



**Asheboro Planning Board
Asheboro City Hall (146 N. Church Street)
Monday, June 1, 2020
7:00 PM
AGENDA**

- I. Call to Order
- II. Approval of Minutes from May 4, 2020
- III. Review of Cases
- IV. RZ-20-07: Request to rezone property located at 435 Old Liberty Rd. (Randolph County Parcel Identification Number 7762168474) from R10 Medium-Density Residential to R7.5 Medium-Density Residential
- V. RZ-20-08: Request to rezone property located on Meadowbrook Rd. Extension/ Honeysuckle Road (Randolph County Parcel Identification Numbers 7762230413 & 7762231577) from R15 Low-Density Single-Family Residential and R10 Medium-Density Residential to R7.5 Medium-Density Residential
- V. BOA-20-01 (Planning Board Functioning as Board of Adjustment): Requests for variances concerning front yard parking setbacks and minimum pervious coverage requirements at 801 Sunset Avenue
- VII. Items not on the agenda
- VIII. Adjournment

MEETING OF THE ASHEBORO PLANNING BOARD
CITY COUNCIL CHAMBERS, 146 N. CHURCH ST.
MONDAY, MAY 4, 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:

Michael O'Kelley) – Vice Chair

Ritchie Buffkin)
Harold Anderson) - Members Present
Pamela Vuncannon)

Bradley Morton, Planner/Deputy City Clerk
Trevor Nuttall, Community Development Division Director
Jeff Sugg, City Attorney

The following members and staff were present via remote conference to comply with Governor Roy Cooper's Executive Order No. 121 regarding COVID-19 and social distancing:

Van Rich) - Chair
David Henderson) - Member
Thomas Rush) – Member
John Evans) – Assistant Community Development Division Director

Mr. Michael O'Kelley, being an in person officer of the board, presided over the meeting.

CALL TO ORDER

Mr. O'Kelley called the Asheboro Planning Board to order. He then held a moment of silence.

APPROVAL OF MINUTES FROM APRIL 6, 2020

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

REVIEW OF CASES

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

RZ-20-05: REQUEST TO REZONE FROM RA6 HIGH-DENSITY RESIDENTIAL TO O&I OFFICE & INSTITUTIONAL (EAST BAILEY STREET; EAST OF 1644 N. FAYETTEVILLE STREET)

Mr. Trevor Nuttall gave a visual presentation on the above rezoning request. He stated that the applicant is Balfour Baptist Church. He gave the location as East Bailey Street, East of 1644 N. Fayetteville Street. He stated that the request is to rezone from RA6 (High-Density Residential) to O&I (Office & Institutional). He stated that the Randolph County Parcel ID is 7761227707. He stated that the size of the parcel is .57 acres +/- . He stated that the existing land use on the parcel is undeveloped. He showed overview, rezoning, topographic/utilities, and aerial maps of the parcel as well as photographs of the parcel from all directions. He then gave the analysis as follows:

- The property is inside the city limits.

- East Bailey St. is a city-maintained collector street that extends from North Fayetteville St. to Old Liberty Road. The pavement surface of East Bailey Street is approximately 18' wide in this location.
- The zoning ordinance describes the O&I Commercial District as "intended to produce moderate intensity office and institutional development to serve adjacent residential areas and to provide a transition from residential to commercial uses. Land designated O&I shall normally be located with access to a minor thoroughfare or higher classification street with access to local residential streets discouraged."
- In 2019, part of the abutting property to the west was rezoned from R10 Medium-Density Residential to O & I Office & Institutional. The front of the adjoining property is zoned B2, extending approximately 200 +/- feet from North Fayetteville Street, with the balance zoned O&I.
- The property is located between commercial uses to the west along North Fayetteville Street and residential uses to the east.

He then gave the Land Development Plan Recommendations as follows:

- Proposed Land Use Map: Neighborhood Residential
- Small Area Plan: Northeast
- Growth Strategy Map: Primary Growth

He listed the LDP Goals and Policies:

Goals/Policies Supporting Request (5):

- Checklist Item 5: Complies with Growth Strategy Map
- 2.1.5: Transitional land use (between higher intensity commercial and lower intensity residential)
- Checklist Item 12-14: Property is located outside of watershed, flood area, not located on steep slopes

Goals/Policies Not Supporting Request (2):

- Checklist Item 1: Not compliant with the Proposed Land Use Map
- Checklist Item 6: Existing infrastructure adequacy (roads)

He then gave the statement of consistency with adopted plans, reasonableness and public interest:

- Transitional location between commercial corridor along North Fayetteville Street and residential areas to the east
- Adjacent to long-standing institutional use
- Limited number of non-residential uses help address concerns over lower classification street.
- O&I district requirements (limited uses, buffers) mitigate external impact to adjoining properties

He stated that staff's recommendation is to approve the request. He stated that the next steps would be for City Council to hear the rezoning request at its Thursday, June 4, 2020 regular meeting held at 7 p.m. At this time he asked the board if there were any questions for him. There were no questions.

Mr. O'Kelley asked if there was anyone in favor of the request.

Mr. Charles Allen, deacon and trustee at Balfour Baptist Church (applicant), spoke on behalf of the request. He stated that the previous rezoning which was approved in 2019 was intended to include this parcel. He stated that the church is willing to comply with all zoning requirements for any development purposes.

Mr. Michael Wood, an adjoining property owner, stated that he didn't have any opposition to the request and that he would like a buffer if development occurred. Mr. Nuttall stated that the zoning ordinance

requires the minimum standard for buffering and screening of abutting uses, but that the property owner could provide more than the minimum at their discretion.

Mr. O'Kelley asked if a parking lot could be developed on this parcel with the existing zoning, to which Mr. Nuttall stated that it could not be developed by right and could only be permitted either by a rezoning or with an approved Special Use Permit by City Council.

Mr. O'Kelley asked if there was anyone in opposition of the request. There was no one in opposition to the request.

Mr. Rich moved to recommend approval of RZ-20-05 based on staff's recommendation and consistency statement. Mr. Anderson seconded the motion and, together with all those members physically present as well as via remote conference, the motion carried unanimously.

RZ/CUP-20-06: REQUEST TO REZONE FROM OA6 OFFICE-APARTMENT TO CU-M CONDITIONAL USE MERCANTILE (PORTION OF 801 SUNSET AVENUE)

Mr. Trevor Nuttall gave a visual presentation on the above rezoning request. He stated that the applicant is Baybuilt Properties, LLC. He stated that the applicant is not the property owner, however the owner has signed onto the application. He gave the location as 801 Sunset Avenue. He stated that the request is to rezone from OA6 (Office-Apartment) to CU-M (Conditional Use Mercantile). He stated that the Randolph County Parcel ID is 7751426889 and the request is only for a portion of the parcel. He stated that the size of the parcel is 1.07 out of 1.52 acres +/- . He stated that the existing land use on the parcel is a place of assembly – non-commercial (church) (last use – currently vacant). He showed overview, rezoning, center city planning area, topographic/utilities, and aerial maps of the parcel as well as photographs of the parcel from all directions. He then gave the analysis as follows:

- The property is inside the city limits
- Sunset Avenue and South Cherry Street are both state-maintained minor thoroughfares at this location
- The property is located within Tier 3 of the Center City Planning Area
- The requirements of the underlying Mercantile district set a maximum of 6,000 SF for all permitted uses, restrict drive through services, prohibit open storage, and require additional pedestrian connectivity, among other requirements. Council may also impose additional conditions through the Conditional Use permitting process
- Zoning Ordinance Mercantile Description: M District intended to provide for a greater number of potential business activities than the B1 Zoning District. The Mercantile District is distinguished from the B2 General Commercial District by excluding certain uses permitted in the B2 District that are likely to create the greatest external impact (traffic, noise, lighting, etc.) and by its additional standards that address compatibility with adjoining residential neighborhoods. These districts should be located in nodes along minor thoroughfares or higher classification street.
- The area contains a mix of single-family, multi-family, institutional, and some office uses.
- The applicant's request only applies to a portion of the subject property. This portion of the property will require a Conditional Use Permit to be issued by City Council prior to any development activity or change of use. The remaining portion of the property retaining OA6 Office-Apartment zoning will continue to allow all uses permitted by right in that district.

He then gave the Land Development Plan Recommendations as follows:

- Proposed Land Use Map: City Activity Center
- Small Area Plan: Central
- Growth Strategy Map: Primary Growth

He listed the LDP Goals and Policies:

Goals/Policies Supporting Request (6):

- Checklist Item 1: Complies with LDP proposed land use map
- Checklist Item 5: Complies with Growth Strategy Map
- Checklist Item 8: Request is an adaptive reuse of a vacant or unused lot, or is an infill lot.
- Checklist Item 12-14: Property is located outside of watershed, flood area, not located on steep slopes

Goals/Policies Not Supporting Request (1):

- Policy 2.1.1: The City will ensure development regulations provide appropriate transitional land uses, such as office and institutional, between high-intensity industrial/commercial and low-intensity residential uses.

He then gave the statement of consistency with adopted plans, reasonableness and public interest:

- Center City Planning Area intent “to create pedestrian-friendly focal points” containing a mix of uses
- Mix of land uses in the area, and more permissive B2 zoning west of property
- Mercantile designation prohibits more intense development out of character with established neighborhoods in city core
- Conditional Use permitting process offers additional protection to adjoining residential properties

He stated that staff’s recommendation is to approve the request. He stated that the next steps would be for City Council to hear the rezoning request at its Thursday, June 4, 2020 regular meeting held at 7 p.m. At this time he asked the board if there were any questions for him. He also stated that a representative of Baybuilt Properties as well as Mr. Barron Thompson are in attendance on behalf of the applicant.

Mr. O’Kelley asked what the intent of rezoning only a portion of the property would be and whether could create any future issues for the property. Mr. Nuttall stated that one may have different ideas of future development of the two portions of the property. Also, in the case of this particular property, the fact that there is a well-defined subdivision of land in place on this property in its current state will allow the portion of the property rezoned to be very easily identified now or in the future. Mr. O’Kelley also inquired if there would be a buffer between the two sections of the property in order to separate the uses in a visible way, to which Mr. Nuttall stated there would likely not be any buffer requirements for the interior of the total property due to it being all one zoning lot.

Mr. O’Kelley asked if there was anyone in favor of the request.

Mr. Barron Thompson, the applicant’s agent, spoke in favor of the request. He stated that the request is consistent with the Proposed Land Use plan and there are a number of different uses within the area. He stated that a banquet or event center would be a very similar type of use that the property has been used for in the past with the fellowship hall of the church. He stated that additional conditions could be added to give more protection to surrounding property owners. He stated that if there were any questions he would answer them at this time.

Mr. Henderson asked if additional structures could be constructed on this property. Mr. Thompson deferred the question back to staff. Mr. Nuttall stated that the zoning has a maximum square footage cap of 6,000 square feet, and that this portion of the property currently has approximately 4,000 sf of building area. He said that technically additional structures or square footage could be added, however a site specific plan would be presented to council with detail on this at their regular meeting in June.

Mr. O’Kelley asked if NCDOT would be notified, to which Mr. Nuttall stated that during a change of use NCDOT will be notified.

Ms. Vuncannon moved to recommend approval of RZ/CUP-20-06 based on staff's recommendation and consistency statement. Mr. Henderson seconded the motion and, together with all those members physically present as well as via remote conference, the motion carried unanimously.

ANNUAL REPORT CONCERNING PLANNING BOARD ACTIVITIES, EXPENDITURES, AND BUDGET ESTIMATES

Mr. Nuttall shared the Planning Board annual report. He stated that the city code requires the Planning Board to give an account of all activities, expenditures, and budget estimates to the City Council at their regular May meeting.

Mr. Buffkin moved to forward the report to the City Council for their review at the regular May City Council meeting. Ms. Vuncannon seconded the motion and, together with all those members physically present as well as via remote conference, the motion carried unanimously.

ITEMS NOT ON THE AGENDA

There were no items.

ADJOURNMENT

With no further business to come before the board, Mr. O'Kelley adjourned the meeting.

Bradley Morton, Planning Board Secretary

Michael O'Kelley, Planning Board Vice-Chair



**RZ-20-07: Request to rezone from R10 (Medium-Density Residential) to R7.5
(Medium-Density Residential): 435 Old Liberty Rd.**

Staff Report

Rezoning Staff Report

RZ Case # RZ-20-07

Date 6/1/2020 Planning Board

General Information

Applicant

Darren Hackett

Address PO Box 4451

City Asheboro NC 27204

Phone 336-302-4451

Location 435 Old Liberty Rd

Requested

Action Rezone from R10 Medium-Density Residential to R7.5 (Medium-Density Residential)

Existing Zone R10

Existing Land Use Single-family dwelling

Size 2.0 acres +/-

Pin # 7762168474

Applicant's Reasons as stated on application

To allow for single-family home construction, for maximization of number of lots per property.

Surrounding Land Use

North Single-family/Two-family residential

East Single-family residential

South Single-family residential

West Single-family/Two-family residential

Zoning History N/A

Legal Description

The property of Darren Hackett located at 435 Old Liberty Rd., totaling approximately 2.0 acres +/- and more specifically identified by Randolph County Parcel Identification Number 7762168474.

Analysis

1. The property is inside the city limits.
2. Old Liberty Road is a state-maintained minor thoroughfare at this location. East Bailey St. is a city-maintained collector street that extends from North Fayetteville St. to Old Liberty Road.
3. The current R10 district and the requested R7.5 district both allow single-family and two-family dwellings. The requested R7.5 district is distinguished from the current R10 district with reduced lot sizes and setbacks. The attached excerpt from the zoning ordinance shows a detailed comparison between the two districts, including the statement of intent in the zoning ordinance for each.
5. Adjoining properties consist primarily of single-family and two-family dwellings. There are also scattered non-residential uses along Old Liberty Road near the subject property, particularly to the north where much of the corridor has commercial zoning.
6. There is a stream and city sewer easement on the property. NCDEQ needs to be contacted prior to any land activity that impacts the stream or its banks and the city's easement must be kept clear from encroachment.
7. The neighborhood residential designation of the property is described by the Land Development Plan's Land Category Description as intended "to accommodate existing medium-density, single family residential neighborhoods, while encouraging new neighborhoods of similar density to provide a greater sense of community."

Rezoning Staff Report

RZ Case # RZ-20-07

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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 Neighborhood Residential

Small Area Plan Northeast

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 5: Complies with Growth Strategy Map

Checklist Item 13: The property is located outside of Special Hazard Flood Area.

Checklist Item 14: Rezoning is not located on steep slopes (>20%) or rezoning (and the development intensity permitted with the proposed district) is unlikely to create additional problems due to steep slopes.

Policy 2.1.5: The City will ensure development regulations provide appropriate transitional land uses, such as office & institutional, between high-intensity industrial/commercial and low-intensity residential uses.

Rezoning Staff Report

RZ Case # RZ-20-07

Page 3

LDP Goals/Policies Which Do Not Support Request

Checklist Item 11: Rezoning will promote the type of development described in Design Principles

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

The primary difference between the existing R10 district and requested R7.5 district is minimum lot size and lot frontage. In order to accommodate development, the smaller lots in the R7.5 district are subject to slightly lesser setbacks than the R10 district. Potential development in the R10 district is 8 single-family lots or 5 two-family lots; in the R7.5 district that potential increases to 11 single-family lots or 7 two-family lots.

While the requested R7.5 district does allow increased density, the property's location on a minor thoroughfare and collector-level street diminish traffic generation concerns over this increase. Furthermore, the property's proximity to a significant node of B2 commercial zoning which exists on the east of side Old Liberty Rd. means that the requested zoning district can help to establish a transition to soften the potential for adverse impacts between long-standing commercial uses and older, established neighborhoods, thereby protecting them from commercial encroachment.

In the right context, a R7.5 zoning district can meet the intent of the Land Development Plan's (LDP) Neighborhood Residential proposed land use designation, and staff believes the application overall is supported by the LDP.

Considering these factors, staff believes that the requested R7.5 district is reasonable and in the public interest.

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

Comparison of existing R10 Medium-Density Residential District with requested R7.5 Medium-Density Residential District

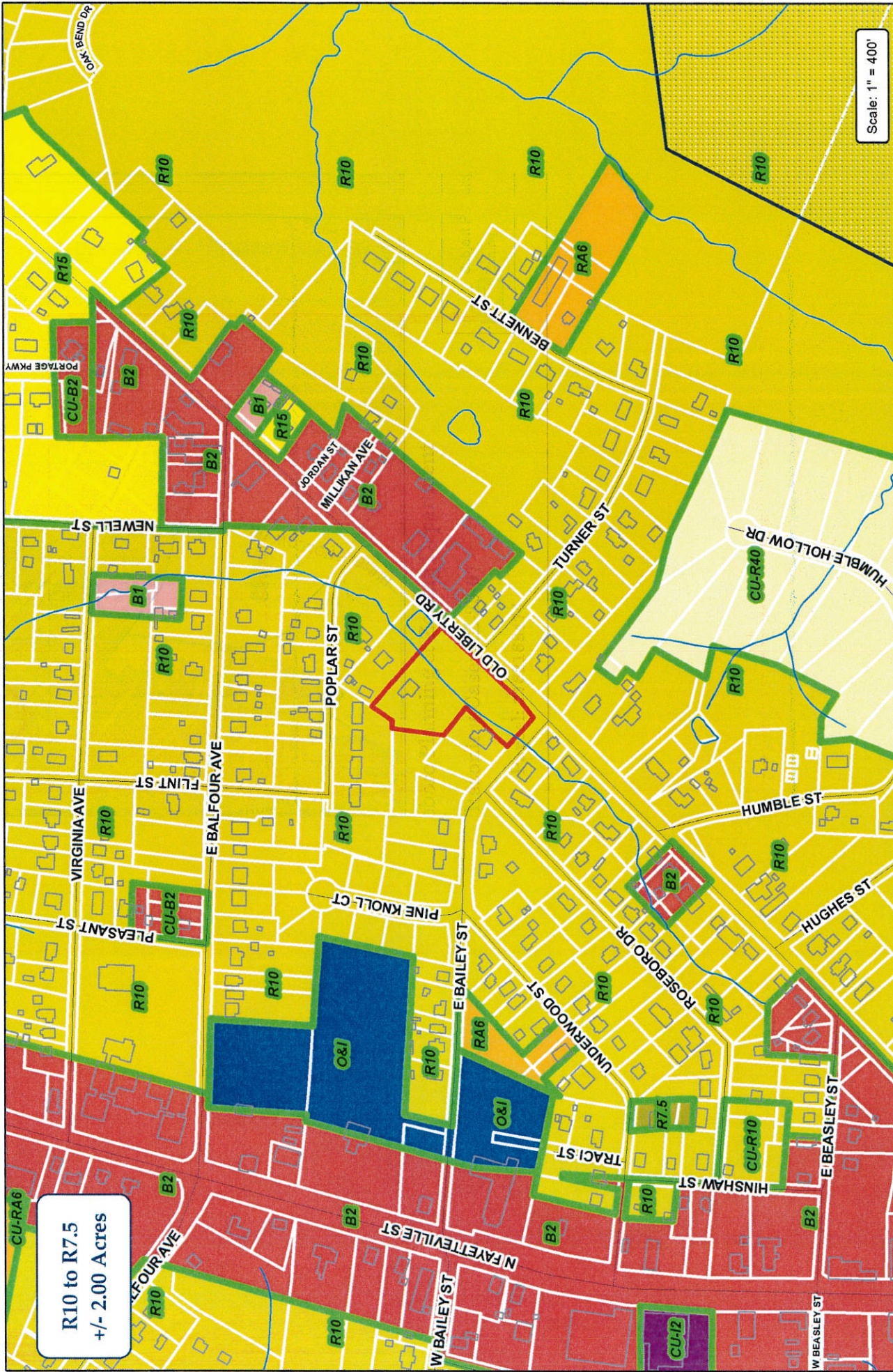
Table 200-1									
Table of Area, Height, Bulk and Placement Regulations									
District	Minimum Lot Size in Sq. Ft.	Lot Width (Frontage) In Feet*	Front Required Yard in Feet*	Side Required Yard In Feet*	Rear Required Yard in Feet*	Maximum Height in Feet*	Maximum Floor Area Ratio*	Open Space Ratio*	Recreation Ratio*
R10	10,000 SF	75	30	10	25	35	22%		
	15,000 Duplex		1 Single Family or 1 Duplex Only				22%		
	10,000 NonRes						22%		
R7.5	7,500 SF	60	25	10	20	35	22%		
	11,500 Duplex		1 Single Family or 1 Duplex Only				22%		
	7,500 NonRes						22%		
*Except as specifically modified by this Ordinance							Revised 10/2019		

Staff Note: Non-residential uses typically require a Special Use Permit.

Zoning Ordinance Statement of Intent for each district (Section 210):

R10 Medium-Density Residential (existing): 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.

R-7.5 Medium-Density Residential (proposed): Intended to provide regulations which will produce a moderate intensity of residential uses, usually single family and no more than 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



Scale: 1" = 400'

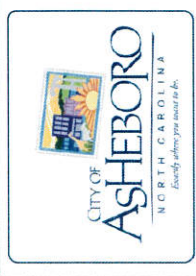


Subject Property
Zoning

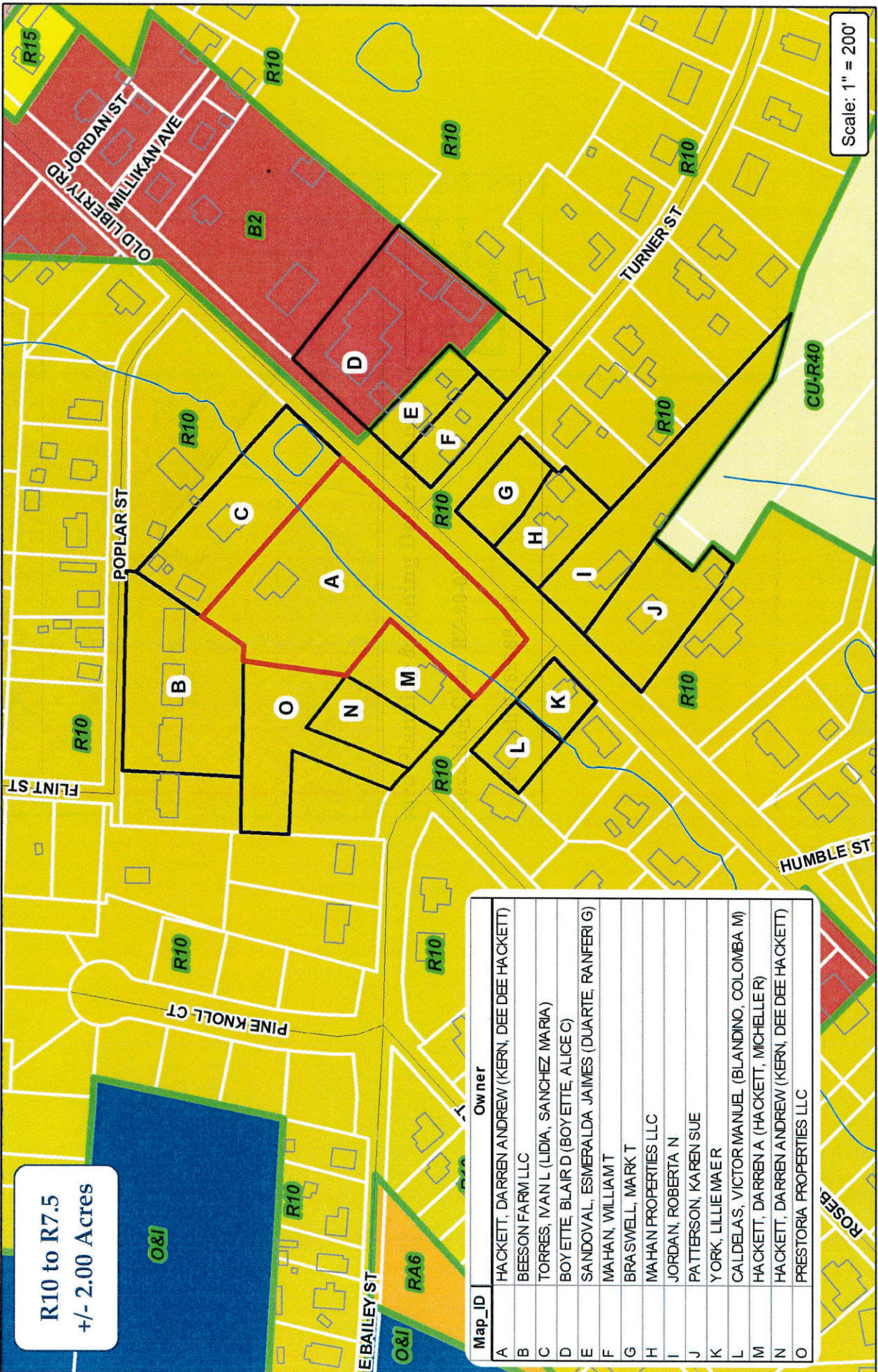
City of Asheville Planning & Zoning Department

Rezoning Case: RZ-20-07

Parcel: 7762168474



R10 to R7.5
+/- 2.00 Acres



Scale: 1" = 200'



Subject Property

Adjoining Properties

Zoning

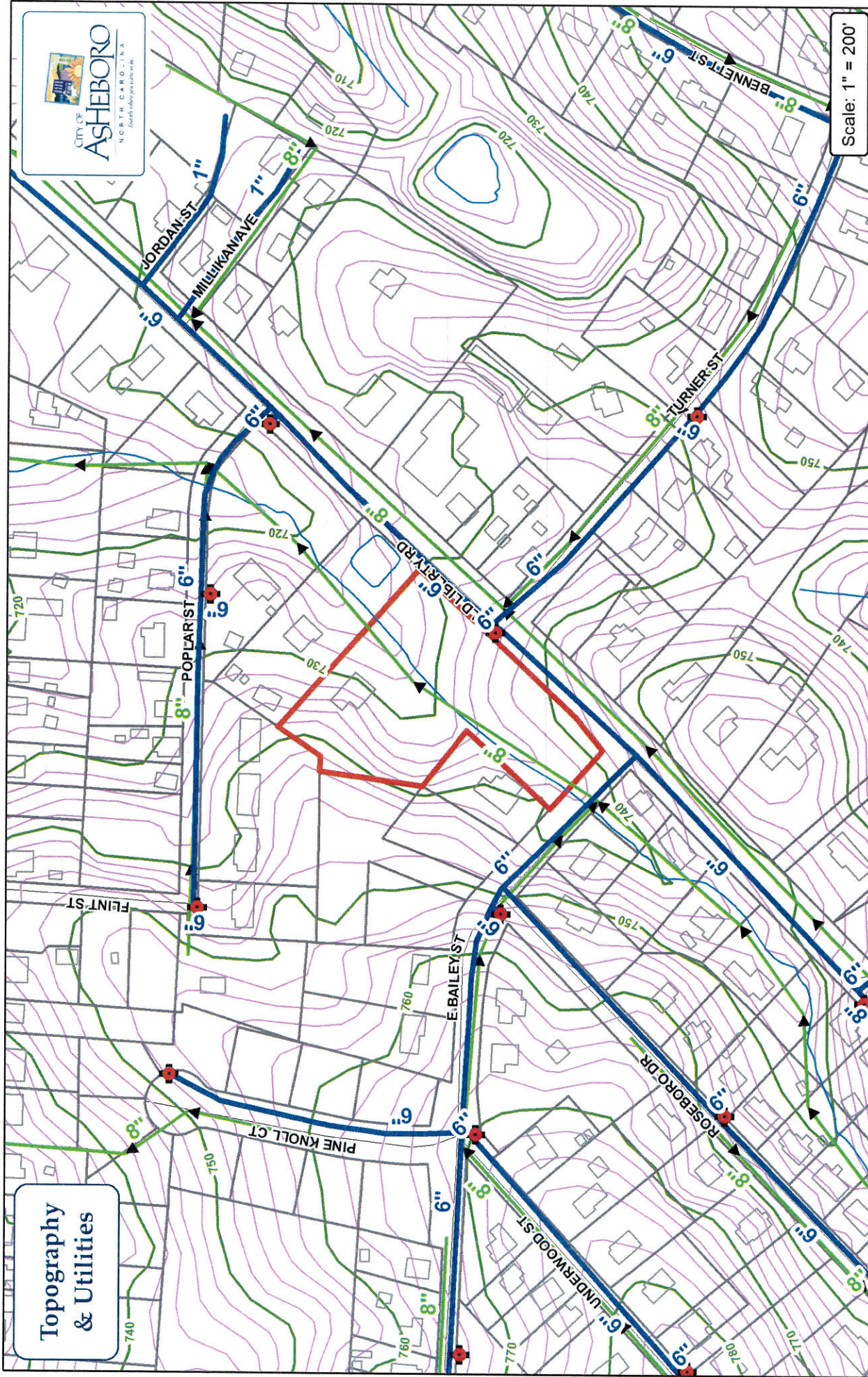
R10 to R7.5
+/- 2.00 Acres

Map_ID	Owner
A	HACKETT, DARREN ANDREW (KERN, DEE DEE HACKETT)
B	BEESON FARM LLC
C	TORRES, IVAN L (LIDIA, SANCHEZ MARIA)
D	BOYETTE, BLAIR D (BOYETTE, ALICE C)
E	SANDOVAL, ESMERALDA JAIMES (DUARTE, RANFIERI G)
F	MAHAN, WILLIAM T
G	BRASWELL, MARK T
H	MAHAN PROPERTIES LLC
I	JORDAN, ROBERTA N
J	PATTERSON, KAREN SUE
K	YORK, LILLIE MAER
L	CALDELAS, VICTOR MANUEL (BLANDINO, COLOMBA M)
M	HACKETT, DARREN A (HACKETT, MICHELLER)
N	HACKETT, DARREN ANDREW (KERN, DEE DEE HACKETT)
O	PRESTORIA PROPERTIES LLC

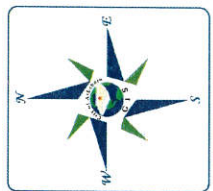
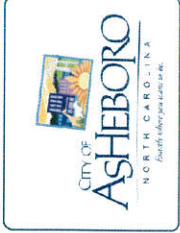
City of Asheville Planning & Zoning Department

Rezoning Case: RZ-20-07

Parcel: 7762168474



Topography
& Utilities



Subject Property

City of Asheboro
Planning & Zoning Department
Rezoning Case: RZ-20-07
Parcel: 7762168474

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



Scale: 1" = 200'

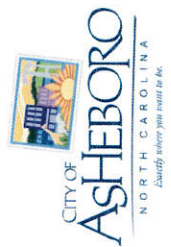


Subject Property
Zoning

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-20-07

Parcel: 7762168474





Application for Zoning Ordinance/Map Amendment

APPLICATION FEE

A \$200 filing fee is required for any amendment.

APPLICATION INSTRUCTIONS

The rezoning process can be complex. It is highly recommended that the applicant speak with Planning and Zoning Department staff prior to submitting the application and paying the filing fee. Contact staff at (336) 626-1201 ext. 225 to ensure application requirements are satisfied.

REQUIRED APPLICATION CONTENTS

- 1) A dimensional map, at a scale of not more than 200 feet to the inch, showing the land that would be covered by the proposed amendment, if the amendment would require a change in the zoning atlas.
- 2) A legal description/deed reference of such land.

It is recommended that the applicant mail letters to the adjoining property owners a minimum of 10 days prior to the scheduled Planning Board meeting. A template showing the required information contained in the letters is on Page 4 of this application. Please verify location and meeting times with staff prior to mailing.

One copy is to be filed with the city manager and one copy filed with the Zoning Administrator by 5:00 pm on the day which is at least 55 days prior to the City Council meeting at which the request will be considered. At no time shall the city council hear more than five (5) cases per month. If five applications have been received prior to the cut-off date, the request will be heard the following month.

MEETING INFORMATION* Dates are subject to final Planning Board/Council approval in December, 2019.

<i>Application Deadline</i>	<i>Planning Board Meeting</i>	<i>City Council Meeting</i>
December 15, 2020	Monday, January 6, 2020	Thursday, February 6, 2020
January 10, 2020	Monday, February 3, 2020	Thursday, March 5, 2020
February 14, 2020	Monday, March 2, 2020	Thursday, April 9, 2020
March 13, 2020	Monday, April 6, 2020	Thursday, May 7, 2020
April 10, 2020	Monday, May 4, 2020	Thursday, June 4, 2020
May 15, 2020	Monday, June 1, 2020	Thursday, July 9, 2020
June 12, 2020	Monday, July 6, 2020	Thursday, August 6, 2020
July 24, 2020	Monday, August 3, 2020	Thursday, September 17, 2020
August 14, 2020	Monday, September 14, 2020	Thursday, October 8, 2020
September 11, 2020	Monday, October 5, 2020	Thursday, November 5, 2020
October 16, 2020	Monday, November 2, 2020	Thursday, December 10, 2020
*Confirm application deadline with staff	Monday, December 7, 2020	*January, 2020: Confirm meeting date with staff

***January, 2020 Council meeting dates are not set by Council until December, 2019.**

Application for Zoning Ordinance/Map Amendment

APPLICANT INFORMATION

Applicant Darren Hackett
Applicant's Phone # 336.302.5848
Applicant's Address PO Box 4451
Asheboro, NC 27204
Applicant Email Address darrena.hackett@icloud.com

PROPERTY INFORMATION FOR MAP AMENDMENTS

Property Owner's Name _____
Location of Property 435 Old Liberty Rd.
Property Size (ac. or s.f.) 2.00 AC.
Randolph County Property Identification Number (PIN#) 7762168474
Current Zoning District R10
Requested Zoning District R7.5
Date Property Title Acquired Mar. 23, 1989
Deed Book 1236 Page 74
Subdivision Russell H. Hackett, et. al. Section N/A Lot # 6
Plat Book 37 Page 72

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.

N/A

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?

N/A

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

To Allow For Single Family Home Construction

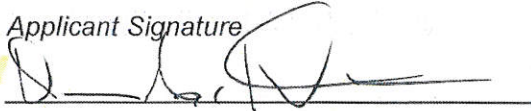
4. Are there any other circumstances, factors, or reasons that the applicant offers in support of the proposed amendment?

For Maximization of # of Lots Per Property

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



Owner Signature (if different than Applicant)

Printed Name of Authorized Signatory (if different from Applicant)

Owner Address

Position/Relationship of Authorized Signatory to Applicant

Telephone Number

Printed Name of Authorized Signatory (if different from Owner)

Position/Relationship of Authorized Signatory to Owner

STAFF USE

Received by:

John Evans

Date:

5-14-2020

Case Number:

R2-20-07



RZ-20-08: Request to rezone from R15 (Low-Density Single-Family Residential) and R10 (Medium-Density Residential) to R7.5 (Medium-Density Residential): Meadowbrook Road Extension and Honeysuckle Road

Staff Report

Rezoning Staff Report

RZ Case # RZ-20-08

Date 6/1/2020 Planning Board

General Information

Applicant Darren Hackett
Address PO Box 4451
City Asheboro NC 27203
Phone 336-302-4451
Location Meadowbrook Rd. Extension and Honeysuckle Rd
Requested Action Rezone from R15 Low-Density Single-Family Residential and R10 Medium-Density Residential to R7.5 (Medium-Density Residential)
Existing Zone R10/R15 **Existing Land Use** Undeveloped
Size 2.55 acres +/- **Pin #** 7762230413, 7762231577

Applicant's Reasons as stated on application

To allow for single-family home construction, for maximization of number of lots per property.

Surrounding Land Use

North Undeveloped/Single-Family Residential

East Single-Family Residential

South Single-family residential

West Manufactured home park/Single-family

Zoning History N/A

Legal Description

The property of Darren Andrew Hackett & Dee Dee Hackett Kearns, located approximately along Meadowbrook Rd. Extension & Honeysuckle Rd. 175 ft. north of Ideal Dr., totaling approximately 2.55 acres +/- and identified by Randolph Co. Parcel ID #s 7762230413 & 7762231577.

Analysis

1. The property is inside the city limits.
2. Meadowbrook Rd. Ext. connects Honeysuckle Rd., a state-maintained roadway, with Ideal Dr., a city-maintained street with an average road width of less than 20 feet.
3. The majority of the property (approximately 1.8 acres) is zoned R15 (Low-Density Single-Family Residential), while rear portions (approximately 0.75 acres) are zoned R10 (Medium-Density Residential).
4. The R15 district only allows a single-family dwelling on each zoning lot and requires the greatest lot size among the three districts. The R10 district and the requested R7.5 district both allow a single-family or two-family dwelling on each zoning lot. The attached excerpt from the zoning ordinance shows a detailed comparison of all three districts, including the statement of intent in the zoning ordinance for each.
5. Adjoining properties consist primarily of low-density single-family dwellings, with many adjoining properties exceeding the minimum lot size by a significant margin. One adjoining property has a manufactured home park with density in excess of current requirements.
6. There is a stream and city sewer easement on the property. NCDEQ needs to be contacted prior to any land activity that impacts the stream or its banks and the city's easement must be kept clear from encroachment.
7. The neighborhood residential designation of the property is described by the Land Development Plan's Land Category Description as intended "to accommodate existing medium-density, single family residential neighborhoods, while encouraging new neighborhoods of similar density to provide a greater sense of community."

Rezoning Staff Report

RZ Case # RZ-20-08

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 Neighborhood Residential

Small Area Plan Northeast

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 5: Complies with Growth Strategy Map

Checklist Item 13: The property is located outside of Special Hazard Flood Area.

Rezoning Staff Report

RZ Case # RZ-20-08

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 4: The proposed rezoning is not compatible with surrounding land uses.

Checklist Item 10: Rezoning is not consistent with Land Category Descriptions

Checklist Item 14: Rezoning is not located on steep slopes (>20%) or rezoning (and the development intensity permitted with the proposed district) is unlikely to create additional problems due to steep slopes.

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

This application seeks to apply the R7.5 medium-density residential district to property in an area of the city where R15 and R10 zoning is predominant. In fact, while there are several legal non-conforming manufactured home parks in the area, there is not a more dense zoning district than R10 within ½ mile of the parcels requested for rezoning.

While a primary difference between the existing R10 district and requested R7.5 district is minimum lot size and lot frontage, the R7.5 district differs significantly from the R15 district which is intended only for single-family dwellings. When evaluating potential development under the current zoning, it is useful to look at the R15 standards since the majority of the property and all its frontage falls into that district. Accordingly, potential development on the subject property using these standards is 7 single-family lots and 0 two-family lots; in the R7.5 district, that potential increases to 14 single-family lots or 9 two-family lots.

While a case for R10 zoning on the property might reasonably be made, a rezoning to R7.5 would be out of character with the surrounding zoning and development pattern and there is not sufficient backing in the Land Development Plan to support the request.

Considering these factors, staff does not believe the request to be reasonable or in the public interest.

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

Comparison of existing R15 Low-Density Single-Family Residential district & R10 Medium-Density Residential District with requested R7.5 Medium-Density Residential District

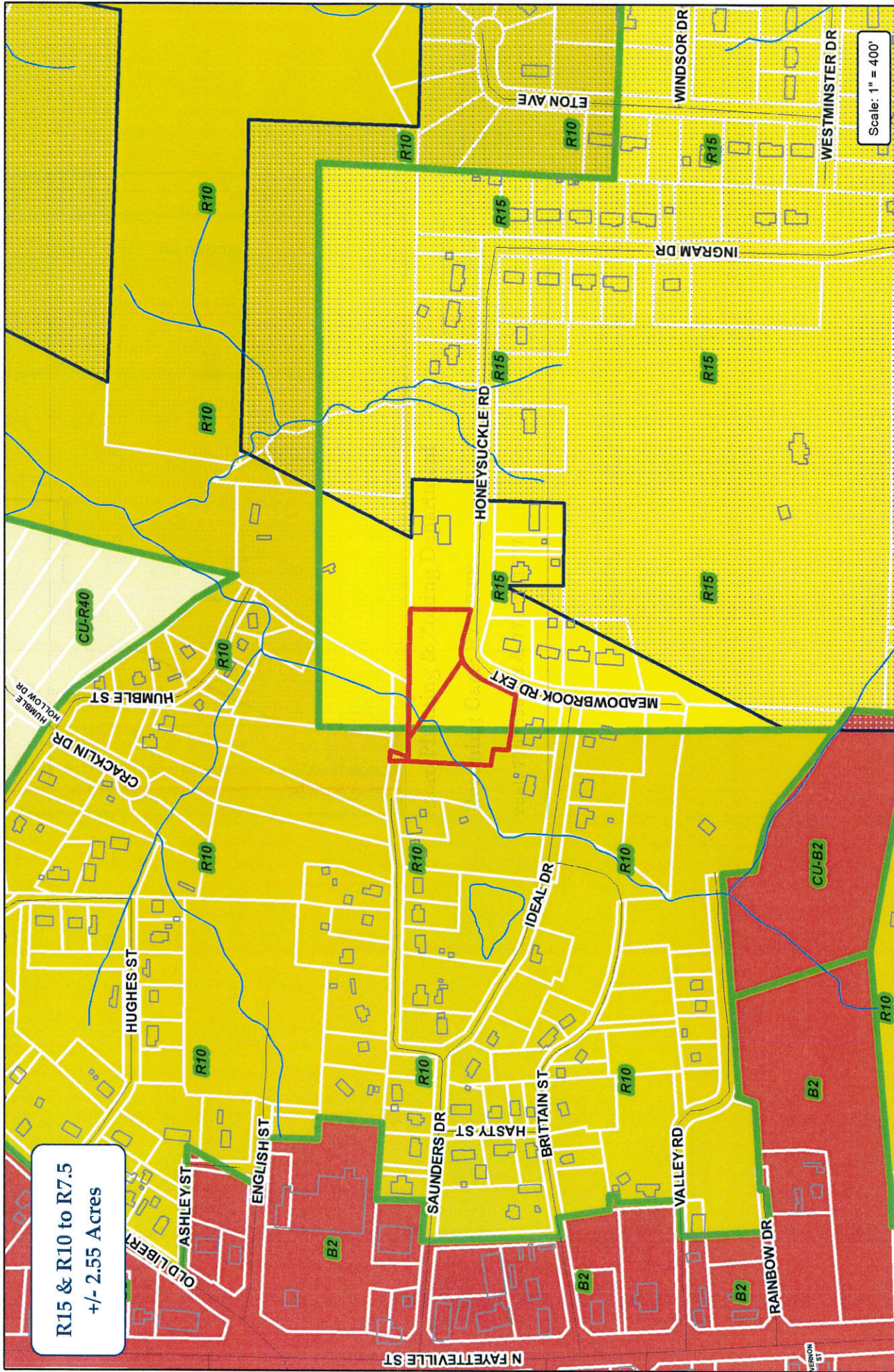
Table 200-1										
Table of Area, Height, Bulk and Placement Regulations										
District	Minimum Lot Size in Sq. Ft.	Lot Width (Frontage) In Feet*	Front Required Yard in Feet*	Side Required Yard In Feet*	Rear Required Yard in Feet*	Maximum Height in Feet*	Maximum Floor Area Ratio*	Open Space Ratio*	Recreation Ratio*	
R15	15,000	100	30	15	25	35	22%			
	1 Single Family Only									
R10	10,000 SF	75	30	10	25	35	22%			
	15,000 Duplex	1 Single Family or 1 Duplex Only						22%		
	10,000 NonRes						22%			
R7.5	7,500 SF	60	25	10	20	35	22%			
	11,500 Duplex	1 Single Family or 1 Duplex Only						22%		
	7,500 NonRes						22%			
*Except as specifically modified by this Ordinance							Revised 10/2019			
Staff Note: Non Residential applies to uses that typically require a Special Use permit.										

Zoning Ordinance Statement of Intent for each district (Section 210):

R15 Low-Density Single-Family Residential (existing): Intended to provide regulations which will produce a low intensity of single family residential use with the necessary governmental and other support facilities to service such suburban intensity living.

R10 Medium-Density Residential (existing): 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.

R-7.5 Medium-Density Residential (proposed): Intended to provide regulations which will produce a moderate intensity of residential uses, usually single family and no more than 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

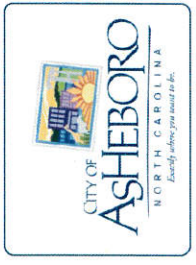
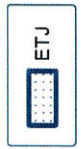


R15 & R10 to R7.5
+/- 2.55 Acres

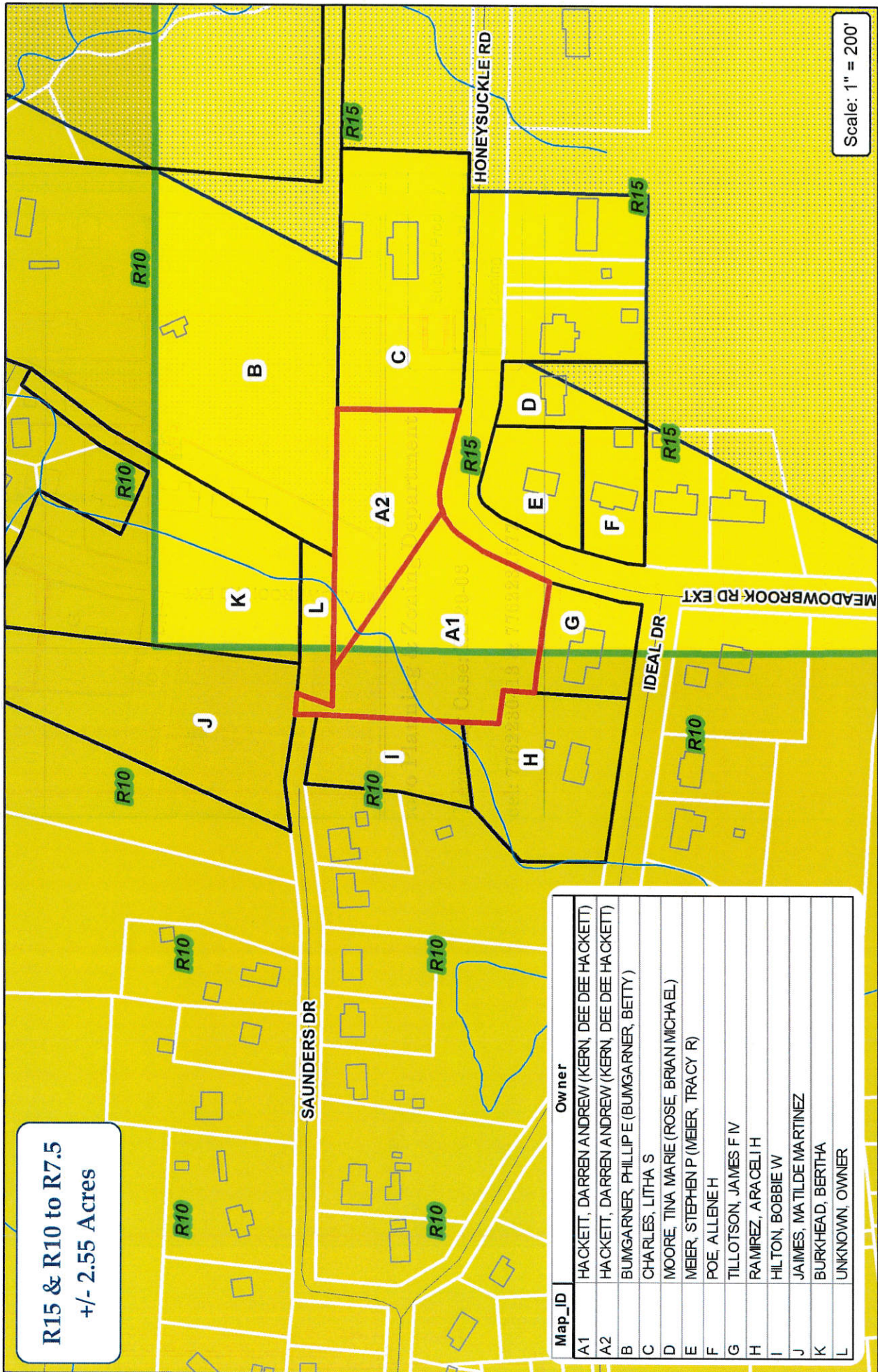
City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-20-08

Parcel: 7762230413 & 7762231577



R15 & R10 to R7.5
+/- 2.55 Acres



Scale: 1" = 200'

City of Asheboro Planning & Zoning Department

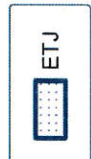
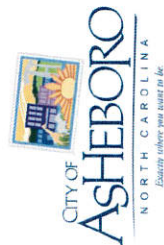
Rezoning Case: RZ-20-08

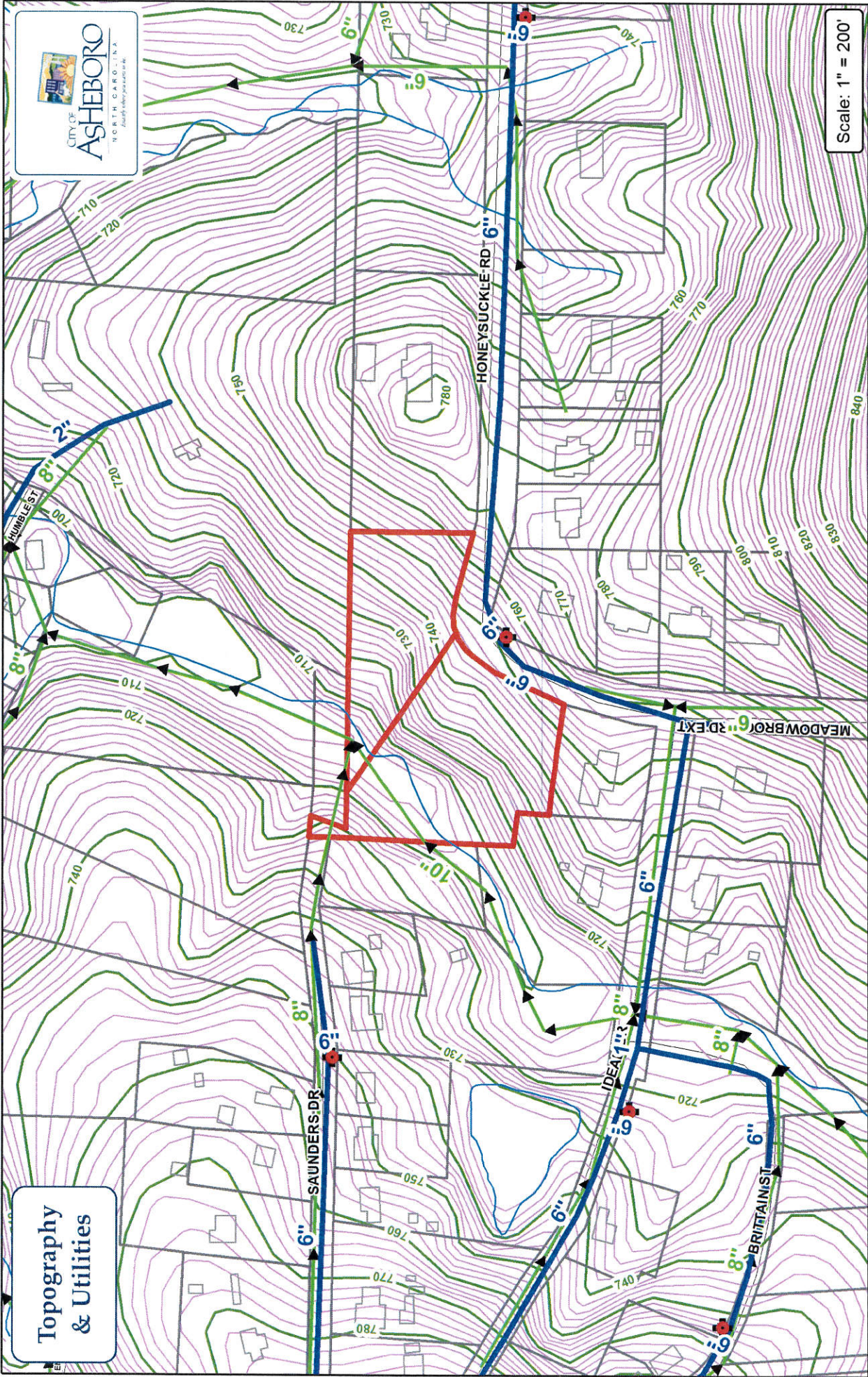
Parcel: 7762230413 & 7762231577

 Subject Property
 Adjoining Properties
 Zoning



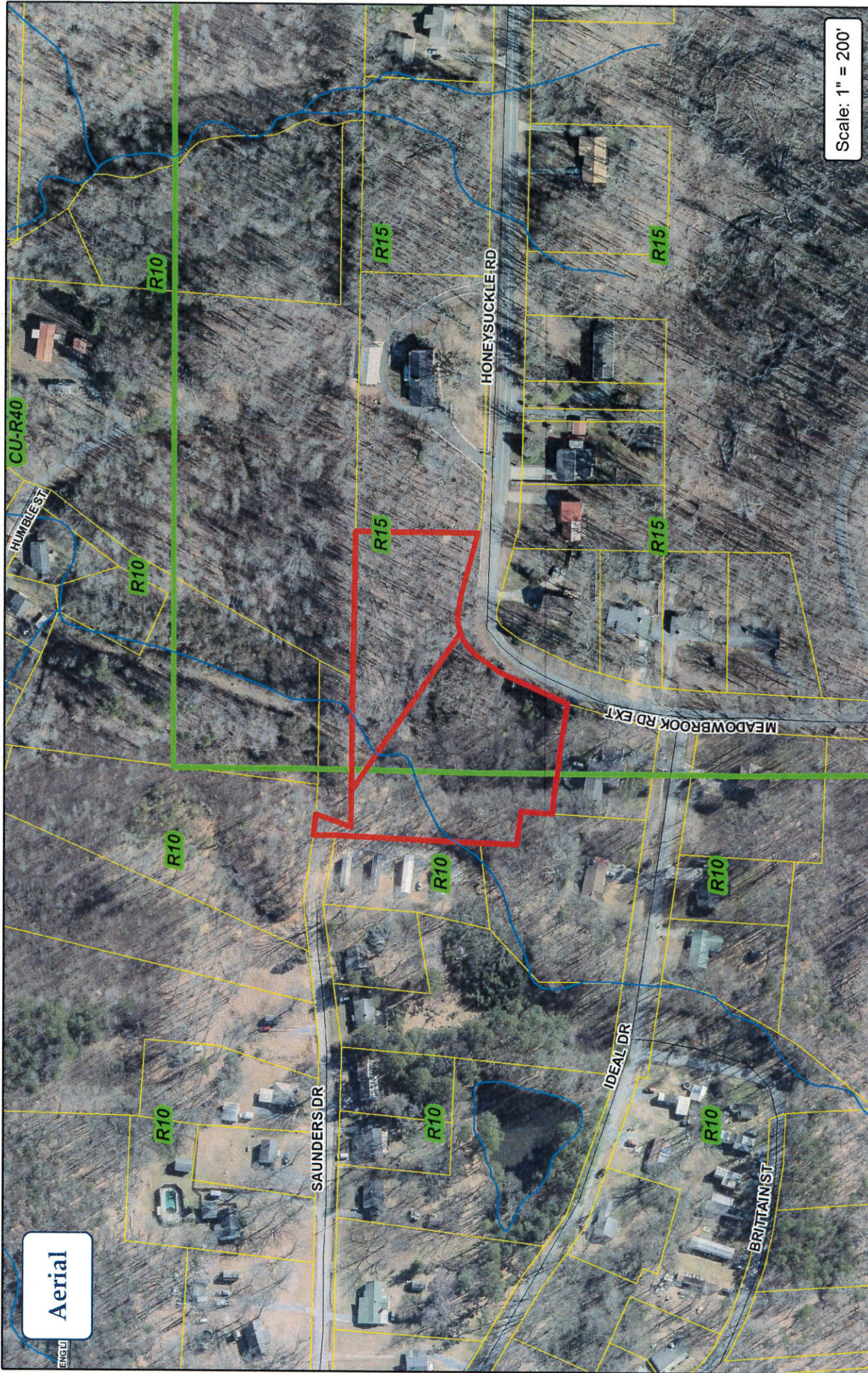
Map_ID	Owner
A1	HACKETT, DARREN ANDREW (KERN, DEE DEE HACKETT)
A2	HACKETT, DARREN ANDREW (KERN, DEE DEE HACKETT)
B	BUMGARDNER, PHILLIP E (BUMGARDNER, BETTY)
C	CHARLES, LITHA S
D	MOORE, TINA MARIE (ROSE, BRIAN MICHAEL)
E	MEIER, STEPHEN P (MEIER, TRACY R)
F	POE, ALLENE H
G	TILLOTSON, JAMES F IV
H	RAMIREZ, ARACELI H
I	HILTON, BOBBIE W
J	JAIMES, MATILDE MARTINEZ
K	BURKHEAD, BERTHA
L	UNKNOWN, OWNER





City of Asheboro
 Planning & Zoning Department
 Rezoning Case: RZ-20-08
 Parcel: 7762230413 & 7762231577

	Water Main		Fire Hydrant
	Sewer Main		Pump Station
	Force Main		



Scale: 1" = 200'



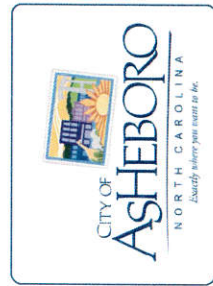
Subject Property

Zoning

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-20-08

Parcel: 7762230413 & 7762231577





Application for Zoning Ordinance/Map Amendment

APPLICATION FEE

A \$200 filing fee is required for any amendment.

APPLICATION INSTRUCTIONS

The rezoning process can be complex. It is highly recommended that the applicant speak with Planning and Zoning Department staff prior to submitting the application and paying the filing fee. Contact staff at (336) 626-1201 ext. 225 to ensure application requirements are satisfied.

REQUIRED APPLICATION CONTENTS

- 1) A dimensional map, at a scale of not more than 200 feet to the inch, showing the land that would be covered by the proposed amendment, if the amendment would require a change in the zoning atlas.
- 2) A legal description/deed reference of such land.

It is recommended that the applicant mail letters to the adjoining property owners a minimum of 10 days prior to the scheduled Planning Board meeting. A template showing the required information contained in the letters is on Page 4 of this application. Please verify location and meeting times with staff prior to mailing.

One copy is to be filed with the city manager and one copy filed with the Zoning Administrator by 5:00 pm on the day which is at least 55 days prior to the City Council meeting at which the request will be considered. At no time shall the city council hear more than five (5) cases per month. If five applications have been received prior to the cut-off date, the request will be heard the following month.

MEETING INFORMATION* Dates are subject to final Planning Board/Council approval in December, 2019.

<i>Application Deadline</i>	<i>Planning Board Meeting</i>	<i>City Council Meeting</i>
December 15, 2020	Monday, January 6, 2020	Thursday, February 6, 2020
January 10, 2020	Monday, February 3, 2020	Thursday, March 5, 2020
February 14, 2020	Monday, March 2, 2020	Thursday, April 9, 2020
March 13, 2020	Monday, April 6, 2020	Thursday, May 7, 2020
April 10, 2020	Monday, May 4, 2020	Thursday, June 4, 2020
May 15, 2020	Monday, June 1, 2020	Thursday, July 9, 2020
June 12, 2020	Monday, July 6, 2020	Thursday, August 6, 2020
July 24, 2020	Monday, August 3, 2020	Thursday, September 17, 2020
August 14, 2020	Monday, September 14, 2020	Thursday, October 8, 2020
September 11, 2020	Monday, October 5, 2020	Thursday, November 5, 2020
October 16, 2020	Monday, November 2, 2020	Thursday, December 10, 2020
*Confirm application deadline with staff	Monday, December 7, 2020	*January, 2020: Confirm meeting date with staff

***January, 2020 Council meeting dates are not set by Council until December, 2019.**

Application for Zoning Ordinance/Map Amendment

APPLICANT INFORMATION

Applicant Darren Hackett
Applicant's Phone # 336.302.5848
Applicant's Address PO Box 4451
Asheboro, NC 27204
Applicant Email Address darren.a.hackett@icloud.com

PROPERTY INFORMATION FOR MAP AMENDMENTS

Property Owner's Name Darren Andrew Hackett
Location of Property Meadowbrook Road Ext.
Property Size (ac. or s.f.) 1.46 Ac. / 1.09 Ac.
Randolph County Property Identification Number (PIN#) 7762230413 / 7762231577
Current Zoning District _____
Requested Zoning District R7.5
Date Property Title Acquired _____
Deed Book 1180/pq.1978 (prior deed) Page 807 (prior deed) 18E/262
Subdivision Piney Mountain Estates Section N/A Lot # As per deeds
Plat Book 12 Page 2

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.

N/A

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?

N/A

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

To Allow For Single Family Home Construction

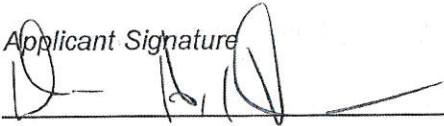
4. Are there any other circumstances, factors, or reasons that the applicant offers in support of the proposed amendment?

For Maximization of # of Lots Per Property

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



Owner Signature (if different than Applicant)

Printed Name of Authorized Signatory (if different from Applicant)

Owner Address

Position/Relationship of Authorized Signatory to Applicant

Telephone Number

Printed Name of Authorized Signatory (if different from Owner)

Position/Relationship of Authorized Signatory to Owner

STAFF USE

Received by:

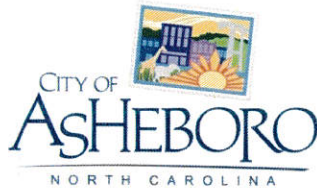
John Evans

Date:

5-14-2020

Case Number:

RZ-20-08



BOA-20-01: Variance requests concerning 801 Sunset Avenue (Parking setback and pervious coverage requirements)

Staff Report

Board of Adjustment Staff Report

Case: BOA 20-01

Date: June 1, 2020

Requested Action: Variances from Articles 200A and 300A of the Asheboro Zoning Ordinance, which regulate minimum pervious surface in the Center City Planning Area and parking within required front yards, respectfully.

GENERAL INFORMATION:

Applicant: Baybuilt Properties, LLC

Address: 929 Sunset Ave. Asheboro, NC 27203

Location of Affected Property: 801 Sunset Ave. (PIN 7751426889)

Property Size: 1.52 Acres

Underlying Zone: OA6, with request filed to rezone portion to Conditional Use – Mercantile

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

Existing Land Use: Place of Assembly, Non-Commercial

Surrounding Land Use:

North: Residential/Undeveloped

East: Residential/Office

South: Residential

West: Personal & Business Services/Residential

Land Development Plan: Town Activity Center/Primary Growth

ANALYSIS

The Lot

The Zoning Lot is a corner lot located at the intersection of Sunset Ave. and S. Cherry 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 Place of Assembly, Non-Commercial use that is no longer in operation. While the lot itself is legal conforming, nonconforming situations, such as, but not limited to, parking and landscaping, exist. The rezoning request that has been filed will have no impact on these variance requests.

Variance 1: Article 200A

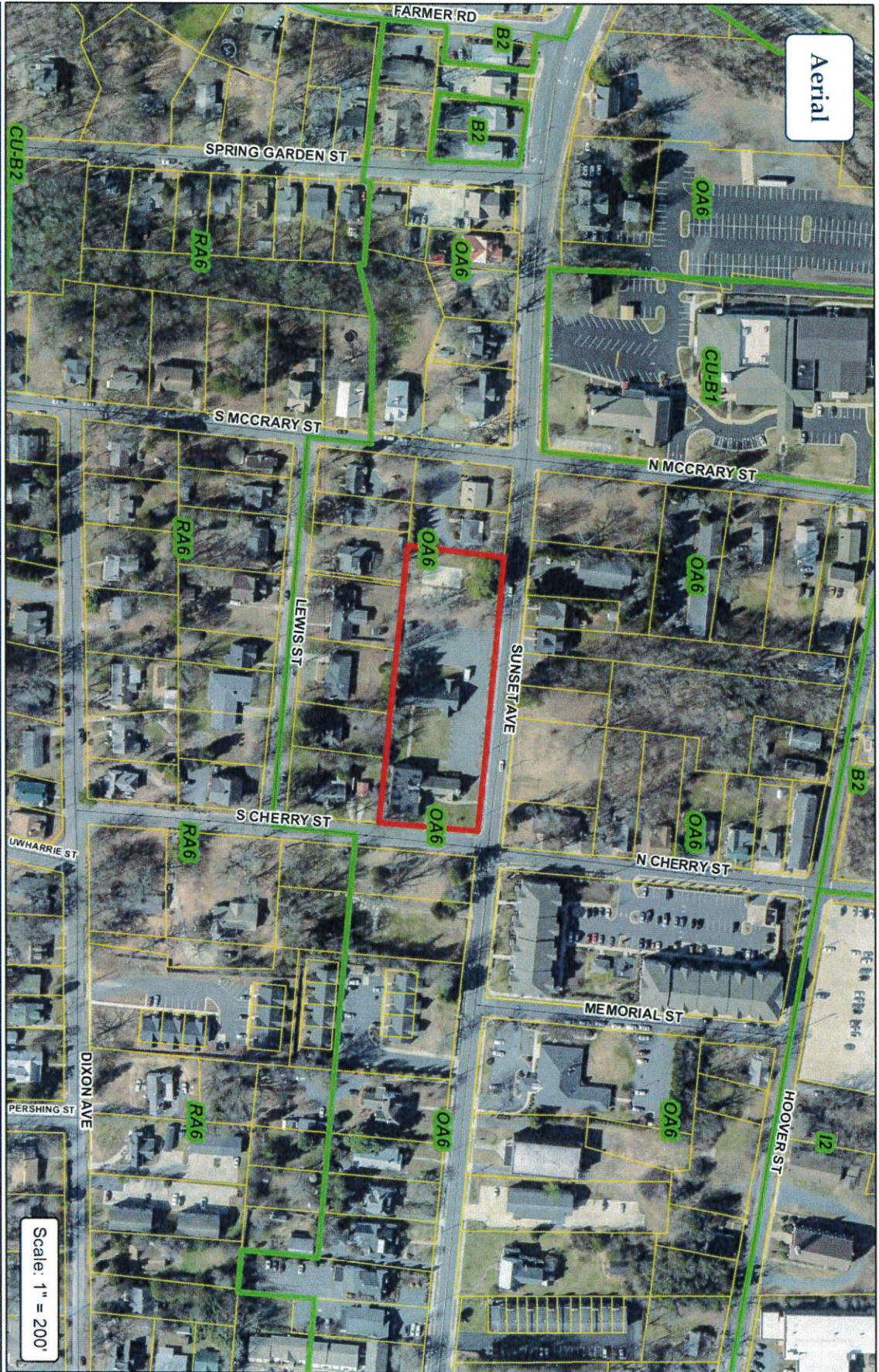
The Zoning Lot is located in Tier 3: Commercial and Employment Center Planning Area of the Center City Planning Area (CCPA). The CCPA modifies or adds to various underlying zoning requirements, including land use intensity. While the zoning ordinance generally regulates

intensity of development through a Floor Area Ratio, the CCPA replaces the ratio with a minimum pervious area requirement. This means that a certain percentage of a zoning lot must be pervious area, or in other words, not built upon. Tier 3 requires that a lot maintains 45% of its area as pervious. The applicant's development proposes pervious area below this requirement; the variance request is to reduce the minimum previous area requirement from 45% to 43.2%.

Variance 2: Article 300A

The design standards of article 300A for the OA6 district state that no parking shall be permitted within a zoning lot's required front yard. The required front yard for the OA6 district, as regulated by Table 200-1, is 25 feet, and applies to both Sunset Ave. and S. Cherry Street. With regards to parking, Tier 3 of Article 200A does not modify the Table 200-1 setback requirement. The applicant proposes to add additional parking near the corner of Sunset Ave. and S. Cherry St. as part of the development. The proposed parking would come as close as 3.5 feet from the front property line along Sunset Ave., and 18.9 feet from the front property line along S. Cherry Street.

Aerial

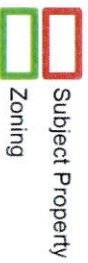


Scale: 1" = 200'

City of Asheville Planning & Zoning Department

Board of Adjustment Case: BOA-20-01

Parcel: 7751426889



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 1: Reduction in minimum pervious surface, as required by Section 200A(E)(2)(a)(vi), to 43.2%

Member's Vote: Yes _____ No _____

Variance 2: Relief from "No Parking Shall Be Permitted Within The Required Front Yard", as required by Section 317A.D.1.g, to allow parking to come within 3.5 feet of the front property line along Sunset Avenue, and 18.9 feet of the front property line along S. Cherry Street.

Member's Vote: Yes _____ No _____

Signature _____

ARTICLE 200A: CENTER CITY PLANNING AREA

(A) **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.

(1) **Permitted and Special Uses**

The uses identified in the Table of Permitted Uses (Table 200-2) for the districts covered by this planning area are permitted by right or as special uses provided they meet all requirements of this Article and all other requirements established in this Ordinance

(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%

Article 300A
Supplemental Regulations

D. Design Standards for OA6 and O&I Districts

The purpose of this section is to establish standards for those items that affect the physical aspect of Asheboro's environment. These standards focus on design principles that can result in creative solutions that will develop a satisfactory visual appearance within the City, preserve values, and promote the public health, safety, and welfare.

It has been determined that zoning regulations guide development towards accomplishing the community's goals as stated within the Asheboro Land Development Plan, creating a quality community and improving the community's livability. These goals protect and enhance individuals' welfare and market the community for quality development.

The standards require a basic level of site and structure design. The standards are not intended to limit creativity or create a community where everything looks the same. Its intent is to serve as a tool for design in the context of developing Asheboro as a unique place.

Consideration has been given to balancing the interests of property owners with the community's aesthetic character and the landowner's right to use his land, with the corresponding right of abutting and neighboring landowners to live without nuisances such as noise, smoke, fumes, odors, glare of lights, and visual pollution.

1. Except single family dwellings and their permitted accessory structures, all new construction and expansions and/or additions, shall meet the requirements of this Ordinance pertaining to design regulations and shall also meet the following specific design criteria which is meant to facilitate an orderly pattern of architecturally and esthetically integrated development:

a. All principal structures shall have at least one entrance connected to a public street with a sidewalk.

b. Open storage shall not be permitted.

c. All Facades

One Hundred percent of the area below the fascia of any non-single family building including doors and windows shall be finished with any Building Code approved material except:

i. Unfinished wood, concrete block (except split-faced block), vinyl siding, metal panels, metal painted panels and any metal panel with "rib" or "u" configuration.

ii. Laminated, composite or press board wood type materials. (*composed of layers of firmly united wood materials - made by bonding or impregnating superposed layers with resin and compressed under heat*)

Architectural metal panels secured to substrate with concealed fasteners are a permitted material (Amended 11-2011).

iii. Trim and similar architectural detailing may be composed of any code approved materials.

d. All utilities providing direct service to individual buildings shall be placed underground unless existing development within 200 feet on either side of the proposed building currently utilizes overhead utilities or are required to be placed above ground by the applicable utility provider.

e. Central Solid Waste Storage Area

All new buildings and uses including mobile home parks, but excluding single-family and two-family dwellings, shall provide facilities for the central storage of solid waste. Where such facilities are provided outside of a building, they shall be located outside of all required setbacks and buffer/screen yards and they shall be screened from the view of public rights-of-way and adjacent property by an enclosure constructed of materials compatible with the materials on the front building wall of the main building. Such screening shall begin at ground level with no open space between the ground and the bottom of the screening material(s). Prior to the issuance of Certificate of Occupancy, screening of required solid waste storage areas shall be installed or its installation guaranteed as per Section 1006.

Nothing in this Ordinance shall be construed to prevent the joint use of central solid waste storage (dumpsters) for two or more structures. An agreement for such joint use, in the form of a reciprocal easement acceptable to the office of the City Attorney shall be filed with the Zoning Administrator and recorded with the Register of Deeds for Randolph County.

f. Reserved for future use (Amended 2-4-2016)

g. No Parking Shall Be Permitted Within The Required Front Yard (Amended 2-4-2016)

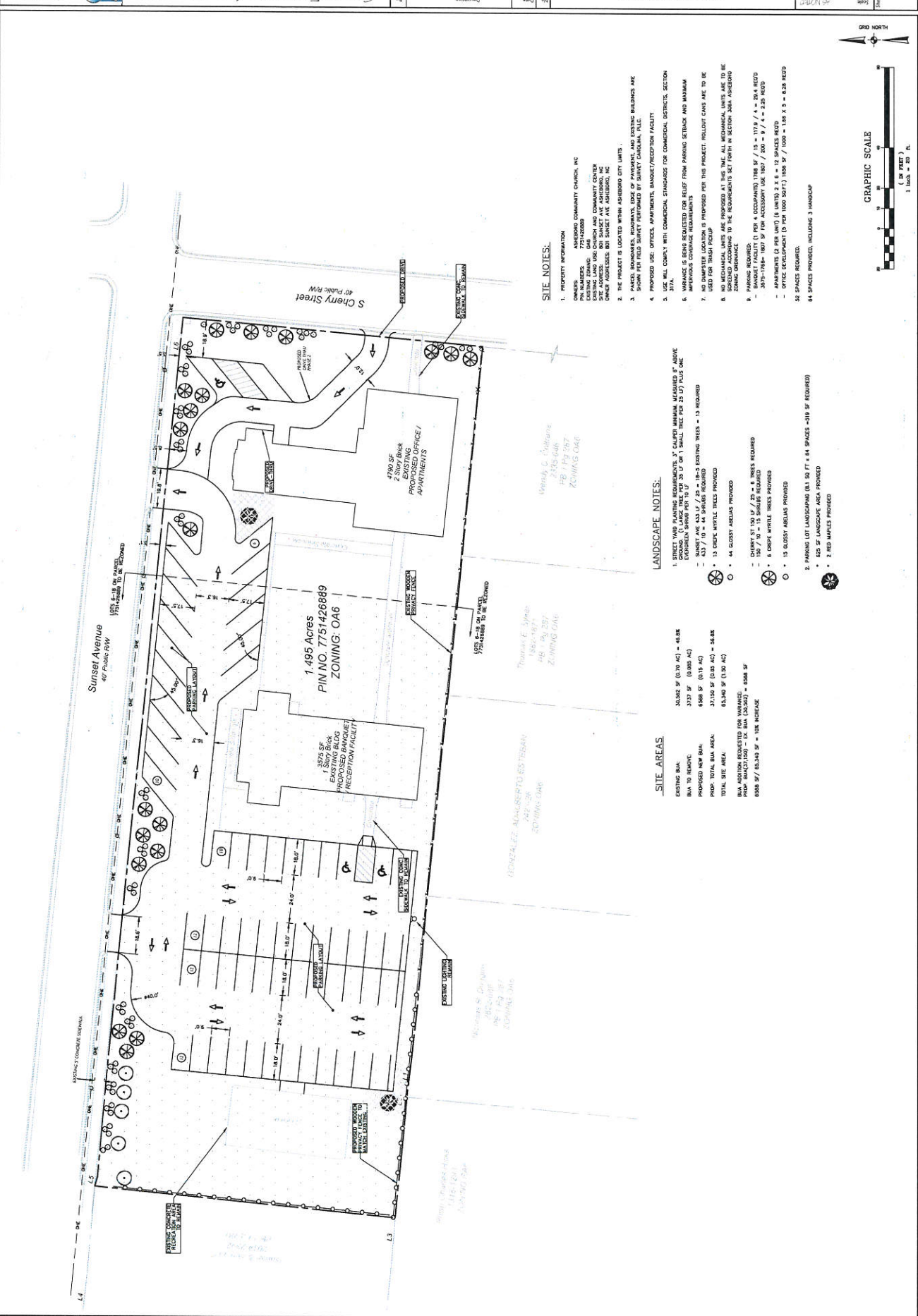
No parking shall be permitted within the required front yard of any zoning lot. This section may be modified when, due to specific property constraints (i.e. steep slopes, inadequate lot size, etc.), handicapped parking cannot be provided outside of the area between the building and the street, such parking can be located within the setback area, provided that:

1. The number of handicapped parking spaces provided does not exceed the number prescribed by the building code, and;

2. No such handicapped parking shall be located within 10' of the street right-of-way; and

3. All other relevant requirements of the Zoning Ordinance, including but not limited to landscaping and buffering, are satisfied.

Such required yard shall be occupied only by underground utilities, retention areas, landscaping materials, signs (where permitted) and driveway access and required landscaping materials. This requirement shall apply to new construction and to any change of use.



Asheboro Community Church Inc
Po Box 381
Asheboro, NC 27204

Sunset Place LLC
P O Box 395
Jamestown, NC 27282

Brown, William D (Brown, Mary Jane
Baker) - Additional Owners
Po Box 126
Moncure, NC 27559

Sykes, Thomas E (Wicker, John T)
2969 Lake Lucas Rd
Sophia, NC 27350

Hicks, Philip Charles (Hicks, Rhonda
S)
830 Lewis St
Asheboro, NC 27203

Trogdon Family LLC
665 Green Valley Rd
Asheboro, NC 27205

Tucker, Clayton Terry
465 Lewallen Rd
Asheboro, NC 27205

West Moffitt Properties LLC
6012 Clint Caviness Rd
Ramseur, NC 27316

Haywood, Vaughn Trustee
124 Sallie Dr
Candor, NC 27229

Gonzalez, Adalberto Esteban (Lopez,
Daria Guadalupe Cortez)
816 Lewis St
Asheboro, NC 27203

Lewis, John S II (Lewis, Lacy S Jr)
4358 Old Lexington Rd C/O John S
Lewis III
Asheboro, NC 27205

Coltrane, Wendy C
110 S Cherry St
Asheboro, NC 27203

Andorbar Inc
P O Box 2572
Asheboro, NC 27204

Duggins, Nicholas R
824 Lewis St
Asheboro, NC 27203

Hicks, Philip Charles (Hicks, Rhonda
S)
830 Lewis St
Asheboro, NC 27203

Brown, William D (Brown, Mary Jane
Baker) - Additional Owners
350 Stowe Ave #301
Asheboro, NC 27203

Garner & Son LLC
1700 Independence Ave
Asheboro, NC 27205

CITY OF ASHEBORO
Application for Board of Adjustment Hearing

APPLICANT INFORMATION

Applicant BAYBUILT PROPERTIES, LLC Applicant's Phone # 336-736-0714
Applicant's Address 929 SUNSET AVE.
ASHEBORO, NC 27203
Applicant's Email Address ben@benjaminjamesproperties.com

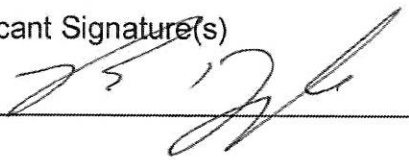
PROPERTY INFORMATION

Property Owner's Name ASHEBORO COMMUNITY CHURCH
Location of Property 801 SUNSET AVE.
Property Size (ac. or sq.ft.) 1.52 AC.
Randolph County Property Identification Number (PIN#) 7751426889
Current Zoning District OAG (REQUEST IN FOR COND. USE MERCANTILE)
Date Property Title Acquired _____ Deed Book _____ Page _____
Subdivision _____ Section _____ Lot # _____
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)



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

- 1) EXCEED THE 55% BUILT-UPON AREA FOR THE ENTIRE PROPERTY
BY ADDING MORE PARKING
- 2) BE ALLOWED TO ADD FRONT SETBACK PARKING (HANDICAP AND
NON-HANDICAPPED) BETWEEN THE BUILDING AND CHERRY ST.

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.

- 1) REQUEST IS BEING MADE TO ADD MORE ON-SITE PARKING TO SAFELY HANDLE THE AMOUNT OF PARKING NEEDED FOR A SAFE ENVIRONMENT WITH TRAFFIC CREATED BY OFFICE USAGE & EVENT CENTER. WE BELIEVE IN THIS DOWNTOWN AREA THAT A BUA OVER 55% SHOULD BE EXPECTED. WE ARE TRYING TO AVOID ISSUES CREATED BY ON-STREET PARKING AS OBSERVED IN OTHER DOWNTOWN LOCATIONS
- 2) REQUEST IS BEING MADE TO ALLOW FRONT SET-BACK HANDICAP & NON-HANDICAP PARKING BETWEEN THE BUILDING & CHERRY ST.; THIS IS TO ALLOW FOR A SAFE PARKING AREA FOR FUTURE TENANTS WITHOUT CROSSING THROUGH ON-SITE TRAFFIC. WE ARE TRYING TO AVOID ISSUES CREATED BY ON-STREET PARKING AS OBSERVED IN OTHER DOWNTOWN LOCATIONS.

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


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.


Applicant

4-29-2020
Date

STAFF USE

Received by:  Date: 4-30-20 Case Number: BOA20-01