

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

**August 29, 2024**

**4:00 AM**

**311 E. Marion St.**

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

**Invocation and Pledge of Allegiance**

**Approval of Minutes**

Meeting Minutes 7-25-2024

**Cases**

Case 24-06: SUP- Temporary Dep. Care Renewal for 103-2 Whipporwill Ct

**Miscellaneous Business**

**Adjournment**

**COUNTY OF CLEVELAND, NORTH CAROLINA**

**AGENDA ITEM SUMMARY**

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**Meeting Minutes 7-25-2024**

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**Department:** Planning

**Agenda Title:** Meeting Minutes 7-25-2024

**Agenda Summary:**

**Proposed Action:**

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**ATTACHMENTS:**

File Name	Description
<input type="checkbox"/> 7-25-24_BOA_Mins_DRAFT.pdf	Meeting Minutes 7-25-2024



**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, 2024**

<b>Members Present</b>	<b>Members Absent</b>	<b>Others Present</b>
Tommy Brooks, Chairman	Thomas Fletcher, Vice Chairman	N/A
Leon Martin		
Denise Wright	<b>Staff Present</b>	
Woody Edwards, <i>alternate</i>	Chris Martin, Planning Director	
Paul Aulbach, <i>alternate</i>	Hayden Whetstine, 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.

**SWEARING IN OF NEW MEMBER**

**Denise Wright** was sworn in as a Board of Adjustment member.

**APPROVAL OF MINUTES: May 30, 2024 MINUTES**

**Leon Martin** made a motion to approve the May 30<sup>th</sup>, 2024 minutes. Paul Aulbach seconded the motion and it carried unanimously.

**SUP CASE 24-05: Temporary Dependent Care Home Renewal at 3534 Plainfield Dr.**

**Chris Martin** stated that the home is currently on the property and the original permit was issued in 2003. The owners have renewed their permit every five years as required, and they have continued need of the home to provide family care. They have their original site plan and the home was developed according to the approved site plan. The home is in the front side yard of the property; although the standards say for it to be behind the primary home it was approved for the front side yard due to conditions related to the property. The owners have submitted a complete application and the request is in compliance with the Land Use Plan. The use is residential in nature.

**Chairman Brooks** opened the Evidentiary Hearing at 4:12 pm. There was no one present to speak so Chairman Brooks closed the Evidentiary Hearing at 4:12 pm.

**The Board** discussed the four criteria.

The Board Reviewed the four criteria:

- (1) Will it materially endanger the public health or safety- **No, there was no evidence of this.**
- (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 will be in harmony with the area.**
- (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.**

**Chairman Brooks** entertained a motion.

**Paul Aulbach** made a motion to approve SUP Case 24-05 for the Temporary Dependent Care home renewal. Leon Martin seconded the motion and it passed unanimously.

### **MISCELLANEOUS BUSINESS**

Thomas Fletcher asked about training. Mr. Martin said he will prepare some more detailed training to go over the different case types in more detail.

### **ADJOURNMENT**

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

**Denise** moved to adjourn at 4:19 pm. It was seconded by Woody Edwards and unanimously approved.

ATTEST:

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Tommy Brooks, Chairman

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Anna Parker, Clerk

**COUNTY OF CLEVELAND, NORTH CAROLINA**

**AGENDA ITEM SUMMARY**

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**Case 24-06: SUP- Temporary Dep. Care Renewal for 103-2 Whipporwill Ct**

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**Department:** Planning

**Agenda Title:** Case 24-06: SUP- Temporary Dep. Care Renewal for 103-2 Whipporwill Ct

**Agenda Summary:**

**Proposed Action:**

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**ATTACHMENTS:**

File Name	Description
<input type="checkbox"/> 1_24-06_Staff_Report.pdf	Staff Report
<input type="checkbox"/> 2_24-06_Aerial_Map_Whipporwill_ct.pdf	Aerial Map
<input type="checkbox"/> 3_24-06_zoning_Map_Whipporwill_ct.pdf	Zoning Map
<input type="checkbox"/> 4_24-06_Land_Use_Map_Whipporwill_ct.pdf	Land Use Map
<input type="checkbox"/> 5_24-06_Application.pdf	Application

## STAFF REPORT

To: Board of Adjustment Meeting Date: 8-29-24  
From: Chris Martin, Planner  
Subject: Case 24-06 Special Use Permit

**Summary Statement:** Robin Melton is requesting to renew a special use permit (SUP) for a temporary dependent care home on parcel 5333 at 103-2 Whipporwill Ct. The applicant intends to continue using the manufactured home to assist in caring for his mother who lives in the house. The manufactured home has been set up in accordance with the approved site plan.

**Background:** A conditional use permit was issued on 10-25-2007 and 05-30-2019. Mr. Melton submitted a renewal application on 7-29-2024.

**Review:** The Cleveland County Unified Code of Ordinances (Section 12-140) states that temporary dependent care homes are permitted in the Residential District with a Special Use Permit. Mr. Melton has submitted an application in accordance with Section 12-140.

**Criteria:** Sections 12-33 and 12-140 are applicable to this application.

### Section 12-33

Even if the board of adjustment finds that the application complies with all other provisions of this chapter, it may still deny the permit if it concludes, based on the information submitted at the hearing, that if completed as proposed, the development, more likely than not:

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

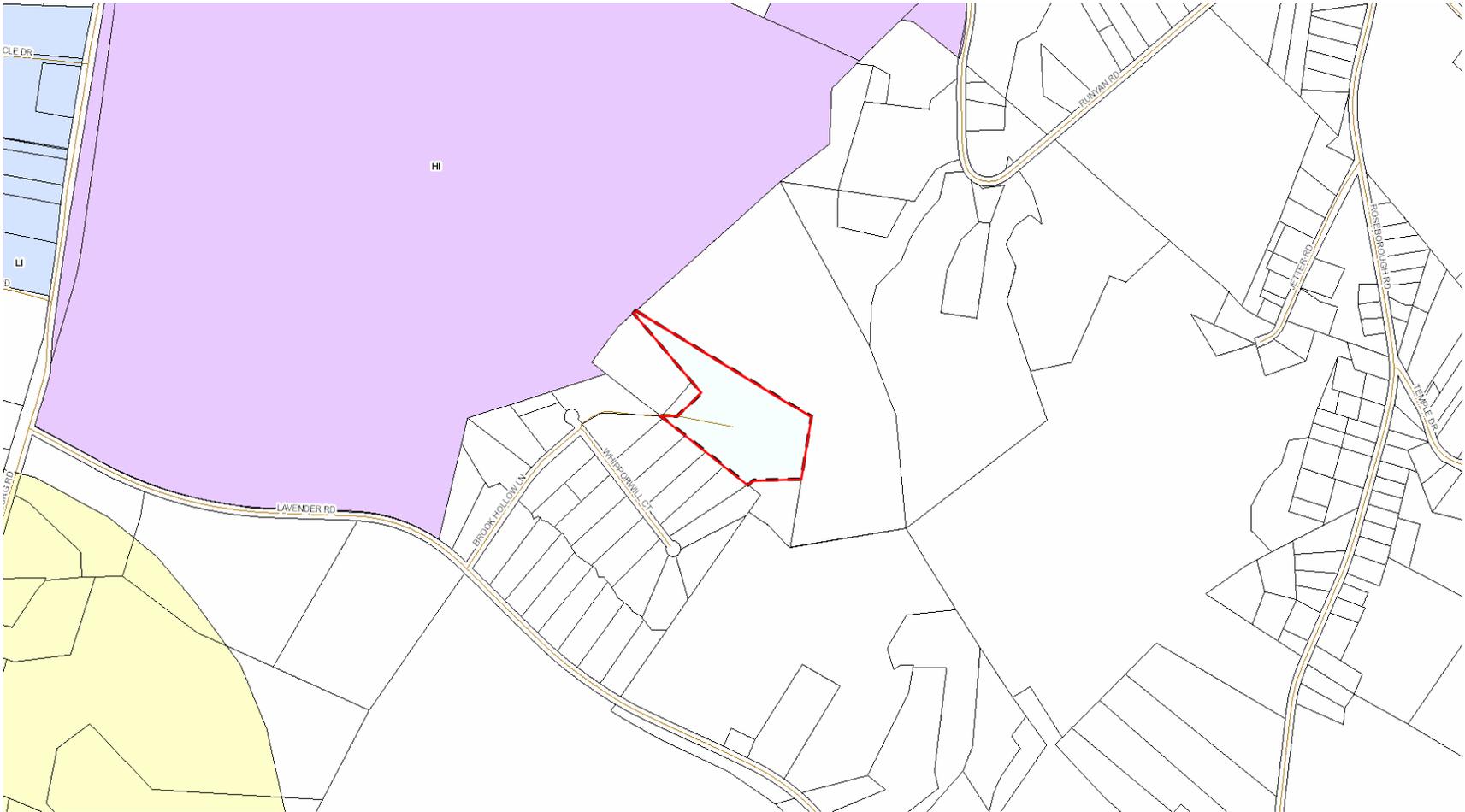
### Sec. 12-140. Temporary dependent care residences.

- (a) In the R, RA, RM, RU and RR districts, one (1) manufactured home may be permitted in a rear yard on a temporary basis provided the board of adjustment issues a conditional use permit after finding that a personal hardship situation justifying such a special exception exists. Such hardship shall involve the need to care for elderly parents or other dependents of the family occupying the principal building. Reasons justifying separate quarters shall be incompatibility, contagious disease, illness, or lack of adequate space within the principal building.
- (b) Conditional use permits authorizing the use in subsection (a) may be issued in such cases for a period up to five (5) years, but may be renewed for successive periods for so long as the hardship continues to exist. Application for renewal of the permit shall be made and approved at least thirty (30) days prior to the expiration date of the then current permit.
- (c) All such manufactured homes must have access to approved water and sewer systems and such manufactured homes must be maintained to prevent any nuisance conditions.
- (d) Temporary residences authorized under this section shall not be subject to the density limitations set forth in article X, but shall be subject to applicable setback requirements.
- (e) In addition to other applicable requirements, manufactured homes used as temporary residences shall comply with the standards in section 12-156.

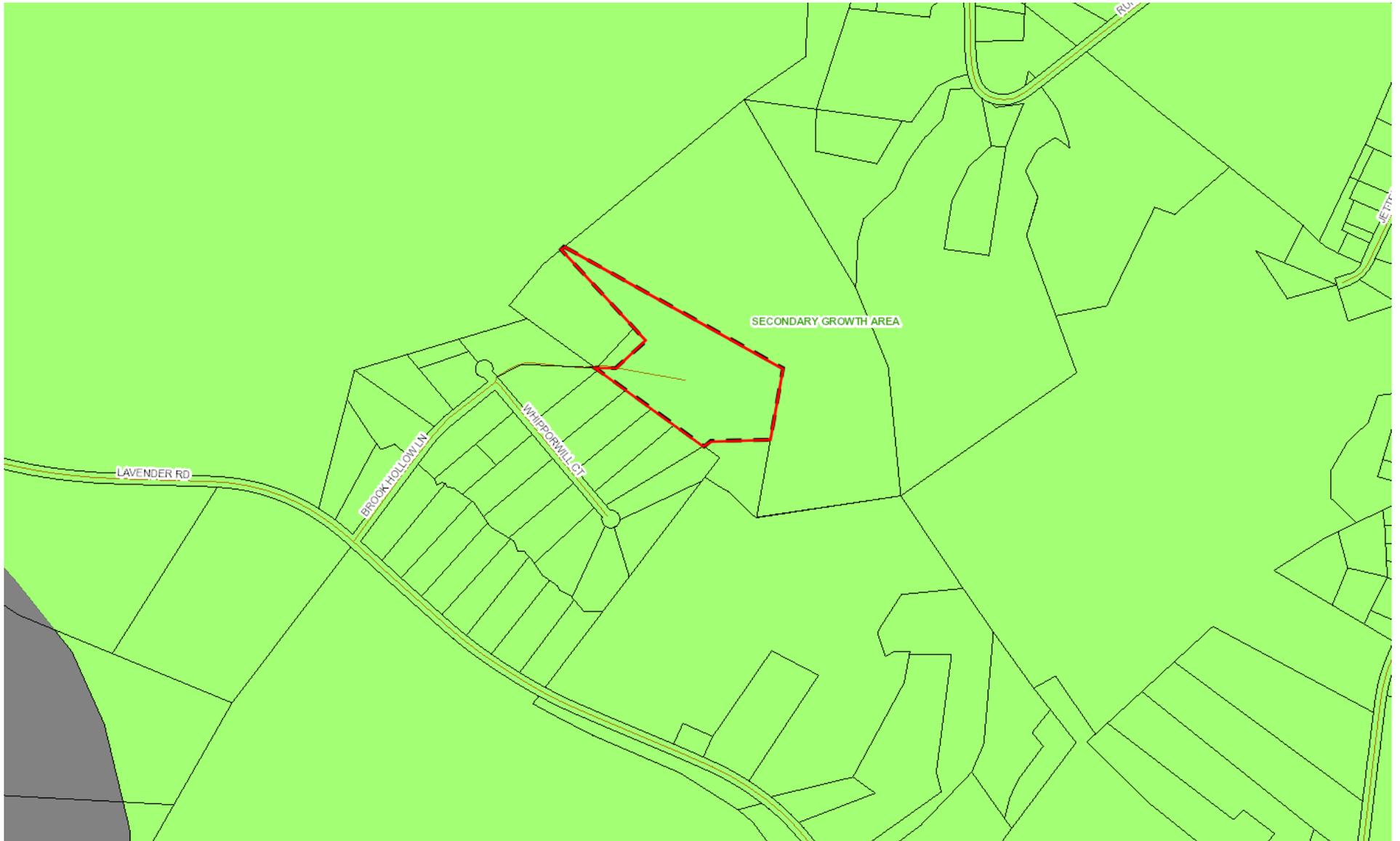
**Board of Adjustment Case #24-06**  
103-2 Whipporwill Ct  
Parcel 5333



**Board of Adjustment Case #24-06**  
103-2 Whipporwill Ct  
Parcel 5333



Board of Adjustment Case #24-06  
103-2 Whipporwill Ct  
Parcel 5333





**Cleveland County**  
NORTH CAROLINA

**APPLICATION FOR A SPECIAL USE PERMIT**

APPLICANT NAME: D. Robin Melton  
MAILING ADDRESS: 103-2 Whipporwill Ct Grover, N.C. 28073  
Phone: 704-472-7828 E-Mail: Robin.Melton103@icloud.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:

D. Robin Melton  
for the use of the property located at: 103-2 Whipporwill Ct Grover, N.C. 28073  
Parcel #(s) 5333 in Residential Zoning District.

**Title to this property is in the name of:**

Martha Causby  
Name  
103 Whipporwill Ct  
Mailing Address  
Grover N.C. 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) 12-33.

**The requested Conditional Use is described as follows:**

Temporary Dependent + Core Renewal

**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.

D. Robin Melton  
Signature of Applicant

7-29-2024  
Date of Application

For office use:

\$300  
**Payment Code:** ZP 33 Special Use Permit **Fee:** \$200  
Paid on: 7-29-24 ZP: 180419 Case #: 24 -