

## DEPARTMENT OF PLANNING & DEVELOPMENT

### PLANNING STAFF REPORT REZONING CASE # RZ1511-4

STAFF PROJECT CONTACT: Jordan McMillen



### EXPLANATION OF THE REQUEST

This is a request to amend the zoning map and to rezone 1 parcel from Low Density Residential (R-30) to Agricultural Residential (A-R).

### OWNER/APPLICANT

**OWNER:** Rachel Allen Daye & Norma Diane Allen Bullock  
919 Pinkston Street  
Henderson, NC 27536

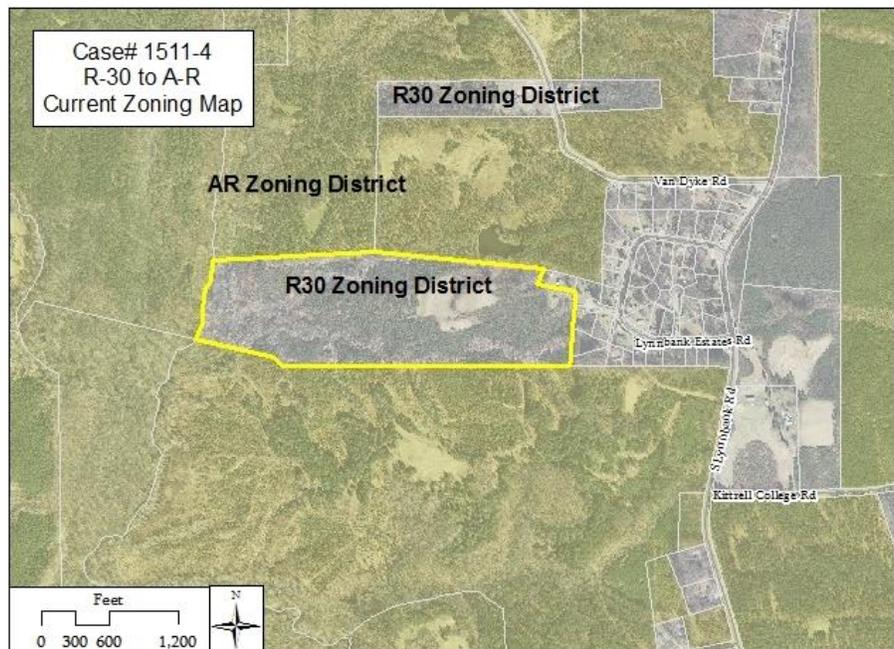
**Applicant:** Rachel Allen Daye  
919 Pinkston Street  
Henderson, NC 27536

### PROPERTY INFORMATION

**LOCATION:** Adjacent to Lynnbank Estates Subdivision; more specifically identified as tax parcel 0467 03003.

**EXISTING LAND USE:** The parcel currently consists of woodland, is zoned R-30 and includes 2 stream tributaries leading into Ruin Creek.

**SURROUNDING LAND USE:** The surrounding land use is predominantly Agricultural Residential on 3 sides to the north, east and south. The Lynnbank Estates Subdivision is located directly to the east and is zoned R-30. Due to the existing vegetation and access point on the rear of the subdivision, the parcel appears secluded among other large parcels in a very rural part of the county.



**SIZE:** The existing parcel is approximately 54 acres (see included unrecorded survey).

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

### IMPACTS

This rezoning changes the allowable uses of the property from being residential in character to allowing uses compatible with rural, agricultural areas. The following uses which are not currently permitted in R-30 zoning would be permitted with the change to AR zoning: kennels. The following uses which are not currently permitted in R-30 would be permitted with a conditional use permit in the AR zoning: junkyards, recycling &

storage, cell towers, shooting ranges, and solar energy systems. Overall the lot standards, setbacks and density requirements are similar between R-30 and AR.

## STAFF COMMENTS

The rezoning request as presented would change the property's zoning from R-30 to A-R. In considering any rezoning request it is important to consider the overall impact that the new zoning category could have irrespective of any particular planned use in mind.

In reviewing this request the following should be considered prior to giving a favorable recommendation:

- 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.

When considering the surrounding land, the size of the parcel, and the use of the surrounding parcels, it is reasonable to believe the parcel could be rezoned from R-30 to A-R with limited impacts. Because of the shape of the parcel, over 85% of the parcel's perimeter is surrounded by Agricultural Residential zoning. When zoning classifications were assigned to parcels, this parcel could have been assigned either R-30 or A-R from looking at the surrounding area. Due to its proximity to the neighboring subdivision, this area was looked at as a natural progression from the R-30 to the surrounding A-R zoning. Overall the rezoning request is very reasonable and would situate the property to be zoned similar to its surrounding area. Any future development on the property would require adequate buffers to lesson any visual impacts to the neighboring subdivision.

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



# 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 #	
Fee Paid	
PB Date	
BOC Date	

### Property Owner Information

Property Owner: Rachel Allen Daye / <sup>Norma</sup> Diane Allen Bullock  
 Mailing Address: 919 Pinkston Street  
 City: Henderson State: NC Zip Code: 27536  
 Phone #: (252) 432-0142 Fax #: ( ) -  
 E-mail Address: racheldaye@yahoo.com

### Applicant Information

Applicant: Rachel Allen Daye  
 Mailing Address: 919 Pinkston Street  
 City: Henderson State: NC Zip Code: 27536  
 Phone #: (252) 432-0142 Fax #: ( ) -  
 E-mail Address: racheldaye@yahoo.com

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

Property Address: 254 Lynnbank Estates Road, Kittrell, NC 27544  
 Tax Map Number: \_\_\_\_\_ PIN (parcel identification #): \_\_\_\_\_  
 Existing Zoning: R30 Proposed Zoning: AR  
 Acreage: 54.1152 + Acres Road Frontage: \_\_\_\_\_  
 Existing Use: Farm Land

### 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:*

*The property is incorrectly zoned as R30 and should be zoned as AR.*

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. What factors justify the proposed amendment?

*The property is incorrectly zoned as R30 and should be zoned as AR. All the surrounding land is zoned as AR. The land is farm land*

### Property Owners Signature

*Rachel Allen Saye / Diane Zulloch* Date *10-8-2015*  
*Please sign in blue or black ink*

### Applicants' Signature

*Rachel Allen Saye* Date *10-8-2015*  
*Please sign in blue or black ink*

Case# 1511-4  
R-30 to A-R  
Current Zoning Map

R30 Zoning District

0467 03005  
FLOYD MICHAEL PRESTON

0467 03061  
PERNELL RONNIE D

0467 02007  
TAYLOR BARRY

R30 Zoning District

0435 01007  
FURLOW FRANK F

0467 02001  
BRANCH VIVIAN JEFFCOAT

0467 03063  
VEGA MARTIN

Van Dyke Rd

0467 01002  
KERNS KATHERINE K

R30 Zoning District

0467 03003  
DAYE RACHEL ALLEN

Lynnbank Estates Rd

0467 01004  
JETT KIMBERLY D

0474 02001  
STALLINGS SHIRLEY P.

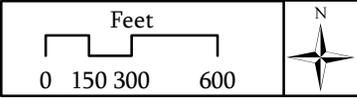
AR Zoning District

0467 03002  
ALSTON JO ANNE L

0467 01003  
JETT KIMBERLY D

S Lynnbank Rd

Kittrell College Rd



91-81-103C



Walter H. Finch  
D.B. 457, Pg. 11

Francis P. Floyd  
D.B. 470, Pg. 510  
Tract #2

C.E. Jeffcoat  
D.B. 412, Pg. 538

TRACT A  
54.11 ACRES

W.E. Alston  
D.B. 468, Pg. 305  
P.B. "M", Pg. 48

W.E. Alston  
D.B. 468, Pg. 305  
P.B. "M", Pg. 48

Ref: D.B. 347, Pg. 658  
D.B. 356, Pg. 440  
Houghtaling BK, Pg. 117

LEGEND

- EIP Existing Iron Pipe
- NIP New Iron Pipe
- R Property Line
- CM Concrete Marker
- R/W Right of Way
- C Center Line



I, Wallace G. Cawthorne, certify that under my direction and supervision this map was drawn from an actual field survey, that the error of closure of the survey as calculated by latitudes and departures is:

that this map was prepared in accordance with G.S. 47-30 as amended.

Witness my hand and seal this 22nd day of June 1981

R.L.B. L-2500 *Wallace G. Cawthorne*

Sworn to and subscribed before me this 22nd day of June 1981

My commission expires 3-28-82 *Justine J. Cawthorne*  
NOTARY PUBLIC

WALLACE G. CAWTHORNE  
REGISTERED LAND SURVEYOR HENDERSON, NORTH CAROLINA

PROPERTY OF  
JOHN EDWARD ALLEN HEIRS

KITRELL TOWNSHIP  
VANCE COUNTY, NORTH CAROLINA  
SCALE 1" = 300'