

## DEPARTMENT OF PLANNING & DEVELOPMENT

### PLANNING STAFF REPORT

**REZONING CASE # 20171017-2, November 9, 2017**

STAFF PROJECT CONTACT: Angie Blount



### EXPLANATION OF THE REQUEST

This is a request to rezone one lot subdivided from a parcel zoned AR (Agricultural Residential) to R30 (Residential Low Density).

### OWNER/APPLICANT

**OWNER:** Kirby G. & Tammy P. Aiken  
1050 Tower Rd  
Henderson, NC 27537

**Applicant:** Owners

### PROPERTY INFORMATION

**LOCATION:** 176 Brookston Rd; more specifically identified as tax parcel 0615 01009

**EXISTING LAND USE:** The parcel is currently zoned AR (Agricultural Residential) and the owner is seeking to subdivide one lot to rezone as R30 (Residential Low Density).

**SIZE:** The lot to be divided out is 33,541 sq. ft. with 128.54' of road frontage, which exceeds the requirements for R30 zoning.

**SURROUNDING LAND USE:** The property fronts along Brookston Road. The immediate area consists of AR, R30 and R10 zonings. The area is rural and dotted with single family homes.

**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. The property to be rezoned already contains one single family dwelling.

### STAFF COMMENTS

The rezoning request is to rezone a 33,541 sq. ft. parcel of land from AR (Agricultural Residential) to R30 (Residential Low Density). The new parcel will exceed minimum lot size and road frontage requirements for R30 zoning.

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 AR to R30 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 in favor of the rezoning request, November 9, 2017. Those board members voting were members Chairperson Thomas Shaw III, Phyllis Stainback, Alvin Johnson Jr., and Logan Darensburg.

<b>BOARD OF COMMISSIONERS</b>
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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,