

Members:
George Quigley, Chairman
John R. Swanson, Vice
Chairman
Oscar L. Davis, III
Melree Hubbard Tart
Joseph M. Dykes



Alternates:
Horace Humphrey
Martin J. Locklear
Randy Newsome
William L. Tally
Carrie Tyson-Autry

CUMBERLAND COUNTY BOARD OF ADJUSTMENT

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

TENTATIVE AGENDA
MARCH 18, 2010
7:00 PM

A meeting of the Cumberland County Board of Adjustment is to be held on Thursday, March 18, 2010, at 7:00 p.m. in Hearing Room #3 of the Historic Courthouse at 130 Gillespie Street, Fayetteville, North Carolina. The agenda is as follows:

1. ROLL CALL
2. ADJUSTMENTS TO THE AGENDA
3. APPROVAL OF THE FEBRUARY 18, 2010 MINUTES
4. ABSTENTIONS BY BOARD MEMBERS
5. PUBLIC HEARING DEFERRALS
6. BOARD MEMBER DISCLOSURES
7. POLICY STATEMENT REGARDING APPEAL PROCESS
8. PUBLIC HEARING(S):
 - **P10-06-C:** CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A KENNEL OPERATION IN A RR RURAL RESIDENTIAL DISTRICT ON 5.61+/- ACRES; LOCATED ON THE EAST SIDE OF BAYWOOD ROAD (SR 1831), SOUTH OF SWINDON DRIVE; SUBMITTED BY CARL AND TEMPIE A. BOWDEN HEIRS (OWNERS) BY DANIEL G. SEAMAN, POA.
9. DISCUSSION
10. UPDATE(S)
11. ADJOURNMENT



Members:

George Quigley, Chairman
John R. Swanson, Vice-Chair
Oscar Davis, III
Melree Hubbard Tart
Joseph Dykes

Alternates:

Horace Humphrey
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William Lockett Tally
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Cumberland County Board of Adjustment

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

MINUTES
FEBRUARY 18, 2010
7:00 P.M.

Members Present

George Quigley, Chair
John Swanson, Vice-Chair
Oscar L. Davis, III
Melree Hubbard Tart
Horace Humphrey
Carrie Tyson-Autry(non-voting)

Absent Members

Joseph Dykes, (excused)

Staff/Others Present

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

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

1. ROLL CALL

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

2. ADJUSTMENTS TO THE AGENDA

There were none.

3. APPROVAL OF THE JANUARY 21, 2010 MINUTES

Mr. Davis asked that the January 21, 2010 minutes be adjusted to reflect Randy Carpenter's description as a Certified Residential Appraiser on page 10.

A motion was made by Mr. Davis and seconded by Ms. Tyson-Autry approving the minutes as amended. The motion passed unanimously.

4. ABSTENTIONS BY BOARD MEMBERS

There were no abstentions by Board Members.

5. PUBLIC HEARING DEFERRALS

There were no deferrals.

6. BOARD MEMBER DISCLOSURE

There were no Board Member disclosures.

7. POLICY STATEMENTS REGARDING APPEAL PROCESS

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

8. PUBLIC HEARING(S)

Opened Public Hearing

- **P10-05-C/SL:** CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A MIXED USE BUILDING IN A C(P) PLANNED COMMERCIAL DISTRICT ON 1.31 +/- ACRES, LOCATED AT 2240, 2254 AND 2258 NORTH BRAGG BOULEVARD, NORTH OF MARANATHA CIRCLE; SUBMITTED BY QUALITY OIL COMPANY, LLC. AND OWNED BY JAMES C. AND NOLA L. CATOE AND MARGO PROPERTIES.

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

MRS. VARNER: Advised the Board that this case falls into two jurisdictions, Spring Lake and Cumberland County. The Spring Lake Board of Adjustment approved the case on February 12, 2010. The Text Amendment for the mixed use building in the County was approved by the Board of Commissioners on January 19, 2010.

CHAIR QUIGLEY: Asked to see the floor plan of the residential unit. This is within the requirements of what's required for commercial and residential use.

MR. SWANSON: Why didn't condition #23, the 6' buffer, apply within this particular circumstance, why was it not applicable? The 6' buffer where it abuts the residential property.

MRS. VARNER: We didn't see that the applicant shows the buffer on the side and the rear of the subject property, and he has to comply with those requirements, according to the County ordinance. So we put it as a condition, and that's why we are asking him to re-submit a revised site plan showing the buffer.

MR. SWANSON: So if the revised site plan shows that it abuts residential properties, then condition #23 could be imposed?

MRS. VARNER: Yes, he will have to follow that condition.

MS. SPEICHER: All of these conditions do apply, and staff has gone over each of them with the applicant and made sure he understood them and agrees to every one of them.

MR. SWANSON: Could you roughly show where C1 ends and where the portion that is zoned RR begins, roughly.

MRS. VARNER: Indicated on the site map the portion that is in the County and the portion that is in Spring Lake and the Spring Lake portion was just approved, the whole site is zoned C(P).

MR. DAVIS: It's concurrent jurisdiction, who has lead authority?

MS. SPEICHER: The Town of Spring Lake. It will be if it hasn't already, petitioned for annexation.

MRS. TART: Were letters sent out to the adjoining property owners?

MS. SPEICHER: Yes, we mailed a total of 34 letters first class. On each and every one of these cases we mail out a radius of 500 ft to 1100 ft surrounding the subject property, State Law requires adjacent property owner notification, as a policy we feel it's important to mail out to a larger radius.

MRS. TART: Does that apply when you have a municipality involved plus the County?

MS. SPEICHER: Yes ma'am we do. The only municipality we are not responsible for planning functions is the City of Fayetteville. Even if it was adjacent to Fayetteville we would notify those residents as well.

MR. SWANSON: Could we look at the zoning portion of the evidence that you have prepared? The portion in red is in the County, is that correct?

MRS. VARNER: Yes, these two lots are in the County (indicated on map).

MR. SWANSON: So you know the approximate size of the triangular shaped parcel? If the parcel wasn't combined with other adjoining parcels, would it have any use other than being a pie shaped piece of land? Could you build on it?

MRS. VARNER: If the case is approved these lots will be recombined, which is addressed by condition #2.

CHAIR QUIGLEY: (Swore in Mr. Ron Sutphin)

MR. SUTPHIN: My name is Ron Sutphin, Jr. my address is 1540 Cylus Creek Pkwy, Winston-Salem, NC. I am an employee of the applicant, Quality Oil Company. This is a very complex piece of property, because it's several different parcels, so I just wanted to be here if there were any questions.

MR. SWANSON: With regards to the surrounding properties, do you have any information as to whether or not there is any impact, either adversely or positively on the value of adjoining or abutting property?

MR. SUTPHIN: I would hate to speculate on the impact that we would provide to other adjoining properties; however, I would say I don't think we would bring a negative impact to any property in the adjacent areas. We are just north of a commercial area and Spring Lake's

growth plans provided for commercial development along this particular corridor. We will take the necessary steps to segregate ourselves from the residential portions that will lie to the rear of us or to the east of this particular property using both fencing and natural woodland. The piece directly to the south of the subject property is a piece owned by the Riddle family, (indicated portion of property zoned commercial) would be adaptable for development in the future at some point. The particular parcel in the rear has soil problems and water retention problems that are not shown on the map, but you can see some of the soil issues there. We looked at this property first, from a size perspective. We moved north to the Catoe property, which is the larger portion of what we are purchasing, and tried the layout on it. We are set to purchase that property within the next week.

MS. SPEICHER: Added for the record that all of the owners of the property signed the application for the Special Use Permit.

MR. SWANSON: Approximately, in North Carolina, how many existing, similar operations does your company have?

MR. SUTPHIN: This will be number 50.

MR. SWANSON: Is there any evidence of a decline in values of adjoining properties?

MR. SUTPHIN: I would say no. Quality Oil Company is a family owned oil company out of Winston-Salem. We started out in 1929 in the home heating business; from there we branched into the service station business throughout the forties through the sixties. When self serve became popular in the retail gasoline business in the early seventies right around the first shortage that we all know about, we branched out along with other retailers into the self serve business which caused your modern day convenience store to evolve. We have evolved as a company through that also, we are still privately owned, family held, we're owned by the Bennett family and the Glenn family, both from Winston-Salem. We have 49 of these particular properties scattered throughout North Carolina and Southern Virginia. The greater Fayetteville region is currently an area of development that we are very pro-development on and we like this particular development. It's not an area that we have developed into before. We focused on Western North Carolina for a while. Generally what we see is areas where we put this type of development, which is what we call our quality plus family of development; we usually put those in places where people are going somewhere. In this particular case we want to catch the customer who ideally is working in Spring Lake and/or Fort Bragg, who is going home on Highway 87 everyday. So we choose locations that we deem people are going places, and it may not have as much dense development at that particular time, we do that for traffic and ease of convenience for the customer. What we find is that we sometimes drag other people with us in time, such as other retailers that might have similar effect, such as a Dollar General or somebody like that. We don't think that is a negative impact, but that's of a biased opinion. I'd hate to answer that.

MR. SWANSON: What time of the day are the tanks on the property typically filled? Do you have any evidence or complaints that the operation of filling tanks is obnoxious to the surrounding or abutting residential areas?

MR. SUTPHIN: I wouldn't think so, the tank location, you can see on this particular drawing (indicated on drawing where the tanks would be located) the tanker would pull in at the lower

entrance, which is an ingress only, on the lower drive, and will circle through as the customers do to the exit drive on the north. But those tanks are placed there, and the customer can't easily maneuver around the tanker as he is dropping his load. What we find is, they generally just blend in with the environment and we don't have any adverse effects. As to a specific time of day we would like to time it where we fuel in the middle of the night, because it takes away a lot of liability that we have to the customer and to the property. But that's not always the case, I don't want to stand here and tell you that we only fuel between 2 am and 6 am that would be false.

MR. SWANSON: In cases where you do refuel between 2 am and 6 am do you have any noise complaints that you are aware of?

MR. SUTPHIN: When you take into account the locations that we have, such as Highway 87, and you take on just the noise itself that is present any time of day on a road that has that type of activity, I don't think you will have any complaints. The loudest sound that you will hear in those cases is the sound of the truck idling as the driver unloads.

Public Hearing closed

MR. HUMPHREY: I had a chance to read this packet, and it seems that staff has done a good job on what has to be done, it's quite thorough.

MR. SWANSON: The thing that struck me here and looking at the requirements for a Special Use Permit, is one of the things we are supposed to look at is the condition created by the person seeking the permission, well those parcels and the way that it's laid out, this is one of those cases where if it's not combined, you don't get to use.

Mr. Swanson made a motion, seconded by Mr. Davis, that Case P10-05-C/SL be approved based on the following facts for your consideration, (1) the proposed use will not materially endanger the public health or safety if located to the plan submitted and recommended, in fact this particular petitioner has to jump two hurdles in the form of he has to meet the requirements of the Town of Spring Lake and he has to meet the requirements of the Cumberland County Board of Adjustment, both agencies work in the same direction looking for public health and safety, there has been no evidence either from any information from Board action conducted by the Town of Spring Lake nor any evidence presented here tonight that would indicate that the proposed use of the three parcels will do that (2) based on the information presented by the staff that the use and the conditions that may or may not be imposed will meet all of the required conditions and specifications ultimately going back to Spring Lake (3) that the use will maintain or enhance the value of adjoining or abutting properties, in fact the petitioner when he provided information said that through forty-nine different properties, that he had no information that abutting properties were adversely impacted by similar types of operation, and that finally, (4) the location and character of use if developed according to the plan as submitted will be in harmony in the area in which it is to be located and in general conformity with Cumberland County's most recent Land Use Plan. The applicant must comply with the conditions.

Quigley:	Yes
Swanson:	Yes
Davis :	Yes
Tart :	Yes
Humphrey:	Yes

The motion was approved unanimously subject to the conditions that were mentioned.

9. DISCUSSION

There was none.

10. UPDATES

MS. SPEICHER: Gave the Board an update on the status of Isaac Williams, according to Code Enforcement, a criminal civil summons had been issued in his case. There was no activity on the property. It will go before Judge Tucker sometime in March.

11. ADJOURNMENT

There being no further business; the meeting adjourned at 7:40 p.m.

P10-06-C
SITE PROFILE

P10-06-C: CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A KENNEL OPERATION IN A RR RURAL RESIDENTIAL DISTRICT ON 5.61+/- ACRES; LOCATED ON THE EAST SIDE OF BAYWOOD ROAD (SR 1831) SOUTH OF SWINDON DRIVE; SUBMITTED BY CARL AND TEMPIE A. BOWDEN HEIRS (OWNERS) BY DANIEL G. SEAMAN, POA.

Site Information:

Frontage & Location: 24.23'+/-

Depth: 1,320'+/-

Jurisdiction: Cumberland County

Adjacent Property: Yes, 2 tracts on the west side and 1 tract on the east side of subject property

Current Use: Vacant tract

Initial Zoning: RR – August 23, 1994 (Area 19)

Zoning Violation(s): None

Surrounding Zoning: North: A1, R40, R6A & RR (Eastover/County); East: RR; South: RR & R15 (Eastover); West: A1 & RR

Surrounding Land Use: Residential (including manufactured homes, manufactured home park, abandoned dwelling) and woodlands

2030 Growth Vision Plan: Urban fringe area

Special Flood Hazard Area (SFHA): Yes, small portion on the west and south side of subject property

Water/Sewer Availability: Well/Septic

Soil Limitations: Yes, hydric soils: Wo-Woodington loamy sand

Subdivision/Site Plan: See attached "Ordinance Related Conditions"; particular attention should be paid to Condition No. 1, 2 & 4

Municipal Influence Area: Town of Eastover

Average Daily Traffic Count (2006): 2,300 on Baywood Road SR (1831)

Highway Plan: No impact on the current Highway Plan or Transportation Improvement Program

Ordinance Reference: County Zoning Ordinance, Section 912, Kennel Operation

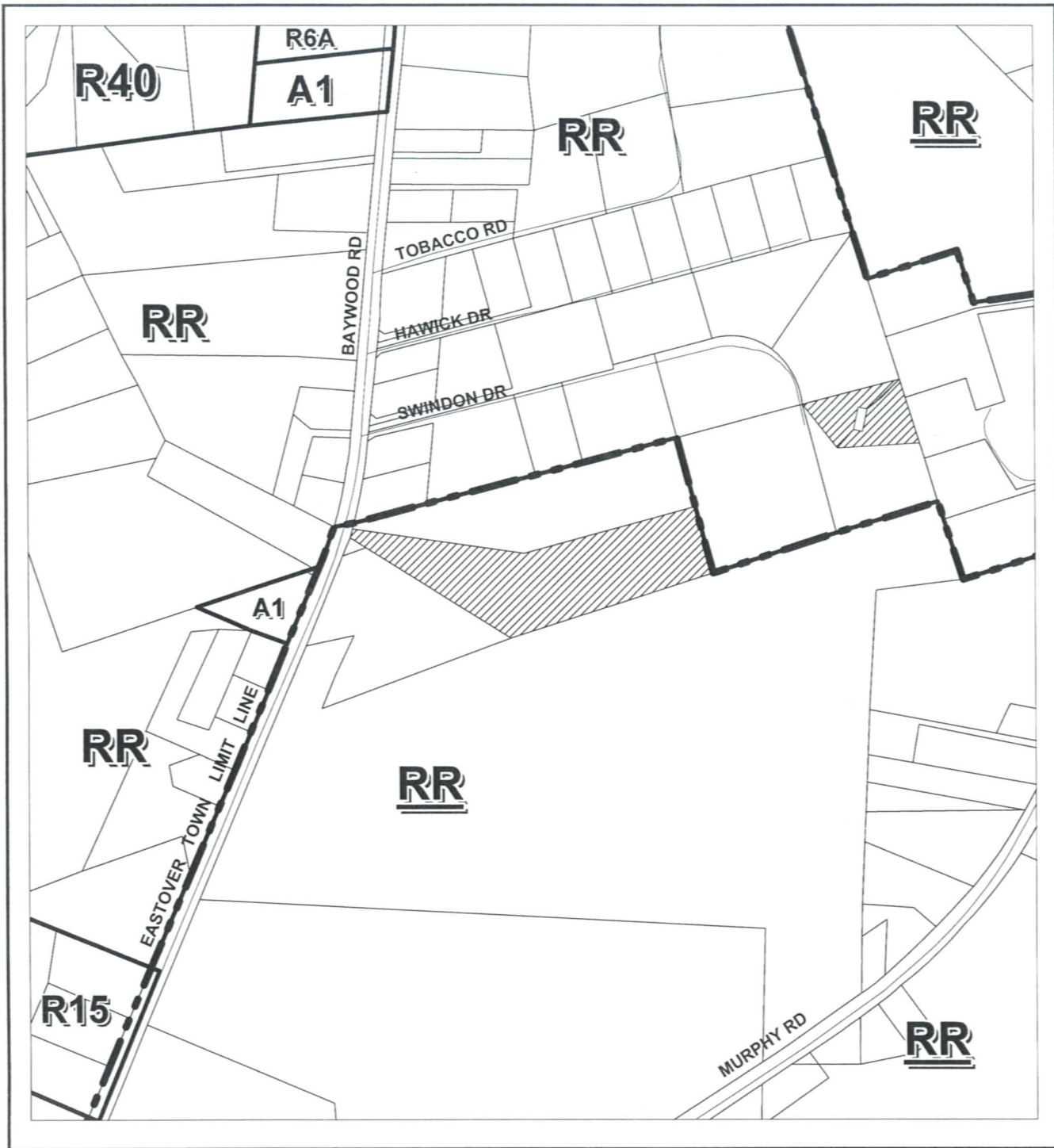
Notes:

1. Contents of the application:
 - a. Use activity: Animal grooming, cat and dog day care, extended animal overnight stay, and dog training
 - b. Number of dogs proposed: 50 dogs
 - c. Proposed kennel area dimensions: (60' x 80') 4800 sq ft
 - d. Kennel structure: enclosed on four sides, roofed, with a solid floor
 - e. Outside area with a 6' height chain link fence
 - f. Pen areas: 2 (10' x 80') 800' sq ft with a 6' height chain link fence
 - g. Buffering: proposed vegetative buffer along the sides and rear yard
 - h. Employees: full time (2-staff/2-groomers), part time (2-staff/2-dog trainers/2-maintenance)
 - i. Hours of operation: Mon-Fri 6:00 am to 6:00 pm
Saturday 8:00 am to 5:00 pm
Sunday as needed

(Application also includes twenty cats; however, cats are not regulated by the Zoning Ordinance.)

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.



BOARD OF ADJUSTMENT SPECIAL USE PERMIT

ACREAGE: 5.61 AC.+/-

HEARING NO: P10-06-C

ORDINANCE: COUNTY

HEARING DATE

ACTION

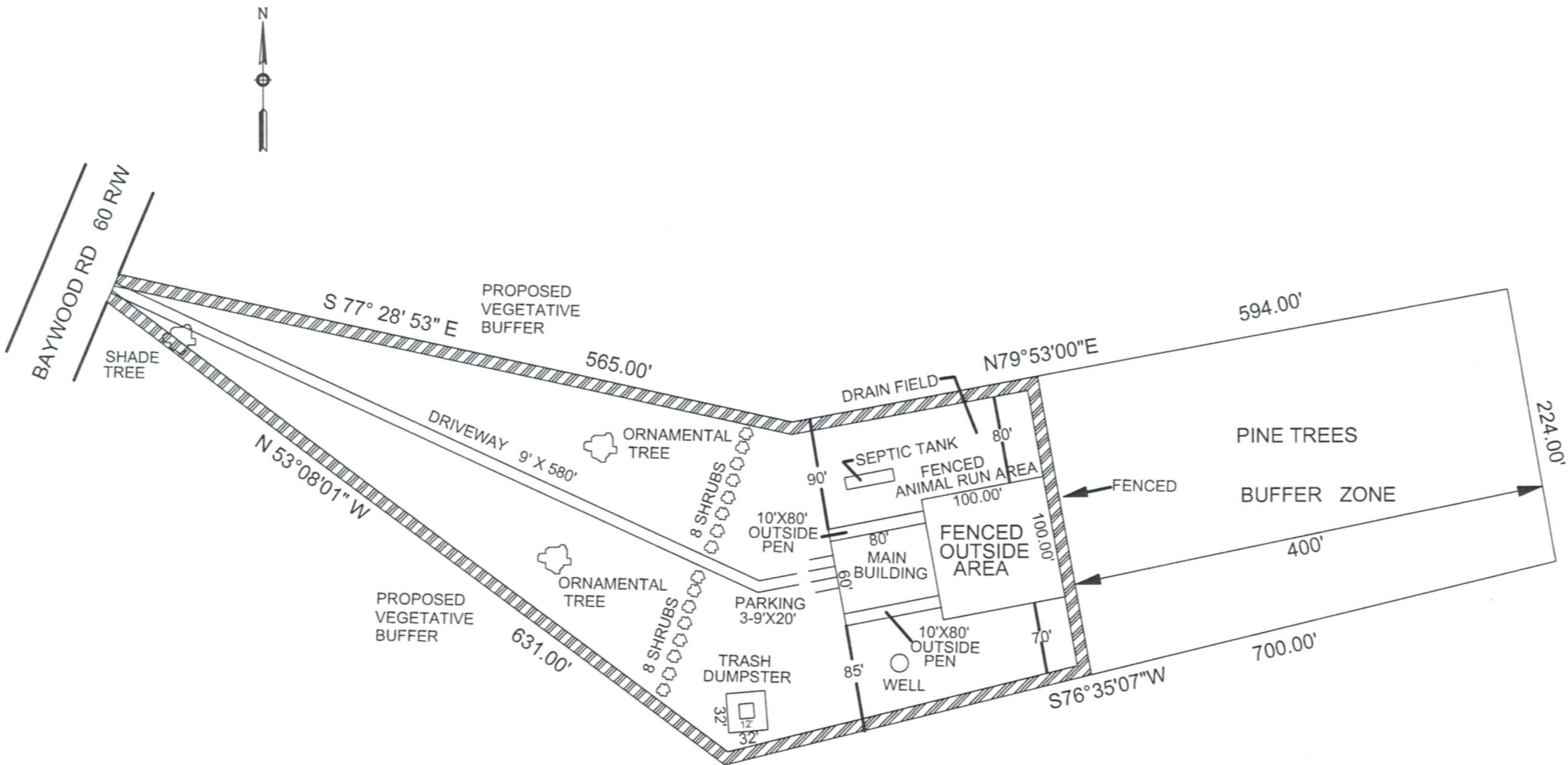
GOVERNING BOARD



SCALE IN FEET

PIN: 0478-14-7139

AF



BOARD OF ADJUSTMENT
 SPECIAL USE PERMIT
 REQUEST: TO ALLOW A KENNEL OPERATION
 CASE: P10-06-C ACREAGE: 5.61 AC±
 ZONED: RR SCALE: NTS
 PARKING: AS SHOWN

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

Special Use Permit – Board of Adjustment

Ordinance Related Conditions

Pre-Permit Related:

1. The developer must submit five copies of a revised site plan for staff review and approval including the following changes:
 - a. If there is to be any freestanding signs then the revised site plan must be shown on the site plan – see related Condition No. 12 below.
2. A review of the data available to the Army Corp of Engineers indicates that jurisdictional waters are unlikely to be present on this property and therefore are unlikely to be impacted by the proposed project. However, without an official Jurisdictional Determination at the property, these findings cannot be confirmed.

A permit will be required for this project if construction will involve the temporary and/or permanent placement of fill in waters of the United States including wetlands. If a permit is required, the applicant will be required to avoid and minimize impacts to wetland/waters of the United States and may need to provide compensatory mitigation for unavoidable impacts. **(Note: The presents of wetland effect the location of the proposed buildings, pens, drives and parking areas. The developer should contact the Army Corp of Engineers for further information.)**

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 water and 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: The Eastover Sanitary District system should be in place within 12 months. If the water is able to be connected to at the time of building permit application, then connection to Eastover Sanitary System is mandatory.)**

(Note: The animal waste cannot be connected to the same system as used for human waste. A separate system will be required for the disposal of the animal waste.)

5. New development that will disturb one acre or more of land or is part of a larger plan that will disturb at least an 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.
6. For any new development, the developer must/may have to 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.
7. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.

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8. The *Special Flood Hazard Area* (SFHA) exists on this tract; any development within SFHA must have first flood elevations, including all mechanical and electrical equipment above base flood elevation (BFE) plus two feet of freeboard. Proper flood plain development permits are required, issued by the County Engineer, prior to any building/permit application. A copy of the approved flood plain permit must be provided to Code Enforcement at the time of building/zoning permit applications. (Note: A small portion on this property has flood located on this site.)
9. Landscaping must be provided in accordance with Section 1102 N, Landscaping, County Zoning Ordinance and/as shown on the site plan. The following are the minimum standards for the required landscaping of this site:
 - a. One large shade trees or two small ornamental trees within the front yard setback area;
 - b. One large shade trees and 12 shrubs are required in the building yard area;

In addition:

- a. Required plant materials shall be maintained by the property owner, including replacing dead or unhealthy trees and shrubs; and
 - b. All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.
10. A concrete sidewalk must be constructed along SR1831 (Baywood Road) prior to request for building final inspection.
 11. 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:

12. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the RR zoning district must be complied with, as applicable.
13. This conditional approval is not approval of any freestanding signs. If a 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.)
14. "Baywood Road" must be labeled as "SR 1831 (Baywood Road)" on all future plans.
15. 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)
16. If Eastover Sanitary District's water system is available at the time of building permit application, a fire hydrant must be installed along all proposed streets and drives; hydrants must be located no further than 1,000 feet apart and at a maximum of 500 feet from any lot. (Section 2306 B, Fire hydrants, County Subdivision Ordinance)
17. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground.
18. 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.
19. 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.
20. A solid buffer must be provided and maintained along the side and rear property lines where this tract/site abuts residentially zoned properties 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.)

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21. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
22. All required off-street parking spaces shall be a minimum of 9' x 20' and a minimum of three off-street parking spaces are required for this development.
23. 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, dog waste kept picked up to prevent odors, 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.
24. All notes and calculations as shown on the site plan and contained within the application are to be considered as a part of this conditional approval.
25. The required shelters for the dogs must be fully enclosed on a minimum of three sides, roofed and have solid floors.
26. 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:

27. The applicant is advised to consult an expert on wetlands before proceeding with any development.
28. 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):

Improvements Inspections:	Jeff Barnhill	678-7765
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Engineer's Office:	Wayne Dudley	678-7636
County Health Department:	Daniel Ortiz	433-3685
Ground Water Issues:	Matt Rooney	678-7625
Eastover Sanitary District:	Morgan Johnson	323-3973
Town of Eastover:	Matt Rooney (Staff Rep)	678-7625
Town of Eastover	Jane Faircloth (Town Clerk)	323-0707
County Public Utilities:	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

BOARD OF ADJUSTMENT

LOCATION OF PROPERTY: East of Baywood Rd and south of Swindon Dr

OWNER: Bowden heirs

ADDRESS: 1611 Bluffside Dr ZIP CODE: 28312

TELEPHONE: HOME 910-964-5977 WORK 910-323-1110

AGENT: Daniel G. Seaman

ADDRESS: 4001 Final Approach Dr Eastover, NC 28312

TELEPHONE: HOME 910-483-7733 WORK 910-284-3202

Citationj @ Adl.com

APPLICATION FOR A SPECIAL USE PERMIT
As required by the Zoning Ordinance

A. Parcel Identification Number (PIN #) of subject property: 0478-14-7139
(also known as Tax ID Number or Property Tax ID)

B. Acreage: 5.61 AC Frontage: 24.23 Depth: 1,331

C. Water Provider: Well

D. Septage Provider: Septic

E. Deed Book 3547, Page(s) 0626, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).

F. Existing use of property: woodland

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.)

1. use/Activity Shelter will be fully enclosed on four sides, Roofed and solid flooring
 - a. Animal Grooming
 - b. Dog & Cat day care
 - c. Extended animal overnight stay
 - d. Dog training
2. Hours of Operation * Drain field will be located from the tank and extend along the north side of the main building.
 - a. Monday - Friday 0600 am to 0600 pm
 - b. Saturday 0800 am to 0500 pm
 - c. Sunday as needed
3. Employees: (2) (2)
 - a. Four full-time office staff and groomers
 - b. Six part-time office staff, Dog trainer, maintenance (2)
4. Parking: Will be based on a net working area of 600 sqft
5. Landscaping: Most of the property will be covered in existing pine and scrub brush. The main building will have box scrubs and a flower bed facing the front.

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 approve, deny, or defer the request for additional information to be provided;
- If the petitioner or their representative for this application does not appear personally before the Board, whether there is opposition or not, the Board has full authority to consider the case.
- If the Board's decision is to deny the matter before them, **the aggrieved party shall file a "Notice to Intent to Appeal" with the Planning & Inspections Staff on the next business day following the meeting in which the Board's decision was made final, or the next business day following receipt of the written copy thereof.**
- Any petition for review by Superior Court shall be file with the Clerk of Superior Court within 30 days after the decision of the Board is made final.

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) Lisa B. Crisp

PRINTED NAME OF OWNER(S) Lisa B Crisp

DATE 2/10/10

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