

Amy H. Cannon  
County Manager

Tracy Jackson  
Assistant County Manager



Rawls Howard  
Director

David Moon  
Deputy Director

## Board of Adjustment

MINUTES  
October 21, 2021  
6:00 PM

### Members Present

Gregory Parks  
Linda Amos  
Robert Davis  
Vicki Mullins

### Absent Members

Marva Lucas-Moore  
Stacy Michael Long - Alternate

### Staff/Others Present

David Moon  
Nikia Charles  
Charlene Lee  
Rob Hasty  
(Asst County Attorney)

### Alternate Members in Attendance

Kenneth Turner- Alternate

Chair Parks called the meeting to order at 6:05 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.

#### PLEDGE OF ALLEGIANCE

Recited by all.

#### 2. ROLL CALL

Mr. Moon called the roll. Mr. Moon stated with the roll call, we have a quorum.

#### 3. NEW BOARD MEMBERS OATH OF OFFICE

Charlene Lee swore/affirmed the Oath of Office for new board members.

#### 4. SELECTION OF CHAIRMAN

**Mr. Turner made a motion to recommend Greg Parks as Chair. Ms. Mullins seconded the motion. The motion passed unanimously.**

	<b>IN FAVOR</b>
TURNER	YES
MULLINS	YES
AMOS	YES
DAVIS	YES

Mr. Moon said as you have been promoted from Vice-Chair to Chair, I ask that the board now make a nomination and take action on a new Vice-Chairman.

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## Board of Adjustment

CHAIR PARKS: We will try to handle that at another meeting. I don't have any nominations.

DAVID MOON: Would you like to take a motion to defer that to the next meeting.

**Chair Parks made a motion to defer the nomination of a Vice-Chair to the next meeting. Mr. Turner seconded the motion. The motion passed unanimously.**

	<b>IN FAVOR</b>
PARKS	YES
TURNER	YES
AMOS	YES
DAVIS	YES
MULLINS	YES

5. SWEAR IN OF STAFF

Chair Parks swore in staff.

6. ADJUSTMENTS TO THE AGENDA

There were none.

7. APPROVAL OF THE August 19, 2021 MINUTES

**Mr. Davis made a motion to approve the minutes from the August 19, 2021 meeting as written, seconded by Ms. Amos. The motion passed unanimously.**

	<b>IN FAVOR</b>
PARKS	YES
TURNER	YES
AMOS	YES
DAVIS	YES
MULLINS	YES

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

There were none.

9. PUBLIC HEARING DEFERRALS/WITHDRAWALS

There were none.

10. POLICY STATEMENT REGARDING APPEAL PROCESS

Mr. Moon read the policy statement. Mr. Moon said that last sentence would be applicable to both cases tonight.

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## Board of Adjustment

### 11. PUBLIC HEARING(S)

Chairman Parks read the case heading for Case No. BOA-21-0002.

**Case No. BOA-21-0002: Consideration of a Special Use Permit for a club/lodge, on property zoned R10 Residential District; located at 1509 Zinnia Court; submitted by the Special Forces Association Chapter 1-XIII (owner)**

MR. MOON: David Moon, Deputy Director of Planning and Inspections. The first case as well as the second case this evening are requests for special use permits. So, the following is a general description of the procedures that apply to both. And this is typically a little bit longer than normal since we have a number of new members this evening. The special use permit is an attachment to a zoning basically saying that a use may be compatible within that assigned zoning district based on compliance with criteria for the special use permit in consistent with a site plan that will be presented this evening. The Board of Adjustments has the authority to take final action. So, your decision this evening is final. It will not appear before the Board of County Commissioners. Any aggrieved party would, as I read earlier, have to file an appeal with the Superior Court in this case. There are criteria within each of the two cases that the board considers when making a decision on a special use permit. Those criteria are the use will not materially endanger the public health or safety if located according to the plan submitted and proposed, which you'll see here this evening in both cases. The use meets all required conditions and specifications. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and then 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 of the Cumberland County's most recent Land Use Plan, either Comprehensive or Detailed Area Plan. Then in the material I provided you under on page 168, Section D, it lists in granted a special use permit, the Board of Adjustment may give due consideration to one or all of the following, and it list thirteen situations that you would consider in making a decision. I'm not going to read all of those thirteen but those are available for you to peruse if you need to do so. So, we begin this evening with case 21-02 which is a quest for a special use permit on property located at 1509 Zinnia Court. (Slideshow begins) Generally the property is located just to the east of Martin Luther King Jr. Highway and west of Wilmington Highway. As you see on this photo just to the south just within this area is I-95. So, it gives you an idea that this site's location is right there at the intersection of Martin Luther King Jr. Highway and I-95. The existing use of the property is single-family. The character of the area is generally wooded and undeveloped with a few single-family homes or mobile homes located to the east of the site. The zoning in the area predominately to the north, south, and west across Martin Luther King Highway is manufacturing. So industrial manufacturing uses are allowed in that area. RR zoning to the east is or will accommodate residential development on lot sizes at a minimum of a half-acre. The soil conditions on the property are typically wet along the perimeters with the hydric soils. And the center of the property it shows that the soil conditions are suitable for development. The map appearing on the screen now is the future land use map and you see the land use designations placed on the property and on the abutting properties. That area shaded in white to the upper right or upper left-hand corner to the West of the property, that is property within the City of Fayetteville. That is airport property. It is part of the Fayetteville Regional Airport. So that shows the proximity of the site to the airport. The site has a future land use designation of suburban residential based on staff's review of the purposed use of this site. Within suburban residential it was determined that in staff's opinion that the purposed use is not compatible with the suburban residential land use. Before you is the proposed site plan. There is a trailer or home on the property. The applicant has proposed to use an existing building for the club or lodge that they are proposing and this organization, the applicant is present this evening to describe more about the activity. But the club or lodge is currently proposing to use existing structures which they likely will not be able to but building official and zoning official would determine whether the current structure is capable of accommodating public use. In terms of the general area, this is a picture of the subject site at

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## Board of Adjustment

its entrance roadway to this is the picture from across the street going into the site. This appears to be a property of the site and the structure structures located therein. This is a property from the property showing you the northern view on Wilmington Highway. This is the east view on Wilmington Highway. And this is the south view. We're back to the general location. The access to the property is not from Martin Luther King Jr. Highway but from a driveway that extends from the property to Wilmington Highway. It's possible but unlikely that the DOT will give them a driveway cut onto a limited access highway. So, the access is likely to occur from the east off of Wilmington Parkway. Again, the proposed special use for the property is a club or lodge within a property that is zoned RR and that again is a special use. That concludes my presentation. If you have any questions of me, I can address those, if not, then we move into the public hearing.

CHAIR PARKS: The manufactured home and the shed we saw on there, they're going to use that for their facility correct?

DAVID MOON: They would like to, but they would have to comply with building code requirements. So they either have to likely do improvements to the building or they would have to construct new buildings depending on what their business decision is.

CHAIR PARKS: And they understand that?

DAVID MOON: Yes.

CHAIR PARKS: Any other questions from the board members?

DAVID MOON: The next step would be to move into the public hearing. And I'll let our new Chairman know that each speaker needs to be sworn in. So, when they approach the microphone, they should state their name and address as well as then be sworn in by you. The first speaker and there's only one speaker. He's a representative for the proposed use of the property, and that is the Special Forces Association. They are the owner of club/lodge as proposing to locate at this site. So, if you call the public hearing then I'll call the first speaker.

Chair Parks opened the Public Hearing.

Chair Parks swore in Andre Battiste, Sr.

ANDRE BATTISTE, SR.: I am the secretary for Chapter I-XVIII, Special Forces Association. That tract that's up there wasn't mentioned in the notes, that sits on 64 acres of land. Prior to Hurricane Matthew, we operated 2 miles down the road at the Doc Bennett Road location for Special Forces Association. We've had a special use permit for 35 years. Chapter I-XVIII Special Forces Association is a 501 C19 nonprofit organization which benefits the Special Forces of Cumberland County and the surrounding Fort Bragg community. We're involved with all facets of the SOFT community. We do active lanes training out there with Fort Bragg. And we do charitable things as well. The special use permit will facilitate our ability to provide services to our community. This is a continuation of what we had prior to losing our house on Doc Bennett Road two miles from here. That's pretty much all I have unless there's any questions.

CHAIR PARKS: So the hurricane took your other facility?

ANDRE BATTISTE, SR.: That's correct. We were flooded out and we found a location that was previously owned by a Special Forces Officer who allowed us to purchase this property from him and we are continuing what we are trying to do in the community by being at this location.

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## Board of Adjustment

MR. TURNER: Just curiosity, the entrance road that's there now, is that close to anybody's residence by any chance? And if is, is there an opportunity given the NCDOT requirements to be as far away from anybody that you could be if there's someone living there permanently, for the in and out traffic?

ANDRE BATTISTE, SR.: So as Mr. Moon mentioned, perhaps you can go back to some of the previous slides. (Slides being shown) So this here is the entry way right off of Wilmington Highway here. And then you would turn in, there are several rental homes. There's one home right here to the left and then you drive approximately 200, 250 feet before you reach our team house back up here in the cut.

MR. TURNER: I guess I'm saying given the opportunity to be as neighborly as you can with coming and going traffic take advantage of that if you can.

ANDRE BATTISTE, SR.: We've been there on this property for over a year, and we've had no problems. We've hosted a number of events for the community. Just recently an Octoberfest activity. There's no problem. In fact, we've been widening the area on our property. If you see past these cones right here and to the photo there, we've widened that to double those lanes out. The only problem is that there's some poles by PWC that are there and so that's kind of the thing that we can't do anything with those poles. But we have widened that road to facilitate traffic.

MR. TURNER: Thank you.

ANDRE BATTISTE, SR.: Thank you.

CHAIR PARKS: Any other questions?

MS. AMOS: Anybody here to oppose?

CHAIR PARKS: No. Nobody here to oppose.

ANDRE BATTISTE, SR.: We are aware of the issues as far as the engineering concerns. We've already reached out to an engineering firm and pending your decision today; we will proceed with contracting them to have them make those changes that are necessary for the property.

CHAIR PARKS: Ok, and that's within your application as well, Mr. Moon?

DAVID MOON: Yes, sir. Within the staff report Exhibit H, contains the special use permit conditions. So, the Special Forces Association would be subject to the terms and conditions that are on the 3 pages that you see in your package. One of those is that they have to coordinate with the Department of Transportation regarding any improvements that may be necessary at the intersection of Zinnia Road and Wilmington Highway. But if the board chooses to approve, your approval wouldn't include those conditions as well as the site plan within the package.

CHAIR PARKS: Your comments or anything on this case? Before we can give a special use permit, we must have factors we have to go by. And the first one is the use will not materially endanger the public health or safety if located according to the plan submitted and recommended, number one. Number two, the use meets all required conditions and specifications. Number three, the use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity. 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 it is generally conforming with the Cumberland County's most recent Land Use Plan. So, for us board members and new board members, that's what we

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## Board of Adjustment

have to decide on. If they meet all four of those facts. So, if they make all four of those facts then at this time, I'd like for somebody to make a motion that we approve the special use permit.

MR. HASTY: And if I could just, as a reminder, they can't just do a conclusory statement. There has to be evidence to support each one those. So, if you think that's lacking, this is a good time to ask the applicant any questions on those issues to fill in any blanks.

CHAIR PARKS: Do y'all have any on each one of those? Do y'all have any questions that may be different than what you've heard that would not allow them to get a special use permit from this staff?

MS. AMOS: What is the occupancy of the club? How many can you have occupied at one time?

ANDRE BATTISTE, SR.: Ma'am right now it's currently a modular home. It was previously utilized for residence by the previous owner. The intent is to just open it up into a bar just for club patrons, members of our organization so that we can raise revenue to take care of our scholarships and to facilitate the programs that we are doing in the community. It's a double wide that's had several walls removed. It's congruent for the purpose that we're trying to go with which is a small bar just for the members of our organization. It's got office space inside. We have a quartermaster store where we sell Special Forces regalia to members as well. And we've got a dining room area. We got a kitchen. It's a standard double wide but we have one corner which is already earmarked for bar.

MR. TURNER: Wouldn't the fire marshal dictate the occupancy of that?

ANDRE BATTISTE, SR.: That would be correct. That's why I did not give a numeric answer to that question.

CHAIR PARKS: Alright, do I hear a motion?

**Ms. Mullins made a motion to grant the special use permit based on 1. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended. Access, everything is well taken care of and meets all the specifications. 2. The use meets all required conditions and specifications. You guys are currently working on the modular whatever to get it up to point per codes. 3. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity. And I mean what you guys actually do for the public and stuff, that would enhance that also. 4. The location and character for 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 wither Cumberland County's most recent Land Use Plan. You guys all meet the qualification also. Also, to include what staff has recommended. Mr. Turner seconded the motion. The motion passed unanimously.**

	<b>IN FAVOR</b>
PARKS	YES
TURNER	YES
AMOS	YES
DAVIS	YES
MULLINS	YES

Chairman Parks read the case heading for Case No. BOA-21-0005.

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## Board of Adjustment

**Case No. BOA-21-0005: Consideration of a Special Use Permit for an RV park and campground, on property zoned A1 Agricultural District; located at 3075 A. B. Carter Road; submitted by Maps Surveying, Inc (agent) on behalf of Thomas Nelson, Jr. (owner).**

DAVID MOON: The case before you 21-05 is a request for a special use permit to allow an RV Park/Campground in an A1 zoning district. The site is located on the north side of A. B. Carter Road. It's near the intersection a mile distance following roadways from the interchange of Cedar Creek Road and I-95. The subject site comprises approximately 10 acres and the owner and the applicant is Thomas Nelson. (Slideshow begins) The slide that appears on the screen now shows the subject site and then outlines the land that is owned by the applicant. So, the special use permit will only apply to those areas highlighted in red. In other words, the RV Park and Campground will only occur in the 10 acres that are shown within the larger parcel or parcels that Mr. Nelson owns. The slide on the screen here shows the location of the subject site in proximity to the interchange of I-95 and Cedar Road, Cedar Creek Road. The land use and existing use surrounding the property is predominately wooded to the south, north, and west. To the south it's predominately either land owned by the applicant that will not be used for a campground that is a homestead. And then there are residential neighborhoods to the south of A. B. Carter Road and within the vicinity of the site. The zoning in the area to the north, south, and east is predominately A1 agriculture, RR residential, or platted residential community and other residential zoning categories such as R15. To the northwest along Cedar Creek Road the predominate zoning is commercial and the uses along Cedar Creek are predominately retail and highway-oriented uses. The soils on the property are predominately hydric inclusion soils that means the soils possibly could contain hydric soils, but further research is necessary, and the area shaded in green on the property are hydric soils. There is a water line that crossed the front of the subject campground site and there are sewer lines within approximate 1,000 feet of the site. Regarding future land use, the property lies within a suburban density residential land use designation. To the west and northwest the use, future land use is predominately heavy commercial. For the south it's rural residential and to the southwest suburban density residential. Within the staff report you'll find the site plan for the campground site, and you'll also see a better view, a blow up of that version so you can see it a little bit better. That appears in Exhibit D of that staff report. Overall, the applicant is proposing 103 camp sites which would comprise of 56 recreational vehicle lots, 13 tents, and 34 cabin lots. Based on the site plan what I just described the recreational vehicle lots are at the center. There are cabins to the east and west on the perimeter of the property. And on the north of the campground site are the 13 sites for tents. In the center of the proposed campground site is the bathroom facilities and at the southwest corner there is a playground that would be provided for children and patrons of the campground site. This is a view of the property, and this is along A. B. Carter Road. This is an east view along A. B. Carter Road. The south view. The west view. And we're back to the opening slides. The applicant within the package of the staff report has provided a response to the criteria. The applicant or his representative is here this evening and can provide further information. That concludes staff's presentation. Again, whatever motion you take this evening particularly if you take a motion to approve that will conclude the special use conditions that are incorporated within the staff report as the Exhibit H and also include the site plan that is part of that special use permit. That concludes my presentation.

CHAIR PARKS: Is the applicant here Mr. Nelson, Jr. or an agent for him?

Chair Parks swore in Thomas Lloyd.

THOMAS LLOYD: I want to start by saying that I do know Ms. Mullins. I was Planning Director for 15 years. I retired 2 years ago from Cumberland County. Currently on the Planning Board, neither or which positions I'm here to represent tonight. I'm usually on that side of the rail. This is the first time on this side and definitely not with all these people in opposition, that's for sure. So I'm just going to go over the statements of the finding of fact because that's what this is really going to boil down to I feel. To begin with right off the bat, the applicant is going to delete the tents and the cabins from the request. So the site plan shows those, He decide tonight most of the problems that most

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## Board of Adjustment

neighborhoods would fear from this type of development be would come from the cabins and from the tents. So this is only for the RV Park as discussed, for RV spaces.

DAVID MOON: Mr. Lloyd can I ask if the intent then is to limit the site to 56 RV lots or?

THOMAS LLOYD: Yes.

DAVID MOON: Ok.

THOMAS LLOYD: So, I want to go to the statement that I provided for you all. Just to reiterate some things. Just to familiarize the board with this the planning staff, the planning board, and subject committee County Commissioners did go in a revamp these RV parks standards about 2 years ago because there was problems with people living in RVs permanently. So, it's put a lot of pressure on County services, the school system. So, some amendments were made to and some operations put at the staff level to stop that as much as they could, any type of permanent residence in an RV, tent, or cabin. That being said, this request for the RV Park meets all requirements of Section 9.21 for RV Park and Campground, they're all met and the submittal and the site plan shows this. Secondly, RV Parks are only allowed, well A1 considered a residential district in this case and there's only one residential district they're allowed and that's an A1, the other district would be commercial or industrial. Because they generate very limited amount of traffic, only that of the RVs, and again please consider that there's not going to be cabins and tents. They generate very little traffic. Most households generate 10 trips per day. An RV will not generate 10 trips per day in an RV. So, traffic on A.B. Carter Road will not be result near as much as if this was developed A1 standards. If this property was developed A1 standards, it would allow 16 units and 16 mobile homes if he desired, which the applicant has developed in the past. So, the A1 agriculture district does allow manufactured housing and you could put 16 of those units on the property right now as a permitted use. So, these RV Parks are going to stay on their assigned lots. The nature of this is to cater those people traveling and those people here to visit Fort Bragg. If you put back on the slide, you can't tell on any of those pictures, the total RV Park spaces will be surrounded by wood line. It would be woods; the buffer would be wood line. Now you could put a fence up but you won't even be able to see the RV Park per say because the field is completely surrounded by the wood line so that's going to be the buffer.

CHAIR PARKS: So you won't see it from A.B. Carter Road at all?

THOMAS LLOYD: Correct. Schools, which was a big problem in the past. People in here going to schools. The school enrollment won't change because they're not permitted. There won't be any other count of the schools. No full-time students. As far as the public health and social service burden, they'll have minimal impact because they won't be using the health department, social services, library and probably not generate as much problems. It's standard RV people that are just camping on their way down south or north or visiting somebody on Fort Bragg. Hopefully the Sheriff's Department wouldn't be out there. Granted, and if I lived on A.B. Carter Road, I would not want cabins or tents on the road either. Ok, because that generates a different type of clientele. Not with the RVs. RVs are mostly transient meaning transient they're gone. This is a stop either to visit somebody on Fort Bragg or along their travels and that's why it's so close to the interchange. We're not asking for any waivers so all the design specifications is laid out in the zoning ordinance are met. Now with respect to impact on the surrounding development, it should have very little impact on the abutting properties because it's so buffered by the wood line. So traffic wise the RVs are going to go down A.B. Carter Road off 53. There's no reason that they're going to go the other way so they're going to about a half a mile at most on A.B. Carter Road judging from where this entrance is. Then they're going to pull in and go behind the wood line. So there won't be any, as far as traffic on A.B. Carter Road, they won't generate near the traffic that developing this with 16 housing units would generate. And if you look at the site plan there the two houses that are immediately impacted there shown in the yellow on the south side of A.B. Carter Road. The yellow house, the yellow to the north is the applicant's property. Again, if this was developed A1 standards this

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## Board of Adjustment

would allow for a 16 housing units which would produce about an average of 160 vehicle trips per day. So this is really about trying to balance the wants of the neighborhood and if I lived in that neighborhood I would feel the same way. The question is going to come down to harmony. Because the findings of fact, I believed that we've shown that it's not going to be more of a burden on the road, on any governmental agencies. Now with respect to property value and I think the county attorney will attest to this, the courts have found that unless there is an appraisal present and in the opposition they have an appraisal present, certified, showing appraising of how this would affect property values, it would just be hearsay at this point. To say that it's going to lower them or raise them you would need that appraisal to submit as evidence. So I'm not going to say it won't or will ok. The harmony issue is the big issue I guess you'll have to wrestle with and all I can say is he's tried to do the best he can with respect to this by buffering it inside there, that area pointed shows the wood line around it. It's going to be in that cultivated area now out in the field. So I'll be able to answer any questions if you have any. We feel like that we tried to minimize the impact, any adverse impact by taking off the cabins and the tents.

CHAIR PARKS: You mentioned about the schools and different type stuff. People coming into these parks are they just coming in to stay one night and then go south? And then you keep mentioning about Fort Bragg. I mean somebody could come in there and stay for a year couldn't they?

THOMAS LLOYD: Well that's what was going on but there was things put in place at the staff level behest of the County Commissioners because we had just that problem. This was back when Diane Wheatly was on the Planning Board. She had been on the School Board. There were people that, especially contractors, would come in and they would live in these RVs and their kids. Use the schools and other government agencies would be used. They were essentially permanent students. I believe now and I don't have an ordinance with me, I know that the Planning Board looked at these amendments and then the Commissioners approved them. Even if they stayed, they would have to move every three days. Am I correct Mr. Moon?

DAVID MOON: Within Section 921, there are requirements in terms of the length of stay. And there must be a minimum, let's see, Section E shall not allow for permanent occupancy on the same site by the same occupant for any continuous period exceeding 90 days with a maximum allowance of 180 days per calendar years within the same park. So they will be limited to a maximum of 90 days and they would have to leave with basically a second 90 day period.

ROB HASTY: I was pointing to the Chairman that the board had a recent case dealing with that and they did find in that case that the person was living permanently in a home. He had to leave that and stop that activity.

CHAIR PARKS: Thank you.

THOMAS LLOYD: To address your question, there was a problem with people, especially contractors, that were working on Fort Bragg living in RV parks and essentially became a permanent residence. The Commissioners realized that. They asked the staff to draw something up that would minimize that at the very least. You're not going to knock it off all together because it takes a lot of time for sure from the inspection standpoint. But what was put in place was the best job they could do to ensure that that wasn't going to happen.

MR. TURNER: I noticed as a part of the site plan that there was a kinda two different ways to go on the be connected to sewer unless Cumberland County authorized a different alternative system. Have you moved forward on what you would want to do?

THOMAS LLOYD: That's why I stood up a minute ago. He said he'd like to try, because we're taking away the cabins and all to hook the water but not the sewer.

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## Board of Adjustment

MR. TURNER: Not the sewer?

THOMAS LLOYD: Yes Sir.

MR. TURNER: Was there any reason, I know that eventually y'all, this was done with the RVs and the tents and the cabins were placed on the absolute minimum that the county was allowing you to do that. Why wasn't the whole 30 some acres maybe looked at or is there another plan for the other 20 some acres?

THOMAS LLOYD: On this site?

MR. TURNER: Yes.

THOMAS LLOYD: I can't answer that. He says he has no plans.

MR. TURNER: No plans for the others? There won't be like 4-wheeler paths or anything like that on it? Walking trails?

DAVID MOON: The special use permit would limit any activity associated with the RV Park to the 10 acres that appear in the site plan. Any change to the number of RV vehicles or the type of campground accommodations, any RV use that would extend beyond those 10 acres would require an amendment to the special use permit.

MS. MULLINS: Per the GIS that that property is wet. Very wet. Are these going to be dry camping lots or full facilities?

THOMAS LLOYD: Dry. Now there's hydric soils but there's not wetlands.

MS. MULLINS: Because if it was full, you'd have to have the septic, water, and electric and everything supplied for them.

THOMAS LLOYD: Well all the septic tank would have to be approved by the health department as you well know.

MR. TURNER: Has any study been done about the amount of noise that might be generated from this?

THOMAS LLOYD: No Sir. Not that I know of. And I don't know the studies on RV Parks in general.

MR. TURNER: And another question I have, I guess if we're going to limit it to 56 units now, will they all 56 be allowed to build campfires at their convenience?

THOMAS LLOYD: They shouldn't be.

MR. TURNER: What do you mean they shouldn't be? I don't know that I understand. I'm sorry.

Chair Parks swore in Thomas Nelson Jr.

THOMAS NELSON JR: Me and my father both have traveled in RVs all our life and been to much campgrounds and stuff. We know the rules and most campgrounds don't allow you to stay over a couple of days, maybe a week at the most. They want you in and they don't want you to plant roots there. We intend to make this landscaped place where nice driveways and entrance. These campers nowadays are 60 foot, and 40-foot-long, 60-foot-long nice campers. An

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Deputy Director

## Board of Adjustment

RV could come visit their family at Fort Bragg and older population. And we're close to 95 we just thought it would be a good business fit because there's no campground within 7 miles within 20 miles that I know of. It would be landscaped nice and have a nice entrance.

MR. TURNER: I wanted you to address the campfire issue. I mean I'm just thinking of 56 fires smoking.

THOMAS NELSON JR.: Most places like that won't allow you to have the fire because people would be burning trash and stuff.

MR. TURNER: Yeah, and that's kinda why I was wondering. So, are you saying you will not allow campfires?

THOMAS NELSON JR.: No. We couldn't really allow that anyway. Like I said, we'll have grass areas. You don't want a fire fit and people burning and taking their trashes.

MR. TURNER: The point of my question. So no open fires?

THOMAS NELSON JR.: Right. No open fires.

DAVID MOON: If that's the condition offered by the applicant then it would need to be added to the special use conditions. The site plan does show a campfire site per each campsite within the site plan. So the site plan would also have to be amended to remove the campfire.

MR. TURNER: One last question since you kind of gone back to square one and limiting only two RVs and eliminated the tents and the cabins, do we need to be addressed that from a different perspective? I mean can they amend it at this meeting to take that away and it be ok?

DAVID MOON: That is discretion of the board. If the board chooses to have the applicant revise the site plan return to the Board of Adjustments so you can review it and any revised conditions, then you would need to defer the meeting so that the applicant can revise the site plan. Or you can establish the conditions and direct staff to review and accept the revised site plan according to the motion that you make.

CHAIR PARKS: Any other questions for Mr. Nelson here? Or you think your agent wants to come back up?

THOMAS LLOYD: Yeah, I would like to point out to the board that you could also limit the RVs. You don't have to approve 56. And I'm not trying to do an injustice to my client, but you can make any adjustment to the site plan you like, and he would probably agree.

CHAIR PARKS: Any other questions for them?

DAVID MOON: The next speaker on the list would be Carl Tina Anderson. Caroline Anderson.

Chair Parks swore in Caroline Simmons Anderson.

CAROLINE SIMMONS ANDERSON: I want to first give honor and recognition to the Chairman of the Board of Adjustments as well the Board Members and if there are any elected officials in the house today. Again, my name is Caroline Anderson and I reside on 3136 A.B. Carter Road. And I am here today to speak on behalf of our community at A.B. Carter Road, Sids Mill Road, the area Grant Avenue, Cleveland Avenue, and also the greater Cedar Creek area. I have a petition here with well over 200 names. And many of the people that even signed did not come because

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## Board of Adjustment

of the Corona Virus but you can see, many have shown up today. I want to first state that I would like the Board to know unequivocally, this is a residential area. Period. We stand united here. We stand in solidarity as we ask that you disagree, denounce, disapprove, and dismiss the request by our neighbor, Thomas Nelson Jr. And I will give you all of the reasons on why the community is in disagreement for a RV Park, a campground with the potentiality to settle in a trailer park. First, I'd like to say 16 letters were mailed out and addressed. And of those 16, 4 were addressed to companies. Not only that, that means all of us were not notified and I understand the legalities of that. But then again, there was a very small sign, and I actually saw it on here, that was actually placed in the grassy knoll area with overgrowth. So if you were driving by there was no way visibly you could see this sign. Number 3, A.B. Carter Road is an extremely narrow road. I ask that everyone, this is a fact. It only measures 18 feet. So with me saying this, RV vehicles weigh anywhere from 33,000 lbs. to 44, 000 lbs. which means if this was on our road it cannot sustain. And it's not able to sustain the weight of these vehicles. 4. With an RV Park, a campground, we will have an influx of traffic off of I-95. It will come in. There will be an increase of crime. There will be an increase of noise and not only that there will be late night parties. And people from all across the United States of America are traveling I-95 exit 49, and this will disturb the community. The stability, the peaceful, harmonious nature that we have worked so hard to maintain in our area. And 5. We will see a change in the environment such as, when you have an RV Park, there's a need to dispose of human waste, debris, and trash. I know because I travel with RV campers. Not only that, in addition we would have to contend with what we're dealing with right now, the uncertainty of sewage odors, smoke fumes, fuel leakage. To note, sadly to say, many of us in our community right now, we're suffering from Chemours DuPont. Our waters are contaminated. So now we have to deal with this on the top of the potentiality of other pollutants in our neighborhood. 6. Our children who catch the bus in the morning hours. Our children who are walking the roads in the evenings. Our children and adults who are doing what they can to exercise on the roads, their safety will be threatened as people from everywhere will have a brief, noncommittal stay in our neighborhood which could mean it could be untraceable if incident or accident or a crime were to occur. 7. Bottom line, this is a sore eye. As so many of us have taken our life savings, our earnings, our investments to build a peaceful community and that would ensure sound future for our families. Allowing a RV Park, a campground, the potentiality of a trailer park in our community, it will decrease the value of our homes, no doubt. When you state that it hasn't been researched, then do the research. Our homes are ranging from well over \$100,000 to well over a million thousand dollars in our neighborhood. We are paying county taxes well over \$1000 dollars a year and some up to \$6000 a year. Now I have to say this is no more than a risky investment with no regards to the community, our families, our children, the residents, and just the area overall. This is an act with ill intent. Only for monetary gains to tear down paradise to build a parking lot. I ask this board would you want an RV Park, a campground in your neighborhood? I ask you to please consider our plea as we ask the board to denounce, disapprove, disagree, and denounce this request. Thank you.

CHAIR PARKS: Mr. Moon you want to take her petition. Who would like to come up next?

MR. MOON: We have a sheet. Next on the list is a Charles Parker.

Chair Parks swore in Charles Parker.

CHARLES PARKER: He did actually good camera shots. Ah my house does not show up on his camera. My property backs up to the RV Park. From my house to the road that goes in, its going to be 45 feet from my house. From the corner of my house to the RV is going to be 200 feet and it's wide open to my house. And the way the road slants out, everything that comes out of there is going to shine into my bedroom windows. Its going to have to stop in front of my house to turn into there which pictures did not show. Like everything that she said, no roads and stuff and everything else. I don't know how he did the pictures without showing my house so that was pretty good.

CHAIR PARKS: Anything else?

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## Board of Adjustment

CHARLES PARKER: That's pretty much it, but it aint surrounded by woods. If you look on the first sign, from my house there, it's open.

CHAIR PARKS: Thank you. David the next one.

DAVID MOON: S. Wright. S. Wright.

CHAIR PARKS: Ms. Wright

Chair Parks swore in Sherman Wright.

SHERMAN WRIGHT: It's a good neighborhood and I've been there for a good while and I like the neighbors. We get along very well. We work with each other; we try to help each other. I've had people come by and help cut the grass when someone was ill in the family. They knew that and they cared about it. We care about each other. We care about our community. And we do not believe that this park will do one thing to enhance the community. I was surprised when I first heard about it and I thought about it for a while and I said well let me see if I can think of one good thing that this park will bring to the community. And I thought for a good while and I couldn't think of one single thing. You know some people talk about that jobs. That's not going to be part of it. So then I said well let me think about what the negative things could be. And naturally I'll tell you one of the first one is decreased property values, which she covered. And anyone says its not going to decrease the property values is not telling the truth and not being realistic. No one wants that across from their house. I noticed the slides did not show the homes. These people have nice houses. They've worked hard and long for those houses. And they don't want to see tents and campfires and all kind of things that looks like some kind of carnival across from it. You know my house would be just a few hundred feet from this park. I don't want to look out there and see that instead of the horizon, the trees, and the things that I've seen there for almost the last 20 years. That is not what I want. That is not what these people moved into this neighborhood for. We all have good size lots. Our houses are not really close together. And anyone of us could've petitioned and put some type of business in there years ago. You know. A club, a honkeytonk place with loud music, you know. Alcohol, partying, and dancing, tailgate parties. But we care about our community too much for that kind of thing. We do not want that. And this park will bring those very types of things right to the midst of our community. You know you talk about people coming in from Fort Bragg, people will come in from all over this country and some from outside this country into that park. They don't care about the community on A.B. Carter Road. All they care about is going to the park resting, enjoying themselves, having a good time, and drinking their liquor or whatever they brought with them. Their pets, dogs, cats, snakes, whatever their pets are, they will bring to that park. And that is the type of thing we will have to deal with in our community. It is wrong. It is not good for the community. There is no way you could paint something good on this. If anybody knows any good thing that's going to come out of this for this community, I wish you would tell me. Because I've thought of it a long time and I don't know of anything, not one good thing for this community that park would bring. It might bring something good for the Nelsons, they might make a lot of money out of it. That doesn't do the rest of us any good. And our property values will go down. Our elderly people who suffer from health and breathing problems will suffer from the smoke and stuff coming from those fires and things over there. And the reason I wanted to ask the question, they were talking about eliminating this and eliminating that and whether or not you should vote on it, I think we as inhabitants of that community should have an opportunity to look at those things, to review them, like we have everything else up to this point before you make any decision on whether or not you accept that, without them having to revise the petition. I think we deserve that much and actually a lot more. So I oppose this park. I don't see where it could be any good for anyone in that community. I don't think it's going to be good for the whole area. I don't believe that the information that's given is accurate. I think there will be problems with traffic because there's other units being developed not too far from there that has to come up A.B. Carter Road. There will probably be others in the future, and it is going to be a problem. That park is going to be right there near a curve. Traffic coming around that curve with those big RVs units coming down there, it's

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## Board of Adjustment

going to be a problem. You know and we don't want to see anybody hurt and certainly not anybody lose their lives because of this. So, we oppose the park and I've got several reasons why I oppose it. The property value of course. The health of the people in the community. It's impact upon the community because it's not going to, I hear the statements about one of the requirements is it must improve, enhance the value of the, that is not going to happen. Not by putting a park there. So that's one thing that they cannot accomplish. And I don't see how you can believe it will accomplish that. I can get all kind of experts to review and tell me whether or not campgrounds like that can improve the value of the property. And I am pretty sure most of them will tell me no. The research I've done indicated that these types of parks which are active parks usually don't improve the value of the property. It's the passive ones. You know if you was talking Yellowstone, that's something else. But when you're going to have people with a bunch of campfires and the type of things that's going to be done there, that is not going to improve our property values. It's not going to make our community a better place. One of the questions I have is, you swore in some new people, I don't know how involved they've been but this is, this situation is pretty complicated. I'd like to know how they can, this quickly, absorb this and make a decision and vote on it? I don't understand how you can do that. You know, I'm not a genius, I'm not a super intelligent person but there's a lot of things involved in this. And I don't know how new members could even begin to understand it in a meeting like this in one night. So, I agree with what's been said so far. The RV camp is not the place that should be in our community. I think the place for it is like the industrial park down on Cedar Creek Road or some other place that is more isolated. But not in a community like we live in. Thank you.

CHAIR PARKS: Thank you very much. Mr. Moon, got some others?

DAVID MOON: Yes Sir. Next is Ladonna Simmons.

Chair Parks swore in Ladonna Simmons.

LADONNA SIMMONS: Me and my family have been living here for, living at this address for over 20 years. And the neighborhood is quiet and it's nice. We haven't had any problems. But I do believe that if a campsite comes with RVs and trucks pulling trailers as RVs, that it will be a problem for all of us in the community. I know that with a campsite there's potential theft, there will be potential theft in our neighborhood. Because there will be strangers lurking all through our neighborhood as we go to work each day. Children at play, it could be pedophiles in our neighborhood, sex offenders coming. Because the people that'll be coming, they'll be coming off of 95. And like someone stated, they'll be coming from all over the United States to camp out. Even the hotels will be sending people over to us. I also believe that the people in Fayetteville, there are people in Fayetteville that we all know live up under bridges and I do believe that they will make their way over to that 3075 A.B. Carter Road campsite and camp out and stay there as long as they want. We've all seen, well most of us, especially me, I speak for myself I've seen Tommy Nelsons Jr. mobile home parks that he had. I'm not sure if he still has them. But I have seen them, and I have seen how he does not maintain them or keep them up. So I believe that if a campsite comes to our neighborhood, it would be a disaster and look very bad just like his mobile home parks. And also, he has enough cars going in and out his driveway all the time, all the time. So this will make it even worse for us, it'll be more strangers coming in and out to this campsite. And his representative, Mr. Lloyd spoke, and he said that the area is totally wooded, and you can't, you won't be able to see the campsite. That is not true. I can see right through there. I can see out my window, I can see at night right through there, it's not totally wooded. I drive by there, I live there, I walk, I go walking and you can see straight through there. I see deers there, no it's not totally wooded. So yes I do believe that the campsite is not a good idea for our residents, for our children, for the roads because the road is very narrow like Ms. Anderson said. It's extremely narrow and I do believe that the RVs or trailers will mess up our neighborhood. And no I do not think that he will maintain it and keep it nice. So yes the value of our houses will decrease and go down. And a lot of people will probably just move out. And a lot of people are not in this meeting who would disagree with this also because they did not get a letter. Because I spoke to some people in the neighborhood who did not get a letter and I wish they

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## Board of Adjustment

were here. Because if everybody in the whole community was here, this whole room would be full and overflowing and against the campsite. And also basically like Mr. Wright says I did try to think of some pros for the campsite, I really did. I could not think of one also. I said there are no pros. None. There are only cons against this. And the potential of just strangers just constantly coming and the neighborhood is very nice. And like Mr. Wright said, it's not showing pictures of our houses and how our houses look. And it's a very nice community. It's a very nice community. But it's a very bad idea for him to want to do this and potentially do this. And I just hope and pray that you all will not let it happen to our community. Thank you.

CHAIR PARKS: Thank you. Mr. Moon.

DAVID MOON: Gary Simmons. Gary Simmons.

Chair Parks swore in Gary Simmons.

GARY SIMMONS: I lived there for 20 years. It's always been my dream home, since I was 38 years old. I put it in the frame of my mind to build a home, a nice home and we'd have a nice neighborhood. We would like to keep it that way too. We look at number one reason, I disagree you know with the RV camping ground. Safety is number one issue in everything. You know, safety your seatbelts and everything. We have rules and regulations with safety. We looking at the water system there. And I stay right off that curve, in the midst of the storm. So I'm going to be directly in front of this RV Park. I totally disagree with this, you know. I raised up a family, worked 12 hour shifts you know. And the hearing. I mean you look at the hearing, making all this noise and pollution and all this and that, I totally disagree with it. I mean I believe it would be a disaster. I don't have nothing against the Nelsons or nothing like that cause they're good neighbors but as far as this RV, you can knock on wood, I disagree with it, totally. And that's all I have to say.

CHAIR PARKS: Well thank you very much. Mr. Moon.

DAVID MOON: Mr. Willie Johnson. Willie Johnson.

CHAIR PARKS: Willie Johnson.

Chair Parks swore in Willie Johnson.

WILLIE JOHNSON: My husband and I both reside there. We oppose the special use permit for the RV Park and campground located at 3075 A.B. Carter Road. This use will materially endanger the health and safety which will cause increased traffic for large vehicles. The RVs they are up to 9 feet to 30 wide feet long and usually they're towing other vehicles which can be very dangerous when they're entering the highway. Even off of highway 53 it's dangerous already turning left there on the A.B. Carter Road. A.B. Carter Road is a very narrow road. We have school buses, there's a new subdivision coming in which also is going to bring in additional traffic. It's going to cause some environmental issues with pollution as well as contaminating water supply, possible spills of gasoline and diesel fuel. And if there are septic tanks that will also be an issue. And there's lack of streetlights as well. There's no streetlights there. This use will not maintain or enhance the value of adjoining or abutting properties as they are single-family homes all around. It's a single-family home area. The site will increase, will definitely create a loss of property value and make the area less desirable to live. There are approximately nine other campsites in the area. I did that search on google. There are approximately nine other campsites within 15 mile radius of this location. So this actually will not create a issue with people finding another place to camp if they need to. This also is not in harmony with other properties in the area. We're a single-family home area and it's not in conjunction with that. It does not apply; it does not really have a fit for our neighborhood. There's also other standard commercial property around the area as well.

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## Board of Adjustment

This is not conducive to the neighborhood. Our petition as presented tonight, we have over 200 signatures on our petition that was presented tonight. And everyone in here who can stand or wave your hand if you are in opposition of the campsite. If you will wave your hand or stand. We have quite a few neighbors here tonight supporting opposition of this campsite. Thank you. This use will change the face of our neighborhood forever and we don't want it to be a negative impact to our neighborhood and we do not want the campsite in our neighborhood. So we appeal to you tonight to please deny this request. Thank you.

CHAIR PARKS: Thank you very much.

DAVID MOON: Next on the list is Johnny Evans. Johnny Evans.

Chair Parks swore in Johnny Evans.

JOHNNY EVANS: I lived there for there for 45 years. I also have lived in the area for 81 years. I was born and raised right in that area. Farmed all my life up there. Farmed some of this property right here for about 15 years. It's good farmland too. Matter of fact I think that might be the best and highest use of it is to continue farming it there's a beautiful crop on it this year out there. I'm here to speak in opposition for this special permit for Mr. Nelson and I've known the Nelsons for many years, and I don't have a thing in the world against them, they're good people. But like I said I live about 2000 feet from this site right now that's where I live. I didn't get a notice, I don't guess I was supposed to, but maybe I'm just not supposed to. My daughters had the and my sister own the property right diagonally across from it there on the corner of A.B. Carter Rd. and the 53, and they didn't get a notice out either but we're very, very much against this. Incidentally we do have 205 names on a petition. I have not talked to one person that was in favor of it except the Nelsons. And we would expect that of course. But some of the reasons that I'm against it and some of the other people, you're talking about 101 lots on 10 acres of land and would almost be touching one another they're gonna be so jammed up there. You can have a fire pit on the upper lot there as I understand. If you get all this fire pits going one night, you'd have a lot of smoke coming up and you can have a health hazard for that. Particularly us older guns out there now the Nelsons purchased this land several years ago and think about that, they did it they developed that across the street very nice residential lots there and everybody was happy with that and had no problem. Other reasons for our opposition is increase in traffic and the trash which we're already getting some up there on the road and the increase in school busses are on this road, school kids going to school over at Cape Fear High and Mac Williams school and it is a cut off from 53 right over there to the school and there's no question that it's going to generate more traffic. And the bottom line is it's just not a fit, it's just not a fit in that residential area. I built the first house that was in the area where I live right in this there and I developed that property over there and I had nice large lots and restrictions on the house size set forth too and other things in there, still same way. Nice homes there and a good neighborhood, everybody is neighbors. And anyway thank you so much for listening to us here today and I'd like to thank everybody that came here in support of us.

MR. MOON: Mike Adams. Next on the list is Mike Adams.

CHAIR TURNER: Mike, if you have any new evidence?

Chair parks swore in Mike Adams.

CHAIR TURNER: Thank you do you have any new information for that?

MIKE ADAMS: Uh yeah, I'm the surveyor, I'm the one that drew it that's kinda why I was here in case there were any questions. Mr. Lloyd just had some time here I guess the Nelsons are willing to withdraw the request.

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## Board of Adjustment

CHAIR TURNER: So they're withdrawing the request?

THOMAS NELSON JR.: So what can I do with my property?

MIKE ADAMS: Do I need to do anything else?

CHAIR TURNER: No sir sit down. Make yourself at home.

CHAIR TURNER: Mr. Lloyd come back to podium, please and make that on the record what y'all are saying.

THOMAS LLYOD: The client wants to withdraw request

CHAIR TURNER: Any other questions, any other comments?

THOMAS LLYOD: And doesn't intend on coming back.

CHAIR TURNER: They're denying the proposal, withdrawing the proposal.

DAVID MOON: The applicant has requested to be withdrawn do we proceed with the rest of the public hearing or at this point does that conclude the hearing.

CHAIR TURNER: I think that would be moot at this point because the applicant doesn't want the special use permit so there'd be no reason to hear anything else. Do I hear a motion?

MS. MULLINS: Mr. Wright I know it kinda looks like we got sworn in as new but some of us are returning that has been on this before. So I just wanted you to know that we're not novices up here we're just being sworn in again to carry out here.

SHERMAN WRIGHT: Ok thank you.

CHAIR TURNER: Do I have a motion?

**Chair Parks made a motion to accept the withdrawal for the special use permit for the RV park on A.B. Carter Road. Ms. Mullins seconded the motion. Motion passed unanimously.**

	<b>IN FAVOR</b>
PARKS	YES
TURNER	YES
AMOS	YES
DAVIS	YES
MULLINS	YES

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12. DISCUSSION/UPDATE(S)

There were none.

Meeting adjourned at 6:54pm.

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Greg Parks, Vice-Chairman

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Alyssa Garcia, Senior Admin. Support Spec.



