

**NOTIFICATION OF DECISION
ALAMANCE COUNTY BOARD OF ADJUSTMENT
APPEAL CASE NO. 2026-02**

4115 CLAPP MILL ROAD
BURLINGTON, NORTH CAROLINA 27215
ALAMANCE COUNTY TAX PID #105192
APPLICANT: KENNETH PHILLIPPIE – K.D. PHILLIPPIE LCID LANDFILL LLC
APPELLANTS: CAROL DAVIS; MATT KIRKPATRICK, LINDA KIRKPATRICK;
CALANDRA SALO, LARY SALO; JAMES POWELL

The Board of Adjustment (the “Board” or “BOA”) commenced an evidentiary hearing on Tuesday, June 18, 2026 at 5:30 p.m. with the hearing being continued to and concluded on July 7, 2026. Pending before the BOA was an appeal of an administrative decision filed by Matt Kirkpatrick, Linda Kirkpatrick, Carol Davis, James Powell (in his capacity as Manager of Seatic LLC and Seatic 2, LLC), Calandra Salo and Lary Salo (hereinafter “Appellants”), concerning the real property located at 4115 Clapp Mill Road, Burlington, North Carolina (hereinafter “Subject Property” or “Property”) owned by the Applicant Kenneth Phillippie. At the evidentiary hearing, Kenneth Phillippie was present and represented by attorney Paul Koontz. The Appellants appeared pro se on the June 18, 2026 hearing date but subsequently had counsel Robert Hornik appear on their behalf at the continued hearing date of July 7, 2026. Alamance County was represented by Rik Stevens, County Attorney. The Board of Adjustment was represented by Michelle D. Horn, Asst. County Attorney. Upon receiving testimonial and other evidence, the BOA, by a vote of 5-0 of its members, determined that the appeal should not be granted and the decision of the planning director affirmed.

This is the formal Notification of Decision by the BOA, including Findings of Fact and Conclusions of Law in support of its Decision, entered pursuant to Alamance County Unified Development Ordinance (hereinafter “UDO”) Section 2.3.1. The BOA makes the following:

FINDINGS OF FACT

1. On June 18, 2026 and July 7, 2026, the Alamance County Board of Adjustment conducted a duly advertised and noticed quasi-judicial evidentiary hearing in accordance with the procedural requirements set forth in N.C.G.S. 160D-406, on the matter of the appeal from an administrative decision issued by Matthew Hoagland, Alamance County Planning Director on March 31, 2026.
2. At the June 18th and July 7th hearings, three regular members and two alternates of the Board of Adjustment were present, composing the requisite quorum pursuant to UDO Section 2.3.3.
3. The Board has jurisdiction to hear and decide appeals from administrative decisions made by staff under Chapter 160D of the North Carolina General Statutes and the Alamance County UDO. The Board follows quasi-judicial procedures in determining appeals of administrative decisions as required by law.

4. In reviewing an administrative decision, the Board applies a de novo standard of review to questions of law, including the interpretation and application of the Alamance County UDO. The Board exercises independent judgment on questions of ordinance interpretation and may substitute its judgment for that of the Planning Director on such matters. Pursuant to UDO 2.3.1(b), a majority of the members of the BOA is required to reverse the decision of the planning director.
5. The Board's review of this administrative appeal is limited to the competent, material, and substantial evidence presented at the evidentiary hearing. Pursuant to UDO Section 2.3.1(b) and N.C. Gen. Stat. §§ 160D-405 and 160D-406, the Board is limited to determining whether the Planning Director erred in his interpretation and application of the Unified Development Ordinance in issuing the March 31, 2026 written determination that is the subject of this appeal.
6. The Appellants timely appealed the Planning Director's decision on April 30, 2026 by filing a notice of appeal to the Alamance County Board of Adjustment.
7. The Appellants have the burden of producing substantial, competent, and material evidence tending to show that the decision should be reversed.
8. The subject property is located at 4115 Clapp Mill Road, Burlington, North Carolina, and is identified as Tax Parcel No. 105192. The subject property consists of approximately 98.675 acres.
9. The Subject Property is the site of a proposed Land Clearing and Inert Debris ("LCID") Landfill under Alamance County's Unified Development Ordinance (UDO), Section 6.5., Heavy Industrial Development Ordinance.
10. The Subject Property is owned by Kenneth D. Phillippie and spouse, Kimberly S. Phillippie, with the proposed landfill being operated under K D Phillippie LLC which is member-managed by Kenneth Phillippie. The Subject Property is referenced as the "Phillippie LCID Landfill."
11. Chair Holt began the proceeding by reviewing the hearing procedures, legal standing, impartiality, sworn testimony, and the Board's obligation to follow applicable North Carolina law. He also provided an overview of how the hearing would proceed, including the order of presentations, questioning by Board members, deliberations, and voting procedures.
12. The Chair addressed subpoena requests submitted by Appellant Casandra Salo: (i) the Planning Director was already required by law to be present so no subpoena was necessary to be issued for him; (ii) the request for a subpoena to be issued to the Board of Commissioners Chair fell outside the scope of the administrative appeal and was denied; and lastly, (iii) Wilson Engineering representative Caleb Hall was issued a subpoena and is present at the hearing.

13. The Board next addressed the issue of standing and, after due consideration, the Chair determined that the following individuals had standing: Carol Davis, Calandra Salo, Lary Salo, and James Powell, in his capacity as Manager of Seatic LLC and Seatic 2, LLC, which own real property in close proximity to and abutting the Subject Property. James Powell did not appear in person at the hearing. Matt Kirkpatrick and Linda Kirkpatrick were found not to have standing to participate. The Kirkpatricks were given the opportunity to appeal the Chair's standing determination to the full Board, but chose not to do so.
14. The Chair further determined that an individual named David Tiernay, who appeared at the hearing, had standing as a witness only.
15. The Appellants, the County and the Applicant participated as parties at the hearing and were afforded the opportunity to present evidence, call and cross-examine witnesses, and inspect documents.
16. The following attorneys, parties and witnesses were sworn in and testified under oath at the evidentiary hearing:
 - a. Matthew Hoagland, Planning Director for Alamance County
 - b. Rik Stevens, County Attorney
 - c. Carol Davis, Appellant
 - d. Calandro Salo, Appellant
 - e. Attorney Paul Koontz, Attorney for Applicant/Owner
 - f. Caleb Hall, Engineer for Wilson Engineering Group
 - g. Attorney Robert 'Bob' Hornik, Attorney for Appellants
17. The following Exhibits were introduced and admitted into evidence by the Alamance County without objection as follows:
 - Att. A: Kirkpatrick et al. Application
 - Att. B: Alamance County Unified Development Ordinance excerpts (Article 6.5 Heavy Industrial Development; Definitions: Inert Debris, Landfill, Resource Extraction, Waste Processing Facility)
 - Att. C: Phillippie Air Curtain Incinerator Dec. 29, 2025 Technical Review Committee documents
 - Att. D: KD Phillippie LLC Wood Material Treatment Processing Facility application packet
 - Att. E: BAREFOOT et al. v. DURHAM COUNTY Superior Court Case No. COA23- 1083
18. The Appellants contend that the Planning Director's written interpretation/determination is incorrect because the permit application for the Phillippie LCID landfill should have included existing and proposed activities of (i) landfilling "inert debris" which is a Class I use; and (ii) resource extraction which is a Class II use; and (iii) Waste Facility and a land clearing debris landfill facility which they contend are Class III uses under the current UDO Section 6.5.2.

19. The Appellants further contend that the Planning Director's written interpretation determined that the existing and proposed uses on the Phillippie property fall into multiple regulated use categories (Class I, Class II, and Class III), all co-located on the same site, which they argue is prohibited by UDO Section 6.5.3.G.
20. Testimony was proffered during the presentation of the Appellant's case by Carol Davis, adjoining property owner and Calandra Salo, adjoining property owner during the June 18, 2026 hearing.
21. Carol Davis opened the appellants' presentation by summarizing the history of the proposed landfill and concerns from neighboring property owners about truck traffic, grinding operations, noise, smoke, ash, and other activities occurring on the site before the landfill was approved. She noted that residents had previously raised these concerns before the Planning Board and questioned whether the observed activities constituted regulated heavy industrial uses under the Unified Development Ordinance (UDO).
22. Ms. Davis argued that the proposed LCID landfill and the separate Wood Treatment and Processing Facility application submitted to NCDEQ involved operations occurring on the same property and should be evaluated together under the UDO. She asserted that activities described in the processing facility application—such as grinding, composting, air-curtain incineration, and blending—met the definition of a regulated waste processing facility requiring a separate Class 3 Intent-to-Construct permit. She also contended that the Planning Director's March 31, 2026 administrative determination did not properly classify these activities under the UDO.
23. Ms. Davis further argued that draft ordinance amendments developed after the determination appeared intended to address permitting issues rather than apply the existing ordinance language. She asked the Board to overturn the administrative determination, require a separate Class III permit for the processing facility, and postpone consideration of the proposed ordinance amendments until the appeal was resolved.
24. Cassandra Salo presented the appellants' arguments regarding the Planning Director's interpretation of the UDO as it related to the LCID landfill permit. She focused on the approval of the Intent-to-Construct permit, asserting that the designated area of operations shown on the plans did not meet the operational setback requirements in Article 6.5 of the UDO. Ms. Salo argued that roadways, stormwater facilities, and other features supporting landfill operations should be considered part of the area of operations and therefore could not be located within the required setback. She maintained that this resulted in an incorrect interpretation and application of the ordinance.
25. Ms. Salo reviewed UDO definitions of "Area of Operations" and operational setbacks, explaining why she believed the approved plans did not comply. She contended that because the roadway and stormwater facilities directly support landfill activities, they function as

operational areas and should not be treated as allowable features within the setback. She further argued that the Planning Department's interpretation conflicted with the ordinance's purpose of protecting neighboring properties from impacts such as traffic, noise, vibration, and dust.

26. During Appellant Salo's presentation, Attorney Koontz noted that a portion of the presentation was going into matters not included in the appeal.
27. Chair Holt reiterated that the Board was limited to reviewing the Planning Director's March 31, 2026 determination. Chairman Ike Holt agreed that new evidence could be presented but acknowledged the County's right to request a continuance first.
28. Appellant Salo indicated they intended to present additional matters related to the Planning Director's interpretation of the ordinance.
29. County Attorney Rik Stevens explained that the County was prepared to address the three specific issues presented in the Planning Director's March 31, 2026 written determination: (1) whether current site activities were regulated land uses under UDO Section 6.5; (2) whether land-clearing debris constituted a Class I or Class III use under UDO Section 6.5.2; and (3) whether current uses constituted Waste Facilities under UDO Sections 6.5.2 and 7.2. He stated that the appellants appeared to be raising an entirely new issue — the operations setback under UDO Section 6.5.3.E — which had not been part of the March 31, 2026 written determination or the original notice of appeal. Because the County had not received prior notice of this issue, he requested a continuance.
30. Discussion followed among the parties regarding whether additional issues could be raised under G.S. 160D-406(e).
31. The Board clarified that uploaded documents were not automatically part of the record and distinguished between adding evidence to existing claims and introducing new matters. Because the appellants intended to raise additional issues, the Board agreed to continue the hearing to July 7, 2026, at 5:30 p.m. to allow all parties adequate time to review the materials and clearly define the questions before the Board.
32. Chair Ike Holt reconvened the evidentiary hearing on July 7, 2026, and clarified that the continuance had been granted to give all parties time to review the evidence and better define the issues on appeal. He noted that confusion during the June 18, 2026 hearing had stemmed from distinguishing additional evidence supporting existing claims from new issues outside the appeal.
33. Appellants provided a written amended attachment to their appeal application which purported to address additional questions.

34. After discussion and with the consensus of the Board, the Chair asked each party to address the Appellants amended document which was provided to the Board members and the parties.
35. The Board received evidence that, prior to the Planning Director's March 31, 2026 written determination, Appellants' counsel and other residents submitted correspondence dated March 19, 2026 and March 24, 2026 raising concerns regarding the LCID Gravel Access Road, operations setbacks under UDO Section 6.5.3.E, and related site plan features, and that County Attorney Rik Stevens acknowledged by email dated March 24, 2026 that those specific concerns were "under review." The Board finds that the Planning Director's March 31, 2026 written determination — the decision identified as being appealed in the Appellants' original April 30, 2026 notice of appeal — did not address the operations-setback or access-road concerns, and instead responded only to the three questions formally posed in Attorney Hornik's March 16, 2026 letter: (i) classification of current site activities under UDO Section 6.5; (ii) whether land-clearing debris is a Class I or Class III use under UDO Section 6.5.2; and (iii) whether current uses are Waste Facilities under UDO Sections 6.5.2 and 7.2.
36. The Board finds that the Appellants' original April 30, 2026 notice of appeal identified the March 31, 2026 written determination as the sole decision being appealed, and did not raise the operations-setback or access-road issue as a ground of appeal. The Board therefore finds that the operations-setback and access-road issues raised for the first time in the Appellants' amended attachment fall outside the scope of the decision actually under review in this proceeding, regardless of whether those issues were previously communicated to the Planning Director or County Attorney in correspondence predating the March 31 determination.
37. The Board expresses no opinion on whether the Planning Director's March 31, 2026 written determination was required to address the operations-setback and access-road concerns raised in the March 19, 2026 and March 24, 2026 correspondence, or whether the absence of any such determination on those issues is separately subject to challenge. The Board finds only that those issues were not part of the decision identified in, or the grounds asserted in, the Appellants' April 30, 2026 notice of appeal, and are accordingly outside the scope of this appeal.
38. Attorney Hornik outlined four central arguments during his slide presentation:
 - a. That the quarter-mile access drive is part of the "area of operations" under the UDO and therefore must meet the 150-foot setback.
 - b. The proposed LCID landfill should be classified as a Class III use because it involves both inert debris and land-clearing debris.
 - c. The wood treatment and processing facility operating on the site is a Class III waste facility requiring a County permit.
 - d. The UDO prohibits co-location of multiple regulated uses, and both the landfill and processing facility constitute regulated uses on the same site.
39. Attorney Hornik presented maps and ordinance language to support the appellants' position that the access road is operational, violates setbacks and stream buffers, and is essential to site

operations. He further argued that proper application of UDO definitions and classification rules show both uses are Class III, that the waste processing facility was already operating without a permit, and that the ordinance bars permitting two regulated uses on one property. He concluded that applying the plain language of the UDO should result in denial of the LCID permit.

40. The following Exhibits of the Appellant were submitted into the record without objection as follows:

Att 1. Power Point Presentation Slides
Att 2. Legal Memorandum
Att.3. Attachment A - Appeal of Administrative Decision Application
Att 4. Amended Attachment B – Appeal of Administrative Decision Application

41. Prior to the scheduled June 18, 2026 hearing, the Appellants were provided access to a OneDrive folder for uploading any documents they wished to use during their presentation. In addition to Attachments 1-4, referenced above, the OneDrive folder contained approximately 36 exhibits totaling more than 560 pages, as well as 438 photographs.
42. At the beginning of her presentation, Carol Davis sought to have all of the materials contained in the OneDrive folder admitted into evidence. Chair Holt denied the request at that time, stating that admission of the entire folder was not appropriate. The Appellants did not attempt to reference or seek admission of the materials in the OneDrive folder during their June 18, 2026 presentation or during the continued hearing on July 7, 2026.
43. On March 31, 2026, Matthew Hoagland, Planning Director for Alamance County, issued a written interpretation/determination upon request of the Appellants and their attorney Bob Hornik, concerning application of the Heavy Industrial Development Ordinance and the application of Kenneth Phillipie for the Phillipie LCID Landfill.
44. The Appellants requested Mr. Hoagland to specifically address the following matters:
- a. Whether current site activities (the operation of the site as a yard waste disposal site and the use of an air curtain incinerator) are permitted under UDO Section 6.5 or otherwise regulated;
 - b. Whether “land clearing debris” constitutes a Class I or Class III regulated use under UDO Section 6.5.2;
 - c. Whether the current uses are waste facilities which constitute regulated uses as identified in Section 6.5.2 and as defined in UDO Section 7.2
45. In his written response, the Planning Director indicated that he reviewed current and proposed operations at 4115 Clapp Mill Road, Burlington, NC, including the operation of a Wood Material Treatment and Processing (T&P) Facility which processes vegetative debris and concrete into mulch or gravel. The Planning Director determined that this activity is not classified as a land use regulated under the County’s UDO, and is separate from the LCID landfill permit application process.

46. In his written response, Mr. Hoagland further opined that the T&P application went through the County's Technical Review Committee process, after receiving final approval from the NC Department of Environmental Quality and the NC Department of Transportation. Consistent with the analytical framework previously communicated to the Appellants' counsel by the County Attorney on March 24, 2026, the Planning Director's classification analysis began with the enumerated regulated use categories in UDO Section 6.5.2, and then applied the corresponding defined terms in UDO Section 7.2 (including "Waste Processing Facility," the operative defined term, rather than the undefined term "Waste Facility") to the facts presented.
47. Mr. Hoagland also indicated in his written response that Mr. Phillipie separately applied for an LCID Landfill Intent to Construct permit, which received a favorable recommendation from the Alamance County Planning Board at the time of Mr. Hoagland's interpretation.
48. As to the question of resource extraction, Mr. Hoagland determined in his written response that the County had examined whether the proposed blending of mulch with top soil would constitute "resource extraction", a regulated Class II land use under the UDO. In response to the County's concern, the applicant (Phillippie) confirmed in writing that he would not conduct resource extraction. The County was satisfied with this explanation and decided to monitor for compliance to ensure no such activity occurs without proper permitting.
49. As to the Appellants other raised issues concerning land-use categories, specifically Class III waste facilities or Class II storage facilities, Mr. Hoagland determined in his written response that those regulated categories from the County's UDO do not apply because the proposed use does not match defined terms in the UDO or current operations at the site.
50. The County Attorney emphasized that the appeal before the Board did not permit reconsideration of the merits of the landfill approval or prior decisions of the Planning Board or Board of Commissioners.
51. The County Attorney argued that the Planning Director's determination responded to the specific classification questions raised by the appellants concerning the classification of the proposed activities and whether they constituted regulated heavy industrial uses under the UDO. After careful consideration of the ordinance language and applicable state regulations, Mr. Hoagland concluded that the proposed activities did not require additional permits beyond those already required through the established review process.
52. The County Attorney posited that the Planning Director's interpretation was made in accordance with the ordinance language in effect at the time the administrative determination was issued and was not influenced by later proposed amendments to the UDO.
53. The County Attorney further argued that the Planning Director acted within the authority granted by the Unified Development Ordinance and correctly interpreted and applied its provisions.

54. Counsel for the property owner, Paul Koontz, presented the applicant's response to the appeal. Mr. Koontz argued that the appellants' interpretation of the Unified Development Ordinance expanded the scope of the appeal beyond the Planning Director's administrative determination and sought to challenge the overall approval of the landfill rather than the specific questions presented to the Planning Director. He maintained that the Planning Department correctly applied the ordinance and that the proposed landfill had undergone the required review by County staff, the Planning Board, and the Board of Commissioners before receiving approval.
55. Mr. Koontz addressed the appellants' arguments regarding operational setbacks, waste processing, and co-location of land uses, stating that the proposed activities complied with the Unified Development Ordinance and applicable state regulations. He explained that the site plans had been prepared by licensed professionals, reviewed by multiple agencies, and approved through the County's established permitting process. He further stated that the appellants were attempting to reinterpret ordinance provisions that had already been properly applied during the review process and argued that the Board should affirm the Planning Director's administrative determination.
56. The applicant's engineer, Caleb Hall of Wilson Engineering, also provided testimony regarding preparation of the site plans, operational layout, and compliance with applicable engineering standards and permitting requirements. Mr. Hall explained the purpose of various improvements shown on the plans, including stormwater management facilities, access roads, and operational areas, and described how those features had been designed to comply with both state and local requirements. He answered questions from Board members regarding the engineering design, operational setbacks, and permitting process.
57. Having considered the arguments and evidence summarized above, including the testimony and exhibits offered by the Appellants, the County, and the Applicant, the Board makes the following findings regarding the merits of the Planning Director's determination:

The Board has considered the testimony of Matthew Hoagland, Planning Director, and the Planning Director's written determination dated March 31, 2026, together with the testimony of Caleb Hall, P.E., and the arguments of counsel, and finds that the Planning Director correctly determined that the Wood Material Treatment and Processing (T&P) Facility operating at 4115 Clapp Mill Road does not constitute a "Landfill" as defined by UDO Section 7.2 and incorporated N.C. Gen. Stat. Chapter 130A, Article 9, because the T&P Facility does not involve the long-term storage or disposal of waste on the land; materials received are processed and either sold or removed from the site within a limited timeframe not exceeding 30 days.

58. The Board further finds that:

a. "Storage Facility" is not independently defined or regulated as a Class II land use under

UDO Section 6.5.2(a) apart from the defined term "Automobile Salvage and Storage Facilities," and the T&P Facility's operations do not meet that defined term;

b. The Applicant's written confirmation that no resource extraction activities (specifically, the commercial sale of blended topsoil amendments) would be conducted at the site, subject to ongoing compliance monitoring by the Planning Department, supports the Planning Director's determination that the T&P Facility's current operations do not constitute Class II Resource Extraction under UDO Section 6.5.2(a), while preserving the County's authority to require reclassification and enforcement action should such activity occur;

c. "Waste Facility," while listed as a Class III regulated use under UDO Section 6.5.2(a), is not independently defined in UDO Section 7.2; the operative defined term is "Waste Processing Facility," which includes "incinerators, composting facilities... or any other location where wastes are consolidated, temporarily stored, salvaged or otherwise processed prior to being released into the air or transported to a final disposal site." The Planning Director determined, and the Board agrees, that the T&P Facility's processing of vegetative debris into mulch for sale (rather than for disposal) does not meet this definition, because the material is a marketable end product rather than waste being processed toward ultimate disposal or transport to a disposal site.

d. The Board's review in this appeal did not extend to, and this Decision does not address, the separate classification of the pending LCID Landfill Intent-to-Construct Permit, which received a 6-1 recommendation for approval from the Alamance County Planning Board on February 12, 2026, and was scheduled for consideration by the Board of Commissioners on April 6, 2026, through the permitting process set forth in UDO Section 6.5.4.

e. Because the Board finds that the Wood Material Treatment and Processing Facility does not constitute a regulated land use under UDO Section 6.5.2(a) (whether as a Landfill, Storage Facility, Resource Extraction operation, or Waste Processing Facility) the Board further finds that the prohibition on co-location of regulated uses under UDO Section 6.5.3.G is not implicated, as co-location under that section presupposes the presence of two or more regulated uses on a single site, which the evidence does not establish.

f. The Board further finds that the Planning Director correctly determined that a landfill accepting inert debris, including land-clearing debris consistent with the definition of "Inert Debris" under UDO Section 7.2, is properly classified as a Class I use under UDO Section 6.5.2(a), and that this classification was not altered or called into question by the presence of the separately-operating T&P Facility on the same parcel.

59. Based on the Application, the evidence submitted by the County, the Applicant, and the Appellants, and the foregoing Findings of Fact, the Board of Adjustment voted 5-0 to AFFIRM the decision of the Planning Director and DENY the Appellants' appeal.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this appeal pursuant to N.C.G.S. §§ 160D-302, 160D-405, and 160D-406.
2. The Board conducted this proceeding in accordance with the quasi-judicial procedures required by N.C.G.S. 160D-406.
3. All parties were afforded the essential elements of a fair trial, including the opportunity to offer evidence, cross-examine adverse witnesses, inspect documents, and present sworn testimony.
4. As set forth in Findings of Fact 58-59, the Appellants have not carried their burden of producing competent, material, and substantial evidence sufficient to show that the Planning Director erred in classifying the LCID Landfill as a Class I Inert Debris Landfill under UDO Section 6.5.2(a), or in determining that the Wood Material Treatment and Processing Facility is not a co-located regulated use within the meaning of UDO Section 6.5.3.G.
5. As set forth in Finding of Fact 58(b), the Appellants have not produced competent, material, and substantial evidence to rebut the Planning Director's determination that the proposed blending of mulch with topsoil does not constitute Class II Resource Extraction under UDO Section 6.5.2(a).
6. Based on Findings of Fact 58-59, the Board concludes that the Planning Director correctly interpreted and applied UDO Sections 6.5.2, 6.5.3, and 7.2 in determining that the existing and proposed activities at 4115 Clapp Mill Road did not require additional permits beyond those already required through the established review process.
7. Based upon the application, the evidence submitted, and the above-stated Findings of Fact, the Board of Adjustment, by unanimous vote of 5-0, has determined that the Appellants appeal should be DENIED and the decision of the Planning Director should be AFFIRMED.

Based upon the findings of fact and conclusions of law set forth above, the Board renders the following **DECISION**:

1. The Appellant's administrative appeal requesting a reversal of the Planning Director's interpretation of the Alamance County Unified Development Ordinance, Sections 6.5.2, 6.5.3 and 7.2 of the Heavy Industrial Development (HIDO) is hereby DENIED.
2. That the Planning Director's written administrative interpretation/determination issued on March 31, 2026, correctly interpreted and applied the UDO's Heavy Industrial Development Ordinance and is hereby AFFIRMED in its entirety.

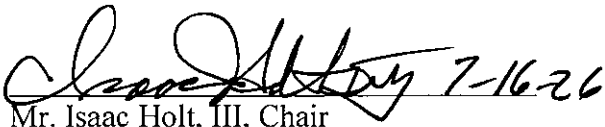
3. The Board finds that the Planning Director did not err in the legal interpretation of the objective standards outlined within the Alamance County Unified Development Ordinance.
4. This decision was approved by the following vote of the Board and is effective as provided by law and applicable County Ordinance provisions:

AYES: 5 = Ike Holt, Ray Cobb, William Poe, Mike Owens, Rena Matthews

NOES: 0

ABSENT OR ABSTENTIONS: none

This Decision constitutes the final decision of the Alamance County Board of Adjustment in this matter.


Mr. Isaac Holt, III, Chair
Alamance County Board of Adjustment


Date

NOTICE OF RIGHT TO APPEAL

This decision is subject to review by the Alamance County Superior Court by proceedings in the nature of certiorari pursuant to N.C. Gen. Stat. § 160D-1402. An appeal must be filed within thirty (30) days after the latter of the date the written decision is filed with the Clerk to the Board or written notice of the decision is delivered to every aggrieved party who has filed a written request for such notice with the Clerk to the Board at the time of the hearing (per N.C. Gen. Stat. 160D-406).

CERTIFICATE OF DELIVERY OF DECISION DOCUMENT

ALAMANCE COUNTY BOARD OF ADJUSTMENT

APPEAL CASE NO. 2026-02

4115 CLAPP MILL ROAD
BURLINGTON, NORTH CAROLINA 27215
ALAMANCE COUNTY TAX PID #105192

NOW COMES Michelle D. Horn, Assistant County Attorney for Alamance County, on behalf of the Alamance County Board of Adjustment, and hereby certifies that a copy of the foregoing Alamance County Board of Adjustment Findings of Fact, Conclusions of Law, and Decision for 4115 Clapp Mill Road, Burlington, North Carolina, was filed with the Clerk to the Board on July 17, 2026, and was served on the following person(s) by depositing a copy of same in a depository under the exclusive care, custody and control of the United States Postal Service, postage prepaid, addressed to the Appellants, Applicant/Property Owner and attorneys of record as follows:

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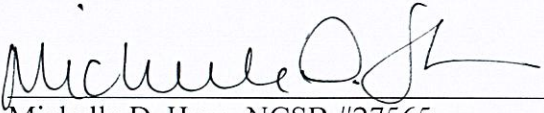
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Rik Stevens
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This 17th day of July, 2026.


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