

COUNTY OF CLEVELAND, NORTH CAROLINA
AGENDA FOR THE BOARD OF ADJUSTMENT MEETING

January 25, 2018

4:00 PM

County Commissioners Chamber

Call to order and Establishment of a Quorum

Selection of Chair

Selection of Vice-Chair

Swearing in of New Members

Invocation and Pledge of Allegiance

Approval of Minutes

Approval of Minutes from the 11-30-17 Board of Adjustment Meeting

Cases

Case 18-01: Request to Issue Variance at 534 Bell Road

Miscellaneous Business

Adjournment

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Selection of Chair

Department:

Agenda Title:

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name

Description

No Attachments Available

COUNTY OF CLEVELAND, NORTH CAROLINA

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Selection of Vice-Chair

Department:

Agenda Title:

Agenda Summary:

Proposed Action:

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COUNTY OF CLEVELAND, NORTH CAROLINA

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Swearing In of New Members

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COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Minutes

Department:

Agenda Title: Approval of Minutes from the 11-30-17 Board of Adjustment Meeting

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
☐ 11-30-17_BOA_minutes.pdf	Minutes



MINUTES
CLEVELAND COUNTY BOARD OF ADJUSTMENT
Commission Chambers – County Administrative Building
311 East Marion St., Shelby, North Carolina
Regular Meeting - 4:00 p.m.
November 28, 2017

Members Present

Jeff Ward, Chairman
Bobby Watson
Paul Aulbach, Alternate
Joyce Coleman, Alternate

Members Absent

Greg Thompson
Doug Lawing
Byron Hendrick*
*resigned as of Nov.
2017

Others Present

Chris Martin, Senior Planner
Henry Earle, Planner
Anna Parker, Administrative Asst.

CALL TO ORDER AND ROLL CALL TO ESTABLISH QUORUM

Chairman Ward called the meeting to order at 4:00 pm. Joyce Coleman and Paul Aulbach were called upon to vote and quorum was established.

PLEDGE OF ALLEGIANCE AND INVOCATION

Jeff Ward led the Invocation and the Pledge of Allegiance.

APPROVAL OF SEPTEMBER 28, 2017 MINUTES

Bob Watson made the motion to approve the September 28, 2017 minutes, seconded by Joyce Coleman, and the motion was unanimously carried.

CASE #17-08 CONDITIONAL USE PERMIT- SOLAR FARM

Applicant: Birds Eye Renewable Energy
Location: 631 Plato Lee Rd.
Parcel #: 32571

Chris Martin was sworn in to present a Staff Report on case 17-08. The property is about 28 acres and is currently owned by the Edna B. Lee Heirs. The properties to the North are zoned Heavy Industrial and the properties to the South are zoned Residential. The Land Use Plan shows the area as industrial.

Chairman Ward opened the Public Hearing at 4:10 pm.

Peden Harris of Birdseye Renewable Energy was sworn in. He stated that they did have a voluntary community meeting and there was concern about the construction going on for 24/7. In response to the concerns, Birdseye Renewable Energy limited construction times to 7 am to 10 pm, which is stated on their site plans. Mr. Harris went over the following criteria:

1. Health and safety: all non-hazardous materials are UL rated and the site will have a six foot fence.

2. The Site has met or exceeded all of the standard requirements.
3. Surrounding Property Value: Solar is not show to affect neighborhood values.
4. Harmony: The site is in harmony with the Land Use Plan, it will be screened, and in harmony with the neighbors.
5. Decommission Plan- the site will be decommissioned and recyclable materials will be recycled.

Paul Aulbach inquired about the foliage on the site. Mr. Harris stated that there will be a type A buffer, which will meet and exceed the requirements for screening

There being no further public comment, Chairman Ward closed the Public Hearing at 4:16 pm.

Chairman Ward discussed the four required criteria with the Board and they unanimously determined the following:

- (1) Will it materially endanger the public health or safety- No.
- (2) Will it substantially injure the value of adjoining or abutting property- No.
- (3) Will it not be in harmony with the area in which it is to be located- No, it is in harmony with the surrounding land usage.
- (4) Will it not be in general conformity with the land use plan, thoroughfare plan, or other plan officially adopted by the board of commissioners- No, it is in general conformity with the land use plan.

Chairman Ward entertained a motion.

Bobby Watson made the motion to approve the Conditional Use Permit for Case 17-08. The motion was seconded by Paul Aulbach and was unanimously carried.

MISCELLANEOUS BUSINESS

Staff reminded the Board about the Board Appreciation Dinner on 12-12-17 at 6:00 pm at Joe's Place.

The Board unanimously agreed to re-schedule the December meeting to 12-12-17 at 5:15 pm.

ADJOURNMENT

Bobby Watson made the motion to adjourn the meeting. The motion was seconded by Joyce Coleman and was unanimously carried to adjourn at 4:30 pm.

ATTEST:

Jeff Ward, Chairman

Anna Parker, Administrative Assistant

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Case 18-01

Department:

Agenda Title: Case 18-01: Request to Issue Variance at 534 Bell Road

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
☐ VAR_18-01_Staff_Report.pdf	Staff Report
☐ Site_Plan.pdf	Site Plan
☐ GIS_Aerial_Map.jpg	Aerial Map
☐ Setbacks.pdf	UDO-Setbacks
☐ Site_Plan_2_Variations.pdf	Site Plan 2 Variations

STAFF REPORT

To: Board of Adjustment Date: January 19, 2018

From: Chris Martin, Senior Planner

Via: Henry Earle, Planner

Subject: Variance Application 18-01

Summary Statement: John Hardin is requesting a Variance on the corner lot side setback on his property, parcel 15400, at 534 Bell Road in Kings Mountain. It is located off of Oak Grove Road, just north of the Kings Mountain ETJ. Mr. Hardin has submitted a completed application, and a site plan.

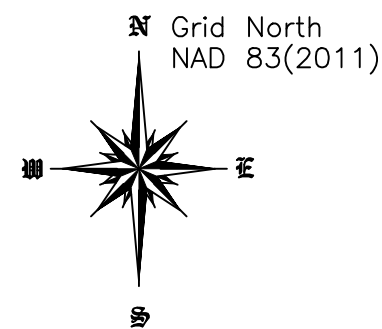
Review: In 2014 Mr. Hardin granted 15' along the southern property line as an easement stretching the entire southern line of his property. This easement creates a corner lot. Mr. Hardin has had a vacant single wide mobile home on his property for many years and now wishes to remove it and subdivide his land to allow a double wide mobile home to be placed where the single wide currently resides. Cleveland County Code of Ordinances section 12-173 states that corner lots require a 20' setback from the edge of the right of way. This is prohibiting Mr. Hardin from being able to put the double wide mobile home down and meet current setbacks.

Mr. Hardin is therefore requesting a variance from the 20' requirement for corner lots, allowing him to encroach on the right of way setback on the south side of his property. Granting this variance will allow him to subdivide his property and place the double wide mobile home on the new parcel.

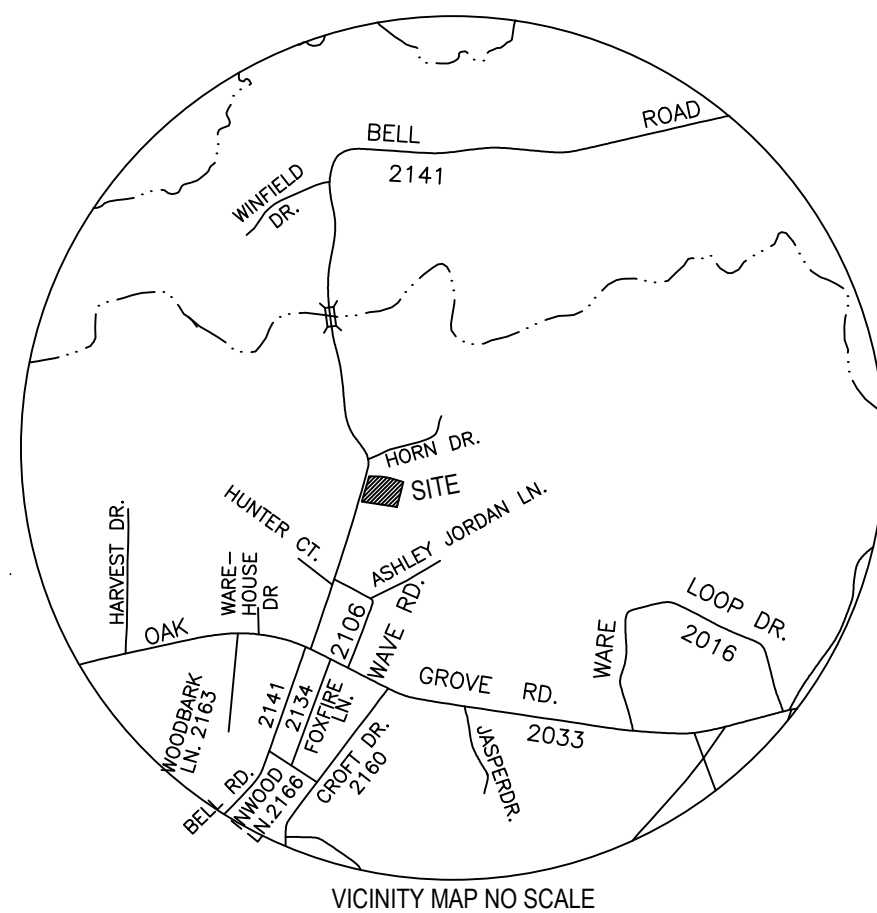
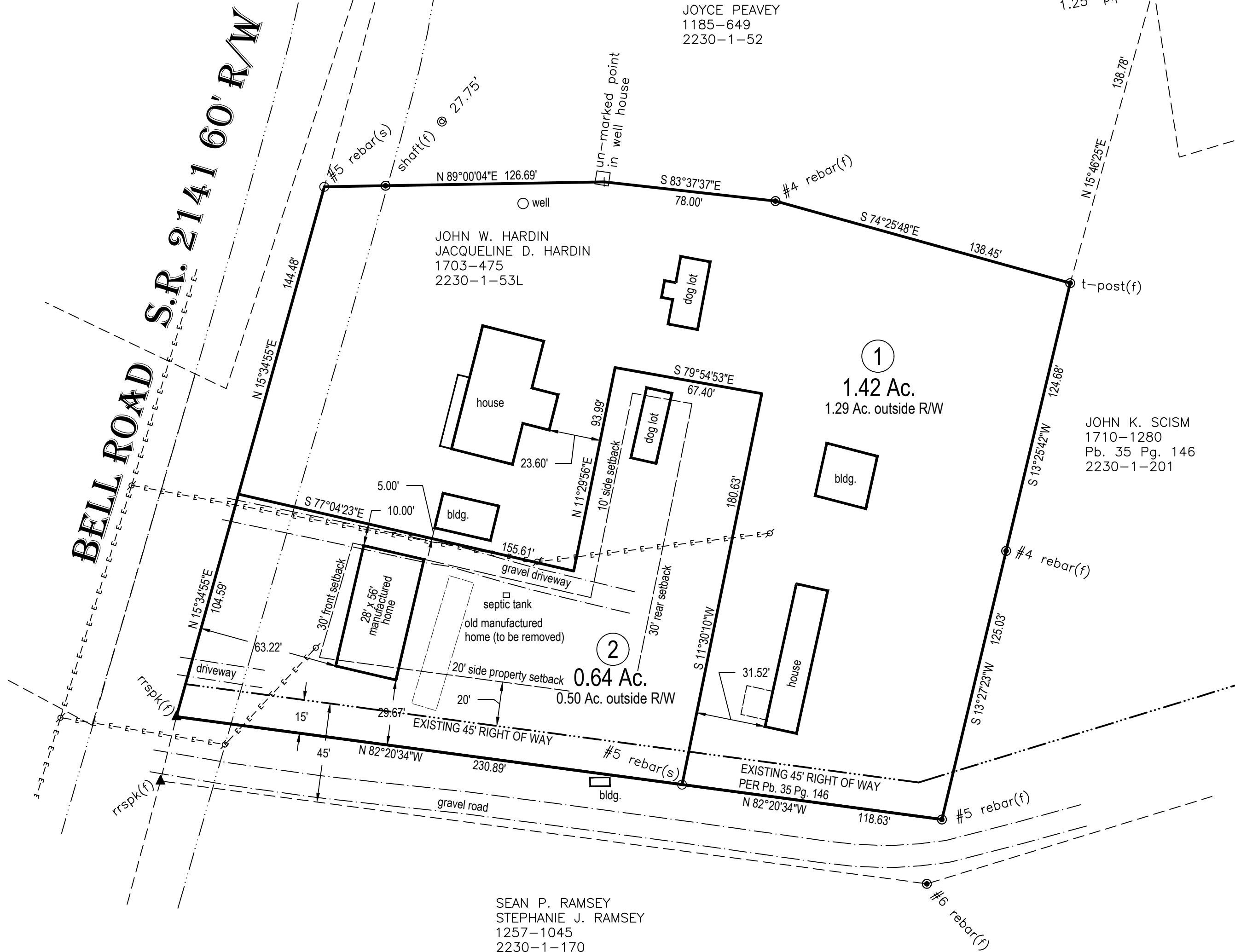
A variance may be granted by the Board with a vote of 4/5 of the membership.

When issuing Variances, the Board must come to the following three conclusions:

1. There are unnecessary hardships in the way of carrying out the strict letter of the chapter as demonstrated by one or more of the following:
 - a. If following the strict letter of the law he/she can secure no reasonable return from, or make no reasonable use of, his/her property
 - b. The hardship of which the applicant complains results from unique circumstances related to the applicant's land
 - c. The hardship is not the result of the applicant's own actions.
2. The variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit
3. The granting of the variance secures the public safety and welfare and does substantial justice.



LEGEND	
	SURVEYED BOUNDARY LINES
	LINES NOT SURVEYED
	RIGHT OF WAY LINE
	FENCE LINE
	ELECTRIC LINE
	BURIED ELECTRIC LINE
	WATER LINE
	GAS LINE
	SAN SEWER LINE
	TELEPHONE LINE
	HYDRANT
	GAS METER
	WATER METER
	POWER POLE
	TELEPHONE BOX
	NEW IRON PIN (NIP)
	EXISTING IRON PIN (EIP)
	UNMONUMENTED POINT
	MAG NAIL
	CONCRETE MONUMENT
	R.R. SPIKE SET
	R.R. SPIKE FOUND
	(f) = FOUND
	(s) = SET
	STONE
	TREE
	WELL

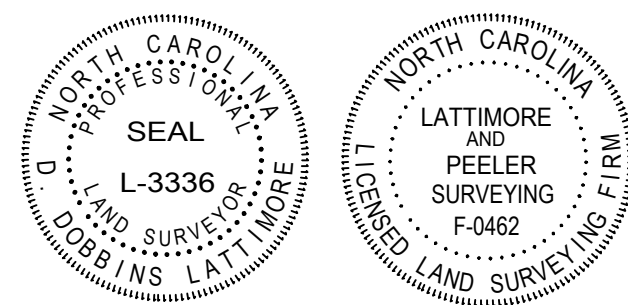


I, D. Dobbins Lattimore, certify that this map was drawn under my supervision from an actual GPS survey made under my supervision and the following information was used to perform the survey:

- (1) Class of survey: A
- (2) Positional accuracy of Control Corners: 95% = 0.10'
- (3) Type of GPS field procedure: Static
- (4) Dates of survey: Dec. 27, 2017
- (5) Datum/Epoch: NAVD 88 NAD(83)/2011
- (6) Published/Fixed-control used: VRS from NCGS website
- (7) Geoid model: 2012A
- (8) Combined grid factor(s): 0.99983657
- (9) Units: U. S. Survey Foot

Building Setbacks as follows:

- From street r/w 30'
- From side lot line 10'
- From rear lot line 30'
- From side property line on corner lot 20'



SITE PLAN FOR JOHN & JACQUELINE HARDIN

Owner: John W. Hardin
Jacqueline D. Hardin
Address: 534-2 Bell Road
Kings Mountain, NC 28086
Deed Ref: 1703-475
Tax Map Ref: 2230-1-53L
Township: No. 9
County: Cleveland
State: North Carolina
Plat Prepared: Jan 9, 2018
Scale 1"= 50'



GENERAL NOTES

1. NO TITLE SEARCH BY LATTIMORE AND PEELER SURVEYING.
2. PROPERTY SHOWN SUBJECT TO EASEMENTS OF RECORD.
3. UNDERGROUND UTILITIES HAVE NOT BEEN LOCATED.
4. NO FEATURES LOCATED OTHER THAN THOSE SHOWN.
5. NC DOT R/W'S ARE APPROXIMATE UNLESS OTHERWISE NOTED.
6. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
7. IF THIS MAP DOES NOT HAVE AN ORIGINAL SIGNATURE IT IS NOT VALID.
8. THIS MAP IS FOR THE EXCLUSIVE USE OF THE ORIGINAL PURCHASER OF THIS SURVEY AND IS NOT TRANSFERABLE TO SUBSEQUENT OWNERS OR ADDITIONAL INSTITUTIONS.

PRELIMINARY PLAT NOT FOR SALES OR CONVEYANCES

Water System : Cleveland County Sanitary District
Sewer System: Individual septic systems
All interior lot lines subject to a 20' (10' either side)
drainage easement and or utility easement
All lots subject to a 10' drainage easement where natural
drainage occurs

I, D. Dobbins Lattimore, Professional Land Surveyor No. L-3336 certify that this survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land and a certification of approval is required by Cleveland County before the plat is presented for recordation and also certify to the following: Certificate of Survey and Accuracy I, D. Dobbins Lattimore, certify that this plat was drawn under my supervision from an actual survey made under my supervision deed description recorded in Book 1703, Page 475; that the boundaries not surveyed are clearly indicated as drawn from information found in Book 1703, Page 475 and the surveys reference above ; that the ratio of precision as calculated is 1:12,000; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, License number and seal this 9th day of January A.D., 2018. License Number is L-3336

Surveyor

LATTIMORE & PEELER SURVEYING

105 LONDON ROAD (704) 538-3443
LAWNDALE, NORTH CAROLINA 28090

D.F. # 2230153
C.F. # 2230153
DRAWING # 18-007B



Sec. 12-173. - Building setback requirements.

(a) Subject to section 12-174 and the other provisions of this article, the minimum principal building setback requirements shall be as follows:

From street right-of-way	30 feet
From street right-of-way	50 feet (RA district only)
From side property line	10 feet
From rear property line	30 feet
From side property line on corner lot	20 feet
From lot front on arterial	40 feet

If the street right-of-way line is readily determinable (by reference to a recorded map, set irons, or other means), the setback shall be measured from such right-of-way line. If the right-of-way line is not so determinable, the setback shall be measured from the street centerline and increased by twenty-five (25) feet.

(b) The following structures shall also be subject to these setbacks:

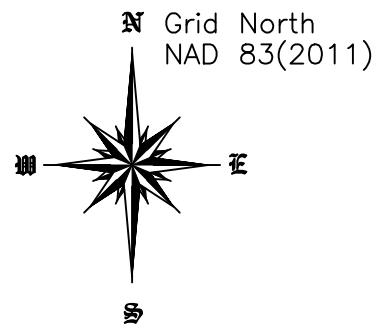
- (1) Gas pumps and overhead canopies or roofs.
- (2) Fences running along lot boundaries adjacent to public street rights-of-way if such fences exceed six (6) feet in height and are substantially opaque.

(c) Setback requirements shall not apply to the location of:

- (1) Structures along the shoreline of Moss Lake.
- (2) Decks, patios or other structures not used as a place of occupancy, storage or shelter.

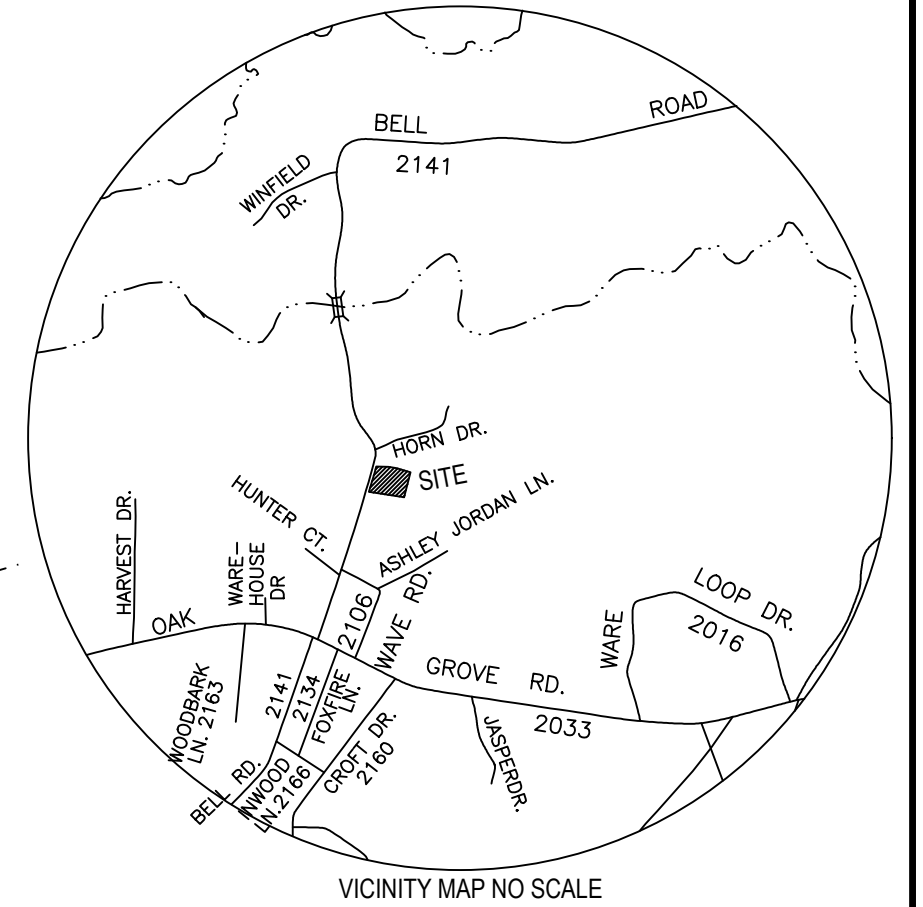
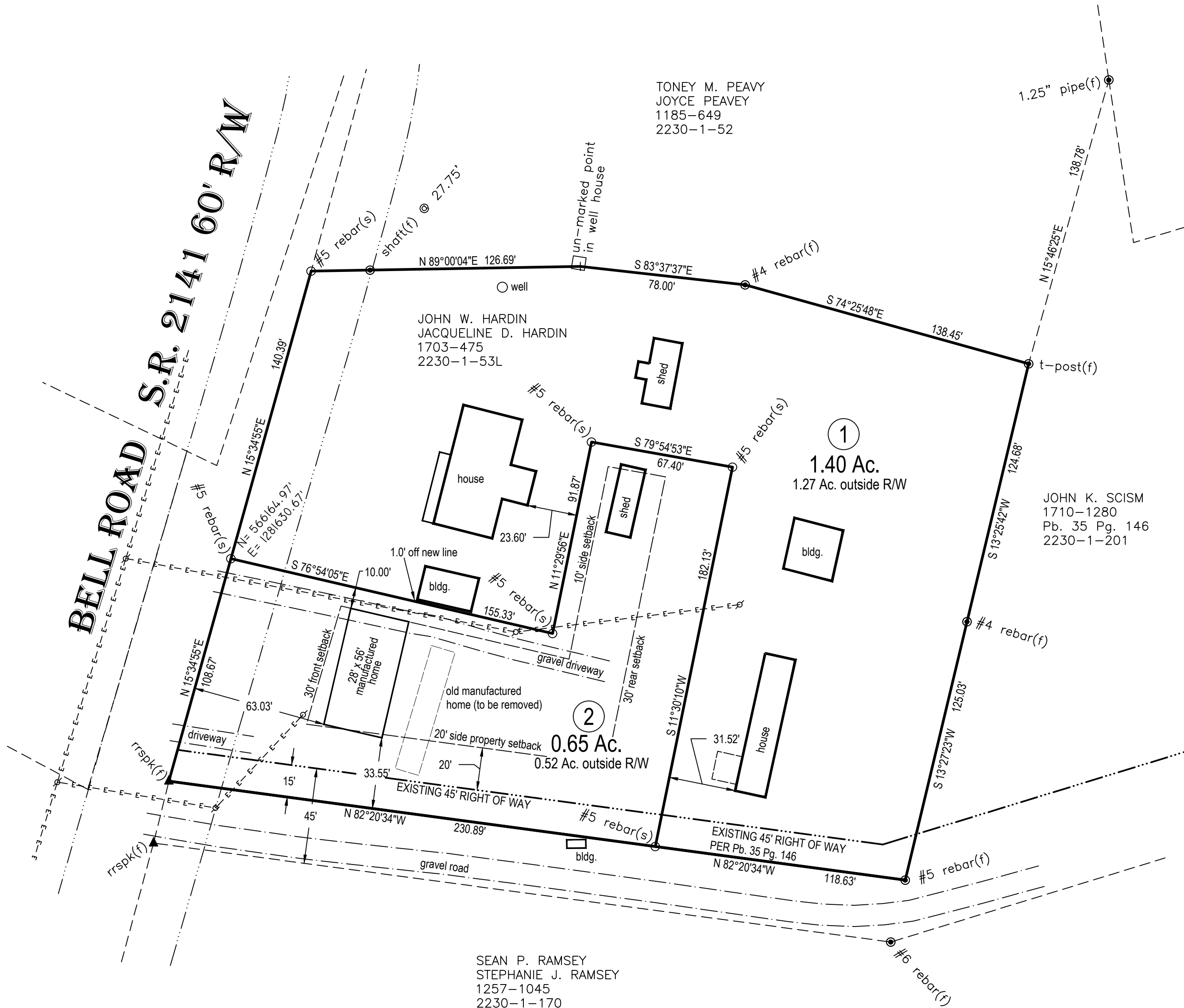
(d) The above setback requirements shall apply to the location of all fixed structures from any exterior lot line other than the shoreline of Moss Lake.

(Ord. of 6-17-97; Amd. of 12-17-02)



LEGEND	
	SURVEYED BOUNDARY LINES
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	FENCE LINE
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	R.R. SPIKE SET
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	(f) = FOUND
	(s) = SET
	STONE
	TREE
	WELL

BELL ROAD S.R. 2141 60' R/W

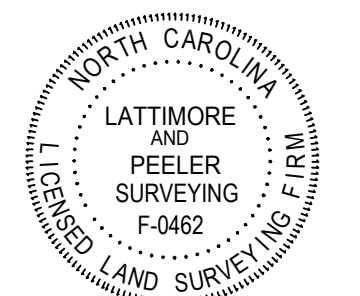
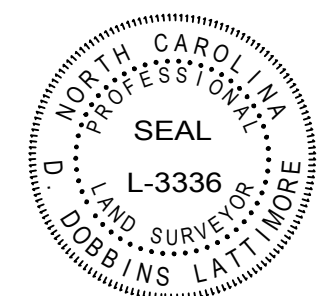


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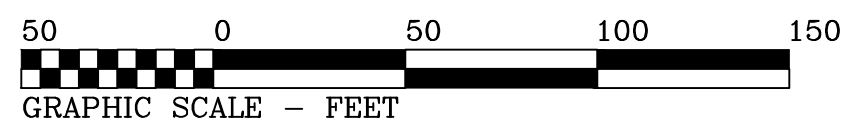
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