



**NASH COUNTY PLANNING BOARD MEETING  
MONDAY, AUGUST 17, 2020 - 6:30 P.M.**

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**\*\*\*\* IMPORTANT MEETING NOTICE \*\*\*\***

Due to COVID-19 and the limited agenda, this meeting will be held via **CONFERENCE CALL** instead of in person.

**To join the call at 6:30 p.m., dial 252-462-2424 and when prompted, enter the following access code: 123281 followed by # (the pound sign.)**

Members of the public are invited to join the conference call remotely or to participate in person at the Nash County Planning & Inspections Department on the second floor of the Claude Mayo, Jr. Administration Building located at 120 West Washington Street, Suite 2110, Nashville, NC 27856.

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**MEETING AGENDA**

- 1. Call to Order.**
- 2. Determination of a Quorum.**
- 3. Approval of the Minutes of the July 20, 2020 Regular Meeting.**
- 4. General Rezoning Request Z-200801.**  
Made by Erader A. Mills Jr., the property owner, to rezone a 1.02 acre portion of an approximately 15.8 acre tract of land located at 8256 Savage Road, Spring Hope, NC 27882 on the east side of the Erader Mills Septic Tank Company from GI (General Industrial) to A1 (Agricultural).
- 5. Other Business.**  
**Update on Board of Commissioners Planning Actions Taken on August 3, 2020:**  
**Conditional Use Rezoning Request CU-200701** made to rezone approximately 69 acres on the north side of Stoney Hill Church Road, Bailey from R-40 to RA-30-CU for the development of the **Williams Grove Subdivision** was **APPROVED**.  
**Subdivision Waiver Request** for the **North Halifax Acres Subdivision, Section 1** made to develop eleven (11) new residential lots with four (4) shared driveway access easements on the west side of N Halifax Road, Battleboro was **APPROVED**.
- 6. Adjournment.**

**NASH COUNTY PLANNING BOARD**  
**GENERAL REZONING REQUEST – STAFF REPORT**

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**File Number:** Z-200801 (General Rezoning Request)  
**Applicant / Property Owner:** Erader A. Mills, Jr.  
**Physical Address:** 8256 Savage Road, Spring Hope, NC 27882  
**Tax ID #:** PIN # 285100903693 / Parcel ID # 009346 (Portion)  
**Area to be Rezoned:** 1.02 Acres  
**Current Zoning District:** GI (General Industrial)  
**Proposed Zoning District:** A1 (Agricultural)  
**LDP Classification:** Suburban Growth Area  
**Notice of Public Meeting:** Mailed to Property Owners within 600' on August 5, 2020

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***Description of the Subject Property:***

The subject property is a 1.02 acre portion of a larger, approximately 15.8 acre tract of land owned by Erader A. Mills, Jr. and located at 8256 Savage Road, Spring Hope, NC 27882.

The property is located north of the Town of Spring Hope on the east side of the Erader Mills Septic Tank Company in a GI (General Industrial) Zoning District.

The subject property includes an existing single-wide manufactured home, which is considered a legal, nonconforming land use - meaning that although manufactured homes are not currently permitted in the GI Zoning District, this one was established prior to the adoption of those regulations.

The site is located within the Tar-Pamlico River Basin, it is not located within a regulated floodplain or a designated watershed protection overlay district, and it does not include any riparian stream buffers. No public water or sewer service is currently available in this area, so the site is served by a private well and an onsite septic system.

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***Description of the Rezoning Request:***

The property owner plans to subdivide the subject property (as shown on the submitted survey plat) and to replace the existing single-wide manufactured home with a newly constructed single-family dwelling.

The Nash County Unified Development Ordinance (UDO) Article VI, Section 6-3, Subsection 6-3.3 (B) permits the replacement of a single-family residential nonconforming land use (including a manufactured home) with a similar or larger single-family residential structure. However, Subsection 6-3.2 (C) also specifies that: *"No such nonconforming use shall be moved in whole*

*or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.”*

The property owner plans to construct the new single-family dwelling behind the current location of the existing single-wide manufactured home (as opposed to in the same location) and has submitted General Rezoning Request Z-200801 in order to rezone the subject property from GI (General Industrial) to A1 (Agricultural).

The A1 (Agricultural) Zoning District is primarily intended to accommodate agricultural land uses as well as farm residences and scattered non-farm residences, including manufactured homes, located on large tracts of land (UDO Article IX, Section 9-1, Subsection 9-1.1 A.)

**Approval of the rezoning request would:**

- (1) Recognize the proposed new single-family dwelling as a permitted land use;**
- (2) Allow the proposed new single-family dwelling to be constructed behind the current location of the existing single-wide manufactured home;**
- (3) Reduce the required minimum front building setback from 75 feet to 50 feet while slightly increasing the minimum side building setback from 10 feet to 15 feet and increasing the minimum rear building setback from 20 feet to 30 feet; and**
- (4) Restrict the future development of the subject property to only those land uses permitted by the A1 (Agricultural) Zoning District instead of the wide range of intensive assembling, fabricating, and manufacturing land uses currently permitted by the GI (General Industrial) Zoning District.**

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***Previous Rezoning Action:***

On July 8, 2013 the Board of Commissioners **APPROVED** a similar request made by the same property owner to rezone the one acre lot located at 8416 Savage Road on the west side of the industrial site from GI (General Industrial) to A1 (Agricultural) in order to permit the construction of a single-family dwelling (Case File #Z-130601.)

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***Land Development Plan Consistency:***

General Rezoning Request Z-200801 is consistent with the recommendations of the Nash County Land Development Plan (LDP) because:

- (1) The LDP designates the subject property as a Suburban Growth Area.
- (2) The primarily agricultural and residential land uses permitted by the requested A1 (Agricultural) Zoning District are more consistent with the land uses recommended by the

LDP for the Suburban Growth Area than the wide range of more intensive assembling, fabricating, and manufacturing land uses permitted by the current GI (General Industrial) Zoning District.

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***Spot Zoning Analysis:***

General Rezoning Request Z-200801 is not “spot zoning” because:

- (1) The request is an expansion of the large and immediately adjacent existing A1 (Agricultural) Zoning District.
  - (2) The request is consistent with the recommendations of the Nash County Land Development Plan as established above.
  - (3) The request is an example of voluntary “downzoning,” meaning that the proposed A1 (Agricultural) Zoning District is more restrictive in terms of land uses than the current, more intensive GI (General Industrial) Zoning District.
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***TRC Recommendation:***

The Nash County Technical Review Committee (TRC) considered General Rezoning Request Z-200801 on July 31, 2020 and recommended **APPROVAL** based on the determination that the request is consistent with the recommendations of the Nash County Land Development Plan and not “spot zoning.”

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***Suggested Motions:***

**MOTION #1 – RECOMMEND A CONSISTENCY STATEMENT:**

*I move that the Nash County Planning Board recommends **Consistency Statement ‘A’ or ‘B’ (choose one from below)** related to General Rezoning Request Z-200801 for consideration by the Nash County Board of Commissioners.*

**Consistency Statement ‘A’ (For APPROVAL):**

General Rezoning Request Z-200801 is:

- (1) Reasonable and in the public interest.
- (2) Consistent with the recommendations of the Nash County Land Development Plan (LDP) because:
  - (a) The LDP designates the subject property as a Suburban Growth Area.
  - (b) The primarily agricultural and residential land uses permitted by the requested A1 (Agricultural) Zoning District are more consistent with the land uses recommended by the LDP for the Suburban Growth Area than the wide range of more intensive assembling, fabricating, and manufacturing land uses permitted by the current GI (General Industrial) Zoning District.
- (3) Not “spot zoning” because:

- (a) The request is an expansion of the large and immediately adjacent existing A1 (Agricultural) Zoning District.
- (b) The request is consistent with the recommendations of the Nash County Land Development Plan as established above.
- (c) The request is an example of voluntary “downzoning,” meaning that the proposed A1 (Agricultural) Zoning District is more restrictive in terms of land uses than the current, more intensive GI (General Industrial) Zoning District.

--- OR ---

**Consistency Statement ‘B’ (For DENIAL):**

General Rezoning Request Z-200801 is not reasonable and/or not in the public interest and/or not consistent with the recommendations of the Nash County Land Development Plan and/or unreasonable “spot zoning” because: **(List reasons.)**

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**MOTION #2 – RECOMMEND APPROVAL OR DENIAL OF THE ZONING MAP AMENDMENT:**

*I move that the Nash County Planning Board recommends **APPROVAL** or **DENIAL** (choose one) of General Rezoning Request Z-200801 to rezone 1.02 acres located at 8256 Savage Road, Spring Hope, NC 27882 from GI (General Industrial) to A1 (Agricultural) for consideration by the Nash County Board of Commissioners.*

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I, JAMES G. STRICKLAND, certify that this project was completed under my direct and responsible charge from an actual survey made under my supervision; that this survey was performed to meet the requirements for an US/GIS survey [21 NCAC 56.1608] to the accuracy of Class A and vertical accuracy; when applicable to the Class A standard method used to evaluate the accuracy was REAL TIME KINEMATICS NETWORK (RTS); method of measurement REAL TIME KINEMATICS NETWORK (RTS); date(s) of survey 5-30-20; datum used for survey NAD 83; and all coordinates are based on NAD 83 NRS 2011 [NAD 83 and realization (date of adjustment of coordinate system) or "NAD 27"] and all elevations are based on NAVD 28, NAVD 88, or other.

I, JAMES G. STRICKLAND, certify that this plat was drawn under my supervision from an actual survey made under my supervision (detailed description recorded in Book 38, Page 232; Book ---, Page ---; Book ---, Page ---; that the boundaries not surveyed are clearly indicated as drawn from information found in Book ---, Page ---; that the ratio of precision or positional accuracy as indicated is 1:10,000; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, License Number and seal this --- day of ---, A.D. ---.

Professional Land Surveyor

L-3074  
License Number

I, JAMES G. STRICKLAND, PROFESSIONAL LAND SURVEYOR, CERTIFY THAT THE SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

JAMES G. STRICKLAND  
PROFESSIONAL LAND SURVEYOR  
L-3074, LICENSE NUMBER

I HEREBY CERTIFY THAT THE MINOR SUBDIVISION SHOWN ON THIS PLAT DOES NOT INVOLVE THE CREATION OF NEW PUBLIC ROADS. THAT THE SUBDIVISION SHOWN IS IN ALL RESPECTS IN COMPLIANCE WITH THE NASH COUNTY UNITED DEVELOPMENT ORDINANCE, AND THAT THEREFORE THIS PLAT HAS BEEN APPROVED BY THE NASH COUNTY PLANNING DIRECTOR, SUBJECT TO ITS BEING RECORDED IN THE NASH COUNTY REGISTRY WITHIN SIXTY DAYS OF THE DATE BELOW:

\_\_\_\_\_, 2020 DIRECTOR OF PLANNING OR HIS/HER AUTHORIZED REPRESENTATIVE

(WE) HEREBY CERTIFY THAT I (AM/WE ARE) THE OWNER(S) OF THE PROPERTY DESCRIBED HEREON, WHICH PROPERTY IS LOCATED WITHIN THE SURVEYOR REGULATION JURISDICTION OF NASH COUNTY, THAT (WE) HEREBY FREELY ADOPT THIS PLAN OF SUBDIVISION. (WE) FURTHER CERTIFY THAT THE SUBDIVIDED TRACTS ON THIS PLAN CANNOT BE FURTHER SUBDIVIDED WITHIN TWO YEARS OF THE DATE OF RECORDATION UNLESS A SKETCH PLAN AND/OR PRELIMINARY PLAT AND FINAL PLAT ARE SUBMITTED FOR THE ENTIRE REMAINDER.

DATE \_\_\_\_\_ OWNER \_\_\_\_\_

DATE \_\_\_\_\_ OWNER \_\_\_\_\_

EXISTING WASTEWATER SYSTEM  
NON-EVALUATED.

DATE \_\_\_\_\_ NASH CO. HEALTH DEPT. \_\_\_\_\_

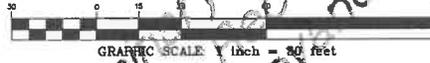
I, \_\_\_\_\_, REVIEW OFFICER OF NASH COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

DATE \_\_\_\_\_ REVIEW OFFICER \_\_\_\_\_

MINOR SUBDIVISION PLAN

PROPERTY OF  
**ERADER A. MILLS, JR.**

MANNINGS TOWNSHIP, NASH COUNTY, N.C.  
JULY 1, 2020 SCALE 1" = 30'

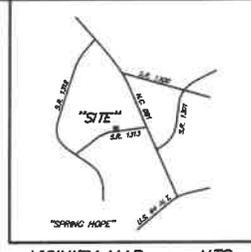


*Preliminary Plat*  
James G. Strickland  
and Surveying, P.A.  
123 West Washington Street  
Nashville, North Carolina 27856  
NORTH CAROLINA CERTIFICATE NUMBER: C-3721  
TELEPHONE (252) 459-3838  
FAX (252) 459-1885

(REVISED AUGUST 3, 2020 - NOTE 10 ADDED)

NOTES:

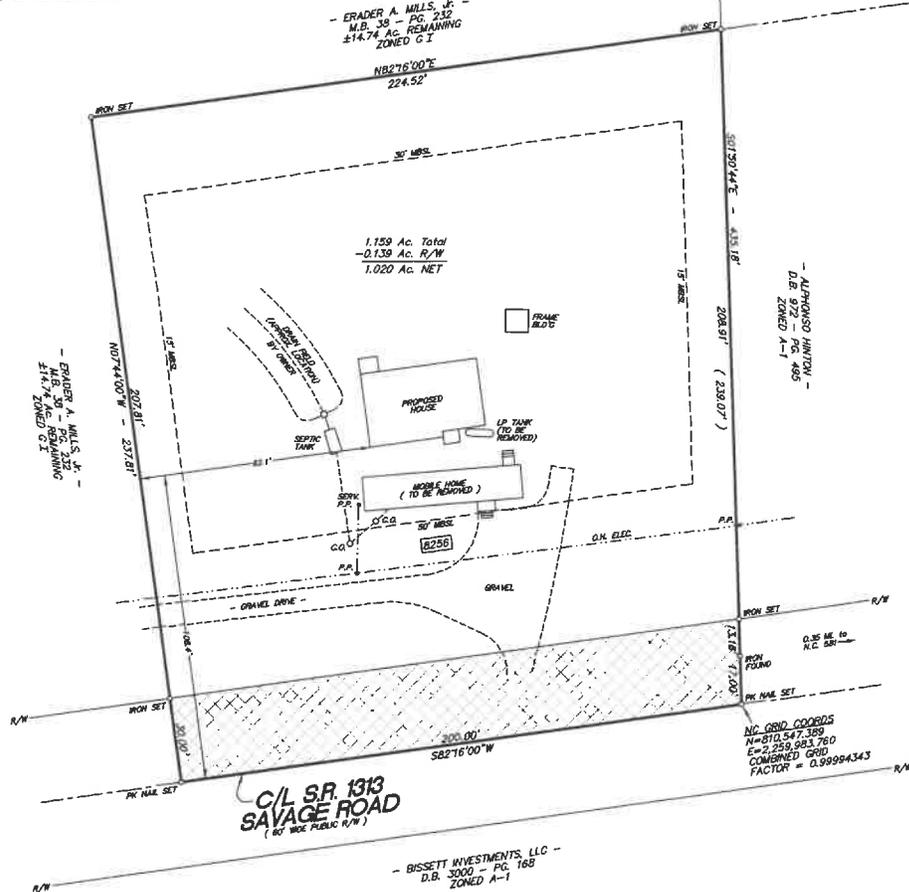
- MINIMUM BUILDING SETBACK LINES FRONT 50', SIDE 15', REAR 30'.
- PROPERTY ZONED A-1, (PROPOSED).
- MINIMUM LOT SIZE: 40,000 Sq. Ft. (0.92 Ac.) REFER TO: M.B. 38 - PG. 232
- PROPERTY IS LOCATED IN THE TAR-PANLUCO RIVER BASIN.
- PROPERTY IS LOCATED IN THE TAR RIVER RESERVOIR WATERSHED.
- PROPERTY IS NOT IN A FLOOD HAZARD ZONE.
- TAX PARCEL NUMBER: 2851 0030 3693
- OWNER/DEVELOPER: ERADER A. MILLS, JR. 8364 SAVAGE ROAD SPRING HOPE, N.C. 27882 PHONE: (252)953-8407
- [8258] INDICATES ADDRESS ADDRESS IS SPRING HOPE, N.C. 27882
- THERE IS NOT A DRINKING WATER WELL LOCATED ON THE 1.159 AC. LOT.



LEGEND:

---	LINE SURVEYED
---	LINE NOT SURVEYED
---	EXISTING IRON PIPE
---	EXISTING IRON STAKE
---	EXISTING IRON AXLE
---	NEW IRON PIPE SET
---	IRON PIPE FOUND
---	CONTROL CORNER
---	NO IRON SET
---	P.F. NAIL FOUND
---	P.F. NAIL SET
---	RAILROAD SPIKE FOUND
---	CONCRETE MONUMENT
---	EX. CONC. MONUMENT
---	ED. LIGHTWOOD STAKE
---	OOD BOOK
---	PLAT BOOK
---	FRONT OF WAY
---	C/L CENTERLINE
---	CONCRETE METAL PIPE
---	REINFORCED CONCRETE PIPE
---	MONITORING WELL
---	NOT TO SCALE
---	MONITORING WELL
---	POWER POLE
---	CONTROL ACCESS
[8258]	ADDRESS
---	AREA CALCULATED BY THE COORDINATE METHOD.

ERADER A. MILLS, JR. -  
M.B. 38 - PG. 232  
1.159 AC. REMAINING  
ZONED C-1



NC GRID COORDS  
N=870,547.389  
E=2,259,983.780  
CONGREGED GRID  
FACTOR = 0.99994343

NAD 83  
(NRS 2011)  
NC\_GRID\_NORTH

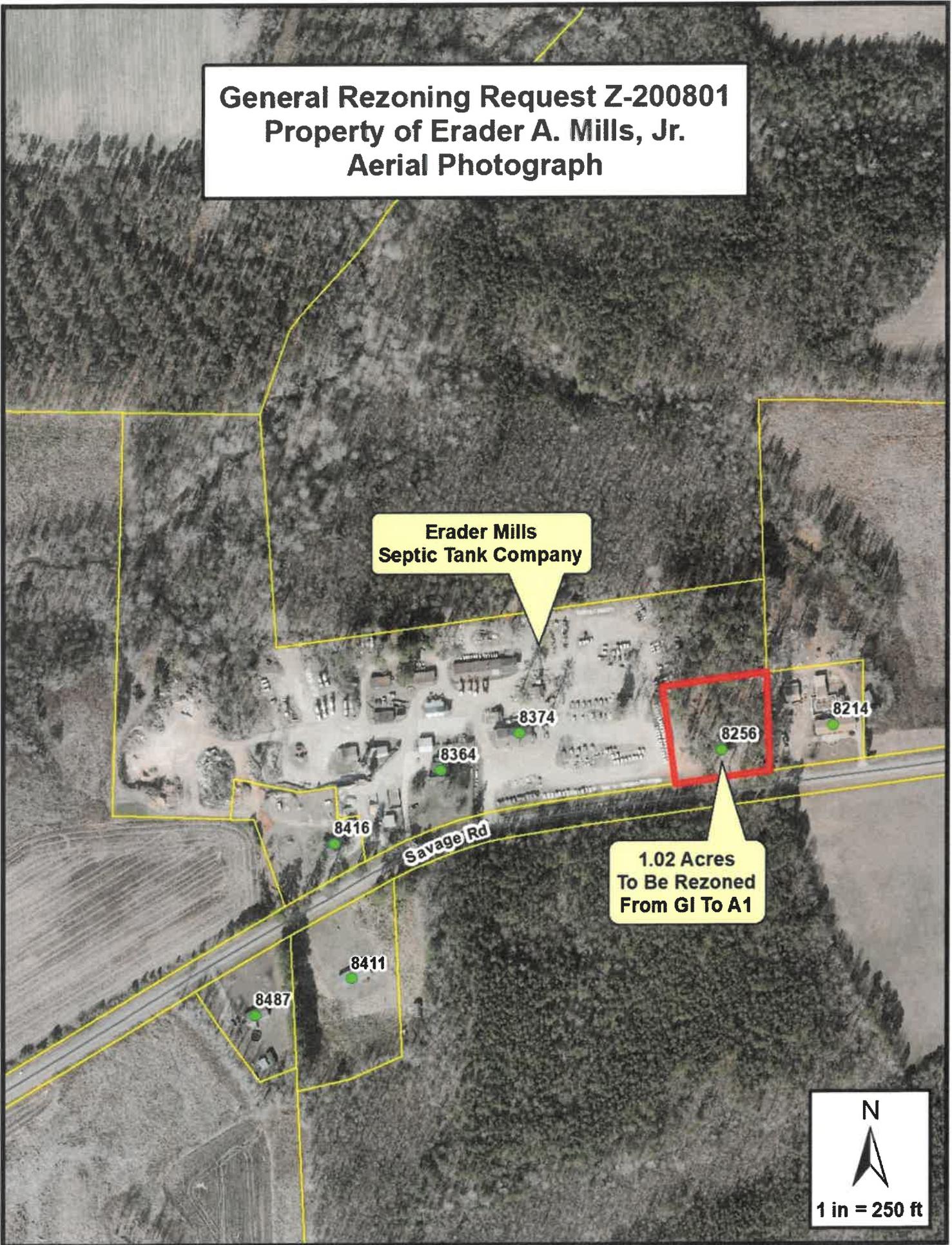
**General Rezoning Request Z-200801  
Property of Erader A. Mills, Jr.  
Aerial Photograph**

**Erader Mills  
Septic Tank Company**

**1.02 Acres  
To Be Rezoned  
From GI To A1**

**Savage Rd**

**N**  
  
**1 in = 250 ft**



**General Rezoning Request Z-200801  
Property of Erader A. Mills, Jr.  
Zoning Map**

**A1  
(Agricultural)**

**Erader Mills  
Septic Tank Company**

**GI  
(Industrial)**

8364

8374

8256

8214

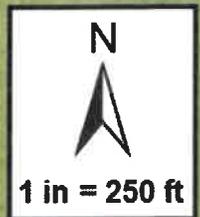
8416

Savage Rd

**1.02 Acres  
To Be Rezoned  
From GI To A1**

8411

8487

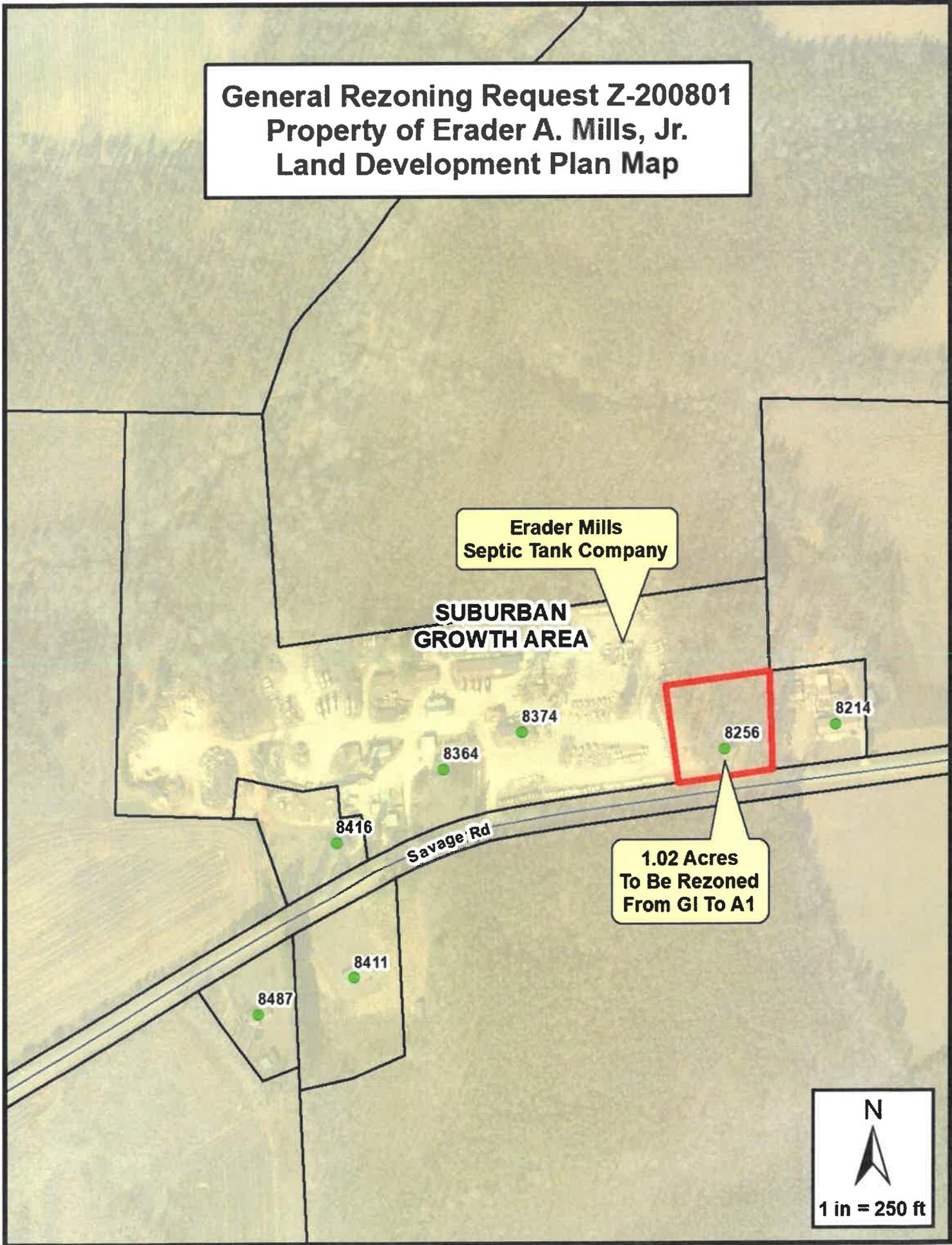


**General Rezoning Request Z-200801  
Property of Erader A. Mills, Jr.  
Land Development Plan Map**

**Erader Mills  
Septic Tank Company**

**SUBURBAN  
GROWTH AREA**

**1.02 Acres  
To Be Rezoned  
From GI To A1**



N  
  
1 in = 250 ft