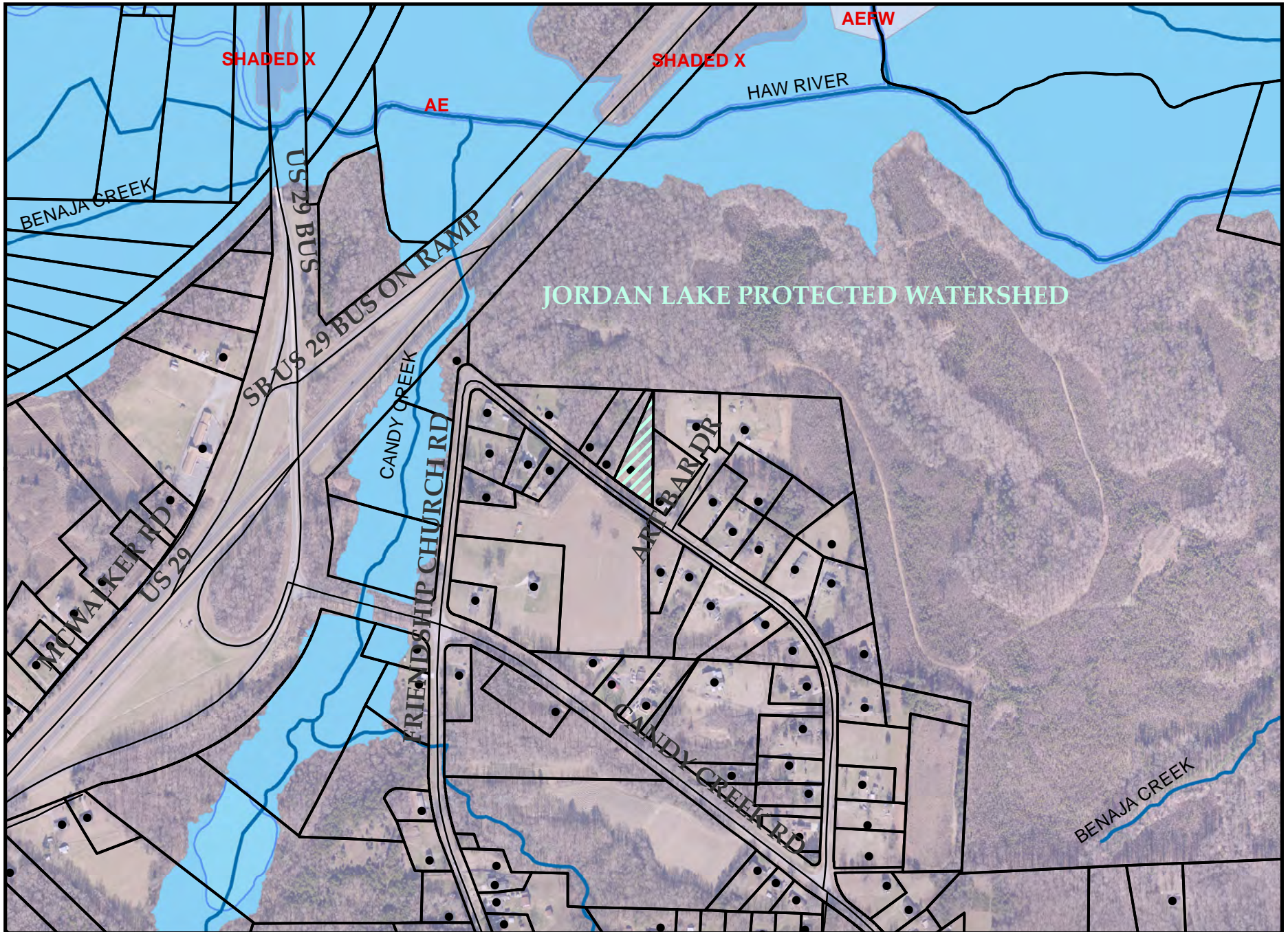


ROCKINGHAM COUNTY COMMUNITY DEVELOPMENT: FOR ILLUSTRATION PURPOSES ONLY

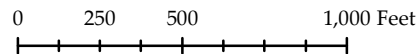




CASE 2022-22 MITCHELL REZ: RP to RA AREIAL & ENVIRONMENTAL MAP

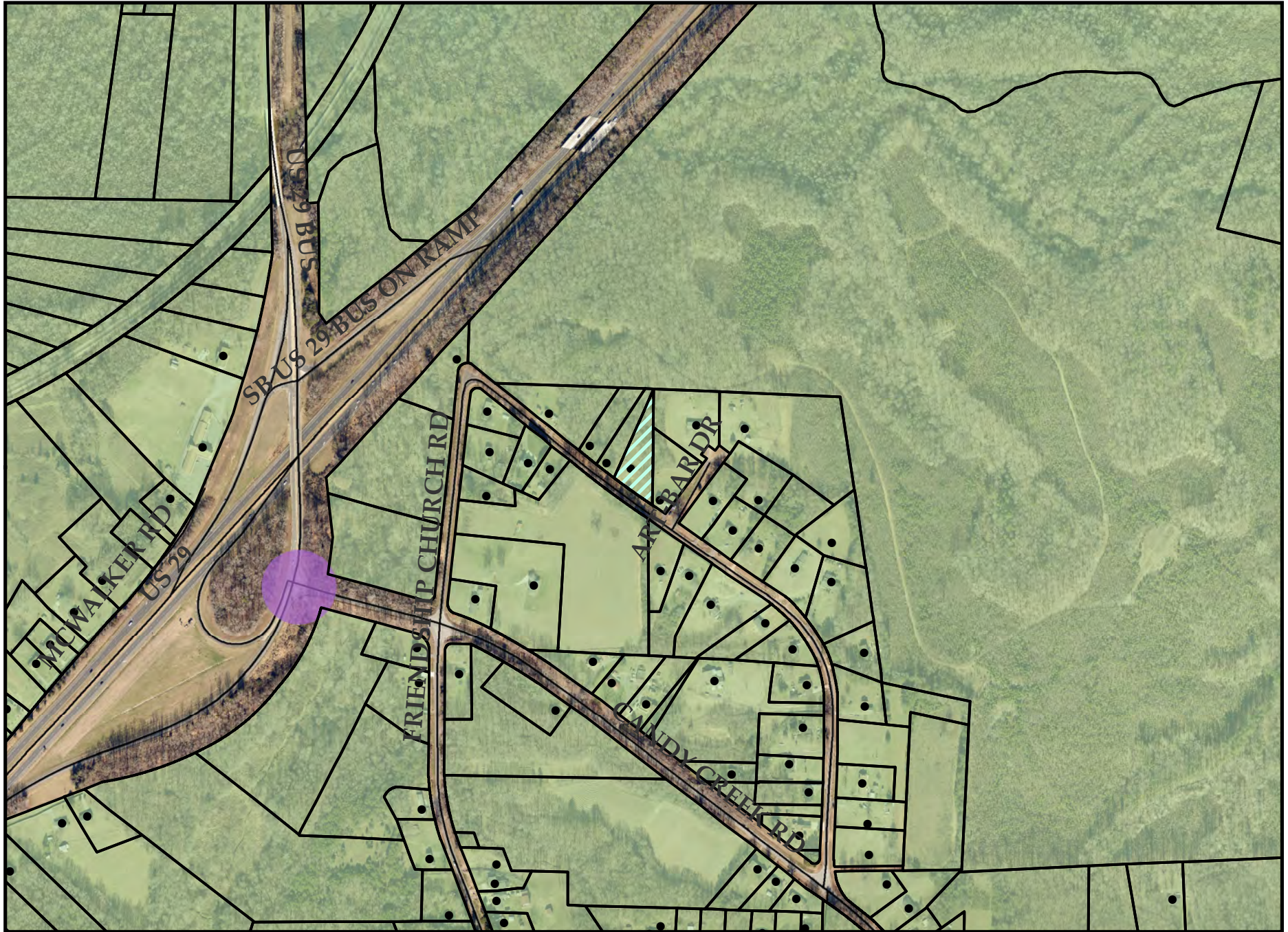


ROCKINGHAM COUNTY COMMUNITY DEVELOPMENT: FOR ILLUSTRATION PURPOSES ONLY

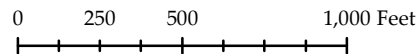




CASE 2022-22 MITCHELL REZ: RP to RA FUTURE LAND USE MAP (G-1)

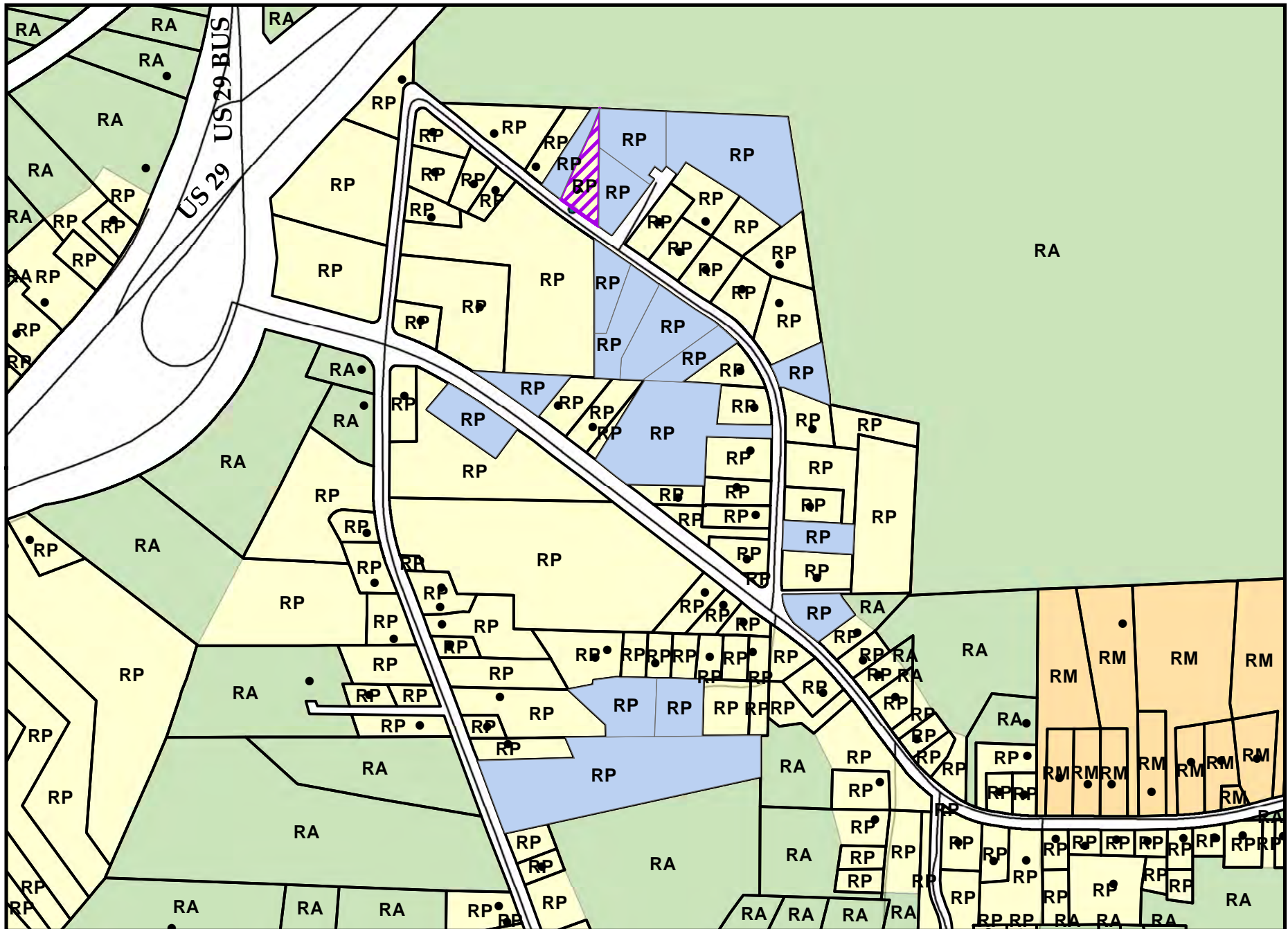


ROCKINGHAM COUNTY COMMUNITY DEVELOPMENT: FOR ILLUSTRATION PURPOSES ONLY

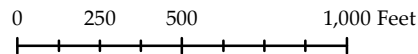




CASE 2022-22 MITCHELL REZ RP to RA
EXISTING SPECIAL USE PERMITS FOR MANUFACTURED HOMES IN RP



ROCKINGHAM COUNTY COMMUNITY DEVELOPMENT: FOR ILLUSTRATION PURPOSES ONLY





**ROCKINGHAM COUNTY
COMMUNITY DEVELOPMENT
CONSISTENCY AND REASONABLENESS DETERMINATION**

The Rockingham County Planning Board has reviewed **Case 2022-22**, rezoning to **Residential Agricultural (RA)** and as required by NCGS § 160D makes the following findings:

1. The proposed action is consistent with the adopted *Rockingham County Comprehensive Land Use Plan*. This zoning amendment is supported by the intent and descriptions of the **G-1 Land Class**.
 - A. The permitted uses in the **Residential Agricultural (RA)** district are compatible with the character of existing developments on adjacent parcels and in the neighborhood;
 - B. The proposed rezoning conforms to the guidelines, goals and polices of the *Rockingham County Comprehensive Land Use Plan G-1 Land Class* and future land use map; and
 - C. *The Rockingham County Land Use Plan* suggests that G-1 areas should generally be zoned Residential Agricultural (RA) and housing variety is targeted as a major goal of the land use plan.

2. The proposed action is found to be reasonable because:
 - A. The size of the parcel is appropriate for the **Residential Agricultural** District;
 - B. The proposed uses allowed in the district are appropriate for the land, considering its effect upon the landowners, neighbors and community;
 - C. The property for the request abuts properties that are currently zoned **Residential Agricultural (RA)** and **Residential Protected (RP)**. Nearby parcels are zoned for a mix of residential uses.



**ROCKINGHAM COUNTY
PLANNING BOARD
DRAFT MOTION TO APPROVE/DENY**

APPROVE

“I make the motion 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.”

DENY

“I make the motion to **RECOMMEND DENIAL** of this rezoning request to rezone the specified parcel on the rezoning application to the requested zoning district counter to 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.”