



DOCKET #: F1398
 (continued from 10/9/03
 CCPB meeting)

PROPOSED ZONING:
 RS12

EXISTING ZONING:
 RS20

PETITIONER:
 Catherine A. Tindall

SCALE: 1" represents 200'

STAFF: Hall

GMA: 5

ACRE(S): 0.70

MAP(S): 594890



DRAFT ZONING STAFF REPORT

DOCKET # F-1398
STAFF: S. Chad Hall

Petitioner(s): Catherine A. Tindall
Ownership: Same

REQUEST

From: RS-20 (Residential Building, Single Family 20,000 square feet minimum)
To: RS-12 (Residential Building, Single Family 12,000 square feet minimum)

Both general and special use district zoning were discussed with the applicant(s) who decided to pursue the zoning as requested.

NOTE: This is a general use zoning petition; therefore, ALL uses permitted in the above requested district should be considered.

Acreage: 0.70 acre

CONTINUANCE HISTORY

The petition was continued from the October 9, 2003 Planning Board meeting in order for the petitioner to pursue a variance from the Zoning Board of Adjustment for a smaller lot than required in an RS-20 zoning district.

LOCATION:

Street: Southeast corner of Seward Circle and Lone Oak Road
Jurisdiction: Forsyth County

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Two structures are on the subject property.

Adjacent Uses:

- North: Developed residential zoned RS-20.
- East: Developed residential zoned RS-20.
- South: Developed residential zoned RS-20.
- West: Developed residential zoned RS-20.

GENERAL AREA

Character/Maintenance: The area is comprised of well-maintained single-family homes.
Development Pace: Slow.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Cannot be determined by general use petition.

Topography: The subject property experiences an elevation change of about 8 feet, from 952 feet along the southwestern border of the property to about 960 feet in the northeastern border of the property.

Streams: No streams lie on or adjacent to the subject property.

Vegetation/habitat: Some significant vegetation exists along the eastern section of the subject property.

Environmental Resources Beyond The Site: Because this is a general use petition, it is not currently possible to determine any impacts to environmental resources beyond the site.

Water Supply Watershed: The subject property is not located in a water supply watershed.

TRANSPORTATION

Direct Access to Site: Seward Circle; Lone Oak Road; Reynolda Road

Street Classification: Seward Circle – Local Road; Lone Oak Road – Local Road; Reynolda Road – Major Thoroughfare

Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):

Reynolda Road between Bethania Road and Tobacoville Road = 9,000 / 13,100

Planned Road Improvements: R-2247- Northern Beltway West; Regionally Significant; from I-40 to US 52; new 4 lane freeway; 2005 – 2014. Proposed Beltway location is approximately one mile southeast of subject property.

Sight Distance: Good.

HISTORY

Relevant Zoning Cases:

1. F-1226; RS-20 to RS-12; approved April 27, 1998; Northeast side of Thomasville Road/NC 109 between Union Cross Road and Teague; 28.21 acres; Planning Board and staff recommended approval.
2. F-1183; RS-20 to NB; approved May 11, 1998; Southwest side of Reynolda Road/NC 67 between Montford Road and Tobacoville Road; 0.97 acre; Planning board and staff recommended approval.
3. 1123; RS-20 to NB-S (Retail Store, Specialty or Misc.); denied September 25, 1995; east of Lone Oak Road and southwest of Seward Circle; 0.18 acre; Planning Board and staff recommended denial.

CONFORMITY TO PLANS

GMP Area (Legacy): Rural Area (GMA 5)

Relevant Comprehensive Plan Recommendation(s): The petitioner's site is located outside the Muddy Creek basin and therefore cannot be easily provided with public sewer. *Legacy* recommends that the Rural Area remain in very low density residential and agricultural uses for the foreseeable future.

Area Plan/Development Guide: The site does not lie within boundaries of an area plan or development guide.

ANALYSIS

The current request is to rezone 0.70 acre from RS-20 to RS-12. The site is located on the southeast corner of Seward Circle and Lone Oak Road. The zoning in the area is predominantly RS-20, including properties on all sides of the subject property. Two small houses are located on the subject property.

The two structures existed on the subject property prior to 1967, and prior to the adoption of countywide zoning. They are currently recognized as legally non-conforming. One option for the structures on the subject property would allow for an expansion where the square footage of *both* buildings is added up and only *one* of the structures may expand up to 25% of the total square footage.

However, neither can be lotted or sold separately under the current RS-20 zoning designation. Therefore, for the two homes to be sold separately, the property must be rezoned to a district that would allow each subdivided lot to meet minimum dimensional and area requirements. An equal subdivision of this lot would yield two 15,246 square foot lots, both less than the required 20,000 sf in RS-20. Technically RS-15 would accommodate an equal subdivision of the property, however the petitioner believes that more flexibility is needed to accommodate the location of a septic drain field.

The subject property does not have public sewer, however public water exists along Reynolda Road and is provided by the City of King. The nearest public sewer is east of the intersection of Transou Road and Reynolda Road, over 1.5 miles east of the subject property.

The Health Department is currently evaluating the site to determine if septic could be provided for both structures on the property. Currently, only one septic tank and field are on the subject property, located behind the smaller structure. This tank and drain field currently serve both structures. The primary reason that the petitioner is asking for RS-12 instead of RS-15 zoning is that, based on comments from the Health Department, more freedom may be needed to draw actual lot lines for subdivision in accordance with septic requirements.

Beyond the Health Department outcome is the zoning matter and the precedent that may be established if this property was to be rezoned. The subject property is located within the Rural Growth Management Area (GMA 5), which recommends that the Rural Area remain in very low-density residential and agricultural uses for the foreseeable future. Additionally, a large expanse of AG zoning is located approximately 400' south of the subject property. Planning staff is concerned that approval of this case may send a signal, this far out from areas served by municipal services, that the community is willing to intensify other zoning in this area. There are a few other properties in the general area that are similarly situated, with large lots and multiple buildings; a rezoning here could precipitate other requests for more dense single-family zoning. This contradicts the goals of the Rural Growth Management area as described in *Legacy*.

FINDINGS

1. The zoning in the area is predominantly RS-20.
2. Two small houses, located on the subject property, are legally non-conforming.
3. The subject property is too small to be subdivided under the current zoning.
4. The subject property does not have public sewer.
5. The subject property is located within the Rural Growth Management Area.
6. Approval of this case may signal that further intensification of this area is warranted, and other properties in the vicinity are similarly situated.

STAFF RECOMMENDATION

Zoning: **DENIAL**.

PUBLIC HEARING - October 9, 2003

Chad Hall presented the staff report.

FOR:

Catherine Tindall, 7455 Reynolda Road, Pfafftown, NC 27040

- I'm basically here on a hardship case. I bought this property at auction. It was advertised as a one-acre lot. The Tax Records also show it as a one-acre lot.
- When I went to get my septic permit, I learned it wasn't a one-acre lot.
- Other properties in the area that have two structures on them are basically out-buildings such as garages.
- The house on the back of my property has been gutted and we plan to turn it back into a one-bedroom rental property.
- I've contacted most of the neighbors and talked with them. There has been a lot of support for getting this lot cleaned up.

- Within a one-half mile radius of this site are three sites of approximately one-quarter acre each.
- No one will finance two houses on one lot.

AGAINST: None

WORK SESSION

During discussion by the Planning Board, the following comments were made:

1. The petitioner probably has an issue with the auctioneer, but we still had bad information in our public record.
2. Philip Doyle: If we didn't have the bad info with the tax office, I'd be against this. But I move approval.
3. Lavastian Glenn: Would the petitioner consider RS-15?

MOTION: Philip Doyle moved approval of the zoning map amendment.

SECOND: Jimmy Norwood

Philip Doyle withdrew his motion.

MOTION: Philip Doyle moved to continue the zoning map amendment and site plan to December 11, 2003.

SECOND: John Bost

VOTE:

FOR: Bost, Clark, Doyle, Eickmeyer, Folan, Glenn, King, Lambe, Norwood

AGAINST: None

EXCUSED: None

PUBLIC HEARING - December 11, 2003

FOR: None

AGAINST: None

WORK SESSION

MOTION: John Bost moved withdrawal of the zoning map amendment with the following: If a variance is granted by the Zoning Board of Adjustment, a refund of fees will be granted. If a variance is not granted and the zoning is filed again, the only additional fees that will be charged will be those for advertising.

SECOND: Dara Folan

VOTE:

FOR: Bost, Clark, Eickmeyer, Folan, King, Mullican, Norwood

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning