

MINUTES

RANDOLPH COUNTY PLANNING BOARD

November 9, 2000

There was a meeting held at 6:30 p.m., on Thursday, November 9, 2000 of the Randolph County Planning Board in the Commissioners' Meeting Room of the Randolph County Office Building, 725 McDowell Road, Asheboro, North Carolina.

1. Chairman **Maxton McDowell** called to Order the Randolph County Planning Board Meeting at 6:30 p.m.
2. **Hal Johnson**, Planning Director, call roll of the Members: Maxton McDowell, Chairman, present; Bill Dorsett, Vice Chairman, present; Lynden Craven, present; Tommy Boyd, absent; Al Morton, present; Phil Ridge, present; Larry Brown, present; and Mark Brower, Alternate, absent.
3. **Lynden Craven** made the motion, seconded by **Al Morton**, to approve the Minutes of the October 3, 2000, Randolph County Planning Board Meeting. The motion passed.
4. **REQUESTS FOR PROPERTY REZONING:**

- A. **EDWARD GEIGER**, Hillsborough, North Carolina, is requesting that 41.60 acres (out of 42.30 acres) located on Racine Road, Providence Township, be rezoned from Residential Agricultural to Residential Exclusive/Conditional Use. Parcel ID # 7778717394. The proposed Conditional Use Zoning District would specifically allow the development of a 36 lot subdivision for site built homes only with a minimum of 1,400 sq. ft. Property Owners: Calhoun and Virgie Geiger.

Jerry King, Jerry King Surveying, Inc., was present to represent Geiger. King explained that this plan is compatible to the development in an area where many several subdivisions exist. King explained that the lots have been worked around an existing pond on the property.

Geiger said that there are 3 lots adjoining the pond and it will be deeded to those parcel owners and restrictions will be placed on the property to protect possible pollution to the pond in the future. Geiger said that the preliminary soil tests preformed to date looks good. **King** said that this would be the maximum number of lots (depending on if they are all approved for septic tanks) and the lot sizes are compatible to existing lots in the area. **Geiger** said the restrictions will require house sizes of 1400 sq. ft. of living space plus an adjoining double garage. **King** said that this housing is compatible and probably a little nicer than those that exist in the immediate area. **Geiger** told the Board no manufactured or modular homes would be permitted and no businesses would be allowed in the subdivision. Geiger also said that no heavy trucks or equipment would be allowed in the development. Geiger also talked about landscaping that is planned at the entrance along Racine Road with split rail fencing and plantings.

Andy Gregson, representing 3 adjoining land owners, and expressed concern with the number of lots and explained that these lots are compatible to the mobile home lots in the area and these will be large homes on small lots. Gregson expressed concern for the additional traffic that will be added to Racine Road with the heavy amount of traffic that already travels this road. Gregson discussed the stress that will be placed on other County Services and explained that he works with the Sheriff's Department and the Sheriff's Department can't handle the amount of calls from this area already. Gregson said there was a church on this parcel and grave sites on this parcel

years ago. Gregson said that the grave stones have been removed. Gregson said that the name of the old church was Bethlehem United Methodist Church and graves are between the pond and the homesite. The Church closed in 1825 and the gravestones existed there until some time in the 1950's.

King said that any graveyard found would be left and petitioned off and access would be given to the graveyard. This is required by State Law. King said that if the adjoining property owner would be so good as to meet them on the site, they would see that it was protected.

Carson Fields answered **Dorsett's** question of the number of grave sites. **Fields** said there were not over 10 or 12 graves.

Morton said that the wells and septic tanks would be determined by the Health Department and noted that there are 6 or 7 large subdivisions in the immediate area and the plan appears to be a nice development.

Dorsett said that this whole area seems to be going residential and made the motion, seconded by **Morton**, to recommend to the Commissioners that this request be **approved**. The motion passed unanimously.

- B. **ROBERT STEPHENS**, Asheboro, North Carolina, is requesting that 26.00 acres located on Mount Gilead Church Road, Tabernacle Township, be rezoned from Residential Agricultural to Residential Exclusive/Conditional Use. Parcel ID # 7715807376. The proposed Conditional Use Zoning District would specifically allow the development of a 7 lot subdivision for site built and modular homes with a minimum roof pitch of 6/12".

Bob Luck, Coltrane Luck Realty, explained that the soils have been tested by a private soil scientist and the homes would be a minimum of 1200 sq. ft. Luck said the restrictions would not allow any mobile homes. Luck explained the lots are designed due to the good soils on the property. Luck said each lot is 1 to 5 acres in size and would have a minimum of 125 ft. of road frontage. Luck explained that they have developed 3 of the lots as a minor subdivision.

Joseph Peterson, 4255 Mt. Gilead Church Road, (property adjoins across the road from this site) said he has talked with the neighbors and their concern is the change of the traditional use of the land in the immediate area. Peterson expressed concern about the traffic on Mt. Gilead Church Road, additional wells and septic systems, and the drainage to Caraway Creek. Peterson said they are opposed to mobile or modular homes and said that 1200 sq.ft. is too small. Peterson said they are concerned of the people this may bring in the area.

Luck described the restrictions being proposed and provided a copy to the Board.

Charlene Marshall, Mt. Gilead Church Road, expressed concern of the property not perking. Marshall said we don't have access to any public water and her concern would be who would be monitoring this process.

Luck said he has had Allen Clapp, Registered Soil Scientist, test these sites and designed the lots around the good soil. Luck said originally they planned for RR development since there are about 55% site built and the remaining are mobile homes. Luck said they decided to request RE because the homes on this road are nicely kept.

Brown said that this is a nice area and the proposed housing would be compatible. **Brown** made the motion, seconded by **Craven**, to recommend to the Commissioners that this request be approved. The motion passed unanimously.

- C. **HARRY GRIFFIN**, Climax, North Carolina, is requesting that 110.77 acres (out of 234.25 acres) located on Wright Country Road, Columbia Township, be rezoned from Residential Agricultural to Residential Restricted/Conditional Use. Parcel ID # 8723142264. The proposed Conditional Use Zoning District would specifically allow the development of a 35 lot subdivision for site built homes, modular homes and Class A double-wide mobile homes on permanent masonry foundations. Property Owner: Kenneth Pugh

Griffin was present and explained his intention to develop the property. Griffin said this is a farm that has been owned by the Pughs since the 60's. Griffin said at present they have divided the parcel into 10 acre tracts all fronting on the existing state road. Griffin said this proposal would have average lot sizes of 3.2 acre and he felt this was a good layout that is needed in the area. Griffin said most of the larger lots would have site built homes and the smaller lots would probably have both site built and mobile homes. Griffin said they have done preliminary soil tests on some of the lots not shown on this plat and 12 of those have been approved. Griffin said a portion of the road is paved but there were not enough residences on this end of Wright Country Road for the State to pave it. Griffin said that he has talked with most of the neighbors and has not had any opposition to the project expressed to him.

Johnson asked about the time line of this project. **Griffin** said they would develop this in phases and sometime next summer would be when the road was built. Griffin said it would take a total of 3 to 3 2 years to develop.

Dorsett asked Griffin if he had considered no double-wides. **Griffin** said he was not totally opposed to not allowing mobile homes. **Dorsett** said that traditionally when double-wides are placed in a development, it normally goes all double-wides. **Griffin** said with lots this large he didn't feel this would happen here. Griffin described an area he developed in Rockingham County where the first home was a double-wide and the remaining 9 lots were site built homes. Griffin said there are so many people that cannot afford a site built home and this is something that the people of this County desperately need. Griffin said that the adjoining property owned by the Parks is currently trying to get a 5 acre parcel approved for a double-wide.

Brent Jester, 1248 Wright Country Road, said that he is not opposed to modular or mobile homes. Jester said he is concerned because he is a hog farmer and has been since 1991 at this location. Jester said he was concerned that if these residential lots were brought in it may cause complaints about odor from his farm. Jester said that he runs a clean operation that always gets good inspections from the State but farms have odors.

Griffin said that he knew that the hog farm was there when they purchased the property and he would make anyone that purchased a lot aware of this farm.

Dorsett said he drove the entire length of this road and said that this is a virgin area when determining housing trends. Dorsett said he would be for this request if he would be willing to have only stick built and modular homes.

Brown said that once 10 acre tracts have double-wides they come in later to asked for another mobile home site on the 10 acre tract.

Dorsett said he would like to see the housing changed to stick built.

Brown made the motion to recommend to the Commissioners that this request be **denied** due to the housing requested including double-wides. **Craven** seconded this request. The Board commented that this is one of the few areas in Northeastern Randolph County where housing characteristics have not established a pattern. The Board noted that there are numerous areas in the County where manufactured housing is the predominant housing and that this was an excellent undeveloped area to encourage site built or modular housing patterns. The motion passed unanimously.

- D. **BILL & LEWIS CHEEK**, Asheboro, North Carolina, is requesting that 0.51 acre located at 2584 Walnut Ridge Road, Forest Park Subdivision, Lots 24-25, Randleman Township, be rezoned from Residential Restricted to Residential Mixed/Conditional Use. Parcel ID # 7764301395. The proposed Conditional Use Zoning District would allow the placement of a single-wide mobile home.

Bill Cheek was present and explained that this is an old established lot. Cheek said that originally there was a single-wide on the lot and he now wants to replace the single-wide. Cheek said all but 1 residence on this road is a single-wide.

Beverly Walker, Boundary Drive, showed the Board pictures of the home on this property. Walker said that her house has been for sale for 6 months and due to this eyesore she has been unable to sale her home. Walker said the renters he has had here in the past have vandalized her home.

Patricia Cagle, Walnut Drive, said Cheek has been putting homes in here that look like they are about to fall apart. Cagle said she didn't mind a single-wide but she just wanted him to place something decent here. Cagle said the lot is small and the road work being planned for Boundary Drive will reduce its size. Cagle said all she requests is something decent and taken care of.

Johnson said the mobile home that is there will have to meet the building codes.

Morton asked if there was any year model on the restrictions. **Johnson** said no.

Cheek said that this is an 87 model mobile home that needs work but he didn't won't to work on it until it was approved.

Dorsett said that he sympathized with the ladies in opposition but he felt the home was compatible to what is there in the area.

Craven made the motion, seconded by **Brown**, to recommend to the Commissioners that this request be **approved**. The motion passed unanimously.

5. **SWEARING IN OF THE WITNESSES:**

"Do you swear or affirm that the information you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?"

The majority of those present for this hearing took this Oath.

6. **SPECIAL USE PERMIT REQUEST:**

- A. **CLIFTON LANGLEY**, Staley, North Carolina, is requesting a Special Use Permit to allow a septage land application site located at end of Langley Meadow Road, 4.00 acres (out of 26.35 acres), Columbia Township, Zoning District RA, Parcel ID # 8733273401.

Johnson explained that this is a complicated request. Johnson said the State of N.C. permits Septage Sites and they began doing this to reduce the amount that was being dumped into municipal waste treatment plants. Johnson said Randolph County is one of the few counties in the State that require a Special Use Permit be obtained before a site can be used. Johnson said in most areas of the state this is not required.

Langley said he is a poultry and cattle farmer and also pumps private septic tanks. Langley said he recently received a permit from the State to use approximately 4 acres of his property to apply septic waste. Langley said Barry Foushee, Cooperative Extension Service, and Ruffin Cole, Environmental Health Department have also approved this activity. Langley presented these approvals and pictures of the site to the Board. Langley said he has not applied any septage to this site. Langley said the site would be inspected by the State once a year and each quarter by Ruffin Cole. Langley said the waste is treated before it is put on the property with lime and once placed on the property the sun light kills the bacteria. Langley said this property was permitted for 200,000 gallons per year but he would only put what he pumps and not allow any other pumpers to use the site. Langley said in the past he has placed chicken litter on the property. Langley said he can apply to the site for 9 months and it must be dormant for 2 months. Langley said he must cut the grass and he will feed this to his cattle.

Jon Megerian, Attorney representing the neighbors, said that this is a Special Use Permit and he will have to meet all 4 of the test. Megerian said Langley presented no evidence to at least 3 of these 4 tests. Megerian said he felt this request fails every test. Megerian said that he went to the property this morning and made some photographs. Megerian asked if Langley has given a topographical map and **Johnson** answered no but he had provided sufficient maps. **Megerian** said that this creek is not a ditch as described on the permit from the State and this site is in a flood area (presented pictures of the site). Megerian said this permit, if granted, would allow more than 20,000 gallons of human waste per month for 9 months each year. Megerian presented pictures of this site when it flooded 5 years ago and a picture of the creek taken today to show this creek is not a ditch. Megerian said the topographical maps show all the land he plans to apply this sewage on is sloped toward the creek. **Ridge** asked if the pictures were of this area or from another area along this creek - **Megerian** said he believes it is this site. Megerian presented a picture of the sign Langley put up and said this would be an indication of how he plans to run this operation. Megerian said there are other problems than just if this is a sunny day to breakdown this sewage. Megerian said the burden to prove these tests are on Langley not the adjoining land owners. Megerian said under test #2 Langley is required to submit scaled detailed drawings and he has not done this. Megerian said the 3rd test requires that it not substantially impair the value of adjoining properties or a public necessity. Megerian said this is not a public necessity and said this type of use would impair the value of neighboring properties. Megerian presented a letter from Brubaker and Associates (certified appraisers) saying this would lower property values. **Megerian asked the neighbors in opposition to stand - there were 68 people standing.** Megerian said the Board can ask each of these people if they feel this would effect their property values. Megerian presented a petition of opposition to the Board. Megerian said that the 4th test requires this to be in harmony with the surrounding area and there are no other septage application sites in this area. Megerian said this cannot be used for fertilizer and is not a residential use. Megerian discussed a case that was before this Board a year ago that this Board felt was an agricultural use (Megerian said he agreed with this Board on that call), however the opinion was over turned by the Court of Appeals who

said it was not an agricultural use to spread petroleum contaminated soils for break down. Megerian said this use is not in harmony with the surrounding agricultural uses in the area. Megerian described agricultural uses as growing crops and raising farm animals. Megerian said that if this stuff was not full of dangerous things it would not be being requested. Megerian reviewed the tests with the Board and said that the only evidence presented to this Board is that from a certified appraiser presented by adjoining property owners saying that it would substantially effect property values in the area. Megerian said he felt several reasons have been given to deny this request.

Michael Coble, Hicks Farm Road, said that he has neighbors that swim in this creek in the summer and he felt this would be problem.

June Swainey, 1188 Dead End Lane, adjoins this site to the east. Swainey said that no one can tell you that there are no risk with this activity. Swainey said if you would put yourself in our place and said she has a daughter who is 6 years old. Swainey said she felt this would be hazardous to her health. Swainey said that she has dogs and cats and she would fear that they may bring contaminants to her family. Swainey said this will effect people along Brush Creek.

Langley said that people's septic systems at their residence can be 10 ft. from their homes and 50 ft. from their wells. Langley said he couldn't say he could prevent any diseases but he would do his best.

Morton said that it is hard to turn someone down when they have a State permit but this is in a flood zone and this is a no brainer.

Morton said he felt this didn't pass the test of not materially endanger the public.

Ridge said he didn't feel this was in harmony with this area. Ridge said if it was on a 300 or 400 acre farm it may be different but not 26.

Craven said that this is not a public necessity. **Dorsett** said he felt there are arguments on both sides of tests 2 through 4 but with this site being in a flood zone he felt this would not pass the 1st test.

Brown asked Langley if he had submit topo maps to the State. Langley said they didn't require a map but they came to the site 3 separate times.

Craven made the motion to **deny** this request because Langley failed to pass any of the tests based on the evidence and testimony heard tonight. **Morton** seconded this motion and the motion passed unanimously.

- B. **TODD SCHWARZ**, Asheboro, North Carolina, is requesting a Special Use Permit to allow a Planned Business Development for a novelty/craft shop and rental house located at 3852 US Hwy 64 East, 0.77 acres, Franklinville Township, Zoning District RR, Parcel ID # 7781298225. Property Owner: Schwarz Properties, LLC.

Schwarz was not present and this was heard at last months meeting. The property owner was told his presences was necessary for this hearing.

William Bostic, Hwy 64, said that the property corners hwy 64 and my driveway. He said he didn't particularly like the appearance of the business but he wanted to make sure that this is

understood that he could restrict the use of his driveway and he would exercise this right if a business use came in to this facility that he was opposed to.

Craven presented a letter from adjoining neighbors with opposition to this request. Craven said that this was originally a pottery shop and then this type activity came in to this building.

Brown said that if we did a Special Use Permit it would effect the entire parcel.

Dorsett said that in this case we directed the property owner to appear for this process and he felt this should continue to be tabled and the Planning Department should put a stop work order on the business and notify him of the zoning violation.

Johnson said that the property owner gave the Planning Office all indication that he would be here.

- C. **CLIFF LOFLIN**, Denton, North Carolina, is requesting a Special Use Permit to allow a Planned Business Development of Marine sales and service, skid loader and farm equipment sales and service and to allow sales, service and storage of heating equipment located at 9033 NC Hwy 49 South, 4.00 acres, New Hope Township, Zoning District HC, Parcel ID # 6697023630.

Johnson explained that this property is in violation of numerous Zoning and Building Codes. Johnson said Mr. Loflin continued to construct the building after receiving an order from the Building Inspector to stop. He has constructed the building with no permits and was using electricity to the facility from a farm service which has now been disconnected. Johnson explained that the building would not meet code because it has no footings. The Building Inspector has disconnected illegal power to the structure.

Christie Loflin was present and Johnson asked her if she could explain why Mr. Loflin constructed this building without permits and ignored repeated warnings from County Officials. She said that they currently rent the existing building for marine sales and service and a mobile home is being rented for residential use. She explained that the building was constructed for storage only but they are letting a neighbor with MS sell bobcats they own for commission because he can't hold down a regular job. She said as far as not obtaining property permits the only thing she could say was that he was "just a man" and she just can't answer that question. She explained that this was built on top of an existing slab that was there for a double-wide that use to be on the property.

Mike Bracey, 5513 Connerson Road, Denton, said that since the building has been built without any permits he is concerned about the possible other uses that might move in. Bracey said that when Big Mark Fish House was on the property there was gas pumps on the road. Bracey said that his wife has MS and is very receptive to any contaminants and he is concerned about his well water.

Loflin said that they have no work or service done at the building and soil test have been approved by EPA on the property.

Bracey said that as a member of the community he felt things should be done right and according to all laws and regulations. He hoped this would be taken care of.

McDowell said he knows exactly where this is and said it would effect Bracey more than anyone in the area. McDowell said this should be required to meet code completely. McDowell said he

felt there should be no service allowed with the skidder/bobcat sales. Morton said he felt a number should also be placed to limit the number on the sales lot.

Morton made the motion, seconded by **Ridge**, to approve this request with the following conditions:

- **no service allowed with the skidder/bobcat sales business
- **no more than 5 skidders/bobcat equipment on the sales lot
- **must comply with all applicable building codes before the Special Use Permit is issued
- **no outside storage allowed with the skidder/bobcat sales and Heat Equipment Business

Ridge seconded the motion and the motion passed unanimously.

- D. **STEVEN WISHON**, Asheboro, North Carolina, is requesting a Special Use Permit to obtain an auto dealer's license at his residence (with display of up to 10 cars and 10 x 16 office building) located at 1729 Lassiter Mill Road, 8.85 acres, Cedar Grove Township, Zoning District RR, Parcel ID # 7720701058.

Wishom was not present for this hearing.

George Nelson, 1835 Lassiter Mill Road (two houses down the road) said that they have nothing against Wishom but they want this to remain residential and rural. He said they love this area the way it is and this would not be compatible to the area. He said he has lived here since 1962.

Amy Presnell, next door neighbor, said their drive is right on the property line. Presnell said she has a 13 year daughter get of the bus at his driveway and she was concerned of who would be there at this business as she gets off the bus alone each day. Presnell said that they are concerned about the lights that may be at the business and the crime that this may create. Presnell also discussed the extra traffic.

Chip Nelson said this is out of character with this community. Nelson said that this lot would be closer to Ms. Presnell's house than his own. Nelson said that they would be concerned with the permit continuing to be used if the property is sold. Nelson presented a petition of opposition with 43 signatures of people in the community that could not attend.

Ruby Marsh, 1756 Lassiter Mill Road, said she has been a resident here for 50 years. Marsh said they have slaved on their property to keep it beautiful and her husband would turn over in his grave if he thought there might be a car lot across the road for their home. Marsh said some of the trees on their property are over 200 years old. Marsh said she loves her community. Marsh said her banker said this would hurt her property and her neighbors. Marsh said she is 89 years old and wants to be buried here one day.

8 people were present in opposition to this request.

McDowell said he felt this did not meet tests 3 and 4 and for this reason **Brown** made the motion to deny this request and **Craven** seconded this motion. The motion passed unanimously.

- E. **CLAYTON HUTCHINS, JR.**, Asheboro, North Carolina, is requesting a Special Use Permit to obtain an auto dealer's license at his residence (with the display of 10-12 cars in a 10x10 office) located at 6621 NC Hwy 134, 6.00 acres, Union Township, Zoning District RR, Parcel ID # 7644869673.

Hutchins was present and explained he has been here for 25 years. Hutchins said he has 4 boys and they do this as a hobby. Hutchins said he has been doing this for over 5 years and his lot is on Business 220 and he has lost so much due to vandalism. Hutchins said this is not his full time job but they work on their cars at this location. Hutchins said his license is at the lot on Business 220 and he wants to move his business to his home. Hutchins said they do any service up to complete over hauls. Hutchins said he hauls his waste fluids to United Brass in barrels. Hutchins said he gives his junk cars to Mitchell Beck. Hutchins said there are 20 vehicles on site and 5 of them are his personal vehicles. Hutchins said he will not increase any activity on the property, he just wants to transfer his dealers license. Hutchins said he has talked with his neighbors and they don't have any problems with this request.

Hutchins said they don't do any service for the public, they only work on vehicles with the business.

There was no one present in opposition to this request.

Craven said that since the operation is not going to change he would make a motion to **approve** this request with the condition there be no more than 6 displayed vehicles. The motion died for a lack of a second.

Brown made the motion to **approve** this request with the conditions of no more than 6 vehicles for the business, no sign other than required by DMV, and no major mechanic work or service for the public. **Morton** seconded the motion and the motion passed unanimously.

- F. **GARY EVERHART**, Trinity, North Carolina, is requesting a Special Use Permit to allow obtain an auto dealers's license at his residence (with the maximum display of 6 vehicles) located at 3339 Mountainview Street, 0.93 acres, Greenwood Forest Subdivision, Lots 193-196, Trinity Township, Zoning District RM, Lake Reese Watershed, Parcel ID # 7705891945.

Everhart was present and explained that he lives on Snyder Country Road in Trinity and he owns this property. Everhart said that his son lives here and they would be in business together. Everhart said his business would be wholesale primarily and just a few cars on display. Everhart said in the late 70's he had a dealers license at this location. Everhart said there would be no service preformed at this site and there would be no more than 6-8 cars for the business here. Everhart said only two cars would be displayed in front of the residence at the most and the remainder of the vehicles would be behind the residence.

There was no one present in opposition to this request.

Dorsett made the motion to **approve** this request with the restriction of no more than 2 vehicles displayed in front of the residence and no more than 6 total vehicles for the business, no service on the property at all, no outside storage, and minimal size sign. **Craven** seconded this request and the motion passed unanimously.

7. The meeting adjourned at 9:47 p.m.

Planning Director

Date

Clerk/Secretary