

Members:
George Quigley, Chairman
Ed Donaldson, Vice Chair
Horace Humphrey
Melree Hubbard Tart
Joseph M. Dykes



Alternates:
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
JUNE 16, 2011
7:00 PM

A meeting of the Cumberland County Board of Adjustment is to be held on Thursday, June 16, 2011, 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. SWEAR IN STAFF
3. ADJUSTMENTS TO THE AGENDA
4. APPROVAL OF THE APRIL 21, 2011 MINUTES
5. ABSTENTIONS BY BOARD MEMBERS
6. PUBLIC HEARING DEFERRALS
 - **P11-03-C:** CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A DAY CARE FACILITY IN AN RR RURAL RESIDENTIAL DISTRICT ON 4.63+/- ACRES, LOCATED AT 6501, 6505 & 6509 CAMDEN ROAD (SR 1003), SUBMITTED BY LEWIS WILSON ON BEHALF OF NEW LIFE BAPTIST CHURCH OF FAYETTEVILLE (OWNER) AND CYNTHIA WILSON.
7. BOARD MEMBER DISCLOSURES
8. POLICY STATEMENT REGARDING APPEAL PROCESS
9. PUBLIC HEARING(S):
 - **P99-33-C:** REVOCATION OF A SPECIAL USE PERMIT (NEÉ SPECIFIED CONDITIONAL USE PERMIT) OF AN AUTOMOBILE WRECKING AND SALVAGE YARD, IN A C(P) PLANNED COMMERCIAL AND R6A RESIDENTIAL DISTRICTS ON A 2.75 +/- ACRE PORTION OF A 3.16+/- ACRE TRACT; LOCATED AT 1989 WILMINGTON HWY (SR 2337); GRADY AND CHESTINE ADAMS (OWNER)

- **P11-04-C:** CONSIDERATION OF A REQUEST FOR A VARIANCE FROM THE COUNTY ZONING ORDINANCE, SECTION 1102, YARD REGULATION, SUBSECTION C, FENCES AND WALLS, IN A R10 RESIDENTIAL DISTRICT ON 0.28+/- ACRES, LOCATED AT 604 CYPRESS POND DRIVE; SUBMITTED BY KEVIN C. AND AMANDA M. JEFFERY (OWNERS).

10. DISCUSSION

Application for Advisory Boards

11. UPDATE(S)

Correction to January 20, 2011 minutes (page 4)

12. ADJOURNMENT

Members:

George Quigley, Chairman
Ed Donaldson, Vice-Chair
Horace Humphrey
Melree Hubbard Tart
Joseph Dykes



Alternates:

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

Cumberland County Board of Adjustment

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

MINUTES
APRIL 21, 2011
7:00 P.M.

Members Present

George Quigley, Chair
Ed Donaldson
Melree Hubbard Tart
Horace Humphrey

Absent Members

Joseph Dykes (excused)

Staff/Others Present

Pier Varner
Melodie Robinson
Jeff Barnhill
Angela Perrier
Harvey Raynor (Deputy County
Attorney)

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

1. ROLL CALL

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

2. Chair Quigley swore in the staff.

3. ADJUSTMENTS TO THE AGENDA

There were none.

4. APPROVAL OF THE JANUARY 20, 2011 MINUTES

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

5. ABSTENTIONS BY BOARD MEMBERS

There were no abstentions by Board Members.

6. PUBLIC HEARING DEFERRALS

There were no deferrals.

7. BOARD MEMBER DISCLOSURES

There were none.

8. POLICY STATEMENTS REGARDING APPEAL PROCESS

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

9. PUBLIC HEARING(S)

Opened Public Hearing

- **P11-01-G/C:** CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW PUBLIC RECREATION/AMUSEMENT IN AN RR RURAL RESIDENTIAL AND A1 AGRICULTURAL DISTRICTS ON A 12.20+/- ACRE PORTION OF A 34.86+/- ACRE TRACT; LOCATED ON THE SOUTH SIDE OF MAIN STREET (NC HWY 82) AND THE WEST SIDE OF ROYAL STREET (SR 1802), SUBMITTED BY DEBORAH TEW GODWIN, MAYOR, ON BEHALF OF THE TOWN OF GODWIN (OWNER). (GODWIN/COUNTY)

MRS. VARNER: Mr. Chairman, I just want to make a remark that this property is located in two jurisdictions within the town of Godwin and within the County. Currently there is no development proposed in the County side. The public recreation and amusement is proposed on the Godwin portion which is 12.20 acres but only 6.37 acres and the walking trail shown on track two will be used for the current project. This case is before you because Godwin follows the County Zoning Ordinance.

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

MRS. VARNER: Once again, the County portion is this side (pointing to the presentation) and the Godwin portion, the 12.20 acres is on this side. Only 6.37 acres and the walking trail shown on track two will be used for the current project. If the applicant wants to develop this side, (pointing to the other 5.83 acres) then if this Special Use Permit is approved, in the future, they will have to come for a modification. The applicant is exempt from meeting the buffer requirements because the proposal is a governmental use for the town of Godwin.

MRS. VARNER: Mr. Chairman, I'm adding additional information to this case. They also have 60 feet of frontage on Market Street. For the conditions I would like to disregard condition #16 and then condition #8 should read the following for the record: Note: This conditional approval is for the 6.37+/- acres labeled as "Park Boundary" and the walking trail shown on track 2 on the site plan; future development and/or expansion into the land area currently into the County's jurisdiction will require, under current standards, a new Special Use Permit application.

MRS. VARNER: I'm open to any questions.

CHAIR QUIGLEY: Does any board member have questions for staff? Is there anyone present to speak in favor of this request for a Special Use?

Chair Quigley swore in Deborah Godwin.

MAYOR GODWIN: My name is Deborah Godwin, I live at 8926 Main Street in Godwin. I am the Mayor of Godwin and I am here to accept the conditions as set forth by the Board of Adjustment regarding our park. I'm accompanied by one of my commissioners Willie Burnett, others on my Board were unable to attend but wanted to let this Board know we are unanimous in our support of the park. We've worked very hard to bring it to this point. I do appreciate the work of staff in getting together the conditions as we see set forth here. You have been referred to Condition #8 regarding the completion of our walking trail. It is in a portion of the park layout which is intended for future development. We have a benefactor who is willing to help us finance the remainder of the walking trail if we go ahead and include the walking trail in this parcel for your approval tonight. The only other thing I would add is on condition #16, the issue of the male and female restrooms. We do offer male and female handicapped provisions within our town hall. In addition to that, because we do run limited hours in our town hall, we will be locating one ADA Port-o-Let unisex that will be on the proper pad with the proper privacy fence that will make it cosmetically correct and it will be a service provided by our County Parks and Recreation. I didn't want you to think we were not looking at restroom facilities at all. Thank you so much.

CHAIR QUIGLEY: Does anyone have any questions for Ms. Godwin?

CHAIR QUIGLEY: I have a question for staff. Will that satisfy our requirements to have a portable restroom facility on that site?

MRS. VARNER: There is no requirement for public recreations to have bathrooms, but it can be met by the building codes with portable bathroom.

MAYOR GODWIN: It was explained to me that if we have a fence around our park, it might be a requirement. We are a neighborhood park and the intention is the homes are close enough to go back to the home, but still as an adult, I would hate to see a mother out there with a small child without some restroom facility provided onsite, so we would like to do that. Thank you.

CHAIR QUIGLEY: Thank you very much.

MRS. VARNER: Mr. Chairman, I would like to say for the record that the bathroom in this case can be addressed on the building permit, not by the zoning ordinance.

CHAIR QUIGLEY: Thank you. Are there any other comments? Do we have any discussion or a motion?

Public Hearing Closed

MR. DONALDSON: I make a motion to approve the request with the amendment to condition #8 as requested by the staff to allow for the walking trail to be extended on track 2.

MRS. VARNER: Also, you can make the remark that any future development on track 2 will require the applicant to come back for a modification of the Special Use Permit.

CHAIR QUIGLEY: Do you agree to that? (asking Mr. Donaldson).

MR. DONALDSON: Yes.

CHAIR QUIGLEY: We agree to all of the conditions as specified by staff? Do I have a second on that motion?

MRS. TART: I second.

CHAIR QUIGLEY: It has been properly moved and seconded. Is there any other discussion on this? All in favor of approving the request for a Special Use Permit for the use of the town of Godwin signify by saying aye.

The motion was unanimous. There was no opposition.

<u>IN FAVOR</u>		<u>OPPOSED</u>
QUIGLEY	YES	None
DONALDSON	YES	
HUMPHREY	YES	
TART	YES	

10. BOARD HEARING(S):

- **WS-08-04.** REVOCATION OF THE ANDREWS MINI STORAGE DEVELOPMENT'S PREVIOUS APPROVAL FOR UP TO 70% IMPERVIOUS LAND AREA UNDER THE TERMS OF THE COUNTY WATER SUPPLY WATERSHED MANAGEMENT AND PROTECTION ORDINANCE, SECTION 31A-60 FOR HIGH DENSITY DEVELOPMENTS; ZONING: C(P), C(P)/CUD AND R6; TOTAL ACREAGE: 15.74 +/-; LOCATED AT THE SOUTHEAST QUADRANT OF SR 1600 (MCARTHUR ROAD) AND SR 1611 (ANDREWS ROAD), NORTH OF SR 1613 (HONEYCUTT ROAD)

MR. BARNHILL: If I may, I'd like to give a brief overview of what the watershed is. The Ordinance became in effect in 1994. The bottom line is, it protects drinking water intake systems. There are three. One is on the P.O. Hoffer Plant where the Cape Fear River is off of Ramsey Street. The second is on Filter Plant Drive at Glenville Lake and the third is on the other side of Spring Lake off of Manchester Road, which is actually out of the County's jurisdiction. There is also another watershed, a new intake down in Bladen County but the actual protected area extends up into Cumberland County. What the watershed is: Two residences per acre, all other residential and nonresidential developments is allowed at 24% impervious or built upon area. Anything above 24% requires high density review, which allows up to 70% impervious surface area. Impervious surface areas are any surface that does not allow water to saturate into the ground, buildings, asphalt, or concrete. The idea is to limit the amount of impervious surface areas depending on the acreage that the developer is trying to do. The high density requires that engineered stormwater controls shall be used to control runoff. The idea is to contain runoff on site and give the solids time to settle out the pollutant before it actually makes its way into the streams which will eventually lead to the intake. I would like to give a brief timeline on this project. Mr. Andrews had an existing facility and he was under low density and he wanted to expand so he had to go to the high density review. His high density review was approved on May 15, 2008 for 70% impervious. As required by the Ordinance, the

bond was issued on October 14, 2008. The bond was required by the Ordinance for the maintenance, repairs, and reconstruction necessary for adequate performance of the stormwater control structures. At this time, Mr. Andrews had one occupancy permit for one building that was built and that was issued on February 10, 2010. His bond was good for only two years and was about to expire and he was not nearing the completion of the project. I started sending notices, the first on August 2, 2010 that his bond was going to expire on October 14, 2010. On August 2, 2010, I sent him a letter notifying him that his bond was almost expired and he needed to make arrangement to get a new bond in place so that he would be covered when it does expire. We did have correspondence with Mr. Andrews for a while. We were in contact with Mr. Andrews and Mr. Speight, the engineer who is handling the project for Mr. Andrews; for some reason he was never able to get his bond in place. On October 6, 2010, I sent him another letter stating his bond was going to expire and that he was going to be under fines and we would have to take whatever steps we could. For whatever reason, all correspondence was cut off for Mr. Andrews and wasn't able to get anything back from him and his bond expired on October 14, 2010. A Civil Citation letter was issued to Mr. Andrews, and sent certified mail on November 18, 2010. We were never able to serve him because he lived in Florida at the time. I called the Bradenton Co. Sheriff's Department in Florida and they were able to serve Mr. Andrews on December 29, 2010. That is the history of what is happening with this project to date.

Mr. Barnhill presented the zoning, land use and photos of the site to the Board.

MR. BARNHILL: I would like to read some of these approval dates.

1. The stormwater control system must meet the standards of the Watershed Ordinance. (Plans have been reviewed by the County Engineer's office and were approved on April 14, 2008.)
2. Cost estimate for the stormwater system must be a sufficient amount to complete the project. (County Engineer's office verified the sufficiency of the amount proposed in letter dated May 7, 2008.)
3. Legal documents for ownership and maintenance of the stormwater control system must meet the standards of the Watershed Ordinance. (Operation and Maintenance Plan found to be legally sufficient by the County Attorney's office on April 30, 2008.)
4. The project must meet the standards of the Zoning and Subdivision Ordinances. (The Planning & Inspections Staff has reviewed the project and conditionally approved the Subdivision Case No. 08-069, on April 10, 2008.)
5. The "Operation and Maintenance Plan" must be satisfactory and comply with at least the minimum standards and intent of the Ordinance. (The Watershed Review Officer has reviewed and approved this plan on April 28, 2008.)
6. The project must have an approved soil erosion and sedimentation control plan. (The North Carolina Department of Environment and Natural Resources, Land Resources Division has approved this plan on April 2, 2008.)

MR. BARNHILL: That is everything.

CHAIR QUIGLEY: If I remember correctly, it seems this project was going to progress rapidly, but it appears it did not.

MR. BARNHILL: Yes, sir. I don't know if the economic times played a part in that but Mr. Andrews wasn't able to

MR. DONALDSON: He probably couldn't get a business loan.

CHAIR QUIGLEY: Do we have any communication with Mr. Andrews?

MR. BARNHILL: After Mr. Andrews was served, he had Mr. Yarborough come in and talk to us to find out what we could do as well as Mr. Speight, the engineer working with him, to try to remedy this situation. One alternative was to go back to low density, due to the fact he had enough acreage, he could do the low density, but that would require him to remove some of his buildings. Mr. Andrews wanted to keep the project as is, but at the time, we had no correspondence, so he was revoked. We had no choice but to bring it back to the Board to officially revoke it.

CHAIR QUIGLEY: My concern is there is entirely too much property that is covered by impervious surfaces in Fayetteville and in Cumberland County that are, relatively speaking, "abandoned". That contributes to some degradation in our water supply; that is what I worry about.

MR. DONALDSON: Has the pond been dug?

MR. BARNHILL: The pond is an existing pond and was on the property for years.

MR. DONALDSON: Is there a ratio that establishes what size, how large?

MR. BARNHILL: Yes sir, there is and if you have any technical questions about that you might want to talk to Mr. Speight, the engineer on the project.

MR. DONALDSON: Did you say the top building was already there when he asked for the

MR. BARNHILL: No sir.

MR. DONALDSON: Well, you said he had a building. I misunderstood you then.

MR. BARNHILL: This was existing. There are more buildings than you can see. There are actually several storage buildings already on site.

MR. DONALDSON: I thought that was the parking lot.

MR. BARNHILL: No sir, those are existing storage buildings. When he expanded, he wanted to do this addition with these extra buildings here (pointing to the presentation). The only one that has actually been done since he got his approval has been this building right here (pointing to the presentation).

MR. DONALDSON: Is it actually being utilized?

MR. BARNHILL: Yes sir, I believe it is.

MR. DONALDSON: Thank you. What is a hydric soil?

MR. BARNHILL: Hydric soil basically doesn't perk well. It's not suitable for septic tanks. It doesn't drain very easily.

MR. DONALDSON: Thank you.

- **WS-11-01.** CONSIDERATION OF ANDREWS MINI STORAGE REQUEST FOR UP TO 70% HIGH DENSITY DEVELOPMENT APPROVAL UNDER THE TERMS OF THE COUNTY WATER SUPPLY WATERSHED MANAGEMENT AND PROTECTION ORDINANCE, SECTION 31A-60; ZONING: C (P), C (P)/CUD AND R6; ACREAGE (PROPOSED & EXISTING DEVELOPMENT): 8.32 +/- ACRES (INCLUDING POND AREA), TOTAL ACREAGE UNDER CONSIDERATION: 15.74 +/- ACRES; LOCATED AT THE SOUTHEAST QUADRANT OF SR 1600 (MCARTHUR ROAD) AND SR 1611 (ANDREWS ROAD), NORTH OF SR 1613 (HONEYCUTT ROAD); OWNERS: DOROTHY M ANDREWS, CREEKWOOD HOLDINGS LLC, JACQUELINE C ANDREWS & ANDREWS STORMWATER OWNER'S ASSOCIATION.

MR. BARNHILL: If you have any questions for Mr. Speight, he's here representing Mr. Andrews if you have any technical questions.

CHAIR QUIGLEY: Do you wish to introduce some information? What information can you provide on what is going to happen on this property?

MR. SPEIGHT: Well, it's one of these projects that was an existing storage facility when it started out and Mr. Andrews wanted to expand it and start building in phases. This was done back in the change in the economy. We do a lot a consulting work and development work all over Fayetteville and everybody has projects they have a hard time financing and how to go about completing. At one time he was going to look at building all of this and he was exploring all the areas to do at one time. He decided he would just build the first building. The first building was a climate controlled building. That has been completed (pointing to the presentation). This is the climate controlled building and these are several of the existing buildings. He was going to build this one first, then build these second (pointing to the presentation). Then this was going to be another climate controlled building and then work his way back toward the end of this area. He made plans to do this and I think one of the biggest things when he came up to do his bond was that the bond market has changed. What we have found out and I have told some of the County Staff and City Staff, if you have a bond locked in a development, it is hard to get a low cost bond. That became an issue working with the existing bond, you just wouldn't think it would be a problem, but it was a problem, and for us to

talk to some of our other developers, they are having some of the same issues. The whole world of finance and development has changed so much. He's got this in and he wants to keep his plan in place and he feels like he can go ahead and finish this. The staff has worked out a way and they have the plans in place so he can go ahead and do this. Mr. Donaldson, you were asking questions about this pond? (pointing to the presentation)

MR. DONALDSON: Right.

MR. SPEIGHT: This pond is designed to serve all of this watershed right here. The impervious is limited to 70%. What is great about this pond is this pond is really big and handles all this flow. It comes down here and goes out so there is plenty of storage and plenty of ways to handle everything that goes through, so that is a watershed pond through there. It's a nice area, it's great use of the property. For that business, it's a great location. I talked to Mr. Andrews today and he said they are 100% full in the rentals out there. That gives you a little bit more overview of the property. He would like to keep his high density permit and be able to pursue and finish his development. We work with the County Staff to get everything in place to do this. Are there any other questions?

MR. DONALDSON: Is there a ratio for these containment ponds based on the impervious area?

MR. SPEIGHT: We've done several of these and they are based upon impervious area versus non-impervious area. A lot of it is based on containing that first one inch of storm water runoff. I don't know if you know that much about the pollution part, but the first one inch of rain that you get contains most of the pollutants. We put in these ponds, sometimes they are a little bit more elaborate, with more vegetative shelves. We just did one for a subdivision with a riser similar to this with large extended shed with more plants. We just did one for Food Lion out at Jack Britt High school. If you ride by and see the ponds with the big shelves in them, those are water quality type ponds.

MR. DONALDSON: Okay, I assumed there must have been a ratio or a formula or something.

MR. SPEIGHT: There is and it is all set up with the NC Department of Environment and Natural Resources. They have a BMP (Best Management Practices) Manual. They have several options. I like the pond, because it is so big, you can do a lot a different things with the ponds with drainage. On some sites when you get like a McDonald's pond, where you don't have a lot of pond area, you might be able to put something underground to treat this as well as a whole different thought process and a whole different cost associated with it.

MR. DONALDSON: Where he put the new building up that is actually being utilized, the climate controlled one and that area back down where the proposed buildings are, is that all asphalted now?

MR. SPEIGHT: All of this is grass area right here. The asphalt is right here and a little bit right here (pointing to the presentation). The rest of this is all open area right now.

MRS. TART: Around the tension ponds, what are the requirements for the land where the water actually flows into the pond? That would be pervious land, but how much area is required? Can you just leave it as mud?

MR. BARNHILL: No ma'am, they have to stabilize it with grass.

MRS. TART: What does the County require?

MR. BARNHILL: That they get adequate vegetation around the pond so they can stop the erosion and keep from having erosion problems and also a vegetative filter on the outfall side of the pond.

MRS. TART: How aesthetically pleasing does that have to be?

MR. BARNHILL: The pond is required to be fenced and they have to maintain the pond, they can't let it grow up and they have to keep the grass mowed.

MRS. TART: What kind of requirements do we have as far as the type of fencing that is used?

MR. BARNHILL: It's just basically a chain link fence, for safety issues.

CHAIR QUIGLEY: Essentially, what we are being asked to consider is a revocation of an earlier decision that was made and then the approval of a new provision, is this correct?

MR. BARNHILL: Yes sir, we had revoked Mr. Andrews, back when we sent him the letter, bringing it to the Board to make it official. Since that time, Mr. Speight has come in and requested that they reapply and try to get reinstated. That's what the next case 11-01 is.

CHAIR QUIGLEY: Essentially what we are being asked to do is to revoke the earlier decision that was made by the Board of Adjustment and to approve a decision to actually continue it with the new conditions. There are new conditions in here aren't there?

MR. BARNHILL: Yes, sir. The bond is different. I believe we need to do the revoking and then we'll go through the next case to reinstate.

MR. DONALDSON: Basically, we're giving him continuing use of it but we've got to do it step by step.

CHAIR QUIGLEY: I'll accept a motion on Case No. WS-08-04.

MR. HUMPHREY: I offer a motion to revoke.

MRS. TART: I second.

CHAIR QUIGLEY: It's been properly motioned and seconded. All in favor of revoking the High Density Development Watershed signify by saying aye.

The motion was unanimous. There was no opposition.

<u>IN FAVOR</u>		<u>OPPOSED</u>
QULGLEY	YES	None
DONALDSON	YES	
HUMPHREY	YES	
TART	YES	

- WS-11-01.** CONSIDERATION OF ANDREWS MINI STORAGE REQUEST FOR UP TO 70% HIGH DENSITY DEVELOPMENT APPROVAL UNDER THE TERMS OF THE COUNTY WATER SUPPLY WATERSHED MANAGEMENT AND PROTECTION ORDINANCE, SECTION 31A-60; ZONING: C (P), C (P)/CUD AND R6; ACREAGE (PROPOSED & EXISTING DEVELOPMENT): 8.32 +/- ACRES (INCLUDING POND AREA), TOTAL ACREAGE UNDER CONSIDERATION: 15.74 +/- ACRES; LOCATED AT THE SOUTHEAST QUADRANT OF SR 1600 (MCARTHUR ROAD) AND SR 1611 (ANDREWS ROAD), NORTH OF SR 1613 (HONEYCUTT ROAD); OWNERS: DOROTHY M ANDREWS, CREEKWOOD HOLDINGS LLC, JACQUELINE C ANDREWS & ANDREWS STORMWATER OWNER’S ASSOCIATION.

Mr. Barnhill presented the zoning, land use and photos of the site to the Board.

MR. BARNHILL: Again, this is the existing area, low density. Mr. Andrews is going to expand. This is the high density area, the new development that he is proposing. Again, this one building is already in place at this time. [pointing to the overview of the pond, pipe system coming into the pond, the riser area where the water will eventually make its way out into the drain system and location map of the watershed area].

MR. BARNHILL: I will now read the approvals.

1. The storm water control system must meet the standards of the Watershed Ordinance. (Plans have been reviewed by the County Engineer’s office and were reapproved on April 1, 2011.)
2. Cost estimate for the storm water system must be a sufficient amount to complete the project. (County Engineer’s office verified the sufficiency of the amount proposed in a letter dated April 1, 2011.)
3. Legal documents for ownership and maintenance of the storm water control system must meet the standards of the Watershed Ordinance. (Legal documents have been found to be legally sufficient by the County Attorney’s office on March 29, 2011.)
4. The project must meet the standards of the Zoning and Subdivision Ordinances. (The Planning & Inspections Staff has reviewed the project and conditionally approved the case in Subdivision Case No. 08-069, on April 10, 2008.) Other related files: 95-171, P07-71 and 08-110.
5. The “Operation and Maintenance Plan” must be satisfactory and comply with at least the minimum standards and intent of the Ordinance. (The Watershed Review Officer for the Planning & Inspections Staff has reviewed and conditionally approved this plan on March 25, 2011.)

6. The project must have an approved soil erosion and sedimentation control plan. (The North Carolina Department of Environment and Natural Resources, Land Resources Division has approved the Soil Erosion and Sedimentation Control plan on April 2, 2008.)

MR. BARNHILL: On April 5, 2011, I spoke with Sally Castle who works with the North Carolina Department of Environment Health and Natural Resources and she verified the approval is still valid. I'm open for any questions.

CHAIR QUIGLEY: As long as they comply with what they are asking to comply with.

MR. DONALDSON: I don't have any questions.

MR. HUMPHREY: They have intent to comply with all of the conditions that are stated here?

MR. BARNHILL: I believe he does, sir.

CHAIR QUIGLEY: I'll accept a motion?

MR. DONALDSON: I make a motion to approve the request.

MRS. TART: I second.

CHAIR QUIGLEY: It's been properly moved and seconded to approve the request to for the High Density Development on Watershed and it is a new submittal. All in favor signify by saying aye.

The vote was unanimous. There was no opposition.

<u>IN FAVOR</u>		<u>OPPOSED</u>
QUIGLEY	YES	None
DONALDSON	YES	
HUMPHREY	YES	
TART	YES	

11. RECOMMENDATION TO FILL VACANT ALTERNATE BOARD MEMBER POSITION

CHAIR QUIGLEY: Does anyone have a recommendation? We have a pretty good dispersal across the County. What is the impact of having them already serving on a board in the County structure? Can they serve on more than one?

MRS. VARNER: You may have to ask Patti Speicher, my apologies. I can probably find out by Monday.

MR. DONALDSON: I don't know any of the people.

MR. HUMPHREY: I had nominated Ms. Carson earlier, I don't know her, but I withdrew her name so that it would be unanimous with the person we did nominate for the Board. That did not go forward, so I nominate Ms. Carson again.

MR. DONALDSON: I don't have any preference.

MRS. TART: We don't have anyone from West Fayetteville.

CHAIR QUIGLEY: Does anyone have any problem with nominating Ms. Carson. I think our consensus is to recommend Ms. Carson to the County Commissioners.

MR. DONALDSON: May I make a recommendation. In the future when we get these nominations, would it be possible to get a one paragraph summary of their background so we know a little more. If they are volunteering, it shouldn't be a problem for them to write about who they are and what they do, their background, work and where they live, if they volunteer for any other organization, etc. All of these things come into play because we are a volunteer organization.

MRS. VARNER: Yes sir, I will make a note of this recommendation.

12. DISCUSSION:

There will not be a BOA meeting for the month of May 2011. We have two cases for June 2011.

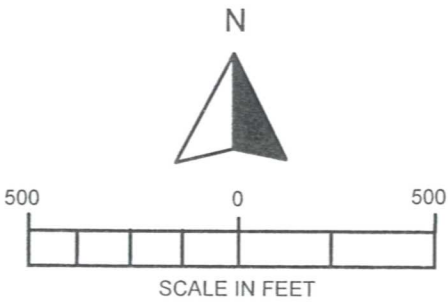
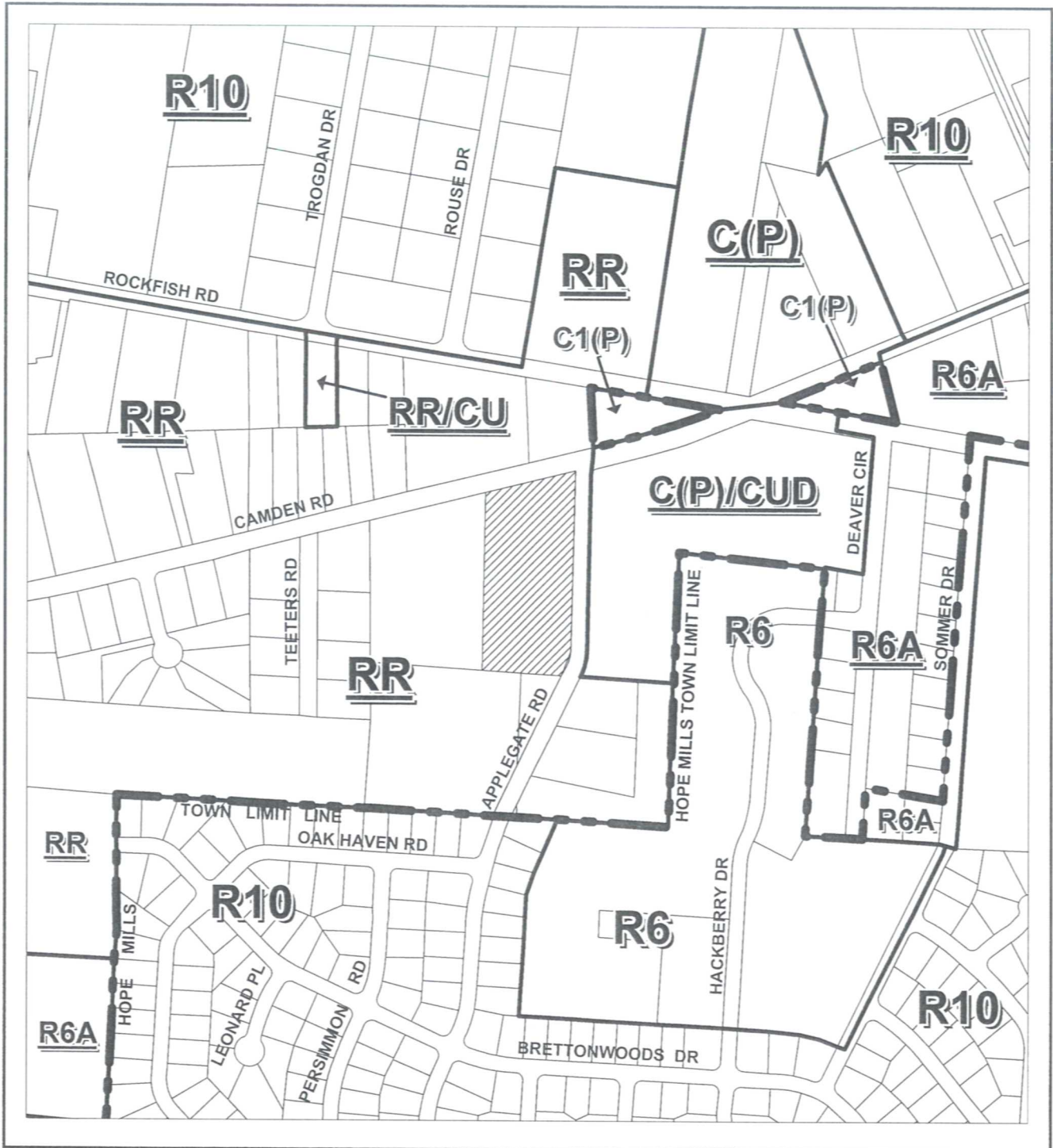
13. ADJOURNMENT

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

MRS. TART: I offer a motion to adjourn.

MR. DONALDSON: I second.

There being no other business, the meeting adjourned at 8:00 pm.



BOARD OF ADJUSTMENT SPECIAL USE PERMIT

ACREAGE: 4.63 AC.+/-		HEARING NO: P11-03-C	
ORDINANCE: COUNTY		HEARING DATE	ACTION
GOVERNING BOARD			

P99-33-C
SITE PROFILE

P99-33-C: REVOCATION OF A SPECIAL USE PERMIT (NEE SPECIFIED CONDITIONAL USE PERMIT) OF AN AUTOMOBILE WRECKING AND SALVAGE YARD, IN A C(P) PLANNED COMMERCIAL AND R6A RESIDENTIAL DISTRICTS ON A 2.75 +/- ACRE PORTION OF A 3.16+/- ACRE TRACT; LOCATED AT 1989 WILMINGTON HWY (SR 2337); GRADY AND CHESTINE ADAMS (OWNER)

Site Information:

Frontage: 490.00' +/- on Wilmington Hwy (SR 2337)

Depth: 260.00' +/-

Jurisdiction: Cumberland County

Adjacent Property: None

Current Use: Vacant

Initial Zoning: C(P) – March 15, 1979 (Area 6)

Nonconformities: Existing non-residential structure does not meet the front yard setback for the C(P) – structure built 1968

Zoning Violation(s): None

Surrounding Zoning: North: M(P), C(P), C3, RR/CU (driving range ball landing area) & R6A ; West: M(P), C(P), & R6A; South: M(P), C(P), RR, R15 & R6A; East: C(P), RR & R6A

Surrounding Land Use: Religious worship, salon, residential, farmlands and woodlands

2030 Grow Strategy Map: Urban and open space area

Special Flood Hazard Area (SFHA): Yes, on the East side of subject property

Water/Sewer Availability: PWC/Septic

School Capacity/Enrolled: Elizabeth Cashwell Elementary: 675/746; Ireland Drive Middle (6): 340/365;

Douglas Byrd Middle (7-8): 600/706; Douglas Byrd High: 1425/1301

Municipal Influence Area: City of Fayetteville

Airport Overlay District: Yes

Soil Limitations: Yes, hydric soils: Cf-Cape Fear loam and DgA-Dogue fine sandy Loam

Subdivision/Site Plan: Review required prior to any development

Average Daily Traffic Count (2008): 20,000 on Martin Luther King Jr Fwy NC HWY 87

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

Notes:

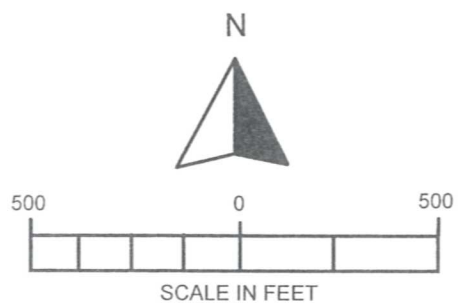
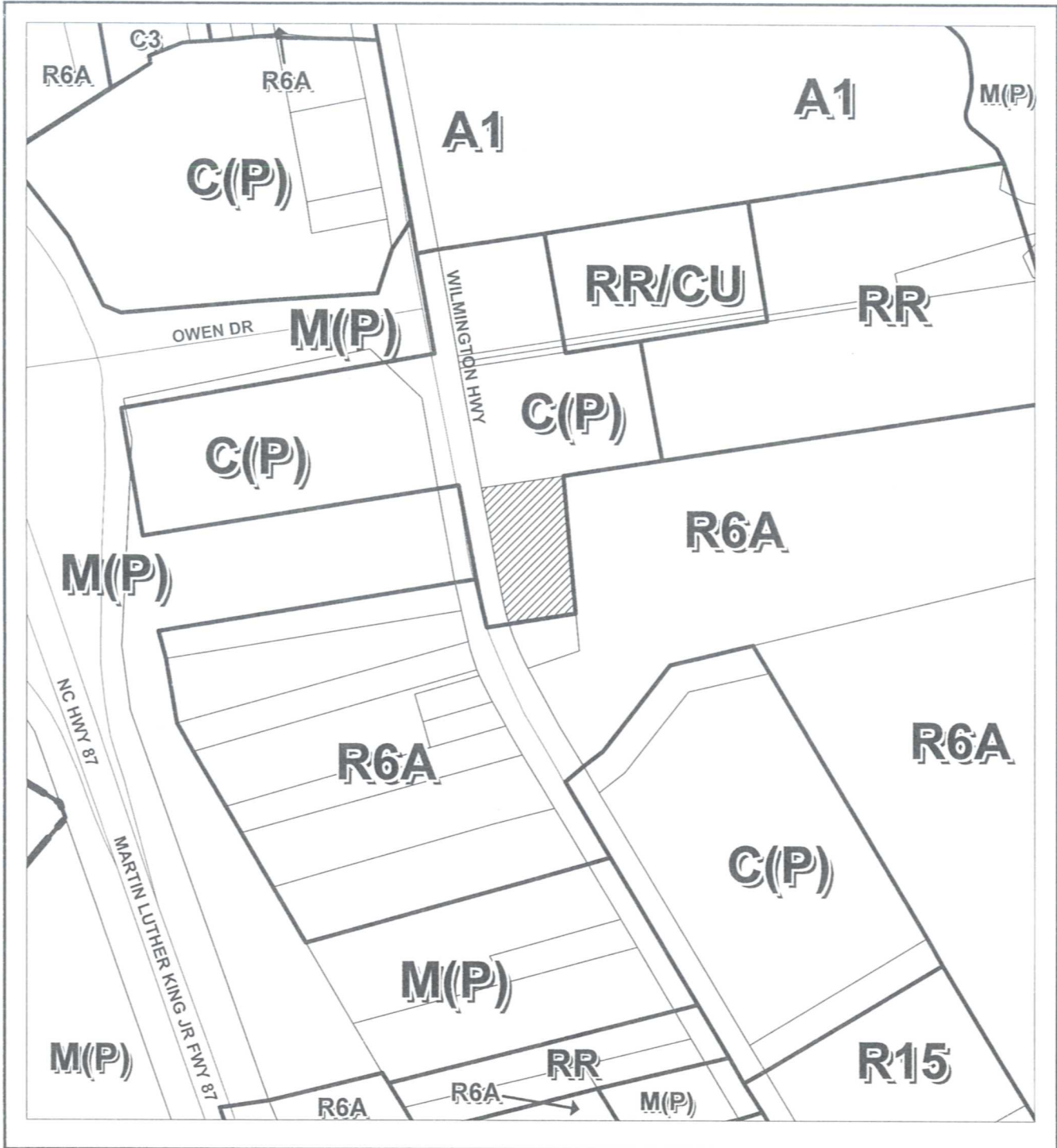
1. Specified Conditional Use Permit Case No. P99-33-C approved on 01/20/2000 subject to conditions:
 - a. Maximum of 40 vehicles in addition to personal vehicles be stored in the back at any time personal vehicles may be placed there at the convenience of the owner.
 - b. Front parking area proposed to be striped and in an orderly presentation for 10 vehicles
 - c. Hours and days of operation - Monday to Friday 9:00 am to 5:00 pm
 - d. Comply with all Federal, State and local laws regarding automobile repair & bodywork for vehicles
 - e. Site be developed according to the Addendum submitted

Contents of the original application:

- f. Requested by Chestine M. Adams on 10/29/1999
 - g. Good Samaritan Cars, Inc., proposed to refurbish donated automobiles for low income individuals
 - h. Proposed three employees
 - i. Mrs. Adam's house located on the R6A residential zone portion of subject property
2. In the current zoning ordinance, the "Automobile Wrecking and Salvage Yards" use, is refer as a Motor Vehicle Wrecking Yards and Junkyards and is not an allowed use in the C(P) Planned Commercial District.
 3. Property owner was notified by telephone and certified mail

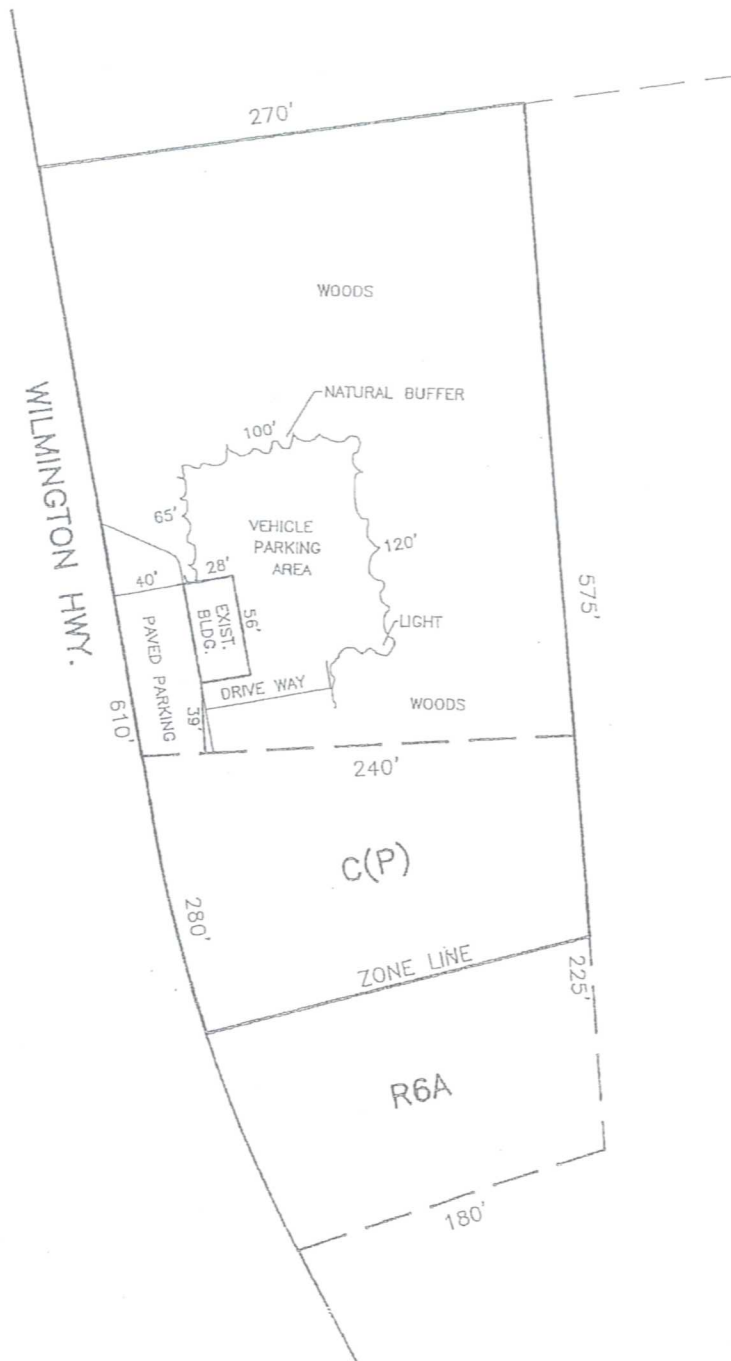
First Class and Record Owners' Mailed Notice Certification

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' acknowledgement of notice is also included in the case file.



REVOCATION SPECIFIED CONDITIONAL USE PERMIT

ACREAGE: 2.75 AC.+/-	HEARING NO: P99-33-C	
ORDINANCE: COUNTY	HEARING DATE	ACTION
GOVERNING BOARD		



SPECIFIED CONDITIONAL USE PERMIT

REQUEST: TO ALLOW AN AUTOMOBILE WRECKING AND SALVAGE YARD

CASE NO.: P99-33-C ACREAGE: 2.75 AC.± ZONE: C(P)

SCALE: 1" = 100'



CUMBERLAND COUNTY BOARD OF ADJUSTMENT


Mark Lynch, Chair

130 Gillespie Street
Fayetteville, NC 28301
(910) 678-7600

Catherine Traylor, Vice Chair

March 2, 2000

MEMO TO: COUNTY INSPECTIONS DEPARTMENT

FROM: JERRY THOMAS, SECRETARY 
CUMBERLAND COUNTY BOARD OF ADJUSTMENT

SUBJECT: P99-33-C. AN APPLICATION BY CHESTINE ADAMS FOR A SPECIFIED
CONDITIONAL USE PERMIT TO ALLOW AN AUTOMOBILE WRECKING
AND SALVAGE YARD IN A C(P) PLANNED COMMERCIAL DISTRICT,
LOCATED ON THE WEST SIDE OF WILMINGTON HWY, SOUTH OF
EAST MOUNTAIN DRIVE, CONTAINING 2.0 ACRES, THE PROPERTY OF
CHESTINE ADAMS. (COUNTY ORDINANCE)

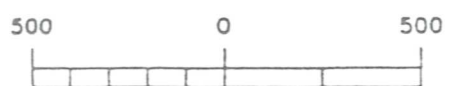
The Cumberland County Board of Adjustment met on January 20, 2000 and voted unanimously to approve the application subject to the following conditions:

1. That a maximum of 40 vehicles in addition to the personal vehicles be stored in the back at any one time. Personal vehicles may be placed there at the convenience of the owner.
2. The front parking area will be striped and give an orderly presentation of not more than 10 vehicles.
3. That hours of operation are Monday through Friday, 9 a.m. to 5 p.m.
4. That they comply with all Federal, state and local laws regarding automobile repair and bodywork for vehicles.
5. That site be developed according to the Addendum submitted (see attached).

cc: Chestine Adams
2021 Wilmington Highway
Fayetteville, NC 28306



NORTH



SCALE IN FEET

PIN: PORT. OF 0445-17-0885

SPECIFIED CONDITIONAL USE PERMIT

ACREAGE: 2.75 AC.±		HEARING NO: P99-33-C	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
GOVERNING BOARD			



SPECIFIED CONDITIONAL USE PERMIT

REQUEST: TO ALLOW AN AUTOMOBILE WRECKING AND SALVAGE YARD

CASE NO.: P99-33-C ACREAGE: 2.75 AC.± ZONE: C(P)

SCALE: 1" = 100'

APPLICATION FOR SPECIFIED CONDITIONAL USE PERMIT

To the Planning Board and the Board of Adjustment of Cumberland County, I (We), the undersigned, do hereby respectfully make application and petition to the Board of Adjustment to grant a Specified Conditional Use Permit as required in the Zoning Ordinance. In support of this application, the following facts are shown:

1. The property sought for Specified Conditional Use Permit is located at 1989 Wilmington Highway between _____
(mailing address) (street name)
and _____ on the east (north, south, east,
(street name)
west) side of the street and known as lot(s) number(s) _____. It has
frontage of 610 feet and consists of an acreage of 2.0 acres.
2. The area sought for Specified Conditional Use is described in Deed Book
2546, Page 524, Cumberland County Registry. (Attach copy of
recorded deed or complete metes and bounds (survey) description of subject
property.)
3. The property sought for Specified Conditional Use is owned by
Chestine Adams.
4. The tax parcel identification number (PIN#) of the subject property is:
0445-17-0885.
5. 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
or clients, etc.)
Property will be used by Good Samaritan Cars, Inc. to refurbish donated
automobiles. These autos are provided to low income individuals who need
a vehicle to maintain employment and decrease reliance on social services.
Hours of operation are basically 9:00 ^{Mon. - Fri.} a.m. to 5:00 p.m. There are three
employees. So far, Good Samaritan Cars, Inc., has provided cars to 12
eligible recipients during the past five months. Some of the organizations
that he has worked with are Spousal Abuse, New Beginnings, and Involved.



COUNTY of CUMBERLAND

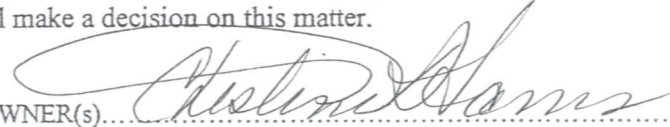
Cumberland County Joint Planning Board

* STATEMENT OF ACKNOWLEDGEMENT regarding appearance before the Cumberland County 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 relative facts will be given under sworn testimony;
- 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 request;
- If the Board's action is to deny the matter before them, the course of appeal to their decision will be that of Superior Court. (Affected parties of the Board's decision have 30 days from proper notification in which to serve notice of appeal.)

Signed acknowledgement that the Secretary to the Cumberland County Board of Adjustment has conferred with the petitioner of this application on matters pertaining to the request and the understanding of course of the public hearing stated above at which time the Board will make a decision on this matter.

SIGNATURE OF OWNER(s)..... 

PRINTED NAME OF OWNER(s)..... Chestine Adams

DATE..... CASE NO.

(If authorized by the owner(s), their agents or assigns may sign this acknowledgement.)

P11-04-C
SITE PROFILE

P11-04-C: CONSIDERATION OF A REQUEST FOR A VARIANCE FROM THE COUNTY ZONING ORDINANCE, SECTION 1102, YARD REGULATION, SUB-SECTION C, FENCES AND WALLS, IN A R10 RESIDENTIAL DISTRICT ON 0.28+/- ACRES, LOCATED AT 604 CYPRESS POND DRIVE; SUBMITTED BY KEVIN C. AND AMANDA M. JEFFERY (OWNERS).

Site Information:

Frontage & Location: 227' +/- on Cypress Pond Dr. & Cambric Dr.

Depth: 120.4'+/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: Residential

Initial Zoning: R10 – November 17, 1975 (Area 4)

Nonconformities: Existing solid fence on subject property does not meet the front yard setback and height requirements (Cambric Dr considered to be primary front). The driveway of 2806 Cambric Dr encroaches onto the northeast side of subject property

Zoning Violation(s): Yes, Case # ZN6453-2011 received on 03/25/2011 for erecting a solid fence that does not meet the minimum requirements with no permits

Surrounding Zoning: North: C(P) & R10; West: PND, R10 & R6A; East: R10; South: PND & R10

Surrounding Land Use: Religious worship activity, residential, and woodlands

2030 Grow Strategy Map: Urban Area

Special Flood Hazard Area (SFHA): None

Soil Limitations: None

Water/Sewer Availability: PWC/PWC

School Capacity/Enrolled: Ed Baldwin Elementary: 790/725; South View Middle: 900/792; South View High: 1,800/1,832

Subdivision/Site Plan: Lots approved and created 4/25/2005

Average Daily Traffic Count (2006): 10,000 on SR 1132 (Legion Road)

Military Influence Area: Town of Hope Mills

Airport Overlay District: Yes

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

Notes:

1. County Zoning Ordinance Section 1102 Yard Regulation, Sub-section:

C. Fence and Walls: The setback requirements of this ordinance shall not apply to any retaining wall. Open fences and walls may be erected to any height. Solid fences and walls shall be limited to three feet in height when projecting into or enclosing a minimum front yard and shall be limited to seven feet in height when projecting into or enclosing a minimum side and/or rear yard. When a corner lot follows two front yard setbacks, as determined by the Coordinator, a solid fence or wall greater than three feet in height, but not exceeding seven feet in height, may not be erected within 20 feet of the right-of-way on the street deemed the secondary front yard by the Coordinator. The street on which the house is addressed is usually considered the primary street on which the house must follow the full front yard setback unless otherwise determined by the Coordinator.

2. Summary of Request: Application for variance of an existing 6 foot solid fence located on the northeast side of the subject property extending along the southern side on the property line which is on the designated primary front. The solid fence located on the primary front is not setback 30 feet from the property line

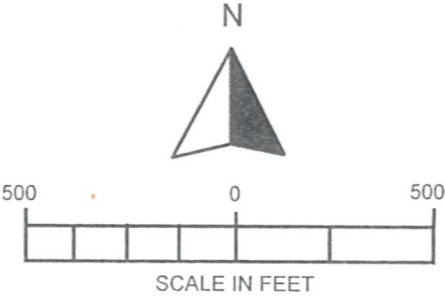
First Class and Record Owners' Mailed Notice Certification

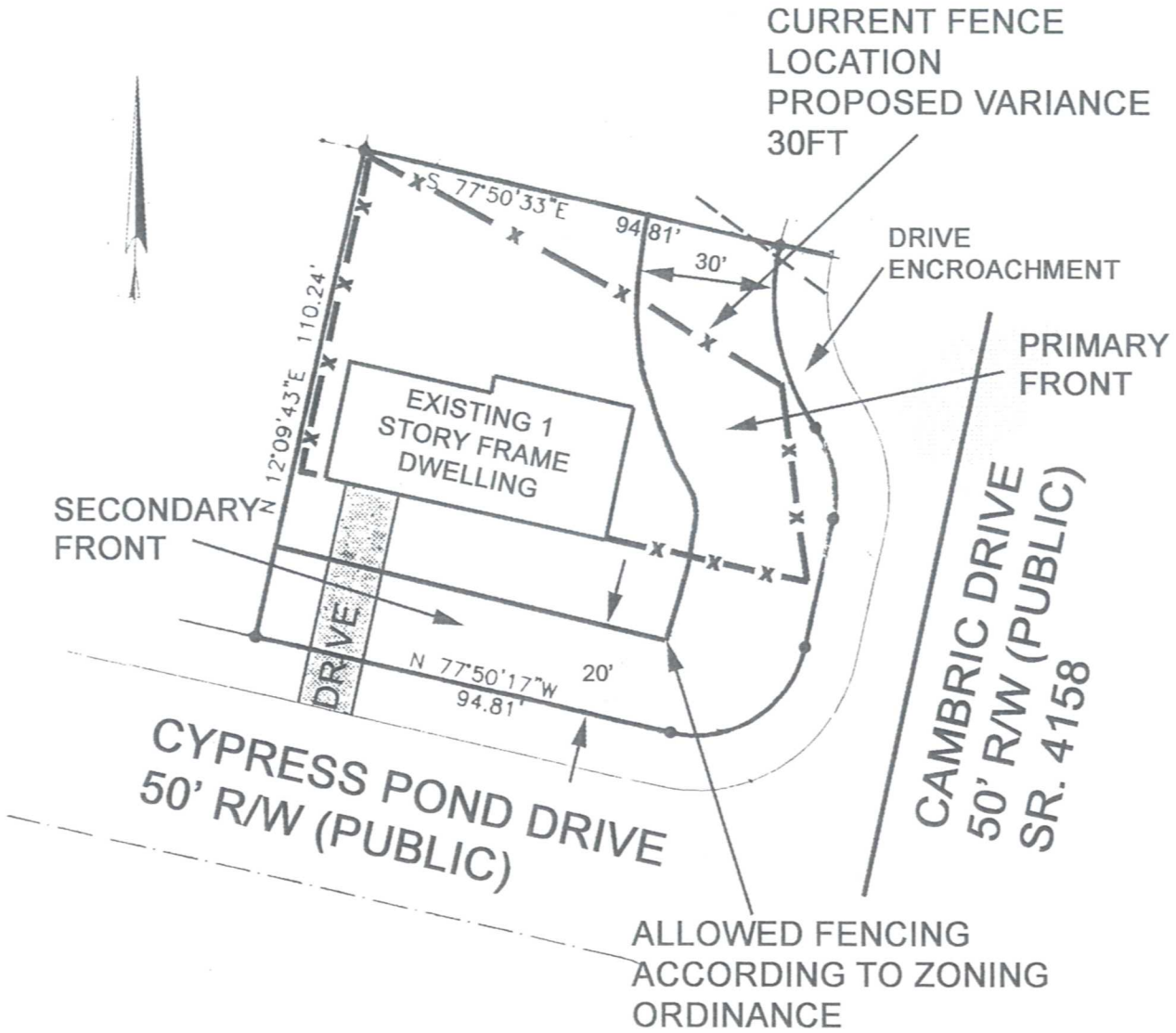
A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' certified receipt of notice is also included.



BOARD OF ADJUSTMENT VARIANCE

ACREAGE: 0.28 AC.+/-		HEARING NO: P11-04-C	
ORDINANCE: COUNTY		HEARING DATE	ACTION
GOVERNING BOARD			





**BOARD OF ADJUSTMENT
VARIANCE**

REQUEST: A VARIANCE FROM THE COUNTY ZONING ORDINANCE, SECTION 1102, YARD REGULATION, SUBSECTION C, FENCES AND WALLS

CASE: P11-04-C ACREAGE: 0.28 AC +/-

ZONED: R10 SCALE: 1"=40'

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

BOARD OF ADJUSTMENT

LOCATION OF PROPERTY: 604 CYPRESS POND Drive Hope mills NC

OWNER: KEVIN and Amanda Jeffery

ADDRESS: 604 CYPRESS POND Drive Hope mills ZIP CODE: 28348

TELEPHONE: HOME 910 339 4786 WORK 910 496 6578 (cell)

AGENT: _____

ADDRESS: _____

TELEPHONE: HOME _____ WORK _____

Kevin.Jeffery 25@yahoo.com

APPLICATION FOR A VARIANCE
As required by the Zoning Ordinance or Code

A. Parcel Identification Number (PIN #) of subject property: 042449-5968
(also known as Tax ID Number or Property Tax ID)

B. Acreage: 0.28 Frontage: 94.81 Depth: 110.24

C. Water Provider: PWC

D. Septage Provider: PWC

E. Deed Book 07130, Page(s) 00870, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).

F. Existing and/or proposed use of property: Residential Property

G. Section and provision of the Zoning Ordinance or Code from which a Variance is requested: ~~Section 1102(b)~~ Section 1102(c), 1703 violations

H. Nature and extent of hardship involved in strict application of the Zoning Ordinance or Code: Unknown to us when building our fence the need for Permit or that our fence plan would interfere with zoning ordinance due to the information provided by our contractor.

We are requesting a variance due to the nature of our property and the direction of the home construction. As the Code enforcement office had informed us, the home should have been built facing the cul de sac. Unfortunately as it sits now our Back/side yard is being considered

Our primary front yard. Due to this we are considered to be in violation of the ordinances. We would like a variance Based on the need for a closed in yard for pets and children. If our fence has to be removed we will be left with almost no back yard. It will be considerably smaller than that of our neighbors. We will also be left with a side yard to the house that will be unusable. It will be separated from the back yard and totally open to traffic without fencing for children to play.

~~Attached: Pictures of current fence location
: Location of fence if variance is denied
Depicting lack of area to be left~~

Without approval of variance the only viable solution is to put up a ~~chain link~~ chain link fence. This solution would not fit the scheme in the area and ~~would~~ would look very out of place.


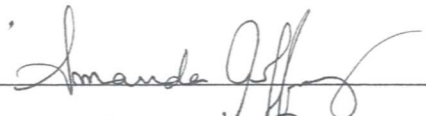
Also we would like to request a variance for the height of the fence. Currently it is 6ft high.

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) KEVIN and Amanda Jeffery
DATE April 26th 2011

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