

Amy H. Cannon
County Manager

Tracy Jackson
Assistant County Manager



CUMBERLAND
COUNTY
NORTH CAROLINA

Rawls Howard
Director

David Moon
Deputy Director

Board of Adjustment

MINUTES
August 19, 2021
6:00 PM

Members Present

George Turner
Marva Lucas-Moore
Stacy Michael Long - Alternate
Linda Amos – Alternate
Robert Davis-Alternate

Alternate Members in Attendance

Vicki Mullin-Alternate

Absent Members

Gregory Parks

Staff/Others Present

David Moon
Nikia Charles
Rob Hasty
(Asst County Attorney)
Scott Walters
Gilbert Sanchez
Sheriff David Dallas

Chair Turner called the meeting to order at 6:02 p.m. in Public Hearing Room #3 of the Historic Courthouse.

Chair Turner 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.

1. INVOCATION

Robert Davis

PLEDGE OF ALLEGIANCE

Recited by all.

2. ROLL CALL

Mr. Moon called the roll. Mr. Moon stated with the roll call, we have a quorum. I also want to point out since this addresses the membership, that on Monday evening, August 16th, the Board of County Commissioners approved the appointment of Linda Amos and Robert Davis as regular members. However, there is a procedure through the County's Clerk Office that has to occur regarding a letter of notification, your acceptance of that letter, and after that occurs then you're sworn in at a future meeting. So, you should be contacted by the County Clerk's Office within the next week or so. If not, please let me know. Then at that meeting on the 16th, the Board of Commissioners also appointed Ken Turner as an alternate to the Board of Adjustments as well. That will again follow same process with a letter from the Clerk's Office, has to be accepted by Mr. Turner, and then at an upcoming meeting he'll have to be sworn in. So, we have a quorum for tonight.

3. SWEAR IN STAFF

David Moon also asked that other staff present that could provide expert testimony also be sworn in. Chairman Turner swore in staff.

4. SELECTION OF CHAIRMAN AND VICE CHAIRMAN (DEFERRED FROM JULY)

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Mr. Moon said he had had discussions with the County Clerk's Office and based on that discussion, and email exchanges, the information I received is that regarding Mr. Turner's status on the board, he is limited to two terms. His second term has or will expire at the end of the month. However, there is a procedure that the Board of County Commissioners will extend a term. They don't like going beyond two terms, but there is a procedure where they will extend a term beyond that second term. However, they have to take action on that extension. And the request would be a recommendation from the Board of Adjustments to the Board of County Commission to extend Mr. Turner to a third term. So, if the members would like to make that recommendation, I would need a motion and second and action taken by the board. I can say I have had discussions with George, and he is in agreement to serve the board based on his experience and past years with the board.

Ms. Marva Lucas-Moore made a motion to have Mr. Turner serve a third term as a regular member and recommended to serve as Chairman, seconded by Ms. Amos. The motion passed unanimously.

	IN FAVOR
TURNER	YES
LONG	YES
AMOS	YES
DAVIS	YES
LUCAS-MOORE	YES

Mr. Moon said related to that similar topic Mr. Parks term expires at the end of this coming month. He is at the end of his first term however he can be reappointed by the Board of County Commission to a second term. So, my suggestion based on his attendance record and participation on the board that the board make a recommendation to the Board of County Commission to reappoint him to a second term subject to Greg Parks' acceptance for a continuation of that term.

Mr. Turner made a motion to recommend that Greg Parks remain as a regular member and serve as Vice Chairman, seconded by Ms. Marva Lucas- Moore. The motion passed unanimously.

	IN FAVOR
TURNER	YES
LONG	YES
AMOS	YES
DAVIS	YES
LUCAS-MOORE	YES

5. **ADJUSTMENTS TO THE AGENDA**

There were none

6. **APPROVAL OF THE JULY 15, 2021 MINUTES**

Mr. Robert Davis made a motion to approve the minutes from the July 15, 2021 meeting as written, seconded by Mr. Stacy Long. The motion passed unanimously.

	IN FAVOR
TURNER	YES
LONG	YES

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AMOS YES
DAVIS YES
LUCAS-MOORE YES

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

There were none.

8. PUBLIC HEARING DEFERRALS/WITHDRAWALS

There were none.

9. POLICY STATEMENT REGARDING APPEAL PROCESS

Mr. Moon read the policy statement. Mr. Moon said he wanted to add and since you have a unique case this evening, falling under minimum housing code that any procedures within the minimum housing code would also be followed and could supersede the appeal language that I just read to you. Thank you.

CHAIR TURNER: You need to clarify that, say that again.

MR. MOON: The case this evening is a minimum housing code case. Minimum housing code has procedures as well for filing an appeal. So basically, if there is any conflict between what I just read to you and what's within the minimum housing code, the minimum housing code will supersede.

10. PUBLIC HEARING(S)

Chairman Turner read the case heading for Case No. P21-05-C.

P21-05-C - Consideration of an Appeal of the Code Enforcement Officer's decision regarding the non-compliant use of property in a R40a Zoning District for a Recreational Park/Campground, a violation of Section 403, County Zoning Ordinance; and from decision regarding non-compliance with Sections 4-71 And 4-67, Article IV, Minimum Housing Code, for a substandard dwelling; located at 2340 John Hall Road, Cumberland County

MR. MOON: David Moon, Deputy Director of Planning and Inspections for Cumberland County. Regarding the case request that was presented this evening, the staff has reviewed the final application what you just addressed regarding a noncompliance with R40A, as a recreational park campground is going to be dropped from the staff presentation as the appeal doesn't directly describe or discuss the appeal of the R40 zoning. So, focus completely on the appeal for the minimum housing code matters before you. (Mr. Moon began a slide presentation) The case involves a property owned by Patrick H. Dole located on John Hall Road. The property contains about two acres. The property contains a single-family home as well as a garage, indoor shed, and a recreational camper trailer. The staff has reviewed a complaint from adjacent property owner addressing the use of the camper trailer located on the property as a permanent residence. Investigation occurred by the county's Code Enforcement Office and based on the information they

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received, they have determined that the property owner is using the camper trailer as a permanent dwelling for human habitat which in violation of the minimum housing code in that the property owner is also not meeting the minimum housing code for matters of electrical standards, space requirements, exit standards and as otherwise addressed in the inspector's report for the use of that camper trailer as a basically a permanent residence. The property owner has appealed the code enforcement officer's decision on the interpretation of the minimum housing code for the violations I just addressed. The owner has appealed that the code enforcement officer's decision is incorrect because he feels that the camper trailer exempt from chapter 4 due to its weight. That the trailer is not transportable because it is attached to the ground, and that the trailer is deemed a religious area for service and sanctuary. The character of the area is surrounding the property is primarily a large lot residential, agricultural, or wooded land predominately on property zoned A1 agricultural. Minimum lot size for A1 for residential purposes is two acres. In the surrounding area there are some properties zoned RR, rural residential and R40A which allows for a minimum lot size of 40, 000. But the general character surrounding the subject property owned by Mr. McDole is large lot, single-family residential. The next few photos show you the subject property and the area surrounding the site. (Mr. Moon showing more slides) This is the subject property, next slide shows the north view along John Hall Road, this is the east view of John Hall Road, the south view along the same road with the public hearing notice posted on the property. And we're back to the subject property. This evening I will request three staff people to testify to demonstrate that the trailer is being used as a permanent residence and that it does not meet the minimum housing standards as I addressed earlier. The witnesses will be Gilbert Sanchez, Code Enforcement Officer, David Dallas, he's a Deputy Sheriff for Cumberland County, and then if needed, based on his experience with the minimum housing code and the zoning code, Scott Walters, our Code Enforcement Manager. Further, I also call as a witness Ms. Dawn Sanchez. She is the abutting property owner. With that I'll ask Gilbert Sanchez, Code Enforcement Officer, to provide his testimony in evidence, providing the case history as well of his inspections of the property. So, Gilbert.

GILBERT SANCHEZ: Good evening. My name is Gilbert Sanchez. I am the Code Enforcement Officer, I a Code Enforcement Officer for Cumberland County, Planning and Inspections Department. I've worked in this capacity since 2017 and I am the Code Enforcement Officer that has been overseeing and working this case since the complaint came in September 2020. If there's no other questions, I'll give my report.

CHAIR TURNER: Any questions so far? Go ahead Sir.

GILBERT SANCHEZ: On May 28, 2020, I received a complaint from the neighbors stating that there has been somebody living in a RV on the property located at 2340 John Hall Road on a permanent basis and she was inquiring whether this was a minimum housing violation. So, on the fifth, on October 5th of 2020, I did go out and personally investigate the complaint and found that there is enough evidence to support a violation of the minimum housing ordinance. Also, I found that the RV on the property was connected to electrical. It was connected to water. It was connected to sewer. They are all associated with the primary dwelling. In my experience, this is a tell tell sign that somebody is living in a RV or using it for more than recreational use. And not only that but, I have witnessed in the past on another case, Mr. MacLeod coming out of the, out of the RV with Sergeant Dallas. So, based on

CHAIR TURNER: Clarify that again, on another case...

GILBERT SANCHEZ: On another case, on an earlier case, I went to the property and...

CHAIR TURNER: You went to this property?

GILBERT SANCHEZ: I went to this property, 2340 John Hall Road and had a conversation with Mr. McDole. He came out of the camper at that time as well. So based, based on section 4-71 of compliance in the minimum housing code and it states in part that no person shall occupy as owner-occupant, or let another per occupancy or use as human

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Board of Adjustment

habitation any dwelling that violates this article. And also, section 4-67 of definitions, of dwelling, which means any building, mobile home, structure, or portion thereof which is designed or intended to be used for human habitation including living, sleeping, cooking, eating, working, or any one combination thereof, whether occupied or vacant, or which in fact is used for such human habitation, whether or not such use is regular or intermittent or authorized or unauthorized. Such definition shall include accessory buildings but shall not include any temporary housing as herein defined. And also, the temporary housing violation, temporary housing simply in the definition means that any tent, trailer, or other structure which is designated to be transportable which is not attached to the ground to any other structure or to any utility system on the same premise for more than thirty consecutive days. As well as other substandard issues of the minimum housing ordinance. So, my decision was that the RV does meet the definition of temporary housing and temporary housing does not meet the standard of a dwelling used for human habitation. So, on the 6th of October 2020, a complaint and notice of hearing was mailed out to call for a hearing with Mr. McDole and it was received by him on 10/20, 10/10/20. And that notice of hearing outlined the violations and the corrections that needed to made. After that happened, sometime between that time and the hearing, I'm not sure of the date, Mr. McDole and Mr. MacLeod came into our office and had a conversation with myself and my manager, Scott Walters. And they were told that if they'd unhooked everything and just closed the camper up and let us take a look in there to verify that it was not habitated, that the case could be closed. On 10/29/2020, Mr. McDole showed for the hearing in person and assured me that the camper was vacated. In that conversation he told me that it was ready, and he invited me back to the property. So, on 10/30/2020, I returned to the property for a follow up inspection to make sure that it was in compliance. The camper was disconnected from the septic but other observations, other things being connected, and just the nature of the way that it looked did not lead me to believe that the violations had been, had been taken care of. So

CHAIR TURNER: Let me stop you one more time, I'm sorry. Just to be clear, the second time you went out it was disconnected from the septic, was it disconnected from the water and the electric?

GILBERT SANCHEZ: No sir.

CHAIR TURNER: And you say there are other things that gave you the indication that it was occupied, what would that be?

GILBERT SANCHEZ: Well, he was asked to just close up the, close up the camper and disconnect the services from it so that we could say that, so we close the case. That was the remedy to take care of this. He would take, and maybe let us have a look inside to make sure you know, just to have a look inside and take some pictures and things like that to..

CHAIR TURNER: They always accuse me of asking too many questions...what would you deem "close up" the trailer to mean?

GILBERT SANCHEZ: So, all the pop outs were opened on it and have been open for a long time. Since my first visit to the property, they been open all this time. So that's what I meant by that as well as other things. The sewage line that was disconnected, to me, if you were trying to show that you were taking care of a violation and becoming compliance with a violation, you would not simple have disconnected it and moved it to the side, you probably would've pulled it out of there and shut it off. And that hose also remains the same today, so and has as well see in the slideshow. So, I returned back to the office with the information of the pictures, and I shared them with my manager, and he agreed that there is not enough appreciable evidence to close the case. So, on 11/4/2020 the finding of facts order was sent, and he was given 30 days to correct the problem. And you guys have that, its exhibit H. On 11/16/2020, Mr. McDole filed the appeal. The next part of it would require some photos if it would please if it would

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please you. (Slideshow of pictures begins) So these are the pictures from the original visit when I was initially called out there. I didn't go on to the property, these pictures were taken from a distance.

CHAIR TURNER: Can I ask you one just so we won't be confused, there's a, the home to the left is that the appellant's home?

GILBERT SANCHEZ: Say it again.

CHAIR TURNER: We see the camper here and then if we're looking at that there's a home to the left. We see a chevy truck and, is that his home?

GILBERT SANCHEZ: That is of the property's home, Mr. McDole's resident.

CHAIR TURNER: And then we see a building to the right, is that another house, or is that?

GILBERT SANCHEZ: That is the garage where the camper or the RV is plugged into for electrical power.

CHAIR TURNER: Ok.

GILBERT SANCHEZ: And the hose for the water is actually plugged into the house on the backside of the house if I remember correctly. So can we move on to the next slide Mr. Moon. (Next slide presented on the screen) Here we have more pictures of the initial visit. I'm sorry this was the visit of finding of facts of A. Can we move to the next slide We can see that the same camper is still there. We don't have compliance yet with what we've asked them to do to comply. In the next slide more evidence of potentially somebody staying, I'm sorry this is the initial. Looks like the slides might be a little mixed up. Can we move to the next slide Mr. Moon.

MR. MOON: October 5th

GILBERT SANCHEZ: That's the initial visit.

MR. MOON: This is October 5, 2020, and as is this (changing slides)

CHAIR TURNER: I note some of these are not dated.

GILBERT SANCHEZ: Yeah. (Slide show continued) Ok so this is the picture from 10/30/2020 when I showed up back for a follow up inspection. This was what Mr. McDole did as a part of compliance to what we asked him to do. So, it was disconnected, he did disconnect the septic from there so we can move to the next slide. However, you can see that the electrical is still plugged in. And the next slide. And the water as well. And the next visit came on April the 12th. And so, you can take a look at the next picture. We can still see that there is no change to this situation. This has been several months later after the appeal, and we still have not received an invitation to come back and for a follow up inspection. I was told not to come back on to the property anymore. So these pictures were actually taken from the next door neighbor Mr. and Mrs. Fuse's house who gave me permission to come on their property to follow up with pictures and different things. To the next slide. So here on the 12th again we see that the septic still appears to be hooked up and not have been removed. So, in my opinion the violation still remains. Move to the next slide. And again, we see here, these pictures for the most part are going to represent Mr. MacLeod's truck being there all the time. Most of the time, I can't say every time, the majority of the time that I've ride by there and gone through and done inspections his truck is there.

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CHAIR TURNER: I'm sorry you mean Mr. McDole?

GILBERT SANCHEZ: No. Mr. MacLeod. Mr. Macleod is the one that potentially is living in the RV. We've seen him coming out of it before. It doesn't show well on some of the pictures but, the lens isn't great, but the electrical is still hooked up to the camper. Alright we can move to the, this just represents the same thing. This is the view from the neighbor's property, Mr. and Mrs. Fuse. And then on the 23rd, more of the same, more of the same. This just represents the same scenario and the same pictures; no corrections have been made to bring the property into compliance or the RV into compliance. And then on the 27th, again this just depicts Mr. MacLeod's truck being there. He is the one that the complainant is accused of living in the camper there. And I'll in fact say to you in that truck, whether it's his truck or not, I don't know for sure. I don't have anything literally that ties him to that truck. And then, July 22nd pictures, again no change. You can't see but the electric connections are still hooked up to the camper. The pop outs are still out. This is the way that the camper remains each and every time that I ever ridden by there. And then the final slide is on the picture is August 18th, and these pictures were taken on the day from the property behind their property and you can see to the right the hose, the water hose is still hooked up. The truck is still there, and it is in my opinion that he is still living in the RV. Can we move to the next picture please. And this picture doesn't show well either but to the right of the truck again the electric connection is still hooked up. I think we understand that. So, the RV has still not complied with the order to remedy the situation or allow code enforcement to verify that it is not lived at as we have not been allowed to go back on the property and investigate it nor have we been invited to come back onto the property so

MR. HASTY: I hate to interrupt you before you go too far, just for the record, these photographs will be exhibit under the letters on them?

GILBERT SANCHEZ: I'm sorry, I don't have an exhibit unless Mr. Moon has an exhibit for them.

MR. HASTY: What I would suggest is each date of pictures would be an exhibit number then pictures P-1-2 but we need that in the record essentially per exhibit H.

MR. MOON: I'll respond. (Showing previous shown slides) The October 5, 2020, site visit pictures will be exhibit A of Mr. Sanchez's report. Exhibit B will be the April 12, 2021, site visit pictures. Exhibit C will be the April 23, 2021, site visit pictures. Exhibit D is the April 27, 2021, site visit pictures. Exhibit E is the July 22, 2021, site visit pictures. This is exhibit F is the August 18, 2021, site visit pictures.

GILBERT SANCHEZ: Excuse me did we get April 12th?

ROBERT DAVIS: That's B

MR. MOON: I believed I referenced August 18th.

ROBERT DAVIS: You did.

GILBERT SANCHEZ: In summary, based on the site visits and the evidence shown in the evidence provided, there has really not been enough reasonable effort or evidence by the property owner to withstand to show that this property, RV on this property, is not being used for human habitation. In addition, this case could have been closed a long time ago if Mr. McDole would've allowed the county to simply verify with the RV as not being occupied by allowing code enforcement to look inside and take some photos. Again, just to reemphasize that. And to comply with the county's order to simply disconnect and close the camper up. And that concludes my presentation.

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CHAIR TURNER: Ok. So, are you saying that code enforcement has never been allowed inside the camper?

GILBERT SANCHEZ: Yes Sir, that's correct.

CHAIR TURNER: They have not?

GILBERT SANCHEZ: I asked to go in the camper at one point, I believe it was during the reinspection. On the 10/30 date, the camper was disconnected but he would not agree to let me inspect the inside due a dog staying in the RV.

CHAIR TURNER: So, the question really is as of today, code enforcement has not been allowed inside the trailer to verify it's unoccupied?

GILBERT SANCHEZ: No Sir we have not been allowed in there.

CHAIR TURNER: Any of the board members have any questions before he walks away? David

DAVID MOON: Gilbert, the property we're discussing has the address of 2340 John Hall Road, is that correct?

GILBERT SANCHEZ: Yes Sir.

MR. MOON: And the property owner is Patrick McDole?

GILBERT SANCHEZ: That's my understanding.

MR. MOON: And the potential resident of the trailer is a Mr. MacLeod?

GILBERT SANCHEZ: Yes Sir.

MR. MOON: And the best of your knowledge the white pickup truck that's parked next to the trailer is used by Mr. MacLeod?

GILBERT SANCHEZ: To the best of my knowledge.

MR. MOON: Thank you. And from the testimony that was presented by Mr. Sanchez was referenced in the staff report, so I'll submit as Exhibit G the staff report that each member of the board of appeals has received for this evening.

CHAIR TURNER: Which exhibit is that?

MS. LUCAS-MOORE: G

MR. MOON: Exhibit G. Any other questions of Mr. Sanchez?

MR. HASTY: Mr. Strange is the attorney for the appellant. He may have questions.

MR. STRANGE: Mr. Sanchez have you ever seen anyone go into the building?

GILBERT SANCHEZ: I'm sorry, what building?

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MR. STRANGE: You keep calling it a dwelling. Have you ever seen anyone go into the dwelling?

GILBERT SANCHEZ: No that's not a dwelling.

MR. STRANGE: No further questions. Just to reiterate, I asked Mr. Sanchez if he had ever seen anyone go into the dwelling. Mr. Sanchez stated it's not a dwelling. And I closed my questions at that point.

CHAIR TURNER: Well, let's verify who you are. You're not on the list to speak, so tell us who you are and why you're here.

MR. STRANGE: I apologize Sir. My name is Johnathan Strange, I'm an attorney. Licensed to practice law in the state of North Carolina. My bar number is North Carolina State Bar 38542. I represent the movant, Mr. McDole.

CHAIR TURNER: Alright, thank you.

MR. MOON: I have another question of Mr. Sanchez. In your discussion about the dwelling,

MR. STRANGE: Objection. He just stated it wasn't a dwelling.

MR. MOON: In your discussion, Mr. Sanchez, are you referring to the camper or are you referring to the single-family home on the property? I just want to clarify which you're discussing, either the recreation camper or the single-family home?

GILBERT SANCHEZ: As far as, as far as what?

MR. MOON: The question you were asked about seeing the resident enter the dwelling?

GILBERT SANCHEZ: I've never seen him enter that RV.

MR. MOON: Ok, thank you.

CHAIR TURNER: Let's clarify again, just for the board. We have a Patrick McDole here who is the property owner of all the house, the camper, whatever else. And we have Robert MacLeod who is being suggested as being the occupant of the camper. And then we have the code enforcement officer. We clear? Ok everybody clear. Go ahead Sir, I'm sorry.

GILBERT SANCHEZ: Anymore questions?

MR. MOON: The next witness that I would like to speak is Deputy David Dallas. He's already sworn in. Officer Dallas can you give a description of what you have seen at 2340 John Hall Road?

DEPUTY DALLAS: The pictures is exactly what I had seen when I had went with Sanchez, Inspector Sanchez. On 2/13/2019 I did see Mr. MacLeod come out of the trailer or the camper. And then there was another time I seen him come out of the camper, was a time I had to go out there. I don't know the exact date of that, but I do believe Mrs. Fuse could clarify that date very well because when we went to court on the shooting range. When they did the survey of the property, I was getting to it.

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CHAIR TURNER: A lot of times folks just kinda keep going if they know what they're talking about and I wanna be sure we do.

DEPUTY DALLAS: And I understand that, trust me I know. That's the only two times I've seen anybody come out of the trailer. I've never seen nobody go into the trailer. But I do know, I'll will say this, I've been doing this stuff with the county since 2009. The county does give you a lot of opportunity to correct the situation. I've known in the past of a lot of people and most people do comply. Now in following the guideline, they give them ample time to correct it and if they need more time. This June that I have experienced with this here. And that's about all I can tell you.

CHAIR TURNER: Is this an area that you would normally patrol?

DEPUTY DALLAS: I got kind of a different job than most deputies got. I work with county code enforcement, and I also work with the other county offices to include the landfill and also, I got a talent that I've use since day one at the sheriff's office. When we do search warrants when we got safes and stuff, drug deals and stuff like that, and other cases and when we have dome vaults and stuff like that there, I'm the one they call to open it up. Because I'm the only licensed locksmith also.

CHAIR TURNER: I think what my question was aimed at if this is the normal area that you would patrol, have seen any changes out there that would lead you to believe that they were, anything, were they trying

DEPUTY DALLAS: It hasn't changed since the last time I saw it. It hasn't changed about that camper. But I do know that they don't, they go places in this kind of trailer, they doing work to campers. People just decide they want to park the camper and start living in it. That's not the only place in Cumberland County where it's happening. I don't believe I'm answering your question quite the way to want it, but it hasn't changed any.

CHAIR TURNER: Assuming that you saw him on two occasions walk out of the trailer, you assume he had to walk in to walk out. Walking out of the trailer, was there any indication that you thought that he may have slept there or?

DEPUTY DALLAS: No, he wasn't in pajamas or nothing, no Sir.

CHAIR TURNER: So, we don't know why he was in the trailer?

DEPUTY DALLAS: I can't tell you as to why he was in the trailer

CHAIR TURNER: Alright, I appreciate that. Anything else?

DEPUTY DALLAS: No Sir.

CHAIR TURNER: Board members have any questions?

MS. LUCAS-MOORE: I was just going to say, trailer or camper?

DEPUTY DALLAS: Camper, trailer, I mean it's a camper. The reason I say trailer is because it's not mobilized.

MS. LUCAS-MOORE: Just for the records.

CHAIR TURNER: Any other questions of the sheriff? David

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DAVID MOON: No further questions.

MR. STRANGE: Johnathan Strange again. Does it have wheels?

DEPUTY DALLAS: Yes Sir.

MR. STRANGE: Have you seen wheels in any of these pictures?

DEPUTY DALLAS: No, I haven't seen wheels in any of the pictures, but it had wheels on it the first time I saw it.

MR. STRANGE: Does it still have wheels on it?

DEPUTY DALLAS: Well, I haven't seen it lately.

MR. STRANGE: When was the last time you saw it?

DEPUTY DALLAS: That would've been, when I went, I can't remember the exact date, like I said, when I went out there to make sure there wasn't no incident between the surveyor, and Mrs. Fuse could give you that date.

MR. STRANGE: But right now, I'm asking you the date. When was the last time that you were out there?

DEPUTY DALLAS: The last time was the day they did the survey. I don't have that date with me.

MR. STRANGE: So, you don't recall when you were out there last other than to say it was the day they did a survey?

DEPUTY DALLAS: No Sir, I didn't get a chance to go to records and run the track record to be able to cross for services for that property.

MR. STRANGE: And so, you don't know if there are wheels on that or not?

DEPUTY DALLAS: As of right now, no I don't. The time I first saw it, it had wheels.

MR. STRANGE: Thank you.

CHAIR TURNER: Ok. Any questions here? David

DAVID MOON: Next witness I would like to call is a Dawn Fuse, who is the adjacent property owner to the site at 2340 John Hall Road. She has not been sworn in.

Chair Turner swore in Dawn Fuse.

CHAIR TURNER: And you are the next-door neighbor?

DAWN FUSE: I am.

CHAIR TURNER: Ok. Tell us your story.

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DAWN FUSE: So, my name is Dawn Fuse, I live at 2330 John Hall Road, I'm the next-door neighbor to 2340 John Hall Road. We moved in May of 17. The camper, the RV recreational camper has been lived in on a permanent basis since 2018 so approximately three years. And I'm a witness to entering and exiting of the camper of physically seeing someone come in and out. And also, I'm worried the property value of my property with a RV camper allowed to be on a single-family property next door. And I have some photos.

CHAIR TURNER: Could you clarify before we look at the photos, you say for three years it's been lived in but what evidence do you have that its been lived in other than the fact that you see someone go in and someone come out?

DAWN FUSE: You know the evidence is, you know, visual. So, seeing that also have some photos that just show the camper coming in and I also can submit to the court a memory disc that has videos of occupation of the RV camper.

CHAIR TURNER: Are we prepared to see that David?

DAVID MOON: Well Ms. Fuse has a series of slides that I would be more appropriate for her to go through. She does have a series of videos. There are approximately 15 or 20. You would be here for quite some bit of time. My suggestion is if she should just submit those for the record.

MR. HASTY: Well, they have to be, if they're going to be in the record, they've got to come into the hearing.

CHAIR TURNER: Let's see the photos. And then we'll decide from that if we need to see more.

DAVID MOON: Mrs. Fuse would you be able to describe what is shown in the pictures in the slides? (Showing slides)

CHAIR TURNER: Before you go any further, he has a question for the speaker.

MR. LONG: When was the last time you saw the camper?

DAWN FUSE: Today.

MR. LONG: Were there wheels on the camper?

DAWN FUSE: I can't, I don't recall, can't give you an accurate answer because I don't pay attention to that.

MR. LONG: Ok, thank you.

CHAIR TURNER: Go ahead Sir, I'm sorry.

MR. MOON: Mrs. Fuse would you like to describe what is shown in the pictures (Pictures being shown)

DAWN FUSE: This is the camper on the property 12/20 of 2018. That's the camper and truck beside the camper 7/10 of 19. This is just showing that in 2020 the lights are on in the camper. Also, October 29th lights on in the camper. April 30th lights on in the camper. May 21st lights on. That is just indicating that truck parked next to that camper. 6/10/21 same thing. This is going to be a series of dates of that truck parked next to that camper. (Pictures continuing to show) There's just indicating pants drying outside of the camper.

CHAIR TURNER: Any questions of any of those photos?

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MS. LUCAS-MOORE: Do we need to exhibit maybe this as an exhibit?

MR. HASTY: Yes. They haven't been admitted yet but for identification purposes it's probably a good idea to have it.

MR. MOON: This would be exhibit H. Mrs. Fuse do you have any other information you need to share regarding activities that you see on the property regarding residency?

DAWN FUSE: No Sir.

CHAIR TURNER: Nothing else? Ok. Anybody have any questions before she sits down? Sir, you have any questions?

MR. STRANGE: Mrs. Fuse there were a number of black and white photos that were shown during exhibit, I believe Mr. Moon said it was exhibit H, there are a number of itemized photo images is that correct?

DAWN FUSE: Its photos that I took from a, it's a snapshot of a video.

MR. STRANGE: And you took those photos yourself?

DAWN FUSE: My camera did.

MR. STRANGE: Where is the camera located?

DAWN FUSE: Those cameras are on my house I have sims.

MR. STRANGE: Where is that camera located on your house?

DAWN FUSE: Side of the end of my house on the top.

MR. STRANGE: It appeared in some of those images that there was kinda of a white covering at the top of them is that correct?

DAWN FUSE: A white covering of the top of my camera?

MR. STRANGE: Yes.

DAWN FUSE: No. It's right underneath spouting of the light.

CHAIR TURNER: What we're seeing here just to clarify you're looking through the black windows of the camper and if I understand this is late at night.

DAWN FUSE: That's my desk camera catching that view late at night.

CHAIR TURNER: And this is in the evening and we're showing the lights are on inside the camper in the evening.

DAWN FUSE: Yeah, there on like on the outside of the camper.

CHAIR TURNER: Go ahead Sir.

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MR. STRANGE: The outside of the camper, that was my next question. Thank you, nothing further.

CHAIR TURNER: Anything else, any questions?

MR. MOON: That concludes the evidence and testimony that the county's Inspections Department, Code Enforcement is submitting in our case. In summary, based on this evidence and testimony presented in the exhibits, the photographs and the reports from Mr. Sanchez, Mr. Dallas, and Mrs. Fuse, the decision by the code enforcement officer, Mr. Sanchez to find this property 2340 John Hall Road as functioning as a permanent residence within a recreational camper in that based on the staff report and information submitted by Mr. Sanchez that the camper is not satisfied the minimum requirements of the minimum housing code for a human habitat. That concludes staff's presentation.

MR. HASTY: You'll ask that exhibits A through H photographs be submitted into evidence.

MR. MOON: Yes, I'll submit the exhibits presented this evening. Exhibits A through H which includes a staff report which is exhibit G.

MR. HASTY: And the prior materials that are in the packet you'll ask that those be in the record as well.

MR. MOON: Yes Sir.

CHAIR TURNER: We have two speakers signed up to speak in favor. Patrick McDole are you here Sir?

MR. HASTY: Mr. Strange is their attorney if he could present their case and call them this evening.

CHAIR TURNER: Well Mr. McDole has signed up, did Mr. McDole want to speak?

MR. STRANGE: I will be calling Mr. McDole in just a moment.

CHAIR TURNER: You will?

MR. STRANGE: Yes Sir.

CHAIR TURNER: Alright, ok.

Public comments were opened.

MR. STRANGE: I would like to be heard very briefly if I can. Again, my name is Johnathan Strange. I here on behalf of Mr. McDole and I believe that it's incredibly important at this point for this board to understand what we're considering. In that, in order to do that, we have to take a look at the complaint that was filed against Mr. McDole. It involves the use of the dwelling for habitation or if it's not a dwelling, temporary housing. And at the close of the county's case, their chief witness Mr. Sanchez, has stated that it's not a dwelling, so therefore we're outside of that aspect of the minimum housing standards. And no one has been able to show whether or not this thing can move or not. And if it can't move, then it's not a trailer as defined by Mr. Sanchez earlier in this hearing. And so, at this point, the county has not shown that the minimum housing code applies in this situation at all. In fact, if we take a look at what Mr. McDole is being alleged to have violated, that is section 4-71 of the minimum housing code, which is compliance with minimum standards. It says every building, dwelling, and dwelling unit used as human habitation or held out for use as habitation shall comply with all of the minimum standards of fitness for human habitation and all

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of the requirements of section 4-72 through section 4-79 or this ordinance. No person shall occupy as owner-occupant or let to another for occupancy or use as a human habitation, any building, dwelling or dwelling unit which does not comply with all of the minimum standards of fitness for human habitation and all of the requirements of section 4-72 through 4-79 of this ordinance. We have not talked for one moment about anything other than they say it's a trailer. If it's a trailer, you can't live in it. What they have not shown, and this according to the code, which every member of the county is required to adhere to, what they have not shown is that Mr. McDole, who is the owner of the property, as they've stated, has ever occupied or even entered into it. Much less have they shown that he has let the property to Mr. MacLeod who hadn't admitted he's living there. "Let" in this situation means that he's renting it out. That he's charging a fee. They haven't been able to show any of this. So, at the close of the county's case, I would ask you to consider that, that they haven't proven that the minimum housing standards even apply here. Much less, that they've been violated. Thank you.

CHAIR TURNER: Before you go away let me ask you some questions about what you just said. I don't agree with the fact that you're saying that Mr. McDole has to charge a fee for the use of the camper.

MR. STRANGE: That's what let means.

CHAIR TURNER: I don't agree with that. But I'm assuming by what you're trying to tell us is that Mr. MacLeod does not live in the trailer. Is that what you're telling us?

MR. STRANGE: What I'm saying is, is that Mr. MacLeod does not let anything, or that there has been no evidence to show that Mr. MacLeod lets anything. That's what I'm trying to say.

CHAIR TURNER: Ok.

MR. DAVIS: Why does he have to let?

MR. STRANGE: The code says that it must need to be an owner-occupant, or it must be let to another person. That's what the code says.

MR DAVIS: So, if it's not an owner, if it's his son or daughter or somebody, and they stay in it, it's not defined an occupant?

MR. STRANGE: No Sir, all I'm saying it that it's not an owner occupant and that there's been no evidence that it's been let, which is what's required by the code.

MR. DAVIS: Of course, it has to be let to be lived in.

MR. STRANGE: No Sir, it says that, again I'm just...

CHAIR TURNER: We've read this, so to understand, I think the difference that comes up in the attorney's opinion it is not let unless a fee is paid for its use. That's the opinion that I said I didn't agree with. I mean there a lot of folks, in other words, if you allow someone to do it, they're allowed to break the ordinance because he's not getting any money. That's basically what that's saying.

MR. STRANGE: I would agree because I believe that at least in the legal. The way we normally see minimum housing standard violations is when a piece of property is being let to someone which...

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CHAIR TURNER: What would you consider this property to be? Is this a camper or trailer? What would you say it is?

MR. STRANGE: Well, if we took a look at the definition section, which I believe is 4-67, if I'm not mistaken, yes 4-67. It's the definition section. We know it's not a dwelling. Mr. Sanchez said it wasn't a dwelling. So, then we move into the only thing that it would be which is, the county's trying to allege that it is a temporary housing. And under temporary housing it says it means any tent, trailer or other structure which is designed to be transportable which is not attached to the ground, to another structure or to any utility system on the same premises for more than 30 consecutive days.

CHAIR TURNER: Has this not been connected to the utilities for more than 30 days?

MR. STRANGE: But it says which is not attached to the dwelling, to a structure or the utility. And by the county's evidence, it is attached to a utility.

CHAIR TURNER: So, I'm assuming that we've not heard this, but he has ties that are tying it to the ground and that changes everything?

MR. STRANGE: Well, I think at that point it would need to be a dwelling, which Mr. Sanchez has said that it is not. And if it's a dwelling, they haven't shown that there have been any substantial violations of the minimum housing standards. Which would come under section 72. Yes Ma'am.

MS. LUCAS-MOORE: My question is so are you saying this recreational trailer/camper, does that meet the minimum standards of housing for housing? Does this particular property that's been standing for three years or whatever the testimony is stated, does that meet the minimum standards?

MR. STRANGE: I don't believe there's any evidence that it doesn't meet the minimum standards.

MS. LUCAS-MOORE: You don't think it doesn't meet the standards?

MR. STRANGE: What I'm saying is that I don't think there's any evidence that it doesn't meet the minimum standards. And that's an important distinction because Mr. McDole is not responsible for showing that he's not meeting the standards. The county is responsible for showing that he's not meeting the standards. I'm sorry, Mr. McDole is not responsible for showing that he is meeting the standards the county is responsible for showing that he's not. The only thing the county has tried to show is that this is a temporary dwelling or temporary housing, and they haven't been able to do that either because nobody can tell us if its moveable.

MS. LUCAS-MOORE: Through the testimony code enforcement tried to go in and they could've verified this, but they were not allowed. So how do you address that?

MR. STRANGE: Well, we address it by considering the fact that Mr. Sanchez says it's not a dwelling to begin with. That's why I asked him that question and that's why he said this is not a dwelling.

MR. DAVIS: My question was just because you take wheels off of a mobile home it doesn't become a trailer. It's a mobile home without wheels. And if I take wheels off a car, it's still a car. So, what does wheels on it or not, what that have to do with anything?

MR. STRANGE: Because it's no longer transportable Sir.

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MR. DAVIS: It's not?

MR. STRANGE: How do you transport without wheels?

MR. DAVIS: A house on a truck you slide the rails under it, and you drive it off, it's still a house. You transport it on a lift and put wheels back on. It doesn't change it from being a mobile home with pull outs on it that are pulled out. It's still, you can see it's a mobile home. It's designed and sold as a mobile home I believe.

MR. STRANGE: Then if it's sold as a mobile home then what's wrong with having it there?

CHAIR TURNER: This is not sold as a mobile home; this was sold as a camper.

MR. STRANGE: I was just answering his question. If it's sold as a mobile home...

MR. DAVIS: Then you'd have something to say if it is one, but if it's not one and sold as a camper, it's still as a motor vehicle, right? So, a motor vehicle type, not a camper type. It's not sold as a, DMV will allow a tag on it?

MR. STRANGE: Even a manufactured home or a mobile home is sold with a DMV tag on it. It has a vin number.

MR. DAVIS: But can you move them or not move them?

MR. STRANGE: Right and that's the...

CHAIR TURNER: I don't mean any offenses, the semantics. You could take this and set it somewhere and take the wheels off. In my mind, that doesn't really change anything because you could take the wheels back and put them back on. I'm sure it's tied to the ground because if it's sitting in the same location, with the hurricanes we've had we don't want it to blow away. It's been proven that it's been connected to utilities for more than 30 days.

MR. STRANGE: Sure.

CHAIR TURNER: Ok, and the definition that you keep referring to is dwelling also refers to any structure. It could be deemed a structure.

MR. STRANGE: But that's not what the evidence before the board is. Specifically, Mr. Sanchez said it is not a dwelling. And I understand what you mean Sir, you're saying that that's semantics. But under the law, words have many important meanings, that's why they have a definition section in the code.

CHAIR TURNER: But we keep emphasizing that the inspector has said it's not a dwelling. But a dwelling is not a finite definition of what this could be. They using the term any structure, this could be deemed a structure. The question at hand is is there someone living in it? We have evidence presented so far from the neighbor that someone has been living in it consistently. And as we continue to talk this course, we're kinda beating over here, the question is is he living in it? That's the question.

MR. STRANGE: So that's the big question that you want answered?

CHAIR TURNER: I'd like to know if Mr. MacLeod lives in the mobile home? Or whatever you're going to call it.

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MR. STRANGE: I understand.

MR. LONG: We already have the answer to that question, on page 4 here, it says staff's decision, in writing, the recreational trailer, meets the definition of temporary housing. They're not calling it a dwelling. Right here in writing they're saying it's a recreational trailer. And it doesn't matter some of the other things that you were arguing if it's a recreational trailer. It's not a dwelling and recreational temporary recreational housing is not standard housing for a dwelling occupied for human habitation.

MR. STRANGE: Sir can I ask you which page or what you're reading. I'm sorry. I wasn't provided any copies of anything.

CHAIR TURNER: The staff decision was is that the recreational trailer meets the definition of temporary housing. Temporary housing is not standard housing for a dwelling occupied by human habitation. And they used the term, not in this, but they're talking about for 30 days or more. Could we ask Mr. MacLeod to allow me to swear him in and tell me that he does or doesn't live in the trailer?

MR. STRANGE: Sure, that's fine. If I could just address that before we question. The purpose of this board is for the board to make a determination as to whether or not the county has shown it's, met its burden of proof of showing the violation of the ordinance. I understand what you're saying we can read a document that says that code enforcement has found it to be temporary trailer.

MR. LONG: You were making an argument about the fact that he is not letting it out or renting it out, therefore he's not in violation. But that's in the dwelling section. They're saying, staff, they're saying it's a recreational trailer so that is not even part of the argument if that's the case, correct?

MR. STRANGE: Understood. But it can only be a recreational trailer if its movable. Because the definition says that temporary housing must be movable, not designed to be moveable. I'm going to call Mr. Patrick McDole who is the owner of the property first.

Chair Turner swore in Mr. Patrick McDole

CHAIR TURNER: And you're Patrick McDole and you own the property and the camper and the two acres and that's yours.

MR. MCDOLE: I am that property owner of 2340 John Hall Road.

CHAIR TURNER: There's been an issue with this white truck. Is that your white truck or is that his?

MR. MCDOLE: The relevancy of the truck?

CHAIR TURNER: There may not be any relevancy in the truck, but it keeps coming up and people keep talking about it. So, do you own the truck?

MR. MCDOLE: Sir I do not own the truck.

CHAIR TURNER: So, it's someone else's truck?

MR. MCDOLE: Yes.

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CHAIR TURNER: Ok. Go ahead and tell us your case.

MR. STRANGE: Now Mr. McDole could you state your name for the court please.

MR. MCDOLE: Patrick Howard McDole.

MR. STRANGE: And Mr. McDole what do you do for a living?

MR. MCDOLE: I retired military.

MR. STRANGE: How long have you lived at the property in question Mr. McDole?

MR. MCDOLE: Twenty years.

MR. STRANGE: Last year around September, I believe Mr. Sanchez said, did you receive notice of a violation from the county concerning the county code or ordinances?

MR. MCDOLE: I believe that's when it was.

MR. STRANGE: And did you receive a written copy of that report.

MR. MCDOLE: In September?

MR. STRANGE: Did you receive a written notice of a violation from the county?

MR. MCDOLE: Yes.

MR. STRANGE: I'll hand Mr. McDole what will be listed as movant exhibit I (Complaint and Notice of Hearing). Mr. McDole could you tell us what this is?

MR. MCDOLE: This is a violation for compliance with Cumberland County, Article 4, minimum housing code.

MR. STRANGE: And can you take a look at the second page of that, down at the bottom, and tell us what it says your violations were?

MR. MCDOLE: Says first violation you are allowing a recreational vehicle or camper on the property to be used for human habitation. Number two section 4-71, no person shall occupy or use as a human habitation or outbuilding or appurtenance designed to be transportable be occupied for more than 30 days. You must disconnect and vacate camper.

MR. STRANGE: Was there a hearing called on that notice of violation?

MR. MCDOLE: No Sir, I never attended a hearing.

MR. STRANGE: Did you receive some paperwork from the county saying that there had been a hearing?

MR. MCDOLE: Yes, Sir I did.

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CHAIR TURNER: Just to clarify that, you were saying you were not invited to a hearing? Is that what you're saying?

MR. MCDOLE: I was never invited to a hearing, and I never attended a hearing.

CHAIR TURNER: Ok. So, you received no information that there would be a hearing?

MR. MCDOLE: No Sir I did not.

CHAIR TURNER: Ok.

MR. STRANGE: Did you attend a hearing with the county?

MR. MCDOLE: No Sir I did not.

MR. STRANGE: Did you meet with Mr. Sanchez within a few days after that, did he come out to the property to inspect the property?

MR. MCDOLE: He was invited to come out on October 30th for a follow up, which he never appeared.

MR. STRANGE: Why did you invite him out Mr. McDole?

MR. MCDOLE: To show him that I had taken steps to correct what they list as violations.

MR. STRANGE: And what did Mr. Sanchez tell you that you needed to do?

MR. MCDOLE: He said simply disconnect the sewer line and only reconnect it if you're going to use it.

MR. STRANGE: Did you disconnect the sewer?

MR. MCDOLE: Yes, Sir I did.

MR. STRANGE: Did you only reconnect it if you needed to use it?

MR. MCDOLE: Yes Sir.

MR. STRANGE: Do you know Mr. MacLeod?

MR. MCDOLE: I do.

MR. STRANGE: How do you know Mr. MacLeod?

MR. MCDOLE: He's a fellow retired soldier.

MR. STRANGE: Does he live in the trailer or the building or whatever we're going to call it?

MR. MCDOLE: No Sir he does not.

MR. STRANGE: Where does he live?

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MR. MCDOLE: He lives in my house or at his girlfriend's house. And I believe you have a notarized letter to submit.

MR. STRANGE: This is movant Exhibit 2 (Notarized Letter). What is this Mr. McDole?

MR. MCDOLE: This is a notarized letter from Angela Pitchford stating her attestation to the fact regarding the number of nights a month Robert Macleod spends at her residence.

MR. STRANGE: How many nights does she say with her?

MR. MCDOLE: Since the onset of their relationship, he spends at least 17 nights per month at her Haymount home.

MR. STRANGE: Do you know where he spends the rest of those nights?

MR. MCDOLE: No. Sometimes at my house. Otherwise, I don't track him.

MR. STRANGE: Does Mr. MacLeod receive mail at your house?

MR. MCDOLE: On my address, yes.

MR. STRANGE: Thank you. Did you take some pictures of the outside of this in preparation for this hearing?

MR. MCDOLE: I did.

MR. STRANGE: Going to hand you what I'll mark as movant Exhibit 3. Mr. McDole what are these pictures of?

MR. MCDOLE: The first picture is a picture of the certified weight.

MR. STRANGE: And how much does it weigh?

MR. MCDOLE: 6,223 kg or 13,720 lbs. dry.

MR. STRANGE: What are the other pictures of?

MR. MCDOLE: The second picture is showing the pinning or anchor to the ground. The third picture is showing a second point of attachment to the ground. The next picture is showing another attachment to the ground. The next picture is a picture of the electrical utility connected. And the last picture is of the sewer being used.

MR. STRANGE: Are you letting Mr. MacLeod use this as a habitation?

MR. MCDOLE: No.

MR. STRANGE: Mr. McDole did you have any conversations with Mr. Sanchez during the course of this investigation in preparation for this appeal?

MR. MCDOLE: I have.

MR. STRANGE: What were the topics of those discussions?

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MR. MCDOLE: How to come into or stop the complaint or the case. And the immense number of times that he was receiving phone calls from Mrs. Fuse to the point where he felt very irritated and harassed.

MR. STRANGE: Did he indicate that he was forced to build a violation against you?

MR. MCDOLE: Yes.

MR. STRANGE: Thank you. Nothing further.

DAVID MOON: Mr. McDole you said you had a certificate to the weight of the vehicle, who certified that? What organization agency is that certificate from?

MR. MCDOLE: I would imagine the manufacturer.

DAVID MOON: Is there any certification that you have that's required by the federal highway administration or department of transportation to have a camper for it to travel on any road in North Carolina?

MR. MCDOLE: I don't understand the question.

MR. MOON: The camper has to be designed to travel along public roadways. It has to meet a certain standard. It can't be 15 feet wide for example. Is the trailer certified to travel on the roads of North Carolina?

MR. MCDOLE: Not at this time.

DAVID MOON: Was the manufacturer required who designed that so that he could meet federal highway administration and department of transportation requirements?

MR. MCDOLE: I'm not qualified to answer that.

DAVID MOON: Ok do you have a building permit issued by Cumberland County?

MR. STRANGE: Objection to the relevance. Outside of the scope of the violation.

CHAIR TURNER: Could we just clarify something to simplify it? The weight that we are getting is a fact from you. Is this the weight that this camper was built originally, or have you done something to make it heavier?

MR. MCDOLE: The dry weight that's indicated means there's no rodding or dishes.

CHAIR TURNER: The indication of the numbers you gave us of certainly a heavy camper, but this is the way the manufacturer built it, you didn't add anything to increase the weight?

MR. MCDOLE: I've not built an addition to it, no.

CHAIR TURNER: I'm just trying to be sure that...

MR. STRANGE: Mr. Dole is that the manufacturer's weight or was that a modified weight?

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MR. MCDOLE: That's the manufacturer's weight.

CHAIR TURNER: Ok so the manufacturer, who built it, built it at this weight with the intention of it being a camper. That you would take down the road. I think that clears up all the questions.

MR. MCDOLE: I don't think I'm qualified to answer that Sir.

CHAIR TURNER: May not, me either probably. But we haven't done anything to increase the weight that would stop it from being towed, other than tie it to the ground.

MR. MCDOLE: There's water tanks that you fill. That increases the weight.

CHAIR TURNER: Is there a weight limit that you can't go over?

MR. MCDOLE: No.

CHAIR TURNER: Ok. Thank you, Sir.

DAVID MOON: Mr. McDole you observe the presentation that was submitted by county staff this evening, correct?

MR. MCDOLE: I did.

DAVID MOON: And you received notice of the violations from the county Code Enforcement Department, correct? And one of those was in reference to noncompliance with the minimum housing code and as presented this evening, it made reference to the trailer not meeting the electrical standards, space requirements, exit standards or other as otherwise addressed in the inspector's report.

MR. MCDOLE: Those were never addressed to me Sir.

DAVID MOON: Do you have an electrical permit or any permit from the state or county agency for the connection of the camper to the septic system, to the house electrical system or to the water system by garden hose?

MR. STRANGE: I would just object to line of questioning. There has been no evidence from the county in regards to any electrical permitting, space code or any other violation, in those standards violations listed that were presented by the county in regards to this appeal today.

CHAIR TURNER: I can accept that but to clarify, the camper is pulled in, it's been hooked to an existing septic system, it's been hooked to an existing water supply, and you have found somehow whether an electrician did it or you did it to tie the electrics to it from your house right? That's what we've seen.

MR. MCDOLE: On a temporary basis.

CHAIR TURNER: Temporarily.

MR. MCDOLE: On a temporary basis Sir.

CHAIR TURNER: What do you use the camper for? It looks like its...

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MR. MCDOLE: Religious services and religious sanctuary.

CHAIR TURNER: Ok. So, you've deemed it a church?

MR. MCDOLE: No, I have not Sir.

CHAIR TURNER: Ok.

MS. LUCAS-MOORE: What do you consider temporary?

MR. MCDOLE: What is the definition of temporary by the county?

MS. LUCAS-MOORE: So, has this unit been hooked up more than 30 days?

MR. MCDOLE: 30 days? I don't understand your question Ma'am.

MS. LUCAS-MOORE: The power, the water, connected to the sewage, has it been more than 30 days?

MR. MCDOLE: Do you mean continuously? Or

MS. LUCAS-MOORE: Correct.

MR. MCDOLE: No.

MR. DAVIS: Does he have a copy of this?

CHAIR TURNER: You can ask him.

MR. DAVIS: Was this material sent to him?

MR. HASTY: Could be. Just verify what you're showing.

MR. DAVIS: I'm showing Cumberland County Complaint and Notice of Hearing Before the Housing Inspector dated October 6, 2020.

MR. STRANGE: Yes, I believe that's what we just passed around.

MR. DAVIS: So, he did receive that?

MR. STRANGE: Yes, that was exhibit 1.

MR. DAVIS: So, he did receive that?

MR. STRANGE: Yes Sir.

MR. DAVIS: I'm thinking he didn't recall because this says number 1, 10/5 the property located at 2340 John Hall Road was inspected for compliance with Cumberland County Article IV, Minimum Housing Code. We talking about minimum housing code. Number 2, You are hereby notified that the dwelling located at the place designated above

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appears to be substandard as defined by Cumberland County Code, Article IV, Minimum Housing Code. The enclosed report of inspection indicates the items which appear to be violated. And he keeps saying that he didn't know anything about this. He don't, you don't know if it's a dwelling or not. You don't know a hearing was scheduled or not. Because it say a hearing had to be scheduled before the hearing department room 101, Gillespie on October 29th at 9:00. But he got this. I just got my cataracts removed and I can read this. And if I get this,

CHAIR TURNER: Does Mr. McDole acknowledge that he received this?

MR. DAVIS: Yes. His answers are different.

MR. MCDOLE: I don't understand. What clarification do you need?

MR. DAVIS: When you said you never knew anything about a hearing.

MR. MCDOLE: A hearing.

MR. DAVIS: It says right here a hearing was held, a hearing.

MR. MCDOLE: It says hearing.

MR. DAVIS: You said you didn't know anything about it.

MR. MCDOLE: No Sir I said, no hearing was held.

MR. DAVIS: You said you didn't attend one.

MR. MCDOLE: I did not attend a hearing.

MR. DAVIS: A hearing was held but if you're not there, you don't know if it was held or not because you weren't there, right?

CHAIR TURNER: What I think he's saying that he did not attend a hearing if a hearing was held.

MR. DAVIS: Right. And here it says that this material here was attached too. It says the that the county's opinion of the things we found wrong. And you said they didn't anything about what was found wrong except one thing, which you said was disconnect the sewage.

CHAIR TURNER: Let's get back to the beginning instead of that. We need to be asking questions that we can understand. You have said that the inspector had complained to you about the neighbor?

MR. MCDOLE: Yes.

CHAIR TURNER: He's right there, you know right?

MR. MCDOLE: I'll look him in the eye and tell him Sir.

CHAIR TURNER: Ok. We're going to ask him in just a minute. Everybody's sworn so we hope we get the truth.

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MR. DAVIS: Is this like a legal hearing? Like a legal court, a real court?

MR. STRANGE: It is Sir.

MR. DAVIS: If you're the attorney you ask him to give you hear say information when the person is here. So how can you ask, I thought it was kinda informal the way you were asking them questions about what other people said when the other person was there. Like you said, if it's not hear say and they bound to tell the truth then we don't take deposition from a person that can speak for themselves, right?

CHAIR TURNER: Well, he's allowed to speak for himself because he signed up to speak for himself. We have the ability to ask him questions with his attorney here and we expect him to answer those questions. We expect him to be truthful. But we are not a court of law.

MR. STRANGE: I believe his question is in regards to hear say testimony. I think what he's trying to say is why didn't I ask these questions of Mr. Sanchez; I think is where you were trying to go with that. Well, why am I asking Mr. McDole what did Mr. Sanchez say? I would just allow the more to know, that that is not hear say testimony when Mr. Sanchez is here to testify. And I believe your honor stated that he intended to recall Mr. Sanchez as a witness. So, it would not be hear say.

CHAIR TURNER: What we want to see here, hear everybody's side so we can make a reasonable decision. Mr. McDole has basically made accusations and we'd like for the inspector to verify that. Not for any special reason, but I'm not sure where that even leads us to. The question at hand here is, I think in my mind is, where does Mr. MacLeod live? Apparently, his residence is somewhere between his girlfriend and your house. Wherever he chooses at that point, which is fine, that's his business. And he gets mail at your house. Wonder if he gets mail at his girlfriend's house. He's not sworn so I can't ask him. There's a lot of vague questions here but we can't really get an answer to. Did you want to add anything before?

MR. DAVIS: The mobile home, the trailer, the camper whatever you want to call it. Is it livable? In other words, is it hooked up, in other words, could a person go in there and stay, live? In other words, is it in storage? Can you have a camper and you put it here and you park it and you're not going to be using it...

CHAIR TURNER: The question that he's asking is this, If I drove out to your house tonight, could I walk in the camper and turn on the lights and use the water and that sort of thing? Or is it disconnected from all of that?

MR. MCDOLE: Sir if I recall, its disconnected to my knowledge. I could connect it if you like.

CHAIR TURNER: Ok, thank you Sir. You want to add anything at this minute?

MR. MCDOLE: No.

CHAIR TURNER: Did you want to speak Sir?

Chair Turner swore in Mr. MacLeod

CHAIR TURNER: And your Mr. MacLeod? Robert MacLeod.

MR. MACLEOD: Yes.

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CHAIR TURNER: Ok, tell us your story.

MR. MACLEOD: Judge to clarify the hearing that was supposedly held on October 1st, Mr. McDole didn't receive a letter. Mr. McDole did come to this meeting, and he spoke to Mr. Sanchez, I was with him. There was no hearing held, there was no hearing held. It was a conversation between Mr. Sanchez and Mr. McDole. That is not a board.

CHAIR TURNER: I don't think there was an intent for there to be a board.

MR. MACLEOD: They said there was a hearing.

CHAIR TURNER: Well, a hearing doesn't mean there has to be a board. They can have a hearing between the two of them. But I understand what you're saying.

MR. MACLEOD: So, if somebody signs a letter saying that he was there present in the hearing then would that, Scott, signed the letter saying he was there at the hearing that Mr. McDole attended.

CHAIR TURNER: All I'm saying is there doesn't have to be a board for there to be a hearing. If he had came and spoke with the inspector, then a hearing, so there was a hearing. We're back to semantics. Go ahead and add what you have Sir.

MR. STRANGE: Mr. MacLeod are you residing, and we're just going to call it a trailer to keep it, are you residing inside the trailer?

MR. MACLEOD: I don't reside in the trailer. So, what you don't see is at the back door, there's an entrance to the house. I have a key to the house. I have a room in the house. I stay in the house. Back to she stated that I be camping out and so I do go in and out of it a lot. And I use it as a sanctuary. Majority of the time I stay with my girlfriend to help with expenses there. Like I said, I have a room that's in the house. I might be going down the wrong road but, the neighbors have filed complaints against us. I have plenty attorney and I just found out...

CHAIR TURNER: It's not really relevant here. What you're saying is you have a key to his house, and you have a bedroom. But you have a dog, a pet, and when you come and you stay in your room, the dog stays in the camper?

MR. MACLEOD: A lot of times.

CHAIR TURNER: Is the dog the only thing in the camper, that stays there? And he stays by himself?

MR. MACLEOD: She. I come and go, I'm entitled. I have a very flexible schedule. I use it for the religious studies and religious sanctuary.

MS. LUCAS-MOORE: I have a question. Can you answer the fact is the utilities connected, hooked up to this camper/trailer?

MR. MACLEOD: Yes.

MS. LUCAS-MOORE: It is. As of today, is it hooked up right now?

MR. MACLEOD: Yes.

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MS. LUCAS-MOORE: It is. Ok. Has it been hooked up more than 30 days?

MR. MACLEOD: Not consecutively.

CHAIR TURNER: I'm sorry, not what?

MR. MACLEOD: Not consecutively.

CHAIR TURNER: So, can you define that a little better?

MR. MACLEOD: I think what the code says is you can't reside in a temporary residence for more than 27 days out of the month. So out of a month I can not stay there 30 days consecutively. I can stay there under 30

CHAIR TURNER: So, you're saying that you may stay in the camper every once in a while with the dog. But not more than 30 days. The owner of it disconnects the water and the sewer to fall into compliance.

MR. STRANGE: Is it movable?

MR. MACLEOD: That's another thing, the definition of easily movable is defined in the regulations, I heard you all read it all, is that the dry weight be under the 3,000 lbs. I've got a single wide that was behind the and I took a picture of the tag on it, 12,000 lbs. The camper dry and I don't have a vehicle that could move that camper, if you see in the pictures, there's no license plate on that camper. It does not go on the highway. It doesn't go on the road period.

CHAIR TURNER: Is it owned by you Sir? The camper in question, do you own it?

MR. MCDOLE: Is ownership relevant Sir?

CHAIR TURNER: Its relevant in anything else we've heard today. I don't mean any disrespect.

MR. MCDOLE: The finance company owns it.

CHAIR TURNER: The finance company owns it. So, you make payments on it. Not that it matters, you can say it's yours. It's not your business. Thank you, Sir. The board would like to speak to the inspector.

DAVID MOON: Gilbert Sanchez.

CHAIR TURNER: Mr. Sanchez you've heard what they've said. That you complained about things, you want to address any of that?

GILBERT SANCHEZ: Specifically, the conversation that I had with him about the phone calls are absolutely true. I did get a lot of phone calls from Mrs. Fuse. I do get a lot of phone calls from a lot of people. That's part of my job. That's something that I did convey to him.

CHAIR TURNER: You're pretty much the ripping poach for the county.

GILBERT SANCHEZ: That's what I do, that's my job. I told him that, ok that's true, yes Sir. As far as him not having a hearing, there absolutely was a hearing. In fact, on the complaint notice of hearing it does say that a hearing will be scheduled before the hearing officer at the Department of Inspections.

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CHAIR TURNER: You were at that hearing?

GILBERT SANCHEZ: I am the hearing officer.

CHAIR TURNER: Was anyone else there?

GILBERT SANCHEZ: No, it was just myself and Mr. McDole.

CHAIR TURNER: Ok so that was the hearing you referred to?

GILBERT SANCHEZ: Yes Sir.

CHAIR TURNER: Ok.

GILBERT SANCHEZ: As far as the compliance for the mobile home it still whether we use dry weight on this thing, the mobile home does not minimum housing standards. There's been multiple

DAVID MOON: You mean camper?

GILBERT SANCHEZ: Camper. Camper, I'm sorry. RV semantics whatever you want to say. It doesn't meet the standards for minimum housing. Minimum housing the electrical standards are not up to par for standard for minimum housing. The exit standards are not, and it does not qualify as a dwelling. It does not meet the standards of a dwelling.

CHAIR TURNER: It's safe just to clarify that the structure was built as a camper and it's obviously a very nice camper. But it was not built to the standards that you build a home.

GIBERT SANCHEZ: That's what I'm trying to say. A dwelling was built to meet certain standards for temporary, for a dwelling. Standards for a dwelling. And the camper does not meet those standards.

CHAIR TURNER: I guess no camper would, is that what you're saying?

GILBERT SANCHEZ: Not to my knowledge, no. I'm not an expert on campers.

CHAIR TURNER: Anybody have any questions?

MR. STRANGE: Just a couple of quick questions. Mr. Sanchez have you inspected the electrical system?

CHAIR TURNER: Can you clarify what you mean by the electricals.

MR. STRANGE: Your Honor, he just stated that the electrical system is not up to standards. I'm just asking Mr. Sanchez if he has inspected the electrical system? That's all I'm asking.

CHAIR TURNER: I guess the question would be which part of the electricals, the line coming in or those in the camper?

MR. STRANGE: The part that he just said is not up to standards. Because he has said the whole electrical system is out of standard. So, I'm just asking has Mr. Sanchez inspected the electrical system?

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GILBERT SANCHEZ: According to the electrical standards in section 4-76 that, I can read it if you like. Every dwelling and dwelling unit shall be wired for electrical lights and convenience receptacles. Every habitable room shall contain at least two floor or wall-type electric convenience receptacles installed in accordance with the state building code. In part, the camper does not meet the electrical standard.

MR. STRANGE: Have you inspected the electrical system? I understand what the code says.

GILBERT SANCHEZ: No Sir.

MR. STRANGE: Ok, thank you. Have you inspected the plumbing system?

GILBERT SANCHEZ: No Sir.

MR. STRANGE: Have you measured the interior of the trailer?

GILBERT SANCHEZ: I've not been given the opportunity to do so.

MR. STRANGE: So, you have not done any of those things that you say fail to meet standard?

GILBERT SANCHEZ: That's correct.

MR. STRANGE: Thank you.

CHAIR TURNER: Would you be qualified to do an electrical inspection on it.

GILBERT SANCHEZ: Based on the minimum housing ordinance I'm qualified to identify up to

CHAIR TURNER: But you're not an electrical inspector?

GILBERT SANCHEZ: No Sir.

CHAIR TURNER: Nor plumbing, you're not a plumbing inspector either?

GILBERT SANCHEZ: No Sir. We don't address those in the electrical code and in the plumbing code. We look for obvious minimum housing violations.

MR. DAVIS: You're talking a violation for a dwelling, a minimum dwelling. So, in other words when you say that it does not meet in that material that was sent out it said that the door if it's going to be a dwelling, it has to be 6/9 and 36 in. wide. Mobile home places is not 6/9 and 36 in wide?

GILBERT SANCHEZ: No, its not.

CHAIR TURNER: And this is a camper.

MR. DAVIS: I'm saying that's what he had on his facts. He said it didn't show the facts. He said that the door didn't. He said if you have a dwelling, it has to have, it need to attach to a pole, not something hanging down from the wall,

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right? You can see whether or not there is a meter attached to a pole or wall where electricity comes in and you got a breaker that would cut off in case of a power surge?

GILBERT SANCHEZ: Yes Sir.

MR. DAVIS: And from the pictures you showed us, it didn't show that did it? You don't have to be an electrical inspector to see that some things are not up to code. You can see it just by looking, that it's not up to code for a house.

GILBERT SANCHEZ: That's correct.

MR. DAVIS: And the same is for a sewer. If it's a dwelling you have to have a certain type certain run. But if it's a mobile home, it does not? And you can see that when a new one put on there and see the way it's attached something that's existing and not a separate run.

GIBERT SANCHEZ: I don't need to inspect septic tanks or be an environmental health expert to see that something is hooked to a septic tank.

MR. DAVIS: Some of the pictures these things are not..

GILBERT SANCHEZ: I don't need to be an electrician to see that power is being run from a camper to a box or that hose is being run from a house to a camper or RV.

CHAIR TURNER: Did you want to add anything Sir?

GILBERT SANCHEZ: No Sir.

CHAIR TURNER: No other questions?

MS. AMOS: Can you tell me are you calling this a recreational vehicle, camper, what is it that you're defining this?

GILBERT SANCHEZ: It's a recreational vehicle, it's a camper, it's a trailer, it's falls under any of those things to my knowledge.

MS. AMOS: Ok, but we're going to say recreational vehicle. Ok, there is a, from Mr. Sanchez here, it says DMV stated it is legally nonoperational. Do you know how DMV has this vehicle registered and taxed?

GILBERT SANCHEZ: I have no idea.

MS. AMOS: You have no idea? Ok. I would like to get the answer for that question if I have to ask

CHAIR TURNER: Well, if I could say and I don't know this, correct me if I'm wrong, the owner says he's making payments to a financial or I said making payments. And he said it belonged to a finance company so there's likely to be financed in the same way you'd finance a motorcycle or a boat or something like that. And there probably is a title to it.

MS. AMOS: And I wonder how they had it categorized.

CHAIR TURNER: I would expect as a camper but

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GILBERT SANCHEZ: This is just my take. If it were me and somebody sent me a notice of violation

MR. STRANGE: Objection.

GILBERT SANCHEZ: About something on my property, I think that I would do anything that I could to make sure

CHAIR TURNER: That's not relevant here. That really doesn't address anything. Mr. Attorney you want to add anything, or we can go on?

MR. STRANGE: We have nothing further. If I could just be heard for closing.

CHAIR TURNER: I'm pretty much there, let's hear it.

MR. STRANGE: Mr. Moon would have the

MR. HASTY: Typically, the

CHAIR TURNER: David you want to tell us? I don't want anybody here to think that they can't say anything so everybody's going to get a chance again to speak. We might've heard from two of the gentlemen here

DAVID MOON: Based on the evidence and testimony submitted this evening by professional code enforcement staff for the county, inspectors for the county, that there are two violations that deems of credence on this property. One that the camper which at best, temporary dwelling, temporary human occupancy that has been fronting as a permanent dwelling. Second as presented this evening, the slides and the staff report that the camper does not meet minimum housing standards for a dwelling. And the intent of the occupation of the dwelling is as a permanent dwelling thus it doesn't meet the minimum housing code for a permanent housing structure. So that information was presented to you. Some of the items related to minimum housing code such as water connection, I think it's clear it's not consistent with the code, because the code does not address a garden hose connected to a dwelling structure. So based on the exhibits presented to the Housing Appeal Board, Board of Adjustment, the staff stands by its case based on the violations issued to Mr. McDole and the information presented this evening. Thank you.

CHAIR TURNER: Any of the board members have a question of Mr. Moon? Mr. Attorney would you like to stand up?

MR. STRANGE: Thanks. I know that this is a new function of this board, that's what I understand. Is that the citing of these minimum housing cases is a new function of this board.

CHAIR TURNER: Just to clarify that, I've been on this board off and on since the early 90's and also when the city had a Board of Adjustments, which I pushed diligently and got eliminated. I'm the reason they don't have it. So, I been through a number of these before. This is new as far as these board members. We had some training and a conversation that didn't apply to this specific case for a few minutes before hand in case there were any questions.

MR. STRANGE: It's just my understanding in speaking with Mr. Hasty that this is a new function of the board, so I apologize if I misunderstood. What we are here to do as far as what's called a quasi-judicial panel. And I not going to try to get too literal here. But we are genuinely looking at here is what are called due process rights and whether or not Mr. McDole's due process rights have been afforded. You can ask Mr. Hasty, basically what that means is that

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you have to be given notice of the violation and an opportunity to be heard, Ok. And so, I have submitted to you what has been called movant Exhibit 1, and I will need to mark those again in a minute. And I believe you all already had it. But in that exhibit that was the initial notice of the violation. This is that notice that's required by due process. In that original violation it has two violations listed. The first one is not even a violation because it's not in the code. The first one says that you can't inhabit an outbuilding or appurtenant building. That's not in the code. I will submit to you that if you search the code for the word appurtenant you will find it one time. So, the first issue that we have is that when he's given a notice of a violation, the violation itself doesn't even exist, it's just kind of made up. And we come back after the fact, we come back after the fact, and we say well here are the violations. The violations that we have listed here are never alleged by the county. What these violations are are actually what Mr. McDole listed in his appeal. And it's important to understand that what Mr. McDole has to defend himself against is what he was given notice of in that initial violation. And again, I believe you all had your independent copies, but you will see what the violations there were. And so, what we have to consider here is whether or not there's been a violation of the minimum housing code. We have to figure out what part of the code applies. Did he specifically alleged to have violated section 71 by having someone live in an outbuilding or appurtenant building? There's been no evidence of an outbuilding or appurtenant building and more importantly that's not in the code. Number two, he's been alleged to have violated 4-67 which is the definition section. And this is where we start getting into the semantics of whether or not it's a dwelling, or a temporary dwelling, or a temporary whatever. Those definitions are critically important to this process because the only thing that a person, a citizen, can be found responsible for is something that they've given notice of. What I will tell you all is that the county has tried to change their wording of things and then to make Mr. McDole responsible for that. That's the problem. That's the due process that we're here to protect. Has the county done its job, that's it? Now Mr. Sanchez says this is not a dwelling. And if it's not a dwelling, what is it? Well, he says it's temporary. The definition of temporary says that it must be removable. That's in the definition, you all have that in front of you. We have evidence that there are no tires on the vehicle. It's clearly been pinned to the ground. It's immovable. It's hooked up temporarily to the utilities so that it can be used as a religious sanctuary. No one is living inside the house, or inside the trailer, or inside the camper, or whatever we want to call it. We seen somebody go in and we seen somebody come out. Mr. MacLeod is the person they say lives there. Mr. MacLeod has told you all he has a room inside the house that he stays in when he's not staying with his girlfriend. So, do we have something that's being habitated? Is it being used as a dwelling? Is it a dwelling? That's the responsibility of this board to make a determination on. Was Mr. McDole given the proper notice of a violation. I submit to you that he is not. Because the violation they've alleged is not in the code. This would be like trying to hold you accountable for a law that they made up just because they had to do something. Mr. Sanchez told you all he was getting so many phone calls. Mr. McDole told you all he told me he had to do something. What did he have to do? He had to do a violation. He comes up here and tells him unhook your hose. So, he unhooked the hose. He did what he was told to do. But this is not something that he's trying to take advantage of people. This is not something that's he's trying to take advantage of the county. This is something that is being used as a temporary respite and nothing more. And that's the purpose of this board to ask yourselves has the county done its job of providing Mr. McDole of notice of what they say that he's done wrong? Have they done it looking at the documents out in front of you? And if they haven't, then you have to find that this appeal must be granted in the movant in the request of the county and the code enforcement be denied. I really appreciate you all's time. I'm not trying to smooth talk you or anything like that, that's not what it's about. This is about protecting the very fundamental rights that makes us American citizens, requiring the government to do its job. Thank you all.

CHAIR TURNER: Ok. One of the things our board has to do is listen to long testimony and different opinions from those who come before us and then simplify it into something that's really understandable. And I don't know why I told you that, except that we've heard an awful lot tonight and we have to kind of separate what matters and what doesn't. Marva and I are in the real estate business, and we get a lot of phone calls so what's the, I don't think the phone call issue means anything to me. There was a lot of stuff that was said tonight that don't mean anything to me. Does the board get any questions of anyone here, the owner?

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MR. DAVIS: I have a question.

CHAIR TURNER: Who are you directing the question to?

MR. DAVIS: To anyone who has an answer.

CHAIR TURNER: Anyone as far as either side?

MR. DAVIS: Any witness or anyone who said anything tonight who feel like they know the answer to this. We keep saying words matter. And then we keep saying what someone says and then we say look at the documents. When people ask questions when they testify, when they speak before people, they say different words. They say trailer, they say vehicle, they say house they say dwelling. But when a paper was sent out, I believe that's what you go by. When you taking in information. And when I read this, it says dwelling, it's sent from his office. So, if he say its not a dwelling it was asked was it a trailer, was it a house, was somebody living in it. And then he said well it's not a dwelling. I think he meant it was not a house. It's not a house of lack of a minimum house, I think is what he meant because the paperwork everything he said said this, and it listed the offenses. So, it's not whether he said the offenses, it's on here what the violations were. So, the violations were listed. So, he couldn't say they were listed they didn't tell you. So, what I'm thinking so I can read. I think when you get this information, I'm supposed to take that I read, not what someone said unless they say the words on the paper don't meet

CHAIR TURNER: What is the question you're asking them?

MR. DAVIS: The question is when you sum up information and you say certain things, do what you say override what's written on the paper?

CHAIR TURNER: Well, I don't know that we have an answer to that or if somebody would like to answer it. But I think it's been acknowledged by both parties that this document was sent out. This document specifies everything that you've just said, and he said he got it. And we all acknowledge that he got it. And he said there was a hearing that there wasn't a hearing. But the hearing was held, and you had the hearing with him. This is where the semantics come in.

MR. DAVIS: When he summed it up, he said will not dwell

CHAIR TURNER: The term dwelling is used in general terms. And it also is used, if you'll read this, it actually says it doesn't really matter if it's occupied if it's held out for use of occupancy. Which means its set up whether you do it or not. Go head Sir.

MR. STRANGE: And what I would say to you is this, is that ultimately, as what we would call the trio fact, which is what you all are, each one of you is a member of the trio fact. It is ultimately up to you to make the decision what is more important to you as an individual. Whether it's the written document or the testimony that was in court. But what I would submit in this hearing, what I would submit to you though is that it's important to look at the whole document. And to look at the specific violations that are listed at the end of that document. And those violations are not actually in the code. And that's what's important here is that they weren't given notice of a violation that's actually in the code. So, if we all admit that they received that, that Mr. McDole received that document then we have to say that this document is true. Then we have to look at what violations he was given and compare that to the code and see that it's not in the code. And if it's not in the code then it can't be something he's held accountable for.

Amy H. Cannon
County Manager

Tracy Jackson
Assistant County Manager



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CHAIR TURNER: I'm not sure that this board is here to do that. What we're here to determine is is there some fundamental reason why the county inspector was in error when he did what he did based on his determination.

MS. LUCAS-MOORE: I have a question this is probably for someone with the county. As far as hooking up water, power, or even to the septic tank, if its temporary are permits required?

DAVID MOON: I would ask our Code Enforcement Manager to address that question, Scott.

CHAIR TURNER: Do we need permits to hook this up temporarily? And what is classed as temporary?

SCOTT WALTERS: Well, if you're going by the definition that's in the minimum housing ordinance then 30 days is the magic number but no it wouldn't be required to have permits. So, if I have an RV, which I do, and it sits in my front yard, which it does, and at times I hook things up to it, power and some water at times then I can do that, and I'm allowed to do that. And there's no permit required to do that. But the continuance of that pass that period of 30 days is where we come into to a problem. Obviously, they're stating that you're not allowed to have somebody living in it throughout a period longer than 30 days. Because then it becomes a permanent structure by the definition that's written in the minimum housing code. So, I think that's where we're at with this case.

CHAIR TURNER: So, the answer there is that no permit was needed to hook it up temporarily. Would you like to address that Mr. Attorney?

MR. STRANGE: No, I think that that's what the law says.

CHAIR TURNER: Ok. Thank you.

MS. LUCAS-MOORE: So, if there's a break in the 30 days, I hook it up for 17 days and I take a break for 3 days and I turn and hook it back up that's still not considered temporary?

SCOTT WALTERS: What I would say is I don't believe that definition as its written is very descriptive in that manner. So, it could be argued that if it was disconnected for periods of time that it would be viewed as temporary beyond that.

MS. LUCAS-MOORE: Thank you.

CHAIR TURNER: Mr. McDole she has a question if you could come up to the mic. Thank you, Sir you're still sworn in.

MR. MCDOLE: Yes Sir.

MS. AMOS: Mr. McDole you stated that you use the camper for church services.

MR. MCDOLE: No Ma'am I did not.

MS. AMOS: Oh, ok I thought you said you use it for religious services.

MR. MCDOLE: I said religious readings.

MS. AMOS: Oh, religious readings. Can you tell me what that is, the religious readings?

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MR. MCDOLE: No Ma'am I don't desire to.

MS. AMOS: Oh ok.

CHAIR TURNER: Thank you Sir. Anybody else have anything? One last chance, you want to add something. If there is nothing else, everybody's done. I just closed the public hearing, and we'll open it for discussion.

Chair turner closed public comments

CHAIR TURNER: What do you think Sir?

MR. DAVIS: What do I think in regards to...

CHAIR TURNER: Well, the question here is should we modify this? Should we accept what the inspector has said? Or should we overturn it? How should we address this? Did you find any errors in any of this?

MR. DAVIS: I didn't find any errors in what was, I didn't take in any information that would draw me to a conclusion different than was made.

CHAIR TURNER: What the inspector had?

MR. DAVIS: Right.

CHAIR TURNER: So, you're basically saying you're in favor of upholding?

MR. DAVIS: Yes.

CHAIR TURNER: How about you, what do you think?

MR. LONG: I'm in favor of upholding as well. I think clearly this thing has pictures of brake lights, turn signals, it has axles. You don't weigh a house. It's plugged in. You don't plug the power into your house with an electrical cord. To me, that meets every definition of designed to be transportable. So, for me, the only question is does he live there? He's admitted that he sleeps there up to 27 days. He's in and out

CHAIR TURNER: 17 days.

MR. LONG: 17 days, I apologize. And it sounds like because there is electrical and because there is water, and because it is connected to the sewer, he's using the sink, going to the bathroom, using the lights, using all those things he's treating it just like I would a room in my house. I could almost by this definition say I don't live in my bedroom if I sleep on the couch a couple nights a week. Or I have to travel for work. I could say I don't live there by that definition. But I clearly live there. He's in my opinion, treating it as a livingness house and on my opinion, I would uphold the staff's conclusion.

CHAIR TURNER: Marva.

MS. LUCAS-MOORE: I agree. I uphold the staff's decision. I just believe based on the statue it looks like it does not meet the minimum housing code.

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MS. AMOS: I uphold it also.

CHAIR TURNER: One of the things that I had noticed is that if you read 4-71 it doesn't actually say it has to have human habitation but that it is actually held out as human habitation. Which means you don't have to go in, but it's set up to make use for that. That's how I determined that. So, is there a motion on the floor?

Mr. Long made a motion to uphold staff's decision. Ms. Amos seconded the motion. Motion passed unanimously.

	IN FAVOR
TURNER	YES
LONG	YES
AMOS	YES
DAVIS	YES
LUCAS-MOORE	YES

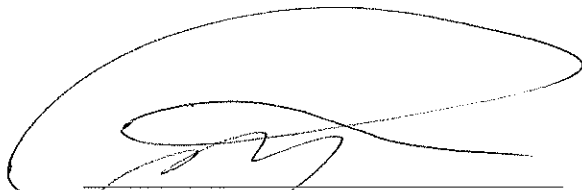
11. DISCUSSION/UPDATE(S)

There were none


Ms. Marva Lucas-Moore made a motion to adjourn. Chair Turner seconded the motion. The motion passed unanimously.

	IN FAVOR
TURNER	YES
LONG	YES
AMOS	YES
DAVIS	YES
LUCAS-MOORE	YES

Meeting adjourned at 8:14pm.



Greg Parks, Vice-Chairman



Nikia Charles, Senior Admin. Support Spec.