



**NASH COUNTY BOARD OF ADJUSTMENT
REGULAR MEETING**

MONDAY, JANUARY 24, 2022 AT 6:00 P.M.

**FREDERICK B. COOPER COMMISSIONERS ROOM
CLAUDE MAYO, JR. ADMINISTRATION BUILDING - THIRD FLOOR
120 WEST WASHINGTON STREET
NASHVILLE, NC 27856**

**NOTE: FACEMASKS ARE CURRENTLY REQUIRED INSIDE NASH
COUNTY FACILITIES TO LIMIT THE SPREAD OF COVID-19.**

MEETING AGENDA

- 1. Call to Order.**
- 2. Determination of a Quorum.**
- 3. Introduction of Newly Appointed Alternate Board Member #2: Terry Williams.**
- 4. Recognition of the Voting Board Members for the Meeting.**
- 5. Minutes of the July 26, 2021 Regular Meeting – DELAYED.**
- 6. Quasi-Judicial Evidentiary Hearing on Special Use Permit Request S-220101.**
Made by Sidney A. Collie Jr., the property owner, to combine and expand two existing 1.99-acre land clearing and inert debris (LCID) landfills into a single, larger 9.10-acre LCID landfill at 5801 Taylors Store Rd, Nashville NC 27856 in the A1 (Agricultural) Zoning District.
 - a. Staff Report.**
 - b. Public Hearing & Oath of Witnesses.**
 - c. Board Discussion & Vote.**
- 7. Adjournment.**

**NASH COUNTY BOARD OF ADJUSTMENT
SPECIAL USE PERMIT REQUEST
STAFF REPORT**

File Number: S-220101 (Special Use Permit Request)
Applicant / Owner: Sidney A. Collie, Jr.
Engineer: Stocks Engineering
Location: 5801 Taylors Store Rd, Nashville NC 27856
Tax ID #: PIN # 380400208804 / Parcel ID # 025622 (Portion)
PIN # 380400303622 / Parcel ID # 025636 (Portion)
Total Area: 9.10 Acres
Zoning District: A1 (Agricultural)
Proposed Land Use: Expanded Land Clearing & Inert Debris (LCID) Landfill
LDP Classification: Rural Growth Area
Notice of Public Hearing: Mailed Notice: Jan. 13, 2022 (To Property Owners Within 600 Feet)
Posted Notice: Jan. 13, 2022 (On the Subject Property)

Consideration of a Special Use Permit:

The Nash County Unified Development Ordinance (UDO) defines a special use permit as “a permit issued by the Board of Adjustment that authorizes the recipient to make use of property in accordance with the requirements of this Ordinance or as well as any additional requirements imposed by the Board of Adjustment” (UDO 2-4.160.)

The North Carolina General Statutes require that the Board follow **quasi-judicial procedures** when hearing and deciding requests for special use permits. The Board’s decision must be based upon **competent, material, and substantial facts and evidence** submitted for the record and not upon personal opinions, preferences, speculation, assumptions, or generalized fears related to the case.

Prior to granting a special use permit, the Board shall adopt **conclusions with supporting findings of fact** which explain how the request satisfies **ALL** of the requirements established by the UDO. A special use permit request **shall be denied** if the Board determines that the application is incomplete or that it does not satisfy any one or more of the established requirements.

Also, prior to granting a special use permit, the Board must determine, based upon the information submitted at the public hearing that, if completed as proposed, the development:

- (1) **Will not materially endanger the public health or safety;**
- (2) **Will not substantially injure the value of adjoining or abutting property;**
- (3) **Will be in harmony with the area in which it is to be located; and**
- (4) **Will be in general conformity with the land development plan or other plans officially adopted by the Board of Commissioners.**

The Board may also impose **reasonable and appropriate conditions** upon the special use permit in addition to the standard requirements established by the UDO, including a condition limiting the specific duration of the time period for which the permit shall remain in effect.

The granting of a special use permit requires a **simple majority vote** of the Board members present.

Description of the Subject Property:

The subject property is a 9.10-acre portion of two adjacent tracts of land owned by Sidney A. Collie, Jr. and Leah S. Collie and located at 5801 Taylors Store Rd, Nashville NC 27856 west of the Town of Red Oak in the A1 (Agricultural) Zoning District.

The property is located in the Tar-Pamlico River Basin and it is not located within a regulated floodplain or a designated watershed protection overlay district. The property does include existing wetlands as well as a stream feature subject to a fifty-foot (50') wide riparian buffer to the east of the subject site, but that area is not proposed to be disturbed.

The subject property is also located to the northeast of the 17-lot Carey Farm Subdivision along Careylee Rd, which was developed between 2004 and 2007.

Description of the Special Use Permit Request:

A land clearing and inert debris (LCID) landfill is a facility for the disposal of nonhazardous materials such as stumps, limbs, leaves, other land clearing and yard waste, concrete, brick, concrete block, uncontaminated soil, gravel, rock, untreated and unpainted wood, and used asphalt.

The UDO defines this land use as a demolition debris landfill and it is permitted for development in the A1 (Agricultural) Zoning District with the required issuance of a special use permit by the Board of Adjustment.

In June 2005, the Board of Adjustment approved a special use permit at the request of the landowner, authorizing the construction and operation of a 1.99-acre LCID landfill on the northern portion of the subject property (Case File #S-050106.)

In October 2014, the Board of Adjustment approved another special use permit at the request of the landowner, authorizing the construction and operation of a second 1.99-acre LCID landfill just to the southeast of the first one on the same subject property (Case File #S-141001.)

The property owner has now submitted Special Use Permit Request S-220101 to combine and expand these two already-existing LCID landfills into a single, larger 9.10-acre LCID landfill.

UDO 11-4.28 establishes the following development standards required specifically for demolition debris landfills:

(A) Where Required

A-1, GC, and GI districts.

(B) Use Separation

Fifty feet minimum from any property line; three hundred feet minimum from any residence.

(C) Access

Access to the landfill shall be controlled with gates, chains, fences, ditches, and/or vegetation to prevent unregulated dumping.

(D) Dust

All unpaved areas shall be maintained in a manner which prevents dust from leaving the property.

(E) Operation

No filling is permitted in the 100-year floodplain of any stream; no filling is permitted in utility easements.

(F) Closure

Landfills shall be closed with a minimum of 2 feet of clean soil, graded to a maximum slope of 3:1, and stabilized with vegetation or in accordance with current state standards.

(G) Signs

An entrance sign shall be posted and maintained which lists the name and phone number of the current operator, the types of material accepted, the hours of operation, tipping charges, and any other pertinent information.

Suggested Motions:

MOTION #1 – ADOPT CONCLUSIONS WITH SUPPORTING FINDINGS OF FACT:

*I move that the Nash County Board of Adjustment adopts **OPTION 'A' or 'B' (choose one from below)** related to Special Use Permit Request S-220101.*

NOTE: The suggested findings of fact below may be **revised** prior to adoption as necessary to reflect the arguments, evidence, and/or testimony presented during the public hearing held on this request.

OPTION 'A': Conclusions with Supporting Findings of Fact for PERMIT APPROVAL:

- (1) The proposed development will satisfy the specific standards required by UDO 11-4.28 for demolition debris landfills because:**
 - (a) The proposed expanded landfill is located in the A1 (Agricultural) Zoning District and a demolition debris landfill is a land use permitted for development in that district with the required issuance of a special use permit by the Board of Adjustment.**
 - (b) The proposed location of the expanded landfill is already more than fifty feet (50') from the exterior property lines of the two tracts of land on which it will be located.**
 - (c) As a required condition of the permit, the existing property line crossing the center of the expanded facility shall be reconfigured such that the landfill will be located a minimum of fifty feet (50') away from any property line.**
 - (d) As a required condition of the permit, the existing, dilapidated dwelling located at 5841 Taylors Store Rd and owned by the applicant shall be demolished and removed to ensure that the expanded landfill will be located more than three hundred feet (300') from any residence.**
 - (e) Access to the expanded landfill shall be controlled with a combination of a gated fence and the existing, surrounding vegetation in order to prevent unregulated dumping.**
 - (f) A gravel path shall be used to access the landfill facility in order to minimize dust, which will also be filtered by the surrounding vegetation. The applicant proposes the potential use of a water truck to control dust during exceptionally dry periods if necessary.**
 - (g) The subject property does not include any regulated floodplain areas or known utility easements.**
 - (h) The expanded landfill shall eventually be closed with a minimum of two feet (2') of clean soil, graded to a maximum slope of 3:1, and stabilized with vegetation or in accordance with the applicable standards of the North Carolina Department of Environmental Quality at that time.**

- (i) A sign shall be posted and maintained at the entrance of the landfill facility, which lists the name and phone number of the current operator, the types of material accepted, the hours of operation, tipping charges, and any other pertinent information.
- (2) The proposed development will not materially endanger the public health or safety because land clearing and inert debris (LCID) landfills only accept nonhazardous waste materials that have not historically been associated with groundwater contamination or other public health issues.
- (3) The proposed development will not substantially injure the value of adjoining or abutting property because land clearing and inert debris (LCID) landfills have not historically been associated with offensive odors or excessive noise.
- (4) The proposed development will be in harmony with the area in which it is to be located because it is an expansion of two previously existing land clearing and inert debris (LCID) landfills that have been authorized for operation on the subject property since 2005 and 2014 respectively.
- (5) The proposed development will be in general conformity with the recommendations of the Nash County Land Development Plan because the landfill facility will not require public water or sewer utility service and its operation will be compatible with the agricultural and low-density residential land uses that characterize the designated Rural Growth Area in which it will be located.

--- OR ---

OPTION 'B': Conclusions with Supporting Findings of Fact for PERMIT DENIAL:

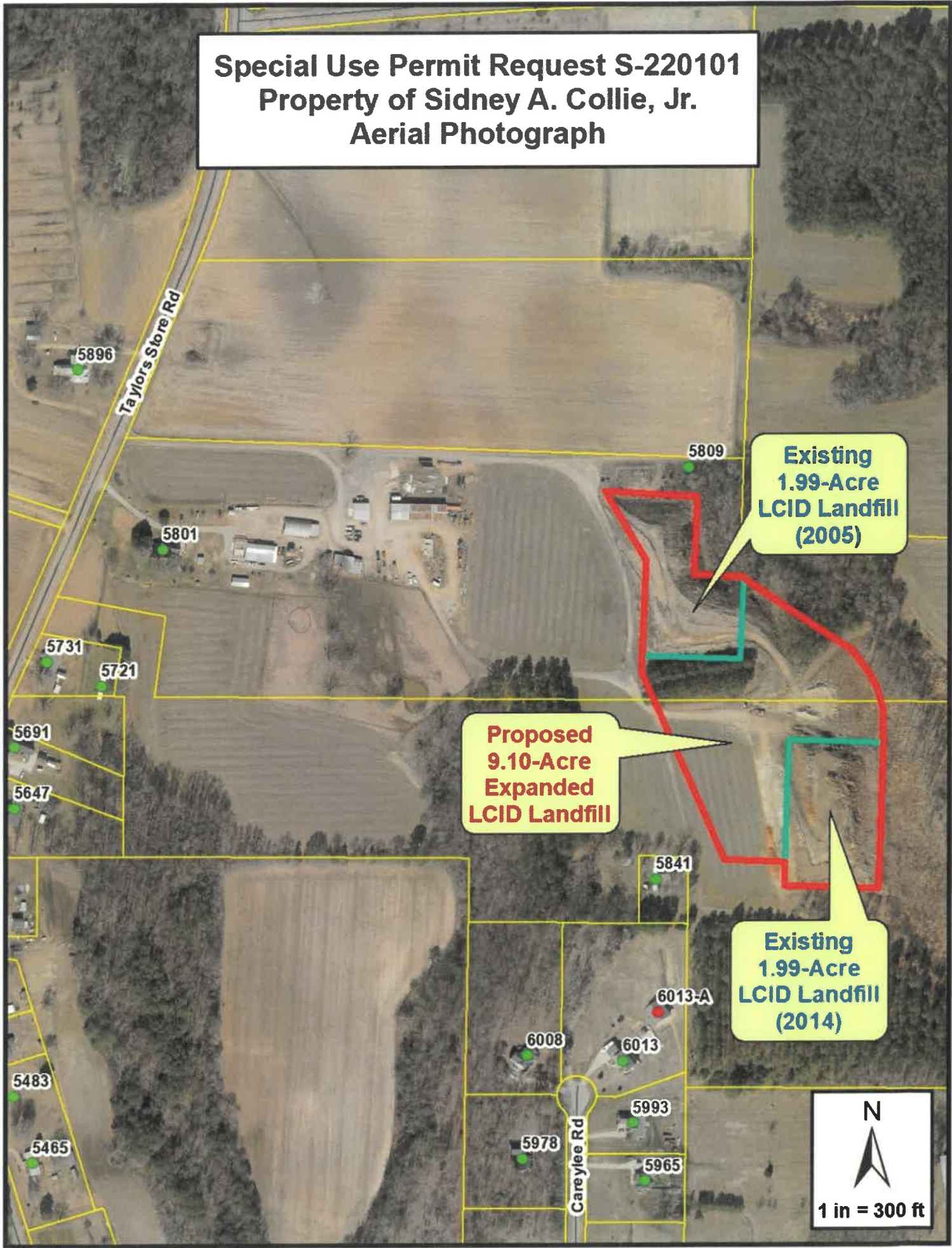
In order to deny the special use permit request, the Board needs only to determine that the application is incomplete or to identify any one or more of the applicable standards listed above that the proposed development would fail to satisfy and then adopt findings of fact to support that conclusion based upon the evidence and testimony presented at the public hearing.

MOTION #2 – APPROVE OR DENY THE SPECIAL USE PERMIT REQUEST:

I move that the Nash County Board of Adjustment APPROVES or DENIES (choose one) Special Use Permit Request S-220101, subject to the following attached permit CONDITIONS:

- (1) This special use permit replaces the previously issued special use permits (Case File #S-050106 & Case File #S-141001), which authorized the construction and operation of two smaller land clearing and inert debris (LCID) landfills on the same subject property.**
 - (2) The subject property shall be developed for an expanded land clearing and inert debris (LCID) landfill in accordance with the approved site plan as well as in compliance with all other applicable state and local regulations, including the development standards established by UDO 11-4.28 specifically for demolition debris landfills.**
 - (3) The nonhazardous materials accepted by the land clearing and inert debris (LCID) landfill shall be limited to stumps, limbs, leaves, other land clearing and yard waste, concrete, brick, concrete block, uncontaminated soil, gravel, rock, untreated and unpainted wood, and used asphalt ONLY.**
 - (4) The existing property line crossing the center of the expanded facility shall be reconfigured such that the landfill will be located a minimum of fifty feet (50') away from any property line.**
 - (5) The existing, dilapidated dwelling located at 5841 Taylors Store Rd and owned by the applicant shall be demolished and removed to ensure that the expanded landfill will be located more than three hundred feet (300') from any residence.**
-

**Special Use Permit Request S-220101
Property of Sidney A. Collie, Jr.
Aerial Photograph**



Taylor's Store Rd

5896

5801

5809

**Existing
1.99-Acre
LCID Landfill
(2005)**

5731

5721

**Proposed
9.10-Acre
Expanded
LCID Landfill**

5691

5647

5841

**Existing
1.99-Acre
LCID Landfill
(2014)**

6013-A

6008

6013

5978

5993

5965

5483

5465

Carey Lee Rd

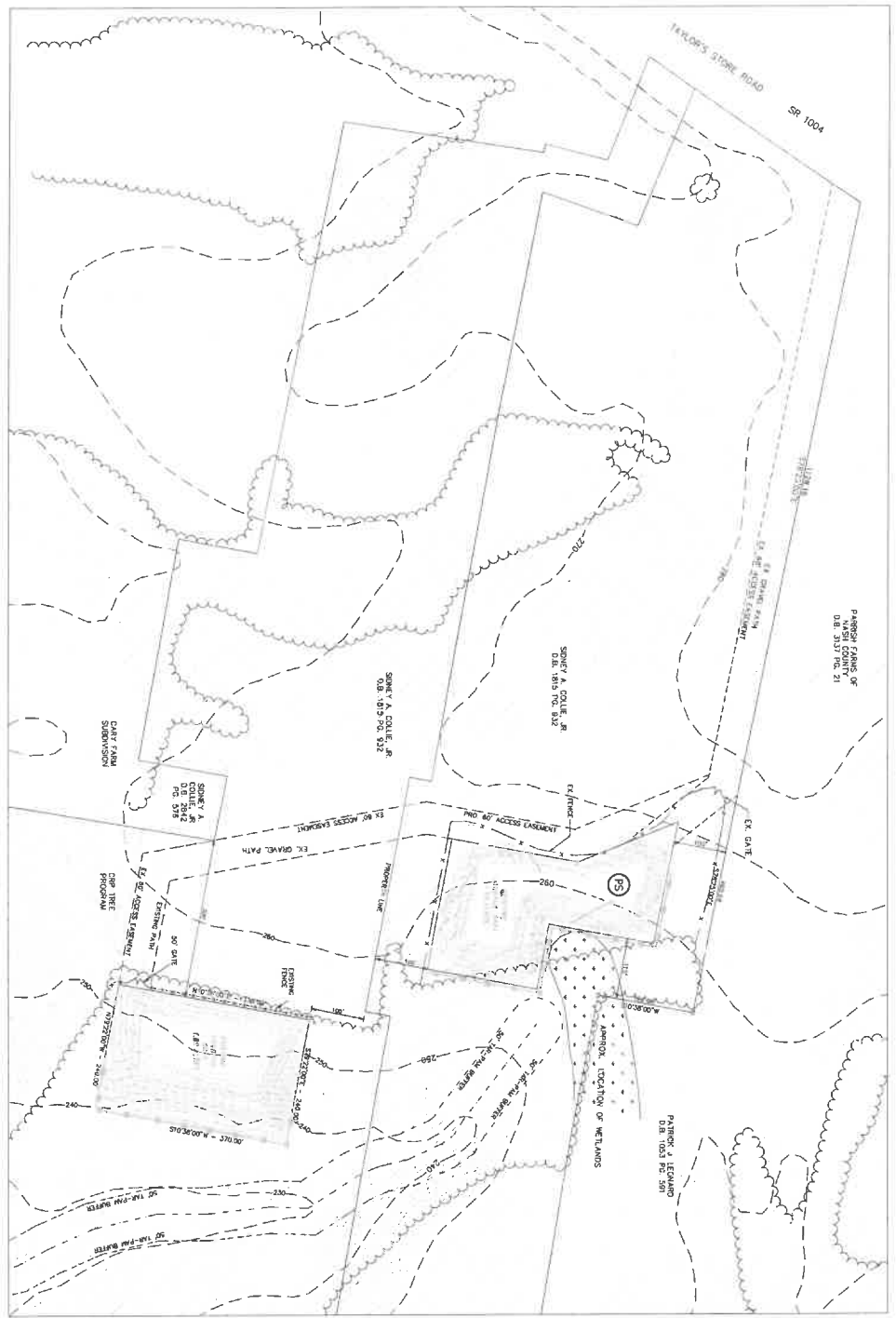
N
1 in = 300 ft



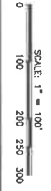
SHEET INDEX
CE-01 EXISTING SITE
CE-02 SITE PLAN
CE-03 EROSION CONTROL PLAN
CE-04 EROSION CONTROL NOTES

SITE INFORMATION

SITE ADDRESS: 5801 TAYLOR'S STORE ROAD
 NASH COUNTY, N.C. 27856
 DISTURBED AREA: 49.10 AC.
 ZONE: A1
 PIN #: 380400303622 and 380400208804
 REFER TO: DB 1815 - PG 932



VERTICAL CURVES AND GRADES HERE SHOWN IS BASED ON THE POINTS SHOWN AND SHOULD BE CHECKED IN THE FIELD. SEE THE ROAD DISTRICT'S RECORD DRAWING FOR THE ROAD DISTRICT'S RECORD DRAWING.



SCALE: 1" = 100'



EXISTING SITE PLAN

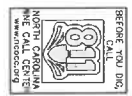
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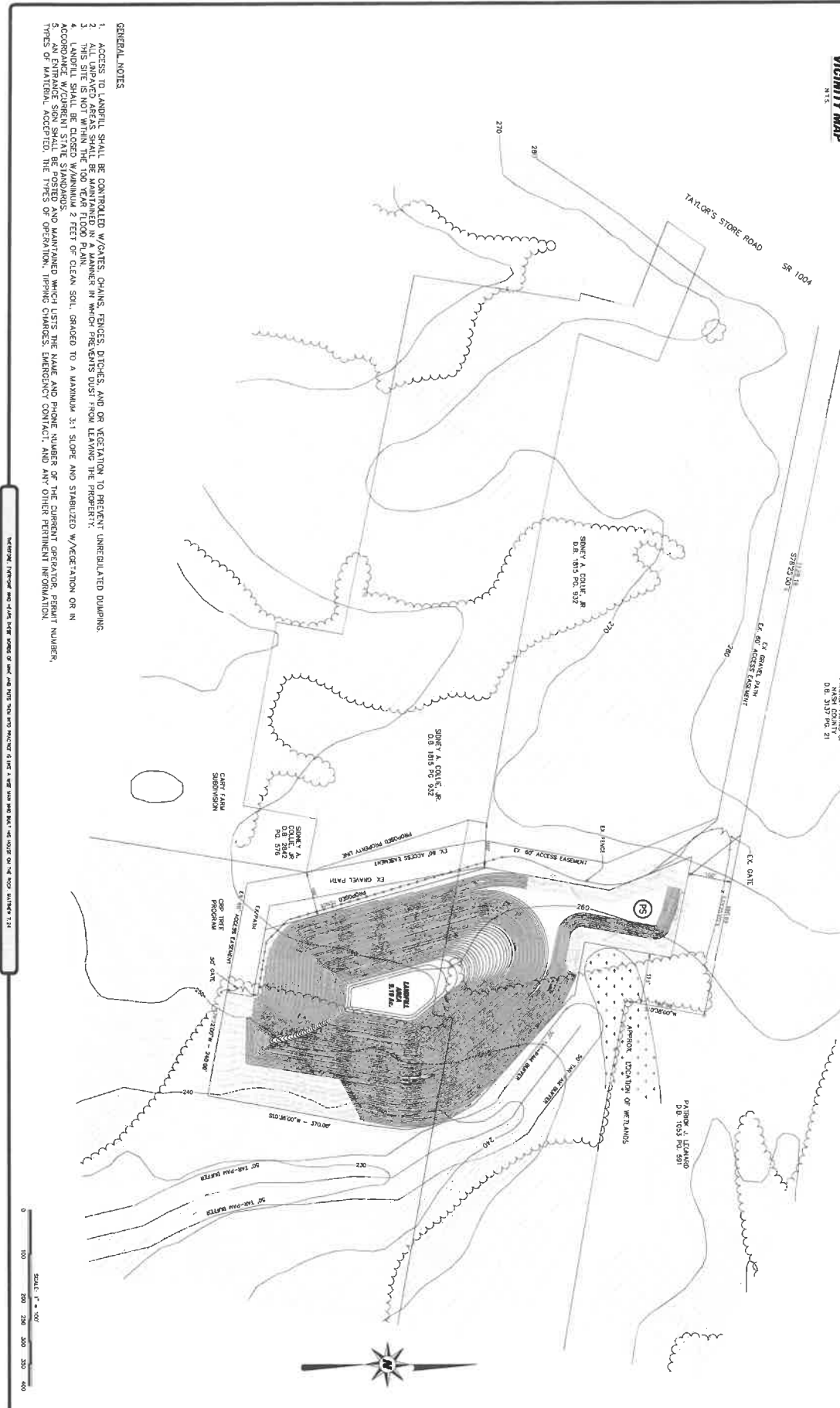
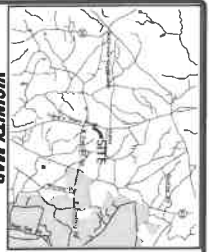
SITE PLAN for AL COLLIE LANDFILL
NASH COUNTY, NORTH CAROLINA

STOCKS ENGINEERING

901 EAST WASHINGTON STREET
 NASHVILLE, N.C. 27854
 WWW.STOCKSENGINEERING.COM

PHONE: (704) 438-1198
 #2, BOX 1118





- GENERAL NOTES**
1. ACCESS TO LANDFILL SHALL BE CONTROLLED W/GATES, CHAINS, FENCES, DITCHES, AND OR VEGETATION TO PREVENT UNREGULATED DUMPING.
 2. THIS SITE IS NOT WITHIN THE 100 YEAR FLOOD PLAN.
 3. LANDFILL SHALL BE CLOSED WITHIN 2 FEET OF CLEAN SOIL, GRADED TO A MINIMUM 3:1 SLOPE AND STABILIZED W/VEGETATION OR IN ACCORDANCE W/CURRENT STATE STANDARDS.
 4. MAINTENANCE RECORDS SHALL BE KEPT AND MAINTAINED UNTIL THE NAME AND PHONE NUMBER OF THE CURRENT OPERATOR, PERMIT NUMBER, TYPE OF MATERIAL ACCEPTED, THE TYPE OF OPERATION, SPILL CHARGES, EMERGENCY CONTACT, AND ANY OTHER PERTINENT INFORMATION.

MECHANICAL ENGINEER HAS VISITED THE PROPOSED LANDFILL AND HAS FOUND THE PROPOSED DESIGN TO BE IN ACCORDANCE WITH THE NORTH CAROLINA REGULATIONS.



SITE PLAN for AL COLLIE LANDFILL NASH COUNTY, NORTH CAROLINA

STOCKS ENGINEERING

961 EAST WASHINGTON STREET
NASHVILLE, N.C. 27056
WWW.STOCKSENG.COM

PHONE: (704) 454-9196
FAX: (704) 454-9196

DATE	02-02
SCALE	1" = 400'
PROJECT	AL COLLIE LANDFILL
DRAWN BY	STOCKS ENGINEERING
CHECKED BY	STOCKS ENGINEERING
APPROVED BY	STOCKS ENGINEERING