



**TOWN OF PINE LEVEL**  
**MINUTES OF**  
**PINE LEVEL PLANNING BOARD MEETING**  
**MARCH 23, 2023**

**MEETING INFORMATION**

The Pine Level Planning Board met on Thursday March 23, 2023 at 6:32 p.m. at the Pine Level Town Hall. The meeting was called to order by Chairman Randy Jones.

**ROLL CALL**

<u>✓</u> Randy Jones	<u>✗</u> Trenton Broadwell (alt 2)
<u>✓</u> Kevin Kornegay	<u>✓</u> Randy Holloman (alt 3)
<u>✗</u> Terry Rains	<u>✓</u> Tonia Hill
<u>✓</u> Berry Godwin	<u>✓</u> Tammy Register
<u>✓</u> Faye Starling	<u>✗</u> Greg Johnson
<u>✓</u> Cecelia Joyner (alt 1)	

**STAFF PRESENT:** Zoning Administrator Scottie Hayes and Administrative Assistant Ashley Willoughby

**OTHERS PRESENT:** Adam Capani, Jim Perricone, Kendall Hostetler, Shamera Joyner, Robin Daughtry, Samuel and Debra Heuertz.

Berry Godwin wanted to update the Planning Board on the health status of Board member Terry Rains. He said Mr. Rains was in good spirits and on the mend.

**MINUTES- FEBRUARY 23, 2023-**

Berry Godwin made a motion to approve the February 2023 minutes and was seconded by Randy Holloman. Motion passed by unanimous vote.

## **REZONING REQUEST- DANNY EVANS AND CYNTHIA RANSOM PARCEL #12M12065A**

The Planning Board received a rezoning request filed by Danny Evans and Cynthia Ransom for property located on the corner of Peedin Road and Peedin Road Extension. The rezoning request was to change the zoning from Residential- Agriculture (RA) to Light Industrial (LI). Adam Capani, the representative of Danny Evans and Cynthia Ransom, said he wanted to rezone it to LI and the location mentioned was planned to be zoned as LI on the Town's Future Land Use Plan. He said there is a buyer interested in the property and the buyer's counsel was present at the meeting. He said the buyer was wanting the property to be rezoned to LI for storage use. Chairman Jones verified with Zoning Administrator Scottie Hayes that the property was currently zoned RA. Zoning Administrator Hayes said it was currently RA and the Future Land Use Plan has that location zoned LI due to how close this property is located to the interstate. After reviewing the application, Vice-Chairman Kevin Kornegay made a motion to recommend the approval of rezoning the property from RA to LI to the Town Board. Secretary Tonia Hill seconded the motion. Berry Godwin asked if Scottie had any recommendation to the Planning Board for this request. Zoning Administrator Hayes said he would recommend the rezoning since it fits the Future Land Use Plan. After some discussion, Chairman Jones called for a vote and the motion passed by a unanimous vote to recommend the approval of the rezoning request.

## **OLD BUSINESS**

Chairman Jones said the board members have been given some informational packets about commercial building standards. Zoning Administrator Hayes said the reason for this information being handed out is due to the current state of some of our commercial properties in the downtown area that are in unsafe condition. He said a County Inspector recommended that the Town add guidelines and standards on commercial buildings/properties since there is none currently in the Town's Unified Development Ordinance. He said he was given examples of what other local towns have regarding commercial building regulation/standards. He said this can be used as a guide and to see what additions to the Town's Unified Development Ordinance the board members would like to recommend to the Town Board. After some discussion, Chairman Jones asked the board members to look over the information provided to them and asked to add some items for discussion to the Planning Board meeting agenda for April 27, 2023.

Those items for discussion include the following:

- Commercial Building Standards
- Residential- Multi-Family Districts (RH)
- Zoning District Overlay
- Non-Conforming Lot/Uses
  - 51% Rule
  - Time Frame to Rebuild/ Fix Damaged Properties
- Residential Density Impacts on Roads, Schools, etc.

Chairman Jones asked the Planning Board members to think of any other items for discussion or changes that this Board could recommend to the Town Board to update the Unified Development Ordinance before the expiration of the current moratorium in October.

## **NEW BUSINESS**

### **Request by Shamera Joyner**

Zoning Administrator Hayes said that Shamera Joyner and Robin Daughtry came to the meeting with the interest to appeal to the Planning Board in order for Ms. Joyner to be allowed to have a home occupancy at the old store previously owned by Mr. Pittman (the white building located at the end of Davis Mill Road, along Hwy 70-A/ Parcel #12009017C). He said Ms. Joyner was interested in opening a hair salon at that location and he had informed her that it was not allowed according to the Town's ordinance. He said the current owner of the building, Robin Daughtry, was present and Ms. Joyner wanted to address the Planning Board.

Ms. Joyner introduced herself to the board members and confirmed that she does live at 210 Davis Mill Road. She said she was interested in turning the building in question into her own personnel suite/residential workspace for the convenience of working from home. She said she is interested in building up in this area and based on the Cosmetology State Board guidelines, it says that she can work from her residential address. She said she wants to make the building into her own personal shop servicing a single customer at a time. She said per the Cosmetology State Board, her actual home cannot be turned into a salon due to the requirements of having a separate entrance and bathroom from the actual residential home. She said due to this reason is why she was interested in making the secondary building into her own shop to run a home occupation business and provide a community service for those who cannot afford similar services. She said the location can hold up to three vehicles at a time, however, there would only be one vehicle there at a time if that was a concern.

Zoning Administrator Hayes said when the building was built the road was not as close as it is now to the property. He said the Town's ordinance has a line-of-sight clause that prohibits the building from being used. Chairman Jones said with the Traffic Triangle requirements, it would not meet the one hundred thirty-five (135) feet of clear sight required. Zoning Administrator Hayes said the main concern would be the safety of the drivers in that area. Ms. Joyner asked if the issue is where the entrance or parking locations for vehicles would be. Chairman Jones said the issue is that the actual building is in the triangle and with it located at a state highway not a town kept road. He said the location of the building is in the Sight Triangle which is based on seventy (70) feet down Davis Mill Road and the land only goes eighty-three (83) feet. He said it turns and cuts back at a one hundred thirty-five (135) feet degree angle with the building falling into those parameters; so, a car would not really be allowed there because of the state guidelines. Ms. Joyner asked if that would still apply if the vehicles could park in her driveway. Chairman Jones said the parking was just one issue, however, the main issue is that a home occupation must be at the actual residential dwelling and an accessory building cannot be used according to the Town's ordinance. Vice-Chairman Kornegay asked Ms. Joyner if she lives next door to the building. Ms. Joyner said the building in question is on the same lot as her home. Vice-Chairman Kornegay asked if it is in the Sight Triangle then will the building just sit there vacant. Zoning Administrator Hayes said that was the conundrum this Board is facing. He said the Town's ordinance and state guidelines must be followed first regardless of the building's history in the town. Chairman Jones said that the building can be used for storage but other than that, there is nothing else that accessory building can be used for.

Zoning Administrator Hayes said if this Board was to allow you to run your business there and someone got hurt or caused a wreck leaving that location, it could be a huge liability for the Town. Chairman Jones said home occupation in Section 405.35 on page 56 (Unified Development Ordinance, Subsection Zoning on page 56) defines the instrumental use of a dwelling unit for gainful employment involving; it must be in the resident's home. He said if you go to page 57 paragraph C it states the accessory building may not be used for manufacturing, processing, instruction, sales, service, or other work in connection with the home occupation. He said he researched the ordinance for every mention/ connection with home occupation to see what was allowed in Pine Level. In the past, he said, similar situations have been passed before, but that happened prior to this current Board. He said according to the Town's ordinance it is just not allowed. Ms. Joyner asked if there was any way she could split the property or change something to allow her to run her business.

Chairman Jones said that the Boards would not approve any rezoning for a small portion of a lot. Zoning Administrator Hayes said the only way to make it work would be if the owner agreed to build onto the house to meet those requirements needed. He said at that point it would be considered a home occupation. He said Ms. Joyner could use the existing accessory building there for storage use only. Chairman Jones said he wishes it could have worked out better for Ms. Joyner. Zoning Administrator Hayes said he wanted Ms. Joyner to have the opportunity to speak on her own behalf and that he did not want her to feel she was just being told no without hearing the reasons why.

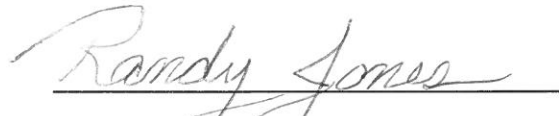
#### **Other Discussion**

Chairman Jones wanted to thank the citizens for attending the meeting and that he appreciates them wanting to learn more about what is going on in the town. Berry Godwin wanted to thank Chairman Jones and Zoning Administrator Hayes for their efforts for preparing for this meeting. Chairman Jones informed the Planning Board members that the Town has just hired the first ever Town Administrator. He said the man hired has a planning background and could be a great resource for the Planning Board.

#### **MEETING ADJOURNED**

There being no further business to discuss, Vice-Chairman Kornegay made a motion to adjourn. Tammy Register seconded the motion. Motion passed by unanimous vote. The meeting adjourned at 7:30 p.m.

  
Ashley Willoughby, Administrative Assistant

  
Randy Jones, Chairman