

DEPARTMENT OF PLANNING & DEVELOPMENT



PLANNING STAFF REPORT  
**REZONING CASE #RZ20180208-2**  
STAFF PROJECT CONTACT: Angie Blount

**EXPLANATION OF THE REQUEST**

This is a request to rezone one .53 acre tract currently zoned R30 (Residential Low Density) to AR (Agricultural Residential). If a rezoning is granted, the property will then be recombined into an adjacent 22 acre tract for future subdivision under an estate.

**OWNER/APPLICANT**

**OWNER:** Barbara M. Dillard Heirs  
151 Southerland Mill Rd  
Henderson, NC 27537

**Applicant:** Delores Ayscue,  
Executor

**PROPERTY INFORMATION**

**LOCATION:** 739 Hicksboro Rd, Tax parcel ID# 0405 02022

**EXISTING LAND USE:** The parcel is currently zoned R30 (low density residential) Property is a vacant .53 acre tract.

**SIZE:** The tract consists of .53 acres or 23,086 square feet. The tract has approximately 161ft. of road frontage along Hicksboro Rd.

**SURROUNDING LAND USE:** The immediate area consists of AR and R30 zoned property. The area is rural and consists of single family homes and farm land.

**ZONING HISTORY:** All parcels in this area are zoned as they were since countywide zoning was established in November 2011.

**IMPACTS**

This rezoning will not change the use for the property or those adjacent. Rezoning the property will allow the heirs to recombine the lot into a larger AR zoned tract, which they plan to then divide under an estate division.

**STAFF COMMENTS**

The lot currently meets or exceeds the road frontage requirement for R30, but does not meet the acreage requirement of 30,000 sq. ft. Rezoning and then recombining the lot would more than satisfy the minimum lot size and lot width requirement for AR.

The planning board should consider the following factors in deciding this case:

- A. The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.
- B. There is convincing demonstration that all uses permitted under the proposed zone classification would be in the general public interest and not merely in the interest of an individual or small group.

- C. There is convincing demonstration that all uses permitted under the proposed zone classification would be appropriate in the area included in the proposed change. (When a new zone designation is assigned, any use permitted in the zone is allowable, so long as it meets zone requirements, and not merely uses which applicants state that they intend to make of the property involved.)
- D. There is convincing demonstration that the character of the neighborhood will not be materially or adversely affected by any use permitted in the proposed change.
- E. The proposed change is in accord with the County Land Use Plan and sound planning principles.

Staff believes it is reasonable for the property to be rezoned from R30 to AR to meet the neighborhood needs.

**Attachments:** Rezoning Application (A), Survey Map (B), Aerial map with surrounding zoning (C)

**PLANNING BOARD RECOMMENDATION:**

The planning board voted unanimously to recommend the rezoning request with the condition that the additional heirs sign both the plat and the application.

**BOARD OF COMMISSIONERS**

Whenever the Board of Commissioners makes a decision to adopt or to reject a zoning amendment, the board must approve a written statement describing whether the action is consistent with an adopted comprehensive plan. The statement must also address why the board considers the action taken to be reasonable and in the public interest. The board is not required to follow its adopted plans in zoning decisions, but must consider its reasons for deciding to follow the plan or not.

**Draft Motion and Rationale for Board of Commissioners Approval:** Motion to approve the rezoning request on the basis that it is reasonable and consistent with the county's land use plan by promoting the county's agricultural character.

**Draft Motion and Rationale for Board of Commissioners Disapproval:** Motion to deny the rezoning request on the basis that the character of the neighborhood will be materially and adversely affected by uses allowed in the proposed zoning category.

**Attachments:** Rezoning Application, Survey Map, Aerial Zoning Map,