

Lori Epler,
Chair
Cumberland County

Roy Turner,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris,
Town of Linden



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Walter Clark,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon, & Godwin

MINUTES

November 16, 2010

Members Present

Mrs. Lori Epler, Chair
Mr. Charles Morris
Mr. Garland Hostetter
Mr. Benny Pearce
Mr. Walter Clark
Ms. Patricia Hall
Mr. Harvey Cain, Jr.
Mr. Donovan McLaurin
Mrs. Sara Piland

Members Absent

Mr. Roy Turner, Vice-Chair

Others Present

Mr. Tom Lloyd
Mrs. Laverne Howard
Ms. Donna McFayden
Ms. Patricia Speicher

I. INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. McLaurin delivered the invocation and led those present in the Pledge of Allegiance.

II. APPROVAL OF / ADJUSTMENTS TO AGENDA

There were none.

III. PUBLIC HEARING DEFERRAL / WITHDRAWAL

There were none.

IV. ABSTENTIONS BY BOARD MEMBERS

There were none.

V. APPROVAL OF THE MINUTES OF OCTOBER 19, 2010

Ms. Piland made a motion to accept the minutes as submitted, seconded by Mr. Hostetter. Unanimous approval.

VI. JOINT PLANNING BOARD DEADLINE/MEETING SCHEDULE

Mr. McLaurin made a motion to accept the Joint Planning Board Deadline/Meeting Schedule as submitted, seconded by Mrs. Piland. Unanimous approval.

VII. PUBLIC HEARING WAIVER REQUEST

CASE NO. 10-108. CONSIDERATION OF THE TRACY MARSHALL GARDNER & OTHERS PROPERTY, REQUEST FOR A WAIVER FROM STREET RIGHT-OF-WAY DEDICATION AND RESERVATION REQUIREMENT; COUNTY SUBDIVISION ORDINANCE, SECTION 2302.F PLANNED PUBLIC RIGHT-OF-WAY; ZONING: A1; TOTAL ACREAGE: 1.34+/-; LOCATED AT 6877 RIVER ROAD; SUBMITTED BY TRACY M. GARDNER (OWNER). (WADE MIA/COUNTY JURISDICTION)

Mr. Lloyd presented land use and photos of the site. Mr. Lloyd stated that before the meeting he and Ms. Speicher found that in the County Ordinance, if there is an existing lot, existing prior to zoning, zoned A1 and it's less than 2 acres it only has to meet the setbacks of the RR district. This applicant could meet those setbacks with the dedication and the reservation and still comply with the front yard setbacks as specified in RR which is 30'. The applicant was informed of this, but he still wants the waiver. This lot was recorded in 1986, the Subdivision Ordinance came into effect in 1984, he subsequently got the lot recorded and it did exist prior to zoning.

Mr. Lloyd stated that there were two speakers present.

Mr. Morris disclosed that the applicant called his office and after some discussion redirected the caller to contact Ms. Speicher.

Chair Epler asked Mr. Morris if he could make fair judgment on this case. Mr. Morris stated that he could.

Mr. Tracy Gardner came forward to speak in favor (Chair Epler swore in Mr. Gardner). Mr. Gardner stated that he had always been told that right-of-way was 30'. Now they are saying something different and they want the other 25'. They are not getting it anywhere else on River Road.

Chair Epler stated that because Mr. Gardner was coming to the Planning Department and because this lot was subdivided out by deed after the Subdivision Ordinance was created, it is not a legal lot today. In order for him to get a permit to rebuild on this lot he has to have a legal lot, which means he has to legally subdivide it out away from the parent tract on a recorded plat, and that means he falls under subdivision ordinance regulations.

Mr. Lloyd stated that this was added to the Long Range Transportation Plan in 1999, so they weren't requesting anything back in 1986.

Chair Epler stated that she was sure that staff probably advised Mr. Gardner that whenever he comes to the Planning & Inspections Department and have to acquire permits to make improvements on his property, he has to comply as he is that day.

Mr. Gardner said that was what he did, he came and talked to Ms. Speicher and plotted it and the only way he found out that they wanted that extra 25' was on Planning Department maps.

Chair Epler said that on Mr. Gardner's application the reason's he states for asking for this waiver are because he wants to rebuild his structure in the same place that it is now, and he doesn't want to have to move his septic tank. We have found out that it is within the guidelines of the ordinance for him to be able to rebuild that structure in the same location that it is in now and comply with the subdivision ordinance and the conditions that have been imposed based on that ordinance. So he's not being asked to do anything that anyone else who lives on River Road would not be asked to do if they came to the Planning & Inspections Department and needed permits.

Mr. Lloyd stated that if he were requesting RR he would need it. That's the point, because this lot existed prior to zoning, there are so many A1 lots that have been cut up through the years prior to zoning that didn't meet 2 acres. They put this in the ordinance that if you're A1 you meet the setbacks of RR, any other residential zoning would be reduced by 17%.

Mr. Morris asked what the applicant's disadvantage would be for doing RR.

Mr. Lloyd stated that there was no disadvantage. The applicant's point was that no one else had to do it, but we haven't had any subdivisions here or all along River Road; we would require it, this is just one that happened to come in.

Mr. Morris asked as the subject property sits today, it's fine with the exception of the dedication?

Mr. Lloyd said no as it sits today it's fine, period.

Chair Epler said if he rebuilds the house in the same place it will still be conforming, even if he does dedicate and reserve right-of-way.

Mr. Lloyd said that Mr. Gardner was good to go with respect to the Planning Department and meeting the setback, he could come and get permits tomorrow.

Chair Epler said that the applicant doesn't need a waiver, not for the reasons he stated in his application. If he's asking for a waiver because he just does not want to give up the right-of-way, then that's something different.

Ms. Speicher stated that at the time the applicant wrote the application that she helped him with; he thought that was the only reason that he needed it.

Chair Epler asked Mr. Gardner what he wanted to do and reminded him that he would still have to have his property on a plat and recorded as a subdivision separating this lot away from the parent tract because it's never been done, and he would still have to dedicate 10' of right-of-way and reserve 15' of right-of-way on that plat to the Department of Transportation, and they will have to sign off on it before he can pull any permits.

Mr. Gardner said that he wanted to withdraw his case.

VIII. DISCUSSION

IX. FOR YOUR INFORMATION

DIRECTORS UPDATE

- Discussed the staff project updates
- Discussed the MIA/SSA agreement

X. ADJOURNMENT

There being no further business, the meeting adjourned at 7:30 p.m.