

March 9, 2015

The Union County Board of Adjustment met in regular session on March 9, 2015 at 7:00 p.m. in the Union County Government Center, 1st Floor Board Room, 500 N. Main Street, with Vice Chairman Darren Greene presiding.

BOARD MEMBERS PRESENT:     Darren Greene, Chairman  
  Mark Tilley, Vice-Chairman  
  Rick Davis  
  Jennifer Stewart

ALTERNATES PRESENT:         Douglas Hutton  
  Jonathan Holland

ALSO PRESENT:                 Jim King, Zoning Administrator  
  Lee Jenson, Planner  
  Derrick Thurman, Board Attorney  
  Susan Calkins, Secretary to the Board

Chairman Darren Greene called the meeting to order at 7:00 p.m.

**REGULAR MEETING**

- A. Approval of minutes from September 8, 2014 – minutes were not ready
- B. Approval of minutes from October 13, 2014 – minutes were not ready
- C. Approval of minutes from November 10, 2014 – minutes were not ready
- D. Approval of Temporary Mobile Home Permits - Approved by staff, information item only for the Board.

#125 - Ty P. Helms, 2812 Price Rushing Road, Monroe, NC 28110  
Approved April 3, 1995

#129 - Dennis & Connie Mangum, 6720 Rebel Road, Marshville, NC 28103  
Approved July 3, 2001

#131 - Houston & Aileen McLain, 6103 R A Austin Road, Marshville, NC 28103  
Approved April 7, 2003

#132 – Kelly Swaim, 3805 Mullis Newsome Road, Monroe, NC 28110  
Approved November 6, 2006

#135 – Marilyn Purser, 1631 Ridge Road, Monroe, NC 28110  
Approved September 14, 2009

#136 – Barry Robinson, 4418 Western Union School Rd, Waxhaw, NC 28173  
Approved Feb 11, 2013

E. Determination of quorum – 6 members were present

**PUBLIC HEARING**

- A. Determination of any conflicts of interest for Special Use 2015-002 (Item B)
- B. “Special Use 2015-001” – BG Stewart Solar Farm requesting a “Special Use” under Section 25.010 and Section 80.110 and Section 25.020C (15) (B) of the Union County Development Ordinance to construct a Major Utility Facility-Solar Farm. Located at 1504 Old Hwy 74, being on Tax Map 02-180-012; presently zoned RA-40.

Mr. Greene asked if any board member had a conflict of interest with this agenda item. It was determined there were no conflicts of interest.

Jim King was sworn in.

Mr. Greene asked Mr. King if the petition was complete. Mr. King stated that the petition was complete.

Douglas Hutton moved that the petition be heard; seconded by Rick Davis; motion carried.

Mr. King presented the following staff analysis:

**PROJECT SUMMARY**

<b>Location:</b>	Old Hwy 74
<b>Parcel Number:</b>	02-180-012
<b>Current Zoning</b>	RA-40
<b>Existing Use:</b>	Vacant / open field and woods
<b>Proposed Use:</b>	Major Utility (Solar power generation facility)
<b>Owner (s)</b>	Sanchez – Beristain Jose A ET AL
<b>Applicant / Agent:</b>	BG Stewart Solar Farm
<b>Owner Address:</b>	1504 Old Hwy 74 Marshville, NC 28103
<b>Owner Contact Info:</b>	(704) 239-7904
<b>Agent Contact Info:</b>	(571) 228-5105

**Meeting Date:** March 9, 2015

#### SUMMARY OF REQUEST

The applicant is requesting a Special Use Permit to construct and operate a solar power generation facility on the above referenced property. The property, consisting of approximately 16.42 acres, is land locked and accessed by a gravel drive off Old Hwy 74.

The proposed project consists of two separate parcels, one in the counties jurisdiction and the other is within the Town of Marshville's ETJ. Because the project is split by jurisdictional boundaries, the applicant must demonstrate that they will comply with all setback and yard requirements, tree preservation within required yards, and provide a S2 High Profile Screen along property boundaries abutting residential uses.

#### EXISTING ZONING OF ADJACENT PROPERTIES

**North:** Marshville zoning  
**East:** Marshville zoning  
**South:** RA-40  
**West:** RA-40

#### EXISTING LAND USE OF ADJACENT PROPERTIES

**North :** Residential / Farm land  
**East:** Residential / Farm land  
**South:** Residential / Farm land  
**West:** Vacant / Wooded

#### ISSUES / CONCERNS

1. The applicant needs to demonstrate that the proposed project is in harmony with the surrounding area.
2. What happens to the solar / major utility equipment if the use ceases and desists?
3. All adjacent properties should be adequately screened.

#### STAFF RECOMMENDATION

Staff recommends approval with the following conditions:

1. Show that the proposed project is in harmony with surrounding area.
2. Denote on site plan that project is a land lease
3. Have a contingency plan as part of the S.U.P. for the removal of equipment and time frame should the use cease and desist.

Need to show on site plan the proper setbacks, yard requirements, type S2 screening device and tree save area as referenced in the Land Development Ordinance.

Mr. Greene invited witnesses to come forward to be sworn in.

Susanne Todd, attorney for the applicant came forward and asked that the notebook to be submitted into evidence as Petitioner Exhibit A.

Tal McBride came forward and stated this is the 2<sup>nd</sup> of 3 projects that he has going in Union County. He stated they are in compliance with the ordinance and all zoning concerns. He also stated the project would not move forward if the Marshville Special Use was denied.

Damon Bidencope came forward and stated that the solar farm would not affect any sales or property values in the area.

Ted McGavarn, a local engineer in Union County came forward and stated there would not be any environmental concerns as well.

The applicant offered no further evidence and answered further questions from the Board.

There was no testimony in opposition.

Chairman Greene closed the public hearing and the board deliberated. Douglas Hutton made a motion to approve the application with the following requirements:

The applicant must provide staff with a decommissioning plan and comply with all zoning regulations (setbacks, screen, and tree save areas) before a building permit can be issued; seconded by Rick Davis. The motion carried.

The meeting adjourned at 7:45 p.m.

Respectfully submitted,

Susan R. Calkins  
Secretary to Board of Adjustment