



**Members:**

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

**Alternates:**

Jovan Bowser  
Gary Silverman  
Brenne Orozco  
Veronica Mitchell-Rozier

**TENTATIVE AGENDA**

JUNE 19, 2025  
6:00 PM

A meeting of the Cumberland County Board of Adjustment is to be held on Thursday, June 19, 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. SWEAR IN STAFF
4. ADJUSTMENTS TO THE AGENDA
5. APPROVAL OF THE DECEMBER 19, 2024, MINUTES
6. ABSTENTIONS BY BOARD MEMBERS/BOARD MEMBER DISCLOSURES (SITE VISITS AND/OR PERSONAL AFFILIATIONS)
7. PUBLIC HEARING DEFERRALS/WITHDRAWALS
8. POLICY STATEMENT REGARDING APPEAL PROCESS
9. PUBLIC HEARING(S):
  - A. BOA-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).
10. OTHER BUSINESS:
  - A. BOA Chair and Vice-Chair nominations and action
  - B. BOA Regular Member Recommendations
  - C. BOA Alternate Member Recommendations
11. DISCUSSION/UPDATE(S):
12. ADJOURNMENT



PLANNING STAFF REPORT  
**VARIANCE CASE # BOA-2025-0007**  
**Board of Adjustment Meeting:**  
**June 19, 2025**

**PLANNING & INSPECTIONS**

**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**

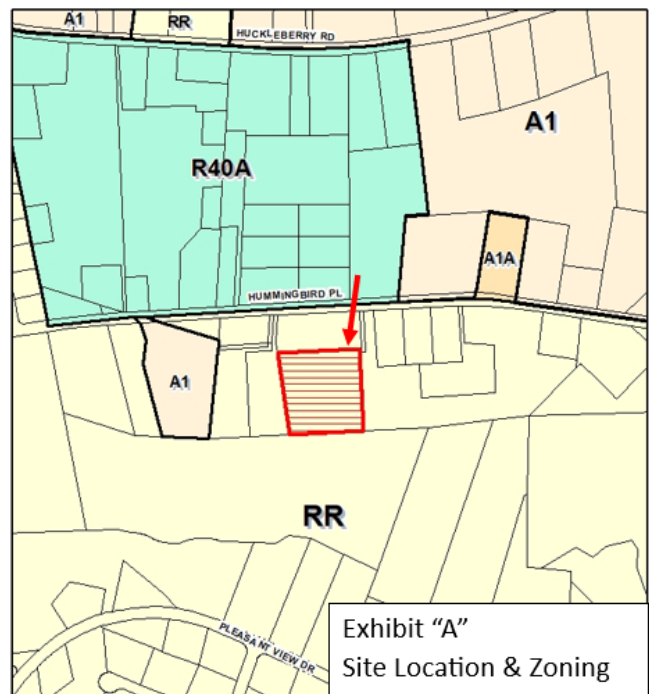
- A. Site Location/Zoning
- B. Variance Site Plan (attached)
- C1. Current Site Conditions
- C2. Existing and Surrounding Uses (attached)
- D. District Dimension Provisions, Section 1104 (attached)
- E. Future Land Use Map
- F. Section 1605. Variance (attached)
- Attachment: Notification List; Application

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.

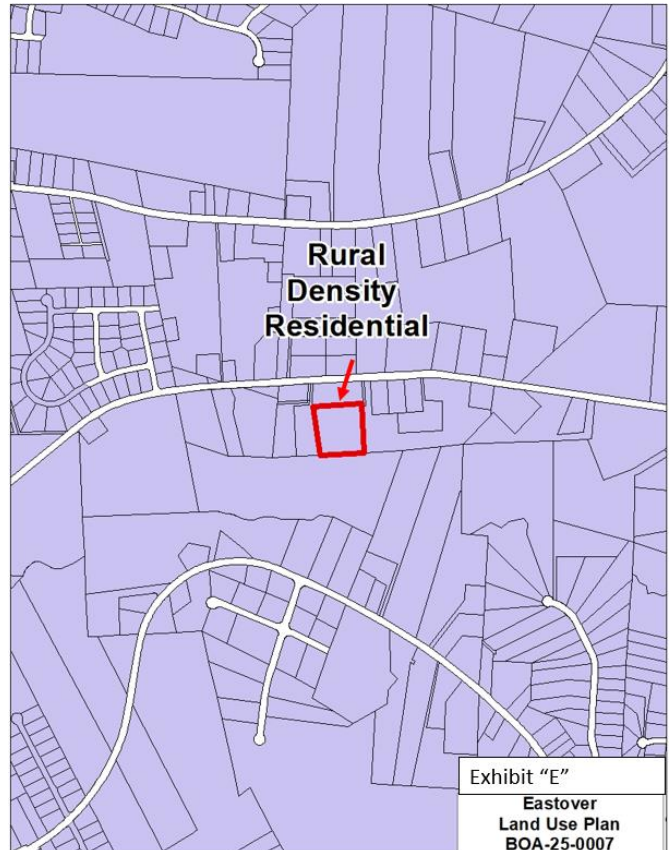
## IMPACTS ON LOCAL INFRASTRUCTURE

**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:

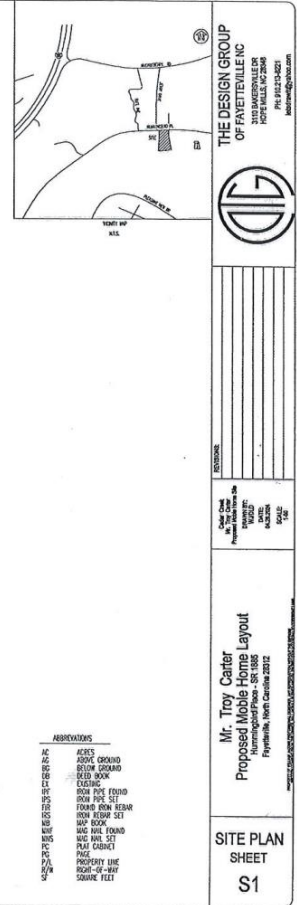
If the BOA selects to approve the variance:

"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."

## VARIANCE SITE PLAN



## SITE PLAN

[illegible]

### MINIMUM BUILDING SETBACKS

FRONT: 37  
REAR: 29  
SIDE: 19

### ABBREVIATIONS

AC	ACRES
AG	ADJACENT GROUND
BG	BELOW GROUND
DB	DEED BOOK
EX	EXISTING
IPF	IRON PIPE FOUND
IPS	IRON PIPE SET
FR	FOUND IRON REBAR
IRS	IRON REBAR SET
NB	NAIL BOOK
NMF	NAIL FOUND
NMS	NAIL SET
PC	PLAT CABINET
PG	PAGE
P/L	PROPERTY LINE
R/W	RIGHT-OF-WAY
SF	SQUARE FEET

Mr. Troy Carter  
Proposed Mobile Home Layout  
Hummingbird Place - SR 1835

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**

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**(PENDING ADOPTION)**

**Section 1605 VARIANCE**

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

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

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

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



## BOARD OF ADJUSTMENT

LOCATION OF PROPERTY: 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 my whole Front Yard  
I need privacy the fence in Front Yard  
The County Dump is in Front Yard consent

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)

troyecarter1@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 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

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

FILED Jul 10, 2024  
AT 02:01:58 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.

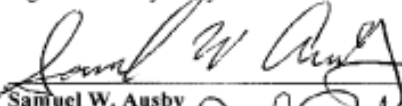
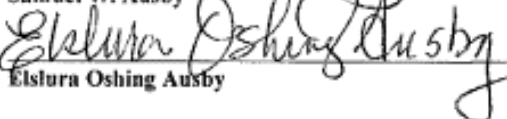
A map showing the above-described property is recorded in Plat Book 126, Page 89 and Book 149, Page 14.

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.

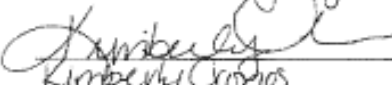
IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

  
\_\_\_\_\_  
Samuel W. Ausby (SEAL)  
  
\_\_\_\_\_  
Elsura Oshing Ausby (SEAL)

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 **Elsura 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: 05 Jul 2024



Rawls Howard  
Director

David Moon  
Deputy Director



## PUBLIC HEARING NOTICE

The Cumberland County Board of Adjustment will meet at 6:00 p.m. on Thursday, June 19, 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: June 6, 2025 & June 13, 2025

**Fay. Observer account number: 744350**

ORDER DETAILS	PREVIEW FOR AD NUMBER LWLM03074360
<p><b>Order Number:</b> LWLM0307436</p> <p><b>Order Status:</b> Submitted</p> <p><b>Classification:</b> Govt Public Notices</p> <p><b>Package:</b> General Package</p> <p><b>Total payment:</b> 105.13</p> <p><b>Payment Type:</b> Account Billed</p> <p><b>User ID:</b> L0012804</p> <p><b>External User ID:</b> 744350</p>	<p><b>PUBLIC HEARING NOTICE</b></p> <p>The Cumberland County Board of Adjustment will meet at 6:00 p.m. on Thursday, June 19, 2025, at the Old Court House Building, 130 Gillespie Street, Fayetteville, NC to hear the following:</p> <p><b>BOA-2025-0007:</b> Variance from Section 1102.C, County Zoning Ordinance, encroachment into min. front yard setbacks; 4.00 +/- ac.; 4020 Hummingbird Pl; Troy Carter (Owner).</p> <p>June 6, 13 2025 LWLM0307436</p>
<p><b>ACCOUNT INFORMATION</b></p> <p>Cumberland County Planning &amp; Inspections 130 Gillespie ST AMANDA OZANICH Fayetteville, NC 28301-5669 910-678-7600 aozanich@cumberlandcountync.gov Cumberland County Planning &amp; I Contract ID:</p>	
<p><b>TRANSACTION REPORT</b></p> <p><b>Date</b> May 29, 2025 8:41:09 AM EDT</p> <p><b>Amount:</b> 105.13</p>	<p><a href="#">&lt;&lt; Click here to print a printer friendly version &gt;&gt;</a></p>