



Members:

Kenneth Turner- Chair
Vickie Mullins- Vice Chair
Marva Lucas-Moore
Donald Brooks
Gary Silverman

Alternates:

Jovan Bowser
Brenez Orozco
Veronica Mitchell-Rozier
Jacob Dluzak

TENTATIVE AGENDA

AUGUST 21, 2025

6:00 PM

A meeting of the Cumberland County Board of Adjustment is to be held on Thursday, August 21, 2025, 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. RECOGNITION FOR BOARD SERVICE
4. SWEAR IN NEW BOA APPOINTMENTS
5. SWEAR IN STAFF
6. ADJUSTMENTS TO THE AGENDA
7. APPROVAL OF THE JUNE 19, 2025, MINUTES
8. ABSTENTIONS BY BOARD MEMBERS/BOARD MEMBER DISCLOSURES (SITE VISITS AND/OR PERSONAL AFFILIATIONS)
9. PUBLIC HEARING DEFERRALS/WITHDRAWALS
10. POLICY STATEMENT REGARDING APPEAL PROCESS
11. PUBLIC HEARING(S):
 - A. BOA-2025-0007: Variance from Section 1102.C, County Zoning Ordinance, requesting encroachment into the minimum front yard setbacks for a privacy fence on a parcel containing 4.00 +/- acres, located at 4020 Hummingbird Place; submitted by Troy Carter (Owner). (Continued from June 19, 2025 BOA meeting)
 - B. BOA-2025-0010: Special Use Permit for Public Utility Works, Shops, or Storage Yard for a Temporary Laydown Yard of 34.6 +/- acres of a parcel comprising 47.98 +/- acres; located on the south side of Ola Burns Drive approximately 430 feet west of NC Hwy 87; Submitted by Piedmont Natural Gas Company (Applicant) on behalf of Tommy Woodell, Linda Johnson, Cheri Lassiter, Michael Davis, Christopher Davis, Mae Parsons, and Pamela Woodell.
12. OTHER BUSINESS: BOA Alternate Member Recommendations
13. DISCUSSION/UPDATE(S):
14. ADJOURNMENT



Board of Adjustment

MINUTES
19 June 2025
6:00 PM

Members Present

Linda Amos, Chair
Marva Lucas-Moore-Vice Chair
Donald Brooks
Vickie Mullins
Kenneth Turner

Absent Members

Brenee Orozco
Jovan Bowser

Staff/Others Present

David Moon
Timothy Doersam
Amanda Ozanich
Veronica Mitchell-Rozier
Gary Silverman
Robert Hasty (Asst County Attorney)

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

1. INVOCATION

Ms. Vickie Mullins read the invocation.

PLEDGE OF ALLEGIANCE

Recited by all.

2. ROLL CALL

Deputy Director David Moon called the roll and made note of the absence of Brenee Orozco and Jovan Bowser. Mr. Moon stated we do have a quorum.

SWEAR IN OF STAFF

Chair Amos swore in staff Mr. David Moon and Mr. Timothy Doersam.

3. ADJUSTMENTS TO THE AGENDA

There were none.

4. APPROVAL OF THE DECEMBER 19, 2024 MINUTES

Mr. Kenneth Turner made a motion to approve the minutes from December 19, 2024, meeting as written, seconded by Ms. Vickie Mullins. Unanimous approval.

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

There were none.

6. PUBLIC HEARING DEFERRALS/WITHDRAWALS



Board of Adjustment

There were none.

7. POLICY STATEMENT REGARDING APPEAL PROCESS:

Mr. David Moon read the policy statement.

8. PUBLIC HEARING(S)

Chair Amos opened the public hearing for case:

BOA-2025-0007: Variance from Section 1102.C, County Zoning Ordinance, requesting encroachment into the minimum front yard setbacks for a privacy fence on a parcel containing 4.00 +/- acres, located at 4020 Hummingbird Place; submitted by Troy Carter (Owner).

Mr. Timothy Doersam Presented staffs presentation and findings noting the sections of the ordinance that pertains to variances and the Board of Adjustments responsibilities according to the bylaws, ordinances and General Statutes of NC. Mr. Doersam also noted that the burden of proof is placed on the applicant to demonstrate compliance with each criterion under G.S 160D-705(d)

Mr. Robert Hasty: expressed to the board that, in the absence of the property owner's testimony, it would be challenging to determine whether the variance should be approved or denied. He noted that rendering a decision without the owner's input could set a precedent, potentially leading to the perception in future cases that the property owner's presence is not required for these hearings.

Ms. Marva Lucas-Moore made motion and second by Mr. Ken Turner to continue the case to the Board of Adjustment hearing August 21st, 2025, to receive applicants' testimony. Unanimously approved.

9. OTHER BUSINESS

a. Chair and Vice Chair appointments:

Ms. Marva Lucas-Moore made motion and seconded by Mr. Donald Brooks to appoint Mr. Kenneth Turner as Chair and Ms. Vickie Mullens as Vice Chair. Unanimously approved.

b. Regular Member Recommendations:

a. **Ms. Marva Lucas-Moore motioned second by Ms. Vickie Mullins, to nominate Veronica Mitchell-Rozier to replace Linda Amos as a regular BOA member. Unanimous approval.**

b. **Ms. Vickie Mullins motioned and seconded by Ms. Marva Lucas- Moore that Gary Silverman shall replace Ms. Lucas-Moore as a fulltime member when her term expires. Unanimously Approved.**

c. Alternate Member Recommendations:

Mr. Ken Turner motioned and seconded by Ms. Marva Lucas-Moore to stay alternate BOA member recommendations until the next BOA meeting so board members can review applicants' qualifications. Unanimously approved.

14. ADJOURNMENT : Chair Amos Adjourned at 6:36pm.



PLANNING & INSPECTIONS

PLANNING STAFF REPORT
VARIANCE CASE # BOA-2025-0007
Board of Adjustment Meeting:
August 21, 2025 (cont'd from June 19)

Jurisdiction: County-Unincorporated
Location: 4020 Hummingbird Pl

SUMMARY OF THE REQUEST

Variance – 1102.C Fences and Walls Regulations

The property owner requests a variance from Section 1102 Subsection C, Fences and Walls, Cumberland County Zoning Ordinance, to allow for an existing seven-foot high fence line that is 258 feet long to exist within the front yard setbacks of his property just off the shared property line between the owner's property and the Cumberland County Solid Waste site (transfer station) immediately in front of the subject property. Requirements of Section 1102, Subsection C, prohibit a fence higher than three feet within the front yard. Thus, a variance must be approved by the BOA to allow an increase in the fence height from a maximum of three feet to a height of seven-feet.

Exhibits

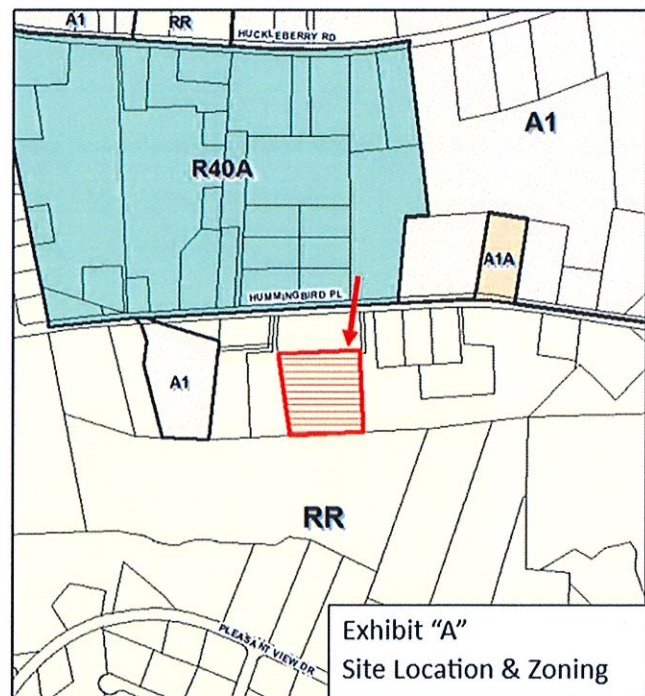
- A. Site Location/Zoning
- B. Variance Site Plan (attached)
- C1. Current Site Conditions
- C2. Existing and Surrounding Uses (attached)
- D. District Dimension Provisions, Section 1104 (attached)
- E. Future Land Use Map
- F. Section 1605. Variance (attached)
- Attachment: Notification List; Application

As shown on the variance site plan (Exhibit "B"), attached, the fence is situated inside the front yard setback of the subject property to act as a privacy fence between the owner and the Cumberland County Solid Waste transfer station site. Pictures of the installed fence indicate that it is higher than three feet. Installation of the subject fence occurred without the property owner obtaining a fence permit from the Dept. of Planning & Inspections. Location of the subject property is shown in Exhibit "A".

The variance request applies only to the front yard setback standards for the seven-foot high fence at the location illustrated on the variance site plan presented in Exhibit "B", attached. The minimum side yard and rear yard setback standards are not affected by the variance request nor any other standard for fences in the County Zoning Ordinance. The existing residential structure complies with the minimum setback standards.

The variance request would not have any effect on any existing primary buildings on the subject property nor affect abutting properties other than blocking the view into the subject property from the rear property line of the County Solid Waste site.

If approved, the variance only applies to the fence line at the shared property line between the subject property and the County Solid Waste site as presented in Exhibit "B". If the fence is damaged to the point of replacement, removed, or relocated, then a new variance shall be applied for and approved.



PROPERTY INFORMATION

OWNER/APPLICANT: Troy Carter (Owner)

ADDRESS/LOCATION: 4020 Hummingbird Pl; REID: 0467542603000

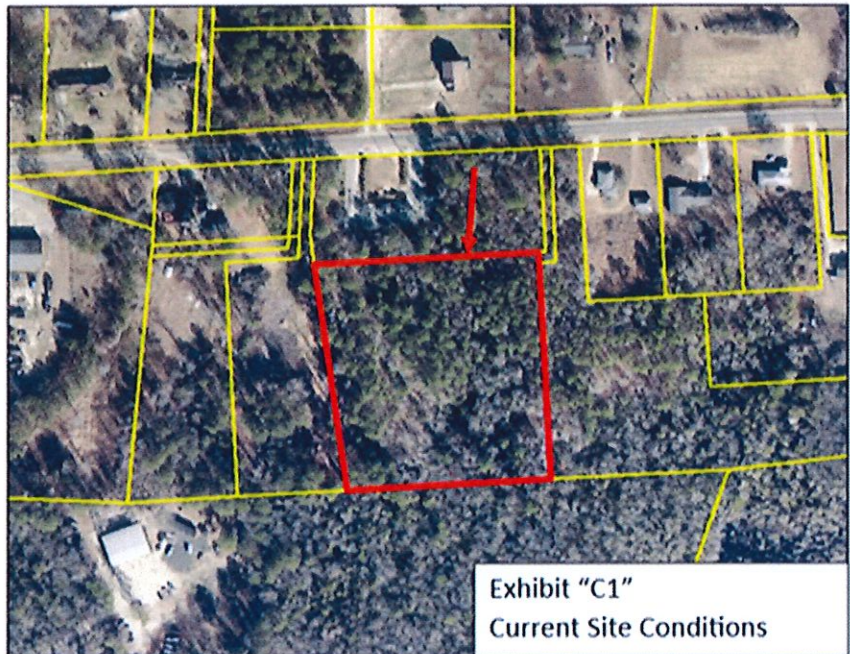
SIZE: 4.00 +/- acres

ROAD FRONTAGE: Direct road frontage along Hummingbird Pl is 0 linear feet but the owner uses the abutting parcel to the west that he also owns for access.

DEPTH: The depth of the subject property is 430 +/- feet at its deepest point.

EXISTING LAND USE: Recently, a manufactured home was permitted and installed on the western portion of the subject property after imagery photos were taken for GIS. The subject property is predominantly wooded, undeveloped land. The current site layout and use appears in Exhibits "C1" (Current Site Conditions) and "C2" (existing use and surrounding uses, attached.)

SURROUNDING LAND USE: Uses in the surrounding area and adjacent properties are predominantly a mixture of residential developments, undeveloped land, and Surrounding uses are shown on Exhibit "C2", attached.



Scale of Picture not reflecting the site.

North: Cumberland County Solid Waste Transfer site, single-family homes, and wooded lands.

East: Single-family homes and wooded lands

West: Single-family homes and wooded lands.

South: Single-family homes and wooded lands

SPECIAL DISTRICTS: The subject property is not located within any special districts.

OTHER SITE CHARACTERISTICS: The subject property is not located within a watershed protection area. The subject property is not located within a flood zone.

MINIMUM YARD SETBACKS: The minimum setback standards in the RR zoning district.

- Front- 30 feet
- Side- 15 feet
- Rear- 35 feet

Existing Code Violations: Per Cumberland County Code Enforcement, there are three active violations on the subject property:

- The existing fence in the front yard setback has a height greater than three feet, the maximum allowed in front yard setback.
- The mobile home currently on the site has been occupied but final inspection has not been performed by the County Building Inspections Division, nor has it release a Certificate of Occupancy.

- An attached room addition for the mobile home was constructed by the property owner without obtaining required building permits.

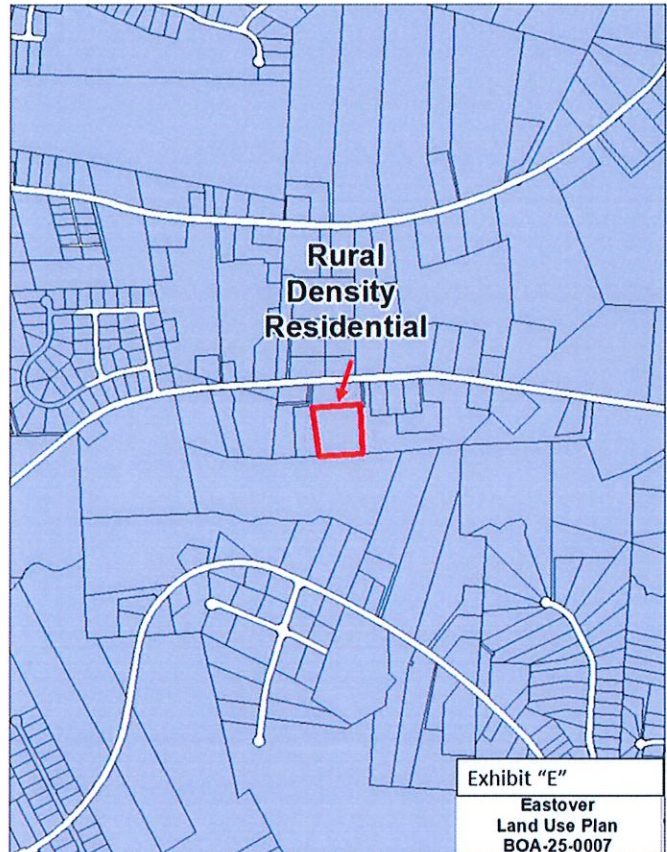
Comprehensive Plan

This property is located in the Eastover Area Land Use Plan (2018), as shown in Exhibit "E". The future land use classification of the property is Rural Density Residential. The associated zoning districts for Rural Density Residential are R20, R20A, RR, R30, R30A, R40, & R40A.

Future Land Use Classification Development Goals, Notes, and Objectives:

- "Provide an attractive living environment that enhances the overall aesthetics of the area" (Eastover Area Land Use Plan 2018, p.50).
- "Support a range of community facilities and services in a cost-efficient manner that enhances the quality of life of the residents" (Eastover Area Land Use Plan 2018, p.53).
- "Improve the quality of life in residential areas" (Cumberland County Land Use Policies Plan 2009, p. 3).

As proposed, the variance request does not appear to create any inconsistency with policies of the Eastover Area Land Use Plan.



IMPACTS ON LOCAL INFRASTRUCTURE

TRANSPORTATION: The subject parcel is located on a landlocked parcel with no direct access to Hummingbird Pl. Access occurs through an abutting parcel owned by the variance applicant. As proposed, the variance request does not impact any traffic nor create any inconsistency with future transportation plans along Hummingbird Pl.

UTILITIES: Public water lines are available near the subject property with the Eastover Sanitary District providing the water utility. An existing septic system is currently serving the property.

FINDINGS:

1. A need for a variance comes from the property owner's desire to create a visual screen and maintain privacy from the Cumberland County Solid Waste transfer station while following the County Ordinance as close as possible.
2. The subject property is landlocked and directly behind the County's property that has the Solid Waste site. The front yard setback standard for the property does not directly abut a Right-of-Way.
3. The County's Solid Waste site does not have a full screening buffer on the rear property line due to "governmental use" being exempt from requiring a screening buffer per Section 1102.G Subsection 2. Trees and foliage do exist in the rear yard, but no fencing was installed to provide a full screening buffer.
4. The County Solid Waste site was constructed on land of a slightly higher elevation than the subject property, which necessitated the owner to install the fence at seven feet in height in order to obtain privacy from anyone on the County Solid Waste site parcel. No objection to the seven-foot high fence was made by the County Solid Waste Department.
5. This variance shall only apply for the proposed seven-foot high fence that is up to 258 feet in length located within the front yard setback. If an expansion of the fence were to occur that increases

its length, height, or relocation of the fence occurs, then a new variance shall be applied for and obtained by the owner.

APPLICABLE CODES

Section 1102.C Yard Regulation Fences and Walls (Exhibit "D")
Section 1605, Variance (Exhibit "F")

FINDINGS OF FACT

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

1. 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.
2. 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.
3. 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.
4. 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.

MOTION

The BOA is requested to take action/motion based on the four variance criteria from Section 1605 Variance of the Cumberland County Zoning Ordinance. Its decision is final, and the BOA has the authority to approve, deny, or approve with conditions. The below actions are suggested by Planning staff if the BOA chooses to approve or to deny:

If the BOA selects to approve the variance:

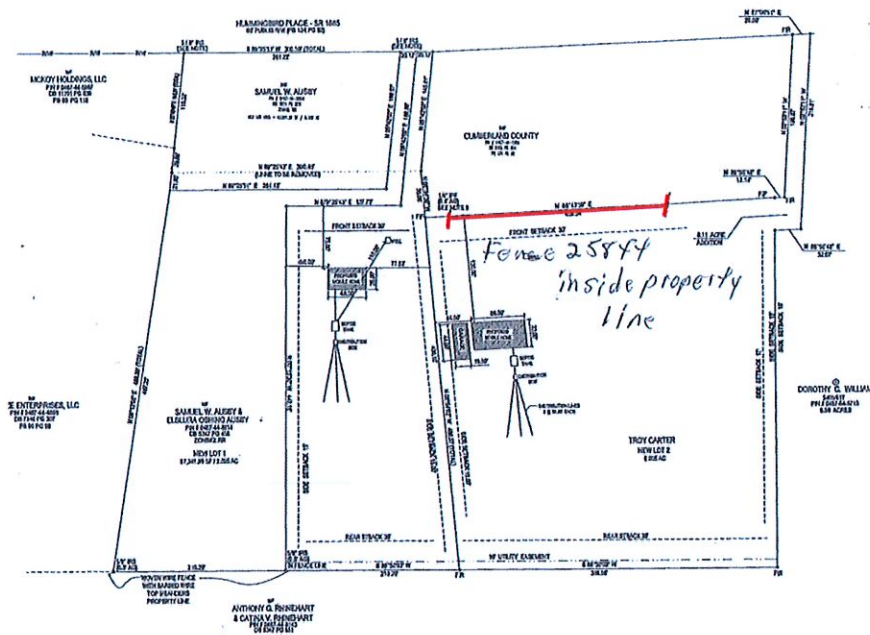
"Motion to approve the variance to allow a fence in the front yard with a fence height not to exceed seven feet and for a length not to exceed 258 feet in length, as shown in the variance site plan. This variance only applies to the fence and no other structures. Any proposed expansion in length or height of the fence or alternate location of the fence in the front yard must be approved by the Board of Adjustment through a variance application. This variance approval shall expire within one year from the BOA approval date unless the property owner obtains a fence permit and a certificate of occupancy for the mobile home within one year."

If the BOA selects to deny the variance:

"Motion to deny the variance for the requested fence height. The evidence and testimony provided by the applicant has not sufficiently satisfied the four variance criteria from Section 1605 Variance of the Cumberland County Zoning Ordinance. The request has not been found to be appropriate nor match the character and harmony of the surrounding area."

EXHIBIT "B"

VARIANCE SITE PLAN



SITE PLAN

[illegible]

MINIMUM BUILDING SETBACKS

FRONT:	30'
REAR:	20'
SIDE:	10'

ABBREVIATIONS	
AC	ACRES
AG	ADJAC. GROUND
BG	BELONG GROUND
DD	DEED BOOK
EL	ELECTRIC
FF	FROM FIRE FOUND
FF	FROM FIRE SET
FF	FOUND FROM REBUI
FF	FROM REBUI SET
NG	NO BOOK
NG	NO AC. FOUND
NG	NO RAIL SET
PC	PLAT CARNET
PG	PAGE
PA	PROPERTY LINE
FF	FROM - OF - REB
FF	SQUARE FEET

THE DESIGN GROUP
OF FAYETTEVILLE NC



Mr. Troy Carter
Proposed Mobile Home Layout
Huntingwood Place - SR 1805
Fayetteville, North Carolina 28412

**SITE PLAN
SHEET
S1**

EXHIBIT "C2"
EXISTING AND SURROUNDING USES

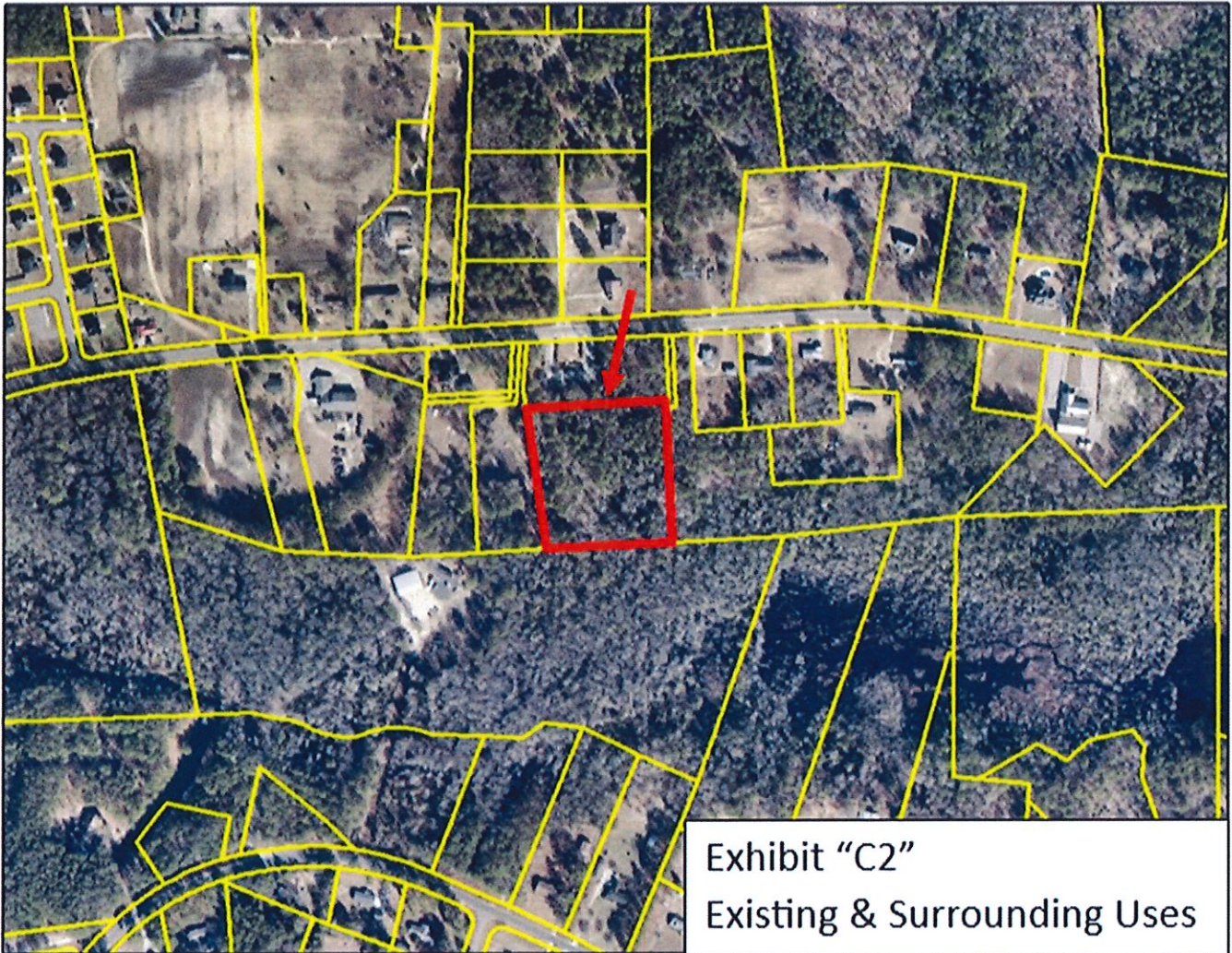


Exhibit "C2"
Existing & Surrounding Uses

EXHIBIT "D"
SECTION 1102. Yard Regulation

C. Fences and Walls. The setback requirements of this ordinance shall not apply to any retaining wall. Open fences and walls may be erected to any height. Solid fences and walls shall be limited to three feet in height when projecting into or enclosing a minimum front yard and shall be limited to seven feet in height when projecting into or enclosing a minimum side and/or rear yard. When a corner lot follows two front yard setbacks, as determined by the Coordinator, a solid fence or wall greater than three feet in height, but not exceeding seven feet in height, may not be erected within 20 feet of the right-of-way on the street deemed the secondary front yard by the Coordinator. The street on which the house is addressed is usually considered the primary street on which the house must follow the full front yard setback unless otherwise determined by the Coordinator. Exceptions to location criteria are as follows:

1. Fences or walls that are within or enclose the minimum side and/or rear yard of a subdivision lot which is situated on a peripheral boundary of a subdivision in which it is a part;
2. Rear yards on through lots may have a privacy fence erected up to the rear property line, as determined by a platted "no access easement" or up to 20 feet from that line in the absence of a "no access easement";
3. Fences erected in conjunction with a buffer, as required by sub-section G, "Buffer Requirements" below, shall be set back a sufficient width from the property line to allow for the proper maintenance and upkeep of the vegetative buffer; and
4. When a principal structure is permitted closer than 25 feet to a public right-of-way line, the fence or wall will be permitted no closer to the road right-of-way than the permitted location of the principal structure. (Amd. 11-20-06; Amd. 02-19-08; Amd. 01-19-10)

EXHIBIT "F"
Section 1605 Variance

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: (Amd. 02-01-21)

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. (Amd. 02-01-21)

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. (Amd. 02-01-21)

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.

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. (Amd. 02-01-21)

Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. 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. No change in permitted uses may be authorized by a variance. The Board of Adjustment is also not authorized to grant variances to any use approved in a Conditional Zoning district or to the specific conditions or other performance criteria imposed upon such use. If the board denies a variance request, the board shall enter the reason for its action in the minutes of the meeting at which the action is taken. In the event of a denial, the Board of Adjustment shall not consider resubmission of the application for the same variance request on the same property without a substantial material change concerning the property and the application. (Amd. 02-01-21)

ATTACHMENT: NOTIFICATION LIST

CUMBERLAND COUNTY
PO BOX 449
FAYETTEVILLE, NC 28302

CARTER, TROY E
144 ELTON DR
FAYETTEVILLE, NC 28306

LOCK, MILTON F JR; LOCK, DIXIE M
PO BOX 65239
FAYETTEVILLE, NC 28306

VELEZ, M ANTONIO; VELEZ, J DENISE
806 PICKET FENCE LN
FAYETTEVILLE, NC 28312

INDOOR ENVIRONMENTS LLC
510 HUSKE ST
FAYETTEVILLE, NC 28305

HINTON, DANETTE E
4045 HUMMINGBIRD PL
FAYETTEVILLE, NC 28312

BRYANT, S KAREN; BRYANT, JAVONTE
1113 PARKER ST
CHESTER, PA 19013

ATTACHMENT: APPLICATION



County of Cumberland BOARD OF ADJUSTMENT

CASE #: _____

CUMBERLAND COUNTY BOA
MEETING DATE: _____

DATE APPLICATION
SUBMITTED: _____

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**

(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: 4020 Hummingbird Pl. Fay. NC 28312
OWNER: Troy Carter
ADDRESS: 4020 Hummingbird Pl. Fay. NC ZIP CODE: 28312
TELEPHONE: HOME 910 485-4734 WORK _____
AGENT: _____
ADDRESS: _____
TELEPHONE: HOME _____ WORK _____
E-MAIL: _____

APPLICATION FOR A VARIANCE As required by the Zoning Ordinance

- A. Parcel Identification Number (PIN #) of subject property: 0467-54-2603
(also known as Tax ID Number or Property Tax ID)
- B. Acreage: 4.0005 Frontage: 40 ft Depth: 660 ft
- C. Water Provider: Eastover Water
- D. Septage Provider: Septic Tank
- E. Deed Book 11860, Page(s) 129, Cumberland County
- F. Existing and/or proposed use of property: Home
- G. Section and provision of the Zoning Ordinance or Code from which a Variance is requested: There is a County Dump in Front Door
- H. Nature and extent of hardship involved in strict application of the Zoning Ordinance or Code: Section 1162.C Fences
You can not have a Fence in Front Yard
I need privacy the fence in Front Yard
The County Dump is in Front Yard so can't

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.

Troy Carter
NAME OF OWNER(S) (PRINT OR TYPE)

4020 Hummingbird Pl. Fayetteville, NC 28312
ADDRESS OF OWNER(S)

troycarter1@gmail.com
E-MAIL

910 485-4734 HOME TELEPHONE # WORK TELEPHONE #

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

ADDRESS OF AGENT, ATTORNEY, APPLICANT

HOME TELEPHONE # WORK TELEPHONE #

* [Signature] SIGNATURE OF OWNER(S) 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 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)

Troy Carter

PRINTED NAME OF OWNER(S)

TROY CARTER

DATE

5-1-25

BK 12012 PG 0281

FILED ELECTRONICALLY
CUMBERLAND COUNTY NC
J. LEE WARREN, JR.

FILED Jul 10, 2024
AT 02:01:50 PM
BOOK 12012
START PAGE 0281
END PAGE 0282
INSTRUMENT # 20340
RECORDING \$26.00
EXCISE TAX \$0.00

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$0.00

Parcel Identifier Nos.: 0467-44-9621 and 0467-54-2603

Mail/Box to: Thorp and Clarke, PA

This instrument was prepared by: THORP & CLARKE, PA **WITHOUT TITLE EXAM OR CERTIFICATION**

Brief description for the Index: 2 Tracts, Ausby Land

THIS DEED made this 9th day of July, 2024, by and between:

GRANTORS

GRANTEE

Samuel W. Ausby, and wife
Elsura Oshing Ausby
3928 Hummingbird Lane
Fayetteville, NC 28312

Troy E. Carter, unmarried
144 Elton Drive
Fayetteville, NC 28306

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

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantees, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantees in fee simple, all that certain lot, parcel of land or condominium unit situated in the City of Fayetteville, Eastover Township, Cumberland County, North Carolina and more particularly described as follows:

TRACT ONE:

BEING all of Lot 3 according to a plat entitled "Survey for Dorothy C. Williams & Samuel W. Ausby" being duly recorded in Book of Plats 126, Page 89, Cumberland County Registry.

TACT TWO:

Being all of New Lot 2 according to a plat entitled "Recombination and Minor Subdivision Property's of Samuel W. Ausby & Elslura Oshing Ausby" being duly recorded in Book of PlaTs 149, page 14, Cumberland County Registry.

The property hereinabove described was acquired by Grantor by instrument recorded in Deed Book 11869, Page 129.

All or a portion of the property herein conveyed ___ includes or XX does not include the primary residence of a Grantor.

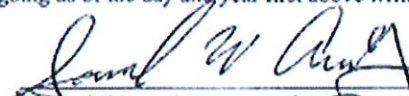
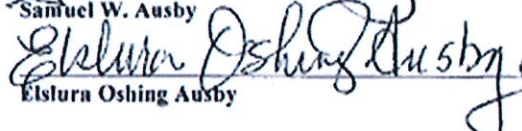
A map showing the above-described property is recorded in Plat Book 126, Page 89 and Book 149, Page 14.

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

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

Restrictions, easements, and rights of way of record, and ad valorem property taxes for the current year.

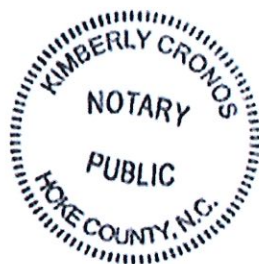
IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

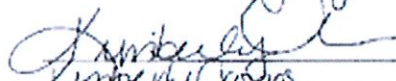
 (SEAL)
 Samuel W. Ausby
 (SEAL)
 Elslura Oshing Ausby

State of North Carolina - County of Cumberland

I, the undersigned Notary Public of the County of Hoke and State aforesaid, certify that Samuel W. Ausby and Elslura Oshing Ausby personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 9th day of July, 2023, 2024, KC

(Official Seal)




 Kimberly Cronos, Notary Public
 My Commission Expires: 09 Jul 2024



Board of Adjustment

PUBLIC HEARING NOTICE

The Cumberland County Board of Adjustment will meet at 6:00 p.m. on Thursday, August 21, 2025, at the Old Court House Building, 130 Gillespie Street, Fayetteville, NC to hear the following:

BOA-2025-0010: Special Use Permit for Public Utility Works, Shops, or Storage Yard for a Temporary Laydown Yard; 34.6 +/- ac of 47.98 +/- ac site; S side of Ola Burns Dr, 430 ft W of NC Hwy 87; Piedmont Natural Gas Co. (Applicant); T. Woodell, L. Johnson, C. Lassiter, M. Davis, C. Davis, M. Parsons, and P. Woodell (owners).

Run Dates: August 8, 2025 & August 15, 2025

Fay. Observer account number: 744350



NORTH CAROLINA

PLANNING & INSPECTIONS

PLANNING STAFF REPORT

SPECIAL USE CASE # BOA-2025-0010

Board of Adjustment Meeting:

August 21, 2025

Location: south side of Ola Burns Drive,
west of NC HWY 87.

Jurisdiction: County-Unincorporated

EXPLANATION OF THE REQUEST

**Special Use – Public Utility Works, Shops, or
Storage Yard in an A1 District**

Property Owner requests the BOA grant a Special Use Permit for a temporary Storage and Laydown Yard at a location illustrated on Exhibit "A". The proposed site is owned by Tommy Woodell Jr. et al, leased by Piedmont Natural Gas and is located on approximately 34.6 acres of a 47.98 +/- acre parcel. The property is located on the south side of Ola Burns Drive, west of NC Hwy 87.

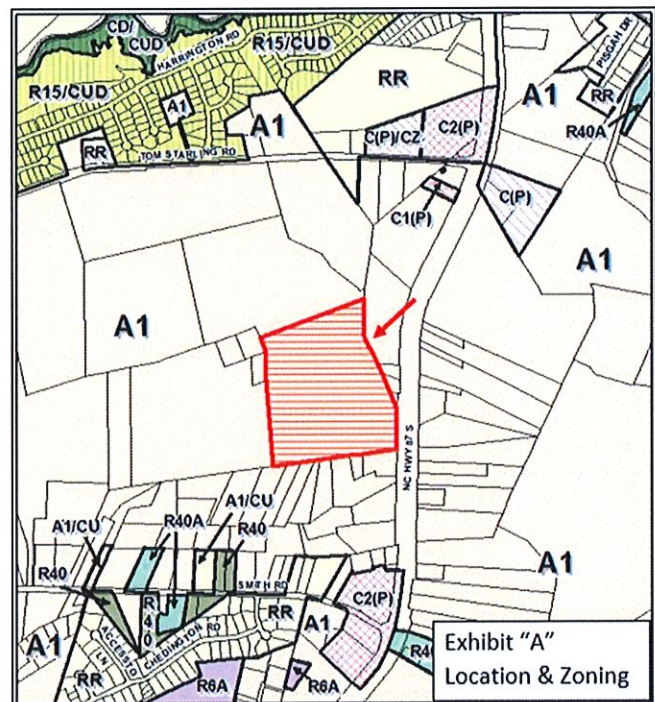
A Public Utility Works, Shops, or Storage Yard within an A1 zoning district must obtain a Special Use approval from the Board of Adjustment, per Section 403, County Zoning Code, as shown in Exhibit "B" (attached). A Storage Yard located in an A1 zoning district must comply with the development standards and requirements set forth in Section 901 and 918 of the Zoning Code, including submittal of a site plan. Refer to Exhibit "C" and "D" (attached) for the development standards and requirements set forth in Section 901 & 918. The applicant's proposed special use site plan appears in Exhibit "E" (attached).

For a maximum period of up to two years, Piedmont Natural Gas proposes a temporary storage yard to be used as a staging area for the line construction crew to store materials and equipment used for construction and installation of the new, approx. 30 mile long, natural gas Line pipeline. Staff will not be stationed at this site full-time basis. Instead, the proposed laydown yard will allow for storage and staging of materials until the line construction crews pick up material from the site and head out to the natural gas pipeline job site with their equipment. Except during periods of emergency, hours of operation for the site will be limited to 6am to 7pm, Monday to Saturday with the exception to emergency situations and special work situations that are coordinated with the County Code Enforcement Section.

If approved by affected property owners, access will primarily occur from Ola Burns Drive (a private street) to reach NC Hwy 87. As Ola Burns Drive crosses a parcel not included in the Special Use Permit, permission from the property owner of the parcel west of NC Hwy 87 and the laydown yard must be obtained prior to its use by the Duke/Piedmont. A second temporary driveway access is proposed that connects directly to NC Hwy 87, and it can be used as the primary access in property owners do not agree to use of Ola Burns Drive.

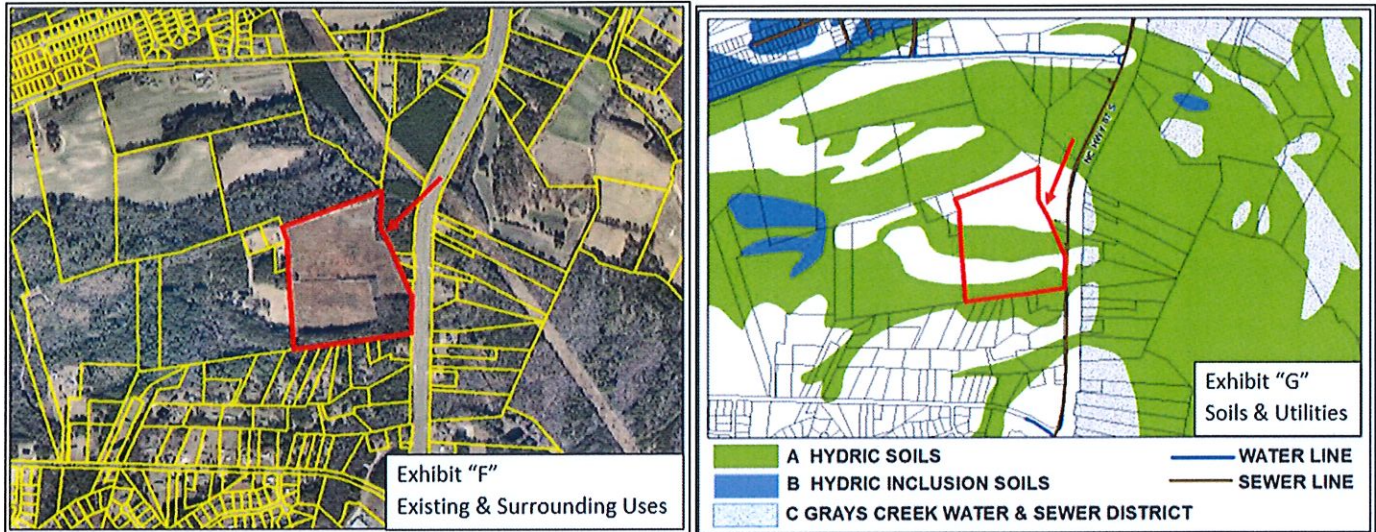
Exhibits

- A. Site Location/Zoning
- B. Use Matrix, Sec. 403, Zoning Code
- C. Section 901, Individual Uses
- D. Section 918, Public Utility Works, Shops, or Storage Yard
- E. Special Use Site Plan
- F. Existing and Adjacent Uses
- G. Soil and Utilities
- H. Northeast Cumberland Land Use Plan
- I. Special Use Permit Conditions
- J. Sec. 1606 Applicant Response



Given the temporary nature of this storage yard, no permanent signage or additional yard landscaping is proposed. Similarly, no well or septic systems are proposed, though the site will contain six job trailers. If approved by the County BOA, the temporary storage laydown yard will expire two years from the approval date. The land must be returned to its current existing condition within six months of the operation of the laydown yard ending. The proposed Special Use Permit establishes a sunset clause that terminates the special use at two years. However, it includes an extension clause that allows the BOA to extend the expiration date for up to an additional one year at its discretion.

PROPERTY INFORMATION



OWNER/APPLICANT: Tommy Woodell Jr., Linda Johnson, Cheri Lassiter, Michael Davis, Christopher Davis, Mae Parsons, & Pamela Hodges (Owners); Piedmont Natural Gas (Agent/Applicant)

ADDRESS/LOCATION: Located on the south side of Ola Burns Drive, west of NC Hwy 87; REID: 0443449314000

SIZE: 34.6 +/- acres of a 47.98 +/- acre parcel.

ROAD FRONTAGE: Road frontage along Ola Burns Drive is 1,153 +/- linear feet; road frontage along NC Hwy 87 is 416 +/- linear feet.

DEPTH: The depth of the subject property is 1,595 +/- feet at its deepest point

EXISTING LAND USE: The property is undeveloped farmland, as shown in Exhibit "E" (site plan) and "F" (existing use and surrounding uses.)

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

North: Wooded lands and single-family residences.

East: Wooded lands, single-family residences, and NC Hwy 87.

West: Wooded lands and single-family residences.

South: Wooded lands and Upton Tyson single-family subdivision.

SPECIAL DISTRICTS: The subject property is not located within any special districts.

OTHER SITE CHARACTERISTICS: The property is not located within a 100-Year Flood Zone nor situated within a watershed. There are hydric soils on the property and is outside the Grays Creek Water & Sewer District, as shown on Exhibit "G".

MINIMUM YARD SETBACKS: The Storage Yard shall adhere to the required setbacks in the A1 zoning district.

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

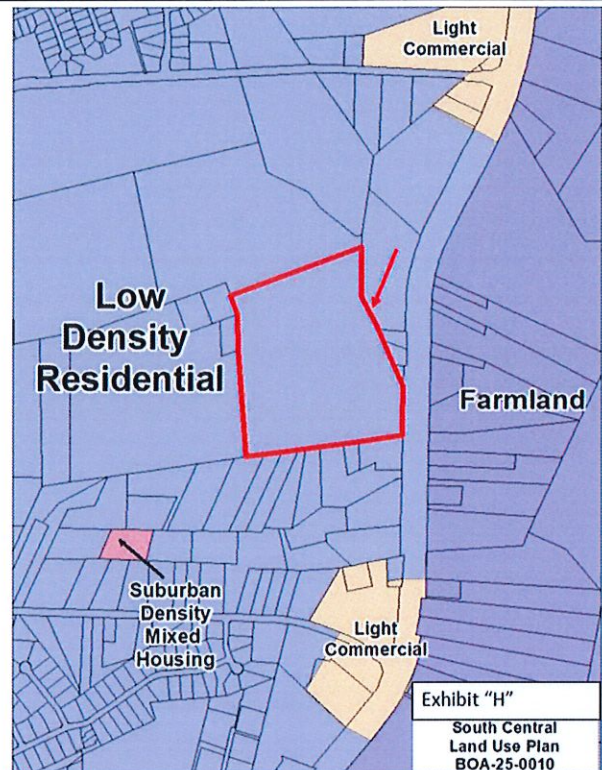
Comprehensive Plan

This property is located in the South Central Land Use Plan (2015), as shown in Exhibit "H". The future land use classification of the property is Low Density Residential. The associated zoning districts for Low Density Residential are R7.5 and R15.

Future Land Use Classification Development Goals, Notes, and Objectives:

- "Provide an attractive living environment by protecting the existing natural beauty, improving the landscaping and site design requirements for new development, and reducing litter and sign clutter along the roadways in the Study Area" (South Central Land Use Plan 2015, p. 97).
- "Provide and preserve natural vegetative buffer areas between single and multistory residential development and non-residential uses" (South Central Land Use Plan 2015, p. 93).

As proposed, the Special Use Permit request does not appear to create any inconsistency with policies of the South Central Land Use Plan (2015).



IMPACTS ON LOCAL INFRASTRUCTURE

TRAFFIC: Ola Burns Drive is identified as a local road by the Metropolitan Transportation Plan with no major roadway construction improvement projects planned. NC Hwy 87 is identified as a principal arterial street in the Metropolitan Transportation Plan with no major roadway construction projects planned at this location. The proposal is not expected to generate enough additional traffic to significantly impact either Ola Burns Dr or NC Hwy 87. Driveway permits issued by NCDOT will be required prior to use of the site for a temporary laydown yard.

UTILITIES: PWC public water and sewer utility lines are available to the subject property along NC Hwy 87. Exhibit "G" provides information on utilities available to the subject property. Due to the temporary nature of the request and use, no connection to public water or sewer lines is proposed. Any on-site facilities, such as a temporary well or temporary sanitary facilities must be coordinated with the County Environmental Health Dept.

ECONOMIC DEVELOPMENT: The staff from the Fayetteville Economic Development Commission have provided no objections to the temporary storage and laydown yard.

EMERGENCY SERVICES: Cumberland County Fire Marshal's office has reviewed the request and has no comments at this time. Any on-site storage of fuel must be coordinated with the Fire Marshal's office.

SPECIAL DISTRICTS: The subject property is not located within five miles of the 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 901 and 918 of the Zoning Code, Case No. BOA-2025-0010 Site Plan (Exhibit "E"), and Special Use Conditions (Exhibit "I").

KEY SPECIAL USE CONDITIONS

1. The Special Use Permit shall only be for a temporary storage yard for storage and staging of materials and equipment to support the construction and installation of the new Duke/Piedmont PNG natural gas pipeline project. The site shall be restored to its original condition at the time the laydown yard ceases operation.
2. Except for during periods of emergency, hours of operation shall be limited to Monday to Saturday from 6 am to 7 pm. During periods of emergency, the site may be accessed at any time until the period of emergency has ended.
3. The western property line may have the topsoil excavated for the laydown yard's construction used as a berm for the duration of the project to satisfy the vegetative buffer requirements of Sec. 1102.G Screening Buffer Requirements. The berm shall be either seeded or sodded for the duration of the storage yard.
4. Due to the temporary nature of the storage yard as indicated by the applicant, this special use expires two years from the date the County Board of Adjustment approves the Special Use Permit No. BOA-2025-0010. The Board of Adjustment may approve an extension of this special use permit for a Public Utility Works, Shops, or Storage Yard by up to one year if a written request for an extension is submitted at least thirty days prior to the expiration date.
5. Applicant shall submit the site plan to the Current Planning Section prior to any construction activity, including clearing and grading, demonstrating compliance with the requirements and information required. No activity on the site shall occur until a 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.

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

Staff finds the Special Use Site Plan to be consistent with the Zoning Code.

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"). Planning staff finds the Special Use Permit Site Plan meets the requirements of the Zoning Ordinance, subject to compliance with the special use conditions of approval. Any motion to approve the special use includes approval of the Special Use Permit conditions and the Special Use Site Plan.

Attachments:
Application
Notification Mailing List

EXHIBIT "B" USE MATRIX

CUMBERLAND COUNTY ZONING ORDINANCE		ZONING CLASSIFICATIONS																							
LAND USES		CD	A-1	A-1A	RA-60	RA-60A	RE-10	REDA	RE	R-20	R-20A	RE-15	RE-15.5	RE	RE-A	RS	RS-A	CSA	CU-1P	CU-2P	CU-3P	CU-4P	CU-5P	MD(P)	3A(P)
PUBLIC/COMMUNITY UTILITY STATIONS/SUBSTATIONS		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
PUBLIC UTILITY WORKS, SHOPS OR STORAGE YARDS (Sec. 918)		S																							P
PUBLISHING																									P
QUARRY (Sec. 919)		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
RADIO OR TELEVISION STUDIO ACTIVITIES ONLY																									
RAILROAD STATION/OPERATIONS																									
RECREATION/AMUSEMENT INDOOR (Sec. 920) conducted inside building for profit, not otherwise listed & not regulated by Sec. 924									P																P
RECREATION/AMUSEMENT OUTDOOR (Sec. 920) conducted outside building for profit, not otherwise listed & not regulated by Sec. 924		P	P	S	S	S	S	S	S	S	S	S	S	S											
RECREATION/AMUSEMENT OUTDOOR (with mechanized vehicle operations) conducted outside building for profit, not otherwise listed & not regulated by Sec. 924			P																						
RECREATION OR AMUSEMENT PUBLIC/PRIVATE (Sec. 920) not operated as a business for profit including playgrounds, neighborhood center buildings, parks, museums, swimming pools, etc., & not regulated by Sec. 924		P	P	P	P	P	P	P	P	P	P	S	S	S	S	S	S	S	P	P	P	P	S	S	S
RECREATION VEHICLE PARK AND/OR CAMPGROUNDS (Sec. 921)		S	S	S					S																
RELIGIOUS WORSHIP ACTIVITIES			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
REPAIR, RENTAL AND/OR SERVICING, of any product the retail sale of which is a use by right in the same district																									
RESIDENTIAL HABITATION SUPPORT FACILITY (Sec. 922)			S	S	S				S																
RESTAURANT, operated as commercial enterprise, except as regulated by Section 924																									
RETAILING OR SERVICING. With operations conducted and merchandise stored entirely within a building and not otherwise listed here in																									
SANITARIUM																									

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 918, ZONING CODE

SECTION 918. PUBLIC UTILITY WORKS, SHOPS OR STORAGE YARDS.

A. All structures shall be designed and landscaped in a way as to blend in with the surrounding area.

B. A chain link fence shall enclose all dangerous apparatuses and shall be at least eight feet in height.

C. All motor vehicle parking shall be located within the area circumscribed by the buffered/screened area.

D. Such facilities shall have direct access to a public street or an approved private street.

(Amd. 01-19-10)

[illegible]

EXHIBIT "I Special Use Permit Conditions

Special Use Permit- Board of Adjustment

(Temporary Public Utility Works, Shops, or Storage Yard Special Use Permit and Site Plan) Ordinance Related Conditions

BOA-2025-0010: Special Use Permit for Public Utility Works, Shops, or Storage Yard for a Temporary Laydown Yard for 34.6 +/- acres of a parcel comprising 47.98 +/- acres; located on the south side of Ola Burns Drive and west of NC Hwy 87; Submitted by Piedmont Natural Gas Company (Applicant) on behalf of Tommy Woodell, Linda Johnson, Cheri Lassiter, Michael Davis, Christopher Davis, Mae Parsons, and Pamela Woodell (Owners).

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

- A. Applicability:** All use and development of the property applicable to this Special Use (BOA-2025-0010) are only applicable to the property identified as delineated in Exhibit "A" of this Special Use Permit. Use and development of the property shall occur consistent with the standards and requirements of the Cumberland County Zoning Ordinance unless otherwise stated herein. If any standards herein are inconsistent with the Zoning or Subdivision ordinance, the conditions set forth herein shall supersede and apply to the development of the property delineated in Exhibit "A".
- B. Applicant Proposed Conditions.**
1. No lighting is planned at the outset of this project. Any lighting required at the site will be provided by temporary light towers provided by the contractor. If used, the light towers shall direct all light away from abutting properties and rights-of-way.
 2. The special use site plan associated with this Special Use Permit has been designed to meet all applicable local and state regulations. The site plan associated with this Special Use Permit shall serve as the final site plan for Cumberland County and this site plan application shall be submitted with a final site plan. Any insubstantial changes to the special use site plan shall be shown on the final site plan and reviewed by County planning staff. Any substantial changes shall be shown on the special use site plan and reviewed by the Board of Adjustment.
 3. Except for during periods of emergency or unforeseen construction delays, hours of operation shall be limited from Monday to Saturday from 6 am to 7 pm. For unforeseen construction delays, the site operator must obtain approval from the County Code Enforcement Manager before deviating from the approved hours and days of operation. For periods of emergencies, the site operator must inform the Code Enforcement Manager before deviating from the approved schedule. In the event of excessive periods of emergencies and receipt of complaints from nearby residents, the Code Enforcement Manager can restrict the use of "emergencies" by the site operator. The site operator may appeal to the Code Enforcement Manager's decision on the hours of operation to the County Planning Director, who will make the final determination.
 4. During periods of emergency or unforeseen construction delays, the site may be accessed at any time until the period of emergency or construction delay has ended. The site operator must contact the Code Enforcement Manager to inform the County to "periods of emergency" or unforeseen construction delays prior to changing any hours of operation. If the Code Enforcement Section receives complaints from nearby residents regarding operations during "periods of emergency" or unforeseen construction delays, then the Code Enforcement Manager can determine appropriate hours of operation during such situations, including ceasing such hours of operation. Similarly, no operation on Sundays can occur except if the operator coordinates beforehand with the Code Enforcement Manager to determine acceptable hours to accommodate emergencies or desired construction needs.

If the Code Enforcement Division receives complaints, the Code Enforcement Manager shall determine appropriate Sunday hours, if any. The operator agrees to comply to the Code Enforcement Manager's decisions or may appeal to the Board of Adjustment.

5. All portions of the property outside of the Special Use Permit Boundary (as identified on the SUP Site Plan as following the prescribed limits of disturbance) are subject to underlying zoning district regulations and are not restricted by the Special Use Permit.
6. The western property line may have the topsoil excavated for the laydown yard's construction used as for the on-site berm for the duration of the project to satisfy the vegetative buffer requirements of Sec. 1102.G, Screening Buffer Requirements. The berm shall be either seeded or sodded for the duration of the storage yard.
7. At the conclusion of operations, the property shall be restored to its current conditions prior to the construction of the laydown yard by the applicant. The topsoil excavated and used as a berm shall also be restored to where it was prior to construction.

C. Development Standards.

1. Setback Standards. Minimum setback standards for this development shall comply with the A1 zoning district standards set forth in the County Zoning Ordinance.
2. Accessory structure: Any accessory structure, as defined by the County Zoning Code, shall comply with the minimum setback standard for the A1 zoning district.
3. The minimum distance between buildings or trailers shall be determined by the N.C. building code.
4. The wooded areas abutting the north, south, and eastern property lines shall be preserved as depicted on the Special Use Site Plan to satisfy the screening and landscaping requirements of Sec. 1102.G Screening Buffer Requirements and Sec. 1102.N Landscaping in the County Zoning Ordinance.
5. All landscape berms required by subsection B.5. above, shall be installed prior to commencement of the operation of the laydown yard.
6. The applicant shall not use any part of the existing overhead powerline easement for any staging of materials and equipment and only cross underneath the powerlines along the proposed access road on the Special Use Site Plan.
7. A chain link fence shall enclose all dangerous apparatuses and shall be at least eight feet in height.
8. All parking or temporary storage of vehicles including trucks and trailers must occur at designated parking or vehicle storage areas. No vehicles shall be parked or stored on any landscape area or buffer, open space, or street right-of-way.

D. Infrastructure and Utilities:

1. **Lighting:** Refer to Section B.1 above. If outdoor lighting is requested, a revised special use site plan shall be submitted to Current Planning with the following standards for review and approval and is considered an insubstantial change:
 - a. Any proposed lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance:

The following standards are applicable to all properties:

- i. All lights shall be shielded in such a way as to direct all light toward the Earth's surface and away from reflective surfaces;
 - ii. Light fixtures or lamps shall be shielded/shaded in such a manner as to direct incident rays away from all adjacent property and any light on a pole, stand, or mounted on a building must have a shield, and adjustable reflector and non-protruding diffuser;
 - iii. Any facilities, which may require floodlighting, may not arrange the light in such a way that it will shine toward roadways, on adjacent residential property or residentially zoned property or into the night sky;
 - iv. Any interior lighted signs may not be lit at night when any face of the sign is removed or damaged in such a way that the light may distract pedestrians or drivers or become a nuisance to homeowners;
 - v. Any light fixture must be placed in such a manner that no light-emitting surface is visible from any residential area or public/private roadway, walkway, trail or other public way when viewed at the ground level.
- b. A lighting plan shall be provided to the County Current Planning Division for administrative review and approval prior to installation if any lighting is proposed.

2. Water and Sewer:

- a. While PWC water and sewer lines are available, connection of the public utility lines to the subject property is not required due to the temporary nature of the use. Any temporary on-site water supply or temporary sanitary trailers shall be coordinated with the County Environmental Health Dept. prior to installation.
- b. Any potable water supply and sanitary sewer needs shall be met by temporary tanks brought onto the subject property.

3. Fire Protection and Fire Inspections:

Developers must ensure fire protection water supply requirements are met in accordance with Section 507 of the 2018 NC Fire Code. The developer is required to provide advanced coordination and contact with the County Fire Marshal office prior to final site plan submittal as well as during site construction. Developers must submit building plans to the Fire Marshal office, to scale, prior to commencement of any new site construction and/or building renovation. Submit plans for any permits required in Section 105 of the 2018 NC Fire Code. All fire department access requirements shall be met in accordance with Section 503 of the 2018 NC Fire Code and demonstrated at the time of the final site plan and building plan permit applications, as applicable. Construction plans may be required for review by the Fire Marshal and the developer is responsible for contacting same prior to any development activity, including clearing and grading. Any storage of fuel or hazardous materials must be coordinated with the Fire Marshal's office prior to installation and use.

4. Stormwater and Drainage:

- a. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environmental Quality (NCDEQ) sedimentation and erosion control plan (S&E).
- b. Prior to any commencing any land disturbing activity, submitted to the Code Enforcement Section, submit a copy of the erosion and sediment control plan (ESCP) that satisfies the one (1) acre and/or Construction Stormwater NCG01 Common Plan of Development

regulatory threshold. Additional information pertaining to our ESCP application process may be found at [Erosion and Sediment Control | NC DEQ](#) and obtain a NPDES Construction Stormwater General Permit NCG010000 Certificate of Coverage prior to initiating land-disturbing activity following approval of the ESCP by going to the following link <https://deq.nc.gov/ncg01-ptp>

- c. If any retention/detention basins are required for state approval of this plan, a formal revision application must be filed with Current Planning for review and approval.
- e. 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 of free and debris (Section 2306, D., County Subdivision Ordinance).
- f. In the event a stormwater utility structure is required by the NC Department of Environmental Quality (NCDEQ), the owner/developer must demonstrate on the revised site plan the placement of a four-foot-high fence with a lockable gate for the security of the stormwater utility structure. The owner/developer is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.
- g. Prior to permit application, the developer must provide to the Code Enforcement Section documentation of NC Department of Environmental Quality Division of Energy, Mineral and Land Resources' (NCDEQ DEMLR) approval of the Sedimentation and Erosion control plan for this project. NCDEQ DEMLR 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.
- h. 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].
- i. No part of the jurisdictional ditch on the subject property shall be impacted or used for the storage and/or staging of materials and equipment.

5. Roadways and Driveway Access:

- a. Driveway locations shall only be relocated or revised if approved by NCDOT and do not require a substantial modification to the Special Use Site Plan.
- b. All NCDOT permits must be obtained and submitted to the Code Enforcement Division prior to any issuance of a building permit or commencement of any development activity or change in property usage.
- c. Turn lanes may be required by the NC Department of Transportation (NCDOT) during review of the driveway permit or construction plans. Any NCDOT required improvements shall be completed prior to issuance of a certificate of occupancy unless otherwise indicated by NCDOT.
- d. The access shall be a minimum of 20 feet wide and withstand the weight of a fire apparatus.

- e. The temporary access proposed on the south side of the subject property shall only be allowed for the duration of the storage yard operations and shall be closed once the subject property has been restored to the condition it was prior to the temporary storage yard construction.
- f. Applicant must submit a letter of authorization from the owner of parcel number (i.e., REID) 0443655175000 and all other property owners with access to Ola Burns Drive agreeing to allow Piedmont Natural Gas to access Ola Burns Drive. A lease agreement signed by the property owner can serve as the letter of authorization. These letters must be submitted to the Code Enforcement Division prior to commencing any clearing or grading activity or building permit issuance, whichever occurs first. The letters must be signed by the property owner and notarized by a public notary.
- g. In the event Piedmont Natural Gas is unable to obtain authorization from all property owners along Ola Burns Drive, then access shall only occur through the southernmost driveway, and such revision shall be considered to be an insubstantial change to the special use site plan. And a revised special use site plan must be submitted to the Current Planning Division for review and approval prior to any clearing or grading activity.

E. Current Planning:

1. In the event the requirements or conditions from a State or Federal Agency or utility provider creates an inconsistency with the Special Use site plan in any manner, a revised special use site plan and final site plan must be submitted to the Current Planning Division for review. Any change determined by the County to represent a substantial change to the Special Use site plan, Board of Adjustment approval may be required, as shall be determined by the Planning Director.
2. Developers must coordinate with the Current Planning Division prior to making any changes to the Special use site plan. Any changes to the Special Use site plan must be reviewed by the Current Planning Division to determine if any change is considered an insubstantial or substantial modification.

F. Other Conditions:

1. Prior to commencement of operation of the temporary storage yard, a certified, signed and sealed letter shall be provided by the Engineer of Record indicating that the site has been inspected, and all required improvements and conditions of approval have been installed and complied with and submitted to the Current Planning office.
2. The owner/developer is responsible for maintenance and upkeep of this site, all structures, and appurtenances, to include ensuring that the site is kept free of litter and debris, and that all grass areas mowed, all buffers and shrubbery kept trim and maintained so that the site remains in a constant state of being aesthetically and environmentally pleasing.
3. The owner/developer(s) of the lot must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101, in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
4. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
5. 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 conditions listed herein.

6. 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 responsible party to ensure full compliance with all applicable Federal, State, and local regulations.
7. Any substantial modification made to this approved Special Use site plan or conditions of approval, other than those set forth in the above conditions, must be approved by the Board of Adjustment as set forth by Section 1606 of the County Zoning Ordinance.
8. Prior to any clearing or grading (land disturbance) on the subject site, the project engineer or contract must coordinate with the County Code Enforcement Manager to assure that all necessary Local, State, and Federal agencies permits and construction plans have been obtained.
9. At least thirty days prior to ceasing operation of the laydown yard, Piedmont Natural Gas must notify the County Code Enforcement Division to the date that the use will terminate. Within ninety days from the receipt of this notification by the County Code Enforcement Division, Piedmont Natural Gas shall complete restoration of the property. Upon completion of the restoration, the project engineer for Piedmont Natural Gas shall submit a certified letter to the Code Enforcement Section that the property has been restored to the original condition prior to and land disturbance to accommodate the laydown yard.

G. Expiration Date. The applicant has indicated that the special use for a Public Utility Works, Shops, or Storage Yard is temporary to serve the installation of a new approximately 30-mile-long natural gas pipeline project throughout Cumberland County. This special use expires two years from the date the County Board of Adjustment approved the Special Permit No. BOA-2025-0010. The Board of Adjustment may approve an extension of this special use permit for a Public Utility Works, Shops, or Storage Yard by up to one year if a written request for an extension is submitted at least thirty days prior to the expiration date.

EXHIBIT "A" OF SPECIAL USE PERMIT BOA-25-0010
(SAME AS EXHIBIT "E" ABOVE – WILL BE INSERTED)

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

Findings of Fact

1. The proposed use of a temporary laydown yard (the "Yard") to support installation of a natural gas pipeline across portions of Cumberland County will not endanger the public health or safety if located according to the plan submitted and proposed. The Yard is designed and located to have little to no impact on the natural environment or surrounding properties and will not endanger public health or safety. The Yard will be used to store materials and equipment needed to install the pipeline.

The Yard will be installed, maintained, and operated in compliance with all applicable local, state, and federal laws and regulations. The proposed use will have minimal impact on the traffic on Highway 87 and the surrounding area. The improvements to Ola Burns Drive and the installation of a temporary access off Highway 87 at the southern boundary of the Yard will be permitted by the North Carolina Department of Transportation and will not impact safety on Highway 87. The Yard does not require installation of public or private water or sewer facilities. The Yard is designed to not impact the existing ditch that bisects the property. Erosion control approvals will be obtained from the North Carolina Department of Environmental Quality.

2. The proposed Yard meets all required conditions and specifications, including the specific use standards in Zoning Ordinance Section 918 for "Public Utility Works, Shops, or Storage Yards." The Yard is located completely in the A1 Agricultural district and is permitted with a special use permit. All abutting properties are also in the A1 district. The Yard is designed for the temporary storage of pipe and topsoil to be located on the outside of the Yard to provide a barrier to the property to the west of the site. The Yard design complies with the use standards contained in Section 918, which requires public street access, that the design blends with the area, and that vehicle parking be screened. The proposed Yard is located on property that is heavily wooded and will not be visible from Highway 87.

3. The proposed Yard will maintain the value of adjoining or abutting properties and the use is a public necessity. The Yard is necessary for the installation of a 32.6-mile natural gas pipeline which is a public necessity and essential to ensure reliable service to existing customers and to support increased demand for safe, reliable, and affordable natural gas. The Yard will not injure adjoining and abutting properties, which include rural residences and vacant land. As noted above, the existing vegetation will be maintained and will substantially screen the Yard. Furthermore, as the proposed use is temporary in nature and the site will be restored once the Yard is no longer needed, the use will have no permanent impacts on the adjoining or abutting properties.

4. The proposed Yard, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and is in general conformity with Cumberland County's most recent Land Use Plan. The proposed use is temporary and is screened from visibility by existing wooded areas and vegetation that will be maintained. Furthermore, once the pipeline is complete and the need for the temporary laydown yard is over, the site will be substantially returned to its current condition - which is a vacant agricultural field - and there will be no permanent impact on the area. The current South Central Land Use Plan map identifies the property and surrounding area for continued agricultural use and the temporary use of the property as a Yard will allow for continued agricultural use, thereby preserving the current rural character of the parcel.

The Cumberland County 2030 Growth Vision Plan, Vision Statements # 1 and #3, call for a 'More Diversified Economy' and 'Infrastructure That Keeps Pace' with development. The proposed use and the associated pipeline project support both vision statements by enhancing and expanding the natural gas infrastructure for the County.

ATTACHMENT: NOTIFICATION LIST

REED, AMANDA	2310 SWALLOWTAIL CT	FAYETTEVILLE, NC 28306
STANFILL, BRIAN;MIRANDA, DEVAN	5150 MARSH RD	FAYETTEVILLE, NC 28306
BROWN, SANDRA	3536 SPRING GARDEN DR	HOPE MILLS, NC 28348
MCMILLAN, JAMES A;MCMILLAN, PATRICIA ANN	4369 S NC 87 HWY	FAYETTEVILLE, NC 28306
MCMILLAN, KENNETH	4185 BUTLER NURSERY RD	FAYETTEVILLE, NC 28306
HALL, SIMEON B	230 SOUTHEASTERN BLV	FAYETTEVILLE, NC 28301
TYSON, VANCE U JR	4925 S NC 87 HWY	FAYETTEVILLE, NC 28306
RAEFORD, FRANCES E	4455 S NC 87 HWY	FAYETTEVILLE, NC 28306
JACKSON, JOHN ROBERT	8300 STATION VILLAGE 5	SAN DIEGO, CA 92102
T & W INVESTMENTS LLC	573 PORTER RD	HOPE MILLS, NC 28348
SPEARMAN, LULA MAE BURNS LIFE ESTATE	2240 OLA BURNS DR	FAYETTEVILLE, NC 28306
PORTER, WALLACE	3060 ROSEWAY CT	HOPE MILLS, NC 28348
HUBBARD, GLYNDETTA TRUSTEE;FOX, ANNETTE TRUSTEE;SIMPSON, JOSHUA TRUSTEE	1896 TOM STARLING RD	FAYETTEVILLE, NC 28306
RAEFORD, FRANCES E	4455 S NC 87 HWY	FAYETTEVILLE, NC 28306
THOMSEN, KAYLANI REGINA	927 CREEK SIDE RUN	FAYETTEVILLE, NC 28303
TYSON, VANCE U JR	4925 S NC 87 HWY	FAYETTEVILLE, NC 28306
MCMILLAN, DAVID;MCMILLAN, LYNDIA U	691 STOCKBRIDGE CT	FAYETTEVILLE, NC 28311
WILSON, ANGELA;WILSON, KENNETH;WILSON, RONALD J	5969 E NORTHWEST HWY APT 3080	DALLAS, TX 75231
MCCAULEY LIMITED LIABILITY CO	PO BOX 361	FAYETTEVILLE, NC 28302
BALDWIN, DANIEL ODELL	2191 MONTANA ROAD	FAYETTEVILLE, NC 28306
MCMILLAN, JAMES A	4369 S NC 87 HWY	FAYETTEVILLE, NC 28306
SPEARMAN, LULA MAE BURNS LIFE ESTATE	2240 OLA BURNS DR	FAYETTEVILLE, NC 28306
RAEFORD, FRANCES E	4455 S NC 87 HWY	FAYETTEVILLE, NC 28306
MCMILLAN, JAMES ARCHIE	4369 S NC 87 HWY	FAYETTEVILLE, NC 28306
TYSON, VANCE U JR	4925 S NC 87 HWY	FAYETTEVILLE, NC 28306
ROBERT, CHRISTOPHER G;WAGUESPACK, MICHAEL G	2108 N MAIN ST	HOPE MILLS, NC 28348
TYSON, VANCE U JR	4925 S NC 87 HWY	FAYETTEVILLE, NC 28306
BROWN, SANDRA K	3536 SPRING GARDEN DR	HOPE MILLS, NC 28348
DANIEL, ROBERT E	2190 OLA BURNS DR	FAYETTEVILLE, NC 28306
HALL, SIMEON B	230 SOUTHEASTERN BLV	FAYETTEVILLE, NC 28301
WADDELL, ALVIN D SR	5232 BLANCHETTE ST	HOPE MILLS, NC 28348
GILMORE, GEORGE;GILMORE, SERA WILSON	4309 S NC 87 HWY	FAYETTEVILLE, NC 28305
GILMORE, SERA WILSON	975 PAN DR	HOPE MILLS, NC 28348
NIEMI, REGINA LIFE ESTATE	4510 S NC 87 HWY	FAYETTEVILLE, NC 28306
DANIEL, ROBERT E	2190 OLA BURNS DR	FAYETTEVILLE, NC 28306
WOODELL, TOMMY J JR;JOHNSON, LINDA S;LASSITER, CHERI DAVIS;DAVIS, MICHAEL		
SCOTT;DAVIS, CHRISTOPHER LEWIS;PARSONS, MAE SMITH;HODGES, PAMELA WOODELL	3942 W BENT GRASS DR	FAYETTEVILLE, NC 28312
MCMILLAN, FLORA K HEIRS	4185 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 \$ \$250.00 (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: Hwy 87 & Ola Burns Drive Fayetteville NC 28312

OWNER: Thomas J. Woodell, et al

ADDRESS: 3942 West Bent Grass Drive, Fayetteville, NC ZIP CODE: 28312

TELEPHONE: HOME (910) 818-4017 WORK _____

AGENT: Piedmont Natural Gas Company, Inc. - Aaron Weldon

ADDRESS: 525 S. Tryon St., Charlotte, NC 28202

TELEPHONE: HOME _____ WORK (803) 331-4286

E-MAIL: Aaron.Weldon@Duke-Energy.com

APPLICATION FOR A SPECIAL USE PERMIT

As required by the Zoning Ordinance

A. Parcel Identification Number (PIN #) of subject property: 0443449314000
(also known as Tax ID Number or Property Tax ID)

B. Acreage: 47.98 Frontage: 413 ft along NC 87 Depth: 1563 ft from Road Frontage to rear property line

C. Water Provider: NA

D. Septage Provider: NA

E. Deed Book 6510, Page(s) 10, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).

F. Existing use of property: Agricultural

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.) _____

Temporary laydown yard to support the construction of a 32.6 mile 16-inch natural gas pipeline

through Cumberland, Hoke & Robeson County. Yard will be used for temporary staging of

materials & equipment as further detailed on the plans provided. Piedmont Natural Gas (PNG)

has executed a lease with the landowners for use of their property. Yard is anticipated to be

in operation for approximately 18 months starting in October of this year. Yard will be typically

be used six days a week (Mon-Fri) during daylight hours only. Upon completion of construction

the laydown yard area will be restored to as found conditions, i.e. agricultural field.

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.

Thomas J. Woodell, Jr., aka Tommy J. Woodell, Chen Davis Lassiter, Michael Scott Davis, Christopher Lewis Davis, Boyd D. Parsons, Jr., Pamela Woodell Hodges Domanski aka Pamela Domanski, James D. Hubbard and Travis A. Hubbard

NAME OF OWNER(S) (PRINT OR TYPE)

Thomas J. Woodell, Jr. aka Tommy J. Woodell, Jr. whose address is 3942 West Bend Grass Drive, Fayetteville, NC 28312
Chen Davis Lassiter whose address is 18726 Avery Park Drive, Cornelius, NC 28031, Michael Scott Davis whose address is 106 Lockout Lane, New Bern, NC 28562
Christopher Lewis Davis whose address is 317 Victory Falls Drive, Apex, NC 27539, Boyd D. Parsons, Jr. whose address is 1509 Nuthatch Court, Murfreesboro, TN 37128
Pamela Woodell Hodges Domanski aka Pamela Domanski whose address is 21 Birdale Way, Forest Creek Golf, Pinehurst, NC 28374
James D. Hubbard whose address is 11113 Forest Crown, Live Oak, TX 78233 and Travis A. Hubbard whose address is 801 Southwood Drive, Shippensburg, PA 17257

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Chris Davis Lassiter

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Aaron Weldon

SIGNATURE OF AGENT, ATTORNEY
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Blair Lassiter

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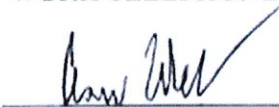
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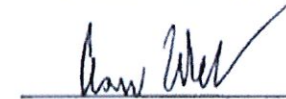
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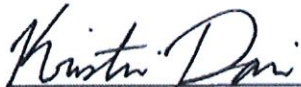
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Boyd D. Parsons Jr.
Thomas J. Woodell, Jr. aka Tommy J. Woodell, Jr. whose address is 3942 West Bent Grass Drive, Fayetteville, NC 28312
Cheri Davis Lassiter whose address is 18726 Avery Park Drive, Cornelius, NC 28031, Michael Scott Davis whose address is 106 Lookout Lane, New Bern, NC 28562
Christopher Lewis Davis whose address is 317 Victory Falls Drive, Apex, NC 27539, Boyd D. Parsons, Jr. whose address is 1509 Nuthatch Court, Murfreesboro, TN 37128
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Aaron.Weldon@Duke-Energy.com

E-MAIL

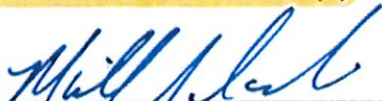
(803) 331-4286

HOME TELEPHONE #

WORK TELEPHONE #


SIGNATURE OF OWNER(S)


SIGNATURE OF AGENT, ATTORNEY
OR APPLICANT


SIGNATURE OF OWNER(S)

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

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.

Thomas J. Woodell, Jr. aka Tommy J. Woodell, Chen Davis Lassiter, Michael Scott Davis, Christopher Lewis Davis, Boyd D. Parsons, Jr., Pamela Woodell Hodges Domanski aka Pamela Domanski, James D. Hubbard and Travis A. Hubbard

NAME OF OWNER(S) (PRINT OR TYPE)

Thomas J. Woodell, Jr. aka Tommy J. Woodell, Jr. whose address is 3942 West Bent Grass Drive, Fayetteville, NC 28312
Cheri Davis Lassiter whose address is 18726 Avery Park Drive, Cornelius, NC 28031, Michael Scott Davis whose address is 106 Lookout Lane, New Bern, NC 28562
Christopher Lewis Davis whose address is 317 Victory Falls Drive, Apex, NC 27539, Boyd D. Parsons, Jr. whose address is 1509 Nuttall Court, Murfreesboro, TN 37128
Pamela Woodell Hodges Domanski aka Pamela Domanski whose address is 21 Birkdale Way, Forest Creek Golf, Pinehurst, NC 28374
James D. Hubbard whose address is 11113 Forest Crown, Live Oak, TX 78233 and Travis A. Hubbard whose address is 801 Southwood Drive, Shippensburg, PA 17257

ADDRESS OF OWNER(S)

E-MAIL

HOME TELEPHONE #

WORK TELEPHONE #

Piedmont Natural Gas Company, Inc. - Aaron Weldon

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

525 S. Tryon St., Charlotte, NC 28202

ADDRESS OF AGENT, ATTORNEY, APPLICANT

Aaron.Weldon@Duke-Energy.com

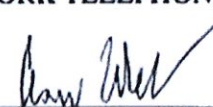
E-MAIL

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ADDRESS OF OWNER(S)

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Piedmont Natural Gas Company, Inc. - Aaron Weldon

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

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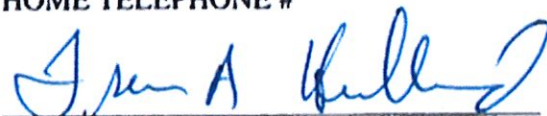
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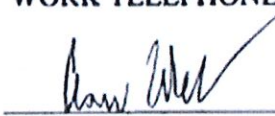
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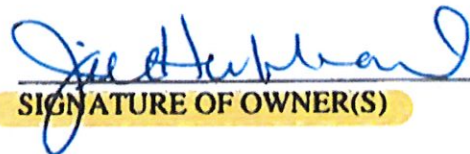
WORK TELEPHONE #



SIGNATURE OF OWNER(S)



SIGNATURE OF AGENT, ATTORNEY
OR APPLICANT



SIGNATURE OF OWNER(S)

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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)

Thomas J. Woodell Jr. Debra Woodell

PRINTED NAME OF OWNER(S)

Thomas J. Woodell Jr. Debra Woodell

DATE

7-19-25

STATEMENT OF ACKNOWLEDGMENT

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SIGNATURE OF OWNER(S) Cheri Dharmita Glenn M Lassiter

PRINTED NAME OF OWNER(S) Cheri Dharmita Glenn M Lassiter

DATE 7-18-25

STATEMENT OF ACKNOWLEDGMENT

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SIGNATURE OF OWNER(S)

PRINTED NAME OF OWNER(S)

DATE

7-22-2025

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SIGNATURE OF OWNER(S)

Kristin Davis Christopher L. Davis

PRINTED NAME OF OWNER(S)

Kristin Davis Christopher L. Davis

DATE

7.26.25

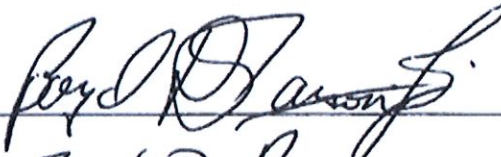
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SIGNATURE OF OWNER(S)



PRINTED NAME OF OWNER(S)

Boyd D. PARSONS JR.

DATE

7-22-2025

STATEMENT OF ACKNOWLEDGMENT

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SIGNATURE OF OWNER(S)

Parula Woodell Donawski

PRINTED NAME OF OWNER(S)

Michelle J. Smith

DATE

7/19/2025


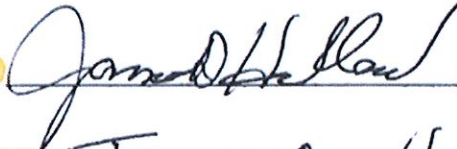
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SIGNATURE OF OWNER(S)



PRINTED NAME OF OWNER(S)

James D. Hubbard Norma Garcia

DATE

7-25-25

STATEMENT OF ACKNOWLEDGMENT

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SIGNATURE OF OWNER(S)

Travis A Hubbard Jill Hubbard

PRINTED NAME OF OWNER(S)

TRAVIS A Hubbard Jill Hubbard

DATE

7/22/2025

Rawls Howard
Director

David Moon
Deputy Director



Board of Adjustment

PUBLIC HEARING NOTICE

The Cumberland County Board of Adjustment will meet at 6:00 p.m. on Thursday, August 21, 2025, at the Old Court House Building, 130 Gillespie Street, Fayetteville, NC to hear the following:

BOA-2025-0007: Variance from Section 1102.C, County Zoning Ordinance, encroachment into min. front yard setbacks; 4.00 +/- ac.; 4020 Hummingbird Pl; Troy Carter (Owner).

Run Dates: August 8, 2025 & August 15, 2025

Fay. Observer account number: 744350

**APPLICANTS FOR
BOARD OF ADJUSTMENT**

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
BUSH-MCMANUS, PATRICIA (B/F) 3472 THORNDIKE DRIVE FAYETTEVILLE NC 28311 488-1314/202-468-3065 <u>PATRICIA.BUSH-MCMANUS@PBMCONSULTINGGROUP.COM</u> Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: YES Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO <i>CATEGORY: GENERAL PUBLIC</i>	CONSULTANT AND PROFESSOR	EDS/MA
GARCIA, ALYSSA (H/F) 4065 PLEASANTBURG DRIVE FAYETTEVILLE, NC 28312 443-340-5319 <u>GARCIA.N.ALYSSA@GMAIL.COM</u> Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO <i>CATEGORY: ALTERNATE MEMBER</i> <i>APPLICATION RECEIVED: 5-14-25</i>	SENIOR PLANNER	MBA
MASSEY, PAMELA (B/F) 5965 HWY 301 SOUTH HOPE MILLS, NC 28348 301-996-1573 <u>MZPAMELAMASSEY@GMAIL.COM</u> Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO <i>CATEGORY: ALTERNATE MEMBER</i> <i>APPLICATION RECEIVED: 6-10-25</i>	TEACHER ASSISTANT	UNKNOWN
OMOGBEHIN, FOLORUNSHO (B/M) 1308 SNOWY EGRET DRIVE FAYETTEVILLE, NC 28306 270-684-4227 <u>FOLORUNSHO838@GMAIL.COM</u> Graduate-County Citizens' Academy: YES Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO <i>CATEGORY: ALTERNATE MEMBER</i>	CLERGY	MASTERS/BUS ADMIN.

**APPLICANTS FOR
BOARD OF ADJUSTMENT PAGE 2**

NAME/ADDRESS/TELEPHONE	OCCUPATION	EDUCATIONAL BACKGROUND
RHODES, EVA P. (-/F) 301 DUNLEITH PLACE FAYETTEVILLE NC 28311 443-326-2924 <u>EVAPHR1161@COMCAST.NET</u> Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO CATEGORY: GENERAL PUBLIC	RETIRED FEDERAL EMPLOYEE	COLLEGE LISTED
STEPHENS, JOSEPH "JED" 461 TEXAN DRIVE FAYETTEVILLE, NC 28312 774-400-0999 <u>UPSJED@COMCAST.NET</u> Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO CATEGORY: GENERAL PUBLIC APPLICATION RECEIVED: 11-5-2024	RETIRED UPS SUPERVISOR	BA
TWITTY, MARTELLE (B/F) 6404 DAVIS BYNUM FAYETTEVILLE NC 28306 910-922-2014 <u>MARTELLECOKE@GMAIL.COM</u> Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO CATEGORY: GENERAL PUBLIC	DENTAL HYGIENIST DAY AND NIGHT FAMILY DENTAL	DENTAL HYGIENE, BS
WALKINSHAW, KRISTEN (W/F) 402 CULLODEN PLACE HOPE MILLS, NC 28348 Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO CATEGORY: GENERAL PUBLIC APPLICATION RECEIVED: 3-22-25	BILLING REPRESENTATIVE	BA

**APPLICANTS FOR
BOARD OF ADJUSTMENT PAGE 3**

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
WALTERS, JAIMIE (W/F) 4829 MURPHY ROAD FAYETTEVILLE NC 28312 910-461-8873 JAIMIEMELTON@YAHOO.COM Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: YES Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO <i>CATEGORY: ALTERNATE MEMBER/ GENERAL PUBLIC</i> <i>RENEWED APPLICATION: 10-16-2023</i>	SENIOR PLANNER MOORE COUNTY	BA HISTORY/MPA