

NORTHAMPTON COUNTY
REZONING PUBLIC HEARING

August 2, 2021



COMMISSIONERS

CHARLES TYNER, SR., CHAIRMAN
GENEVA RIDDICK-FAULKNER, VICE CHAIR
DR. KELVIN EDWARDS, SR.
JOYCE BUFFALOE
NICOLE BOONE

COUNTY MANAGER

CLERK TO THE BOARD

TANYA SMALLWOOD

COUNTY ATTORNEY

SCOTT MCKELLAR

CODE ENFORCEMENT DIRECTOR

WILLIAM FLNN



**Northampton County Local Government
Remote Public Hearing
Proposed Rezoning
August 2, 2021
5:00 p.m.**

Call to Order	Chairman Tyner
Description/Purpose	William Flynn, Code Enforcement Director
HI to AR-John Schoch	William Flynn Code Enforcement Director
Read and Consider Public Comments	William Flynn, Code Enforcement Director

AR to HB –Bryant & Lassiter Septic Tank Service-Mr. David Cooper

Description/Purpose	William Flynn, Code Enforcement Director
AR to HB –Bryant & Lassiter Septic Tank Service-Mr. David Cooper	William Flynn, Code Enforcement Director
Read and Consider Public Comments	William Flynn, Code Enforcement Director
Adjourn	Chairman Tyner

DECISION PAPER

To: Northampton County Board of Commissioners
From: William Flynn, Code Enforcement Director
Date: August 2, 2021
Subject: Proposed Rezoning HI to AR - John Schoch

Purpose:

The purpose of this public hearing is to receive and consider public input on a proposed rezoning that, if granted, will rezone a portion of parcel number 04-00643 from Heavy Industrial (HI) to Agricultural Residential (AR) and further allow the new owner to construct a small residential structure on the property.

FACTS:

- The property is located on the south side of NC 46 HWY approximately one mile west of Garysburg, NC
- The property is 138.75 acres in size.
- There are no Heavy Industrial activities / structures located on the property in question.
- The property owner wishes to separate, and rezone, approximately ten (10) acres from the 138.75 acre parent tract. On this 10 acre portion of land, the property owner wishes to build a small residential structure.
- The remaining 128.75 acres will remain as Heavy Industrial (HI)

DISCUSSION:

The property is mostly wooded with just a small amount of land that is cleared.

There are residential properties located immediately across NC 46 and in an easterly direction toward Garysburg.

It is important when considering a rezoning action that the Board take into consideration the following:

Benefits and Detriments: (Who benefits and who may suffer)

Often when zoning from Heavy Industrial to Agricultural Residential it is called "down zoning". This is most likely because the zoning designation is being change from one that allows fairly noxious uses (HI) to one that allows mostly benign uses (AR). By rezoning the 10 acre portion to AR, it is likely that the

only benefactor would be the property owner. However, based on the surrounding residential uses, the AR property at this location should fit in with the surrounding uses.

Relative Size of the Property:

When considering relative property sizes, the 10 acres would be considered a pretty large size parcel for residential type uses. There are some residential properties scattered around that are larger, and some that are smaller, but the 10 acre residential property should fit in and “work” well.

Disparity of Uses:

The differences in the uses found in Heavy Industrial districts and Agricultural Residential districts couldn't be more vast. This is by design and the reason why we try to keep the uses separated. However, the districts have to start and stop somewhere and they often abut each other. There are planted buffer requirements between these two districts when they are next to each other. The buffer isn't required until there is some type of use established on both properties.

Compatibility with the Land Use Plan:

Staff is of the opinion that this proposed re-zoning fits with the goals and objectives of the newly adopted Comprehensive Land Use Plan as it promotes the County's desire to place residential structures near townships (Page 29, Bullet Point #2 of the Northampton County Comprehensive Land Use Plan)

Conclusion:

The property owner wishes to re-zone a 10 acre portion of a 138.75 acre tract of land from Heavy Industrial (HI) to Agricultural Residential (AR). Although the landowner may be the main benefactor if the property is rezoned, rezoning from HI to AR would be a good fit for this neighborhood. The property is sufficiently sized and properly located for Agricultural Residential use and the Northampton County Planning Board has signed a statement indicating that they are of the opinion that the proposed re-zoning action is consistent with the newly adopted comprehensive land use plan. Likewise, the Board of Commissioners are required to sign a similar statement. A sample statement has been provided with this decision paper.

SAMPLE STATEMENT:

CONSISTENCY STATEMENT

The proposed re-zoning of a 10-acre portion of parcel number 0400643 IS / IS NOT (circle one)

Consistent with the Northampton County Land Use plan for the following reason(s):

Chairman, Northampton County Board of Commissioners

Date



Regards,
William "Billy" McOwen

252-305-6720 (C)

252-480-LAND (O)

1-888-388-1754 (F)

bmcowen@mossyoakproperties.com

www.moplandman.com



Boundary

Perimeter Segment Distance: 2781.88 FT

Area: 10.01 Acres

Total Boundary Area: 10.01 Acres

36-45261--776049

3D

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DECISION PAPER

To: Northampton County Board of Commissioners
From: William Flynn, Code Enforcement Director
Date: August 2, 2021
Subject: Proposed Rezoning AR to HB – Bryant & Lassiter Septic Tank Service – Mr. David Cooper

Purpose:

The purpose of this public hearing is to receive and consider public input on a proposed rezoning that, if granted, will rezone a portion of parcel number 07-04900 from Agricultural – Residential (AR) to Highway Business (HB) and further allow the expansion of an existing business.

FACTS:

The property is adjacent to 3047 NC 35 HWY Woodland, North Carolina that contains a septic tank service that is currently situated on 8.193 acres of land zoned for Highway Business (HB).

The property owner proposes to re-zone a 3.911 acre portion of the adjacent parcel (#07-04900) that is also in his ownership. He has already taken steps to recombine, via survey, the 3.911 acres to the original 8.193 acres. The total size of the property is now 12.104 acres.

The property owner wishes to expand the HB zoning district so that he may in turn expand his business by constructing a new office building and increasing the available parking area.

DISCUSSION:

It is often assumed that the zoning designation of a property expands or decreases if the size of a parcel is expanded or decreased by the recordation of a new survey. This isn't so. The boundary remains fixed unless there is a re-zoning action that causes the zoning boundary to mirror the change of the property lines.

It is important when considering a rezoning action that the Board take into consideration the following:

Benefits and Detriments: (Who benefits and who may suffer)

In this particular case the main benefactor will likely be the property / business owner. There may be some residual benefits to the citizens served by the business if the property is rezoned to allow the expansion because the business may be able to serve a larger area thereby providing services to more citizens.

Relative Size of the Property:

The relative size of the property is not an issue as most Highway Business property located within the County is smaller in size and the properties located in this area are either larger farm tracts or normal (1/2 – 1 acre) residential properties. If re-zoned, this parcel would be one of the larger Highway Business zoned properties in the County

Disparity of Uses:

While there are some significant differences in the uses allowed in a HB zoning district versus an AR zoning district, staff is of the opinion that this will not have much bearing in this case. Currently, the established business is situated on Highway Business property that is immediately adjacent to Agricultural-Residential properties.

Compatibility with the Land Use Plan:

Staff is of the opinion that this proposed re-zoning fits with the goals and objectives of the newly adopted Comprehensive Land Use Plan as it promotes non-residential development along the highway corridor of NC-35 where there is currently HB zoned properties. (page 29, bullet #3 – Northampton County Comprehensive Land Use Plan)

Conclusion:

The property owner wishes to re-zone 3.911 acres of land from Agricultural-Residential (AR) to Highway Business (HB). He has already combined the 3.911 acres to an existing 8.193 acre parcel that is zoned Highway Business via a re-combination survey. Although the landowner may be the main benefactor if the property is rezoned, it is possible the citizens of the surrounding area may see some benefits as well. The property is sufficiently sized and properly located for Highway Business use and the Northampton County Planning Board has signed a statement indicating that they are of the opinion that the proposed re-zoning action is consistent with the newly adopted comprehensive land use plan. Likewise, the Board of Commissioners are required to sign a similar statement. A sample statement has been provided with this decision paper.

SAMPLE STATEMENT:

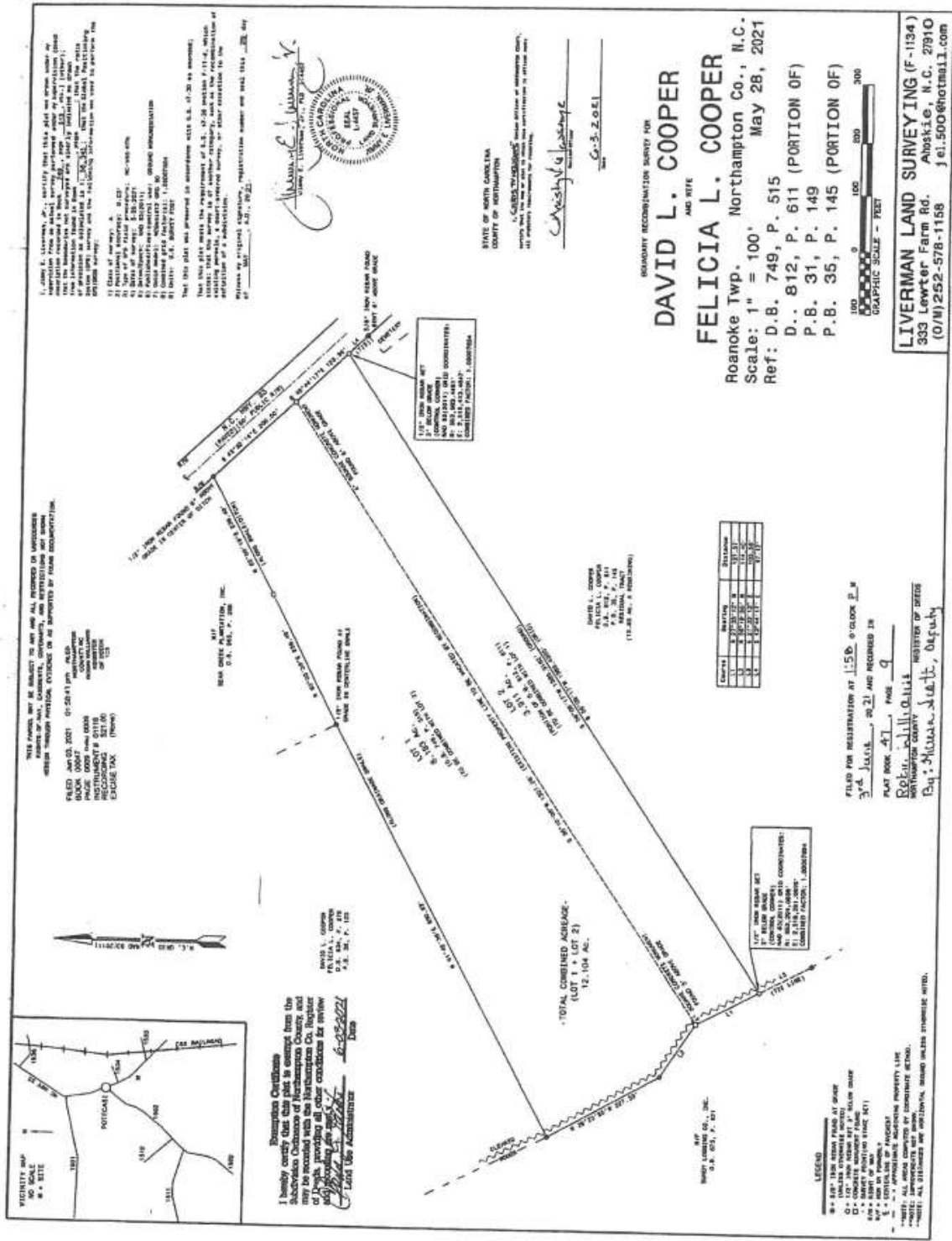
CONSISTENCY STATEMENT

The proposed re-zoning of a 10-acre portion of parcel number 0400643 IS / IS NOT (circle one)

Consistent with the Northampton County Land Use plan for the following reason(s):

Chairman, Northampton County Board of Commissioners

Date



1. JOHN L. LIVERMAN, P.E., certifies that this plat was drawn under the supervision of the undersigned and that the same is a true and correct representation of the survey as conducted by the undersigned or by a duly licensed and bonded surveyor under his direct supervision and control. He certifies that the same is a true and correct representation of the survey as conducted by the undersigned or by a duly licensed and bonded surveyor under his direct supervision and control. He certifies that the same is a true and correct representation of the survey as conducted by the undersigned or by a duly licensed and bonded surveyor under his direct supervision and control.

2. This plat was prepared in accordance with U.S. 43-26 as amended; 43-26 which requires that a survey be conducted by a duly licensed and bonded surveyor or other person in the presence of the surveyor. 43-26 also requires that a survey be conducted by a duly licensed and bonded surveyor or other person in the presence of the surveyor. 43-26 also requires that a survey be conducted by a duly licensed and bonded surveyor or other person in the presence of the surveyor.

STATE OF NORTH CAROLINA
 COUNTY OF NORTHAMPTON
 David L. Cooper
 Felicia L. Cooper

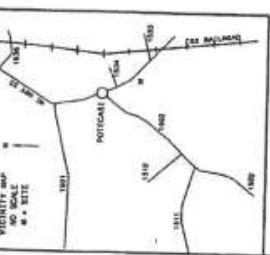
STATE OF NORTH CAROLINA
 COUNTY OF NORTHAMPTON
 David L. Cooper
 Felicia L. Cooper

**DAVID L. COOPER
 AND WIFE
 FELICIA L. COOPER**
 Roanoke Twp. Northampton Co., N.C.
 Scale: 1" = 100'
 Ref: D.B. 749, P. 515
 D.. 812, P. 611 (PORTION OF)
 P.B. 31, P. 149
 P.B. 35, P. 145 (PORTION OF)



LIVERMAN LAND SURVEYING (F-1134)
 333 Lewter Farm Rd. Ahoskie, N.C. 27910
 (078)252-578-1158 j.liverman@att.net

THIS PLAT WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND I AM A DULY LICENSED AND BONDED SURVEYOR IN THE STATE OF NORTH CAROLINA. I CERTIFY THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY AS CONDUCTED BY ME OR BY A DULY LICENSED AND BONDED SURVEYOR UNDER MY CLOSE PERSONAL SUPERVISION AND CONTROL.



Resurveys Certificate
 I hereby certify that this plat is exempt from the provisions of the Resurveys Act of North Carolina, Chapter 42, of the General Statutes of North Carolina, which require that a survey be conducted by a duly licensed and bonded surveyor or other person in the presence of the surveyor. This exemption is granted because the survey was conducted by a duly licensed and bonded surveyor or other person in the presence of the surveyor.

DAVID L. COOPER
 F.L. COOPER
 D.L. COOPER

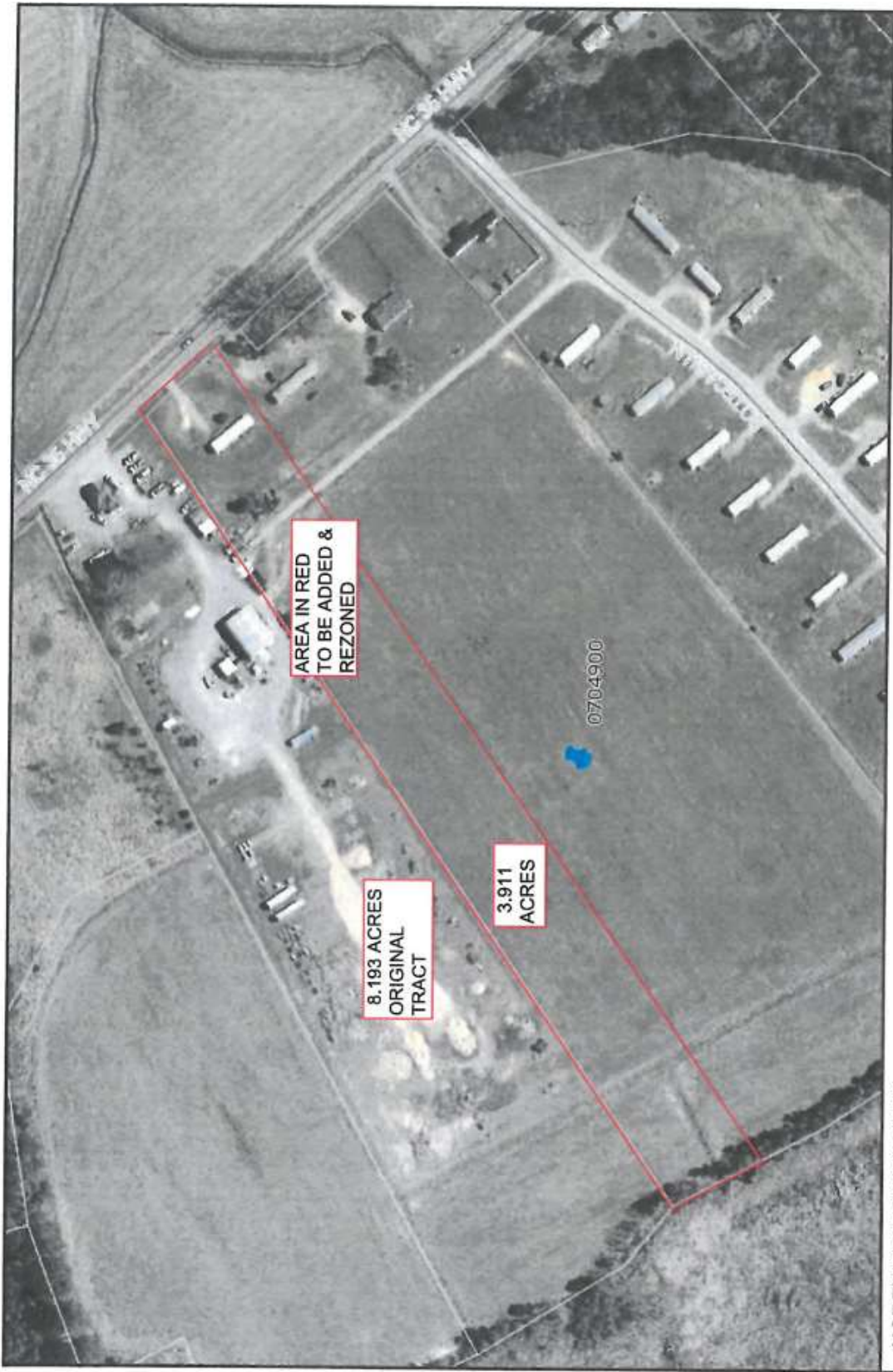
TOTAL COMBINED AVERAGE
 (12,104 AC.)

WEST LORRAINE CO., INC.
 P.O. BOX 1, 201

LEGEND
 * 100' WIDE ROAD AT SHAW
 * 100' WIDE ROAD AT WALKER
 * 100' WIDE ROAD AT WALKER
 * 100' WIDE ROAD AT WALKER

FILED FOR REGISTRATION AT 1:58 P.M. ON MAY 28, 2021 AND RECORDED IN
 PLAT BOOK 471, PAGE 6
 REGISTERED COUNTY CLERK
 BY: J. LIVERMAN, CLERK

DATE	REVISION	BY	DESCRIPTION
5/28/21	1	JL	ORIGINAL SURVEY
5/28/21	2	JL	REVISIONS TO CORRECT MISTAKES
5/28/21	3	JL	REVISIONS TO CORRECT MISTAKES
5/28/21	4	JL	REVISIONS TO CORRECT MISTAKES



**NORTHAMPTON COUNTY
TAX MAP**



Disclaimer:
The data provided on this map are prepared for the inventory of real property located within Northampton County, NC and are compiled from recorded plats, deeds, and other public records and data. This data is for informational purposes only and should not be substituted for a title block search, property appraisal, survey, or for zoning verification.



One Inch = 180 Feet