

Members:
Ed Donaldson, Chairman
Melree Hubbard Tart, Vice-Cha
Horace Humphrey
Joseph M. Dykes
Randy Newsome



Alternates:
William L. Tally
Carrie Tyson-Autry
Yvette Carson
Vickie Mullins
(Vacant)

CUMBERLAND COUNTY BOARD OF ADJUSTMENT

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

TENTATIVE AGENDA
MARCH 21, 2013
7:00 PM

A meeting of the Cumberland County Board of Adjustment is to be held on Thursday, March 21, 2013, 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. OATH OF OFFICE TO ALTERNATE BOARD MEMBER
4. ADJUSTMENTS TO THE AGENDA
5. APPROVAL OF THE JUNE 21, 2012 MINUTES
6. ABSTENTIONS BY BOARD MEMBERS
7. PUBLIC HEARING DEFERRALS

P13-01-C: CONSIDERATION OF A REQUEST FOR A VARIANCE FROM THE COUNTY ZONING ORDINANCE, SECTION 1104, DISTRICT DIMENSIONAL PROVISIONS, TO ALLOW A FRONT YARD SETBACK OF UP TO 50 FEET FROM JOSEPH STREET (SR 3080) WHERE 50 FEET IS REQUIRED, FOR TWO EXISTING STORAGE BUILDINGS, IN A C3 HEAVY COMMERCIAL AND C(P) PLANNED COMMERCIAL DISTRICTS ON 9.9+/- ACRES, LOCATED AT 2346 GILLESPIE STREET; SUBMITTED BY CARLOS VIZCARRA ON BEHALF OF AMERCO REAL ESTATE COMPANY (OWNER).

8. BOARD MEMBER DISCLOSURES
9. POLICY STATEMENT REGARDING APPEAL PROCESS

10. PUBLIC HEARING(S):

A. P97-36-C: REVOCATION OF A SPECIAL USE PERMIT (NEÉ SPECIFIED CONDITIONAL USE PERMIT) OF AN AUTOMOBILE REPAIR AND/OR BODY WORK, IN AN A1 AGRICULTURAL DISTRICT ON 7.11+/- ACRES, LOCATED AT 1921 JOE HALL ROAD (SR 2246); SUBMITTED AND OWNED BY SAMUEL W. AND ELENE WEST.

B. P01-12-C: REVOCATION OF A SPECIAL USE PERMIT (NEÉ SPECIFIED CONDITIONAL USE PERMIT) OF A DAY CARE FACILITY, IN AN R10 RESIDENTIAL DISTRICT ON A .83 +/- ACRE; LOCATED AT 4210 CAMERON ROAD (SR 1131); DARRYL A. AND TONIA A. BONNER (OWNERS)

11. RECOMMENDATION FOR NOMINATION OF ALTERNATE BOARD MEMBER

12. DISCUSSION

13. UPDATE(S)

14. 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
Yvette Carson

Cumberland County Board of Adjustment

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

MINUTES
JUNE 21, 2012
7:00 P.M.

Members Present

George Quigley, Chairman
Ed Donaldson
Horace Humphrey
Melree Hubbard Tart
Joseph Dykes
Carrie Autry-Tyson (non-voting)

Absent Members

None

Staff/Others Present

Patricia Speicher
Pier Varner
Melodie Robinson
Angela Perrier

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 FEBRUARY 16, 2012 AND MAY 17, 2012 MINUTES

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

5. PUBLIC HEARING WITHDRAWAL

MRS. VARNER: Stated that Case P12-05-C has been withdrawn.

A motion was made by Mrs. Tart and seconded by Mr. Humphrey to withdraw Case P12-05-C. The motion passed unanimously.

6. PUBLIC HEARING DEFERRAL

MRS. VARNER: Stated that Case P12-08-C is deferred until the July 10, 2012 Board of Adjustment Special meeting.

A motion was made by Mr. Donaldson and seconded by Mr. Humphrey to defer Case P12-08-C until the July 10, 2012 Board of Adjustment Special meeting. The motion passed unanimously.

7. ABSTENTIONS BY BOARD MEMBERS

There were none.

8. BOARD MEMBER DISCLOSURES

There were none.

9. POLICY STATEMENTS REGARDING APPEAL PROCESS

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

10. PUBLIC HEARING(S)

Opened Public Hearing

A. P12-07-C: CONSIDERATION OF A REQUEST FOR A VARIANCE FROM THE COUNTY ZONING ORDINANCE, SECTION 1104, DISTRICT DIMENSIONAL PROVISIONS, TO ALLOW A FRONT YARD SETBACK OF 20 FEET WHERE 30 FEET IS REQUIRED FOR A SINGLE FAMILY DWELLING IN A R15 RESIDENTIAL DISTRICT ON 0.69+/- ACRE, LOCATED AT 1220 PONY DRIVE (SR 3920); SUBMITTED AND OWNED BY TYRUS L. AND PAIGE W. ROSS.

MRS. VARNER: Presented the zoning, land use and photos of the site to the Board.

MR. DONALDSON: Please show the pictures of the front of the house.

CHAIR QUIGLEY: Is there a driveway leading to the house?

MRS. VARNER: The applicant would be the best one to answer that question.

MR. DONALDSON: The plot shows the front of the house facing Pony Drive, but there is a track of land that cuts off into the front of that, so they really are not on Pony Drive, are they?

MS. SPEICHER: Mr. Donaldson, you are correct. They do own that small strip of property on Pony Drive and the driveway does access across there to the house.

MR. DONALDSON: So they own that and the front of the house is actually facing Pony Drive?

MS. SPEICHER: Yes sir, and under the zoning ordinance, it is actually the side yard.

MR. DONALDSON: But it says here the side setback is ten feet.

MS. SPEICHER: Yes sir, it is. Technically the zoning ordinance calls the front yard the street side of the property.

MR. DONALDSON: Why wouldn't the street side be where the front of the house is on Pony Drive?

MS. SPEICHER: Because it is a separate lot and because both lots were created and platted long before the zoning or subdivision ordinance was created.

MR. DONALDSON: All they would have to do is deed it to themselves into one piece of property and it would be facing Pony Drive, right?

MS. SPEICHER: No sir, because the zoning ordinance requires all corner lots to also meet a front yard setback from each lot.

MR. DONALDSON: So they consider this a corner lot?

MS. SPEICHER: No sir, we consider the front yard on Emu Drive not in the side yard on Pony Drive because it is two separate legal non-conforming lots...well, one of them is a legal non-conforming existing lot. The reason we advised them to apply for a variance is because of the fact that the county also says every corner lot has to meet a front yard setback from both streets.

CHAIR QUIGLEY: Basically, it is a legal use, non-conforming.

MS. SPEICHER: Yes.

MR. HUMPHREY: That little stretch of property you have just shown, does the applicant own that property?

MR. DONALDSON: That is what I was saying; all they would have to do is perk that lot.

MRS. VARNER: Even if they combine it as Patti said, they would have to meet two fronts.

MR. HUMPHREY: That wouldn't solve the situation.

MRS. VARNER: No, it would be the same.

CHAIR QUIGLEY: Swore in Tyrus L. Ross and Paige W. Ross.

MRS. ROSS: Stated her name as Paige Ross living at 1220 Pony Drive in Cypress Lakes.

MR. ROSS: Stated his name as Tyrus Ross with the same address.

CHAIR QUIGLEY: Your interest in this case is that you are the owners of the subject property?

MRS. ROSS: That is correct. We have a corner lot and we had a builder come to our home and we are a growing family in a two bedroom home. When our builder came out, we realized with the corner lot we were subject to this variance issue. What we are asking is to allow a master bedroom to be built onto the end of our home. We have never used the driveway on Emu Drive; we all have used Pony Drive. We are asking for a ten foot variance in order to build, it is our side yard and we did some preparation for this. We got the signatures of all the neighbors on the street and a couple of the neighbors are here tonight.

MR. ROSS: I brought some pictures, but you have them already up. Basically, where we want to add the addition, the back of our yard is sloped. [pointing to the presentation as he describes the section of the house he wants to build onto] We want to maintain the architectural integrity of the house and the aesthetics.

MRS. ROSS: The trees line the back row so our neighbors won't see anything.

MR. ROSS: The landscape will not be changed by this addition; it will face us on Emu Drive.

CHAIR QUIGLEY: Do you have a driveway leading into the property?

MR. ROSS: Yes, it is on Pony Drive.

CHAIR QUIGLEY: Accepted sheet 1 as Exhibit 1 and sheet 2 as Exhibit 2.

CHAIR QUIGLEY: Does the board have any questions for Mr. & Mrs. Ross? Did you have anything else that you wanted to introduce?

MRS. ROSS: I think the pictures were all, along with the neighbors' approval.

CHAIR QUIGLEY: In one of the pictures, it shows a screen of trees that blocks the view from Emu Drive.

MRS. ROSS: Actually, our neighbors are in favor of it because it will actually increase our property value.

MR. ROSS: Yes, that screen of trees is off of Emu Drive; that will remain there.

CHAIR QUIGLEY: You are going to keep those trees in the landscape. Thank you very much.

Public Hearing Closed

CHAIR QUIGLEY: The house is facing the wrong direction in order to satisfy the County Zoning Ordinance.

MR. HUMPHREY: With the additional land they have and with the signatures from the neighbors saying it is okay with them, I certainly am in favor of it.

MRS. TART: Mr. Chairman, I move that we grant the variance as requested in Case P12-07-C based on the following findings of fact:

1. It is the Board's **CONCLUSION** that, there are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district. This finding is based on the following **CONDITIONS**:

The location of the existing building fronts on Pony Drive but that is actually a side yard, the driveway is located on the side yard, the location of the septic system in the rear yard that doesn't leave enough space to build, and the applicant presented evidence about the slope of the property.

2. It is the Board's **CONCLUSION** that granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents in the district in which the property is located. This finding is based on the following **CONDITIONS**:

There are no special privileges conferred upon the applicant, the board has not denied this privilege to others in the area. Subject property created and structure built prior to any regulations being in place.

3. It is the Board's **CONCLUSION** that the literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located. This finding is based on the following **CONDITIONS**:

The way the house is positioned on the property, the applicant cannot change it. Specifying the street side of the property as the front yard would be unfair and cause an undue hardship since it is actually the side yard of the house.

4. It is the Board's **CONCLUSION** that, if granted, the requested variance will be in harmony with the purpose and intent of this Ordinance and will not be injurious to the neighborhood or to

the general welfare. This finding is based on all of the **CONDITIONS** listed above, as well as the following:

There is no one in the neighborhood opposing this case; by evidence presented, all neighbors were in favor. The existing berm and stand of trees will remain undisturbed, essentially there will be no change from the view outside the property and the public safety will not be compromised.

5. It is the Board's **CONCLUSION** that the special circumstances are not the result of the actions of the applicant. This finding is based on all of the **CONDITIONS** listed above as well as the following:

The lot was created and the structure built prior to any regulations being adopted.

6. It is the Board's **CONCLUSION** that the variance requested is the minimum variance that will make possible the legal use of the land, building or structure. This finding is based on the following **CONDITIONS**:

The minimum variance the applicant needs is ten foot, which will make practical, and residential is a legal use of the subject property with no effect on the adjacent properties.

7. It is the Board's **CONCLUSION** that the variance is not a request to permit a use of land, building or structure which is not permitted by right or by special exception in the district involved and will not constitute any change in district boundaries. This finding is based on the following **CONDITIONS**:

There are no changes in district boundaries, the residential use is a legal use of the property.

8. It is the Board's **CONCLUSION** that the existence of a nonconforming use of neighboring land, buildings or structures in the same district or of permitted or nonconforming uses in other districts does not constitute a reason for approval of this requested variance. This finding is based on the following **CONDITIONS**:

The decision of the board was not based in any other nonconforming use.

THEREFORE, on the basis of all the foregoing, **IT IS ORDERED** that the application for a **VARIANCE** be **GRANTED** subject to the following conditions:

1. All information contained in the application;
2. All development shall be in accordance with the site plan as submitted unless otherwise specified below;
3. All other provisions of the County Zoning Ordinance shall be complied with;
4. All relevant Federal, State, and local regulations are complied with;
5. The applicant is responsible for obtaining all required permits prior to proceeding with any development on that lot.

CHAIR QUIGLEY: Do I have a motion?

MRS. TART: I make a motion to grant the variance.

MR. DONALDSON: I second the motion.

CHAIR QUIGLEY: All in favor of granting the variance please signify by saying aye.

	IN FAVOR	OPPOSED
QUIGLEY	YES	NONE
DONALDSON	YES	
TART	YES	
HUMPHREY	YES	
DYKES	YES	

The motion passed unanimously.

B. P12-06-C: CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A DAY CARE FACILITY IN AN RR RURAL RESIDENTIAL DISTRICT ON 13.66 +/- ACRES, LOCATED AT 6111 MCDONALD ROAD (SR 1121), SUBMITTED BY BOBBY L. MCKOY ON BEHALF OF NEW VISION CHRISTIAN CHURCH INC., (OWNER) AND DORA MCKOY.

MRS. VARNER: Presented the zoning, land use and photos of the site to the Board.

MR. DONALDSON: Exactly where is that on 301?

MS. SPEICHER: It is between Parkton Road and 301 and two streets down from the residential areas where all the little dirt streets are.

MR. DONALDSON: It is down below where I-95 and 301 join, right before you get out of the county?

MS. SPEICHER: Yes.

CHAIR QUIGLEY: Does anyone have questions for staff?

MR. DONALDSON: Do I understand this right? The church is there, they are just going to modify the inside of the church for the day care? Is the church going away? Is it going to be a dual purpose building?

MRS. VARNER: Yes, it will be for the day care and the church.

MS. SPEICHER: This is also located in the Hope Mills Municipal Influence Area and being treated as an urban area even though the pictures do look full. We have had numerous rezoning and are expecting a large subdivision any day up the road from this church. I'm not trying to sway the board one way or the other. It is kind of misleading, on the aerial photos there are farmlands, but I just want you to understand this is where we are getting our cases for zoning and subdivision.

MRS. TART: Are they modifying the interior of the structure to meet these needs or are they using educational facilities? Does the state control any of that?

MS. SPEICHER: The applicants are here. Yes, the state does control the structures for the child care. As far as the planning and renovations, if there are any, the applicants are here to answer.

CHAIR QUIGLEY: Dora McKoy & Bobby KcKoy chose to affirm instead of swear.

MR. MCKOY: My name is Bobby McKoy and I am the pastor of New Vision Christian Church and the address is 6111 McDonald Road.

CHAIR QUIGLEY: Your interest in this is you are parishioners, or you own the property?

MR. MCKOY: Yes, we own the property. We know we can open up for four hours without approval, but we are trying to get eight hours. We have numerous kids in our facilities and there are low income mothers trying to make it. What we are trying to do is to provide for those low income people to get our service not only for those but also for the neighborhood. We already have a day care and we are trying to move it out of our home and to get it into a facility at the church. We know that we have to abide by state code and we are willing to do that. This is why we are here. We want to be able to help the members of our church and also to help the neighborhood.

MR. HUMPHREY: You already have a day care now in your home?

MR. MCKOY: Yes, and I am trying to get it out. There is not that much traffic on that road and we have already been approved for the four hours by the state. Some of these mothers work at Smithfield and have to be at work early. We have had to turn down some because at our home we cannot accept any more than eight. We want to expand to twenty-five just before and after. We have the age group 4-12 that we're dealing with. We are picking them up from

school. When the parents drop them off we bring them to school and bring them back and the parents pick them up at the church.

MRS. VARNER: For the record, Mr. Humphrey, what he means is he has a day care already and is running it as a home occupation that allows up to eight kids.

MR. HUMPHREY: I'm just concerned that you all would have some daycare experience. The state codes and county codes would apply, right?

CHAIR QUIGLEY: If the building is in the church.

MR. DONALDSON: So you are only going to do before school care and after school care, nothing during the middle of the day? How about when there are school holidays?

MR. MCKOY: On holidays, we are closed, but if the teachers have a work day and they need our help, we will assist them.

MR. HUMPHREY: It sounds like you are trying to be an asset to the community and to the kids.

CHAIR QUIGLEY: Swore in Willie Chason.

MR. CHASON: My name is Willie Chason and I live at 5965 McDonald Road, Parkton, NC 28371. This is six houses west from the subject property we talked about here tonight. I'm opposed to this day care for a couple of reasons. I have nothing against the church, it is a nice church, and they take care of it. Rev McKoy says he lives on McDonald Road, if he lives on McDonald Road; he's the only one that goes to this church. All these people live away from this neighborhood. My big concern is the traffic. I don't know how many of you have ever been there and know this intersection, but 1000 yards from where they are going to be exiting on 301 is a dangerous intersection and I've witnessed several deaths there. I have to wait in line and you [Mr. McKoy] made mention that traffic isn't bad, yes it is bad. I have to cross the road to check my mailbox. I come in everyday on that road. We think this will increase traffic; that is my big problem. My other problem is if we start this; he's got 13+ acres to work with and he is going to want to build a wing to the house and other things. It is going to be a domino effect. In his back yard which is my back yard is hundreds of acres of farmland. If he gets this passed, he's going to want to build back there and it's going to be low income housing in my backyard. I live next door to a day care now. Forty-seven feet from my patio I have to watch kids come and go, they don't bother me, but I have to watch them if I'm out. That is my problem; the traffic is the biggest thing. Most of these people that go to this church, they don't live in this neighborhood. I think they can build a day care in their own neighborhood and leave mine alone. I bought my house there because it is residential, now across from the church they've got a bus lot and it is in my way and it is dangerous.

MR. DONALDSON: You said you live in the sixth house up the road? [pointing to the presentation] You said the land behind you and I'm looking at a field behind you on the map, does he own that land?

MR. CHASON: No, sir, it is for sale, it has a "for sale" sign on it.

MR. DONALDSON: It will probably be developed the way the county is growing down there.

MR. CHASON: It's just the traffic and it is going to increase. He's got 13+ acres to work on and he goes by the state regulations for the day care. Once it grows to 50 or 60 cars in the daytime; I have to line up now to get out onto 301.

MR. DONALDSON: You said it was a bus parking lot across the street from the church?

MR. CHASON: Across the street. He has coaches that he takes groups out with and he has four or five buses.

MR. DONALDSON: Are you talking about where the cursor is pointed [on the presentation], the white area across the street?

MR. CHASON: It is directly across the street on McDonald Road, about 1000 yards from the intersection of 301.

MS. SPEICHER: That is a tour bus company.

MR. CHASON: Yes, a tour bus company, it is a business, but not the church's.

MR. DONALDSON: That is a separate enterprise.

MR. CHASON: This is not pure fact, but in talking to my neighbors a lot of them that live on this road between me and the church is about four places that are rentals and they don't care to come down here to speak. Two or three of them are elderly and unable to drive. They were against it and I'm speaking for them. As we were talking, we discussed this domino effect and what could happen. This week a home between my home and the church was for sale and bought. Rumor has it that this church has bought the house. This is the fact I'm trying to make about the domino effect coming down the street to my house. I don't have facts to that but I think I am right here.

MR. MCKOY: I don't know where my neighbor and my friend got his information. He received the wrong information. The only thing we own in there is the fourteen acres and the church. I have not bought land or any house. Why would I buy a house? I would if the Lord blessed me because I want to be able to house those less fortunate than we are. Also, he [Mr. Chason] knows that my property is well kept. We make sure that everything is up to par. Right now we can only open up four hours according to state law, but we want to keep these mothers working. Mr. Chason doesn't know who attends my church, he has never been there. He has

never been inside the church. How can he address that information to say he knows these members? I don't think anyone on that road has attended this church, maybe one or two for revival, but other than just attending Sunday school or morning service, I have not seen them. We are just trying to do something to help the neighborhood. We pick up kids over on Roslin Farm Road and we transport them to Sandhill Road. We are trying to get it close by. I've been traveling that road for five years and I never had an accident and no one from the church has ever had an accident. The traffic on that road is very limited and the same thing in that parking lot and when you come off of 301 the traffic is limited. We are trying to do something to help the neighborhood and the people in the church. I can understand Mr. Chason having his issues, but I don't think it would be any danger. We are just asking for four more hours so we can be legitimate.

MR. DONALDSON: What's the average attendance at your church every Sunday?

MR. MCKOY: Between eighty and one hundred and twenty.

MR. DONALDSON: How many cars, is the parking lot full?

MR. MCKOY: We have van service and we pick up and some ride in cars. Then we have plenty of parking spaces other than the parking lot.

MR. DONALDSON: I understand, I was just wondering what the traffic was like on Sunday.

MRS. TART: I noticed on the application it says that it is owned by New Vision Christian Church Incorporated. Do you have an administrative board or do you and your wife make the decisions? How is the property deeded?

MR. MCKOY: The property is deeded under New Vision Christian Church Incorporated.

MRS. TART: Who are the officers of that corporation?

MR. MCKOY: My wife and I, a deacon; there are about four people on the board. When it comes down to making important decisions, the board would have to come before me.

Public Hearing Closed

CHAIR QUIGLEY: Is there any discussion?

MR. DONALDSON: I want to make a comment and this is for Mr. Chason's information also. This has become almost routine for us with churches doing day care. The truth of the matter is; if they wanted to grow a mega-church out there, there is no zoning against it. There is a church there and they can bust it ten times larger and they would not even have to come in here and ask. All they would need to do is to get a building permit. We wouldn't have anything to say about it and the staff wouldn't have anything to say about it. The truth of the matter is, almost all churches now, it doesn't matter if you are at Highland Presbyterian or Manna Church; all of

them are schools/day care facilities/child care facilities. It has become part of, for lack of a better word, their business. You [Mrs. Tart] had a question about the incorporation, which is a new phenomenon, but they all incorporate now.

MRS. TART: I understand that.

MR. DONALDSON: It is for legal protection, is basically the reason why they do that. There are other reasons too, but that is the primary reason. I know that Mr. Chason is concerned about it like any other person would be seeing this coming in there. The reason why I asked the question about the traffic on Sunday is if you are talking thirty or forty cars on Sunday, you are not talking about that many cars during the day for twenty-five kids if they are going to pick up in vans and bring them in and out unless the parents are dropping them off there. I think we have always been consistent. We have allowed this particularly in these areas. The other thing too is that we see it, the county is growing in all areas and as they grow they need these day care facilities. It is just a fact of life. Moms don't stay at home anymore, most families are single parent homes now and they've got to have some day care. So they are providing a service and for those reasons and I think they have adequately proved their case, I don't see any reason why we could deny it. I move to grant the special use permit.

MR. HUMPHREY: I wanted to add a comment to the gentleman who is in opposition who talked about what would happen in the future. He would have the same right to come and oppose that notion of any board or any action that went on in the future. He is not being denied anything. I second the motion.

MR. DONALDSON: We are not unsympathetic to you Mr. Chason, but there are certain legal requirements and we have to go by the rules.

MR. CHASON: I bet you wouldn't want one next to your house, would you?

MR. DONALDSON: I actually have Manna and Berean Baptist next to me.

CHAIR QUIGLEY: We've got a motion standing and we need to come up with the case facts.

1. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended;

There is no evidence, only allegations it would increase traffic, but there is no evidence before the board that shows it would be an increased danger or safety to the members of the community in that area. The traffic will only minimally increase during that period of time.

2. The use meets all required conditions and specifications;

It is a 13.66+/- acre lot with a church existing there and there will not be any additional construction, just simply a matter of allowing them to use the church facility as it presently is to exercise a day care facility. Secondly, it is only going to be a before and after school from six in the morning when school starts and from the time school is out until six at night, and on those days when school is not in session during the weekdays because of teacher holidays, etc. They must also comply with other rules and regulations the state and county may impose.

3. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and

There has been no competent evidence presented that the day care facility will depreciate any of the value of any of the properties if it is developed as it is in the place it is located.

4. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and is in general conformity with Cumberland County's most recent Land Use Plan.

There is already some commercial use there. It has mixed use, residential, rural residential and a mixed use right across the street already. Granting this special use permit for a day care facility will not make it inconsistent with the surrounding use at this point.

CHAIR QUIGLEY: It has been motioned by Mr. Donaldson and seconded by Mr. Humphrey to grant the Special Use Permit. All in favor signify by saying aye.

	IN FAVOR	OPPOSED
QUIGLEY	YES	NONE
DONALDSON	YES	
HUMPHREY	YES	
TART	YES	
DYKES	YES	

Having heard all the evidence and arguments presented at the hearing, the Board finds that the application is complete, that the application complies with all of the applicable requirements of the Cumberland County Zoning Ordinance for the development proposed, and that therefore the application to make use of the property described within this case for the purpose indicated is hereby approved, subject to all applicable provisions of the Zoning Ordinance and the following conditions:

1. The applicant shall complete the development strictly in accordance with the application and site plan submitted to and approved by this Board, a copy of which is filed in the Cumberland County Planning & Inspections Office.
2. The applicant/property owner is the responsible party for the information contained within the site plan, including but not limited to the property boundaries, easement locations, and right-of-way boundaries.
3. The applicant/property owner is the responsible party to ensure compliance with all other related Federal, State, and local regulations, including but not limited to the NC Building Code.

MS. SPEICHER: Presented Chair Quigley with a certificate for his eight years of service on the Board of Adjustment. Today was his last day on the board.

11. RECOMMENDATION FOR NOMINATION OF CHAIRMAN AND VICE-CHAIR

MR. HUMPHREY: Motioned to recommend Mr. Donaldson as Chairman.

MR. DYKES: Seconded the motion.

MR. DONALDSON: Motioned to recommend Mrs. Tart as Chairman.

MRS. TART: Due to a personal situation, I would like to decline.

CHAIR QUIGLEY: All in favor of Mr. Donaldson for Chairman; signify by saying aye. The vote was unanimous.

	IN FAVOR	OPPOSED
HUMPHREY	YES	NONE
DYKES	YES	
QUIGLEY	YES	
TART	YES	
DONALDSON	YES	

MR. HUMPHREY: Motioned to recommend Mrs. Tart as Vice-Chair.

MR. DONALDSON: Seconded the motion.

CHAIR QUIGLEY: All in favor of Mrs. Tart for Vice-Chair; signify by saying aye. The vote was unanimous.

	IN FAVOR	OPPOSED
HUMPHREY	YES	NONE
DONALDSON	YES	
QUIGLEY	YES	
DYKES	YES	
TART	YES	

12. RECOMMENDATION FOR NOMINATIONS TO FILL VACANCIES

The board members discussed and voted unanimously to make the following recommendations to the Board of Commissioners:

Yvette Carson - first choice to fill the regular board member vacancy.

William Locket Tally - second choice to fill the regular board member vacancy if Yvette Carson declines.

Vickie Mullins - to fill alternate board member vacancy.

	IN FAVOR	OPPOSED
HUMPHREY	YES	NONE
DONALDSON	YES	
QUIGLEY	YES	
DYKES	YES	
TART	YES	

MS. SPEICHER: Mr. Dykes was reappointed by the Board of Commissioners to serve three additional years on the board.

13. DISCUSSION:

There was none.

14. UPDATE(S)

MS. SPEICHER: We have a new addition to the Zoning Ordinance. The County Commissioners, on Monday, adopted Riparian Buffer Standards zoning along certain creeks and the river. It is Cape Fear, Rock Fish, Little Rock Fish, Lower Little River, Little River and South River. It only affects properties greater than two acres, with existing lots two acres or less are exempt. We proposed in the adopted two zones you would have a 30 ft no disturbance buffer. Some of the creeks have an actual right of way line, like Rockfish Creek or Cape Fear River; no public right of way so there is a property line and the 30 ft would be measured from that property line out and not with the topography; it is a straight out type measurement. No tree cutting, every lot and development are entitled to at least one access point to the water depending on what they want it for whether a path or a boat ramp or whatever their plan is. Zone 2 is a 20 ft buffer with no buildings, no impervious surface. You can clear the trees and everything but it has to be grass or some other type of vegetation, it's just no buildings and no impervious surface. It will be in your books shortly. It's a total of 50 ft riparian buffer. We modeled that after the Neuse River Basin and the Tar Pamlico adopted by the state and the 30 ft no disturbance with the trees and vegetation, we took that straight from the existing stormwater rules that the County is already subject to anyway.

MR. DONALDSON: Is it the same thing about docks on the river?

MS. SPEICHER: No, we don't have authority like on the Cape Fear River; that is a public right-of-way. You would have to get with Army Corp of Engineers for that. Essentially, all we did was create an additional 20 ft, but we went with the NCDENR stormwater standard on the 30 ft because NCDENR will enforce that on the Erosion and Sanitation Control Plans and we don't have personnel to be everywhere to make sure nobody's taking down trees.

MRS. TART: What kind of policy does the city have?

MS. SPEICHER: The city does not have a riparian buffer. They spent years working on an UDO yet didn't have a riparian buffer. They said they have stormwater buffer, which we are all subject to by the state, but they essentially have a 30 ft buffer under stormwater.

15. ADJOURNMENT

The meeting adjourned at 8:35 pm; motioned by Mr. Quigley and seconded by Mr. Humphrey.

DRAFT

P97-36-C
SITE PROFILE

P97-36-C: REVOCATION OF A SPECIAL USE PERMIT (NEÉ SPECIFIED CONDITIONAL USE PERMIT) OF AN AUTOMOBILE REPAIR AND/OR BODY WORK, IN AN A1 AGRICULTURAL DISTRICT ON 7.11+/- ACRES, LOCATED AT 1921 JOE HALL ROAD (SR 2246); SUBMITTED AND OWNED BY SAMUEL W. AND ELENE WEST.

Site Information:

Frontage: 480.00'+/- on Joe Hall Road (SR 2246)

Depth: 570.00'+/-

Jurisdiction: Cumberland County

Adjacent Property: Yes, one lot on the west side of subject property

Current Use: Motor vehicle repair and/or body work, 2-residences, open storage of junk

Initial Zoning: A1 – June 25, 1980 (Area 13)

Nonconformities: Existing garage (40x70) with second story-no record of permits. Existing double-wide manufactured home doesn't meet the front yard setback-date structure placed on property is unknown/no permits on record; no record of permits for addition to single-wide manufactured home

Zoning Violation(s): Yes, Case # ZN6812-2012 received on 07/02/2012 for operating a storage and a motor vehicle wrecking yard and junkyard use in a zoning district that does not allow it, and open storage of junk

Surrounding Zoning: North, South and West: A1; East: A1 & R40

Surrounding Land Use: Substation, religious worship facility, residential (including manufactured homes) and woodlands

2030 Growth Strategy Map: Rural area

Special Flood Hazard Area (SFHA): No flood

Water/Sewer Availability: Well/Septic

Sewer Service Area: Yes

Soil Limitations: Yes, hydric soils: TR-Torhunta and Lynn Haven soils

School Capacity/Enrolled: Gray's Creek Elementary: 495/425; Gray's Creek Middle: 1,000/999; Gray's Creek High: 1,270/1,227

Subdivision/Site Plan: Review and approval required prior to double-wide manufactured home being permitted

Average Daily Traffic Count (2010): 320 on Joe Hall Road (SR 2246)

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. P97-36-C approved on 12/18/1997
2. Contents of the application:
 - a. Proposed a privacy fence so cars would not be visible
 - b. 2 employees
 - c. Hours of operation: Monday through Friday from 8:00 am to 5:00 pm, Saturday from 8:00 am to noon, and closed on Sunday

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.

Walter Clark,
Chair
Cumberland County

Patricia Hall,
Vice-Chair
Town of Hope Mills

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



CUMBERLAND
★ COUNTY ★
NORTH CAROLINA

Planning & Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Lori Epler,
Sara E. Piland,
Vikki Andrews,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon & Godwin

I, Samuel W. and Elene West of 1921 Joe Hall Road request and consent to the revoking of my Specified Conditional Use Permit (Case No. P97-36-C). I am ceasing the operation of the Automobile Repair and body work shop.

Samuel W. West

Samuel W. West

Sworn to and Subscribed to by me

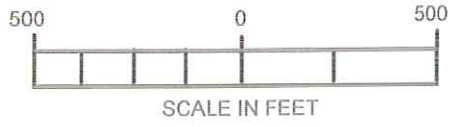
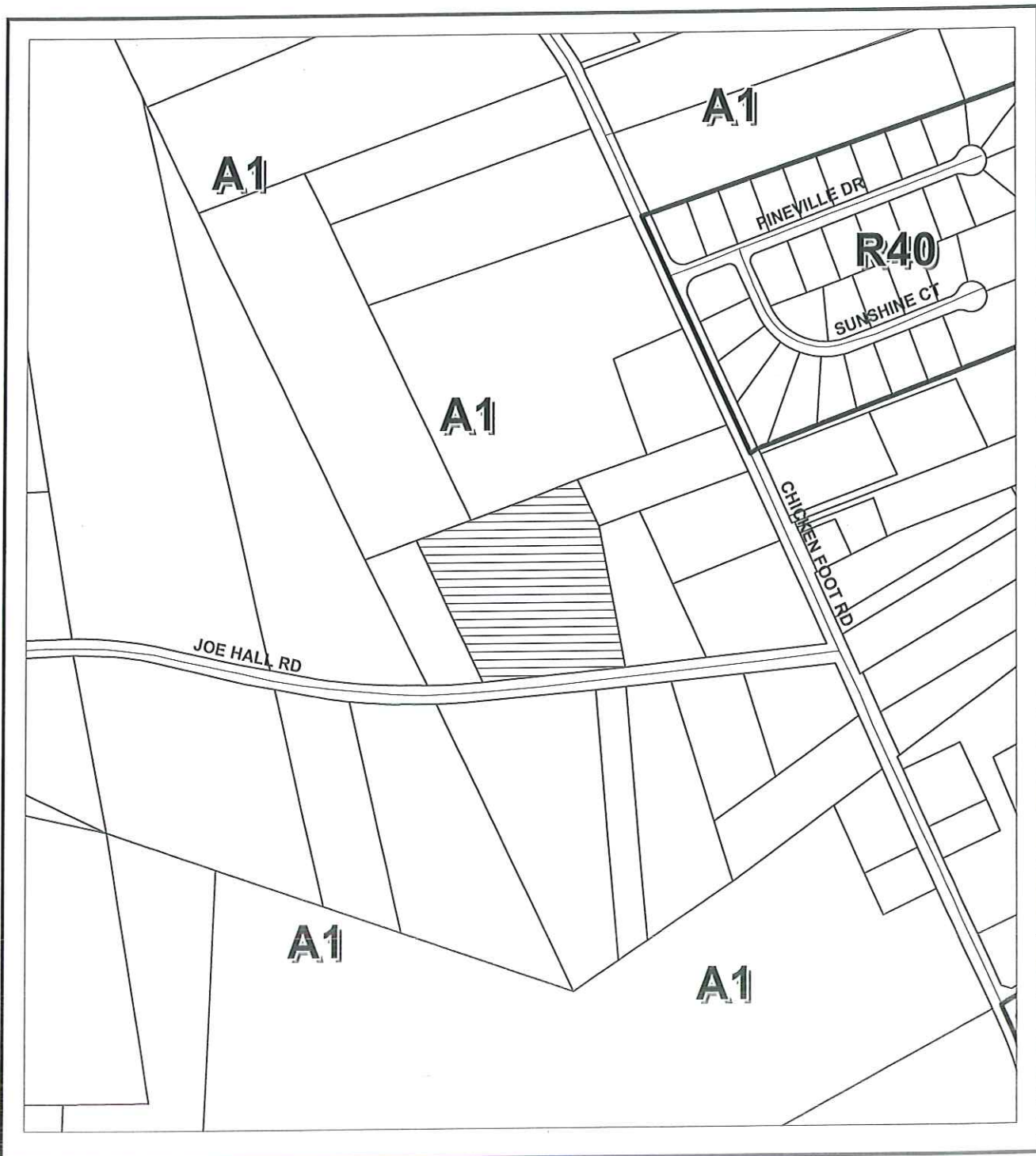
this 15th day of October, 2012

[Signature]
Notary Public

11-03-14

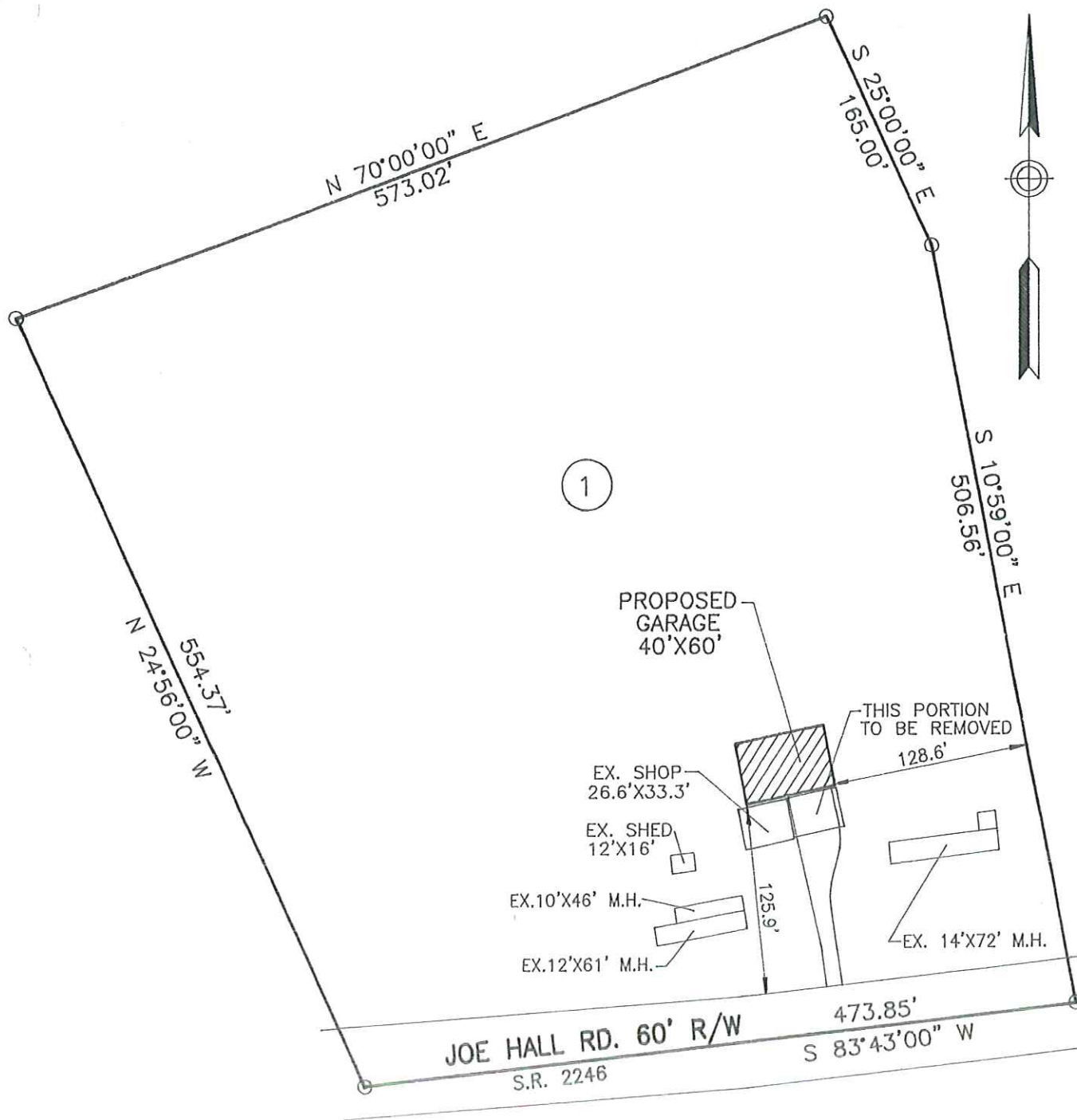
my Commission expires





REVOCATION SPECIAL USE PERMIT

ACREAGE: 7.11 AC.+/-		HEARING NO: P97-36-C	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
GOVERNING BOARD			



SPECIFIED CONDITIONAL USE PERMIT

CASE NO: P97-36-C ZONED: AI ACREAGE: 7.11 AC±
 REQUEST: TO ALLOW AUTOMOBILE REPAIR AND/OR BODY WORK,
EXCLUDING WRECKING, DISMANTLING, OR STORAGE OF JUNKED
VEHICLES. SCALE: 1=100'

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Ken Sykes,
Inspections Coordinator

Carol M. Post
Planning and Inspections
Office Support



Kim Reeves,
Inspector

Angela Perrier,
Inspector

George Hatcher,
Inspector

Joey Lewis,
Inspector

Joan Fenley,
Inspector

COUNTY of CUMBERLAND

Planning & Inspections Department

NOTICE OF VIOLATIONS

July 2, 2012

TO: Samuel W. & Elene West & Parties of Interest & Catalina Elaina Ramos & Parties of Interest
1921 Joe Hall Road 1921 Joe Hall Road
Hope Mills, NC 28348 Hope Mills, NC 28348

CASE #ZN 6812-2012

You are hereby issued a Notice of Violation of the Cumberland County Code, Appendix A, Zoning.

1. Nature of Violation(s): You are using/permitting the use of land that you own for the storage of vehicles and an accumulation of open storage of miscellaneous materials on a lot zoned A1, which by definition in the Cumberland County Zoning Ordinance is a junk yard and a violation of the conditions of the Specified Use Permit granted by the Cumberland County Board of Adjustment on December 18, 1997 (Case # P97-36-C). Specifically: inoperative vehicles, auto parts, boxes, tools, batteries, construction debris, demolition debris, etc..
2. Code Reference: Zoning Ordinance, Cumberland County, North Carolina, Article IX, Individual Uses, Section 915, Motor Vehicle Wrecking Yards and Junk Yards, Article XVII, Legal Provisions, Section 1703, Violations
3. Action to Correct Violations(s): Either remove the construction debris, rubbish, and outside storage, or store the items inside an approved building.
4. Property Location: On or about 1921 Joe Hall Road, Hope Mills, NC. Being that property as listed under Cumberland County, NC Tax Parcel Number 0431-04-6956.
5. Property Owner: Samuel W. & Elene West Inspection Date: 6/20/2012

You are hereby advised that the above listed violation is a Class 3 Misdemeanor, under the provisions of North Carolina General Statute 14-4, and must be corrected within thirty (30) days of receipt of this notification. Failure to correct this violation will subject you to a civil penalty of \$500 dollars per day (each day being a separate violation) and prosecution for a misdemeanor violation in Environmental Court. Also be advised of your right to appeal this decision in accordance with Article XVII., Section 17.03(E), Appeal, Zoning Ordinance, Cumberland County, North Carolina.

If you have any questions, please contact the undersigned at (910) 321-6647.


George Hatcher
Code Enforcement Officer

CUMBERLAND COUNTY BOARD OF ADJUSTMENT

130 Gillespie Street
Fayetteville, NC 28302
(910) 678-7600

January 5, 1998

MEMO TO: CUMBERLAND COUNTY INSPECTIONS DEPARTMENT

FROM: ROY TAYLOR, PLANNER I *RT*
CUMBERLAND COUNTY BOARD OF ADJUSTMENT

SUBJECT: CASE NO. P97-36-C. AN APPLICATION BY SAMUEL WEST FOR A SPECIFIED CONDITIONAL USE PERMIT AS PROVIDED FOR BY THE CUMBERLAND COUNTY CODE OF ORDINANCES, ARTICLE III, SECTION 3.1, TABLE 1-A-1, TO ALLOW AUTOMOBILE AND REPAIR AND/OR BODY WORK, EXCLUDING COMMERCIAL WRECKING, DISMANTLING OR STORAGE OF JUNKED VEHICLES IN AN A1 AGRICULTURAL DISTRICT FOR AN AREA LOCATED ON THE NORTH SIDE OF JOE HALL ROAD (SR 2246), WEST OF CHICKEN FOOT ROAD (SR 2252). (COUNTY ORDINANCE)

The Cumberland County Board of Adjustment met December 18, 1997 and voted unanimously to approve the application as submitted.

RT:bjc

cc: Samuel West
Rt 1 Box 337A-3
Hope Mills NC 28348

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 RR 1 - Box 337 - A3 Hope Mills 28348 between Joe Hall RD
(mailing address) (street name)

and Chicken Ft Rd on the North (north, south, east,
(street name)

west) side of the street and known as lot(s) number(s) 1. It has frontage of 473.85 feet and consists of an acreage of 7.11 acres.

2. The area sought for Specified Conditional Use is described in Deed Book 3272, Page 672, 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 Samuel and Elene West.

4. The tax parcel identification number (PIN#) of the subject property is: 0431-04-5827 Zoned A1

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.)

The proposed use is an Automobile Repair Shop.

There will be a privacy fence where no cars are exposed. There will be two employees, one which is the owner. The hours of operation will be Monday - Friday 8a.m. - 5p.m. Saturday 8a.m. - 12 Sunday Closed

CUMBERLAND COUNTY BOARD OF ADJUSTMENT

130 Gillespie Street
Fayetteville, NC 28302
(910) 678-7600

MINUTES
DECEMBER 18, 1997
7:00 P.M.

Members Present

Moses Mathis, Chairman
Clyde Vaughan
Catherine Traylor
Clifton McNeill

Members Absent

Mark Lynch, Vice Chairman
James Flanders, Alt.
Robert Owens, Alt.
Matthew Cockman, Alt.
Beverly Pringle, Alt.

Staff/Others Present

Frances V. Jackson,
Secretary
Roy Taylor
Bob McArthur, County
Inspections Dept.
BJ Cashwell

1. ROLL CALL

Chairman Mathis called the meeting to order at 7:00 p.m. in Public Hearing Room #3 of the Old County Courthouse. Ms. Jackson called the roll and a quorum was present.

2. APPROVAL OF THE MINUTES OF NOVEMBER 3, 1997 MEETING.

There being no additions or corrections to the Minutes of the November 3, 1997 meeting, a motion was made by Ms. Traylor and seconded by Mr. Vaughan to approve the Minutes as written. The motion passed unanimously.

3. PUBLIC HEARINGS:

- A. CASE NO. P97-36-C. AN APPLICATION BY SAMUEL WEST FOR A SPECIFIED CONDITIONAL USE PERMIT AS PROVIDED FOR BY THE CUMBERLAND COUNTY CODE OF ORDINANCES, ARTICLE III, SECTION 3.1, TABLE 1-A-1, TO ALLOW AUTOMOBILE AND REPAIR AND/OR BODY WORK, EXCLUDING COMMERCIAL WRECKING, DISMANTLING OR STORAGE OF JUNKED VEHICLES IN AN A1 AGRICULTURAL DISTRICT FOR AN AREA LOCATED ON THE NORTH SIDE OF JOE HALL ROAD (SR 2246), WEST OF CHICKEN FOOT ROAD (SR 2252). (COUNTY ORDINANCE) ←

Chairman Mathis asked for the first case to be presented.

Mr. Taylor presented the zoning and land use in the area. He stated that the proposed use was for a automobile repair shop. There would be a privacy fence erected so no cars would be visible. He stated that there would be 2 employees with one being the owner. The hours of operation would be Monday thru Friday 8am-5pm, Saturday 8am-noon and closed on Sunday. He stated that the applicant was issued a violation on September 9, 1997 by the County Inspections Department. He stated that the proposed 40 by 60 foot garage was shown on the site plan. There is an existing shop facing Joe Hall Road with a portion of it to be removed. There are two existing mobile homes on the site with a existing 12 by 16 feet accessory structure.

Mr. Samuel West was sworn in by Chairman Mathis.

Mr. West stated that he would like to operate a repair shop. He stated that it was a family business. He stated if there was no business then his son goes home and the business would be closed for the day. He stated that there would be no junk cars on the site. There were Pine trees on one side with fencing. He stated that cars could not be seen from the road. The front of the lot had cedar trees planted and said he would plant more if they were needed. He stated elderly people live in the area and are unable to have their car serviced a great distance from home and it takes a long time for them to get their car back. He stated that his son works on their car right away. He stated that they are not there to have a junk yard or mess the community up. He thanked the board for their consideration.

Chairman Mathis asked if there was any one else to speak in behalf of the application.

Kenneth West was sworn in by Chairman Mathis.

Mr. West stated that Mr. West was his father. He stated whatever they needed to do that they would do it and abide by it.

Chairman Mathis asked if there was any one in opposition to the application. There was none.

Mr. McNeill stated that the location, size and design would be compatible and would not adversely affect the surrounding property. It was in compliance with harmony, scale, and bulk. There was adequate facilities. It would not generate appreciable increase in traffic. The purpose and intent was in compliance with the plans for the area. Based on these conditions he moved that the application be approved as outlined in the application. The motion was seconded by Mr. Vaughan. The motion passed unanimously.

B. CASE NO. P97-39-C. AN APPLICATION BY WILLIAM AND AUDREY HALCOMB FOR A VARIANCE AS PROVIDED FOR BY THE CUMBERLAND COUNTY CODE OF ORDINANCES, ARTICLE III, SECTION 3.34 (G) TO ALLOW AN ABOVE GROUND SWIMMING POOL TO BE LOCATED IN A REQUIRED YARD (SIDE YARD OF A CORNER LOT) IN AN R10 RESIDENTIAL DISTRICT FOR AN AREA LOCATED AT 6431 CHARTLEY DRIVE. (COUNTY ORDINANCE)

Chairman Mathis asked Mr. Taylor to present the next case.

Mr. Taylor presented the zoning and land use for the area. He stated a violation of the side yard was cited on September 30, 1997 by the Cumberland County Inspections Dept. He stated for the site to be in compliance a variance was needed or the pool removed. He stated that the house faced Chartley Drive. The pool on the site was a above ground pool. The pool setback was 12 1/2 feet from the side property line and 8.5 to the house from the deck and 5 feet from the right-of-way of Sedbury Dr.

Mr. William Halcomb was sworn in by Chairman Mathis.

Mr. Halcomb stated they were requesting a variance for the swimming pool. He stated they were first time homeowners. He stated they were familiar with the restrictive covenants. The covenants stated that the pool could not block the view or lighting of the house. He stated that was why the pools was dug down into the side yard. He stated that the location of the house sits higher up than the neighbors beside them. He stated a concrete drainage was installed. He stated that the swimming pool contractor surveyed the site for the pool. He felt that if something else needed to be done that the contractor would have mentioned it. Therefore, they felt they were in compliance. He stated that they invested \$8,000 in the pool. He stated they were concerned about safety and bought the pool with the attached fence and lower lattice. He stated they would like to install a fence if the pool is approved. He submitted a petition with 19 signature of residents in the area that were in favor of the request.



KENNETH H. SYKES, JR.
DIRECTOR

COUNTY of CUMBERLAND

DEBORAH S. SIMPSON
ASSISTANT DIRECTOR

Inspections Department

NOTICE OF VIOLATION(S)

September 9, 1997

TO: Samuel W. West & wife, Elene & Parties of Interest
RR 1, Box 337-A3
Hope Mills, NC 28348-9791

CASE #Z 125-97

611719
420
517

You are hereby issued a Notice of violation(s) of the Cumberland County Code.

1. Nature of Violation(s): That you have allowed the construction of building(s) and that you have stored more than two (2) vehicles in the open on your property, without first obtaining the required Zoning Permit.
2. Code Reference: Article XII., Section 12.321, Zoning Permit Required and Section 12.341 Procedural Remedies, Cumberland County, North Carolina Code.
3. Action to correct Violations(s): Rezone your property to a zoning classification that would allow the open storage of vehicles and then do all that is required to obtain the required zoning permit(s).
4. Property Location: On or about Joe Hall Road, Cumberland County, NC. Being that property as listed under Cumberland County, NC Tax Parcel Number 0431-04-5827
5. Property owner: Samuel W. West & wife Elene
6. Phone Number: Unknown

You are hereby advised that the above listed violation(s) must be corrected within (30) days of receipt of this notification. Failure to correct this violation(s) will subject you to a Civil penalty of fifty (\$50) dollars per day (each day being a separate violation), and one hundred (\$100) dollars per day (each day being a separate violation) for the second and subsequent violation(s). Be advised that additional action may be taken to correct this violation(s) pursuant to the provisions of North Carolina General Statute 14-4.

 9.10.97
Bob McArthur
Zoning Officer/Inspector Date

I understand that my signature of acceptance of this document does not constitute acknowledgment of guilt of the above described violation(s).

Received By: _____
Signature Date

P01-12-C
SITE PROFILE

P01-12-C: REVOCATION OF A SPECIAL USE PERMIT (NEE SPECIFIED CONDITIONAL USE PERMIT) OF A DAY CARE FACILITY, IN AN R10 RESIDENTIAL DISTRICT ON A .83 +/- ACRE; LOCATED AT 4210 CAMERON ROAD (SR 1131); DARRYL A. AND TONIA A. BONNER (OWNERS).

Site Information:

Frontage: 323.7'+/- on Cameron Road (SR 1131), and 138.1'+/- on Latonea Drive

Depth: 181.7'+/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: Religious worship facility

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

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: PND, C(P), C1(P), R10 and R5A; West: PND, R10 & R10/CU(warehouse storage); East: M(P), C(P), RR & R10; South: M(P), HS(P), RR, R10 & R10/CU (paint and body shop)

Surrounding Land Use: Service company, residential (including an abandoned dwelling) and woodlands

2030 Growth Strategy Map: Urban area

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: PWC/Septic

School Capacity/Enrolled: Ed V. Baldwin Elementary: 790/743; Hope Mills Middle: 740/686; South View High: 1,800/1,837

Municipal Influence Area: Hope Mills

Airport Overlay District: Yes

Soil Limitations: None

Average Daily Traffic Count (2010): 2,800 on Cameron Road (SR 1131)

Highway Plan: Cameron Road is identified in the Highway Plan as a major thoroughfare. This proposal calls for a multi-lane facility (U-4706) with a right-of-way of 110 ft. Road improvements are included in the 2012-2018 MTIP

County Zoning Ordinance Reference: Section 906 Day Care Facility

Notes:

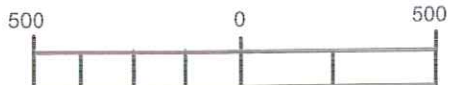
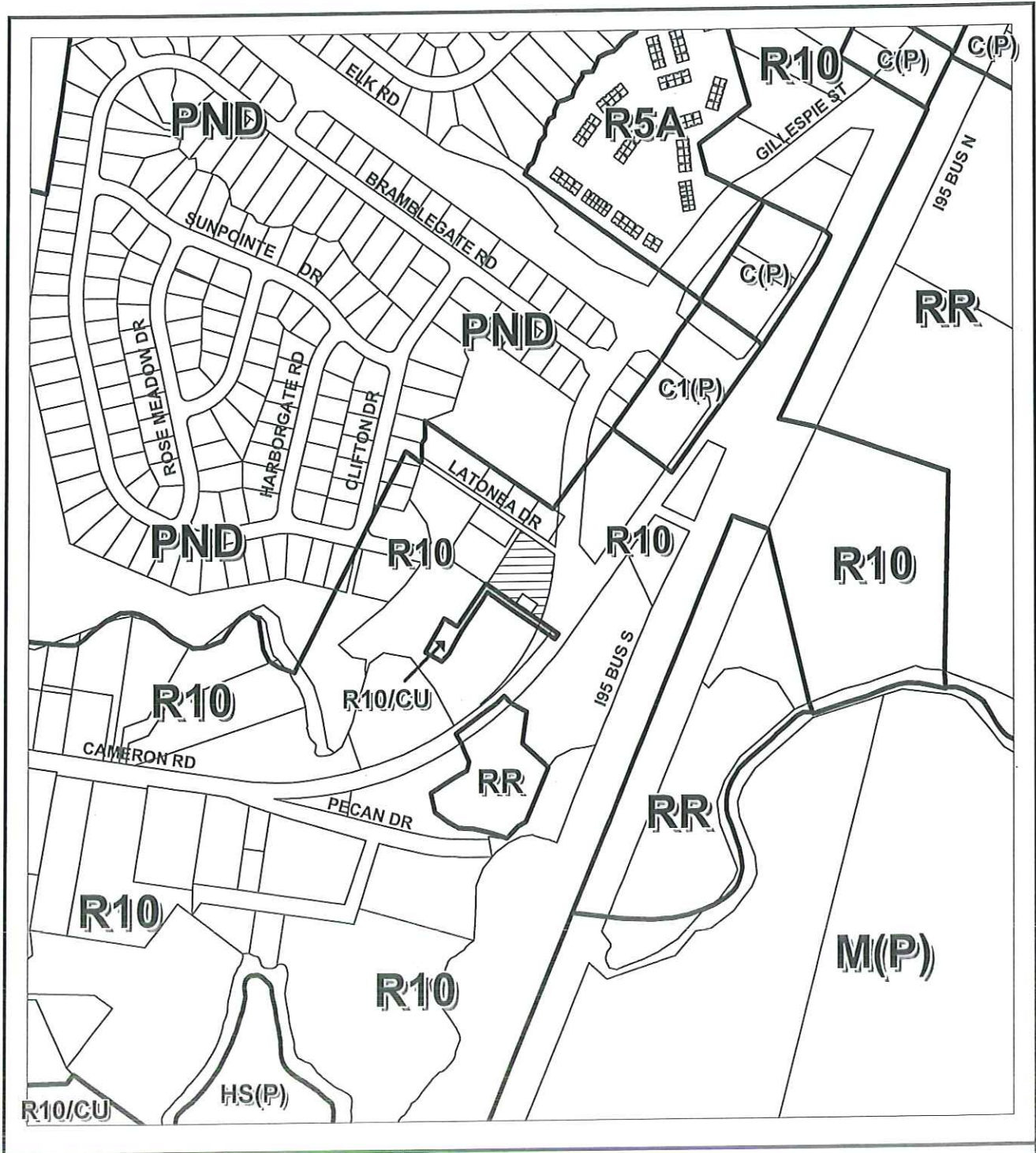
1. Specified Conditional Use Permit Case No. P01-12-C approved 03/17/2001 subject to the following conditions:
 - a. That a maximum of 20 children are allowed;
 - b. That all applicable State, Federal and local regulations be complied with at all times;
 - c. That the site be developed according to the site plan with the fence to be moved back from the embankment 10 feet. The play area could be extended to the back of the area to compensate for the relocation of the fence.
 - d. That the play area be fenced off from the parking area;
 - e. That the implementation of the plan be completed within one year;
 - f. That the applicant consults with the NC Department of Natural Resources to ameliorate the runoff from the surrounding property to the parking lot.
 - g. That drive entrance and exit be approved by NCDOT.

2. Current property owner was notified by telephone and mail; staff has not received a response.

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.

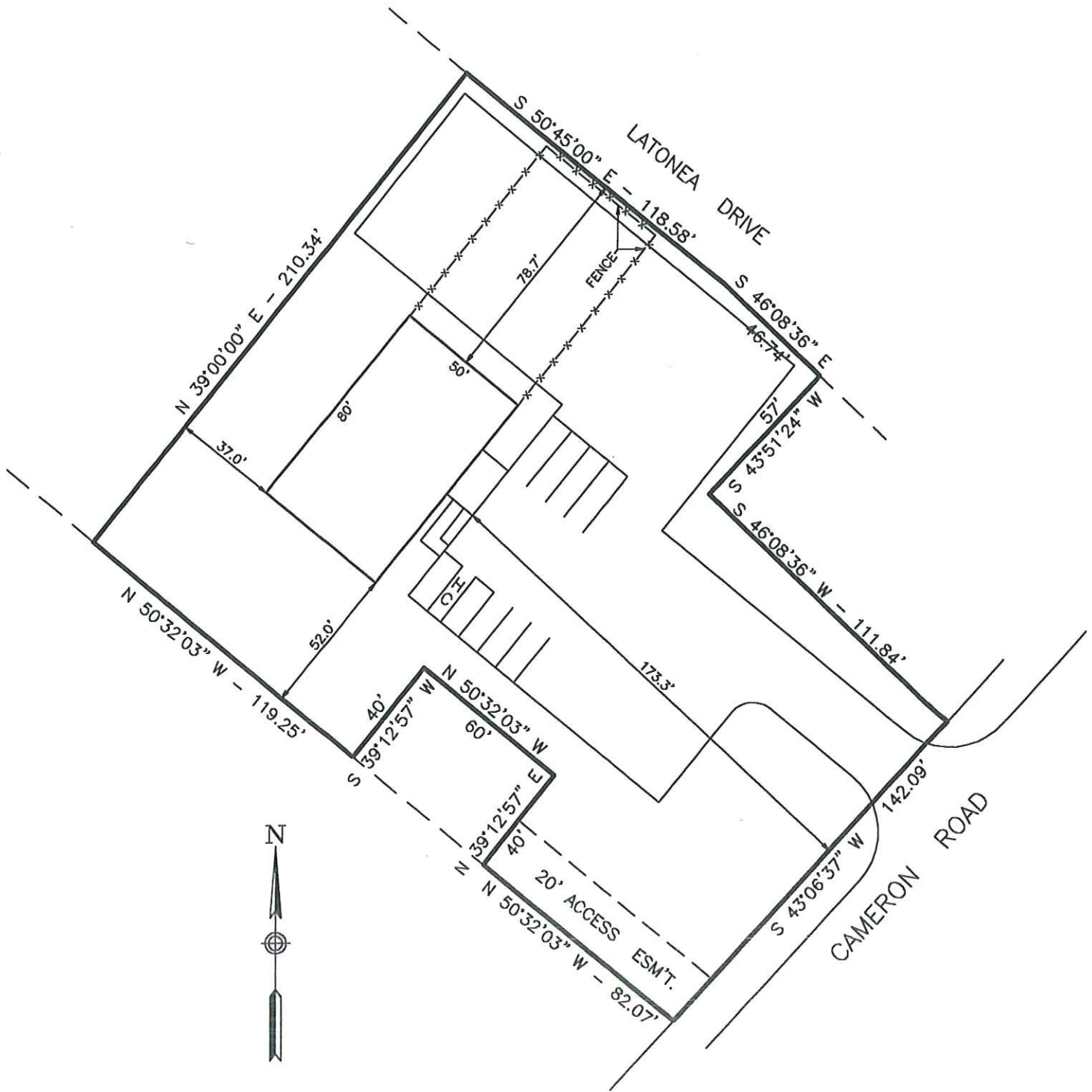
NOTE: PROPERTY IN AOD



SCALE IN FEET

REVOCATION SPECIAL USE PERMIT

ACREAGE: 0.83 AC.+/-		HEARING NO: P01-12-C	
ORDINANCE: COUNTY		HEARING DATE	ACTION
GOVERNING BOARD			



SPECIFIED CONDITIONAL USE PERMIT
 REQUEST: TO ALLOW THE OPERATION OF A DAYCARE
 CASE NO.: P01-12-C ACREAGE: 1.04 AC.±
 ZONE: R10 PARKING: 9 SPACES SHOWN SCALE: 1" = 50'

Walter Clark,
Chair
Cumberland County

Patricia Hall,
Vice-Chair
Town of Hope Mills

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



COUNTY of CUMBERLAND
Planning & Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Lori Epler,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon & Godwin

September 17, 2012

Darryl A & Tania A Bonner
1930 N Pearl Street
Fayetteville, NC 28303

SUBJECT: P01-12-C Special Use Permit for a Day Care Facility, Parcel No. 0424-43-9247
4210 Cameron Road, Fayetteville, NC 28306

Dear Mr. & Mrs. Bonner,

On April 19, 2001 the Cumberland County Board of Adjustment approved Case No. P01-12-C, which was a request for a Special Use Permit (nee' Specified Conditional Use Permit) for a day care facility on the property referenced above. It has come to our attention that the structure located on the subject property is currently used as a religious worship facility and the day care facility is no longer operating. Attached is a copy of the approval letter, sketch map, site plan and application submitted for Case No. P01-12-C.

On March 28, 2012 we contacted Roddy Davoud of Hullco Associates, the previous owner of 4210 Cameron Rd, requesting his authorization to allow our office to revoke the approved Special Use Permit for a day care if there was not interested in continue to operate this activity on the property mentioned above. Please see the attach information.

If the religious worship facility has no interest in operating a day care at this location in the near future, this office intends to schedule a hearing before the County Board of Adjustment to revoke the approved Special Use Permit. Please contact this office prior to **October 10, 2012** especially if you wish the day care approval to remain in effect. My contact information is: (910) 678-7602 or e-mail: pvarner@co.cumberland.nc.us.

Sincerely,

Pier A. Varner
Special Projects, Planner

Attachments

cc: Patti Speicher, Land Use Codes

Pier Varner

From: Roddy Davoud [RDavoud@odins.com]
Sent: Monday, April 02, 2012 4:42 PM
To: Pier Varner
Subject: Hullco Associates, LLC - 4210 Cameron Road

Ms. Varner, I am in receipt of your certified letter dated March 28, 2012 relative to a Special Use Permit for a Day Care Facility at the above referenced address.

We no longer have any interest in having this Permit and request that you schedule a hearing to revoke same.

If you have any questions or need further information, I can be reached by this email or at 804-674-1540 (day) and 804-379-6680 (night).

Best regards, Roddy Davoud

Roy Turner,
Chair
Cumberland County

Walter Clark,
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

CERTIFIED MAIL

March 28, 2012

MAILED 91 7108 2133 3937 1188 5473 HULLCO
3-28-12 Assoc.

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Lori Epler,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon & Godwin

Hullco Associates LLC
11321 Lewiston Road
Richmond, VA 23236

SUBJECT: P01-12-C Special Use Permit for a Day Care Facility, Parcel No. 0424-43-9247
4210 Cameron Road, Fayetteville, NC 28306

Dear Hullco Associates LLC Representative,

On April 19, 2001 the Cumberland County Board of Adjustment approved Case No. P01-12-C, which was a request for a Special Use Permit (nee' Specified Conditional Use Permit) for a day care facility on the property referenced above. It has come to our attention that the structure located on the subject property is currently used as a religious worship facility and the day care facility is no longer operating. Attached is a copy of the approval letter, sketch map, site plan and application submitted for Case No. P01-12-C.

If the religious worship facility has no interest in operating a day care at this location in the near future, this office intends to schedule a hearing before the County Board of Adjustment to revoke the approved Special Use Permit. Please contact this office prior to **April 10, 2012** especially if you wish the day care approval to remain in effect. My contact information is: (910) 678-7602 or e-mail: pvarner@co.cumberland.nc.us.

Sincerely,

Pier A. Varner
Special Projects, Planner I

Attachments

cc: Patti Speicher, Assistant Director
Hullco Associates LLC, 8142 Hull Street Road, Richmond, VA 23235



CUMBERLAND COUNTY BOARD OF ADJUSTMENT

Catherine Traylor, Chair

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

Doug Stephens, Vice-Chair

May 8, 2001

MEMO TO: KEN SYKES, DIRECTOR
COUNTY INSPECTIONS DEPARTMENT

FROM: THOMAS J. LLOYD, PLANNER III
CUMBERLAND COUNTY BOARD OF ADJUSTMENT

SUBJECT: P01-12-C: APPLICATION BY CAROLYN L. HICKS FOR A
SPECIFIED CONDITIONAL USE TO ALLOW A DAYCARE,
IN AN R10 RESIDENTIAL DISTRICT, LOCATED AT 4210
CAMERON ROAD, CONTAINING 1.04 ACRES, THE
PROPERTY OF CAROLYN L. HICKS.

The Cumberland County Board of Adjustment met on April 19, 2001 and voted 4 to 1 to approve the application subject to the following conditions:

1. That a maximum of 20 children are allowed.
2. That all applicable State, Federal and Local regulations be complied with at all times.
3. That the site be developed according to the site plan with the fence to be moved back from the embankment 10 feet. The play area could be extended to the back of the area to compensate for the relocation of the fence.
4. That the play area be fenced off from the parking area.
5. That the implementation of the plan be completed within one year.
6. That the applicant consult with the NC Department of Natural Resources to ameliorate the run off from the surrounding property to the parking lot.
7. That drive entrance and exit be approved by NCDOT.

Cc: Lori Rascoe
4218 Scary Creek Road
Fayetteville, NC 28301

Carolyn L. Hicks
PO Box 393
Hope Mills, NC 28348

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 4210 Cameron Rd (mailing address) between 301 (street name) and Simon St. (street name) on the west (north, south, east, west) side of the street and known as lot(s) number(s) lot 1. It has frontage of 122 feet and consists of an acreage of 263 depth 01.04 acres.

2. The area sought for Specified Conditional Use is described in Deed Book 2533, Page 887, 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 Carolyn L Hicks.

4. The tax parcel identification number (PIN#) of the subject property is: 0424(61)43-9247

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.)

We would like to start up a small Daycare.
We have proposed to the state 20 children w/ 5
employees. We will operate from 10 am to 6 pm
Monday - Friday.
* Lighting

Zoned R10
8/95 mb Zoning Type + Ht: 6 ft
Current Use: Commercial
Water/sewer & PUE: Water / public



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)..... *Lori Kasper (agent)*.....

PRINTED NAME OF OWNER(s)..... *Carolyn L Hicks*.....

DATE *2-19-01*..... CASE NO.

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