



Stanly County Board of Adjustment
March 13, 2023 - Meeting Minutes

Call to Order Chair Cindy Fish called the meeting to order on March 13, 2023 at 6:30 p.m. in the Gene McIntyre 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

Richard Cosgrove, Michael Fleming, Cindy Fish, Rick Johnson, Devron Furr and Billy Franklin Lee, Judy Nelms, Brenda Farmer & Michael Efird

Absent: none

Michael Fleming and Judy Nelms serve as alternates and since all regular board members were present, they did not have to serve on the board.

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

Others Present: refer to sign in sheet - (Board of Adjustment meeting minutes binder)

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

Motion: Devron Furr

Second: Richard Cosgrove

Passed: 7-0

Chair Fish asked for a motion to adopt the minutes from October 24, 2022.

Motion: Richard Cosgrove

Second: Michael Efird

Passed: 7-0

Chair Fish announced there would only be one case.

Chair Fish introduced the case SUP 23-01 a request by Trent Whitley on behalf of his son, Luke Whitley for a Special Use Permit to operate a commercial dog kennel at 24926 Millingport Road, Locust which is zoned, RA - Residential Agricultural.

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

Chair Fish "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

misdeemeanor. 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 “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”.

Devron Furr shared that he knew the family but he could rule fairly.

Chair Fish “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 “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 23-01.

Bob Remsburg shared the following:

Good Evening Board Members, the case before you tonight is for SUP 23-01 for Trent Whitley who has requested a special use permit on behalf of his son, Luke Whitley for 10 acres of a 28.78 acre parcel that he owns at 24926 Millingport Road, Locust (Ridgecrest) for the operation of a dog kennel. A well and septic system will be utilized. Mr. Whitley proposes constructing one 30’x75’ building which will have up to 30 kennel enclosures, along with an office, restroom and wash area. Soil and Forestry Services of the Carolinas has determined an area for the septic drain field. Dogs would be housed in the building at night and periodically use fenced enclosures and an airing yard during daytime hours. Training is primarily for obedience and gun dog (retrieving). The kennel will also serve for boarding purposes. The company is known as Wood Ridge Retrievers. In your packet is a list of proposed conditions which have been agreed upon by Mr. Whitley and a map showing the proposed location of the kennel building. Entrance to the kennel is adjacent to 24926 Millingport Road. There are two requirements in the ordinance in section 601.2 pertaining to the use of kennels which are (a) The facilities shall be maintained in a neat and sanitary condition and (b) Open kennels shall be located no closer than 50 feet to any adjoining property line.

There are four standards that have to be met in order to approve a Special Use Permit which 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 for the operation of recreational and entertainment activities in the RA Zoning District.

Mr. Remsburg displayed maps of the property and explained the location of proposed structures as well as the conditions which were agreed upon by the property owner and county staff.

Chair Fish asked if there were any questions from the parties present.

Rick Johnson “So the maximum number of kennels would be 72?”

Bob Remsburg “Yes, that is correct.”

Chair Fish invited the applicants and parties of this request. She invited attorneys to go first, if present.

Trent Whitley shared the following:

I am Luke's Father and what I tell people is that I would not allow for this to happen if we were not going to do it the right way. It will be a nice facility, Luke runs a great business and he is very dedicated and I am very proud. He is well known through the dog training world and he wants to do things in the right way. My family is on both sides of the streets of this parcel.

Michael Efird “Since these are gun dogs will you be shooting at the property?”

Trent Whitley “I can answer that to an extent, it would be blanks that would be shot. About the size of the 22 but they do make noise.”

Luke Whitley shared the following:

I own and operate Woodridge Retrievers and specialize in retriever training and obedience. We will keep the kennels in a clean and sanitary condition and they will be cleaned twice a day. Usually, the routine will be feeding and then they will go to their outdoor kennel and while they are out there we will clean the inside. At night they will come back in. We will be cleaning with the performance cleaner from the pet edge. We also want to do boarding overnight. They can bring their dog and we can board them for the weekend or overnight. It will meet all the Ag. requirements to be a licensed boarding kennel. The building will be insulated. The pistols basically simulate and are not nearly as loud as a real shotgun. We do compete in the American Kennel Club contest so that is one of the things that we train them on.

Chair Fish asked if there was anyone else to speak.

There was no one.

Chair Fish asked if there were any questions for staff or the board.

There were none.

Chair Fish shared that the board would now review 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 to find this true: Michael Efird

Second: Brenda Farmer

Approved: 7-0

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

Motion to find this true: Richard Cosgrove

Second: Rick Johnson

Approved: 7-0

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 to find this true: Devron Furr

Second: Rick Johnson

Approved: 7-0

Standard #4 – That the project meets all other required conditions and specifications for the operation of recreational and entertainment activities in the RA Zoning District.

Motion to find this true: Billy Franklin Lee

Second: Richard Cosgrove

Approved: 7-0

Chair Fish asked for a motion to approve this request.

Motion: Rick Johnson

Second: Brenda Farmer

Approved: 7-0

Chair Fish “The motion to approve has been approved”.

Chair Fish “Those affected by this decision will have 30 days to appeal this ruling to the Stanly County Superior Court.”

Staff and the Board went into a training session.

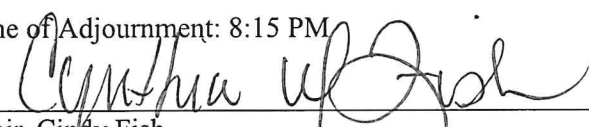
Chair Fish asked for a motion to adjourn.

Motion: Michael Efird

Second: Devron Furr

Approved: 7-0

Time of Adjournment: 8:15 PM



Chair, Cindy Fish



Clerk, Bob Remsburg