

Members:

Marva Lucas-Moore
Linda Amos
Vickie Mullins
Greg Parks



Alternates:

Kenneth Turner
Gary Silverman
Brenne Orozco
Jovan Bowser
Donald Brooks

Board of Adjustment

Tentative AGENDA

September 19, 2024
6:00 PM

A meeting of the Cumberland County Board of Adjustment is to be held on Thursday, September 19, 2024, 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. ADMINISTERING OATH TO NEW MEMBERS
4. SWEAR IN STAFF
5. ADJUSTMENTS TO THE AGENDA
6. APPROVAL OF THE AUGUST 15, 2024, MINUTES
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-2024-0015:** Consideration of a Special Use Permit to allow for a Day Care Facility in an RR Rural Residential District on 1.30 +/- acres, located at 2450 Lillington Hwy; submitted by Del Crawford (Agent) on behalf of Gabriel Sital (Owner).

11. DISCUSSION/UPDATE(S):

12. ADJOURNMENT



PLANNING & INSPECTIONS

PLANNING STAFF REPORT
SPECIAL USE CASE # BOA-2024-0015
 Board of Adjustment Meeting:
 September 19, 2024

Jurisdiction: County-Unincorporated
Location: 2450 Lillington Hwy

REQUEST

Special Use – Day Care Facility

Property Owner requests the BOA grant a Special Use Permit for a day care on approximately 1.30 +/- acre property zoned RR Rural Residential District, located at 2450 Lillington Hwy, as shown in Exhibit "A". A parcel zoned RR must obtain a Special Use Permit for a Day Care Facility, as illustrated in Exhibit "B" (Use Matrix) (attached). The proposed day care facility will utilize an existing building on the property. Eight gravel parking spaces with one being an ADA space are proposed along with a gravel driveway, as illustrated in Exhibit "E" (attached).

As the existing structure was constructed for residential use, the building will likely require modifications to comply with a change of use to day care, including a fire suppression system. Change of use of the building to a day care will likely require improvement to compliance with the State Building and Fire Codes, including American Disabilities Act standards. Gravel parking and driveway aisles do not comply with the requirements of the County Zoning Ordinance.

PROPERTY INFORMATION

OWNER/APPLICANT: Gabriel Sital (Owners)/Del Crawford (Applicant)

ADDRESS/LOCATION: 2450 Lillington Hwy;
 intersection of Lillington Hwy and Manchester Rd.

REID: 051350927000

SIZE: 1.30 Acres

ROAD FRONTAGE: 175' street frontage off Lillington Hwy.

Exhibits

- A. Site Location/Zoning
 - B. Use Matrix, Sec. 403, Zoning Code
 - C. Section 901, Individual Uses
 - D. Section 906 Day Care Facilities
 - E. Special Use Site Plan
 - F. Existing and Adjacent Uses
 - G. Soil and Utilities
 - H. Spring Lake Area Land Use Plan
 - I. Special Use Permit Conditions/Permit
- Attachment: mailing list/application

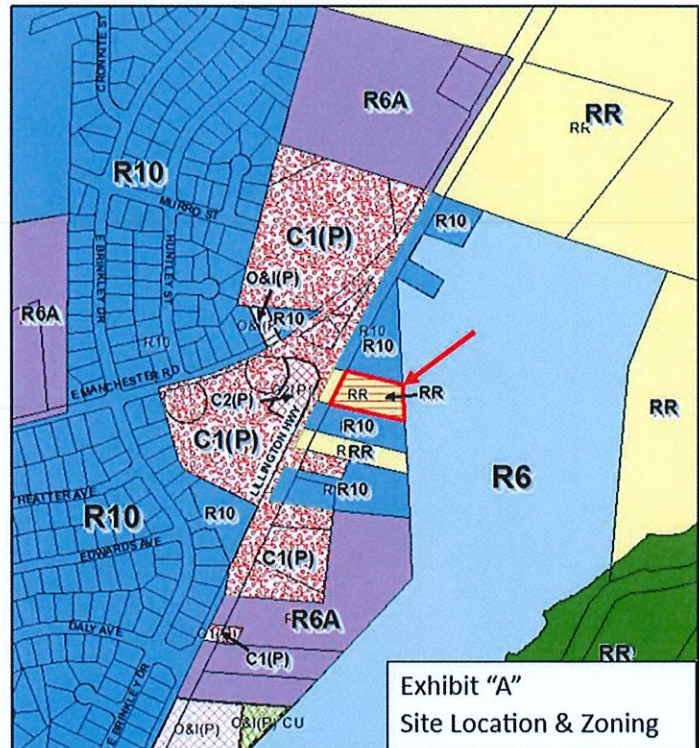
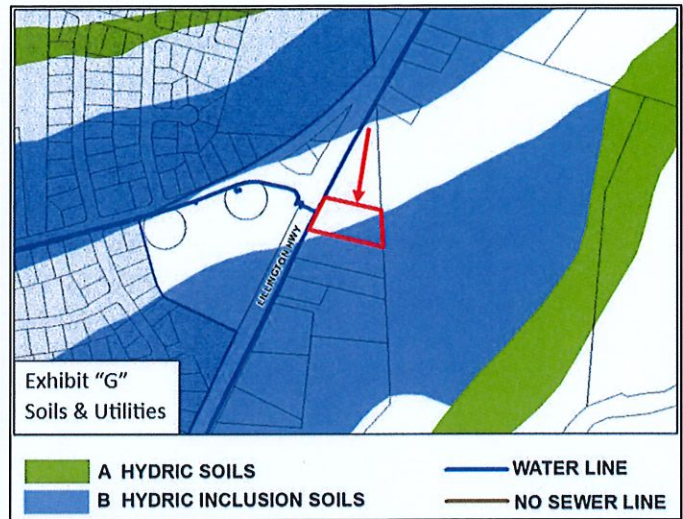
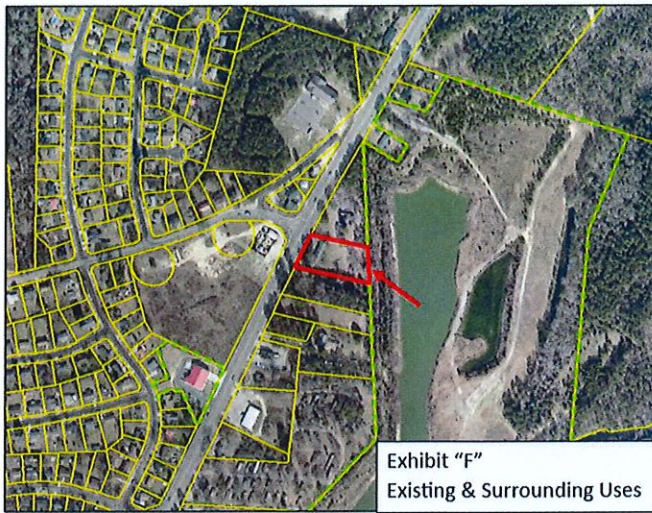


Exhibit "A"
 Site Location & Zoning



EXISTING LAND USE: Property was previously used for a residential home with two structures currently existing on the site – a residential building and a detached shed, as shown in Exhibit "F" (existing use and surrounding uses.)

SURROUNDING LAND USE: Uses in the surrounding area and adjacent properties predominantly are, residential homesites, wood lands, a water tower, and a religious worship site. Surrounding uses are shown on Exhibit "F" and described as:

- North: Single-family residential homes, Faith Church, and a tower owned by W.S. Wellons Corp.
- East: Body of water and wooded lands.
- South: Single-family homes and manufactured home park.
- West: Single-family homes.

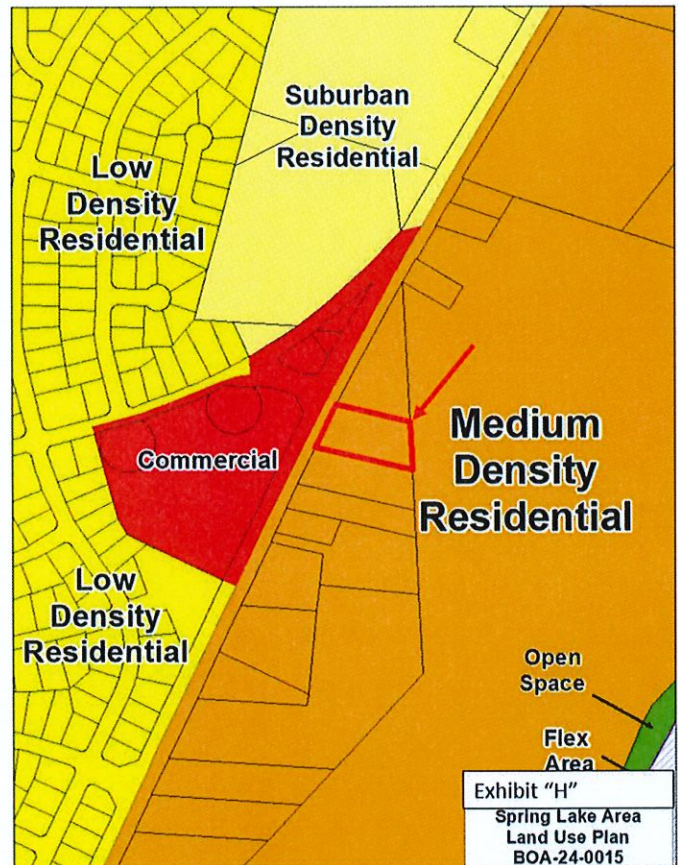
OTHER SITE CHARACTERISTICS: The 1.30 +/- acre site is not within the 100-year Flood Zone. The entire property is not situated within a watershed. There are no hydric soils on the subject parcel, but hydric inclusion soils are on the subject parcel, as shown on Exhibit "G".

MINIMUM YARD SETBACKS: The day care shall meet the required setbacks for the RR zoning district: 30' front, 15' side, and 35' rear.

COMPREHENSIVE PLANS:

This property is located in the Spring Lake Area Land Use Plan. The future land use classification of the property is Medium Density Residential.

OVERLAY DISTRICTS: None



IMPACTS ON LOCAL INFRASTRUCTURE

TRAFFIC: FAMPO found that the new development should not generate enough traffic to significantly impact Lillington Hwy. Lillington Hwy is classified as a "Principal Arterial" road by NCDOT, while Manchester Road is classified as a "Minor Arterial" road.

UTILITIES: Public water lines are located and available along Lillington Hwy, but sewer lines are not. Exhibit "G" provides information on utilities available to the subject property.

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

EMERGENCY SERVICES: Cumberland County Fire Marshal's office has reviewed the request and provided comments that are addressed as conditions within the Special Use Permit.

SPECIAL DISTRICTS: The subject property is located within five miles of Fort Liberty 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 Sections 901 and 906 of the Zoning Code, the Special Use Site Plan (Exhibit "E"), and Special Use Conditions (Exhibit "I")

KEY SPECIAL USE CONDITIONS

1. The Special Use Permit shall only be for a day care facility.
2. The driveway and parking area shall be paved with asphalt or concrete. Per Section 906, Zoning Ord., a sufficient paved driveway must 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. Located at the intersection of two arterial roads, gravel carried onto these heavily traveled roads may create safety issues.
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.
4. A 6' wide sidewalk shall be established from the ADA parking spaces to the building entrance and shall allow for an unobstructed traversal from the ADA parking space to the day care facility.
5. Applicant shall submit a final site plan and landscape plan to the Current Planning Section prior to any construction activity, including clearing and grading, demonstrating compliance with the requirements and information required herein in this. No activity on the site shall occur until a final site plan has been approved by the Current Planning Section and driveway permits obtained from NCDOT.

FINDINGS OF FACT

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

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.

Staff finds the Special Use Site Plan **is not consistent** with Section 906.D. of the Zoning Ordinance, as the special use site plan proposes gravel parking for the parking lot, drive aisles, loading areas, and accessible parking (FKA handicapped parking).

MOTION

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

Attachments:
Notification Mailing List

EXHIBIT "B"

USE MATRIX

CUMBERLAND COUNTY ZONING ORDINANCE

P = PERMITTED USE
S = SPECIAL USE (Sec. 1606 Board of Adjustment)
Z = CONDITIONAL ZONING (Article V – County Board)

ZONING CLASSIFICATIONS																				
LAND USES																				
CD	AL	ALA	HAO	HAOA	HAO	RDA	RR	R20	R20A	R15	R7.5	R6	R5	R5A	OA(RP)	CL(RP)	C2(RP)	C1(P)	MAJ(P)	MI(P)
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	P	S	P		
CONVENIENCE CONTAINER AND RECYCLING FACILITY (Sec. 905.1)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P
CONVENIENCE RETAIL W/ GASOLINE SALES, including drive thru motor vehicle washing (Sec. 916)	P															P	P	P	P	P
COTTON GIN (Sec. 916)	P	P																	P	P
CREMATORIUM																			P	P
DAY CARE FACILITY (Sec. 906)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	S	S
DETENTION FACILITIES/PRISONS (Sec. 907)	Z	Z																Z	Z	Z
DISTILLERY, small																				
DRY CLEANING AND LAUNDRY COLLECTION, no cleaning on premises except in conjunction with service counter, provided not more than 2500 square feet are devoted to these processes																P	P	P		
DRY CLEANING/LAUNDRY, self service																P	P	P		
DRY CLEANING OR LAUNDRY, commercial																			P	P
DWELLING, SINGLE & MULTIPLE FAMILY	P	P	P	P	P	P	P	P	P	P	P	P	P	P	S	S	S	S		
EXTERMINATING SERVICES																		P	P	P
EQUESTRIAN FACILITIES	P	P	P	P	P	P	P	S	S									P	P	P
FARM SUPPLIES MERCHANDISING & MACHINERY	P																			
SALVS/SERVICING (Sec. 916)																				
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														P	P	P	P	P
FLOWER SHOP																			P	P
FOOD PROCESSING																			P	P
FOOD PRODUCTION, with on premises retail sales of product																				
FOOD PRODUCTION/WHOLESALE SALES																				
FOOD SALES/GROCERY STORES (Sec. 916)	P															P	P	P	P	P
FUNERAL HOME, incl. incidental crematorium	P														P	P	P	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					
HARDWARE, PAINT & GARDEN SUPPLY SALES																P	P	P		
HAZARDOUS WASTE STORAGE/DISPOSAL FACILITY (Sec. 911)																			S	S
HOME FURNISHING AND APPLIANCE SALES																		P	P	P

EXHIBIT "C"
SECTION 901, INDIVIDUAL USES

SECTION 901. DEVELOPMENT STANDARDS FOR INDIVIDUAL USES.

The development standards of this article are additional to other requirements in this ordinance. If there is a conflict with another section of this ordinance or any other Federal, State or local regulation, the most restrictive requirement shall apply. These development standards are use-specific and apply as minimum development standards for the use regardless of the type of approval or permit otherwise required by this ordinance. All non-residential uses listed within this article require site plan review and approval in accordance with Article XIV unless this article specifically requires approval of a Special Use Permit or Conditional Zoning District. Those uses requiring approval as a Special Use Permit (Section 1606) or a Conditional Zoning District (Article V) shall also be subject to these standards and any additional standards or conditions required by the approval.

(Amd. 11-20-06; 04-18-11)

In addition to the specific criteria listed for each use, the following are to be considered as minimum criteria for every non-residential use:

A. All parking and loading areas shall comply with the minimum provisions established in Article XII, Off-Street Parking and Loading;

B. All lighting shall be directed internally and shall comply with Section 1102.M;

C. Noise generated by any use shall not substantially or detrimentally affect the ability of surrounding property owners to reasonably enjoy the use of their properties and shall not contradict those standards of Chapter 9.5, Cumberland County Code, Article II, entitled: "Noise" (Noise Ordinance);

D. When any non-residential use is adjacent to residentially zoned properties, a screening buffer shall be provided in accordance with Section 1102.G of this ordinance;
(Amd. 01-19-10; Amd. 06-18-12)

E. Unless otherwise specified within these individual sections, all signage shall be in compliance with Article XIII, Sign Regulations, for the specific district in which the subject property is located;

F. All new non-residential development shall comply with the landscaping provisions of Section 1102.N; and

G. Compliance with all Federal, State, and local regulations, including the County Subdivision Ordinance, is mandatory.

EXHIBIT "D"
SECTION 906, 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.

(Amd. 11-20-06; Amd. 02-19-08; Amd.01-09-10; Amd. 02-01-21)

EXHIBIT "E" SPECIAL USE SITE PLAN

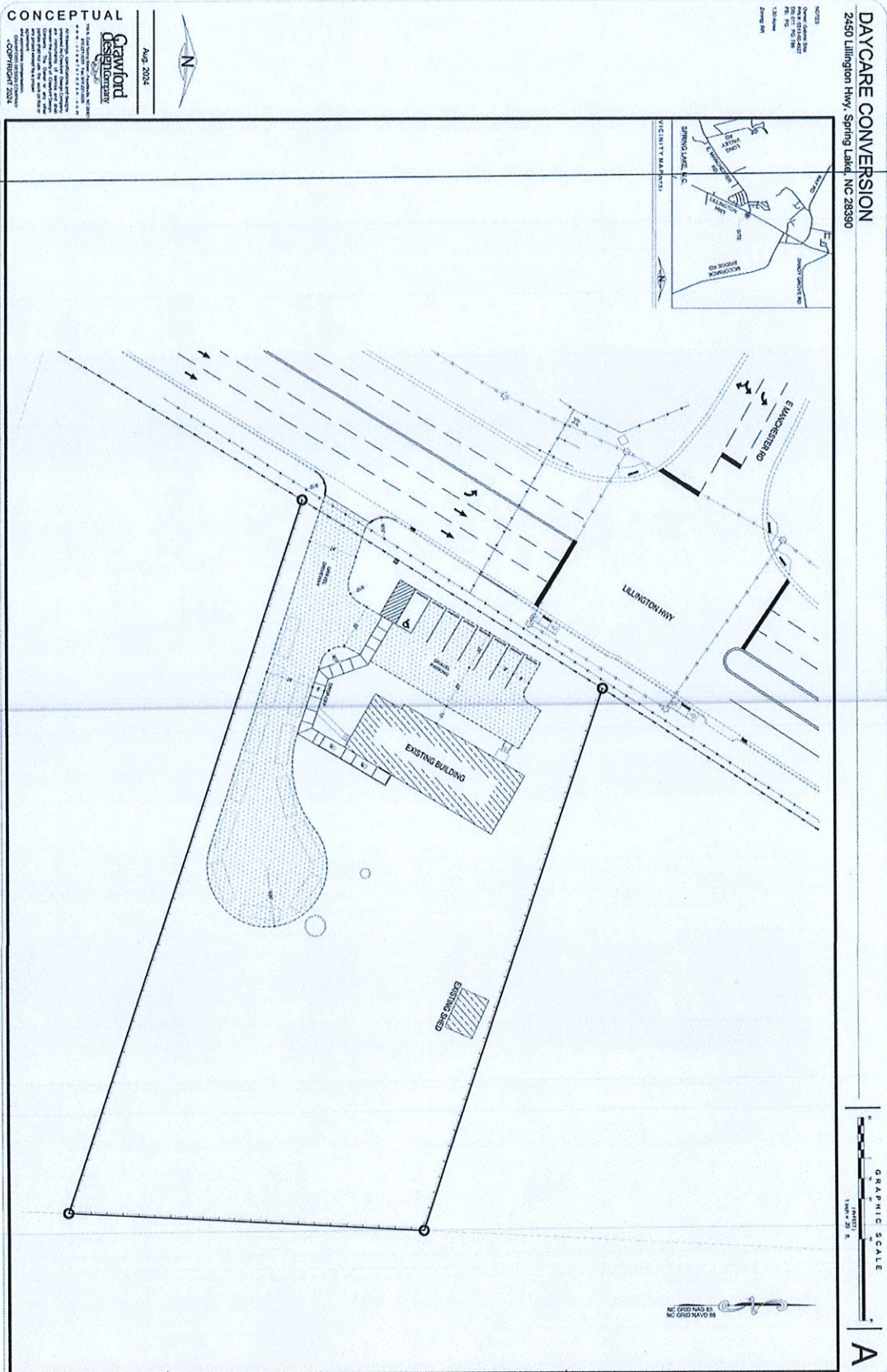


EXHIBIT "I"
SPECIAL USE PERMIT BOA-2024-0015

Special Use Permit- Board of Adjustment
(Day Care Facilities Special Use Permit and Site Plan)
Ordinance Related Conditions

BOA-2024-0010: Consideration of a Special Use Permit to allow a Day Care Facility in an RR Rural Residential District on 1.30 +/- acres, located at 2450 Lillington Hwy; submitted by Del Crawford (Agent) on behalf of Gabriel Sital (Owner).

The Special Use Permit requested is approved subject to the contents of the application, site plan appearing in Exhibit "A", and the following conditions:

Applicability: This Special Use Permit shall only apply to a 1.30 +/- acre parcel at PIN 0456-29-0435 (as shown in the record of the Cumberland County Register of Deeds as of May 13, 2022) as such area is shown on the of the attached Special Use Site Plan (Exhibit "A").

Permitted and Prohibited Uses:

1. The Special Use Permit shall only be for a day care facility.

Development Standards:

2. Use and development of the site shall occur consistent with the Special Use Permit and the Special Use Site Plan provided in Exhibit "A" and shall be in conformance with the zoning and subdivision ordinances adopted by Cumberland County. If any inconsistency or conflict occurs between this Special Use Permit and County Zoning or Subdivision Ordinances, the Special Use Permit shall supersede.
3. A final site plan with a landscape plan consistent with the County Zoning Ordinance, 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.
4. Landscaping conforming to Section 1102.N in the County Zoning Ordinance shall be shown on the final site plan submitted to the Current Planning Division.

Infrastructure and Utilities

5. All lighting installed shall comply with all provisions of Section 1102.M., of the County Zoning Ordinance.
6. Driveway Permit required.

Site plan should depict the proposed geometrics for the proposed ingress and egress driveways.

Change of use of subject properties and/or construction of any new connection or alteration of any existing connection shall require an approved Driveway Permit. Failure to secure required permits prior to construction or change in property usage may result in the removal of the driveway or street connections at the property owner's/developer's expense.

In the event that a structure (house) is built by a contractor for commercial gain and/or if property changes ownership from existing owner to builder, an approved Driveway Permit must be secured.

7. If any right-of-way dedication is required by NCDOT, a recorded plat referenced above shall identify any such right-of-way dedication and sight distance easements. (Sec. 2402, County Subdivision Ord.) If any right-of-way dedication alters use of the property or requires substantial modification of the special use site plan, a modification to the Special Use Site Plan must be approved by the County Board of Adjustment.
8. 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.
9. The driveway, all parking areas including accessible parking spaces, loading areas, sidewalks and pathways shall be paved with asphalt or concrete.
10. A paved (concrete or asphalt) six-foot wide sidewalk shall be established from the ADA parking spaces to the building to allow for an unobstructed traversal from the ADA parking space to the day care facility.
11. That site and soil evaluations be conducted on the property per the standards of the County Environmental Health Department. Note: All Health Department requirements shall be met prior to issuance of final permits. Note- application for a septic permit does not ensure that a permit can be written.
12. Water Infrastructure: The County Health Department must approve water plans if not connected to central water system. Property not served by public water system is required to be large enough and of such physical character to comply with the Health Department's minimum standards. A copy of the Health Department approval must be provided to Code Enforcement at the time of the building permit application. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Sec. 2306A, County Subdivision Ord. & Sec. 1101.E, County Zoning Ord.)
13. Sanitary Sewer Infrastructure: Authorization for wastewater system construction required before other permits to be issued. The County Health Department must approve sewer plans. Lots not served by public sewer systems are required to be large enough and of such physical character to comply with the Health Department's minimum standards. Site and soil evaluations must be conducted on the property by the County Environmental Health Department. A copy of the Health Department approval must be provided to Code Enforcement at the time of the building permit application. (Note: All Health Department requirements must be met prior to issuance of final permits.) (NCGS § 130A-338 & Sec. 2306 A, County Subdivision Ord. & Sec. 1101.E, County Zoning Ord.)
14. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environmental Quality (NCDEQ) Manual on Best Management Practices and all drainage ways must be kept clean and free of debris. (Section 2307.A, County Subdivision Ord.)
15. In the event a stormwater utility structure is required by the NC Department of Environmental Quality (NCDEQ), the owner/developer must secure the structure with a four-foot-high fence with a lockable gate and is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation. (Sec. 1102.O, County Zoning Ord.)

16. Prior to permit application, the developer must provide to the Code Enforcement Section documentation of NC Department of Environmental Quality (NCDEQ) approval of the Sedimentation and Erosion control plan for this project. NCDEQ requires a Sedimentation and Erosion control plan be submitted and approved 30 days prior to land disturbing activities if said land disturbing activity will exceed one acre.

If a plan is not required, per 15ANCAC 04B.0105 "Person conducting land disturbing activity shall take all reasonable measures to protect public and private property from damage cause by such activities." Sedimentation and erosion control measures will need to be installed to protect adjacent properties. [Sec. 4-8(b)(6), County Code; originally under County jurisdiction relinquished to NCDEQ around 2000].

Development Review Process:

17. Applicant shall submit a final site plan and landscape plan to the Current Planning Section prior to any construction activity, including clearing and grading, demonstrating compliance with the requirements and information required herein in this. No activity on the site shall occur until a final site plan has been approved by the Current Planning Section.
18. The Special Use Site Plan shall be consistent with Article XIV in the County Zoning Ordinance.
19. 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.
20. 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.
21. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinance for the RR zoning district must be complied with, as applicable.

Other Conditions:

22. The developer's subsequent application for permits upon receipt of these conditions of approval constitutes the developer's understanding and acceptance of the conditions of approval for this development.
23. Any revision or addition to this plan necessitates re-submission for review and approval. Depending on the substantiality, such requested revisions or additions may require either Board of Adjustment approval or the Planning & Inspections Department administrative approval prior to the commencement of the change.
24. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.
25. 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 specific development. The developer is the responsible party to ensure full compliance with all applicable Federal, State, and local regulations.
26. The owner/developer(s) of these lots must obtain detailed instruction on provisions of the County Zoning Code and permits required to place any structure within this development from the

County Code Enforcement Section, at the Historic Courthouse at 130 Gillespie Street, Fayetteville, N.C. For additional information, the developer should contact the Code Enforcement Section. (Chpt. 4, County Code & Sec. 107, County Zoning Ord.)

27. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application. [Sec. 4-8(b)(2), County Code].
28. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans. (Sec. 107.B, County Zoning Ord.; & Secs. 2005 & 2007 County Subdivision Ord.)
29. All noise standards found in Chapter 9.5 of the Cumberland County Code, Article II Noise Ordinance shall be adhered to for all activity on the site under this Special Use Permit.

Effective Date/Expiration:

30. This special use expires two years from the date the County Board of Adjustment approves the Special Permit No. BOA-2024-0015 if no activity proceeds in good faith to commence the special use. The Board of Adjustment may approve an extension of this special use permit for up to two years if a written request for an extension is submitted at least thirty days prior to the expiration date.

Issued by:

David B. Moon, AICP, CZO

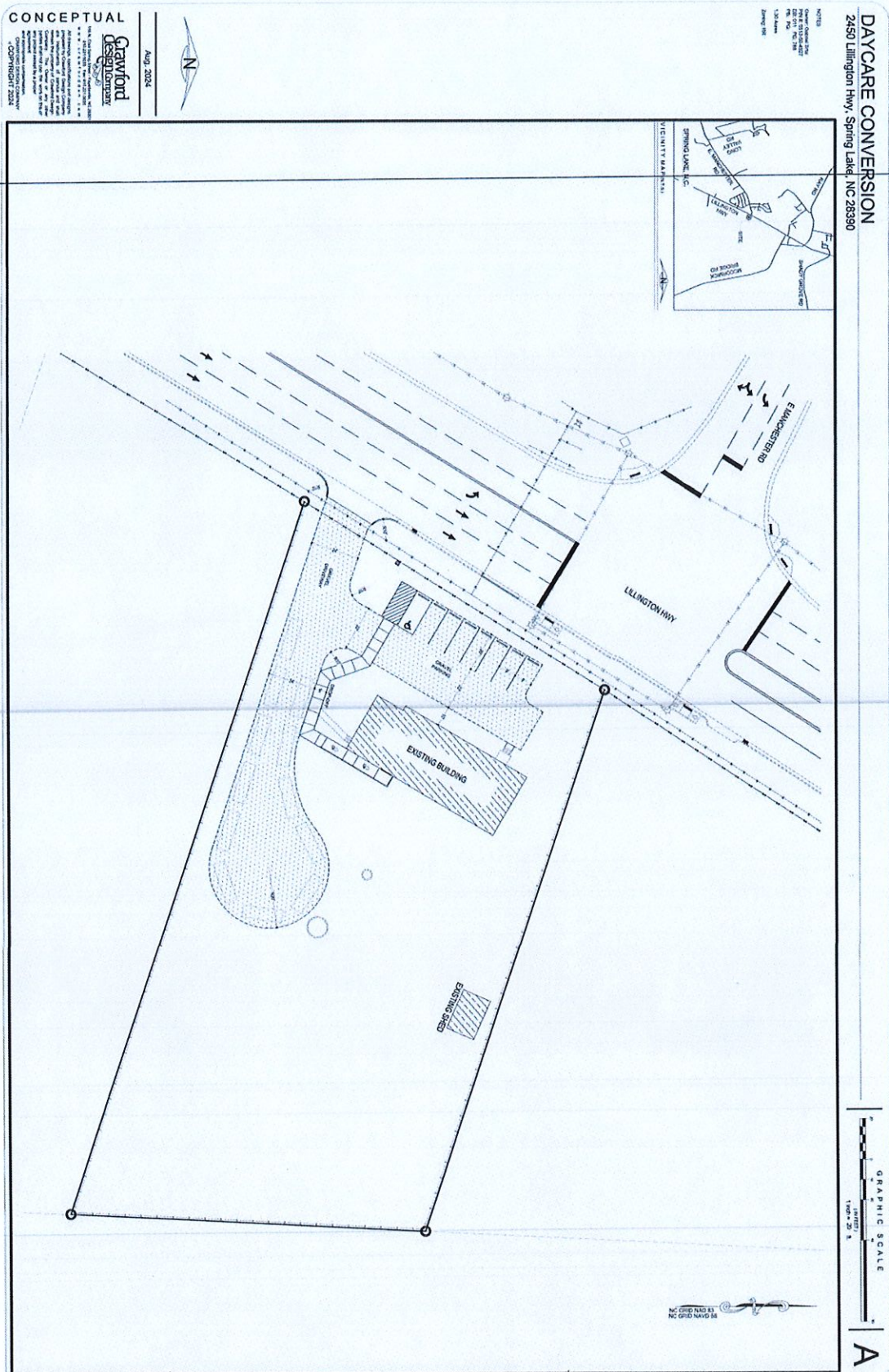
Date

The above Special Use Conditions are accepted by Gabriel Sital at the September 19, 2024 BOA hearing, as documented by the official hearing minutes for that date.

Gabriel Sital

Date

EXHIBIT "A" OF SPECIAL USE PERMIT BOA-2024-0004 SPECIAL USE SITE PLAN



(Same as Exhibit "A" of the Staff Report)

ATTACHMENT: NOTIFICATION LIST & PUBLIC HEARING LEGAL NOTICE

WELLONS, FLORENCE C ESTATE	511 HWY 210 N.	SPRING LAKE, NC 28390
LEWIS, STUART W;LEWIS, ROBERTA	2919 LILLINGTON HWY	SPRING LAKE, NC 28390
LEWIS, STUART W;LEWIS, ROBERTA B	2919 LILLINGTON HWY	SPRING LAKE, NC 28390
PRICE, JAMES R;PRICE, ROBIN E	2404 LILLINGTON HWY	SPRING LAKE, NC 28390
W S WELLONS CORP	PO BOX 766	SPRING LAKE, NC 28390
OVERHILLS WATER COMPANY INC	PO BOX 766	SPRING LAKE, NC 28390
SPRING LAKE MOBILE HOMES LLC	114 FAIRFAX LANE	CARY, NC 27513
CARDWELL, JOHN P HEIRS	46 WYOMING CT	SPRING LAKE, NC 28390
SITAL, GABRIEL	2450 LILLINGTON HIGHWAY	SPRING LAKE, NC 28390
DARDEN, DAVID K JR;DARDEN, PAMELA E	3983 FINAL APPROACH DR	EASTOVER, NC 28312
OVERHILLS WATER COMPANY INC	PO BOX 766	SPRING LAKE, NC 28390
HUBBARD, VIVIAN S	5460 BRUSHY MEADOWS DR	FUQUAY-VARINA, NC 27526
ALEXANDER, DAVID MATTHEWS	208 PINEWINDS DR	SANFORD, NC 27332
CAROLINA TELEPHONE & TELEGRAPH COMPANY	PO BOX 7909	OVERLAND PARK, KS 66207
WOODARD, PEGGY G	2516 LILLINGTON HWY	SPRING LAKE, NC 28390
7 STARS HOLDING REI LLC	9105 TRIANA MARKET WALK	RALEIGH, NC 27617
SM HOLDINGS GROUP, LLC	1417 E MANCHESTER RD	SPRING LAKE, NC 28390
ISBANIOLY, NABIL JERIES	24571 MAGGIE FRICK RD	RICHFIELD, NC 28137
SPEARS, GREGORY C	434 LANSLOWNE RD	FAYETTEVILLE, NC 28314
FAITH CHURCH INC	PO BOX 906	SPRING LAKE, NC 28390
7 STARS E LLC	9105 TRIANA MARKET WALK	RALEIGH, NC 27617
TOPHAT RENTALS & PROPERTIES LLC	1503 N BRAGG BLV	SPRING LAKE, NC 28390
LEWIS, CATHERINE FAIRCLOTH	6400 TABOR CHURCH RD	FAYETTEVILLE, NC 28312
BRAZELL, BILLY ROY	1359 LILLINGTON HWY	SPRING LAKE, NC 28390

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: 2450 Lillington Hwy SpringLake NC 28390
OWNER: Gabriel Sital
ADDRESS: 2450 Lillington Hwy ZIP CODE: 28390
TELEPHONE: HOME _____ WORK _____
AGENT: Crawford Design Company
ADDRESS: 116 N Cool Spring St Fayetteville NC 28301
TELEPHONE: HOME _____ WORK 910-221-0033
E-MAIL: admin@crawforddsn.com

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

- A. Parcel Identification Number (PIN #) of subject property: 3129-88-3461
(also known as Tax ID Number or Property Tax ID)
- B. Acreage: 1.3 Frontage: 175 Depth: 371
- C. Water Provider: SpringLake
- D. Septage Provider: SpringLake
- E. Deed Book 11, Page(s) 788, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
- F. Existing use of property: Residential
- 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.) Daycare

Signature: _____

Date: _____

GABRIEL SITAL

NAME OF DEVELOPER(S)/OWNER(S)

2450 LILLINGTON HIGHWAY SPRING LAKE NC 28390

ADDRESS OF DEVELOPER(S)/OWNER(S)

CONTACT INFORMATION (PHONE & EMAIL)

Del Crawford


NAME OF AGENT, APPLICANT

116 N Cool Spring St Fayetteville NC 28301


ADDRESS OF AGENT, APPLICANT

910-221-0033; admin@crawforddsn.com

CONTACT INFORMATION (PHONE & EMAIL)


SIGNATURE(S) OF OWNER(S)

SIGNATURE(S) OF OWNER(S)


SIGNATURE OF AGENT, APPLICANT

AFFIDAVIT OF OWNERSHIP/AGENT AUTHORIZATION FORM

PROPERTY OWNER (Company or Individual): GABRIEL SITAL

MAILING ADDRESS: 2450 LILLINGTON HIGHWAY SPRING LAKE NC 28390

Officer's name and title: OWNER

1. That I am (we are) owner's and record title holder(s) of the following described property legal description, to with:
2. That this property constitutes the property for which a request for (type of Application Approval Requested: CONDITIONAL USE)
3. That the undersigned has (have) appointed and does (do) appoint DEL CRAWFORD as agent(s) to execute any petitions or other documents necessary to affect such petition, including development review time extension requests; and request that you accept my agent (s) signature as rep[resenting my agreement of all terms and conditions of the approval process;
4. That this affidavit has been executed to induce Cumberland County, North Carolina and act on the foregoing request;
5. That I, (we) the undersigned authority, hereby certify that the foregoing is true and correct.


Owner's Signature

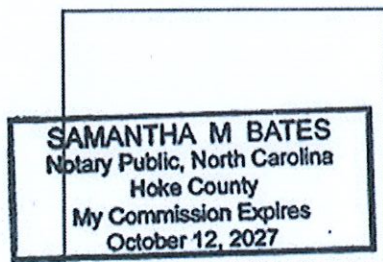
Owner's Signature

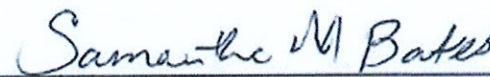
Owner's Signature

State of North Carolina

Cumberland County

The foregoing instrument was acknowledged before me by means of _____ physical presence or _____ online notarization, this 15 day of AUGUST (month), 2024 (year), by GABRIEL SITAL (name of person acknowledging) who is personally known to me or who has produced _____ (type of identification) as identification.





Signature of Notary Public – State of North Carolina
(Print, Type or Stamp Commissioned Name of Notary Public to the Left of Signature)



Board of Adjustment

PUBLIC HEARING NOTICE

The Cumberland County Board of Adjustment will meet at 6:00 p.m. on Thursday, September 19, 2024, at the Old Court House Building, 130 Gillespie Street, Fayetteville, NC to hear the following:

BOA-2024-0015: Consideration of a Special Use Permit to allow for a Day Care Facility in an RR Rural Residential District on 1.30 +/- acres, located at 2450 Lillington Hwy; submitted by Del Crawford (Agent) on behalf of Gabriel Sital (Owner).

Run Dates: September 6, 2024, and September 13, 2024

Fay. Observer account number: 744350

ORDER DETAILS

Order Number:

LWLM0151023

Order Status:

Submitted

Classification:

Public Notices

Package:

General Package

Total payment:

121.21

Payment Type:

Account Billed

User ID:

L0012804

External User ID:

744350

ACCOUNT INFORMATION

Amanda Ozanich

130 Gillespie st ATTN: Amanda Ozanich

Fayetteville, NC 28301

910-678-7600

aozanich@cumberlandcountync.gov

Cumberland County Planning and Inspections

Contract ID:

TRANSACTION REPORT

Date

August 27, 2024 3:35:59 PM EDT

Amount:

121.21

ADDITIONAL OPTIONS

1 Affidavit

SCHEDULE FOR AD NUMBER LWLM01510230

September 6, 2024

Fayetteville Observer

September 13, 2024

Fayetteville Observer

PREVIEW FOR AD NUMBER LWLM01510230

PUBLIC HEARING NOTICE

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Publication Dates
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