

DEPARTMENT OF PLANNING & DEVELOPMENT

PLANNING STAFF REPORT REZONING CASE # RZ1601-1

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: Edward F. & Donna C. Spain
456 Spring Valley Road
Henderson, NC 27537

Applicant: Edward F. & Donna C. Spain
456 Spring Valley Road
Henderson, NC 27537

PROPERTY INFORMATION

LOCATION: Across from 1400 Spring Valley Lake Road; Adjacent to Spring Valley Subdivision; more specifically identified as tax parcel 0202 01037

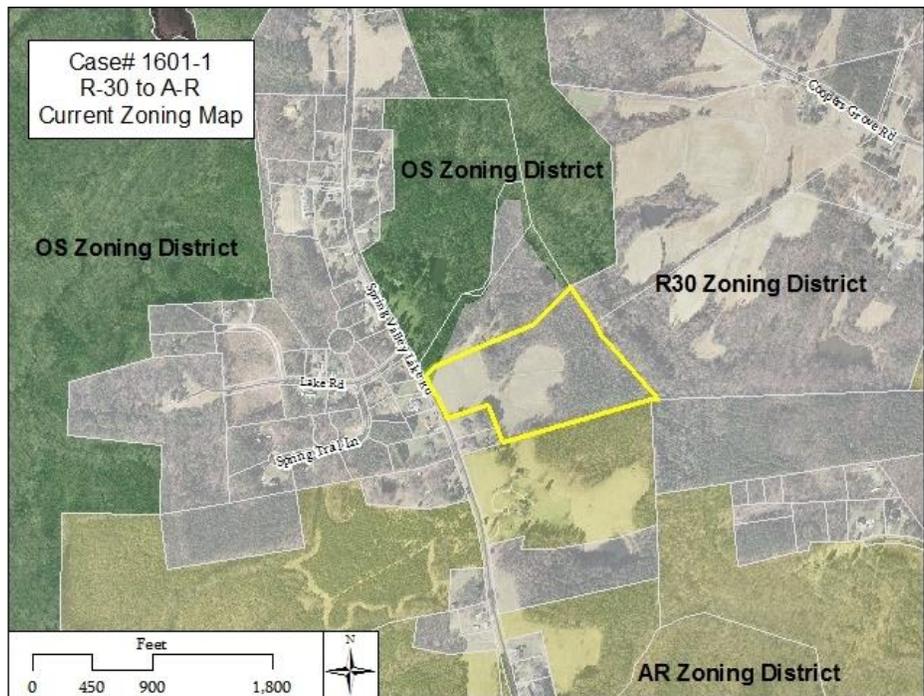
EXISTING LAND USE: The parcel is currently a mix of woodland and farmland and is zoned R-30.

SIZE: The existing parcel is 23 acres (see included survey).

SURROUNDING LAND USE: The surrounding land use is predominantly low density residential on 3 sides with the Spring Valley Subdivision located to the west. The

parcel does have an agricultural residential parcel adjacent to the south although it is located in a pocket of residences near the end of Spring Valley Lake Road. This parcel is at the edge of a predominantly agricultural area which extends southward to where Spring Valley Lake Road intersects with Spring Valley Road.

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 & PLANNING BOARD RECOMMENDATION

The rezoning request is to change the zoning of this property from Low Density Residential (R-30) to Agricultural Residential (A-R). While the parcel is located directly across the street from the Spring Valley Subdivision, it is located in an area along Spring Valley Lake Road that is transitioning from AR zoning to R-30 Zoning. In addition to this, the parcels adjoining this parcel to the north and the east have an agricultural element with either cropland or woodland although being zoned R-30. In considering the adjoining parcels on the north, east and south, the parcels range in size from 11 to 70 acres and all display characteristics of agriculture.

In considering this request, it is important to consider all of the potential uses that would be permitted and the potential impacts on surrounding properties. All of the following should be considered in 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. Overall the rezoning appears consistent with the land use plan by maintaining the rural character of the county.

Attachments: Rezoning Application, Survey Map, Aerial Zoning 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 #	R221601-1 R21601-1
Fee Paid	7250 ck# 7840
PB Date	1/14/2016
BOC Date	

Property Owner Information

Property Owner: Edward F + Donna C Spain
 Mailing Address: 456 Spring Valley Rd
 City: Henderson State: NC Zip Code: 27537
 Phone #: (252) 438 - 4257 Fax #: () -
 E-mail Address: efspain28@gmail.com

Applicant Information

Applicant: Edward F + Donna C Spain
 Mailing Address: 456 Spring Valley Rd
 City: Henderson State: NC Zip Code: 27537
 Phone #: (252) 438 - 4257 Fax #: () -
 E-mail Address: efspain28@gmail.com

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

Property Address: Spring Valley Lake Rd Henderson NC 27537
 Tax Map Number: 0202 01 037 PIN (parcel identification #): _____
 Existing Zoning: R-30 Proposed Zoning: A1B
 Acreage: 23.23 Road Frontage: 342'
 Existing Use: Farming

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?

To have property zoned same as adjoining property

Property Owners Signature

*Edmund F Spain
Donna C Spain*

Please sign in blue or black ink

Date 11-25-15

Applicants' Signature

*Edmund F Spain
Donna C Spain*

Please sign in blue or black ink

Date 11-25-15



Vicinity Map (Not to Scale)

certify that this survey is located in such portion of a county that is unregulated as to an ordinance that regulates parcels of land.

Alan R. Rowland
L-2897 Registered Land Surveyor

Kerr Reservoir
Tract M-1279

E. A. Blanks
D.B. 221, Pg. 572

Dorothy N. Cumming
D.B. 303, Pg. 544
D.B. 634, Pg. 49
D.B. 246, Pg. 599
P.B. "U", Pg. 675



SPRING VALLEY LAKE ROAD
S.R. 1429
S.R. 1518

9 2° 02' 49" E 246.55

N 2° 02' 39" W 93.46

N 20° 30' 33" W 150.35

N 18° 35' 44" W 98.75

N 54° 54' 44" E 30.87

N 73° 10' 49" E 326.79

N 78° 00' 43" E 479.35

N 59° 02' 15" E 384.27

9 24° 53' 17" E 332.60

9 24° 17' 12" E 31.75

Mrs. W.P. Blanks
D.B. 221, Pg. 558

23.23 ACRES

Computation by Coordinate Method

Ref: D.B. 303, Pg. 544
D.B. 634, Pg. 49
D.B. 246, Pg. 599
P.B. "U", Pg. 975

Ernest E. Parnell
D.B. 473, Pg. 628
D.B. 418, Pg. 627
D.B. 383, Pg. 26
P.B. "W", Pg. 40
Lot 3 A Part of Lots 2 & 4

To the best of my knowledge, this survey is not within 200 feet of a Cine Monument.

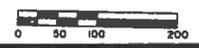
This plat is subject to all

5 81° 23' 24" W 462.32

James L. Reeves
D.B. 277, Pg. 83

LEGEND

- NP New Iron Pipe
- EP Existing Iron Pipe
- R/W Right of Way
- P/L Property Line
- CL Center Line
- CM Concrete Monument
- EPK Existing PK Nail
- NPK New PK Nail



NOTE: All boundary except line A to B surveyed April 26, 1990. Line A to B surveyed April 7, 1992.

STATE OF NORTH CAROLINA, VANCE COUNTY
The foregoing certificate(s) of Josephine T. Cawthorne, Notary Public of Franklin County is/are certified to be correct. This instrument was presented for registration and recorded in this office in Book V, Page 48.
This 21 day of May, 1992, at 11:40 o'clock A.M.
SARAH HALL, CLERK OF DEEDS
By Josephine T. Cawthorne



I, Alan R. Rowland, certify that this plat was drawn under my supervision from an actual field survey made under my supervision from deeds referenced on the face of this plat that any boundaries not surveyed are clearly indicated on the face of this plat; 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, registration number and seal this 21 day of May, 1992.
Alan R. Rowland
Registered Land Surveyor

North Carolina Franklin County
I, Alan R. Rowland, a Notary Public for Franklin County, do hereby certify that Alan R. Rowland, a Registered Land Surveyor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my original signature and seal this 21 day of May, 1992.
My Commission Expires March 31, 1997
Notary Public Josephine T. Cawthorne

CAWTHORNE & ASSOCIATES

REGISTERED LAND SURVEYORS, P.A.

P.O. BOX 1558 - 822 DABNEY DRIVE
HENDERSON, NC 27536 - (919) 492-0041

SURVEY FOR
EDWARD F. SPAIN
HENDERSON TOWNSHIP
VANCE COUNTY, NORTH CAROLINA
SCALE 1" = 100' APRIL 7, 1992

Case# 1601-1
R-30 to A-R
Current Zoning Map

