

**Members:**  
George Quigley, Chairman  
Ed Donaldson, Vice-Chair  
Horace Humphrey  
Melree Hubbard Tart  
Joseph M. Dykes



**Alternates:**  
Martin J. Locklear  
Randy Newsome  
William L. Tally  
Carrie Tyson-Autry  
Yvette Carson

## ***CUMBERLAND COUNTY BOARD OF ADJUSTMENT***

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

TENTATIVE AGENDA  
JUNE 21, 2012  
7:00 PM

A meeting of the Cumberland County Board of Adjustment is to be held on Thursday, June 21, 2012, at 7:00 p.m. in Hearing Room #3 of the Historic Courthouse at 130 Gillespie Street, Fayetteville, North Carolina. The agenda is as follows:

1. ROLL CALL
2. SWEAR IN STAFF
3. ADJUSTMENTS TO THE AGENDA
4. APPROVAL OF THE FEBRUARY 16, 2012 & MAY 17, 2012 MINUTES
5. PUBLIC HEARING WITHDRAWAL

**P12-05-C:** CONSIDERATION OF AN APPEAL FROM THE CUMBERLAND COUNTY PLANNING & INSPECTIONS DEPUTY DIRECTOR'S DECISION REGARDING THE COUNTY ZONING ORDINANCE, SECTION 912 KENNEL OPERATIONS, SUB-SECTION G, TEMPORARY HOUSING/BOARDING OF FOUR OR MORE DOGS; IN A R10 RESIDENTIAL DISTRICT ON 0.41+/- ACRE, LOCATED AT 2913 JAKES ALY; SUBMITTED AND OWNED BY AXEL J. SR AND LISA M SILVA.

6. PUBLIC HEARING DEFERRAL

**P12-08-C:** CONSIDERATION OF THE APPEAL OF THE DECISION OF THE ZONING ADMINISTRATOR TO ISSUE A ZONING PERMIT TO TIGERSWAN INC. TO OPERATE THE TIGERSWAN TRAINING COLLABORATION CENTER AS A USE CONSISTENT WITH OUTDOOR RECREATION/AMUSEMENT FOR PROFIT AND WITH MECHANIZED VEHICLES ON A PROJECT SITE CONSISTING OF 978.4 +/- ACRES LOCATED SOUTHWEST OF SR 2053 (DOE HILL ROAD) AT 2850 TIGERSWAN DRIVE SUBMITTED BY RAEFORD B. LOCKAMY, II; SAMUEL D. AND DORIS M. FORT; JULIA KATHERINE FAIRCLOTH; OK FARMS OF CEDAR CREEK, LLC; AND ARNOLD DREW SMITH. **DEFERRED TO SPECIAL MEETING – TUESDAY, JULY 10, 2012 AT 6:00 PM.**

7. ABSTENTIONS BY BOARD MEMBERS
8. BOARD MEMBER DISCLOSURES
9. POLICY STATEMENT REGARDING APPEAL PROCESS
10. PUBLIC HEARING(S):
  - A. **P12-07-C:** CONSIDERATION OF A REQUEST FOR A VARIANCE FROM THE COUNTY ZONING ORDINANCE, SECTION 1104, DISTRICT DIMENSIONAL PROVISIONS, TO ALLOW A FRONT YARD SETBACK OF 20 FEET WHERE 30 FEET IS REQUIRED FOR A SINGLE FAMILY DWELLING IN A R15 RESIDENTIAL DISTRICT ON 0.69+/- ACRE, LOCATED AT 1220 PONY DRIVE (SR 3920); SUBMITTED AND OWNED BY TYRUS L. AND PAIGE W. ROSS.
  - B. **P12-06-C:** CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A DAY CARE FACILITY IN AN RR RURAL RESIDENTIAL DISTRICT ON 13.66 +/- ACRES, LOCATED AT 6111 MCDONALD ROAD (SR 1121), SUBMITTED BY BOBBY L. MCKOY ON BEHALF OF NEW VISION CHRISTIAN CHURCH INC., (OWNER) AND DORA MCKOY.
11. RECOMMENDATION FOR NOMINATION OF CHAIRMAN AND VICE-CHAIR
12. RECOMMENDATION FOR NOMINATIONS TO FILL VACANCIES
13. DISCUSSION
14. UPDATES(S)
15. ADJOURNMENT

**Members:**

George Quigley, Chairman  
Ed Donaldson, Vice-Chair  
Horace Humphrey  
Melree Hubbard Tart  
Joseph Dykes



**Alternates:**

Martin J. Locklear  
Randy Newsome  
William Lockett Tally  
Carrie Tyson-Autry  
Yvette Carson

*Cumberland County Board of Adjustment*

130 Gillespie Street  
Fayetteville, NC 28301  
(910) 678-7603

MINUTES  
FEBRUARY 16, 2012  
7:00 P.M.

**Members Present**

George Quigley, Chairman  
Ed Donaldson  
Horace Humphrey  
Melree Hubbard-Tart

**Absent Members**

Joseph Dykes (excused)

**Staff/Others Present**

Pier Varner  
Melodie Robinson  
Angela Perrier  
Rick Moorefield (County  
Attorney)

Chair Quigley called the meeting to order at 7:00 p.m. in Public Hearing Room # 3 of the Historic Courthouse.

1. ROLL CALL

Mrs. Varner called the roll and stated a quorum was present.

MRS. VARNER: Mr. Quigley, there are only four board members present tonight. If you continue with this meeting, the cases have to be approved unanimously. It is up to the applicant to decide if they want to continue with the meeting or defer until the next Board of Adjustment meeting. The staff encourages the board members to allow this decision.

CHAIR QUIGLEY: The requirement is because we have the minimum quorum necessary to hold a hearing; all members will have to vote on all cases. Does anyone have any problems with that? [No applicant requested to defer their case]

All board members present agreed to continue.

2. CHAIR QUIGLEY SWORE IN THE STAFF

3. ADJUSTMENTS TO THE AGENDA

There were none.

4. APPROVAL OF THE JANUARY 19, 2012 MINUTES

A motion was made by Mr. Donaldson and seconded by Mr. Humphrey to approve the minutes as submitted. The motion passed unanimously.

5. ABSTENTIONS BY BOARD MEMBERS

There were none.

6. PUBLIC HEARING DEFERRALS

There were no deferrals.

7. BOARD MEMBER DISCLOSURES

There were none.

8. POLICY STATEMENTS REGARDING APPEAL PROCESS

Mrs. Varner read the Board's policy regarding the appeal process to the audience.

9. PUBLIC HEARING(S)

**Opened Public Hearing**

- A. P12-01-C:** CONSIDERATION OF A REQUEST FOR A VARIANCE FROM THE COUNTY ZONING ORDINANCE, SECTION 1104, DISTRICT DIMENSIONAL PROVISIONS, TO ALLOW A REAR YARD SETBACK OF 30.8 FEET WHERE 35 FEET IS REQUIRED FOR A SINGLE FAMILY DWELLING IN A R10 RESIDENTIAL DISTRICT ON 0.43+/- ACRE, LOCATED AT 2904 BROMWICH COURT; SUBMITTED AND OWNED BY CHRISTOPHER L. AND DEBRA A. CICCONE.

MRS. VARNER: Presented the zoning, land use and photos of the site to the Board.

CHAIR QUIGLEY: It appears that the in ground pool was at some point and time installed. Was that subject to any variance?

MRS. VARNER: No. The variance is for the new addition that they are proposing at this area. [pointing to the presentation]

CHAIR QUIGLEY: My curiosity was, when they installed the pool was that subject to any....

MRS. VARNER: No, there is no record.

MRS. PERRIER: It is only required to be 10 feet from the rear.

MRS. VARNER: There is no record of a variance or any other case at the subject property.

CHAIR QUIGLEY: Swore in Christopher Ciccone.

MR. CICCONE: My name is Christopher Ciccone and I live at 2904 Bromwich Court, Fayetteville, NC 28306.

CHAIR QUIGLEY: Your interest in this case is that you are the owner of the property?

MR. CICCONE: Yes sir. With any improvements within the Gates Four Community you have to have approval by the Homeowners Association and I do have that approval. The Riddles who own the property gave the approval by e-mail and our next door neighbors have a variance for 14 feet from 2004 and 2002 on their property. Also, if I could make a small correction, it is 30 feet 8 inches, not 30.8 feet. We are asking for about 4 feet.

CHAIR QUIGLEY: Do we have a copy of the approval by the property owners association?

MR. CICCONE: Submitted a copy of the property owner's approval. [Exhibit 1]

### **Public Hearing Closed**

CHAIR QUIGLEY: Are there any questions on this request?

MR. HUMPHREY: The Homeowner's Association approved it and it looks like approximately 4.2 or 4.8 feet; I have no problem with it whatsoever.

MR. DONALDSON: I say we make it 5 feet and then put in parentheses 4.8 feet.

MR. HUMPHREY: I am in favor of it.

1. It is the Board's **CONCLUSION** that, there are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district. This finding is based on the following **CONDITIONS**:

**The shape of the rear lot lines places a physical restriction on the subject property regarding setbacks.**

2. It is the Board's **CONCLUSION** that granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents in the district in which the property is located. This finding is based on the following **CONDITIONS**:

**There has been at least one other rear yard variance approved in the media surrounding area.**

3. It is the Board's **CONCLUSION** that the literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located. This finding is based on the following **CONDITIONS**:

**The adjacent property was approved for a rear yard setback variance, and approving this variance will allow for consistency between the two properties.**

4. It is the Board's **CONCLUSION** that, if granted, the requested variance will be in harmony with the purpose and intent of this Ordinance and will not be injurious to the neighborhood or to the general welfare. This finding is based on all of the **CONDITIONS** listed above, as well as the following:

**One of the purposes of the ordinance is to ensure adequate light and air between structures, the subject property rear yard is adjacent to a golf course and which is highly unlikely to ever be developed with structures, and of no effect to others surrounding property owners.**

5. It is the Board's **CONCLUSION** that the special circumstances are not the result of the actions of the applicant. This finding is based on all of the **CONDITIONS** listed above as well as the following:

**The applicant was not the designer of the development, the board's previous approval of the adjacent property set a precedent for this immediate area.**

6. It is the Board's **CONCLUSION** that the variance requested is the minimum variance that will make possible the legal use of the land, building or structure. This finding is based on the following **CONDITIONS**:

**Granting a variance of approximately 5 feet for the rear yard setback, will be the minimum necessary to accommodate the proposed addition, the use of which is legal.**

7. It is the Board's **CONCLUSION** that the variance is not a request to permit a use of land, building or structure which is not permitted by right or by special exception in the district involved and will not constitute any change in district boundaries. This finding is based on the following **CONDITIONS**:

**The proposed addition for the residence on the subject property is permitted, single family dwellings are allowed in the R10 zoning district.**

8. It is the Board's **CONCLUSION** that the existence of a nonconforming use of neighboring land, buildings or structures in the same district or of permitted or nonconforming uses in other districts does not constitute a reason for approval of this requested variance. This finding is based on the following **CONDITIONS**:

**This decision was not based on the existence of other nonconforming use in the neighborhood.**

**THEREFORE**, on the basis of all the foregoing, **IT IS ORDERED** that the application for a **VARIANCE** be **GRANTED** subject to the following conditions:

1. All information contained in the application;
2. All development shall be in accordance with the site plan as submitted unless otherwise specified below;
3. All other provisions of the County Zoning Ordinance shall be complied with;
4. All relevant Federal, State, and local regulations are complied with;
5. The applicant is responsible for obtaining all required permits prior to proceeding with any development on that lot.

CHAIR QUIGLEY: Do we have a motion to approve?

MR. DONALDSON: I motion to approve.

MRS. TART: I second the motion.

CHAIR QUIGLEY: All in favor of granting the variance please signify by saying aye.

	IN FAVOR	OPPOSED
QUIGLEY	YES	NONE
DONALDSON	YES	
TART	YES	
HUMPHREY	YES	

### **Opened Public Hearing**

- B. P12-02-C: CONSIDERATION OF A REQUEST FOR A VARIANCE FROM THE COUNTY ZONING ORDINANCE, SECTION 1403 SITE PLAN REVIEW, SUBSECTION I., WHICH REQUIRES EXTENSION AND CONNECTION TO PUBLIC WATER; IN A RR RURAL RESIDENTIAL AND C(P) PLANNED COMMERCIAL DISTRICTS ON 1.55+/- ACRES, LOCATED AT 5087 US HWY 301 SOUTH (SR 2284); SUBMITTED BY CAROLYN L. HICKS ON BEHALF OF DELIVERANCE JESUS IS COMING VICTORY CENTER, INC., (OWNER).**

MRS. VARNER: Presented the zoning, land use and photos of the site to the Board.

MRS. VARNER: Mr. Joe Glass, a representative from PWC, is here to answer any questions related to the water connection.

MR. DONALDSON: Can you show the pictures again? The red lines that are marked as RR, is part of this land RR?

MRS. VARNER: Yes. This little portion here is RR but the church is proposed in the C(P). The church is a permitted use. [pointing to the presentation]

CHAIR QUIGLEY: Please show the water and sewer line again. How are the other properties out there serviced by water and sewer? There appears to be sufficient sewer access but the water line seems to be...

MRS. VARNER: This map is showing only the water lines and to go back to your question, I really don't have an answer about how the other properties are served.

CHAIR QUIGLEY: Swore in Joe Glass.

MR. GLASS: My name is Joseph P. Glass and I am the Engineering Manager for the Water & Sewer Department of the Public Works Commission, 955 Old Wilmington Road, Fayetteville.

CHAIR QUIGLEY: Thank you very much. Can you give us a little more background on what we have out there on public utility lines?

MR. GLASS: There is no sewer available in the area. I didn't come prepared to identify all the other customers. There is a water main as outlined here [pointing to the presentation]. Again, I'm not sure who is connected in that area. The only gravity sewer is really at the end of Marracco Drive down at Chickenfoot Road. There is no sewer available but water does run along Marracco Drive.

CHAIR QUIGLEY: So all of the properties out there, to your knowledge, are serviced by septic systems?

MR. GLASS: That is correct.

CHAIR QUIGLEY: Thank you sir. I think the question is the distance that would be involved in trying to connect to water access is going to be the subject.

MR. DONALDSON: In the Petitioners statements, she talks about the shortest distance being the 260 feet which would put it under the 500 feet; but she said the people behind them were not willing to allow that to go through there, I think in the cottage there behind it or the mobile homes [pointing to the presentation]. My question is, even if she wanted to go there to hook it



up, you all would not hook it up at that point, would you, that short point and have to run it through somebody else's property?

MR. GLASS: PWC would not pay to run the main anyway.

MR. DONALDSON: I understand that.

MR. GLASS: The cost would be on the person that is wishing to get the water.

MR. DONALDSON: But they are at the mercy of the intervening property owner between them, right?

MR. GLASS: That is correct.

MR. DONALDSON: There is no easement.

MR. GLASS: That is correct. If you go back to the other drawing, if you came up this way the other 540 feet would require an easement. This other route, I don't know if Department of Transportation would grant that encroachment, I can't speak for them, but it has been done lots of times before. The other two routes would require an easement.

CHAIR QUIGLEY: The distance to get the access to the water supply would be more than 540 feet because of the structure that is going to be sited is not on the property line.

MR. DONALDSON: It has to come all the way to the far side according to the rules and I don't know what the frontage is there.

MR. GLASS: For PWC policy, properties to be served are required to extend to the far corner of the property.

CHAIR QUIGLEY: The frontage is 320 feet.

MR. DONALDSON: So it would have to run 860 feet.

MR. GLASS: With just a ballpark figure, you are probably looking at \$100 - \$125 per foot, for engineering, designing and construction and the whole nine yards. To keep it simple, say \$100 per foot.

CHAIR QUIGLEY: Carolyn Hicks was affirmed by Chair Quigley.

MS. HICKS: My name is Carolyn Hicks and my address is 1687 Bladen Union Church Road, Fayetteville, NC. I am the founder and pastor of Deliverance Jesus is Coming Victory Center. We have a small congregation of approximately 60 adults and 40 children. We are the owners of the property located at 5087 US Highway 301 South, Hope Mills. It is our desire to build a

sanctuary on the property as a church for the betterment of the community, through academic, employment opportunities, family strengthening and meeting all spiritual needs. Section 1403 of the Zoning Ordinance stated that we must connect to existing water within 300 feet of the property, however, there are extraordinary and exceptional conditions pertaining to the particular piece of property. The water connection is approximately 514 feet to our property without obstruction. This is over the requirement of being within the 300 feet to the waterline. According to Ms. Elizabeth Vassar of PWC, Office Assistant of the Water Resources Engineering Department, the water main must be extended approximately 850 feet to reach our property. This was quoted to us back in October 2011. The water connection behind us is 300 feet within the limits, however; in order for us to do this it would require extension across other individual properties thus causing us to extend an inordinate amount of money for the benefit of others. We are surrounded by other businesses that to our knowledge are currently utilizing wells and septic tanks. Installing the water lines approximately 515 feet or more would amount to an inordinate amount of money that would not only create a hardship for the church but as stated, others would benefit at our expense. In my conclusion I ask that the board would take these considerations. It has been a battle for the church and to be faced with circumstances dealing with the zoning. It is very dear to my heart. It would cost an inordinate amount of money for us to extend the waterline over the 515 feet that would give us clear passage to the presently existing building so we could use the building for the church. We are requesting that the board would consider giving us the variance so that for the existing present building that is already on the property as well as any future building that we are planning to build that we would not be required to extend.

CHAIR QUIGLEY: Is there currently a structure on that property?

MS. HICKS: Yes, a little house that we have also presently done some renovations to. We have just a few minor things to complete to get the seal for it. We have a well and a septic tank providing for that. We were also informed by the Zoning Department that if we were to put an additional bathroom or any new plumbing, we would be required to put in the water line. That has stopped us from doing that. We were going to use the existing building until the future church building was built. We were going to use it for offices and assembly gathering. When we were told that any bathroom or plumbing structure that we would do there would have to be connected to the water at PWC it put a hold on everything for us. There is a present building on there and the site plan has been approved that we could utilize it, but again we ran into the problem that if we were going to put another bathroom in, we would have to hook into the PWC water line.

CHAIR QUIGLEY: Thank you Ms. Hicks. Does anyone from staff want to make a comment on the comment about if they put a structure up that has a bathroom in it; they must hook up the water?

MRS. VARNER: There is a note in the conditions.

MR. MOOREFIELD: Mr. Chair, I would like to clarify. I think there is a little confusion about the distance, there is no minimum distance or threshold distance required because this is a

nonresidential development. Whether that has any bearing on the decision really doesn't matter. I understand Ms. Hicks' statement about the 300 feet, it is hard to read but it does say that two or more residential lots, so this is a nonresidential development which is why the additional bathroom evokes that requirement.

CHAIR QUIGLEY: Is there anyone else who wants to speak in favor of this that has additional information or testimony other than what we have heard? Thank you.

### **Public Hearing Closed**

MR. HUMPHREY: I can understand the cost factor. I was trying to do a little quick math and I can see where it can be an expensive proposition. We got the rules; I'm kind of floating on this one. I can see the need, but I can see the financial burden.

CHAIR QUIGLEY: What we've got is a situation where there are other nonresidential uses using some of the property out there that obviously are not hooked up to water or sewer other than their own septic system or their own well.

MR. DONALDSON: The other thing to point out is this is at least the third one of these since I've come on the Board. One was the Quick Stop store, which was going to be about 1000 feet that PWC wanted them to run. We granted the variance. The other one was last month and they had a similar situation. I don't think this one falls any further outside the category of those two. The distance is about 830 feet which was about what we were talking about on that Quick Stop last summer and that was for a sewage line. This is for a water line. Given the fact that all the other properties are out there are on sewerage and wells except for the ones I assume are running off the main lines off the service road there. Given the fact that the shortest distance would be 260 feet, but they would have to get an easement or get an easement on the 520 foot mark from the southeast corner of the property; I can't see not granting the variance. I would vote for it. I think given the circumstances and the cost. It is not out of compliance with anything. There is no evidence that all the other businesses are hooked up to the water line. Obviously they are going to have to make some sewerage arrangements if they do something different but I guess that would be a new septic tank system, drain field.

MR. GLASS: Just a point of clarification, PWC is not requesting... all we are doing is stating the facts when we review this. The decision to make the hook up is entirely.....

MR. DONALDSON: We understand that and we are not putting the blame on PWC. We are just stating what the policies are in the Ordinance. That is my opinion and I am prepared to vote for it.

MRS. TART: I think it is an unusual hardship for them and that is why we have these variances and I am certainly in favor of it.

MR. MOOREFIELD: I suggest you consider the fact that sewerage is simply not available. I'm not so sure that having public water when you don't have a sewer accomplishes a whole lot.

MR. HUMPHREY: If we can do it for a convenience store, we can do it for a church.

CHAIR QUIGLEY: Are there any comments from staff? Thank you very much.

MR. DONALDSON: I have a question. On item #7, can we at times say that is not applicable, in this particular case given the facts? In this particular case it is not applicable or do we have to put something in there?

MR. MOOREFIELD: The judge says we have to make a finding for all items. In this instance, this is a permitted use.

1. It is the Board's **CONCLUSION** that, there are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district. This finding is based on the following **CONDITIONS:**

**The topography between the nearest existing water lines and the subject property prevents the extension of the line and the alternate nearby water line, which is greater than 300 feet as required by the ordinance, and it would cause the applicant to spend an inordinate amount of money.**

2. It is the Board's **CONCLUSION** that granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents in the district in which the property is located. This finding is based on the following **CONDITIONS:**

**There are other existing properties with no connection to public water similar to this property in this immediate area.**

3. It is the Board's **CONCLUSION** that the literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located. This finding is based on the following **CONDITIONS:**

**The applicant cannot connect to the existing water line that is located within 300 feet and to obtain public water, she would be require to obtain an easement from adjoining unaffected property owners to connect to public water lines that exceed the 300 foot distance.**

4. It is the Board's **CONCLUSION** that, if granted, the requested variance will be in harmony with the purpose and intent of this Ordinance and will not be injurious to the neighborhood or to

the general welfare. This finding is based on all of the **CONDITIONS** listed above, as well as the following:

**The intent is to ensure safe drinking water to all properties within the County, and in this particular area, the majority of the properties are served by individual private wells permitted by Environmental Health.**

5. It is the Board's **CONCLUSION** that the special circumstances are not the result of the actions of the applicant. This finding is based on all of the **CONDITIONS** listed above as well as the following:

**If the applicant could connect to the public water line that is within the 300 foot distance, she was willing to do so; however, the public utility denied connection to this line.**

6. It is the Board's **CONCLUSION** that the variance requested is the minimum variance that will make possible the legal use of the land, building or structure. This finding is based on the following **CONDITIONS**:

**An approved water source is required for occupancy of the structure, which has already been approved and all other ordinance requirements are being complied with.**

7. It is the Board's **CONCLUSION** that the variance is not a request to permit a use of land, building or structure which is not permitted by right or by special exception in the district involved and will not constitute any change in district boundaries. This finding is based on the following **CONDITIONS**:

**The religious worship facility is a permitted use in this district.**

8. It is the Board's **CONCLUSION** that the existence of a nonconforming use of neighboring land, buildings or structures in the same district or of permitted or nonconforming uses in other districts does not constitute a reason for approval of this requested variance. This finding is based on the following **CONDITIONS**:

**The Board's decision was not base on any existing nonconforming use in this district.**

**THEREFORE**, on the basis of all the foregoing, **IT IS ORDERED** that the application for a **VARIANCE** be **GRANTED** subject to the following conditions:

1. All information contained in the application;
2. All development shall be in accordance with the site plan as submitted unless otherwise specified below;
3. All other provisions of the County Zoning Ordinance shall be complied with;
4. All relevant Federal, State, and local regulations are complied with;
5. The applicant is responsible for obtaining all required permits prior to proceeding with any development on that lot.

MR. HUMPHREY: I make a motion to grant the variance.

MR. DONALDSON: I second the motion.

CHAIR QUIGLEY: All in favor of granting the variance please signify by saying aye.

	IN FAVOR	OPPOSED
QUIGLEY	YES	NONE
DONALDSON	YES	
TART	YES	
HUMPHREY	YES	

**Opened Public Hearing**

**C. P12-03-C: CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A DAY CARE FACILITY IN AN A1 AGRICULTURAL DISTRICT ON 2.50+/- ACRES, LOCATED AT 6120 BRAXTON ROAD (SR 2242), SUBMITTED BY MARCUS G. MCLEAN (OWNER) AND ROBERT G. MCLEAN.**

MRS. VARNER: Presented the zoning, land use and photos of the site to the Board.

MRS. VARNER: I would like to make a correction to the site profile. I typed 20 parking spaces instead of 22 parking spaces.

MR. DONALDSON: Please go to the overview map. I know they have to put the zoning sign up. In the city they are also required to notify by mail all adjoining property owners. Does the county require that?

MRS. VARNER: Yes, in a 500 feet radius or depending on how large the property, it would go up to 1000 feet.

MR. DONALDSON: Okay, so all those homes right there [pointing to the presentation] they would have been notified?

MRS. VARNER: Melodie, how far out were the notice letters sent, 500 feet?

MS. ROBINSON: That is done by graphics. I wouldn't have the information.

MRS. VARNER: I assume the adjoining property owners have been notified.

MR. DONALDSON: Are those mobile homes in there?

MRS. VARNER: Those are single dwellings.

MR. DONALDSON: They are regular houses, not mobile homes? They get a personal mailing?

MRS. VARNER: Yes, they got notified.

CHAIR QUIGLEY: Did you look at the property?

MRS. PERRIER: Yes, I did and they did not have any violations.

MR. DONALDSON: The reason why I asked about the notification is in case they wanted to be heard, and then obviously they could show up.

MRS. VARNER: We do advertise the case and they get a notice.

CHAIR QUIGLEY: Swore in Robert McLean.

MR. MCLEAN: My name is Robert McLean, I live at 6141 Braxton Road, Hope Mills. My son is the property owner. I'm actually speaking on his behalf because he is out of town. I actually helped him put this package together to submit our request. To answer your question about neighbors being notified; my home is here [pointing to the presentation]. I live on this tract here, two acres, in this house, my mother lives here, my aunt owns this property, and my two brothers own the two tracts behind that. Of course I put my family first. This is part of the old family farm. I transferred ownership of this land to my son who will be the fourth generation living on this land. We wanted to leave a large tract, we could have went with the smaller tract, but felt the larger tract left more open green space and matched what we had all along. I did go over to some of my neighbors that I know. I don't believe I have met you [addressing someone in the audience]. I spoke with some of the other neighbors that I know firsthand; Tony Minor and he really didn't have a concern about it. He did ask me the hours of operation and I said 6am-6pm, five days a week. This whole area is farm land and hasn't been farmed for 25 years and is overgrown with trees. These are cedar trees planted six years ago and will be left intact. [pointing to the presentation] Some trees grown up against this fence line are wild trees and we might be able to leave some, if not we will establish a green border between our neighbors. This side is bordered with trees also and this entire area around here will be for septic field and open green area and this area will be a gravel roadway if we needed it and this will be paved in the front. With all the development going on in this area and what we're hoping to do I'm looking at the 2004 road count; it is about 2001 per day on that little road and it is not even considered a major thoroughfare. That was seven years ago; since then over 500 homes have come into this area. There are three schools within ½ to ¾ mile from there now. These homes in this area in the next two years project another 350 homes coming in by Clarke Homes.

MR. DONALDSON: That is not your property?

MR. MCLEAN: No sir. Our family farm is part of this block you see here [pointing to the presentation]. This is home for us and we don't want to change the face of it too much. We felt with all the growth in the community, schools, and homes coming in, that a daycare ....the closest daycare I think is probably  $\frac{3}{4}$  of a mile over on Sandhills Road and the next one is down almost on Highway 87. We felt like it would be a way to keep the land in a natural state and it will produce income and compliment the neighborhood at the same time. I was asked to speak on behalf of my son, it was his proposal to do this and I appreciate your consideration.

MR. DONALDSON: Are you all going to run it yourselves?

MR. MCLEAN: Yes. My wife is a former educator and hopefully one day I'll see my son build a home here.

CHAIR QUIGLEY: Thank you very much. Does anyone have questions for staff?

### **Public Hearing Closed**

MR. HUMPHREY: That area is building up tremendously and with the amount of homes going up I would assume they would need the daycare.

CHAIR QUIGLEY: The factors we have to consider, is there any element in anything we have discussed that would materially endanger the public health? Is the use in compliance? Is it a permitted use? It does not appear that anyone has signed to speak in opposition to it. There has been no evidence. It doesn't appear that any evidence has been presented that anyone would suffer the loss of the value of their property by having this business in that location. What they are intending to do is in general conformity other than its conversion of agriculture.

CHAIR QUIGLEY: Mrs. Tart, do you have any input?

MRS. TART: Everything's fine. It is in order. I move that we approve the Special Use Permit based upon the following case findings:

1. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended;

**The staff presented evidence and the applicant has to follow the plan. There is no evidence they would endanger the public health or safety.**

2. The use meets all required conditions and specifications;

**They are meeting all conditions as required by our Codes and by the Planning staff;**



3. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and

**There has been no testimony to indicate that any properties would be depreciated as a result of this facility. Evidence has been presented that there is a public necessity for child care in this particular area.**

4. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and is in general conformity with Cumberland County's most recent Land Use Plan.

**The location and the character as presented to our Planning staff and they have signed off on it; would meet this particular condition.**

CHAIR QUIGLEY: It has been motioned by Mrs. Tart and seconded by Mr. Donaldson to grant the Special Use Permit. All in favor signify by saying aye.

	IN FAVOR	OPPOSED
QUIGLEY	YES	NONE
TART	YES	
DONALDSON	YES	
HUMPHREY	YES	

Having heard all the evidence and arguments presented at the hearing, the Board finds that the application is complete, that the application complies with all of the applicable requirements of the Cumberland County Zoning Ordinance for the development proposed, and that therefore the application to make use of the property described within this case for the purpose indicated is hereby approved, subject to all applicable provisions of the Zoning Ordinance and the following conditions:

1. The applicant shall complete the development strictly in accordance with the application and site plan submitted to and approved by this Board, a copy of which is filed in the Cumberland County Planning & Inspections Office.
2. The applicant/property owner is the responsible party for the information contained within the site plan, including but not limited to the property boundaries, easement locations, and right-of-way boundaries.
3. The applicant/property owner is the responsible party to ensure compliance with all other related Federal, State, and local regulations, including but not limited to the NC Building Code.

10. DISCUSSION

None

11. UPDATE(S)

None

12. ADJOURNMENT

The meeting adjourned at 8:20 pm; motioned by Mr. Humphrey and seconded by Mr. Donaldson.

DRAFT

**Members:**

George Quigley, Chairman  
Ed Donaldson, Vice-Chair  
Horace Humphrey  
Melree Hubbard Tart  
Joseph Dykes



**Alternates:**

Martin J. Locklear  
Randy Newsome  
William Lockett Tally  
Carrie Tyson-Autry  
Yvette Carson

*Cumberland County Board of Adjustment*

130 Gillespie Street  
Fayetteville, NC 28301  
(910) 678-7603

MINUTES  
MAY 17, 2012  
7:00 P.M.

**Members Present**

George Quigley, Chairman  
Horace Humphrey  
Yvette Carson

**Absent Members**

Ed Donaldson  
Joseph Dykes

**Staff/Others Present**

Cecil Combs  
Patti Speicher  
Melodie Robinson  
Angela Perrier

Chair Quigley called the meeting to order at 7:00 p.m. in Public Hearing Room # 3 of the Historic Courthouse.

1. Ms. Speicher issued the Oath of Office to alternate board member Yvette Carson.
2. ROLL CALL

Ms. Speicher called the roll and stated a quorum was not present.

3. Chair Quigley announced that tonight's meeting for cases P12-05-C and P12-07-C is postponed until the next Board of Adjustment meeting scheduled for June 21, 2012 at 7:00 p.m. at this same location.

Ms. Speicher announced that anyone who wants to receive notice should sign up on the blue sheet.

4. ADJOURNMENT

The meeting ended at 7:30 p.m.

Roy Turner,  
Chair  
Cumberland County

Walter Clark,  
Vice-Chair  
Cumberland County

Garland C. Hostetter,  
Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman  
Patricia Hall,  
Town of Hope Mills  
Charles C. Morris,  
Town of Linden



## COUNTY of CUMBERLAND

### *Planning & Inspections Department*

June 12, 2012

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Lori Epler,  
Sara E. Piland,  
Cumberland County

Benny Pearce,  
Town of Eastover

Donovan McLaurin,  
Wade, Falcon & Godwin

Mr. and Mrs. Axel J. Silva  
1913 Jakes Alley  
Fayetteville NC 28306

**SUBJECT: P12-05-C: CONSIDERATION OF AN APPEAL FROM THE CUMBERLAND COUNTY PLANNING & INSPECTIONS DEPUTY DIRECTOR'S DECISION REGARDING THE COUNTY ZONING ORDINANCE, SECTION 912 KENNEL OPERATIONS, SUB-SECTION G, TEMPORARY HOUSING/BOARDING OF FOUR OR MORE DOGS; IN A R10 RESIDENTIAL DISTRICT ON 0.41+/- ACRE, LOCATED AT 2913 JAKES ALY; SUBMITTED AND OWNED BY AXEL J. SR AND LISA M SILVA.**

Dear Mr. and Mrs. Silva,

As you are aware the above referenced case was deferred from the May 17, 2012 County Board of Adjustment meeting because the board did not have a quorum, which is required to decide any case before them. At the May meeting you were informed that the case would tentatively be re-scheduled for the June 21, 2012 Board of Adjustment meeting. This case (P12-05-C) has been withdrawn and will not be considered by the Board of Adjustment.

P12-05-C case was "tentatively" scheduled for the June meeting because of the pending County Animal Control ordinance amendments that were to be considered for adoption by the County Board of Commissioners on May 21, 2012. The Animal Control amendments affected your request due to one of the provisions contained within the amendment generally prohibiting property owners of property zoned for 20,000 square foot lots or less in land area to be in possession of more than three dogs. The property at 2913 Jakes Alley is zoned R10, properties zoned R10 in Cumberland County have a minimum lot size of 7,500 square feet; therefore, any consideration by the County Board of Adjustment under the terms of the County Zoning Ordinance would be in conflict with the Animal Control Ordinance that was adopted on May 21, 2012.

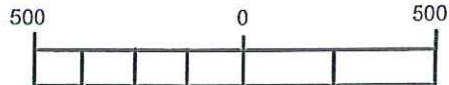
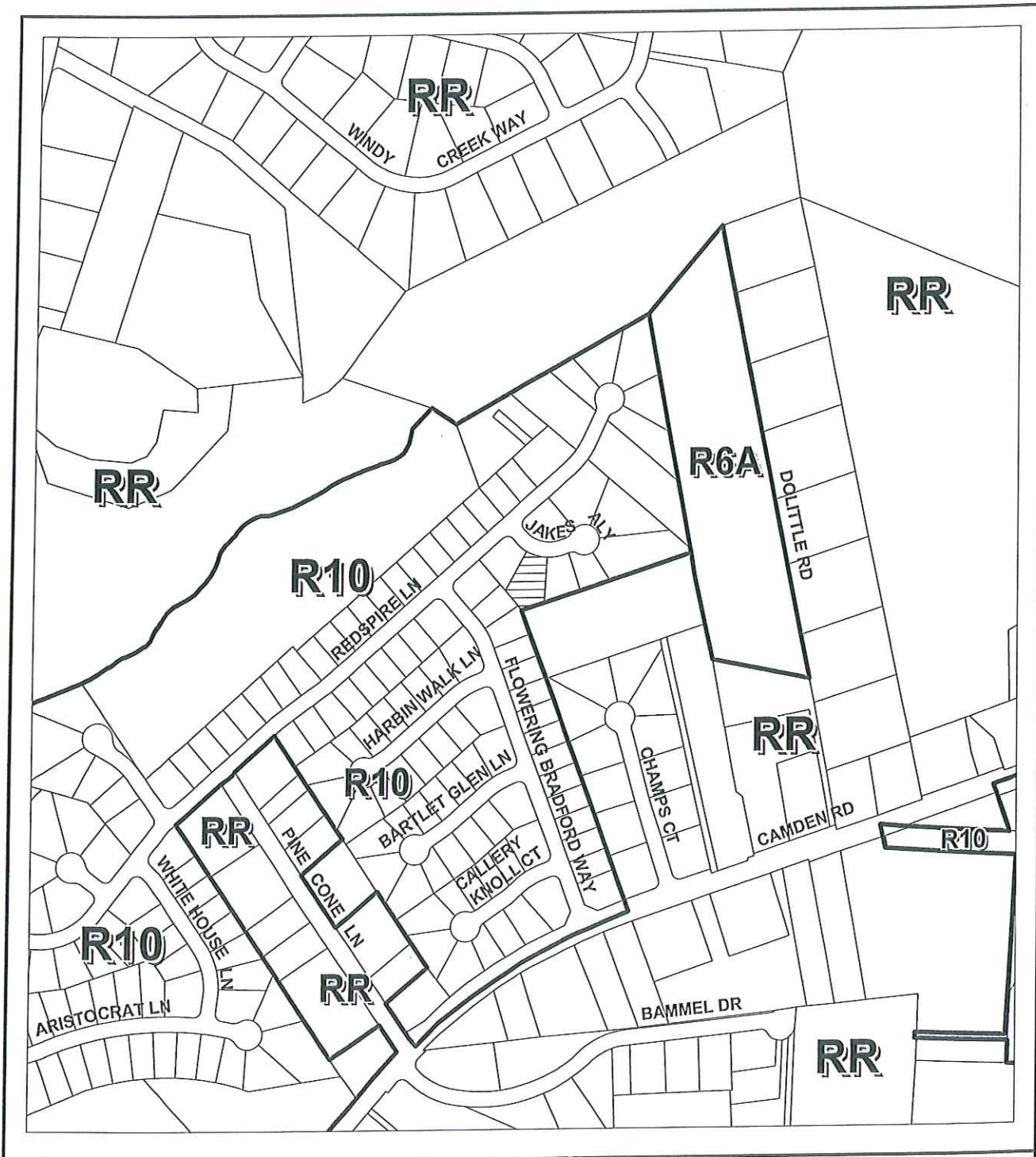
You are encouraged to contact Animal Control concerning the newly adopted provisions to ensure that you are in compliance as the provisions may apply to you and your situation. The contact information for Cumberland County Animal Control is: Dr. John Lauby, [ccac@co.cumberland.nc.us](mailto:ccac@co.cumberland.nc.us) or 910-321-6852.

There is no need for your attendance at the June 21, 2012 County Board of Adjustment meeting because your application has been withdrawn by this staff. Also I have processed a request for refund of your appeal application fee. If you have any questions, please contact me at [pspeicher@co.cumberland.nc.us](mailto:pspeicher@co.cumberland.nc.us) or by phone at 910-678-7605.

Sincerely,

  
Patti Speicher  
Land Use Codes Supervisor

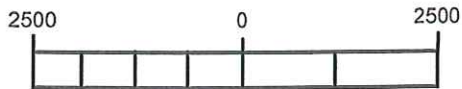
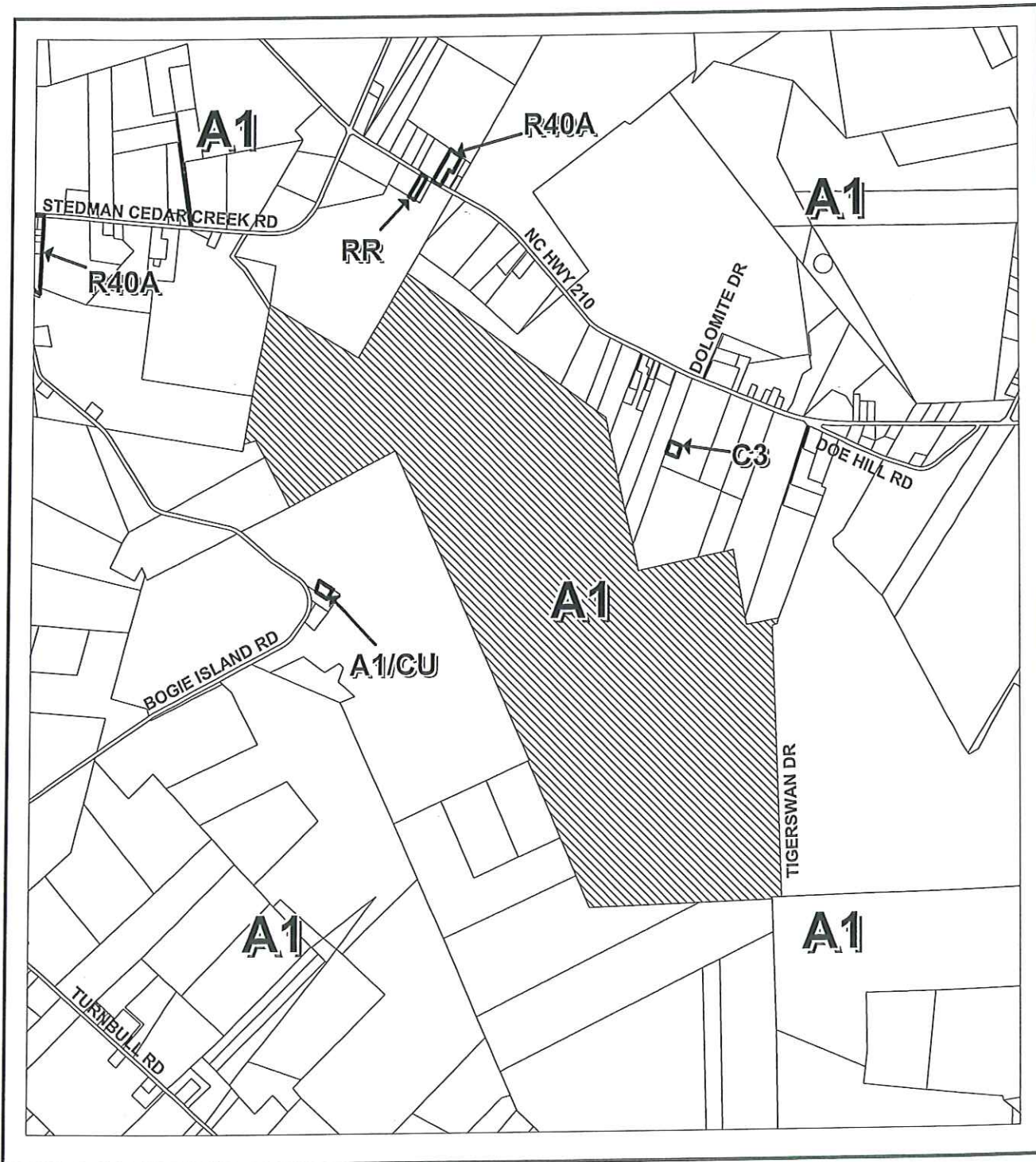
cc: Barbara Balland, 2909 Jakes Alley, Fayetteville NC 28306  
Aubrey McDonald, 2917 Jakes Alley, Fayetteville NC 28306  
Dr. John Lauby, Animal Control, via email: [ccac@co.cumberland.nc.us](mailto:ccac@co.cumberland.nc.us)  
Cecil Combs, Deputy Director, via email: [ccombs@co.cumberland.nc.us](mailto:ccombs@co.cumberland.nc.us)  
Cumberland County Board of Adjustment



SCALE IN FEET

## BOARD OF ADJUSTMENT APPEAL

<b>ACREAGE: 0.41 AC.+/-</b>	<b>HEARING NO: P12-05-C</b>	
<b>ORDINANCE: COUNTY</b>	<b>HEARING DATE</b>	<b>ACTION</b>
<b>GOVERNING BOARD</b>		



SCALE IN FEET

## BOARD OF ADJUSTMENT APPEAL

<b>ACREAGE: 978.40 AC.+/-</b>	<b>HEARING NO: P12-08-C</b>	
ORDINANCE: COUNTY	HEARING DATE	ACTION
GOVERNING BOARD		

**P12-07-C**  
**SITE PROFILE**

**P12-07-C:** CONSIDERATION OF A REQUEST FOR A VARIANCE FROM THE COUNTY ZONING ORDINANCE, SECTION 1104, DISTRICT DIMENSIONAL PROVISIONS, TO ALLOW A FRONT YARD SETBACK OF 20 FEET WHERE 30 FEET IS REQUIRED FOR A SINGLE FAMILY DWELLING IN A R15 RESIDENTIAL DISTRICT ON 0.69+/- ACRE, LOCATED AT 1220 PONY DRIVE (SR 3920); SUBMITTED AND OWNED BY TYRUS L. AND PAIGE W. ROSS.

**Site Information:**

**Frontage & Location:** 200' +/- on Emu Drive

**Depth:** 149.40'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** Yes, north side of subject property

**Current Use:** Residential

**Initial Zoning:** R15 – June 25, 1980 (Area 13)

**Nonconformities:** Existing structure on subject property does not meet rear yard setbacks for the R15 current zoning – structure built 1978

**Zoning Violation(s):** None

**Surrounding Zoning:** North: R15; West: A1 & R15; East: A1, RR, R15 & R10; South: A1, RR & R15

**Surrounding Land Use:** Residential, golf course, and woodlands

**2030 Grow Strategy Map:** Urban area

**Special Flood Hazard Area (SFHA):** None

**Soil Limitations:** None

**Water/Sewer Availability:** PWC/Septic

**Subdivision/Site Plan:** Lot created prior to 08/22/1984

**School Capacity/Enrolled:** Alderman Road Elementary: 764/675; Gray's Creek Middle: 1000/953; Gray's Creek High: 18700/1837

**Average Daily Traffic Count (2010):** 1,200 on SR 2240 (H Bullard Road)

**Sewer Service Area:** Yes

**Highway Plan:** There are no road improvements/constructions specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program

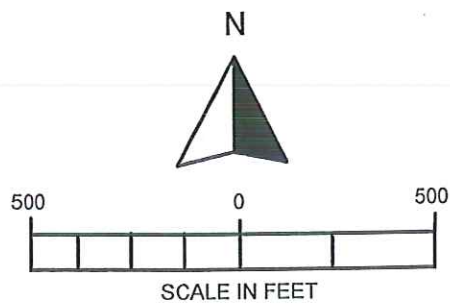
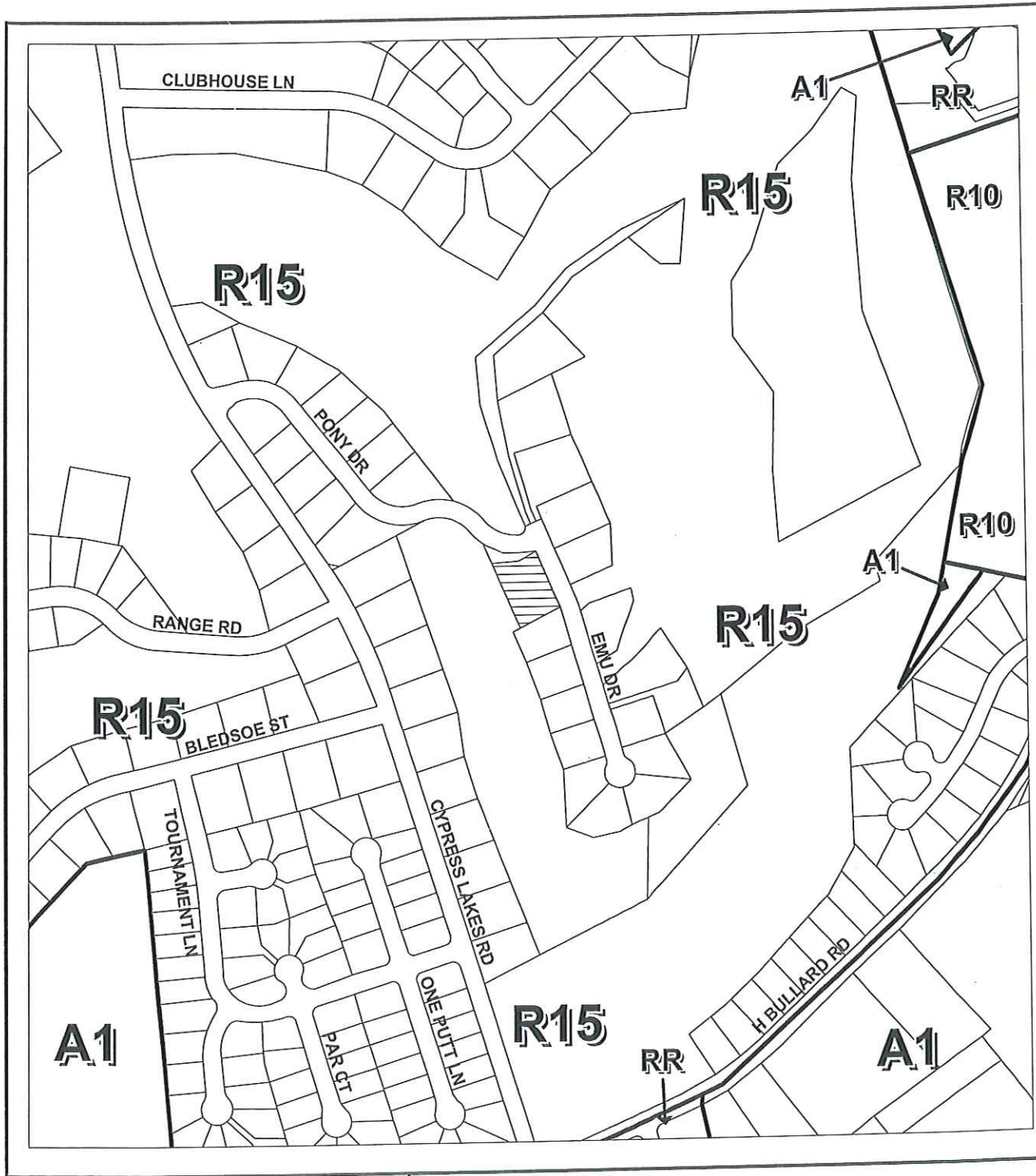
**County Zoning Ordinance Reference:** Section 1104, District Dimensional Provisions

**Notes:**

1. R15 Minimum Yard Setbacks:  
Front: 30' (10' foot variance requested)  
Side: 10' (1 story setback)  
Rear: 35'
  
2. Summary of request: The variance request is for the addition of a bedroom to the existence single family dwelling.

**First Class and Record Owners' Mailed Notice Certification**

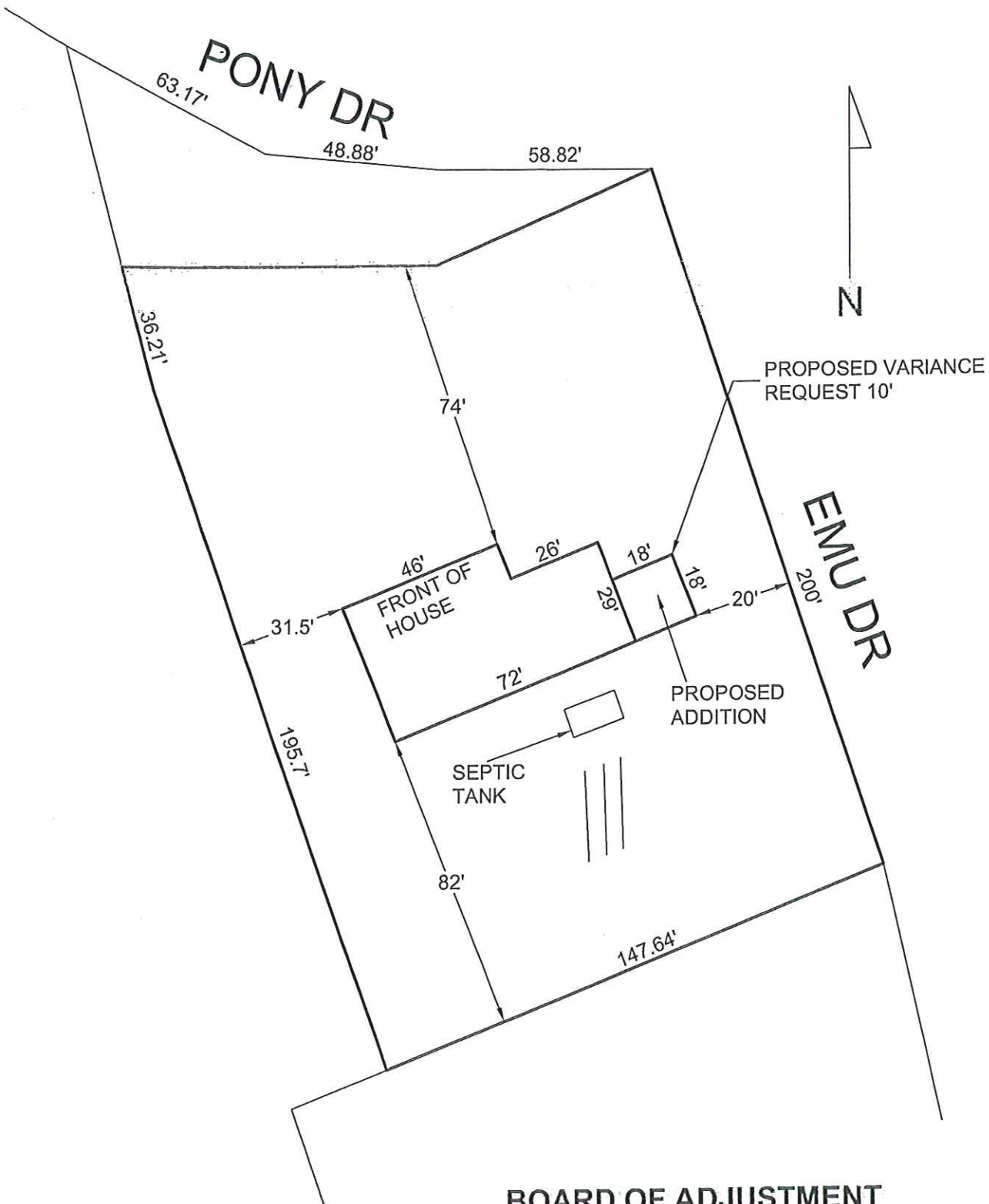
*A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' certified receipt of notice is also included.*



## BOARD OF ADJUSTMENT VARIANCE

ACREAGE: 0.69 AC.+/-		HEARING NO: P12-07-C	
ORDINANCE: COUNTY		HEARING DATE	ACTION
GOVERNING BOARD			





**BOARD OF ADJUSTMENT  
VARIANCE**

**REQUEST: ALLOW A FRONT YARD SETBACK OF 20 FEET  
WHERE 30 FEET IS REQUIRED**

**CASE: P12-07-C ACREAGE: 0.69 +/-**

**ZONED: R15 SCALE: 1": 40'**

**\*SCALED DETAILED SITE PLAN IN FILE AVAILABLE FOR REVIEW UPON REQUEST**

5/8/12

**BOARD OF ADJUSTMENT**

LOCATION OF PROPERTY: \_\_\_\_\_  
OWNER: Ty and Paige Ross  
ADDRESS: 1220 Pony Dr. Hope Mills NC ZIP CODE: 28348  
TELEPHONE: HOME 339-1715 WORK 483-6210  
AGENT: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
TELEPHONE: HOME \_\_\_\_\_ WORK \_\_\_\_\_  
E-MAIL: paigewross@yahoo.com

**APPLICATION FOR A VARIANCE**  
**As required by the Zoning Ordinance**

- A. Parcel Identification Number (PIN #) of subject property: 0432-84-3902  
(also known as Tax ID Number or Property Tax ID)
- B. Acreage: .69 Frontage: 200 Depth: 147.64
- C. Water Provider: PWC
- D. Septage Provider: Private ~~septic~~ Septic System
- E. Deed Book 4084, Page(s) 831, Cumberland County
- F. Existing and/or proposed use of property: residential (room addition)
  
- G. Section and provision of the Zoning Ordinance or Code from which a Variance is requested: SECTION 1104 District Dimensional Provisions
- H. Nature and extent of hardship involved in strict application of the Zoning Ordinance or Code: We HAVE A baby on the way AND current house plan is too small. We want to add a 10' x 18' room addition. We need to build on the side toward Emma Dr. in order to not disrupt the septic & electrical systems

**STATEMENT OF ACKNOWLEDGMENT**

Regarding appearance before the Board of Adjustment, the undersigned owner(s), agents, or their assigns, by virtue of their signature(s) to this application, hereby acknowledge the following:

- That although appearance before the Boars is not required, it is strongly encouraged;
- The Board will hear any and all argument for and against this matter before them and such relevant facts will be given under sworn testimony;
- At the public hearing the Board has the authority to issue a final approval or denial decision on this request, or defer the request for additional information to be provided;
- If the petitioner or the representative of this application does not appear personally before the Board, whether there is opposition or not, the Board has full authority to consider the case and defer, approve, or deny the case;
- If the Board's action is to deny the matter before them, the course of appeal to their decision will be that of Cumberland County Superior Court. (Affected parties of the Board's decision have 30 days from proper notification which to serve notice of appeal).

Signed acknowledgment that the Planning and Inspections Staff has explained the application process and procedures regarding this request and the public hearing procedure stated above.

SIGNATURE OF OWNER(S) Paige Ross Tyrus Ross

PRINTED NAME OF OWNER(S) Paige Ross Tyrus Ross

DATE April 6, 2012

**P12-06-C**  
**SITE PROFILE**

**P12-06-C:** CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A DAY CARE FACILITY IN AN RR RURAL RESIDENTIAL DISTRICT ON 13.66 +/- ACRES, LOCATED AT 6111 MCDONALD ROAD (SR 1121), SUBMITTED BY BOBBY L. MCKOY ON BEHALF OF NEW VISION CHRISTIAN CHURCH INC., (OWNER) AND DORA MCKOY.

**Site Information:**

**Frontage & Location:** 980' +/- on McDonald Road (SR 1121)

**Depth:** 1230' +/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** No

**Current Use:** Religious worship activities

**Initial Zoning:** RR – February 3, 1977 (Area 7)

**Nonconformities:** None

**Zoning Violation(s):** None

**Surrounding Zoning:** North & West: RR; East: C3, C1(P), C1(P)/CU (allow a manufactured home); South: C1(P), A1, RR, RR/CU (allow a storage & maintenance of tour buses & trucks)

**Surrounding Land Use:** Religious worship activity, storage open, motor vehicle service station, residential (including manufactured homes, 4 abandoned manufactured homes, and 2 abandoned single dwellings, woodlands and farmlands)

**2030 Growth Strategy Map:** Rural and urban fringe (portion on the north side of subject property)

**Special Flood Hazard Area (SFHA):** None

**Soil Limitations:** Yes, hydric soils: Ra-Rains sandy loam

**Water/Sewer Availability:** Well/Septic

**Municipal Influence Area:** Town of Hope Mills

**School Capacity/Enrolled:** Gallberry Farms Elementary: 900/830; Gray's Creek Middle: 1,000/959; Gray's Creek High: 1,270/1,284

**Subdivision/Site Plan:** See attached "Ordinance Related Conditions"

**Average Daily Traffic Count (2006):** 1,200 on McDonald Road (SR 1121)

**Highway Plan:** There are no road improvements/constructions specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program

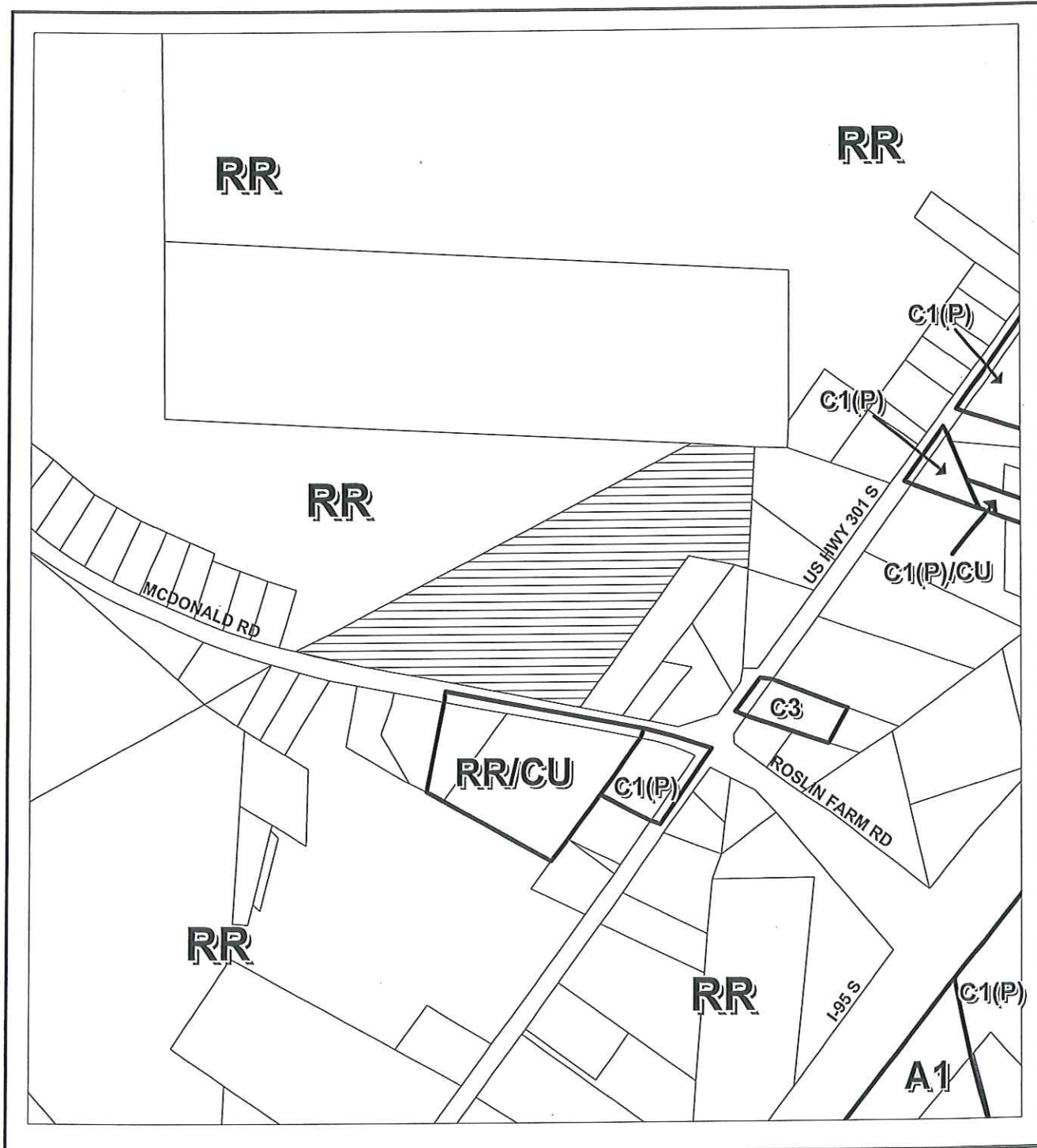
**County Zoning Ordinance Reference:** Section 906, Day Care Facility

**Notes:**

- Contents of the application
  - a. Days of operation: Monday through Friday
  - b. Hours of operation: 6:00 am to 6:00 pm
  - c. Total children: 25
  - d. Employees: 5
  - e. Required off-street parking spaces: 7

**First Class and Record Owners' Mailed Notice Certification**

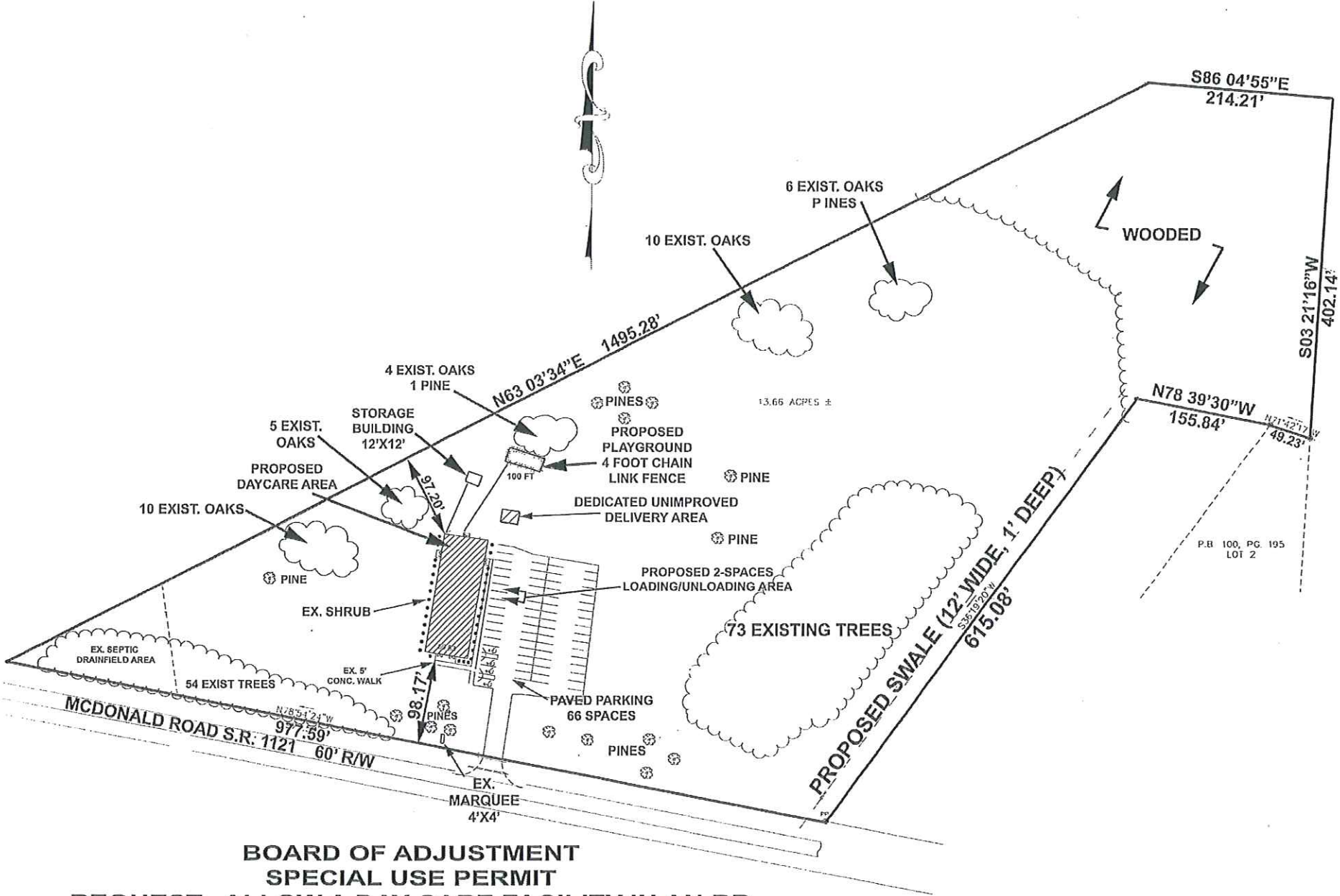
*A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' certified receipt of notice is also included.*



SCALE IN FEET

## BOARD OF ADJUSTMENT SPECIAL USE PERMIT

<b>ACREAGE: 13.66 AC.+/-</b>		<b>HEARING NO: P12-06-C</b>	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
GOVERNING BOARD			



**BOARD OF ADJUSTMENT**  
**SPECIAL USE PERMIT**  
**REQUEST: ALLOW A DAY CARE FACILITY IN AN RR**  
**RURAL RESIDENTIAL DISTRICT**  
**CASE: P12-06-C ACREAGE: 13.66 AC +/-**  
**ZONED: RR SCALE: NTS**  
**PARKING: AS SHOWN**

\*SCALED DETAILED SITE PLAN IN FILE AVAILABLE FOR REVIEW UPON REQUEST 5/23/12

# BOARD OF ADJUSTMENT

LOCATION OF PROPERTY: 6111 McDonald Road

OWNER: New Vision Christian Church, Inc.

ADDRESS: P.O. Box 193 Hope Mills, NC ZIP CODE: 28348

TELEPHONE: HOME (910) 818-7928 WORK (910) 424-2041

AGENT: Bobby McKoy, Sr.

ADDRESS: 1159 Cypress Lakes Road, Hope Mills NC 28348

TELEPHONE: HOME (910) 818-7928 WORK (910) 424-2041

**APPLICATION FOR A SPECIFIED/SPECIAL/  
As required by the Zoning Ordinance or Code** **USE PERMIT**

A. Parcel Identification Number (PIN #) of subject property: 0412-47-7529  
(also known as Tax ID Number or Property Tax ID)

B. Acreage: 13.66 ACS Frontage: 977.58 Depth: 1,495.78

C. Water Provider: Well Water

D. Septage Provider: Septic System

E. Deed Book: 6761, Page(s) 0027, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).

F. Existing use of property: Religious worship facility

G. It is proposed that the property will be put to the following use: (Describe proposed use/activity in detail including hours of operation, number of employees, signage, parking, landscaping, etc.) New Vision Christian Church, Inc is proposing to provide a before and after school care program. NVCC before and after-school program will provide a safe, stimulating environment for students whose family situations require student supervision before and/or after the school day. Students must be five years old on or before August 31 of the current school year to enroll in the program. The before-school program will begin at 6:00am and end when the school day begins. The after-school program will begin immediately following dismissal and end at 6:00pm. NVCC before and after school will employ five associates.

**STATEMENT OF ACKNOWLEDGMENT**

Regarding appearance before the Board of Adjustment, the undersigned owner(s), agents, or their assigns, by virtue of their signature(s) to this application, hereby acknowledge the following:

- That although appearance before the Boars is not required, it is strongly encouraged;
- The Board will hear any and all argument for and against this matter before them and such relevant facts will be given under sworn testimony;
- At the public hearing the Board has the authority to issue a final approval or denial decision on this request, or defer the request for additional information to be provided;
- If the petitioner or the representative of this application does not appear personally before the Board, whether there is opposition or not, the Board has full authority to consider the case and defer, approve, or deny the case;
- If the Board's action is to deny the matter before them, the course of appeal to their decision will be that of Cumberland County Superior Court. (Affected parties of the Board's decision have 30 days from proper notification which to serve notice of appeal).

Signed acknowledgment that the Planning and Inspections Staff has explained the application process and procedures regarding this request and the public hearing procedure stated above.

SIGNATURE OF OWNER(S) Bobby L. McKay

PRINTED NAME OF OWNER(S) New Vision Christian Church

DATE 3/15/12 Bobby McKay



## **Special Use Permit – Board of Adjustment**

DRAFT

### Ordinance Related Conditions

#### **Permit-Related:**

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
2. The County Health Department must approve water and sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Section 2306 A, Water and Sewer, County Subdivision Ordinance)

In addition, plans must be approved by the Food & Lodging section of the Environmental Health (County Health Department).

3. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
4. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement.
5. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
6. Landscaping must be provided in accordance with Section 1102 N, Landscaping, County Zoning Ordinance and/as shown on the site plan.
7. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

#### **Site-Related:**

8. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the RR zoning district must be complied with, as applicable.
9. This conditional approval is not approval of the permit for any new freestanding signs. If a new freestanding sign is desired, re-submittal of the site plan is required prior to application for any freestanding sign permits. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
10. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision Ordinance)

11. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
12. If driveways are changed or added, the developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). If required, a copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.
13. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
14. A solid buffer must be provided and maintained along the side property line at the location of the proposed playground area where this tract/site abuts the residentially zoned property in accordance with the provisions of Section 1102 G, Buffer Requirements, County Zoning Ordinance. (Note: Chain link fencing cannot be used to satisfy the buffer requirement.)
15. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
16. The proposed play area enclosed with a minimum of a 4 foot high fence with a lockable gate.
17. All required off-street parking spaces shall be a minimum of 9' x 20'; a minimum of seven off-street parking spaces are required for the daycare facility.
18. A minimum of two off-street unloading/loading spaces which must be have sufficient paved driveway to accommodate at least two motor vehicles at on time for the purpose of loading and unloading passengers.
19. Noise levels shall not exceed 60 dB(A) between the hours of 10:00 pm and 7:00 am. In any event, the noise level, regardless of the time of day, shall not become a nuisance to neighboring properties and strict compliance with the County's Noise Ordinance is required.

**Advisories:**

20. The applicant is advised to consult an expert on wetlands before proceeding with any development.
21. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.
22. The subject property is located within the Town of Hope Mills' Municipal Influence Area (MIA); a sidewalk has not been required for this conditional approval due to no new development occurring on this site.

*Thank you for doing business in Cumberland County!*

**If you need clarification of any conditions, please contact Ed Byrne at 910-678-7609 or Patti Speicher at 910-678-7605; otherwise, contact the appropriate agency at the contact numbers below.**

**Contact Information (Area Code is 910 unless otherwise stated):**

Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Health Department:	Daniel Ortiz	433-3680
Food & Lodging Env. Health:	Tony Ferguson	433-3678
Ground Water Issues:	Matt Rooney	678-7625
Town of Hope Mills:		424-4555*
Chief Building Inspector:	Mike Bailey	
County Public Utilities:	Amy Hall	678-7682
Corp of Engineers (wetlands):	Crystal C. Amschler	(910) 251-4170
NCDENR (E&S):	Sally Castle	433-3300
Location Services:		

Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545

\*This is the main telephone number for the Town of Hope Mills; once connected, the caller will be directed to the various departments.