

DEPARTMENT OF PLANNING & DEVELOPMENT

PLANNING STAFF REPORT
REZONING CASE # RZ1701-01
STAFF PROJECT CONTACT: Amy Sandidge



EXPLANATION OF THE REQUEST

This is a request to rezone a portion of a 7.2+/- acre lot that is currently zoned Planned Manufactured Housing Community (RMHC) to Residential Low Density (R-30).

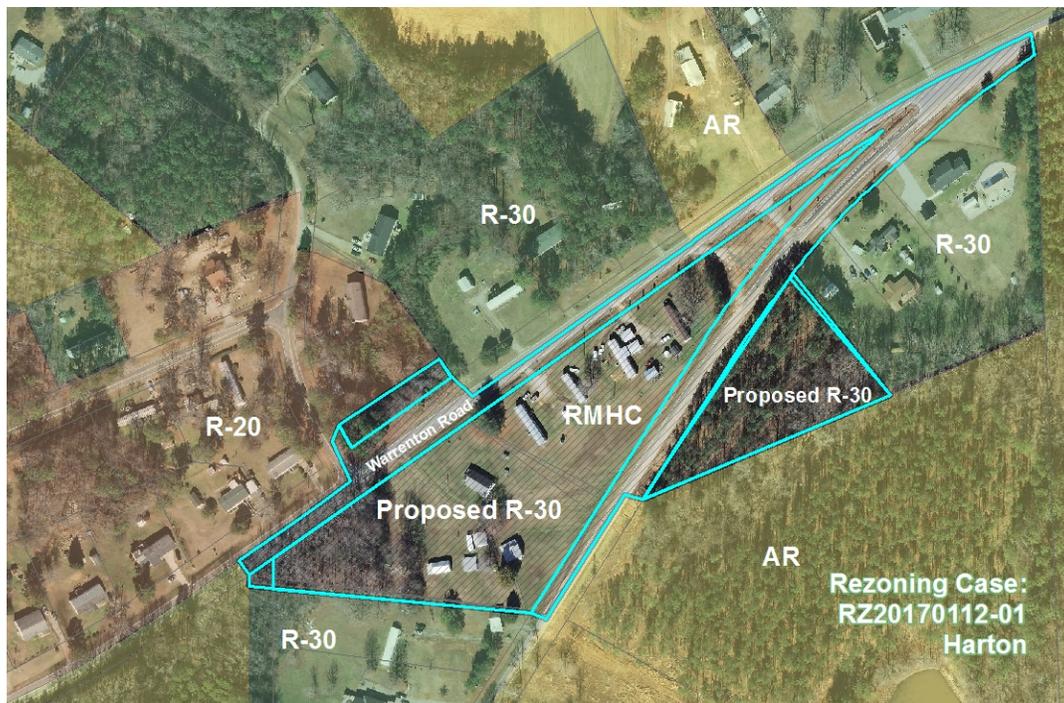
OWNER/APPLICANT

OWNER: Joseph and Carolyn Harton
4422 Warrenton Road
Henderson, NC 27537

Applicant: Joseph and Carolyn Harton
4422 Warrenton Road
Henderson, NC 27537

PROPERTY INFORMATION

LOCATION: 4422 Warrenton Road, more specifically identified as tax parcel 0527 03009. The property is located at the intersection of Warrenton Road and Old Warrenton Road.



EXISTING LAND USE: The parcel is currently zoned Planned Manufactured Housing Community (RMHC). The property was zoned this at the time zoning was adopted by the County. The property consists of single family home site with four mobile home sites on the same parcel.

SURROUNDING LAND USE: The surrounding area is predominantly residential with a mixture of R-20, R-30 and A-R zoning categories.

SIZE: The existing parcel is approximately 7.2 acres, as shown on attached plat.

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 current land uses.

The 2.2 acre portion that will remain RMHC is planned to be phased out over time. These units have been in place for 20+ years and it is the wish of the current property owner that these units remain in place at this time to provide affordable housing for the elderly people that currently reside in the existing four units.

STAFF COMMENTS

The property owner would like to sell approximately 2.2 acres surrounding the main residence. The portion of the property that houses the four mobile homes will continue with the RMHC zoning designation. Under the Zoning Ordinance this use is grandfathered in. Section 5.2 of the Vance County Zoning Ordinance allows that a grandfathered use may not be extended to occupy a greater area of land than was being used at the time of the passage of the Ordinance. The existing mobile homes sites are ground leases to the owners of the mobile homes, the applicants have expressed that as each mobile home is removed they will not replace the unit. These renters have been in place for many years, one has been there for almost thirty years. The current owners recently established water connections for each of the mobile homes and this allowed them to remove the mobile homes from the existing well that services the main house.

The property is divided into three pieces by Warrenton and Old Warrenton Roads. The portions that are included in the rezoning request are identified on the attached plat as parcel #1 and parcel #3. These two parcels would be rezoned to R-30 and both meet the minimum requirements of that zone classification.

The rezoning request as presented would change the property's zoning from RMHC to R-30. 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 RHMC to R-30 with limited impacts.

PLANNING BOARD RECOMMENDATION: Recommended approval of rezoning on January 12, 2017. The Board felt R-30 zoning would have a better overall impact on the area.

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: This rezoning is consistent with the character and land uses of the surrounding area and will promote residential development.

Attachments: Rezoning Application, Survey Map, Aerial view 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: Joseph Clifton HARTON Jr. + Carolyn D. HARTON
 Mailing Address: 632 PARHAM ROAD
 City: Henderson State: NC Zip Code: 27536
 Phone #: (252) 432-9253 Fax #: ()
 E-mail Address: harttohart92@gmail.com

Applicant Information

Applicant: Joseph Clifton HARTON JR, Carolyn D HARTON
 Mailing Address: 632 PARHAM ROAD
 City: Henderson State: NC Zip Code: 27536
 Phone #: (252) 432-9253 Fax #: ()
 E-mail Address: harttohart92@gmail.com

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

Property Address: 4422 Warrenton Road Henderson NC
 Tax Map Number: _____ PIN (parcel identification #): 052703009 27537
 Existing Zoning: RMHC Proposed Zoning: R-30 & R-20
 Acreage: 6.5 Road Frontage: _____
 Existing Use: house w/ 4 mh rentals

Deed Reference

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

2443



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?

Because of our age and the fact that we are in the area only part time, so we wish to sell the house & land.

Property Owners Signature

*Joseph Clifton Hanton
Carolyn Davis Hanton*

Please sign in blue or black ink

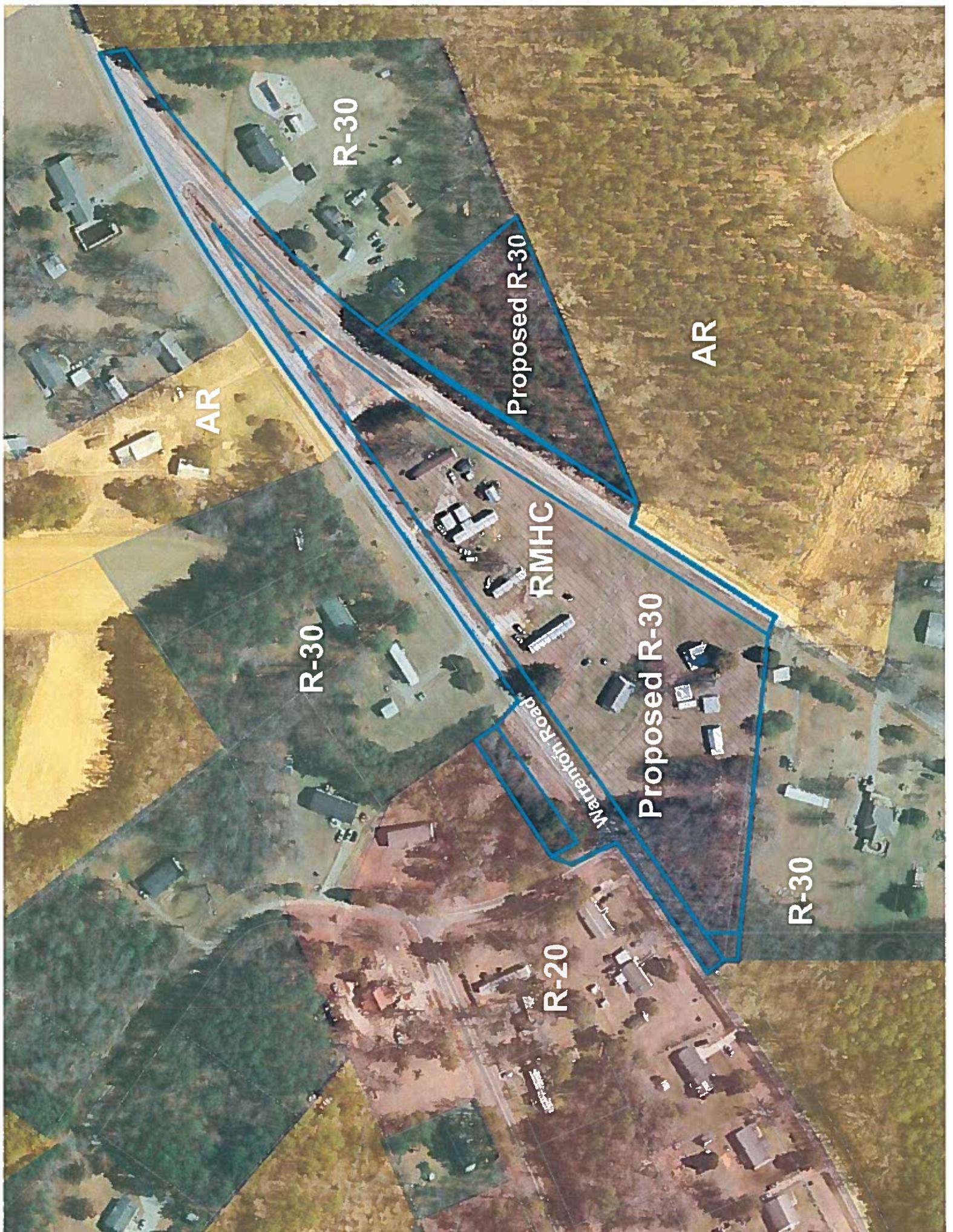
Date 12-19-16

Applicants' Signature

*Joseph Clifton Hanton
Carolyn Davis Hanton*

Please sign in blue or black ink

Date 12-19-16



R-30

AR

Proposed R-30

AR

R-30

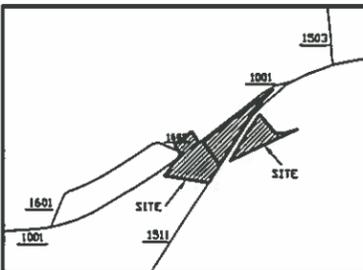
RMHC

Proposed R-30

Warrenton Road

R-30

R-20



Curve	Radius	Tangent	Length	Delta	Degree	Chord	Chord Bear
C1	1600.00	228.35	453.64	16°14'41"	3°34'52"	452.12	S 40°23'16" W
C2	1539.900	93.351	186.473	6°56'17"	3°43'15"	186.359	N 35°44'04" E

Course	Bearing	Distance
L1	N 32°08'07" W	105.00'
L2	N 55°12'24" E	34.95'
L3	N 55°12'24" E	101.64'
L4	N 54°53'35" E	216.51'
L5	N 55°06'34" E	84.28'
L6	N 56°17'47" E	83.91'
L7	S 32°27'03" W	192.33'
TIE L8	N 80°40'02" W	33.25'
TIE L9	N 01°44'47" W	100.00'
TIE L10	N 37°37'51" E	68.94'
TIE L11	S 80°44'41" E	27.54'

UTILITY PROVIDERS:

Duke Progress TIME WARNER CABLE OF HENDERSON
P.O. BOX 1771 215 YOUNG STREET
RALEIGH, N.C., 27602 HENDERSON, N.C., 27536
1-800-452-2777 252-492-8762

CENTURY LINK WAKE ELECTRIC MEMBERSHIP CORP.
P.O. BOX 98064 P.O. BOX 1229
CHARLOTTE, N.C., 28296 WAKE FOREST, N.C., 27588
1-800-672-6242 1-800-474-6300
1-800-535-0189

FINAL PLAT FOR
JOSEPH CLIFTON HARTON, JR.
CAROLYN D. HARTON

OWNER
JOSEPH CLIFTON HARTON, JR.
CAROLYN D. HARTON

SANDY CREEK TOWNSHIP
VANCE COUNTY, NORTH CAROLINA
SCALE 1" = 100' NOVEMBER 18, 2018
FILE # 91-16-026-L
TAX MAP # 527-03-009

3.219 ACRES
140,232 SQ. FT.
DEED BOOK 1064, PAGE 529
TRACT 1(PART) & 2(PART)
PLAT BOOK "C", PAGE 41
PLAT BOOK "K", PAGE 28
TAX MAP # 527-03-009

2.200 ACRE
95,832 SQ. FT.
DEED BOOK 1064, PAGE 529
TRACT 2(PART)
PLAT BOOK "C", PAGE 41
TAX MAP # 527-03-009
ZONING TO REMAIN RMHC

CHARLES' SURVEYING
LICENSE NUMBER: F-1326
405 RAINTREE LANE
KITTRELL, N.C. 27544
PHONE # 252-433-0172

I, Charles E. Thompson, Jr., certify that this plat was drawn under my supervision from an actual survey made under my supervision from deeds shown on the face of this plat; that the boundaries not surveyed are clearly indicated as drawn from information found on the face of this plat; that the ratio of precision as calculated before adjustment is 1 : 10,000 ±; that the plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number, and seal this 18th day of NOVEMBER A.D., 2018.

Charles E. Thompson, Jr. P.L.S. L - 4395

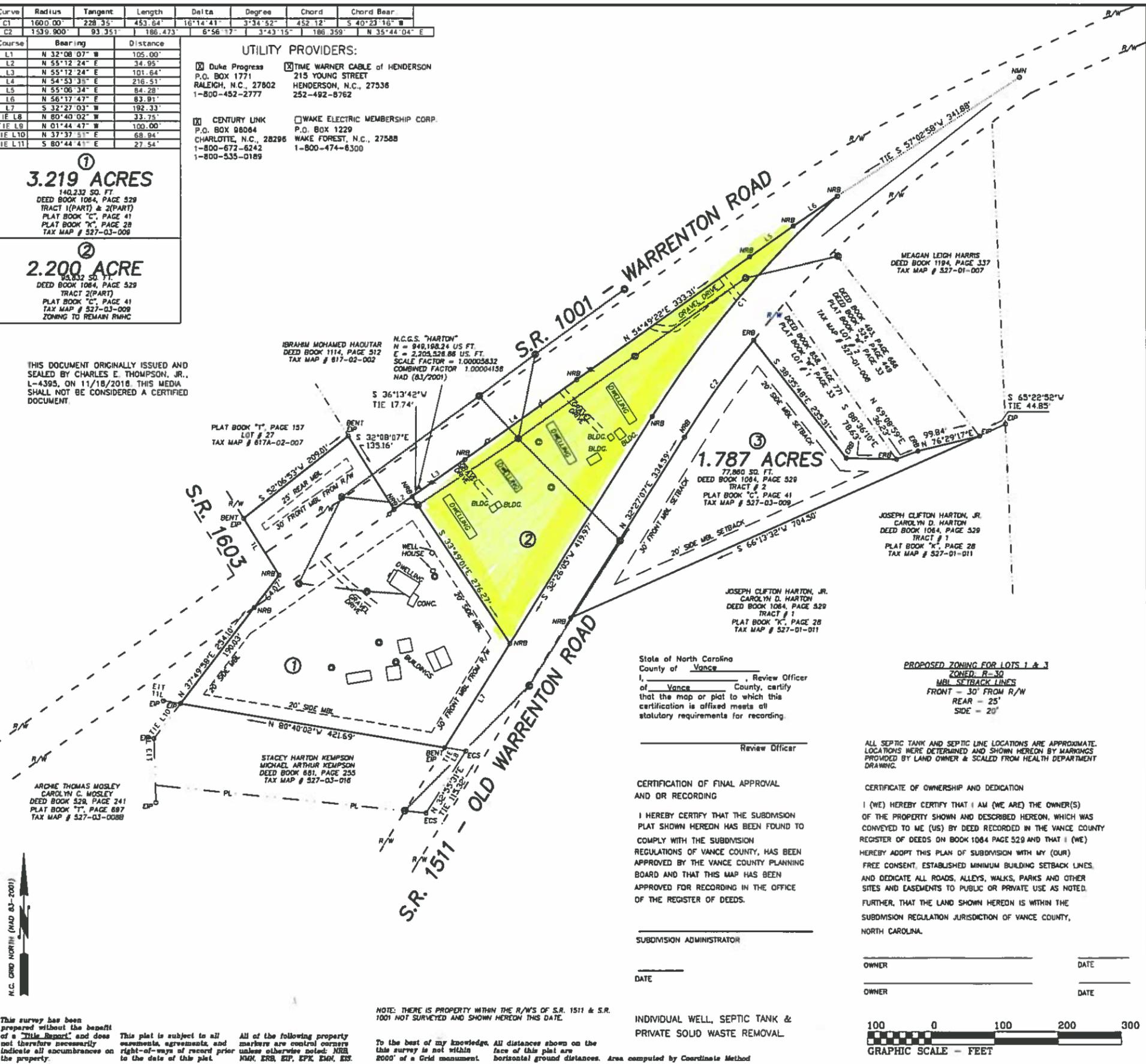


I certify that this survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.

Charles E. Thompson, Jr. P.L.S. L - 4395

LEGEND

- ERB Existing Rebar Found
- NRB New Rebar Set
- EIP Existing Iron Pipe or Pin Found
- NIP New Iron Pipe or Pin Set
- EMN Existing Magnetic Nail Found
- NMN New Magnetic Nail Set
- EPK Existing PK Nail Found
- NPK New PK Nail Set
- ECS Existing Cotton Spindle Spike Found
- NCS New Cotton Spindle Spike Set
- ESF Existing Railroad Spike Found
- NRF New Railroad Spike Set
- ECM Existing Concrete Monument Found
- NCM New Concrete Monument Set
- ENL Existing Nail Found
- NHL New Nail Set
- CP Computed Point (Not on the Ground)
- FFE Finished Floor Elevation
- s D.O Spot Elevation
- MBL Minimum Building Limits
- N/P Now or Formerly
- CB Catch Basin
- FH Fire Hydrant
- HAT Hub & Truck
- MHC Manhole Cover
- R/W Right-of-Way
- TP Telephone Pedestal
- UP Utility Pole
- WM Water Meter
- WV Water Valve
- CL Centerline
- PL Property Line
- SSL Sanitary Sewer Line(s)
- OHL Overhead Utility Line(s)
- WM Water Meter
- UP Utility Pole
- ST Septic Tank
- SL Septic Lines



This survey has been prepared without the benefit of a "Title Report" and does not therefore necessarily indicate all encumbrances on the property.

This plat is subject to all easements, agreements, and right-of-ways of record prior to the date of this plat.

All of the following property markers are control corners unless otherwise noted: NRB, MNK, ERB, EIP, EPK, EMN, ESF.

NOTE: THERE IS PROPERTY WITHIN THE R/W'S OF S.R. 1511 & S.R. 1001 NOT SURVEYED AND SHOWN HEREON THIS DATE.

To the best of my knowledge, all distances shown on the face of this plat are horizontal ground distances. Area computed by Coordinate Method.

State of North Carolina
County of Vance

I, _____, Review Officer of Vance County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer

CERTIFICATION OF FINAL APPROVAL AND OR RECORDING

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF VANCE COUNTY, HAS BEEN APPROVED BY THE VANCE COUNTY PLANNING BOARD AND THAT THIS MAP HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE REGISTER OF DEEDS.

SUBDIVISION ADMINISTRATOR _____
DATE _____

INDIVIDUAL WELL, SEPTIC TANK & PRIVATE SOLID WASTE REMOVAL.

PROPOSED ZONING FOR LOTS 1 & 3
ZONED: R-30
MBL SETBACK LINES
FRONT - 30' FROM R/W
REAR - 25'
SIDE - 20'

ALL SEPTIC TANK AND SEPTIC LINE LOCATIONS ARE APPROXIMATE. LOCATIONS WERE DETERMINED AND SHOWN HEREON BY MARKINGS PROVIDED BY LAND OWNER & SCALED FROM HEALTH DEPARTMENT DRAWING.

CERTIFICATE OF OWNERSHIP AND DEDICATION

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON, WHICH WAS CONVEYED TO ME (US) BY DEED RECORDED IN THE VANCE COUNTY REGISTER OF DEEDS ON BOOK 1064 PAGE 529 AND THAT I (WE) HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY (OUR) FREE CONSENT, ESTABLISHED MINIMUM BUILDING SETBACK LINES, AND DEDICATE ALL ROADS, ALLEYS, WALKS, PARKS AND OTHER SITES AND EASEMENTS TO PUBLIC OR PRIVATE USE AS NOTED. FURTHER, THAT THE LAND SHOWN HEREON IS WITHIN THE SUBDIVISION REGULATION JURISDICTION OF VANCE COUNTY, NORTH CAROLINA.

OWNER _____ DATE _____
OWNER _____ DATE _____



Lot #2 is highlighted in yellow and will remain RMHC zoning. Lots #1 & #3 are requesting R-30 zoning.