

Members:
Horace Humphrey, Chairman
Vickie Mullins, Vice-Chair
Ed Donaldson
Joseph M. Dykes
George Lott



Alternates:
Yvette Carson
Winton McHenry
Nathan Feinberg
Joseph Decosta
Alfonso Ferguson Sr

CUMBERLAND COUNTY BOARD OF ADJUSTMENT

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

TENTATIVE AGENDA AUGUST 20, 2015 7:00 PM

A meeting of the Cumberland County Board of Adjustment is to be held on Thursday, August 20, 2015, 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 JULY 16, 2015 MINUTES
5. ABSTENTIONS BY BOARD MEMBERS/BOARD MEMBER DISCLOSURES
6. PUBLIC HEARING DEFERRALS/WITHDRAWALS
7. POLICY STATEMENT REGARDING APPEAL PROCESS
8. PUBLIC HEARING(S):
 - A. **P13-02-C:** REVOCATION OF THE BOARD OF ADJUSTMENT'S APPROVAL OF A SPECIAL USE PERMIT TO ALLOW AN OUTDOOR FIRING RANGE, IN AN RR RURAL RESIDENTIAL DISTRICT ON 34.68+/- ACRES, LOCATED AT 3802 PLEASANT VIEW DRIVE, SUBMITTED AND OWNED BY REGINALD MARK AND JACQUELINE TART KIRBY.
 - B. **P15-04-C:** CONSIDERATION OF AN APPEAL FROM THE CODE ENFORCEMENT OFFICER'S DECISION REGARDING THE OPERATION OF AN OUTDOOR FIRING RANGE IN A RR RURAL RESIDENTIAL DISTRICT ON 74.05+/- ACRES, LOCATED AT 400 KAREN STREET, SUBMITTED AND OWNED BY DAVID AND MARY DERETTE HAMPTON. (DEFERRED)
 - C. **P15-05-C:** CONSIDERATION OF A VARIANCE TO ALLOW A 12.5 FOOT REAR YARD SETBACK WHERE 35 FEET IS REQUIRED IN A PND PLANNED NEIGHBORHOOD DISTRICT ON .18+/- ACRE, LOCATED AT 5205 MIRANDA DRIVE, SUBMITTED BY KYLE J. AND SANDRA L. PATRICK (OWNERS).
9. DISCUSSION/INFORMATIONAL ITEMS
 - FISCAL YEAR 2014-2015 ANNUAL REPORT
10. UPDATE(S)
11. ADJOURNMENT

Members:
Horace Humphrey, Chairman
Vickie Mullins, Vice-Chair
Ed Donaldson
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CUMBERLAND COUNTY BOARD OF ADJUSTMENT

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

MINUTES
JULY 16, 2015
7:00 P.M.

Members Present

Horace Humphrey
Vickie Mullins
George Lott
Joseph Dykes

Absent Members

Ed Donaldson

Staff/Others Present

Patricia Speicher
Katlyn Allen
Scott Walters (Code Enforcement)
Robert Hasty, Jr. (Assistant
County Attorney)

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

1. ROLL CALL

Ms. Speicher called the roll and explained that there was a quorum. Because only four board members were present, the petitioners were given the option to continue or defer until the August 20, 2015 Board of Adjustment. The petitioners opted to defer.

Mrs. Mullins made a motion to defer Case No. P15-04-C to August 20, 2015, seconded by Mr. Lott. The motion passed unanimously.

	IN FAVOR	OPPOSED
HUMPHREY	YES	NONE
MULLINS	YES	
DYKES	YES	
LOTT	YES	

2. SWEAR IN STAFF

Ms. Speicher noted that there was no need to swear in staff.

3. ADJUSTMENTS TO THE AGENDA

4. APPROVAL OF THE MAY 21, 2015 MINUTES

Mrs. Mullins made a motion to approve the minutes as submitted, seconded by Mr. Lott. The motion passed unanimously.

	IN FAVOR	OPPOSED
HUMPHREY	YES	NONE
MULLINS	YES	
DYKES	YES	
LOTT	YES	

5. ABSTENTIONS BY BOARD MEMBERS/BOARD MEMBER DISCLOSURES

6. PUBLIC HEARING DEFERRALS/WITHDRAWALS

Public hearing for case P15-04-C is deferred to the August 20, 2015 Board of Adjustment.

7. POLICY STATEMENT REGARDING APPEAL PROCESS

8. PUBLIC HEARING(S)

A. P15-04-C: CONSIDERATION OF AN APPEAL FROM THE CODE ENFORCEMENT OFFICER'S DECISION REGARDING THE ILLEGAL OPERATION OF AN OUTDOOR FIRING RANGE IN A RR RURAL RESIDENTIAL DISTRICT ON 72.97+/- ACRES, LOCATED AT 400 KAREN STREET, SUBMITTED AND OWNED BY DAVID AND MARY DERETTE HAMPTON.

MS. SPEICHER: We have a quorum, sir, but the board's policy has been to allow the petitioner for a case to decide whether they want to move forward tonight or defer to another meeting since we are lacking one regular voting member this evening.

CHAIR HUMPHREY: Okay, we can put that proposal to the applicants now at this time.

MS. SPEICHER: Yes, sir.

CHAIR HUMPHREY: Okay. Applicants, where's the applicants? Would you please stand? Attorney and applicants? Did you hear what she said? Are you the attorney?

MR. YARBOROUGH: Yes.

CHAIR HUMPHREY: Did you understand what she said?

MR. YARBOROUGH: Yes, sir.

CHAIR HUMPHREY: Do you want to confer with your clients?

MR. YARBOROUGH: Yes.

Mr. Yarborough and petitioners stepped outside to discuss the matter.

MS. SPEICHER: If I could, Chair, while they're doing that...

CHAIR HUMPHREY: Yes?

MS. SPEICHER: I would like to introduce you to some new staff members.

CHAIR HUMPHREY: That would be permissible, please go ahead.

MS. SPEICHER: This is Mr. Scott Walters, the Code Enforcement Manager that replaced Ken Sykes. You've met Katlyn.

CHAIR HUMPHREY: Katlyn, yes, I've met Katlyn.

MS. SPEICHER: Then we have Jaimie Rachal, who will soon, upon training, will be the secretary to the board.

CHAIR HUMPHREY: Oh, okay. Good to know her.

MS. SPEICHER: And George Hatcher. I'm not sure if you've met or not.

CHAIR HUMPHREY: I've met Mr. Hatcher, yes. Thank you. Welcome aboard! We're glad to have all of you! Help us out.

MS. SPEICHER: And you do know Rick Moorefield, County Attorney?

CHAIR HUMPHREY: Yes, yes. Now, for those of you in attendance, the attorney is discussing something with his clients and we're waiting on them to come back. Then we'll see if we're going to go forward with this or not. Uh, because we don't have five people present and it'd have to be unanimous for anything the board says. So they can decide whether they want to go forward or whether to postpone. Thank you for your patience.

Mr. Yarborough and petitioners return from their discussion.

MR. YARBOROUGH: Mr. Chairman, members of the board, we will defer until a later time.

MS. SPEICHER: Thank you. If we could, on adjustments to the agenda..

CHAIR HUMPHREY: Yes ma'am.

MS. SPEICHER: There's no need to swear in staff. Move to adjustments to the agenda and defer item number 8, P15-04-C to the August 20th Board of Adjustment.

CHAIR HUMPHREY: Okay, this is for the record. She's writing this down. Wait until she gets it. Okay.

MS. SPEICHER: If we could have a motion on that?

CHAIR HUMPHREY: Okay. Do all four board members understand what's going on here?

MRS. MULLINS: Yes.

MR. DYKES: Yes.

MR. LOTT: Yes.

CHAIR HUMPHREY: Okay, we need a motion to...

MRS. MULLINS: I make a motion to, umm, go with what the attorneys say about it being deferred until August the 20th, for the next Board of Adjustment meeting.

CHAIR HUMPHREY: Second?

MR. DYKES: Second.

CHAIR HUMPHREY: Alright, we will defer this to the next Board of Adjustment meeting in August. I don't know the date, but...

MRS. MULLINS: The 20th.

CHAIR HUMPHREY: Is it the 18th? 20th? August 20th.

CHAIR HUMPHREY: Now, therefore, since it's unanimous, I guess we can say goodbye to you people. Uhh, unless you want to stay and see what we have to do—you're welcome to do so. Um, yes? You, in the audience. Question?

ROBIN KIVETT: Does this mean they are to suspend their shooting until next month?

CHAIR HUMPHREY: Would you come up please ma'am? Just for the record, would you give your name and address so she can have it written down here? Just for the record.

Mrs. Kivett gives her name and address: 4042 Pleasantview Drive, Fayetteville, NC.

MS. KIVETT: We live adjacent to the property. So, for the next month, does this mean this suspends their shooting for the next month?

CHAIR HUMPHREY: Right now, the status quo would be as it is of today, I'm assuming. Isn't that correct, Patti?

MS. SPEICHER: That's correct.

CHAIR HUMPHREY: The status quo would be as it is today. We wouldn't be able to do anything to it until the next meeting. Yes, sir?

MS. KIVETT: Well, because we hear gunshots now.

CHAIR HUMPHREY: Unfortunately, while I wish there was something we could do about it tonight, but we just don't have another member. It's their right to do as they've done.

MRS. MULLINS: We've got two that want to speak.

CHAIR HUMPHREY: Okay, name and address, please. Name and address for the record?

KEN NETTLES: My name is Ken Nettles. I reside with my wife at 3920 Pleasant View Drive. We came here tonight to hear the case. I would like the record to show that we were not asked our opinion, and Mr. Yarborough apparently controls the agenda. We'd like you all to know that we object to that and have it stated in the record.

CHAIR HUMPHREY: Okay. Thank you, sir.

MR. NETTLES: It is my understanding that order to desist was served to the petitioners, and they're continuing the fire all the time. They are defying that order.

MS. SPEICHER: It is not proper for this board to take any kind of evidence when they're not hearing the case.

CHAIR HUMPHREY: Okay. We cannot take any action tonight, but you can work with your Code Enforcement Officers and see what you can work out, but the board cannot act.

MR. NETTLES: Well, I appreciate that, but I think that the people that showed should be able to speak because the twentieth may not be convenient for some of the people here in opposition.

MS. SPEICHER: If I ...

MR. NETTLES: There's two sides here and equal treatment is entitled.

CHAIR HUMPHREY: Hold on, sir. She's trying to say something. Thank you very kindly.

MS. SPEICHER: If I could, I'd like to reiterate that this board's long standing policy, since I've worked for the county 23 years, has been, if there are not five members present, then it is up to the petitioner or the applicant whether they wish to move forward that night or not. The staff did have five members—five regular members—confirm. We also had one alternate confirm. The one regular member called today to say he could not make it. We haven't heard why the alternate didn't show up.

CHAIR HUMPHREY: Thank you. Yes, ma'am? If you're going to speak, please come forward and give your name and address please and speak clearly.

LETHA RAY: My name is Letha Ray. I live at 731 Bladen Circle, Fayetteville, North Carolina. I'm, um, opposed to this shooting range. Um, last week a bullet come right past...

CHAIR HUMPHREY: Ma'am, we cannot... you'll have to do what you're doing at the next meeting. This is not official and we cannot...

MS. RAY: That'd be fine.

CHAIR HUMPHREY: Okay. Thank you very kindly.

MR. HASTY: We need to stick with the agenda items at this point.

CHAIR HUMPHREY: Right, right. The only thing we can do here now for the people that are assembled so you may know, we're just going to do our little board meeting where we approve our last minutes and things like that. This case will not be discussed by the board members or anything until August. There will be no action taken by this board on this case tonight. Okay, so you're free to leave or you can stay and watch us do our little bit of business which will take about ten minutes. Thank you for your presence, thank you.

(Inaudible)

MS. RAY: Will they be sending out letters again?

MS. SPEICHER: No we will not, unless there's a change. When it's stated at the public hearing the specific date, which is August 20th, we do not remain.

CHAIR HUMPHREY: Okay. The next meeting will be August 20th at 7 o'clock.

MS. SPEICHER: Same place.

CHAIR HUMPHREY: Same place, same time. August 20th. Thank you for your attendance. I'm going to get fired the first time! First board, fired!

MRS. MULLINS: You did good, you did good.

CHAIR HUMPHREY: Okay, alright. Let's move on. Moving on to the other issues here. Swear in staff.. Uhh, do we still have to do that Patti?

MS. SPEICHER: No.

CHAIR HUMPHREY: Okay, we don't need to swear in staff. Adjustments to the agenda, we just did that. Approval of the minutes, we do need to do that. You got them in the mail, most of you? All the board members got it either in the mail or by email? I need a motion to accept those minutes.

Mrs. Mullins made a motion to approve the minutes as submitted, seconded by Mr. Lott. The motion passed unanimously.

	IN FAVOR	OPPOSED
HUMPHREY	YES	NONE
MULLINS	YES	
DYKES	YES	
LOTT	YES	

MR. LOTT: Can I ask a question to the staff?

MS. SPEICHER: Yes, sir.

MR. LOTT: I want to make sure I understand what we were doing here tonight. That they have been—I know we're not going to discuss the case, but I want to make sure I understand it. There was a violation against these people, or placed against these people. Are we here tonight to rectify the violation? Or are we set up to approve the firing range?

MS. SPEICHER: You are not here for a special use permit.

MR. LOTT: Okay.

MS. SPEICHER: Code Enforcement cited the property owner in violation and he states he is not for the reasons that are in your packet.

MR. LOTT: Okay.

MR. MOOREFIELD: Your options are to either uphold the code enforcement officer's decision or reverse it or modify it. That's what your function is.

MR. LOTT: Okay.

CHAIR HUMPHREY: Any other questions since we have the attorneys present? Do you have a question, Mr. Dykes, about this case? That you'd like to take advantage of while they're here? Mrs. Mullins?

MR. DYKES: No.

MRS. MULLINS: No, not with people in the room.

CHAIR HUMPHREY: Oh, yes. There are still people in here.

MRS. MULLINS: I'd rather not speak while there are others present. That wouldn't be fair.

CHAIR HUMPHREY: Alright. You may direct your question now please.

MRS. MULLINS: Okay, so.. I just want to make sure. So, the violation that was given to them to cease and desist, which I've seen that. That is the only thing that we either back or we don't back, right? I'm just making sure.

Chair Humphrey nods in agreement.

CHAIR HUMPHREY: Are there any other questions? All okay?

MR. LOTT: They didn't apply for a permit, did they?

CHAIR HUMPHREY: No, they've never applied for a permit.

MS. SPEICHER: We probably should quit talking about it, just to save us all.

MR. MOOREFIELD: You were just trying to understand the case. There's nothing wrong with that.

MRS. MULLINS: Okay.

CHAIR HUMPHREY: Okay, abstentions by board members, I guess we can skip over that since we're not going to hear it tonight, so... Uhh, while we're here, and before we move forward I want to clarify, are we going to give Judge Donaldson a plaque or something like we did the last time?

MS. SPEICHER: Yes, sir. If we can get him here. We'll do our best to get him here, but yes sir.

CHAIR HUMPHREY: Oh, okay.

MRS. MULLINS: Yes, because he moved to Winston-Salem, correct?

MS. SPEICHER: He is moving, yes.

MRS. MULLINS: Okay. That's what he'd said at the last meeting.

CHAIR HUMPHREY: So in regards to that, we don't need to do anything?

MS. SPEICHER: No, we've got it.

CHAIR HUMPHREY: Okay. See there! Thank you!

MS. SPEICHER: One thing that our director, Tom Lloyd brought up today was that maybe the board members would like it better if it were at the Commissioner's meeting? And the Commissioners give the plaque? Do you think that would be better, or should we do it here?

CHAIR HUMPHREY: I like that idea! Let's see if we can get the board to agree! Let's see what the board thinks.

MRS. MULLINS: I like the idea!

MR. DYKES: I like the idea.

MS. SPEICHER: That we have it presented by the Commissioners?

MRS. MULLINS: Yes, that they present it at the Commissioners meeting.

MS. SPEICHER: Okay, so from now on, we will shift it over to the Board of Commissioners. That doesn't mean that this staff—the whole staff—doesn't appreciate what you do. Every one of you all.

CHAIR HUMPHREY: So we will let the record show that.

MS. SPEICHER: And we will make certain adjustments to the agenda.

CHAIR HUMPHREY: Board members voted unanimous.

MS. SPEICHER: Great.

CHAIR HUMPHREY: Public hearing deferrals? We don't need to do that?

MS. SPEICHER: We already did it. We're done.

CHAIR HUMPHREY: If there's nothing further from this board, until August 20th...

MS. SPEICHER: And we do have, not just this case, we have one additional case on the 20th.

CHAIR HUMPHREY: On the 20th. Okay. Anything further? Alright, well I guess I can hit the gavel... I like hitting the gavel.

(Laughs)

9. DISCUSSION

There was none.

10. UPDATE(S)

There was none.

11. ADJOURNMENT

Mr. Lott made a motion to adjourn at 7:14 p.m., seconded by Mrs. Mullins. The motion passed unanimously.

	IN FAVOR	OPPOSED
HUMPHREY	YES	NONE
MULLINS	YES	
DYKES	YES	
LOTT	YES	

P13-02-C
SITE PROFILE

P13-02-C: REVOCATION OF THE BOARD OF ADJUSTMENT'S APPROVAL OF A SPECIAL USE PERMIT TO ALLOW AN OUTDOOR FIRING RANGE, IN AN RR RURAL RESIDENTIAL DISTRICT ON 34.68+/- ACRES, LOCATED AT 3802 PLEASANT VIEW DRIVE, SUBMITTED AND OWNED BY REGINALD MARK AND JACQUELINE TART KIRBY.

Site Information:

Frontage & Location: 650' +/- on Pleasant View Drive (SR 1836)

Depth: 2050'+/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: Residential and woodland

Initial Zoning: RR – April 26, 1979 (Area 8)

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: RR & A1; South: C3, C(P), RR, SF-15 (Fayetteville), R10 & R5A West: RR; East: RR, R6A

Surrounding Land Use: 2-cemetery, public utility (salt house), motor vehicle storage yard, residential (including manufactured homes and manufactured home park) and woodlands

Eastover Land Use Plan: One acre residential lots

Special Flood Hazard Area (SFHA): None

Soil Limitations: Yes, hydric soils: St-Stallings loamy sand; and JT-Johnston loam

Water/Sewer Availability: Well/Septic

Municipal Influence Area: City of Fayetteville

Average Daily Traffic Count (2012): 2,300 on Baywood Road (SR 1831); 12,000 on NC HWY 24

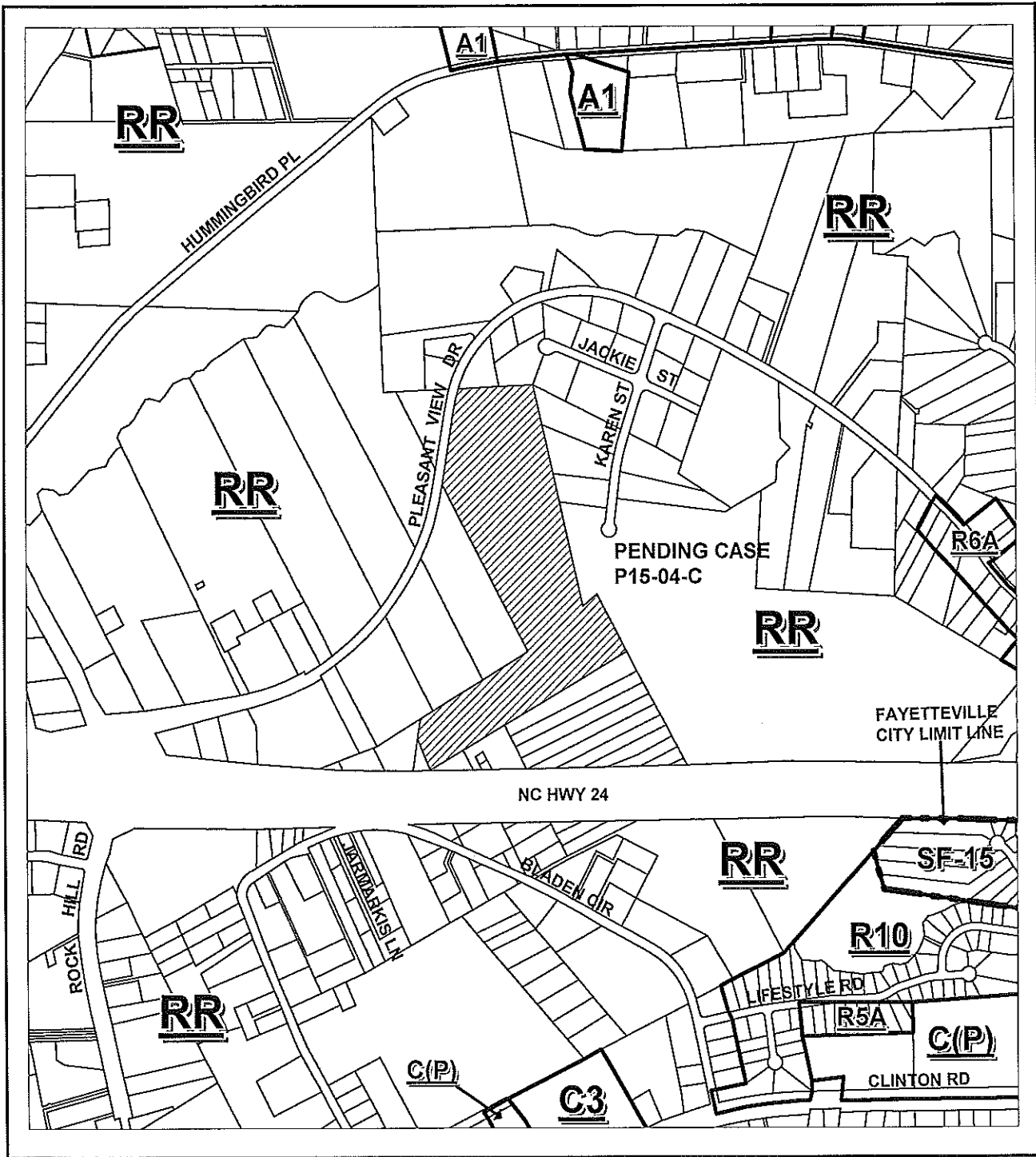
Highway Plan: There are no road improvements/constructions specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program

Notes:

1. Superior Court remanded to BOA for revocation of SUP due to insufficient evidence presented by applicant concerning maintaining or enhancing the value of adjacent property and/or public necessity.
2. Contents of Packet:
 - a. P13-02-C Revocation sketch map
 - b. Superior Court Judge Kendra D. Hill order, filed January 23, 2015
 - c. Zoning Permit Z-13-153764, issued April 22, 2013
 - d. P13-02-C BOA Findings of Fact, dated April 22, 2013
 - e. BOA minutes, dated April 18, 2013
 - f. BOA minutes, dated May 16, 2013 (approving April 18, 2013 BOA minutes)
 - g. BOA minutes, dated July 18, 2013 (correcting April 18, 2013 BOA minutes)
 - h. P13-02-C Original site profile
 - i. P13-02-C Original sketch map
 - j. P13-02-C Original site plan
 - k. P13-02-C Application

First Class and Record Owners' Mailed Notice Certification

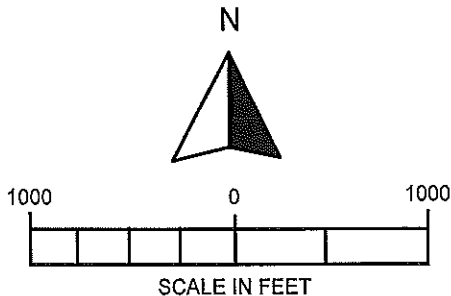
A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith.



NC HWY 24

FAYETTEVILLE CITY LIMIT LINE

BOARD OF ADJUSTMENT REVOCATION SPECIAL USE PERMIT



ACREAGE: 34.68 AC.+/-

HEARING NO: P13-02-C

ORDINANCE: COUNTY

HEARING DATE

ACTION

GOVERNING BOARD

STATE OF NORTH CAROLINA
CUMBERLAND COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

13 CVS 4517

2015 JAN 23 PM 1:10
CUMBERLAND CO., NC
BY _____

FILED

KENNETH L.C. NETTLES, JR. and
TAMI JERNIGAN NETTLES

Petitioners,

v.

CUMBERLAND COUNTY and
REGINALD M. KIRBY and
JACQUELINE T. KIRBY

Respondents.

ORDER GRANTING
PETITIONERS' RELIEF

THIS MATTER came on for hearing before the undersigned during the October 27, 2014 civil session of Cumberland County Superior Court upon the petition of Kenneth L.C. Nettles, Jr. and Tami Jernigan Nettles ("Petitioners"). Petitioners seek judicial review of the decision of Respondent Cumberland County Board of Alderman (the "Board") granting a Special Use Permit ("SUP") to Respondents Reginald M. Kirby and Jacqueline T. Kirby (the "Applicants"), that allowed the Applicants to build a firing range upon their property. Upon considerations of the pleadings, all matters of record, all briefs and authorities submitted by the parties, and the oral arguments of the Parties, the Court enters the following Order GRANTING Petitioner's Request for Judicial Relief and REMANDING the matter to Respondent for further action not inconsistent with this Order.

PROCEDURAL BACKGROUND

1. Respondents Reginald and Jacqueline Kirby applied for a Special Use Permit to locate a commercial, for profit, outdoor firing range on an approximately 34.68 acre tract of property located at 3802 Pleasant View Drive, Fayetteville, North Carolina (PIN Number 0467-319607) (the "SUP Property").

2. Special Use Permits are governed by Cumberland County Zoning Ordinance §1606 which states, in relevant part, that:

... The Board shall find that ... [t]he use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity

3. On April 18, 2013, the Board granted the SUP to the Kirbys, finding that “[t]he use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity,” and, more specifically, finding that

“[t]he applicant (property owners) submitted evidence derived from the County Tax Administration database as a matter of public record showing how similar firing ranges existing within Cumberland County have not detrimentally affected adjacent or nearby property values; the evidence presented shows that from 2002 through 2012, the property values of properties surrounding the “Wildlife Range” constructed in 1971 have escalated in value. In addition, the applicant testified that the firing range currently exists for personal use, and he does not anticipate a significant increase in its use with the Special Use Permit. The range could also be viewed as a public necessity considering the current climate concerning the increase in firearms purchases, in that these purchasers need a place to be trained in the proper handling and use of firearms.” Final Special Use Permit, p 2)

4. On June 10, 2013, Petitioners filed a Petition for Writ of Certiorari (the “Petition”) challenging the Board’s decision on the grounds that the Applicants failed to meet their burden of presenting competent, material and substantial evidence to show that the proposed firing range will maintain or enhance the value of adjoining or abutting properties or that the use is a public necessity.

STANDARD OF REVIEW

This Court applies the “whole record” test in determining whether there was competent, material and substantial evidence to support the Board’s decision.

When the petitioner “questions (1) whether the agency’s decision was supported by the evidence or (2) whether the decision was arbitrary or capricious, then the reviewing court must apply the ‘whole record’ test.

...

When utilizing the whole record test, ... the reviewing court must “examine all competent evidence (‘the whole record’) in order to determine whether the agency decision is supported by ‘substantial evidence.’ The ‘whole record’ test does not allow the reviewing court to replace the board’s judgment as between two reasonably conflicting views, even though the court could justifiably have reached a different result had the matter been before it *de novo*.”

Mann Media, Inc. v. Randolph County Planning Board, 356 N.C. 1, 13-14, 565 S.E.2d 9, 17-18 (2002) (internal quotation marks omitted) (citations omitted).

Based upon a review of the competent evidence under the whole record case, the transcript of the proceedings, the briefs filed by the parties, the legal arguments of counsel, and the applicable law, the Court makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. During its hearing on April 18, 2013, the Board received testimony from Mrs. Kirby regarding the value of properties surrounding two firing ranges in Cumberland County. Mrs. Kirby presented a power point that included charts showing such property values, and informed the board that the chart was based upon the county’s tax records.

2. The first chart presented by Mrs. Kirby showed property values from 2002, 2007 and 2012 for properties near the Beaver Dam shooting range, and showed that all of the properties had slightly increased in value during the 10-year time period.

3. The second chart presented by Mrs. Kirby showed property values from 2002, 2003 (for one property), 2005 (for one property), 2007 and 2012 for properties near the Pearce Mill wildlife shooting range. The chart showed that property values had increased for some of the properties and had decreased, then increased for other properties.

4. As to the changes in the property values on the second chart, Mrs. Kirby testified that “[t]here was a little dip in 2007 when the real estate market dived and then it rebounded quite a bit in 2012.”

5. The 10-year period chosen by Mrs. Kirby for review of the property values appear to have no relation to the time period when the ranges were constructed or approved.

6. No evidence was presented as to the year that the Beaver Dam shooting range was constructed, nor was evidence presented as to the property values of surrounding properties during the period when the Beaver Dam shooting range was constructed or approved.

7. As to the Pearces Mill wildlife shooting range, Mrs. Kirby testified to her belief that the Pearces Mill shooting range had “been around since the 70’s,” and the Board in its findings state that the “‘Wildlife Range’ [was] constructed in 1971.” No evidence was presented as to the property values of the surrounding properties during the period when the Pearces Mill shooting range was constructed or approved.

8. The Board did not receive any evidence regarding the values of the properties adjoining or abutting the Kirbys’ proposed firing range, other than comments from some homeowners that the firing range would negatively impact the value of their properties.

9. With regard to public necessity, Mrs. Kirby testified that the firing range was a public necessity because “50% [sic] of homes in the United States have firearms. Thirty children are killed or injured everyday by firearms.”

10. Mrs. Kirby informed the board that her statistics were based upon an article which she included in her power point presentation. The article is entitled “It’s important to teach your kids gun safety ... even if you don’t own a gun.” It was written by a reporter with The Journal Times.com, a Wisconsin-based publication. The article focuses on how parents can have discussions with their children about gun safety and does not address any concerns about the necessity of shooting ranges. Further, the article does not address any facts regarding the need for a shooting range in Cumberland County, nor any gun-related statistics regarding Cumberland County or even North Carolina.

11. Mrs. Kirby also informed the board that those who own a firearm should be educated about proper use and care of a firearm, that those who have concealed carry permits should be trained in safe and proper handling of a firearm, and that the NRA Basic Pistol

Shooting Course teaches pistol knowledge, safe gun handling, fundamentals of pistol shooting, and selecting and maintaining a pistol.

12. Mrs. Kirby did not present any information regarding Cumberland County statistics on firearm use, the availability of training opportunities within Cumberland County or within the area of the SUP property, or any other information regarding a public necessity for the proposed fire range.

13. The Board also heard what could be deemed conflicting testimony about public necessity from Barbara Roberts who testified that while Mr. Kirby pointed out that their interest was to prepare people in gun safety, "there are many other locations to have these classes throughout the County. Some are given at the fire stations; some are given by law enforcement trained people." Ms. Roberts testified that her family members had taken such courses.

14. Other than the testimony of Mrs. Kirby and Mrs. Roberts, the board did not receive any additional evidence regarding the public necessity of the firing range.

Based upon the foregoing Findings of Fact, the Court makes the following conclusions of law.

CONCLUSIONS OF LAW

1. This Court's review of the Petition is made pursuant to a Writ of Certiorari granted by the Clerk of Court on June 10, 2013, and pursuant to the authority set forth in N.C. Gen. Stat. § 160A-393.

2. In this matter, Petitioners argue that the Board's determination that the firing range use will maintain or enhance the value of adjoining or abutting properties or that the use is a public necessity is not supported by competent, material and substantial evidence.

3. An applicant for a special use permit must make a *prima facie* showing of entitlement to a permit by producing competent, material and substantial evidence of compliance with all ordinance requirements. *SBA Inc., v. City of Asheville*, 141 N.C. App. 19, 27, 539 S.E.2d 18, 22 (2000).

4. "Substantial evidence is more than a mere scintilla. It means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. It must do more than create the suspicion of the existence of the fact to be established. ... It must be

enough to justify, if the trial were to a jury, a refusal to direct a verdict when the conclusion sought to be drawn from it is one of fact for the jury.” *Weaverville Partners, LLC v. Town of Weaverville Zoning Board of Adjustment*, 188 N.C. App. 55, 61, 654 S.E.2d 784, 789 (2008) (internal quotation marks and brackets omitted) (citations omitted).

5. “The term ‘competent evidence’ as used in [N.C. Gen. Stat. §160A-393(k)], shall not be deemed to include the opinion testimony of lay witnesses as to ... [whether] [t]he use of property in a particular way would affect the value of other property.” N.C. Gen. Stat. § 160A-393(k)(3)a.

6. With regard to the determination by the Board that the firing range use will maintain or enhance the value of adjoining or abutting properties, the oral testimony by Mrs. Kirby, a lay witness, regarding the effect on the value of the properties surrounding the proposed firing range is not competent evidence.

7. Similarly, the concerns and statements of property owners that the values of their properties would be negatively impacted, without corroborating data, is not competent evidence of property values. “Speculative assertions and mere opinion evidence do not constitute competent evidence.” *Weaverville Partners, LLC*, 188 N.C. App. at 63 (citations omitted).

8. The only competent evidence before the board would be the written charts provided by Mrs. Kirby. However, the written charts do not constitute substantial evidence to support a determination that the firing range use will maintain or enhance the value of adjoining or abutting properties.

9. Mrs. Kirby’s charts demonstrated changes in property values of properties over a 10-year period surrounding two other shooting ranges in Cumberland County. The 10-year period was unrelated to the time period of construction and/or approval of the other ranges, and the charts did not provide any “‘factual data or background’ such as certified appraisals or market studies,” that would explain the property values presented in the charts. *Sun Suites Holding, LLC v. Town of Garner*, 139 N.C. App. 269, 278, 533 S.E.2d 525, 531, *review denied*, 353 N.C. 280, 546 S.E.2d 397 (2000) (citations omitted).

10. Further, the Board was not presented with any evidence concerning the actual value of the adjoining or abutting property, which was necessary for the Board to make its determination. *See Mann Media*, 356 N.C. at 18 (finding that petitioners failed to meet the requirements of the ordinance because none of the testimony addressed the adjoining or abutting

property); *SBA Inc.*, 141 N.C. App. at 27 (noting that the “petitioners’ Property Value Impact study did not address properties in the vicinity of the subject property, but rather focused on [telecommunications] towers and properties in other parts of the City.”)

11. Accordingly, the Board did not have competent, material and substantial evidence to support its determination that the proposed firing range would maintain or enhance the value of adjoining or abutting properties.

12. With regard to the Board’s determination that the proposed firing range was a public necessity, the Court finds that the Board did not make a finding that the firing range was a public necessity. The Board’s findings state that “[t]he range *could* also be viewed as a public necessity considering the current climate concerning the increase in firearms purchases, in that these purchasers need a place to be trained in the proper handling and use of firearms.” (emphasis added) Such a statement does not constitute a finding by the board that the firing range *is* a public necessity.

13. Assuming, arguendo, that the Board’s statement constitutes a finding that the firing range is a public necessity, the Court finds that the board did not have competent, material and substantial evidence to make such a determination.

14. The evidence before the Board regarding public necessity was the testimony of Mrs. Kirby regarding the numbers of guns in households in the United States, the number of deaths of children from guns each day, and the general discussion of the need of people to have firearm training, all supported by an article written by a Wisconsin entity about the need to teach children gun safety; and the testimony of Mrs. Roberts regarding the availability of other locations in the county for gun safety classes.

15. There was no evidence before the Board that could support a determination that the firing range is a public necessity, such as information about the percentages of guns in households in Cumberland County, the number of registered gun owners in Cumberland County and any training received, specific information regarding gun training available in Cumberland County, the locations of all other firing ranges in Cumberland County, or the need for a firing range in the SUP property area. *See, e.g. Piney Mountain Neighborhood Association, Inc. v. Town of Chapel Hill*, 63 N.C. App. 244, 304 S.E. 2d 251 (1983) (Finding substantial evidence to support the determination that a proposed subsidized housing development was a public necessity when detailed evidence was introduced showing that those eligible for public housing

or rent assistance in Chapel Hill far exceeded the resources available, the area of the proposed housing project was overwhelmingly moderate to high income, only one apartment project was planned for the area which was to be converted to condominium, and forty-two assisted housing families in the area were at the opposite end of the subcommunity from the proposed development.)

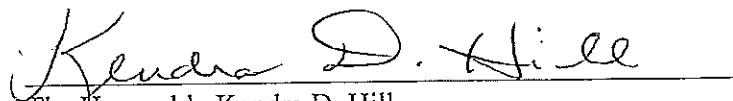
16. Based upon a review of the whole record, the Kirbys did not establish a *prima facie* case of entitlement to the special use permit, and the record as a whole does not contain such relevant evidence as a reasonable mind might find adequate to support the conclusion that the Kirbys' application was appropriately approved. *See SBA Inc.*, 141 N.C. App. at 22-23.

17. "When a Board action is unsupported by competent substantial evidence, such action must be set aside for it is arbitrary." *MCC Outdoor LLC v. Town of Franklinton*, 169 NC App 809, 811, 610 S.E.2d 794, 796 (2005), *disc. review denied*, 359 N.C. 634, 616 S.E.2d 540 (2005) (citations omitted).

18. Because there was no competent, material and substantial evidence in the record to support the Board's decision to approve the Kirbys' special use permit, the Board acted arbitrarily and capriciously, and the Kirbys' application for a Special Use Permit is hereby set aside.

Based upon the foregoing, IT IS THEREFORE ORDERED, that the Petitioner's Request for Judicial Relief is GRANTED, that the decision of the Board is SET ASIDE, and that this matter is REMANDED to the Board for further action not inconsistent with this Order. IT IS FURTHER ORDERED that the Petitioner's request for attorney's fees and costs is also hereby GRANTED, and the Petitioner's may submit a request to the Court with a supporting affidavit and documentation of attorney's fees and costs.

This, the 16th day of January, 2015.


The Honorable Kendra D. Hill
Superior Court Judge

CUMBERLAND COUNTY PLANNING & INSPECTION DEPT.
130 Gillespie/PO Drawer 1829
Fayetteville, NC 28302-1829
(910)321-6636 Fax(910)321-6637
www.co.cumberland.nc.us/planning.aspx

Zoning PERMIT

Z-13-153764 PAGE 1 of 1

Complete

Issued by: DCO Prt by: TORTIZ

Permission is hereby granted for the construction or installation as identified herein. All work must comply with the North Carolina State Building Code and all other applicable State and Local Laws, Ordinances, and Regulations.

Date Issued: 04/22/2013 Pin: 0467-31-9607-
Location: **3802 PLEASANT VIEW DR** Subdivision: .
Lot: **34.63 ACS GEDDIE & SESSOMS LD** Lot:
Owner: KIRBY, REGINALD MARK & WI
Address: 3912 JACKIE ST Phone: 483-9011
FAYETTEVILLE, NC 28312
Contractor: KIRBY, REGINALD MARK & WI License:
Address: 3912 JACKIE ST Phone: 483-9011
FAYETTEVILLE, NC 28312 Phone:

Structure: Commercial Type Improvement: Other Occupancy: BUSINESS
Construction Type: No of stories:
Heated (SQ. FT.): Unheated: Total Sq.Ft:
Area: (Sq. Ft.):First Floor: Second Floor: Third Floor:
Water: Sewer:
Zoned as: RR Set Backs: Front: Rear: Left: Right:
Fees:

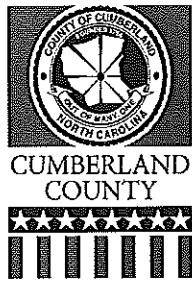
Total Fees: \$50.00 Work Value: \$1
SHOOTING RANGE

8 AM - 5 PM BY APPOINTMENT ONLY BOA CASE:P13-02-C.

All work will comply with the NC State Bldg. Code & all other applicable state & local laws, ordinances & regulations. The Inspection Dept. shall be notified of any changes in the approved plans or work as submitted. It is the permit holders responsibility to request all required inspections & ensure approval prior to continuing work.

Without further notice from this Dept., this permit will become void if work is not started within 6 mths. from issuance or if the work is discontinued for one year as determined by no inspection activity. These time periods are superseded by time limitations set by County ordinance and/or Code Enforcement Actions.

Call before you dig - 1-800-632-4949. A \$25 processing fee shall be charged for all returned checks. (NCGS25-3-506)



COUNTY of CUMBERLAND
BOARD OF ADJUSTMENT

SPECIAL
USE PERMIT
Findings of Facts

Case No. P13-02-C

CORRECTED COPY

FACTORS RELEVANT TO THE ISSUANCE OF A SPECIAL USE PERMIT

The Board of Adjustment has discretionary review in deciding whether to grant or deny a Special Use Permit for land uses that cannot be adequately controlled by the general zoning regulations. The Board may authorize and set forth conditions, when deemed necessary, on the Special Use Permit if in its judgment the public convenience and welfare will be substantially served and the appropriate use of neighboring property will not be substantially or permanently injured.

Special uses, because of special site or design requirements, operating characteristics or potential adverse effects on surrounding property and the neighborhood, shall be permitted only upon approval by the Board in accordance with the four (4) standards and conditions as set forth in the Zoning Ordinance of Cumberland County, Article XVI, Section 1606, as follows:

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

CASE FACTS: The range has two u-shaped berms and thick vegetation completely surrounding the site, which will ensure rounds fired will remain on site, help reduce noise and also aid in controlling unauthorized access to the site. In addition, the applicant (property owners) consulted a lead reclamation company and, following their guidelines, will reclaim and properly dispose of the lead at the appropriate time (approximately five year increments).

2. The use meets all required conditions and specifications.

CASE FACTS: Once the Ordinance Related Conditions are met and the site is properly permitted, all County required conditions and specifications will be complied with – the applicant (property owners) has verbally agreed to all Ordinance Related Conditions.

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

CASE FACTS: The applicant (property owners) submitted evidence derived from the County Tax Administration database as a matter of public record showing how similar firing ranges existing within Cumberland County have not detrimentally affected adjacent or nearby property values; the evidence presented shows that from 2002 through 2012, the property values of properties surrounding the "Wildlife Range" constructed in 1971 have escalated in value. In addition, the applicant testified that the firing range currently exists for personal use, and he does not anticipate a significant increase in its use with the Special Use Permit. The range could also be viewed as a public necessity considering the current climate concerning the increase in firearms purchases, in that these purchasers need a place to be trained in the proper handling and use of firearms.

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.

CASE FACTS: The applicant (property owners) testified, showing specific property locations on a map, that a minimum of five other ranges (albeit *makeshift*) also exist in the immediate area. The application meets or exceeds the minimum standards of the County Zoning Ordinance, which was drafted and adopted based on the policies and actions adopted in the 2030 Growth Vision Plan and the 2030 Growth Strategy Map.

Having heard all the evidence and argument 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.
4. **The applicant (property owners) is the responsible party to ensure all Ordinance Related Conditions pertaining to the Special Use Permit and included in the board's packet are complied with.**
5. **The applicant (property owners) agreed to amend their application specifically restricting the hours of operation to be from 8:00 am to 5:00 pm by appointment only.**

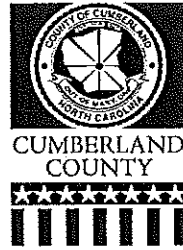
Ordered this 18th day of April, 2013.

- original signed -
Melree Hubbard Tart, Acting Chairman

- original signed -
Pier Varner, Secretary

NOTE: If you are dissatisfied with the decision of this Board, after filing "Notice of Appeal" with the Planning and Inspections' Staff the next business day after receiving this notice, an appeal may be taken to Superior Court and filed with the Superior Court Clerk within 30 days after the date of the final decision of the Board. (Section 1610, Cumberland County Zoning Ordinance)

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



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

Cumberland County Board of Adjustment

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

MINUTES
APRIL 18, 2013
7:00 P.M.

Members Present

Melree Hubbard Tart, Acting Chair
Joseph Dykes
Horace Humphrey
Yvette Carson
Carrie Tyson-Autry

Absent Members

Ed Donaldson
Randy Newsome

Staff/Others Present

Patricia Speicher
Pier Varner
Melodie Robinson
Ken Sykes
Robert Hasty, Jr. (Assistant
County Attorney)

Acting Chair Tart 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 with four members. Mrs. Varner stated that it would be the applicant's decision to proceed with the meeting with the four members but the vote would have to be unanimous; or the applicant can choose to wait until a later meeting with five members present which would allow a majority vote.

ACTING CHAIR TART: Four members do represent a quorum for the Board of Adjustment and we have four members present this evening, but for a Special Use Permit, you would have to have a unanimous vote of four members. Normally we have five members present and that would require four out of five votes. It is up to the applicant to defer this hearing to a later meeting or to proceed with the knowledge that tonight's vote would have to be unanimous.

REGINALD KIRBY: Stated that he wanted to go forth.

MR. HASTY: Stated that Mr. Kirby's answer is sufficient to proceed with the hearing.

2. ACTING CHAIR TART SWORE IN THE STAFF

3. ADJUSTMENTS/APPROVAL TO THE AGENDA

There were no adjustments. Mr. Humphrey motioned to approve the agenda as submitted, seconded by Mr. Dykes. Unanimous approval.

4. APPROVAL OF THE JUNE 21, 2012 MINUTES

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

5. ABSTENTIONS BY BOARD MEMBERS

There were none.

6. PUBLIC HEARING DEFERRAL(S)

There were none.

7. 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.

ACTING CHAIR TART: Informed the board, staff, applicant, and audience that Mrs. Carrie Tyson Autry arrived and she is the fifth board member and the applicant would now need four out of five votes.

MR. HASTY: Acknowledged Mrs. Autry's attendance.

10. PUBLIC HEARING(S)

Opened Public Hearing

A. P13-02-C: CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW AN OUTDOOR FIRING RANGE, IN A RR RURAL RESIDENTIAL DISTRICT ON 34.68+/- ACRES, LOCATED AT 3802 PLEASANT VIEW DRIVE, SUBMITTED AND OWNED BY REGINALD MARK AND JACQUELINE TART KIRBY.

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

ACTING CHAIR TART: Are there any questions for the staff?

MR. HUMPHREY: There was a road going into the property, please show that again. How far is that connecting to the highway?

MRS. VARNER: If you would address that question to the applicant, he will give you more information about it.

ACTING CHAIR TART: Swore in Reginald and Jacquelyn Kirby. Please state your name and your address.

REGINALD KIRBY: Reginald Kirby, 3920 Pleasant View Drive, Fayetteville, NC 28312.

JACQUELYN KIRBY: Jacquelyn Kirby, 3920 Pleasant View Drive, Fayetteville, NC 28312.

MRS. KIRBY: We have a PowerPoint presentation [**Exhibit 1**] and I have copies if anybody wants one. This is our proposal for a Special Use Permit. Our purpose is to use our personal shooting range that has been there for several years to promote firearm safety by providing one on one instruction in the following NRA Courses: Basic Pistol Training and Home Firearm Safety. We want to clarify that purpose because there has been some misinformation spread. The Special Use Permit is to be able to obtain permission to use an already existing personal firing range for instructional purposes in which the owner/instructor would charge a fee for such service. The range is not a public shooting range. The public is not allowed to come and pay a fee to shoot. I want to give you a little personal experience of the instructor/owner. Reginald, who goes by Mark Kirby, has over forty years of experience with firearms use. He desires to use his hobby/interest to educate others in the use and care of firearms. He has taught many of his friends in the use of gun safety, free of charge. Because of his increase in interest, he has taken the next step to become NRA certified. This is Course 1, the NRA Home Firearm Safety Course. Course 2 is the NRA Basic Pistol Shoot Course. These are the two courses he is certified in. The instructor requirement for certification is pretty grueling. He had to complete 17 + hours of classroom instruction on the weekends, pistol qualification shooting at 15 yard target with 80% accuracy and score 90% or better on final exams. This is his certification and these are his credentials. It says at the top, "Thank you for your efforts in promoting the safe and responsible use of firearms", which is really his goal. When we filled out the site plan, we were required to put all possible hours and that is why we put all the daylight hours in a week, not to indicate that we would be open those hours, but to say that we would only be teaching classes during daylight hours. We anticipate that there will be only three sessions per week due to his booked scheduled. The use will not materially endanger the public health or safety. The range is located in the center of a 34 acre tract of land. The tract of land is completely surrounded by woods and heavy foliage which provides barrier. The berms are constructed of dirt of at least 9 feet high on all sides. Berms are in a U shape and are very thick. Shooting is only permitted in the direction of the berm. Training is one on one with the instructor present at all times. Only one person may shoot at a time. These are pictures of the berms; there are two berms side by side. They are very high and very thick. Behind the berms are trees and the foliage is all around. Here is a picture of the foliage and what it looks like that is surrounding the property. This is several months ago, he taught a friend of ours to shoot. She had never touched a gun before but she wanted to get one for protection. She has gained quite a bit of confidence using a pistol now. She is just a friend of ours, and she mentioned it and he said I can show you how to shoot. Another consideration that people might be concerned about is soil contamination. We have done some research, and our research finds that there are no known instances of acute lead poisoning of humans from small arms ranges. Indoor shooting ranges provide more risk. Upon approval, we will seek additional information related to this issue and the need for periodic clean-up. Based on our research and thus far talking with a company that actually does clean-up, we are estimating the possible need for clean-up is every 5 years. We feel the use meets all required conditions and specifications. Our main concern is for safety because it is dealing with firearms. Any other conditions and specifications that Cumberland County would have, we would certainly comply. The use will maintain or enhance the value of adjoining properties and the use is a public necessity. Based on research related to other shooting ranges in Cumberland County, property values will not be adversely affected. This is a range located in Beaver Dam and the next slide compares property values starting in 2002 through 20012, and there has been a slight increase in property values in those surrounding properties. The next slide is a range in the Pearces Mill Area,

the wildlife shooting range. There was a little dip in 2007 when the real estate market dived and then it rebounded quite a bit in 2012. I think that range has been around since the 70's. Of course our range is not a shooting range like that where people are allowed to go and shoot by themselves. Based on the information we present; property values for properties in the vicinity of these ranges have increased. The use is a public necessity. If you watch the news and statistics, 50% of homes in the United States have firearms. Thirty children are killed or injured everyday by firearms. Gun awareness and safety is essential in our society. The absence of proper education related to firearms and handling them safely can result in senseless tragedy. The NRA Home Firearm Safety Course teaches safe gun handling, how to identify and unload firearms, and cleaning and storage of firearms. This is the article I took the statistics from, as far as home safety and the need for that in our society. Those who own a firearm or wish to own one should be educated in the proper use and care to prevent any unnecessary tragedy from happening. Those interested in obtaining a concealed carry permit should also be trained in the safe and proper handling of a defensive firearm. The NRA Basic Pistol Shooting Course teaches pistol knowledge and safe gun handling, fundamentals of pistol shooting, and selecting and maintaining a pistol. The location and character of use is in harmony with the area in which it is located. The range proposed to provide instruction has been in existence for several years and has been solely used for the recreation of the owner. Many other neighbors also use their own private lots to target practice. Many of them shoot into makeshift berms of wood, dirt, or some just target practice at targets placed on trees with no berms at all. We personally know of at least 5 other properties within a quarter mile radius where shooting takes place regularly. We often hear gunfire by other neighbors while we are at home. In comparison to other ranges in our area, we have taken extra steps to ensure safety by constructing berms. Because the entire perimeter surrounding the range is thick in foliage, this adds increased barrier for noise reduction and protection. Our use of our range will also be supervised. We do not anticipate a substantial increase in shooting at our range due to the fact that classes are offered by appointment only, and at the convenience of the owner who works 50+ hours per week at a public job. Time constraints would prevent any more than 3 training sessions per week. Classes would only be offered during daylight hours. This is an aerial photo, where we have the yellow stars; those are known lots where people actually shoot in their neighborhood in their backyards. We appreciate the opportunity you have given us to address your board. Please feel free to ask any questions. Mr. Kirby can answer questions on the instruction part.

ACTING CHAIR TART: Do any of the board member have questions?

MR. HUMPHREY: That road that is coming into the property, does it connect to a state maintained highway? How do you get to that road?

MR. KIRBY: It connects to Pleasant View Drive. The white house on the property is a rental house and it came with the farm, which we own.

MR. HUMPHREY: So you actually own that house?

MR. KIRBY: Yes sir.

MR. HUMPHREY: That road leads to that house?

MR. KIRBY: No, that road goes past the white house, which is gated at Pleasant View Drive and it is also gated again once you go past the white house, so there is no access by vehicle. Pleasant View Drive is a main highway. You turn off Pleasant View Drive, it comes by our rental house and after you pass the driveway by our rental house there is another gated area, a maintained road is by a median and it goes all the way to the back of the property and passes the firing range which is about 350 yards from that house.

MR. HUMPHREY: Thank you.

ACTING CHAIR TART: You said this is a rental house. Do you live in close proximity to the property?

MR. KIRBY: Yes.

ACTING CHAIR TART: Where do you live?

MR. KIRBY: Pointed to the PowerPoint presentation his residence and the lot beside his which is owned by his mother-in-law. He pointed out how the properties connect by walking from the back of his house on the trail near some old barns in the back. He said you can walk right up to the rental house. He stated everything is joined and either he owns it or his in-laws own it.

MRS. VARNER: Mrs. Tart, to help you and Mr. Humphrey with your questions, I have a map with the distances to the roads. You were asking about Pleasant View Drive. These are the distances to the streets.

MR. HUMPHREY: Thank you very much.

MR. KIRBY: I want to stress the point that this is not a public shooting range where people can call me and ask how much I will rent a range for. That is not what it is. This range has been here for several years. I've got buddies who like to hunt. It took a lot of time and money. We cut the timber when we first bought the farm, where the berms are actually located inside that cutover knowing that it grows back quick. It is completely surrounded by acres and acres of trees, foliage, and if anybody knows what a cutover is, it is extremely dense and thick. After you pass the rental house, it is covered in 10 – 12 acres of pine trees and we left that in consideration for our neighbors. Some have actually come to shoot with me over there. When I was training some of these ladies who wanted a handgun for self-defense, there was never any charge for this. They kind of inspired me to do this; they would say to me "maybe you should start charging to do this". So I looked into the legal aspect of this and went and became NRA certified. Some of the folks that are opposed that are here think that this huge facility is going to be built. The facility is already there. You saw what it is. The parking is a little field that is right beside the berms which is way back in the woods. It is by appointment only. I get off at 2:00 p. m. in the afternoon. That's why I say it has to be in the afternoon unless it is on a Saturday or a Sunday; it is completely in the county. We shoot anyway. I've got friends who come once or twice every two weeks to shoot. That's all it is. Some of the flyers that got out were very, very misleading. I have to be at work at 4:30 a.m. in the morning, so there is no way I can teach a class and get off at 2:00 anytime in the a. m. hours. It would have to be in the afternoon. It started as a hobby and now I would like to do something else. So this is where we are today, so we can charge; not charge someone to use the range, but charge someone to use my services and to teach them to use a handgun and to defend themselves.

ACTING CHAIR TART: Does any other board member have questions?

ACTING CHAIR TART: Swore in Mary Hampton.

MARY HAMPTON: My name is Mary Hampton and my address is 135 Nantahala Drive, Linden; but the owner of 400 Karen Drive. As the owner of 400 Karen Drive, which actually encompasses five separate parcels with a total acreage of 70 acres, which is directly adjoining Mark & Jackie Kirby's property at the end of Karen Drive at the traffic circle, Plot 1-4 and the large 64.44 rural acreage to the rear area. We are currently developing that area for our own private use and our home and we have no objection to these operations being conducted or any future operations.

ACTING CHAIR TART: Are there any questions from the board?

VICE-CHAIR TART: Swore in Deborah Morgan.

DEBORAH MORGAN: My name is Deborah Morgan and my address is 309 Rockhill Road, Fayetteville, NC. I met Mark and Jackie Kirby approximately one year ago after visiting with my niece at their firing range. As a female living alone, I had been warned numerous times that I should consider purchasing a gun. Being one who had never fired a gun before, I was petrified at the thought. After observing the range and seeing how very safe it was, I became very interested. Mark talked with me through my fears by showing me the proper way to handle, load and clean a firearm. His first priority has always been safety, he never once asked me for a penny and even supplied the firearm and bullets to use the first few times that I was there. After realizing how expensive the bullets are, I started purchasing my own. I now own my own firearm and feel very confident in my use of it. He has taught me not only the safety on the range but also proper storage at my home. As a grandmother of two young boys, this was very important to me. He assured me there were things I could purchase to make sure that the boys couldn't get to the guns. Thanks to Mark, I have now completed the concealed carrying course and I am in the process of getting my permits.

ACTING CHAIR TART: Are there any questions?

ACTING CHAIR TART: Swore in Lori Matthews.

LORI MATTHEWS: My name is Lori Matthews and my address is 135 Bladen Circle, Fayetteville, NC. The Kirby's are very good friends of mine and I have the utmost faith and confidence in them. With numerous break-ins in the area I started to question the security of my home. In conversation with Mark, he suggested that I go to his range for training. I have never touched a firearm or done any target shooting. I was amazed at the size of the range and the safety and security of the location. Mark educated me one on one how to hold, load and unload the firearm and stressed to me the importance of safety. Once when I was shooting, he stayed a couple of steps behind me as far as safety and was always watching me. I am so comfortable now with a firearm and I have taken the concealed carrying course, and as of today I have received in the mail my certificate for the course, thanks to Mark.

ACTING CHAIR TART: Swore in Anita Goggio.

ANITA GOGGIO: My name is Anita Goggio and my address is 220 Bladen Circle, Fayetteville, NC. With all the home invasions you see in the news, I wanted to learn how to protect myself and family. Mark Kirby volunteered and trained me and my husband on the proper and safe way to handle and shoot a gun. On the training range, he made sure we were taken care of when shooting and also around the range. He only allows one person to shoot at a time and he stands with you to make sure you are holding the gun correctly and standing in proper position. If you have any questions or concerned, he is right there to assist. We feel very safe at his training range. Mark gave us the knowledge and training to where we can handle a gun properly and safely.

ACTING CHAIR TART: Called John Matthews and Mr. Matthews declined to speak.

ACTING CHAIR TART: Swore in Bobby Brandenburg.

BOBBY BRANDENBURG: My name is Bobby Brandenburg and my address is (inaudible) Fayetteville, NC. I've known Mark for about twenty-five years and he's probably the most honorable guy you can ever meet. When he says he is going to do something, you can count on it. He taught me how to use a pistol, unload it, shoot it, clean it and I was always afraid of it. I did all of this on the training facility that we are talking about tonight. I appreciate what he has done for me and he can help a lot of people to understand safety and what guns are for.

ACTING CHAIR TART: I would like to remind each of you that you remain under oath should you be recalled for questioning.

ACTING CHAIR TART: Swore in Martha Barnhill.

MARTHA BARNHILL: My name is Martha Barnhill and my address is 3915 Pleasant View Drive, Fayetteville, NC. I'm happy to hear that I have such a kind neighbor. Our basic concern is about establishing the new zone in our neighborhood and if his business is a success the quiet residential that we have now is going to have bullet and the sound of gun shots through it. We do have the sound of gun shots every once in a while. I did not realize the area was already built for gun shots, but how I know where it is coming from. I thought there was hunting or something going on in back of my home. I own about 20 acres. We moved to the area because we thought it was quiet and safe and for the most part, it really is. I guess I have questions about who would monitor the number of classes per week. The thing sent to me in the notification said it would be three a week. What happens if his business is successful? I heard him say that he does work now, but everybody retires and I'm sure he would increase his hobby time teaching people. That will make the amount of gunshots we have to hear go up. Sometime there are such things as accidents. I worked with someone in Maryland. Their little girl was shot with stray bullets, it wasn't intentional. She was lying on the living room floor and was hit in the head. That was about twenty-five years ago. To my knowledge she is still in a nursing home and still not moving because she had damage to her brain. Even though they are taking precautions, my concern is for anybody who has children in the yard. I know he is safe with guns, but his proposal is to teach people who maybe don't have information about it. I live right on Pleasant View Drive, which is where the people would drive up and if they carried their own guns with them, he doesn't have control over them with what they do before they get there or after they leave. By that I mean supposed somebody is in the car with a gun, trying to shoot it thinking it has blanks and it is loaded. Most young children who come to visit us are usually out in the yard. I am across

the street from where he is down to the left. On a personal note, when I was sixteen years old I was actually robbed by gun point and shot at twice. They didn't talk about post-traumatic stress syndrome back in those days. To this day when I hear a gun go off, it just rattles me. I feel like if this is passed the quality of my life is going to go down because I will be forced to listen to gun shots whether I want to or not and it is going to be more than what I am hearing now. So, that is my personal opinion about it. The other thing is you are probably not going to get a true reflection of the people from our neighborhood. Tonight is the meeting for the South River Electric and a lot of people go to that meeting because they give out prizes and they give you a break on your electric bill. I'm not sure that the number of opposing people that you would willingly see is here tonight. So would you please understand and not change our zoning to allow this business on our street, please don't do it. Thank you for your time.

ACTING CHAIR TART: Does any board member have questions?

ACTING CHAIR TART: Swore in Barbara Roberts.

BARBARA ROBERTS: My name is Barbara Roberts and my address is 3463 Pleasant View Drive, Fayetteville, NC. We have an opportunity to speak to you tonight about our concerns and are glad. We are very blessed to live in a very peaceful part of the County. Some have more than one tract of land. We don't have traffic in and out of our community. As Mrs. Barnhill expressed, we have concerns about the increase in traffic and people coming into our community. I know to get a self-carry, you have to have a background investigation, but I don't know if you have to have background information just to learn and take the class. I also have that little side concern. We have all ages of people living in our community. Gunfire is very disconcerting to probably a majority of people, but especially to the children. We do hear that how and I also did not know that he had the range already set up already. I have grandchildren and some live right next to us and they don't like to hear that. We have retired people in our community and perhaps they are home a little more and so they would be hearing it more in the daytime. We hate to see our community change for the wishes of one when the wishes of many hopes to keep our quiet way like we have it. Aside from the noise we have to consider the decrease in our property values. Today's financial difficulty that we face in this nation, our county and our city concerning our property are an issue. Not as much as it used to be, you don't get the tax money and it is not as it used to be. I do believe if this firing range is allowed in our community that our property values as a whole will go down and therefore our tax value with the County will also go down. I also understand there were some school principals that were going to be here but they called and expressed their concerns, especially the high school principal. There are many people here that are concerned and that we talked to, who were not able to attend, but we try to reflect. As you can see, you have a full house and from what I understand this is unusual and I'm willing to guess the majority are on the opposed side. If this Special Use Permit is allowed, his intention may only be to do it three hours a week, but once he has that special use and those hours are there, he would have to do all of those hours if he chose. Like Mrs. Barnhill said, when he retires or if he sells the property, someone else may use the property for all of the hours. It is wonderful that he has been able to train people in gun safety and that he has had so many friends come and speak for him. That fact is, we are here for our property and for our peace of mind and our lifestyles are at stake, not just doing a few classes and picking up some extra money. Mr. Kirby did point out that their interest is to prepare people in gun safety, but there are many other locations to have these classes throughout the County. Some are given at the fire stations; some are given by law enforcement

trained people. I have family members who have taken such courses. I would hope that you could listen to the concerns of so many of us that are here and protect the quality of life that we have living in our community. It is commendable that Mr. Kirby has all of these people but once again, it is our lifestyle that is at stake and we thank you for time and consideration in this matter. There are a lot of people here tonight and we are all grateful to be able to express our concerns. Thank you.

ACTING CHAIR TART: Does any board member have questions? Where do you live in proximity to this property?

MRS. ROBERTS: This piece of property [pointing to her residence on the PowerPoint Presentation]. This little square is the cemetery and this is where our house is, it is separate, and all of this behind here is ours. We have approximately 48 acres, minus about two acres that our children live on so we may be down to about 45 acres.

ACTING CHAIR TART: We have many people signed up to speak in opposition, but I would encourage you, unless you have something new to present, when I call your name, if you would just state that you are in favor of the testimony that has already been given, so that we are not redundant in our testimony.

ACTING CHAIR TART: Called Sandy Rogers. Mrs. Rogers declined to speak.

ACTING CHAIR TART: Swore in Kim Rhodes.

KIM RHODES: My name is Marsha Kimberly Rhodes and my address is 3916 Jackie Street. My husband and I just in the past few years moved to Jackie Street because we enjoy the peace and quiet. We thought it was a very safe environment and very peaceful. I suffer from several medical conditions. I have a statement from my doctor [Exhibit 2] stating my treatment for chronic pain and fatigue since 2011. I frequently need to take naps due to my fatigue. I have been medically retired. I have been informed that a neighbor wishes to create a firing range near my home and would operate from 7:00 a. m. to 8:00 p. m. That is the information by the County, seven days a week. My doctor is very concerned with the effect that may have on me as their patient. There is a good possibility that the sound of gunfire will increase my anxiety and in-turn, increase my pain symptoms. Also the sound of gunfire will disrupt my much needed sleep that I require even during the daytime hours as I can't often sleep at night. Therefore my pain and fatigue will worsen. At this point and time my illness is stable; however, she strongly suspects that I will have more problems with pain and fatigue due to loss of ability to sleep during the day. We're also concerned with our quality of life. To sit in my living room and have the TV on and be able to hear gunfire periodically is bad enough at any time of day or night. I should be able to sit in my home and have peace and quiet, I should not have to hear gunfire. If they are doing it on the firing range or in their yard, I don't know what is legal or illegal in this State. I haven't thrown up any red flags up to this point, but tonight I am because it is my health and it is my quality of life. If you were going to buy a home and you went to look at this home, and you heard gunfire and every time you went to look at that same home, you heard gunfire, would you want to buy it and knowing that is what you were going to be surrounded by? I don't think so. Therefore, yes, I do think it will cause our homes to depreciate in value. Of course nobody wants that. Thank you.

ACTING CHAIR TART: Are there any questions?

ACTING CHAIR TART: Called Beau Rhodes.

BEAU RHODES: Mr. Rhodes declined to speak but stated he agreed with the opposition.

ACTING CHAIR TART: Swore in Kenneth Nettles.

KENNETH NETTLES: My name is Kenneth Nettles and my address is 3920 Pleasant View Drive, Fayetteville, N.C. Madam Chair and member of the board, I rise in opposition to the permit that the applicant has requested. I have nothing against the applicant, I find him to be in good character. Mark came out to my house and spoke to me about his firing range and what he intended to do with it. He invited me to actually inspect the property and I did. I have no doubt about his character or his good intentions but, my wife and I who live at 3920 Pleasant View Drive, which is right above the land in question. We are concerned about disturbing the tranquility of our neighborhood and being detrimental to the quality of life. That's our property right there, [pointing to the PowerPoint Presentation]. We have four basic concerns, but not necessarily in this order: 1. The noise, 2. Denial of the use of our property, 3. Property values and 4. Safety. I will try not to repeat the arguments the previous speakers have already made, but for the purpose of discussion I would like to quote the County Code on the noise ordinance which you may very well be familiar with, madam chair, but I think it is important for the consideration. Section 9.5-21 - the purpose of the County Noise Ordinance is to recognize the excessive and unnecessary noise and danger, physical and emotional welfare of the people. It appears legitimate business and recreational activity increases construction cost, depresses property values, offends the senses, creates public nuisances and in other respects, reduces the quality of life. It is further recognized that a substantial value of science and technology exists, which excessive sound may be measured as substantially invaluable. The policy says that excessive and unnecessary noise may jeopardize human health or welfare or substantially degrade the quality of life as well. It is the power of the governing bodies and police. It is clear that the purpose of this section is to prevent and to provide for the regulation of unnecessary noise which may injure the physical and emotional health and welfare of the citizens or degrade the quality of life. This provision is generally designed to control lawn mower noise, loud stereos and barking dogs. There is a provision that deals with detrimental effects. The sound of gunfire instills fear. What is your first reaction when you hear gunfire? You flinch. Simply being in your yard and being within close proximity to continuous gunfire instills fear and disrupts the tranquility of the neighborhood. You can't ignore gunfire and you can't get used to it. The application says seven days a week, from 7 a. m. – 8. p. m. and that is anticipated. The classes could be up to ten students per class. The second argument that we have is that it denies the use of our property. My wife and I were just blessed with our first grandchild on Valentine's Day of last year. My wife keeps her three or four days a week and they enjoy being on the screened in porch and in the yard. What grandmother or mother will allow a child to be in the yard playing with gunfire? What assurance can this board give this community that no matter how safe the berms are that we can avoid that noise? Gunfire is something that we cannot ignore. My wife purchased this property thirty-one years ago and we've raised a family there. She was there first. The property was zoned residential and that shouldn't change. The third point is property values. I will not repeat what the previous speakers but you have heard it before that the key to property value is location, location, location. Our property will be located next to a firing range. Who among the board would want to purchase property next to a firing range? Lastly is the safety that concerns us. Where my property is located is in the exact opposite of where the bullets are

intended to be fired. I'm also concerned about my neighbors and their safety. I prepared a map that I want to share with you and I've made some points of interest. There are some things on the application that were not mentioned that I think should have been both in the applicant's favor and for the board's consideration. When I viewed the property, the pistol range actually has a fish hook around it that actually protects for noise. It doesn't show on the diagram but it shows on the [inaudible – talking about direction of the sound]. I will agree that the property between my property and the firing range I will say is heavily wooded. However, from the property behind the berms, it would be very easy to see if you stood in front of the firing range and if you look at the photographs, it would not be out of expectation that a bullet fired over those berms will clear those trees and it is going to land somewhere. You'll notice on the map, and I will give you a copy showing the points of interest [Exhibit 3]. Our home is point one and the firing range is the red star. Our home is 350 yards away, Highway 24 is 500 yards away, the Karen Street neighborhood is 300 yards away, the Bladen Circle neighborhood is 700 yards away, the Vander stop light is 2,300 yards away, the four-way stop light is in the center of the Vander community and has several distances, there is the Vander Café, a nail salon, a furniture store, an appliance store, auto parts store, oil company, barber shop, all within 200 yards of that stop light. The volunteer fire department is 2,300 yards away. The Vander Civic Walking Trail, where the community goes to walk is 2,400 yards away. The Vander Civic Playground, where children go to play is 2,450 yards away, Sunnyside Presbyterian Church is 2,550 yards away, Pleasant Grove Baptist Church is 2,700 yards, Vander Church of God is 600 yards away, Sunnyside Elementary is 2,800 yards. For all of those not directly in the southerly direction, there is Mack Reed Middle School that is 2,900 yards away, Cape Fear High School is 3,100 yards away, I95 and NC 24 is 2,000 yards away and the Cumberland County Library is 3,200 yards away. I'm not a ballistics expert, and I know the board has access to many through the Sheriff's office, but I will say the most common ammunition used in rifles and pistols is the 22 long rifle; maximum range 2,000 yards. A 243 Remington, a very popular rifle cartridge that you see in the assault weapons that you hear about, 3,875 yards, probably one of the most common rifle cartridge. The colt 6 is 5,675 yards. Additional, pistol ammunition such as the 9 mm Lugar, 2,400 yards, a 45 automatic Colt; 1,800 yards, a 44 magnum; 2,500 yards. I ask you to please review the map that you have been presented. I think you will find it accurate and disconcerting. Bullets that clear those berms are going to land somewhere. I don't think anybody on the other side of those berms is going to claim it with their name on it. Thank you very much.

ACTING CHAIR TART: Are there any questions for the board? Unless you have something that is new information that is relevant to this case, I would appreciate it when your name is called, that you would indicate you are in agreement with prior testimony.

ACTING CHAIR TART: Called Aubrey Belanger. Mrs. Belanger stated she agrees with the opposition.

ACTING CHAIR TART: Called Augrey Hyatt. There was no answer.

ACTING CHAIR TART: Swore in Tami Nettles.

TAMI NETTLES: My name is Tami Nettles and my address is 3920 Pleasant View Drive.

The only other thing I have and my husband just spoke. Mr. Kirby said the hours he works at his regular job is from 4:30 in the morning until 2:30 in the afternoon. This leaves only late afternoon and the weekends to operate his business. For those people that work, getting home at 5:00 p. m. and the firing range is open until 8:00 p. m. That is what they are going to be hearing when they get home from work and on the weekends because that is the only time he is going to be available to train, late afternoon, in the evening and on the weekend. Other than that, I agree with everything else that was said.

ACTING CHAIR TART: Called Amanda Belanger. Mrs. Belanger declined to speak.

ACTING CHAIR TART: Swore in Marie Massengill.

MARIE MASSENGILL: My name is Marie Massengill and my address is 535 Baywood Road and I own the property at 3901 Pleasant View Drive. I don't have a lot to add. I agree with everything that was said. I do want to note that the property that I own right now is a rental property and is very close to the road that will be going into here. I am concerned with the traffic that will be going into here and I am also concerned it will not be rentable after this, especially to anyone who may work shift work, who may be ill or who may have a small child or a child with special needs. This is a property that my mother built back in 1971 because of the quiet neighborhood. There is a property that my husband and I had planned to retire into within the next 3-4 years, which probably won't happen if this firing range goes in there. The only other thing I wanted to reiterate is that I appreciate the information that the Kirby's have shared, I appreciate that he wants to teach people safety and that he has become certified to do this. I think this would be the very least of the requirement to do this. I want to reiterate that this is a business, this is for profit and so as the demand for this increases, then the traffic and the customers are definitely going to increase. I appreciate the data they gave and I'm not sure who their data source is but it is my belief that it will definitely decrease the property value in that particular community. Thank you.

ACTING CHAIR TART: Swore in Amie DeCarlo.

AMIE DECARLO: My name is Amie DeCarlo and my address is 1706 Bragg Boulevard, Fayetteville, NC.

MRS. DECARLO: I am the daughter of Tami Nettles and the step-daughter of Kenny Nettles. I live at 1706 Bragg Blvd, Fayetteville, NC. I am now married and have a little girl, fourteen months old and she stays with my mom at least three times a week. I have a concern because every time I leave her there and go to work. She is outside and in the yard with the firing range right next door, with only a lot and a rental house and then my mom's house. Thank you.

ACTING CHAIR TART: Called Emma McCall. Declined to speak, but stated she is opposed.

ACTING CHAIR TART: Called Janice Cogdell. Declined to speak, but stated she is opposed.

ACTING CHAIR TART: Called Irene Cogdell. Declined to speak, but stated she is opposed.

ACTING CHAIR TART: Swore in Nancy Smith.

NANCY SMITH: My name is Nancy Smith and I live at 573 Christmasberry Court which is off of Sunnyside School Road, but my mother Susan Seawhite lives at 3928 Pleasant View Drive. My parents purchased their property back in the 1970's and built their home and they hoped to live out their life there in peace and quiet. My mother is 93 years old and she became unable to walk about seven years ago and we have to pick her up and take her outside. She loves to go outside in the yard and sit. It was about seven years ago when she became unable to care for herself, we asked for permission to put a mobile home on the back of my mother's property. We were told under no circumstances could we do that. Later on after my father passed away, my mother had about 300 feet of a slip-rail fence installed along her property line. The property next to her has a bunch of dead trees and they were allowed to fall and destroy my mother's split-rail fence, which was expensive. My mother contacted someone and she was told that she should be a good neighbor rather than I'll help you pay for this damage. So, today the split-rail fence is laying every way. Our problem began some time ago. I did not realize that the noise was as bad as it is. I went back in the fall to help my mother in her yard to rake the pine cones. I was raking and I hear gunfire. I wondered where it was coming from. I could tell the noise was coming from right there. [Pointing to the PowerPoint Presentation]. Previously, two years ago, at my property, a gentleman that lives five houses down from me, has a personal firing range in his backyard. He has 9 foot berms and his berms has wheat straw and in a u-shape. One day I was down at my barn doing some work and all of a sudden a bullet went whizzing by my head. It scared me to death. The only reason I knew it was a bullet was in my younger days I used to go hunting with my husband and after he killed the first deer, I said "no, I'm never doing this again", but I remember that bullet whizzing by. I called the sheriff's department and I got in my truck and I drove to all of these places and I found the guy who was doing the shooting. I pulled in there and he became very indignant when I said the bullet had whizzed by my head. I do attest that his bullet went past my ear. If he is in control, and he's got the 9-foot berm of wheat straw, how did that bullet come by my head and I live five blocks down from him and I have twenty-two acres? He just has a normal residential lot. So how did that bullet come by my head? I don't know, but I know this past Friday and Saturday I was out in my mother's yard and I hear, boom! boom! boom! boom! continuously. I would say it lasted about 4-5 minutes. My mother's property is right next to Ken's property. My mother cannot go into the yard, she is very frightened when she hears that. I just don't want her to have to live out her last few days hearing gunfire. I know that the world is in terrible shape and I do understand that we all probably need to learn how to use a gun, but why can't they go on another property. Why do they have to be in the middle of a residential section? I have no problems with what they want to do, I have a problem where they want to do it. My mother when she passes away, we will probably have to sell the house. All of my brothers and sisters live somewhere else, so what will I tell the real estate person? I request that you deny this application. Thank you.

ACTING CHAIR TART: Swore in Erin McCoy.

ERIN MCCOY: My name is Erin McCoy and my address is 352 Grape Arbor Drive. I am a victim of a home invasion, it happened this past year. Ever since then I have become a gun enthusiast and I have started going to shooting ranges. My main concern is because I am new at this and going to gun ranges. I was not in control, even with a certified person right there showing me how to load and use. The first time I shot the gun the first five bullets went into the ceiling. It was nothing he could have done. Luckily it was an indoor range, but if it was outdoors, bad things could have happened. I'm also concerned because when the police came to my house after my home invasion, everybody around the neighborhood was scared to death. All of a sudden

everybody was breaking out their shotguns, shooting around the neighborhood because we found out the person who broke into my house was from my neighborhood so now everybody was saying we will let them know that we are going to protect ourselves. The cops told me and went to some of the neighbors and said it is illegal to shoot guns in a residential area in your own yard. I don't know what the statutes are, but that is what I was told. I am concerned not only about the noise but also with the traffic and having new armed, unknown people coming into the neighborhood and seeing how everybody lives. There are many different types of people in our neighborhood and you could see who lives where, who is or isn't protected and I'm afraid it would open the neighborhood up to more breaking and entering. Thank you.

ACTING CHAIR TART: Swore in Kay Lowther.

KAY LOWTHER: My name is Kay Lowther and my address is 353 Grape Arbor Drive. I am acquainted with the area. My street is almost to the end of Pleasant View going towards Baywood Road. At the end of that street, I might be wrong, but I kind of acquainted with that whole area in there they are talking about. I know that there used to be a lot of teenagers and drug use down in that area. People used to go hunting down there. Being a parent of a teen son, my concern is if it runs into that area, is the curiosity going to affect the teens being there is a firing range. I don't know what kind of control they have on the area as far as keeping teens out of that area if they are not scheduled for the training classes. Those are my concerns and just to say one thing that happened a couple of months ago, my son was watching my neighbor's dog and the dog roams and got out of the area. My son went to look for him and I'm standing outside in my driveway and all of a sudden all of this shooting starts to happen. I can't tell you where it was coming from. As a parent I thought they were shooting at my son. To have that go on in a neighborhood that you live in, I'm very opposed to it and I think as home owners, we should not have to go through this. I know that the Kirby's intentions are good but I think the area is not good. Thank you.

ACTING CHAIR TART: Called Laretta Vic. Mrs. Vic stated she agreed with the opposition.

ACTING CHAIR TART: Called Nadine Holland. Mrs. Holland declined to speak.

ACTING CHAIR TART: Called Peggy Porter. Mrs. Porter stated she agreed with the opposition.

ACTING CHAIR TART: Called Ed Porter: Mr. Porter stated he agreed with the opposition.

ACTING CHAIR TART: Called Mariel Kunz: Mrs. Kunz stated she agreed with the opposition.

ACTING CHAIR TART: Swore in James Massengill.

JAMES MASSENGILL: My name is James Massengill and my address is 535 Baywood Road, Fayetteville, N. C. 28312. I along with my wife own the property across the road from where the firing range is going to be at 3901 Pleasant View. A lot of things have been said about concerns of noise and safety. I am familiar with people shooting especially for the first time, I am familiar with people who are probation officers and who had to learn firing for the first time. I have witnessed the first time they shot. They pointed the gun wrong and I saw it discharge. One thing I wanted to question is the presentation that the Kirby's gave about property values around the firing range. How close were these properties to the firing range? Was it 100 yards, a mile or ten miles? I think property values would be an issue. I also agree with the things that Mr. Nettles said. Thank you.

ACTING CHAIR TART: Called Robin Roberts. Mr. Roberts stated he agreed with the opposition.

ACTING CHAIR TART: Swore in Cecil Johnson.

CECIL JOHNSON: My name is Cecil Johnson and my address is 484 Rockhill Road. I am concerned with the noise. With this property in question, I ride horses and I've been on this property. It's been a couple of years since I've been there but I didn't see anything that looks like a shooting range back in there. Thank you.

ACTING CHAIR TART: Mr. Kirby, you remain under oath. You and Mrs. Kirby may have rebuttal if you wish.

MR. KIRBY: I'd like to say that I appreciate everybody coming out whether they oppose or are for it. We do live in the County and there are a lot of other people that shoot other than me. Some of the people that oppose are miles from where we are. The make-shift berms and the foliage control a lot of the sound. Everyone who shoots and is from the County, if they are responsible, they are perfectly within their rights to shoot, practice, hunt and they have permission and agree not to trespass. What I've been doing, I've done without charging anyone and with respect to those who oppose and to you folks here I can still continue to do that whether it passes or not; I can still do it and continue to educate people. The shooting respectfully won't stop. I'm not the only one; I'm just the only one who has gone to this length of safety to make it safe. I am a safe hunter. It's all about safety. Everything's about safety when it comes to firearms. If you have a home invasion and you don't have a firearm, you don't bring a knife to a gun fight. You need to learn to protect yourself. Even black belt martial arts doesn't matter, it doesn't match against a weapon. It's just the bottom line. The opposers were looking at the pine trees that we left standing, those are thin, young pines but that is not where the berms are. The berms are in the dense cutover. Those thin pines are 25-35 feet tall now and completely surrounding. There are acres of land near the salt house, where the County keeps its salt. That's in the direction of where the firing is. The second berm is right beside the main range and is deep. It was dug out to be deep, it actually goes down which makes it even safer. One of the opposers asked about how many yards, it is 1,760 yards long. It's one-on-one training, that's what it is. Defensive training is fifteen yards and in. If someone is standing at the end of a courtroom threatening you with a ball bat, you can't legally shoot them. You have time to escape or do something else to keep from harming that person. Defensive range is in your personal space and this is how I train a person to protect themselves. If I can't charge for it I can certainly continue to do what I'm doing to make people safe whether I can make any money from it or not. I don't plan on getting rich from it, I don't see that happening, and I just enjoy doing it. Especially the youth, I love to see them come and learn to shoot. As we age we get interested in hunting, and as we age it is wear and tear on the body and we need to educate the youth on gun safety. Hopefully, they will not only learn how to use a weapon for self-defense, but for hunting. Thank you.

MRS. KIRBY: I just want to add that this was a diagram at the end of our PowerPoint Presentation. The yellow stars are neighbors we know for a fact who shoot in their back yard. The one directly behind our house, he shoots in a make-shift pile wood berm. Another neighbor has a dirt pile that their son and his friends shoot into. Other neighbors shoot and there is somebody back here that shoots and we hear sounds like dynamite. If the neighbors are complaining about hearing gunshots, it is not necessarily coming from here. It could be anywhere and these are just the ones we know for a fact that shoot in our area. I just hope that you will consider that he's got a

safe place and he is not out there just letting people shoot. Everybody realizes that accidents can happen and should this pass, we will be adequately insured for accidents. We are just trying to see if this passes before we go to the next step. We are responsible and we would make sure that we were adequately insured. We know accidents can happen anywhere. You can't send your kid to school without possible getting shot these days. In this case, he is trying to do a responsible thing and teach people safety that can also pass this on to their family members and their children and doing it in a controlled and safe environment. We just hope you all will consider that as well.

ACTING CHAIR TART: How did you arrive at seven days a week?

MRS. KIRBY: When we filled out the site plan we were told to put down all possible hours. It may seem misleading, but what we were trying to say in that is that it would only be during daylight hours and not during the night time; all possible hours, by appointment only. We are not going to have a sign on the street. This is a private range and it will remain a private range. So many of the neighbors said they did not know we had it. He's been shooting back there for probably seven years and nobody knew that we had it back there. The noise cannot be that disturbing if nobody knew we had it. Now they know we have it because a letter went out and also because of this flyer that somebody made up saying we would be open seven days a week. There will be no open hours, it is by appointment only. On the site plan we also had that language in there, by appointment only, not to exceed three sessions per week. So three sessions a week won't last seven days a week. The sessions would probably last a couple of hours each. In those sessions you have to realize that part of that is class work, training from the text book. If you have a two hour session, you may only have a half hour of actually shooting. You have to go through the stance, which he could probably tell you more about that.

MR. KIRBY: I want to do it in about a three hour session. Usually there is at least an hour and a half of classroom. You just don't go over the gun, you go over the ammunition. The only thing that makes the gun bad is the bullet, so you need to be educated in ammunition as well in the firearm and that takes time especially to a beginner shooter. The ladies that I've trained and most of who I've trained have been ladies, have been very responsive and easy to train. They are mature adults. I won't take a child or a youth out there because they can't even buy a gun yet. Can they use a gun for hunting if supervised by an adult? Sure. I'm not certified in that, but I can also do that. The class is about three hours long, and one and a half hours is class time with about thirty minutes of actual shooting. There are some Saturdays and Sundays when we are sitting in the house and we hear gun fire. I know the neighbors think that it's me, but that is not necessarily true. If you don't have foliage, trees, berms, there is a lot of expense to do that if you've never built one, it's expensive.

ACTING CHAIR TART: Does anyone from the board have questions?

MRS. CARSON: Will there be ammunition kept on site?

MR. KIRBY: No ma'am. In my training, the fee that I charge is for my personal time and the use of my range. They are paying me to teach them. They can supply their own ammunition with their own gun and bring it. If they want to rent a hand gun, I have many hand guns and ammunition that I can supply, but there is no ammunition kept on site.

MRS. KIRBY: There is nowhere to keep it.

MR. KIRBY: The only thing that is kept on sight is targets.

MR. HUMPHREY: You mentioned the berms. Is there a national standard for berms for ranges? Is it 9 feet, 6 feet? How do you stack up if there is an average out there? Is yours minimum, maximum or does it fall in between?

MR. KIRBY: If you shoot at a distance of 200 yards or more for a high powered rifle, the berms have to be 25 meters. That is considerably more than what I do. In my range the furthest point you can shoot is 100 yards and 95% of the shooting is hand guns inside the berm. You walk into a huge u-shape and you are surrounded by 9 feet which is misleading because some of the sides are 12 feet high. It's really intimidating especially with the separate pistol range that I added to it. The berms are really high; you are standing in a hole. If you see the target there in the center, if I stood beside that, my head would be about midway of those boards [referring to a slide in the PowerPoint Presentation].

MR. HUMPHREY: How tall are you?

MR. KIRBY: I'm 5'11". If you look at the berms to the right of the big target board, those are 12 feet high and that berm separates the two ranges.

MR. HUMPHREY: And the berms are made out of?

MR. KIRBY: Dirt and clay.

MR. HUMPHREY: Thank you.

Public Hearing Closed

ACTING CHAIR TART: Do we have any questions from the staff? Mr. Hasty, if this is approved, there is nothing that would keep him from having classes every day even though he says it will only be three times a week?

MR. HASTY: The hours that he put on the application are the ones he would be entitled to.

ACTING CHAIR TART: Do I have a motion to approve or to deny?

MR. HUMPHREY: I'm in favor of this application based on the PowerPoint Presentation that was presented. The Kirby's are sworn under oath to give factual information. They presented and I don't know where she got it, but I do remember her saying the property values and even with other ranges did not decline. I have to consider that. She also said that they would meet all standards as required by the County and planning staff. Based on the presentation that I saw and the choices given to them; and this is not a school, but appointment based; I am in favor of it. I do know that gun shots can be heard at different hours, but I live off of Ramsey Street and I hear artillery shells falling all through the night. That is something we've got to live with in Cumberland County. Basically, it is my proposition what was presented here that I can go in favor of it.

ACTING CHAIR TART: I wonder if the board would consider as a special condition changing the hours if that would be permissible, Mr. Hasty?

MR. HASTY: If the board desires to modify the hours, they could do that as part of the conditions.

MR. HUMPHREY: What kind of hours are you looking at?

ACTING CHAIR TART: I was thinking never earlier than 8:00 am and never later than 7:00 pm.

MR. KIRBY: I can do even better than that, how about 10:00 am to 5:00 pm.?

ACTING CHAIR TART: That would be even better. I do feel that people need peace and quiet. Do I have a motion from the board to either approve or deny the Special Use Permit?

MR. HUMPHREY: I make a motion that we approve the Special Use Permit with the hours being limited to 8:00 am to 5:00 pm and by appointment only.

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

The range has two u-shaped berms and thick vegetation completely surrounding the site, which will ensure rounds fired will remain on site, help reduce noise and also aid in controlling unauthorized access to the site. In addition, the applicant (property owners) consulted a lead reclamation company and, following their guidelines, will reclaim and properly dispose of the lead at the appropriate time (approximately five year increments).

2. The use meets all required conditions and specifications.

Once the Ordinance Related Conditions are met and the site is properly permitted, all County required conditions and specifications will be complied with – the applicant (property owners) has verbally agreed to all Ordinance Related Conditions.

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

The applicant (property owners) submitted evidence derived from the County Tax Administration database as a matter of public record showing how similar firing ranges existing within Cumberland County have not detrimentally affected adjacent or nearby property values; the evidence presented shows that from 2002 through 2012, the property values of properties surrounding the “Wildlife Range” constructed in 1971 have escalated in value. In addition, the applicant testified that the firing range currently exists for personal use, and he does not anticipate a significant increase in its use with the Special Use Permit. The range could also be viewed as a public necessity considering the current climate concerning the increase in firearms purchases, in that these purchasers need a place to be trained in the proper handling and use of firearms.

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.

The applicant (property owners) testified, showing specific property locations on a map, that a minimum of five other ranges (albeit *makeshift*) also exist in the immediate area. The application meets or exceeds the minimum standards of the County Zoning Ordinance, which was drafted and adopted based on the policies and actions adopted in the 2030 Growth Vision Plan and the 2030 Growth Strategy Map.

Having heard all the evidence and argument 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.**
- 4. The applicant (property owners) is the responsible party to ensure all Ordinance Related Conditions pertaining to the Special Use Permit and included in the board's packet are complied with.**
- 5. The applicant (property owners) agreed to amend their application specifically restricting the hours of operation to be from 8:00 am to 5:00 pm by appointment only.**

The motion passed with four board members in favor and one opposed.

	IN FAVOR	OPPOSED
TART	NO	YES
HUMPHREY	YES	
DYKES	YES	
CARSON	YES	
AUTRY	YES	

10 . ADOPTION OF 2013 DEADLINE/MEETING SCHEDULE

A motion was made by Mr. Humphrey and seconded by Mr. Dykes. Unanimous approval.

11. DISCUSSION

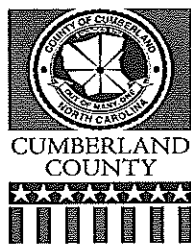
There was none.

12. UPDATES(S)

There were none.

13. The meeting adjourned at 9:00 p.m., motioned by Mr. Dykes and seconded by Mrs. Carson.

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



Alternates:
Carrie Tyson-Autry
Yvette Carson
Vickie Mullins
Winton McHenry
(Vacant)

Cumberland County Board Of Adjustment

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

MINUTES
MAY 16, 2013
7:00 P.M.

Members Present

Ed Donaldson, Chairman
Melree Hubbard Tart
Joseph Dykes
Horace Humphrey
Vickie Mullins

Absent Members

Randy Newsome

Staff/Others Present

Pier Varner
Melodie Robinson
Ken Sykes
George Hatcher
Rick Moorefield (County
Attorney)

Chair Donaldson 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 DONALDSON SWORE IN THE STAFF

3. ADJUSTMENTS TO THE AGENDA

There were no adjustments.

4. APPROVAL OF THE JULY 10, 2012 SPECIAL MEETING MINUTES AND APRIL 18, 2013 MINUTES.

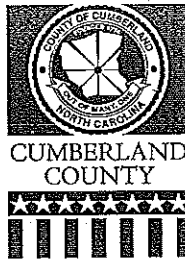
A motion was made by Mrs. Tart and seconded by Mr. Humphrey to approve the July 10, 2012 minutes as submitted. The motion passed unanimously.

A motion was made by Mr. Humphrey and seconded by Mr. Dykes to approve the April 18, 2013 minutes amended with corrections on pages 13-14 as follows: "Grape Arbor Drive" and "split-rail." The motion passed unanimously.

5. ABSTENTIONS BY BOARD MEMBERS/BOARD MEMBER DISCLOSURES

There were none.

Members:
Ed Donaldson, Chairman
Melree Hubbard Tart, Vice-Chair
Horace Humphrey
Joseph Dykes
(Vacant)



Alternates:
Carrie Tyson-Autry
Yvette Carson
Vickie Mullins
Winton McHenry
George Lott

Cumberland County Board of Adjustment

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

MINUTES
JULY 18, 2013
7:00 P.M.

Members Present

Ed Donaldson, Chairman
Melree Hubbard Tart
Horace Humphrey
Joseph Dykes
Winton McHenry (voting)
George Lott (non-voting)

Absent Members

None

Staff/Others Present

Patti Speicher
Melodie Robinson
Ken Sykes
Robert Hasty, Jr. (Assistant
County Attorney)

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

1. ROLL CALL

Ms. Speicher called the roll and stated a quorum was present. For this meeting, Mr. McHenry is a voting member and Mr. Lott is a non-voting member.

2. MS. SPEICHER: Gave the Oath of Office to Winton McHenry and George Lott.

3. CHAIR DONALDSON SWORE IN THE STAFF

4. ADJUSTMENTS TO THE AGENDA

MS. SPEICHER: Item 11 – RECOMMENDATION FOR NOMINATION – We need to add Yvette Carson to the recommendation as an alternate member. Her term is up in August 2013 and she does want to be reinstated as an alternate.

5. APPROVAL OF THE MAY 16, 2013 MINUTES

A motion was made by Mr. Dykes and seconded by Mr. Humphrey to approve the May 16, 2013 minutes as submitted. The motion passed unanimously.

6. CORRECTION OF THE APRIL 18, 2013 MINUTES – PAGE 19

A motion was made by Mrs. Tart and seconded by Mr. Humphrey to approve the correction to page 19 of the April 18, 2013 minutes. The motion passed unanimously.

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.

The applicant (property owners) testified, showing specific property locations on a map, that a minimum of five other ranges (albeit *makeshift*) also exist in the immediate area. The application meets or exceeds the minimum standards of the County Zoning Ordinance, which was drafted and adopted based on the policies and actions adopted in the 2030 Growth Vision Plan and the 2030 Growth Strategy Map.

ACTING CHAIR TART: You have heard the motion. Could you repeat that motion? I want to ask staff to repeat his motion that we approved based on the four conditions. Do I have a second on that?

MR. DYKES: I second.

ACTING CHAIR TART: Mr. Dykes has seconded. Is there any discussion? For the benefit of the audience, Cumberland County has Ordinances that as the Board of Adjustment, we have to abide by the Ordinance as they are written. We have to present Findings of Fact in approving a Special Use Permit. Those four Findings of Fact have been stated by Mr. Humphrey and those were the things that he went through. We have a motion to approve the Special Use Permit as presented with changing the hours from 8:00 am to 5:00 pm and by appointment only. That will be written into this; that will be part of the permit.

ACTING CHAIR TART: All those in favor, let it be known by raising your hand. Any opposed?

The motion passed with four board members in favor and one opposed.

	IN FAVOR	OPPOSED
TART	NO	YES
HUMPHREY	YES	
DYKES	YES	
CARSON	YES	
AUTRY	YES	

Having heard all the evidence and argument 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.**

P13-02-C
SITE PROFILE (ORIGINAL)

P13-02-C: CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW AN OUTDOOR FIRING RANGE, IN A RR RURAL RESIDENTIAL DISTRICT ON 34.68+/- ACRES, LOCATED AT 3802 PLEASANT VIEW DRIVE, SUBMITTED AND OWNED BY REGINALD MARK AND JACQUELINE TART KIRBY.

Site Information:

Frontage & Location: 650' +/- on Pleasant View Drive (SR 1836)

Depth: 2050'+/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: Residential and woodland

Initial Zoning: RR – April 26, 1979 (Area 8)

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North & West: A1 & RR; East: SF-15(Fayetteville), RR, R10, R6A; South: C(P), C3, RR, R5A

Surrounding Land Use: 2-cemetery, public utility (salt house), motor vehicle storage yard, residential (including manufactured homes and manufactured home park) and woodlands

Eastover Land Use Plan: One acre residential lots

Special Flood Hazard Area (SFHA): None

Soil Limitations: Yes, hydric soils: St-Stallings loamy sand; and JT-Johnston loam

Water/Sewer Availability: Well/Septic

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

School Capacity/Enrolled: Armstrong Elementary: 450/420; Mac Williams Middle: 1270/1231; Cape Fear High: 1425/1589

Municipal Influence Area: City of Fayetteville

Average Daily Traffic Count (2010): 3,100 on Baywood Road (SR 1831); 15,000 on NC HWY 24

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

County Zoning Ordinance Reference: Section 920 Recreation or Amusement, Outdoor Recreation for Profit (Outdoor Firing Range)

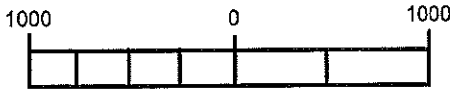
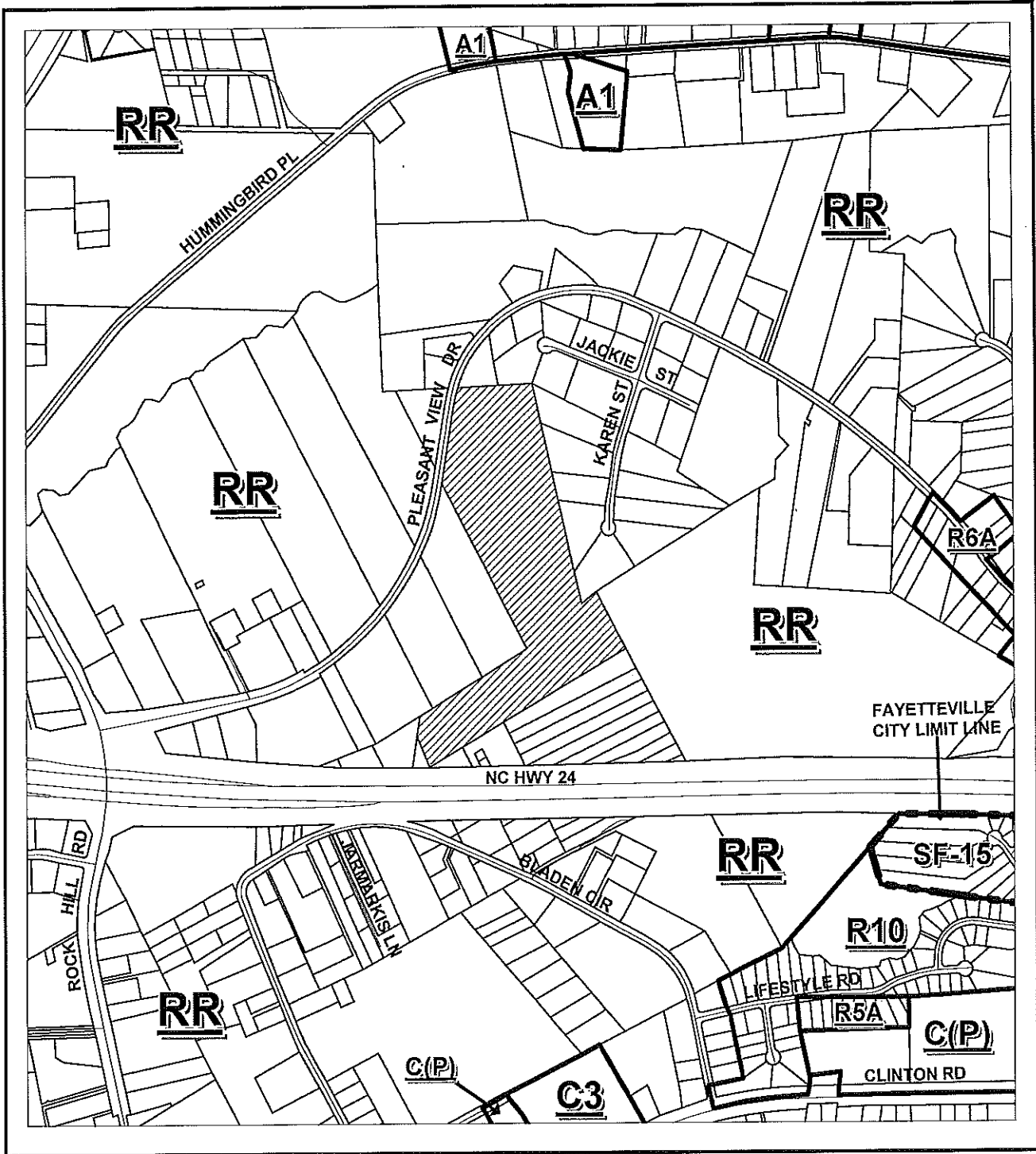
Notes:

1. Contents of Application:
 - a. Proposed classes: firearm training, defensive handgun, care of fire arm, safety training, and home safety training
 - b. 1 instructor (owner/NRA certified)
 - c. Employees: 2 (owner and employee)
 - d. Days of operation: 7 days a week, by appointment
 - e. Hours of operation: 7:00 am to 8:00 pm
 - a. No sign proposed

2. Summary of request: Applicant proposes 2 shooting lanes. First shooting lane will be 300' with a berm of 45'x24' (1,080 sq ft), and second shooting lane will be 50' with a berm of 45'x36' (1,620 sq ft). Berms are constructed of dirt at least 9' high on all sides, 45' deep, and 24'- 36' wide.

First Class and Record Owners' Mailed Notice Certification

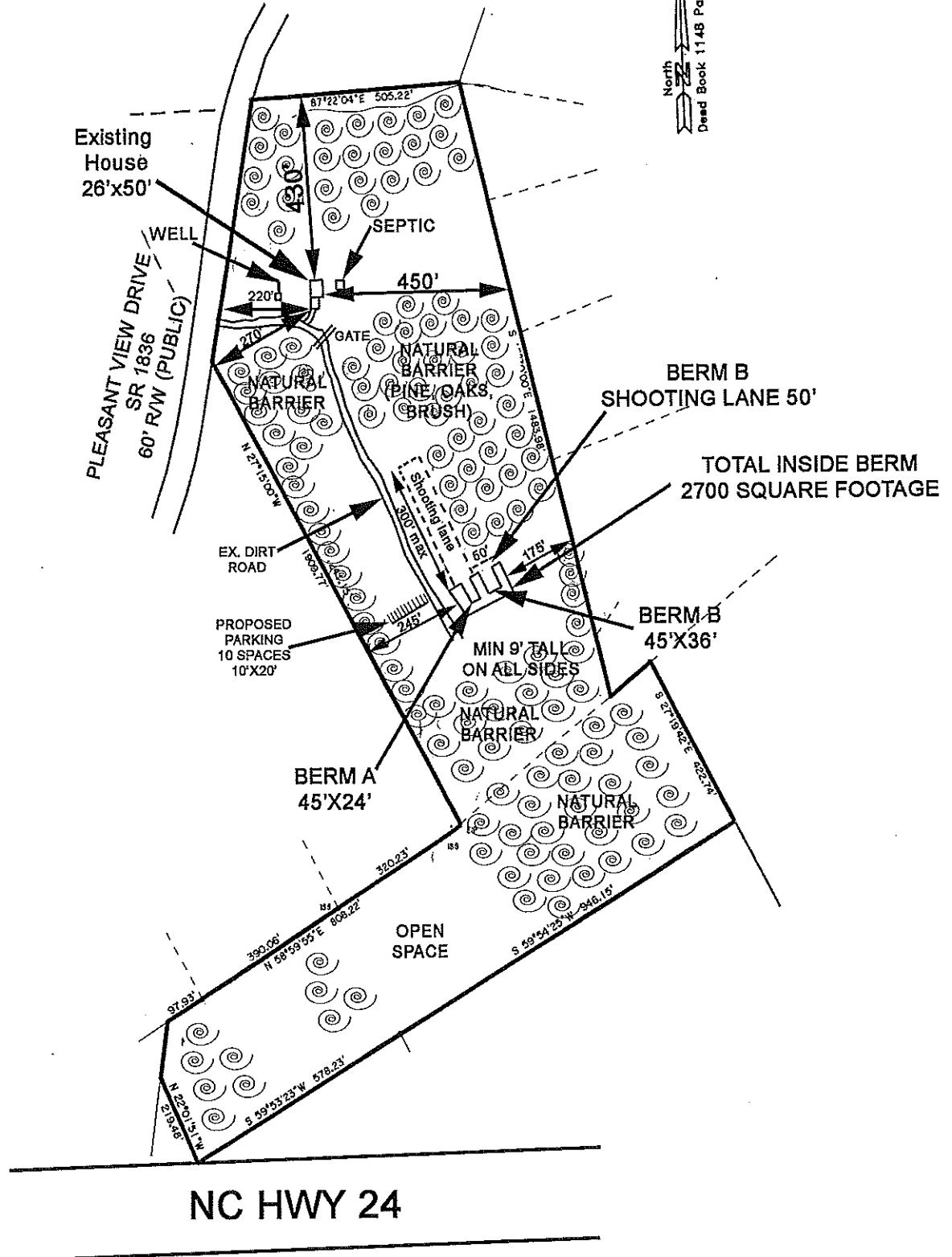
A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith.



SCALE IN FEET

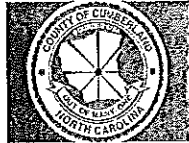
BOARD OF ADJUSTMENT SPECIAL USE PERMIT

ACREAGE: 34.68 AC.+/-		HEARING NO: P13-02-C	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
GOVERNING BOARD	4-18-15	APPROVED	



NC HWY 24

**BOARD OF ADJUSTMENT
SPECIAL USE PERMIT**
 REQUEST: TO ALLOW AN OUTDOOR FIRING RANGE
 CASE: P13-02-C ACREAGE 34.68 AC +/-
 ZONED: RR SCALE: NTS
 PARKING: 10 SPACES
 *SCALED DETAILED SITE PLAN IN FILE AVAILABLE FOR REVIEW UPON REQUEST



CUMBERLAND
COUNTY



County of Cumberland

BOARD OF ADJUSTMENT

CASE #: P13-02-C

CUMBERLAND COUNTY BOA
MEETING DATE: 4/18/2013

DATE APPLICATION
SUBMITTED: 3/12/13

RECEIPT #: 66407

RECEIVED BY: PAV

APPLICATION FOR SPECIAL USE PERMIT

The Cumberland County Board of Adjustment meetings are held on the third Thursday of each month in the Historic Courthouse, 130 Gillespie Street - Hearing Room 3. The Planning and Inspections Department will advertise the public hearing and a notice will be mailed or delivered to surrounding residents or property owners that may be affected by the proposed Special Use Permit request.

The Board of Adjustment is a quasi-judicial review board and all persons wishing to appear before this Board should be prepared to give sworn testimony on relevant facts. Applicants for Special Use Permits are encouraged to read Section 1606 "Special Use Permits" of the Zoning Ordinance to ensure the technical requirements of the Ordinance are met before submission to the Board of Adjustment (see next page).

The following items are to be submitted with the complete application:

1. A copy of the recorded deed and/or plat,
2. If a portion of an existing tract, an accurate written legal description of only the area to be considered;
3. A copy of a detailed site plan drawn to engineering scale, showing the location of all buildings, yard dimensions, driveways, fencing, lighting parking areas, landscaping, and all other pertinent data to the case; and
4. Cash or check payable to "Cumberland County" in the amount of \$ 200 (see attached Fee Schedule)

NOTE: Any revisions, inaccuracies or errors to the application or site plan may cause the case to be delayed and will be scheduled for the next available Board of Adjustment meeting according to the board's meeting schedule. Also, the application fee is *nonrefundable*.

The Planning and Inspections Staff is available for advice on completing this application; however, they are not available for completion of the application or preparation of the site plan.

BOARD OF ADJUSTMENT

LOCATION OF PROPERTY: 3802 Pleasant View Dr. Fayetteville, NC 28312

OWNER: Reginald M & Jacqueline T Kirby

ADDRESS: 3912 Jackie St Fayetteville ZIP CODE: 28312

TELEPHONE: HOME (910) 483-9011 ^{cell} WORK (910) 818-1114

AGENT: _____

ADDRESS: _____

TELEPHONE: HOME _____ WORK _____

E-MAIL: jackiekirbycpa@nc.rr.com

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

A. Parcel Identification Number (PIN #) of subject property: 0467-31-9607
(also known as Tax ID Number or Property Tax ID):

B. Acreage: 34.68 Frontage: 650' Depth: 2050'

C. Water Provider: Well

D. Septage Provider: septic

E. Deed Book 6627, Page(s) 0453, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).

F. Existing use of property: Residential & woodland

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

See attached
recreation outdoor for profit

**APPLICATION FOR SPECIAL USE PERMIT (ATTACHMENT)
BOARD OF ADJUSTMENT (PART G)**

Proposed use of property includes firearm training including defensive handgun, care of firearm, safety training and home safety training. (NRA certified instructor)
Instructional classes to last 2-3 hours each. Anticipated that class frequency not to exceed 3 classes per week, by appointment only. Class size not to exceed 10 students.

Instructor: 1 (owner)

Employees: 2 employees needed to assist with targets, clean-up, etc.

Signs: No signs will be posted.

Parking: To right of range in field. (10 spaces)

Hours of operation: By appointment only 7 days per week 7am - 8pm

Firing range constructed as follows:

2 areas for shooting. Berms constructed of dirt at least 9 feet high on all sides, 15 yards deep, and 24-36 feet wide. Maximum shooting distance - 100 yards. → (one Berm) ^{45'}

Second Berm maximum shooting distance 50ft.

Other safety considerations:

Range is in the center of approx. 34 acres. Entire border of property (especially in the direction of fire) is surrounded by dense woods. No homes are in the direction of fire.

The undersigned hereby acknowledge that the County Planning Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

↓ Reginald M. and Jacquelin T. Kirby
NAME OF OWNER(S) (PRINT OR TYPE)

3912 Jackie St. Fayetteville NC 28312
ADDRESS OF OWNER(S)

jackiekirby epa@nc.rr.com
E-MAIL

(910)483-9011
HOME TELEPHONE #

(910)818-1114
WORK TELEPHONE #
Cem

NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

ADDRESS OF AGENT, ATTORNEY, APPLICANT

E-MAIL

HOME TELEPHONE #

WORK TELEPHONE #

Reginald M. Kirby
SIGNATURE OF OWNER(S)

SIGNATURE OF AGENT, ATTORNEY
OR APPLICANT

Jacquelin T. Kirby
SIGNATURE OF OWNER(S)

The contents of this application, upon submission, become "public record."

STATEMENT OF ACKNOWLEDGMENT

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

Signed acknowledgment 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) Reginald M. Kirby & Jacqueline T. Kirby
PRINTED NAME OF OWNER(S) Reginald M Kirby Jacqueline T. Kirby
DATE 3/4/13

↓ Add to mailing list
Samuel Fort
JSS
3-20-13

P15-04-C

**Appeal of Zoning Officer's Decision
related to an
Outdoor Firing Range**

400 Karen Street, Fayetteville North Carolina

**Cumberland County Board of Adjustment
Regular Meeting
July 16, 2015 at 7:00 pm**

P15-04-C
SITE PROFILE

P15-04-C: CONSIDERATION OF AN APPEAL FROM THE CODE ENFORCEMENT OFFICER'S DECISION REGARDING THE OPERATION OF AN OUTDOOR FIRING RANGE IN A RR RURAL RESIDENTIAL DISTRICT ON 74.05+/- ACRES, LOCATED AT 400 KAREN STREET, SUBMITTED AND OWNED BY DAVID AND MARY DERETTE HAMPTON.

Site Information:

Frontage & Location: 520'+/- on SR 1918 (Karen Street); 1,756.34'+/- on NC HWY 24

Depth: 1,650.00'+/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: Outdoor Firing Range w/ residential dwelling under construction

Initial Zoning: RR – April 26, 1979 (Area 8)

Nonconformities: Yes, operation of an outdoor firing range in the RR Residential district w/o permits

Zoning Violation(s): Yes, Case No. ZN 1042-2015 (Notice of Violation, dated May 6, 2015, is included in packet under Code Enforcement tab)

Surrounding Zoning: North: R40A, RR, A1A & A1; South: C(P), C3, C1(P), RR, SF-15 (Fay), R10 & R5A; East: C3, RR & R6A; West: RR

Surrounding Land Use: Residential (including manufactured dwellings), public storage yard, manufactured home park, religious worship facility & woodlands

2030 Growth Strategy Map: Urban Fringe Area

Eastover Area Detailed Land Use Plan: One Acre Residential Lots

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: Well/Septic

Soil Limitations: Yes, hydric – PG Pantego loam, LE Leon sand & ST Stallings loamy sand

Average Daily Traffic Count (2012): 12,000 on NC Hwy 24

Municipal Influence Area: City of Fayetteville (portion)

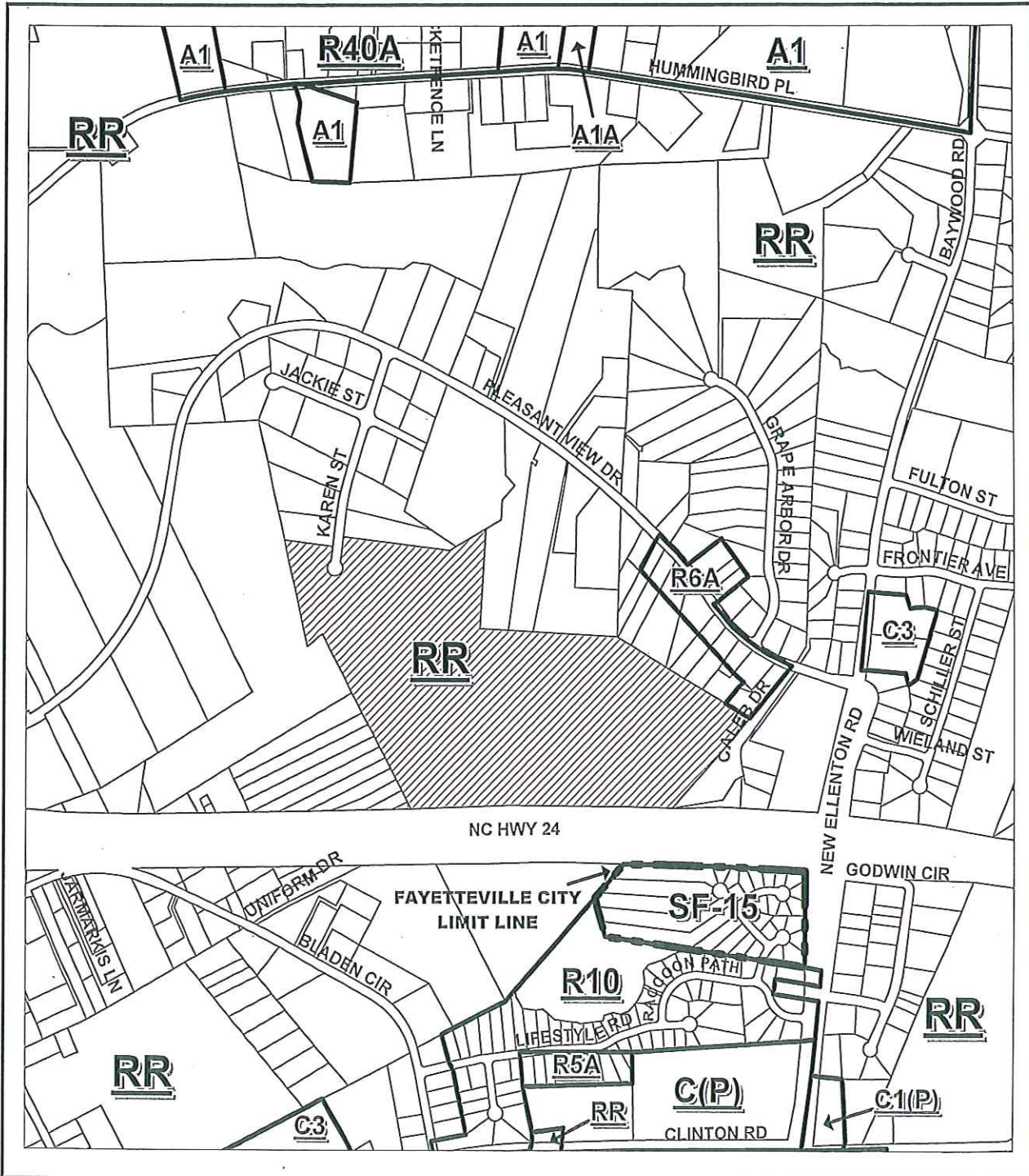
Highway Plan: All roads in this area are Local Roads. There are no road improvements/ construction specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program.

Contents of packet:

1. Planning staff general case info
2. Property owners' appeal documents
3. Code Enforcement documents
4. Outdoor firing range text amendment adopted by the Board of Commissioners on June 17, 2013 w/ staff prepared list of known ranges at that time

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.



NC HWY 24

FAYETTEVILLE CITY
LIMIT LINE

BOARD OF ADJUSTMENT APPEAL

ACREAGE: 74.05 AC.+/-

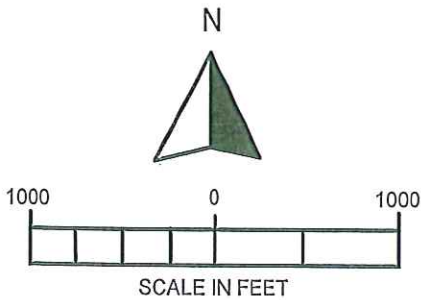
HEARING NO: P15-04-C

ORDINANCE: COUNTY

HEARING DATE

ACTION

GOVERNING BOARD



PIN: 0467-51-7044

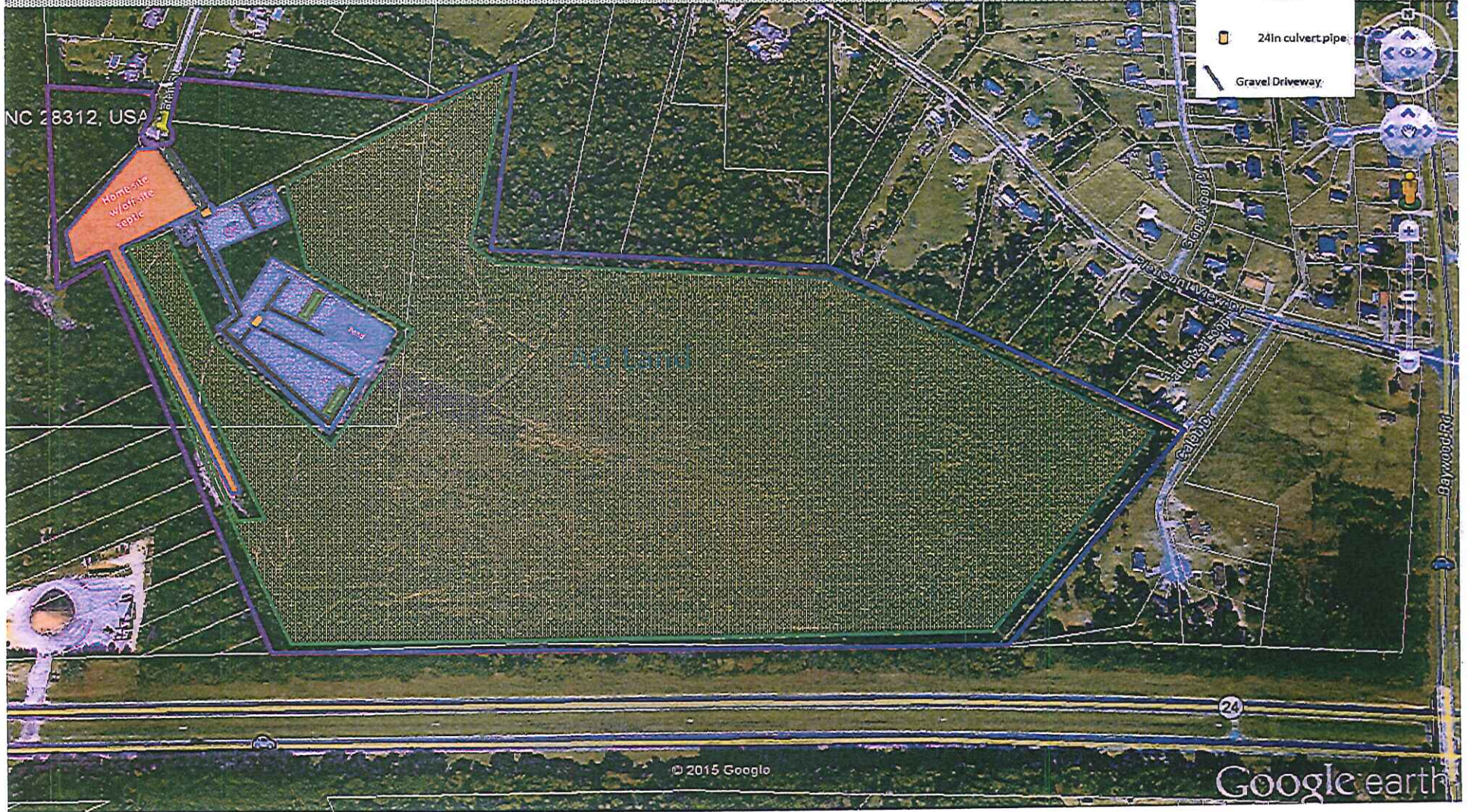
JM

Erosion and Sediment Control Plan Map for David & Mary Hampton, 400 Karen Street, Fayetteville, NC 28312

20 May 2015

Legend

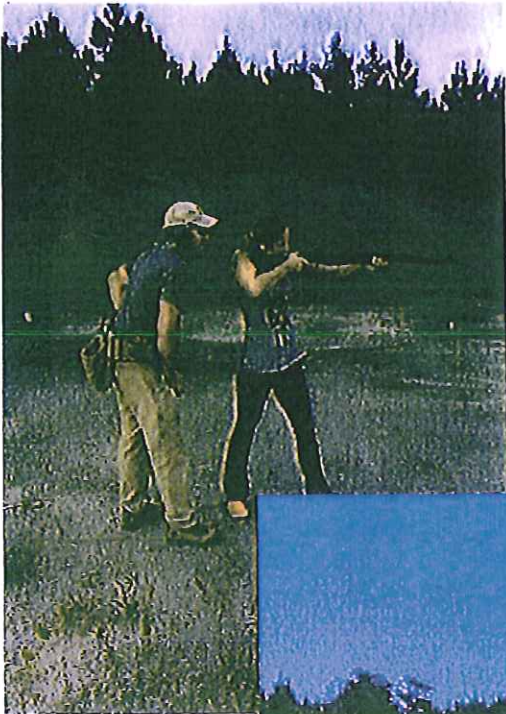
- Property Line
- Dirt Berm
- Pond
- Swale
- 24in culvert pipe
- Gravel Driveway



Close up of private “recreation area”



DAVID & MARY HAMPTON'S FIRING RANGE
400 KAREN STREET



Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Carol M. Post
Office Processing Assistant



CUMBERLAND
COUNTY
NORTH CAROLINA

Planning & Inspections Department

NOTICE OF VIOLATIONS

5/6/2015

George Hatcher,
Inspector

Joey Lewis,
Inspector

Joan Fenley,
Inspector

Debra Johnson,
Inspector

Christopher Fulton,
Inspector

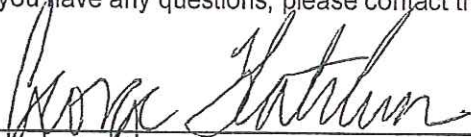
David Hampton & Mary Derette Hampton & Parties of Interest
135 Nantahala Drive
Linden, NC 28356

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

1. Nature of Violation(s): Having a firing range on a property without an approved site plan or permits and without meeting the requirements of the Cumberland County Ordinance. Specifically: An outdoor firing range must be on a lot or contiguous lots of record with a minimum of 200 acres.
2. Code Reference: Cumberland County Zoning Ordinance, Cumberland County, North Carolina, Article I, Administrative Provisions, Section 107, Zoning Permit, Article IV, Permitted, Conditional, and Special Uses, Section 403, Use Matrix, and Article XVII, Legal Provisions, Sections 1703 & 1704, Violations and Penalties. Also, Ordinance Amendment P 11-20, Outdoor Firing Ranges.
3. Action to Correct Violations(s): Remove the firing range from the property
4. Property Location: On or about On lot at end of Karen St, Fayetteville, NC. Being that property as listed under Cumberland County, NC Tax Parcel Number 0467-51-7044
5. Property Owner: David Hampton & Mary Derette Hampton Inspection Date: 5/6/2015

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

DAVID & MARY HAMPTON
135 Nantahala Drive, Linden, NC 28356
910-229-1018/1021

TO: The Board of Adjustment
County of Cumberland
Fayetteville, North Carolina

THRU: Planning & Inspections Department
ATTN: Thomas J. Lloyd, Director.
County of Cumberland
Fayetteville, North Carolina

SUBJECT: Firing Range at 400 Karen Street

May 21, 2015

Members of the Board,

We are requesting the Board recognize our status as a firing range that was in operation prior to June, 2013, allowing us to have other persons use our firing ranges at our property at 400 Karen Street. This use would only be under our direct supervision, for the purpose of teaching others the fundamentals of safe gun handling and marksmanship, and the maintenance of firearms proficiency. These ranges would not be open to the public, but would be operated as private ranges with specific, by appointment-only access. We submit that we were in operation in June, 2012, and began teaching in July, 2012, prior to the ordinance changes regarding firing ranges in June, 2013. For this reason we request your consideration.

We purchased 74.05 acres at 400 Karen Street in October 2011, intending to build our final home, a running trail and firing/archery ranges, encompassing our desire to bring our hobbies and skills to our own recreational area. Our intent was to create a place where our family, friends and those with similar interests could come to maintain or improve their proficiency in a safe and professional environment (*See Tabs 2 & 3, Letter from Gary Futch and email between Gary Futch and David Hampton*).

In the three months we considered purchasing the land at 400 Karen Street (July-September, 2011), I (David) spent a lot of time on the land, with permission of the owner to thoroughly evaluate if it was the right place to build our home and firing ranges. We realized there were at least three other small, personal firing ranges within the neighborhood off of Pleasant View Road, and that gunfire could be regularly heard to the immediate North, East and West of our property, suggesting that firing ranges were not unusual in the area. These factors significantly contributed to our valuation of the property (*See Tab 4, Property Deeds*).

Our choice of location was tailored to our interest in firing range development. The amount of acreage was important as we knew it was more than double the minimum requirements at the time. Further, we established the direction of fire to the South, the opposite direction of any immediate residential areas, and the backstop berms were placed as close to the center of the property as possible, and located in a topographical downslope to best reduce noise pollution.

standards established by the National Rifle Association (NRA) and conferred with two retired U.S. Army Engineers, both of whom had planned and supervised the construction and maintenance of firing ranges on Fort Bragg during their careers. Both the NRA standards and the guidance we received from these engineers exceeded the requirements in the County Ordinances, and became the standards we use in our range construction.

We began clearing land for the ranges in May, 2012, posting no trespassing signs, placing a locking gate at the entrance to the property and hiring a land-clearing company to build our first firing range and berms. The initial range was 25 yards in length and was first used for archery and firearms training by us alone. We purchased a small bulldozer and tractor in July 2012 and continued clearing the land and improving our berms, expanding the range distance to 40 yards and allowing limited use of the range by friends in the Spring of 2013. This was done only under our direct supervision (*See Tab 5, Letter from Robert Dinsmore*).

We conducted limited teaching on our 25-yard range in the summer of 2012, and again in the spring of 2013. I (David) trained Jennifer Hernandez in basic handgun safety and defensive pistol techniques in July, 2012 (*See Tab 6, Letter from Jennifer Hernandez*) and then taught tactical pistol use to Markus Harf in August, 2012 (*See Tab 7, Photographs*). I (David) then went back overseas, working for the U.S. Department of State from September 2012 to February, 2013.

In April 2013, a fellow former Soldier and longtime friend asked us to provide basic firearms instruction to his 21-year old daughter, who was considering enlistment in the U.S. Armed Forces. Over two days, I (David) taught basic pistol, rifle and carbine courses, teaching the safe handling and operation of firearms to a novice (*See Tab 8, Photographs*). That same month, I (David) taught tactical pistol techniques to my neighbor and fellow firearms instructor, Mark Kirby (*See Tab 9, Letter from Mark Kirby*).

Since then, we have continued to develop our firing ranges and prepare to build our new home. We began construction of a 100-yard firing range adjacent to the 25-yard range in the summer of 2014. While the current berms on the 100-yard range comply with County Ordinances, we have limited its use to three closely-regulated firing tests. We did this because we decided that we wanted the backstop berm to be higher prior to putting it into regular use, conforming to our desire to exceed standards on safety.

From the summer of 2013 to present, we have opened our range to specific individuals for training. Not realizing the County Ordinances concerning firing ranges had changed, we have introduced more than 30 people to the safe use of firearms, allowed 25 experienced shooters to increase their proficiency, and qualified another 26 persons for their North Carolina Concealed Carry Handgun Permit. I (David) have become certified as a NRA Range Safety Officer, Basic Pistol Instructor and NC Concealed Carry Handgun Instructor. These certifications are in addition to our instructor ratings in all manner of pistols, rifles and shotguns from our combined 44 years in the U.S. Army, as well as our Army Range Safety Officer certifications.

SUBJECT: Firing Range at 400 Karen Street

May 21, 2015

Prior to several of these events, I (David) personally went door-to-door to speak with my neighbors on Karen Street about our range activities. Not only was no one opposed to our shooting, but two of our neighbors commented that they felt the regular use of the ranges served as a deterrent to potential crime in the area.

We have enclosed affidavits and email traffic from persons that can confirm our intent to establish firing ranges as early as 2011, demonstrating the construction of the initial berm in June 2012, firearms training in July 2012, and photographs displaying the safe range areas developed by us (*See Tab 10, Photographs*). We are able, if required, to provide numerous affidavits and testimonials as to our competence and ability to provide a safe and professional locale to conduct firearms training.

Again, we request that the Board Members recognize our status as a firing range that was in operation prior to June, 2013. This would allow us to resume teaching others on our firing ranges, under the strict conditions we outlined in the first paragraph, as well as any other conditions the Board would require. Our only desire is to provide a safe, responsible source of instruction for others in the use of firearms, and to set an example for others on what a proper location for discharging firearms should look like. We appreciate your consideration of our request, and are ready to respond to any questions or concerns you should have in the process of rendering a decision.

Sincerely,



David Hampton



Mary D. Hampton



Century 21 Patriot
208 Hay Street, Ste. 1-B
Fayetteville, NC 28301
Office 910.485.7800
Fax 910.485.7780



April 19, 2015

To: Chairperson and Members of the Board of Adjustment
 County of Cumberland
 Fayetteville, North Carolina

Members of the Board,

I am the Real Estate Agent that helped David and Mary Hampton locate and purchase their land at 400 Karen Street.

I met Dave by chance in June of 2011, when he asked me to assist him locating land for building a home and shooting ranges. I have attached the email Dave sent me on June 13th 2011, which describes his requirements and intent for Land in the Fayetteville Area.

The Hamptons made it clear to me from the outset that they have always planned to build ranges, so they could teach the use of firearms to others, and provide a place where their friends could shoot in a safe and professional environment.

Interestingly, after purchasing the land, Dave took me to Range 37 PSR in Bunnlevel to teach me how to use a rifle I had recently bought. Dave has a strong passion for teaching, so I was thrilled when he agreed to teach me basic and advanced shooting as well as the care and maintenance of my rifle. Dave chose to take me to Bunnlevel, Even though the Hamptons were constructing their own ranges, Dave would not shoot, nor allow anyone else to shoot on his property until he was sure his ranges were completed and safe

I welcome any questions you may have, please feel free to contact me at any time.

 5-19-15

Thank You,

GARY FUTCH, JR.
 CENTURY 21 Patriot
 208 HAY STREET
 FAYETTEVILLE, NC 28301
 Mobile: (910) 322-1496



North Carolina

Cumberland County

I Frances Wiltcher, a Notary Public for Cumberland County,
North Carolina, do hereby certify that Gary
Fitch personally appeared before me this day and
acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 19 day of
May 2015.



Frances Wiltcher
Frances Wiltcher, Notary Public

My Commission expires March 25, 2017



Gary Futch <futch65@gmail.com>

Land North of Fayetteville

1 message

David <manchudoc@aol.com>

Mon, Jun 13, 2011 at 11:59 PM

To: NcRealtor@usa.com

Gary-

Thanks for giving me your card at Last Call's last weekend, hoping you can help me find what I'm looking for. My preferences are:

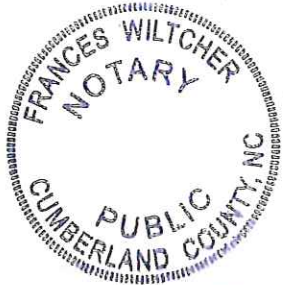
- 20-40 acres (although I will look at slightly smaller/larger if the layout is good)
- With/without a house (But no houses smaller than 2700 square feet)
- Outbuildings on the property are okay (barns, stables, etc)

I'm looking at any large tracts off US 401, North of Fayetteville and as far West as Sanford, with anything in between. I was hoping there was something butting up against Raven Rock State Park, but so far I've come up short.

- I don't want:
- Gated communities
 - Horse communities (the gunfire is always a problem)

My intent is to build a 500-yard shooting range on the property, and a house if there isn't one already. That's why the layout of the parcel is so important. Whenever I find lots to look at, I always want to see a property map with dimensions (to check the layout), and I always go to the property to walk it, with the owner's permission. I'm willing to take my time to find what I want, but once I find it, I won't hesitate to make a bid. Thanks again for your help, you can reach me day or night at this email address or at 910-229-1018. Next time I see you at Last Call's, the first round is on me.

ATW,
-Dave Hampton



[Handwritten signature]
5-19-15

North Carolina

Cumberland County

I Frances Wiltcher, a Notary Public for Cumberland County,
North Carolina, do hereby certify that Gary
Futch personally appeared before me this day and
acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 19 day of
May, 2015.



Frances Wiltcher
Frances Wiltcher, Notary Public

My Commission expires March 25, 2017

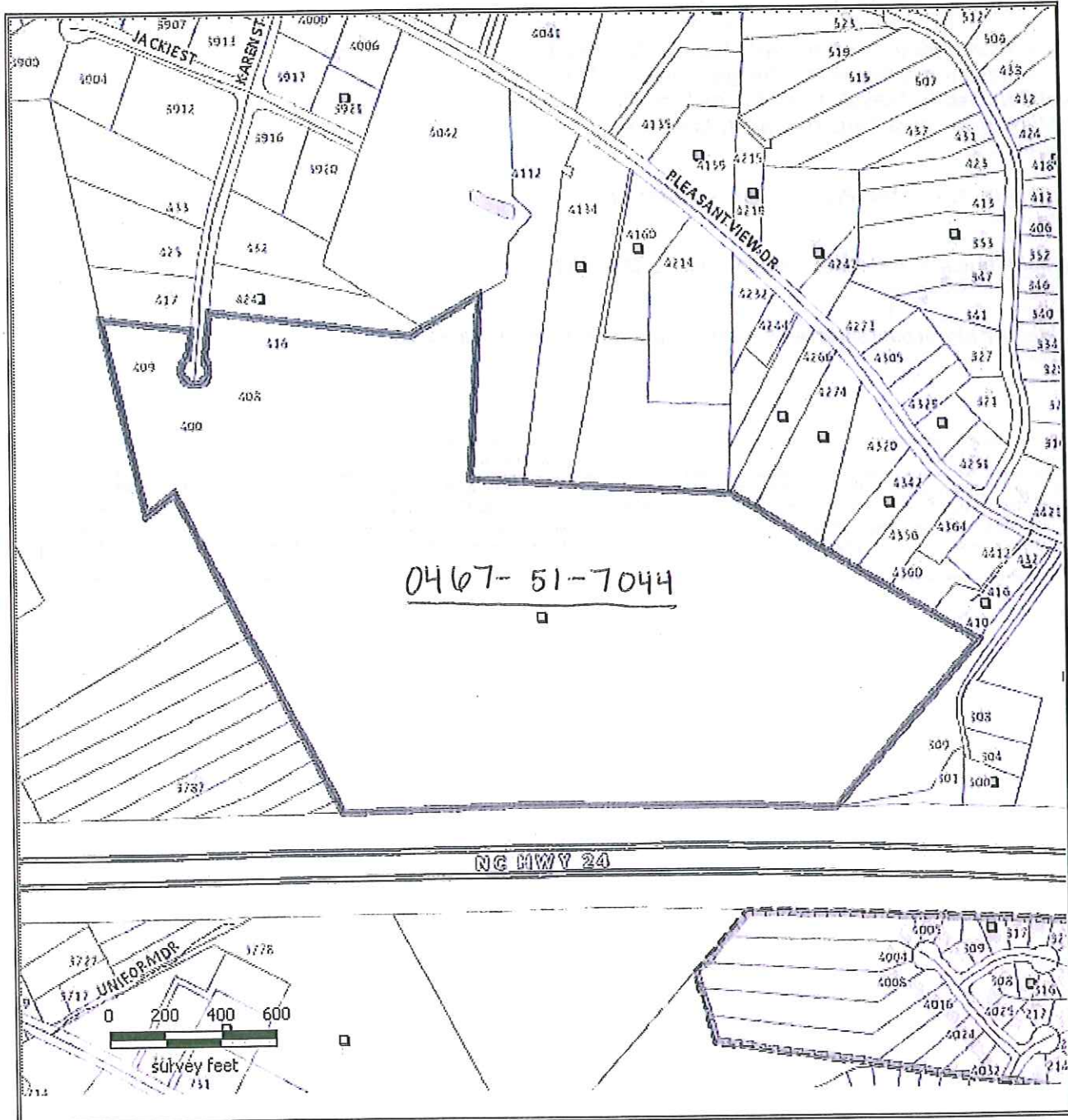


Cumberland County Planning Department

Fayetteville, North Carolina



Created by Public on Friday, 12 June 2015



Map Zoom: 3740 survey ft
Map Scale: 1:6,382

Info Results

Table: Parcel Details [Count: 1, Base: 1]

Pin	Owner Name	Owner Address	Deed Book	Deed Page	Plat Book	Plat Page	Subdivision and Lot	Total Assessment	Total Assessed Land Value	Total Assessed Build. Value	Lot Frontage	Lot Depth	Calculated Acres	Deed Acreage
0467-51-7044-	HAMPTON, DAVID & WIFE	135 NANTAHALA DR LINDEN NC 28356	08730	00046				\$47275	\$47275	\$0	0 ft.	0 ft.	72.97	64.44

Table: Zoning Info [Count: 1, Base: 1]

Case #	Zone Class	Conditional Use	Pin	Owner Name	Disclaimer
	RR		0467-51-7044-	HAMPTON, DAVID & WIFE	Call (910)678-7603 to Verify Zoning Classification

Table: Hyperlink to Assessor Data [Count: 1, Base: 1]

Table: Register of Deeds Plat Image [Count: 1, Base: 1]

Table: Register of Deeds Deed Image [Count: 1, Base: 1]

Table: Virtual Maps Page [Count: 1, Base: 1]

Centered On...
0467-51-7044-

Table: 2030 Land Use Plan [Count: 1, Base: 1]

2030 Land Use
Urban Fringe Area

Table: Municipal Influence Area [Count: 1, Base: 1]

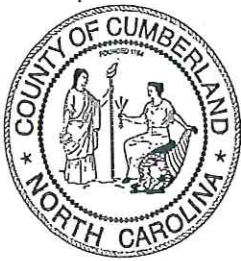
Municipal or Farmland Area
Fayetteville

Table: Within Urban Services Area or Farmland [Count: 1, Base: 1]

Area Name
urban area

About This Map	Disclaimer
This map has been created for the purpose of showing Planning Information in Cumberland County. Any error should be reported to the Cumberland County Joint Planning Dept. at www.co.cumberland.nc.us/plng/staff.html .	This map is a representation of the information currently held by Cumberland County. While every effort has been made to ensure the accuracy of the product, Cumberland County accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated.

THIS CERTIFICATION STATEMENT MUST REMAIN WITH THE ATTACHED COPY IN ORDER FOR IT TO BE CONSIDERED A LEGAL DOCUMENT



COUNTY of CUMBERLAND

Office of the Register of Deeds

J. Lee Warren, Jr.

Register of Deeds

State of North Carolina
County of Cumberland

I do hereby certify this to be a true copy of the attached document filed and recorded in the aforesaid county as evidenced in Instrument

Book No. 8730 Page No. 46 and ends with Page No. 48

Witness my hand and seal this 1 day of June, 2015.

J. LEE WARREN, JR.

Deane Jarrett
DEPUTY/ASSISTANT/REGISTER OF DEEDS

P.O. Box 2039, Room 114, First Floor, Courthouse, Fayetteville, N.C. 28302-2039

Phone: 910-678-7775 Fax 910-323-1456 Email: getdeeds@infonline.net Website: www.ccrd.org

8730
0046

8K08730 PG0046

FILED
CUMBERLAND COUNTY NC
J. LEE WARREN, JR.
REGISTER OF DEEDS

FILED Sep 27, 2011
AT 04:29:00 pm
BOOK 08730
START PAGE 0046
END PAGE 0048
INSTRUMENT # 31503
RECORDING \$25.00
EXCISE TAX \$180.00

KSJ

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax \$ 180.00

LDN File #11RE-23519R

Tax Lot No. _____

Parcel Identifier No. 0467-51-7044

Verified by _____ County on the _____ day of _____, 20____

Prepared by/Return to: Richard M. Lewis Jr. , P.O. Drawer 1358, Fayetteville, NC 28302

Brief Description for the Index: 64.44 Acs Eure Property

THIS DEED made this 26 day of September, 2011 by and between:

GRANTOR	GRANTEE
New Homes, Inc. 1220 Fort Bragg Road, Ste 204 Fayetteville, NC 28303	DAVID HAMPTON and wife, MARY DERETTE HAMPTON Mailing Address: 135 Nantahala Drive Linden, NC 28356

enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g., corporation or partnership

The property conveyed herein is the primary residence of the Grantor.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in or near the City of Spring Lake, Anderson Creek Township, Harnett County, North Carolina and more particularly described as follows:

See Exhibit A attached hereto and incorporated herein as if fully set out herein.

The property hereinabove described was acquired by instrument recorded in Book 8626, Page 624, Cumberland County, North Carolina, Registry.

A map showing the above described property is recorded in Plat Book 73, Page 59, Cumberland County, North Carolina Registry.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

Restrictive covenants, utility easements, permits, and rights of way as the same may appear of record in the Harnett County, North Carolina Registry.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, effective the day and year first above written.

NEW HOMES, INC.

BY:



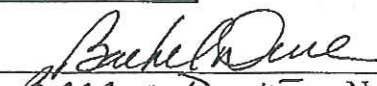
[SEAL]

David Allen, President

STATE OF North Carolina; COUNTY OF Cumberland

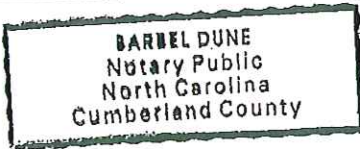
I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: DAVID ALLEN

Date: 9-26-2011



BARBEL DUNE, Notary Public

(NOTARY SEAL)



My Commission Expires: 9-14-2013

(N.P. SEAL)

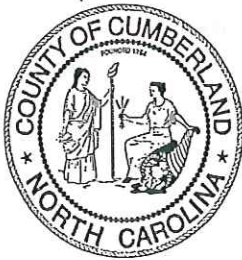
EXHIBIT A
Property Description

The following described property is located to the immediate north of NC HWY 24, between Interstate 95 and Baywood Road, and is described more particularly as follows: BEGINNING at an existing concrete monument located at the common corner of the described tract and that 0.25 acre tract owned by NCDOT and described in that deed recorded in Book 2562, at Page 342, Cumberland County Registry, NC, with said common corner being located within the right of way of NC HWY 24, and RUNNING THENCE in a northerly direction with the common line shared with said 0.25 acre tract referenced above North 21 Deg. 19 Min. 02 Sec. West for 518.55 feet to an existing iron stake; thence North 23 Deg. 33 Min. 16 Sec. West for 321.96 feet to a set point; thence North 23 Deg. 38 Min. 45 Sec. West for 422.74 feet to an existing concrete monument located in the southernmost line of Lot 5 as shown on Plat Book 73 at Page 59, aforesaid Registry and State; thence North 61 Deg. 40 Min. 00 Sec. East for 1,287.00 feet to an existing concrete monument; thence in a southwardly direction along and with the line of William H. Fackler (See Plat Book 62 at Page 36, aforesaid Registry) South 07 Deg. 25 Min. 00 Sec. West for 660 feet to an existing concrete monument; thence in an eastwardly direction along and with the southernmost lines of William H. Fackler and then Candace Jo Carter South 82 Deg. 50 Min. 00 Sec. East for 923.50 feet to an existing concrete marker, this point being the common corner of intersection of the Candace Jo Carter lands (See Plat Book 83 at 86) , the Dennis J. Byrd lands (See Plat Book 81 at Page 15) and the property herein described; thence along and with the line of Dennis J. Byrd South 55 Deg. 20 Min. 00 Sec. East for 1,023.50 feet to an existing concrete monument; thence South 46 Deg. 20 Min. 00 Sec. West for 612.60 feet to an existing concrete monument, with said monument being located within the northern right of way of NC HWY 24; thence along and with said right of way of NC HWY 24 North 86 Deg. 21 Min. 42 Sec. West for 1,768.98 feet to the POINT and PLACE of BEGINNING; and containing 64.44 acres, more or less, and being a portion of that property described in that deed to R.E. Cole recorded in Book 621, at Page 282, Cumberland County Registry, State of North Carolina.

PIN: 0467-51-7044-

Title Insurance: Investors Title Insurance Company

THIS CERTIFICATION STATEMENT MUST REMAIN WITH THE ATTACHED
COPY IN ORDER FOR IT TO BE CONSIDERED A LEGAL DOCUMENT



COUNTY *of* CUMBERLAND

Office of the Register of Deeds

J. Lee Warren, Jr.

Register of Deeds

State of North Carolina
County of Cumberland

I do hereby certify this to be a true copy of the attached document filed and recorded in the aforesaid county
as evidenced in Instrument

Book No. 8730 Page No. 46 and ends with Page No. 48

Witness my hand and seal this 1 day of June, 2015.

J. LEE WARREN, JR.


DEPUTY/ASSISTANT REGISTER OF DEEDS

P.O. Box 2039, Room 114, First Floor, Courthouse, Fayetteville, N.C. 28302-2039

Phone: 910-678-7775 Fax 910-323-1456 Email: getdeeds@infionline.net Website: www.ccrd.org

8730
0046

8K08730 PG0046

FILED
CUMBERLAND COUNTY NC
J. LEE WARREN, JR.
REGISTER OF DEEDS
FILED Sep 27, 2011
AT 04:29:00 pm
BOOK 08730
START PAGE 0046
END PAGE 0048
INSTRUMENT # 31503
RECORDING \$25.00
EXCISE TAX \$180.00

KSJ

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax \$ 180.00

LDN File #11RE-23519R

Tax Lot No. _____

Parcel Identifier No. 0467-51-7044

Verified by _____ County on the _____ day of _____, 20____

by _____

Prepared by/Return to: Richard M. Lewis Jr., P.O. Drawer 1358, Fayetteville, NC 28302

Brief Description for the Index: 64.44 Acs Eure Property

THIS DEED made this 26 day of September, 2011 by and between:

GRANTOR	GRANTEE
New Homes, Inc. 1220 Fort Bragg Road, Ste 204 Fayetteville, NC 28303	DAVID HAMPTON and wife, MARY DERETTE HAMPTON Mailing Address: 135 Nantahala Drive Linden, NC 28356

enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g., corporation or partnership

The property conveyed herein is the primary residence of the Grantor.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in or near the City of Spring Lake, Anderson Creek Township, Harnett County, North Carolina and more particularly described as follows:

See Exhibit A attached hereto and incorporated herein as if fully set out herein.

The property hereinabove described was acquired by instrument recorded in Book 8626, Page 624, Cumberland County, North Carolina, Registry.

A map showing the above described property is recorded in Plat Book 73, Page 59, Cumberland County, North Carolina Registry.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

Restrictive covenants, utility easements, permits, and rights of way as the same may appear of record in the Harnett County, North Carolina Registry.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, effective the day and year first above written.

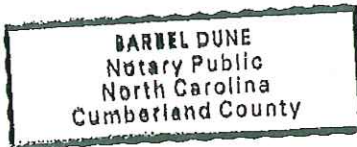
NEW HOMES, INC.
BY: [Signature] [SEAL]
David Allen, President

STATE OF North Carolina; COUNTY OF Cumberland

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: DAVID ALLEN

Date: 9-26-2011

(NOTARY SEAL)



[Signature]
BARBEL DUNE, Notary Public

My Commission Expires: 9-14-2013

(N.P. SEAL)

EXHIBIT A
Property Description

The following described property is located to the immediate north of NC HWY 24, between Interstate 95 and Baywood Road, and is described more particularly as follows: BEGINNING at an existing concrete monument located at the common corner of the described tract and that 0.25 acre tract owned by NCDOT and described in that deed recorded in Book 2562, at Page 342, Cumberland County Registry, NC, with said common corner being located within the right of way of NC HWY 24, and RUNNING THENCE in a northerly direction with the common line shared with said 0.25 acre tract referenced above North 21 Deg. 19 Min. 02 Sec. West for 518.55 feet to an existing iron stake; thence North 23 Deg. 33 Min. 16 Sec. West for 321.96 feet to a set point; thence North 23 Deg. 38 Min. 45 Sec. West for 422.74 feet to an existing concrete monument located in the southernmost line of Lot 5 as shown on Plat Book 73 at Page 59, aforesaid Registry and State; thence North 61 Deg. 40 Min. 00 Sec. East for 1,287.00 feet to an existing concrete monument; thence in a southwardly direction along and with the line of William H. Fackler (See Plat Book 62 at Page 36, aforesaid Registry) South 07 Deg. 25 Min. 00 Sec. West for 660 feet to an existing concrete monument; thence in an eastwardly direction along and with the southernmost lines of William H. Fackler and then Candace Jo Carter South 82 Deg. 50 Min. 00 Sec. East for 923.50 feet to an existing concrete marker, this point being the common corner of intersection of the Candace Jo Carter lands (See Plat Book 83 at 86) , the Dennis J. Byrd lands (See Plat Book 81 at Page 15) and the property herein described; thence along and with the line of Dennis J. Byrd South 55 Deg. 20 Min. 00 Sec. East for 1,023.50 feet to an existing concrete monument; thence South 46 Deg. 20 Min. 00 Sec. West for 612.60 feet to an existing concrete monument, with said monument being located within the northern right of way of NC HWY 24; thence along and with said right of way of NC HWY 24 North 86 Deg. 21 Min. 42 Sec. West for 1,768.98 feet to the POINT and PLACE of BEGINNING; and containing 64.44 acres, more or less, and being a portion of that property described in that deed to R.E. Cole recorded in Book 621, at Page 282, Cumberland County Registry, State of North Carolina.

PIN: 0467-51-7044-

Title Insurance: Investors Title Insurance Company

THIS CERTIFICATION STATEMENT MUST REMAIN WITH THE ATTACHED
COPY IN ORDER FOR IT TO BE CONSIDERED A LEGAL DOCUMENT



COUNTY *of* CUMBERLAND

Office of the Register of Deeds

J. Lee Warren, Jr.

Register of Deeds

State of North Carolina
County of Cumberland

I do hereby certify this to be a true copy of the attached document filed and recorded in the aforesaid county
as evidenced in Instrument

Book No. 8730 Page No. 49 and ends with Page No. 50

Witness my hand and seal this 22 day of May, 20 15.

J. LEE WARREN, JR.

Lee A. Freeman

DEPUTY/ASSISTANT/REGISTER OF DEEDS

P.O. Box 2039, Room 114, First Floor, Courthouse, Fayetteville, N.C. 28302-2039

Phone: 910-678-7775 Fax 910-323-1456 Email: getdeeds@infionline.net Website: www.ccrod.org

8730
049

08730 PG0049

FILED
 CUMBERLAND COUNTY NC
 J. LEE WARREN, JR.
 REGISTER OF DEEDS

FILED Sep 27, 2011
 AT 04:30:00 pm
 BOOK 08730
 START PAGE 0049
 END PAGE 0050
 INSTRUMENT # 31504
 RECORDING \$22.00
 EXCISE TAX \$20.00
 RT

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax \$ 20.00

LDN File #11RE-23520R

Tax Lot No. _____

Parcel Identifier No. 0467-42-8070 (L3);

0467-41-7863 (L4); 0467-41-4676 (L5); 0467-41-3941 (L6)

Verified by _____ County on the ____ day of _____, 20____
by _____

Prepared by/Return to: Richard M. Lewis Jr. , P.O. Drawer 1358, Fayetteville, NC 28302

Brief Description for the Index: Lots 3,4,5 & 6 The Woods of Eastover

THIS DEED made this ____ day of September, 2011 by and between:

GRANTOR	GRANTEE
New Homes, Inc. 1220 Fort Bragg Road, Ste 204 Fayetteville, NC 28303	DAVID HAMPTON and wife, MARY DERETTE HAMPTON Mailing Address: 135 Nantahala Drive Linden, NC 28356

enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g., corporation or partnership

The property conveyed herein is the primary residence of the Grantor.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in or near the City of Spring Lake, Anderson Creek Township, Harnett County, North Carolina and more particularly described as follows:

BEING all of Lots 3, 4, 5 & 6 in a subdivision known as "THE WOODS OF EASTOVER" according to a plat of the same duly recorded in Plat Book 73, Page 59, Cumberland County Registry, North Carolina.

The property hereinabove described was acquired by instrument recorded in Book 8625, Page 0004, Cumberland County, North Carolina, Registry.

A map showing the above described property is recorded in Plat Book 73, Page 59, Cumberland County, North Carolina Registry.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

Restrictive covenants, utility easements, permits, and rights of way as the same may appear of record in the Harnett County, North Carolina Registry.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, effective the day and year first above written.

NEW HOMES, INC.
BY: [Signature] [SEAL]
David Allen, President

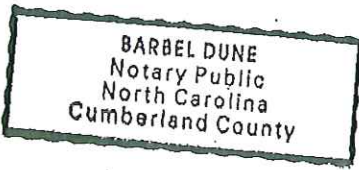
STATE OF North Carolina, COUNTY OF Cumberland

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: David Allen

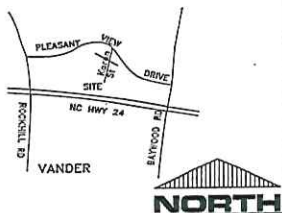
Date: 9-26-2011

[Signature]
Barbel Dune, Notary Public

(NOTARY SEAL) (N.P. SEAL)



My Commission Expires: 9-4-2013



CERTIFICATION OF SURVEY
 I, Thomas J. Gooden, certify that this plat was drawn under my supervision from an actual survey made under my supervision (see description recorded in Book 8730, page 49) that the boundaries set surveyed are closely indicated as drawn from information found in Book 73, page 59, that the ratio of precision as calculated is 1:5,000; that this plat was prepared in accordance with G.S. 47-20 as amended. Witness my original signature, expiration number and seal this 11 day of September, A.D., 2014.

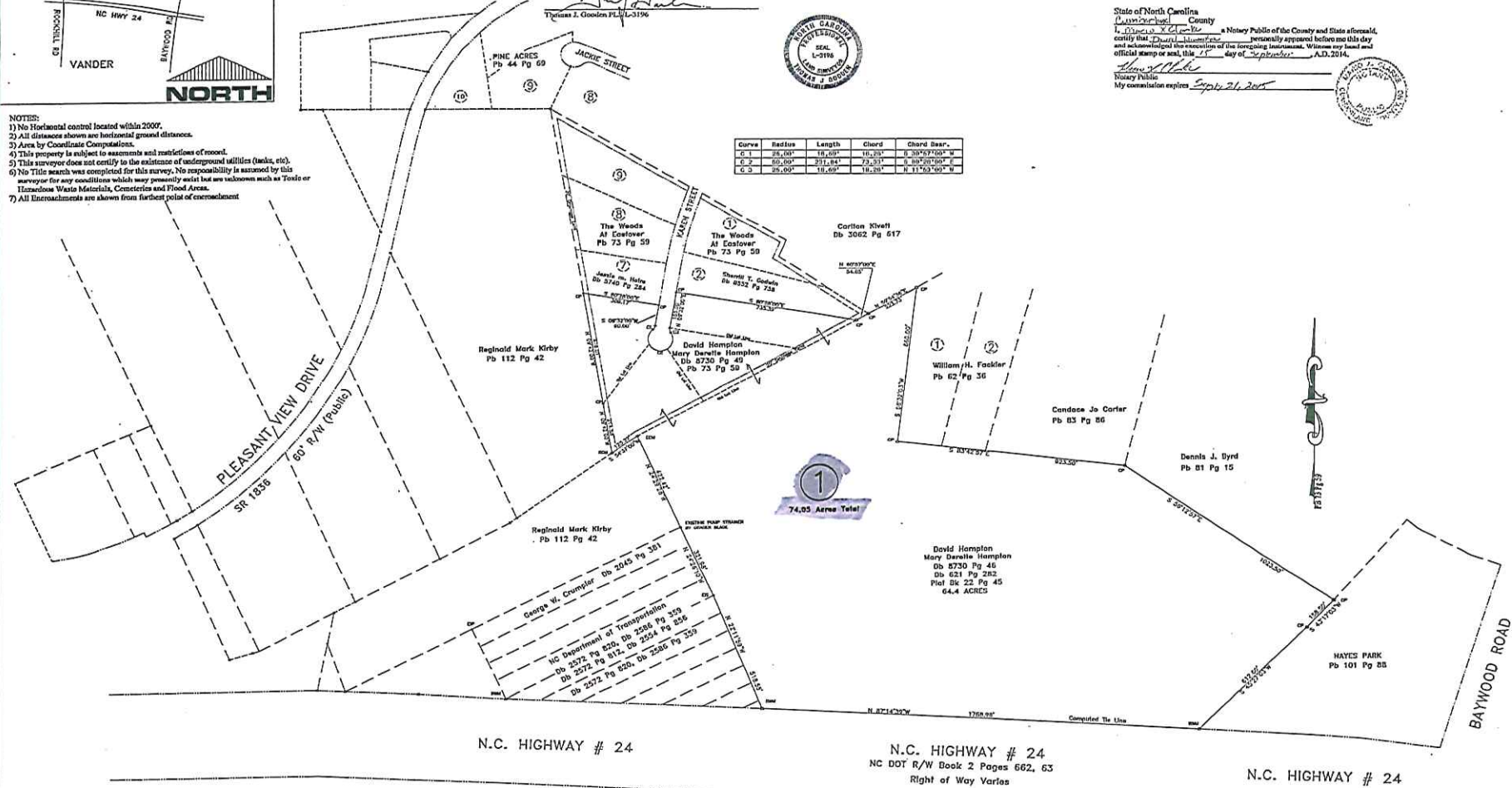
I, Thomas J. Gooden, certify that this survey is of another category, such as the recombination of existing parcels, a court ordered survey, or other exception to the definition of subdivision.

CERTIFICATE OF OWNERSHIP AND DEDICATION
 The undersigned hereby acknowledges that the land shown on this plat is within the subdivision jurisdiction of the Cumberland County, that this plat and allotment is not for sale and that we do hereby dedicate as easements forever all areas so shown or indicated on said plat.

State of North Carolina
 Cumberland County
 I, Thomas J. Gooden, a Notary Public of the County and State aforesaid, certify that Thomas J. Gooden personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 11 day of September, A.D., 2014.

Curve	Radius	Length	Chord	Chord Bear.
C-1	25.00'	16.99'	16.99'	S 30° 57' 00" W
C-2	60.00'	231.84'	73.53'	S 80° 30' 00" E
C-3	25.00'	16.99'	16.99'	N 11° 53' 00" W

- NOTES:**
- 1) No Horizontal control located within 2000'.
 - 2) All distances shown are horizontal ground distances.
 - 3) Area by Coordinate Computations.
 - 4) This property is subject to easements and restrictions of record.
 - 5) This surveyor does not certify to the existence of underground utilities (sewer, etc).
 - 6) No Title search was completed for this survey. No responsibility is assumed by this surveyor for any conditions which may presently exist but are unknown such as Toxic or Hazardous Waste Materials, Cements and Flood Areas.
 - 7) All Easements are shown from furthest point of encroachment.



State of North Carolina
 County of Cumberland
 I, Thomas J. Gooden, Notary Public of the County and State aforesaid, hereby certify that this map or plat to which this certificate is affixed meets all statutory requirements for recording.

- LEGEND:**
- Property Line
 - Other Lot Lines
 - Easement Line
 - ISS (Iron Stake Set)
 - ERB (Existing Iron Rebar)
 - EIP (Existing Iron Pipe)
 - ECM (Existing Concrete Monument)
- Good Reference**
 Db 8730 Pg 49
 Db 8730 Pg 49
 Plat Book 73 Page 59
 Plat Book 22 Page 45
 Tax ID # 0467-01-7044
 Tax ID # 0467-42-0070
 Tax ID # 0467-41-7053
 Tax ID # 0467-41-4676
 Tax ID # 0467-41-3941

NOTE: This plat was prepared from recorded deed and maps as shown. Not from a physical survey at this time.

Plat Bk 22 Pg 45



FILED Sep 16, 2014 03:28:00 PM FILED
 BOOK 00154 CUMBERLAND COUNTY NC
 PAGE 016 WHO 0160 J. LEE WARDEN, JR. RECORDER
 INSTRUMENT # 28210 REGISTER OF DEEDS
 RECORDING \$21.00 OF DEEDS
 EXCISE TAX (None) 00



drawn by T.J.G.
 checked T.J.G.
 reviewed T.J.G.

Sept. 15, 2014

COMPOSITE AND RECOMBINATION PLAT FOR
DAVID HAMPTON
 NEAR VANDER CUMBERLAND COUNTY
 EASTOVER TOWNSHIP
 NORTH CAROLINA
 SEPTEMBER 11, 2014
 SCALE 1" = 200'

115 Broadfoot Ave.
 P.O. Box 53774
 Fayetteville, N.C., 28305
 Phone 910-484-5191
 License #: F-0106



scale 1" = 200'
 SHEET 1

Robert M. Dinsmore
5410 Maryland Drive
Fayetteville, NC 28311
(931) 644-7673

To: Chairperson and Members of the Board of Adjustment
County of Cumberland
Fayetteville, North Carolina

May 19, 2015

To All Concerned,

I am writing in support of the firing ranges constructed by David and Mary Hampton on their property at 400 Karen Street.

I have known Dave since he returned to North Carolina in the late spring of 2011, and met Mary when she followed the next year. I remember learning in early 2012, that the Hamptons had purchased the land on Karen Street with the intent of building their final home and firing ranges, to continue their own work with firearms as well as provide a place where Dave and Mary could teach family, friends and formal students in the effective and safe use of firearms. They built their first range in the spring of 2012, and began teaching shortly after. The Hamptons purchased a bulldozer and tractor from me in July of 2012 to use in the expansion and improvement of the range berms, shipping them from my father's farm in Tennessee. I have been involved in this project ever since.

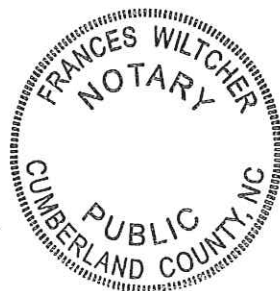
Safety has always been the Hampton's primary concern in building these ranges. From the outset, both of them have spent an inordinate amount of time and effort to establish a site where both novices and professionals could safely train. I have witnessed the Hamptons repeatedly refuse multiple requests from people to shoot on their property before the berms met their high standards. In fact, only the 25-yard range is currently in use. While the backstop berm on the 100-yard range is high and solid, Dave and Mary decided long ago to increase the height and depth prior to putting it into operation. Their reasoning; to eliminate any possibility of mishap by establishing berms comparable to those used on the Army ranges they have spent their lives using. Equally important, both have forbidden any firing on their property unless they are physically present on the range, and have emplaced a gate and posted no trespassing signs until their home is completed.

I thank you for your time; please contact me if you have any questions.

Sincerely,



Robert M. Dinsmore



North Carolina

Cumberland County

I Frances Wiltcher, a Notary Public for Cumberland County,
North Carolina, do hereby certify that Robert M.
Dinsmore personally appeared before me this day and
acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 19 day of
May 2015.



Frances Wiltcher

Frances Wiltcher, Notary Public

My Commission expires March 25, 2017

Ms. Jennifer L. Hernandez
5803 Rainsford Drive
Fayetteville, NC 28311
(910) 922-0728

To: Chairperson and Members of the Cumberland County Board of Adjustment
Fayetteville, North Carolina

June 4, 2015

Members of the Board,

As a person that has been trained in firearms use by David Hampton at his range on 400 Karen Street on multiple occasions since its inception in 2012, I want the board to be aware of how long the range has been in place.

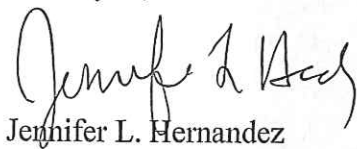
Dave began teaching me firearms proficiency in the summer of 2011, at a local range where he had a membership. As I became a shooting enthusiast, I also took part in some of the range construction on his land at 400 Karen Street in the spring of 2012, when Dave and I experimented with different backstop techniques on his 25-yard range.

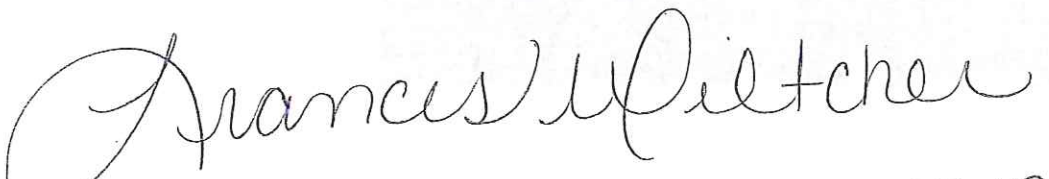
I trained on his range for the first time in July, 2012. Specifically, Dave was teaching me defensive handgun methods. Since then, I trained with Dave using handguns, rifles and carbines on multiple occasions in the summer and fall of 2012 and the spring of 2013.

Up until the County Code Enforcement Inspector told the Hamptons they were in violation of County Ordinances, I was a regular attendee at their range. I participated in firearms training repeatedly from the summer of 2013 to the spring of 2015. In fact, Mary Hampton was instructing me in the use of shotguns one week before their notification from the County.

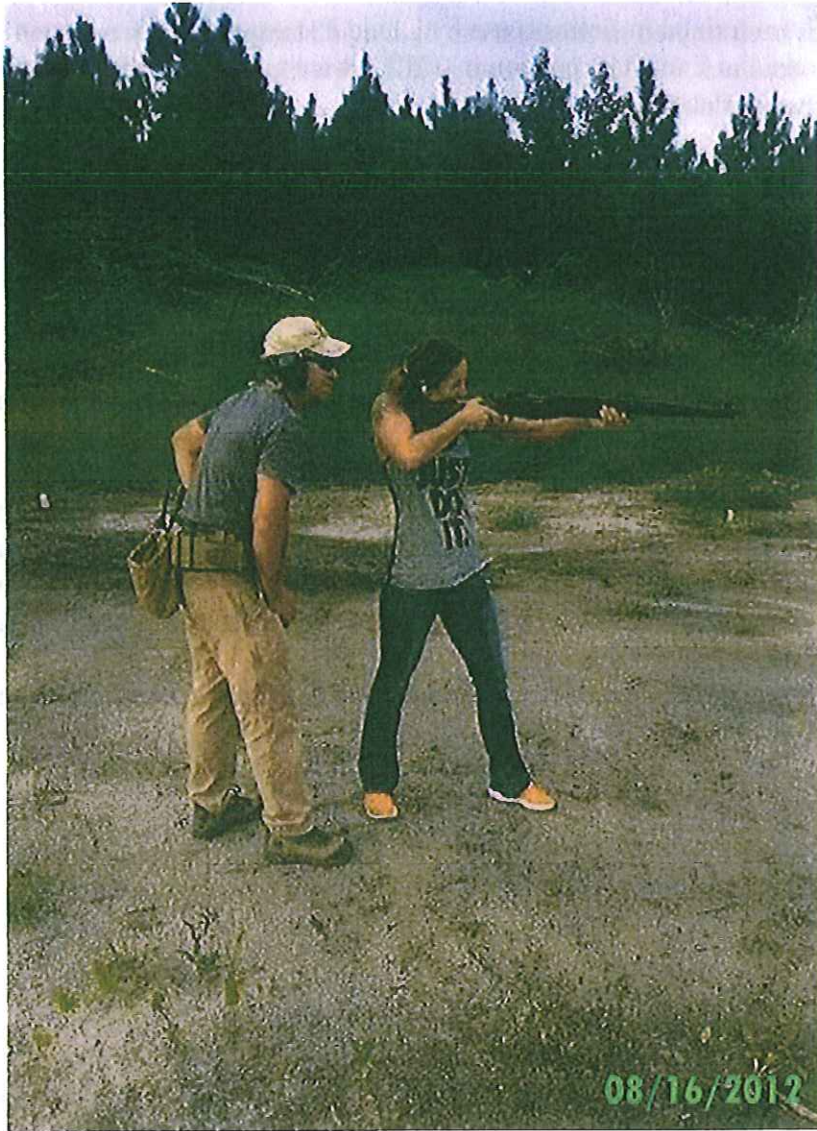
Please contact me if you have any questions, I intend to be in attendance with Dave and Mary at your meeting to go on the record.

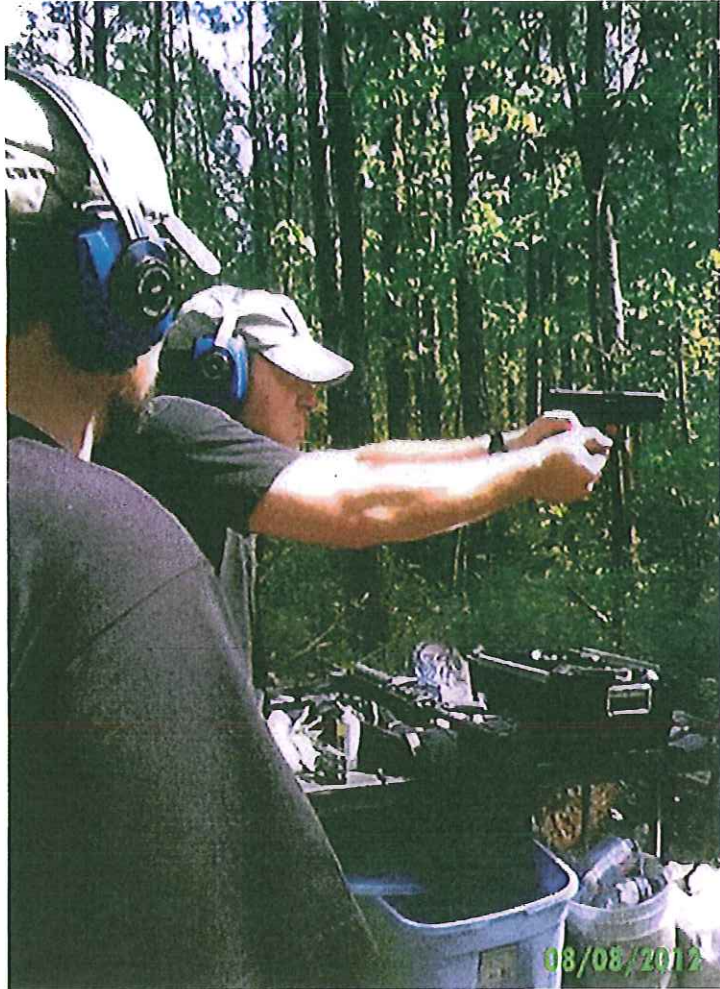
Thank you,


Jennifer L. Hernandez


Notary comm. exp. 03-25-17









MARK KIRBY

3802 Pleasant View Drive

Fayetteville, NC 28312

(910) 818-1114

June 2, 2015

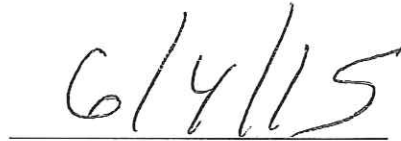
To Whom It May Concern:

This letter is to inform you that I received tactical shooting techniques by Dave Hampton at his firing range back in April of 2013.

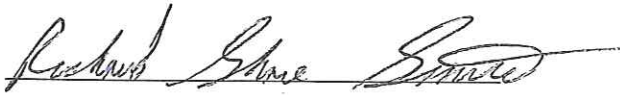
If you have any questions, please give me a call at the number above.



Mark Kirby



Date



Witness/Notary



Date

my Commission Expires 6/14/19

Cumberland County

NC

25-Yard Range

- 8' Tall
- 5' Wide at Top
- 12' Wide at Base



25-Yard Range

- Firing Line Stations
- Benches
- Target Shed



100-Yard Range

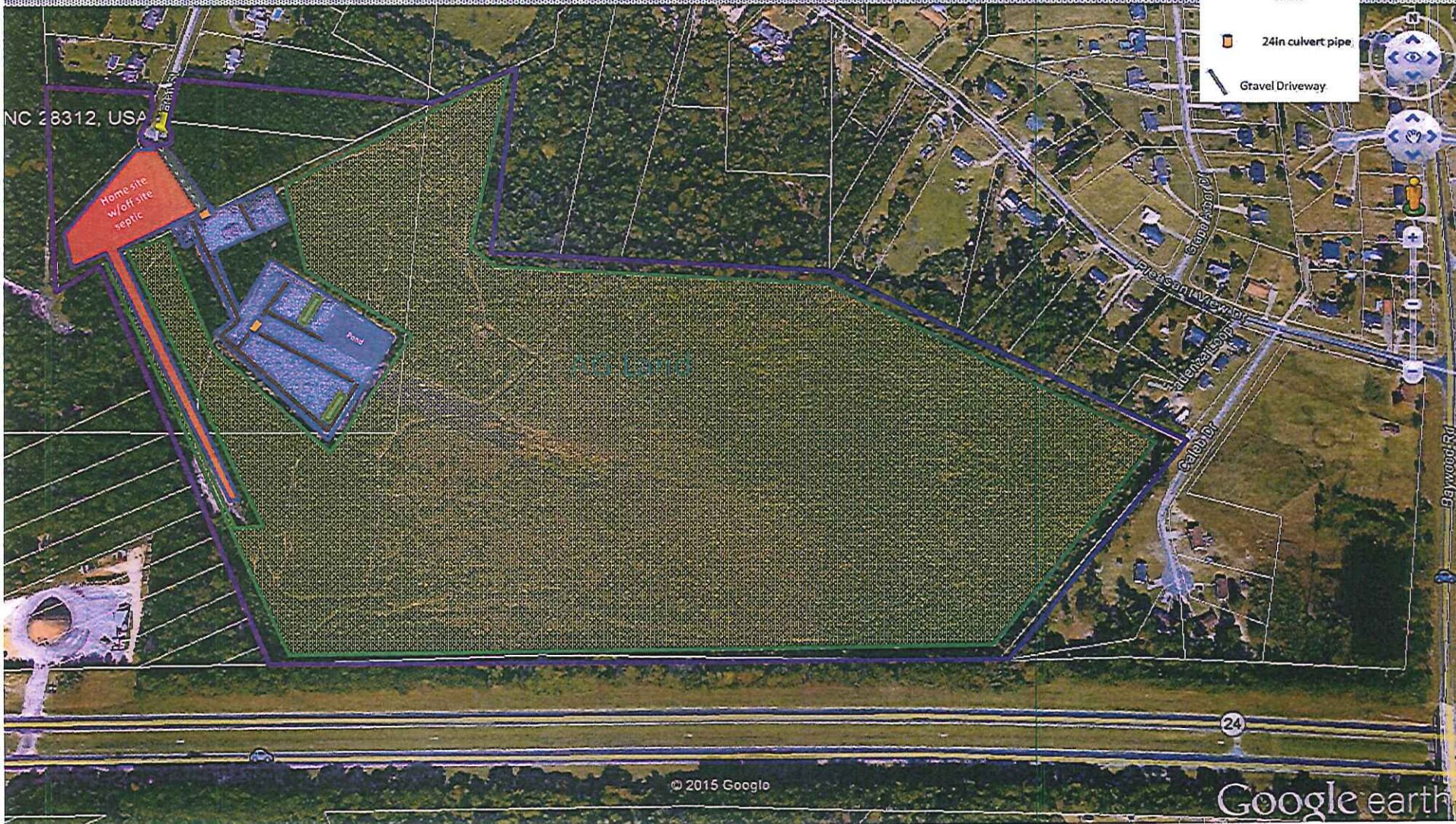
- 12' Tall
- 9' Wide at Top
- 20' Wide at Base



Erosion and Sediment Control Plan Map for David & Mary Hampton. 400 Karen Street, Fayetteville, NC 28312

20 May 2015

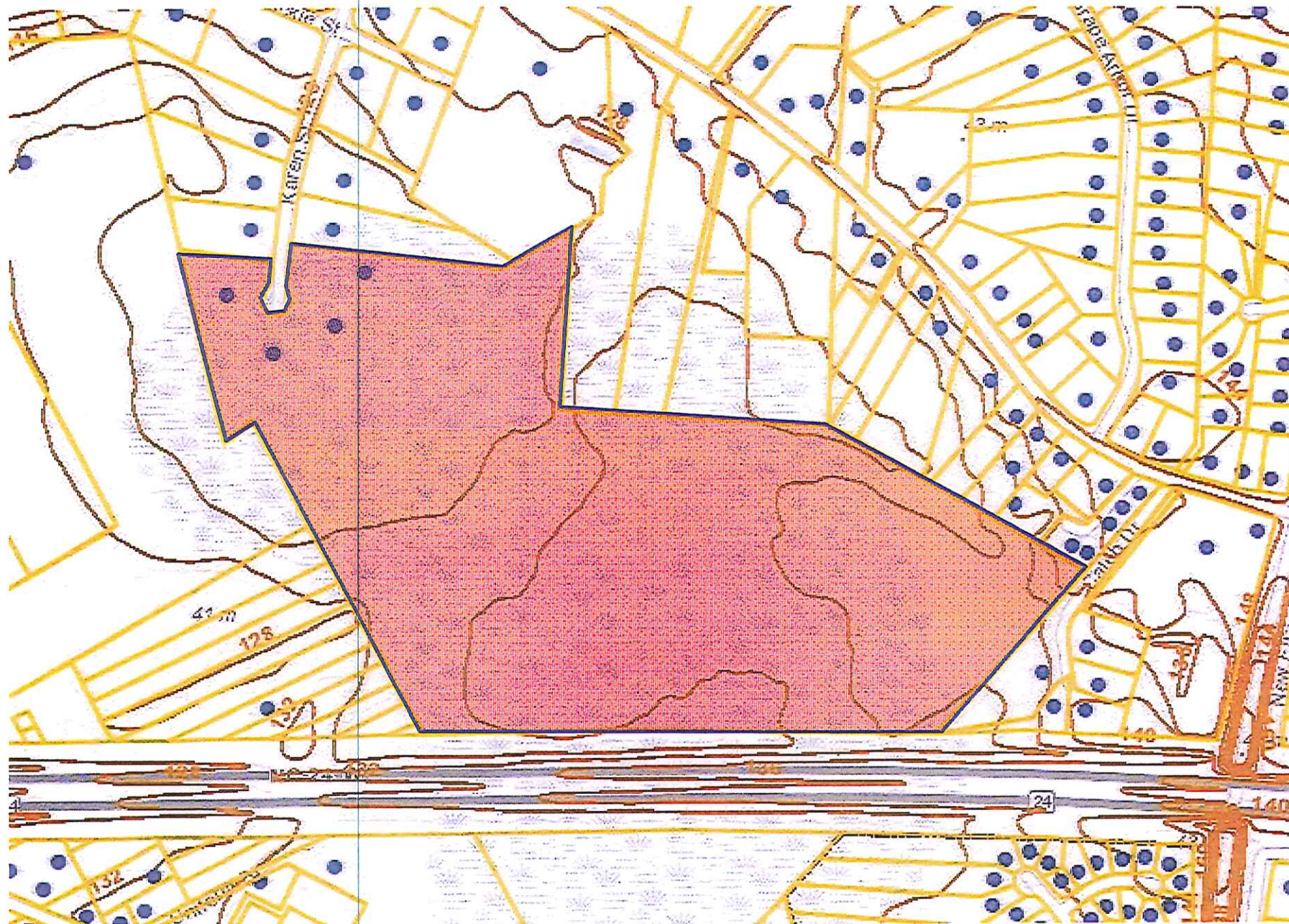
- ### Legend
- Property Line
 - Dirt Berm
 - Pond
 - Swale
 - 24in culvert pipe
 - Gravel Driveway



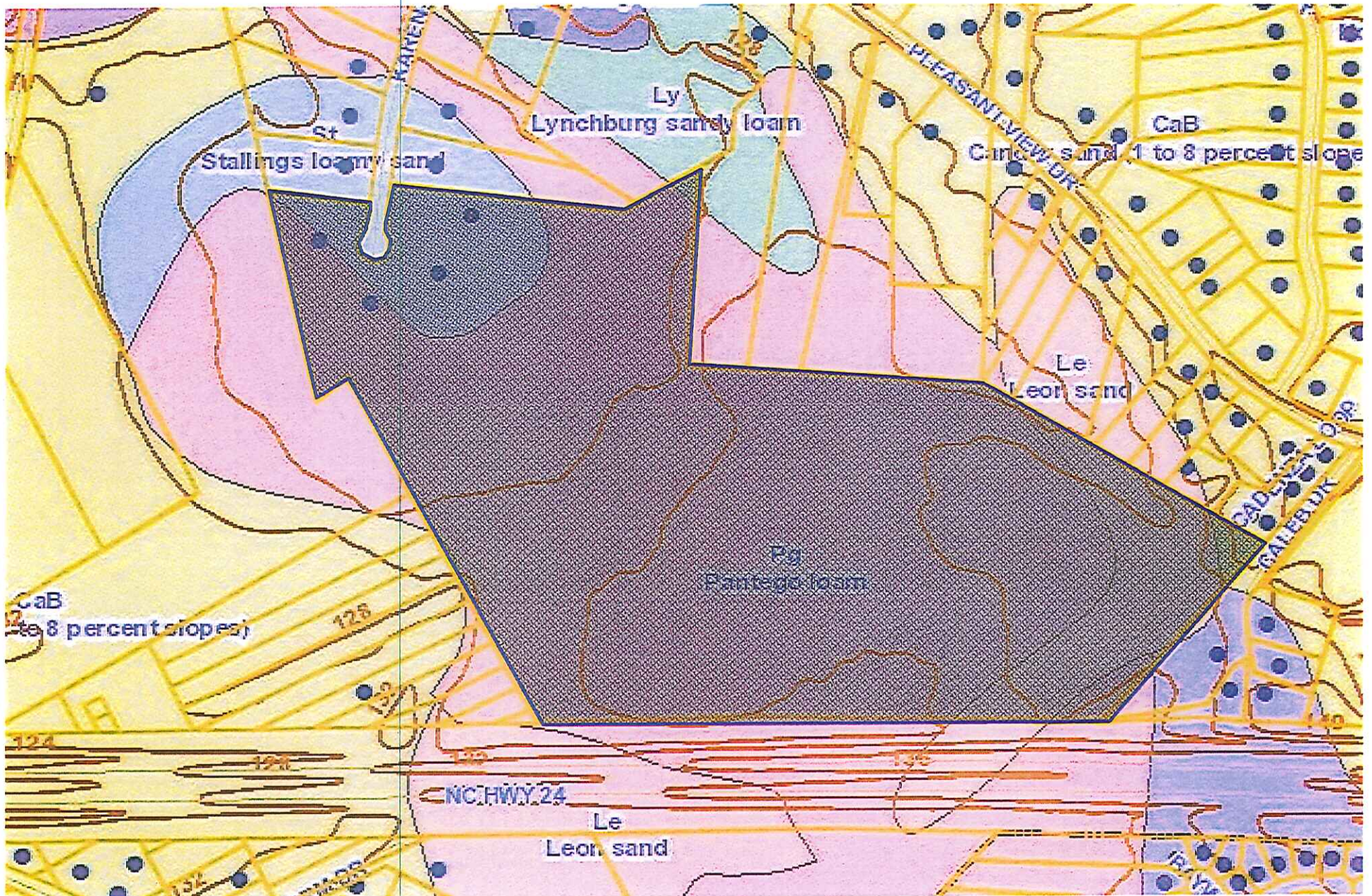
Close up of private “recreation area”



Elevation of 400 Karen Street, Fayetteville, NC 28312 (total 74+/- acres)



Soil of 400 Karen Street. Fayetteville, NC 28312



Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Carol M. Post
Office Processing Assistant



**CUMBERLAND
COUNTY**
NORTH CAROLINA

Planning & Inspections Department

NOTICE OF VIOLATIONS

5/6/2015

George Hatcher,
Inspector

Joey Lewis,
Inspector

Joan Fenley,
Inspector

Debra Johnson,
Inspector

Christopher Fulton,
Inspector

David Hampton & Mary Derette Hampton & Parties of Interest
135 Nantahala Drive
Linden, NC 28356

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

1. Nature of Violation(s): Having a firing range on a property without an approved site plan or permits and without meeting the requirements of the Cumberland County Ordinance. Specifically: An outdoor firing range must be on a lot or contiguous lots of record with a minimum of 200 acres.
2. Code Reference: Cumberland County Zoning Ordinance, Cumberland County, North Carolina, Article I, Administrative Provisions, Section 107, Zoning Permit, Article IV, Permitted, Conditional, and Special Uses, Section 403, Use Matrix, and Article XVII, Legal Provisions, Sections 1703 & 1704, Violations and Penalties. Also, Ordinance Amendment P 11-20, Outdoor Firing Ranges.
3. Action to Correct Violations(s): Remove the firing range from the property
4. Property Location: On or about On lot at end of Karen St, Fayetteville, NC. Being that property as listed under Cumberland County, NC Tax Parcel Number 0467-51-7044
5. Property Owner: David Hampton & Mary Derette Hampton Inspection Date: 5/6/2015

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

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

February 21, 2012

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

MEMORANDUM

TO: Planning & Inspections Staff
FROM: Tom Lloyd *TJL*
SUBJECT: Outdoor Firing Ranges Review and Approval Policy

This policy is being issued in light of a recent site plan submittal by a property owner seeking approval of an outdoor firing range on his property – see Case No. 12-025 – and will be effective until such time as an ordinance amendment specifically addressing outdoor firing ranges is adopted by the County Board of Commissioners or a replacement policy is issued.

Under the terms of our zoning ordinance all legal uses of land must be allowed. Until such time that specific outdoor shooting range zoning ordinance standards are adopted or otherwise addressed, outdoor shooting ranges will be reviewed in accordance with the standards for *RECREATION/AMUSEMENT OUTDOOR (Sec. 920) conducted outside building for profit, not otherwise listed & not regulated by Sec. 924* (hereinafter: *outdoor recreation*) as a principal use.

The provisions required for outdoor recreation are the most similar and more closely address the land use impacts that would result from an outdoor firing range than any other use specific provisions in our ordinance. The minimum ordinance standards for outdoor recreation require control measures to be in place ensuring that “objects” used on the site are **contained within the designated area**, measures are to be taken to minimize the creation of dust, and outdoor lighting must comply with the ordinance standard. In addition to these specific standards, all other applicable ordinance provisions, to include Section 901 which mandates compliance with the County’s noise ordinance, will apply to outdoor firing ranges.

cc: James Martin, County Manager
Rick Moorefield, County Attorney
Department Policy Manual

JUN 20 2005 CCBOC REQUIRED ALL NON RESIDENTIAL TO HAVE PLANS APPROVAL BEFORE PERMIT ISSUED

(TYPE OR PRINT IN BLACK INK)

STATE OF NORTH CAROLINA

In The General Court Of Justice

Cumberland County

ADMINISTRATIVE INSPECTION
WARRANT FOR PARTICULAR
CONDITION OR ACTIVITY

G.S. 15-27.2; 58-79-1

TO ANY LAWFUL OFFICIAL EMPOWERED TO CONDUCT THE INSPECTION AUTHORIZED BY THIS WARRANT:

The applicant named on the accompanying affidavit, which is hereby incorporated by reference, being duly sworn, has stated to me that there is a condition, object, activity, or circumstance legally justifying an inspection of the property described in that affidavit. I have examined this applicant under oath or affirmation and have verified the accuracy of the matters in the affidavit establishing the legal grounds for this Warrant. YOU ARE HEREBY COMMANDED TO INSPECT THE PROPERTY DESCRIBED IN THE ACCOMPANYING AFFIDAVIT.

This inspection is authorized to check or reveal the conditions, objects, activities, or circumstances indicated in the accompanying affidavit.

This Warrant must be served upon the owner or possessor of the property described in the accompanying affidavit. If the owner or possessor is not present on the property at the time of inspection and you have made reasonable but unsuccessful efforts to locate the owner or possessor, you may instead serve it by affixing this Warrant or a copy to the property.

THIS WARRANT MAY BE EXECUTED ONLY BETWEEN THE HOURS OF 8:00 A.M. AND 8:00 P.M. AND ONLY WITHIN 24 HOURS AFTER IT WAS ISSUED. IT MUST BE RETURNED WITHIN 48 HOURS AFTER IT WAS ISSUED. HOWEVER, IF THIS WARRANT IS ISSUED PURSUANT TO A FIRE INVESTIGATION AUTHORIZED BY G.S. 58-79-1, IT MAY BE EXECUTED AT ANY TIME WITHIN 48 HOURS AFTER IT IS ISSUED. IT MUST BE RETURNED WITHOUT UNNECESSARY DELAY AFTER ITS EXECUTION OR AFTER 48 HOURS FROM THE TIME IT WAS ISSUED IF IT WAS NOT EXECUTED.

Date	5-6-15	Time	8:45 <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM
Signature	<i>[Signature]</i>		
<input type="checkbox"/> Deputy CSC	<input type="checkbox"/> Assistant CSC	<input type="checkbox"/> Clerk Of Superior Court	
<input checked="" type="checkbox"/> Magistrate	<input type="checkbox"/> District Court Judge	<input type="checkbox"/> Superior Court Judge	

OFFICER'S RETURN

I certify that this WARRANT was executed on the date and time shown below.

Date Of Execution	5-6-15	Signature Of Inspecting Official	<i>[Signature]</i>
Time Of Execution	11:00 <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Name Of Inspecting Official (Type Or Print)	GEORGE HATCHER

CLERK'S ACCEPTANCE

This WARRANT has been returned to this office on the date and time shown below.

Date Of Return	5-7-15	Signature	<i>[Signature]</i> <i>[Signature]</i>
Time Of Return	9:15 <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	<input type="checkbox"/> Deputy CSC	<input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court

IMPORTANT: Attach the Affidavit to the WARRANT if not on reverse side.

(TYPE OR PRINT IN BLACK INK)

STATE OF NORTH CAROLINA

In The General Court Of Justice

Cumberland County

AFFIDAVIT TO OBTAIN ADMINISTRATIVE INSPECTION WARRANT FOR PARTICULAR CONDITION OR ACTIVITY

I, George Hatcher, Code Enforcement Officer, County of Cumberland, being (name and position)

duly sworn and examined under oath, state under oath that there is probable cause for believing that there is an unauthorized/ unpermitted /unapproved firing range

(describe condition, object, activity, or circumstance which the search is intended to check or reveal)

at the property owned or possessed by David Hampton

and described as follows: 64.44 Acres Horne Land , PIN 0467-51-7044 at back of 400 Karen St

(precisely describe the property to be inspected)

The facts which establish probable cause to believe this are: Mellisa Joiner of NCDNER observed the land disturbance and reported her finding to me .

Signature Of Applicant

Name Of Applicant (Type Or Print)

George Hatcher

SWORN AND SUBSCRIBED TO BEFORE ME:

Date

05-06-2015

Signature

Deputy CSC

Assistant CSC

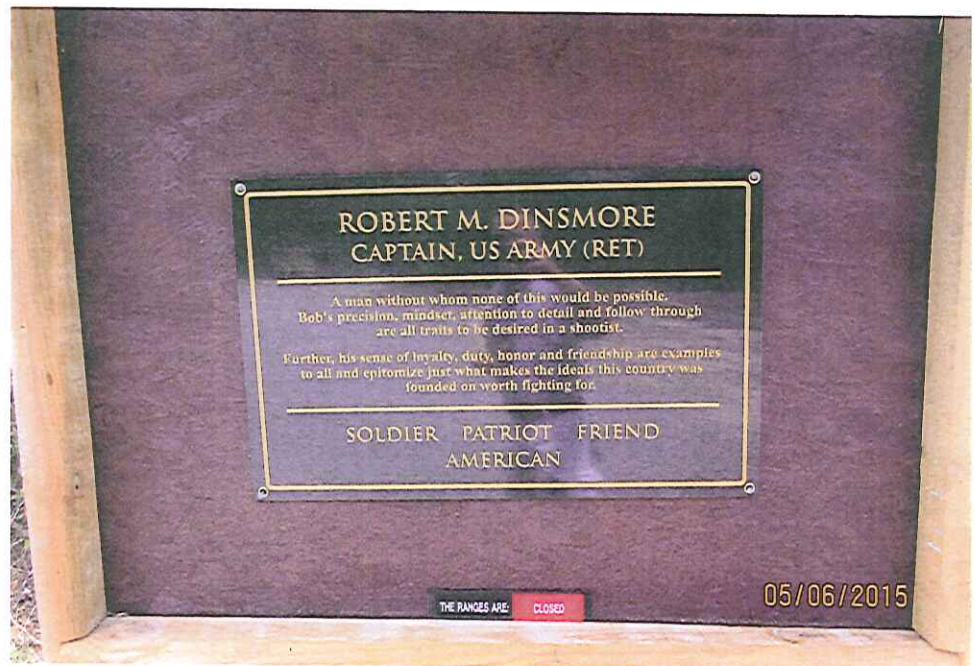
Clerk Of Superior Court

Magistrate

District Court Judge

Superior Court Judge

IMPORTANT: Attach the Affidavit to the WARRANT if not on reverse side.















Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Carol M. Post
Office Processing Assistant



CUMBERLAND
★ COUNTY ★
NORTH CAROLINA

Planning & Inspections Department

George Hatcher,
Inspector

Joey Lewis,
Inspector

Joan Fenley,
Inspector

Debra Johnson,
Inspector

Christopher Fulton,
Inspector

NOTICE OF VIOLATIONS

5/6/2015

91 7199 9991 7034 1788 9359

91 7199 9991 7034 1788 9267

David Hampton & Mary Derette Hampton & Parties of Interest
135 Nantahala Drive
Linden, NC 28356

5/11/15 H.D. NOV TO
DAVID & MARY HAMPTON
AT 130 GILLESPIE ST
(MTC WITH CECIL, TOM, PATI)
RM 107

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

1. Nature of Violation(s): Having a firing range on a property without an approved site plan or permits and without meeting the requirements of the Cumberland County Ordinance. Specifically: An outdoor firing range must be on a lot or contiguous lots of record with a minimum of 200 acres.
2. Code Reference: Cumberland County Zoning Ordinance, Cumberland County, North Carolina, Article I, Administrative Provisions, Section 107, Zoning Permit, Article IV, Permitted, Conditional, and Special Uses, Section 403, Use Matrix, and Article XVII, Legal Provisions, Sections 1703 & 1704, Violations and Penalties. Also, Ordinance Amendment P 11-20, Outdoor Firing Ranges.
3. Action to Correct Violations(s): Remove the firing range from the property
4. Property Location: On or about On lot at end of Karen St, Fayetteville, NC. Being that property as listed under Cumberland County, NC Tax Parcel Number 0467-51-7044
5. Property Owner: David Hampton & Mary Derette Hampton Inspection Date: 5/6/2015

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

Date: July 6, 2015

George Hatcher:

The following is in response to your July 6, 2015 request for delivery information on your Certified Mail™ item number 9171999991703417889359. The delivery record shows that this item was delivered on May 12, 2015 at 8:30 am in LINDEN, NC 28356. The scanned image of the recipient information is provided below.

Signature of Recipient :

Delivery Section	
Signature	
Printed Name	David Hatcher

Address of Recipient :

Address	135 Northlake
---------	---------------

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.


Sincerely,
United States Postal Service

Date: July 6, 2015

George Hatcher:

The following is in response to your July 6, 2015 request for delivery information on your Certified Mail™ item number 9171999991703417889267. The delivery record shows that this item was delivered on May 12, 2015 at 8:30 am in LINDEN, NC 28356. The scanned image of the recipient information is provided below.

Signature of Recipient :

Delivery Section	
ure	
ed is	David Hampton

Address of Recipient :

ery ess	135 Newtlaheak
------------	----------------

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

P11-20
COUNTY ZONING ORDINANCE TEXT AMENDMENT
(Outdoor Firing Ranges)

P11-20. REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE, AMENDING ARTICLE II INTERPRETATIONS, CALCULATIONS, AND DEFINITIONS, SECTION 203. DEFINITIONS OF SPECIFIC TERMS AND WORDS BY INSERTING IN ALPHABETICAL ORDER THE TERM AND DEFINITION FOR "FIRING RANGE, OUTDOOR;" AMENDING ARTICLE IV PERMITTED, CONDITIONAL, AND SPECIAL USES, SECTION 403. USE MATRIX BY INSERTING IN ALPHABETICAL ORDER A NEW ROW ENTITLED "FIRING RANGE, OUTDOOR (SEC. 907.1)" IN THE LAND USE COLUMN AND ALLOWING THIS USE AS CONDITIONAL ZONING BY INSERTING A "Z" IN THE A1 ZONING DISTRICT COLUMN ON THIS SAME ROW; AMENDING ARTICLE IX INDIVIDUAL USES BY CREATING AND INSERTING IN NUMERICAL ORDER A NEW SECTION ENTITLED: SECTION 907.1 FIRING RANGE, OUTDOOR, WITH SUB-SECTIONS "A" THROUGH "K;" AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (NOTE: CASE HEADING HAS CHANGED TO REFLECT THE JUNE 17, 2013 COUNTY BOARD OF COMMISSIONERS' APPROVAL.)

1. **AMEND** Article II Interpretations, Calculations, and Definitions, Section 203. Definitions of Specific Terms and Words, by **INSERTING** in alphabetical order the following definition:

Firing Range, Outdoor: A facility, including its component shooting ranges, safety fans or shofall zones, parking areas, all structures for classrooms; administrative offices, ammuniton storage areas and other associated improvements, designed for the purpose of providing a place for the discharge of various types of firearms or the practice of archery. For purposes of this ordinance, outdoor firing ranges are a principal use of property and therefore, shall not be considered incidental or accessory. This ordinance is exclusive of occasional target practice by individuals on property owned or leased by the individuals, sighting of weapons for purposes of hunting, or temporary turkey shoots conducted on a property no more than 12 days in any calendar year. (Sec. 907.1)

2. **AMEND** Article IV Permitted, Conditional, and Special Uses, Section 403. Use Matrix, by **INSERTING** in alphabetical order in the *Land Uses* column the term **FIRING RANGE, OUTDOOR (Sec. 907.1)** with the new row reflecting that outdoor firing ranges are allowed with Conditional Zoning approval as indicated by **INSERTING** a "**Z**" in the **A1 Agricultural** zoning district column.

(Editor's note: See *Attachment 1* for matrix layout to be inserted into the existing Section 403.)

3. AMEND Article IX Individual Uses, by INSERTING in numerical order **SECTION 907.1. FIRING RANGE, OUTDOOR**, including sub-sections, as follows:

SECTION 907.1. FIRING RANGE, OUTDOOR.

A. A detailed site plan complying with the provisions of Article XIV shall be submitted for review and if approved, all applicable permits must be obtained prior to commencement of range activity. The detailed site plan shall be sealed by a North Carolina registered engineer attesting that the proposed plan incorporates the specific safety and design standards for outdoor firing range provisions and live fire shoot house provisions, if applicable, as set out in Section 4, Outdoor Range Design; Section 6, Live Fire Shoot House; and Attachments 1-2 through 1-20, of the *Range Design Criteria* (June 2012) as published by the US Department of Energy's Office of Health, Safety and Security for the type of range proposed; except that Section 4.b(10), the words "or administrative" in the first sentence of Section 4.c(7), the second sentence of Section 4.c(7) and Section 6.a(1) shall not be considered for the reason that these sections are specific to the needs of the DOE.

[Editor's note: A hardcopy is available for public viewing in the office of the Land Use Codes section of the Planning & Inspections Department.]

B. The site on which the outdoor firing range is proposed shall contain a minimum of 200 acres within a tract or contiguous tracts owned or leased under a recorded lease to the owner/operator of the outdoor firing range. The detailed site plan shall show the boundary of the subject property in its entirety and shall further disclose all existing uses, if discernible, and structures within a distance of 300 feet from the boundary.

C. Surface danger zones shall be located entirely on the subject property and shall be designed to contain all projectiles and debris caused by the type of ammunition, targets and activities to be used or to occur on the property. The layout of the proposed range(s) with the accompanying safety fans shall be delineated on the required site plan for each/all range(s) to be constructed on the property. All firing stations shall be setback a minimum of 180 feet from the boundary of the of the subject property.

D. A 60 foot wide buffer, undisturbed except for fence installation and vegetative planting, shall be provided around the entire perimeter of the subject property and shall also be delineated on the detailed site plan.

E. A firing range facility must have access to an approved private street or a public street.

F. Unauthorized access to the firing range facility shall be controlled while firearms are being discharged.

G. The developer/operator of the firing range facility shall provide to Code Enforcement at the time of application for the building final inspection, a certification prepared by a North Carolina registered engineer that the firing range facility has an environmental stewardship plan, which may include semi-annual soil and water sampling, regular liming of the soil to prevent lead migration, reclamation and recycling of the lead and is compliant with the Best Management Practices, specifically relating to lead management, as specified by the Environmental Protection Agency's (EPA's) most current edition of *Best Management Practices for Lead at Outdoor Shooting Ranges*.

H. If any firing range facility, or the use thereof, is intended to be expanded to include types of ranges, operations, munitions or activities not covered by the most current conditional approval or pre-existing status, re-submittal/submittal of the site plan for the entire firing range facility for review and approval of the change or expansion shall be required prior to commencement of the change or expansion. This provision applies regardless whether or not the firing range facility was in existence prior to the adoption of this section.

I. All outdoor firing range facilities shall maintain general liability insurance coverage in an amount of not less than Three Million Dollars through an insurance company licensed to do business in North Carolina. The policy shall not exclude coverage for property damage or personal injury caused by the discharge of firearms.

J. All other applicable Federal, State and local regulations, to include the County's Noise Ordinance, shall be strictly adhered to.

K. This sub-section K shall specifically apply to all non-permitted existing uses which are outdoor firing ranges within the definition of this ordinance, except those as may be permitted in accordance with this sub-section. A permit shall be issued for any non-permitted outdoor firing range in operation on June 20, 2005, upon the submission of an application that shall include:

1. The date upon which the applicant commenced outdoor firing range operations on the site;

2. An aerial map which shows the boundaries of the site and the improvements located thereon;

3. A statement of the hours of operation;

4. A statement of the largest caliber ammunition discharged on the site; and

5. A narrative description of the measures employed (a) to control unauthorized access to the facility when weapons are being discharged, (b) to prevent projectiles from leaving the site, (c) to mitigate noise and (d) to mitigate potential lead contamination of the groundwater.

The permit issued under this sub-section K shall establish the benchmark for the determination of an expansion under sub-section H. Any facility permitted under this sub-section K shall remain subject to all other applicable state laws and local ordinances.

Attachment 1
P11-20 Outdoor Firing Ranges

SECTION 403 USE MATRIX

CUMBERLAND COUNTY ZONING ORDINANCE
P = PERMITTED USE
S = SPECIAL USE (Sec. 1606 Board of Adjustment approval required)
Z = CONDITIONAL ZONING (Article V – County Commissioners approval required) (Amd. 04-18-11)

LAND USES	ZONING CLASSIFICATIONS																						
	CD	A1	A1A	R40	R40A	R30	R30A	RR	R20	R20A	R15	R7.5	R6	R6A	R5	R5A	O&I(P)	C1(P)	C2(P)	C(P)	M1(P)	M(P)	
FIRING RANGE, OUTDOOR (Sec. 907.1)		Z																					

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Our Team

HVT's team are highly-skilled, certified instructors, with years of practical experience in their fields. We combine a mixture of male and female Military Veterans, Law Enforcement Officers and Emergency Medical Personnel to teach professionals and novices alike.

MORE

Services

We provide expert instruction in personal defense, physical security, firearms and pre-hospital medicine and trauma care. HVT utilizes a climate-controlled classroom and operate our own ever-improving, private training facilities.

MORE

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WE ARE HERE TO HELP YOU DRIVE CHANGE TOGETHER WE WILL SHAPE THE FUTURE.

TEL: 910-229-1018 (Call or Text)
MAIL: training@hvt.co

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News & Publications



MAY 2015

- 09 May - NC Concealed Carry Handgun Course
- 23 May - NC Concealed Carry Handgun Course

\$60 for the course. No range fees and free Notary Public services for your CCH application!

Contact us if you're interested in attending one of these courses, we like to keep the classes small (4-10 students) to maintain quality instruction

Please review the [calendar](#) and see what dates we have instructors available for training!

NEW!--- On-site Notary Public to certify your CCH Application Forms- Fee's will be waived! This is up to a \$15 savings. Please have a State or Federal ID that includes a signature and physical description. (No CAC cards).

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- CPR Classes
- 100-Yard Range
- Practical Carbine Course

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1 comment



Leave a message...



Great Class, Highly recommended
Jen · 5 months ago · Reply

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5/12/15 HVT WEBSITE
AD REMOVED FROM WEBSITE



5/9/15 1:30 COMMANDS SHOUTED
FIRING COMMENCED

CUMBERLAND COUNTY PLANNING & INSPECTION DEPT.
130 Gillespie/PO Drawer 1829
Fayetteville, NC 28302-1829
(910)321-6636 Fax(910)321-6637
www.co.cumberland.nc.us/planning.aspx

Electrical PERMIT

E-13-154475 PAGE 1 of 1
Issued by: TOR Prt by: TORTIZ

Complete

Permission is hereby granted for the construction or installation as identified herein. All work must comply with the North Carolina State Building Code and all other applicable State and Local Laws, Ordinances, and Regulations.

Date Issued: 06/10/2013 Pin: 0467-41-4676-
Location: 400 KAREN ST Subdivision:
Lot: LT 5 THE WOODS OF EASTOVER (2.29 AC) Lot: Bldg: Unit:
Owner: HAMPTON, DAVID & WIFE MAR
Address: 135 NANTAHALA DR
LINDEN, NC 28356 Phone: 299-1021
Contractor: EAGLE ELECTRICAL SERVICES License: 18800 EL-L
Address: 7633 SHERRILL BAGGETT RD Phone: 910-980-3760
DUNN, NC 28334-5088 Phone:

Structure: Type Improvement: Existing Structure Occupancy:
Fees: COMMERCIAL \$50.00

Total Fees: \$50.00 Work Value: \$2,500
200 AMP SERVICE
FOR FARM BUILDING (METAL BUILDING)
FARM # 1993

All work will comply with the NC State Bldg. Code & all other applicable state & local laws, ordinances & regulations. The Inspection Dept. shall be notified of any changes in the approved plans or work as submitted. It is the permit holders responsibility to request all required inspections & ensure approval prior to continuing work.

Without further notice from this Dept., this permit will become void if work is not started within 6 mths. from issuance or if the work is discontinued for one year as determined by no inspection activity. These time periods are superseded by time limitations set by County ordinance and/or Code Enforcement Actions.

Call before you dig - 1-800-632-4949. A \$25 processing fee shall be charged for all returned checks. (NCGS25-3-506)

APPLICATION FOR PERMIT
 Electrical Mechanical Plumbing

NOTE: Incomplete applications will not be processed

WORK PERFORMED ON A: NEW STRUCTURE ADDITION EXISTING STRUCTURE

PROJECT ADDRESS: 400 KAREN RD. St City Fay Zip _____

Subdivision/Development _____ Lot _____ Bldg _____ Unit _____

Directions: Go past Baywood Golf course to Pleasantview turn Rt go to Karen Rd turn left go through green gate

PROPERTY OWNER: David Hampton Phone # 910-299-1021

Prop. Owner's Address _____ City _____ State _____ Zip _____

CONTRACTOR: Eagle Electrical Services Phone # 910-890-1743 License #/Class. 18800I

Contractor Address 2633 Sherrill Baggitt Rd City Derna St. N.C Zip 28834 License #/Class. Int.

ELECTRICAL Structure is (circle): RESIDENTIAL MULTI-FAMILY COMMERCIAL-Provide Contract Cost \$ _____	
<input type="checkbox"/> Temp Service-Res/Com (\$35) \$ _____	<input checked="" type="checkbox"/> Service-New/Change: <u>200</u> amps (\$40) \$ _____
<input type="checkbox"/> Power Off-Reinspect (\$35) \$ _____	<input type="checkbox"/> Swimming Pools (\$40) \$ _____
<input type="checkbox"/> Renovation/Room Add. (\$40) \$ _____	<input type="checkbox"/> Appliance or Mechanical System (\$35) \$ _____
<input type="checkbox"/> Multi-Family, # of units x \$46 \$ _____	<input type="checkbox"/> # of Add'l Appliances/Systems: _____ x \$6 \$ _____
<input checked="" type="checkbox"/> Commercial-All work \$ _____	Mechanical Contractor for this installation is: _____

DESCRIBE WORK IN DETAIL BELOW: Wire Farm Building 1993 TOTAL FEE: \$ _____

MECHANICAL Structure is (circle): RESIDENTIAL MULTI-FAMILY COMMERCIAL-Provide Contract Cost \$ _____	
<input type="checkbox"/> Gas Piping includes 3 outlets (\$35) \$ _____	<input type="checkbox"/> Heat pump-New/Change Out (\$40) \$ _____
<input type="checkbox"/> # of outlets over 3: _____ x \$6 \$ _____	(per system/or any part thereof)
<input type="checkbox"/> First Appliance (\$35) \$ _____	<input type="checkbox"/> Gas Pack-New/Change Out (\$40) \$ _____
<input type="checkbox"/> # of Add'l appliances: _____ x \$6 \$ _____	(per system/or any part thereof)
<input type="checkbox"/> Multi-Family, # of units x \$46 \$ _____	<input type="checkbox"/> Air Condition-New/Change Out (\$40) \$ _____
<input type="checkbox"/> Commercial-All work \$ _____	<input type="checkbox"/> Furnace-New/Change Out (\$40) \$ _____
<input type="checkbox"/> NEW OR EXISTING DUCT WORK (circle-one)	Electrical Contractor for mech. installation is: _____

DESCRIBE WORK IN DETAIL BELOW: _____ TOTAL FEE: \$ _____

PLUMBING Structure is (circle): RESIDENTIAL MULTI-FAMILY COMMERCIAL-Provide Contract Cost \$ _____	
<input type="checkbox"/> Water (\$35) \$ _____	<input type="checkbox"/> One Bath, or partial bath (\$35) \$ _____
<input type="checkbox"/> Sewer (\$35) \$ _____	<input type="checkbox"/> # Baths, or partial baths, over 1: _____ x \$10 \$ _____
<input type="checkbox"/> Water & Sewer (\$40) \$ _____	<input type="checkbox"/> Other fixtures: # _____ x \$6 \$ _____
<input type="checkbox"/> Multi-Family, # of units x \$46 \$ _____	(List fixtures on line below)
<input type="checkbox"/> Commercial-All work \$ _____	

DESCRIBE WORK IN DETAIL BELOW: _____ TOTAL FEE: \$ _____

I hereby certify that all information in this application is correct and all work will comply with the North Carolina State Building Code and all other applicable State and local laws, ordinances and regulations. The Planning and Inspection Department will be notified of any changes in the approved plans and specifications for the project permitted herein.

Edward A. Glover Applicant Signature Edward A. Glover Printed Name 6-10-13 Date

Payment may be made by cash, check, Mastercard or Visa.
 PURSUANT TO NCGS 25-3-506, A PROCESSING FEE WILL BE CHARGED FOR ALL RETURNED CHECKS

Inspector Approval: _____ Date: _____ 03/12

P15-05-C
SITE PROFILE

P15-05-C: CONSIDERATION OF A VARIANCE TO ALLOW A 12.5 FOOT REAR YARD SETBACK WHERE 35 FEET IS REQUIRED IN A PND PLANNED NEIGHBORHOOD DISTRICT ON .18+/- ACRE, LOCATED AT 5205 MIRANDA DRIVE, SUBMITTED BY KYLE J. AND SANDRA L. PATRICK (OWNERS).

Site Information:

Frontage & Location: 80.00'+/- on SR 4010 (Miranda Drive)

Depth: 125.01'+/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: 1 Residential structure

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

Nonconformities: Yes, existing dwelling does not meet rear yard setbacks due to NCDOT's right-of-way expansion for NC 162 (Elk Road)

Zoning Violation(s): None

Surrounding Zoning: North: PND, R10 & R5A; South: C(P), C1(P), RR, PND & R10 ; East: PND, R10 & R5A; West: O&I(P), PND & R5A

Surrounding Land Use: Residential

School Enrolled/Capacity:

2030 Growth Strategy Map: Urban Area

Southwest Cumberland Land Use Plan: Low Density Residential

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: PWC/PWC

Soil Limitations: No

Subdivision/Site Plan: Recommend property be surveyed prior to commencement of construction

Average Daily Traffic Count (2012): 12,000 on NC HWY 162 (Elk Road)

Municipal Influence Area: Town of Hope Mills

Fayetteville Regional Airport: No objection

County Zoning Ordinance Reference: Section 1104, District Dimensional Provisions

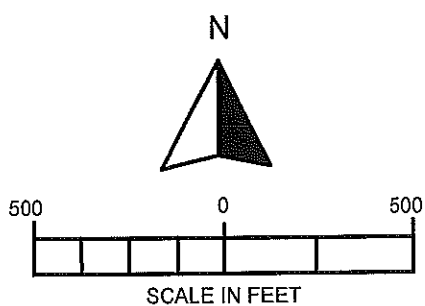
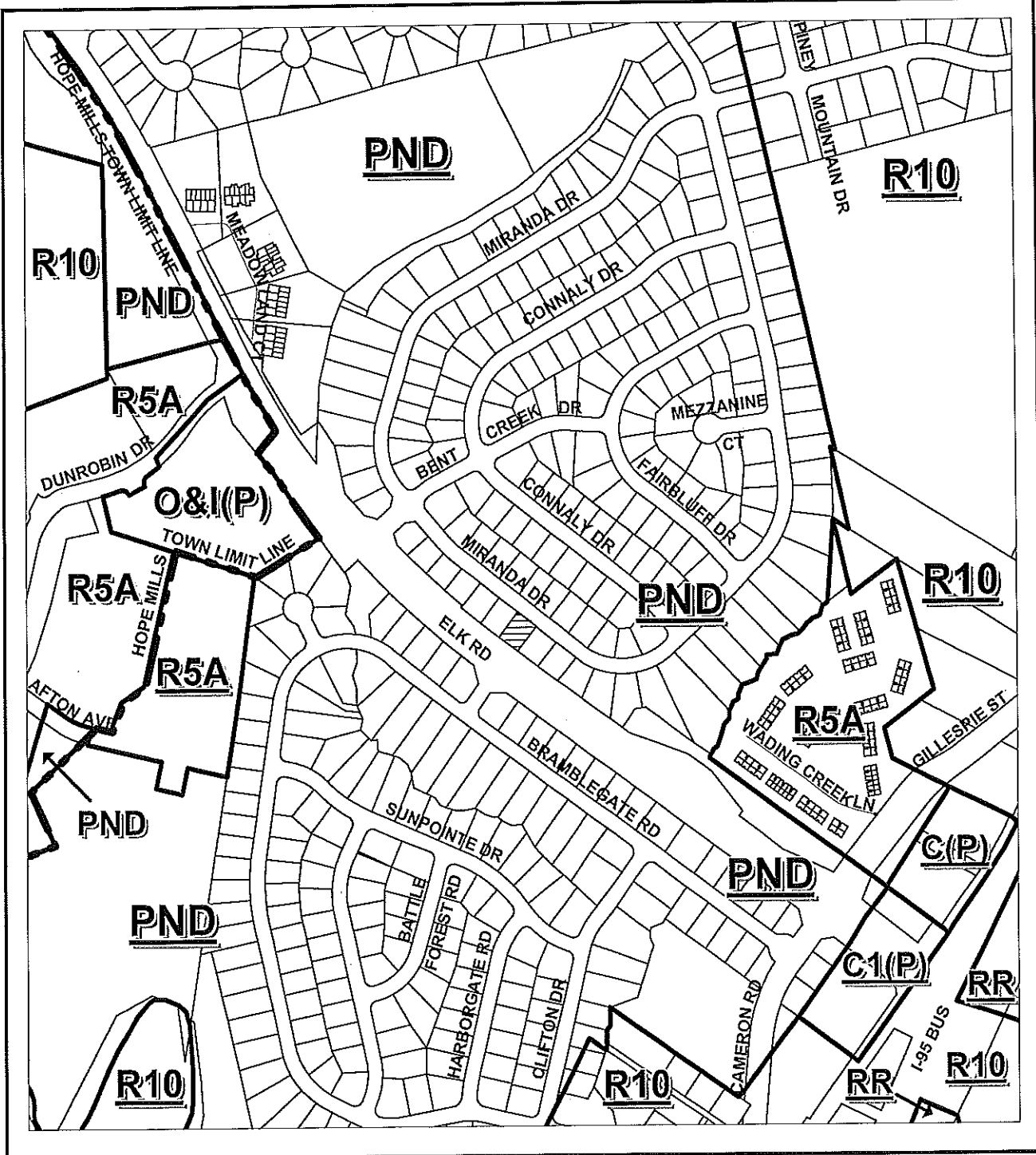
Notes:

1. PND Minimum Yard Setbacks
(PND District made dormant June 20, 2005 and now follows R7.5 standards)
Front: 30'
Side: 10' (one story setback)
Rear: 35' (22.5' variance requested)

2. Summary of request: The variance request is for the addition of a sunroom to the rear of a single family dwelling.

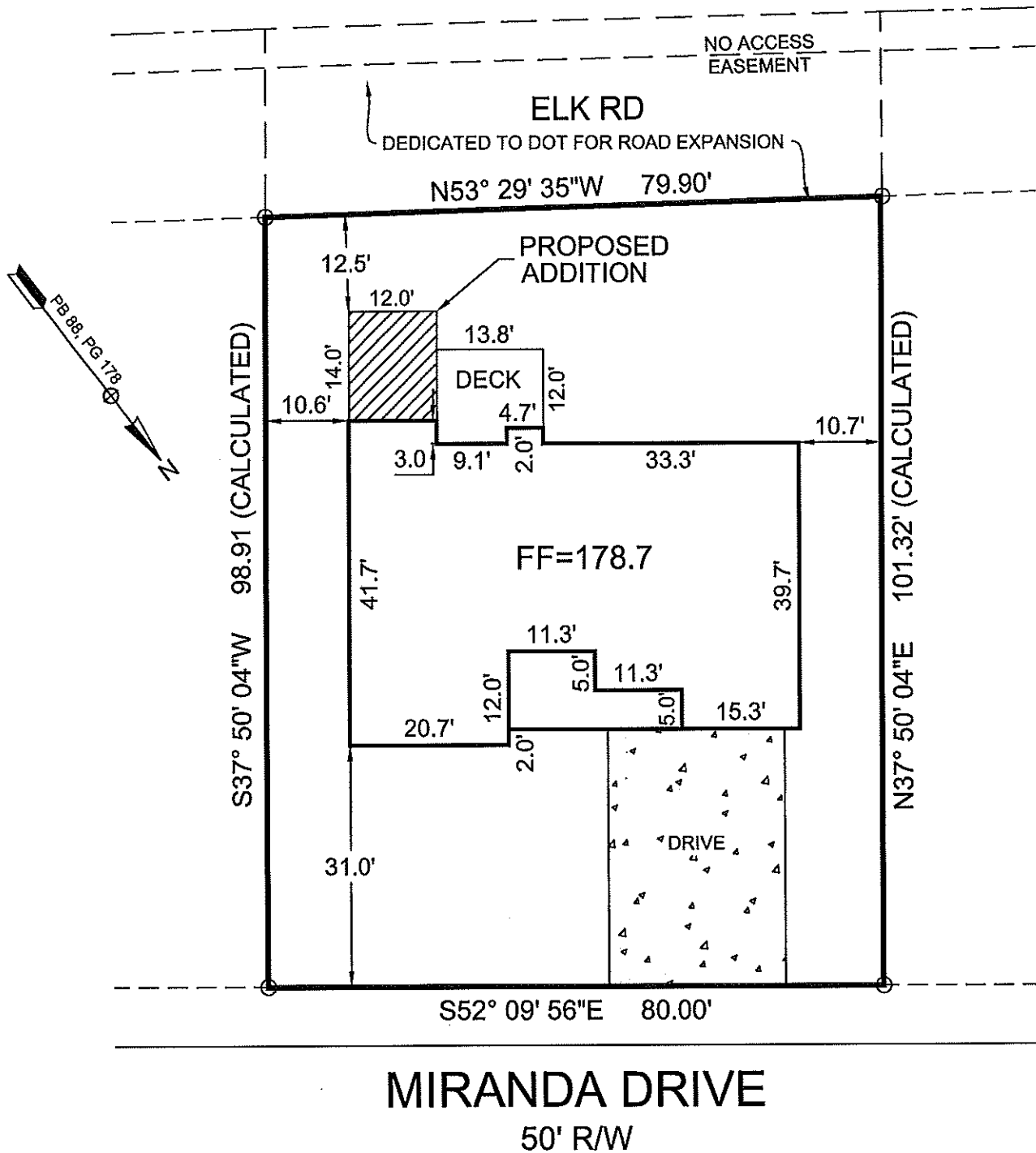
First Class and Record Owners' Mailed Notice Certification

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.

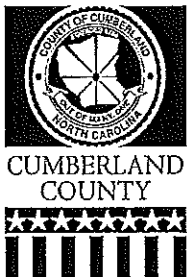


BOARD OF ADJUSTMENT VARIANCE

ACREAGE: 0.18 AC.+/-	HEARING NO: P15-05-C	
ORDINANCE: COUNTY	HEARING DATE	ACTION
GOVERNING BOARD		



BOARD OF ADJUSTMENT VARIANCE
 REQUEST: CONSIDERATION OF A VARIANCE TO ALLOW A 12.5 FOOT REAR YARD SETBACK WHERE 35 FEET IS REQUIRED.
 CASE: P15-05-C ACREAGE: 0.18 ± ACS.
 ZONED: PND SCALE: 1" = 20'
 *SCALED DETAILED SITE PLAN IN FILE AVAILABLE FOR REVIEW UPON REQUEST



County of Cumberland
BOARD OF ADJUSTMENT

CASE #: P15-05-C

CUMBERLAND COUNTY BOA
MEETING DATE: 8-20-15

DATE APPLICATION
SUBMITTED: 7-15-15

RECEIPT #: 69484

RECEIVED BY: PSB

**APPLICATION FOR
VARIANCE REQUEST**

The Cumberland County Board of Adjustment meetings are held on the third Thursday of each month in the Historic Courthouse, 130 Gillespie Street – Hearing Room 3. The Planning and Inspections Department will advertise the public hearing and a notice will be mailed or delivered to surrounding residents or property owners that may be affected by the proposed Variance request.

The Board of Adjustment is a quasi-judicial review board and all persons wishing to appear before this Board should be prepared to give sworn testimony on relevant facts. Applicants for Variances are encouraged to read Section 1605 “Variance” of the Zoning Ordinance to establish whether or not their case merits further consideration by the board (see next page).

The following items are to be submitted with the complete application:

1. A copy of the recorded deed and/or plat, or an accurate written legal description of only the area to be considered;
2. A copy of a detailed site plan drawn to an engineer scale; and
3. Cash or check payable to “Cumberland County” in the amount of \$ _____ (see attached Fee Schedule)

NOTE: Any revisions, inaccuracies or errors to the application or site plan may cause the case to be delayed and will be scheduled for the next available Board of Adjustment meeting according to the board’s meeting schedule. Also, the application fee is *nonrefundable*.

The Planning and Inspections Staff is available for advice on completing this application; however, they are not available for completion of the application or preparation of the site plan.

AOD YES
MIA Hope Hills
Smile NO
UCBT N/A

SSA NO

BOARD OF ADJUSTMENT

LOCATION OF PROPERTY: 5205 Miranda Drive, Hope Mills, NC 28348

OWNER: Kyle J and Sandra L Patrick

ADDRESS: 5205 Miranda Drive Hope Mills ZIP CODE: 28348

TELEPHONE: HOME 910-426-0949 WORK 910-485-1940

AGENT: _____

ADDRESS: _____

TELEPHONE: HOME _____ WORK _____

E-MAIL: _____

APPLICATION FOR A VARIANCE
As required by the Zoning Ordinance

A. Parcel Identification Number (PIN #) of subject property: 0424-45-2062
(also known as Tax ID Number or Property Tax ID)

B. Acreage: .18 Frontage: 79.3 Depth: 100 +/-

C. Water Provider: PWC

D. Septage Provider: PWC

E. Deed Book 4913, Page(s) 0878, Cumberland County

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

G. Section and provision of the Zoning Ordinance or Code from which a Variance is requested: 1104

H. Nature and extent of hardship involved in strict application of the Zoning Ordinance or Code: _____

Ordinance 35 ft. asking for 12.5" setback
SP 7/31/15

The undersigned hereby acknowledge that the County Planning Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

Kyle and Sandra Patrick
NAME OF OWNER(S) (PRINT OR TYPE)

5205 Miranda Drive Hope Mills Nc 28348
ADDRESS OF OWNER(S)

Sandy3237@hotmail.com
E-MAIL

910-426-0949
HOME TELEPHONE #

910-850-5342
WORK TELEPHONE #

NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

ADDRESS OF AGENT, ATTORNEY, APPLICANT

HOME TELEPHONE #

WORK TELEPHONE #

Kyle Patrick
SIGNATURE OF OWNER(S)

SIGNATURE OF AGENT, ATTORNEY
OR APPLICANT

Sandra Patrick
SIGNATURE OF OWNER(S)

The contents of this application, upon submission, become "public record."

STATEMENT OF ACKNOWLEDGMENT

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 argument 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 acknowledgment 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) Kyle Patrick Sandra Patrick

PRINTED NAME OF OWNER(S) Kyle Patrick Sandra Patrick

DATE 7/15/15

Patricia Hall,
Chair
Town of Hope Mills

Charles C. Morris,
Vice-Chair
Town of Linden

Jami McLaughlin,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman

Donovan McLaurin,
Wade, Falcon & Godwin



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

—◆—
Planning & Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Vikki Andrews,
Diane Wheatley,
Carl Manning,
Walter Clark,
Cumberland County

Benny Pearce,
Town of Eastover

August 4, 2015

MEMORANDUM

TO: Cumberland County Board of Commissioners
Cumberland County Joint Planning Board

THRU: Thomas Lloyd, Planning Director
Cecil Combs, Deputy Director
Patricia Speicher, Land Use Codes

FROM: Jaimie Rachal, Planner - Land Use Codes Section

SUBJECT: County Board of Adjustment Report - FY 2014/2015

The following list of projects is submitted for your information. A sketch map for each case is attached. If you have any further questions, contact me at (910)678-7602 or via e-mail jrachal@co.cumberland.nc.us.

NO PUBLIC HEARING CASES FROM JULY – SEPTEMBER 2014

1. CASE FILE No. P14-04-C

MEETING: October 16, 2014
REQUEST: Special Use Permit to allow a billboard
PROPERTY OWNER(S): Charles A. Allen and Cindy M. Allen
AGENT: M. Grey Vick on behalf of Grey Outdoor, LLC.
JURISDICTION: Cumberland County
ADDRESS/LOCATION: East side of NC Highway 87 South, and across from and South of the intersection with SR 2220 (Tom Starling Road)
NUMBER OF UNITS: 1
ACRE(S): 1.76+/-
PIN #: 0443-66-7221
ZONING: C(P) Planned Commercial District
BOARD ACTION: Approved with Conditions

NO PUBLIC HEARING CASES FROM NOVEMBER - DECEMBER 2014

2. CASE FILE No. P14-05-C

MEETING: January 15, 2015
REQUEST: Continuance of a Nonconforming Use to allow a change in use from a landscaping business to a manufacturing and wholesale sign business
PROPERTY OWNER(S): Brian and Patricia Gallagher
AGENT: N/A
JURISDICTION: Cumberland County
ADDRESS/LOCATION: 165 Berrypatch Court
NUMBER OF LOTS/UNITS: 1/1
ACRE(S): 1.28+/-
PIN #: 0543-99-1906
ZONING: R40A
BOARD ACTION: Approved with condition to obtain permits

3. CASE FILE No. P14-06-C

MEETING: January 15, 2015
REQUEST: Special Use Permit to allow an expansion of a cemetery
PROPERTY OWNER(S): Rockfish Memorial Park, Inc.
AGENT: Lacy G. Chesney
JURISDICTION: Cumberland County
ADDRESS/LOCATION: 4017 Gillespie Street
NUMBER OF LOTS: 2
ACRE(S): 15.99+/-
PIN #: 0424-64-6471
0424-74-1262
ZONING: RR Rural Residential
BOARD ACTION: Approved with conditions

4. CASE FILE No. P15-01-C

MEETING: January 15, 2015
REQUEST: Special Use Permit to allow a kennel operation
PROPERTY OWNER(S): Andrew C. Miller and Candace D. Warren
AGENT: N/A
JURISDICTION: Cumberland County
ADDRESS/LOCATION: 2761 County Line Road
NUMBER OF UNITS: 1
ACRE(S): 2.00+/-
PIN #: 0430-30-3116
ZONING: A1 Agricultural/ CU Conditional Use Overlay District (rezoned R40 Residential February 16, 2015)
BOARD ACTION: Approved with conditions

5. CASE FILE No. P15-02-C - DEADFILE

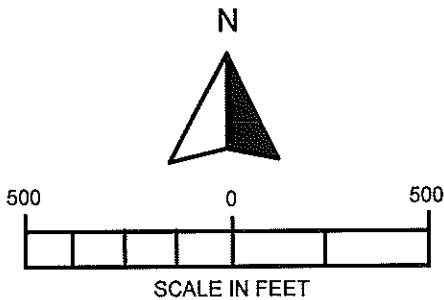
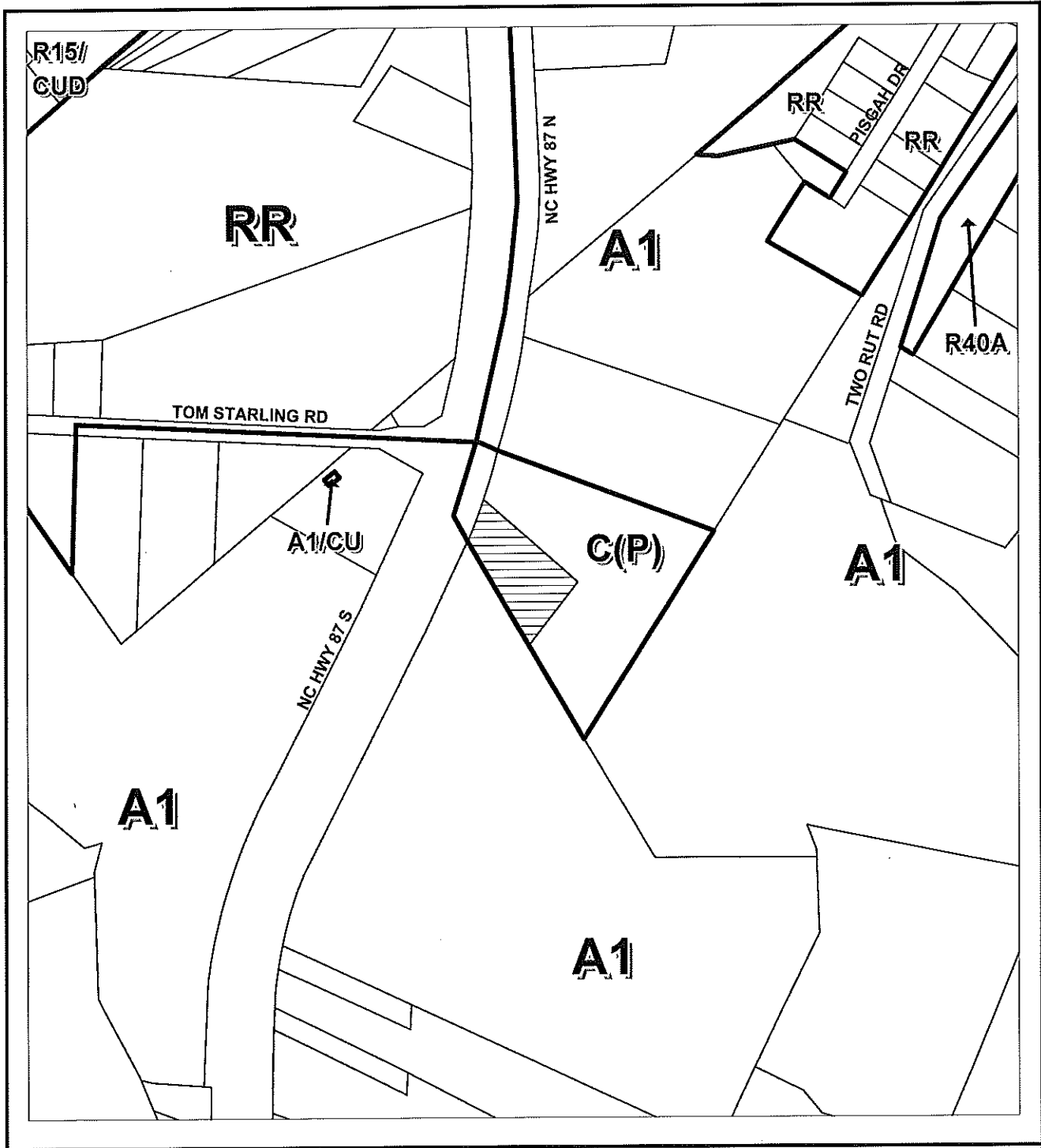
MEETING: N/A
REQUEST: N/A
PROPERTY OWNER(S): N/A
AGENT: N/A
JURISDICTION: N/A
ADDRESS/LOCATION: N/A
NUMBER OF LOTS: N/A
ACRE(S): N/A
PIN #: N/A
ZONING: N/A
BOARD ACTION: N/A

NO PUBLIC HEARING CASES FROM FEBRUARY - APRIL 2015

6. CASE FILE No. P15-03-C

MEETING: May 21, 2015
REQUEST: Special Use Permit to allow a borrow source operation
PROPERTY OWNER(S): GS Materials
AGENT: Jack Bailey
JURISDICTION: Cumberland County
ADDRESS/LOCATION: Claude Lee Road
NUMBER OF LOTS: 1
ACRE(S): 35.96 +/-
PIN #: 0434-06-9693
ZONING: M(P) Heavy Industrial District
BOARD ACTION: Approved with conditions

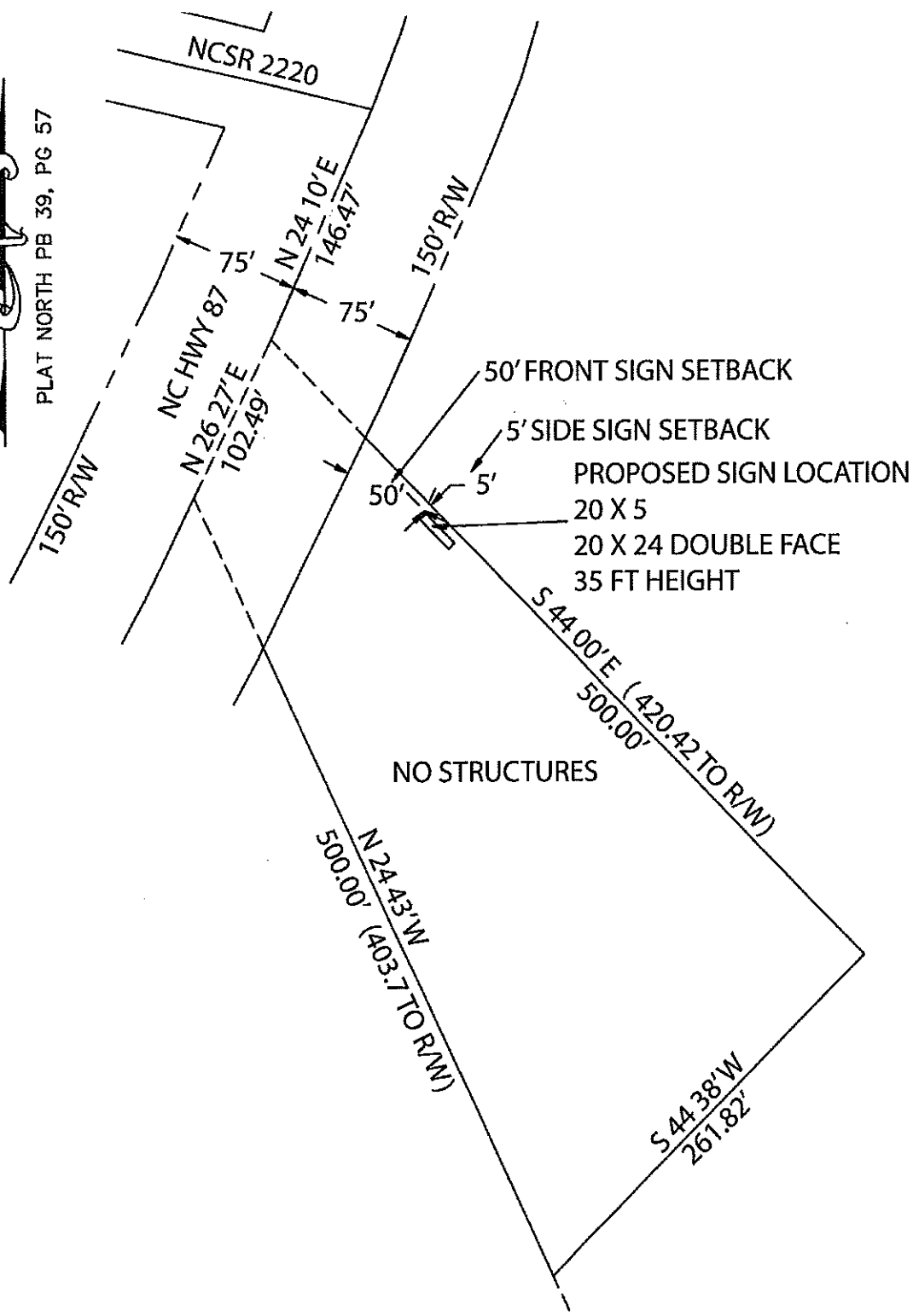
NO PUBLIC HEARING CASES FOR JUNE 2015



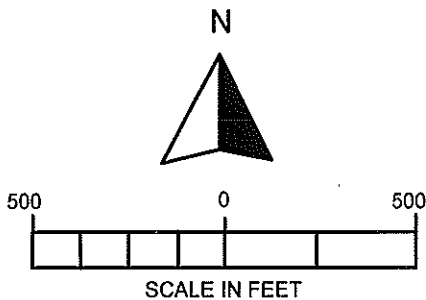
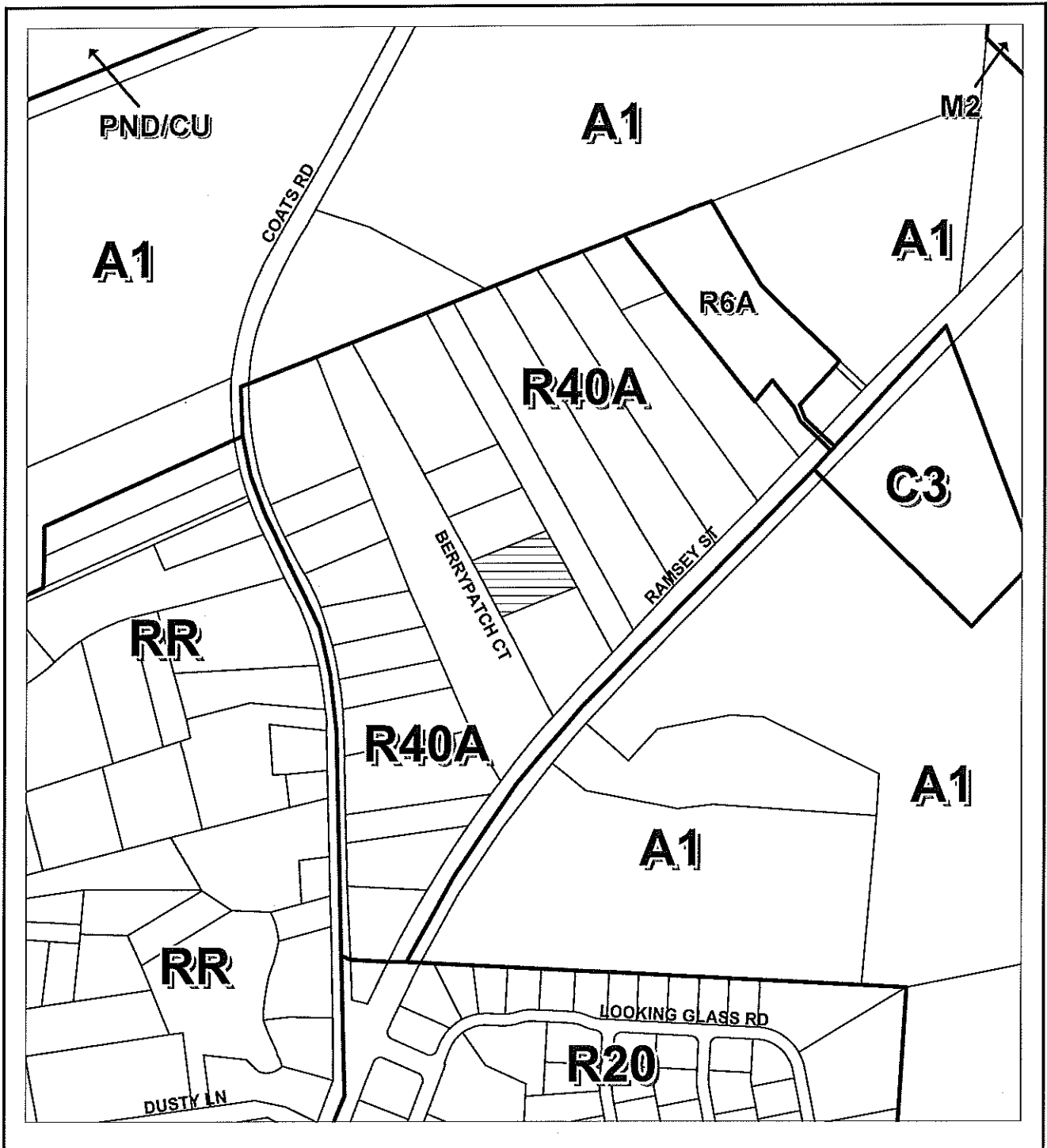
BOARD OF ADJUSTMENT SPECIAL USE PERMIT

ACREAGE: 1.76 AC.+/-		HEARING NO: P14-04-C	
ORDINANCE: COUNTY		HEARING DATE	ACTION
GOVERNING BOARD		10-16-14	APPROVED

PLAT NORTH PB 39, PG 57



**BOARD OF ADJUSTMENT
SPECIAL USE PERMIT
REQUEST: TO ALLOW A BILLBOARD IN A C(P)
PLANNED COMMERCIAL DISTRICT
CASE: P14-04-C ACREAGE: 1.76 AC.+/-
ZONED: C(P) SCALE: NTS**

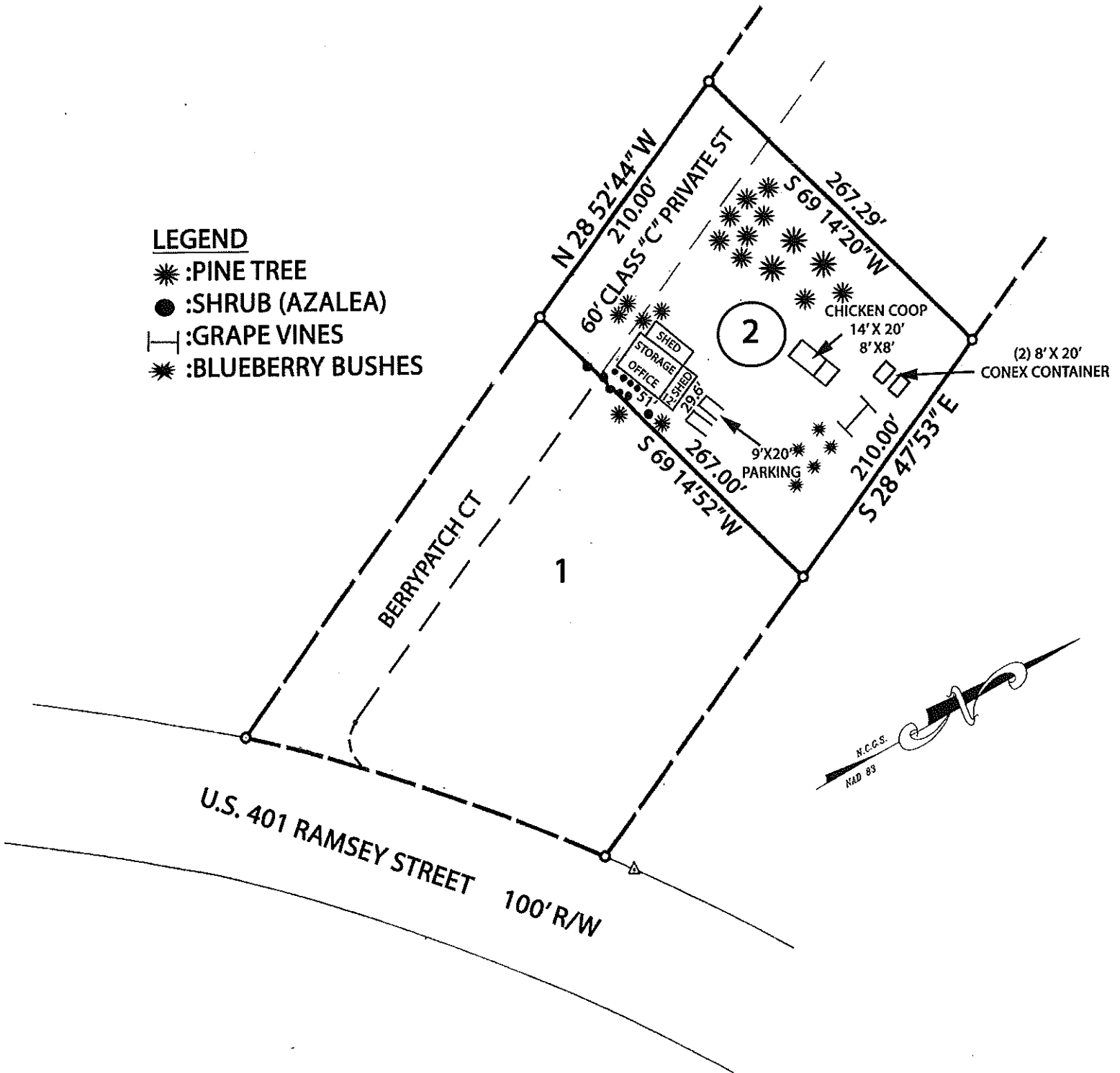


**BOARD OF ADJUSTMENT
CONTINUANCE OF
NONCONFORMING USE**

ACREAGE: 1.28 AC.+/-		HEARING NO: P14-05-C	
ORDINANCE: COUNTY		HEARING DATE	ACTION
GOVERNING BOARD		1-15-15	Approved

LEGEND

- * :PINE TREE
- :SHRUB (AZALEA)
- | :GRAPE VINES
- * :BLUEBERRY BUSHES

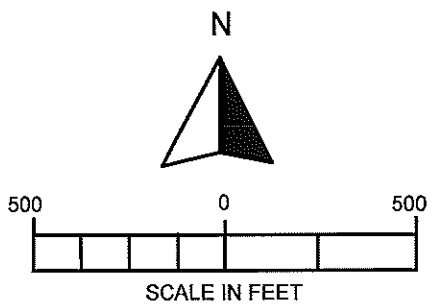
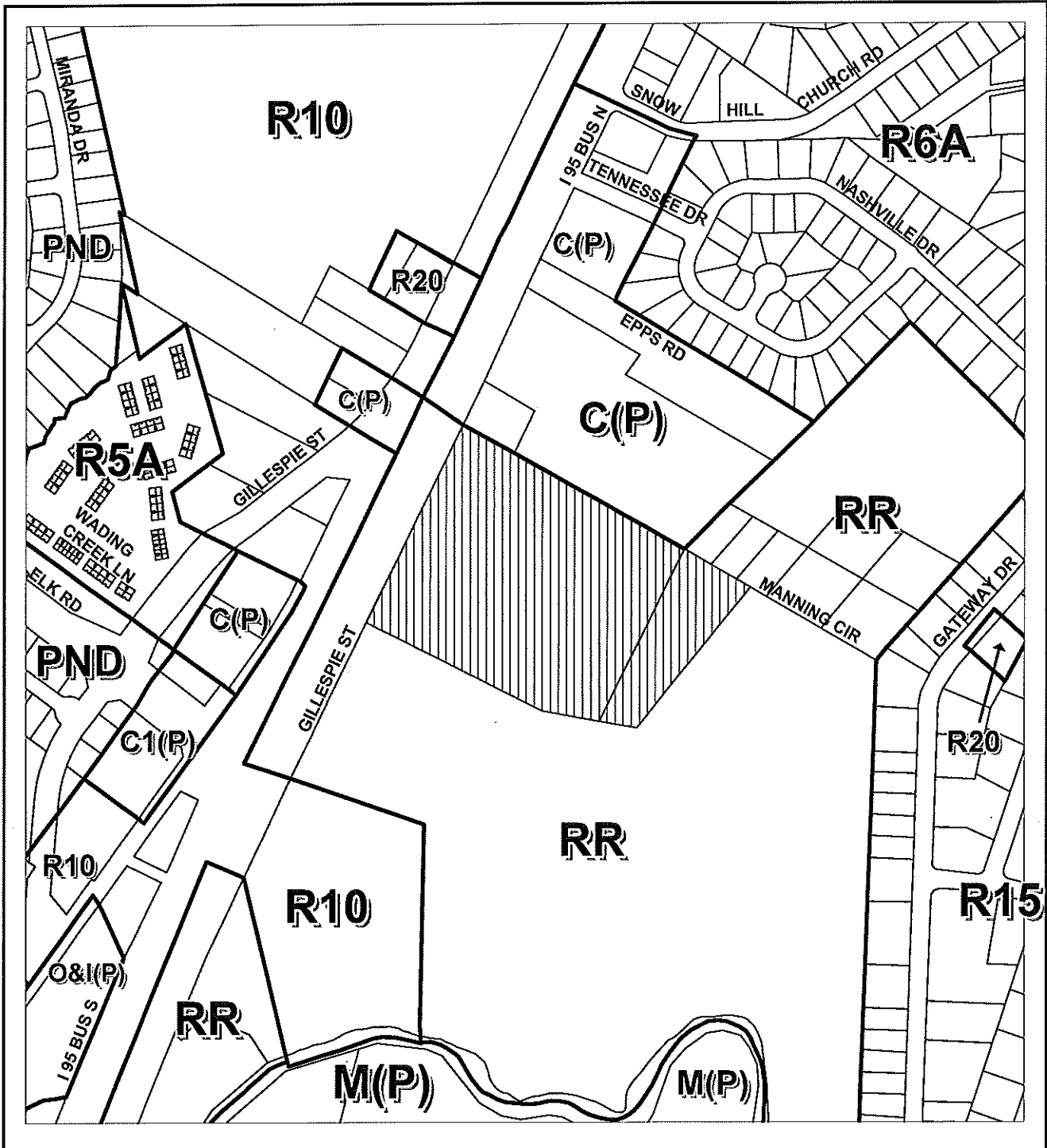


BOARD OF ADJUSTMENT
CONTINUANCE OF NONCONFORMING USE
REQUEST: TO ALLOW A CHANGE IN USE FROM A LANDSCAPING
BUSINESS TO SIGN MANUFACTURING AND WHOLESALE BUSINESS
CASE: P14-05-C ACREAGE: 1.28 AC +/-
ZONED: R40A SCALE: NTS

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

1/5/15
1/13/15

NOTE: IN AOD AREA

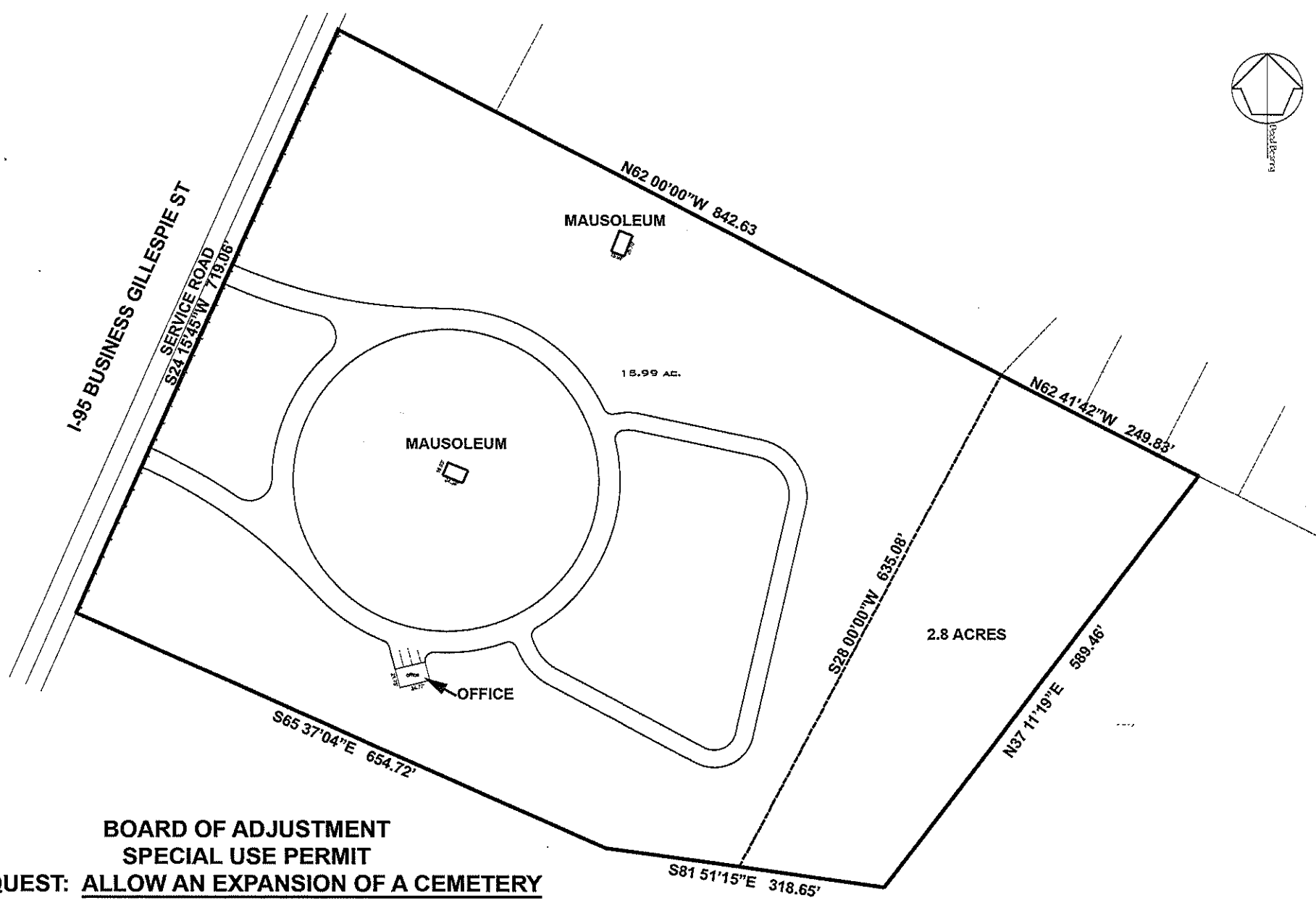
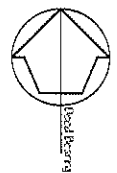


BOARD OF ADJUSTMENT SPECIAL USE PERMIT

ACREAGE: 15.99 AC. +/-		HEARING NO: P14-06-C	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
GOVERNING BOARD	1-15-15	Approved	

PIN: 0424-64-6471
PIN: 0424-74-1262

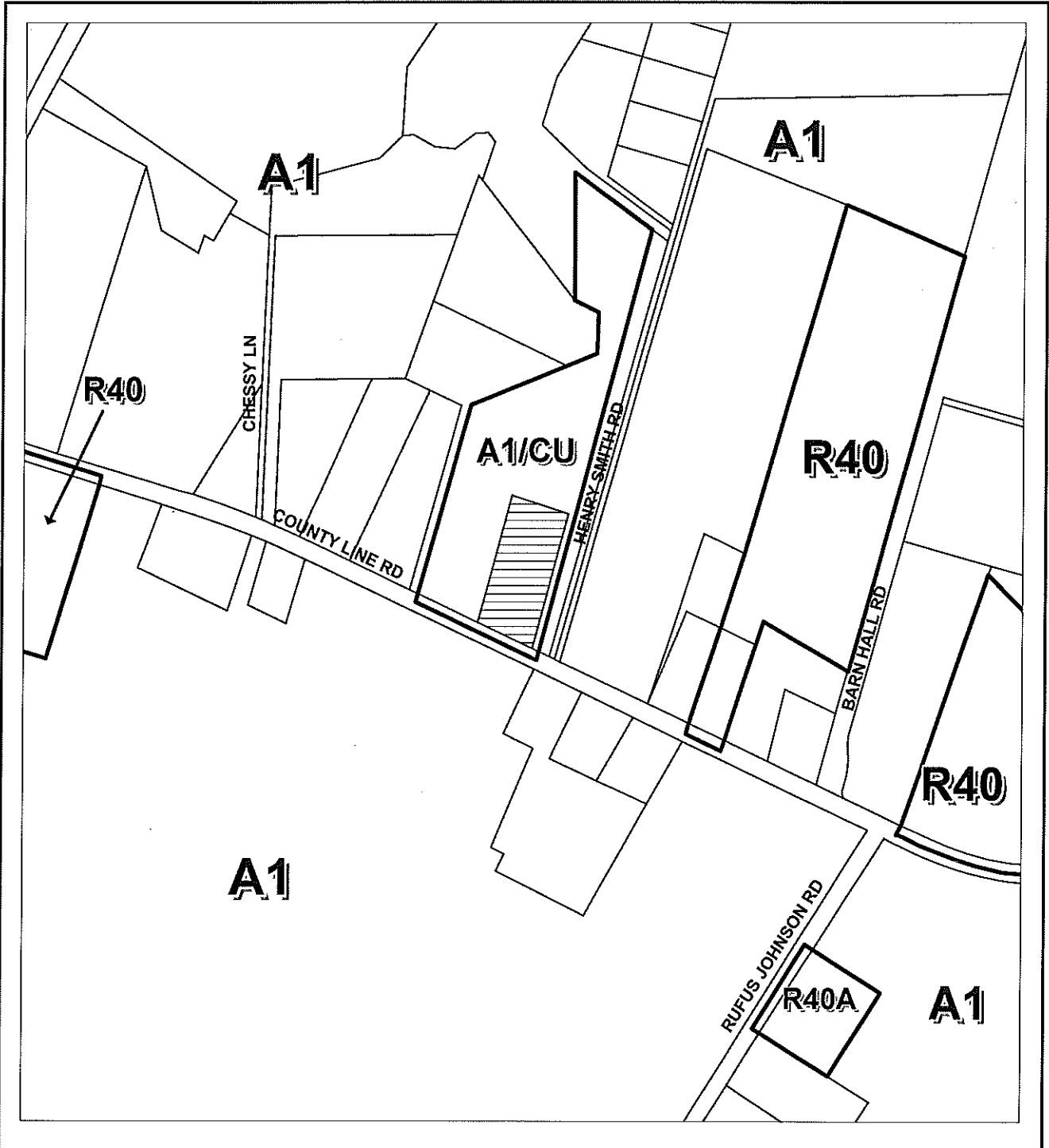
1/05/15
AM



**BOARD OF ADJUSTMENT
SPECIAL USE PERMIT
REQUEST: ALLOW AN EXPANSION OF A CEMETERY
CASE: P14-06-C ACERAGE: 15.99 AC+/-
ZONED: RR SCALED: NTS**

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

12/19/2014



BOARD OF ADJUSTMENT SPECIAL USE PERMIT

ACREAGE: 2.00 AC.+/-

HEARING NO: P15-01-C

ORDINANCE: COUNTY

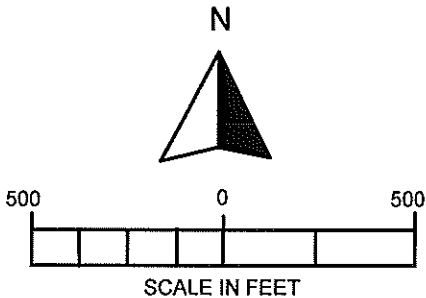
HEARING DATE

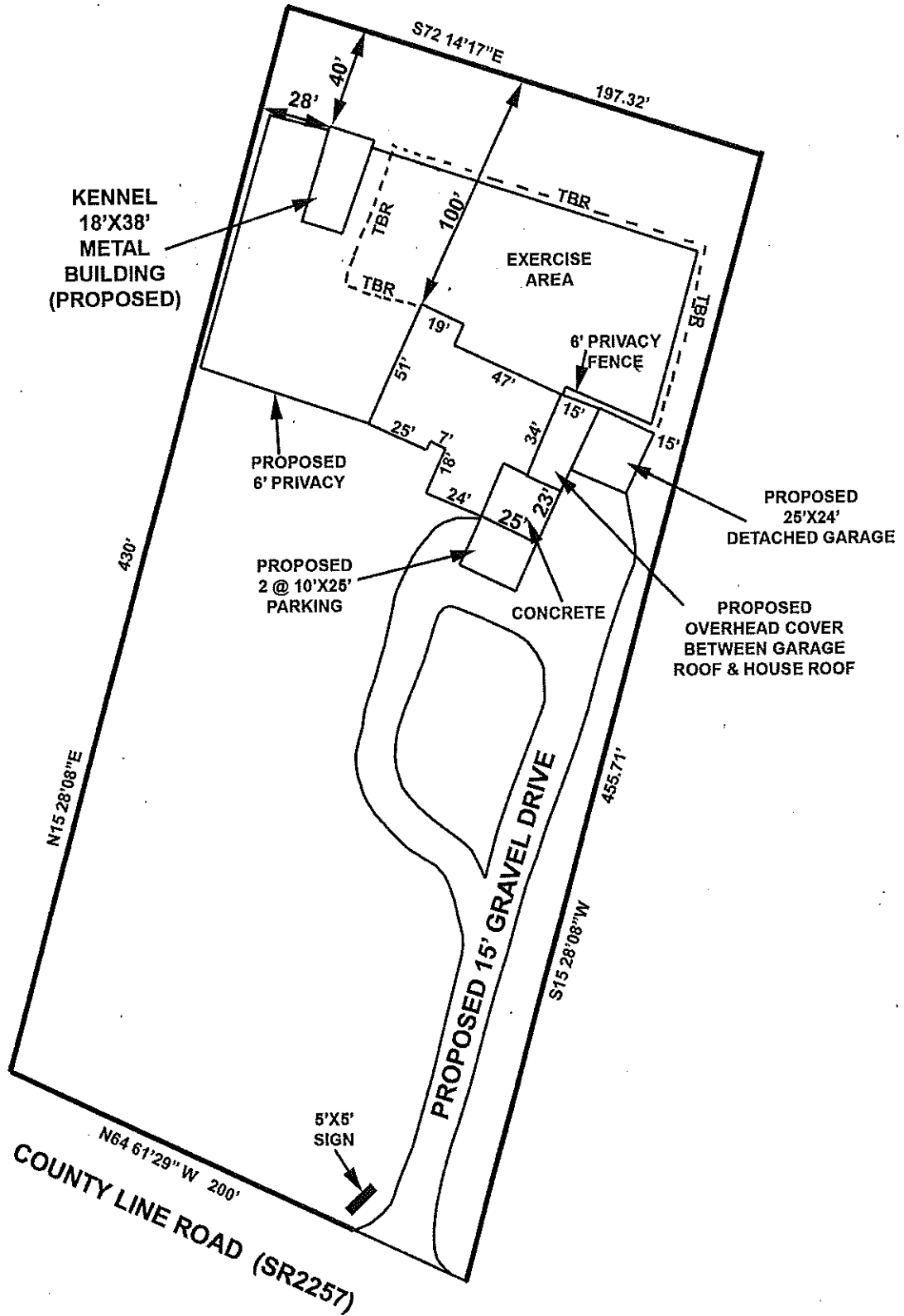
ACTION

GOVERNING BOARD

1-75-15

APPROVED

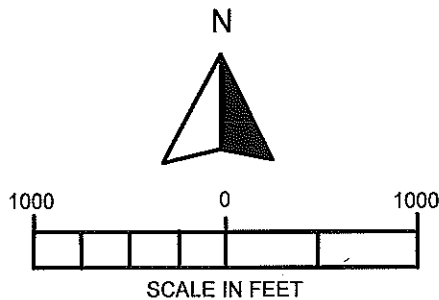
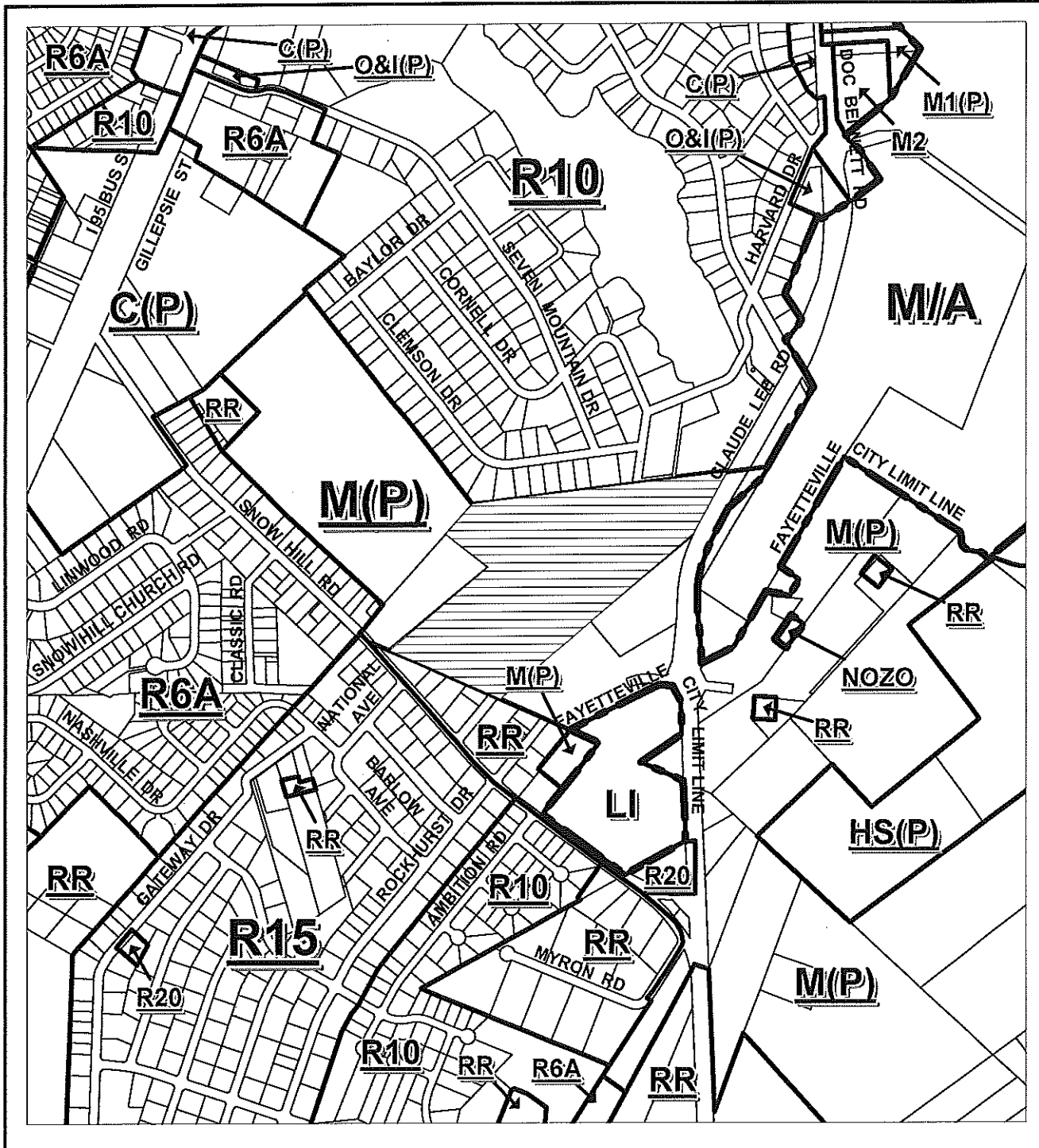




**BOARD OF ADJUSTMENT
SPECIAL USE PERMIT
REQUEST: ALLOW A KENNEL OPERATION
CASE: P15-01-C ACREAGE: 2.00 AC +/-
ZONED: A1/CU (R40 PENDING) SCALE: NTS
PARKING: 2 SPACES**

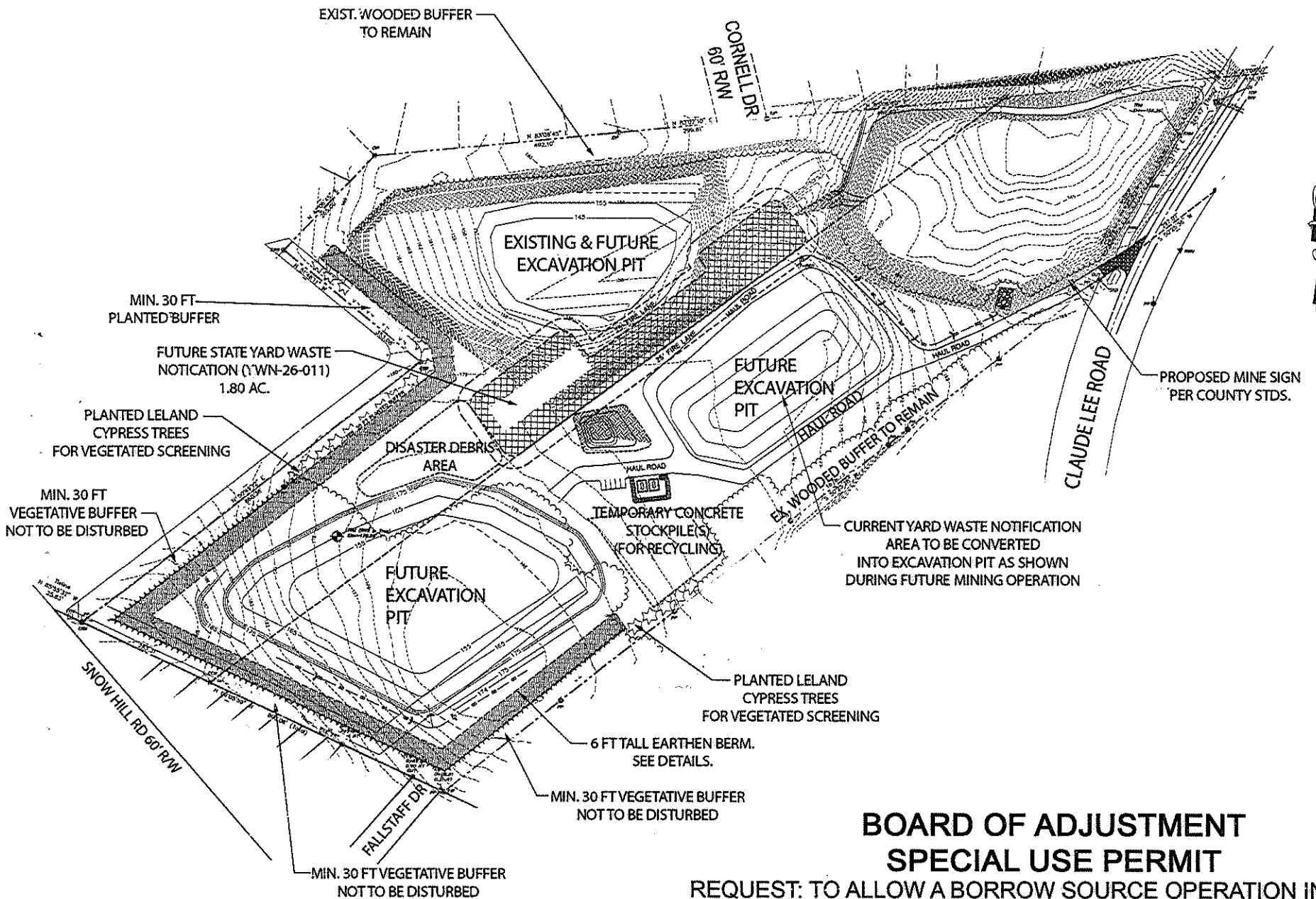
*SCALED DETAILED SITE PLAN IN FILE AVAILABLE FOR REVIEW UPON REQUEST

12/19/2014



BOARD OF ADJUSTMENT SPECIAL USE PERMIT

ACREAGE: 35.96 AC.+/-	HEARING NO: P15-03-C	
ORDINANCE: COUNTY	HEARING DATE	ACTION
GOVERNING BOARD	5-21-15	APPID *



BOARD OF ADJUSTMENT
SPECIAL USE PERMIT
 REQUEST: TO ALLOW A BORROW SOURCE OPERATION IN AN M(P)
HEAVY INDUSTRIAL DISTRICT
 CASE: P15-03-C ACREAGE: 35.96 AC +/-
 ZONED: M(P) SCALE: NTS
 *SCALED DETAILED SITE PLAN IN FILE AVAILABLE FOR REVIEW UPON REQUEST