

Patricia Hall,  
Chair  
Town of Hope Mills

Charles Morris,  
Vice-Chair  
Town of Linden

Jami McLaughlin,  
Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman

Donovan McLaurin,  
Wade, Falcon & Godwin



**CUMBERLAND**  
★ **COUNTY** ★  
NORTH CAROLINA

*Planning & Inspections Department*

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Vikki Andrews,  
Diane Wheatley,  
Carl Manning,  
Walter Clark  
Cumberland County

Benny Pearce,  
Town of Eastover

**TENTATIVE AGENDA**

March 15, 2016  
7:00 P.M.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. APPROVAL OF/ADJUSTMENTS TO AGENDA
- III. PUBLIC HEARING DEFERRAL

**P16-08.** REZONING OF 4.20+/- ACRES FROM A1 AGRICULTURAL & R40 RESIDENTIAL TO M1(P) PLANNED LIGHT INDUSTRIAL/CZ CONDITIONAL ZONING FOR INDUSTRIAL REPAIRS AND SALES, MOTOR VEHICLE REPAIR & WHOLESALE SALES OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTH SIDE OF TRANQUILITY ROAD, EAST OF NC HWY 87 S; SUBMITTED BY OSCAR BRUCE SKINNER, JR.(OWNER). **DEFERRED UNTIL MAY 17, 2016 – APPLICANT REQUESTED**

- IV. ABSTENTIONS BY BOARD MEMBERS
- V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS
- VI. APPROVAL OF THE MINUTES OF FEBRUARY 16, 2016
- VII. PUBLIC HEARING CONSENT ITEMS

**REZONING CASES**

- A. **P15-59:** REZONING OF 4.72+/- ACRES FROM A1 AGRICULTURAL TO R20 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTHEAST SIDE SR 4518 (DULLES ROAD), WEST OF SR 2376 (SOUTH FORTY DRIVE); SUBMITTED BY ROBERT AND STEPHANIE VAUGHN (OWNERS) AND CHRIS ROBERTS.
- B. **P16-10.** REZONING OF 3.06+/- ACRES FROM A1 AGRICULTURAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 891 REMLEY COURT, SUBMITTED BY SHELBY TOWNSEND (OWNER) AND ROBERT TOWNSEND (AGENT).
- C. **P16-13.** REZONING OF 4.54+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 5064 MACEDONIA CHURCH ROAD, SUBMITTED BY MACEDONIA MISSIONARY BAPTIST CHURCH, INC. (OWNER) AND PHILLIP WALTERS (AGENT).

**CONDITIONAL ZONING DISTRICT**

- D. **P16-02.** REZONING OF 25.96+/- ACRES FROM A1 AGRICULTURAL TO R30 RESIDENTIAL/DD DENSITY DEVELOPMENT/CZ CONDITIONAL ZONING DISTRICT FOR A 34 LOT SUBDIVISION OR TO A MORE RESTRICTIVE ZONING DISTRICT;

LOCATED ON THE SOUTHWEST SIDE OF SR 2233 (SCHOOL ROAD), WEST OF SR 2251 (YARBOROUGH ROAD); SUBMITTED BY CHARLES JEFFERY DEVORE (OWNER) AND TIM EVANS (AGENT).

- E. **P16-11.** REZONING OF 3.58+/- ACRES FROM A1 AGRICULTURAL & A1 AGRICULTURAL/CU CONDITIONAL USE FOR MOTOR VEHICLE REPAIR WITH OUTSIDE STORAGE TO A1 AGRICULTURAL/CZ CONDITIONAL ZONING FOR MOTOR VEHICLE REPAIR WITH OUTSIDE STORAGE OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 4365 & 4371 MARSHWOOD LAKE ROAD, SUBMITTED BY DON KNOBLOCH (OWNER) AND LORI EPLER (AGENT).
- F. **P16-14.** REZONING OF 1.49+/- ACRES FROM C1(P) PLANNED LOCAL BUSINESS DISTRICT AND R30A RESIDENTIAL TO C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING DISTRICT FOR HARDWARE & GARDEN SUPPLY, REPAIR, RENTAL AND/OR SERVICING & RETAILING OR SERVICING; LOCATED AT 2118 DUNN ROAD, SUBMITTED BY KENNETH AND DANA THURMOND (OWNERS).

#### VIII. CONTESTED ITEMS

#### IX. PUBLIC HEARING WAIVER REQUEST

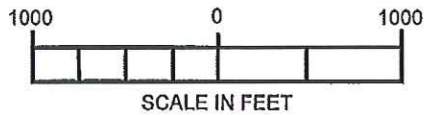
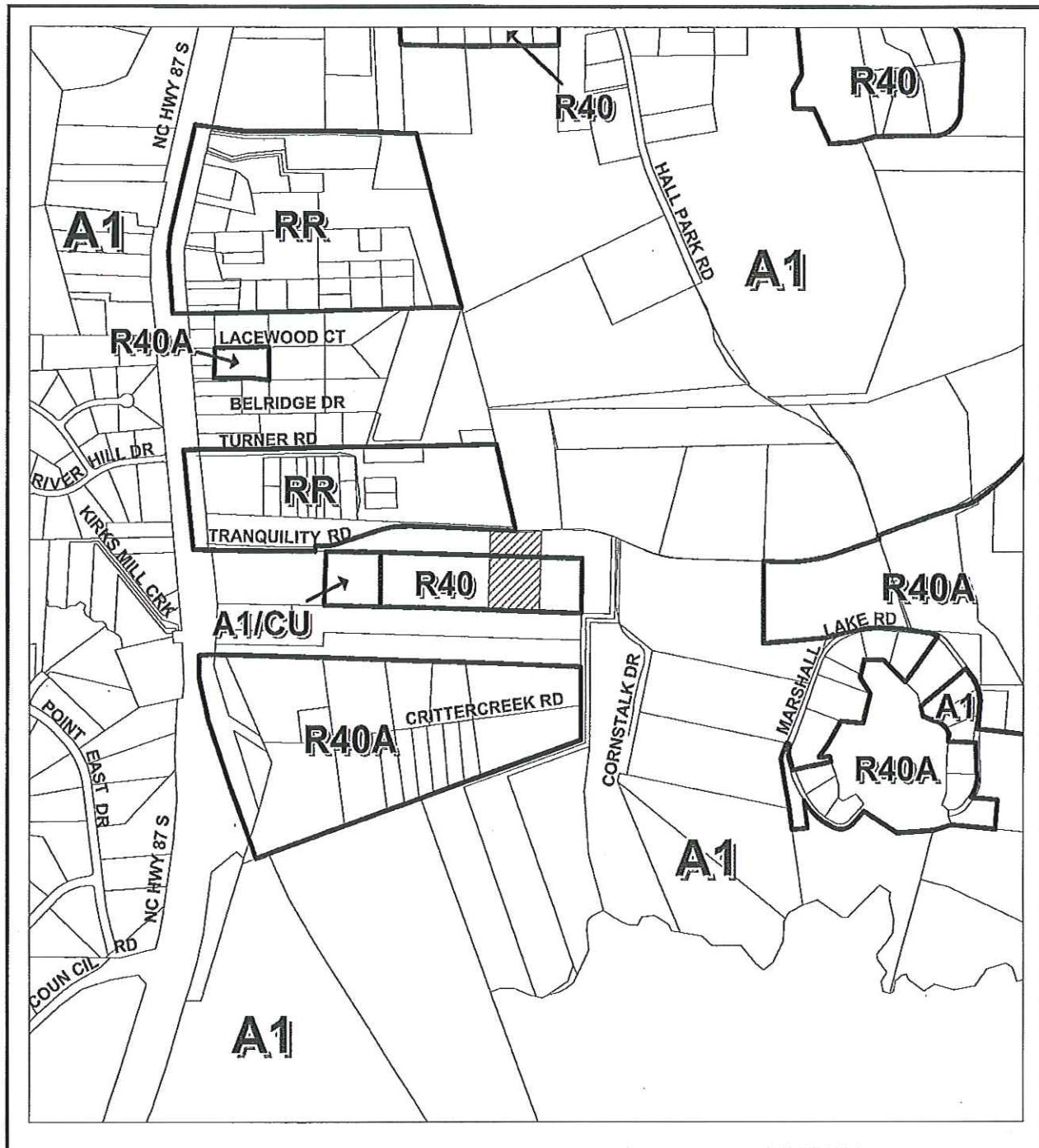
- G. **CASE NO. 16-015.** CONSIDERATION OF THE REGINALD L. JOHNSTON ESTATES; ZERO LOT LINE & GROUP DEVELOPMENT REVIEW; REQUEST FOR A WAIVER FROM THE REQUIREMENTS OF THE NUMBER OF LOTS AND DWELLING UNITS ALLOW ON A CLASS "C" PRIVATE STREET; COUNTY SUBDIVISION ORDINANCE, SECTIONS 2304.C.4.C(4) & (5), CLASS "C" PRIVATE STREET SPECIFICATIONS; ZONED: R6; TOTAL ACREAGE: 0.93+/-; LOCATED AT 955, 957, 959, 961 & 963 DOMAIN DRIVE; SUBMITTED BY REGINALD L. JOHNSTON (OWNER) AND GEORGE LOTT (SURVEYOR). (FAYETTEVILLE MIA/COUNTY JURISDICTION)
- H. **CASE NO. 16-026.** CONSIDERATION OF THE FRED KNOBLOCH HEIRS PROPERTY; SUBDIVISION REVIEW; REQUEST FOR A WAIVER FROM THE REQUIREMENT FOR A MINIMUM 125 FOOT STREET OFFSET SEPERATION AND THE REQUIREMENT TO BUILD A CLASS "C" PRIVATE STREET OFF OF EITHER A PAVED PUBLIC OR APPROVED PAVED PRIVATE STREET; COUNTY SUBDIVISION ORDINANCE, SECTIONS 2304.A.10.E "STREET OFFSETS" & 2304.C.4.C(3), CLASS "C" PRIVATE STREET SPECIFICATIONS; ZONED: A1 & A1/CU; TOTAL ACREAGE: 3.58+/-; LOCATED AT 4365 & 4371 MARSHWOOD LAKE ROAD; SUBMITTED BY FRED KNOBLOCH HEIRS (OWNER) AND LARRY KING & ASSOCIATES (SURVEYOR). (COUNTY JURISDICTION)
- I. **CASE NO. 16-031.** CONSIDERATION OF THE BRUCE AND WANDA TEETS PROPERTY; SUBDIVISION REVIEW; REQUEST FOR A WAIVER TO CONSTRUCT A CLASS "B" PRIVATE STREET WHERE A PAVED STREET IS REQUIRED PER STEDMAN MIA AND NOT BE REQUIRED TO CONSTRUCT SIDEWALKS; COUNTY SUBDIVISION ORDINANCE, SECTIONS 2302 AREA-SPECIFIC STANDARDS; STEDMAN SUBDIVISION ORDINANCE. SECTION 4.1.A-E "STREETS" & SECTION 4.3.G "SIDEWALKS"; ZONED: R40; TOTAL ACREAGE: 4.17+/-; LOCATED AT 611 MAGNOLIA CHURCH ROAD; SUBMITTED BY BRUCE AND WANDA TEETS (OWNER). (STEDMAN MIA - COUNTY JURISDICTION)

#### X. DISCUSSION

##### DIRECTOR'S UPDATE

- APRIL 5, 2016 WORKSESSION

#### XI. ADJOURNMENT



PORT. OF PIN: 0440-64-7797

## REQUESTED REZONING A1 & R40 TO M1(P)/CZ

ACREAGE: 4.20 AC. +/-

HEARING NO: P16-08

ORDINANCE: COUNTY

HEARING DATE

ACTION

STAFF RECOMMENDATION

PLANNING BOARD

GOVERNING BOARD

AM

3-8-14

I wish to request a 90 day  
deferral for case no. P10-08.

Thank you,

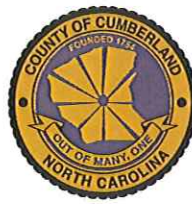
~~Bruce Skinner~~  
Bruce Skinner

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March 8, 2016

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Benny Pearce,  
Town of Eastover

**MEMORANDUM**

**TO:** Cumberland County Joint Planning Board  
**FROM:** Planning and Inspections Staff  
**SUBJECT:** Staff Recommendation for the March 15, 2016 Board Meeting

**P15-59:** REZONING OF 4.72+/- ACRES FROM A1 AGRICULTURAL TO R20 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTHEAST SIDE SR 4518 (DULLES ROAD), WEST OF SR 2376 (SOUTH FORTY DRIVE); SUBMITTED BY ROBERT AND STEPHANIE VAUGHN (OWNERS) AND CHRIS ROBERTS (AGENT).

**1<sup>st</sup> MOTION**

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P15-59 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “urban” because the site is located in an area that is quickly becoming urbanized. The request is consistent with the South Central Land Use Plan which calls for “low density residential” at this location. This request is also reasonable because preserving the character of the area and promoting infill are residential goals of the South Central Land Use Plan adopted in June 15, 2015.

The staff also recommends the board approve this rezoning request as it is reasonable and in the public interest because the district requested for the subject property meets most of the location criteria of the adopted Land Use Policies Plan, in that: *public or community water and sewer required, the adjacent subdivision is served by PWC utilities; must have direct access to a public collector street, Dulles Road is not a collector street, however, it does have access to South Forty Drive which is a collector street; must not be located in any defined critical area as defined by the Fort Bragg Small Area Study; desirable to not be located in the Special Flood Hazard Area and must not be an area with hydric soils unless sewer is available.*

**2<sup>nd</sup> MOTION**

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P15-59 for the R20 Residential district based on the following:

- The location and character of the requested district will be in harmony with the general area and allow for similar lot sizes and uses as the existing properties.

The R40 and R30 districts could also be considered suitable for this request.

Attachments: 1 – Site Profile  
2 – Sketch Map

**P15-59**  
**SITE PROFILE**

**P15-59:** REZONING OF 4.72+/- ACRES FROM A1 AGRICULTURAL TO R20 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTHEAST SIDE SR 4518 (DULLES ROAD), WEST OF SR 2376 (SOUTH FORTY DRIVE); SUBMITTED BY ROBERT AND STEPHANIE VAUGHN (OWNERS) AND CHRIS ROBERTS (AGENT).

**Site Information:**

**Frontage & Location:** 520.00+/- on SR 4518 (Dulles Road)

**Depth:** 590.28'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** No

**Current Use:** Vacant land

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

**Nonconformities:** None

**Zoning Violation(s):** None

**Surrounding Zoning:** North: A1, R40, R20 & RR ; South: C(P), C1(P), RR, R15 & R10; East: A1, R20, RR & R15; West: R15

**Surrounding Land Use:** Residential & woodlands

**2030 Land Use Plan:** Urban

**South Central Land Use Plan:** Low density residential

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

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

**Soil Limitations:** None

**Sewer Service Area:** Yes

**School Capacity/Enrolled:** Alderman Road Elementary: 750/731; Gray's Creek Middle: 1100/1025; Gray's Creek High: 1,270/1,368

**Subdivision/Site Plan:** If approved, review may be required

**Average Daily Traffic Count (2012):** 1,500 on SR 2239 (Cypress Lakes Road)

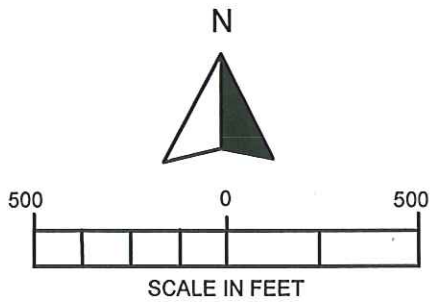
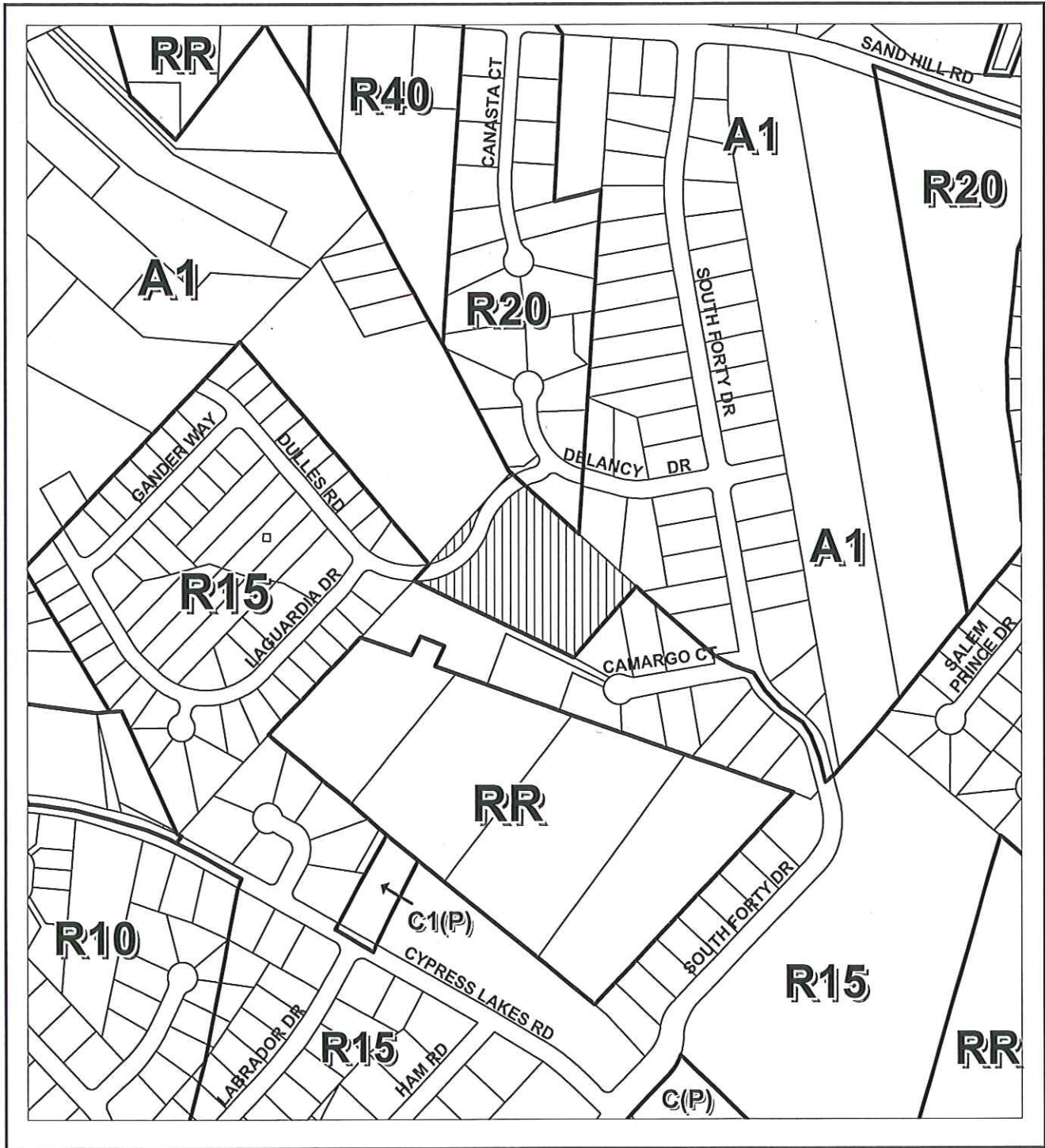
**Highway Plan:** Dulles Road and South Forty Drive are both identified as local roads in the Highway Plan. There are no planned improvements or construction for this area. This project has no impact on the current Highway Plan or Transportation Improvement Program.

**Notes:**

1. 

|                     |                            |
|---------------------|----------------------------|
| <u>Density</u>      | <u>Density (minus 15%)</u> |
| A1 – 2 lots/units   | R40 – 4 lots/units         |
| R40 – 5 lots/units  | R30 – 5 lots/units         |
| R30 – 6 lots/units  | R20 – 8 lots/9 units       |
| R20 – 10 lots/units |                            |
  
2. 

|  |                      |                 |
|--|----------------------|-----------------|
| <u>Minimum Yard Setback Regulations:</u> |                      |                 |
| <u>A1</u>                                | <u>R40 &amp; R30</u> | <u>R20</u>      |
| Front yard: 50'                          | Front yard: 30'      | Front yard: 30' |
| Side yard: 20'                           | Side yard: 15'       | Side yard: 15'  |
| Rear yard: 50'                           | Rear yard: 35'       | Rear yard: 35'  |



PINS: 0433-50-3434  
 0433-50-1505  
 0433-50-2785

## REQUESTED REZONING A1 TO R20

|                             |                     |                           |
|-----------------------------|---------------------|---------------------------|
| <b>ACREAGE: 4.72 AC.+/-</b> |                     | <b>HEARING NO: P15-59</b> |
| <b>ORDINANCE: COUNTY</b>    | <b>HEARING DATE</b> | <b>ACTION</b>             |
| <b>STAFF RECOMMENDATION</b> |                     |                           |
| <b>PLANNING BOARD</b>       |                     |                           |
| <b>GOVERNING BOARD</b>      |                     |                           |

02-15-15  
 12-11-15  
 AM

Patricia Hall,  
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Town of Hope Mills

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Cumberland County

Benny Pearce,  
Town of Eastover

**MEMORANDUM**

**TO:** Cumberland County Joint Planning Board  
**FROM:** Planning and Inspections Staff  
**SUBJECT:** Staff Recommendation for the March 15, 2016 Board Meeting

**P16-10.** REZONING OF 3.06+/- ACRES FROM A1 AGRICULTURAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 891 REMLEY COURT, SUBMITTED BY SHELBY TOWNSEND (OWNER) AND ROBERT TOWNSEND (AGENT).

**1<sup>st</sup> MOTION**

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P16-10 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “rural” at this location as the proposed district would allow development at one or less units per acre. Although the requested district is not entirely consistent with the South Central Land Use Plan, which calls for “farmland” at this location, the request is generally consistent with the plan’s goal of providing one acre lots for residential uses.

The staff recommends the board further find that approval of this rezoning is reasonable and in the public interest because the district requested for the subject property meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *individual well and septic systems are allowed; could be located in any defined critical area as defined by the Fort Bragg Small Study Area; desirable to be limited to one unit per acre in areas with hydric soils and severe septic tank limitations; desirable to not be located in an area that is a prime industrial site and may be outside the Sewer Service Area.*

**2<sup>nd</sup> MOTION**

The Planning and Inspections Staff recommends the board approve Case No. P16-10 for the R40 Residential district based on the above information and the following:

- The R40A Residential district will allow for land uses and lot sizes that exist in the general area.

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

Attachments:

1 – Site Profile 2 – Sketch Map



**P16-10**  
**SITE PROFILE**

**P16-10.** REZONING OF 3.06+/- ACRES FROM A1 AGRICULTURAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 891 REMLEY COURT, SUBMITTED BY SHELBY TOWNSEND (OWNER) AND ROBERT TOWNSEND (AGENT).

**Site Information:**

**Frontage & Location:** 302'+/- on Sin Canady Rd; 420'+/- on Remley Ct (Class "C" street)

**Depth:** 441'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** No

**Current Use:** Residential (1 "stick built" and 1 manufactured home)

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

**Nonconformities:** None

**Zoning Violation(s):** None

**Surrounding Zoning:** North & South: CD & A1; East: CD, A1, A1A, R40, R40A; West: CD, A1 & R40A

**Surrounding Land Use:** Residential (including manufactured homes), woodlands & farmland

**2030 Growth Strategy Map:** Rural

**South Central Land Use Plan:** Farmland

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

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

**Soil Limitations:** None

**Subdivision/Site Plan:** Subdivision Case 16-023 approval is contingent on rezoning approval

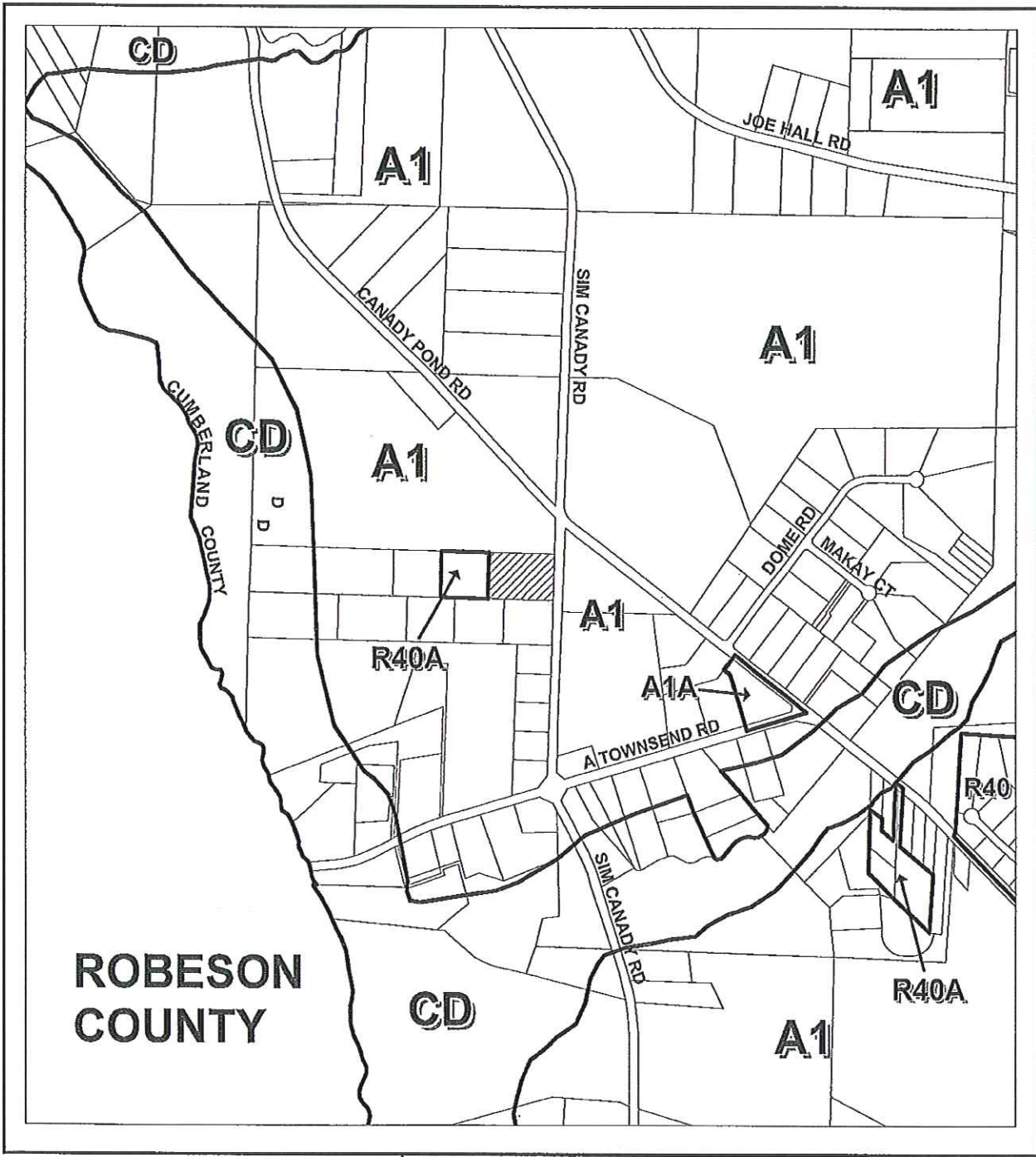
**Average Daily Traffic Count (2014):** 210 on SR 2248 (Sim Canady Rd)

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

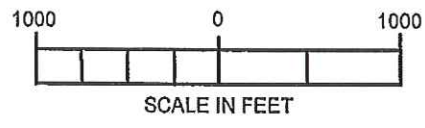
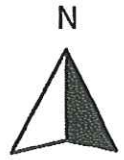
**Notes:**

1. Density  
A1 – 1 lot/ 2units  
R40A – 2 lots/ 3 units
  
2. Minimum Yard Setbacks:

| <u>A1</u>       | <u>R40A</u>     |
|-----------------|-----------------|
| Front yard: 50' | Front yard: 30' |
| Side yard: 20'  | Side yard: 15'  |
| Rear yard: 50'  | Rear yard: 35'  |



**ROBESON COUNTY**



PIN: 0421-42-4249

## REQUESTED REZONING A1 TO R40A

|                             |              |                           |  |
|-----------------------------|--------------|---------------------------|--|
| <b>ACREAGE: 3.06 AC.+/-</b> |              | <b>HEARING NO: P16-10</b> |  |
| ORDINANCE: COUNTY           | HEARING DATE | ACTION                    |  |
| STAFF RECOMMENDATION        |              |                           |  |
| PLANNING BOARD              |              |                           |  |
| GOVERNING BOARD             |              |                           |  |

AM

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Benny Pearce,  
Town of Eastover

March 8, 2016

**MEMORANDUM**

**TO:** Cumberland County Joint Planning Board  
**FROM:** Planning and Inspections Staff  
**SUBJECT:** Staff Recommendation for the March 15, 2016 Board Meeting

**P16-13.** REZONING OF 4.54+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 5064 MACEDONIA CHURCH ROAD, SUBMITTED BY MACEDONIA MISSIONARY BAPTIST CHURCH, INC. (OWNER) AND PHILLIP WALTERS (AGENT).

**1<sup>st</sup> MOTION**

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P16-13 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “rural” at this location as the proposed district would allow development at one or less units per acre.

The staff recommends the board further find that approval of this rezoning is reasonable and in the public interest because the district requested for the subject property meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *individual well and septic systems are allowed; could be located in any defined critical area as defined by the Fort Bragg Small Study Area; desirable to be limited to one unit per acre in areas with hydric soils and severe septic tank limitations; desirable to not be located in an area that is a prime industrial site and may be outside the Sewer Service Area.*

**2<sup>nd</sup> MOTION**

The Planning and Inspections Staff recommends the board approve Case No. P16-13 for the R40 Residential district based on the above information and the following:

- The R40 Residential district will allow for land uses and lot sizes that exist in the general area.

The A1A district could also be considered suitable at this location.

**Attachments:**

- 1 – Site Profile
- 2 – Sketch Map

**P16-13**  
**SITE PROFILE**

**P16-13.** REZONING OF 4.54+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 5064 MACEDONIA CHURCH ROAD, SUBMITTED BY MACEDONIA MISSIONARY BAPTIST CHURCH, INC. (OWNER) AND PHILLIP WALTERS (AGENT).

**Site Information:**

**Frontage & Location:** 418' +/- on SR 2014 (Macedonia Church Rd)

**Depth:** 376' +/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** Yes

**Current Use:** Religious worship (including parsonage)

**Initial Zoning:** A1 – September 3, 1996 (Area 20)

**Nonconformities:** None

**Zoning Violation(s):** None

**Surrounding Zoning:** North: A1, R40A, R30A, RR & R6A; South: A1, R40A & RR; East: A1/CU (allow multiple manufactured homes) & A1; West: A1

**Surrounding Land Use:** Residential, religious worship, cemetery, woodlands & farmland

**2030 Growth Strategy Map:** Rural

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

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

**Soil Limitations:** None

**Subdivision/Site Plan:** Site plan review may be required

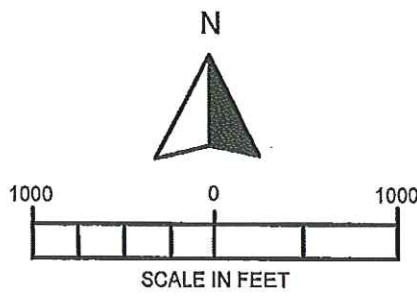
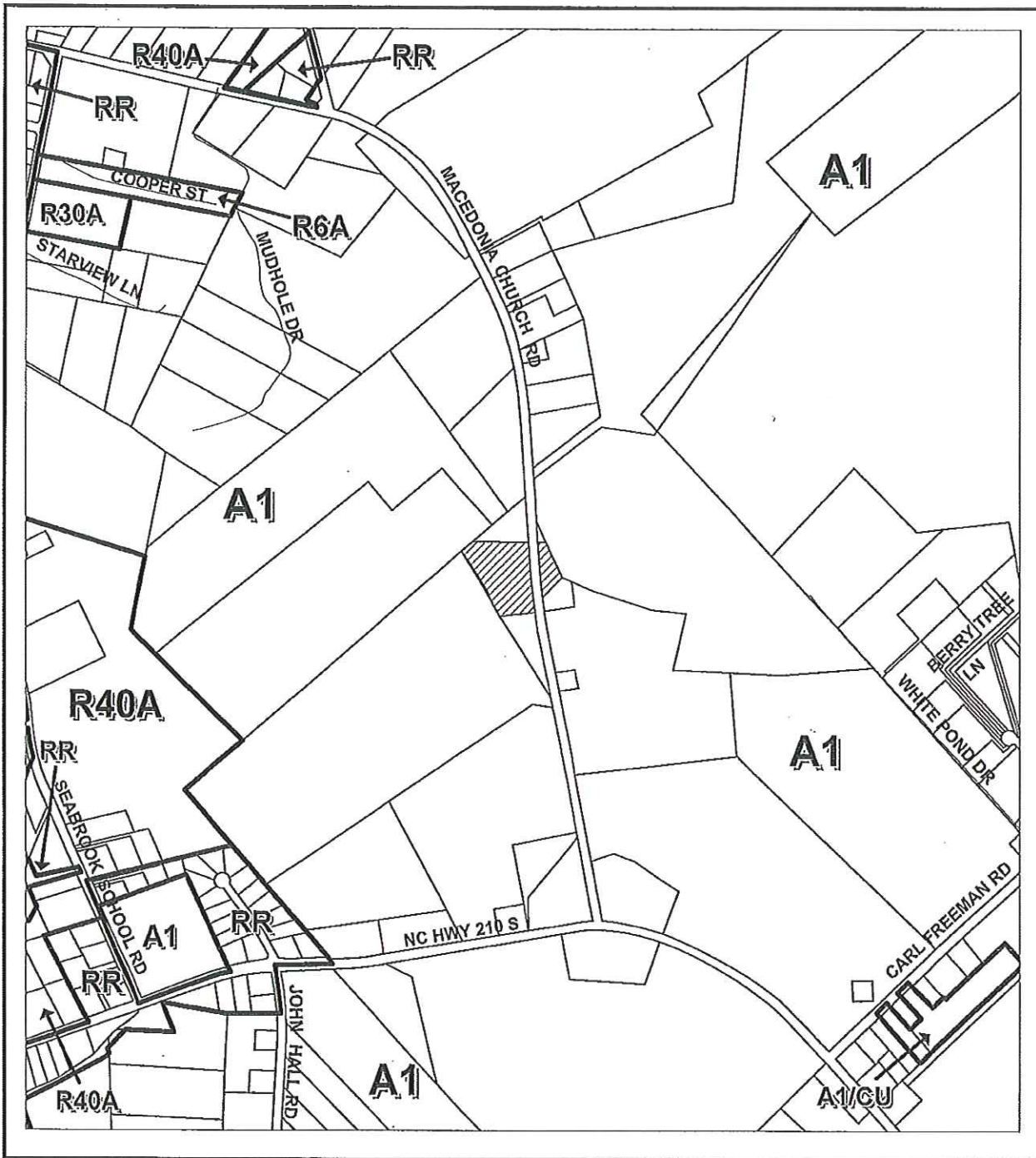
**Average Daily Traffic Count (2014):** 710 on SR 2014 (Macedonia Church Rd)

**Highway Plan:** Macedonia Church Rd is a local thoroughfare. There are no road improvements/construction specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Plan.

**Notes:**

1. Density  
A1 – 2 lots/units  
R40 – 4 lots/5 units
  
2. Minimum Yard Setbacks:

| <u>A1</u>       | <u>R40</u>      |
|-----------------|-----------------|
| Front yard: 50' | Front yard: 30' |
| Side yard: 20'  | Side yard: 15'  |
| Rear yard: 50'  | Rear yard: 35'  |



PIN: 0475-52-5665

## REQUESTED REZONING A1 TO R40

|                             |                           |        |
|-----------------------------|---------------------------|--------|
| <b>ACREAGE: 4.54 AC.+/-</b> | <b>HEARING NO: P16-13</b> |        |
| ORDINANCE: COUNTY           | HEARING DATE              | ACTION |
| STAFF RECOMMENDATION        |                           |        |
| PLANNING BOARD              |                           |        |
| GOVERNING BOARD             |                           |        |

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**MEMORANDUM**

**TO:** Cumberland County Joint Planning Board  
**FROM:** Planning and Inspections Staff  
**SUBJECT:** Staff Recommendation for the March 15, 2016 Board Meeting

**P16-02.** REZONING OF 25.96+/- ACRES FROM A1 AGRICULTURAL TO R30 RESIDENTIAL/DD DENSITY DEVELOPMENT/CZ CONDITIONAL ZONING DISTRICT FOR A 34 LOT SUBDIVISION OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTHWEST SIDE OF SR 2233 (SCHOOL ROAD), WEST OF SR 2251 (YARBOROUGH ROAD); SUBMITTED BY CHARLES JEFFERY DEVORE (OWNER) AND TIM EVANS (AGENT).

**1<sup>st</sup> MOTION**

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P16-02 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “rural” at this location because the district requested will allow for single family dwelling units on relatively large lots in a suburban area. Although the request is not consistent with the South Central Land Use Plan which calls for “farmland” rural, it is consistent with the residential goals, in that the front 40 foot buffer preserves the character of the area, employs low impact development techniques and locates a residential area with respect to natural and environmental sensitive areas.

The staff also recommends the board further find that approval of this rezoning is reasonable and in the public interest because the district requested for the subject property meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *septic systems are allowed*, public sewer is not available; *direct access to a public street is required*, School Road is a public street; and the subject property is *not located in any defined critical area as defined by the Fort Bragg Small Study Area*.

**2<sup>nd</sup> MOTION**

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P16-02 for the R30 Residential/DD Density Development/CZ Conditional Zoning district for a 34 lot residential subdivision based on the following:

- The proposed development plan along with the Ordinance Related Conditions, provides a means of protecting and retaining the rural viewshed of the area by providing the 40 foot wide roadside buffer, a 20 foot wide perimeter buffer and ensuring the permanent retention of 40 percent of the tract as open space.

Generally, there are no other districts suitable for this request at this location. The property owner has voluntarily agreed to all “Ordinance Related Conditions”.

Attachments: 1 – Site Profile 2 – Sketch Map 3 – Site Plan 4 – Ordinance Related Conditions 5 – Application

**P16-02**  
**SITE PROFILE**

**P16-02.** REZONING OF 25.96+/- ACRES FROM A1 AGRICULTURAL TO R30 RESIDENTIAL/DD DENSITY DEVELOPMENT/CZ CONDITIONAL ZONING DISTRICT FOR A 34 LOT RESIDENTIAL SUBDIVISION OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTHWEST SIDE OF SR 2233 (SCHOOL ROAD), WEST OF SR 2251 (YARBOROUGH ROAD); SUBMITTED BY CHARLES JEFFERY DEVORE (OWNER) AND TIM EVANS (AGENT).

**Site Information:**

**Frontage & Location:** N/A [60 ft on proposed street stub to SR 2233 (School Road)]

**Depth:** 1510'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** Yes

**Current Use:** Farm

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

**Nonconformities:** None

**Zoning Violation(s):** None

**Surrounding Zoning:** North: A1& R40; South, West & East: A1

**Surrounding Land Use:** Residential (including manufactured homes), hair salon, elementary school, religious worship & community center

**2030 Growth Strategy Map:** Rural

**South Central Land Use Plan:** Farmland

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

**Watershed:** Yes, watershed approval is required

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

**Soil Limitations:** Yes, hydric – JT Johnston loam

**Subdivision/Site Plan:** Case no. 14-123 must be revised for proposed road.. If approved, “Ordinance Related Conditions” apply

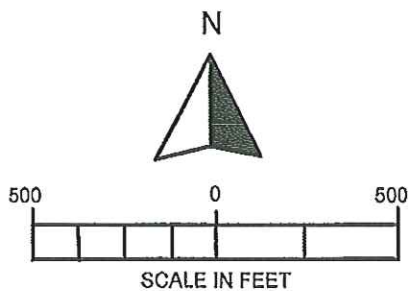
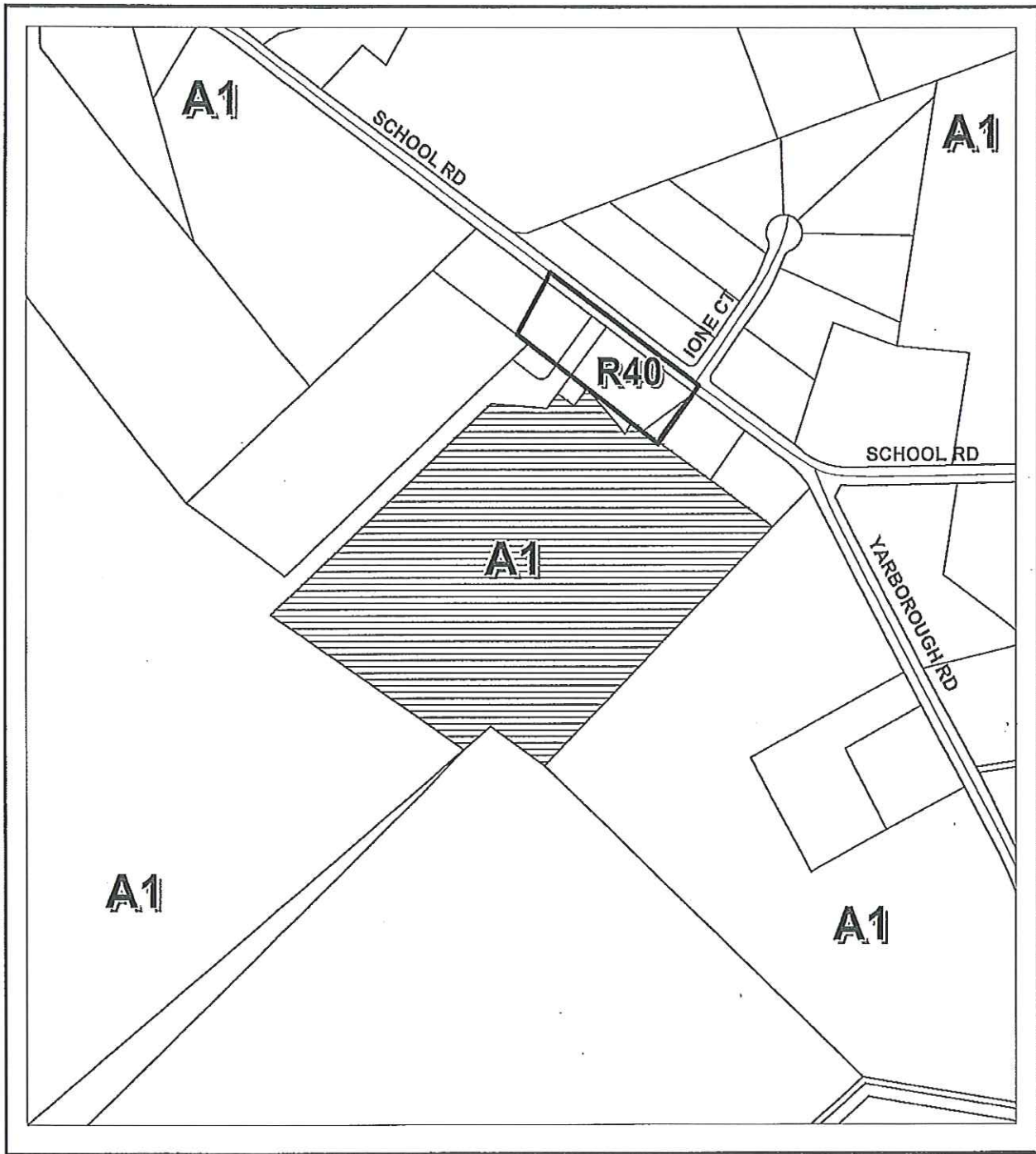
**Average Daily Traffic Count (2014):** 800 on SR 2233 (School Road)

**Highway Plan:** School Rd is a local thoroughfare. There are no road improvements/construction specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Plan.

**Notes:**

1. Density minus 15% acres for R/W:  
A1 – 12 lots/units  
R40 – 26 lots/units  
R30 – 35 lots/units
  
2. Minimum Yard Setbacks:

| <u>A1</u>       | <u>R40 &amp; R30</u> |
|-----------------|----------------------|
| Front yard: 50' | Front yard: 30'      |
| Side yard: 20'  | Side yard: 15'       |
| Rear yard: 50'  | Rear yard: 35'       |
  
3. Contents of Application and Site Plan:
  1. Typical lot size is 75' x 200' (15,000 sq. ft)
  2. Requesting maximum 34 lots
  3. Site plan provides 40% open space, as required (10.7 acres)



## REQUESTED REZONING A1 TO R30/DD/CZ

|                              |                           |               |
|------------------------------|---------------------------|---------------|
| <b>ACREAGE: 25.96 AC.+/-</b> | <b>HEARING NO: P16-02</b> |               |
| <b>ORDINANCE: COUNTY</b>     | <b>HEARING DATE</b>       | <b>ACTION</b> |
| <b>STAFF RECOMMENDATION</b>  |                           |               |
| <b>PLANNING BOARD</b>        |                           |               |
| <b>GOVERNING BOARD</b>       |                           |               |

PIN: 0441-03-3842

JM



PROPOSED R30 DENSITY DEVELOPMENT = 25.96 AC +/-  
OPEN SPACE 10.70 ac +/- WHICH MEETS 40% REQUIREMENT  
RIGHT-OF-WAY = 2.1 AC +/-  
 $25.96 - 2.1 = 23.86 \text{ AC} \div 30,000' = 34 \text{ LOTS MAXIMUM}$

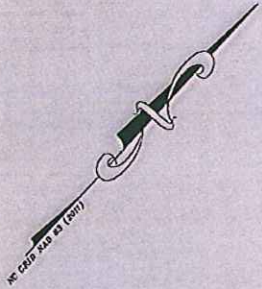
60' RIGHT-OF-WAY TO BE USED  
FOR SUBDIVISION ACCESS

40' VEGETATED BUFFER

SCHOOL RD (SR. 2233)

20' VEGETATED BUFFER

160'



## R30 RESIDENTIAL DENSITY DEVELOPMENT/CZ CONDITIONAL ZONING DISTRICT

REQUEST: 34 LOT RESIDENTIAL SUBDIVISION

CASE: P16-02 ACREAGE: 25.96 AC +/-

SCALE: NTS

\*SCALED DETAILED SITE PLAN IN FILE AVAILABLE FOR REVIEW UPON REQUEST

2-24-2016

2-19-2016

**R30 RESIDENTIAL/DD DENSITY DEVELOPMENT/CZ CONDITIONAL ZONING DISTRICT**

**DRAFT**

(34 Lot Residential Development)  
Ordinance Related Conditions

**Watershed-Related:**

1. An application for watershed approval must be submitted to the Watershed Review Officer (WRO) and plans must be approved by the WRO prior to final plat approval and/or prior to application for any building/zoning permits. (Note: This approval may require additional conditions restricting the development of this property.) A copy of the WRO's approval of this plat/plan must be submitted to Code Enforcement at the time of application for any permits.
2. Prior to application for the building final inspection, a Watershed Occupancy Permit must be issued for each lot/tract within this development.

**Permit-Related:**

3. 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.
4. The County Health Department must approve water and 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 and Development Ordinance)
5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
6. 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.
7. 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.
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.
9. 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. Permits MUST be secured prior to the change or alteration of existing or proposed property use. Failure to secure required permits prior to construction or change in property usage may result in the removal of the driveway or street connections at the property owner's expense. For additional information contact the Division 6 / District 2 office at the number listed on the bottom of this conditional approval.

**Note: In the event the NCDOT driveway permit process alters the site plan in any manner, the copies of a revised site plan must be submitted for staff review and approved prior to permit application.**

10. The developer must formally notify the NC Department of Transportation once construction of the public streets is complete and initiate the process of transferring the responsibility of road maintenance to the NCDOT. If application to the NCDOT District Engineer has not been formally submitted by the time building permits have been issued for 80% of the lots shown on the preliminary plan, no additional building permits can be issued until the NCDOT District Engineer notifies this department of the receipt of the application.

**Site-Related:**

11. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance and Zoning Ordinances for the R30/DD/CZ zoning district for a 34 lot residential subdivision, to include the contents of the application and site plan must be complied with, as applicable.
12. All corner lots and lots fronting more than one street must provide front yard setbacks from each street.
13. This conditional approval is not approval of any freestanding signs. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
14. All applicable provisions of Section 2401, "Group Developments", County Subdivision and Development Ordinance, must be complied with.
15. "School Road" must be labeled as "SR 2233" on all future plans.
16. 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 and Development Ordinance)
17. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision and Development Ordinance)
18. In the event a stormwater utility structure is required by the NC Department of Environment and Natural Resources (NCDENR), the owner/developer must secure the structure with a four foot high fence with a lockable gate, and is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.
19. This review does not constitute a "subdivision" approval by NC Department of Transportation (NCDOT). A separate submittal to NCDOT will be required prior to consideration for addition to the system of any street within this development.
20. The NC Department of Transportation (NCDOT) must approve the street plans and the street(s) are required to be constructed to the NCDOT standards for secondary roads.
21. Turn lanes may be required by the NC Department of Transportation (NCDOT).

**Plat-Related:**

22. Prior to submission for final plat approval of any portion of this development, the developer must submit five copies of a revised plan for subdivision Case No. 14-123, Edgewoods Farm (and \$25.00 review fee) for review and approval. The entrance road intended to serve the subject property for this current case must be submitted as a street, comply with all street standards, and be recorded as such prior to final plat approval of any portion of this current case.
23. The final plat must be stamped by the Watershed Review Officer signifying the County's watershed regulations have been complied with.
24. The final plat must be labeled as a "Zero Lot Line" development.
25. The developer is required to submit to Land Use Codes:
  - a. Three hard copies or one digital emailed copy of proposed covenants, by-laws and articles of incorporation for the proposed development designating responsibility for the streets until accepted for maintenance by

the NC Department of Transportation (NCDOT), and the open space and perimeter buffer by the owners' association for the development;

- b. One copy of the deeds proposed for recordation conveying all common area to the proposed owners association;
- c. One copy of any proposed supplemental covenants if the proposed development is to be submitted for final approval in phases; and
- d. Two copies of each proposed final plat prior to the submission for final approval – can be a phase of the approved development or the complete development as approved.

These documents must be approved by the County Attorney prior to the sale of or submission for final plat approval of any lot or unit within this development.

26. The street name signs, in compliance with the County Street Sign Specifications, must be installed prior to final plat approval. The developer should contact Location Services for inquiries regarding the County's policy for street sign installation or, if the sign is commissioned from a private source, to schedule an inspection of the street sign(s). Land Use Codes must receive notice of agreement with the Location Services Section for sign installation or of satisfactory inspection prior to the approval of the final plat.
27. All streets must be labeled with approved street names prior to submission for final plat approval.
28. The required buffer areas (40' front and 20' perimeter) must be included on each final plat where the lots are adjacent to or aligned with the required buffers, if not initially recorded on a separate "Common Area" plat.
29. The developer is opting to provide park, recreation or open space area (common area) on-site; therefore, when phasing a development all common area must be recorded prior to the recording of the first phase or section of the development or the common area must be recorded incrementally, ensuring that a minimum of .31+ acres of land area is recorded as common area for each lot included on the final plat. Prior to final approval of the last phase/section of the subject development, the entire 10.70 +/- (40%) acres of open space as required for a Density Development must be recorded.
30. The developer is required to provide an inspection of the private street(s) by a registered engineer or registered surveyor upon completion of construction of the private street(s) and related facilities, including drainage ways. A statement, affixed with the engineer/surveyor's seal, certifying that all private street(s) and related facilities are designed and constructed in accordance with the requirements of Section 2304 C, Private Street, County Subdivision Ordinance, and that all such facilities are adequate to serve the development, must be submitted to Land Use Codes prior to final plat approval or release of any construction guarantees as allowed under Section 2502, Final Plat – Guarantees of Improvements, County Subdivision and Development Ordinance.
31. The builder/developer must provide the buildable envelopes on the final plat: providing a five-foot maintenance easement along each side of all common internal lines with all other applicable setbacks being provided for; or at the time of permit application, the individual plot plans must be approved by Land Use Codes prior to issuance of any permits.
32. Any/All easements must be reflected on the final plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
33. The NC Department of Transportation (NCDOT) stamp must be affixed to the final plat prior to submission for final plat approval by Land Use Codes.
34. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval. (Section 2503 D, Certificate of Ownership and Dedication, County Subdivision and Development Ordinance)
35. The developer is reminded that the improvements must be in place or that final plat approval will only be granted in accordance with Section 2502 B, C, or D, Final Plat – Guarantees of Improvements, County Subdivision and Development Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Jeff Barnhill to schedule an inspection of the improvements.)
36. The final plat must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.

**Plat-Required Statements:**

37. Since this development does not have public water/sewer, the following disclosure statement is required to be provided on the final plat (Section 2504 C, On-Site Water and/or Sewer Disclosure, County Subdivision and Development Ordinance):

“The individual lots in this development do not have public sewer and/or water services available, and no lots have been approved by the Health Department for on-site sewer services or been deemed acceptable for private wells at the date of this recording.”

38. Since this development is located within the *Farmland Protection Area* as defined on the current Land Use Plan map, the following disclosure statement is required to be provided on the final plat (Section 2504 B, Farmland Protection Area Disclosure, County Subdivision and Development Ordinance):

“This property or neighboring property may be subject to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted farming and agricultural practices and operations, including but not limited to noise, odors, dust, the operation of any kind of machinery the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides, and pesticides.”

39. All structures shall be shown on the final plat or the final plat shall reflect the following statement (Section 2504 D, County Subdivision and Development Ordinance):

“Nonconforming structures have not been created by this subdivision plat.”

40. Because the streets in this development have been approved as “public” streets and the streets do not yet qualify for acceptance by the NC Department of Transportation to the State system for maintenance purposes, the following statement is required to be included on the final plat (Section 2504 E, County Subdivision and Development Ordinance):

“The streets shown on this plat though labeled as “public” – unless otherwise noted – have not been accepted by the NC Department of Transportation as of the date of this recording. Until such time that the streets are accepted and formally added to the State system, maintenance and liability of the streets are the responsibility of the developer and any future lot owner(s).”

**Other Relevant Conditions:**

41. The applicant is advised to consult an expert on wetlands before proceeding with any development. There may be wetlands located in the project area that are subject to the permit requirements of Section 404 of the Clean Water Act. To avoid a violation of federal and/or state law, it is recommended the developer contact the Office of the Army Corp of Engineers or hire an environmental consultant to identify and delineate any wetlands in the project area prior to construction. A Section 404 permit will be required if the applicant needs to fill wetlands and the permit must be obtained prior to any construction on this site.
42. 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.
43. The US Postal Service most likely will require this development to have centralized cluster boxes for postal service to each lot or unit. The developer is advised contact the US Postal Growth Coordinator for the Mid-Carolinas District to determine the appropriate location for the cluster boxes. If the cluster box location requires changes to the subdivision or site plan, a revised preliminary/plan must be submitted to the Planning & Inspections Department for review and approval.
44. 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 the responsible party to ensure full compliance with all applicable Federal, State, and local regulations.
45. The developer(s) and any future lot owners are responsible for the maintenance and upkeep of the streets until such time the streets are added to the State system by the NC Department of Transportation (NCDOT) for maintenance purposes. The developer is advised to give notice of the street status to any future lot owners in the event the lots are conveyed prior to the NCDOT’s acceptance.

46. The owner/developer be aware that every deed created for a lot being served by an on-site water and/or sewer system must contain the following disclosure when filed with the County Register of Deeds:

“Public water and/or sewer services are not available as of the date of the recording of this deed. On-site sewer disposal systems must be approved by the County Health Department.”

*Thank you for creating building lot in Cumberland County!*

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

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

|  |                   |                |  |
|--|-------------------|----------------|--|
| Watershed Review Officer/Improvements: | Jeff Barnhill     | 678-7765       | <a href="mailto:jbarnhill@co.cumberland.nc.us">jbarnhill@co.cumberland.nc.us</a> |
| Subdivision/Site Plan/Plat             | Ed Byrne          | 678-7609       | <a href="mailto:ebyrne@co.cumberland.nc.us">ebyrne@co.cumberland.nc.us</a>       |
| Code Enforcement (Permits):            | Scott Walters     | 321-6654       | <a href="mailto:swalters@co.cumberland.nc.us">swalters@co.cumberland.nc.us</a>   |
| County Engineer's Office:              | Wayne Dudley      | 678-7636       | <a href="mailto:wdudley@co.cumberland.nc.us">wdudley@co.cumberland.nc.us</a>     |
| County Health Department:              | Daniel Ortiz      | 433-3680       | <a href="mailto:dortiz@co.cumberland.nc.us">dortiz@co.cumberland.nc.us</a>       |
| Ground Water Issues:                   | Matt Rooney       | 678-7625       | <a href="mailto:mrooney@co.cumberland.nc.us">mrooney@co.cumberland.nc.us</a>     |
| County Public Utilities:               | Amy Hall          | 678-7637       | <a href="mailto:ahall@co.cumberland.nc.us">ahall@co.cumberland.nc.us</a>         |
| US Postal Service                      | Laricia McIver    | (704) 393-4481 | <a href="mailto:laricia.mciver@usps.gov">laricia.mciver@usps.gov</a>             |
| Corp of Engineers (wetlands):          | Liz Hair          | (910) 251-4049 | <a href="mailto:hair@usacr.army.mil">hair@usacr.army.mil</a>                     |
| NCDEQ (E&S):                           | Leland Cottrell   | (910) 433-3393 | <a href="mailto:leland.cottrel@ncdenr">leland.cottrel@ncdenr</a>                 |
| US Fish & Wildlife Services            | Susan Ladd Miller | (910) 695-3323 | <a href="mailto:susan_miller@fws.gov">susan_miller@fws.gov</a>                   |
| Location Services:                     |                   |                |  |
| Site-Specific Address:                 | Ron Gonzales      | 678-7616       | <a href="mailto:rgonzalez@co.cumberland.nc.us">rgonzalez@co.cumberland.nc.us</a> |
| Street Naming/Signs:                   | Diane Shelton     | 678-7665       | <a href="mailto:nameit2@co.cumberland.nc.us">nameit2@co.cumberland.nc.us</a>     |
| Tax Parcel Numbers:                    |                   | 678-7549       |  |
| NCDOT (driveways/curb-cuts):           | Troy Baker        | 486-1496       | <a href="mailto:tlbaker@ncdot.gov">tlbaker@ncdot.gov</a>                         |
| NCDOT (subdivision roads):             | David Plummer     | 486-1496       | <a href="mailto:rdplummer@ncdot.gov">rdplummer@ncdot.gov</a>                     |
| N.C. Division of Water Quality:        | Mike Randall      | (919) 807-6374 | <a href="mailto:mike.randall@ncdenr.gov">mike.randall@ncdenr.gov</a>             |

**TO THE CUMBERLAND COUNTY JOINT PLANNING BOARD AND THE BOARD OF COUNTY COMMISSIONERS OF CUMBERLAND COUNTY, NC:**

I (We), the undersigned, hereby submit this application, and petition the County Commissioners to amend and to change the zoning map of the County of Cumberland as provided for under the provisions of the County Zoning Ordinance. In support of this petition, the following facts are submitted:

1. Requested Rezoning from A-1 to R-42 Density Dist. <sup>30 TB\*</sup>
2. Address of Property to be Rezoned: no address
3. Location of Property: School Rd & Yarbrough Rd
4. Parcel Identification Number (PIN #) of subject property: 0441-03-3842  
(also known as Tax ID Number or Property Tax ID)
5. Acreage: 25.96 Frontage: 1135 ~~1800~~ Depth: 1200
6. Water Provider: Well:  PWC: \_\_\_\_\_ Other (name): \_\_\_\_\_
7. Septage Provider: Septic Tank  FWC \_\_\_\_\_
8. Deed Book 09042, Page(s) 00552-00678, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: farm
10. Proposed use(s) of the property: single family dwelling
11. Do you own any property adjacent to or across the street from this property?  
Yes  No \_\_\_\_\_ If yes, where? bordering north
12. Has a violation been issued on this property? Yes \_\_\_\_\_ No

A copy of the recorded deed(s) and/or recorded plat map(s) must be provided. If the area is a portion of a parcel, a written legal description by metes and bounds, showing acreage must accompany the deeds and/or plat. If more than one zoning classification is requested, a correct metes and bounds legal description, including acreage, for each bounded area must be submitted.

*The Planning and Inspections Staff is available for advice on completing this application; however, they are not available for completion of the application.*

**TO THE CUMBERLAND COUNTY JOINT PLANNING BOARD AND THE BOARD OF COUNTY COMMISSIONERS OF CUMBERLAND COUNTY, NC:**

I (We), the undersigned, hereby submit this application, and petition the County Commissioners to amend and to change the zoning map of the County of Cumberland as provided for under the provisions of the County Zoning Ordinance. In support of this petition, as hereinafter requested, the following facts are submitted:

1. Applicant/Agent \_\_\_\_\_
2. Address: \_\_\_\_\_ Zip Code \_\_\_\_\_
3. Telephone: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_
4. Location of Property: \_\_\_\_\_
5. Parcel Identification Number (PIN#) of subject property: \_\_\_\_\_  
(also known as Tax ID Number or Property Tax ID)
6. Acreage: \_\_\_\_\_ Frontage: \_\_\_\_\_ Depth: \_\_\_\_\_
7. Water Provider: \_\_\_\_\_ Septage Provider: \_\_\_\_\_
8. Deed Book \_\_\_\_\_, Page(s) \_\_\_\_\_, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: \_\_\_\_\_
10. Proposed use(s) of the property: \_\_\_\_\_

*See previous pages*

**NOTE: Be specific and list all intended uses.**

11. Do you own any property adjacent to, including across the street from, the property being submitted for rezoning? Yes  No \_\_\_\_\_
12. Has a violation been issued on this property? Yes \_\_\_\_\_ No
13. It is requested that the foregoing property be rezoned FROM: A-1  
TO: (Select one)

- \_\_\_\_\_ Conditional Zoning District, with an underlying zoning district of \_\_\_\_\_  
(Article V)
- \_\_\_\_\_ Mixed Use District/Conditional Zoning District (Article VI)
- \_\_\_\_\_ Planned Neighborhood District/Conditional Zoning District (Article VII)
- R-30 Density Development/Conditional Zoning District, at the R-30 Density  
(Article VIII)



APPLICATION FOR  
CONDITIONAL ZONING

1. PROPOSED USE(S):

- A. List the use(s) proposed for the Conditional Zoning. (Use of the underlying district will be restricted only to the use(s) specified in this application if approved.)

Single family dwelling

- B. Density: List the amount of acreage that will be residential, commercial, and/or open space, and the number of lots and/or dwelling units proposed, and the square footage of the non-residential units.

25.96 acres (residential)

2. DIMENSIONAL REQUIREMENTS:

- A. Reference either the dimensional requirements of the district, Sec. 1104 or list the proposed setbacks.

Per plan

- B. Off-street parking and loading, Sec. 1202 & 1203: List the number of spaces, type of surfacing material and any other pertinent information.

n/a

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

n/a

4. LANDSCAPE AND BUFFER REQUIREMENTS:

- A. For all new non-residential and mixed use development abutting a public street, indicate the number and type of large or small ornamental trees used in the streetscape, yard space, and/or parking areas, plus the number and type of shrubs. (Sec. 1102N). **NOTE: All required landscaping must be included on the site plan.**

*lot 1 + portion of 2 as indicated on plan we would like not to be required to provide the 20' buffer because adjacent property is zoned one with same use.*

- B. Indicate the type of buffering and approximate location, width and setback from the property lines. (Sec. 1102G). **NOTE: All required buffers must be included on the site plan.**

*40' minimum front on perimeter as shown on plan*

5. MISCELLANEOUS:

List any information not set forth above, such as the days and hours of the operation, number of employees, exterior lighting, noise, odor and smoke, emission controls, etc.

*NA*

6. SITE PLAN REQUIREMENTS:

The application must include a site plan drawn to the specifications of Sec. 1402. If the proposed uses involve development subject to the County Subdivision Ordinance, the site plan required may be general in nature, showing a generalized street pattern, if applicable, and the location of proposed uses. If the proposed uses include development not subject to the Subdivision Ordinance, the site plan must be of sufficient detail to allow the Planning and Inspections Staff, Planning Board and County Commissioners to analyze the proposed uses and arrangement of uses on the site. It also must include the footprints of all buildings (proposed and existing), the proposed number of stories, location and number of off-street parking and loading spaces, proposed points of access to existing streets and internal circulation patterns. In addition, the location of all proposed buffers and fences and landscaping shall be included on the site plan.

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.

✓ Charles Jeffrey DeVore  
NAME OF OWNER(S) (PRINT OR TYPE)

✓ 3114 School Rd Hope Mills, N.C. 28348  
ADDRESS OF OWNER(S)

✓ \_\_\_\_\_  
HOME TELEPHONE #

910-624-6806  
WORK TELEPHONE #

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

4239 Cameron Rd. Fayetteville, NC 28306  
ADDRESS OF AGENT, ATTORNEY, APPLICANT

tim@longleafproperties.com  
E-MAIL

\_\_\_\_\_ HOME TELEPHONE #

910-273-5016  
WORK TELEPHONE #

\_\_\_\_\_ SIGNATURE OF OWNER(S)

[Signature]  
SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

✓ Charles DeVore  
SIGNATURE OF OWNER(S)

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

7. STATEMENT OF ACKNOWLEDGMENT:

It is understood by the undersigned that the official zoning map, as originally adopted and subsequently amended, is presumed to be appropriate to the property involved and that the burden of proof for a zoning amendment (rezoning) rest with the petitioner.

It is the responsibility of the petitioner (personally or by agent) to submit to the Planning and Inspections Department a valid request within a complete application.

I further understand I must voluntarily agree to all ordinance related conditions prior to the first hearing on the case or any disagreement may be cause for an unfavorable recommendation. The undersigned hereby acknowledge that the Planning and Inspections Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

\_\_\_\_\_  
NAME OF OWNER(S) (PRINT OR TYPE)

\_\_\_\_\_  
ADDRESS OF OWNER(S)

\_\_\_\_\_  
E-MAIL

\_\_\_\_\_  
HOME TELEPHONE

\_\_\_\_\_  
WORK TELEPHONE

\_\_\_\_\_  
SIGNATURE OF OWNER(S)

\_\_\_\_\_  
SIGNATURE OF OWNER(S)

\_\_\_\_\_  
NAME OF AGENT, ATTORNEY, APPLICANT (by assign) (PRINT OR TYPE)

\_\_\_\_\_  
ADDRESS OF AGENT, ATTORNEY, APPLICANT

\_\_\_\_\_  
HOME TELEPHONE

\_\_\_\_\_  
WORK TELEPHONE

\_\_\_\_\_  
E-MAIL ADDRESS

\_\_\_\_\_  
FAX NUMBER

  
\_\_\_\_\_  
SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

Patricia Hall,  
Chair  
Town of Hope Mills

Charles C. Morris,  
Vice-Chair  
Town of Linden

Jami McLaughlin,  
Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman

Donovan McLaurin  
Wade, Falcon & Godwin



**CUMBERLAND**  
★ **COUNTY** ★  
NORTH CAROLINA

*Planning & Inspections Department*

March 8, 2016

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Vikki Andrews,  
Diane Wheatley,  
Carl Manning,  
Walter Clark,  
Cumberland County

Benny Pearce,  
Town of Eastover

**MEMORANDUM**

**TO:** Cumberland County Joint Planning Board  
**FROM:** Planning and Inspections Staff  
**SUBJECT:** Staff Recommendation for the March 15, 2016 Board Meeting

**P16-11.** REZONING OF 3.58+/- ACRES FROM A1 AGRICULTURAL & A1 AGRICULTURAL/CU CONDITIONAL USE FOR MOTOR VEHICLE REPAIR WITH OUTSIDE STORAGE TO A1 AGRICULTURAL/CZ CONDITIONAL ZONING FOR MOTOR VEHICLE REPAIR WITH OUTSIDE STORAGE OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 4365 & 4371 MARSHWOOD LAKE ROAD, SUBMITTED BY DON KNOBLOCH (OWNER) AND LORI EPLER (AGENT).

**1<sup>st</sup> MOTION**

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P16-11 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “rural” because the subject property is over three acres and located in a rural area. Although the request is not consistent with the South Central Land Use Plan which calls for “farmland” at this location, the use on the majority of the site is existing (2.44 acres) and the use was approved by the County Commissioners on March 1, 1994.

The staff also recommends the board further find this rezoning request is reasonable and in the public interest because the district requested for the subject property meets most of the location criteria of the adopted Land Use Policies Plan, in that: *individual well and septic systems are allowed; could be in any defined critical area as defined by the Fort Bragg Small Area Study; desirable to be limited to one unit per acre in areas with hydric and severe septic tank limitations soils; desirable to not be located in an area that is a prime industrial site; may be outside the Sewer Service Area.* Also, the primary use of motor vehicle repair is allowed in the A1 district.

**2<sup>nd</sup> MOTION**

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P16-11 for the A1 Agricultural/CZ Conditional Zoning district for motor vehicle repair with outside storage based on the following:

- The location was initially zoned A1/CU for motor vehicle repair with outside storage by the Board of Commissioners on March 1, 1994 and the property owner is not requesting to change the use originally approved.

There are no other districts considered suitable for this request at this location. The property owner has voluntarily agreed to all “Ordinance Related Conditions.”

Attachments: 1 – Site Profile  
2 – Sketch Map  
3 – Site Plan  
4 – Ordinance Related Conditions  
5 – Application

**P16-11**  
**SITE PROFILE**

**P16-11.** REZONING OF 3.58+/- ACRES FROM A1 AGRICULTURAL & A1 AGRICULTURAL/CU CONDITIONAL USE FOR MOTOR VEHICLE REPAIR WITH OUTSIDE STORAGE TO A1 AGRICULTURAL/CZ CONDITIONAL ZONING FOR MOTOR VEHICLE REPAIR WITH OUTSIDE STORAGE OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 4365 & 4371 MARSHWOOD LAKE ROAD, SUBMITTED BY DON KNOBLOCH (OWNER) AND LORI EPLER (AGENT). (COUNTY)

**Site Information:**

**Frontage & Location:** 370'+/- on Munsey Rd ( Class "C" private street)

**Depth:** 451'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** Yes

**Current Use:** Motor vehicle repair with outside storage

**Initial Zoning:** A1 & A1/CU for motor vehicle repair w/ outside storage – March 1, 1994 (Area 17)

**Nonconformities:** None

**Zoning Violation(s):** None

**Surrounding Zoning:** North: CD, A1 & R40A; South & East: CD & A1; West: A1

**Surrounding Land Use:** Residential (including manufactured homes), woodlands & farmland

**2030 Growth Strategy Map:** Rural area

**South Central Land Use Plan:** Farmland

**Special Flood Hazard Area (SFHA):** Yes

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

**Soil Limitations:** Yes, hydric inclusion – WmB Wickham fine sandy loam

**Subdivision/Site Plan:** If approved, "Ordinance Related Conditions" will apply; also see Subdivision Case No. 16-026

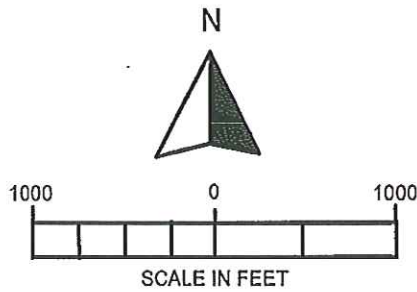
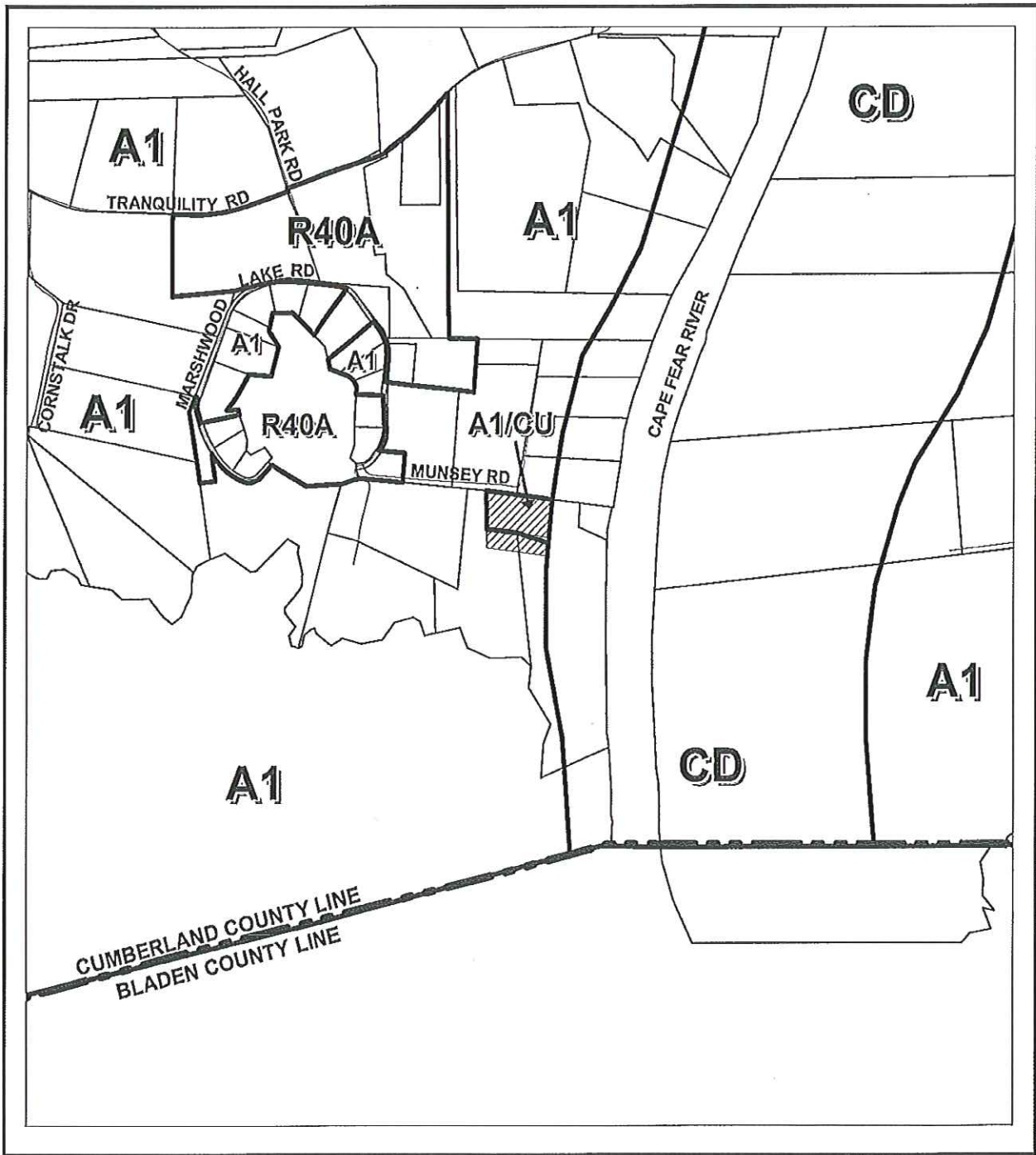
**Watershed:** Yes, approval required

**Average Daily Traffic Count (2014):** 410 on SR 2232 (Marsh Rd)

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

**Notes:**

1. Density  
A1 – 1 lot/2 units for residential; 3 non-residential uses
  
2. Minimum Yard Setbacks:  
A1  
Front yard: 50'  
Side yard: 20'  
Rear yard: 50'

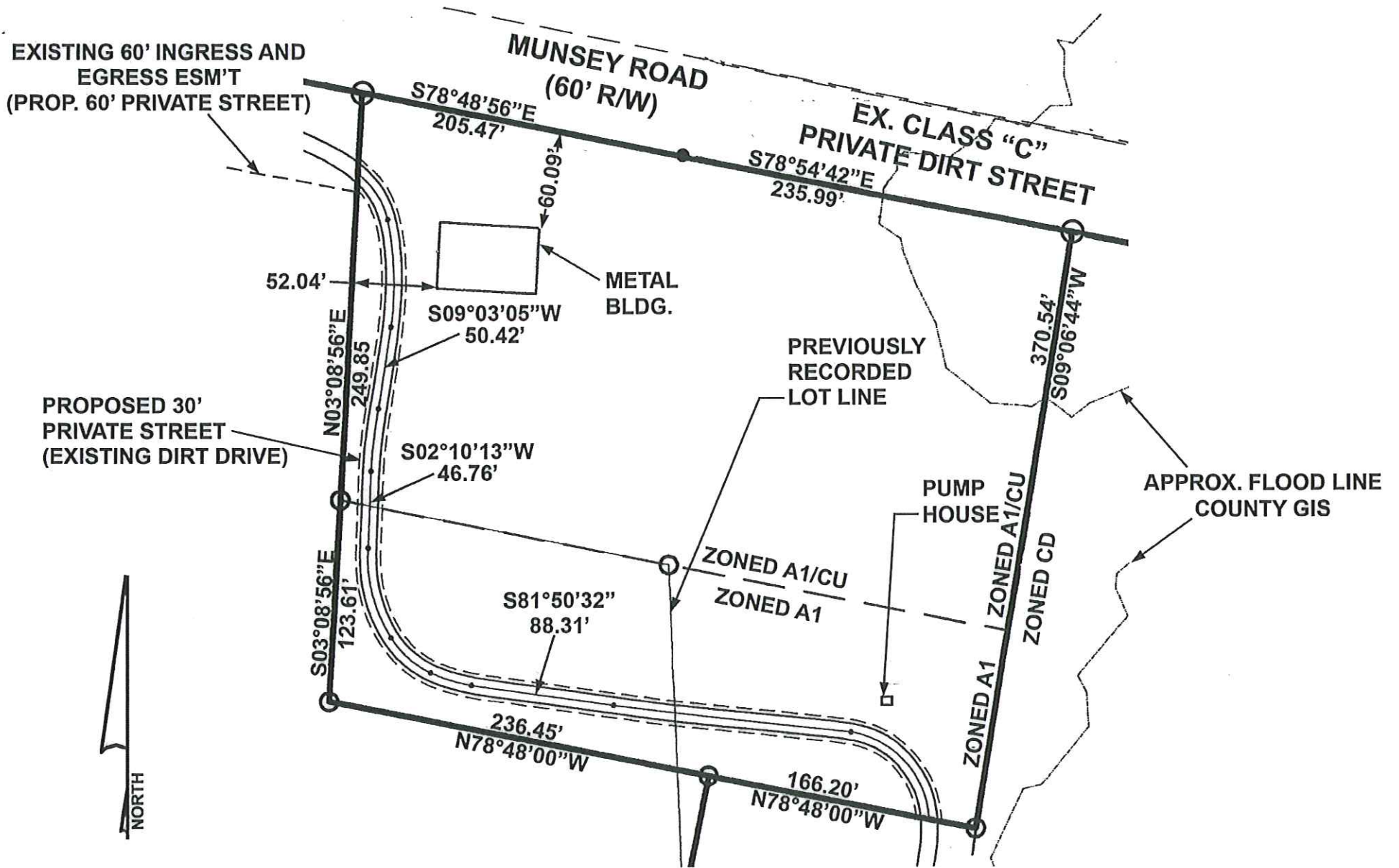


PORT. OF PIN: 0450-02-8472  
0450-11-4213

## REQUESTED REZONING A1 & A1/CU TO A1/CZ

|                              |              |                           |  |
|------------------------------|--------------|---------------------------|--|
| <b>ACREAGE: 3.58 AC. +/-</b> |              | <b>HEARING NO: P16-11</b> |  |
| ORDINANCE: COUNTY            | HEARING DATE | ACTION                    |  |
| STAFF RECOMMENDATION         |              |                           |  |
| PLANNING BOARD               |              |                           |  |
| GOVERNING BOARD              |              |                           |  |

JM  
2-18-2016



**A1 AGRICULTURAL / CZ CONDITIONAL ZONING**  
**REQUEST: MOTOR VEHICLE REPAIR GARAGE WITH OUTSIDE STORAGE**

**CASE: P16-11 ACREAGE: 3.58 AC±**

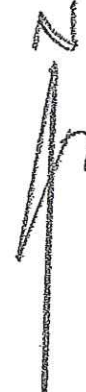
**ZONED: A1 & A1/CU SCALE: NTS**

**\*SCALED DETAILED SITE PLAN IN FILE AVAILABLE FOR REVIEW UPON REQUEST**

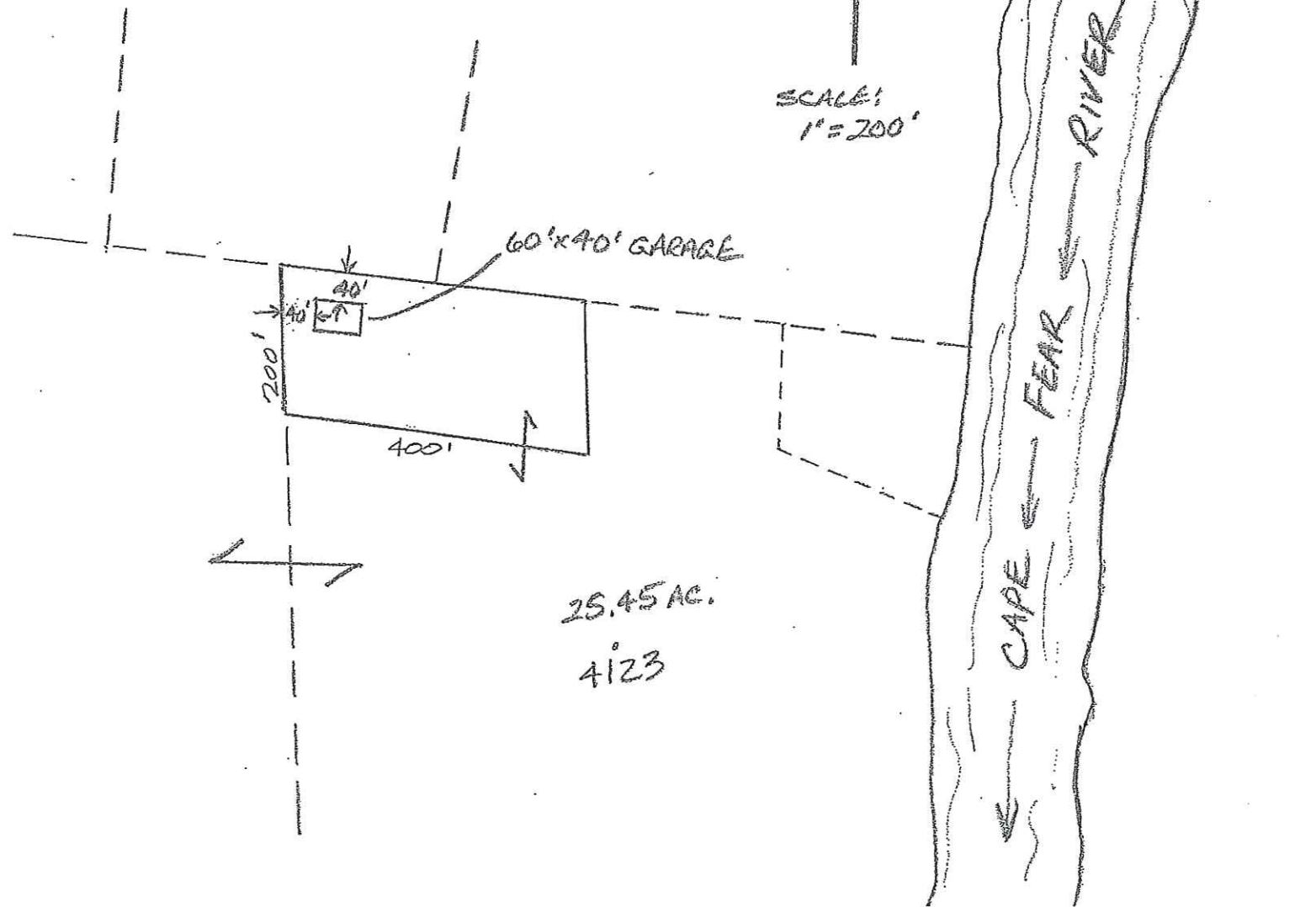


CASE 17-43  
CONDITIONAL USE OVERLAY

REQUEST: TO OPERATE REPAIR GARAGE  
AND OFFICE IN AN AI DISTRICT



SCALE:  
1" = 200'



25.45 AC.  
3480

25.45 AC.  
4123

**A1 AGRICULTURAL/CZ CONDITIONAL ZONING DISTRICT**

**DRAFT**

Ordinance Related Conditions  
for  
Motor Vehicle Repair w/ Open Storage

1. All conditions for initial zoning request Case No. 17-43 apply, to include the contents of the application and site plan, as submitted and approved by the County Board of Commissioners on March 1, 1994 – see attached.

**Pre- Permit Related:**

2. A recombination plat (also known as a “No Approval Required” or “NAR”) must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.
3. The owner/developer(s) must provide a recorded copy of the ingress/egress access easement with a minimum width of 20 feet to Code Enforcement at the time of permit application.
4. Prior to any new construction on the subject property, the developer may have to submit for modification of the conditional zoning request if the proposed new construction does not comply with Section 506 of the County Zoning Ordinance for minor modifications – *additional conditions will apply*.
5. Prior to any use of the 1.14 +/- acre portion of the subject property being added to the 2.44 +/- acre previously approved A1/CU, a site plan must be submitted for staff review and the site plan must be approved for permit application – *additional conditions will apply*. This current rezoning Case No. P16-11 is not intended to zone for new development; however, it is only for the purposes of ensuring the property being conveyed to the Knobloch heirs is under the same zoning designation.

**Watershed-Related:**

6. An application for a Watershed “No Approval Required” development must be submitted to the Watershed Review Officer (WRO) and plans must be approved by the WRO prior to final plat approval and/or prior to application for any building/zoning permits, site plan approval is required. A copy of the WRO’s approval of this plat/plan must be submitted to Code Enforcement at the time of application for any permits.

**Plat-Related:**

7. Prior to submission for plat approval for recordation, the Joint Planning Board must favorably rule on the property owners’ waiver request regarding the Class “C” private street and all applicable conditions from subdivision Case No. 16-026 must be complied with.

*Thank you for choosing Cumberland County for your business location!*

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

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

|                                 |               |          |  |
|---------------------------------|---------------|----------|--|
| Watershed Officer/Improvements: | Jeff Barnhill | 678-7765 | <a href="mailto:jbarnhill@co.cumberland.nc.us">jbarnhill@co.cumberland.nc.us</a> |
| Subdivision/Site Plan/Plat      | Ed Byrne      | 678-7609 | <a href="mailto:ebyrne@co.cumberland.nc.us">ebyrne@co.cumberland.nc.us</a>       |
| Code Enforcement (Permits):     | Scott Walters | 321-6654 | <a href="mailto:swalters@co.cumberland.nc.us">swalters@co.cumberland.nc.us</a>   |
| Zoning Planner:                 | Jaimie Melton | 678-7603 | <a href="mailto:jmelton@co.cumberland.nc.us">jmelton@co.cumberland.nc.us</a>     |

CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
 MARCH 1, 1994  
 SPECIAL MEETING: PUBLIC HEARING ON  
 INITIAL ZONING OF AREA 17

PRESENT: Chairman J. Lee Warren, Jr.  
 Vice Chairman Johnnie Evans  
 Commissioner Tom Bacote  
 Commissioner Marshall Faircloth  
 Commissioner Juanita Gonzalez  
 Commissioner John Keefe  
 Commissioner Billy R. King  
 Cliff Strassenburg, County Mgr.  
 Danny Higgins, Deputy County Attorney  
 George Vaughan, Planning Director  
 Marsha Fogle, Clerk  
 Planning Staff

INVOCATION: Commissioner Marshall Faircloth  
 PLEDGE OF ALLEGIANCE

The meeting was called to order by Chairman Warren.

AGENDA ITEMS

1. Update on the 2010 Plan

Mr. Will Denning reviewed the status of the 2010 Plan. He noted the plan consists of four elements, Land Use, Transportation, Economic Development and Community Facilities and Services.

LAND USE: Staff is in the process of writing ordinances to implement the plan. Should be completed and forwarded to the Board by June.

TRANSPORTATION: Committee is developing plans.

ECONOMIC DEVELOPMENT: Draft plan has been developed.

COMMUNITY SERVICES AND FACILITIES: Some plans have been completed; others are in the process

2. PUBLIC HEARINGS: Case No. P93-107. The Initial Zoning of Area 17 to various Residential, Commercial, Industrial and Conditional Use Overlay Districts for an area bounded by NC HWY 87 to the Cape Fear River and SR 2221 (Gainey Road) to the Bladen/Cumberland County line

A. Uncontested Zoning Requests:

| CASE  | FROM      | TO                     | RECOMMENDATION | APPROVAL |
|-------|-----------|------------------------|----------------|----------|
| 17-1  | M(P) & CD | A1&CD/CU               | Approval       | Approval |
| 17-2  | M(P)      | A1                     | Approval       | Approval |
| 17-3  | A1        | A1                     | Approval       | Approval |
| 17-4  | A1        | A1                     | Approval       | Approval |
| 17-5  | A1        | A1                     | Approval       | Approval |
| 17-7  | A1        | R40                    | Approval       | Approval |
| 17-8  | R40A      | R40                    | Approval       | Approval |
| 17-9  | R40A      | R40                    | Approval       | Approval |
| 17-10 | A1        | R40                    | Approval       | Approval |
| 17-15 | A1        | R40A                   | Approval       | Approval |
| 17-16 | A1        | R40A                   | Approval       | Approval |
| 17-18 | A1        | R40A                   | Approval       | Approval |
| 17-26 | M(P)      | R40A                   | Approval       | Approval |
| 17-27 | M(P)      | R40A GU<br>Auto Repair | Approval       | A1       |
| 17-28 | M(P)      | R40A                   | Approval       | Approval |
| 17-29 | A1        | RR                     | Approval       | Approval |
| 17-31 | RR        | A1                     | Approval       | Approval |
| 17-32 | RR        | RR/CU<br>Welding       | Approval       | Approval |
| 17-33 | A1        | R40                    | Approval       | Approval |
| 17-34 | A1, RroA  | R40                    | Approval       | Approval |
| 17-35 | R40       | A1                     | Approval       | Approval |
| 17-36 | A1        | C1                     | Approval       | Approval |
| 17-37 | A1        | C1                     | Approval       | Approval |
| 17-40 | A1        | R40A                   | Approval       | Approval |
| 17-42 | R40A      | A1                     | Approval       | Approval |
| 17-43 | A1        | A1/CU<br>Garage/Office | Approval       | Approval |
| 17-44 | A1        | R6A                    | Approval       | Approval |

Upon finding the above zoning requests to be reasonable, neither arbitrary or unduly discriminating, and in the public interest and that the property within

such district is suitable for all uses permitted by these classifications, the following motion was offered:

MOTION: Commissioner King offered a motion to follow the recommendation of the Planning Board on the above uncontested cases.  
SECOND: Commissioner Bacote  
VOTE: UNANIMOUS

B. CONTESTED CASES

CASE 17-6: Requested Zoning by the Petitioner: RR

This case came forward to the Commissioners with no recommendation from the Planning Board.

SPEAKERS:

1. Hector McFadyen: Spoke in favor of zoning to RR. Likes the 1/2 acre lot size.
2. Ron Ross: Against 1/2 acre lot size. Potential problems with septic tanks, overcrowded schools and water problems. Also concerned about lack of law enforcement if area grows to fast.
3. Robert Page: Opposed to small acre lots. Noted some of the same problems as Mr. Ross. Concerned about crime in the area.
4. Norman B. Harris: Opposed to small acre lots as they tend to draw trailer parks. Potential septic tank problems. Asked the Board to consider A1, as was originally proposed by the Planning Board.
5. Roberta Waddle: This area primarily undeveloped, road is not paved, and is not an appropriate area for RR zoning. Keep area low density.
6. Brian Harris: Concerned about the infrastructure. No way to provide necessary services in rural area. Suggested A1.

MOTION: Commissioner Bacote offered a motion to zone R40A.

SECOND: Commissioner Evans

DISCUSSION: Commissioner Faircloth asked the difference between R40A and R40. R40A will allow mobile homes, R40 will not.

SUBSTITUTE

MOTION: Commissioner Gonzalez offered a motion to zone area R40.

SECOND: Commissioner Faircloth

DISCUSSION: Commissioner Keefe said he believed the appropriate zoning to be A1, noting the lack of water and sewer. Commissioner Gonzalez noted the Board may come into some money which would allow water and sewer extensions out into the county. Commissioner Warren noted the close proximity of the Rockfish Sewer Plant to this area. Commissioner Bacote pointed out that the Board should not overlook the fact that a portion of our county should be kept at low density development and he felt RR is just a time bomb waiting to happen. He also pointed out water and sewer extensions would not happen in a short period of time. He said he thought R40A to be a good compromise. Commissioner Gonzalez asked why some of the uncontested cases were zoned R40. Mr. Robert McNeill, Chairman, of the Planning Board, responded that rural county areas need group housing.

Commissioner King called for the QUESTION.

VOTE: FAVOR: Commissioners Faircloth and Gonzalez  
OPPOSED: Commissioners Evans, Warren, Keefe, King and Bacote

VOTE ON ORIGINAL

MOTION: FAVOR: Commissioners Evans, Warren and Bacote  
OPPOSED: Commissioners Gonzalez, Faircloth, Keefe and King

MOTION: Commissioner King offered a motion to zone A1.  
SECOND: Commissioner Keefe  
VOTE: FAVOR: Commissioners King, Keefe and Gonzalez  
OPPOSED: Commissioners Faircloth, Warren, Evans and Bacote

MOTION: Commissioner Faircloth offered a motion to zone A1.  
SECOND: Commissioner King

SUBSTITUTE

MOTION: Commissioner Evans offered a motion to zone R40.  
SECOND: Commissioner Warren  
VOTE: FAVOR: Commissioners Evans, Warren, Faircloth, Gonzalez and Bacote  
OPPOSED: Commissioners Keefe and King

Property was zoned R40.

# PLANNING DEPARTMENT

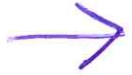
Post Office Box 1829  
Fayetteville, NC 28302  
Telephone (919) 678-7600

## CUMBERLAND COUNTY JOINT PLANNING BOARD

Robert E. McNeill  
CHAIRMAN

George Vaughan  
PLANNING DIRECTOR

MINUTES  
CUMBERLAND COUNTY JOINT PLANNING BOARD  
NOVEMBER 16, 1993  
7:30 P.M.



### Members Present

Robert McNeill, Chair  
Peggy Vick, Vice-Chair  
Jonathan Charleston  
George Glann  
Karl Legatski  
Merrill McLaurin  
Joe Mullinax  
Roland Schmidt  
Steven Shaw  
William Tew  
John Tyson

### Members Absent

David Hasan  
Ernest Morine

### Staff Present

George Vaughan  
Thomas J. Lloyd  
Peggy Crumpler  
Frances Jackson  
Tina Shepard  
Barbara Swilley  
Denise Sykes

1. ROLL CALL AND APPROVAL OF THE MINUTES OF THE NOVEMBER 2, 1993 REGULAR MEETING.

Chairman McNeill called the meeting to order at 7:37 p.m. He asked if there were any corrections to the Minutes. A motion was made by Mr. Shaw and seconded by Ms. Vick to approve the Minutes of November 2, 1993 as written. The motion passed unanimously. Mr. Legatski was not present for voting.

2. REQUEST FOR PUBLIC HEARING DEFERMENTS

Mr. Lloyd stated that the staff would like Case No. P93-130 to be deferred until the December 7, 1993 meeting.

3. ABSTENTIONS BY BOARD MEMBERS.

Mr. Tyson stated that he would abstain from voting on all cases under Case No. P93-107.

4. READING OF POLICY STATEMENT REGARDING TIME LIMITS FOR PUBLIC HEARINGS.

Mr. Lloyd read the Planning Board's policy on time limits for public hearings and the City of Fayetteville's appeals procedure.

5. PUBLIC HEARINGS:

- A. CASE NO. P93-107. THE INITIAL ZONING OF AREA 17 TO VARIOUS RESIDENTIAL, COMMERCIAL, INDUSTRIAL AND CONDITIONAL USE OVERLAY DISTRICTS FOR AN AREA BOUNDED BY NC HWY 87 TO THE CAPE FEAR RIVER AND SR 2221 (GAINNEY ROAD) TO THE BLADEN/CUMBERLAND COUNTY LINE. (COUNTY ORDINANCE)

Mr. Vaughan stated that Case Nos. 17-14 and 17-43 should be added to the consent agenda, and Case No. 17-17 was withdrawn by the applicant.

Case No. 17-11

Mr. V.B. Marsh appeared before the Board in favor of R40A zoning.

Ms. Connie Canady appeared in opposition.

A motion was made by Mr. Shaw to approve the R40A Residential District zoning. The motion failed for lack of a second.

A motion was made by Vice-Chair Vick and seconded by Mr. Glann to approve the A1 Agricultural District. The motion passed 9 to 1 with Mr. Shaw voting in opposition and Mr. Tyson abstaining.

Case No. 17-12

Ms. Roberta Waddle appeared in favor of the A1 Residential District recommended by the Committee.

A motion was made by Mr. Schmidt and seconded by Mr. Glann to follow the Committee recommendations and approve A1 Residential District. The motion passed unanimously with Mr. Tyson abstaining.

Case No. 17-13

Mr. James Butler appeared in favor of the Conditional Use Overlay District.

A motion was made by Mr. Glann and seconded by Vice-Chair Vick to approve the A1 Agricultural District with a Conditional Use Overlay District. The motion failed 4 to 6 with Vice-Chair Vick and Messrs Glann, Legatski and Schmidt voting in favor and Chair McNeill and Messrs. Charleston, McLaurin, Mullinax, Shaw and Tew voting in opposition and Mr. Tyson abstaining.

A motion was made by Mr. Shaw and seconded by Mr. Legatski to follow the Committee recommendations and approve the RR Rural Residential District with the Conditional Use Overlay District. The motion passed 6 to 4 with Chair McNeill and Messrs. Charleston, McLaurin, Mullinax, Shaw and Tew voting in favor of the motion and Vice-Chair Vick and Messrs Glann, Legatski and Schmidt voting in opposition and Mr. Tyson abstaining.

17-43

12

AREA 17 CHANGE REQUEST

TO THE PLANNING BOARD AND THE COUNTY COMMISSIONERS OF THE COUNTY OF CUMBERLAND, NC.

I (We), the undersigned, do hereby respectfully make application and petition the County Commissioners to amend the Zoning Ordinance and to change the Zoning Map, of the County of Cumberland as hereinafter requested, and in support of this application, the following facts are shown:

1) (THE PROPERTY SOUGHT TO BE REZONED IS LOCATED)

a. Address: Rt. 7 Box 195 M-3 Zip 28306  
Number/Street/Road

b. Located on side of the street (north, south, east, west);  
(name or street or road)

c. Tax Parcel Identification Number 0450-03-12-4123 (PORTION 200'x400')  
Supervisor's Office Map blk lot (obtain from Tax)

d. Known as Lot(s)# Frontage 200 ft. Depth: 400 Containing 25.45 tract acres.

2.) The applicant must furnish a correct metes and bounds description of the area to be rezoned. If requesting more than one zoning classification, a metes and bounds description of each adjacent tract to be rezoned, must be provided. (Please attach copy of deed(s) to be rezoned)

3.) The property sought to be rezoned is owned by FRED & WIFE CAROL KNOBLOCH as evidenced by deed from William James Likert, Wife Gloria May Likert recorded in Book No. 3393, Page 0706, Register of Cumberland County.

4.) It is desired and requested that the foregoing property be rezoned:

From: A1 To: A1/C4

4a.) Please explain or note the proposed use of the property requested for rezoning: SEE ATTACHED C4 APPLICATION

Note: This information is not to be used in the consideration of the rezoning request by Planning Board and/or County Commissioners but to ensure that the correct zoning district has been requested for the proposed or intended use of the subject property.

5.) Existing use of property (Specify any structures & respective uses):

40x60 REPAIR GARAGE & OFFICE

6.) Existing and/or proposed water service: (Specify if Community System):

300 FT. WELL

7.) Existing and/or proposed sewer service: (Specify if Community System):

NONE

APPLICATION FOR CONDITIONAL USE DISTRICT

1. Proposed uses(s):

- A. List the uses proposed for the Conditional Use District.  
(Use of the underlying district will continue to be legal, unless otherwise restricted)

- ① OFFICE
- ② REPAIR GARAGE
- ③ OUTSIDE STORAGE OF EQUIPMENT & RELATED MATERIALS
- ④ FUEL TANKS & PUMPS

- B. Justification in terms of need and benefit to the community.  
Include a statement regarding how the uses will be compatible.

WE PRIMARILY WORK FOR N.C. STATE D.O.T.  
BUILDING ROADS

- C. Density:

If the project is to include residential units, state the number of dwelling units proposed for the project and the gross number of acres to be used.

NA

2. Dimensional Requirements

- A. Reference either the dimensional requirements of district as shown in Section 7.3 or list proposed setbacks.

NA

- B. Off street parking and loading.

NA

3. Sign Requirements

- A. Reference district sign regulations proposed from Section 9.4.

NA



B. List any variance proposed from those regulations.

NA

4. Miscellaneous

Set forth order conditions and performance criteria, such as days and hours of operation, number of employees, exterior lighting, and noise, odor and smoke emission controls, which are proposed appropriate to make the proposed use of the property compatible with surrounding areas and uses allowed therein.

HOURS OF OPERATION 6 A.M. - 6 P.M. SIX DAYS A WEEK  
EMPLOYING 10-20 PEOPLE  
2 OUTSIDE LIGHTS

5. Site Plan Requirement:

Attach a site plan drawn to scale. If the proposed uses involve development subject to Cumberland County subdivision regulations, the site plan required hereunder may be general in nature, showing a generalized street pattern, if applicable and the location of proposed uses. If the proposed uses involve development not subject to subdivision regulations, the site plan shall include sufficient detail to allow the Planning Department and Planning Board to analyze the proposed use(s) and arrangement of use(s) on the site. Outline all buildings to be placed on the site, the proposed number of stories, the location and number of off-street parking spaces, proposed points of access to existing streets and internal circulation patterns, and the location of all proposed buffers and fences.

6. Acknowledgement

It is understood and agreed that upon review by the Planing Board and action by the Board of Commissioners, the uses proposed in the petition may be modified and conditions and limitations placed upon them to insure compatibility of the uses with land use plans and uses in the surrounding area.

FRED AND WIFE CAROLIE KNOBLOCH

PRINT OR TYPE NAME OF OWNER

Rt. 7 Box 195 M-3 FAYETTEVILLE 28306

ADDRESS OF OWNER

433-2756

TELEPHONE NUMBER(S):

HOME:

WORK:

na

PRINT OR TYPE NAME OF AGENT

ADDRESS OF AGENT

TELEPHONE NUMBER(S):

HOME:

WORK:

PRINT OR TYPE NAME OF APPLICANT

ADDRESS

X Fred Knobloch Carolie Knobloch

SIGNATURE OF APPLICANT, AGENT OR OWNER SUBMITTING APPLICATION

NOTE: ALL OWNERS MUST SIGN A CONDITIONAL USE DISTRICT PETITION

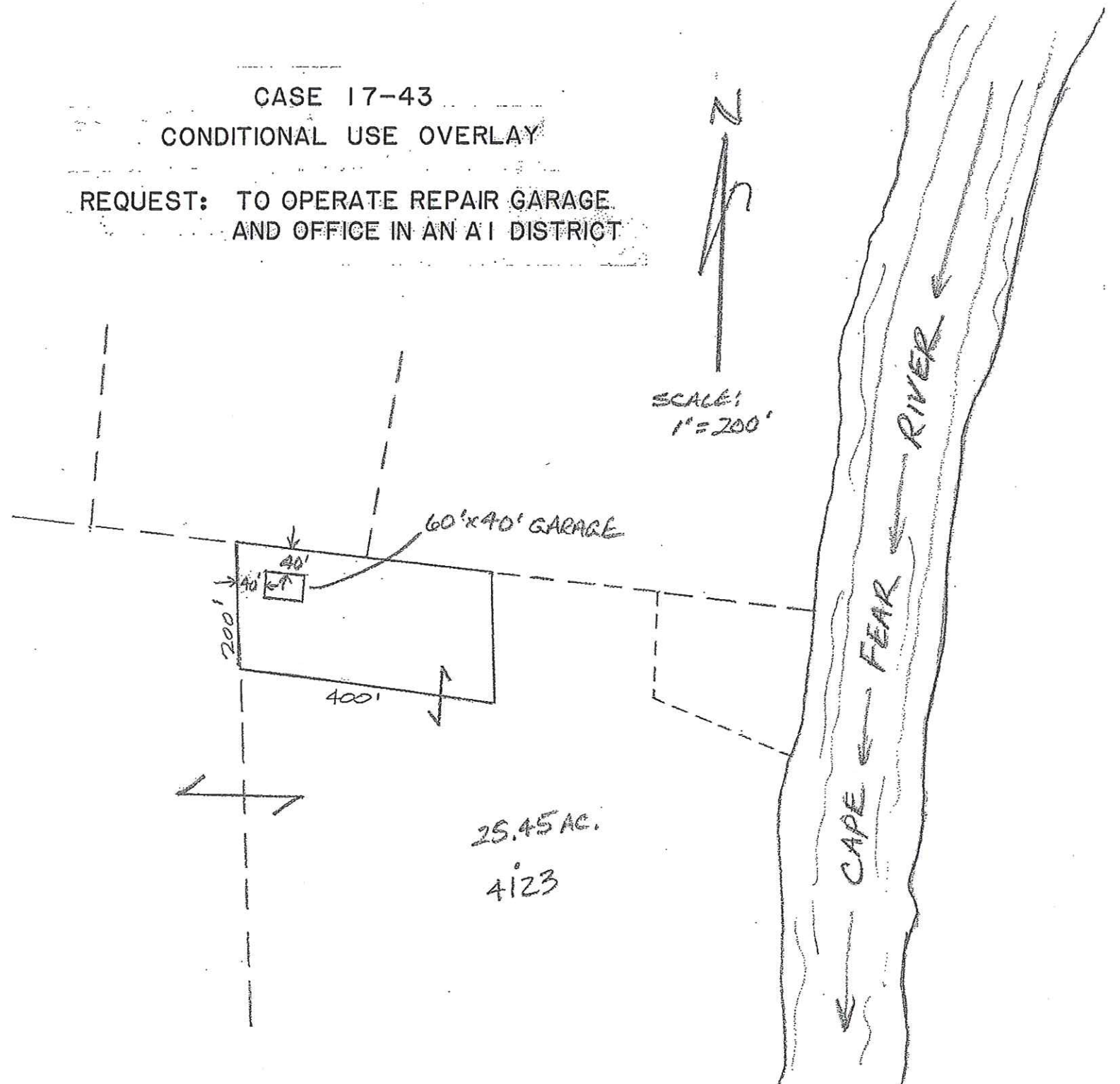
CASE 17-43  
CONDITIONAL USE OVERLAY

REQUEST: TO OPERATE REPAIR GARAGE  
AND OFFICE IN AN A1 DISTRICT

SCALE:  
1" = 200'

25.45 AC.  
3480

25.45 AC.  
4123



**TO THE CUMBERLAND COUNTY JOINT PLANNING BOARD AND THE BOARD OF COUNTY COMMISSIONERS OF CUMBERLAND COUNTY, NC:**

I (We), the undersigned, hereby submit this application, and petition the County Commissioners to amend and to change the zoning map of the County of Cumberland as provided for under the provisions of the County Zoning Ordinance. In support of this petition, as hereinafter requested, the following facts are submitted:

1. Applicant/Agent Don Knobloch, Executor of the Fred Knobloch Estate
2. Address: 4365 Marshwood Lake Rd., Fayetteville, NC Zip Code 28306
3. Telephone: (Home) (910) 818-6919 (Work) same
4. Location of Property: 4365 and 4371 Marshwood Lake Rd. Fayetteville, NC 28306
5. Parcel Identification Number (PIN #) of subject property: 0450-11-4213  
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 1.14 new <sup>3.58 total</sup> Frontage: 370+/- Depth: 421+/-
7. Water Provider: Well Septage Provider: Sewer
8. Deed Book 3275, Page(s) 363, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Vehicle repair garage, Office, Outside storage of equipment and related materials, Fuel tanks and Pumps
10. Proposed use(s) of the property: Uses will not change.

**NOTE: Be specific and list all intended uses.**

11. Do you own any property adjacent to, including across the street from, the property being submitted for rezoning? Yes  No
12. Has a violation been issued on this property? Yes  No
13. It is requested that the foregoing property be rezoned FROM: A1 to A1(CU)

TO: (Select one)

- Conditional Zoning District, with an underlying zoning district of \_\_\_\_\_  
(Article V)
- \_\_\_\_\_ Mixed Use District/Conditional Zoning District (Article VI)
- \_\_\_\_\_ Planned Neighborhood District/Conditional Zoning District (Article VII)
- \_\_\_\_\_ Density Development/Conditional Zoning District, at the \_\_\_\_\_ Density  
(Article VIII)

APPLICATION FOR  
CONDITIONAL ZONING

1. PROPOSED USE(S):

- A. List the use(s) proposed for the Conditional Zoning. (Use of the underlying district will be restricted only to the use(s) specified in this application if approved.)

Vehicle repair garage, Office, Outside storage of equipment and related materials,  
Fuel tanks and Pumps

- B. Density: List the amount of acreage that will be residential, commercial, and/or open space, and the number of lots and/or dwelling units proposed, and the square footage of the non-residential units.

This application is to add 1.14 acres of land to an existing 2.44 acre A1 (CU) that was approved in the initial zoning. The business was existing then but the drive around area used by vehicles to enter the garage was not included in the original site plan. He now wishes to include that area.

2. DIMENSIONAL REQUIREMENTS:

- A. Reference either the dimensional requirements of the district, Sec. 1104 or list the proposed setbacks.

N/A

- B. Off-street parking and loading, Sec.1202 & 1203: List the number of spaces, type of surfacing material and any other pertinent information.

There is more than sufficient are for any parking and loading. None of which is paved.

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

N/A

4. LANDSCAPE AND BUFFER REQUIREMENTS:

- A. For all new non-residential and mixed use development abutting a public street, indicate the number and type of large or small ornamental trees used in the streetscape, yard space, and/or parking areas, plus the number and type of shrubs. (Sec. 1102N). **NOTE: All required landscaping must be included on the site plan.**

N/A

- B. Indicate the type of buffering and approximate location, width and setback from the property lines. (Sec. 1102G). **NOTE: All required buffers must be included on the site plan.**

N/A

5. MISCELLANEOUS:

List any information not set forth above, such as the days and hours of the operation, number of employees, exterior lighting, noise, odor and smoke, emission controls, etc.

Hours of Operation - Mon - Sat 6:00 am till 6:00 pm

Employs 10 - 20 people

Two existing outside lights

6. SITE PLAN REQUIREMENTS:

The application must include a site plan drawn to the specifications of Sec. 1402. If the proposed uses involve development subject to the County Subdivision Ordinance, the site plan required may be general in nature, showing a generalized street pattern, if applicable, and the location of proposed uses. If the proposed uses include development not subject to the Subdivision Ordinance, the site plan must be of sufficient detail to allow the Planning and Inspections Staff, Planning Board and County Commissioners to analyze the proposed uses and arrangement of uses on the site. It also must include the footprints of all buildings (proposed and existing), the proposed number of stories, location and number of off-street parking and loading spaces, proposed points of access to existing streets and internal circulation patterns. In addition, the location of all proposed buffers and fences and landscaping shall be included on the site plan.

7. STATEMENT OF ACKNOWLEDGMENT:

It is understood by the undersigned that the official zoning map, as originally adopted and subsequently amended, is presumed to be appropriate to the property involved and that the burden of proof for a zoning amendment (rezoning) rest with the petitioner.

It is the responsibility of the petitioner (personally or by agent) to submit to the Planning and Inspections Department a valid request within a complete application.

I further understand I must voluntarily agree to all ordinance related conditions prior to the first hearing on the case or any disagreement may be cause for an unfavorable recommendation. The undersigned hereby acknowledge that the Planning and Inspections Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

Don Knobloch, Executor of the Fred Knobloch Estate DIANE Knobloch  
NAME OF OWNER(S) (PRINT OR TYPE)

4365 Marshwood Lake Road, Fayetteville, NC 28306 6805 TALLPINE DR FAY NC 28306  
ADDRESS OF OWNER(S)

donknob@hotmail.com  
E-MAIL

(910) 818-6919 same  
HOME TELEPHONE WORK TELEPHONE

[Signature] [Signature]  
SIGNATURE OF OWNER(S) SIGNATURE OF OWNER(S)

This application is prepared by Lori Epler at Larry King and Associates, R.L.S., P.A.  
Please include me on all correspondence regarding this application.

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

P.O. Box 53787, Fayetteville, NC 28305  
ADDRESS OF AGENT, ATTORNEY, APPLICANT

(910) 483-4300 same  
HOME TELEPHONE WORK TELEPHONE

LEpler@LKandA.com (910) 483-4052  
E-MAIL ADDRESS FAX NUMBER

Lori Epler  
SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

Patricia Hall,  
Chair  
Town of Hope Mills

Charles C. Morris,  
Vice-Chair  
Town of Linden

Jami McLaughlin,  
Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman

Donovan McLaurin  
Wade, Falcon & Godwin



CUMBERLAND  
COUNTY  
NORTH CAROLINA

Planning & Inspections Department

March 8, 2016

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Vikki Andrews,  
Diane Wheatley,  
Carl Manning,  
Walter Clark,  
Cumberland County

Benny Pearce,  
Town of Eastover

**MEMORANDUM**

**TO:** Cumberland County Joint Planning Board  
**FROM:** Planning and Inspections Staff  
**SUBJECT:** Staff Recommendation for the March 15, 2016 Board Meeting

**P16-14.** REZONING OF 1.49+/- ACRES FROM C1(P) PLANNED LOCAL BUSINESS DISTRICT AND R30A RESIDENTIAL TO C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING DISTRICT FOR HARDWARE & GARDEN SUPPLY, REPAIR, RENTAL AND/OR SERVICING & RETAILING OR SERVICING; LOCATED AT 2118 DUNN ROAD, SUBMITTED BY KENNETH AND DANA THURMOND (OWNERS). (EASTOVER)

**1<sup>st</sup> MOTION**

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P16-14 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for "community growth area" because the site is located within the Eastover town limits. Although the request is not consistent with the Eastover Detailed Land Use Plan which calls for "one acre residential" at this location, the non-residential structure is existing and the majority of the property has previously been used for commercial purposes.

The staff also recommends the board further find this rezoning request to be reasonable and in the public interest because the district requested for the subject property meets most of the location criteria of the adopted Land Use Policies Plan, in that: *public water and sewer is available*, connection to public water required, sewer is not available; *must have direct access to a collector street*, SR 1838 (Dunn Road) is a minor arterial street; *may be co-located with light industrial/manufacturing uses*; *must be located on a sufficient site that provides adequate area for buffering, screening, and landscaping*, the subject property is 1.49+/- acres.

**2<sup>nd</sup> MOTION**

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P16-14 for the C(P) Planned Commercial/CZ Conditional Zoning district for hardware & garden supply, repair, rental and/or servicing & retailing or servicing based on the following:

- The location and character of the requested district will be in harmony with the general area and will allow uses that could serve the surrounding community.

There are no other districts considered suitable for this request at this location. The property owner has voluntarily agreed to all "Ordinance Related Conditions."

Attachments: 1 – Site Profile  
2 – Sketch Map  
3 – Site Plan  
4 – Ordinance Related Conditions  
5 – Application



**P16-14**  
**SITE PROFILE**

**P16-14.** REZONING OF 1.49+/- ACRES FROM C1(P) AND R30A RESIDENTIAL TO C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING DISTRICT FOR HARDWARE & GARDEN SUPPLY, REPAIR, RENTAL AND/OR SERVICING & RETAILING OR SERVICING; LOCATED AT 2118 DUNN ROAD, SUBMITTED BY KENNETH AND DANA THURMOND (OWNERS). (EASTOVER)

**Site Information:**

**Frontage & Location:** 171'+/- on SR 1838 (Dunn Rd)

**Depth:** 427'+/-

**Jurisdiction:** Eastover

**Adjacent Property:** No

**Current Use:** Hardware & garden supply

**Initial Zoning:** C1(P) – December 4, 2007; zoned R30A on June 18, 2001

**Nonconformities:** None

**Zoning Violation(s):** None

**Surrounding Zoning:** North: C(P), HS(P), A1, RR & R6A; South: A1 & RR East: A1 & R40A; West: A1, RR & R20

**Surrounding Land Use:** Residential (including manufactured homes), farmland, woodlands & Cloverleaf motel

**2030 Growth Strategy Map:** Community growth area

**Eastover Detailed Land Use Plan:** One acre residential

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

**Water/Sewer Availability:** Eastover/Septic

**Soil Limitations:** Yes, hydric – Ro Roanoke and wahee loams

**Subdivision/Site Plan:** If approved, “Ordinance Related Conditions” will apply

**Average Daily Traffic Count (2014):** 370 on SR 1725 (Dobbin Holmes Rd)

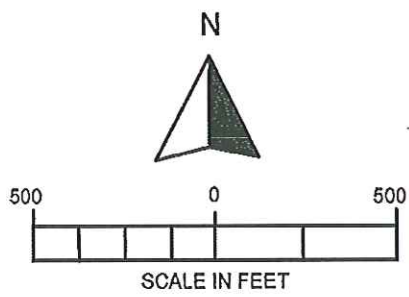
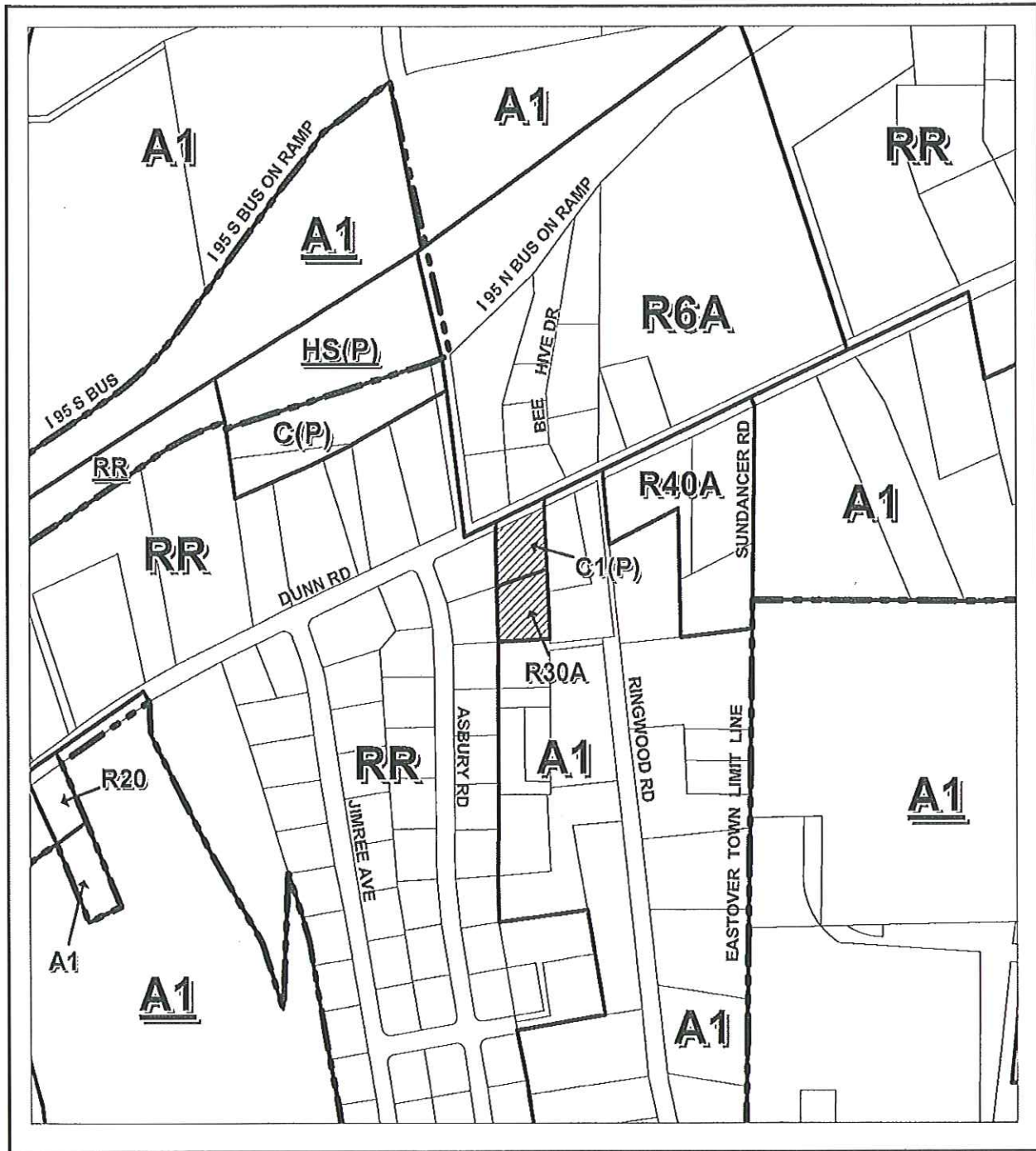
**Highway Plan:** Dunn Rd is a minor arterial road. There are no road improvements/construction specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Plan.

**Notes:**

1. Density  
R30A – 1 lots/unit

2. Minimum Yard Setbacks:

| <u>R30A</u>     | <u>C1(P)</u>    | <u>C2(P) &amp; C(P)</u> |
|-----------------|-----------------|-------------------------|
| Front yard: 30' | Front yard: 45' | Front yard: 50'         |
| Side yard: 15'  | Side yard: 15'  | Side yard: 30'          |
| Rear yard: 35'  | Rear yard: 20'  | Rear yard: 30'          |

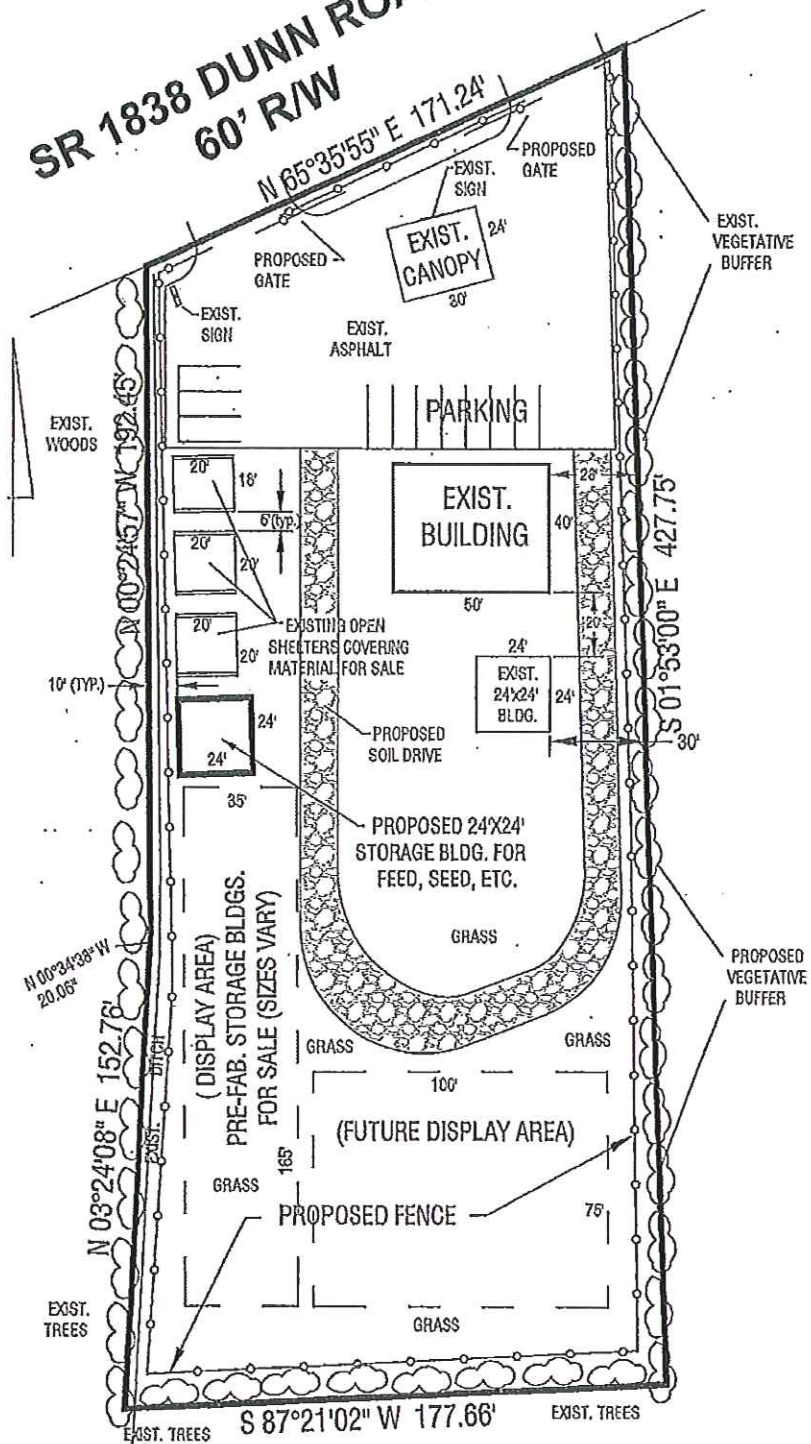


PIN: 0458-51-7794

## REQUESTED REZONING C1(P) & R30A TO C(P)/CZ

|                      |              |                    |  |
|----------------------|--------------|--------------------|--|
| ACREAGE: 1.49 AC.+/- |              | HEARING NO: P16-14 |  |
| ORDINANCE: EASTOVER  | HEARING DATE | ACTION             |  |
| STAFF RECOMMENDATION |              |                    |  |
| PLANNING BOARD       |              |                    |  |
| GOVERNING BOARD      |              |                    |  |

**SR 1838 DUNN ROAD  
60' R/W**



**C(P)PLANNED COMMERCIAL DISTRICT/CONDITIONAL ZONING DISTRICTS**

**REQUEST: ALLOW A HARDWARE & GARDEN SUPPLY, REPAIR, RENTAL AND/OR SERVICING & RETAILING OR SERVICING**

**CASE: P16-14    ACREAGE: 1.49 AC +/-**

**SCALE: NTS    PARKING: 10 SPACES**

**\*SCALED DETAIL SITE PLAN IN FILE AVAILABLE FOR REVIEW UPON REQUEST**

**A1 AGRICULTURAL/CZ CONDITIONAL ZONING DISTRICT**

**DRAFT**

Ordinance Related Conditions  
for  
Hardware & Garden Supply; Repair, Rental and/or Servicing; and Retailing or Servicing

**Pre-Permit Related:**

1. Five copies of a revised site plan must be submitted for staff review and approval. The revision must include:
  - a. A minimum of one off-street loading spaces(s) measuring 12' x 25' with 14' overhead clearance must be provided for the rental and/or servicing & retailing or servicing area.
  - b. A solid **on-site** buffer must be provided and maintained. **To qualify as a buffer, the buffer must be located on the subject property, the site plan shows the buffer off-site.** (Note: Chain link fencing cannot be used to satisfy the buffer requirement.)

**Permit-Related:**

2. 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.
3. 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 and Development Ordinance)
4. Connection to public water is required, the Eastover Sanitary District (ESD) must approve water plans prior to application for any permits. A copy of the ESD 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 and Development Ordinance)
5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
6. 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.
7. 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.
8. Landscaping is not required; however, the developer is encouraged to retain as many existing trees as possible, plant additional trees and to consider using planters/pots for flowers/shrubs to dress up the front of the building.
9. A solid **on-site** buffer must be provided and maintained as shown on the site plan. (Note: Chain link fencing cannot be used to satisfy the buffer requirement.)

**Note: The buffer shown on the site plan is not shown as being located on the subject property. In the event there is any modification to the location of any proposed and/or existing structure to accommodate room for the buffer, a revised site plan must be submitted for staff review and approval prior to permit application.**

10. 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. Permits **MUST** be secured prior to the change or alteration of existing or proposed property use. Failure to secure required permits prior to construction or change in property usage may result in the removal of the driveway or street connections at the property owner's expense. For additional information contact the Division 6 / District 2 office at the number listed on the bottom of this conditional approval.

**Note: In the event the NCDOT driveway permit process alters the site plan in any manner, the copies of a revised site plan must be submitted for staff review and approved prior to permit application.**

11. 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:**

12. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance and Zoning Ordinances for the C(P) zoning district, to include the contents of the application and site plan, must be complied with, as applicable.

**Note: This conditional approval is for use of the site as a hardware & garden supply; repair, rental and/or servicing; and retailing or servicing only. Prior to any change in the propose uses, the developer must first submit for and receive plan approval. Re-consideration of the plan may require re-submittal of the conditional zoning application. The developer/ property owner is encouraged to contact code Enforcement or Land Use Codes prior to entering into a contract/lease with any tenant to verify the permissibility of the intended use.**

**Note 2: The "Propose Open Shelters" are only permitted to shelter display items that are for sale. No open outside storage is permitted on this site. In addition, the "Existing 24'x24' Bldg" is permitted for storage, assembly of products/equipment and repair only.**

13. Storage of junk is not a permitted use on this site, to include cannibalization for parts for repairs.
14. This conditional approval is not approval of any new freestanding signs. If a new 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.)
15. 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 and Development Ordinance)
16. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision and Development Ordinance)
17. In the event a stormwater utility structure is required by the NC Department of Environment and Natural Resources (NCDENR), the owner/developer must secure the structure with a four foot high fence with a lockable gate, and is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.
18. Turn lanes may be required by the NC Department of Transportation (NCDOT).
19. 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.

20. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
21. All required off-street parking spaces are required to be a minimum of 9' x 20'; a minimum of ten off-street parking spaces is required for this development.
22. The owner/developer is responsible and liable for maintenance and upkeep of this site, all structures, and appurtenances, to include ensuring that the site is kept free of litter and debris, 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.

**Other Relevant Conditions:**

23. The applicant is advised to consult an expert on wetlands before proceeding with any development.
24. 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.

*Thank you for choosing the Town of Eastover for your business location!*

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

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

|                                   |                             |                |  |
|-----------------------------------|-----------------------------|----------------|--|
| Subdivision/Site Plan/Plat        | Ed Byrne                    | 678-7609       | <a href="mailto:ebyrne@co.cumberland.nc.us">ebyrne@co.cumberland.nc.us</a>       |
| Code Enforcement (Permits):       | Scott Walters               | 321-6654       | <a href="mailto:swalters@co.cumberland.nc.us">swalters@co.cumberland.nc.us</a>   |
| County Building Inspections:      | Gary Faulkner               | 321-6648       | <a href="mailto:gfaulkner@co.cumberland.nc.us">gfaulkner@co.cumberland.nc.us</a> |
| Fire Marshal – Emergency Services | Rodney Ward                 | 321-6625       | <a href="mailto:rward@co.cumberland.nc.us">rward@co.cumberland.nc.us</a>         |
| County Health Department:         | Daniel Ortiz                | 433-3680       | <a href="mailto:dortiz@co.cumberland.nc.us">dortiz@co.cumberland.nc.us</a>       |
| Eastover Sanitary District:       | Connie Spell                | 229-3716       | <a href="mailto:cfspelled@ncrrbiz.com">cfspelled@ncrrbiz.com</a>                 |
| Town of Eastover:                 | Matt Rooney (Staff Rep)     | 678-7625       | <a href="mailto:mrooney@co.cumberland.nc.us">mrooney@co.cumberland.nc.us</a>     |
| Town of Eastover:                 | Kim Nazarchyk (Manager)     | 323-0707       | <a href="mailto:townmanager@eastovernc.com">townmanager@eastovernc.com</a>       |
| Town of Eastover                  | Jane Faircloth (Town Clerk) | 323-0707       | <a href="mailto:townclerk@eastovernc.com">townclerk@eastovernc.com</a>           |
| US Postal Service                 | Laricia McIver              | (704) 393-4481 | <a href="mailto:laricia.mciver@usps.gov">laricia.mciver@usps.gov</a>             |
| Corp of Engineers (wetlands):     | Liz Hair                    | (910) 251-4049 | <a href="mailto:hair@usacr.army.mil">hair@usacr.army.mil</a>                     |
| NCDEQ (E&S):                      | Leland Cottrell             | (910) 433-3393 | <a href="mailto:leland.cottrell@ncdenr">leland.cottrell@ncdenr</a>               |
| US Fish & Wildlife Services       | Susan Ladd Miller           | (910) 695-3323 | <a href="mailto:susan_miller@fws.gov">susan_miller@fws.gov</a>                   |
| Location Services:                |                             |                |  |
| Site-Specific Address:            | Ron Gonzales                | 678-7616       | <a href="mailto:rgonzalez@co.cumberland.nc.us">rgonzalez@co.cumberland.nc.us</a> |
| Tax Parcel Numbers:               |                             | 678-7549       |  |
| NCDOT (driveways/curb-cuts):      | Troy Baker                  | 486-1496       | <a href="mailto:tlbaker@ncdot.gov">tlbaker@ncdot.gov</a>                         |
| N.C. Division of Water Quality:   | Mike Randall                | (919) 807-6374 | <a href="mailto:mike.randall@ncdenr.gov">mike.randall@ncdenr.gov</a>             |

cc: Kim Nazarchyk, Eastover Town Manager  
 Connie Spell, Eastover Sanitary District

**TO THE CUMBERLAND COUNTY JOINT PLANNING BOARD AND THE BOARD OF COUNTY COMMISSIONERS OF CUMBERLAND COUNTY, NC:**

I (We), the undersigned, hereby submit this application, and petition the County Commissioners to amend and to change the zoning map of the County of Cumberland as provided for under the provisions of the County Zoning Ordinance. In support of this petition, as hereinafter requested, the following facts are submitted:

1. Applicant/Agent Kenneth & Dana Thurmond
2. Address: 2118 Dunn Rd Zip Code 28312
3. Telephone: (Home) 910 483 0006 (Work) 910 483 0006
4. Location of Property: 2118 Dunn Rd. Eastover, NC 28312
5. Parcel Identification Number (PIN #) of subject property: 6458-51-7764  
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 1.49 Frontage: 171.24' Depth: 427.75'
7. Water Provider: Eastover Sanitary Septage Provider: N/A
8. Deed Book 09703, Page(s) 0557-0559, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Hardware and Garden Supply <sup>Dana Thurmond</sup> 2/10/16 ;
10. Proposed use(s) of the property: Sales of lawnmowers, Stihl products, Sale of outside buildings, Repairs of products sold (Stihl, exmark Garden & Hardware Supply, lawnmowers)  
*(See matrix)*

**NOTE: Be specific and list all intended uses.**

11. Do you own any property adjacent to, including across the street from, the property being submitted for rezoning? Yes \_\_\_\_\_ No ✓
12. Has a violation been issued on this property? Yes \_\_\_\_\_ No ✓
13. It is requested that the foregoing property be rezoned FROM: C-1(P) & R3DA

TO: (Select one)

- ✓ Conditional Zoning District, with an underlying zoning district of M(P)  
(Article V)
- \_\_\_\_\_ Mixed Use District/Conditional Zoning District (Article VI)
- \_\_\_\_\_ Planned Neighborhood District/Conditional Zoning District (Article VII)
- \_\_\_\_\_ Density Development/Conditional Zoning District, at the \_\_\_\_\_ Density  
(Article VIII)

APPLICATION FOR  
CONDITIONAL ZONING

1. PROPOSED USE(S):

A. List the use(s) proposed for the Conditional Zoning. (Use of the underlying district will be restricted only to the use(s) specified in this application if approved.) *see attached list (matrix sheet)*

B. Density: List the amount of acreage that will be residential, commercial, and/or open space, and the number of lots and/or dwelling units proposed, and the square footage of the non-residential units. *1.49 acre - commercial*

2. DIMENSIONAL REQUIREMENTS:

A. Reference either the dimensional requirements of the district, Sec. 1104 or list the proposed setbacks.

*see site plan*

B. Off-street parking and loading, Sec. 1202 & 1203: List the number of spaces, type of surfacing material and any other pertinent information.

*see site plan*

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

*sign meet CP sign requirements*



4. LANDSCAPE AND BUFFER REQUIREMENTS:

- A. For all new non-residential and mixed use development abutting a public street, indicate the number and type of large or small ornamental trees used in the streetscape, yard space, and/or parking areas, plus the number and type of shrubs. (Sec. 1102N). **NOTE: All required landscaping must be included on the site plan.**

*all site plan*

- B. Indicate the type of buffering and approximate location, width and setback from the property lines. (Sec. 1102G). **NOTE: All required buffers must be included on the site plan.**

*all site plan*

5. MISCELLANEOUS:

List any information not set forth above, such as the days and hours of the operation, number of employees, exterior lighting, noise, odor and smoke, emission controls, etc.

*Mon-Fri. 7-9pm*

*Sat - 7-2pm*

*Sun - Closed*

*- Employees 10*

*- all external lighting will be directed internally to property.*

*- meet the County noise Ordinance requirements*

6. SITE PLAN REQUIREMENTS:

The application must include a site plan drawn to the specifications of Sec. 1402. If the proposed uses involve development subject to the County Subdivision Ordinance, the site plan required may be general in nature, showing a generalized street pattern, if applicable, and the location of proposed uses. If the proposed uses include development not subject to the Subdivision Ordinance, the site plan must be of sufficient detail to allow the Planning and Inspections Staff, Planning Board and County Commissioners to analyze the proposed uses and arrangement of uses on the site. It also must include the footprints of all buildings (proposed and existing), the proposed number of stories, location and number of off-street parking and loading spaces, proposed points of access to existing streets and internal circulation patterns. In addition, the location of all proposed buffers and fences and landscaping shall be included on the site plan.

7. STATEMENT OF ACKNOWLEDGMENT:

It is understood by the undersigned that the official zoning map, as originally adopted and subsequently amended, is presumed to be appropriate to the property involved and that the burden of proof for a zoning amendment (rezoning) rest with the petitioner.

It is the responsibility of the petitioner (personally or by agent) to submit to the Planning and Inspections Department a valid request within a complete application.

I further understand I must voluntarily agree to all ordinance related conditions prior to the first hearing on the case or any disagreement may be cause for an unfavorable recommendation. The undersigned hereby acknowledge that the Planning and Inspections Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

Kenneth & Dana Thurmond  
NAME OF OWNER(S) (PRINT OR TYPE)

2417 Tucker Rd Eastover, NC 28312  
ADDRESS OF OWNER(S)

Danarn76@aol.com  
E-MAIL

910 308 7676 | 910 308 6868 910 483 0006  
HOME TELEPHONE WORK TELEPHONE

*Kenneth Thurmond*  
SIGNATURE OF OWNER(S)

*Dana Thurmond*  
SIGNATURE OF OWNER(S)

Dana Thurmond  
NAME OF AGENT, ATTORNEY, APPLICANT (by assign) (PRINT OR TYPE)

2417 Tucker Rd Eastover NC 28312  
ADDRESS OF AGENT, ATTORNEY, APPLICANT

910 308 7676  
HOME TELEPHONE

910 483 0006  
WORK TELEPHONE

Danarn76@aol.com  
E-MAIL ADDRESS

910 433 4329  
FAX NUMBER

*Dana Thurmond*  
SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

**16-015**  
**SITE PROFILE**

**CASE NO. 16-015.** CONSIDERATION OF THE REGINALD L. JOHNSTON ESTATES; ZERO LOT LINE & GROUP DEVELOPMENT REVIEW; REQUEST FOR A WAIVER FROM THE REQUIREMENTS FOR THE NUMBER OF LOTS AND DWELLING UNITS ALLOW ON A CLASS "C" PRIVATE STREET; COUNTY SUBDIVISION ORDINANCE, SECTIONS 2304.C.4.C(4) & (5), CLASS "C" PRIVATE STREET SPECIFICATIONS; ZONED: R6; TOTAL ACREAGE: 0.93+/-; LOCATED AT 955, 957, 959, 961 & 963 DOMAIN DRIVE; SUBMITTED BY REGINALD L. JOHNSTON (OWNER) AND GEORGE LOTT (SURVEYOR). (FAYETTEVILLE MIA/COUNTY JURISDICTION)

**Summary of Request**

The developer is requesting a waiver to allow for an eighth lot to be created on a Class "C" private street where a maximum of four lots are allowed. The developer is also asking for a waiver to allow the proposed Lot 2 to have four dwelling units where a maximum of two are allowed. The Class "C" private street was created in 1993 at a time when the Subdivision Ordinance allowed a maximum of seven lots and there was no limit on the number of units allowed other than the density requirements for the zoning district. Attached you will find copies of the approved and recorded plats for this Class "C" private street.

The developer is requesting to be allowed to subdivide a lot which will contain one of the five existing dwelling from the remaining parent tract which will contain four dwelling units. This creates an eighth lot on the Class "C" private street without having to upgrade the street to a higher classification.

**Site Information:**

**Frontage & Location:** 208.16' feet of street frontage along Domain Drive

**Depth:** 199.46' +/-

**Jurisdiction:** Cumberland County

**Municipal Influence Area (MIA):** Fayetteville

**Adjacent Property:** N/A

**Nonconformities:** Yes, the Class "C" private exceeds the maximum number lots allowed under current standards. Seven lots have been previously approved. The existing lot with five dwellings exceeds the maximum number of units allowed for lots along a Class "C" private. The five dwellings were built in 1964.

**Water & Sewer:** Well/Septic

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

**Applicable County Subdivision Ordinance Provisions**

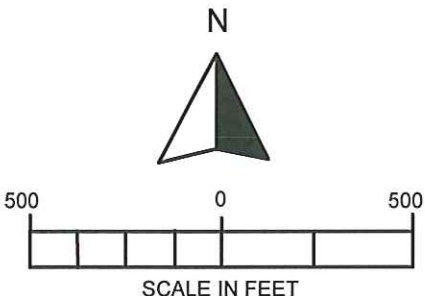
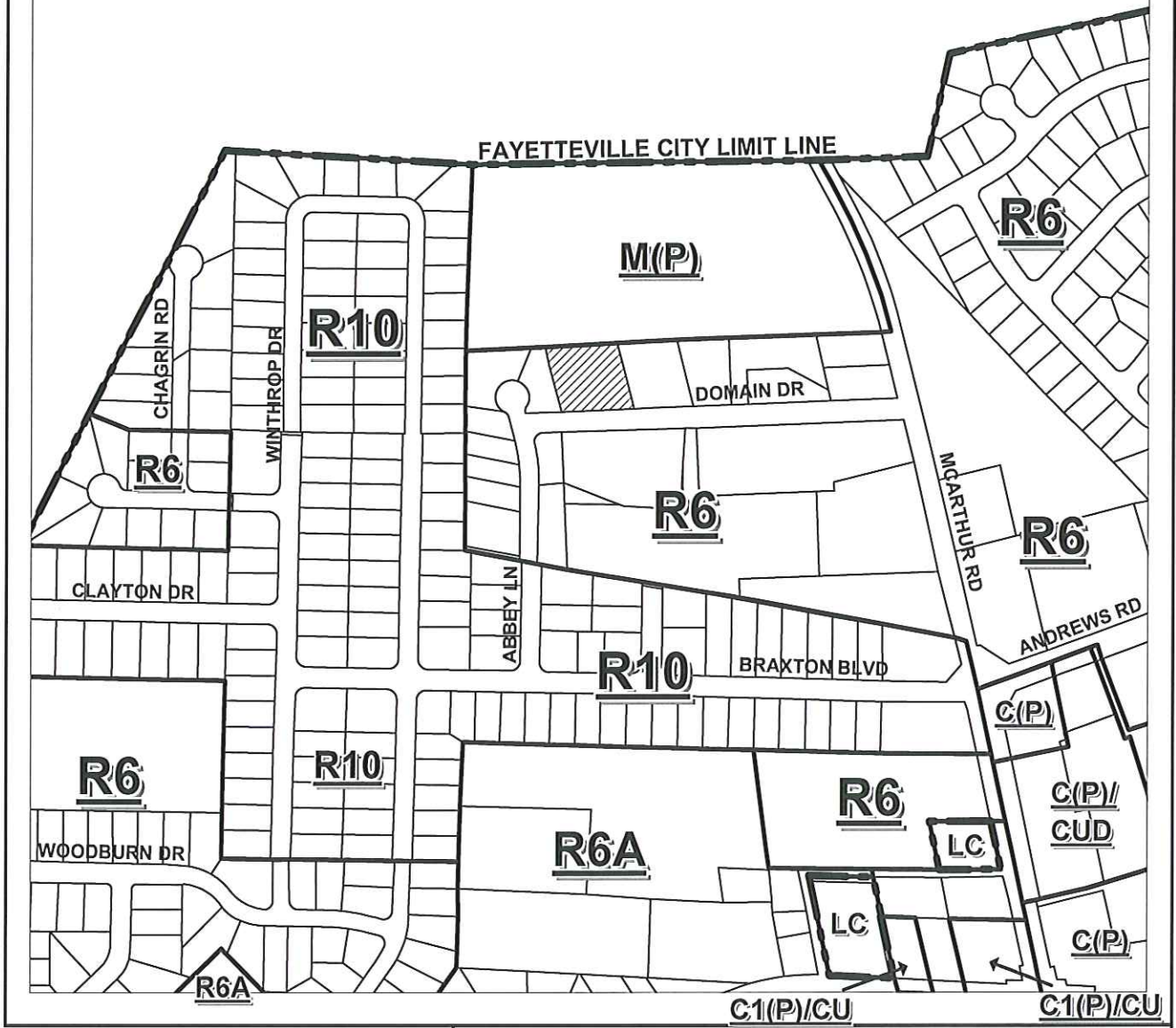
**Section 2304 STREET, C.4.c.(4) & (5) Class "C" private street specifications.**

- (4) May serve a maximum of four lots;
- (5) Group developments as approved under the terms of this ordinance shall be limited to a maximum of two units per lot;

**Attachments**

- 1 - Sketch Map
- 2 - Application for Waiver
- 3 - Aerial Photo
- 4 - Subdivision Sketch Plan
- 5 - Draft Conditions of Approval
- 6 - Three plats recorded in 1993, 1996 and 2000

# FORT BRAGG MILITARY RESERVATION



## COUNTY SUBDIVISION ORDINANCE WAIVER

|                             |                           |               |
|-----------------------------|---------------------------|---------------|
| <b>ACREAGE: 0.93 AC.+/-</b> | <b>HEARING NO: 16-015</b> |               |
| <b>ORDINANCE: COUNTY</b>    | <b>HEARING DATE</b>       | <b>ACTION</b> |
| <b>GOVERNING BOARD</b>      |                           |               |

**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: 963 Domain Dr.  
OWNER: Reginald L. Johnston  
ADDRESS: 963 Domain Dr. Fay, NC ZIP CODE: 28311  
TELEPHONE: HOME 910-482-0985 WORK 910-864-7396  
AGENT: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
TELEPHONE: HOME \_\_\_\_\_ WORK \_\_\_\_\_

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

- A. Parcel Identification Number (PIN #) of subject property: 0521 41 9647  
(also known as Tax ID Number or Property Tax ID)
- B. Acreage: .93 Frontage: 110+ Depth: 200'
- C. Water Provider: Aqua North Carolina
- D. Septage Provider: Private septic
- E. Deed Book 92, Page(s) 196, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
- F. Existing and/or proposed use of property: \_\_\_\_\_

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

2304 C b. (4) & 5

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

Wish to upgrade existing area  
and houses. Can't get loan without  
principal residence divided.

**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.

 Kristina Johnston  
Property owner(s)' signature(s)

Reginald L. Johnston Kristina Johnston  
Property owner(s)' name (print or type)

963 Domain Dr. Fayetteville, NC 28311  
Complete mailing address of property owner(s)

910-482-0985 910-257-8038  
Telephone number Alternative telephone number

reginaldljohnston@gmail.com  
Email address FAX number

Greg Spears  
Agent, attorney, or applicant's signature (other than property owner)

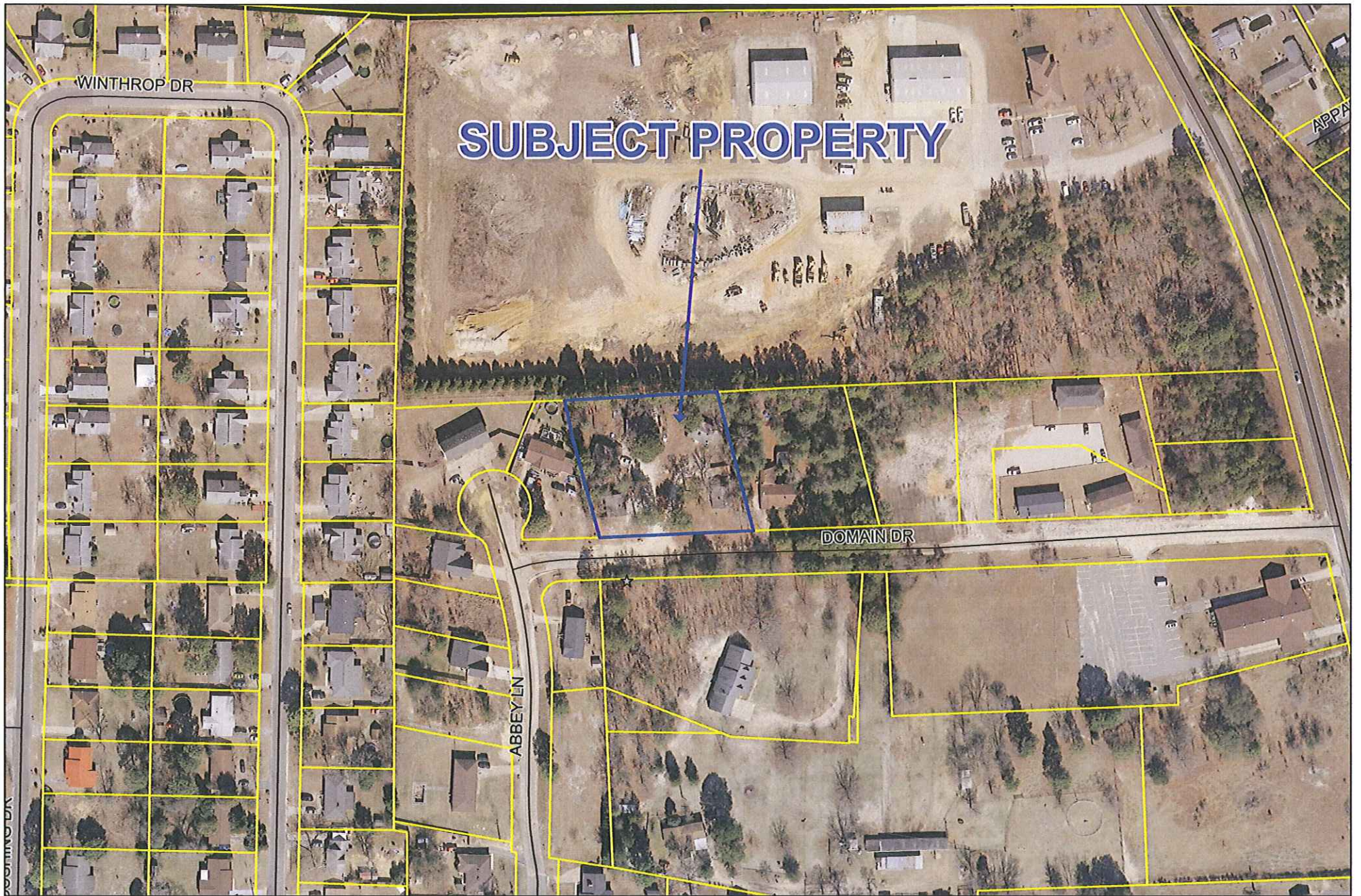
Greg Spears  
Agent, attorney, or applicant (other than property owner) (print or type)

2829 Briarcrest Pl. Fayetteville, N.C. 28304  
Complete mailing address of agent, attorney, or applicant

910-987-3242 Telephone number  
Alternative telephone number

gcsunc@gmail.com Email address  
FAX number

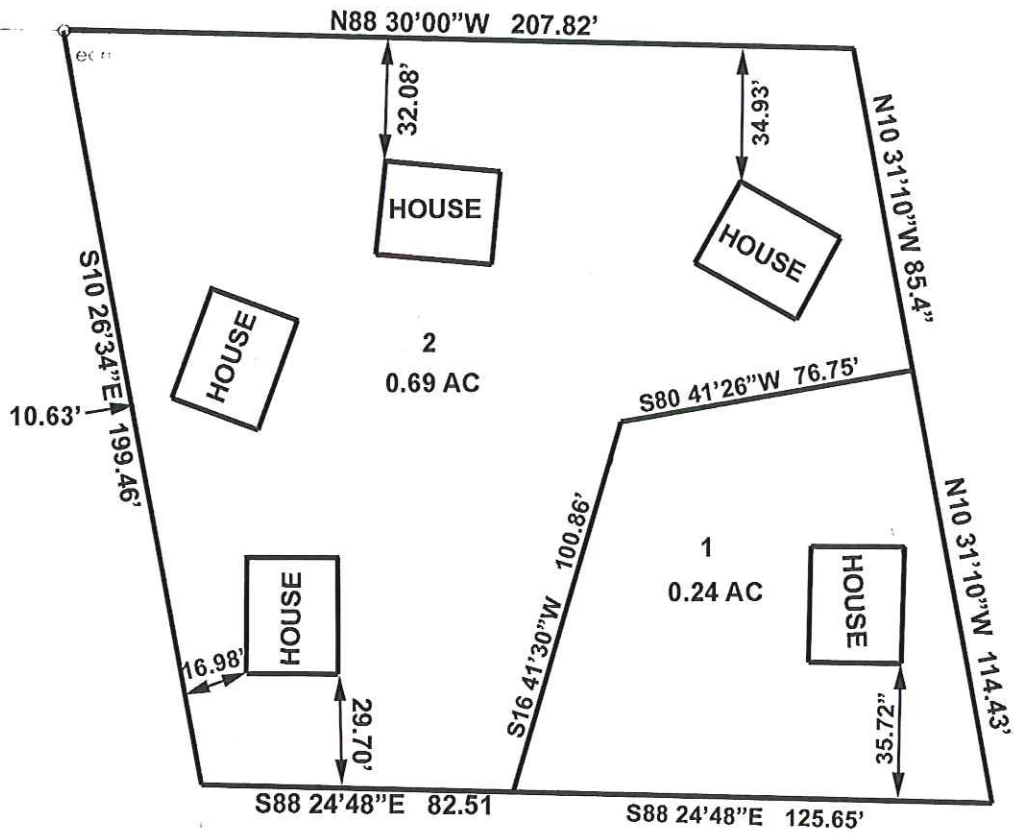
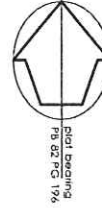
**Upon submission, the contents of this application becomes "public record" and is available for review and/or copies upon request.**



**AERIAL PHOTO  
CASE NO: 16-015**







**DOMAIN DRIVE  
60' CLASS "C" PRIVATE STREET**

**REGINALD L JOHNSTON ESTATES  
ZERO LOT LINE SUBDIVISION & GROUP DEVELOPMENT REVIEW  
REQUEST: A WAIVE FROM SECTIONS 2304.C.4.C(4) & 2304.C.4.C(5)  
"STREETS"**

**CASE: 16-015 ACREAGE: 0.93 AC +/-  
ZONED: R6 SCALE: NTS**

**\*SCALED DETAILED SITE PLAN IN FILE AVAILABLE FOR REVIEW UPON REQUEST**



Patricia Hall,  
Chair  
Town of Hope Mills

Charles C. Morris,  
Vice-Chair  
Town of Linden

Jami McLaughlin,  
Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman

Donovan McLaurin  
Wade, Falcon & Godwin

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Vikki Andrews,  
Diane Wheatley,  
Carl Manning,  
Walter Clark,  
Cumberland County

Benny Pearce,  
Town of Eastover

# CUMBERLAND COUNTY NORTH CAROLINA

## Planning & Inspections Department DRAFT

STAFF REVIEW: 02-12-16 PLANNING BOARD DECISION: 03-15-16

CASE NO: 16-015 NAME OF DEVELOPMENT: REGINALD L. JOHNSTON ESTATES

MIA: FAYETTEVILLE ZERO LOT LINE SUBDIVISION & GROUP DEVELOPMENT REVIEW

LOCATION: 955, 957, 959, 961 & 963 DOMAIN DRIVE ZONING: R6

PIN: 0521-41-9647

OWNERS / DEVELOPER: REGINALD JOHNSTON ENGINEER OR DESIGNER: GEORGE LOTT

### 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:

#### Pre-Permit/Plat Related:

1. The property owner has submitted a waiver request to be considered by the Joint Planning Board on March 15, 2016. Permits cannot be issued and plat approval cannot be granted for the preliminary as submitted unless the Planning Board approves the waiver request. See board packet material in case file for detailed explanation.

#### Watershed-Related:

2. An application for a Watershed "No Approval Required" development must be submitted to the Watershed Review Officer (WRO) and plans must be approved by the WRO prior to final plat approval and/or prior to application for any building/zoning permits, site plan approval is required. A copy of the WRO's approval of this plat/plan must be submitted to Code Enforcement at the time of application for any permits.

#### Permit-Related:

3. 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.

4. At the time of application for permits, the developer must provide to Code Enforcement approval from the entity that owns and/or regulates the type water and sewer serving the proposed development.
5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
6. 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.
7. 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.
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 Development Ordinance and Zoning Ordinances for the R6 zoning district must be complied with, as applicable.
10. All applicable provisions of Section 2401, "Group Developments", County Subdivision and Development Ordinance, must be complied with.
11. 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 and Development Ordinance)
12. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision and Development Ordinance)
13. This review does not constitute a "subdivision" approval by NC Department of Transportation (NCDOT). A separate submittal to NCDOT will be required prior to consideration for addition to the system of any street within this development.

**Plat-Related:**

14. The Watershed stamp must be on the final plat prior to approval by Land Use Codes.
15. The developer is required to provide an inspection of the private street(s) by a registered engineer or registered surveyor upon completion of construction of the private street(s) and related facilities, including drainage ways. A statement, affixed with the engineer/surveyor's seal, certifying that all private street(s) and related facilities are designed and constructed in accordance with the requirements of Section 2304 C, Private Street, County Subdivision Ordinance, and that all such facilities are adequate to serve the development, must be submitted to Land Use Codes prior to final plat approval or release of any construction guarantees as allowed under Section 2502, Final Plat – Guarantees of Improvements, County Subdivision and Development Ordinance.
16. The builder/developer must provide the buildable envelopes on the final plat: providing a five-foot maintenance easement along each side of all common internal lines with all other applicable setbacks being provided for; or at the time of permit application, the individual plot plans must be approved by Land Use Codes prior to issuance of any permits.
17. Any/All easements must be reflected on the final plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.

18. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval. (Section 2503 D, Certificate of Ownership and Dedication, County Subdivision and Development Ordinance)
19. The final plat must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.

**Plat-Required Statements:**

20. If the development does not have public sewer, the following disclosure statement is required to be provided on the final plat (Section 2504 C, On-Site Water and/or Sewer Disclosure, County Subdivision and Development Ordinance):

“The individual lots in this development do not have public sewer services available, and no lots have been approved by the Health Department for on-site sewer services or been deemed acceptable for private wells at the date of this recording.”

21. The final plat shall reflect the following statements required for the private street(s) (Section 2504 A, Disclosure of Private Street Status, County Subdivision and Development Ordinance):

- a. “Cumberland County and other public agencies have no enforcement responsibility regarding maintenance or encroachments into the private street right-of-way as shown on this plat. Private streets are for the use of all owners of property within this subdivision/development and their guests; and any governmental agency or personnel or equipment thereof who shall be granted perpetual access over all such private streets to accomplish or fulfill any service or function for which the agency is responsible and that any agency or organization designated by a governmental agency to perform a designated function shall also retain access the same as any government agency. Any governmental agency exercising its access rights shall have the same rights and only such liabilities as it would have on any public lands, rights-of-way, or easements.”
- b. “All current and future owners of these tract be ware that maintenance for the Class “C” private street(s) shown on this plat are the responsibility of the owners of the tracts served by and having access to the Class “C” private street(s).”
- c. “All current and future owners of these tracts be aware that future division of these properties shall not be permitted under current standards without the upgrading of the Class “C” private street(s).”

22. All structures shall be shown on the final plat or the final plat shall reflect the following statement (Section 2504 D, County Subdivision and Development Ordinance):

“Nonconforming structures have not been created by this subdivision/plat.”

**Other Relevant Conditions:**

23. The Regional Land Use Advisory Commission (RLUAC) has indicated that this development is located within a military aircraft high noise (62 – 72 decibels) and flight buffer area. RLUAC encourages the developer to include extra insulation in any new residential construction to reduce the outside to inside noise levels.
24. The applicant is advised to consult an expert on wetlands before proceeding with any development.
25. 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.
26. The US Postal Service most likely will require this development to have centralized cluster boxes for postal service to each lot or unit. The developer is advised contact the US Postal Growth Coordinator for the Mid-Carolinas District to determine the appropriate location for the cluster boxes. If the cluster box location requires changes to the subdivision or site plan, a revised preliminary/plan must be submitted to the Planning & Inspections Department for review and approval.
27. Any future divisions of the subject property most likely will require the Class “C” private street to be upgraded to a Class “A” (paved) private street or public street.

28. The owner/developer be aware that every deed created for a lot being served by an on-site water and/or sewer system must contain the following disclosure when filed with the County Register of Deeds:

“Public sewer services are not available as of the date of the recording of this deed. On-site sewer disposal systems must be approved by the County Health Department.”

29. The owner/developer be aware that every deed created for the purpose of conveying a lot served by a private street must contain the following disclosure statement at the time of recordation with the County Register of Deeds:

“It is hereby acknowledged that a subdivision streets disclosure statement has been executed in accordance with N.C.G.S 136-102.6(f).”

30. The developer submitted a request for a waiver from Section 2304.C.4.c(4) and (5) to allow an eighth lot on a Class “C” private street where a maximum of four lots are allowed and to allow four dwelling units where a maximum of two are allowed per lot on a Class “C” private street. The Cumberland County Joint Planning Board will hear this case on March 15, 2016.

**Note: If the waiver request is approved, it is specific to the current application only and will not apply to any future development unless specifically addressed in the Planning Board’s motion. Furthermore, the board’s granting of this waiver does not include allowing an additional dwelling unit on either lot.**

*Thank you for making Cumberland County your home!*

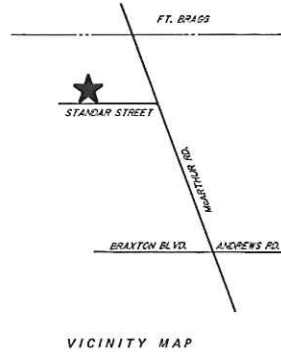
**If you need clarification of any conditions, please contact Ed Byrne at 910-678-7609 or Patti Speicher at 910-678-7605 with the Land Use Codes Section; otherwise, contact the appropriate agency at the contact numbers below.**

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

|                                 |                   |                |  |
|---------------------------------|-------------------|----------------|--|
| Watershed Review Officer:       | Jeff Barnhill     | 678-7765       | <a href="mailto:jbarnhill@co.cumberland.nc.us">jbarnhill@co.cumberland.nc.us</a> |
| Subdivision/Site Plan/Plat      | Ed Byrne          | 678-7609       | <a href="mailto:ebyrne@co.cumberland.nc.us">ebyrne@co.cumberland.nc.us</a>       |
| Code Enforcement (Permits):     | Scott Walters     | 321-6654       | <a href="mailto:swalters@co.cumberland.nc.us">swalters@co.cumberland.nc.us</a>   |
| County Health Department:       | Daniel Ortiz      | 433-3680       | <a href="mailto:dortiz@co.cumberland.nc.us">dortiz@co.cumberland.nc.us</a>       |
| PWC:                            | Joe Glass         | 223-4740       | <a href="mailto:joe.glass@faypwc.com">joe.glass@faypwc.com</a>                   |
| Fayetteville Planning:          | Marsha Bryant     | 433-1416       | <a href="mailto:mbryant@ci.fay.nc.us">mbryant@ci.fay.nc.us</a>                   |
| County Public Utilities:        | Amy Hall          | 678-7637       | <a href="mailto:ahall@co.cumberland.nc.us">ahall@co.cumberland.nc.us</a>         |
| US Postal Service               | Laricia McIver    | (704) 393-4481 | <a href="mailto:laricia.mciver@usps.gov">laricia.mciver@usps.gov</a>             |
| Corp of Engineers (wetlands):   | Liz Hair          | (910) 251-4049 | <a href="mailto:hair@usacr.army.mil">hair@usacr.army.mil</a>                     |
| NCDEQ (E&S):                    | Leland Cottrell   | (910) 433-3393 | <a href="mailto:leland.cottrell@ncdenr.gov">leland.cottrell@ncdenr.gov</a>       |
| US Fish & Wildlife Services     | Susan Ladd Miller | (910) 695-3323 | <a href="mailto:susan_miller@fws.gov">susan_miller@fws.gov</a>                   |
| Location Services:              |                   |                |  |
| Site-Specific Address:          | Ron Gonzales      | 678-7616       | <a href="mailto:rgonzalez@co.cumberland.nc.us">rgonzalez@co.cumberland.nc.us</a> |
| Tax Parcel Numbers:             |                   | 678-7549       |  |
| NCDOT (driveways/curb-cuts):    | Troy Baker        | 486-1496       | <a href="mailto:tlbaker@ncdot.gov">tlbaker@ncdot.gov</a>                         |
| N.C. Division of Water Quality: | Mike Randall      | (919) 807-6374 | <a href="mailto:mike.randall@ncdenr.gov">mike.randall@ncdenr.gov</a>             |

cc: Marsha Bryant, City of Fayetteville

# 196



NORTH CAROLINA  
Cumberland COUNTY  
I, George L. Lott, certify that this map was drawn under my supervision from an actual survey made under my supervision, deed and description recorded in Book 988, Page 251, that the ratio of reduction is calculated by latitude and departures in 1 / 15,000, that the boundaries not surveyed are shown as broken lines plotted from information found in books referenced, that this map was prepared in accordance with G. S. 43-30 as amended. Witness my hand and seal this 15 day of March, A.D. 1993.

*[Signature]*  
Land Surveyor  
Registration No. L-1379



NORTH CAROLINA  
Cumberland COUNTY  
I, Betty C. Swoof, a Notary Public of the County and State aforesaid, certify that GEORGE L. LOTT, a registered land surveyor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 15 day of March, 1993.

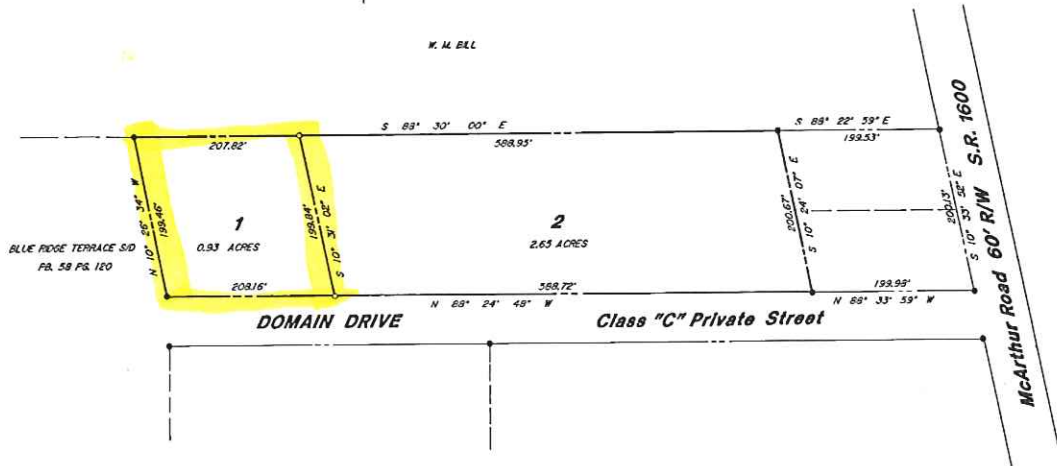
*[Signature]*  
Notary Public

My Commission expires March 15/1997.



16640  
NORTH CAROLINA  
Cumberland COUNTY  
The foregoing certificate of Betty C. Swoof, Notary Public, is certified to be correct. This instrument was presented for registration and recorded in Plat Book 82, Page 196, this April 7, 1993, at 10:23 AM.

George E. Tatum, Register of Deeds  
By *[Signature]*, Deputy



- I, George L. Lott, No. L-1379, certify in any or more of the following as indicated here, "X":
- That the plat is of a survey that creates a subdivision of land within the area of a county or municipality but that no ordinance has been passed by the county or municipality that is applicable to its an ordinance that regulates parcels of land.
  - That the plat is of a survey that is located in each portion of a county or municipality but is not applicable to its an ordinance that regulates parcels of land.
  - That the plat is of a survey of an entire parcel or parcels of land.
  - That the plat is of a survey of another reference such as the reestablishment of a utility service, a cadastral survey or other application in the definition of such laws.
  - That the information available to this surveyor is such that I am unable to make a determination as to the kind of my professional duty as is provided contained in 16 through 18 above.

George L. Lott, No. L-1379

LEGEND:

- EXIST. IRON PIPE ●
- SET IRON PIPE ○

NOTE:

No horizontal control within 2000' feet.

NOTE: Since there are no maintenance requirements for such private streets there shall be no liability on the County County Engineer, or other County employees after such review.

No public agency is presently responsible for maintenance of the several private streets shown on this plat. Private streets are for the use of all owners of property within this subdivision, their guests and all representatives of governmental agencies for ingress & egress and for the construction, inspection and maintenance of streets, utilities and drainage.

Approved by the Cumberland County Board of Commissioners  
on this 7th day of April, 1993  
TMS

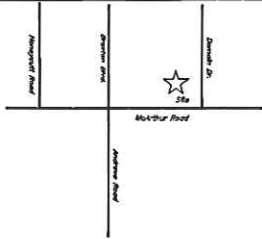
|           |                                      |  |  |                    |
|-----------|--------------------------------------|--|--|--------------------|
| REVISIONS | PROPERTY OF<br><b>Max H. Standar</b> |  | COMPANY<br><b>GEORGE L. LOTT SURVEYORS</b> |                    |
|           | TOWNSHIP: CARVERS CREEK              |  | COUNTY: CUMBERLAND                         |                    |
| <br>SCALE | STATE: NORTH CAROLINA                |  | DATE: MARCH 1993                           | SURVEYED BY: DP-MM |
|           | ZONE: R-6                            |  | TAX MAP: 0521-091 BLOCK 51 PIN# 1651       | FIELD BOOK 36      |
|           |                                      |  | CHECKED & CLOSURE BY: GLL                  | DRAWING NO. 93-08  |

Recorded in Book of Maps Vol. 82, Pg. 196

DATA DOW 35 FILE 3

92/196

DATE PLOTTED - 02/28/93



Vicinity Map

NORTH CAROLINA  
Cumberland County

I, George L. Lott certify that this plat was drawn under my supervision from an actual survey made under my supervision (and description recorded in book 3112, page 295, etc. (where), that the boundaries not surveyed are clearly indicated as drawn from information found in book 3112, page 295, that the ratios of parcels as calculated is 1/200,000, that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this 9 day of July, A.D., 1996.

*George L. Lott*  
Registered Land Surveyor L-1378

NORTH CAROLINA  
CUMBERLAND COUNTY



H.W. Langston a Notary Public for said County and State aforesaid certify that George L. Lott a Registered Land Surveyor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and Official Stamp or Seal, this 9 day of

July 1996  
*H.W. Langston*  
H.W. Langston Notary Public

My Commission Expires August 23, 2000.

North Carolina, Cumberland County

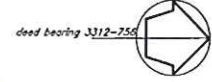
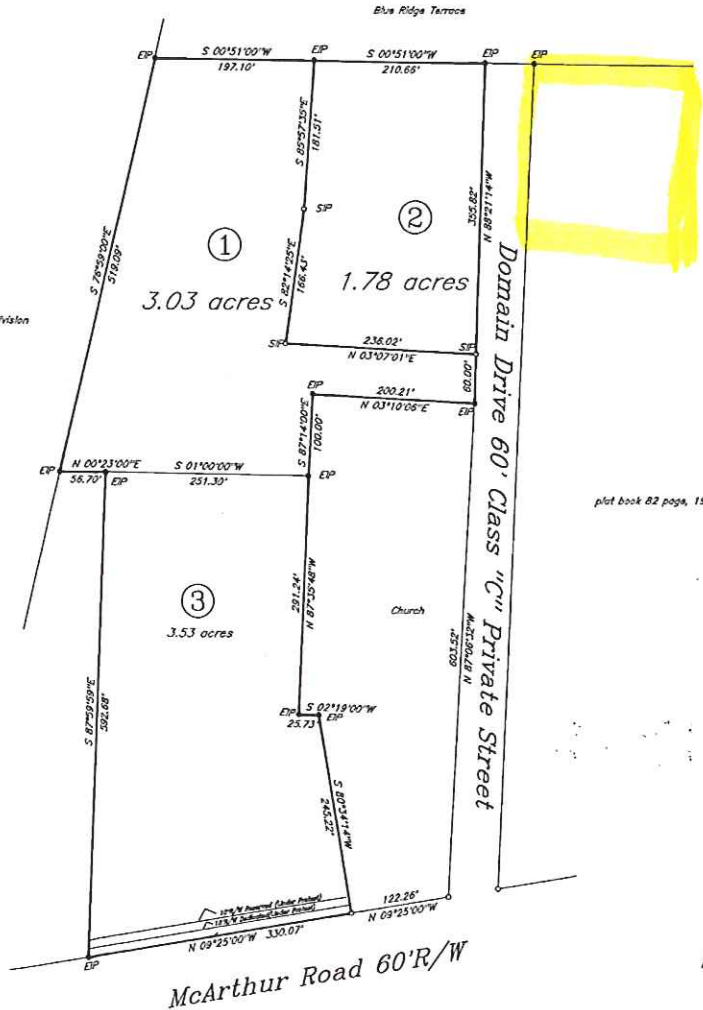


The foregoing certificate of H.W. Langston, Notary Public is certified to be correct.

This instrument was presented for registration and recorded in this

office at book 92, page 29.

This 11th day of July 1996 at 3:05 O'clock A.M.  
George E. Tolum BY: *Bonnie K. Carter*  
REGISTER OF DEEDS Deputy Register of Deeds



plot book 82 page, 195



LEGEND

Red shaded area = 0  
Black shaded area = 0

|                           |                      |
|---------------------------|----------------------|
| REGISTERED SURVEYOR       |                      |
| REG SURV BOOK NO #        | 17                   |
| REG SURV JOB NAME         | FERGUSON             |
| FILED DATE                | Page                 |
| SURV NO. (GSI-19-51-6128) |                      |
| SURV NO. NAME             | FERGUSON             |
| CHIEF OF SURV.            | FERGUSON             |
| NOTE                      | Revised July 9, 1996 |

George L. Lott Surveyors  
126 Rowland Circle Fayetteville, N.C. 28301  
Phone (910) 488-8858 Fax (910) 488-7978



Recombination of previously platted lots 1 & 2 of  
plat book 90 page 174

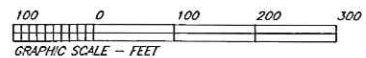
Charlotte L. Ferguson

Carvers Creek Township

Cumberland County

North Carolina

Scale 1" = 100' July 1996



GRAPHIC SCALE - FEET

No Horizontal Control within 2000 feet.

92/29





VICINITY MAP

**186**

COUNTY OF CUMBERLAND  
PLANNING DEPARTMENT

Watershed Protection Requirement Not Applicable

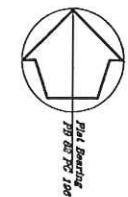
This subdivision plat is not subject to the provisions of Chapter 31A of the Cumberland County Code of Ordinances as the Watershed Protection Ordinance and may be recorded with the Register of Deeds Office.

Case No. **00-R105**  
Watershed Area: **WS-1**  
Date: **5/2/2000**



Approved by the Cumberland County Planning Board on the **5th** day of **September**, 20**00**

Signed **James H. Hester** Chairman (Seal) **kgm**



NORTH CAROLINA  
Cumberland County

I, George L. Lott, certify that this plat was drawn under my supervision from an actual survey made under my supervision (detailed description recorded in book **588**, page **257**, vol. **1818**), that the boundaries not surveyed are clearly indicated as drawn from information found in book **588**, page **257**, that the ratio of precision as calculated is **1/20,000**, that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this **10th** day of **January**, A.D. 2000

*George L. Lott*  
Professional Land Surveyor L-1379



I, George L. Lott, R.L.S. No. 1379, certify in one or more of the following as indicated there, "X"

- X a. That this plat is of a survey that creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.
- b. That this plat is of a survey that is located in each portion of a county or municipality that is unincorporated as to an ordinance that regulates parcels of land.
- c. That this plat is of a survey of an existing parcel or parcels of land.
- d. That this plat is of a survey of another survey, such as the recombination of existing parcels, a re-survey or other variation in the definition of a subdivision.
- e. That the information available to this surveyor is such that I am unable to make a determination in the best of my professional ability as to provisions contained in (a) through (d) above.

Domain Drive 60' Class "C" Private Street

"The undersigned hereby acknowledges that the land shown on this plan is within the subdivision regulation jurisdiction of Cumberland County and that this plat and abstract is (my or our) free act and deed, forever of record as indicated on said plat."

*Christine Vervisch*  
Owner's Signature(s)

*Scott Vervisch*

NORTH CAROLINA  
Cumberland County

I, **George L. Lott**, a surveyor public for said County and State aforesaid, certify that **Christine M. Vervisch** personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and Official Stamp as Seal, this **10th** day of **January**, A.D. 2000.  
*George L. Lott*  
Surveyor Public  
My Commission Expires **12-14-00**

A Zero Lot Line Development

Property of  
**Scott Vervisch & Christine Vervisch**  
Carver's Creek Township  
Cumberland County  
North Carolina  
Scale 1" = 100' January 2000

STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND

I, **David Hester**, Register of Deeds of Cumberland County, certify that the map or plat to which this certificate is affixed meets all statutory requirements for recording.

*David Hester*  
Register of Deeds  
Date: **5/2/2000**

34439  
RECEIVED

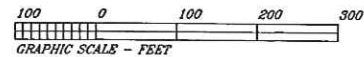
9-5-2000 PM 3:41:44

GEORGE E. TATUM  
REGISTER OF DEEDS  
CUMBERLAND CO., N.C.  
Bk 102 pg 186

"Nonconforming structures have not been created by this subdivision."

Note: There is a Five Foot Maintenance Easement along all internal lot lines.  
(R6 Zone)

**George L. Lott Surveyors**  
126 Rowland Circle Fayetteville, N.C. 28301  
Phone (910) 488-8659 Fax (910) 488-7476



| STANDARD DATA |       |
|---------------|-------|
| REG. DATE     | _____ |
| REG. DATE     | _____ |
| REG. DATE     | _____ |
| REG. DATE     | _____ |
| REG. DATE     | _____ |
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| REG. DATE     | _____ |
| REG. DATE     | _____ |

State of North Carolina  
County of Cumberland  
\_\_\_\_\_  
Register of Deeds  
Date: \_\_\_\_\_



**16-026**  
**SITE PROFILE**

**CASE NO. 16-026.** CONSIDERATION OF THE FRED KNOBLOCH HEIRS PROPERTY; SUBDIVISION REVIEW; REQUEST FOR A WAIVER FROM THE REQUIREMENT FOR A MINIMUM 125 FOOT STREET OFFSET SEPERATION AND THE REQUIREMENT TO BUILD A CLASS "C" PRIVATE STREET OFF OF EITHER A PAVED PUBLIC OR APPROVED PAVED PRIVATE STREET; COUNTY SUBDIVISION ORDINANCE, SECTIONS 2304.A.10.E "STREET OFFSETS" & 2304.C.4.C(3), CLASS "C" PRIVATE STREET SPECIFICATIONS; ZONED: A1 & A1/CU; TOTAL ACREAGE: 3.58 +/-; LOCATED AT 4365 & 4371 MARSHWOOD LAKE ROAD; SUBMITTED BY FRED KNOBLOCH HEIRS (OWNER) AND LARRY KING & ASSOCIATES (SURVEYOR). (COUNTY JURISDICTION)

**Summary of Request**

The developer is requesting a waiver to allow the creation of a proposed Class "C" private that does not meet the minimum design standards required for private streets, to be located directly off of a State maintained road or an approved paved private street. The developer is also requesting a waiver from the minimum offset separation between streets. The proposed Class "C" private street will be located directly beside an existing Class "C" private street (Munsey Road) for a distance of about 950 feet before it turns south and continues to the proposed ending point. There are four proposed tracts that will be served off of the new Class "C" private street. The existing Class "C" private street (Munsey Road) serves seven lots under the old requirements of the Subdivision Ordinance. Both Class "C" private streets will have access off of Marshwood Lake Road, a 1964 recorded right-of-way which was never paved. Marshwood Lake Road is located off of a 60 foot wide ingress/egress easement named Hall Park Road, the northern portion of which turns into a paved State maintained road. The Hall Park Road easement is also reflected on Plat Bk. 30 Pg. 60 as a soil road recorded in 1958. The Hall Park Road easement crosses an existing 60 foot wide ingress/egress easement named Tranquility Road recorded on Plat Bk. 60, Pg. 119 which has access to NC HWY 87 to the west of Hall Park Road.

**Site Information:**

**Frontage & Location:** No street frontage, currently uses a recorded 60 foot wide ingress/egress easements - see attached easement and recorded plats.

**Depth:** 1700.00' +/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** N/A

**Nonconformities:** No. The existing lots are exmpt by State law for subdivision regulation, in that they are lots that are greater than ten acres.

**Water & Sewer:** Well/Septic

**Special Flood Hazard Area (SFHA):** Yes

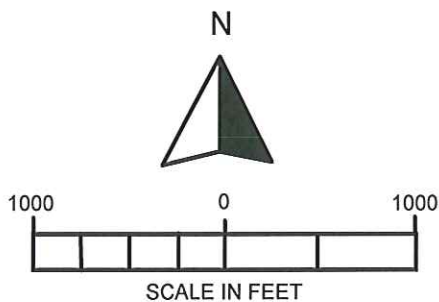
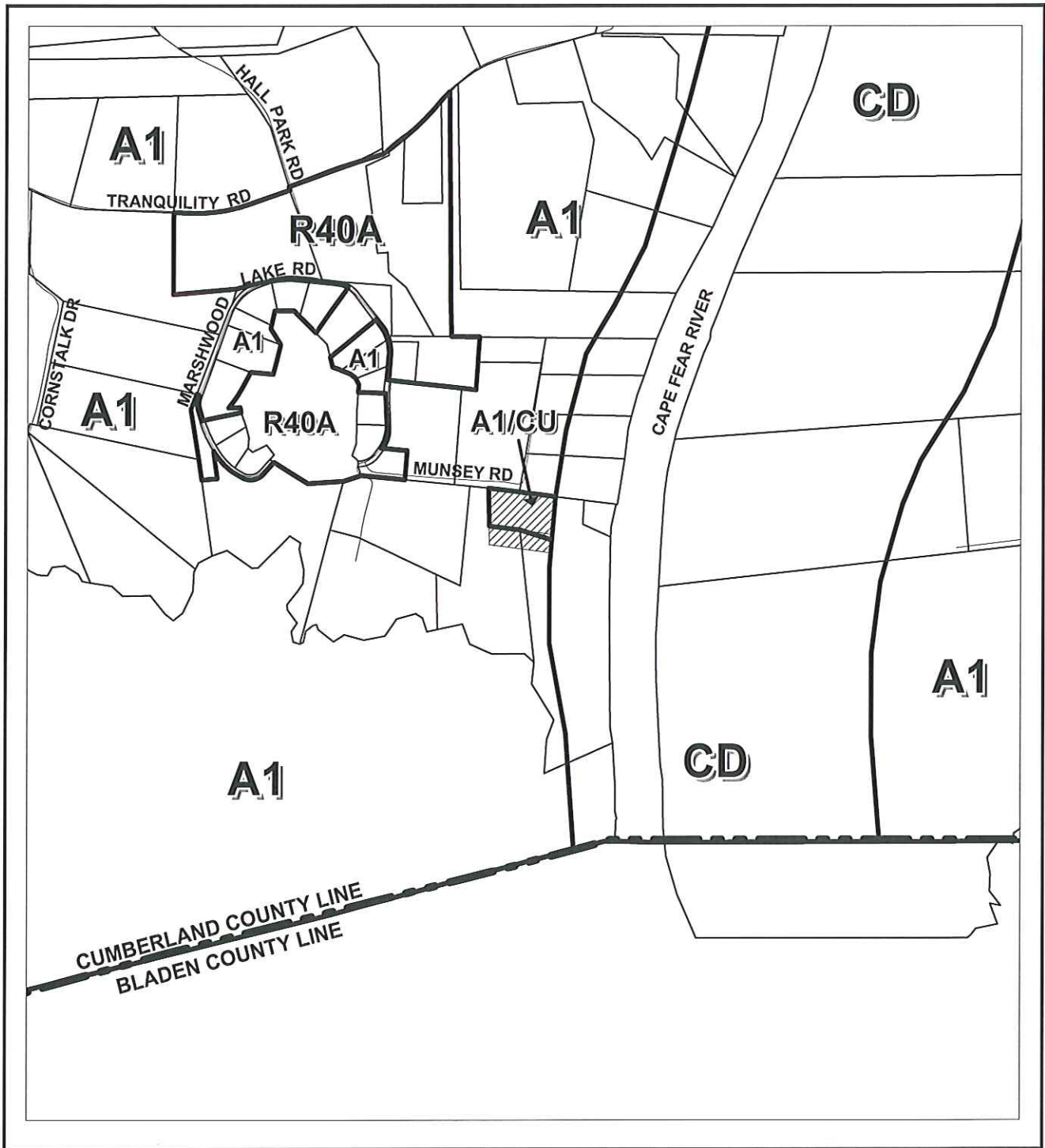
**Applicable County Subdivision Ordinance Provisions**

**Section 2304 STREET, A.10.e Street offsets.** The Subdivision Ordinance requires street intersections to be separated by a minimum distance of 125 feet.

**Section 2304 STREET, C.4.c(3) Class "C" private street specifications.** The Subdivision Ordinance requires the Class "C" private street to have direct access off of either State maintained road or a paved Class "A" private street;

**Attachments**

- 1 - Sketch Map
- 2 - Application for Waiver
- 3 - Aerial Photo
- 4 - Subdivision Sketch Plan
- 5 - Draft Conditions of Approval
- 6 - Access easement deed and seven recorded plats.



PORT. OF PIN: 0450-02-8472  
0450-11-4213

## COUNTY SUBDIVISION ORDINANCE WAIVER

|                             |                           |        |
|-----------------------------|---------------------------|--------|
| <b>ACREAGE: 3.58 AC.+/-</b> | <b>HEARING NO: 16-026</b> |        |
| ORDINANCE: COUNTY           | HEARING DATE              | ACTION |
| STAFF RECOMMENDATION        |                           |        |
| PLANNING BOARD              |                           |        |
| GOVERNING BOARD             |                           |        |

JM  
2-18-2016

**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: 4371 and 4365 Marshwood Lake Rd., Fayetteville NC 28306

OWNER: Fred Knobloch Heirs

ADDRESS: 4365 Marshwood Lake Road Fayetteville NC ZIP CODE: 28306

TELEPHONE: HOME N/A WORK N/A

AGENT: Don Knobloch (Executor)

ADDRESS: 4365 Marshwood Lake Road, Fayetteville NC 28306

TELEPHONE: HOME (910) 818-6919 WORK SAME

*Use 3.564/-  
(only lot subject  
to regulation)*

*2-17-16  
PSB*

**APPLICATION FOR A WAIVER [VARIANCE]**

**As required by the Subdivision Ordinance**

A. Parcel Identification Number (PIN #) of subject property: 0450-11-4213  
(also known as Tax ID Number or Property Tax ID)

B. Acreage: 20.89 Frontage: cannot determine Depth: cannot determine

C. Water Provider: Well

D. Septage Provider: Septic

E. Deed Book 3275, Page(s) 363, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).

F. Existing and/or proposed use of property: Garage and Residential (existing and proposed)

G. Section and provision of the Cumberland County Subdivision Ordinance from which a waiver [variance] is requested:  
Sec. 2304.A.10.E "Street Offsets" and Sec. 2304.C.c(3) Class C Private Street Specifications

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

**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.



Property owner(s)' signature(s)

Fred Knobloch Heirs, Don Knobloch - Executor of the Estate

Property owner(s)' name (print or type)

4365 Marshwood Lake Road, Fayetteville, NC 28306

Complete mailing address of property owner(s)

(910) 818-6919

None

Telephone number

Alternative telephone number

donknob@hotmail.com

None

Email address

FAX number

This submittal prepared by Lori S. Epler Larry Kling & Associates, R.L.S., P.A.

Please copy all correspondence to me. LEpler@LKandA.com

---

Agent, attorney, or applicant's signature (other than property owner)

---

Agent, attorney, or applicant (other than property owner) (print or type)

P.O. BOX 53787, Fayetteville, NC 28306

---

Complete mailing address of agent, attorney, or applicant

910.483.4300

---

Telephone number

---

Alternative telephone number

LEpler@LKandA.com

910.483.4052

---

Email address

---

FAX number

**Upon submission, the contents of this application becomes "public record" and is available for review and/or copies upon request.**

## H. Nature and extent of hardship involved in strict application of the County Subdivision Ordinance

*A. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.*

This is a large parcel (20+ acres) located on the western bank of the Cape Fear River. It is situated such that it runs primarily parallel to the river and is comprised of mostly CD zoned property and land within the 100 year flood plain. This, in addition to the fact that there is a significant drop in elevation from west to east, make the useable area very limited.

While there is enough land to create 10 lots (per density) the owner is requesting to reconfigure two existing lots and create only one new one.

*B. Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents in the district in which the property is located.*

*AND*

*C. The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.*

There are 30+ lots within a ½ mile radius of the subject parcel that are served only by three Class C private streets. This is almost 100% of the surrounding properties. Those lots vary in size from 1/3 acre to 20 acres. None of those private streets could be approved under the current standards for private streets.

*D. The requested variance will be in harmony with the purpose and intent of this Ordinance and will not be injurious to the neighborhood or to the general welfare.*

The primary purpose of the ordinances are public safety. By having a recorded easement and street name assigned for all practicable purposes this would have the affect of the board approving a private street which would ensure in the event of an emergency, the property owners could be more easily located.

Another purpose of the ordinance is to allow property owners reasonable use of their property. Without this variance, this family is denied that privilege.

*E. The special circumstances are not the result of the actions of the applicant.*

The special circumstances regarding this parcel are somewhat complex:

1. The subject property was purchased by the applicant's father in 1987 having no road frontage on a public or private street. The deeded access was and still is an easement.
2. Mr. Fred Knobloch is now deceased, leaving his three surviving children to settle his estate.
3. One of his sons, Don Knobloch, was willed a portion of the subject parcel that he has operated a garage on for many years. This parcel is currently zoned A1 but with a conditional use to allow the business. (Initial Zoning Case # 17-43) The business is totally in compliance with the conditions of that approval.
4. There is no reviewed or recorded subdivision of the portion of the parcel Don Knobloch is to inherit from the estate.
5. The subject property has been used as collateral for a loan by Mr. Fred Knobloch, prior to his death. In order to satisfy those commitments and settle Mr. Knobloch's estate, some of the property must be sold.
6. In order to deliver to Don Knobloch what was willed to him, and sell the remainder, the property must be subdivided, separating his business from the remainder of the 20.8 acres.

7. The remainder of the parcel, to be sold, will have no road frontage, thereby making it less than desirable for marketing and nearly impossible to obtain future building permits or even permits for significant remodeling of the existing home.

In summation, none of these circumstances are the result of the actions of the applicant. His deceased father simply did not foresee the consequences of his wishes as specified in his will.

The only feasible remedy to this situation that will allow the will to be carried out as intended by the deceased father, all parties to retain what is rightfully theirs, the settlement of the estate to occur and the lender to be satisfied is to allow this subdivision AND to declare the current dirt road, (easily passable and maintained by the family members) to be a "Class 'C' Private Street".

*F. The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.*

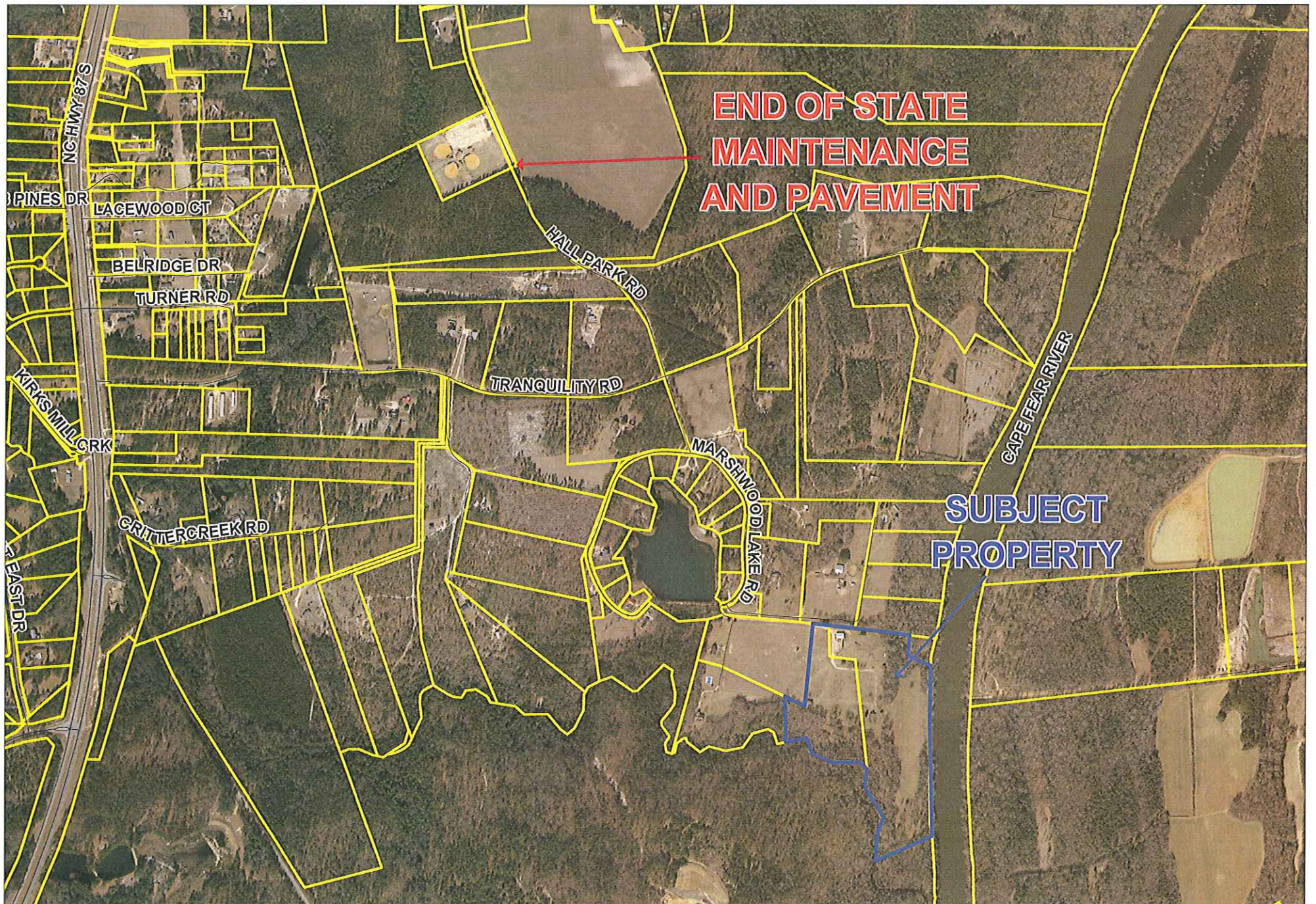
Planning staff has been very helpful in trying to find another solution to this problem and has not been successful. Mr. Don Knobloch cannot afford nor does he want to relocate his business. Neither can he, his brother or his sister afford to repay the loans their father accumulated. If this variance is not granted and the street is not declared as a private street, they have no suitable alternative.

*G. The variance is not a request to permit a use of land, building or structure which is not permitted by right or by special exception in the district involved and will not constitute any change in district boundaries.*

This is a true statement.

*H. The existence of a nonconforming use of neighboring land, buildings or structures in the same district or of permitted or nonconforming uses in other district does not constitute a reason for approval of the requested variance.*

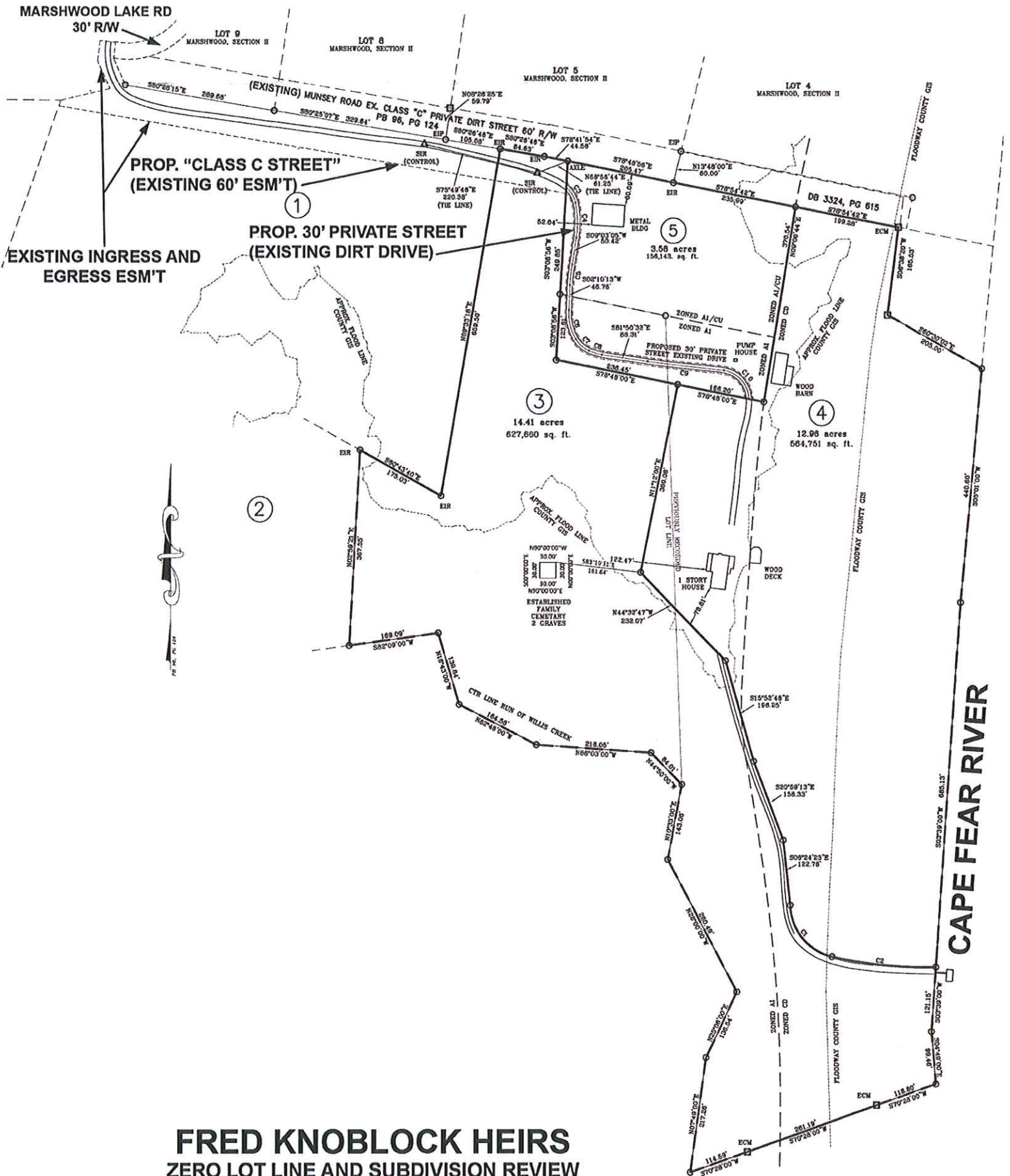
The Planning Board and the County Commissioners have acted favorably in other cases similar to this request.



**AERIAL PHOTO  
CASE NO: 16-026**







# FRED KNOBLOCK HEIRS

ZERO LOT LINE AND SUBDIVISION REVIEW

REQUEST: A WAIVER FROM SECTIONS 2304.A.10.E "STREET OFFSETS"  
 & 2304.C.C(3) "CLASS C PRIVATE STREET SPECS."

CASE: 16-026 ACREAGE: 3.58 AC±

ZONED: A1 & A1/CU SCALE: NTS

\*SCALED DETAILED SITE PLAN IN FILE AVAILABLE FOR REVIEW UPON REQUEST

02-18-2016



Patricia Hall,  
Chair  
Town of Hope Mills

Charles C. Morris,  
Vice-Chair  
Town of Linden

Jami McLaughlin,  
Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman

Donovan McLaurin  
Wade, Falcon & Godwin

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Vikki Andrews,  
Diane Wheatley,  
Carl Manning,  
Walter Clark,  
Cumberland County

Benny Pearce,  
Town of Eastover

# CUMBERLAND COUNTY NORTH CAROLINA

## Planning & Inspections Department

DRAFT

STAFF REVIEW: 02-11-16 PLANNING BOARD DECISION: 03-15-16

CASE NO: 16-026 NAME OF DEVELOPMENT: FRED KNOBLOCH HEIRS PROPERTY

MIA: N/A ZERO LOT LINE SUBDIVISION REVIEW

LOCATION: 4371 & 4365 MARSHWOOD LAKE ROAD ZONING: A1

PIN: 0450-11-4213 & 0450-02-8472

OWNERS / DEVELOPER: FRED KNOBLOCH ENGINEER OR DESIGNER: LARRY KING & ASSOCIATES

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:

**Watershed-Related:**

1. An application for a Watershed "No Approval Required" development must be submitted to the Watershed Review Officer (WRO) and plans must be approved by the WRO prior to final plat approval and/or prior to application for any building/zoning permits, site plan approval is required. A copy of the WRO's approval of this plat/plan must be submitted to Code Enforcement at the time of application for any permits.

**Permit-Related:**

2. 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.
3. The County Health Department must approve water and 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 and Development Ordinance)

4. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
5. 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.
6. 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.
7. The *Special Flood Hazard Area* (SFHA) exists on this tract; any development within SFHA must have first flood elevations, including all mechanical and electrical equipment above base flood elevation (BFE) plus two feet of freeboard. Proper flood plain development permits are required, issued by the County Engineer, prior to any building/permit application. A copy of the approved flood plain permit must be provided to Code Enforcement at the time of building/zoning permit applications.
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.
9. A review of the data available to the Army Corp of Engineers indicates that jurisdictional waters are likely to be present on this property and therefore are likely to be impacted by the proposed project. However, without an official Jurisdictional Determination at the property, these findings cannot be confirmed.

A permit will be required for this project if construction will involve the temporary and/or permanent placement of fill in waters of the United States including wetlands. If a permit is required, the applicant will be required to avoid and minimize impacts to wetland/waters of the United States and may need to provide compensatory mitigation for unavoidable impacts.

**Site-Related:**

10. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance and Zoning Ordinances for the A1 zoning district must be complied with, as applicable.

**Note: Lot 5 is pending rezoning to A1/CZ at the property owners' request only so that the zoning of Lot 5 is consistent with what was previously approved by the County Board of Commissioners for the existing developed portion of Lot 5 – see rezoning Case No. P16-11. Any conditions relevant to Lot 5 other than subdivision related conditions are attached to the rezoning.**

11. All applicable provisions of Section 2401, "Group Developments", County Subdivision and Development Ordinance, must be complied with.
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 and Development Ordinance)
13. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision and Development Ordinance)

**Plat-Related:**

14. The proposed development is located in a Special Flood Hazard Area (SFHA). The final plat must show the limits of the SFHA; information may be obtained from the County Engineer's office or the Federal Emergency Management Agency's (FEMA) website at [www.ncfloodmaps.com](http://www.ncfloodmaps.com). Any development within the SFHA is subject to the requirements of the County Flood Damage Prevention Ordinance administered by the County Engineering Department.

15. The proposed Class "C" private street right-of-way lines must be reflected on the final and meet the minimum design specifications of the County's Subdivision Ordinance. The minimum right-of-way for a Class "C" private is 30 foot wide and street must end in either a T-type turn around or a cul-de-sac.
16. The developer needs to contact the Location Services Section of the Planning & Inspection Department for approval of a street name for the proposed Class "C" private street. The approved street name must be reflected on the final plat.
17. The street name signs, in compliance with the County Street Sign Specifications, must be installed prior to final plat approval. The developer should contact Location Services for inquiries regarding the County's policy for street sign installation or, if the sign is commissioned from a private source, to schedule an inspection of the street sign(s). Land Use Codes must receive notice of agreement with the Location Services Section for sign installation or of satisfactory inspection prior to the approval of the final plat.
18. The developer is required to provide an inspection of the private street(s) by a registered engineer or registered surveyor upon completion of construction of the private street(s) and related facilities, including drainage ways. A statement, affixed with the engineer/surveyor's seal, certifying that all private street(s) and related facilities are designed and constructed in accordance with the requirements of Section 2304 C, Private Street, County Subdivision Ordinance, and that all such facilities are adequate to serve the development, must be submitted to Land Use Codes prior to final plat approval or release of any construction guarantees as allowed under Section 2502, Final Plat – Guarantees of Improvements, County Subdivision and Development Ordinance.
19. The builder/developer must provide the buildable envelopes on the final plat: providing a five-foot maintenance easement along each side of all common internal lines with all other applicable setbacks being provided for; or at the time of permit application, the individual plot plans must be approved by Land Use Codes prior to issuance of any permits.
20. Any/All easements must be reflected on the final plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
21. A "No Access Easement" must be reflected on the final plat along the northern right-of-way line of the proposed class "C" private street where it abuts the existing class "C" private street named (Munsey Road).
22. A 25' right-of-way radius is required at all intersections and must be reflected on the final plat. (Section 2304.10.c, Street Design, County Subdivision and Development Ordinance)
23. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval. (Section 2503 D, Certificate of Ownership and Dedication, County Subdivision and Development Ordinance)
24. The final plat must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.

**Plat-Required Statements:**

25. Since this development does not have public water/sewer, the following disclosure statement is required to be provided on the final plat (Section 2504 C, On-Site Water and/or Sewer Disclosure, County Subdivision and Development Ordinance):
 

"The individual lots in this development do not have public sewer and/or water services available, and no lots have been approved by the Health Department for on-site sewer services or been deemed acceptable for private wells at the date of this recording."
26. The final plat shall reflect the following statements required for the private street(s) (Section 2504 A, Disclosure of Private Street Status, County Subdivision and Development Ordinance):
  - a. "Cumberland County and other public agencies have no enforcement responsibility regarding maintenance or encroachments into the private street right-of-way as shown on this plat. Private streets are for the use of all owners of property within this subdivision/development and their guests; and any governmental agency or personnel or equipment thereof who shall be granted perpetual access over all such private streets to accomplish or fulfill any service or function for which the agency is responsible and that any agency or

organization designated by a governmental agency to perform a designated function shall also retain access the same as any government agency. Any governmental agency exercising its access rights shall have the same rights and only such liabilities as it would have on any public lands, rights-of-way, or easements.”

- b. “All current and future owners of these tract be ware that maintenance for the Class “C” private street(s) shown on this plat are the responsibility of the owners of the tracts served by and having access to the Class “C” private street(s).”
  - c. “All current and future owners of these tracts be aware that future division of these properties shall not be permitted under current standards without the upgrading of the Class “C” private street(s).”
27. Since this development is located within the *Farmland Protection Area* as defined on the current Land Use Plan map, the following disclosure statement is required to be provided on the final plat (Section 2504 B, Farmland Protection Area Disclosure, County Subdivision and Development Ordinance):

“This property or neighboring property may be subject to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted farming and agricultural practices and operations, including but not limited to noise, odors, dust, the operation of any kind of machinery the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides, and pesticides.”

**Other Relevant Conditions:**

28. The applicant is advised to consult an expert on wetlands before proceeding with any development. There may be wetlands located in the project area that are subject to the permit requirements of Section 404 of the Clean Water Act. To avoid a violation of federal and/or state law, it is recommended the developer contact the Office of the Army Corp of Engineers or hire an environmental consultant to identify and delineate any wetlands in the project area prior to construction. A Section 404 permit will be required if the applicant needs to fill wetlands and the permit must be obtained prior to any construction on this site.
29. 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.
30. The NC Department of Transportation generally will not consider a street that was originated and approved as a private street for acceptance to the State system for maintenance purposes.
31. The US Postal Service most likely will require this development to have centralized cluster boxes for postal service to each lot or unit. The developer is advised contact the US Postal Growth Coordinator for the Mid-Carolinas District to determine the appropriate location for the cluster boxes. If the cluster box location requires changes to the subdivision or site plan, a revised preliminary/plan must be submitted to the Planning & Inspections Department for review and approval.
32. The owner/developer be aware that every deed created for a lot being served by an on-site water and/or sewer system must contain the following disclosure when filed with the County Register of Deeds:

“Public water and/or sewer services are not available as of the date of the recording of this deed. On-site sewer disposal systems must be approved by the County Health Department.”
33. The owner/developer be aware that every deed created for the purpose of conveying a lot served by a private street must contain the following disclosure statement at the time of recordation with the County Register of Deeds:

“It is hereby acknowledged that a subdivision streets disclosure statement has been executed in accordance with N.C.G.S 136-102.6(f).”
34. The developer submitted a request for a waiver from the Class “C” private street requirements pertaining to the street accessing an existing Class “C” private street and the 125 foot required offset for streets. The Cumberland County Joint Planning Board is scheduled to consider this request on March 15, 2016. In the event the board approves the waiver request, their approval applies to this current specific request only and cannot be applicable to any future development of the subject properties.

***Thank you for making Cumberland County your home and business location!***

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

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

|                                 |                   |                |  |
|---------------------------------|-------------------|----------------|--|
| Watershed Review Officer:       | Jeff Barnhill     | 678-7765       | <a href="mailto:jbarnhill@co.cumberland.nc.us">jbarnhill@co.cumberland.nc.us</a> |
| Subdivision/Site Plan/Plat      | Ed Byrne          | 678-7609       | <a href="mailto:ebyrne@co.cumberland.nc.us">ebyrne@co.cumberland.nc.us</a>       |
| Code Enforcement (Permits):     | Scott Walters     | 321-6654       | <a href="mailto:swalters@co.cumberland.nc.us">swalters@co.cumberland.nc.us</a>   |
| County Engineer's Office:       | Wayne Dudley      | 678-7636       | <a href="mailto:wdudley@co.cumberland.nc.us">wdudley@co.cumberland.nc.us</a>     |
| County Health Department:       | Daniel Ortiz      | 433-3680       | <a href="mailto:dortiz@co.cumberland.nc.us">dortiz@co.cumberland.nc.us</a>       |
| Ground Water Issues:            | Matt Rooney       | 678-7625       | <a href="mailto:mrooney@co.cumberland.nc.us">mrooney@co.cumberland.nc.us</a>     |
| County Public Utilities:        | Amy Hall          | 678-7637       | <a href="mailto:ahall@co.cumberland.nc.us">ahall@co.cumberland.nc.us</a>         |
| US Postal Service               | Laricia McIver    | (704) 393-4481 | <a href="mailto:laricia.mciver@usps.gov">laricia.mciver@usps.gov</a>             |
| Corp of Engineers (wetlands):   | Liz Hair          | (910) 251-4049 | <a href="mailto:hair@usacr.army.mil">hair@usacr.army.mil</a>                     |
| NCDEQ (E&S):                    | Leland Cottrell   | (910) 433-3393 | <a href="mailto:leland.cottrell@ncdenr.gov">leland.cottrell@ncdenr.gov</a>       |
| US Fish & Wildlife Services     | Susan Ladd Miller | (910) 695-3323 | <a href="mailto:susan_miller@fws.gov">susan_miller@fws.gov</a>                   |
| Location Services:              |                   |                |  |
| Site-Specific Address:          | Ron Gonzales      | 678-7616       | <a href="mailto:rgonzalez@co.cumberland.nc.us">rgonzalez@co.cumberland.nc.us</a> |
| Street Naming/Signs:            | Diane Shelton     | 678-7665       | <a href="mailto:nameit2@co.cumberland.nc.us">nameit2@co.cumberland.nc.us</a>     |
| Tax Parcel Numbers:             |                   | 678-7549       |  |
| NCDOT (driveways/curb-cuts):    | Troy Baker        | 486-1496       | <a href="mailto:tlbaker@ncdot.gov">tlbaker@ncdot.gov</a>                         |
| N.C. Division of Water Quality: | Mike Randall      | (919) 807-6374 | <a href="mailto:mike.randall@ncdenr.gov">mike.randall@ncdenr.gov</a>             |



016888

RECEIVED  
RECORDING DIVISION

'87 APR 15 PM 3 13

14641

Excise Tax 42.50

Recording Fee Book and Page 2.05

Tax Lot No. Parcel Identifier No. CUMBERLAND COUNTY NC  
10077162/34.1/

Mail after recording to Clark and Rouse  
P.O. Box 35355, Fayetteville, NC 28303  
This instrument was prepared by J. B. Rouse, III  
Brief description for the Index

### NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 16th day of April, 1987, by and between

**GRANTOR**  
Robert Thomas Marsh, Single,  
William Joseph Marsh and wife,  
Kay Strickland Marsh

**GRANTEE**  
Fred Knobloch and wife, Carole T. Knobloch

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee 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 Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Fayetteville, Grays Creek Township, Cumberland County, North Carolina and more particularly described as follows:

SEE ATTACHMENT "A"

The property hereinabove described was acquired by Grantor by instrument recorded in Book 3272, Page 839  
For reference to right-of-way see book 3060, page 357

A map showing the above described property is recorded in Plat Book \_\_\_\_\_ page \_\_\_\_\_  
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 except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

\_\_\_\_\_ (Corporate Name)  
 BY: \_\_\_\_\_ Robert Thomas Marsh (SEAL)  
 \_\_\_\_\_ President Robert Thomas Marsh  
 \_\_\_\_\_ William Joseph Marsh (SEAL)  
 ATTEST: \_\_\_\_\_ Kay Strickland Marsh (SEAL)  
 \_\_\_\_\_ Secretary (Corporate Seal) Kay Strickland Marsh (SEAL)

USE BLANK INK ONLY

SEAL-STAMP \_\_\_\_\_

NORTH CAROLINA, \_\_\_\_\_ Cumberland \_\_\_\_\_ County.

I, a Notary Public of the County and State aforesaid, certify that \_\_\_\_\_ Robert Thomas Marsh, \_\_\_\_\_ William Joseph Marsh and Kay Strickland Marsh \_\_\_\_\_ Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 16<sup>th</sup> day of \_\_\_\_\_ April \_\_\_\_\_ 19 87.

My commission expires: 8/25/88 \_\_\_\_\_ Lynda E. Hayes Notary Public

SEAL-STAMP \_\_\_\_\_

NORTH CAROLINA, \_\_\_\_\_ County.

I, a Notary Public of the County and State aforesaid, certify that \_\_\_\_\_ personally came before me this day and acknowledged that \_\_\_\_\_ he is \_\_\_\_\_ Secretary of \_\_\_\_\_ a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its \_\_\_\_\_ President, sealed with its corporate seal and attested by \_\_\_\_\_ as its \_\_\_\_\_

The foregoing Certificate(s) of Lynda E. Hayes

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

GEORGE E. TATUM REGISTER OF DEEDS FOR \_\_\_\_\_ CUMBERLAND \_\_\_\_\_ COUNTY,  
By Edulyn D. Blum Deputy/Assistant Register of Deeds



BEGINNING at an iron pipe in the Northern line of the tract of which this is a part, said pipe also being located South 78 degrees 48 minutes East 44.45 feet from the Southwest corner of the Hunnicutt land as recorded in deed book 2975 page 85 of the Cumberland County Registry, running thence as said Hunnicutt land and beyond;

South 78 degrees 48 minutes East 640.73 feet to a concrete monument in a ditch, running thence as said ditch;

South 6 degrees 36 minutes West 165.34 feet to a concrete monument, running thence as said ditch;

South 62 degrees 04 minutes East 203.62 feet to a concrete monument on the bank of Cape Fear River, running thence as said river;

South 5 degrees 01 minutes West 440.60 feet to a point on said bank, running thence;

South 3 degrees 39 minutes West 806.28 feet to a concrete monument on said bank, said monument also being the Northern most corner of the Joe W. Butler 23 acre tract of the E. I. Dupont land as recorded in plat book 35 page 59 of the Cumberland County Registry, running thence as said tract;

South 70 degrees 28 minutes West 495.71 feet to the center of Willis Creek, running thence as said creek the following courses;

North 7 degrees 49 minutes East 222.23 feet, running thence;

North 25 degrees 06 minutes East 136.54 feet, running thence;

North 28 degrees 00 minutes West 280.49 feet, running thence;

North 10 degrees 33 minutes East 143.06 feet, running thence;

North 44 degrees 50 minutes West 84.01 feet, running thence;

North 86 degrees 03 minutes West 218.05 feet to a point, running thence on a new line;

North 2 degrees 46 minutes 57 seconds East 1091.62 feet to the point and place of beginning containing 25.45 acres more or less and being the Eastern half of the Mamie T. Marsh 50.91 acre tract as recorded in plat book 57 page 69 of the Cumberland County Registry.

TOGETHER with, as appurtenances to the property herein conveyed, the following rights and easements:

A permanent 60 foot wide Roadway Easement for the purposes of ingress, egress and regress, and being more particularly described as follows:

BEGINNING at a point located on the Northern side of the end of a 30 foot street, said point also being the Southern most corner of Lot #1 of "Marshwood" as recorded in plat book 28 page 72 of the Cumberland County Registry, running thence;

South 8 degrees 08 minutes West 30.00 feet to a point, said point being the Southern side of said street end, running thence;

South 23 degrees 30 minutes East 53.96 feet to a concrete monument in the Northern line of the tract of which this is a part, running thence as said line;

South 80 degrees 23 minutes East 809.32 feet to a concrete monument in said Northern line, running thence as said line;

South 78 degrees 48 minutes East 44.45 feet to an axle, running thence on a new line;

South 2 degrees 46 minutes 57 seconds West 60.65 feet to a point, running thence;

North 78 degrees 48 minutes West 52.38 feet to a point, running thence;

North 80 degrees 23 minutes West 926.29 feet to a point, running thence;

North 19 degrees 07 minutes East 11.40 feet to a concrete monument, running thence;

North 76 degrees 47 minutes East 95.15 feet to a point, running thence;

North 23 degrees 30 minutes West 57.02 feet to a point, running thence;

North 8 degrees 08 minutes East 38.50 feet to a point, running thence;

South 81 degrees 52 minutes East 30.00 feet to the point and place of beginning containing 1.34 acres more or less.

# 124

STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND

I, JOHN M. IVEY, CERTIFY THAT THIS PLAT WAS DRAWN FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION. THESE SURVEYS OR RECORDS IN PLAT BOOK 3275, PAGE 363, AND ETC. (HEREIN) THAT THE DIMENSIONS NOT SHOWN ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FROM THE BOOK PAGE. THAT THE RATIO OF PRECISION AS CALCULATED IS 1/100,000. THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 41-30 AS AMENDED.

WITNESSED BY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 24th DAY OF February 1995.



HOW OR FORMERLY  
BILLY C. THOMAS  
DEED BOOK 3779, PAGE 757

THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT ORDERED SURVEY, OR EXERCISE TO THE DEFINITION OF SUBDIVISION.

JOHN M. IVEY *John M. Ivey*

THE UNDERSIGNED HEREBY ACKNOWLEDGE THAT THE LAND SHOWN ON THIS PLAT IS WITHIN THE SUBDIVISION, RECOMBINATION, OR REDIVISION OF CUMBERLAND COUNTY AND THAT THIS PLAT IS IN ACCORDANCE WITH G.S. 41-30.

CHECKER *John M. Ivey*  
OWNER *Fred Knobloch*

LEGEND  
EP EXISTING IRON PIPE  
CM EXISTING CONCRETE MONUMENT  
ER EXISTING IRON ROD  
SR SET IRON ROD

- NOTES
1. THERE IS NO NOTE MONUMENT WHEN 2000' OF SITE.
  2. NO NON-CORNERING STRUCTURES WERE CREATED BY THIS MAP.
  3. THIS MAP PLATTED FROM DEEDS AND RECORDED MAPS AND NOT FROM ACTUAL SURVEYS.  
SEE PLAT BOOK 8A, PAGE 141, PLAT BOOK 28, PAGE 73, PLAT BOOK 37, PAGE 88 AND PLAT BOOK 28, PAGE 141.
  4. THE PROPERTIES SHOWN ON THIS MAP SUBJECT TO ALL EXISTENT AND RIGHTS-OF-WAY OF RECORD AS OF OR BEFORE THE DATE OF THIS MAP.
  5. PARCEL IDENTIFICATION NUMBER: 045053-03-4818, 3225 AND 12-4121.
  6. ZONED: A1/OU AND C2.
  7. ZONING TAKEN FROM CUMBERLAND COUNTY ZONING MAP.
  8. 100 YEAR FLOOD LINE TAKEN FROM FLOOD MAP.

JOHN M. IVEY : LAND USE PLANNING & SURVEYING  
3463 N. MAIN STREET, P.O. BOX 449  
BOYD'S MILLS, N.C. 28514  
PHONE (910) 425-4532

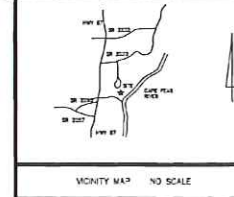


STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND

I, Donna McFarquhar, REVER OFFICER OF Cumberland COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

*Donna McFarquhar*  
REVER OFFICER

DATE: 2-24-95



| LINE | SECTION       | DETAILS |
|------|---------------|---------|
| L1   | N 12°45'00" W | 32.24'  |
| L2   | S 81°18'00" W | 23.00'  |
| L3   | S 28°18'00" W | 23.00'  |
| L4   | S 70°27'00" W | 25.81'  |

008833  
RECEIVED  
2-24-1995 PM 12:13  
GEORGE E. TOLUP  
REGISTERED SURVEYOR  
CUMBERLAND COUNTY, N.C.  
BOOK 96 PAGE 124

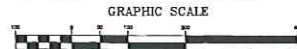


## RECOMBINATION AND REDIVISION FOR FRED KNOBLOCH

REF: DEED BOOK 3275, PAGE 363  
AND DEED BOOK 3393, PAGE 706

STAR FAYETTEVILLE  
CUMBERLAND COUNTY  
ST-820-C  
JOHN M. IVEY

NORTH CAROLINA  
GRAYS CREEK TOWNSHIP  
FEBRUARY 1995  
R.S. L-1488



96/124

Know all men by these presents, that (L. M.) hereby acknowledge this plan and show to be (L. M.) the true and correct plat of (L. M.) the property of (L. M.) to public use, to wit: streets & easements as shown or indicated on this plan.

O. W. Marsh

Labels: L. Marshwood, which has the same been taken from the actual survey made by the plat developer provided in Book \_\_\_\_\_ Page \_\_\_\_\_ and represents that the same of which is shown here by reference and description in L. 2000 that the boundaries and interests are shown or indicated here plotted from information found in Book \_\_\_\_\_ Page \_\_\_\_\_ that this map was prepared in accordance with G. S. 17-10 as amended by laws of the State of North Carolina, by J. H. Little Surveyor General, on the 17th day of June 1964. Witness my hand and seal of office at Fayetteville, North Carolina, this 17th day of June 1964.

James M. Daygood (Merrill)  
County Clerk

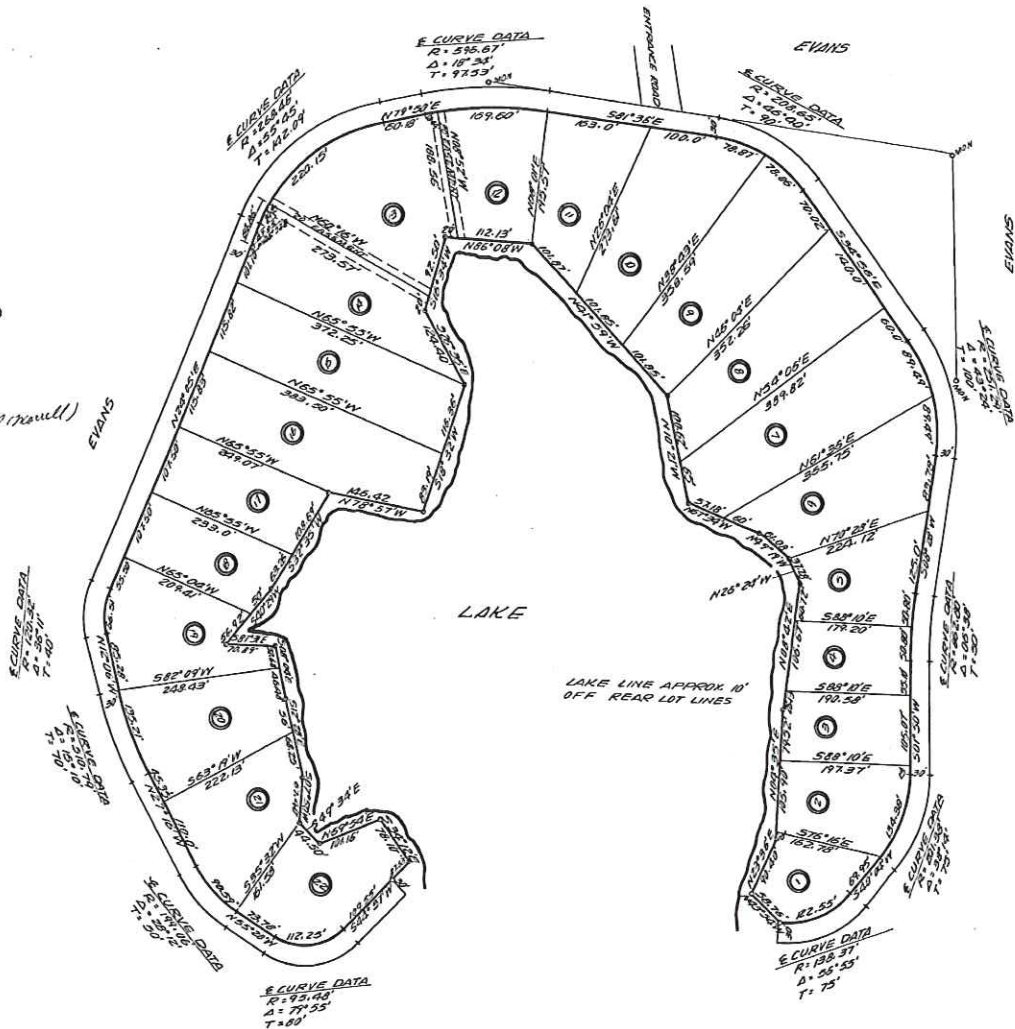
My Commission expires 4-22-65

NORTH CAROLINA  
CUMBERLAND COUNTY

The following certificate of James M. Daygood (Merrill) County Clerk of Cumberland County, N. C. is to be read to be correct for the purpose of this map.

James M. Daygood (Merrill)  
County Clerk

18 June 64 1:45 P.  
Marie Clark



**MARSHWOOD**  
SECTION - 1  
PROPERTY OF O. W. MARSH  
GRAY'S CRY. T&R - CUMBERLAND CO. N.C.  
SCALE 1" = 100' JUNE, 1964

**NOTE:**  
In addition to easements shown O.W. MARSH dedicates for use as drainage swales & pipe lines & power lines a 10' easement on either side of the line, along all interior lot lines.

DEED REEL  
BK. 1008 PP. 415;  
BK. 1017 PP. 578

MORRIS & LITTLE, INC.  
FAYETTEVILLE, NORTH CAROLINA

Book 28

28-72

72

I, Michael Tate, Professional Land Surveyor No. L-2450, certify that this plot is of a survey of another category, such as the recombination of existing parcels, a court-ordered survey or other exception to the definition of subdivision.

*Michael Tate*  
Michael Tate, PLS

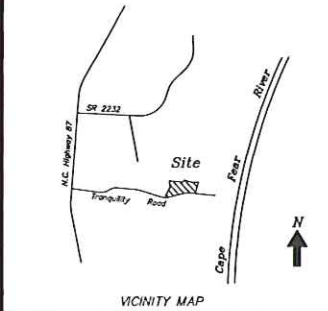


Legend  
ECM = Existing Concrete Monument  
EPN = Existing Pin  
ERB = Existing Rebar  
SRB = Set Rebar

PB 60, PG 119



167

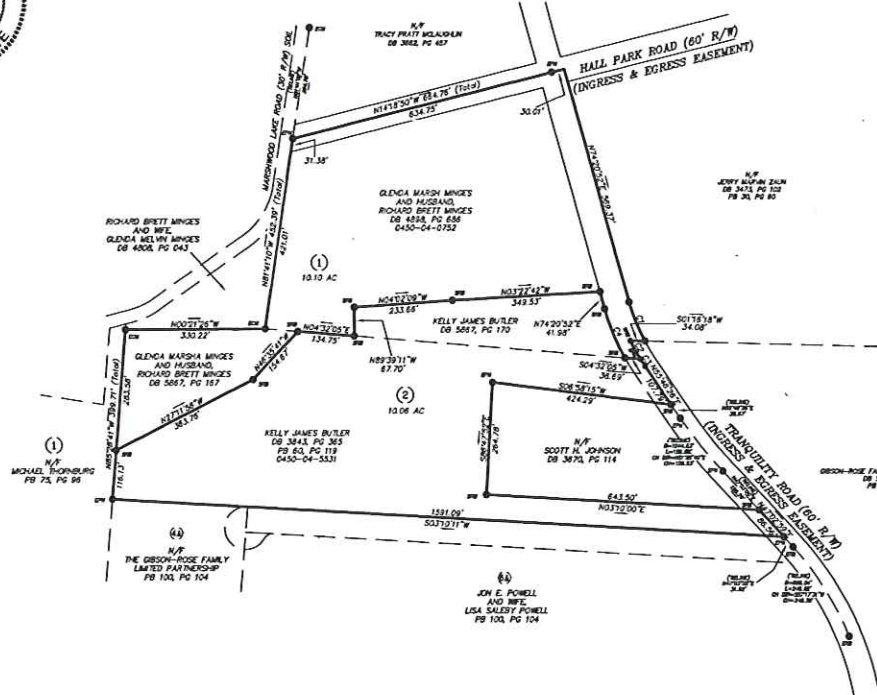


NORTH CAROLINA CUMBERLAND COUNTY  
I, MICHAEL TATE, certify that this plot was drawn under my supervision from an actual survey made under my supervision, deed descriptions as shown on the face of this map; that the boundaries not surveyed are clearly indicated as drawn from information shown on the face of this map; that the ratio of precision as calculated is 1:10,000; that this plot was prepared in accordance with G.S. 47-30 as amended.

Witness my original signature, license number and seal this 14th day of October, A.D. 2002.  
*Michael Tate*  
License No. L-2450



STATE OF NORTH CAROLINA COUNTY OF CUMBERLAND  
I, Donna McFayden, Review Officer of Cumberland County, certify that the map or plot to which this certification is affixed meets all statutory requirements for recording.  
*Donna McFayden*  
Date: 10-23-02



| CURVE | RADIUS  | LENGTH  | CH DIR      | CHORD   |
|-------|---------|---------|-------------|---------|
| C1    | 450.13' | 92.59'  | N88°08'50"E | 99.39'  |
| C2    | 490.13' | 48.94'  | N81°02'17"E | 48.92'  |
| C3    | 490.13' | 20.28'  | N55°39'33"E | 20.28'  |
| C4    | 520.13' | 125.04' | S87°27'39"W | 124.74' |

47491  
RECEIVED  
10-23-2002 PM 3:02: 5  
GEORGE E. TATUM  
REGISTER OF DEEDS  
CUMBERLAND CO., N.C.

BK. 107 pg. 167

The undersigned here acknowledges that the land shown on this plan is within the subdivision jurisdiction of Cumberland County and that this plot and allotment is my free act and deed.  
*Richard Brett Minges*  
Richard Brett Minges  
*Kelly James Butler*  
Kelly James Butler



NORTH CAROLINA CUMBERLAND COUNTY  
I, KARIN TATE JENKINS, a Notary Public of the County and State aforesaid, certify that Richard Brett Minges and Kelly James Butler, owners of the subject mapped property, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 14th day of October, 2002.

*Karin Tate Jenkins*  
My commission expires September 25, 2004.

GRAPHIC SCALE

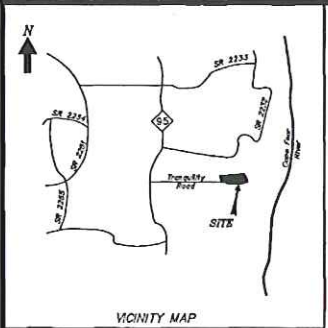


( IN FEET )  
1 Inch = 200 ft.

RECOMBINATION MAP FOR

|  |  |  |
|--|--|--|
| <p>GLENDIA MARSH MINGES and husband, RICHARD BRETT MINGES<br/>AND<br/>KELLY JAMES BUTLER<br/>GRAYS CREEK TOWNSHIP CUMBERLAND COUNTY<br/>NORTH CAROLINA</p> |  |  |
| <p>MICHAEL TATE PROFESSIONAL LAND SURVEYOR<br/>3521 CLINTON RD, FAYETTEVILLE, NC 28301<br/>PHONE 910-483-7387</p>  | <p>DRAWN BY: KTJ<br/>DATE: 8/26/02</p> | <p>CHECKED BY: MT<br/>SCALE: 1"=200'<br/>SHEET 1</p> |
| PARCEL NO.   | JOB NO. 274                            | DWG NO. 274-1  |

BK107 Pg 167



I, Michael Tate, Registered Land Surveyor No. L-2450, certify that this plot is of a survey that creates a subdivision of land within Cumberland County that has an ordinance that regulates parcels of land.

*Michael Tate*  
Michael Tate, RLS

- Notes:
1. No nonconforming structures have been created.
  2. All property corners are Existing Iron Pins.

59

| LINE | DESCRIPTION | DISTANCE |
|------|-------------|----------|
| L1   | S35°55'00"E | 60.00'   |
| L2   | S33°30'00"E | 72.31'   |
| L3   | S30°01'00"E | 67.92'   |
| L4   | S28°11'00"E | 70.78'   |
| L5   | N84°21'00"W | 7.19'    |

NORTH CAROLINA  
CUMBERLAND COUNTY

I, MICHAEL TATE, certify that this plot was drawn under my supervision from an actual survey made under my supervision, deed description recorded in Book \_\_\_\_\_, Page \_\_\_\_\_; that the boundaries not surveyed are clearly indicated as drawn from information found in Book 3970, Page 037; that the ratio of precision as calculated is 1:7,500; that this plot was prepared in accordance with G.S. 47-59 as amended.

Witness my original signature, registration number and seal this 30th day of June, A.D., 1995.

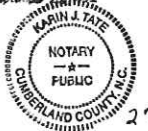
*Michael Tate*  
Surveyor  
Registration No. L-2450



NORTH CAROLINA  
CUMBERLAND COUNTY

I, KARIN J. TATE, a Notary Public of the County and State aforesaid, certify that MICHAEL TATE, a Registered Land Surveyor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 30th day of June, 1995.

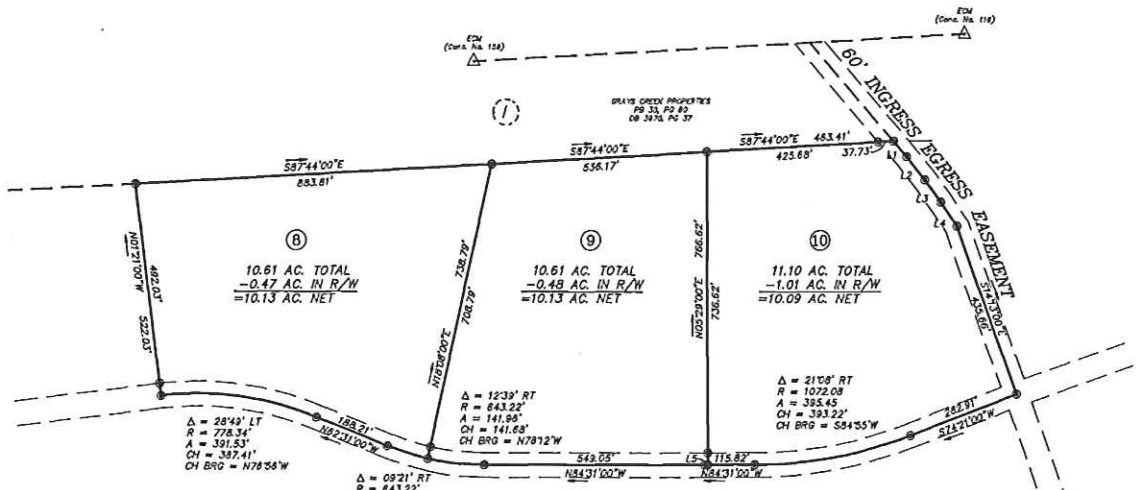
*Karin J. Tate*  
Notary Public  
My commission expires September 1998



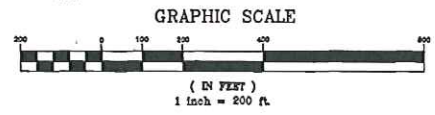
NORTH CAROLINA  
CUMBERLAND COUNTY

The foregoing certificate of KARIN J. TATE, Notary Public, is certified to be correct. This instrument was presented for registration and recorded in Plot Book 3970, Page 57, this 5th day of July, 1995 at 11:17 am/pm.

*George E. Tatum*  
Register of Deeds  
Atty/Dept. Reg. of Deeds



PRIVATE 60' INGRESS/EGRESS & UTILITY EASEMENT  
(SEE PG 81, PG 119)

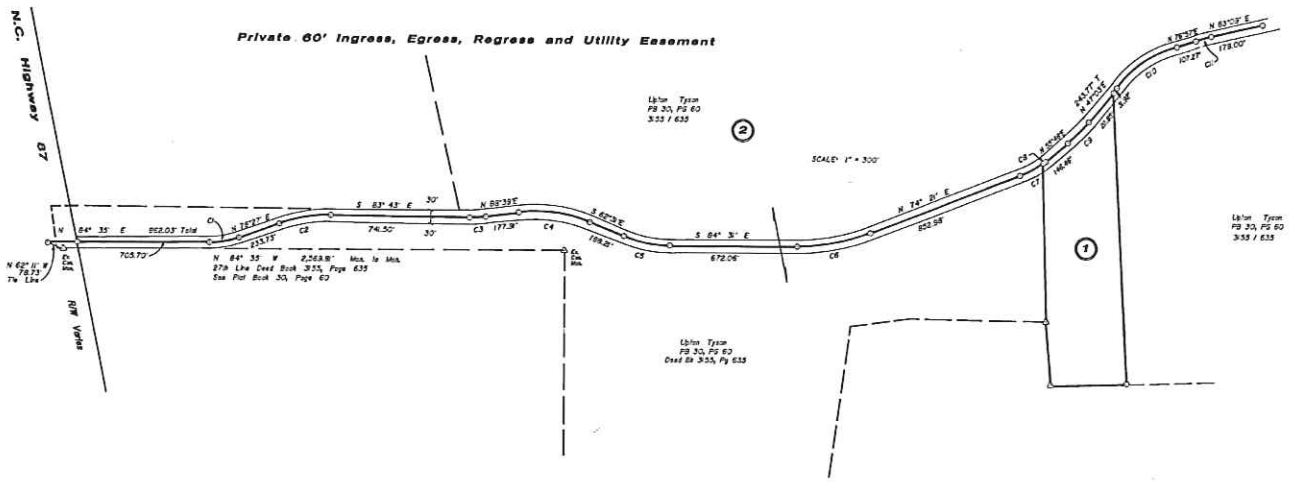


|                |               |
|----------------|---------------|
| DRAWN BY: GEC  | JOB NO: 274   |
| DATE: 06-30-95 | DWG NO: 274-4 |

PROPERTY OF  
**GRAYS CREEK PROPERTIES**  
GRAYS CREEK TOWNSHIP ~ CUMBERLAND COUNTY  
NORTH CAROLINA  
MICHAEL TATE REGISTERED LAND SURVEYOR  
3525 CLINTON RD, FAYETTEVILLE, NC 28301  
PHONE 910-483-7387

89/59

119



NORTH CAROLINA  
CLUMBERLAND COUNTY  
MICHAEL TATE  
Surveyor  
Registration No. L-2452

My commission expires August 19, 1990.



NORTH CAROLINA  
CLUMBERLAND COUNTY  
MARGARET A. TATE  
Notary Public  
My commission expires August 19, 1990.



NORTH CAROLINA  
CLUMBERLAND COUNTY  
GEORGE C. TAYLOR  
Notary Public  
My commission expires August 19, 1990.

My commission expires August 19, 1990.

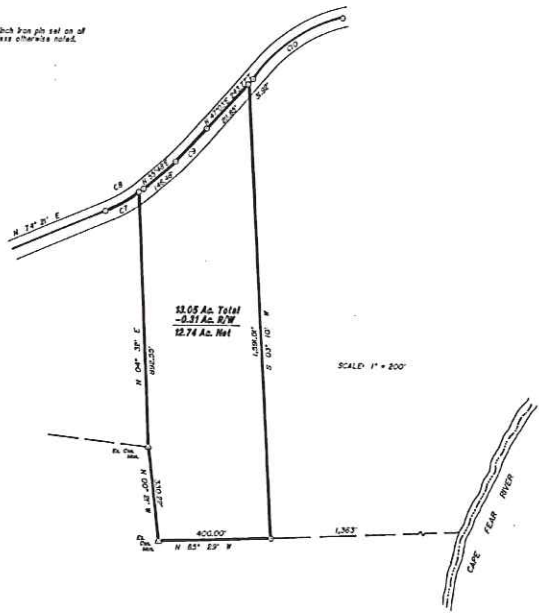
DEPARTMENT OF TRANSPORTATION  
DIVISION OF HIGHWAYS  
NO APPROVAL NECESSARY  
District Engineer  
Oct. 21, 1986

By Approval of  
George C. Taylor  
Notary Public

**CURVE DATA.**

| Curve No. | Bearing    | Chord   | Arc     | Radius   |
|-----------|------------|---------|---------|----------|
| C1        | N 85°56' E | 157.81' | 158.54' | 478.77'  |
| C2        | N 86°12' E | 875.80' | 877.25' | 800.87'  |
| C3        | S 87°52' E | 79.82'  | 79.88'  | 600.87'  |
| C4        | S 76°56' E | 307.41' | 331.53' | 779.34'  |
| C5        | S 73°31' E | 243.41' | 246.52' | 643.22'  |
| C6        | N 84°55' E | 388.22' | 395.45' | 1078.68' |
| C7        | N 86°14' E | 137.86' | 138.32' | 400.13'  |
| C8        | N 57°00' E | 25.28'  | 25.28'  | 480.13'  |
| C9        | N 51°26' E | 159.53' | 159.53' | 1044.63' |
| C10       | N 62°00' E | 306.45' | 335.34' | 536.66'  |
| C11       | N 80°03' E | 79.99'  | 79.58'  | 738.68'  |

NOTE: A 1/2 inch box pit set on all corners unless otherwise noted.

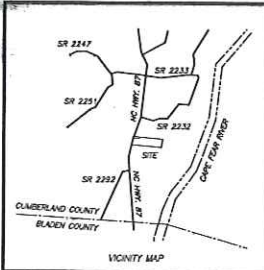


MICHAEL TATE, REGISTERED LAND SURVEYOR  
FAYETTEVILLE, NORTH CAROLINA 28301  
(919) - 483 - 7387

PROPERTY OF  
**UPTON TYSON et al**  
GRAY'S CREEK TOWNSHIP CLUMBERLAND COUNTY  
STATE of NORTH CAROLINA

| REVISIONS              |
|------------------------|
| Date: October 20, 1986 |
| Scale: As Shown        |
| Drawn By: ANG          |
| Surveyed By: WBS       |
| Check & Clear: MT      |

60-119



**NOTES:**  
 ALL DISTANCES ARE UNADJUSTED GROUND DISTANCES.  
 AREAS WERE DETERMINED BY COORDINATE COMPUTATION UNLESS OTHERWISE NOTED.  
 THIS SURVEY IS OF A CATEGORY, SUCH AS A RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION, NONCONFORMING STRUCTURES HAVE NOT BEEN CREATED BY THIS SUBDIVISION.  
 THIS PROPERTY OR NEIGHBORING PROPERTY MAY BE SUBJECT TO INCONVENIENCE, DISCOMFORT, AND THE POSSIBILITY OF INJURY TO PROPERTY AND HEALTH, ARISING FROM NORMAL AND ACCEPTED FARMING AND AGRICULTURAL PRACTICES AND OPERATIONS, INCLUDING BUT NOT LIMITED TO NOISE, ODORS, JUST THE OPERATION OF ANY KIND OF MACHINERY, THE STORAGE AND DISPOSAL OF MANURE, AND THE APPLICATION OF FERTILIZERS, SOIL AMENDMENTS, HERBICIDES, AND PESTICIDES.

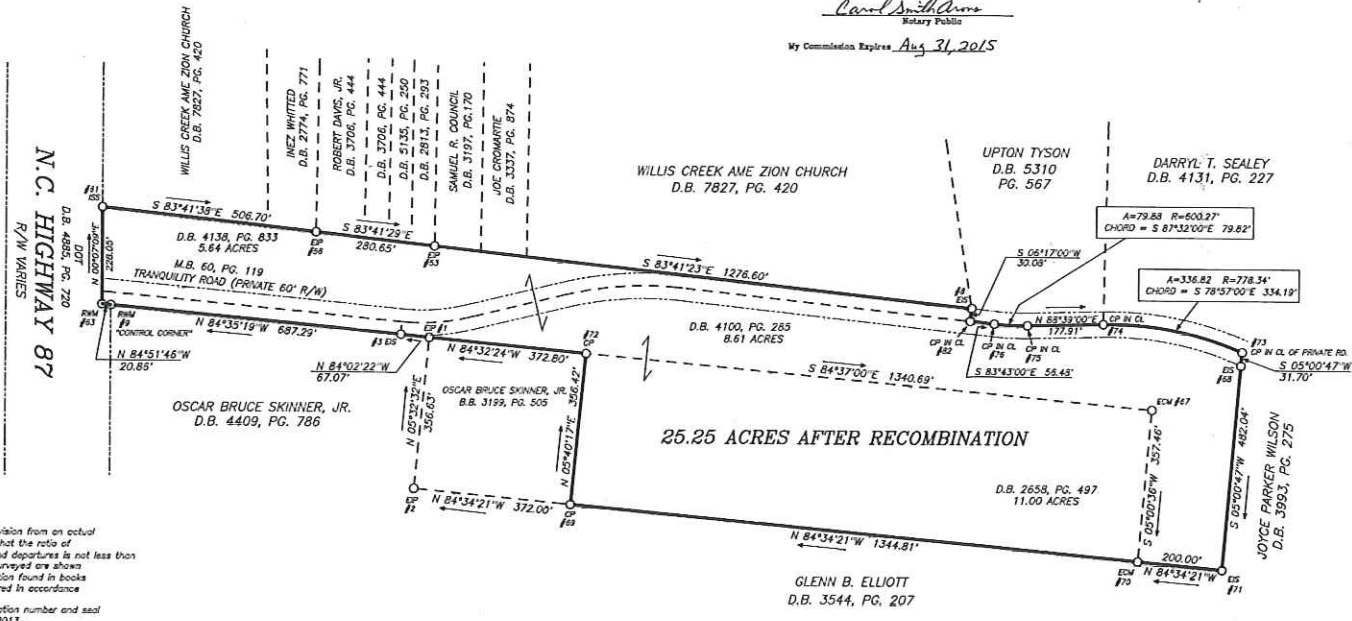
The undersigned here acknowledges that the land shown on this plan is a recombination of existing parcels and is exempt from the subdivision regulation jurisdiction of Cumberland County and that this plot and allotment is my free act and deed.

*Oscar Bruce Skinner, Jr.* 10-30-13  
 OWNER DATE



NORTH CAROLINA  
 CUMBERLAND COUNTY  
 I, *Carol South Acers*, a Notary Public of the County and State aforesaid, certify that *Oscar Bruce Skinner, Jr.* personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 30 day of Oct 2013.

*Carol South Acers*  
 Notary Public  
 My Commission Expires Aug 31, 2015



- LEGEND**
- CP = EXISTING IRON PIPE
  - ES = EXISTING IRON STAKE
  - ECM = EXISTING CONCRETE MONUMENT
  - EPK = EXISTING PK NAIL
  - EMN = EXISTING MAG NAIL
  - ISS = IRON STAKE SET
  - IPS = IRON PIPE SET
  - MNS = MAG NAIL SET
  - PP = POWER POLE
  - D.B. = DEED BOOK
  - PG. = PAGE
  - M.B. = MAP BOOK
  - CP = COMPUTED POINT
  - ECS = EXISTING COTTON SPINDLE
  - CSS = COTTON SPINDLE SET
  - EAX = EXISTING AXLE
  - EAI = EXISTING ANGLE IRON
  - R/W = RIGHT-OF-WAY MONUMENT
  - CP = COMPUTED POINT

NORTH CAROLINA  
 SAMPSON COUNTY  
 I, *David Gregory Heeter*, certify that this map was drawn under my supervision from an actual survey made under my supervision, that the ratio of precision as calculated by latitude and departures is not less than 1/10,000, that the boundaries not surveyed are shown as broken lines plotted from information found in books referenced, that this map was prepared in accordance with G. S. 47-30 as amended. Witness my original signature, registration number and seal this 10th day of Oct A.D. 2013.  
*David Gregory Heeter*, Professional Land Surveyor  
 License No. 1-1370 C-2574



**\*\*\*RECOMBINATION OF LAND\*\*\***  
 D.B. 4138, PG. 833 (TAX PARCEL I.D. 0440-54-8927)  
 D.B. 4100, PG. 285 (TAX PARCEL I.D. 0440-74-1863)  
 D.B. 2658, PG. 497 (TAX PARCEL I.D. 0440-74-0613)

FILED Oct 31, 2013 08:05:00 am FILED  
 BOOK 01133 CUMBERLAND COUNTY NC  
 PAGE 0122 THRU 0122 J. LEE WARREN JR. REGISTER OF DEEDS  
 INSTRUMENT # 41736  
 RECORDING \$21.00  
 EXCISE TAX (None)



STATE OF NORTH CAROLINA  
 COUNTY OF CUMBERLAND  
 I, *Donna McFayden*, REVIEW OFFICER OF CUMBERLAND COUNTY, CERTIFY THAT THIS MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL REQUIREMENTS FOR RECORDING.  
 DATE: 10-30-13  
*Donna McFayden*  
 REVIEW OFFICER

|                                 |  |  |                     |
|---------------------------------|--|--|---------------------|
| SURVEY FOR                      |  | COMPANY  |                     |
| <b>OSCAR BRUCE SKINNER, JR.</b> |  | DAVID G. HEETER, PA<br>P.O. BOX 729<br>SALEMBURG, NC 28385 PHONE: (910) 891-LAND; (910) 525-4320 |                     |
| TOWNSHIP: GRAYS CREEK           | COUNTY: CUMBERLAND                               | DATE: 4-17-13  | SURVEYED BY: D.G.H. |
| STATE: NORTH CAROLINA           |  | SCALE: 1"=200'   | DRAWN BY: D.G.H.    |
| TAX MAP: 0440                   | PARCEL: 0440-54-8927; 0440-74-1863; 0440-74-0613 | CHECKED & CLOSURE BY: D.G.H.   |                     |
|                                 |  | DATA COLLECTOR FILE NO.  |                     |
|                                 |  | DRAWING NO.  |                     |

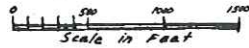


# MAP OF J. BROWNE EVANS LAND

Grays Creek Twp.  
Aug. 11, 1965

Cumberland Co. N.C.  
Scale 1" = 660'

Clarence Hall, Jr.  
Elizabethtown NC.  
Reg. Surveyor 1958



N

MAGNETIC 1965

State of North Carolina

I Clarence Hall, Jr. certify that this map was prepared from an actual survey except the River Line, which was taken from Aerial Photo, that this map was prepared in accordance with G. S. 42-30 as amended.

Witness my hand and seal this 23 day of Aug. 1965. Clarence Hall, Jr.  
Reg. Surveyor

Sworn to and subscribed before me by Clarence Hall, Jr. this 23 day of Aug. 1965.

My Commission expires 2-25-67

Margaret S. Hoppin  
Notary Public

NORTH CAROLINA  
CUMBERLAND COUNTY

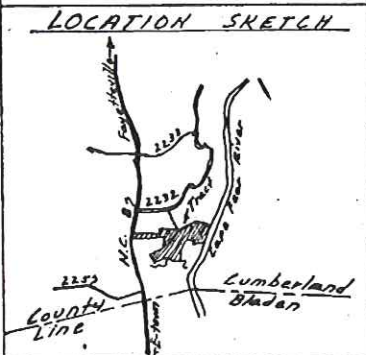
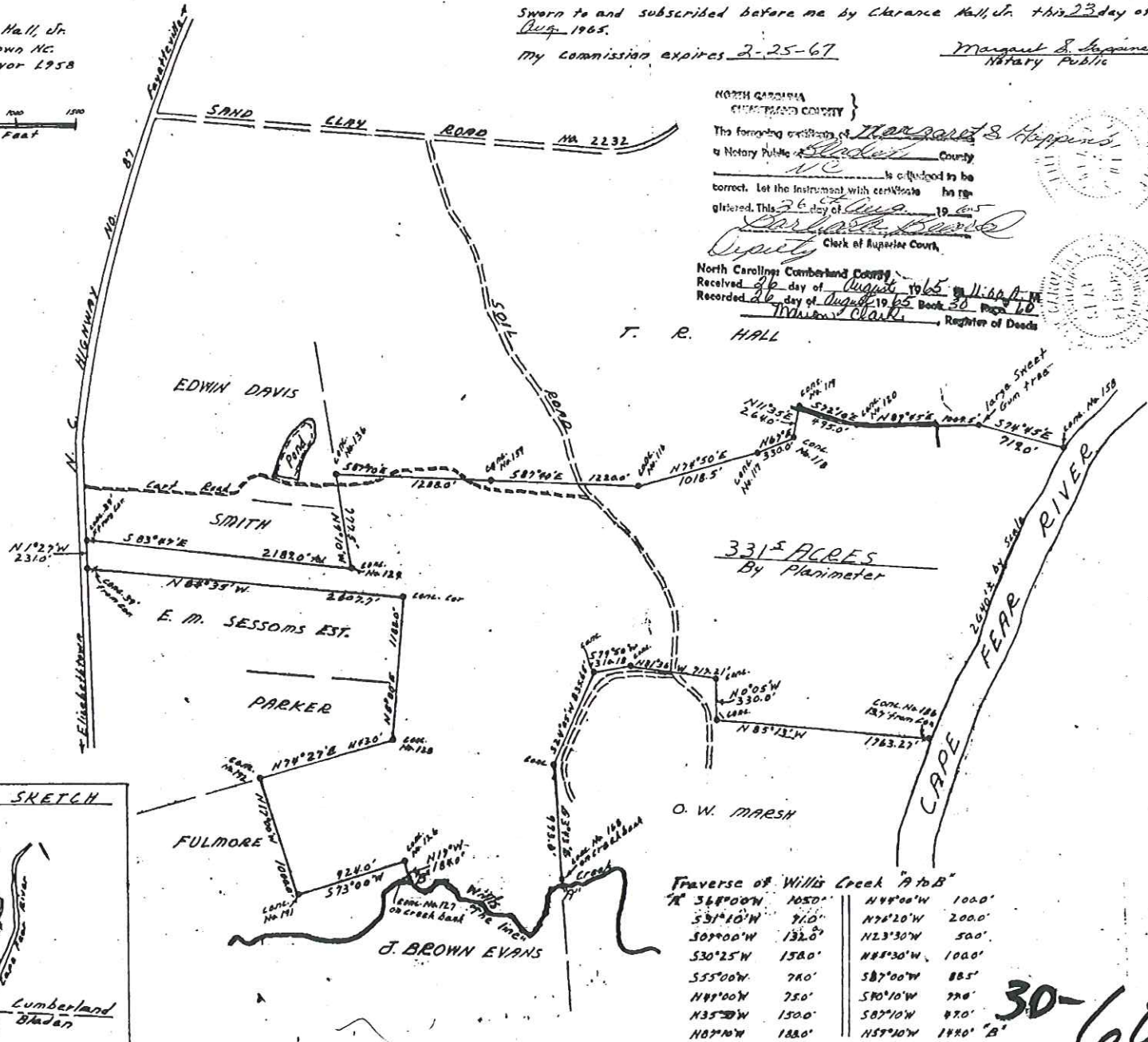
The foregoing contents of Margaret S. Hoppin's  
Notary Public of Bladen County

is certified to be correct. Let the instrument with certificate hereafter filed. This 26 day of August 1965

Carl L. Bunker  
Deputy Clerk of Superior Court

North Carolina Cumberland County  
Received 26 day of August 1965 in Book A-11  
Recorded 26 day of August 1965 Book 30 Page 10  
Marion Clark Register of Deeds

T. R. HALL



Traverse of Willis Creek "A to B"

|            |       |           |           |
|------------|-------|-----------|-----------|
| N 348°00'W | 1050' | N 44°00'W | 1000'     |
| S 31°10'W  | 710'  | N 76°20'W | 2000'     |
| S 09°00'W  | 1320' | N 23°30'W | 500'      |
| S 30°25'W  | 1580' | N 48°30'W | 1000'     |
| S 55°00'W  | 760'  | S 87°00'W | 885'      |
| N 44°00'W  | 750'  | S 70°10'W | 720'      |
| N 35°20'W  | 1300' | S 87°10'W | 470'      |
| N 01°00'W  | 1880' | N 59°10'W | 1440' "B" |

30-60

**16-031**  
**SITE PROFILE**

**CASE NO. 16-031.** CONSIDERATION OF THE BRUCE AND WANDA TEETS PROPERTY; SUBDIVISION REVIEW; REQUEST FOR A WAIVER TO CONSTRUCT A CLASS "B" PRIVATE STREET WHERE A PAVED STREET IS REQUIRED PER STEDMAN MIA AND NOT BE REQUIRED TO CONSTRUCT SIDEWALKS; COUNTY SUBDIVISION ORDINANCE, SECTIONS 2302 AREA-SPECIFIC STANDARDS; STEDMAN SUBDIVISION ORDINANCE. SECTION 4.1.A-E "STREETS" & SECTION 4.3.G "SIDEWALKS; ZONED: R40; TOTAL ACREAGE: 4.17+/-; LOCATED AT 611 MAGNOLIA CHURCH ROAD; SUBMITTED BY BRUCE AND WANDA TEETS (OWNER). (STEDMAN MIA - COUNTY JURISDICTION)

**Summary of Request**

The developer has submitted a request for waivers from the Town of Stedman's Municipal Influence Area (MIA) to not be required to construct a sidewalk along Magnolia Church Road and to be allowed to create a Class "B" private street (gravel) where only paved streets are allowed. Per the County's MIA standards, the developer is required to meet the Town's sidewalk and street design standards. Since the two existing front lots were a part of the original parent a sidewalk would be required along Magnolia Church Road. The Town of Stedman would be required by NCDOT to agree to the maintenance of the sidewalk within any State right-of-way.

**Site Information:**

**Frontage & Location:** 429.98' +/- of street frontage along SR 1843 (Magnolia Church Road)

**Depth:** 616.13' +/-

**Jurisdiction:** Cumberland County

**Municipal Influence Area (MIA):** Stedman

**Sewer Services Area (SSA):** No

**Adjacent Property:** N/A

**Nonconformities:** No.

**Water & Sewer:** Well/Septic

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

**Applicable County Subdivision Ordinance Provisions**

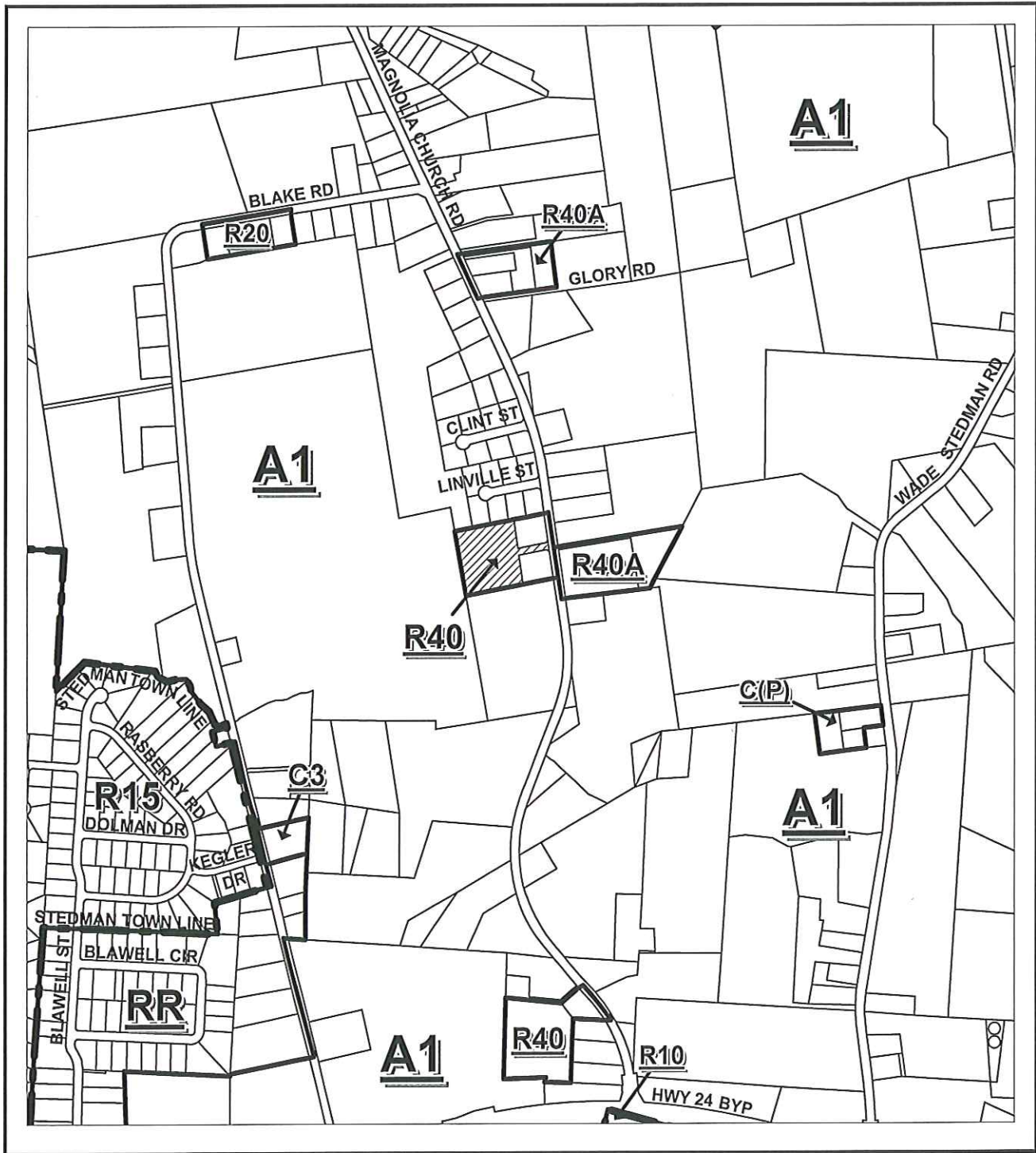
**Section 2302 AREA-SPECIFIC STANDARDS, A. Municipal Influence Areas.** The Board of Commissioners may approve and establish a Municipal Influence Area (MIA) for a municipality. All subdivisions or developments with four or more proposed lots/units derived from the same parent tract as of the date of this ordinance and located within a municipality's MIA shall be designed and constructed in accordance with the subdivision design standards officially by the municipality and explicitly listed in this ordinance, except as provided in any interlocal agreement adopted by the affected governing bodies.

**SECTION 4.1.A -E STREETS**

**SECTION 4.3.G SIDEWALKS**

**Attachments**

- 1 - Sketch Map
- 2 - Application for Waiver
- 3 - Aerial Photo
- 4 - Subdivision Sketch Plan
- 5 - Draft Conditions of Approval
- 6 - Town of Stedman Recommendation



## COUNTY SUBDIVISION ORDINANCE WAIVER

**ACREAGE: 4.17 AC.+/-**

**HEARING NO: 16-031**

ORDINANCE: COUNTY

HEARING DATE

ACTION

GOVERNING BOARD

SCALE IN FEET

**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: \_\_\_\_\_

OWNER: Bruce and Wanda Teets

ADDRESS: 622 Magnolia Church Rd. ZIP CODE: 28391

TELEPHONE: HOME (910) 486-5807 WORK (910) 551-9973

AGENT: Same

ADDRESS: \_\_\_\_\_

TELEPHONE: HOME \_\_\_\_\_ WORK \_\_\_\_\_

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

A. Parcel Identification Number (PIN #) of subject property: 0486-85-7569  
(also known as Tax ID Number or Property Tax ID)

B. Acreage: 4.77 acres Frontage: 95.09 Depth: 208

C. Water Provider: Well System

D. Septage Provider: Septic System

E. Deed Book 0123, Page(s) 0164, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).

F. Existing and/or proposed use of property: Sub-division  
Residential

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

See Attachment 1

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

See Attachment 2

**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.

Bruce J. Teets      Wanda L. Teets  
Property owner(s)' signature(s)

Bruce J. Teets      Wanda L. Teets  
Property owner(s)' name (print or type)

622 Magnolia Church Rd. Stedman, NC 28391  
Complete mailing address of property owner(s)

(910) 486-5807      (910) 551-9973  
Telephone number      Alternative telephone number

wteets7753@aol.com      (910) 486-5534  
Email address      FAX number

## **Attachment 1**

### **G. Waiver for Section 2302. Area-Specific Standards.**

#### A. Municipal Influence Areas.

##### Section 4.1. Streets

a.-e.

We are requesting a waiver from constructing a Class A Street to constructing a Class B Street serving 5 to 7 lots (Cumberland County Code). The first two lots 601 and 623 are served by Magnolia Church Rd. (SR 1843) as granted in a letter dated May 15, 2008 from the Department of Transportation (see attachment 3), and the four remaining lots would be served by a Class B Street (Teewood Court). Surrounding properties are primarily single-family units and some farm land. The adjacent property located to the North of this proposed subdivision is a Mobile Home Park with two Class C Streets, Linville Street and Clint Street. Further to the North are two more Class C Streets, Jeff Street, and Glory Rd.. Construction of a Class B Street would be an upgrade from what already exist in the general area.

##### Section 4.3.

g. Sidewalks. We are requesting a waiver from constructing a concrete sidewalk along the existing street, Magnolia Church Rd (SR 1843). There are no sidewalks anywhere along Magnolia Church Rd. from Clinton Rd. to Maxwell Rd. If a sidewalk were required as the MIA request it would only lead North to the adjacent existing Mobile Home Park with Class C Streets (dirt roads) and south toward the creek which is swamp area.

## **Attachment 2**

### **H. Nature and extent of hardship**

It would be unattainable to develop this property in regards to the MIA. Based on the existing MIA Sub-division ordinance it is not cost effective to sub-divide the property. The extensive cost of development is more than what the lots will be valued and therefore would make it inequitable due to only having four lots to sell. Also, the County would lose out on the growth and tax base that could be generated.

Furthermore, there are no future plans for the town of Stedman to provide water and sewer North on Magnolia Church Rd. to this MIA.

Attachment 3



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY  
GOVERNOR

DIVISION OF HIGHWAYS

LYNDO TIPPETT  
SECRETARY

May 15, 2008

Division 6  
Cumberland County

Ms. Danielle Whitcomb  
PO Box 452  
Stedman, NC 28391

RE:

Dear Ms. Whitcomb,

I am writing in regards to your request for direct residential driveway access onto Magnolia Church Road for 601 and 623 Magnolia Church Road. The Department of Transportation will allow you and your sister to have direct residential driveway accesses onto Magnolia Church Road. We will continually monitor traffic on Magnolia Church Road. If at some time in the future the traffic on Magnolia Church Road increases sufficiently, the department may require that your drives be relocated to the subdivision street.

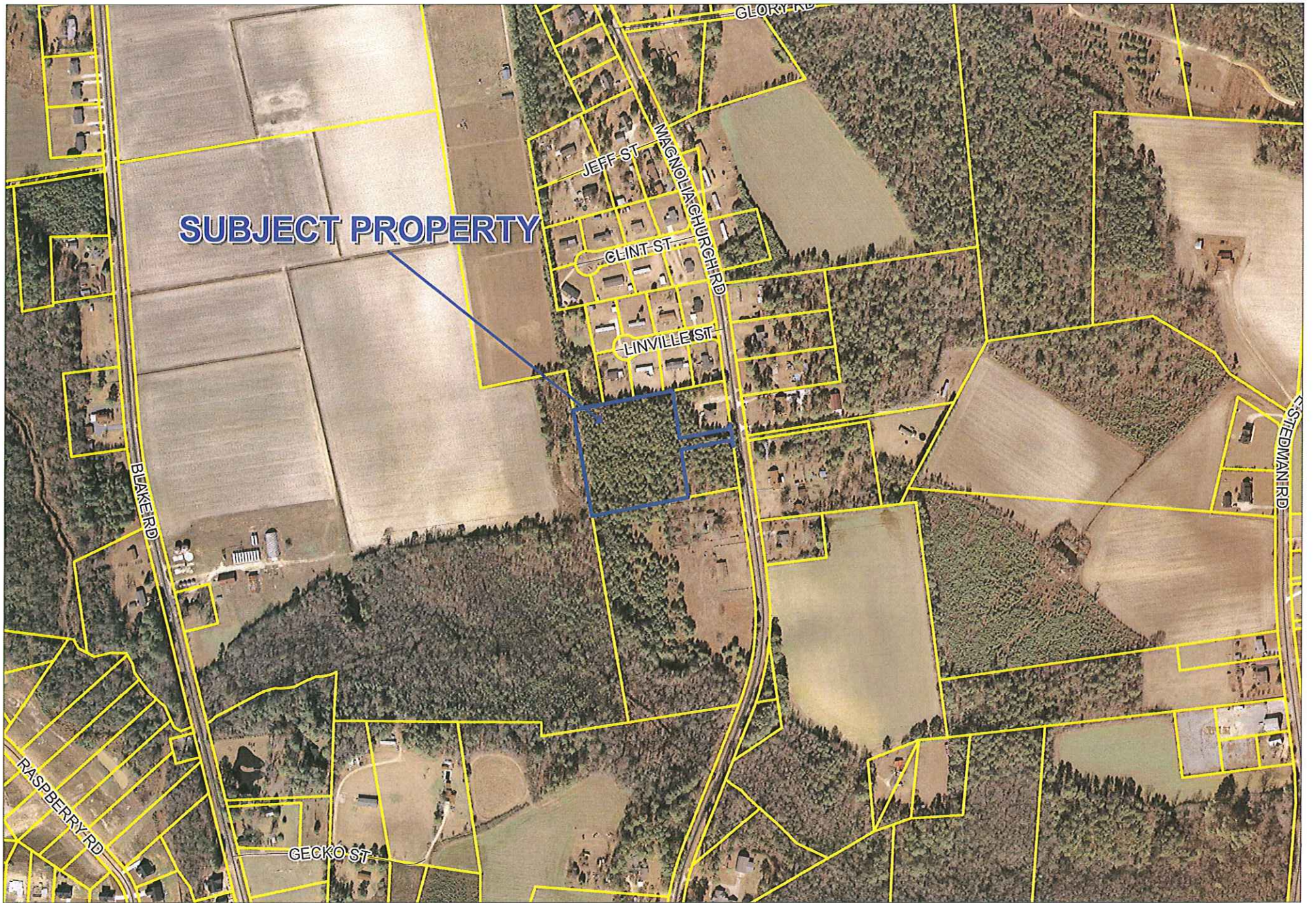
If you have any questions, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Christopher W. McGee".

Christopher W. McGee, PE  
District Engineer

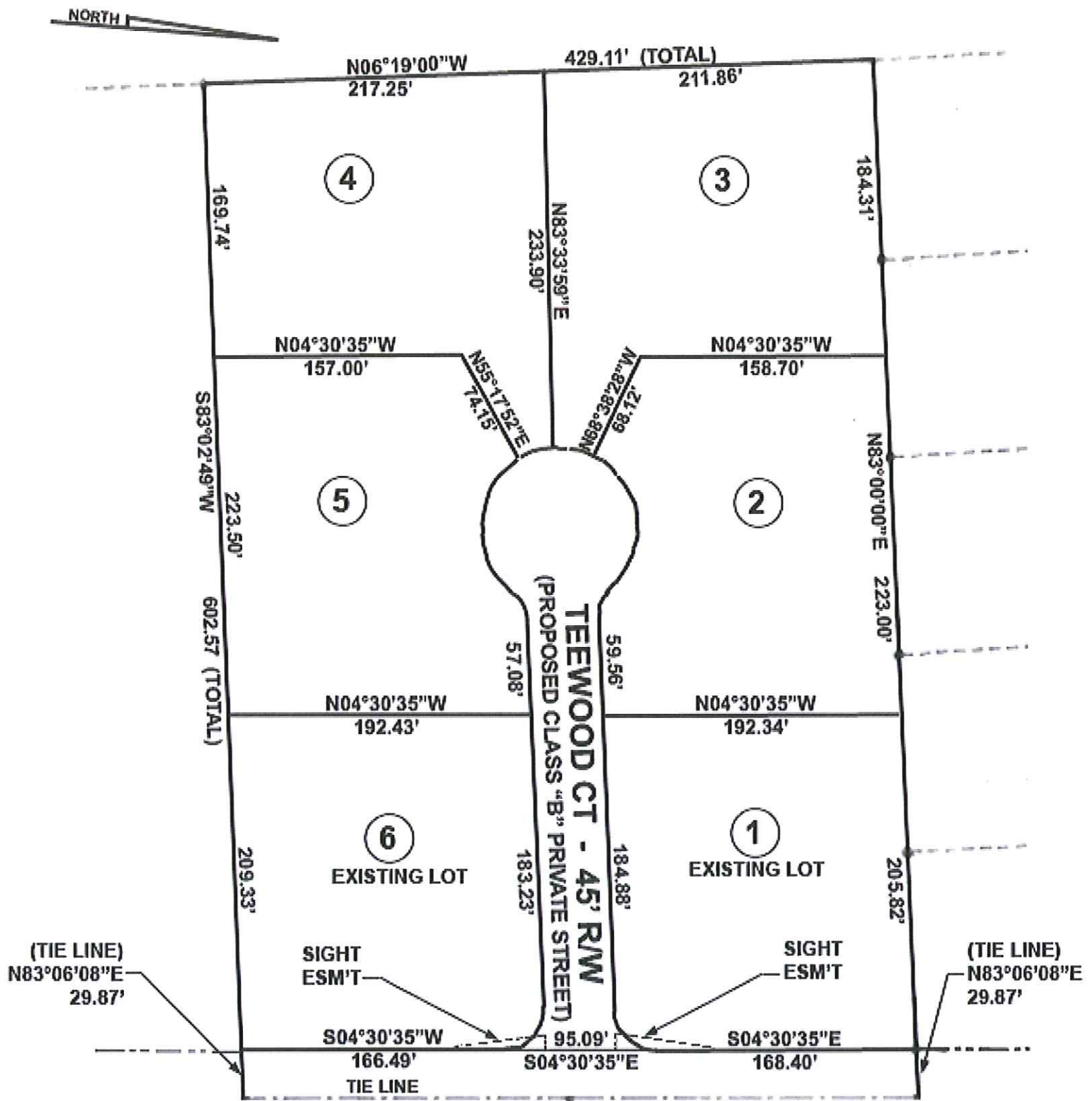




**SUBJECT PROPERTY**

**AERIAL PHOTO  
CASE NO: 16-031**





**BRUCE & WANDA TEETS**  
SUBDIVISION REVIEW

**REQUEST: A WAIVER FROM SECTION 2302.A "MUNICIPAL INFLUENCE AREAS" AND STEDMAN SUBDIVISION ORDINANCE SECTIONS 4.1 "STREETS" & 4.3.G "SIDEWALKS"**

**CASE: 16-031 ACREAGE: 4.17 AC±**  
**ZONED: R40 SCALE: NTS**

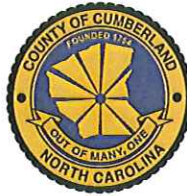
**\*SCALED DETAILED SITE PLAN IN FILE AVAILABLE FOR REVIEW UPON REQUEST**

Patricia Hall,  
Chair  
Town of Hope Mills

Charles C. Morris,  
Vice-Chair  
Town of Linden

Jami McLaughlin,  
Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman

Donovan McLaurin  
Wade, Falcon & Godwin



# CUMBERLAND COUNTY NORTH CAROLINA

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Vikki Andrews,  
Diane Wheatley,  
Carl Manning,  
Walter Clark,  
Cumberland County

Benny Pearce,  
Town of Eastover

## Planning & Inspections Department

DRAFT

STAFF REVIEW: 02-18-16 PLANNING BOARD DECISION: 03-15-16

CASE NO: 16-031 NAME OF DEVELOPMENT: BRUCE & WANDA TEETS PROPERTY

MIA: STEDMAN SUBDIVISION REVIEW

LOCATION: 611 MAGNOLIA CHURCH ROAD (SR 1843) ZONING: R40

PIN: 0486-85-7569

OWNERS / DEVELOPER: WANDA & BRUCE TEETS ENGINEER OR DESIGNER: CATHY AUTRY

### 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:

**Note: The below conditions are subject to change depending on the Joint Planning Board's ruling on the waiver request.**

### 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 water and 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 and Development Ordinance)
3. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
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 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.
7. 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. Permits MUST be secured prior to the change or alteration of existing or proposed property use. Failure to secure required permits prior to construction or change in property usage may result in the removal of the driveway or street connections at the property owner's expense. For additional information contact the Division 6 / District 2 office at the number listed on the bottom of this conditional approval.

**Note: In the event the NCDOT driveway permit process alters the site plan in any manner, the copies of a revised site plan must be submitted for staff review and approved prior to permit application.**

#### **Site-Related:**

8. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance and Zoning Ordinances for the R40 zoning district must be complied with, as applicable.
9. All corner lots and lots fronting more than one street must provide front yard setbacks from each street.
10. 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.)
11. 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 and Development Ordinance)
12. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision and Development Ordinance)
13. In the event a stormwater utility structure is required by the NC Department of Environment and Natural Resources (NCDENR), the owner/developer must secure the structure with a four foot high fence with a lockable gate, and is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.
14. Turn lanes may be required by the NC Department of Transportation (NCDOT).

#### **Plat-Related:**

15. Prior to submission for final plat approval, one tree for every 50 linear foot of street frontage must be planted in an area three foot in width from the back of the right-of-way to the sidewalk along the proposed Class "B" private street – see Section 4.3.h, Stedman Subdivision Ordinance, for more specific details regarding this condition.
16. Prior to submission for final plat approval a four-foot wide concrete sidewalk, complying with the ADA standards, must be constructed along SR 1843 (Magnolia Church Road) and along the proposed "Teewood Court", with the sidewalk plans being

reviewed and approved by the Town of Stedman- see Section 4.3. g, Stedman Subdivision Ordinance, for more specific details regarding this condition. **Note: See waiver request in case file related to this condition.**

17. If the waiver request regarding the Class "B" private street is approved or if the developer opts for a Class "A" private street, the developer is required to submit to Land Use Codes:
  - a. Three copies of proposed covenants, by-laws and articles of incorporation for the proposed development designating responsibility for the maintenance and upkeep of the Class "B" private street by the owners' association for the development;
  - b. One copy of the deeds proposed for recordation conveying all common area to the proposed owners association;
  - c. One copy of any proposed supplemental covenants if the proposed development is to be submitted for final approval in phases; and
  - d. Two copies of each proposed final plat prior to the submission for final approval – can be a phase of the approved development or the complete development as approved.

These documents must be approved by the County Attorney prior to the sale of or submission for final plat approval of any lot or unit within this development.

18. The street name signs, in compliance with the County Street Sign Specifications, must be installed prior to final plat approval. The developer should contact Location Services for inquiries regarding the County's policy for street sign installation or, if the sign is commissioned from a private source, to schedule an inspection of the street sign(s). Land Use Codes must receive notice of agreement with the Location Services Section for sign installation or of satisfactory inspection prior to the approval of the final plat.
19. Prior to final plat approval of any portion of this development, the developer is required to submit a check or cash in the amount of \$559.06 (four lots/\$139.76 per lot) payable to "Cumberland County". This condition is in accordance with Section 2308, Parks, Recreation and Open Space, County Subdivision and Development Ordinance, which requires every residential dwelling unit to provide a portion of land, in certain instances, or pay a fee in lieu of dedication, for the purposes of providing park, recreation and open space areas. (Park District #1)
20. If this development is completed with a private street, the developer is required to provide an inspection of the private street(s) by a registered engineer or registered surveyor upon completion of construction of the private street(s) and related facilities, including drainage ways. A statement, affixed with the engineer/surveyor's seal, certifying that all private street(s) and related facilities are designed and constructed in accordance with the requirements of Section 2304 C, Private Street, County Subdivision Ordinance, and that all such facilities are adequate to serve the development, must be submitted to Land Use Codes prior to final plat approval or release of any construction guarantees as allowed under Section 2502, Final Plat – Guarantees of Improvements, County Subdivision and Development Ordinance.
21. Any/All easements must be reflected on the final plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
22. A 10' x 70' sight distance easement is required at the intersection of SR 1843 (Macnolia Church Road)d with Teewood Court and must be reflected on the final plat.
23. A 25' right-of-way radius is required at all intersections and must be reflected on the final plat. (Section 2304.10.c, Street Design, County Subdivision and Development Ordinance)
24. The NC Department of Transportation (NCDOT) stamp must be affixed to the final plat prior to submission for final plat approval by Land Use Codes.
25. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval. (Section 2503 D, Certificate of Ownership and Dedication, County Subdivision and Development Ordinance)
26. The developer is reminded that the improvements must be in place or that final plat approval will only be granted in accordance with Section 2502 B, C, or D, Final Plat – Guarantees of Improvements, County Subdivision and Development Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Jeff Barnhill to schedule an inspection of the improvements.)

27. The final plat must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.

**Plat-Required Statements:**

28. Since this development does not have public water/sewer, the following disclosure statement is required to be provided on the final plat (Section 2504 C, On-Site Water and/or Sewer Disclosure, County Subdivision and Development Ordinance):

“The individual lots in this development do not have public sewer and/or water services available, and no lots have been approved by the Health Department for on-site sewer services or been deemed acceptable for private wells at the date of this recording.”

29. If the waiver request is approved regarding the Class “B” private street, the final plat shall reflect the following statements required for the private street(s) (Section 2504 A, Disclosure of Private Street Status, County Subdivision and Development Ordinance):

- a. “Cumberland County and other public agencies have no enforcement responsibility regarding maintenance or encroachments into the private street right-of-way as shown on this plat. Private streets are for the use of all owners of property within this subdivision/development and their guests; and any governmental agency or personnel or equipment thereof who shall be granted perpetual access over all such private streets to accomplish or fulfill any service or function for which the agency is responsible and that any agency or organization designated by a governmental agency to perform a designated function shall also retain access the same as any government agency. Any governmental agency exercising its access rights shall have the same rights and only such liabilities as it would have on any public lands, rights-of-way, or easements.”
- b. “All current and future owners of these tracts beware that maintenance for the Class “B” private street shown on this plat are the responsibility of the owners of the tracts served by and having access to the Class “B” private street through the Owners Association.”

30. All structures shall be shown on the final plat or the final plat shall reflect the following statement (Section 2504 D, County Subdivision and Development Ordinance):

“Nonconforming structures have not been created by this subdivision plat.”

**Other Relevant Conditions:**

31. The applicant is advised to consult an expert on wetlands before proceeding with any development.
32. In the event the developer revises the plan and proposes public streets, additional conditions will apply.
33. 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.
34. The US Postal Service most likely will require this development to have centralized cluster boxes for postal service to each lot or unit. The developer is advised contact the US Postal Growth Coordinator for the Mid-Carolinas District to determine the appropriate location for the cluster boxes. If the cluster box location requires changes to the subdivision or site plan, a revised preliminary/plan must be submitted to the Planning & Inspections Department for review and approval.
35. The owner/developer be aware that every deed created for a lot being served by an on-site water and/or sewer system must contain the following disclosure when filed with the County Register of Deeds:

“Public water and/or sewer services are not available as of the date of the recording of this deed. On-site sewer disposal systems must be approved by the County Health Department.”

36. The owner/developer be aware that every deed created for the purpose of conveying a lot served by a private street must contain the following disclosure statement at the time of recordation with the County Register of Deeds:

"It is hereby acknowledged that a subdivision streets disclosure statement has been executed in accordance with N.C.G.S 136-102.6(f)."

37. The developer has requested waivers from the Stedman MIA standards Section 2302 Area Specific Standards in regards to the the regards to paved streets and sidewalks within the Stedman MIA area – Section 4.1.A – E “Streets” and Section 4.3.G “sidewalks” of the Stedman Subdivision Ordinance. The case is scheduled to be heard by the Stedman Board of Commissioners on March 3, 2016 for a recommendation, then on March 15, 2016 by the Cumberland County Joint Planning Board for a final decision. If the Joint Planning Board grants the waiver request, it applies to the current preliminary plan only and is not to be construed to apply to any additional lots and/or units being approved on the subject property.

*Thank you for creating building lots in Cumberland County!*

**If you need clarification of any conditions, please contact Ed Byrne at 910-678-7609 or Patti Speicher at 910-678-7605 with the Land Use Codes Section; 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       | <a href="mailto:jbarnhill@co.cumberland.nc.us">jbarnhill@co.cumberland.nc.us</a> |
| Subdivision/Site Plan/Plat      | Ed Byrne                       | 678-7609       | <a href="mailto:ebyrne@co.cumberland.nc.us">ebyrne@co.cumberland.nc.us</a>       |
| Code Enforcement (Permits):     | Scott Walters                  | 321-6654       | <a href="mailto:swalters@co.cumberland.nc.us">swalters@co.cumberland.nc.us</a>   |
| County Health Department:       | Daniel Ortiz                   | 433-3680       | <a href="mailto:dortiz@co.cumberland.nc.us">dortiz@co.cumberland.nc.us</a>       |
| Ground Water Issues:            | Matt Rooney                    | 678-7625       | <a href="mailto:mrooney@co.cumberland.nc.us">mrooney@co.cumberland.nc.us</a>     |
| Town of Stedman:                | Jennifer Kersh (Administrator) | 323-1892       | <a href="mailto:jkersh@nc.rr.com">jkersh@nc.rr.com</a>                           |
| CCP&I Stedman Representative:   | Will Denning                   | 678-7612       | <a href="mailto:wdenning@co.cumberland.nc.us">wdenning@co.cumberland.nc.us</a>   |
| County Public Utilities:        | Amy Hall                       | 678-7637       | <a href="mailto:ahall@co.cumberland.nc.us">ahall@co.cumberland.nc.us</a>         |
| US Postal Service               | Laricia McIver                 | (704) 393-4481 | <a href="mailto:laricia.mciver@usps.gov">laricia.mciver@usps.gov</a>             |
| Corp of Engineers (wetlands):   | Liz Hair                       | (910) 251-4049 | <a href="mailto:hair@usacr.army.mil">hair@usacr.army.mil</a>                     |
| NCDEQ (E&S):                    | Leland Cottrell                | (910) 433-3393 | <a href="mailto:leland.cottrell@ncdenr.gov">leland.cottrell@ncdenr.gov</a>       |
| US Fish & Wildlife Services     | Susan Ladd Miller              | (910) 695-3323 | <a href="mailto:susan_miller@fws.gov">susan_miller@fws.gov</a>                   |
| Location Services:              |                                |                |  |
| Site-Specific Address:          | Ron Gonzales                   | 678-7616       | <a href="mailto:rgonzalez@co.cumberland.nc.us">rgonzalez@co.cumberland.nc.us</a> |
| Street Naming/Signs:            | Diane Shelton                  | 678-7665       | <a href="mailto:nameit2@co.cumberland.nc.us">nameit2@co.cumberland.nc.us</a>     |
| Tax Parcel Numbers:             |                                | 678-7549       |  |
| NCDOT (driveways/curb-cuts):    | Troy Baker                     | 486-1496       | <a href="mailto:tlbaker@ncdot.gov">tlbaker@ncdot.gov</a>                         |
| NCDOT (subdivision roads):      | David Plummer                  | 486-1496       | <a href="mailto:rdplummer@ncdot.gov">rdplummer@ncdot.gov</a>                     |
| N.C. Division of Water Quality: | Mike Randall                   | (919) 807-6374 | <a href="mailto:mike.randall@ncdenr.gov">mike.randall@ncdenr.gov</a>             |

cc: Jennifer Wilson-Kersh, Town of Stedman

## Edward Byrne

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**From:** Jennifer L. Wilson-Kersh <jkersh.tos@ncrrbiz.com>  
**Sent:** Sunday, March 06, 2016 7:06 PM  
**To:** Edward Byrne  
**Cc:** Willie Denning  
**Subject:** RE: Teets Case

Ed,

The Stedman Town Board voted unanimously to approve the variance request for both items (sidewalk & street). If you need more detailed information, please call the office and have Rebecca call me. I will not be back in the office until Wednesday, March 9, 2016.

Thanks,

Jennifer



Jennifer L. Wilson-Kersh, NC CMC  
Town Clerk/Finance Officer  
Post Office Box 220  
Stedman, NC 28391  
910.323.1892 Phone  
910.323.4255 Fax  
<http://www.townofstedman.com/>

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**From:** Willie Denning [<mailto:wdenning@co.cumberland.nc.us>]  
**Sent:** Friday, March 04, 2016 11:16 AM  
**To:** 'Jennifer L. Wilson-Kersh'  
**Subject:** Teets Case