

Greg Edds, Chairman
Jim Greene, Vice- Chairman
Mike Caskey
Judy Klusman
Craig Pierce



Aaron Church, County Manager
Sarah Pack, Clerk to the Board
John W. Dees, II, County Attorney

Rowan County Board of Commissioners

130 West Innes Street • Salisbury, NC 28144
Telephone 704-216-8181 • Fax 704-216-8195

MINUTES OF THE MEETING OF THE ROWAN COUNTY BOARD OF COMMISSIONERS

March 4, 2024 – 3:00 PM

J. NEWTON COHEN, SR. ROOM

J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING

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PRESENT:

Greg Edds, Chairman
Jim Greene, Vice-Chairman
Craig Pierce, Commissioner
Mike Caskey, Commissioner
Judy Klusman, Commissioner

Clerk to the Board Sarah Pack was also present. County Manager Aaron Church, County Attorney Jay Dees, and Finance Director Anna Bumgarner were absent.

Call to Order

Chairman Edds called the meeting to order at 3:00 p.m. Chaplain Michael Taylor provided the invocation. Chairman Edds lead the Pledge of Allegiance.

Consider Additions to the Agenda

There were no additions to the agenda.

Consider Deletions From the Agenda

There were no deletions from the agenda.

Consider Approval of the Agenda

On motion of Pierce, seconded by Greene, the Board voted 5-0 to approve the agenda as presented.

Consider Approval of the Consent Agenda

On motion of Pierce, seconded by Greene, the Board voted 5-0 to approve the Consent Agenda as presented, as follows:

- A. Consider Approval of the Minutes*
- B. Brooks Network Services - Upfit Contract 24479*
- C. Change Order #13 - Wharton Smith - WEP*
- D. Change Order #3 - ADW - WEP Ag Building*
- E. Contract approval for Airport Engineering & Planning Services - Talbert, Bright, & Ellington*
- F. Rowan County Public Health Fee Schedules FY23-24*

G. Budget Amendments, as follows:

<i>Health</i>	<i>To budget grant award for Healthy Rowan</i>	<i>\$15,000</i>
<i>Health</i>	<i>Transfer funds to purchase vehicles for Environmental Health</i>	<i>\$80,000</i>

H. Martin Starnes Audit Contract

I. Donation of Surplus Property to RCCC

J. Schedule Quasi-Judicial Hearing for SUP 02-24

K. Change Order #1 - Randolph & Son Builders, Inc. - Transit Building

L. Change Order #1 - ADW - Health Dept.

M. Sale of Ground Lease Hangar 59

N. West End Plaza Building Naming

Public Comment Period

Chairman Edds opened the floor for public comment and closed it after everyone wishing to speak had done so.

Ed Muire, 402 North Main Street, Salisbury, said there is a Planning Survey during the month of March available on the Planning website. He encouraged citizens to complete the survey.

Continuation of Legislative Hearing: ZTA 04-23 Motorsports Racing Complex Text

Chairman Edds noted that the hearing for ZTA 04-23 was mistakenly left open and closed the hearing at 3:08 p.m. with a motion by Pierce, seconded by Greene.

On motion of Pierce, seconded by Greene, the Board voted 5-0 to close the public hearing for ZTA 04-23.

On motion of Edds, seconded by Pierce, the Board voted 5-0 to table ZTA 04-23 until the March 18, 2024, meeting.

Public Hearing - Consideration of Incentive Agreement for Red Rock Developments

Scott Shelton, Rowan EDC Vice President, said in 2022, the Board of Commissioners approved incentive terms for Red Rock Developments (Red Rock) regarding its proposed development of property located on Long Ferry Road. This 380-acre property is comprised of six parcels (Parcels 603-045, 603-112, 603-113, 603-114, 603-116 & 603 118) and is being marketed as ‘Carlton Farms.’ The company’s initial plans call for the construction of up to six industrial buildings totaling 2.6 million square feet. The buildings would be constructed over three phases.

The incentive approved by the Board for the project consists of a reimbursement to Red Rock for up to \$4.2 million in public water, sewer, and road improvements. Since this approval, County staff, representatives from Red Rock, and the EDC have been working on an official agreement stating the terms for this reimbursement. The attached is the result of those efforts. As you will see, the agreement covers the many aspects of the project. Among its key points are:

- The project, which is comprised of the property, buildings, equipment, and improvements shall have a minimum assessed tax value of \$100 million.

- Both the County and Red Rock understand and agree that the ultimate intent is to amend the agreement to add third party job-creating tenants.
- The County will only reimburse actual costs incurred by Red Rock for public infrastructure improvements, up to \$4.2 million.
- If reimbursement payments are made in installments, the amount will be the lesser of the following:
 - 1) actual costs incurred; or
 - 2) the maximum reimbursement amount (\$4.2 million) x the actual tax assessed value, divided by the minimum tax assessed value (\$100 million)
- The County will pay no reimbursement requests for improvements completed five years after the agreement's effective date.
- Red Rock must provide evidence of substantial completion of any components or phases of the public infrastructure improvements prior to payment.
- The County agrees to respond to permit requests from Red Rock within a specified period of time.
- Once Red Rock has reached its minimum assessed tax value of \$100 million, the County will consider potential incentives for any additional taxable investment. These incentives will be based on the County's current incentive policies at that time.
- Red Rock cannot assign this agreement to an outside party without the written consent of the County, though it can assign the agreement to a party it directly or indirectly controls.

Mr. Shelton asked the Board to approve the incentive request.

Todd Ward, Senior Vice President of Planning and Entitlements, Red Rock Developments, described updates to the incentive agreement. The updated agreement should work for both Red Rock Developments and the County.

Chairman Edds opened the public hearing at 3:14 p.m. and closed it after no one wished to speak.

On motion of Pierce, seconded by Greene, the Board voted 5-0 to approve the incentive agreement for Red Rock Developments and authorize staff to complete the agreement.

Public Hearing-Road Namings Brothers Way and Thicket Lane

Pam Ealey, Planning Technician, said the following road name changes have been submitted to the Rowan County Planning Department and are presented for approval by the Board of Commissioners.

1. Currently Known As: No name driveway
 Proposed Name: Brothers Way
 Location: 8800 block of Smith Road, Kannapolis, NC (SR 1360)
 Property Owners: Chris Dial, Timothy & Brittany Dial, Sandra Thompson
 Reason for Change: An odd/even conflict was noted by NG911, homeowners request to name the driveway since a third residence will be built soon. Name selected by property owners and approved by GIS and Emergency Services

2. Currently Known As: No name driveway
Proposed Name: Thicket Lane
Location: 100 block of Umberger Road, Mount Ulla, NC (SR 1752)
Property Owners: Timothy & Lynn Hegedus, Cody & Regina Nesbitt
Reason for Change: Driveway naming required for 3rd house accessing this driveway.
Name selected by property owners and approved by GIS and Emergency Services.

Chairman Edds opened the public hearing at 3:16 p.m. and closed it after no one wished to speak.

On motion of Pierce, seconded by Klusman, the Board voted 5-0 to approve the road names for Brothers Way and Thicket Lane as presented.

Legislative Hearing for ZTA 02-23: Planning Board to serve as Board of Adjustment

Ed Muire, Planning and Development Director, said ZTA 02-23 is a Staff initiated text amendment that will transfer Board of Adjustment (BoA) duties to the Planning Board. Although statutory allowance (NCGS 160D-302 attached) for a planning board to serve as a board of adjustment has existed for years, many local governments maintained separate boards until the legislature authorized planning boards to issue special use permits. In this role, the planning board can operate in a quasi-judicial capacity without having to reconvene as a board of adjustment. Whether this proved to be the impetus or not, many local governments eliminated their board of adjustment or merged it with the planning board. Regardless, variance requests, appeals and similar duties must still be considered by a board of adjustment. If adopted, the resulting amendment will have the same citizen membership serving as either the Board of Adjustment or Planning Board depending on the type of application.

Proposed amendments to transition these duties are relatively few and are contained in the Planning and Development Ordinance and Zoning Ordinance. Specifically, Section 17-28 Powers and Duties, includes a new item authorizing the Planning Board to make quasi-judicial decisions when acting as the BoA and Section 21-313(c) is amended to reflect composition of the BoA is subject to Planning Board appointment criteria by the County Commission.

Chairman Edds clarified that municipalities will be unaffected by this change.

Chairman Edds opened the public hearing at 3:21 p.m. and closed it after everyone wishing to speak had done so.

Kathryn Setzer, 319 Bethel Drive, Salisbury, elected not to speak.

Steve Thursten, 1024 Timber Point Drive, Salisbury, elected not to speak.

Owen Crater, 60015 Mooresville Road, Salisbury, did not respond when called.

Chairman Edds closed the public hearing after none of the speakers who signed up wished to speak.

Mr. Muire recommended that the ZTA become effective April 1, 2024.

Commissioner Caskey said there are a lot of additional duties for the Planning Board and asked about compensation options. Mr. Muire said there are several options such as a meal or stipend. Commissioner Caskey said this would be good to include in the upcoming budget.

On motion of Edds, seconded by Pierce, the Board voted 5-0 that ZTA 02-23 is reasonable, appropriate, and necessary to meet the development needs of Rowan County not previously envisioned by the current zoning ordinance or Land Use Plans. Statutory allowance for having a planning board perform the duties of a board of adjustment is provided in NCGS 160D-302B and Rowan County is exercising its right to do so.

On motion of Pierce, seconded by Greene, the Board voted 5-0 to approve ZTA 02-23 effective April 1, 2024.

Quasi-judicial Hearing for SUP 01-24: Timothy and Donna Poole

Chairman Edds called the hearing to order at 3:25 p.m. and said the hearing will focus on an application submitted by Timothy and Donna Poole for a residential storage facility on Tax Parcel 646A-084 located at 915 Driftwood Trail. He asked that any member of the Board who may have a conflict of interest in hearing the case to address the Board prior to any testimony or information being presented. When the Board enters into deliberations to decide the case, no further testimony may be presented. The Board will render one of the following three decisions:

1. Approve the permit as requested or with additional conditions;
2. Continue the request; or
3. Deny the request.

Those who testify must be sworn in and state their name and address at the podium for the benefit of the Board's Clerk. All material presented must be given to the Clerk and will become part of the record. This Board can only accept sworn testimony. No hearsay evidence is admissible.

Clerk to the Board Sarah Pack swore in all those who wished to testify.

Shane Stewart, Assistant Planning and Development Director, presented the case on behalf of the County. He showed an aerial map of the site and said on January 20, 2023, Planning Staff issued a zoning permit for a 2,592 sf (36' x 72') "Residential Storage Facility" (storage building on a lot without a residence) on a 1.718-acre tract located at 915 Driftwood Trail, further referenced as Parcel ID 646A-084 (see enclosed zoning permit). On June 9, 2023, property owners Timothy and Donna Poole obtained a building permit for the structure and received their first inspection three (3) days later. In November, a concerned citizen visited the Planning Office and questioned the structure's zoning compliance. After a review, staff noticed the issued permit contained two (2) errors:

1. Based on a 1.71-acre lot per GIS, the maximum building size staff could approved administratively was 2,234 sf but permitted 2,592 sf (358 sf over). [Note a recent property survey revealed the lot size is actually 1.718 acres (which would allow 2,245 sf)

and the building size is 36.2' x 72.3' or 2,617 sf (372 sf over the administrative allowance)].

2. The side street setback indicated 10' but should have required 25'. Ten (10) foot is the minimum side street setback if a dwelling were on the property but otherwise must meet the same setback as for a dwelling (25').

On December 11th, staff contacted the Poole family and shared this information with them and the need to revoke the zoning permit and to cease further work on the building until the matter is resolved (see attached stop work order). Staff informed the Poole family of the two (2) necessary steps to address the matter:

1. Section 21-56(11) of the Zoning Ordinance provide the option of a special use permit when a residential storage facility will exceed the administrative allowance of 3% if the structure is 3,000 sf or less.
2. Section 21-332 of the Zoning Ordinance provide the option of a variance from the required side street setback since the reduction is less than 50% of the required amount. Mr. Abramson has also submitted a variance request on behalf of the Poole family that will be heard before the Board of Adjustment next month.

When the stop work order was issued, the building was nearly complete, lacking only facia covering, siding, five (5) doors, and a final inspection. The Poole family did request completion of these remaining items based on concerns from the unprotected components and obtaining insurance on the building, which staff permitted. The building does not contain plumbing or mechanical connections but does have an electrical connection.

On behalf of property owners Timothy and Donna Poole, Andy Abramson is requesting a special use permit to allow a 2,617-sf residential storage facility at 915 Driftwood Trail on Parcel ID 646A-084. The building will be used as personal storage for the Poole family. Residential storage facilities in the Residential Suburban (RS) zoning district are permitted subject compliance with the below seven (7) requirements. Structures which exceed three (3) percent of the lot size but are not more than three thousand (3,000) sf (criteria #3) may apply for a special use permit.

1. The parcel shall be in fee simple ownership. Property is owned by Timothy and Donna Poole.
2. Minimum lot size shall be the same as for a single-family residence. Minimum lot size for the RS district for properties outside watershed areas is 20,000 sf (.46 acres). Property is 1.71 acres.
3. The structure shall not exceed the lesser of three (3) percent of the lot size or three thousand (3,000) square feet. See sentence below criteria #7 for the special use permit option.

4. Setbacks shall be at a minimum the same as single family dwellings. Principal structure setbacks for the RS district are 50' front, 25' side street, 10' side, and 20' rear. The building complies with front, side, and rear setbacks but provides a variable side street setback with the nearest distance being 15.05' from the right of way edge per the survey. Mr. Abramson filed application for a ten (10) foot variance to this requirement, which will be considered by the Board of Adjustment next month.
5. No outdoor storage is allowed except as specifically provided otherwise. To knowledge, none proposed.
6. Storage of vehicles shall not be in the front yard. To knowledge, none proposed.
7. Outside lighting shall be designed to prevent direct glare on adjoining residences. To knowledge, this is not applicable.

Requests for residential storage facilities that exceed three (3) percent of the lot size referenced in subsection (c) but do not exceed three thousand (3,000) sq.ft. may be considered as a special use subject to the process outline in sections 21-57 through 21-59 if all other standards in this subsection are met.

East Area Land Use Plan

- Located in Area 2 – land adjacent to municipalities and High Rock Lake.
- Typically consists of low to medium density residential uses.

In addition to meeting the above standards, the applicant must illustrate compliance with the following criteria:

1. Adequate transportation access to the site exists. The existing driveway connects to Riverview Circle (SR 2214), a nineteen (19) foot paved public loop road currently serving ten (10) dwellings. The owners plan to construct a new driveway connecting to Driftwood Trail (SR 2216), also a nineteen (19) foot paved public road.
2. The use will not significantly detract from the character of the surrounding area. In 2002, the Zoning Ordinance was revised to recognize “residential storage facilities” as a land use category predominantly to provide storage alternatives for residentially developed lakefront properties with limited acreage to meet their needs on-site. The use was permitted subject to compliance with specific criteria and issuance of a special use permit from the Board of Commissioners (BOC). After processing thirty (30) separate requests between 2002 and 2018 for residential storage facilities – all of which were approved – , the BOC amended the ordinance to provide an administrative option of approval for structures having a square footage less than three (3) percent of the lot size. Since 2018, three (3) requests for residential storage facilities (including the current) have been submitted for special use consideration. A variety of building facades are used in the area including vinyl, which is the cladding type on the Poole’s structure.

3. Hazardous safety conditions will not result. The building will be used for personal storage only. The structure is current on all building code inspections and will be subject to a final building / electrical inspection.
4. The use will not generate significant noise, odor, glare, or dust. Since the structure is used for personal storage only, these impacts should be similar to that associated with a residence.
5. Excessive traffic or parking problems will not result. Same as #4.
6. Use will not create significant visual impacts for adjoining properties or passersby. The request comply with all administrative requirements less the size and side street setback. Additional square footage requested is only 372 sf over the administrative allowance. For lots containing a dwelling, side street / side / rear setbacks for accessory structures are ten (10) feet.

Mr. Stewart said letters were mailed to sixteen (16) property owners (within 100 feet of site and remaining owners along Riverview Circle). Approximately 1/3 of all storage facility special use permit requests are located along the Crane Cove section of High Rock Lake – predominantly in the Anchor Downs and Waters Edge subdivisions but would be the first in Driftwood Cove. This request is consistent with others approved and slightly over the administrative allowance.

At 3:39 p.m. Chairman Edds opened the floor for testimony.

Andy Abramson, 225 North Main Street, Salisbury, is the applicant on behalf of the property owners. The Poole family is pleased with the cooperation of the Planning staff. Mr. Abramson said there are many storage buildings in the area that were approved through special use permits. When this application was presented initially, it was approved. Had the Pooles known a special use permit was required, they would have applied for one. This building will be used strictly for personal use. There is no commercial intent. He offered into evidence the slideshow presentation by Mr. Stewart (attached as an addendum to these minutes as Exhibit 1) and his own slideshow presentation (attached as an addendum to these minutes as Exhibit 2). He referenced the findings of fact and said the property is on a public road and the structure would be for personal use. There will be no traffic increase. It will not significantly detract from the character of the surrounding area, particularly since many similar buildings have been approved by special use permit. One of the goals of this building is to provide an enclosure for personal items to prevent them from sitting in the yard. There will be no hazardous impacts to the area. There will be no significant noise, odor, or glare. There will not be excessive parking issues or traffic. There will be no significant visual impacts. Adjoining property values will not be impacted. He presented an affidavit from John Thomas Bost (attached as an addendum to these minutes as Exhibit 3) who is a licensed real estate broker. The Pooles are confident that the merits of this project warrant approval.

Timothy and Donna Poole, 240 Knollwood Drive, are the property owners and were available to answer questions.

Commissioner Klusman asked if the Pooles are satisfied with the homes in surrounding area. Mr. Poole explained septic issues in the area that prevented a building from being put on their other property.

Ricky Johnson, 256 Riverview Circle, Salisbury, is two houses down from the property. He has no issue with the building and said it looks more presentable than some other properties in the area.

Billy Woodie, 255 Knollwood Drive, Salisbury, said he had inquired about the property years ago when it was for sale. He contacted the Planning Department by phone with plans to build a residential garage under 1,000 square feet. He was told he could not have a structure on the property without a house also being built. He didn't need a house as he already lived at a neighboring property. He was told to look at restrictions on the development, which support what he was told by Planning staff. He noticed this building being built and it appears to be a commercial building. The difference in commercial and residential buildings is size. The garage doors on the building are commercial-style. He is also concerned about the setbacks. He spoke again to Planning staff. He is worried about property value and what the building may become. It is a big building to be used for residential storage. It's an eyesore to the development. The Driftwood Cove restrictions don't allow a building without a home. He questioned what a commercial building would be if this building isn't considered to be one. He plans to pass his home to his children and worries about the tax value. People have overlooked the laws that protect the development when building this building. The special use permit should only be issued if there was a mistake. Mr. Poole built the building, so he had the knowledge to do it right. He questioned if Mr. Poole was simply asking for forgiveness after building the structure how he wanted. He asked why there are laws and processes if they aren't followed. No one from the Planning Department follows up after permits are issued. Building inspectors should be in touch with the permitting office. This would prevent mistakes. The building has already been built, but he questions what it will be used for both now and in the future. He said people trust the commissioners; he asked the Board to find out where mistakes were made.

Chairman Edds asked if it matters how large the building is or if the usage is what matters. Mr. Stewart said the Board is only considering size. There is no correlation between square footage and use. Mr. Stewart said the Planning Department made the error, not the Pooles. The Permit was issued in error. Chairman Edds clarified that the size of the doors doesn't matter. Mr. Stewart explained the right of way and setback and how it relates to the road. Chairman Edds asked how the foundation survey got approved when the setback was wrong. Mr. Stewart said the permit itself had incorrect information on it.

Chairman Edds said people want to be sure this will not be a commercial building. Mr. Abramson said the intent from day 1 was for the building to be for personal use. The owners are retired and need a place to house personal belongings. They would need a new permit if they wanted to use it for commercial purposes. The current permit doesn't allow for commercial use. The large doors are to accommodate for a pontoon boat on a trailer. The Pooles do not want to use the building for commercial purposes. Ordinances are rules and laws, and they provide for

special use permits. The Pooles have spent a significant amount of money on this structure and the structure enhances the neighborhood.

Commissioner Klusman asked what will be housed in the building other than the boat. Mr. Poole said a skidsteer with a backhoe attachment, a tractor, and other implements will go in the building. There are multiple doors in order to access these items.

Chairman Edds asked Mr. Stewart if he had any knowledge of Mr. Woodie's situation where he was told that he couldn't put a building on land without a house. Mr. Stewart said he has no knowledge of the situation. He believes this has been standard since 2002.

Chairman Edds closed the floor at 4:08 p.m.

Commissioner Pierce apologized to Mr. Woodie on behalf of the County. He said that sometimes people make mistakes and we must move on. The applicants have assured the Board that they will not use the building for a commercial use. Any change in use would require an additional permit.

Mr. Woodie approached the podium and asked who issues the permits. The Planning Board has made many mistakes on this permit. He would be looking at Mr. Muire to see how often errors are made. This is a big concern. He is concerned about the Planning Board and Zoning Board; there is no collaboration. Permits are issued and inspections are not completed. Chairman Edds asked Mr. Woodie how he personally would handle this case. Mr. Woodie said he would evaluate how often this has happened and said the building should be torn down because it was built illegally, but that may not be the right thing to do. It's better to ask forgiveness than permission. He feels that the Planning Board and inspections should work together.

Commissioner Klusman asked if a survey was completed and Mr. Stewart said yes, after the structure was built. Commissioner Klusman asked where the center of the road was and Mr. Stewart referenced slide 9 of Exhibit 1. Commissioner Klusman shared an anecdote regarding a road put in the wrong place.

Vice-Chairman Greene apologized to Mr. Woodie and said he understands the Poole's situation.

Chairman Edds apologized as well and said this is why the Board prays for wisdom. The Board has to rely on so many people who are subject matter experts. Every meeting, the Board deals with the Planning Department and trusts them implicitly. They may make mistakes, but this is the first one they've seen since 2014. The Board has no jurisdiction over neighborhood restrictions.

On motion of Greene, seconded by Pierce, the Board voted 5-0 to approve the following Finding of Fact:

- 1. The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety.*

- a. *FACT: The proposed structure is subject to compliance with applicable building code standards.*
- b. *FACT: Zoning and building permits issued for the structure only allow residential storage; no commercial business operations are allowed.*

On motion of Greene, seconded by Pierce, the Board voted 5-0 to approve the following Finding of Fact:

2. *That the development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property, or that the development is a public necessity.*
 - a. *FACT: Licensed real estate broker John Thomas Bost submitted a sworn affidavit stating that, in his opinion, the storage building will have no adverse economic impact on surrounding real estate property values.*

On motion of Greene, seconded by Pierce, the Board voted 5-0 to approve the following Finding of Fact:

3. *That the location and character of the development in accordance with the proposed conditions will be in general harmony with the area in which it is located and in general conformity with any adopted county plans.*
 - a. *FACT: According to the staff report, since 2002, thirty-two special use permits have been approved for residential storage facilities, one third of which are near High Rock Lake.*
 - b. *FACT: This request is 372 square feet over the administrative allowance but under the 3,000 square foot maximum for a special use permit.*
 - c. *FACT: A variety of building facades are used in the area including vinyl, the type of material used on the owner's building.*

On motion of Greene, seconded by Pierce, the Board voted 5-0 to approve SUP 01-24.

On motion of Greene, seconded by Pierce, the Board voted to amend the motion to approve SUP 01-24 with the following condition:

1. *The approval is subject to the required side street setback variance.*

Board Appointments

On motion of Pierce, seconded by Greene, the Board voted 5-0 to appoint Kimberly Bartleson to the Private Sector Seat on the Centralina Workforce Development Board, to appoint Greg Edds to the Public Sector Seat on the Centralina Economic Development District, to appoint Rod Crider to the Private Sector Seat on the Centralina Economic Development District, to appoint Jenny Salyers to the At Large Seat on the Dangerous Dog Appeals Board, to appoint Mitchell Rousey to the County Seat on the Enochville Volunteer Fire Department Fire Commissioners Board, to appoint Rodney Arey to the County Seat on the Liberty Volunteer Fire Department Fire Commissioners Board, and to appoint Karla Gray to the At Large Seat on the Therapeutic Recreation Board,

On motion of Edds, seconded by Pierce, the Board voted 5-0 to appoint Tyler Wiethorn to the At Large Seat on the Planning Board.

Commissioner Klusman offered her resignation from the Social Services Board effective immediately.

On motion of Klusman, seconded by Pierce, the Board voted 5-0 to accept Commissioner Klusman's resignation from the Social Services Board.

Commissioner Klusman nominated Commissioner Caskey to serve in the now-vacant County Seat on the Social Services Board.

On motion of Klusman, seconded by Pierce, the Board voted 5-0 to appoint Mike Caskey to the County Seat on the Social Services Board.

Adjournment

At 4:28 p.m., on motion of Pierce, seconded by Greene, the Board voted 5-0 to adjourn.

Sarah Pack, NCCCC
Clerk to the Board

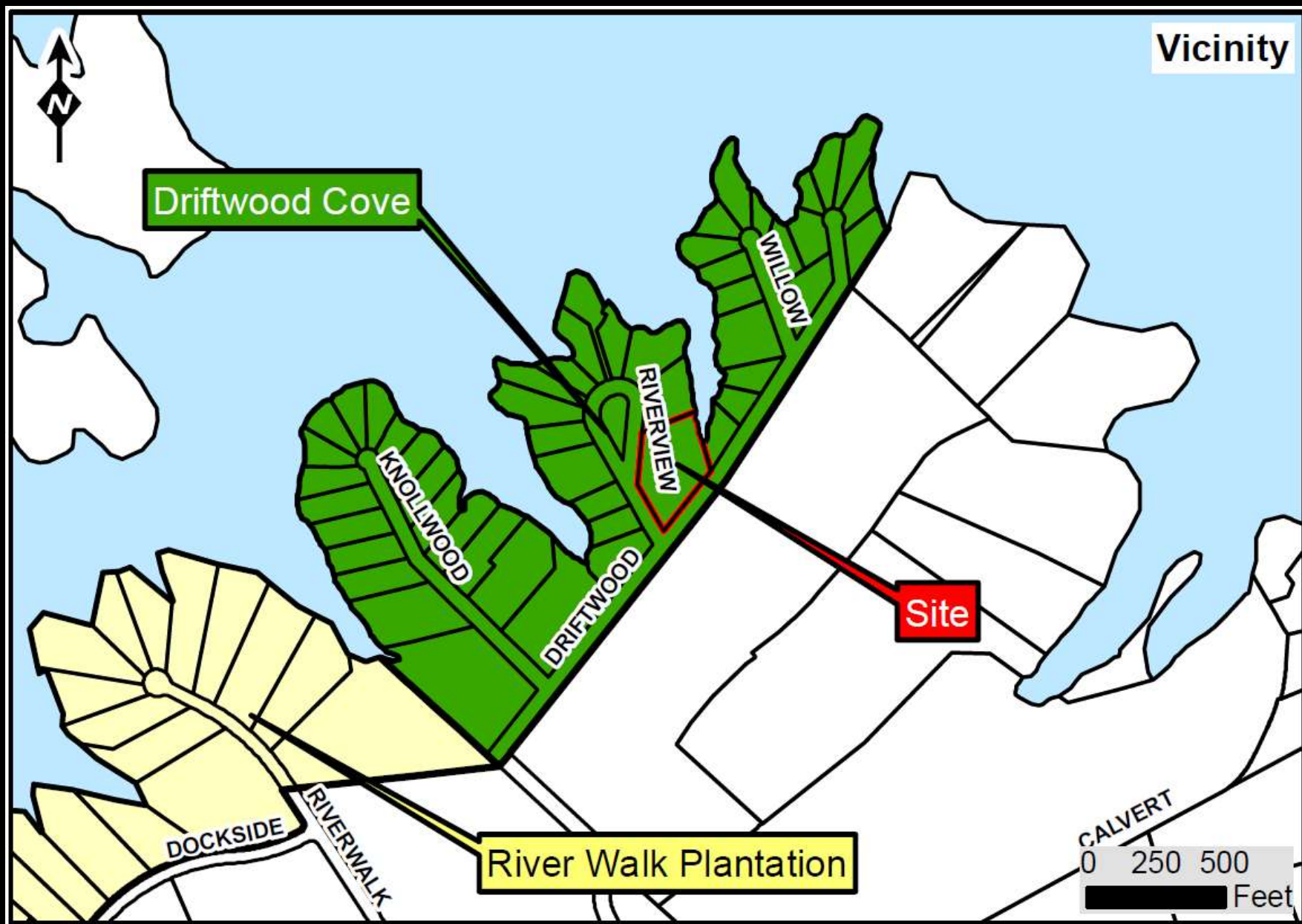
Quasi-judicial Hearing SUP 01-24



MARCH 4, 2024

Owner: Timothy and Donna Poole
Applicant: Andy Abramson

Location: 915 Driftwood Trl.
Tax Parcel: 646A-084







Rowan County Planning & Development Department

402 North Main Street, Suite 204, Salisbury, NC 28144

Phone: (704) 216-8588 Fax: (704) 638-3130

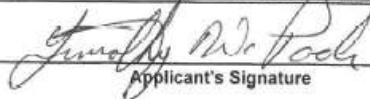
<http://www.rowancountync.gov>

ZONING PERMIT

Plan Case # ZP-019213-2023	Parcel ID 646A084	Project	Application Date 01/20/2023
Proposed Use Accessory Structure	Previous Use Vacant	Sq. Ft. 2,592	Physical Address 280 Riverview Cir Salisbury, NC 28146 <i>915 Driftwood Trail</i>
Applicant Timothy & Donna Poole	Address PO BOX 875 Granite Quarry, NC 28072	Phone 704-202-2751	Principle Structure Setbacks Front Side Street Side Rear
Owner Timothy & Donna Poole	Address PO BOX 875 Granite Quarry, NC 28072	Phone 704-202-2751	Accessory Structure Setbacks Front 50 Side Street 10 Side 10 Rear 10
Contractor Timothy & Donna Poole	Address PO BOX 875 Granite Quarry, NC 28072	Phone 704-202-2751	Issued by: Becky Bost
Zoning District RS	Overlay District	Flood Zone x	Updated by & Date:
Lot Size 1.71	Subdivision DRIFTWOOD COVE	Water Supply	FIRM Panel
Scwage Disposal			

Additional Requirements / Comments:
2592 sq. ft. storage building for personal use; see site location on attached map

I hereby certify that I am aware of and will comply with the conditions indicated on this permit, the approved site plan (if any), an applicable provisions of the Zoning Ordinance. Structures or land authorized by this permit will only be used or occupied in compliance with permit conditions. Furthermore, I understand that any changes made to this project may require additional approvals and that a building permit may also be necessary for project approval. This permit remains valid if the work authorized the permit commences within one (1) year of the issuance date and all other required permits are obtained.

 Applicant's Signature	<u>1-20-23</u> Date
<u>Rebecca Bost, Permit Technician</u> Authorized Zoning Signature	<u>01/20/2023</u> Date



Rowan County Building Inspections Department PERMIT APPLICATION

402 North Main St. Suite 207, Salisbury • Phone: 704.216.8619

☐ Single Family ☐ Two Family ☐ Commercial ☐ Mobile Home ☐ Modular

Company OR Applicant's Name: Timothy W Poole

Date: 5-09-23

Company OR Applicant's Phone: 704-202-2751

Job Site Address: 915 Driftwood Trail Salisbury 28146

Property Owner's Phone: 704-202-2751

Property Owner: Timothy W & Donna V Poole

Property Owner's Email: donna.v.poole@carolina-rr.com

Directions to Job Site (REQUIRED): (from 402 N Main St) Take 57 to Long St - Left on Long to Brimble Ferry Right on Brimble Ferry to Clark Road - Left on Clark to Driftwood Trail - Property is on corner of Driftwood & Brimble Ferry Circle

BUILDING PERMIT

Type of Work: ☒ New ☐ Addition ☐ Renovation ☐ Accessory ☐ Other

Proposed Use: Storage of Equipment Type of Construction ☐ IA ☐ IB ☐ IIA ☐ IIB ☐ IIIA ☐ IIIB ☐ IV ☒ V ☒ V-B

Description of Work: 36 X 72 STORAGE BUILDING

Commercial:

Building Area (sq. ft.): _____

(Includes heated, unheated, exterior covered
porches, etc.) OR

Project Area (sq. ft.): _____

(If project is partial renovation or addition)

Number of Stories: _____

Sprinklers: ☐ NFPA13 ☐ NFPA13R / D

Multi-family No. Units: _____

Residential:

No. Bedrooms: _____ No. Fireplaces: _____

Basement (sq. ft.): _____

1st Floor (sq. ft.): 2592 sf

2nd Floor (sq. ft.): _____

Porch/Deck (sq. ft.): _____

Attached Garage/Carport (sq. ft.): _____

TOTAL (sq. ft.): 2592 sf

DETACHED Garage/Carport (sq. ft.): _____

Manufactured Home: ☐ SW ☐ DW ☐ TW

Make: _____ Year: _____

VIN: _____

Park: _____

No. Bedrooms: _____ Total (sq. ft.): _____

Other:

Signs: ☐ No, _____

Piers/Decks (sq. ft.): _____

Pool (sq. ft.): _____ Value: _____

Total Project Cost \$ 75,000

Building Permit Fee \$ 188

Plumbing:

[Mark Number of Each Fixture/Connection]

New Water /Sewer Connection: ☐ Yes ☒ No

Commodities

Laundry

Bathrooms

Showers

Sinks

Washing Machines

Dishwashers

Disposals

Floor Drains

Water Heater - Elec

Water Heater - Gas

Water/Sewer Service

Water/Sewer Connections

Bidets

Urinals

Other: _____

Description of Work: _____

Plumbing Permit: _____

Plumb Permit Fee \$ _____

Mechanical:

Gas: ☐ Yes ☐ No Gas Company: (REQUIRED) _____

Gas Connects/Appliances: _____

BTUs: _____

Air Tons: _____

Number of Units: Split Units: _____

Package Units: _____

Gas Pac Units: _____

Description of Work: _____

Mechanical Permit: _____

Cond. Gas Permit: _____

Mech Permit Fee \$ _____

Electrical:

Power Company: (REQUIRED) Duke Energy

New Service: Amperage: 200 Voltage: 240

Phase: ☒ Single ☐ 3 Phase

Is this a RECONNECT? ☐ Yes ☒ No

Change of Service: ☐ Yes ☒ No If Change of Service, Amperage from _____ to _____ Change of Phase: ☐ Yes ☐ No

Builder's Service: ☒ Yes ☐ No ☐ Swimming Pool

Low Voltage

SOLAR PV KVA (REQUIRED) _____

Description of Work: Wire Building

Elect: 104099

Bldr Srv: _____

Cond: _____

Elect Permit Fee \$ 150

Total Permit Fee \$ 338

I hereby certify that all information in this application is correct and all work will comply with the State Building Code and all other applicable State and local laws, ordinances, and regulations. The Rowan County Building Code Enforcement Office will be notified of any changes in the approved plans and specifications for the project permitted herein.

I confirm I am the holder of a North Carolina Contractor's License in accordance with North Carolina General States 87-1, 87-21, 87-43 and/or 87-57, in the trade shown below. I confirm I am the contractor of record of the work described on this application. Therefore, I agree to comply with all applicable State and Local laws and ordinances regulating the work.

LICENSED CONTRACTOR INFORMATION

General or MH Set Up: _____ Phone: _____ Lic: _____

Email: _____ Print Name: _____

Addr.: _____ Signature: _____

Plumbing: _____ Phone: _____ Lic: _____

Email: _____ Print Name: _____

Addr.: _____ Signature: _____

Mechanical: _____ Phone: _____ Lic: _____

Email: _____ Print Name: _____

Addr.: _____ Signature: _____

Electrical: _____ Phone: _____ Lic: _____

Email: _____ Print Name: _____

Addr.: _____ Signature: _____

Unlicensed GC: _____ Phone: _____ ☐ Contract < \$30,000

Email: _____ Print Name: _____

Addr.: _____ Signature: _____ Date: _____

By signing, I confirm that this my contract for this permitted work is less than \$30,000, the work is general construction only, and that the property owner is aware that I am an unlicensed contractor acting under NCGS 87-14, exemption for projects less than \$30,000.

Owner acting as Trade Contractor (☐ Plumbing, ☐ Mechanical, ☒ Electrical): ☒ Personal Residence ☐ Firm/Corp.

Phone: 704-202-2751

Email: donna.v.poole@carolina-rr.com

Print Name: Timothy W Poole

Addr: P.O. Box 875, Granite Quarry NC 28072

Signature: Timothy W Poole Date: 6-9-23







Rowan County Department of Planning & Development
402 North Main Street – Suite 204 – Salisbury, NC 28144
Phone: (704) 216-8588 rowancountync.gov/planning

December 11, 2023

Certified and 1st Class

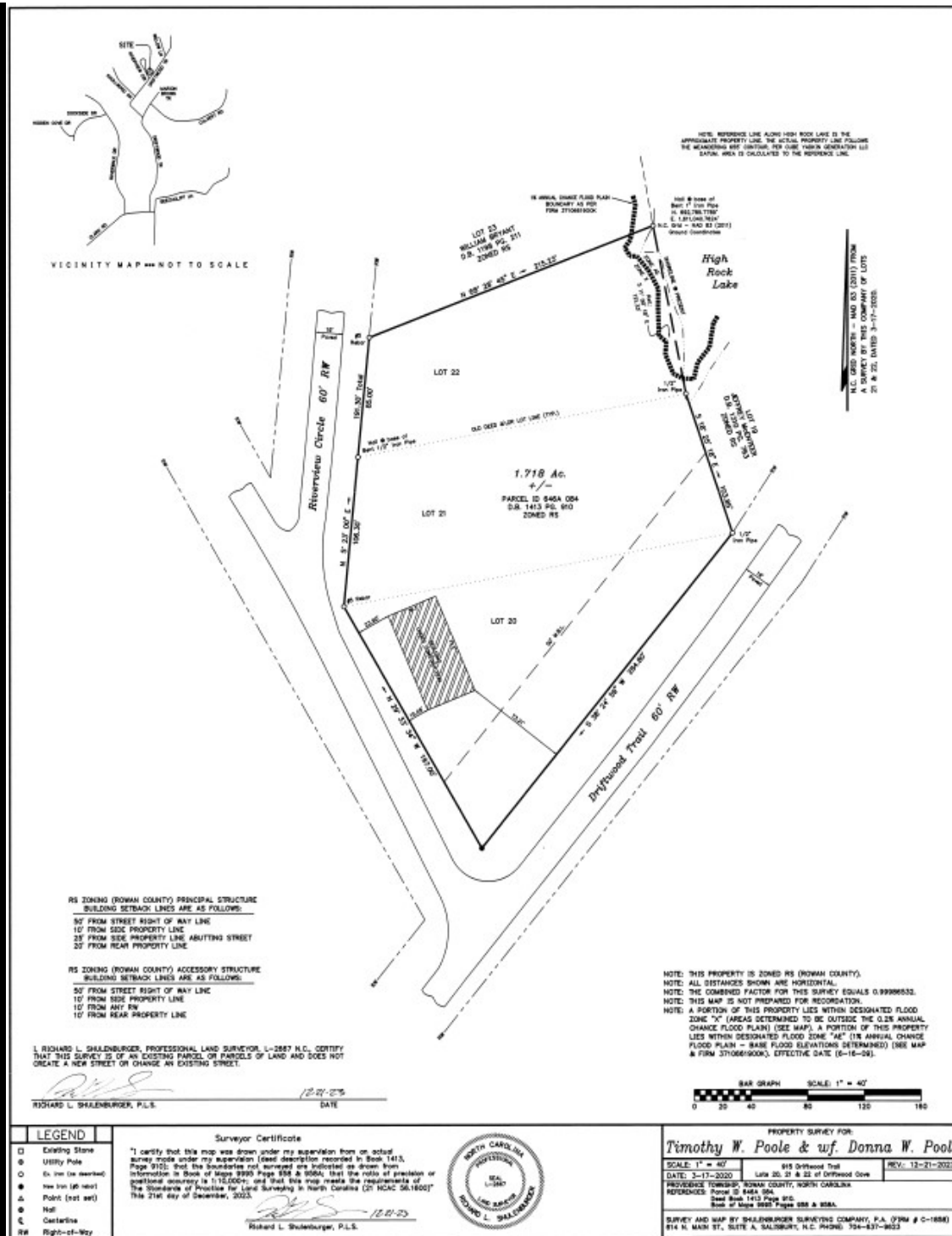
Mr. Timothy and Mrs. Donna Poole
PO Box 875
Granite Quarry, NC 28072

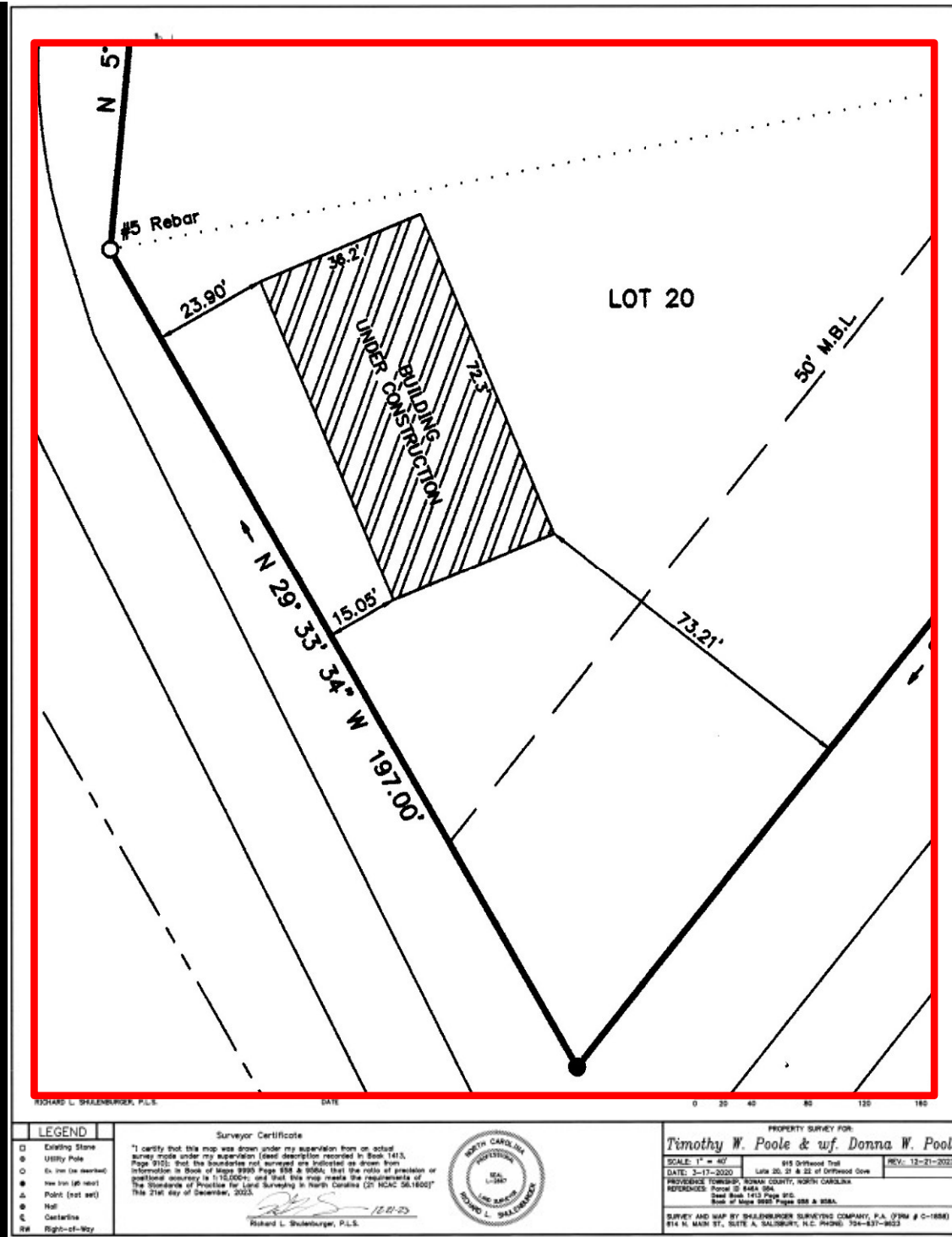
Re: **Zoning Permit Revocation / Stop Work Order**
915 Driftwood Trl. Salisbury
Tax Parcel 646A-084

Mr. and Mrs. Poole:

Our office received a verbal inquiry from a concerned citizen regarding construction at 915 Driftwood Trail Salisbury on Tax Parcel 646A-084 and alleged violations of the Rowan County Zoning Ordinance (hereinafter, "ordinance") pertaining to the structure use and setbacks. Planning staff researched zoning permits issued for this property and noted permit ZP-019213-2023 issued on January 20, 2023 for a storage building for personal use (i.e. not for business use). Section 21-4 of the ordinance defines an "accessory structure" without a residence on the property as a *"Residential Storage Facility - an off-premises building classified as the principle structure on a lot, used for the storage of personal property and used in association with an owners residence or current tenant or lessee of the residence. This building is not intended for uses other than storage of personal vehicles, goods or materials"*. Furthermore, section 21-56(11) of the ordinance identifies criteria (a) through (g)

- a. The parcel shall be in fee simple ownership.*
- b. Minimum lot size shall be the same as for a single-family residence.*
- c. The structure shall not exceed the lesser of three (3) percent of the lot size or three thousand (3,000) square feet.*
- d. Setbacks shall be at a minimum the same as single family dwellings.*
- e. No outdoor storage is allowed except as specifically provided otherwise.*
- f. Storage of vehicles shall not be in the front yard.*
- g. Outside lighting shall be designed to prevent direct glare on adjoining residences.*





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2. Minimum lot size shall be the same as for a single-family residence.
3. The structure shall not exceed the lesser of three (3) percent of the lot size or three thousand (3,000) square feet.
4. Setbacks shall be at a minimum the same as single family dwellings.
5. No outdoor storage is allowed except as specifically provided otherwise.
6. Storage of vehicles shall not be in the front yard.
7. Outside lighting shall be designed to prevent direct glare on adjoining residences.

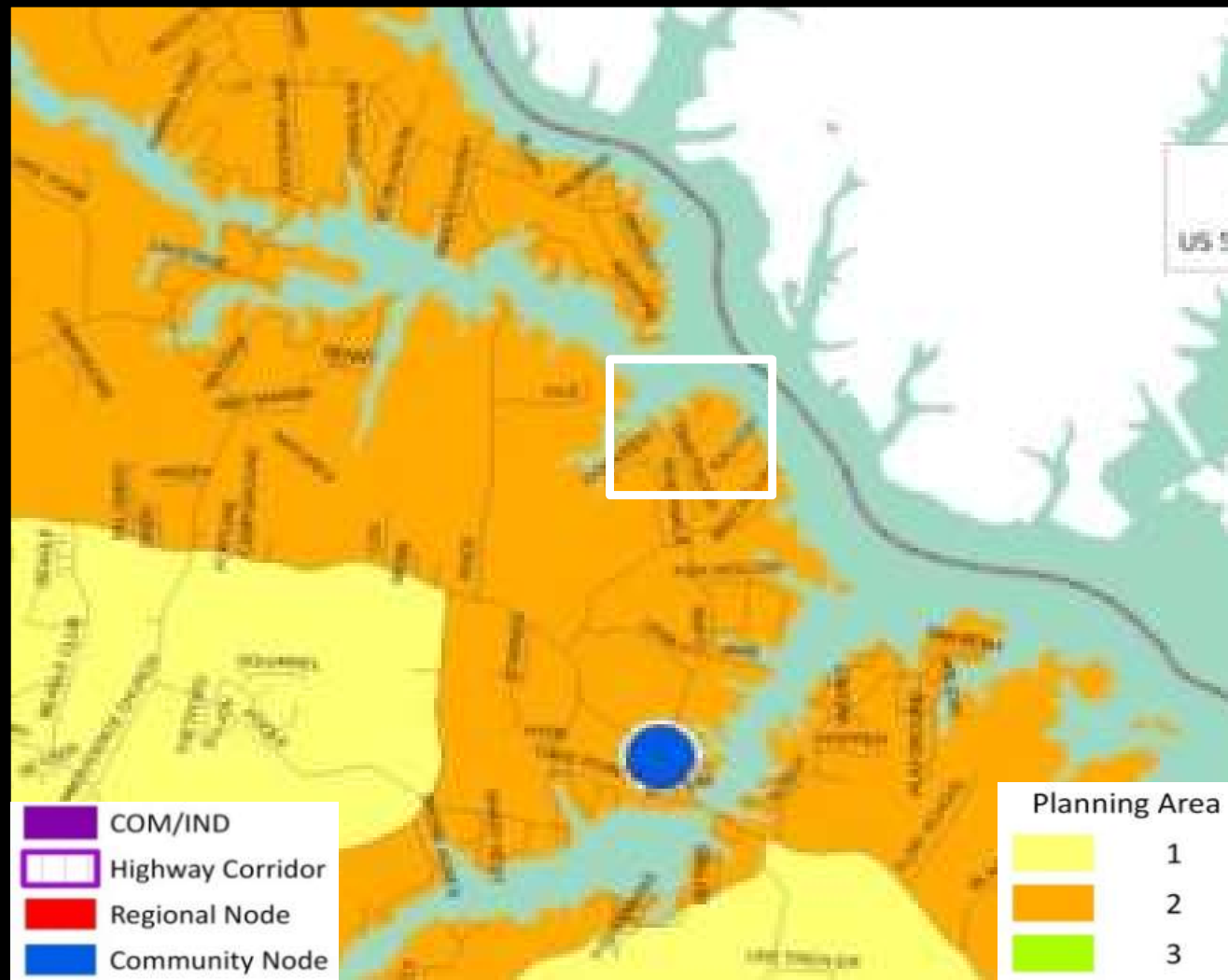
Requests for residential storage facilities that exceed three (3) percent of the lot size referenced in subsection (c) **but do not exceed three thousand (3,000) sq. ft.** may be considered as a special use subject to the process outline in sections 21-57 through 21-59 if all other standards in this subsection are met.











- Area 2 – Land adjacent to municipal and High Rock Lake
- Typically consists of low to medium density residential uses

1. Adequate transportation access to the site exists.
2. The use will not significantly detract from the character of the surrounding area.
3. Hazardous safety conditions will not result.
4. The use will not generate significant noise, odor, glare, or dust.
5. Excessive traffic or parking problems will not result.
6. Use will not create significant visual impacts for adjoining properties or passersby.



NOTICE OF HEARING

To: Adjoining Property Owner
From: Rowan County Planning Department
Date: February 21, 2024
Subject: SUP 01-24: Timothy and Donna Poole

The Rowan County Board of Commissioners will conduct a quasi-judicial hearing on Monday, March 4, 2024, beginning at 3:00 PM in the J. Newton Cohen Sr. Room on the 2nd Floor of the J. Newton Cohen Sr. Rowan County Administration Building located at 130 W. Innes St. Salisbury, NC to consider the following application:

SUP 01-24: Timothy and Donna Poole are requesting a special use permit in accordance with section 21-56(11) of the Zoning Ordinance for a residential storage facility (personal use storage building) having a square footage that exceeds three (3) percent of the lot size on their property located at 915 Driftwood Trail referenced as Parcel ID 646A-084.

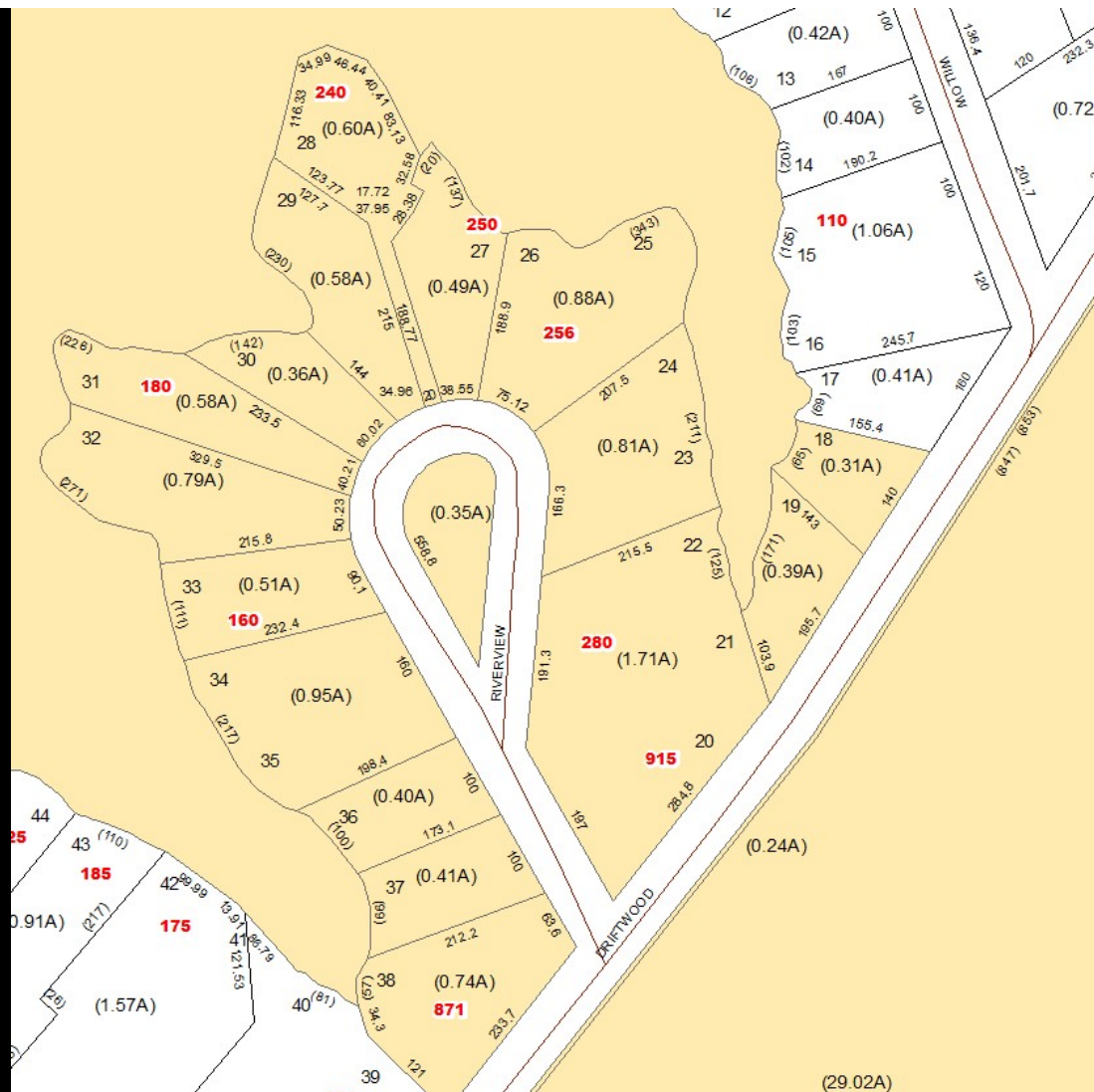
Significant change to this application may occur based on comments or information received during the hearing.

Be advised that SUP 01-24 is an evidentiary hearing based on sworn testimony provided by individuals able to demonstrate a clear and distinct connection to or potential damage from the matter being considered. For more information about meeting procedures, contact planning staff at the above listed number.

To request a copy of the application, contact the Rowan County Planning Department at the above website, at (704) 216-8588, or visit <https://rowancountync.portal.civicclerk.com/> (uploaded by 2:00 PM on February 28).

Individuals with disabilities who need modifications to access the services or public meetings of Rowan County Government should contact the Rowan County Planning Department three days prior to the meeting by calling (704) 216-8588 or by utilizing the North Carolina relay number at 1-800-735-2962 (English) or 1-888-825-6570 (Spanish). For additional communication options consult: <https://relaync.com>.

This information is available in Spanish or any other language upon request.
Esta información está disponible en español o cualquier otra lengua a petición.



Notice: 2/21 – Letters Mailed and Sign Posted

Procedures

- ✓ **MOTION TO ADOPT FINDINGS OF FACT**
 - **SIX SEPARATE MOTIONS FOR EVALUATION CRITERIA (IF NECESSARY)**
 - ✓ - **THREE SEPARATE MOTIONS FINDINGS OF FACT (SEE PROCEDURAL CHECKLIST / STAFF EXAMPLE FINDINGS)**
- ✓ **APPROVE / DENY / TABLE SUP 01-24 INCLUDING ANY CONDITIONS**
 1. **Subject to required side street setback variance**















AFFIDAVIT OF JOHN THOMAS BOST

I, John Thomas Bost, being first duly sworn, depose and testify as follows:

1. That I am over 18 years of age, have personal knowledge of the testimony hereafter, and am otherwise competent to testify to material herein.
2. That I am a licensed Real Estate Broker and have been for over 12 years and have been a real estate developer for over 25 years.
3. That part of the work I perform as a licensed real estate broker is rendering Broker Opinions of Value with respect to real property and have done so dozens of times in my career.
4. That I was requested to assess 915 Driftwood Trail, Salisbury, North Carolina, 28146 ("subject property") and the potential economic impact on surrounding properties resulting from a storage building on the subject property.
5. That the site visit took place on January 16, 2024, and a very nice, near completed newly constructed storage building was observed.
6. That during the site visit, numerous other storage buildings were observed, including two very large storage buildings directly across from the subject property and a shipping container being used for storage on a neighboring property.
7. The storage facility on the subject property is, aesthetically speaking, the nicest storage building in the immediate vicinity.
8. That based on my experience as a real estate broker and developer, it is my opinion that the storage building on the subject property, will have no adverse economic impact on the surrounding real estate property values.

This the 17th day of January, 2024.

John Thomas Bost
John Thomas Bost, Affiant

SWORN AND SUBSCRIBED to before me this the 17th day of January, 2024.

Brittany Trujillo
NOTARY PUBLIC

My Commission Expires: 8-22-2028

SEAL

