

Members:
George Lott, Chair
George Turner, Vice-Chair
Alfonso Ferguson Sr.
Winton McHenry
Gregory Parks



Alternates:
Robert E Davis
Nathan Galbreath
Stacy Michael Long
Marva Lucas-Moore
Quinsentina James

CUMBERLAND COUNTY BOARD OF ADJUSTMENT

130 Gillespie Street
Fayetteville North Carolina 28301
(910) 678-7602

MINUTES
January 17, 2019
7:00 PM

Members Present

George Lott
George Turner
Alfonso Ferguson
Winton McHenry
Nathan Galbreath

Absent Members

Gregory Parks

Staff/Others Present

Hope Ward Page
Dena Barner
Robert Hasty
(Asst. County Attorney)

Chairman Lott called the meeting to order at 7:00 p.m. in Public Hearing Room #3 of the Historic Courthouse. Chairman Lott stated the procedural matters are to turn off all cell phones and other electronic devices, other than the camera, are fine and if asked to speak at the podium to please speak clearly into the microphone as the meeting is being recorded. Although there are no set time limits for any speaker addressing the board, the board asks speakers to not repeat what has been previously stated. If there is no new evidence to offer please make the board aware of your agreement with the previous speakers. If any board member wishes to speak or ask any questions please ask to be recognized by the Chairman before speaking.

1. INVOCATION

Chairman Lott

PLEDGE OF ALLEGIANCE

Recited by all.

2. ROLL CALL

Mrs. Page called the roll and stated a quorum was present. For the audience Mrs. Page introduced Mr. Robert Hasty, Assistant County Attorney and Alternate non-voting members, Ms. Marva Lucas-Moore and Mr. Robert Davis.

3. SWEAR IN STAFF

Chair Lott swore in staff.

4. ADJUSTMENTS TO THE AGENDA

There were none from staff.

5. APPROVAL OF THE DECEMBER 20, 2018 MINUTES

CHAIR LOTT: The motion has been made, motion of a second has been made, all those in favor of approval? **Mr. Turner made a motion to approve the minutes from the December 20, 2018 meeting with any necessary corrections, seconded by Mr. McHenry. The motion passed unanimously.**

	IN FAVOR
LOTT	YES
TURNER	YES
FERGUSON	YES
MCHENRY	YES
GALBREATH	YES

6. ABSTENTIONS BY BOARD MEMBERS/BOARD MEMBER DISCLOSURES (SITE VISITS AND/OR PERSONAL AFFILIATIONS)

There were none.

7. PUBLIC HEARING DEFERRALS/WITHDRAWALS

There were none.

8. POLICY STATEMENT REGARDING APPEAL PROCESS

Mrs. Page read the policy statement.

9. PUBLIC HEARING(S)

P19-01-C: CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A BILLBOARD IN A C(P) PLANNED COMMERCIAL DISTRICT ON 5.28+/- ACRES, LOCATED SOUTH OF NC HWY 24, WEST OF MAGNOLIA CHURCH ROAD, SUBMITTED BY KEVIN CARROLL AND WESLEY S. CAMPBELL (AGENTS) ON BEHALF OF 4C DEVELOPMENT LLC (OWNER)

Chair Lott read the case heading for Case No. P19-01-C.

Mrs. Page reviewed the zoning, sketch map, and land use of the area surrounding subject property. She briefly reviewed board packet material. Mrs. Page asked if the section of the zoning ordinance reference Section 1307 on Billboards/ off premises signs which are referencing on pages 146 - 147. Chair accepted that section into the ordinance. The application submitted by the owner is complete and the owner has agreed to all the ordinance related conditions that were included in your packet. Staff asked when making a motion if you could make the motion subject to the findings of facts located behind the special use tab in your binders.

MR. TURNER: Can I ask just for clarity, the big city of Stedman was notified of this?

MRS. PAGE: Yes. We sent out comments to all the agencies and to the town as well. They were notified of it, I do believe someone from Stedman stopped into our office and we did clarify and let them know that it's on the county portion of the lot, not the Stedman portion of the lot and we let them know it was a billboard coming. They were okay with that. They were wondering what was happening.

MR. TURNER: All of those R10's it appears they're occupied by something there, they've all been notified. I'm just pointing out that no one is here to oppose this

MRS. PAGE: Yes, they've all been notified. Normally what happens with Board of Adjustment the mail classification is first class mail and it's sent to all the adjacent property owners.

CHAIR LOTT: And apparently they have met all the requirements?

MRS. PAGE: Yes the application has met all the requirements before we present it to the board and as well as agreed to the conditions that were sent out and attached in your packet.

CHAIR LOTT: Any questions by the board? Ok we have Mr. Carroll, you here to speak? Give us your name and address.

MR. CARROLL: My name is Kevin Carroll, I live at 250 Eastfield Avenue, in Stedman.

CHAIR LOTT: Place your hand on the bible and raise your hand. Do you swear to tell the truth the whole truth and nothing but the truth so help you God?

MR. CARROLL: My name is Kevin Carroll, my family and I, we are business owners in Stedman, we've been there since 1989. A lot has changed in Stedman since 1989. Not sure if y'all are familiar with the Stedman area but the reason I'm here tonight is because of the road that you see on the map right there. There's a new highway, that's not come thru Stedman, it's going around Stedman and if you see where this billboard's located at you'll notice that the road splits right before the billboard. To the right is the old 24, to the left is the new 24 and what my intentions are, is to put a billboard there that is going to highlight the businesses of Stedman. Most people zoom right pass 24 now and forget about the town of Stedman. This billboard will not only highlight my business, but I've set it up intentionally to be double-sided, two stacked boards so that I can put as many businesses that are in the town of Stedman as possible. I have several businesses who ask me every time they see me, how is your billboard process going? Do you have an update yet? Let me know it's ready because I would like to advertise out there with you. It's been a process to say the least. There's a lot to go thru and it's understandable, but I can meet all of your requirements there, setbacks, it's not facing any residential houses, if I can get this approved, I can get on to the next stop and I have confidence I can get all the way to the end.

CHAIR LOTT: Okay. Thank you. Any questions by the board? Public hearing is closed. We will go to the factors relevant to issuance of a Special Use Permit. The Board of Adjustment has discretionary review in deciding whether to grant or deny a Special Use Permit for land uses that cannot be adequately controlled by the general zoning regulations. The Board may authorize and set forth conditions, when deemed necessary, on the Special Use Permit if in its judgment the public convenience and welfare will be substantially served and the appropriate use of neighboring property will not be substantially or permanently injured. Special uses, because of special site or design requirements, operating characteristics or potential adverse effects on surrounding property and the neighborhood, shall be permitted only upon approval by the Board in accordance with the four (4) standards and conditions as set forth in the Zoning Ordinance of Cumberland County, Article XVI, Section 1606, as follows: so case facts.

MR. TURNER: Chairman, can I ask, I don't think you've said it, but are you actually making a motion to approve?

CHAIR LOTT: Based on the following findings of facts, yes.

MR. TURNER: Okay. I'm just clarifying.

CHAIR LOTT: I didn't state that but yes. Case facts as stated as approved by the planning staff have met all the requirements, 1. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended. One more billboard on 24, that's what it's going to be. 2. The use meets all required conditions and specifications by the application. 3. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and I think it was stated that the owner believes it will not only be a benefit to him but to the community at large.

MR. TURNER: This is really needed with the new 24, Stedman is a lost ball back there, if nobody knows its there, you just bypass it. This will bring them in.

CHAIR LOTT: . The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and is in general conformity with Cumberland County's most recent Land Use Plan. Which I think by the other facts, meets that requirement.

Mr. Lott made a motion to approve Case P19-01-C Special Use Permit to allow a billboard in a C(P) Planned Commercial District on 5.28 +/- acres, subject to the finding of facts and ordinance related conditions, Mr. Turner seconded. The motion passed unanimously.

	IN FAVOR
LOTT	YES
TURNER	YES
FERGUSON	YES
MCHENRY	YES
GALBREATH	YES

10. DISCUSSION/UPDATES

MRS. PAGE: There were no cases received by the February deadline, so there will not be a February Board of Adjustment meeting.

MR. HASTY: The Hampton case which some of y'all were on the board it is in the Supreme Court now and will be heard on February 4th, so after the decision, who knows when the decision will be coming down, so the court of appeals had remanded it ultimately back to this board for additional findings of facts so if they uphold that it will come back here, we'll discuss that later. If not, we might have to deal with that.

CHAIR LOTT: If I recall this is a gun range?

MR. TURNER: The Court of Appeals wanted to send it back to us; the Supreme Court wants to do what?

MR. HASTY: We don't know what the Supreme Court wants. Our position was to just go with the Court of Appeals, have it come back here, and see if more findings are in order or the Hampton's say they should just win out right.

CHAIR LOTT: Sure they should.

11. ADJOURNMENT

Mr. Turner made a motion to adjourn, seconded by Mr. Ferguson. The motion passed unanimously. Meeting adjourned at 7:18pm.

	IN FAVOR
LOTT	YES
TURNER	YES
FERGUSON	YES
MCHENRY	YES
GALBREATH	YES


Dena L Barner, Clerk to the Board


George Lott, Chairman