



**Asheboro Planning Board
Asheboro City Hall (146 N. Church Street)
Monday, September 14, 2020
7:00 PM
AGENDA**

- I. Call to Order
- II. Approval of Minutes from August 3, 2020
- III. Review of Cases
- IV. RZ-20-10: Request to rezone property located at the northern corner of East Allred Street and Gold Hill Road (Randolph County Parcel Identification Number 7762748164) from CU-B2 (Conditional Use General Commercial) to R10 (Medium-Density Residential)
- V. SUB-17-04: Final plat for Robins Nest, Phase 2, Section 1 (Finchley Ct.)
- VI. BOA-20-02: Planning Board Functioning as Board of Adjustment involving request concerning 114 Old Liberty Road.: Variance from Table 200-1 regulating front yard setback
- VII. BOA-20-03: Planning Board Functioning as Board of Adjustment involving request concerning 1129 South Cox Street: Variance from Article 200A(E)(2)(a)(iii)(bb) regulating front yard setback within Tier 3 of Center City Planning Area
- VIII. Items not on the agenda
- IX. Adjournment

MEETING OF THE ASHEBORO PLANNING BOARD
CITY COUNCIL CHAMBERS, 146 N. CHURCH ST.
MONDAY, AUGUST 3, 2020
7:00 p.m.

This being the time and place for the regular meeting of the Asheboro Planning Board, a meeting was held with the following officials and members present:

Van Rich) - Chair
Michael O'Kelley) – Vice Chair

Ritchie Buffkin)
David Henderson) - Members Present
Thomas Rush)
Pamela Vuncannon)

Harold Anderson) – Members Absent

Trevor Nuttall, Community Development Division Director
Jeff Sugg, City Attorney

CALL TO ORDER

Mr. Rich called the Asheboro Planning Board to order.

APPROVAL OF MINUTES FROM JULY 6, 2020

Mr. Rich asked if there were any corrections to the minutes. Hearing no corrections or additions, the minutes were approved as presented.

At this time, Mr. O'Kelley moved to appoint Mr. Trevor Nuttall as acting secretary in the absence of the board secretary. Mr. Buffkin seconded the motion and the motion carried unanimously.

REVIEW OF CASES

Mr. Nuttall reported on the cases which were heard at the regular July City Council meeting.

PRESENTATION OF VIDEO FROM NC LEAGUE OF MUNICIPALITIES CONCERNING CONDITIONAL ZONING

Mr. Nuttall played the above mentioned video presentation for the board. Following the presentation, Mr. Nuttall briefly discussed some of the considerations staff have been reviewing internally and told the board it would be hearing more about this topic over the next year or so.

ITEMS NOT ON THE AGENDA

There were no items.

ADJOURNMENT

With no further business to come before the board, Mr. Rich adjourned the meeting.

Bradley Morton, Planning Board Secretary

Van Rich, Planning Board Chair



RZ-20-10: Request to rezone from CU-B2 (Conditional Use General Commercial) to R10 (Medium-Density Residential): Gold Hill Road and East Allred Street (Randolph County Parcel Identification Number 7762748164)

Staff Report

Rezoning Staff Report

RZ Case # RZ-20-10

Date 9/14/2020 Planning Board

General Information

Applicant Michael Somero

Address 3527 Thayer Rd.

City Asheboro NC 27205

Phone 336-442-3323

Location Northern corner of E. Allred St. and Gold Hill Rd.

Requested Action Rezone from CU-B2 Conditional Use General Commercial to R10 Medium-Density Residential

Existing Zone CU-B2

Existing Land Use Undeveloped

Size 2.07 acres +/- of 2.33 acres +/- total

Pin # 7762748164

Applicant's Reasons as stated on application

To provide house lots, To support the subdivision of the parcel into 5 lots for site built homes. I have spoken to realtors familiar with the property and location and they have confirmed the best use of the property is residential.

Surrounding Land Use

North Medium-Density Residential

East Low-Density Residential/Undeveloped

South Low-Density Residential

West Medium-Density Residential

Zoning History RZ-06-01: 1-5-2006- Property was rezoned to CU-B2. At that time the property consisted of 2.07 acres.

Legal Description

The property of Michael J. Somero and Kenda L. Somero totaling approximately 2.07 acres +/- of 2.33 acres +/- , more specifically defined by Randolph County Parcel Identification Number 7762748164.

Analysis

1. The property is inside the city limits. While city water and sewer are adjacent to the property, any subdivision of the property likely will require the owner to extend public utilities consistent with city policy.
2. Both East Allred Street and Gold Hill Road are state-maintained minor thoroughfares.
3. In 2006, when the property was rezoned from R10 Medium-Density Residential to CU-B2 Conditional Use General Business, no conditional use permit was requested. As the property is currently zoned, any development would require a Conditional Use Permit. Residential uses are generally not permitted in the B2 zoning district.
4. The requested R10 zoning allows for single-family and two-family dwellings if lot size requirements are met.
5. In 2015, Land Development Plan's Proposed Land Use Map changed the proposed designation of the subject property from Village Activity Center to Commercial, to recognize the current CU-B2 zoning. The designation of immediately adjoining property was changed from Urban Residential to Neighborhood Residential. These changes were based on changing development patterns since the 2000 Land Development Plan.
6. The zoning ordinance intent for the general B2 district is "to serve the convenience goods, shoppers goods retail and service needs of the motoring public, both local and transient. This district should always be located with access directly to minor thoroughfares or higher classification streets, but never local residential streets." The requested R10 district is "intended to provide regulations which will produce a moderate intensity of residential uses, usually single family or two family in character and served by central water supply and sewage disposal systems, plus the necessary governmental and other support facilities to service such urban intensity living."

Rezoning Staff Report

RZ Case # **RZ-20-10**

Page 2

Consistency with the 2020 LDP Growth Strategy designations

In reviewing this request, careful consideration is given to each Goal and Policy as outlined in the Land Development Plan. Some Goals and Policies will either support or will not support the request, while others will be neutral or will not apply. Only those Goals and Policies that support or do not support the request will be shown.

Proposed Land Use Map Designation	Commercial
Small Area Plan	East
Growth Strategy Map Designation	Primary Growth

LDP Goals/Policies Which Support Request

Checklist Item #3: The property on which the rezoning district is proposed fits the description of the Zoning Ordinance. (*Article 200, Section 210, Schedule of Statements of Intent*)

Checklist Item #4: The proposed rezoning is compatible with surrounding land uses.

Checklist Item #5: The proposed rezoning is compliant with the objectives of the Growth Strategy Map.

Checklist Items #12 and #13: Property is located outside of watershed , special hazard flood area

Rezoning Staff Report

RZ Case # RZ-20-10

Page 3

LDP Goals/Policies Which Do Not Support Request

Checklist Item 1: Rezoning is not compliant with the Proposed Land Use Map.

Checklist Item #7: The proposed rezoning is not compatible with the applicable Small Area Plan.

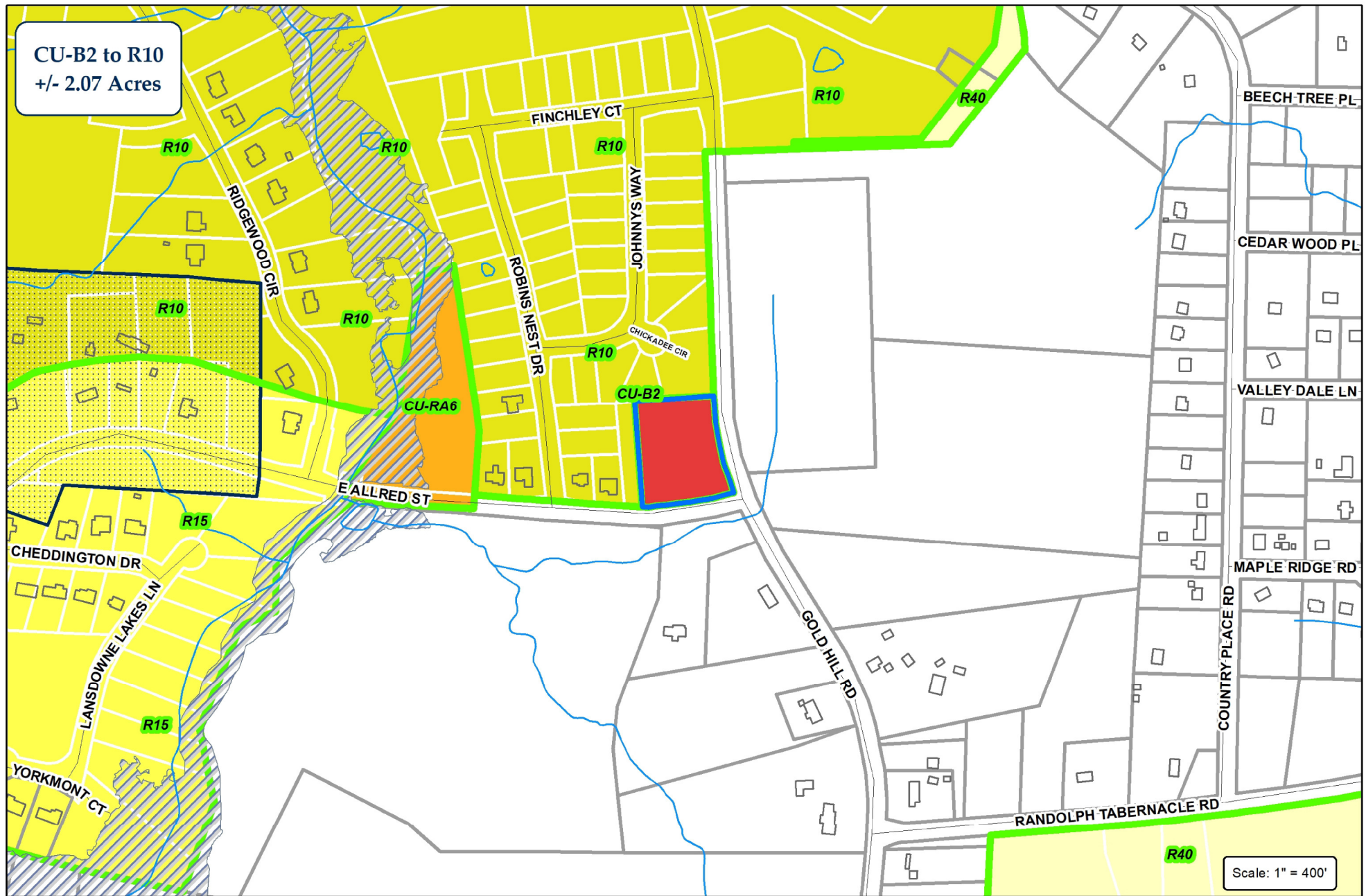
Staff's Final Analysis Concerning Consistency with Adopted Comprehensive Plans, Reasonableness and Public Interest

Medium-Density Residential (R10) zoning was in place prior to the property's zoning designation being changed in 2006. While the Land Development Plan (LDP) proposes commercial use on the property to reflect the 2006 rezoning, there has been no commercial development proposed or approved.

While the LDP Proposed Land Use Map supports accommodating carefully designed commercial uses at this location, a residential designation of the property is not contrary to other goals and policies of the LDP. An R10 designation ensures more certainty in maintaining the residential character consistent with the surrounding established neighborhood, and eliminating the possibility of non-residential development that may not be as compatible with surrounding land uses.

Considering these factors, staff believes that the requested R10 district maintains overall consistency with the Land Development Plan and therefore is reasonable and in the public interest.

Recommendation In light of the above analysis, staff's recommendation is to approve the request.



City of Asheboro Planning & Zoning Department

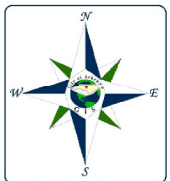
Rezoning Case: RZ-20-10

Parcel: 7762748164 (pt.)

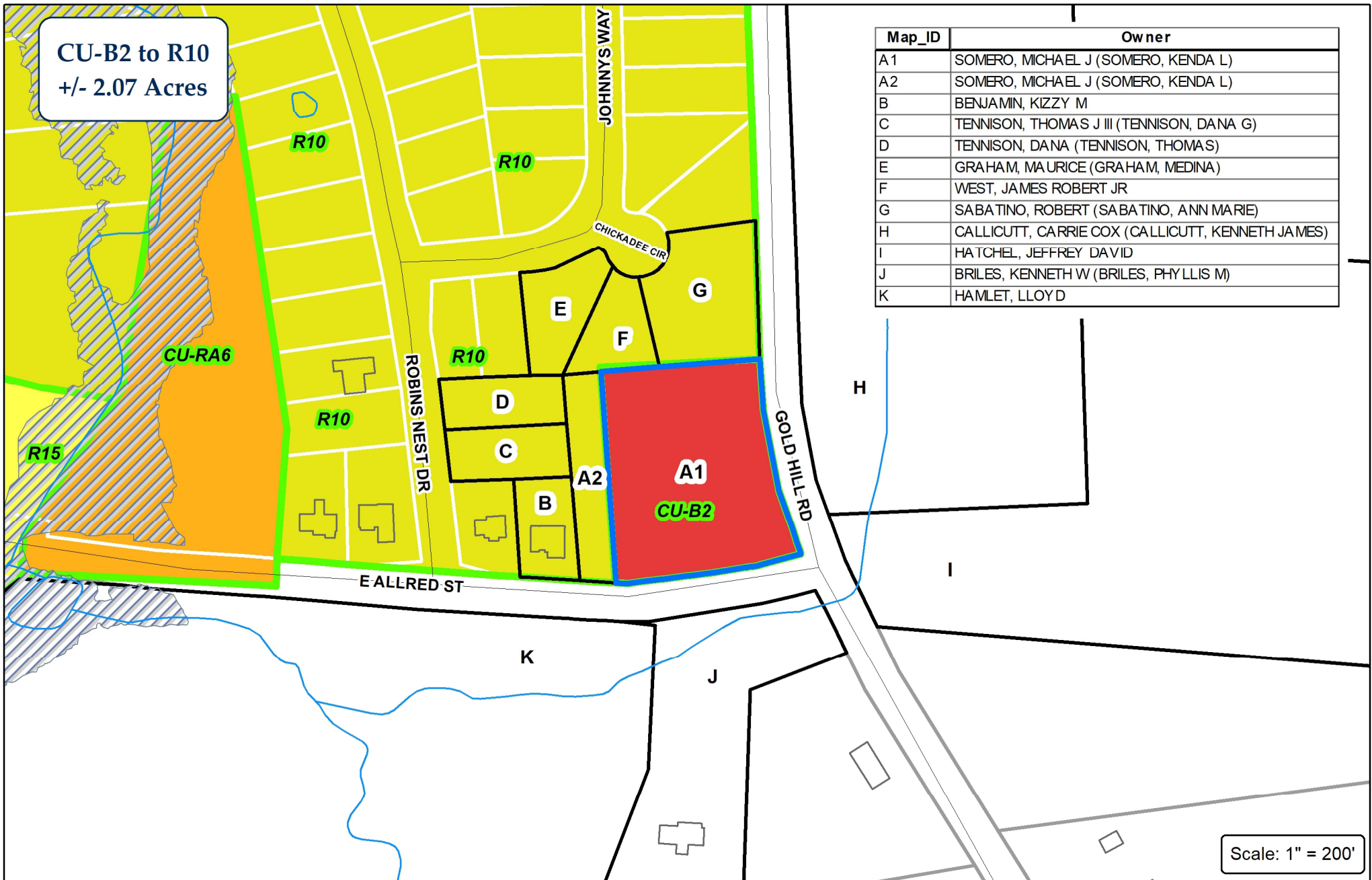


ETJ

Subject Property
Zoning



CU-B2 to R10
+/- 2.07 Acres



Map_ID	Owner
A1	SOMERO, MICHAEL J (SOMERO, KENDA L)
A2	SOMERO, MICHAEL J (SOMERO, KENDA L)
B	BENJAMIN, KIZZY M
C	TENNISON, THOMAS J III (TENNISON, DANA G)
D	TENNISON, DANA (TENNISON, THOMAS)
E	GRAHAM, MAURICE (GRAHAM, MEDINA)
F	WEST, JAMES ROBERT JR
G	SABATINO, ROBERT (SABATINO, ANN MARIE)
H	CALLICUTT, CARRIE COX (CALLICUTT, KENNETH JAMES)
I	HATCHEL, JEFFREY DAVID
J	BRILES, KENNETH W (BRILES, PHYLLIS M)
K	HAMLET, LLOYD

Scale: 1" = 200'

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-20-10

Parcel: 7762748164 (pt.)

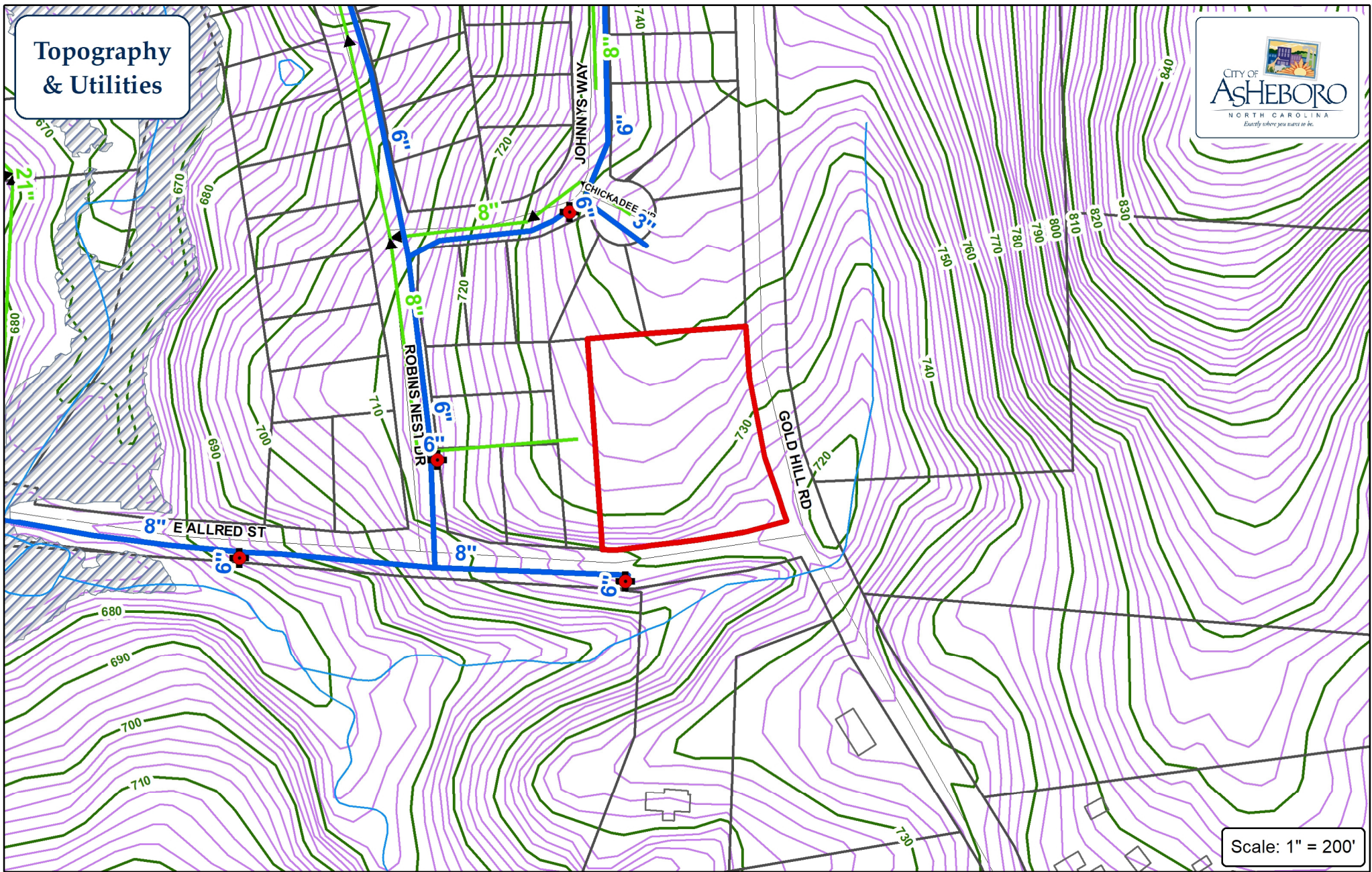


ETJ

- Subject Property
- Adjoining Properties
- Zoning



Topography & Utilities



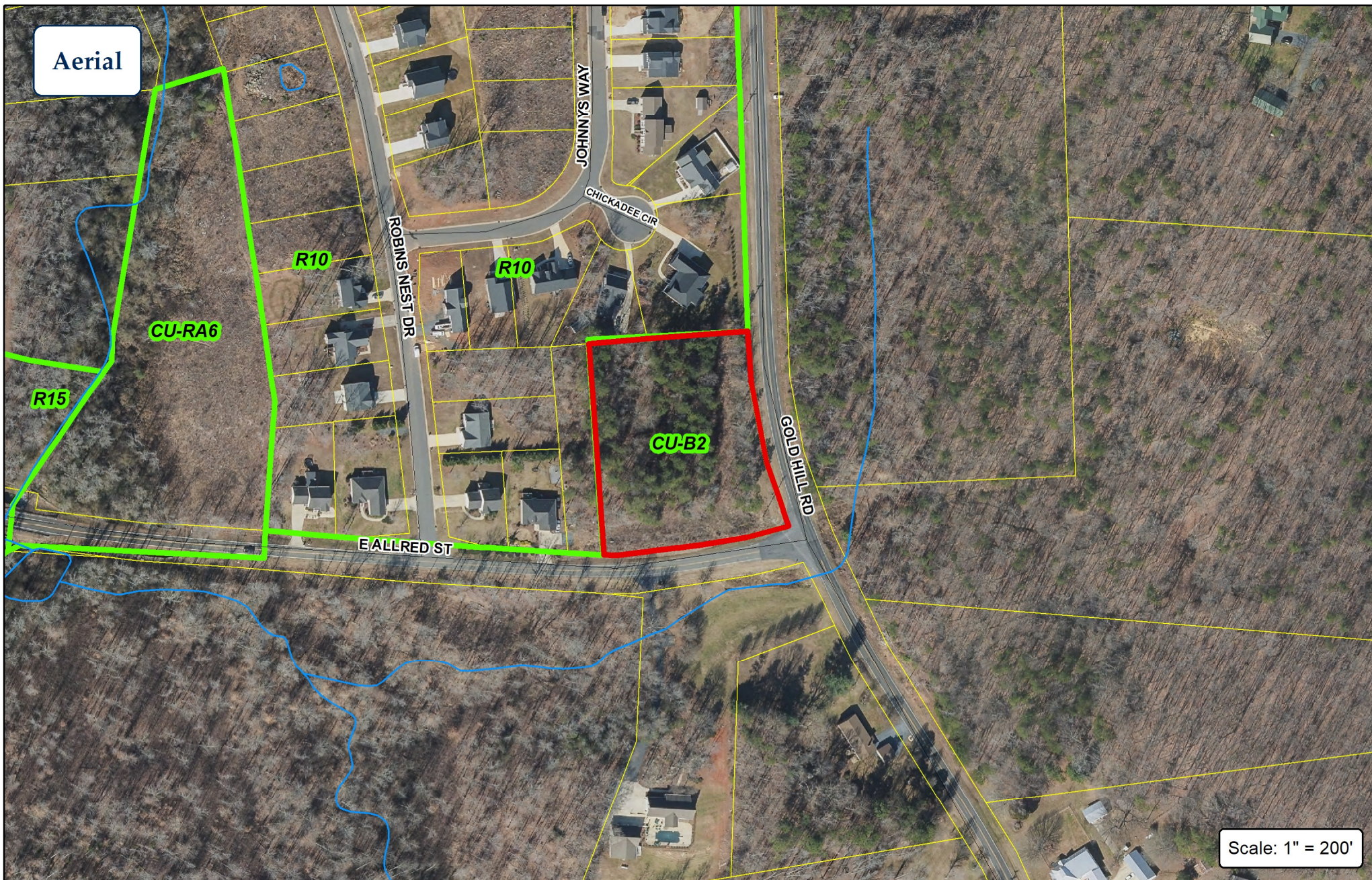
Scale: 1" = 200'

-  Water Main
-  Sewer Main
-  Force Main
-  Fire Hydrant
-  Pump Station

City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-20-10
Parcel: 7762748164 (pt.)

 Subject Property

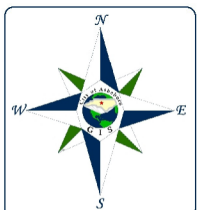
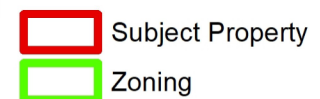




City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-20-10

Parcel: 7762748164 (pt.)



Application for Zoning Ordinance/Map Amendment

APPLICANT INFORMATION

Applicant Michael Somero
Applicant's Phone # 336-442-3323
Applicant's Address 3527 Thayer Rd
Trinity NC 27370
Applicant Email Address mjsomero@gmail.com

PROPERTY INFORMATION FOR MAP AMENDMENTS

Property Owner's Name Michael J & Kenda L Somero
Location of Property Corner of E Allred St and Gold Hill Rd
Property Size (ac. or s.f.) 2.33 ac
Randolph County Property Identification Number (PIN#) 7762748164
Current Zoning District CUB2
Requested Zoning District R10
Date Property Title Acquired (purchased) 11/1/2017
Deed Book 2570 Page 1152
Subdivision Eagles Nest Section Lot # 7C, PT 7B
Plat Book 83 Page 15

ORDINANCE AMENDMENT INFORMATION

Section 1011.2 of the Asheboro Zoning Ordinance requires the applicant to answer the following questions. The application may not be accepted unless all questions are completed.

1. Are there alleged errors in this Ordinance that would be corrected by the proposed amendment? If so, give a detailed explanation of such error and detailed reasons how the proposed amendment will correct the errors.

None

2. What are the changed or changing conditions, if any, in the jurisdiction of the City of Asheboro generally, which would make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare?

To provide house lots

3. In what manner will the proposed amendment carry out the intent of the Land Development Plan?

To support the subdivision of the parcel into 5 lots for site built homes

4. Are there any other circumstances, factors, or reasons that the applicant offers in support of the proposed amendment?

I have spoken to realtors familiar with the property and location and they have confirmed the best use of the property is Residential.

APPLICATION SIGNATURES

It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the need for the proposed amendment rests with the applicant. The applicant for rezoning to any district other than a conditional use district shall be prohibited from offering any testimony or evidence concerning the specific manner in which he or she intends to use or develop the property.

Applicant Signature



Printed Name of Authorized Signatory (if different from Applicant)

Position/Relationship of Authorized Signatory to Applicant

Owner Signature (if different than Applicant)

Owner Address

3527 Thayer RD
Trinity NC 27370

Telephone Number

336 442 3323

Printed Name of Authorized Signatory (if different from Owner)

Position/Relationship of Authorized Signatory to Owner

STAFF USE	
Received by: John Evans	Date: 8-14-2020
Case Number: RZ-20-10	



SUB-17-02: Robins Nest, Phase 2, Section 1
Final Plat

Staff Report

SUBDIVISION STAFF REPORT
Final Plat

CASE # SUB-17-02

Date 9-14-17 Planning
Board; 9-17-20 Council

GENERAL INFORMATION

Subdivision Name Robins Nest Phase 2, Section 1
Requested Action Subdivision Final Plat
Applicant Davidson Land Development, LLC
Address 896 Shiptontown Rd., Lexington, NC 27292
Phone
Location End of Finchley Court, west of Gold Hill Road

PARCEL INFORMATION

PIN 7762750195, 7762658808
Size 45,491 SF/lots + 9,198 **Number of Lots** 3
R/W= 54,689 SF
Existing Zoning R10 **Average Lot Size** 15,164 SF +/-
Existing Land Use Undeveloped

Surrounding Land Use

North	Medium-density residential	East	Medium-density residential
South	Medium-density residential	West	Undeveloped/Floodplain

LAND DEVELOPMENT PLAN

Growth Strategy Map Primary Growth
Proposed Land Use Map Neighborhood Residential
Small Area Plan Map East and Northeast (property is in both)
Identified Activity Center? No

Development Issues

1. The property is located in the city limits. City services are available.
2. The proposal is for the extension of an existing conventional residential subdivision, Robins Nest, Phase 1.
3. Single-family and two-family dwellings are permitted in the R10 zoning district if lot size requirements are met.
4. Two existing entrances serve the development from the existing Phase 1.
5. This section of Robins Nest Phase 2, includes the extension of Finchley Court by approximately 70 feet, ending in a cul de sac.
6. The future development area with access to Finchley Court may be platted as a lot through the minor subdivision at a later date if it meets all applicable zoning and subdivision ordinance requirements. Future phases defined as a major subdivision (extension of public right-of-ways, publicly maintained water, or publicly maintained sewer) will be reviewed under the major subdivision process.

SUBDIVISION STAFF REPORT

Final Plat

DEPARTMENT COMMENTS

Engineering Plat corrections and other comments are pending as of 9-8-2020.

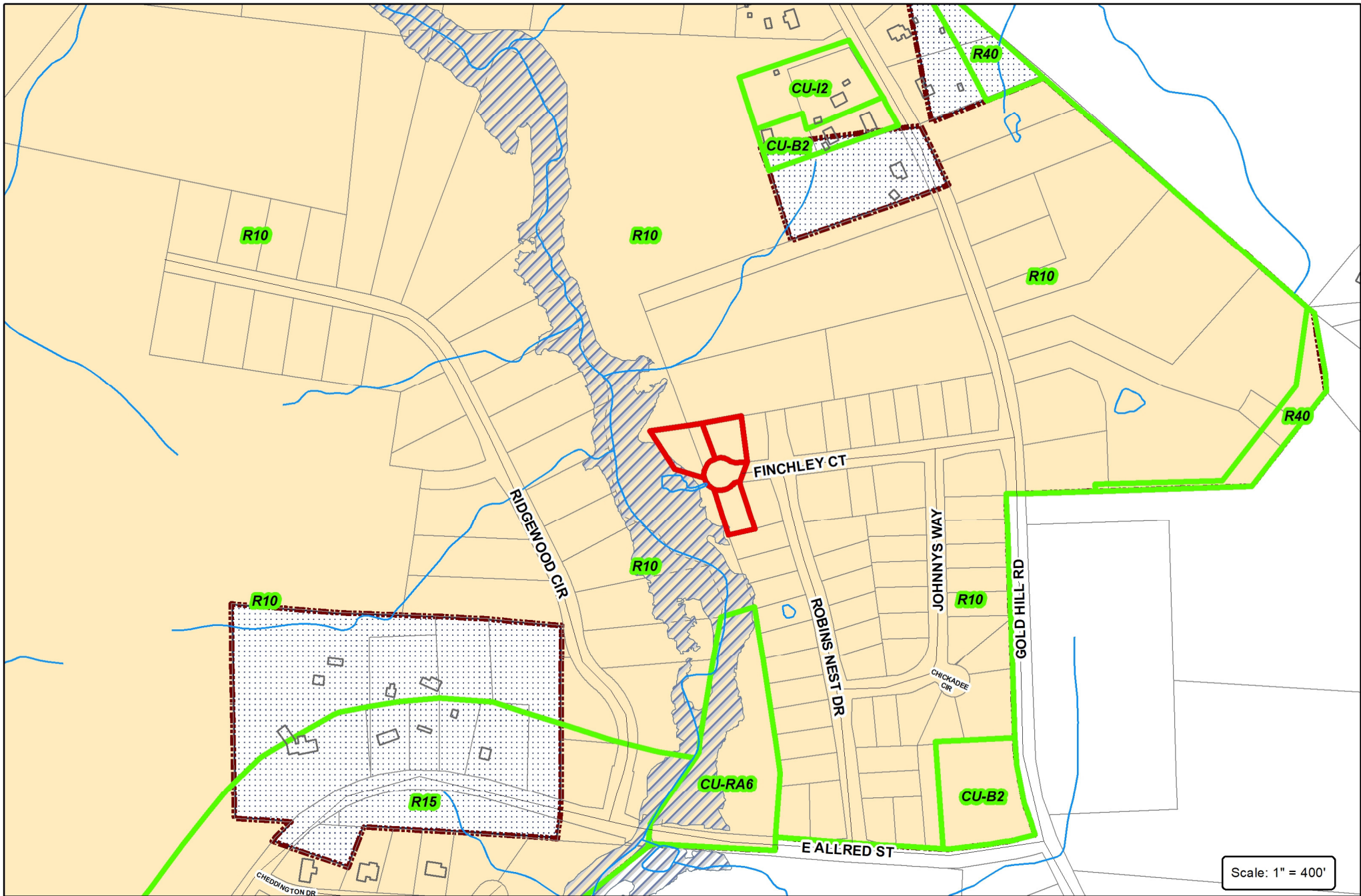
Public Works No comments at this time.

Planning Plat corrections are pending as of 9-8-2020. Other comments include:
1. A phasing plan shall be submitted. Any street ending in a temporary turnaround(s) due to phasing will need to be accessible for sanitation and emergency vehicles.
2. Uncompleted improvements must be guaranteed as allowed by Subdivision Ordinance.
3. A written one year warranty against improvement defects is required.

Other

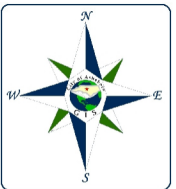
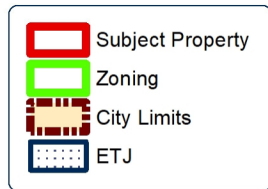
Staff Recommendation Staff's recommendation is pending as of September 2, 2020.

Planning Board Recommendation The Planning Board's review is pending, and will be available after its regular September 14, 2020 meeting.

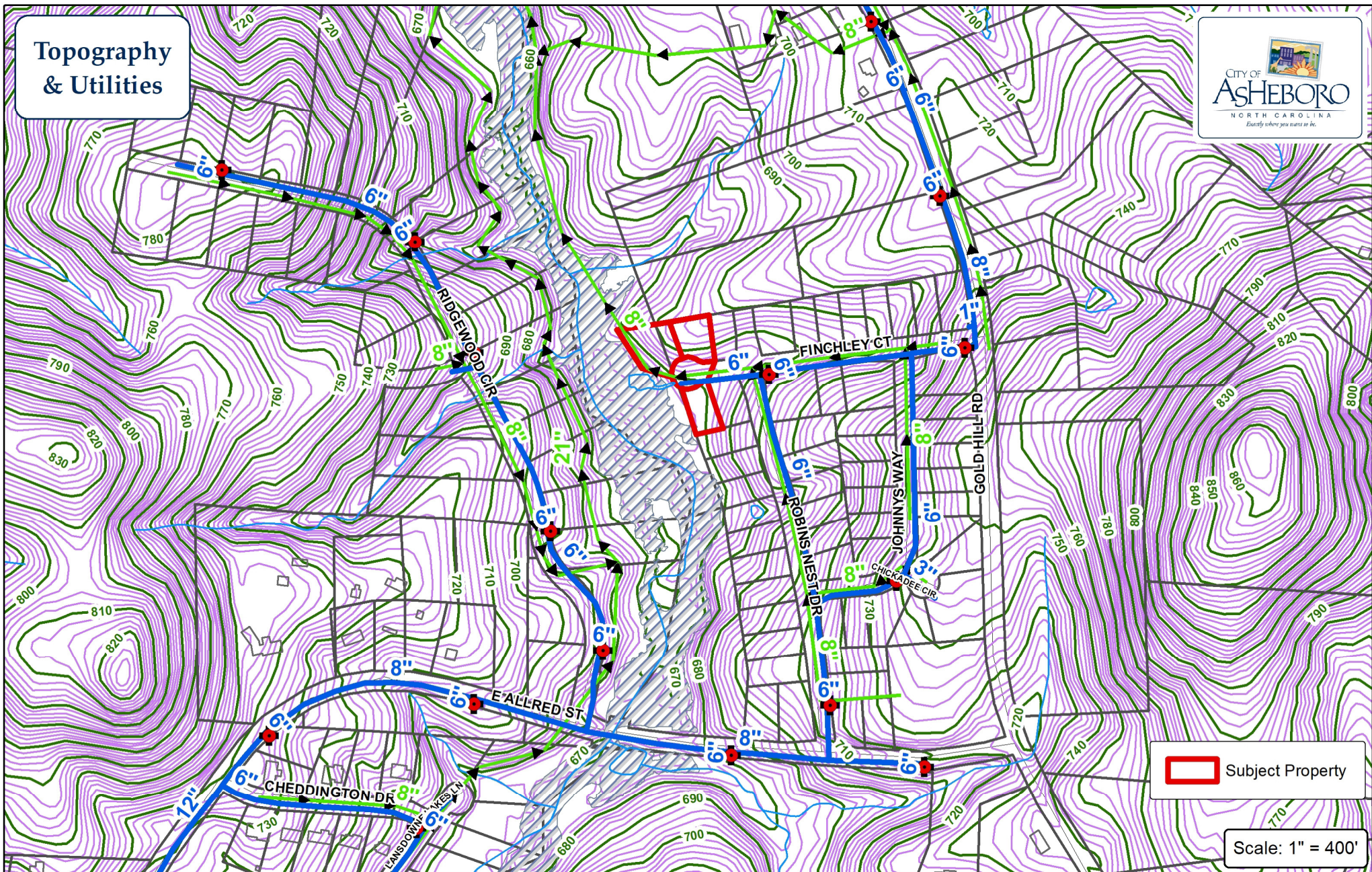


City of Asheboro
Planning & Zoning Department
Subdivision Case: SUB-17-02

Parcel: 7762750195 & 7762658808 (pt.)



Topography & Utilities



 Subject Property

Scale: 1" = 400'

- | | | | |
|--|------------|---|--------------|
|  | Water Main |  | Fire Hydrant |
|  | Sewer Main |  | Pump Station |
|  | Force Main | | |

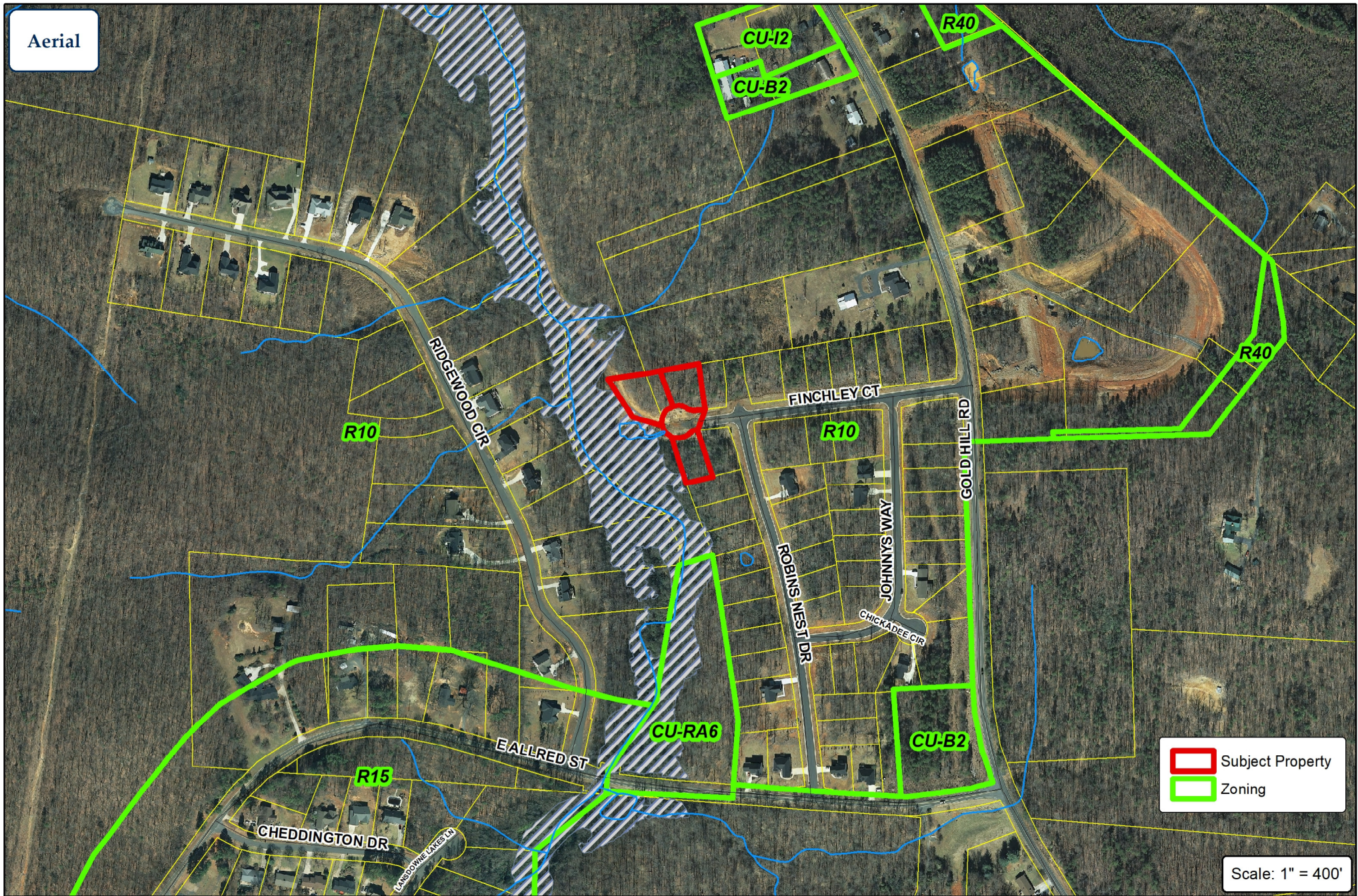
City of Asheboro Planning & Zoning Department

Subdivision Case: SUB-17-02

Parcel: 7762750195 & 7762658808 (pt.)



Aerial



City of Asheboro
Planning & Zoning Department
Subdivision Case: SUB-17-02
Parcel: 7762750195 & 7762658808 (pt.)



STATE OF NORTH CAROLINA

I, _____ Review Officer of Randolph County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Date _____ Review Officer _____

I hereby certify that the street, utility, and other required improvements have been installed or provisions have been made for installation in an acceptable manner and according to City specifications and standards in the _____ subdivision.

_____(Date) _____ City Engineer

This subdivision plat has been found to comply with the provisions of the Subdivision Ordinance of the City of Asheboro, provided that it is recorded in the Office of the Register of Deeds within sixty (60) days of the final approval of the Community Development Director.

_____(Date) _____ Community Development Director

Property Information

1. No NCGS Monuments found within 2000' of property.
2. This project is not located within a special flood hazard area.
3. Area calculated by coordinate geometry.
4. All lines surveyed by Survey Carolina, PLLC are indicated by bold lines. All lines not surveyed by Survey Carolina, PLLC are indicated by dashed lines.
5. No attempt was made by this survey to locate all underground utilities nor any other easements that would be revealed by a title search.
6. All property in this subdivision is currently zoned R-10
7. All Adjacent property within 50' is zoned R-10 unless otherwise noted.
8. Total Area in this Section: 45,491 Sq. ft.
9. Area Within Road R/W: 9,198 Sq. ft.
10. Total Number of Lots: 3
11. Average lot Size: 15,164 Sq. ft.
12. Linear Ft. of Road C/L: 70 ft.
13. TAX PIN: 7762750195 / 7762658808

I, Dan W Tanner II, certify that this map was drawn under my supervision from an actual GPS/ GNSS survey made under my supervision and the following information was used to perform the survey:

- (1) Class of survey: Class A
- (2) Positional accuracy: <0.10'
- (3) Type of GNSS field procedure: Real-Time Kinematic Networks
- (4) Dates of survey: August 1, 2017
- (5) Datum/Epoch: NAD83(2011) / 2010.00
- (6) Published/Fixed-control use: North Carolina Real Time Network
- (7) Geoid model: Geoid 12A
- (8) Combined grid factor(s): 0.99988083
- (9) GPS/GNSS Scale Point:
N:725466.61 E:1,767.204.53 Z: 686.82
- (10) Units: US Survey Feet

I, Dan W Tanner II, Professional Land Surveyor, certify:

In accordance with NC General Statute 47-30(f)11a
That the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.

I, Dan W Tanner II, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book _____ See _____ page _____ Notes _____, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____ See _____ page _____ Notes _____; that the ratio of precision or positional accuracy as calculated is _____; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, license number and seal this the _____ day of _____, A.D., 2020.

PRELIMINARY PLAT - NOT FOR RECORDATION, CONVEYANCES, OR SALES

Professional Land Surveyor

L-4787

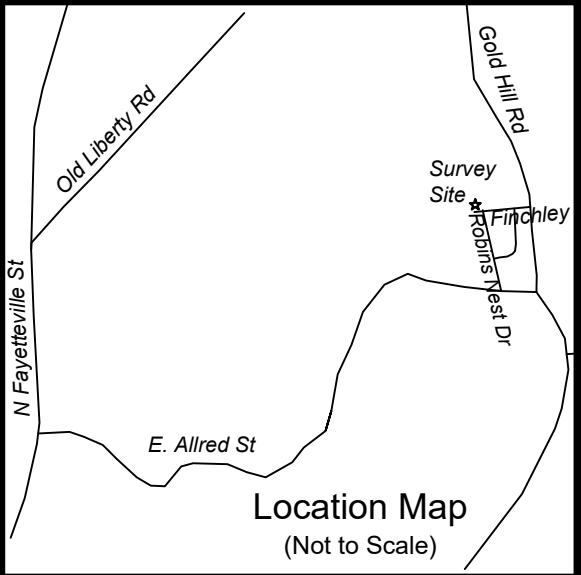


LINE	BEARING	DISTANCE
L1	N 10°28'04" E	4.53
L2	N 09°48'14" E	46.84
L3	N 23°03'30" W	80.13
L4	S 23°03'30" E	45.71
L5	S 70°10'55" E	121.33
L6	S 35°17'50" E	68.61
L7	S 62°21'34" E	78.85
L8	S 62°21'34" E	50.25
L9	S 12°21'58" E	57.66
L10	S 17°52'38" E	20.72
L11	S 17°52'38" E	34.37
L12	S 02°35'51" E	57.75
L13	S 12°00'28" E	44.56
L14	S 12°00'28" E	74.96
L15	S 10°52'58" W	72.67
L16	S 10°52'58" W	7.46
L17	S 05°29'42" E	52.60
L18	S 37°49'43" E	71.41
L19	S 37°49'43" E	35.13
L20	S 14°01'20" E	92.82
L21	S 18°04'13" W	65.94
L22	N 82°24'10" E	6.00
L23	S 83°08'47" W	33.87

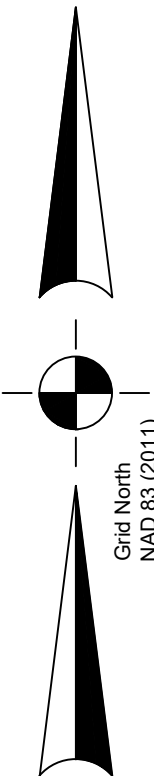
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	20.00	15.50	15.12	N 60°47'30" E	44°24'55"
C2	50.00	63.92	59.66	N 75°12'32" E	73°14'59"
C3	50.00	47.35	45.60	S 41°02'05" E	54°15'47"
C4	50.00	73.61	67.14	S 28°16'17" W	84°20'57"
C5	50.00	49.84	47.80	N 80°59'46" W	57°06'57"
C6	20.00	15.50	15.12	N 74°38'45" W	44°24'56"

Legend

- Property Line
- Computed Property Line
- Right of Way Line
- Easement Line
- Tie Lines
- Setbacks
- Existing Iron Rod/Pipe
- NIR
- Point Not Set/Computed Point
- Well



Location Map
(Not to Scale)



Grid North
NAD 83 (2011)

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) free consent.

Date _____ Owner _____

Date _____ Owner _____

Owners:
Davidson Land Development, LLC
896 Shiptontown Rd
Lexington, NC 27292

**Survey For:
Robins Nest, Phase 2, Section 1**

City of Asheboro
Franklinville Township Randolph County
North Carolina August 25, 2020
Deed Book: 2715 Page: 836
Plat Book: 108 Page: 39-40
Plat Book: 79 Page: 74
Scale: 1" = 80 US Survey Feet



SURVEY CAROLINA, PLLC

154 S. Fayetteville St, Suite B, Asheboro, NC 27203
Phone Number: 336 625-8000
Email: mail@surveycarolina.com

Firm #: P-1110
Dan W Tanner II L-4787
© 2020 Survey Carolina, PLLC Job #: 12212



BOA-20-02: Planning Board Functioning as Board of Adjustment involving request concerning 114 Old Liberty Road.: Variance from Table 200-1 regulating front yard setback

Staff Report

Board of Adjustment Staff Report

Case: BOA 20-02

Date: September 14, 2020

Requested Action: Variance from Table 200-1 of the Asheboro Zoning Ordinance, which regulates required yards (setbacks), to eliminate a required front yard along Ashley St.

GENERAL INFORMATION:

Applicant: Goldstein Properties, LLC

Applicant Address: 2761 Old Cedar Falls Rd.

Location of Affected Property: 114 Old Liberty Rd. (PIN 7762043267)

Property Size: 0.37 Acres

Underlying Zone: B2 General Commercial

Existing Land Use: Motor Vehicle Repair - Minor

Surrounding Land Use:

North: Residential

East: Commercial

South: Commercial

West: Commercial

Land Development Plan: Commercial/Primary Growth

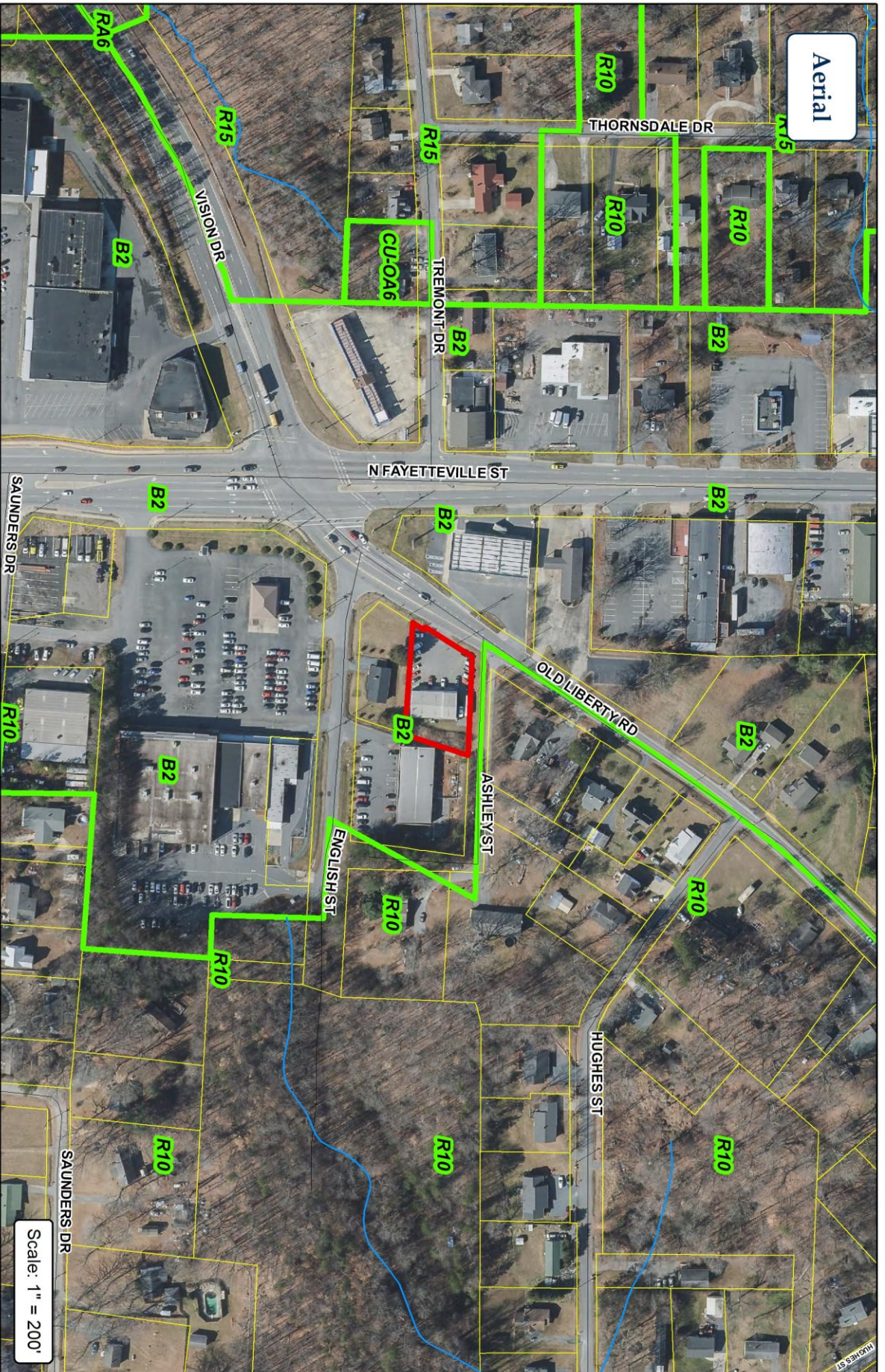
ANALYSIS

The Lot

The Zoning Lot is a corner lot located at the intersection of Old Liberty Rd and Ashley St. The lot is located in the City of Asheboro corporate limits with all utilities available. The lot is a legal, conforming lot featuring a Motor Vehicle Repair – Minor use. While the lot and the existing structure themselves are legal conforming, nonconforming situations, such as, but not limited to, parking and landscaping, exist and are allowed to continue subject to Article 800 of the Asheboro Zoning Ordinance (AZO).

Variance: Table 200-1

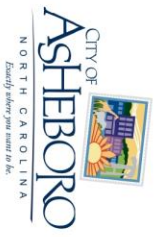
The Zoning Lot is zoned B2 General Commercial. Table 200-1 of the AZO requires a 25 foot front yard (setback) for all structures in the B2 district. Being a corner lot, the Zoning Lot is subject to the 25 foot required yard along both Old Liberty Rd. and Ashley St. The applicants request is to eliminate the required front yard along Ashley St., allowing the construction of an addition to the existing structure that will extend, at its closest point, to the front property line.

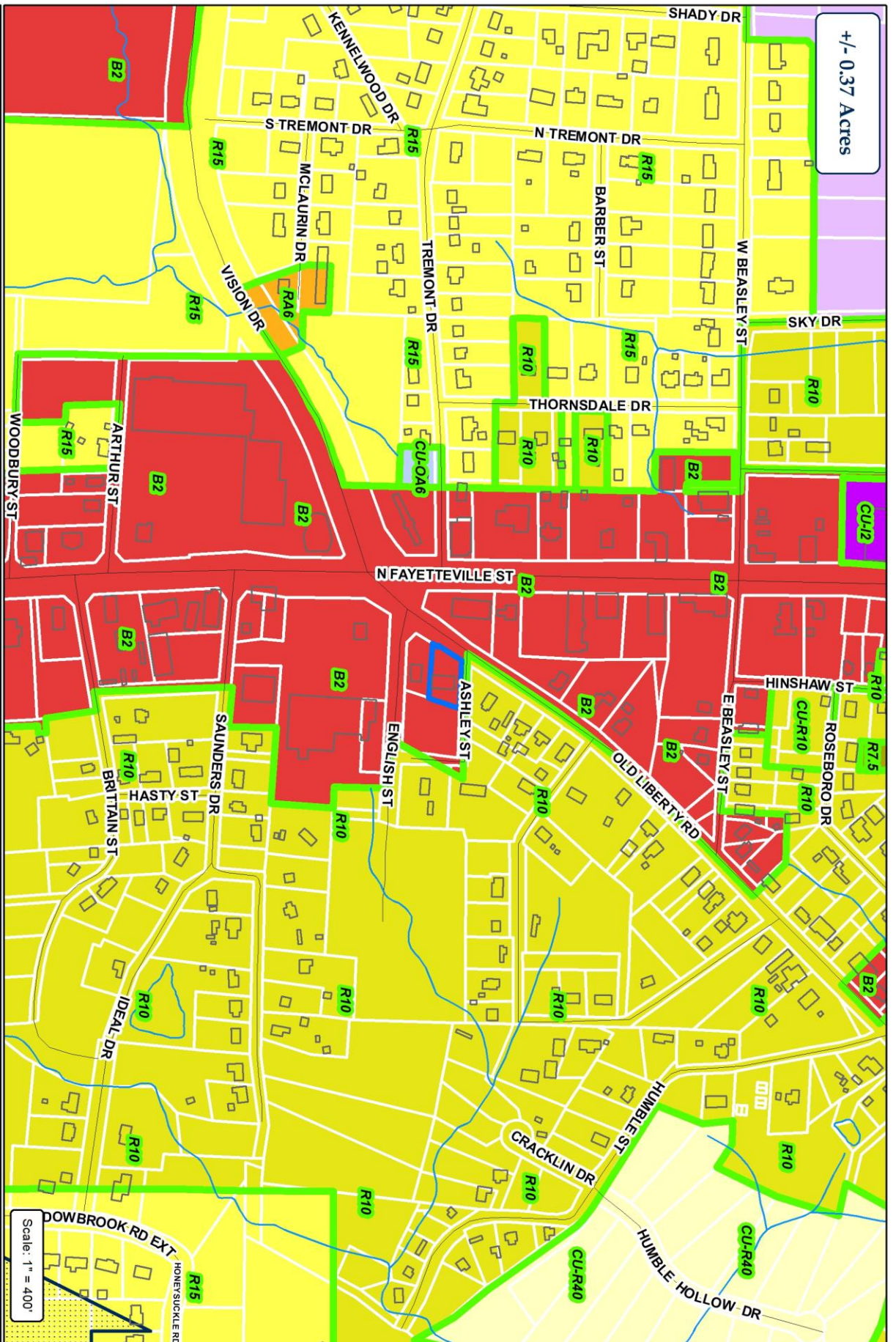


City of Asheboro Planning & Zoning Department

Board of Adjustment Case: BOA-20-02

Parcel: 7762043267





+/- 0.37 Acres

City of Ashboro Planning & Zoning Department

Board of Adjustment Case: BOA-20-02

Parcel: 7762043267



The concurring vote of four-fifths of the Board shall be necessary to grant a variance. (904.2)

When unnecessary hardships would result from carrying out the strict letter of the zoning ordinance, the board of adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:

- 1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- 2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
- 3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self created hardship.
- 4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

All of these findings of fact shall be made in the indicated order by the Board of Adjustment, which is not empowered to grant a variance without an affirmative finding of fact on all four categories above. Each finding of fact shall be supported by substantial evidence in the record of proceedings before the Board.

The Board may impose appropriate conditions upon the granting of any variance provided that the conditions are reasonably related to the variance. Violation of such conditions shall be a violation of this Ordinance. (905)

I have found all the findings of fact as listed above in favor of the applicant.

Variance: Eliminate 25 foot required front yard (setback) as regulated by Table 200-1 along Ashley St.

Member's Vote: Yes _____ No _____

Signature _____

Table 200-1

Table of Area, Height, Bulk and Placement Regulations

District	Minimum Lot Size in Sq. Ft.	Lot Width (Frontage) In Feet*	Front Required Yard in Feet*	Side Yard In Feet*	Required Rear Yard in Feet*	Maximum Height in Feet*	Maximum Floor Area Ratio*	Open Space Ratio*	Recreation Ratio*
R40	40,000 SF 80,000 Duplex 40,000 NonRes	100	30	15	25	35	22% 22% 22%		
R15	15,000	100	30	15	25	35	22%		
			1 Single Family Only						
R10	10,000 SF 15,000 Duplex 10,000 NonRes	75	30	10	25	35	22% 22% 22%		
R7.5	7,500 SF 11,500 Duplex 7,500 NonRes	60	25	10	20	35	22% 22% 22%		
RA6	Residential (SF & Duplex) 6,000 Multi Family: Maximum 4 Units Permitted Less than 45,000 Multi Family: Greater than 45,000 Multi Family: Greater than 45,000 with SUP Multi Family: Greater than 45,000 with SUP authorized by Article 600, Section 653 Non-residential 6,000	60 60 60 60 60 60	25 25 25 25 25 25	10 10 10 10 10 10	20 20 20 20 20 20	35 35 35 35 35 35	22% 17% 17% 22% 43% 22%	30% 52% 52% 52% 40%	3.3% 3.3% 3.3% 6.6%
OA6	Residential (SF & Duplex) 6,000 Multi Family: Maximum 4 Units Permitted Less than 45,000 Multi Family: Greater than 45,000 Multi Family: Greater than 45,000 with SUP Multi Family: Greater than 45,000 with SUP authorized by Article 600, Section 653 Non-residential 6,000 Multi Use: Minimum 45,000 for 5 or more units	60 60 60 60 60 60 60	25 25 25 25 25 25 25	10 10 10 10 10 10 10	20 20 20 20 20 20 20	35 35 35 35 35 35 35	22% 17% 17% 22% 43% 30% 30%	30% 52% 52% 52% 40%	3.3% 3.3% 3.3% 6.6%
O&I	6,000 Multi Use: Minimum 45,000 for 5 or more units	60	25	10	20	35	30% 30%		
B1	6,000	60	25	15	15	25	33%		
M	10,000	75	25	10	10	25	33%		
B2	10,000	75	25	0 or 5	0 or 5	35	100%		
TH	40,000	100	30	10	10	35	100%		
B3	N/A	N/A	0	0 or 5	0 or 5	50	N/A		
I1	10,000	75	10	10	10	45	N/A		
I2	20,000	100	10	10	10	45	N/A		
I3	30,000	100	50	20	20	45	N/A		
A	N/A	N/A	0	0	0	N/A	N/A		

*Except as specifically modified by this Ordinance

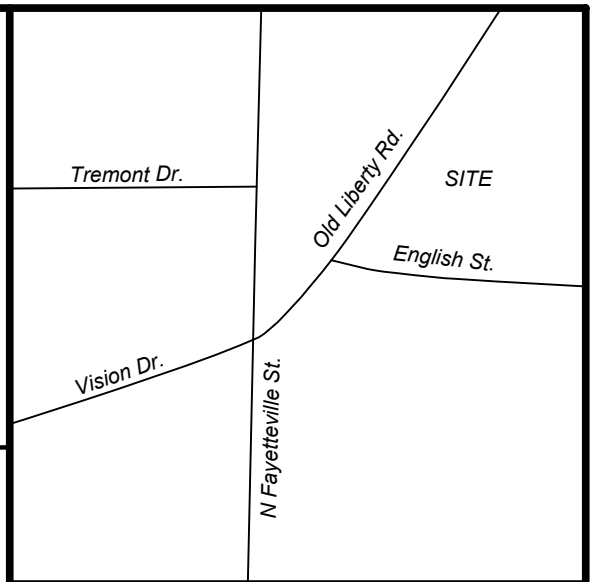
Revised 10/2019

LINE	BEARING	DISTANCE
L1	S 56°38'26" E	4.99
L2	N 32°40'23" E	24.26

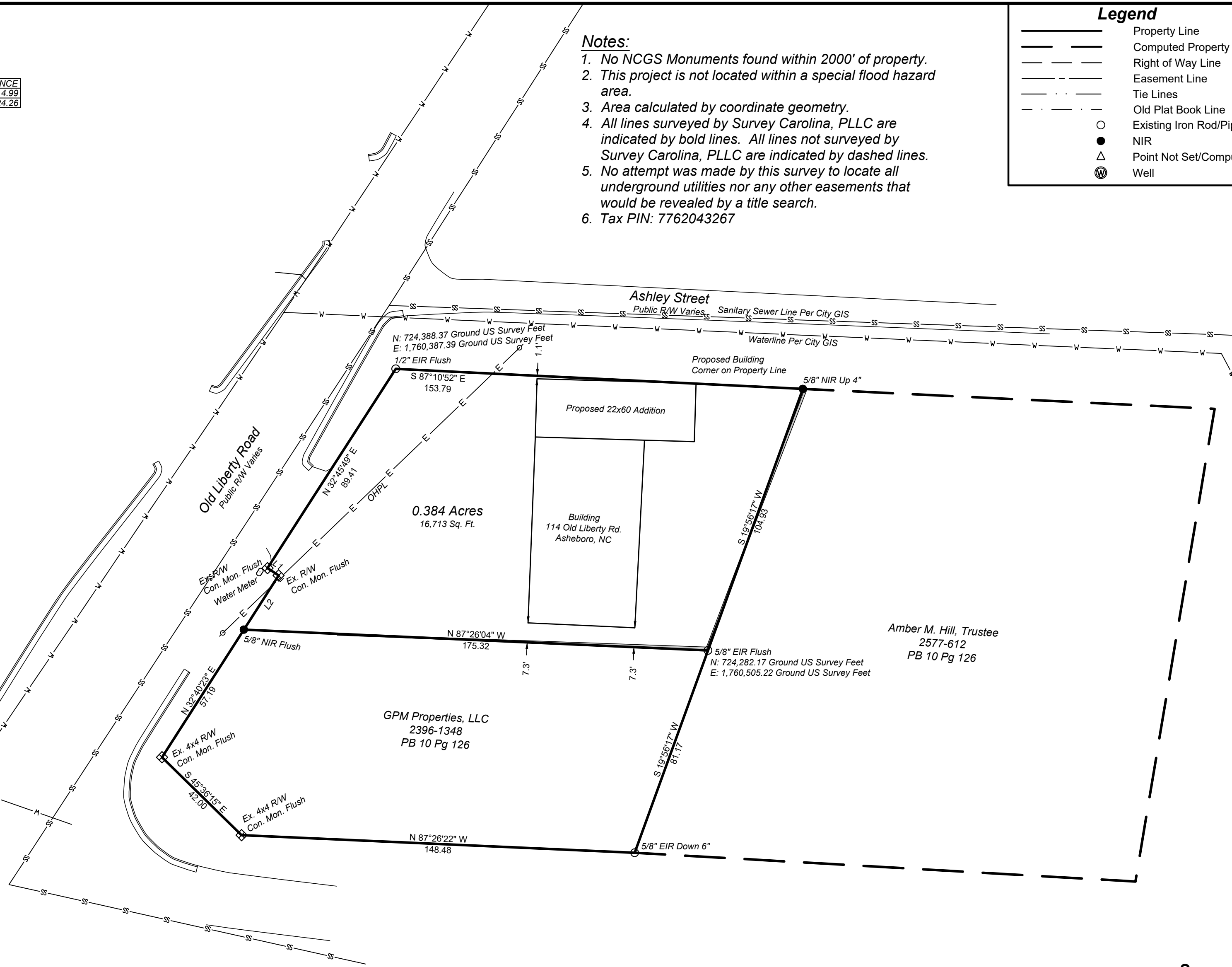
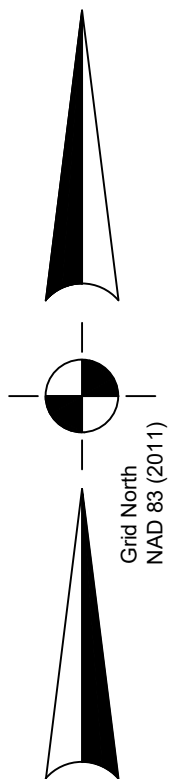
- Notes:**
1. No NCGS Monuments found within 2000' of property.
 2. This project is not located within a special flood hazard area.
 3. Area calculated by coordinate geometry.
 4. All lines surveyed by Survey Carolina, PLLC are indicated by bold lines. All lines not surveyed by Survey Carolina, PLLC are indicated by dashed lines.
 5. No attempt was made by this survey to locate all underground utilities nor any other easements that would be revealed by a title search.
 6. Tax PIN: 7762043267

Legend

- Property Line
- Computed Property Line
- Right of Way Line
- Easement Line
- Tie Lines
- Old Plat Book Line
- Existing Iron Rod/Pipe
- NIR
- Point Not Set/Computed Point
- Well



Location Map
(Not to Scale)



Amber M. Hill, Trustee
2577-612
PB 10 Pg 126

Owners:
Goldstein Properties, LLC
2761 Old Cedar Falls Rd.
Asheboro, NC 27203

I, Dan W Tanner II, Professional Land Surveyor, certify:

In accordance with NC General Statute 47-30(f)11c.1.
That the survey is of an existing parcel or parcels of land or one or more existing easements and does not create a new street or change an existing street. For the purpose of this subsection, an "existing parcel" or "existing easement" is an area of land described in a single, legal description or legally recorded subdivision that has been or may be legally conveyed to a new owner by deed in its existing configuration.

I, Dan W Tanner II, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book 2662 , page 1383 , etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book See , page Notes ; that the ratio of precision or positional accuracy as calculated is 1:10,000+; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, license number and seal this the ____ day of _____, A.D., 2020.

PRELIMINARY PLAT - NOT FOR RECORDATION, CONVEYANCES, OR SALES

Professional Land Surveyor

L-4787



I, Dan W Tanner II, certify that this map was drawn under my supervision from an actual GPS/ GNSS survey made under my supervision and the following information was used to perform the survey:

- (1) Class of survey: Class A
- (2) Positional accuracy: <0.10'
- (3) Type of GNSS field procedure: Real-Time Kinematic Networks
- (4) Dates of survey: April 27, 2020
- (5) Datum/Epoch: NAD83(2011) / 2010.00
- (6) Published/Fixed-control use: North Carolina Real Time Network
- (7) Geoid model: Geoid 12A
- (8) Combined grid factor(s): 0.99987982
- (9) GPS/GNSS Scale Point:
N:724,284.53 E:1,760,338.71 EL:781.17
- (10) Units: US Survey Feet

Survey For:
Goldstein Properties, LLC

City of Asheboro
Asheboro Township
North Carolina
Deed Book:2662 Pg:1383
Plat Book:10 Pg:126
Scale: 1" = 30 US Survey Feet

Bar Scale:



SURVEY CAROLINA, PLLC

154 S. Fayetteville St, Suite B, Asheboro, NC 27203
Phone Number: 336 625-8000
Email: mail@surveycarolina.com

Firm #: P-1110
Dan W Tanner II L-4787
© 2020 Survey Carolina, PLLC

Job #: 11862

CITY OF ASHEBORO

PLANNING & ZONING

Application for Board of Adjustment Hearing

APPLICATION FEE

A \$250 filing fee is required for a variance request.

APPLICATION INSTRUCTIONS

It is recommended that the applicant speak with Planning and Zoning Department staff prior to submitting the application and paying the hearing fee. Contact staff at (336) 626-1201 ext. 292 to ensure application requirements are satisfied.

REQUIRED APPLICATION CONTENTS

1. A copy of the property deed(s)
2. Five copies of a surveyed plat and/or site plan

The application must be filed with the planning department by 5:00 p.m. on the day which is at least 30 days prior to the Board of Adjustment meeting at which the request will be considered (see below).

No application for a variance request will be advertised for public hearing until the planning department has received all required materials.

MEETING INFORMATION*

<i>Filing Date</i>	<i>BOA Meeting*</i>
December 6, 2019	Monday, January 6, 2020
January 3, 2020	Monday, February 3, 2020
January 31, 2020	Monday, March 2, 2020
March 6, 2020	Monday, April 6, 2020
April 3, 2020	Monday, May 4, 2020
May 1, 2020	Monday, June 1, 2020
June 5, 2020	Monday, July 6, 2020
July 2, 2020	Monday, August 3, 2020
August 14, 2020	Tuesday, September 14, 2020
September 4, 2020	Monday, October 5, 2020
October 2, 2020	Monday, November 2, 2020
November 6, 2020	Monday, December 7, 2020

**Dates are tentative and subject to change. Check with staff to verify meeting dates.*

CITY OF ASHEBORO
Application for Board of Adjustment Hearing

APPLICANT INFORMATION

Applicant Rosemarie Goldstein (Goldstein Properties) Applicant's Phone # 336 736 0640

Applicant's Address 2761 Old Cedar Falls Rd
Asheboro NC 27203

Applicant's Email Address bluenbbonponies@aol.com

PROPERTY INFORMATION

Property Owner's Name Goldstein Properties LLC

Location of Property 114 Old Liberty Rd Asheboro NC 27203

Property Size (ac. or sq.ft.) .38

Randolph County Property Identification Number (PIN#) 7762043267

Current Zoning District _____

Date Property Title Acquired Aug 14 2019 Deed Book 2662 Page 1385

Subdivision _____ Section _____ Lot # _____

Plat Book 10 Page 26

APPLICATION SIGNATURES

It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the need for the proposed variance rests with the applicant.

Applicant Signature(s)

Rosemarie Goldstein

If Applicant is not the Property Owner, has Property Owner been notified?

☐ Yes ☐ No

Printed Name of Authorized Signatory (if different from Applicant)

Position/Relationship of Authorized Signatory to Applicant

VARIANCE REQUEST - BASIC INFORMATION

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the State Enabling Act, the Board is required to reach four conclusions as a prerequisite to issuance of a variance. Specifically, the four findings are as follows:

- 1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- 2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
- 3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self created hardship.
- 4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

All of these findings of fact shall be made in the indicated order by the Board of Adjustment, which is not empowered to grant a variance without an affirmative finding of fact on all four categories above. Each finding of fact shall be supported by substantial evidence in the record of proceedings before the Board.

The Board may impose reasonable conditions upon the granting of any variance to insure that the public health, safety, and general welfare shall be protected and substantial justice done. Violation of such conditions shall be a violation of this Ordinance.

I received a copy of the above requirements outlining the conclusions required to be found for the granting of a Variance by a Board of Adjustment and have been informed that the burden of providing evidence to support such conclusions to obtain such variance rest with the applicant. I have also been advised of the application process by staff and received the opinion of the North Carolina Bar Association regarding legal representation in quasi-judicial proceedings.

Rosmarie Eldsten 7-26-20
Applicant Date

STAFF USE		
Received by: <u>JTL</u>	Date: <u>8-3-20</u>	Case Number: <u>20-02</u>

CITY OF ASHEBORO
Application for Board of Adjustment Hearing

REQUEST FOR A VARIANCE

TO THE CITY OF ASHEBORO BOARD OF ADJUSTMENT:

I, Rosemarie Goldstein hereby petition the Board of Adjustment to grant the following variance from the Asheboro Zoning Ordinance (please specify the variance that is requested):

We are applying for a variance to build an addition on the side of our building to provide needed secure storage for vehicles and parts.

STATEMENT BY APPLICANT:

In the space provided below and/or on the back of this form, please state the facts and line of argument that you believe support your request for a variance. In providing this information, please state the precise action that you would like to see taken by the Board of Adjustment.

We are asking for a variance to add an addition on the side of our building to be used for storage. A blacktop pad already exists on that side of the building that we currently use. The existing blacktop is the size of the extension we want to build. Due to the unique topography of this property, we can not add on to the back as there is a big drop off that prevents it. The extension requested will put one wall on the property line, this will still provide a 25' setback from Ashley St. There is a grass buffer that currently exists between the road and the property line that we maintain and will remain the same. The requested variance will allow secure protection of customer's vehicles and parts with no encroachment or obstruction to existing roadway or neighbors while allowing us to use the bays for day to day business. NO public safety issues will occur, extension will be identical to existing structure. Grass buffer that we maintain will remain exactly the same.

I certify that all the information presented by me in this application is accurate to the best of my knowledge, information and belief.

Rosemarie Hobbs
Signature of Applicant

VARIANCE REQUEST

1. HARDSHIP: LACK OF SECURE, WEATHERPROOF STORAGE. Climate Controlled

THE ABILITY TO STORE CUSTOMER VEHICLES AND COMPONENTS, UNDER REPAIR PROCESS, AWAITING REGULAR OR CUSTOM MADE PARTS.

2. Building Extension: THE EXTENSION SPACE REQUESTED WILL PLACE ONE WALL ON THE PROPERTY LINE. THIS WILL STILL PROVIDE 25 FT SETBACK FROM ASHLEY STREET. THERE IS A GRASS BUFFER THAT CURRENTLY EXISTS BETWEEN THE ROADWAY AND THE PROPERTY LINE THAT WE CURRENTLY MAINTAIN. THIS WOULD REMAIN EXACTLY THE SAME AS IT IS NOW.

3. AN INCREASE IN BUSINESS VOLUME CREATES A VEHICLE TRAFFIC FLOW CONTROL HANDSHIP, THROUGH THE SHOP, WHEN CERTAIN VEHICLES, WAITING FOR PARTS, REQUIRE SECURE, WEATHERPROOF STORAGE. THEY TIE UP EXISTING SERVICE BAY SPACE THAT CAN BE USED FOR ~~THE~~ VEHICLES WAITING FOR SERVICE. THIS CAN REDUCE US TO ONE ACTIVE SERVICE BAY, AT TIMES.

4. REQUESTED VARIANCE

THE REQUESTED VARIANCE WILL ALLOW SECURE PROTECTION OF CUSTOMER VEHICLES WITH NO ENCRoACHMENT OR OBSTRUCTION TO EXISTING ROADWAY OR NEIGHBORS. NO PUBLIC SAFETY ISSUES WILL OCCUR. BUILDING EXTENSION WOULD BE CONSISTANT WITH AND IDENTICAL TO THE EXISTING STRUCTURE. THE EXISTING GRASS BUFFER BETWEEN THE PROPERTY LINE AND THE ROAD, ASHLEY STREET, WILL REMAIN EXACTLY THE SAME AS IT EXISTS NOW.

BK 2662 PG 1385 (5)

This document presented and filed:

08/16/2019 11:20:30 AM

DEED OF TRUST

Fee \$64.00



20083470

Randolph County North Carolina
Krista M. Lowe, Register of Deeds

NORTH CAROLINA DEED OF TRUST

SATISFACTION: The debt secured by the within Deed of Trust together with the note(s) secured thereby has been satisfied in full.

This the _____ day of _____, 20____

Signed: _____

Parcel Identifier No. _____ Verified by _____ County on the _____ day of _____, 20____

By: _____

Ivey P/u

Mail/Box to: FIRST BANK, c/o SBA Complete, Inc., 550 Continental Boulevard, Suite 120, El Segundo, California 90245

This instrument was prepared by: CUONG TRAN, 1401 Burnham Drive, Plano, Texas 75093

P-up I+E

Brief description for the Index: _____

THIS DEED of TRUST made this 14 day of AUGUST, 2019, by and between:

GRANTOR	TRUSTEE	BENEFICIARY
GOLDSTEIN PROPERTIES LLC 114 OLD LIBERTY ROAD ASHEBORO, NC 27203	CUONG TRAN 1401 BURNHAM DRIVE PLANO, TEXAS 75093	FIRST BANK c/o SBA Complete, Inc. 550 Continental Boulevard, Suite 120 El Segundo, California 90245

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor, Trustee, and Beneficiary as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, That whereas the Grantor is indebted to the Beneficiary in the principal sum of Two Hundred Twenty-Two Thousand and No/100 Dollars (\$222,000.00), as evidenced by a Promissory Note of even date herewith, the terms of which are incorporated herein by reference. The final due date for payments of said Promissory Note, if not sooner paid, is twenty-five (25) years from the date of initial disbursement of the Promissory Note.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

GOLDSTEIN PROPERTIES LLC

(SEAL)

(Entity Name)

By: Rosemarie Goldstein
Rosemarie Goldstein, Member

(SEAL)

By: Gilbert Goldstein
Gilbert Goldstein, Member

(SEAL)

By: _____
Title: _____

(SEAL)

State of North Carolina - County of Randolph

I, the undersigned Notary Public of the County and State aforesaid, certify that Rosemarie Goldstein
+ Gilbert Goldstein personally appeared before me this day and
acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial
stamp or seal this 14 day of August, 2008

My Commission Expires: July 24, 2013
Notary Public
Randolph County, NC
My Commission Expires 07/24/2013

Deborah B. Moffitt
Notary Public

State of North Carolina - County of Randolph

I, the undersigned Notary Public of the County and State aforesaid, certify that Rosemarie Goldstein
Gilbert Goldstein personally came before me this day and acknowledged that he is the Members
of Goldstein Properties LLC, a North Carolina or _____ corporation/limited
liability company/general partnership/limited partnership (strike through the inapplicable), and that by authority duly given and as
the act of such entity, he signed the foregoing instrument on its behalf as its act and deed. Witness my hand and
Notarial stamp or seal, this 14 day of August, 2008

My Commission Expires: 7-24-2013
Notary Public
Randolph County, NC
My Commission Expires 07/24/2013

Deborah B. Moffitt
Notary Public

State of North Carolina - County of _____

I, the undersigned Notary Public of the County and State aforesaid, certify that _____

Witness my hand and Notarial stamp or seal, this _____ day of _____, 20____.

My Commission Expires: _____

Notary Public

The foregoing Certificate(s) of _____
is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page
shown on the first page hereof.

Register of Deeds for _____ County

By: _____ Deputy/Assistant - Register of Deeds

Schwarz Properties LLC
P O Box 1104
Asheboro, NC 27204

Hill, Amber M Trustee
1021 Sunset Ave
Asheboro, NC 27203

Goldstein Properties LLC
2761 Old Cedar Falls Rd
Asheboro, NC 27203

Vasquez, Roberto R (Vasquez, Maria
Christina)
202 Old Liberty Rd
Asheboro, NC 27203

Gpm Properties LLC
P O Box 668
Asheboro, NC 27204



BOA-20-03: Planning Board Functioning as Board of Adjustment involving request concerning 1129 South Cox Street: Variance from Article 200A(E)(2)(a)(iii)(bb) regulating front yard setback within Tier 3 of Center City Planning Area

Staff Report

Board of Adjustment Staff Report

Case: BOA 20-03

Date: September 14, 2020

Requested Action: Variance from Article 200A of the Asheboro Zoning Ordinance to allow a principal structure to exceed required front yard setback.

GENERAL INFORMATION:

Applicant: Amanda Chils

Applicant Address: 7106 NC Hwy 42 S.

Location of Affected Property: 1129 S. Cox St. (PIN 7750970562)

Property Size: 0.44 Acres

Underlying Zone: OA6

Overlay Zone: Center City Planning Area Tier 3: Commercial and Employment Center Planning Area

Existing Land Use: Vacant

Surrounding Land Use:

North: Residential

East: Residential

South: High Density Residential

West: Office/Residential

Land Development Plan: Town Activity Center/Primary Growth

ANALYSIS

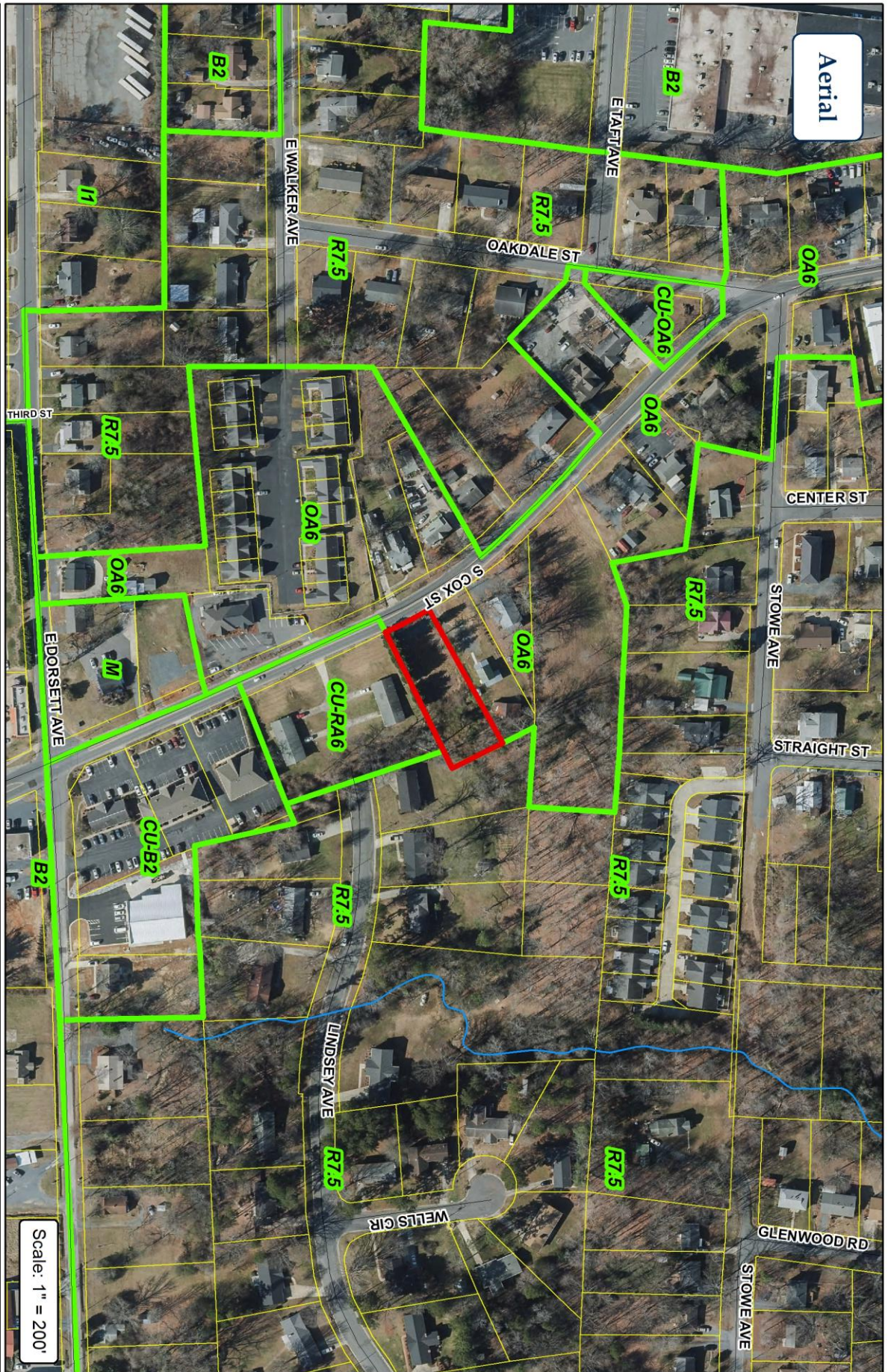
The Lot

The Zoning Lot is located in the City of Asheboro corporate limits with all utilities available. The lot is a legal, conforming lot that is currently vacant. The lot was rezoned from R7.5 to OA6 in 2015. The lot was last used for a Single Family Dwelling use. The dwelling was demolished in 2014.

Variance: Article 200A

The Zoning Lot is located in Tier 3: Commercial and Employment Center Planning Area of the Center City Planning Area (CCPA). The CCPA modifies or adds to various underlying zoning requirements, including required yards (setbacks) for structures. Tier 3 requires that, for OA6 zoned properties, a front yard setback line be established based on the average of the front yard setbacks of all adjacent lots within the same block. Once the average front yard is established, the principal structure must be constructed within five feet of the average. For this lot, the average

front yard setback is 48 feet. This means the principal structure must be placed between 43 and 53 feet of the front property line. The applicant's request is to place the principal structure towards the rear of the lot, beyond the required front yard setback line. The applicant proposes the principal structure be constructed approximately 115 feet back of the front property line.



Aerial

OA6

CENTER ST

STOWE AVE

STRAIGHT ST

GLENWOOD RD

STOWE AVE

B2

ETAFT AVE

OAKDALE ST

R7.5

CU-OA6

R7.5

OA6

R7.5

R7.5

S COX ST

LINDSEY AVE

WELLS CIR

R7.5

CU-RA6

R7.5

E WALKER AVE

B2

R7.5

OA6

R7.5

OA6

M

EDORSETT AVE

B2

CU-B2

THIRD ST

Scale: 1" = 200'

City of Asheboro Planning & Zoning Department

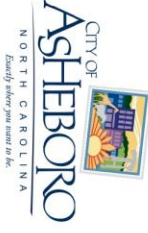
Board of Adjustment Case: BOA-20-03

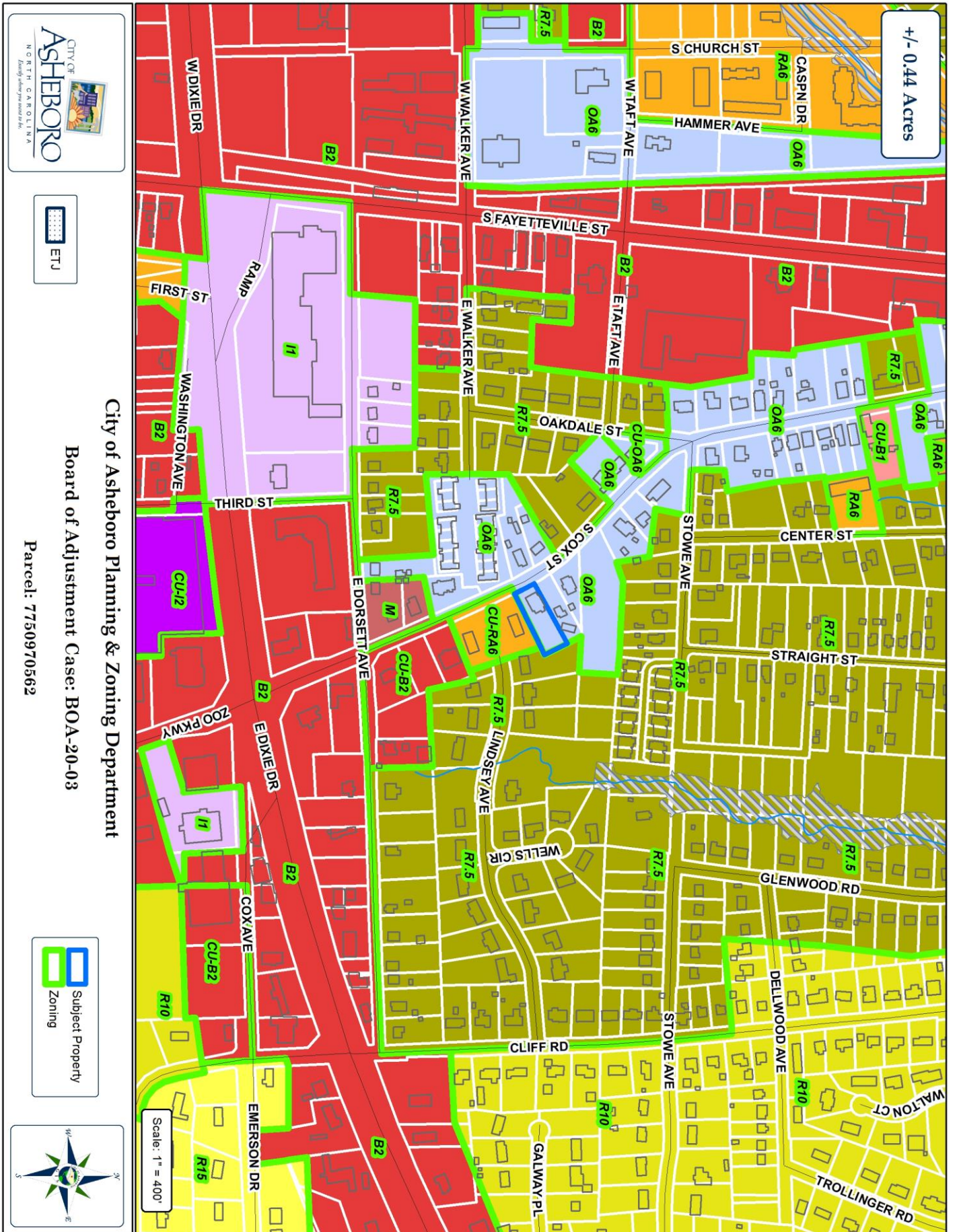
Parcel: 7750970562

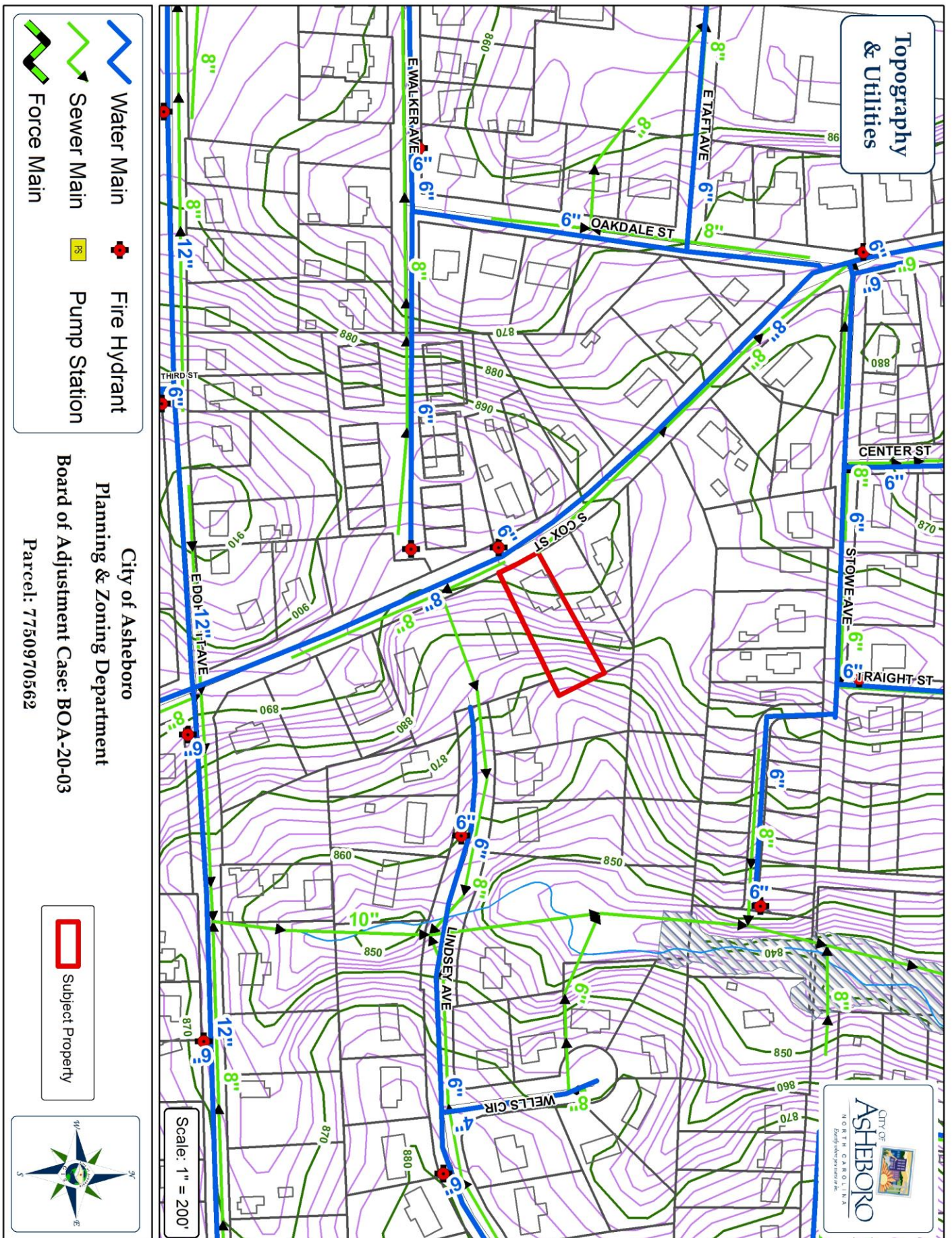


Subject Property

Zoning







The concurring vote of four-fifths of the Board shall be necessary to grant a variance. (904.2)

When unnecessary hardships would result from carrying out the strict letter of the zoning ordinance, the board of adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:

- 1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- 2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
- 3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self created hardship.
- 4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

All of these findings of fact shall be made in the indicated order by the Board of Adjustment, which is not empowered to grant a variance without an affirmative finding of fact on all four categories above. Each finding of fact shall be supported by substantial evidence in the record of proceedings before the Board.

The Board may impose appropriate conditions upon the granting of any variance provided that the conditions are reasonably related to the variance. Violation of such conditions shall be a violation of this Ordinance. (905)

I have found all the findings of fact as listed above in favor of the applicant.

Variance: To the maximum depth shown on the site plan reviewed by the Board of Adjustment, allow Principal Structure to exceed Front Yard Setback as prescribed by Article 200A(E)(2)(a)(iii)(bb)

Member's Vote: Yes _____ No _____

Signature _____

ARTICLE 200A: CENTER CITY PLANNING AREA

(E) Commercial and Employment Center Planning Area (Tier 3)

The Commercial and Employment Center Planning Area (Tier 3) is hereby established to preserve and enhance the visual appeal of streets leading into and out of Asheboro's Central Business and Central Business Fringe Area planning area, and to promote the orderly development and safe and efficient movement of traffic.

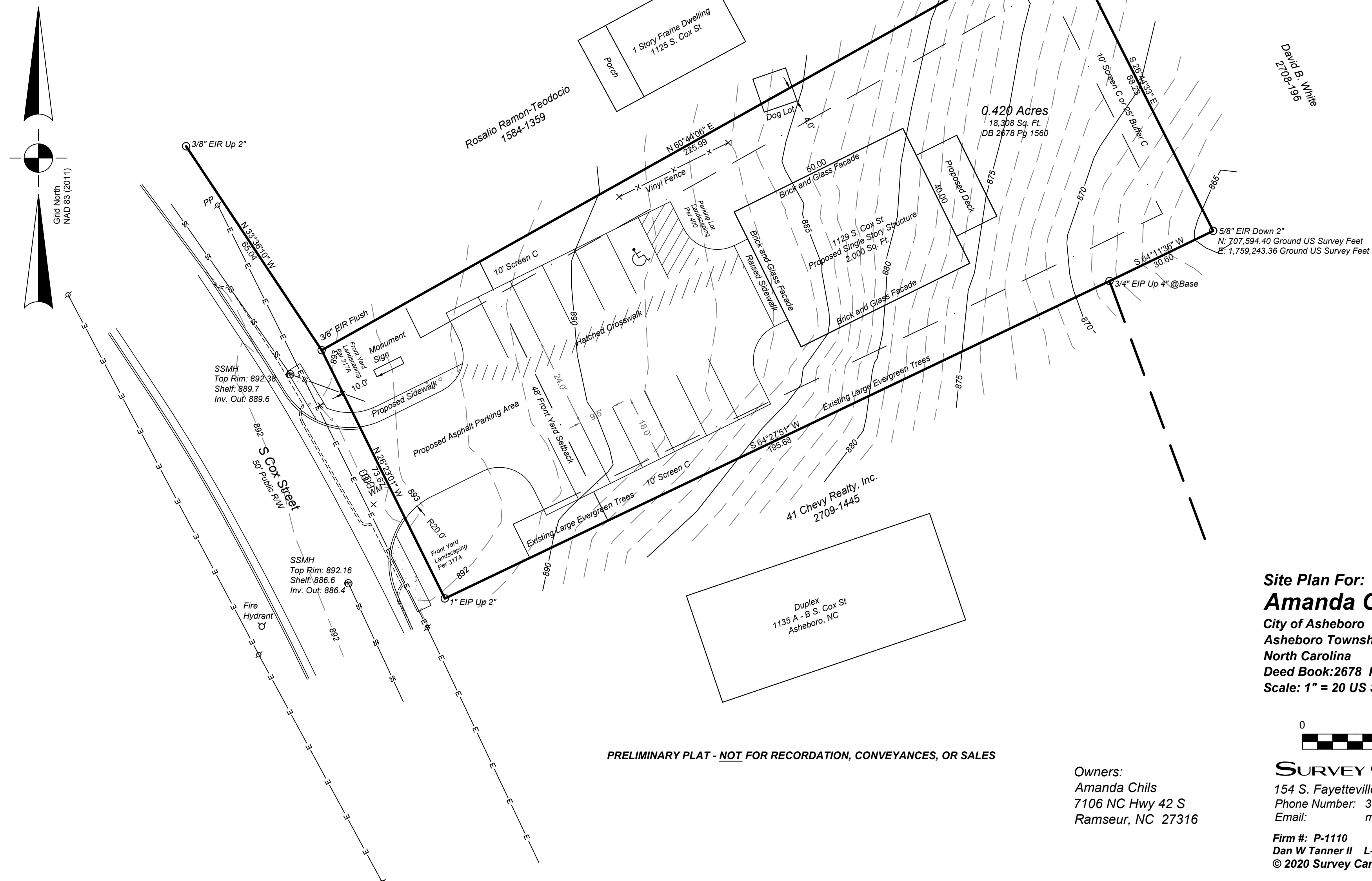
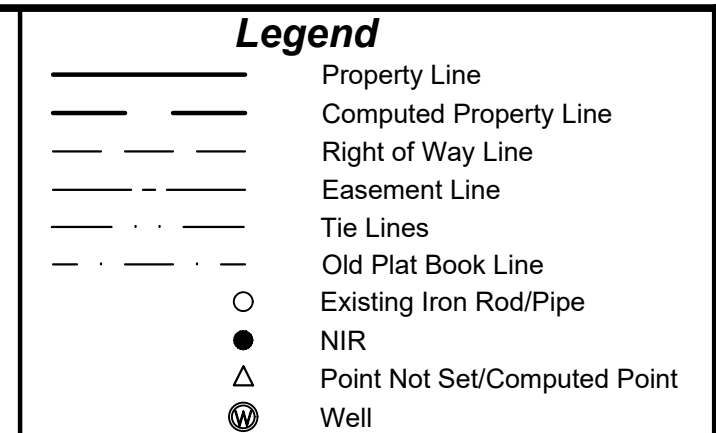
(2) Dimensional Requirements

(a) Standard Dimensions:

- (i) Table of Area, Height, Bulk, and Placement Regulations (Table 200-1) shall not apply except where expressly stated in this sub-section (Article 200A(E)(2)(a)).
- (ii) Minimum Lot Size/Width: Refer to underlying zoning district in Table 200-1
- (iii) Front Yard Setback:
 - (aa) Commercial and Industrial Zones: A required front yard setback line shall be provided on the lot equal to average depth but not to exceed 30 feet, nor less than 10 feet. This measurement shall include the average of the front setbacks for all adjacent lots within the same block as the subject property.
 - (bb) Residential, OA6 and O&I Zones: A required front yard setback line shall be provided on the lot equal to average depth. This measurement shall include the average of the front setbacks for all adjacent lots within the same block as the subject property. Frontages shall be placed within five feet of established average depth.
 - (cc) Measurement: When a lot is located on a block that is greater than eight hundred feet in length, the average front yard setback of lots located within four hundred feet of either side shall determine the required front yard setback line. If the right-of-way of an intersecting public street right-of-way is less than four hundred feet in one direction in this case, the averaging requirement in that direction shall stop at the right-of-way of the intersecting street. For the purpose of computing such average, adjacent vacant lot(s) shall utilize the underlying zoning required front yard setback in the calculation to determine the required front yard setback of this section.
- (iv) Minimum Side/Rear Yard Setback: Refer to underlying zoning district in Table 200-1
- (v) Maximum Height: 35 Feet
- (vi) Minimum pervious surface: 45%

1. No NCGS Monuments found within 2000' of property.
2. This project is not located within a special flood hazard area.
3. Area calculated by coordinate geometry.
4. All lines surveyed by Survey Carolina, PLLC are indicated by bold lines. All lines not surveyed by Survey Carolina, PLLC are indicated by dashed lines.
5. No attempt was made by this survey to locate all underground utilities nor any other easements that would be revealed by a title search.
6. Tax PIN: 7750970562
7. Impervious Data
18308 Sq. Ft. Total
11080 Sq. Ft. Pervious (60.5%) (45% Min)
7,228 Sq. Ft. Impervious (39.5%) (55% Max)
8. 13 Parking Spots (12 Standard / 1 Handicap)
9. 10 Parking Spaces Required for Multi-Use
10. Proposed Building Use: Multi-Use Office Building

1. No NCGS Monuments found within 2000' of property.
2. This project is not located within a special flood hazard area.
3. Area calculated by coordinate geometry.
4. All lines surveyed by Survey Carolina, PLLC are indicated by bold lines. All lines not surveyed by Survey Carolina, PLLC are indicated by dashed lines.
5. No attempt was made by this survey to locate all underground utilities nor any other easements that would be revealed by a title search.
6. Tax PIN: 7750970562
7. Impervious Data
18308 Sq. Ft. Total
11080 Sq. Ft. Pervious (60.5%) (45% Min)
7,228 Sq. Ft. Impervious (39.5%) (55% Max)
8. 13 Parking Spots (12 Standard / 1 Handicap)
9. 10 Parking Spaces Required for Multi-Use
10. Proposed Building Use: Multi-Use Office Building



Site Plan For:
Amanda Chils

City of Asheboro
Asheboro Township **Randolph County**
North Carolina **July 30, 2020**
Deed Book:2678 Pg:1560
Scale: 1" = 20 US Survey Feet

Bar Scale:



SURVEY CAROLINA, PLLC
154 S. Fayetteville St, Suite B, Asheboro, NC 27203
Phone Number: 336 625-8000
Email: mail@surveycarolina.com

Firm #: P-1110
Dan W Tanner II L-4787
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Job #: 12081



Application for Board of Adjustment Hearing

APPLICATION FEE

A \$250 filing fee is required for a variance request.

APPLICATION INSTRUCTIONS

It is recommended that the applicant speak with Planning and Zoning Department staff prior to submitting the application and paying the hearing fee. Contact staff at (336) 626-1201 ext. 292 to ensure application requirements are satisfied.

REQUIRED APPLICATION CONTENTS

1. A copy of the property deed(s)
2. Five copies of a surveyed plat and/or site plan

The application must be filed with the planning department by 5:00 p.m. on the day which is at least 30 days prior to the Board of Adjustment meeting at which the request will be considered (see below).

No application for a variance request will be advertised for public hearing until the planning department has received all required materials.

MEETING INFORMATION*

<i>Filing Date</i>	<i>BOA Meeting*</i>
December 6, 2019	Monday, January 6, 2020
January 3, 2020	Monday, February 3, 2020
January 31, 2020	Monday, March 2, 2020
March 6, 2020	Monday, April 6, 2020
April 3, 2020	Monday, May 4, 2020
May 1, 2020	Monday, June 1, 2020
June 5, 2020	Monday, July 6, 2020
July 2, 2020	Monday, August 3, 2020
August 14, 2020	Tuesday, September 14, 2020
September 4, 2020	Monday, October 5, 2020
October 2, 2020	Monday, November 2, 2020
November 6, 2020	Monday, December 7, 2020

**Dates are tentative and subject to change. Check with staff to verify meeting dates.*

CITY OF ASHEBORO
Application for Board of Adjustment Hearing

APPLICANT INFORMATION

Applicant AMANDA L. CHILS Applicant's Phone # 863-370-2958
Applicant's Address 7106 NC Hwy 42 S RAMSEUR
N.C 27316
Applicant's Email Address AMANDA.CHILS@gmail.com

PROPERTY INFORMATION

Property Owner's Name AMANDA CYNN CHILS
Location of Property 1129 S COX ST
Property Size (ac. or sq.ft.) 18308
Randolph County Property Identification Number (PIN#) 7750970562
Current Zoning District OAL
Date Property Title Acquired 12/6/2019 Deed Book 267815 Page 1560
Subdivision N/A Section N/A Lot # N/A
Plat Book _____ Page _____

APPLICATION SIGNATURES

It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the need for the proposed variance rests with the applicant.

Applicant Signature(s)

Amanda L Chils

If Applicant is not the Property Owner, has Property Owner been notified?

☐ Yes ☐ No

Printed Name of Authorized Signatory (if different from Applicant)

Position/Relationship of Authorized Signatory to Applicant

CITY OF ASHEBORO
Application for Board of Adjustment Hearing

REQUEST FOR A VARIANCE

TO THE CITY OF ASHEBORO BOARD OF ADJUSTMENT:

I, _____ hereby petition the Board of Adjustment to grant the following variance from the Asheboro Zoning Ordinance (please specify the variance that is requested):

*I want the parking on the
front of the Building*

STATEMENT BY APPLICANT:

In the space provided below and/or on the back of this form, please state the facts and line of argument that you believe support your request for a variance. In providing this information, please state the precise action that you would like to see taken by the Board of Adjustment.

ALIGNMENT of BUILDING WITH
BUILDING to NORTH
GRADE IN REAR DOESN'T ALLOW
FOR PARKING

I certify that all the information presented by me in this application is accurate to the best of my knowledge, information and belief.

Amade Lynn Childs

Signature of Applicant

VARIANCE REQUEST - BASIC INFORMATION

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the State Enabling Act, the Board is required to reach four conclusions as a prerequisite to issuance of a variance. Specifically, the four findings are as follows:

- 1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- 2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
- 3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self created hardship.
- 4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

All of these findings of fact shall be made in the indicated order by the Board of Adjustment, which is not empowered to grant a variance without an affirmative finding of fact on all four categories above. Each finding of fact shall be supported by substantial evidence in the record of proceedings before the Board.

The Board may impose reasonable conditions upon the granting of any variance to insure that the public health, safety, and general welfare shall be protected and substantial justice done. Violation of such conditions shall be a violation of this Ordinance.

I received a copy of the above requirements outlining the conclusions required to be found for the granting of a Variance by a Board of Adjustment and have been informed that the burden of providing evidence to support such conclusions to obtain such variance rest with the applicant. I have also been advised of the application process by staff and received the opinion of the North Carolina Bar Association regarding legal representation in quasi-judicial proceedings.

Amada Lynn Chiles 8/12/2020
Applicant Date

STAFF USE		
Received by: <u>JTL</u>	Date: <u>8-12-20</u>	Case Number: <u>20-03</u>

This document presented and filed:

12/06/2019 02:53:11 PM

DEED

Fee \$26.00 Excise Tax: \$78.00



20089722

Randolph County North Carolina
Krista M. Lowe, Register of Deeds

NORTH CAROLINA GENERAL WARRANTY DEED

✓ Mail to: P/U Ben C. Morgan
Prepared by: Law Office of Ben C. Morgan, 150A Scarboro St., Asheboro, NC 27203
Revenue Stamps: \$78.00 ✓
Tax Parcel #7750.97.0562

THIS DEED is made this 6th day of December, 2019, by and between the following Grantor and Grantee:

Grantor: MC-MC PROPERTIES, LLC
a North Carolina Limited Liability Company
1021 Sunset Avenue
Asheboro, NC 27203

Grantee: AMANDA CHILS
7106 NC Hwy 42 S
Ramseur, NC 27316

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall signify either singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple that certain lot or parcel of land situated in Asheboro Township, Randolph County, North Carolina, which is more particularly described as follows:

BEGINNING at a nail in the pavement on the Eastern right of way line of Cox Street, said nail being located within the right of way of said street, Otis R. Luther's (formerly Vera Upton) Southwest corner; thence North 71 degrees 09 minutes East 20.82 feet to an iron pipe; thence continuing along Luther's line North 71 degrees 09 minutes East 226.67 feet to a tack in a tree

in the West line of the Crescent of Greystone Subdivision; thence along said line South 16 degrees 49 minutes East 87.45 feet to an iron pipe; thence along the line of Crescent of Greystone Subdivision in part and Stout and Garner in part South 73 degrees 59 minutes West 226.61 feet to an iron pipe in the Eastern right of way line of South Cox Street, said iron being located 562 feet North of the center line of East Dorsett Street as measured along the Eastern right of way line of South Cox Street; thence South 73 degrees 59 minutes West 20.75 feet to a tack in the pavement of South Cox Street; thence along a line within said right of way North 17 degrees 04 minutes West 75.25 feet to the Beginning, containing 0.462 acres, more or less.

For title reference see Deed recorded in Book 2415, Page 1115, Randolph County Registry.

The property that is the subject matter of this conveyance is "not" the primary residence of the Grantor.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

Subject to easements, limitations, restrictions and uses of record.

[the remainder of this page intentionally has been left blank]

IN WITNESS WHEREOF, the Grantor has hereunto set his/her hand and seal the day and year first above written.

Mc-Mc Properties, LLC

By: *Larry W. McKenzie*
 Name: Larry W. McKenzie
 Title: Member/Manager

STATE OF NORTH CAROLINA
 COUNTY OF RANDOLPH

I, **Sharon A. Grose**, a Notary Public of Randolph County, State of North Carolina, certify that **Larry W. McKenzie**, personally appeared before me this day and acknowledged that he is **Member/Manager** of **Mc-Mc Properties, LLC**, a North Carolina limited liability company, and that he as **Member/Manager**, being authorized to do so, executed the foregoing on behalf of the company.

WITNESS my hand and official stamp or seal, this 6th day of December, 2019.



Sharon A. Grose
 Notary Public

My commission expires: May 5, 2023

White, David B (White, Jane D)
451 Lindsey Ave
Asheboro, NC 27203

41 Chevy Realty Inc
4365 Granite Rock Dr
Denton, NC 27239

Anderson, Jean (Anderson, Jack)
1126 S Cox St
Asheboro, NC 27203

Teodocio Ramon, Rosalio (Teodocio,
Alejandrina)
P O Box 582
Asheboro, NC 27204

Chils, Amanda
7106 NC Hwy 42 S
Ramseur, NC 27316

Walker Terrace Townhome Assoc &
Others
964 S Fayetteville St
Asheboro, NC 27203