

mismatched zoning districts and existing developments. In this case the zoning permit does not include junk or salvage yard. The Planning Department began code enforcement procedures in February 2025. In mid-March, the business was given 60 days to remove the junked vehicles and cease the salvage operation on site. This rezoning application was submitted toward the end of the 60 day period. Mrs. Williams provided the following definitions to the board.

Junk yard: (The use of any part of a lot for the storage, keeping abandonment, sale or resale of junk, salvage, or scrap materials; or for the dismantling, demolition, or abandonment of automobiles and other vehicles, machinery, equipment, manufactured homes or parts thereof.)

Towing and Recovery: Defined by NCGS 20-219 to remove a vehicle by any means including towing and to store the vehicle. Comprehensive Plan indicates this area is “existing medium density residential” and does not show commercial use.

Staff recommends denial of the request and call for a public hearing on July 15, 2025. The Planning Department recommended to the property owner to apply for a Conditional Zoning.

Hannah Williams read the Consistency Statement, which is edited from the staff report for the record.

Consistency Statement:

The proposed zoning map amendment is not consistent with the adopted Comprehensive Plan because it would allow an inappropriate, intensive land use into a low density residentially zoned area. The comprehensive plan’s future land use map identifies this parcel as “existing medium density residential” and abuts “existing low density residential” classifications. The proposed amendment does not protect the residential character of the area.

Board Member Baker asked if the Planning Department had been in contact with the property owner.

Planning Director Williams replied yes, she has been in contact and he now lives in Florida. He was under the impression that the property use was for commercial and he pays commercial rates for utilities.

Chairperson McCarl asked when the Planning Department first learned he was not in compliance with zoning and if this building was constructed before Whitnel was in the city limits and had a zoning code.

Planning Director Hannah Williams replied, it was discovered in late winter of this year. Usually, the use is ok if it stays within the pre-existing zoning. This use has changed into a junk/salvage yard, which is what the code enforcement falls under.

Attorney, Wallace Respass at 138 North Main Street, Lenoir NC approached the board. He is representing the applicant, Alex Moss. Mr. Respass stated the essence of zoning is to protect neighbors from an unwanted use. In this case every neighbor on Countryside Drive except one has signed an affidavit saying they do not object to Alex Moss and the use of the property.

Chairperson McCarl asked why the neighbors did not attend the meeting and if he had personally met with them. She stated the board would have liked to ask them about their property values with a junkyard being in their neighborhood. She asked how long Mr. Moss has been using this property as a junkyard.

Wallace Respass responded he has not met or spoken to any neighbors personally, the signed documents were taken to their home with a Notary. He explained how the business evolved into a junk yard in the last 4 years. Mr. Respass stated what they are asking for is spot zoning.

Planning Director Hannah Williams approached the board and explained spot zoning is legal in North Carolina as long as it is reasonable and in the public interest. In this case according to the City of Lenoir Comprehensive plan industrial encroachment in a residential area may not be in the public's interest.

Chairperson McCarl asked how long the business has been operating on the site.

Attorney Wallace Respass replied, Alex Moss has owned the business for more than 30 years. Mr. Moss would be willing to put up a barrier to buffer the site.

Chairperson McCarl questioned whether he would have enough space to put up a barrier that zoning requires. She stated we don't know if the neighbors were explained that their property values could go down and may have trouble selling with a junk/salvage yard. Mr. Moss received a zoning permit in 2020 that was clear that it did not allow for a junk/salvage yard.

Board Member Bryant stated this decision would go with the land, not with the neighbors. This will affect neighbors in future generations. Once it's rezoned it stays with the land and would allow future uses for industrial in a residential neighborhood.

Board Member Baker made a motion to deny the rezoning request for 143 Countryside Drive SE and adopt the consistency statement as amended by staff and call for a Public Hearing for City Council to consider the request on July 15, 2025. Board Member Scobie seconded the motion, which was voted upon and passed unanimously.

- 2. Freese and Nichols will give a presentation of the drafted Living Lenoir 2045 Comprehensive Plan. Lenoir2045.com**

Recommended Action: Recommend City Council approve and adopt the new Comprehensive Plan on July 15, 2025.

Alexis Garcia with Freese and Nichols gave a presentation of the drafted 2045 Comprehensive Plan. After board discussion it was recommended to approve and go before City Council.

Board Member Bryant made a motion to adopt the Living Lenoir 2045 Comprehensive Plan as presented and call for a Public Hearing for City Council to consider the request on July 15, 2025. Board Member Scobie seconded the motion, which was voted upon and passed unanimously.

OTHER BUSINESS

1. Staff provided an updated list of issued zoning permits to the board, as general information.

ADJOURNMENT:

Having no other matters to bring before the Board, Chairperson McCarl adjourned the Planning Board meeting at 7:05 p.m.



Lucy McCarl
Chairperson



Hannah Williams
Planning Director