

**Members:**  
George Turner, Chair  
Alfonso Ferguson Sr., Vice-Chair  
Winton McHenry  
Gregory Parks  
Nathan Galbreath



**Alternates:**  
Robert E Davis  
Stacy Michael Long  
Marva Lucas-Moore  
Quinsentina James

## **CUMBERLAND COUNTY BOARD OF ADJUSTMENT**

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

TENTATIVE AGENDA  
OCTOBER 17, 2019  
7:00 PM

A meeting of the Cumberland County Board of Adjustment is to be held on Thursday, October 17, 2019, 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. INVOCATION & PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. SWEAR IN STAFF
4. ADJUSTMENTS TO THE AGENDA
5. APPROVAL OF THE SEPTEMBER 19, 2019 MINUTES
6. APPROVAL 2020 DEADLINE MEETING SCHEDULE
7. ABSTENTIONS BY BOARD MEMBERS/BOARD MEMBER DISCLOSURES (SITE VISITS AND/OR PERSONAL AFFILIATIONS)
8. PUBLIC HEARING DEFERRALS/WITHDRAWALS
9. POLICY STATEMENT REGARDING APPEAL PROCESS
10. PUBLIC HEARING(S):

**P19-04-C:** CONSIDERATION OF A VARIANCE TO ALLOW A 40 FOOT BY 60 FOOT ACCESSORY STRUCTURE LARGER THAN THE PRINCIPAL STRUCTURE IN AN A1 AGRICULTURAL DISTRICT ON 2.50+/- ACRES, LOCATED 5409 J. T. MATTHEWS ROAD, SUBMITTED BY ZACHARY S. LAPENE (OWNER)..

11. DISCUSSION/UPDATE(S)
12. ADJOURNMENT

**Members:**

George Turner, Chair  
Alfonso Ferguson Sr., Vice-Chair  
Winton McHenry  
Gregory Parks  
Nathan Galbreath



**Alternates:**

Robert E Davis  
Stacy Michael Long  
Marva Lucas-Moore  
Quinsentina James

***CUMBERLAND COUNTY BOARD OF ADJUSTMENT***

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

MINUTES

September 19, 2019  
7:00 PM

**Members Present**

George Turner  
Gregory Parks  
Alfonso Ferguson  
Marva Lucas-Moore

**Absent Members**

Winton McHenry  
Nathan Galbreath

**Staff/Others Present**

Hope Ward Page  
Dena Barner  
Robert Hasty  
(Asst. County Attorney)

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

1. INVOCATION

Vice Chairman Turner

PLEDGE OF ALLEGIANCE

Recited by all.

Vice Chairman Turner stated the procedural matters are to turn off all cell phones and other electronic devices, other than the camera, are fine and if asked to speak at the podium to please speak clearly into the microphone as the meeting is being recorded. Although there are no set time limits for any speaker addressing the board, the board asks speakers to not repeat what has been previously stated. If there is no new evidence to offer please make the board aware of your agreement with the previous speakers. If any board member wishes to speak or ask any questions please ask to be recognized by the Chairman before speaking.

2. ROLL CALL

Mrs. Page called the roll and stated a quorum was present. For the audience Mrs. Page introduced Mr. Robert Hasty, Assistant County Attorney.

3. VOTE FOR CHAIRMAN

Mr. Parks made the motion for Mr. Turner to be the chair; Mr. Ferguson seconded. The motion passed unanimously.

4. VOTE FOR VICE-CHAIRMAN

Mr. Turner made the motion for Mr. Ferguson to the vice chairman; Mrs. Lucas-Moore seconded. The motion passed unanimously.

5. SWEAR IN STAFF

Chair Turner swore in staff.

6. ADJUSTMENTS TO THE AGENDA  
There were none from staff.

7. APPROVAL OF THE MAY 16, 2019 MINUTES

**Mr. Ferguson made a motion to approve the minutes from the May 16, 2019 meeting with any necessary corrections, seconded by Mr. Parks. The motion passed unanimously.**

	<b>IN FAVOR</b>
TURNER	YES
FERGUSON	YES
PARKS	YES
LUCAS-MOORE	YES

8. ABSTENTIONS BY BOARD MEMBERS/BOARD MEMBER DISCLOSURES (SITE VISITS AND/OR PERSONAL AFFILIATIONS)

There were none.

9. PUBLIC HEARING DEFERRALS/WITHDRAWALS

There were none.

10. POLICY STATEMENT REGARDING APPEAL PROCESS

Mrs. Page read the policy statement.

11. PUBLIC HEARING(S)

**P19-03-C: CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW AN ASSEMBLY IN A RR RURAL RESIDENTIAL DISTRICT ON 1.00+/- ACRES, LOCATED 509 OLD VANDER ROAD, SUBMITTED BY CRAIG F. JOHNSON (OWNER) AND ATTORNEY JOHNATHON STRANGE (AGENT).**

Chair Turner read the case heading for Case No. P19-03-C.

Mrs. Page reviewed the zoning, sketch map, and land use of the area surrounding subject property. She briefly reviewed board packet material. Mrs. Page entered section of the zoning ordinance reference Section 203 on Definitions of specific terms and words referencing on page 8. According to Cumberland County zoning ordinance an Assembly is an event causing a company of persons to collect together in one place, and usually for some common purpose, such as for deliberation and legislation, worship or social entertainment. Also reference Section 916, Non Residential uses as a permitted use in residential or agricultural district, Pages 97-98 of your county zoning ordinance. The purpose of this case tonight to request a Special use permit because the property is zoned RR. The application submitted by the owner is complete and the owner has agreed to all the Special Use conditions that were included in your packet. Staff asked when making a motion if you could make the motion subject to the findings of facts tab located behind the special use tab in your binders.

MR. PARKS: This is a non-profit facility already in the rural area.

MRS. PAGE: Mr. Johnson would be best to answer that as the testimony should come from him.

CHAIR. TURNER: Mr. Johnson if you'll come forward. Let me swear you in and speak into the mic. Do you swear or affirm the testimony you will give our board will be to tell the truth the whole truth and nothing but the truth so help you God?

MR. JOHNSON: Yes sir.

CHAIR TURNER: And you're Craig Johnson, you're the owner?

MR. JOHNSON: Yes sir. I am.

CHAIR TURNER: Do you want his address?

MRS. PAGE: Yes. Name and address please.

CHAIR TURNER: Name and address sir.

MR. JOHNSON: My name is Craig Johnson, I reside at 1454 Old Vander Rd, Fayetteville, NC

CHAIR TURNER: Ok. Go ahead and tell us what you need to tell us.

MR. JOHNSON: First of all thank you for allowing me to be here. Greetings Mr. Chair and chairman staff, my name is Craig Johnson, like I previously spoke of. I purchased this property back in 2015 as a solely non-profit organization. At the time I didn't know it was zoned residential because from 1985 to 2008 Squire's Timber Yard used that property for office, forever and a day, and then Mr. & Mrs. Black purchased it from them and owned it for about 5 or 6 years, not quite sure, and they thought it was zoned for commercial as well. It has no tub, it just has a toilet and a sink, and 2 or 3 offices, that's it. So I was under the assumption when I purchased this for this non-profit organization that I was doing the right thing. It was the perfect location. So one day me and my wife are doing our taxes, because I own several homes in Cumberland County and I just happen to look online and do the residential and I said how is this zoned residential? And that's what brings me here today to make the wrong right. If I can be able to tell you just a little bit about our 501c non-profit tax exempt organization. Our mission is to create a positive experience in developing our youth in becoming model citizens and promote unity in our community. Our goal is to assist, educate and support the citizens of Cumberland County. In four years of our non-profit, has donated over \$59,253 to the charities and programs in this community. Some of our sponsored programs are the Better me Johnson scholarship program, the JW Seabrook Elementary backpack school teacher supply program, Toys for Tots, Feed the Homeless and winter coat program, our Thanksgiving food drive, our Smiles for the Cure for Cancer program, and our Health & Wellness program. They is a few others. But before I proceed to close, may I give you a small snapshot of what we are doing and plan on doing for the high schools in Cumberland County? This is our fourth year of giving out a Fallin MC, Incorporated scholarship award. We've donated over \$10,000 to graduating seniors in the following high schools, EE Smith, Cape Fear, Westover and Douglas Byrd. Our goal is to add a school each year until we have a scholarship representing all ten public schools, public high school in Cumberland County, thus making it a total of ten schools benefiting from our non-profit organization. In closing, we hope that you approve our Special Use Permit request as it will enhance and promote growth in our community to include increased property value as you see we may do some additions in the future. Thank you so much and thank you for your time.

CHAIR TURNER: Ok. Anybody have any questions?

MR. PARKS: Do you run the 501 charity?

MR. JOHNSON: Yes sir, me & my wife. And I have a board of trustees of six people.

MR. PARKS: And as I see you've got like a little pavilion out there, where y'all maybe get together and do whatever.

MR. JOHNSON: Yes sir. Fundraisers, silent auctions, paintings, and we mentor at risk kids, collection points for back pack and school supplies, fish fry plate sales, things of that nature.

CHAIR TURNER: What is the new building going to be?

MR. JOHNSON: As we are looking at this, we are growing a lil bit now we have these teens that we are mentoring and teaching these finance classes and budget classes we're giving it's kind of getting too big and congested in that little building, so that's why we are trying to add on that other addition.

CHAIR TURNER: So this will just be a big building for y'all to meet in?

MR. JOHNSON: Like a classroom environment.

CHAIR TURNER: Will it have new bathrooms and everything else?

MR. JOHNSON: Yes, it will have another bathroom.

CHAIR TURNER: This area perks well enough for that?

MR. JOHNSON: Yes sir.

CHAIR TURNER: There's no sewer out there, I don't think.

MR. JOHNSON: It's a private well and private sewer.

CHAIR TURNER: Any questions? Anything else?

MS. LUCAS-MOORE: So it's on a septic tank?

MR. JOHNSON: Yes ma'am.

MS. LUCAS-MOORE: And I guess zoning, because I know with a septic tank you only have so much space I think so that meet zoning with the septic tank? Space and the rules?

MRS. PAGE: If I may, if you have the set of ordinance conditions on page two, number eight references what Mr. Johnson will need to do. It states the county health department must approve water plans, and lots not served by public water systems is required to be large enough and of such physical character to comply with the health departments minimum standards and all those must be met prior to issuing final permits so one of the conditions is for Mr. Johnson to follow up with the county health department to insure that he has adequate services out there.

MR. FERGUSON: Question, in the new building are you going to build classrooms or just a big shelter building?

MR. JOHNSON: It's enclosed building. It's attached to the main building itself, enclosed. It's 36' x 36'

MR. PARKS: One room?

MR. JOHNSON: One room, just one open room, yes sir.

MR. FERGUSON: okay.

CHAIR TURNER: Bask to the septic tank issue, are you just assuming that it perks out there or have you looked into that?

MR. JOHNSON: The wetlands is farther in the back of the building by the ditch line, where that building is, it should be perfectly fine.

CHAIR TURNER: Well, I hate to be pushy but I think my question is, you've not really looked in to it, you're just assuming that it will perk?

MR. JOHNSON: Right. No I haven't had a perk person go out there.

CHAIR TURNER: I sold a lot of land out there and it's pretty iffy in a lot of places. Just from what I've sold, I had some that looked like it would be perfect and it wasn't. Anybody else have anything? Okay. Thank you sir. Stay with us, we may call you back if we have to. There's no one else to speak for or against so I will close the public hearing. And open it for discussion. Have you read the four requirements we have? Look under the tab that says special use permit.

MS. LUCAS-MOORE: I was looking at it.

CHAIR TURNER: You have four requirements.

MS. LUCAS-MOORE: So do we write these down here?

MR. FERGUSON: No no we just discuss them.

CHAIR TURNER: No she'll take care of all that. The first requirement we have is that the use will not materially endanger the public health or safety if located according to the plan submitted and recommended. And I guess if you look at case facts, he's out in the country, it's not an issue.

MS. LUCAS-MOORE: No it's not an issue.

CHAIR TURNER: Anything else you see?

MS. LUCAS-MOORE: No I don't.

CHAIR TURNER: So you don't see a problem with it. No problems? That the use meets all required conditions and specifications, he's accepted his specifications on . . .

MR. FERGUSON: This is where we need to add those specifications? Here right?

CHAIR TURNER: Yeah.

MS. LUCAS-MOORE: It has to be stated in here.

CHAIR TURNER: And he's agreed to those so. Number three is that the use will maintain and enhance the value of adjoining or abutting properties or the use is a public necessity. We don't know who the neighbors are and they're not here to complain, if you would step back up and let me ask, who are your neighbors sir?

MR. JOHNSON: I spoke with Ms. Mable Matthews, which is the house directly across the street, her address I think is 4464 Sid Mill Rd but she sits directly across the street and she called me on Friday, and I explained to her what we are doing and what we are about to do and the purpose of that permit, that's Ms. Mable Matthews.

CHAIR TURNER: Was she aware of the meeting tonight?

MR. JOHNSON: Ye sir, she was.

CHAIR TURNER: Okay. Mr. Parks and I learned today that what you just said is irrelevant. I would have not said it was irrelevant but in what we went thru, the four hours today, because it's here say, it's irrelevant. Are you proud of us for that? I tell you, what's the truth, if y'all didn't go to that today, you missed out. That was a really impressive thing. Thank you sir, that was all I needed to say.

MRS. PAGE: If I may, Ms. Matthews did receive the letter. She is on the first class mailing list.

CHAIR TURNER: Okay. Well it appears that those who received the letter didn't seem to have an issue with what's going on. They're not here.

MR. PARKS: Mr. Johnson can I ask you a question? Why did you start this 501c? Am I allowed to ask that question?

CHAIR TURNER: You can ask it.

MR. PARKS: Why did you start this particular non-profit?

MR. JOHNSON: The 501c became, we are all retired military personnel, we seen the need for the community, what's going on, so we said 'hey, we retired, what can we do, what can we give back?' So we just started. We first went to JW Seabrook elementary school, it's a Title I school, and we did not know that they had zip lock bags of perishable items that they give the kids on Fridays so they can eat on the weekend. Being in the military for all them years, it was transparent to me and my staff, so I mean we got to do something, something for the community. So that's how it started sir.

MR. PARKS: Gotcha. Good for you. Thank you very much.

CHAIR TURNER: Number four says the location and character of the use if developed according to the plan 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. Based on what you've heard, do you see that as acceptable?

MS. LUCAS-MOORE: I do.

CHAIR TURNER: Okay. I'm going to stop there. Have we said enough to satisfy?

MR. HASTY: On that very last one, you may want to add this - character use is going to maintain what's already there. It's not changing anything really.

MS. LUCAS-MOORE: Just enhancing it, making it a little larger.

MR. HASTY: Correct.

CHAIR TURNER: Okay. Anybody else have anything they want to add to this? Is there a motion?

**Mr. Parks made a motion to approve Case P19-03-C Consideration of a special use permit to allow an assembly in a RR Rural residential district, Ms. Lucas-Moore seconded. The motion passed unanimously.**

	<b>IN FAVOR</b>
TURNER	YES
FERGUSON	YES
PARKS	YES
LUCAS-MOORE	YES

## 12. DISCUSSION/UPDATES

MRS. PAGE: Staff has a discussion. There will be a meeting October 17<sup>th</sup>, a case was received before the October deadline. So the Board of Adjustment will be reconvening again on October 17<sup>th</sup>. The other update is today is my last Board of Adjustment meeting. My last day in county planning will be next Friday, September 27<sup>th</sup>. I have accepted a position as a deputy clerk with the Clerk of Superior courts

CHAIR TURNER: Bless your heart. Jim Ammons will be happy to see you.

MRS. PAGE: So I will start there October 7<sup>th</sup>. Going back to the courthouse from which I came from. I am elated. Totally ecstatic about it. Not sure – it will probably be Betty Lynd, who many of you are familiar with or another planning staff member.

CHAIR TURNER: Anybody have anything?

13. ADJOURNMENT

**Mr. Turner made a motion to adjourn, seconded by Mr. Ferguson. The motion passed unanimously. Meeting adjourned at 7:27pm.**

	<b>IN FAVOR</b>
TURNER	YES
FERGUSON	YES
PARKS	YES
LUCAS-MOORE	YES

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Dena L Barner, Clerk to the Board

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George Turner, Chairman

DRAFT





**Members:**  
George Turner, Chairman  
Alfonso Ferguson Sr., Vice-Chair  
Winton McHenry  
Gregory Parks  
Nathan Galbreath

**Alternates:**  
Robert E Davis  
Stacy Michael Long  
Marve Lucas-Moore  
Quinsentina James  
Vacant

## ***CUMBERLAND COUNTY BOARD OF ADJUSTMENT***

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

**2020**

### ***COUNTY BOARD OF ADJUSTMENT***

### ***DEADLINE/MEETING SCHEDULE***

#### **Application Deadline**

Monday, December 9, 2019

Thursday, January 16, 2020

Friday, February 14, 2020

Thursday, March 12, 2020

Friday, April 17, 2020

Thursday, May 14, 2020

Thursday, June 11, 2020

Friday, July 17, 2020

Thursday, August 13, 2020

Friday, September 11, 2020

Thursday, October 15, 2020

Friday, November 13, 2020

Friday, December 11, 2020

#### **Meeting Date**

Thursday, January 16, 2020

Thursday, February 20, 2020

Thursday, March 19, 2020

Thursday, April 16, 2020

Thursday, May 21, 2020

Thursday, June 18, 2020

Thursday, July 16, 2020

Thursday, August 20, 2020

Thursday, September 17, 2020

Thursday, October 15, 2020

Thursday, November 19, 2020

Thursday, December 17, 2020

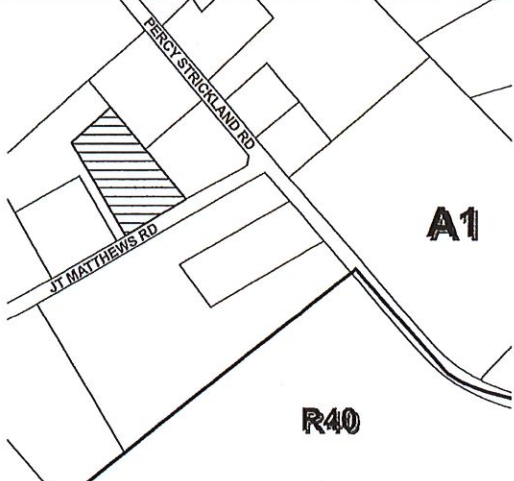
Thursday, January 21, 2021

**NOTE: Generally, deadlines are set 24 working days prior to the Board meeting date.**

# SITE PROFILE: P19-04-C

**P19-04-C:** CONSIDERATION OF A VARIANCE TO ALLOW A 40 FOOT BY 60 FOOT ACCESSORY STRUCTURE LARGER THAN THE PRINCIPAL STRUCTURE IN AN A1 AGRICULTURAL DISTRICT ON 2.50+/- ACRES, LOCATED 5409 J. T. MATTHEWS ROAD, SUBMITTED BY ZACHARY S. LAPENE (OWNER)

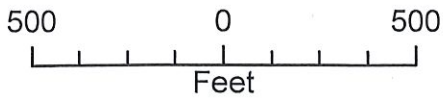
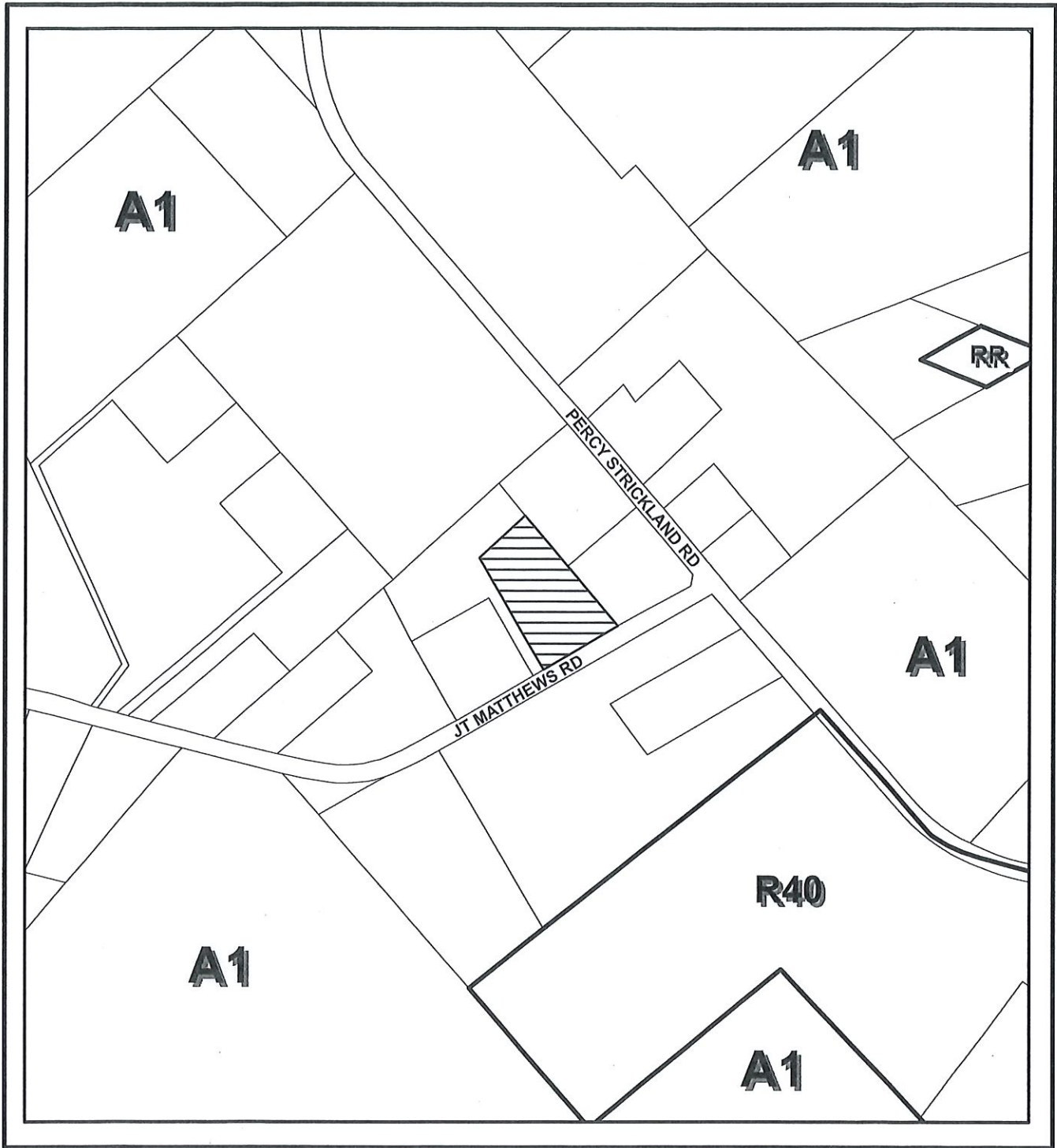
**Cumberland County Zoning Ordinance Reference:** Section 203. Definitions of specific terms and words. (Accessory Structure)

<p><b>Notes:</b></p> <p>The applicant is requesting a variance to allow a 40' x 60' accessory structure that will be larger than the existing principal structure on the lot.</p> <p>The proposed accessory will meet A1 Agricultural setbacks.</p>	
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<b>INITIAL ZONING</b> A1 – November 25, 1980 (Area 14)	<b>ADJACENT PROPERTY</b> No	<b>NONCONFORMITIES</b> None	<b>WATER/SEWER AVAILABILITY</b> ESD/Septic	<b>SIZE OF PROPERTY</b>  <b>Frontage &amp; Location:</b> 283' +/- on SR 1814 (J T Matthews Road)
<b>MUNICIPAL INFLUENCE AREA</b> N/A	<b>CURRENT USE</b> Residential	<b>ZONING VIOLATIONS</b> None	<b>SOIL LIMITATIONS</b> Hydric Inclusion Soil St – Stallings Loamy Sand	<b>Depth:</b> 450 +/-
			<b>WATERSHED</b> No	
			<b>SPECIAL FLOOD HAZARD AREA</b> No	

<b>SURROUNDING ZONING</b>  North: A1 East: A1, RR South: A1, R40 West: A1	<b>SURROUNDING LAND USE:</b>  Residential (including manufactured homes)
<b>COMPREHENSIVE PLANNING:</b> Wade Land Use Plan: One Acre Residential 2030 Growth Strategy: Rural Areas	<b>TRANSPORTATION PLANNING:</b> The subject property sits on J T Matthews Road, which is identified as a local road in the 2045 Metropolitan Transportation Plan with no constructions/improvements planned. The subject property will have no impact on the Transportation Improvement Plan.

Attached: Sketch Map, Site Plan, Application



## BOARD OF ADJUSTMENT VARIANCE

<b>ACREAGE: 2.50 AC. +/-</b>		<b>HEARING NO: P19-04-C</b>	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
GOVERNING BOARD			



BOARD OF ADJUSTMENT

LOCATION OF PROPERTY: 5409 JT Matthews Rd, Godwin NC, 28344

OWNER: Zachary S. Lapene

ADDRESS: 5409 JT Matthews Rd ZIP CODE: 28344

TELEPHONE: HOME (910)322-0753 WORK \_\_\_\_\_

AGENT: Zachary S. Lapene

ADDRESS: 5409 JT Matthews Rd Godwin NC 28344

TELEPHONE: HOME (910)322-0753 WORK \_\_\_\_\_

E-MAIL: lapenez0022@gmail.com

good pin  
0591-14-  
4878

APPLICATION FOR A VARIANCE  
As required by the Zoning Ordinance

- A. Parcel Identification Number (PIN #) of subject property: C  
(also known as Tax ID Number or Property Tax ID)
- B. Acreage: 2.50 Frontage: 289.75' Depth: 476.18'
- C. Water Provider: Eastover Sanitary District
- D. Septage Provider: Septic
- E. Deed Book 8711, Page(s) 243-245, Cumberland County
- F. Existing and/or proposed use of property: Residential, adding accessory structure
- G. Section and provision of the Zoning Ordinance or Code from which a Variance is requested: Build Accessory structure larger than house Section 1101.A
- H. Nature and extent of hardship involved in strict application of the Zoning Ordinance or Code: Section 1102.E4  
Current storage shed needs to be replaced due to storm damage. After new building is erected, old storage shed will be removed. New building will be used to store lawn equipment, tools, vehicles, other misc items, and as a workshop offering protection from the elements.

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.

✓ Zachary S. Lapene

NAME OF OWNER(S) (PRINT OR TYPE)

5409 JT Matthews Rd Godwin NC 28344

ADDRESS OF OWNER(S)

lapenez0022@gmail.com

E-MAIL

(910)322-0753

HOME TELEPHONE #

WORK TELEPHONE #

Zachary S. Lapene

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

5409 JT Matthews Rd Godwin NC 28344

ADDRESS OF AGENT, ATTORNEY, APPLICANT

(910)322-0753

HOME TELEPHONE #

WORK TELEPHONE #

Zachary Lapene

SIGNATURE OF OWNER(S)

Zachary Lapene

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 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 County Planning Staff has explained the application process and procedures regarding this request and the public hearing procedure stated above.

SIGNATURE OF OWNER(S)

Zachary S. Lapene

PRINTED NAME OF OWNER(S)

Zachary S. Lapene

DATE

9/3/19