

Minutes

RANDOLPH COUNTY PLANNING BOARD

May 8, 2012

The Randolph County Planning Board met at 6:30 p.m., on Tuesday, May 8, 2012, in the 2nd Floor Meeting Room, Randolph County Historic Courthouse, 145 Worth Street, Asheboro, North Carolina.

1. **Chairman Reid Pell** called to order the Randolph County Planning Board meeting at 6:30 p.m.
2. **Hal Johnson**, Planning Director, called roll of the members: **Reid Pell**, Chairman, present; **Wayne Joyce**, Vice Chairman, present; **Chris McLeod**, present; **Phil Ridge**, absent; **Jim Rains**, present; **Kemp Davis**, present; and **Larry Brown**, present. County Attorney **Ben Morgan** was also present.
3. **Rains** made the motion, seconded by **Brown**, to **approve** the Minutes of the March 6, 2012 Randolph County Planning Board meeting. The motion passed.
4. **SPECIAL USE PERMIT REQUEST:**

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."

Twelve (12) people took this oath.

- A: **ROBERT HALL**, Asheboro, North Carolina, is requesting a Special Use Permit for a Rural Family Occupation to construct a 20' x 40' building to operate a flower shop next to his residence located at 451 Andrew Hunter Road, Franklinville Township, Primary Growth Area, Zoning District RR, Tax ID # 7782815706 / 7782815876.

Johnson explained that Hall has requested that the proposed building size be reduced to 12' x 32'.

Hall was present for this hearing and discussed his intentions to operate a flower shop next to his residence. Hall said that this would be a pre-fab building. Hall said that his wife has operated a flower shop in Asheboro for 5 years and would like to move her operation home.

There was no one present in opposition to this request.

McLeod made the motion, seconded by **Joyce**, to **approve** the request for a Special Use Permit. The motion passed unanimously.

- B: **WILLIAM TAYLOR**, Climax, North Carolina, is requesting a Special Use Permit for a Rural Family Occupation to allow an automotive repair shop in an existing 20' x30' building at his residence located on .39 acres at 6024 Frank Lane, Piedmont Estates Section 2 lot 8, Providence Township, Sandy Creek Watershed, Secondary Growth Area, Zoning District RM, Tax ID# 7798533391.

Johnson explained that Piedmont Estates Subdivision was one of the first subdivisions for manufactured housing in Randolph County developed in the 1960's. Johnson said that the deed restrictions for this development expired many years ago.

Taylor was present and explained that he has lived here for 12 years. Taylor said that they do some break work, servicing, tires, etc. for automobiles. Taylor said that his neighbors have never had a problem with him before. Taylor said that a new neighbor called the County complaining about him working on cars. Taylor told the Board that County Code Enforcement Officers came out and cited him for operating a business. Taylor said once the officers realized he was working on his own cars, they advised him to apply for this permit. Taylor said that he purchases a few cars a year to work on and sell. Taylor said that he works from 9 am to 5 pm, 6 days a week. Taylor said that this is how he makes his living. Taylor said that he ran Southside Auto until 2002 and he works for himself now. Taylor said he buys 5 cars a year and is not required to have a dealer's license.

Billy Frances, 6021 Frank Lane, said that he is in favor of this business. Frances said that Taylor keeps a clean yard and takes care of his place. Frances said that he has lived here 17 years.

William Robinson, 6011 Frank Lane, said that he has lived here since 1976. Robinson said that Taylor helps everyone in the neighborhood and there has never been any problems in their community until this one neighbor moved in. Robinson said that he is in favor of this request.

William Taylor, son, said that there has never been any complaints from any of their neighbors until this one neighbor moved in. Taylor said that they moved here in 2001 and their first home burned and they moved this trailer in. Taylor said that the man that is complaining doesn't even own the property, he's a renter. Taylor said that he calls the County on everyone in the neighborhood. Taylor said

he must have the County and the police on speed dial.

Lloyd Simmons and **Jesus Lopez**, Frank Lane, also spoke in favor of the request. Simmons has lived on Frank Lane for 17 years and Lopez for 4 years.

Jessie Basquez, 3448 Piedmont Estates, said he was in favor of the request. Basquez said that Taylor helps everyone in the community and is a really nice guy.

There were 8 people present in favor of this request.

Kevin Pate, 6024 Frank Lamb, said that he moved here in November 2011, said that there is noise here everyday. Pate said that they work on cars at this location. Pate said that his son backs his car out in the road and burns the tires down in front of Pate's residence. Pate said that the radio is kept so loud in their shop that he can hear it in his living room. Pate said that if the noise wasn't so loud he wouldn't have a problem. Pate said he has called the police and the County many times. Pate said that everybody else in the neighborhood might want to listen to it, but he didn't. Pate said that he keeps his yard up and has to pick up trash that blows over from their property. **Rains** asked Pate which home he lives in, and **Pate** answered right next door. Pate said that the business doesn't stop at 5 pm, it goes on to 8 or 9 pm. Pate said that he rents his residence. **Johnson** asked Pate if he knew this was going on next door (at the time he moved in), and **Pate** answered yes. Pate said that he looked at other places before he took this home. Pate said he moved here to stay closer to his kids.

Robert Belcher, 6036 Frank Lane, said that he was concerned about the water system becoming contaminated with the oil and gas from the vehicles.

Donald Moore said that he owns the property that Pate lives on. Moore said that Pate gave him a deposit and when Pate found out this activity was going on he asked for his deposit back. Moore said that he refunded Pate the deposit, but he decided later to rent the property anyway. Moore said that Pate had videos where the Taylor's are out there working after 9 pm. Moore said that the problem is not Taylor but it is his son. Moore said that Taylor's son is the one that shows himself and is out of control. Moore said that he owns 10 properties including the one that Pate lives in. Moore said that Taylor has more than 5 cars at this location. Moore said that Taylor's driveway is only 10 feet from the home Pate lives in. Moore said that Taylor should operate his business in a commercial area.

There were 3 people present opposed to this request.

Taylor (son of the applicant) asked if he could speak again. **Ben Morgan** said told Taylor that it would be okay for him to speak if he had information to add concerning the application. Taylor said that Pate also puts black marks on the road, not just him. Taylor said that his mustang is street legal. Taylor said that he didn't know how Pate makes his living but he never leaves the house. **Ben Morgan** said that this testimony is inappropriate and is not relevant to this case

Johnson said that the issue is noise. Johnson said with residential lots this small people live closer together, what you do does have an impact on your neighbors. **Johnson** asked Taylor what he could do to answer these concerns. **Taylor** said that he doesn't have a problem with Pate. Taylor said that the Harley (motorcycle) he owns and the Mustang (car) his son owns are loud. Taylor said that he didn't know what could be done unless Pate puts a fence up.

Rains asked if it would be appropriate to ask if there are outstanding zoning violations, and **Morgan** said it would not be appropriate as it applies to the application.

Johnson said that in Piedmont Estates it seems like everybody has a little business going on out there. Johnson said that he has not ever had complaints from Piedmont Estates in 35 years until this case.

Morgan advised the Board that a lot of the things they hear during this meeting would not change whether the application was approved or not. Morgan said that a loud car, or playing a radio will not be impacted by the Board's decision. Morgan said that most of the problems heard would not be fixed by action of this Board. Morgan said the Board is only to consider if a garage can be operated in back of a residence. Morgan said there are other remedies for both parties to seek out concerning those issues.

Rains made the motion to **approve** the request for a Special Use Permit with the following conditions:

- **No more than 3 cars on site (business related)
- **No wrecked or partial cars, car bodies, parts, tires, etc. storage allowed
- **No oil/gas storage on site
- **father and son only, no employees
- **Solid privacy fence on property line to screen the business view and noise (to be worked out with the Code Enforcement Officers)

Kemp said that this is like running any business, most of this is common sense.

Taylor accepted these conditions.

McLeod seconded the motion and the motion passed unanimously.

5. The meeting adjourned at 7:22 p.m. There were 12 citizens present for this meeting.

**NORTH CAROLINA
RANDOLPH COUNTY**

HAL JOHNSON

Planning Director

JILL WOOD

Date

Clerk/Secretary