

# MINUTES

## RANDOLPH COUNTY PLANNING BOARD

February 2, 1999

There was a meeting held at 6:30 p.m., in Tuesday, February 2, 1999, of the Randolph County Planning Board in the Commissioners' Meeting Room, 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, called roll of the Members: Maxton McDowell, Chairman, present; Bill Dorsett, Vice-Chairman, present; Larry Brown, present; Lynden Craven, present; Al Morton, present; Tommy Boyd, present; and Phil Ridge, Alternate (substituting for vacant seat), present.
3. Craven made the motion, seconded by Morton, to approve the Minutes from the January 5, 1999, Randolph County Planning Board Meeting. The motion passed unanimously.

**4. 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?"

Approximately 50 people took this Oath.

**5. REQUESTS FOR A SPECIAL USE PERMIT:**

- A. **AHAM**, Asheboro, North Carolina, is requesting a Special Use Permit for a Church Conference & Retreat Center to be located on 33.52 acres at 4368 Hwy 134 South, Union Township, Zoning Map #7656, Zoning District RA.

Stan Davis & James Rodgers, resident staff members, were present for this meeting. Davis explained that they wanted to develop approximately 1/3 of the property and the remainder would be left undeveloped. Davis said that the existing mobile home would be removed for the location of an office building. Davis said that the purpose of the expansion is to better serve their clients. Davis said that this is a non-profit spiritual retreat center that serves up to 20 people per night (mostly weekends) and the expansion would allow them to increase to 40 people per night. In 1991 they submitted a plan that was substantially larger (this new proposal is approximately 1/4 the size of the original plan). Davis said that the Health Department had approved septic systems for their original plan so they felt sure there would be no problem with this plan.

Dorsett asked Davis what type of activities they have. Davis said that they are a spiritual retreat center for prayer and meditation (their clients are lawyers, doctors, executives, ministers).

Charlotte Twardokus, 4410 NC Hwy 134, said that she has lived here (adjoining resident) for 2 years and has found the center to be a good neighbor. Twardokus said she has looked at the proposed plan and has no opposition to this request.

Keith Gaines, 4117 Friendship Road, said he has been a resident of Randolph County for 10 years and has lived here for 7 months. Gaines said that the Center were friendly people and he had no opposition to their request.

Jon Megerian, Attorney representing the opposition, said that he didn't doubt they were nice people but no evidence has been show that they pass the four test required in issuing a Special Use Permit.

***that the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved***

Megerian said there had been no evidence to prove this - as far as traffic or use of property (the burden has not been met).

***that the use meets all required conditions and specifications***

Megerian said that the site plan does not allow for the required parking. The Ordinance requires a 6000 sq. ft. assembly building to have a minimum of 40 parking spaces. Megerian said nothing on the plan shows the type of parking - how dust or congestion would be handled. Megerian said this size facility could have as many as 100-150 people here easily. Megerian said he would submit that a plan has not been submitted to the Board. Nothing in the plan has any buffers and this should have been addressed.

***that the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity***

Megerian said this has not been proven. Megerian said it is up to AHAM to prove that it does not substantially injure the value of adjoining properties, not the adjoining property owners. Megerian said no study has been done. Megerian said there are 30 people present in opposition tonight and that they were concerned enough to come out and attend this meeting. Megerian said that they think this will devalue their homes and he felt their concerns should be considered.

***that the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the Land Development Plan for Randolph County***

Megerian said the plan is not in harmony with the area. Megerian said this is a business (there are no businesses in the area) and 40 over-night guest will be like a motel. Megerian said that what would be in harmony with the area would be single family residences.

Megerian said this application fails all four tests and there has not been sufficient information provided to the Board for approving this request.

**Jeannette Lundy**, Adjoining Property Owner, said that they moved into this area in 1985. Lundy said that there were several more people currently using the facility than what Davis has said uses it. Lundy added that Charlotte Twardokus, the adjoining property owner that spoke in favor of this request, is the Administrative Director for the Center.

**S.G. Brady**, Adjoining Property Owner, said that the Center has more like 150 people in and out within a month. Brady said they have changed a barn into rooms for over-night guest without the appropriate building permits and there is no fencing to protect the adjoining properties. Brady complained that some of their guest has been in their backyard claiming to be lost (walking on the Center's trails).

**Dale Aljets**, Adjoining Property Owner, said that they have also had people staying in the well house as well as the barn.

**Rodgers**, staff member, said that they pose no hazard to public safety and that there are properties (Little River Estates) that are much more dense than they are proposing. Rodgers said concerning the parking and traffic issue, that they have spoken with Jeff Picklesimer, NCDOT District Engineer, and said that the road would easily handle an additional 40 cars and they hope

to be able to pave the parking area in the future. Rodgers said but most of their guest come in at the airport and are picked up by the Center's van (so there is very little additional traffic). Rodgers said that they will provide the parking that the Board feels would be necessary. Rodgers said in the issue of the impact on adjoining properties, they hope the structures will allow for no change. They are sensitive to allow the wildlife to continue to roam and remaining in harmony in their quiet setting. Rodgers presented the Board with a letter from a real estate appraiser that said this would have no impact on adjoining property values. Rodgers said the 6000 sq. ft. building is a proposed church sanctuary with training rooms. Rodgers said he felt they met all the tests and he didn't see any reason why the Board shouldn't approve their request. Rodgers said most of the property is heavily wooded and they would agree to planting fast growing evergreens along the northern property line for additional buffer.

**Craven** asked Rodgers if they planned any fencing. Rodgers said no because this would not allow the wildlife to roam naturally.

**Dorsett** said that he would be concerned about people straying off the property. Dorsett asked Rodgers if they could adequately mark their property boundaries. Rodgers said he didn't feel this had happened since their last meeting (in 1991) but they would be willing to mark their property lines.

**Brown** asked Johnson if the Planning Department had received any complaints concerning AHAM since the meeting in 1991. **Johnson** said no - none.

**Craven** said that whether there are 10 or 110 people staying out there, we haven't received any complaints and he would look at this as a good record. Craven said he couldn't see this having a dramatic impact on the community.

**Megerian** said that all the talk of only on weekends (people staying over-night), hope to pave parking in the future, and no noise - will this be apart of this permit (if approved). Megerian added that they would need to have buffers indicated also.

**Dorsett** told Megerian this was in appropriate - that he was trying to re-argue the case. Dorsett said that the only evidence he has since presented on either side is the real estate appraiser's opinion that this would not harm the property values in the area. Dorsett said as far as the parking is concerned, they would have to provide the amount required by the County.

**Morton** said that you can't just look at one man's opinion (talking about the real estate appraiser's letter). Morton said he has a problem with this - that there are 30 neighbors (good people) that are here in opposition to this request. Morton said it looks like if AHAM had been here 8 or 9 years, they could have made better relations with the community than this (for 30 people to be opposed).

**Boyd** made the motion, seconded by **Morton**, to **deny** this request for a Special Use Permit. The motion failed with a 3 to 4 vote - **Dorsett, Craven, Brown,** and **McDowell** voted against the motion.

The permit was denied due to the requirement of a 4/5th's vote being required to approve a Special Use Permit.

- B. **AL MCBRIDE**, Randleman, North Carolina, is requesting a Special Use Permit to construct a 40' x 50' personal storage building with classic car storage at his residence located on 1 acre at 1146 Providence Church Road, Oak Ridge Estates lot 1, Providence Township, Polecat Creek Watershed, Zoning Map #7777, Zoning District RR.

**McBride** was present at the meeting and explained that his plans to construct a building that would look like his residence. It would be made of frame construction with brick and vinyl exterior and the pitch of the roof would match that of the house (he presented a picture of what he would like to build). The building would be to store two antique trucks, a car hauler, and his boat.

McBride said he has worked hard for these things and he wanted to be able to keep them nice. McBride said this would not be a business and he would not be working on the vehicles at this building. McBride said the building would sit 90 feet behind the residence and the residence is approximately 100 feet of the road.

**Rodney Mason**, attorney representing the developers of Oak Ridge Estates (Cornwell's), said that the main point he wanted to make is that there are restrictive covenants in this development that were recorded in the Register of Deeds Office in December of 1997 prior to the sell of any of the lots within this development. Mason provided the Board a copy (with the sections highlighted that would be violated if this building were permitted). Mason said that the lot owners would be required to have the approval of the developers prior to constructing any outbuildings.

**There were 14 people present in opposition to this request.**

**Mason** said that all the lot owners (of the lots sold to date) are present. Mason said to grant this building would be in violation of the restrictions and would dissolve their protection. Mason said to allow this large a building (2,000 sq. ft.) on this lot would essentially be permitted two homes on one lot (it would have the same appearance).

**Dorsett** asked Mason how private deed restrictions are generally enforce. Mason said by an act of Superior Court. Mason said he realized the Planning Board doesn't enforce private deed restrictions but he would submit that this proposal would be out of character with the community.

**Morton** asked Mason if a buyer is required to sign restrictive covenants prior to purchase. Mason said no, but the attorney would have to report them to their client. Morton said this would be kind of a shame (not to allow construction) because the picture shows a nice looking building. Mason said this would be a tremendous structure and out of character with the area.

**Margaret McMann**, said that she lives approximately 1/4 mile from this site and her daughter is a resident of this development. McMann said that she felt the covenants are reasonable and to breach them would mean the development has no protection. McMann said that this is a beautiful area and should be protected.

**Keith Yow** said he built the first house (1,850 sq. ft.) in this development and is very proud of his home. Yow said that he would be opposed to this large of a structure.

**John Garner**, builder, said that he purchased 6 lots in the subdivision to build homes on and he has built 9 of the homes here. Garner said that the restrictions are very important to the people purchasing homes in this development.

**Chris Andreoli**, 5626 Dashwood Drive, said that this building would be larger than the house on this lot and could possibly be used for a business being this size. Andreoli said that he felt this would not be in harmony with the area.

**Ray Coleman** said that he owns the second residence built in this development. Coleman said he was attracted to this development because of the restrictions and to allow this building would bring property values down.

**McBride** said that he had no idea that there was this much opposition to him constructing the building or he would have never asked for this permit. McBride asked to **withdraw** is request for a Special Use Permit.

- C. **WAYNE AVERY**, Ramseur, North Carolina, is requesting a Special Use Permit to use an existing 12' x 24' building for a taxidermy shop at his residence located on 2.57 acres at 150 Primrose Lane, Columbia Township, Zoning Map #8722, Zoning District RA.

Avery said this would be a one person operation that would only operate part-time during the evening hours and on weekends.

**There was no one present in opposition to this request.**

**Brown** made the motion, seconded by **Dorsett**, to **approve** this request for a Special Use Permit. The motion passed unanimously.

- D. **VANCE DAVIS**, Randleman, North Carolina, is requesting a Special Use Permit to construct a 50' x 50' personal storage building with classic car storage at his residence located on 1 acre at 6213 Fred Lineberry Road, Providence Township, Polecat Creek Watershed, Zoning Map #7777, Zoning District RA.

**Davis** told the Board that he has a 65 Plymouth, a 63 Corvair, and a 65 Studebaker that he would like to build this building to store them in. **Davis** said that he bought these tracts he owns in the early 70's and there are apartments across the street from him and there is some commercial activities up the road. **Davis** said that this would not be a business, he just wanted to have a building to store these cars. **Davis** said that the building would look like his residence (stucco/brick) and would not be visible from either road. **Davis** presented plans of the building. **Davis** added that his home is 3,000 sq. ft.

**Donna Neely**, 1088 Oak Ridge Lane, said that the property is mostly wooded but this would be a industrial size building and out of character for this community. **Neely** said this would be 2/3rds the size of his home and will effect the views from their residences and the values of their home. **Neely** said he is surrounded by restricted properties and this would be an eyesore. **Neely** said the footprint of the building would be larger than the footprint of his home.

**Delaine Hooper**, 5337 Nightwood Drive, said that the home does appear to be part of Woodfield Acres but I realize it is not. **Hooper** said that with the sign for Woodfield Acres being across the street from this residence it will have an effect on Woodfield Acres. **Hooper** said that the Board should preserve this area from any eyesores.

**John Garner**, builder, said that due to perking problems the property next to this property will be completely cleared for septic fields for some of the lots in Oak Ridge Estates. **Garner** said when these trees are removed you will be able to see this building. **Garner** said he would not have any problem with a two bay garage but he would be opposed to a building this size.

**Ray Coleman** said that this building will be in his backdoor. **Coleman** said that this would be a tremendous eyesore for his family.

**Chris Andreoli**, Dashwood Drive, said that he felt the building should be restricted to personal use only. **Andreoli** said that he is opposed to this size building but he did realize that **Davis** was here before the subdivisions were.

**Davis** said that the nice Woodfield Acres sign is on his property and that all the lots that adjoin his property already have homes on them. **Davis** said that he has good neighbors and he has been here along time (20+ years) and all he wants is a personal use building. **Brown** asked **Davis** if he does any of his own restoration work. **Davis** answered no that he's not a mechanic.

**Dorsett** asked **Davis** how far of his west property line would this be. **Davis** said 35 feet. **Johnson** said the code is 5 feet.

**Craven** asked how much property did he intent to clear. **Davis** answered just enough to get the building in.

**There were 9 people present in opposition to this request.**

**Dorsett** said that he did have sympathy for the neighbors but they moved into any area that he was living in. **Dorsett** said that the building will have some buffering.

**Boyd** said that he was pleased to see that the building will be build from the same materials as his residence.

**Craven** agreed with Dorsett and Boyd and said he felt Davis was here before zoning and the request should be **approved** with the following restrictions:

\*\*maintain existing buffers

\*\*personal storage only

\*\*no outside storage

**Dorsett** seconded the motion and the motion passed unanimously.

- E. **TODD DANIELS**, Trinity, North Carolina, is requesting a Special Use Permit to expand Daniel's Mobile Home Park by 2 lots (for a total of 6 spaces) located on 5.64 acres at 1145 Loflin Hill Road, Tabernacle Township, Zoning Map #6792, Zoning District RM-CU.

Daniels was present and explained that he would like to place 2 additional lots (to the rear of the existing lots) and extend his road.

**There was no one present in opposition to this request.**

**Dorsett** made the motion, seconded by **Craven**, to **approve** this request for a Special Use Permit as consistent with the area. The motion passed unanimously.

- F. **BILLY KENNEDY**, Trinity, North Carolina, is requesting a Special Use Permit to construct a 60' x 28' building to store & sell used appliances at his residence located on 8.96 acres at 6330 Kennedy Road, Trinity Township, Lake Reese Watershed, Zoning Map #7706, Zoning District RA.

Kennedy said that he would not have any outside storage and the building would be a wood sided building (he would vinyl in the future).

**There was no one present in opposition to this request.**

**Brown** made the motion, seconded by **Boyd**, that this request be **approved** with the restriction of **no outside storage**. The motion passed unanimously.

## 6. **REZONING REQUESTS:**

- A. **ALLEN BULLARD**, Randleman, North Carolina, is requesting that 35 acres (out of 38.20 acres) located on New Salem Road (just east of Irvin Country Road), Providence Township, be rezoned from Residential Agricultural to Residential Restricted/Conditional Use. Zoning Map # 7776, Polecat Creek Watershed. The proposed Conditional Use Zoning District would specifically a 33 lot residential subdivision for site built homes with a minimum house size of 1,400 sq. ft. only. Property Owner - David Robbins.

Bullard was present and explained that he and his family lives here in this community. Bullard said that he and his son-in-law will be building most of the homes in this development. The minimum house size will be 1400 sq. ft. but they will probably be much larger in size.

**Jay Thorpe**, adjoining property owner, said that he lives directly across from the proposed entrance and after the trouble that the man had earlier (Vance Davis) just to build an accessory building here would worry about this happening to him. The Board told Thorpe that his request (Vance Davis) was approved.

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

- B. **DAVID JOHNSON**, Asheboro, North Carolina, is requesting that 5.49 acres located on Pilots View Road, Cedar Grove Township, be rezoned from Residential Agricultural to Highway Commercial. Zoning Map # 7639. The proposed Zoning District would allow the property to be used for commercial development.

Johnson was present and said that he has a gun shop and training range here and felt the property should be zoned commercial. Johnson said that he does training for the Sheriff's Department and has no plans to change the current use of the property. Johnson said that he would like it zoned so the property would be more marketable in the future. Johnson said that he felt the Airport has expansion plans and with the new Tot Hill Farm Development, the property would be better for investment purposes if it was zoned commercial.

**Walter Gordon**, Asheboro Airport Authority, said that he was not speaking in opposition to the request but he would like the Board to be cautious of any development that may be hazardous to aircrafts. Gordon said that he felt the new zoning restrictions would probably be adequate to protect against such development. Gordon said this would be his only concern.

**Johnson** said that this is an important issue next to the Airport. Johnson said that this could be marketed for a number of uses if the property has a general use commercial zoning. Johnson told the Board that they needed to consider if a general use would be appropriate.

**Dorsett** said that he felt there may be some commercial uses that would not be appropriate but he did feel some types of commercial uses would be fine. Dorsett made the motion to recommend to the Commissioners that they **approve** this request with consideration of what types of uses should be allowed. **Craven** seconded this motion and the motion passed unanimously.

**Johnson** explained that if this request is approved by the Commissioners, once the property is sold, the residence would need to be removed.

7. The meeting adjourned at 9:15 p.m. There were 89 citizens present for this meeting.

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**NORTH CAROLINA**

**RANDOLPH COUNTY**