Sally Shutt Assistant County Manager



Rawls Howard Director

David Moon Deputy Director

Board of Adjustment

MINUTES March 16, 2023 6:00 PM

Members Present

Linda Amos-Vice Chair Vickie Mullins Marva Lucas-Moore Absent Members Gregory Parks-Chair Robert Davis **Staff/Others Present**

David Moon Chris Portman Cherice Hill Robert Hasty (Asst County Attorney)

Alternate Members in Attendance

Gary Silverman-Alt Kevin Turner-Alt Donald Brooks Brenee Orozco

Chair Amos called the meeting to order at 6:01 p.m. in Public Hearing Room #3 of the Historic Courthouse.

1. INVOCATION

Chair Amos read the invocation.

PLEDGE OF ALLEGIANCE

Recited by all.

Vice Chair Amos stated that before we start tonight's meeting, I would like to get the procedural matters out of the way. Please turn off all cell phones and any other electronic devises. If asked to speak at the podium, please speak clear and into the microphone as this meeting is being recorded. To any speaker addressing the Board, we ask that speakers do not repeat what has previously been stated. If someone says what you intended to state and you have no new evidence to offer, please only make the Board aware that you agree with the previous speakers. If any Board member wishes to speak or ask a question, please ask to be recognized by the chair before speaking. Now we may begin the roll call.

2. ROLL CALL

Mr. Moon called the roll. Mr. Moon made note of the absence of Mr. Robert Davis and Chair Gregory Parks. Mr. Moon introduced the new BOA Alternate members appointed by the Board of County of County Commissioners: Mr. Donald Brooks and Ms. Brenee Orozco. Mr. Moon also made note that Ms. Jovan



Rawls Howard Director

David Moon Deputy Director

Board of Adjustment

Bowser also a newly appointed BOA Alternate was not in attendance. Mr. Moon stated we do have a quorum.

SWEAR IN OF STAFF

Chair Amos swore in staff Christopher Portman and David Moon.

Notary Carol Post swore in new Alternate BOA members Mr. Donald Books and Ms. Brenee Orozco.

3. ADJUSTMENTS TO THE AGENDA

There were none.

4. APPROVAL OF THE October 20, 2022, MINUTES

Mr. Kenneth Turner made a motion to approve the delay of January 19th, 2023, Minutes until April 2023, seconded by Ms. Vivian Mullins. All in favor.

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

There were none.

6. PUBLIC HEARING DEFERRALS/WITHDRAWALS

There were none.

7. POLICY STATEMENT REGARDING APPEAL PROCESS:

Mr. Moon read the policy statement.

8. PUBLIC HEARING(S)

Chair Amos read:

BOA-2023-0001: Consideration of a Special Use Permit to allow a Daycare in an R6A Residential District on 1.78 +/- acres, located at 2665 John Smith Road; submitted by Folorunsho Nicholas Omogbehin (applicant) on behalf of The Redeemed Christian Church of God (owners).

David Moon

I'm David Moon, Deputy Director of Planning and Inspections Department. Behind me is Chris Portman. He is a planner in the same Department. I will give a discussion of the proceedings of the hearing and when we reach the site plan. Mr. Portman will give a presentation on what the applicant is proposing. The general location of the property is to the northeast of Hope Mills and to the South of the City of

Sally Shutt Assistant County Manager



Rawls Howard Director

David Moon Deputy Director

Board of Adjustment

Fayetteville. The applicant is the Redeemed Christian Church of God House of Grace Parish. The agent is Pastor Folorunsho Omogbehin, excuse my pronunciation. The request by the applicant and the agent is for a special use permit for a daycare business in a R6A residential zoning district and the intent is for a child daycare center. Proposed site has acreage of 1.7 acres. This is the general site plan that Chris will be presenting here shortly, the larger building is the Church; in the back of the site is the proposed daycare location. Now under the County's zoning code as you see here the arrow points to a special use requirement for a daycare facility located in the R6A residential zoning district, so the day care requires the Board of Adjustment to approve a special use on this property in conjunction with a special use permit that would be issued by staff. What is a special use? I am going to go into a little more detail as some of the members are new. Special use are those uses which a permit is required for the proposed activities with our essentially compatible with other uses or activities normally permitted in a zoning district which presents unique challenges or possess unique characteristics for qualities that require a more comprehensive review at a public hearing by the Board of Adjustments and which may be allowed only after the findings of fact and the imposition of reasonable condition. Opposed use is a daycare facility the code defines that or as a building or growing regularly used for recreation or supervisory care of 9 or more persons not including the operator 's own family this take the site does not involve a residential use there's a Church on the property it does not matter where it is located whether the same or different person attend or whether it's not whether or not it's operated for profit. So, the request by the applicant meets the request for a child daycare facility child daycare facility. Child daycare facilities are subject to additional standards within the zoning code, those that I presented before you here on this slide. I won't go through them in detail, but they are placed under a more stringent standard than other developments within that residential zoning district. Chris will address some of these during his presentation on the site plan. These are additional standards including that there has to be a sufficient paved driveway to accommodate at least two motor vehicles at the same time for the purpose of loading and unloading passengers in addition to the off-street parking areas. The code does not require that the parking lot has to be paved. That is something that the Board can consider if it wants to for safety purposes, but the parking does not have to be paved with the exception of what's called accessible parking. The Board of Adjustment when considering the request for the daycare special use has to address four criteria in your decision to approve, deny or approve with conditions. One is the request will not endanger the public health or safety if located according to the plan submitted and proposed. The use meets all required conditions and specifications. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity. Last the location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and is in general conformity with the Cumberland County's most recent Comprehensive Land Use Plan. Either a comprehensive or detailed area plan. Finally, as I mentioned, the Board has the authority to approve, deny or approve with conditions. You [the Board] are the final action. Any appeal goes to the Superior Court. So, in granting this approval you have those three options to consider. This is the location of the subject property the 1.7 acres are



Rawls Howard Director

David Moon Deputy Director

Board of Adjustment

primarily surrounded by single family residential, single family residential neighborhoods, manufactured homes or undeveloped wooded lands. The property is zoned like I said R6A, and the surrounding area is primarily zoned R6A with some park and nearby commercial zoned property. The soil conditions on the property are suitable for development. There are no hydric or hydric inclusion soils on the site. There are water lines in front of the property, however, there are no public sewer lines nearby. This would require the daycare to receive a septic system approval from the County's Environment Health Department. Terms of the future land use is medium density, and the proposed daycare is consistent with the Southwest Cumberland Land Use Plan. In terms of the site, this is the site from across the street. This is the North view along John Smith Road where it is located. The West view from across the street, the South view, and then we get into the special use site plan. These plans are required as part of the special use application. Again, they have to comply with the special conditions outlined in that Section 906. So, I'll turn the floor over to Chris and he can walk through the site plan and the requirements that the plan had to meet.

Chris Portman

My name is Chris Portman I am one of the Planners in Current Planning. From this site plan submitted, here to this corner is the existing modular building, that is where they are proposing the daycare.

Gary Silverman Which building again?

Chris Portman

Right here, right where the pointer is. Right here is there drain field for the septic tank for this building. You can see right here outlined that is the 45 by 60 proposed playground that is going to be fenced in per sections 906. Here is the driveway that houses the church parking as well as the daycare. I going to read section 906 as well. For daycare facilities located within any residential and architectural zoning districts the following must be complied with. 1) the minimum lot size shall be 20,000 feet. This lot is 1.76 acres which is equivalent to 77,536 square feet. 2) the minimum required set back shall be as follows; the front yard must be 30 feet from any public or private street. The rear yard set back is 35 feet. The side yard set back is 20 feet. And if it's located on a corner lot, they should provide a minimum of 30 feet from both streets. The proposed building in the rear for the daycare as shown from the plan is following the required setbacks. Number 3) the subject property must abut and have direct access to a major or minor thoroughfare or a higher street classification as identified in the highway plan for all daycare facilities located within residential districts. This project is on John Smith Road, also known as State Road 1135, which is s a 60-foot public right-of-way). The site plan shows a minimum of two off street parking spaces plus one off street parking space for each employee shall be provided. Off street parking shall be provided in accordance with the standards of article 12. The church building has a maximum capacity of 105 persons which requires a minimum of 21 parking spaces. Per the plan provided they are proposing 37; 36 with one accessible space. Parking for the daycare will be in conjunction with the church parking lot. Sufficient land area remains for the vehicle parking after the



Rawls Howard Director

David Moon Deputy Director

Board of Adjustment

daycare is created and before the church can use the park for daycare all applicable permits must obtained by the department of health and other state agencies. D) There shall be sufficient paved driveway to accommodate at least 2 motor vehicles at one time for the purpose of unloading and loading passengers in addition to any off-street parking. The plan currently states soil parking lot so they will be required to upgrade the driveway to the daycare to be paved. E) all children's play area should be enclosed with at least a 4ft high fence and located only in the side and or rear yards provided that the yards are not adjacent to a street. The horizonal vertical spacing in the fence should be a maximum of 4 inches and the minimum fence must comply with the guide opening limitations for spacing established the most currently adopted North Carolina state building code. The applicant is proposing a 45 by 60 ft playground area south of the proposed daycare at the rear of the property. It is also under section B number 4 of the condition sheet that the fence be a minimum of 4ft height enclosing the playground.

Gary Silverman Can you point that play area again?

<u>Chris Portman</u> It is right there, the little box right there.

Kenneth Turner The septic drain field, is that going to be running under apart of the parking lot?

Chris Portman

there are proposing here a hammerhead turnaround. I do not believe that is required for the parking lot. Unless is required from the Fire Marshall.

David Moon

Mr. Turner, the department of Environmental Health will make a determination of what can occur within the drainage field. I do know if they will allow the children's play area within the drainage field or whether they will allow the parking or the turnaround over the drainage field. Ultimately, that will be determined by the Environmental Health department.

Kenneth Turner

The reason I said that is because I was actually with an Environment Health guy today and he specifically said do not have anything, any equipment, cars, bulldozers on top of drain fields. So that was what prompted that question.

David Moon

Okay, well as part of our review process we do distribute the site plan to various agencies including the Department of Health so they may not have caught it at this point, but they will make that final determination when they apply for the septic system permit with the Environmental Health. If they have



Rawls Howard Director

David Moon Deputy Director

Board of Adjustment

to move the drainage field, then they will have to come back and modify their final site plan with location of the drainage field.

<u>Kenneth Turner</u> Yeah, and I just doing that because I want them to have no issues moving forward.

David. Moon Does that conclude your presentation, Chris?

<u>Chris Portman</u> Yes.

David Moon

To wrap up the staff presentation, the applicate has asked that the driveway leading to the daycare be a soil material. The code for daycare requires that it has to be paved at a width that can accommodates two vehicles that would pass each other. The Board would have to approve that as a condition waiving that requirement for the paved drive around. From a public safety standpoint, I will have to point out that the Fire Marshalls office may want stabilized surface going from roadway back to the daycare in the event that they have to provide emergency service to that daycare facility. So, take that into consideration if you choose to take motion to waive that after the applicant has given their presentation or try to demonstrate they have a hardship for waiving the paved driveway requirements. With that that concludes staff presentation. There are four key conditions that are placed within the special use permit drift permit that is a part of your package. Those conditions are that the paved drive aisles must be constructed prior to operating the daycare facility it has to be paved. All of the necessary permits from the Health Department including the Environmental Health Division must be obtained prior to operating the daycare. They must submit a final site plan. They can't construct off the site plan you saw this evening. That's called a special use site plan, they will need to submit a final site plan to Current Planning for final approval. And this permit, if approved, and issued by staff will expire in two years from the date of the BOA approval unless the owner has obtained a site plan by the Current Planning section. If that plan should expire at that point, then the special use permit will expire. Again, the Board is to take action on those four criteria that I presented earlier, if you have any questions regarding the procedures, you can ask my self or the Assistant County Attorney Mr. Hastings.

Gary Silverman

I have a question, on the paved driveway issues that you just mentioned, correct me if I am wrong, I believe you said the Fire Marshall may want paved drive all the way back to the daycare center.

David Moon Correct.

Sally Shutt Assistant County Manager



Rawls Howard Director

David Moon Deputy Director

Board of Adjustment

Gary Silverman

So, when you said the Fire Marshall may want that, are you saying that is not a fixed criteria to have it paved? Is it at the discretion of the Fire Marshall?

David Moon

Yes, suppositively the state code that he follows would supersede the Board of Adjustment. If the state code does not apply then it falls back to the Fire Marshalls requirement, then it comes down to a decision whether the applicant has demonstrated a hardship for waiving the paved requirement.

<u>Gary Silverman</u> But at this point it could be a firm requirement under the state requirement.

<u>David Moon</u> That is my interpretation. Yes.

Gary Silverman But we are not sure yet?

David Moon

Correct because it hasn't gone through a detailed review of a final site plan. There may be other materials that the Fire Marshall can approve other than pavement. It could be gravel or crushed material. I do know that if the standards do apply in this situation, that is has to be able to support a 75,000-pound vehicle.

Gary Silverman Is that entire driveway from the street all the way back currently not paved?

David Moon

That is my understanding, based onsSite plan submitted by the applicant as well as staff site visit that you saw on the plans here.

Gary. Silverman I see, I see.

David Moon You see that there is the driveway going back.

Gary Silverman Yes, I see.

Sally Shutt Assistant County Manager



Rawls Howard Director

David Moon Deputy Director

Board of Adjustment

<u>Chair Amos</u> Mr. Brooks do you have a question?

Donald Brooks

Yes, I have a question. How long is the driveway, do we know how long it is to road from the structure?

David Moon

Chris? Do you know? The applicant, when you ask him to come to the podium and swear in can address that.

<u>Char Amos</u> Okay

Mr. Donald Brooks

And my other question is, the driveway can it be a combination? For example, if it's concrete can it be the first 25 feet can be sod and the last feet be concrete? Or can it all be the same material?

David Moon I think the intent of the code is all of nothing. That it goes from the street to the daycare parking.

Robert Hasty

Mr. Brooks again those are excellent questions, but typically the 5 members who are on the panel and you will be up here from time to time will here the case and have questions.

David Moon

Is there any more questions from the dais? That concludes staff presentation. If you want to open up the public hearing, we have one speaking that is signed in we have one speaking that is signed in Helen Anyagaugbo signed up to speak in favor. No others have signed up to speak but that's up to you Chair if want to allow others to speak who have not signed in.

<u>Chair Amos</u> Right now, you only have one speaker?

<u>David Moon</u> Correct

Chair Amos

Okay, alright the Hearing is open if you would like to address the Board you can proceed to be .

David Moon

Calling Helen Anyagaugbo to speak.

Sally Shutt Assistant County Manager



Rawls Howard Director

David Moon Deputy Director

Board of Adjustment

<u>Chair Amos</u> Would you like to be sworn in or affirmed?

<u>Helen Anyagaugbo</u> I just need to talk about the site. I'll do.

Chair Amos

Raise your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth so help you God?

<u>Helen Anyagaugbo</u> Yes

<u>Chair Amos</u> Okay, please state your name and address for the record.

Helen Anyagaugbo Helen Anyagaugbo

<u>Chair Amos</u> She might need the spelling.

David Moon She's signed in so we have the spelling.

Helen Anyagaugbo

Of my name? A N Y A G A U G B O. 169 River Way Cameron 28326. Thank you for allowing me to speak, I am a member of the church, and we are here to speak to the Board to allow us to have a daycare where we can keep our kids and it will be safe for them and also we create jobs for people also. And that's all I have to say.

Chair Amos

Would you like to address the pavement issue? Would you like to address the pavement to the driveway?

<u>Helen Anyagaugbo</u> From what he say? The pavement. From my understanding, ok

Folorunsho Omogbehin I am the applicant

> Historic Cumberland County Courthouse | 130 Gillespie Street | P.O. Box 1829 Fayetteville, North Carolina 28301 | Phone: 910-678-7600 | Fax: 910-678-7631

cumberlandcountync.gov

Sally Shutt Assistant County Manager



Rawls Howard Director

David Moon Deputy Director

Board of Adjustment

<u>Chair Amos</u> You have to come up to have your turn to speak

David Moon Have you completed her testimony?

<u>Chair Amos</u> Do you have anymore testimony?

<u>Helen Anyagaugbo</u> I just want to support the movement that we need a daycare.

<u>Chair Amos</u> Alright, thank you. And would you like to be sworn in or affirmed?

<u>Folorunsho Omogbehin</u> Yes mam

<u>Chair Amos</u> Can you raise your right hand and place your left hand on the Bible? Do you swear to tell the truth, the whole truth and nothing but the truth so help you God?

<u>Folorunsho Omogbehin</u> I do.

<u>Chari Amos</u> Okay so please state your name and address for the record.

Folorunsho Omogbehin

Pastor Folorunsho Nicholas Omogbehin I am the Pastor of the Church and also the applicant. Because of the uniqueness of my name, which is the last name, my comrades in arms in the last 13 years in US Special Military forces simply call me OMG because they couldn't figure out the name for 13 years so I would allow the Board if they cannot pronounce my last name just abbreviate it to OMG. I want to that the Chair lady, the Chairwoman of the Board, and the honorable members for the opportunity to allow us the ability to have a daycare center for the church. The reason is very obvious, very simply, we have young mothers, single mothers in the condition that has not been able to avoid the high day care prices and one of them has been on DSS within at least for the last 16 months. So the church demonstrates that we have enough space to accommodate a daycare and that the reason that we applied. Before I address the question raised by the new Board member, I just want to reiterate what the Cumberland County permitting official has already informed the Board. There are four requirements that we need to

Sally Shutt Assistant County Manager



Rawls Howard Director

David Moon Deputy Director

Board of Adjustment

meet and from the presentation we met those requirements. And I want to go on about those requirements. And so I want to thank the Board particularly Mr. Portman, he's been very encouraging. He's be really, really working with us so I want to thank you that we met the requirements according to Cumberland County zoning ordinance. I don't have to rehash everything you said but we met it and the only issue that I want to provide to the address the Board is to provide a bit of information regarding that particular question of the driveway. The driveway from the entrance from the road to the daycare is 315,345 feet in length so what we proposed what we propose is a 20ft wide and 315 length paved driveway and as we speak, we began to work on that because I gave my word to Mr. Portman when he raised that issue I think section 906. I said OKAY we are going to work with that even though it posses on the church a lot of financial hardship but of course it is a requirement of the law. We want to work and operate with in the arm beat of the law. And so we make efforts to have that paved as we speak. I don't know if the Board can allow me to show you pictures of what we have done so far. We have done that. Number 2, concerning the new revised site plan. This site plan that was submitted was recently done by Mr. Faircloth; he is deceased now. So, when he raised the point of we need a new site plan. I said OKAY I will look for him. Unfortunately, he passed about a month ago. So, I am working with two other professional land surveyors to give us an updated site plan. So I think that address the question of the length of the driveway. We do also know that we are also making efforts to make sure that everything is done we are able to meet the requirements of the law. So, I want to thank you so much for the time that you have spent to look at this case and know this will help us, help the church, help the community. Because we are bringing value to the community the church is doing everything it can within its own power to help the young men and young women to not go the way of crime. So that's what the church needs this for, that's what we are trying to do with this application. I want to thank you for the time.

David Moon

Madam Chair and the Board I want to point out that exhibit H of the staff report contains the applicant's response to the special use criteria. So, when Mr. OMG was referring to the response to those criteria, he is referencing exhibit H.

<u>Chair Amos</u> Does anyone have any questions?

Kenneth Turner So you are going to pave all the way back?

Folorunsho Omogbehin Yes

<u>Kenneth Turner</u> I figure you'd be able to get in and out of there quickly, so I'm glad to see you're doing that.

Sally Shutt Assistant County Manager



Rawls Howard Director

David Moon Deputy Director

Board of Adjustment

Folorunsho Omogbehin

Yes, like I said I don't know if it's admissible, but I can show you the pictures of the current efforts that have been made to pave that particular driveway. I have picture in my phone so that you know that because the church and my self as a person we are people of integrity. So, I've been with the US Special Military Forces for the past 13 years. I wont be in that organization if you are not, if you don't have ethics if you don't have morals, you just cant be there. So when I give my word to him even though it is going to pose financial hardship on the church I still am going to do it because it is the right thing. And that's exactly what we are doing.

Kenneth Turner

How many children will you have there Pastor?

Folorunsho Omogbehin

Given the capacity of the building as it is we can't have more than 30 children at any time. We are looking at a maximum of 20. Because if you look at the existing proposed facility, it can take 60 people. That's what we use it for worship now, but according to the rules of the State because it has two bathrooms the maximum you can have is 15 per bathroom. And the age group we looking we cant have more than 20 people in that place.

Gary Silverman I'm sorry what?

David Moon Did you say 15 or 50?

<u>Folorunsho Omogbehin</u> I said 15. Per class so we intend to have just 2 classrooms there.

Kenneth Turner

David did you say I could make a motion if I want to or did it have to be somebody else?

David Moon

When the Chair closes the public hearing. It would be a motion, the motion would have to be seconded and then you'd have to have discussion.

<u>Chair Amos</u> So it is my understanding that you are intending to pave you just need additional time.

<u>Folorunsho Omogbehin</u> Yes ma'am.

Sally Shutt Assistant County Manager



Rawls Howard Director

David Moon Deputy Director

Board of Adjustment

<u>Chair Amos</u> Okay

Gary Silverman I have a question, did you say you already started paving

Folorunsho Omogbehin Yes Sir

<u>Gary Silverman</u> If you already started, when do you think the entire pavement will be finished.

<u>Folorunsho Omogbehin</u> We are looking at between now, within 30 days.

Gary Silverman 30 days?

<u>Folorunsho Omogbehin</u> Yes, we are crush n round for now. Within 30 days.

<u>Gary Silverman</u> You paving it with what?

<u>Folorunsho Omogbehin</u> With crush n round, which can stay hold it depends on what .

Gary Silverman Crush ground?

<u>Folorunsho Omogbehin</u> Yes, crush ground which is a gravel to allow a seamless drive from people coming in and even members of the Church.

<u>Chair Amos</u> Okay, any other questions?

Kenneth Silverman I have one, when you say paved do you mean asphalt?

Sally Shutt Assistant County Manager



Rawls Howard Director

David Moon Deputy Director

Board of Adjustment

Folorunsho Omogbehin

No no no it's crush n round

<u>Kenneth Silverman</u> Crush and round, I see what you mean by that.

<u>Folorunsho Omogbehin</u> It's crush and round which is strong enough to hold vehicles.

Kenneth Silverman

And according to what Mr. Moon said the Fire Marshall will determine if that satisfactory or not?

David Moon

Yes, there is a church there now, so they have the ability to pave it. As far as permit requirements, I don't know if the applicant has met with Code Enforcement or the Fire Marshall to confirm the material that has the used. So, the next step for the Daycare is the site plan at which time the Fire Marshall will make a determination as to what type of material is appropriate. Typically, the applicant will have to provide a letter from a professional engineer that certifies the driveway has the ability to support a certain weight in a vehicle.

Vicki Mullins

Okay I just getting this down. What David just said with the driveway, you also now are working on the other site plan, correct?

Folorunsho Omogbehin Yes, that is correct mam.

<u>Vicki Mullins</u> Do you know how long it would be before you.

Folorunsho Omogbehin

No, it depends on the professionals that we are working so like they told me they are backed up like 5 months. When I tried to talk to them. They told me they were backed up like 5 months, I was say okay we can work with that. However, from my understanding first step is for the Board of Adjustment to approve the area for zoning, the State officials for the daycare will have to go through all of their own process. Health, the building so its going to take a little while. While all of that is going on we should be able to have all of this demands met. That's just the situation as it is. So that's why I'm asking the Board to give us the go ahead if you want to put the condition that's fine.

Sally Shutt Assistant County Manager



Rawls Howard Director

David Moon Deputy Director

Board of Adjustment

<u>Vicki Mullins</u> Thank you.

Folorunsho Omogbehin Thank you, mam.

<u>Chair Amos</u> Any other questions?

Kenneth Silverman

I have one, have you hired any kind of a engineer to do a compaction test to make sure fire trucks or ambulance can get all the way to the back with no issues?

Folorunsho Omogbehin

Okay Sir to answer that question if you look at the original site plan it was, we have an engineer that actually made a notation on there. And the Fire Marshall came out specifically asked us to have that hammerhead so that when truck does come in, they can reverse and that's even before we started talking about daycare. We have been operating, we have been using this facility in the last 3 years. So, we couldn't even have done if the various departments have not approved us to do it. So that's why for us its just a matter of upgrading the driveway and that's just it. Because the Fire Marshall has looked at the entire plan and instruct and cannot advise our engineer to draw in to the scall. So, we cross that hurtle I think to the best of my ability, to the best of my knowledge rather.

Chair Amos

Okay do we have any more questions? Okay, anymore speakers?

David Moon

There are no other speakers that are signed in unless you'd like to ask the audience if there is anyone else that would like to speak.

Chair Amos

Is there anyone else in the audience that would like to speak? Okay we will close the public hearing; the public hearing is closed and then we will do into discussions.

David Moon

There are suggestede motions in your package. Rather there is a motion to approve or deny.

Gary Silverman

I make motion to approve special use for daycare subject of conditions of approval on special use permit and find that the special use that Mr. Moon advised of each of the 4 criteria.

Historic Cumberland County Courthouse | 130 Gillespie Street | P.O. Box 1829 Fayetteville, North Carolina 28301 | Phone: 910-678-7600 | Fax: 910-678-7631

cumberlandcountync.gov

Sally Shutt Assistant County Manager



Rawls Howard Director

David Moon Deputy Director

Board of Adjustment

David Moon Yes please.

Gary Silverman

I find that the special use will not be materially endanger the public health or safety notated according to the plans submitted and recommended and meets all required conditions and specifications. Will maintain or enhance the value of adjoining or abutting properties or that the use is a public necessity if the location character of the use if developed according to the plan submitted and recommended will be in harmony with the area in which is to be located and it is in general conformity with Cumberland most recent Comprehensive Land Use Plan.

Robert Hasty

It has to include either specifically or include the reasoning for those criteria or you can incorporate exhibit H.

Gary Silverman

And the reasoning the 4 criteria are based on exhibit H incorporated in this packet submitted by the applicant. And also the entire context of this package, information in this packet as support of the special use permit?

<u>David Moon</u> And that motion makes reference to the driveway being paved.

<u>Gary Silverman</u> Yes.

Kenneth Silverman Second

<u>Chair Amos</u> All in Favor

	<mark>All In Favor</mark>
<mark>Amos</mark>	1
Turner 💦 👘	1
Mullins 🛛 👘	1
<mark>Silverman</mark>	1
Lucas-Moore	l I

Sally Shutt Assistant County Manager



Rawls Howard Director

David Moon Deputy Director

Board of Adjustment

David Moon

Madam Chair we have no items for discussion, but for members sitting at the dais I want to hand out a list of contact information. If for some reason your phone number or email address or address have changed, can you please note it on the form and give it to me before you leave this evening. Other than that, completes the hearing for this evening unless there is another matter there's another matter the Board wants to discuss.

<u>Chair Amos</u> Was there a motion to adjourn?

<u>Gary Silverman</u> I make motion to adjourn.

Marva Lucas-Moore I second.

<u>Chair Amos</u>	
	<mark>All in Favor</mark>
Amos	
Turner	
Mullins	
Silverman	
Lucas-Moore	1