

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

August 28, 2025

4:00 PM

311 E. Marion St.

Call to order and Establishment of a Quorum

Invocation and Pledge of Allegiance

Approval of Minutes

Approval of the 6-26-2025 BOA Minutes

Cases

Variance Case 25-08: Accessory Structure location at 1645 Stony Point Rd.

SUP Case 25-09: Dog Daycare at 3343 Hollis Rd.

Miscellaneous Business

Adjournment

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Approval of the 6-26-2025 BOA Minutes

Department:

Agenda Title: Approval of the 6-26-2025 BOA Minutes

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 6-26-25_BOA_Minutes_Draft.pdf	6-26-2025 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.
June 26, 2025

Members Present	Members Absent	Others Present
Thomas Fletcher, Chairman	N/A	Angie Price
Leon Martin, Vice Chairman		Kenny Price
Tommy Brooks	Staff Present	Kandace Cothorn
Woody Edwards, <i>alternate</i>	Chris Martin, Planning Director	
	Jordan Tubbs, Senior Planner	
	Hayden Whetstine, Planner	
	Anna Parker, Clerk	
	Jonathan Sink, Attorney	

CALL TO ORDER

Chairman Fletcher called the meeting to order at 4:05 p.m.

ESTABLISHMENT OF QUORUM

It was determined that quorum was present.

PLEDGE & INVOCATION

Chairman Fletcher led the pledge and invocation.

APPROVAL OF MINUTES: March 27, 2025 Minutes

Tommy Brooks made a motion to approve March 27, 2025 minutes. Leon Martin seconded the motion and it carried unanimously.

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

Chris Martin was sworn in. He said the applicant and property owner, Angie Price, is requesting a special use permit for a Recreational Vehicle (RV) Park with five sites. She re-zoned her property to Rural Residential in April, which allows RV parks with a special use permit. The special use permit is subject to the RV Park standards and approval of the site plan. Standards include a three-acre minimum property size and 6 RV sites per acre max. There are other standards that include site spacing, setbacks, screening, waste disposal, and proper road and site access for emergency vehicles. The site plan submitted shows a one way in and out driveway with a cul-de-sac turn around. The site plan shows compliance with the RV park standards. A small eastern corner portion of the property is under the Town of Casar's jurisdiction and is not being considered for the RV Park.

Mr. Martin described the surrounding area is rural with some residential and some chicken farming. The property is surrounded by Residential zoning, it is zoned Rural Residential, and it is in the Rural Preservation Land Use Plan designation, and the small eastern corner portion of the property is under the Town of Casar's zoning so the County designations do not apply to that portion. The Commissioners approved RV Parks to be allowed with a special use permit in the Rural Residential zoning districts in 2024.

Mr. Martin said the applicant's site plan shows screening. The ordinance requires Type B screening so staff would need to verify if what is used meets the ordinance. The Board will need to consider the four criteria.

Chairman Fletcher asked if staff received a completed application and site plan. Mr. Martin said they have. The screening will be verified; the types aren't required but spacing and layout is.

Chairman Fletcher opened the Evidentiary Hearing at 4:19 pm.

Angie Price of 140 Corinth Church Rd. was sworn in. She reviewed the four criteria, stating her site will have water, electricity, and sewer and be built to the standards on her site plan. There will be emergency access. There are five lots, which minimizes any strain; it is a quiet rural setting. It is not expected to increase traffic or crime. She will meet all environmental and state standards. The site is small scale which blends in and won't alter the character of the area. It will be managed, landscaped, and have waste disposal. There are natural buffers and the trees will be disturbed as little as possible. It is not a tourist RV Park. It will be maintained, aesthetic, and preserve the peace and character of the area with minimum impact. They are not adding new roads; they are using the existing access.

Chairman Fletcher closed the Evidentiary Hearing at 4:23 pm. as there was no further comment.

The Board discussed the four criteria.

- | |
|---|
| <ul style="list-style-type: none">(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.

Tommy Brooks made a motion to approve the special use permit Case 25-06 for an RV Park. Leon Martin seconded the motion and it passed unanimously.

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

Mr. Martin stated that the applicant, the City of Kings Mountain, has withdrawn the case. It was determined that the property annexed into the City of Shelby in 2010 and not within the County's zoning jurisdiction after all.

MISCELLANEOUS BUSINESS

Mr. Martin introduced the new Senior Planner, Jordan Tubbs.

ADJOURNMENT

Chairman Fletcher entertained a motion to adjourn.

Leon Martin so moved the motion to adjourn. It was seconded by Woody Edwards and unanimously approved to adjourn at 4:29 pm.

ATTEST:

Thomas Fletcher, Chairman

Anna Parker, Clerk

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Variance Case 25-08: Accessory Structure location at 1645 Stony Point Rd.

Department:

Agenda Title: Variance Case 25-08: Accessory Structure location at 1645 Stony Point Rd.

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 24-08_Staff_Report_1645_Stony_Point.pdf	Staff Report
<input type="checkbox"/> 25-08_Application_Variance.pdf	Application
<input type="checkbox"/> 25-08_Site_Plan_1645_Stony_Point.pdf	Site Plan
<input type="checkbox"/> 25-08_Map_Aerial.pdf	Aerial Map
<input type="checkbox"/> 25-08_Map_zoning.pdf	Zoning Map
<input type="checkbox"/> 25-08_Map_land_use_plan.pdf	Land Use Plan Map

STAFF REPORT

To: Board of Adjustment Meeting Date: August 28, 2025
From: Chris Martin, Planner Director
Subject: Case 25-08: Variance

Summary Statement: Michael Sellers is requesting a variance for an unpermitted accessory structure located at 1645 Stony Point Rd used as a shelter for horses.

Review: Parcel 66637 is a 1.54-acre tract located at 1645 Stony Point Rd., just to the east of Moss Lake and halfway between Kings Mountain and Waco. There is currently a doublewide manufactured home on the property. The property owner, Michael Sellers, is requesting a variance from the UDO Codes Sections listed below for the location of his existing unpermitted accessory structure to be in front of his primary residence as shown on the submitted site plan.

Section 12-138 states accessory structures shall not be located in any front yard required for principle buildings.

Section 12-174 states accessory buildings shall not be located in any front yard, except in compliance with 12-138(a).

Section 12-124 and 2-125 agricultural uses are exempt on qualifying lots, not less than 2 acres, per Section 12-125.

Mr. Sellers has completed an application and submitted a site plan illustrating the reasons for his request.

A variance is defined in Section 12-20 of the UDO as a grant of permission that authorizes the recipient to do that which, according to the strict letter of the chapter, he/she could not otherwise legally do. Such variance will not violate the spirit of this chapter and shall arise from a situation that is unique to the property in question, including timing of development, dimensions, or natural features.

Chapter 12-62(b) of the Cleveland County Unified Development Ordinance states that variances can only be granted by a **4/5 majority**. North Carolina General Statute 160D-705(d) states that the Board of Adjustment shall grant a variance upon showing all the following:

1. Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the public, may not be the basis for granting a variance.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship.
4. The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.



APPLICATION FOR VARIANCE

Name of Applicant: **Michael Sellers**

Mailing Address: **1645 Stony Point Rd**

City/State/Zip: **Shelby NC, 28150**

Phone: **(864)612-4818** E-Mail: **mmsellers7@gmail.com**

Property Location: **1645 Stony Point Rd. Shelby, NC 28150 Parcel #66637**

TO THE CLEVELAND COUNTY BOARD OF ADJUSTMENT:

I/We hereby petition the Board of Adjustment for a VARIANCE from the literal provisions of the Cleveland County Development Ordinance because, under the interpretation given to me by the Zoning Enforcement Officer, I am prohibited from using the parcel of land described in the attached form (General Application Form) in a manner shown by the plot plan attached to that form. I request a variance from the following provisions of the Ordinance (cite paragraph numbers):

so that the above-mentioned property can be used in a manner indicated by the plot plan attached to the General Application form or, if the plot plan does not adequately reveal the nature of the variance, as more fully described herein (If a variance is requested for a limited time only, specify duration requested):

Factors Relevant to the Issuance of a Variance

The Board of adjustment does not have unlimited discretion in deciding whether to grant a variance. Under North Carolina General Statute 160D-705d, the Board is required to reach four conclusions before it may issue a variance: (a) unnecessary hardship would result from the strict application of the Ordinance; (b) the hardship results from conditions peculiar to the property, such as location, size or topography; (c) the hardship did not result from actions taken by the applicant or owner; and (d) the requested variance is consistent with the spirit, purpose, and intent of the ordinance. In the spaces provided below, indicate the *facts* that you intend to show and the *arguments* that you intend to make to convince the Board that it can properly reach these three required conclusions.

- A. Unnecessary hardship would result from the strict application of the regulation.

Essential Shelter for Horses: The property is intended to be used as a shelter for rescued horses. Without the variance, it would be impossible to construct the necessary facilities to house and care for these animals. This would not only prevent the property from being used for its intended purpose but also jeopardize the welfare of the horses that need shelter and care.

- B. The hardship results from conditionals that are particular to the property, such as location, size and topography. **Essential Shelter for Horses:** The property is intended to be used as a shelter for rescued horses. Without the variance, it would be impossible to construct the necessary facilities to house and care for these animals. This would not only prevent the property from being used for its intended purpose but also jeopardize the welfare of the horses that need shelter and care.

C.

We find that complying with the ordinance would present a practical difficulty because it would require an additional \$30,000 of grading work and the removal of many mature trees from the back of the property.

The lot is 1.54 acres, but it is long and narrow preventing the horse shelter from being placed on the side of the home.

- D. The hardship did not result from actions taken by the applicant or the property owner.

___ The property has been in its current state for many years, with the topographical challenges and irregular shape existing long before the current owner acquired it. These conditions are inherent to the property and were not created by any actions of the applicant.

- E. The requested variance is consistent with the spirit, purpose and intent of the ordinance.

___ **Promoting Public Welfare:** The horse shelter will provide a safe haven for rescued horses, contributing to animal welfare and benefiting the community. By offering educational programs and volunteer opportunities, the shelter will engage the community and promote awareness about animal care and rescue efforts. This aligns with the ordinance's goal of enhancing public welfare and quality of life.

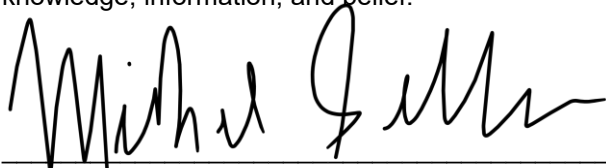
Ensuring Safety: The variance will allow for the construction of facilities that meet modern safety standards for both the horses and the people who care for them. This includes proper stabling, secure fencing, and safe access routes. Ensuring the safety of all involved is consistent with the ordinance's intent to protect public health and safety.

Preserving Neighborhood Character: The design and layout of the horse shelter will be in harmony with the rural and agricultural character of the surrounding area. The shelter will use materials and architectural styles that blend seamlessly with the existing landscape, preserving the aesthetic appeal and character of the neighborhood. This supports the ordinance's purpose of maintaining the character of the community.

Minimal Negative Impact: The horse shelter will have a minimal impact on neighboring properties. Measures will be taken to manage noise, waste, and traffic, ensuring that the

shelter operates smoothly without disturbing the peace and tranquility of the area. This ensures that the variance will not negatively affect the surrounding community

I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information, and belief.



Applicant's Signature

06/30/2025

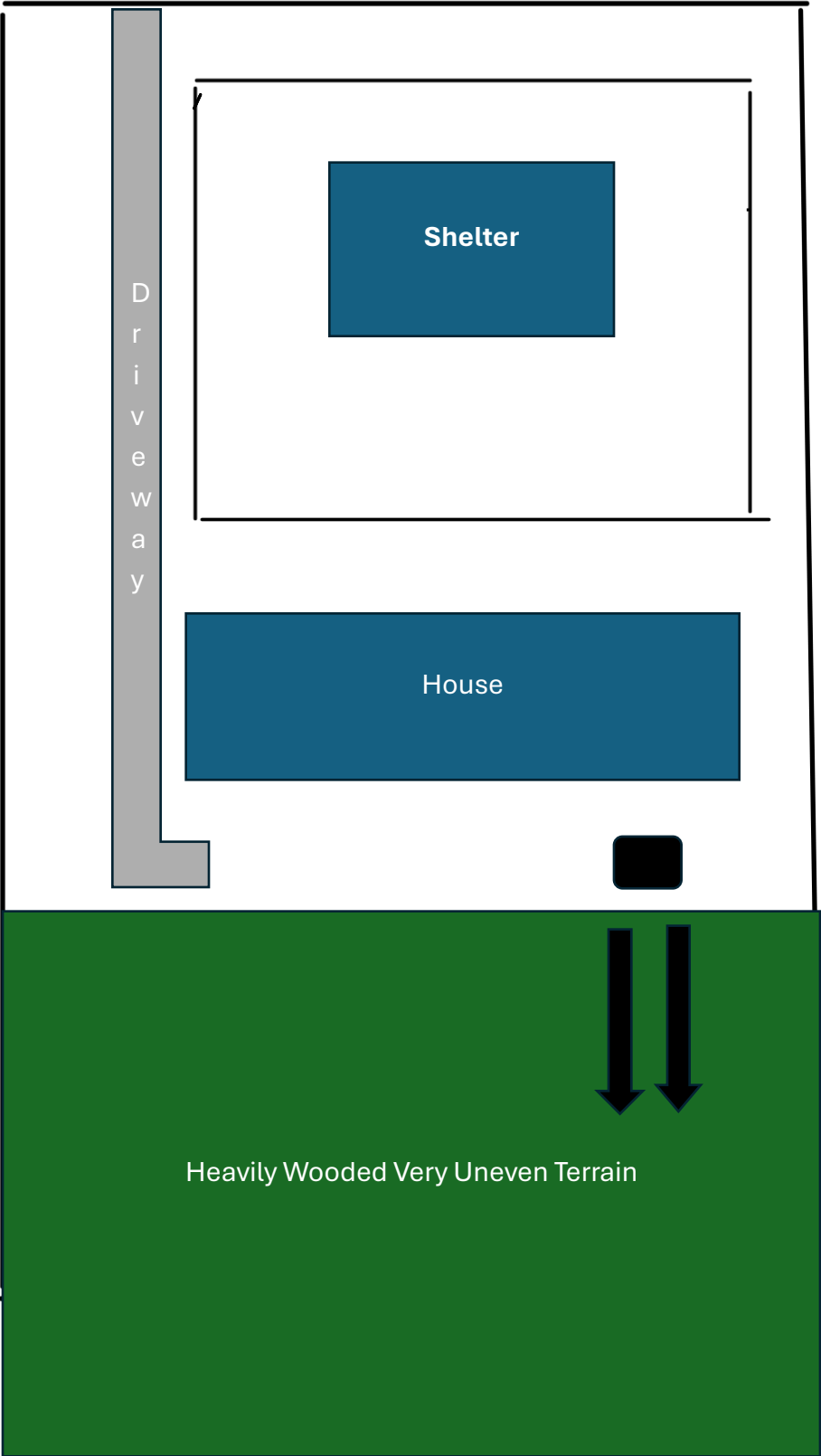
Date

For Office Use Only

Fee: \$300.00 Payment Code: ZP31

Date Paid: _____ Case # _____ Permit #: _____

1645 Stony Point Rd, Shelby NC 28150

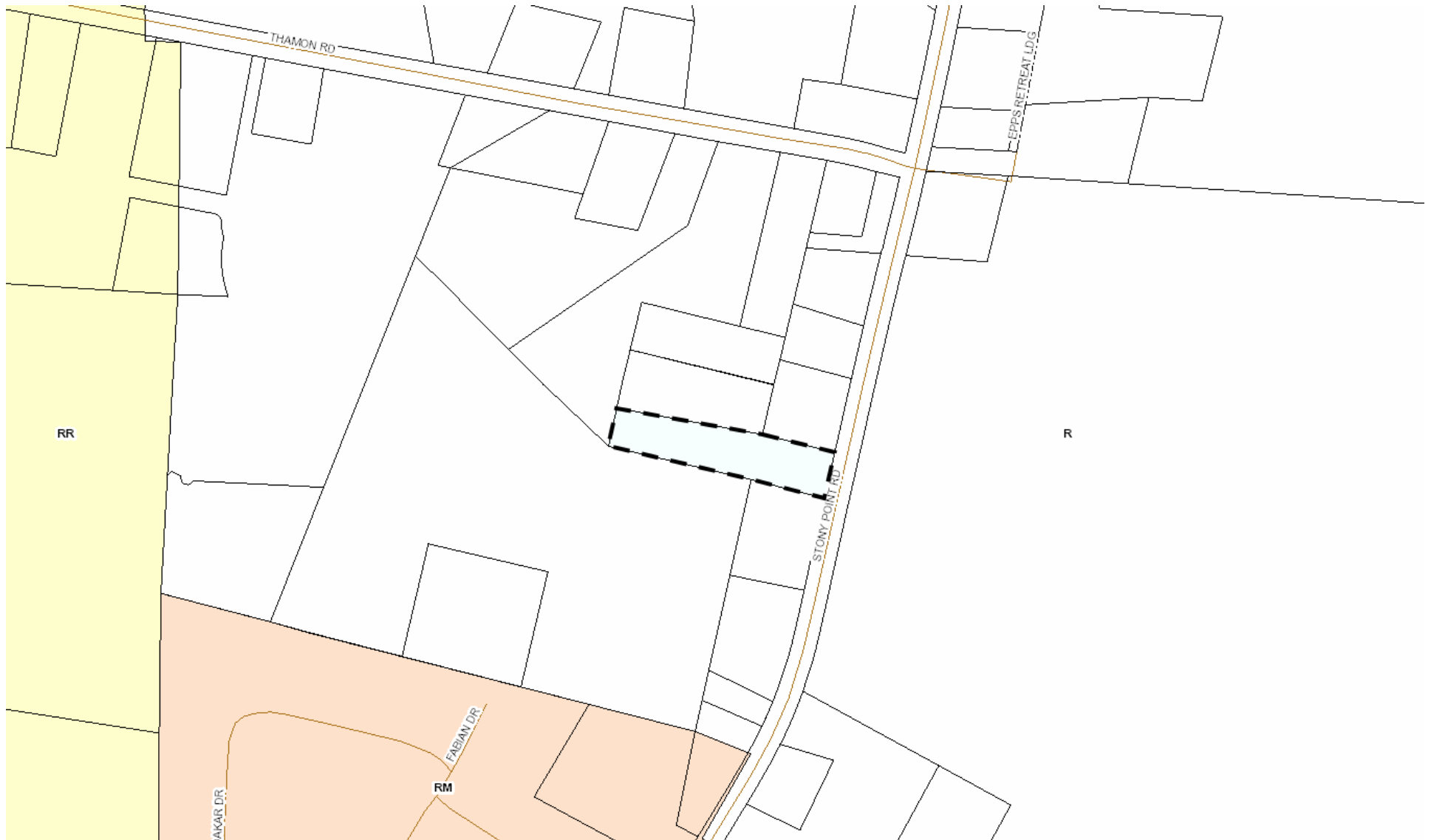


Board of Adjustment Case #25-08: Aerial Image

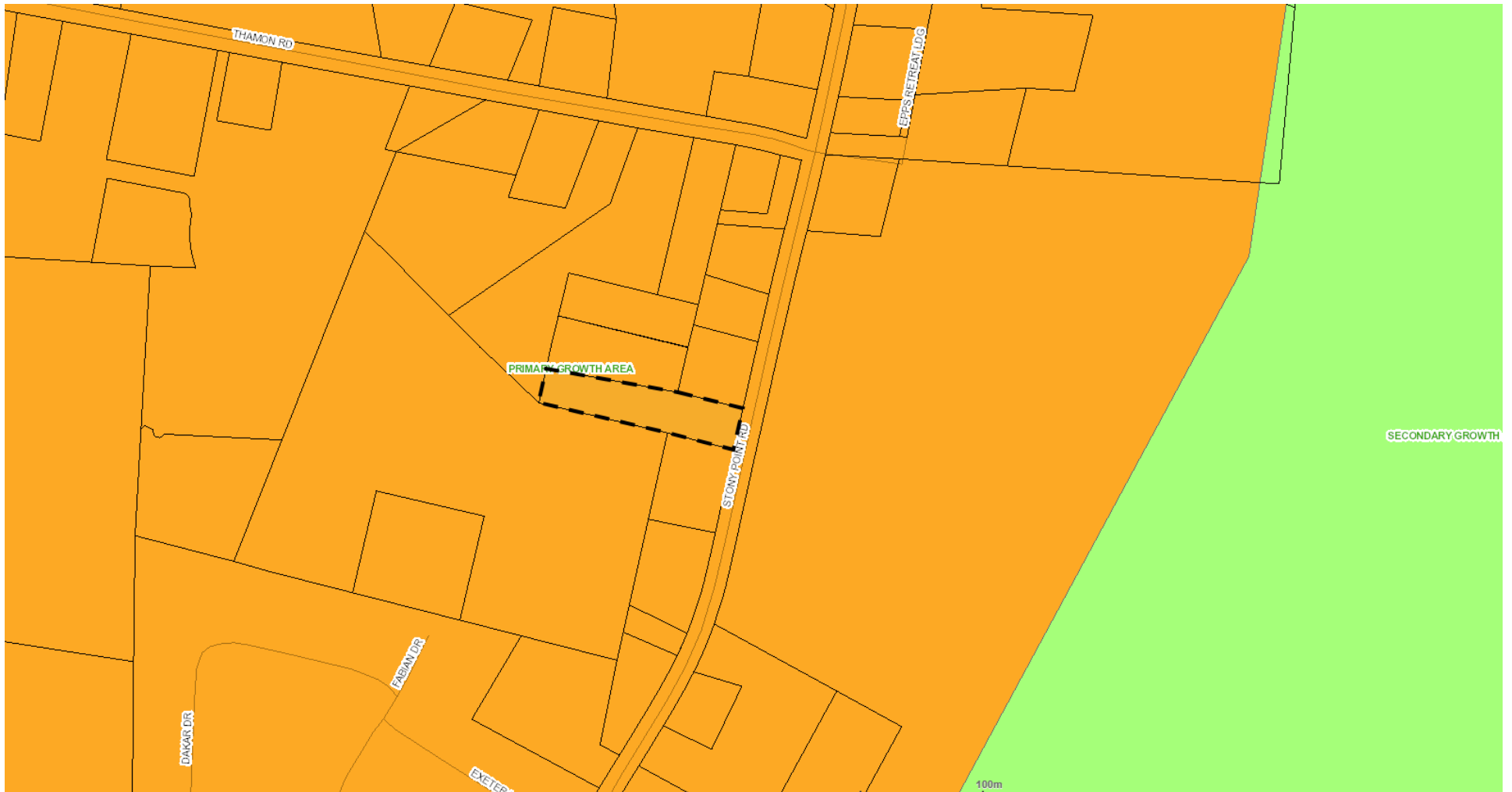
1645 Stony Point Rd. with approximate home and horse shelter locations



Board of Adjustment Case #25-08: Zoning Map
1645 Stony Point Rd.



Board of Adjustment Case #25-08: Future Land Use Plan Map
1645 Stony Point Rd.



COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

SUP Case 25-09: Dog Daycare at 3343 Hollis Rd.

Department:

Agenda Title: SUP Case 25-09: Dog Daycare at 3343 Hollis Rd.

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 25-09_Staff_Report.pdf	Staff Report
<input type="checkbox"/> Wilson_Property_Site_Plan_08-19-25.pdf	Site Plan
<input type="checkbox"/> 25-09_Map_Aerial.pdf	Aerial Map
<input type="checkbox"/> 25-09_Map_Zoning.pdf	Zoning Map
<input type="checkbox"/> 25-09_Map_Land_Use_Plan_Map.pdf	Future Land Use Plan Map
<input type="checkbox"/> 24-09_Application_Dog_Daycare.pdf	Application

STAFF REPORT

To: Board of Adjustment Meeting Date: August 28, 2025
From: Chris Martin, Planning Director
Subject: Case 25-09 Special Use Permit

Summary Statement: Badiah Wilson is requesting a special use permit to operate a dog daycare at 3343 Hollis Rd. (parcel 62754).

Background: Kennels/Animal Boarding are a compliant use in the Residential zoning district with the issuance of a special use permit. The property is currently zoned Residential and is 15.96 acres in size. It is owned by Badiah and Kemanie Wilson. The applicant submitted a site plan along with the application illustrating compliance with the development standards and how the property will be used.

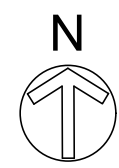
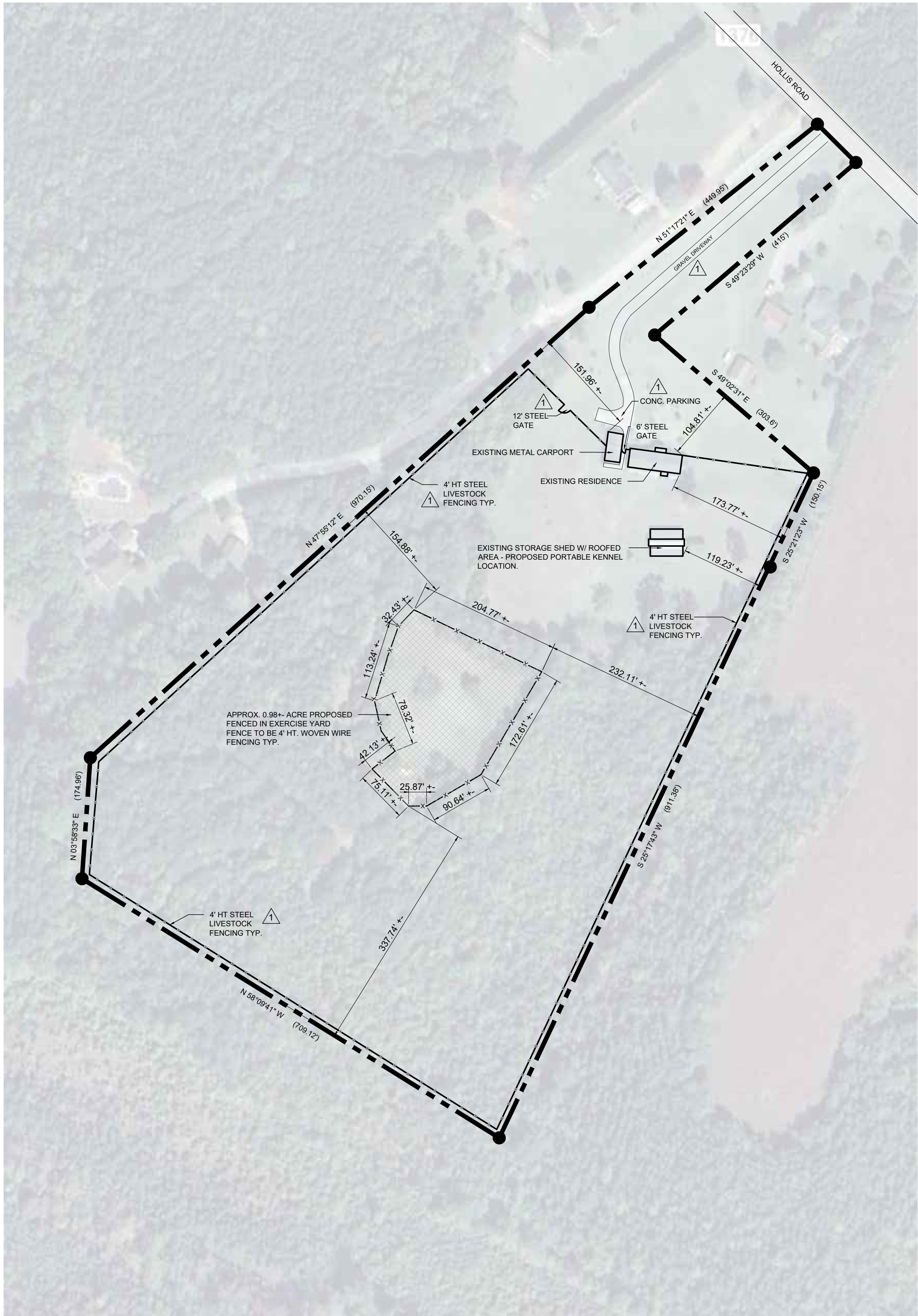
Review: The Cleveland County Unified Code of Ordinances (Section 12-162 Kennels) states that Kennels shall be allowed pursuant to [section 12-124](#) and are subject to the following standards.

1. No kennel shall exist on a single parcel that is less than two (2) acres in size.
2. All buildings shall be fully enclosed and all outdoor uses, including kennels and runs, shall be completely enclosed with a fence.
3. Setbacks.
 - a. A setback of fifty (50) feet shall be required from all public or private rights-of-way.
 - b. A setback of fifty (50) feet shall be required from all other property lines.

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.



SITE PLAN WITH PROPOSED FENCING
3343 HOLLIS ROAD, ELLENBORO, NC
15.96 ACRES +-

SCALE: 1" = 100'

PROPERTY DESCRIPTION

Excerpt taken from BK 1918 PG 2365-2377(13) DOC# 200099066
Recorded 04/08/2024
Cleveland County, North Carolina
Betsy S. Harnage, Register of Deeds

Exhibit 'A'

Being located on the South side of Hollis Road and being bounded on the West by Tulia Beaver and Harvey Beaver, on the South by Stroud Legacy Holdings, LLC, and on the east by Allison Mintz and Tommy Beaver and being described by metes and bounds as follows:
BEGINNING on a railroad spike found in the right-of-way for Hollis Road, said spike being the Northeast corner of the Harvey R. Beaver parcel and running thence with the right-of-way South 84-46-15 East 77.96 feet to an existing pin which is the Northwest corner of Tommy Beaver; thence with the Tommy Beaver property, South 49-23-29 West 415 feet to a rebar and South 49-2-31 East 303.6 feet to a bent rod which is the common corner of Allison Mintz and Tommy Beaver located North 64-24-11 West 1923.38 feet from a mag nail in the center of the intersection of Hollis Road and Elliott Circle Drive; running thence with the West line of Allison Mintz, South 25-21-23 West 150.15 feet to a rebar and South 25-17-43 West 911.38 feet to an iron which is located North 58-9-18 West 506.96 feet from a T-post at a stone pile; thence with the North line of Stroud Legacy Holdings, LLC property, North 58-9-41 West 709.12 feet to an iron T-post in stones, Southeast corner of Tulia Beaver; thence North 3-58-33 East 174.96 feet to a tall rebar rod, Southernmost corner of Harvey Beaver; thence with the East line of Beaver, North 47-55-12 East 970.15 feet to a rebar and North 51-17-21 East 449.95 feet (passing by a rebar found at 31.52 feet which is 23 feet South of the line) to the place of the BEGINNING containing 15.96 acres according to a plat and survey dated September 18, 2017 by Lattimore and Peeler surveying.

PROJECT DESCRIPTION

Provide Dog-Sitting Service area by fencing approximately 0.98 acres of platted 15.96 acre+- property being open pasture for dog exercise area. Provide (10) folding portable wire crates for containment when not in exercise area under approximately 400sf +- existing shed roof on concrete slab. Client capacity not to exceed (10) animals at one time.

Fenced area will be located on existing cleared pasture area located roughly in the center of the property with closest property boundary being approximately 154'+- away. Proposed fenced area is bounded on all sides by wooded tree line.

Fenced area to be composed of 4' ht. woven wire fencing.

Property is currently fenced at property line perimeter to house with 4' ht. woven wire livestock fencing typ.

TYPICAL FOLDING CRATE DESCRIPTION

NTS

Carlson Secure 1-Door Steel Dog Crate, 48 in., Extra Large

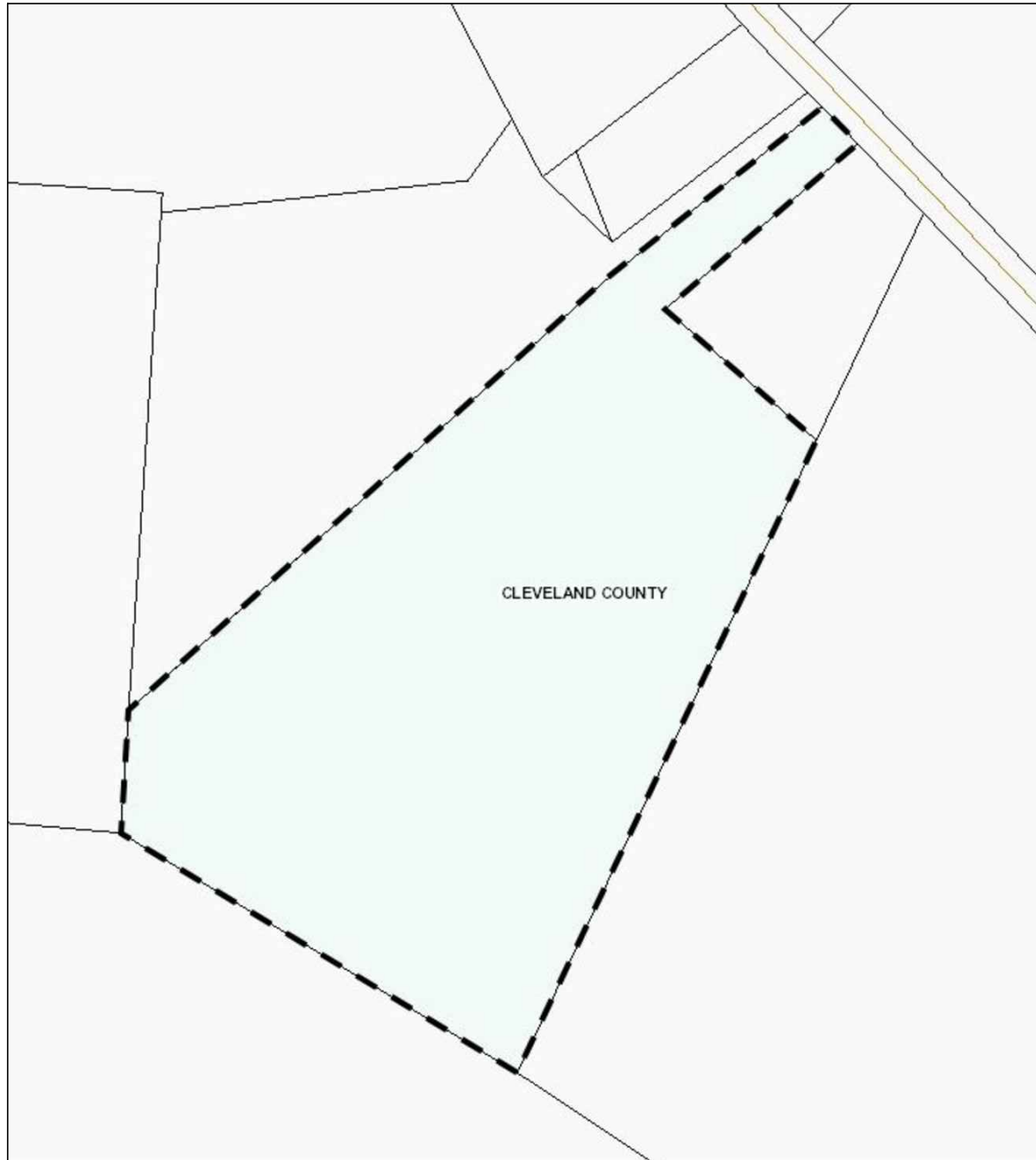


Product Details

The Carlson Secure Single-Door Crate is a durable, secure, and compact metal dog crate for your pup to spend time in. Featuring a multi-point locking system, the single-door dog crate provides pet owners with a little added peace of mind. For portability, the wire crate folds nearly flat, making it easy for travel and storage. Perfect for small breeds up to 36 in. long and up to 28 in. tall, the collapsible dog crate can be used from puppy to adult stage.

- Dimensions of Crate: 48 in.L x 30 in.W x 33 in.H
- Fits dogs up to 36 in. long and up to 28 in. tall
- Multi-point door locking system
- Metal dog crate features a door at the front
- Collapsible dog crate folds to become nearly flat
- Sets up in seconds
- Bottom pan is removable and easy to clean

REVISIONS		DESCRIPTION
NO.	DATE	
1	08/18/2025	Added existing property perimeter fencing, gravel driveway and concrete parking.



CLEVELAND COUNTY GIS IMAGE
3343 HOLLIS ROAD, ELLENBORO, NC

NTS

SITE PLAN WITH PROPOSED FENCING

FOR

BADIAH WILSON • 3343 HOLLIS ROAD • ELLENBORO, NC

Carolina Drafting Service, LLC



JOSEPH BURLEY | 2191 Cove Road
Rutherfordton, NC 28139
Ph 336-341-8289

PROJECT NO.
2505

DRAWN: JB

CHECKED: JB

DATE: JUNE 12, 2025

SCALE: 1" = 100'

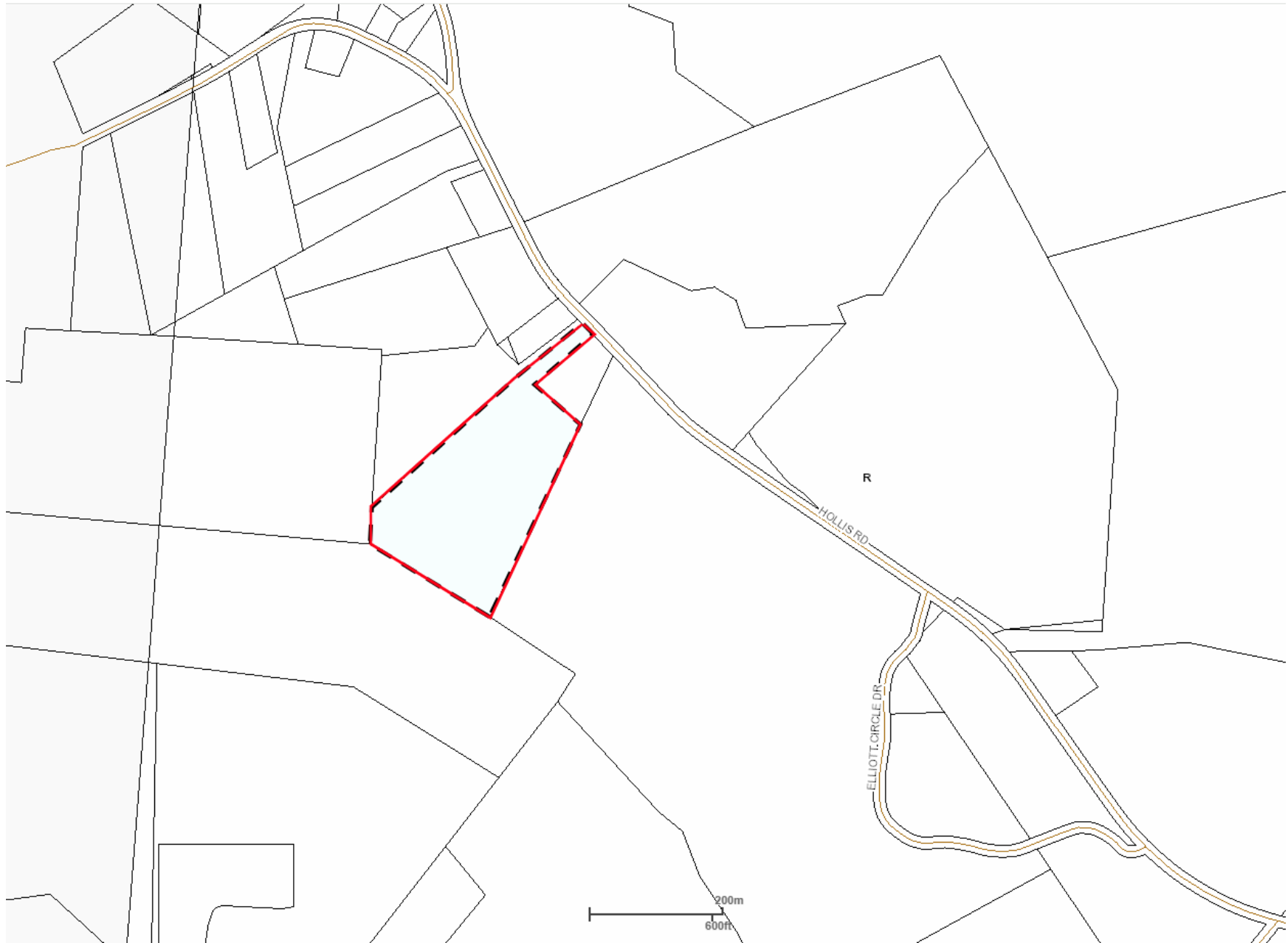
SHEET NO:

A1.0

Board of Adjustment Case #25-09: Aerial Image
3343 Hollis Rd.



Board of Adjustment Case #25-09: Zoning Map
3343 Hollis Rd.



Board of Adjustment Case #25-09: Land Use Plan Map
3343 Hollis Rd.





APPLICATION FOR A SPECIAL USE PERMIT

APPLICANT NAME: Badiah Wilson
MAILING ADDRESS: 3343 Hollis Rd.
CITY/STATE /ZIP: Ellenboro, NC 28040
PHONE: (585) 732-8723 E-MAIL: badiah.wilson@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:

Muddy Paws Adventures, LLC
for the use of the property located at: 3343 Hollis Rd., Ellenboro, NC,
Parcel #(s) 62754 in Residential Zoning District.

Title to this property is in the name of:

Kemarie & Badiah Wilson
Owner Name(s) 1

Mailing Address 11

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 Special Use is described as follows: See attached

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.

Badiah Wilson
Signature of Applicant

8/4/2025
Date of Application

For office use:

Payment Code: ZP 33 Special Use Permit

Fee: \$300

Paid on: 8-4-25 ZP: 184239 Case #: 25-09

Operational Summary

I, Badiah Wilson, propose to operate a small-scale dog daycare on our 16-acre property. The facility will initially serve up to 4 dogs, with a planned increase to 10 by Fall 2026.

The property is fully fenced and includes a designated outdoor play area with shade and shelter. Noise will be minimal and contained within the property, which is located in a rural area with significant distance from neighboring residences. This will be a low-impact operation focused on safety, sanitation, and maintaining the rural character of the area.

Badiah Aurelia Wilson

585.732.8723