

**Members:**  
Gregory Parks  
Marva Lucas-Moore  
Linda Amos  
Robert Davis  
Vickie Mullins

**Alternates:**  
Kenneth Turner  
Stacy Michael Long



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

AGENDA  
JULY 21, 2022  
6:00 PM

A meeting of the Cumberland County Board of Adjustment is to be held on Thursday, July 21<sup>st</sup>, 2022, at 6:00 p.m. in Hearing Room #3 of the Historic Courthouse at 130 Gillespie Street, Fayetteville, North Carolina. The agenda is as follows:

1. INVOCATION & PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. SWEAR IN STAFF
4. ADJUSTMENTS TO THE AGENDA
5. APPROVAL OF THE MAY 19, 2022, MINUTES
6. ABSTENTIONS BY BOARD MEMBERS/BOARD MEMBER DISCLOSURES (SITE VISITS AND/OR PERSONAL AFFILIATIONS)
7. PUBLIC HEARING DEFERRALS/WITHDRAWALS
8. POLICY STATEMENT REGARDING APPEAL PROCESS
9. PUBLIC HEARING(S):
  - A. BOA-2022-0018: Variance from Section 203, Accessory Building, Paragraph. C, County Zoning Ordinance, to allow a garage/storage building to be larger than a residential house within an A1 Agricultural Zoning District and from Section 1002,E.4, Accessory Structures to allow setback between two storage structures to be less than five feet apart, for 2.00 +/- acres located at 1919 Tom Starling Road, Cumberland County; submitted by Joshua & Precious Buckner (property owner(s))
10. DISCUSSION/UPDATE(S)
  - A. Recommend Candidates for Remaining Alternate BOA Membership
11. ADJOURNMENT

Amy H. Cannon  
County Manager

Tracy Jackson  
Assistant County Manager



Rawls Howard  
Director

David Moon  
Deputy Director

## Board of Adjustment

MINUTES  
June 16, 2022  
6:00 PM

### Members Present

CHAIR GREGORY PARKS  
MARVA LUCAS-MOORE  
ROBERT DAVIS  
VICKI MULLINS  
LINDA AMOS

### Alternate Members in Attendance

Stacy Michael Long- Alternate

### Absent Members

Kenneth Turner-Alternate

### Staff/Others Present

David Moon  
Alyssa Garcia  
Shantee Owens  
Robert Hasty (Asst County Attorney)  
Scott Walters  
Chris Portman

Chair Parks called the meeting to order at 6:00 p.m. in Public Hearing Room #3 of the Historic Courthouse.

Chair Parks stated the procedural matters are to turn off all cell phones and other electronic devices, other than the camera, are fine and if asked to speak at the podium to please speak clearly into the microphone as the meeting is being recorded.

#### 1. INVOCATION

Vickie Mullins read the invocation.

#### PLEDGE OF ALLEGIANCE

Recited by all.

Chair Parks requested all cell phones be turned off. If asked to speak at the podium please speak into the microphone, take your mask off if you prefer. Chair Parks requested to limit time per speaker to 5 minutes and not to repeat what has been previously stated. If any Board member wishes to speak, please ask to be recognized by the Chair.

#### 2. ROLL CALL

Mr. Moon called the roll. Mr. Moon started with the roll call; we have a quorum. We have all five members of the regular Board of Adjustment here this evening; one alternate is present.

#### SWEAR IN OF STAFF

Chair Parks swore in staff.

#### 3. ADJUSTMENTS TO THE AGENDA

There were none.

#### 4. APPROVAL OF THE May 19, 2022, MINUTES

Mrs. MARVA LUCAS-MOORE made a motion to approve the minutes from the May 19, 2022, meeting as written, seconded by Ms. Mullins. The motion passed unanimously.

Amy H. Cannon  
County Manager

Tracy Jackson  
Assistant County Manager



Rawls Howard  
Director

David Moon  
Deputy Director

### Board of Adjustment

|             | IN FAVOR |
|-------------|----------|
| PARKS       | YES      |
| AMOS        | YES      |
| LUCAS-MOORE | YES      |
| DAVIS       | YES      |
| MULLINS     | YES      |

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

There were none.

6. PUBLIC HEARING DEFERRALS/WITHDRAWALS

There were none.

7. POLICY STATEMENT REGARDING APPEAL PROCESS

Mr. Moon read the policy statement.

8. PUBLIC HEARING(S)

Chair Parks read

**BOA-2022-0019:** Variance from Section 1002, Incidental Uses, Paragraph E., Accessory Structures, requesting storage building setback at 23 feet instead of required minimum of 30 feet; and Variance from Section 1102, Paragraph C, requesting fence setback at 19 feet instead of required minimum of 20 feet, for a lot containing 0.23 +/- acres within an R10 Residential Zoning District and located at 3625 Camden Road EXT., Cumberland County; submitted by Roger and Sarah Larson (property owner(s))

DAVID MOON: Thank you. David Moon, Deputy Director of Planning and Inspections. The slide presentation on the screen shows you the general location of the property within Cumberland County. It's typically south of the city of Fayetteville and northeast of Hope Mills. For case 22-0019, the applicant is Roger and Sarah Larson. They are requesting two variances, and I request this evening that the board take a motion and action on each of those two variances separately so that we have that for the record. The first variance is from section 1002 E of the zoning code related to this setback. For shed at a corner yard setback, the minimum standard for the setback is 30ft from the corner yard property line. The request by the applicant is for a 23-foot setback, an encroachment of 7ft into the corner yard setback area. The second variance request is from section 1002 C for a fence corner yard setback of 20ft. The applicant requests a 1ft encroachment for that fence into the set area so that it set at 19ft instead of at 20 ft. The lot is a corner lot located at the intersection of Gatesville Drive and of fronting Camden Road extension, it's a single-family residence. The diagram before you shows the situation. Here is the corner right here. This is the front yard of the lot.

CHAIR GREGORY PARKS:

I'm sorry, I can't okay

DAVID MOON:

Okay. Here's the front yard. This is what's called the corner yard. Where I'm pointing now is the rear yard. The applicant wants to locate a shed at this location, and I believe they have to present restrictions that they have regarding placement of the structure to the rear related to possibly the septic drainage filled area. So the request is to place this shed at a 23 ft. Setback instead of a 30 ft. Setback. The second request is related to the fence, and they request that the fence encroach, one foot into the corner lot yard set back by one foot.

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

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## Board of Adjustment

CHAIR GREGORY PARKS:

What are the numbers here you've got 4ft from the shed to what? to the fence?

DAVID MOON:

To the fence, correct and the setback line.

CHAIR GREGORY PARKS:

And the 1ft, I'm sorry.

DAVID MOON:

And the setback where the setback line should be in terms of the character of the property, its location. This map here shows you that it's in the R10 zoning district, which in our zoning code is really the R75. It's standard R10 is a zoning category that doesn't exist any longer. The soils on the property are good. There are no hydro or hydra inclusion soils. There is water and sewer lines available to the property. In the future land use map for the southwest of Cumberland land use plan. The property is low density residential. In terms of the site visit and pictures taken. This is a view from the front of the house. This is from the corner yard. Right now, you can see the shed there and a partially constructed fence. Another view of that corner lot yard. This is a view from the corner lot or to the front yard. That is from the west view. This is a north view off of Camden Road extension and the north view off of the Camden Road extension and then I'm back to the site plan showing the location of the sit shed and the fence. So, in summary, the two variances requested by the applicant are to allow the shed to be located 23ft from the property line versus a code minimum requirement of 30ft, and a second variance request to place the fence at 19ft from the property line versus a requirement of 20ft in the code. That concludes my

CHAIR GREGORY PARKS:

Give me that other pictures showing the RV and the?

DAVID MOON:

I'll let the Applicants explain that may be a temporary location for that shed at this time.

CHAIR GREGORY PARKS:

Okay, well we will hear from the applicant

DAVID MOON:

Would you at this time like to call the public hearing? And based on those that have signed up to speak in favor, we have the property owner, Roger Larson and Sarah Larson.

SARAH LARSON:

Good evening. Hey.

CHAIR GREGORY PARKS:

Can I swear you in, please, both of you, right hand, do you swear to tell the truth, and nothing but the truth, so help you God? Good please speak up or if you need the microphone lower it towards you

SARAH LARSON:

Hi, how are you all this evening?

CHAIR GREGORY PARKS:

There we go.

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SARAH LARSON:

There we go. so you have seen the diagram there?

DAVID MOON:

Can they give their name and address?

SARAH LARSON:

Sure.

CHAIR GREGORY PARKS:

I'm sorry.

SARAH LARSON:

My name is Sarah Larson. This is Roger Larson. We reside at 3625 Camden Road Extension, Hope Mills, North Carolina. So the diagram there shows our home, and then the picture showed a shed, a rather large shed. Yes. And an RV. It's actually a gooseneck trailer, it's not an RV, it's a camper and then a partially constructed fence. We had hired a contractor to install the fence and been ensured that they had received the appropriate permitting and then we received notice that we were in violation, and we did not know that, and that's why the fence is not complete. We asked them to cease working on it when we received the violation.

CHAIR GREGORY PARKS:

Okay. Did you get a permit to put the building on the property

SARAH LARSON:

When we purchased the property or when we purchased the building? We were told that we weren't required to have one because we weren't technically what we were told is because we're not technically in the city or we're in the county, so it wasn't required, is what we were told when we made the purchase.

CHAIR GREGORY PARKS:

Who told you that?

SARAH LARSON:

The company that we purchased from and the company that delivered it.

CHAIR GREGORY PARKS:

Really? ok I understand that Okay. All right, and the so you purchased the house?

SARAH LARSON:

We purchased the house in 2006, yes.

CHAIR GREGORY PARKS:

Okay. And when did you put the building on the property?

SARAH LARSON:

We put the building on the property. It was delivered in early November of 2021. 21. Correct.

CHAIR GREGORY PARKS:

Okay. All right. And if you had the fifth wheel out there the whole time?

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SARAH LARSON:

The fifth wheel has been parked out there? Not parked, but that's parked, yes. For probably about five years now.

CHAIR GREGORY PARKS:

Then you called the fence guy and said, hey, go get a permit and come build me a fence.

SARAH LARSON:

Yes, sir.

CHAIR GREGORY PARKS:

And he said, Everything's good. Start building your fence. And then you got a notification from somebody else.

SARAH LARSON:

We got a notification from the county saying that we were in violation of the ordinance for the setback. Well, it didn't say why we were in violation. It just said we were in violation. So, at that point, I wasn't sure if the contractor had actually obtained the appropriate permit or not; contacted the contractor, he said that it was a confusion. He would get downtown and correct it the next day. Well, we were concerned, so I called the next day and found out that we were actually in violation of the setback and that there was more than just the purchase permit, like the building permit for the fence that was a problem.

CHAIR GREGORY PARKS:

Okay. Question ya'll?

LINDA AMOS:

Would you have enough space to make the adjustments for the one ft.?

SARAH LARSON:

So part of the problem with that is we have a pool in our backyard that was there when we purchased the home. And so if we shifted the building in, the building would be right on top of the pool.

ROGER LARSON:

So we got the building because we really can't afford to buy a new house right now. In the last three years, we've had three kids. We've got a two-and-a-half-year-old, and we have two five-month-old at home.

CHAIR GREGORY PARKS:

Twins, huh?

SARAH LARSON:

We had twins.

ROGER LARSON:

We're out of room. We are out of room, and we're just not, we've been here 16 years. We love the neighborhood. We don't want to go anywhere. We really don't. And I need someplace for my kids to play. That road that runs down the side of there, that's like

SARAH LARSON:

it wasn't there when we purchased the home. The road was there, but the part that connected to Camden was not there.

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ROGER LARSON:

Right.

SARAH LARSON:

Camden Road Extension used to go to Camden, and then that got closed off, and Oakland got opened all the way up to Camden. And so now everyone uses that as their fly through to cut through the neighborhood from Legion to Camden.

ROGER LARSON:

So, I mean, we need some place for kids to play. We need it fenced off, so they have some place to go outside.

SARAH LARSON:

And If I may also add, We do apologize. We didn't know we were doing anything wrong. There's lots of other houses in our neighborhood that have fences and buildings and all kinds of things a lot closer than what we were doing. So, we thought we were okay. We thought we were far enough back, and we were just naïve and didn't know the difference.

CHAIR GREGORY PARKS:

So what you're saying is that if you took your existing let me have a picture again, please, David. The one showing the RV or the fifth wheel. So, what you're saying is that you can't take that building and move it inside your fence because your swimming pool is there.

SARAH LARSON:

Yes, sir.

CHAIR GREGORY PARKS:

Okay. And you can't take that building and move it anywhere in your backyard?

SARAH LARSON:

Not unless I put it in the pool.

CHAIR GREGORY PARKS:

Does the pool take up the whole yard?

SARAH LARSON:

It does.

ROGER LARSON:

It's 16ft wide by 32ft long. It pretty much takes up our whole back yard.

VICKI MULLINS:

Is it an in-ground pool?

SARAH LARSON:

It is an above ground pool, but it is one of the it was there when we bought the home. It's a steel walled pool. It's not a pool that we bought from Walmart.

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ROBERT DAVIS:

Were on two separate things, are we talking about the fence now and

SARAH LARSON:

I think we're discussing it all.

ROBERT DAVIS:

Okay.

SARAH LARSON:

The house that's immediately across from us, they received notice for this hearing, but they weren't here. Their fence is less than a foot from the road, so we really didn't know what we were doing was wrong.

CHAIR GREGORY PARKS:

But they're not on a corner lot.

SARAH LARSON:

They are on a corner lot.

CHAIR GREGORY PARKS:

Oh, really? Their fence is a foot from the road?

SARAH LARSON:

Yes sir

ROGER LARSON:

And then if you go all the way down to the end of Camden Road, where it used to see the road

SARAH LARSON:

Camden Road extension.

ROGER LARSON:

Camden Road extension, their fence is about a foot from the maybe it's 2ft from the road, too, and they're on a corner lot. We have so many examples of people in our neighborhood that have a lot more encroachment than what we have. We have other houses in our neighborhood that have the same problem and have buildings on their property too on the corner lot.

DAVID MOON:

Chair. Would you like to close the hearing at this point and then go into your discussion?

CHAIR GREGORY PARKS:

Yes. I'm sorry, please. I'd love to close here in just a second so we can discuss just a minute.

CHAIR GREGORY PARKS:

And the building has been there how long?

SARAH LARSON:

The RV or the camper has only been out there for five and the building went up there in November of 2021. Now, that black vehicle that's there, that's not ours. People just drop stuff in our yard all the time. Was another reason why



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we were hoping to be able to secure the area.

CHAIR GREGORY PARKS:

Just a word of advice or something. If you want to secure the area, why don't you build that fence 16ft high?

SARAH LARSON:

Well, it's an option, but first we have to get approval from the variance.

CHAIR GREGORY PARKS:

That was pretty sharp, pretty sharp

ROBERT DAVIS:

One other question, that fence that their building, its up again another fence isn't it ?

SARAH LARSON:

Yes sir.

ROBERT DAVIS:

That's your other fence?

SARAH LARSON:

Yes sir

SARAH LARSON:

It goes right next to the fence

ROBERT DAVIS:

It goes right up to the other fence, So the other fence is ok?

SARAH LARSON:

yes sir

CHAIR GREGORY PARKS:

Ya'll haven't torn down that fence yet have you?

SARAH LARSON:

No, sir. We were waiting until the new fence was completed. We have children and dogs, and we weren't going to do that until after the new fence was completed.

CHAIR GREGORY PARKS:

How far off that electrical box are you? Four, five, 6ft, or whatever that box is.

SARAH LARSON:

It's actually a phone box.

CHAIR GREGORY PARKS:

Okay.

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SARAH LARSON:

It's been taking out several times by different vehicles flying through the neighborhood.

CHAIR GREGORY PARKS:

They had to get a variance for that. I don't know. Bring me the picture up again or where the variance is. Or tell me where the variance is on this picture. Okay.

DAVID MOON:

Two variances. First, it's for the fence. The fence line is from that blue.

CHAIR GREGORY PARKS:

That blue thing is where the building is, correct?

SARAH LARSON:

Yes, sir.

CHAIR GREGORY PARKS:

Okay.

DAVID MOON:

The proposed location

CHAIR GREGORY PARKS:

Right. That's where the building ends.

SARAH LARSON:

That's where the building is

CHAIR GREGORY PARKS:

Period, Correct Mr. Moon?

CHAIR GREGORY PARKS:

And it's 4ft. Mr. Moon, help me there. 4ft from what? The property line? From the fence.

SARAH LARSON:

From the fence?

CHAIR GREGORY PARKS:

From the fence, the new fence.

SARAH LARSON:

The new fence that we're applying for the variance to be able to keep.

CHAIR GREGORY PARKS:

Okay. And the variance is that you want a 1ft variance because it should be in 1ft.

SARAH LARSON:

For the fence? Yes, sir, for the fence

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CHAIR GREGORY PARKS:

Okay. All right.

SARAH LARSON:

And then it's seven-foot variance for the building because it should be 30ft and it's currently in 23.

CHAIR GREGORY PARKS:

Okay.

MARVA LUCAS-MOORE:

Who owns that land? Outside of the fence near that cable box who owns that?

SARAH LARSON:

I thought I did, and I do. But there's a line that runs there for PWC.

CHAIR GREGORY PARKS:

An easement from the middle of the street

SARAH LARSON:

Correct. Right from the middle of the street to that line. But we own that entire lot.

DAVID MOON:

May I comment chair, based on what you can find on the last page of the staff report, under the findings of facts is the zoning or variance criteria. There are four criteria. One is unnecessary hardship would result from the strict application of the ordinance. There are conditions peculiar to the property, such as location, size, or topography. The request variance will be consistent with the spirit, purpose, and intent of the ordinance such that the public safety is secured, and substantial justice is achieved. And then the special circumstances are not the result of the actions of the applicant. So those are the four criteria that you consider, and then, based on the findings of fact, the evidence of testimony makes a determination of whether a hardship exists to grant the variance. This case, there's two variances.

CHAIR GREGORY PARKS:

Right, were still in discussion here

SARAH LARSON:

May I

CHAIR GREGORY PARKS:

Sure, you can

SARAH LARSON:

If you look at exhibit G of our applicant's response, and you go through I went through the specifics of each of those things that had to be met in order for the variance to be granted. So, I talk about the unnecessary hardship, the conditions that are peculiar, all of those things, and what our opinions are and why we would be entitled that variance. Not entitled, apparently that's the wrong word. Eligible.

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CHAIR GREGORY PARKS:

We're still in discussion to the rights for the property

SARAH LARSON:

Sure, just wanted you to have that information

ROBERT DAVIS: Couldn't we just make a motion that we grant the variance based on the finding's facts listed in Exhibit G?

ATTY ROBERT HASTY: Yes, if you agree with those findings are sufficient for the variance you can incorporate that too

ROBERT DAVIS: Yes, the finding facts

CHAIR GREGORY PARKS:

Now were out of discussion. Okay.

ROBERT DAVIS:

I'd like to make a motion that the variance be granted for the fence variance based on the finding's facts listed section G of the exhibits. Can I get a second?

VICKI MULLINS:

Second

CHAIR GREGORY PARKS:

OK we got a second

DAVID MOON:

ask for a vote for that motion

CHAIR GREGORY PARKS:

All in favor say I/ All opposed

|             | <b>IN FAVOR</b> |
|-------------|-----------------|
| PARKS       | YES             |
| AMOS        | YES             |
| LUCAS-MOORE | YES             |
| DAVIS       | YES             |
| MULLINS     | YES             |

CHAIR GREGORY PARKS:

Now can we do the second variance now Mr. Moon

DAVID MOON:

Second variance now would be for the shed.

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ROBERT DAVIS:

I would like to make a motion that the second variance be granted based on the finding facts also listed in exhibit G of the exposition

VICKI MULLINS:

Second

CHAIR GREGORY PARKS:

Do I have a vote on that. All in favor I, all opposed. carries

|             | IN FAVOR |
|-------------|----------|
| PARKS       | YES      |
| AMOS        | YES      |
| LUCAS-MOORE | YES      |
| DAVIS       | YES      |
| MULLINS     | YES      |

DAVID MOON:

That would complete the case, and both variances are approved.

CHAIR GREGORY PARKS:

Congratulations

SARAH LARSON:

Thank you all very much. Thank you for your time and everything. Thank you.

ROGER LARSON:

Have a good night.

SARAH LARSON:

Thank you.

CHAIR GREGORY PARKS:

Alright Mr. Moon

DAVID MOON:

We are now at case BOA 22-0018 chair would you like to read the case heading?

CHAIR GREGORY PARKS:

Here we go. Alright Case BOA-2022-0018 variance from section 203 accessory building county zone ordinance to allow a garage/storage building to be larger than a residential house within an A1 agricultural zoning district for two plus acres located at 1919 Tom Starling Rd, Cumberland County submitted by Joshua and Precious Buckner property owners continued from May 19, 2022. Mr. Moon, can I ask where we are in this case?

DAVID MOON:

Yes, sir. The board at the May hearing continued the case this evening, given an opportunity for staff to communicate with the applicant to discuss possible alternatives, options related to the variance requests, and for myself to meet with the chair, Mr. Parks, about the procedures with any conditions that the board may place on any variance request.

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So, I did have communications with the applicant. Mr. Buckner and I did meet with the chair to talk about the procedures regarding the variance at the last hearing, we're still in the process of the public hearing and staff report. So, at this point, unless you want to review the presentation from the last meeting, the board would be at a position to consider the variance and ask the applicant if they possibly have any options to the variance. As a summary, the variance request is related to a picture of it, of the storage building and two lean-tos that are attached to the shed. The variance request is for an accessory structure that is larger than the primary residential home. The building without the lean-tos satisfies the code requirements, and then that shed that storage building would be insubordinate to the largest single-family home on the property. There are two single family homes. Once the applicant added the two lean-tos to the shed, it then came in violation. It breached the code by having an accessory structure that was larger than the primary residential structure. So that is the request, again, is the variances request by the applicant is to have a larger storage building than the primary structure.

CHAIR GREGORY PARKS:

Do we have anybody here to speak on that part

DAVID MOON:

I believe Mr. Buckner is present.

CHAIR GREGORY PARKS:

ok Mr. Buckner

JOSHUA BUCKNER:

Yeah

CHAIR GREGORY PARKS:

Let me swear you in please

JOSHUA BUCKNER:

Yes sir

CHAIR GREGORY PARKS:

Do you swear to tell the truth, nothing but the truth so help you God?

JOSHUA BUCKNER:

I do

CHAIR GREGORY PARKS:

Thank you

JOSHUA BUCKNER:

Thank you, sir.

CHAIR GREGORY PARKS:

Okay. Have you come up with any ideas on what you think you can do to make this help us help you?

JOSHUA BUCKNER:

So Mr. Moon had spoke with me last week, and he had mentioned up, what if we put up a partition wall to separate it and say one side belongs to one of the homes, the other one belongs to the other home?

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CHAIR GREGORY PARKS:

Correct.

JOSHUA BUCKNER:

I told him I have absolutely no issues doing that. I mean, I don't like to spend the money to do that, but I will do that if it will satisfy, and I will get it done. That was the solution that we talked about. But before I took any action at all, I wanted the board to get a thumbs up because I just want something in writing saying, this is good, good to go, and we can kind of move forward. That was the solution. Mr. Moon and I.

CHAIR GREGORY PARKS:

Okay. All right to bring all you all up to speed on what we've done, we've taken a lot of time and I've spent people in planning and permit department has spent some time on this trying to think of a way to help you so; we have the variance options with a wall by putting it up. There is a variance that we need to get on top of that. We were talking about taking the building and putting the wall right down the middle of the building. The wall down the middle of the building is going to have to be metal and approved by the engineer of the storage building. Follow me? So, everything will be copasetic or engineered and they need to stamp off on that. So that's what we were thinking of. That's what we came up with, that idea. Now I understand that we need a five-foot variance, a five-foot separation between those two walls, so that throws another kink in. All right? So, were going to need to, if he decides to put a wall down there, then we're going to need to have a variance, so he doesn't have to separate it by 5ft. That means you're going to have to put a wall down the middle and then put another wall at 5ft. Follow me?

So, we need to give him that variance to start off with and then if he decides to do that, then these are the conditions that he has to do. And you don't have time to grant the other variance. Follow me. You hear what we're trying to do here, and I'll read these to you. Two homes occur on the lot. Unique conditions with this property is 40 grand variance, two homes car lot. A five-foot-high screen fence owned by the property owner follows the entire property line except the driveway entrance screening, the view of the shed from the budding homeowners. We don't have a problem with it standing out. Nobody can even see it honestly except the top ridge, so it's not ostentatious. The lean-tos are not enclosed, and the appearance of the shed is improved with the lean-tos than without the lean-tos are subordinate in floor area to the enclosed shed.

Variance request is approved subject to the following conditions. A wall is constructed in the interior shed as though it was two sheds. Structural engineer must approve the wall. No other storage sheds or similar storage sheds will be allowed on the property at any time in the future. Okay? A five-foot-high screen, a page screen fence shall remain at the perimeter of the property. He can't take down the fence at any time. The lean-tos shall not be enclosed or expanded. He can't enclose the lean-tos, they're just outside. Failure to complete the wall within 90 days shall void the variance. Once we give them the variance, then 90 days, unless the date is extended by the board of adjustments. Failing to comply with these conditions shall require removal of the lean-tos within 30 days from written notice with the code enforcement. Okay? The variance only applies to the current shed. Shouldn't be substantially damaged or replaced. Any new shed shall meet the building code. In other words, if a hurricane comes in and blows that shed down, you can't build another one that same size with the lean-tos follow me?

JOSHUA BUCKNER:

Yes, sir.

CHAIR GREGORY PARKS:

Okay. All right, now and we will give you a list of all these conditions so you can make sure you follow all those conditions.

Amy H. Cannon  
County Manager

Tracy Jackson  
Assistant County Manager



Rawls Howard  
Director

David Moon  
Deputy Director

## Board of Adjustment

DAVID MOON:

You might ask the applicant if he would agree to those conditions.

CHAIR GREGORY PARKS:

Well, will you agree to these conditions if we give you the variance?

JOSHUA BUCKNER:

Yes, sir. Just one question. The wall. I would agree, as long as, except for the five-foot separate that's only

CHAIR GREGORY PARKS:

I understand that that's what we're trying to do as well.

JOSHUA BUCKNER:

Yes, sir.

CHAIR GREGORY PARKS:

Okay. We're trying to give you a variance that you don't need to be five ft.

JOSHUA BUCKNER:

Okay

CHAIR GREGORY PARKS:

Then we're going to give you the variance and I don't know which way we're going to do it. We're going to give him a variance. We can't give a variance on the wall without giving any variance on the five-foot separation.

DAVID MOON:

Correct. The board would have to grant a variance for the five-foot separation. We did not advertise the variance with the five-foot separation unless Mr. Hasty opines otherwise, we would need to continue this hearing to next month. Advertise for the variance for the building separation and then take action at that hearing.

ATTY ROBERT HASTY:

That is correct. If the variance wasn't advertised correctly, we would need to do that. Technically the variance isn't correct

CHAIR GREGORY PARKS:

Even though the wall is interior, and no one can see it anyway.

ATTY ROBERT HASTY:

Technically, it's a variance request

CHAIR GREGORY PARKS:

Okay alright, technical. I'm going by the rules. Alright, so were going to go by the rules. Will the applicant agree to the continuation so we can properly advertise for the variance of the 5 ft. Separation of the wall in the shed; Once let me finish. Once that is done, and then we have the next meeting. What we're trying to do at the next meeting is give you a variance on the five-foot separation wall plus give you the variance to build the wall in the middle.



Amy H. Cannon  
County Manager

Tracy Jackson  
Assistant County Manager



Rawls Howard  
Director

David Moon  
Deputy Director

## Board of Adjustment

JOSHUA BUCKNER:

Yes, sir.

CHAIR GREGORY PARKS:

Do you agree with that?

JOSHUA BUCKNER:

I would agree with that, sir.

CHAIR GREGORY PARKS:

Okay. Also, by the time next time we meet, I want you to have the engineer from your shed sign off on what kind of wall it needs to be. Anyhow all you need is a wall. Can I inform him? What does the wall need to look like or anything? I can't do anything. Just tell your man the people there that you want a wall in there and tell me how I can get it engineered so you can do a stamp on how I secured at the top. And have you gotten the channel for the wall? What kind of studs did you all put up on the exterior of the wall where they just channel?

JOSHUA BUCKNER:

They're like metal tubing.

CHAIR GREGORY PARKS:

Exactly right, so ask him for metal tubing wall going down the middle of the thing. Okay, just ask him for an engineered stamp drawing showing that, and then you'll need to come back with that. Or does he need to bring that to you before we have the meeting?

DAVID MOON:

He can bring that to the meeting as a request by the board. If the variance is approved, the applicant would have to submit a building permit wall to build that wall, and their structural engineer would need to sign off on those plans.

CHAIR GREGORY PARKS:

Yes, sir.

DAVID MOON:

Whether the material is metal or wall that depends on what the structural engineer approves and what the applicant prefers for the material on the wall.

Amy H. Cannon  
County Manager

Tracy Jackson  
Assistant County Manager



Rawls Howard  
Director

David Moon  
Deputy Director

## Board of Adjustment

JOSHUA BUCKNER:

I do have a question because we're getting kind of mixed up here. The first thing said it had to be metal, and then getting something different that it may not have to be based upon what the engineer says.

CHAIR GREGORY PARKS:

Whatever the engineer says that stamps your whatever he says, we go by that, but the engineer has to be an engineer that is connected to that company. And you couldn't go get Greg Parks to stamp your thing being a professional engineer?

JOSHUA BUCKNER

Yes, sir.

CHAIR GREGORY PARKS:

Well, they want it from the company you bought the building from.

JOSHUA BUCKNER:

Yes, sir. That makes sense.

DAVID MOON:

What the applicant can do is, after this hearing, if the board approves continuing the hearing to next month is the applicant meet with the code enforcement manager and he can explain to him what information he needs to modify the existing building permit to include the CUDA wall.

CHAIR GREGORY PARKS:

Thank you, Mr. Walters, Thank you. okay alright

SCOTT WALTERS:

Can I add some information just so were all clear?

DAVID MOON:

Swear in

CHAIR GREGORY PARKS:

Stand up let me swear you in. right hand, do you swear to tell the truth

ATTY ROBERT HASTY:

I think he swore in with the other staff

Amy H. Cannon  
County Manager

Tracy Jackson  
Assistant County Manager



Rawls Howard  
Director

David Moon  
Deputy Director

## Board of Adjustment

SCOTT WALTERS:

Yeah, I did

CHAIR GREGORY PARKS:

Oh you swore in with the other staff

SCOTT WALTERS:

I just want to make reference to this engineered letter that we're talking about. It does not have to be from the company that he bought the building from, unless that's a condition that you guys put on it

CHAIR GREGORY PARKS:

Okay.

SCOTT WALTERS:

As long as the structural engineer is certified in the state of North Carolina, signs off on how that would be done, we would accept that from the code department just to clarify that. Okay.

CHAIR GREGORY PARKS:

All right, thank you. And if you will discuss with him what his options are to the best of your ability. I know what I would do, but if you will help him in that aspect, I would appreciate it. Thank you.

SCOTT WALTERS:

Yes sir

CHAIR GREGORY PARKS:

Any other questions up here about the issue? Do we need to make a motion to continue?

DAVID MOON:

Yes sir

MARVA LUCAS-MOORE:

I Marva Moore, make a motion to continue BOA-2022-0018 variance from section 203 until next meeting

DAVID MOON:

Which is July the 15<sup>th</sup>

MARVA LUCAS-MOORE:

July 15th

Amy H. Cannon  
County Manager

Tracy Jackson  
Assistant County Manager



Rawls Howard  
Director

David Moon  
Deputy Director

## Board of Adjustment

DAVID MOON:

the third Thursday of July at 06:00 p.m.

CHAIR GREGORY PARKS:

Do I have a second?

No, let me make a correction. That's a Friday, so it would be the 21st, 21st July

CHAIR GREGORY PARKS:

July 21st, do I have a second?

ROBERT DAVIS:

I second that

CHAIR GREGORY PARKS:

All in favor? All opposed? Pass.

|             | <b>IN FAVOR</b> |
|-------------|-----------------|
| PARKS       | YES             |
| AMOS        | YES             |
| LUCAS-MOORE | YES             |
| DAVIS       | YES             |
| MULLINS     | YES             |

CHAIR GREGORY PARKS:

We already had the motion correct

DAVID MOON:

Yes. To continue?

CHAIR GREGORY PARKS:

Hold on. All right, discussion. Vice chairman nomination. We have discussed Mr. Moon and Linda Amos is going to be vice chairman, okay, so if you put that in the minutes.

DAVID MOON:

We just need a motion, a second and an action.

VICKI MULLINS:

I make a motion that we nominate/ appoint Linda Amos as our Vice Chair for the Cumberland County Board of Adjustments

Amy H. Cannon  
County Manager

Tracy Jackson  
Assistant County Manager



Rawls Howard  
Director

David Moon  
Deputy Director

## Board of Adjustment

CHAIR GREGORY PARKS:

All in favor? All opposed? carries.

|             | <b>IN FAVOR</b> |
|-------------|-----------------|
| PARKS       | YES             |
| AMOS        | YES             |
| LUCAS-MOORE | YES             |
| DAVIS       | YES             |
| MULLINS     | YES             |

CHAIR GREGORY PARKS:

Okay, I have another situation to bring up. The board has recommended two alternates for the BOA membership, and I can't make that motion either can I? So here we go. I'm going to give this man right here

DAVID MOON:

Did you want to open up for discussion then? No. Then

CHAIR GREGORY PARKS:

We've already discussed it

DAVID MOON:

Okay.

CHAIR GREGORY PARKS:

I don't even think I can do that

ROBERT DAVIS:

I would like to have a motion to, let me read the names, let me put my glasses on alright

CHAIR GREGORY PARKS:

There and there

ROBERT DAVIS:

I would like to have a motion that following two names be added to the alternates for the Board of Adjustments and the two names are Gary A. Silverman and Ian Reeves

DAVID MOON:

Okay, the motion is a recommendation to the Board of County Commission for their consideration, that's the motion

CHAIR GREGORY PARKS:

We have a motion.

Amy H. Cannon  
County Manager

Tracy Jackson  
Assistant County Manager



Rawls Howard  
Director

David Moon  
Deputy Director

## Board of Adjustment

MARVA LUCAS-MOORE:

I'll second it

CHAIR GREGORY PARKS:

All in favor? Any discussion? All in favor? Aye. All opposed? Motion carries

|             | <b>IN FAVOR</b> |
|-------------|-----------------|
| PARKS       | YES             |
| AMOS        | YES             |
| LUCAS-MOORE | YES             |
| DAVIS       | YES             |
| MULLINS     | YES             |

Mr. Parks made a motion to adjourn the meeting, seconded by Ms. Mullins. The motion passed unanimously.

|             | <b>IN FAVOR</b> |
|-------------|-----------------|
| PARKS       | YES             |
| AMOS        | YES             |
| LUCAS-MOORE | YES             |
| DAVIS       | YES             |
| MULLINS     | YES             |

Meeting adjourned at 7:10 pm.

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Greg Parks, Chairman

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Shantee Owens, Administrative Coordinator I

**Location: 1919 Tom Starling Road**  
**Jurisdiction: County-Unincorporated**

**EXPLANATION OF THE REQUEST**

**Variance—Accessory Building Larger Than Home**

Property owner requests the BOA grant two variances:

1. The first variance request is from Section 203, Accessory Building, County Zoning Ordinance, to allow an accessory structure to be greater than the principal use located at 1919 Tom Starling Road.
2. The second variance request is from Section 1002,E.4, Accessory Structures to allow setback between two storage structures to be less than five feet apart, (Exhibit "A"). Construction of the garage commenced before a building permit was issued. A site plan illustrating the approved plan is provided in Exhibit "B" (attached).

**Exhibits**

- A. Site Location/Zoning
- B. Site Plan (attached)
- C. Existing and Surrounding Uses
- D. Soils and Utilities
- E. Future Land Use Map
- F. Applicable Codes (attached)
- G. Applicant Submitted Image with Date
- H. Applicant's Response

Attachment: mailing list  
variance application

Owner constructed a 30' by 71' garage with lean-to's attached on two corners of the structure on a residential lot with two homes. The larger of the two homes is 2,233 sq. ft. The garage with the two attached lean-to's is 2,850 sq.ft., or 617 sq.ft. larger than the house. The garage without the two lean-to's is 2,130 sq.ft and is 103 sq. ft. smaller than the house, and thus consistent with the code. However, the addition of the two lean-to's to the garage creates the inconsistency with Section 203, Accessory Building, County Zoning Ordinance.

**PROPERTY INFORMATION**

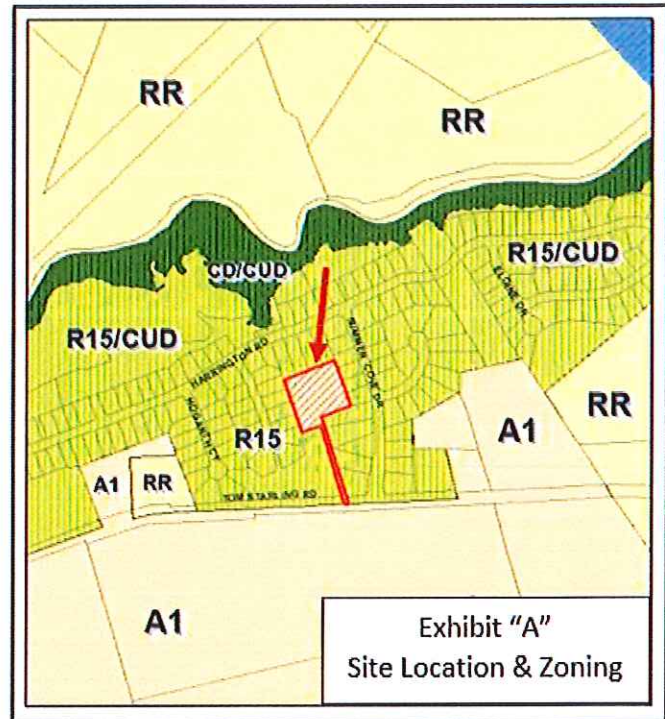
**OWNER/APPLICANT:** Joshua & Precious Buckner

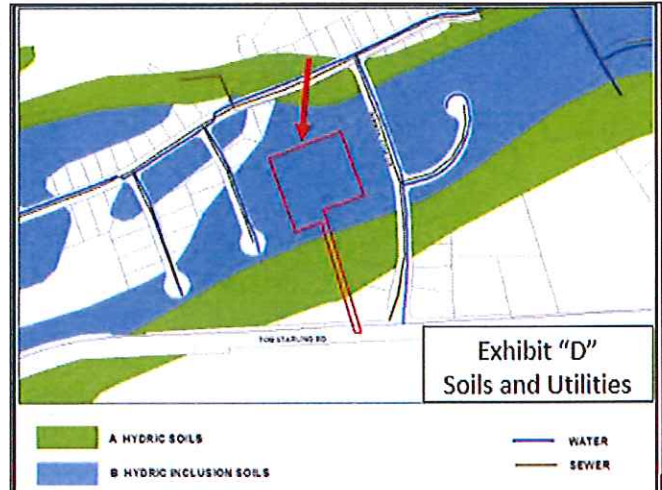
**ADDRESS/LOCATION:** Located 1919 Tom Starling Road. Refer to Exhibit "A", Site Location.

REID number: 0443373240000

**SIZE:** 2.00 +/- acres. The lot has approximately 21 +/- feet of street frontage along Tom Starling Road.

**EXISTING ZONING:** The zoning map for Cumberland County, as shown in Exhibit "A" indicates that the subject site is assigned to A1 Agricultural zoning district. This district is designed to promote and protect agricultural lands, including woodland, within the County. The general intent of the district is to permit all agricultural uses to exist free from most private urban development except for large lot, single-family development. Some public and/or semi-public uses as well as a limited list of convenient commercial uses are permitted to ensure essential services for the residents.





**EXISTING LAND USE:** The parcel is occupied by two single family homes, with the larger home of the two with a floor area of approximately 2,233 sq. ft. The second home has a floor area of 1,280 sq. ft. Refer to Exhibit "B" Site Plan (attached) and Exhibit "C" for existing use of the subject site.

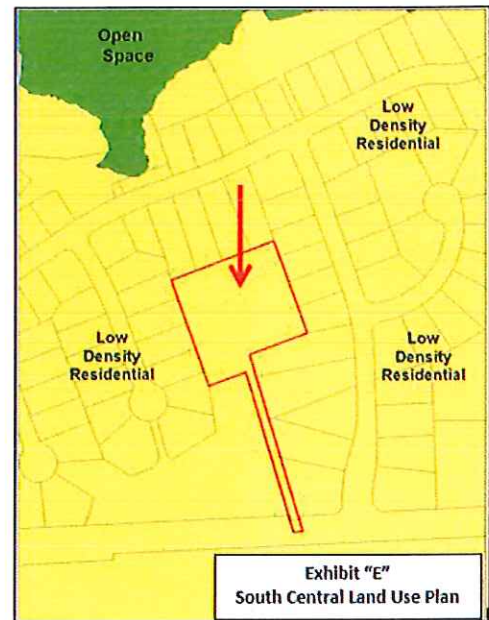
**SURROUNDING LAND USE:** An aerial photograph appears in Exhibit "C", illustrating the following character of the surrounding properties are single-family homes within the Village at Rockfish neighborhood.

**OTHER SITE CHARACTERISTICS:** The property is not located within a 100-Year Flood Zone nor situated within a watershed. There are hydric and hydric inclusion soils present, as shown in Exhibit "D".

**MINIMUM YARD SETBACKS:** For the A1 zoning district, the minimum yard setbacks are –

- Front- 50 feet
- Rear- 20 feet
- Side- 35 feet

**COMPREHENSIVE PLANS:** The subject site is located in the South-Central Plan Area. The plan calls for Low Density Residential in this area, as shown in Exhibit "E".



**IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES**

**TRAFFIC:** The subject property sits along Tom Starling Road and is identified as a major collector in the Metropolitan Transportation Plan. There are no roadway construction improvement projects planned and the subject property will have no significant impact on the Transportation Improvement Program. In addition, Tom Starling Road has a 2020 AADT of 3,800 and a road capacity of 15,100. Due to lack of data of the modification, this request does not demand a trip generation. This should not generate enough traffic to significantly impact Tom Starling Road.

**UTILITIES:** This property is currently served by PWC water only and that a septic permit would be required. It is the applicant's responsibility to determine if these utilities will adequately serve their development.

**SPECIAL DISTRICTS:** The subject property is located within five miles of Fort Bragg Military base. RLUAC (Ft. Bragg) indicated that it does not have any comments for this case. The subject site is not near the Fayetteville Regional Airport Overlay District.



## APPLICABLE CODES

Section 203, Accessory Building, Paragraph. B, (Exhibit "F")  
Section 1002, Incidental Uses  
Section 203, Definition of Specific Terms, Variance. (Exhibit "F")  
Section 1605, Variance, County Zoning Ordinance (Exhibit "F")  
Section 1002,E.4,Accessory Structures

## SITE PLAN

A site plan illustrating the garage and two homes is shown in Exhibit "B" and "G". A survey of the property was not submitted with the variance application.

## FINDINGS OF FACT

Criteria that must be addressed for evaluation of a variance application originate from Section 1605 of the Zoning Code and are listed below.

1. Unnecessary hardship would result from the strict application of the ordinance.
2. There are conditions peculiar to the property, such as location, size, or topography.
3. The special circumstances are not the result of the actions of the applicant.
4. The requested variance will be consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

Applicant's response to each of these criteria are provided within Exhibit "H."

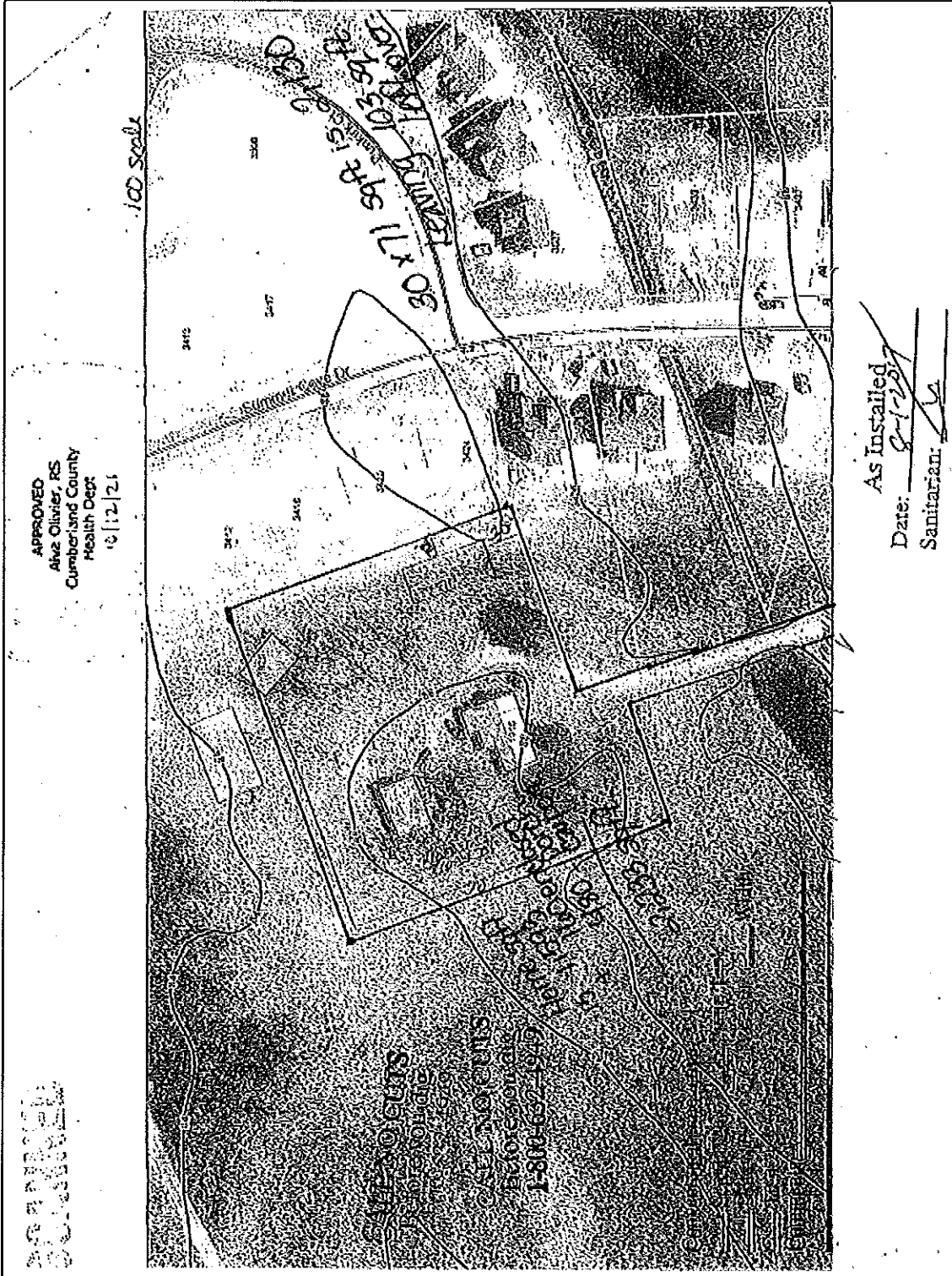
## MOTION

The BOA is requested to take action on each of the two variances separately. Each action/motion should be based on the four findings of fact for the variance requested. The action is final, and the BOA has the authority to approve, deny, or approve with conditions.

If the BOA determines that the applicant has satisfied the four variance criteria, staff suggests the following as part of the motion:

1. A wall in the shed must be constructed within 90 days of the effective date of the variance.
2. The separation between the two storage shed shall be zero feet so long as a common wall is in place.
3. No other accessory storage structures shall be located on the property.
4. A minimum five-foot high opaque fence must be maintained along the perimeter of the property.

EXHIBIT "B"  
Site Plan



**Exhibit F**  
**Applicable Zoning Codes**

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**SECTION 203. DEFINITIONS OF SPECIFIC TERMS AND WORDS.**

**Accessory Building or Use:** A building or use, not including signs, which is:

- A. Conducted or located on the same zoning lot as the principal building or use, or off-street parking, as specifically provided for in this ordinance.
- B. Clearly incidental to, subordinate in area and purpose to, and serving the principal use; and
- C. Either in the same ownership as the principal use or clearly operated and maintained solely for the comfort, convenience, necessity or benefit of the occupants, employees, customers or visitors of or to the principal use.

**Variance:** A variance is a relaxation of the terms of this ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. (Section 1605)

**SECTION 1002. INCIDENTAL USES.**

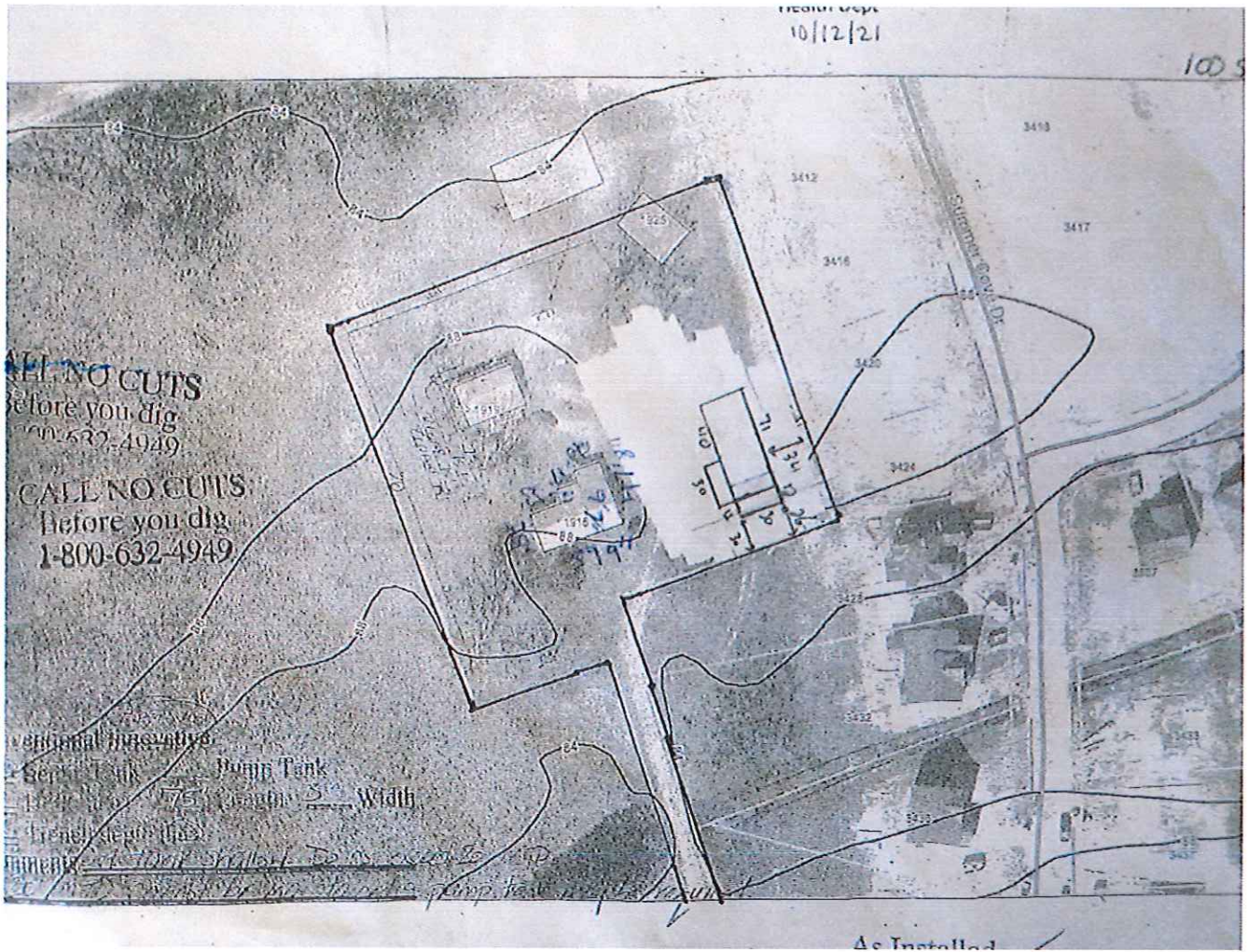
A. Accessory Structures. The following provisions apply to all accessory structures:

- 1. Accessory structures shall not be rented or inhabited by other than employees performing services on the premises of the owner, lessee, or tenant of the premises.
- 2. Accessory buildings not intended to be used for living quarters shall not be constructed upon a lot until the construction of the principal building has commenced.
- 3. Manufactured homes intended for residential occupancy shall not be classified as accessory or used as a storage structure.
- 4. Accessory structures shall not be erected in any required front or side yard or within 20 feet of any side street line, or within five feet of any lot line not a street line, or within five feet of any accessory building or other building. In no case, however, shall an accessory building be placed closer to a street than the minimum setback requirements for a principal structure. Any accessory structure greater than 700 square feet in floor area must be located inside the building envelope.

**SECTION 1002.E.4 INCIDENTAL USES.**

4. Accessory structures shall not be erected in any required front or side yard or within 20 feet of any side street line, or within five feet of any lot line not a street line, or within five feet of any accessory building or other building. In no case, however, shall an accessory building be placed closer to a street than the minimum setback requirements for a principal structure. Any accessory structure greater than 700 square feet in floor area must be located inside the building envelope. [emphasis added]

**EXHIBIT "G"**  
**Applicant Submitted Image with Date**



## EXHIBIT "H"

### APPLICANT'S RESPONSE TO THE FOUR VARIANCE HARDSHIP CRITERIA Section 1605, County Zoning Ordinance

(Instructions: applicant will respond to each of the four hardship criteria listed below and submit the report with the Variance Application.)

#### SECTION 1605. VARIANCE.

When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the Board of Adjustment shall vary any of the provisions of the zoning regulation upon a showing of all of the following:

A. Unnecessary hardship would result from the strict application of the regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

*Applicant's Response: There would be a significant unnecessary financial hardship associated with tearing apart the garage that was approved by the city, or adding an addition to our house so that the house is bigger than the garage. We would not be able to afford the 10's of thousands of dollars a renovation on our house would cost, or the cost associated with taking off a roof, on a garage (that was approved) and adding a new roof to that garage. I would result in an undue burden to our family financially. The money allocated and saved for years to afford the building was spent on the approved building plans from the city.*

B. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

*Applicant's Response: There is a significant hardship that is peculiar to the property. The building has a covered lean-to. The roof of the building is connected together. This includes the area of the lean-to. In order to take the lean-to off of the building the entire roof would need to be replaced. This is peculiar because the roof is all in one piece and it would all have to be taken down to accommodate the request of the city to remove the covered lean-to. In addition, the aesthetic of the property would be diminished significantly, potentially resulting in lower property values not only for us, but for our neighboring community. In addition, there are two homes on the property. One we live in and one that is rented out. When you include the square ft of both properties, they equal more than the garage. We live on over 2 acres of land and the space the garage takes is not significant to the property.*

C. The hardship did not result from actions taken by the applicant or the property owner. The act of

purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

*Applicant's Response: We did everything in our power to add this building to our property legally. We submitted our plans to the city. The plans had the square foot of the building, which were clearly bigger than the size of our home. When the city come out to do their initial inspection before the building was placed, we were told we had to make changes to our concrete because it would be too close to our neighbors. We did that. Bearing a significant financial cost. Our plans for our building were approved by the city. Months after the completion of the project, the City comes to our house and tells us that we would have to remove the lean-to or add an addition to our house because the building is bigger than our house. It was clear when we submitted our plans what the size of our building was. With or without the lean-to, the building is still bigger than our house, the city knew this, and approved us. It is unfair to come back months later, after you approved us and tell us you made a mistake, we should not have to pay for it.*

D. The requested variance is consistent with the spirit, purpose and intent of the regulation, such that public safety is secured, and substantial justice is achieved.

*Applicant's Response: Our building adds value to our property and to the surrounding neighborhood. This is not only a benefit to us, but a benefit to the community. We did everything the city asked us to do with regards to the spirit of the regulation. Our building is not a safety risk.*

1

Applicant/Agent Name (Print) Date Applicant/Agent Signature

*Josha Buckner*      *2 may 2022*  
JOSHA BUCKNER

*[Signature]*      *2 may 2022*  
PRECIOUS BUCKNER

**ATTACHMENT: MAILING LIST**

Joseph Garrison  
3440 Summer Cove Dr  
Fayetteville, NC 28306

Caanon & Crystal Thomas  
3436 Summer Cove Dr  
Fayetteville, NC 28306

James & Latsha Nettles  
3445 Summer Cove Dr  
Fayetteville, NC 28306

Geovanna McKinnon & Winfred Best  
3441 Summer Cove Dr  
Fayetteville, NC 28306

Gregory & Yamecka Nation  
3437 Summer Cove Dr  
Fayetteville, NC 28306

Warren & Angeline Harris  
1959 Tom Starling Rd  
Fayetteville, NC 28306

Tyler Jackson SR  
3407 Winnants Ct  
Fayetteville, NC 28306

Yvonne McKeithen  
1926 Harrington Rd  
Fayetteville, NC 28306

Jose & Noemy Marrero  
1930 Harrington Rd  
Fayetteville, NC 28306

Sids Mill Properties LLC  
8000 Corporate Center Dr  
Suite 100  
Charlotte, NC 28226

Mamadou Diallo  
3423 Winnants Ct  
Fayetteville, NC 28306

Joshua & Lisa Sokolofsky  
3415 Winnants Ct  
Fayetteville, NC 28306

Jonathan & Kelli Lampman  
3419 Winnants Ct  
Fayetteville, NC 28306

Andrea Peart  
3411 Winnants Ct  
Fayetteville, NC 28306

Angela Davis-Lewis  
1934 Harrington Rd  
Fayetteville, NC 28306

Daniel & Alexandra Etchberger  
1939 Harrington Rd  
Fayetteville, NC 28306

Corena Sutton  
3427 Winnants Ct  
Fayetteville, NC 28306

Damon & Stephanie Hart  
1940 Harrington Rd  
Fayetteville, NC 28306

Jacob & Brittany Almond  
1943 Harrington Rd  
Fayetteville, NC 28306

Joshua & Precious Buckner  
1919 Tom Starling Rd  
Fayetteville, NC 28306

Jessie Horn  
1944 Harrington Rd  
Fayetteville, NC 28306

Elliot & Tiffany Grant  
1948 Harrington Rd  
Fayetteville, NC 28306

Carolin Tejada  
1947 Harrington Rd  
Fayetteville, NC 28306

Antonio Mahoney  
1915 Harrington Rd  
Fayetteville, NC 28306

Tamara Thomas  
3408 Summer Cove Dr  
Fayetteville, NC 28306

Lees Jones JR  
3404 Summer Cove Dr  
Fayetteville, NC 28306

Randy & Dorothy Sutton  
2001 Harrington Rd  
Fayetteville, NC 28306

Sandra & William Burnette  
3432 Summer Cove Dr  
Fayetteville, NC 28306

Steven & Desiree Carbonell-Velez  
3428 Summer Cove Dr  
Fayetteville, NC 28306

Natasha Blue  
3420 Summer Cove Dr  
Fayetteville, NC 28306



Scott Bookless  
3408 Hogarth Court  
Fayetteville, NC 28306

Ahmad Salman  
3412 Hogarth Ct  
Fayetteville, NC 28306

Robert & Latonya Thompson  
3420 Hogarth Ct  
Fayetteville, NC 28306

Misty & Robert Nielsen  
3424 Hogarth Ct  
Fayetteville, NC 28306

John & Ashlea Gigante  
3416 Hogarth Ct  
Fayetteville, NC 28306

Kimberly Turrentine  
3429 Hogarth Ct  
Fayetteville, NC 28306

John & Sara Stahmer  
3417 Hogarth Ct  
Fayetteville, NC 28306

Joshua Prestel  
3421 Hogarth Ct  
Fayetteville, NC 28306

Jon & Melissa Sweiger  
3404 Hogarth Ct  
Fayetteville, NC 28306

Adrian & Sabara Roberts  
1848 Harrington Rd  
Fayetteville, NC 28306

Erin Yoest  
1911 Harrington Rd  
Fayetteville, NC 28306

Mark & Angela Walker  
1912 Harrington Rd  
Fayetteville, NC 28306

Yihua Zhou  
2258 Almaden Rd  
Unit B  
San Jose, CA 95125

Kevin Whitworth  
1919 Harrington Rd  
Fayetteville, NC 28306

Joshua & Kayla Taylor  
3409 Hogarth Ct  
Fayetteville, NC 28306

Michael & Emilee Hicks  
3413 Hogarth Court  
Fayetteville, NC 28306

Brandon & Erica Saunders  
3405 Hogarth Ct  
Fayetteville, NC 28306

Victoria Carter  
1916 Harrington Rd  
Fayetteville, NC 28306

Christine & Carmin Simoneaux  
1920 Harrington Rd  
Fayetteville, NC 28306

John & Amber Hott  
1923 Harrington Rd  
Fayetteville, Nc 28306

Robert & Collynette Lietz  
3414 Winnants Ct  
Fayetteville, NC 28306

Garlene & Christopher Devone  
3418 Winnants Ct  
Fayetteville, NC 28306

Richard Davis  
3410 Winnants Ct  
Fayetteville, NC 28306

Danny & Sherree Gowen  
3408 Winnants Ct  
Fayetteville, NC 28306

Ryan & Gretchen Adair  
3426 Winnants Ct  
Fayetteville, NC 28306

Erica & Michial Hill  
3422 Winnants Ct  
Fayetteville, NC 28306

Village at Rockfish Homeowners  
Association  
2939 Breezewood Ave 100  
Fayetteville, NC 28303

Glyndetta Hubbard & Joshua  
Simpson, Trustees  
1896 Tom Starling Rd  
Fayetteville, NC 28306

Christian & Lisa Pittman  
3431 Winnants Ct  
Fayetteville, NC 28306

Elsie Sein  
3444 Summer Cove Dr  
Fayetteville, NC 28306

Rose & Robin Villamarin  
3424 Summer Cove Dr  
Fayetteville, NC 28306

Terrance & Sandra Smith  
3416 Summer Cove Dr  
Fayetteville, NC 28306

William & Mayflor Holden  
3412 Summer Cove Dr  
Fayetteville, NC 28306

Victor & Megan Nichols  
2004 Harrington Rd  
Fayetteville, NC 28306

Alexis Lozano  
2005 Harrington Rd  
Fayetteville, NC 28306

Christopher & Megan Riley  
2009 Harrington Road  
Fayetteville, NC 28306

Jeremy & Sonceria Griggs  
3413 Summer Cove Dr  
Fayetteville, NC 28306

Kameela Wyatt  
3409 Summer Cove Dr  
Fayetteville, NC 28306

Eugene Nelson  
2008 Harrington Rd  
Fayetteville, NC 28306

Saywakram & Latashia Briinath  
2013 Harrington Rd  
Fayetteville, NC 28306

Maria & Randy Henderson  
3433 Summer Cove Dr  
Fayetteville, NC 28306

Eloise Jean-Bart  
3537 Dunkirk Ct  
Fayetteville, NC 28306

Lishanel Ingram  
3417 Summer Cove Drive  
Fayetteville, NC 28306

Alison Belliveau  
3421 Summer Cove Dr  
Fayetteville, NC 28306

Michael Ellis  
3504 Dunkirk Ct  
Fayetteville, NC 28306

Lalisa McPhaul  
2012 Harrington Rd  
Fayetteville, NC 28306

Shaunda Clark & Alonzo Delwin  
2017 Harrington Rd  
Fayetteville, NC 28306

Steven & Jennifer Rivers  
2021 Harrington Rd  
Fayetteville, NC 28306

Tawanda & Michael Wilkerson  
3533 Dunkirk Ct  
Fayetteville, NC 28306

Charton Buxton & Dorian O'Neal  
3508 Dunkirk Ct  
Fayetteville, NC 28306

Larry & Cassandra Hopkins  
3505 Dunkirk Ct  
Fayetteville, NC 28306

Robert Jenkins  
2016 Harrington Rd  
Fayetteville, NC 28306

Connor Mang  
2020 Harrington Rd  
Fayetteville, NC 28306

Todd & Rebecca Gray  
3529 Dunkirk Ct  
Fayetteville, NC 28306

Emanuel & Yarenis Munguia  
3525 Dunkirk Ct  
Fayetteville, NC 28306

Christopher & Jasmine Edwards  
2024 Harrington Rd  
Fayetteville, NC 28306

David Boling  
1993 Tom Starling Rd  
Fayetteville, NC 28306

David Boling  
1993 Tom Starling Rd  
Fayetteville, NC 28306

David & Kristine Cirasunda  
3521 Dunkirk Ct  
Fayetteville, NC 28306

Michael & Tomika Ethridge  
3517 Dunkirk Ct  
Fayetteville, NC 28306

Dorinda & William Richardson  
3513 Dunkirk Ct  
Fayetteville, NC 28306

Gregory & Jennifer Nix  
3509 Dunkirk Ct  
Fayetteville, NC 28306

Rodney & Leslie Ward  
1999 Tom Starling Rd  
Fayetteville, NC 28306

Adrian & Nicole Johnson  
1847 Harrington Rd  
Fayetteville, NC 28306

Edgardo & Ma. Lovel Del Rosario  
~~Moralejo~~  
1851 Harrington Rd  
Fayetteville, NC 28306

**ATTACHMENT: APPLICATION**



**County of Cumberland**  
—◆—  
**BOARD OF ADJUSTMENT**

|   |
|---|
| CASE #: <u>BOA-2022-0018</u>                    |
| CUMBERLAND COUNTY BOA<br>MEETING DATE: _____    |
| DATE APPLICATION<br>SUBMITTED: <u>04 MAR 22</u> |
| RECEIPT #: _____                                |
| RECEIVED BY: _____                              |

**APPLICATION FOR  
VARIANCE REQUEST**

The Cumberland County Board of Adjustment meetings are held on the third Thursday of each month in the Historic Courthouse, 130 Gillespie Street – Hearing Room 3. The Planning and Inspections Department will advertise the public hearing and a notice will be mailed or delivered to surrounding residents or property owners that may be affected by the proposed Variance request.

The Board of Adjustment is a quasi-judicial review board and all persons wishing to appear before this Board should be prepared to give sworn testimony on relevant facts. Applicants for Variances are encouraged to read Section 1605 “Variance” of the Zoning Ordinance to establish whether or not their case merits further consideration by the board (see next page).

The following items are to be submitted with the complete application:

1. A copy of the recorded deed and/or plat, or an accurate written legal description of only the area to be considered;
2. A copy of a detailed site plan drawn to an engineer scale; and
3. Cash or check payable to “Cumberland County” in the amount of \$ \_\_\_\_\_ (see attached Fee Schedule)

**NOTE:** Any revisions, inaccuracies or errors to the application or site plan may cause the case to be delayed and will be scheduled for the next available Board of Adjustment meeting according to the board’s meeting schedule. Also, the application fee is *nonrefundable*.

The Planning and Inspections Staff is available for advice on completing this application; however, they are not available for completion of the application or preparation of the site plan.

**EXCERPT FROM  
THE CUMBERLAND COUNTY ZONING ORDINANCE**

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**(PENDING ADOPTION)**

**Section 1605 VARIANCE**

The Board of Adjustment may authorize in specific cases such variances from the terms of this Ordinance upon request of a property owner or his authorized agent and may require any evidence necessary to make determination of the case. Before the board may grant any Variance, the board must find that all of the following conditions exist for an individual case:

- A. Unnecessary hardship would result from the strict application of the ordinance.
- B. There are conditions peculiar to the property, such as location, size, or topography.
- C. The special circumstances are not the result of the actions of the applicant.
- D. The requested variance will be consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

In granting a variance, the board may attach and the record shall reflect such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable. The record shall also state in detail any exceptional difficulty or unnecessary hardship upon which the appeal was based and which the Board finds to exist.

Any variance granted becomes null and void if not exercised within the time specified in such approvals, or if no date is specified, within one calendar year from the date of such approval. The Board of Adjustment is not authorized to grant variances to a Special Use Permit or to a Conditional Zoning Permit allowed in Conditional Zoning Districts or to the specific conditions or other performance criteria imposed upon such uses.

BOARD OF ADJUSTMENT

LOCATION OF PROPERTY: 1919 Tom Starling Rd Fayetteville, NC

OWNER: Joshua Buckner

ADDRESS: 1919 Tom Starling Rd ZIP CODE: 28306

TELEPHONE: HOME 931-572-4171 WORK

AGENT:

ADDRESS:

TELEPHONE: HOME WORK

E-MAIL: joshua.a.buckner@gmail.com

APPLICATION FOR A VARIANCE
As required by the Zoning Ordinance

A. Parcel Identification Number (PIN #) of subject property: 0443373240000
(also known as Tax ID Number or Property Tax ID)

B. Acreage: 2 Frontage: 21 Depth: 692

C. Water Provider: PWC

D. Septage Provider: Cumberland Septic Services INC

E. Deed Book 10349, Page(s) 0625, Cumberland County

F. Existing and/or proposed use of property: Personal Use

G. Section and provision of the Zoning Ordinance or Code from which a Variance is requested: SECTION 203 definition of Accessory building or use

H. Nature and extent of hardship involved in strict application of the Zoning Ordinance or Code: The issue is square footage of garage is larger than my house. The building has lean-tos attached. I did not know lean-tos counted as square footage. I also did not know a code existed that stated a building or garage could not be larger than your home. It would be astronomically expensive and would also hurt the appearance of the garage to get rid of them.

The undersigned hereby acknowledge that the County Planning Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

Joshua & Precious Buckner  
NAME OF OWNER(S) (PRINT OR TYPE)

1919 Tom Starling Rd Fayetteville, NC 28306  
ADDRESS OF OWNER(S)

joshua.a.buckner@gmail.com  
E-MAIL

931-572-4171 HOME TELEPHONE #      910-633-5973 WORK TELEPHONE #

Joshua Buckner      Precious Buckner  
NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

1919 Tom Starling Rd Fayetteville, NC 28306  
ADDRESS OF AGENT, ATTORNEY, APPLICANT

931-572-4171 HOME TELEPHONE #      910-633-5973 WORK TELEPHONE #

Joshua Buckner SIGNATURE OF OWNER(S)      Joshua Buckner SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

Precious Buckner  
SIGNATURE OF OWNER(S)

The contents of this application, upon submission, become "public record."



**STATEMENT OF ACKNOWLEDGMENT**

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

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

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

SIGNATURE OF OWNER(S) *Priscilla Buehne*

PRINTED NAME OF OWNER(S) Priscilla Buehne

DATE 04 MAR 2022

**APPLICANTS FOR  
BOARD OF ADJUSTMENT**

| <u>NAME/ADDRESS/TELEPHONE</u>   | <u>OCCUPATION</u>  | <u>EDUCATIONAL<br/>BACKGROUND</u>              |
|---|--|--|
| BROOKS, DONALD (B/M)<br>301 SOUTHLAND DRIVE<br>FAYETTEVILLE NC 28311<br>910-826-6078<br><u>DONALDBROOKS959@GMAIL.COM</u><br>Graduate-County Citizens' Academy: NO<br>Graduate-Institute for Community Leadership: NO<br>Graduate-Leadership Fayetteville: NO<br>Graduate-United Way's Multi-Cultural Leadership Program: YES<br>Graduate-other leadership academy: GRADUATE EXECUTIVE LEADERSHIP PROGRAM<br><b>CATEGORY: GENERAL PUBLIC</b><br><i>Currently appointed to Cumberland County Industrial Facilities and Pollution Control Financing</i>  | RETIRED  | BACHELORS                                      |
| BUSH-MCMANUS, PATRICIA (B/F)<br>3472 THORNDIKE DRIVE<br>FAYETTEVILLE NC 28311<br>488-1314/202-468-3065<br><u>PATRICIA.BUSH-MCMANUS@PBMCONSULTINGGROUP.COM</u><br>Graduate-County Citizens' Academy: NO<br>Graduate-Institute for Community Leadership: NO<br>Graduate-Leadership Fayetteville: YES<br>Graduate-United Way's Multi-Cultural Leadership Program: NO<br>Graduate-other leadership academy: NO<br><b>CATEGORY: GENERAL PUBLIC</b>   | CONSULTANT AND PROFESSOR   | EDS/MA   |
| DICKENS, CATHY (-/F)<br>1426 COBRA DRIVE<br>FAYETTEVILLE NC 28303<br>910-286-0157<br><u>MAXINEDICKENS69@GMAIL.COM</u><br>Graduate-County Citizens' Academy: NO<br>Graduate-Institute for Community Leadership: NO<br>Graduate-Leadership Fayetteville: NO<br>Graduate-United Way's Multi-Cultural Leadership Program: NO<br>Graduate-other leadership academy: NO<br><b>CATEGORY: GENERAL PUBLIC</b>  | DISTRICT SUPERVISOR<br>SOIL AND WATER                                    | HIGH SCHOOL                                    |
| <del>               REEVES, IAN (-/M)<br/>               415 FAIRFAX AVE<br/>               FAYETTEVILLE NC 28303<br/>               910-364-4362<br/> <u>IAN.B.REEVES@GMAIL.COM</u><br/>               Graduate-County Citizens' Academy: NO<br/>               Graduate-Institute for Community Leadership: NO<br/>               Graduate-Leadership Fayetteville: NO<br/>               Graduate-United Way's Multi-Cultural Leadership Program: NO<br/>               Graduate-other leadership academy: ARMY BASIC AND ADVANCED LEADERSHIP COURSE<br/> <b>CATEGORY: ALTERNATE MEMBER</b> </del> | <del>               PARALEGAL<br/>               ARMY             </del> | <del>               COLLEGE             </del> |

**APPLICANTS FOR  
BOARD OF ADJUSTMENT PAGE 2**

| <u>NAME/ADDRESS/TELEPHONE</u>  | <u>OCCUPATION</u>  | <u>EDUCATIONAL<br/>BACKGROUND</u>     |
|--|--|---------------------------------------|
| RHODES, EVA P. (-/F)<br>301 DUNLEITH PLACE<br>FAYETTEVILLE NC 28311<br>443-326-2924<br><u>EVAPHR1161@COMCAST.NET</u><br>Graduate-County Citizens' Academy: NO<br>Graduate-Institute for Community Leadership: NO<br>Graduate-Leadership Fayetteville: NO<br>Graduate-United Way's Multi-Cultural Leadership Program: NO<br>Graduate-other leadership academy: NO<br><b>CATEGORY: GENERAL PUBLIC</b>  | RETIRED FEDERAL EMPLOYEE   | COLLEGE LISTED                        |
| <del>           SILVERMAN, GARY A (W/M)<br/>           1174 DERBYSHIRE ROAD<br/>           FAYETTEVILLE NC 28314<br/>           910-574-9962<br/> <u>GSILVERMAN001@GMAIL.COM</u><br/>           Graduate-County Citizens' Academy: NO<br/>           Graduate-Institute for Community Leadership: NO<br/>           Graduate-Leadership Fayetteville: NO<br/>           Graduate-United Way's Multi-Cultural Leadership Program: NO<br/>           Graduate-other leadership academy: US ARMY LEADERSHIP COURSES<br/> <b>CATEGORY: GENERAL PUBLIC</b> </del> | <del>           LT COLONEL US ARMY<br/>           RETIRED/PT INSTRUCTOR         </del> | <del>           BS, AS         </del> |
| TWITTY, MARTELLE (B/F)<br>6404 DAVIS BYNUM<br>FAYETTEVILLE NC 28306<br>910-922-2014<br><u>MARTELLECOKE@GMAIL.COM</u><br>Graduate-County Citizens' Academy: NO<br>Graduate-Institute for Community Leadership: NO<br>Graduate-Leadership Fayetteville: NO<br>Graduate-United Way's Multi-Cultural Leadership Program: NO<br>Graduate-other leadership academy: NO<br><b>CATEGORY: GENERAL PUBLIC</b>  | DENTAL HYGIENIST<br>DAY AND NIGHT FAMILY DENTAL  | DENTAL HYGIENE, BS                    |
| WALTERS, JAIMIE ( /F)<br>4829 MURPHY ROAD<br>FAYETTEVILLE NC 28312<br>910-461-8873<br><u>JAIMIEMELTON@YAHOO.COM</u><br>Graduate-County Citizens' Academy: NO<br>Graduate-Institute for Community Leadership: YES<br>Graduate-Leadership Fayetteville: NO<br>Graduate-United Way's Multi-Cultural Leadership Program: NO<br>Graduate-other leadership academy: NO<br><b>CATEGORY: ALTERNATE MEMBER</b>  | SENIOR PLANNER<br>MOORE COUNTY   | BA HISTORY/MPA                        |