

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 & Inspections Department*

May 11, 2010

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

#### MEMORANDUM

**TO:** Cumberland County Joint Planning Board  
**FROM:** Planning & Inspections Director  
**SUBJECT:** Director's Recommendation for May 18, 2010 Board Meeting

**P91-118:** REVOCATION OF R6A RESIDENTIAL/CU CONDITIONAL USE OVERLAY FOR A JUNK YARD ON 2.08+/- ACRES REVERTING TO THE PREVIOUS ZONING CLASSIFICATION OF R6A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 304 WILKES ROAD, OWNED BY ERNEST H. AND EVELYN BREWINGTON.

The Planning and Inspections Staff has provided me with sufficient evidence that the property owners of the above referenced property have not ensured all approved conditions and requirements of the Conditional Use Permit have been complied with and therefore I am seeking revocation of the Permit and reversion of the zoning to R6A Residential for the subject property.

On December 16, 1991 the County Board of Commissioners approved a Conditional Use Overlay on the subject property with the approved uses being "automobile junk yard, towing, repair and sales service." At that time the property was zoned R6A Residential. In conjunction with the overlay, the Commissioners stipulated that the Permit be approved with the following conditions:

1. No more than 25 vehicles to be located on the site at any one time;
2. A fence and buffer be built around the entire site; and
3. The site was to be cleaned up within 120 days.

As of the date of this memorandum, the property is not in compliance with any of the terms and conditions of the Conditional Use Overlay and Permit. In addition, on April 19, 2010 the County Commissioners ordered the "property owners to remove or demolish the structure within 30 days; the Inspector to remove or demolish the dwelling, if the owner fails to do so and impose a lien on the property for the cost of such action." Since that date, the structure on the subject property has substantially burnt.

On April 22, 2010 I notified the property owners in writing of my intentions to submit for revocation of this Overlay and Permit and to request that the property revert to its previous zoning classification of R6A Residential. This letter was sent certified mail, return receipt with the receipt being signed for on April 24, 2010. The property owner was also mailed the standard hearing notice for your May 18, 2010 board meeting.

**County Zoning Ordinance reference:** Section 508, Failure to Comply and Section 509, Validation of Existing Conditional Use Overlays

Attachments: 1. Site Profile  
2. Sketch Map  
3. Site Plan

**P91-118**  
**SITE PROFILE**

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**Site Information:**

**Frontage & Location:** 140.00'+/- on SR 2210 (Wilkes Road)

**Depth:** 460.00'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** No

**Current Use:** Junk yard

**Initial Zoning:** R6A – March 15, 1979 (Area 6); rezoned to R6A/CU on December 16, 1991

**Nonconformities:** Not in compliance with conditions

**Zoning Violation(s):** Yes, Minimum Housing violations on the subject property – Board of Commissioners ordered clean up on April 19, 2010 (case numbers MH 6072-09 & MH 6073-09)

**Surrounding Zoning:** North: C(P)/CU (2) (both for open storage), M(P), C3, HS(P), C(P), O&I(P), R6A & R6; South: M(P)/CU (to allow a meeting hall), M(P) & C(P); East: M(P), C(P) & R6A; West: M(P), C3, C(P) & R6A

**Surrounding Land Use:** Residential (including manufactured homes & multi-family) & trade contractor (3)

**2030 Land Use Plan:** Urban

**Special Flood Hazard Area (SFHA):** No

**Water/Sewer Availability:** PWC/ SEPTIC

**Soil Limitations:** No

**School Capacity/Enrolled:** Cumberland Road Elementary: 355/421; Ireland Drive Middle (6): 340/332; Douglas Byrd Middle (7-8): 600/644; Douglas Byrd High: 1,280/1,311

**Subdivision/Site Plan:** N/A

**Municipal Influence Area:** City of Fayetteville

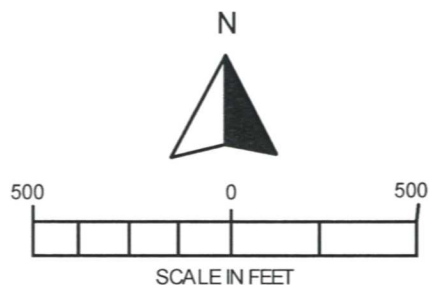
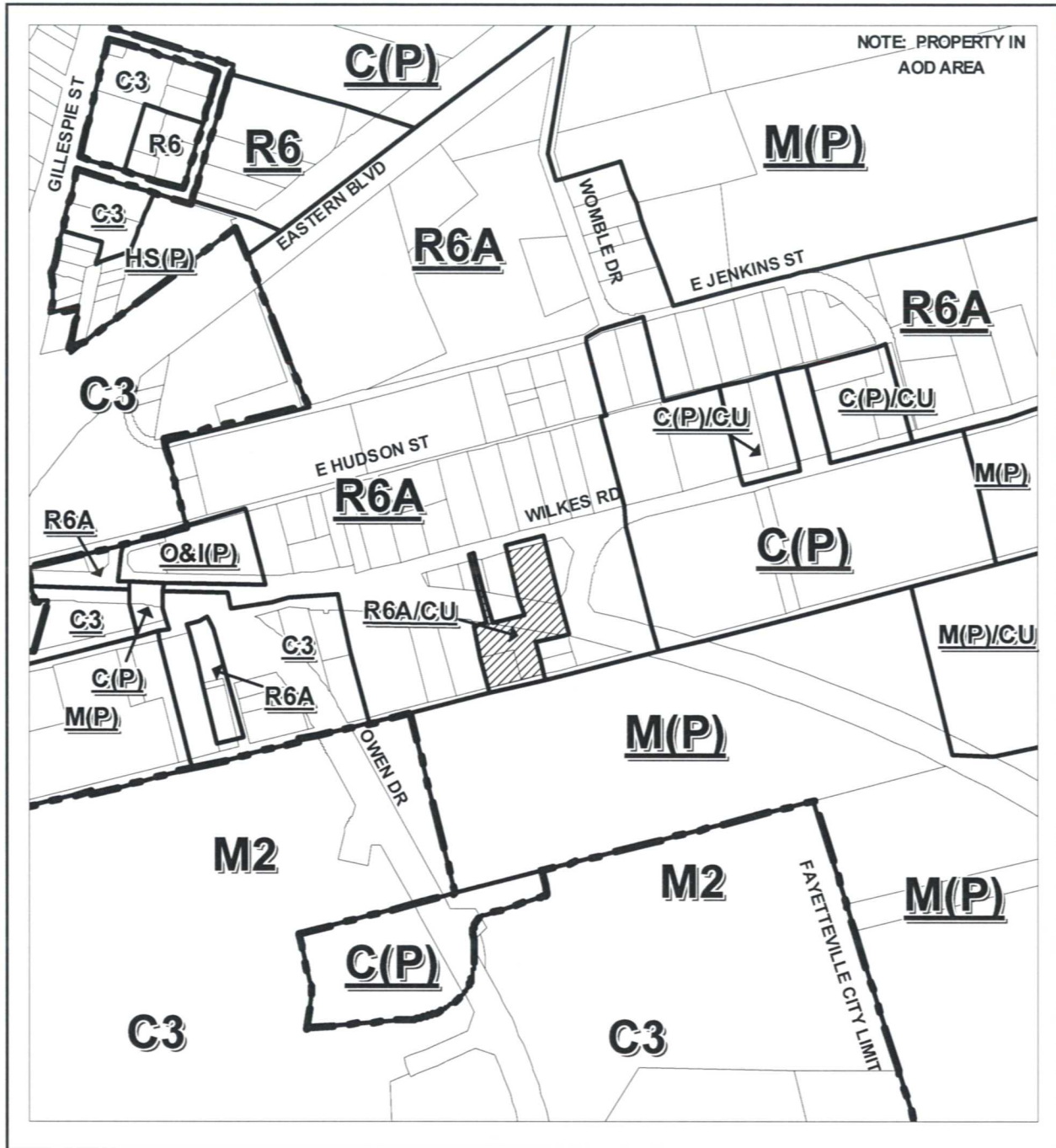
**Airport Overlay District:** No objection to revocation

**Average Daily Traffic Count (2008):** 19,000 on US HWY 301 (I-95 Bus/Gillespie Street)

**Highway Plan:** There are no road improvements/constructions specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program

**First Class and Record Owners' Mailed Notice Certification**

*A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' acknowledgement of notice is also included in the case file.*

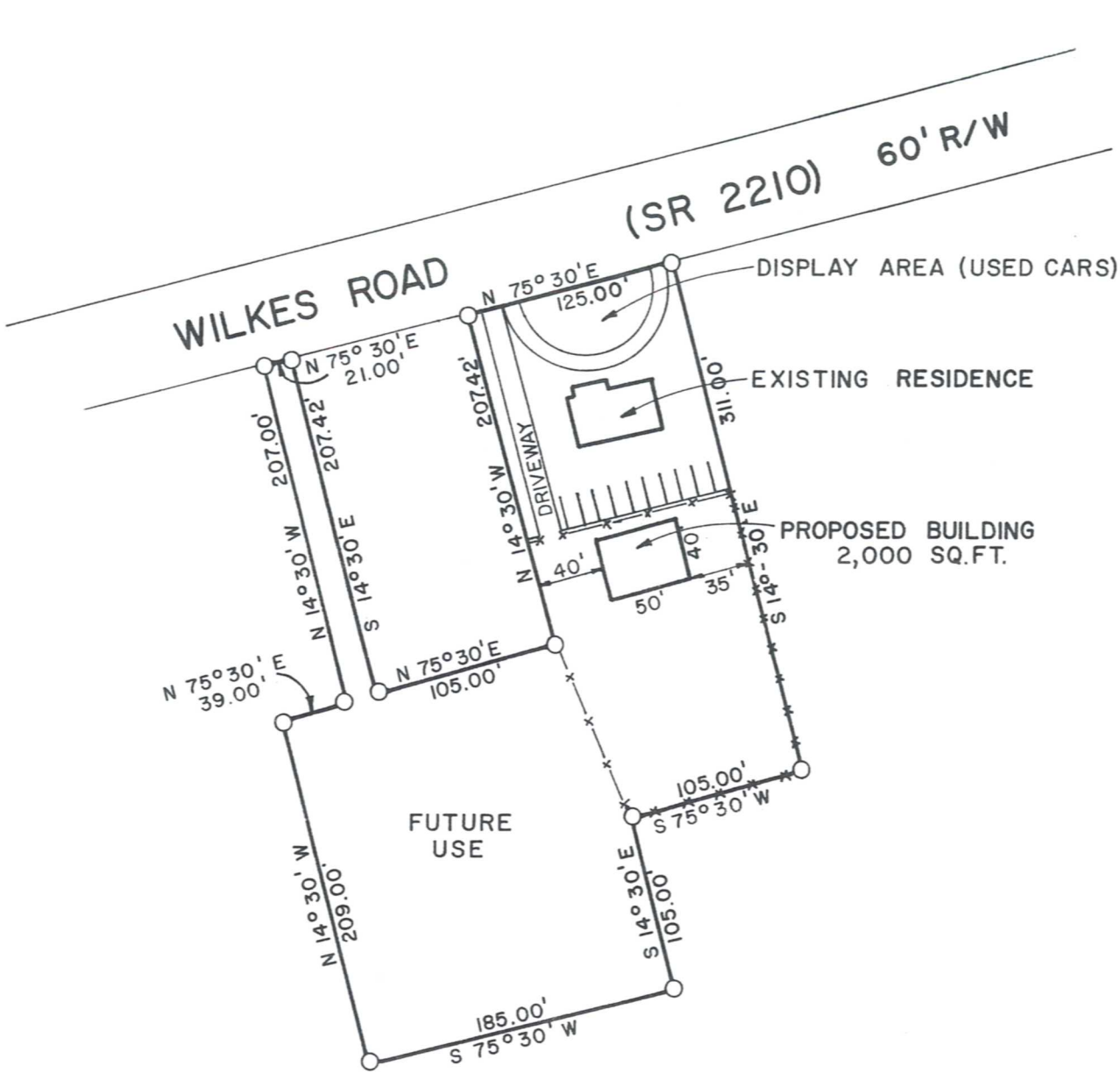


## REVOCATION FROM R6A/CU TO R6A

<b>ACREAGE: 2.08 AC.+/-</b>	<b>HEARING NO: P91-118</b>	
ORDINANCE COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0436-32-1394  
 PIN: 0436-32-0083  
 PORT. OF PIN: 0436-22-9373





REQUEST : CONDITIONAL USE OVERLAY  
 TO OPERATE AN AUTOMOBILE  
 SALVAGE YARD, TOWING, REPAIR  
 AND SALE SERVICING CENTER

ZONING : R6A ACREAGE : 2.08± AC.

PARKING : 10 SPACES (9'x 20')

CASE NO. P91-118

SCALE : 1" = 100'

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### **MEMORANDUM**

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for May 18, 2010 Board Meeting

**P10-19:** REZONING OF 2.74+/- ACRES FROM A1 AGRICULTURAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2158 UNICORN DRIVE, SUBMITTED BY RICHARD V. AND LINDA C. GODWIN (OWNERS).

The Planning & Inspections Staff recommends approval of the R40 Residential district for this request based on the following:

1. The district requested is consistent with the 2030 Comprehensive Plan, which calls for "rural area" at this location, as well as meeting the location criteria for rural density residential development as listed in the Land Use Policies Plan;
2. The request will ensure comparable lot sizes with the one acre lots currently recommended for this area; and
3. The request is consistent with the surrounding land use;

There are no other districts considered suitable for this request. (Note: A1A is not suitable because it would make the existing dwelling nonconforming and the applicant intends to setup an additional class "B" manufactured home.)

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

**P10-19**  
**SITE PROFILE**

**P10-19:** REZONING OF 2.74+/- ACRES FROM A1 AGRICULTURAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2158 UNICORN DRIVE, SUBMITTED BY RICHARD V. AND LINDA C. GODWIN (OWNERS).

**Site Information:**

**Frontage & Location:** 90.00'+/- on Unicorn Drive

**Depth:** 495.60'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** No

**Current Use:** Residential (Class B double-wide manufactured home)

**Initial Zoning:** A1 – June 25, 1980 (Area 13)

**Nonconformities:** None

**Zoning Violation(s):** None

**Surrounding Zoning:** North: C1(P), RR & A1; South: C1(P), R40, A1A & A1; East and West: A1

**Surrounding Land Use:** Residential (including manufactured dwellings), religious worship, farmland & woodlands

**2030 Land Use Plan:** Rural

**Special Flood Hazard Area (SFHA):** None

**Army Corp:** Wetlands may be present and if so, Sec 404 permit required

**Watershed:** Subject property in WS-IV; “No Approval Required” if less than one acre disturbed

**Water/Sewer Availability:** Well/Septic

**Soil Limitations:** None

**School Capacity/Enrolled:** Gray’s Creek Elementary: 495/377; Gray’s Creek Middle: 1,000/861; Gray’s Creek High: 1270/1219

**Subdivision/Site Plan:** If approved, any future development will require a review

**Average Daily Traffic Count (2008):** 3,100 on SR 2252 (Chicken Foot Road)

**Highway Plan:** There are no road improvements/constructions specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program

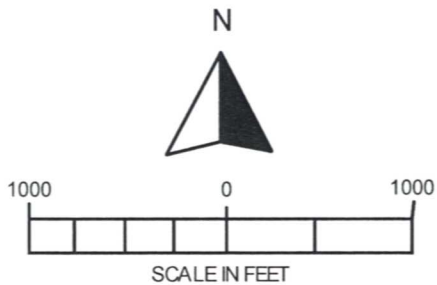
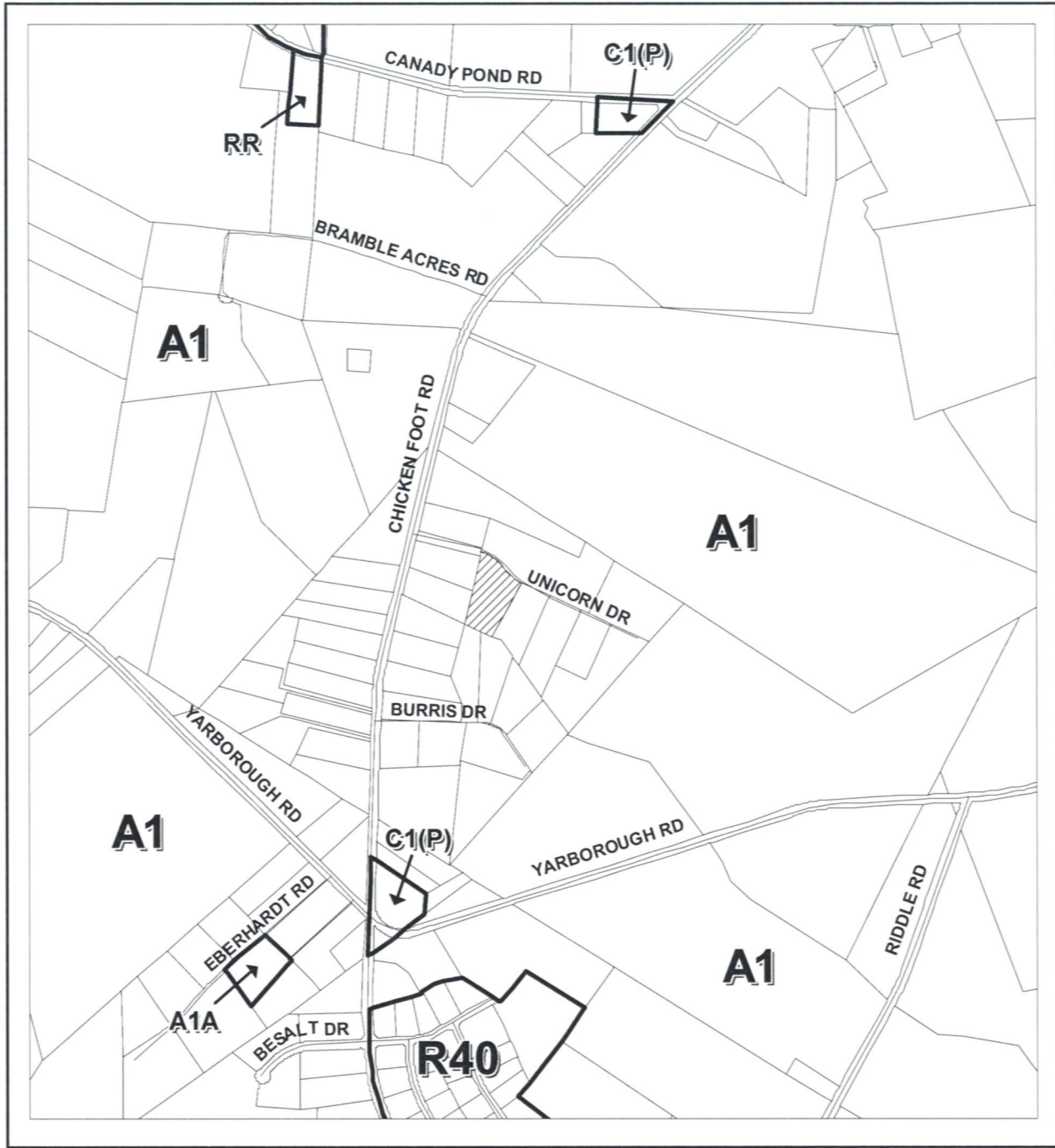
**Notes:**

1. Density:  
A1 – 1 unit    A1A – 2 units    R40A – 3 units
  
2. Minimum Yard Setback Regulations:

<u>A1 &amp; A1A</u>	<u>R40A</u>
Front yard: 50'	Front yard: 30'
Side yard: 20'	Side yard: 15'
Rear yard: 50'	Rear yard: 35'
  
3. Unicorn Drive is an existing approved class “C” private street that currently serves seven lots (recorded February 1985); one lot has two units approved.

**First Class and Record Owners’ Mailed Notice Certification**

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PIN: 0420-95-8856

## REQUESTED REZONING A1 TO R40A

<b>ACREAGE: 2.74 AC.+/-</b>	<b>HEARING NO: P10-19</b>	
ORDINANCE COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		