

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

**October 30, 2019**

**4:00 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 8-29-19 Board of Adjustment Meeting

**Cases**

Case 19-13: Conditional Use Permit at 3904 Fallston-Waco Road

Request for a new conditional use permit for a Temporary Dependent Care. CUP's were previously approved in 2004, 2009, and 2014.

Case 19-12: Conditional Use Permit at 4805 Anthony Farm Rd.

L&L U-Pull-It operates an auto salvage business at 4805 Anthony Farm Rd. They are requesting a modification of their conditional use permit to construct a fence so that salvage inventory can be located in the rear of the designated customer parking lot.

**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 8-29-19 Board of Adjustment Meeting

**Agenda Summary:**

**Proposed Action:**

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**ATTACHMENTS:**

File Name	Description
<input type="checkbox"/> 8-29-2019_BOA_minutes.pdf	8-29-19 BOA 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.**  
**July 25, 2019**

***Members Present***

Jeff Ward, Chairman  
Joyce Coleman, Vice Chairman\*  
Bobby Watson  
Paul Aulbach

***Members Absent***

Doug Lawing  
Tommy Brooks  
Thomas Fletcher

***Others Present***

Henry Earle, Planner  
Rita Stafford, Substitute Clerk  
Michael Gullatte, Petitioner  
Charles & Betty Vess  
Charles Keith Vess  
Alton & Judy Vess  
Donnie and Debra Williams  
Gwen Cash  
Carolyn Dillingham

***Others Present***

Jack Vess  
Dale Bowen  
Betty Warren  
Steven and Sadie Lowery  
J. Ellis  
Mike Ellis  
Jill Solesbee  
Caleb Williams  
Gary Hastings

**CALL TO ORDER AND ESTABLISH QUORUM**

**Chairman Ward** called the meeting to order at 4:08 pm. He determined quorum was present.

**PLEDGE OF ALLEGIANCE AND INVOCATION**

**Joyce Coleman** led the Invocation and **Chairman Ward** led the Pledge of Allegiance.

**APPROVAL OF JULY 25, 2019 MINUTES**

**Paul Aulbach** made a motion to approve the July 25, 2019 Minutes. It was seconded by **Bobby Watson** and unanimously carried.

**Chairman Ward** asked Michael Gullatte, the Petitioner, since only four Board members are present if he would be okay with continuing with the Hearing since it will require at least a three out of four vote to pass. Mr. Gullatte said that is okay.

**CASE #19-11 CONDITIONAL USE PERMIT: RV PARK**

Applicant: Michael Gullatte of Milk and Honey Farms, LLC

Location: 2452 Brookfield Rd.

Parcel #: 5126

**Henry Earle** was sworn in to present the case. The applicant has submitted a site plan that shows 20 sites that will be developed over a two-phase project. The site is 50 acres zoned Residential. Adjoining property is Restricted Residential and the surrounding usage is residential, including manufactured home parks. There are no screening requirements by the County Code, but Mr. Gullatte has proposed in his site plan to have screening. A NCDOT Driveway permit is not required by County Code, but may be required by the NCDOT. The 20-foot wide road/driveway

is what is recommended by Emergency Management for access to access the site, as shown on the site plan.

**Chairman Ward** opened the Public Hearing at 4:20 pm.

**Michael Gullatte** was sworn in. He stated that he purchased the property in 2013 and the homes were in disarray on the property. He showed pictures of the property as it was in 2013 and pictures of how he has improved it and cleaned it up now. The photos show the existing buffer on the property. The RV Park will be around the white house on the property at 2452 Brookfield Rd. He said he will not allow bad tenants and he will be a good neighbor. It will not de-value neighboring properties- he will be living on the property and wants to keep his own property value up. The purpose of the RV Park is to support temporary workers like Duke Energy Linesmen. He will determine who will be parked there.

**Mr. Gullatte** said the site will have concrete pads for the RVs, with electrical, municipal water, and county septic hookups for plumbing. It will be the occupants' responsibility to pick up their trash. They have trash pick-up service for once a week. There is natural tree landscape buffering already around the property that he will use.

**Donnie Williams** of 2407 Brookfield Dr. was sworn in. He stated his concerns about public health and safety. He presented evidence from the NCDOT of 11 (eleven) accident reports between 2014 and now. The extra traffic, especially RV's can cause additional danger. He cited Kings Mountain police reports (111 calls) as evidence from 2018 to 2019 from an RV Park in Kings Mountain about theft, larceny, drugs, and traffic hazards. He is concerned about harmony and that it will lower property values but did not provide evidence for these two statements. He asked the Board to deny the permit, or to consider restrictions if the permit is granted- conducting a traffic impact study, limits to length of stay and returning, complete a boundary survey of the whole 50-acre property and limit the usage to just what is on the site plan, and a privacy fence for a buffer around the RV Park.

**Debra Williams** of Brookfield Dr. was sworn in. She has been licensed for 18 years as a real estate broker. She is concerned about the RV Park lowering adjoining property values and the inability to sell adjoining properties. She feels that the area is primarily for family oriented residential uses. She does not think the community will benefit from the RV Park.

**Dale Bowen** of 2460 Brookfield Dr. was sworn in. He showed photos of school buses traveling on Brookfield Dr. He works in law enforcement. It is a narrow road with sharp curves and hills- combined with the school buses it is a traffic hazard. He said trash will be an issue if the tenants don't pick up after themselves. He is also a construction worker and has been around RV Parks. He is concerned about drinking, loud music, partying, drugs, and crime since the tenants are not permanent residents. He is concerned about lowering adjoining property values. He had his land

appraised in January and was told the manufactured home park nearby will hurt his home value. He submitted the photos as evidence.

**Jack Larry Vess** was sworn in. He stated his concerns about the safety. He does not want to see crime or abuse from the RV Park residents. He spoke about the dangerous curves and blind spots in the road, and property values.

**Charles Vess** was sworn in. He showed his property and the driveway road that is proposed on the site plan. He stated it is close to his property. He is concerned about the sharp curve and visibility in blind spots for people using the driveway.

**Fannie Vess** was sworn in. She lives across from the proposed site. There are no trees at his property across the street from her. The proposed driveway is directly across from her. She is concerned about the additional traffic.

**Jill Solesbee** of 2462 Brookfield Dr. was sworn in. She stated she did not feel comfortable or safe about having an RV Park adjoining her.

**Chairman Ward** closed the Public Hearing at 5:02 pm.

**The Board** held a discussion. Paul Aulbach would like to see a traffic impact study. Bobby Watson stated his concern about the road safety. Joyce Coleman inquired about Mr. Gullatte's other properties. Mr. Gullatte stated he controls who the tenants are and does not have issues with his other sites. He will manage the property, and he also lives there so he will maintain safety. Mr. Aulbach asked about more screening in the bare areas. Mr. Gullatte said he can add screening in the bare areas cut/bush-hogged out.

**The Board** reviewed the four criteria.

- (1) Will it materially endanger the public health or safety- The Board stated concerns about testimony on traffic and safety with the additional traffic. Ms. Coleman stated the NCDOT controls the traffic and we are a growing county. Chairman Ward stated that there were no studies on the half dozen other RV Parks around the county presented for evidence of safety. They stated that with a condition on NCDOT Approval of their access, it will help them be safe.
- (2) Will it substantially injure the value of adjoining or abutting property- The Board felt with screening there will not be substantial injury to adjoining properties.
- (3) Will it not be in harmony with the area in which it is to be located- The Board stated the density is in line with the manufactured home park nearby, and that with conditions such as screening and developing according to the site plan, it will be in harmony.

- (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- The Board stated that is in conformity.

**Paul Aulbach** made the motion to approve the Conditional Use Permit 19-11 with the following conditions:

- There is a NCDOT approval driveway permit for entrances and exits that includes a traffic impact study.
- Agree to put in a buffer zone of Type B minimum screening between the road and the site on the three spots on the site plan.

The motion was seconded by Bobby Watson and carried three in favor and one opposed.

### **MISCELLANEOUS BUSINESS**

There is no miscellaneous business for review.

### **ADJOURNMENT**

**Chairman Ward** entertained a motion to adjourn.

**Bobby Watson** made the motion to adjourn the meeting. The motion was seconded by Joyce Coleman and unanimously carried to adjourn at 5:32 pm.

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Jeff Ward, Chairman

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Anna Parker, Clerk

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Rita Stafford, Substitute Clerk

# COUNTY OF CLEVELAND, NORTH CAROLINA

## AGENDA ITEM SUMMARY

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### Case 19-13

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**Department:** Planning

**Agenda Title:** Case 19-13: Conditional Use Permit at 3904 Fallston-Waco Road

**Agenda Summary:** Request for a new conditional use permit for a Temporary Dependent Care. CUP's were previously approved in 2004, 2009, and 2014.

**Proposed Action:**

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#### ATTACHMENTS:

File Name	Description
<input type="checkbox"/> Application.pdf	Application
<input type="checkbox"/> CUP_19-13_Staff_Report.pdf	Staff Report
<input type="checkbox"/> 19-13_Aerial_Map_3904_Fallston-Waco_Road.pdf	Aerial Photo

## APPLICATION FOR A CONDITIONAL USE PERMIT

Name of Applicant: Dwayne + Dianne Price  
Mailing Address: 3904 Fallston-Waco Rd.  
Lawn Dale NC 28090  
Phone: (Home) 704-600-5277 (Work) \_\_\_\_\_

TO THE CLEVELAND COUNTY BOARD OF ADJUSTMENT:

I/We, the undersigned, hereby petition the Board Of Adjustment to issue a "Conditional Use" permit in the name of

Dwayne + Dianne Price  
for the use of the property located at 3902 Fallston-Waco Rd (3904-1 Fallston-Waco  
Tax Map # 3157 Block # 1 Lot # 52L in RA Zoning District.  
Parcel # 35672

Title to this property is in the name of:

Bertha Jeanette Owens  
Name  
3904 Fallston-Waco Rd Lawn Dale NC 28090  
Mailing Address

City / State / Zip Code

The authority of the Cleveland County Board of Adjustment to grant the requested Conditional Use is contained in the  
Cleveland County Code, Section(s) 12-140

The requested Conditional Use is described as follows:

My husband and I would like to continue living at 3902  
Fallston-Waco Rd, Lawn Dale so I can continue to be close  
to my mother Jeanette Owens. I would like to keep living beside  
her to take care of her. I feel better knowing I'm right  
there should she need me



## **STAFF REPORT**

To: Board of Adjustment Meeting Date: 10-17-2019

From: Chris Martin, Senior Planner

Subject: Conditional Use Permit Application 19-13 for an Existing Temporary Dependent Care Home

Summary Statement: Dwayne and Dianne Price are requesting a Conditional Use Permit to renew a Temporary Dependent Care home at 3904 Fallston-Waco Road.

Review: The CUP was originally granted in 2004 to place a temporary care home on the property for the care of Jeanette Owens by her daughter, Dianne Price. This permit was renewed in 2009 and 2014. The current permit will expire in December of 2019 and the applicant, Dianne Price is requesting to renew the permit once again to care for her Mother, Jeanette Owens.

The Cleveland County Unified Code of Ordinances (Section 12-140) states that temporary dependent care homes are allowed in the Rural Agriculture zoning district with a Conditional Use Permit.

When issuing conditional use permits, the Board should consider the following criteria:

1. Is the application complete?
2. Will not materially endanger the public health or safety;
3. Will not substantially injure the value of adjoining or abutting property;
4. Will be in harmony with the area in which it is to be located; or
5. Will be in general conformity with the land use plan, thoroughfare plan, or other plans officially adopted by the Board of Commissioners.

**Case # 19-13 CUP** for 3904 Fallston-Waco Road  
**Aerial Map**, Parcel #35672 1.02 acres



# COUNTY OF CLEVELAND, NORTH CAROLINA

## AGENDA ITEM SUMMARY

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### Case 19-12

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#### Department:

**Agenda Title:** Case 19-12: Conditional Use Permit at 4805 Anthony Farm Rd.

**Agenda Summary:** L&L U-Pull-It operates an auto salvage business at 4805 Anthony Farm Rd. They are requesting a modification of their conditional use permit to construct a fence so that salvage inventory can be located in the rear of the designated customer parking lot.

#### Proposed Action:

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#### ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 19-12_CUP_Application_L_L_UPull.pdf	Application
<input type="checkbox"/> CUP_19-12_Staff_Report.pdf	Staff Report
<input type="checkbox"/> Case_19-12_Site_Plan.pdf	Site Plan
<input type="checkbox"/> 19-12_Aerial_Map_4805_Anthony_Farm_Road.pdf	Aerial Photo

CLEVELAND COUNTY, NORTH CAROLINA  
PLANNING DEPARTMENT

Case #: \_\_\_\_\_ App. Fee \$200.00  
Permit App. #: \_\_\_\_\_

## APPLICATION FOR A CONDITIONAL USE PERMIT

Name of Applicant: \_\_\_\_\_

Wes Lail (L&L U-Pull-It)

Mailing Address: \_\_\_\_\_

PO Box 339

Grover, NC 28073

Phone: (Home) \_\_\_\_\_

(Work) \_\_\_\_\_

704-937-7722

TO THE CLEVELAND COUNTY BOARD OF ADJUSTMENT:

I/We, the undersigned, hereby petition the Board Of Adjustment to issue a "Conditional Use" permit in the name of

for the use of the property located at \_\_\_\_\_

4805 ANTHONY FARM RD

Tax Map # \_\_\_\_\_

4-7

Block # \_\_\_\_\_

1

Lot # \_\_\_\_\_

19C

in \_\_\_\_\_

HEAVY INDUSTRIAL

Zoning District.

Parcel # \_\_\_\_\_

Title to this property is in the name of:

Wes Lail

Name \_\_\_\_\_

PO Box 339

Mailing Address \_\_\_\_\_

Grover NC 28073

City / State / Zip Code

\*\*\*\*\*  
The authority of the Cleveland County Board of Adjustment to grant the requested Conditional Use is contained in the  
Cleveland County Code, Section(s) 12-33

The requested Conditional Use is described as follows:

My request is to modify my existing conditional use permit, to allow  
for a "Opaque" style screening fence. This will prohibit view of new incoming  
Inventory. Also, this will slow the acts of theft on new inventory.

# APPLICATION FOR A CONDITIONAL USE PERMIT

The Board of Adjustment may request additional information as listed in Section 12.33(b). If this information is available, the applicant may explain below and/or show on the site plan.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins or other markings on the paper.

Attach a site plan of the subject property, accurately drawn to scale showing the dimensions and shapes of the lot, the size and locations of existing and proposed buildings on the lot and any other important features of the property.

It is understood by this applicant that the approval of this application by the Board authorizes only the Conditional Use requested herein by this applicant and that all conditions and requirements imposed by the Development Ordinance and/or by the Board shall be properly maintained and complied with at all times.

I/We hereby certify that the information contained in this application, including attachments, is true and correct to the best of my/our knowledge and belief.

**Signature of Applicant**

9/17/19  
Date of Application

## STAFF REPORT

To: Board of Adjustment

From: Chris Martin, Senior Planner

Subject: Case 19-12, Conditional Use Permit Application

Location: 4805 Anthony Farm Rd, L&L U-Pull-It

Meeting Date: 10-30-2019

### Summary Statement:

- L&L U-Pull-It is requesting to modify their site plan that was last approved by the Board of Adjustment in 2016.

### Review:

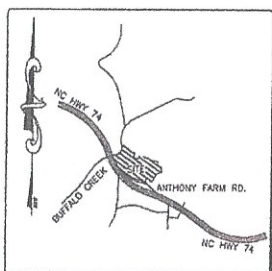
- **2012** - A conditional use permit was granted permitting an auto salvage business. A site plan was also approved showing landscape screening and **the location of salvage inventory as being located only on the eastern side of the building**, and to the rear of the constructed berm, so that the salvage vehicles could not be seen easily from the highway.
- **2015** – A zoning permit was issued for the sale of used automobiles.
- **2016** – A new conditional use permit was issued to approve a modified site plan, showing a different landscape screening plan that would continue to help hide the salvage inventory, while allowing the used cars that were for sale to be seen from the highway.
- **2019** – L&L U-Pull-It is now requesting to modify the site plan again, **to allow salvage inventory to be located on the western side of the building**, and to construct a fence to hide the salvage vehicles. These proposed changes are shown on the site plan provided.

The Board should consider the following four findings when deciding on a Conditional Use Permit;

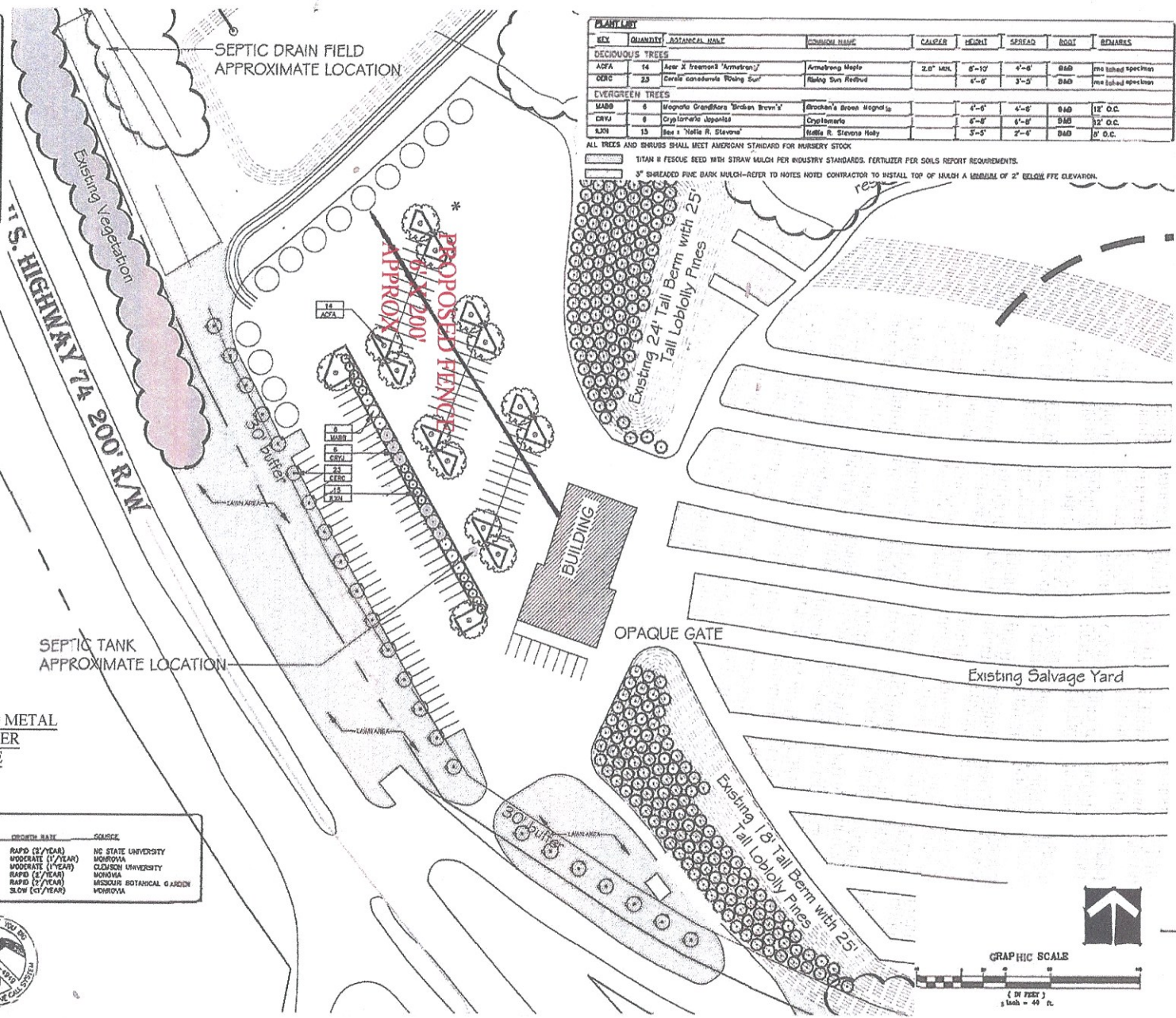
1. Will not materially endanger the public health or safety;
2. Will not substantially injure the value of adjoining or abutting property;
3. Will be in harmony with the area in which it is to be located; or
4. Will be in general conformity with the land use plan, thoroughfare plan, or other

Plans, officially adopted by the Board of Commissioners.





VICINITY MAP - NOT TO SCALE



**PLANT LIST**

KEY	QUANTITY	SCIENTIFIC NAME	COMMON NAME	CAULUS	HEIGHT	SPREAD	ROOT	REMARKS
<b>DECIDUOUS TREES</b>								
ADFA	14	Acer x freemanii 'Armstrong'	Armstrong Maple	2.0" MOL	6'-10'	4'-6'	SHAD	fine textured specimen
QESC	23	Quercus coccinea 'Rising Sun'	Rising Sun Redbud		6'-8'	3'-5'	SHAD	fine textured specimen
<b>EVERGREEN TREES</b>								
MABO	6	Magnolia grandiflora 'Bracken Brown'	Bracken's Brown Magnolia		4'-6'	4'-6'	SHAD	12" O.C.
CRJH	6	Cryptomeria japonica	Cryptomeria		6'-8'	6'-8'	SHAD	12" O.C.
RLHJ	13	Redwood 'Nellie R. Stevens'	Nellie R. Stevens Holly		3'-5'	2'-6'	SHAD	8" O.C.

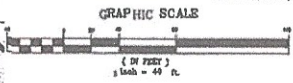
ALL TREES AND SHRUBS SHALL MEET AMERICAN STANDARD FOR NURSERY STOCK  
 TITAN II FESCUE SEED WITH STRAW MULCH PER INDUSTRY STANDARDS. FERTILIZER PER SOILS REPORT REQUIREMENTS.  
 3" SHREDED FINE DARK MULCH-REFER TO NOTES NOTED CONTRACTOR TO INSTALL TOP OF MULCH A MINIMUM OF 2" BELOW FFE ELEVATION.

\* PROPOSED WOOD FRAMED METAL  
 OPAQUE FENCE WITH EITHER  
 HINGED OR ROLLING GATE

**PLANT SPEC. CALCULATIONS**

PLANT SPECIES	EX/PROP	HEIGHT	WIDTH	GROWTH RATE	SOURCE
LOBLOLLY PINE	(EXISTING)	80'	30'	RAPID (2'/YEAR)	NC STATE UNIVERSITY
BRACKEN'S BROWN MAGNOLIA	(PROPOSED)	40'	25'	MODERATE (1'/YEAR)	MOOREHEAD
CRYPTOMERIA	(PROPOSED)	50'	25'	MODERATE (1'/YEAR)	CLEMSON UNIVERSITY
NELLIE R. STEVENS HOLLY	(PROPOSED)	20'	10'	RAPID (2'/YEAR)	MOOREHEAD
ARMSTRONG MAPLE	(PROPOSED)	30'	15'	RAPID (2'/YEAR)	MISSOURI BOTANICAL GARDEN
RISING SUN REDBUD	(PROPOSED)	10'	8'	SLOW (1'/YEAR)	MOOREHEAD

**CAUTION:**  
 The location and direction of existing underground utilities as shown on this drawing are only approximate. It is the contractor's responsibility to locate and mark all utilities prior to the start of construction.



This drawing and the design shown is the property of Dennis Terry Design, Inc. P.A. and shall remain the property of Dennis Terry Design, Inc. P.A. No part of this drawing may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Dennis Terry Design, Inc. P.A.

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 Email: dennis@terrydesign.com  
 Website: www.terrydesign.com

Site Planning ♦ Rezoning ♦ Permitting ♦ Residential ♦ Commercial

Landscape Plan

L&L U-Pull-It  
 4805 Anthony Farm Road  
 Shelby NC 28150

CONSTRUCTION DOCUMENTS

2016 November 15

**L1.00**



**Case # 19-12 CUP for 4805 Anthony Farm Road**  
**Aerial Map, Parcel #7733 56.413 acres**

