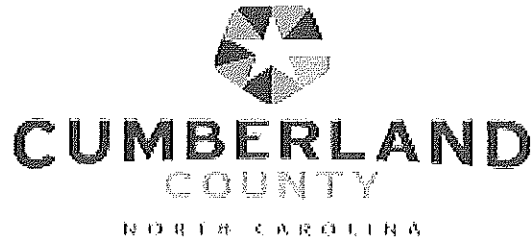


Members:
Gregory Parks
Marva Lucas-Moore
Linda Amos
Robert Davis
Vickie Mullins

Alternates:
Kenneth Turner
Stacy Michael Long



Board of Adjustment

130 Gillespie Street
Fayetteville North Carolina 28301
(910) 678-7602

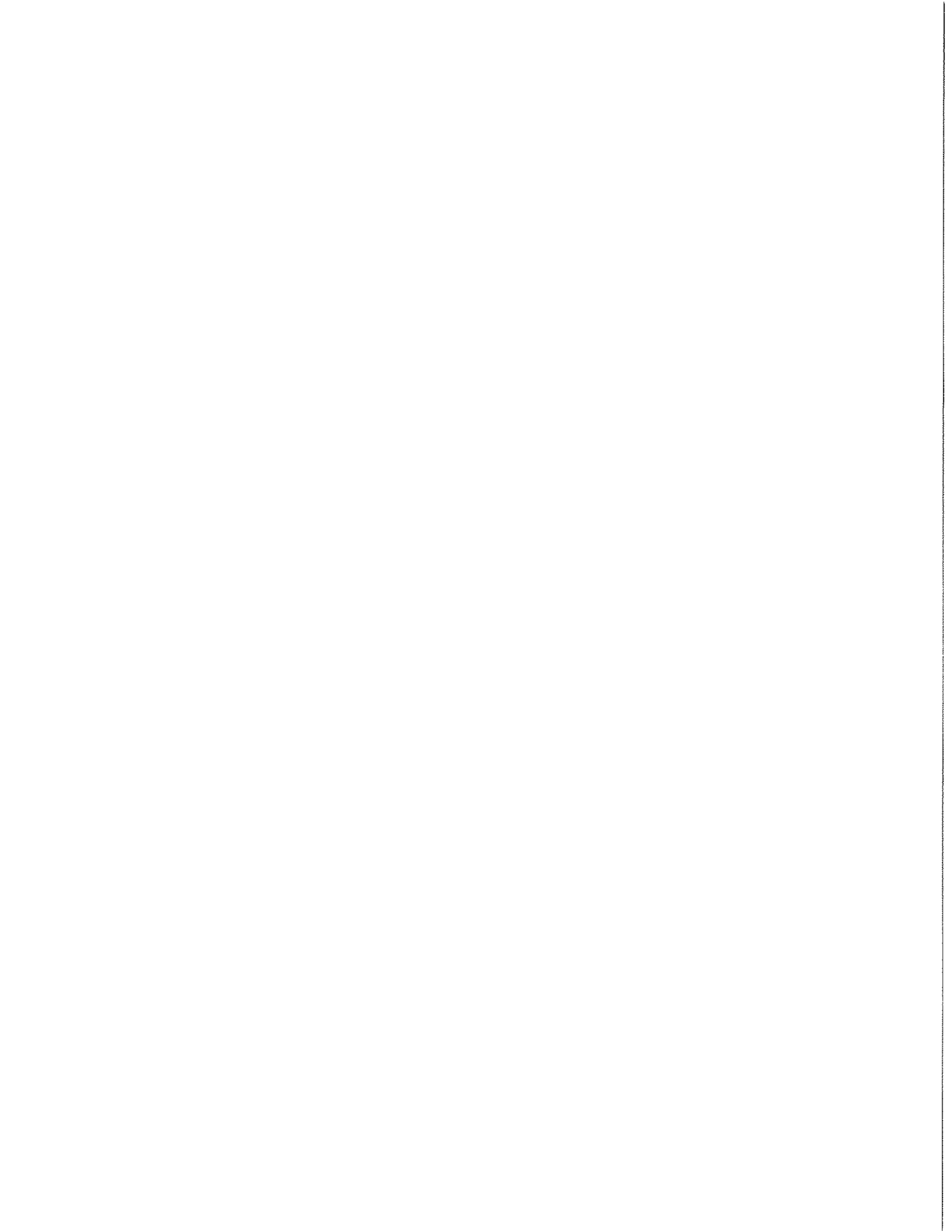
AGENDA
AUGUST 18, 2022
6:00 PM

A meeting of the Cumberland County Board of Adjustment is to be held on Thursday, August 18th, 2022, at 6:00 p.m. in Hearing Room #3 of the Historic Courthouse at 130 Gillespie Street, Fayetteville, North Carolina. The agenda is as follows:

1. INVOCATION & PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. SWEAR IN STAFF
4. ADJUSTMENTS TO THE AGENDA
5. APPROVAL OF THE JULY 21, 2022, MINUTES
6. ABSTENTIONS BY BOARD MEMBERS/BOARD MEMBER DISCLOSURES (SITE VISITS AND/OR PERSONAL AFFILIATIONS)
7. PUBLIC HEARING DEFERRALS/WITHDRAWALS
8. POLICY STATEMENT REGARDING APPEAL PROCESS
9. PUBLIC HEARING(S):
10. DISCUSSION/UPDATE(S)

BOA-2022-0019: Variance from Section 1002, Incidental Uses, Paragraph E., Accessory Structures, requesting storage building setback at 23 feet instead of required minimum of 30 feet; and Variance from Section 1102, Paragraph C, requesting fence setback at 19 feet instead of required minimum of 20 feet, for a lot containing 0.23 +/- acres within an R10 Residential Zoning District and located at 3625 Camden Road EXT., Cumberland County; submitted by Roger and Sarah Larson (property owner(s)).

11. ADJOURNMENT



Amy H. Cannon
County Manager

Tracy Jackson
Assistant County Manager



CUMBERLAND COUNTY

NORTH CAROLINA

Board of Adjustment

Rawls Howard
Director

David Moon
Deputy Director

MINUTES
June 16, 2022
6:00 PM

Members Present

CHAIR GREGORY PARKS
MARVA LUCAS-MOORE
ROBERT DAVIS
VICKI MULLINS
LINDA AMOS

Alternate Members in Attendance

Stacy Michael Long- Alternate

Absent Members

Kenneth Turner-Alternate

Staff/Others Present

David Moon
Alyssa Garcia
Shantee Owens
Robert Hasty (Asst County Attorney)
Scott Walters
Chris Portman

Chair Parks called the meeting to order at 6:00 p.m. in Public Hearing Room #3 of the Historic Courthouse.

Chair Parks stated the procedural matters are to turn off all cell phones and other electronic devices, other than the camera, are fine and if asked to speak at the podium to please speak clearly into the microphone as the meeting is being recorded.

1. INVOCATION

Vickie Mullins read the invocation.

PLEDGE OF ALLEGIANCE

Recited by all.

Chair Parks requested all cell phones be turned off. If asked to speak at the podium please speak into the microphone, take your mask off if you prefer. Chair Parks requested to limit time per speaker to 5 minutes and not to repeat what has been previously stated. If any Board member wishes to speak, please ask to be recognized by the Chair.

2. ROLL CALL

Mr. Moon called the roll. Mr. Moon started with the roll call; we have a quorum. We have all five members of the regular Board of Adjustment here this evening; one alternate is present.

SWEAR IN OF STAFF

Chair Parks swore in staff.

3. ADJUSTMENTS TO THE AGENDA

There were none.

4. APPROVAL OF THE May 19, 2022, MINUTES

Mrs. MARVA LUCAS-MOORE made a motion to approve the minutes from the May 19, 2022, meeting as written, seconded by Ms. Mullins. The motion passed unanimously.

Amy H. Cannon
County Manager

Tracy Jackson
Assistant County Manager



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Deputy Director

	IN FAVOR
PARKS	YES
AMOS	YES
LUCAS-MOORE	YES
DAVIS	YES
MULLINS	YES

5. ABSTENTIONS BY BOARD MEMBERS/BOARD MEMBER DISCLOSURES (SITE VISITS AND/OR PERSONAL AFFILIATIONS)

There were none.

6. PUBLIC HEARING DEFERRALS/WITHDRAWALS

There were none.

7. POLICY STATEMENT REGARDING APPEAL PROCESS

Mr. Moon read the policy statement.

8. PUBLIC HEARING(S)

Chair Parks read

BOA-2022-0019: Variance from Section 1002, Incidental Uses, Paragraph E., Accessory Structures, requesting storage building setback at 23 feet instead of required minimum of 30 feet; and Variance from Section 1102, Paragraph C, requesting fence setback at 19 feet instead of required minimum of 20 feet, for a lot containing 0.23 +/- acres within an R10 Residential Zoning District and located at 3625 Camden Road EXT., Cumberland County; submitted by Roger and Sarah Larson (property owner(s))

DAVID MOON: Thank you. David Moon, Deputy Director of Planning and Inspections. The slide presentation on the screen shows you the general location of the property within Cumberland County. It's typically south of the city of Fayetteville and northeast of Hope Mills. For case 22-0019, the applicant is Roger and Sarah Larson. They are requesting two variances, and I request this evening that the board take a motion and action on each of those two variances separately so that we have that for the record. The first variance is from section 1002 E of the zoning code related to this setback. For shed at a corner yard setback, the minimum standard for the setback is 30ft from the corner yard property line. The request by the applicant is for a 23-foot setback, an encroachment of 7ft into the corner yard setback area. The second variance request is from section 1002 C for a fence corner yard setback of 20ft. The applicant requests a 1ft encroachment for that fence into the set area so that it set at 19ft instead of at 20 ft. The lot is a corner lot located at the intersection of Gatesville Drive and of fronting Camden Road extension, it's a single-family residence. The diagram before you shows the situation. Here is the corner right here. This is the front yard of the lot.

CHAIR GREGORY PARKS:

I'm sorry, I can't okay

DAVID MOON:

Okay. Here's the front yard. This is what's called the corner yard. Where I'm pointing now is the rear yard. The applicant wants to locate a shed at this location, and I believe they have to present restrictions that they have regarding placement of the structure to the rear related to possibly the septic drainage filled area. So the request is to place this shed at a 23 ft. Setback instead of a 30 ft. Setback. The second request is related to the fence, and they request that the fence encroach, one foot into the corner lot yard set back by one foot.

Historic Cumberland County Courthouse | 130 Gillespie Street | P.O. Box 1829

Fayetteville, North Carolina 28301 | Phone: 910-678-7600 | Fax: 910-678-7631

co.cumberland.nc.us

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CHAIR GREGORY PARKS:

What are the numbers here you've got 4ft from the shed to what? to the fence?

DAVID MOON:

To the fence, correct and the setback line.

CHAIR GREGORY PARKS:

And the 1ft, I'm sorry.

DAVID MOON:

And the setback where the setback line should be in terms of the character of the property, its location. This map here shows you that it's in the R10 zoning district, which in our zoning code is really the R75. It's standard R10 is a zoning category that doesn't exist any longer. The soils on the property are good. There are no hydro or hydra inclusion soils. There is water and sewer lines available to the property. In the future land use map for the southwest of Cumberland land use plan. The property is low density residential. In terms of the site visit and pictures taken. This is a view from the front of the house. This is from the corner yard. Right now, you can see the shed there and a partially constructed fence. Another view of that corner lot yard. This is a view from the corner lot or to the front yard. That is from the west view. This is a north view off of Camden Road extension and the north view off of the Camden Road extension and then I'm back to the site plan showing the location of the sit shed and the fence. So, in summary, the two variances requested by the applicant are to allow the shed to be located 23ft from the property line versus a code minimum requirement of 30ft, and a second variance request to place the fence at 19ft from the property line versus a requirement of 20ft in the code. That concludes my

CHAIR GREGORY PARKS:

Give me that other pictures showing the RV and the?

DAVID MOON:

I'll let the Applicants explain that may be a temporary location for that shed at this time.

CHAIR GREGORY PARKS:

Okay, well we will hear from the applicant

DAVID MOON:

Would you at this time like to call the public hearing? And based on those that have signed up to speak in favor, we have the property owner, Roger Larson and Sarah Larson.

SARAH LARSON:

Good evening. Hey.

CHAIR GREGORY PARKS:

Can I swear you in, please, both of you, right hand, do you swear to tell the truth, and nothing but the truth, so help you God? Good please speak up or if you need the microphone lower it towards you

SARAH LARSON:

Hi, how are you all this evening?

CHAIR GREGORY PARKS:

There we go.

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County Manager

Tracy Jackson
Assistant County Manager



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SARAH LARSON:

There we go, so you have seen the diagram there?

DAVID MOON:

Can they give their name and address?

SARAH LARSON:

Sure.

CHAIR GREGORY PARKS:

I'm sorry.

SARAH LARSON:

My name is Sarah Larson. This is Roger Larson. We reside at 3625 Camden Road Extension, Hope Mills, North Carolina. So the diagram there shows our home, and then the picture showed a shed, a rather large shed. Yes. And an RV. It's actually a gooseneck trailer, it's not an RV, it's a camper and then a partially constructed fence. We had hired a contractor to install the fence and been ensured that they had received the appropriate permitting and then we received notice that we were in violation, and we did not know that, and that's why the fence is not complete. We asked them to cease working on it when we received the violation.

CHAIR GREGORY PARKS:

Okay. Did you get a permit to put the building on the property

SARAH LARSON:

When we purchased the property or when we purchased the building? We were told that we weren't required to have one because we weren't technically what we were told is because we're not technically in the city or we're in the county, so it wasn't required, is what we were told when we made the purchase.

CHAIR GREGORY PARKS:

Who told you that?

SARAH LARSON:

The company that we purchased from and the company that delivered it.

CHAIR GREGORY PARKS:

Really? ok I understand that Okay. All right, and the so you purchased the house?

SARAH LARSON:

We purchased the house in 2006, yes.

CHAIR GREGORY PARKS:

Okay. And when did you put the building on the property?

SARAH LARSON:

We put the building on the property. It was delivered in early November of 2021. 21. Correct.

CHAIR GREGORY PARKS:

Okay. All right. And if you had the fifth wheel out there the whole time?

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SARAH LARSON:

The fifth wheel has been parked out there? Not parked, but that's parked, yes. For probably about five years now.

CHAIR GREGORY PARKS:

Then you called the fence guy and said, hey, go get a permit and come build me a fence.

SARAH LARSON:

Yes, sir.

CHAIR GREGORY PARKS:

And he said, Everything's good. Start building your fence. And then you got a notification from somebody else.

SARAH LARSON:

We got a notification from the county saying that we were in violation of the ordinance for the setback. Well, it didn't say why we were in violation. It just said we were in violation. So, at that point, I wasn't sure if the contractor had actually obtained the appropriate permit or not; contacted the contractor, he said that it was a confusion. He would get downtown and correct it the next day. Well, we were concerned, so I called the next day and found out that we were actually in violation of the setback and that there was more than just the purchase permit, like the building permit for the fence that was a problem.

CHAIR GREGORY PARKS:

Okay. Question ya'll?

LINDA AMOS:

Would you have enough space to make the adjustments for the one ft.?

SARAH LARSON:

So part of the problem with that is we have a pool in our backyard that was there when we purchased the home. And so if we shifted the building in, the building would be right on top of the pool.

ROGER LARSON:

So we got the building because we really can't afford to buy a new house right now. In the last three years, we've had three kids. We've got a two-and-a-half-year-old, and we have two five-month-old at home.

CHAIR GREGORY PARKS:

Twins, huh?

SARAH LARSON:

We had twins.

ROGER LARSON:

We're out of room. We are out of room, and we're just not, we've been here 16 years. We love the neighborhood. We don't want to go anywhere. We really don't. And I need someplace for my kids to play. That road that runs down the side of there, that's like

SARAH LARSON:

it wasn't there when we purchased the home. The road was there, but the part that connected to Camden was not there.

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Tracy Jackson
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ROGER LARSON:

Right.

SARAH LARSON:

Camden Road Extension used to go to Camden, and then that got closed off, and Oakland got opened all the way up to Camden. And so now everyone uses that as their fly through to cut through the neighborhood from Legion to Camden.

ROGER LARSON:

So, I mean, we need some place for kids to play. We need it fenced off, so they have some place to go outside.

SARAH LARSON:

And if I may also add, we do apologize. We didn't know we were doing anything wrong. There's lots of other houses in our neighborhood that have fences and buildings and all kinds of things a lot closer than what we were doing. So, we thought we were okay. We thought we were far enough back, and we were just naïve and didn't know the difference.

CHAIR GREGORY PARKS:

So what you're saying is that if you took your existing let me have a picture again, please, David. The one showing the RV or the fifth wheel. So, what you're saying is that you can't take that building and move it inside your fence because your swimming pool is there.

SARAH LARSON:

Yes, sir.

CHAIR GREGORY PARKS:

Okay. And you can't take that building and move it anywhere in your backyard?

SARAH LARSON:

Not unless I put it in the pool.

CHAIR GREGORY PARKS:

Does the pool take up the whole yard?

SARAH LARSON:

It does.

ROGER LARSON:

It's 16ft wide by 32ft long. It pretty much takes up our whole back yard.

VICKI MULLINS:

Is it an in-ground pool?

SARAH LARSON:

It is an above ground pool, but it is one of the it was there when we bought the home. It's a steel walled pool. It's not a pool that we bought from Walmart.

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ROBERT DAVIS:

Were on two separate things, are we talking about the fence now and

SARAH LARSON:

I think we're discussing it all.

ROBERT DAVIS:

Okay.

SARAH LARSON:

The house that's immediately across from us, they received notice for this hearing, but they weren't here. Their fence is less than a foot from the road, so we really didn't know what we were doing was wrong.

CHAIR GREGORY PARKS:

But they're not on a corner lot.

SARAH LARSON:

They are on a corner lot.

CHAIR GREGORY PARKS:

Oh, really? Their fence is a foot from the road?

SARAH LARSON:

Yes sir

ROGER LARSON:

And then if you go all the way down to the end of Camden Road, where it used to see the road

SARAH LARSON:

Camden Road extension.

ROGER LARSON:

Camden Road extension, their fence is about a foot from the maybe it's 2ft from the road, too, and they're on a corner lot. We have so many examples of people in our neighborhood that have a lot more encroachment than what we have. We have other houses in our neighborhood that have the same problem and have buildings on their property too on the corner lot.

DAVID MOON:

Chair. Would you like to close the hearing at this point and then go into your discussion?

CHAIR GREGORY PARKS:

Yes. I'm sorry, please. I'd love to close here in just a second so we can discuss just a minute.

CHAIR GREGORY PARKS:

And the building has been there how long?

SARAH LARSON:

The RV or the camper has only been out there for five and the building went up there in November of 2021. Now, that black vehicle that's there, that's not ours. People just drop stuff in our yard all the time. Was another reason why

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we were hoping to be able to secure the area.

CHAIR GREGORY PARKS:

Just a word of advice or something. If you want to secure the area, why don't you build that fence 16ft high?

SARAH LARSON:

Well, it's an option, but first we have to get approval from the variance.

CHAIR GREGORY PARKS:

That was pretty sharp, pretty sharp

ROBERT DAVIS:

One other question, that fence that their building, its up again another fence isn't it ?

SARAH LARSON:

Yes sir.

ROBERT DAVIS:

That's your other fence?

SARAH LARSON:

Yes sir

SARAH LARSON:

It goes right next to the fence

ROBERT DAVIS:

It goes right up to the other fence, So the other fence is ok?

SARAH LARSON:

yes sir

CHAIR GREGORY PARKS:

Ya'll haven't torn down that fence yet have you?

SARAH LARSON:

No, sir. We were waiting until the new fence was completed. We have children and dogs, and we weren't going to do that until after the new fence was completed.

CHAIR GREGORY PARKS:

How far off that electrical box are you? Four, five, 6ft, or whatever that box is.

SARAH LARSON:

It's actually a phone box.

CHAIR GREGORY PARKS:

Okay.

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SARAH LARSON:

It's been taking out several times by different vehicles flying through the neighborhood.

CHAIR GREGORY PARKS:

They had to get a variance for that. I don't know. Bring me the picture up again or where the variance is. Or tell me where the variance is on this picture. Okay.

DAVID MOON:

Two variances. First, it's for the fence. The fence line is from that blue.

CHAIR GREGORY PARKS:

That blue thing is where the building is, correct?

SARAH LARSON:

Yes, sir.

CHAIR GREGORY PARKS:

Okay.

DAVID MOON:

The proposed location

CHAIR GREGORY PARKS:

Right. That's where the building ends.

SARAH LARSON:

That's where the building is

CHAIR GREGORY PARKS:

Period, Correct Mr. Moon?

CHAIR GREGORY PARKS:

And it's 4ft. Mr. Moon, help me there. 4ft from what? The property line? From the fence.

SARAH LARSON:

From the fence?

CHAIR GREGORY PARKS:

From the fence, the new fence.

SARAH LARSON:

The new fence that we're applying for the variance to be able to keep.

CHAIR GREGORY PARKS:

Okay. And the variance is that you want a 1ft variance because it should be in 1ft.

SARAH LARSON:

For the fence? Yes, sir, for the fence

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CHAIR GREGORY PARKS:

Okay. All right.

SARAH LARSON:

And then it's seven-foot variance for the building because it should be 30ft and it's currently in 23.

CHAIR GREGORY PARKS:

Okay.

MARVA LUCAS-MOORE:

Who owns that land? Outside of the fence near that cable box who owns that?

SARAH LARSON:

I thought I did, and I do. But there's a line that runs there for PWC.

CHAIR GREGORY PARKS:

An easement from the middle of the street

SARAH LARSON:

Correct. Right from the middle of the street to that line. But we own that entire lot.

DAVID MOON:

May I comment chair, based on what you can find on the last page of the staff report, under the findings of facts is the zoning or variance criteria. There are four criteria. One is unnecessary hardship would result from the strict application of the ordinance. There are conditions peculiar to the property, such as location, size, or topography. The request variance will be consistent with the spirit, purpose, and intent of the ordinance such that the public safety is secured, and substantial justice is achieved. And then the special circumstances are not the result of the actions of the applicant. So those are the four criteria that you consider, and then, based on the findings of fact, the evidence of testimony makes a determination of whether a hardship exists to grant the variance. This case, there's two variances.

CHAIR GREGORY PARKS:

Right, were still in discussion here

SARAH LARSON:

May I

CHAIR GREGORY PARKS:

Sure, you can

SARAH LARSON:

If you look at exhibit G of our applicant's response, and you go through I went through the specifics of each of those things that had to be met in order for the variance to be granted. So, I talk about the unnecessary hardship, the conditions that are peculiar, all of those things, and what our opinions are and why we would be entitled that variance. Not entitled, apparently that's the wrong word. Eligible.

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CHAIR GREGORY PARKS:

We're still in discussion to the rights for the property

SARAH LARSON:

Sure, just wanted you to have that information

ROBERT DAVIS: Couldn't we just make a motion that we grant the variance based on the finding's facts listed in Exhibit G?

ATTY ROBERT HASTY: Yes, if you agree with those findings are sufficient for the variance you can incorporate that too

ROBERT DAVIS: Yes, the finding facts

CHAIR GREGORY PARKS:

Now were out of discussion. Okay.

ROBERT DAVIS:

I'd like to make a motion that the variance be granted for the fence variance based on the finding's facts listed section G of the exhibits. Can I get a second?

VICKI MULLINS:

Second

CHAIR GREGORY PARKS:

OK we got a second

DAVID MOON:

ask for a vote for that motion

CHAIR GREGORY PARKS:

All in favor say I/ All opposed

	IN FAVOR
PARKS	YES
AMOS	YES
LUCAS-MOORE	YES
DAVIS	YES
MULLINS	YES

CHAIR GREGORY PARKS:

Now can we do the second variance now Mr. Moon

DAVID MOON:

Second variance now would be for the shed.

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ROBERT DAVIS:

I would like to make a motion that the second variance be granted based on the finding facts also listed in exhibit G of the exposition

VICKI MULLINS:

Second

CHAIR GREGORY PARKS:

Do I have a vote on that. All in favor I, all opposed. carries

	IN FAVOR
PARKS	YES
AMOS	YES
LUCAS-MOORE	YES
DAVIS	YES
MULLINS	YES

DAVID MOON:

That would complete the case, and both variances are approved.

CHAIR GREGORY PARKS:

Congratulations

SARAH LARSON:

Thank you all very much. Thank you for your time and everything. Thank you.

ROGER LARSON:

Have a good night.

SARAH LARSON:

Thank you.

CHAIR GREGORY PARKS:

Alright Mr. Moon

DAVID MOON:

We are now at case BOA 22-0018 chair would you like to read the case heading?

CHAIR GREGORY PARKS:

Here we go. Alright Case BOA-2022-0018 variance from section 203 accessory building county zone ordinance to allow a garage/storage building to be larger than a residential house within an A1 agricultural zoning district for two plus acres located at 1919 Tom Starling Rd, Cumberland County submitted by Joshua and Precious Buckner property owners continued from May 19, 2022. Mr. Moon, can I ask where we are in this case?

DAVID MOON:

Yes, sir. The board at the May hearing continued the case this evening, given an opportunity for staff to communicate with the applicant to discuss possible alternatives, options related to the variance requests, and for myself to meet with the chair, Mr. Parks, about the procedures with any conditions that the board may place on any variance request.

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So, I did have communications with the applicant. Mr. Buckner and I did meet with the chair to talk about the procedures regarding the variance at the last hearing, we're still in the process of the public hearing and staff report. So, at this point, unless you want to review the presentation from the last meeting, the board would be at a position to consider the variance and ask the applicant if they possibly have any options to the variance. As a summary, the variance request is related to a picture of it, of the storage building and two lean-tos that are attached to the shed. The variance request is for an accessory structure that is larger than the primary residential home. The building without the lean-tos satisfies the code requirements, and then that shed that storage building would be insubordinate to the largest single-family home on the property. There are two single family homes. Once the applicant added the two lean-tos to the shed, it then came in violation. It breached the code by having an accessory structure that was larger than the primary residential structure. So that is the request, again, is the variances request by the applicant is to have a larger storage building than the primary structure.

CHAIR GREGORY PARKS:

Do we have anybody here to speak on that part

DAVID MOON:

I believe Mr. Buckner is present.

CHAIR GREGORY PARKS:

ok Mr. Buckner

JOSHUA BUCKNER:

Yeah

CHAIR GREGORY PARKS:

Let me swear you in please

JOSHUA BUCKNER:

Yes sir

CHAIR GREGORY PARKS:

Do you swear to tell the truth, nothing but the truth so help you God?

JOSHUA BUCKNER:

I do

CHAIR GREGORY PARKS:

Thank you

JOSHUA BUCKNER:

Thank you, sir.

CHAIR GREGORY PARKS:

Okay. Have you come up with any ideas on what you think you can do to make this help us help you?

JOSHUA BUCKNER:

So Mr. Moon had spoke with me last week, and he had mentioned up, what if we put up a partition wall to separate it and say one side belongs to one of the homes, the other one belongs to the other home?

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CHAIR GREGORY PARKS:

Correct.

JOSHUA BUCKNER:

I told him I have absolutely no issues doing that. I mean, I don't like to spend the money to do that, but I will do that if it will satisfy, and I will get it done. That was the solution that we talked about. But before I took any action at all, I wanted the board to get a thumbs up because I just want something in writing saying, this is good, good to go, and we can kind of move forward. That was the solution. Mr. Moon and I.

CHAIR GREGORY PARKS:

Okay. All right to bring all you all up to speed on what we've done, we've taken a lot of time and I've spent people in planning and permit department has spent some time on this trying to think of a way to help you so; we have the variance options with a wall by putting it up. There is a variance that we need to get on top of that. We were talking about taking the building and putting the wall right down the middle of the building. The wall down the middle of the building is going to have to be metal and approved by the engineer of the storage building. Follow me? So, everything will be copasetic or engineered and they need to stamp off on that. So that's what we were thinking of. That's what we came up with, that idea. Now I understand that we need a five-foot variance, a five-foot separation between those two walls, so that throws another kink in. All right? So, were going to need to, if he decides to put a wall down there, then we're going to need to have a variance, so he doesn't have to separate it by 5ft. That means you're going to have to put a wall down the middle and then put another wall at 5ft. Follow me?

So, we need to give him that variance to start off with and then if he decides to do that, then these are the conditions that he has to do. And you don't have time to grant the other variance. Follow me. You hear what we're trying to do here, and I'll read these to you. Two homes occur on the lot. Unique conditions with this property is 40 grand variance, two homes car lot. A five-foot-high screen fence owned by the property owner follows the entire property line except the driveway entrance screening, the view of the shed from the budding homeowners. We don't have a problem with it standing out. Nobody can even see it honestly except the top ridge, so it's not ostentatious. The lean-tos are not enclosed, and the appearance of the shed is improved with the lean-tos than without the lean-tos are subordinate in floor area to the enclosed shed.

Variance request is approved subject to the following conditions. A wall is constructed in the interior shed as though it was two sheds. Structural engineer must approve the wall. No other storage sheds or similar storage sheds will be allowed on the property at any time in the future. Okay? A five-foot-high screen, a page screen fence shall remain at the perimeter of the property. He can't take down the fence at any time. The lean-tos shall not be enclosed or expanded. He can't enclose the lean-tos, they're just outside. Failure to complete the wall within 90 days shall void the variance. Once we give them the variance, then 90 days, unless the date is extended by the board of adjustments. Failing to comply with these conditions shall require removal of the lean-tos within 30 days from written notice with the code enforcement. Okay? The variance only applies to the current shed. Shouldn't be substantially damaged or replaced. Any new shed shall meet the building code. In other words, if a hurricane comes in and blows that shed down, you can't build another one that same size with the lean-tos follow me?

JOSHUA BUCKNER:

Yes, sir.

CHAIR GREGORY PARKS:

Okay. All right, now and we will give you a list of all these conditions so you can make sure you follow all those conditions.

Amy H. Cannon
County Manager

Tracy Jackson
Assistant County Manager



CUMBERLAND
COUNTY
NORTH CAROLINA

Rawls Howard
Director

David Moon
Deputy Director

Board of Adjustment

DAVID MOON:

You might ask the applicant if he would agree to those conditions.

CHAIR GREGORY PARKS:

Well, will you agree to these conditions if we give you the variance?

JOSHUA BUCKNER:

Yes, sir. Just one question. The wall. I would agree, as long as, except for the five-foot separate that's only

CHAIR GREGORY PARKS:

I understand that that's what we're trying to do as well.

JOSHUA BUCKNER:

Yes, sir.

CHAIR GREGORY PARKS:

Okay. We're trying to give you a variance that you don't need to be five ft.

JOSHUA BUCKNER:

Okay

CHAIR GREGORY PARKS:

Then we're going to give you the variance and I don't know which way we're going to do it. We're going to give him a variance. We can't give a variance on the wall without giving any variance on the five-foot separation.

DAVID MOON:

Correct. The board would have to grant a variance for the five-foot separation. We did not advertise the variance with the five-foot separation unless Mr. Hasty opines otherwise, we would need to continue this hearing to next month. Advertise for the variance for the building separation and then take action at that hearing.

ATTY ROBERT HASTY:

That is correct. If the variance wasn't advertised correctly, we would need to do that. Technically the variance isn't correct

CHAIR GREGORY PARKS:

Even though the wall is interior, and no one can see it anyway.

ATTY ROBERT HASTY:

Technically, it's a variance request

CHAIR GREGORY PARKS:

Okay alright, technical. I'm going by the rules. Alright, so were going to go by the rules. Will the applicant agree to the continuation so we can properly advertise for the variance of the 5 ft. Separation of the wall in the shed; Once let me finish. Once that is done, and then we have the next meeting. What we're trying to do at the next meeting is give you a variance on the five-foot separation wall plus give you the variance to build the wall in the middle.

Historic Cumberland County Courthouse | 130 Gillespie Street | P.O. Box 1820
Fayetteville, North Carolina 28301 | Phone: 910-678-7600 | Fax: 910-678-7631

co.cumberland.nc.us

Amy H. Cannon
County Manager

Tracy Jackson
Assistant County Manager



CUMBERLAND
COUNTY
NORTH CAROLINA

Rawls Howard
Director

David Moon
Deputy Director

Board of Adjustment

JOSHUA BUCKNER:

Yes, sir.

CHAIR GREGORY PARKS:

Do you agree with that?

JOSHUA BUCKNER:

I would agree with that, sir.

CHAIR GREGORY PARKS:

Okay. Also, by the time next time we meet, I want you to have the engineer from your shed sign off on what kind of wall it needs to be. Anyhow all you need is a wall. Can I inform him? What does the wall need to look like or anything? I can't do anything. Just tell your man the people there that you want a wall in there and tell me how I can get it engineered so you can do a stamp on how I secured at the top. And have you gotten the channel for the wall? What kind of studs did you all put up on the exterior of the wall where they just channel?

JOSHUA BUCKNER:

They're like metal tubing.

CHAIR GREGORY PARKS:

Exactly right, so ask him for metal tubing wall going down the middle of the thing. Okay, just ask him for an engineered stamp drawing showing that, and then you'll need to come back with that. Or does he need to bring that to you before we have the meeting?

DAVID MOON:

He can bring that to the meeting as a request by the board. If the variance is approved, the applicant would have to submit a building permit wall to build that wall, and their structural engineer would need to sign off on those plans.

CHAIR GREGORY PARKS:

Yes, sir.

DAVID MOON:

Whether the material is metal or wall that depends on what the structural engineer approves and what the applicant prefers for the material on the wall.

Amy H. Cannon
County Manager

Tracy Jackson
Assistant County Manager



CUMBERLAND
COUNTY
NORTH CAROLINA

Rawls Howard
Director

David Moon
Deputy Director

Board of Adjustment

JOSHUA BUCKNER:

I do have a question because we're getting kind of mixed up here. The first thing said it had to be metal, and then getting something different that it may not have to be based upon what the engineer says.

CHAIR GREGORY PARKS:

Whatever the engineer says that stamps your whatever he says, we go by that, but the engineer has to be an engineer that is connected to that company. And you couldn't go get Greg Parks to stamp your thing being a professional engineer?

JOSHUA BUCKNER

Yes, sir.

CHAIR GREGORY PARKS:

Well, they want it from the company you bought the building from.

JOSHUA BUCKNER:

Yes, sir. That makes sense.

DAVID MOON:

What the applicant can do is, after this hearing, if the board approves continuing the hearing to next month is the applicant meet with the code enforcement manager and he can explain to him what information he needs to modify the existing building permit to include the CUDA wall.

CHAIR GREGORY PARKS:

Thank you, Mr. Walters, Thank you. okay alright

SCOTT WALTERS:

Can I add some information just so were all clear?

DAVID MOON:

Swear in

CHAIR GREGORY PARKS:

Stand up let me swear you in. right hand, do you swear to tell the truth

ATTY ROBERT HASTY:

I think he swore in with the other staff

Amy H. Cannon
County Manager

Tracy Jackson
Assistant County Manager



CUMBERLAND
COUNTY
NORTH CAROLINA

Rawls Howard
Director

David Moon
Deputy Director

Board of Adjustment

SCOTT WALTERS:

Yeah, I did

CHAIR GREGORY PARKS:

Oh you swore in with the other staff

SCOTT WALTERS:

I just want to make reference to this engineered letter that we're talking about. It does not have to be from the company that he bought the building from, unless that's a condition that you guys put on it

CHAIR GREGORY PARKS:

Okay.

SCOTT WALTERS:

As long as the structural engineer is certified in the state of North Carolina, signs off on how that would be done, we would accept that from the code department just to clarify that. Okay.

CHAIR GREGORY PARKS:

All right, thank you. And if you will discuss with him what his options are to the best of your ability. I know what I would do, but if you will help him in that aspect, I would appreciate it. Thank you.

SCOTT WALTERS:

Yes sir

CHAIR GREGORY PARKS:

Any other questions up here about the issue? Do we need to make a motion to continue?

DAVID MOON:

Yes sir

MARVA LUCAS-MOORE:

I Marva Moore, make a motion to continue BOA-2022-0018 variance from section 203 until next meeting

DAVID MOON:

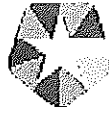
Which is July the 15th

MARVA LUCAS-MOORE:

July 15th

Amy H. Cannon
County Manager

Tracy Jackson
Assistant County Manager



CUMBERLAND
COUNTY
NORTH CAROLINA

Rawls Howard
Director

David Moon
Deputy Director

Board of Adjustment

DAVID MOON:

the third Thursday of July at 06:00 p.m.

CHAIR GREGORY PARKS:

Do I have a second?

No, let me make a correction. That's a Friday, so it would be the 21st, 21st July

CHAIR GREGORY PARKS:

July 21st, do I have a second?

ROBERT DAVIS:

I second that

CHAIR GREGORY PARKS:

All in favor? All opposed? Pass.

	IN FAVOR
PARKS	YES
AMOS	YES
LUCAS-MOORE	YES
DAVIS	YES
MULLINS	YES

CHAIR GREGORY PARKS:

We already had the motion correct

DAVID MOON:

Yes. To continue?

CHAIR GREGORY PARKS:

Hold on. All right, discussion. Vice chairman nomination. We have discussed Mr. Moon and Linda Amos is going to be vice chairman, okay, so if you put that in the minutes.

DAVID MOON:

We just need a motion, a second and an action.

VICKI MULLINS:

I make a motion that we nominate/ appoint Linda Amos as our Vice Chair for the Cumberland County Board of Adjustments

Amy H. Cannon
County Manager

Tracy Jackson
Assistant County Manager



CUMBERLAND COUNTY

NORTH CAROLINA

Board of Adjustment

Rawls Howard
Director

David Moon
Deputy Director

CHAIR GREGORY PARKS:

All in favor? All opposed? carries.

	IN FAVOR
PARKS	YES
AMOS	YES
LUCAS-MOORE	YES
DAVIS	YES
MULLINS	YES

CHAIR GREGORY PARKS:

Okay, I have another situation to bring up. The board has recommended two alternates for the BOA membership, and I can't make that motion either can I? So here we go. I'm going to give this man right here

DAVID MOON:

Did you want to open up for discussion then? No. Then

CHAIR GREGORY PARKS:

We've already discussed it

DAVID MOON:

Okay.

CHAIR GREGORY PARKS:

I don't even think I can do that

ROBERT DAVIS:

I would like to have a motion to, let me read the names, let me put my glasses on alright

CHAIR GREGORY PARKS:

There and there

ROBERT DAVIS:

I would like to have a motion that following two names be added to the alternates for the Board of Adjustments and the two names are Gary A. Silverman and Ian Reeves

DAVID MOON:

Okay, the motion is a recommendation to the Board of County Commission for their consideration, that's the motion

CHAIR GREGORY PARKS:

We have a motion.

Amy H. Cannon
County Manager

Tracy Jackson
Assistant County Manager



CUMBERLAND
COUNTY
NORTH CAROLINA

Rawls Howard
Director

David Moon
Deputy Director

Board of Adjustment

MARVA LUCAS-MOORE:

I'll second it

CHAIR GREGORY PARKS:

All in favor? Any discussion? All in favor? Aye. All opposed? Motion carries

	IN FAVOR
PARKS	YES
AMOS	YES
LUCAS-MOORE	YES
DAVIS	YES
MULLINS	YES

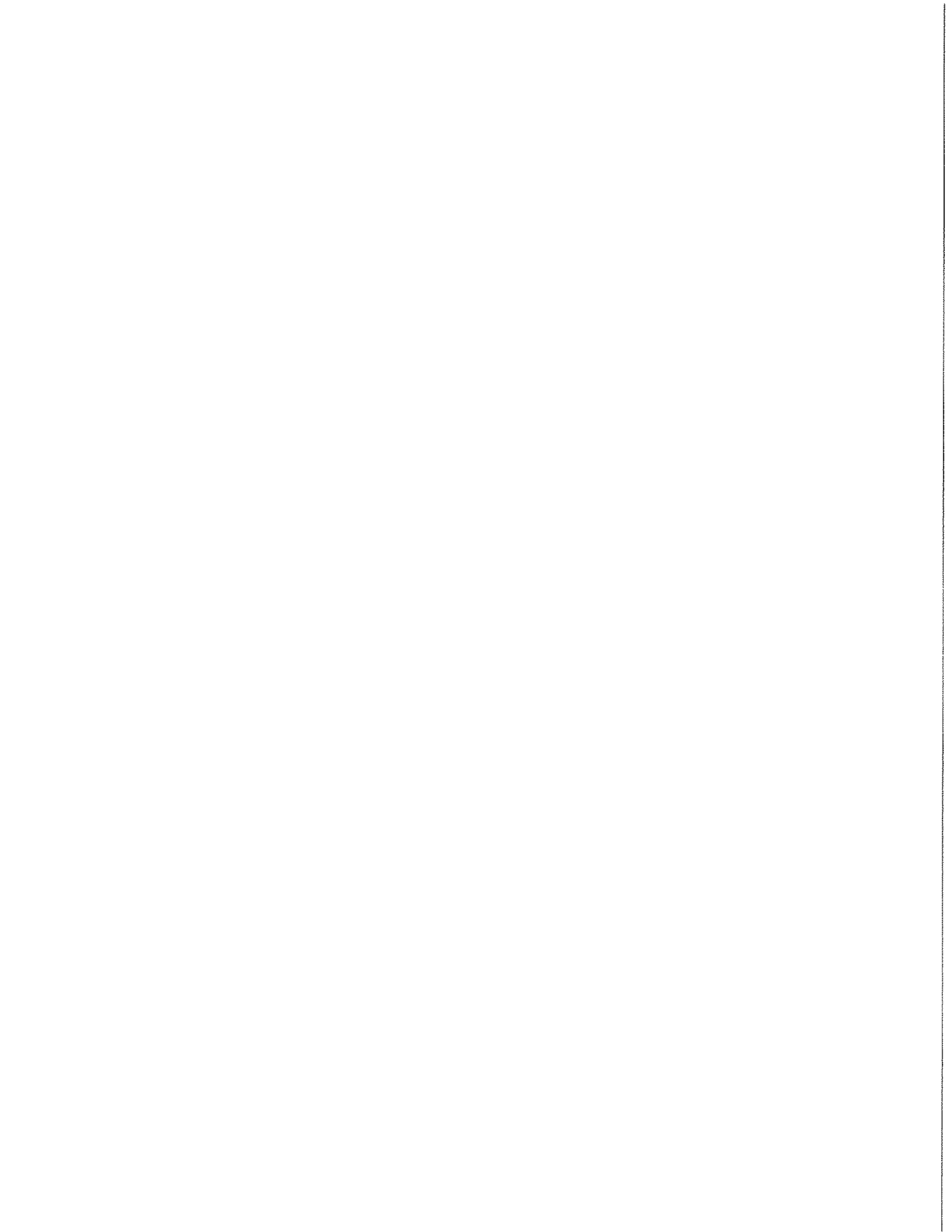
Mr. Parks made a motion to adjourn the meeting, seconded by Ms. Mullins. The motion passed unanimously.

	IN FAVOR
PARKS	YES
AMOS	YES
LUCAS-MOORE	YES
DAVIS	YES
MULLINS	YES

Meeting adjourned at 7:10 pm.

Greg Parks, Chairman

Shantee Owens, Administrative Coordinator I



EXPLANATION OF THE REQUEST **Variance—Accessory Building in Setback & Fence in Setback**

Property owner requests the BOA grant a variance from section 1002.E, for shed setback 23 feet from property line of corner yard (minimum 30 feet for corner lot); and a variance from section 1102.C, requesting 19 feet from corner lot setback (1 foot encroachment) for fence. The owner's residential lot is located at 3625 Camden Road Ext. and as shown on Exhibit "A".

Owner has an 11 ft. x 24 ft. storage shed positioned next to the existing fence on the right side of the home and property. Being a corner lot, and the home is subject to R7.5 setback standards, the front yard setback is 30 feet from the R/W line. The shed is 7 feet inside the 30-foot setback requirement, requiring a variance to reduce the setback from 30 feet to 23 feet. Property owner also wants to install a wooden fence on the same side of the property as the shed, which would encroach the setbacks again. Solid fences and walls shall be limited to three feet in height when projecting into or enclosing a minimum front yard. When a corner lot follows two front yard setbacks, as determined by the Coordinator, a solid fence or wall greater than three feet in height, but not exceeding seven feet in height, may not be erected within 20 feet of the right-of-way on the street deemed the secondary front yard by the Coordinator. The sketch plan appearing in Exhibit "B" (attached) illustrates the locations within the lot where the setback variances are requested.

- Exhibits**
- A. Site Location/Zoning
 - B. Site Plan (attached)
 - C. Existing and Surrounding Uses
 - D. Soils and Utilities
 - E. Future Land Use Map
 - F. Applicable Codes (attached)
 - G. Applicant's Response
- Attachment: mailing list
variance application

PROPERTY INFORMATION

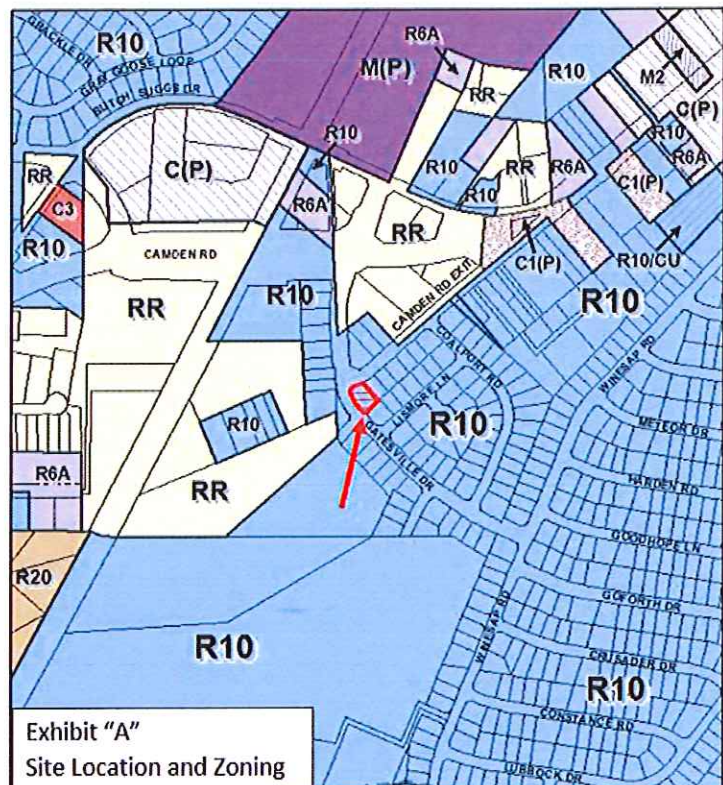
OWNER/APPLICANT: Roger & Sarah Larson

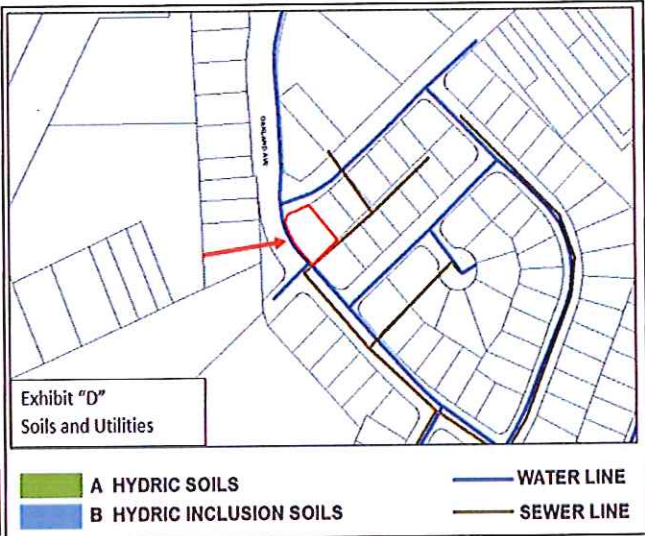
ADDRESS/LOCATION: Located 3625 Camden Road EXT. Refer to Exhibit "A", Site Location.

REID number: 0415938629000

SIZE: 0.23 +/- acres. The lot has approximately 68 +/- feet of street frontage along Camden Road EXT, and 129 +/- feet along Oakland Ave.

EXISTING ZONING: The zoning map for Cumberland County, as shown in Exhibit "A" indicates that the subject site is assigned to R10 Residential zoning district. R10 is a dormant district and refers to R7.5. This district is designed primarily for single-family dwellings on lots with a lot of area of 7,500 square feet or above.





EXISTING LAND USE: The parcel is occupied by a single-family home. Refer to Exhibit "B" Site Plan (attached) and Exhibit "C" for existing use of the subject site.

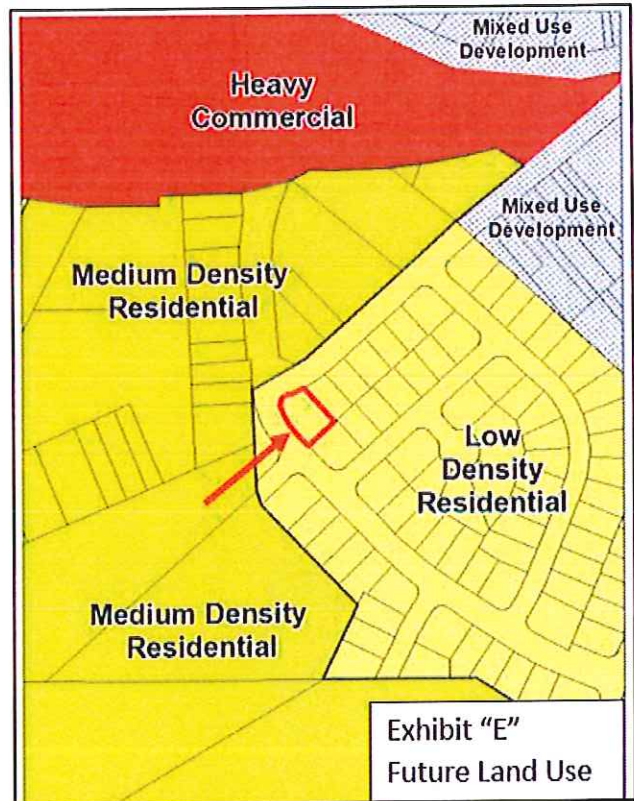
SURROUNDING LAND USE: An aerial photograph appears in Exhibit "C", illustrating the following character of the surrounding properties are single-family homes within the Legion Hills neighborhood.

OTHER SITE CHARACTERISTICS: The property is not located within a 100-Year Flood Zone nor situated within a watershed. There are no hydric and hydric inclusion soils present, as shown in Exhibit "D".

MINIMUM YARD SETBACKS: For the R7.5 zoning district, the minimum yard setbacks are –

- Front- 30 feet
- Rear- 35 feet
- Side- 10 feet (One story); 15 feet (two story)

COMPREHENSIVE PLANS: This property is located within the Southwest Cumberland Land Use Plan. The future land use classification of the property is Low Density Residential, as shown in Exhibit "E".



IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

TRAFFIC: The subject parcel sits on Camden Rd Ext. which is a local road in the Metropolitan Transportation Plan. There are no roadway construction improvement projects planned for State Road and the subject property will have no significant impact on the Transportation Improvement Program. In addition, there is no 2020 AADT listed for Camden Rd Ext. However, this road is an extension of the main Camden Rd and Camden Rd's 2020 AADT is 13,000 and the road capacity for Camden Rd is 38,100. Due to the lack of data and the small scale, the new zoning request does not demand a trip generation. The new adjustment should not generate enough traffic to significantly impact Camden Road Ext.

UTILITIES: PWC water and sewer utilities are available. It is the applicant's responsibility to determine if these utilities will adequately serve their development.

SPECIAL DISTRICTS: The subject property is not located within five miles of Fort Bragg Military base. The subject site is near the Fayetteville Regional Airport Overlay District, but not located within.

APPLICABLE CODES

Section 203, Definition of Specific Terms, Variance. (Exhibit "F")
Section 1002: Incidental Uses Paragraph E, Accessory Structures (Exhibit "F")
Section 1102 Yard Regulations Paragraph C, Fences and Walls (Exhibit "F")
Section 1605, Variance, County Zoning Ordinance (Exhibit "F")

SITE PLAN

A plan illustrating the home with the proposed fence and shed is shown in Exhibit "B". A survey of the property was not submitted with the variance application.

FINDINGS OF FACT

Criteria that must be addressed for evaluation of a variance application originate from Section 1605 of the Zoning Code and are listed below.

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

Applicant's response to each of these criteria are provided within Exhibit "G."

MOTION

The BOA is requested to take action/motion based on the four findings of fact for the variance request from Section 1002. E and a variance from Section 1102. C, in the County Zoning Ordinance. The action is final, and the BOA has the authority to approve, deny, or approve with conditions.

EXHIBIT "B"
Site Plan

3625 Camden Road Ext., Hope Mills, NC 28348



Building Size: 11 ft x 24 ft
Fence -----
Fence would be 19' from the road; 85' 7" long and run 26' away from our home.

Exhibit "F"
Applicable Zoning Codes

SECTION 203. DEFINITIONS OF SPECIFIC TERMS AND WORDS.

Variance: A variance is a relaxation of the terms of this ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. (Section 1605)

SECTION 1002. INCIDENTAL USES.

A. Accessory Structures. The following provisions apply to all accessory structures:

1. Accessory structures shall not be rented or inhabited by other than employees performing services on the premises of the owner, lessee, or tenant of the premises.
2. Accessory buildings not intended to be used for living quarters shall not be constructed upon a lot until the construction of the principal building has commenced.
3. Manufactured homes intended for residential occupancy shall not be classified as accessory or used as a storage structure.
4. Accessory structures shall not be erected in any required front or side yard or within 20 feet of any side street line, or within five feet of any lot line not a street line, or within five feet of any accessory building or other building. In no case, however, shall an accessory building be placed closer to a street than the minimum setback requirements for a principal structure. Any accessory structure greater than 700 square feet in floor area must be located inside the building envelope.

SECTION 1102: YARD REGULATION

C. **Fences and Walls.** The setback requirements of this ordinance shall not apply to any retaining wall. Open fences and walls may be erected to any height. Solid fences and walls shall be limited to three feet in height when projecting into or enclosing a minimum front yard and shall be limited to seven feet in height when projecting into or enclosing a minimum side and/or rear yard. When a corner lot follows two front yard setbacks, as determined by the Coordinator, a solid fence or wall greater than three feet in height, but not exceeding seven feet in height, may not be erected within 20 feet of the right-of-way on the street deemed the secondary front yard by the Coordinator. The street on which the house is addressed is usually considered the primary street on which the house must follow the full front yard setback unless otherwise determined by the Coordinator. Exceptions to location criteria are as follows:

1. Fences or walls that are within or enclose the minimum side and/or rear yard of a subdivision lot which is situated on a peripheral boundary of a subdivision in which it is a part;

2. Rear yards on through lots may have a privacy fence erected up to the rear

property line, as determined by a platted "no access easement" or up to 20 feet from that line in the absence of a "no access easement";

3. Fences erected in conjunction with a buffer, as required by sub-section G, "Buffer Requirements" below, shall be set back a sufficient width from the property line to allow for the proper maintenance and upkeep of the vegetative buffer; and

4. When a principal structure is permitted closer than 25 feet to a public right-of way line, the fence or wall will be permitted no closer to the road right-of-way than the permitted location of the principal structure.

SECTION 1605. VARIANCE.

When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the Board of Adjustment shall vary any of the provisions of the zoning regulation upon a showing of all of the following:

A. Unnecessary hardship would result from the strict application of the regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

B. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

C. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

D. The requested variance is consistent with the spirit, purpose and intent of the regulation, such that public safety is secured, and substantial justice is achieved.

Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any variance granted becomes null and void if not exercised within the time specified in such approvals, or if no date is specified, within one calendar year from the date of such approval. No change in permitted uses may be authorized by a variance. The Board of Adjustment is also not authorized to grant variances to any use approved in a Conditional Zoning district or to the specific conditions or other performance criteria imposed upon such use. If the board denies a variance request, the board shall enter the reason for its action in the minutes of the meeting at which the action is taken. In the event of a denial, the Board of Adjustment shall not consider resubmission of the application for the same variance request on the same property without a substantial material change concerning the property and the application.

EXHIBIT "G"
Applicant's Response

LARSON

3625 Camden Road Ext.: Hope Mills, NC 28348
910-574-0331

We are applying for a variance to add a fence and be able to keep our building. We are zoned R10 and on a corner lot. Unfortunately, we were told that we did not need a permit when our building was purchased and since it wasn't close to the road, we didn't know we were doing anything wrong. We hired a licensed contractor to install a fence around the area that we previously considered our side yard (again we didn't know any difference and thought we were "okay"); the work on that fence is currently on hold. We are applying for a variance to allow us to keep our building in its current location (we are unable to move it into our back yard to comply with the R10 zoning due to our pool). We would like to then have the contractor to complete the fence to enclose the building and expand our back yard.

The building (11 ft x 24 ft) is currently positioned next to our existing fence (1 ft from the corner of our home). The fence would then run 26 ft from the front corner of our home into what we previously referred to as our side yard (we now know that because we have a corner lot, we are considered to have two front yards). The fence then would run 85 ft and 7 inches from that front corner to the other side of the building. This would then enclose the area around the building in (there would still be 4 ft between the building and the fence. The fence would be 19 ft from the road.

We would like to apologize for our failure to clearly understand the zoning requirements. We thought that we had done all the right things by asking about a permit when we purchased the building and again when hiring the contractor to install the fence.

We will endure unnecessary hardship if the strict application of the R10 zoning ordinance is applied, and our variance application is denied. We just purchased the building in the fall of 2021 and would have no where to move the building because there was already a pool in the backyard when we purchased our home in 2006.

There are conditions peculiar to the property, we are on a corner lot in an area that has changed drastically since we purchased our home in 2006. The Camden Road and Camden Road Ext. intersection was closed and the new entrance to the neighborhood became Oakland Dr. (Oakland Drive changes into Gatesville right at our house). When closing the intersection and expanding Oakland to Camden a portion of our neighbor's yard was "taken" and it caused our home to sit more at a curve at the entrance to the neighborhood.

While it may initially appear that we ignored the R10 ordinance, we can honestly say that we didn't know any different than what we were told by the professionals that we trusted to advise us regarding the placement of the building and the fence. The fence in our desired location is 19 ft from the road and we thought that was more than enough. Our contractor ensured us that he had obtained the appropriate permit the day he started installing the fence. Immediately upon receiving the violation notice we contacted the contractor and he assured us it was a mistake and that he would fix the situation in the morning. When calling the very next morning we learned of the magnitude of our actions and violation we again contacted our contractor to explain to him there was no permit and that he would need to cease work on the fence. We were told he would come by that day and pickup the materials and wait to hear from us after our application for a variance was heard. The materials are still laying in our yard...

LARSON

3625 Camden Road Ext.: Hope Mills, NC 28348
910-574-0331

In driving through our neighborhood, we see several different homes that are on corner lots, have fences, and buildings positioned very similar to how we are requesting for our variance. There are even some homes that have their buildings and fences much closer to the road than what we are requesting. We believe the granting of our variance request would be consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved. Our fence would still be 19 ft from the road. The fence would help to ensure that our children have a safe area in our backyard to play in and the building would be secured.

We appreciate your time and consideration.

Roger and Sarah Larson

ATTACHMENT: MAILING LIST

TASAPORN BARRETT
JASON BARRETT
3620 LISMORE LN
HOPE MILLS, NC 28348

JIMMY HORTON
3755 CAMDEN ROAD EXT
FAYETTEVILLE, NC 28306

DEVON FORD JR
1047 GATESVILLE DRIVE
HOPE MILLS, NC 28348

DOROTHY D THOMPSON
RICHARD L THOMPSON
3624 LISMORE LN
HOPE MILLS, NC 28348

SHARON ANN JACKSON
3640 OAKLAND AVE
FAYETTEVILLE, NC 28306

BROADWELL LAND CO
PO BOX 53587
FAYETTEVILLE, NC 28305

CARRIE DACOSTA
ADRIANO R DACOSTA
3621 CAMDEN ROAD EXT
HOPE MILLS, NC 28348

STEVEN R CARNES
18417 MOUNT CHERIE CIR
FOUNTAIN VALLEY, CA 92708

SARAH DALTON LARSON
ROGER MORRIS LARSON II
3625 CAMDEN ROAD EXT
HOPE MILLS, NC 28348

ATTACHMENT: APPLICATION



County of Cumberland
—◆—
BOARD OF ADJUSTMENT

CASE #: _____
CUMBERLAND COUNTY BOA MEETING DATE: _____
DATE APPLICATION SUBMITTED: _____
RECEIPT #: _____
RECEIVED BY: _____

**APPLICATION FOR
VARIANCE REQUEST**

The Cumberland County Board of Adjustment meetings are held on the third Thursday of each month in the Historic Courthouse, 130 Gillespie Street – Hearing Room 3. The Planning and Inspections Department will advertise the public hearing and a notice will be mailed or delivered to surrounding residents or property owners that may be affected by the proposed Variance request.

The Board of Adjustment is a quasi-judicial review board and all persons wishing to appear before this Board should be prepared to give sworn testimony on relevant facts. Applicants for Variances are encouraged to read Section 1605 “Variance” of the Zoning Ordinance to establish whether or not their case merits further consideration by the board (see next page).

The following items are to be submitted with the complete application:

1. A copy of the recorded deed and/or plat, or an accurate written legal description of only the area to be considered;
2. A copy of a detailed site plan drawn to an engineer scale; and
3. Cash or check payable to “Cumberland County” in the amount of \$ _____ (see attached Fee Schedule)

NOTE: Any revisions, inaccuracies or errors to the application or site plan may cause the case to be delayed and will be scheduled for the next available Board of Adjustment meeting according to the board’s meeting schedule. Also, the application fee is *nonrefundable*.

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

**EXCERPT FROM
THE CUMBERLAND COUNTY ZONING ORDINANCE**

(PENDING ADOPTION)

Section 1605 VARIANCE

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

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

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

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

BOARD OF ADJUSTMENT

LOCATION OF PROPERTY: 3625 Camden Road Ext.; Hope Mills, NC 28348

OWNER: Roger and Sarah Larson

ADDRESS: 3625 Camden Road Ext. ZIP CODE: 28348

TELEPHONE: HOME 910-574-0331 WORK 910-475-3260

AGENT: n/a

ADDRESS: _____

TELEPHONE: HOME _____ WORK _____

E-MAIL: _____

APPLICATION FOR A VARIANCE
As required by the Zoning Ordinance

A. Parcel Identification Number (PIN #) of subject property: 0415-93-8629
(also known as Tax ID Number or Property Tax ID)

B. Acreage: .23 Frontage: 43.61 Depth: 115.8

C. Water Provider: Public Works Commission

D. Septage Provider: Public Works Commission

E. Deed Book 007399, Page(s) 551, Cumberland County

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

G. Section and provision of the Zoning Ordinance or Code from which a Variance is requested: R10

H. Nature and extent of hardship involved in strict application of the Zoning Ordinance or Code: Please see attached.

STATEMENT OF ACKNOWLEDGMENT

Regarding appearance before the Board of Adjustment, the undersigned owner(s), agents, or their assigns, by virtue of their signature(s) to this application, hereby acknowledge the following:

- That although appearance before the board is not required, it is strongly encouraged;
- The board will hear any and all argument for and against this matter before them and such relevant facts will be given under sworn testimony;
- At the public hearing the board has the authority to issue a final approval or denial decision on this request, or defer the request for additional information to be provided;
- If the petitioner or the representative of this application does not appear personally before the board, whether there is opposition or not, the board has full authority to consider the case and defer, approve, or deny the case;
- If the board's action is to deny the matter before them, the course of appeal to their decision will be that of Cumberland County Superior Court. (Affected parties of the board's decision have 30 days from proper notification which to serve notice of appeal).

Signed acknowledgment that the County Planning Staff has explained the application process and procedures regarding this request and the public hearing procedure stated above.

SIGNATURE OF OWNER(S) *Roger M. Larson Sarah D. Larson*

PRINTED NAME OF OWNER(S) Roger and Sarah Larson

DATE _____

CUMBERLAND COUNTY BOARD OF ADJUSTMENT
FEE SCHEDULE

BOARD OF ADJUSTMENT

SPECIAL USE PERMIT
VARIANCE
WATERSHED
ADMINISTRATIVE REVIEW APPEALS
INTERPRETATIONS
NONCONFORMING USES

* Board of Adjustment fee include hearings for the County Flood Ordinance and County Watershed Ordinance