

**MINUTES  
LINCOLN COUNTY BOARD OF COMMISSIONERS  
MONDAY, FEBRUARY 7, 2022**

The Lincoln County Board of County Commissioners met on February 7, 2022, in the Auditorium of the James Warren Citizens Center, 115 W. Main Street, Lincoln, 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  
Amanda McCrickard, Senior Financial Analyst  
Amy S. Atkins, Clerk to the Board

Planning Board Members:

Robert Shugarman, Chair  
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  
Jordan Tubbs, Planner  
Amy Brown, Clerk to Planning Board

Chairman Mitchem called for a Moment of Silence and led in the Pledge of Allegiance.

**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 moving Item 4 to 2b.

**AGENDA  
Lincoln County Board of Commissioners Meeting  
Monday, February 7, 2022  
6:30 PM**

**James Warren Citizens Center  
Auditorium  
115 W. Main Street**

## 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 – January 24, 2022
  - b. BOA #6
  - c. GPO #6
  - d. CPOA #5
  - e. Resolution #2021-3: Resolution to Sell North Brook Volunteer Fire Department a Surplus County Vehicle for \$1.00
  - f. Tax Requests for Refunds – December 20 – 31, 2021
3. Zoning Public Hearings – Jeremiah Combs

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

CZ 2021-7 Timothy Dellinger, applicant (Parcel ID# 90501 and 101159) A request to rezone an 8.41-acre tract from R-SF (Residential Single-Family) to CZ B-G (Conditional Zoning General Business) to permit a self-storage facility, including enclosed storage units and outdoor recreational vehicle storage. The property is located at 8179 Webbs Road in Catawba Springs Township.

ZMA #685 Denver Christian Academy, applicant (Parcel ID# 80841) A request to rezone a 5.13-acre tract from B-N (Neighborhood Business) to B-G (General Business). The property is located at 2243 Charter Lane, on the west side of N.C. 16 Business and north side of Old Post Road in Catawba Springs Township.

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

SUP #455 Denver Christian Academy, applicant (Parcel ID# 80841) A request to amend CUP #430A to allow two additional modular classroom buildings to be placed on a school campus in the B-N (Neighborhood Business) district. The 5.13-acre tract is located at 2243 Charter Lane, on the west side of N.C. 16 Business and north side of Old Post Road in Catawba Springs Township.

SUP #457 Derek and Jessica Hill, applicants (Parcel ID# 33696) A request for a Special Use Permit to expand an existing detached garage in the road yard on a lot adjacent to Lake

Norman. The 0.89-acre parcel is located at 7679 Rabbit Circle about 1500 feet east of the intersection with Webbs Chapel Church Road in Catawba Springs Township.

4. Statement of Delinquent 2021 Taxes Which are a Lien on Real Estate Property and Adoption of Resolution #2022-4: A Resolution Ordering the Advertising of Delinquent Real Estate Property Tax Liens – Susan Sain
5. Public Comments
6. Finance Officer's Report
7. 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 – January 24, 2022
- b. BOA #6
- c. GPO #6
- d. CPOA #5
- e. Resolution #2021-3: Resolution to Sell North Brook Volunteer Fire Department a Surplus County Vehicle for \$1.00
- f. Tax Requests for Refunds – December 20 – 31, 2021

**Statement of Delinquent 2021 Taxes Which are a Lien on Real Estate Property and Adoption of Resolution #2022-4: A Resolution Ordering the Advertising of Delinquent Real Estate Property Tax Liens:** Susan Sain presented the following:

Pursuant to NCGS 105.369(a), the amount of delinquent 2021 taxes which are a lien on real estate property is \$3,013,405.13. A complete listing of these delinquent taxes is on file at the Lincoln County Tax Department.

Upon receipt of this statement, the governing board must order advertising of the unpaid delinquencies. It is our recommendation that this advertisement appear one (1) time between March 1 and June 30, 2022, as required per NCGS 105.369 (a), in the Lincoln Times News, Lincoln Herald, and the Denver Citizen. This delinquent list will also be posted in the Lincoln County Courthouse upon approval by the board.

Resolution # \_\_\_\_\_: A RESOLUTION ORDERING THE ADVERTISING OF  
DELINQUENT REAL ESTATE PROPERTY TAX LIENS

THAT WHEREAS, NCGS 105.369(a) requires the Tax Administrator to report to the Board of Commissioners the delinquent tax liens on real property; and

WHEREAS, the same statute requires the Board of Commissioners to order that these liens be published one (1) time between March 1 and June 30; and

WHEREAS, the Tax Administrator has submitted said listing of the delinquent tax liens on real property;

NOW THEREFORE, BE IT RESOLVED by the Lincoln County Board of Commissioners that the Tax Administrator is hereby ordered to publish the list of delinquent tax liens on real property.

Passed and adopted this the 7th day of February 2022.

BY: \_\_\_\_\_  
Carrol Mitchem, Chair  
Lincoln County Board of Commissioners

ATTEST:

\_\_\_\_\_  
Amy S. Atkins, Clerk to the Board

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve Resolution #2022-4 as presented.

**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. Commissioner Cesena disclosed that he received numerous phone calls, emails and a visit concerning the Dellinger case but did not express an opinion to anyone as to how he would vote. Mrs. Gilbert said Commissioner Cesena did not thoroughly communicate with the other parties, so she does not think this would be considered ex parte communications. It was the consensus of the Board that this was not considered ex parte communication.

Jeremiah Combs presented the following cases:

**CZ #2021-7 Timothy Dellinger, applicant**

Request

The applicant is requesting the rezoning of a 8.41-acre tract from R-SF (Residential Single-Family) to CZ B-G (Conditional Zoning General Business) to permit a self-storage facility, including enclosed storage units, outdoor recreational vehicle storage, and an ice vending station. Under the Unified Development Ordinance, self-storage facilities with less than 50,000 square feet of gross floor area are a special use in the B-G (General Business) district.

The minutes from a November 30, 2021 community involvement meeting are included with the rezoning application.

Site and Area Description

The subject property is located at 8179 Webbs Road in Catawba Springs Township. The property is adjoined by property zoned R-SF (Residential-Single Family) and PD-R CU (Planned Development Residential Conditional Use). Land uses in this area are primarily residential with a few business and industrial uses. This property is designated by the Lincoln County Land Use Plan as Single-Family Neighborhood, suitable for a variety of single-family detached housing types with a density of 1.0 to 2.0 units per acre.

Staff's Recommendation

Staff recommends disapproval of the rezoning request based on the following:

This proposed amendment is not consistent with the Lincoln County Comprehensive Land Use Plan and other adopted plans in that:

This property is part of an area designated by the Land Use Plan as Single Family Neighborhood, suitable for a variety of single-family detached housing types with a density of 1.0 to 2.0 units per acre.

This proposed amendment is not reasonable in that:

The proposed commercial development is inconsistent with the predominant residential land use pattern of the surrounding area. The scale and impact of the proposed facility is incompatible with the adjoining residential development.

Chairman Mitchem opened the Public Hearing concerning CZ #2021-7 Timothy Dellinger, applicant.

Marian Dellinger, said that she and Tim Dellinger currently reside in Mt. Holly. She said they are here tonight regarding the request to rezone 8.41 acre. The project would be built in 3 phases, the first phase would be the Class C Landscape buffer with the berm on Webbs Road along with the RV building and boat parking. The berm that is along Webbs Road would include landscaping and the existing vegetation within the buffer will be retained as practical. Phase 2, if

it becomes necessary would include dry storage, as needed by the community. The 3<sup>rd</sup> phase would be climate controlled storage if needed. The buildings would be single story with a gated entrance with cameras throughout the facility. The entrance would be off Burton Lane, but could be moved to Webbs Road. The facility would be operated by Tim and herself. Boat and RV storage is needed and could be used by the community. Boaters are already traveling the road to the Little Creek Boat Landing, so they could use the storage facility. This facility would generate less trips per day than residences. She commented on the concrete plant and also the convenience site already on Webbs Road. She said Tim Dellinger has withdrawn with pending litigation for a solar farm. She said plan B will be to place the maximum number of modular homes on the property for rental property. Mrs. Dellinger commented on the poor way she and her husband were treated at the first community involvement meeting. She said she feels the request is a good plan and asked the Board to look at what they are proposing.

Jim Walters, 8093 Windsong Road, said he is an Engineer and designed plan. He said everything will be done based on the UDO requirements and Soil and Erosion Control. He said he is half owner of 2 storage facilities, Lake Norman Self Storage and Cowans Ford Self Storage. He said when they started that self storage, the community was against it, but they are now his biggest customers. He said there is no noise with a self storage and there is hardly ever anyone there.

Richard Permenter, 4509 Rustling Woods Dr., respectfully requested that the Board disapprove this request. He said he has never seen a more clear negative recommendation from staff. He said he thinks Mr. Dellinger and his wife are fine people, but this is a residential single family area.

Greg Smith, 7456 Tallwood Drive, read a statement against the request saying he was speaking for ELBA, Eastwind Cove, Fairfield Forest, Lakewood, Live Oaks, Norman Pointe, Sailview, Webbs Chapel Cove, Westbay, Westport Peninsula and other communities. He said they would like separation of residential and commercial properties. The communities do not support this proposal. He asked everyone in support of the letter to stand. He apologized to the Dellingers for the behavior at the first community meeting.

Robin Tolbert, 7975 Buena Vista Drive, said she and her husband moved there in 2008. She said they are in favor of the request as presented. They have more concerns with the housing that could go there. She said rental property is a worst case scenario and they feel like the storage units are kind of a lesser of the two evils.

Michael Cunningham, 8111 Bradford Lane, said he lives in Governor's Landing, where they do not have boat storage in the community. He said he feels like this would be a valuable addition to the community. Their deed restrictions do not allow boat storage on their property. He said Tim and Marian Dellinger are very willing to be flexible with the proposal and have a right to make income from the property.

Joe Carlo, 4081 Summit Ridge Lane, said he lives about 10 yards from the proposed entrance. He said Burton Lane is extremely loud. He said he heard a threat tonight concerning rental property. He spoke concerning tax revenue from homes versus a storage facility.

Commissioner Cesena asked what can go on the property.

Jeremiah Combs said site built home and modular homes could go on the property by right unless a new road or water line which would require a preliminary plat approval.

Kevin Rodriguez, 7730 Juniper Lane, said the proposed storage units would be built behind his house. He said he came to Denver in 2019 and was told the property was zoned residential. He said he has concerns about property values and he is not personally interested in having this storage facility built behind him.

Adam Smith, 7662 Nautical View, said he lives within walking distance to this property and is concerned about home values. He said there are advantages to zoning. He said older storage facilities do not look nice. He mentioned that the gentleman that spoke in favor of the Dellinger's request was given more time to speak.

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

Josh Grant presented the following:

**ZMA #685 – Denver Christian Academy, applicant:**

The applicant is requesting the rezoning of a 5.13-acre tract from B-N (Neighborhood Business) and R-SF (Residential Single Family) to B-G (General Business). Under Section 2.4.8.B of the Unified Development Ordinance, the maximum gross floor area in the B-N district is 10,000 square feet. The cumulative size of all proposed structures on the site would exceed 10,000 square feet.

**Site Area and Description**

The subject property is located at 2243 N.C. 16 Business Hwy, on the west side of N.C. 16 Business and the north side of Old Post Road. The property is adjoined by property zoned B-N and R-SF. Land uses in this area include business and residential. The majority of the subject property is designated by the Lincoln County Land Use Plan as a Special District, suitable for institutional facilities; the remainder of the subject property is designated by the Lincoln County Land Use Plan as Single-Family Neighborhood, suitable for a variety of single-family detached housing types with a density of 1.0 to 2.0 units per acre.

**Additional Information**

**Permitted uses**

Under current B-N zoning: offices, retail, daycare, school\*

Under proposed B-G zoning: offices, retail, daycare, school\*

\*Schools require a Special Use Permit in both the B-N and B-G districts

Adjoining zoning and uses

East (opposite side of Old Post Rd): zoned B-N, vacant

South: zoned R-SF, residences

West: zoned B-N and R-SF, vacant

North (opposite side of N.C. 16 Business): zoned B-N, medical offices

Staff's Recommendation

Staff recommends approval of the rezoning request.

Chairman Mitchem opened the Public Hearing concerning ZMA #685 – Denver Christian Academy, applicant.

Kresta Pedicino, 7069 Little Mountain Rd, spoke on behalf of Denver Christian Academy said she is here to answer any questions. She said they are looking to add 2 modular units for classrooms due to the fact that enrollment is up. They hope to put a brick and mortar building when they reach 90% capacity or 360 kids.

Sean Coldren, Engineer with CES Group Engineers said he is here to answer any questions about the site plan.

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

**SUP #455 – Denver Christian Academy applicant:**

The applicant is requesting a special use permit to place two additional modular classroom buildings on an existing school campus in the B-N (Neighborhood Business) district. Under the Unified Development Ordinance, a school is a special use in the B-N district. This property is also located in the ELDD (Eastern Lincoln Development District); a school is a permitted use in the ELDD.

On November 16, 2020, CUP #430 was approved to permit a 3,715-square-foot addition to the main building on the school campus for six classrooms. An amendment to CUP #430 was approved on March 15, 2021 to permit a four-classroom modular building to be used until the six-classroom addition to the main school building is completed. The six-classroom addition has been removed from the proposed site plan for this request.

**Site Area and Description**

The 5.13-acre parcel is located at 2243 N.C. 16 Business Hwy, on the west side of N.C. 16 Business and the north side of Old Post Road. The subject property is adjoined by property zoned B-N and R-SF (Residential-Single Family). Land uses in this area include business and

residential. The majority of the subject property is designated by the Lincoln County Land Use Plan as a Special District, suitable for institutional facilities; the remainder of the subject property is designated by the Lincoln County Land Use Plan as Single-Family Neighborhood, suitable for a variety of single-family detached housing types with a density of 1.0 to 2.0 units per acre.

Chairman Mitchem opened the Public Hearing concerning SUP #455 –Denver Christian Academy, applicant.

Kresta Pedicino, 7069 Little Mountain Rd, spoke on behalf of Denver Christian Academy said she is here to answer any questions. She said their goal with growth is to implement bus stops to alleviate traffic as they grow. She said she prepared and would like to incorporate the application and proposed Findings of Fact into his testimony.

Sean Coldren, Engineer with CES Group Engineers said he is here to answer any questions about the site plan.

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

Jordan Tubbs presented the following:

**SUP #457 – Derek and Jessica Hill, applicants:**

The applicant is requesting a special use permit to expand an existing detached garage in the road yard 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 0.89 -acre lot located at 7679 Rabbit Circle in the 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 #457 – Derek and Jessica Hill, applicant.

Derek Hill, applicant, said he was here to answer any questions. 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 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 #457 – Derek and Jessica Hill, applicants, based on the Findings of Fact.

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

**Finance Officer's Report:** Amanda McCrickard, Senior Financial Analyst, presented the Finance Officer's Report.

**Adjourn:** **UPON MOTION** by Commissioner McCall, 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