

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

February 29, 2024

4:00 PM

Comissioners Chamber

Call to order and Establishment of a Quorum

Invocation and Pledge of Allegiance

Approval of Minutes

Minutes from the December 21, 2023 Board of Adjustment meeting

Cases

Case 24-01: Request for Special Use Permit to modify existing Industrial Occupational Housing at 700 South Battleground Avenue

Case 24-02: Request for Variance from rear setback requirement at 1225 New Crest Lane

Case 24-03: Request to renew Special Use Permit for existing Group Home at 1856 Stony Point Road

Miscellaneous Business

Adjournment

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Minutes

Department:

Agenda Title: Minutes from the December 21, 2023 Board of Adjustment meeting

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 12-21-23_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.
August 31, 2023

Members Present	Members Absent	Others Present
Tommy Brooks, Chairman	Paul Aulbach	Earl Scott Warrick
Leon Martin		
Thomas Fletcher, Vice Chairman	Staff Present	
Bobby Watson, <i>alternate</i>	Henry Earle, County Planner	
	Anna Parker, Clerk	

CALL TO ORDER

Chairman Brooks called the meeting to order at 4:03 p.m.

ESTABLISHMENT OF QUORUM

It was determined that quorum was present.

ELECTION OF CHAIRMAN & VICE-CHAIRMAN

Thomas Fletcher made a motion to nominate Tommy Brooks as Chairman. There were no further nominations. The Board voted three in favor and one opposed to appoint Tommy Brooks as Chairman.

Bobby Watson made a motion to nominate Thomas Fletcher as Vice-Chairman. There were no further nominations. The Board voted three in favor and one opposed to appoint Thomas Fletcher as Vice-Chairman.

APPROVAL OF MINUTES: August 31, 2023 Minutes

Leon Martin made a motion to approve the August 31st, 2023 minutes. Bobby Watson seconded the motion and it carried unanimously.

CASE 22-05: Extension Request for RV Park Special Use Permit

Bobby Watson disclosed that he attended church with the applicant, but it would have no bearing on his decision and no financial interest in the matter. The Board and applicant stated that they had no issue with Mr. Watson voting on the decision.

Henry Earle stated that a Special Use Permit 21-05 was granted in May of 2021 for expanding his RV Park at 2084 Fallston Rd. The applicant, Earl Scott Warrick Jr. is requesting a six-month extension of his permit. The permit reached its expiration date on December 5th 2023 but the Board of Adjustment may extend the permit for an additional six months under code 12-38(c). This does not require a hearing or new permit fee. Mr. Warrick did submit his renewal request before the permit expired. If granted, the extension will be for six months from December 5th.

Earl Scott Warrick stated that he requested the extension. He has gotten a considerable amount of work done- the landscape screening, excavating the soil at the septic tanks, and meeting Duke Energy at the site. There was a delay getting the 400 amp service, and Duke Energy has been slow. He now has his electrical permit and intends to fully proceed. He wants the Board to consider the expenses he has put in- he spent \$7100 on the landscape screening last spring.

Chairman Brooks entertained a motion.

Bobby Watson made a motion to grant the six-month extension for SUP 22-05, to June 5th 2024. Leon Martin seconded the motion and it carried unanimously.

MISCELLANEOUS BUSINESS

Henry Earle stated that the Code Enforcement Officer Isaac Cook will be leaving the County for a position with Boiling Springs.

ADJOURNMENT

Chairman Brooks entertained a motion to adjourn.

Thomas Fletcher moved to adjourn at 4:17 pm. It was seconded by Bobby Watson and unanimously approved.

ATTEST:

Tommy Brooks, Chairman

Anna Parker, Clerk

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Case 24-01 Uniquetex

Department:

Agenda Title: Case 24-01: Request for Special Use Permit to modify existing Industrial Occupational Housing at 700 South Battleground Avenue

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 24-01_Staff_Report_Uniquetex_SUP.pdf	Staff Report
<input type="checkbox"/> Site_Plan.pdf	Site Plan
<input type="checkbox"/> 24-01_Petition_Uniquetex_SUP.pdf	Petition
<input type="checkbox"/> Industrial_Occupational_Housing_Text.pdf	Industrial Occupational Housing Text

STAFF REPORT

To: Board of Adjustment Meeting Date: February 29, 2024
From: Henry Earle, Planner
Subject: Request to modify site plan for approved Special Use Permit

Summary Statement: Uniquetex is requesting to modify the site plan for an existing Special Use Permit. The proposed modification adds additional manufactured homes to the property in compliance with Section 12-158, Industrial Occupational Housing.

Review: Parcel 10509 is a 99.5-acre tract located at 700 South Battleground Avenue. The manufacturing plant, Uniquetex, currently uses the facility located on the property. In 2017, a Conditional Use Permit was issued to the Uniquetex to permit four manufactured homes under Section 12-158, Industrial Occupational Housing. Uniquetex renewed this permit in July 2023 for another five years.

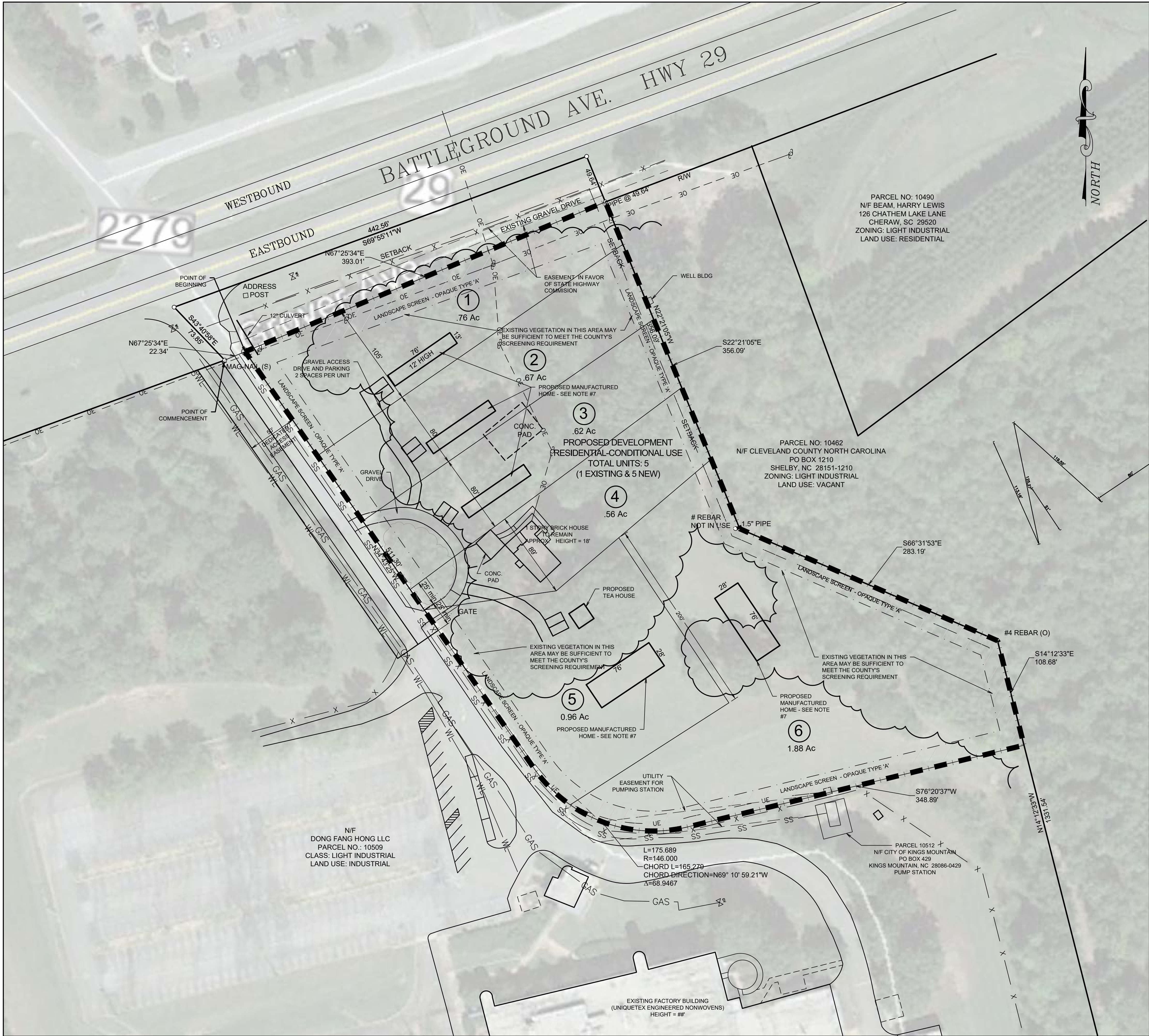
The company is now asking to modify that plan to include six homes, according to the site plan provided.

Ordinance: Industrial Occupational Housing is described in Section 12-158 of the Unified Development Ordinance as housing used exclusively for temporary residential housing for employees or contractors hired by the company located on the property. Housing shall be manufactured homes located on the same lot as the industrial use and is issued for up to five (5) years but may be renewed for successive periods if the need for housing continues to exist.

The applicant has provided a site plan showing the property boundaries and location of the homes. The site plan submitted meets the requirements of Section 12-140. If granted, this modification would not change the five year renewal date granted in July 2023.

When issuing special use permits, the Board must consider if the approval;

1. Will not materially endanger the public's 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 Commissioners.



- NOTES
1. PROPOSED LAND USE FOR REZONED PORTION OF PROPERTY: RESIDENTIAL
 2. EXISTING HOUSE TO REMAIN ON THE PROPERTY. OWNER DESIRES TO ADD 4 MANUFACTURED HOUSING UNITS
 3. APPROXIMATE SIZE OF PARCEL TO BE REZONED: 5.3 ACRES
 4. PROPOSED DENSITY 1 UNIT PER ACRE
 5. PARKING REQUIREMENT: 2 SPACES PER UNIT
 6. SCREENING REQUIREMENT: BETWEEN RESIDENTIAL AND INDUSTRIAL OPAQUE TYPE 'A'
 7. UNITS TO BE APPROX. 20' x 90' MANUFACTURED HOMES 12' HIGH. EXACT LOCATION OF MANUFACTURED HOUSING UNITS TO BE DETERMINED IN THE FIELD TO MINIMIZE REMOVAL OF EXISTING TREES.

APPROXIMATE BOUNDARY OF PROPERTY TO BE RE-ZONED
CURRENT ZONING: LI (LIGHT INDUSTRIAL)
REQUESTED ZONING: R-CU (RESIDENTIAL CONDITIONAL USE)

DESCRIPTION OF PORTION OF PARCEL 10509 TO BE RE-ZONED

STARTING AT A MAG. NAIL IN THE ASPHALT AT THE INTERSECTION OF THE ENTRANCE DRIVEWAY AND THE RIGHT-OF-WAY OF S BATTLEGROUND AVENUE SAID POINT BEING THE POINT OF COMMENCEMENT.

THENCE N 67° 25' 34" E FOR A DISTANCE OF 22.34' TO A CALCULATED POINT SAID POINT BEING THE POINT OF BEGINNING.

THENCE, PROCEEDING IN A CLOCKWISE MANNER FROM THE POINT OF BEGINNING, N 67° 25' 34" E FOR A DISTANCE OF 383.01 FEET TO AN OLD PIPE.

THENCE, S 22° 21' 05" E FOR A DISTANCE OF 356.75 FEET TO AN OLD 1.5" PIPE.

THENCE, S 66° 31' 53" E FOR A DISTANCE OF 283.19 FEET TO AN OLD #4 REBAR.

THENCE, S 14° 12' 33" E FOR A DISTANCE OF 108.68 FEET TO A CALCULATED POINT.

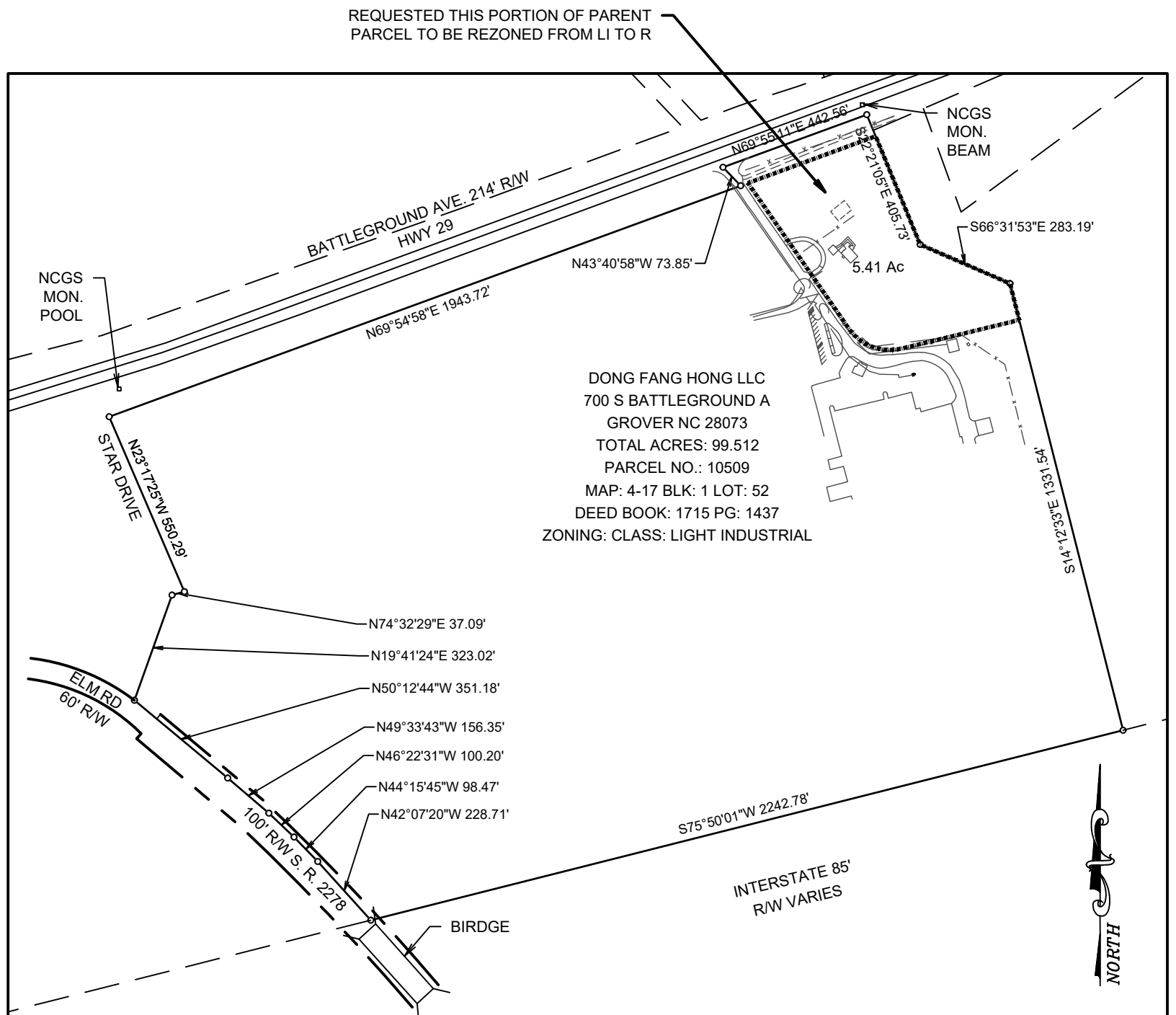
THENCE, S 76° 20' 37" W FOR A DISTANCE OF 348.89 FEET TO A CALCULATED POINT.

THENCE ALONG A CURVED LINE TURNING TO THE RIGHT THROUGH AN ANGLE OF 68 DEGREES 56 MINUTES 48 SECONDS, HAVING A RADIUS OF 146.00 FEET, AN ARC LENGTH OF 175.69 FEET A CHORD BEARING OF N 69° 10' 59" W AND A CHORD DISTANCE OF 165.28 FEET TO A CALCULATED POINT.

THENCE N 34° 43' 25" W A DISTANCE OF 511.30 FEET TO A CALCULATED POINT. SAID POINT BEING THE POINT OF BEGINNING.

TOTAL PERIMETER OF THE PARCEL 2176.85 FEET; TOTAL AREA OF THE PARCEL CALCULATED TO BE 5.45 ACRES.

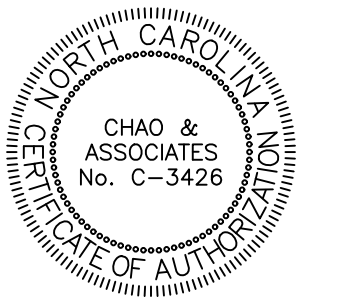
- REFERENCES:
1. SURVEY FOR ENTERTAINMENT DISTRIBUTION COMPANY (USA), LLC ALTA/ACSM LAND TITLE SURVEY URBAN SURVEY PREPARED BY LATTIMORE AND PEELER SURVEYING DATED MAY 4, 2005. LATEST REVISION MAY 25, 2005
 2. PARENT PARCEL IDENTIFIED AS CLEVELAND COUNTY PARCEL # 10509 TOTAL ACREAGE 99.5 ACRES
 3. ALL OWNERSHIP AND ZONING INFORMATION AS PUBLISHED ON CLEVELAND COUNTY GIS WEBSITE.
 4. PROPERTY IS LOCATED ON FEMA FIRM MAP 3710257200J. THERE ARE NO IDENTIFIED FLOOD HAZARD AREAS ON THIS MAP.



KEY MAP
1" = 400'



Chao & Associates, Inc.
Civil - Structural - Survey
7 Clusters Court
Columbia, SC 29210
Voice: (803) 772-8420
Fax: (803) 772-9120
Email: consult@chaoinc.com



Re-Zoning Exhibit
700 S Battlefield Avenue, Grover, NC
Prepared For
Dong Fang Hong, LLC
Cleveland County, North Carolina

Drawn: _____
Revised: _____
Checked: _____
Project No.: 327907-17
File: Sketch 2.dwg

ZP 178684



Cleveland County
NORTH CAROLINA

APPLICATION FOR A SPECIAL USE PERMIT

APPLICANT NAME: Uniquetex, LLC
MAILING ADDRESS: 700 South Battleground Ave Grover NC 28073
Phone: 704 457 3003 Ext. 606 E-Mail: Wendy.Long@Uniquetex.com
- main contact - 980-238-2909

TO THE CLEVELAND COUNTY BOARD OF ADJUSTMENT:

I/We, the undersigned, hereby petition the Board of Adjustment to issue a Special Use permit in the name of:

Uniquetex, LLC

for the use of the property located at: 700 South Battleground Ave Grover NC

Parcel #(s) 10509 in light industrial Zoning District.

Title to this property is in the name of:

Dong Fang Hong, LLC

Name

700 South Battleground Ave

Mailing Address

Grover NC 28073

City / State / Zip Code

The authority of the Cleveland County Board of Adjustment to grant the requested Special Use Permit is contained in the Cleveland County Code, Section(s)

The requested Conditional Use is described as follows:

Requesting additional space for Housing lot
+ small structure for "Ice Room" (gathering Room) detached

Include a site plan of the subject property. See Section 12-33(a) for site plan requirements. The Board of Adjustment may request additional information as listed in Section 12-33(b).

It is understood by this applicant that the approval of this application by the Board authorizes only the Special 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 always maintained and complied with.

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

12/28/24
Signature of Applicant

1/28/2024
Date of Application

For office use:

Payment Code: ZP 33 Special Use Permit

Fee: \$200

Paid on: 1-29-24 ZP: 178684 Case #: 24-01

Sec. 12-158. Industrial occupational housing.

Occupational housing shall be permitted on properties with an operating industrial use that are zoned heavy industrial (HI) and light industrial (LI) with the issuance of a special use permit from the board of adjustment. Operating industrial use includes, but is not limited to, planning, construction, and production uses. Occupational housing shall be used exclusively for temporary residential housing for employees or contractors hired by the company. Occupational housing shall meet the following standards:

- (1) Special use permits authorizing the use of the property for occupational housing may be issued for a period of up to five (5) years, but may be renewed for successive periods for as long as the need for housing continues to exist.
- (2) A surveyed site plan, meeting the requirements of section 12-33 of the development code, shall be submitted to the administrator with the application for a special use permit. The site plan shall show that the proposed use will meet the requirements of this chapter.
- (3) Occupational housing shall be utilized for employees and contractors who do not exceed seven hundred thirty (730) consecutive days of occupancy in an occupational housing.
- (4) There shall be a survey showing the area of the property to be used for occupational housing. The area containing occupational housing shall not exceed ten (10) percent of the total parcel acreage.
- (5) The residential units shall be manufactured homes and located on the same lot as the industry for which the employees and contractors are performing work. The residential occupational housing shall obtain any required permits from the building inspections department and the environmental health office.
- (6) The density shall not exceed two (2) residential units per acre.
- (7) Type B semi-opaque screening shall be required around the perimeter of the occupational housing portion of the property.
- (8) The occupational housing shall be setback a minimum of one hundred (100) feet from any nonresidential structure.
- (9) The homes shall meet property line setback requirements in the Cleveland County Development Code.
- (10) If the residential units are abandoned (discontinued) for more than one hundred eighty (180) consecutive days, the occupational housing units must be removed from the property at the property owner's expense.
- (11) The planning department shall be notified within sixty (60) days of any change in use of the property. Failure to notify the county within this time period shall result in enforcement as set forth in article VII of chapter 12 of the Code of Ordinances.

(Ord. of 3-21-17)

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Case 24092 New Crest Lane

Department:

Agenda Title: Case 24-02: Request for Variance from rear setback requirement at 1225 New Crest Lane

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 24-02_Staff_Report_Variance_1225_New_Crest_Lane.pdf	Staff Report
<input type="checkbox"/> 24-02_Variance_Site_Plan.pdf	Site Plan
<input type="checkbox"/> 24-02_Petition_for_Variance.pdf	Petition

STAFF REPORT

To: Board of Adjustment Meeting Date: February 29, 2024
From: Henry Earle, Planner
Subject: Variance Request at 1225 New Crest Lane

Summary Statement: Todd Carpenter is requesting a variance of 2.86 feet from the rear property line setback requirement for his residence.

Review: Todd and Lisa Carpenter own parcel 25616 at 1225 New Crest Lane, Shelby NC. The property is 0.5 acres and contains the Carpenter's residence.

Mr. Carpenter is proposing an addition to the rear of his home that would encroach into the setback 2.86 feet. The purpose of the addition is to serve as a family room for the home. A site plan has been submitted showing the property boundaries, the required setbacks, the home location, driveway and the septic tank location. The plan also displays the proposed addition with the dimensions and setback encroachment measurements.

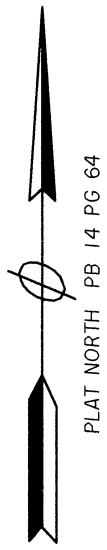
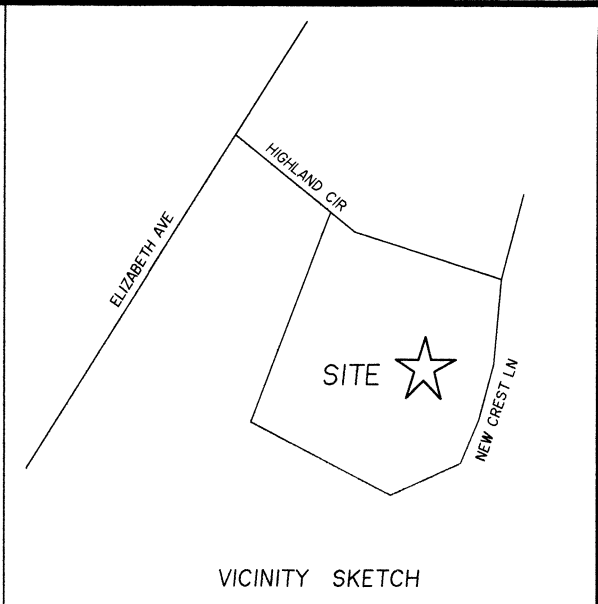
The section of the Unified Development Ordinance pertaining to setbacks is 12-173 and it requires that principal buildings setbacks shall be 30 feet from a rear property line.

A variance is defined in Section 12-20 of the UDO as a grant of permission that authorizes the recipient to do that which, according to the strict letter of the chapter, he/she could not otherwise legally do. Such variance will not violate the spirit of this chapter and shall arise from a situation that is unique to the property in question, including timing of development, dimensions, or natural features.

Variance: A concurring vote of four-fifths of the board shall be necessary to grant a variance.

North Carolina General Statute 160D-705(d) states that the Board of Adjustment shall grant a variance upon showing all the following:

1. Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the public, may not be the basis for granting a variance.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship.
4. The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.



JASON NEIL ALLEN
DB 1804 PG 538
LOT 19 - PB 13 PG 88

HARRY DOUG SATTERFIELD, JR.
DB 1259 PG 406
LOT 18 - PB 13 PG 88

MATTHEW A. HUSS
DB 1761 PG 673
LOT 17 - PB 13 PG 88

MARTHA C. LAVENDER
DB 1745 PG 153
LOT 41 AND A PORTION OF LOT 40
PB 14 PG 64

0.548 Acres

VINCENT TODD CARPENTER & LISA CARPENTER
DB 191L PG 659
LOT 42 OF CLINESTEAD
PLAT BOOK 14 PAGE 64
PARCEL #25616

New Crest Lane S.R. 2190 60' R/W

GENERAL NOTES

- AREA CALCULATED BY COORDINATE COMPUTATION
- THE PROPERTY SHOWN HEREON MAY BE SUBJECT TO EASEMENTS OF RECORD OR UNRECORDED EASEMENTS
- BANKHEAD SURVEYING WAS NOT PROVIDED WITH ANY TITLE EXCEPTIONS
- ROAD R/W'S ARE APPROXIMATE UNLESS OTHERWISE NOTED
- UNDERGROUND UTILITIES HAVE NOT BEEN LOCATED
- NO FEATURES (BUILDING, UTILITIES, etc) LOCATED EXCEPT THOSE SHOWN HEREON
- ALL DISTANCES SHOWN HEREON ARE HORIZONTAL GROUND DISTANCES

LEGEND

- EXISTING IRON
- 1/2" REBAR SET
- UNMARKED POINT
- SUBJECT PROPERTY LINE
- ROAD RIGHT OF WAY LINE
- SETBACK LINE
- LINE PLOTTED PER DEED (UNLESS SHOWN WITH BEARING AND DISTANCE)

NOTE

- THE SEPTIC TANK LOCATION SHOWN HEREON IS AS SHOWN BY TODD CARPENTER

I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED REF: DEED #191L PG 659); THAT BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM THE DEED; INFORMATION SHOWN HEREON; THAT THE RATIO OF PRECISION IS 1 : 10,000; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600).

THIS 4th DAY OF Jan, 2024

T. SCOTT BANKHEAD PROFESSIONAL LAND SURVEYOR (L-3001)

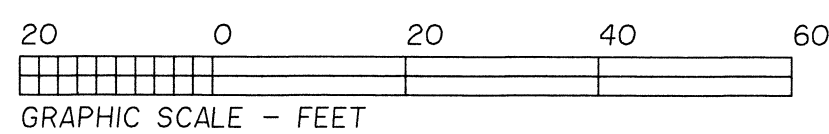


PROPOSED SITE PLAN FOR

Vincent Todd Carpenter & Lisa Carpenter

DEED REFERENCE: DEED 191L PAGE 659
BEING LOT #42, MAP 2 OF CLINESTEAD SUBDIVISION
PLAT BOOK 14 PAGE 64

CLEVELAND COUNTY, NORTH CAROLINA
TAX MAP REF: 6-4F-1-9
PARCEL NUMBER: 25616
SCALE 1" = 20' DATE 01/04/24



SURVEY BY
BANKHEAD SURVEYING, PA
407 EAST MARION STREET
SHELBY, N.C. 28150
(704) 481-1040
FIRM LICENSE NUMBER: C-0972



Cleveland County
NORTH CAROLINA

Date: 2-7-24 Case # 24-02 ZP: 178764
Fee: \$200.00 Payment Code: ZP31

APPLICATION FOR VARIANCE

Name of Applicant: Todd Carpenter

Mailing Address: 1225 New Crest Lane, Shelby NC, 28150

Phone: 704-214-9028 E-Mail: vtcarpenter@gmail.com

Property Location: 1225 New Crest Lane, Shelby NC 28150

Parcel # 25616

TO THE CLEVELAND COUNTY BOARD OF ADJUSTMENT:

I/We hereby petition the Board of Adjustment for a VARIANCE from the literal provisions of the Cleveland County Development Ordinance because, under the interpretation given to me by the Zoning Enforcement Officer, I am prohibited from using the parcel of land described in the attached form (General Application Form) in a manner shown by the plot plan attached to that form. I request a variance from the following provisions of the Ordinance (cite paragraph numbers): 12-173 Building Setbacks so that the above-mentioned property can be used in a manner indicated by the plot plan attached to the General Application form or, if the plot plan does not adequately reveal the nature of the variance, as more fully described herein: (If a variance is requested for a limited time only, specify duration requested).

I am requesting a variance to the setback requirement to allow a small corner portion (approximately 12 square feet) of a 400 square foot addition to my house to be three feet over the rear setback requirement of 30 feet to my property line.

Factors Relevant to the Issuance of a Variance

The Board of adjustment does not have unlimited discretion in deciding whether to grant a variance. Under North Carolina General Statute 160D-705d, the Board is required to reach four conclusions before it may issue a variance: (a) unnecessary hardship would result from the strict application of the Ordinance; (b) the hardship results from conditions peculiar to the property, such as location, size or topography; (c) the hardship did not result from actions taken by the applicant or owner; and (d) the requested variance is consistent with the spirit, purpose, and intent of the ordinance. In the spaces provided below, indicate the *facts* that you intend to show and the *arguments* that you intend to make to convince the Board that it can properly reach these three required conclusions.

A. Unnecessary hardship would result from the strict application of the regulation.

As written ordinance 12-173 creates a hardship by limiting the expansion area for my residence in the rear of my property. The strict interpretation of the rear setback requirement requires me to reduce the size of my planned addition to bring a small section of the rear north corner into conformity.

- B. The hardship results from conditionals that are particular to the property, such as location, size and topography.

-
1. The angle of my rear property line limits northern expansion from the east corner of my home.
 2. The original placement of my home is further back on my property.
 3. The septic system prevents eastward expansion.
 4. The western property line, in relation to my home, is already close to the setback requirement.
 5. The layout of my home limits the placement of the addition of a family room. I'm beginning the eastern wall of my addition as far west as I can to minimize the variance request.
-

- C. The hardship did not result from actions taken by the applicant or the property owner.

My home was built in 1983 and I purchased it in 1986. The subdivision and property lines existed prior to home construction.

- D. The requested variance is consistent with the spirit, purpose and intent of the ordinance.

My interpretation of ordinance 12-173 is that it exists to maintain the character of a neighborhood by maintaining home separation. My project, a very common addition request for a family room, will not diminish the intent. It will maintain the character and appearance of my home. My home and my neighbor's home, after my addition, will be separated by a distance of approximately 80 feet. Only a very small fraction of my addition will exceed the setback requirement.

I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information, and belief.


Applicant's Signature


Date

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Case 24-03 Stony Point

Department:

Agenda Title: Case 24-03: Request to renew Special Use Permit for existing Group Home at 1856 Stony Point Road

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> SUP_24-03_Staff_Report.pdf	Staff Report
<input type="checkbox"/> 24-03_Group_Home_Site_Plan_Survey.pdf	Site Plan
<input type="checkbox"/> 18-03_Group_Home_Distance_Map.pdf	Group Home Distance Map
<input type="checkbox"/> 24-03_SUP_Application_for_renewal.pdf	Petition

STAFF REPORT

To: Board of Adjustment Date: February 29, 2024

From: Henry Earle, Planner

Subject: Special Use Permit Case 24-03

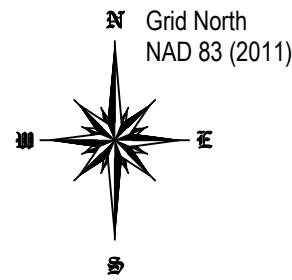
Summary Statement: Diane Hewitt is requesting a Special Use Permit (SUP) to renew an existing adolescent group home, called Recovery Foundation Sandra's House Group Home, in an existing house at 1856 Stony Point Road in Shelby. The company has submitted a completed application, and a site plan.

Review: On February 22, 2018 the Cleveland County Board of Adjustment granted a Conditional Use Permit for an adolescent group home at 1856 Stony Point Road with the condition the permit be renewed in five years.

Ordinance: The Cleveland County Unified Development Ordinance states that group homes are a nonprofit residential child care facility, providing 24 hour care for no more than nine (9) children, not including the operators own relatives residing in the home. The parcel is zoned residential and adolescent group homes are a permitted use in the residential zone with the issuance of a Special Use Permit. The ordinance also requires that facilities must be located at least one (1) mile from any existing group homes. The closest existing adolescent group home to this one in Cleveland County is 4.3 miles away.

When issuing special use permits, the Board must consider if the project;

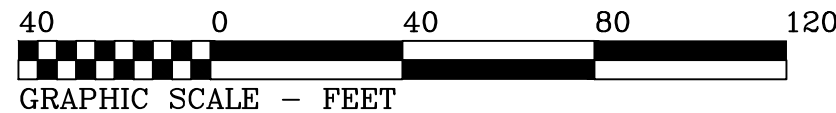
- (1) Will not materially endanger the public health or safety;
- (2) Will not substantially injure the value of adjoining or abutting property;
- (3) Will be in harmony with the area in which it is to be located; or
- (4) Will be in general conformity with the land use plan, thoroughfare plan, or other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



CLEVELAND COUNTY
BOARD OF EDUCATION
P-237
2278-I-25

HEARTSIDE DRIVE

ROGER W. FULLER
992-655
2278-I-71



PK-NAIL(F)

S.R. 2172 ENOLA DRIVE 60' R/W

STONY POINT ROAD
S.R. 1001 60' R/W

44 + TRAV

N 01°13'22"W
127.78'

N= 585318.02'
E= 1277936.67'
#4 REBAR(F) @ 30.04'

DEBRA S. OWENS
1367-I96
2233-I-8

S 84°01'11"E 230.31'

DONALD L. McCLUNEY
CYNTHIA G. McCLUNEY
1036-228
2233-I-7

0.53 AC.

HOUSE

WELL

CONCRETE

BLDG.

N 84°05'32"W 230.73'

CAROLYN M. WILSON
15,L-327
2233-I-6

#5 REBAR(S)
@ 225.19'

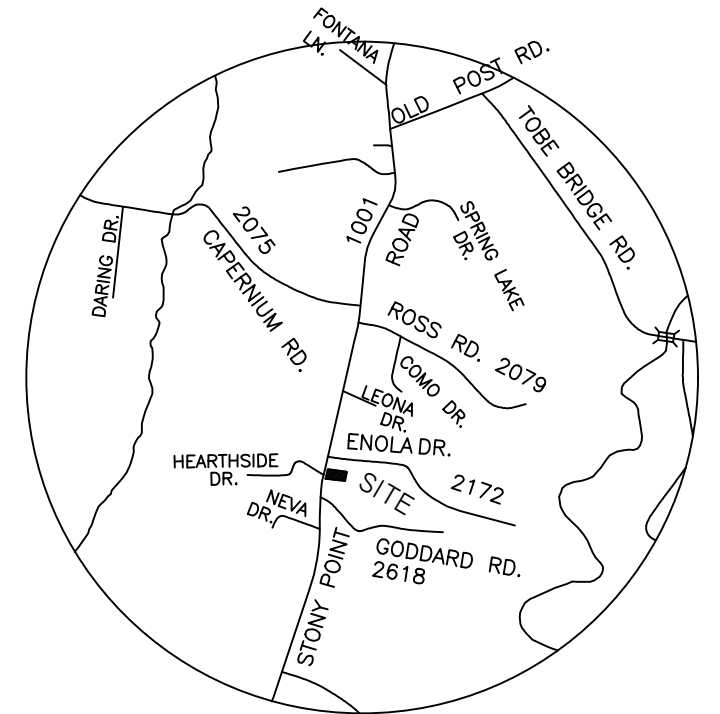
N 11°36'54"E 101.16'

REBAR(F) IN TREE
PREVIOUSLY LOCATED ON
SURVEY DATED 3/26/93

MISHONDA P. ELLIS
1505-II54
2233-I-9

S 09°40'31"W 99.68'

CHARLOTTE E. JAMES
14.03-1657
2233-I-86

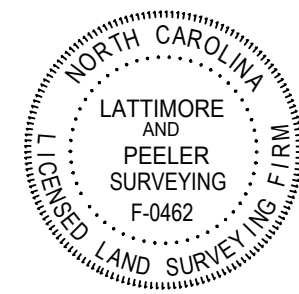


VICINITY MAP NO SCALE

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(1:10,000)
- (2) Positional accuracy of Control Corners: 95% = 0.10'
- (3) Type of GPS field procedure: VRS
- (4) Dates of survey: xx Month xxxx
- (5) Datum/Epoch: NAVD88 / NAD83(2011)
- (6) Published/Fixed-control used: OPUS solution
- (7) Good model: 2012B
- (8) Combined and factors: 0.99983686
- (9) Units: U.S. Survey Foot

PRELIMINARY PLAT
NOT FOR SALES OR CONVEYANCES



LEGEND

—x—x— FENCE LINE	○ NEW IRON PIN (NIP)
—E—E— ELECTRIC LINE	● EXISTING IRON PIN (EIP)
—BE— BURIED ELECTRIC LINE	+ UNMONUMENTED POINT
—W— WATER LINE	⊗ MAG NAIL
—G— GAS LINE	⊠ CONCRETE MONUMENT
—SS— SAN. SEWER LINE	△ R.R. SPIKE SET
—T— TELEPHONE LINE	▲ R.R. SPIKE FOUND
⊙ HYDRANT	(f) = FOUND
⊠ GAS METER	(s) = SET
⊠ WATER METER	■ STONE
⊠ POWER POLE	⊙ TREE
⊠ TELEPHONE BOX	⊙ WELL

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.

SITE
PLAN

OUR FUTURE FAITH & FAMILY INC.

PROPERTY ADDRESS: 1856 STONY POINT ROAD

TAX MAP REFERENCE: 2233-1-7

DEED REFERENCE: 1036-228

COUNTY: CLEVELAND

TOWNSHIP: NO. 5

NORTH CAROLINA

SCALE 1"= 40'

DATE: JAN. 31, 2018

LATTIMORE & PEELER SURVEYING

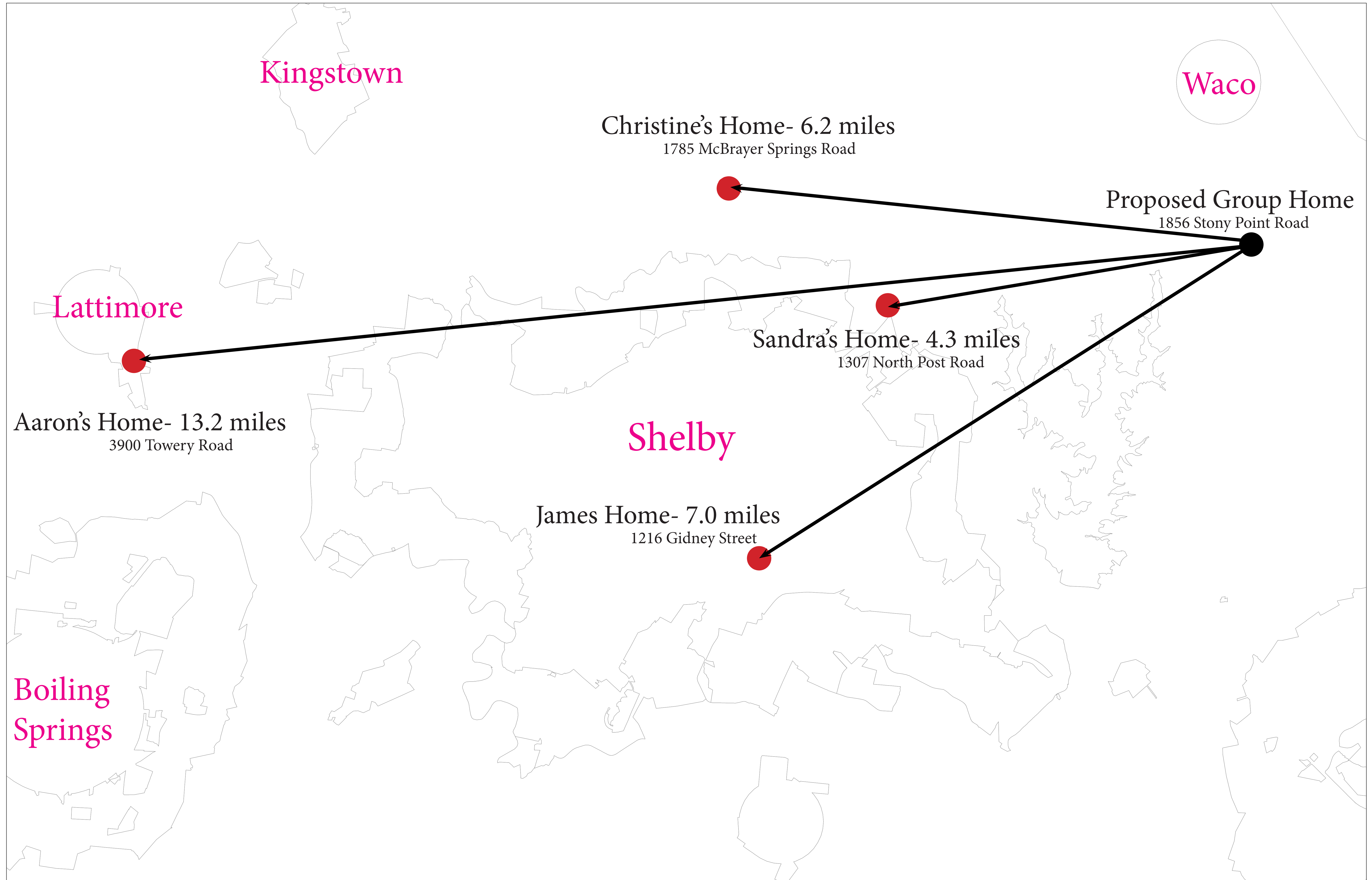
C.F. 2233-8A
D.F. 223317

105 LONDON ROAD
LAWNDALE, NORTH CAROLINA 28090

(704) 538-3443

DRAWING # 18-19A

Case 18-03: CUP for Group Home at 1856 Stony Point Road





APPLICATION FOR A SPECIAL USE PERMIT

APPLICANT NAME: Diane Hewitt

MAILING ADDRESS: _____

Phone: (704) 777-4335

E-Mail: recoveryfoundationsdhe@gmail.com

TO THE CLEVELAND COUNTY BOARD OF ADJUSTMENT:

I/We, the undersigned, hereby petition the Board of Adjustment to issue a Special Use permit in the name of:
Recovery Foundation Sandra's House Group Home

for the use of the property located at: 1856 Stony Point Road,

Parcel #(s) 15557 in Residential Zoning District.

Title to this property is in the name of:

Donald McCluney

Name

1334 Clairmont Avenue Shelby, NC 28150

Mailing Address

Shelby, NC 28150

City / State / Zip Code

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

The requested Conditional Use is described as follows:

This is an existing group home, and was issued a five year Conditional Use Permit

This is a renewal application.

Include a site plan of the subject property. See Section 12-33(a) for site plan requirements. The Board of Adjustment may request additional information as listed in Section 12-33(b).

It is understood by this applicant that the approval of this application by the Board authorizes only the Special 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 always maintained and complied with.

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

* spoke one phone - HE
Signature of Applicant

02/13/2024

Date of Application

For office use:

Payment Code: ZP 33 Special Use Permit

Fee: \$200

Paid on: 2-13-24

ZP: 177462

Case #: 24-03