

Lori Epler,  
Chair  
Cumberland County

Roy Turner,  
Vice-Chair  
Cumberland County

Garland C. Hostetter,  
Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman  
Patricia Hall,  
Town of Hope Mills  
Charles C. Morris,  
Town of Linden



## COUNTY *of* CUMBERLAND

### *Planning & Inspections Department*

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Walter Clark,  
Sara E. Piland,  
Cumberland County

Benny Pearce,  
Town of Eastover

Donovan McLaurin  
Wade, Falcon, & Godwin

DATE: SEPTEMBER 11, 2009

MEMO TO: CUMBERLAND COUNTY BOARD OF ADJUSTMENT

FROM: CUMBERLAND COUNTY PLANNING & INSPECTIONS DEPARTMENT

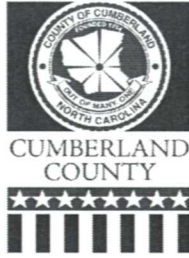
SUBJECT: TENTATIVE AGENDA

A meeting of the Cumberland County Board of Adjustment will be Thursday, September 17, 2009 at 7:00 p.m. in Hearing Room #3 of the Historic Courthouse at 130 Gillespie Street. The Tentative Agenda is as follows:

1. ROLL CALL
2. APPROVAL OF THE AUGUST 20, 2009 MINUTES
3. ABSTENTIONS BY BOARD MEMBERS
4. PUBLIC HEARING DEFERRALS
5. BOARD MEMBER DISCLOSURE
6. POLICY STATEMENTS REGARDING APPEAL PROCESS READ
7. PUBLIC HEARING(S)
  - **P09-07-C:** CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A DAY CARE FACILITY IN A R10 RESIDENTIAL DISTRICT ON 5.90+/- ACRES, LOCATED AT 1620 LILLINGTON HWY (NC HWY 210), SUBMITTED BY DEBORAH CORAM ON BEHALF OF AND OWNED BY UNITED PENTECOSTAL CHURCH OF SPRING LAKE.
8. DISCUSSION
9. ADJOURNMENT

**Members:**

George Quigley, Chair  
Oscar L. Davis, III, Vice-Chair  
Steve Parsons  
Melree Hubbard Tart  
Joseph Dykes



**Alternates:**

Martin J. Locklear  
John Swanson  
Horace Humphrey  
Carrie Tyson-Autry  
William Lockett Tally

*Cumberland County Board of Adjustment*

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

MINUTES  
AUGUST 20, 2009  
7:00 P.M.

**Members Present**

George Quigley, Chair  
Oscar Davis, III, Vice-Chair  
Melree Hubbard Tart  
John Swanson  
Joseph Dykes  
Steve Parsons

**Absent Members**

Horace Humphrey  
Martin Locklear  
William Lockett Tally  
Carrie Tyson-Autry

**Staff/Others Present**

Patricia Speicher  
Laverne Howard  
Angela Perrier  
Pier Varner  
Harvey Raynor, Interim  
County Attorney

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

1. ROLL CALL

Ms. Speicher called the roll and a quorum was present.

2. APPROVAL OF AGENDA

A motion was made by Vice-Chair Davis and seconded by Mrs. Tart to approve the Final Agenda as written. The motion passed unanimously.

3. APPROVAL OF THE MAY 21, 2009 MINUTES

A motion was made by Vice-Chair Davis and seconded by Mr. Dykes approving the minutes as written. The motion passed unanimously.

4. ELECTION OF OFFICERS

Chair Quigley stated that the officers to be elected would be Chairman, Vice-Chairman, and Secretary. Ms. Speicher requested to remain as acting Secretary until a permanent Secretary was in place.

Vice-Chair Davis made a motion to nominate Chair Quigley as Chairman of the Board, seconded by Mr. Dykes. The motion passed unanimously.

Vice-Chair Davis nominated Mr. Swanson as Vice-Chairman if qualified, seconded by Mr. Parsons. The motion passed unanimously.

5. ABSTENTIONS BY BOARD MEMBERS

There were no abstentions by Board Members

6. PUBLIC HEARING DEFERRALS

There were no public hearing deferrals.

7. BOARD MEMBER DISCLOSURE

There were no Board Member disclosures

8. POLICY STATEMENTS REGARDING APPEAL PROCESS READ

Ms. Speicher read the Board's policy regarding the appeal process to the audience.

9. BOARD HEARING WITHDRAWAL – APPLICANT REQUESTED

- **P09-04-C:** CONSIDERATION OF AN ADMINISTRATIVE REVIEW FROM THE ZONING OFFICER'S DECISION REGARDING THE COUNTY ZONING ORDINANCE, SECTION 1102 YARD REGULATION, SUB-SECTION G, BUFFER REQUIREMENTS, CONCERNING THE APPLICATION OF THE BUFFER PROVISIONS FOR A DAY CARE FACILITY IN AN A1 AGRICULTURAL & RR RURAL RESIDENTIAL DISTRICTS ON 6.33+/- ACRES, LOCATED AT 2514 & 2530 SAND HILL ROAD, SUBMITTED BY RICHARD LEWIS - LEWIS, DEESE & NANCE ATTORNEYS; OWNED BY DAVIS FOUR FAMILY LIMITED PARTNERSHIP.

Ms. Speicher explained that the withdrawal for Case P09-04-C was requested because the Board of Commissioners' approved the buffer amendment which did not require the applicant to need a variance for the buffer provisions. Essentially what it did was take out the retroactive provision that was put in the Zoning Ordinance in 2005 regarding buffers and only made non-residential uses with open storage subject to the retroactive provision.

Vice-Chair Davis made a motion to allow the withdrawal, seconded by Mr. Dykes. The motion passed unanimously.

10. PUBLIC HEARING

**Opened Public Hearing**

- **P09-06-C:** CONSIDERATION OF A REQUEST FOR A VARIANCE FROM THE COUNTY ZONING ORDINANCE, SECTION 927, SUB-SECTION C.1, TO ALLOW SIDE YARD SETBACKS OF UP TO 48 FEET WHERE 267.43 FEET IS REQUIRED FOR A 267.43 FOOT TOWER IN AN A1 AGRICULTURAL DISTRICT ON 74.69+/- ACRES; LOCATED AT 3926



WADE-STEDMAN ROAD; SUBMITTED BY RONALD L. ROYAL, OWNED BY ALICE E. ROYAL.

Ms. Speicher introduced Harvey Raynor as the Acting County Attorney. Ms. Speicher presented the zoning, land use and photos of the site to the Board.

MS. SPEICHER: The Board will be addressing Section 927 of the County Zoning Ordinance, Subsection C, which was adopted by Cumberland County in January 1996. Records of permits go back six years and there is no record of a permit for this site. The County Tax office also had no records of the tower; however, based on statements from the applicant which is the property owner's son, the tower was built in the 1980's. Because of that Ms. Speicher made a correction to the site profile to state that this is a legal nonconforming use and due to the setback from the southwest property line, approximately 158'. Where there is no record of permits we typically go under the assumption that it had to be properly done with the rules that were in place at the time the structure went up.

VICE-CHAIR DAVIS: So the lot was put in after the tower went up.

MS. SPEICHER: No sir, the tower was in, the lot is not in yet. The lot is a proposed subdivision. It's reverse of what you're used to. This is an existing tower and they want a new property line. When the survey came in for the property line staff picked up on the tower location and advised the applicant and the surveyor that they were making the tower more nonconforming.

VICE-CHAIR DAVIS: So we're not talking about the lot, we're talking about the tower, but the lot is the issue.

MS. SPEICHER: Exactly, this Board does not have jurisdiction over the Subdivision Ordinance, that's the Planning Board jurisdiction, and the lots being proposed, lots 2 and 4, on each side of the tower are both in excess of 10 acres. Under State law 10 acres or greater tracts are exempt from subdivision regulation. We only saw this because of Lot 1A and 3. Staff has been told that this is a family division, just wanting to get the property issues straightened out and the actual property line is where they insist on the property line being located. This is why we had them file the application for the variance. The tower is a lattice type tower, located on a .23 acre lease area, has an access easement out to Wade Stedman Road. The setback measurement is 48' which requires a 219.43 foot variance. (Ms. Speicher showed where the location of the new line would be located). This portion is a 93' setback which would require a 174.43' variance and on the west side is an existing property line that we decided to address all at the same time. It's legal nonconforming setback with the tower having a 158' setback, which would require 109.43' variance to cure the non conformity.

CHAIR QUIGLEY: What is the impact of a denial of this?

MS. SPEICHER: They actually have the option of moving the proposed property line to a different location. The southwest side would still be a legal nonconforming. The other two would have to be worked out.

VICE-CHAIR DAVIS: If we were to approve the variance and the subdivision goes in and they build a house, and the tower falls and hits the house, what kind of problem do we have?



MS. SPEICHER: I don't know the legal answer to that. But you could put the County in the position of at least having some minimum liability for that tower.

MR. SWANSON: In Section 927 Subparagraph B, the setback that is enumerated in the ordinance, what is the purpose of that setback?

MS. SPEICHER: I was actually part of the staff that worked on drafting the tower provisions, and our reasoning was to make sure that it did not fall on another structure.

MRS. TART: If the property was developed and houses built, would the prospective owners be made aware of the tower being issued a variance?

MS. SPEICHER: Logistically it's almost impossible for staff to ensure that anything is included on a deed, without standing over at the Register of Deeds and reviewing everything that comes in. We could try our best as staff to require that, we just can't guarantee that would happen.

MRS. TART: The person who was selling the property to someone, then they would have a liability?

MS. SPEICHER: If they did not put the public on notice.

MR. DYKES: If the County were to approve this would this Board be liable to a certain extent?

MS. SPEICHER: It very well could.

MR. DYKES: I was wondering if they signed a waiver releasing the County from liability if that would make the County exempt from any liability.

MS. SPEICHER: I can't answer that, I'm not an attorney.

CHAIR QUIGLEY: Asked Mr. Raynor for his opinion.

MR. RAYNOR: If this Board acts within the scope of its authority then it will not create a liability situation for the County, but it will create a potential liability situation for someone.

MR. SWANSON: Would it be fair to say that if the property lines, for purposes of record, describing moving the property line to the north, it may move for what I'm looking at Lot 2 may move those northern portions of the property line beyond the required setback of 267' but in reality there will always be a problem with the southern boundary, it will always be expanding legal nonconforming use.

MS. SPEICHER: It will not be expanding it; it would just remain legal nonconforming. That's an existing lot line, it is not a part of this review.

VICE-CHAIR DAVIS: How did that lot line get put in there?

MS. SPEICHER: That was an existing tract of land and Mr. Royal who was the property owner got the subdivision approved, yes staff did miss the tower, because quite often on subdivision you're focused on just that property. This case did make us more aware and as staff we were more diligent about looking at what's around it. I spoke to Mr. Royal about Lot #11, because it looks like it has no building area, none of the three lots that fall within the radius of the tower setback are developed at this time. Permits have not been issued, according to Mr. Royal they will not perk. He does have a potential buyer who owns Lot #9 that is interested in purchasing the property. I have made him aware and he has agreed and will make any buyer aware. I have also put the Inspections Department on notice that we would have to approve the plot plans on those three lots before any permits are issued. That was a mistake on staff's part and we have done everything we could to make sure it doesn't get worse.

CHAIR QUIGLEY: Mr. Ronald Royal please come to the podium. (Swore in Mr. Royal)

MR. ROYAL: My mother is the owner of the land that we are dividing. The tower was put there in 1986. It was a short tower then, they came out and extended the tower sometime around 1994 or 1995 they made it a lot taller. This was the first tower in Cumberland County. My mother wishes to have the property divided up. My two brothers and sister and I got together and we wanted to divide it. It's all farmland, I do all the farming and the majority of it is hayfields. I buy land and develop it also. The adjacent lots are part of the McLamb farm that backed up to our property and I bought that about three years ago and developed that into the lots that are on Wade Stedman Road. I basically wanted to keep the lot lines straight. I said let's try and work it out and we are all agreeable. That's when the tower became an issue. There is a ditch that runs along the back of that property; it's probably about 4 or 5 feet deep for drainage for that area. That ditch wraps around and comes behind the wooded area. We were using the ditch as a dividing line. That's why we moved the line in closer to the tower. Basically, my brother is inheriting the land where the tower is located and I'm getting the land next to him, which I already live on. That's how we came up with the lot line, to work it out to where we would keep a fairly straight line without going way over into the land that I already previously owned. We plan on keeping it for farmland, as long as we're alive. We don't plan on developing it.

MR. PARSONS: Asked Mr. Royal to identify which property he was referring to about getting title to that he owned.

MR. ROYAL: Indicated on the map which property he was referring to.

MR. SWANSON: What is the tower used for?

MR. ROYAL: Cell phones.

MR. PARSONS: If the tower wasn't there we wouldn't have a problem.

MR. ROYAL: It's not a real big issue. My brother and I are not so dead set that we can't move the line. It's just that we thought we're going to keep it in the family and farm it. As long as we own it it's going to stay agriculture. Our agreement between the brothers and me is that if one sells that I have the right to buy his first.



CHAIR QUIGLEY: Our only concern is that once we attach the variance to the property, it stays there.

MR. ROYAL: I understand that. My thinking is that if somebody came back later to the Board with a proposal to build, they would have to go to the Planning Board. We just assumed that we would be protecting it to a certain extent because any kind of house plan would have to go before the County to be approved.

MR. SWANSON: Is the tower a lease and when is the lease up?

MR. ROYAL: The tower was leased by Alltell, and I don't really know all of the details about the lease.

MS. SPEICHER: When I made the reference to the lease that was the lease area of the land that I was referring to.

MR. PARSONS: Do we have two nonconforming uses, the one with the tower subdivision interface but also is there one with the land that was previously cut out in the 1990's that's inside the circle?

MS. SPEICHER: Technically yes, however, this recombination would cure that because there will be no property line for it to be setback from and there is no structure there, on that portion of the preexisting lot.

MR. PARSONS: I understand, but if we don't approve the variance, do we then maintain two situations, one of which is clearly legally nonconforming. The other one is questionable.

MS. SPEICHER: Yes

MR. SWANSON: Has this plat been recorded in public record?

MS. SPEICHER: This plat has not been approved yet. We had the subdivision on hold. We have the preliminary and the preliminary review of that on hold until we see the outcome of this hearing.

VICE-CHAIR DAVIS: Do we need to address each as a separate variance?

MS. SPEICHER: You can do the variance for up to 48' as it was advertised which would cover the radius all the way around or you could do them individually.

**Public Hearing closed.**

MR. PARSONS: I obviously have problems with case fact #2 and case fact #5, particularly dealing with the commercial nature of the nonconforming use. It would be hard to justify that this doesn't grant a special privilege without a commercial benefit to having the tower there. Once you have the presence of something that generates income, granting the variance is obviously granting a privilege that would not be afforded to others. Also, I have a problem with the fact that we have a nonconforming use now, but we're making it worse if we approve it, which is due to the action of the applicant. So if you take a literal interpretation of case fact #5, I



just don't see how we can find any other way other than it's the actions of the applicant that are causing the nonconforming use.

CHAIR QUIGLEY: Not granting the variance is not going to relieve the non-compliance.

MR. PARSONS: It will not cure the other two nonconforming uses, one of which is legally nonconforming and the other one is questionable. But it would not create the opportunity to make it worse, which is obviously caused by the actions of the applicant.

CHAIR QUIGLEY: The significant implication would be they would not be able to develop the lots that are impacted by that offset.

MR. PARSONS: I would just suggest they find another way to accomplish what they're objective is without subdividing the land.

VICE-CHAIR DAVIS: Or change the line of the subdivision.

MR. PARSONS: I don't really have a problem with the other findings; we certainly have some interesting and extraordinary conditions with regard to the topography with the ditches and the presence of the tower and the already approved subdivision. I don't see how we can get by case #2 or case fact #5. All it takes is one case fact that we can't find and we can't approve.

A motion was made by Mr. Parsons, seconded by Mrs. Tart to deny the consideration of variance to the County Zoning Ordinance Section 929 Subsection C-1 to allow a side yard setback of up to 48' where 267.43 feet is required. Case Facts #2 and #5 support the conclusion that we cannot approve this request because the approval of this request would result in granting the applicant special privileges that would be denied other citizens of the area without like circumstances. In the case of Case Fact #5 that the conditions requiring 48' variance do not currently exist but would be created by the approval of the division of land, which requires this variance. It's the actions of the applicant that would create the need for this variance. Based on that I move that we deny the request for this variance.

VICE-CHAIR DAVIS: Does this impact the existing planned subdivision to the southwest?

MS. SPEICHER: No sir.

<b>Quigley:</b>	<b>Yes</b>
<b>Davis:</b>	<b>Yes</b>
<b>Tart:</b>	<b>Yes</b>
<b>Dykes:</b>	<b>Yes</b>
<b>Swanson:</b>	<b>Yes</b>
<b>Parsons:</b>	<b>Yes</b>

**The motion was denied unanimously.**

## 11. DISCUSSION

### A. ALTERNATE BOARD MEMBER RECOMMENDATION TO BOARD OF COMMISSIONERS

- A. JOHNSON CHESTNUTT

- ED DONALDSON
- DONALD W. GAMBILL
- WINTON G. McHENRY
- RANDY A. NEWSOME

After discussion the Board couldn't make a recommendation because all of the applicants looked well qualified to serve on the Board and decided to leave it up to the judgment of the Board of Commissioners.

## 12. UPDATES

- A. NOTICE OF VIOLATION – **VIOLATION CASE# WS02-02 & WS00-01:**  
 INVERNESS ON ANDREWS HOMEOWNERS ASSOCIATION, INC.  
 3534 ROSEBANK DRIVE  
 FAYETTEVILLE, NC 28311

Ms. Speicher advised the Board that the President of the Homeowners Association approached the Commissioners requesting money for the owners association to finalize the repairs and maintenance on the ponds. The Commissioners sent that to committee, so there is some resolution in the works.

- B. **P09-03-C:** CONSIDERATION OF AN APPEAL FROM THE ZONING OFFICER'S DECISION REGARDING THE ILLEGAL OPERATION OF A MOTOR VEHICLE WRECKING YARD AND JUNKYARD IN AN A1 AGRICULTURAL DISTRICT ON 11.5+/- ACRES, LOCATED AT 950 MIDDLE ROAD, SUBMITTED AND OWNED BY ISAAC R. AND HELEN WILLIAMS.

**BOARD DECISION:** The Board of Adjustment met on March 19, 2009 and denied the appeal requested for the above noted case with the stipulation that any and all fines be suspended for six months to allow the applicant time to clean the subject property. The County will forego all fines if the County Code Enforcement Officer determines reasonable progress of clean up is continuous; otherwise, all fines will be reinstated.

Ms. Speicher updated the Board on the progress that has been made at the subject property. A few of the junk cars have been removed, but it doesn't look like they will make the six month deadline in September.

Angela Perrier, Code Enforcement Officer, stated that if they are not in compliance by the six month deadline they will be fined \$500 per day when it reaches \$4000 they will be taken to Environmental Court. The County will clean it up and put a lien on the property. The whole process will take about 3 or 4 months.

## 8. ADJOURNMENT

There being no further business, the meeting adjourned at 8:00 p.m.

**P09-07-C**  
**SITE PROFILE**

**P09-07-C:** CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A DAY CARE FACILITY IN A R10 RESIDENTIAL DISTRICT ON 5.90+/- ACRES, LOCATED AT 1620 LILLINGTON HWY (NC HWY 210), SUBMITTED BY DEBORAH CORAM ON BEHALF OF AND OWNED BY UNITED PENTECOSTAL CHURCH OF SPRING LAKE.

**Site Information:**

**Frontage & Location:** 580'+/- on Lillington HWY (NC HWY 210)

**Depth:** 930'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** No

**Current Use:** Religious worship facility with incidental family life center

**Initial Zoning:** R10 – January 7, 1977 (Area 11)

**Nonconformities:** None

**Zoning Violation(s):** None

**Surrounding Zoning:** North: M1(P) & R5A (Spring Lake), C3 (Spring Lake/County), CD, M2, C1(P), RR, R10 & R6A; West: M1, C(P) & R5A (Spring Lake), C3 (Spring Lake/County), M(P), RR, RR/CU (to allow an additional manufactured home) & R10; East: RR & R10; South: C3 (Spring Lake/County), R10, R6 & R6A

**Surrounding Land Use:** Lodge, residential (including multi-family and 2-manufactured home parks), farmlands and woodlands

**2030 Land Use Plan:** Urban Area

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

**Soil Limitations:** None

**School Capacity/Enrolled:** Lillian Black Elementary: 265/205; Spring Lake Middle: 700/477; Pine Forest High: 1750/1591

**Subdivision/Site Plan:** See attached "Ordinance Related Conditions"

**Average Daily Traffic Count (2006):** 17,000 on Lillington HWY (NC Hwy 210)

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

**Military Impact Area:** Yes

**RLUAC:** No objection

**US Fish & Wildlife:** No objection

**County Zoning Ordinance Reference:** Section 906 Day Care Facility

**Notes:**

1. Contents of the application:

**Day Care facility:**

- a. Children: 25 (birth to 12 years)
- b. Employees: 8
- c. Hours: 5:30 am - 6:00 pm, Mon-Fri

**Before/after school:**

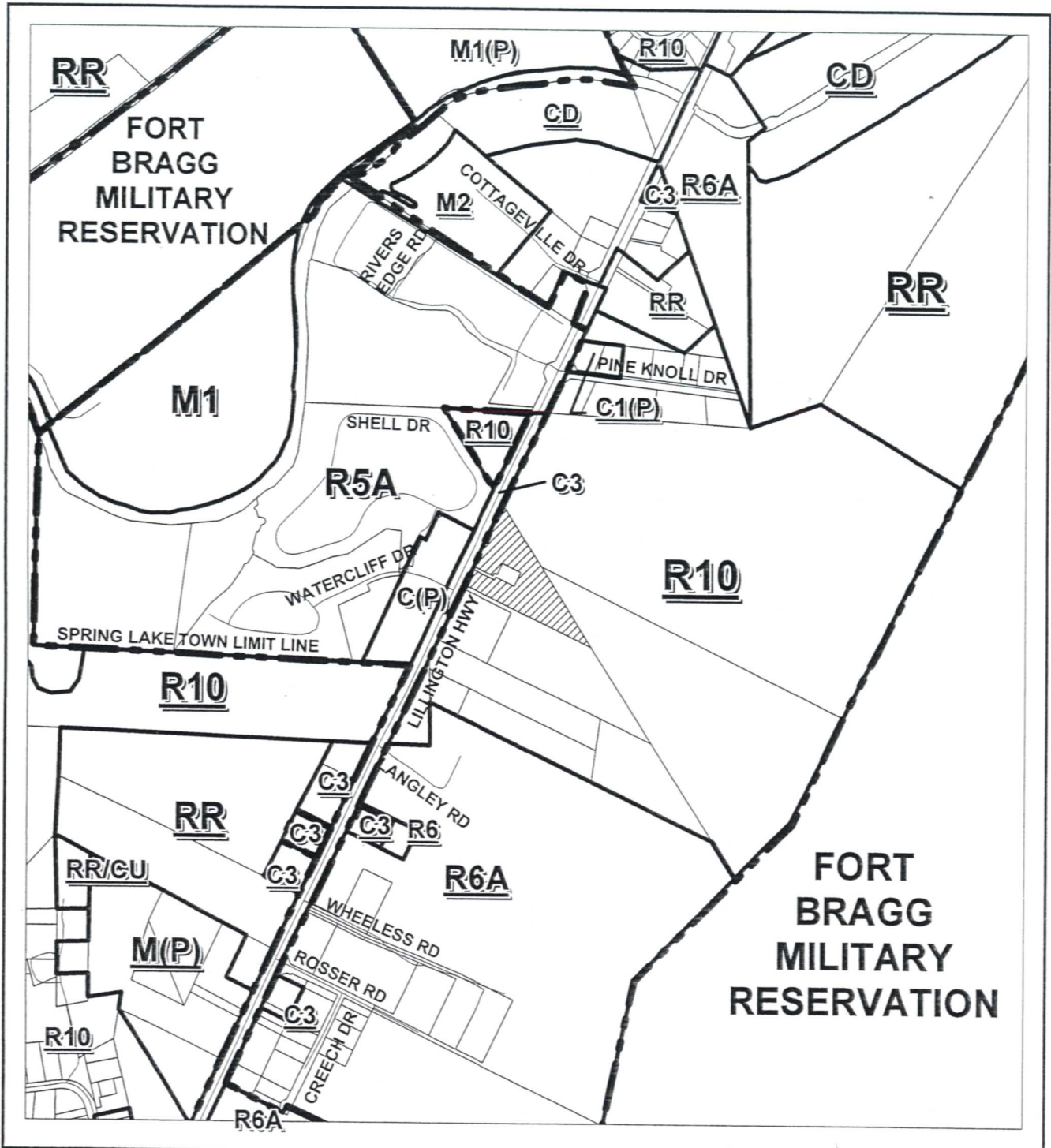
- a. Children: 50
- b. Employees: 3
- c. Hours: 5:30 am - 7:30 pm / 2:30 pm - 6:00 pm, Mon-Fri

2. Required Parking: 33 (Religious facility seating capacity 166). Parking provided 94 (see site plan).
3. Day care will be in the existing religious worship facility sanctuary. Before/after school will function in the existing Family Life Center building.
4. Applicant is not proposing an outside play area for day care facility.
5. Signage: New sign for daycare facility will be added to existing sign area.

**First Class and Record Owners' Mailed Notice Certification**

*A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' certified receipt of notice is also included.*

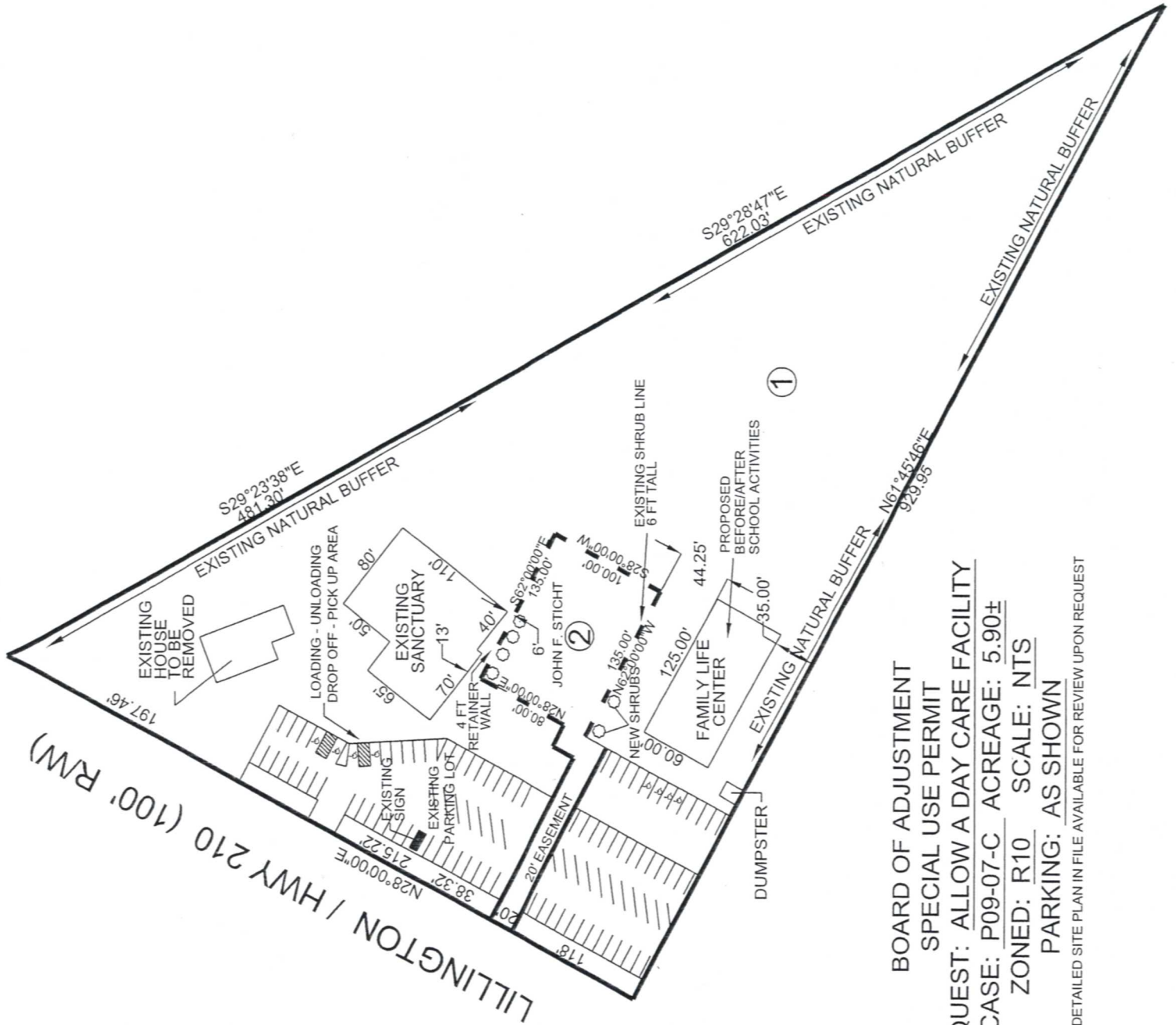




SCALE IN FEET

## BOARD OF ADJUSTMENT SPECIAL USE PERMIT

ACREAGE: 5.90 AC.+/-	HEARING NO: P09-07-C	
ORDINANCE: COUNTY	HEARING DATE	ACTION
GOVERNING BOARD		



LILLINGTON / HWY 210 (100' RM)

BOARD OF ADJUSTMENT  
 SPECIAL USE PERMIT  
 REQUEST: ALLOW A DAY CARE FACILITY  
 CASE: P09-07-C ACREAGE: 5.90±  
 ZONED: R10 SCALE: NTS  
 PARKING: AS SHOWN

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



# BOARD OF ADJUSTMENT

LOCATION OF PROPERTY: SPRING LAKE UNITED PENTECOSTAL CHURCH

OWNER: UNITED PENTECOSTAL CHURCH of SPRING LAKE

ADDRESS: 1620 LILLINGTON HWY ZIP CODE: 28390

TELEPHONE: HOME 910.497.4099 WORK 910.497.5195

AGENT: DEBORAH COLEMAN

ADDRESS: 1620 Lillington Hwy

TELEPHONE: HOME 910.424.5802 WORK 910.497.5195

1620  
LILLINGTON HWY  
SPRING LAKE NC  
28390

## APPLICATION FOR A SPECIFIED/SPECIAL/CONDITIONAL USE PERMIT As required by the Zoning Ordinance or Code

A. Parcel Identification Number (PIN #) of subject property: 0512-25-9306  
(also known as Tax ID Number or Property Tax ID)

B. Acreage: 5.90 Frontage: 589.91 Depth: 929.95

PLAK BOOK  
92, 69

C. Water Provider: TOWN OF SPRING LAKE

D. Septage Provider: SEPTIC TANK

E. Deed Book 2916, Page(s) 255, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).

F. Existing use of property: RELIGIOUS WORSHIP AND ACTIVITIES

G. It is proposed that the property will be put to the following use: (Describe proposed use/activity in detail including hours of operation, number of employees, signage, parking, landscaping, etc.)

• CHILD CARE AND LEARNING CENTER - MON-FRI - 5:30AM - 6:00PM

• 8 EMPLOYEES - 25 CHILDREN - AGES BIRTH TO 12 YRS OF AGE

• ADDING SIGN FOR WISDOM HOUSE CHILD CARE AND LEARNING CENTER TO EXISTING SIGN AREA

• WILL USE EXISTING PARKING

• ADDITIONAL LANDSCAPING INCLUDES A SHRUBBERY BUFFER ON BOTH SIDES OF STICHT PROPERTY. THERE IS SOME PRE-EXISTING SHRUBS BUT WE WILL BE ADDING TO IT TO THE END OF PROPERTY LINE

• BEFORE/ AFTER SCHOOL CARE MON-FRI - 5:30AM - 7:30AM / 2:30PM - 6PM IN FAMILY LIFE CENTER - 50 Students 3 EMPLOYEES

• GRAND TOTAL - CHILDREN (15)  
EMPLOYEES (11)



## STATEMENT OF ACKNOWLEDGEMENT

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

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

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

SIGNATURE OF OWNER(S)



PRINTED NAME OF OWNER(S)

SPRING LAKE UNITED PENTECOSTAL CHURCH

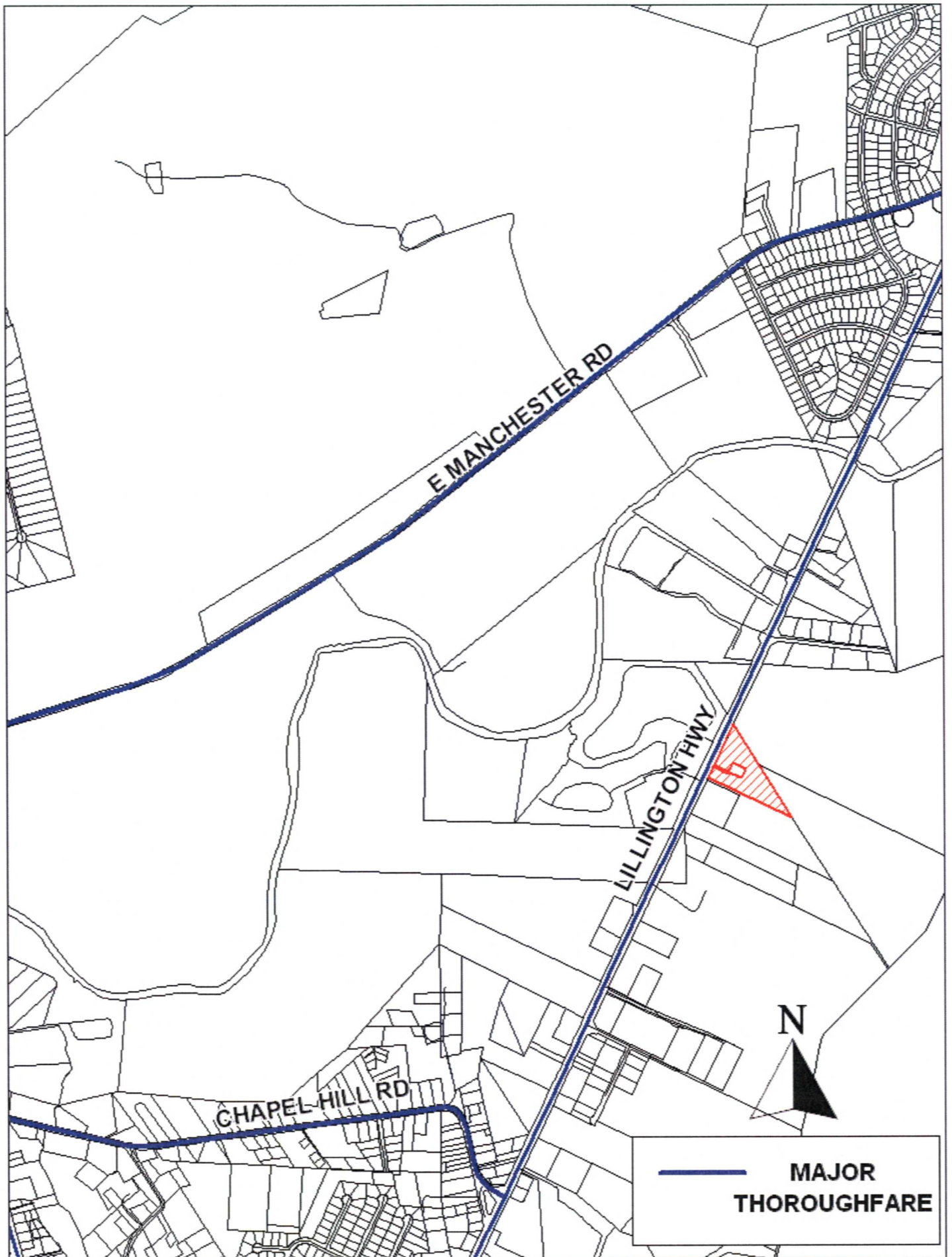
DATE

8/10/09

SR PASTOR JEFF CHAVIS

CO PASTOR ~~JEFF CHAVIS~~  
A. BRIAN CHAVIS

Only expressly authorized agents or assigns may sign this acknowledgement in lieu of the tax record owners' signatures.





**Board of Adjustment**  
**Special Use Permit**

DRAFT  
Ordinance Related Conditions

**Pre-Zoning/Building Permit-Related:**

1. Prior to application for any permits, the developer must submit three copies of a revised site plan, specifically addressing the following:
  - a. A buffer must be provided and maintained along the entire boundary where the subject tract abuts Lot 2 with the exception of the location where the parking access easement is located, as well as the subject property's external boundary (both sides) in accordance with the provisions of Section 1102 G, Buffer Requirements, County Zoning Ordinance. (Note: Chain link fencing cannot be used to satisfy the buffer requirement.) The buffer type and location must be shown on the revised site plan;
  - b. A minimum of two off-street loading and unloading spaces are required for the day care facility. (Note: The two loading and unloading space cannot be one of the handicapped spaces.); and
  - c. If there is to be any outdoor play areas for the daycare facility, the revision must show the location of the play areas. (Note: Any outdoor play area must be enclosed with a minimum 4 foot high fence with a gate which can be securely latched.)
2. Because the subject property lies near Ft Bragg's boundary and falls within the foraging partition of a recently abandoned re-cockaded woodpecker cluster, the developer must receive approval from the US Fish and Wildlife local office prior to disturbing any mature pines. This condition is necessary so that the long-term integrity of the red-cockaded woodpecker northern corridor remains protected.

**Permit-Related:**

3. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
4. The County Health Department must approve sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Section 2306 A, Water and Sewer, County Subdivision Ordinance) (Note: Any addition or changes to the existing building that would require changes to existing system then connection to public sewer will be required.)
5. Connection to public water is required, the Town of Spring Lake must approve water plans prior to application for any permits. A copy of the Town's approval must be provided to Code Enforcement at the time of application for building/zoning permits.
6. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement.
7. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR)



sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.

8. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
9. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

**Site-Related:**

10. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the R10 zoning district must be complied with, as applicable.
11. This conditional approval is not approval of any new freestanding signs. If a new (additional) freestanding sign is desired, re-submittal of the site plan is required prior to application for any freestanding sign permits. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
12. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision Ordinance)
13. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
14. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.
15. Turn lanes may be required by the NC Department of Transportation (NCDOT).
16. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
17. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
18. All required off-street parking spaces shall be a minimum of 9' x 20' and shall be surfaced, with a permanent material such as asphalt or concrete, and striped prior to application for the building final inspection. The minimum requirement for off-street parking for religious worship facilities is one space for every 5 seats of capacity and this religious worship facility has a maximum seating capacity of 166; therefore, a minimum of 33 off-street parking spaces is required for this development. (Note: The required off-street parking for the day care is shared with the religious worship parking because both uses are not operated at the same time.)
19. The owner/developer is responsible and liable for maintenance and upkeep of this site, all structures, and appurtenances, to include ensuring that the site is kept free of litter and debris, all grass areas mowed, all buffers and shrubbery kept trim and maintained, so that the site remains in a constant state of being aesthetically and environmentally pleasing.
20. All notes and calculations as shown on the site plan are to be considered as a part of this conditional approval.
21. Noise levels shall not exceed 60 dB(A) between the hours of 10:00 pm and 7:00 am. In any event, the noise level, regardless of the time of day, shall not become a nuisance to neighboring properties and strict compliance with the County's Noise Ordinance is required.

**Advisories:**

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

23. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.

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

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

Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Health Department:	Danny Ortiz	433-3685
Town of Spring Lake:	Tom Spinks (Planning Director)	436-0241*
County Public Utilities/NORCRESS:	Tom Cooney	678-7682
Corp of Engineers (wetlands):	Ronnie Smith	(910) 251-4829
NCDENR (E&S):	Sally McKinney	433-3300
E911 Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545
US Fish and Wildlife, Southern Pines	Susan Ladd Miller	695-3323

\*This is the main telephone number for the Town of Spring Lake; once connected, the caller will be directed to the various departments.

**Board of Adjustment**  
**Special Use Permit**

DRAFT  
Ordinance Related Conditions

**Pre-Zoning/Building Permit-Related:**

1. Prior to application for any permits, the developer must submit three copies of a revised site plan, specifically addressing the following:
  - a. A buffer must be provided and maintained along the entire boundary where the subject tract abuts Lot 2 with the exception of the location where the parking access easement is located, as well as the subject property's external boundary (both sides) in accordance with the provisions of Section 1102 G, Buffer Requirements, County Zoning Ordinance. (Note: Chain link fencing cannot be used to satisfy the buffer requirement.) The buffer type and location must be shown on the revised site plan;
  - b. A minimum of two off-street loading and unloading spaces are required for the day care facility. (Note: The two loading and unloading space cannot be one of the handicapped spaces.); and
  - c. If there is to be any outdoor play areas for the daycare facility, the revision must show the location of the play areas. (Note: Any outdoor play area must be enclosed with a minimum 4 foot high fence with a gate which can be securely latched.)
2. Because the subject property lies near Ft Bragg's boundary and falls within the foraging partition of a recently abandoned re-cockaded woodpecker cluster, the developer must receive approval from the US Fish and Wildlife local office prior to disturbing any mature pines. This condition is necessary so that the long-term integrity of the red-cockaded woodpecker northern corridor remains protected.

**Permit-Related:**

3. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
4. The County Health Department must approve sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Section 2306 A, Water and Sewer, County Subdivision Ordinance) (Note: Any addition or changes to the existing building that would require changes to existing system then connection to public sewer will be required.)
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9. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

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