

# DEPARTMENT OF PLANNING & DEVELOPMENT



## Planning Board – Staff Report

### PLANNING STAFF REPORT Rezoning – Case # RZ20191114 - 1

STAFF PROJECT CONTACT: Angie Blount

November 14, 2019

#### EXPLANATION OF THE REQUEST

This is a request to rezone two parcels on Big Ruin Creek Lane from GC1 (General Commercial) to R30 (Residential Low Density). The parcels are identified as tax parcel numbers 0404 03014, 2.082 acres and 0404 0313, 1.831 acres. Both tracts contain one dwelling each. The owner has requested to remove the site built dwelling on parcel 0404 03014 and replace with a new manufactured dwelling. A rezoning of the property from Commercial to Residential would be required in order to comply with zoning regulation.

#### OWNER/APPLICANT

**Applicant:** Jose Luis Ponce Zuniga  
189 Tarheel Ln  
Henderson, NC 27537

#### IMPACTS

The property has been zoned commercial since zoning was introduced to Vance County in 2011. At the time the parcel was assigned a commercial zoning designation, a nursery/greenhouse business was located on the property. The business ceased operations before the applicant purchased the property. The applicant wishes to remove a site built home from one of the parcels and replace it with a manufactured dwelling. The current commercial zoning will not allow placement of a dwelling, triggering the need to rezone the property to residential. The surrounding properties are zoned R30 and contain single family dwellings, with the exception of two parcels which are zoned OI (Office Institutional) with one containing a church and the other a school. The rezoning of the applicant's property to residential will allow the applicant to have use of his property.

#### STAFF COMMENTS

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.

**Attachments:** Application, Plat, GIS aerial view.

**PLANNING BOARD RECOMMENDATION:**