

REQUESTED REZONING R10 TO C(P)

ACREAGE: 4.99 AC.+/-	HEARING NO: P11-05	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 9494-87-5714
 PORT. OF PIN: 9494-88-9518

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

February 8, 2011

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 Staff

SUBJECT: Staff Recommendation for February 15, 2011 Board Meeting

P11-04: REZONING OF .52+/- ACRES FROM R10 RESIDENTIAL TO R6A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 4104 CAMDEN ROAD, SUBMITTED BY CHRISTINA R. SWEAT (OWNER).

The Planning & Inspections Staff recommends denial of the request for the R6A Residential district but approval of the RR Rural Residential district for this request based on the following:

1. The request for R6A Residential for the subject property is not consistent with the location criteria for "medium density residential" as listed in the Land Use Policies Plan of the 2030 Growth Vision Plan as public water and sewer are required; the recommendation of RR Rural Residential does meet the location criteria for the Policies Plan;
2. The RR Rural Residential district is in character and consistent with the surrounding land use.

There are no other suitable districts to be considered for this request.

The applicant has verbally agreed to the Staff recommendation of the RR Rural Residential district.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

P11-04
SITE PROFILE

P11-04: REZONING OF .52+/- ACRES FROM R10 RESIDENTIAL TO R6A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 4104 CAMDEN ROAD, SUBMITTED BY CHRISTINA R. SWEAT (OWNER).

Site Information:

Frontage & Location: 124.00'+/- on SR 1003 (Camden Road)

Depth: 176.00'+/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: Vacant

Initial Zoning: R10– November 17, 1975 (Area 4)

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: R6A/CU (to allow motor vehicle repair & storage), M2, M(P), C(P), O&I(P), RR, R10 & R6A; South: R10/CU (to allow manufactured home), C1(P), RR & R10; East: R10/CU (to allow manufactured home), R10 & R6A; West: C(P), RR, R10 & R6A

Surrounding Land Use: Residential (including manufactured homes & multi-family), building supply, motor vehicle repair and/or body work (2), manufactured home park, grocery store & religious worship

2030 Land Use Plan: Urban

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: Well/Septic

Soil Limitations: None

School Capacity/Enrolled: Elizabeth Cashwell Elementary: 675/742; Ireland Drive Middle (6): 340/362; Douglas Byrd Middle (7-8): 600/708; Douglas Byrd High: 1,280/1,291

Subdivision/Site Plan: If approved, a revised plat will be required for any change-in-use or new construction

Municipal Influence Area: Town of Hope Mills

Fayetteville Regional Airport: No objection, if structures are single story

Average Daily Traffic Count (2008): 14,000 on SR 1003 (Camden Road)

Highway Plan: Camden Road is identified in the Highway Plan as a major thoroughfare. This proposal calls for a multi-lane facility (U-2810) with a right-of-way of 110 feet. Road improvements are included in the 2009-2015 MTIP

Note:

Density:

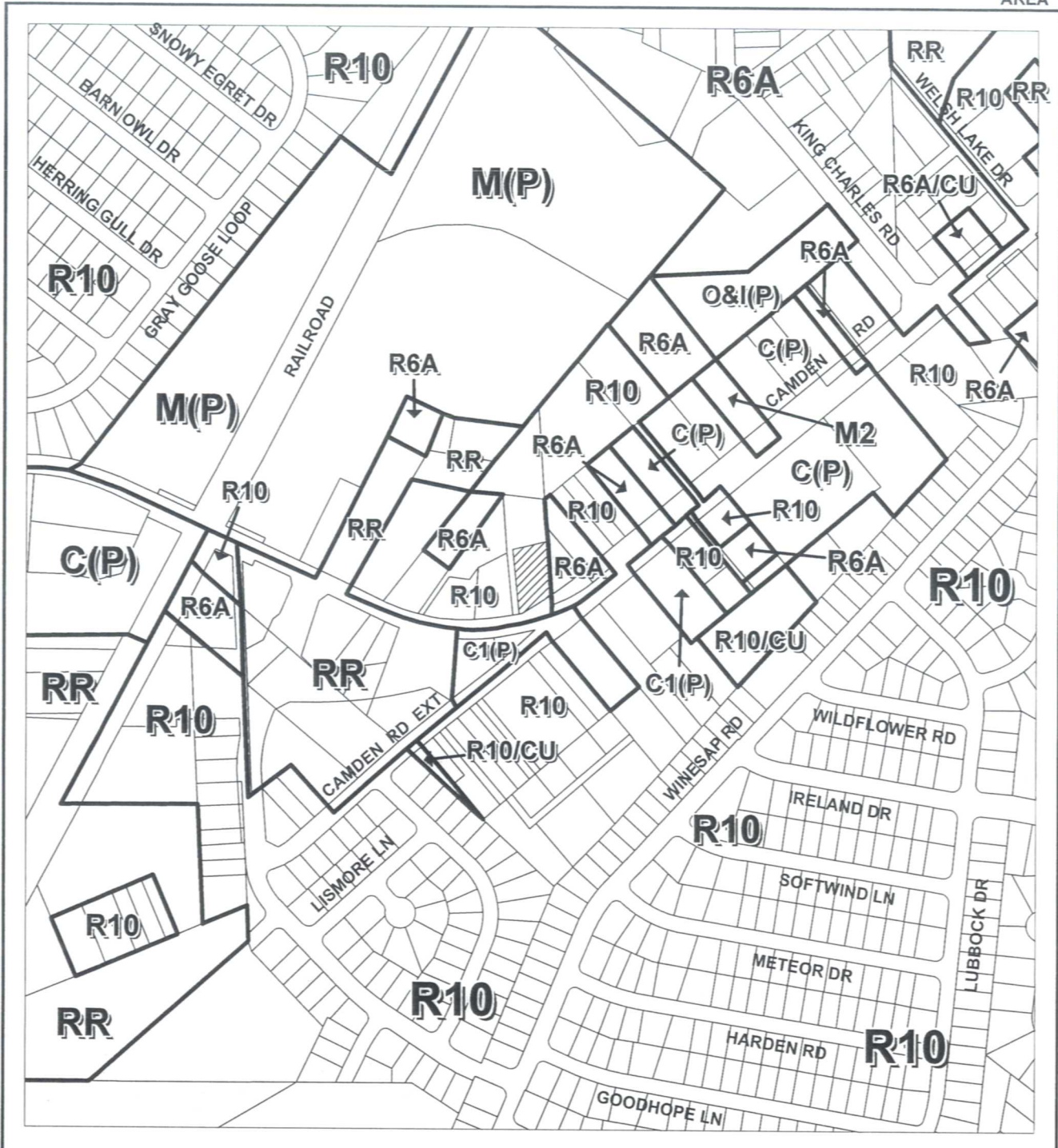
R10 – 3 lots/units

R6A – 6 lots/units

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' certified receipt of notice is also included.

NOTE: IN AOD
AREA



PIN: 0425-04-6639

REQUESTED REZONING R10 TO R6A

ACREAGE: 0.52 AC.+/-	HEARING NO: P11-04	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

AF
2/07/11

09-110
SITE PROFILE

CASE NO. 09-110. CONSIDERATION OF THE VANDER CIVIC ASSOCIATION, INC. PROPERTY; REQUEST FOR A WAIVER FROM THE REQUIREMENT FOR THE CONSTRUCTION OF SIDEWALKS; COUNTY SUBDIVISION ORDINANCE, SECTION 2302.A MUNICIPAL INFLUENCE AREA AND SECTION 2305. A(4) SIDEWALKS; ZONED: M2; TOTAL ACREAGE: 5.36+/-; LOCATED AT 128 ROCK HILL ROAD; SUBMITTED BY JOHN MATTHEWS FOR VANDER CIVIC ASSOCIATION, INC. (OWNER). (FAYETTEVILLE MIA/COUNTY JURISDICTION)

Summary of Request

Developer is requesting a waiver from the requirement to construct sidewalks along SR 1835 (Rock Hill Road) and SR 2000 (Sunnyside School Road) as required by Condition No. 7 on the attached conditional approval. The construction of sidewalks are required because the adopted Highway Plan for SR 2000 (Sunnyside School Road) and SR 1835 (Rock Hill Road) classifies these streets as major and minor thoroughfares, respectively. This development is also located within the City of Fayetteville's Municipal Influence Area (MIA), which also requires the construction of the sidewalks.

Site Information:

Frontage & Location: 474.04'+/- along SR 1835 (Rock Hill Road)
Frontage & Location: 597.31'+/- along SR 2000 (Sunnyside School Road)
Depth: Average 350.00'+/-
Jurisdiction: Cumberland County
Municipal Influence Area (MIA): City of Fayetteville
Adjacent Property: No
Nonconformities: No
Water & Sewer: PWC & Septic
Special Flood Hazard Area (SFHA): No

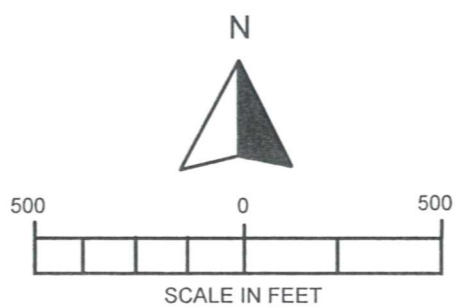
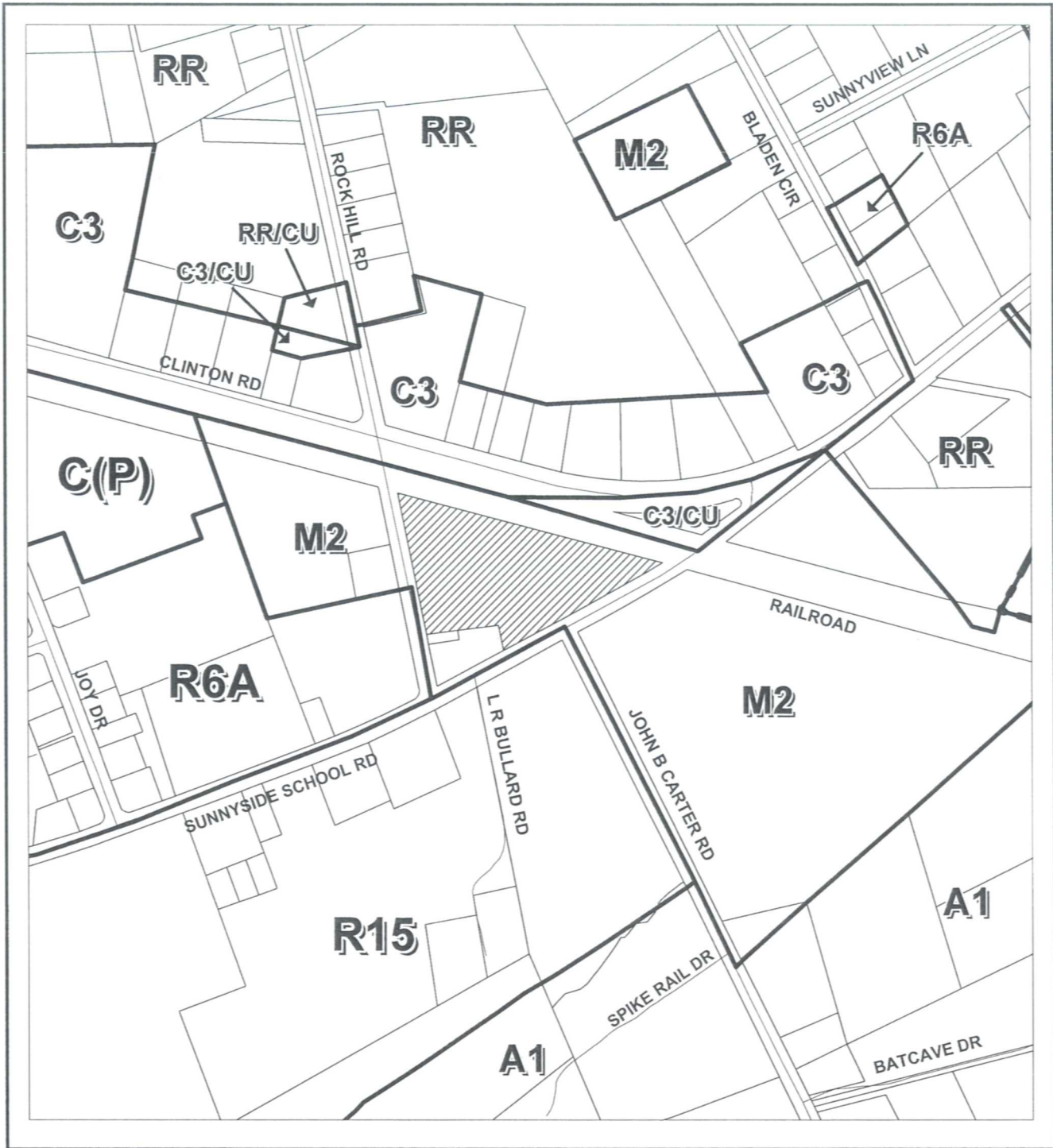
Applicable County Subdivision Ordinance Provisions

Section 2302, AREA-SPECIFIC STANDARDS, A. *Municipal Influence Areas.* The Board of Commissioners by interlocal agreement may approve and establish a Municipal Influence Area (MIA) for a municipality. All development located within a municipality's MIA shall be developed in accordance with the subdivision design standards officially adopted by the affected governing bodies. The development standards for each municipality are attached to this ordinance as "Exhibit 5" and entitled MIA Development Standards. The official MIA map – see Exhibit 4 – shall be maintained by the Planning and Inspections Department and kept on file with the office of the Clerk to the County Board of Commissioners.

Section 2305 SIDEWALKS, A.4. When a non-residential development is proposed along a minor thoroughfare or higher classification street, sidewalks are required along the affected thoroughfare or higher classification street;

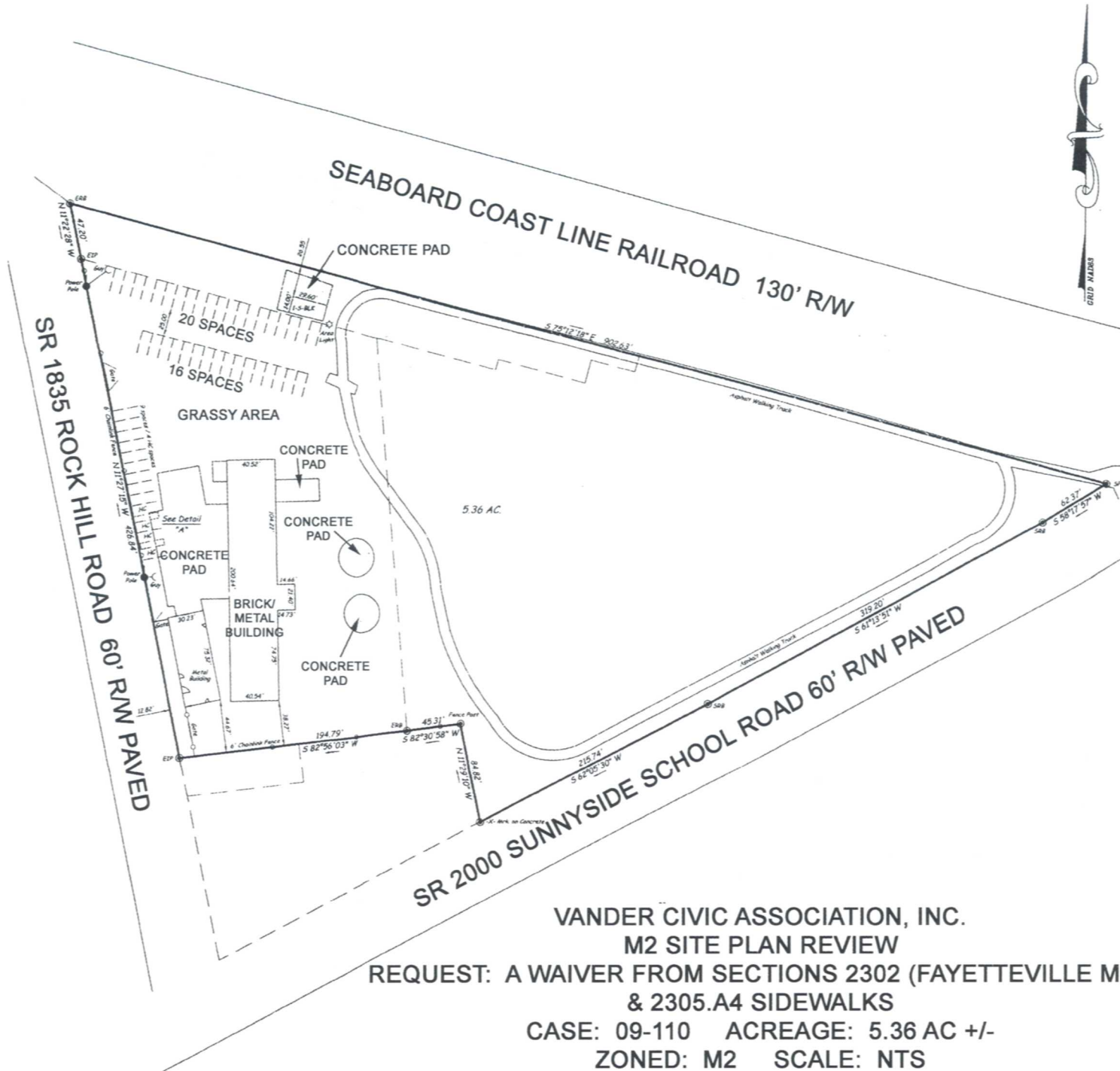
Attachments

- 1 – Sketch Map
- 2 – Site Plan
- 3 – Aerial Photo
- 4 – Conditions of Approval
- 5 – Application for Waiver to Include Photo Attachments
- 6 - City of Fayetteville Recommendation (Email dated January 25, 2011 w/ Attachment and Photo

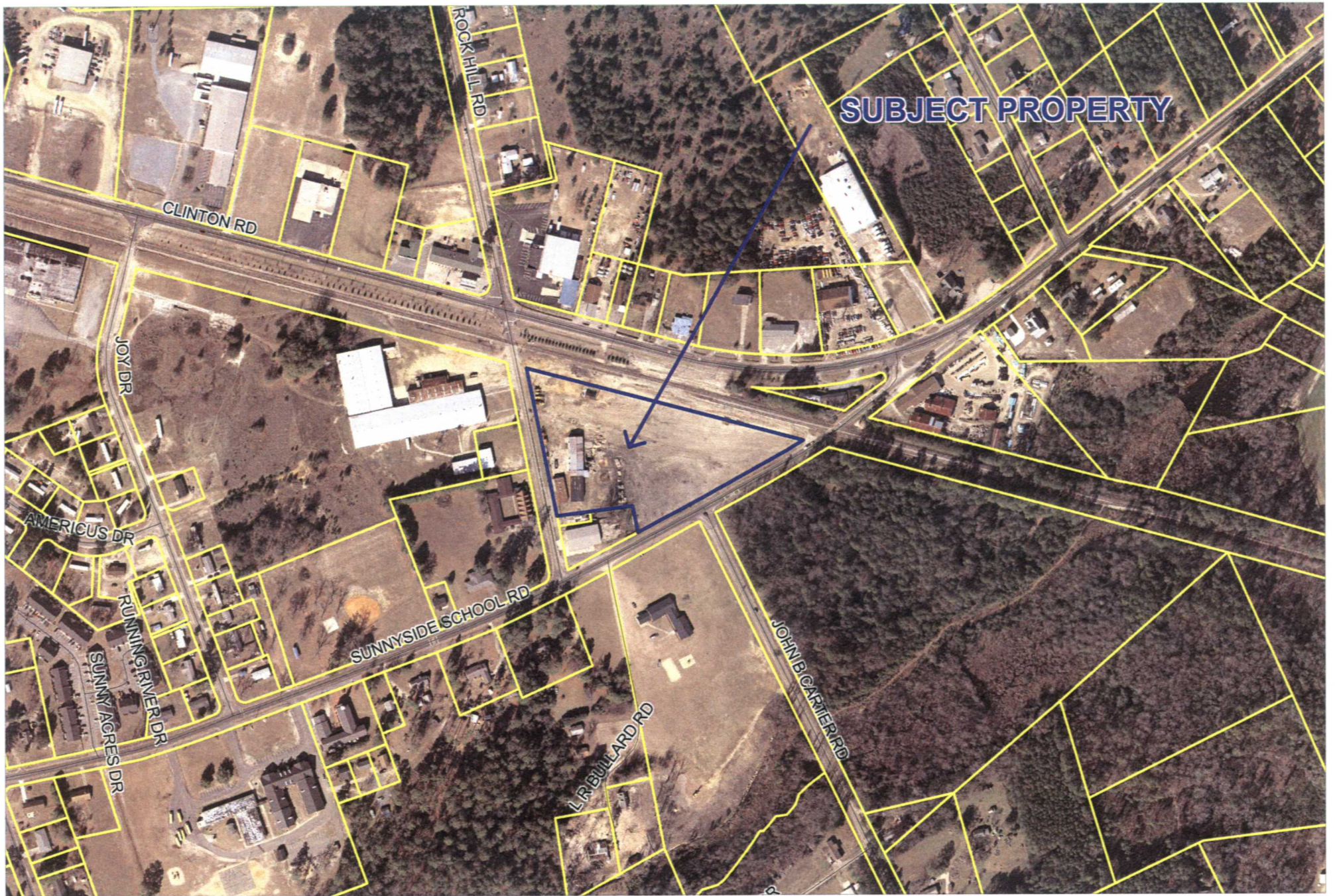


COUNTY SUBDIVISION ORDINANCE WAIVER

ACREAGE: 5.36 AC.+/-	HEARING NO: 09-110	
ORDINANCE: COUNTY	HEARING DATE	ACTION
GOVERNING BOARD		



VANDER CIVIC ASSOCIATION, INC.
 M2 SITE PLAN REVIEW
 REQUEST: A WAIVER FROM SECTIONS 2302 (FAYETTEVILLE MIA)
 & 2305.A4 SIDEWALKS
 CASE: 09-110 ACREAGE: 5.36 AC +/-
 ZONED: M2 SCALE: NTS
 *SCALED DETAILED SITE PLAN IN FILE AVAILABLE FOR REVIEW UPON REQUEST



**AERIAL PHOTO
CASE NO: 09-110**



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

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Walter Clark,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin
Wade, Falcon, & Godwin

STAFF REVIEW: 10-06-09 PLANNING BOARD DECISION: N/A

CASE NO: 09-110 NAME OF DEVELOPMENT: VANDER CIVIC & COMMUNITY CENTER

MIA: FAYETTEVILLE M2 SITE PLAN REVIEW

LOCATION: EAST SIDE OF SR 1835 (ROCK HILL ROAD), ZONING: M2

NORTH SIDE OF SR 2000 (SUNNYSIDE SCHOOL ROAD) PIN: 0466-16-9259-

OWNERS / DEVELOPER: VANDER CIVIC ASSOCIATION ENGINEER OR DESIGNER: MIKE TATE

PLANNING & INSPECTIONS DEPARTMENT ACTION:

- PRELIMINARY
- EXTENSION REVISION
- APPROVED CONDITIONALLY
- DENIED

PLANNING BOARD DECISION:

- PRELIMINARY
- EXTENSION REVISION
- APPROVED CONDITIONALLY
- DENIED

The development plat/plan you submitted to this office is conditionally approved. Your approval is subject to the following conditions:

Permit-Related:

1. The owner/developer(s) of these lots 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.
2. The County Health Department must approve sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Section 2306 A, Water and Sewer, County Subdivision Ordinance)
3. Connection to public water is required, the Public Works Commission (PWC) must approve water plans prior to application for any permits. A copy of the PWC approval must be provided to Code Enforcement at the time of application for building/zoning permits. (Section 2306 A.1, Public Water and Sewer Systems County Subdivision Ordinance)
4. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement.

5. 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 Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
6. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
7. Prior to the building final inspection, a concrete sidewalk must be constructed along the entire length of the subject property where the property abuts SR 1835 (Rock Hill Road) and SR 2000 (Sunnyside School Road).
8. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

Site-Related:

9. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the M(P) zoning district must be complied with, as applicable.
10. All corner lots and lots fronting more than one street must provide front yard setbacks from each street.
11. This conditional approval is not approval of any freestanding signs. If a freestanding sign is desired, re-submittal of the site plan is required prior to application for any freestanding sign permits. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
12. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision Ordinance)
13. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
14. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.
15. Turn lanes may be required by the NC Department of Transportation (NCDOT).
16. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
17. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
18. All required off-street parking spaces shall be a minimum of 9' x 20' and shall be surfaced, with a permanent material such as asphalt or concrete, and striped prior to application for the building final inspection. A minimum of 28 off-street parking spaces are required for this development.
19. Noise levels shall not exceed 60 dB(A) between the hours of 10:00 pm and 7:00 am. In any event, the noise level, regardless of the time of day, shall not become a nuisance to neighboring properties and strict compliance with the County's Noise Ordinance is required.

Advisories:

20. The applicant is advised to consult an expert on wetlands before proceeding with any development.

21. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.
22. An internal street system most likely will be required by the NC Department of Transportation (NCDOT) to serve any divisions of the subject property.

If you need clarification of any conditions, please contact Ed Byrne at 910-678-7609 or Patti Speicher at 910-678-7605; otherwise, contact the appropriate agency at the contact numbers below.

Contact Information (Area Code is 910 unless otherwise stated):

Improvements Inspections:	Jeff Barnhill	678-7765
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Health Department:	Daniel Ortiz	433-3680
PWC:	Heidi Maly	223-4773
Fayetteville Planning:	Marsha Bryant	433-1416
Fayetteville Engineer (Easements):	Rusty Thompson	433-1660
Fayetteville Engineer (Sidewalks):	Randy Lane	433-1661
Fayetteville Engineer (Stormwater):	Jeffrey Brown	433-1691
Corp of Engineers (wetlands):	Crystal C. Amschler	251-4170
NCDENR (E&S):	Sally McKinney	433-3300
E911 Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545

cc: Marsha Bryant, City of Fayetteville

OFFICIAL PRELIMINARY STAMP
 CUMBERLAND COUNTY
 CASE NO: 09-110

THIS PLAN APPROVED BY THE CUMBERLAND COUNTY PLANNING & INSPECTION DEPARTMENT ON: 10-06-09

COMMENTS: SUBJECT TO CONDITIONS

I CERTIFY THAT THIS PLAN HAS BEEN APPROVED BY THE CUMBERLAND COUNTY PLANNING & INSPECTIONS DEPARTMENT AS DRAWN HEREON AND MAY BE USED FOR ANY OFFICIAL PURPOSE AS PERMITTED BY LAW. THIS APPROVAL IS VALID UNTIL: 12-31-12

Patricia S. Speicher **GB**
 SUPERVISOR, LAND USE CODES

**TO THE CUMBERLAND COUNTY JOINT PLANNING BOARD,
FAYETTEVILLE, NORTH CAROLINA:**

I (We), the undersigned, hereby submit this application, and petition the Cumberland County Joint Planning Board to waive [vary] certain adopted provisions of the County's Subdivision Ordinance as specified below and provided for under the terms of the Subdivision Ordinance. In support of this petition, the following facts are submitted:

↓ LOCATION OF PROPERTY: 128 Rock Hill Rd Fayetteville, NC
↓ OWNER: Vander Civic Association, Inc.
ADDRESS: 135 Bladen Circle Fayetteville, NC ZIP CODE: 28312
TELEPHONE: HOME (910)391-3676 WORK _____
↓ AGENT: John Matthews President
ADDRESS: 135 Bladen Circle Fayetteville, NC ZIP CODE: 28312
TELEPHONE: HOME (910)391-3676 WORK _____

**APPLICATION FOR A WAIVER [VARIANCE]
As required by the Subdivision Ordinance**

A. Parcel Identification Number (PIN #) of subject property: 0466-16-9259
(also known as Tax ID Number or Property Tax ID)

B. Acreage: 5.36 Frontage: 474.04 Depth: 902.63

C. Water Provider: PWC

D. Septage Provider: Septic

E. Deed Book 7758 / 7461, Page(s) 0104-0106 & 0107-0112 / 898-900, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).

F. Existing and/or proposed use of property: community building & park

G. Section and provision of the Cumberland County Subdivision Ordinance from which a waiver [variance] is requested:

Section 2302 A. & section 2305 A(4)

H. Nature and extent of hardship involved in strict application of the County Subdivision Ordinance – attach additional sheet if necessary:

see attached addendum

STATEMENT OF ACKNOWLEDGEMENT

Regarding appearance before the Joint Planning Board, 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 arguments 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 the decision will be that of Cumberland County Superior Court. (Affected parties of the board's decision have 30 days from date of proper notification in which to serve notice of appeal).

Signed acknowledgement that the County Planning & Inspections Staff has explained the application process and procedures regarding this request and the public hearing procedure stated above and that the application is complete and accurate.

↓ John Matthews, President
Property owner(s)' signature(s)
Vander Civic Association, Inc. c/o John Matthews
Property owner(s)' name (print or type)
135 Bladen Circle Fayetteville, NC 28312
Complete mailing address of property owner(s)
(910) 391-3676 Telephone number Alternative telephone number
(910) 323-1417
Email address FAX number

ADDENDUM TO REQUEST FOR WAIVER

Vander Civic Association, Inc.
Addendum to Application for Waiver
(Page 1 of 3)

Members of the Fayetteville City Council and the Cumberland County Planning Board,

The Vander Civic Association is applying for a Waiver (Variance) from Sections 2302 A and 2305 A (4) of the Cumberland County Subdivision Ordinance. That ordinance requires us to install concrete sidewalks along the entire length of our property which abuts Rock Hill Road and Sunnyside School Road, a total length of more than 1,000 feet. This is a very expensive project for a community non-profit organization such as ours to pay for. **The ordinance would cause a special hardship to the Vander Civic Association, one that will likely necessitate our filing bankruptcy unless you will provide us some relief.**

At the time we purchased this property, the 2030 Growth Vision Plan had not been adopted. We incurred debt in the amount of \$126,000 with which to purchase the second parcel of land at a tax foreclosure sale. We have been innocently blindsided by the imposition of this ordinance. Had we been made aware of the impending ordinances and the associated costs, we most likely would not have purchased the property.

Certainly, there is some kind of relief in your hearts for an organization created to enhance the lives of its citizens that is an innocent victim and is a non-profit corporation which depends on 2 or 3 fund raisers a year merely to be able to survive. The costs to comply with this ordinance would be in the tens of thousands of dollars which we do not have, nor do we have the means to obtain.

We are grateful to you for any consideration you give to our plea for understanding and relief.

In considering your decision, we feel that the history is a very important factor; therefore, we are providing the following information so that you may better understand our position.

The parcel in question was purchased in two different transactions. The former site of Thomason Plywood Plant and most recently, Woody's Salvage Yard was purchased by Vander Civic Association, Inc on December 27, 2006 from Cumberland County for a total price including back property tax of \$ 15, 532.68. More than 2 years prior a group of concerned Vander citizens organized hoping to resolve the problem of the eyesore that had plagued our community for many, many years. We had several fundraisers and banked the funds in hopes that if we could not convince government agencies to assist with the problem, we could somehow purchase the property and work towards resolving it ourselves. This property had approximately \$1.8 million liens on it including EPA, UNC Hospital Systems as well as Cumberland County. Members of our group made our concerns known to politicians and after much effort the EPA and UNC Hospital liens were removed. Cumberland County then allowed us to purchase the property on the condition that we find a way to clean it up. Cumberland County wasted no time after the closing in condemning the property and giving us a mandate to clean it up. We had had some fundraisers in the 2 years prior, but had just a small portion of the funds needed to commence with the clean up. Research indicated that any grants that could be obtained for clean up in the amount we needed seemed to require matching funds which we didn't have either. One of the business men in the community graciously decided that he would use his resources to tear down the buildings and clean up the debris. Others donated their time and energy to the process as well. Estimated charges to clean up the site exceed \$144,000, not including other volunteer labor. Besides that, our organization paid incidental costs for fuel and supplies in the amount of approximately \$ 19,000. During clean up, we were given a grant for a walking track which was promptly installed after clean up was complete.

During the period of time that the clean up was being done on the 1st parcel, we became aware of a tax foreclosure auction on the adjoining property. Because our group had become so passionate about the project, we decided to bid on the adjoining property as well because we felt that the existing building and grounds would enhance our purpose for the community. Furthermore, the risk of someone else buying it, depending on the future use could have adversely

Vander Civic Association, Inc.
Addendum to Application for Waiver
(Page 2 of 3)

affected what we were trying to accomplish. Those factors pushed us to put in a bid. Our bid was accepted, but the process became very difficult. 2 weeks into the process, our first closing attorney dropped the case without warning when he found that there were more than 20 liens and judgments attached to the parcel. After more than half a day talking to different attorneys, we finally found someone to take the job, Mr. Richard Lewis. The IRS and the North Carolina Department of Revenue both also had liens on the parcel. In order to satisfy the IRS, they required us to have an appraisal done to verify that the approximate \$133,000 we were paying for the property was comparable to fair market value. The appraisal was done at a cost of \$1,300.00. Mr. Lewis took care of notifying all other lien holders so that everything could be cleared. The property closing took place on October 11, 2007.

Cumberland County was paid approximately \$150,000 by our organization for the purchase of these 2 tax foreclosed parcels of land. Our organization financed \$ 126,000 for the purchase of the 2nd parcel. This debt is amortized over a 15 year period with a 5 year balloon due at the end of 5 years. We are hopeful to be able to obtain financing for the remaining balance at the end of the 5 year period so that we can continue making payments. Our payments are approximately \$1,240 per month and to date we have paid approximately \$50,000 in principal and interest (mostly interest).

The existing building that was on the 2nd parcel needed extensive repair. We set out to make it into a community building. Eastover and Stedman have had community buildings for years, but Vander was lacking that in our community. We felt that if we could make the building into something usable, we would have a place to have meetings, host fundraisers and community functions, and rent to others for various important occasions. To date we have spent approximately \$36,000 out of pocket and have had approximately \$15,000 in donated materials and labor to repair the building and clean up the site. We have passed all inspections, but have been told that since we are in the municipal impact area, we have to construct sidewalks as well before we can obtain a permanent occupancy permit.

Historically, we have been able to raise \$16,000 - \$20,000 per year with the 2 – 3 fundraisers we have. Since we have depleted funds raised in our initial few years and now have the debt from the purchase of the 2nd piece of property, the amount that we have the ability to raise with our 2 major fundraisers is depleted by our loan payments which exceed \$1,240 per month, insurance of approx, \$2,400 per year and utilities. We have no excess in order to make any more capital improvements to this property. Furthermore, if we are not granted a permanent occupancy permit for our building, we have no means to raise funds via pig cook-offs, rib-fests, rental of building, etc. and we will literally be forced into bankruptcy. 90% of our active members are senior citizens and our active membership has declined by 50% in recent years. Also, it has become more difficult to raise funds due to the sluggish economy. All of these factors contribute to our position that to raise additional funds to construct sidewalks is an impossible task for our organization.

Besides the financial reasons, there are other reasons that we feel the ordinance should not apply. When we purchased these 2 parcels of land the parcels, the 2030 Growth Vision Plan had not yet been adopted and we were not in the municipal impact area. We purchased them not knowing that future decisions and agreements made by the city and county would impose these ordinances upon us. Had we known that, our decision to buy the 2nd parcel most likely would have been different.

We have a .3 of a mile walking track around the park part of the property. This walking track runs along the side of Sunnyside School Road and the railroad track. Putting a sidewalk along side it seems not only wasteful, but impractical. That part of the proposed sidewalk would run between the railroad track crossing and Evans Hardware. The other proposed sidewalk would run between Evans Hardware and the railroad track. The sidewalks would actually go nowhere.

Vander Civic Association, Inc.
Addendum to Application for Waiver
(Page 3 of 3)

Until our debt is paid, there is absolutely no way that our organization could take on another capital project of any size. We are hopeful to be able to pay off our debt in 12 years. We are asking for a permanent waiver for the sidewalks. If this is not granted, our chance for survival is not good. If a permanent waiver is not satisfactory to you, hopefully, you can come to a concession that will not cause our organization to forfeit the responsibility it has taken on for the community.

In making your decision, please consider that this group has literally changed the landscape of our community. We have placed a park and community center in a community where county or city government has not. Vander was promised a park many years ago; however, those plans were changed. Even though our property taxes include the recreation tax, we have not been able to benefit from recreational facilities in our neighborhood until now due to the efforts of this organization. Our community is now able to enjoy the benefits of a park with walking track, playground and green spaces. We ask that you help us continue in our efforts for the community by granting us the waivers so that we can fully utilize our community building and continue to work for our community.

Thank you for your consideration. Please see attached photos marked Exhibit A (Before) and Exhibit B (After).

Sincerely,

A handwritten signature in black ink, appearing to read "John Matthews", written in a cursive style.

John Matthews, President

Vander Civic Association

STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND

VERIFICATION

John L. Matthews, President of the Vander Civic Association,

Being duly sworn, deposes and says:

That s/he is an officer of the Association in the above entitled action; that s/he has read the foregoing Request for Waiver and Addendum to Request for a Waiver and knows the contents thereof; that the same is true of her/his own knowledge except as to those matters and things alleged on information and belief and as to those s/he believes them to be true.

Vander Civic Association

John L. Matthews

BY: John L. Matthews
OFFICE: President

STATE OF NORTH CAROLINA

CUMBERLAND COUNTY

I certify that the following person(s) personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document(s) for the purposes stated therein and in the capacity indicated:

NAME OF PRINCIPALS: John L. Matthews, President

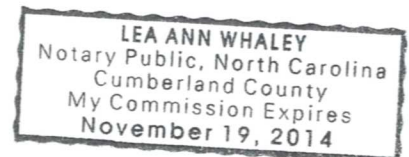
Date: November 15, 2010 Lea Ann Whaley

Notary Public

My commission Expires: Lea Ann Whaley

Nov. 19, 2014

Printed or Typed Name of Notary Public



Before Photos



After Photos







Patricia Speicher

From: Patricia Speicher
Sent: Tuesday, January 25, 2011 4:35 PM
To: 'Karen Hilton'
Subject: RE: sidewalk waiver, Vander Civic Assoc

Thanks so much, that would be great if P&R could help. I will pass this info on to the board too.

Have a great evening!
Patti

From: Karen Hilton [mailto:KHilton@ci.fay.nc.us]
Sent: Tuesday, January 25, 2011 12:14 PM
To: David Steinmetz; Patricia Speicher
Subject: sidewalk waiver, Vander Civic Assoc

FYI. We've made some inquiries about possible funding sources for the Vander Civic Association. One source everyone thought of was the Safe Routes to School, but Rusty says the project has to be sponsored by a municipality and maintained by the same. It has to be within 2 miles [of a school], and is a long process. Funding agency is not taking submittals at this time.

Michael Gibson is looking to see if he can identify any other source of funds to help.

Patricia Speicher

From: David Steinmetz [Dsteinmetz@ci.fay.nc.us]
Sent: Friday, January 07, 2011 4:16 PM
To: Patricia Speicher
Subject: RE: Vander question

Karen wanted me to send you the recommendation

Recommended action

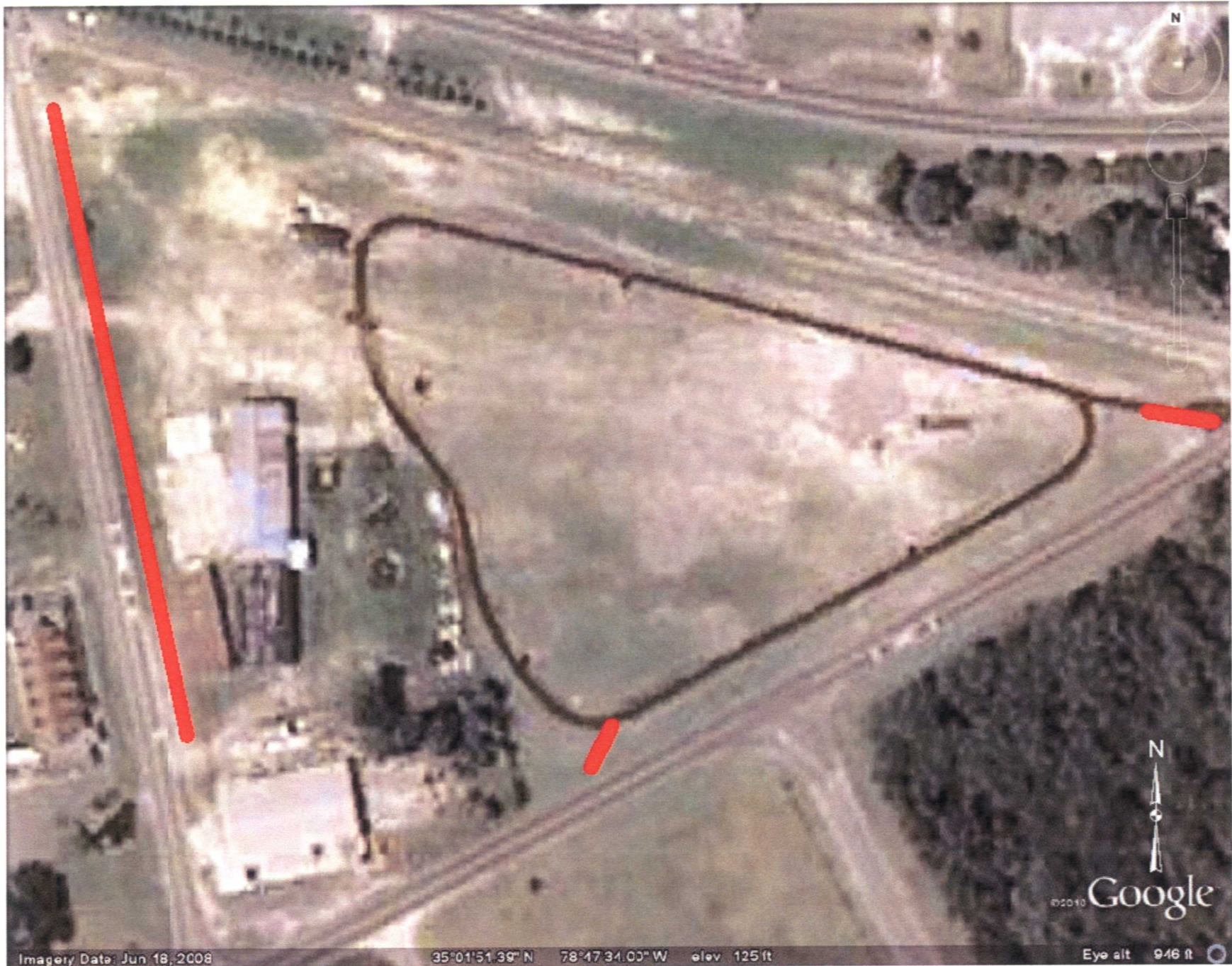
Due to the fact that this is a public park and the likelihood of pedestrian traffic is high, staff feels that the request for the sidewalk waiver should be denied along Rock Hill Road. Along Sunnyside School Road, staff recommends that a sidewalk connect to the existing walking trail. This would be accomplished by the owner dedicating a sidewalk easement for the portion outside of the public right of way. This would prevent the duplication of a pedestrian path. Therefore staff recommend option 3, Move to recommend to the Cumberland County Joint Planning Board that the waiver requests be denied on Rock Hill Road and sidewalks be installed to connect with the existing walking trail along Sunnyside School Road with the applicant dedicating the appropriate easements for the portion outside the public right of way.

Dave

From: Patricia Speicher [mailto:pspeicher@co.cumberland.nc.us]
Sent: Friday, January 07, 2011 12:02 PM
To: David Steinmetz
Subject: RE: Vander question

Recommended action

- Recommend Denial of waiver for the sidewalk required on Rock Hill Road
- Recommend Approval of waiver with the following condition:
 - Provide public easement and improvements from street ROW to the existing walking trail at the two ends along Sunnyside Road, using like surfacing (asphalt).



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Imagery Date: Jun 18, 2008

35°01'51.39" N 78°47'31.00" W elev 125 ft

Eye alt 946 ft