

APPLICATION TO REZONE APPROXIMATELY 25 ACRES
FROM A HEAVY INDUSTRIAL CLASSIFICATION TO RA-40

STATEMENT OF PURPOSE

The Applicants herein request that their combined parcels, totaling approximately 25 acres of land, be re-zoned to an RA-40 zoning classification. Although the Property has always been used for residential/agricultural uses, in 1990 it was zoned, along with a large swath of property in the area, to a heavy industrial zoning category. The apparent intent behind that zoning was a belief that other heavy industrial businesses could be attracted to the area. In the more than 15 years that this property has been zoned to heavy industrial, it has continued to be used exclusively for residential and agricultural purposes. The same can be said for much of the land that is located in this heavy industrial zone.

This property is located on west side of Corinth Road. While most of the land on the east side of Corinth Road is zoned RA-40, some of it is zoned for industrial purposes (e.g. ATC Panels; parcel no. 5172). So, while Corinth Road constitutes a portion of the dividing line between heavy industrial and RA-40, in actual practice Corinth Road has no real zoning significance. There is no distinction between the majority of the uses on the east side of Corinth Road and the Applicants' uses on the west side of Corinth Road.

The applicants desire to have their property zoned to an RA-40 designation because additional residential use of their property is not an allowed use or conditional use within the heavy industrial zoning district.

The applicants each desire to place additional residential structures on their property for the purposes of housing family members. Thus, although the property has always been used for residential and agricultural purposes and although there are no prospects for use of the property for heavy industrial purposes, the applicants are not free to use their property for residential purposes unless and until the zoning classification is changed. Residential uses are not even allowed conditional uses within the Heavy Industrial zoning classification.

Under Section 17 of the Chatham County Zoning Ordinance, an amendment of this type to the Ordinance may be initiated by, among others, the owner or authorized agent of the owner of the property in question. Pursuant to the Ordinance, this application must contain the following information:

(1) A map at a scale of not less than 400 feet to the inch nor more than 20 feet to the inch showing the land which would be covered by the proposed amendment.

Copies of the required maps are attached hereto. **Tab 1.**

(2) A legal description of the land.

The properties to be rezoned are described as follows:

ALL that certain tract No. 1 comprising approximately 12.51 acres +/- as more particularly described in that certain plat entitled, "Map Showing Survey and Division for Stedman Worrell," dated December 5, 1991, by Andy E. Willett, RLS, recorded at Plat Book 92-7. **See Tab 1.**

ALL of that tract referred to as Tract No. 2 comprising approximately 11.91 acres +/- as more particularly described in that certain plat entitled, "Map Showing Survey and Division for Stedman Worrell," dated December 5, 1991, by Andy E. Willett, RLS, recorded at Plat Book 92-7. **See Tab 1.**

(3) Description of the zoning ordinance deficiency.

See the Statement of Purpose above and Section 4 below.

(4) The changed or changing conditions, if any, in the area of the county generally, which make the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare.

Because the subject land was never developed for heavy industrial purposes and because the property involved has always been used for residential and agricultural purposes even during the time when it has been zoned for heavy industrial purposes, the circumstances dictate that filing this rezoning would be prudent and beneficial to the public health, safety and general welfare. The current zoning prohibits the landowners from the reasonable, customary, historic and exclusive use of the property, even to the point of preventing the landowners from using the land to construct residences for their family members.

Conditions in the area have changed in the area. Whereas, in 1990, it may have been reasonably believed that more heavy industrial uses could be attracted to this area, that promise has never become a reality. In fact, upon information and belief, no new industrial uses have been added to the area since it was zoned for heavy industrial uses.

An additional factor that should play into the equities of this request is that the prior owners of the subject land never understood that his land had been zoned for heavy industrial purposes. The Applicants (sons-in law and daughters of the prior owner) were shocked to learn that the land could not be used for new residential purposes. They never knew that the land had been zoned for heavy industrial. When the land was initially zoned for heavy industrial uses in 1990, the applicable state law (NCGC 153A-343) did not require notice to the individual landowners. This would explain why the applicants and their predecessors in title were unaware until very recently that their land cannot be put to residential uses.

(5) The manner in which the proposed amendment will carry out the intent and purpose of the adopted land development plan or part thereof.

The requested re-zoning will comply in many respects with the policies and goals of the adopted Land Conservation and Development Plan (the “Land Use Plan”). One need not look far into the Land Use Plan to encounter repeated references to the combination of rural character and compatible residential zoning. In the overview of the Land Use Plan, for example, reference is immediately made to “preserving scenic and historic landscapes.” For decades the land that is the subject of this application has been used for agricultural and residential purposes. In fact, directly across Corinth Road, is the historic Brickhaven School. In the definition of rural character, the Land Use Plan refers to preserving the “traditional function of the rural landscape.” The definition of rural character goes on to state that homes in rural areas should be scattered at low densities.

One of the recommended strategies under the Land Use Plan is to “encourage rurally compatible residential development in rural areas,” as well as to “preserve scenic and historic landscapes.” (Land Use Plan, page 19). The land in question in this application has been used for agricultural and residential purposes for decades, if not centuries. This request is consistent with the encouraged strategy of the Land Use Plan to allow the form of the land to follow its function. In this case, the function has been for residential and agricultural, not heavy industrial.

In summary, the requested land use change is not inconsistent with the historic and current use of the property nor is it inconsistent with the desires and objectives of the Land Use Plan.

See Photographs at **Tab 2**.

(6) All other circumstances, factors and reasons which the Applicants offer in support of the proposed amendment.

See statements above.

(7) Information required on the application form received from the Planning Department.

See attached.

The Applicants respectfully request that this zoning amendment reflects the reality and the highest and best use of the property that is subject to this application. The requested rezoning is reasonably necessary for the promotion for the public health, safety and general welfare. The Applicants respectfully request that the property referred to herein be rezoned to the RA-40 classification.