



**Asheboro Planning Board
Asheboro City Hall (146 N. Church Street)
Monday, December 2, 2024
7:00 PM
AGENDA**

- I. Call to Order
- II. Approval of Minutes November 4, 2024
- III. Review of Cases, Monthly Report on Major Subdivisions Administratively Approved, and Certificate of Service for Case No. BOA-24-04. *There have been no subdivisions approved since the November 4, 2024, Planning Board meeting.*
- IV. Old Business
 - (a) RZ-24-22: Request to rezone property located at 1449 and 1453 Old Liberty Road (Randolph County Parcel Identification Number 7773034780) from R10 Medium-Density Residential to I1 Light Industrial. *Case was continued from the November 4, 2024, Planning Board meeting.*
 - (b) Consideration of applications related to upcoming Planning Board vacancy.
 - (c) Adoption of 2025 meeting dates and times
- V. New Business
 - (a) RZ-24-24: Request to rezone property located at 207 East Pritchard Street (Randolph County Parcel Identification Number 7751966980) from OA6 Office-Apartment to M Mercantile.
- VI. Items not on the agenda
- VII. Adjournment

MEETING OF THE ASHEBORO PLANNING BOARD
CITY COUNCIL CHAMBERS, 146 N. CHURCH ST.
MONDAY, NOVEMBER 4, 2024
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) – Chair
Pamela Vuncannon) – Vice Chair

Harold Anderson)
David Henderson)
Van Rich) - Members Present
Thomas Rush)
Ritchie Buffkin)

John Evans, Assistant Community Development Division Director
Bradley Morton, Planner/Zoning Administrator
Jeff Sugg, City Attorney

CALL TO ORDER

Mr. O'Kelley called the Asheboro Planning Board to order.

CONSENT AGENDA ITEMS

- a) **APPROVAL OF MINUTES OCTOBER 7, 2024**
- b) **APPROVAL OF FINAL DECISION DOCUMENT FOR BOA-24-04**

Ms. Vuncannon moved to approve all consent agenda items. Mr. Anderson seconded the motion, and the motion carried unanimously.

REVIEW OF CASES, MONTHLY REPORT ON MAJOR SUBDIVISIONS ADMINISTRATIVELY APPROVED, AND CERTIFICATE OF SERVICE FOR CASE NO. BOA-24-06

Mr. Evans went over the land use cases that the City Council heard at the October 10, 2024 Regular Meeting. He stated that there have been no new major subdivisions approved since the October 7, 2024 Planning Board meeting. A copy of the certificate of service for Case No. BOA-24-06 was distributed in the board's agenda packets.

OLD BUSINESS

- A. RZ-24-20: REQUEST TO REZONE PROPERTY LOCATED AT 1135 AND 1147 SOUTH COX STREET (RANDOLPH COUNTY PARCEL IDENTIFICATION NUMBER 7750970387) FROM R7.5 MEDIUM-DENSITY RESIDENTIAL AND RA6 (CZ) HIGH-DENSITY RESIDENTIAL CONDITIONAL ZONING TO AN AMENDED RA6 (CZ) HIGH-DENSITY RESIDENTIAL CONDITIONAL ZONING DISTRICT TO ADD TWO DWELLING UNITS TO AN EXISTING DEVELOPMENT WITH MULTIPLE FAMILY DWELLINGS**

Mr. Evans gave a visual presentation on the above referenced case. He gave an overview:

Applicant: Rick Powell

Location: 1135 and 1147 South Cox Street

Request: Rezone from OA6 Office-Apartment and M (CZ) Mercantile Conditional Zoning to OA6 Conditional Zoning for multi-family development
Randolph County Parcel ID: 7750970387
Size: 1.15 acres +/-
Existing Land Use: Dwellings, Multiple Family (4 units total in 2 duplex style structures)

He showed the board overview, rezoning, center city planning area, topographical/utilities, aerial, and oblique maps as well as photographs of the subject properties from all directions. He also provided the applicant's site plan showing details of the location of proposed new structures, parking spaces, picnic area, landscaping, sidewalk construction, and setback details. He also provided building elevations. He then went over the analysis:

1. The property is inside the city limits.
2. South Cox Street is a state-maintained major thoroughfare.
3. The existing and proposed RA6 (CZ) district and existing R7.5 district are described by the zoning ordinance as follows:
 - R7.5: 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.*
 - RA6: Intended to produce a high intensity of residential uses in close proximity to major nodes of non-residential development, characterized primarily by group housing, plus the necessary governmental and other support facilities to service that level of development. Land designated RA6 shall normally be located with access to a minor thoroughfare or higher classification street with access to local residential streets discouraged.*
4. The property currently has four dwelling units in two duplex-style structures. An additional similar structure with two dwelling units is proposed. If approved, six (6) dwelling units would be on the property, equaling approximately 5.2 dwelling units per acre.
5. The property is located in Tier 3 of the Center City Planning Area. Density for multi-family development is regulated based on maximum height (35 feet) and impervious coverage (no more than 55 percent) rather than floor area ratio, which is a maximum square footage based on the area of a zoning lot.
6. Tax records indicate that the current structures were built in 1977. The property is mapped as having RA6(CZ) zoning. However, despite research to locate information regarding this conditional zoning, staff has been unable to do so. The RA6(CZ) portion of the property may be mapped in error, but that has not been determined conclusively.
7. The zoning ordinance allows an applicant to propose a conditional zoning district that deviates from the zoning ordinance's pre-prescribed requirements. As of November 4, one noted deviation includes a reduction of the 25' front setback in the area in front of the right-of-way along Lindsey Avenue, and 20' in other locations along the rear property lines on the opposite side of the property from South Cox Street. The site plan indicates a building setback of 15'7" in these locations. In this area, the applicant states that existing vegetation and fencing will provide buffering between the subject property and the adjoining properties as shown on the site plan with "proposed tree line".
8. The site plan shows a sidewalk along South Cox Street.
9. On October 24, staff received an updated site plan. The building, parking, and recreation areas are in the same location that was reviewed by the Planning Board during its meeting on October 7. The site plan also labels a concrete pad on each of the dwellings, and clarifies that existing vegetation is intended to remain, but if existing vegetation is removed, a Type C screen will be replanted in areas along Lindsay Avenue. A Type C screen generally consists of evergreen trees at least 6' in height at the time of planting no further than 20' apart; and a row of evergreen shrubs planted no more than 5 feet apart to form an opaque hedge at least 6 feet in height or a minimum 6' minimum solid wooden fence, solid vinyl fence, or masonry wall. Staff has added a condition related to this landscaping.

He provided the following Land Development Plan recommendations:

Proposed Land Use Map: City Activity Center
Growth Strategy Map: Primary Growth

Goals/Policies Supporting Request (6):

- Checklist Item 1: Complies with Land Development Plan
- Checklist Item 3: Fits zoning ordinance district intent
- Checklist Item 5: Complies with Growth Strategy Map
- Checklist Items 12-13: Property is located outside of the watershed area, Special Hazard Flood zone
- Policy 2.1.5: The City will ensure development regulations provide appropriate transactional land uses, such as office and institutional, between high intensity industrial/commercial and low-intensity residential uses.

Goals/Policies Not Supporting Request (1):

- Checklist Item 1: Located on slopes of > 20%.

He then provided proposed conditions:

- A. The use approved shall be Multiple Family Dwellings consisting of a total of 6 dwelling units.
- B. All parties involved in this request, including the owner, successors, heirs, and assigns, agree to the conditions and approved site plan.
- C. Prior to the issuance of a Zoning Compliance Permit for the proposed land use, the owner shall provide city staff with written acceptance of any zoning district conditions discussed and accepted during the public hearing.
- D. Mail delivery shall be provided on the final site plan, subject to postal service and/or NCDOT requirements. Any changes on the site plan necessary to comply with requirements for mail delivery will not be considered a modification of the Conditional Zoning district requiring Council action.
- E. Outdoor recreational vehicle parking or storage shall be prohibited on the property.
- F. It shall be the property owner's responsibility to obtain any and all permits and approvals required for the proposed land use.
- G. If plans for solid waste disposal are deemed to be inadequate, the property owner shall be responsible for ensuring that additional facilities or measures are installed. Any such facilities shall be consistent with city policies and codes.
- H. The sidewalk parallel to South Cox Street, extending the length of the subject property, may be located within the public right-of-way or on private property, if topography or NCDOT not granting an encroachment agreement precludes location entirely within the public right-of-way of South Cox Street.
- I. The applicant shall submit a revised site plan that details the following information to city staff prior to permitting:
 - i. Clarification of locations of areas that will retain existing vegetation
 - ii. Information on outdoor lighting if any lighting is added.
 - iii. Information on building height and materials in compliance with Section 4.07(E)(2)(v) and Section 6.11(F)
- J. Existing vegetation shall be preserved consistent with the approved site plan, except as required for utility maintenance or extension to each dwelling. If vegetation is removed along the front yard facing Lindsey Avenue, or adjacent to Randolph County Parcel Identification Numbers 7750971593 or 7750972295, landscaping consistent with a Type C screen shall be installed in those areas, with the exception of the area contained within the City of Asheboro 20' Sanitary Sewer Easement identified on the site plan.
- K. Prior to the issuance of a zoning compliance permit, the applicant shall submit a site plan reflecting any revisions necessary to comply with city codes and conditions of approval.
- L. Prior to the issuance of a zoning compliance permit, the applicant shall obtain driveway and other permitting as required by NCDOT.

- M. The owner(s) of the Zoning Lot shall properly execute and deliver to the Zoning Administrator for recordation in the Office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the city attorney for the purpose of placing notice of the conditions attached to the conditional zoning district in the chain of title for the Zoning Lot.

He then provided staff's consistency statement:

"The property's location is along South Cox Street, that has long been considered a transitional location between heavier commercial uses to the west and south along South Fayetteville Street and East Dixie Drive and residential uses to the east. The property is part of the City Activity Center, which the Land Development Plan states is intended to provide "pedestrian-friendly, community focal points containing a mixture of commercial, office and institutional, entertainment, open space, and residential uses & housing types, with ample sidewalks, street trees, on-street parking, public amenities & open space uses."

Staff believes that the proposed land use and request to add two additional dwellings is generally consistent with the Land Development Plan by including many of the above elements such as the addition of a sidewalk, ample landscaping and tree preservation, and recreation space. Additionally, the proposal provides additional housing opportunities in close proximity to a number of service and employment options."

He then provided staff's recommendation: "Staff's recommendation is to approve the request. "

He then asked the board if there were any questions. Mr. Buffkin inquired if the setback is measured from the property line to the proposed concrete pads or to the structure. Mr. Evans confirmed that the setback is measured from the property to the structure. There were no further questions.

Mr. O'Kelley inquired if there was anyone to speak in favor of the request. Mr. Christian Vestal, Summey Engineering, spoke in favor of the request on behalf of the applicant. He addressed the board on their reasoning to keep the building in the same location when they first reviewed the plan, due to setbacks and buffering concerns. He stated that the recreation area was not moved to save as much buffering to the rear of the lot as possible. Mr. O'Kelley inquired if there would be a resurfacing of the paved areas. Mr. Vestal stated that there may be a widening of paved areas, however no existing pavement will be resurfaced. Mr. O'Kelley inquired about where the trash cans would be placed for pick up. Mr. Vestal showed an image of the existing cans being placed along South Cox Street and stated that the new cans will likely be placed in the same area. There were no further questions.

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

Mr. Rich moved to recommend approval of Case No. RZ-24-20 based on staff's consistency statement, recommendation, and all proposed conditions. Ms. Vuncannon seconded the motion, and the motion carried unanimously.

NEW BUSINESS

RZ-24-22: REQUEST TO REZONE PROPERTY LOCATED AT 1449 AND 1453 OLD LIBERTY ROAD (RANDOLPH COUNTY PARCEL IDENTIFICATION NUMBERS 7773034780 AND 7773035627) FROM R10 MEDIUM-DENSITY RESIDENTIAL TO I1 LIGHT INDUSTRIAL. *THE APPLICANT HAS REQUESTED A CONTINUANCE OF THIS CASE UNTIL THE DECEMBER 2, 2024 PLANNING BOARD MEETING.*

Mr. Evans stated that the applicant has requested a continuance of the above-referenced case until the December 2, 2024 Planning Board meeting. Ms. Vuncannon moved to continue Case No. RZ-24-22 to the December 2, 2024 meeting. Mr. Anderson seconded the motion, and the motion carried unanimously.

RZ-24-23: REQUEST TO REZONE PROPERTY LOCATED AT 305 OLD LIBERTY ROAD (RANDOLPH COUNTY PARCEL IDENTIFICATION NUMBER 7762059321) FROM B2 GENERAL COMMERCIAL AND R10 MEDIUM-DENSITY RESIDENTIAL TO R10 MEDIUM-DENSITY RESIDENTIAL

Mr. Evans gave a visual presentation of the above-referenced case. He provided an overview:

Applicant: Innovision Group (Jeffrey B. Davis)

Location: 305 Old Liberty Road

Request: Rezone from B2 General Commercial and R10 Medium-Density Residential to R10 Medium-Density Residential on the entire parcel

Randolph County Parcel ID: 7762059321

Size: 0.4 acres +/-

Existing Land Use: Undeveloped

He showed the board overview, rezoning, topographical/utilities, aerial, and oblique maps as well as photographs of the subject properties from all directions. He then went over the analysis:

1. The property is inside the city limits.
2. Old Liberty Road is a state-maintained minor thoroughfare.
3. The property is currently split-zoned. Approximately 0.3 acres +/- closest to Old Liberty Road has B2 General Commercial zoning. The remaining 0.1 acres +/- has R10 Medium-Density Residential zoning.
4. The zoning ordinance describes the B2 General Commercial and R10 Medium-Density Residential districts as follows:
B2: Intended 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 street
R10: 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
5. There was previously a manufactured home on the property, which was a legal nonconforming use.
6. The B2 district allows any use permitted in that district by right, including a broad range of commercial uses. The primary use by right in the R10 district is one single-family dwelling or one two-family dwelling on properties with at least 15,000 square feet.

He provided LDP Recommendations – Goals and Policies:

Proposed Land Use Map: Commercial

Small Area Plan: Northeast

Growth Strategy Map: Primary Growth

Goals/Policies Supporting Request (5):

- Checklist Item 3: Fits zoning ordinance district intent
- Checklist Item 5: Complies with Growth Strategy Map
- Checklist Items 12-13: Property is located outside of the watershed area, Special Hazard Flood zone
- Policy 2.15: Provides a transitional use between high intensity commercial/industrial uses
- And lower intensity single-family uses.

Goals/Policies Not Supporting Request (1):

- Checklist Item 1: Does not comply with the Land Development Plan (southern portion of property)

He provided staff's consistency statement: "Despite the property's designation by the Proposed Land Use map for Commercial use, the requested R10 district is consistent with contiguous residential properties. Rezoning the property from its more permissive current B2 commercial zoning classification to R10 zoning reduces the potential for land uses conflicts. Additionally, an R10 zoning designation provides additional housing opportunities in an established residential neighborhood in close proximity to area employers. "

He provided staff's recommendation: "Staff's recommendation is to approve the request."

He then asked the board if there were any questions. There were no questions for Mr. Evans at this time.

Mr. O'Kelley inquired if there was anyone to speak in favor of the request. Mr. Davis, the applicant, spoke in favor of the request and stated that notices to adjoining property owners were mailed on October 18th, 2024. There were no questions for Mr. Davis at this time.

Mr. O'Kelley inquired if there was anyone to speak in opposition to the request. Ms. Nicole Mills addressed the board and inquired about the property and the request. She inquired if the applicant owned the entire subject property. She also inquired if there would be any further responsibility of hers regarding property maintenance, such as the cutting of trees. Mr. Davis, the applicant, addressed Ms. Mills and stated that there is a site plan available for Ms. Mills to review, which would show no impact to her property. Mr. Evans reminded the board that since this is a general rezoning request, the board will not review any site plans or details of development, and they are only considering if the request is consistent with the land development plan and reasonable. There were no further questions.

Ms. Vuncannon moved to recommend approval of Case No. RZ-24-23 based on staff's consistency statement and recommendation. Mr. Henderson seconded the motion, and the motion carried unanimously.

CONSIDERATION OF APPLICATIONS RELATED TO UPCOMING PLANNING BOARD VACANCY

Mr. Evans provided the board a list of applications seeking to fill the upcoming vacancy of Mr. Buffkin. He stated that there will be another vacancy in 2025, which will be Mr. Henderson, an ETJ member. He stated that the board will only consider the applicants within the corporate city limits. He stated that the process will be to forward a minimum of 2 applicants to the City Council for their decision. Mr. Wayne Moore, one of the applicants, was present and introduced himself to the board. Mr. Rush moved to wait until the December meeting to make a recommendation to City Council to allow more time to review the list of applicants. Mr. Anderson seconded the motion, and the motion carried with a 4-3 vote in favor. Mr. Anderson, Mr. Henderson, Mr. Rich and Mr. Rush voted aye. Mr. Buffkin, Mr. O'Kelley, and Ms. Vuncannon voted nay.

PRESENTATION OF POTENTIAL 2025 MEETING DATES

Mr. Evans presented the board with potential 2025 meeting dates to review and consider for adoption at the December meeting. He mentioned to let staff know of any potential conflicts that they may have. Mr. Sugg also pointed out that in addition to the meeting dates, there has been discussion regarding the city council's proposed meeting time going from 7 p.m. to 6 p.m. and that the planning board could elect to amend their bylaws to move their meeting times to be consistent with City Council.

ITEMS NOT ON THE AGENDA

Mr. Evans mentioned that there has been a change to the structure of the Community Development Division recently, and announced the following changes/promotions:

- Jamie Wilkins, Planning Technician (currently in Building Inspections department as Permits Technician). Ms. Wilkins will also be assuming the role as Planning Board Secretary.
- Brad Morton, Planner/Zoning Administrator
- Justin Luck, Planning and Zoning Director
- John Evans, Community Development Division Director
- Trevor Nuttall, Assistant City Manager

The board congratulated each staff member for their accomplishments. There were no other items at this time.

ADJOURNMENT

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

Bradley Morton, Planning Board Secretary

Michael O'Kelley, Planning Board Chair

CERTIFICATE OF SERVICE

This Certificate of Service is provided to certify that the undersigned has this day served via first-class mail, in compliance with 160D-406, the attached Final Decision Document on the parties listed below by depositing a copy hereof in a postage-paid wrapper, addressed as follows, in a post office depository under the exclusive care and custody of the United States Postal Service:

Edwin E. Pollard Jr.
1001 Parkview St.
Asheboro, NC 27203

This the 5 day of November 2024.



Justin T. Luck, Planning & Zoning Director
City of Asheboro
Post Office Box 1106
Asheboro, North Carolina 27204-1106
Telephone: (336) 626-1201, Extension 2392
Email: jluck@ci.asheboro.nc.us

RECEIVED

NOV 05 2024


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Case No. BOA-24-04
Final Decision Document
City of Asheboro Board of Adjustment

**IN THE MATTER OF AN APPLICATION FOR VARIANCES FROM THE
REQUIRED YARD REGULATIONS APPLICABLE TO THE LOT AT
1001 PARKVIEW STREET**

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER
DENYING THE REQUESTED VARIANCES**

THIS VARIANCE CASE came before the City of Asheboro Board of Adjustment for a properly advertised quasi-judicial hearing. The hearing was initially convened and witnesses placed under oath on July 8, 2024. Continuances of the hearing were granted during regular meetings of the City of Asheboro Planning Board on July 8, 2024; August 5, 2024; and September 3, 2024. During the regular meeting of the City of Asheboro Planning Board on October 7, 2024, and at the conclusion of the quasi-judicial hearing for Case No. BOA-24-04, the board directed city staff members to prepare the Final Decision Document for consideration during the City of Asheboro Planning Board's regular meeting scheduled for November 4, 2024. During each of the regular meetings listed in the preceding sentences, while hearing and deliberating about the above-captioned case, the planning board functioned, in accordance with the applicable statutory and ordinance provisions, as the City of Asheboro Board of Adjustment (the "Board").

Having considered all competent evidence and argument, the Board, on the basis of competent, material, and substantial evidence, hereby enters the following:

FINDINGS OF FACT

1. Edwin E. Pollard, Jr. (the "Applicant") properly filed an application seeking variances from the minimum front and side yard regulations prescribed by the City of Asheboro Zoning Ordinance (the "Zoning Ordinance") for his real property at 1001 Parkview Street, Asheboro, North Carolina 27203. This lot is identified by Randolph County Parcel Identification Number 7761313052 and will be hereinafter referred to as the "Zoning Lot." The application was accepted by city planning staff for processing on May 7, 2024.

2. Notices of the application for variances from the city's zoning regulations were mailed and posted in accordance with the applicable statutory and ordinance provisions.

3. In the section of the application form that provides space for stating facts and line(s) of argument in support of the variance request(s), the Applicant provided the following written statement:

I WANT TO BUILD A CARPORT IN FRONT OF MY HOUSE FREE STANDING. THERE IS ALREADY A DRIVE WAY THAT I WILL BUILD THE 2 CAR CARPORT ON. THIS IS THE ONLY LOCATION THAT IS FEASIBLE. ACCESS TO THE BACKYARD IS NOT GOOD, TOO NARROW BETWEEN THE END OF THE HOUSE & THE PROPERTY LINE. MY GRANDKIDS PLAY IN THE BACK YARD. I WOULD LIKE THE CITY TO ISSUE ME A PERMIT, PLEASE.

4. The Applicant and his wife, Carol J. Pollard, acquired the Zoning Lot by means of a North Carolina General Warranty Deed recorded on May 30, 2003, in the Office of the Register of Deeds for Randolph County, North Carolina in Book of Record 1818, Page 3766.

5. The Zoning Lot is 0.40 acres (17,308 square feet), more or less, in size and is located within the corporate limits of the City of Asheboro.

6. The Zoning Lot is in an R10 zoning district. No overlay zone is present.

7. Within the schedule of statements of intent, Section 4.04(C) of the Zoning Ordinance provides as follows:

(C) R10 Residential District:

The R10 Residential 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.

8. The Zoning Lot is a conforming lot.

9. The existing land use on the Zoning Lot is a single-family dwelling.

10. In terms of Land Development Plan recommendations, this area within the corporate limits is designated by the Growth Strategy Map as Primary Growth, and the Proposed Land Use Map identifies the area as Neighborhood Residential.

11. The land uses surrounding the Zoning Lot are described as follows:

North: Single-Family Residential East: Single-Family Residential
South: Single-Family Residential West: Single-Family Residential

12. The existing single-family dwelling structure conforms with all required yards.

13. The term “yard” is defined in Chapter 1 of the Zoning Ordinance as follows:

An open space unoccupied and unobstructed by any structure or portion of a structure provided, however, that fences and walls may be permitted in any yard subject to height limitations established herein., [sic] and further provided that poles, posts and other customary yard accessories, ornaments, and furniture shall be permitted in any required yard, if they do not constitute substantial impediments to free flow of light and air across the yard to adjoining properties.

14. Chapter 1 of the Zoning Ordinance defines a “front yard” as the “yard extending between the side lot lines across the portion of a lot adjacent to a street.”

15. Chapter 1 of the Zoning Ordinance defines a “side yard” as “a yard extending along the side of a lot between the front yard and the rear yard except on corner lots where the side yard is the yard along any interior lot line which intersects with a street lot line.”

16. Table 4-1 in the Zoning Ordinance specifies that the required front yard in the R10 zoning district is 30 feet. The required side yard in the R10 zoning district is listed in Table 4-1 as 10 feet.

17. With regard to accessory structures, Zoning Ordinance Section 5.04(31)(1)(b) provides, in pertinent part, as follows:

5.04 SUPPLEMENTAL REGULATIONS

(31) Structure, Accessory; Accessory Apartment

Accessory structures shall be permitted in all districts subject to the Floor Area Ratio restrictions in those Districts where FAR applies. In no instance shall the FAR of all permitted structures exceed the maximum permitted for that lot. Accessory structures lawfully in existence prior to the application of these requirements which otherwise

conformed to this section shall be considered conforming uses.

- (1) Accessory detached structures including, but not limited to storage shed, storage tank, greenhouse, horse stall, gazebo or garage shall be permitted in residential districts provided that all of the following are met:*
 - (a) There shall be a dwelling located on the lot.*
 - (b) In the R-40, R-15 and R-10 districts, accessory structures shall be located no closer than 10 feet to any rear or side lot line.*

18. The required 30-foot front yard setback is modified by the measurement regulations found in Zoning Ordinance Section 3.02(D)(2) that provide, in pertinent part, as follows:

3.02 MEASUREMENT

(D) Averaging a Front Setback Line

(1) Reduction to Front Yard Setback

In a residential or commercial district, where the average of the front setbacks for all adjacent lots, which are located within two hundred feet of either side of a lot, is less than the minimum required front setback, the required setback line may be reduced to this lesser average depth, but in no case to less than fifteen feet. For purposes of computing such average, an adjacent vacant lot shall not be included in the calculation.

(2) Increase to Front Yard Setback

In a residential district, where the average of the front setbacks for all adjacent lots, which are located within two hundred feet of either side of a lot is greater than the required front setback specified in this Ordinance, a required setback line shall be provided on the lot equal to this greater average depth but not to exceed sixty feet. For the purpose of computing such average, an adjacent vacant lot shall

be considered as having the minimum required front setback specified for the zoning district.

19. There are a total of four adjacent lots within two hundred feet of either side of the Zoning Lot. Utilizing Zoning Ordinance Section 3.02(D)(2), the required front yard for the Zoning Lot is 52.35'. This required front yard determination is made by using the data listed below to perform the calculation prescribed by Zoning Ordinance Section 3.02(D)(2).

Address

**Apparent Existing
Front Yard Setback**

935 Parkview Street	61'
943 Parkview Street	61.2'
1009 Parkview Street	37.2'
1017 Parkview Street	50'

20. During the quasi-judicial hearing, no testimony or other evidence was offered in opposition to the accuracy of the above-stated required yard determination.

21. The Applicant has proposed constructing a new, unenclosed carport on the Zoning Lot.

22. The Applicant's site plan shows a proposed 20' X 22' unenclosed carport. The proposed carport would come no closer than 7 feet from the side property line and 42 feet from the front property line.

23. Consequently, to construct the proposed carport, the applicant has requested a 3-foot variance from the regulation prescribing the required side yard and a 10.35-foot variance from the regulation prescribing the required front yard.

24. The following sworn testimony was offered by the Applicant on July 8, 2024:

- (A) As to the motivation for constructing an unenclosed carport that had not previously existed on the Zoning Lot during the Applicant's ownership of the property, Mr. Pollard testified that he wanted to protect his cars from the sun and to have protection from the weather when unloading items from the cars;
- (B) The Applicant also expressed his personal belief that the construction of the unenclosed garage would add value to his house;

- (C) The Applicant reiterated the comment made in the written statement provided with the variance application form that, in addition to accessibility concerns, he did not want to construct the unenclosed carport in any location other than the front yard because his grandkids play in the backyard;
- (D) When a Board member inquired as to the possibility of adjusting the width of the proposed carport from 22' to 20' and slightly adjusting the location of the carport in the front yard so as to eliminate the need for a variance from the required side yard regulation, the Applicant testified that he could not answer and that he would have to measure to see what was actually needed for two cars; and
- (E) The Applicant's stated need to conduct further measurements was consistent with subsequent testimony in which Mr. Pollard indicated that some confusion existed on his part as to the requirements that need to be met in order to comply with the Zoning Ordinance.

25. In light of the need for additional research and preparation, the Applicant requested the continuance of the hearing from July the 8th to the next regular meeting, and the Board granted this request.

26. The next regular meeting of the Board was held on August 5, 2024, and the hearing of BOA-24-04 was called back to order. The Applicant was not present during the hearing and, despite city staff outreach efforts, had not communicated to city staff members that he would be absent. In the Applicant's absence, the Board voted to continue the hearing to the Board's next regular meeting on September 3, 2024, and to direct city staff members to mail a letter to the Applicant to inform him of the continuance as well as the Board's intent to take final action on his case at the September meeting.

27. As directed by the Board, City of Asheboro Planning and Zoning Director Justin T. Luck, AICP mailed a letter, dated August 6, 2024, to Mr. Pollard informing him of the continuance and the Board's intent to take final action during the meeting on September 3, 2024.

28. By means of an email message dated September 3, 2024, the Applicant informed the planning and zoning director that a revised drawing or site plan would be brought to the continued hearing.

29. On September 3, 2024, the planning and zoning director telephoned the Applicant to inform him that one member of the Board would be absent that evening, and the Board has a practice, given the impact of a member's absence on the super majority required to approve a variance request, of continuing a hearing if the person

seeking a variance does not want the Board to take action where all of the Board members present for the hearing would have to be unanimous in finding that the Applicant had satisfied the standards for granting a variance.

30. Given this option, the Applicant requested the continuance of the hearing, and the Board did continue the hearing from September the 3rd to the next regular Board meeting on October 7, 2024.

31. The planning and zoning director informed the Applicant that the requested continuance of the hearing had been granted. This email message was sent on September 4, 2024, and, in the message, the planning and zoning director informed the Applicant of the need to bring a copy of the updated site plan that could be reviewed by the Board when the continued hearing was called back to order on October 7, 2024.

32. A follow-up email was sent to Mr. Pollard by the planning and zoning director on September 16, 2024. Follow-up telephone calls were also made by the planning and zoning director on September 24, 2024, and October 3, 2024. The Applicant answered these telephone calls.

33. On October 7, 2024, at 4:41 p.m., the planning and zoning director received an email from the Applicant requesting another continuance of the hearing. The planning and zoning director acknowledged receipt of the email at 4:52 p.m. on October 7, 2024, but he informed the Applicant that no assurance could be given that another continuance would be granted.

34. During its regular meeting on October 7, 2024, the Board's quasi-judicial hearing of variance case BOA-24-04 was called back to order. After receiving additional testimony from the planning and zoning director, the Board considered the Applicant's absence from the continued hearing and the fact that no revised site plan had been submitted.

35. On October 7, 2024, the request for an additional continuance was denied.

36. In order to approve a variance, Zoning Ordinance Section 2.03(B)(3)(a) requires the Board to make an affirmative determination on each of four standards.

37. With regard to the granting of a variance from the zoning regulations, Zoning Ordinance Section 2.03(B)(3)(a) specifically provides as follows:

(a) ***Intent and General Standards***

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:

- (i) *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.*
- (ii) *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 the variance.*
- (iii) *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.*
- (iv) *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 the 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 reasonably relate to the variance. Violation of such conditions shall be a violation of this Ordinance.

Based on the foregoing findings of fact, the Board hereby enters the following:

CONCLUSIONS OF LAW

1. The evidence presented to the Board is insufficient to support the conclusion that an unnecessary hardship has been created by either of the required yard regulations implicated by the Applicant's variance request. Under oath, the Applicant conceded that he would have to take additional measurements to determine whether his goal of constructing a 2-car unenclosed carport would be blocked by a strict application of the Zoning Ordinance's required yard regulations. During the quasi-judicial hearing on July 8, 2024, the Applicant presented a site plan showing the carport he would like to construct to enhance his convenience and that of his spouse when parking and unloading vehicles in the couple's driveway. However, when questioned, Mr. Pollard could not confidently address whether alternative designs were available to balance his convenience concerns with the need to be more consistent with the dimensional or yard requirements prescribed by the Zoning Ordinance, especially with regard to the required side yard. The Board acknowledges that unloading a vehicle in the open or continuously parking a vehicle in a driveway/parking area without shelter can be inconvenient. However, the evidence presented during the hearing of this matter was insufficient to support the conclusion that an unnecessary hardship, as opposed to mere inconvenience or a higher cost of compliance, would result from the strict application of the Zoning Ordinance's required yard regulations.

2. When the Applicant requested a continuance of the hearing on July 8, 2024, the continuance was granted to allow more time for the Applicant to review the facts unique to his proposed use of the Zoning Lot for an unenclosed carport and to prepare a revised site plan that would help the Applicant present a better prepared and more compelling case for the requested variance(s). Between July 8, 2024, and October 7, 2024, the Applicant informed the planning and zoning director that a revised site plan had been drawn and would be presented to the Board when the continued hearing was called back to order. Yet, despite receiving multiple notifications via the combination of a letter, email messages, and telephone calls from the planning and zoning director as to the dates and times for the reconvening of the quasi-judicial hearing, the Applicant failed to appear on all of the hearing continuation dates and never submitted a revised site plan. In the absence of the evidence requested during the Applicant's initial appearance before the Board on July 8, 2024, specifically including a revised site plan, there is insufficient evidence in the record to conclude that the alleged hardship results from conditions that are peculiar to the Zoning Lot, such as location, size, or topography.

Based on the above-recited findings of fact and conclusions of law, the Board hereby enters the following:

ORDER

Action 1. The City of Asheboro Board of Adjustment hereby **denies** the variance requested from Table 4-1 of the Zoning Ordinance to reduce the required side yard setback.

Action 2. The City of Asheboro Board of Adjustment hereby **denies** the variance requested from Section 3.02(D) of the Zoning Ordinance to reduce the required front yard setback.

The foregoing Final Decision Document was adopted by the Board in open session during a regular meeting held on November 4, 2024.



Michael O'Kelley, Chair

ATTEST:



Bradley Morton, Secretary to the Board



RZ-24-22

Request to rezone property located at 1449 and 1453 Old Liberty Road
(Randolph County Parcel Identification Number 7773034780) from R10 Medium-
Density Residential to I1 Light Industrial.

Case was continued from the November 4, 2024, Planning Board meeting.

Rezoning Staff Report

RZ Case # RZ-24-22

Date Continued from 11/4/24
PB 12/2/24

General Information

Applicant Donna F. Hughes
Address 1449 Old Liberty Rd
City Asheboro NC 27203
Phone 336-301-7621
Location 1449 and 1453 Old Liberty Rd
Requested Action Rezone from R10 to I1 (CZ) for the following land uses: Contractors Office, Electronic and Electrical Repair – Small, Exterminator, Furniture Refinishing and Repair, Interior Cleaning Services, Manufacturing, Processing, and Assembly – Light, Motor Vehicle Repair – Minor, Rental/Sales of Domestic Vehicles, Repair Services, Sign Painting, Warehouse.
Existing Zone R10
Existing Land Use Vacant Boat Repair and Sales Shop (classified as "Repair Services" and "retail shoppers goods.")
Size 1.35 Acres
Pin # 7773034780 and 7773035627

Applicant's Reasons as stated on application

Consistent with the sector. Consistent with growth of Randolph County.

Surrounding Land Use

North Residential

East Undeveloped Residential/Deep River

South Industrial

West Residential

Zoning History CU-B2 zoning approved on December 15, 1983 (case RZ-84-11) to allow continued use of residential structure and boat and motor sales and repair shop. Property is currently shown on zoning map as R10, which is likely in error.

Legal Description

The property of Donna F. Hughes, totaling approximately 1.35 acres, located at 1449 and 1453 Old Liberty Road (Randolph County Parcel Identification Numbers 7773034780 and 7773035627)

Analysis

1. Both properties are in the city limits.
2. Old Liberty Road is a state-maintained minor thoroughfare
3. The dwelling that was previously located at 1453 Old Liberty Road was removed when NCDOT acquired right-of-way for reconstruction of the bridge across the Deep River and acquired additional public right-of-way along Old Liberty Road.
4. The applicable zoning district statements of intent for each zoning district are attached to this report.
5. A significant amount of Special Flood Hazard Area exists on the properties. The applicant proposes that no development or use activity occur in this area, and staff has added a condition to address this proposal.
6. The applicant proposes planting a row of evergreen trees, minimum 6 ft. in height at the time of planting and spaced no more than fifteen feet apart on center, between the front property line and the building, along the western property line (next to an adjoining single-family dwelling). Care should be taken to avoid conflict with existing city sewer line crossing the property.
7. The zoning ordinance allows a conditional zoning district to deviate from the city's predetermined land use requirements. The only deviation identified is not providing additional front yard landscaping to the site at a typical ratio of one tree per 20' or one shrub per 10'. The applicant proposes preserving an existing tree for front yard landscaping. In addition, the landscaping described in Item (6) would typically not be required for the land uses the applicant is proposing if the property were classified as a general I1 district.
8. The applicant proposes limiting the hours of operations for all authorized uses: 7am - 10pm.
9. The applicant states that the existing gravel parking area contains space for a minimum of 8 parking spaces and requests that gravel be permitted to meet minimum parking requirements. Continued use of this unpaved parking is allowed by the ordinance when a change of use occurs that requires no or limited expansion of parking. The existing building also features two bay doors to allow indoor parking of vehicles. Given the limitations on the types of uses proposed and the parking demands the proposed uses would create due to the site's configuration, staff does not have an objection to this proposal.

Rezoning Staff Report

RZ Case # RZ-24-22

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 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 Item 8: The request is an adaptive reuse of a vacant or unused lot, or is an infill lot.

Checklist Item 12: Property is located outside of the watershed area, or the rezoning request will not impose a significant, negative environmental impact.

4.1.6: The City will participate the National Flood Insurance Program and utilize its Flood Damage Prevention regulations to strongly discourage development in high-risk areas.

Rezoning Staff Report

RZ Case # **RZ-24-22**

LDP Goals/Policies Which Do Not Support Request

Checklist Item 1. Rezoning is compliant with the Proposed Land Use Map.

2.1.5: 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.

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

A new conditional zoning district for this property allows for a broader range of appropriate and historically similar uses while increasing protections for neighboring residences and environmentally sensitive areas. The conditions offered and accepted by the applicant can aid in achieving multiple environmental and land use goals of the Land Development Plan, as well as goals related to the reuse of unused or underutilized existing development.

The conditions also aid in reasonableness given the land use history and current development of the property, the general I1 zoning applied to multiple adjoining properties, the benefit to the property owner provided by the selective broadening of permitted land uses, and the benefit to neighbors and the surrounding community provided by land use and operational restrictions and additional proposed landscaping.

Recommendation Staff's recommendation is to approve the request.

Rezoning Staff Report

Suggested Conditions for Conditional Zoning applications (subject to change prior to final report)

- (A) The uses approved shall be limited to one of the following at any time: Contractors Office, Electronic and Electrical Repair – Small, Exterminator, Furniture Refinishing and Repair, Interior Cleaning Services, Manufacturing, Processing, and Assembly – Light, Motor Vehicle Repair – Minor, Rental/Sales of Domestic Vehicles, Repair Services, Sign Painting, Warehouse.
- (B) All parties involved in this request, including the owner, successors, heirs, and assigns, agree to the conditions and approved site plan.
- (C) Prior to the issuance of a Zoning Compliance Permit, the owner shall provide city staff with written acceptance of any zoning district conditions discussed and accepted during the public hearing.
- (D) It shall be the property owner's responsibility to obtain any and all permits and approvals required for the proposed land use, including but not limited to, NCDOT driveway permitting (if required by NCDOT).
- (E) Prior to the issuance of a zoning compliance permit, a site plan demonstrating compliance with all applicable zoning regulations and conditions, as well as the applicable permit fee, shall be submitted. Subsequent change of occupancy permit(s) shall be obtained as required by Section 2.03(D)(2)(a)(ii) of the Asheboro Zoning Ordinance.
- (F) Prior to occupancy, the landscape buffer shall be installed as shown and described on the site plan reviewed and approved by the City Council.
- (G) Existing front yard landscaping shall be maintained as shown and described on the site plan reviewed and approved by the City Council.
- (H) No development or use activity shall occur in the Special Flood Hazard Area, including but not limited to, construction of new structures, addition of impervious surface, parking of vehicles, or storage of any inventory or materials.
- (I) Use hours of operation shall be limited to 7:00 am to 10:00 pm.
- (J) The existing gravel area may continue to be utilized to satisfy the minimum parking requirements for all approved uses, as allowed by Section 6.13(B)(5) of the Asheboro Zoning Ordinance. Expansion of a permitted use or the gravel area shall be evaluated for compliance with parking design standards.
- (K) Accessory Open Storage shall not be permitted unless conducted in compliance with Screening of Open Storage regulations.
- (L) The owner(s) of the Zoning Lot shall properly execute, and deliver to the Zoning Administrator for recordation in the office of the Randolph County Register of Deeds a Memorandum of Land Use Restrictions prepared by the City Attorney for the purpose of placing notice of the conditions attached to this Conditional Zoning in the chain of title for the Zoning Lot.

RZ-24-22: Request to rezone 1449 and 1453 Old Liberty Road from R10 to I1(CZ): Zoning Ordinance Statement of Intent (Section 4.04) for applicable zoning districts.

R10 Residential District: 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.

B2 General Commercial District*: 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.

I-1 Industrial Development District: To produce areas for manufacturing, processing and assembly uses, commercial uses, distribution and servicing enterprises, controlled by performance standards to limit the effect of such uses on uses within the district and on adjacent districts.

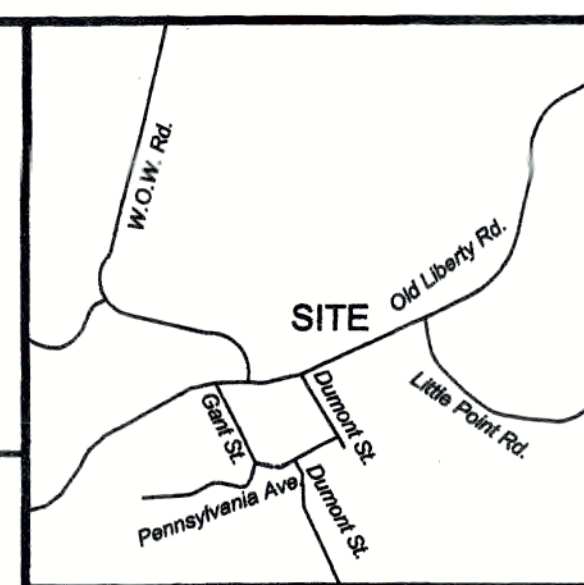
*Staff Note: Due to a likely map error referenced in the staff report (property is mapped R10, but likely zoned B2 (CZ)), staff is including the descriptions of both zoning districts.

Notes:

1. No NCGS Monuments found within 2000' of property.
2. This project is located within a special flood hazard area. 3710777300J
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: 7773041059

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)

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.

11/27/19 Timothy C. Hughes
Date Owner

Date Owner

STATE OF NORTH CAROLINA

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

11-27-19 John L. Evans
Date Review Officer



I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations for Randolph County, North Carolina, and that such plat has been approved according to the procedures for approval of minor subdivisions

11-27-19 Day Dale KSH
Date Randolph County Planning Director

I hereby certify that the water and sewer facilities are available as shown on the plat.

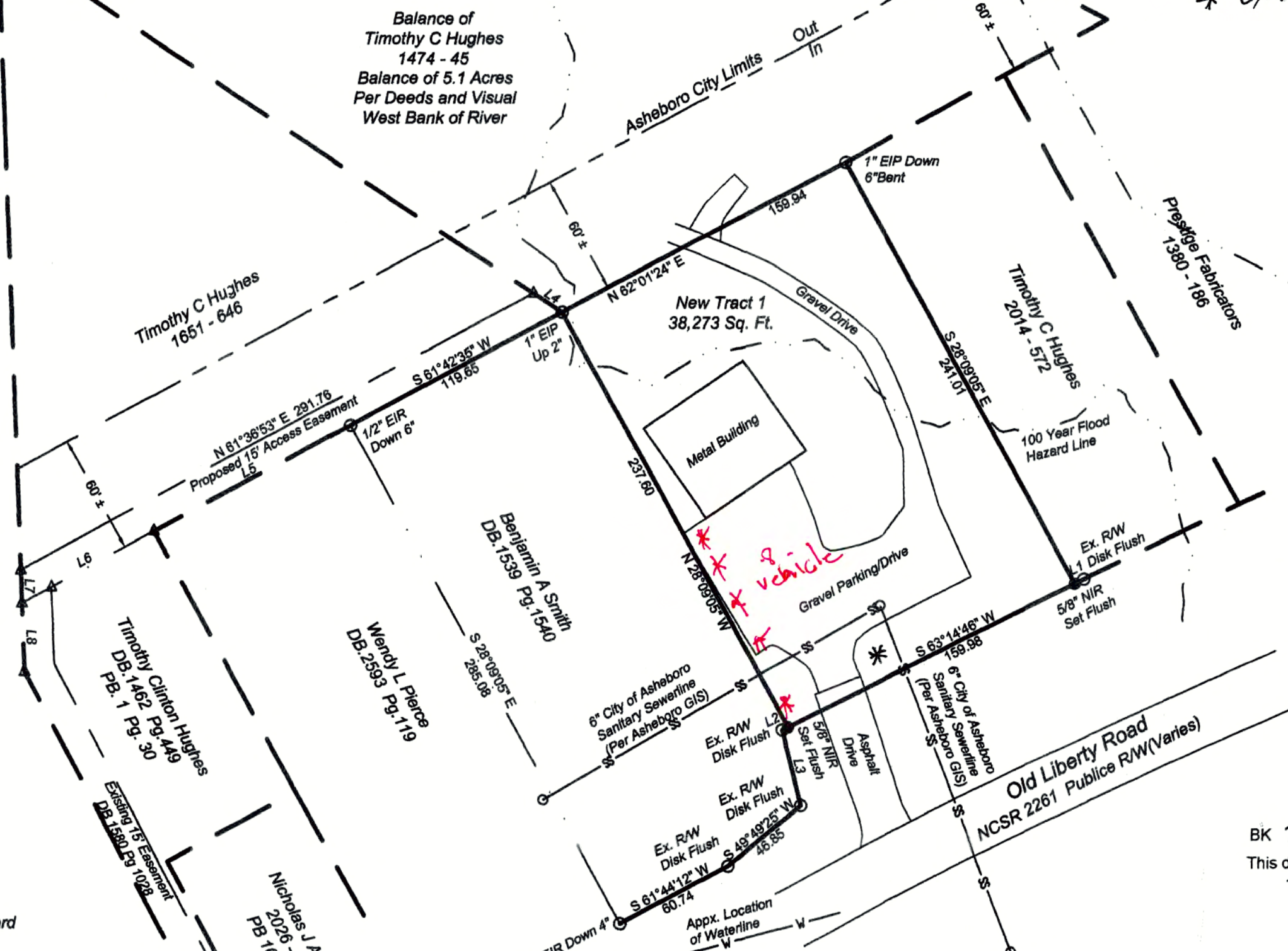
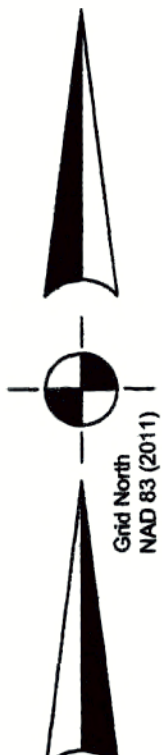
11/27/2019 (Date) [Signature] City Engineer

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.

11/27/19 (Date) [Signature] Community Development Director

LINE	BEARING	DISTANCE
1	S 63°14'46" W	4.98
2	S 63°14'46" W	3.19
3	S 13°33'08" E	39.24
4	S 56°05'06" E	16.96
5	S 61°33'21" W	112.23
6	S 61°33'21" W	75.22
7	N 01°57'23" W	16.76
8	S 01°57'23" E	34.95

Balance of Timothy C Hughes 1474 - 45
Balance of 5.1 Acres Per Deeds and Visual West Bank of River



* tree evergreen
* existing crape myrtle

SETBACKS FOR R10

Front: 30' (Subject to Front Yard Averaging, Section 30S).

Side: 10'

Rear: 25'

SITE DATA

Average in Total Tract: 5.97 +/- Acres
Total Number of Lots: 2 Total
Average Lot Size: 2.99 Acres Average

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 1:100,000; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, license number and seal this the 26 day of November, A.D., 2019.

[Signature] 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: October 17, 2019
- (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): 0.99988867
- (9) GPS/GNSS Scale Point: N:733,464.56 E:1,770,542.74 EL: 592.86
- (10) Units: US Survey Feet



BK 162 PG 80 (1)

This document presented and filed:
11/27/2019 11:32:27 AM
PLAT RECORDING
Fee \$21.00



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

A Minor Subdivision For:
Timothy Clinton Hughes
Franklinville Township Randolph County
North Carolina November 26, 2019
Deed Book:1474 Pg:45
Scale: 1" = 60 US Survey Feet



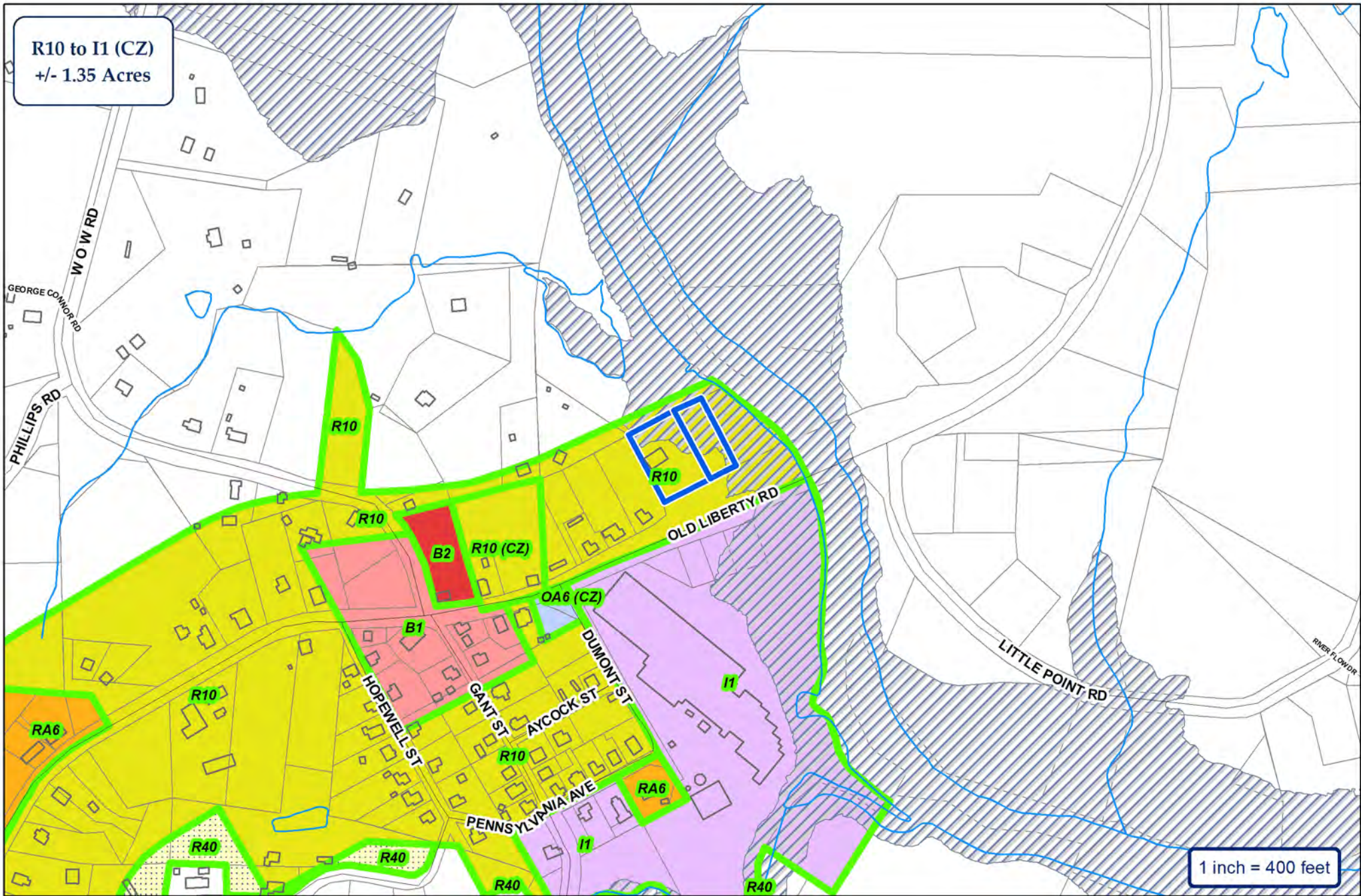
SURVEY CAROLINA, PLLC

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
© 2019 Survey Carolina, PLLC

Job #: 11437

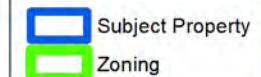
R10 to I1 (CZ)
+/- 1.35 Acres

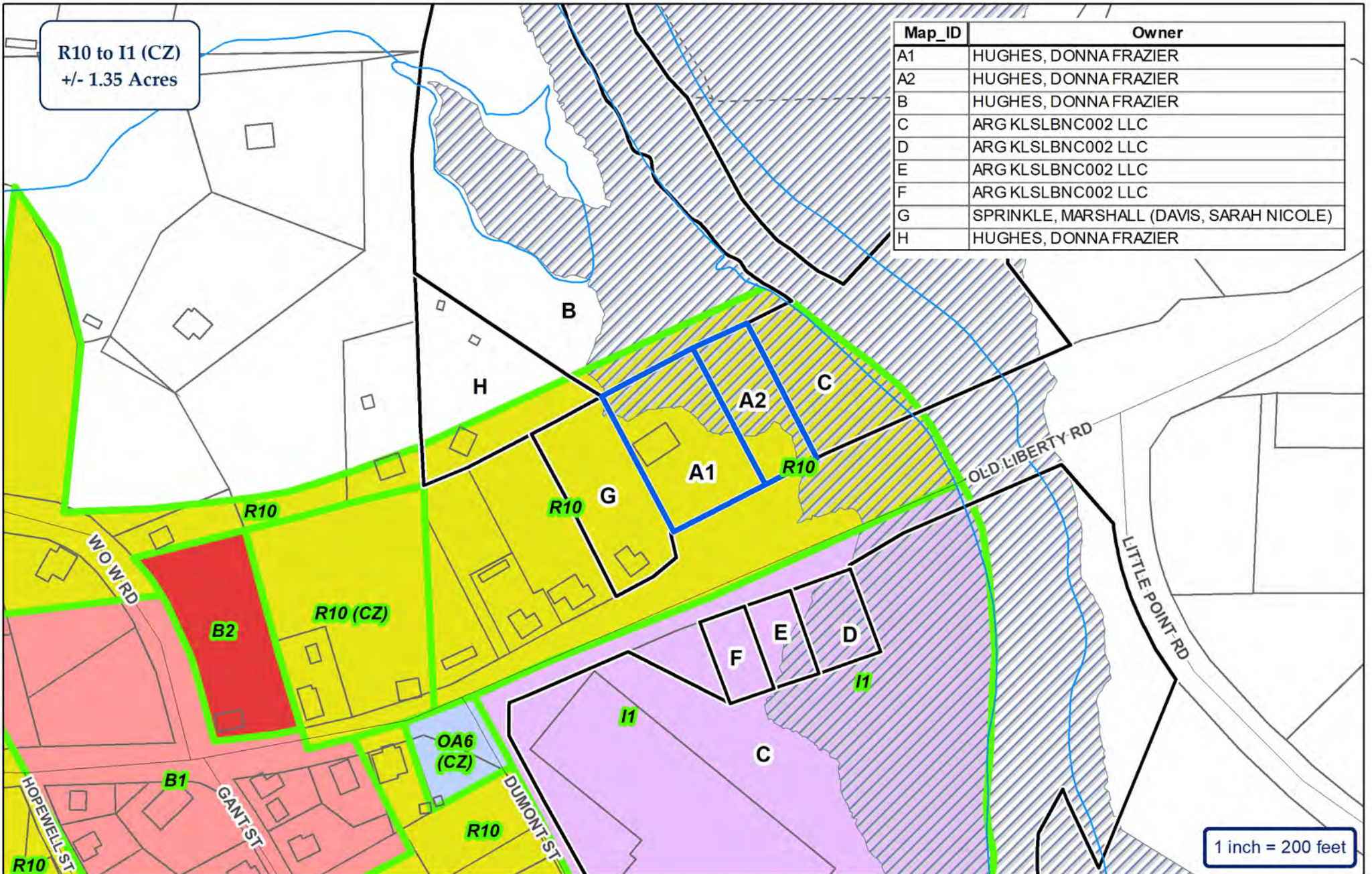


City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-22

Parcels: 7773034780 & 7773035627





City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-22

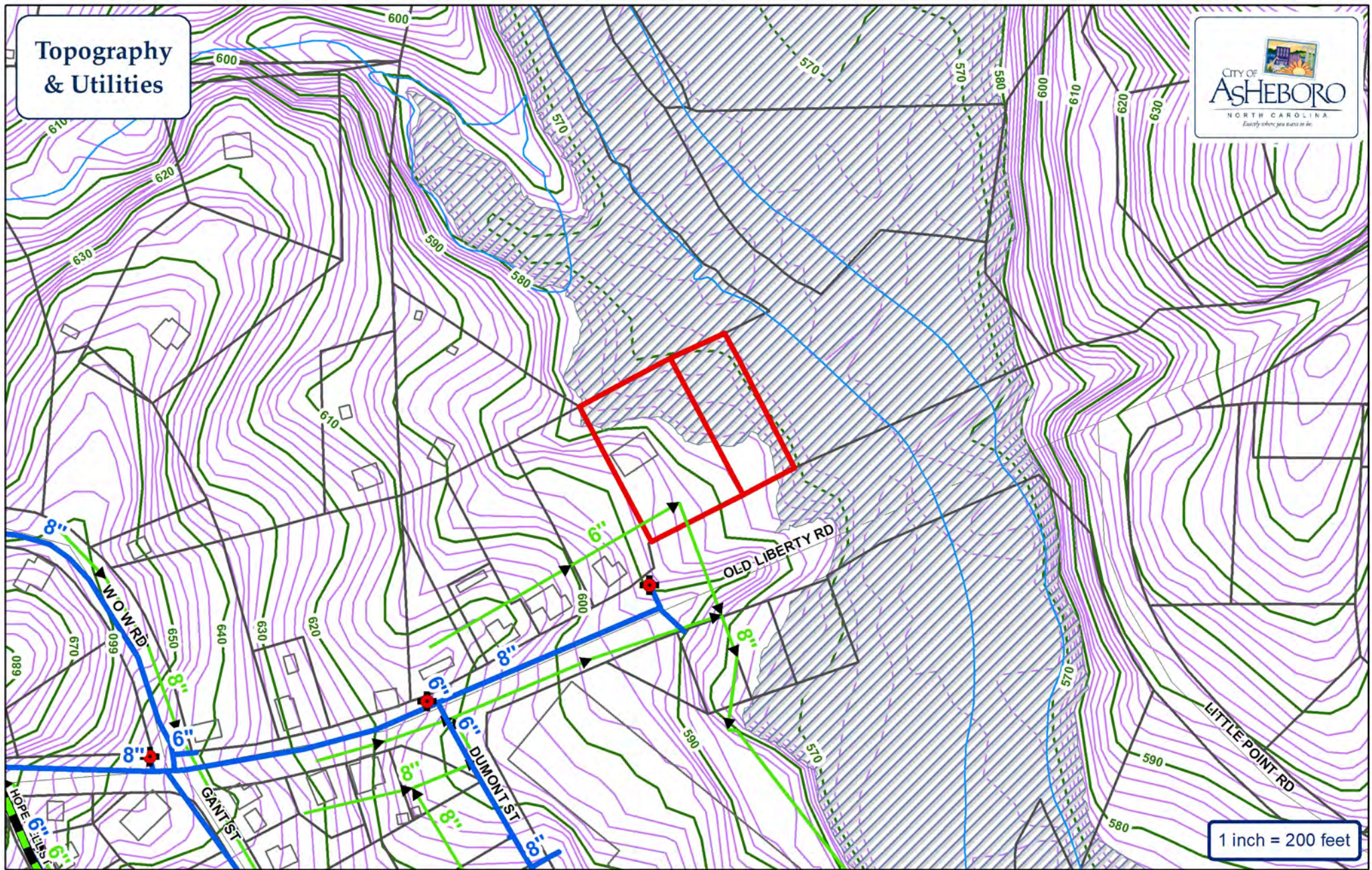
Parcels: 7773034780 & 7773035627

Legend:

- Subject Property
- Adjoining Properties
- City Zoning



Topography & Utilities



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

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-22

Parcels: 7773034780 & 7773035627

Subject Property





City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-22

Parcels: 7773034780 & 7773035627

 Subject Property



APPLICANT INFORMATION

Applicant Donna F Hughes
Applicant's Phone # 336-301-7621
Applicant's Address 1449 Old Liberty Rd Asheboro
NC 27203
Applicant Email Address ~~donna~~ donna.hughes⁸⁸⁸@gmail.com

PROPERTY INFORMATION FOR MAP AMENDMENTS

Property Owner's Name Donna F Hughes
Location of Property 1449 Old Liberty Rd Asheboro NC 27203
Property Size (ac. or s.f.) 0.88 acres + 0.47 acres
Randolph County Property Identification Number (PIN#) 7773634780 + 7773035627
Current Zoning District R10
Requested Zoning District I1
Date Property Title Acquired 10/14/96 + 9/29/2020
Deed Book 1474 + 2721 Page 45 + 813
Subdivision _____ Section _____ Lot # _____
Plat Book 162 Page 80

ORDINANCE AMENDMENT INFORMATION

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

Consistent with the sector

For questions (2) and (3), if either of these questions apply, please state a reason. If you believe these do not apply, please check "does not apply".

2. 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.

NO

Does not apply ☐

3. 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?

Consistent with growth of RANDOLPH County

Does not apply ☐

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

None @ this point

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

H/R Gallimore
Agent

Owner Signature (if different than Applicant)

- Donna Faye Hughes

Owner Address

- 1449 Old Liberty Rd. Asheboro, NC 27203

Telephone Number

- 336-301-7621

Printed Name of Authorized Signatory (if different from Owner)

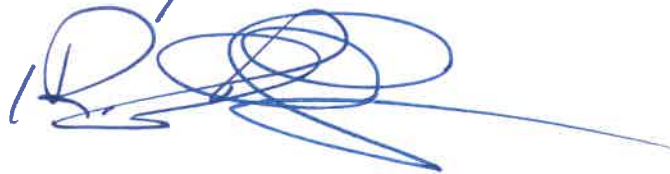
Position/Relationship of Authorized Signatory to Owner

STAFF USE

Received by: JTL Date: 9-26-24 Case Number: 24-

- Contractors Office
- Electronic and Electircal Repair – Small
- Exterminator
- Furniture Refinishing and Repair
- Interior Cleaning Services
- Manufacturing – Light
- Motor Vehicle Repair – Minor
- Rental/Sales of Domestic Vehicles
- Repair Services
- Sign Painting
- Warehouse

WE Agree

A handwritten signature in blue ink, consisting of a series of loops and a long horizontal stroke extending to the right.



Adoption of 2025 meeting dates and times

Proposed Planning Board 2025 Meeting Dates

Monday, January 6, 2025

Monday, February 3, 2025

Monday, March 3, 2025

Monday, April 7, 2025

Monday, May 5, 2025

Monday, June 2, 2025

Monday July 7, 2025

Monday, August 4, 2025

Tuesday September 2, 2025

Monday, October 6, 2025

Monday, November 3, 2025

Monday, December 1, 2025

*City Hall is closed on Monday, September 1, 2025 in observance of Labor Day. During its meeting on November 7, 2024, Council did not indicate that it would move its regular September meeting date from Thursday, September 4, 2025. Therefore, Tuesday, September 2, 2024 is proposed as the Planning Board's meeting date.

The City Council also indicated it would likely move its regular monthly meeting time from 7:00 PM to 6:00 PM. In light of this, the Planning Board may also consider moving its regular meeting time from 7:00 PM to 6:00 PM to be consistent with the Council's schedule.

These dates are subject to City Council's formal adoption of its 2025 calendar on December 5, 2024.



RZ-24-24

Request to rezone property located at 207 East Pritchard Street (Randolph County Parcel Identification Number 7751966980) from OA6 Office-Apartment to M Mercantile.

Rezoning Staff Report

RZ Case # RZ-24-24

Date 12/2/2024 Planning Board

General Information

Applicant Rick Britt
Address 1315 Iron Mountain Rd
City Asheboro NC 27205
Phone 336-953-7054
Location 207 E. Pritchard St.
Requested Action Rezone from OA6 (Office-Apartment) to M (Mercantile)

Existing Zone OA-6

Size 0.8 acres +/-

Existing Land Use Business Services (Insurance Office). *Staff Note: This was the most recent land use on the property.*

Pin # 7751966980

Applicant's Reasons as stated on application

It complies - promotes light retail. Property is next to several commercial use properties and will allow for property to be used as has been in past

Surrounding Land Use

North Single Family Residential

East Single Family Residential

South Industrial/Vacant Residential

West Commercial

Zoning History July 13, 2023: RZ-23-08 Approved rezoning from B2 to OA-6
May, 1999: RZ-99-40 Approved rezoning from R10/B2 to B2

Legal Description

The property of the Garald Enterprises Inc, located at 207 East Pritchard Street, more specifically identified by Randolph County Parcel Identification Number 7751966980, and totaling approximately 0.8 acres +/-.

Analysis

1. The property is within the city limits. East Pritchard Street is a city-maintained minor thoroughfare. The property is approximately 350 feet east of East Pritchard Street's signalized intersection with North Fayetteville Street
2. The OA6 Office-Apartment district is described as "intended to produce moderate intensity office and residential development to serve adjacent residential areas and to provide a transition from residential to commercial uses. Land designated OA6 shall normally be located with access to a minor thoroughfare or higher classification street with access to local residential streets discouraged."
3. The M Mercantile district is described as "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 streets."
4. The requested district would allow all uses permitted by right subject to compliance with city land use regulations. No site specific development plan is considered with this request.

Rezoning Staff Report

RZ Case # RZ-24-24

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 Central

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

Checklist Item 5: Complies with Growth Strategy Map

Checklist Items 12 and 13: 12.) Property is located outside of watershed 13.) The property is located outside of Special Hazard Flood Area

2.1.5 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.

Rezoning Staff Report

RZ Case # RZ-24-24

LDP Goals/Policies Which Do Not Support Request

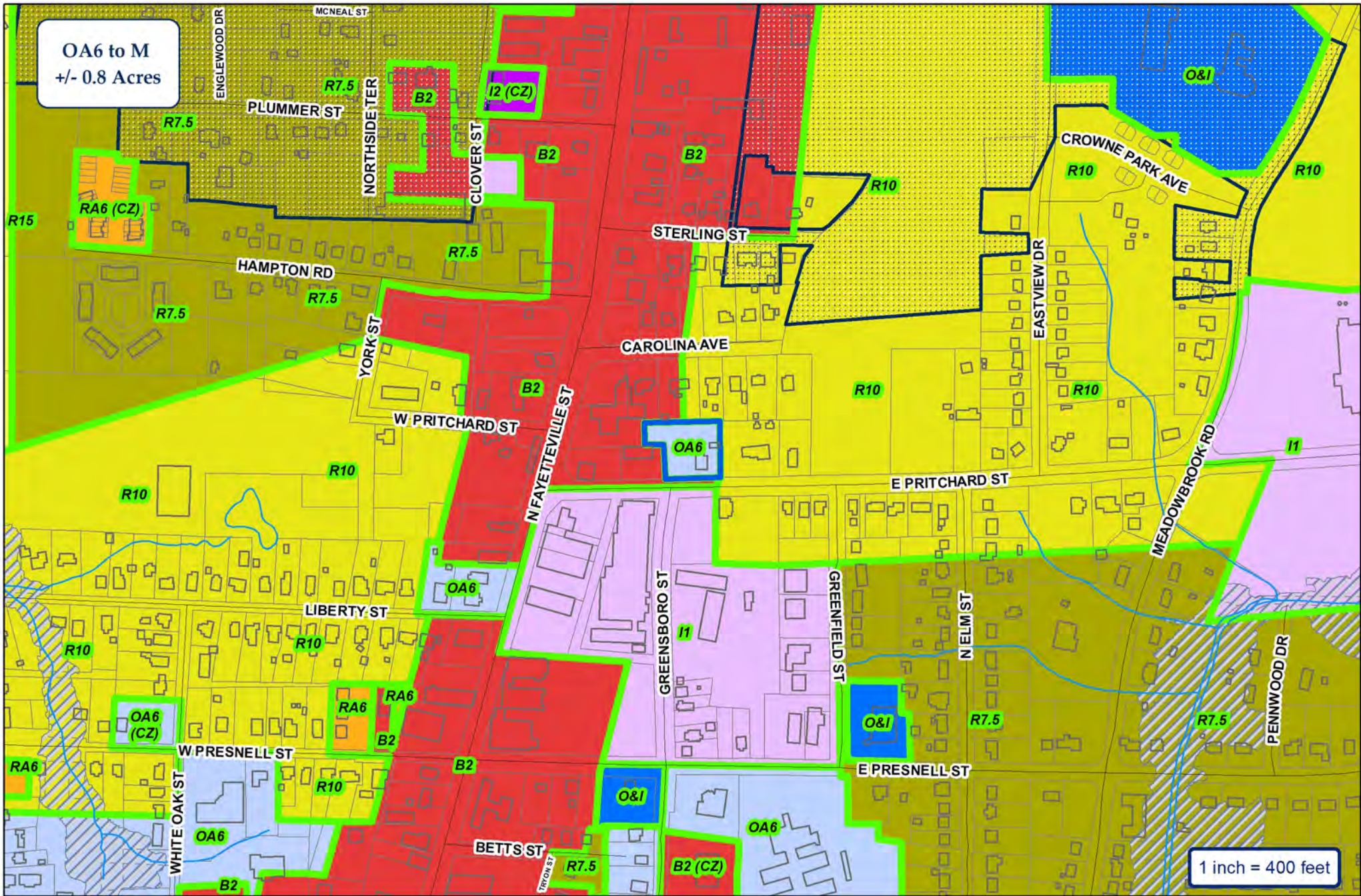
Checklist Item 1: Complies with LDP proposed land use map.

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

Staff believes that the M district is an appropriate transition between the commercial and industrial uses to the south and west and the residential uses to the north and east as it eliminates the more intense commercial uses allowed in the B2 general commercial district. The Zoning Ordinance's description of the M district closely fits the property's location as E. Pritchard St. is classified as a minor thoroughfare. In addition, a more intense B2 commercial classification had been applied to the property for decades prior to 2023.

Considering these factors, staff believes that the proposed zoning map amendment is reasonable and consistent with the Land Development Plan.

Recommendation Approve



City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-24

Parcels: 7751966980



OA6 to M
+/- 0.8 Acres

R7.5

HAMPTON RD

B2

B2

B2

CAROLINA AVE

R1

Map_ID	Owner
A	GARALD ENTERPRISES INC
B	BURROW, JOSEPH E (BURROW, ANN D)
C	LOCKS, VICTOR M
D	BELL, JENNIFER
E	SANCHEZ, CARLOS CALDERON (SANCHEZ, MARIA G)
F	RANDOLPH GROUP PROPERTIES LLC
G	10FSSAC4 120 E PRITCHARD ST ASHEBORO NC LLC
H	10FSSAC4 120 E PRITCHARD ST ASHEBORO NC LLC
I	GARALD ENTERPRISES INC
J	WANSLEY, HEATH CARROLL

YORK ST

W PRITCHARD ST

R10

B2

B2

B2

OA6

R10

R10

E PRITCHARD ST

N FAYETTEVILLE ST

R10

OA6

LIBERTY ST

B2

I1

H

GREENSBORO ST

I1

G

F

N ELM ST

GREENFIELD ST

R7.5

1 inch = 200 feet

City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-24

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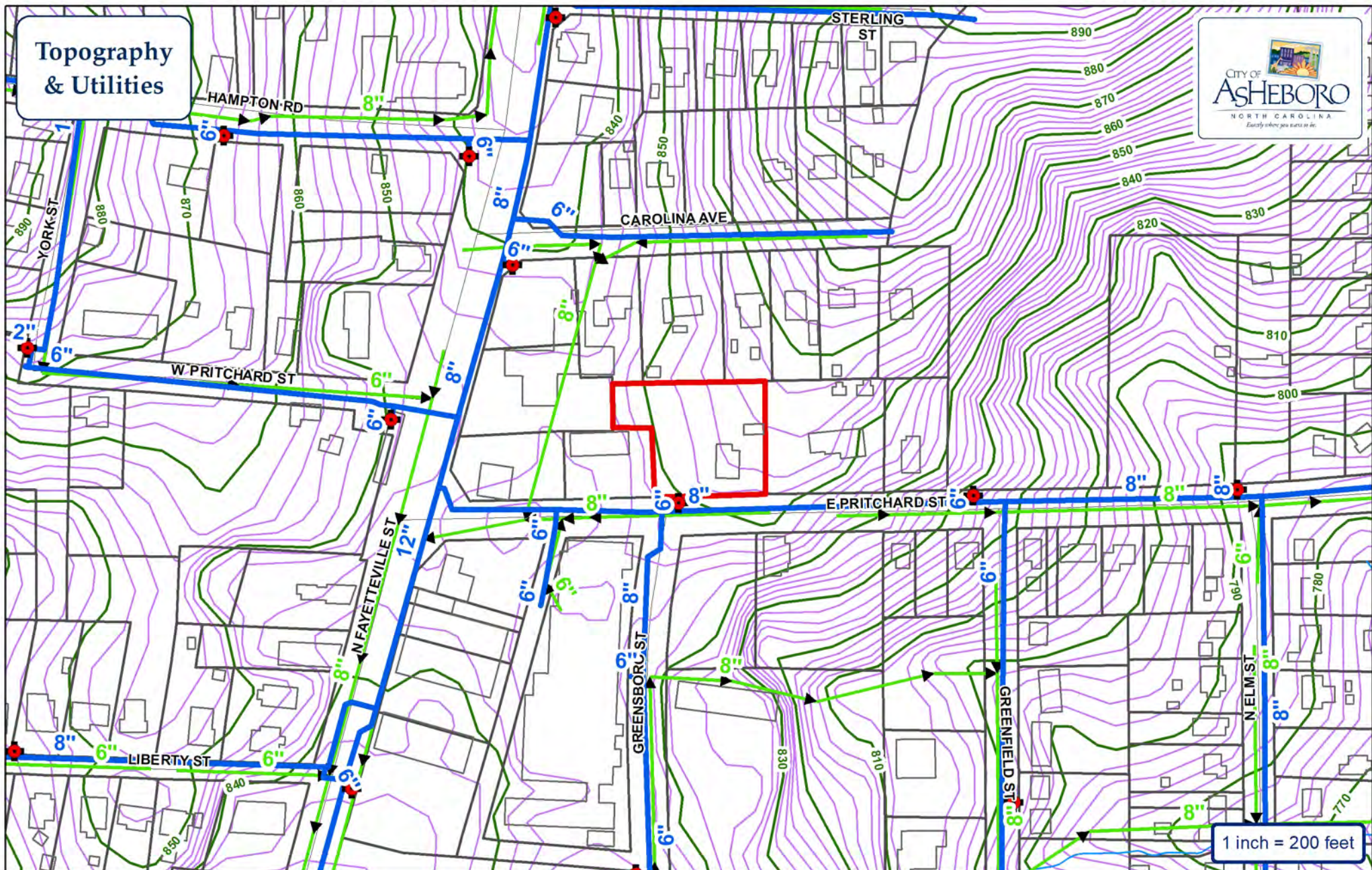


ETJ

- Subject Property
- Adjoining Properties
- City Zoning



Topography & Utilities



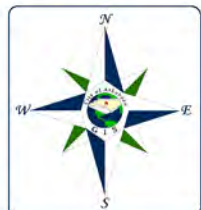
- | | | | |
|--|------------|---|--------------|
|  | Water Main |  | Fire Hydrant |
|  | Sewer Main |  | Pump Station |
|  | Force Main |  | Watershed |

City of Asheboro Planning & Zoning Department

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 Subject Property

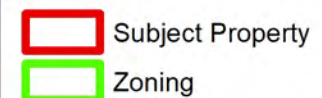




City of Asheboro Planning & Zoning Department

Rezoning Case: RZ-24-24

Parcels: 7751966980



APPLICANT INFORMATION

Applicant rick BRITT

Applicant's Phone # 336-953-7054

Applicant's Address 1315 Iron Mountain Rd.
ASHEBORO NC 27205

Applicant Email Address _____

PROPERTY INFORMATION FOR MAP AMENDMENTS

Property Owner's Name CARALD ENTERPRISES, INC

Location of Property 207 E. PRITCHARD ST., ASHEBORO

Property Size (ac. or s.f.) .8 AC.

Randolph County Property Identification Number (PIN#) 7751966980

Current Zoning District OAG

Requested Zoning District MERCANTILE

Date Property Title Acquired _____

Deed Book 002862 Page 664

Subdivision _____ Section _____ Lot # _____

Plat Book _____ Page _____

ORDINANCE AMENDMENT INFORMATION

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

It Complies - Promotes Light Retail

For questions (2) and (3), if either of these questions apply, please state a reason. If you believe these do not apply, please check "does not apply".

2. 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

Does not apply ☐

3. 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?

NONE

Does not apply ☐

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

PROPERTY IS NEXT TO SEVERAL COMMERCIAL USE
PROPERTIES & WILL ALLOW ~~TO~~ FOR PROPERTY
TO BE USED AS HAS BEEN IN PAST

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)

BEN TUGGER, AGENT

Position/Relationship of Authorized Signatory to Applicant

PROPERTY MANAGER

Owner Signature (if different than Applicant)



Owner Address

1315 Iron Mountain Rd.
Asheboro NC 27205

Telephone Number

336-953-7054

Printed Name of Authorized Signatory (if different from Owner)

Position/Relationship of Authorized Signatory to Owner

STAFF USE

Received by: JLE Date: 11-15-24 Case Number: R2-24-24