



Stanly County Board of Adjustment
September 13, 2021 - Meeting Minutes

Call to Order Chair Cindy Fish called the meeting to order on September 13, 2021 at 6:30 p.m. in the Stanly County Managers meeting room at 1000 N. First Street, Albemarle, North Carolina. Bob Remsburg served as Clerk of the meeting.

Stanly County Board of Adjustment Members attending Brenda Farmer, Billy Franklin Lee, Richard Cosgrove, Michael Fleming, Cindy Fish, Rick Johnson

Absent: Devron Furr, Shannon Maynard, Michael Efird

Stanly County Planning Staff Attending Bob Remsburg, Planning Director; Bailey Emrich, Planner 2

Others Present: Judy Kilgore, Bud Risner, Diane Johnson, Wallace Reed, Tracy Reed, Joshua Tewmeyer, Shawn Huneycutt, Marvin Croy, Dusty Absher, Jerry Wertz, Melissa Blalock and Dr. Colin Moffett

Chair Cindy Fish announced the first order of business was to install the new Board of Adjustment member, Rick Johnson.

Bob Remsburg conducted the ceremony of swearing in Rick Johnson.

Chair Cindy Fish asked for a motion to adopt the agenda if no changes needed to be made

Motion: Billy Franklin Lee

Second: Richard Cosgrove

Passed: 6-0

Chair Fish asked for a motion to adopt the minutes from May 4, 2021.

Motion: Richard Cosgrove

Second: Brenda Farmer

Passed: 6-0

Chair Fish stated the first order of business was to select a chair and vice chair for the fiscal year.

Chair Fish asked for any nominations

Motion: Billy Franklin Lee made the motion to elect Cindy Fish to serve as chair

Second: Brenda Farmer

Passed: 6-0

Chair Fish asked for nominations of Vice Chair

Motion: Billy Franklin Lee made a motion to elect Devron Furr to serve as vice-chair

Second: Brenda Farmer

Passed: 6-0

Chair Fish introduced the first case to be heard was SUP 21-01, a request by Wallace and Tracy Reed for a special use permit to operate a wedding and event venue on their property located at 2417 Stonehaven Drive, Albemarle which is zoned RA (residential agricultural). The hearing on this matter is quasi judicial in nature and will be conducted in accordance with special due process safeguards.

Those who signed in on the sign up sheet to speak came forward to recite the swearing in ceremony.

Chair Fish stated “The Stanly County Board of Adjustment is a quasi-judicial board. Therefore, the North Carolina State Statute, requires that the board base its decisions only on testimony given under oath. Any person who, while under oath during this proceeding, willfully swears falsely, is guilty of a class 1 misdemeanor. If anyone refuses to be sworn, your statement will not be treated as evidence on which to base a decision but merely as arguments”.

Chair Fish stated “Before opening the evidentiary hearing, I would like to give Board members a chance to reveal any possible conflicts that you may have and withdraw from these proceedings if necessary”.

No Board members had a conflict.

Chair Fish stated “Any Board members who have any information or special knowledge about the case that may come out at the hearing tonight, please describe that information for the record so that interested persons will know and can respond”.

Chair Fish explained the proceedings.

Chair Fish stated “Parties may cross examine each witness after the witness testifies when questions are called for. If you want the Board to see written evidence such as reports and maps or exhibits, the witness who is familiar with the evidence should ask that it be introduced during or at the end of his / her testimony. The Board cannot accept reports from persons who are not here to testify. Attorneys who speak should not give factual testimony but may summarize their client’s case. Before you begin your testimony, please clearly identify yourself for the record.”

Chair Fish asked Planning Staff to share the details of SUP 21-01

Mr. Remsburg shared the following:

Wallace and Tracy Reed request a Special Use Permit to allow the use of their property for a wedding and event venue. This parcel is located in the RA – Residential Agricultural Zoning District which requires a Special Use Permit in order to operate “entertainment activities” per section 601.2 of the Stanly County Zoning Ordinance. The parcel is located at 2417 Stonehaven Dr., Albemarle, NC 28001 and consists of 13.58. The Reed’s home is located on the property as well with the event venue facing Anderson Road away from adjoining properties. They plan to include a pavilion, trail, groom suite and a bridal suite. The driveway to this property is at the end of Stonehaven Drive and that will also be the point of access for the guests on the property as well. Section 601.2 of the zoning ordinance requires that the Reeds provide the proposed location, intended activities, operation schedule, site plan layout, or any other information

deemed necessary to evaluate impact on the neighborhood or community in general. The Board of Adjustment may allow, conditionally allow, or disallow proposed activities, regulate the use and location of proposed buildings, set time of operations, or specify other conditions necessary to assure protection to the neighborhood or community in general. The Reeds would need to agree to any additional or specific requirements prior to approving the Special Use Permit.

The four standards that must be met for approval are:

Standard #1 - That the project will not materially endanger public health or safety; if located where proposed, and if developed and operated according to the plan submitted;

Standard #2 – That the project will not substantially injure the value of adjoining property.

Standard #3 – That the project will be in harmony with or compatible with its neighbors and is generally consistent with the latest Stanly County Land-Use Plan.

Standard #4 – That the project meets all other required conditions and specifications.

If these standards are found to be true, then it would be appropriate to approve the request.

Mr. Remsburg walked the board through the maps of the property and the proposed layout of the structure's venue.

Chair Fish invited Mr. Wallace to come and speak in favor of his request.

Mr. Wallace discussed that he sees the advantage of having a wedding venue especially at this time. People are constantly getting married at a wedding venue as opposed to a church. He stated that the idea came from his daughter getting married in the previous year and based on the cost of a venue he decided to try and build a small one himself on his own property not only for his daughter but for others as well. Mr. Wallace stated that it would be a small wedding venue for 100 guests or less. He plans to clean a spot of land to have parking at the end of his driveway. Mr. Wallace stated that the venue would be open no later than 10:30 PM and the music would be cut off at 10:00 PM. The number of events planned would be 8 to 10 per month and then the venue will not be seen by any of the adjoining property owners. Any event that has over 75 guests and alcohol, there will be law enforcement present, no hard liquor will be served.

Chair Fish opened the public hearing for those in support and in opposition to speak regarding SUP 21-01.

Judy Kilgore spoke out against the request stating that she owns and lives at the adjoining parcel. Ms. Kilgore stated that she shared the pond with Mr. Reed and they both had access to it. Based on the layout of his site plan, the closest structure would be only ten feet from her property line. "As far as the pond is concerned, we share ownership of that. I do not want to be a liability if someone were to be intoxicated and fall in or if a small child were to fall in. Also, when the photos are being taken by the pond, my home will be in the background of the photo and I do not want my home pictured." She stated she did not have a problem with the Reeds and that they were very nice people, she just did not want the noise or liability that close to her. This will greatly increase the traffic on Stonehaven, as it is already a heavily traveled road. This is also a problem because it could cause destruction of natural habitats for all of the wildlife.

Bud and Gloria Risner shared that they were opposed to the request due to a multitude of reasons but it was not a place for something like this. Special events open up the opportunity for more than just weddings and receptions. This is a low density area and is not suitable for the requested event center. Just because it may meet county requirements does not mean that it is the right place for it. Even though they limit the number of guests it still will create a large amount of traffic. The people that live in the

Stonehaven neighborhood have small children that ride their bikes and play in the street. If this were to come in that would not be able to happen. Our neighborhood has heard noise from the Stanly County fairgrounds. If this were to be here and there would be music and a DJ, it would only make the noise worse. Even if they limit it to 8-10 events a month that is still almost 80 events a year. This location is not the palace to have something like this.

There were several members of the Stonehaven community that spoke out in regards that they moved to the neighborhood and the area to get out of the city and for their children to grow up in an area that is safe and not full of traffic. But, if this were to be placed here it would only increase the traffic and their children would not be able to just go out and play. They had a major concern that the only point of entry and exit was StoneHaven.They felt that there are better areas suited for this.

Chair Fish stated if there were no further comments from the public she would close the public hearing and the Board would begin reviewing the four standards.

Standard #1 - That the project will not materially endanger public health or safety; if located where proposed, and if developed and operated according to the plan submitted

Motion: Michael Fleming found this standard to be false

Second: Billy Franklin Lee

Denied: 6-0

Standard #2 – That the project will not substantially injure the value of adjoining property.

Motion: Billy Franklin Lee found this standard to be false

Second:Richard Cosgrove

Denied: 6-0

Standard #3 – That the project will be in harmony with or compatible with its neighbors and is generally consistent with the latest Stanly County Land-Use Plan.

Motion: Rick Johnson found this standard to be false

Second:Michael Fleming

Denied: 6-0

Standard #4 – That the project meets all other required conditions and specifications.

Motion: Richard Cosgrove found this standard to be false.

Second: Rick Johnson

Denied: 6-0

Chair Fish asked for a motion to approve or deny the request

Motion: Michael Fleming

Second: Rick Johnson

Denied: 6-0

Chair Fish stated that those affected had thirty days to appeal the decision to the Stanly County Superior Court.

Chair Fish introduced the second case TUP21-01 Piedmont Natural Gas has requested a temporary use of a construction yard and office trailers be allowed on a 25.6 acre portion of a parcel owned by William and Sheila Smith and located with an entrance onto Polk Ford Road, Stanfield. (Tax Record #7083)

Those who signed in on the sign up sheet concerning TUP 21-01 came forward to recite the swearing in ceremony.

Mr. Remsburg shared:

This is something new that was just adopted. The language for the Temporary Use Permit is some that we found from Union County. It allows for small impact projects or events that are temporary such as this one that we are about to discuss to be able to happen through the approval of the Board of Adjustment. There are some instances where the zoning administrator does have a say.

Piedmont Natural Gas is planning to upgrade their pipeline through the southwest portion of Stanly County. As part of this project, the construction company will need a large laydown yard for materials, tools, construction equipment and office/construction trailers. This is proposed for a 25.6 acre portion of a 110.59 acre parcel owned by William and Sheila Smith. Due to the scope of the project, it is necessary to have the Board of Adjustment review the proposed temporary use of the property to ensure that there are appropriate requirements which will protect adjoining and nearby properties. Since this is a temporary use, the zoning ordinance now allows the Board of Adjustment to issue a Temporary Use Permit. This allows the parcel to default to the original zoning use upon conclusion of the project. Piedmont Natural Gas proposes the placement of four modular (construction trailer) units near the entrances on Polk Ford Road. A temporary parking lot with two gravel entrances comprising up to 8.3 acres will include the modular unit area. Pipe storage and other equipment will be on the remaining acreage and a temporary sediment basin will be constructed. Existing trees will remain as much as feasible for screening. Most of the affected area has been a hay field or used for cattle grazing. This tract is separated by a small patch of woods from the rear of Loves Grove Methodist Church.

Piedmont Natural Gas anticipates completing this project by December 31, 2022. The overall project involves replacement of two existing natural gas transmission lines with one 24" diameter pipeline running 16 miles from Stanfield to Monroe. The Board of Adjustment may establish other requirements for the issuance of a Temporary Use Permit as long as the owner or lessee agrees to those requirements.

The four standards that must be met for approval are:

Standard #1 - That the project will not materially endanger public health or safety; if located where proposed, and if developed and operated according to the plan submitted;

(Staff comment: As a construction project, the contractor(s) must meet OSHA and similar codes.

Driveway entrances will need to be approved by NCDOT and meet standards for truck traffic

Standard #2 – That the project will not substantially injure the value of adjoining property. (Staff comment: While a construction site would potentially affect property values, this is a temporary use and would not have a long-term impact on property values.)

Standard #3 – That the project will be in harmony with or compatible with its neighbors and is generally consistent with the latest Stanly County Land-Use Plan. (Staff comment: While a construction yard is not particularly harmonious with a residential area, the area does have a significant number of large farm operations. This is also a temporary use needed for the pipeline construction and the “harmony” would be restored at the end of the project.)

Standard #4 – That the project meets all other required conditions and specifications. (Staff comments: Contractors will be required to meet all the requirements established and adopted by the Board of Adjustment. Enforcement is by the Code Enforcement Officer.) If these standards are found to be true, then it would be appropriate to approve the request for the Temporary Use Permit.

Suggested requirements:

1. All wastewater will be disposed of properly.
2. Entrances will meet any NCDOT requirements
3. Hours of operation will primarily be during daylight hours
4. Mud and any debris will be cleaned daily from Polk Ford Road
5. All fences, gravel, sediment pond, etc. to be removed within 45 days of completion of the project unless the owner requests they remain.
6. Up to four construction trailers may be used on-site, and must be at least 50' from Polk Ford Road right-of-way.
7. No debris to be buried on site.

Diane Johnson spoke in favor of the request. She was a representative of Piedmont Natural Gas. She stated that they plan to start everything in March of 2022 and hope to have it all completed by November of 2022. They have written up an agreement with the current property owner and the parcel will be put back in its original condition after the project is complete and Piedmont Natural Gas will be responsible for doing so. There will be a fence going around the perimeter of the property and we have spoken with the church that sits nearby to make sure of their service hours in hopes that we would not become a bother to them and try to not work during that time.

Chair Fish stated if there were no further comments from the public she would close the public hearing and the Board would begin reviewing the four standards.

Standard #1 - That the project will not materially endanger public health or safety; if located where proposed, and if developed and operated according to the plan submitted;

Motion: Brenda Farmer made a motion to approve

Second: Billy Franklin Lee

Passed: 6-0

Standard #2 – That the project will not substantially injure the value of adjoining property.

Motion: Rick Johnson made a motion to approve

Second: Richard Cosgrove

Passed: 6-0

Standard #3 – That the project will be in harmony with or compatible with its neighbors and is generally consistent with the latest Stanly County Land-Use Plan.

Motion: Michael Fleming made a motion to approve

Second: Billy Franklin Lee

Passed: 6-0

Standard #4 – That the project meets all other required conditions and specifications.

Motion: Richard Cosgrove made a motion to approve

Second: Billy Franklin Lee

Passed: 6-0

Chair Fish asked for a motion to approve or deny the request

Motion: Michael Fleming

Second: Rick Johnson

Denied: 6-0

Chair Fish stated that those affected had thirty days to appeal the decision to the Stanly County Superior Court.

Chair Fish asked for a motion to adjourn

Motion: Richard Cosgrove

Second: Billy Franklin Lee

Passed: 6-0

Chair, Cindy Fish

Clerk, Bailey Emrich