

DEPARTMENT OF PLANNING & DEVELOPMENT

PLANNING STAFF REPORT

REZONING CASE # RZ1304-1

STAFF PROJECT CONTACT: Jordan McMillen



EXPLANATION OF THE REQUEST

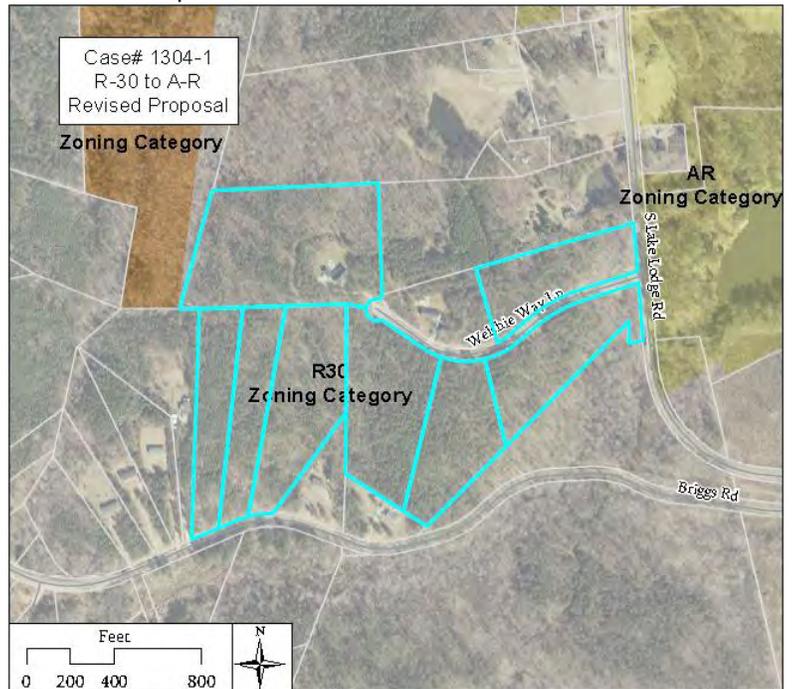
This is a request to amend the zoning map and to rezone several parcels along Welshie Way Lane. Initially the proposal included rezoning a single proposed lot (1.49 acres out of parcels 0461B01021 and 0461-02013) from R-30 to A-R to allow additional land uses.

Following planning board consideration and recommendations, the property owner has agreed to revise the request to rezone a total of 8 lots (tax parcel numbers: 0461-02006, 0461-02012, 0461-02013, 0461-02014, 0461-02016, 0461B01019, 0461B01020, and 0461B021) from R-30 to AR to better harmonize with the character of the area. See revised proposal map enclosed with report.

Original Proposal



Revised Proposal



OWNER/APPLICANT

OWNER: Fred & Donna Wesemann - 364 Welshie Way Lane, Henderson, NC 27537

PROPERTY INFORMATION

LOCATION: Welshie Way Lane;

EXISTING LAND USE: The parcels are currently zoned R-30 and are wooded and vacant. Previously this area was subdivided into the Stanton Place Subdivision, but remains agricultural (wooded) and vacant in nature for the most part. The current property owner purchased all of the lots within the subdivision and intends to keep the land use agricultural and residential in nature.

SURROUNDING LAND USE: The surrounding land use is predominantly residential and agricultural in nature.

SIZE: The original proposal was for rezoning of a 1.49 acre proposed lot. The revised proposal includes rezoning 8 lots of which totals 45.61 acres with the smallest existing lot being 3.82 acres.

ZONING HISTORY: All lots to date in this area have been zoned as they were since countywide zoning was established in late 2011.

IMPACTS

This rezoning appears to have minimal if any impacts on traffic, schools, or fire/EMS related impacts. The rezoning lowers the allowable density contributing to maintaining the rural character of the county. A rezoning to A-R does change the allowable uses; however a conditional use permit with public input would be required for those uses that may have greater impacts.

STAFF COMMENTS AND PLANNING BOARD RECOMMENDATION

The initial rezoning request raised questions as to whether a spot zoning situation was taking place. While not illegal in North Carolina, spot zoning (zoning a property differently from the surrounding property) creates a greater standard for approval with multiple questions to be analyzed. For this reason, the property owner has revised the request to rezone several parcels along Welshie Way Lane which would connect with surrounding AR zoned areas.

By downzoning or reducing the potential density from R-30 to AR zoning, the property becomes less restraining and is easier to justify from the standpoint of the land use plan. A goal of the land use plan is to maintain the rural character of the county, and such a rezoning encourages this principle. Due to the current lot sizes, the Stanton Place Subdivision currently resembles the character of the Agricultural-Residential (A-R) zoning category and such a rezoning will match the intended character and use of the property with the appropriate zoning category.

PLANNING BOARD RECOMMENDATION: Recommended approval of revised request on April 11, 2013; Recommendation is on the basis that the revision is better suited to preserve the rural character of the county.

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 Rationale for Board of Commissioners Approval: The request to rezone 8 total parcels is reasonable, will allow the zoning to be consistent with the proposed land use while allowing for additional uses and is consistent with the land use plan by preserving the rural character of the county.

Attachments: Rezoning Application, Survey Maps (Original Proposal), Aerial View Maps (Original and Revised view)



Vance COUNTY

NORTH CAROLINA

Rezoning Process

Vance County Planning & Development Department

156 Church Street, Suite 3
Henderson, NC 27536
Ph: (252) 738-2080
Fax: (252) 738-2089

For Administrative Use Only:

Case #	RZ201304-1
Fee Paid	\$250 ck# 1008
PB Date	4/11/2013
BOC Date	5/6/2013

Property Owner Information

Property Owner: FRED & DONNA WESEMANN
 Mailing Address: 364 WELSHIE WAY LANE
 City: HENDERSON State: NC Zip Code: 27537
 Phone #: (252) 492-4404 Fax #: (SAME) -
 E-mail Address: FRED WESEMANN @ AOL.COM

Applicant Information

Applicant: FRED & DONNA WESEMANN
 Mailing Address: 364 WELSHIE WAY LANE
 City: HENDERSON State: NC Zip Code: 27537
 Phone #: (252) 492-4404 Fax #: (SAME) -
 E-mail Address: FRED WESEMANN @ AOL.COM

Property Information *For multiple properties please attach an additional sheet.*

Property Address: WELSHIE WAY LANE
 Tax Map Number: _____ PIN (parcel identification #): 046102013
0461801021
 Existing Zoning: R 30 Proposed Zoning: AR
 Acreage: 1.49 Road Frontage: 44.5 FEET
 Existing Use: URCANT

Deed Reference

- Metes and bounds description attached
- Site plan/sketch of proposal attached



Vance COUNTY

NORTH CAROLINA

Rezoning Process

Vance County Planning & Development Department

Statement of Justification

1. Would the amendment correct an error in the zoning map? NO YES: *Please explain below:*

2. Have conditions changed in the area to justify the requested amendment? NO YES: *Please explain below:*

3. What factors justify the proposed amendment?

Would like to have a traffic facility for our dogs
WE ALSO OWN ALL THE SURROUNDING PROPERTIES

Property Owners Signature

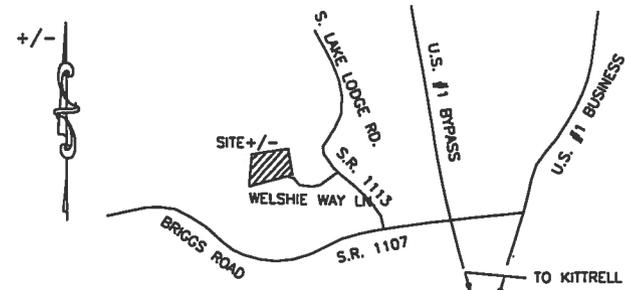
[Signature] Date 3-19-13
[Signature] Date 031913
Please sign in blue or black ink

Applicants' Signature

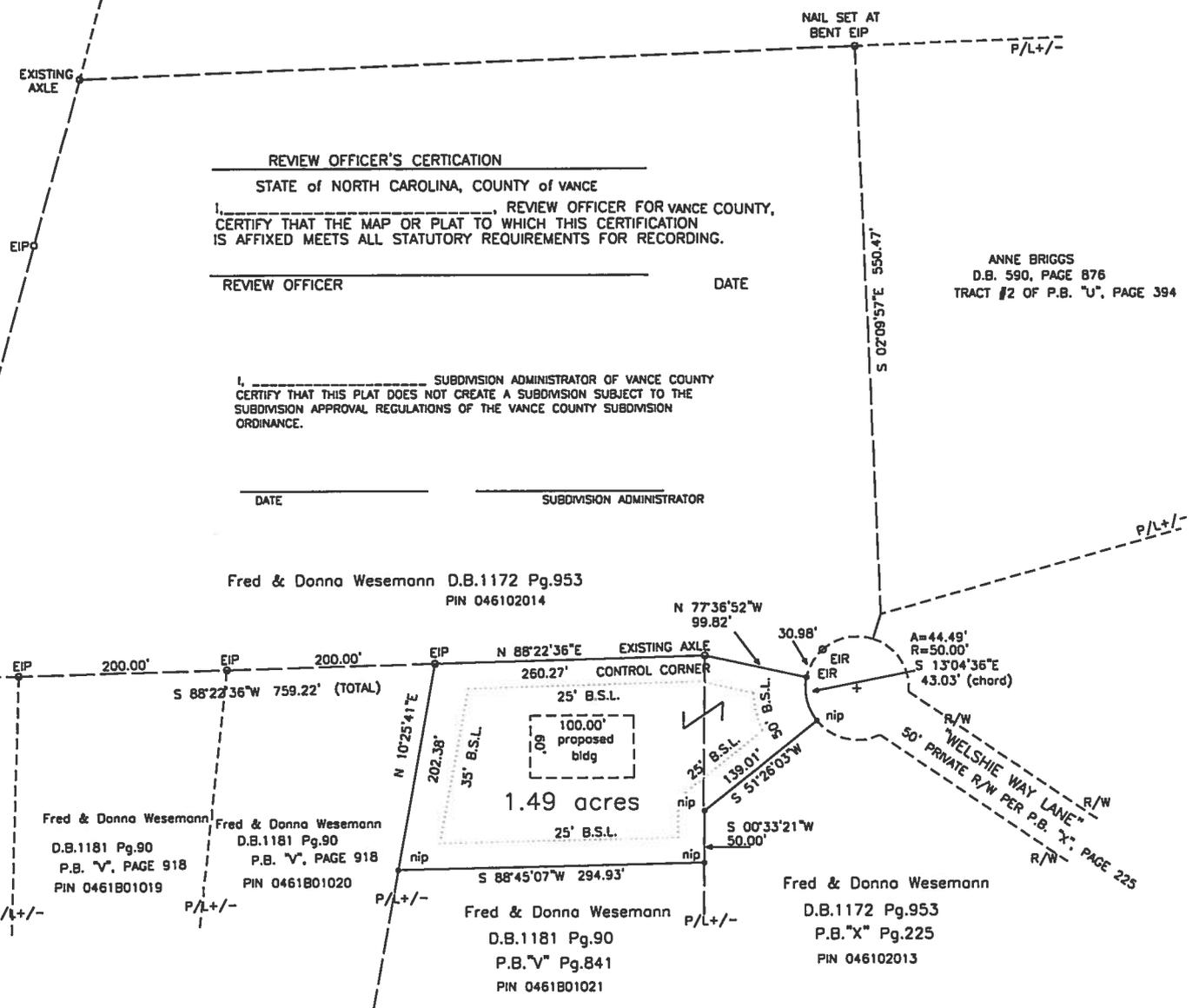
[Signature] Date 3-19-13
[Signature] Date 031913
Please sign in blue or black ink

NORTH IS RELATIVE TO
P.B. "X", PAGE 225

TUCKER J. STATION - D.B. 590, PAGE 874
TRACT #1 OF P.B. "U", PAGE 394



VICINITY MAP - NOT TO SCALE



REVIEW OFFICER'S CERTIFICATION
STATE of NORTH CAROLINA, COUNTY of VANCE
I, _____, REVIEW OFFICER FOR VANCE COUNTY,
CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION
IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER _____ DATE _____

I, _____ SUBDIVISION ADMINISTRATOR OF VANCE COUNTY
CERTIFY THAT THIS PLAT DOES NOT CREATE A SUBDIVISION SUBJECT TO THE
SUBDIVISION APPROVAL REGULATIONS OF THE VANCE COUNTY SUBDIVISION
ORDINANCE.

DATE _____ SUBDIVISION ADMINISTRATOR _____

ANNE BRIGGS
D.B. 590, PAGE 876
TRACT #2 OF P.B. "U", PAGE 394

Fred & Donna Wesemann D.B.1172 Pg.953
PIN 046102014

LOT 220 OF
SPRING FOREST SUBD.
P.B. "V", PAGE 918

Fred & Donna Wesemann
D.B.1181 Pg.90
P.B. "V", PAGE 918
PIN 0461801019

Fred & Donna Wesemann
D.B.1181 Pg.90
P.B. "V", PAGE 918
PIN 0461801020

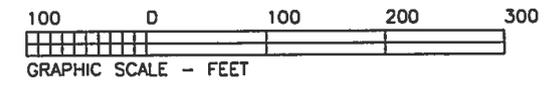
Fred & Donna Wesemann
D.B.1181 Pg.90
P.B. "V" Pg.841
PIN 0461801021

Fred & Donna Wesemann
D.B.1172 Pg.953
P.B. "X" Pg.225
PIN 046102013

Site Data
Zoned A.R.
25' side B.S.L.
35' rear B.S.L.
50' front B.S.L.
part of
PIN 046102013
and
PIN 0461801021

SYMBOLS :

EIP(R)	EXISTING IRON PIPE (ROD)
NIP	NEW IRON PIPE (1/2")
(N)(E)PK	NEW OR EXISTING PK NAIL
NL	nail
P/L	PROPERTY LINE
ECPS	EX. COTTON SPINDLE SPIKE
CM	CONCRETE MONUMENT
ERRS	EXISTING RAILROAD SPIKE
BEIP(R)	BENT IRON PIPE OR ROD
R/W	RIGHT OF WAY
PP	POWER POLE
---	ELECTRIC POWER LINE
LP	AREA LIGHT ON A POLE
B.S.L.	BUILDING SETBACK LINE
C/L	CENTER LINE
ECM	EXISTING CONCRETE MONUMENT



(d.) I, C. EUGENE BOBBITT, III PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT
THIS PLAT IS OF A SURVEY OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION
OF EXISTING PARCELS, A COURT-ORDERED SURVEY OR OTHER EXCEPTION TO THE
DEFINITION OF SUBDIVISION;

C. Eugene Bobbitt, III



- NOTES :**
- ONLY THE NOTES MARKED WITH AN (X) APPLY TO THIS PLAT, AND THE SUBJECT PROPERTY SHOWN.
 - (X) 1.) TO THE BEST OF MY KNOWLEDGE THE SUBJECT PROPERTY IS NOT LOCATED WITHIN 2000 FEET OF A STATE GRID STATION.
 - (X) 2.) THE COORDINATE METHOD WAS USED TO COMPUTE THE AREA(S) SHOWN.
 - () 3.) THERE IS A NEW 1/2" IRON PIPE ON ALL PROPERTY CORNERS THAT ARE NOT LABELLED, UNLESS OTHERWISE NOTED, SEE SYMBOL LEGEND.
 - (X) 4.) THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
 - (X) 5.) THIS PLAT IS SUBJECT TO ALL EASEMENTS, AGREEMENTS, AND RIGHTS-of-WAY OF RECORD PRIOR TO DATE OF THIS PLAT.
 - () 6.) SUBJECT PROPERTY SHOWN IS LOCATED WITHIN 2000 FEET OF A STATE GRID STATION, BUT DUE TO THE LACK OF DESCRIPTIVE, AND PHYSICAL EVIDENCE, GRID STATION(S) COULD NOT BE LOCATED.
 - (X) 7.) ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES, IN U.S. FEET.

current recombination 03/01/2013

I, C. EUGENE BOBBITT, III PLS., HEREBY CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 1172, PAGE 953, ETC.) (OTHER); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK _____ PAGE _____ REF. _____; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S.47-30 AS AMENDED.

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL.

THIS 19th DAY OF March, A.D., 2013

C. Eugene Bobbitt, III
C. EUGENE BOBBITT, III, P.L.S.

LICENSE NUMBER - L-2664

Reduced Copy

BOBBITT SURVEYING, P.A.
CERTIFICATE No. - C-595
P.O. BOX 952/443 DABNEY DRIVE, HENDERSON, N.C., 27536
(Office) 252 - 438 - 5162 (Fax) 252 - 438 - 7494

PROPERTY OF & RECOMBINATION SURVEY FOR
**FRED J. WESEMANN & Wife,
DONNA WESEMANN**
KITRELL TOWNSHIP
VANCE COUNTY, NORTH CAROLINA
SCALE 1" = 100 feet DATED: 03/01/2013
Plat File 13 V 05 L

Case# 1304-1
R-30 to AR
p[] [] • a AF

RMHC
Zoning Category

S Lake Lodge Rd

AR
Zoning Category

AR
Zoning Category

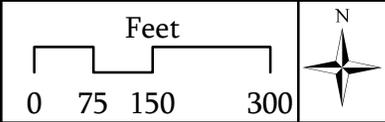
R30
Zoning Category

Welshie Way Ln



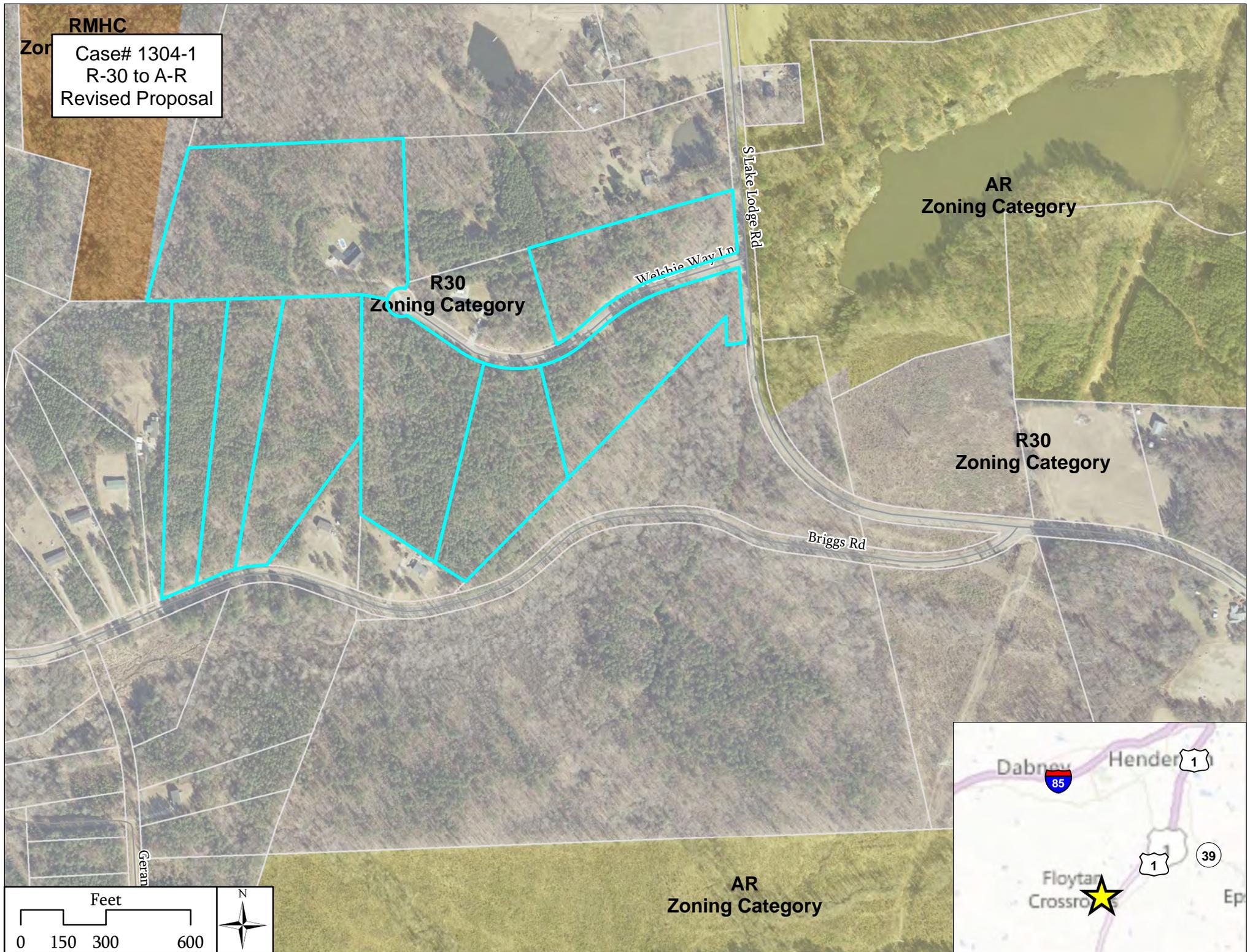
Briggs Rd

R30
Zoning Category



RMHC

Case# 1304-1
R-30 to A-R
Revised Proposal



**R30
Zoning Category**

**AR
Zoning Category**

**R30
Zoning Category**

**AR
Zoning Category**

