

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

March 27, 2025

4:00 PM

311 E. Marion St. Shelby, NC 28150

Call to order and Establishment of a Quorum

Invocation and Pledge of Allegiance

Approval of Minutes

Approval of the February 27, 2025 BOA Minutes

Cases

SUP CASE 25-03: Request for a private airpark at 221-1 Jim Cline Rd.

Miscellaneous Business

Adjournment

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Approval of the February 27, 2025 BOA Minutes

Department:

Agenda Title: Approval of the February 27, 2025 BOA Minutes

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 2-27-25_BOA_Minutes_Draft.pdf	2-27-2025 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.
February 27, 2025

Members Present	Members Absent	Others Present
Thomas Fletcher, Chairman	N/A	Phylis Knowlen, Clerk to the Board of Commissioners
Leon Martin, Vice Chairman		Deb Hardin, Commissioner
Tommy Brooks	Staff Present	Doug Bridges, Commissioner
Bobby Watson	Chris Martin, Planning Director	
Paul Aulbach, <i>alternate</i>	Hayden Whetstine, Planner	<i>*See additional attendees listed on page 7</i>
	Anna Parker, Clerk	
	Jonathan Sink, Attorney	

CALL TO ORDER

Chairman Fletcher called the meeting to order at 4:06 p.m.

ESTABLISHMENT OF QUORUM

It was determined that quorum was present.

PLEDGE & INVOCATION

Chairman Fletcher led the pledge and invocation.

APPROVAL OF MINUTES: January 30, 2025 MINUTES

Paul Aulbach made a motion to approve January 30, 2025 minutes. Bobby Watson seconded the motion and it carried unanimously.

Tommy Brooks inquired about Commissioner members present in the audience and asked if they were present for any of the cases. The Commissioners stated they were not present to speak about any cases. Mr. Brooks asked Attorney Sink if they had a right to be present and expressed concern it may sway witnesses. Attorney Sink said the meeting is open to the public and they have a right to be present. The Commissioners receive calls about Board of Adjustment cases and direct them to the correct channels.

SUP CASE 25-02: Expansion of a Non-Conforming Use at 124-1 Wooding Pl.

Chris Martin was sworn in. He said the applicant, Kevin Champion, is requesting a new training office for his existing contractor's business. He submitted a site plan showing where the

24'x60' office will replace a storage building that is currently on the property. The business was permitted legally when it started, but changes in zoning have made the use noncompliant in the current Residential zoning district, so the use is grandfathered in and considered a nonconforming use. Mr. Champion submitted a site plan showing the current storage building located on the property, and where the new 24x60' training office would go in its place.

Mr. Martin showed an aerial view of the property with the proposed building location. The zoning of the property is Residential. There is mostly Residential zoning around with some business zoning nearby, along Oak Grove Rd. and Stony Point Rd. The surrounding uses are mostly residential. The Land Use Plan map shows the area as Primary Growth, which indicates intense, high-density growth and activity for residential and business.

Paul Aulbach asked about the construction type of the office. Mr. Martin said he isn't sure if it will be pre-manufactured or site built. The construction type would be reviewed at the permitting stage. Staff received a completed application. Chairman Fletcher asked about setbacks. Mr. Martin stated that it is along a side property line with a 15' setback. The minimum for side property setbacks is 10' so it is compliant.

Chairman Fletcher opened the Evidentiary Hearing at 4:14 pm.

Chairman Fletcher closed the Evidentiary Hearing at 4:15 pm. as there was no one to 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. It is a high growth 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.

Tommy Brooks made a motion to approve the special use permit Case 25-02 for expanding a non-conforming use at 124-1 Wooding Pl. Leon Martin seconded the motion and it passed unanimously.

SUP CASE 25-04: Expansion of a Non-Conforming RV Park at 3052 Blacksburg Rd.

Chris Martin stated the applicant Travis Hamrick owns the property which is south of Earl at the state line. He has a current permit for a RV Park with six (6) sites. It is currently under construction. He wants to add six (6) more sites. His original permit was approved under the rules at the time by re-zoning his property to Neighborhood Business, which allowed RV Parks at the time. Since then, the rules changed so the RV Park is now nonconforming. RV Parks are currently allowed in the General Business and Rural Residential zoning districts. Mr. Hamrick submitted a site plan. The location is on Blacksburg Rd./Hwy 198. There is a floodplain to the south of the property. The site plan shows that the driveway will extend to add another six (6) sites. The zoning is Neighborhood Business and it is surrounded by Residential zoning. The Land Use Plan shows the area as secondary growth, which expects growth along highways and major intersections.

Chairman Fletcher asked if Staff had received a completed application and if it complies with the Land Use Plan. Mr. Martin said they did receive a completed application. The Land Use Plan is subjective though- RV Parks are allowed in Rural Residential and General Business zoning districts and are compatible along highways and major intersections. Leon Martin asked about the driveway onto the highway. Mr. Martin stated that the applicant must obtain NCDOT approval for his driveway. The current six sites are currently under construction but not complete yet.

Chairman Fletcher opened the Evidentiary Hearing at 4:23 pm.

Benjamin Travis Hamrick was sworn in. He stated the time to expand would be now while the site is under construction and he has the equipment available to save time and money. The land across from his property is owned by Wayne Davis, and the majority of Mr. Davis's 82-acre property is in a flood zone, therefore there is no affect on development on his property. Leon Martin asked about the type of use Mr. Hamrick plans for his RV Park. Mr. Hamrick stated that he intends to rent out sites to traveling nurses.

Chairman Fletcher closed the Evidentiary Hearing at 4:26 pm. as there were no more comments.

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. There was no evidence presented showing either way that it would affect adjoining property values.**
- (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.

Bobby Watson made a motion to approve the special use permit Case 25-04 for expanding a non-conforming RV Park at 3052 Blacksburg Rd. Leon Martin seconded the motion and it passed unanimously.

SUP CASE 25-03: Request for a Private Airpark at 221-1 Jim Cline Rd.

Chris Martin stated that the applicant and property owner is Pam Webb. The location is considered 221-1 Jim Cline Rd. The requested use is for a private airpark. The Board originally heard and approved this case in January of 2022. The case was appealed by neighboring property owners to the superior civil court and in September 2024 the judge ruled to re-notify and re-hear the case due to a notification error.

Mr. Martin presented the original case information as it was shown in 2022. The Table of Uses Code Section 12-124 shows that Private Airparks are a compliant use in the Residential and Restricted Residential zoning districts with the issuance of a special use permit. At the time they were named conditional use permits but they are called special use permits today. It is the same procedure and same ordinance though, just a different name. The property consists of two parcels that are zoned Residential and Restricted Residential. The map shows Highway 182, just west of Fallston, and Jim Cline Rd. which connects Hwy. 182 to Hwy. 18 which is south of Fallston. The Land Use Plan designates the area as secondary growth, which describes areas that continue to be residential in nature, with farming, large tracts of residential land with neighborhoods in appropriate areas, and commercial uses along highways and major intersections. The aerial image of the property shows larger tracts of land to the west, and residential development along Jim Cline Rd. and Hwy. 182, and some commercial uses along Jim Cline Rd.

Mr. Martin showed the submitted site plan. There is a proposed 2500' runway at 150' wide and paved, a 180'x35' hangar behind Ms. Webb's residential property, and a 10' access to the hangar and runway. Mr. Martin pointed out a building on Hwy. 182 that is an exercise gym and the end

of the runway measures 140' from that gym to the north, and 360' from a home to the north of the runway.

Mr. Martin asked the Board to consider opening a public hearing, hear evidence, and discuss the application, site plan, evidence presented, and the four criteria. Mr. Martin pointed out that the Board members have a document submitted by the counsel of the surrounding property owners that lists several motions for the Board to consider for continuing or dismissing the hearing for various reasons and details listed. After hearing the case, the Board would consider approving, denying, approving with conditions based on the evidence presented and the four criteria, or continuing the case for more information.

Chairman Fletcher asked if this is a new case they are hearing. Mr. Martin said it is not a new case; they are re-hearing a past case that was approved. Chairman Fletcher asked if they must rule on the motions presented before or after starting. Attorney Jonathan Sink said it could be done either way, as long as it is not arbitrary and capricious. It would not be arbitrary or capricious to consider what the counsel for the parties has submitted. There are five motions before the Board and the Board could approve a motion to continue and table to a time certain the remainder of those motions.

Paul Aulbach asked about the Superior Court order. Mr. Martin said the judge voided the original permit and gave the Board direction to rehear and renotify this case. Paul asked to see the Writ of Certiorari, Complaint, and all documents from the judge about the complaint. Tommy Brooks asked about the legal obligation to hear and act on the motions made by the counsel for parties in opposition. Mr. Sink said they must be acted on individually, but it is more flexible for when the Board may act on them. Mr. Brooks said he wasn't comfortable acting on them until he could read through them and get advice from counsel. Mr. Brooks asked about holding a special Board meeting to review the motions. Mr. Sink recommended that if they do, then hold a special session of the Board to record minutes.

<p>Tommy Brooks made a motion to grant the motion to continue the case to table the matter to the next Board of Adjustment meeting on March 27th at 4:00 pm. at 311 E. Marion St. in Shelby. Bobby Watson seconded the motion and it passed unanimously.</p>
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MISCELLANEOUS BUSINESS

Staff stated that the Board of Adjustment training will be available in April and the details will be sent to board members.

ADJOURNMENT

Chairman Fletcher entertained a motion to adjourn.

Bobby Watson so moved the motion to adjourn. It was seconded by Leon Martin and unanimously approved to adjourn at 4:45 pm.

ATTEST:

Thomas Fletcher, Chairman

Anna Parker, Clerk

Additional Attendees

Pamela Webb	Lisa Laughlin	Terry Brooks
Phillip Eaker	Sandra Hawkins	Chris Jones
Wanda Eaker	Keith Hawkins	Jason Hamrick
Judith Parker Proctor	Keith P.	Benjamin Travis Hamrick
Megan Cook	Pam P.	Joann Davis
Michael Cook	Rick Geer	Donald Davis
Kim Earl	Sherrie Geer	Jonathan D. Smith
David Edward McCracken	James Scott Turner	

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

SUP CASE 25-03: Request for a private airpark at 221-1 Jim Cline Rd.

Department:

Agenda Title: SUP CASE 25-03: Request for a private airpark at 221-1 Jim Cline Rd.

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 22-01_Staff_Report_#2.pdf	Staff Report
<input type="checkbox"/> 22-01_Petition.pdf	Petition
<input type="checkbox"/> 22-01_Site_Plan.pdf	Site Plan
<input type="checkbox"/> 25-03_Map_Aerial_Map.pdf	Aerial Map
<input type="checkbox"/> 25-03_Map_Zoning_Map.pdf	Zoning Map
<input type="checkbox"/> 25-03_Map_LUP_Map.pdf	Land Use Plan Map

STAFF REPORT

To: Cleveland County Board of Adjustment

Date: March 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

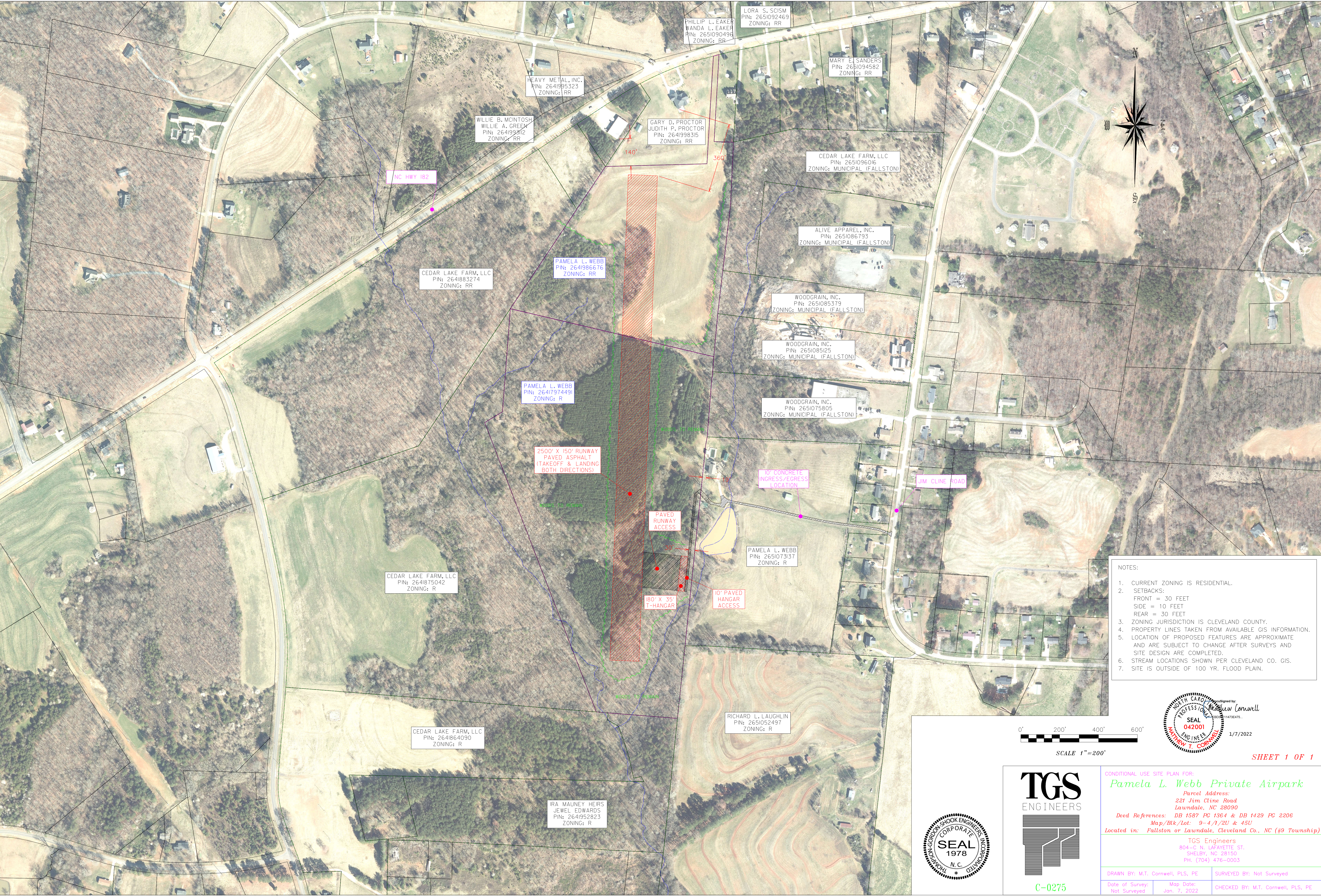
Date of Application

For office use:

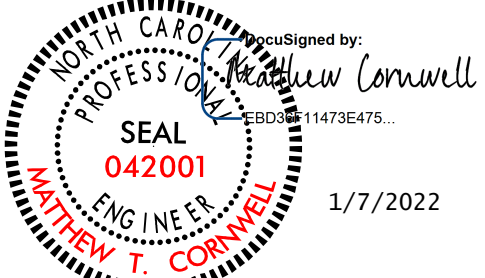
Payment Code: ZP 33 Special Use Permit

Fee: \$200

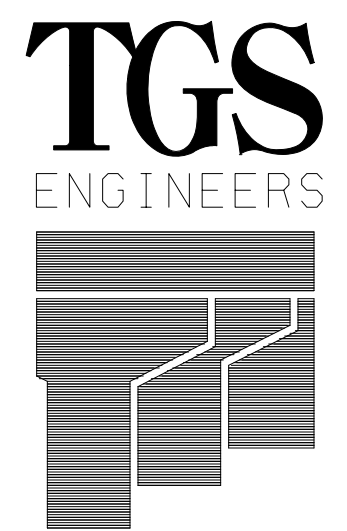
Paid on: _____ ZP: _____ Case #: _____



- 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

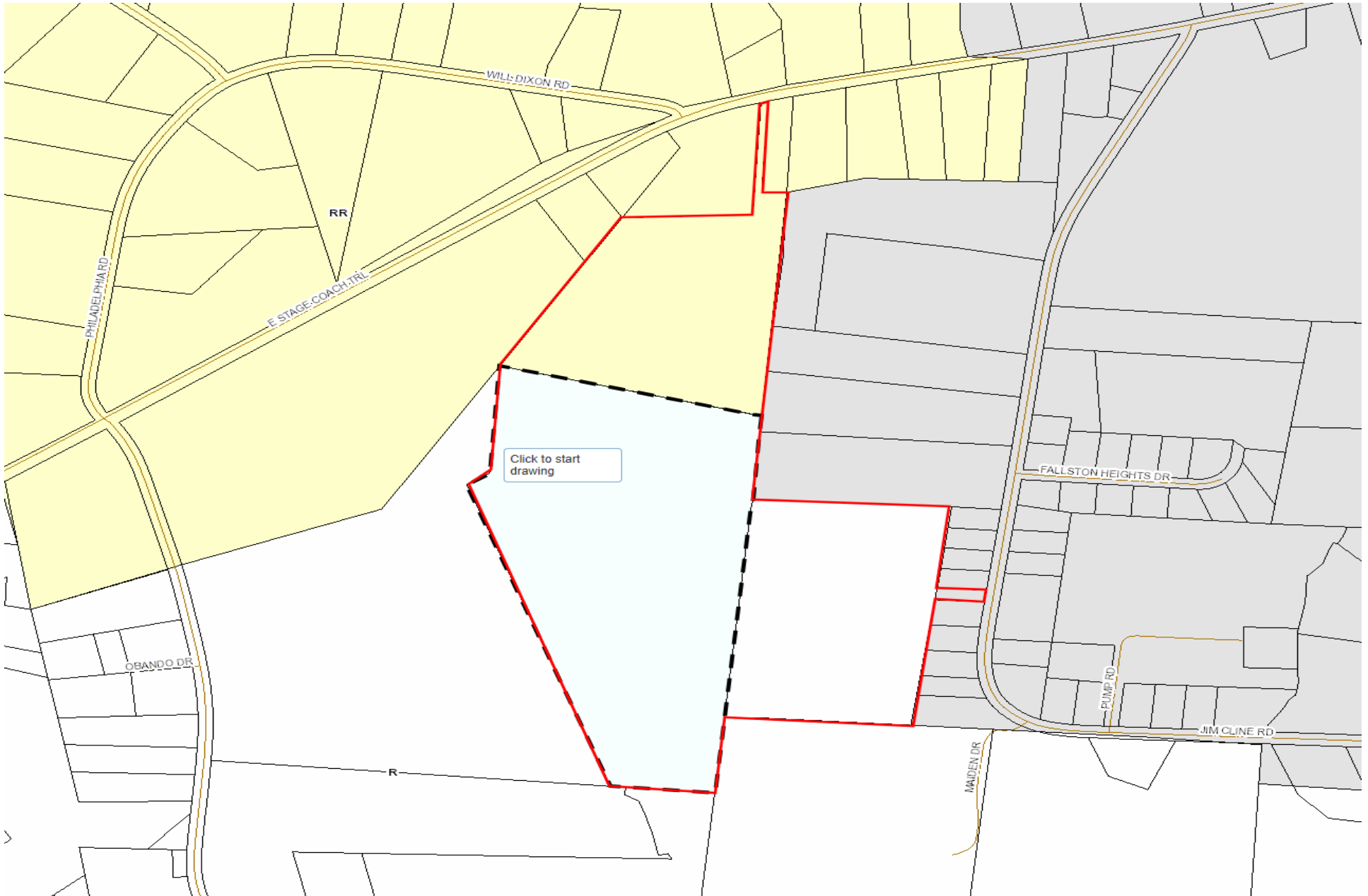
DRAWN BY: M.T. Cornwell, PLS, PE	SURVEYED BY: Not Surveyed
Date of Survey: Not Surveyed	Map Date: Jan. 7, 2022
CHECKED BY: M.T. Cornwell, PLS, PE	

221-1 Jim Cline Road. Parcel #49785 & 35060

221-1 Jim Cline Road. Parcel #49785 & 35060



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



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

