

Members:
Ed Donaldson, Chairman
Horace Humphrey, Vice-Chair
Joseph M. Dykes
Vickie Mullins
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
MAY 21, 2015
7:00 PM

A meeting of the Cumberland County Board of Adjustment is to be held on Thursday, May 21, 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 JANUARY 15, 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):
 - **P15-03-C:** CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A BORROW SOURCE OPERATION IN AN M(P) HEAVY INDUSTRIAL DISTRICT ON 35.96+/- ACRES, LOCATED ON THE WEST SIDE OF CLAUDE LEE ROAD (SR 2341) AND NORTH OF LAZY ACRES STREET, SUBMITTED BY GS MATERIALS (OWNERS).
9. DISCUSSION
10. UPDATE(S)
11. ADJOURNMENT

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MINUTES
JANUARY 15, 2015
7:00 P.M.

Members Present

Ed Donaldson, Chairman
Winton McHenry
George Lott
Joseph Dykes
Horace Humphrey

Absent Members

Vickie Mullins

Staff/Others Present

Robert Haigh
Betty Lynd
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

Mr. Haigh called the roll and stated a quorum was present.

2. SWEAR IN STAFF

Chair Donaldson swore in staff members.

3. ADJUSTMENTS TO THE AGENDA

There were none.

4. APPROVAL OF THE OCTOBER 16, 2014 MINUTES

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

	IN FAVOR	OPPOSED
DONALDSON	YES	NONE
MCHENRY	YES	
DYKES	YES	
HUMPHREY	YES	
LOTT	YES	

5. ABSTENTIONS BY BOARD MEMBERS/BOARD MEMBER DISCLOSURES

CHAIR DONALDSON: You have an abstention on the second case?

MR. LOTT: Yes sir.

CHAIR DONALDSON: On the P14-06-C case.

MR. LOTT: Yes sir.

CHAIR DONALDSON: The cemetery case. Is there a particular reason?

MR. LOTT: I'm the surveyor of record on that.

CHAIR DONALDSON: Okay. That grounds?

MR. HASTY: That is. Technically, because there is a duty to vote, this is something new I've learned, that the board should vote to allow him to abstain on that.

CHAIR DONALDSON: Okay, but I mean is that a good reason? I mean, he can?

MR. HASTY: Yes.

CHAIR DONALDSON: Alright. No problem. All those in? I need a motion to approve his abstention from that case.

Mr. McHenry made a motion to allow Mr. George Lott to abstain from case P14-06-C, seconded by Mr. Humphrey. The motion passed unanimously.

	IN FAVOR	OPPOSED
DONALDSON	YES	NONE
MCHENRY	YES	
DYKES	YES	
HUMPHREY	YES	
LOTT	YES	

6. PUBLIC HEARING DEFERRALS/WITHDRAWALS

There were none.

7. POLICY STATEMENT REGARDING APPEAL PROCESS

Mr. Haigh read the Board's policy regarding the appeal process to the audience.

8. PUBLIC HEARING(S)

A. P14-05-C: CONSIDERATION OF THE CONTINUANCE OF A NONCONFORMING USE TO ALLOW A CHANGE IN USE FROM A LANDSCAPING BUSINESS TO A MANUFACTURING AND WHOLESALE SIGN BUSINESS IN AN R40A RESIDENTIAL DISTRICT ON 1.28+/- ACRES, LOCATED AT 165 BERRYPATCH COURT, SUBMITTED BY BRIAN AND PATRICIA GALLAGHER (OWNERS).

Mr. Haigh read the case heading. Chair Donaldson called Mr. Gallagher, a speaking in favor, forward.

Mr. Haigh reviewed zoning, sketch map, and land use of the area surrounding subject property. He briefly reviewed board packet material.

MR. HAIGH: So, this application is for a continuance of a special use. Now, what the board is going to be deciding is no conforming use may be changed, expanded, or resumed to any other nonconforming use unless the Board of Adjustments finds that such use is no more detrimental to the neighborhood than the initial nonconforming use of the property in question. Is there any slide that any of you would like to see again?

CHAIR DONALDSON: Not at this time. Anybody else from the board?

Chair Donaldson swore in the speaker, Mr. Gallagher.

MR. GALLAGHER: Basically, I'm just trying to make a living. I'm a wholesale sign man. For example, my main business there if you're familiar with the Harley riders, for example, they've got these little 1 inch by 3 inch stickers on their helmets. I make those. I go to events like Daytona, Sturgis, and I take these stickers with me and I have retail people that sale those. They also call me. I make the orders and mail them out. The reason for the signage and stuff is just to catch that occasional customer that wants magnetic signs or something for their car or something for their business. I'm not in the sign business so to speak. I was in Greensboro for about 10 years. When I moved to Fayetteville, I said I'm going to make it a smaller one-man operation. Most stuff is mail order.

CHAIR DONALDSON: How long have you been there?

MR. GALLAGHER: I've been there for 9 months. 8 to 9 months. I bought the property because everything that I researched showed it to be a non-zoning with Linden and then later on I find out that it is an R40A zoning.

CHAIR DONALDSON: How'd you find out?

MR. GALLAGHER: After I got a letter in the mail that said you're not compliant.

CHAIR DONALDSON: I was going to say, because there's a sign up there. I was like, okay, how long has he been? That's why I wanted to know how long you'd been in business out there?

MR. GALLAGHER: Well, the business. I've owned the property for about 9 months, but the actual sign business.

CHAIR DONALDSON: So if you hadn't of put the sign out there, you'd been okay, right?

MR. GALLAGHER: I'd have been okay. Home business. Right.

CHAIR DONALDSON: Okay.

MR. GALLAGHER: For a number of years we've lived in Kings Grant. We call that our farm up there. I own the adjacent properties next door to it and behind it.

CHAIR DONALDSON: How far up 401 is that?

MR. GALLAGHER: It's approximately four miles north of Goodyear on the left.

CHAIR DONALDSON: Okay. I thought that's where it was because I recognize that big open field there.

MR. LOTT: That belongs to the Warrens.

MR. GALLAGHER: Across the street are the Warrens with their industrial area and then their field there.

CHAIR DONALDSON: Yes.

MR. LOTT: All of your sign making is done internal?

MR. GALLAGHER: Internal in that 30 x 35 shop. I've got-

CHAIR DONALDSON: Was the shop there when you got there?

MR. GALLAGHER: It was there, yes sir. It was used as a landscaping office and repair area.

CHAIR DONALDSON: I assume for storage and other stuff. Probably storage and things like that.

MR. GALLAGHER: Storage.

CHAIR DONALDSON: Anybody on the board got any questions?

MR. GALLAGHER: I think the one more thing I'd like to add is, part of this says no more detrimental and there are pictures back for the last twenty years that just show junk sitting everywhere. I have spent many months actually cleaning this property up, making it look like something even from the road. All the overgrowth has been cut down. No stuff that you see on the slide here is there. As you see on the slide, there's five or six landscaping trucks, trailers, just a mess out there.

CHAIR DONALDSON: They've all been removed?

MR. GALLAGHER: They've all been removed. It's completely clean except for the office building and chicken coop because I like my eggs.

MR. LOTT: And it's not very visible from the road is it?

MR. GALLAGHER: No sir it's not visible at all because I do have a barrier. I've cleaned about the first 150 feet from the road. Left nothing but the big trees, cleaned out all the underbrush, but I have azalea bushes that have made a complete fence.

CHAIR DONALDSON: Go back to the slide that shows the sign, the entrance to the location.

MR. HAIGH: Yes sir.

MR. LOTT: That one.

CHAIR DONALDSON: Right there.

MR. LOTT: Yeah, there's nothing visible.

MR. GALLAGHER: And it's even a lot cleaner now than what you're seeing in the pictures, but the far barrier back there is still there.

CHAIR DONALDSON: Mr. Hasty, any advice to the board?

MR. HASTY: No. I mean, he set forth the requirement of the ordinance.

CHAIR DONALDSON: That it can't be no more detrimental than what is there now.

MR. HASTY: Exactly.

CHAIR DONALDSON: Okay. Any discussion by the board?

MR. MCHENRY: Were the chickens there before you got there?

MR. GALLAGHER: No sir.

CHAIR DONALDSON: Well you can have chickens inside the city.

MR. HUMPHREY: Looking at the condition of the property and what it was and he says he's cleaned that up and everything. Actually it's been an improvement.

MR. LOTT: Absolutely.

MR. HUMPHREY: It's not been a detrimental use. I think it's been an improved use.

MR. LOTT: Absolutely.

CHAIR DONALDSON: I agree.

MR. HUMPHREY: So, on that.

CHAIR DONALDSON: Anybody got a motion?

MR. LOTT: I make a motion-.

MR. HUMPHREY: I make-. Go ahead.

MR. LOTT: I make a motion we approve it.

MR. HUMPHREY: I would second that motion.

CHAIR DONALDSON: Any other discussion?

	IN FAVOR	OPPOSED
DONALDSON	YES	NONE
MCHENRY	YES	
DYKES	YES	
HUMPHREY	YES	
LOTT	YES	

CHAIR DONALDSON: Make a finding that it's a nonconforming use as it presently is zoned. That he has cleaned up the property substantially from what it was before. It was previously used as a landscaping/storage area with trucks and vehicles. Those have all been removed and he now makes signs in the same building and that it is a nonconforming use but that it is not any more detrimental than what it was previously zoned for. It's actually a better zoning.

MR. HAIGH: The staff would ask the board if possible to make the approval contingent on his getting all the other permits that would be required from building code.

CHAIR DONALDSON: That's understood. But you know, if there's any other permits that you need. Is there any permits that he needs?

MR. HAIGH: Not from our department. Not from planning, but possibly from the inspections department.

CHAIR DONALDSON: Okay. You understand that right?

MR. GALLAGHER: Yea. From speaking with them, they don't have any permits that I know of either because my sign is on my private street. Something about it's where churches put their signs when you have a private street it's on-

CHAIR DONALDSON: I was going to ask, but I don't think the sign ordinance applied to him, did it?

MR. HASTY: I don't think so.

CHAIR DONALDSON: No.

MR. HAIGH: Yeah, that's separate property.

CHAIR DONALDSON: Yeah. So you're good on that as far as we're concerned.

MR. GALLAGHER: As far as I know, there's no permits that are required.

CHAIR DONALDSON: Anybody want to make any other comments? Thank you sir.

MR. GALLAGHER: Thank you.

B. P14-06-C: CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW AN EXPANSION OF A CEMETERY IN AN RR RURAL RESIDENTIAL DISTRICT ON 15.99+/- ACRES, LOCATED AT 4017 GILLESPIE STREET, SUBMITTED BY ROCKFISH MEMORIAL PARK, INC (OWNER). AND LACY G. CHESNEY.

Chair Donaldson read the case heading.

CHAIR DONALDSON: Is Mr. Chesney here? Who is speaking on behalf of that?

MR. AUSTIN: My name is Alfonso Austin.

CHAIR DONALDSON: Okay. What is your position with that piece of property? Are you the owner or president or what?

MR. AUSTIN: Part-owner and president.

CHAIR DONALDSON: Okay.

Chair Donaldson swore in Mr. Austin as a speaker.

Mr. Haigh reviewed zoning, sketch map, and land use of the area surrounding subject property. He briefly reviewed board packet material.

CHAIR DONALDSON: Any questions from the board?

MR. DYKES: I have one question. Is this property below the airport like going south?

CHAIR DONALDSON: Yes. Almost down to Rockfish Creek.

MR. DYKES: Okay.

CHAIR DONALDSON: You know, it's on the left if you're going where Rockfish Creek crosses. It's above that. Just above that. Up above actually where the industrial entrance is. I'm sorry Mr. Austin, go ahead and tell us why you want this?

MR. AUSTIN: We were planning to open up a couple more gardens at the cemetery. We have cleaned it off and we just wanted to make sure that we were in compliance with the code of zoning or whatever permits we need from the state.

CHAIR DONALDSON: How big is the area that you have right now that's actually being utilized?

MR. AUSTIN: Being utilized now, we've got about 13 acres I believe.

CHAIR DONALDSON: 13 acres and this is an additional 15 acres?

MR. AUSTIN: Well the total thing is 15.

CHAIR DONALDSON: Okay.

MR. AUSTIN: The total cemetery is 15, so we wanted to open. Go back to the other slide please.

CHAIR DONALDSON: Oh, so it's not. Right now the whole total is about 15 or 16 acres.

MR. AUSTIN: Right.

CHAIR DONALDSON: And how much of that is now actually being utilized as a cemetery?

MR. AUSTIN: Okay. All of it is being utilized except for the Garden of Hope and the Garden of Love.

CHAIR DONALDSON: Okay.

MR. AUSTIN: Which is about 4 acres I would say. I would say approximately 4 acres.

CHAIR DONALDSON: Okay. How many graves are in there now? Roughly.

MR. AUSTIN: Right now we have about 3,084.

CHAIR DONALDSON: And you need this because you're running out of space?

MR. AUSTIN: Well we wanted to do this because the Garden of Serenity, we just opened that up. That's 1000 spots. We have only used about 20 in that one, but we wanted to clean those off and do a mausoleum or future plans.

CHAIR DONALDSON: How long has that cemetery been there?

MR. AUSTIN: 1961.

CHAIR DONALDSON: 1961?

MR. AUSTIN: Yes.

CHAIR DONALDSON: I thought so. It's been here as long as I can remember. Anybody have any questions? Anything else you want to tell us sir?

MR. AUSTIN: That's about it.

CHAIR DONALDSON: Anything that we need to consider on this Mr. Hasty?

MR. HASTY: Not that I can think of.

MR. HAIGH: And they do comply with all the ordinance standards and have agreed with the conditions that we've placed on them.

CHAIR DONALDSON: Plus the requirements the state requires on them as far as the cemetery and so forth. Anybody want to be heard?

MR. HUMPHREY: If anyone wants to discuss it, I'll wait but otherwise I'm going to offer a motion that it be approved.

CHAIR DONALDSON: Anybody want to discuss it?

MR. MCHENRY: I don't.

MR. HUMPHREY: Then I'd like to offer a motion then that the board approves this request.

CHAIR DONALDSON: Expansion. Second?

MR. DYKES: Second.

	IN FAVOR	OPPOSED
DONALDSON	YES	NONE
MCHENRY	YES	
DYKES	YES	
HUMPHREY	YES	

C. P15-01-C: CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A KENNEL OPERATION IN AN A1 AGRICULTURAL / CU CONDITIONAL USE OVERLAY DISTRICT FOR A HOME-BASED CATERING BUSINESS (PENDING REZONING) ON 2.00+/- ACRES, LOCATED AT 2761 COUNTY LINE ROAD, SUBMITTED BY ANDREW C. MILLER & CANDACE D. WARREN (OWNERS).

Chair Donaldson read the case heading and called the speakers forward.

CHAIR DONALDSON: What's your name sir?

MR. MILLER: Andrew Miller.

CHAIR DONALDSON: Are you going to speak for both of you?

MR. MILLER: This is my wife Candace.

MS. WARREN: It's my business.

MR. MILLER: It's her business but I'm doing all the prep work.

CHAIR DONALDSON: Okay.

Mr. Haigh reviewed zoning, sketch map, and land use of the area surrounding subject property. He briefly reviewed board packet material.

CHAIR DONALDSON: So if we were to grant this now, it'd be grandfathered in before the commissioners making it R40?

MR. HAIGH: In the conditions, we have it written in so that it would be contingent on one another, or this would be, one of his conditions before he pulls any permits would be that that rezoning be concluded, which is currently underway.

Mr. Haigh continued reviewing material.

CHAIR DONALDSON: [Referring to picture of subject property] That's your house there?

MS. WARREN: Yes. Can I just add too that these are our dogs. We're not keeping other people's dogs. These are our personal pets, but we don't keep them all in the house because there are seven of them.

CHAIR DONALDSON: How many dogs?

MS. WARREN: Fifteen.

CHAIR DONALDSON: Oh that's right. The county has an ordinance about the number of dogs.

MR. HASTY: In a residence unless they are for breeding or show purposes.

MS. WARREN: We show them.

MR. MILLER: She's been showing and breeding golden retrievers for about 17 years.

CHAIR DONALDSON: What kind?

MS. WARREN & MR. MILLER: Golden retrievers.

Mr. Haigh continued reviewing material.

CHAIR DONALDSON: Go back to the slide that shows behind the house where the kennel is going to go. Right in there.

MR. LOTT: Is that the yellow building?

MS. WARREN: Yes.

MR. LOTT: Mr. Chairman, I'd just like to point out that they haven't been sworn in.

CHAIR DONALDSON: I know. I'm just talking. I wanted him to go back because I wanted to look at that. Any other slides y'all want to look at?

MR. LOTT: One question, and maybe I missed something, how is the kennel and the-

CHAIR DONALDSON: Well let me swear them in if you want them to answer. I wanted to look at that slide there. Is there any other slides anybody else wanted to look at? Leave that slide up please.

Chair Donaldson swore in both speakers, Mr. Miller and Ms. Warren.

CHAIR DONALDSON: Who wants to speak first?

MR. MILLER: I can do most of the talking. She's been breeding golden retrievers for about 16 or 17 years. We do all the health clearances. Health certifications are done on all the parents before they're ever bred. She's got a phenomenal program. I grew up on a huge beef cattle farm up in Wisconsin, so I'm very familiar with how all this stuff works as far as for her to be able to continue to have a business from our home. We have four children. Our oldest one has cerebral palsy so it really helps for her to be able to have her business out of our home. I work outside the home. We did pull a permit to be able to put up an 18 x 38 building, which is what you see in this picture.

CHAIR DONALDSON: That, you pulled that permit to build that?

MR. MILLER: Yes sir.

CHAIR DONALDSON: And that's going to actually house the dogs?

MR. MILLER: Correct and they allowed us to pull the permit and put that building up. We do not have any dogs in that building. We have not moved, our dogs are still at our other property which is going to be sold before too long we hope. It's getting put on the market soon, but we have not moved any of our dogs to our new location because we're having to do the rezoning. We were not aware of the conditional use on this property at all when we bought it.

CHAIR DONALDSON: What's the conditional use on this property?

MR. HAIGH: It's to allow a home catering business.

CHAIR DONALDSON: Okay.

MR. MILLER: That was the lady that owned the property originally. Her daughter used to live in our house, so when they sold off the 2 acres to her daughter and her daughter's husband, that conditional zoning use, of course, encompassed our property because the zoning line and the property line were two different things, which Mr. Haigh has educated me very well on.

CHAIR DONALDSON: How big is the plot of land that you own?

MR. MILLER: 2 acres.

CHAIR DONALDSON: 2 acres?

MR. MILLER: Yes sir.

CHAIR DONALDSON: Alright. Go ahead sir.

MR. MILLER: He's went through all the conditions. We're going to do the six foot privacy fence and then we'll have the vegetative buffer on three sides. The right, left, and back.

MS. WARREN: We've talked to all of our neighbors. One who is a sheriff's deputy that trains the hounds and such. He lives down the road and has about 30 dogs on the next street over. So, we've went and talked to everyone and told them.

CHAIR DONALDSON: What's the distance between your house and the next house, roughly?

MR. MILLER: There's an acre field between us and the house to the left. That's the closest house. The other house is across the street is that full, our full front yard which is about an acre and a half.

CHAIR DONALDSON: That acre field between your house and the next house, is that land you own?

MR. MILLER: That's farmland that Riddle farms owns.

CHAIR DONALDSON: Okay.

MR. MILLER: And we've already spoke with them because they live within a quarter mile.

CHAIR DONALDSON: Questions? And you've been doing this 16 years?

MS. WARREN: Yes.

CHAIR DONALDSON: And they're at your other property now?

MS. WARREN: In Parkton.

CHAIR DONALDSON: In Parkton?

MS. WARREN: We can't put the house on the market until we move the dogs.

MR. MILLER: When we originally looked at this house in the listings for the MLS, for the realty stuff, everything came up as A1 and when we talked about building this property or building the kennel and everything, we were under the assumption because we didn't know that there was a conditional use on it that we would have no problems doing any of this. That's the whole reason we bought this house.

MS. WARREN: Now we are driving back and forth every day to take care of our animals at the other property.

CHAIR DONALDSON: Mr. Humphrey, anything?

MR. HUMPHREY: Well-

CHAIR DONALDSON: What's the limit? It's three dogs under the-. Is it three dogs under the county rules?

MR. HASTY: It is, but you can get additional dogs if you show dogs or breed them. I think you need a permit from Animal Control saying-.

MS. WARREN: Yes.

MR. MILLER: Yes and we pay a yearly tax on all of them just like you do with your vehicle.

MR. HASTY: Otherwise, as long as Animal Control grants the permit.

CHAIR DONALDSON: Which I never understood when you're out in the country why you can only be limited to three dogs.

MR. LOTT: You can have 100 cows.

MR. MILLER: 10-4 on that.

CHAIR DONALDSON: If you went to my family's farm there'd be twenty dogs running around under the porch. What we called ditch dogs, but that's a different matter and I'll bet they're not permitted either.

MR. MCHENRY: Has the property ever been used for catering?

MR. MILLER: Originally this property didn't exist until 2006. Before that, this was all part of the property where you see the A1/CU [referring to slide on screen], that red property line. That, our property was part of their property which is the people that live in the house directly behind us.

CHAIR DONALDSON: The one in that little triangle?

MS. WARREN: Yes.

MR. MILLER: They owned all this. They actually still have the catering business and I went back and talked with them. He's getting ready to retire before too long, but they're okay with this happening. They have absolutely no issue.

MR. LOTT: There's no opposition here.

MR. HUMPHREY: I wanted to note that you mentioned earlier that when you come up to kennels you normally have the place full and there is no one here tonight, which I figured you had done your business, your diligence.

MR. MILLER: Yes sir. We've explained to them in great depths about how much time, effort, and money we put into these dogs. These are not just backyard breeding. We're not, we don't board other peoples dogs. We do rescues once in a while. She actually has a close friend that works for Animal Control.

MS. WARREN: I've called them.

MR. MILLER: Our vet is Southern Oaks Animal Hospital. Dr. Kent Dean knows us really well.

CHAIR DONALDSON: I think the last kennel case we had, we ended up having to defer it until they complied with a bunch of stuff so they could get it done.

MS. WARREN: That's why we moved way out there. [Inaudible].

MR. MCHENRY: You're saying that you're going to keep the dogs in this building?

MS. WARREN: Yes. They'll have runs that go outside and then they'll have a catch yard, so they'll have an indoor and outdoor area.

CHAIR DONALDSON: Go back to the slide that shows the building in the backyard, please Mr. Haigh. Right there.

MR. MILLER: So, that building is designed. It's 18 foot wide by 38 foot long. It'll have approximately seven runs on each side and those will each have a doggy door that come out of that building and they'll have a five foot by ten foot external area to run outside along this side and then the privacy fence is actually going to wrap around the back of that building and come up to about the, about halfway up the house because that's where our air conditioning unit sits and I don't want that in that same yard and then we're actually going to separate that backyard in half. Like I said, we have four kids and our youngest is still ten so we've got a trampoline. So, they're going to have part of the backyard. Eventually, if you want to go back to the site plan.

CHAIR DONALDSON: If you look on the site plan.

MR. MILLER: If you look on the site plan that whole left side of our property actually will have farm fencing. We're going to have an actual exercise area where I train. I actually train some of our dogs to be therapy dogs. The reason I do that is I'm a veteran. I have PTSD. I have one dog that's already a therapy dog for both basically myself and my daughter. So, in order to be able to do those types of things we're going to, the whole property itself will be fenced in completely. There will actually be an entrance gate, but it will be years from now before we can do that gate. Did I answer all your questions on the building?

MR. MCHENRY: Yes. I was just curious.

CHAIR DONALDSON: Are you asking for? Is it just going to be a limit of 15 dogs because that's going to fluctuate up and down isn't it, because you've got births and all that at times. The litters-

MS. WARREN: The litters we don't keep, but what we do is we do all their health certifications. Their hips, their elbows, their hearts, their eyes. So if we have one that fails the certifications we spay or neuter and place them. So, at any given time, normally my numbers are fifteen that I keep for myself.

CHAIR DONALDSON: Go ahead.

MR. HAIGH: The application doesn't discern how many dogs they would have, so that wouldn't be something you would consider unless you felt the need to.

CHAIR DONALDSON: The number 15 was tossed out there and I thought that's what they were asking for, for just 15, but I was thinking litters could be anywhere from 6, 7, 8 puppies.

MS. WARREN: Correct.

CHAIR DONALDSON: Any further questions? Discussion? Motion?

MR. LOTT: I make a motion we approve it.

MR. DYKES: I make a motion we approve it based on the testimony I've heard.

CHAIR DONALDSON: Second?

MR. HUMPHREY: There were two motions. Mr. Lott made a motion and he made a motion.

CHAIR DONALDSON: He made the same motion.

MR. LOTT: He put an addition on to his.

CHAIR DONALDSON: He just said based on what we've heard he made the motion.

MR. HUMPHREY: That okay with you Mr. Lott?

MR. LOTT: Yes sir.

MR. HUMPHREY: Okay.

	IN FAVOR	OPPOSED
DONALDSON	YES	NONE
MCHENRY	YES	
DYKES	YES	
HUMPHREY	YES	
LOTT	YES	

MRS. LYND: I'm sorry. Who was the second just so I can make sure I have it correct in my records?

CHAIR DONALDSON: Mr. Dykes was seconding Mr. Lott's motion. Alright. Thank you.

MR. MILLER: Thank you.

9. DISCUSSION

There was none.

10. UPDATE(S)

There was none.

11. ADJOURNMENT

Mr. Lott made a motion to adjourn at 7:44 p.m., seconded by Mr. Humphrey.

P15-03-C
SITE PROFILE

P15-03-C: CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A BORROW SOURCE OPERATION IN AN M(P) HEAVY INDUSTRIAL DISTRICT ON 35.96+/- ACRES, LOCATED ON THE WEST SIDE OF CLAUDE LEE ROAD (SR 2341) AND NORTH OF LAZY ACRES STREET, SUBMITTED BY GS MATERIALS (OWNERS).

Site Information:

Frontage & Location: 450.00+/- on SR 2341 (Claude Lee Road)

Depth: 2450.00'+/-

Jurisdiction: Cumberland County

Adjacent Property: East across SR 2341(Claude Lee Road)

Current Use: Inert Debris Landfill (portion of site) (borrow source operation - expired permit)

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

Nonconformities: No

Zoning Violation(s): Yes, Case #ZN-975-2015, issued February 16, 2015

Surrounding Zoning: North: R6A, R10, O&I(P), C(P), M1(P), M(P), M2; West: R6A, RR, C(P); East: RR, HS(P), M/A(Fay), M(P); South: R6A, R10, R15, R20, RR, M(P), LI(Fay)

Surrounding Land Use: Residential, 2 religious worship facilities, regional airport, truck terminal w/ warehouse, service company

2030 Growth Strategy Map: Urban area

Proposed South Central Land Use Plan: Airport oriented uses (“farming, nurseries, non-people intensive manufacturing or assembly, and etc.”)

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: PWC/Septic

Soil Limitations: None

Watershed: No

School Capacity/Enrolled: N/A

Subdivision/Site Plan: See attached “Ordinance Related Conditions” – particular attention should be paid to conditions numbered: 2,6, 7, and 20

Average Daily Traffic Count (2012): 2900 on SR 2341 (Claude Lee Road)

US Fish & Wildlife: No objection

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

Cumberland County Zoning Ordinance Reference: Section 904. Borrow Source Operations (*see bottom of page 79 in your board notebook*)

Notes:

1. Case No. 15-026, conditional approval as “Landfill, Demolition/Inert Debris” approved on subject Property – site plan included in packet
2. Contents of Application:
 - a. Hours of operation: sunrise to sunset, Monday through Saturday
 - b. Approximately 2 employees (off-street parking based on number of employees)
 - c. No signage stated on application – site plan notes a sign
 - d. Landscaping – not addressed; however, buffer (vegetative & berm) is shown on plan

(See next page for listing of attachments.)

First Class and Record Owners' Mailed Notice Certification

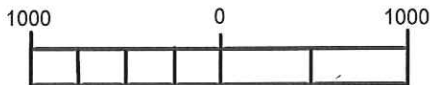
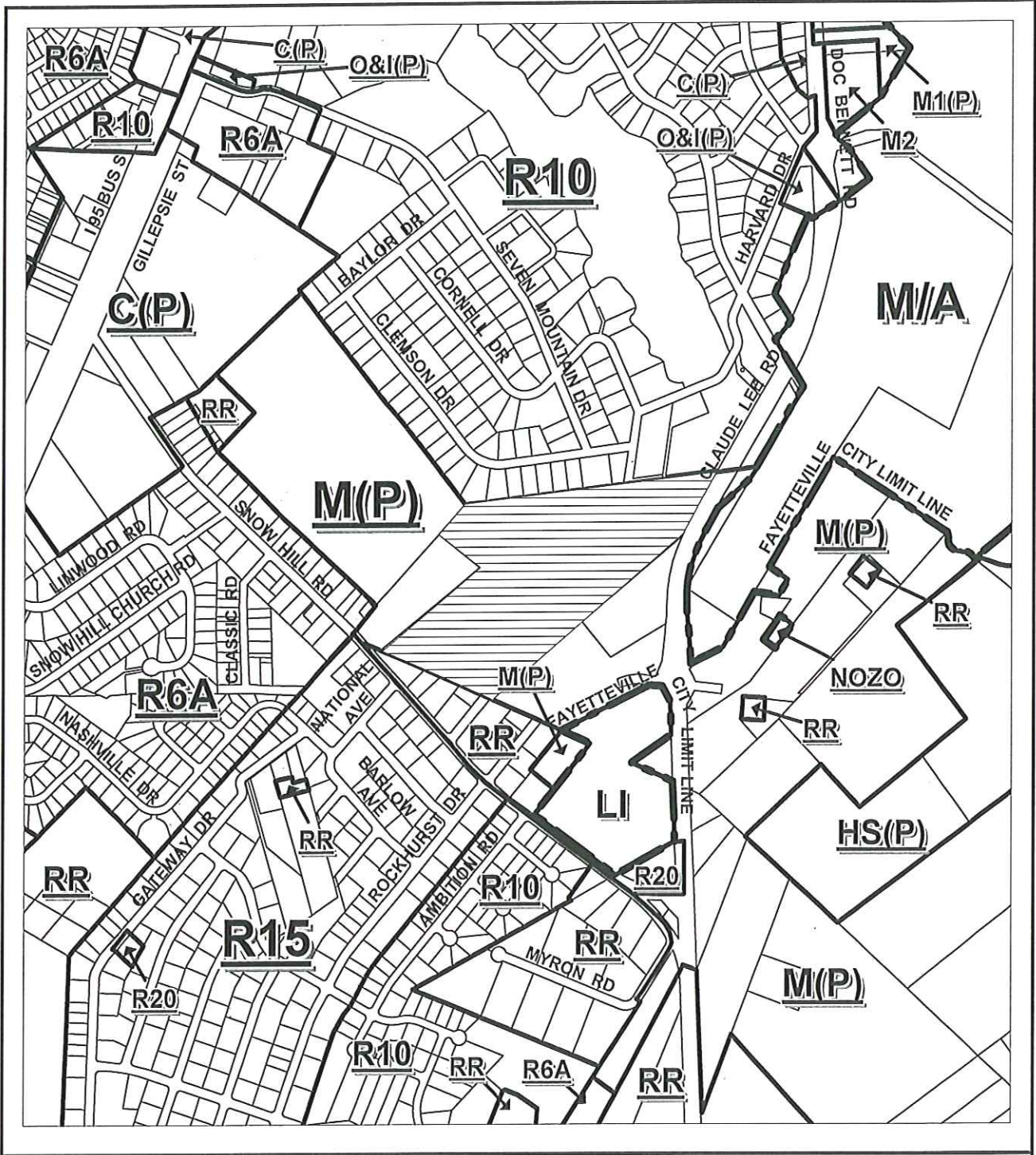
A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith.

P15-03-C Site Profile Attachments:

1. Zoning Sketch Map
2. Site Plan (Subject Case)
3. Case 15-026 Site Plan
4. County Notice of Violation, dated February 16, 2015
5. SUP Application
6. 1,000' Listing of Tax Record Owners
7. Applicant Submitted Listing of Borrow Source Ops w/in 1.5 miles
8. County Approved Borrow Source Ops w/in 1.5 miles
9. NC Dept. of Transportation Load Carrying Capacity Letter, dated April 7, 2015
10. NC Dept. of Environment and Natural Resources Yard Waste Site Letter, dated May 6, 2015
11. Draft Ordinance Related Conditions

First Class and Record Owners' Mailed Notice Certification

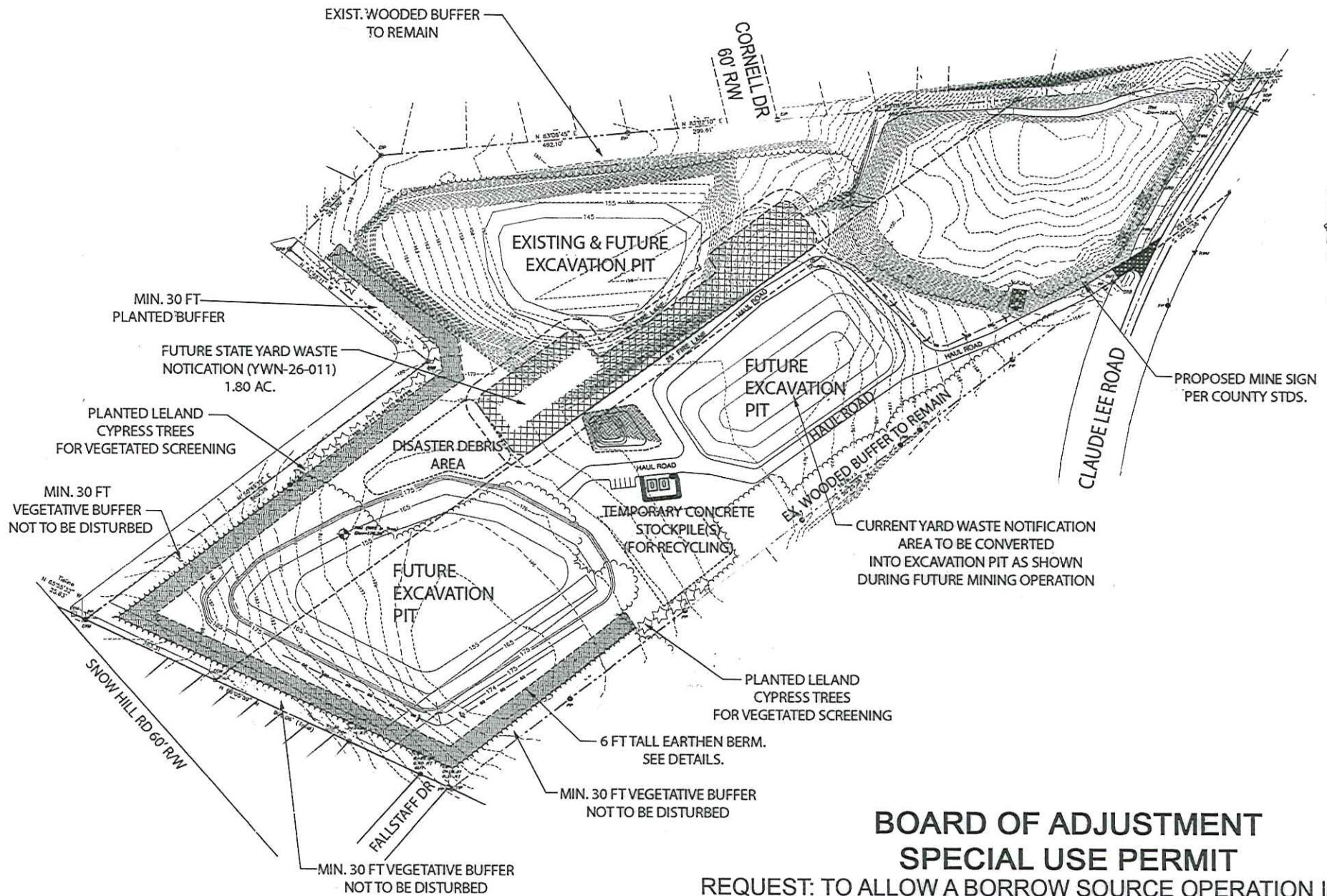
A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith.



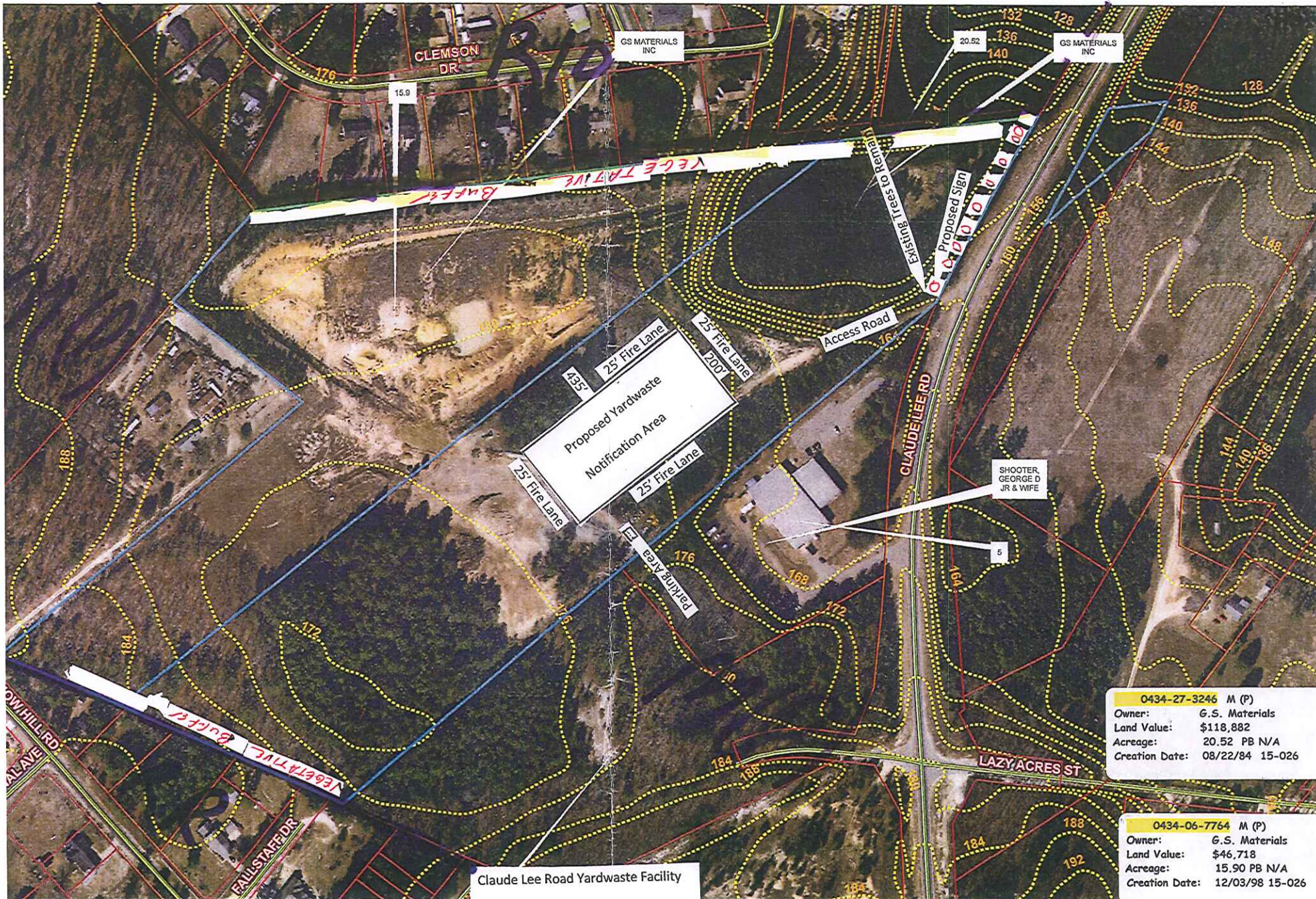
SCALE IN FEET

BOARD OF ADJUSTMENT SPECIAL USE PERMIT

ACREAGE: 35.96 AC.+/-	HEARING NO: P15-03-C	
ORDINANCE: COUNTY GOVERNING BOARD	HEARING DATE	ACTION



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



O - Large shade trees

0434-27-3246	M (P)
Owner:	G.S. Materials
Land Value:	\$118,882
Acreage:	20.52 PB N/A
Creation Date:	08/22/84 15-026

0434-06-7764	M (P)
Owner:	G.S. Materials
Land Value:	\$46,718
Acreage:	15.90 PB N/A
Creation Date:	12/03/98 15-026

Claude Lee Road Yardwaste Facility

Parcel ID: 0434-27-3246

20.52 Acres

GS MATERIALS INC

1" = 200'



STAFF COPY
CASE 15-026



THE COUNTY OF CUMBERLAND AND ITS GIS DEPARTMENT DISCLAIMS ACCOUNTABILITY FOR THIS PRODUCT AND MAKES NO WARRANTY EXPRESSED OR IMPLIED CONCERNING THE ACCURACY THEREOF. RESPONSIBILITY FOR INTERPRETATION OF THIS PRODUCT LIES WITH THE USER.

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Ken Sykes,
Code Enforcement Manager

Carol M. Post
Office Processing Assistant



**CUMBERLAND
★ COUNTY ★
NORTH CAROLINA**

Planning & Inspections Department

NOTICE OF VIOLATIONS

2/16/2015

George Hatcher,
Inspector

Joey Lewis,
Inspector

Joan Fenley,
Inspector

Debra Johnson,
Inspector

Christopher Fulton,
Inspector

GS Materials Inc & Parties of Interest Attn. Ronald Kirkpatrick

PO Box 1335

Burlington, NC 27216

91 7199 9991 7034 1888 1109

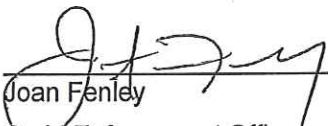
CASE # ZN-975-2015

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

1. Nature of Violation(s): Operating a borrow pit without permits. Violation of Specified Conditional Use Permit Case # P99-16-C Item # 4. Property is off Claude Lee Rd. Operating a yardwaste disposal facility on the adjoining property without permits.
2. Code Reference: Cumberland County Zoning Ordinance, Cumberland County, North Carolina, Article I, Section 107 Zoning Permit; Article IV, Section 403 Use Matrix; Article IX, Section 904 Borrow Source Operations; Article XVII, Section 1703 & 1704 Violations & Penalties
3. Action to Correct Violations(s): Close the borrow pit and complete the reclamation the site, and obtain all required permits for the yardwaste reclamation facility to include all state permits.
4. Property Location: On or about Claude Lee Rd, Fayetteville, NC. Being that property as listed under Cumberland County, NC Tax Parcel Number 0434-06-7764 & 0434-27-3246
5. Property Owner: Gs Materials Inc. Inspection Date: 2/10/2015

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) 321-6670.


Joan Fenley
Code Enforcement Officer



County of Cumberland
BOARD OF ADJUSTMENT

CASE #: P15-03-C

CUMBERLAND COUNTY BOA
MEETING DATE: 5-21-2015

DATE APPLICATION
SUBMITTED: 4-10-15

RECEIPT #: 69212

RECEIVED BY: [Signature]

**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 \$ 200.00 (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 - Yes
SMI - No
SSA - No
Wshl - No

BOARD OF ADJUSTMENT

LOCATION OF PROPERTY: 3520 Claude Lee Road (SR 2341)

OWNER: GS Materials, Inc.

ADDRESS: PO Box 1335, Burlington, NC ZIP CODE: 27216

TELEPHONE: HOME _____ WORK 336-584-1745

AGENT: Jack Bailey

ADDRESS: PO Box 1335, Burlington, NC 27216

TELEPHONE: HOME _____ WORK 336-516-2169

E-MAIL: jackbailey@bellsouth.net

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

A. Parcel Identification Number (PIN #) of subject property: 0434-06-7764 & 0434-27-3246
(also known as Tax ID Number or Property Tax ID)

B. Acreage: 36.42 Frontage: Apprx. 450 ft. Depth: Apprx. 2450 ft.

C. Water Provider: N/A

D. Septage Provider: N/A Portable Toilet

E. Deed Book 6860, Page(s)340, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).

F. Existing use of property: DOT Borrow and Reclamation Site, Yard Waste Site Processing, Recycle Concrete and Asphalt

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.) Hours of Operation: Per Section 904 E of Zoning Ordinance, Number of Employees: Apprx. 2, No Signage, Parking, For 2 employees, Landscaping: Leave Existing Trees for buffer, and place a berm around new area as shown on Plan M-1 attached, named "Claude Lee Mine", dated 3/30/15.

Existing trees, yard waste will be recycled on site for landscape mulch to include in reclamation process.

0434-06-9693

New PIN

After Recombination

Acreage - ~~36.42~~
- 35.96

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.

GS Materials, Inc.

NAME OF OWNER(S) (PRINT OR TYPE)

PO Box 1335, Burlington, NC 27216

ADDRESS OF OWNER(S)

jackbailey@bellsouth.net

E-MAIL

336-227-3554

HOME TELEPHONE #

336-516-2169

WORK TELEPHONE #

Jack Bailey, Vice President of G.S. Materials, Inc.

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

PO BOX 1335, Burlington, NC 27216

ADDRESS OF AGENT, ATTORNEY, APPLICANT

Scagle001@triad.rr.com

E-MAIL

ALVIN CAGLE, AGENT

HOME TELEPHONE #

336-516-3967

WORK TELEPHONE #

G.S. MATERIALS, INC.

BY: Jack Bailey Vice Pres
SIGNATURE OF OWNER(S)

Jack Bailey Vice Pres
SIGNATURE OF AGENT, ATTORNEY
OR APPLICANT

SIGNATURE OF OWNER(S)

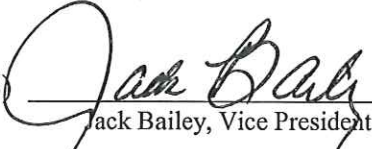
The contents of this application, upon submission, become "public record."

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) 
Jack Bailey, Vice President

PRINTED NAME OF OWNER(S) G.S. Materials, Inc.

DATE April 3, 2015

0434-17-0225-	PATTERSON, DORETHA HAYES &	3418 CLEMSON DR	FAYETTEVILLE NC 28306
0434-07-4259-	BOAHN, HARRY C	3354 CLEMSON DR	FAYETTEVILLE NC 28306
0434-08-7081-	MALONE, DOUGLAS C & WIFE ROSEM	3341 CORNELL DR	FAYETTEVILLE NC 28306
0424-95-3359-	GRAHAM, BETTY N	3729 GATEWAY DR	FAYETTEVILLE NC 28306
0434-04-3881-	DUCKWORTH, WILLIAM D & WIFE	3651 ROCKHURST DR	FAYETTEVILLE NC 28306
0424-96-2895-	AVERY, WILLIE J & WIFE ARTIE B	113 ASHMONT LN	DURHAM NC 27713
0424-96-2489-	SMALLS, WAYNE	146-19 183 ST	SPRINGFIELDS GARDENS NY 11413
0434-07-6823-	HARDEN, CHARLIE W	3342 CORNELL DR	FAYETTEVILLE NC 28306
0434-04-4972-	ALFORD, SARAH	PO BOX 36	CERRO GORDO NC 28430
0424-96-5588-	PEMBLETON, JESSIE LLOYD & WIFE	385 SNOW HILL RD	FAYETTEVILLE NC 28306
0424-96-1117-	WALKER, PHYLLIS	170 W MARKET ST	LONG BEACH NY 11561
0434-05-9449-	BREWINGTON, ERNEST HAROLD	927 BRAGG BLV	FAYETTEVILLE NC 28301
0434-05-0241-	CAIN, HENRY S	1478 THELBERT DR	FAYETTEVILLE NC 28301
0434-07-3388-	JOHNSON, ROBERT N	3350 CLEMSON DR	FAYETTEVILLE NC 28306
0434-07-8970-	MURLEY, MYRON HALSTEAD III &	3349 CORNELL DR	FAYETTEVILLE NC 28306
0424-96-3769-	MCPHAUL, DOROTHY M	355 SNOW HILL RD	FAYETTEVILLE NC 28306
0424-95-8233-	RIVERVIEW AT SNOW HILL LLC	PO BOX 564	FAYETTEVILLE NC 28302
0434-05-1416-	MCMILLAN, LEE G	533 OCEAN AVE	BROOKLYN NY 11226
0434-07-9968-	BROWN, AUSTIN E	3334 SEVEN MOUNTAIN DR	FAYETTEVILLE NC 28306
0424-96-8430-	BLUE, ANN LOUISE	409 SNOW HILL RD	FAYETTEVILLE NC 28306
0434-17-4502-	MUHAR, EDNA H & HUSBAND	3433 CLEMSON DR	FAYETTEVILLE NC 28306
0434-07-6783-	MUTIO, MANUEL & WIFE	236 E 89TH ST	NEW YORK NY 10128
0424-95-6987-	LISBON, ELLIS & WIFE SHERRY J	434 SNOW HILL RD	FAYETTEVILLE NC 28306
0434-07-8223-	DICK, CAROL	3410 CLEMSON DR	FAYETTEVILLE NC 28306
0424-95-1959-	MCCORMICK, TOMMIE JANE	657 SETH WAY	HOPE MILLS NC 28348
0434-17-1507-	CARPENTER, SANG S	3412 SEVEN MOUNTAIN DR	FAYETTEVILLE NC 28306
0424-86-8395-	SIMMONS, INEZ	3644 CLASSIC RD	FAYETTEVILLE NC 28306
0434-27-5538-	CHURCH OF THE LIVING GOD INTL	PO BOX 41712	FAYETTEVILLE NC 28309
0435-70-1215-	CITY OF FAYETTEVILLE	433 HAY ST	FAYETTEVILLE NC 28301
0434-05-3460-	HAYWARD, KATIE D	554 SNOWHILL RD	FAYETTEVILLE NC 28306
0434-16-6422-	SHOOTER, GEORGE D JR & WIFE	2113 PINWOOD TER	FAYETTEVILLE NC 28304
0434-17-2863-	STRICKLAND, ASHLEY & HUSBAND	3405 SEVEN MOUNTAIN DR	FAYETTEVILLE NC 28306
0434-18-1114-	CLARK, JOHNNY D	32 CASTLEWOOD DR	FREDERICKSBURG VA 22406
0424-95-1553-	FREEMAN, BOBBY KIM	6900 CLIFFDALE RD	FAYETTEVILLE NC 28314
0434-05-1681-	DOUGLAS, INEZ	516 SNOW HILL RD	FAYETTEVILLE NC 28306
0434-28-5318-	DUNLAP, THOMAS & WIFE LINDA	3369 DAVIDSON DR	FAYETTEVILLE NC 28306
0434-07-9479-	HOUSE, CHARLOTTE R	3415 CLEMSON DR	FAYETTEVILLE NC 28306
0424-96-5208-	WILLIAMS, LONNIE	400 SNOW HILL RD	FAYETTEVILLE NC 28306
0434-06-1561-	LEE, JOSEPH V & DELLA MAE LEE	441 SNOW HILL RD	FAYETTEVILLE NC 28306
0424-96-1111-	MCCORMICK, WILLIAM FLETCHER	2638 EDMONTON RD	FAYETTEVILLE NC 28304
0424-96-7076-	LISBON, ELLIS & WIFE SHERRY J	434 SNOW HILL RD	FAYETTEVILLE NC 28306
0424-95-4698-	GRAHAM, LISA	3715 GATEWAY DR	FAYETTEVILLE NC 28306
0434-07-5584-	TAYLOR, ROSE A	3349 CLEMSON DR	FAYETTEVILLE NC 28306
0424-95-5889-	SNOW HILL AFRICAN METHODIST	PO BOX 65516	FAYETTEVILLE NC 28306

0434-05-3196-	HAYWARD, KATIE D	554 SNOWHILL RD	FAYETTEVILLE NC 28306
0424-95-0672-	EDWARDS, GERHARD R	4124 NASHVILLE DR	FAYETTEVILLE NC 28306
0434-26-1963-	CITY OF FAYETTEVILLE	433 HAY ST	FAYETTEVILLE NC 28301
0434-05-7020-	ANDERSON, SHANITA N &	3508 AMBITION RD	FAYETTEVILLE NC 28306
0434-17-4906-	EVANS, ROBERT L &	3432 CORNELL DR	FAYETTEVILLE NC 28306
0434-07-8469-	MILLER, PHYLLIS A	3411 CLEMSON DR	FAYETTEVILLE NC 28306
0434-07-2948-	TOLBERT, ROY MICHAEL & WIFE	3327 CLEMSON DR	FAYETTEVILLE NC 28306
0434-18-2217-	THAGGARD, CHARLES L	3409 CORNELL DR	FAYETTEVILLE NC 28306
0434-07-7677-	DAVIS, FEE & HUSBAND STEVE A	3350 CORNELL DR	FAYETTEVILLE NC 28306
0424-96-1312-	PHILLIPS, TONY	3655 CLASSIC RD	FAYETTEVILLE NC 28306
0424-85-9754-	STRICKLAND, JOSEPH T & WIFE	PO BOX 2273	FAYETTEVILLE NC 28302
0434-14-0824-	JONES, JERVIS C & WIFE	509 POLYGON PL	FAYETTEVILLE NC 28306
0424-86-8399-	SIMMONS, EHTELLEN &	5843 MACDOUGAL DR	FAYETTEVILLE NC 28304
0434-07-9224-	MARTINEZ, APRIL M	3414 CLEMSON DR	FAYETTEVILLE NC 28306
0434-07-4709-	FITCH, PATRICK SHAYNE	3341 CLEMSON DR	FAYETTEVILLE NC 28306
0434-07-3426-	ROBERTS, RICKY LEE & WIFE	PO BOX 65193	FAYETTEVILLE NC 28306
0424-95-9636-	DOUGLAS, INEZ B	516 SNOW HILL RD	FAYETTEVILLE NC 28306
0424-95-3224-	GRAHAM, BETTY & LEO MCRAE	3729 GATEWAY DR	FAYETTEVILLE NC 28306
0424-95-2892-	MORRIS, ROBERT LEE & WIFE	3137 BOLIVIA ST	FAYETTEVILLE NC 28306
0434-17-1458-	HICKMAN, NYON C	3416 SEVEN MOUNTAIN DR	FAYETTEVILLE NC 28306
0424-95-5230-	DARGAN, CLAUDE	2121 SPRINGVALE CT	ACCOKEEK MD 20607
0434-05-2341-	HAYWARD, KATIE D	554 SNOWHILL RD	FAYETTEVILLE NC 28306
0434-07-0778-	STEPHENSON, SCOTT M & WIFE	3330 CLEMSON DR	FAYETTEVILLE NC 28306
0434-05-1700-	DOUGLAS, INEZ B	516 SNOW HILL RD	FAYETTEVILLE NC 28306
0434-04-5882-	VITAL, ANTONIO B & WIFE	3520 AMBITION RD	FAYETTEVILLE NC 28306
0424-85-9609-	CORMIER, JOSEPH R V & WIFE	3905 CLARKVILLE CT	FAYETTEVILLE NC 28306
0424-96-0071-	MCCORMICK, THOMAS BOYD	PO BOX 48988	CUMBERLAND NC 28331
0424-95-9911-	SANTIAGO, ANGEL L & WIFE	448 SNOW HILL RD	FAYETTEVILLE NC 28306
0424-95-2367-	GRAHAM, BETTY	3729 GATEWAY DR	FAYETTEVILLE NC 28306
0434-07-5951-	HARDEN, CHARLIE W JR & WIFE	3342 CORNELL DR	FAYETTEVILLE NC 28306
0424-96-1214-	HARPER, DEWEY A & RONDA M	2551 NAVY RD	FAYETTEVILLE NC 28306
0434-15-5205-	K T & C LTD	PO BOX 1691	COLUMBIA SC 29202
0434-28-4027-	VINES, WILLIAM JOHN JR & WIFE	3402 DAVIDSON DR	FAYETTEVILLE NC 28306
0434-05-7671-	DARGAN, EVERA	2121 SPRINGDALE CT	ADDOKEEK MD 20607
0434-07-5260-	DICK, SHARON L, DAVID K, DONNA	3410 CLEMSON DR	FAYETTEVILLE NC 28306
0434-07-6456-	SMITH, MARY B & HUSBAND	3407 CLEMSON DR	FAYETTEVILLE NC 28306
0424-97-9917-	TAYLOR, JAMES ARCHIE JR & WIFE	3322 CLEMSON DR	FAYETTEVILLE NC 28306
0434-18-3057-	MORRISON, CHERYL L	3410 CORNELL DR	FAYETTEVILLE NC 28306
0424-95-4733-	PUGH, DAVID LEE SR	775 ROSEWOOD AVE	FAYETTEVILLE NC 28301
0434-27-3223-			
0424-85-8768-	MORRIS, ROBERT L & WIFE	3137 BOLIVIA ST	FAYETTEVILLE NC 28306
0434-07-4760-	FITCH, PATRICK SHAYNE & WIFE	3341 CLEMSON DR	FAYETTEVILLE NC 28306
0434-28-2322-	LAKE LYNN ASSOCIATION INC	3334 VASSAR CIR	FAYETTEVILLE NC 28306
0434-05-7076-	SMITH, LISA M	3504 AMBITION RD	FAYETTEVILLE NC 28306

0434-07-7201-	DICK, DAVID KENNETH	3406 CLEMSON DR	FAYETTEVILLE NC 28306
0434-04-7768-	ELLIS, URBANE CORNELLIUS &	500 POLYGON PL	FAYETTEVILLE NC 28306
0434-07-1730-	VILLENEUVE, NILS J	3334 CLEMSON DR	FAYETTEVILLE NC 28306
0424-95-9105-	FREDERICK, ANDREA E	3121 FORT BRAGG RD	FAYETTEVILLE NC 28303
0424-95-1617-	STRICKLAND, JOSEPH T & WIFE	PO BOX 2273	FAYETTEVILLE NC 28302
0434-17-4845-	STEPHENSON, GEORGE L & WIFE	3438 CORNELL DR	FAYETTEVILLE NC 28306
0434-04-9868-	HARGROVE, MORRIS & WIFE	505 POLYGON PL	FAYETTEVILLE NC 28306
0424-86-8692-	ELLIOTT, RAYMOND B	320 SNOW HILL RD	FAYETTEVILLE NC 28306
0424-96-5605-	EWING, EDWIN A SR	375 SNOW HILL RD	FAYETTEVILLE NC 28306
0434-04-6838-	MENARD, STELL & WIFE	3516 AMBITION RD	FAYETTEVILLE NC 28306
0434-07-3837-	FLEX, MICHAEL & WIFE	3333 CLEMSON DR	FAYETTEVILLE NC 28306
0434-18-4420-	BURNS, HUGH R & WIFE MYONG S	3421 CORNELL DR	FAYETTEVILLE NC 28306
0434-07-2564-	ROBERTS, RICKY & WIFE KAREN S	PO BOX 65193	FAYETTEVILLE NC 28306
0424-96-0487-	WRIGHT, CLARENCE WAYNE	3810 E JOEL ST	FAYETTEVILLE NC 28304
0424-96-2557-	GREAT SOUTHEASTERN PROPERTIES	PO BOX 58375	FAYETTEVILLE NC 28305
0434-08-6251-	HARVATIN, RICHARD T	3329 CORNELL DR	FAYETTEVILLE NC 28306
0434-05-7279-	PIRTLE, MICHAEL GENE & WIFE	607 SNOWHILL RD	FAYETTEVILLE NC 28306
0424-96-5199-	BLOSSOM, MARY L	414 SNOW HILL RD	FAYETTEVILLE NC 28306
0434-18-6019-	JESSUP, DON B & WIFE PAULA	105 ELLINGTON DR	FAYETTEVILLE NC 28305
0434-05-6446-	DARGAN, EVERA	2121 SPRINGDALE CT	ADDOKEEK MD 20607
0424-96-1309-	MCNEILL, ROSCO & WIFE RENA P	5711 DUDLEY RD	FAYETTEVILLE NC 28312
0424-96-0715-	ELLIOTT, RAYMOND BEST	320 SNOW HILL RD	FAYETTEVILLE NC 28306
0424-96-2912-	AUTRY, GEORGE & WIFE	335 SNOW HILL RD	FAYETTEVILLE NC 28306
0434-05-4895-	MCQUEEN, GLENN C & WIFE	535 SNOW HILL RD	FAYETTEVILLE NC 28306
0434-04-4781-	PRECIADO, DAVID ALLEN & WIFE	3528 AMBITION RD	FAYETTEVILLE NC 28306
0434-05-1058-	BEATTY, WILBERT	7709 KENNYBUNK DR	FAYETTEVILLE NC 28304
0434-27-1538-	CHURCH OF THE LIVING GOD	PO BOX 41712	FAYETTEVILLE NC 28309
0434-26-8210-	MCARTHUR, DEBORAH E	640 LAZY ACRE ST	FAYETTEVILLE NC 28306
0424-96-6551-	AUTRY, RICKY, GEROME, JERRY L,	395 SNOW HILL RD	FAYETTEVILLE NC 28306
0434-17-3360-	MORRIS, VICTORIA M	3430 CLEMSON DR	FAYETTEVILLE NC 28306
0434-05-5662-NAD	DARGAN, EVERA & ISAAC T	2121 SPRINGDALE CT	AKOKEEK MD 20607
0434-07-1692-	MILLER, DAVID L & WIFE	3336 CLEMSON DR	FAYETTEVILLE NC 28306
0434-05-2562-	BARBIYERU, DANIIL V	544 SNOW HILL RD	FAYETTEVILLE NC 28306
0424-86-9100-	STRICKLAND, JOSEPH T & WIFE	P O BOX 2273	FAYETTEVILLE NC 28302
0434-26-5285-	CITY OF FAYETTEVILLE	PO BOX 64218	FAYETTEVILLE NC 28306
0424-95-1853-	STRICKLAND, BETTY H & HUSBAND	PO BOX 2273	FAYETTEVILLE NC 28302
0434-05-9595-	TORRES, HUGO CALDERON & WIFE	3571 ROCKHURST DR	FAYETTEVILLE NC 28306
0434-04-8732-	VILLANUEVA, DENNIS & WIFE	504 POLYGON PL	FAYETTEVILLE NC 28306
0434-04-6984-	DASHDAVAA, BAYARMAA & SPOUSE	3512 AMBITION RD	FAYETTEVILLE NC 28306
0434-14-0789-	HAGERTY, WILLIAM & WIFE JEAN	513 POLYGON PL	FAYETTEVILLE NC 28306
0434-05-6143-	JORDAN, JOHN C JR & WIFE	4700 NW9TH ST	WASHINGTON DC 20011
0434-04-5736-	SEILER, BONNIE A & HUSBAND	3524 AMBITION DR	FAYETTEVILLE NC 28306
0434-05-4287-	MEHMI, JAGJIT & WIFE	615 FAIRBLUFF DR	HOPE MILLS NC 28348
0424-95-7462-	MCDUGAL, WILLIAM H & WIFE ROS	661 COUNTRY CLUB DR	FAYETTEVILLE NC 28301

0424-95-2641-	MCNAIR, ROBERT EARL	2056 LAKE UPCHURCH DR	PARKTON NC 28371
0434-04-0957-	BEATTY, WILBERT	7709 KENNYBUNK DR	FAYETTEVILLE NC 28304
0424-95-2695-	MCNAIR, WILLIAM HENRY	2037 CORRINNA DR	FAYETTEVILLE NC 28301
0424-95-8000-	GILLIS, JOHN MCNATT JR & WIFE	9201 STONEY POINT RD	FAYETTEVILLE NC 28306
0424-86-8390-	MORRIS, ROBERT & WIFE EUNICE	3137 BOLIVIA ST	FAYETTEVILLE NC 28306
0424-96-3392-	WILLIAMS, LONNIE & WIFE MILDRE	400 SNOW HILL RD	FAYETTEVILLE NC 28306
0434-15-2965-	LEE, WILLIE C & JOYCE LEE	375 BROOKSTONE DR	ATHENS GA 30605
0434-05-7537-	DARGAN, EVERA	2121 SPRINGDALE CT	ADDOKEEK MD 20607
0424-86-9204-	STRICKLAND, JOSEPH T & WIFE	P O BOX 2273	FAYETTEVILLE NC 28302
0434-17-5313-	PACKARD, KENNETH DAVID & WIFE	3438 CLEMSON DR	FAYETTEVILLE NC 28306
0434-05-3794-	MCQUEEN, GLENN C & WIFE	535 SNOWHILL RD	FAYETTEVILLE NC 28306
0424-96-2606-	GREAT SOUTHEASTERN PROPERTIES	PO BOX 58375	FAYETTEVILLE NC 28305
0424-86-8495-	GIBSON, ABRAHAM	PO BOX 64304	FAYETTEVILLE NC 28306
0434-26-1208-	CITY OF FAYETTEVILLE	433 HAY ST	FAYETTEVILLE NC 28301
0434-36-2534-	TYNER, DEBORAH R & HUSBAND	640 LAZY ACRES ST	FAYETTEVILLE NC 28305
0424-86-8591-	ELLIOTT, RAYMOND BEST	320 SNOW HILL RD	FAYETTEVILLE NC 28306
0424-95-5304-	DARGAN, EVERA	2121 SPRINGDALE CT	ACCOKEEK MD 20607
0424-96-7379-	BLUE, ANN	409 SNOW HILL RD	FAYETTEVILLE NC 28306
0434-04-1868-	GADDY, HENRY L & WIFE	3658 ROCKHURST DR	FAYETTEVILLE NC 28306
0434-08-8252-	BROWN, AUSTIN E	3334 SEVEN MOUNTAIN DR	FAYETTEVILLE NC 28306
0434-19-4015-	LAKE LYNN ASSOCIATION INC	3334 VASSAR CIR	FAYETTEVILLE NC 28306
0434-17-9770-	DEES, WILBUR E & WIFE	2927 MIDDLESEX RD	FAYETTEVILLE NC 28306
0434-26-5547-	CITY OF FAYETTEVILLE	PO BOX 64218	FAYETTEVILLE NC 28306
0434-26-6579-	MCARTHUR, DEBORAH ANN	640 LAZY ACRE ST	FAYETTEVILLE NC 28306
0434-05-1993-	MCQUEEN, GLENN CHESTER & WIFE	535 SNOW HILL RD	FAYETTEVILLE NC 28306
0434-05-0525-	DOUGLAS, WILLIAM ALFRED & WIFE	9110 CHICKENFOOT RD	ST PAULS NC 28384
0424-96-1058-	MCCORMICK, THOMAS BOYD	PO BOX 48988	CUMBERLAND NC 28331
0434-05-5052-	BRONSON, WILLIAM I	3621 ROCKHURST DR	FAYETTEVILLE NC 28306
0424-85-9949-	MALLOY, CARRIE HEIRS	3686 CLASSIC RD	FAYETTEVILLE NC 28306
0434-17-7847-	UTZ, CLARENCE D JR	3441 CORNELL DR	FAYETTEVILLE NC 28306
0424-85-8969-	BREWINGTON, MITCHELL H & WIFE	6707 HEATHER LN	CONCORD NC 28025
0434-17-7448-	GREENE, VIRGINIA F &	3451 CORNELL DR	FAYETTEVILLE NC 28306
0434-26-5451-	ELMORE, DEBORAH ANN	640 LAZY ACRE ST	FAYETTEVILLE NC 28306
0434-05-2895-	MCQUEEN, GLENN CHESTER & WIFE	535 SNOW HILL RD	FAYETTEVILLE NC 28306
0424-95-8939-	GATHERS, SHANNON N	438 SNOW HILL RD	FAYETTEVILLE NC 28306
0434-17-3652-	MUHAR, EDNA & HUSBAND	3415 SEVEN MOUNTAIN DR	FAYETTEVILLE NC 28306
0434-05-0737-	DOUGLAS, INEZ B	516 SNOW HILL RD	FAYETTEVILLE NC 28306
0434-04-2969-	WATKINS, ARTHUR & WIFE	3640 ROCKHURST DR	FAYETTEVILLE NC 28306
0434-04-8993-	WESTLEY, RUSSELL JR & WIFE	501 POLYGON PL	FAYETTEVILLE NC 28306
0424-95-0842-	FORAKER, TERRY L & WIFE	4125 NASHVILLE DR	FAYETTEVILLE NC 28306
0424-96-4732-	RAY, WILLIE JAMES JR	365 SNOW HILL RD	FAYETTEVILLE NC 28306
0424-95-9334-	JOHNSON, JOHN & WIFE SALLIE	1420 PEPPERCHASE DR	FAYETTEVILLE NC 28312
0434-18-5206-	JESSUP, DON B & WIFE PAULA W	105 ELLINGTON DR	FAYETTEVILLE NC 28305
0434-07-5622-	NIEVES, SARAH E	3345 CLEMSON DR	FAYETTEVILLE NC 28306

0424-96-7416-	BURNETT, EDDIE R &	403 SNOW HILL RD	FAYETTEVILLE NC 28306
0434-18-1430-	HIGH, WILLIAM D & WIFE	3327 SEVEN MOUNTAIN DR	FAYETTEVILLE NC 28306
0424-95-5589-	PUGH, DAVID L	1866 BROADELL DR	FAYETTEVILLE NC 28301
0424-95-6089-	SIMS, ADDIE M	3727 HOLLISTER DR	FAYETTEVILLE NC 28306
0434-07-7467-	SMITH, TERRY R & WIFE MARY B	3407 CLEMSON DR	FAYETTEVILLE NC 28306
0434-17-5631-	LICHTI, EVELYN TRUSTEE &	3450 CORNELL DR	FAYETTEVILLE NC 28306
0434-18-3323-	BURNS, TAE S	3421 CORNELL DR	FAYETTEVILLE NC 28306
0434-08-4037-	WITTER, PENNY CARTRETTE &	3330 CORNELL DR	FAYETTEVILLE NC 28306
0434-08-7111-	PRICE, THURMOND	129 WELLS MILLS RD	WARETOWN NJ 08758
0424-96-4378-	MURPHY, HENRY HEIRS	400 SNOW HILL RD	FAYETTEVILLE NC 28306
0434-17-2925-	WAGNER, JEAN C	3401 SEVEN MOUNTAIN DR	FAYETTEVILLE NC 28306
0424-95-3779-	AME ZION METHODIST CHURCH	PO BOX 65516	FAYETTEVILLE NC 28306
0424-96-3452-	SMALLS, WAYNE	146-19 183 ST	SPRINGFIELDS GARDENS NY 11413
0424-95-9067-	GRAHAM, CALVIN JR & WIFE	662 CARL FREEMAN RD	STEDMAN NC 28391
0434-06-0053-	COPPEDGE, TRACY	3524 WINESAP RD	HOPE MILLS NC 28348
0424-86-9106-	STRICKLAND, JOSEPH T & WIFE	P O BOX 2273	FAYETTEVILLE NC 28302
0434-17-2218-	MARCHAND, CHARLES E II &	3426 CLEMSON DR	FAYETTEVILLE NC 28306
0424-96-1651-	GREAT SOUTHEASTERN PROPERTIES	PO BOX 58375	FAYETTEVILLE NC 28305
0434-05-8639-	DARGAN, EVERA	2121 SPRINGDALE CT	ADDOKEEK MD 20607
0434-05-9230-	CLARK, CHARLES ALBERT	621 SNOW HILL RD	FAYETTEVILLE NC 28306
0434-15-7481-	K T & C LTD	PO BOX 1691	COLUMBIA SC 29202
0424-96-3130-	MCCORMICK, WILLIAM F ETAL	2638 EDMONTON RD	FAYETTEVILLE NC 28304
0424-97-5493-	SWANSON, DOUGLAS H	PO BOX 163	EDENTON NC 27932
0434-17-4795-	HATCHER, CORNELIUS B & WIFE HU	3442 CORNELL DR	FAYETTEVILLE NC 28306
0424-85-9870-	BENSON, ELIZABETH JEAN	4121 NASHVILLE DR	FAYETTEVILLE NC 28306
0434-17-3703-	RAY, PAULA W	3409 SEVEN MOUNTAIN DR	FAYETTEVILLE NC 28306
0434-07-0815-	ALBAUGH, TY	701 PALESTINE RD	LINDEN NC 28356
0434-48-4715-	CITY OF FAYETTEVILLE	433 HAY ST	FAYETTEVILLE NC 28301
0434-08-3174-	MINTZ, TERRY LEE & WIFE	3326 CORNELL DR	FAYETTEVILLE NC 28306
0424-95-4437-	WEAKS, JOANN	2971 ORBIE CIR	FAYETTEVILLE NC 28306
0424-96-1523-	GREAT SOUTHEASTERN PROPERTIES	PO BOX 58375	FAYETTEVILLE NC 28305
0434-05-7694-	DARGAN, EVERA	2121 SPRINGDALE CT	ADDOKEEK MD 20607
0434-08-9101-	BROWN, AUSTIN E	3334 SEVEN MOUNTAIN DR	FAYETTEVILLE NC 28306
0434-06-9693-			
0434-15-1412-	BLACKWELL, GLORIA	2300 REGAN AVE	FAYETTEVILLE NC 28301
0434-07-4999-	STULTZ, KEVIN J	3334 CORNELL DR	FAYETTEVILLE NC 28306
0434-17-1227-	SANDERS, SCOTT T & WIFE	3422 CLEMSON DR	FAYETTEVILLE NC 28306
0434-28-5287-	DUNLAP, THOMAS & WIFE LINDA	3369 DAVIDSON DR	FAYETTEVILLE NC 28306
0434-17-0712-	LEISURE, BRIAN E & WIFE	3402 SEVEN MOUNTAIN DR	FAYETTEVILLE NC 28306

Cumberland County Borrow Source Operations

Sites located within 1.5 mile radius of GS Materials Property at 3520 Claude Lee Road, Fayetteville, NC

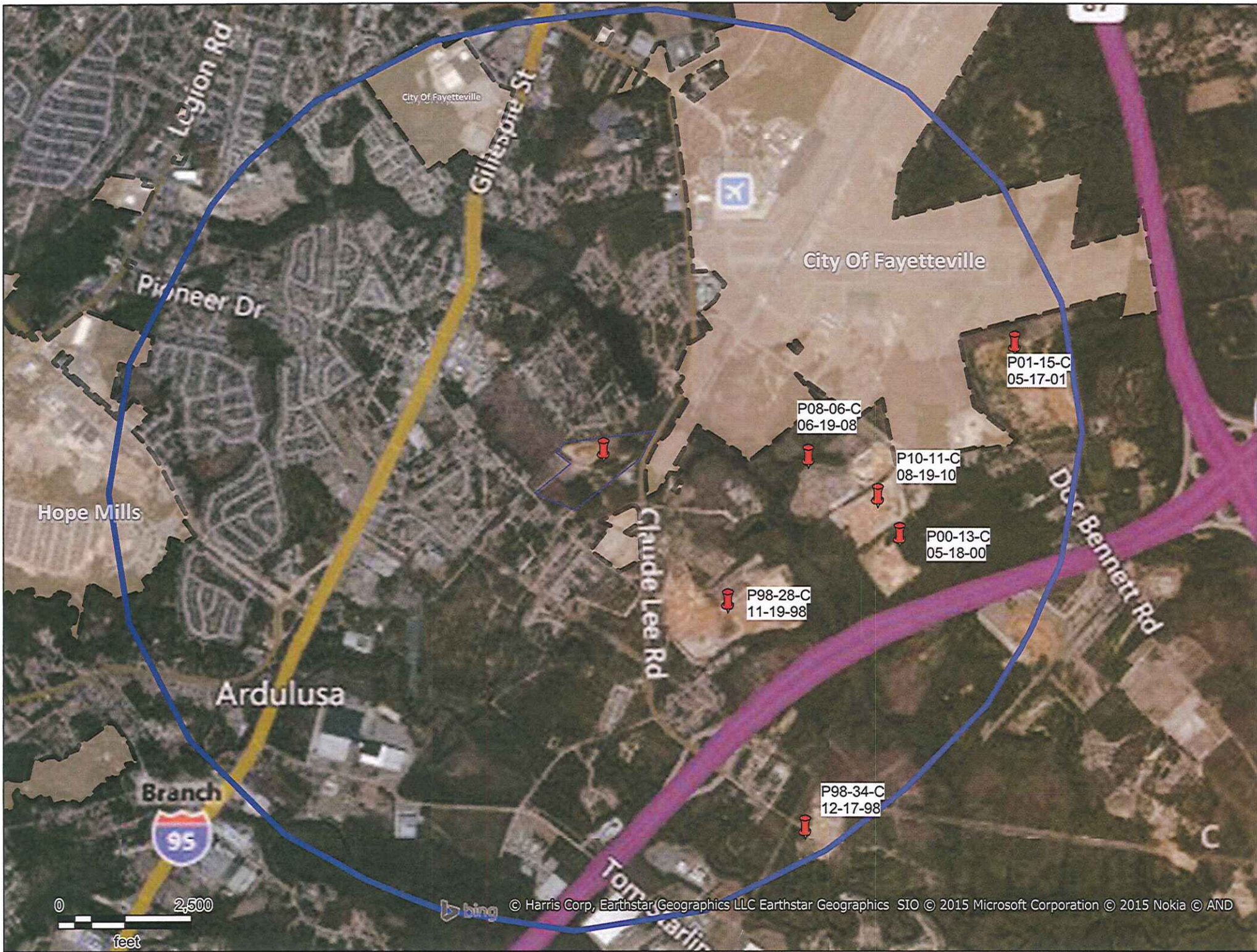
8-Apr-15

Permit #				Permitted Acres	Status	Latitude	Longitude
26-13	C K Andrews Contracting Co Inc	Andrews Borrow Pit	Cumberland	10.34 acres	active	34.9769	-78.8728
26-20	Jerry F McDonald	Snow Hill Pit	Cumberland	112.13 acres	active	34.9723	-78.8894
26-26	401 Sand Company	401 Mine	Cumberland	93 acres	active	34.9834	-78.8632
26-31	Barnhill Contracting Company	Webb Pit	Cumberland	10.92 acres	closed	34.9767	-78.8914
26-32	Autry Grading Inc	Arm Mine	Cumberland	52.93 acres	active	34.9747	-78.8775
26-46	Wellons Construction Inc	Wellons Cumberland	Cumberland	70.02 acres	active	34.9586	-78.8842
26-48	Barnhill Contracting Company	Cherry Pit	Cumberland	35.7 acres	active	34.9747	-78.8775
26-52	McDonald Minerals Inc.	Doc Bennett Mine	Cumberland	69.3 acres	active	34.97667	-78.88194

Source: NCDENR Website

26-13 has been closed according to NCDENR

Location Source: NCDENR



City Of Fayetteville

City Of Fayetteville

Hope Mills

Ardulusa

Branch



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P01-15-C
05-17-01

P08-06-C
06-19-08

P10-11-C
08-19-10

P00-13-C
05-18-00

P98-28-C
11-19-98

P98-34-C
12-17-98

RECEIVED

APR 10 2015

TRIANGLE GRADING
&
PAVING, INC.



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

PATRICK L. MCCRORY
GOVERNOR

ANTHONY J. TATA
SECRETARY

April 7, 2015

Jack Bailey
GS Materials
PO Box 1335
Burlington, NC 27216-1335


Subject: Claude Lee Road (SR 2341) Carrying Capacity

Dear Mr. Bailey:

We have reviewed subject road, and certify it to have a sufficient load carrying capacity to support the proposed traffic generated by the borrow source operation up to 80,000 lbs.

If you have any other questions concerning this please feel free to call 910-486-1496.

Sincerely,


Randy K. Wise, PE
District Engineer

Cc: Bill Hammond, PE, County Maintenance Engineer

P.O. Box 1150, Fayetteville, N.C. 28302
Voice: 910.486.1496 Fax: 910.437.2529



North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

Donald R. van der Vaart
Secretary

May 6, 2015

LETTER OF APPROVAL

G. S. Materials, Inc.
Attn: Jack Bailey, Vice President
P.O. Box 1335, Burlington, NC 27216
1521 South Huffman Mill Rd

RE: Project Name: GSM Claude Lee Yard Waste Site
Acres Approved: 3.82
Project ID: CUMBE-2015-165
County: Cumberland, City: Pearces Mill Twsp
Address: Claude Lee Rd.
River Basin: Cape Fear
Stream Classification: Other
Submitted By: Jack Bailey
Date Received by LQS: April 9, 2015
Plan Type: Commercial

Dear Mr. Bailey:

This office has reviewed the subject erosion and sedimentation control plan. We find the plan to be acceptable and hereby issue this Letter of Approval. The enclosed Certificate of Approval must be posted at the job site. This plan approval shall expire three (3) years following the date of approval, if no land-disturbing activity has been undertaken, as is required by Title 15A NCAC 4B .0129.

Please be aware that your project will be covered by the enclosed NPDES Construction Stormwater General Permit NCG010000. Please become familiar with all the requirements and conditions of this permit in order to achieve compliance.

Title 15A NCAC 4B .0118(a) requires that a copy of the approved erosion control plan be on file at the job site. Also, this letter gives the notice required by G.S. 113A-61.1(a) of our right of periodic inspection to insure compliance with the approved plan.

Letter of Approval
Jack Bailey
May 6, 2015
Page 2 of 2

North Carolina's Sedimentation Pollution Control Act is performance-oriented, requiring protection of existing natural resources and adjoining properties. If, following the commencement of this project, the erosion and sedimentation control plan is inadequate to meet the requirements of the Sedimentation Pollution Control Act of 1973 (North Carolina General Statute 113A-51 through 66), this office may require revisions to the plan and implementation of the revisions to insure compliance with the Act.

Acceptance and approval of this plan is conditioned upon your compliance with Federal and State water quality laws, regulations, and rules. In addition, local city or county ordinances or rules may also apply to this land-disturbing activity. This approval does not supersede any other permit or approval.

Please note that this approval is based in part on the accuracy of the information provided in the Financial Responsibility Form, which you provided. You are requested to file an amended form if there is any change in the information included on the form. In addition, it would be helpful if you notify this office of the proposed starting date for this project. Please notify us if you plan to have a preconstruction conference.

Your cooperation is appreciated.

Sincerely,

Chris Baker

Chris Baker
Assistant Regional Engineer
Land Quality Section

Enclosures: Certificate of Approval
NPDES Permit

cc: Joan Fenley, Cumberland County Inspections Office – electronic copy

Special Use Permit – Board of Adjustment

(Borrow Source Operations)

DRAFT

Ordinance Related Conditions

Permit-Related:

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
2. This conditional approval is **not** approval of that portion of the site plan labeled “Future Excavation Pit – Current Yard Waste Notification Area to be Converted into Excavation pit as shown during future mining operations” – at the time the use of this land area as an inert debris landfill ceases (Case No. 15-026), the developer/property owner must re-submit a modified application to this case file for board consideration, if necessary, prior to commencement of use of this area for borrow source operations or any other use.
3. For any development of this site currently or in the future that necessitates water or sewer, connection to public water and sewer may be required, the Public Works Commission (PWC) must approve water and sewer plans prior to application for any permits. A copy of the PWC approval must be provided to Code Enforcement at the time of application for building/zoning permits. (Section 2306 A.1, Public Water and Sewer Systems, County Subdivision and Development Ordinance)

Note: Due to an existing agreement between the PWC and the City of Fayetteville, an annexation petition most likely will be required prior to the PWC’s review of any utility plans.

4. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
5. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State’s *Post-Construction Permit* must be provided to County Code Enforcement.
6. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
7. Landscaping must be provided in accordance with Section 1102 N, Landscaping, County Zoning Ordinance and/as shown on the site plan. Three copies of a revised site plan depicting the landscaping must be submitted to Land Use Codes. The following are the minimum standards for the required landscaping of this site:
 - Eleven large shade trees or 22 small ornamental trees within the front yard setback area along SR2341 (Claude Lee Road).

In addition:

- a. Required plant materials shall be maintained by the property owner, including replacing dead or unhealthy trees and shrubs; and
- b. All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.

8. The final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.
9. A review of the data available to the Army Corp of Engineers indicates that jurisdictional waters are likely to be present on this property and therefore are likely to be impacted by the proposed project. However, without an official Jurisdictional Determination at the property, these findings cannot be confirmed.

A permit will be required for this project if construction will involve the temporary and/or permanent placement of fill in waters of the United States including wetlands. If a permit is required, the applicant will be required to avoid and minimize impacts to wetland/waters of the United States and may need to provide compensatory mitigation for unavoidable impacts.

10. Because the subject property is located within the Airport Overlay District and in the event any structure is located on the subject property that is greater than 200 feet in height, the developer will be required to provide a FCC Form 7460-1 to Code Enforcement at the time of permit application. This form must be acknowledged by the FCC that the structure is not a hazard or obstruction to air traffic.

Site-Related:

11. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance and Zoning Ordinances for the M(P) zoning district, shown on the site plan and notes contained within the application (if approved) must be complied with, as applicable.
12. While in transit, trucks are to use appropriate load covers, water trucks or other means that may be necessary to prevent dust/debris from leaving the borrow source operation or inadvertently discharged from the trucks.
13. The hours of operation are to be no more than sunrise to sunset, Monday through Saturday.
14. This conditional approval is not approval of the permit for any freestanding sign(s). Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
15. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision and Development Ordinance)
16. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision and Development Ordinance)
17. In the event a stormwater utility structure is required by the NC Department of Environment and Natural Resources (NCDENR), the owner/developer must secure the structure with a four foot high fence with a lockable gate, and is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.
18. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.
19. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
20. A solid buffer must be provided and maintained along the perimeter of the subject property lines where this tract/site abuts residentially zoned properties and SR 2341 (Claude Lee Road) in accordance with the provisions of Section 1102 G, Buffer Requirements, County Zoning Ordinance and as shown on the site plan which includes an earthen berm. (Note: Chain link fencing cannot be used to satisfy the buffer requirement.)
21. Any dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.

- 22. All required off-street parking spaces shall be a minimum of 9' x 20'; a minimum of one off-street parking space for every vehicle used in conjunction with the use, plus two additional spaces for every three employees on the largest shirt is required for this development. Note: Stacking of vehicles along the right-of-way of SR 2341 (Claude Lee Road) is not permitted.
- 23. The owner/developer is responsible and liable for maintenance and upkeep of this site, all structures, and appurtenances, to include ensuring that the site is kept free of litter and debris, all grass areas mowed, all buffers and shrubbery kept trim and maintained, so that the site remains in a constant state of being aesthetically and environmentally pleasing.

Advisories:

- 24. The applicant is advised to consult an expert on wetlands before proceeding with any development. There may be wetlands located in the project area that are subject to the permit requirements of Section 404 of the Clean Water Act. To avoid a violation of federal and/or state law, it is recommended the developer contact the Office of the Army Corp of Engineers or hire an environmental consultant to identify and delineate any wetlands in the project area prior to construction. A Section 404 permit will be required if the applicant needs to fill wetlands and the permit must be obtained prior to any construction on this site.
- 25. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.
- 26. This conditional approval is not to be construed as all encompassing of the applicable rules, regulations, etc. which must be complied with for any development. Other regulations, such as building, environmental, health and so forth, may govern the specific development. The developer is the responsible party to ensure full compliance with all applicable Federal, State, and local regulations.
- 27. Because the subject property is located within the Airport Overlay District, the developer is strongly encouraged to discuss their development plans with Land Use Codes Section and/or the Fayetteville Regional Airport Director early in the planning stage to ensure that the proposed height of any proposed structure can be found to be no obstruction or hazard to air navigation.

Thank you for choosing Cumberland County for your business location!

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

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

Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Carol Post	321-6640
Ground Water Issues:	Matt Rooney	678-7625
PWC:	Heidi Maly	223-4737
Fayetteville Planning:	Marsha Bryant	433-1416
County Public Utilities:	Amy Hall	678-7637
Corp of Engineers (wetlands):	Liz Hair	(910) 251-4049
NCDENR (E&S):	Sally Castle	433-3300
Location Services:		
Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545

cc: Marsha Bryant, City of Fayetteville