

**Members:**

George Quigley, Chairman  
John R. Swanson, Vice-Chair  
Joseph Dykes  
Horace Humphrey  
Melree Hubbard Tart



**Alternates:**

Martin J. Locklear  
Randy Newsome  
William Lockett Tally  
Carrie Tyson-Autry

*Cumberland County Board of Adjustment*

130 Gillespie Street  
Fayetteville, NC 28301  
(910) 678-7603

MINUTES  
SEPTEMBER 16, 2010  
7:00 P.M.

**Members Present**

George Quigley, Chair  
John Swanson  
Horace Humphrey  
Randy Newsome  
Carrie Tyson-Autry

**Absent Members**

Joseph Dykes (excused)  
Melree Hubbard Tart (excused)

**Staff/Others Present**

Patricia Speicher  
Pier Varner  
Melodie Robinson  
Angela Perrier  
Rick Moorefield (County Attorney)

Chair Quigley called the meeting to order at 7:00 p.m. in Public Hearing Room # 3 of the Historic Courthouse.

1. ROLL CALL

Mrs. Varner called the roll and stated a quorum was present.

2. ADJUSTMENTS TO THE AGENDA

There were none.

3. APPROVAL OF THE AUGUST 19, 2010 MINUTES

A motion was made by Mr. Humphrey and seconded by Mr. Swanson to approve the minutes as submitted. The motion passed unanimously.

CHAIR QUIGLEY: If you should go through the minutes and find a correction, you have up to two years to make the correction.

4. ABSTENTIONS BY BOARD MEMBERS

There were no abstentions by Board Members.

5. PUBLIC HEARING DEFERRALS

There were no deferrals.

6. BOARD MEMBER DISCLOSURE

There were none.

7. POLICY STATEMENTS REGARDING APPEAL PROCESS

Mrs. Varner read the Board's policy regarding the appeal process to the audience.

8. PUBLIC HEARING(S)

**Opened Public Hearing**

- **P10-13-C:** CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A COMMUNITY CENTER IN AN RR RURAL RESIDENTIAL DISTRICT ON .95+/- ACRES, LOCATED AT 7108 ORA COURT, SUBMITTED BY LEON REVELS JR. ON BEHALF OF LUMBEE TRIBE OF NORTH CAROLINA (OWNER).

Mrs. Varner presented the zoning, land use and photos of the site to the Board.

Chair Quigley recessed the meeting to allow Mrs. Autry to be seated. The roll call was reopened to record that Ms. Autry is in attendance. Chair Quigley resumed the meeting.

MRS. VARNER: I would like to make a remark. Particular attention should be paid to conditions #1 and #6, which the applicant has agreed to those conditions. That is the presentation and any questions are welcome.

MR. SWANSON: I've got one question, please. In relation to the proposed site plan, is there any special consideration in terms of the number of off-street parking that is allocated in the site plan? It appears that there is eleven regular spaces and two handicapped accessible spaces.

MRS. VARNER: The applicant spoke with Ken Sykes in Code Enforcement and he's the one who interpreted the Zoning Ordinance and according to one section in the ordinance for parking spaces, Ken calculated the amount of spaces. The applicant needs a minimum of ten spaces and he's proposing thirteen.

MR. SWANSON: Okay, thank you.

CHAIR QUIGLEY: Is this property recently agricultural, do we know?

MRS. VARNER: It's always been Rural Residential.

CHAIR QUIGLEY: Okay, thank you.

MR. SWANSON: The site profile indicates that the influence area is within the influence of the town of Stedman, was there any comments or feedback?

MRS. VARNER: The feedback from Stedman was that they welcomed this community center. That's the comment I received from Jennifer Wilson-Kersh.

CHAIR QUIGLEY: Do we know if they are going to develop those other plots in that tract for residential use?

MRS. VARNER: I don't know that answer, sir.

MS. SPEICHER: The same organization did submit for and get the subdivision approved. If I could for the record, we do have the town administrator, Jennifer Wilson-Kersh's comments in writing. If the board would like to see; please note, they are in the file as part of the record.

CHAIR QUIGLEY: The only thing I would be concerned about is traffic on Ora Court.

MRS. VARNER: I can check for the comments from the Department of Transportation.

CHAIR QUIGLEY: I'm sort of familiar with Beaver Dam Road and there is not a lot of traffic on it.

MRS. VARNER: Mr. Chairman, for the record, there are no comments from the Department of Transportation.

CHAIR QUIGLEY: Are there any comments or questions for staff?

MR. SWANSON: I've got a question about how the fifty participants were calculated, but I'll wait for the applicant, that's a better question for the applicant.

MRS. VARNER: The applicant is not here tonight.

MS. SPEICHER: If I could, I did address it to staff; how can we say the parking is okay with an assembly for fifty people; I verified that with the Fire Marshal and it was about 287 people in that size structure. How could we do that and our parking standards are not consistent either.

CHAIR QUIGLEY: Alright, there are eleven parking spots plus two handicapped.

MS. SPEICHER: Exactly, they do meet the minimum standard of the ordinance and it is something I noted for the 2010 Zoning Ordinance Update, for us to take a look at.

MR. SWANSON: My question would have been, and it may not be a fair question, I don't want to put anybody on the staff on the spot, but if the staff knows the answer, that would be good. How do they determine fifty participants? In other words, all day long, during a particular period, from this time to that time, in and out, an average?

MS. SPEICHER: I cannot answer that.

MR. SWANSON: Okay.

CHAIR QUIGLEY: There does not appear to be any prohibition of anything that they intend to use the property for.



MS. SPEICHER: That is true. We do have ordinance related conditions addressing noise. They still have to get approval of the driveway permit and things of that nature which of course is all geared toward the public safety and the affect on the public surrounding property.

CHAIR QUIGLEY: In an [inaudible] conversation, the County Attorney and I had just earlier, it appears that the court is leaning in favor of if there is no prohibition of how a landowner wants to use their property then it's their prerogative to use the property as they choose. So, I don't see any problem with this case at all.

CHAIR QUIGLEY: Does anybody want to make a motion?

MR. SWANSON: I move that the plan as submitted to the board be approved based on the following case facts:

1. The use will not materially endanger the public health or safety if located according to the plan submitted and proposed;

**In the application and the notice that is typically given to the community, we do not have any information that the proposed use of the land as a cultural and community center would materially endanger public health and safety. The information received from staff indicates that all the prerequisite types of safety things; Fire Marshal coordination and any objection of the surrounding communities within that area of influence; all those hurdles have been carefully met and overcome.**

2. The use meets all required conditions and specifications;

**The use meets all the conditions and specifications as laid out in the packet as submitted for P-10-13-C.**

3. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and

**One of the most telling things that I've seen is that in the sign-up sheet to speak for or against; is that there was no one to speak against the proposed use of the parcel, and to me that speaks very loudly. The absence of someone speaking against is a very, very strong indicator that the proposed use will not have an adverse impact on the value of the surrounding properties;**

4. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and is in general conformity with Cumberland County's most recent Land Use Plan, either comprehensive or a detailed area plan.

**I would conclude from the absence of anyone speaking against the plan that its use is in fact within the harmony of the area; and we've heard information from the staff that the Town of Stedman welcomes and embraces the idea.**

CHAIR QUIGLEY: Do I have a second?

MR. HUMPHREY: Second.

CHAIR QUIGLEY: It has been properly moved and seconded. Is there any other case discussion? All in favor of approving the request for a Special Use Permit in Case P10-13-C, signify by saying aye. Any opposed?

IN FAVOR

<u>QUIGLEY</u> :	Yes
<u>SWANSON</u> :	Yes
<u>NEWSOME</u> :	Yes
<u>HUMPHREY</u> :	Yes
<u>AUTRY</u> :	Yes

There was no opposition.

CHAIR QUIGLEY: Thank you very much. We'll delay the naming of our next vice chair until next month.

## 9. DISCUSSION

[This is Mr. Swanson's last Board of Adjustment meeting]

Mr. Swanson expressed it has been a privilege to serve the residents of Cumberland County. Also, he has enjoyed the fellowship of the board members and he will particularly miss the staff.

Chair Quigley presented Mr. Swanson with a Certificate of Appreciation for his time in service and as Vice Chair of the Board of Adjustment.

## 10. UPDATE(S)

MS. SPEICHER: Chair, I would like to pass out the current roster to the board members along with the pending applicants who have applied but have not been nominated. I took the liberty to go through and update and remove the gender specific rules out of the Rules of Procedure. Please read through it. Any comments are welcome. There are no major changes. What I did change is to have the secretary appointed by the Planning Director since this is really a staff position. That is the only change. We will get copies to the members who are not present tonight.

Ms. Speicher announced a visitor at tonight's meeting. A young man named Bryce, age 12, from the Boy Scouts, who is working towards earning his Eagle Scout Badge. He was observing tonight's meeting and he's going to write a report on the meeting towards earning the two ranks he needs to reach his goal.

Chair Quigley encouraged Bryce to contact him at the Cape Fear Botanical Garden when he is ready for an Eagle Scout project. Chair Quigley said he always has an Eagle Scout project waiting.

11. ADJOURNMENT

CHAIR QUIGLEY: I'll ask for a motion to adjourn.

MS. AUTRY: Motion to adjourn.

MR. SWANSON: Seconded.

There being no further business; the meeting adjourned at 7:30 pm.