



DOCKET #: F1331

PROPOSED ZONING:
RS20

EXISTING ZONING:
RS9

PETITIONER:
Chester L. Branson, Sr.

SCALE: 1" represents 200'

STAFF: McGee

GMA: 4B

ACRE(S): 0.67

MAP(S): 600826



December 20, 2000

Chester L. Branson, Sr. and Shirley Branson
5800 Kinney Road
Lewisville, NC 27023

RE: ZONING MAP AMENDMENT F-1331

Dear Mr. and Ms. Branson:

The attached report of the Planning Board to the Forsyth County Board of Commissioners is sent to you at the request of the Commissioners.

When the rezoning is scheduled for public hearing, you will be notified by Jane Cole, Clerk to the County Commissioners, of the date on which the Commissioners will hear this petition.

Sincerely,

A. Paul Norby, AICP
Director of Planning

Attachment

pc: Jane Cole, County Manager's Office
Rita Crawford, 3609 Shady Acres Lane, Winston-Salem, NC 27127
Ethel Taylor, 3560 Fraternity Church Road, Winston-Salem, NC 27127
Tom Keith, 3450 Fraternity Church Road, Winston-Salem, NC 27127
Charles McClearen, 3599 Cotton rail Lane, Winston-Salem, NC 27127

FORSYTH COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: _____ **AGENDA ITEM NUMBER:** _____

SUBJECT:-

Public hearing on zoning map amendment of Chester L. Branson, Sr. and Shirley Branson

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

Zoning map amendment of Chester L. Branson, Sr. and Shirley Branson from RS-9 to RS-20: property is located on the west side of Fraternity Church Road approximately 650 feet north of Shady Acres Lane (Zoning Docket F-1331).

After consideration, the Planning Board recommended denial of the rezoning petition.

ATTACHMENTS:- X YES ___ NO

SIGNATURE: _____ **DATE:** _____

COUNTY ORDINANCE - GENERAL USE

Zoning Petition of Charles L. Branson, Sr. and Shirley Branson, Docket F-1331

AN ORDINANCE AMENDING
THE FORSYTH COUNTY
ZONING ORDINANCE AND THE
OFFICIAL ZONING MAP OF THE
COUNTY OF FORSYTH,
NORTH CAROLINA

BE IT ORDAINED by the Board of County Commissioners of the County of Forsyth as follows:

Section 1. The Zoning Ordinance of the *Unified Development Ordinances* of the County of Forsyth, North Carolina, and the Official Zoning Map of the County of Forsyth, North Carolina, are hereby amended by changing from RS-9 to RS-20 the zoning classification of the following described property:

BEGINNING at an iron stake, the southwestern corner of a tract of land described in Book 1341 at Page 3, in the Forsyth County Registry; thence running north 0° 32' 43" east 177.49 feet to an iron stake in the southern boundary line of A. S. Clay property (Deed Book 956 at Page 695); thence with the southern boundary of A. S. Clay south 86° 04' 9" east 438 feet to a point; at right-of-way of Fraternity Church Road; thence running with the right-of-way of Fraternity Church Road south 18° 42' west 30.02 feet to a point; thence north 86° 04' 9" west 320 feet to a point; thence running south 15° 45' 32" west 146.93 feet to an iron stake; thence running north 88° 35' west 91.34 feet to the point and place of beginning.

Together with and subject to a 30' access easement running along the northern 30 feet of the above described property and being a portion of the easement described in Deed Book 1327 at Page 759, in the Forsyth County Registry.

Also known as Tax Block 3892, Lot 18K and including a portion of 18J and containing 0.67 acre.

Section 2. This ordinance shall become effective upon adoption.

ZONING STAFF REPORT

DOCKET # F-1331
STAFF: Tony McGee

Petitioner(s): Chester L. Branson, Sr. and Shirley Branson
Ownership: Same

REQUEST

From: RS-9 Residential Single Family District; minimum lot size 9,000 sf
To: RS-20 Residential Single Family District; minimum lot size 20,000 sf

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: 0.67 acre

LOCATION

Street: West side of Fraternity Church Road north of Shady Acres Lane.
Jurisdiction: Forsyth County.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Storage building and driveway.

Adjacent Uses:

- North - Undeveloped RS-9 zoned property.
- East - Single family home on RS-9 zoned property.
- South - Storage shed on RS-9 zoned property.
- West - Single family home on RS-9 zoned property.

GENERAL AREA

Character/Maintenance: Rural residential development on medium/large to estate-sized lots
Development Pace: Very slow; there have been no rezonings in the immediate area of the subject property for more than five years.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Minimal.
Topography: Fairly flat property.

Streams: None.

Vegetation/habitat: Hardwoods and open fields.

TRANSPORTATION

Direct Access to Site: Fraternity Church Road.

Street Classification: Minor thoroughfare.

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

Fraternity Church Road between Stratford Road and Cooper Road - 2,200/8,000

Planned Road Improvements: None.

Transit: Transit is not available at this time.

HISTORY

- F-1329; RS-9 to MH; withdrawn November 9, 2000; 0.67 acre; same site; Staff recommended denial.

CONFORMITY TO PLANS

GMP Area (*Vision 2005*): Area 4B: Long-Range Growth.

Relevant Comprehensive Plan Recommendation(s): *Vision 2005* promotes a variety of housing types, sizes, and densities.

Area Plan/Development Guide: *Clemmons Area Development Guide* (1990).

Relevant Development Guide Recommendation(s): Land use guidelines propose low intensity residential development (0-4 units per acre) for this area. There are no special design guidelines.

ANALYSIS

The subject petition was submitted after staff recommended denial of a request for MH zoning on the same site (zoning docket F-1329). The project site is in an area with established rural residential character, generally comprised of large and estate sized properties. There is MH zoned property to the south of the subject property which was converted from the old R-7 designation (approved in 1973). There are some manufactured homes in the area of the subject property that are granted special use permits by the Forsyth County Board of Adjustment. These properties are generally zoned RS-9 which allows permits for Class A double-wide manufactured homes. The petitioner seeks to rezone to RS-20 which is a district which allows special use permits for both Class A and Class B (single-wide) manufactured homes. The special use permit process requires a public hearing and only grants temporary renewable permits.

Establishing a new MH zoning district on the subject site would not be in keeping with the predominant rural residential character of the area. However, RS-20 at this location would be in character with the area. The site is not directly visible from Fraternity Church Road. There is a brick single family structure and a patch of mature hardwoods in a grassed swale between the site and the view from the road. These features adequately screen the site from the road.

FINDINGS

1. This is an area of established rural residential character.
2. The existing MH zoned property to the south of the subject site was converted from the R7 designation and has been a mobile home park for decades.
3. Other pre-existing manufactured homes in the area were granted temporary special use permits, which are renewed on a regular basis.
4. Under RS-20 zoning this site would be eligible to petition the Zoning Board of Adjustment for a special use permit for either a Class A double-wide or Class B single-wide manufactured home.

STAFF RECOMMENDATION

Zoning: **APPROVAL**.

[For information purposes only: Draft *Legacy* Comprehensive Plan: The affordable housing objective in *Legacy* is to provide a variety of quality housing types for all income levels and foster a climate that is hospitable to affordable housing development. One of the action items in the plan is to consider revising the *Unified Development Ordinances* to be more flexible about where accessory apartments, shared housing and other affordable housing are located.]

Tony McGee presented the staff report.

PUBLIC HEARING

FOR: None. Mr. Branson was present and chose not to speak.

AGAINST:

Rita Crawford, 3609 Shady Acres Lane, Winston-Salem, NC 27127

I understand what you are saying about this not being visible from Fraternity Church Road, but I disagree.

Submitted a petition of opposition.

I truly do not understand why Mr. Branson wants to put a manufactured home here. It's small and already has a house and many sheds.

We already have more than our share of trailers on small lots. We don't need more. The trailer park is not a standard that we want to see maintained. In fact we would like to see that displaced. Most of the land in this area is family owned.

Ethel Taylor, 3560 Fraternity Church Road, Winston-Salem, NC 27127

I've lived on this road practically all my life.

My husband and I built our home forty years ago. He is now deceased. I am Rita's mother and she lives right behind me, directly across from the trailer park.

We would give anything for the trailer park to be gone, but it was there before zoning existed.

He has a house right on the property. He doesn't want to live there, so why does he want to put a trailer there?

Tom Keith, 3450 Fraternity Church Road, Winston-Salem, NC 27127

This is a rural neighborhood that hasn't changed much in my lifetime.

It is very much of a community. We look out for each other and have tried to preserve this neighborhood. This is an anathema to me.

I just want to go home and have some peace.

He has a sign out there saying "Limousine Service" which I doubt is legal. He rents this lot out and lives in another county. He is not here to address this. We are.

Everyone in this area is against this.

We ask that you oppose this. It is an illegal spot zone.

Charles McClearn, 3599 Cotton Tail Lane, Winston-Salem, NC 27127

Mr. Keith expressed my concerns. It's my understanding that you are supposed to live where the limousines are kept. Why have a nice house and not live in it?

WORK SESSION

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

1. This request was initially a request for a manufactured home. RS-20 would allow a manufactured home with Zoning Board of Adjustment approval.
2. RS-20 could be consistent with the surrounding area.

MOTION: Steve Johnson moved denial of the zoning map amendment.

SECOND: Kem Schroeder.

VOTE:

FOR: Avant, Bost, Johnson, King, Powell, Rousseau, Schroeder, Snelgrove, Williams

AGAINST: None

EXCUSED: None

According to information furnished by the Office of the Tax Assessor, the subject property was in the name of Chester L. Branson, Sr. and Shirley Branson as of October 5, 2000. Mr. Branson's signature is on file. However, Mr. Branson stated that he had asked the Tax Assessor's office to remove Ms. Branson's name from their shared lot. Apparently Ms. Branson has not made such a request and therefore the Tax Assessor's office cannot remove her name simply at

his request. Staff requested that Mr. Branson obtain Ms. Branson's signature for this request due to the County's policy of requiring a unanimous vote to approve a zoning request where a property owner has not signed the petition. However, no attempt was made to get her signature on this request.

A. Paul Norby, AICP
Director of Planning