

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, NOVEMBER 1, 2021**

The Lincoln County Board of County Commissioners met on November 1, 2021, in the Commissioners Room, Lincoln County Administration Office, 353 N. Generals Blvd., Lincolnton, at 6:30 PM.

Commissioners Present:

Carrol Mitchem, Chairman  
Milton Sigmon, Vice-Chairman  
Anita McCall  
Bud Cesena

Commissioner Absent:

Cathy Davis

Others Present:

Megan Gilbert, County Attorney  
Deanna Rios, Finance Director  
Amy S. Atkins, Clerk to the Board

Planning Board Members:

Robert Shugarman, Chair  
Doug Tallent, Vice-Chair  
Jeff Pariano, Secretary  
Jenni Boyles  
Keith Gaskill  
Jim Konieczny  
Kyle Land  
George Mull  
Keith Poston

Planning Staff:

Andrew Bryant, Director of Development Services  
Joshua Grant, Planning & Inspections Manager  
Jeremiah Combs, Planner  
Julie Mosteller, Planner  
Jordan Tubbs, Planner  
Amy Brown, Clerk to Planning Board

**Adoption of Agenda:** Chairman Mitchem presented the agenda for the Board's approval.

**UPON MOTION** by Commissioner Sigmon, the Board voted unanimously to adopt the agenda as presented.

**AGENDA**  
**Lincoln County Board of Commissioners Meeting**  
**Monday, November 1, 2021**  
**6:30 PM**

**Lincoln County Administration Office**  
**353 N. Generals Blvd**

## Lincolnton, NC 28092

Call to Order – Chairman Mitchem

Moment of Silence

Pledge of Allegiance

1. Adoption of the Agenda
2. Consent Agenda
  - a. Approval of Minutes – October 18, 2021
  - b. GPO #2
  - c. CPOA #3
  - d. BOA #3
  - e. VTS Refunds
  - f. Tax Requests for Refunds 9/13/21 – 9/26/21
  - g. Power Plant Worker Appreciation Day Proclamation
3. Zoning Public Hearings – Jeremiah Combs

### **Joint Public Hearings with Planning Board - Legislative Cases:**

- ZMA #684 Jimmy Wise, applicant (Parcel ID# 92008) A request to rezone a 1-acre tract from B-N (Neighborhood Business) to R-R (Rural Residential). The property is located at 7397 Macedonia Church Rd, on the west side of Macedonia Church Road at the intersection of Burgin Smith Road in North Brook Township.
- UDO Proposed Amendments #2021-2 Lincoln County Planning and Inspections Department, applicant. A proposal to amend various sections of the Lincoln County Unified Development Ordinance to remove adequate public facilities standards, revise subdivision plat certificates, redefine minor subdivisions, and require additional sidewalks in planned developments.

### **Following the joint meeting, the Lincoln County Board of Commissioners will hold public hearings to consider the following *QUASI JUDICIAL* matters:**

- SUP #451 Dorothy Martin, applicant (Parcel ID# 27234) A request for a special use permit to place a Class C singlewide manufactured home in the R-S (Suburban Residential) district. The request involves a 1.3-acre lot located at 1063 Salem Church Road in Ironton Township.
- SUP #452 Gary Gechter, applicant (Parcel ID# 926708) A request for a special use permit to construct a guest house to serve as an accessory to a single-family dwelling. The request involves a 14.1-acre lot located at 610 Camp Creek Road in Ironton Township.

- SUP #453 Stephen and Elizabeth Brotherton, applicant (Parcel ID# 30614) A request for a special use permit to construct a detached garage in front of the front building line of the house on a lot adjacent to Lake Norman. The request involves a 0.75-acre lot located at 8494 Pine Lake Road in Catawba Springs Township.
  - SUP #454 Matthew Albert, applicant (Parcel ID# 77069) A request for a special use permit to construct an office addition to an existing boat maintenance/repair shop. The request involves an 8.03-acre lot located at 7884 Water Oaks Drive in Catawba Springs Township.
4. Airport Request for \$300,000 Local Match (10%) of \$3,000,000 Grant from the NC Board of Transportation – Joe Tate
  5. Public Comments
  6. Other Business

Adjourn

**Consent Agenda:** UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve the Consent Agenda as presented.

Consent Agenda

- a. Approval of Minutes – October 18, 2021
- b. GPO #2
- c. CPOA #3
- d. BOA #3
- e. VTS Refunds
- f. Tax Requests for Refunds 9/13/21 – 9/26/21
- g. Power Plant Worker Appreciation Day Proclamation

**Zoning Public Hearings:** Megan Gilbert, County Attorney, presented information concerning legislative and quasi-judicial hearings. She asked if any Board member has a conflict regarding any of the quasi-judicial cases. None were disclosed.

Joshua Grant presented the following case:

**ZMA #684 – Jimmy Wise, applicant**

The applicant is requesting the rezoning of a 1-acre lot from B-N (Neighborhood Business) to R-R (Rural Residential).

Site Area & Description

The subject property is located at 7397 Macedonia Church Rd, on the west side of Macedonia Church Road at the intersection of Burgin Smith Road. It is adjoined by property zoned R-R. Land uses in this area include residential, agricultural, business and industrial. The subject property is located in an area designated by the Lincoln County Land Use Plan as Rural Living, suitable for a rural residential development pattern with small nodes of commercial activities to serve the daily needs of residents.

Additional Information

**Permitted uses**

Under current B-N zoning: Personal care services (hair salon, massage therapy, etc.), office, retail sales, etc.

Under proposed R-R zoning: Single-family house, manufactured home, rural home occupation.

**Adjoining zoning and uses**

East (opposite side of Macedonia Church Road): zoned R-R, farmland.

South: zoned R-R, undeveloped lot and lot with residence.

West: zoned R-R, undeveloped portion of applicant's property.

North (adjoining parcel): zoned R-R, applicant's residence.

Staff's Recommendation Staff recommends approval of the rezoning request.

Chairman Mitchem opened the Public Hearing concerning ZMA #684 – Jimmy Wise, applicant.

Jimmy Wise, applicant, said he will be happy to answer any questions. He said the business is no longer there and he would like the land changed back to Rural Residential.

Being no additional speakers, Chairman Mitchem closed the public hearing.

**UDO Proposed Amendments #2021-2 Lincoln County Planning and Inspections, Department, applicant:**

The planning staff is proposing the following amendments to the Lincoln County Unified Development Ordinance:

- 1) Amend Article 6 to remove all Adequate Public Facilities standards and reserve Article 6 for future use.

- 2) Amend Section 9.6.10, Section 9.6.11, Section 9.6.15 to remove subdivision plat certificates and replace them with a statement that all required plat certificates, in accordance with the Plat Certificate Packet on file with the Lincoln County Planning and Inspections Department, must be present on the face of the final plat.
- 3) Amend Section 9.6.6.A to revise the definition of minor subdivision to include all subdivisions with 30 or fewer lots.
- 4) Amend Section 9.6.8.F to revise the approval criteria for a final plat of a minor subdivision.
- 5) Amend Section 2.4.9.B and Section 2.4.9.C to require sidewalks be installed along the existing roads that abut and provide access to residential and commercial Planned Developments.

### Background

The purpose of Amendment 1 is to remove adequate public facilities standards that Lincoln County no longer has the authority to enforce.

The purpose of Amendment 2 is to remove subdivision plat certificates, which need to be updated from time to time, from the Unified Development Ordinance, so that future revisions to language within the plat certificates can be accomplished without requiring a public hearing. The public would be able to access a packet that contains the required plat certificates for different classifications of subdivisions without having to search through the Unified Development Ordinance.

All major subdivisions require preliminary plat approval from the Board of Commissioners; the purpose of Amendment 3 is to revise the definition of minor subdivisions so the preliminary plat approval is not required for subdivisions with new roads, water lines, or sewer lines as long as the subdivision contains no more than 30 lots.

The purpose of Amendment 4 is to make the minor plat approval criteria consistent with the revised definition of minor subdivisions.

The purpose of Amendment 5 is to provide opportunities for sidewalk connections along existing roads where residential and commercial planned developments are constructed.

Commissioner Sigmon said he has concerns about the amendments and would like to table this proposal to have a work session to discuss further.

Chairman Mitchem opened the Public Hearing concerning UDO Proposed Amendments #2021-2 Lincoln County Planning and Inspections Department, applicant.

Being no speakers, Chairman Mitchem closed the public hearing.

**UPON MOTION** by Commissioner McCall, the Board voted unanimously to table until a work session with the Planning Board can be held.

The Planning Board recessed their meeting to Room 310.

Jeremiah Combs presented the following:

**SUP #451 Dorothy Martin, applicant:**

The applicant is requesting a special use permit to place a Class C singlewide manufactured home in the R-S (Residential Suburban) district. A singlewide or doublewide manufactured home is a special use in the R-S district. The proposed singlewide manufactured home would replace the existing home on the property.

**Site Area and Description**

The 1.3-acre parcel is located at 1063 Salem Church Road in Ironton Township. The property is adjoined by property zoned R-S on the north side of Salem Church Road and property zoned I-G (General Industrial) on the south side of Salem Church Road. Land uses in this area include industrial, commercial, residential, and religious uses. This property is part of an area designated by the Lincoln County Land Use Plan as Single Family Neighborhood, suitable for a variety of singlefamily detached housing types.

Chairman Mitchem opened the Public Hearing concerning SUP #451 – Dorothy Martin, applicant.

James Cook, spoke representing the applicant, Dorothy Martin, a family friend. He said Ms. Martin would like to return to this property and use the existing septic tank and city water. This is Ms. Martin’s family land, where she was raised. He said the mobile home will have vinyl siding and a shingle roof.

Dorothy Martin, applicant, said she prepared the Findings of Fact and would like to incorporate them into her testimony.

Being no additional speakers, Chairman Mitchem closed the public hearing.

**UPON MOTION** by Commissioner Sigmon, the Board voted unanimously to approve the Findings of Fact as submitted by the applicant.

**UPON MOTION** by Commissioner Sigmon, the Board voted unanimously to approve SUP #451 – Dorothy Martin, applicant, based on the Findings of Fact.

**SUP #452 – Gary Gechter, applicant:**

The applicant is requesting a special use permit to construct a guest house to serve as an accessory to a single-family dwelling. Under the Unified Development Ordinance, a guest house may be permitted as a conditional use in any residential district, subject to certain requirements.

### Site Area and Description

The request involves a 14.1-acre lot located at 610 Camp Creek Road in Ironton Township. The property is zoned R-T (Transitional Residential) and surrounded by property zoned R-T. Land uses in this area are primarily residential and agricultural. This property is part of an area designated by the Lincoln County Land Use Plan as Large Lot Residential.

### Ordinance Standards

Under the UDO, the term used for a guest house is “private residential quarters.”

Chairman Mitchem opened the Public Hearing concerning SUP #452 – Gary Gechter, applicant.

Gary Gechter, applicant, said he would like to build a 900 square foot guest cottage for his daughter to stay in. He said he prepared and would like to incorporate the Findings of Fact into his testimony.

Being no additional speakers, Chairman Mitchem closed the public hearing.

**UPON MOTION** by Commissioner McCall, the Board voted unanimously to approve the Findings of Fact as submitted by the applicant.

**UPON MOTION** by Commissioner McCall, the Board voted unanimously to approve SUP #452 – Gary Gechter, applicant, based on the Findings of Fact.

Jordan Tubbs presented the following:

### **SUP #453 – Stephen and Elizabeth Brotherton, applicants:**

The applicant is requesting a special use permit to construct a detached garage in front of the front building line of the house on a lot adjacent to Lake Norman. Under Section 4.6.2.C.2(a) of the Unified Development Ordinance, an accessory structure cannot extend in front of the front line of the principal structure unless it is set back a minimum of 100 feet from the edge of the road right-of-way; or, in the case of a lot adjacent to Lake Norman, the Board of Commissioners may approve a special use permit to allow an accessory structure to be located in the road yard, a minimum of 30 feet from the edge of the road right-of-way. A site plan submitted as part of the application shows the proposed garage would be located in compliance with the required setbacks.

### Site Area and Description

The request involves a 0.75-acre lot located at 8494 Pine Lake Road in Catawba Springs Township. The property is zoned R-SF (Residential Single Family) and surrounded by property zoned R-SF. Land uses in this area are primarily residential. This property is part of an area designated by the Lincoln County Land Use Plan as Single Family Neighborhood.

Chairman Mitchem opened the Public Hearing concerning SUP #453 – Stephen and Elizabeth Brotherton, applicants.

Elizabeth Brotherton, applicant, presented the proposed site plan with the garage on the northeast corner. She said they are not planning a driveway to the garage, but it will be for storage of lawnmowers, etc. She said the building will match their house. She said she prepared and would like to incorporate the Findings of Fact into her testimony.

Linda Ostergaard, 8514 Pine Lake Road, spoke for 80% of the properties within the 660 feet of the property with standing, against the request. She said she asked the applicant to withdraw the application and work with the neighbors but they have declined. She reviewed the findings of fact. She spoke about violations on the site.

Jeremiah Combs said this is a Special Use Permit, not a Variance. He said he is unaware of any violations on the site.

Commissioner Sigmon asked about the size of the garage, the Findings of Fact say 500 square feet. Mrs. Brotherton said it is 500 square feet, 25 x 20.

Being no additional speakers, Chairman Mitchem closed the public hearing.

**UPON MOTION** by Commissioner Sigmon, the Board voted unanimously to approve the Findings of Fact as submitted by the applicant.

Commissioner Cesena expressed concerns about the materials that will be used to build this structure. Jeremiah Combs said the North Carolina Legislature recently took away the authority to regulate aesthetics on residential.

**UPON MOTION** by Commissioner Sigmon, the Board voted unanimously to approve SUP #453 – Stephen and Elizabeth Brotherton, applicants, based on the Findings of Fact.

**SUP #454 – Matthew Albert, applicant:**

The applicant is requesting a special use permit to construct an office addition to an existing boat maintenance/repair shop in the R-CR (Residential and Commercial Recreational) district. The existing structure serves as a boat maintenance/repair shop for the marina. A marina is a special use in the RCR district. A site plan has been submitted as part of the application.

**Site Area and Description**

The request involves an 8.03-acre lot located at 7884 Water Oaks Drive in Catawba Springs Township. The property is adjoined by property zoned R-CR, B-N (Neighborhood Business), R-T (Transitional Residential), and R-S (Residential Suburban). Land uses in this area include recreation, residential, commercial, and industrial uses. This property is part of an area designated by the Lincoln County Land Use Plan as a Suburban Commercial Center, suitable for general commercial services.

Chairman Mitchem opened the Public Hearing concerning SUP #454 – Matthew Albert, applicant.

Dottie Wetmore, Manager of Safe Harbor Westport, spoke for the applicant. She said the Project Manager and Civil Engineer prepared the Findings of Fact on her behalf and she would like to incorporate them into her testimony.

Tim Foley, Civil Engineer, said he is here to answer any questions.

Andy Hoffman said he is here to support and answer any questions.

Matt Kenzi, Service Manager for Safe Harbor Westport said he is here to answer any questions.

Being no additional speakers, Chairman Mitchem closed the public hearing.

**UPON MOTION** by Commissioner McCall, the Board voted unanimously to approve the Findings of Fact as submitted by the applicant.

**UPON MOTION** by Commissioner McCall, the Board voted unanimously to approve SUP #454 – Matthew Albert, applicant, based on the Findings of Fact.

**Airport Request for \$300,000 Local Match 10% of Grant from the NC Board of Transportation:** Joe Tate, Airport Manager, said the Airport has been awarded a \$2,700,000 Grant from the North Carolina Board of Transportation. This grant requires a \$300,000 local match which equals \$3,000,000 total amount. The Airport Authority is requesting \$300,000 as a local match to obtain this grant.

Mr. Atkins said this is a great opportunity and he highly recommends approval of the local match.

**UPON MOTION** by Commissioner Cesena, the Board voted unanimously to approve the \$300,000 local match for the \$2,700,000 Board of Transportation Grant for the Airport.

**Public Comments:** Chairman Mitchem opened Public Comments.  
Being no speakers, Chairman Mitchem closed Public Comments

**Adjourn:** **UPON MOTION** by Commissioner Sigmon, the Board voted unanimously to adjourn.

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Amy S. Atkins, Clerk  
Board of Commissioners

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Carrol Mitchem, Chairman  
Board of Commissioners