

**COUNTY OF CLEVELAND, NORTH CAROLINA**  
**AGENDA FOR THE PLANNING BOARD MEETING**

**August 27, 2019**

**6:00 PM**

**Commissioners Chamber**

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**Call to order and Establishment of a Quorum**

**Invocation and Pledge of Allegiance**

**Approval of Minutes**

Minutes from the July 23 Planning Board meeting

**Items**

Case 19-10: Request to Rezone Property at 205 North Main Street in Grover from General Business (GB) to Restricted Residential (RR)

Case 19-09: Request to Rezone property at 735 Winn Road from Residential (R) to General Business Conditional District (GB)

**Miscellaneous Business**

**Adjournment**

**COUNTY OF CLEVELAND, NORTH CAROLINA**

**AGENDA ITEM SUMMARY**

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**Minutes**

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**Department:**

**Agenda Title:** Minutes from the July 23 Planning Board meeting

**Agenda Summary:**

**Proposed Action:**

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**ATTACHMENTS:**

File Name	Description
<input type="checkbox"/> 7-23-19_PB_Minutes.pdf	Minutes



**CLEVELAND COUNTY PLANNING BOARD**  
**Cleveland County Administrative Building – Commission Chambers**  
**311 E. Marion Street, Shelby, NC**  
**July 23, 2019 - 6:00 p.m.**

**Present:**

Max Hopper, Chairman

Tom Spurling, Vice-Chairman

Darryl Crawford

Susan Scruggs

Eddie Kee

**Absent:**

Charles Christenbury

Lucas Shires

**Others Present**

Chris Martin, Senior Planner

Anna Parker, Administrative Assist.

Henry Earle, Planner

Jay and Deborah Carpenter

Robin and Don Costner

Susan and Richard Shook

Bill Chambless

**CALL TO ORDER AND ESTABLISH QUORUM**

**Chairman Hopper** called the meeting to order at 6:05 pm. It was determined that a quorum was present.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

**Chairman Hopper** led the invocation, followed by the Pledge of Allegiance and Pledge.

**APPROVAL OF THE JUNE 25, 2019 MINUTES**

**Tom Spurling** made a motion to approve the June 25, 2019 minutes. It was seconded by Susan Scruggs and unanimously carried.

**CASE 19-06: TEXT AMENDMENT FOR CARPORTS & GARAGES**

**Mr. Martin** re-introduced to the to this text amendment to allow the placement of carports and garages in the front side yard of homes. He stated that any structure on a lot has to be the principle building, and then there are allowances for accessory structures. Currently they are only allowed behind the home. Mr. Earle showed a visual graphic showing the proposed allowance to allow carports and garages (for storing vehicles only) in the front side yards of the principle building. Staff has been working on language to limit the size of the building to 50% of the foot print size of the home. Eddie Kee asked if this includes small metal structures. Mr. Martin said that the type/material of the building does not matter since it the permit is based on the size and use only. This would not apply to storage sheds. The definition of carport and garage is “a structure primarily used for parking or storing motor vehicles”.

**Tom Spurling** asked about the 50’ from the front plane of the home- does it apply to any part of the structure or point to point? Mr. Martin stated that has not been decided or defined yet.

**Mr. Spurling** would like to make sure there is access for emergency vehicles. Eddie Kee said that lightweight structures can have issues in strong wind and can be blown over.

**Susan Scruggs** pointed out that there are no limitations on lot size as of right now. Mr. Martin said that the current version relies on meeting setbacks and the size of the home, not property size. He said that the property owners will also need to get an Environmental Health Permit for the septic system location to be verified in relation to where the owner wants to put the structure. They would deny a requested location if it interferes with the septic system and repair and drain field.

**Susan Scruggs** agreed that she would like to see emergency access addressed. Chairman Hopper requested that it be looked into.

**Darryl Crawford** felt like this is on the right track. He suggested that the language state that the structure should not extend out more than 50' from the front plane of the home. There was no more Board discussion at this time.

**Chairman Hopper** opened a Public Comment session at 6:29 pm.

**Bill Chambless** of 209 Park Circle in Shelby wanted to ask about vehicles being registered. He is worried that people will put junk vehicles that are falling apart and unregistered in their front yard, as well as campers. It will be unsightly. Chairman Hopper said there could be something about the car being in running operation.

**Richard Shook** of Patterson Springs feels like someone with three acres should be able to do what they want out front. He understands having rules for half an acre, but there shouldn't be limits on three acres in a rural area where houses are far between.

**Jay Carpenter of 740 Winn Rd.** thinks there should be minimum acreage requirements that the rule only applies to. Otherwise he feels like they should be able to do what they want to since they pay taxes.

**Deborah Carpenter of 740 Winn Rd.** is concerned about junk cars in the neighborhood which has been reported to many people. Mr. Martin stated that there are no limits on how many cars a person has on their property if they are in running condition. The property in question that was reported by the Carpenter's has about twenty cars but there is no code that can have them removed as a violation since they are in running condition. There is no ordinance that limits the area or the number of cars that can be parked on a property.

**Chairman Hopper** let the audience know that the County will be working on a new Land Use Plan and it will be a time for input and change. He encouraged participation. The plan is not for re-zoning properties. The changes may or may not lead to zoning changes. It is a guide for future growth.

**Don Costner** of 814 E. Marion St. understands what the intent of the proposed change is, but he is concerned about tax value. He does not want to see tax values brought down or the neighbor's view blocked. People park and don't move vehicles. Campers and RVs are huge and could take up a lot of room in the front of a property. He said this needs more thought.

**Chairman Hopper** said that this is a fact finding and input meeting tonight; they are not making a decision. As there was no more comment, Chairman Hopper closed the Public Comment session at 6:45 pm.

**The Board** agreed that these were all points to take into consideration. There are some areas that are suitable, but not all. It may need to take acreage into account. Chairman Hopper let the audience know that the Board meets every fourth Tuesday if there is a case to review, so check with the Planning Department for upcoming meetings.

#### **MISCELLANEOUS BUSINESS**

There was no miscellaneous business for review.

#### **ADJOURNMENT**

There being no further business, **Chairman Hopper** adjourned the meeting at 6:48 pm.

ATTEST:

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Max Hopper, Chairman

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Anna Parker, Administrative Assistant

# COUNTY OF CLEVELAND, NORTH CAROLINA

## AGENDA ITEM SUMMARY

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### Case 19-10

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**Department:**

**Agenda Title:** Case 19-10: Request to Rezone Property at 205 North Main Street in Grover from General Business (GB) to Restricted Residential (RR)

**Agenda Summary:**

**Proposed Action:**

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**ATTACHMENTS:**

File Name	Description
<input type="checkbox"/> 19-10_Staff_Report.pdf	Staff Report
<input type="checkbox"/> 19-10_Zoning_Map_205_North_Main_Street_Grover.pdf	Zoning Map
<input type="checkbox"/> 19-10_Aerial_Map_205_North_Main_Street_Grover.pdf	Aerial Map

## STAFF REPORT

To: Grover Town Council Date: August 9, 2019

From: Chris Martin, Senior Planner

Via: Henry Earle, Planner

Subject: Rezoning Case 19-10 205 North Main Street

Summary Statement: Julie Ledford Tilley is requesting to rezone property at 205 North Main Street in Grover from General Business (GB) to Restricted Residential (RR).

Review: The property is 1.045 acres and is located at 205 South Main Street. The zoning is General Business, as is the property surrounding it along North Main Street. To the immediate northwest and northeast along Walnut Avenue the zoning becomes Restricted Residential. The area is comprised of mostly residential uses, with homes to the immediate east and north, with a church to the immediate west. There are several businesses further southwest, along Main Street.

NCGS 153A-341 requires that local government boards adopt one of the following three zoning consistency statements to go along with its decision:

- Approving the zoning amendment and describing its consistency with the adopted plan and why the action is reasonable and in the public interest;
- Rejecting the zoning amendment and describing its inconsistency with the adopted plan and why the action is reasonable and in the public interest;
- Approving the the zoning amendment and:
  - A declaration that the approval is deemend an amendment to the comprehensive plan.
  - An explanation in the conditions the governing board took into account in amending the zoning ordinance to meet the development needs of the community.
  - Why the action was reasonable and in the public interest.

Pros:

- Would be an extension of an already existing zone.
- The property is already being used in a residential capacity, thus allowing the use to be compliant with the zone.

Cons:

- None noted.

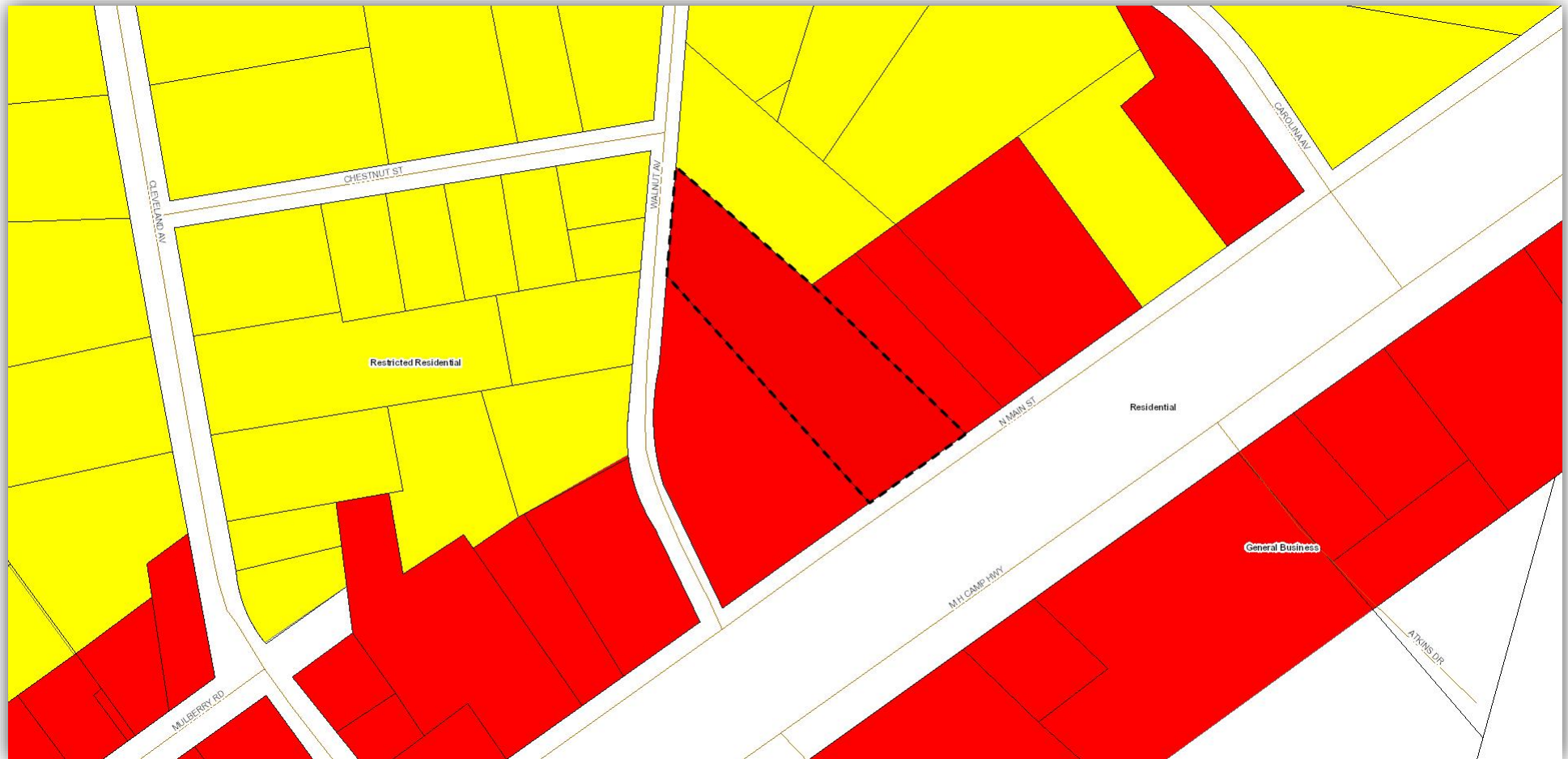
Fiscal Impact:

- None.

Recommendations:

- Planning Board: The Planning Board will hear and make a recommendation on Tuesday, August 27

**Case # 19-10 Re-Zoning** for 205 North Main Street GB to RR  
**Zoning Map**, Parcel #6421 1.045 acres





**Case # 19-10 Re-Zoning** for 205 North Main Street GB to RR  
**Aerial Map**, Parcel #6421 1.045 acres



# COUNTY OF CLEVELAND, NORTH CAROLINA

## AGENDA ITEM SUMMARY

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### Case 19-09

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#### Department:

**Agenda Title:** Case 19-09: Request to Rezone property at 735 Winn Road from Residential (R) to General Business Conditional District (GB)

#### Agenda Summary:

#### Proposed Action:

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#### ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 19-09_Staff_Report.pdf	Staff Report
<input type="checkbox"/> Site_Plan_c_size.pdf	Site Plan
<input type="checkbox"/> 19-09_Zoning_Map_735_Winn_Road.pdf	Zoning Map
<input type="checkbox"/> 19-09_Aerial_Map_735_Winn_Road.pdf	Aerial Map
<input type="checkbox"/> 19-09_Future_Land_Use_Map_735_Winn_Road.pdf	Future Land Use Map
<input type="checkbox"/> 735_Winn_Road_Powerpoint.pdf	Powerpoint

## STAFF REPORT

To: Cleveland County Board of Commissioners Date: August 22, 2019

From: Chris Martin, Senior Planner

Subject: Rezoning Case 19-09 735 Winn Rd

Summary Statement: Jay and Deborah Carpenter are requesting to rezone property at 735 Winn Road from Residential (R) to General Business Conditional District (GB-CD)

Review: The property is one (1) acre and is located on Winn Road, south of Mooresboro near the County line. The Carpenter's have acquired the property and wish to construct a building to operate a sign business at this location. They have submitted an application and site plan showing how the property will be used.

This area is comprised mostly of rural residential uses, with a home based auto sales business along the same road. The surrounding zoning districts include Residential, with the auto sales parcel zoned Rural Agriculture Conditional District. The Land Use Plan designates this area as future Residential.

NCGS 153A-341 requires that local government boards adopt one of the following three zoning consistency statements to go along with its decision:

- Approving the zoning amendment and describing its consistency with the adopted plan and why the action is reasonable and in the public interest;
- Rejecting the zoning amendment and describing its inconsistency with the adopted plan and why the action is reasonable and in the public interest;
- Approving the zoning amendment and:
  - A declaration that the approval is deemed an amendment to the comprehensive plan.
  - An explanation in the conditions the governing board took into account in amending the zoning ordinance to meet the development needs of the community.
  - Why the action was reasonable and in the public interest.

Pros:

- Allows the citizen to utilize property for desired use

Cons:

- Rezoning could be considered spot zoning
- The action is inconsistent with the Land Use Plan

Fiscal Impact:

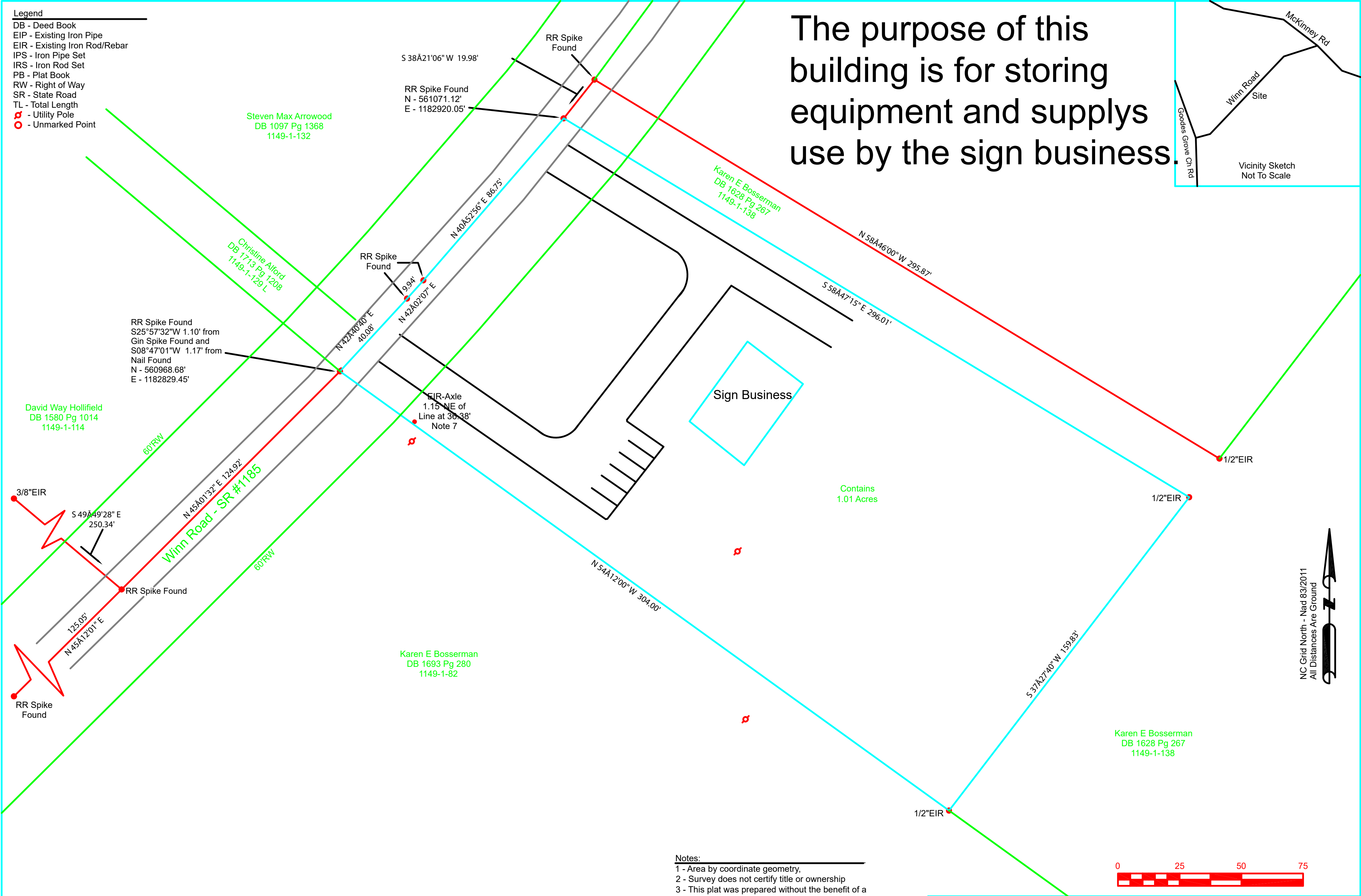
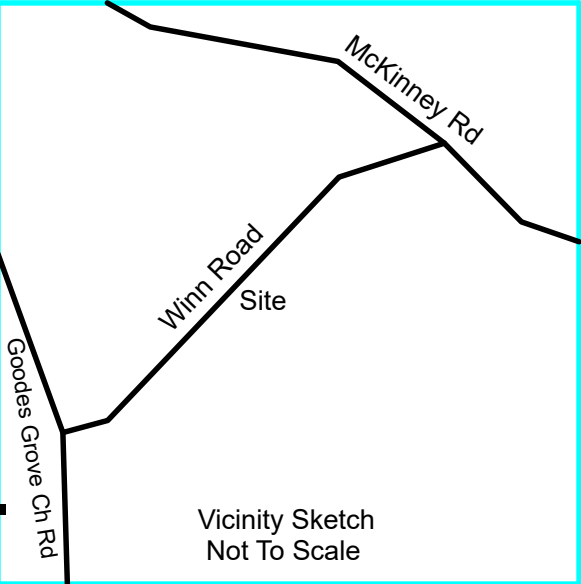
- None

Planning Board Recommendation:



- Legend
- DB - Deed Book
  - EIP - Existing Iron Pipe
  - EIR - Existing Iron Rod/Rebar
  - IPS - Iron Pipe Set
  - IRS - Iron Rod Set
  - PB - Plat Book
  - RW - Right of Way
  - SR - State Road
  - TL - Total Length
  - ⚡ - Utility Pole
  - - Unmarked Point

The purpose of this building is for storing equipment and supplies use by the sign business.



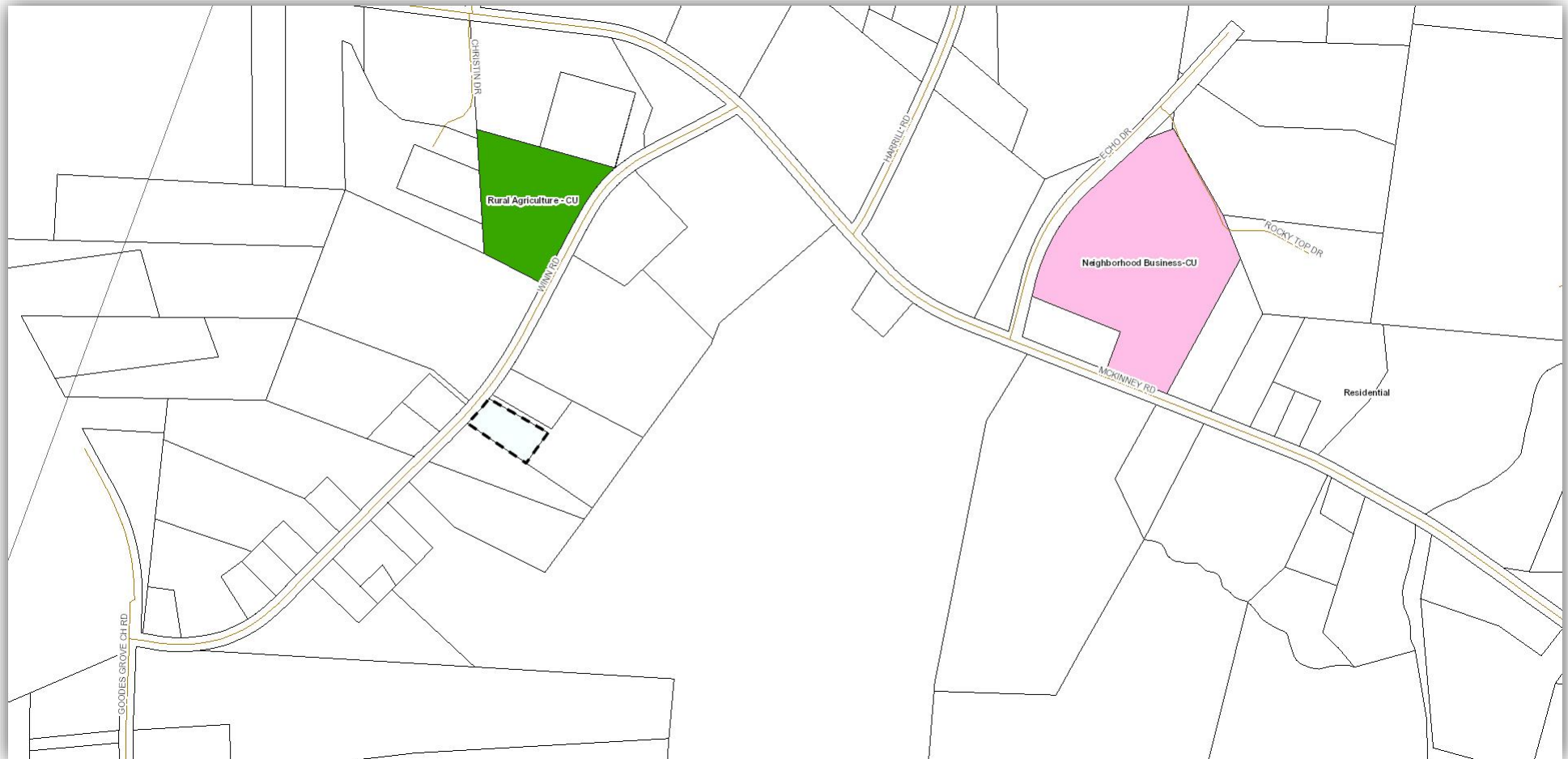
This is an Unsigned Electronic Plat Copy  
Preliminary Plat - Not for Recordation, Conveyance or Sales

- Notes:
- 1 - Area by coordinate geometry.
  - 2 - Survey does not certify title or ownership
  - 3 - This plat was prepared without the benefit of a title search which may reveal additional conveyances, easements, rights-of-way, building restrictions, zoning, etc.
  - 4 - All property ownership information has been taken from current tax records.
  - 5 - Property is subject to easements, etc. of record
  - 6 - Underground utilities have not been located.
  - 7 - This axle was found across the property line and may represent a possible encroachment. Said axle does not match with the called for monuments in DB 1788 Pg 1724 or DB 1693 Pg 280.

  
TRIPOD LAND  
SURVEYING, P.A.  
C-2183  
149 South Main Street  
Rutherfordton, NC 28139  
828 288 0008

Survey For:			Jay Carpenter		
Survey Of:			1.01 Acre Lot On Winn Road		
County:	Cleveland	Township:	#2	Scale: 1" = 25'	
State:	North Carolina				
DB <u>1786</u>	Pg <u>1724</u>	Tax Map#	1149-1-92	Date:	3/21-25/2019
				Drawing #	1334

**Case # 19-09 Re-Zoning** for 735 Winn Road R to GB-CU  
**Zoning Map, Parcel #61359 1.01 acres**





**Case # 19-09 Re-Zoning** for 735 Winn Road R to GB-CU  
**Aerial Map,** Parcel #61359 1.01 acres



**Case # 19-09 Re-Zoning** for 735 Winn Road R to GB-CU  
**Land Use Plan**, Parcel #61359 1.01 acres

