

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

**June 26, 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 the 3-27-2025 BOA Minutes

**Cases**

SUP Case 25-06: RV Park at 128 Corinth Church Rd

SUP Case 25-07: Non-Conforming Office Addition at 200 Potts Creek Rd.- KM  
Wastewater Treatment Facility

**Miscellaneous Business**

**Adjournment**

**COUNTY OF CLEVELAND, NORTH CAROLINA**

**AGENDA ITEM SUMMARY**

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**Approval of the 3-27-2025 BOA Minutes**

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**Department:**

**Agenda Title:** Approval of the 3-27-2025 BOA Minutes

**Agenda Summary:**

**Proposed Action:**

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**ATTACHMENTS:**

File Name	Description
<input type="checkbox"/> 3-27-25_BOA_Minutes_DRAFT.pdf	3-27-2025 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.**  
**March 27, 2025**

<b>Members Present</b>	<b>Members Absent</b>	<b>Others Present</b>
Leon Martin, Vice Chairman	Thomas Fletcher, Chairman	Phylis Knowlen, Clerk to the Board of Commissioners
Tommy Brooks	Bobby Watson	Deb Hardin, Commissioner
Paul Aulbach, <i>alternate</i>	<b>Staff Present</b>	Doug Bridges, Commissioner
Woody Edwards, <i>alternate</i>	Chris Martin, Planning Director	Jonathan Kidd, Counsel for parties opposite
	Hayden Whetstine, Planner	<i>*See additional attendees listed on page 13</i>
	Anna Parker, Clerk	
	Jonathan Sink, Attorney	

**CALL TO ORDER**

**Vice-Chairman Martin** called the meeting to order at 4:04 p.m.

**ESTABLISHMENT OF QUORUM**

It was determined that quorum was present.

**PLEDGE & INVOCATION**

**Tommy Brooks** led the invocation and Paul Aulbach led the pledge.

**Vice-Chairman Martin** stated to the audience that the hearing today is quasi-judicial, not a public hearing, and the board members will hear evidence and testimony from persons that have standing in the case and will not hear hearsay or opinions.

**APPROVAL OF MINUTES: February 27, 2025 MINUTES**

**Paul Aulbach** made a motion to approve February 27, 2025 minutes. Tommy Brooks seconded the motion and it carried unanimously.

**Tommy Brooks** made a motion for a closed session for the purpose of legal clarification with counsel and staff. Paul Aulbach seconded the motion.

**Attorney Jonathan Sink** advised to phrase the motion to consult in a brief closed session pursuant to NCGS 143.A-1 and 318.11 to consult with the attorney for legal purposes. He

encouraged the Board to let both sides speak before they get legal counsel. They may hold the hearing first and then request a closed session.

**Tommy Brooks** made a motion to take a brief closed session after the applicant and opposition have time to speak, per the statute to consult with the attorney about a pending legal matter. Woody Edwards seconded the motion and it passed unanimously.

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

**Chris Martin** was sworn in. He stated that the request is to operate a private airpark. The applicant and property owner is Pam Webb Holland and the location is 221-1 Jim Cline Rd. between Jim Cline Rd. and E. Stage Coach Tr. in the Fallston area. The proposed use is for a private airstrip, to be owned and used by the property owner. The Board heard this case before when it was approved in 2022. The decision was appealed and the judge ordered to rehear the case and start over due to a notification error. That is why the Board is hearing the case again. Airparks are shown under the Amusement, Gambling, and Recreation Industries in the county's Table of Uses and are allowed in the Residential and Restricted Residential zoning districts with Special Use permit approval. At the original time of the case in 2022 the permits were called Conditional Use permits, but the term has since changed to Special Use permits. It is the same permit and process, just a name change.

**Mr. Martin** stated the property consists of two tracts of land which total about 53 acres and is in the Fallston area between E. Stage Coach Trail and Jim Cline Rd. The zoning districts of the properties are Residential and Restricted Residential. Private Airparks are allowed in both of those districts with a Special Use permit. It is near the town limits of Fallston, which is shown in gray on the zoning map. The Land Use plan map shows the area as Secondary Growth. The Secondary Growth areas expect more residential development with farming, and some commercial uses at strategically located intersections. The two parcels of land are currently vacant and it is surrounded by other large vacant tracts. There are some neighborhoods and commercial uses around as well. The site plan presented with the application shows the properties, a 2500'x150' paved runway, a 10' wide access to Jim Cline Rd., a 180'x35' hangar, and measurements to the nearest structure (140' to a commercial gym and 360' to a home to the north of the runway).

**Mr. Martin** said the Board will hold a hearing, hear evidence submitted by the applicant and any other parties of standing, and consider evidence provided regarding public health and safety, property values, harmony with the area, and conformity with any long range plans the county has for this area. Chairman Martin asked if this was a re-application. Mr. Martin said the order was to rehear the application and renotify for the original 2022 application; it is not a new application. Staff provided proper notification by mail and signage around the site and posted signs for the new meeting date. Tommy Brooks asked if Staff received a completed application. Mr. Martin stated that at the time it was received in 2022 it was approved and determined to be

complete. Under a new review for this meeting, it was determined some items were missing from the site plan such as acreage, phone number, and vicinity map. The site plan is unedited from 2022.

**Vice-Chairman Martin** opened the hearing at 4:19 pm.

**Pamela (Webb) Holland** of 221 Jim Cline Rd. was sworn in. She said it will be a private airpark accessed by a road at the back of her property. It is approximately 2500 feet or about half a mile long. It is surrounded by pine trees. She a logging company clear a 150' wide strip for it when she got her original permit approval. The building does not interfere with any neighbors. The airstrip lines up between the house and the fitness place to the north so it is not behind anyone. The planes would land and take off in either direction depending on the wind. The airstrip is private, not for the public to use. The purpose is for disasters for planes to take off and go to those areas. Her son and cousin are pilots; she can get pilots in. The other purpose also to take missionaries and pastors to revivals for people to be saved. There has been Hurricane Helene recently, fires, earthquakes, and volcanic activity. It is not recreational. She wants to get airplanes out to help. It is not recreational. Her end goal is to save souls.

**Vice-Chairman Martin** asked about the frequency of flights and plane maintenance. Mrs. (Webb) Holland stated that it will not be every day, only when there is need for deliveries to areas or for transporting pastors. The planes will not be maintained at the facility. They will be taken to Compass Aviation for maintenance.

**Vice-Chairman Martin** determined that there were no more speakers for the applicant.

**Attorney Jonathan Kidd** of Caulder & Valentine Law Firm was sworn in. He said he is representing adjoining land owners. He requested and was granted time to cross-examine Mrs. Holland. The following questions (Q) are from Mr. Kidd and the answers (A) are provided by Pamela Holland:

Q: Are you a pilot?

A: No.

Q: Would you testify that it would be your son and cousin flying planes?

A: Correct.

Q: Would anyone else be permitted to land a plane on the runway?

A: No.

Q: Will you police the runway 24/7 to make ensure no unauthorized landings or takeoffs?

A: Yes.

Q: You would personally be there 24/7?

A: I live on the property.

Q: What measures would you take to prevent unauthorized landing on the runway?

A: I don't know, if there is an emergency landing, they would need somewhere to land.

Q: You testified that you would supervise 24/7 to prevent unauthorized landing.

A: I can't answer that question.

Q: What types of aircraft would you permit to land on the runway?

A: Cessnas. Single Engine. Skyhawk 172 with four seats, or Skyland 182 which is the same except the length and wingspan are a little different between the two but both are single engine.

Q: Would you allow a Cessna Caravan to land or take off on your runway?

A: No.

Q: Do you own any aircraft?

A: No.

Q: Are you involved with any non-profit organizations that seek to involve with aviation mission for transport?

A: Honeywell Aviation. I own that.

Q: What is that?

A: Honeywell Aviation & Transport; it is the name of my non-profit organization.

Q: Does it own any aircraft?

A: It does not.

Q: Do you intend to acquire any aircraft under that name in the future?

A: No, under my name.

Q: You said in your application that you have a vision for aviation transport for mission work and disaster relief?

A: Correct.

Q: You said in your application, the purpose of this airstrip is for transporting items and people for disasters and things to come, correct?

A: Yes.

Q: In your application, you listed various items that would be possibly transported, correct?

A: Yes.

Q: You testified that the purpose for this would not be for recreational activity?

A: No, it's not recreational.

Q: Your site plan presented to this Board does not mention the phasing of when this project to take place. What is the estimated time for completion of this project?

A: I cannot give an estimated time on completion of the project. I have been in delay because of the court orders. When I got approved in January 2022, the logging company came to me to thin out the pine trees. That was in March 2022. That is when the logging company and me used the site map to cut out the strip.

Q: In the event this permit is granted today, how long will it take to complete this project?

A: I can't give a time. If you want a time, one year, two years.

Q: Do you have an estimate on the cost?

A: With the airplanes and everything, about three million.

Q: You understand the ordinances for Cleveland County states the site plan must include phasing.

A: Yes, I went to TGS Engineers.

Q: What height would the runway be; when you look at the US Geological survey report, from the north end to the south end of the runway there is about a 100' difference in height. Which height would the runway be at? The 100' higher at the north end or the 100' lower at the south end?

A: Highway 182 is the high end.

Q: So, you are saying the higher end is the north end.

A: Yes.

Q: That would require substantial grading.

A: Correct.

Q: Would any fuel be stored on site?

A: No fuel will be stored on site. It will be picked up from Shelby airport.

Q: When you say picked up, do you mean the planes will be fueled at Shelby and fly from your place?

A: Yes. They would fly from the runway right there to Shelby airport and fuel up there.

Q: Would there be any lights on the runway?

A: If approved by the Board.

Q: Did your application ask for lights?

A: It did not.

Q: Are you asking the Board today for lights?

A: I will ask later on for that.

Q: You frequently have wildlife, deer, turkeys, etc. in this area.

A: Absolutely.

Q: What are your plans if any to mitigate wildlife from entering in the airstrip while planes are taking off and landing?

A: I will build a fence all the way around it.

Q: Is the fence on the site plan?

A: No, it is not.

Q: What height will the fence be?

A: Probably eight feet or maybe not eight feet, or how high does a deer jump? I might not be able to deter the deer.

Q: You mentioned that there are disasters in California.

A: Correct.

Q: Is it your intention to get aircraft large enough to fly from here to California?

A: No, those are examples of things to come. There are fires in California, Helene just hit in North Carolina, the fires in North and South Carolina, the floods, earthquakes, and volcanic activity. That should be evidence.

Q: Would you admit that there are some safety concerns with having a residence almost directly north?

A: No, I do not.

Q: Would you be comfortable if your residence was that close to the take-off and landing area?

A: I would be fine with it.

Q: How many years does your son have as a pilot?

A: He has three years.

Q: Did you bring him here today with you?

A: No, he is home. He just had a new son, he is a week old

Q: How many years does your cousin have as a pilot?

A: He has five years.

Q: Did you bring him with you?

A: No, I did not.

**Mr. Kidd** said those were all of his questions.

**Vice Chairman** opened the floor to those presenting evidence against the application as there were no more speakers with evidence for the applicant.

**Mr. Kidd** requested that he call on his witnesses to present.

**Phillip Eaker** of 504 E. Stage Coach Tr. was sworn in. He said he is the Fire Chief of Lawndale. He stated that Lawndale and Fallston don't have the capacity or emergency equipment to handle an emergency if something happens. There are thirty-six hundred cars that use Hwy. 182 and a lot of inexperienced high school drivers. Low flying planes will be a distraction. There have been fifteen crashes and three crashes with animals in this section. It is close to Burns High School and Burns Middle School. It will cause an increase in accidents and is a safety hazard. Tommy Brooks asked if he had any traffic reports. Mr. Eaker said he did not bring the reports. The data he provided is from the Department of Transportation in Shelby. Vice-Chairman Martin asked if the fire department could get the equipment if it is approved. Mr. Eaker said it takes a special foam for fuel fires.

**Jonathan Kidd** called on his witness Terry Brooks.

**Terry Brooks** of 2356 Honey Haven Farm Rd. in Shelby was sworn in. He stated he is an expert witness with twenty years of experience as a pilot. He flies a Cessna 170 Skyhawk and 172 Skyland like Pam spoke about. Mr. Kidd said Mr. Brooks is concerned about the proximity of the homes in the flight path and he prepared a comparison chart about the height of aircraft take off in relation to neighboring homes. Terry Brooks showed a video illustration of a standard take-off from Shelby Airport overlaying the Proctor's home location. He stood twenty-five hundred feet down the Shelby Airport runway to the right. He then superimposed on the video a model of Mr. Proctor's home at three hundred sixty feet past the twenty-five-hundred-foot line to illustrate planes taking off. The pilots had no knowledge of being videoed so their take-offs would not be affected. The planes were a similar size and type of aircraft to Mrs. Holland's and the same type of trajectory. The simulation shows a plane going behind a home at the north of the runway after it took off from the south end. It shows the same type of plane as Mrs. Holland



is proposing and the same trajectory. After twenty-five hundred feet from the start of the runway, the plane is about fifty feet off the ground. Wind could affect the height of the plane so it may not be as high. He stated in his expert opinion that this is not a safe place for planes to take off and land. He has concerns about wildlife like birds and deer. They are not visible at night. A bird would mean disaster and could take a plane down. The noise is loud. He wears ear protection when flying. Tommy Brooks asked for clarification if the safety concern is for the pilot in the air or the person on the ground. Terry Brooks stated both. He has a three-thousand-foot runway on his property he does not use due to safety concerns.

**Tommy Brooks** asked if in a normal situation the flight path goes over the house. Terry Brooks stated that if there were crosswinds it would affect the flight path. The video shows flights in ideal conditions and straight flight paths. The Shelby airport runway is approximately five thousand feet long or approximately a mile. Paul Aulbach asked about other airports like Simmons. Terry Brooks stated he does not use those, or even his own for safety reasons.

**Judith Proctor** of 500 E. Stage Coach Tr. in Lawndale was sworn in. Her home is three hundred sixty feet from the end of the runway; the plane would go between the corner of her bedroom and her pole barn. She is scared of a plane going toward her house. She doesn't want the possibility of flights out there over trees and cars. She said they are in a protected flight zone. She described it as a "V" shape from the center of the runway going out on either side. The gym is one hundred-forty feet from the runway and her outbuilding is approximately one hundred feet. Jonathan Kidd asked Mrs. Proctor about how far the runway is from the edge of her property. She stated it is approximately ten feet. Mr. Kidd stated that if a plane is off by ten feet they would be on her property. Mrs. Proctor said that she had planes flying close by her home before.

**Eddie Kee** of 107 Bess Goforth Dr. in Kings Mountain was sworn in. He stated he is a licensed general contractor for the past 45 years and he is a volunteer on the Cleveland County zoning board. Vice-Chairman Martin asked if he was here on behalf of the County zoning board. Mr. Kee stated he was not. Tommy Brooks asked if he has standing and has testimony or evidence. Mr. Kee stated he was not given notice by mail and does not own property adjacent to the area. He has not discussed the case with the zoning board other than asking the definition of an airpark.

**Jonathan Kidd** stated that Mr. Kee has expertise in construction, land use planning, and property values and asked Mr. Kee if, in his expert opinion, would this affect adjoining property values. Mr. Kee said it would hurt their property value due to noise, traffic, safety, a crash zone, and complaints from neighbors.

**Lisa Laughlin** of 209 Jim Cline Rd. and 120 Maiden Dr. was sworn in. She pointed to her home at 209 Jim Cline Rd., nearby businesses, and Magness Creek on the aerial map. She said the lake nearby dried up do to Mrs. Holland's manmade pond. She said a neighbor Dale Wright has cattle

on Royster Rd. and the creek is their water source. They have flooding and it will impact everyone if there is a fuel or gas leak. There are two ponds in the area and lots of geese, fox, deer, and flocks of kildeer. Ms. Laughlin stated she is a crop farmer and has two wells on her property. The site is one and a half miles from the elementary school, one point two miles from the fitness gym, point eight miles from a dance studio, two miles from the high school and two and a half miles from the middle school. Planes would be a distraction for drivers and cause accidents. She has information on private plane accidents and has concerns about planes flying low. Cattle drink from the water and leaks would kill the cattle. The Cessna 172 has a payload of three thousand pounds. and over five hundred pounds of fuel which causes her concern. The center of her home at the roof is twenty-eight above ground level. If a plane is only fifty feet above ground level and they are off they could take off the top of her home or nearby structures.

**Vice Chairman Martin** closed the hearing at 5:20 pm as there was no further comment from either party.

**Tommy Brooks** made a motion to go into closed session for legal counsel regarding the counsel opposite's proposed motions. Woody Edwards seconded the motion and it carried unanimously to go into a private closed session at 5:20 pm.

**Vice Chairman Martin** resumed the public meeting at 5:40 pm.

**Vice-Chairman Martin** entertained a motion at this time regarding counsel opposites motion to dismiss the application.

**Tommy Brooks** made a motion to not take action on counsel opposites motion to dismiss the application. Paul Aulbach seconded the motion. There was no vote as Jonathan Kidd requested and was granted time to explain his motion to dismiss the application.

**Jonathan Kidd** stated that it is not a complete application and the Board of Adjustment has lack of authority to hear an application that does not comply with the requirements as outlined by the County Commissioners. Mr. Martin of Planning had stated it is an incomplete application. There is lack of acreage, lack of adjoining property owners addresses and existing land uses, lack of height of all structures, and lack of proposed phasing. Mrs. Holland had stated she does not know what the phasing will be. Mr. Aulbach pointed out that the applicant will still need to meet FAA regulations. Mr. Kidd stated he is not an expert in FAA regulations and can't present evidence regarding that.

**Vice-Chairman Martin** entertained a new motion at this time regarding counsel opposites motion to dismiss the application.

**Paul Aulbach** made a motion to dismiss counsel opposites motion to dismiss the application. The motion died for a lack of a second.

**Jonathan Kidd** stated that the second motion request is to request additional information from the applicant according to UDO Sec. 12-33b. Mr. Kidd requests the Board to seek the following information: existing and proposed topography, complete an impact study by a qualified engineer or planner regarding accidents, noise, and impacts on air quality and other natural resources, a detailed report of the aircraft and aircraft owners which may be moot as evidence was presented by Mrs. Holland, and a detailed report on safety concerns and steps that should be taken to mitigate those safety concerns.

**Vice-Chairman Martin** entertained a motion at this time regarding counsel opposites motion to require the applicant to amend the application.

**Tommy Brooks** made a motion to deny counsel opposites motion to require the applicant to amend the application. Paul Aulbach seconded the motion and it carried unanimously.

**Jonathan Kidd** stated that the third motion request is to issue subpoenas under NCGS 160D-406(g). He requested the Board subpoena John Wyatt, Executive Director of Compass Aviation and James Kaleb, a pilot, Webb of 717 Nalley Dr. to provide detailed airport information.

**Vice-Chairman Martin** entertained a motion at this time regarding counsel opposites motion to issue subpoenas.

**Tommy Brooks** made a motion to deny counsel opposites motion to issue subpoenas. Paul Aulbach seconded the motion and it carried unanimously.

**Jonathan Kidd** stated that the court order from last fall required that the notice be mailed and the county's notice did not have the same application number as the original case 22-01.

**Vice-Chairman Martin** entertained a motion at this time regarding counsel opposites motion to require service of correct case description on all necessary parties.

**Tommy Brooks** made a motion to deny counsel opposites motion to require service of correct case description on all necessary parties. Paul Aulbach seconded the motion and it carried unanimously.

**Jonathan Kidd** stated that the fifth motion request is to continue the hearing.

**Vice-Chairman Martin** entertained a motion at this time regarding counsel opposites motion to continue the hearing.

**Tommy Brooks** made a motion to deny counsel opposites motion to continue the hearing. Paul Aulbach seconded the motion and it carried unanimously.

**The Board** discussed the four criteria.

(1) Will it materially endanger the public health or safety- **No, there was no factual evidence submitted of this.**

(2) Will it substantially injure the value of adjoining or abutting property- **No, there was no evidence presented, only opinion.**

(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.**

**Jonathan Kidd** registered his objection that the Board did not object to the two expert's testimony at the time it was presented. He requested time to present his argument.

**Jonathan Sink** advised the Board that they may make a motion to amend the agenda to allow for hearing for both parties to speak for an allotted time.

**Vice Chairman Martin** entertained a motion to to allow both parties three minutes to speak via an amendment to the agenda.

**Tommy Brooks** made a motion to amend the agenda to give both parties, the opposition and the applicant, three more minutes each to speak. Woody Edwards seconded the motion and it carried unanimously.

**Pamela Holland** stated that this is her sole purpose. She has the property and knowledge to run a business. She has instructions from the Lord to serve during disasters and get pastors and missionaries to places and people to be saved.

**Jonathan Kidd** stated that there has been evidence on the impact of public health and safety, testimony about safety concerning fires, testimony on adjoining property values, and testimony about harmony within the area and conformity with the Land Use Plan. The biggest issue is in code Sec. 12-124 of the Cleveland County Ordinance in relation to private airparks. Private airparks are listed under amusement, gambling, and recreation industries, which are allowed in

residential areas with a special use permit. The definition of a private airpark falls under recreation in the ordinance. He stated that Mrs. Holland's testimony was that this is not for recreation. It would not be appropriate for her to use this airstrip for anything outside of recreation if applied for under the recreation use. The more appropriate use is transportation, as Mrs. Holland testified that the purpose is for transporting goods and pastors. This use is under NAICS use code 481219 which the Cleveland County Ordinance lists as an airport for non-scheduled air transportation. This airport use fits Mrs. Holland's wording that she has proposed for a variety of specialty air transportation or flying services based on individual customer needs using general purpose aircraft on non-scheduled routes and frequencies. Under the current ordinance, there no authority the Board of Adjustment has to grant a Special Use Permit unless it is allowed for recreation only. If the Board does grant the permit, it has to be for recreational use only.

**Tommy Brooks** asked if there is a definition for an airpark. Chris Martin said there is no definition for the phrase private airparks in section 12-21 of the county ordinance. Mr. Brooks asked if all special use permits must be constructed and operated according to their application. Mr. Martin said it is common for one condition to be added for it to be constructed and developed according to the site plan that has been presented and approved.

**Vice-Chairman Martin** entertained a motion to close the discussion as there were no more questions.

**Paul Aulbach** made a motion to close the discussion. Tommy Brooks seconded the motion and it carried unanimously.

**The Board** discussed the four criteria.

- (1) Will it materially endanger the public health or safety- **No, the Board stated that substantial evidence was not presented.**
- (2) Will it substantially injure the value of adjoining or abutting property- **No, the Board stated that substantial evidence was not presented.**
- (3) Will it **not** be in harmony with the area in which it is to be located- **No, the Board stated that substantial evidence was not presented.**
- (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, the Board stated that substantial evidence was not presented.**

**Paul Aulbach** started a motion to approve the case with conditions but did not complete the motion. He asked for another Board Member to state the motion.

**Tommy Brooks** made a motion to approve the Special Use Permit case 25-03 with the condition that it be built in accordance with the site plan and meet all local, state, and federal regulations in its operation. Woody Edwards seconded the motion and it carried unanimously.

**MISCELLANEOUS BUSINESS**

There was no miscellaneous business.

**ADJOURNMENT**

**Vice-Chairman Martin** entertained a motion to adjourn.

**Tommy Brooks** so moved the motion to adjourn. It was seconded by Paul Aulbach and unanimously approved to adjourn at 6:08 pm.

ATTEST:

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Leon Martin, Vice-Chairman

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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

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### SUP Case 25-06: RV Park at 128 Corinth Church Rd

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**Department:**

**Agenda Title:** SUP Case 25-06: RV Park at 128 Corinth Church Rd

**Agenda Summary:**

**Proposed Action:**

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#### ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 25-06_Staff_Report.pdf	Staff Report
<input type="checkbox"/> Site_Plan-RV_Park.pdf	Site Plan
<input type="checkbox"/> 25-06_Map_Aerial.pdf	Aerial Map
<input type="checkbox"/> 25-06_Map_Zoning.pdf	Zoning Map
<input type="checkbox"/> 25-06_Map_Land_Use_Plan.pdf	Land Use Plan Map
<input type="checkbox"/> 25-06_Application.pdf	Application



## STAFF REPORT

To: Board of Adjustment Meeting Date: 6-26-2025  
From: Chris Martin, Planning Director  
Subject: Case 25-06 Special Use Permit

**Summary Statement:** Angie Price is requesting a special use permit for an RV Park located at 128 Corinth Church Rd. in Casar, NC, on Parcel 43734.

**Background:** RV Parks are allowed in the Rural Residential zoning district with a special use permit. The property is zoned Rural Residential (it was recently approved for Rural Residential zoning on June 3<sup>rd</sup>). The property is 15.19 acres and currently vacant of any structures. The applicant submitted a site plan along with the application showing 5 RV sites, an existing septic system, and power and water hook ups.

The surrounding zoning is residential, and the area is rural residential with large tracts of agricultural land and chicken houses. The Land Use Plan map shows the area as Rural Preservation.

**Review:** The Cleveland County Unified Code of Ordinances Section 12-161 Recreational vehicle parks states that:

(A) The purpose of these regulations is to allow for the placement and growth of recreational vehicle parks while maintaining the health, safety, and general welfare standards of established residential and commercial areas in Cleveland County.

(B) Recreational vehicle parks shall be allowed pursuant to [section 12-124](#) and are subject to the following standards:

(1) No recreational vehicle park shall exist on a single parcel that is less than three (3) acres in size.

(2) *Density.*

a. There shall be a minimum distance of one (1) mile, (five thousand two hundred eighty (5,280) feet), from one (1) parcel containing a permitted recreational vehicle park to another parcel containing a permitted recreational vehicle park, this distance being measured using property boundaries of the least distance between the parcels. A recreational vehicle park shall be considered "permitted" for the purposes of this section once the applicant has obtained a zoning or special use permit, as the case may be, to use property for a recreational vehicle park. If said zoning or special use permit expires, the recreational vehicle park shall no longer be considered "permitted" under this section.

b. There shall be no more than six (6) recreational vehicle sites per acre within a single recreational vehicle park.

c. For recreational vehicle parks within the water supply critical area overlay district, there shall be no more than three (3) recreational vehicle sites per one (1) acre.

d. Each recreational vehicle site shall include a parking spot that is at least twenty (20) feet wide and forty (40) feet long.

(3) *Setbacks.*

a. A setback of one hundred (100) feet shall be required from all public or private rights-of-way, and a setback of fifty (50) feet shall be required from all other property lines.

b. A setback of twenty (20) feet shall be required between recreational vehicle sites.

(4) Type B screening, as outlined in [section 12-305](#), shall be required along all exterior property lines, unless existing screening is deemed sufficient by the administrator or the board of adjustment.

(5) An approved dumpster shall be required that is not visible from an adjoining property or a public street.

(6) *Roads and road access.*

a. No recreational vehicle site shall have direct access to a public road. Recreational vehicle sites shall be accessible only from interior roads.

b. Access roads shall be compliant with any applicable standards set forth in Appendix D of the North Carolina Fire Code, Fire Apparatus Roads, as determined by the fire code official.

(7) One non-illuminated sign allowed with a maximum area of twenty-five (25) square feet shall be allowed. The sign shall be set back a minimum of ten (10) feet from any property line or road right-of-way. No other signage shall be permitted unless required by law.

(8) Each recreational vehicle site shall have an address posted thereon to distinguish it from other sites on the property.

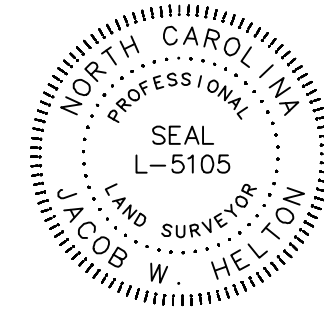
(9) The applicant shall obtain any required local and state permits such as environmental, building and North Carolina Department of Transportation driveway permits.

(C) A site plan shall be submitted to the administrator or the board of adjustment prior to approval. The site plan shall show any existing or proposed development or structures, including the location and number of all proposed sites, roads, setbacks, screening, and landmarks. The site plan shall further comply with [section 12-33](#) of the Cleveland County Unified Development Ordinance.

### **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.



A  
SITE PLAN  
for

Angie Price

11 CASAR TOWNSHIP  
CLEVELAND COUNTY, NC  
MAY 14, 2025

PROPERTY INFORMATION:

PIN 2615732012  
CORINTH CHURCH RD  
CASAR, NC

OWNER INFORMATION:  
ANGIE L PRICE  
JOHNNI G LOWMAN

144 SUMMERS RD  
MORGANTON, NC

PLAT NOTES:

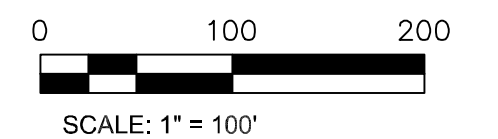
- 1.PLAT NORTH IS BASED ON NAD83(2011)
- 2.AREA COMPUTED USING COORDINATE METHOD
- 3.ALL DISTANCES ARE GROUND HORIZONTAL UNLESS OTHERWISE NOTED
- 4.ANY TRAVERSE ADJUSTMENTS WERE PERFORMED USING THE COMPASS RULE
5. PROPERTY MAY BE SUBJECT TO BURDENS OR BENEFITS NOT SHOWN

HELTON

SURVEYING & MAPPING PLLC  
(704) 634-9354

FIRM #P-2095  
JACOB W. HELTON, PLS, CFS  
JACOBH@HELTON.BIZ  
203B ISLAND FORD RD  
MAIDEN, NC 28650

DEED AND PLAT REFERENCES:  
DB: 1892 PG: 2149

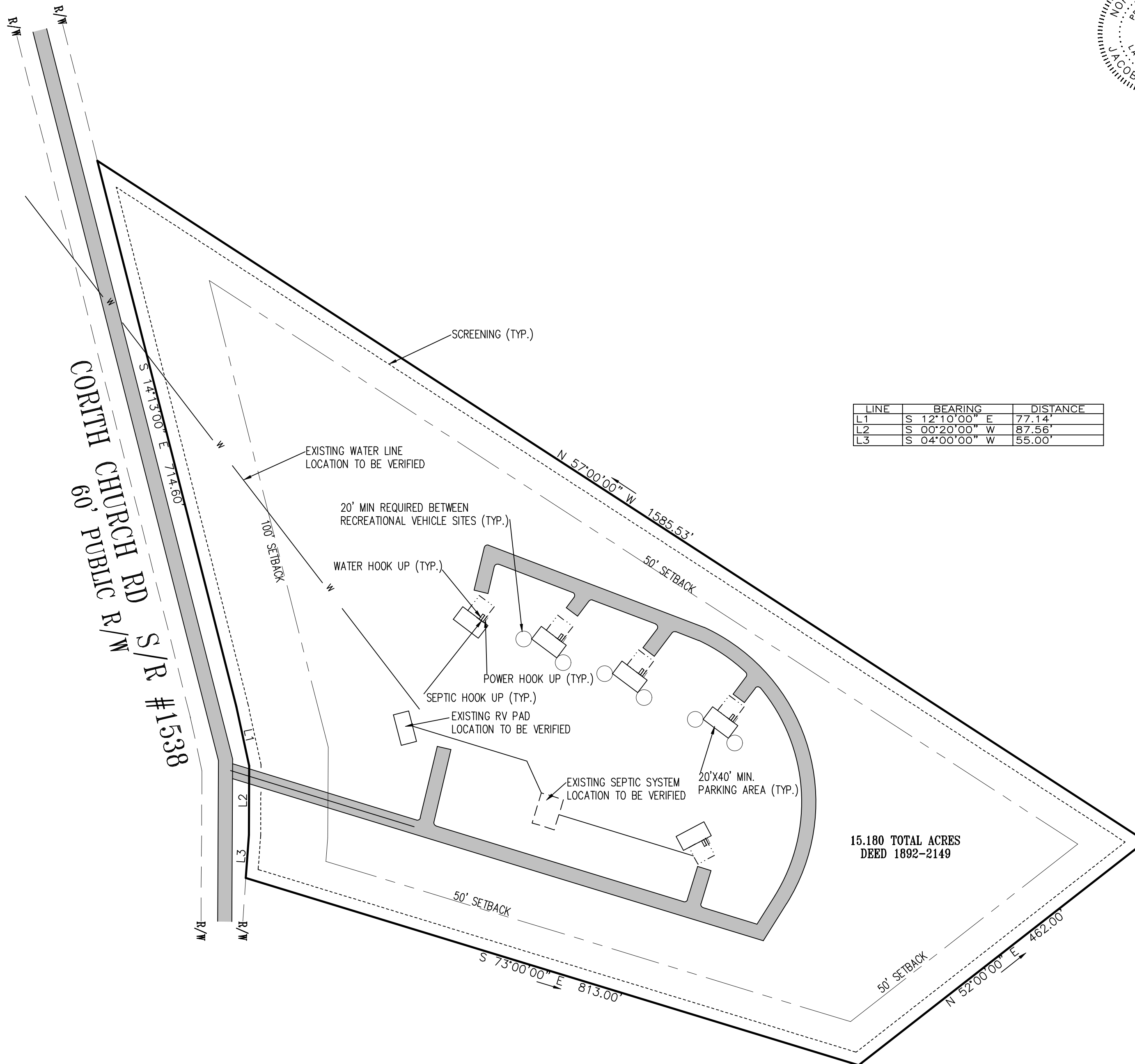


SURVEY:	DRAWN:	JOB:
KDO 5/14/25		W25119

VICINITY SKETCH: NO SCALE



LINE	BEARING	DISTANCE
L1	S 12°10'00" E	77.14'
L2	S 00°20'00" W	87.56'
L3	S 04°00'00" W	55.00'



LEGEND	
RCP	REINFORCED CONCRETE PIPE
HDPE	HIGH DENSITY PLASTIC
CMP	CORRUGATED METAL PIPE
DB PG	DEED BOOK & PAGE
MB PG	MAP/PLAT BOOK & PAGE
R/W	RIGHT OF WAY
AC	ACRES
C/L	CENTERLINE
OB	OUTBUILDING
TOTAL	TOTAL
(T)	AXLE
⬢	SURVEY SPIKE SET
■	CONCRETE MONUMENT
⊙	MAGNETIC/PK NAIL
⊙	IRON PIPE
⊙	COMPUTED POINT
⊙	UNMARKED CORNER IN TREE
●	REBAR FOUND (UNLESS NOTED OTHERWISE)
▲	GEODETIC MONUMENT
◆	REBAR SET
△	STONE
⊙	UTILITY POLE
⊠	HVAC
⊙	WATER WELL
⊠	WATER VALVE

—	BOUNDARY LINE (AS SURVEYED)
—	TIE LINE (NO SCALE)
—	RIDGE
—	FENCE
—	EDGE OF GRAVEL
—	CURB & GUTTER
—	BOUNDARY LINE (BY REFERENCE)
—	RIGHT-OF-WAY LINE
—	EASEMENT LINE
—	TIE LINE
—	OVERHEAD POWER LINE
—	BRANCH / CREEK
—	FENCE

SURVEY NOTES:

1. THIS PROPERTY IS SUBJECT TO THE MAINTENANCE OF ANY PUBLIC UTILITIES EVIDENT AND NOT EVIDENT AND TO ANY RIGHTS-OF-WAY, EASEMENTS, OR AGREEMENTS OF RECORD PRIOR TO OR AT THE DATE OF SURVEY.
2. THE CLIENT ACKNOWLEDGES THAT NO TITLE SEARCH OR OPINION OF TITLE OR OWNERSHIP IS IMPLIED OR CERTIFIED BY THE INFORMATION SHOWN ON THIS PLAT, AND THAT NO INVESTIGATION HAS BEEN MADE FOR EASEMENTS OF RECORD, ENCUMBRANCES, OR RESTRICTIVE COVENANTS, TITLE EVIDENCE, OR ANY OTHER FACTS THAT A CURRENT TITLE SEARCH MAY DISCLOSE.
3. THE CLIENT ACKNOWLEDGES THAT THIS PROPERTY MAY BE SUBJECT TO THE DEVELOPMENT RESTRICTIONS AS DESCRIBED IN THE CURRENT DEVELOPMENT ORDINANCES.



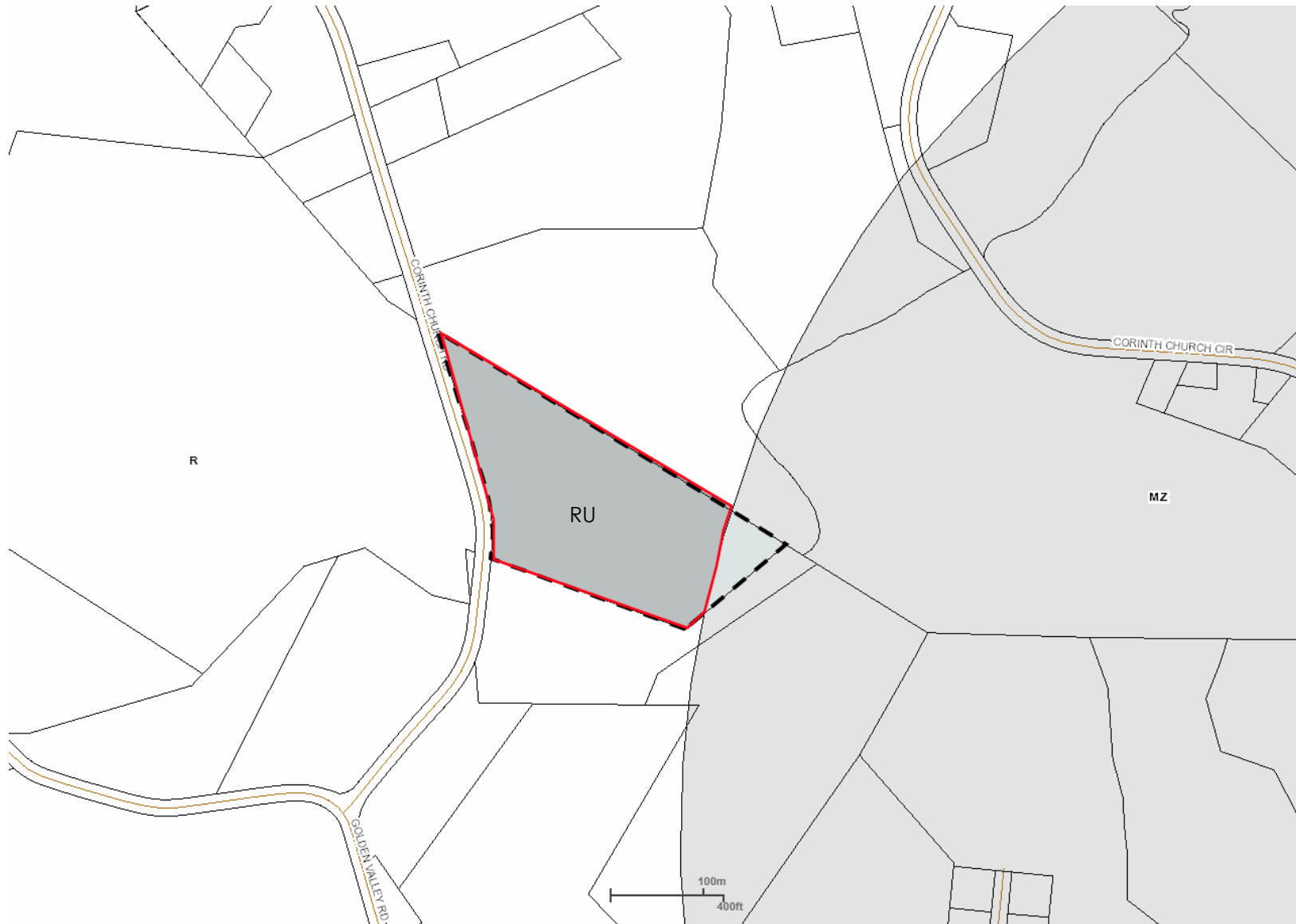
**Board of Adjustment Case #25-06: Aerial Image**  
128 Corinth Church Rd.



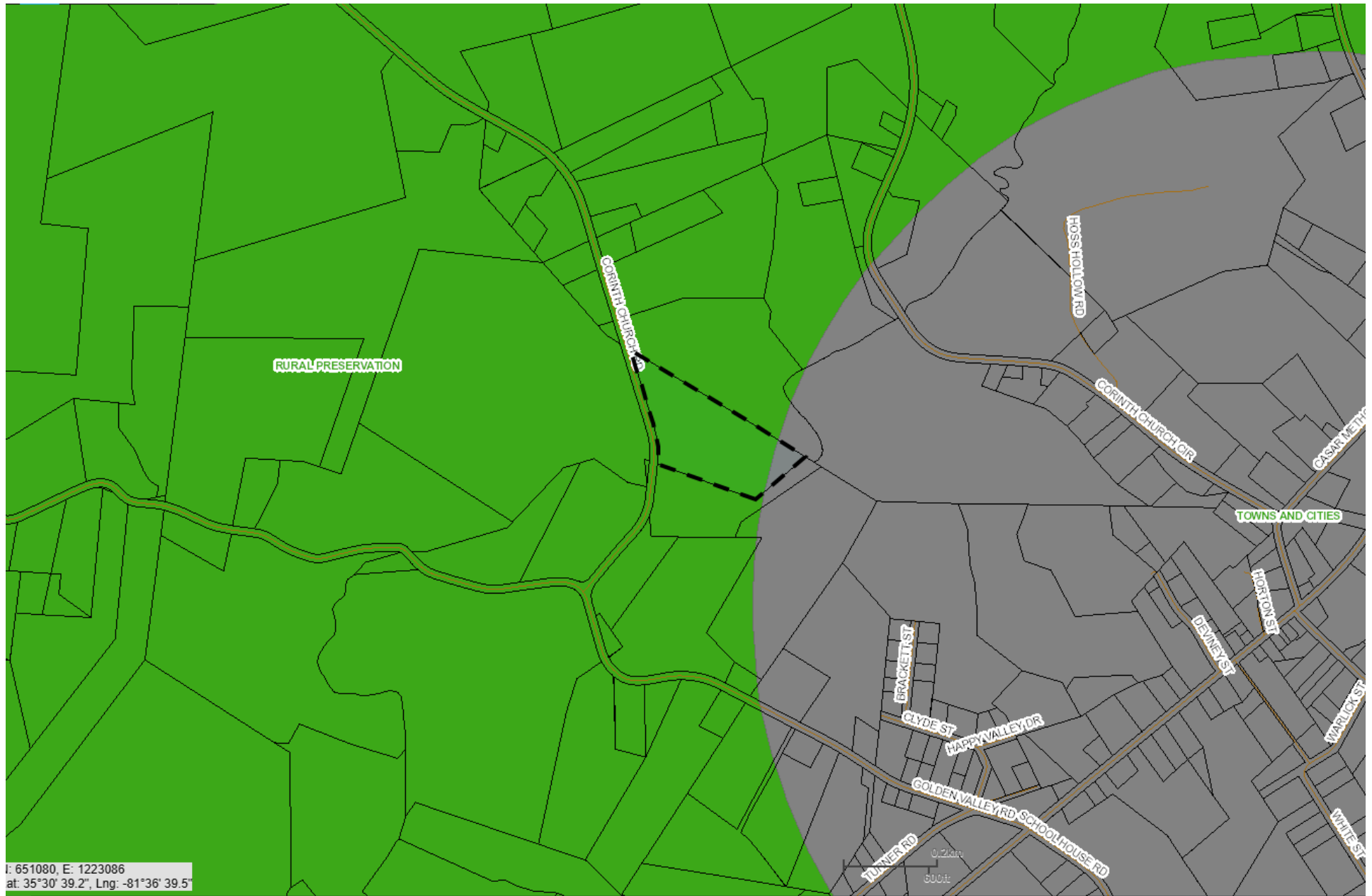




**Board of Adjustment Case #25-06: Zoning Map**  
128 Corinth Church Rd.



**Board of Adjustment Case #25-06: Zoning Map**  
128 Corinth Church Rd.









**Cleveland County**  
NORTH CAROLINA

# APPLICATION FOR A SPECIAL USE PERMIT

APPLICANT NAME: Angie Price  
MAILING ADDRESS: PO Box 20  
CITY/STATE/ZIP: CASAR, NC 28020  
PHONE: 828-310-7459 E-MAIL: Angieprice1966@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:

Angie Price / Firefly Fields Park + Stay  
for the use of the property located at: 128 Church Church Road CASAR, NC 28020  
Parcel #(s) 43734 in Rural Residential Zoning District.

Title to this property is in the name of:

Angie Lowman Price Johnni Gretchen Lowman  
Owner Name(s)  
144 Summers Road  
Mailing Address  
Morganton, NC 28655  
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 + 12-161 + 12-124

The requested Special Use is described as follows: RV Park with 5 sites

**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.

Angie L. Price 06 Jun 2025  
Signature of Applicant Date of Application

For office use:

**Payment Code:** ZP 33 Special Use Permit

**Fee:** \$300

Paid on: 6-6-25 ZP: 183630 Case #: 25-06

# COUNTY OF CLEVELAND, NORTH CAROLINA

## AGENDA ITEM SUMMARY

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### SUP Case 25-07: Office Addition at 200 Potts Creek Rd.

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**Department:**

**Agenda Title:** SUP Case 25-07: Non-Conforming Office Addition at 200 Potts Creek Rd.- KM Wastewater Treatment Facility

**Agenda Summary:**

**Proposed Action:**

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**ATTACHMENTS:**

File Name	Description
<input type="checkbox"/> 25-07_Staff_Report.pdf	Staff Report
<input type="checkbox"/> 25-07_Site_Plan_Survey.pdf	Survey Site Plan
<input type="checkbox"/> 25-07_Map_Aerial.pdf	Aerial Image
<input type="checkbox"/> 25-07_Map_Zoning.pdf	Zoning Map
<input type="checkbox"/> 25-07_Map_LUP.pdf	Land Use Plan Map
<input type="checkbox"/> Application_for_Potts_Creek_SUP_Cleveland_County_6-5-25.pdf	Application

## STAFF REPORT

To: Board of Adjustment

From: Chris Martin, Planning Director

Subject: Case 25-07 Special Use Permit

Meeting Date: 6-26-2025

**Summary Statement:** The City of Kings Mountain is requesting a Special Use Permit (SUP) to expand a nonconforming use located at 200 Potts Creek Rd by constructing an administrative office.

**Background:** The property for consideration is parcel 7761 located at 200 Potts Creek Rd. in Kings Mountain. This property is used for a wastewater treatment facility for the City of Kings Mountain that was in operation prior to zoning being adopted in the area. The property is located halfway between Shelby and Kings Mountain, off E. Dixon Blvd. It is zoned Residential as are the parcels immediately surrounding it. There are areas of Heavy Industrial, General Business, Restricted Residential, and Manufactured Home and Parks zoning surrounding further out. Surrounding uses consist of a residential neighborhood to the southeast and large wooded and agricultural lots immediately surrounding the property. The Land Use Plan designation is Primary Growth.

**Review:** The city has requested to add an office to the western end of the property, along the entrance to the facility. The business is considered a nonconforming use and according to Section 12-8 of the UDO, a nonconforming use shall not be expanded or enlarged except pursuant to a Special Use Permit issued by the Board of Adjustment.

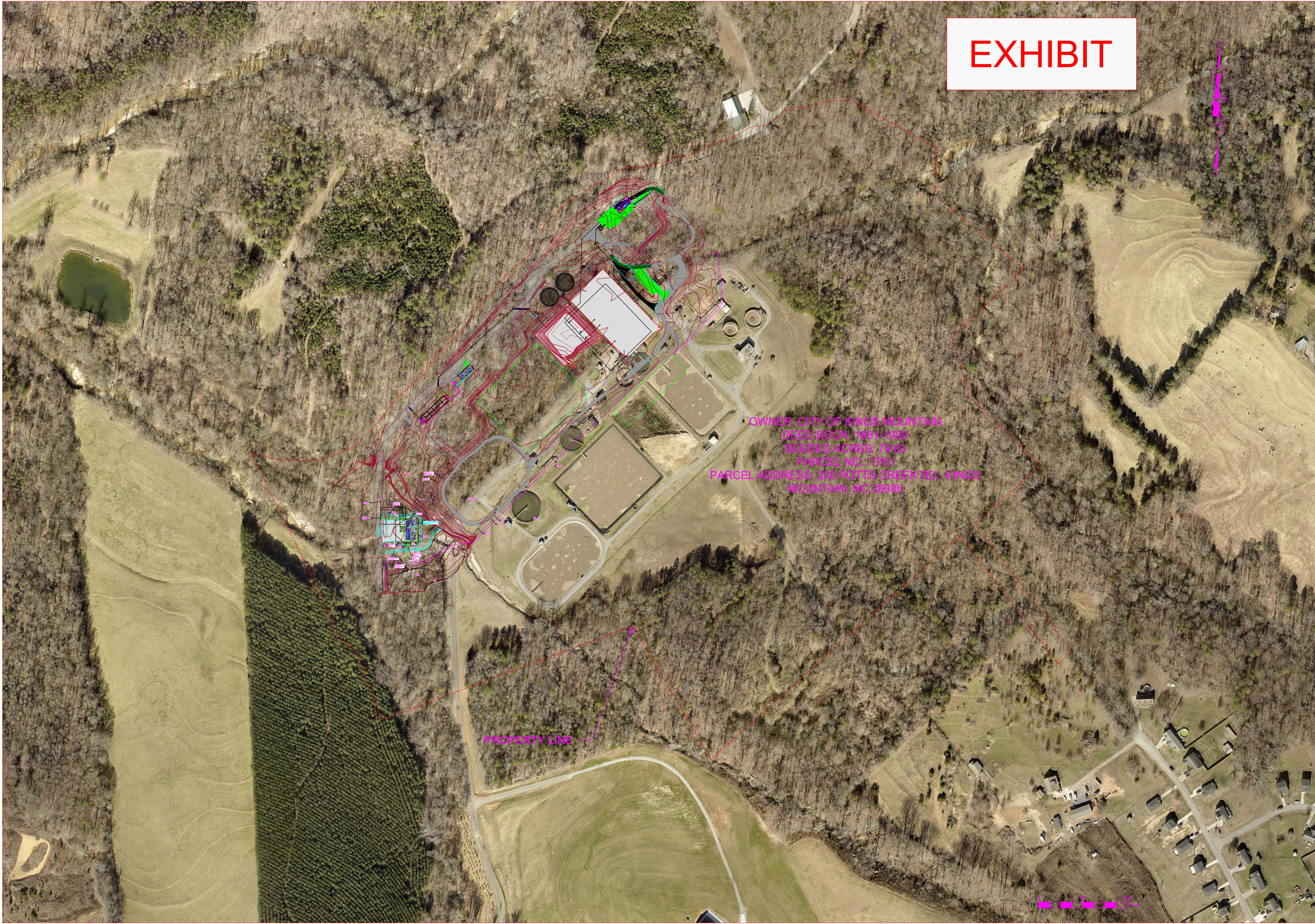
### **Section 12-33 – Special Use Permits**

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.

NEW SHEET 4-14-2025  
100% DESIGN DRAWINGS - FOR CONSTRUCTION





EXHIBIT

OWNER: CITY OF KINGS MOUNTAIN  
DEED BOOK: 1611-1800  
DEEDED ACRES: 79.63  
PARCEL NO.: 7761  
PARCEL ADDRESS: 200 POTTS CREEK RD., KINGS  
MOUNTAIN, NC 28856

PROPERTY LINE

OVERALL PROPERTY MAP

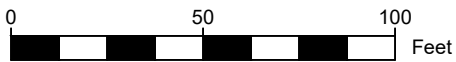
PILOT CREEK WWTP  
UPGRADE  
KINGS MOUNTAIN, NORTH CAROLINA



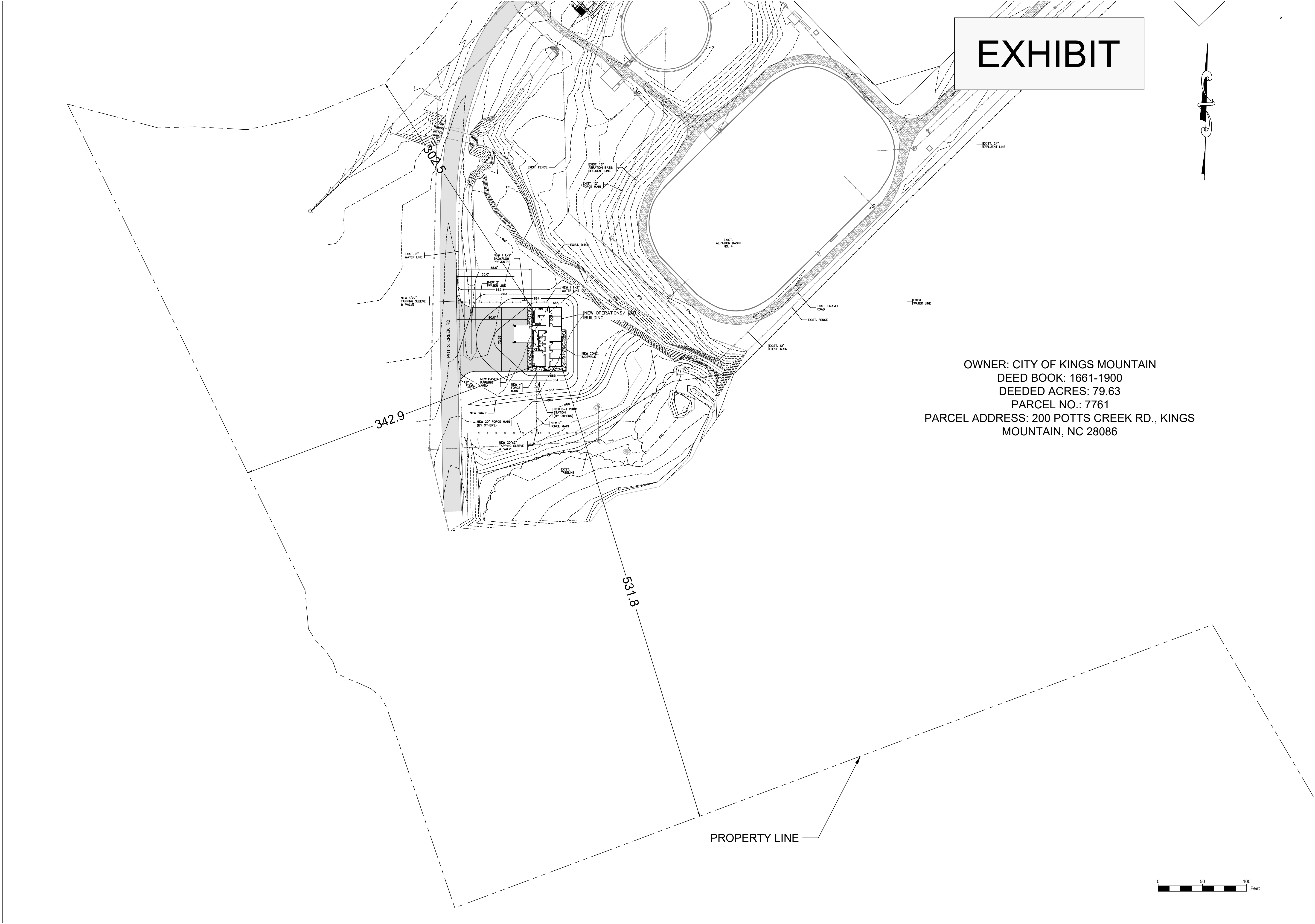
# EXHIBIT



OWNER: CITY OF KINGS MOUNTAIN  
DEED BOOK: 1661-1900  
DEEDED ACRES: 79.63  
PARCEL NO.: 7761  
PARCEL ADDRESS: 200 POTTS CREEK RD., KINGS  
MOUNTAIN, NC 28086



PROPERTY LINE



PILOT CREEK WWTP  
UPGRADE  
KINGS MOUNTAIN, NORTH CAROLINA

ENLARGED PROPERTY MAP

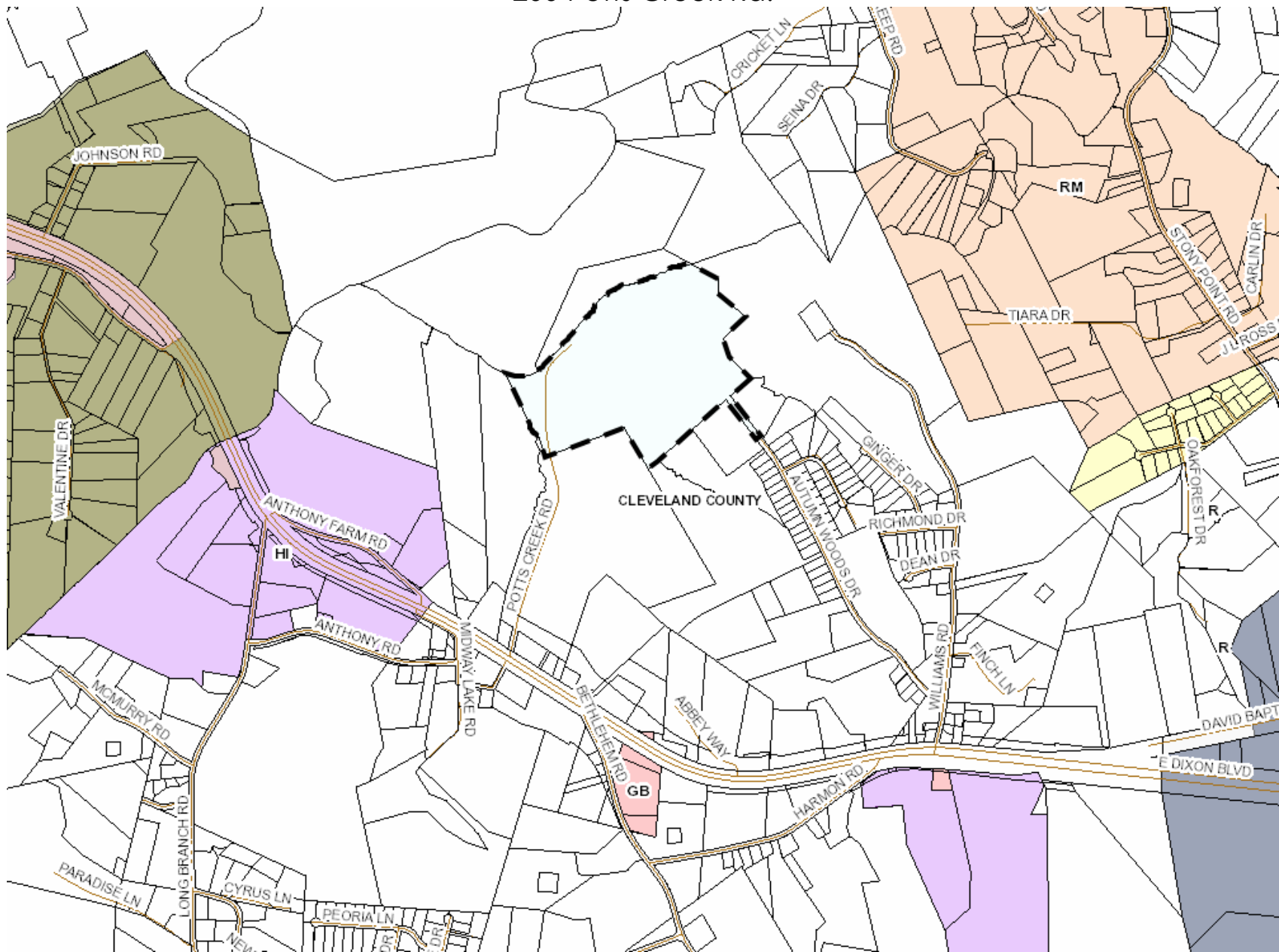


**Board of Adjustment Case #25-07: Aerial Image**  
200 Potts Creek Rd.





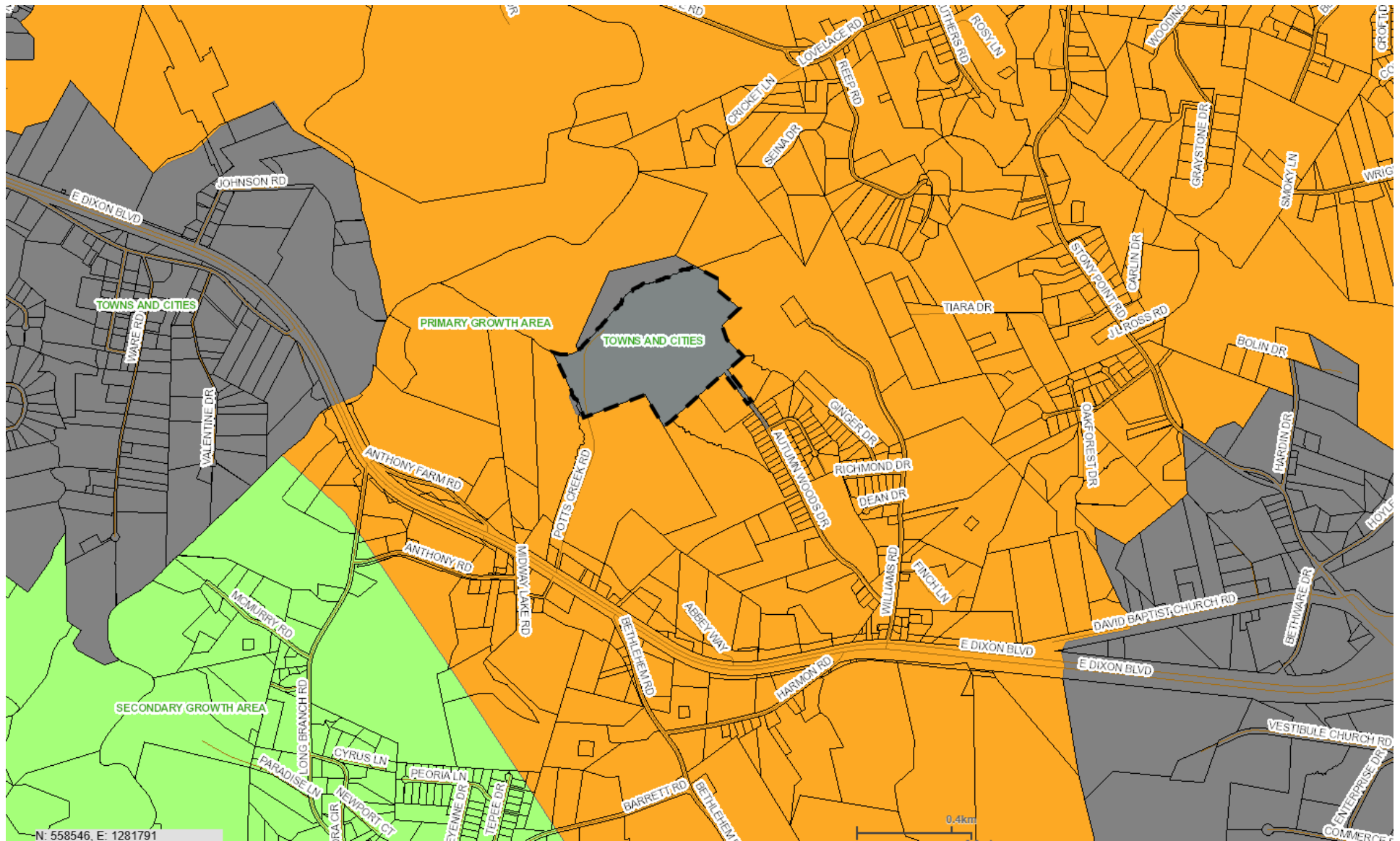
**Board of Adjustment Case #25-07: Zoning Map**  
200 Potts Creek Rd.





# Board of Adjustment Case #25-07: Land Use Plan Map

## 200 Potts Creek Rd.





**Cleveland County**  
NORTH CAROLINA

## APPLICATION FOR A SPECIAL USE PERMIT

APPLICANT NAME: Henry Earle (City of Kings Mountain)  
MAILING ADDRESS: 101 West Gold Street  
CITY/STATE /ZIP: Kings Mountain, NC 28086  
PHONE: 704-734-7607 E-MAIL: henry.earle@cityofkm.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:

City of Kings Mountain  
for the use of the property located at: 200 Potts Creek Road,  
Parcel #(s) 7761 in (R) Residential Zoning District.

Title to this property is in the name of:

City of Kings Mountain  
Owner Name(s)  
101 West Gold Street  
Mailing Address  
Kings Mountain, 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 + 12-8

The requested Special Use is described as follows: office building + lab to support existing water treatment plant - expansion of a nonconforming use.

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.

[Signature]  
Signature of Applicant

5-28-25  
Date of Application

For office use:

Payment Code: ZP 33 Special Use Permit

Fee: \$300

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