



AGENDA

DAVIDSON COUNTY BOARD OF ADJUSTMENT

Thursday, June 17, 2021

6:00 PM

Commissioners' Meeting Room
913 Greensboro Street
Lexington, NC 27292

1. CALL TO ORDER

2. ADOPTION OF AGENDA

3. APPROVAL OF MINUTES

- A. Approval of May 20, 2021 Board of Adjustment Meeting Minutes

4. PUBLIC HEARINGS

- A. OLD BUSINESS: Request by Ryan and Amanda Pope for a Special Use Permit, Class B, to operate a Recreational Facility, Commercial Outdoor, in a RA-2, Rural Agricultural District.
- B. Request by Brian and Rita Gilmore for a Variance to the side yard setback in a RA-1, Rural Agricultural District.

5. NEW BUSINESS

6. ADJOURN



DAVIDSON COUNTY AGENDA ITEM

TO: BOARD OF ADJUSTMENT

DEPARTMENT: Planning and Zoning

PREPARED BY: Lynn Wilson

TITLE: CALL TO ORDER

BACKGROUND:

RECOMMENDATION(S):

Attachments



DAVIDSON COUNTY AGENDA ITEM

TO: BOARD OF ADJUSTMENT

DEPARTMENT: Planning and Zoning

PREPARED BY: Lynn Wilson

TITLE: Adoption of Agenda

BACKGROUND:

RECOMMENDATION(S):

Attachments



DAVIDSON COUNTY AGENDA ITEM

TO: BOARD OF ADJUSTMENT

DEPARTMENT: Planning and Zoning

PREPARED BY: Lynn Wilson

TITLE: Approval of May 20, 2021 Board of Adjustment Meeting Minutes

BACKGROUND:

Attached for your review and consideration are Minutes from the May 20, 2021 Board of Adjustment Meeting.

RECOMMENDATION(S):

Approve or revise and approve.

Attachments

May 20, 2021 Board of Adjustment Meeting Minutes

Minutes of the Board of Adjustment Meeting Davidson County, North Carolina

Thursday, May 20, 2021
6:00 PM

Commissioners' Meeting Room
County of Davidson

PRESENT

Board Members: Chairman Kenny Meredith, Vice-Chairman Tim Temple, Jim Boggs, Scotty Morris, and Ron Russell.

OTHERS PRESENT

Senior Assistant County Attorney Mike Newby, Deputy Clerk to the Board of Commissioners Lynn Wilson, Planning Director Scott Leonard, Zoning Administrator Lee Crook, and Zoning Officers Josh Tussey and Travis Swain. Also present were Phillip Little, Lisa Little, Robert Walters, Bit Holton, Bill Stockman, Tim Ragan, Claudia Dean, Ryan Pope, David Barlekamp, Timothy Miller, Lyle Loflin, Pamela Moore, and Gerald Miller.

1. CALL TO ORDER

Chairman Meredith called the meeting to order. He noted the absence of Alternate Board Member Gary Hill.

2. ADOPTION OF AGENDA

Mr. Russell moved, seconded by Mr. Morris, to adopt the Agenda as presented. The motion carried unanimously (5-0).

VOTING

Motion by: Russell, Ronald A.

Second by: Morris, Scott

Board Members	YES	NO	ABSTAIN	RECUSE
Kenny Meredith	X			
Tim Temple	X			
James Boggs	X			
Scotty Morris	X			
Ronald A. Russell	X			

3. APPROVAL OF MINUTES

A. Approval of March 18, 2021 Board of Adjustment Meeting Minutes

Mr. Russell moved, seconded by Mr. Boggs, to approve the March 18, 2021 Minutes of the Board of Adjustment Meeting. The motion carried unanimously (5-0).

VOTING

Motion by: Russell, Ronald A.

Second by: Boggs, James

Board Members	YES	NO	ABSTAIN	RECUSE
Kenny Meredith	X			
Tim Temple	X			
James Boggs	X			

Scott Morris	X			
Ronald A. Russell	X			

4. PUBLIC HEARINGS

A. Request by Lisa Annette Little for a Variance to the side yard setback in a RA-1, Rural Agricultural District.

Mr. Crook reported this request by Lisa Annette Little for a Variance to the side yard setback in a RA-1, Rural Agricultural District. Said property is located on the east side of Pinehaven Drive approximately 0.56 miles north of the Fourth Avenue intersection and having an address of 3534 Pinehaven Drive. Said property is further described as Alleghany Township, Tax Map 19B, Lot 1043, containing approximately 0.17 acres, more or less.

Staff presented the Board with a Memorandum addressed to Scott Leonard and Lee Crook from Assistant County Attorney Mike Newby, dated May 17, 2021, various photos of the property and surrounding properties, as well as a copy of the building plans for the structure. A copy of these documents is included with the original Minutes.

Mr. Tussey noted the location and address of the property on the GIS map. He stated that the lot is smaller and is legal and nonconforming. Mr. Tussey noted photos of Ms. Little's property as well as neighboring properties. He stated that Ms. Little is seeking a 3.5' variance to the front yard setback and a 5' variance to the side yard setbacks. Mr. Tussey noted a rough draft of the floor plan.

Phillip Little, first being duly sworn, reported that he is Ms. Little's brother and her contractor. He noted that Ms. Little wants to build her forever home, that this is not a vacation home; but will be her full-time residence. According to the building plans the box of the structure will need to be 40' x 100' and 100% handicapped accessible. Ms. Little will be her mother's primary caregiver. Mr. Little is requesting a front yard variance to build the garage adequate in size to house Ms. Little's boat with a 38-foot trailer, car, and watercrafts. The house will not have a septic system, they will utilize Handy Sanitary.

Mr. Crook, first being duly sworn, reported that there will be a 10' unenclosed deck and the footprint complies with the rear setback.

Lisa Little of 3534 Pinehaven Drive, first being duly sworn, reported that she will be the primary caregiver for her 78-year-old mother who is handicapped and will eventually have an oxygen tank; therefore, she would like for her home to be accessible to her mother.

Mr. Tussey, first being duly sworn, stated that the residence to the north of Ms. Little's was legal non-conforming with respect to its size and location and that it is only five to six feet off of the property line and is 20' from the front property line. He reported that there is a mobile home across the street that is also very close to its front property line.

Mr. Newby advised the Board that normally variances are for the land and in this case where it is based upon a disability, it would be regarding the landowner but here it is not. The reasonable accommodation sought is not for the landowner but involves her ability to look after a person who has the disability. With ADA matters, the Court will consider whether the accommodation sought is reasonable and if the entity which has been requested to allow the accommodation is being flexible within what they can do. Mr. Newby noted that the Board has to understand and question whether the applicant is looking after someone and is this reason enough to allow a variance so that the applicant would be able to look after them. The Board should consider whether this variance allows the person with the disability to live the way someone that does not have the disability can live.

Mr. Crook reported that Staff administratively reduced the front setback to 20' as allowed by Section IV.4 of the Davidson County Zoning Ordinance; however, the Applicant requests an additional 3.5' Variance from that leaving 16.44' for a front setback. The applicant is also requesting a 5' variance to the side yard setbacks. Staff feels that there is nothing unique or singular about this lot as compared to others similarly located. While the requested building size of 40 x 100 feet seems excessive, the supplied site plan shows only 58% (2,200 sq. ft) of that area will be used for habitation. The remaining space is open decking on the lake side of the property and a 3-bay garage on the road side of the property. Mr. Crook noted that the applicant reports that two adults wish to reside in the residence, one of which needs accommodations due to being handicapped and they will need to be on one floor at garage level resulting in the need for the Variance. Upon adopting the new zoning General Statute Chapter 160D, the NC General Assembly added accommodations for handicapped individuals as a reason to grant a Variance. Variances can now be based on reasonable accommodations for a handicapped person without the prior traditional factors i.e. topographic hardship, septic location, etc. Mr. Crook stated that Staff supports the proposed Variance to the side yard setbacks; however, Staff questions the need for the front yard setback and feels that meeting the already reduced 20' setback would be more in harmony with the existing development in the area.

Chairman Meredith inquired if there were any persons present who would like to speak in favor of or in opposition to the Applicant's Variance. Having hearing no further testimony or evidence, the Board makes the following findings:

Chairman Meredith stated that the lot is not singular or unique in size and shape but that all lots are small and odd shaped in that area. Mr. Newby stated that this finding of fact is not relevant since it does not address the hardship caused by the disability. The question is whether the hardship from the disability exacerbates the characteristics of the land. Having no further requests for discussion, Vice-Chairman Temple moved, seconded by Mr. Russell, to approve this finding. The motion carried unanimously (5-0);

Chairman Meredith stated that the Variance would be necessary for the applicant to reside in the residence in a normal and common fashion and this is substantially more than a mere inconvenience. This Variance will also allow the applicant to build a garage adequate in size to protect her property. Having no further requests for discussion, Mr. Russell moved, seconded by Mr. Boggs, to approve this finding. The motion carried unanimously (5-0);

Chairman Meredith stated that the proposed structure would not have a negative impact on adjoining properties and the structure would not interfere with or injure the rights of others whose property would be affected by allowance of the Variance. Having no further requests for discussion, Mr. Russell moved, seconded by Mr. Temple, to approve this finding. The motion carried unanimously (5-0);

Chairman Meredith stated that the Variance is in harmony with and serves the general intent and purpose of the Ordinance. Having no further requests for discussion, Mr. Morris moved, seconded by Mr. Russell, to approve this finding. The motion carried unanimously (5-0); and,

Chairman Meredith stated that the Applicant will have a hardship if she cannot build the structure handicapped accessible to provide care for her mother and justice would be served by approving the Variance. Hearing no further requests for discussion, Vice-Chairman Temple moved, seconded by Mr. Russell, to approve this finding. The motion carried unanimously (5-0).

Vice-Chairman Temple moved, seconded by Mr. Russell, to approve the Variance request by Lisa Annette Little for a Variance of 5' to the side yard setbacks and a Variance of 3.5' to the front yard setback in a RA-1, Rural Agricultural District, said property being located on the east side of

Pinehaven Drive approximately 0.56 mile north of the Fourth Avenue intersection and having an address of 3534 Pinehaven Drive and that this Variance shall be consistent with the Applicant's application and site plan submitted. The motion to grant the Variance carried unanimously (5-0).

VOTING

Motion by: Temple, Tim

Second by: Russell, Ronald A.

Board Members	YES	NO	ABSTAIN	RECUSE
Kenny Meredith	X			
Tim Temple	X			
James Boggs	X			
Scott Morris	X			
Ronald A. Russell	X			

B. Request by Davidson Water, Inc. for a Variance to the front and rear setbacks in a LI, Limited Industrial District

Mr. Crook reported this request by Davidson Water for a Variance to the front and rear yard setbacks in a LI, Limited Industrial District. Said property is located on the east side of Old US Highway 52 approximately 250 feet south of the Welcome Center Boulevard intersection. Said property is further described as Midway Township, Tax Map 23, part of Lot 42N, containing 1.22 acres, more or less.

Robert Walters, Vice-President of Davidson Water, Inc., of 7040 Old US Highway 52, Lexington, first being duly sworn, noted that the first pump station was built in 1968; therefore, it is now 50 years old. Due to its age, there is a need for another pump station and the plan is to get 50 years out of the new pump station. Mr. Walters noted the location of the station on the GIS map. He reported that it will be designed to accommodate the current and future needs of the County. He stated that the old pump station will be removed.

Mr. Crook stated that Davidson Water has a pump station in this same area just north of the Welcome Center Boulevard intersection that is older and the applicant indicates no room for an upgrade at that location. Significant water infrastructure exists on this property in the form of a main water line; therefore, any upgrade to the Applicant's ability to maintain system pressures would have to occur on site. Mr. Crook further stated that given the uniqueness of the property nothing could be built on site without relief from the setbacks. This upgrade will help improve service in an area of the County with increased development. Staff feels that the Variance is in harmony with and would serve the general intent of the ordinance if granted and that the applicant's request is reasonable and consistent with the County's adopted plan and recommends approval of the Variance.

Chairman Meredith inquired if there were any persons present who would like to speak in favor of or in opposition to the Applicant's Variance. Having hearing no further testimony or evidence, the Board makes the following findings:

Chairman Meredith stated that the lot is narrow and is singular and unique in size and other properties will have to be identified for the pump station without the Variance. Having no further requests for discussion, Mr. Russell moved, seconded by Mr. Boggs, to approve this finding. The motion carried unanimously (5-0);

Chairman Meredith stated that the Variance would be necessary as the pump station is a public necessity. Having no further requests for discussion, Mr. Russell moved, seconded by Vice-Chairman Temple, to approve this finding. The motion carried unanimously (5-0);

Chairman Meredith stated that there was no opposition reported prior to this hearing and no one is present to oppose the Applicant's request, the Board received a letter from Mantle Realty that the

pump station will not have a negative impact on adjoining properties and property values will be maintained and the pump station will supply needed potable water to support the growth of northern Davidson County. Having no further requests for discussion, Mr. Morris moved, seconded by Mr. Russell, to approve this finding. The motion carried unanimously (5-0);

Chairman Meredith stated that the Variance is in harmony with and serves the general intent and purpose of the Ordinance. Having no further requests for discussion, Vice-Chairman Temple moved, seconded by Mr. Russell, to approve this finding. The motion carried unanimously (5-0); and,

Chairman Meredith stated that justice would be served by approving the Variance as the pump station provides for the needs of the County and would meet future growth in the County. Hearing no further requests for discussion, Mr. Russell moved, seconded by Mr. Boggs, to approve this finding. The motion carried unanimously (5-0).

Mr. Russell moved, seconded by Mr. Morris, to approve the Variance request by Davidson Water, Inc. for a 11' Variance to the front setback and a 9' Variance to the rear setback in a LI, Limited Industrial District, said property is located on the east side of Old US Highway 52, approximately 250 feet south of the Welcome Center Boulevard intersection, and that this Variance shall be consistent with the Applicant's application and plan submitted. The motion to grant the Variance carried unanimously (5-0).

VOTING

Motion by: Russell, Ronald A.

Second by: Morris, Scott

Board Members	YES	NO	ABSTAIN	RECUSE
Kenny Meredith	X			
Tim Temple	X			
James Boggs	X			
Scott Morris	X			
Ronald A. Russell	X			

C. Request by the City of Lexington for a Special Use Permit, Class B, to operate a Utility Station (Delivery Electrical Utility Transmission and Substation), in a RA-3, Rural Agricultural Zoning District.

Mr. Crook reported this request by the City of Lexington, a municipal corporation, for a Special Use Permit, Class B, to operate a Utility Station (Delivery Electrical Utility Transmission and Substation) in a RA-3, Rural Agricultural Zoning District. Said property is located on the west side of Community Road approximately .36 miles south of the Mt. Olivet Church Road intersection. Said property is further described as Arcadia Township, Tax Map 14, part of Lot 21, containing 1.873 acres, more or less.

Mr. Swain, first being duly sworn reported that he has been working with City Attorney Bit Holton regarding this substation. He noted the location of the property on the GIS map; that there is a need for the substation; and it will provide a service to the public

Bit Holton, Attorney representing the City of Lexington, tendered exhibits 1-15, which were entered into record by the Board. A copy is included with the original Minutes. Mr. Holton, under sworn testimony, stated that Electric Systems Manager for the City of Lexington, Bill Stockman, Engineer Jeremy Furr, and Tim Ragan, Real Estate Appraiser were present to testify. Mr. Holton reported that there is a need for the Delivery Electrical Utility Transmission and Substation in order to maintain the standard of living in Lexington and in Davidson County. Mr. Holton noted on Exhibit 15 the proposed location of the new substation. He stated that there is a great need for the additional substation to improve the infrastructure in this area of growth.

Bill Stockman, first being duly sworn, stated that he is the Electric Systems Manager for the City of Lexington. He has been looking at the current substation and its location for a few years. All of the delivery stations are on the southern end of the County and the load is on the Northern end. There are 100 circuit miles between the current location of substations and the area of future growth. It took well over a year to find a suitable location that could service the northern end of the County. The proposed location is next to the Duke line. Mr. Stockman reported that Duke Energy stated that they are maxed out on their energy and their lines cannot support the delivery. With the third delivery, any maintenance can be done without affecting any of City's customers. Without this delivery, they cannot meet the current demands of energy or new growth. The City is working to develop the industrial park and developers to build more homes and the delivery is needed to support that growth. With the selected property site, the confluence of the City's and Duke's lines cross in an area where right of ways will not be a necessity, or build lines – and this reduces the cost by tens of thousands of dollars. It reduces impact on customers as additional transmission lines will not be needed. More poles will be brought out and attached to the existing infrastructure. This will keep the rates low, provide good reliability and impact their customers in the least possible way. Most substations are placed right up against the property line at the road as this is the least amount of exposure and cost; however, Mr. Nifong has a depression at the back of his property and will make the substation less visible to the property owners and his neighbors. It will cost the City a little more money; however, it was a better trade off to place the substation at this location. Without this substation, there will not be any area for future growth or industrial growth.

Upon questioning by the Board and Mr. Holton, Mr. Stockman reported that the City serves almost all of Davidson County except the city of Thomasville and the town of Denton and that this substation is a public necessity.

Tim Ragan of Ragan Real Estate Services was recognized by the Board as an expert witness due to his prior history and testimony before this Board. Mr. Ragan, first being duly sworn, reported that he completed an impact study and tried to find several substations around the County. He researched sales data in close proximity to those substations to see what the sales activity shows. Mr. Ragan stated that Mr. Nifong is the surrounding property owner to the substation, there are no adjacent property owners where the substation will be located. He reported having trouble finding substations in residential areas that would be comparisons for this property. Mr. Ragan noted four substations in Davidson County and researched those sales and other activity around the existing substations as set out in his impact study, exhibit 14. Mr. Ragan reported that the sales indicated an increase in values for such properties consistent with the general market, the property has a much greater buffer because it is centered in Mr. Nifong's property and is adjacent to the existing high voltage transmission lines. Mr. Ragan further stated that the use will maintain the value of surrounding properties.

Mr. Swain, first being duly sworn, reported that he has reviewed the application and site plan and that they both meet the general standards and submittals for the utility substation, and the substation would be located in the appropriate zoning district.

Mr. Holton reported that the application and exhibits meet all four general standards and the land use in a public necessity. Mr. Holton specifically noted the screening and design of the substation on exhibit 11.

Chairman Meredith inquired if there were any persons present who would like to speak in favor of or in opposition to the Applicants' request for a special use permit.

Claudia Dean of 1023 Community Road, first being duly sworn, reported that she was concerned with the substation causing an increase in property taxes. Mr. Newby reported that there was a tax revaluation this year and there would not be another one for approximately five years.

Mr. Crook stated that this facility needs to be in a location accessible to existing power grid infrastructure. This site contains Duke Power and City of Lexington's transmission lines. This existing infrastructure is required to transfer power from the Duke Power's grid to the City of Lexington's grid. There will be a visual impact to the area; however, this facility will sit directly beside a 100kV Duke Power line and a 44kV City of Lexington power line. The facility will be screened as per the submitted landscaping plan. Staff feels that reliable, consistent power is a public necessity. This area is one of the fastest growing in the County and this upgrade will make service more consistent while at the same time relieving the City's other substations if there is a problem with the power grid. Staff feels that the applicant's request is reasonable and consistent with the County's adopted plan and recommends approval of the Special Use Permit.

Chairman Meredith inquired if there were any other persons present who would like to speak in favor of or in opposition to the Applicant's request for a special use permit. Hearing no further testimony or evidence, the Board makes the following findings:

Chairman Meredith stated that the proposed use satisfies the first general standard, in that the use promotes the public health, safety and general welfare and the County needs reliable electrical service to maintain the standard of living. Having no further requests for discussion, Mr. Russell moved, seconded by Mr. Boggs, to approve this finding. The motion carried unanimously (5-0);

Chairman Meredith stated that the proposed use satisfies the second general standard, in that this use satisfies all of the general standards as set out in the application and staff recommends this use. Having no further requests for discussion, Vice-Chairman moved, seconded by Mr. Russell, to approve this finding. The motion carried unanimously (5-0);

Chairman Meredith stated that the proposed use satisfies the third general standard and that the use would have no adverse effect to adjoining properties as the Board heard testimony from expert Real Estate Appraiser, Tim Ragan, and the use would maintain the value of the adjoining properties. Having no further requests for discussion, Mr. Morris moved, seconded by Mr. Russell, to approve this finding. The motion carried (5-0); and,

Chairman Meredith stated that the proposed use satisfies the fourth general standard, the use follows the Ordinance, and it allows for utility substations. Having no further requests for discussion, Mr. Russell moved, seconded by Vice-Chairman Temple, to approve this finding. The motion carried unanimously (5-0).

Vice-Chairman Temple moved, seconded by Mr. Russell, to approve the request by the City of Lexington, a municipal corporation, for a special use permit, Class B, to operate a Utility Station (Delivery Electrical Utility Transmission and Substation) in a RA-3, Rural Agricultural Zoning District. Said property is located on the west side of Community Road approximately .36 mile south of the Mt. Olivet Church Road intersection. This use is approved pursuant to the application, exhibits tendered and site plan submitted by Applicant to include screening as set out in the application. The motion to approve the special use permit carried unanimously (5-0).

VOTING

Motion by: Temple, Tim

Second by: Russell, Ronald A.

Board Members	YES	NO	ABSTAIN	RECUSE
Kenny Meredith	X			
Tim Temple	X			

James Boggs	X			
Scott Morris	X			
Ronald A. Russell	X			

D. Request by Ryan and Amanda Pope for a Special Use Permit, Class B, to operate a Recreational Facility, Commercial Outdoor, in a RA-2, Rural Agricultural District.

Mr. Crook reported this request by Ryan and Amanda Pope for a Special Use Permit, Class B, to operate a Recreational Facility, Commercial Outdoor, in a RA-2, Rural Agricultural District. Said property is located on the north side of Surratt Road approximately 0.72 mile west of the Ernest Smith Road intersection. Said property is further described as Jackson Hill Township, Tax Map 23, Lot 18 containing approximately 143.46 acres, more or less.

Mr. Swain, first being duly sworn, noted on the GIS map the location and size of the property where the recreational facility would be situated. The location is in a rural area and has been wooded for many years. Mr. Swain noted that a similar application located on Hill Road was brought before the Board a number of years ago. He introduced exhibits A-E that were attached to the application.

Ryan Pope of 1616 Jr. Linker Drive, Mount Pleasant, North Carolina, first being duly sworn, stated that he purchased the property this morning. The property is approximately 144 acres. He chose this property because it is in the central area of the county and is close to the Uwharrie forest, Greensboro and Charlotte and he feels there is a need for more of these facilities. Mr. Pope reported that he plans to retire from the fire department in several years and he and his wife will build their forever home and also live on the property. He would like to work with the County to promote community income.

Mr. Pope reported that this property has good typography to buffer noise and he felt this would be the best location for a motor cross facility. He stated that he is not looking to disturb any neighbors and plans to leave as much of the natural area as possible. He will ensure that the motorbikes will have silencers to buffer the noise. Mr. Pope reported seeing a shift to electric bikes which are quieter. He noted that there is another facility in the County called Silver Valley MX that is similar to his plans. He is not aware of any complaints from that facility. Mr. Pope reported that his facility will offer training and he noted that his son is at a training facility in South Carolina and they train five days a week generally between the hours of 7:30 a.m. and 5:00 p.m. weather permitting. Mr. Pope noted that the motorcycle community is a small, tight niche community.

Mr. Pope reported that the training will be completed by trained, accredited coaches that will be CPR and First Aid certified. He noted that it is not a matter of if anyone gets hurt, it will be a matter of when. He has spoken with Dr. William Hiesel who runs Orthro-Carolina's motorsports program and Dr. Hiesel has developed other sports programs such as Joe Gibbs Racing. Dr. Hiesel will help ensure that when a rider gets hurt and needs to be transported to the hospital, any staff will know what to do in order for the rider to receive proper care. Mr. Pope stated that he will work with the local fire department to make them aware of the facility and the access points. He plans to have a helicopter pad designated if the need arises.

Upon questioning by the Board, Mr. Pope reported that he will leave as much of the natural buffer as possible and there is currently a rock fault line. He noted that the property was previously logged but is now heavily wooded. He plans to have trees between the tracks to control heat and dust, in as much as it is safe for the riders. Mr. Pope reported the current buffer to be evergreens, pines, sweet gums, and tulip poplars. He reports that eventually he would like to run sanctioned races and has spoken with the AMA regarding these races. Mr. Pope noted that people show up in their motor coaches and 50-foot trailers with their bikes. He stated that he has spoken with the Department of Transportation and traffic would not be a problem. Having camping is his plans for the future. There will be a pit area for mechanical repairs based on AMA standards. Mr. Pope reported that he will

build a nice restroom facility that will be handicapped accessible, and Public Health has identified locations for these structures. He reported that it is hard to say that he will operate 8:00 a.m. to 5:00 p.m., the weather may prohibit them from completing the training during these hours. He would like to operate from dawn to dusk. Mr. Pope gave the Board examples of his son's training schedule. The facility operates year-round, the month of August is typically slow as well as the holidays. He anticipates operating approximately 48 weeks per year. Training classes will consist of generally five to six riders, and will be maxed out at 30 riders. Mr. Pope reported that he has no architectural plans and noted that in speaking with Mr. Tussey, Mr. Tussey was more concerned with where the tracks, turns and jumps would be located. He noted that he would eventually like to have RV pads; however, there is no scaled drawing for the overall facility. He reports that he will follow all County and AMA guidelines. Mr. Pope reported that he has been in contact with the owner of the Hill Road facility and the only negative report that he has heard is that he is not open often enough. He reports that he has financing to construct the facility. Mr. Pope reports that he has designed designated parking areas and has spoken with DOT regarding the parking. He reports that the facility will be built in phases. The parking lot will be gravel and there will be an irrigation system on site to prevent erosion. Mr. Pope noted the various tracks that will be built, how they are used and the various age groups that ride the tracks. He reported that he will have insurance and included a copy of same in the application and he noted that he will require the participants to execute a waiver based on AMA's requirements.

Chairman Meredith inquired if there were any persons present who would like to speak in favor of or in opposition to the Applicants' request for a special use permit.

David Barlekamp of 2939 Surratt Road, first being duly sworn, noted the location of his property on the GIS map. He reported speaking with Mr. Pope regarding the facility. He is concerned with the parking, lighting, PA systems and the hours of operation. He would especially like restrictions on the hours of operation on Sundays. Mr. Barlekamp noted his concerns with the traffic traveling on Surratt Road and across the bridge and his concerns with the bridge supporting the vehicles with heavy trailers and campers. He stated his concerns with more people being in the area and additional theft. He requested restrictions on the property.

Mr. Tussey noted on the map the access to the property. He stated that Surratt Road is State maintained. Staff received a letter from DOT stating that they have no concerns with the traffic. Access will be closer to Highway 49 rather than the other end of Surratt Road.

Timothy Miller of 934 Cook Road, Lot 5A, first being duly sworn, stated that his property joins the creek. He stated that his neighbor leases a cow pasture from him and he noted on the map the location of his, his son's, and his brother's property. His niece was planning to move to the property as well. Mr. Miller reported having had perk inspections on the property to potentially sell the property. The property is rural and he is concerned with the noise, lighting, and dust. It is a valley and he is concerned with the noise travelling towards the direction of his property. Upon questioning by the Board, Mr. Miller reported that he is approximately 600-700 yards from Mr. Pope's property line.

Lyle Loflin of 612 Cook Road, Lot 12-1, first being duly sworn, noted his property on the map. He reported his concerns with barriers and persons from the facility trespassing onto his property. This issue has not been addressed by Mr. Pope. Upon questioning by the Board, Mr. Loflin responded that he owns cattle and he is not sure if the noise will affect the cattle.

Mr. Tussey noted for the Board that this permit would restrict the use of a public address system as the property is surrounded by residences unless there is a text amendment. There are no blanket standards for lighting.

Mr. Crook noted that it is inferred with the dawn to dusk language; therefore, there would be no need for lighting. There may be reasonable conditions put in place; however, the applicant has to agree with the conditions.

Pamela Moore of 208 Wright Street, Lexington, first being duly sworn, reported that she is looking to purchase property from Mr. Miller to build a house. She is concerned with the property as it is in a valley and sound travels. Ms. More reported that this use may affect her decision to purchase the property. Chairman Meredith noted that Ms. Moore does not have standing to speak in opposition to this use; however, the Board accepted Ms. Moore's testimony.

Gerald Miller of 1070 Cook Road, first being duly sworn, reported that his property faces the cow pasture that abuts the creek. He reports having lived at his property all of his life. He reports that across Highway 49 from his home there is a facility that offers hay rides and you can hear their music playing. Mr. Miller reported that he is opposed to this use.

Mr. Pope spoke to the concerns of those persons in opposition to the use. He reported that he will monitor the noise levels of the bikes and the noise will be enforced. There will be rules in place, no drugs or alcohol, and he will remove anyone from the facility who violates the rules. Mr. Pope noted that he will be living on the property in several years and he wants to maintain a good relationship with his neighbors. There will be barriers in place for the property and tracks. He will comply with the AMA rules for those barriers. Mr. Pope will not use a PA system, he will broadcast through AM radio. He reports that his wife and one coach will manage the facility. He reports that bikes would not run prior to 8:00 a.m.; however, his concern is a 5:00 p.m. restriction as weather may alter riders completing their training prior to that time. He stated that he cannot operate at night as the bikes do not have headlights. Mr. Pope reported that he can have a decibel meter to maximize the noise levels. He detailed the training and noted that the trainers must maintain their grades and education in order to continue their training. Trainers generally attend training Monday through Friday and the facility will be open to the public on the weekends. Mr. Pope stated that the trainers will commute daily. He reports that his intentions are not to operate on Sundays; however, he may allow riders to come out to practice on Sundays.

Upon questioning by the Board, Mr. Pope stated that he understands that this use is not for overnight camping and that would fall under a separate use. He stated that in the future he plans to request a special use permit for overnight camping. Overnight camping is in his masterplan. Mr. Pope reported that the coaches and staff will be responsible for security and that there will be a gate to keep people out. There will be a barrier to control the riders from "running amuck."

Upon questioning by the Board, Mr. Crook noted that this use is bound by the property and not the applicant.

Mr. Barlekamp stated his concerns with whether there will be a gym or school and whether the riders will be leaving the property and coming back and whether there will be any erosion from the creek.

Mr. Loflin stated his concerns with buffers along both creeks as well as fencing. He stated concerns with there not being any trespassing.

Mr. Tussey noted that the discussion was to maintain buffers along the creek at lot 3E. He stated that Mr. Pope is offering a 200' buffer as a compromise. He stated that Mr. Pope will be bound to comply with the standards set out in the ordinance.

Mr. Pope reported that there is not a fence at this time. He noted his concerns with additional buffers as he has had areas that have been deemed to perk and he is unsure if the additional buffer will encumber the septic tanks that may need to be installed. Mr. Pope clarified the term "school" and

noted that it is not the traditional school. In the future, he would like to build a gym to promote health and nutrition.

Mr. Crook stated that the property is a residential zoned area and that promotes protection for residential use. The ordinance also allows for this recreational facility in the RA-2 district and the applicant has a right to apply for that. Mr. Crook noted that you are trying to fit a use that is nonresidential into a residential area and the burden to mitigate potential noise impacts people from being able to utilize their residence under normal circumstances lies on the applicant. Staff can submit that the application meets the criteria for the specific standards. Mr. Crook noted that Mr. Pope stated that there will not be lighting unless there is security lighting in the parking lot and that lighting would be allowed. There will not be any riding on the activity area and the hours would be dawn to dusk. Mr. Crook noted that there is several thousand feet between the riding areas and the adjoining properties. Staff noted that noise would be a factor to mitigate. Mr. Crook noted that he is not a sound expert and is unsure if he has heard enough evidence to be comfortable with saying noise would not be an issue. Mr. Crook stated that he would like the Board to put operating hours in place and if those hours could be controlled Staff's recommendation would be for approval.

Chairman Meredith inquired if there were any other persons present who would like to speak in favor of or in opposition to the Applicants' request for a special use permit. Hearing no further testimony or evidence, the Board makes the following findings:

Chairman Meredith stated that the applicants' testimony is his submitted plan and the use promotes public health, safety and general welfare. Having no further requests for discussion, Mr. Russell moved, seconded by Vice-Chairman Temple, to approve this finding. Mr. Morris confirmed with Mr. Crook that the use is granted for the property and not for the applicant. Mr. Boggs was not satisfied with the applicants' plan and noted that it is not a concrete plan. The motion carried (4-1), Mr. Boggs voted no;

Chairman Meredith stated that the proposed use satisfies the second general standard, and staff recommends this use. Having no further requests for discussion, Vice-Chairman Temple moved, seconded by Chairman Meredith, to approve this finding. The motion carried (4-1), Mr. Boggs voted no;

Chairman Meredith stated that the proposed use satisfies the third general standard, the Board received a letter from Kristen Huneycutt that the use will not affect the values of homes within close proximity to the property, although the Board did not hear Ms. Huneycutt's testimony. Having no further requests for discussion, Vice-Chairman Temple moved, seconded by Mr. Russell, to approve this finding. Mr. Morris noted that he is not sure that this general standard meets the criteria. Mr. Boggs noted that Ms. Moore may or may not purchase the property. Vice-Chairman Temple noted that Mr. Boggs is not sure that Ms. Moore will purchase the property. Lot 5A is the only property that is for sale and her purchasing the property is speculative. Chairman Meredith noted that the potential sale is too abstract. The motion failed (3-2); Mr. Boggs and Mr. Morris voted no;

Chairman Meredith stated that the proposed use satisfies the fourth general standard, and provides this type of zoning districts and the use is in compliance with the Ordinance. Having no further requests for discussion, Mr. Morris moved, seconded by Vice-Chairman Temple to approve this finding. Mr. Morris noted that he would have been more satisfied with more detailed information, for example the Wakeboard Park, and he did not feel that the plan was complete and noted noise as a potential issue. The motion carried unanimously, (5-0).

Chairman Meredith noted that one of the standards failed and it is the Board's obligation to deny the request. Mr. Russell noted that he feels the use could have been approved and that the Board could

have put restrictions on Mr. Pope so tight that it would have been beneficial to everyone and with that said Mr. Russell moved, seconded by Mr. Boggs to deny the special use permit.

Chairman Meredith questioned whether it would be more appropriate for the applicants to submit a detailed operation to the Board for comfort. Mr. Boggs is concerned with the applicants' ability to run the facility due to his current full-time employment. Mr. Russell noted that Mrs. Pope will manage the facility. Mr. Morris noted his concern with the hours of operation and the application is too open-ended. Mr. Russell stated that the Board could have put restrictions on the use. Mr. Newby noted that according to G.S. 160D the applicant has to agree to the restrictions. Mr. Newby stated that the Board may make a motion to table the application and the Board may reconsider the standards.

Having no further discussion, Mr. Morris moved, seconded by Vice-Chairman Temple, to table this application until June 17, 2021. The motion carried unanimously (5-0).

VOTING

Motion by: Morris, Scott

Second by: Temple, Tim

Board Members	YES	NO	ABSTAIN	RECUSE
Kenny Meredith	X			
Tim Temple	X			
James Boggs	X			
Scott Morris	X			
Ronald A. Russell	X			

5. NEW BUSINESS

Mr. Crook reported that there will be business to come before the Board for the June meeting.

6. ADJOURN

Mr. Russell moved, seconded by Mr. Morris to adjourn the meeting. The motion carried unanimously (5-0).

VOTING

Motion by: Russell, Ronald A.

Second by: Morris, Scott

Board Members	YES	NO	ABSTAIN	RECUSE
Kenny Meredith	X			
Tim Temple	X			
James Boggs	X			
Scott Morris	X			
Ronald A. Russell	X			

R. Lee Crook, Jr.
Zoning Administrator
Davidson County

Kenny Meredith, Chair
Davidson County
Board of Adjustment



DAVIDSON COUNTY AGENDA ITEM

TO: BOARD OF ADJUSTMENT

DEPARTMENT: Planning and Zoning

PREPARED BY: Lynn Wilson

TITLE: Request by Ryan and Amanda Pope for a Special Use Permit, Class B, to operate a Recreational Facility, Commercial Outdoor, in a RA-2, Rural Agricultural District.

BACKGROUND:

Please see attached supporting documents.

This matter was on the May 20, 2021 Agenda and was tabled until June 17, 2021.

RECOMMENDATION(S):

Approve or disapprove request.

Attachments

Application and Maps
PowerPoint

Attachments

Application and Maps
PowerPoint

DAVIDSON COUNTY, NORTH CAROLINA

Application to the Board of Adjustment and/or Board of Commissioners for a Hearing

Application No.: 3-21-S

Applicant(s): Ryan & Amanda Pope

Date: 4/19/2021

Address: 1616 JR Lonker Drive, Mt. Pleasant, NC 28124 **Telephone:** 704-791-7076

Property Owner: Same

Address: Same **Telephone:** Same

Property Location (General Description): Property is located on the north side of Surratt Drive approximately 0.72 mile west of the Ernest Smith Road intersection.

Township: Jackson Hill **Map No.:** 23 **Blk. No.:** --- **Lots:** 18

Type of Application:

- ☐ **Appeal from an action of the Zoning Officer and/or petition for an interpretation of the Zoning Ordinance**
- ☒ **Special Use, Class B**
- ☐ **Variance**

Legal Advertisement: Request by Ryan and Amanda Pope for a Special Use Permit, Class B to operate a Recreational Facility, Commercial Outdoor, in a RA-2, Rural Agricultural District. Property is located on the north side of Surratt Road approximately 0.72 mile west of the Ernest Smith Road intersection. Property is further described as Jackson Hill Township, Tax Map 23, Lot 18 containing approximately 143.46 acres more or less.

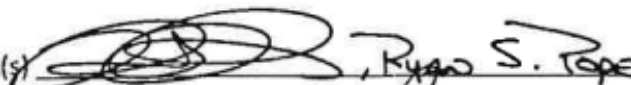
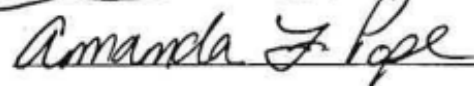
Planning Board Meeting Date: N/A

Planning Board Recommendation:

Public Hearing Date: 5/20/2021

Commissioners' Action:

Signature, Applicant(s)

Fee Paid Receipt No.: 2021000058

Special Use Permit Application

**DAVIDSON COUNTY
STATE OF NORTH CAROLINA
APPLICATION FOR A SPECIAL USE PERMIT**

4/19/2021

I, Ryan and Amanda Pope, hereby petition the Board of Adjustment to issue a Special Use Permit in the name of Ryan and Amanda Pope of Mt. Pleasant for use of the property described in the attached for, "Application for Hearing," in a manner set forth on that form, or if not adequately explained there, as more fully described herein: Recreational Facility, Commercial Outdoor

Authority to grant the requested permit is contained in the Zoning Ordinance, Section(s) 7.04 (C), Board of Adjustment, Powers and Duties

The Zoning Ordinance imposes the following General Standards on the use requested by the applicant (See Article 6.4). Under each requirement, the applicant should explain, with reference to attached plan, where applicable, how the proposed use satisfies these requirements:

General Standard #1: "The use will promote public health, safety and general welfare, if located where proposed, developed and operated according to the plan as submitted;" See Exhibit A

Staff Comment: Based on the location of the property and the plans submitted, it appears that this use will protect the public health, safety and general welfare.

General Standard #2: "The use, which is listed as a Special Use in the district in which it is proposed to be located, complies with all required regulations and standards, including the provisions of Article 4 of this ordinance, unless greater or different regulations are contained in the individual standards for that special use;" See Exhibit A

Staff Comment: According to the site plan and supporting documents submitted, applicant should meet all required regulations and standards.

General Standard #3: "That the use will maintain or enhance the value of contiguous property, or that the use is a public necessity;" See Exhibit C

Staff Comment: Applicant has provided a letter from a North Carolina licensed real estate broker that contends this use will not affect the value of neighboring properties.

General Standard #4: "That the use is in compliance with the general plans for the physical development of the county as embodied in these regulations;" See Exhibit A

Staff Comment: According to the Zoning Ordinance and the specific standards for this use, this location should be adequate for ensuring separation between this use and other land uses throughout the area.

The Zoning Ordinance also imposed the following SPECIFIC REQUIREMENTS on the use requested by the applicant. The applicant should be prepared to demonstrate that, if the land is used in a manner consistent with the plans, specifications and other information presented to the Board, the proposed use will comply with each of the following specific requirements: See Exhibit B



Davidson County Planning Department

913 Greensboro Street
Post Office Box 1067
Lexington, North Carolina 27293-1067

Guy L. Cornman, III
Planning Director

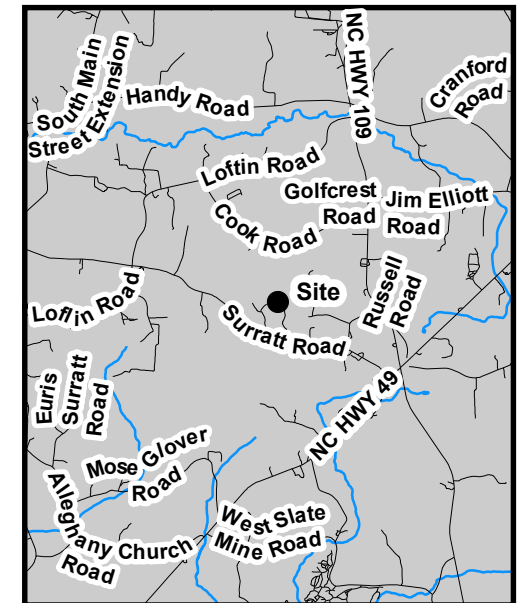
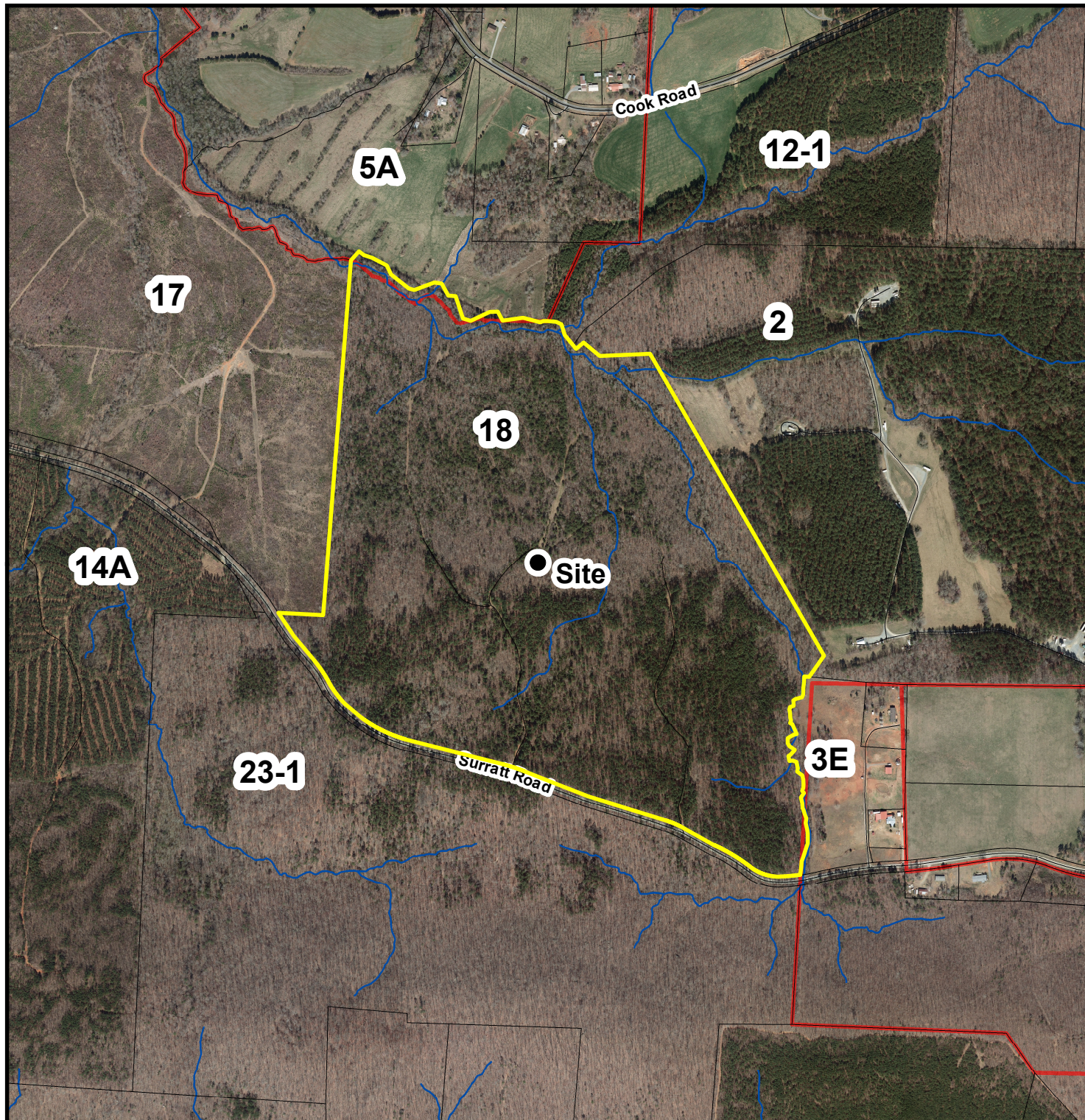
Toll Free Numbers
Lexington: 336-242-2220
Winston-Salem: 336-723-7890 ext. 2220
Denton: 336-859-2194 ext. 2220

Adjoining Property Owners

From the Tax Administrators Office as of:
05/04/2021

Parcel ID	Owner Name	Mailing Address
1002300000018	VONCANNON THURMAN R JR	5998 CLYDE KING RD SEAGROVE NC 27341-
1002300000003E	BARLEKAMP DAVID A	2939 SURRATT ROAD DENTON NC 27239-
1002300000002	CARROLL RALPH	2196 HANDY RD DENTON NC 27239-
1002300000001	NORTH CAROLINA DEPARTMENT OF	1605 WESTBROOK PLAZA DR WINSTON SALEM NC 27103-
1002200000017	SOUTHEASTERN LAND MANAGEMENT	344 PORTERS GLEN NEW LONDON NC 28127-
1001300000005A	MILLER TIMOTHY W	934 COOK RD DENTON NC 27239-
1001200000001	LOFLIN LYLE A	612 COOK RD DENTON NC 27239-

"Planning for a Better Tomorrow"



Legend

- Secondary Road
- Interstate
- NC Hwy
- US Hwy
- Zoning Boundaries
- Property Lines
- City Zoning



Applicant:	
Ryan & Amanda Pope	
Property Owner:	
Ryan & Amanda Pope	
Scale 1 inch = 800 feet	Drawn By: JDT
Date: 5/5/2021	REVISED:
Special Use Permit, Class B	
Recreational Facility, Commercial Outdoor	
Jackson Hill Twsp., Tax Map 23, Lot 18 Containing 143.46 Acres More or Less	
2018 Aerial Photography	

Mr. Tussey,

Thank you for all your assistance with our request for a special use permit on our 145 acres of land located on Surratt Road near Denton. Our family has been heavily involved in the motocross industry for several years now. As I mentioned in our previous conversation, my wife and I are planning to build and operating a motocross training/racetrack if the special use permit is approved. Our goal is to provide a fun family oriented place for riders and their families to get outdoors and enjoy riding dirt bikes safely. Below are some highlights about our plan for the facility.

- 1) Fulltime training membership will be limited to approximately 30 riders and will give them full access to our facility, amenities, open rides/races, race support at specified races and the training program.
- 2) The training program is Monday-Friday and includes mental skills, nutrition, individualized riding program and custom fitness program.
- 3) A structured daily schedule is followed to attain all our goals for Monday through Friday. Riders typically spend 3-4 hours of on-the-bike training with certified coaches daily with time after to ride on their own. Weekly schedules are planned every Monday based on each of the riders upcoming races. Our training programs are structured into different phases throughout the year depending on the needs of a rider.
- 4) Any full-time coaches will be required to be nationally certified thru the US Motorcycle Coaching Association. The USMCA is the first organization to create a set of standards for motorcycle coaches that can be implemented nationwide. By certifying coaches after they have passed a background check and abuse prevention training, become educated in CPR, Concussion, Cardiac and HeatWise training, parents and riders can have the confidence their coach is qualified to help them in a worst-case scenario.
- 5) Continue to build our relationship with Doctor William Hiesel from Othro-Carolina. Doctor Hiesel runs Othro-Carolina's motorsports program and has developed other motocross athletic sports programs for other facilities such as Joe Gibbs Racing. This relationship will help ensure that when a rider gets hurt and needs to be transported to the hospital, any staff will know what to do in order for the rider to receive proper care as quickly as possible from some of the best doctors in the area.
- 6) There will be officials, trained medical staff and flaggers monitoring riders while they are on the tracks to ensure the safety of all riders on the track during open rides/races.
- 7) We will work with the local Fire Department and EMS agency to ensure they are familiar with the property, staff and our safety procedures as well as designating an area to be able to land a medical helicopter in the event should one be needed.
- 8) Once the tracks have been built there will be some type of fence and/or barrier to separate spectators from riders to ensure everyone's safety.

Thank you again for your time and please do not hesitate to contact me if you have any questions and/or need more information,

Professionally,



Ryan S. Pope



(DD) Recreational Facility (Commercial, Outdoor)

Special Use Districts: RA-1, RA-2, RA-3, LI, HI, MX-R, MX-C, PEC

Approved by: Board of Adjustment

Minimum Lot Size: Five (5) acres

Submittals: 1. A site plan showing the boundaries of the property, proposed buildings, parking, gaming area, and proposed buffers.

Standards:

- A. The boundaries of the gaming area shall be clearly identified by a fence, netting, trees, or berms or combination thereof;
- B. All activities shall take place at least 100 feet from any property line adjacent to residential districts and 75 feet when adjacent to other districts;
- C. The use shall not be detrimental to adjacent properties due to noise, refuse, traffic, topography, and other factors.
- D. Parking shall not be detrimental to nearby properties due to noise, glare, congestion, or other factors.
- E. The use shall not be permitted to locate adjacent to any existing place of worship, day care, nursing home, or school.
- F. No outdoor storage shall be permitted.
- G. No public address system shall be used adjacent to any residential district.
- H. No night activity shall be permitted when adjacent to any residential district (dawn to dusk).
- I. Buffers will be required, such as netting or berms, to restrict projectiles or participants from leaving the property.
- J. Evidence that liability insurance is provided for protection of adjoining properties.
- K. The approving authority may add additional conditions to protect public health, safety, and general welfare.



Kristen Huneycutt

Broker / Realtor

704-794-4444

khuney83@gmail.com

To Whom it Concerns,

My client, Ryan Pope, is currently under contract on a tract of land off Surratt Rd in Denton, NC. He is requesting a special outdoor use permit for future use as a Motocross Training facility.

As a licensed Real Estate broker for the state of NC, it is my professional opinion that this will not affect the values of homes within close proximity to this property. I have also asked for the professional opinion of another Licensed Real Estate Broker and appraiser in training for an unbiased opinion as well. She also agrees with the previous statement.

If you have any questions or concerns, you may reach me by email at khuney83@gmail.com or by phone at 704-794-4444.

Sincerely,
Kristen Huneycutt, Realtor/Broker



101 Oakley Dr. Harrisburg, NC 28075 – 704.549.1222

April 29, 2021

To: Whom It May Concern

Re: Property ID 1002300000018 / Surratt Rd 145 Acre Purchase

K and K Insurance, a subsidiary of Aon Corporation, will provide coverage for motorsport facility risks. We are confident with the development of the proposed project; coverage can be secured and packaged together as needed. Ryan Pope has reached out to our office as the potential property purchaser and developer.

Visiting their website at <https://www.kandkinsurance.com/Motorsports/Pages/Motorsports-Facilities-Events.aspx> can provide additional information.

Should you have any questions regarding this matter, please do not hesitate to call me.

Very truly yours,

Elizabeth Walker

Sales Manager
Kevin Brewer & Associates, Inc.
704.549.1222 x 700
beth@kevinbrewerassociates.com

This document void if altered

Timothy Miller
920 / 21

Lyle Loflin
1647 / 1277

EXHIBIT

E

Line	Bearing	Distance	
1	S 82°46'08"E	241.81' (Total)	56 S 92°
2	N 51°15'53"E	55.66'	57 S 49°
3	S 47°28'47"E	35.03'	58 S 83°
4	S 67°18'06"E	89.40'	59 S 0°22'
5	S 67°34'58"E	91.87'	60 S 10°
6	S 20°11'20"E	56.25'	61 S 20°
7	S 47°14'26"E	129.39'	62 S 37°
8	S 70°59'50"E	31.65'	63 S 30°
9	N 73°58'13"E	120.31'	64 S 9°22'
10	S 78°21'06"E	42.74'	65 S 0°22'
11	S 23°48'22"E	77.73'	66 S 22°
12	S 52°25'29"E	41.12'	67 S 12°
13	S 13°38'22"E	133.60'	68 S 18°
14	S 60°18'04"E	38.08'	69 S 12°
15	N 70°30'20"E	128.22'	70 S 16°
16	S 88°12'41"E	45.28'	71 S 12°
17	N 88°18'04"E	60.94'	72 S 7°54'
18	S 70°16'46"E	100.73'	73 S 2°5'
19	N 72°10'08"E	23.68'	74 S 14°
20	S 79°36'57"E	68.61'	75 S 28°
21	S 68°47'43"E	33.05'	76 S 7°54'
22	S 13°01'41"E	101.55'	77 S 12°
23	S 34°08'41"E	56.19'	78 S 8°
24	N 54°22'38"E	56.19'	79 S 82°
25	S 48°16'38"E	117.85'	80 S 88°
26	S 38°03'53"W	146.79' (Total)	81 N 64°
27	N 81°06'12"W	28.86'	82 N 51°
28	S 6°00'56"W	30.39'	83 N 64°
29	S 9°12'59"W	36.52'	84 N 65°
30	S 8°11'47"W	37.15'	85 N 65°
31	S 27°23'17"W	16.13'	86 N 74°
32	S 77°38'53"W	37.46'	87 N 70°
33	S 62°23'54"W	14.18'	88 N 65°
34	S 1°28'21"W	31.30'	89 N 58°
35	S 77°44'46"W	20.68'	90 N 51°
36	S 26°42'36"W	12.70'	91 N 45°
37	S 5°14'54"E	24.08'	92 N 36°
38	S 0°34'09"E	28.90'	93 N 28°
39	S 12°34'46"E	13.38'	94 N 23°
40	S 23°02'00"W	16.29'	95 N 34°
41	S 62°56'52"E	14.07'	96 N 30°
42	S 20°29'28"E	48.42'	97 N 8°
43	S 29°17'50"E	12.56'	98 N 8°
44	S 78°06'22"W	18.87'	99 N 8°
45	S 61°58'48"W	36.95'	100 N 82°
46	S 6°26'54"W	29.61'	
47	S 31°07'01"E	18.35'	
48	S 49°56'30"E	36.99'	
49	S 44°36'31"W	35.51'	
50	S 60°50'17"W	14.93'	
51	S 9°58'41"E	28.40'	
52	N 83°25'16"E	17.95'	
53	S 66°24'27"E	23.78'	
54	S 7°36'22"E	37.25'	
55			

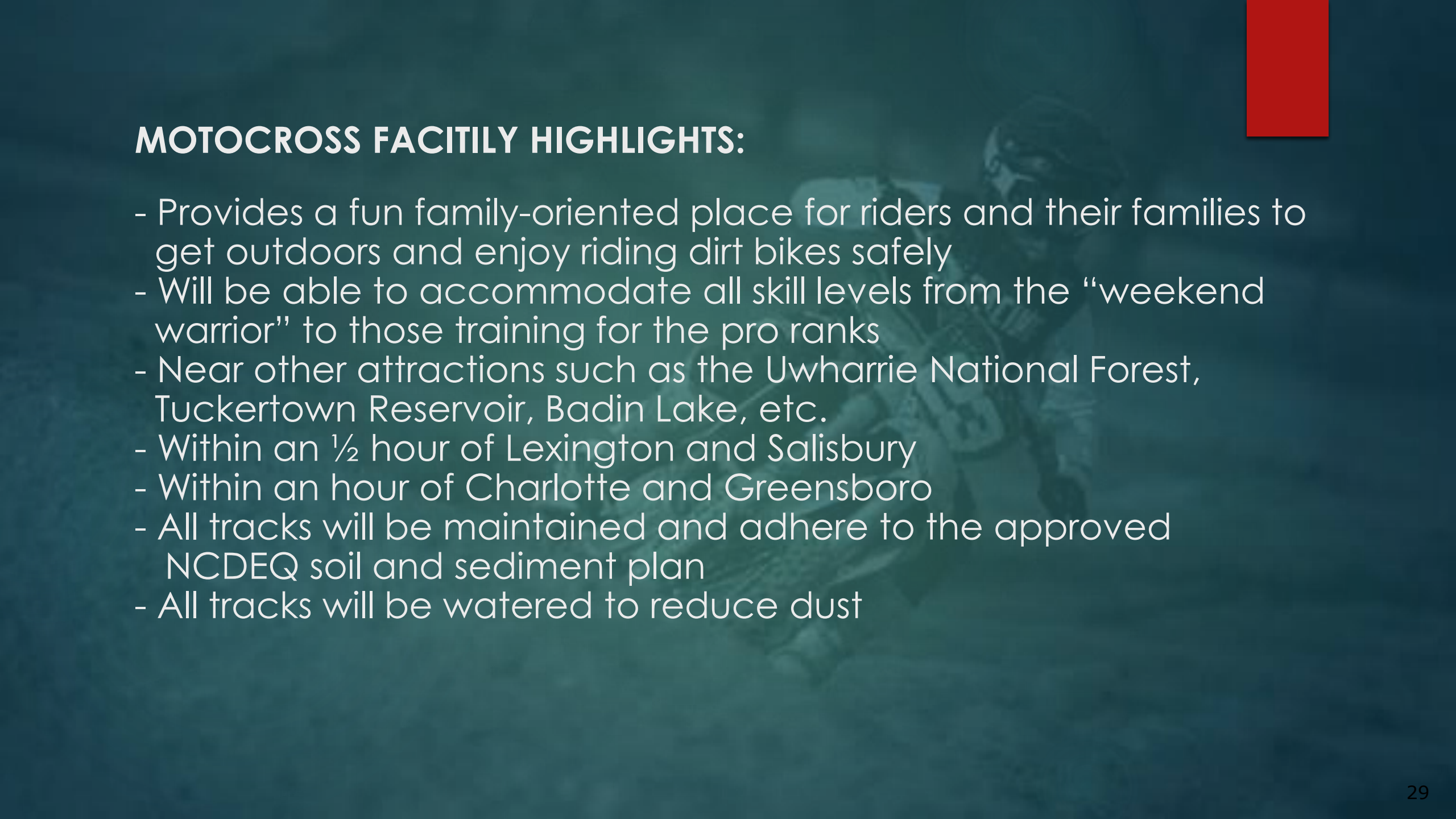
Ralph Carroll
598 / 682

David Barlekamp
1976 / 190

OWNER: Thurman R. Vancor
5998 Clyde King Rd
Seagrove, NC 27343

RECORDED IN PLAT BOOK

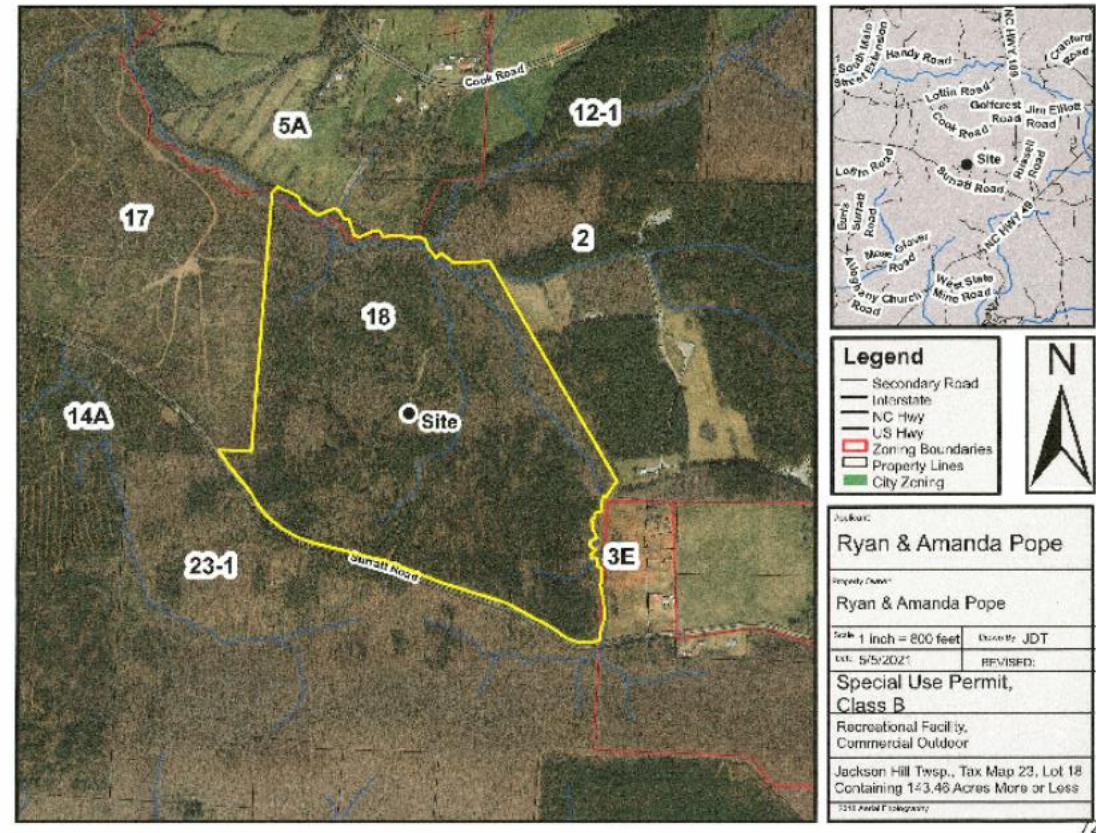
SURVEY FOR
THURMAN REITZ VON
and wife
NANCY J. VONCA



MOTOCROSS FACILITY HIGHLIGHTS:

- Provides a fun family-oriented place for riders and their families to get outdoors and enjoy riding dirt bikes safely
- Will be able to accommodate all skill levels from the “weekend warrior” to those training for the pro ranks
- Near other attractions such as the Uwharrie National Forest, Tuckertown Reservoir, Badin Lake, etc.
- Within an ½ hour of Lexington and Salisbury
- Within an hour of Charlotte and Greensboro
- All tracks will be maintained and adhere to the approved NCDEQ soil and sediment plan
- All tracks will be watered to reduce dust

Located on 145 acres of property location on Surratt Road in the southern portion of Davidson County near Denton, NC





UNITED STATES MOTORCYCLE COACHING ASSOCIATION

Coaches will be certified thru the USMCA (US Motorcycle Coaching Association)

- USMCA sets the standards for motorcycle coaches in the United States
- Must pass a background check
- Trained in basic first aid, CPR, concussions, cardiac and heat related emergencies

Continued partnership with Doctor Bill Hiesel from Ortho-Carolina



EDUCATION

Presbyterian College -- Bachelor of Science

United States Sports Academy -- Masters of Science in Sports Medicine

Bowman Gray School of Medicine, Wake Forest University -- Physician Assistant Certification

BIO

Team Care & Orthopedic Provider for Roush Fenway Racing

Team Care & Orthopedic Provider for Hendrick Motorsports

Team Care & Orthopedic Provider for Stewart-Haas Racing

PRACTICE

Specializes in Sports Medicine and Athletic Training

Coordinator of Motorsports Outreach for OrthoCarolina

Specializes in Arthroscopic & Reconstructive Knee Surgery

Specializes in Shoulder & Elbow Surgery

Physician Assistant Certified by the National Commission on the Certification of Physician Assistants

Assistants

Fellow member of the American Academy of Physician Assistants (AAPA)

Fellow member of the North Carolina Association of Physician Assistants (NCAPA)

AWARDS

NASCAR Above and Beyond Award (presented by NASCAR Medical Liaison Department)

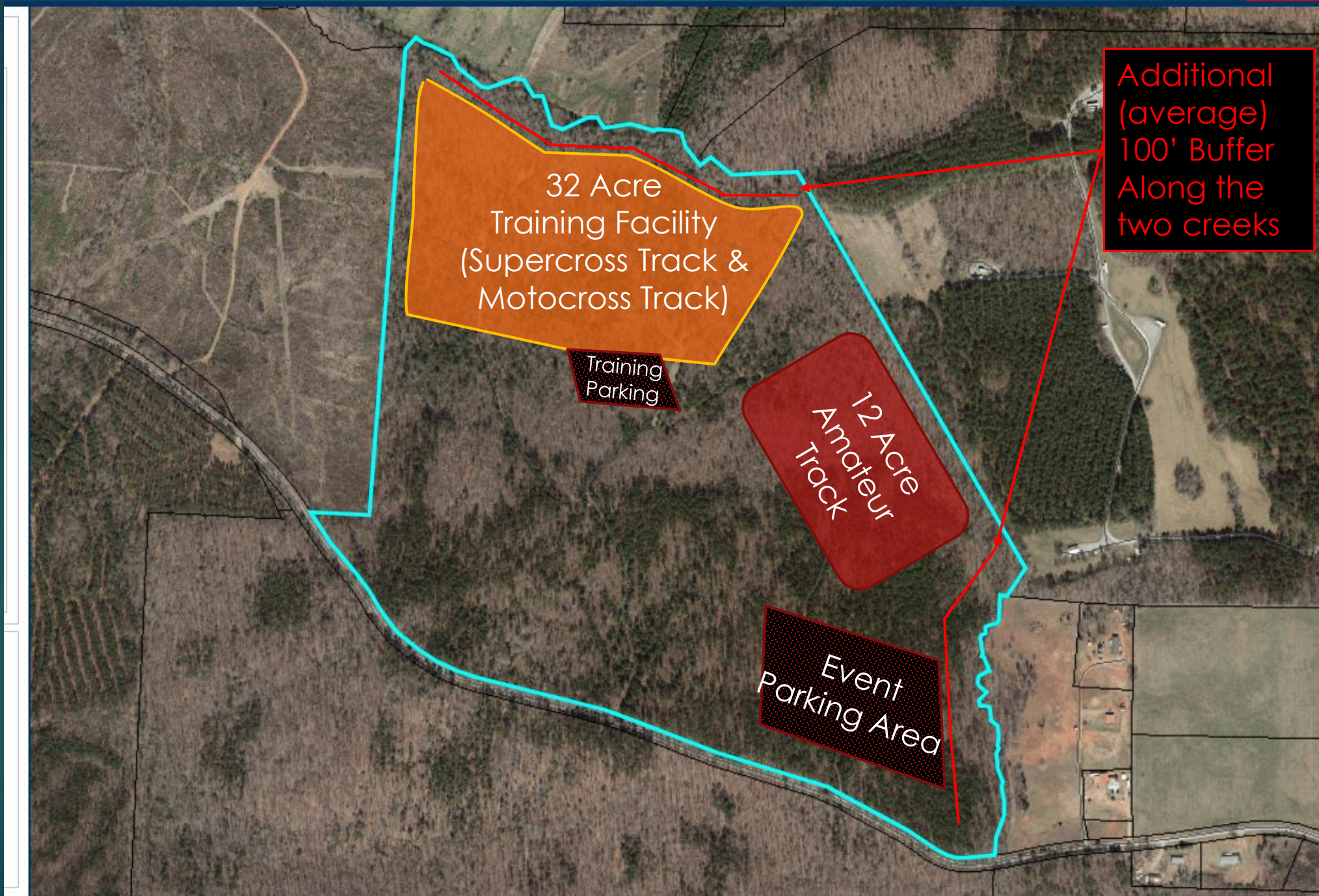


Facility will be built and run according to the American Motorcyclist Association (AMA) recommendations and guidelines



2 different phases and/or sections

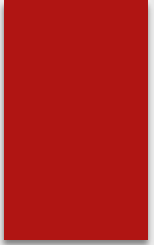
- * Public amateur facility
- * Private training facility



Additional
(average)
100' Buffer
Along the
two creeks



PUBLIC AMATUER TRACK



The public amateur track allows individuals to:

- Have family bonding time
- Release stress
- Increase mental alertness
- Gain a sense of freedom
- Enjoy the outdoors
- Improve physical and cardiovascular fitness
- Improve balance and coordination

- 
- The required 100' natural buffer will be adhered per county ordinance with an additional agreement made with the neighbors along the creek to increase the buffer area to an average of 200' to help reduce noise
 - Pockets of trees will be left in and around tracks to help reduce noise
 - Bathroom facility meeting ADA guidelines will be built on-site
 - Hours of operations will be primarily on the weekends starting no earlier than 8am and finished by dusk
 - Will accommodate riders of all ages and skill levels
 - Will have a designated helicopter pad area to be used at ANYTIME by the local emergency officials should the need arise. This includes any emergencies not related to the motocross facility as well
 - Proper staff will always be on-site during events to ensure everyone's safety, enforce rules, etc.
 - The track will have proper fencing and/or barriers ensure the rider's safety as well as the spectators from entering areas that are restricted



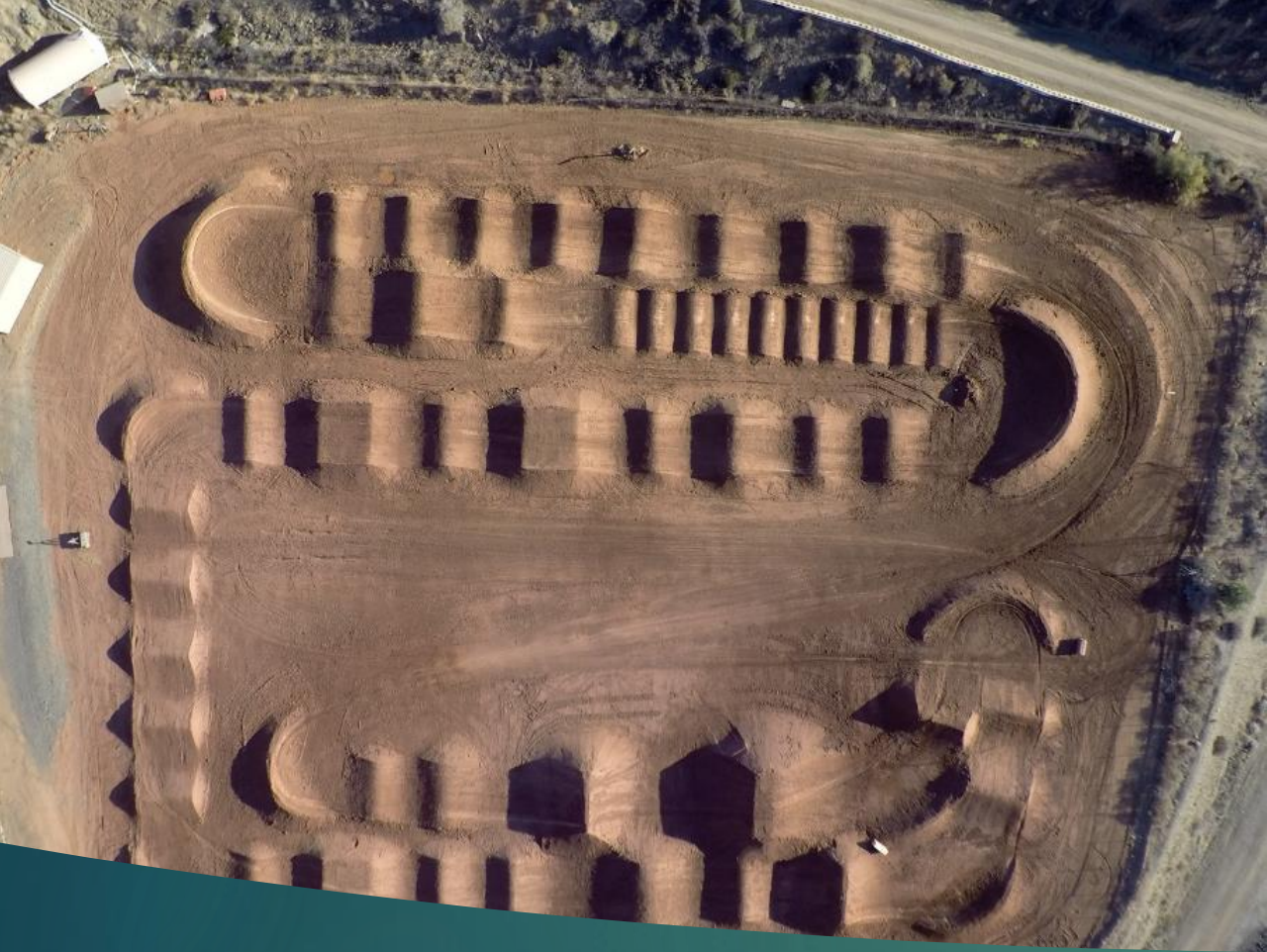






PRIVATE TRAINING FACILITY

- 
- The private training facility will be a private facility for members only and will be capped at 30 members
 - Membership gives you full access to our facility, open rides, race support at specified races and the training program
 - The training program is structured and regimented with a staff that will include motocross and supercross coaches, nutritionist, fitness coaches, sport psychologist and a sports doctor
 - The training program is Monday-Friday with no riding permitted before 8am and finished by dusk
 - Includes mental skills, nutrition, individualized riding programs as well as custom fitness programs.



Training Facility Tracks



RIDING PROGRAM

- We follow a structured daily schedule in order to attain all of our goals Monday through Friday
- Riders typically spend 3-4 hours of on-the-bike training with trainers daily with time after to ride on their own
- Weekly schedules are planned every Monday based on each riders upcoming races.
- Programs are structured into different phases throughout the year and depending on what phase of training the rider may be in, focus may be on working sections, cutting lap times or working on technique. For race phases we focus heavily on starts, sprints and motos in preparation for a race. Off season has heavy focus on base training, technique and section work.



NUTRITION PROGRAM

A fully integrative Nutrition Program that goes beyond the standard programs usually utilized. Our program is personalized and supportive of the rider's performance goals. We are always expanding our knowledge by paying attention to the latest research and development of performance tools. Some of the components of the nutrition program:

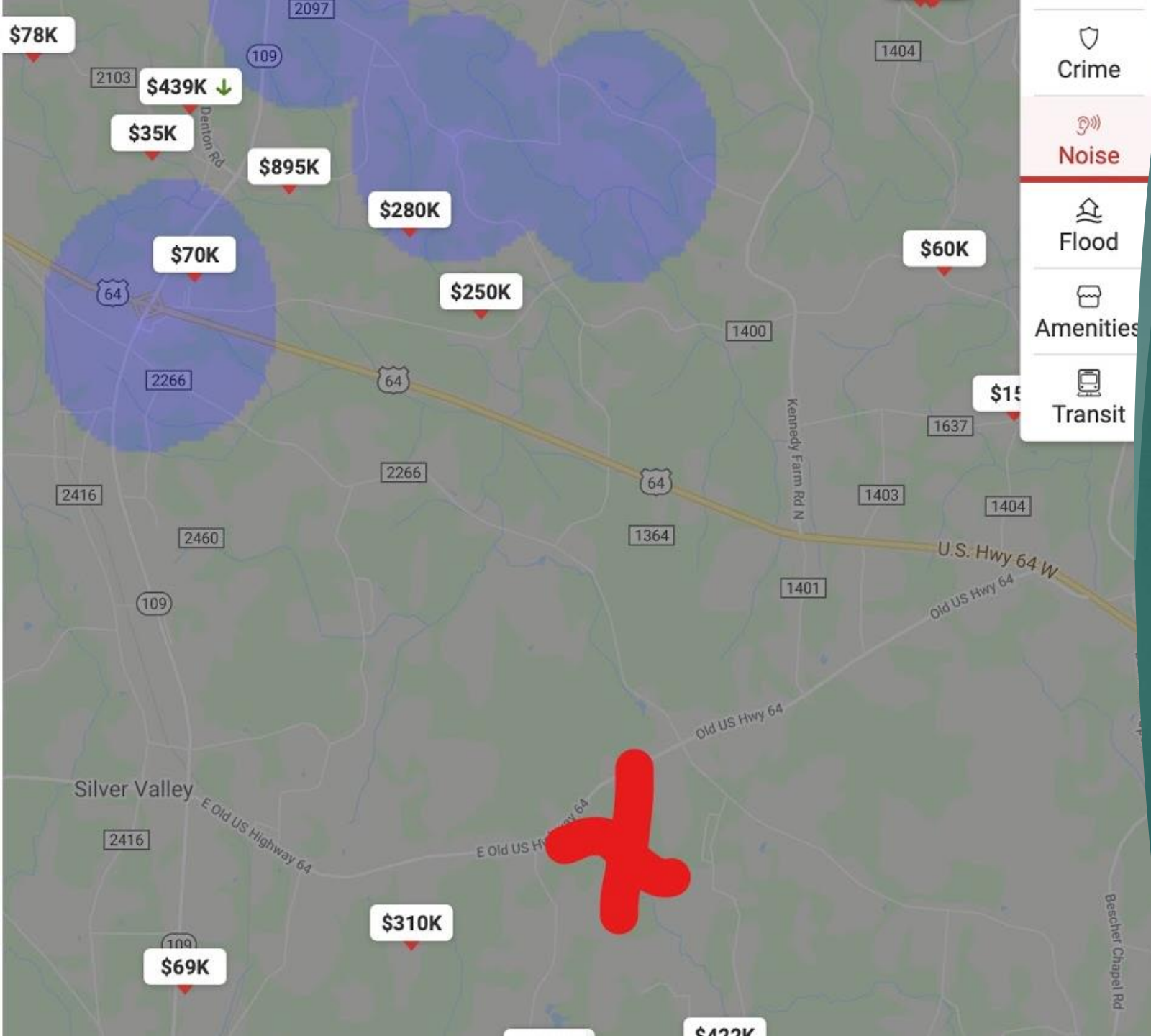
- Food program that focuses on Organic, Non-GMO, Pasture raised foods free from additives, preservatives, and artificial ingredients
- The latest and greatest supplements available onsite
- The option of personalized, custom nutrition plans will be available



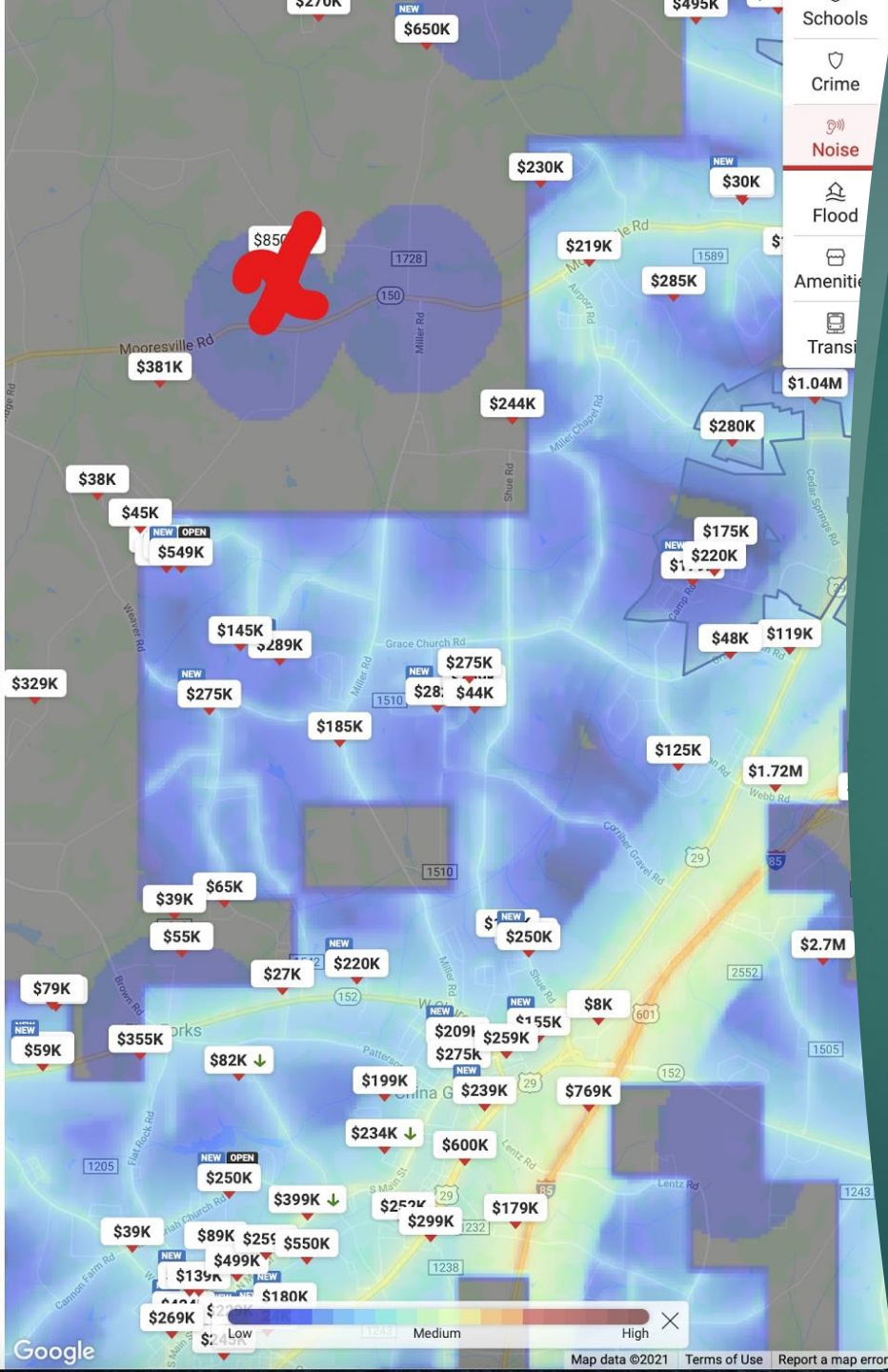
Sports Psychology

Mental skills techniques help athletes adjust their actions, thoughts, feelings, and physical sensations in order to improve their games. Mental skills techniques do this by helping the rider to:

- develop self-confidence
- set goals
- create a positive long-term vision



Noise Level Comparison for Silver Valley MX



Noise Level Comparison for Millbridge Speedway

Home value comparisons surrounding Millbridge Speedway in Salisbury, NC

Comparison #1

- .3 Miles from Speedway
- New Construction
- List Price: \$329,000
- Closed 12/17/2020
- Sqft 2060
- 3 Bedroom, 3 Bathroom
- 2 Car attached garage
- Market Date: 12/11/2020
- UC Date: 12/11/2020
- Closed Price: \$329,000

- 3.5 Miles from Speedway
- New Construction
- List Price: \$289,900
- Closed 01/29/2021
- Sqft 1800 (CMA difference of \$11,700 max for the area)
- 3 Bedroom, 2 Bathroom (average of \$3,000 value difference)
- 2 Car attached garage
- Market Date: 09/08/2020
- UC Date: 11/03/2020
- Closed Price: \$294,900

Comparison #2

- 3.5 Miles from Speedway
- New Construction
- List Price: \$289,900
- Closed 01/29/2021
- Sqft 1800 (CMA difference of \$11,700 max for the area)
- 3 Bedroom, 2 Bathroom (average of \$3,000 value difference)
- 2 Car attached garage
- Market Date: 09/08/2020
- UC Date: 11/03/2020
- Closed Price: \$294,900

- 7.3 Miles from Speedway
- New Construction
- List Price: \$299,900
- Closed 04/09/2021
- Sqft 2028
- 4 Bedrooms, 2 Bathrooms
- 2 Car attached garage
- Market Date: 09/18/2020
- UC Date: 03/11/2021
- Closed Price: \$304,900 (\$5,000 in seller concessions)

Comparison #3

- .9 Miles from Speedway
- Existing Home Built 1967
- 3 Bedroom, 2 Bath
- Detached Garage
- Sqft 3,000
- List Price: \$249,900
- Market Date: 01/04/2021
- UC Date: 03/29/2021
- Close Price: \$265,000 (Seller Concessions \$4,320)

- 4.0 Miles from Speedway
- Existing Home Built 1969
- 3 Bedroom, 3 Bath
- Attached 2 Car garage (average \$18,500 value)
- Sqft 3,360
- List Price: \$249,900
- Market Date: 04/02/2021
- UC Date: 04/02/2021
- Close Price: \$265,000 (Seller Concessions \$3,300)

NOISE AND BUFFER FACTS

- Reduction of noise through a phenomenon called sound attenuation, which is the reduction of sound intensity
- Noise reduction or sound attenuation is achieved by either deflection or absorption of the noise or a combination of the two
- To be the most effective with natural buffers they should be as close as possible to the source of the noise
- 100-foot buffer will reduce the noise up to 8 decibels according to the USDA
- A buffer closer to the noise will block more sound than a buffer further away (example: 100-foot tree buffer that is 100 feet from the sound will block about 10 decibels more noise than the same buffer that is 200 feet away according to the USDA)

Sources:

"Buffers For Noise Control." United States Department of Agriculture

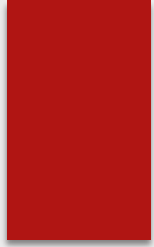
Greenblue.com (April 23rd, 2015) *"Trees as Sound Barrier"*
<https://greenblue.com/na/trees-as-sound-barriers/>

NOISE STUDY

- Diablo MX Ranch in Contra Costa County, CA
- Prepared by Wilson Ihrig Associates in Emeryville, CA
 - Dated March 8th, 2016

PROJECT DESCRIPTION

- DMXR has two dirt bike tracks (MX and flat track)
- Four different scenarios were evaluated
 - * Weekend race day
 - * Weekend practice day
 - * Weekday practice day
 - * Flat track only activity (Friday/Saturday night under lights)



NOISE STUDY METHODOLOGY

- Calibrated, digital noise measurements and recordings were taken at five (5) locations along the DMXR property line
- Microphones were placed on poles at the 5 foot and average of 8-1/2 foot in height
- Locations and description of the measurements are indicated in Table 1 and Figure 1

Table 1: Environmental and Dirt Bike Noise Measurement Locations

Label	Measurement Type	Location Description
Loc. 1	Long Term - 8 ft mic height Short Term - 5 ft mic height	East property line fence on extension pole, 250' north from north edge of neighbor's barn. On a hillside overlooking the flat track and much of the MX track.
Loc. 2	Long Term - 9.5 ft mic height Short Term - 5 ft mic height	Southeast property line at row of new cedar trees on extension pole, secured to tree support post. Near the MX track and in-line with the eastern edge of the water retention pond on site.
Loc. 3	Long Term - 8.5 ft mic height Short Term - 5 ft mic height	South-southeast property line fence, on extension pole, on MX track hill. Near the section of the MX track where the riders start the final decent off the hill.
Loc. 4	Long Term - 7.5 ft mic height Short Term - 5 ft mic height	West-northwest property line fence, at corner of fence line, on extension pole. Near the start line for the MX track.
Loc. 5	Long Term - 9 ft mic height Short Term - 5 ft mic height	West property line fence on extension pole, in-line with adjacent residence south façade. Farthest from both tracks, and near closest residence.

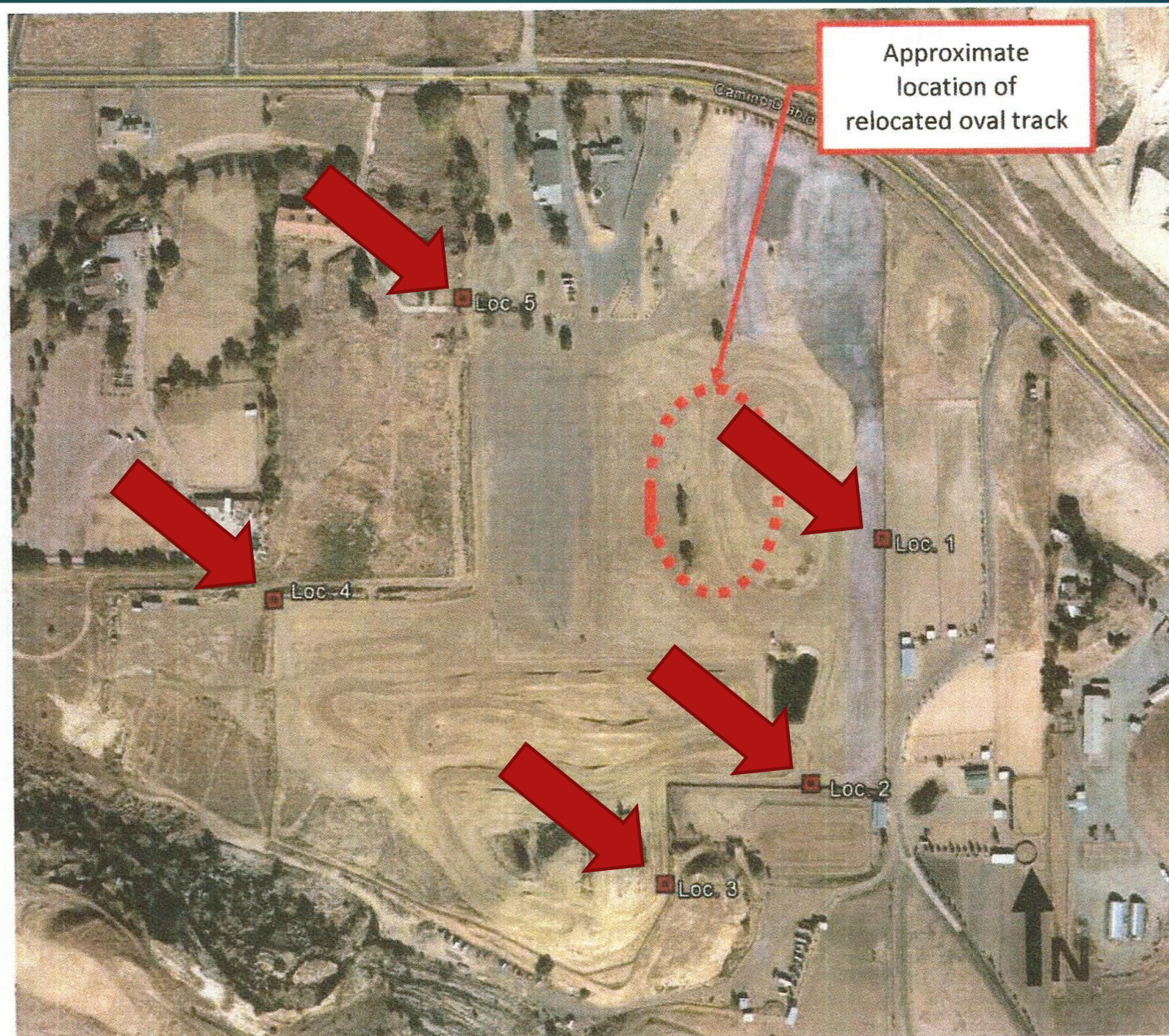


Figure 1: Aerial View of DMXR Facility Showing Noise Measurement Locations

- Noise Recordings

- * Weekend race day scenario
 - ~ Approximately 50 riders
 - ~ A mix of 2-stroke and 4-stroke dirt bikes
 - ~ Race was 25 minutes in length
- * Weekend and weekday practice day scenarios
 - ~ 2 ½ hours in length
 - ~ Number of riders varied during practice
 - ~ Highest number of riders at one time was 25
- * Flat track only activity (Friday/Saturday night under lights)
 - ~ 10 laps in length
 - ~ 13 riders

Table 4: Modeled Property Line L_{dn} During DMXR Typical Operating Scenarios

Operating Scenario	Day-Night Noise Level (L_{dn})				
	Loc. 1	Loc. 2	Loc. 3	Loc. 4	Loc.5
Weekend Race Day*	61	69	64	73	60
Weekend Practice	58	64	60	68	58
Weekday Practice	56	61	58	64	56
Friday or Saturday Night Under the Lights	60	52	57	56	60

* Weekend race day levels include PA usage

NOISE STUDY METHODOLOGY

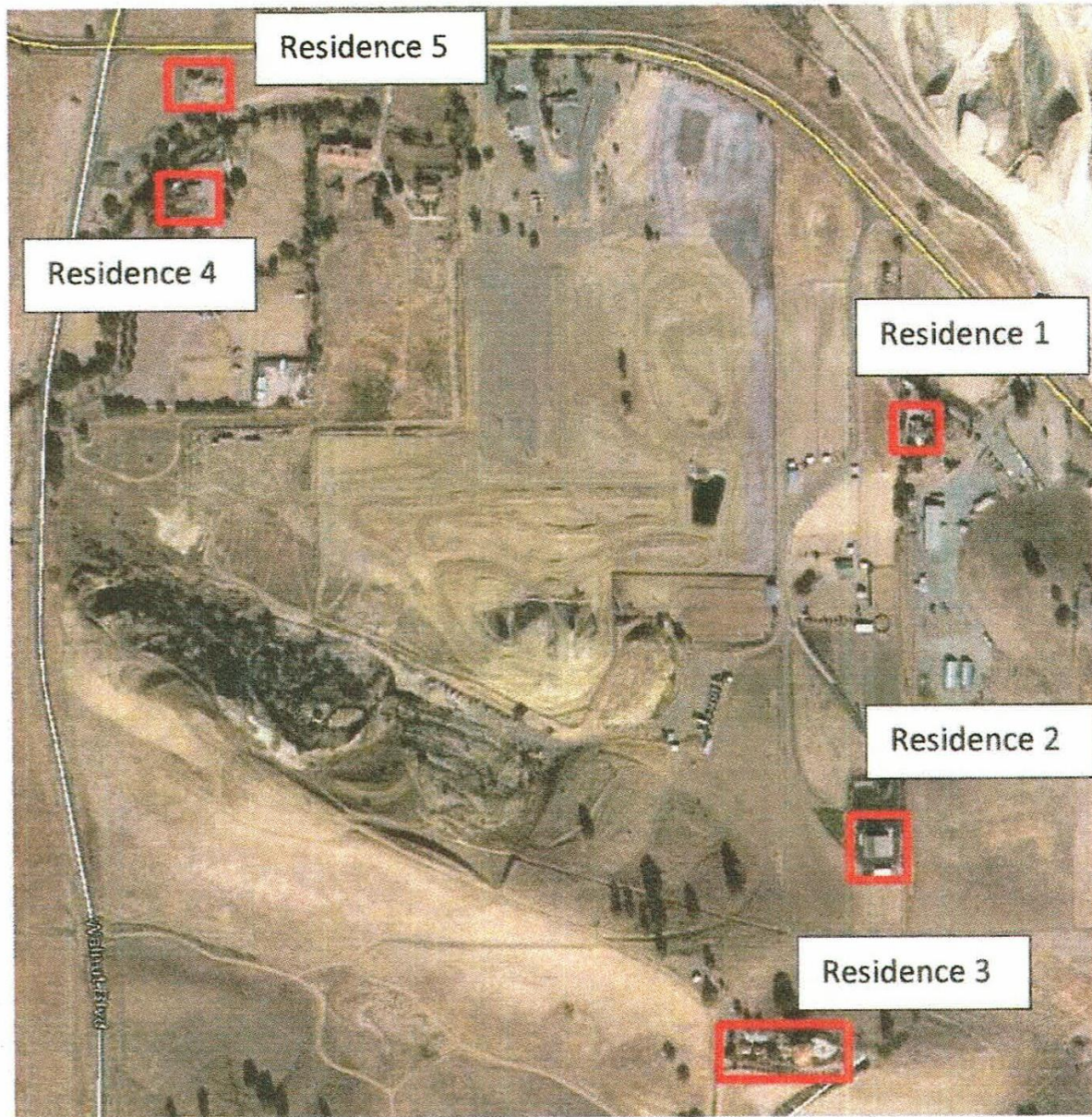


Figure 5: Location of Residences Adjacent to DMXR

Five (5) residences adjacent to DMXR shown in Figure 5

NOISE FOR ADJACENT RESIDENCES



- To model noise levels at adjacent residence is more difficult to determine than at the measurement locations
 - * More difficult because it requires accounting for attenuation with distance from multiple sources that are disturbed over a larger area and are constantly moving
 - * Sound from a single source attenuates (reduces) at a rate of 6 decibels when doubling of distance, **NOT ACCOUNTING FOR ANY TYPE OF BUFFER OR TERRAIN** (ie. A sound at 50 decibels and 10 yards away from a sound source will be reduced to 44 decibels when moved to 20 yards away from a sound source)

ESTIMATED Noise Levels at Adjacent Residences

- Residence 1, 3, 4 and 5 are estimated to be less than 56 decibels
- Residence 2 is estimated to be less than 58 decibels
- Residence 2 and 3 do not factor in acoustic shielding by the terrain

Conclusions *(based on this study)*

- None of the residences had any type of buffer or terrain factored in the estimated decibel levels
- Estimated decibel levels would be LESS than 58 or a conversation in a restaurant, office, background music or air conditioning unit at 100 feet
- Factoring in the mandatory 100-foot buffer it is estimated that the decibel level would be reduced by another 8 decibels or like a quiet suburb, a conversation at home, large electrical transformer at 100 feet

Local household measurements

- Does not include the 100' mandatory buffer
- Measurements taken from the property line
- Measurements pulled from Google maps
- Residences are a lot further away than those in the Wilson Ithirg noise study

Google Maps



Imagery ©2021 Maxar Technologies, Map data ©2021

100 ft

Measure distance

Total distance: 464.88 ft (141.70 m)

6/8/2021

Google Maps

Google Maps



Imagery ©2021 Maxar Technologies, Map data ©2021 50 ft

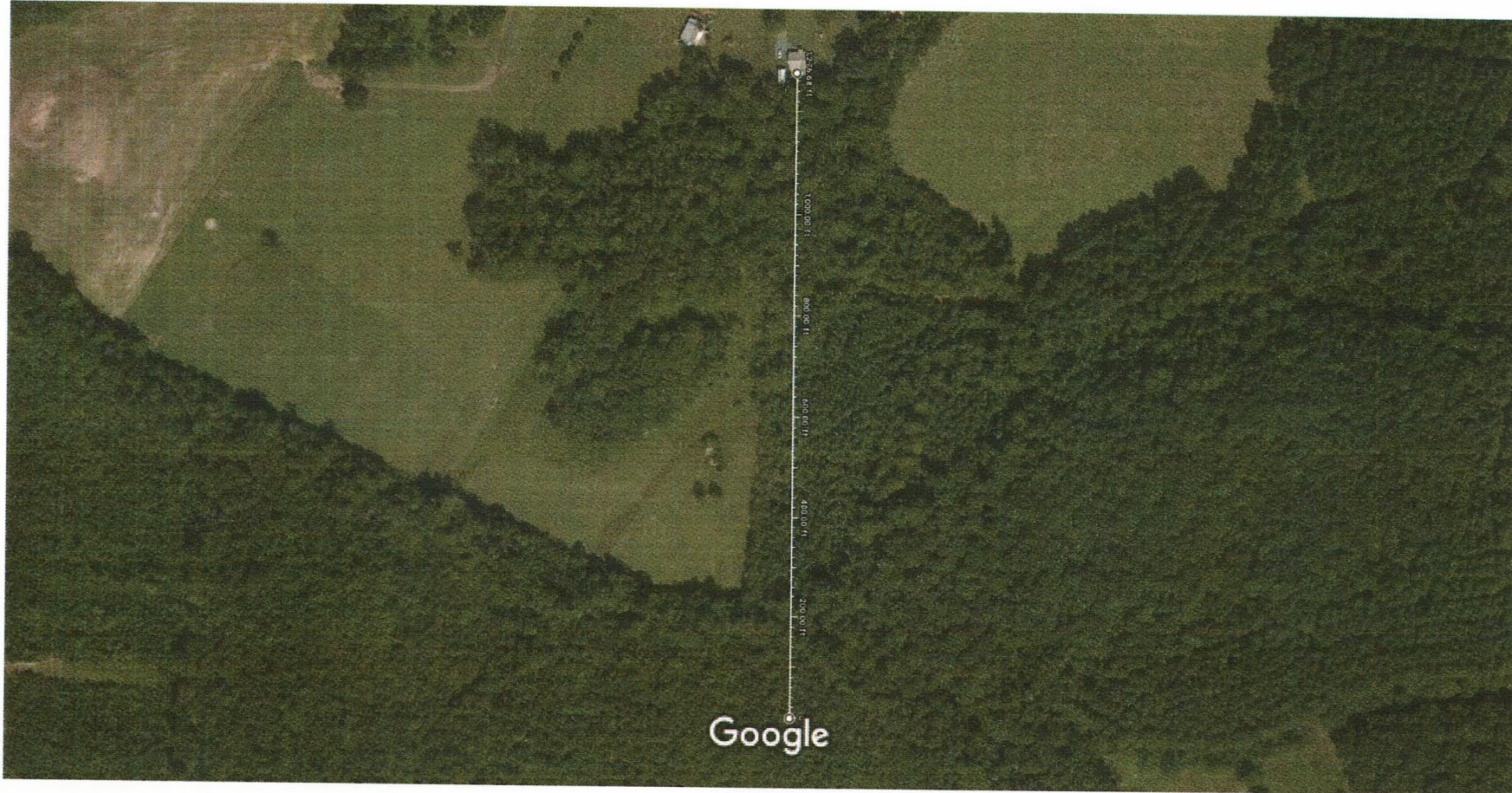
Measure distance

Total distance: 538.13 ft (164.02 m)

6/8/2021

Google Maps

Google Maps



Imagery ©2021 Maxar Technologies, Map data ©2021

100 ft

Measure distance

Total distance: 1,276.68 ft (389.13 m)

Google Maps



Imagery ©2021 Maxar Technologies, Map data ©2021 100 ft

Measure distance

Total distance: 1,276.75 ft (389.15 m)



Imagery ©2021 Maxar Technologies, Map data ©2021

100 ft

Measure distance

Total distance: 1,139.76 ft (347.40 m)



QUESTIONS?



DAVIDSON COUNTY AGENDA ITEM

TO: BOARD OF ADJUSTMENT

DEPARTMENT: Planning and Zoning

PREPARED BY: Lynn Wilson

TITLE: Request by Brian and Rita Gilmore for a Variance to the side yard setback in a RA-1, Rural Agricultural District.

BACKGROUND:

See attached Application and Maps.

RECOMMENDATION(S):

Approve or disapprove request.

Attachments

Application and Maps
Legal Notice from the Denton Orator

DAVIDSON COUNTY, NORTH CAROLINA

Application to the Board of Adjustment and/or Board of Commissioners for a Hearing

Application No.: 4-21-V

Applicant(s): Brian & Rita Gilmore

Date: 5/14/2021

Address: 763 N. Main St, Mt. Pleasant, NC 28124 **Telephone:** 980-521-3013 (B) / 980-521-3014 (R)

Property Owner: William & Teresa Scott

Address: 9412 Calloway Rd, Aberdeen, NC 28315 **Telephone:** 910-690-6157

Property Location (General Description): Property is located on the north side of Pirates Cove (behind 240 Pirates Cove) approximately 730 feet west of the Lakeshore Drive intersection at the address of 242 Pirates Cove.

Township: Alleghany **Map No.:** 19D **Blk. No.:** --- **Lots:** 1

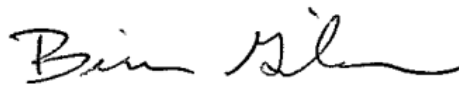
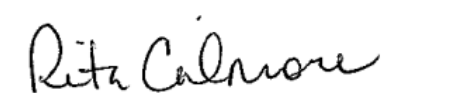
Type of Application:

- ☐ **Appeal from an action of the Zoning Officer and/or petition for an interpretation of the Zoning Ordinance**
- ☐ **Special Use, Class _____**
- ☒ **Variance**

Legal Advertisement: Request for a variance to the side yard setback in a RA-1, Rural Agricultural District. Property is located on the north side of Pirates Cove (behind 240 Pirates Cove) approximately 730 feet west of the Lakeshore Drive intersection at the address of 242 Pirates Cove. Property is further described as Alleghany Township, Tax Map 19D, Lot 1 containing 0.14 acre more or less.

Public Hearing Date: 6/17/2021 **Board of Adjustment's Recommendation:**

Signature, Applicant(s)

Fee Paid Receipt No.: 2021-85

Variance Application

DAVIDSON COUNTY
STATE OF NORTH CAROLINA

APPLICATION FOR A VARIANCE

5/14/2021

I, Brian and Rita Gilmore, hereby petition the Board of Adjustment for a VARIANCE from the literal provisions of the Davidson County Zoning 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 (Application for a Hearing) 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): Section 4.13, Table of Dimensional Requirements

So that the above-mentioned property can be used in a manner indicated by the Plot Plan attached to the Application for a Hearing form, or if the Plot Plan does not adequately reveal the nature of the variance, as more fully described herein (if variance is requested for a limited time only, specify duration requested): Variance of 5 feet to the side yard setback

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 the terms of the Davidson County Zoning Ordinance. A variance may only be allowed by the Board of Adjustment in cases involving practical difficulties or unnecessary hardships when substantial evidence in the official record of the application supports all five of the Findings of Facts listed below. In the space provided below, indicate the facts you intend to show and the arguments that you intend to make to convince the Board that it can properly find the following five required findings of fact:

1. That the alleged hardships or practical difficulties are unique and singular as regards the property of the person requesting that variance and are not those suffered in common with other property similarly located. See Exhibit A

Staff Comment: See Exhibit B

2. That the alleged hardships and practical difficulties, which will result from failure to grant the variance, extend to the inability to use the land in question for any use in conformity with the provisions of this ordinance and include substantially more than mere inconvenience and inability to attain a higher financial return. See Exhibit A

Staff Comment: See Exhibit B

3. That the variance, if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance: See Exhibit C

Staff Comment: See Exhibit B

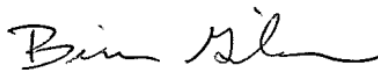
4. That the variance is in harmony with and serves the general intent and purpose if this ordinance: See Exhibit A

Staff Comment: See Exhibit B

5. That allowing the variance will result in substantial justice being done, considering both the public benefits intended to be secured by this ordinance and the individual hardships that will be suffered by a failure of the Board to grant a variance. See Exhibit A

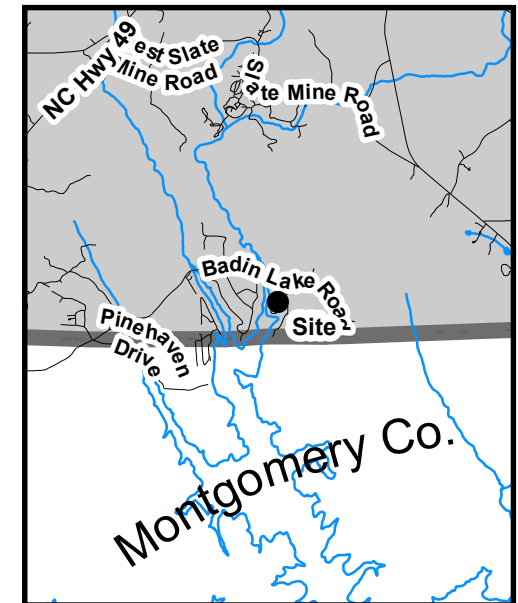
Staff Comment: See Exhibit B

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


Rita Calmore

Signature of Applicant _____

VARIANCE APPLICATION



Legend

- Secondary Road
- Interstate
- NC Hwy
- US Hwy
- Zoning Boundaries
- Property Lines
- City Zoning



Applicant:	
Brian & Rita Gilmore	
Property Owner:	
William & Teresa Scott	
Scale 1 inch = 100 feet	Drawn By: JDT
Date: 5/20/2021	REVISED:
Variance	
5ft to Side Yard Setback	
Alleghany Twsp., Tax Map 19D, Lot 1 Containing 0.14 AC More or Less	
2018 Aerial Photography	



Davidson County Planning Department

913 Greensboro Street
Post Office Box 1067
Lexington, North Carolina 27293-1067

Guy L. Cornman, III
Planning Director

Toll Free Numbers
Lexington: 336-242-2220
Winston-Salem: 336-723-7890 ext. 2220
Denton: 336-859-2194 ext. 2220

Adjoining Property Owners

From the Tax Administrators Office as of:
05/21/2021

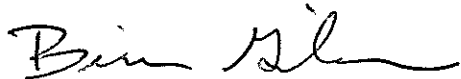
Parcel ID	Owner Name	Mailing Address
02019F0000011	MARTIN MICKEY	3216 OPTIMIST FARM RD APEX NC 27539
02019D0000110	MARTIN THOMAS E	4535 ELDERBERRY CT MATTHEWS NC 28104
02019D0000100	MORRISON JAMES P	1195 OLD CHARLOTTE ROAD CONCORD NC 28027-
02019D0000002	KEY MARK J	3724 SURRY WAY CT WINSTON SALEM NC 27106
02019D0000001	SCOTT WILLIAM CHARLES	9412 CALLOWAY RD ADERDEEN NC 28315

"Planning for a Better Tomorrow"

To whom it may concern,

My name is Brian Gilmore. My wife Rita and I have dreamed of owning a home on Badin Lake. My family has enjoyed coming to the lake for many years and recently had the opportunity to buy a narrow waterfront lot. It's a great gently sloping lot and something we can see our new house fitting in nicely. However, after looking at the side setbacks for this lot (10') we are having trouble finding a plan that works. The house we would like to build is very comparable to the neighboring lots. We are looking at a building foot print of 40' wide and 50' deep (2000 sqft.). Both the neighbors lots on each side of us are double lots with at least 10' side setbacks which gives plenty of room for our variance. I will attach a pic with our variance documents that shows the home we would like to build. Thanks for considering our request for variance on our dream retirement home on Badin Lake.

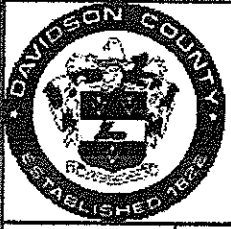
Brian & Rita Gilmore



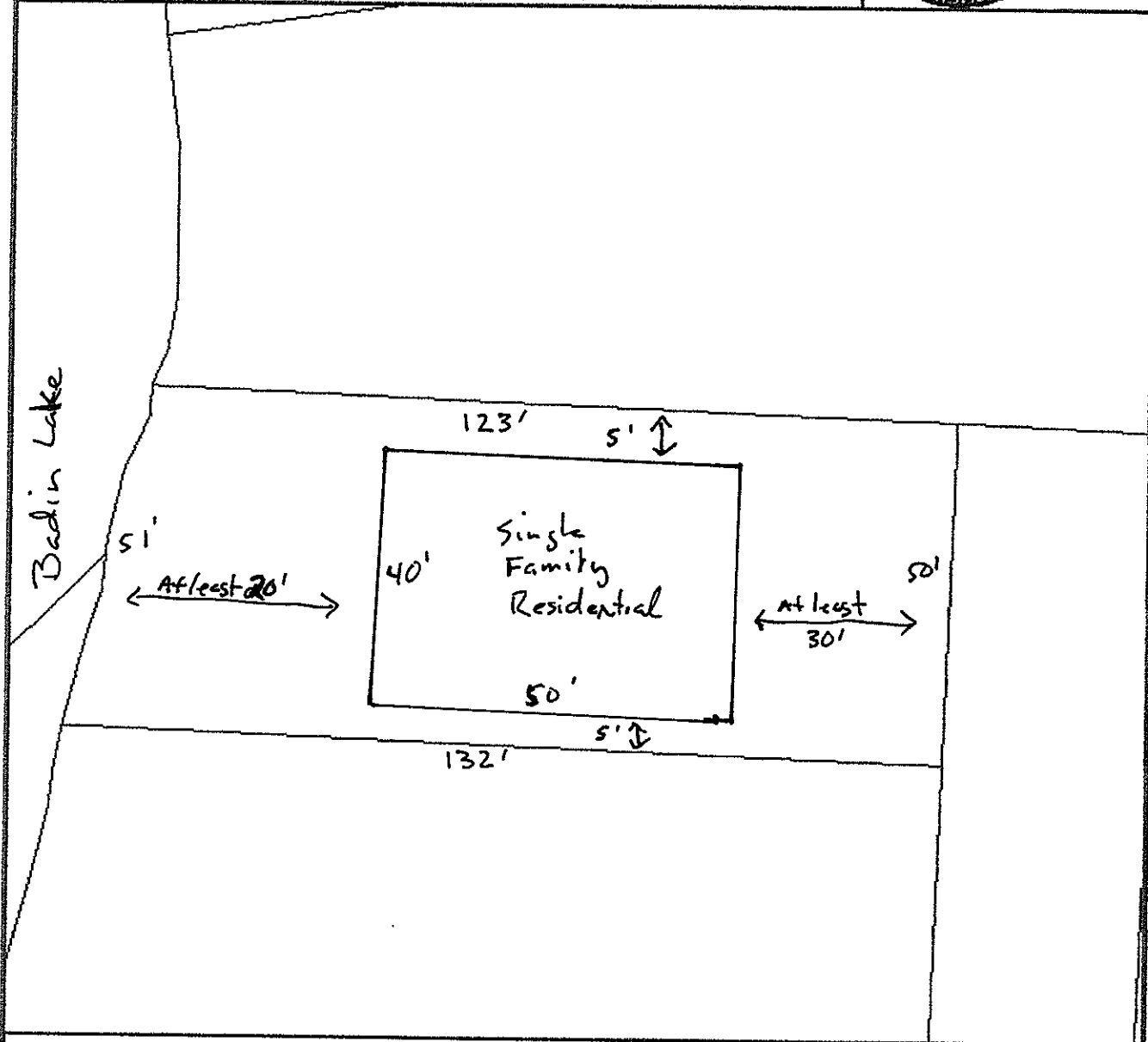

To whom it may concern,

My name is Brian Gilmore and I'm the broker/owner of G2 Real Estate. I just wanted to take a moment to reassure you as a real estate professional that the home that I plan to build on the lot in question will be a positive for the neighbors values and esthetics. I am looking to build a nicely appointed yet modest retirement home that anyone would be proud to call home on the lake. I will make sure that the house I build will fit in nicely. It will be a great addition to the neighborhood. Thanks for taking the time to consider my request.

Brian Gilmore



Davidson County GIS



242 Pirates Cove PIN #: 6674-03-21-6683

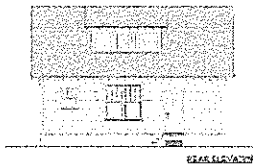
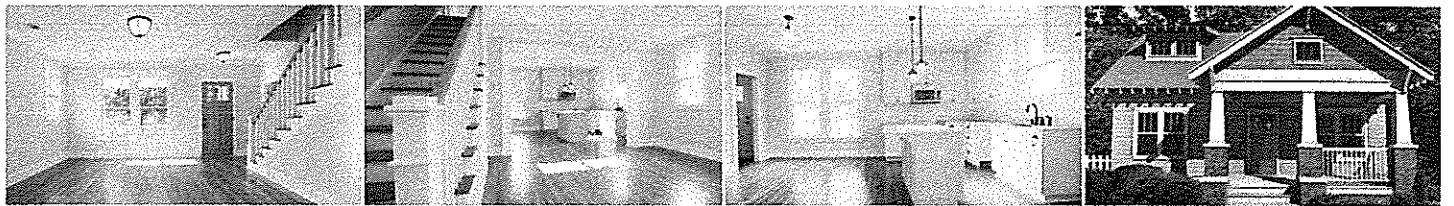
1 inch = 24 feet



* Asking for a total 10' variance along width of the lot. From 30' to 40' wide

The information contained on this map does not replace information that may be obtained by consulting the official source of the information. In no event shall Davidson County, NC or the consultants of Davidson County, NC be liable for any damages, direct or consequential, from the use of the information contained on this map.

Charming Craftsman Bungalow with Deep Front Porch

**1,584**

Heated S.F.

**3**

Beds

**3**

Baths

**2**

Floors

Buy This Plan

 PDF - Single-Build
\$995

 5 Sets
\$1,095

 6 Sets
\$1,135

 CAD - Single-Build
\$1,990

View all purchase option online

 View this and more for this plan by visiting
www.architecturaldesigns.com/50103PH

 Need Help?
800-854-7852

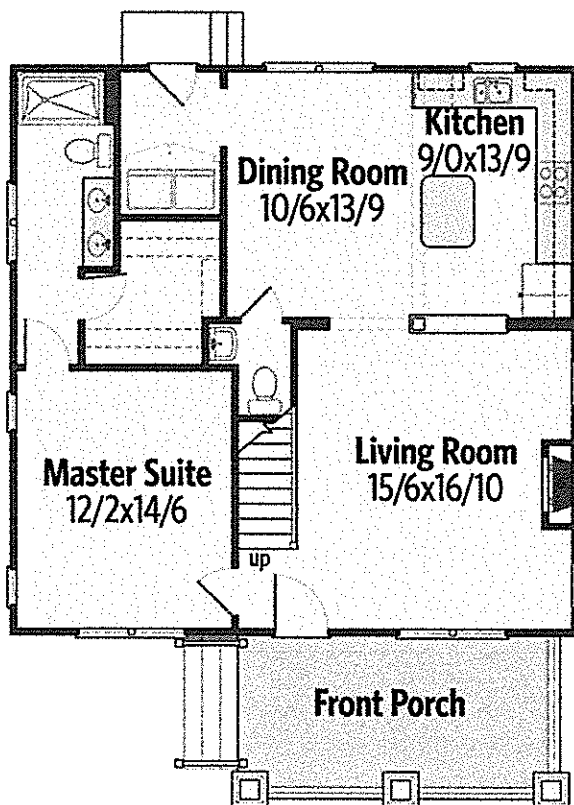
 Plan
50103P

About This Plan

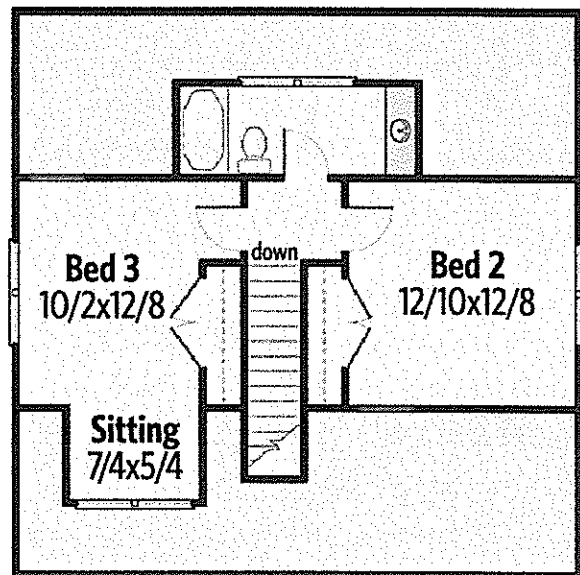
- A 10'-deep front porch is your first introduction to this charming Craftsman bungalow home plan.
- The half wall that separates the big living room from the kitchen preserves the views yet gives you separation.
- Extra counter space is gained from the kitchen island that overlooks the dining room.
- A rear entrance to the home has a hidden laundry closet.
- The master suite enjoys a private bathroom and large walk-in closet.
- Climb the stairs to the second floor where you have two bedrooms, one with a sitting area.
- The large hall bathroom serves both bedrooms.
- **Related Plans:** Get a back porch and a little more room with house plan **50162PH** (<https://www.architecturaldesigns.com/50162ph>) (1,615 sq. ft.) and **50175PH** (<https://www.architecturaldesigns.com/house-plans/craftsman-home-plan-with-large-living-room-for-its-size-50175ph>) (1,803 sq. ft.).

Floor Plans

Main Level



2nd Floor



Plan Details

Square Footage Breakdown

Total Heated Area:	1st Floor:	2nd Floor:
1,584 sq. ft.	1,024 sq. ft.	560 sq. ft.

Beds/Baths

Bedrooms:	Full bathrooms:	Half bathrooms:
3	2	1

Foundation Type

Standard Foundations:	Optional Foundations:
Crawl, Slab	Walkout, Basement

Exterior Walls

Standard Type(s):
2x4

Dimensions

Width:	Depth:
32' 0"	42' 0"

Ceiling Heights

Floor / Height:
First Floor / 9' 0"
Second Floor / 8' 0"



Handy Sanitary District

PO Box 987

Denton, NC 27239

Ph (336)-859-2553 Fax (336)-859-3504

www.handysanitary.com

May 12, 2021

To Whom It May Concern:

Water and sewer service is available at 242 Pirates Cove.

If you have any questions, please call the office.

Sincerely,

**Jessica Swicegood
Customer Service
Handy Sanitary District**

**NORTH CAROLINA
DAVIDSON COUNTY**

Affidavit of Publication

Before the undersigned, a Notary Public of said County and State, duly commissioned, qualified, and authorized by law to administer oaths, personally appeared

Stan Bingham

who being first duly sworn, deposes and says that he is
Publisher

of The Denton Orator, engaged in the publication of a newspaper known as The Denton Orator, published, issued and entered as second class mail in the Town of Denton, in said County and State; and that he is authorized to make this affidavit and sworn statement; that the notice or other legal advertisement, a true copy of which is attached hereto, was published in The Denton Orator on the following dates:

5/26/2021

6/2/2021

and that this said newspaper in which such notice, paper, document, or legal advertisement was published was, at the time of each and every publication, a newspaper meeting all of the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina, 1996, as amended, and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina.

This 2 day of June 2021.

Stan Bingham

Sworn to and subscribed before me, this

2 day of June 2021.

Kelly A. Bledsoe

Notary Public

My commission expires:

4-28-24

**NOTICE OF PUBLIC
HEARING**

Notice is hereby given that a Public Hearing will be held by the Board of Adjustment of Davidson County on Thursday, June 17th, 2021 at 6:00pm in the Commissioners' Meeting Room, Governmental Center, 913 N. Greensboro Street in Lexington, North Carolina for the following zoning item:

ITEM #1: Request by Brian & Rita Gilmore for a Variance to the Side Yard Setback in a RA-1, Rural Agricultural District. Property is located on the north side of Pirates Cove (behind 240 Pirates Cove) approximately 730 feet west of the Lakeshore Drive intersection at the address of 242 Pirates Cove. Property is further described as Alleghany Township, Tax Map 19D, Lot 1 containing 0.14 acre more or less.

As a result of the Public Hearing, substantial changes might be made in the advertised proposal, reflecting objections, debate, and discussions at the hearing. All inquiries prior to the Public Hearing regarding the item mentioned above should be directed to the Davidson County Planning Department at (336)-242-2220.

Persons with disabilities who may need special accommodations to participate in this meeting should notify the County Manager's office at (336)-242-2200 at least twenty-four hours prior to the start of the meeting.

R. Lee Crook, Jr.
Zoning Administrator
1931 2x t 6/2



DAVIDSON COUNTY AGENDA ITEM

TO: BOARD OF ADJUSTMENT

DEPARTMENT: Planning and Zoning

PREPARED BY: Lynn Wilson

TITLE: New Business

BACKGROUND:

RECOMMENDATION(S):

Attachments



DAVIDSON COUNTY AGENDA ITEM

TO: BOARD OF ADJUSTMENT

DEPARTMENT: Planning and Zoning

PREPARED BY: Lynn Wilson

TITLE: ADJOURN

BACKGROUND:

RECOMMENDATION(S):

Attachments