

**Members:**

Horace Humphrey, Chairman  
Vickie Mullins, Vice-Chair  
Alfonso Ferguson Sr  
Joseph M. Dykes  
George Lott



**Alternates:**

Yvette Carson  
Winton McHenry  
Nathan Feinberg  
Joseph Decosta  
Vacant

***CUMBERLAND COUNTY BOARD OF ADJUSTMENT***

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

MINUTES  
SEPTEMBER 17, 2015  
7:00 P.M.

**Members Present**

Horace Humphrey  
Vickie Mullins  
George Lott  
Winton McHenry  
Alfonso Ferguson Sr.

**Absent Members**

None

**Staff/Others Present**

Patricia Speicher  
Jaimie Rachal  
Katlyn Allen  
Jeff Barnhill  
Robert Hasty, Jr. (Assistant  
County Attorney)

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

1. ROLL CALL

Ms. Rachal called the roll and stated a quorum was present

2. APPRECIATION PLAQUE

Chair Humphrey Presented Judge Donaldson with an appreciation plaque for his service as Chairman of the Board of Adjustment.

3. SWEAR IN STAFF

Chair Humphrey swore in staff.

4. OATHS OF OFFICE

Ms. Rachal, a notary public for Cumberland County administered Mr. Horace Humphrey's Oath of Office.

5. ADJUSTMENTS TO THE AGENDA

There were none.

6. APPROVAL OF THE AUGUST 20, 2015 MINUTES

Mrs. Mullins made a motion to approve the minutes as submitted, seconded by Mr. Lott. The motion passed unanimously.

	IN FAVOR	OPPOSED
HUMPHREY	YES	NONE
MULLINS	YES	
MCHENRY	YES	
LOTT	YES	
FERGUSON	YES	

7. ABSTENTIONS BY BOARD MEMBERS/BOARD MEMBER DISCLOSURES

There were none.

8. PUBLIC HEARING DEFERRALS/WITHDRAWALS

There were none.

9. POLICY STATEMENT REGARDING APPEAL PROCESS

Ms. Rachal read the policy statement.

10. PUBLIC HEARING(S)

- A. **P15-06-C: CONSIDERATION OF A VARIANCE TO ALLOW A 20 FOOT FRONT YARD SETBACK WHERE 30 FEET IS REQUIRED IN AN RR RURAL RESIDENTIAL DISTRICT ON .31+/- ACRE, LOCATED AT 300 LYMAN DRIVE, OWNERS: DWAYNE L. AND ANGELA R. WADE, STAFF SUBMITTAL.**

Chair Humphrey read the case heading for Case No. P15-06-C.

Ms. Speicher reviewed the zoning, sketch map, and land use of the area surrounding subject property. She briefly reviewed board packet material. She further explained the submittal was a result of a mistake on the staff's behalf.

CHAIR HUMPHREY: Alright, so this is a staff submittal to us I believe to make this variance request.

MS. SPEICHER: Right. I noticed no one signed up. We did notify the builder, the developer and the property owner. Um, it could be because it was a staff submittal...

CHAIR HUMPHREY: Okay, seems reasonable. You said there's no one signed up in opposition?

MS. SPEICHER: No sir.

CHAIR HUMPHREY: Okay.

MR. LOTT: And this is an existing house?

MS. SPEICHER: This is an existing house. It was built between March and May of this year. Finalized in June of this year. The new homeowners are in the house.

CHAIR HUMPHREY: Alright, thank you very kindly. This is a staff error and staff is now requesting a variance. Uh, do we have any discussion from the board members? Mr. Ferguson? Mr. McHenry?

MR. MCHENRY: I just wonder how it came about that there was ten feet, uh, who brought the subject up? Did the staff bring the subject up?

MS. SPEICHER: No sir, it was a builder on an adjacent lot. He felt like he was being mistreated and came in to our office to find out why he was being held to thirty when this builder was only being held to twenty. That's when it became apparent that we had an error.

CHAIR HUMPHREY: Mrs. Mullins? Mr. Lott?

MRS. MULLINS: No, sir.

MR. LOTT: No, sir.

CHAIR HUMPHREY: Alright, I think uh, anyone else have anything to say? Alright, I've got to look at... it was a staff submittal. The staff submitted this, it was an error on their part. They've acknowledged this. There is no one here in opposition, so therefore, we're going to discuss this amongst the board members. There was no real discussion, so I'm going to say that, unless you find opposition, we're going to vote to approve this. Anybody?

MR. LOTT: Sounds good to me.

(Inaudible.)

MS. SPEICHER: And if we could go through the worksheet.

CHAIR HUMPHREY: Oh, yes. We're going to it right now.

(Inaudible)

MS. SPEICHER: I'm sorry, you do have a tab in your book with variance on it, and there is a work sheet.

CHAIR HUMPHREY: Okay, and we're to that. First thing is... It's the board's conclusion that no unnecessary hardship will result from this strict application of the ordinance. This finding is based on the following conditions. One of the things is that it was a staff error that was made, that we noted there. We are trying to correct this by board action to correct this to grant this variance. The structure is already built and um we would conclude that this variance is a reasonable request based on that condition.

It is the Board's conclusion that a hardship from conditions that are particular to this property such as location, size, traffic is based on the following conditions: I don't see any personal hardships that this is granting. The building is already there and has been there. There's no opposition here to voice to it. So

MS. SPEICHER: If I could offer one more thing I meant to say for the record. The home could've been shifted to the southern property line the additional ten feet and the very same home would've been built if that helps you with number two.

CHAIR HUMPHREY: Number what?

MS. SPEICHER: Number two. It would've met the eight foot setback in a zero-lot-line subdivision for a side yard; meets the ordinance standards.

CHAIR HUMPHREY: Okay. Thank you. We'll incorporate what you said in to the meeting, uh, the minutes. As a part of the board's findings.

MS. SPEICHER: Okay.

CHAIR HUMPHREY: It is the board's findings that the hardship did not result as a step taken by the applicant. No, we've already covered that. It was not something that was done by the applicant, this was an error made by the board. The board granted the request... And I think the board's action is consistent with the spirit and purpose of this meeting, and the purpose of which this case was submitted. I think we'd all agree on that. So, we grant approval.

MS. SPEICHER: If we could add to number four, as the photos of the site show, the traffic is not impeded. Or the site distance, that public safety is secure.

CHAIR HUMPHREY: Sub heard.

MR. HASTY: If we could just do a motion.

CHAIR HUMPHREY: Okay, then we'll do it again. We've done a motion, do we need another one?

MR. HASTY: A motion, a second and a vote.

CHAIR HUMPHREY: Okay. Motion?

MR. LOTT: I make the motion.

MR. MCHENRY: Second.

MRS. MULLINS: Second.

CHAIR HUMPHREY: Motion to approve made by Mr. Lott, second by Mr. McHenry.

**Mr. Lott made a motion to approve the variance, seconded by Mr. McHenry. The motion passed unanimously.**

	IN FAVOR	OPPOSED
HUMPHREY	YES	NONE
MULLINS	YES	
MCHENRY	YES	
LOTT	YES	
FERGUSON	YES	

**B. P15-07-C: CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A CLUB IN AN A1 AGRICULTURAL DISTRICT ON 1.67+/- ACRES, LOCATED AT 8357 CLINTON ROAD, SUBMITTED BY MATTHEW CAIN, ZACKARY ODOM, WESLEY NEED, JASON HARVEY (OWNERS) AND JOE POMALES (AGENT).**

Chair Humphrey read the case heading for Case No. P15-07-C.

Ms. Speicher reviewed the zoning, sketch map, and land use of the area surrounding subject property. She briefly reviewed board packet material.

CHAIR HUMPHREY: Okay, thank you. We do have people here to speak, I believe... one, two, three... Those people here that want to speak in favor of this, we have three. Mr. Pomales?

MR. POMALES: Yes.

CHAIR HUMPHREY: Do you want to present now? Be sworn in please.

MS. SPEICHER: It might help you if you swear them all in at one time.

CHAIR HUMPHREY: That'd be fine. Thank you very kindly. We'll need Mr.

Chair Humphrey swore in all speaking in favor of the case: Joe Pomales, Mr. King, and Ms. Tripp.

MR. POMALES: Good evening, board members. What we have here is a group of firefighters and EMS personnel. That's one of the requirements to be in the club. They have a violation that they received because they were not aware of the zoning rules. They purchased the house through a licensed real estate agent who knew the purpose of the purchase and did not advise them to have it rezoned. They were there unknowingly breaking the rules. I'm a volunteer firefighter with Stoney Point Fire Department. I'm also the Broker in Charge of Century 21 Family Realty in Fayetteville. It came to my attention, so I stepped up to assist them; my fellow firefighters. Um, they have so far met all the requirements set forth by the Planning Department, to include the removal of a single wide trailer that was left on the property. They obtained an additional twenty foot easement for the ingress and egress from the landowner of the property on the front two lots of the property. With the... the purpose of the club and what they're using it for would at no point endanger any part of the public. In fact, 80 plus percent of the club are EMT and Paramedic certified. We've actually had club members coming home from there assist with auto accidents. Just last week, right up the road, with a FAST bus and an eighteen wheeler, assisting the driver of the city bus. Um, the surrounding areas as you see up here, I've met personally with the owners of the front two lots and the adjacent lots. The members of the club have stepped up and assisted the surrounding properties with the maintenance of their property and with the, um, houses to this side, assisted with the maintenance of their yards. They assisted with the removal of eyesore sheds that had deteriorated that they were unable to remove themselves. Now this is with no monetary consideration. They actually went and said can we help you? They've assisted their neighbors. This front area here, currently owned by Mr. Lachamy, they have assisted him with the maintaining of his front yard, this front section of grass. There are no structures on there, but there is an eyesore that last week, they got approval to remove for him. This is for no monetary consideration. This is them assisting with the neighborhood. They've also put an application in to adopt this highway, a mile in each direction. They go out there personally and clean up the area. They're assisting this whole area with increasing their property values. Now as a licensed real estate broker, I went out there and met with the surrounding home owners and they all are happy that this club is there. The violation never would've been in place if they'd known previously that what they were doing was not allowed. Surrounding this property, and what their current plans and future plans, there are none that would change their conforming to the Comprehensive Land Use Plan that the

county has in that area. The future area, right here, where they're planning to put a covered deck is already shrouded by trees and cannot be seen from the street whatsoever. Most of the property is shrouded, from this point all the way back, this entire front section has shrubbery in place. Now what this group does, on a personal level, is charitable events. This year alone, they've raised money for the Veteran's Hospital here in Fayetteville, the Lupus Foundation in Fayetteville, for the burn ward-the children's burn ward at the hospital, NC Fallen Firefighters Foundation. Then every year they volunteer with Stedman Elementary School and assist with their support for families Christmas to bring a better Christmas to the families there. They also attend every firefighter and EMS person's funeral in North Carolina. I was privileged enough to attend one two days ago with them, in Dunn for a fallen EMS captain that was there. I think that covered about everything. Are there any questions at this time?

CHAIR HUMPHREY: Mr. Lott? Mrs. Mullins? Mr. McHenry?

MR. MCHENRY: My only question is... you say there's PWC water coming out there?

MS. SPEICHER: There is PWC water out there.

MR. MCHENRY: No sewer?

MS. SPEICHER: Now sewer. And since the existing home is connected currently to a well, the only way they'd be mandated to connect to public water is if there were new construction that required new utilities. They can continue using the existing well. Of course, that's not our domain, that's Environmental Health, but they will allow them to continue to use that.

MR. MCHENRY: Okay,

CHAIR HUMPHREY: Okay. Mr. Ferguson?

MR. FERGUSON: No, sir.

MR. POMALES: If I could add one more thing, sir. We did have a fire marshal come out and inspect the property in correspondence with what she needed to have. We've gone to the permit department also to see if there are any changes that need to be made and have begun making those changes to meet their requirements also.

CHAIR HUMPHREY: Okay, no further questions. The next person is Mr. Buckey? Do you have something you want to say, sir? Please state your name for the record.

MR. BUCKEY: (Ken Buckey) My address is 5344 Old Railroad Way, Hope Mills, NC 28348.

CHAIR HUMPHREY: Do we have Mr. Pomales' address also?

MS. SPEICHER: Yes. We have it.

CHAIR HUMPHREY: You have it. Okay. Go ahead, sir.

MR. BUCKEY: Lady, gentlemen of the board. We've been around for ten years now. We've always been about supporting firefighters and their families. That's what this club, and, we are a group of firefighters and EMS professionals. Like I said, we're not here to break the law, we're not here to violate any ordinances, if we'd known about it. Since we

found out about it, since we've been notified, we've been up front with the zoning commission and the inspectors and said, what do you need? Opened our doors, tell us what we've got to do. We're going to do what we've got to do because it's the right thing to do. That's what these guys do every day out in the community. That's all we're here for. We're looking for a place we can have these fundraisers and support our community. Stedman has been a good home to us. For the last, really, eight years, we were renting from the mayor of Stedman. We've had a good relationship with the City of Stedman and the mayor. You rent for so long, and you're not making anything... you're just spending money, you've got to fix it, pay, we've always done that, and fixed things up. Now we've got a place to call our own to help support these guys and other firefighters that come after them. We just want y'all to know that's what we're about. We're about the community and we're here to support it. We'd like your support today.

CHAIR HUMPHREY: Thank you, sir. Uhh, Mr. King?

Mr. King told Chair Humphrey he was in favor but wished not to speak.

CHAIR HUMPHREY: Okay. Ms. Tripp?

MS. TRIPP: I live at 8369 Clinton Road. I'm on the east side. The adjoining property. Um, they have done just what they've said. They've helped us out. I had tree limbs that fell, they got the tree limbs out of the yard and took care of all of that. They're helping my—I live with my 76 year old mother—they're offering all the time to help her with stuff. If she so much as mentions she needs anything done, they're right on it. So, they're a great group of people and we're glad that they're there.

CHAIR HUMPHREY: Thank you for your testimony. Is anyone here opposing this? Just want to be clear. No opposition? Okay. We've heard the presentation and please consider yourself continually sworn, as we may have to call you back up. We'll discuss this amongst the board members here and see where we go here. Mr. Ferguson, do you have anything?

MR. FERGUSON: No questions, sir.

CHAIR HUMPHREY: Okay, you're good? Okay. Mr. McHenry?

MR. MCHENRY: I have no questions.

CHAIR HUMPHREY: Okay, no questions or anything? Mrs. Mullins?

MRS. MULLINS: No questions at this time.

CHAIR HUMPHREY: Okay, Mr. Lott?

MR. LOTT: I would just like to thank them on behalf of Cumberland County for the work you do, both on the job and at your club.

CHAIR HUMPHREY: Okay, very good. Everyone owes you a thank you here. So what is your pleasure here? Do you want to make a motion—Oh, one question here. I saw so many things on the packet that I was looking for that they needed to do and uh, I guess some things you were going to require to be done? Planning and stuff? I assume most of those have been met? Or will be met?

MS. SPEICHER: Yes, they have been or will be met.

CHAIR HUMPHREY: They have been or will be. Okay.

MS. SPEICHER: They've been in very close touch with Planning Staff and Code Enforcement and Permitting.

CHAIR HUMPHREY: And I heard in the testimony that they would be met, so we're good with that. Anything else? Alright. We need a motion. Do you want to discuss it? Mr. McHen—

MS. SPEICHER: Don't forget to look at the Special Use tab.

CHAIR HUMPHREY: Yeah, I got it. That there special use permit. We've got to have a motion though anyway, right? Yeah. Okay.

MR. MCHENRY: I would make the motion to accept this based upon the requirements that staff has put out.

CHAIR HUMPHREY: Okay. Alright, Mr. McHenry has offered the motion that we accept, based on meeting all the criteria that the planning staff has set upon them and they have agreed to do.

MRS. MULLINS: I second that.

CHAIR HUMPHREY: Mrs. Mullins seconds that, okay.

**Mr. McHenry made a motion to approve the Special Use Permit, seconded by Mrs. Mullins. The motion passed unanimously.**

	IN FAVOR	OPPOSED
HUMPHREY	YES	NONE
MULLINS	YES	
MCHENRY	YES	
LOTT	YES	
FERGUSON	YES	

CHAIR HUMPHREY: Okay, now we've got to get to the hard part. Facts of relevance to issuing the special use permit. Uh, the very first thing. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended. Well, I think that's already been cleared up and they've already agreed that they will go along with whatever the planning staff said needed to be done and they will correct that. I don't hear any opposition, in fact I hear support for this from Mrs. Tripp, saying they've already, uh, looking out for other people's health and safety there. That doesn't seem a problem and I think we've met that with testimony that's been given.

Number two: The use meets all required conditions and specifications. We've already agreed, they've agreed and continue to agree before this board that they will meet any condition required that the planning board staff present. I know for a fact that they're already meeting some of this from the package that we got. So, that's that.

The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and... Seems like they're caring a whole lot about other peoples'



property in addition to your own property, (laughs) based on testimony that you've been cleaning up other peoples' yards, which is a very good thing. I wished I lived over there, I'd like to have my yard cut. But, uh, it's very, very, very good. We appreciate that you're doing that, and I don't see any opposition to that, so, I think we met that by testimony given.

The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area—obviously it's in harmony if we don't have any opposition here—in which it is to be located and is in general conformity with Cumberland County's most recent Land Use Plan. So I think that we will say that all requirements have been met through testimony as presented. Approval.

Okay, approved. Next case. You can stay if you want to, or you may leave. Oh, and incidentally, thank you for the work that you do. Y'all do a real, real good job. I was a CPR instructor for some 17 years and I know what you go through. Thank you for what you do.

(Inaudible.)

**C. P15-08-C: CONSIDERATION OF A VARIANCE TO ALLOW A 35 FOOT FRONT YARD SETBACK WHERE 50 FEET IS REQUIRED IN A C(P) PLANNED COMMERCIAL DISTRICT ON 2.66+/- ACRES, LOCATED AT 168 DEDICATION DRIVE, SUBMITTED BY PEARCE'S MILL VOLUNTEER FIRE DEPARTMENT (OWNER) AND GRAY BUILT CONSTRUCTION, INC. (AGENT).**

MS. RACHAL: Mr. Chair, if I could, I would like to introduce myself. My name is Jaimie Rachal. I'm the new planner in the department. I've only been here for a few months and this is my first time presenting a case. So, for those of you who haven't met me, I'd just like to say hello!

CHAIR HUMPHREY: Welcome aboard! We're glad to have you! Present away!

Ms. Rachal read the case heading and reviewed the zoning, sketch map, and land use of the area surrounding subject property. She briefly reviewed board packet material.

CHAIR HUMPHREY: Okay, staff, any questions on this case? Anyone?

MR. LOTT: I understand this is a fire department and they're wanting to add a bay and an addition to the front?

Ms. Rachal nodded.

CHAIR HUMPHREY: I took a casual drive by when I got the package, just to see what it looked like. I didn't stop on the property, I didn't intrude on anybody's property. I was just looking from the road to see what I could see. Okay. Is anyone here to speak on behalf?...

MS. SPEICHER: Yes, you have the sign-up sheet.

CHAIR HUMPHREY: Right, the sign-up sheet. Mr. Love? And, uh, Marley? Can we get the both of you and swear you in at the same time? Hopefully if you'll just give your name and address, then I'll swear you in, please.

MR. LOVE: My name is Michael Brandon Love and my address is 9459 Hwy 301 South, Roland, NC 28383.

MR. MARLEY: My name is Ronnie A. Marley, I'm the chief of the Pearce's Mill Fire Department. I live at 305 Vineland Drive, Fayetteville. 28306.

CHAIR HUMPHREY: Okay, thank you.

Chair Humphrey swore in Mr. Marley and Mr. Love.

CHAIR HUMPHREY: Okay, thank you. First, we'll take Mr. Love.

MR. LOVE: Thank you, Mr. Chairman, members of the board. Uh, I have a few handouts. Um, I probably should've come a month ago and I would've realized these were way too small for you to see. So, what I'll do, I'll just sort of go over a couple of things and then I'll pass them around.

CHAIR HUMPHREY: Alright. That'd be fine, sir.

MR. LOVE: Just to give you a little bit of history, Pearce's Mill Fire Department was established first back in 1955. They built this existing building in 1979, just a couple years after I believe Judge Donaldson was sworn in as an attorney. They had a major addition back in 1993. There have been no other additions to this particular structure since then. I began working with the fire department as an architect in early 2014. They came to Gray Built Construction asking to expand the facility for several reasons. They needed the additional bay space for trucks, they needed to free up some space in the building because they are a polling location. They wanted to relocate that particular function to the front of the building. They also wanted to add an additional restroom and entry way to the front. Then we were going to take the existing bays, three existing bays, and convert them into a meeting/training room. The final need for the expansion was the need to increase dormitory space. Pearce's Mill is a partially paid, partially volunteer department, and they do have firefighters that stay there overnight and they need to enhance their facility for that. For those reasons, we came up with this arrangement. All along, we knew that we would have to come before you for a variance because of the setbacks. Um, all of the bays are located to the western side of the property. You may ask why we did not locate those to the eastern side where there's more space, but you'll notice that gets them further away from the drive, and it gets them closer to the intersection of Dedication Drive and 301. We've had conversations with Gary Burton with NCDOT back in 2014, regarding their driveway. We understand what the requirements are, and most recently, we've spoken with the Assistant District Engineer, Mr. Troy Baker, again regarding the driveways. DOT wants us to put it as far away from Dedication Drive and 301 as possible. From a public safety standpoint, that is our goal.

The first item I would like to show you, I actually used the Planning Department's drawing. They did a very good job on that. What I've done is enlarged it, and shown the amount of area that we're asking for the variance. You'll see this when it circulates, but it's indicated in green. It's a very small sliver of property that would encroach on the current county setback and it's less than 1000 square feet of the overall addition. We're doing somewhere around 36 to 3800 square feet of additional building, so this is a very small portion of that.

The second drawing I would like to circulate is a floor plan. This is the proposed floor plan. And again, I've drawn the same line—diagonal line—indicating the proposed setback that we're asking for, and again highlighted the portion of the building that would encroach in green.

Then finally, the last two items I have, as you can see, are photographs of the building. I know that staff has prepared, in their reports, some photographs, but I wanted to really accentuate the portion of the building where the existing bays are. If you'll notice, the three located to the central part of the building will be done away with. We will, again, convert those to meeting space and training rooms. The last three bays will remain and we hope to add on to that end of the building with an addition that would be a drive thru addition. As you can see on the site plan, there is a road that goes around to the west. Um, lots of fire departments that are located relatively close to an intersection have to pull out into the road and then back in to the bays. That is not our plan. The proposed addition would encompass drive thru bays, so that driveway that's located—that approximately 24 foot driveway—to the west would be utilized as a drive around track for the trucks, so they'd be able to pull thru the bays and not pull out on to Dedication Drive and back in.

All that being said, we feel the application is consistent with the spirit of the ordinance, and it does decrease the amount of encroachment to the bare minimum. We feel that it is in the interest of public health and safety and that we are shifting the drive further from Dedication Drive and 301. And, um, we really feel like it's a good thing for the community. Pearce's Mill is one of the—if not the longest—longest standing volunteer fire departments in Cumberland County. We would like to be able to see them continue to support the community. Currently, they have about 38 members to the fire department. With this expansion, we would hope to increase those members by at least two or three paid staff members and additional volunteers. With that said, I'd be happy to answer any questions, and again, Chief Marley is here to answer questions as well.

CHAIR HUMPHREY: Alright. Any questions?

MR. FERGUSON: No, sir.

MRS. MULLINS: None, no.

MR. LOTT: No.

CHAIR HUMPHREY: Alright, we may call you back later. Mr. Marley, if you'd like to come forward you can.

(Inaudible)

MR. MARLEY: A little bit of history about our fire department... I want to thank you ladies and gentlemen for coming out and giving us an opportunity to speak tonight. Uh, our fire department will be honoring its 60<sup>th</sup> anniversary on October 6<sup>th</sup> of this year. We've got, well, what they classify as the oldest county department in Cumberland County. The City of Fayetteville, Town of Spring Lake and Town of Hope Mills were there prior to us, but we're the oldest volunteer department in the county. We were the first and at one time covered the whole county. Of course, since then, a lot of things have changed. We were up in the Masse Hill area when they first organized at 1722 Gillespie

Street. The reason we moved to this location we're at now, which used to be Black and Decker Road, put us more centrally located in our fire district. Uh, and at that time, what we built was sufficient for what we were doing. As he said, back in the early '90s, we did add some office space and storage space because when we started, we had one office that the fire chief, executive treasurer, and everybody worked out of, so we made that additional office space.

What we're trying to do now... Times have changed. We do have females on our department that—when we first started—we didn't have. So, we need to reorganize our bunk area and we also need to reorganize the rest of our department to separate our firefighters from the general public when things are happen. Where our restrooms are at the current time, people have to walk through where our firefighters are to get to them if there's a public function going on. So this remodel will change all of that. We will have our bunk areas where our classroom is now. We're hoping to set it up with at least ten beds and 3-4 full baths, which of course, you see on the plan there. That will separate our people from the general public when they're waking up and stuff like this. Now, when I say that, we host elections in our classroom. Now they come in about five thirty, six o'clock on the mornings. Then when they're trying to get up to go to the kitchen area, or they jump up to go on fire calls, you know, it kind of... it's not proper. We're hoping to remedy some of that problem when we do this.

Mr. Love mentioned our bay areas. So what we're planning on doing, our classroom will move from the rear to the front. We're going to do away with those three stalls as he said, but the reason we need three additional stalls is... We need to increase the height of our building. Not our building itself, but the stall doors. Firetrucks, as you notice are getting taller, wider and longer. What this will do, it'll increase the length of our bays... of our drive through bays. It will also give us an opportunity to have taller trucks if it happens. I know when I started back in the fire service—I started back in late '73. I've been with the fire department right at 42 years, and we've seen a lot of changes. The firetrucks we had back then were little commercial grade trucks. They were built by fire manufacturers but they weren't very long and you could put them almost anywhere. See, so what we drive today and if we order a new piece of equipment, those bays are really deep. We're hoping this variance will allow us to do that and we're hoping all the other... We're going to be making changes to our kitchen area. We do have many keep watch, we do hold elections in our building, and we have classes. We also have other agencies such as the sheriff's department and the forestry service use our facility at different times for classes. FTCC and other agencies. We are a community oriented outfit and I—uh—I know Black and Decker Road or, now Dedication Drive, when we moved out there was a small road. They've expanded it... three lanes. Now they bypassed it with Black and Decker Road, so... If you have any questions, I just tried to hit the highlights. If you have any questions, I'd be happy to answer them for you. But uh, we're trying to continue to serve the general public. I don't know that we'll be there another sixty years, the way annexation goes and different things, but we're hoping to be there as long as we can to continue our service.

CHAIR HUMPHREY: Okay. Thank you, Chief, for your testimony.

MS. RACHAL: Um, if I may. Staff site plan approval is required prior to permits being issued.

CHAIR HUMPHREY: Say that again.

MS. RACHAL: Staff site plan approval is required prior to permits being issued.

CHAIR HUMPHREY: Staff plan is required. You don't have it?

MS. SPEICHER: If the board were to approve the variance, could you make it as a condition?

CHAIR HUMPHREY: Okay. If we approve it, we'll make that a part of it. Remind me to do that. I'll forget it. Okay, any discussion from board members? And we have your pictures too to return to you. Mr. Ferguson? Mr. McHenry?

MR. LOTT: I can't see us doing anything other than helping them. We certainly went out of our way to help the EMTs with what they needed.

CHAIR HUMPHREY: That's right, that's right.

MR. LOTT: This is as important or more important than anything else in our community. It's one of our biggest things that's ever happened to Cumberland County, is when we got the volunteer fire system.

CHAIR HUMPHREY: Okay.

MRS. MULLINS: That's true. I'm an ex-firefighter.

CHAIR HUMPHREY: You're an ex-firefighter? Oh, okay.

MRS. MULLINS: And I trained at Pearce's Mill.

MR. LOTT: If it's appropriate, I'd like to make a motion that we approve this request.

MRS. MULLINS: Second.

MS. RACHAL: If we could, turn to the variance section of your notebook and go through the worksheet.

CHAIR HUMPHREY: Uh, yeah, and yeah. The variance sheet. We're going to have to go through that. I've got it right here. Uh, let me get this motion here. I'm sorry. Mr. Lott made the motion to approve it. Mrs. Mullins seconded it.

**Mr. Lott made the motion to approve case no. P15-08-C, seconded by Mrs. Mullins. The motion passed unanimously.**

	IN FAVOR	OPPOSED
HUMPHREY	YES	NONE
MULLINS	YES	
MCHENRY	YES	
LOTT	YES	
FERGUSON	YES	

CHAIR HUMPHREY: Okay, uh, we're going to make this motion—uh, this motion is made based on... Mr. Lott, what the staff has said they need incorporated into the site plan.

MR. LOTT: Yes.

CHAIR HUMPHREY: Could you include that into your motion?

MR. LOTT: Sub made that the requirements required by the staff be met with the application.

CHAIR HUMPHREY: Okay. We agree? That's seconded? Y'all agree on that?

MRS. MULLINS: Yes. Second.

MR. FERGUSON: Yes.

CHAIR HUMPHREY: Alright then, moving on, we'll go ahead and tackle these conditions. It's the board's conclusion that unnecessary hardship would result from the strict application of the ordinance. I think so, there's already opinion out that we need space there and there would be a hardship on that Dedication Drive there. That is a busy little intersection there, coming in and out of there. Uh, and by testimony I think we can say that this has been met, that this would create a hardship for them, for them to continue having their classes and other necessary community things that they're doing.

Two, and this is where the site would come in, I suppose. It says a hardship results from conditions that are particular to the property, such as location, size, etc. We're going to focus on the size of it, you need more space. This is what, if this motions approved, we're going to give you... We're talking about, what, 15 feet?

MR. LOTT: And less.

CHAIR HUMPHREY: And less. I think that's reasonable.

MS. SPEICHER: If I could, the board may want to think about the location of the subject property in proximity to the intersection and by allowing this variance, it would line up with the existing drive.

CHAIR HUMPHREY: It'd help.

MS. SPEICHER: Since they're putting it as far away from the intersection as possible.

CHAIR HUMPHREY: Okay. Do we need to incorporate that into?....

MS. SPEICHER: If you want, for number two.

CHAIR HUMPHREY: Yes, please do so. Thank you. Uh, it is the Board's conclusion that the hardship did not result from actions taken by the applicant or property owner. Well, I don't know how to address that. This came as a request of the fire department, right? The Pearce's Mill Volunteer Fire Department to, uh, improve their conditions.

Uh, yeah. So we grant them the variance so they can get the space that will make them more operational.

MS. SPEICHER: And you could probably find that that road, Dedication Drive was improved after the fire department was originally located there ...

CHAIR HUMPHREY: Before, right. Right. The building was there before they did some extensive road work there and took away some of the property. It is creating a hardship for them.

Last, I guess here is that the requested variance is consistent with the spirit, purpose and intent of the ordinance. I think we'd all agree to that, that it's consistent with the spirit and intent of what they're trying to do.

MS. SPEICHER: And it doesn't effect traffic or public safety.

CHAIR HUMPHREY: It doesn't effect public safety, it just improves their use. Okay. So, that will conclude that. Approved. Thank you. We have your pictures if you would like those.

MS. SPEICHER: Staff will keep those.

CHAIR HUMPHREY: Oh, okay. Staff will keep those.

(Inaudible.)

CHAIR HUMPHREY: Alright, does anyone need to take a bathroom break? No? Okay, we can move on to our next case.

**D. P15-09-C: CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A 121 FOOT TOWER IN AN R6 RESIDENTIAL DISTRICT ON 4.60+/- ACRES, LOCATED AT 1653 MCARTHUR ROAD; SUBMITTED BY ERNEST J. AND HILDA DARDEN (OWNERS) AND LAURA ASKINS, ESQ., PENNINGTON LAW FIRM, LLC ON BEHALF OF CELLCO PARTNERSHIP (AGENT).**

Chair Humphrey read the case heading for P15-09-C.

CHAIR HUMPHREY: We have people here, representing them here? Please step forward. We'll go ahead and get you sworn in, please. If you would go ahead and give your name and address for the record. We'll swear all three of you in at one time.

MR. PENDERGRASS: My name is James Pendergrass...

CHAIR HUMPHREY: Unless you have it. You don't already have it do you?

MS. RACHAL: I need to present the case, first.

CHAIR HUMPHREY: Pardon?

MS. RACHAL: I need to present the case, Mr. Chair.

CHAIR HUMPHREY: Oh, oh! Alright! Sorry! I'm sorry, getting ahead of myself here. Go ahead, please.

Ms. Rachal read the case heading and reviewed the zoning, sketch map, and land use of the area surrounding subject property. She briefly reviewed board packet material.

CHAIR HUMPHREY: Okay. No questions, anyone? Can I call them back now? Alright, if you'll come on up. Now if we could get your name and address, please?

Chair Humphrey swore in Mr. James K. Pendergrass Jr. 1511 Sunday Drive, Suite 220, Raleigh, NC; Mr. Brandon Wills, 121 South Cool Spring Street, Fayetteville, NC 28301; and Mr. Gary C. Pennington, 1501 Main Street Suite 600, Columbia, South Carolina.

MR. PENDERGRASS: Good evening, Mr. Chair, board members. My name is Jim Pendergrass. I'm from Raleigh and I'm here on behalf of Verizon Wireless. I'm going to start by sending up a binder. Within it, there's a thumb drive. We've got three witnesses here to testify. Mr. Pennington from Columbia, South Carolina will testify by way of PowerPoint presentation. Mr. Wills will testify as an expert on the detrimental effect, or lack of one, actually, on—of this tower on surrounding property which is one of your conditions that has to be met. Then Mr. Darden will testify as the property owner. Now if I may hand out copies of this PowerPoint presentation for you all, we promise not to keep you 'til eleven thirty.

CHAIR HUMPHREY: (laughs) Thank you!

MR. PENDERGRASS: Mr. Pennington will, uh, present the PowerPoint.

MR. PENNINGTON: Thank you Mr. Chairman, members of the board. My name is Gary Pennington of Pennington Law Firm, 1501 Main Street Suite 600, Columbia, South Carolina. I'm here on behalf of Verizon Wireless. Thank you for your time tonight, and I'd also like to thank your staff. They've been very professional and good to work with and that's a real plus, because that's not true in every county. Um, I realize we're the last applicant here tonight and the PowerPoint we have is sort of long, so I'm just going to go through it rather quickly. Um, the application that we filed, that we've made a part of the record is very detailed in terms of the documentation and how we meet each of the criteria of the ordinance.

(Inaudible)

MR. PENNINGTON: Just some background information on this particular site... This facility, this proposed facility, is for Verizon Wireless. Verizon has the largest wireless network in the United States, and serves over 109 million customers. The goal here is to continue to provide coverage and capacity in Cumberland County. One of the issues that we have here is that we have growing demand in this area. What we're trying to do with the addition of this new cell site is to provide additional coverage, or what we call the proper area, and that's near the intersection of SR1600 and Honeycutt Andrews Road north of Stacey Weaver Drive. Um, presently that area is covered by a site we call Eureka which is a site today. However, because of the change in technology and the growing demand for our service, that cell site is reaching its capacity. Every cell site has a limited capacity in regards to the number of users that can utilize that site at a given time. What happens is, once a site reaches its full capacity, the customer gets poor



service. There's long loading times, time-outs for internet browsers, inability to download or send emails, issues with voicemail. So the way we solve that is to build a new wireless facility to offload those existing sites like the Eureka site to add more capacity.

Um, these are just a couple of slides that show the growth of the wireless industry in regards to the types of uses and demand. It shows how the growth is just exponential. That's true in this county as well. One thing I want to point out to you, Verizon already has five sites in relatively close proximity to this location. I'll show you some of those sites in a minute, but I wanted you to see we do have coverage in this area now. We just want to improve that coverage and add to our capacity. The circle there in the middle of the map, that's what we call the search ring. That search ring is determined by the engineers to test where we need to add a new site to fix the problem that we have. Um, that search radius is approximately 1/3 of a mile in size. I'm going to point out to you where the Eureka site is—it's there to the bottom right. My vision isn't quite good enough to read from this far away. This is the Eureka site. You can see that it has three sectors. This is the sector we're trying to offload in order to provide additional coverage and capacity to this area here.

Just to talk about the site. Staff has already shown you some of the site plans. This is the actual location of the site, the general area. One of the things that we're required to show you is that there are no existing structures suitable for collocation within that search ring that we created where the site needs to go. One of the things we did do is consult Fort Bragg regarding the towers to the east of Fort Bragg. Fort Bragg is not opposed to the proposed 121 foot tower with a lightning rod. It's also been approved by the FAA as well.

This is a photograph you've already seen. This is the property here. The actual tower site is on the backside of the property. It is zoned R6. Total acreage is about 4.6. The Dardens are here tonight. They have a single family residence here on the front side of the property. Communication towers are a permitted use on properties zoned R6.

Then as to the facility, this site plan isn't as good as the one the staff showed. The access will be from this side road here, coming to the side, there will be a fence here, a tower here, and an equipment building here.

Probably, this isn't showing up well at all. This is just the equipment building here. The PowerPoint handout you have is probably a better representation than this.

This is what the tower is going to look like. It will be built to accommodate up to three additional collocutors. That is, three additional wireless providers could use this tower as well. It will have a lightning rod and this is what the equipment building will look like.

Um, the next part of this presentation really deals with the detailed compliance of the ordinance. This is pretty detailed. I can go over it all with you, or I can submit to you the application as submitted does meet all of the requirements of the ordinance. There are a couple things I do want to bring up. First, if we could go forward to the buffer where it shows the buffer. Right there. One of the things Mr. Darden has requested is that we not be required to have a 25-foot buffer placed around the property because of the natural vegetation that is already there. Now, I know initially that was one of staff's conditions,

but I think you just said the buffer would not be necessary based on the existing vegetation, is that correct?

MS. SPEICHER: No, sir. If I could, board?

CHAIR HUMPHREY: Please.

MS. SPEICHER: The ordinance requires the 25-foot buffer so we can't just take it off. That would require a variance. However, in requiring the 25-foot buffer, the very next sentence says existing vegetation may be used in place of the planted evergreen buffer. Based on their aerial photos, there are a lot of trees and undergrowth in that area.

MR. PENNINGTON: So the buffer will be there, we'll just use existing vegetation.

MS. SPEICHER: Yes.

MR. PENNINGTON: Okay, so there won't need to be any planting.

MS. SPEICHER: Correct.

MR. PENNINGTON: So rather than going through all of the criteria, I think this will be helpful to the board. (Inaudible) Okay, these are the special use requirements that you'll need to make findings in fact on. I think you'll find that these will help you as you do that. The first of which, is the use will not materially endanger the public health or safety. We've listed there, the reasons why that is. We meet all required conditions and specification. The application that we've filed, the narrative we filed in the application and the PowerPoint presentation cover each and every one of the conditions and specifications of the ordinance. We submit to the board that we will meet or exceed all of those. The use will maintain or enhance the value of adjoining or abutting properties or is a public necessity. We've got the points here. One of the things I'm going to have is Brandon Wills come up and present you his expert testimony in regards to the impact on property value. Um, also, I want to point out to you that this could be deemed public necessity because of the number of 9-1-1 calls that are made on wireless phones each year. There's a slide previously in the PowerPoint that covers that. One statistic that's very important and growing daily: today 38% of US households only use a wireless phone. They don't have a land line phone anymore. They can't afford to pay for both; especially young people. That number is only going to grow. So, at this time, I'll have Mr. Wills come up and present his testimony and put into evidence the report that he's prepared, just for the record.

CHAIR HUMPHREY: Okay. Thank you. Mr. Wills.

MR. WILLS: Thank you, ladies and gentlemen of the board, thank you for hearing. I think they are entering my report into evidence now. I am a Certified General Real Estate Appraiser. I've been doing real estate appraisals the last eight years. I was a trainee since 2007. I became certified general in 2011 and basically we do residential, commercial, industrial, agricultural appraisals all over Southeastern North Carolina. Sometimes we go into other areas, as far north as Virginia, but for the most part we stay between Charlotte and the coast.

I did a study on the subject property. I don't have a picture of the property, but you guys have seen plenty of pictures of the property already. I did a study on the property and to do this study I performed a buffer ring study, which means I located several towers in the county. I found 3 that were close to large subdivisions that would give me a large number of sales. So we locate those towers, we find all the sales in a neighborhood, and we plot them out on a map. We then put them in one tenth of a mile increment rings extending out from the tower. So we group all the ones within one tenth of a mile in one ring, then from one to two tenths in the second ring, and so on. I then went to the MLS to verify the information on all of these sales. After verifying that information, I then compared them all on a per square foot basis and averaged the values in each buffer ring. As I look at the towers, and we would look at the distances of the sales from the cell towers, and sometimes, they'd go up a little bit, and then down, but basically they fluctuate in no particular pattern. So we were not able to draw any conclusions as to whether this had any detriment to the property values, because there was no real pattern that showed a steady decrease in values. That would've been our sign that yes, this is a detriment to property values. Instead, it fluctuated. It seems the towers had no impact and people have more important things to look at in similar market areas to this one. They're probably looking more at location, school districts, how close you are to work, that sort of thing. Um, my final opinion, this will not be detrimental at all to the property values, it is harmonious to the surrounding area, and I'm open to any questions you guys might have.

CHAIR HUMPHREY: Thank you.

MR. PENNINGTON: I just want to make sure we covered all the criteria. There were two more—that was location and character of use. Um, it will be in harmony within the area that it's located based upon the natural camouflaging and vegetation that exists, the real estate study that we just presented, and some other documents we presented with the application which indicated that we have complied with the National Protection Act of 1969. Second, the site or the proposed development will be in general conformity with the Cumberland County Land Use Plan. With that, Mr. Chair and members of the Board, we would respectfully request that the application be granted. We do accept the conditions that the staff placed on the application for approval. We'd be happy to answer any questions you may have.

CHAIR HUMPHREY: Thank you. Anyone have any questions?

MRS. MULLINS: I do.

CHAIR HUMPHREY: Go ahead, Mrs. Mullins.

MRS. MULLINS: How many, actually, how far apart are the towers? Because you had it... uhh...

MR. PENNINGTON: There is a slide in there that shows you the distance from the existing sites to the pending site. So the Eureka site that we're looking to offload and add capacity is 2.37 miles away.

MRS. MULLINS: So, they're all still pretty close, right?

MR. PENNINGTON: They are. Um, all of these sites are within—except for Kelly Digital—are within 3 miles. So, with today's network and the demand on the network,

that's what it takes to provide quality service and to meet the demands of the users in the area.

MRS. MULLINS: Okay. Thank you.

CHAIR HUMPHREY: Okay. Any more questions?

MR. MCHENRY: I have a question.

CHAIR HUMPHREY: Okay.

MR. MCHENRY: Does the use of the tower have anything to do with the height of the tower, or is it, uh... In other words, the capacity that you're wanting to increase. I assume that first would be the top layer of...

MR. PENNINGTON: Antennas?

MR. MCHENRY: ...Antennas. Would be one part, then the lower ones...

MR. PENNINGTON: Right.

MR. MCHENRY: Then why do you have to have it within another location? Why can't you just have... put another set of antennas on the existing one?

MR. PENNINGTON: Um, from our engineering standpoint, that wouldn't solve the problem. You would be using the same spectrum that you have at that location regardless of the number of antennas that you have. So what happens is at a new site, you reduce the coverage area of the existing site, and reuse those frequencies at the new site. So, they overlap, just like if you put a sprinkler system in your front yard.

MR. MCHENRY: Mhmm.

MR. PENNINGTON: So, we downsize the power of the existing sprinkler, then put in a new sprinkler head that covers that hidden spot.

MR. LOTT: And I think also that your phone is switching the whole time too. It's keeping up with the tower your closest to.

MR. PENNINGTON: That's right. It hands off automatically.

CHAIR HUMPHREY: Other questions? No further questions. Is anyone else here to present? No? Wait, yes sir?

MR. DARDEN: Ernest Darden, 1653 McArthur Road, Fayetteville, NC 28311.

Chair Humphrey swore in Mr. Ernest Darden.

MR. DARDEN: I am the property owner, well, that is, me and my wife are ladies and gentlemen. The only thing that I want to stress about this, in addition to asking your favorable consideration, is the environmental aspect of it. Now the original, one of the original site plans that I saw called for a 25-foot buffer of Leland Cyprus. That is

unacceptable to me and would impact or even negate the on-going negotiations that I have with Verizon about this tower site. Simple because it goes against common sense to destroy vegetation that is part of the natural environment and bring in a plant that is not. That is the only concern I have. Thank you for your attention. I think it's already been addressed, I simply wanted to reiterate.

CHAIR HUMPHREY: Thank you sir, you are correct. It has been previously addressed but we will incorporate that.

MR. LOTT: I think those were from the Natural Fish and Wildlife too...

CHAIR HUMPHREY: Right. Anything else? Is there someone else here? Anyone else? No one else. Okay, well we can close this out for discussion. Mr. Ferguson? Mr. McHenry?

MR. MCHENRY: No, I just want to say they uh, did a very good job of presenting the case.

CHAIR HUMPHREY: Mrs. Mullins?

MRS. MULLINS: None.

CHAIR HUMPHREY: Mr. Lott?

MR. LOTT: None. Ready for the motion?

CHAIR HUMPHREY: We're ready for the motion.

MR. LOTT: I make a motion that the tower be allowed under the conditions set forth by the planning staff.

MRS. MULLINS: I second it.

CHAIR HUMPHREY: Motion made that the tower will be allowed under the conditions previously set forth by the staff.

**Mr. Lott made the motion to approve case no. P15-09-C, seconded by Mrs. Mullins. The motion passed unanimously.**

	IN FAVOR	OPPOSED
HUMPHREY	YES	NONE
MULLINS	YES	
MCHENRY	YES	
LOTT	YES	
FERGUSON	YES	

CHAIR HUMPHREY: Now, let's go to the factors impacting this motion. I wish I could see that slide he had already had them listed.

MS. SPEICHER: As far as that if the board pleases, we could, Katlyn could just incorporate that into the motion if you...

CHAIR HUMPHREY: Oh, we can? Could we incorporate that into the motion? Who made that motion?

MR. LOTT: Me.

CHAIR HUMPHREY: Can we incorporate that?

MR. LOTT: We certainly can.

MRS. MULLINS: I'll second it again.

CHAIR HUMPHREY: That we use all the reasons presented in that slide. They're already there. Thank you all for doing that. I've seen it done before. We really appreciate that. It makes our job a little easier. Please just refer to those conditions that are relevant to issuing this permit. Is that agreeable to you all, sir?

MR. PENNINGTON: Yes sir.

CHAIR HUMPHREY: Great, approved. Anything further? Alright. You all are excused if you'd like to do so. If you have any materials or need any materials, please do that.

(Inaudible)

#### 11. NOMINATION TO FILL VACANCY

**Mrs. Mullins made the motion to nominate Mr. McHenry to fill the regular board member position, seconded by Mr. Ferguson. The motion passed unanimously.**

	IN FAVOR	OPPOSED
HUMPHREY	YES	
MULLINS	YES	
DYKES	YES	
LOTT	YES	
FERGUSON	YES	

**Mrs. Mullins made the motion to nominate Mrs. Alberta Ortiz to fill the alternate board member position, seconded by Mr. Ferguson. The motion passed 4 to 1.**

	IN FAVOR	OPPOSED
HUMPHREY	YES	
MULLINS	YES	
DYKES	YES	
LOTT		NO
FERGUSON	YES	

#### 12. DISCUSSION/INFORMATIONAL ITEMS

Ms. Rachal announced the October Board of Adjustment Meeting was cancelled.

13. UPDATE(S)

There was none.

14. ADJOURNMENT

**Mr. Ferguson made a motion to adjourn at 8:32 p.m., seconded by Mr. McHenry. The motion passed unanimously.**

	IN FAVOR	OPPOSED
HUMPHREY	YES	NONE
MULLINS	YES	
MCHENRY	YES	
LOTT	YES	
FERGUSON	YES	