

Members:
Horace Humphrey, Chairman
Vickie Mullins, Vice-Chair
Ed Donaldson
Joseph M. Dykes
George Lott



Alternates:
Yvette Carson
Winton McHenry
Nathan Feinberg
Joseph Decosta
Alfonso Ferguson Sr

CUMBERLAND COUNTY BOARD OF ADJUSTMENT

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

TENTATIVE AGENDA
JULY 16, 2015
7:00 PM

A meeting of the Cumberland County Board of Adjustment is to be held on Thursday, July 16, 2015, 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 MAY 21, 2015 MINUTES
5. ABSTENTIONS BY BOARD MEMBERS/BOARD MEMBER DISCLOSURES
6. PUBLIC HEARING DEFERRALS/WITHDRAWALS
7. POLICY STATEMENT REGARDING APPEAL PROCESS
8. PUBLIC HEARING(S):
 - **P15-04-C:** CONSIDERATION OF AN APPEAL FROM THE CODE ENFORCEMENT OFFICER'S DECISION REGARDING THE OPERATION OF AN OUTDOOR FIRING RANGE IN A RR RURAL RESIDENTIAL DISTRICT ON 74.05+/- ACRES, LOCATED AT 400 KAREN STREET, SUBMITTED AND OWNED BY DAVID AND MARY DERETTE HAMPTON. (OWNERS)
9. DISCUSSION
10. UPDATE(S)
11. ADJOURNMENT

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MINUTES
MAY 21, 2015
7:00 P.M.

Members Present

Ed Donaldson, Chairman
Vickie Mullins
George Lott
Joseph Dykes
Horace Humphrey

Absent Members

None

Staff/Others Present

Patricia Speicher
Katlyn Allen
Robert Hasty, Jr. (Assistant
County Attorney)

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

1. ROLL CALL

Ms. Speicher called the roll and stated a quorum was present.

2. SWEAR IN STAFF

CHAIR DONALDSON: swore in staff members.

3. ADJUSTMENTS TO THE AGENDA

There were none.

4. APPROVAL OF THE JANUARY 15, 2015 MINUTES

Mr. Lott made a motion to approve the minutes as submitted, seconded by Mrs. Mullins. The motion passed unanimously.

	IN FAVOR	OPPOSED
DONALDSON	YES	NONE
MULLINS	YES	
DYKES	YES	
HUMPHREY	YES	
LOTT	YES	

5. ABSTENTIONS BY BOARD MEMBERS/BOARD MEMBER DISCLOSURES

CHAIR DONALDSON: Any abstentions by any of the board member on this case? I assume everybody's looked at their packet. Does anybody have any reason why they shouldn't hear this case?

MS. SPEICHER: No sir.

6. PUBLIC HEARING DEFERRALS/WITHDRAWALS

There were none.

7. POLICY STATEMENT REGARDING APPEAL PROCESS

Ms. Speicher read the Board's policy regarding the appeal process to the audience.

8. PUBLIC HEARING(S)

A. P15-03-C: CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A BORROW SOURCE OPERATION IN AN M(P) HEAVY INDUSTRIAL DISTRICT ON 35.96+/- ACRES, LOCATED ON THE WEST SIDE OF CLAUDE LEE ROAD (SR 2341) AND NORTH OF LAZY ACRES STREET, SUBMITTED BY GS MATERIALS (OWNERS).

Chair Donaldson read the case heading and called Mr. Gallagher as speaking in favor forward.

Ms. Speicher reviewed the zoning, sketch map, and land use of the area surrounding subject property. She briefly reviewed board packet material. She also recommended an additional condition: the board consider delegating to staff to approve yard waste to borrow pit, will amend that condition if done and no access through Cornell Drive as an added condition, as it would be through a residential subdivision.

Chair Donaldson asked board members if they had any questions.

CHAIR DONALDSON: Can you go forward on the slide? I think that one shows a little more detail of what they want to do. Is there a different slide anyone wants to see? I think for the purposes of looking at this right now, helps us some. I have on the sign-up sheet, for petitioners: Mr. Bailey, Mr. Smith and Mr. Cagle. Opposed is Scott Sanders. Where are you Mr. Sanders? Mr. Sanders, if you'll come up here please. Who wants to speak first for the petitioners? Mr. Bailey, Mr. Smith, or Mr. Cagle? Are all three of you going to speak or just one of you going to speak for right now?

Chair Donaldson swore in the speaker, Jack Bailey, Vice President of GS Materials, Inc. 2637 NC 87S Graham, NC.

CHAIR DONALDSON: Go ahead, sir.

MR. BAILEY: Well I don't have much to say other than we've had this pit for several years.

CHAIR DONALDSON: Before we start, I have one quick question; I have a question. What is the legal definition of a borrow pit? Is there a definition set out for it?

MR. BAILEY: (laughs)

MS. SPEICHER: I have the county's zoning ordinance.

MR HASTY: I've looked at the legals and it's basically a sand pit

CHAIR DONALDSON: Because, well, this is the first time we've ever had this issue. I basically know what it is, you know, but what's the definition the county says?

MS. SPEICHER: The County calls a Borrow Source Operation the removal of soil, sand, or other soil materials with further processing limited to dry screening to remove roots, trash, objectionable and other—deleterious—material. The provisions of this ordinance shall not apply to a bona fide farming activities, operation subject to the NCDOT contractual agreements, or jurisdiction for the duration of the contract only and any operations exempt from the state mining commissions regulations. These exemptions shall apply in all zoning districts. And just for the board's personal knowledge, the zoning ordinance also has quarry operations. Quarries are approved by the BOC only as a conditional zoning.

CHAIR DONALDSON: Right.

MS. SPEICHER: The primary difference between the two is that a borrow source is the dry removal of soils whereas a quarry involves a wet process.

CHAIR DONALDSON: Okay, alright. Everybody understand now what it is? Alright, go ahead, Mr. Bailey.

MR. BAILEY: Well there isn't much to say other than we had it several years ago. Uh, we did it basically for two NCDOT projects that we had, and we got a borrow out of that; it was approved—the highway department, DENR and everyone else. Now we need to renew it because we're doing a lot of projects again here in this area. Um, in fact, our sister company has two Walmart site contracts. We have several others; we like working in Cumberland and we just want to continue as needed to have it zoned properly and have the extended use permit to be able to do so. I have with me, of course, Mr. Cagle who's in charge of all of GS Materials permits, I have our engineer Brandt Smith who can answer any technical questions. I don't know anything other to say other than we'd be glad to answer any questions you have.

CHAIR DONALDSON: Mrs. Mullins, do you have any questions?

VICKI MULLINS: None at this time.

CHAIR DONALDSON: Mr. Lott?

MR. LOTT: The um, borrow pit as it is now, all the material has been taken out at one time?

MR. BAILEY: No, sir. A portion of it has. We're wanting to extend the borrow pit for future projects.

MR. LOTT: That's the future excavation?

MR. BAILEY: Yes, sir.

MR. LOTT: But the piece that's been, that you're asking for now, it has already been?

MR. BAILEY: Well, a portion of it has. Those portions already have buffers and trees and in our request for this permit, we're also agreeing to put up berms and Cyprus trees around the other bounds of it. We have a permit from DENR as far as the erosion and so on and so forth. And in answer to your question, they call borrow pits mines with DENR so we have to go through the whole permitting thing and get approval from them. We have that approval from them. I think they have a representative here tonight, but I'm not sure. I think, Patti, you have a copy of that permit? For erosion control?

MS. SPEICHER: I have a copy of the permit for yard waste.

MR. BAILEY: Right, okay.

MS. SPEICHER: It is my understanding. If I could, to the board, this is Melissa Joyner with DENR. She's been working on this project.

CHAIR DONALDSON: Okay.

MS. SPEICHER: She is not prepared or even here for a presentation, but only if the board has specific questions related to the DENR process.

CHAIR DONALDSON: Oh, okay.

MR. LOTT: I'm also assuming that this material has done been approved by DOT for use on your projects.

MR. BAILEY: Absolutely. It's been approved. You know, you have to get approval before you can use it.

MR. LOTT: Yes, sir.

CHAIR DONALDSON: Mr. Dykes?

MR. DYKES: No questions.

CHAIR DONALDSON: Mr. Humphry?

MR HUMPHRY: No sir.

CHAIR DONALDSON: Just explain. Now what we're talking about here is basically dry, natural waste, right? Just give me an example. Like if DOT is going out to clear a place for a new road or something...

MR. BAILEY: The waste we have out there now, sir, is twofold. We have one pile of crushed concrete that came off of one of the—concrete that's being piled, and we're bringing in a portable crusher to crush it and recycle it. There's another pile of brush there and trees that we use to grind up and make mulch out of.

CHAIR DONALDSON: This is stuff from like, as you used the example, it was from the highway, DOT when they're building highways or doing any expansions, when they go out and clear stuff, right?

MR. BAILEY: Yes, sir. DOT or commercial projects, whatever.

CHAIR DONALDSON: Right, I mean, they just truck it right? But there's no wet waste stuff; it's all dry?

MR. BAILEY: Oh, Lord no. We don't wash anything out there.

CHAIR DONALDSON: Okay, and what you're proposing to use the future is... What are you proposing to use the future evacuation for?

MR. BAILEY: Well, for a borrow pit to use on projects.

CHAIR DONALDSON: Okay. How big is that pit anyway?

MR. BAILEY: (To Brandt Smith) How big is it Brandt? The whole areas 36 acres. How big is the new borrow pit? Or the request for the new borrow pit?

CHAIR DONALDSON: I was just wondering what the dimensions were.

MR. BAILEY: I think it's on the plans, isn't it?

CHAIR DONALDSON: Well, it's a little hard to see this...

MR. BAILEY: Our engineer is going to calculate it. Don't want to deprive him of that.

CHAIR DONALDSON: Okay. 200 x 200 is an acre.

MR. BAILEY: A little over 2 acres.

CHAIR DONALDSON: Now you understood her condition about not having access through Cornell Street, right?

MR. BAILEY: Yes, yes sir. We don't... Well, we want to keep the same access we've always had.

CHAIR DONALDSON: They just don't want any trucks going through a residential neighborhood.

MR. BAILEY: Oh, no sir, we'd just get a whole bunch of complaints.

CHAIR DONALDSON: So you don't have any objection to that?

MR. BAILEY: No, sir.

CHAIR DONALDSON: Okay. Do you have any objection, if we grant this, that we delegate to the staff the enforcement of any additional requirements? Consistent with the ruling.

MR. BAILEY: No, sir. We agree to everything. We've carefully read the ordinance and we agree with all of the conditions.

CHAIR DONALDSON: Alright, well I don't know that it's necessary for the other two gentlemen to testify right now, unless you all want to hear from them. Thank you, sir. Have a seat. Mr. Sanders? Do you want to come up to testify?

Chair Donaldson swore in the speaker, Scott Sanders, 3422 Clemson Drive, Fayetteville, NC 28306.

MR. SANDERS: I live in the Lake Lynn subdivision which backs up directly to the property. This is kind of my personal opinion, this is new to me, and some of the wording was a little confusing about the borrow pit vs. the initial letter that we got. Um...

CHAIR DONALDSON: That's why we were having to ask questions. To my knowledge, it's the first time it's come up, the entire time I've been on the board.

MR. SANDERS: Now I kind of understand a little bit about the borrow pit, but our letter that we got said it was going to be for surface mining.

CHAIR DONALDSON: That's because, as he stated, it's a mine as far as the state's concerned. We, the county, consider it a pit, but the state, they consider it a mine.

MR. SANDERS: Well, and that's where it raised concern to me and my wife and maybe some of the other people here. You know, because we did a little research on surface mining; what that could involve. Possible drilling and even blasting and doing different things like that.

CHAIR DONALDSON: That's not going to happen. That's not the case in this.

MR. SANDERS: Okay. See then, that's my biggest issue with that. We don't want any drilling and blasting and anything like that.

CHAIR DONALDSON: The worse you're going to have are trucks and excavation materials in there digging it out, and then trucks delivering stuff in there, right?

MR. BAILEY: Yes, and I'd be more than happy to address that. We may have two to three employees—an excavator operator, loader operator and someone counting trucks or operating scales. That's it. And as far as rocks concerned, believe me, if we hit rock, we've got other problems. We don't want it. We want loose good dirt.

MR. SANDERS: Okay. Also, just to make sure I understand exactly... Are you going to bringing other materials in to dispose of? Like rocks and trees and debris and things to kind of backfill some of this area?

MR. BAILEY: Right now, we're talking about grinding the trees there into mulch, recycling that. Then we talked about taking the broken concrete that's in there and recycling that into gravel stone to either use it or sell it.

MR. SANDERS: Okay, and then also, I heard you saying the new area was roughly five acres or something.

CHAIR DONALDSON: It's 400 by 200 and an acre is 200 by 200. I'd have to do the math real quick. It's a little more than two acres. Roughly two and a half, three acres.

MR. SANDERS: Like I said, I'm just trying to get clarification. I live, kind of, on the south end of the pit, closer to Claude Lee Road, no, I'm sorry, the airport. Now it's already probably 35-40 feet deep somewhere in that area. Now do you anticipate going any deeper there or is it mainly in the new area?

CHAIR DONALDSON: Well you can't really see it on that. The new area is the white area we're looking at (points to map)

MR. LOTT: No, that's actually the approved yard waste area.

CHAIR DONALDSON: Yeah, that's right. Go back to the point you were at.

MR. LOTT: I mean, essentially, over the lifetime of this pit it should be 35 acres.

Mr. Bailey brings out larger map to go over with Mr. Sanders.

MR. SANDERS: (while looking at map) We've got some standing water issues over here. Has anyone tried to set it up for drainage? I don't know how deep that water is, but it appears to be several feet deep—the water that's standing. I guess we're just a little concerned about how deep they possibly could go, and the water standing issues because of wells in the area. We're all on city water for drinking water, but use wells for gardening and filling swimming pools and things like that. We're a little iffy about how far they could go and possibly contaminate some of the wells and things like that.

MR. BAILEY: I think at the most, it'd go out another ten feet.

CHAIR DONALDSON: Alright, show me exactly on the map right here that we've got up where they plan to put this additional two plus acres. Because they're going further down, away from your house. They're going south of where they are now. Yeah, they're on the Snowhill Road side.

MR. SMITH: Now in relation to what he was talking about, we are proposing to go another ten feet there. If they hit water, they don't pump it out, it stays there until it drains out, let it dry, then use it.

MS. SPEICHER: May we please get the engineer's name and address for the record?

CHAIR DONALDSON: I'll get it.

MR. LOTT: What's the longevity of the site you think it'd be? Five years, ten years?

MR. BAILEY: To be honest with you, it depends on how many projects we get. I would say five years to ten years max if that.

MR. LOTT: That's about the life of most of them. And normally, after you're through with them, they're reclaimed? Because, well, that's it, there's no further use for them.

MR. BAILEY: That's correct, we reclaim it. We work with DENR over here (points to Ms. Joyner) and we uh, reclaim it, and that's it.

MR. LOTT: So you're looking at five to ten years from now, you're going to have a big field of woods behind your house more or less.

CHAIR DONALDSON: Alright go ahead, Mr. Sanders. Did you have any other questions?

MR. SANDERS: Uhm, well, I think there was some concern from some other people about maybe bringing in concrete and grinding and all with noise levels and things like that.

CHAIR DONALDSON: Well, they're doing that now. Aren't they? Aren't y'all doing that now?

MR. BAILEY: I don't think we've ground any lately.

CHAIR DONALDSON: But you have, right?

MR. BAILEY: We've processed some.

MR. SANDERS: As far as the actual digging and borrowing of dirt, I don't think any of us have an objection to that, cause it's been going on and it's not a big deal. And it's their land, we understand you have to get dirt from places for projects you know, but like I said we're a

little concerned about possible additional noise with the grinding of the concrete and grinding of mulch and things like that.

CHAIR DONALDSON: Well y'all are doing the grinding of concrete sometimes now, aren't you?

MR. BAILEY: We have processed some. (To Alvin Cagle) When's the last time we processed concrete? We're trying to figure it out, we've got several of these pits.

MS. SPEICHER: If I could...

CHAIR DONALDSON: Wait, just one person at a time. I don't want to know how much was done, I just want to know the last time y'all ground any concrete.

MR. BAILEY: I don't know, we're trying to figure it out.

CHAIR DONALDSON: Well, was it a year ago? Ten years ago? Twenty years ago? Somebody's got to know something. Give me a rough estimate.

MR. CAGLE: Probably several months

CHAIR DONALDSON: A few months?

MR. CAGLE: There's been some this year.

CHAIR DONALDSON: This year?

MS. SPEICHER: If I could, for the board, the staff approved that process in March of this year. That's the site plan that you're looking at.

CHAIR DONALDSON: Oh, okay. Well apparently they've been doing it and you haven't heard any noise about it yet, have you? Any additional noise?

MR. SANDERS: Well, I'm generally at work when all of this is goin' on. My wife is at home and she does complain, ya know, about noise with dump trucks and things like that. I don't know if she actually knows if there's a difference in grinding concrete and things like that, she just complains about noise a lot.

MRS. SANDERS: Well before now I had no idea what they were doing. I didn't know they were grinding concrete and all that. It's horrible in the morning trying to have a cup of coffee at 6 a.m. and hearing all that.

MS. SPEICHER: Chair, we need everyone to speak directly into the microphone for the recording systems or it's not going to pick it up.

MR. SANDERS: Yeah, I'll walk closer.

CHAIR DONALDSON: Alright.

MR. BAILEY: We won't operate at night. It'll only be during the day. It will be a short lived thing. The pile there now, how long will that take? Four or five days?

CHAIR DONALDSON: Do you do stuff on the weekends?

MR. BAILEY: No, we don't.

CHAIR DONALDSON: Rarely?

MR. BAILEY: Not unless there's some emergency project somewhere. I can't remember us ever grinding material over the weekend.

CHAIR DONALDSON: Okay. Anything else, Mr. Sanders? That we haven't addressed?

MR. SANDERS: Um, no, I don't think so. Like I say, I'm going to give you my personal opinion. If it continues like it has been, you know, getting dirt, I don't think any of us have an objection to that.

CHAIR DONALDSON: Well you understand that they're actually going farther away from you...

MR. SANDERS: Correct

CHAIR DONALDSON: With the new borrow pit. It's going to be farther away from you, distance wise

MR. SANDERS: Yes, sir.

CHAIR DONALDSON: Okay.

MR. SANDERS: Well, yeah. Before this meeting even started, this lady (points to Ms. Speicher) did clear up some things for us that we didn't know because we were very concerned about the different type of permit. That's what alarmed me.

CHAIR DONALDSON: Okay.

MR. SANDERS: And like you said yourself, you didn't know what that permit was for. Then when we researched it, we were seeing, like, for coal mining and different things like that. That's the main reason that, that I'm here, to make sure nothing like that's going on.

CHAIR DONALDSON: This permit is really kind of narrow as far as what they've got in there. It's not hazardous waste or anything like that, and it's not any liquids that are going to seep in. The only thing, basically, that it is, is concrete from roads I guess, where they tear up

commercial projects, you know, tearing up stuff. Also, how about asphalt. Do y'all do asphalt?

MR. BAILEY: We don't have any now, but we do recycle asphalt.

CHAIR DONALDSON: The rest of it is trees and woods and stuff that have been cut down; debris. You've probably seen where DOT, where they do, projects where they just go in and start grading down trucks of wood. It's all piled up in one big pile, then they start hauling it off to recycle. That's what they're doing, they're hauling it off to their site for them to recycle.

MR. LOTT: Yeah, I don't think they burn any more on these large construction sites. A lot of it gets ground up.

MR. SANDERS: As far as the depth, is there like a maximum depth than can be gone to? Or is it as long as they can get to clean dirt, you know?

CHAIR DONALDSON: Mr. Hasty?

MR HASTY: I, I don't know. I think it'd be up to the engineers

MS. SPEICHER: The county ordinance doesn't specify, does the DENR ordinance?

MS. JOYNER: No, it does not.

CHAIR DONALDSON: The depth really, they just have to continue it. It's continuous thing where they have to continually comply with the rules, whatever DENR says, or the county ordinance says. Uhh, yeah, I guess, theoretically they could go to China if they could get there, you know. I mean, the likelihood of that happening, though, is... It's not likely to happen, so there's a practical limit to how far they can go anyway because of the equipment, you know, using it and all.

MS. JOYNER: If I may, regarding the answer I just gave, I'm not sure, if we could please strike that answer.

MS. SPEICHER: Okay.

CHAIR DONALDSON: Okay. Anything else, sir?

MR. SANDERS: I-I don't have anything personally, I don't know if...

CHAIR DONALDSON: Anyone else want to be heard on this? You need to come up here if you want to speak, ma'am. You'll need to be sworn in.

MR. SANDERS: This is my wife.

CHAIR DONALDSON: Okay.

Chair Donaldson swore in speaker, Angela Sanders, 3422 Clemson Drive, Fayetteville, NC 28306.

CHAIR DONALDSON: Okay. Just tell us what you want us to hear, or if you've got any questions, the board will try to answer them.

MRS. SANDERS: Okay, my thing is, until now, I didn't know anything about them recycling anything back there. Alls we thought they were doing was getting dirt. So when did they start that, or is that why this is? Or? The concrete or the trees, we've heard nothing of that.

CHAIR DONALDSON: Have y'all always recycled back there? Or has it just been excavation of dirt? Mr. Bailey?

MR. BAILEY: Back in February, I believe it was.

CHAIR DONALDSON: You started recycling in February?

MRS. SANDERS: Well, we knew we've heard more noise. But we, like I said, 'til right now, we knew nothing of that, we just thought it was a borrow pit.

CHAIR DONALDSON: Okay.

MS. SPEICHER: If I could explain to you, chair, for the inert debris, which is the yard waste, concrete, etc. That does not require a public hearing on property that is zoned industrial—which the subject property is.

CHAIR DONALDSON: Yeah.

MS. SPEICHER: And that is why the staff approved this site plan in March of this year.

CHAIR DONALDSON: You understand that?

MRS. SANDERS: Yeah, they can do it without our permission, but..

CHAIR DONALDSON: Because it's already zoned industrial use.

MRS. SANDERS: Right, okay. But I'm just saying, we didn't know nothing about it and that's part of this. So they can do that now as much as they want, and there's nothing that we have any say over, right?

CHAIR DONALDSON: Well it's already zoned for them to do it, so yes.

MS. SPEICHER: As much as they want within this general area.

CHAIR DONALDSON: Yeah.

MRS. SANDERS: Okay.

CHAIR DONALDSON: As long as they comply with the site plan and the setbacks from the road, and the trees and the berms, and all that, they can continue to operate.

MRS. SANDERS: We have a lot of stink with this project. I know y'all are following the guidelines on the setbacks with the land. But the ones that started this, the ones before y'all, they cleared all of the way to our fences. It took til just now, our trees finally got big enough for blockage. There was nothing.

CHAIR DONALDSON: Well, the new requirements, they have to keep the buffers there.

MRS. SANDERS: Right, right. That's what I'm saying, that's why we're here this time, because before and the guy didn't even want to put up buffers then. We just had all kind of problems.

CHAIR DONALDSON: The rules have all changed over the years about buffers. Before, people could do that. They could cut right to the property line. Now they're required to put buffers in, maintain them, and so forth.

MRS. SANDERS: Right... Well, actually, he couldn't then either, but he did.

CHAIR DONALDSON: Well anyway, if you read what they said, there's a berm that's got to be put around it and so forth. Is it fenced in? Is the property fenced in?

MR. BAILEY: No.

CHAIR DONALDSON: No? I didn't know if it was fenced in or not. Anything else ma'am?

MRS. SANDERS: Just, um, someone had about wells. About the water. About maybe anything that they do recycle?

CHAIR DONALDSON: Well they're not putting any hazardous materials in there, it's just debris like woods and trees and stuff like that.

MRS. SANDERS: But they said asphalt and stuff.

CHAIR DONALDSON: They're not putting asphalt in there they said.

MRS. SANDERS: So they're not going to be recycling it or nothing like that?

MR. SANDERS: I thought he said not right now.

MRS. SANDERS: Yeah, he said not right now. He just said not right now.

CHAIR DONALDSON: It's my assumption is that DENR would have some special requirements for asphalt, wouldn't they?

MS. JOYNER: We would actually refer it to the Division of Solid Waste who would have more knowledge on that at that time.

CHAIR DONALDSON: Right, because that's an oil based product.

MRS. SANDERS: I'm just wondering about smells and all, you know, anything like that you know.

MR. SANDERS: We're just scared, not what's been going on, just what could be going on later down the road with the permit.

CHAIR DONALDSON: Well they're not doing anything different than they're doing now. They're just doing it farther away from where you are.

MRS. SANDERS: Okay.

MR. SANDERS: Right.

CHAIR DONALDSON: Okay.

MR. SANDERS: If they're not doing anything different, then, I don't think, umm... Yeah, if this permit actually goes through, how long will it be good for? Before they have to renew or whatever?

MS. SPEICHER: A special use permit, once it's approved, runs with the land.

CHAIR DONALDSON: Runs with the land? So, if they sell it to another company that does the same thing, they can continue to do it. And any time they want to, they can close it up and plant over it to reclaim it. They're required by law to do that—reclaim it—if they close operations on it.

MR. BAILEY: Excuse me; may I address the asphalt question?

CHAIR DONALDSON: Yes, sir.

MR. BAILEY: I don't want to stir up anything, I just want to make sure they get a clear understanding. We've recycled everything in our other areas, pits, whatever, but it's never been to the point we contaminate anything. It's always up at the highest spot, it's always..uhh.. we-we clean it, we reclaim it, and.. uhh.. yeah. One in particular that comes to mind, we did a project right through the middle of a Charlotte subdivision, at a country club down there, where we had asphalt that came off the project. We recycled it, we cleaned it up, we got tests to prove that we got it all up. We even undercut the area that the pile set in. We reseeded, reclaimed and that was the end of it.

CHAIR DONALDSON: Okay.

MR. BAILEY: So, I don't think they have to worry about contamination... IF we do. I don't know that we'll ever bring asphalt in there.

MRS. SANDERS: Well, we've got wells that are less than 50 feet deep. That's why.

MR. BAILEY: I understand, but it's not going to seep down through all that clay and come down to your well. If we were putting it in the bottom of the pit, I'd be concerned too. But we're not going to do that there.

CHAIR DONALDSON: Alright. Thank you sir. Anything else, ma'am?

MRS. SANDERS: [shakes head.]

CHAIR DONALDSON: Alright, thank you.

MS. SPEICHER: If we could get the two gentlemen's names—the engineer and Alvin—their name and address for the record, please.

Brandt Smith, engineer for G.S. Materials, Inc. 205 Sierra Drive, Wilmington, North Carolina, 28409.

Alvin Cagle, 2081 Leonae Drive, Randleman, NC 27317.

CHAIR DONALDSON: That's all we need. Thank you. Anyone have any questions about the board on anything? Anything? Alright. Anyone want to be heard? Mrs. Mullins?

MRS. MULLINS: I have nothing.

CHAIR DONALDSON: Mr. Lott?

MR. LOTT: Make a motion that we approve it.

MRS. MULLINS: I second it.

CHAIR DONALDSON: Wait until we go around the room please.

MR. LOTT: Oh, I'm sorry.

CHAIR DONALDSON: Mr. Dykes? Mr. Humphry?

MR. DYKES: No questions.

CHAIR DONALDSON: Okay. Any other comments or discussion? I hear a motion.

MR. LOTT: Sub made

MR. HUMPHREY: I second.

CHAIR DONALDSON: Motion for what?

MR. LOTT: To approve, I'm sorry.

MR. HUMPHREY: I second that motion.

CHAIR DONALDSON: Anyone opposing it? All those in favor?

	IN FAVOR	OPPOSED
DONALDSON	YES	NONE
MULLINS	YES	
DYKES	YES	
HUMPHREY	YES	
LOTT	YES	

CHAIR DONALDSON: Okay, motion carries, with the stipulations and conditions laid out with the additional, um, that there be no access from Cornell Drive, that they use the entrance that they're using now, and, um, delegate to the staff any additional changes to fine tune this.

MS. SPEICHER: That's consistent with this application.

CHAIR DONALDSON: Alright. With this application, and we don't have to address the violation, do we?

MS. SPEICHER: No, because this is a step in resolving that.

CHAIR DONALDSON: Okay.

MS. SPEICHER: But if I could get the board, somebody to go to their notebook, to the tab where it says special use permit, and the four findings please?

CHAIR DONALDSON: Ahh, yes. Okay. One, the use will not materially endanger the public health or safety—just a continuation of what's already been done there. There's no evidence showing that or anything. The uh, it's been there since.. When did you say? 1999 it was originally approved?

MS. SPEICHER: Yes, sir.

CHAIR DONALDSON: It's been in operation since 1999. This is just an expansion of the borrow pit there. The materials there are dry waste and natural waste exception for concrete and such things like that, that are being recycled. It meets all the requirements and

specifications that are set out in the ordinance and with the permits needed by DENR and, uh, what was the other permit I saw? I forgot who it was.

MS. SPEICHER: The yard waste permit.

CHAIR DONALDSON: Yeah, the yard waste permit. And um, the fact that it is a public necessity because the need for building projects to have a place to recycle the materials, number three. It's consistent with the location and character of the use. It's zoned industrial as it is, and it's continued use of the property in the same manner and mode. Do you need anything else?

MS. SPEICHER: That is wonderful. Thank you.

CHAIR DONALDSON: Thank you ladies and gentlemen. Y'all have a good evening. Enjoy Memorial Day weekend, ok. Be careful driving too.

MS. SPEICHER: Chair, if I could go over this document with them outside the room? But you all discuss the next item on the agenda and I'll be right back.

CHAIR DONALDSON: Yeah. We'll do that if you want to, and y'all can go out and talk to them, if they've got any questions. Thank you, Mr. Bailey, Mr. Smith and Mr. Cagle. Y'all have a nice trip back to Graham and Randleman.

MR. BAILEY: Thank you.

CHAIR DONALDSON: Okay, the next matter... Where did I leave my agenda? Oh, I was using it for notes on the back. If y'all could step outside... Mr. Sanders, excuse me sir, if y'all could step outside and talk we've got some other business that we've got to carry on. Okay. We have the issue now of um, the um, what we're going to do about the future of this board. I've been given the roster here. Mr. Dyke's term, and he's on his second term, expires August 31, and he's not eligible for reappointment. Mr. Humphrey, he expires June 30th of '16, and he's not eligible after that. MR. LOTT: is on his first term, and he expires August 31st of next year. And, um, my term, my second term is up—I guess, I don't, I haven't been on this thing 8 years. Is it two years or four years? 3? Hmm, well I was filling an unexpired term.

MS. SPEICHER: Right, you were. You were.

CHAIR DONALDSON: So that, that's why it's a second term. Okay. My term expires on September 30th, and I'm not eligible. Mrs. Mullins is on her first term and she's eligible. She's got uhh, up for reappointment August 31st. I assume that's up before the Commissioners sometime this summer, right?

MS. SPEICHER: Yes sir.

CHAIR DONALDSON: And then we got alternate members. All I can say is, three of us are going and possibly four if the board of County Commissioners don't reappoint you, but that's

unlikely. So, I'm going to make a proposal. You all can do what you want, if y'all want to vote on it, you can send it to the Board of Commissioners; however y'all want to do it. For continuity, I would recommend that since Mr. Humphrey's got until next...

MR. HUMPHREY: June

CHAIR DONALDSON: June, that he be made chairman since he's got time, and that would give y'all time to sort out who's going to take over for him next year, next summer, a year from now. That's just my recommendation. He's been here—he's actually been here longer than I have on this board because he was... Well, like I said, my first term I was filling out an unexpired term. So he's actually been here longer. If you've noticed, over the time that we've been here, that I've a lot of times delegated to him to make him do orders and all because I knew this day was coming at some point in time. And it would give a transition. That would be my recommendation. Do you see any problem with that?

MR. HASTY: No.

MS. SPEICHER: If I could clarify that this would not go to the Board of Commissioners, it would be amongst the members, the regular members.

CHAIR DONALDSON: Oh, that's right.

MS. SPEICHER: To vote for the chair and...

CHAIR DONALDSON: Only the reappointment for vacancies sometimes we don't want them. We've basically taken a policy in which we don't even recommend now.

MS. SPEICHER: On vacant positions.

CHAIR DONALDSON: Yeah, we just sort of say y'all do what you want to do because we don't know who we're going to offend. So, it would be, it'd be a vote then.

MS. SPEICHER: It's a motion and a vote.

CHAIR DONALDSON: What's...? Does it require just the majority?

MS. SPEICHER: Yes.

CHAIR DONALDSON: And all of us can vote, to include the proposed Chairman, right?

MS. SPEICHER: Yes.

CHAIR DONALDSON: And do, do we vote on it now, or do we have to wait until I come off?

MS. SPEICHER: We would prefer you vote on it now because we do not have any cases next month. We're already working on July's cases.

CHAIR DONALDSON: And they might be going away.

MS. SPEICHER: Well, ri--, true.

CHAIR DONALDSON: Because, summer time, for whatever reason, they all go away.

MS. SPEICHER: Right. Well, we need the Chairman and Vice Chair established by July 1.

CHAIR DONALDSON: Okay. I make a motion that Mr. Humphrey be appointed to Chairman upon the expiration of my term. I need a second.

MR. LOTT: Second.

Unanimous.

	IN FAVOR	OPPOSED
DONALDSON	YES	NONE
MULLINS	YES	
DYKES	YES	
HUMPHREY	YES	
LOTT	YES	

CHAIR DONALDSON: Now we have to talk about a vice chairman, which is, in all likelihood, will end up, depending on how things go, will probably be the Chairman after he leaves. That's typically how things go. The Vice Chair fills in when the Chair isn't here, though I don't think I've ever missed a meeting, have I? Did I ever miss a meeting? Maybe one.

MRS. MULLINS: One, you missed one. Something came up and you could not get here.

MR. HUMPHREY: Yeah, I've missed one. I've been sick and...

CHAIR DONALDSON: Anyway, I won't make a motion on that. I'll leave that up to y'all. You can nominate yourself if you want to.

MR. HUMPHREY: Let me just ask a question—is it open now?

CHAIR DONALDSON: Yeah.

MR. HUMPHREY: Mrs. Mullins, Mr. Lott, would you object to being nominated? For vice?

MRS. MULLINS: No.

MR. LOTT: No.

MR. HUMPHREY: Who's been the longest, up here? Or have you been here about the same amount of time?

MRS. MULLINS: No, no. I've been here a while. I was an alternate, and then, within weeks, I was moved right on in. I've been here, right after... Mr. Donaldson. Yeah, I've been here a while, so.

MR. DYKES: I would like to make a motion. I would like to make a motion that Mrs. Vicki Mullins be nominated Vice Chair when the position comes available.

MR. LOTT: I'll second that.

CHAIR DONALDSON: Do we have to do the vice chair now?

MR. LOTT: Yeah. She wanted it. Both of them, she said.

MRS. MULLINS: By July.

MS. SPEICHER: By July 1, and we have no June meeting.

MRS. MULLINS: Right, that's what I'm saying.

CHAIR DONALDSON: We have to do it now then.

MS. SPEICHER: Yeah, well. That's what I'm trying to say.

CHAIR DONALDSON: So the motion is for Mrs. Mullins to be the vice chair upon...

MS. SPEICHER: I'm not, I am not saying that you have to. I mean, we would survive and be fine.

CHAIR DONALDSON: Well if we don't do – somebody's got to do something. I mean, y'all can't select the Vice Chair.

MS. SPEICHER: Nope.

CHAIR DONALDSON: The Commissioners don't select it, so we've got to do it ourselves.

MS. SPEICHER: Right.

CHAIR DONALDSON: And it depends on the good ruling of the board of not making anybody mad.

MR. HUMPHREY: And if I couldn't be here, you would need a Vice Chair.

CHAIR DONALDSON: Yeah, and you do need a Vice Chair. So the motion by Mr. Dykes is Mrs. Mullins be nominated to be the Vice Chair. Are there any other motions for anybody else? I mean, Mr. Lott, do you want to nominate yourself?

MR. LOTT: No sir.

CHAIR DONALDSON: Are you sure?

MR. LOTT: Positive.

CHAIR DONALDSON: All those in favor of Mrs. Mullins becoming the replacement Vice Chair?

Unanimous.

	IN FAVOR	OPPOSED
DONALDSON	YES	NONE
MULLINS	YES	
DYKES	YES	
HUMPHREY	YES	
LOTT	YES	

CHAIR DONALDSON: Mr. Humphry will be the Chairman until next summer. Mrs. Mullins will be the Vice Chair. You all are going to have to start looking into some new members, in a hurry.

MR. HUMPHREY: Well you'll be with us until September

CHAIR DONALDSON: Well, I understand that, but we'll probably only end up having one more meeting the way things are going.

CHAIR DONALDSON: Well, we are going to have to... Well, we're losing Mr. Dykes, I'm leaving... and, um, we're going to need two replacements. So the question becomes do we want to make a recommendation on anybody to the County Commissioners or do we want to do like we have been? Let them...

MR. HUMPHREY: Do we have a list?

MRS. MULLINS: That's what I was going to say.

MS. SPEICHER: I don't have a list of the current applicants that are at the clerk's office, um, and I have not polled the alternates to see if any of them want to be appointed.

CHAIR DONALDSON: Well, I move that we don't make any recommendations on my replacement and Mr. Humph—no, Mr. Dyke's replacement right now. Because Mr.

Humphrey, he is going to be on the board, and you've got to have two replacements for us two by August 31st. Because he goes off August 31st.

MS. SPEICHER: We'll have another case by then. We have another borrow pit that was cited in violation, so we may have another case by then.

CHAIR DONALDSON: Well if we do, we do. My motion right now is that we're not going to make any recommendations to the board. I know Mr. Quigley... We, one time, did make a recommendation and they looked at the applicant and said yes. But y'all can do what you want. If y'all want to overrule me, we can do that. That's not a problem. I just kind of find that, well, it's the County Commissioner's call. You never know who up there is a friend of somebody, you know, that they want on there. It gets into—I know its civic duty—but there are other issues too, as we well know.

MR. HUMPHREY: Especially when it's essentially up to the Board of Commissioners anyway.

CHAIR DONALDSON: Yeah, I mean they can disregard us, and that's what I said. I mean, they can disregard us, so why make a recommendation? Let them choose who they want to be on there. So, I make a motion, if there's a second, that we will not make any recommendations on Mr. Dyke's and my replacement. But that's uh—any second on that?

MRS. MULLINS: Second

CHAIR DONALDSON: Any opposition?

Unanimous.

	IN FAVOR	OPPOSED
DONALDSON	YES	NONE
MULLINS	YES	
DYKES	YES	
HUMPHREY	YES	
LOTT	YES	

MS. SPEICHER: Thank you for that. That will save us some time and phone calls.

CHAIR DONALDSON: That way they can just appoint who they want to. They've got their applications up there and they're going to appoint who they want to.

MS. SPEICHER: And if anyone is eligible to be reappointed, you need to apply and make sure they know. We'll tell the alternates that as well.

CHAIR DONALDSON: Well, Mr. Lott, yours is August of next year is when you're eligible. Mrs. Mullins, you're eligible right now; you've got to fill that out now.

MRS. MULLINS: Yeah, I do.

CHAIR DONALDSON: You need to get your application in!

MRS. MULLINS: Just got bumped up to vice and now I've got to reapply!

MR. DYKES: Can I reapply?

CHAIR DONALDSON: No.

MS. SPEICHER: If they say you're not eligible, then...

CHAIR DONALDSON: Two terms. Now, you can sit off a term, right? And then come back?

MS. SPEICHER: You can sit off for one year, according to the new commissioner's rules.

CHAIR DONALDSON: One year? One year, and you can come back if you want to.

MS. SPEICHER: I told Mr. Dykes earlier, that there are times they will suspend the rules. That's not up to us; it's not up to you all. It's, well, if you work that out, you work that out. We can't get involved in that.

CHAIR DONALDSON: Well, we serve at their pleasure anyway. So, I mean, I didn't know that they would suspend the rules. Not that I'm lobbying the stake, because I'm, well, ready to go. Anyway...

MS. SPEICHER: We have really enjoyed you and will not let this be the last meeting.

CHAIR DONALDSON: Well, I understand. Any other business?

Break for attorney-client privilege.

9. DISCUSSION

There was none.

10. UPDATE(S)

There was none.

11. ADJOURNMENT

Mr. Humphrey made a motion to adjourn at 8:19 p.m., seconded by Mr. Dykes.

P15-04-C

**Appeal of Zoning Officer's Decision
related to an
Outdoor Firing Range**

400 Karen Street, Fayetteville North Carolina

**Cumberland County Board of Adjustment
Regular Meeting
July 16, 2015 at 7:00 pm**

P15-04-C
SITE PROFILE

P15-04-C: CONSIDERATION OF AN APPEAL FROM THE CODE ENFORCEMENT OFFICER'S DECISION REGARDING THE OPERATION OF AN OUTDOOR FIRING RANGE IN A RR RURAL RESIDENTIAL DISTRICT ON 74.05+/- ACRES, LOCATED AT 400 KAREN STREET, SUBMITTED AND OWNED BY DAVID AND MARY DERETTE HAMPTON.

Site Information:

Frontage & Location: 520'+/- on SR 1918 (Karen Street); 1,756.34'+/- on NC HWY 24

Depth: 1,650.00'+/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: Outdoor Firing Range w/ residential dwelling under construction

Initial Zoning: RR – April 26, 1979 (Area 8)

Nonconformities: Yes, operation of an outdoor firing range in the RR Residential district w/o permits

Zoning Violation(s): Yes, Case No. ZN 1042-2015 (Notice of Violation, dated May 6, 2015, is included in packet under Code Enforcement tab)

Surrounding Zoning: North: R40A, RR, A1A & A1; South: C(P), C3, C1(P), RR, SF-15 (Fay), R10 & R5A; East: C3, RR & R6A; West: RR

Surrounding Land Use: Residential (including manufactured dwellings), public storage yard, manufactured home park, religious worship facility & woodlands

2030 Growth Strategy Map: Urban Fringe Area

Eastover Area Detailed Land Use Plan: One Acre Residential Lots

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: Well/Septic

Soil Limitations: Yes, hydric – PG Pantego loam, LE Leon sand & ST Stallings loamy sand

Average Daily Traffic Count (2012): 12,000 on NC Hwy 24

Municipal Influence Area: City of Fayetteville (portion)

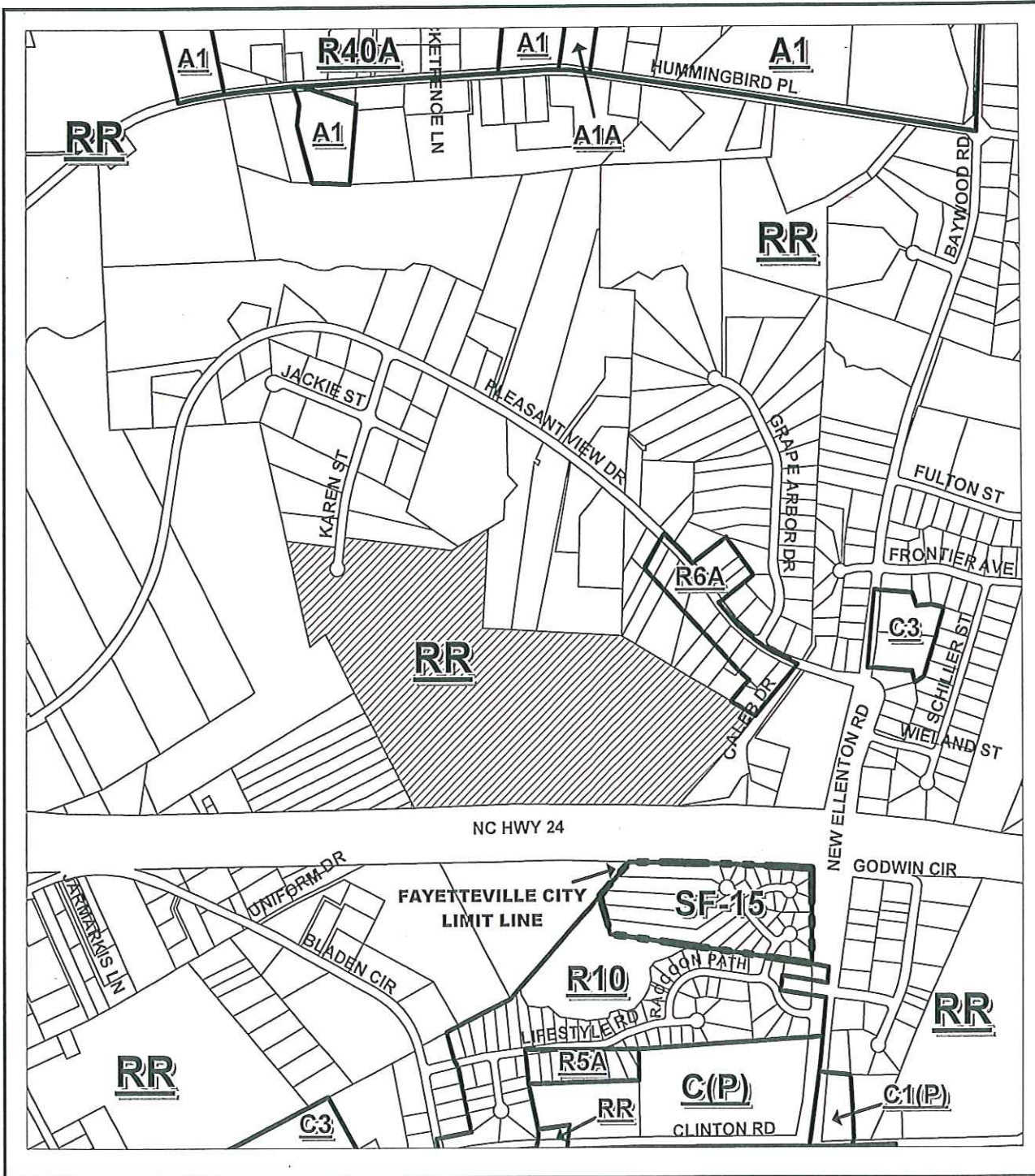
Highway Plan: All roads in this area are Local Roads. There are no road improvements/ construction specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program.

Contents of packet:

1. Planning staff general case info
2. Property owners' appeal documents
3. Code Enforcement documents
4. Outdoor firing range text amendment adopted by the Board of Commissioners on June 17, 2013 w/ staff prepared list of known ranges at that time

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.



NC HWY 24

FAYETTEVILLE CITY
LIMIT LINE

BOARD OF ADJUSTMENT APPEAL

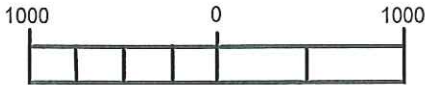
ACREAGE: 74.05 AC.+/-

HEARING NO: P15-04-C

ORDINANCE: COUNTY
GOVERNING BOARD

HEARING DATE

ACTION



SCALE IN FEET

Erosion and Sediment Control Plan Map for David & Mary Hampton. 400 Karen Street, Fayetteville, NC 28312

20 May 2015

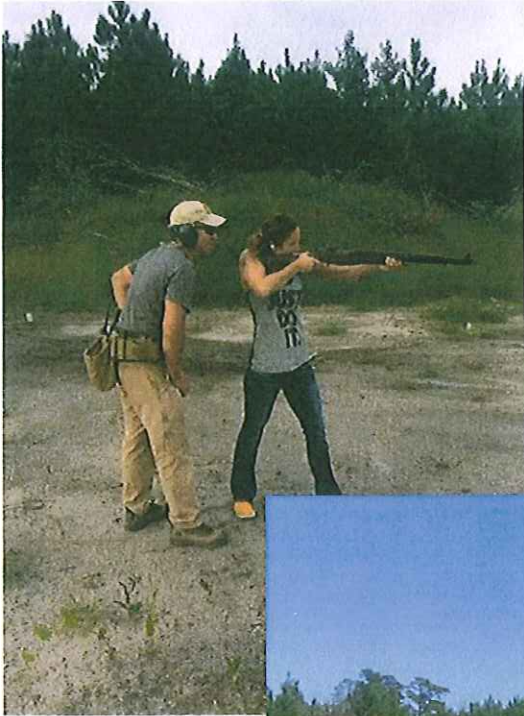
- ### Legend
- Property Line
 - Dirt Berm
 - Pond
 - Swale
 - 24in culvert pipe
 - Gravel Driveway



Close up of private “recreation area”



DAVID & MARY HAMPTON'S FIRING RANGE
400 KAREN STREET



Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Carol M. Post
Office Processing Assistant



CUMBERLAND
COUNTY
NORTH CAROLINA

Planning & Inspections Department

NOTICE OF VIOLATIONS

5/6/2015

George Hatcher,
Inspector

Joey Lewis,
Inspector

Joan Fenley,
Inspector

Debra Johnson,
Inspector

Christopher Fulton,
Inspector

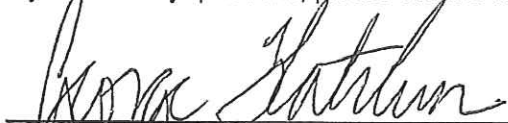
David Hampton & Mary Derette Hampton & Parties of Interest
135 Nantahala Drive
Linden, NC 28356

You are hereby issued a Notice of Violation of the Cumberland County Code, Appendix A, Zoning.

1. Nature of Violation(s): Having a firing range on a property without an approved site plan or permits and without meeting the requirements of the Cumberland County Ordinance. Specifically: An outdoor firing range must be on a lot or contiguous lots of record with a minimum of 200 acres.
2. Code Reference: Cumberland County Zoning Ordinance, Cumberland County, North Carolina, Article I, Administrative Provisions, Section 107, Zoning Permit, Article IV, Permitted, Conditional, and Special Uses, Section 403, Use Matrix, and Article XVII, Legal Provisions, Sections 1703 & 1704, Violations and Penalties. Also, Ordinance Amendment P 11-20, Outdoor Firing Ranges.
3. Action to Correct Violations(s): Remove the firing range from the property
4. Property Location: On or about On lot at end of Karen St, Fayetteville, NC. Being that property as listed under Cumberland County, NC Tax Parcel Number 0467-51-7044
5. Property Owner: David Hampton & Mary Derette Hampton Inspection Date: 5/6/2015

You are hereby advised that the above listed violation is a Class 3 Misdemeanor, under the provisions of North Carolina General Statute 14-4, and must be corrected within thirty (30) days of receipt of this notification. Failure to correct this violation will subject you to a civil penalty of \$500 dollars per day (each day being a separate violation) and prosecution for a misdemeanor violation in Environmental Court. Also be advised of your right to appeal this decision in accordance with Article XVII., Section 17.03(E), Appeal, Zoning Ordinance, Cumberland County, North Carolina.

If you have any questions, please contact the undersigned at (910) 321-6647.


George Hatcher
Code Enforcement Officer

DAVID & MARY HAMPTON
135 Nantahala Drive, Linden, NC 28356
910-229-1018/1021

TO: The Board of Adjustment
County of Cumberland
Fayetteville, North Carolina

THRU: Planning & Inspections Department
ATTN: Thomas J. Lloyd, Director
County of Cumberland
Fayetteville, North Carolina

SUBJECT: Firing Range at 400 Karen Street

May 21, 2015

Members of the Board,

We are requesting the Board recognize our status as a firing range that was in operation prior to June, 2013, allowing us to have other persons use our firing ranges at our property at 400 Karen Street. This use would only be under our direct supervision, for the purpose of teaching others the fundamentals of safe gun handling and marksmanship, and the maintenance of firearms proficiency. These ranges would not be open to the public, but would be operated as private ranges with specific, by appointment-only access. We submit that we were in operation in June, 2012, and began teaching in July, 2012, prior to the ordinance changes regarding firing ranges in June, 2013. For this reason we request your consideration.

We purchased 74.05 acres at 400 Karen Street in October 2011, intending to build our final home, a running trail and firing/archery ranges, encompassing our desire to bring our hobbies and skills to our own recreational area. Our intent was to create a place where our family, friends and those with similar interests could come to maintain or improve their proficiency in a safe and professional environment (*See Tabs 2 & 3, Letter from Gary Futch and email between Gary Futch and David Hampton*).

In the three months we considered purchasing the land at 400 Karen Street (July-September, 2011), I (David) spent a lot of time on the land, with permission of the owner to thoroughly evaluate if it was the right place to build our home and firing ranges. We realized there were at least three other small, personal firing ranges within the neighborhood off of Pleasant View Road, and that gunfire could be regularly heard to the immediate North, East and West of our property, suggesting that firing ranges were not unusual in the area. These factors significantly contributed to our valuation of the property (*See Tab 4, Property Deeds*).

Our choice of location was tailored to our interest in firing range development. The amount of acreage was important as we knew it was more than double the minimum requirements at the time. Further, we established the direction of fire to the South, the opposite direction of any immediate residential areas, and the backstop berms were placed as close to the center of the property as possible, and located in a topographical downslope to best reduce noise pollution.

standards established by the National Rifle Association (NRA) and conferred with two retired U.S. Army Engineers, both of whom had planned and supervised the construction and maintenance of firing ranges on Fort Bragg during their careers. Both the NRA standards and the guidance we received from these engineers exceeded the requirements in the County Ordinances, and became the standards we use in our range construction.

We began clearing land for the ranges in May, 2012, posting no trespassing signs, placing a locking gate at the entrance to the property and hiring a land-clearing company to build our first firing range and berms. The initial range was 25 yards in length and was first used for archery and firearms training by us alone. We purchased a small bulldozer and tractor in July 2012 and continued clearing the land and improving our berms, expanding the range distance to 40 yards and allowing limited use of the range by friends in the Spring of 2013. This was done only under our direct supervision (*See Tab 5, Letter from Robert Dinsmore*).

We conducted limited teaching on our 25-yard range in the summer of 2012, and again in the spring of 2013. I (David) trained Jennifer Hernandez in basic handgun safety and defensive pistol techniques in July, 2012 (*See Tab 6, Letter from Jennifer Hernandez*) and then taught tactical pistol use to Markus Harf in August, 2012 (*See Tab 7, Photographs*). I (David) then went back overseas, working for the U.S. Department of State from September 2012 to February, 2013.

In April 2013, a fellow former Soldier and longtime friend asked us to provide basic firearms instruction to his 21-year old daughter, who was considering enlistment in the U.S. Armed Forces. Over two days, I (David) taught basic pistol, rifle and carbine courses, teaching the safe handling and operation of firearms to a novice (*See Tab 8, Photographs*). That same month, I (David) taught tactical pistol techniques to my neighbor and fellow firearms instructor, Mark Kirby (*See Tab 9, Letter from Mark Kirby*).

Since then, we have continued to develop our firing ranges and prepare to build our new home. We began construction of a 100-yard firing range adjacent to the 25-yard range in the summer of 2014. While the current berms on the 100-yard range comply with County Ordinances, we have limited its use to three closely-regulated firing tests. We did this because we decided that we wanted the backstop berm to be higher prior to putting it into regular use, conforming to our desire to exceed standards on safety.

From the summer of 2013 to present, we have opened our range to specific individuals for training. Not realizing the County Ordinances concerning firing ranges had changed, we have introduced more than 30 people to the safe use of firearms, allowed 25 experienced shooters to increase their proficiency, and qualified another 26 persons for their North Carolina Concealed Carry Handgun Permit. I (David) have become certified as a NRA Range Safety Officer, Basic Pistol Instructor and NC Concealed Carry Handgun Instructor. These certifications are in addition to our instructor ratings in all manner of pistols, rifles and shotguns from our combined 44 years in the U.S. Army, as well as our Army Range Safety Officer certifications.

SUBJECT: Firing Range at 400 Karen Street

May 21, 2015

Prior to several of these events, I (David) personally went door-to-door to speak with my neighbors on Karen Street about our range activities. Not only was no one opposed to our shooting, but two of our neighbors commented that they felt the regular use of the ranges served as a deterrent to potential crime in the area.

We have enclosed affidavits and email traffic from persons that can confirm our intent to establish firing ranges as early as 2011, demonstrating the construction of the initial berm in June 2012, firearms training in July 2012, and photographs displaying the safe range areas developed by us (*See Tab 10, Photographs*). We are able, if required, to provide numerous affidavits and testimonials as to our competence and ability to provide a safe and professional locale to conduct firearms training.

Again, we request that the Board Members recognize our status as a firing range that was in operation prior to June, 2013. This would allow us to resume teaching others on our firing ranges, under the strict conditions we outlined in the first paragraph, as well as any other conditions the Board would require. Our only desire is to provide a safe, responsible source of instruction for others in the use of firearms, and to set an example for others on what a proper location for discharging firearms should look like. We appreciate your consideration of our request, and are ready to respond to any questions or concerns you should have in the process of rendering a decision.

Sincerely,



David Hampton



Mary D. Hampton



Century 21 Patriot
 208 Hay Street, Ste. 1-B
 Fayetteville, NC 28301
 Office 910.485.7800
 Fax 910.485.7780



April 19, 2015

To: Chairperson and Members of the Board of Adjustment
 County of Cumberland
 Fayetteville, North Carolina

Members of the Board,

I am the Real Estate Agent that helped David and Mary Hampton locate and purchase their land at 400 Karen Street.

I met Dave by chance in June of 2011, when he asked me to assist him locating land for building a home and shooting ranges. I have attached the email Dave sent me on June 13th 2011, which describes his requirements and intent for Land in the Fayetteville Area.

The Hamptons made it clear to me from the outset that they have always planned to build ranges, so they could teach the use of firearms to others, and provide a place where their friends could shoot in a safe and professional environment.

Interestingly, after purchasing the land, Dave took me to Range 37 PSR in Bunnlevel to teach me how to use a rifle I had recently bought. Dave has a strong passion for teaching, so I was thrilled when he agreed to teach me basic and advanced shooting as well as the care and maintenance of my rifle. Dave chose to take me to Bunnlevel, Even though the Hamptons were constructing their own ranges, Dave would not shoot, nor allow anyone else to shoot on his property until he was sure his ranges were completed and safe

I welcome any questions you may have, please feel free to contact me at any time.

5-19-15

Thank You,

GARY FUTCH, JR.
 CENTURY 21 Patriot
 208 HAY STREET
 FAYETTEVILLE, NC 28301
 Mobile: (910) 322-1496



North Carolina

Cumberland County

I Frances Wiltcher, a Notary Public for Cumberland County,
North Carolina, do hereby certify that Gary
Fitch personally appeared before me this day and
acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 19 day of
May 2015.



Frances Wiltcher
Frances Wiltcher, Notary Public

My Commission expires March 25, 2017



Gary Futch <futch65@gmail.com>

Land North of Fayetteville

1 message

David <manchudoc@aol.com>
To: NcRealtor@usa.com

Mon, Jun 13, 2011 at 11:59 PM

Gary-

Thanks for giving me your card at Last Call's last weekend, hoping you can help me find what I'm looking for. My preferences are:

20-40 acres (although I will look at slightly smaller/larger if the layout is good)
With/without a house (But no houses smaller than 2700 square feet)
Outbuildings on the property are okay (barns, stables, etc)

I'm looking at any large tracts off US 401, North of Fayetteville and as far West as Sanford, with anything in between. I was hoping there was something butting up against Raven Rock State Park, but so far I've come up short.

I don't want:
Gated communities
Horse communities (the gunfire is always a problem)

My intent is to build a 500-yard shooting range on the property, and a house if there isn't one already. That's why the layout of the parcel is so important. Whenever I find lots to look at, I always want to see a property map with dimensions (to check the layout), and I always go to the property to walk it, with the owner's permission. I'm willing to take my time to find what I want, but once I find it, I won't hesitate to make a bid. Thanks again for your help, you can reach me day or night at this email address or at 910-229-1018. Next time I see you at Last Call's, the first round is on me.

ATW,
-Dave Hampton



5-19-15

North Carolina

Cumberland County

I Frances Wiltcher, a Notary Public for Cumberland County,
North Carolina, do hereby certify that Gary
Futch personally appeared before me this day and
acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 19 day of
May . 20 15 .



Frances Wiltcher
Frances Wiltcher, Notary Public

My Commission expires March 25, 2017

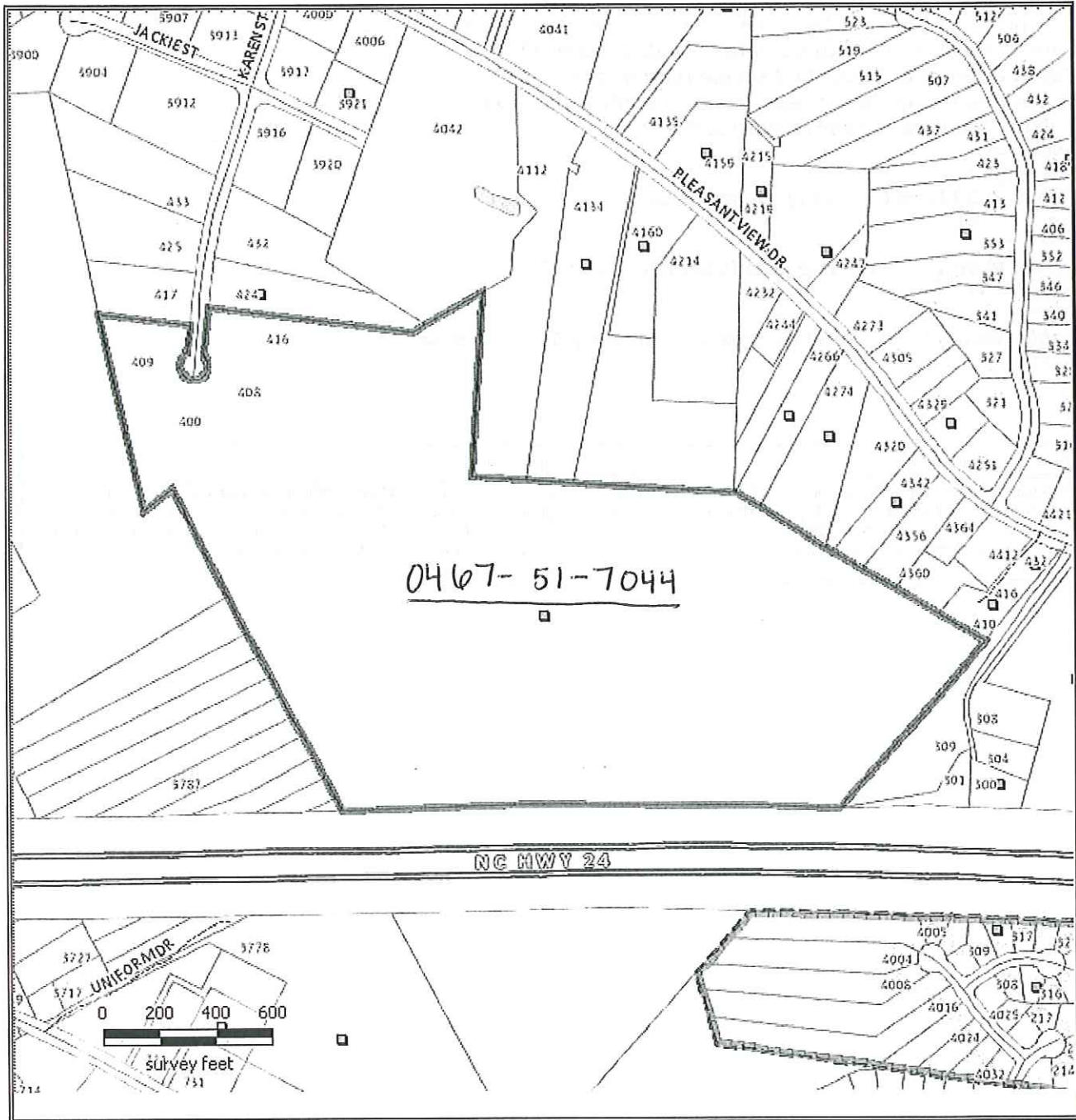


Cumberland County Planning Department

Fayetteville, North Carolina



Created by Public on Friday, 12 June 2015



Map Zoom: 3740 survey ft

Map Scale: 1:6,382

Info Results

Table: Parcel Details [Count: 1, Base: 1]

Pin	Owner Name	Owner Address	Deed Book	Deed Page	Plat Book	Plat Page	Subdivision and Lot	Total Assessment	Total Assessed Land Value	Total Assessed Build. Value	Lot Frontage	Lot Depth	Calculated Acres	Deed Acreage
0467-51-7044	HAMPTON, DAVID & WIFE	135 NANTAHALA DR LINDEN NC 28356	08730	00046				\$47275	\$47275	\$0	0 ft.	0 ft.	72.97	64.44

Table: Zoning Info [Count: 1, Base: 1]

Case #	Zone Class	Conditional Use	Pin	Owner Name	Disclaimer
	RR		0467-51-7044	HAMPTON, DAVID & WIFE	Call (910)678-7603 to Verify Zoning Classification

Table: Hyperlink to Assessor Data [Count: 1, Base: 1]

Table: Register of Deeds Plat Image [Count: 1, Base: 1]

Table: Register of Deeds Deed Image [Count: 1, Base: 1]

Table: Virtual Maps Page [Count: 1, Base: 1]

Centered On...
0467-51-7044-

Table: 2030 Land Use Plan [Count: 1, Base: 1]

2030 Land Use
Urban Fringe Area

Table: Municipal Influence Area [Count: 1, Base: 1]

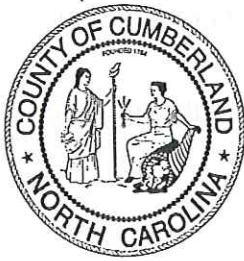
Municipal or Farmland Area
Fayetteville

Table: Within Urban Services Area or Farmland [Count: 1, Base: 1]

Area Name
urban area

About This Map	Disclaimer
This map has been created for the purpose of showing Planning information in Cumberland County. Any error should be reported to the Cumberland County Joint Planning Dept. at www.co.cumberland.nc.us/plng/staff.html .	This map is a representation of the information currently held by Cumberland County. While every effort has been made to ensure the accuracy of the product, Cumberland County accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated.

THIS CERTIFICATION STATEMENT MUST REMAIN WITH THE ATTACHED COPY IN ORDER FOR IT TO BE CONSIDERED A LEGAL DOCUMENT



COUNTY of CUMBERLAND

Office of the Register of Deeds

J. Lee Warren, Jr.

Register of Deeds

State of North Carolina
County of Cumberland

I do hereby certify this to be a true copy of the attached document filed and recorded in the aforesaid county as evidenced in Instrument

Book No. 8730 Page No. 46 and ends with Page No. 48

Witness my hand and seal this 1 day of June, 2015.

J. LEE WARREN, JR.

Deane Jarrett
DEPUTY/ASSISTANT/REGISTER OF DEEDS

P.O. Box 2039, Room 114, First Floor, Courthouse, Fayetteville, N.C. 28302-2039

Phone: 910-678-7775 Fax 910-323-1456 Email: getdeeds@infionline.net Website: www.ccod.org

8730
0046

BK 08730 PG 0046

FILED
CUMBERLAND COUNTY NC
J. LEE WARREN, JR.
REGISTER OF DEEDS

FILED Sep 27, 2011
AT 04:29:00 pm
BOOK 08730
START PAGE 0046
END PAGE 0048
INSTRUMENT # 31503
RECORDING \$25.00
EXCISE TAX \$180.00

KSJ

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax \$ 180.00

LDN File #11RE-23519R

Tax Lot No. _____

Parcel Identifier No. 0467-51-7044

Verified by _____ County on the _____ day of _____, 20____

by _____
Prepared by/Return to: Richard M. Lewis Jr. , P.O. Drawer 1358, Fayetteville, NC 28302

Brief Description for the Index: 64.44 Acs Eure Property

THIS DEED made this 26 day of September, 2011 by and between:

GRANTOR	GRANTEE
New Homes, Inc. 1220 Fort Bragg Road, Ste 204 Fayetteville, NC 28303	DAVID HAMPTON and wife, MARY DERETTE HAMPTON Mailing Address: 135 Nantahala Drive Linden, NC 28356

enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g., corporation or partnership

The property conveyed herein is the primary residence of the Grantor.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in or near the City of Spring Lake, Anderson Creek Township, Harnett County, North Carolina and more particularly described as follows:

See Exhibit A attached hereto and incorporated herein as if fully set out herein.

The property hereinabove described was acquired by instrument recorded in Book 8626, Page 624, Cumberland County, North Carolina, Registry.

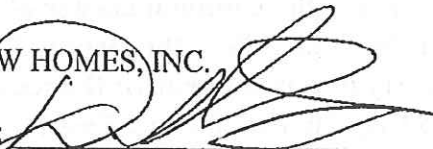
A map showing the above described property is recorded in Plat Book 73, Page 59, Cumberland County, North Carolina Registry.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

Restrictive covenants, utility easements, permits, and rights of way as the same may appear of record in the Harnett County, North Carolina Registry.


IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, effective the day and year first above written.

NEW HOMES, INC.
BY:  [SEAL]
David Allen, President

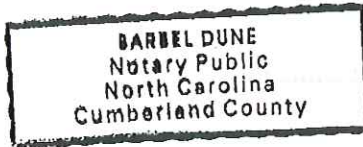
STATE OF North Carolina; COUNTY OF Cumberland

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: DAVID ALLEN

Date: 9-26-2011


BARBEL DUNE, Notary Public

(NOTARY SEAL)



My Commission Expires: 9-14-2013

(N.P. SEAL)

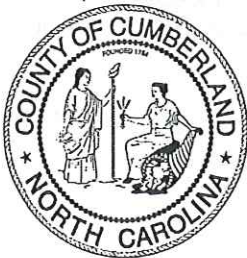
EXHIBIT A
Property Description

The following described property is located to the immediate north of NC HWY 24, between Interstate 95 and Baywood Road, and is described more particularly as follows: BEGINNING at an existing concrete monument located at the common corner of the described tract and that 0.25 acre tract owned by NCDOT and described in that deed recorded in Book 2562, at Page 342, Cumberland County Registry, NC, with said common corner being located within the right of way of NC HWY 24, and RUNNING THENCE in a northerly direction with the common line shared with said 0.25 acre tract referenced above North 21 Deg. 19 Min. 02 Sec. West for 518.55 feet to an existing iron stake; thence North 23 Deg. 33 Min. 16 Sec. West for 321.96 feet to a set point; thence North 23 Deg. 38 Min. 45 Sec. West for 422.74 feet to an existing concrete monument located in the southernmost line of Lot 5 as shown on Plat Book 73 at Page 59, aforesaid Registry and State; thence North 61 Deg. 40 Min. 00 Sec. East for 1,287.00 feet to an existing concrete monument; thence in a southwardly direction along and with the line of William H. Fackler (See Plat Book 62 at Page 36, aforesaid Registry) South 07 Deg. 25 Min. 00 Sec. West for 660 feet to an existing concrete monument; thence in an eastwardly direction along and with the southernmost lines of William H. Fackler and then Candace Jo Carter South 82 Deg. 50 Min. 00 Sec. East for 923.50 feet to an existing concrete marker, this point being the common corner of intersection of the Candace Jo Carter lands (See Plat Book 83 at 86) , the Dennis J. Byrd lands (See Plat Book 81 at Page 15) and the property herein described; thence along and with the line of Dennis J. Byrd South 55 Deg. 20 Min. 00 Sec. East for 1,023.50 feet to an existing concrete monument; thence South 46 Deg. 20 Min. 00 Sec. West for 612.60 feet to an existing concrete monument, with said monument being located within the northern right of way of NC HWY 24; thence along and with said right of way of NC HWY 24 North 86 Deg. 21 Min. 42 Sec. West for 1,768.98 feet to the POINT and PLACE of BEGINNING; and containing 64.44 acres, more or less, and being a portion of that property described in that deed to R.E. Cole recorded in Book 621, at Page 282, Cumberland County Registry, State of North Carolina.

PIN: 0467-51-7044-

Title Insurance: Investors Title Insurance Company

THIS CERTIFICATION STATEMENT MUST REMAIN WITH THE ATTACHED
COPY IN ORDER FOR IT TO BE CONSIDERED A LEGAL DOCUMENT



COUNTY of CUMBERLAND

Office of the Register of Deeds

J. Lee Warren, Jr.

Register of Deeds

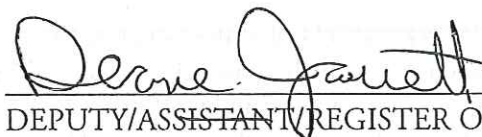
State of North Carolina
County of Cumberland

I do hereby certify this to be a true copy of the attached document filed and recorded in the aforesaid county as evidenced in Instrument

Book No. 8730 Page No. 46 and ends with Page No. 48

Witness my hand and seal this 1 day of June, 2015.

J. LEE WARREN, JR.


DEPUTY/ASSISTANT REGISTER OF DEEDS

P.O. Box 2039, Room 114, First Floor, Courthouse, Fayetteville, N.C. 28302-2039

Phone: 910-678-7775 Fax 910-323-1456 Email: getdeeds@infionline.net Website: www.ccrod.org

8730
0046

BK08730 PG0046

FILED
CUMBERLAND COUNTY NC
J. LEE WARREN, JR.
REGISTER OF DEEDS

FILED Sep 27, 2011
AT 04:29:00 pm
BOOK 08730
START PAGE 0046
END PAGE 0048
INSTRUMENT # 31503
RECORDING \$25.00
EXCISE TAX \$180.00

KSJ

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax \$ 180.00

LDN File #11RE-23519R

Tax Lot No. _____ Parcel Identifier No. 0467-51-7044

Verified by _____ County on the _____ day of _____, 20____

by _____

Prepared by/Return to: Richard M. Lewis Jr. , P.O. Drawer 1358, Fayetteville, NC 28302

Brief Description for the Index: 64.44 Acs Eure Property

THIS DEED made this 26 day of September, 2011 by and between:

GRANTOR	GRANTEE
New Homes, Inc. 1220 Fort Bragg Road, Ste 204 Fayetteville, NC 28303	DAVID HAMPTON and wife, MARY DERETTE HAMPTON Mailing Address: 135 Nantahala Drive Linden, NC 28356

enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g., corporation or partnership

The property conveyed herein is the primary residence of the Grantor.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in or near the City of Spring Lake, Anderson Creek Township, Harnett County, North Carolina and more particularly described as follows:

See Exhibit A attached hereto and incorporated herein as if fully set out herein.

The property hereinabove described was acquired by instrument recorded in Book 8626, Page 624, Cumberland County, North Carolina, Registry.


A map showing the above described property is recorded in Plat Book 73, Page 59, Cumberland County, North Carolina Registry.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

Restrictive covenants, utility easements, permits, and rights of way as the same may appear of record in the Harnett County, North Carolina Registry.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, effective the day and year first above written.

NEW HOMES, INC.
BY:  [SEAL]
David Allen, President

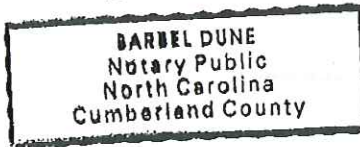
STATE OF North Carolina; COUNTY OF Cumberland

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated : DAVID ALLEN

Date: 9-26-2011


BARBEL DUNE, Notary Public

(NOTARY SEAL)



My Commission Expires: 9-14-2013

(N.P. SEAL)

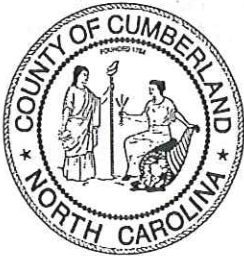
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Property Description

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PIN: 0467-51-7044-

Title Insurance: Investors Title Insurance Company

THIS CERTIFICATION STATEMENT MUST REMAIN WITH THE ATTACHED
COPY IN ORDER FOR IT TO BE CONSIDERED A LEGAL DOCUMENT



COUNTY *of* CUMBERLAND

Office of the Register of Deeds

J. Lee Warren, Jr.

Register of Deeds

State of North Carolina
County of Cumberland

I do hereby certify this to be a true copy of the attached document filed and recorded in the aforesaid county as evidenced in Instrument

Book No. 8730 Page No. 49 and ends with Page No. 50

Witness my hand and seal this 22 day of May, 2015.

J. LEE WARREN, JR.

Gale N Freeman

DEPUTY/ASSISTANT/REGISTER OF DEEDS

P.O. Box 2039, Room 114, First Floor, Courthouse, Fayetteville, N.C. 28302-2039

Phone: 910-678-7775 Fax 910-323-1456 Email: getdeeds@infionline.net Website: www.ccrd.org

8730
049

0K08730 PG0049

FILED
 CUMBERLAND COUNTY NC
 J. LEE WARREN, JR.
 REGISTER OF DEEDS

FILED Sep 27, 2011
 AT 04:30:00 pm
 BOOK 08730
 START PAGE 0049
 END PAGE 0050
 INSTRUMENT # 31504
 RECORDING \$22.00
 EXCISE TAX \$20.00
 RT

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax \$ 20.00

LDN File #11RE-23520R

Tax Lot No. _____

Parcel Identifier No. 0467-42-8070 (L3);

0467-41-7863 (L4); 0467-41-4676 (L5); 0467-41-3941 (L6)

Verified by _____ County on the ____ day of _____, 20____
by _____

Prepared by/Return to: Richard M. Lewis Jr. , P.O. Drawer 1358, Fayetteville, NC 28302

Brief Description for the Index: Lots 3,4,5 & 6 The Woods of Eastover

THIS DEED made this ____ day of September, 2011 by and between:

GRANTOR	GRANTEE
New Homes, Inc. 1220 Fort Bragg Road, Ste 204 Fayetteville, NC 28303	DAVID HAMPTON and wife, MARY DERETTE HAMPTON Mailing Address: 135 Nantahala Drive Linden, NC 28356

enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g., corporation or partnership

The property conveyed herein is the primary residence of the Grantor.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in or near the City of Spring Lake, Anderson Creek Township, Harnett County, North Carolina and more particularly described as follows:

BEING all of Lots 3, 4, 5 & 6 in a subdivision known as "THE WOODS OF EASTOVER" according to a plat of the same duly recorded in Plat Book 73, Page 59, Cumberland County Registry, North Carolina.

The property hereinabove described was acquired by instrument recorded in Book 8625, Page 0004, Cumberland County, North Carolina, Registry.

A map showing the above described property is recorded in Plat Book 73, Page 59, Cumberland County, North Carolina Registry.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

Restrictive covenants, utility easements, permits, and rights of way as the same may appear of record in the Harnett County, North Carolina Registry.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, effective the day and year first above written.

NEW HOMES, INC.
BY: [Signature] [SEAL]
David Allen, President

STATE OF North Carolina, COUNTY OF Cumberland

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated : David Allen

Date: 9-26-2011

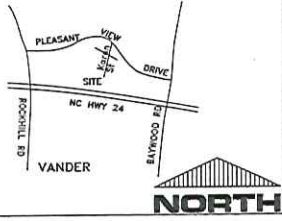
[Signature]
Barbel Dune, Notary Public

(NOTARY SEAL)

(N.P. SEAL)

BARBEL DUNE
Notary Public
North Carolina
Cumberland County

My Commission Expires: 9-14-2013



- NOTES:
- 1) No Horizontal control located within 2000'.
 - 2) All distances shown are horizontal ground distances.
 - 3) Area by Coordinate Computations.
 - 4) This property is subject to easements and restrictions of record.
 - 5) This surveyor does not certify to the existence of underground utilities (mains, etc).
 - 6) No Title search was completed for this survey. No responsibility is assumed by this surveyor for any conditions which may presently exist but are unknown such as Toxic or Hazardous Waste Materials, Cements and Flood Areas.
 - 7) All Encroachments are shown from farthest point of encroachment.

CERTIFICATION OF SURVEY
 I, Thomas J. Gooden, certify that this plat was drawn under my supervision from an actual survey made under my supervision (detailed description recorded in Book 8730, page 49) that the boundaries not surveyed are clearly indicated as drawn from information found in Book 73, page 59, that the ratio of precision as calculated is 1:5,000+; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this 11 day of September, A.D., 2014.

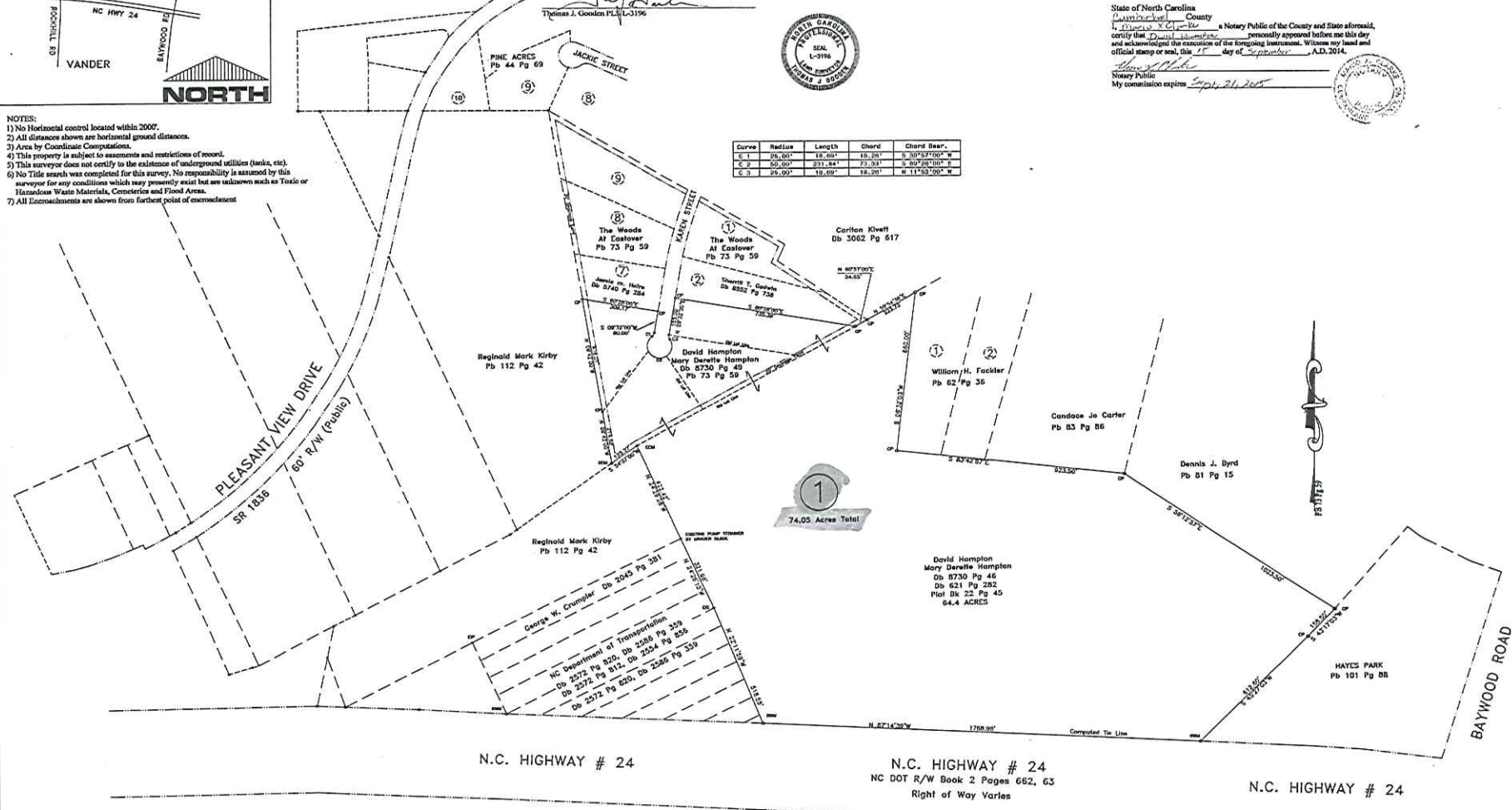
I, Thomas J. Gooden, certify that this survey is of another category, such as the recombination of existing parcels, a court ordered survey, or other exception to the definition of subdivision.

CERTIFICATE OF OWNERSHIP AND DEDICATION
 The undersigned hereby acknowledges that the land shown on this plat is within the subdivision jurisdiction of the Cumberland County, that this plat and allotment is our free act and deed; and that we do hereby dedicate as easements forever all areas so shown or indicated on said plat.

State of North Carolina
 Cumberland County
 I, Thomas J. Gooden, a Notary Public of the County and State aforesaid, certify that David Hampton personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 11 day of September, A.D. 2014.



Curve	Radius	Length	Chord	Chord Bear.
C-1	25.00'	18.85'	18.25'	S 10°52'00" W
C-2	50.00'	37.70'	36.50'	S 10°52'00" E
C-3	25.00'	18.85'	18.25'	N 11°03'00" W



74.03 Acres Total

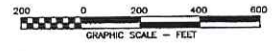
- Deed Reference**
- Db 8730 Pg 49
 - Db 8730 Pg 49
 - Plat Book 73 Page 59
 - Plat Book 22 Page 45
 - Tax ID # 0487-51-7044
 - Tax ID # 0487-42-0070
 - Tax ID # 0487-41-7853
 - Tax ID # 0487-41-4676
 - Tax ID # 0487-41-3941
- LEGEND:**
- Property Line
 - Other Lot Lines
 - Easement Line
 - ISS (Iron Stake Set)
 - ERB (Existing Iron Rebar)
 - EIP (Existing Iron Pipe)
 - ECM (Existing Concrete Monument)

State of North Carolina
 County of Cumberland
 I, Donna McFadden, Senior Officer of the County and State aforesaid, hereby certify that the map or plat in which this certification is placed meets all statutory requirements for recording.
Donna McFadden 9-18-14
 Senior Officer

NOTE: This plat was prepared from recorded deed and maps as shown. Not from a physical survey at this time.



FILED Sep 18, 2014 03:29:00 PM
 BOOK 0214
 PAGE 0196 thru 0198
 INSTRUMENT # 28216
 RECORDING \$21.00
 EXCISE TAX (None)



drawn by TJG
 checked TJG
 reviewed
 Sept. 15, 2014

COMPOSITE AND RECOMBINATION PLAT FOR
DAVID HAMPTON
 NEAR VANDER CUMBERLAND COUNTY
 EASTOVER TOWNSHIP
 NORTH CAROLINA
 SEPTEMBER 11, 2014
 SCALE 1" = 200'

115 Broadfoot Ave.
 P.O. Box 53774
 Fayetteville, N.C., 28305
 Phone 910-484-5191
 License #: F-0106



scale 1" = 200'
 SHEET 1

Robert M. Dinsmore
5410 Maryland Drive
Fayetteville, NC 28311
(931) 644-7673

To: Chairperson and Members of the Board of Adjustment
County of Cumberland
Fayetteville, North Carolina

May 19, 2015

To All Concerned,

I am writing in support of the firing ranges constructed by David and Mary Hampton on their property at 400 Karen Street.

I have known Dave since he returned to North Carolina in the late spring of 2011, and met Mary when she followed the next year. I remember learning in early 2012, that the Hamptons had purchased the land on Karen Street with the intent of building their final home and firing ranges, to continue their own work with firearms as well as provide a place where Dave and Mary could teach family, friends and formal students in the effective and safe use of firearms. They built their first range in the spring of 2012, and began teaching shortly after. The Hamptons purchased a bulldozer and tractor from me in July of 2012 to use in the expansion and improvement of the range berms, shipping them from my father's farm in Tennessee. I have been involved in this project ever since.

Safety has always been the Hampton's primary concern in building these ranges. From the outset, both of them have spent an inordinate amount of time and effort to establish a site where both novices and professionals could safely train. I have witnessed the Hamptons repeatedly refuse multiple requests from people to shoot on their property before the berms met their high standards. In fact, only the 25-yard range is currently in use. While the backstop berm on the 100-yard range is high and solid, Dave and Mary decided long ago to increase the height and depth prior to putting it into operation. Their reasoning; to eliminate any possibility of mishap by establishing berms comparable to those used on the Army ranges they have spent their lives using. Equally important, both have forbidden any firing on their property unless they are physically present on the range, and have emplaced a gate and posted no trespassing signs until their home is completed.

I thank you for your time; please contact me if you have any questions.

Sincerely,



Robert M. Dinsmore



North Carolina

Cumberland County

I Frances Wiltcher, a Notary Public for Cumberland County,
North Carolina, do hereby certify that Robert M.
Dinsmore personally appeared before me this day and
acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 19 day of
May 2015.



Frances Wiltcher
Frances Wiltcher, Notary Public

My Commission expires March 25, 2017

Ms. Jennifer L. Hernandez
5803 Rainsford Drive
Fayetteville, NC 28311
(910) 922-0728

To: Chairperson and Members of the Cumberland County Board of Adjustment
Fayetteville, North Carolina

June 4, 2015

Members of the Board,

As a person that has been trained in firearms use by David Hampton at his range on 400 Karen Street on multiple occasions since its inception in 2012, I want the board to be aware of how long the range has been in place.

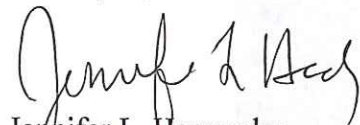
Dave began teaching me firearms proficiency in the summer of 2011, at a local range where he had a membership. As I became a shooting enthusiast, I also took part in some of the range construction on his land at 400 Karen Street in the spring of 2012, when Dave and I experimented with different backstop techniques on his 25-yard range.

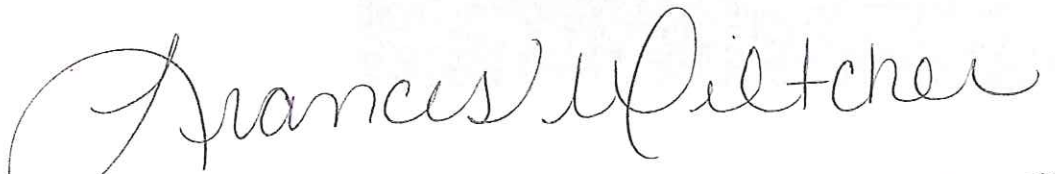
I trained on his range for the first time in July, 2012. Specifically, Dave was teaching me defensive handgun methods. Since then, I trained with Dave using handguns, rifles and carbines on multiple occasions in the summer and fall of 2012 and the spring of 2013.

Up until the County Code Enforcement Inspector told the Hamptons they were in violation of County Ordinances, I was a regular attendee at their range. I participated in firearms training repeatedly from the summer of 2013 to the spring of 2015. In fact, Mary Hampton was instructing me in the use of shotguns one week before their notification from the County.

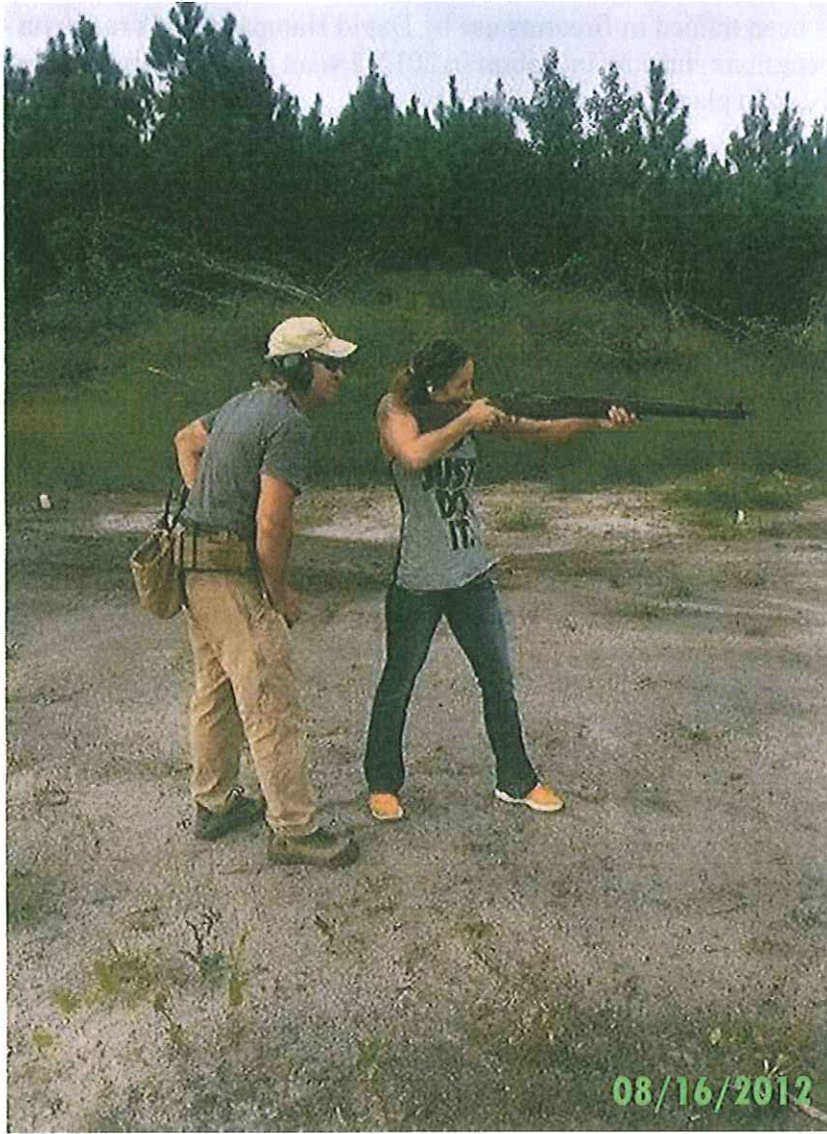
Please contact me if you have any questions, I intend to be in attendance with Dave and Mary at your meeting to go on the record.

Thank you,


Jennifer L. Hernandez


Notary comm. exp. 03-25-17









MARK KIRBY

3802 Pleasant View Drive

Fayetteville, NC 28312

(910) 818-1114

June 2, 2015

To Whom It May Concern:

This letter is to inform you that I received tactical shooting techniques by Dave Hampton at his firing range back in April of 2013.

If you have any questions, please give me a call at the number above.



Mark Kirby



Date



Witness/Notary



Date

my Commission Expires 6/14/19

Cumberland County

NC

25-Yard Range

- 8' Tall
- 5' Wide at Top
- 12' Wide at Base



25-Yard Range

- Firing Line Stations
- Benches
- Target Shed



100-Yard Range

- 12' Tall
- 9' Wide at Top
- 20' Wide at Base



Erosion and Sediment Control Plan Map for David & Mary Hampton. 400 Karen Street, Fayetteville, NC 28312

20 May 2015

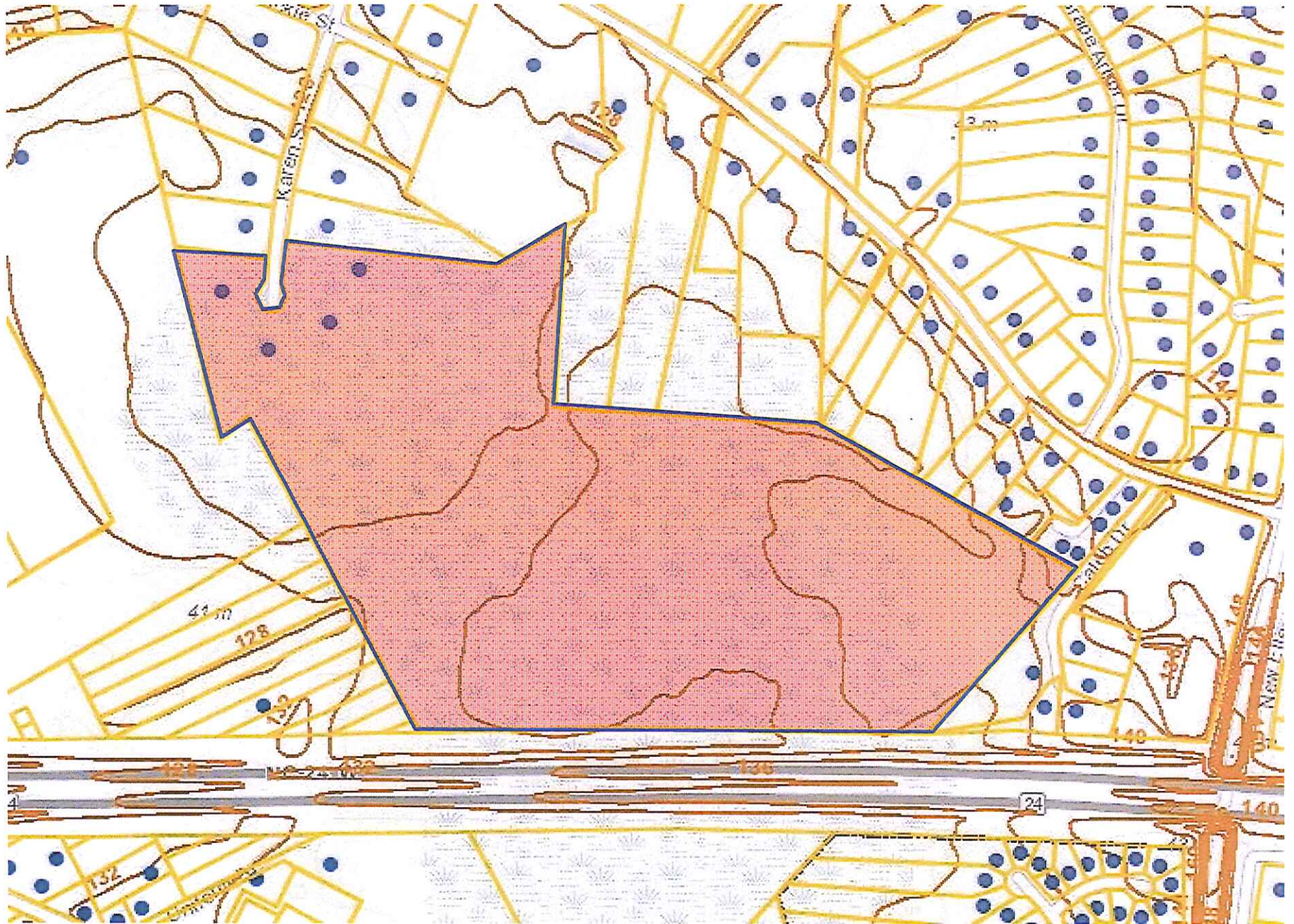
- ### Legend
- Property Line
 - Dirt Berm
 - Pond
 - Swale
 - 24in culvert pipe
 - Gravel Driveway



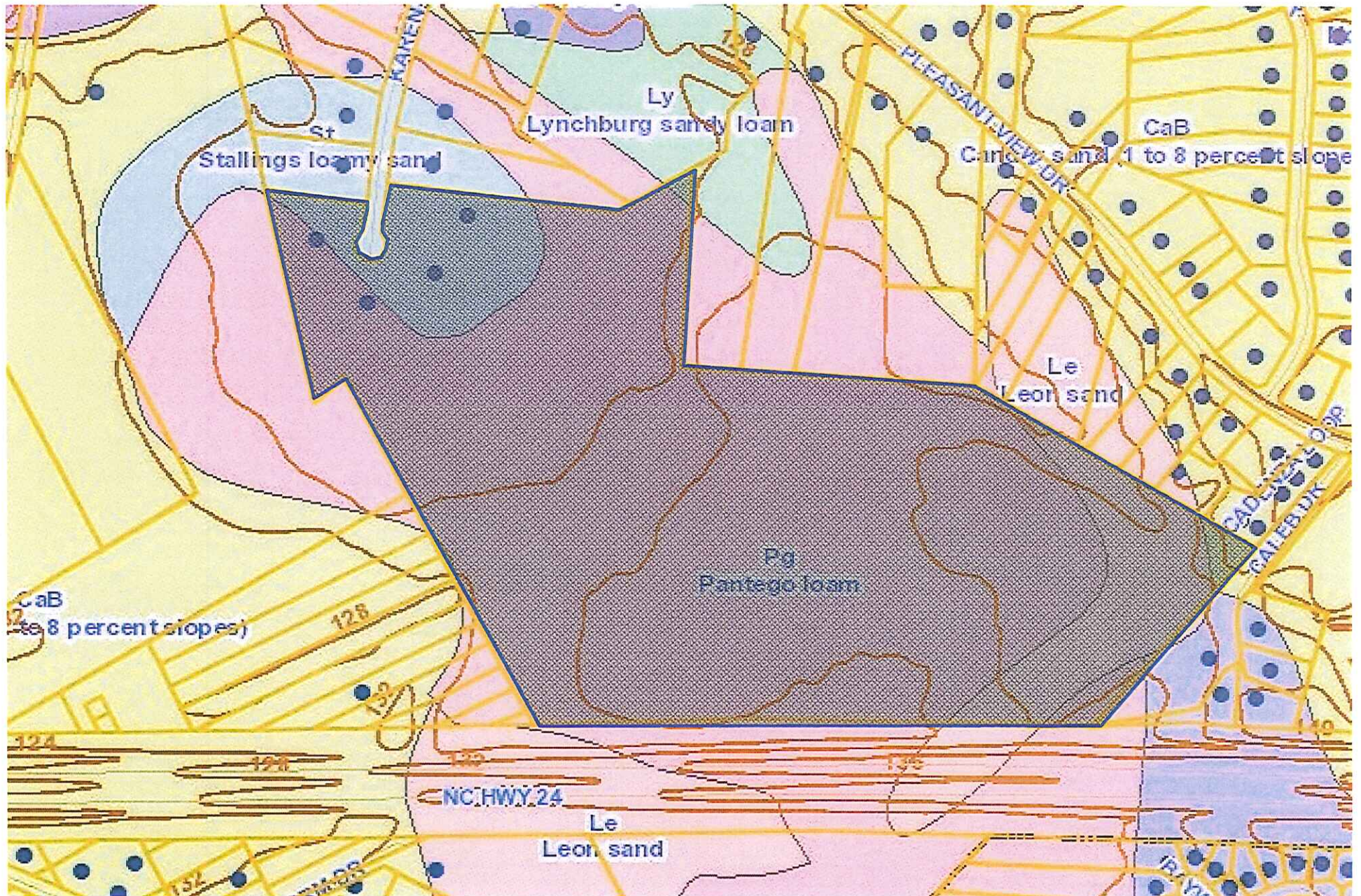
Close up of private “recreation area”



Elevation of 400 Karen Street, Fayetteville, NC 28312 (total 74+/- acres)



Soil of 400 Karen Street. Fayetteville, NC 28312



Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Carol M. Post
Office Processing Assistant



CUMBERLAND
COUNTY
NORTH CAROLINA

Planning & Inspections Department

NOTICE OF VIOLATIONS

5/6/2015

George Hatcher,
Inspector

Joey Lewis,
Inspector

Joan Fenley,
Inspector

Debra Johnson,
Inspector

Christopher Fulton,
Inspector

David Hampton & Mary Derette Hampton & Parties of Interest
135 Nantahala Drive
Linden, NC 28356

You are hereby issued a Notice of Violation of the Cumberland County Code, Appendix A, Zoning.

1. Nature of Violation(s): Having a firing range on a property without an approved site plan or permits and without meeting the requirements of the Cumberland County Ordinance. Specifically: An outdoor firing range must be on a lot or contiguous lots of record with a minimum of 200 acres.
2. Code Reference: Cumberland County Zoning Ordinance, Cumberland County, North Carolina, Article I, Administrative Provisions, Section 107, Zoning Permit, Article IV, Permitted, Conditional, and Special Uses, Section 403, Use Matrix, and Article XVII, Legal Provisions, Sections 1703 & 1704, Violations and Penalties. Also, Ordinance Amendment P 11-20, Outdoor Firing Ranges.
3. Action to Correct Violations(s): Remove the firing range from the property
4. Property Location: On or about On lot at end of Karen St, Fayetteville, NC. Being that property as listed under Cumberland County, NC Tax Parcel Number 0467-51-7044
5. Property Owner: David Hampton & Mary Derette Hampton Inspection Date: 5/6/2015

You are hereby advised that the above listed violation is a Class 3 Misdemeanor, under the provisions of North Carolina General Statute 14-4, and must be corrected within thirty (30) days of receipt of this notification. Failure to correct this violation will subject you to a civil penalty of \$500 dollars per day (each day being a separate violation) and prosecution for a misdemeanor violation in Environmental Court. Also be advised of your right to appeal this decision in accordance with Article XVII., Section 17.03(E), Appeal, Zoning Ordinance, Cumberland County, North Carolina.

If you have any questions, please contact the undersigned at (910) 321-6647.


George Hatcher
Code Enforcement Officer

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

February 21, 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

MEMORANDUM

TO: Planning & Inspections Staff
FROM: Tom Lloyd *TJL*
SUBJECT: Outdoor Firing Ranges Review and Approval Policy

This policy is being issued in light of a recent site plan submittal by a property owner seeking approval of an outdoor firing range on his property – see Case No. 12-025 – and will be effective until such time as an ordinance amendment specifically addressing outdoor firing ranges is adopted by the County Board of Commissioners or a replacement policy is issued.

Under the terms of our zoning ordinance all legal uses of land must be allowed. Until such time that specific outdoor shooting range zoning ordinance standards are adopted or otherwise addressed, outdoor shooting ranges will be reviewed in accordance with the standards for *RECREATION/AMUSEMENT OUTDOOR (Sec. 920) conducted outside building for profit, not otherwise listed & not regulated by Sec. 924* (hereinafter: *outdoor recreation*) as a principal use.

The provisions required for outdoor recreation are the most similar and more closely address the land use impacts that would result from an outdoor firing range than any other use specific provisions in our ordinance. The minimum ordinance standards for outdoor recreation require control measures to be in place ensuring that “objects” used on the site are **contained within the designated area**, measures are to be taken to minimize the creation of dust, and outdoor lighting must comply with the ordinance standard. In addition to these specific standards, all other applicable ordinance provisions, to include Section 901 which mandates compliance with the County’s noise ordinance, will apply to outdoor firing ranges.

cc: James Martin, County Manager
Rick Moorefield, County Attorney
Department Policy Manual

JUN 20 2005 CCDOC REQUIRED ALL NON RESIDENTIAL TO HAVE PLANS APPROVAL BEFORE PERMIT ISSUED.

(TYPE OR PRINT IN BLACK INK)

STATE OF NORTH CAROLINA

In The General Court Of Justice

Cumberland County

ADMINISTRATIVE INSPECTION
WARRANT FOR PARTICULAR
CONDITION OR ACTIVITY

G.S. 15-27.2; 58-79-1

TO ANY LAWFUL OFFICIAL EMPOWERED TO CONDUCT THE INSPECTION AUTHORIZED BY THIS WARRANT:

The applicant named on the accompanying affidavit, which is hereby incorporated by reference, being duly sworn, has stated to me that there is a condition, object, activity, or circumstance legally justifying an inspection of the property described in that affidavit. I have examined this applicant under oath or affirmation and have verified the accuracy of the matters in the affidavit establishing the legal grounds for this Warrant. YOU ARE HEREBY COMMANDED TO INSPECT THE PROPERTY DESCRIBED IN THE ACCOMPANYING AFFIDAVIT.

This inspection is authorized to check or reveal the conditions, objects, activities, or circumstances indicated in the accompanying affidavit.

This Warrant must be served upon the owner or possessor of the property described in the accompanying affidavit. If the owner or possessor is not present on the property at the time of inspection and you have made reasonable but unsuccessful efforts to locate the owner or possessor, you may instead serve it by affixing this Warrant or a copy to the property.

THIS WARRANT MAY BE EXECUTED ONLY BETWEEN THE HOURS OF 8:00 A.M. AND 8:00 P.M. AND ONLY WITHIN 24 HOURS AFTER IT WAS ISSUED. IT MUST BE RETURNED WITHIN 48 HOURS AFTER IT WAS ISSUED. HOWEVER, IF THIS WARRANT IS ISSUED PURSUANT TO A FIRE INVESTIGATION AUTHORIZED BY G.S. 58-79-1, IT MAY BE EXECUTED AT ANY TIME WITHIN 48 HOURS AFTER IT IS ISSUED. IT MUST BE RETURNED WITHOUT UNNECESSARY DELAY AFTER ITS EXECUTION OR AFTER 48 HOURS FROM THE TIME IT WAS ISSUED IF IT WAS NOT EXECUTED.

Date	5-6-15	Time	8:45 <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM
Signature	<i>[Signature]</i>		
<input type="checkbox"/> Deputy CSC	<input type="checkbox"/> Assistant CSC	<input type="checkbox"/> Clerk Of Superior Court	
<input checked="" type="checkbox"/> Magistrate	<input type="checkbox"/> District Court Judge	<input type="checkbox"/> Superior Court Judge	

OFFICER'S RETURN

I certify that this WARRANT was executed on the date and time shown below.

Date Of Execution	5-6-15	Signature Of Inspecting Official	<i>[Signature]</i>
Time Of Execution	11:00 <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Name Of Inspecting Official (Type Or Print)	GEORGE HATCHER

CLERK'S ACCEPTANCE

This WARRANT has been returned to this office on the date and time shown below.

Date Of Return	5-7-15	Signature	<i>[Signature]</i> <i>[Signature]</i>
Time Of Return	9:15 <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	<input type="checkbox"/> Deputy CSC	<input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court

IMPORTANT: Attach the Affidavit to the WARRANT if not on reverse side.

(TYPE OR PRINT IN BLACK INK)

STATE OF NORTH CAROLINA

In The General Court Of Justice

Cumberland County

AFFIDAVIT TO OBTAIN ADMINISTRATIVE INSPECTION WARRANT FOR PARTICULAR CONDITION OR ACTIVITY

I, George Hatcher, Code Enforcement Officer, County of Cumberland, being (name and position)

duly sworn and examined under oath, state under oath that there is probable cause for believing that there is an unauthorized/ unpermitted /unapproved firing range

(describe condition, object, activity, or circumstance which the search is intended to check or reveal)

at the property owned or possessed by David Hampton

and described as follows: 64.44 Acres Home Land , PIN 0467-51-7044 at back of 400 Karen St

(precisely describe the property to be inspected)

The facts which establish probable cause to believe this are: Mellisa Joiner of NCDNER observed the land disturbance and reported her finding to me .

Signature Of Applicant

George Hatcher

Name Of Applicant (Type Or Print)

George Hatcher

SWORN AND SUBSCRIBED TO BEFORE ME:

Date

05-06-2015

Signature

[Signature]

Deputy CSC

Assistant CSC

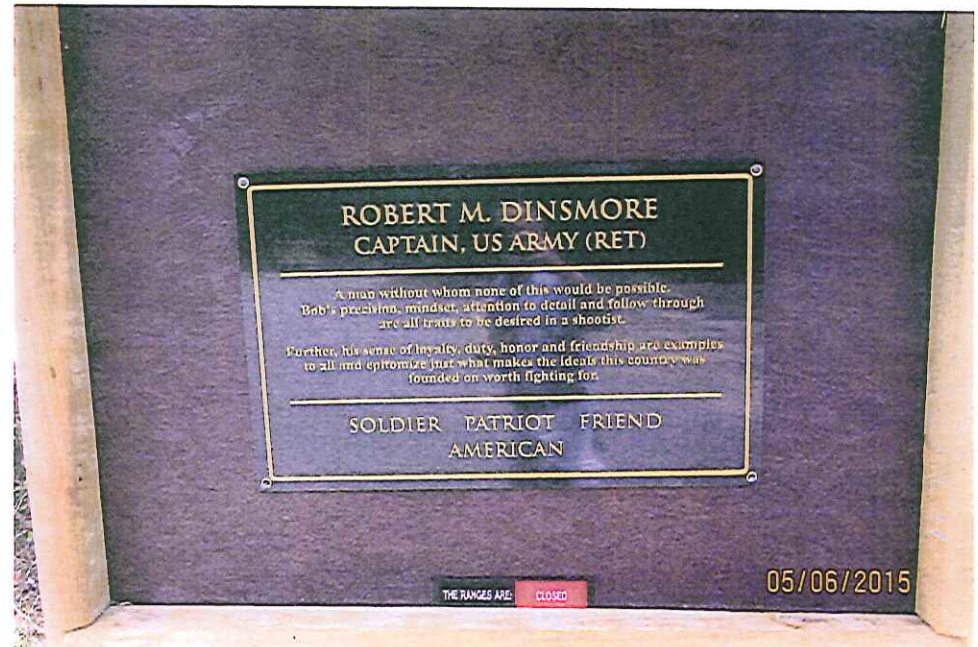
Clerk Of Superior Court

Magistrate

District Court Judge

Superior Court Judge

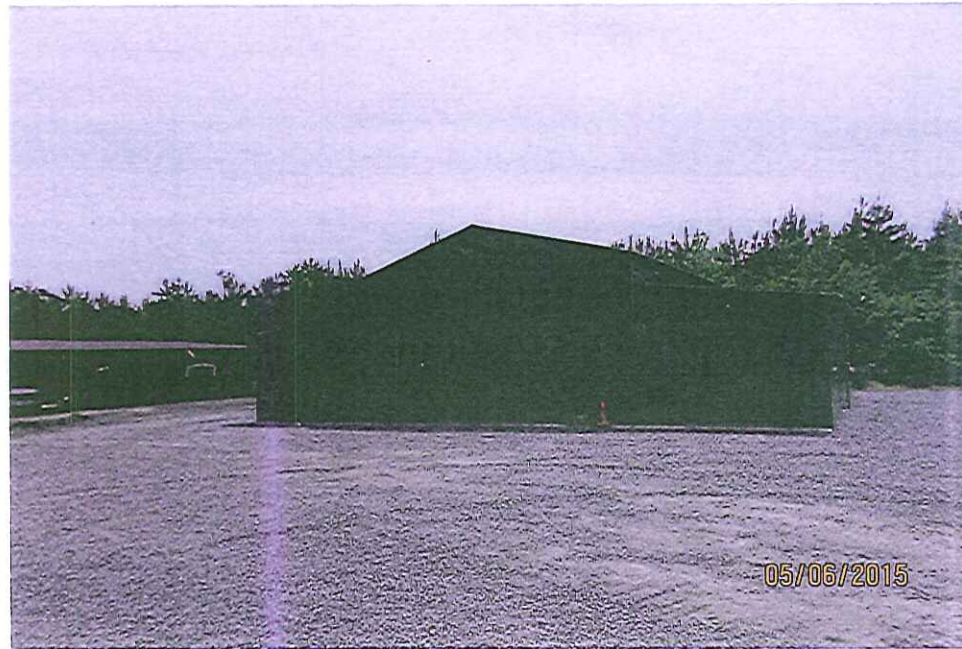
IMPORTANT: Attach the Affidavit to the WARRANT if not on reverse side.















Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Carol M. Post
Office Processing Assistant



CUMBERLAND
★ COUNTY ★
NORTH CAROLINA

Planning & Inspections Department

George Hatcher,
Inspector

Joey Lewis,
Inspector

Joan Fenley,
Inspector

Debra Johnson,
Inspector

Christopher Fulton,
Inspector

NOTICE OF VIOLATIONS

5/6/2015

91 7199 9991 7034 1788 9359

91 7199 9991 7034 1788 9267

5/11/15. MID. NOV TO
DAVID & MARY HAMPTON
AT 130 GILLESPIE ST
(MTG WITH CECIL, TOM, PAIM)
RM 107

David Hampton & Mary Derette Hampton & Parties of Interest
135 Nantahala Drive
Linden, NC 28356

You are hereby issued a Notice of Violation of the Cumberland County Code, Appendix A, Zoning.

1. Nature of Violation(s): Having a firing range on a property without an approved site plan or permits and without meeting the requirements of the Cumberland County Ordinance. Specifically: An outdoor firing range must be on a lot or contiguous lots of record with a minimum of 200 acres.
2. Code Reference: Cumberland County Zoning Ordinance, Cumberland County, North Carolina, Article I, Administrative Provisions, Section 107, Zoning Permit, Article IV, Permitted, Conditional, and Special Uses, Section 403, Use Matrix, and Article XVII, Legal Provisions, Sections 1703 & 1704, Violations and Penalties. Also, Ordinance Amendment P 11-20, Outdoor Firing Ranges.
3. Action to Correct Violations(s): Remove the firing range from the property
4. Property Location: On or about On lot at end of Karen St, Fayetteville, NC. Being that property as listed under Cumberland County, NC Tax Parcel Number 0467-51-7044
5. Property Owner: David Hampton & Mary Derette Hampton Inspection Date: 5/6/2015

You are hereby advised that the above listed violation is a Class 3 Misdemeanor, under the provisions of North Carolina General Statute 14-4, and must be corrected within thirty (30) days of receipt of this notification. Failure to correct this violation will subject you to a civil penalty of \$500 dollars per day (each day being a separate violation) and prosecution for a misdemeanor violation in Environmental Court. Also be advised of your right to appeal this decision in accordance with Article XVII., Section 17.03(E), Appeal, Zoning Ordinance, Cumberland County, North Carolina.

If you have any questions, please contact the undersigned at (910) 321-6647.


George Hatcher
Code Enforcement Officer

Date: July 6, 2015

George Hatcher:

The following is in response to your July 6, 2015 request for delivery information on your Certified Mail™ item number 9171999991703417889359. The delivery record shows that this item was delivered on May 12, 2015 at 8:30 am in LINDEN, NC 28356. The scanned image of the recipient information is provided below.

Signature of Recipient :

Delivery Section	
ure	
ed 19	David Hampton

Address of Recipient :

ery 033	135 Newtlaheak
------------	----------------

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.


Sincerely,
United States Postal Service

Date: July 6, 2015

George Hatcher:

The following is in response to your July 6, 2015 request for delivery information on your Certified Mail™ item number 9171999991703417889267. The delivery record shows that this item was delivered on May 12, 2015 at 8:30 am in LINDEN, NC 28356. The scanned image of the recipient information is provided below.

Signature of Recipient :

Delivery Section	
ure	
ed id	David Hampton

Address of Recipient :

ery ess	135 Newtla hunk
------------	-----------------

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

P11-20
COUNTY ZONING ORDINANCE TEXT AMENDMENT
(Outdoor Firing Ranges)

P11-20. REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE, AMENDING ARTICLE II INTERPRETATIONS, CALCULATIONS, AND DEFINITIONS, SECTION 203. DEFINITIONS OF SPECIFIC TERMS AND WORDS BY INSERTING IN ALPHABETICAL ORDER THE TERM AND DEFINITION FOR "FIRING RANGE, OUTDOOR;" AMENDING ARTICLE IV PERMITTED, CONDITIONAL, AND SPECIAL USES, SECTION 403. USE MATRIX BY INSERTING IN ALPHABETICAL ORDER A NEW ROW ENTITLED "FIRING RANGE, OUTDOOR (SEC. 907.1)" IN THE LAND USE COLUMN AND ALLOWING THIS USE AS CONDITIONAL ZONING BY INSERTING A "Z" IN THE A1 ZONING DISTRICT COLUMN ON THIS SAME ROW; AMENDING ARTICLE IX INDIVIDUAL USES BY CREATING AND INSERTING IN NUMERICAL ORDER A NEW SECTION ENTITLED: SECTION 907.1 FIRING RANGE, OUTDOOR, WITH SUB-SECTIONS "A" THROUGH "K;" AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (NOTE: CASE HEADING HAS CHANGED TO REFLECT THE JUNE 17, 2013 COUNTY BOARD OF COMMISSIONERS' APPROVAL.)

1. **AMEND** Article II Interpretations, Calculations, and Definitions, Section 203. Definitions of Specific Terms and Words, by **INSERTING** in alphabetical order the following definition:

Firing Range, Outdoor: A facility, including its component shooting ranges, safety fans or shofall zones, parking areas, all structures for classrooms; administrative offices, ammunition storage areas and other associated improvements, designed for the purpose of providing a place for the discharge of various types of firearms or the practice of archery. For purposes of this ordinance, outdoor firing ranges are a principal use of property and therefore, shall not be considered incidental or accessory. This ordinance is exclusive of occasional target practice by individuals on property owned or leased by the individuals, sighting of weapons for purposes of hunting, or temporary turkey shoots conducted on a property no more than 12 days in any calendar year. (Sec. 907.1)

2. **AMEND** Article IV Permitted, Conditional, and Special Uses, Section 403. Use Matrix, by **INSERTING** in alphabetical order in the *Land Uses* column the term **FIRING RANGE, OUTDOOR (Sec. 907.1)** with the new row reflecting that outdoor firing ranges are allowed with Conditional Zoning approval as indicated by **INSERTING** a "**Z**" in the **A1 Agricultural** zoning district column.
(Editor's note: See *Attachment 1* for matrix layout to be inserted into the existing Section 403.)

3. **AMEND** Article IX Individual Uses, by **INSERTING** in numerical order **SECTION 907.1. FIRING RANGE, OUTDOOR**, including sub-sections, as follows:

SECTION 907.1. FIRING RANGE, OUTDOOR.

A. A detailed site plan complying with the provisions of Article XIV shall be submitted for review and if approved, all applicable permits must be obtained prior to commencement of range activity. The detailed site plan shall be sealed by a North Carolina registered engineer attesting that the proposed plan incorporates the specific safety and design standards for outdoor firing range provisions and live fire shoot house provisions, if applicable, as set out in Section 4, Outdoor Range Design; Section 6, Live Fire Shoot House; and Attachments 1-2 through 1-20, of the *Range Design Criteria* (June 2012) as published by the US Department of Energy's Office of Health, Safety and Security for the type of range proposed; except that Section 4.b(10), the words "or administrative" in the first sentence of Section 4.c(7), the second sentence of Section 4.c(7) and Section 6.a(1) shall not be considered for the reason that these sections are specific to the needs of the DOE.

[Editor's note: A hardcopy is available for public viewing in the office of the Land Use Codes section of the Planning & Inspections Department.]

B. The site on which the outdoor firing range is proposed shall contain a minimum of 200 acres within a tract or contiguous tracts owned or leased under a recorded lease to the owner/operator of the outdoor firing range. The detailed site plan shall show the boundary of the subject property in its entirety and shall further disclose all existing uses, if discernible, and structures within a distance of 300 feet from the boundary.

C. Surface danger zones shall be located entirely on the subject property and shall be designed to contain all projectiles and debris caused by the type of ammunition, targets and activities to be used or to occur on the property. The layout of the proposed range(s) with the accompanying safety fans shall be delineated on the required site plan for each/all range(s) to be constructed on the property. All firing stations shall be setback a minimum of 180 feet from the boundary of the of the subject property.

D. A 60 foot wide buffer, undisturbed except for fence installation and vegetative planting, shall be provided around the entire perimeter of the subject property and shall also be delineated on the detailed site plan.

E. A firing range facility must have access to an approved private street or a public street.

F. Unauthorized access to the firing range facility shall be controlled while firearms are being discharged.

G. The developer/operator of the firing range facility shall provide to Code Enforcement at the time of application for the building final inspection, a certification prepared by a North Carolina registered engineer that the firing range facility has an environmental stewardship plan, which may include semi-annual soil and water sampling, regular liming of the soil to prevent lead migration, reclamation and recycling of the lead and is compliant with the Best Management Practices, specifically relating to lead management, as specified by the Environmental Protection Agency's (EPA's) most current edition of *Best Management Practices for Lead at Outdoor Shooting Ranges*.

H. If any firing range facility, or the use thereof, is intended to be expanded to include types of ranges, operations, munitions or activities not covered by the most current conditional approval or pre-existing status, re-submittal/submittal of the site plan for the entire firing range facility for review and approval of the change or expansion shall be required prior to commencement of the change or expansion. This provision applies regardless whether or not the firing range facility was in existence prior to the adoption of this section.

I. All outdoor firing range facilities shall maintain general liability insurance coverage in an amount of not less than Three Million Dollars through an insurance company licensed to do business in North Carolina. The policy shall not exclude coverage for property damage or personal injury caused by the discharge of firearms.

J. All other applicable Federal, State and local regulations, to include the County's Noise Ordinance, shall be strictly adhered to.

K. This sub-section K shall specifically apply to all non-permitted existing uses which are outdoor firing ranges within the definition of this ordinance, except those as may be permitted in accordance with this sub-section. A permit shall be issued for any non-permitted outdoor firing range in operation on June 20, 2005, upon the submission of an application that shall include:

1. The date upon which the applicant commenced outdoor firing range operations on the site;

2. An aerial map which shows the boundaries of the site and the improvements located thereon;

3. A statement of the hours of operation;

4. A statement of the largest caliber ammunition discharged on the site; and

5. A narrative description of the measures employed (a) to control unauthorized access to the facility when weapons are being discharged, (b) to prevent projectiles from leaving the site, (c) to mitigate noise and (d) to mitigate potential lead contamination of the groundwater.

The permit issued under this sub-section K shall establish the benchmark for the determination of an expansion under sub-section H. Any facility permitted under this sub-section K shall remain subject to all other applicable state laws and local ordinances.

Attachment 1
P11-20 Outdoor Firing Ranges

SECTION 403 USE MATRIX

CUMBERLAND COUNTY ZONING ORDINANCE
P = PERMITTED USE
S = SPECIAL USE (Sec. 1606 Board of Adjustment approval required)
Z = CONDITIONAL ZONING (Article V – County Commissioners approval required) (Amd. 04-18-11)

LAND USES	ZONING CLASSIFICATIONS																						
	CD	A1	A1A	R40	R40A	R30	R30A	RR	R20	R20A	R15	R7.5	R6	R6A	R5	R5A	O&I(P)	C1(P)	C2(P)	C(P)	M1(P)	M(P)	
FIRING RANGE, OUTDOOR (Sec. 907.1)		Z																					

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Our Team

HVT's team are highly-skilled, certified instructors, with years of practical experience in their fields. We combine a mixture of male and female Military Veterans, Law Enforcement Officers and Emergency Medical Personnel to teach professionals and novices alike.

[MORE](#)

Services

We provide expert instruction in personal defense, physical security, firearms and pre-hospital medicine and trauma care. HVT utilizes a climate-controlled classroom and operate our own ever-improving, private training facilities.

[MORE](#)

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WE ARE HERE TO HELP YOU DRIVE CHANGE TOGETHER WE WILL SHAPE THE FUTURE.

TEL:
910-229-1018 (Call or Text)
MAIL:
training@hvt.co

FOLLOW US:

News & Publications



MAY 2015

09 May - NC Concealed Carry Handgun Course

23 May - NC Concealed Carry Handgun Course

\$60 for the course. No range fees and free Notary Public services for your CCH application!

Contact us if you're interested in attending one of these courses, we like to keep the classes small (4-10 students) to maintain quality instruction

Please review the [calendar](#) and see what dates we have instructors available for training!

NEW!--- On-site Notary Public to certify your CCH Application Forms- Fee's will be waived! This is up to a \$15 savings. Please have a State or Federal ID that includes a signature and physical description. (No CAC cards).

[READ MORE...](#)



- CPR Classes
- 100-Yard Range
- Practical Carbine Course

[READ MORE...](#)

1 comment



Leave a message...



Great Class, Highly recommended
Jen · 5 months ago · Reply

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Email [Subscribe Now](#)

5/12/15 HVT WEBSITE
AD REMOVED FROM WEBSITE



5/9/15 1:30 COMMANDS SHOUTED
FIRING COMMENCED

CUMBERLAND COUNTY PLANNING & INSPECTION DEPT.
130 Gillespie/PO Drawer 1829
Fayetteville, NC 28302-1829
(910)321-6636 Fax(910)321-6637
www.co.cumberland.nc.us/planning.aspx

Electrical PERMIT

E-13-154475 PAGE 1 of 1
Issued by: TOR Prt by: TORTIZ

Complete

Permission is hereby granted for the construction or installation as identified herein. All work must comply with the North Carolina State Building Code and all other applicable State and Local Laws, Ordinances, and Regulations.

Date Issued: 06/10/2013 Pin: 0467-41-4676-
Location: 400 KAREN ST Subdivision:
Lot: LT 5 THE WOODS OF EASTOVER (2.29 AC) Lot: Bldg: Unit:
Owner: HAMPTON, DAVID & WIFE MAR
Address: 135 NANTAHALA DR
LINDEN, NC 28356 Phone: 299-1021
Contractor: EAGLE ELECTRICAL SERVICES License: 18800 EL-L
Address: 7633 SHERRILL BAGGETT RD Phone: 910-980-3760
DUNN, NC 28334-5088 Phone:

Structure: Type Improvement: Existing Structure Occupancy:
Fees: COMMERCIAL \$50.00

Total Fees: \$50.00 Work Value: \$2,500
200 AMP SERVICE
FOR FARM BUILDING (METAL BUILDING)
FARM # 1993

All work will comply with the NC State Bldg. Code & all other applicable state & local laws, ordinances & regulations. The Inspection Dept. shall be notified of any changes in the approved plans or work as submitted. It is the permit holders responsibility to request all required inspections & ensure approval prior to continuing work.

Without further notice from this Dept., this permit will become void if work is not started within 6 mths. from issuance or if the work is discontinued for one year as determined by no inspection activity. These time periods are superseded by time limitations set by County ordinance and/or Code Enforcement Actions.

Call before you dig - 1-800-632-4949. A \$25 processing fee shall be charged for all returned checks. (NCGS25-3-506)

APPLICATION FOR PERMIT

Electrical Mechanical Plumbing

NOTE: Incomplete applications will not be processed

WORK PERFORMED ON A: NEW STRUCTURE ADDITION EXISTING STRUCTURE

PROJECT ADDRESS 400 KAREN RD. ST City Fay Zip _____

Subdivision/Development _____ Lot _____ Bldg _____ Unit _____

Directions: Go past Raymond Golf course to Pleasantview turn Rt go to Karen Rd turn left

PROPERTY OWNER David Hampton Phone # 910-299-1021 90 acres in green oak

Prop. Owner's Address _____ City _____ State _____ Zip _____

CONTRACTOR Eagle Electrical Services Phone # 910-890-1743 License #/Class. 18800 I

Contractor Address 7633 Sherrill Baggett Rd City Danna St. A.C Zip 28334 License #/Class. Int.

ELECTRICAL Structure is (circle): RESIDENTIAL MULTI-FAMILY COMMERCIAL-Provide Contract Cost \$ _____

<input type="checkbox"/> Temp Service-Res/Com (\$35) \$ _____	<input checked="" type="checkbox"/> Service-New/Change: <u>200</u> amps (\$40) \$ _____
<input type="checkbox"/> Power Off-Reinspect (\$35) \$ _____	<input type="checkbox"/> Swimming Pools (\$40) \$ _____
<input type="checkbox"/> Renovation/Room Add. (\$40) \$ _____	<input type="checkbox"/> Appliance or Mechanical System (\$35) \$ _____
<input type="checkbox"/> Multi-Family, # of units x \$46 \$ _____	<input type="checkbox"/> # of Add'l Appliances/Systems: _____ x \$6 \$ _____
<input checked="" type="checkbox"/> Commercial-All work \$ _____	Mechanical Contractor for this installation is: _____

DESCRIBE WORK IN DETAIL BELOW:
Wire Farm Building 1993 TOTAL FEE: \$ _____

MECHANICAL Structure is (circle): RESIDENTIAL MULTI-FAMILY COMMERCIAL-Provide Contract Cost \$ _____

<input type="checkbox"/> Gas Piping includes 3 outlets (\$35) \$ _____	<input type="checkbox"/> Heat pump-New/Change Out (\$40) \$ _____
<input type="checkbox"/> # of outlets over 3: _____ x \$6 \$ _____	<input type="checkbox"/> (per system/or any part thereof)
<input type="checkbox"/> First Appliance (\$35) \$ _____	<input type="checkbox"/> Gas Pack-New/Change Out (\$40) \$ _____
<input type="checkbox"/> # of Add'l appliances: _____ x \$6 \$ _____	<input type="checkbox"/> (per system/or any part thereof)
<input type="checkbox"/> Multi-Family, # of units x \$46 \$ _____	<input type="checkbox"/> Air Condition-New/Change Out (\$40) \$ _____
<input type="checkbox"/> Commercial-All work \$ _____	<input type="checkbox"/> Furnace-New/Change Out (\$40) \$ _____
<input type="checkbox"/> NEW OR EXISTING DUCT WORK (circle-one)	Electrical Contractor for mech. installation is: _____

DESCRIBE WORK IN DETAIL BELOW:
 TOTAL FEE: \$ _____

PLUMBING Structure is (circle): RESIDENTIAL MULTI-FAMILY COMMERCIAL-Provide Contract Cost \$ _____

<input type="checkbox"/> Water (\$35) \$ _____	<input type="checkbox"/> One Bath, or partial bath (\$35) \$ _____
<input type="checkbox"/> Sewer (\$35) \$ _____	<input type="checkbox"/> # Baths, or partial baths, over 1: _____ x \$10 \$ _____
<input type="checkbox"/> Water & Sewer (\$40) \$ _____	<input type="checkbox"/> Other fixtures: # _____ x \$6 \$ _____
<input type="checkbox"/> Multi-Family, # of units x \$46 \$ _____	<input type="checkbox"/> (List fixtures on line below)
<input type="checkbox"/> Commercial-All work \$ _____	

DESCRIBE WORK IN DETAIL BELOW:
 TOTAL FEE: \$ _____

I hereby certify that all information in this application is correct and all work will comply with the North Carolina State Building Code and all other applicable State and local laws, ordinances and regulations. The Planning and Inspection Department will be notified of any changes in the approved plans and specifications for the project permitted herein.

Edward A. Glover Applicant Signature Edward A. Glover Printed Name 6-10-13 Date

Payment may be made by cash, check, Mastercard or Visa.
 PURSUANT TO NCGS 25-3-506, A PROCESSING FEE WILL BE CHARGED FOR ALL RETURNED CHECKS

Inspector Approval: _____ Date: _____ 03/12