



ANDERSON MOUNTAIN

Site Address: 3545 Tower Road, Maiden, NC 38650

Lat/Long: 35.5675 / -81.0889

SPECIAL USE PERMIT APPLICATION SUBMITTAL



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TOC

APPLICATION	1
LEGAL DESCRIPTION OF PROPERTY	2
CHECKLIST	3
SUFFICING STANDARDS AND REQUIREMENTS	4



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1. APPLICATION

Catawba County Application for a Board of Adjustment Decision

Applicant Patrick Bernier Phone # 225-362-0563
Applicant's Fax _____ Applicant's Email patrick.bernier@ets-pllc.com
Applicant's Mailing Address 526 S. Church Street, Mail Code: EC03T City, State, Zip Charlotte, NC 28202
Property Owner Duke Energy Carolinas, LLC Phone # (800) 452-2777
Property Owner's Mailing Address 526 S. Church Street, Mail Code EC03T City, State, Zip Charlotte, NC 28202
Address Parcel 911 3545 Tower Rd Maiden, NC 28650 PIN # 367502878995,367602889030
Subdivision Name and Lot # N/A

Type of Application:

Special Use Permit

- A detailed site plan and the general information listed below shall be submitted with the application.
- Special Use requested including Unified Development Ordinance Section Reference Division 4, Section 44-685.15
- Documentation must be submitted addressing all standards found in UDO Section 44-332(f)(2) and the specific criteria for the special use.

Variance

- Documentation must be submitted supporting all criteria found in UDO Section 44-333 (f)(1).
- A plot plan sealed by a licensed professional and the general information listed below must be included with the application.

Extension or Change of a Nonconforming Use

- A detailed site plan and the general information listed below shall be submitted with the application.
- Documentation must be submitted addressing all standards found in UDO Section 44-704(b)(4).

Appeal

- An appeal must be submitted in writing and filed with the recording secretary of the board of adjustment within 30 days of the date of the Planning Director's decision. Sec. Ref. _____

General Information to be attached:

- 12 copies of plan at a scale no smaller than 1 inch equals 200 feet, on either a 18 x 24 or 24 x 36 inch map and either one 8.5 x 11 or 11 x 17 inch map (including digital copies in .pdf or .jpg format); complete application and any attachments.
- If applicable, a legal description of the property
- If applicable, a detailed statement of all other circumstances, factors, and reasons, which applicant offers in support of the appeal.
- Appropriate completed checklist (special use permit, variance, extension or change of a nonconforming use) found in Procedures Manual.
- Filing Fee: Per Catawba County Fee Schedule

Applicant's Signature Patrick Bernier Date 6/19/2023
Property Owner's Signature Robert Bernier Date 6/15/2023
Duke Energy Carolinas



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2. LEGAL DESCRIPTION OF THE PROPERTY

10
D.P. 11/2

#2005

W.H.H.

File No. 6081

STATE OF NORTH CAROLINA
COUNTY OF CATAWBA

This Deed, Made this *10th* day of *September*

1968, from V. O. SIPE and wife, VIOLA SIPE

of the County of *Catawba* and State of North Carolina, part *ies* of the first part, to DUKE POWER COMPANY, a corporation organized under the laws of the State of North Carolina, party of the second part;

WITNESSETH:

That the said part *ies* of the first part, in consideration of the sum of Ten (\$10.00) Dollars and other good and valuable considerations to *them* paid by the party of the second part, the receipt of which is hereby acknowledged, have bargained and sold, and by these presents do grant, bargain, sell and convey unto the said Duke Power Company, its successors and assigns, all *that* certain tract or parcel of land situate, lying and being in *Mt. Creek* Township, *Catawba* County, State of North Carolina, and more particularly described as follows:

BEGINNING at an iron pin at the northerly corner of Lot No. 72 and runs thence N 24-06 E 75.01 ft. to the southwesterly corner of Lot No. 70; thence with the southwesterly line of Lot No. 70 S 45-02 E 221.68 ft. to an iron pin; thence S 47-00 W 79.00 ft. to the easterly corner of Lot No. 72; thence N 42-23 W 192.48 ft. to the BEGINNING, containing 0.35 acre, as shown on print dated August 23, 1968, marked File No. *40-145*, copy of which is attached hereto and made a part hereof, and BEING a part of the property conveyed to the parties of the first part by deed of D. H. Harris and Thankful Howell Harris dated September, 1943, and recorded in Book of Deeds 340 at page 346 in the office of the Register of Deeds for Catawba County.

Rev \$2.50

Duke Grantee-Individual



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3. CHECKLIST

CATAWBA COUNTY SPECIAL USE PERMIT-DEVELOPMENT CHART
(Quasi-Judicial Hearing - Board of Adjustment)

Detailed Site Plan: used for:

- All special use applications which must meet the requirements of Section 44-328, Article VI, Division 3, and Article V of the Unified Development Ordinance.

Legend

R - Required to be shown on plan, if applicable to the development project.

PM - Procedures Manual

*Applicant to check box in Column B if information has been submitted on site plan.

		A	B	C	D
		Detailed Site Plan	Check if included on site plan	(Staff only)	Code Reference
1.	Access management	R	✓		44-515
2.	Access – waterfront	R	N/A		PM
3.	Accessory structures	R	✓		PM
4.	Airstrips (if existing or proposed) on site & surrounding properties	R	N/A		
5.	Date of plan	R	✓		PM
6.	Easements, reservations & right-of-ways (existing and proposed)	R	✓		44-519
7.	Floodplain denoted & delineation of area	R	N/A		44-429
8.	Floor Area Ratio	R	N/A		44-404(d)
9.	Historic sites (location of existing, if applicable)	R	N/A		
10.	Landscaping – driveways	R	✓		44-523(c)
11.	Landscaping - foundation plantings	R	N/A		44-523(g)
12.	Landscaping - internal parking area	R	N/A		44-523(e)
13.	Landscaping - perimeter buffer of parcel	R	N/A		44-523(f)
14.	Landscaping - perimeter for parking facilities	R	N/A		44-523(d)
15.	Landscaping - street trees	R	N/A		44-523(h)
16.	Landscaping - trees & shrubs, berms- location of existing/proposed–preservation	R	N/A		44-503
17.	Lighting standards - type & location (free - standing & on buildings)	R	✓		44-522
18.	Loading & service areas (screening & location)	R	N/A		44-526 44-537
19.	Mechanical equipment – ground/rooftop (screened)	R	✓		44-524
20.	Name of development	R	✓		PM
21.	Name(s) of developer	R	✓		PM
22.	Natural areas – if existing (wetlands, etc.)	R	N/A		PM
23.	North arrow	R	✓		PM
24.	Open storage with required screening	R	N/A		44-527
25.	Parcel, includes metes & bounds description, acreage and parcel ID.	R	✓		PM
26.	Parking - off street	R	N/A		44-534

		A	B	C	D
		Detailed Site Plan	Check if included on site plan	(Staff only)	Code Reference
27.	Parking facilities – access to adjacent street, aisle dimension, spaces (numbered and dimension), and location.	R	N/A		44-535 44-536
28.	Roadway classification	R	✓		PM
29.	Scale, 1"=200' or less preferred	R	✓		PM
30.	Setbacks	R	✓		44-404-1
31.	Sign – wall signs - location & size of	R	N/A		Art. V, Div. 7 44-563
32.	Sign - design drawing	R	N/A		PM
33.	Sign - location of existing signs on lot & building(s)	R	✓		PM
34.	Sign – freestanding - new sign location, size, height, surface and landscaping	R	N/A		44-562
35.	Sign – Off-premise directional	R	N/A		44-565
36.	Slopes in excess of 20% (if existing)	R	✓		
37.	Solid waste storage area (location & screening)	R	N/A		44-525
38.	Storm water management facilities locations (retention basins, etc.)	R	N/A		
39.	Street designation, internal (public or private)	R	✓		PM
40.	NCDOT driveway permit approval		✓		PM
41.	Street trees	R	N/A		44-523(h)
42.	Structures, existing/proposed - location, height	R	✓		
43.	Topographical features – 5 ft. or less contours	R	✓		PM
44.	Traffic improvements-off site (turn lanes, etc.)	R	N/A		
45.	Traffic patterns – existing & proposed - circulation/channelization, access, visibility,	R	N/A		44-515
46.	Utilities provider (water & sewer or well and septic tank) - confirmation in writing from provider	R	✓		44-521
47.	Vicinity Map	R	✓		PM
48.	Watershed designation and percentage of imperviousness	R	N/A		44-434
49.	Zoning district and land use of adjoining sites	R	✓		PM
50.	Zoning district of site, existing	R	✓		PM



June 26, 2023

To: Catawba County
Zoning Department
25 Government Drive
Newton, NC 28658

From: Duke Energy
Patrick Bernier, PE
Enterprise Communications Improvement
Tower and Shelter Replacement Project

RE: UDO Section 44-322(f)(2)

To whom it may concern,

The purpose of this document is to address the standards found in UDO Section 44-322(f)(2).

1. The tower at Anderson MT was identified as needing to be replaced for multiple reasons including public safety due to the age of the tower, limited functionality, high maintenance costs, low height, limited future capacity, and other minor factors. The proposed tower will lower maintenance costs, reduce the risk of public safety with an updated design that causes the tower to collapse in on itself in the unlikely event of a failure causing it to fall. The taller tower also enables Duke Energy to use its Land Mobile Radio (LMR) system during emergencies. The system is used by Duke Energy's first responders to communicate as they work to restore service and to make repairs to critical infrastructure when service interruptions occur.
2. The use of this permit complies with all required regulations and standards of this chapter.
3. Being that there is an existing tower on this property, replacing the existing tower will not impact the value of adjoining or abutting properties. Further, the use is a public necessity that allows for critical communications by first responders during emergency situations.
4. The use is consistent with any adopted area plans that encompass the property subject to the application.