



**RESOLUTION TITLE: ZONING MAP CHANGE: RE-23-09-05-00163 DERRICK KENT HUNTER (APPLICANT); PROPERTY PARCEL: 167857, LOCATED AT 532 UPPER SPENCER MOUNTAIN RD., STANLEY, NC, REZONE FROM (R-1) SINGLE FAMILY LIMITED ZONING DISTRICT TO THE (R-3) SINGLE FAMILY GENERAL ZONING DISTRICT**

WHEREAS, a County Zoning Ordinance was adopted on April 24, 2008 and a public hearing was held on November 28, 2023 by the County Commission, to take citizen comment into a map change application, as follows:

Tax Parcel Number(s): 167857  
Applicant(s): Derrick Kent Hunter  
Owner(s): Derrick Kent Hunter  
Property Location: 532 Upper Spencer Mountain Rd., Stanley  
Request: Rezone from (R-1) Single Family Limited Zoning District to the (R-3) Single Family General Zoning District

public hearing comments are on file in the Commission Clerk's Office as a part of the minutes of the meeting; and,

WHEREAS, the Planning Board recommended **disapproval** of the map change for parcel 167857, located at 532 Upper Spencer Mountain Rd., Stanley, NC, from the (R-1) Single Family Limited Zoning District to the (R-3) Single Family General Zoning District on November 6, 2023 based on: the request **is not reasonable** and in the public interest and **is not in accordance** with the County's Comprehensive Land Use Plan as the proposed use for a single-wide manufactured home is inconsistent with the homes in the surrounding area.

Motion: Hurst Second: Horne Vote: Unanimous  
Aye: Crane, Horne, Houchard, Hurst, Sadler, Vinson  
Nay: None  
Absent: Brooks, Harris, Magee, Marcantel  
Abstain: None

WHEREAS, the Unified Development Ordinance allows the Planning Board and the Board of Commissioners to do one of the following:

- Grant the rezoning as requested.
- Grant the rezoning with a reduction of the area requested.
- Grant the rezoning to a more restrictive general zoning district or districts.
- Grant the rezoning with a combination of Subsections (b) and (c) above
- Deny the rezoning

DO NOT TYPE BELOW THIS LINE

I, Donna S. Buff, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows:

NO.	DATE	M1	M2	CBrown	CCloninger	AFrale	BHovis	KJohnson	TKeigher	RWorley	Vote
2023-375	11/28/2023	RW	BH	A	A	A	A	A	AB	A	U

**DISTRIBUTION:**

Laserfiche Users

A=AYE, N=NAY, AB=ABSENT, ABS=ABSTAIN, U=UNANIMOUS

WHEREAS, the applicant has stated they would accept a rezoning to a more restrictive general zoning district of (R-2) Single Family Moderate Zoning District.

NOW, THEREFORE, BE IT RESOLVED by the Gaston County Board of Commissioners, upon consideration of the map change application, public hearing comment and recommendation from the Planning Board and Planning staff, finds:

- 1) The map change request is consistent with the County's approved Comprehensive Land Use Plan. It is consistent with the goals of the Comprehensive Land Use Plan as it will keep the parcel residential in nature as envisioned by the rural community future land use designation. Rural community areas are largely in rural areas where there is a number of residential buildings on smaller lots, built closer to the roadway. The proposed use and district would also allow for the preservation of existing conditions in the area while allowing low to moderate growth in the Riverfront Gaston area of the Comprehensive Land Use Plan.

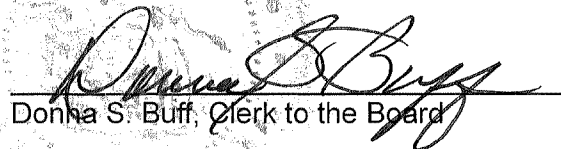
The Commission considers this action to be reasonable and in the public interest, based on: Planning Board recommendation and compatibility with existing land uses in the immediate area. Therefore, the map change request for Property parcel: 167857 is hereby approved, effective with the passage of this Resolution, to be rezoned to the more restrictive (R-2) Single Family Moderate Zoning District.

- 2) The County Manager is authorized to make necessary notifications in this matter to appropriate parties.



Chad Brown, Chairman  
Gaston County Board of Commissioners

ATTEST:



Donna S. Buff, Clerk to the Board

# GASTON COUNTY REZONING APPLICATION (REZ-23-09-05-00163)

## STAFF REPORT

### APPLICATION SUMMARY

**Request:**

To rezone the property from the (R-1) Single Family Limited Zoning District to the (R-3) Single Family General Zoning District.

**Applicant(s):**

Derrick Kent Hunter

**Property Owner(s):**

Derrick Kent Hunter

**Parcel Identification (PID):**

167857

**Property Location:**

532 Upper Spencer Mountain Rd. Stanley

**Total Property Acreage:**

4.76 acres

**Acreage for Map Change:**

4.76 acres

**Current Zoning:**

(R-1) Single Family Limited

**Proposed Zoning:**

(R-3) Single Family General

**Existing Land Use:**

Vacant

**Proposed Land Use:**

Residential

### COMPREHENSIVE LAND USE PLAN

**Area 3: Riverfront Gaston**

Key issues for citizens in this area include the preservation of open space, road improvements and better connectivity to other areas of the County and throughout the region, increased job opportunities, maintaining the rural “feel” of the area, and increased commercial opportunities

**Comprehensive Plan Future Land Use: Rural Community**

Rural Community – Rural communities are areas in largely Rural areas where there is a number of residential buildings on smaller lots, built closer to the roadway. These areas have a neighborhood look and feel.

**Staff Recommendation:**

Application, as presented, is consistent with the Comprehensive Land Use Plan.

### UTILITIES AND ROAD NETWORK INFRASTRUCTURE

**Water/Sewer Provider:**

Private well / private septic

**Road Maintenance: Upper Spencer Mountain Rd.**

North Carolina Department of Transportation

### Technical Review Committee (TRC) comments provided by Gaston Lincoln Cleveland Metropolitan Planning Organization (MPO)

No funded transportation improvement projects in the immediate vicinity of this site on the STIP, MTP, or the CTP.

## STAFF SUMMARY

**Prepared By: Jamie Mendoza Kanburoglu, Director of Planning and Zoning**

This property is in a residential area in the northern region of the county, just west of Stanley. The location is primarily residential in nature, with different housing types and styles in the immediate vicinity. The surrounding parcels are zoned (R-1) Single Family Limited and (R-2) Single Family Moderate.

If approved, any uses allowed in the (R-3) Single Family General Zoning District would be permitted in accordance with standards and regulations as adopted in the Gaston County Unified Development Ordinance (UDO).

## PLANNING BOARD MEETING DATE

**Scheduled Meeting Date: November 28, 2023** The Planning Board met at their regular meeting on November 6, 2023 and made a recommendation to deny the request based on it being inconsistent with the surrounding area. They felt that the proposal for a single-wide family home was inconsistent with the area. They also shared that if the request had been for (R-2) and, to allow for a double-wide manufactured home, they would have felt it was more consistent with the surrounding area.

**Attachments: Application, Maps, GCLMPO Letter**



## GASTON COUNTY PLANNING BOARD

### Statement of Inconsistency

In considering the general rezoning case REZ-23-09-05-00163, the Planning Board found that:

1. This is not a reasonable request and in the public interest as the proposed zoning district is inconsistent with the Comprehensive Land Use Plan as the proposed use for a single-wide manufactured home is inconsistent with the homes in the surrounding area.

This was unanimously supported (6-0) by the Planning Board at their November 6, 2023 meeting.



# GASTON COUNTY Department of Building & Development Services

Street Address: 128 W. Main Avenue, Gastonia, North Carolina 28052 Phone: (704) 866-3195  
Mailing Address: P.O. Box 1578, Gastonia, N.C. 28053-1578 Fax: (704) 866-3966

## GENERAL REZONING APPLICATION Application Number: REZ-23-09-05-00163

Applicant ☒ Planning Board (Administrative) ☐ Board of Commission (Administrative) ☐ ETJ ☐

### A. \*APPLICANT INFORMATION

Name of Applicant: DERRICK KENT HUNTER  
(Print Full Name)  
Mailing Address: 1705 SPENCER MTN. RD. GASTONIA 28054  
(Include City, State and Zip Code)  
Telephone Numbers: (704) 616-1710  
(Area Code) Business (Area Code) Home  
Email: hunter761967@gmail.com

\* If the applicant and property owner(s) are not the same Individual or group, the Gaston County Zoning Ordinance requires written consent form from the property owner(s) or legal representative authorizing the Rezoning Application. Please complete the Authorization/Consent Section on the reverse side of the application.

### B. OWNER INFORMATION

Name of Owner: Same  
(Print Full Name)  
Mailing Address: \_\_\_\_\_  
(Include City, State and Zip Code)  
Telephone Numbers: \_\_\_\_\_  
(Area Code) Business (Area Code) Home  
Email: \_\_\_\_\_

### C. PROPERTY INFORMATION

Physical Address or General Street Location of Property: UPPER SPENCER MTN. RD. STANLEY, N.C. 28164  
Parcel Identification (PID): #167857  
Acreage of Parcel: 4.76 +/- Acreage to be Rezoned: 4.76 +/- Current Zoning: R-1  
Current Use: VACANT Proposed Zoning: R-3

### D. PROPERTY INFORMATION ABOUT MULTIPLE OWNERS

Name of Property Owner: _____	Name of Property Owner: _____
Mailing Address: _____ (Include City, State and Zip Code)	Mailing Address: _____ (Include City, State and Zip Code)
Telephone: _____ (Area Code)	Telephone: _____ (Area Code)
Parcel: _____ (If Applicable)	Parcel: _____ (If Applicable)
_____ (Signature)	_____ (Signature)

## E. AUTHORIZATION AND CONSENT SECTION

(I/We), being the property owner(s) or heir(s) of the subject property referenced on the **Gaston County Rezoning Application** and having authorization/interest of property parcel(s) \_\_\_\_\_ hereby give \_\_\_\_\_ consent to execute this proposed action.  
(Name of Applicant)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

I, \_\_\_\_\_, a Notary Public of the County of \_\_\_\_\_ State of North Carolina, hereby certify that \_\_\_\_\_ personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and notarial seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public Signature

\_\_\_\_\_  
Commission Expiration


(I/We), also agree to grant permission to allow employees of Gaston County to enter the subject property during reasonable hours for the purpose of making **Zoning Review**.

Please be advised that an approved general rezoning does not guarantee that the property will support an on site wastewater disposal system (septic tank). Though a soil analysis is not required prior to a general rezoning submittal and/or approval, the applicant understands a chance exists that the soils may not accommodate an on site wastewater disposal system thus adversely limiting development choices/uses unless public utilities are accessible.

If the application is not fully completed, this will cause rejection or delayed review of the application. In addition, please return the completed application to the Planning and Development Services Department within the County Administrative Building located at 128 West Main Avenue, Gastonia, NC 28052.

## APPLICATION CERTIFICATION

(I/We), the undersigned being the property owner/authorized representative, hereby certify that the information submitted on the subject application and any applicable documents is true and accurate.

  
Signature of Property Owner or Authorized Representative

9/15/2023  
Date

Note: Approval of this request does not constitute a zoning permit. All requirements must be met within the UDO.

### OFFICE USE ONLY

### OFFICE USE ONLY

### OFFICE USE ONLY

Date Received: \_\_\_\_\_ Application Number: \_\_\_\_\_ Fee: 783

Received by Member of Staff: \_\_\_\_\_ Date of Payment: \_\_\_\_\_ Receipt Number: \_\_\_\_\_  
(Initials)

- ☐ COPY OF PLOT PLAN OR AREA MAP  
☐ NOTARIZED AUTHORIZATION

- ☐ COPY OF DEED  
☐ PAYMENT OF FEE

under 51313

Date of Staff Review: \_\_\_\_\_

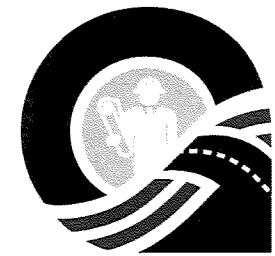
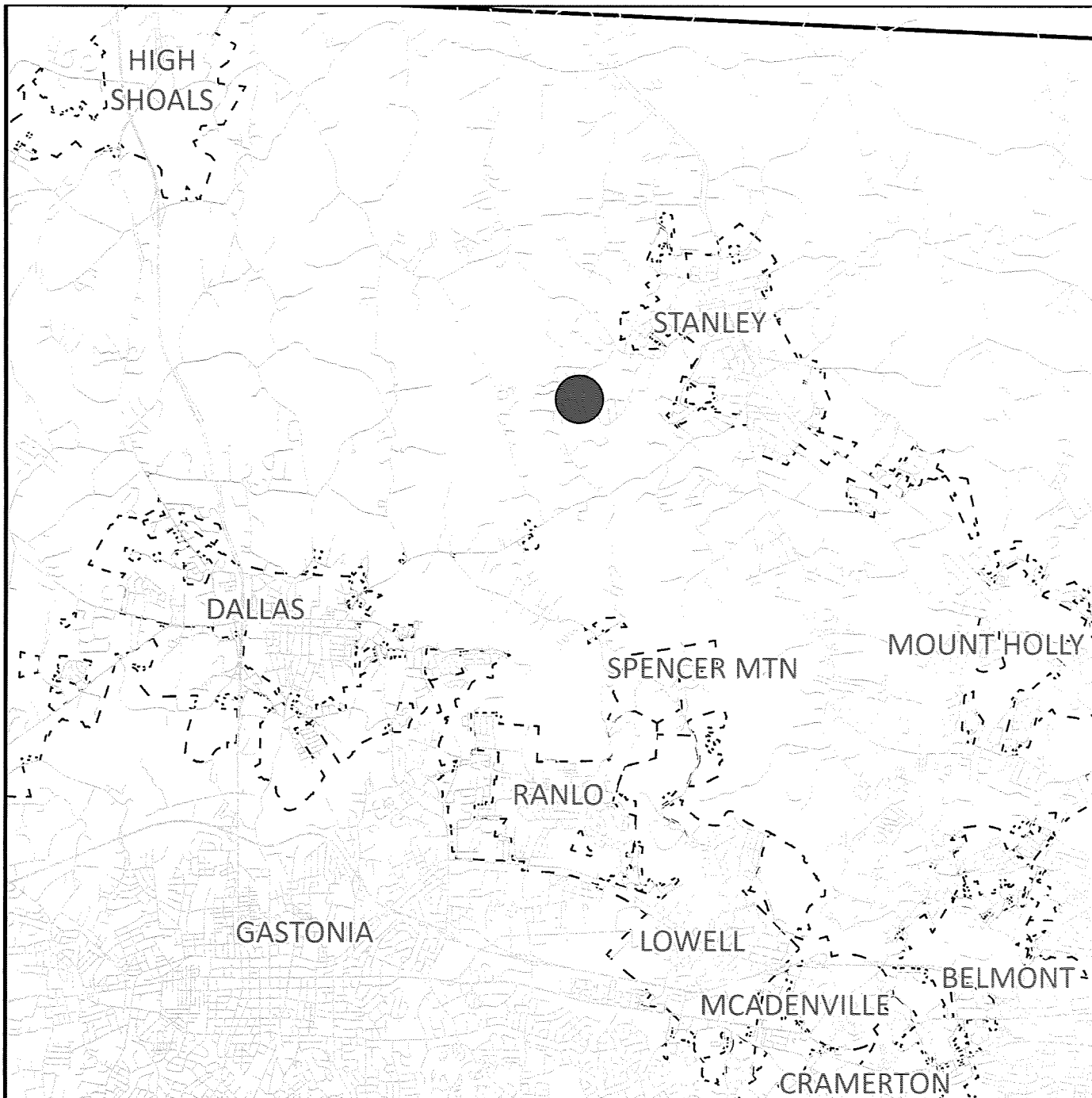
Date of Public Hearing: \_\_\_\_\_

Planning Board Review: \_\_\_\_\_ Recommendation: \_\_\_\_\_ Date: \_\_\_\_\_

Commissioner's Decision: \_\_\_\_\_ Date: \_\_\_\_\_

### Mission Statement

Gaston County seeks to be among the finest counties in North Carolina. It will provide effective, efficient and affordable services leading to a safe, secure and healthy community, an environment for economic growth, and promote a favorable quality of life.



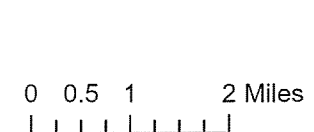
**GASTON COUNTY**  
BUILDING AND DEVELOPMENT SERVICES

**VICINITY MAP**  
**REZ-23-09-05-00163**

**LEGEND**

- Roads
- [ - - ] Municipalities
- Subject Parcel(s)

The information provided on this map is not intended to be considered as a legal document or description. This map is believed to be accurate but Gaston County does not guarantee its accuracy. This map may not be resold or otherwise used for trade or commercial purposes without the expressed written consent of Gaston County, in accordance with NCGS 132-10.







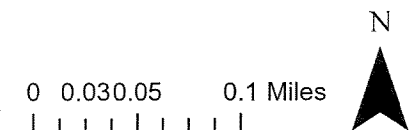
**GASTON COUNTY**  
BUILDING AND DEVELOPMENT SERVICES

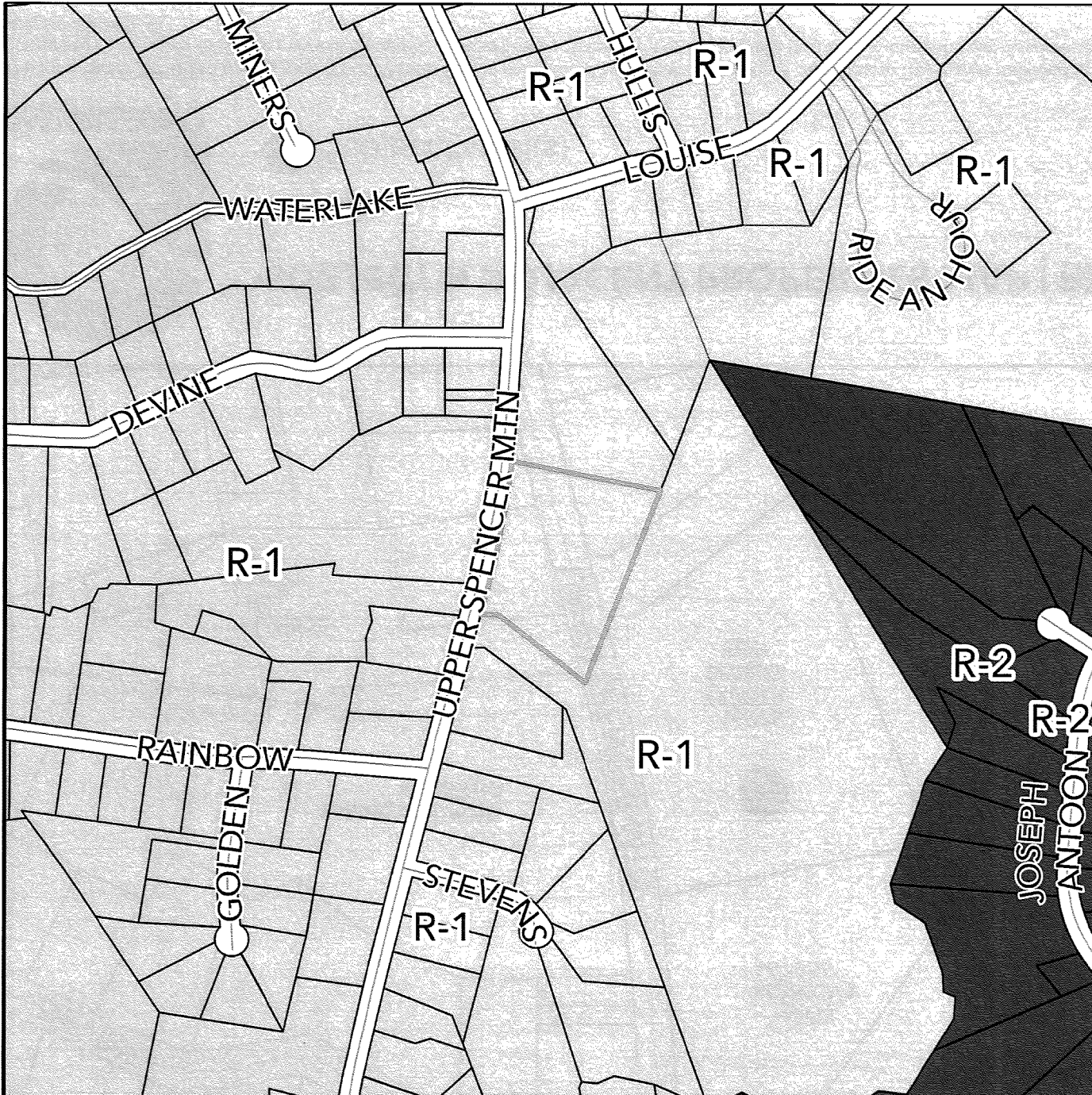
**ORTHOPHOTO MAP**  
**REZ-23-09-05-00163**

### LEGEND

- Roads
- Parcels
- Subject Parcel(s)

The information provided on this map is not intended to be considered as a legal document or description. This map is believed to be accurate but Gaston County does not guarantee its accuracy. This map may not be resold or otherwise used for trade or commercial purposes without the expressed written consent of Gaston County, in accordance with NCGS 132-10.





## ZONING MAP REZ-23-09-05-00163

### LEGEND

— Roads

□ Parcels

#### ZONE TYPE

□ R-1

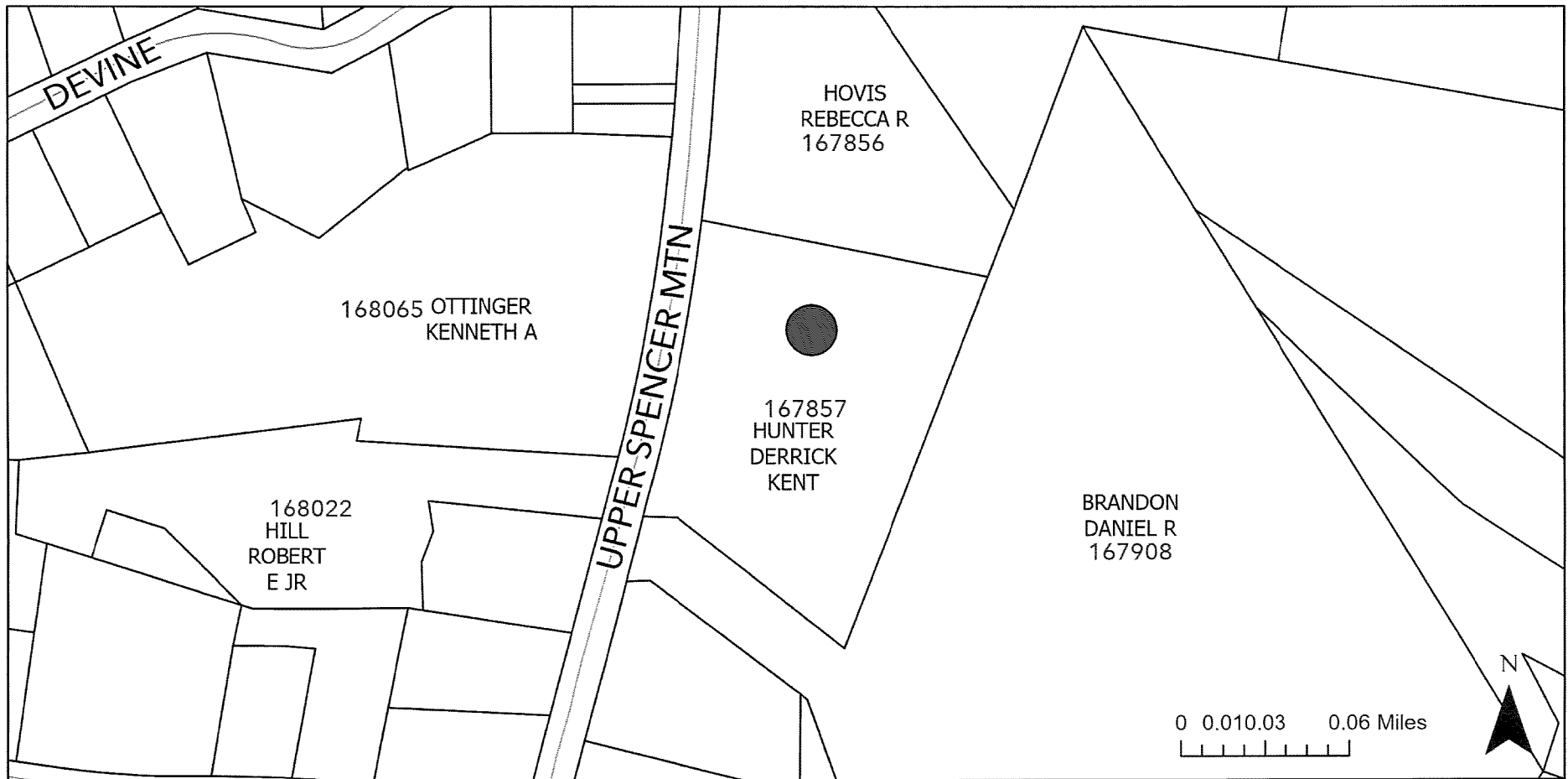
■ R-2

□ Subject Parcel

The information provided on this map is not intended to be considered as a legal document or description. This map is believed to be accurate but Gaston County does not guarantee its accuracy. This map may not be resold or otherwise used for trade or commercial purposes without the expressed written consent of Gaston County, in accordance with NCGS 132-10.

0 0.030.06 0.11 Miles





## SUBJECT & ADJACENT PROPERTIES MAP | REZ-23-09-05-00163

### LEGEND

● Subject Parcel(s)

The information provided on this map is not intended to be considered as a legal document or description. This map is believed to be accurate but Gaston County does not guarantee its accuracy. This map may not be resold or otherwise used for trade or commercial purposes without the expressed written consent of Gaston County, in accordance with NCGS 132-10.

### Uses Allowed In the (R-3) Zoning Jurisdiction

Abattoir Class 1	SPs	Convenience Store, Closed 12AM to 5AM	SPs	Fraternal & Service Organization Meeting Facility (non- or not- for profit), 0 - 9,999sqft GFA	SPs	Planned Unit Development (PUD)	Xs/CDs	Telecommunication Tower & Facilities	SPs
Animal Grooming Service for household pet (indoor kennels)	SP	Country Club	SPs	Fraternal & Service Organization Meeting Facility (non- or not- for profit), 10,000+sqft GFA	SPs	Post Office	SP	Tourist Home	X
Animal Hospital (Outdoor kennel)	SPs	Day Care Center, Class A	Xs	Golf Course; Golf Driving Range; Golf Miniature	SPs	Private Residential Quarters (PRQ)	Xs	Tower and/or Station, Radio & Television Broadcast	SPs
Animal Hospital, (Indoor kennel)	SPs	Day Care Center, Class B	Xs/SPs	Group Home	Xs	Produce Stand	Xs	Traditional Neighborhood Development (TND)	Xs/CDs
Animal Kennel	SPs	Day Care Center, Class C	SPs	Home Occupation, Customary	Xs	Race Track, Small	SPs	Upholstery Shop	SP
Animal Shelter	SPs	Dwelling, Manufactured Home Class A	X	Home Occupation, Rural	Xs	Recreation Center and Sports Center	SPs	Wood Waste Grinding Operation	SPs
Assisted Living Center	SPs	Dwelling, Manufactured Home Class B	X	Library	SP	Recycling Deposit Station, accessory	X	Zoo	SP
Automobile Hobbyist	Xs	Dwelling, Manufactured Home Class C	Es	Machine, Metal, Wood Working, Welding Shop	SPs	Recycling Deposit Station, principal use	SPs		
Automobile Repair Shop / Automobile, Truck Sales, Accessory	SPs	Dwelling, Manufactured Home Class D	Es	Manufactured Home Park	Es	Restaurant, within other facilities	Xs		
Automobile Towing and Wrecker Service / Automobile, Truck Sales, Accessory	SPs	Dwelling, Single Family	X	Marina, Accessory	Xs	Riding Stables	SPs		
Bed and Breakfast Inn	SPs	Dwelling, Two Family	Xs	Marina, Commercial	SP	Rodeo / Accessory Rodeo	SPs		
Bona Fide Farms	Xs	Essential Services Class 1	X	Maternity Home	Xs/SPs	School for the Arts	SP		
Botanical Garden	Xs	Essential Services Class 2	Xs	Military Reserve Center	SPs	School, Elementary & Middle (public & private)	Xs		
Camping and Recreational Vehicle Park	SPs	Essential Services Class 3	SP	Museum	SP	School, Senior High (public & private)	Xs		
Cemetery	SPs	Essential Services Class 4	Xs/SPs	Nursery (Garden)	SPs	Small House Community	SP		
Church / Place of Worship	Xs	Family Care Home	Xs/SPs	Nursing Home, Rest Home	SPs	Special Events Facility	SPs		
College / University	SP	Firing Range, Indoors, principal use	SPs	Paint Ball / Laser Tag Facility	SPs	Special Events Facility, Accessory	SPs		
Conference / Retreat / Event Center	SPs	Firing Range, Outdoors, principal use	SPs	Park	Xs/SPs	Stadium	Xs/SPs		
Continuing Care Facility	SPs	Fish Hatcheries	SP	Parking Lot	SPs	Taxidermy	X		
Contractor's Office	SP	Flex Space	Xs	Planned Residential Development (PRD)	Xs/CDs	Telecommunication Antennae & Equipment Buildings	Xs		



---

Post Office Box 1748  
Gastonia, North Carolina 28053  
Phone (704) 866-6980

150 South York Street  
Gastonia, North Carolina 28052  
Fax (704) 869-1960

## Memorandum

**To:** Jamie Mendoza Kanburoglu—Director of Planning and Zoning, Building and Development Services  
**From:** Julio Paredes, AICP, Planner, Gaston—Cleveland—Lincoln MPO  
**Date:** October 17<sup>th</sup>, 2023  
**Subject:** REZ 23-09-05-00163 – Upper Spencer Mountain Rd, Stanley – GCLMPO Site Plan Review

---

Thank you for the opportunity to provide transportation comments on a proposed rezoning within the Gaston-Cleveland-Lincoln Metropolitan Planning Organization (GCLMPO) planning area. My comments are based on the review of the site in accordance with the adopted Comprehensive Transportation Plan (CTP), the adopted 2050 Metropolitan Transportation Plan (MTP), and the current State Transportation Improvement Program (STIP).

The site is located at 532 Upper Spencer Mountain Rd, Stanley, NC, 28164, USA. Parcel IDs# 167857. On behalf of the GCLMPO, I offer the following comments:

1. According to the 2020-2029 STIP, there are no funded transportation improvement projects in the immediate vicinity of this site.
2. Neither the GCLMPO 2050 Highway MTP nor Highway CTP include any proposed improvements to any streets adjacent to the subject property.
3. Please note that for any site plan that requires a driveway permit on an NCDOT roadway, or is adjacent to NCDOT roadways, the property owner/developer should work with NCDOT on any required driveway permits or any TIA requirements.

If you have any questions regarding my comments, please do not hesitate to contact me at 704-866-6980 or [juliop@cityofgastonia.com](mailto:juliop@cityofgastonia.com).



# Gaston County

Gaston County  
Board of Commissioners  
www.gastongov.com

## Building and Development Services Board Action

File #: 23-517

Commissioner Cloninger - Building & Development Services - Zoning Map Change: REZ-23-09-05-00163, Derrick Kent Hunter (Applicant); Property Parcel: 167857, Located on 532 Upper Spencer Mountain Rd., Stanley, NC, Rezone 4.76 Acres from the (R-1) Single Family Limited Zoning District to the (R-3) Single Family General Zoning District

### STAFF CONTACT

Jamie Kanburoglu - Director of Planning and Zoning - 704-862-5510

### BACKGROUND

Chapter 5 of the Unified Development Ordinance requires a public hearing by the Commission, with recommendation by the Planning Board prior to consideration for final action by the Commission. Derrick Kent Hunter (Applicant); Property Parcel: 167857, Located on 532 Upper Spencer Mountain Rd., Stanley, NC, Rezone 4.76 Acres from the (R-1) Single Family Limited Zoning District to the (R-3) Single Family General Zoning District. A public hearing was advertised and held on November 28, 2023 with Public Hearing comments being on file in the Board of Commission Clerk's Office. Planning Board recommendation was provided on November 6, 2023, and the Commission is requested to consider the public hearing comment, Planning Board recommendation and other pertinent information, then (approve), (disapprove) or (modify) the map change.

### ATTACHMENTS

Resolution, Staff Report, Application Packet, Maps, and GCLMPO Comments

DO NOT TYPE BELOW THIS LINE

I, Donna S. Buff, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows:

NO.	DATE	M1	M2	CBrown	CCLoninger	AFrale	BHevis	KJohnson	TKeigher	RWorley	Vote
2023-375	11/28/2023	RW	BH	A	A	A	A	A	AB	A	U

### DISTRIBUTION:

Laserfiche Users

A=AYE, N=NAY, AB=ABSENT, ABS=ABSTAIN, U=UNANIMOUS