

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



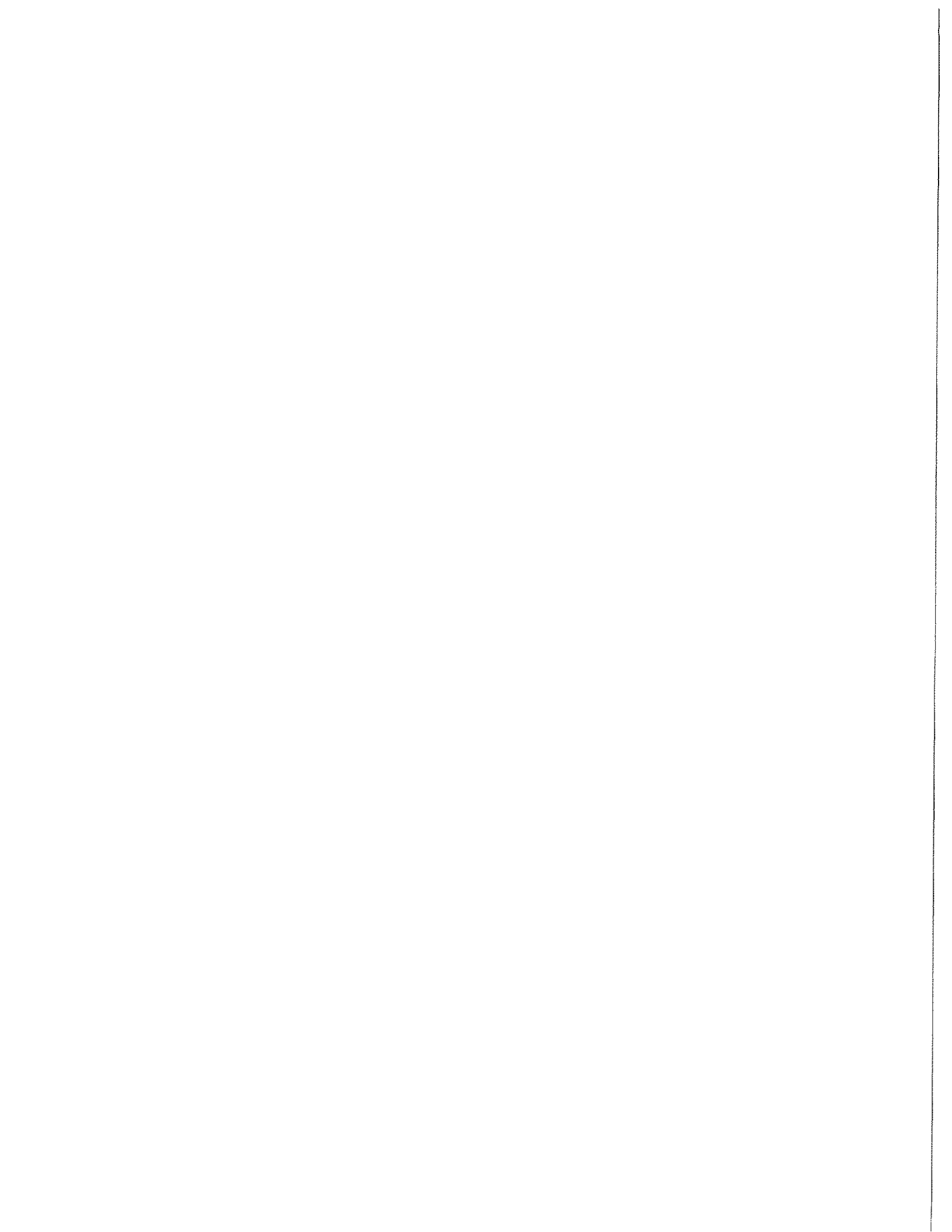
Alternates:
Kenneth Turner
Gary Silverman

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

AGENDA
MARCH 16, 2023
6:00 PM

A meeting of the Cumberland County Board of Adjustment is to be held on Thursday, March 16, 2023, 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. SWEAR IN NEW ALTERNATE MEMBERS
5. ADJUSTMENTS TO THE AGENDA
6. APPROVAL OF THE JANUARY 19, 2023 MINUTES (Delayed to April)
7. ABSTENTIONS BY BOARD MEMBERS/BOARD MEMBER DISCLOSURES (Site Visits and/or Personal Affiliations)
8. PUBLIC HEARING DEFERRALS/WITHDRAWALS
9. POLICY STATEMENT REGARDING APPEAL PROCESS
10. PUBLIC HEARING(S):
 - A. **BOA-2023-0001:** Consideration of a Special Use Permit to allow a Daycare in an R6A Residential Dis.; 1.78 +/- ac.; 2665 John Smith Rd; Folorunsho Nicholas Omogbehin (applicant), The Redeemed Christian Church of God (owners).
11. DISCUSSION/UPDATE(S)
12. ADJOURNMENT



EXPLANATION OF THE REQUEST

Special Use – Daycare in a R6A District

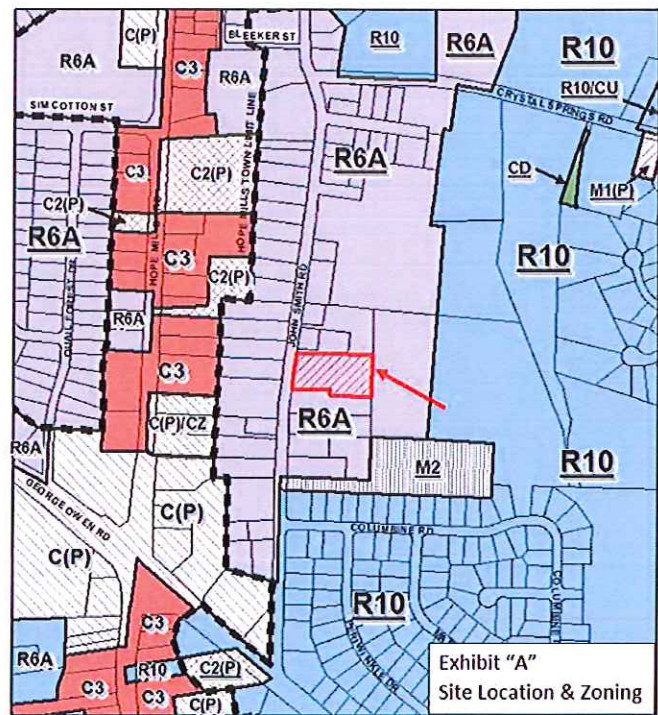
Property Owner requests the BOA grant a Special Use Permit for a Daycare at a location illustrated on Exhibit "A" and as delineated within the Special Use Site Plan (Exhibit "D"). The proposed site is owned by The Redeemed Christian Church of God, House of Grace Parish and is located on approximately 1.78 +/- acres. The property is located at 2661 John Smith Road.

A daycare facility within an R6A zoning district must obtain a Special Use approval from the Board of Adjustment, per Section 403, County Zoning Code, as shown in Exhibit "B" (attached). A daycare in a R6A zoning district must comply with the development standards and requirements set forth in Section 906 of the Zoning Code, including submittal of a site plan. Refer to Exhibit "C" (attached) for the development standards and requirements set forth in Section 906. The applicant's proposed special use site plan appears in Exhibit "D" (attached).

With a worship center located in a building on the same site, location of the daycare building at the rear of the property does not interfere with the septic tank and drainage field, which are located at the rear of the parcel. Sufficient area will remain to accommodate parking for the church and daycare at the area directly beside the church and to the north of the daycare.

The church building has a maximum capacity for 105 persons, which requires a minimum of 21 parking spaces. Parking for the daycare activities will use the church parking lot. Sufficient land area remains for vehicle parking after the daycare is created. Before the church can use its property for a daycare, all applicable permits must be obtained from the Department of Health and other state agencies. Development conditions are provided in the attached draft special use permit.

- Exhibits
- A. Site Location/Zoning
 - B. Use Matrix, Sec. 403, Zoning Code
 - C. Section 906
 - D. Special Use Site Plan
 - E. Existing and Adjacent Uses
 - F. Soil and Utilities
 - G. Special Use Permit Conditions
 - H. Sec. 1606 Applicant Response
- Attachment: mailing list;
application



PROPERTY INFORMATION

OWNER/APPLICANT: The Redeemed Christian Church of God, House of Grace Parish, Owner
Folorunsho Nicholas Omogbehin, Agent

ADDRESS/LOCATION: 2661 John Smith Road
REID: 0415046296000

SIZE: 1.78 +/- acres

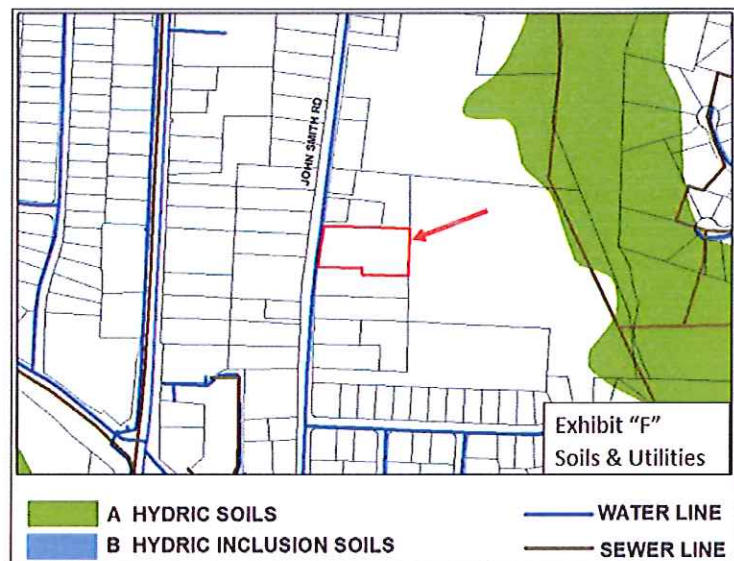
ROAD FRONTAGE: Road frontage along John Smith Road is 183 +/- linear feet.

EXISTING LAND USE: The property currently has a structure that operates as The Redeemed Christian Church of God, House of Grace Parish Church, as shown in Exhibit "D" (site plan) and "E" (existing use and surrounding uses.)

SURROUNDING LAND USE: Uses in the surrounding area and adjacent properties comprise wooded lands and single-family residential homes. Surrounding uses are shown on Exhibit "E".

OTHER SITE CHARACTERISTICS: The property is not located within a 100-Year Flood Zone nor situated within a watershed. There are no hydric soils on the property, as shown on Exhibit "F".

MINIMUM YARD SETBACKS: The proposed daycare would meet or exceed those required setbacks in a R6A zoning district.



IMPACTS ON LOCAL INFRASTRUCTURE

TRAFFIC: The subject parcel is located on John Smith Road which is identified as a local road 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, there is no 2021 AADT for John Smith Road and there is no available road capacity data. Due to lack of data and the small scale, the special use permit request does not demand a trip generation. The new development should not generate enough traffic to significantly impact John Smith Road.

UTILITIES: PWC water utility is only available along the frontage of John Smith Road. It is the applicant's responsibility to determine if this utility will adequately serve their development. Sewer lines are not available to the property. Prior to use of an existing building on site for a day care, the owner will need to obtain a septic system permit from the County Environment Health (EH) Division as well as a Daycare Plan Review. Environmental Health septic permit shall be approved before the daycare facility is

approved. Application for permit does not ensure or guarantee that a permit can be written. Exhibit "F" provides information on utilities available to the subject property.

ECONOMIC DEVELOPMENT: The staff from the Fayetteville Economic Development Commission have not identified any concerns.

EMERGENCY SERVICES: Cumberland County Fire Marshal's office has reviewed the request and stated to ensure all fire department access requirements are met in accordance with section 503 of the 2018 NC fire code. Ensure fire protection water supply requirements are met in accordance with Section 507 of the 2018 NC Fire Code.

SPECIAL DISTRICTS: The subject property is not located within five miles of Fort Bragg Military base and is not located within or near the Fayetteville Regional Airport Overlay District.

APPLICABLE CODES

Use and development of the subject site must occur consistent with Section 906 of the Zoning Code, Case No. BOA-2023-0001 Site Plan (Exhibit "D"), and Special Use Conditions (Exhibit "G")

Special Use Key Conditions

Development and use of the property must occur consistent with the special use conditions of approval. Key conditions include the following:

1. Paved parking and a drive aisle must be constructed prior to operating the daycare facility.
2. All necessary permits, as applicable, must be obtained from the Health Department and any other state agencies prior to operating the daycare.
3. A more detailed site plan must be prepared consistent with the special use permit and submitted to the Current Planning Section of the Planning & Inspection Department for review.
4. The special use permit expires two years from the date of BOA approval unless the owner has obtained site plan approval from Current Planning Section. If the site plan expires, the special use permit will expire.

FINDINGS OF FACT

The proposed Special Use Permit is provided in Exhibit "G".

Pursuant to Section 1606.C. Special Use Permits, Consideration of Application, the Board of Adjustment must establish a finding of fact for the following criteria to approve the special use:

1. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended.
2. The use meets all required conditions and specifications.
3. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and
4. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and is in general conformity with the Cumberland County's most recent Comprehensive Land Use Plan.

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

MOTION

The BOA is requested to take action/motion based on the findings of fact, as supported by the Special Use Site Plan (Exhibit "D") and Special Use Condition (Exhibit "G"). Any motion to approve the special use includes approval of the Special Use Permit conditions and the Special Use Site Plan.

If a motion is made to approve the Special Use, then the below recommendation can be considered:

Motion to **approve** the Special Use for a daycare subject to the conditions of approval in the Special Use Permit and find that the special use:

- will not materially endanger the public health or safety if located according to the plan submitted and recommended,
- meets all required conditions and specifications,
- will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and
- The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and is in general conformity with the Cumberland County's most recent Comprehensive Land Use Plan.

The findings are based on facts provided are supported by: (information in the Staff Report and, Exhibit "H" applicant response).

If a motion is made to deny the Special Use, then the below recommendation can be considered:

Motion to **deny** the Special Use for a daycare because the use: (at least one of the following must be included in the motion to deny)

- will materially endanger the public health or safety if located according to the plan submitted and recommended for the following reason ---
- will not meet all required conditions and specifications for the following reason ---
- will not maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity for the following reason ---
- The location and character of the use, if developed according to the plan as submitted and recommended, will not be in harmony with the area in which it is to be located and is in general conformity with the Cumberland County's most recent Comprehensive Land Use Plan for the following reason --.

EXHIBIT "B" USE MATRIX

| LAND USES | ZONING CLASSIFICATIONS | | | | | | | | | | | | | | | | | | | |
|---|------------------------|----|-----|-----|-----|------|-----|------|------|------|------|------|------|------|------|------|------|------|------|------|
| | CP | A1 | A1A | A1B | A20 | A30A | A30 | A30B | A30C | A30D | A30E | A30F | A30G | A30H | A30I | A30J | A30K | A30L | A30M | A30N |
| CLUB OR LODGE (Sec. 905), except as regulated by Sec. 924 | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S |
| CONVENIENCE CONTAINER AND RECYCLING FACILITY (Sec. 905.1) | | | | | | | | | | | | | | | | | | | | |
| CONVENIENCE RETAIL W/ GASOLINE SALES, including drive thru, motor vehicle washes (Sec. 911) | | | | | | | | | | | | | | | | | | | | |
| COTTON GIN (Sec. 916) | P | P | | | | | | | | | | | | | | | | | | |
| CREMATORIUM | | | | | | | | | | | | | | | | | | | | |
| DAY CARE FACILITY (Sec. 906) | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S |
| DETENTION FACILITIES/PRISONS (Sec. 907) | Z | Z | | | | | | | | | | | | | | | | | | |
| DISTILLERY, small | | | | | | | | | | | | | | | | | | | | |
| DRY CLEANING AND LAUNDRY COLLECTION, no drying on premises except in conjunction with service counter, provided not more than 2500 square feet are devoted to these processes | | | | | | | | | | | | | | | | | | | | |
| DRY CLEANING/ LAUNDRY, self service | | | | | | | | | | | | | | | | | | | | |
| DRY CLEANING OR LAUNDRY, commercial | | | | | | | | | | | | | | | | | | | | |
| DWELLING, SINGLE & MULTIPLE FAMILY | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| EXTERMINATING SERVICES | | | | | | | | | | | | | | | | | | | | |
| EQUESTRIAN FACILITIES | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| FARM SUPPLIES MERCHANDISING & MACHINERY SALES/SERVICING (Sec. 918) | P | | | | | | | | | | | | | | | | | | | |
| FIRE STATION OPERATIONS/EMERGENCY SERVICES (Sec. 916) | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| FIRING RANGE, OUTDOOR (Sec. 907.1) | Z | | | | | | | | | | | | | | | | | | | |
| FISH HATCHERY (Sec. 916) | P | P | | | | | | | | | | | | | | | | | | |
| FLOWER SHOP | | | | | | | | | | | | | | | | | | | | |
| FOOD PROCESSING | | | | | | | | | | | | | | | | | | | | |
| FOOD PRODUCTION, with on premises retail sales of product | | | | | | | | | | | | | | | | | | | | |
| FOOD PRODUCTION/WHOLESALE SALES | | | | | | | | | | | | | | | | | | | | |
| FOOD SALES/GROCERY STORES (Sec. 916) | P | | | | | | | | | | | | | | | | | | | |
| FUNERAL HOME, incl. incidental crematorium | P | | | | | | | | | | | | | | | | | | | |
| GOLF COURSES (Sec. 908) | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| GROUP HOME, six or less clients (Sec. 909) | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| GROUP QUARTERS (Sec. 910) | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S |
| HARDWARE, PAINT & GARDEN SUPPLY SALES | | | | | | | | | | | | | | | | | | | | |
| HAZARDOUS WASTE STORAGE/DISPOSAL FACILITY (Sec. 911) | | | | | | | | | | | | | | | | | | | | |
| HOME FURNISHING AND APPLIANCE SALES | | | | | | | | | | | | | | | | | | | | |

¹Only in approved industrial parks

²Special Use Permit required for Mixed Use Building, see Section 914.1 (Amnd. 02-19-10)

EXHIBIT "C"
SECTION 906, INDIVIDUAL USES, ZONING CODE

SECTION 906 DAY CARE FACILITIES

A. For day care facilities located within any residential or agricultural zoning district, the following provisions must be complied with:

1. Minimum lot size shall be 20,000 square feet.
2. The required minimum setbacks shall be as follows:
 - a. Front yard: 30 feet from any public or private street;
 - b. Rear yard setback: 35 feet;
 - c. Side yard setbacks: 20 feet; and
 - d. Corner lots: shall provide a minimum of 30 feet from both streets.

3. Subject property must abut and have direct access to a major or minor thoroughfare or higher street classification, as identified in the Highway Plan, for all day care facilities located in residential districts.

B. Day care facilities allowed in zoning districts other than residential districts shall comply with the district dimensional requirements of the zoning district.

C. Minimum of two off-street parking spaces, plus one off-street parking space for each employee, shall be provided. Off-street parking shall be provided in accordance with the standards of Article XII.

D. There shall be sufficient paved driveway to accommodate at least two motor vehicles at one time for the purpose of loading and unloading passengers in addition to any off-street parking area.

E. All children's outside play areas shall be enclosed with at least a four-foot high fence and located only within the side and/or rear yards, provided the yards are not adjacent to a street. The horizontal/vertical spacing in the fence shall be a maximum of four inches and at a minimum the fence must comply with the guard opening limitations for spacing established in the most currently adopted North Carolina State Building Code.

EXHIBIT "G"
Special Use Permit BOA-2023-0001
Special Use Permit Conditions for Day Care Use

Effective Date: March 16, 2023

Applicable Property: This special use permit is applicable to the property delineated within Exhibit "A" attached.

A. Use Limitation: The Special Use allows a day care to operate at the property identified in Exhibit "A" subject to compliance with the standards and conditions set forth herein this Special Use Permit. All day care uses of the property shall occur consistent with the Special Use Site Plan appearing within Exhibit "A," and consistent with County Subdivision and Zoning Ordinances for the R6A zoning district, including Section 916 of the Zoning Ordinance. If a conflict occurs among the Site Plan and County Ordinance, the County Zoning and Subdivision Ordinance shall supersede.

B. Development Standards:

1. All dimensional standards, setbacks and other related regulations shall occur consistent with the Cumberland County Zoning Ordinance. If a conflict occurs between standards set forth in the Special Use Permit and the Zoning Ordinance, the Special Use Permit shall supersede.

2. For day care facilities located within any residential zoning district (which this day care is), the following provisions must be complied with:

(1) Minimum lot size shall be 20,000 square feet.

(2) The required minimum setbacks shall be as follows:

- a. Front yard: 30 feet from any public or private street;
- b. Rear yard setback: 35 feet;
- c. Side yard setbacks: 20 feet; and
- d. Corner lots: shall provide a minimum of 30 feet from both streets.

(3) Subject property must abut and have direct access to a major or minor thoroughfare or higher street classification, as identified in the Highway Plan, for all day care facilities located in residential districts.

3. Minimum of two off-street parking spaces, plus one off-street parking space for each employee, shall be provided. Off-street parking shall be provided in accordance with the standards of Article XII, Zoning Ordinance. There shall be sufficient paved driveway to accommodate at least two motor vehicles at one time for the purpose of loading and unloading passengers in addition to any off-street parking area.

4. All children's outside play areas shall be enclosed with at least a four-foot high fence and located only within the side and/or rear yards, provided the yards are not adjacent to a street. The horizontal/vertical spacing in the fence shall be a maximum of four inches and at a minimum the fence must comply with the guard opening limitations for spacing established in the most currently adopted North Carolina State Building Code.

5. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306.C, County Subdivision Ord.)

C. Development Review Process:

1. A final site plan with a landscape plan consistent with the County Zoning Code, including Section 1102.G, and this Special Use Permit, must be submitted to and approved by the Current Planning Section prior to any clearing, grading or construction activity, or any use of the site for a day care. Note: a special use site plan is not a final site plan. Any building permit application must also be submitted to the County Fire Marshal.
2. All applicable State agency permits to operate a day care, including septic system permits, must be obtained from the Department of Health and other applicable state agencies prior to commencing operation of the day care, and prior to any clearing or grading activities for any associated construction activity.
3. When applying for building permits for any proposed structure on this site, provide a copy of the approved final site plan and Special Use Permit. and approval prior to permit application to The Code Enforcement Section.
4. The owner/developer(s) of this property must obtain detailed instructions from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street on provisions of the County Zoning Ordinance and any permits that may be required to place any structure within this development or to commence any use of the subject property. For additional information, the developer should contact a Code Enforcement Officer. (Chpt. 4, County Code & Sec. 107, County Zoning Ord.)
5. This special use permit is contingent upon continued compliance with the Cumberland County Zoning, Subdivision, and Watershed Ordinances conditions set forth herein. Any modifications to the approved site plan shall require a revised site plan to be submitted to Current Planning Section for review and approval in accordance with the Zoning, Subdivision, and Watershed Protection Ordinances

D. Expiration of Permit: The special use permit expires two years from the date of BOA approval unless the owner has obtained site plan approval from Current Planning Section. If the site plan expires, this special use permit will expire.

E. Recordation: The applicant or owner is required to record this Special Use Permit, at the expense of the applicant, at the County Register of Deeds. Final site plan permits and building permits shall not be approved by the County until the applicant or owner has complied with this condition.

F. Advisories:

1. This conditional approval is not to be construed as all-encompassing of the applicable rules, regulations, etc. which must be complied with for any development. Other regulations, such as building, environmental, health and so forth, may govern the specific development. The developer is the responsible party to ensure full compliance with all applicable Federal, State, and local regulations.
2. This conditional approval is contingent upon continued compliance with the Cumberland County Zoning, Subdivision, and Watershed Ordinances conditions set forth herein. Any modifications to the approved site plan shall require a revised site plan to be submitted to Current Planning Section for review and approval in accordance with the Zoning, Subdivision, and Watershed Protection Ordinances

EXHIBIT "H"
APPLICANT'S RESPONSE TO SPECIAL USE CRITERIA AND APPLICATION
(Section 1606.C. Special Use Permits)

January 27, 2023

Mr. Christopher Portman
Planner, Current Planning
Department of Planning & Inspections
130 Gillespie Street
Fayetteville, NC 28301

Re: Special Use Permit application number BOA-2023-0001. Response letter

Thank you for your initial review of our application submitted on December 16, 2022. As requested by your email dated January 23, 2023, requesting for a written clarification and additional information, please, find below our response.

1. Per Section 906 of the County Zoning Ordinance, the applicant meets all the itemized requirements 1, 2, 3 and 6 per the initial site plan that was submitted with the application. Items 4 and 5 are now indicated in the revised site plan and the attached hand drawn sketch. Please, note that the site plan that was submitted had been approved by the Cumberland County Zoning and Planning departments on April 10, 2018.

2. Per Section 1606. Special Use Permits. C:, the below are our responses that addressed each of the 4 findings for consideration.

1. With regards to section 1606. C (1), the applicant asserts that the use will not materially endanger the public health or safety of the proposed child day care center in according to the plan submitted and proposed, because the facility in question had served as the Church Education and worship center since 2017. There has been no reported issues of violation of public health or safety of members of the public or parishioners or the community at large. The use will not materially endanger the public health or safety if located according to the plan submitted and proposed.

2. In response to section 1606 C (2), the application meets and surpasses in our humble assessment, all required conditions and specifications.

3. In response to section 1606 C (3), the proposed change of use from worship and education center, have not only maintained, but will continue to enhance the value of adjoining or abutting properties. The proposed child day care center will avail families with school age children additional opportunity for choice of a closer to home child day care center. Additionally, when the application for the proposed child day care center is approved by the Board of Adjustment, it will end the long agony and sufferings of some members of our parishioners who have had their children on a waiting list of the DHSS to approve the family. To this extent, we believe that the use is a public necessity.

4. In response to section 16706 .C (4), the location and character of the use of the already developed and existing facility as a worship and education center, changed to a child day care center, per the approved site plan submitted together with this application as submitted and recommended, will be in harmony with the area in which it is to be located and is in general conformity with Cumberland County's most recent Land Use Plan, either comprehensive or a detailed area plan.

We thank you in advance for your continued support on this application.

Very respectfully,

SIGNED


Pastor Folorunsho Nicholas Omogbehin

The Redeemed Christian Church of God, House of Grace Parish, Fayetteville, NC 28306

ATTACHMENT: NOTIFICATION LIST

| | | |
|--|-----------------------------|------------------------|
| MORRIS, PAUL F;MORRIS, LUCINDA L | 4541 SULLIVAN ROAD | FAYETTEVILLE, NC 28312 |
| HILLSIDE LANDSCAPE SUPPLIES INC | 2594 HOPE MILLS RD | FAYETTEVILLE, NC 28306 |
| WILLIAMS, FRIEDA M | 5892 COLUMBINE RD | FAYETTEVILLE, NC 28306 |
| BROWN, ERIC;BROWN, CARRIE | 2904 BARNBY PL | FAYETTEVILLE, NC 28306 |
| BAKER, ELLON CASHWELL | PO BOX 32 | HOPE MILLS, NC 28348 |
| ELMWOOD CROSSING LLC | PO BOX 87555 | FAYETTEVILLE, NC 28304 |
| CAIN, JEFFREY L | 2649 JOHN SMITH ROAD | FAYETTEVILLE, NC 28306 |
| IMO US SOUTH, LLC | 6300 S SYRACUSE WAY STE 290 | CENTENNIAL, CO 80111 |
| COOPER, GARY D;COOPER, YOVONNE M | 2689 JOHN SMITH RD | FAYETTEVILLE, NC 28306 |
| BIGHAM, PAMELA RHEW | 2664 JOHN SMITH RD | FAYETTEVILLE, NC 28306 |
| MCINTIRE, ALMA S | 2630 JOHN SMITH RD | FAYETTEVILLE, NC 28306 |
| KANG, SAM CHUN | 3403 REGIMENT DR | FAYETTEVILLE, NC 28303 |
| BROWN, ERIC;BROWN, CARRIE | 2904 BARNBY PL | FAYETTEVILLE, NC 28306 |
| CAIN, JEFFREY L | 2651 JOHN SMITH ROAD | FAYETTEVILLE, NC 28306 |
| LUONGO, GIUSEPPE;LUONGO, MONICA T | 1417 GENERAL LEE AVE | FAYETTEVILLE, NC 28305 |
| HALL, GILBERT LON;RICHARD, JOSEPH ANGLEA JR | 8142 KING RD | FAYETTEVILLE, NC 28306 |
| JONES, DEANDREIS | 3905 SUMMERFIELD LN | FAYETTEVILLE, NC 28306 |
| DRL ENTERPRISES INC | 2179 CRYSTAL SPRINGS RD | FAYETTEVILLE, NC 28306 |
| MODDE, DOUGLAS BRUCE | 5886 COLUMBINE RD | FAYETTEVILLE, NC 28306 |
| CAIN, JEFFREY L | 2649 JOHN SMITH ROAD | FAYETTEVILLE, NC 28306 |
| HOLMES, RAYMOND;HOLMES, JACQUELINE;PARKER, TERRY;PARKER, LISA | 2633 JOHN SMITH ROAD | FAYETTEVILLE, NC 28306 |
| SAMPSON, ROBERT A;SAMPSON, YVONNE G | 5882 COLUMBINE RD | FAYETTEVILLE, NC 28306 |
| HILLSIDE LANDSCAPE SUPPLIES INC | 2594 HOPE MILLS RD | FAYETTEVILLE, NC 28306 |
| AVALON DEVELOPMENT GROUP LLC | 42191 Highbank Pl | ALDIE, VA 20105 |
| COOPER, YOVONNE | 2689 JOHN SMITH RD | FAYETTEVILLE, NC 28306 |
| MORRISON, JERALD A;MORRISON, KRISTINE K | 2693 JOHN SMITH RD | FAYETTEVILLE, NC 28306 |
| MANNING, OSCAR RAYMOND JR;SHORT, ELEANOR MANNING | 160 S CHURCHILL DR | FAYETTEVILLE, NC 28303 |
| GREENIER, RAYMOND PAUL;GREENIER, LETRISHA ANN | 5896 COLUMBINE RD | FAYETTEVILLE, NC 28306 |
| IMO US SOUTH, LLC | 6300 S SYRACUSE WAY STE 290 | CENTENNIAL, CO 80111 |
| TOWNSEND, DEAN | 5890 COLUMBINE ROAD | FAYETTEVILLE, NC 28306 |
| REDEEMED CHRISTIAN CHURCH OF GOD | 2665 JOHN SMITH RD | FAYETTEVILLE, NC 28306 |
| WALLACE, JOYCE ANN | 2626 JOHN SMITH RD | FAYETTEVILLE, NC 28306 |
| PIERCE, ARLIE R;PIERCE, AGNES N | 2724 BELHAVEN RD | FAYETTEVILLE, NC 28306 |
| KIM, MIN JUN;KIM, ESTHER HWA PUN | 6846 HARVEST CT | FAYETTEVILLE, NC 28306 |
| COOPER, YOVONNE | 2689 JOHN SMITH RD | FAYETTEVILLE, NC 28306 |
| SAMPSON, ROBERT A;SAMPSON, YVONNE G | 5882 COLUMBINE RD | FAYETTEVILLE, NC 28306 |
| HALL, RONALD MILTON JR;HALL, AMY ELIZABETH | PO BOX 48991 | CUMBERLAND, NC 28331 |
| BROWN, ERIC;BROWN, CARRIE | 2904 BARNBY PL | FAYETTEVILLE, NC 28306 |
| HOPE MILLS ASSOC INC | 4455 MARRACCO DR | HOPE MILLS, NC 28348 |
| SMELCER, DEAN H JR;SMELCER, DAWN | 3209 BOONE TRL | FAYETTEVILLE, NC 28306 |
| GILBERT, THOMAS RICHARD | 2638 JOHN SMITH RD | FAYETTEVILLE, NC 28306 |
| HUFF, D RALPH III | 606 FOREST LAKE RD | FAYETTEVILLE, NC 28305 |
| BTG PROPERTY INVESTMENTS LLC | 2613 HOPE MILLS ROAD | FAYETTEVILLE, NC 28306 |
| PIERCE, ARLIE R;PIERCE, AGNES N | 2724 BELHAVEN RD | FAYETTEVILLE, NC 28306 |
| MAYNARD, SHIRLEY FAYE;MAYNARD, WILLIAM GREGORY;BROWN, AVA LYNN | 618 SUNNYBROOK DR | HOPE MILLS, NC 28348 |
| TAYLOR, PAUL WAYNE JR | 4601 BLANTON RD | FAYETTEVILLE, NC 28303 |
| CARRICO, SHEILA D | 5894 COLUMBINE RD | FAYETTEVILLE, NC 28306 |
| LEACH, DANIEL R | 2179 CRYSTAL SPRINGS RD | FAYETTEVILLE, NC 28306 |
| BROWN, ERIC;BROWN, CARRIE | 2904 BARNBY PL | FAYETTEVILLE, NC 28306 |
| EAST, COAST FEDERAL SAVINGS;LOAN ASSOC | 2618 JOHN SMITH RD | FAYETTEVILLE, NC 28306 |
| JOHNSON, PATRICIA B | 4909 BUTLER NURSERY RD | FAYETTEVILLE, NC 28306 |

ATTACHMENT: APPLICATION



County of Cumberland
—◆—
BOARD OF ADJUSTMENT

CASE #: _____

CUMBERLAND COUNTY BOA
MEETING DATE: _____

DATE APPLICATION
SUBMITTED: _____

RECEIPT #: _____

RECEIVED BY: _____

**APPLICATION FOR
SPECIAL USE PERMIT**

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 Special Use Permit 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 Special Use Permits are encouraged to read Section 1606 "Special Use Permits" of the Zoning Ordinance to ensure the technical requirements of the Ordinance are met before submission to the Board of Adjustment (see next page).

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

1. A copy of the recorded deed and/or plat,
2. If a portion of an existing tract, an accurate written legal description of only the area to be considered;
3. A copy of a detailed site plan drawn to engineering scale, showing the location of all buildings, yard dimensions, driveways, fencing, lighting parking areas, landscaping, and all other pertinent data to the case; and
4. 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**

Section 1606 SPECIAL USE PERMIT (portion of)

B. Procedure. Special Use Permit shall be granted by the Board of Adjustment as permitted for only those uses enumerated in Section 403, Use Matrix, as Special Uses. Uses specified as a Special Use in Section 403 shall be permitted only upon the issuance of a Special Use Permit by the Board of Adjustment.

The owner or owners of all property included in the petition for a Special Use Permit shall submit a complete application and three copies of a site plan (drawn in accordance with the specifications listed in Section 1402) to the Planning and Inspections Staff. The Staff will schedule the application to be heard by the Board of Adjustment in accordance with the adopted time schedule. The Planning and Inspections Staff shall also notify the Commanders of Fort Bragg, and Pope U.S. Army Field of any application affecting the use of property located within a five miles or less of the perimeter boundary of said bases in accordance with the N.C. Gen. Stat §153A-323.

Developers are encouraged to discuss their Special use plans with the Planning and Inspections Staff before submission. The Staff shall assist the developer upon request by reviewing Special use plans to insure that the technical requirements of this Ordinance are met before submission to the Board of Adjustment.

All applications and site plans shall provide information indicating compliance with the development standards for individual uses as listed in Article IX of this Ordinance, as applicable, and the height and area regulations for the zoning district in which they are located, unless the provisions for the Special Use provide to the contrary.

C. Consideration of Application. The Board of Adjustment shall consider the application, site plan and any other evidence presented in accordance with this Article and may grant or deny the Special Use Permit requested. On granting a Special Use Permit, the Board shall find that:

1. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended;
2. The use meets all required conditions and specifications;
3. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and
4. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and is in general conformity with the Cumberland County's most recent Comprehensive Land Use Plan.

Any special use permit 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.

BOARD OF ADJUSTMENT

LOCATION OF PROPERTY: 2661 John Smith Rd, Fayetteville, NC 28306
OWNER: The Redeemed Christian Church of God, House of Grace Parish, NC 28306
ADDRESS: 2665 John Smith Rd, Fayetteville, NC ZIP CODE: NC 28306
TELEPHONE: HOME _____ WORK 910 491 4256
AGENT: Pastor Folorunsho Omogbehin
ADDRESS: 1308 Snowy Egret Drive, Fayetteville, NC 28306
TELEPHONE: HOME _____ WORK 2702684227
E-MAIL: rccghogpnc@gmail.com

APPLICATION FOR A SPECIAL USE PERMIT
As required by the Zoning Ordinance

- A. Parcel Identification Number (PIN #) of subject property: 0415-04-6296
(also known as Tax ID Number or Property Tax ID)
- B. Acreage: 1.78 Frontage: 182.85 Depth: 391.44
- C. Water Provider: Public Works Commission (PWC)
- D. Septage Provider: Private
- E. Deed Book 10508, Page(s) 0431, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
- F. Existing use of property: Education center for religious purposes
- G. It is proposed that the property will be put to the following use: (Describe proposed use/activity in detail including hours of operation, number of employees, signage, parking, landscaping, etc.) Child Day care center. 2 employees. Signage, parking, and landscaping, etc, requirements will be met per applicable regulations

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.

The Redeemed Christian Church of God, House of Grace Parish, NC 28306

NAME OF OWNER(S) (PRINT OR TYPE)

2665 John Smith Road, Fayetteville, NC 28306

ADDRESS OF OWNER(S)

rccghogpnc@gmail.com

E-MAIL

HOME TELEPHONE #

910 491 4256, 910 476 9713
WORK TELEPHONE #

Pastor Folorunsho Nicholas Omogbehin

NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

1308 Snowy Egret Drive, Fayetteville, NC 28306

ADDRESS OF AGENT, ATTORNEY, APPLICANT

funtona@yahoo.com

E-MAIL

910 670 1061
HOME TELEPHONE #

270 268 4227
WORK TELEPHONE #

SIGNATURE OF OWNER(S)

folorunsho omogbehin
SIGNATURE OF AGENT, ATTORNEY
OR APPLICANT

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 approve, deny, or defer the request for additional information to be provided;
- If the petitioner or their representative for this application does not appear personally before the board, whether there is opposition or not, the board has full authority to consider the case.
- If the board's decision is to deny the matter before them, the aggrieved party shall file a **"Notice to Intent to Appeal" with the Planning & Inspections Staff on the next business day following the meeting in which the board's decision was made final, or the next business day following receipt of the written copy thereof.**
- Any petition for review by Superior Court shall be file with the Clerk of Superior Court within 30 days after the decision of the board is made final.

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

SIGNATURE OF OWNER(S) *Folorunsho omogbehin*

PRINTED NAME OF OWNER(S) Folorunsho Omogbehin

DATE 06 DECEMBER 2022

**CUMBERLAND COUNTY BOARD OF ADJUSTMENT
FEE SCHEDULE**

BOARD OF ADJUSTMENT

**SPECIAL USE PERMIT
VARIANCE
WATERSHED
ADMINISTRATIVE REVIEW APPEALS
INTERPRETATIONS
NONCONFORMING USES**

*** Board of Adjustment fee include hearings for the County Flood Ordinance and County
Watershed Ordinance**