

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

October 24, 2024

4:00 PM

311 E. Marion St.

Call to order and Establishment of a Quorum

Invocation and Pledge of Allegiance

Approval of Minutes

08-29-2024 Board of Adjustment Minutes

Cases

Case 24-08: Special Use Permit for Renewal of a Temporary Dependent Care Home located at 3904-1 Fallston-Waco Rd.

Miscellaneous Business

Adjournment

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Approval of Minutes from 8-29-2024

Department:

Agenda Title: 08-29-2024 Board of Adjustment Minutes

Agenda Summary:

Proposed Action:

ATTACHMENTS:

	File Name	Description
<input type="checkbox"/>	8-29-24_BOA_Mins_DRAFT.pdf	8-29-2024 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.
August 29, 2024

Members Present	Members Absent	Others Present
Tommy Brooks, Chairman	Thomas Fletcher, Vice Chairman	D. Robin Melton
Leon Martin	Paul Aulbach, <i>alternate</i>	
Denise Wright	Staff Present	
Woody Edwards, <i>alternate</i>	Chris Martin, Planning Director	
	Hayden Whetstine, Planner	
	Anna Parker, Clerk	

CALL TO ORDER

Chairman Brooks called the meeting to order at 4:02 p.m.

ESTABLISHMENT OF QUORUM

It was determined that quorum was present.

PLEDGE & INVOCATION

Chairman Brooks led the pledge invocation.

APPROVAL OF MINUTES: July 25, 2024 MINUTES

Denise Wright made a motion to approve the July 25, 2024 minutes. Leon Martin seconded the motion and it carried unanimously.

SUP CASE 24-06: Temporary Dependent Care Home Renewal at 103-2 Whipporwill Ct.

Chris Martin was sworn in. He said the Temporary Dependent Care Home code allows for a second single wide or double wide mobile home on a property to care for a relative. The permit is good for five years and the applicant, Robbie Melton, has been issued a permit two times previously; this will be his third renewal and he is asking for another five-year permit to care for his family. The location is on Whipporwill Ct. off Lavender Rd. Nothing has changed since their previous permit- they are using the original site plan with the existing mobile home in the same location. For this permit type, the applicant does not need to be the owner. Owner approval is needed for the septic development permit for adding a mobile home to the property.

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.

Leon Martin made a motion to approve SUP Case 24-06 for the Temporary Dependent Care home renewal. Woody Edwards seconded the motion and it passed unanimously.

MISCELLANEOUS BUSINESS

Chris Martin provided a training slideshow about variances and answered questions about Temporary Dependent Care home permits.

ADJOURNMENT

Chairman Brooks entertained a motion to adjourn.

Denise Wright so moved the motion to adjourn at 4:19 pm. It was seconded by Woody Edwards and unanimously approved.

ATTEST:

Tommy Brooks, Chairman

Anna Parker, Clerk

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Case 24-08: Special Use Permit for Renewal of a Temporary Dependent Care Home

Department:

Agenda Title: Case 24-08: Special Use Permit for Renewal of a Temporary Dependent Care Home located at 3904-1 Fallston-Waco Rd.

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 24-08_Staff_Report.pdf	Staff Report
<input type="checkbox"/> 24-08_Site_Plan.pdf	Site Plan
<input type="checkbox"/> 24-08_Map_Aerial_Map.pdf	Aerial Image
<input type="checkbox"/> 24-08_Map_Land_Use_Map.pdf	Land Use Plan Map
<input type="checkbox"/> 24-08_SUP_Application.pdf	Application

STAFF REPORT

To: Board of Adjustment Meeting Date: 10-24-24
From: Chris Martin, Planner
Subject: Case 24-08 Special Use Permit

Summary Statement: Dwayne and Dianne Price (the applicants and owners) are requesting to renew a special use permit (SUP) for a temporary dependent care home on parcel 35672 at 3904-1 Fallston-Waco Rd. The applicants intend to continue using the manufactured home to assist in caring for her mother whose health is declining. The manufactured home has been set up in accordance with the approved site plan.

Background: A conditional use permit was issued on 6-24-2004 and renewed on 12-22-2009, 12-18-2014, and 10-30-2019. The applicants submitted a renewal application on 10-2-2024.

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. The applicants have 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.



CGF 0.99983

Ralph H. Costner et ux
 Louise L. Costner
 11P-82; 15B-592
 17P-658; 17Q-750
 3157-1-14

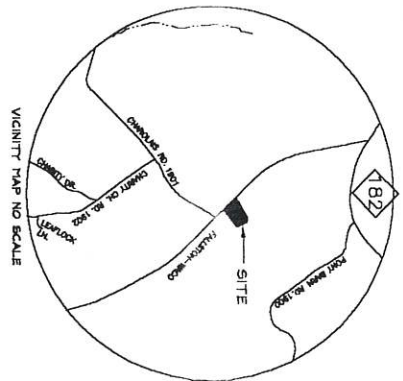
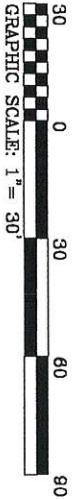
William E. Owens et ux
 Jeanette N. Owens
 16V-501
 3157-1-52

Robert F. Luckey
 1299-1975
 3157-1-79
 P. 22 Pg. 154

Ralph H. Costner et ux
 Louise L. Costner
 11P-82; 15B-592
 17P-658; 17Q-750
 3157-1-14

- GENERAL NOTES
1. NO FIELD CORRECTION FOR LATITUDE AND POLAR DISTORTION.
 2. MONUMENTS SHOWN SUBJECT TO EXISTENCE OF RECORD.
 3. UNDEVELOPED LOTS HAVE NOT BEEN LOCATED.
 4. 1/4 SECTION CORNERS HAVE NOT BEEN LOCATED.
 5. 1/4 SECTION CORNERS HAVE NOT BEEN LOCATED.
 6. ALL SERVICES ARE HORIZONTAL, UNLESS OTHERWISE NOTED.
 7. CONVEYANCE OF THIS PROPERTY IS SUBJECT TO THE RECORDS OF THE COUNTY OF NORTH CAROLINA FOR THE YEAR 1983 TO THE YEAR 1984.
 8. THIS SURVEY IS THE PROPERTY OF LATTIMORE & PEELER SURVEYING, INC.

LEGEND	
○	NEW IRON PIN (NIP)
●	EXISTING IRON PIN (EIP)
—	UNDEVELOPED PART
—	CONCRETE MONUMENT
▲	R.R. SPINE SET
△	R.R. SPINE FOUND
○	FOUND
○	SET
○	STONE
○	TRAIL
○	WELL
—	FENCE LINE
—	ELECTRIC LINE
—	SANITARY ELECTRIC LINE
—	WATER LINE
—	GAS LINE
—	SEWER LINE
—	TELEPHONE LINE
—	INDICANT
—	GAS METER
—	WATER METER
—	POWER POLE
—	TELEPHONE BOX



CERTIFICATION

I, D. J. LATTIMORE, Professional Land Surveyor, certify that this survey was made from actual field survey performed under my direction and supervision that the scale of this survey is 1"=30' and that the boundary lines are shown as shown on the plan attached hereto. I am a duly Licensed Professional Land Surveyor in the State of North Carolina.



[Signature]

Note: Top of monument destroyed tie to rebar in concrete NCGS MON # SHED# N=616361.8581 E=1256584.9481

SURVEY FOR JEANNETTE OWENS

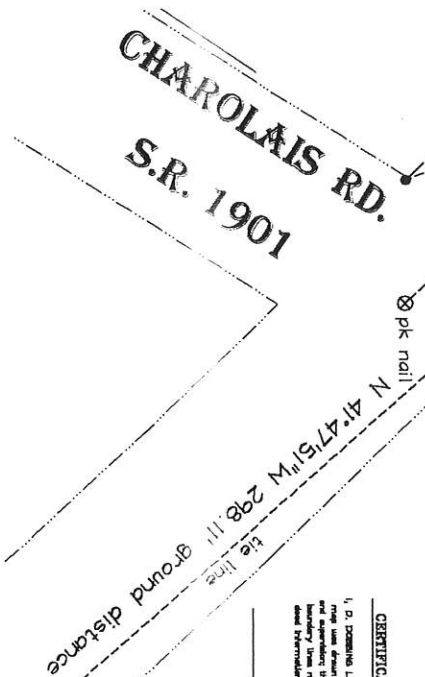
PROPERTY ADDRESS : 3904 FALLSTON-WACO RD.

TAX MAP REFERENCE: 3157-1-52 DEED REFERENCE : 16V-501

COUNTY: CLEVELAND TOWNSHIP : NO. 9 NORTH CAROLINA

SCALE 1" = 30' CITY: DATE: 6/9/2004

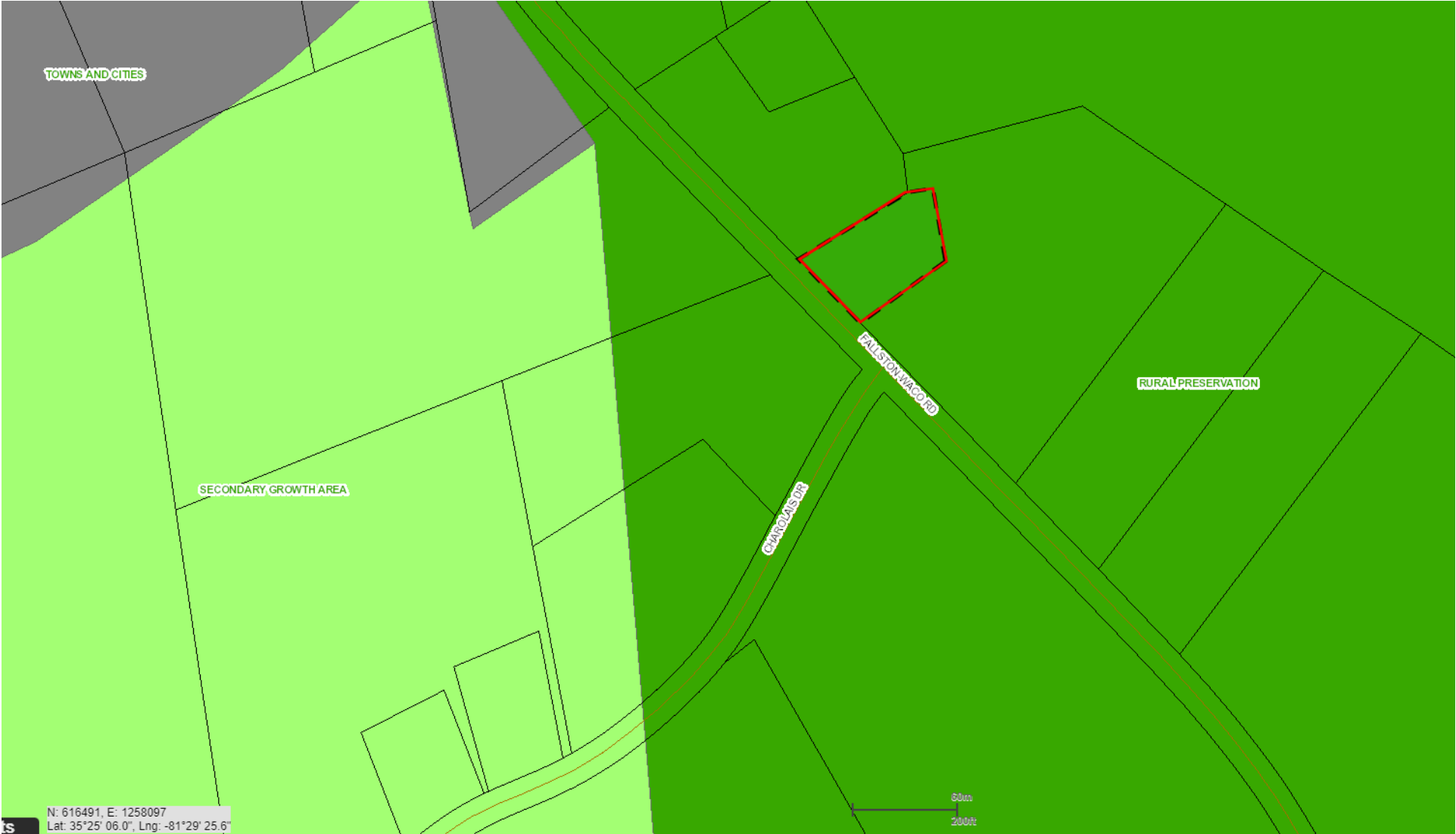
LATTIMORE & PEELER SURVEYING
 105 LONDON ROAD C.F. 3157152
 LAMONDALE, NORTH CAROLINA 28090 (704) 538-3443 D.F. 3157192
 DRAWING # 04-1398



Board of Adjustment Case #24-08
3904-1 Fallston-Waco Rd., Parcel # 35672



Board of Adjustment Case #24-08
Future Land Use Plan Map
3904-1 Fallston-Waco Rd., Parcel # 35672





Cleveland County
NORTH CAROLINA

APPLICATION FOR A SPECIAL USE PERMIT

APPLICANT NAME: Dwayne and Dianne Price
MAILING ADDRESS: 3904 Fallston-Waco Rd.
CITY/STATE /ZIP: Lawndale NC 28090
PHONE: 704-600-5277 E-MAIL: constarced14@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:

Dwayne + Dianne Price
for the use of the property located at: 3904 Fallston-Waco Rd.
Parcel #(s) 35672 in RA Zoning District.

Title to this property is in the name of:

Bertha Jeanette Owens
Owner Name(s)
3904 Fallston-Waco Rd
Mailing Address
Lawndale NC 28090
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): 12-140

The requested Special Use is described as follows: My husband and I would greatly appreciate being allowed to live here and continue to take care of my mother whose health is declining.

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.

Dwayne Price Dianne Price
Signature of Applicant 10-2-24
Date of Application

For office use:

Payment Code: ZP 33 Special Use Permit **Fee:** \$300
Paid on: 10-2-24 ZP: 181045 Case #: 24-08