



**VANCE COUNTY  
PLANNING & DEVELOPMENT**

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Planning Board Minutes

June 11, 2020

Approved

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**TO:** Vance County Planning Board  
**FROM:** Angie Blount  
**SUBJECT:** Case # RZ202500409-1 – Rezone 1.018 acres from R20 (Residential Medium Density) to HC Highway Commercial, 12996 NC Hwy 39 North  
**DATE:** June 11, 2020

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**Board Members Present:** J. Thomas Shaw, Chair, Alvin Johnson, Jr., Ruxton Bobbitt, Alternate, Agnes Harvin, Robin Liggon, Alternate

**Board Members Absent:** Ruth Jones, VC, Blake Haley, Phyllis Stainback, Logan Darensburg

**County Staff:** Sherry Moss, Interim Planning Director, Angie Blount, Planner

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**Those signed up for Public Comment:** Thomas Guill, Applicant, 5650 Hicksboro Rd

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J. Thomas Shaw, Chair, opened the June 11, 2020 meeting of the Vance County Planning Board at around 4:30 pm.

Chairperson Shaw announced the first order of business would be to review and approve the minutes from the March 12, 2020 Planning Board meeting. Board member Ruth Jones made a motion to approve the minutes as presented; Board member Ruxton Bobbitt seconded the motion. A vote was taken and was unanimous to approve the minutes as presented.

Chairperson Shaw announced the next order of business would be to hear case number RZ20200409-1, rezoning. Chairperson Shaw asked Angie Blount, Planning Staff to present the case.

Mrs. Blount explained the request is to rezone a 1.018 acre tract of land located at 12996 NC Hwy 39 North from the current R20 zoning to HC in order to conduct a commercial business. The property was previously a restaurant, which operated on a seasonal basis. When zoning was introduced in 2011, the property was assigned R20 zoning, residential, 20,000 square feet. The business was allowed to continue to operate under the residential zoning, but when the business closed for over a year, it was necessary to rezone the property to a commercial zoning in order to reopen the restaurant. The acreage exceeds the one-acre requirement for a rezoning to commercial, but the structures on the property are non-conforming, as they do not meet the required setbacks. Those structures will not be able to be enlarged in any direction resulting in an increase of that non-conformity. Mrs. Blount directed the board members to an aerial photo showing several commercially zoned properties in the area, and that the rezoning of this property to commercial would be in keeping with the surrounding area.

Board member Mrs. Harvin asked about the age of the building. Chairperson Shaw asked the applicant and owner, Thomas Guill to take the podium. Mr. Guill stated that he had no idea the property was zoned residential even as he went through the process of purchasing the property. Mr. Guill stated that he found out about the zoning when he applied for permits. Mr. Guill stated that the building was opened for the restaurant business in 1969. He stated that it was take out only and then progressed within a couple of years to an eat in establishment. Mr. Guill stated that he had the

recombination of land done to place the building entirely on the lot, as the property line went through the building causing the building to be on the neighboring property. The recombination solved the problem and brought the property into compliance in order to apply for a commercial zoning. Mr Guill stated that the building meets all the setbacks with the exception of the front. Mrs. Blount advised that the setbacks are fine as they are for the business to operate as it is. Mr. Guill expressed concern about being able to open the eat in portion of the building as far as building codes and ADA compliance were concerned. Mrs. Blount advised him to consult with one of the County Inspectors regarding code compliance. Chairperson Shaw asked about the building on the property that says it is to be removed. Mr. Guill stated it was an old convenience store.

Chairperson Shaw asked if there was any further discussion. Being none, he asked if the board would like to make a motion. Board member Mr. Ruxton Bobbitt made a motion to recommend the rezoning from the current R20 to the proposed HC Highway Commercial. The motion was seconded by Board member Mrs. Harvin. A unanimous vote was taken to recommend the rezoning of the property.

Chairperson Shaw announced that being no further business, he declared the June 11, 2020 meeting of the Vance County Planning Board adjourned at 4:45 p.m.