

MINUTES OF THE
THOMASVILLE BOARD OF PLANNING AND ADJUSTMENT

MEETING - MARCH 3, 2015

The regular February meeting of the Thomasville Board of Planning and Adjustment was called to order at 5:30 P.M. in the Thomasville City Council Chambers with a quorum present. This meeting was originally scheduled for Tuesday, February 24, 2015 but was postponed due to inclement weather.

Members present were: Mrs. Laura Kennedy, Chairperson; Mr. Oran Jefferies, Vice-Chairperson; Mr. Wayne Brumley; Mrs. Judy Smith; Ms. Jane Hill; Mr. Carl Shatley; and Mrs. Jeannette Shepherd

Members absent were: None

Alternate member present was: None

Staff present were: Mr. Chuck George, Planning and Zoning Administrator; Mrs. Rhonda Bowers, Recording Secretary; and Mr. Paul Mitchell, City Attorney

City Council Liaison present: Mr. Joel Pierce

Business taken up was as follows:

- 1) Call to Order and Establishment of Quorum

The meeting was called to order by Chairperson Kennedy, who declared a quorum to be present.

- 2) Approval of Minutes of December 30, 2014 Regular Meeting

Upon a motion by Mrs. Shepherd and a second by Ms. Hill, the minutes of the December 30, 2014 Regular Meeting were approved.

- 3) Request for Variance (BOA-15-01)
Owner/Applicant: Bradley Varner
Location: 554 Fairgrove Road
Existing Zoning: R-10 Low Density Residential
Proposed Variance: Decrease in rear yard setback to construct a deck

Chairperson Kennedy requested all persons wishing to speak on the two variances to please come down front and be sworn in. She opened the discussion with a description of the variance request.

Mr. Bradley Varner, property owner, said when his house was constructed, it was positioned on the property right at the 25 ft. rear setback line. This has hindered the ability to add to the back of the yard. He said he would like to build a deck 10 ft. x 10 ft. on the back of his house. He bought the house after it was built in 2007, and it is his first home. He has lived in Thomasville for 21 years and plans on raising a family at this home. He said he has spoken to the adjacent property owner directly behind him, Henry Morris, and he is okay with the deck addition.

Mr. Chuck George said he did receive a call from Mr. Morris, and he is okay with this request.

There was no one else in the audience to speak on the item so Chairperson Kennedy closed the public hearing and asked if there was a motion from the board members on the variance request.

Mr. Jefferies made the motion to approve the variance, and Mr. Brumley seconded it. The motion was based on the following finding of facts:

- 1) The applicant had no knowledge of the setback requirement when he purchased the property, and the property was built by the prior owner.
- 2) The proposed variance impacts only the rear property line.
- 3) That property line abuts the property of Mr. Morris, who had expressed his agreement with the variance.

The conclusions would be that the above facts have been found:

- 1) A hardship would result from the strict application of the rear setback line.
- 2) The hardship results from conditions peculiar to the property.
- 3) It does not result from the actions of the applicant.
- 4) The requested variance is consistent with the spirit, purpose and intent of the zoning ordinance, the public safety is secured, and substantial justice is achieved.

The board voted 7 - 0 to approve the variance request.

- 4) Request for Variance (BOA-15-02)
Owner/Applicant: Roberto Velasco Delangel & Angelica Garcia Rios
Location: 507 Morton Street
Existing Zoning: R-8 Medium Density Residential
Proposed Variance: Decrease in front yard setback to construct a porch

Chairperson Kennedy opened the discussion with a description of the variance.

Mr. Roberto Delangel, property owner, said he speaks very little English. When he purchased the property, the house was an eyesore to the neighborhood, and he wanted to fix it up to live in.

Mr. Carl Lewis, contractor for Mr. Delangel, said when Mr. Delangel purchased the house it had two existing side porches because it was an apartment. He said Mr. Delangel made

it into a single-family dwelling that he is going to reside in. He enclosed the existing porches to make an entrance from the street side which is the front of the house. They both thought with the layout of the surrounding properties that the zoning was R-6 so they started construction on a front porch. They discovered it was R-8 so they came to the city to ask for a variance.

Chairperson Kennedy said this house has been an eyesore to the neighborhood and looks much better now.

Attorney Mitchell said the property next door is also owned by Mr. Delangel.

There was no one else in the audience to speak so Chairperson Kennedy closed the public hearing and asked if there was a motion from the board members on the variance request.

Mr. Shatley made the motion to approve the variance, and Mrs. Smith seconded it. The motion was based on the following finding of facts:

- 1) The applicant had no knowledge of the setback requirement at the time of purchase of the property.
- 2) The residence had already been built, and they were mistaken as to the zoning because it is near the zoning border.
- 3) The proposed improvements would dramatically improve the property and the neighborhood.
- 4) The proposed variance impacts only the front property line, which abuts the street.

The conclusions would be that the above facts have been found:

- 1) A hardship would result from the strict application of the ordinance.
- 2) The hardship results from conditions peculiar to the property.
- 3) The special conditions do not result from the actions of the applicant.
- 4) The requested variance is consistent with the spirit, purpose and intent of the zoning ordinance, the public safety is secured, and substantial justice is achieved.

The board voted 7 - 0 to approve the variance request.

- 5) Request for Rezoning (Z-15-01)
Owner/Applicant: N Group Rentals LLC-Mike Nance
Location: 1034 Johnstown Road
Existing Zoning: C-2 Highway Commercial
Proposed Zoning: R-10 Low Density Residential

Chairperson Kennedy opened the discussion with a description of the rezoning request. Mr. Jeff Nance, representative of N Group Rentals, said the property was bought in a foreclosure and has been owned by them since 2006. He said his family grew up in this area and they have bought a few properties on Johnstown Road. The property contains

a 2-story house with 3 bedrooms and 2 baths and has always been used for residential purposes.

Chairperson Kennedy asked if the house next door was C-2 also.

Mr. Nance said yes it is C-2. He had tried to contact the owner of the neighboring property on numerous occasions during the last 3 weeks, but was not able to talk with her.

Mr. George said all property owners within 100 ft. of this proposed rezoning were notified by letter and also in the newspaper.

Mr. Nance said everything around his parcel is residential except the adjoining property which is zoned commercial but used as residential property only. The only true commercial property is Conrad Tire which is the property adjoining his neighbor.

There was no one else in the audience to speak so Vice-Chairperson Jefferies closed the public hearing and asked if there was a motion from the board members on the rezoning request.

Upon a motion by Mr. Brumley and a second by Ms. Hill, the board voted 7 - 0 to recommend that City Council approve the rezoning request.

- 6) Request for Rezoning (Z-15-02)
 - Owner: Ohio Investments LLC
 - Applicant: Bethany Baptist Church
 - Location: 421 Lexington Avenue
 - Existing Zoning: C-2 Highway Commercial
 - Proposed Zoning: R-8 Medium Density Residential

Chairperson Kennedy opened the discussion with a description of the rezoning request.

Mr. Thomas Fields, Pastor of Bethany Baptist Church, said there are numerous men's shelters around the country and he wants to start a shelter just for women in the home at 421 Lexington Avenue. He has been informed by Mr. George that the shelter could house up to 6 women. This will not be a rehab center; the residents will not be there on drugs. They will be drug tested before they come into the program. The residents will be there on a 12-month program. The church will help them spiritually, help them get their GED, and teach them to do a professional resume. He is hoping to get a thrift store in Thomasville where these women can work. The money made there will go into an account so when the women leave, they will have money to support themselves. There are only 2 other women's shelters of this caliber in the United States.

Mr. Jefferies asked if the church is going to try to get a grant from the government.

Pastor Fields said this shelter will be self-supporting.

Mr. Gary Craven, program administrator and church member, said this is a great opportunity to assist people in our community that need help. There will be a stable lady onsite as an in-home supervisor 24 hours a day. If the women are there, she will be there;

if the women leave, she will go with them. This is a place where women come who want to help themselves. This is not a last-ditch resort, and it is not a punishment. When we help those in need in our community, it makes us good stewards of what we have been given.

Mr. Jefferies asked where the owners of the property, Ohio Investments, came into this situation.

Mr. James Ellis, realtor for this property, said Ohio Investments bought the property as a foreclosure in hopes of flipping it; however, they haven't made any improvements to the house. The church has made an offer to purchase and has extended their due diligence and closing date based on the decision of the rezoning request.

Mr. Mitchell said a lot of people were proposing to buy properties that needed to be rezoned; however, if the rezoning isn't approved, then they would have a way out of the purchase contract.

Mr. Brumley asked if the women at the home would have children.

Pastor Fields said no children would be at the home. Women may come from other churches or be homeless. They may have come out of Rock of Ages prison ministry which is a ministry that churches support. Some ladies have no place to go when they get out of prison and they want a fresh start. In the future they would like to increase the occupants to 12 women at this location, but Mr. George informed the church there would have to a sprinkler system installed.

Chairperson Kennedy asked how many square feet that the house contained.

Mr. Ellis said it was in the range of 2,600 to 3,100 heated sq. ft.

Mr. Brumley asked about the parking situation.

Pastor Fields said they will initially be brought there by their church or a family member. They will also have a church van to transport them which should be the only permanent vehicle at the property.

There was no one else in the audience to speak so Chairperson Kennedy closed the public hearing and asked if there was a motion from the board members on the rezoning request.

Upon a motion by Mrs. Smith and a second by Mr. Shatley, the board voted 7 - 0 to recommend that City Council approve the rezoning request.

- 7) Request for Rezoning (Z-15-03)
Owner: Lindsay Dale Lambeth
Applicant: Little D.A.C. (Kenneth Bark)
Location: Randolph Street Tax ID#16-337-B-000-0012
Tax ID#16-337-B-000-0011 & Tax ID#16-337-A-000-0041
Owner/Applicant: Lindsay Dale Lambeth
Tax ID#16-337-B-000-0012 & Tax ID#16-337-B-000-0012C
Tax ID#16-337-B-000-0012E
Existing Zoning: R-10 Low Density Residential
Proposed Zoning: C-2 Highway Commercial

Chairperson Kennedy opened the discussion with a description of the rezoning request.

Mr. David Powlen and Ken Bark, with Little Diversified Architectural Consulting, said there are three properties located on Randolph Street they are looking to purchase that are already zoned C-2. There are two other parcels that are zoned R-10 that do not front on Randolph Street which they want to purchase and combine into one larger parcel in order to get all of them commercial. Most of the properties around this area are already commercial zoning. They have a commercial development they are trying to put together. The homes on the properties are not being occupied right now as residential, but are actually being used as business property.

Ms. Hill asked if they would have to have an easement to get into these properties.

Mr. George said the front parcels are already C-2 so they would not need an easement. They also would have access from the CVS Pharmacy driveway. He said the portion of the property that Little is trying to have rezoned runs from the corner of the credit union to the corner of CVS Pharmacy. Mr. Dale Lambeth is requesting the back portion of the properties to be rezoned commercial.

Chairperson Kennedy asked what plans they have for developing the property.

Mr. Powlen said it is to be developed for a grocery store use, but no site plan is available at this point. The entrance into the property and the front of the building would be on Randolph Street. The CVS Pharmacy driveway is a shared entrance and the property line splits the driveway now.

Ms. Smith asked if there would be a buffer between the residential area and the commercial development.

Mr. George said the portion of the property Little is trying to develop is not adjacent to a residence, so no buffer would be required for their portion of the rezoning. If Dale Lambeth decides to develop commercial on the parcels marked 4 and 5, then a buffer would be required.

Mr. Mitchell said it might need to be pointed out that this is the area where the new Sheetz store is located, so it is an area in transition.

Chairperson Kennedy asked if there was anyone who wished to speak against this request.

Mr. David Lambeth, property owner of 1112 Lambeth Road, said he grew up in the area. He didn't have a problem with the property being rezoned along Randolph Street but the property in the rear portion of this request he would like to see stay residential.

Chairperson Kennedy asked if he lived on his property.

Mr. Lambeth said he didn't reside there but it was part of his home place. He said he didn't know what was going back there; it has always been residential. He just wanted to speak against the rezoning.

Mr. Jefferies said there would have to be a buffer put between the two zonings.

There was no one else in the audience to speak so Chairperson Kennedy closed the public hearing and asked if there was a motion from the board members on the rezoning request.

Upon a motion by Mr. Shatley and a second by Mr. Jefferies, the board voted 7 - 0 to recommend that City Council approve the rezoning request.

- 8) Request for Rezoning (Z-15-04)
 - Owner: Acquired Capital I LP
 - Applicant: Third Wave Housing LLC
 - Location: 14 East Guilford Street
 - Existing Zoning: M-1 Light Industrial
 - Proposed Zoning: O-I Office and Institutional

Chairperson Kennedy opened the discussion with a description of the rezoning request.

Mr. Richard Angino, representing Third Wave Housing, said he has been taking old beat-up historic buildings and turning them into residential and other uses for 20 years. This property came to his attention through Preservation North Carolina. Preservation North Carolina pointed out that it is a brick building, but it is actually a wood structure. It is one of the few mills left that is a wood-structured building. The historic pictures they have been able to find show white clapboard siding and the plan is to reproduce what it looked like in the 1920's period. Their intention is to do the first phase which is the front building facing the water tower on East Guilford Street. It is 90,000 sq. ft., and the plan is to make it into 80 apartments. The back buildings are destabilized due to a previous owner who had stripped it out for materials. It is still being figured out how much of it is savable and how much is going to be demolished. At least 30,000 sq. ft. of the back building will be savable. There were two industrial buildings that ran perpendicular to each other which are in good condition and can be made into gorgeous buildings.

Mr. Shatley asked whether all the buildings were wood structures.

Mr. Angino said they were all wood buildings. Most of the buildings had either been burned down or destroyed because they are so easy to tear down and turn into materials which are so sad to see.

Chairperson Kennedy asked what time line Mr. Angino was considering to start and finish this project.

Mr. Angino said they would close on the transaction in about a year, and then apartment construction on the 90,000 sq. ft. would take about 14 months to build.

Chairperson Kennedy asked what size the apartments would be.

Mr. Angino said they will range from 650 to 950 sq. ft.; so the apartments will have one or two bedrooms. Primarily they will be for smaller households which are generally seniors and other small families. Most people know this building as TFI's Plant L. What he loves about this project is it is so close to downtown. The property is actually under contract now.

Chairperson Kennedy asked whether there will be offices there also.

Mr. Angino said their intention was to make apartments. For the back building other options are being considered for their use, such as an artist center or a recreation area. There is a fair amount of green space since several of the older buildings have been torn down already.

Mr. Brumley asked where the parking would be located.

Mr. Angino said parking would be on the back side of the property across from the cemetery and would allow for 2 parking spaces per unit.

There was no one else in the audience to speak so Chairperson Kennedy closed the public hearing and asked if there was a motion from the board members on the rezoning request.

Upon a motion by Mr. Jefferies and a second by Mr. Shatley, the board voted 7 - 0 to recommend that City Council approve the rezoning request.

- 9) Request for Rezoning (Z-15-05)
Owner/Applicant: Larry J. Darr
Location: Hiatt Rd Parcel ID#16-333-0-000-0010-A
Owner/Applicant: Benny A. Darr
Location: Hiatt Rd Parcel ID#16-333-0-000-0010-B
Owner/Applicant: Brad A. & Kimberly Embry
Location: Hiatt Rd Parcel ID#16-333-0-000-0010
Owner/Applicant: Martha D. Embry
Location: Hiatt Rd Parcels ID#16-333-0-000-0010-E &
ID#16-333-0-000-0010-F
Existing Zoning: M-1 Light Industrial
Proposed Zoning: R-10 Low Density Residential

Chairperson Kennedy opened the discussion with a description of the rezoning request.

Mr. Brad Embry, spokesperson for the above property owners on Hiatt Road, said the area being rezoned is at the end of Hiatt Road which is off of Johnstontown Road in a quiet neighborhood. Three sides of the total tracts are adjoined by additional family members and the back side is adjoined by Southern Railroad. This property consists of 7 tracts, 6 of which have a zoning of R-10 and M-1 combined. The history on this property is it was all one tract of land owned by his uncle, Cromer Alexander. The land was divided and given to several family members per his final wishes in his will. The land is mostly open hayfields, fenced-in pasture land, and farm land. The relatives helped to raise tobacco crops on the land. It has a 100-year old barn located on it and a couple of small equipment sheds. One large pond and a few small ponds exist on it mainly for watering livestock. The reason for the rezoning is the property tax evaluation received which doubled their taxes. The family members want to keep this property in the family for generations to come and need some help with cutting their taxes. Rezoning to R-10 would better classify how the property is being used. They don't want to see any type of industry built in this residential neighborhood and want to keep it quiet and simple just like it is now.

Chairperson Kennedy asked if the family was considering dividing the property up.

Mr. Embry said no and that he had purchased two of the tracts from other family members. He combined those two tracts with his property, all on one deed, so his land now qualifies for farm-use tax. If anything else was ever built out there, it would be a residential structure for him and his immediate family members.

There was no one else in the audience to speak so Chairperson Kennedy closed the public hearing and asked if there was a motion from the board members on the rezoning request.

Upon a motion by Mr. Brumley and a second by Ms. Hill, the board voted 7 - 0 to recommend that City Council approve the rezoning request.

10) Other Business

Mr. Joel Pierce announced to the board members that this meeting was the last one for Chairperson Kennedy. She will be recognized by the City Council on March 16th for her years of service to the Planning and Adjustments board.

Chairperson Kennedy said it had been a privilege to have served on the board for 20 years.

Mr. George asked if the board members had any nominations to select the next chairman.

Chairperson Kennedy nominated Jane Hill.

Ms. Hill declined the nomination citing lack of experience as her reason.

Mr. Jefferies nominated Mr. Shatley for the chairman of the planning board.

Upon a motion by Mr. Jefferies and a second by Mr. Brumley, the board voted 6 - 0 to approve Mr. Carl Shatley as the incoming chairperson. Mr. Shatley abstained from voting.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Chuck George, Secretary
Board of Planning and Adjustment
City of Thomasville

Rhonda Bowers, Recording Secretary
Board of Planning and Adjustment
City of Thomasville

AGENDA FOR MEETING OF
THOMASVILLE
BOARD OF PLANNING AND ADJUSTMENT

March 31, 2015

City Council Chamber
Second Floor, Police Department Building
7 West Guilford St.

5:30

1. Call to Order and Establishment of Quorum
2. Approval of Minutes of March 3, 2015 Regular Meeting
3. Z-15-06
Request for Rezoning
Applicant/Owner: Michael D. Baird
Location: 132 Dave Shuler Road
Existing Zoning: C-2 Highway Commercial
Proposed Zoning: R-15 Restricted Low Density Residential
4. BOA-15-03
Request for Variance
Applicant: Jarvis Construction of NC, LLC
Owner: Aqua Sky, LLC
Location: 1020 Randolph Street
Existing Zoning: M-1 Light Industrial
Proposed Variance: Decrease in front and side yard setbacks to construct
an office/loading area
5. Other Business
6. Adjournment

MINUTES OF THE
THOMASVILLE BOARD OF PLANNING AND ADJUSTMENT
MEETING - MARCH 31, 2015

The regular March meeting of the Thomasville Board of Planning and Adjustment was called to order at 5:30 P.M. in the Thomasville City Council Chambers with a quorum present.

Members present were: Mr. Carl Shatley, Chairperson; Mr. Oran Jefferies, Vice-Chairperson; Mrs. Judy Smith; Mr. Wayne Brumley; Ms. Jane Hill; and Mrs. Jeannette Shepherd

Members absent were: None

Alternate member present was: None

Staff present were: Mr. Chuck George, Planning and Zoning Administrator; Mrs. Rhonda Bowers, Recording Secretary; and Mr. Paul Mitchell, City Attorney

City Council Liaison present: None

Business taken up was as follows:

- 1) Call to Order and Establishment of Quorum

The meeting was called to order by Chairperson Shatley, who declared a quorum to be present.

- 2) Approval of Minutes of March 3, 2015 Regular Meeting

Upon a motion by Mr. Brumley and a second by Ms. Hill, the minutes of the March 3, 2015 Regular Meeting were approved.

- 3) Request for Rezoning – (Z-15-06)
Applicant/Owner: Michael D. Baird
Location: 132 Dave Shuler Drive
Existing Zoning: C-2 Highway Commercial
Proposed Zoning: R-15 Restricted Low Density Residential

Chairperson Shatley opened the discussion with a description and comment from staff.

Mr. George introduced the request stating there is a residential structure on the property. The property had always been used as residential so the owner would like to have it classified for its current use. Most of the properties in the surrounding area are zoned

R-15. When Highway 109 was rerouted away from this neighborhood, the properties became less favorable for commercial use.

Mr. Michael Baird, property owner of 132 Dave Shuler Drive, said he owned the property since 1999 and was not aware that his property was zoned commercial until he received his property tax notice.

There was no one else in the audience to speak, so Chairperson Shatley closed the public hearing and asked if there was a motion from the board members on the rezoning request.

Upon a motion by Mrs. Shepherd and a second by Mrs. Smith, the board voted 6 - 0 to recommend that City Council approve the rezoning request.

4) Other Business

There being no further business, the meeting was adjourned.

Respectfully submitted,

Chuck George, Secretary
Board of Planning and Adjustment
City of Thomasville

Rhonda Bowers, Recording Secretary
Board of Planning and Adjustment
City of Thomasville