

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

**February 27, 2025**

**4:00 PM**

**311 E. Marion St. Shelby NC**

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

**Invocation and Pledge of Allegiance**

**Approval of Minutes**

Approval of BOA Minutes for January 30, 2025

**Cases**

SUP Case 25-02: Expansion of Nonconforming Use at 124- Wooding Pl.

SUP Case 25-04: Expansion of Nonconforming RV Park at 3052 Blacksburg Rd.

SUP Case 25-03: Request for Airpark at 221-1 Jim Cline Rd.

**Miscellaneous Business**

**Adjournment**

**COUNTY OF CLEVELAND, NORTH CAROLINA**

**AGENDA ITEM SUMMARY**

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**Approval of BOA Minutes January 30, 2025**

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**Department:**

**Agenda Title:** Approval of BOA Minutes for January 30, 2025

**Agenda Summary:**

**Proposed Action:**

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**ATTACHMENTS:**

File Name	Description
<input type="checkbox"/> 1-30-25_BOA_Minutes_Draft.pdf	Approval of BOA Minutes January 30, 2025



**MINUTES**  
**CLEVELAND COUNTY BOARD OF ADJUSTMENT**  
**Commission Chambers – County Administrative Building**  
**311 East Marion St., Shelby, North Carolina**  
**Regular Meeting - 4:00 p.m.**  
**January 30, 2025**

<b>Members Present</b>	<b>Members Absent</b>	<b>Others Present</b>
Thomas Fletcher, Chairman	N/A	Eli Witherspoon
Leon Martin, Vice Chairman		David Scott
Tommy Brooks	<b>Staff Present</b>	
Bobby Watson	Chris Martin, Planning Director	
Woody Edwards, <i>alternate</i>	Hayden Whetstine, Planner	
	Anna Parker, Clerk	
	Martha Thompson, Attorney	

**CALL TO ORDER**

**Chairman Fletcher** called the meeting to order at 4:00 p.m.

**ESTABLISHMENT OF QUORUM**

It was determined that quorum was present.

**PLEDGE & INVOCATION**

**Chairman Fletcher** led the pledge and invocation.

**APPROVAL OF MINUTES: December 19, 2024 MINUTES**

**Tommy Brooks** made a motion to approve December 19, 2024 minutes. Leon Martin seconded the motion and it carried unanimously.

**SUP CASE 25-01: Expansion of a Non-Conforming Use at 790 S. Battleground Ave.**

**Chris Martin** was sworn in. He said the applicant, Pinnix Inc., applied to add an addition to an existing warehouse at 790 S. Battleground Ave. between Grover and Kings Mountain. The current warehouse is a tobacco manufacturing facility called Cheyenne International and it is a non-conforming use. They have been in operation before countywide zoning was adopted. The use is allowed in Heavy Industrial but not Light Industrial zoning, so they need Special Use Permit approval to expand the non-conforming use.

**Mr. Martin** said the applicant submitted a site plan of the addition, and Staff has included an aerial and zoning map. The surrounding area has mixed zoning districts of Heavy Industrial, Light Industrial, General Business, Residential. There are also mixed industrial, utilities, residential, and general business uses, as well as large farming and vacant wooded tracts of land.

**Mr. Martin** displayed the Land Use Plan map showing the property area in orange, which is primary growth; it is forecast for more intense uses and growth. This use fits with the Land Use Plan map. The Board of Adjustment will hold an evidentiary hearing and review the four criteria, discuss evidence, and either approve or deny the permit request, or they may approve it with modifications.

**Chairman Fletcher** asked if there was a complete application submitted and if it is in compliance with the Land Use Plan. Mr. Martin said yes to both.

**Chairman Fletcher** opened the Evidentiary Hearing at 4:08 pm.

**Eli Witherspoon** of 315 S. South St. of Gastonia was sworn in. He stated that the warehouse has been in operation for several years. It is about 38,500 square feet. The warehouse addition will be at the back of the building; it will have restrooms and a loading dock and it will be the same type of construction as the existing building.

**Chairman Fletcher** asked about the height. Mr. Witherspoon said it will be 29.4' and it will mirror the exterior appearance of the existing warehouse. It will not need more parking since the existing parking is sufficient and they will still use the existing docks as well.

**Chairman Fletcher** closed the Evidentiary Hearing at 4:11 pm. as there was no further comment.

**The Board** discussed 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 Fletcher** entertained a motion from the Board.

**Leon Martin** made a motion to approve the special use permit Case 25-01 for expanding a non-conforming use at 790 S. Battleground Ave. Bobby Watson seconded the motion and it passed unanimously.



### **MISCELLANEOUS BUSINESS**

**Tommy Brooks** asked for information about the UNC School of Government e-mail notifications. Mr. Martin said that it can be provided to the Board members along with the Coates Canons blog link.

### **ADJOURNMENT**

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

**Tommy Brooks** so moved the motion to adjourn. It was seconded by Bobby Watson and unanimously approved to adjourn at 4:16 pm.

ATTEST:

\_\_\_\_\_  
Thomas Fletcher, Chairman

\_\_\_\_\_  
Anna Parker, Clerk

# COUNTY OF CLEVELAND, NORTH CAROLINA

## AGENDA ITEM SUMMARY

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### SUP Case 25-02: Expansion of Nonconforming Use at 124- Wooding Pl.

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**Department:**

**Agenda Title:** SUP Case 25-02: Expansion of Nonconforming Use at 124- Wooding Pl.

**Agenda Summary:**

**Proposed Action:**

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#### ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 25-02_Staff_Report_124-1_Wooding_Place.pdf	Staff Report
<input type="checkbox"/> 25-02_Site_Plan_survey_detail_1.pdf	Site Plan detail
<input type="checkbox"/> 25-02_Site_Plan_close_up_detail.pdf	Survey Close Up Detail
<input type="checkbox"/> 25-02_Map_Aerial_closeup.pdf	Aerial Image
<input type="checkbox"/> 25-02_Map_zoning_map.pdf	Zoning Map
<input type="checkbox"/> 25-02_Map_LUP_Map.pdf	Land Use Plan Map
<input type="checkbox"/> 25-02_Application.pdf	Application

## STAFF REPORT

To: Board of Adjustment Meeting Date: 2-27-2025  
From: Chris Martin, Planning Director  
Subject: Case 25-02 Special Use Permit

**Summary Statement:** Kevin Champion is requesting a Special Use Permit (SUP) to expand a nonconforming use at 124-1 Wooding Place.

**Background:** The property for consideration is parcel 15285, located at 124-1 Wooding Place in Kings Mountain. This property has a business on it called CK Contracting, Inc, which has existed for 40+ years. The property is zoned Residential as are all parcels immediately surrounding parcel 15285. There is a General Business node just west of this property, at the intersection of Stony Point Road and Oak Grove Road. Immediate surrounding uses are residential, including single family dwellings and a manufactured home park.

**Review:** Mr. Champion has requested to replace a storage building on the northeast side of the property with a 24x60 building to be used for a training office for the business. The business is considered a nonconforming use, according to Section 12-8 of the Cleveland County Unified Development Ordinance because it is in the Residential district. Section 12-8(c) states that a nonconforming use shall not be expanded or enlarged except pursuant to a Special Use Permit issued by the Board of Adjustment.

### **Section 12-33 – Special Use Permits**

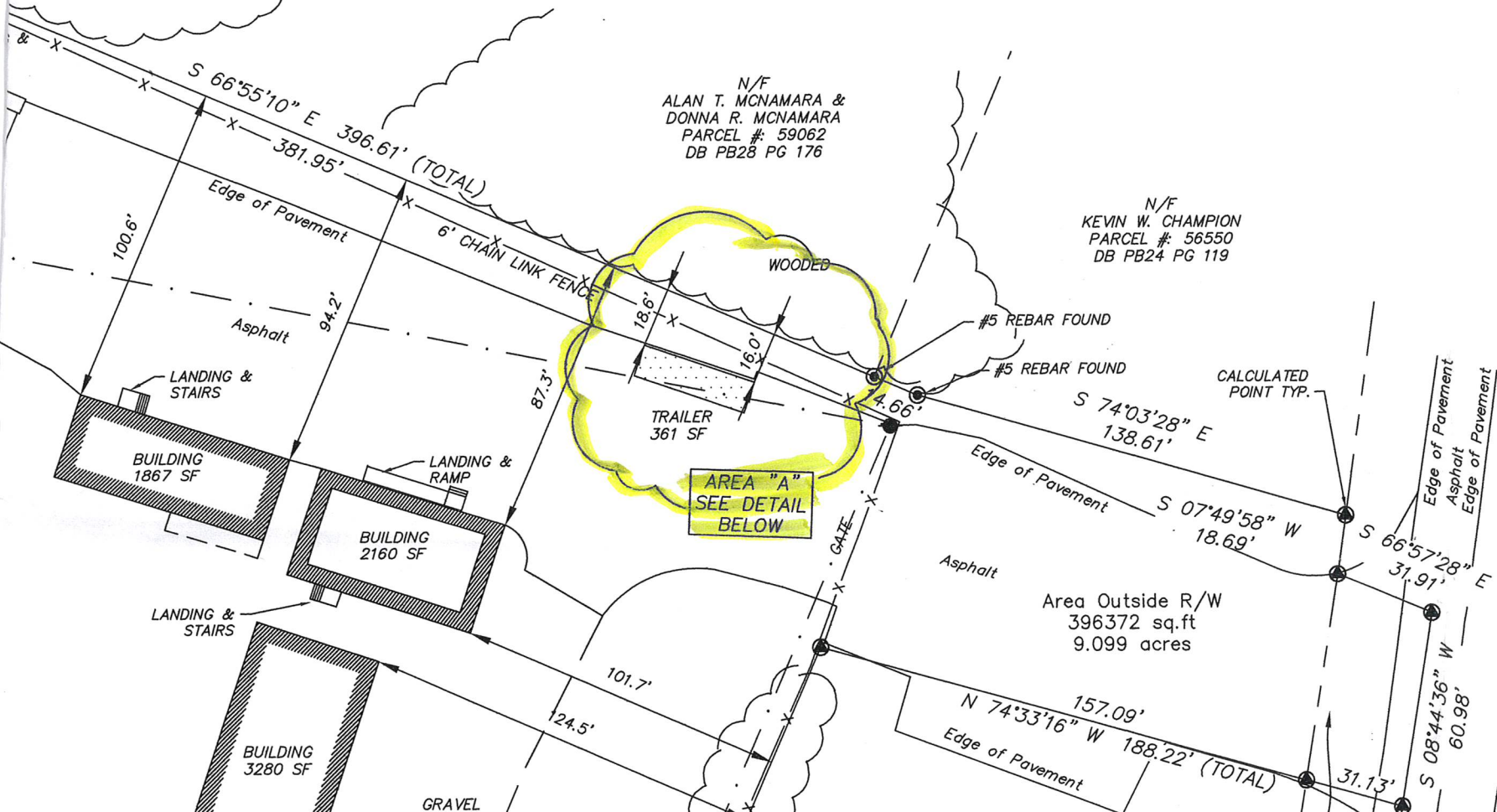
When issuing conditional use permits, the Board must consider the following four findings:

- (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.

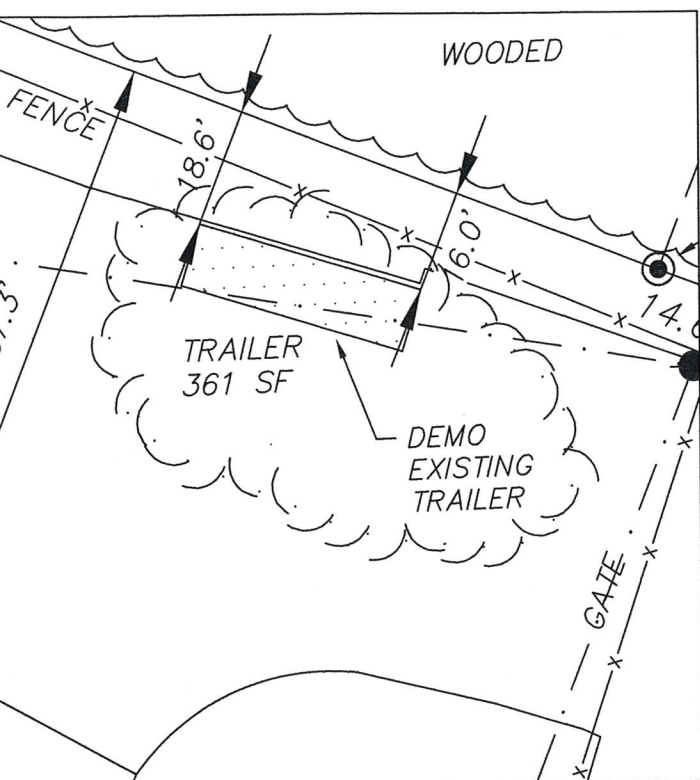
N/F  
ALAN T. MCNAMARA &  
DONNA R. MCNAMARA  
PARCEL #: 56549

N/F  
ALAN T. MCNAMARA &  
DONNA R. MCNAMARA  
PARCEL #: 59062  
DB PB28 PG 176

N/F  
KEVIN W. CHAMPION  
PARCEL #: 56550  
DB PB24 PG 119

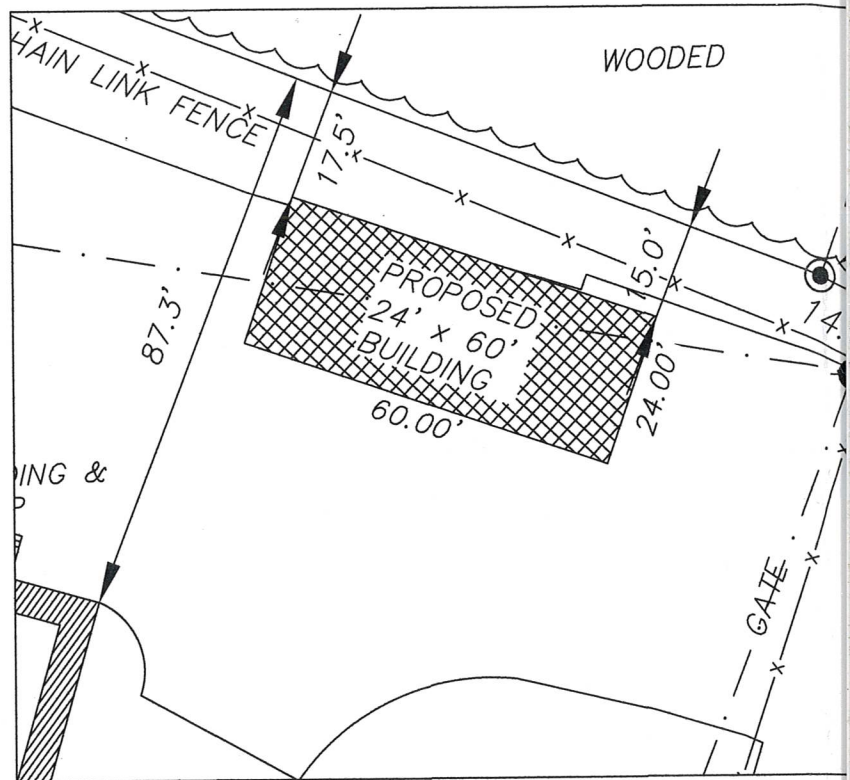


PLACE - S.R. 2040  
Width R/W)  
24 PG 158



**AREA "A"**  
**DEMO ITEMS**

1" = 30'



**AREA "A"**  
**PROPOSED BUILDING**

1" = 30'



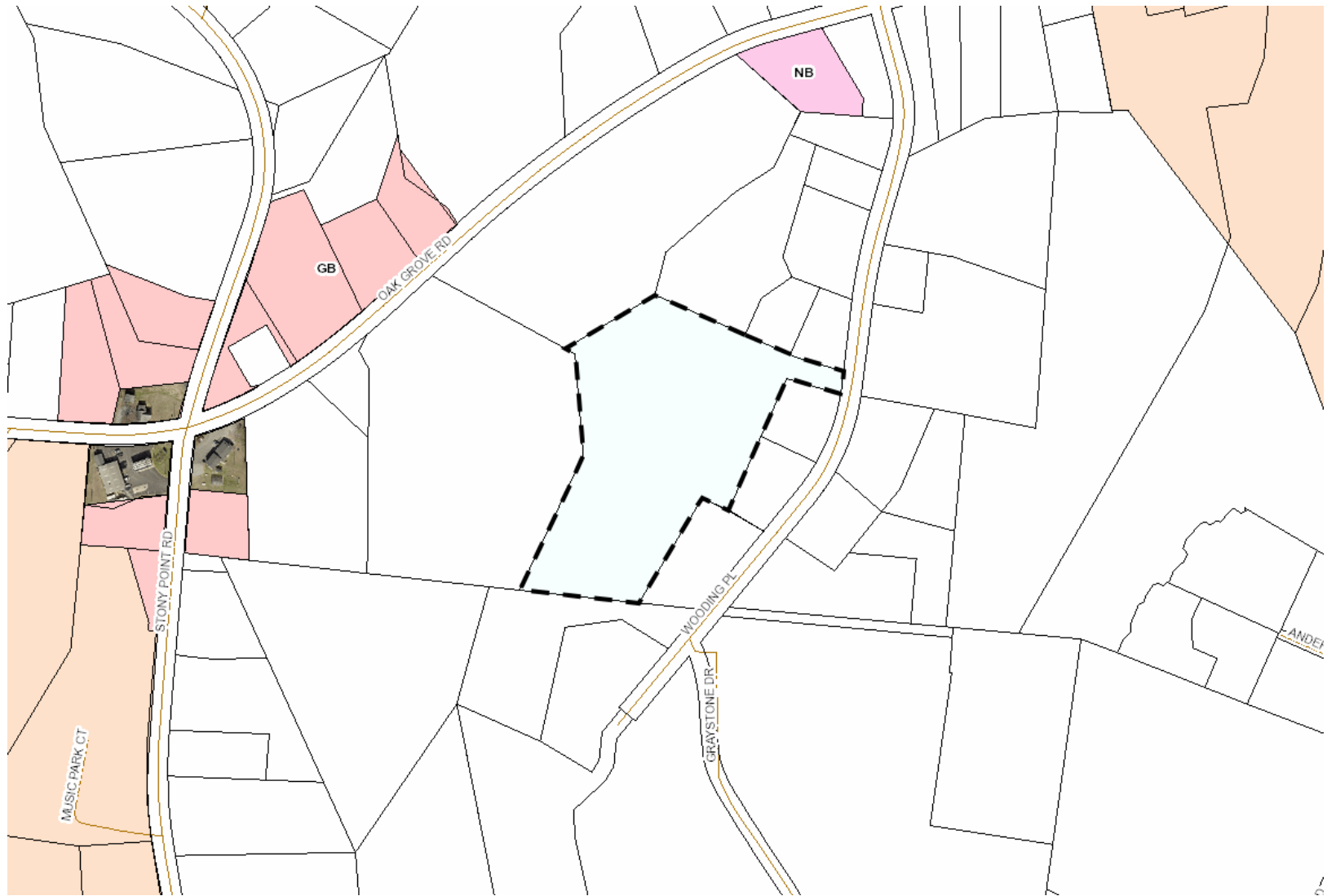
**Board of Adjustment Case #25-02**

124-1 Wooding Pl. Parcel # 15285

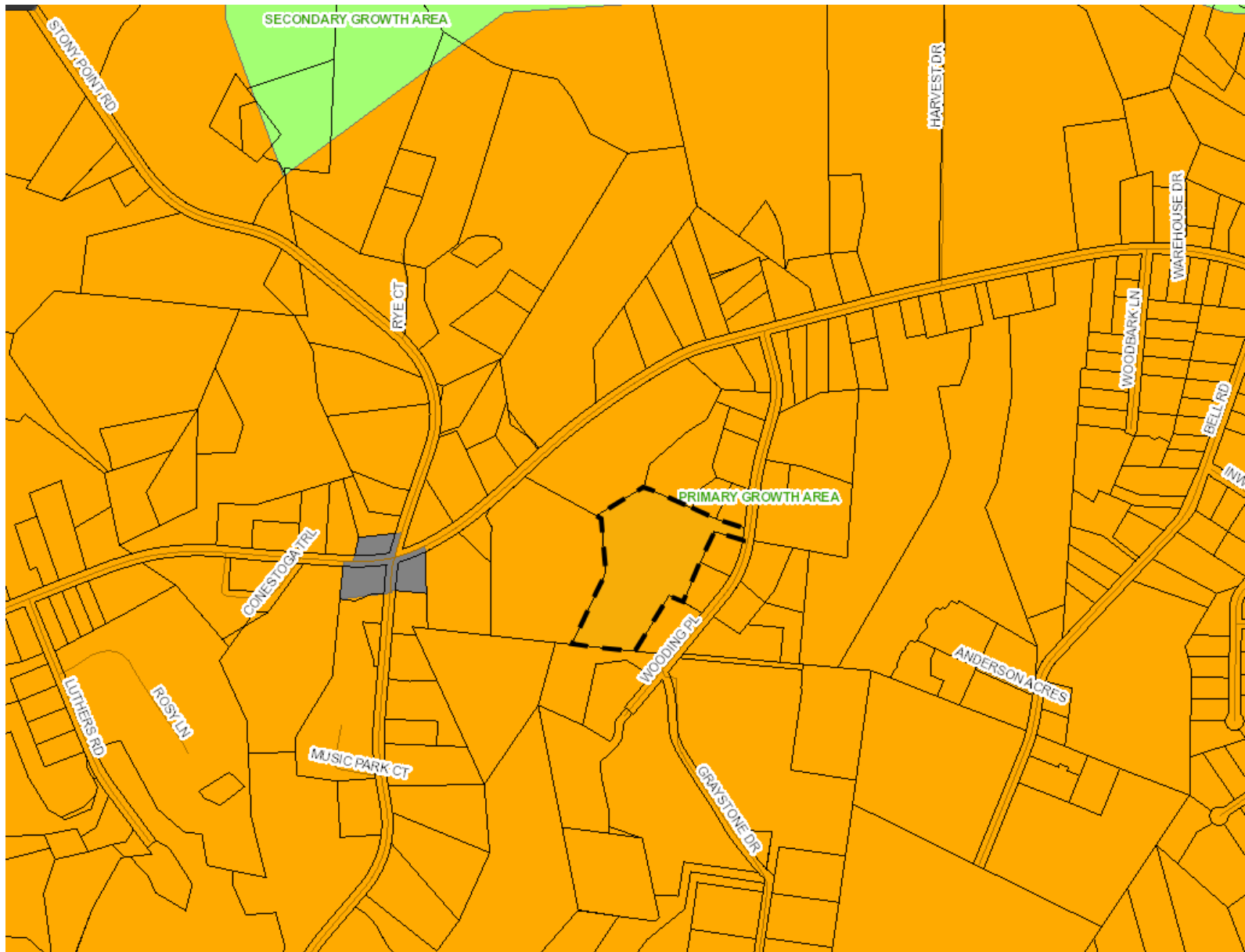
Approximate location of Training Office addition to the property



**Board of Adjustment Case #25-02**  
124-1 Wooding Pl. Parcel # 15285  
Zoning Map



**Board of Adjustment Case #25-02**  
124-1 Wooding Pl. Parcel # 15285  
Land Use Plan Map





CLEVELAND COUNTY, NORTH CAROLINA  
PLANNING DEPARTMENT

Case #: 25-02 App. Fee \$200.00  
Permit App. #: 132186

## APPLICATION FOR A CONDITIONAL USE PERMIT

Name of Applicant: Kevin W. Champion

Mailing Address: 910 Stony Point Rd, Kings Mountain NC 28086

Phone: (Home) 704-913-5929 (Work) 704-913-5929

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  
Kevin W. Champion

for the use of the property located at 124-1 Wooding Place, Kings Mountain NC 28086

Tax Map # 2229 Block # 1 Lot # 6 in Cleveland County Zoning District.

Parcel # 15285

Title to this property is in the name of:

KWC Intrest Group LLC

Name

910 Stony Point Rd

Mailing Address

Kings Mountain, NC 28086

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) \_\_\_\_\_.

The requested Conditional Use is described as follows:

Remove 1 Existing Office Trailer and replace with 60' x 24' Building - Training office.

## 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 full page of blank, lined paper. It features approximately 20 evenly spaced horizontal black lines across its entire width, providing a guide for handwriting or typing. The paper is otherwise completely empty, with no margins, text, or other markings.

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.

best of my/our knowledge and belief.

  
Signature of Applicant

1-31-2025  
Date of Application

# COUNTY OF CLEVELAND, NORTH CAROLINA

## AGENDA ITEM SUMMARY

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**SUP Case 25-04: Expansion of Nonconforming RV Park at 3052 Blacksburg Rd.**

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**Department:**

**Agenda Title:** SUP Case 25-04: Expansion of Nonconforming RV Park at 3052 Blacksburg Rd.

**Agenda Summary:**

**Proposed Action:**

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### ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 25-04_Staff_Report.pdf	Staff Report
<input type="checkbox"/> 25-04_Site_Plan.pdf	Site Plan
<input type="checkbox"/> 25-04_Map_Aerial_Close_up.pdf	Aerial Image Close Up
<input type="checkbox"/> 25-04_Map_Aerial.pdf	Aerial Image
<input type="checkbox"/> 25-04_Map_Zoning.pdf	Zoning Map
<input type="checkbox"/> 25-04_Map_LUP.pdf	LUP Map
<input type="checkbox"/> 25-04_Application.pdf	Application

## STAFF REPORT

To: Board of Adjustment Meeting Date: 2-27-2025  
From: Chris Martin, Planning Director  
Subject: Case 25-04 Special Use Permit

**Summary Statement:** Benjamin Travis Hamrick is requesting a special use permit to expand a nonconforming use located at 3052 Blacksburg Rd. in Grover, NC, on Parcel 5258.

**Background:** Expanding a nonconforming use is allowed with the issuance of a special use permit. The property is currently zoned Neighborhood Business in the Corridor Protection zoning district overlay. It is 61.88 acres and has an existing RV Park in operation owned by Travis and Kristen Hamrick. The applicant submitted a site plan along with the application showing the addition of 6 RV sites.

The surrounding zoning is residential, and the area is rural residential with large tracts of wooded and agricultural land. The Land Use Plan map shows the area as Secondary Growth.

**Review:** The Cleveland County Unified Code of Ordinances (Section 12-8 Nonconforming use) states that:

- Nonconforming uses of land or structures, and nonconforming structures that contain nonconforming uses, may continue only in accordance with the provisions of this section.
- A nonconforming use shall not be expanded, nor shall such a nonconforming use be enlarged by additions to the structure in which the nonconforming use is located (either attached or detached) except pursuant to a special use permit issued by the board of adjustment.

### **Section 12-33 – Special Use Permits**

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.

# THE THRASHER GROUP

North Carolina

400 E. KING STREET | KINGS MOUNTAIN, NC  
704-739-1644 | www.thrashergruopnc.com

NC FIRM NO. F-0338  
SC COA NO. 841

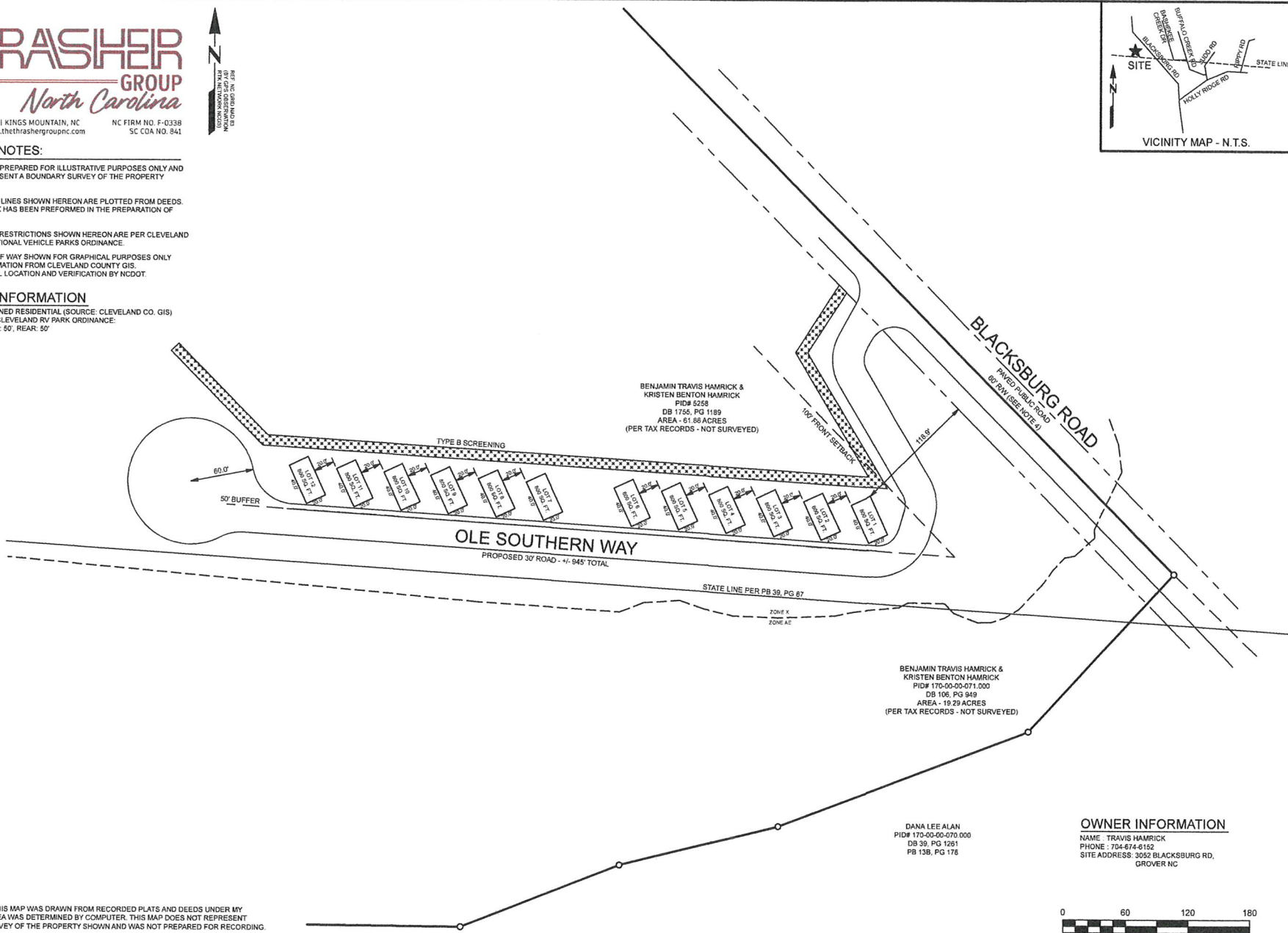
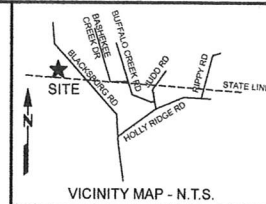


## GENERAL NOTES:

1. THIS PLAT WAS PREPARED FOR ILLUSTRATIVE PURPOSES ONLY AND DOES NOT REPRESENT A BOUNDARY SURVEY OF THE PROPERTY SHOWN.
2. THE BOUNDARY LINES SHOWN HEREON ARE PLOTTED FROM DEEDS. NO SURVEY WORK HAS BEEN PERFORMED IN THE PREPARATION OF THIS SITE PLAN.
3. SETBACKS AND RESTRICTIONS SHOWN HEREON ARE PER CLEVELAND COUNTY RECREATIONAL VEHICLE PARKS ORDINANCE.
4. ROAD RIGHTS OF WAY SHOWN FOR GRAPHICAL PURPOSES ONLY BASED ON INFORMATION FROM CLEVELAND COUNTY GIS. SUBJECT TO FINAL LOCATION AND VERIFICATION BY NCDOT.

## ZONING INFORMATION

PROPERTY IS ZONED RESIDENTIAL (SOURCE: CLEVELAND CO. GIS)  
SETBACKS PER CLEVELAND RV PARK ORDINANCE:  
FRONT: 100, SIDE: 50', REAR: 50'



I CERTIFY THAT THIS MAP WAS DRAWN FROM RECORDED PLATS AND DEEDS UNDER MY SUPERVISION. AREA WAS DETERMINED BY COMPUTER. THIS MAP DOES NOT REPRESENT A BOUNDARY SURVEY OF THE PROPERTY SHOWN AND WAS NOT PREPARED FOR RECORDING.

PRELIMINARY PLAT  
NOT FOR RECORDATION,  
CONVEYANCES, OR SALES.

Joseph A. Gray, P.L.S.

Date:

## LEGEND

○	DEED CALCULATED POINT
—	DEED PLOTTED LINE
---	ADJACENT DEED PLOTTED LINE
- - -	FEMA FLOOD LINE
- - -	SETBACK LINE
- - -	ROAD RIGHT OF WAY LINE

## OWNER INFORMATION

NAME: TRAVIS HAMRICK  
PHONE: 704-674-8152  
SITE ADDRESS: 3052 BLACKSBURG RD,  
GROVER NC



SITE PLAN FOR:  
**BENJAMIN TRAVIS HAMRICK & KRISTEN BENTON HAMRICK**  
CLEVELAND COUNTY, NORTH CAROLINA  
TOWNSHIP NO. 3  
SCALE: 1" = 60'  
DEED REF: AS SHOWN  
DATE: 8 DECEMBER 2022  
PID: 5258  
JOB: 2022-535 HAMRICK

BUK



**Board of Adjustment Case #25-04**  
3052 Blacksburg Rd. Parcel # 5258  
Close up of approximate site location & additional sites



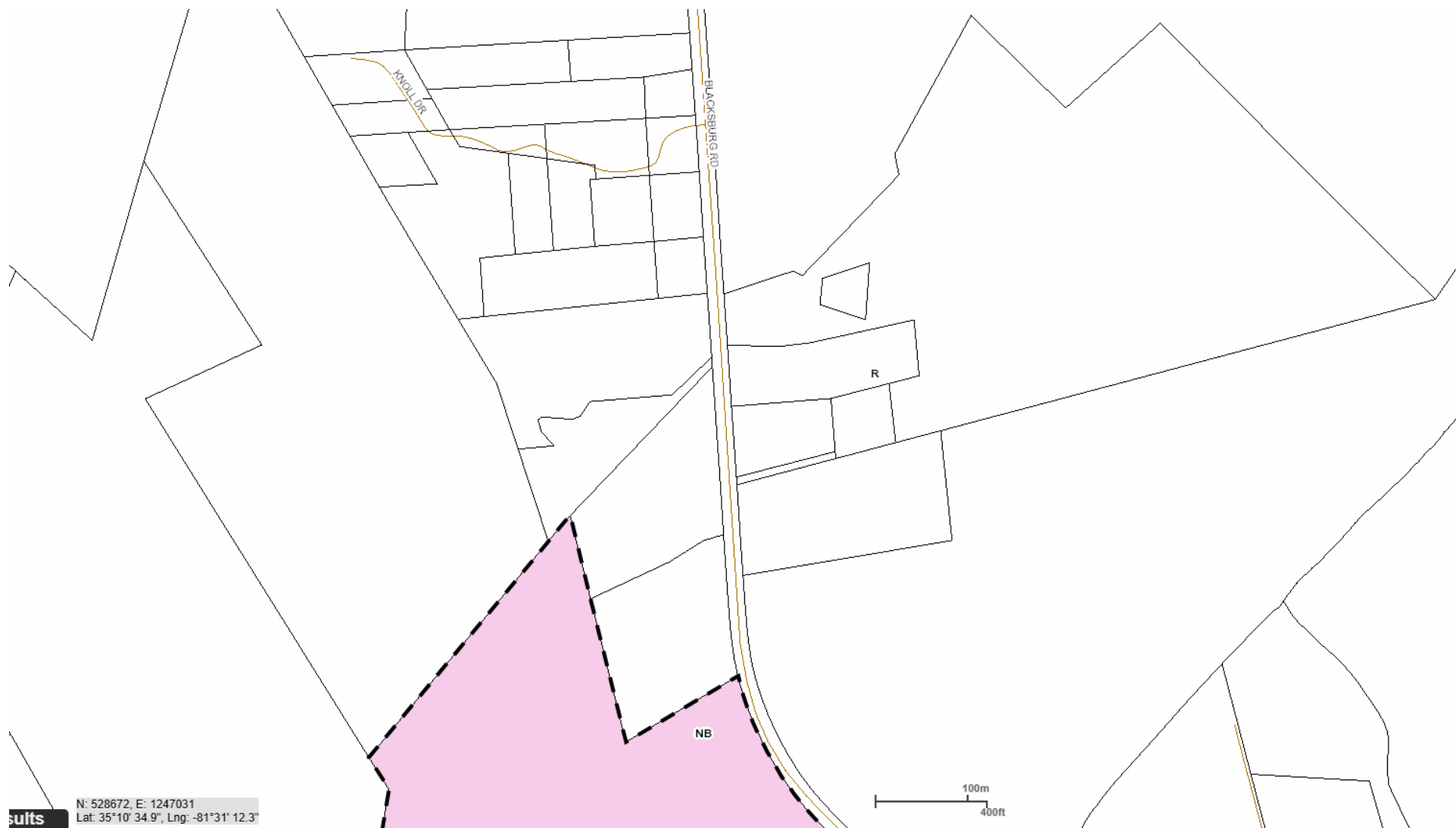


**Board of Adjustment Case #25-04**  
3052 Blacksburg Rd. Parcel # 5258  
Aerial Image



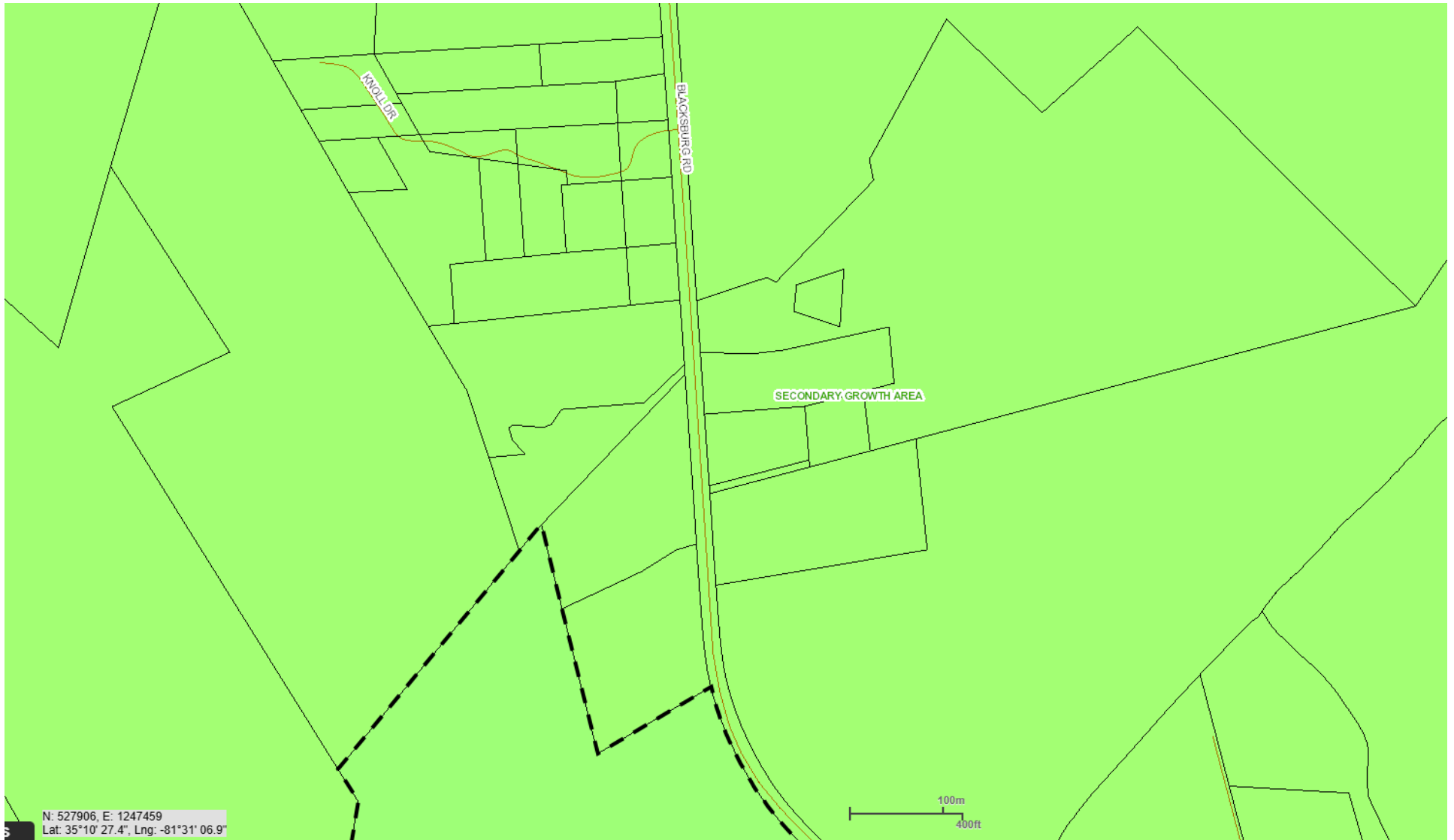


**Board of Adjustment Case #25-04**  
3052 Blacksburg Rd. Parcel # 5258  
Zoning Map





**Board of Adjustment Case #25-04**  
3052 Blacksburg Rd. Parcel # 5258  
Land Use Plan Map





**Cleveland County**  
NORTH CAROLINA

## APPLICATION FOR A SPECIAL USE PERMIT

APPLICANT NAME: Benjamin TRAVIS Hamrick  
MAILING ADDRESS: 249 Benton Road  
CITY/STATE /ZIP: Kings Mtn NC 28086  
PHONE: 704-472-8586 E-MAIL: Travis.hamrick@ClevelandCountyNC.gov

### 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:

Benjamin Travis Hamrick  
for the use of the property located at: 3052 Blacksburg Road Groom NC 28073,  
Parcel #(s) 5258 in Neighborhood Business Zoning District.

Title to this property is in the name of:

Benjamin TRAVIS Hamrick, Kristin Benton Hamrick  
Owner Name(s)  
249 Benton Road  
Mailing Address  
KM / NC / 28086  
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 and 12-161 12-8

The requested Special Use is described as follows: Adding 6 sites to permitted  
Rv Park

**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.

Travis Hamrick  
Signature of Applicant

2/13/25  
Date of Application

For office use:

Payment Code: ZP 33 Special Use Permit

Fee: \$300

Paid on: 2-13-25 ZP: 182334 Case #: \_\_\_\_\_

## COUNTY OF CLEVELAND, NORTH CAROLINA

### AGENDA ITEM SUMMARY

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**SUP Case 25-03: Request for Airpark at 221-1 Jim Cline Rd.**

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**Department:**

**Agenda Title:** SUP Case 25-03: Request for Airpark at 221-1 Jim Cline Rd.

**Agenda Summary:**

**Proposed Action:**

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#### ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 22-01_Staff_Report_2025.pdf	Staff Report
<input type="checkbox"/> 22-01_Application.pdf	Application
<input type="checkbox"/> 22-01_Site_Plan.pdf	Site Plan
<input type="checkbox"/> 25-03_Map_Zoning_Map.pdf	Zoning Map
<input type="checkbox"/> 25-03_Proctor_-_Motions_in_the_Cause.pdf	Motions in the Cause

## STAFF REPORT

To: Cleveland County Board of Adjustment

Date: February 27, 2025

From: Chris Martin, Planning Director

Subject: Case 25-03 - Rehearing of Case 22-01

Summary Statement: Pamela Webb is requesting a Special Use Permit to operate a private airpark on parcels 35060 and 49785, located between Jim Cline Rd and E. Stage Coach Trail, near Fallston NC.

Background: This case, 22-01, was heard and approved by the Board of Adjustment on January 27, 2022. The board's decision was appealed to Superior Court and the Judge ordered the case to be reheard due to required notification procedures not being met.

Review: Parcels 35060 and 49785 are approximately 53 acres and owned by Pamela Webb, per Cleveland County Tax Assessor. Parcel 35060 is zoned Residential and parcel 49785 is zoned Restricted Residential. Private airparks are listed in Section 12-124 Table of Uses as being permitted by a Special Use Permit in both the Residential and Restricted Residential zoning districts.

Mrs. Webb included with her application a site plan showing the proposed private airpark, including the runway and hangar.

When considering Special Use Permits, even if the Board finds that the application is complete, it may still deny the permit if it concludes, based on 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.



**Cleveland County**  
NORTH CAROLINA

## APPLICATION FOR A SPECIAL USE PERMIT

APPLICANT NAME: Pamela L Webb  
MAILING ADDRESS: 221 Jim Cline RD Lenoir NC 28090  
Phone: 704 473-0318 E-Mail: Pamwebb@t@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:

Pamela L. Webb

for the use of the property located at: 221 Jim Cline RD Lenoir NC 28090

Parcel #(s) 35060 / 49785 in Restricted Residential Zoning District.

Title to this property is in the name of: and Residential

Pamela Lail Webb

Name

221 Jim Cline RD

Mailing Address

Lenoir 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)

The requested Conditional Use is described as follows:

Air Park

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.

Pamela L. Webb

Signature of Applicant

12-7-21

Date of Application

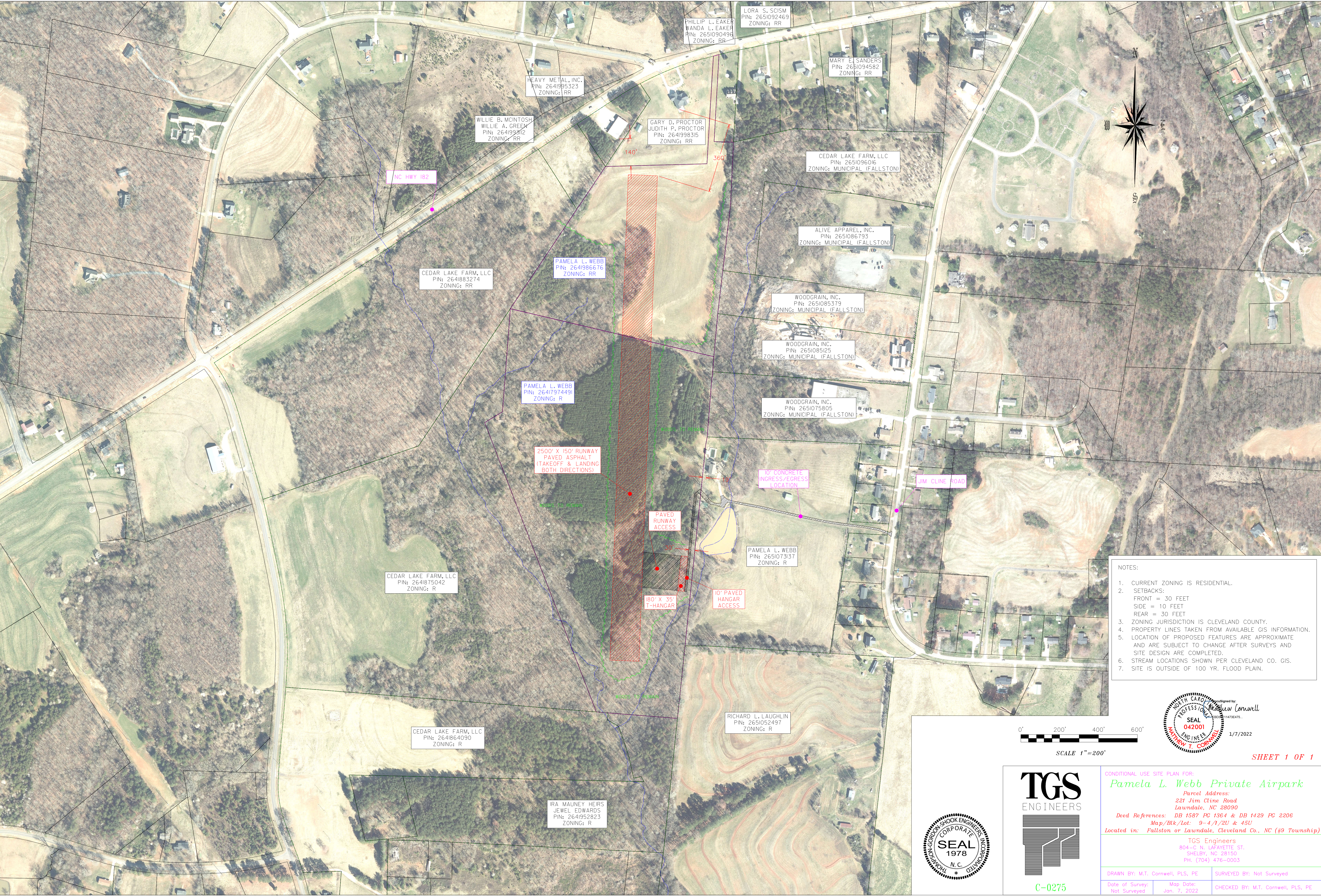
For office use:

Payment Code: ZP 33 Special Use Permit

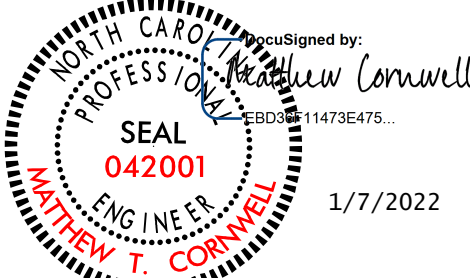
Fee: \$200

Paid on: \_\_\_\_\_ ZP: \_\_\_\_\_ Case #: \_\_\_\_\_

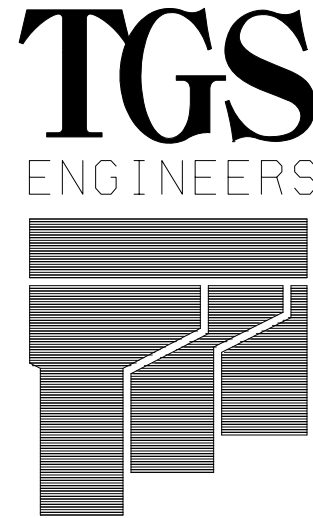




- NOTES:
1. CURRENT ZONING IS RESIDENTIAL.
  2. SETBACKS:  
FRONT = 30 FEET  
SIDE = 10 FEET  
REAR = 30 FEET
  3. ZONING JURISDICTION IS CLEVELAND COUNTY.
  4. PROPERTY LINES TAKEN FROM AVAILABLE GIS INFORMATION.
  5. LOCATION OF PROPOSED FEATURES ARE APPROXIMATE AND ARE SUBJECT TO CHANGE AFTER SURVEYS AND SITE DESIGN ARE COMPLETED.
  6. STREAM LOCATIONS SHOWN PER CLEVELAND CO. GIS.
  7. SITE IS OUTSIDE OF 100 YR. FLOOD PLAIN.



SHEET 1 OF 1



C-0275

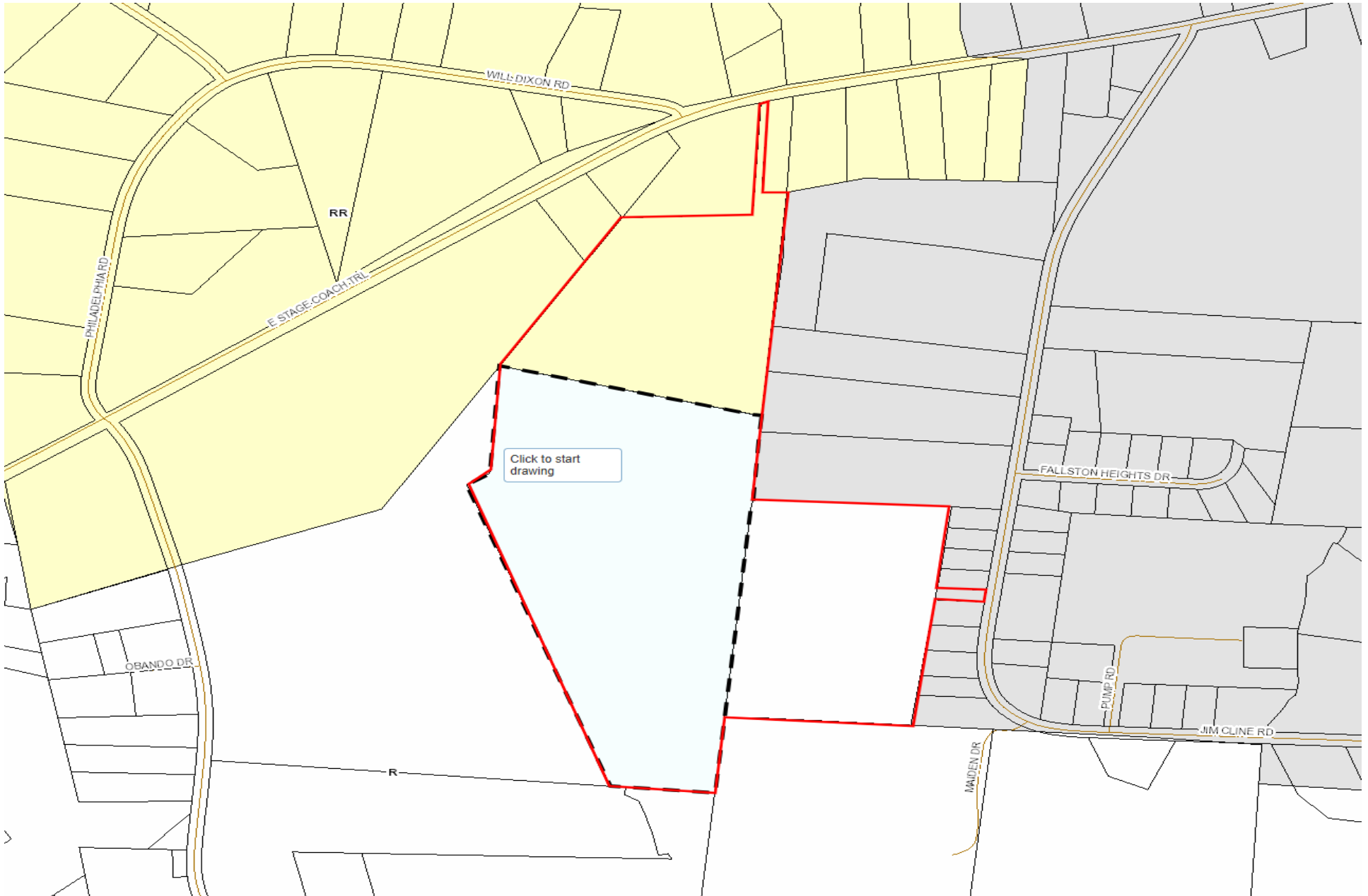
CONDITIONAL USE SITE PLAN FOR:  
*Pamela L. Webb Private Airpark*  
Parcel Address:  
221 Jim Cline Road  
Laundale, NC 28090  
Deed References: DB 1587 PG 1364 & DB 1429 PG 2206  
Map/Blk/Lot: 9-4 / 1/2U & 45U  
Located in: Fallston or Laundale, Cleveland Co., NC (#9 Township)

TGS Engineers  
804-C N. LAFAYETTE ST.  
SHELBY, NC 28150  
PH. (704) 476-0003

DRAWN BY: M.T. Cornwell, PLS, PE	SURVEYED BY: Not Surveyed
Date of Survey: Not Surveyed	Map Date: Jan. 7, 2022
CHECKED BY: M.T. Cornwell, PLS, PE	



**Board of Adjustment Case #25-03**  
221-1 Jim Cline Road. Parcel #49785 & 35060



STATE OF NORTH CAROLINA  
CLEVELAND COUNTY

BEFORE THE BOARD OF ADJUSTMENT  
CASE NO.: 25-03

IN THE MATTER OF:  
SPECIAL USE PERMIT FOR A  
PRIVATE AIRPARK LOCATED AT  
221 JIM CLINE ROAD

MOTIONS IN THE CAUSE

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NOW COME Movants, Gary Proctor, Judith Parker Proctor, Philip Eaker, Wanda Eaker, and Willie McIntosh, by and through counsel, and Move the Cleveland County Board of Adjustment as follows:

1. Movants are similarly situated persons who, pursuant to N.C.G.S. §160D-402(c)(2), have standing as persons who would suffer special damages in the event the Board of Adjustment (hereinafter “the Board”) were to grant the Special Use Permit for A Private Airpark Located at 221 Jim Cline Road (hereinafter “the Permit”) as applied for by Pamela L. Webb (hereinafter “the Applicant”) on or about December 7, 2021.
2. Movants own one or more parcels of real property that would be impacted by the granting of the Permit.

MOTION TO DISMISS THE APPLICATION

1. The Board of Adjustment must ensure that “procedure specified by law in both statute and ordinance [is] followed.” *Coastal Ready—Mix Concrete Co. v. Bd. Of Comm’rs of Town of Nags Head*, 299 N.C. 620, 626 (1980). County boards lack authority to conduct a hearing on a permit application that does not comply with statutory requirements. *Wade v. Town of Ayden*, 125 N.C.App. 650, 653 (1997).
2. Cleveland County Ordinance 12-32 requires an application for a special use permit to be complete.
3. Cleveland County Ordinance 12-33(a) sets forth requirements that an application and the accompanying site plan must include to be deemed complete under the statute.
4. The Site Plan submitted by Applicant lacks the following information which is required by statute:
  - Total acreage of the parcels which are the subject of the Application
  - Adjoining Property Owners’ addresses and existing land uses
  - Proposed height of all structures
  - Proposed phasing, if any, and schedule for completion of entire project



5. Due to the incomplete Application, this Board has no authority to conduct a hearing on the Application until and unless Applicant amends her Application to comply with the statutory requirements.

#### **MOTION TO REQUIRE APPLICANT TO AMEND APPLICATION**

1. Cleveland County Ordinance 12-33(b) allows the Board to “request additional information from the applicant” which stays consideration of the application until such information is received.
2. Movants hereby request the Board to seek information from the Applicant pursuant to Cleveland County Ordinance 12-33(b) as follows:
  - A complete description of “existing and proposed topography” pursuant to Cleveland County Ordinance 12-33(b)(1).
  - A complete impact study prepared by a qualified engineer or planner that includes information regarding “accidents, noise, and impacts of air quality and other natural resources” as discussed in Cleveland County Ordinance 12-33(b)(5)(f) in relation to the proposed activities under the Permit, which include the taking off and landing of aircraft in extremely close proximity to Movants’ property.
  - A detailed report of the types of aircraft which would use the proposed airpark, the owner(s) of said aircraft, the purpose(s) of flights in and out of the airpark, the frequency of flight(s) at the airpark, whether lights will be installed at the airpark, and whether any incorporated entities will use the airpark for any purpose whatsoever.
  - A detailed report indicating the safety concerns related to low-flying planes in close proximity to residential areas and what steps, if any, that should be taken to mitigate said concerns.
3. Without obtaining said information from Applicant, this Board cannot adequately evaluate the Application for a Permit.

#### **MOTION FOR ISSUANCE OF SUBPOENAS N.C.G.S. §160D-406(g)**

1. The Movants hereby request the Chair of the Board, or in his absence, the individual acting as chair of the Board, to subpoena witnesses and compel the production of evidence pursuant to N.C.G.S. §160D-406(g) as follows:
2. Subpoenas should be issued to the following individuals to provide testimony regarding the Application and proposed Permit: Pamela Webb; and John Watt, Executive Director of Compass Aviation 830 College Ave., Shelby, NC; James Kaleb Webb of 719 Nalley Drive, Shelby, NC.
3. Subpoenas should be issued to the individuals listed above to produce any and all evidence regarding communications the above-mentioned individuals have had with any person regarding the proposed Permit, information showing or tending to show the flight path(s) of aircraft coming into and out of the airpark, information regarding the types of

planes which would ever use the airpark including their glide angle, aircraft runway length requirements for each aircraft, operation plans for any use of the airpark, whether any fuel would be stored at the proposed airpark, and information regarding any non-profit or corporate entity owned by Applicant that may be used to facilitate the use of the airpark as proposed. Subpoenas should also be issued to obtain detailed runway construction plans, including the use and placement of lights, directional beacons, and buffer zones as may be required for general safety and/or FAA requirements.

### **MOTION TO REQUIRE SERVICE OF CORRECT CASE DESCRIPTION ON ALL NECESSARY PARTIES**

1. Pursuant to N.C.G.S. §160D-406(b), the County must mail a notice of hearing to “the owners of all parcels of land abutting the parcel of land that is the subject of the hearing.”
2. To the extent the County has followed this statutory instruction, the County’s notice indicates that the matter being heard is Case #25-03.
3. Movants have requested the County, and/or the County’s Planning Department to provide all applications in said case to Movants, only to be informed that said case contains no application. Instead, the Board intends to conduct a re-hearing on Case 22-01 pursuant to a Superior Court Order.
4. Under Cleveland County Ordinance 12-77(3) the notice sent by the County must “give a brief description of the action requested or proposed.”
5. By naming a case which does not contain an application for a special use permit, the County’s notice does not comply with the requirements of Cleveland County Ordinance 12-77(3) as Case #25-03 does not contain any request for the Board’s action.
6. The Cleveland County Superior Court ruled on September 11, 2024 that the Board was “ordered to re-notice and re-hear Permit application 22-01.” The County’s mailing of notices regarding Case #25-03 is misleading and not in compliance with the Order entered by the Superior Court Judge.

### **MOTION TO CONTINUE HEARING**

1. Movants hereby request the Board continue the hearing on the Permit to another date for the following reasons.
2. Applicant needs to amend or withdraw her Application to make it a complete application as is required by the County Ordinances.
3. Applicant needs to amend her Application to include information necessary for the proper consideration of the Application.
4. Movants request the Board to request additional information from the Applicant pursuant to Cleveland County Ordinance 12-33(b), which would require a continuance of the hearing date and a stay of the Permit in the interim.
5. Movants request the chair of the Board to issue subpoenas as addressed above for both witnesses and production of evidence which the Board needs to adequately consider the Application. Materials are unlikely to be produced in response to said subpoenas prior to the currently scheduled hearing date on February 27, 2025.

6. Movants are obtaining expert opinions regarding whether the proposed Permit would “materially endanger the public health or safety” pursuant to Cleveland County Ordinance 12-33(c)(1). Said experts are unlikely to be available to gather information, formulate an expert opinion, and be prepared to testify by February 27, 2025.
7. Movants are obtaining expert opinions regarding whether the proposed Permit would “substantially injure the value of adjoining or abutting property” pursuant to Cleveland County Ordinance 12-33(c)(2). Movants have contacted real property experts, who have indicated that they are unable to gather information, formulate an expert opinion, and be prepared to testify by February 27, 2025.
8. Movants contend the notice sent by the County regarding the Application was defective as it did not reference the Application as required by Order of the Superior Court.
9. Therefore, Movants hereby request that the Board continue the hearing currently scheduled for February 27, 2025, be continued pursuant to N.C.G.S. §160D-406(b) and for good cause shown.

This the 18th day of February, 2025.



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**CERTIFICATE OF SERVICE**

It is hereby certified that the foregoing MOTION has been served this day on the party/parties of interest in this action by sending a copy by first class mail and email to :

**TO:**

**Jonathan Sink**  
**County Attorney**  
**jonathan.sink@clevelandcountync.gov**  
**311 E. Marion St.**  
**Shelby, NC 28150**

**Thomas Fletcher, Chairman of the Board**  
**of Adjustment**  
**311 E. Marion St.**  
**Shelby, NC 28150**

**Chris Martin**  
**Cleveland County Planning Director**  
**chris.martin@clevelandcountync.gov**  
**PO Box 1210**  
**Shelby, NC 28151**

This the 19th day of February, 2025.



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