



**Asheboro Planning Board**  
**Asheboro City Hall (146 N. Church Street)**  
Monday, November 2, 2015  
**7:00 PM**  
**AGENDA**

- I. Call to Order
- II. Approval of Minutes from October 5, 2015
- III. Review of Cases
- IV. Old Business: Planning Board Functioning as Board of Adjustment (Case No. BOA-15-03): Variance from sidewalk requirements (Asheboro Zoning Ordinance, Section 322A): 1202 South Cox Street (*This case is continued from the September 14, 2015 meeting.*)
- V. Consideration of 2016 Meeting Dates
- V. Items Not on the Agenda
- VI. Adjournment

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MEETING OF THE ASHEBORO PLANNING BOARD  
CITY COUNCIL CHAMBERS, 146 N. CHURCH ST.  
MONDAY, OCTOBER 5, 2015  
7:00 p.m.

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This being the time and place for the regular meeting of the Asheboro Planning Board, a meeting was held with the following officials and members present:

- Van Rich ) - Chair
- Ritchie Buffkin )
- David Henderson ) - Members Present
- Thomas Rush )
- Dave Whitaker )
- Lynette Garner ) - Members Absent
- James Lindsey )

John Evans, Assistant Community Development Division Director  
Justin Luck, Zoning Administrator/Planner  
Bradley Morton, Planning Technician/Deputy City Clerk  
Trevor Nuttall, Community Development Division Director  
Jeff Sugg, City Attorney

Two (2) citizens were present at this meeting.

**I. CALL TO ORDER**

Mr. Van Rich called the Asheboro Planning Board to order.

**II. APPROVAL OF MINUTES FROM SEPTEMBER 14, 2015 MEETING**

Mr. Rich inquired if there were any corrections to be made to the minutes of the September 14, 2015 regular meeting. There being no corrections, the minutes were approved as presented.

**III. REVIEW OF CASES**

Mr. Justin Luck informed the board of the zoning related cases that the City Council heard in September.

**IV. RZ-15-08: REZONE PROPERTY LOCATED SOUTH OF 879 McDOWELL ROAD (RANDOLPH ELECTRIC MEMBERSHIP CORPORATION) THAT WAS RECENTLY ANNEXED INTO THE CITY OF ASHEBORO FROM RANDOLPH COUNTY ZONING (LIGHT INDUSTRIAL - LI) TO I2 (GENERAL INDUSTRIAL)**

Mr. John Evans presented the case to the board. He stated that this request was initiated by the City of Asheboro staff and was located south 879 McDowell Road, taking up approximately 17.53 acres and is made up of one parcel (PIN#: 7659197181). He gave the existing land use being a Public Use Facility and stated that the current zoning was a Randolph County Zoning of Light Industrial. He stated that the request was to rezone the property to I2 (General Industrial). He gave a history of the property stating that it was once in the City of Asheboro zoning jurisdiction and that in 2013, the property was released from the City's zoning jurisdiction. He then stated that on September 17, 2015, the property was annexed into the city and that the State of North Carolina requires zoning to

be applied within 60 days after annexation. He showed maps of the property, including an overview, rezoning, topographic, aerial and also a map showing the wetlands location. He then showed photos of the property from all directions. He stated that McDowell Road is a state-maintained minor thoroughfare. He stated that the property also has frontage on I-73/74 (US 220). He stated that a new City water connection is being installed to provide service to a new building under construction and that the property has a private pump station, which pumps to a City pump station. He stated that the Proposed Land Use Map calls for Industrial in the area. He also stated that the Growth Strategy Map calls for an Economic Development area. He listed nine (9) goals and policies that supported the request and only one (1) being negative to the request. He stated that the negative item only applies to a small portion of the property on the western boundary with wetlands as identified by the US Fish and Wildlife Service and has poor soils identified by the Land Development Plan. He stated that staff's recommendation was to approve the request due to it complying with the LDP Industrial designation, that it is supported by the Southwest Small Area plan, and supporting economic development at appropriate locations on an interstate corridor. He then gave the consistency statement that staff believes the General Industrial (I2) designation is in the public interest by allowing a reasonable use of the property and ensuring consistency with the LDP. He stated that the property owner has been notified as well as all the adjoining property owners of the request. Mr. Dave Whitaker asked if the current use of the property is permitted in the I2 zoning district. Mr. Evans stated that the current use of the property is a permitted use. Mr. Whitaker made a motion to approve the request and also to approve the staff's provided consistency statement. Mr. Buffkin seconded the motion and the motion carried unanimously.

**V. RZ-15-09: REZONE PROPERTY LOCATED AT 1801, 1827, 1831 SOUTH FAYETTEVILLE STREET FROM CONDITIONAL USE GENERAL COMMERCIAL (CU-B2) AND MEDIUM-DENSITY RESIDENTIAL (R10) TO B2 (GENERAL COMMERCIAL)**

Mr. Evans presented the case to the board. He stated that this request was initiated by Ms. Margie Trogdon and Mr. Michael Foley and was located at 1801, 1827 and 1831 South Fayetteville Street, taking up approximately 4.05 acres within two (2) parcels (PIN #: 7750734715 and 7750733691). He gave the existing land use being indoor recreation services and a single family residence and stated that the current zoning was a split between CU-B2 (Conditional Use General Commercial) and R10 (Medium-Density Residential). He stated that the request was to rezone the property to B2 (General Commercial). He gave a history of the property stating that in 1986, 1801 South Fayetteville was rezoned from High-Density Residential and a Conditional Use Permit for indoor recreation services was issued (RZ-86-29). He then stated that the property at 1827/1831 South Fayetteville Street has been used for a single-family residential use and a small child day care center. He showed maps of the property, including an overview, rezoning, topographic and aerial map as well as photos of the property from all directions. He listed the surrounding uses and stated that the property was in a transitional area, going from industrial and commercial down to residential uses. He stated that South Fayetteville Street is a state-maintained major thoroughfare and that Foster Street is a state-maintained road. He then stated that the existing development has water and sewer and that connection of a new development to water/sewer requires annexation. He stated that the Proposed Land Use Map calls for Commercial in the area. He stated that the Growth Strategy Map calls for adjacent developed. He listed seven (7) goals and policies that supported the request and had none that were negative to the request. He stated that staff's recommendation was to approve the request due to its designation of Commercial by the LDP, its history of non-residential use and the Small Area Plan recognizes that South Fayetteville Street is primarily commercial. He then gave the consistency statement that staff believes the General Commercial (B2) designation is in the public interest by allowing a reasonable use of the property and ensuring consistency with the LDP for the reasons stated above. He then informed the board that if they had any questions at this time he would be glad to answer them. He also stated that Mr. Nash Duggins, the applicants representative, was present if the board had any questions of him. The board had no questions for Mr. Evans or Mr. Duggins. Mr. David Henderson made a motion to approve the request and also to approve the staff's provided consistency statement. Mr. Thomas Rush seconded the motion and the motion carried unanimously.

**VI. PRESENTATION OF AND REQUEST FOR RECOMMENDATION TO ADOPT FINAL DRAFT OF ASHEBORO 2020 LAND DEVELOPMENT PLAN UPDATES**

Mr. Luck reported on the Land Development Plan (LDP) updates that will be going to City Council for adoption at the October 8, 2015 regular meeting. He presented the board with the entire text portion of the update, as well as maps of the plan, and stated that the updates would be an appendix to the existing LDP. He mentioned that the LDP was an important tool for elected officials, boards and commissions members, staff and also citizens of Asheboro to use when determining if a property should be zoned a certain way. He went over a timeline of the efforts already made, including advertisements run in the newspaper, letters sent out to all affected property owners, and neighborhood

meeting dates and outcomes. He then asked the board to recommend adoption of these changes to the City Council at their October 8, 2015 regular meeting. He stated that this was a great learning experience for the city due to the neighborhood outreach and knowledge obtained from the citizens of Asheboro regarding land use. Mr. Whitaker made a motion for adoption by the City Council. Mr. Henderson seconded the motion and the motion carried unanimously.

**VII. ITEMS NOT ON THE AGENDA**

There were no items to present at this time.

**VIII. ADJOURNMENT**

There being no further business to discuss, Mr. Rich adjourned the meeting.

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Bradley Morton, Secretary, Planning Board

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Van Rich, Planning Board Chairman



**BOA-15-03**

Requested variance from Section 322A, which regulates when sidewalk construction is required:  
1202 South Cox Street

**Staff Report**

November 2, 2015 (*continued from September 14, 2015*)

## Board of Adjustment Staff Report

**Case:** BOA 15-03

**Date:** November 2, 2015 (continued from September 14th, 2015)

**Requested Action:** Variance from Section 322A of the Asheboro Zoning Ordinance, which regulates when sidewalk construction is required.

### **GENERAL INFORMATION:**

**Applicant:** Rodger W. Chriscoe

**Address:** 6272 Foushee Rd.

**Phone:** (336) 953-7911

**Location of Affected Property:** 1202 S. Cox St. (PIN 7750879078)

**Size:** .31 Acres      **Existing Zone:** M: Mercantile (Rezoning approved 9/7/15)

**Existing Land Use:** Vacant

### **Surrounding Land Use:**

**North:** Office

**East:** Commercial

**South:** Commercial

**West:** Residential

**Land Development Plan:** Primary Growth/City Activity Center

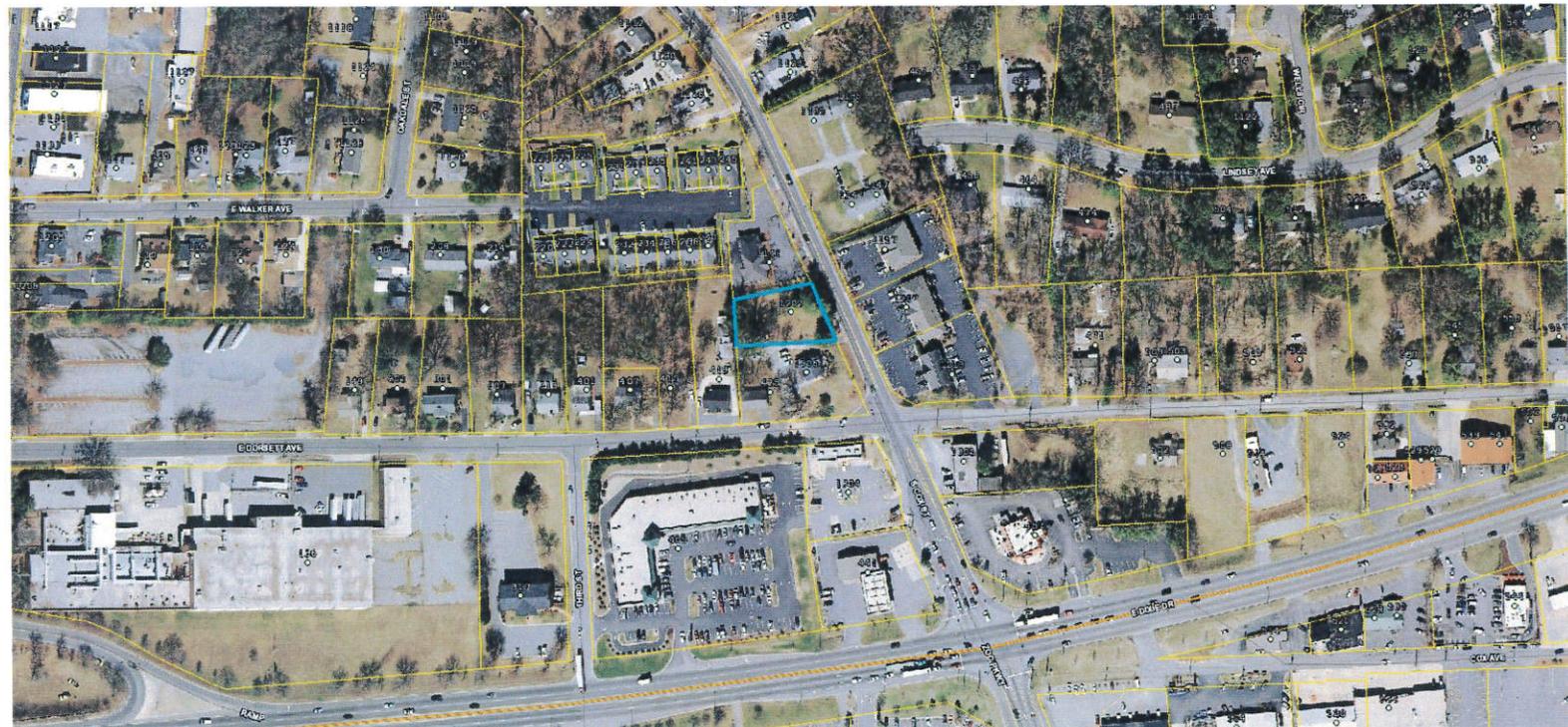
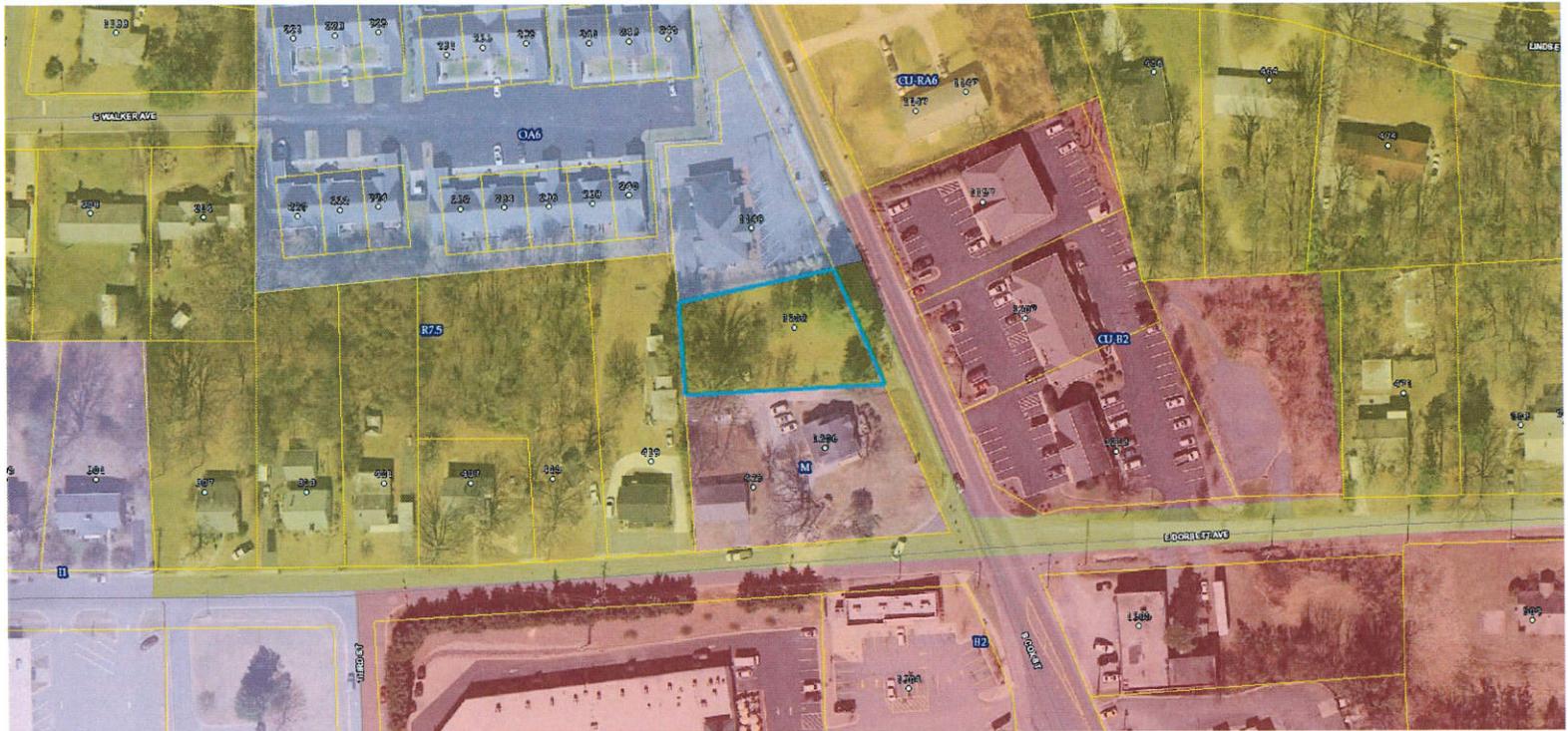
### **ANALYSIS**

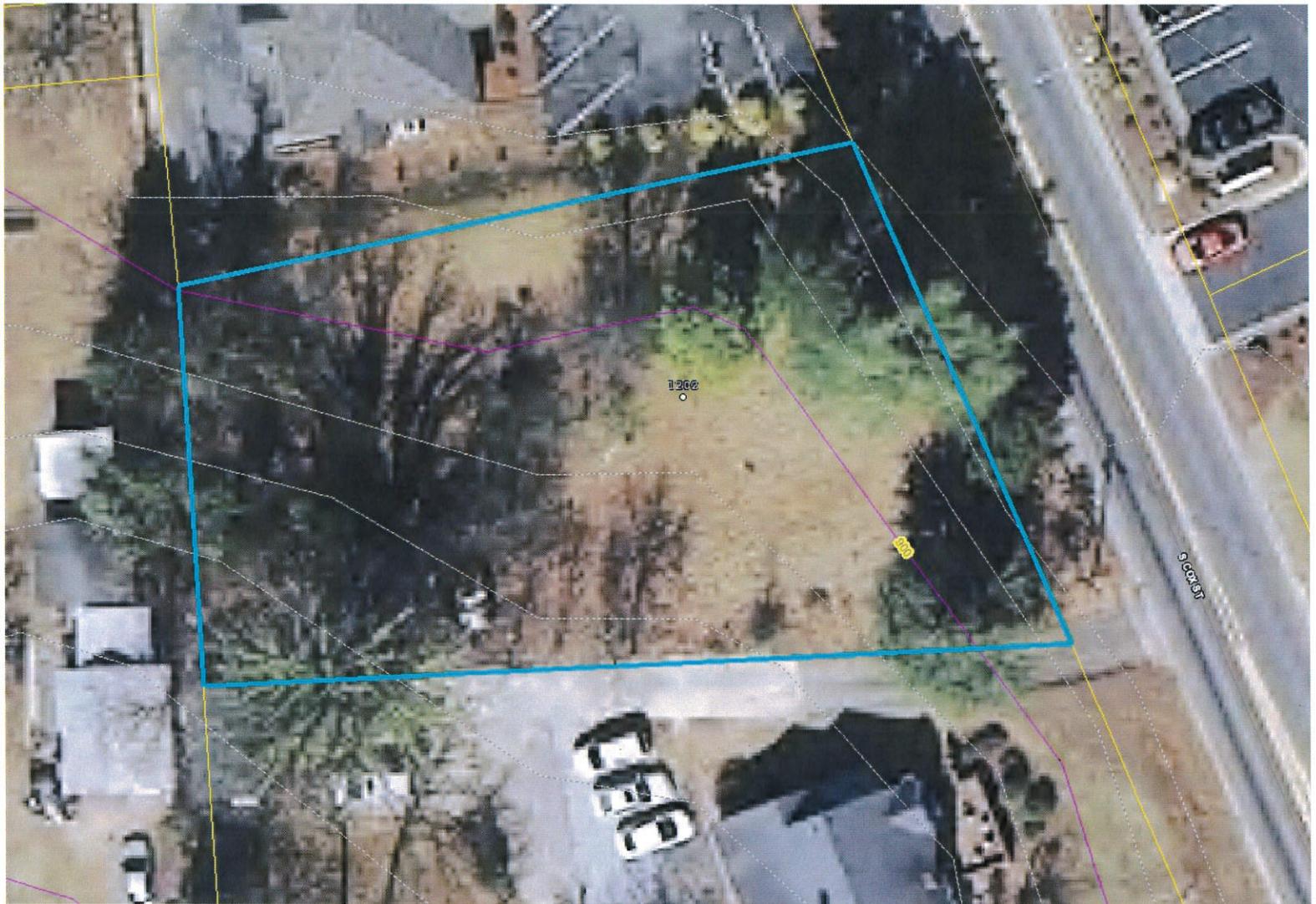
This is a legal-conforming M lot. The lot was previously used as a Single Family Residence. The Residence was removed in 2008. Mr. Chriscoe acquired the property in February of 2015. On September 17, 2015, the property was rezoned to M: Mercantile to allow commercial development.

The property is located in Tier 3 of the Center City Planning Area. The Land Development Plan describes the intent of the City Activity Center, which includes Tier 3 of the Center City Planning Area, as follows: "To create pedestrian-friendly, community focal points containing a mixture of commercial, office and institutional, entertainment, open space, and residential uses & housing types, with ample sidewalks, street trees, on-street parking, public amenities & open space" (p. 80). Tier 3 requires sidewalk construction for most new construction by

reference to Section 322A of the Zoning Ordinance. Section 322A requires construction of sidewalks for all new buildings in the Mercantile district along street frontages that possess curb and gutter and at least 8.5 feet of public right-of-way as measured from the back of curb to the outer boundary of the right-of-way. NCDOT has measured the right-of-way along the property and confirmed more than 8.5 feet exists.

Maps





**Legend:**

- Blue and Yellow Lines: Property Lines**
- Green Line: Stream**
- White Dotted Lines: 2ft Contour Lines**
- Purple Lines: 10ft Contour Lines**

Case: BOA-15-03

Date: November 2, 2015

The concurring vote of four-fifths of the Board shall be necessary to grant a variance. (904.2)

When unnecessary hardships would result from carrying out the strict letter of the zoning ordinance, the board of adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:

- 1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- 2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
- 3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self created hardship.
- 4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

All of these findings of fact shall be made in the indicated order by the Board of Adjustment, which is not empowered to grant a variance without an affirmative finding of fact on all four categories above. Each finding of fact shall be supported by substantial evidence in the record of proceedings before the Board.

The Board may impose appropriate conditions upon the granting of any variance provided that the conditions are reasonably related to the variance. Violation of such conditions shall be a violation of this Ordinance. (905)

**I have found all the findings of fact as listed above in favor of the applicant.**

Variance: Section 322A: Sidewalks Required

Member's Vote: Yes \_\_\_\_\_ No \_\_\_\_\_

Signature \_\_\_\_\_

**STATEMENT BY APPELLANT/APPLICANT:**

In the space provided below and/or on the back of this form, please state the facts and line of argument that you believe support your appeal, request for a variance, or request for an interpretation of the Zoning Ordinance. In providing this information, please state the precise action that you would like to see taken by the Board of Adjustment.

The application of the ordinance has two adverse affects on the land owner: (1) loss of land to create the sidewalk (2) increased cost to build and maintain a sidewalk. The ordinance also increases a risk to public safety. Since 1999, I have observed people daily walking on Cox St. by this property. Consistently these pedestrians are walking on the grass or road opposite 1202 S. Cox St. If a sidewalk were installed for the 75-80 feet of road frontage: (1) Would those people cross the busy street just for 75-80 feet and then have to cross back because 1206 S. Cox does not have a walk. (2) Nor is it safe to walk in front of 1206 S. Cox. No sidewalk exists on Cox St currently from the corner of Taff to Dorsett. The hardship results from the lay of the land. 1202 is on a hill. If the sidewalk is mandated additional cost to build and maintain a retaining wall would be created. This hardship of ordinance was not created by the owner. The property was purchased with it. As previously stated the variance is consistent with surrounding property and such that public safety is best maintained. The action requested is to give a variance to the sidewalk requirement. Proper landscaping will be used on the right-of-way instead.

I certify that all the information presented by me in this application is accurate to the best of my knowledge, information and belief.

 - member for  
Signature of Applicant  
Chriscoe Properties, LLC

**STAFF USE**

Received by: \_\_\_\_\_ Date: \_\_\_\_\_ Case Number: \_\_\_\_\_



### **Proposed 2016 Planning Board meeting dates**

**Note:** *The proposed meeting dates will be presented at the November 5, 2015 Planning Board meeting. Staff will request that the Board continue this item until the December 7, 2015 Planning Board meeting to give Board members ample time to consider these dates.*

## **Planning Board Proposed 2016 Meeting Dates**

Monday, January 4, 2016

Monday, February 1, 2016

Monday, March 7, 2016

Monday, April 4, 2016

Monday, May 2, 2016

Monday, June 6, 2016

Monday, July 11, 2016\*

Monday, August 1, 2016

Monday, September 12, 2016\*

Monday, October 3, 2016

Monday, November 7, 2016

Monday, December 5, 2016

\*Meeting dates are proposed on the second Monday of July and September due to the Independence Day and Labor Day holidays occurring on the first Monday of these months.