



AGENDA

DAVIDSON COUNTY BOARD OF ADJUSTMENT

Thursday, May 20, 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 March 18, 2021 Board of Adjustment Meeting Minutes

4. PUBLIC HEARINGS

- A. Request by Lisa Annette Little for a Variance to the side yard setback in a RA-1, Rural Agricultural District
- B. Request by Davidson Water, Inc. for a Variance to the front and rear setbacks in a LI, Limited Industrial District
- 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
- 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

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 March 18, 2021 Board of Adjustment Meeting Minutes

BACKGROUND:

Attached for your review and consideration are Minutes from the March 18, 2021 Board of Adjustment Meeting.

RECOMMENDATION(S):

Approve or revise and approve.

Attachments

March 18, 2021 Board of Adjustment Meeting Minutes

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

Thursday, March 18, 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 Officer Travis Swain. Also present were Arthur Morrison, and Tim Ragan of Ragan Real Estate Services.

1. CALL TO ORDER

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

2. ADOPTION OF AGENDA

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

VOTING

Motion by: Russell, Ronald A.

Second by: Temple, Tim

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 the January 21, 2021 Board of Adjustment Meeting Minutes

Mr. Russell moved, seconded by Mr. Boggs, to approve the January 21, 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			
Scotty Morris	X			
Ronald A. Russell				

	X			
<u>4. PUBLIC HEARINGS</u>				
A.	Request by Arthur T. Morrison for a Special Use Permit, Class B, to expand an existing Campground; Travel Trailer Park in RA-1 and RA-2, Rural Agricultural Districts.			
Mr. Crook reported this request by Arthur T. Morrison for a Special Use Permit, Class B, to expand an existing Campground; Travel Trailer Park in RA-1 and RA-2, Rural Agricultural Districts. Said property is located on the north side of Sowers Road approximately 420 feet west of the Trading Ford Way intersection. Said property is further described as Boone Township, Tax Map 27, Lot 1D containing 47.44 acres, more or less. Staff provided the Board with a copy of the General Standards for this use as well as a pamphlet for the campground's advertisement. These documents are attached to the original Minutes. Mr. Swain, first being duly sworn, stated that Mr. Morrison submitted an application to expand his existing campground. He noted on the maps included in the Agenda packet the location of the campground, its access to Interstate 85, as well as the area for the proposed expansion. Mr. Swain reported that the Applicant applied to construct the campground in 2005 and applied for a special use permit to expand the campground in 2016, which was granted by this Board. He stated that the campground currently has 103 sites with a request for an additional 71 sites. Mr. Swain noted on the conceptual site plan provided by Mr. Morrison the location of the pond, pool, and bathhouses. He stated that the site plan is conceptual in nature, the sites are to scale, and the width of the sites, as well as the roadways and greenbelts, meet the requirements. The sites will allow 15' between each RV which will meet the requirements and there are smaller sites to meet the needs of smaller campers. Mr. Swain noted that the agenda packet included: letters from the Health Department, Duke Energy, Davidson Water, Real Estate Appraiser Tim Ragan, and the Department of Transportation. Mr. Swain noted that Mr. Morrison keeps the campground in good condition. Upon questioning by the Board, Mr. Crook, first being duly sworn, stated that there is a process with the Health Department that the Applicant must meet. Seven to eight sites will be connected to one septic system. There will be a sufficient number of systems to accommodate the additional sites. Mr. Crook noted that should the use be granted and Mr. Morrison cannot meet the requirements of the Health Department, then the number of sites will be reduced. Mr. Crook stated that the campground is immaculate, the access is asphalt and the sites are neat and graveled. Mr. Swain stated that the roadways are adequate to accommodate emergency vehicles, and that he has not had any complaints from surrounding property owners. Arthur Morrison, owner of Cross Winds Family Campground, first being duly sworn, stated that there is a large need for campgrounds. He has to turn away seven to ten reservation requests per day. With COVID, this has been reported by the Governor to be the safest means to family travel. Mr. Morrison noted that they put in place restrictions on their pool area where they only allow a few people to use the pool for approximately 50 minutes per day with cleanings in between. He stated that there are numerous services that they provide to include trash pickup each day. Mr. Morrison and his wife are members of the National Campground Owner's Association, where 1,000's of campground owners attend, and he noted that other campground owners have toured his campground to get ideas about how they operate their campground with regard to site layout and bathhouse construction. He stated that he sells firewood and propane at the campground and that people make other purchases outside of his campground. Mr. Morrison noted that campers are spending money within the community. He reported having multiple church groups and other organizations and clubs, as well as healthcare and construction workers that make reservations. He stated that this is a new lifestyle; people travel, work from the road, and parents homeschool their				

children. Mr. Morrison noted the location of the expansion on the map and stated that the area was most ideal based on the typography. He noted the turnarounds and that there is additional land for future expansions.

Upon questioning by the Board, Mr. Morrison reported that they have a staff member on site, phone numbers are posted, and that he and his wife reside in their camper Easter until Thanksgiving and are five minutes away if they are needed. He reported that he has not had any tiny homes come into his campground and that there are certifications that come with tiny homes. Mr. Morrison gives his campers a set of rules to follow and he has not had issues.

Tim Ragan of Ragan Real Estate Services, first being duly sworn, reported that he has been a real estate appraiser for over 35 years and a general certified appraiser for 30 plus years. He spoke to General Standard #3 and noted that he researched similar properties, sales around those properties and the subject property itself. Mr. Ragan reported that there were several homes surrounding the campground that existed prior to the campground and that there are no signs of a "sell off" around the subject property. He spoke to High Rock Marina & Campground and noted that it is waterfront, it has 82 sites and nine cabins. The campground has been in place since the early 90's. There have been very few sales around the area and those sales increased from the purchase price. Mr. Ragan also noted Golden Pond Campground in Rowan County which is close in proximity to Dan Nicholas Park. The sales surrounding this property increased in value. He further noted Holly Bluff Family Campground which had one sale that was also sold above the purchase price. Mr. Ragan reported that noise would be the only adverse effect for the area. The addition to the campground will enhance or maintain surrounding property values.

Guy Cornman of 610 Hilltop Drive, Lexington, North Carolina, first being duly sworn, stated that he is the former Planning Director for Davidson County and was present to speak on behalf of Mr. Morrison. He stated that he and Mr. Morrison serve on the Tourism Board together. Mr. Cornman noted that this campground has been an asset to the County for the last 13 years. He stated that Mr. Morrison wanted to be close to the interstate for easy access and he assisted Mr. Morrison with finding a location. Mr. Cornman further noted that Mr. Morrison excels in enforcing the campground rules.

Mr. Crook reported that Staff deemed the application complete. The Applicant provided documentation from the Davidson County Health Department that sets out the appropriate steps to provide safe sanitary sewer systems for the proposed expansion. Davidson Water indicated that they currently serve the existing campground and have the capacity to serve the proposed expansion with potable water. Duke Energy provided documentation that they can provide adequate power for the proposed expansion. The Applicant has also provided an appraiser's letter, with comparable sales, that established that the proposed expansion would not negatively impact any adjoining property values.

Mr. Crook stated that the properties that adjoin the proposed expansion are large tracts that are currently under a forestry management plan. Said properties have approximately seven-year-old pines growing on them. Staff feel that the rapid growth of this type of tree will serve as an adequate buffer for the park. There are three dwellings across Sowers Road that will have a view of the proposed expansion until the screening matures.

Mr. Crook also stated that the Davidson County Land Development Plan supports the orderly growth for all types of recreational activities in their appropriate locations. Camping has become more popular with the onset of COVID-19 as an outdoor activity. Davidson County has invested several million dollars in tourism and recreation in their new Yadkin River Park which is close in proximity to the campground. Policy statements 1.2, 1.4, 1.8 and 12.5 of the Land Development Plan support this proposed expansion.

Staff feel that this request is reasonable and that all of the specific and general standards have been met. This opinion is based on materials in the application, the support of the Davidson County Land Development Plan, the location of the existing campground and the current adjoining uses of property. Staff recommend approval of this application.

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 proposed use satisfies the first general standard, in that the operation of the facility promotes the general welfare of the public. 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, Mr. Morris 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, Vice-Chairman Temple 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, in that this use is in compliance with the Ordinance, it would promote tourism dollars and would be a good draw for the County. Mr. Boggs stated that he would like to see an additional entrance opened for emergency vehicles; however, it is not a requirement. Having 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 Vice-Chairman Temple, to approve the request by Arthur T. Morrison for a special use permit, Class B, to expand an existing Campground; Travel Trailer Park in RA-1 and RA-2, Rural Agricultural Districts. Said property is located on the north side of Sowers Road approximately 420 feet west of the Trading Ford Way intersection. Said property is further described as Boone Township, Tax Map 27, Lot 1D containing 47.44 acres, more or less. This use is approved pursuant to the application and site plan submitted by Applicant. The Applicant will open an additional entrance to the campground if the need arises. The motion to approve the special use permit carried unanimously (5-0).

VOTING

Motion by: Russell, Ronald A.

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 at this time there is no business scheduled for the April meeting. Mr. Crook updated the Board on pending civil litigation. The Chairman congratulated Mr. Leonard on his promotion to Planning Director and Mr. Crook on his promotion to Zoning Administrator.

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, Chairman
Davidson County
Board of Adjustment



DAVIDSON COUNTY AGENDA ITEM

TO: BOARD OF ADJUSTMENT

DEPARTMENT: Planning and Zoning

PREPARED BY: Lynn Wilson

TITLE: Request by Lisa Annette Little 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.: 2-21-V

Applicant(s): Lisa Annette Little

Date: 4/19/2021

Address: 3534 Pinehaven Drive **Telephone:** 704-490-2926 / 704-506-6373

Property Owner: Same

Address: Same **Telephone:** Same

Property Location (General Description): Property is located on the east side of Pinehaven Drive approximately 0.56 mile north of the Fourth Avenue intersection.

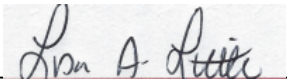
Township: Alleghany **Map No.:** 19B **Blk. No.:** --- **Lots:** 1043

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 by Lisa Annette Little for a Variance to the Side Yard Setback in a RA-1, Rural Agricultural District. Property is located on the east side of Pinehaven Drive approximately 0.56 mile north of the Fourth Avenue intersection at the address 3534 Pinehaven Drive. Property is further described as Alleghany Township, Tax Map 19B, Lot 1043 containing approximately 0.17 acre more or less.

Public Hearing Date: 5/20/2021 **Board of Adjustment's Recommendation:**

Signature, Applicant(s)  _____

Fee Paid Receipt No.: 2021000050

Variance Application

DAVIDSON COUNTY
STATE OF NORTH CAROLINA

APPLICATION FOR A VARIANCE

4/19/2021

I, Lisa Annette Little, 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 and Variance of 3.5 feet to the Front Yard Setback (for a front setback of 16.5 feet)

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. I would like to be able to make the plan wider and longer to get everything on one level and under one roof to make this level handicap accessible because I will be taking care of our mother who has Alzheimer's.

Staff Comment: See Staff Analysis

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. We just want to make the plan wider and longer to get everything under one roof. The garage will be all her storage for her boat, vehicles, lawn equipment, golf cart, etc. This is her final, forever, retirement home and to be able to make this level handicap accessible to take proper care of our mother.

Staff Comment: See Staff Analysis

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: The new house will be built to the highest standards, everything will be done according to code, we will use the best materials and the new home will be an asset to the homes on either side of hers.

Staff Comment: See Staff Analysis

4. That the variance is in harmony with and serves the general intent and purpose if this ordinance: We would like to make the plan wider and longer to be able to make it handicap accessible for my sister to be able to take proper care of our mother. This is their permanent residence. This is not a second home or vacation home.

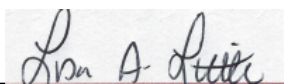
Staff Comment: See Staff Analysis

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. Again, this is not a second home or vacation home. This home is for my sister and my mother whom my sister will be caregiver. By allowing us to make the plan wider and longer this will give her handicap accessibility to have everything on one level and will provide adequate space for her forever home.

Staff Comment: See Staff Analysis

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

Signature of Applicant _____



VARIANCE APPLICATION



Davidson County Planning Department

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

Guy L. Cornman, III
Planning Director

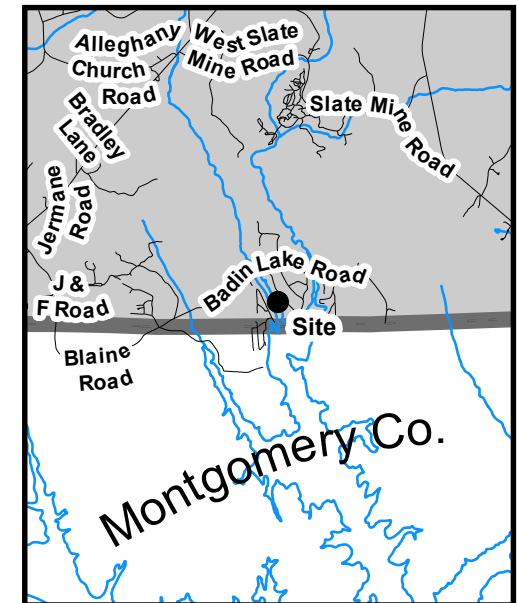
Toll Free Numbers
Lexington: 336-242-2220
Winston-Salem: 336-723-7890 ext. 2220
Denton: 336-859-2194 ext. 2220

Adjoining Property Owners

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

Parcel ID	Owner Name	Mailing Address
02019B0001141	PRIOR BRIAN	1112 EVANS STREET MOREHEAD CITY NC 28557-
02019B0001140	NICHOLS HARRY EDWIN	3536 PINEHAVEN DR NEW LONDON NC 28127
02019B0001044	NICHOLS HARRY EDWIN	3536 PINEHAVEN DR NEW LONDON NC 28127
02019B0001043	LITTLE LISA ANNETTE	4476 LEGEND ST SW CONCORD NC 28027
02019B0001041	ISENHOUR CAROLYN J TRUSTEE	15 BLENHEIM CT NE CONCORD NC 28025

"Planning for a Better Tomorrow"



Legend

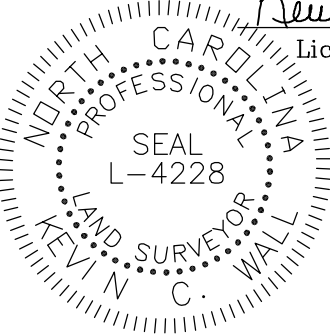
- Secondary Road
- Interstate
- NC Hwy
- US Hwy
- Zoning Boundaries
- Property Lines
- City Zoning



Applicant:	
Lisa Annette Little	
Property Owner:	
Lisa Annette Little	
Scale 1 inch = 100 feet	Drawn By: JDT
Date: 5/5/2021	REVISED:
Variance	
5 Feet to Side Yard Setback 3.5 Feet to Front Yard Setback	
Alleghany Twsp., Tax Map 19B, Lot 1043 Containing 0.17 Acre More or Less	
2018 Aerial Photography	

I certify that this survey and map was drawn under my supervision (deed description in Book 2467, page 1523); that the boundaries not surveyed are indicated; that the ratio of precision is 1:10,000+; and that this map meets the requirements of The Standards of Practice for Land Surveying in NC (21 NCAC 56. 1600). Dated this second day of April, 2021.

Kevin C. Wall
License No. L-4228



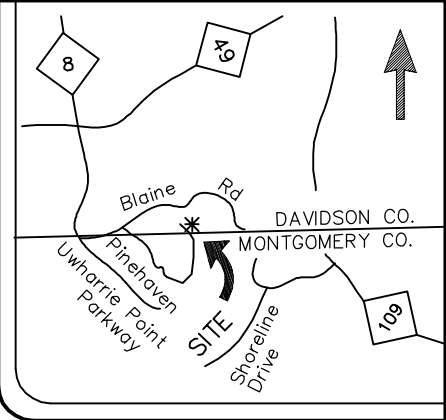
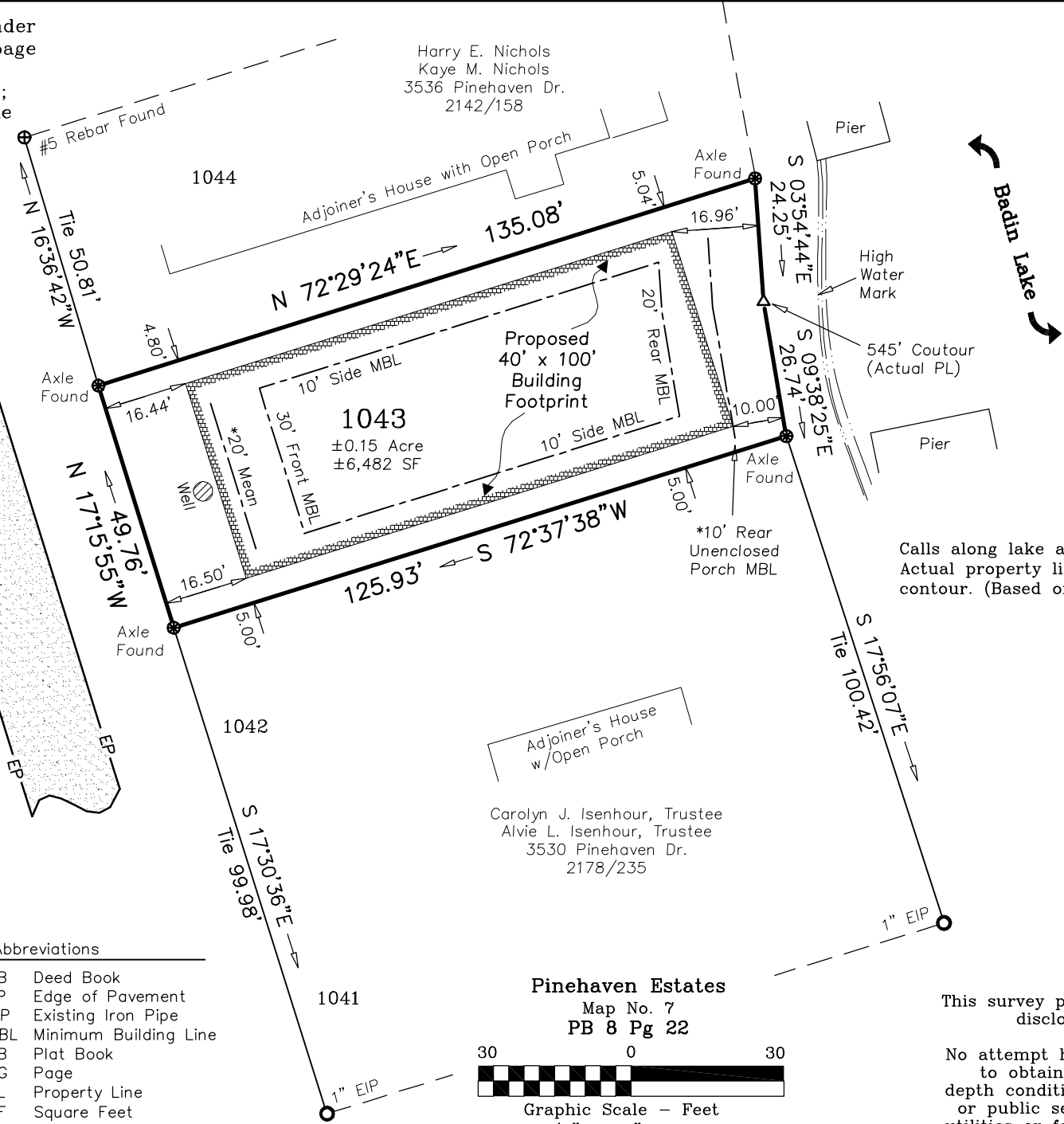
PROFESSIONAL
LAND
SURVEYING **W** KEVIN C. WALL
PO BOX 697
DENTON, NC 27239
336-859-1955

1043 Site Plan for Owner
Lisa Annette Little

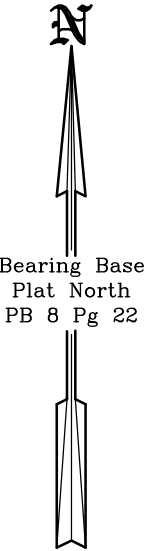
Pinehaven Drive
Davidson County, North Carolina
Alleghany Township
Tax Map 19B, Parcel #1043
PIN: 6674-03-01-5255
Deed Book 2467, Page 1523
Field Work By: EW-KW
Mapped By: KW
Date of Survey: 04/02/2021
Job# D 3244

Abbreviations	
DB	Deed Book
EP	Edge of Pavement
EIP	Existing Iron Pipe
MBL	Minimum Building Line
PB	Plat Book
PG	Page
PL	Property Line
SF	Square Feet
Δ	Computed Point

Pinehaven Drive
Subject to R/W per NCDOT
SR 1160 (Paved)(Public)



Vicinity Map
(Not To Scale)

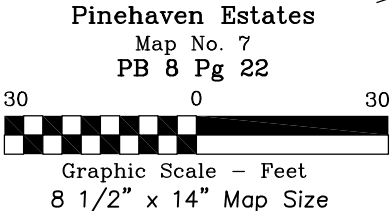


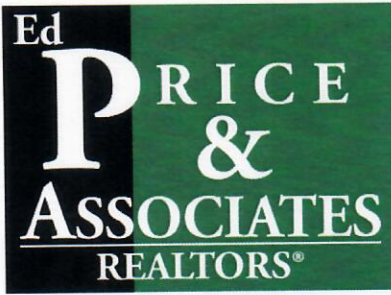
Notes:

Scale: One inch equals thirty feet.
Area computed by coordinate method.

This survey plat is subject to any facts that may be disclosed by a full and accurate title search.

No attempt has been made as a part of this survey to obtain or show data concerning location, size, depth condition, capacity, or existence of any utility or public service facility. For information regarding utilities or facilities, contact the appropriate agency.





May 5, 2021

Davidson County Board of Adjustment
Lexington, North Carolina 27292

RE: 3534 Pinehaven Drive
New London, N. C. 28127
Tax ID: 02029B0001043

Dear Board Members:

The above described property was purchased by Ms. Lisa Annette Little on March 31, 2021. Ms. Little has asked that I write to you regarding the valuation of the property if she obtains setback variations for her new home. The Pinehaven Estates community has quite a few 50 ft. wide lots which make neighbors fairly close together. The lakefront lots around both Badin and High Rock Lakes have variances for home structure, outbuildings, garages, etc. and I have never priced a home lower because of these variances and have never had a problem selling an adjoining property or the subject property because of a variance allowing closer setbacks to property lines. I do not think that your approval for Ms. Little to obtain setbacks in order to build her home will affect the value of her property or the adjoining property values.

Please let me know if you have any questions or I may help in any way.

Respectfully,

A handwritten signature in blue ink that reads "Frankie Byrd". The signature is fluid and cursive.

Frankie Byrd – Broker/Realtor
Price Realtors – High Rock Lake
336-239-7253 – cell
fbhighrock@lexcominc.net

**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:

4/28/2021

5/5/2021

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 5 day of May 2021.

Stan Bingham

Sworn to and subscribed before me, this

5 day of May 2021.

Kelly H. Bludsa

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, May 20th, 2021 at 6:00pm in the Commissioners' Meeting Room, Governmental Center, 913 N. Greensboro Street in Lexington, North Carolina for the following zoning items:

ITEM #1: 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.

ITEM #2: Request by Davidson Water, Inc. for a variance to the front and rear setbacks in a LI, Limited Industrial District. Said property is located on the east side of Old US Hwy 52 approximately 250 feet south of the Welcome Center Boulevard intersection. Property is further described as Midway Township, Tax Map 23, p/o Lot 42N containing 1.22 acres more or less.

ITEM #3: Request by Lisa Annette Little for a Variance to the Side Yard Setback in a RA-1, Rural Agricultural District. Property is located on the east side of Pinehaven Drive approximately 0.56 mile north of the Fourth Avenue intersection at the address 3534 Pinehaven Drive. Property is further described as Alleghany Township, Tax Map 19B, Lot 1043 containing approximately 0.17 acre more or less.

ITEM #4: Request by 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. Said property is located on the west side of Community Road approximately .36 mile south of the Mt. Olivet Church Road intersection. Said property is further described as Arcadia Township, Tax Map 14, p/o Lot 21 containing 1.873 acres 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.



DAVIDSON COUNTY AGENDA ITEM

TO: BOARD OF ADJUSTMENT

DEPARTMENT: Planning and Zoning

PREPARED BY: Lynn Wilson

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

BACKGROUND:

See attached Application and Maps.

RECOMMENDATION(S):

Approve or disapprove request.

Attachments

Application and Maps
Legal Notice from the *Denton Orator*

COUNTY OF DAVIDSON STATE OF NORTH CAROLINA
APPLICATION TO THE BOARD OF ADJUSTMENT
and/or BOARD OF COMMISSIONERS FOR A HEARING

APPLICATION NO. 3-21-V

Applicant(s): Davidson Water, Inc Date 4/20/2021

Address: 7040 Old US Highway 52, Lexington, NC 27295 Telephone No.: 336.731.5526

Property Owner: Davidson Water, Inc

Address: 8284 Old Highway 52, Lexington, NC 27295 Telephone No.: 336.731.5526

Property Location (General Description) Said property is located on the east side
of Old US Hwy 52 approximately 250 feet south of the Welcome Center
Boulevard intersection.

Township: Midway Map No. 23 Blk. No. - Lot(s) 42N

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 by Davidson Water, Inc. for a Variance to the
front and rear setbacks in a LI, Limited Industrial District. Said property is
located on the east of Old US Hwy 52 approximately 250 feet south of the
Welcome Center Boulevard intersection. Property is further described as
Midway Township, Tax Map 23, p/o Lot 42N containing 1.22 acres more or
less.

Planning Board Meeting Date: N/A Public Hearing Date: 5/20/2021

Planning Board Recommendation: N/A Board of Adjustment Decision: _____

Signature, Applicant(s) _____

Robert Walters

Fee Paid
Receipt No.

Variance Application

Application No. 2-21-V

COUNTY OF DAVIDSON
STATE OF NORTH CAROLINA

APPLICATION FOR A VARIANCE

Month: April Day: 20 Year: 2021

TO THE DAVIDSON COUNTY BOARD OF ADJUSTMENT:

I, Robert Wallers, Vice President of Davidson Water, Inc., 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):

I am requesting a variance from the front setback and rear setback requirements for Zoning District LI shown in Section 4.13 (Table of Dimensional Requirements) to allow a front setback of 11 feet and a rear setback of 9 feet.

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)

The variance requested will allow Davidson Water to increase pumping capacity and reliability to serve customers in the Hickory Tree and Wallburg pressure zones with a new pump station in accordance with its Master Plan

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 fact listed below. In the spaces 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 the variance and are not those suffered in common with other property similarly located. The geometry of the property, particularly the width, makes it physically impossible to comply with the established setback distances.

Staff Comment: The subject property is extremely unique physically due to its lack of depth. At less than 50' depth, no structure can be placed on this property without some relief from the setbacks.

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. _____

Without a variance, a new pump station could not be constructed anywhere on the property to supply the future needs of our customers. An alternative solution would require the purchase of land elsewhere and result in a hydraulically suboptimal design.

Staff Comment: The subject property cannot be used for any use in compliance with the LI zoning on the site without a variance.

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. _____

The granting of this variance would allow construction of a new pump station on the parcel of land without affecting adjacent properties.

Staff Comment: The Applicant has provided a broker's opinion that all contiguous properties values will be maintained if the variance is granted.

4) That the variance is in harmony with and serves the general intent and purpose of this ordinance. _____

The variance requested in this instance is minor in nature and will not be easily observable. The property will remain materially in compliance with the LI district's purpose.

Staff Comment: The general intent will be served by granting the variance. The proposed pump station can be constructed at a site where needed to provide clean potable water to a large section of Davidson County.

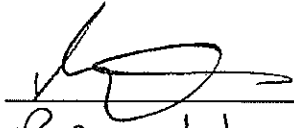
5) That allowing the variance will result in substantial justice being done, considering both the public benefits intended to be secured by this ordinance and the individual hardships that will be suffered by a failure of the Board to grant a variance.

The granting of this variance would help Davidson Water reliably meet its customer's water supply requirements for the coming 50+ years. Said reliability would suffer without a variance as Davidson Water would have to consider other suboptimal alternatives at locations they do not currently own.

Staff Comment: Substantial justice will be done by granting the variance. The Applicant will be allowed to upgrade a critical piece of their infrastructure to better provide potable water to a large portion of Davidson County.

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

Signature of Applicant


ROBERT WALTERS

NOTES:

1. TRENCH DRAIN SHALL BE POLYDRAIN OR APPROVED EQUAL WITH 24" INTERIOR WIDTH AND HS-20 LOAD RATED IRON GRATE (POLYDRAIN PD24 OR APPROVED EQUAL). RIPRAP APRON SHALL BE 6' Lx6.5'x1' THICK AND CONSIST OF NCDOT CLASS B RIPRAP WITH TYPE II SEPARATOR GEOTEXTILE BENEATH.
2. ARRANGE RIP RAP TO FOLLOW EXISTING DITCH CONTOURS.

STAKING TABLE

POINT #	NORTHING	EASTING	DESCRIPTION
1	797573.77	1633897.98	BLDG CORNER
2	797602.33	1633924.53	BLDG CORNER
3	797555.84	1633917.26	BLDG CORNER
4	797584.40	1633943.82	BLDG CORNER
5	797611.12	1633932.70	GENERATOR PAD CORNER
6	797597.50	1633947.35	GENERATOR PAD CORNER
7	797588.71	1633939.18	GENERATOR PAD CORNER
8	797619.72	1633938.64	METER VAULT CORNER
9	797613.37	1633945.48	METER VAULT CORNER
10	797526.64	1633890.03	EOP
11	797544.47	1633870.74	EOP
12	797551.80	1633877.55	POINT ON CURVE
13	797565.93	1633877.04	CENTER OF CURVE
14	797558.61	1633870.23	CENTER OF CURVE
15	797584.85	1633856.68	POINT ON CURVE
16	797584.44	1633822.21	POINT ON CURVE
17	797566.54	1633839.66	CENTER OF CURVE
18	797633.36	1633872.39	POINT ON CURVE
19	797597.15	1633872.82	POINT ON CURVE
20	797615.46	1633869.85	CENTER OF CURVE

SITE PLAN
1" = 20'1" = 20'-0"
20 10 0 20'

PROJECT ENGINEER: M. BENCHICH
DESIGNED BY: M. ABBOTT
DRAWN BY: M. BENCHICH
CHECKED BY: M. PARKER



Hazen

HAZEN AND SAWYER
9101 SOUTHERN PINE BOULEVARD
CHARLOTTE, NORTH CAROLINA 28273
LICENSE NO.: C-0381

DAVIDSON WATER INC

HIGHWAY 52 PUMP STATION

CIVIL
GRADING, PAVING AND STAKING PLAN

DATE: APRIL 2021

HAZEN NO.: 30961-016

CONTRACT NO.: 01

DRAWING NUMBER:

C11

REV	ISSUED FOR	DATE	BY
1	ZONING VARIANCE APPLICATION	4/2021	MJB



MANTLE REALTY

7224 OLD US 52
LEXINGTON NC 27295
336.600.1052

May 4, 2021

Lee Crook, Jr. CZO
Assistant Planning Director
Zoning Administrator
Davidson County Planning Department
PO Box 1067
Lexington, NC 27293-1067

Re: Realtor Opinion on Variance Request for Davidson Water Pump Station

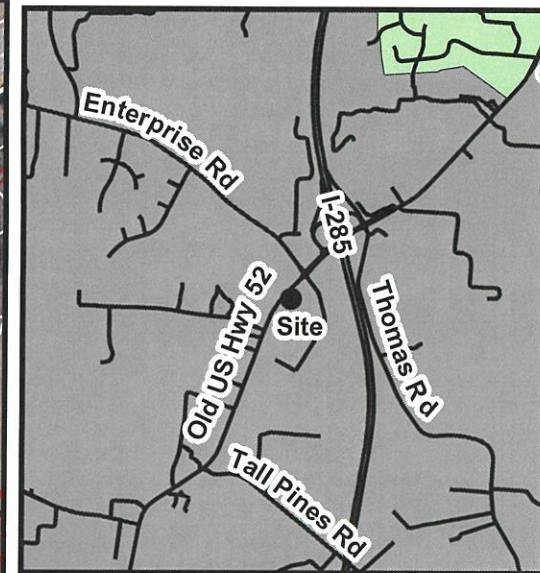
Dear Mr. Crook,

My name is Dustin Owens and I am the owner of Mantle Realty. We have offices in Welcome, Lexington and Greensboro. I have reviewed the Davidson Water, Inc. plan for a variance from setback requirements on the proposed Hwy 52 Pump Station project, located at 8284 Old US Hwy 52, Lexington, NC 27295, approximately 270 feet south of the intersection of US Hwy 52 and Welcome Center Blvd. This replacement pump station will supply needed potable water to support the growth of northern Davidson County.

In my professional opinion, this variance will not harm the adjoining properties and the value of all contiguous properties will be maintained. If I can be of any further assistance, please feel free to contact me.

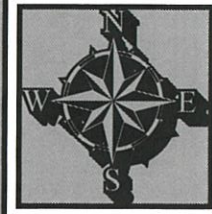
Sincerely,

Dustin Owens
Mantle Realty
Broker in Charge



Legend

- county
- centerlines**
 - SECONDARY
 - INTERSTATE
 - NCHWY
 - USHWY
- ZONING BOUNDARIES
- PROPERTY LINES



Applicant:	
DAVIDSON WATER INC.	
Property Owner:	
DAVIDSON WATER INC.	
Scale	1" = 400'
Drawn By:	RLC
Date:	05/05/21
REVISED:	
VARIANCE TO THE FRONT AND REAR	
YARD SETBACKS IN A LI, LIMITED INDUSTRIAL DISTRICT	
MIDWAY TWSP., MAP 23, LOT 42N 1.22 ACRES + OR -	
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:

05/04/2021

Parcel ID	Owner Name	Mailing Address
1302300000092A	BERRIER INVESTMENT GROUP LLC ✓	123 OLD DOC CT LEXINGTON NC 27295
1302300000092	BERRIER INVESTMENT GROUP LLC ✓	123 OLD DOC CT LEXINGTON NC 27295
1302300000090	BERRIER INVESTMENT GROUP LLC ✓	123 OLD DOC CT LEXINGTON NC 27295
1302300000074	BODENHAMER JOAN ✓	8207 OLD U S HWY 52 LEXINGTON NC 27292-
1302300000072	DAVIDSON WATER INC ✓	PO BOX 969 WELCOME NC 27374-
1302300000042L	AURORA TERRA LLC ✓	P.O. BOX 849 WELCOME NC 27374-
1302300000042A	WINDOUGH (DE) LP ✓	ATRIUM COMPANIES WELCOME NC 27374-
1302300000042	EC WELCOME LLC ✓	1340 CREEKSHIRE WAY WINSTON SALEM NC 27103
1302300000036	SAUNDERS MARTHA ✓	1820 CHESTNUT STREET WILMINGTON NC 28405-
1302300000035	GRANT H NATALIE ✓	8191 OLD US HWY 52 LEXINGTON NC 27295
1302300000034A	LEONARD EDDIE D ✓	8229 OLD US HWY 52 LEXINGTON NC 27295-
1302300000033	CLW WELCOME SHEETZ LLC ✓	5700 6TH AVE ALTOONA PA 16602
1302300000032A	COLLEGE AVENUE PROPERTIES LLC ✓	PO BOX 4147 MOORESVILLE NC 28117
1302300000032	EM SQUARED PROPERTIES LLC ✓	104 MULL ST MORGANTON NC 28655

"Planning for a Better Tomorrow"

MAILED
5/5/2021

**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:

4/28/2021

5/5/2021

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 5 day of May 2021.

Stan Bingham

Sworn to and subscribed before me, this

5 day of May 2021.

Kelly H. Bludsa

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, May 20th, 2021 at 6:00pm in the Commissioners' Meeting Room, Governmental Center, 913 N. Greensboro Street in Lexington, North Carolina for the following zoning items:

ITEM #1: 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.

ITEM #2: Request by Davidson Water, Inc. for a variance to the front and rear setbacks in a LI, Limited Industrial District. Said property is located on the east side of Old US Hwy 52 approximately 250 feet south of the Welcome Center Boulevard intersection. Property is further described as Midway Township, Tax Map 23, p/o Lot 42N containing 1.22 acres more or less.

ITEM #3: Request by Lisa Annette Little for a Variance to the Side Yard Setback in a RA-1, Rural Agricultural District. Property is located on the east side of Pinehaven Drive approximately 0.56 mile north of the Fourth Avenue intersection at the address 3534 Pinehaven Drive. Property is further described as Alleghany Township, Tax Map 19B, Lot 1043 containing approximately 0.17 acre more or less.

ITEM #4: Request by 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. Said property is located on the west side of Community Road approximately .36 mile south of the Mt. Olivet Church Road intersection. Said property is further described as Arcadia Township, Tax Map 14, p/o Lot 21 containing 1.873 acres 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.



DAVIDSON COUNTY AGENDA ITEM

TO: BOARD OF ADJUSTMENT

DEPARTMENT: Planning and Zoning

PREPARED BY: Lynn Wilson

TITLE: 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.

BACKGROUND:

See attached supporting documents.

RECOMMENDATION(S):

Approve or disapprove request.

Attachments

Legal Notice from the *Denton Orator*
Application and Maps

COUNTY OF DAVIDSON STATE OF NORTH CAROLINA
APPLICATION TO THE BOARD OF ADJUSTMENT
and/or BOARD OF COMMISSIONERS FOR A HEARING

APPLICATION NO. 4-21-S

Applicant(s): City of Lexington, a municipal corporation Date 04/22/2021

Address: 28 West Center Street, Lexington, NC 27292 Telephone No.: 336-243-2489

Property Owner: Verge E. Nifong, Jr. and Deborah S. Nifong

Address: 717 Community Road, Lexington, NC 27295 Telephone No.: _____

Property Location (General Description) Said property is located on the west side of Community Road approximately .36 mile south of the Mt. Olivet Church Road intersection.

Township: Arcadia Map No. 14 Blk. No. — Lot(s) P/O 21

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 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. Said Property is located on the west side of Community Road approximately .36 mile south of the Mt. Olivet Church Road intersection. Said property is further described as Arcadia Township, Tax Map 14, P/O Lot 21 containing 1.873 acres more or less.

Planning Board Meeting Date: _____ Public Hearing Date: 05/20/2021

Planning Board Recommendation: _____

Signature, Applicant(s) _____

Fee Paid
Receipt No.

2021000057

Special Use Permit Application

City of Lexington
By: [Signature] Mayor, City
Harney
Verge E. Nifong
Deborah S. Nifong

Application No. 4-21-S

COUNTY OF DAVIDSON
STATE OF NORTH CAROLINA

APPLICATION FOR A SPECIAL USE PERMIT

Month April Day 22 Year 2021

TO THE BOARD OF COMMISSIONERS and/or BOARD OF ADJUSTMENT:

I, City of Lexington, hereby petition the Davidson County Board of Adjustment to issue a Special Use Permit in the name of _____ of Davidson County, NC 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: _____

Article V, Section 5.08 (MM) Utility Station and Substation

Authority to grant the requested permit is contained in the Zoning Ordinance, sections Article 5, Section 5.08 Requirements for Individual Special Uses

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 plans, where applicable, how the proposed use satisfies these requirements:

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

See attached Exhibit A, which is incorporated herein by reference

Staff Comment: Staff believes if developed as submitted, the use will provide a service to the public.

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 attached Exhibit A, which is incorporated herein by reference

Staff Comment: The use is listed as a Special Use in the current district of RA-3, Rural Agricultural District, and complies with all 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 attached Exhibit A, which is incorporated herein by reference

Staff Comment: Staff believes the submitted Special Use will not injure surrounding properties based on the submitted Realtor Impact Study (Exhibit 14) and the submitted landscaping plan (Exhibit 11).

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 attached Exhibit A, which is incorporated herein by reference

Staff Comment: The current zoning district, RA-3, allows for a Utility Station.

The Zoning Ordinance also imposed the following SPECIFIC REQUIREMENTS on the use requested by the applicant. (The staff should assist the applicant in listing the specific requirements). 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: _____

Submittals

Standards

1. Site Plan - Met

A. Appearance of Residential Structure - Met

2. Plans for Proposed Structures - Met

B. Landscape - Met

3. Landscape Plan - Met

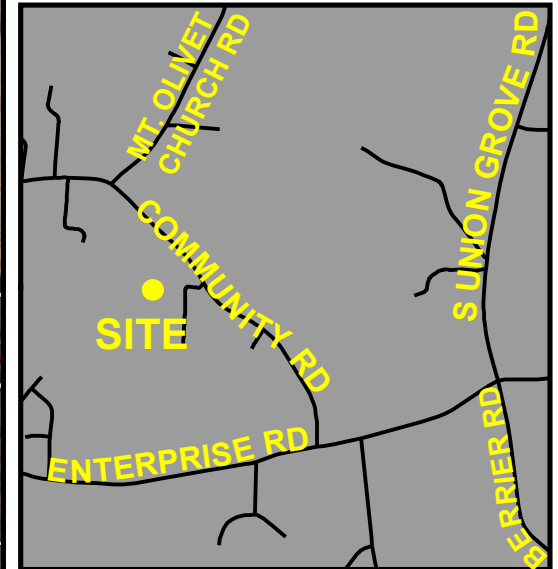
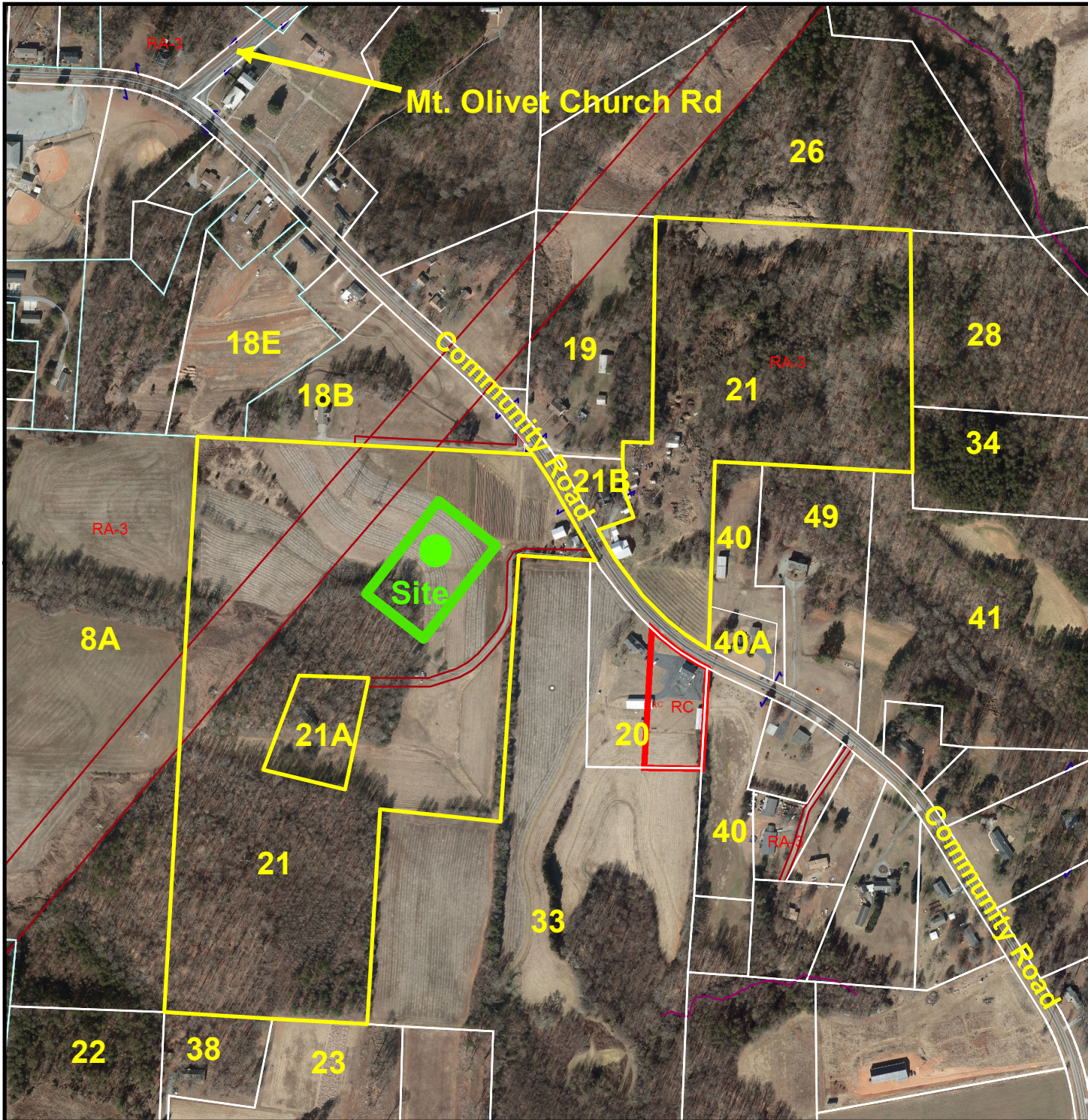
4. Zoning Districts Map - Met

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

*City of Lexington By Stephen Chittick
City Attorney*

Special Use Permit Application

*Vern L. Thompson
Deborah S. Thompson*



Legend

- county
- centerlines**
 - SECONDARY
 - INTERSTATE
 - NCHWY
 - USHWY
- ZONING BOUNDARIES
- PROPERTY LINES



Applicant:	
City of Lexington	
Property Owner: Verge E. Nifong Jr. Deborah S. Nifong	
Scale: 1 inch = 500 feet	Drawn By: TGS
Date: 08/30/17	REVISED:
Special Use Permit, Class B	
Utility Station and Substation	
ARCADIA TWSP., MAP 14, P/O LOT 21, 1.873 ACRES + OR -	
2014 Aerial Photography	



Davidson County Planning Department

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

Scott Leonard
Planning Director

R. Lee Crook Jr.
Zoning Administrator

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:

05/03/2021

Parcel ID	Owner Name	Mailing Address
0301400000033 ✓	HEGE FRED WESLEY	607 COMMUNITY RD LEXINGTON NC 27295
0301400000018B ✓	ANDERSEN DAVID	823 COMMUNITY ROAD LEXINGTON NC 27295
0301400000019 ✓	ANNAS HUNTER TODD	790 COMMUNITY RD LEXINGTON NC 27295
0301400000020 ✓	HEGE FRED WESLEY	607 COMMUNITY RD LEXINGTON NC 27295
0301400000021 ✓	NIFONG VERGE EDWARD JR	717 COMMUNITY RD LEXINGTON NC 27295-
0301400000021A ✓	NIFONG VERGE E JR	717 COMMUNITY ROAD LEXINGTON NC 27295-
0301400000021B ✓	NIFONG VERGE EDWARD JR &	717 COMMUNITY ROAD LEXINGTON NC 27295-
0301400000008A ✓	STOKES MARCUS B	3872 ENTERPRISE ROAD LEXINGTON NC 27295
0301400000028 ✓	C W MYERS TRADING POST INC ET ALS	PO BOX 94 BELEWS CREEK NC 27009-
0301800000038 ✓	SALLEY DONALD M	3380 ENTERPRISE RD LEXINGTON NC 27295-
0301400000034 ✓	SAINTSING BARRY L	540 COMMUNITY RD LEXINGTON NC 27295-
0301400000040 ✓	SAINTSING BARRY LYNN	540 COMMUNITY RD LEXINGTON NC 27295
0301400000041 ✓	SAINTSING BARRY L	540 COMMUNITY RD LEXINGTON NC 27295-
0301400000049 ✓	SAINTSING BARRY L	540 COMMUNITY RD LEXINGTON NC 27295-
0301800000022 ✓	POWELL MERLE A JR	175 BONSAL CROSSING NEW HILL NC 27562
0301800000023 ✓	POWELL MERLE A JR	175 BONSAL CROSSING NEW HILL NC 27562-
0301800000026 ✓	POWELL MERLE A JR	175 BONSAL CROSSING NEW HILL NC 27562-
0301400000026 ✓	NIFONG VERGE EDWARD JR	717 COMMUNITY RD LEXINGTON NC 27295-

"Planning for a Better Tomorrow"

0301400000040A	Saintsing Jessica Ann	540 Community Rd Lexington	NC	27295
0301400000018E	Dean Claudia Lynn	1023 Community Rd Lexington	NC	27295

(MM) Utility Station and Substation (to include Pumping Stations, Switching Stations, Telephone Exchanges)

- Allowed Districts:** RA-1, RA-2, RA-3, RS, RM-1, RM-2.
O/I for Utility Substations and Pump Stations
- Approved by:** Board of Adjustment
- Minimum Lot Size:** Governed by Zoning District
- Submittals:**
1. Site plan showing location and size of all existing and proposed structures, existing and proposed topography at a contour interval of five (5) feet and any officially designated floodways and floodplains.
 2. Plans, elevations and perspectives for all proposed structures and descriptions of the color and nature of all exterior materials.
 3. A landscape plan showing, at the same scale as the Site Plan, existing and proposed trees, plus shrubs, ground cover, and other landscape materials.
 4. A map showing land uses and zoning classifications of abutting property.
- Standards:**
- A. Where a building is involved and it is proposed to be located in a residentially zoned district, it shall have the appearance of a residential building.
 - B. Such uses shall be screened from adjacent uses by walls, landscape materials, beams or a combination thereof.

EXHIBIT A
COMMUNITY ROAD
APPLICATION FOR SPECIAL USE PERMIT

The Applicant, the City of Lexington (hereinafter the "City"), is proposing to build a new 43.8kV Delivery Electrical Utility Transmission and Substation (hereinafter the "Substation") on that certain parcel of real estate containing 1.873 acres, more or less, located off of Community Road, in northern Davidson County, NC, together with all easements and appurtenances thereto and being more particularly described on that preliminary Plat of Survey attached hereto as **Exhibit 1**, which is incorporated herein by reference (hereinafter the "Property").

Verge E. Nifong, Jr. and Deborah S. Nifong (hereinafter the "Nifongs") are the fee simple owners of the Property. The Nifongs have agreed to sell the Property to the City.

INTRODUCTION

The Property is currently zoned RA-3 and is being used for agricultural purposes.

Pursuant to Section 3.08, Table of Permitted Uses of the Davidson County Zoning Ordinance, Utility Substations are allowed with a Class B, Special Use Permit.

GENERAL STANDARD #1. "The use will promote the public health, safety, and general welfare, if located where proposed and developed and operated according to the plan as submitted;"

Reliable electrical service is necessary to maintain the standard of living in Lexington and in Davidson County, NC. The new Substation will ease the burden on the City's existing transmission system. The Substation will take the power from Duke Energy at 100kV and use transformation to lower the voltage to 43.8kV to tie into its existing transmission system. The initial requested power capacity of the new Substation will be 60MW. Growth in this community has necessitated an enhancement to the existing power delivery system to the area. The new Substation will augment electrical service to the present customers and will provide necessary capacity for future growth.

The City currently utilizes two 43.8kV substations within its jurisdiction to serve its distribution substation system wide. Delivery Substation #1 is Hickory Street 44kV Substation and Delivery Substation #2 is Abbott's Creek 44kV Substation. The Contract Demand and percent utilizations of these deliveries are as follows:

Hickory Street 44kV

Contract Demand from Duke Energy is 61.5 MW. Approximate percentage utilization at peak according to Duke Energy is 67%.

See attached **Exhibit 2**, which is incorporated herein by reference.

Abbott's Creek 44kV

Contract Demand from Duke Energy is 58 MW. Approximate percentage utilization at peak according to Duke Energy is 84%.

See attached **Exhibit 3**, which is incorporated herein by reference.

The above-described substations have some spare capacity for moderate growth, but there are several important benefits and needs for adding the new Substation in the northern part of Davidson County.

Should Duke Energy or the City have an issue with one of their existing 43.8kV Delivery Points during peak season, the City cannot handle the entire system with only one 43.8kV delivery substation. Over the last two years, the relaying has been upgraded at each of the said delivery substations and when one 43.8kV delivery substation was taken offline for upgrades, a seasonal work timeframe to ensure light system loads had to be selected in order to handle the entire system off the other.

The City has already built a new 12kV Substation for additional capacity and to address voltage concerns in the northern part of the County as recently as 2008 in the Arcadia Community. The Arcadia Community along with all of northern Davidson County, has experienced and continues to experience rapid single-family residential growth. This process has been ongoing for many years due to its proximity to Winston-Salem and High Point. The potential for future load growth and overall system reliability has led to the need for a new 43.8kV Substation to be constructed

to meet the increasing demand for electric service. There are several residential developments near the subject Property. A 440-lot development to be named Clinard Farm and Bryson Park is in the planning stages. The City has not added another 43.8kV substation since the early 1970's. In addition to future residential development, the issue of future industrial development within the City and Davidson County must be addressed as well.

In addition to future residential development, should a large prospective industrial customer proposing to be served by the City, the new Substation will allow the City to serve several of their substations in town from the new Substation, which will lessen the load on the ones within the City limits. This would open up excess capacity for the City to accommodate a large industrial customer and add the ability to take one delivery substation down for maintenance while the other substation picks up the entire system load. It is anticipated that any potential large industrial customer could require service in excess of 20MW for future development. Adding a customer this large causes capacity concerns and issues for Duke Energy to serve the City out of its existing 44kV Delivery at Hickory Street (as described above). As a result, Duke Energy has indicated to the City that it could not accept any future request by the City to increase the contract demand at the Hickory Street 44kV substation to accommodate any potential new industrial customer. Duke Energy's position as herein set forth and the need to meet future growth within northern Davidson County, makes the new Substation a necessity. Load will need to be transferred from Abbott's Creek 44kV Delivery substation and some offloaded to the proposed new Substation to accommodate any new industrial development and to allow for outage contingencies in the event of transmission equipment failure.

The Property as herein described is the logical location to split up the City's 43.8kV transmission system. This would allow the City to serve their substations outside of town from the new Substation which would provide better reliability of service and lessen the load of the substations in town. The linear distance from 43.8kV Delivery Point to 12kV substations would also be greatly reduced which would minimize outage frequencies across Davidson County, minimize outage times during a problem, and maximize voltage stability for customers.

Based on the foregoing, the use will certainly promote the public health, safety and general welfare of the citizens of Davidson County, if located where proposed and developed and operated according to the plans as submitted and as hereinafter described.

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;"

A. Utility substations are allowed as a Special Use within a RA-3 district. See Section 3.08, Table of Permitted Uses of the Davidson County Zoning Ordinance:

- 1) Substations are very site sensitive and available properties that suit such an improvement are usually scarce. Criteria for choosing a lot in this area consisted of minimum size requirement, a desired target area in relation to existing transmission facilities, and a desired target area in relation to expected load growth. The ideal choice sifted through the lots available for purchase would lead the City to the best choice for the construction site, usually a compromise in at least one of the criteria.
- 2) The proposed Substation lot had to be large enough to safely build necessary components of the Substation meeting all code restrictions, allow reasonable ingress and egress, and provide enough area to meet County and State zoning ordinances and water shed requirements.
- 3) The proposed Substation lot would be oriented in regard to the existing facilities in order to minimize construction of additional lines. All necessary utilities are easily accessible on this lot. The necessary transmission lines are accessible from the main road at the front of the Property and will simply need short tap lines built to tie the Substation feeds into them during construction.
- 4) This site is centrally located for future load growth. Balancing load served in each direction of delivery minimizes line losses and provides the best voltage possible for all customers. This also gives the best flexibility for serving larger loads to meet the demand of a growing community.
- 5) This lot is practically ideal with regards to our three main criteria. It is a large rectangular lot located next to a 100kV Duke Energy transmission line and the

City's 44kV transmission lines. Minimal transmission construction is necessary to tie the new Substation into these existing facilities.

B. The Substation will comply with all required regulations and standards, including the provisions of Article 4 of the Ordinance:

- 1) Lot Dimension: See attached Site Plan marked **Exhibit 4**, which is incorporated herein by reference.
- 2) Setbacks: Front, side and rear setbacks as shown on attached Site Plan marked **Exhibit 5**, which is incorporated herein by reference.
- 3) Fencing: A 9' safety fence as hereinafter described. See attached Site Plan marked **Exhibit 6**, which is incorporated herein by reference.
- 4) Site plan showing location and size of all existing and proposed structures, existing and proposed topography at a contour interval of five (5) feet and any officially designated floodways and floodplains. See attached **Exhibit 7**, which is incorporated herein by reference.
- 5) Plans, elevations and perspectives for all proposed structures and descriptions of the color and nature of all exterior materials:
 - i) See attached **Exhibit 8**, which is incorporated herein by reference.
 - ii) The high side and low side structure heights will be approximately 50 feet tall. The structures will be approximately 40 feet tall with 10 feet tall lightning masts on top of each. The structures will be galvanized steel.
 - iii) The Breakers and Transformer will be painted ANSI #70 gray.
 - iv) The Circuit Switcher will be mounted on a galvanized steel base.

- v) The Equipment/Control House will be concrete with a brown aggregate finish which is typical for telecom and electrical substation control buildings. The building will have one access door with a viewing window. The dimensions will be approximately 20' wide, by 12' deep, by 12' tall. See attached **Exhibit 9**, which is incorporated herein by reference.
 - vi) The Substation fence will be chain link galvanized steel and it will be approximately 8' tall with another foot of barbed wire on top (9' tall total).
 - vii) Three-dimensional (3D) rendering of proposed Substation as viewed from Community Road. See attached **Exhibit 10**, which is incorporated herein by reference.
- 6) A landscape plan showing, at the same scale as the Site Plan, existing and proposed trees, plus shrubs, ground cover, and other landscape materials. See attached **Exhibit 11**, which is incorporated herein by reference.
- 7) The proposed design for the Substation provides the highest level of safety as dictated by the National Electric Safety Code, including:
- i) An 8' chain link galvanized steel fence with barbed wire on top (9' tall total) to prevent entry including padlock gates with similar features accessible only to authorized personnel.
 - ii) Conductor clearance required for safety of automobile and pedestrian traffic.
 - iii) State of the art protective equipment to monitor proper operation of each incoming and outgoing circuits.
- 8) A map showing land uses and zoning classifications of abutting property. See attached **Exhibit 12**, which is incorporated herein by reference. For a list of abutting property owners, see **Exhibit 13**.

In summary, this lot meets the required criteria in regards to size and location. As the City strives to support the growth in northern Davidson County and improve system reliability, a more suited lot for the necessary construction of a substation would be very difficult to find.

GENERAL STANDARD #3. "That the use will maintain or enhance the value of the contiguous property, or that the use is a public necessity;"

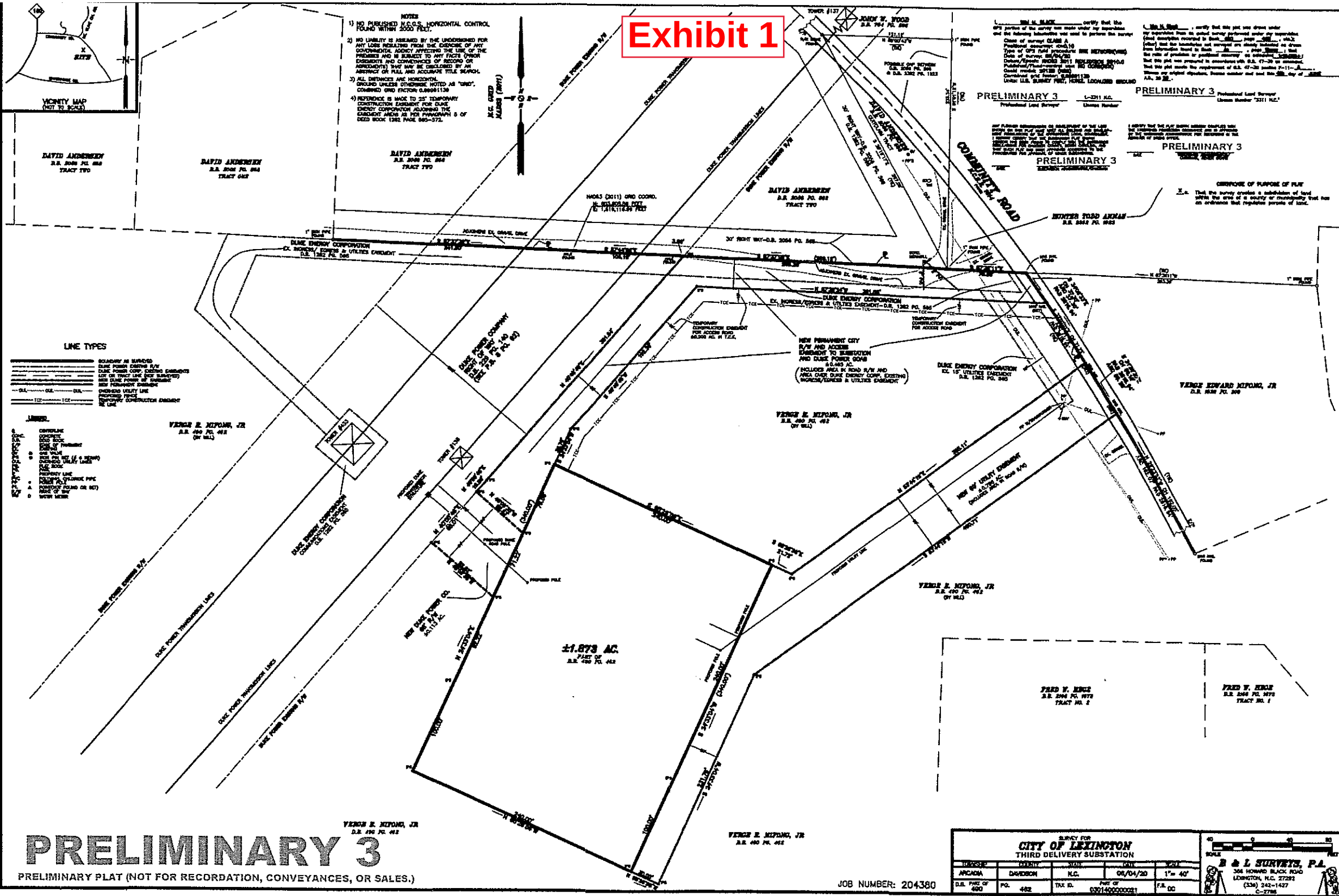
- A. **The use will maintain or enhance the value of contiguous property:** The use will maintain or enhance the value of contiguous property within an RA district, on a tract of land that is being used for agricultural purposes. Setbacks, placement, buffers, landscaping and other requirements as set forth in the plan and as required by the Davidson County Zoning Ordinance ensure low impact. The Substation will be located in a rural space, residential agricultural zoning district (RA-3), and as such, will be allowed after receiving a Special Use Permit (utility substation among those listed as eligible Special Use in a RA-3 District). The subject Property has a much greater buffer in this case because it is centered in the middle of the Nifongs' property, and is adjacent to existing high-voltage transmission lines. See the "Impact Study" by Timothy J. Ragan, Certified General Real Estate Appraiser, attached hereto as **Exhibit 14**, which is incorporated hereby by reference, finding and concluding that the proposed use as set forth in this Application will maintain the value of surrounding properties.
- B. **The use is a public necessity:** The City's Electric Department stands by a lasting commitment to provide its residential and commercial customers with the highest quality, most efficient and least troublesome electrical service possible. It is often difficult and costly to keep up with all of the variables involved in structuring a reliable electrical system to maintain these high standards. As a matter of public necessity, the City's Utility Department must keep up with, if not one step ahead, of load growth to prevent low voltage troubles, costly line losses and frequent outages and to provide for the future growth and development of the City and Davidson County. The third Substation is necessary to ensure that the City can continue to support new growth in the residential and industrial sectors within its electrical system, in addition to improving reliability in the northern part of Davidson County. Without this Special Use Permit being granted, the City will not be able to serve any new major industrial customers or other locations within the County without endangering customer reliability throughout its electrical system.

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;"

The proposed use complies with the general provisions, Article 1, Section 1-3, Paragraph V of the Zoning Ordinance to accomplish compatible development of land within Davidson County, in a manner which will best promote the health, safety and general welfare, as well as to provide for efficiency and economy in the process of development. The use as hereinabove stated is a public necessity. The Substation, if constructed and located as proposed, and in accordance with the proposed conditions, will be in harmony with the area and will be in conformity with the adopted Davidson County Land Plan. Harmonious uses include any allowed by right or special use within the RA district. The Substation, as proposed, meets the technical guidelines for approval and by inference is harmonious with the area. RA-3 Zoning Districts allow various non-residential uses and allow for a variety of less intensive land uses. A substation is one of the many non-residential and less intensive land uses that are allowed and that is why such substations can be built, constructed and maintained with an SUP. In addition, the use will not create any noise or traffic congestion.

The northern parts of Davidson County have much potential for growth as "population spill" has occurred from the Winston-Salem and High Point areas over the years. The Davidson County EDC has indicated that there are several residential and commercial developments in planning or under construction in the area. In addition, NCDOT is also in the planning stages of a major reconfiguration and widening of Old Salisbury Road / Hickory Tree Road just west of NC Hwy 150 all the way past I-285 to Old US Highway 52. This has the potential to reshape the future of that entire area. Therefore, the use as hereinabove stated will be in general compliance and consistent with the physical development of the County as embodied in its Land Use Plan.

Exhibit 1



PRELIMINARY 3

PRELIMINARY PLAT (NOT FOR RECORDATION, CONVEYANCES, OR SALES.)

CITY OF LEXINGTON THIRD DELIVERY SUBSTATION				
TRACT	OWNER	DATE	DATE	DATE
ARCADA	DAVIDSON	K.C.	06/04/20	1" = 40'
D.L. P.W. OF 400	PG. 482	TAX ID.	00014000000001	F.R. 00

JOB NUMBER: 204380

1" = 40'

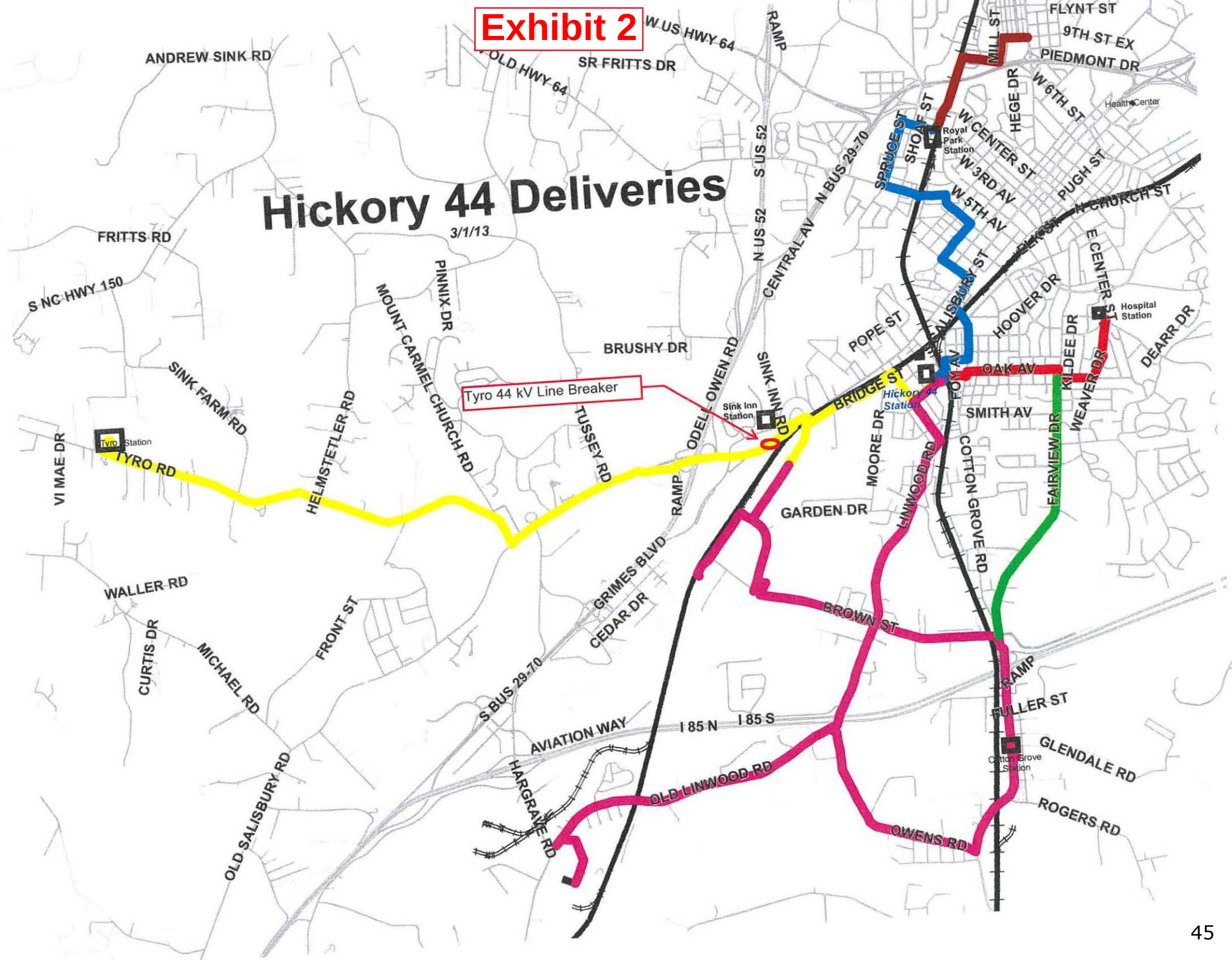
B & L SURVEYS, P.A.

306 HOWARD BLACK ROAD
LEXINGTON, N.C. 27293
(336) 242-1437
C-27786

Hickory 44 Deliveries

3/1/13

Tyro 44 kV Line Breaker



Abbotts Creek Deliveries



Exhibit 4

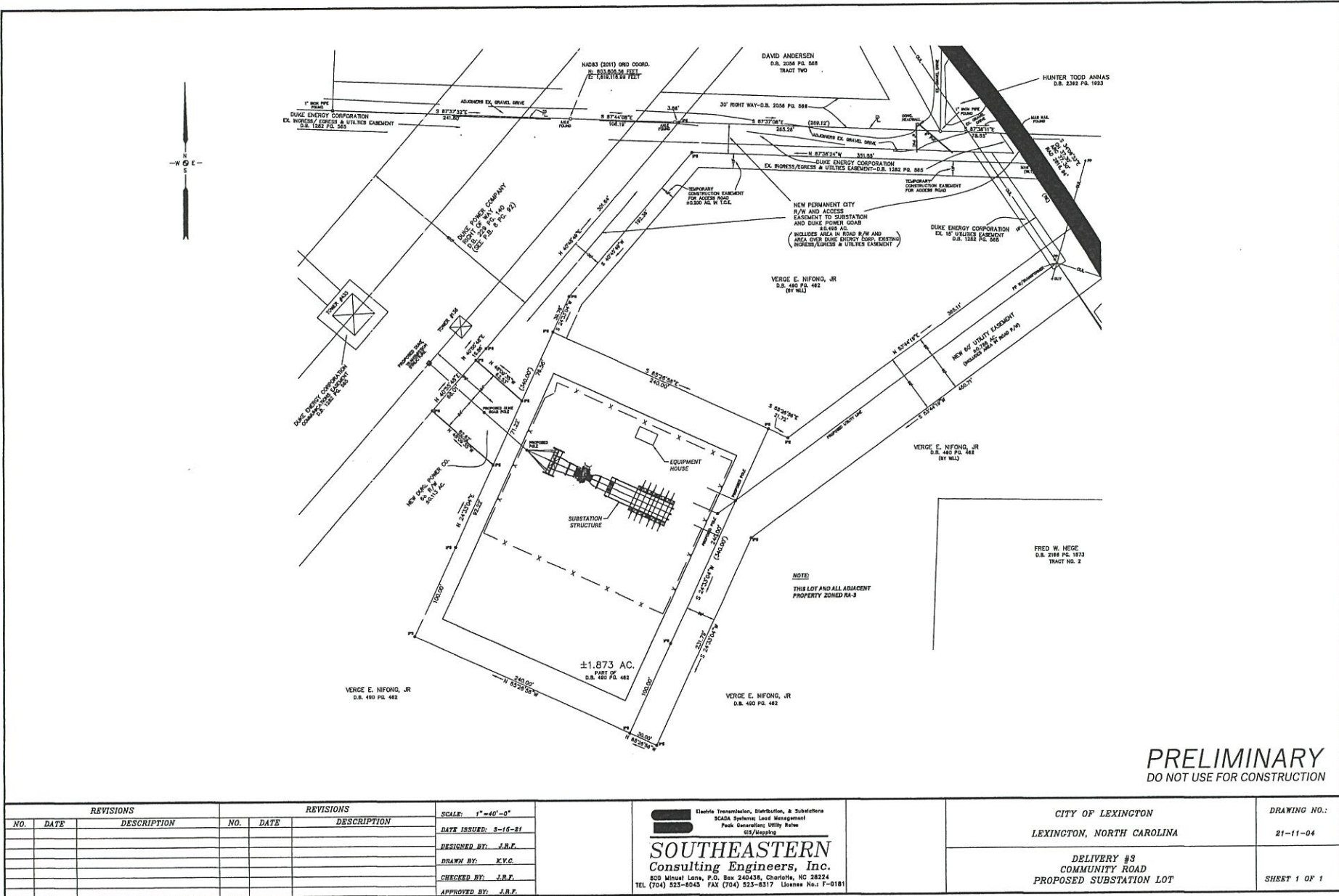
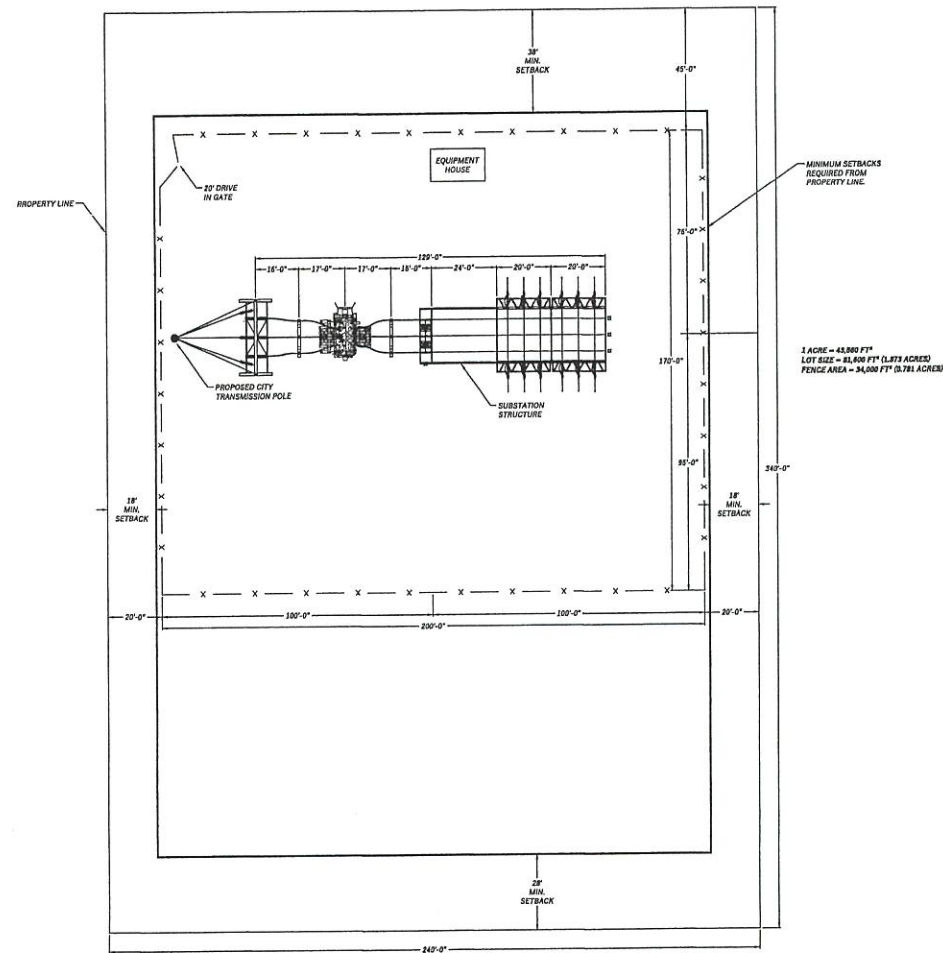


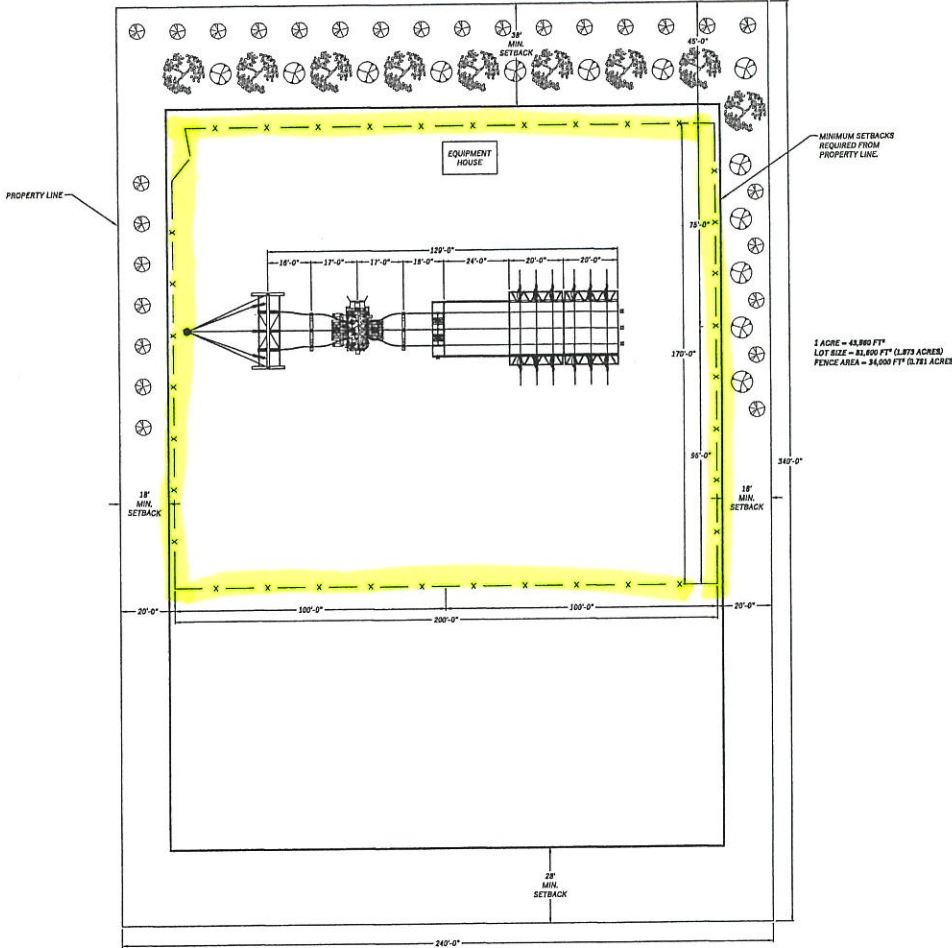
Exhibit 5



PRELIMINARY
DO NOT USE FOR CONSTRUCTION

REVISIONS NO. DATE DESCRIPTION			REVISIONS NO. DATE DESCRIPTION			SCALE: 1"=30'-0" DATE ISSUED: 3-16-81 DESIGNED BY: J.R.P. DRAWN BY: K.V.C. CHECKED BY: J.R.P. APPROVED BY: J.R.P.		Electric Transmission, Distribution, & Substations SCADA Systems Load Management Peak Generation Utility Rates City/Region SOUTHEASTERN Consulting Engineers, Inc. 600 Mineral Lane, P.O. Box 240438, Charlotte, NC 28224 TEL (704) 523-8045 FAX (704) 523-8317 License No.: F-0181		CITY OF LEXINGTON LEXINGTON, NORTH CAROLINA DELIVERY #9 COMMUNITY ROAD SITE PLAN		DRAWING NO.: 21-11-02 SHEET 1 OF 1	
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Exhibit 6



PRELIMINARY
DO NOT USE FOR CONSTRUCTION

<i>REVISIONS</i>			<i>REVISIONS</i>			<i>SCALE:</i> 1"=20'-0"
<i>NO.</i>	<i>DATE</i>	<i>DESCRIPTION</i>	<i>NO.</i>	<i>DATE</i>	<i>DESCRIPTION</i>	<i>DATE ISSUED:</i> 8-16-81
						<i>DRAWN BY:</i> J.R.F.
						<i>CHECKED BY:</i> J.R.T.
						<i>APPROVED BY:</i> J.R.F.

 Electric Transmission, Distribution, & Substations
SCADA Systems/ Load Management
Peak Generation/ Utility Rates
GIS/Mapping

SOUTHEASTERN
Consulting Engineers, Inc.
800 Minnet Lane, P.O. Box 240438, Charlotte, NC 28224
TEL (704) 523-8045 FAX (704) 523-8317 License No.: F-0181

CITY OF LEXINGTON
LEXINGTON, NORTH CAROLINA

DELIVERY #3
COMMUNITY ROAD
LANDSCAPE PLAN

DRAWING NO.

21-11-0

SHEET 1 OF

Exhibit 7

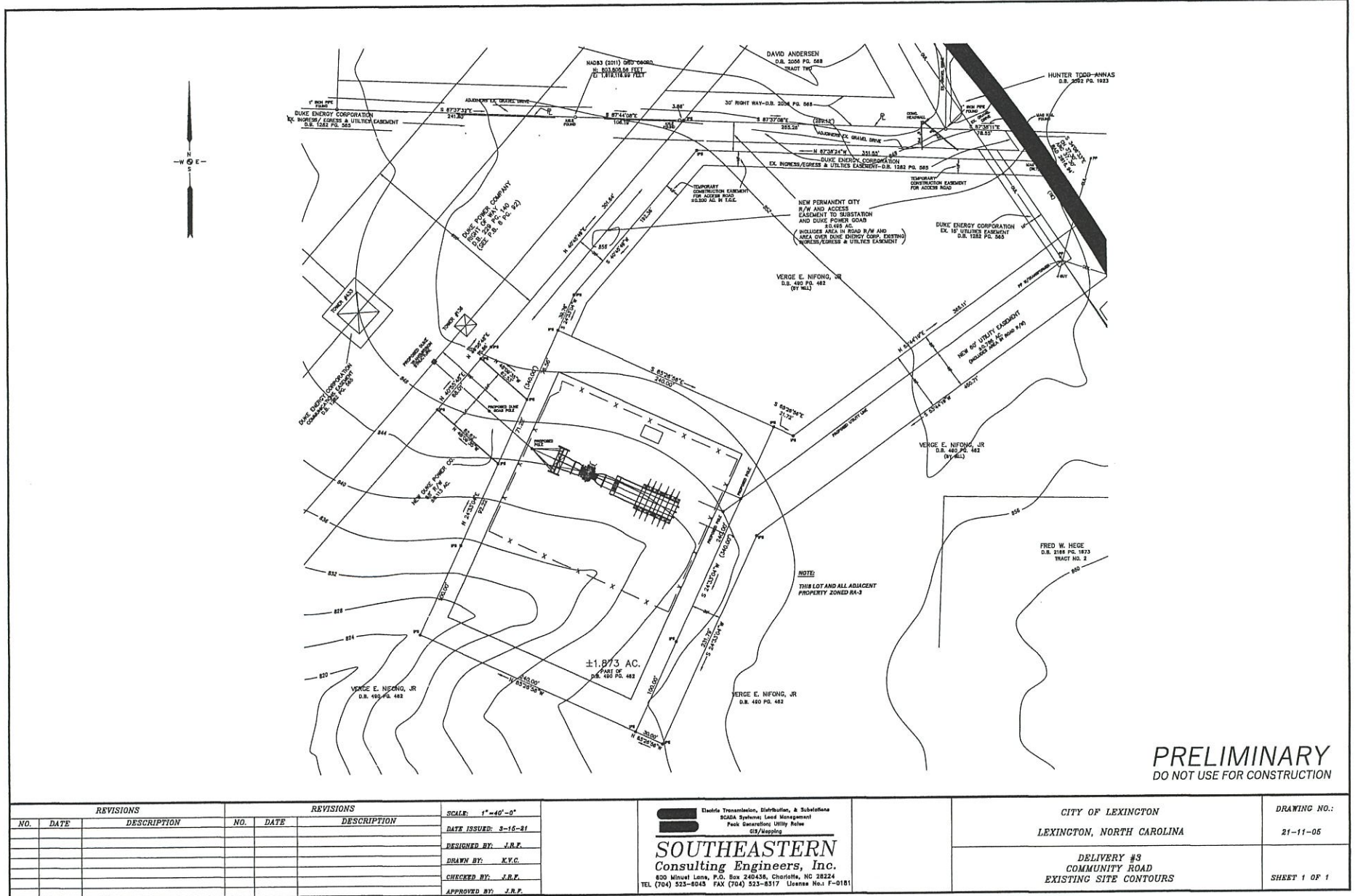
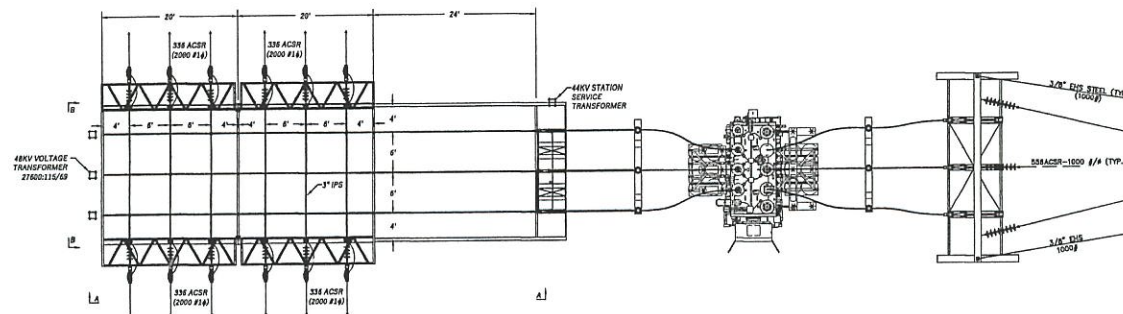
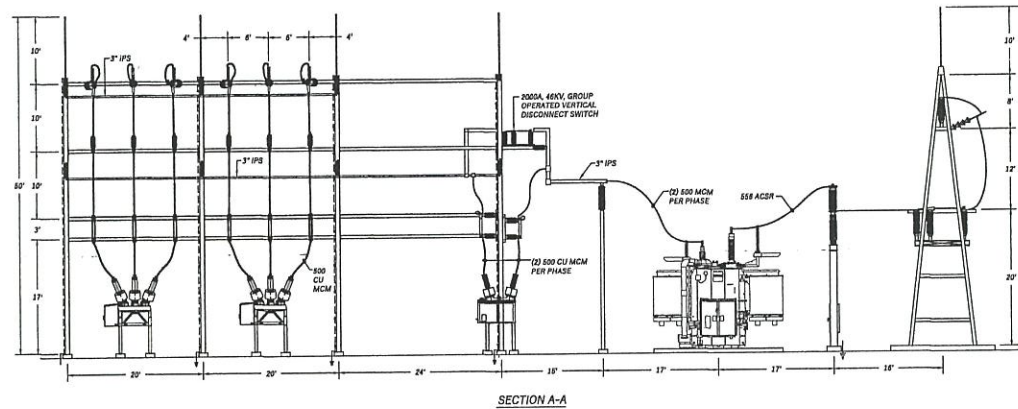


Exhibit 8



PRELIMINARY
DO NOT USE FOR CONSTRUCTION

REVISIONS			REVISIONS			SCALE: 1/8"=1'-0"	 Electric Transmission, Distribution, & Substations NOADA Systems Load Management Peak Generation Utility Rates GIS/Mapping	CITY OF LEXINGTON LEXINGTON, NORTH CAROLINA	DRAWING NO.:
NO.	DATE	DESCRIPTION	NO.	DATE	DESCRIPTION				21-11-01
						DATE ISSUED: 3-16-81			
						DESIGNED BY: J.R.F.	SOUTHEASTERN Consulting Engineers, Inc. 800 Mineral Lane, P.O. Box 240438, Charlotte, NC 28224 TEL (704) 533-8045 FAX (704) 533-8317 License No.: E-0181	DELIVERY #3 COMMUNITY ROAD PLAN AND PROFILE VIEWS	SHEET 1 OF 1
						DRAWN BY: K.Y.C.			
						CHECKED BY: J.R.F.			
						APPROVED BY: J.R.F.			

Exhibit 9

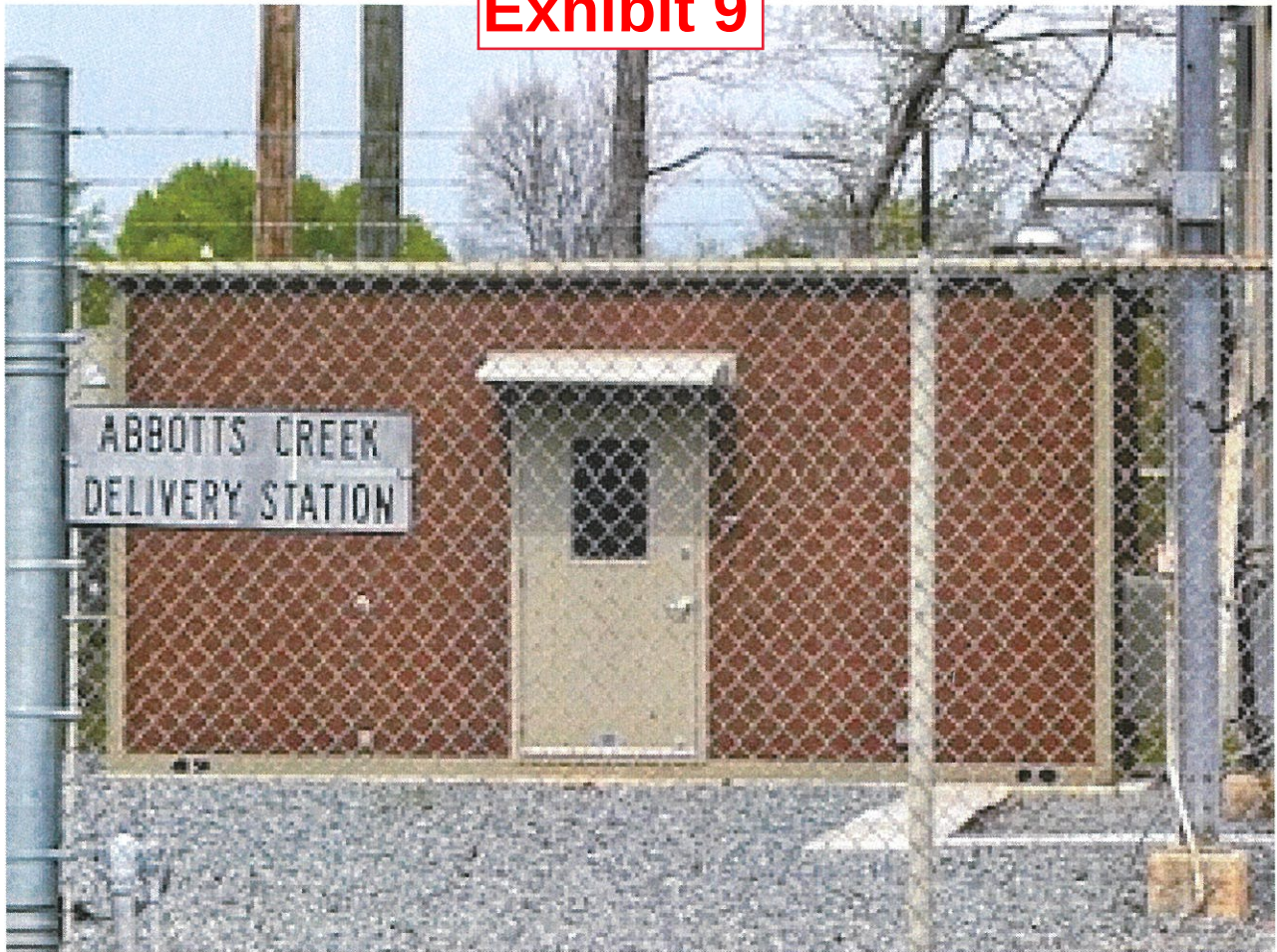


Exhibit 10

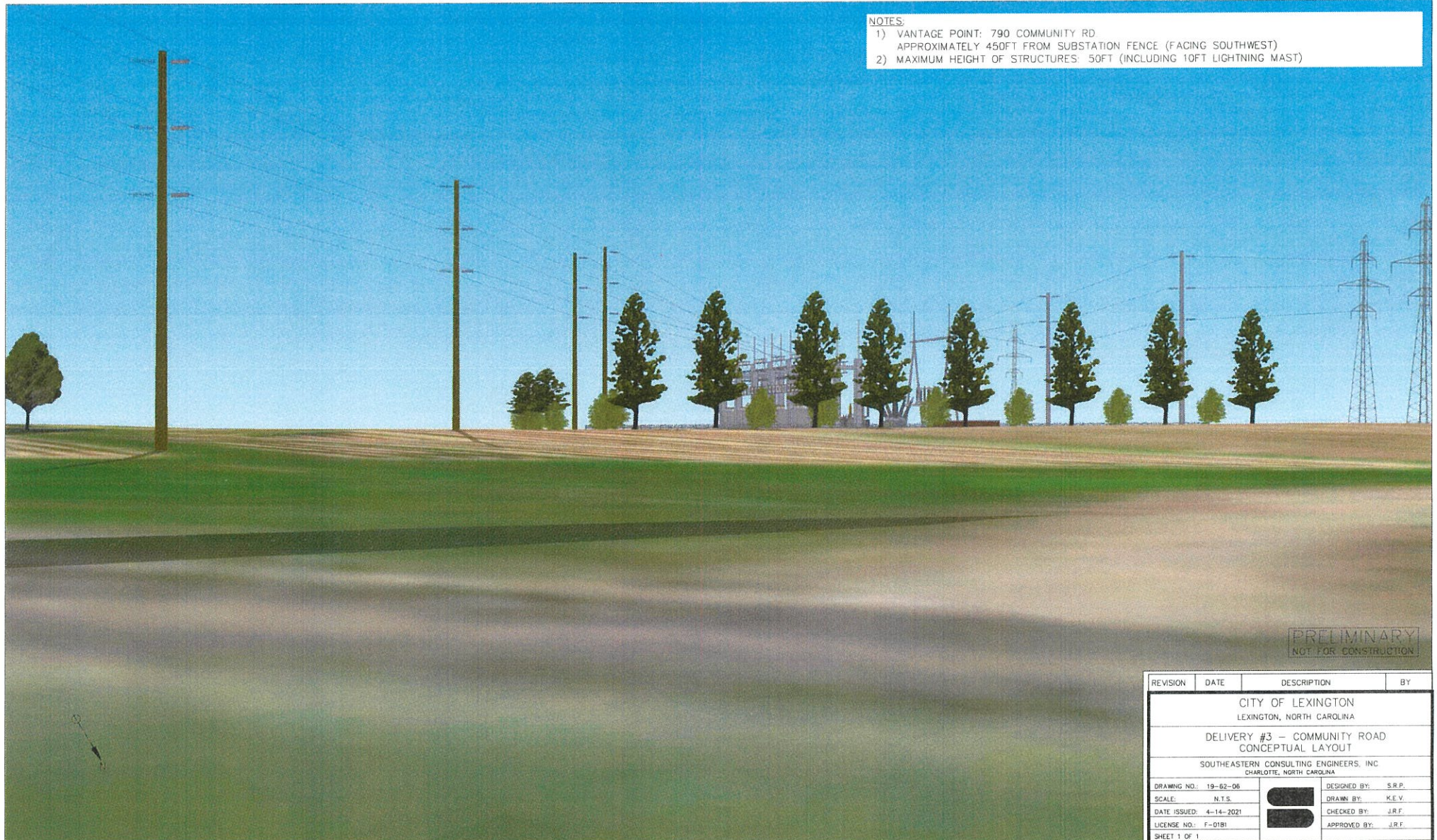
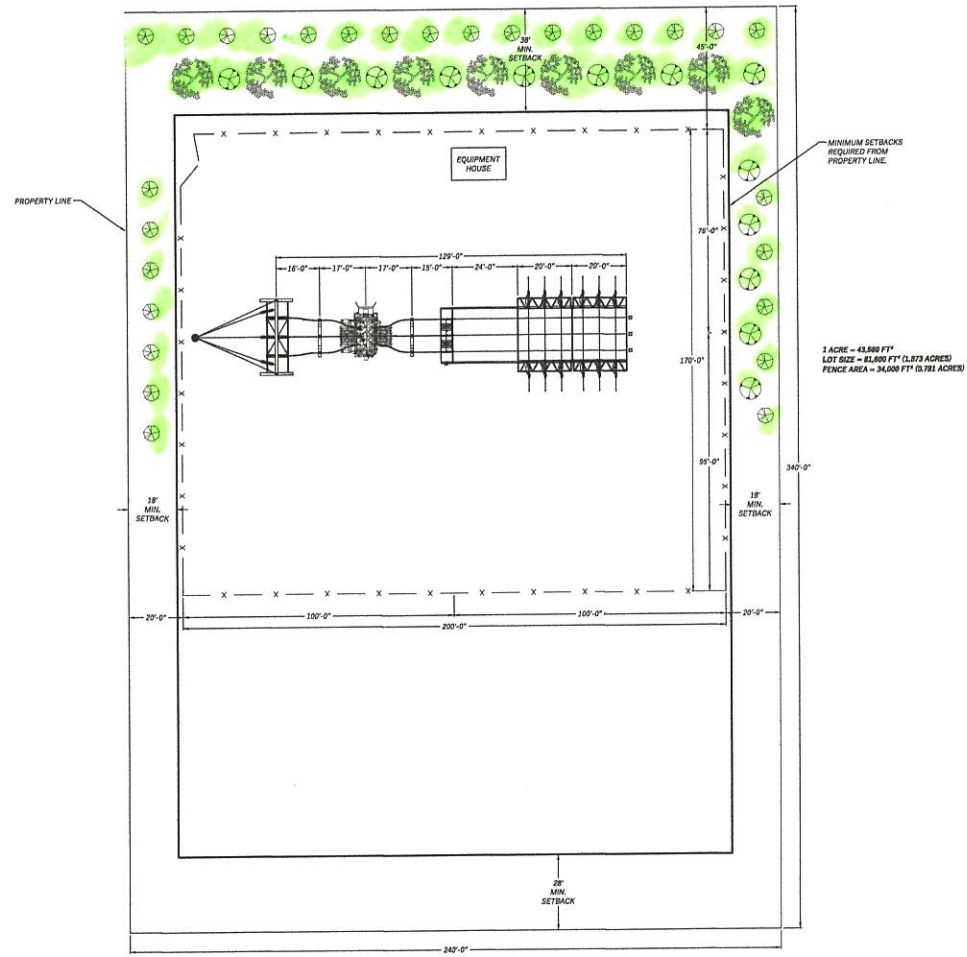


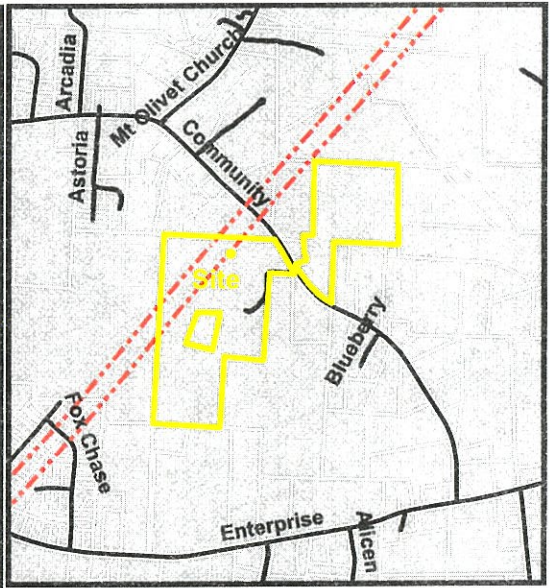
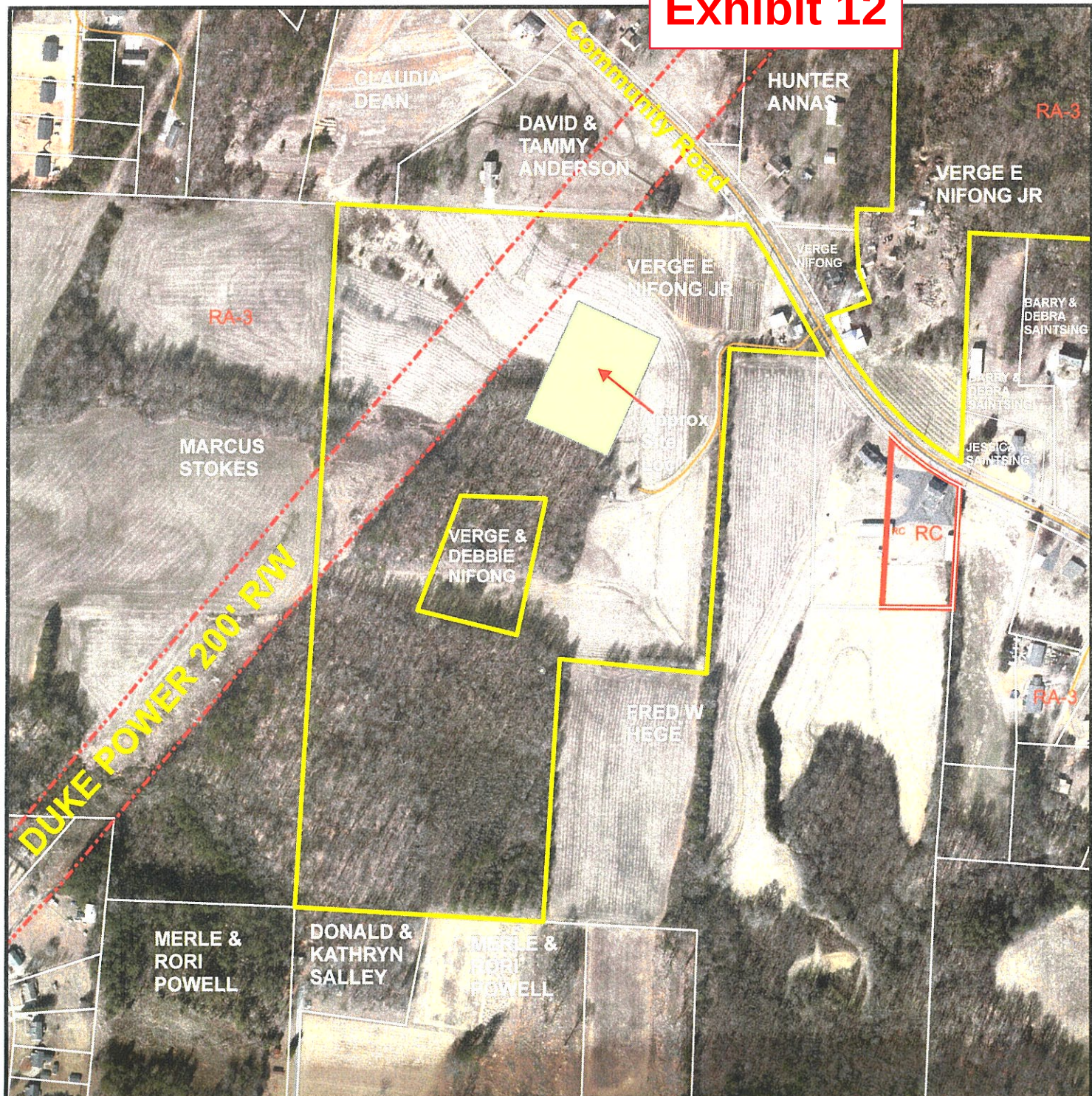
Exhibit 11



PRELIMINARY
DO NOT USE FOR CONSTRUCTION

REVISIONS			REVISIONS			SCALE: 1"=20'-0"	Electric Transmission, Distribution, & Substations SCADA Systems, Load Management Peak Generation, Utility Rates GIS/Mapping SOUTHEASTERN Consulting Engineers, Inc. 600 Mineral Lane, P.O. Box 240438, Charlotte, NC 28224 TEL (704) 523-8045 FAX (704) 523-8317 License No.: F-0181	CITY OF LEXINGTON LEXINGTON, NORTH CAROLINA	DRAWING NO.: 21-11-06
NO.	DATE	DESCRIPTION	NO.	DATE	DESCRIPTION				
						DATE ISSUED: 3-16-21			
						DESIGNED BY: J.R.P.			
						DRAWN BY: K.V.C.			
						CHECKED BY: J.R.P.		DELIVERY #3 COMMUNITY ROAD LANDSCAPE PLAN	SHEET 1 OF 1
						APPROVED BY: J.R.P.			

Exhibit 12



Legend

- County
- Centerlines**
 - SECONDARY
 - INTERSTATE
 - NCHWY
 - USHWY
- ZONING BOUNDARIES**
- PROPERTY LINES



Applicant:		City of Lexington	
Property Owner:		Verge E Nifong Jr	
Scale	1 inch = 400 feet	Drawn By:	DC GIS
Date:	4/19/2021	REVISED:	
APPLICATION FOR SPECIAL USE PERMIT			
ARCADIA TWSP., MAP 14, PART OF LOT 21, CONT. 1.873 AC MORE OR LESS			
DISCLAIMER: The information contained on this map is furnished by government and private industry sources and is believed to be accurate but accuracy is not guaranteed. Mapping information is a representation of various data sources and is not a substitute for information that would result from an accurate land survey. The information contained hereon does not replace information that may be obtained by consulting the information's official source. 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 on this map.			

Exhibit 12

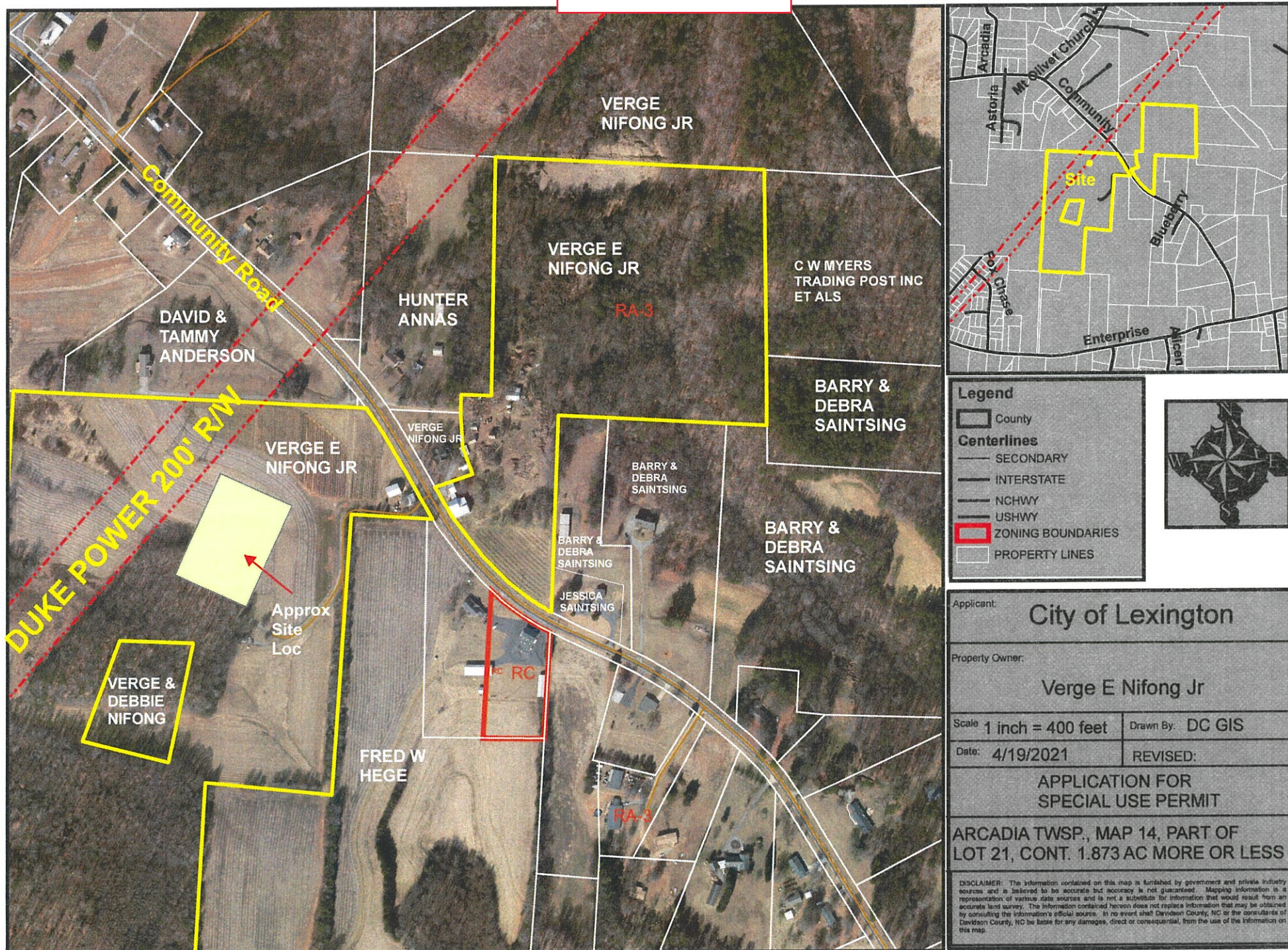


Exhibit 13

EXHIBIT _____

Abutting Property Owners (Per Davidson County Tax Department)

Property Owner	Address	Brief Description	Parcel ID #	Zoning District
David Andersen Tammy Andersen	823 Community Road Lexington, NC 27295	6.66 acres 823 Community Road Lexington, NC 27295	0301400000018B	RA3
Hunter Todd Annas	790 Community Road Lexington, NC 27295	8.95 acres 790 Community Road Lexington, NC 27295	0301400000019	RA3
C W Myers Trading Post Inc. Et Als	P.O. Box 94 Belews Creek, NC 27009-0097	10 acres Community Road Lexington, NC 27295	0301400000028	RA3
Claudia Lynn Dean	1023 Community Road Lexington, NC 27295	5.51 acres Community Road Lexington, NC 27295	0301400000018E	RA3
Fred Wesley Hege	607 Community Road Lexington, NC 27295	5.1 acres 641 Community Road Lexington, NC 27295	0301400000020	RA3/RC
Fred Wesley Hege	607 Community Road Lexington, NC 27295	35.5 acres Community Road Lexington, NC 27295	0301400000033	RA3
Verge E. Nifong, Jr. Debbie Nifong	717 Community Road Lexington, NC 27295	2.24 acres 717 Community Road Lexington, NC 27295	0301400000021A	RA3
Verge Edward Nifong, Jr. Deborah Nifong	717 Community Road Lexington, NC 27295	1.31 acres 732 Community Road Lexington, NC 27295	0301400000021B	RA3
Verge Edward Nifong, Jr.	717 Community Road Lexington, NC 27295	23.31 acres Community Road Lexington, NC 27295	0301400000026	RA3

Exhibit 13

Property Owner	Address	Brief Description	Parcel ID #	Zoning District
Merle A. Powell, Jr. Rori H. Powell	175 Bonsal Crossing New Hill, NC 27562	13.65 acres Enterprise Road Lexington, NC 27295	0301800000022	RA3
Merle A. Powell, Jr. Rori H. Powell	175 Bonsal Crossing New Hill, NC 27562	21.76 acres 3326 Enterprise Road Lexington, NC 27295	0301800000023	RA3
Barry L. Saintsing Debra G. Saintsing	540 Community Road Lexington, NC 27295	19.5 acres Community Road Lexington, NC 27295	0301400000034	RA3
Barry Lynn Saintsing Debra G. Saintsing	540 Community Road Lexington, NC 27295	5.83 acres Community Road Lexington, NC 27295	0301400000040	RA3
Barry L. Saintsing Debra G. Saintsing	540 Community Road Lexington, NC 27295	13 acres Community Road Lexington, NC 27295	0301400000041	RA3
Barry L. Saintsing Debra G. Saintsing	540 Community Road Lexington, NC 27295	6.68 acres 540 Community Road Lexington, NC 27295	0301400000049	RA3
Jessica Ann Saintsing	540 Community Road Lexington, NC 27295	1.11 acres 570 Community Road Lexington, NC 27295	0301400000040A	RA3
Donald M. Salley Kathryn P. Salley	3380 Enterprise Road Lexington, NC 27295	3.16 acres 3380 Enterprise Road Lexington, NC 27295	0301800000038	RA3
Marcus B. Stokes	3872 Enterprise Road Lexington, NC 27295	62.75 acres Enterprise Road Lexington, NC 27295	0301400000008A	RA3

Exhibit 14

RAGAN REAL ESTATE SERVICES

P.O. Box 1234, Lexington, NC 27293

Telephone (336)249-2114 Facsimile (336) 249-3311

Email- tragan@lexcominc.net

March 29, 2021

City of Lexington
C/o Stephen Holton
City Attorney
115 West Center Street
Lexington, NC 27292

**RE: Special Use Permit Application
Impact Study
Proposed Substation
Community Road
Lexington, NC**

Dear Mr. Holton,

I have inspected the above referenced property in order to determine the potential effect of a proposed electrical substation on surrounding property values. The applicant is seeking a Special Use Permit, Class B. This impact study relates to General Standard #3 that states "the use will maintain or enhance the value of the contiguous property".

The subject property is located in NW Davidson County in the Arcadia community. This area, along with all of northern Davidson County has experienced and continues to experience rapid single family residential growth. This process has been ongoing for many years due to its proximity to Winston-Salem and High Point. The tax base is also lower compared to other counties, so people live in Davidson County and commute to other locations to work. There are several residential developments near the subject property. A 440 lot development to be named Clinard Farm and Bryson Park is in the planning stages. This will be located on Hege Rd. about 1.5 miles NE.

My research found many substations in Davidson County owned by the city of Lexington, Energy United and Duke Energy. Many were in rural or residential locations like the subject. Others were in isolated or commercial locations. I researched sales and other activity around existing substations.

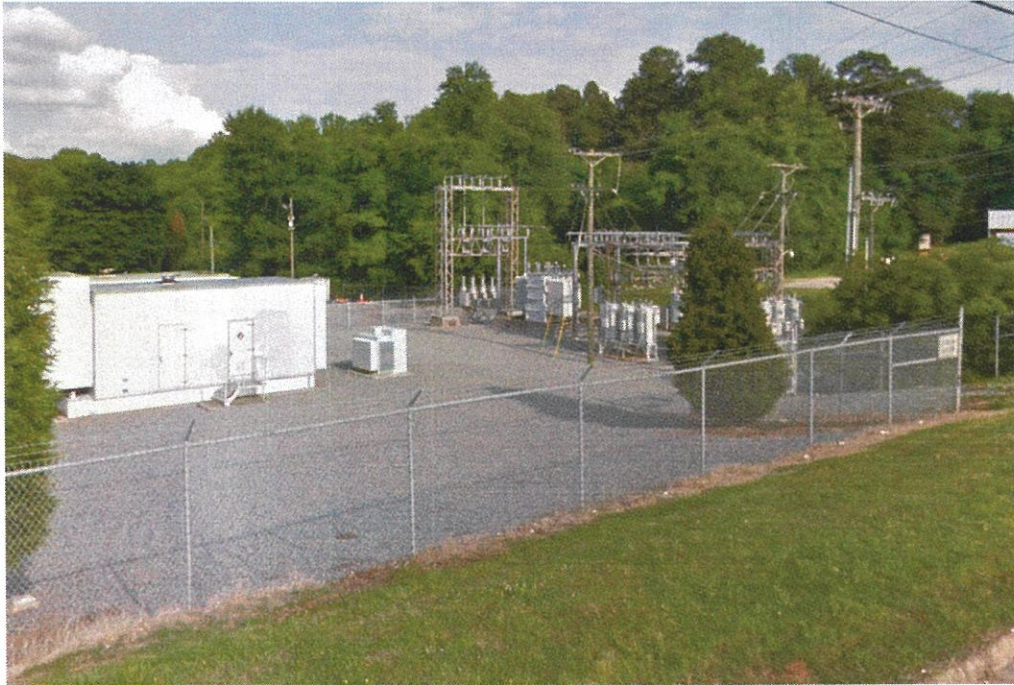
1701 Community Road- Arcadia Substation



This a small substation located on the west end of Community Rd. near its intersection with NC Highway 150.

- 1630 Community Rd- Older single family residence sold in November, 2016 for \$130,000. It sold again in May 2019 for \$144,000.
- 1669 Community Rd- Older single family residence sold in January 1985 for \$31,500. It resold in April 2020 for \$63,000.
- 228 Greenfield Ct- This is a high value residence that adjoins the substation to the rear. It was built in 2000 and resold in 2011 for \$456,000.

1906 Cotton Grove Road- Cotton Grove Substation



This substation is city owned on Cotton Grove Rd. just south of Biscuit King.

- 1905 Southview Rd- This is an older single family residence that sold in August 1993 for \$53,000. It resold in 2017 for \$104,000.
- 1906 Southview Rd- This is an older single family residence that sold in March 2001 for \$66,000. It resold in May 2019 for \$125,000.
- 7 Glendale Rd- This is also an older single family residence. It sold for \$68,000 in July 1993. It resold in August 2017 for \$77,000.

Old Greensboro Rd- Duke Energy



This older substation is located in NE Davidson County east of Willow Creek Golf Course. It is owned and operated by Duke Energy.

- 3048 N. Old Greensboro Rd, High Point (Davidson Co.)- This house is located directly across the street from the substation. It sold in February 1988 for \$127,000. The property sold again in July 2017 for \$225,000.
- 2958 N. Old Greensboro Rd., High Point (Davidson Co.)- This house is located diagonally across the street from the substation. The lot sold in 2005 for \$40,000. The owners built a new house in 2006 with a tax value of \$475,760.

Hickory Street, Lexington

This substation is one of the larger substations in Lexington. It is owned by the city of Lexington. I own nine duplexes adjacent to this substation. They stay 100% occupied all the time. No tenants have complained about being next to the substation.

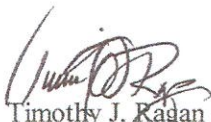


Summary

I found limited but meaningful resale activity close to existing substations. The sales indicated an increase in values for such properties consistent with the general market. The subject property has a much greater buffer because it is centered in Mr. Nifong's property and is adjacent to existing high voltage transmission lines.

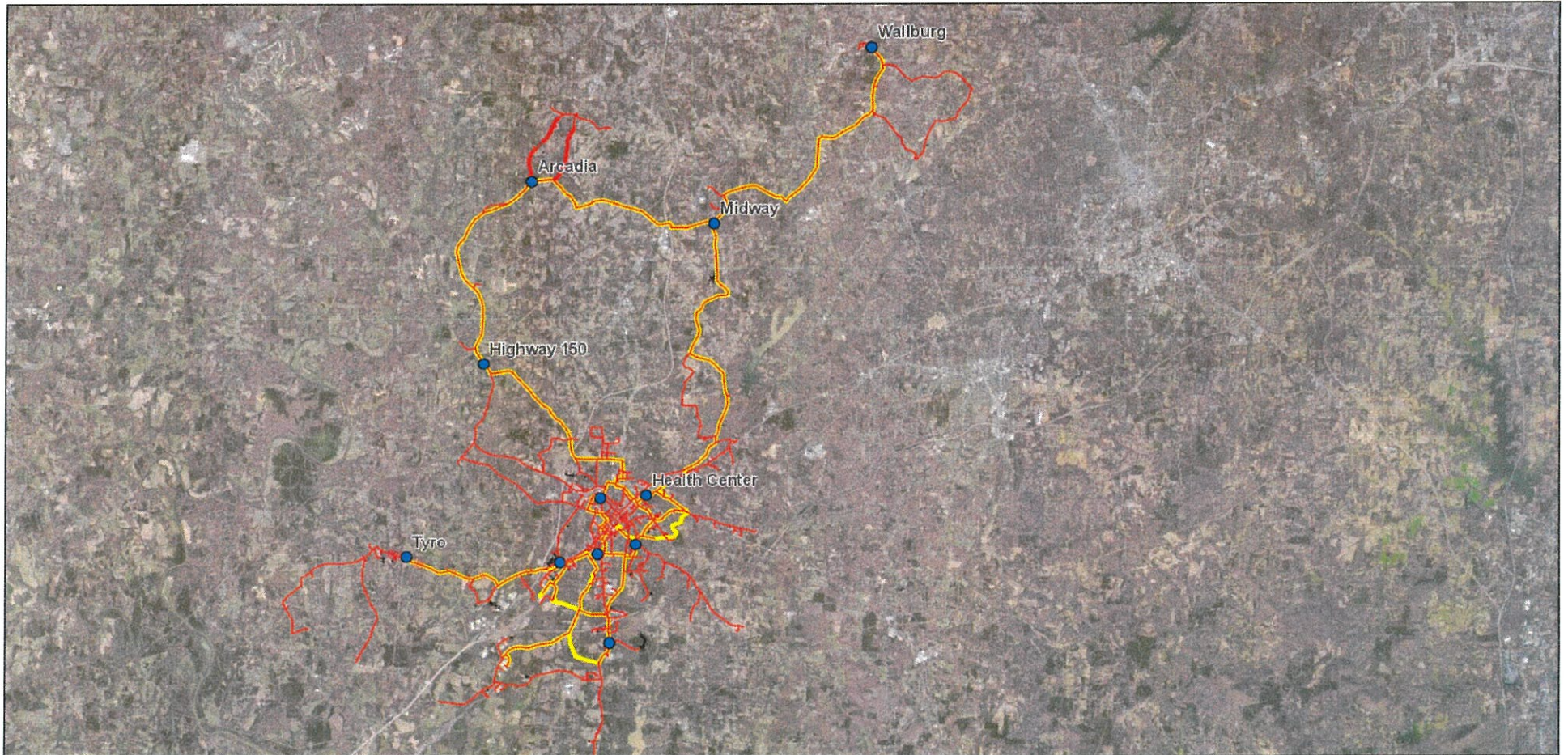
If there were to be any adverse effects, they would be in the form of excess noise, or perception of adverse conditions. The use will create neither of these conditions. Adverse effects would be evident by a "selling out" of the surrounding properties at reduced prices. Such is not the case with the subject or any of the other venues in the research.

In my professional opinion, the proposed use will at least maintain the value of surrounding properties.


Timothy J. Ragan
Certified General Real Estate Appraiser
#A-1587



Electric Assets



2/2/2021 1:55:51 PM

Three phase Primary UG Conductor

Three Phase Primary Underground, Installed

Three Phase Primary Underground, Proposed

Transmission Primary OH

Transmission Primary Overhead, INST

Transmission Primary Overhead, PROP

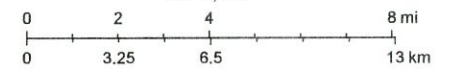
Three Phase Primary OH

Three Phase Primary Overhead, Installed

Three Phase Primary Overhead, Proposed

SubstationPoints

1:167,209



NCCGIA, NC911 Board

City of Lexington powered by Electricities
NCCGIA, NC911 Board |

**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:

4/28/2021

5/5/2021

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 5 day of May 2021.

Stan Bingham

Sworn to and subscribed before me, this

5 day of May 2021.

Kelly H. Bludsa

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, May 20th, 2021 at 6:00pm in the Commissioners' Meeting Room, Governmental Center, 913 N. Greensboro Street in Lexington, North Carolina for the following zoning items:

ITEM #1: 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.

ITEM #2: Request by Davidson Water, Inc. for a variance to the front and rear setbacks in a LI, Limited Industrial District. Said property is located on the east side of Old US Hwy 52 approximately 250 feet south of the Welcome Center Boulevard intersection. Property is further described as Midway Township, Tax Map 23, p/o Lot 42N containing 1.22 acres more or less.

ITEM #3: Request by Lisa Annette Little for a Variance to the Side Yard Setback in a RA-1, Rural Agricultural District. Property is located on the east side of Pinehaven Drive approximately 0.56 mile north of the Fourth Avenue intersection at the address 3534 Pinehaven Drive. Property is further described as Alleghany Township, Tax Map 19B, Lot 1043 containing approximately 0.17 acre more or less.

ITEM #4: Request by 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. Said property is located on the west side of Community Road approximately .36 mile south of the Mt. Olivet Church Road intersection. Said property is further described as Arcadia Township, Tax Map 14, p/o Lot 21 containing 1.873 acres 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.

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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:

See attached supporting documents

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.: 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.

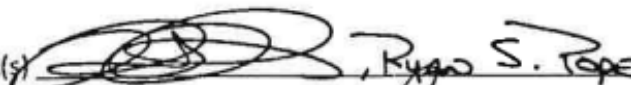
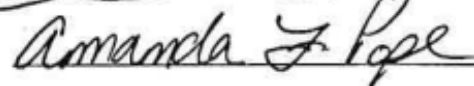
Planning Board Meeting Date: N/A

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

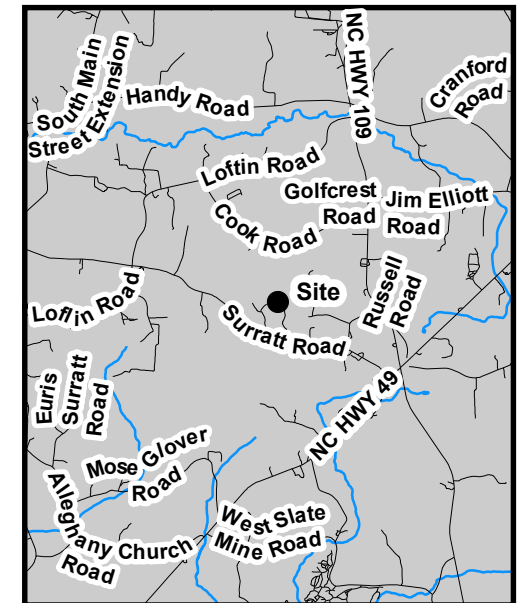
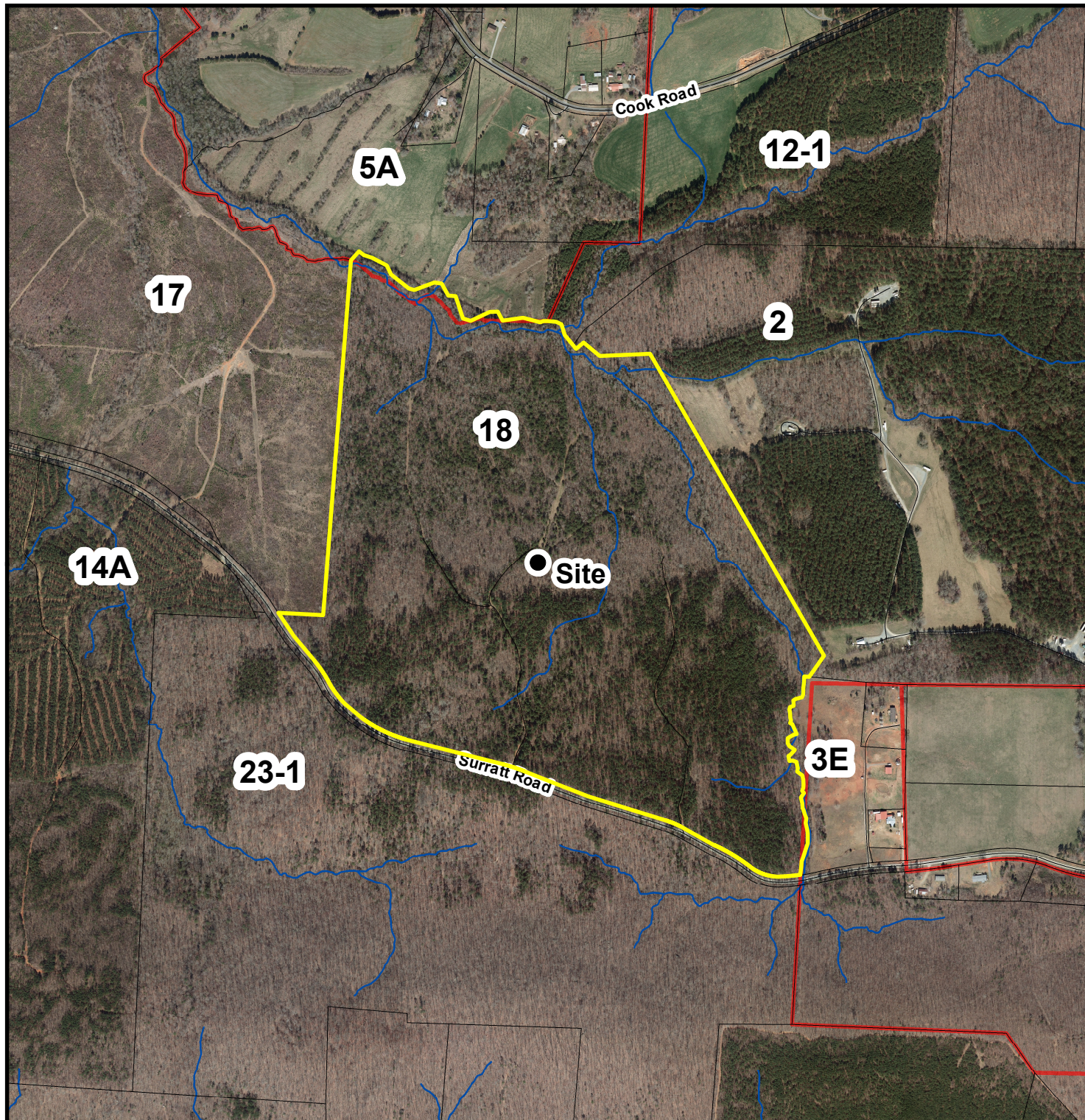
Toll Free Numbers
Lexington: 336-242-2220
Winston-Salem: 336-723-7890 ext. 2220
Denton: 336-859-2194 ext. 2220

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 8°
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 38°
9	N 73°58'13"E	120.31'	64 S 0°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 16°
14	S 60°18'04"E	38.08'	69 S 12°
15	N 70°30'20"E	128.22'	70 S 11°
16	S 88°12'41"E	45.28'	71 S 3°47'
17	N 88°18'04"E	60.94'	72 S 3°04'
18	S 70°16'46"E	100.73'	73 S 2°5'
19	N 72°10'08"E	23.68'	74 S 23°
20	S 79°36'57"E	68.61'	75 S 14°
21	S 68°47'43"E	33.05'	76 S 28°
22	S 13°01'41"E	62.25'	77 S 7°54'
23	S 34°08'41"E	101.55'	78 S 12°
24	N 54°22'38"E	56.19'	79 S 6°2'
25	S 45°16'08"E	117.85'	80 S 88°
26	S 38°03'53"W	146.79' (Total)	81 N 82°
27	N 81°06'12"W	28.86'	82 N 64°
28	S 6°00'56"W	30.39'	83 N 51°
29	S 9°12'59"W	36.52'	84 N 64°
30	S 8°11'47"W	37.15'	85 N 65°
31	S 27°23'17"W	16.13'	86 N 65°
32	S 77°38'53"W	37.46'	87 N 74°
33	S 62°23'54"W	14.18'	88 N 70°
34	S 1°28'21"W	31.30'	89 N 66°
35	S 77°44'46"W	20.68'	90 N 58°
36	S 26°42'36"W	12.70'	91 N 51°
37	S 5°14'54"E	24.08'	92 N 45°
38	S 0°34'09"E	28.90'	93 N 26°
39	S 12°34'46"E	13.38'	94 N 38°
40	S 23°02'00"W	16.29'	95 N 23°
41	S 62°56'52"E	14.07'	96 N 34°
42	S 20°29'28"E	48.42'	97 N 30°
43	S 29°17'50"E	12.56'	98 N 8°4'
44	S 78°06'22"W	18.87'	99 S 82°
45	S 61°58'48"W	36.95'	
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°56'41"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

— 100' BUFFER
— PROPOSED SEPTIC FIELD
H PROPOSED LIFE RAFT HELICOPTER PAD

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

RECORDED IN PLAT BOOK

SURVEY FOR
THURMAN REITZEL VON
and wife
NANCY J. VONCAR

**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:

4/28/2021

5/5/2021

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 5 day of May 2021.

Stan Bingham

Sworn to and subscribed before me, this

5 day of May 2021.

Kelly H. Bludsa

Notary Public

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4-28-24

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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