




BOARD OF COUNTY COMMISSIONERS

## Inter-Office Memo

**TO:** Board of County Commissioners

**FROM:** Jeffrey Ball, AICP, Planning and Zoning Manager 

**Cc:** Frank Abbate, County Manager  
John Denninghoff P.E., Assistant County Manager  
Tad Calkins, Director

**DATE:** August 18, 2022

**SUBJECT:** **22Z00005 Brian G. and Debra S. Lawson and David and Alicia McCabe**  
**Addendum to Staff Comments**

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On August 4, 2022, the Board of County Commissioners approved the re-opening of the public hearing for Brian G. and Debra S. Lawson, and David and Alicia McCabe (22Z00005) to be heard on September 1, 2022. During discussions with the applicant about the County's requirement to provide a mortgage joinder for Binding Development Plans (BDP), it came to staff's attention that a portion of the property was conveyed to David and Alicia McCabe on March 28, 2022. The validity of their application was compromised since the conveyance was prior to Board action on April 7, 2022. Reopening the application would allow the ownership to be updated and essentially reset the clock for recording the BDP.

The applicant has stated they are having difficulty obtaining the mortgage joinder, and are of the opinion it is not required by the County's code. It is necessary to require the owners of and interest holders in the subject property be identified in the application and, ultimately, joined in the BDP to ensure such individuals/entities are bound by the BDP's terms and conditions.

On August 10, 2022, the applicant revised the zoning application to include the new ownership and request a different zoning classification. The applicant would like to request Agricultural Residential, Low Intensity (AU(L)) zoning, whereas the current request is Rural Residential RR-1. The AU(L) zoning classification could be considered as a higher intensity zoning classification based on the permitted agricultural uses of a personal non-commercial nature. Conversely, RR-1 does not allow for these agricultural uses.

The RR-1 zoning classification is generally described as single-family residential of spacious character on a minimum one-acre lot, with a minimum lot width and depth of 125 feet. The RR-1 classification permits horses, barns and horticulture as accessory uses to a single-family residence. The minimum house size is 1,200 square feet. Compared to AU(L) zoning classification which permits single-family residences of spacious character and agricultural pursuits on 2 ½ acre lots for

personal use, with a minimum lot width and depth of 150 feet. The minimum house size in AU(L) is 750 square feet. The AU(L) classification also permits the raising/grazing of animals, fowl and beekeeping for personal use but mitigates commercial agricultural activities.

The surrounding zoning classifications are:

- GU classification is a holding category, allowing single-family residences on five acre lots with a minimum width and depth of 300 feet. The minimum house size in GU is 750 square feet.
- AU zoning classification permits single-family residences of spacious character and agricultural uses on 2.5 acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet. The AU classification also permits the raising/grazing of animals, fowl and beekeeping.
- TR-1 is a single family residential mobile home zoning classification which permits mobile homes or residences of standard construction on lots of 7,500 square feet (minimum) with lot width of 65 feet and lot depth of 100 feet.

The Board may wish consider whether revised request to AU(L) is consistent and compatible with the surrounding area without the Planning and Zoning recommendation.