

**MINUTES OF THE
NASH COUNTY BOARD OF ADJUSTMENT
REGULAR MEETING
HELD 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**

BOARD MEMBERS PRESENT

Tommy Bass, Regular Member, Chairman
Kenneth Mullen, Regular Member
Brandon Moore, Regular Member
Rodney Hough, Alternate Member #1
Terry Williams, Alternate Member #2

BOARD MEMBERS ABSENT

Dennis Cobb, Regular Member, Vice-Chairman
William Parker, Regular Member

ATTORNEY TO THE BOARD

Dylan Castellino

STAFF MEMBERS PRESENT

Adam Tyson, Planning Director
Adam Culpepper, Senior Planner
Windy Braswell, Planning Technician

OTHERS PRESENT

Al Collie
Kevin Varnell

1. Call to Order.

Chairman Bass called the meeting to order at 6:00 p.m.

2. Determination of a Quorum.

Chairman Bass recognized the presence of a quorum.

3. Introduction of Newly Appointed Alternate Board Member #2: Terry Williams.

Mr. Tyson introduced new Alternate Board Member #2 – Terry Williams, Senior Pastor at Englewood United Methodist Church – who was appointed to replace Gwen Wilkins upon her appointment to the Board of Commissioners.

Mr. Tyson also announced the recent appointment of Oscar Bruce as Alternate Board Member #3.

4. Recognition of the Voting Board Members for the Meeting.

Mr. Tyson recognized the voting board members for the meeting to be Chairman Bass, Mr. Mullen, Mr. Moore, Mr. Hough, and Mr. Williams.

5. Approval of the Minutes of the July 26, 2021 Regular Meeting.

Mr. Tyson noted that the minutes of the previous July 26, 2021 regular meeting had been delayed and would be submitted to the Board for review and approval at a later date.

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.

Mr. Tyson presented the staff report and supplemental materials related to Special Use Permit Request S-220101 as submitted to the Board in the January 24, 2022 Nash County Board of Adjustment agenda packet including a review of the general requirements for the consideration of a special use permit, a description of the subject property, a description of the specific special use permit request 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, and recommended conclusions with supporting findings of fact and permit conditions.

Chairman Bass asked if the Planning Staff had received any comments or input from members of the public on this matter.

Mr. Tyson replied no.

Chairman Bass opened the public hearing on Special Use Permit Request S-220101.

Mr. Tyson and Mr. Kevin Varnell with Stocks Engineering were sworn in by Chairman Bass in order to provide testimony under oath during the public hearing.

Mr. Varnell addressed the Board in support of the request on behalf of the applicant. He explained that in the last year, the State had revised a policy that previously allowed for smaller LCID landfills under two acres in size and, as a result, the two previously permitted landfills need to be combined into one large landfill to comply with the updated requirements. He noted that this should also simplify the recordkeeping and reporting process for the owner.

Mr. Hough asked how full the two already existing landfills were.

Mr. Varnell answered that the older, northern landfill was almost full and the newer, southern landfill was between 60% to 75% full.

Chairman Bass asked how high the northern landfill was.

Mr. Varnell estimated a height of about 15 feet in the front with a steeper contour in the rear.

Chairman Bass asked if there had been any problems with the first two landfills.

Mr. Varnell replied that there had not been any issues.

Chairman Bass asked what determines when an LCID landfill is full.

Mr. Varnell replied that it was full when the pile cannot be stacked any higher.

Chairman Bass asked what happens when the landfill is full.

Mr. Varnell explained that the State closure process would require the landfill mound to be covered with two feet of topsoil and seeded with grass.

Chairman Bass asked about the lifespan of the landfill.

Mr. Varnell replied that the lifespan was dependent upon the level of development activity and how quickly material was added to the landfill. He noted that the requested expansion should double the lifespan of the existing landfills.

As there were no additional questions or speakers, Chairman Bass closed the public hearing on Special Use Permit Request S-220101.

BOARD ACTION: Mr. Mullen offered a motion, which was duly seconded by Mr. Moore, to adopt the following conclusions with supporting findings of fact in relation to Special Use Permit Request S-220101.

Conclusions with Supporting Findings of Fact:

- (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.

The motion was unanimously carried.

BOARD ACTION: Mr. Moore offered a motion, which was duly seconded by Mr. Hough, to approve Special Use Permit Request S-220101, subject to the following attached permit conditions:

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.**

The motion was unanimously carried.

7. Adjournment.

There being no further business, Chairman Bass adjourned the meeting at 6:28 p.m.