



Members:
George Turner, Chair
Alfonso Ferguson Sr., Vice-Chair
Winton McHenry
Gregory Parks
Marva Lucas-Moore

Alternates:
Robert E Davis
Stacy Michael Long
Quinsentina James
Linda Amos

CUMBERLAND COUNTY BOARD OF ADJUSTMENT

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

TENTATIVE AGENDA
AUGUST 20, 2020
7:00 PM

A meeting of the Cumberland County Board of Adjustment is to be held on Thursday, August 20, 2020, 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 NOVEMBER 21, 2019 MINUTES
6. APPROVAL OF REVISED RULES OF PROCEDURE
7. ABSTENTIONS BY BOARD MEMBERS/BOARD MEMBER DISCLOSURES (SITE VISITS AND/OR PERSONAL AFFILIATIONS)
8. PUBLIC HEARING DEFERRALS/WITHDRAWALS

P20-02-C: CONSIDERATION OF AN APPEAL FROM THE CODE ENFORCEMENT OFFICER'S DECISION REGARDING THE OPERATION OF AN OUTDOOR FIRING RANGE IN A RR RURAL RESIDENTIAL & CD CONSERVANCY DISTRICT ON 13.46+/- ACRES, LOCATED AT 1654 & 1675 VETERANS DRIVE, SUBMITTED BY DEREK ORENT ON BEHALF OF AMERICAN LEGION POST #230 (OWNER).
9. POLICY STATEMENT REGARDING APPEAL PROCESS
10. PUBLIC HEARING(S):

P20-01-C: CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A BILLBOARD IN A C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING FOR ALL C(P) USES DISTRICT ON 2.07+/- ACRES, LOCATED AT 2960 CUMBERLAND ROAD, SUBMITTED BY ROY L. & SHEILA J. BULLOCK (OWNERS).
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
Linda Amos



CUMBERLAND COUNTY BOARD OF ADJUSTMENT

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

MINUTES

November 21, 2019
7:00 PM

Members Present

Alfonso Ferguson
Nathan Galbreath
Gregory Parks
Stacy Long

Absent Members

Winton McHenry
George Turner

Staff/Others Present

Betty Lynd
Dena Barner
Robert Hasty
(Asst. County Attorney)
Rawls Howard

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

Chair Ferguson 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.

1. INVOCATION

Stacy Long

PLEDGE OF ALLEGIANCE

Recited by all.

2. ROLL CALL

Mrs. Lynd called the roll. For the audience, Mrs. Lynd stated a quorum was present. Mrs. Lynd also introduced Mr. Hasty, attorney for the board and Mr. Rawls Howard, the new Planning Director.

3. SWEAR IN STAFF

Chairman Ferguson swore in staff.

4. ADJUSTMENTS TO THE AGENDA

There were none from staff.

5. APPROVAL OF THE OCTOBER 17, 2019 MINUTES

Mr. Galbreath made a motion to approve the minutes from the October 17, 2019 meeting with any necessary corrections, seconded by Mr. Parker. The motion passed unanimously.

	IN FAVOR
FERGUSON	YES
PARKS	YES
GALBREATH	YES
LONG	YES

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

There were none.

7. PUBLIC HEARING DEFERRALS/WITHDRAWALS

There were none.

8. POLICY STATEMENT REGARDING APPEAL PROCESS

Mrs. Lynd read the policy statement.

9. PUBLIC HEARING(S)

P19-05-C: CONSIDERATION OF A VARIANCE TO ALLOW AN 8 FOOT FRONT YARD SETBACK WHERE 30 FEET IS REQUIRED IN AN R10 RESIDENTIAL DISTRICT ON 0.38+/- ACRES, LOCATED AT 2902 W CRAMER DRIVE, SUBMITTED BY RONALD & JOYCE ENGLISH (OWNERS) & YOUR WAY CONSTRUCTION (AGENT).

Chairman Ferguson read the case heading for Case No. P19-05-C.

Mrs. Lynd reviewed the zoning, sketch map, and land use of the area surrounding subject property. She briefly reviewed board packet material. Mrs. Lynd stated findings of facts is being requested by staff and is included in the back of your packet.

CHAIR FERGUSON: So we have two people signed up to speak. Ronald English and Jerry Britt. The board will call Ronald English. Would you like to be sworn or affirmed?

MR. ENGLISH: It doesn't matter.

CHAIR FERGUSON: Do you swear to tell the truth the whole truth and nothing but the truth so help you God?

MR. ENGLISH: I do.

CHAIR FERGUSON: Please state your name and address for the record.

MR. ENGLISH: Ronald English, 2902 West Cramer Drive.

CHAIR FERGUSON: Okay. Mr. English do you have something you want to address the board about this property?

MR. ENGLISH: Yes, my concern is, the reason why I do want to have this carport done is so when you have bad weather that way we could be able to get out on the carport and go directly into the house instead of being on the driveway and being in bad weather. It caused a lot of problems especially when you're going in from the grocery store and stuff like that. Not only that if we had a carport done, we'd pour another driveway and it won't be so difficult pulling into the driveway. Right now you've got to either go around the block to go into

the driveway or make a u turn or either backup. My opinion is, this would benefit a whole lot, me and my wife and not only that it would bring value to the home, and there is no way they would be able to build or add to the road, so there is no interference with that.

CHAIR FERGUSON: Any questions for Mr. English?

MR. PARKS: Mr. English, you've lived in this house since 73? Have you ever tried to put a carport on this house before?

MR. ENGLISH: No sir. We thought about it but we really didn't just have the money and you know so being we got this third car we want to make sure it will stay under cover and that way we ain't got to switch back and forth and like I said we didn't have the money to begin with so instead of making payments we just saved until we would be able to do it.

MR. PARKS: Thank you.

MR. GALBREATH: I have a few questions, and I looked through it and if I missed it, I apologize. The material is going to match the house, is it going to be brick or is it a metal carport?

MR. ENGLISH: It's just going to be an open carport.

MR. GALBREATH: So just like a metal? Is it going to have a concrete pad? So it will be anchored in and everything?

MR. ENGLISH: Yes, it will be on a concrete slab.

MR. GALBREATH: And then you mentioned moving the driveway, are you still planning to come in where the driveway is now or from, where is the entry of that 24 x 22?

MR. ENGLISH: It will go into . . .

MR. GALBREATH: The right side or the front of the house?

MR. ENGLISH: Facing the house it will be on the right side, it will go down and taper off into the other driveway.

CHAIR FERGUSON: Can we see a picture of the house?

MR. GALBREATH: Is it just going to line up with your current driveway or you going to have to come in from?

MR. ENGLISH: Here is the existing driveway and it will be right there (pointing to picture) and it will taper off at the end to the road.

MR. GALBREATH: Then are you going to drive in straight like that or come in from the side of it?

MR. ENGLISH: Come from the side there.

MR. LONG: Of the existing driveway, I think what he is asking is are you coming in from the other street?

MRS. LYND: In other words, are you going to come this way?

MR. GALBREATH: Are you widening the driveway or are you building a brand-new driveway?

MR. ENGLISH: I'm widening.

MR. GALBREATH: I appreciate that. And then my last question is, I know it's a 24 x 22, is a 24 x 20 feasible to give you a ten-foot buffer?

MR. ENGLISH: Well actually I want it to be a 24 x 24, but the main thing is, the issue is y'all have a problem is the front of it, there really is no issue on the side. I want to have a 24 x 24.

MR. GALBREATH: Okay. We now are showing a 24 x 22 up here. Looks like that's what's being planned.

MR. ENGLISH: Yeah. 22. The reason I say a 22 is because I want to make sure that is no issue.

MR. GALBREATH: Okay.

CHAIR FERGUSON: So are you requesting a 24 x 24 or a 24 x 22? Because you said 24 x 24 but paperwork says 24 x 22. So where are we at here?

MR. LONG: You bought the house in 1973 and in the notes here it says it wasn't zoned until 1975? Does that mean there was no zoning period or it was zoned something different in '73?

MR. ENGLISH: The house was built there was no zoning there. It was not zoned until '75.

MR. LONG: So after the fact they came in with rules of that particular zone. Okay.

CHAIR FERGUSON: Okay. Thank you. We will call you back if we have more questions for you. We'll call Mr. Jerry Britt. Would you like to be sworn or affirmed?

MR. BRITT: Sworn.

CHAIR FERGUSON: Do you swear to tell the truth, the whole truth and nothing but the truth so help you God?

MR. BRITT: I do.

CHAIR FERGUSON: Please state your name and address for the record.

MR. BRITT: Jerry Britt, 8700 Squatting Bear Drive, Fayetteville, NC 28312

CHAIR FERGUSON: What would you like to tell the board sir?

MR. BRITT: When the house was built originally in '73 and then rezoned in '75 the house was already non-conforming and if you look at the shape of the lot, its what's causing him a lot of the hardship. Even though it looks like its 8 foot right there, there is still a lot of real estate between where the corner of the building is going to be and the actual road, there is a buffer area there. His driveway, he's going to still come in from the front and it's going to taper off is what he was trying to say on that side which will give him more room to pull another car over underneath the carport. Pretty much his hardship, because of the zoning after the fact, it's limited his ability to be able to do anything with that portion of his house which typically even though it's frontage would typically be the side. The way the property was laid out when the subdivision was designed. The carport is actually going to be stick framed to match the house materials, same as the house. It's not a metal unit, it's a wood frame structure. The siding is vinyl, so it has the metal wrapped around it. It's going to have the wooden shapes on the end and asphalt shingles to match the house and it's going to have the post, concrete, a brick foundation underneath the post so it's going to be a stick-built structure.

MR. GALBREATH: So you are confirming its 24 x 22?

MR. BRITT: Yes sir. He originally wanted a 24 x 24 but we had scaled it back some to give some space. What he would really like to do, there's a door on the side of the house right there, it sets back some from the front of the house, it doesn't protrude pass the house, it sets back 3 or 4 feet from the end of the house, then there is an

entry door that goes inside the house which he wants to use to be able to go from the vehicle to inside the house without getting wet when it's raining and things.

MR. LONG: I have a question, so it's 8 feet from that corner to the edge of his property but you said there was a buffer space from that road. Is there a sidewalk or a patch of grass?

MR. BRITT: There is a patch of grass. If she goes back to the street view, to the front of the house, ok right here, there's some stobs, I don't think you can see them good. We stobbed where the buildings going to be but its on this side of the bush. The buildings not going to pass that bush, that's right there. It's forwards over some more so somewheres right in there. There is still a buffer area in there.

MR. LONG: How far would you guess that is from the edge of this property to the actual curb?

MR. BRITT: From the asphalt I would say 15 or 20 feet maybe. The corner of his property isn't right on the street itself.

MR. GALBREATH: I was just curious, can you go back to the overview map. Now I notice it's supposed to be 30 foot, it wasn't zoned when it was built, just for the sake of looking at this, I'm going to say the southeast corner of the house, I know its not the actual direction, from there to the road probably isn't 30 foot is it?

MR. BRITT: The house is already nonconforming.

MR. GALBREATH: Right. So that point of the house isn't meeting the 30 foot already?

MR. BRITT: They've pretty much said if the house was ever damaged more than 50 percent of the value then it would have to be moved on the lot.

MR. GALBREATH: okay.

MRS. LYND: To help give a little bit of clarification typically there is a forgiveness lets say on a corner lot for the secondary street but because the orientation of this house they didn't get a break, its not really facing a primary street and the side of the house is on the other corner so they had to meet a front yard setback from both streets as opposed to getting a little break on one of the secondary streets.

CHAIR FERGUSON: Any more questions? Okay. Thank you. Discussions, updates. Anymore questions on this P19-05-C? We just close the public hearing right?

MRS. LYND: Yes you can close the public hearing as long as you do not have any more questions for the applicant and then discuss the findings for your motion.

CHAIR FERGUSON: Okay. We will now close the public hearing.

MR. GALBREATH: I was just going to point out that Hope Mills had no objections to the request. Just make sure that is on record they have no objections. Finding of facts 1. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended;

MR. HASTY: If I can interrupt for a minute, I think the findings of fact, correct me if I'm wrong, the variance are the unnecessary hardship findings, I think these are the special use findings.

MRS. LYND: Behind the variance tab in your binder there'll be the variance finding of facts.

MR. GALBREATH: I was reading the one from the back, sorry.

CHAIR FERGUSON: The Board of Adjustment for Cumberland County held a public hearing on this matter on P19-05-C to consider the above reference case requested by Ronald & Joyce English(owners) & Your Way

Construction (Agent). The request for a variance for the property located at 2902 W Cramer Dr, having heard all of the evidence and arguments presented at the hearing make the following findings of fact and draws the following conclusions. It is the board's conclusion that unnecessary hardship would result from the strict application of the ordinance, this finding is based on the following conditions not able to get into his driveway from the side street

MR. HASTY: I believe Mr. Britt testified that the shape of the lot was a hardship

CHAIR FERGUSON: Right. Shape of the lot. That is one of the facts. Is it the boards conclusion that hardship results from conditions that are peculiar to the property, such as location, size, or topography and that is true. We found out because of the size of the lot and the property grandfathered in, we use that one.

MR. GALBREATH: And the fact that the zoning came into play after they purchased the home.

CHAIR FERGUSON: It is the board's conclusion that the hardship did not result from actions taken by the applicant or the property owner. The findings based on the conclusion and that is where you put that one in, because zoning came in after the owner bought the house. It is the board's conclusion that the requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured, and substantial justice is achieved. The findings is based on the conditions listed above as well as the following as they stated in the application and with any provisions that is needed to be we have nobody who spoke against it and the city of Hope Mills approved it so will stay status quo.

MR. GALBREATH: And its going to be stick built, anchored, it will be built to the same conditions and quality of the home.

CHAIR FERGUSON: Right, Site plans were approved for that. We would like to take a motion that the findings that we just submitted is approved.

Mr. Ferguson made a motion to approve Case P19-05-C Variance to allow an 8 foot yard setback where 30 feet is required in an R10 residential district 0.38+/- acres, Mr. Parks seconded. The motion passed unanimously.

	IN FAVOR
FERGUSON	YES
PARKS	YES
GALBREATH	YES
LONG	YES

10. DISCUSSION/UPDATES

MRS. LYND: Yes chairman as part of your board packet for tonight's meeting I included the rules of procedure at the last meeting the board expressed an interest in changing the meeting time from 7 to 6 pm so I have presented it to you in writing because your rules and procedures state that you have to review it and we have to discuss it at this meeting. At your next meeting will be when you can officially vote to change the time and then the following meeting after that would be the new time. We set it at 6 pm because that was the board's consensus at the last meeting.

CHAIR FERGUSON: Okay. Yes.

MRS. LYND: You guys can discuss it and at the next meeting we will put it on the agenda for a vote.

CHAIR FERGUSON: Everybody still agree with that? Is that good for you Mr. Hasty?

MR. HASTY: Whatever the board's pleasure.

MR. LONG: So vote next time apparently, right?

CHAIR FERGUSON: Yeah. Do we want to make a motion?

MRS. LYND: You don't have to make a motion tonight, I just have to present it to you in writing before you can vote on it. I'll put it in your packet and then at the next meeting the board will vote on it. And then the following meeting after that, we'll start the new time.

CHAIR FERGUSON: Sounds good.

MRS. LYND: And then the second item of discussion is, we did not receive any cases for the deadline for December meeting so Happy Thanksgiving and Merry Christmas. I will not see you again until the new year potentially and then the final thing would be if Mr. Hasty has any updates on any of the holding cases.

MR. HASTY: I don't have much to report, the Hampton case I reported on we are not sure what's going to happen that yet. I've discussed it with the Hampton's attorney and we are not sure if they are going to go forward in which case it would come back here or whether they'll let it be. I should know by the next meeting for sure.

MR. LONG: If they've taken it this far, I'm sure they're probably going to bring it back to this board right?

MR. HASTY: I'm not so sure, without getting into it.

MR. PARKS: I wasn't here last month, what is the Hampton case you speak of?

MR. HASTY: The shooting range case that went in front of this board and all the way up to the NC Supreme Court and now coming back to this court.

MR. PARKS: So what did the Supreme court say?

MR. HASTY: They sent it to the court of appeals who said this court needs to find additional finding of fact

MR. PARKS: So we got to do some fact finding, is that what you're telling me?

MR. HASTY: Yes and it will probably be an all new hearing. Because this court has changed so much.

11. ADJOURNMENT

Mr. Long made a motion to adjourn, seconded by Mr. Galbreath. The motion passed unanimously. Meeting adjourned at 7:31pm.

	IN FAVOR
FERGUSON	YES
PARKS	YES
GALBREATH	YES
LONG	YES

Dena L Barner, Clerk to the Board

George Turner, Chairman

**Cumberland County, North Carolina
Board of Adjustment**

Rules of Procedure

I. GENERAL RULES

The Board of Adjustment shall be governed by the terms of the *General Statutes of North Carolina*, § 153A-345.1, including subsequent amendments, and by the *Cumberland County Zoning Ordinance*, adopted June 20, 2005 as it may be amended from time to time. All members of the board shall thoroughly familiarize themselves with these regulations.

II. OFFICERS AND DUTIES

- A. *Chairman*. The chairman shall be elected by majority vote of the membership of the board from among its regular members. The chairman's term of office shall be for one calendar year beginning on July 1 and ending on June 30, and until the successor is qualified. The chairman shall be eligible for reelection provided that the individual remains qualified as a regular member and the term limit has not expired. Subject to these rules, the chairman shall rule upon all points of order and procedures, unless overruled by a majority of the board in session at the time.
- B. *Vice-Chairman*. A vice-chairman shall be elected by the regular board members in the same manner and for the same term as the chairman. The vice-chairman shall serve as acting chairman in the absence of the chairman and at such times when so acting, the vice-chairman shall have the same powers and duties as the chairman.
- C. *Secretary*. The individual fulfilling the duties as secretary shall be a County Planning and Inspections staff member and shall be assigned to serve the board by the County Planning and Inspections Director (hereinafter *director*) or the director's designee. The secretary shall act in this capacity so long as the staff member assigned is performing in an acceptable manner as determined by the director or the director's designee. The secretary, subject to the direction of the chairman and the board, shall keep all records, shall conduct all correspondence of the board, shall arrange for all public notices required to be given, shall notify members of pending meetings and their agenda, shall notify parties to cases before the board of its decision on such cases, and shall generally supervise and ensure the administrative work of the board is properly and efficiently accomplished. The secretary shall ensure that a complete set of minutes of the record for every board meeting is kept in a permanent volume in a secure location. The minutes shall show the record of all material facts pertaining to each meeting and hearing, every resolution acted on by the board, and all votes of members of the board on any resolution or on the final

determination of any question, indicating the names of members who are absent or fail to vote. The secretary shall not be eligible to vote on any matter coming before the board.

III. MEMBERS

- A. Membership on the Board of Adjustment shall be governed by the terms of the *General Statutes of North Carolina*, § 153A-345.1, as in effect, and by the *Cumberland County Zoning Ordinance* adopted June 20, 2005, and as amended from time to time.
- B. Individual board members, whether appointed as a regular member or an alternate, may be removed for cause, including violation of these rules, by majority vote of the County Board of Commissioners.
- C. Faithful attendance at all meetings of the board and conscientious performance of the duties required of members of the board shall be considered a prerequisite of continuing membership on the board. Regular members missing three consecutive meetings without good cause shall be requested to resign immediately, and if a resignation is not submitted may be removed by the County Board of Commissioners.
- D. Board members shall not take part in the hearing, consideration or determination of any case in which the board member is personally or financially interested or as to which the board member may have a bias making it inappropriate for the board member to participate in consideration of such case.
- E. Board members shall not vote on any matter deciding an application or appeal unless the board member attended the meeting in which the hearing on the application or appeal occurred.
- F. Board members shall not discuss any case with any parties or independently investigate any case prior to the hearing on that case. While prior knowledge or modest communications prior to a hearing does not automatically disqualify a board member from participating in a case, board members must not enter the hearing with a fixed opinion about the case and each board member must disclose on the record at the start of the hearing any personal prior knowledge and/or communications.
- G. Members of the board shall not express individual opinions on the proper judgment of any case with any parties thereto prior to its determination of that case. Violations of this rule will be reported to the County Board of Commissioners and could be cause for removal from the board.

IV. MEETINGS

- A. *Regular Meetings.* Regular meetings of the board shall be held monthly on the third Thursday of the month, except that if no application is filed by the application deadline schedule prior to a meeting date, the secretary shall notify all members that no meeting will be held for that month. The meetings shall be held in Public Hearing Room #3 at the Historic Courthouse, 130 Gillespie Street at 6:00 p.m., except as specified for special meetings below.
- B. *Special Meetings.* Special meetings of the board may be called at any time by the chairman. At least 48 hours written notice of the time and place of special meetings shall be given by the secretary or the chairman, to each member of the board, and notice shall also be given in compliance with the *North Carolina Open Meetings Law*. Special meetings can only be called if it is pre-determined that a quorum of the board members can be present.
- C. *Quorum and Voting.* A quorum shall consist of four members of the board. However, the concurring vote of four-fifths of the members of the board for the hearing of a particular case shall be necessary to: reverse any order, requirement, decision, or determination of any administrative official charged with the enforcement of any County ordinance in which the Board of Adjustment has been designated as the appeals board; to grant any variance from any County ordinance that the board has the authority to vary; to rule on matters concerning nonconforming uses; to interpret the official zoning maps; and pass upon disputed questions of lot lines or district boundary lines as they arise in the administration of the *County Zoning Ordinance*. A simple majority vote is required to find in favor of an application for a Special Use Permit and for matters subject to approval as high density developments under the provisions of the *Cumberland County Water Supply Watershed Management and Protection Ordinance*.
- D. *Conduct of Meetings.* All Board of Adjustment meetings shall be open to the public. Except for consideration of high density development applications subject to the provisions of the *County Water Supply Watershed Management and Protection Ordinance*, all board meetings shall follow quasi-judicial protocol. The order of business at regular meetings generally shall be as follows:
1. Roll call;
 2. Adjustments to the agenda;
 3. Approval of the minutes of the previous meeting;
 4. Abstentions by board members;
 5. Public hearing deferrals;

6. Board member disclosures;
7. Board policy statement regarding appeal process read to audience;
8. Hearing of cases;
9. Discussion by board members and staff;
10. Updates on previously heard cases; and
11. Adjournment.

V. APPLICATIONS

- A. *Type of Applications.* The board shall hear and decide all matters referred to it and as enumerated in Section 1603 of the *County Zoning Ordinance*.
- B. *Procedure for Filing Applications.* All applications for hearings shall be filed with the secretary, or with the administrative official, acting as secretary for the board for purposes of receiving this notice. All applications shall be made upon the form furnished for that purpose, and all required information shall be provided thereon before an application shall be considered as complete and having been filed.
- C. *Fees.* Applications shall not be considered as having been submitted until there has been paid to “Cumberland County” a filing fee as set forth in the *Cumberland County Fee Schedule*.
- D. *Hearings:*
 1. *Date and Time of Hearing.* Upon receipt of a completed application, the secretary will schedule the case to be heard in accordance with the board’s adopted *Deadline/Meeting Schedule*.
 2. *Notice.* The secretary shall ensure public notice of the hearing by publishing or advertising in a newspaper of general circulation within the County the date, time and location of the hearing along with specific information from the application to afford the public actual notice of the matter applied for. The notice of the hearing is to be published a minimum of ten days and not more than 25 days prior to the meeting in which the case is to be heard.
 3. *Conduct of Hearing.* Any party may appear in person or by attorney at the hearing. The order of business for hearing each case shall be as follows: (a) the chairman, or such person as he shall direct, shall give a preliminary statement of the case, (b) after being sworn in by the chairman, the applicant

will present evidence relevant to this application together with his/her contentions as to why the application shall be granted; (c) persons opposed to granting of the application will be allowed to present relevant evidence and contentions against the granting of this application; (d) both sides if desired, will be allowed to present rebuttal evidence and arguments; (e) following presentation of a case, the board shall make its decision setting forth its findings of fact, its conclusions, and any conditions of approval. Witnesses may be questioned following presentation of their testimony by board members, and thereafter by any other interested persons.

4. *Rehearings.* An application for a rehearing may be made in the same manner as provided for an original hearing. Evidence in support of the application shall initially be limited to that which is necessary to enable the board to determine whether there has been a substantial material change in the facts, evidence, or conditions of the case. A rehearing shall be denied by the board if in its judgment there has been no substantial material change in the facts, evidence, or conditions of the case. If the board finds that there has been such a change, the request for rehearing shall thereupon be scheduled and heard in the same manner as any other application.

E. *Decisions:*

1. *Time.* Decisions by the board shall generally be rendered at the same meeting in which the case was heard. In the event, the board has requested additional information or by consensus among its members agree that additional time is warranted for the applicant or opponents, the case may be rescheduled for a date certain, typically should be set for the following month regularly scheduled board meeting.
2. *Form.* The final decision of the board for each case shall be shown in the record of the minutes of the meeting in which the case is heard. The formal approval of the minutes shall be ascertained in the minutes following the month in which a case is heard. The record shall show the reasoning for the decision, with a summary of the evidence introduced and the findings of fact, if required, and conclusions made by the board.
3. *Public Record of Decisions.* The decisions of the board, as filed in the board's record book shall be a public record, available for inspection at all reasonable times.

VI. ANNUAL REPORT TO BOARD OF COUNTY COMMISSIONERS AND COUNTY JOINT PLANNING BOARD

The secretary shall prepare and submit in July of each calendar year to the Board of County Commissioners and County Joint Planning Board a summary of the Board of Adjustment's activities for the preceding fiscal year. Such report shall contain a statement of the cases heard and a summary of the actions taken, along with any other matters which the board deems appropriate for inclusion in such report.

VII. AMENDMENTS

These rules may be amended at any time by an affirmative vote of not less than four members of the board, provided that such amendment be presented in writing at a regular meeting preceding the meeting at which the vote is taken.

Read, approved, and adopted by the Board of Adjustment on this 26th day of September, 1972, the following board members voting AYE: Chairman Hill, Vice-Chairman Lytton, Mr. Averitte, Mr. Huggins, and Mr. Starling.

Amended on this 16th day of July, 1987.

Amended on this 19th day of July, 2007.

Amended on this 20th day of January, 2011.

Betty Lynd

From: Orent, Derek - US <derek.orent@cac.com>
Sent: Wednesday, August 12, 2020 9:27 AM
To: Betty Lynd
Subject: American Legion

Ms. Lynd,

I would like to request that Case P20-02-C be deferred to the September 17, 2020 Board of Adjustment meeting.

Thank you,

Derek Orent

Field Service Technician
CACI International Inc.
3611-C Ramsey St.
Fayetteville, NC 28311
Office: 910-486-3773
Cell: 231-798-5617
derek.orent@cac.com

CACI

EVER VIGILANT®

PLANNING STAFF REPORT
BOA CASE # P20-02-C

Board of Adjustment Hearing: August 20, 2020

EXPLANATION OF THE REQUEST

This is a request for consideration of an appeal from the Code Enforcement Officer's decision to file a notice of violation for the operation of an unapproved outdoor firing range on the property. The notice of violation was issued on May 14, 2020.

OWNER/APPLICANT

OWNER/APPLICANT: Derek Orent on behalf of American Legion Post #230 (owners)

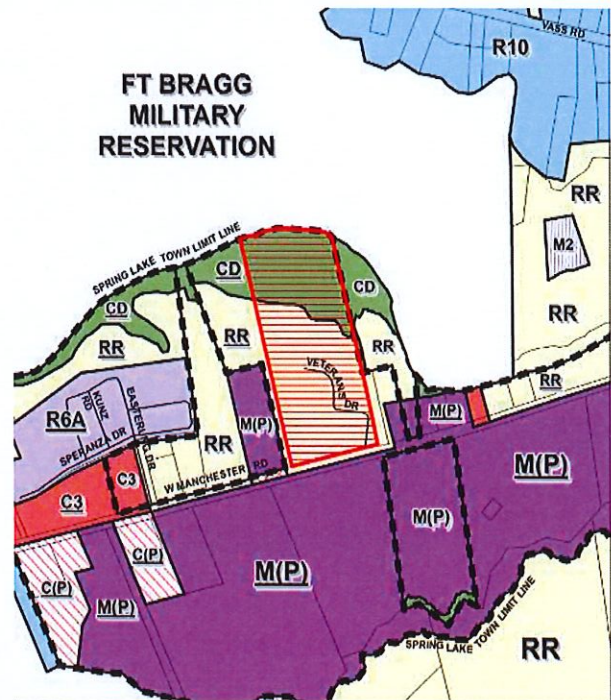
PROPERTY INFORMATION

ADDRESS/LOCATION: 1654 & 1675 Veterans Drive; more specifically REID 0502041673000

SIZE: This request includes one parcel totaling approximately 13.46 acres. The property has approximately 494' of street frontage along W Manchester Road and is 1207'+/- in depth.

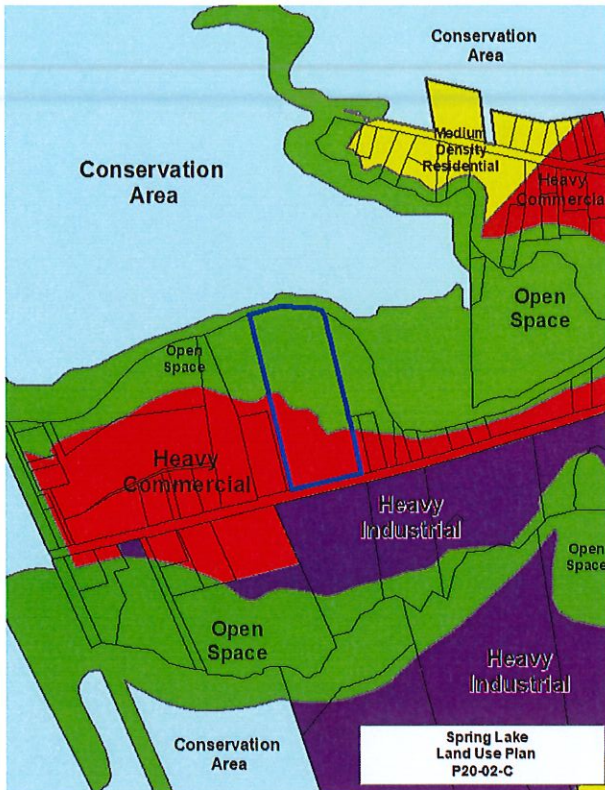
EXISTING LAND USE: The subject property is currently developed as a club/lodge for the American Legion. There is also a manufactured home on the property.

OTHER SITE CHARACTERISTICS: The property is not within the watershed but is within Special Flood Hazard Area. There are hydric inclusion (WmB-Wickham fine sandy loam) soils on the property. The property is not within the Airport Overlay District.



SURROUNDING LAND USE: Residential uses and a defense contractor are developed on adjacent parcels.

MUNICIPAL INFLUENCE AREA: This property is in Spring Lake's MIA. Staff received no comment from the Town of Spring Lake.



ZONING HISTORY: This property was initially zoned RR & CD as part of the Area 11 initial zoning on January 7, 1977.

UTILITIES: This property is currently served by Spring Lake water and private septic. Spring Lake sewer is available to the property.

COMPREHENSIVE PLANS: The 2030 Growth Vision Plan designates this parcel for "Urban" and "Conservation Area". The Spring Lake Land Use Plan (2002) designates this parcel for "**Heavy Commercial and Open Space**". Commercial areas along major thoroughfares are indicated to provide for existing commercial development and to provide expanded depth so that when areas are redeveloped into commercial uses there would be sufficient land area to provide proper access, landscaping, parking, etc. "Open Space" is indicated along the 100-year Flood area.

IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

TRAFFIC: The subject property sits on Manchester and Veterans Drive, both of which are identified as local roads in the 2045 Metropolitan Transportation Plan. There are no constructions/improvements planned and the subject property will have no impact on the Transportation Improvement Plan.

SCHOOLS CAP/ENROLL: Manchester Elementary: 340/370; Spring Lake Middle: 700/479; Pine Forest High: 1750/1577

EMERGENCY SERVICES: This request has been reviewed by the Cumberland County Fire Marshal's Office. The County Fire Marshal stated the owner should ensure all fire department access requirements are met.

US FISH & WILDLIFE: Due to the proximity of known active red-cockaded woodpecker clusters, staff would encourage the petitioner to have this property surveyed by personnel experienced in management and monitoring of the species prior to the removal of mature pine trees. The results of any survey should be sent to the USFWS office located in Southern Pines, NC for review.

RLUAC: The request has been reviewed by the Regional Land Use Advisory Commission. RLUAC stated that the northern section of the parcel is identified as "Important to Conserve" on the Joint Land Use Study maps due to its location within the Pope Army Airfield 60-65db noise area and the property's High Endangered/Threatened Species-Biodiversity and Wildlife Habitat Rating. The property is also located within the military Airfield Imaginary area. RLUAC encourages the County to consider the potential adverse impact to Fort Bragg during its proceedings. Further, RLUAC encourages the developer to refrain from making any future requests for telecom towers, due to their navigation hazards.

Attachments:

- Appeal Letter submitted by Property Owner
- Code Enforcement Case File (including Notice of Violation)
- Section 203. Definitions & Section 907.1 Firing Range, Outdoor (County Zoning Ordinance)
- Notification Mailing List



THE AMERICAN LEGION
Department of North Carolina
James LeBlanc Post #230
1654 Veterans Dr, Spring Lake, NC 28310

20 May 2020

Scott Walters, Code Enforcement Mngr.
Cumberland County Inspection & Planning Dept.
130 Gillespie Street
Fayetteville, NC 28301

Mr. Walters,

We, American Legion Post #230, have received a Notice of Violation, Case # ZN-380-2020, the cease and desist order concerning an outdoor shooting range.

We will exercise our right to appeal this decision in accordance with Article XVII., Section 17.03E, Appeal, Zoning Ordinance and request an appointment with the next Board of Appeals to present our argument.

The American Legion is the largest wartime veterans service organization with nearly 2 million members and more than 12,000 posts in communities throughout America. Today, the organization is active throughout the United States, supporting current military personnel and veterans, sponsoring American Legion Baseball, Boys State, Oratorical Contests, and other community service activities.

Sincerely,

Derek Orent
Commander, Post #230

Rawls Howard
Director

Vacant
Deputy Director

Scott Walters
Code Enforcement
Manager

Carol M. Post
Office Processing Assistant



**CUMBERLAND
COUNTY**
NORTH CAROLINA

Planning & Inspections Department

Joey Lewis
Inspector

Gilbert Sanchez
Inspector

Andy Roberts
Inspector

Kim Cannizzaro
Inspector

Jamie Bahneman
Inspector

NOTICE OF VIOLATIONS

05/14/2020

American Legion Post 230 & Parties of Interest
1654 Veterans Dr
Spring Lake, NC 28390

CASE # ZN-3808-2020

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

1. Nature of Violation(s): You are in violation of your site plan case number 98-005. You are operating or allowing the operation of a shooting range on your property. A shooting range is not permitted per the approved site plan.
2. Code Reference: Cumberland County Zoning Ordinance, Cumberland County, North Carolina, Article I, Administrative Provisions, Section 107, Zoning Permit, Article II, Interpretations, Calculations, and Definitions, Section 203 Definitions of Specific Terms and Words, Article IV, Permitted, Conditional, and Special Uses, Section 403 Use Matrix, Article IX, Individual Uses, Section 907 Firing Range, Outdoor, Article XIV, Planned Districts, Section 1403 Site Plan Review, Article XVII, Legal Provisions, Section 1704, Penalties.
3. Action to Correct Violations(s): Cease operation and remove the shooting range or seek to add it to an approved site plan.
4. Property Location: On or about 1654 Veterans Dr, Spring Lake, NC. Being that property as listed under Cumberland County, NC Tax Parcel Number 0502-04-1673
5. Property Owner: American Legion Post 230 Inspection Date: 05/13/2020

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) 321-6643.



Jamie Bahneman
Code Enforcement Officer

Jamie Bahneman

From: Kim Cannizzaro
Sent: Monday, May 11, 2020 8:06 AM
To: Jamie Bahneman
Subject: FW: Gun Range Permit (Manchester Rd)
Attachments: Property Summary_0502-04-1673.pdf; Old PIN 0502-04-1673.pdf; IMG_0235.JPG; Google Earth.pdf

Kim Cannizzaro

Code Enforcement Officer
Cumberland County Planning & Inspections
130 Gillespie Street
Phone: (910) 321-6655
Fax: (910) 321-6637



From: Stephen Blakeney <stblakeney@gmail.com>
Sent: Tuesday, May 5, 2020 5:33 PM
To: Kim Cannizzaro <kcannizzaro@co.cumberland.nc.us>
Subject: Gun Range Permit (Manchester Rd)

Here is the information you requested earlier today. Let me know if there is anything else I need to provide. My phone number is (910)-574-6047.



Property Summary

Tax Year: 2020

REID	0502041673000	PIN	0502-04-1673	Property Owner	AMERICAN LEGION POST 230
Location Address	1654 VETERANS DR	Property Description	AMERICAN LEGION JAMES LEBLANC POST #230 SE01 PL0040-0011	Owner's Mailing Address	1654 VETERANS DR SPRING LAKE NC 28390

Administrative Data		Transfer Information		Property Value	
Old Map #		Deed Date	7/1/1984	Total Appraised Land Value	\$58,841
Market Area	4075	Deed Book	000781	Total Appraised Building Value	\$102,070
Township	NONE	Deed Page	00306	Total Appraised Misc Improvements Value	\$14,360
Planning Jurisdiction	COUNTY	Revenue Stamps		Total Cost Value	\$175,271
City		Package Sale Date		Total Appraised Value - Valued By Cost	\$175,271
Fire District	0111-MANCHESTER	Package Sale Price		Other Exemptions	\$175,271
Spec District	PS0005-SPECIAL FIRE,RECREATION	Land Sale Date	7/1/1984	Exemption Desc	BX-BENEVOL/LODGES-EX
Land Class	E105-EXEMPT	Land Sale Price		Use Value Deferred	
History REID 1		Improvement Summary		Historic Value Deferred	
History REID 2		Total Buildings	1	Total Deferred Value	
Acreage	13.46	Total Units	0	Total Taxable Value	
Permit Date		Total Living Area	0		
Permit #		Total Gross Leasable Area	2,318		

Building Summary

Card 1 1654 VETERANS DR

Building Details		Building Total & Improvement Details	
Bldg Name		Total Adjusted Replacement Cost New	\$200,136
Primary Occupancy Type	COMMERCIAL	Physical Depreciation (% Bad)	AVERAGE 40
Primary Occupancy	CLB-CLUB	Depreciated Value	\$120,081
Primary Class	C-CONCRT/MASONRY-WLS	Economic Depreciation (% Bad)	0
Primary Quality	D	Functional Depreciation (% Bad)	0
Year Built	1960	Total Depreciated Value	\$120,081
Effective Year	1989	Market Area Factor	1
Physical Depreciation (Rating)	AVERAGE	Building Value	\$102,070
Physical Depreciation (% Bad)	40	Misc Improvements Value	\$14,360
Economic Depreciation (% Bad)	0	Total Improvement Value	\$116,430
Functional Depreciation (% Bad)	0	Assessed Land Value	\$58,841
Gross Leasable Area (SQFT)	2,318	Assessed Total Value	\$175,271
Remodeled Year	2017		

Total Stories

1

Section 1 Details

Occupancy Type COMMERCIAL
 2-FIX-BATHS 2
 Air Conditioning Y
 Class C-CONCRT/MASONRY-WLS
 Depreciation 40%
 Depreciation AVERAGE
 Exterior Walls 07-CONCRETE-BLOCK
 Interior Finish CLB-CLUB
 Kitchens 1
 Occupancy CLB-CLUB
 Quality D
 Sprinkler N

Addition Summary

Story	Type	Code	Area
1.00	CNPY COMM AVG	CCC	66

Building Sketch

Photograph

No Sketch Found

No Photo Found

Misc Improvements Summary

Card #	Unit Quantity	Measure	Type	Base Price	Eff Year	Phys Depr (% Bad)	Econ Depr (% Bad)	Funct Depr (% Bad)	Common Interest (% Good)	Value
1	16x12	DIMENSIONS	UTILITY FRAME	\$16.15	1995	65	0	0		\$1,085
1	12x8	DIMENSIONS	UTILITY FRAME	\$16.15	1990	65	0	0		\$271

Total Misc Improvements Value Assessed: \$14,360

Card #	Unit Quantity	Measure	Type	Base Price	Eff Year	Phys Depr (% Bad)	Econ Depr (% Bad)	Funct Depr (% Bad)	Common Interest (% Good)	Value
1	14x6	DIMENSIONS	SIDEWALK	\$4.04	1960	65	0	0		\$59
1	18x20	DIMENSIONS	CANOPY	\$20.47	2004	50	0	0		\$1,561
1	18x20	DIMENSIONS	CANOPY	\$20.47	2004	50	0	0		\$2,874
1	12x18	DIMENSIONS	CANOPY	\$20.47	2004	50	0	0		\$937
1	8x9	DIMENSIONS	UTILITY FRAME	\$16.15	2004	40	0	0		\$544
1	580	SIZE	CL FENCE	\$8.61	2009	29	0	0		\$4,529
1	1	UNITS	MOBILE HOME SP		2009	0	0	0		\$2,500

Total Misc Improvements Value Assessed: \$14,360

Land Summary

Zoning	Soil Class	Description	Size	Rate	Land Adjustment	Land Value
RR		0400-RURAL-HOME	1.00 BY THE UNIT PRICE	\$12,500		\$12,500
RR		2096-RURAL-ACREAGE	4.79 BY THE ACRE PRICE	\$10,500		\$29,172
CD		2250-CD-ZONED-ACREAG	4.92 BY THE ACRE PRICE	\$700		\$3,444
RR		F750-LAKE/POND	1.75 BY THE ACRE PRICE	\$700		\$1,225
RR		0450-SECONDARY-R-LOT	1.00 BY THE UNIT PRICE	\$12,500		\$12,500

Total Land Value Assessed: \$58,841

Ownership History

Owner Name	Deed Type	% Ownership	Stamps	Sale Price	Book	Page	Deed Date
Current AMERICAN LEGION POST 230	WD-WARRANTY DEED	100	0		000781	00306	7/1/1984

Notes Summary

Building Card	Date	Line	Notes
No Data			

COMPLAINT

Complaint ID: 5191 PIN: 0502-04-1673 PIN Map: 0502
Address: 1654 Veterans Dr
City: Spring Lake Zip: 28390
Subdivision: AMERICAN LEGION JAMES LEB Zoning: RR

Received: 05/11/2020 12:00 AM - Jamie Bahneman
Assigned: 05/11/2020 - Jamie Bahneman
Inspected: _____
Disposition: _____

Owner: AMERICAN LEGION POST 230 | _____ | _____
1654 VETERANS DR, SPRING LAKE NC 28390

Occupant: _____ | () - | () -

Complainant: Stephen Blakeney | (910) 574-6047 | () -

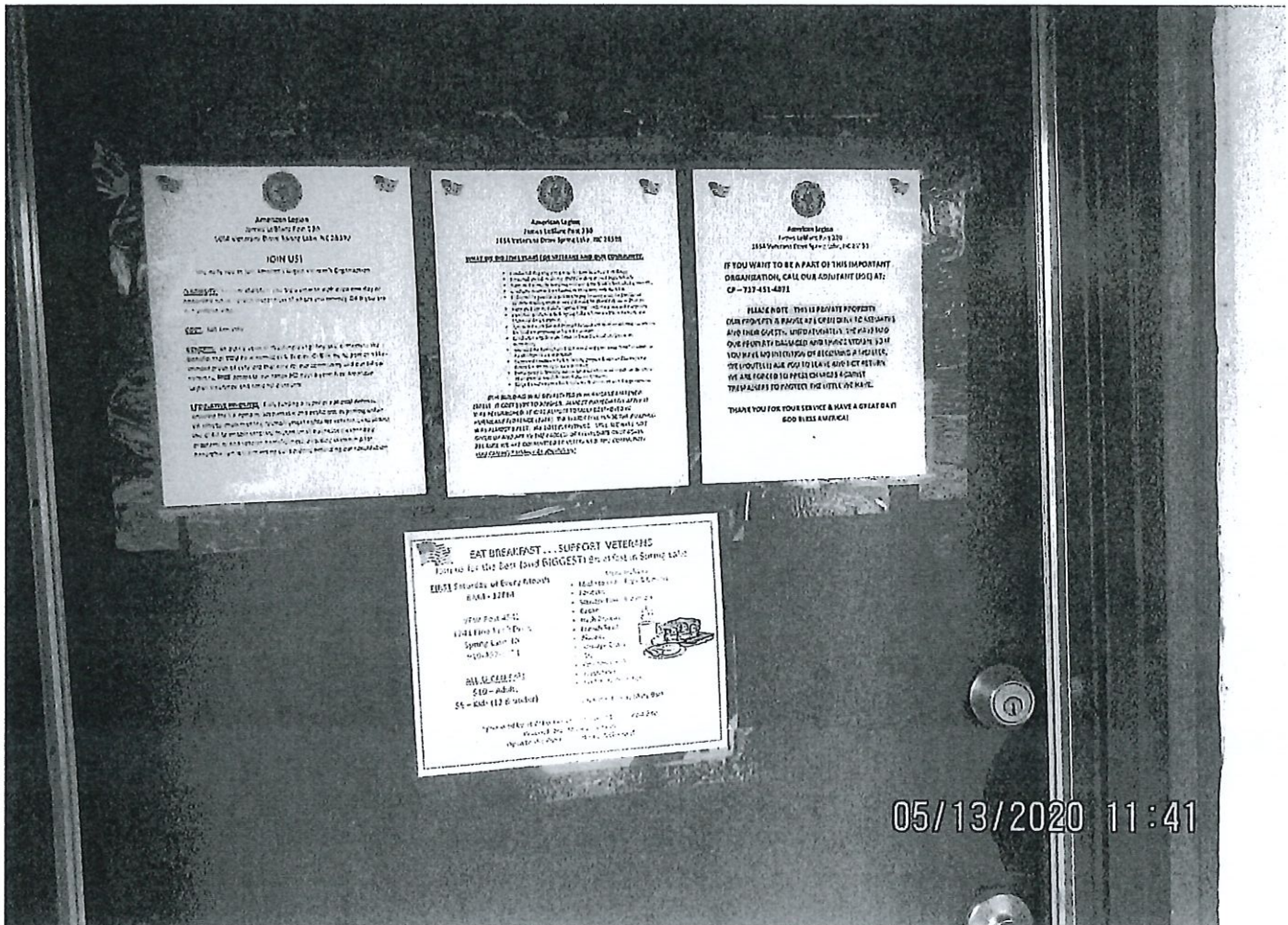
Legal Description: 13.46 ACS AMERICAN LEGION JAMES LEBLANC POST 230 (13.46 ACS)

Complaint: Operating an outdoor firing range, which is not allowed with their type of zoning or per their site plan.

Findings:

The property is operating a range for it's members and family. There is a sign at the front of the road with advertisement for the range along with numerous signs for the range rules for the members and their guest. The range is small and has a carport with targets and other things underneath it. There are casings laying all over the ground and in buckets by the carport area. I attempted contact with a Joe (717)451-4071 whose phone number was provided on one of the notices as their adjutant.

05/14/2020 8:20 AM





American Legion
 James LeBlanc Post 230
 1654 Veterans Drive Spring Lake, NC 28390

1654

JOIN US!

WHAT WE DID (T

We invite you to join America's largest Veteran's Organization.

ELIGIBILITY: You are eligible if you are a veteran with even one day of honorable active service (regardless of where you served), OR if you are currently serving.

COST: \$40 Annually

BENEFITS: An active voice in Washington fighting and protecting the benefits that **YOU** have earned (VA, Tricare, GI Bill); being part of a like-minded group of veterans that care for our community and our fellow veterans; **FREE** access to our range 365 days a year; free American Legion insurance and national discounts

LEGISLATIVE PRIORITIES: Fully funding a superior national defense; ensuring the VA remains accountable and proficient; repealing unfair VA offsets; implementing reemployment rights for veterans; expanding the GI Bill to enable veterans to start small businesses; expanding programs to end veteran homelessness; awarding citizenship for honorable service; protecting our borders; defending our constitution

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 BECAUSE WE
 YOU CAN HEL*

05/13/2020 11:41



American Legion
 James LeBlanc Post 230
 1654 Veterans Drive Spring Lake, NC 28390

Ar
 James
 1654 Veterans

WHAT WE DID (THIS YEAR) FOR VETERANS AND OUR COMMUNITY:

- Conducted flag etiquette classes for Girl Scouts at Fort Bragg
- Presented awards to the top JROTC cadets at local High Schools
- Supported formerly homeless veterans at the Yadkin Villas in Fayetteville.
- Conducts monthly joint fundraiser breakfasts with the VFW.
- Collected 51 pounds of pull tabs to pay housing costs for families of children needing medical care at Ronald McDonald House in Durham
- Supported Spring Lake's "Spring Fling" with donations and manpower
- Provided speakers at both Spring Lake's Veterans Day Ceremony and Memorial Day Ceremony
- Sponsored a job fair and Project Management Institute information session for Soldiers preparing to leave the military
- Conducted a Halloween Trunk or Treat for local children in the community
- Attended the Spring Lake Fall Festival and gave away "tons" of candy to the children of our community
- Supported Operation Turkey helping prepare & deliver Thanksgiving dinner for the needy in our community
- Participated in Wreaths Across America's laying of wreaths at the graves of veterans at Sandhills State Veterans Cemetery
- Helped local veterans file VA claims & drove vets to VA appointments

OUR BUILDING WAS DEVASTATED IN HURRICANE MATTHEW (2016). IT COST \$50K TO REBUILD. ALMOST IMMEDIATELY AFTER IT WAS REFURBISHED, IT WAS ALMOST TOTALLY DESTROYED IN HURRICANE FLORENCE (2018). THE WATER LINE INSIDE THE BUILDING WAS ALMOST 9 FEET. WE LOST EVERYTHING. STILL, WE HAVE NOT GIVEN UP AND ARE IN THE PROCESS OF REBUILDING ONCE AGAIN BECAUSE WE ARE COMMITTED TO VETERANS & THIS COMMUNITY. YOU CAN HELP SIMPLY BY JOINING US!

**IF YOU WANT TO BE
 ORGANIZATION CAL
 CP - 717-451-4071**

**PLEASE NOTE - I
 OUR PROPERTY & RAN
 AND THEIR GUESTS. U
 OUR PROPERTY DAMA
 YOU HAVE NO INTENT
 WE (POLITELY) ASK YO
 WE ARE FORCED TO PI
 TRESPASSERS TO PRO**

**THANK YOU FOR YOU
 GO!**

05/13/2020 11:41



American Legion
 James LeBlanc Post 230
 1654 Veterans Drive Spring Lake, NC 28390

8390

COMMUNITY:

on Bragg
 High Schools
 Villages in Fayetteville
 VFW.
 for families of
 those in Durham
 and many other
 Ceremonies and
 information sessions
 in the
 "rooms" of candy to
 Thanksgiving
 wreaths at the graves
 VA appointments
 MATTHEW
 ELY AFTER IT
 TO IN
 THE BUILDING
 HAVE NOT
 CE AGAIN
 COMMUNITY.

IF YOU WANT TO BE A PART OF THIS IMPORTANT ORGANIZATION, CALL OUR ADJUTANT (JOE) AT: CP - 717-451-4071

PLEASE NOTE - THIS IS PRIVATE PROPERTY.

OUR PROPERTY & RANGE ARE OPEN ONLY TO MEMBERS AND THEIR GUESTS. UNFORTUNATELY, WE HAVE HAD OUR PROPERTY DAMAGED AND THINGS STOLEN; SO IF YOU HAVE NO INTENTION OF BECOMING A MEMBER, WE (POLITELY) ASK YOU TO LEAVE AND NOT RETURN. WE ARE FORCED TO PRESS CHARGES AGAINST TRESPASSERS TO PROTECT THE LITTLE WE HAVE.

**THANK YOU FOR YOUR SERVICE & HAVE A GREAT DAY!
 GOD BLESS AMERICA!**

05/13/2020 11:41



EAT BREAKFAST . . . SUPPORT VETERANS

Join us for the Best (and BIGGEST) Breakfast in Spring Lake

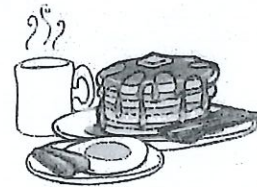
**FIRST Saturday of Every Month
 8AM - 12PM**

VFW Post 4542
 1241 Pine Knoll Drive
 Spring Lake, NC
 910-497-5751

ALL-U-CAN-EAT!
 \$10 - Adults
 \$5 - Kids (12 & under)

Menu Includes:

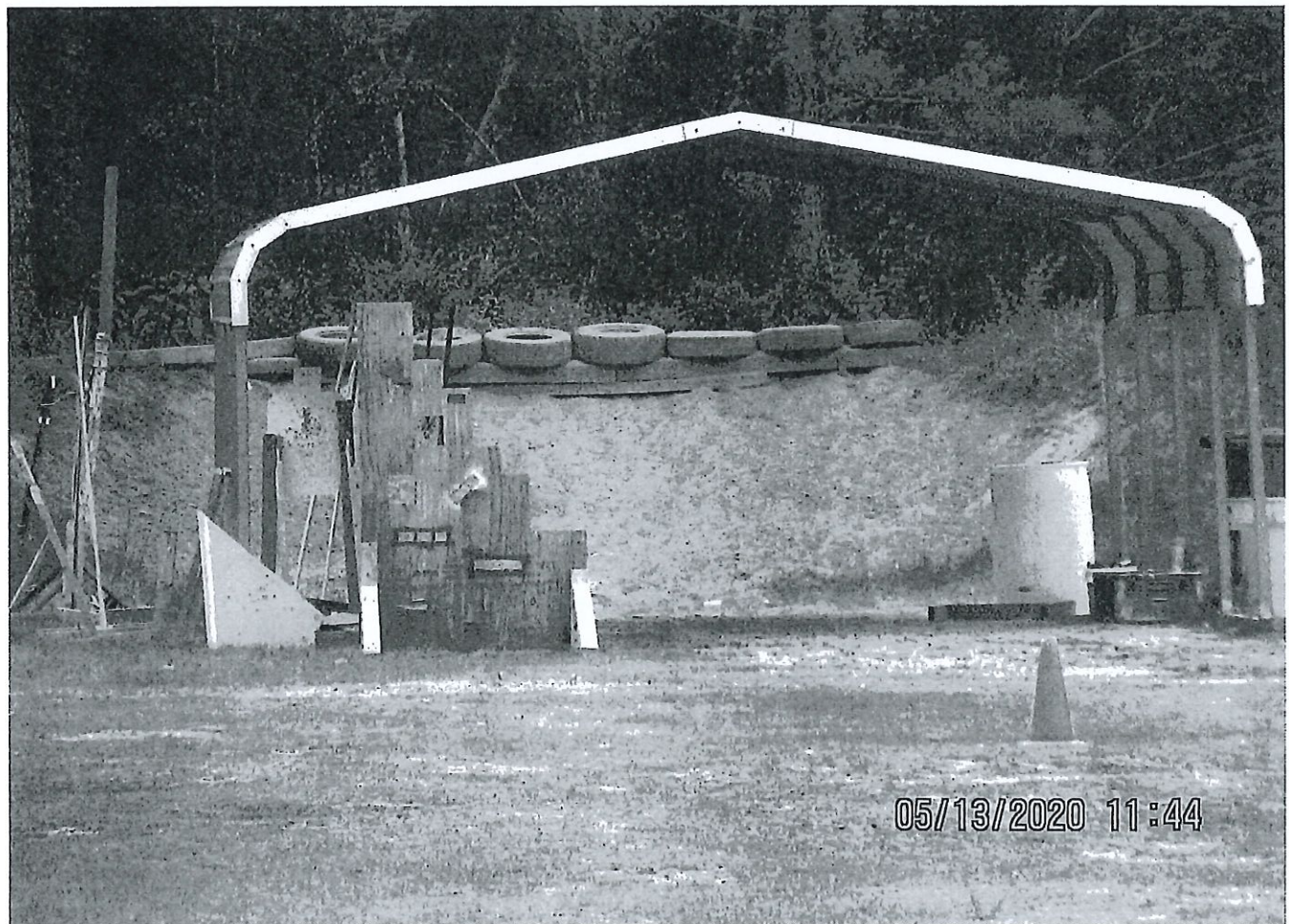
- Made to order Eggs & Omelets
- Pancakes
- Sausage (links & patties)
- Bacon
- Hash Browns
- French Toast
- Biscuits
- Sausage Gravy
- Grits
- Cinnamon Rolls
- Fresh Fruit
- Coffee, Juice, & Milk



Cash Bar & Bloody Mary Bar!

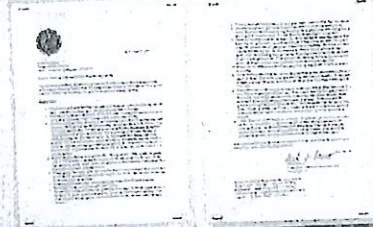
Sponsored by VFW Post 4542 & American Legion Post 230
 Proceeds benefit local Veterans
 Open to the Public . . . All Are Welcome!

05/13/2020 11:41





AMERICAN LEGION POST 230 RANGE RULES



05/13/2020 11:45

RANGE RULES



*as of August 9, 2019

American Legion
James LeBlanc Post 230
1654 Veterans Dr. Spring Lake, NC 28390

Subject: American Legion Post 230 Weapon Range Rules

This document supersedes all previous versions and is meant to clarify procedures associated with using the American Legion Post 230 Weapon Range located at 1654 Veterans Drive, Spring Lake, NC 28390. The following rules apply to all personnel utilizing the range:

Range Rules

1. Only current, paid members (and their guests) of American Legion Post 230 may use the range. Members can bring up to two (2) guests with them to the range.
2. Members of American Legion Post 230 do NOT need to obtain permission prior to using the range as long as the range is being used for routine weapon firing.
3. Members using the range should have their American Legion Post 230 membership card with them. Membership card should be current, amounting either a 2019, 2020 or a Paid Up For Life membership. It is appropriate for our members to respectfully and politely challenge others as to their membership. This is not a sign of disrespect, but one of checks and balances. We want to support our Legionnaires while taking care of our property. We have had numerous and recent instances of trespassers and non-members using our range and damaging or stealing our property. It is everyone's responsibility to help avert this. If you experience any issues with this or have any concerns, report it to post leadership.
4. Normal range operating hours are Monday - Saturday 9AM - 7PM. Sunday hours are 1PM - 7PM in order to respect the religious services and activities in the area. We ask that any times outside of this window are approved by post leadership (Commander, Vice Commander, Adjutant or Range Officer).
5. If large groups have been approved to use the range (i.e. weapon classes, Scouts), we will do our best to anticipate our social media pages so that all are aware and that we avert any inconvenience to our members.
6. Members can fire revolvers, semiautomatic pistols and rifles of standard caliber. Individuals can fire no caliber larger than 7.62mm.
7. Do not shoot outside of the left and right limits of the range. Do not set targets on top of the berm, all targets must have a basket. Do not use gas bottles or mags. This creates a safety concern and an additional debris burden for members using the range after you.

8. Police up trash and help maintain the range after range. It is a member's responsibility to clean up the range.
9. Members should never park vehicles beyond the berm (or on the side portion of the berm). Members should avoid driving through the berm's proximity if the ground is wet in order to avoid tearing up the yard. From the property side of the berm, it is the member's responsibility to park in the designated area. Members should avoid driving through the berm's proximity if the ground is wet in order to avoid tearing up the yard.
10. If law enforcement is present, be respectful. Show them the range rules and let them know that you will speak to the post leadership to try and correct any issue. Our post is on private property with all appropriate distance limits considered. We follow all county ordinances for private use. We have appeared in various courts without incident for many years. If you are following these rules and are respectful to law enforcement, we should be able to avert any situation. If the problem is not resolved, follow all law enforcement orders, get a name, phone number and report the incident to post leadership.
11. If there are any changes to any policy or procedure, we will get the revisions out as soon as possible.
12. Always follow posted signs and rules on the property as well as post leadership for all to see at the range. Take a look at the door when you enter the post property. We may post a change to a range procedure or notify you of a range event by posting something on the front door.
13. If members want to use the range for weapon classes, have a large group (more than 20), need it for an extended period (more than 2 hours), have used the range for a special occasion, or have other unique situations, obtain permission from post leadership at least 48 hours in advance. Permission will be granted from either the Post Commander, Post Vice Commander, Post Adjutant or Post Range Officer. If members are found in violation of these rules without post leadership permission, they are subject to having their range privileges limited, suspended, or revoked.
14. Finally, you are a veteran worthy of our respect. We applaud your service to our nation and for your membership in the nation's largest veterans service organization, the American Legion. Our post is fortunate to have this range. If we see the principles taught in the military, correct safety procedures, and our common sense, we will be assured of a safe and fun activity and have access to this range for many years.

Questions about the range procedures or suggestions for revision should be sent to the post leadership at spring.lake.post.230@gmail.com

Neil J. O'Connell
Neil J. O'Connell
Commander, American Legion Post 230
Spring Lake, NC

Post of contact:
Range Officer - M
Commander - D
Vice Commander - J
Adjutant - J
05/13/2020 11:45

American Legion
James LeBlanc Post 230
1654 Veterans Dr. Spring Lake, NC 28390

Subject: American Legion Post 230 Weapon Range Rules

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05/13/2020 11:45


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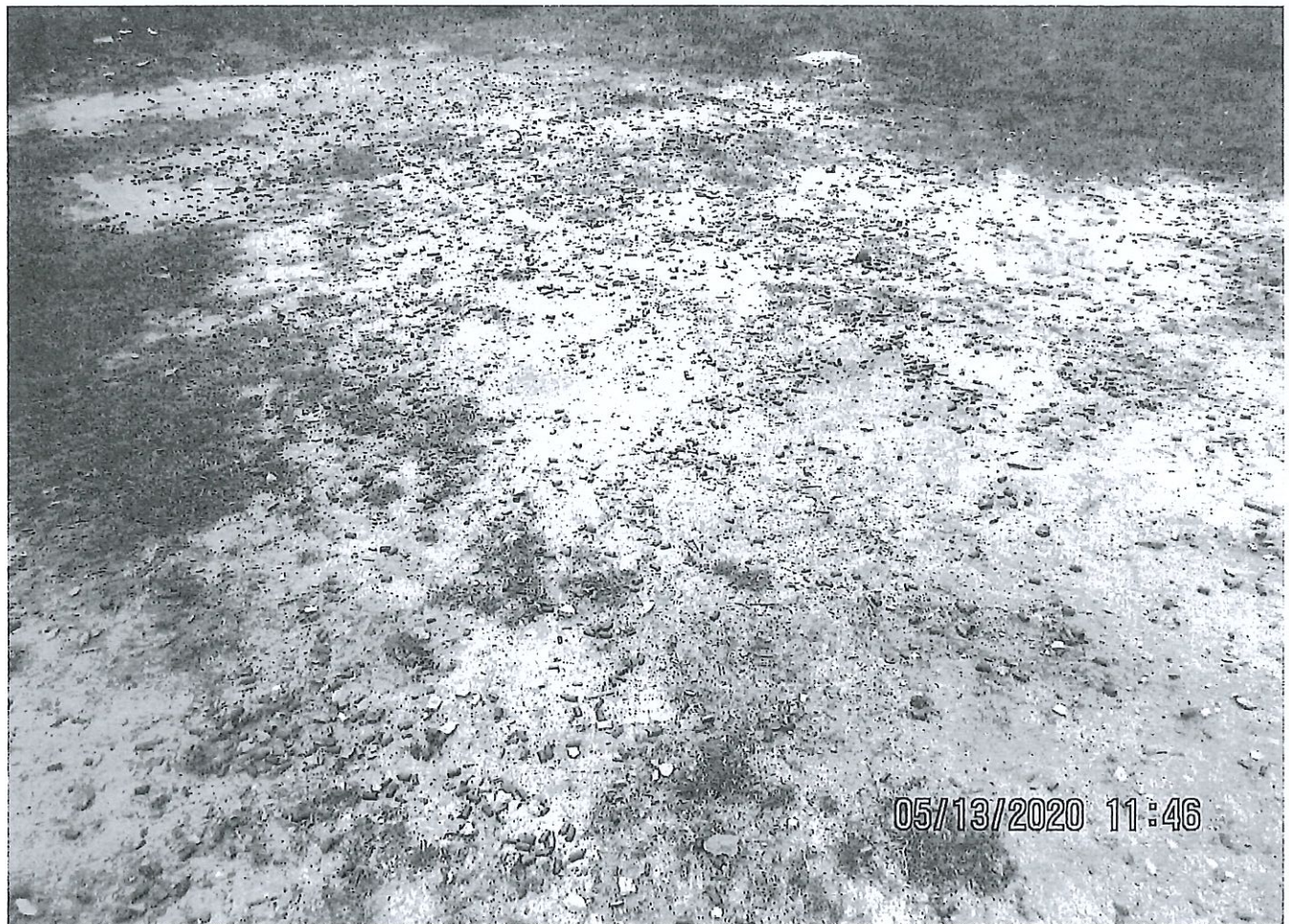
Points of
Range Of
Command
Vice Com
Adjutant

8. Police up trash and help maintain the range after usage. Leave it better than you found it!
9. Members should never park vehicles beyond the berm (or on the side parallel to the berm). Members should avoid driving throughout the property especially if the ground is wet in order to avoid tearing up the yard. Treat the property like it is your own!
10. If Law Enforcement is present, be respectful. Show him/her the range rules and let them know that you will speak to the post leadership to try and correct any issue. Our post is on private property with all appropriate distance limits considered. We follow all county ordinances for private use. We have operated it virtually without incident for many years. If you are following these rules and are respectful to law enforcement, we should be able to avert any situation. If the problem is not resolved, follow all law enforcement orders, get a name, phone number, and report the incident to post leadership.
11. If there are any changes to any policy or procedure, we will get the revision out as soon as possible.
12. Always follow posted signs and rules on the property as we may post something for all to see at the range. Take a look at the door when you enter the post property. We may post a change to a range procedure or notify you of a range event by posting something on the front door.
13. If members want to use the range for weapon classes, have a large group (more than 5), need it for an extended period (more than 2 hours), have more than two guests, need to fire outside of the designated time window, or have any other unique situation, obtain permission from post leadership at least 48 hours in advance. Permission must be granted from either the Post Commander, Post Vice Commander, Post Adjutant or Post Range Officer. If members are found in violation of these rules without post leadership permission, they are subject to having their range privileges curtailed, suspended, or revoked.
14. Finally, you are a veteran worthy of our respect. We applaud your service to our nation and for your membership in the nation's largest veterans service organization, the American Legion. Our post is fortunate to have this range. If we use the principles taught in the military, ensure safety procedures, and use common sense, we will be assured of a safe and fun activity and have access to this range for many years.

Questions about the range procedures or suggestions for revision should be sent to the post leadership at spring.lake.post.230@gmail.com.

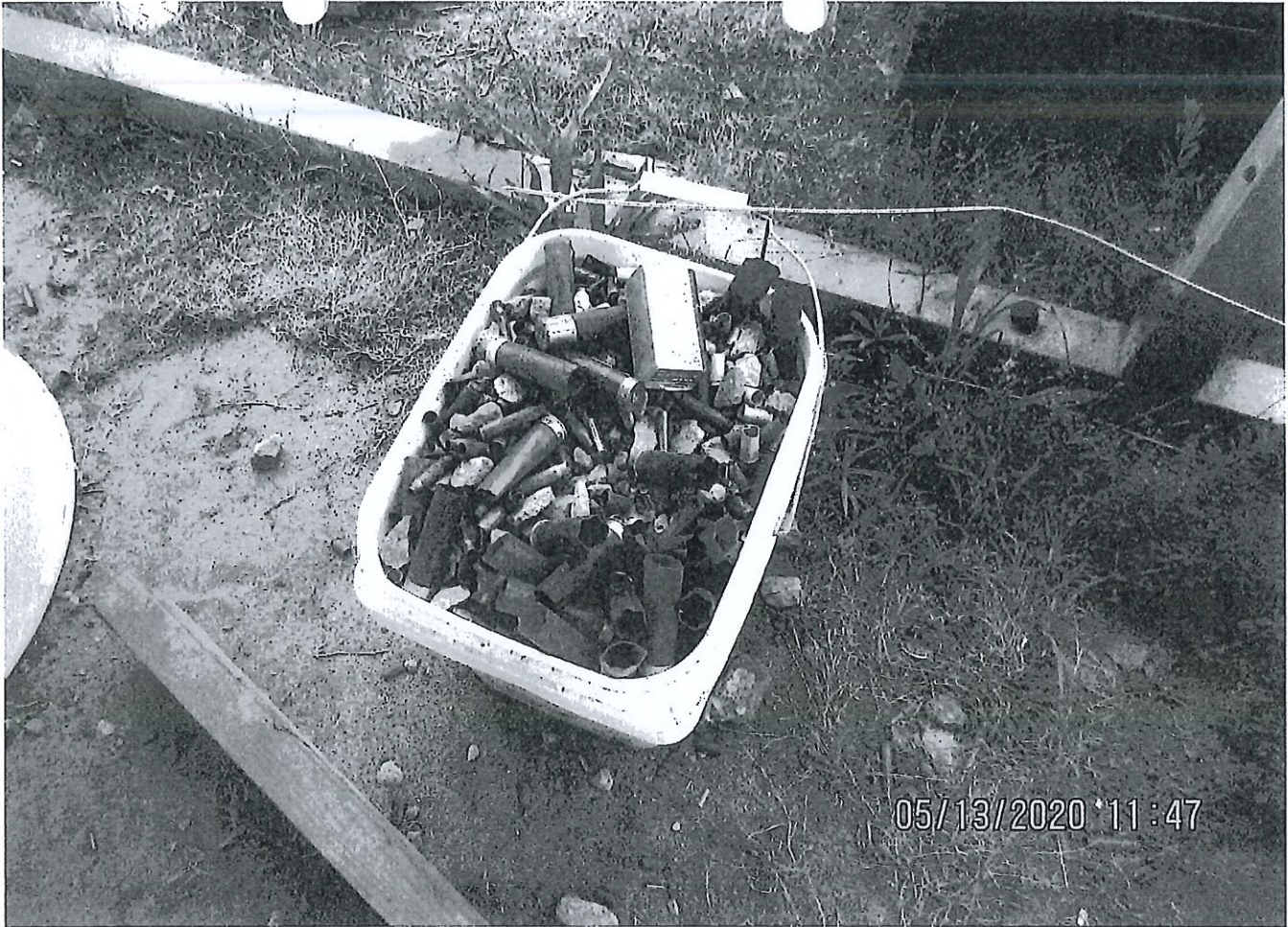

Derek Orent
Commander, American Legion Post 230
Spring Lake, NC

05/13/2020 11:45









*as of August 8, 2019

230
Spring Lake, NC 28390

Legion Post 230 Weapon Range Rules

Supersedes all previous versions and is meant to clarify procedures associated with American Legion Post 230 Weapon Range located at 1654 Veterans Drive, Spring Lake, NC 28390. The following rules apply to all personnel utilizing the range:

05/13/2020 11:48

1. Only current, paid members (and their guests) of American Legion Post 230 may use the range. Members can bring up to two (2) guests with them to the range. Members of American Legion Post 230 do NOT need to obtain permission prior to using the range as long as the range is being used for routine weapon firing. 230 membership card or a Paid Up For Life membership card.

with using the American Legion Post 230 Weapon Range located at 1654 Veterans Drive, Spring Lake, NC 28390. The following rules apply to all personnel utilizing the range:

Range Rules

1. Only current, paid members (and their guests) of American Legion Post 230 may use the range. Members can bring up to two (2) guests with them to the range.
2. Members of American Legion Post 230 do NOT need to obtain permission prior to using the range as long as the range is being used for routine weapon firing.
3. Members using the range should have their American Legion Post 230 membership card with them. Membership card should be current, annotating either a 2019, 2020 or a Paid Up For Life membership. It is appropriate for our members to respectfully and politely challenge others as to their membership. This is not a sign of disrespect, but one of checks and balances. We want to support our Legionnaires while taking care of our property. We have had numerous and recent instances of trespassers and non-members using our range and damaging or stealing our property. It is everyone's responsibility to help avert this. If you experience any issues with this or have any concerns, report it to post leadership.
4. Normal range operating hours are Monday – Saturday 9AM – 7PM. Sunday hours are 1PM – 7PM in order to respect the religious services and activities in the area. We ask that any times outside of this window are approved by post leadership (Commander, Vice Commander, Adjutant or Range Officer).
5. If large groups have been approved to use the range (i.e. weapon classes, Scouts), we will do our best to annotate our social media pages so that all are aware and that we avert any inconvenience to our members.
6. Members can fire revolvers, semiautomatic pistols and rifles of standard caliber. Individuals can fire no caliber higher than 7.62mm.
7. Do not shoot outside of the left and right limits of the range. Do not set targets on top of the berm; all targets must have a backstop. Do not use glass bottles. This creates a safety concern and an additional debris burden for members after you.

05/13/2020 11:48



20s of August 3, 2018

American Legion
James LeBlanc Post 230
1654 Veterans Dr. Spring Lake, NC 28390

Subject: American Legion Post 230 Weapon Range Rules

This document supersedes all previous versions and is meant to clarify procedures associated with using the American Legion Post 230 Weapon Range located at 1654 Veterans Drive, Spring Lake, NC 28390. The following rules apply to all personnel utilizing the range:

Range Rules

1. Only current, paid members (and their guests) of American Legion Post 230 may use the range. Members can bring up to two (2) guests with them to the range.
2. Members of American Legion Post 230 do NOT need to obtain permission prior to using the range as long as the range is being used for routine weapon firing.
3. Members using the range should have their American Legion Post 230 membership card with them. Membership card should be current, annotating either a 2019, 2020 or a Paid Up For Life membership. It is appropriate for our members to respectfully and politely challenge others as to their membership. This is not a sign of disrespect, but one of checks and balances. We want to support our Legionnaires while taking care of our property. We have had numerous and recent instances of trespassers and non-members using our range and damaging or stealing our property. It is everyone's responsibility to help avert this. If you experience any issues with this or have any concerns, please inform post leadership.
4. Normal range operating hours are Monday - Saturday 9AM - 7PM, Sunday 10:00AM - 1PM - 7PM in order to respect the religious services and activities in the area. Events that any times outside of this window are approved by post leadership (Commander, Adjutant or Range Officer).
5. If large groups have been approved to use the range (i.e. weapon classes, Special Forces, etc.) do our best to annotate our social media pages so that all are aware and that we do not create an inconvenience to our members.
6. Members can fire revolvers, semiautomatic pistols and rifles of standard calibers. Individuals can fire no caliber higher than 7.62mm. Do not use gas, blanks or dummy rounds. Do not use gas, blanks or dummy rounds. Do not use gas, blanks or dummy rounds.
7. Do not shoot outside of the left and right limits of the range. Do not use gas, blanks or dummy rounds. Do not use gas, blanks or dummy rounds. Do not use gas, blanks or dummy rounds.

05/13/2020 11:48



20s of August 3, 2018

American Legion
James LeBlanc Post 230
1654 Veterans Dr. Spring Lake, NC 28390

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3. Members using the range should have their American Legion Post 230 membership card with them. Membership card should be current, annotating either a 2019, 2020 or a Paid Up For Life membership. It is appropriate for our members to respectfully and politely challenge others as to their membership. This is not a sign of disrespect, but one of checks and balances. We want to support our Legionnaires while taking care of our property. We have had numerous and recent instances of trespassers and non-members using our range and damaging or stealing our property. It is everyone's responsibility to help avert this. If you experience any issues with this or have any concerns, please inform post leadership.

05/13/2020 11:48

Easement: A right given or reserved by the owner of land for specific limited use of that land.

Equestrian Facilities: Commercial stand alone facilities or as an integral part of and in conjunction with residential developments, including: horse ranches, boarding stables, riding schools and academies, trails, and horse exhibition facilities. Barns, stables, corrals, paddocks and the like are considered accessory and incidental to the foregoing uses.

(Amd. 11-20-06)

Facade: The exterior walls of a building which is adjacent to or fronting on a public right-of-way or other public area; typically the front of a building, but also includes any side or rear of a building facing a public right-of-way or other public area.

(Amd. 01-19-10)

Family: One or more persons occupying a single housekeeping unit and using common cooking facilities, provided that, unless all members are related by blood, marriage or adoption, no such family shall contain over five persons. The presence of household employees or children in foster care shall not disqualify any premises otherwise satisfying the above rules.

Fences or Walls: A tangible barrier constructed of any allowable material erected for the purpose of providing a boundary or as a means of protection, or to prevent uncontrolled access, or for decorative purposes (such as ornamental gate or ornamental gates), or to screen from viewers in or on adjoining properties and streets, materials stored and operations conducted behind it. (Section 1102 C)

(Amd. 02-19-08)

Fences or Walls, Solid: A solid fence or wall is defined as one in which the openings through which clear vision and the free passage of air from one side to the other does not exceed 25 percent of the fence or wall. All others are open fences or walls. (Section 1102 C)

(Amd. 04-11-18)

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

(Amd. 06-17-13)

Flea Market: Sales area (indoors or outdoors) in which space is set aside or rented, and which is intended for use by one or more individuals to sell a variety of articles. (Section 923)

C. Adequate off-street parking and loading space shall be provided on site. Any public street, sidewalk or right-of way or any other private grounds not a part of the detention facility parking area may not be used for the parking, loading, or maneuvering of vehicles.

(Amd. 02-19-08)

SECTION 907.1. FIRING RANGE, OUTDOOR.

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

[Editor's note: A hardcopy of the Range Design Criteria is available for public viewing in the office of the Land Use Codes section of the Planning & Inspections Department and a hyperlink is provided in this same section in the ordinance on the department's website.]

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

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

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

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

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

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

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

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

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

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

1. The date upon which the applicant commenced outdoor firing range operations on the site;
2. An aerial map which shows the boundaries of the site and the improvements located thereon;
3. A statement of the hours of operation;
4. A statement of the largest caliber ammunition discharged on the site; and

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

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

SECTION 908. GOLF COURSES.

A. The following setbacks include any permanent or temporary structure such as, but not limited to, clubhouse, equipment storage, green house, swimming pool, tennis courts and restaurant:

1. Front yard setback from any public street: 100 feet;
2. Rear yard setback: 200 feet;
3. Side yard setback: 200 feet; and
4. Corner lot setback from side street lot lines: 200 feet.

B. Minimum off-street parking spaces: four per hole, plus one per 200 square feet of restaurant and/or retail space, and one space per employee.

C. Incidental uses to a golf course may include pro shop, eating establishment, drinking establishment when in conjunction with an eating establishment (not including those operating under Section 924 of this ordinance), tennis courts, swimming pools, and practice area. Permitted incidental uses may continue only as long as the golf course is in operation and open.

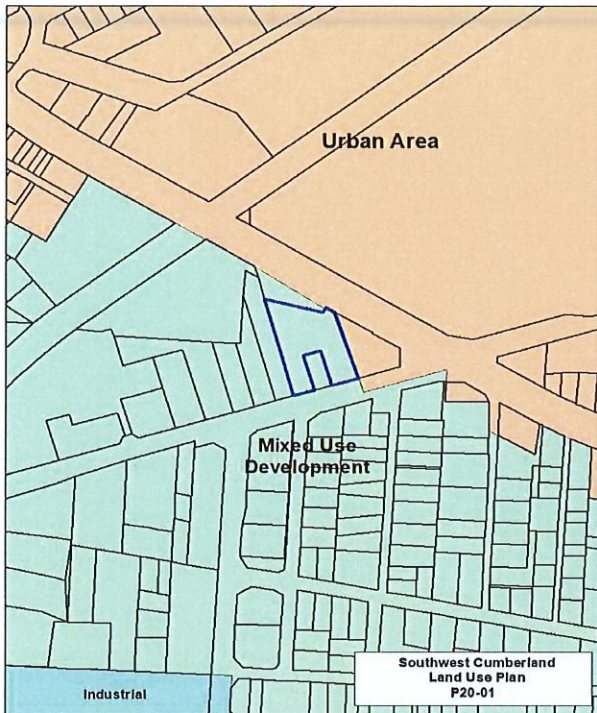
D. Signs as permitted in the C1(P) Planned Local Business District are allowed.

SECTION 909. GROUP HOMES.

No group home may be located within a one-half mile radius of an approved or existing group home or approved or existing residential habilitation support facility, regardless of the jurisdiction of the approved or existing home or facility. A group home for not more than six resident handicapped persons, any one of whom may be dangerous to others as defined in N.C. GEN. STAT. §122C-3(11)(b) is not a permitted use in any residential district.
(Amd. 02-19-08)

OWNER_NAME	ADDRESS	CITYSTATEZIP
RAPTOR TATICAL LLC	80 BLUE BAY LN	CAMERON, NC 28326
AMERICAN LEGION POST 230	1654 VETERANS DR	SPRING LAKE, NC 28390
HOLMES LAND & DEV CO LLC	125 SAND CLAY RD	SPRING LAKE, NC 28390
HOLMES LAND & DEVELOPMENT LLC	125 SAND CLAY RD	SPRING LAKE, NC 28390
BOYD, HERSHEL L;BOYD, ELEANOR F	198 MORRIS DR	SPRING LAKE, NC 28390
BOYD, HERSHEL;BOYD, W ELENOR	198 MORRIS DR	SPRING LAKE, NC 28390
CAUDLE, MARY ODOM	440 W MANCHESTER RD	SPRING LAKE, NC 28390
JC345PA LLC	345 DEER RUN RD	HOLLIDAYSBURG, PA 16648

P20-02-C FIRST CLASS



ZONING HISTORY: This property was initially zoned R6A as part of the Area 3 initial zoning on August 1, 1975. The tract was rezoned to C1(P) on December 15, 2008 (Case P08-58). The property was again rezoned to C(P)/CZ for all allowed C(P) uses on February 17, 2020 (Case P20-01).

UTILITIES: This property is currently served by PWC water & sewer.

COMPREHENSIVE PLANS: The 2030 Growth Vision Plan designates this parcel for "Urban". The Southwest Cumberland Land Use Plan (2013) designates this parcel for "**Mixed Use Development**". The "Mixed Use Development" designation allows a mixture of uses to include residential, office and institutional uses and generally light commercial uses. Mixed use must have public water and sewer, direct access to a collector street, and adequate space for buffering, etc.

IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

TRAFFIC: The subject property sits on Cumberland Road which is identified as an existing thoroughfare in the 2045 Metropolitan Transportation Plan. There are no constructions/improvements planned and the subject property will have no impact on the Transportation Plan. The Average Daily Traffic Count (2016) on Cumberland Road is 24,000.

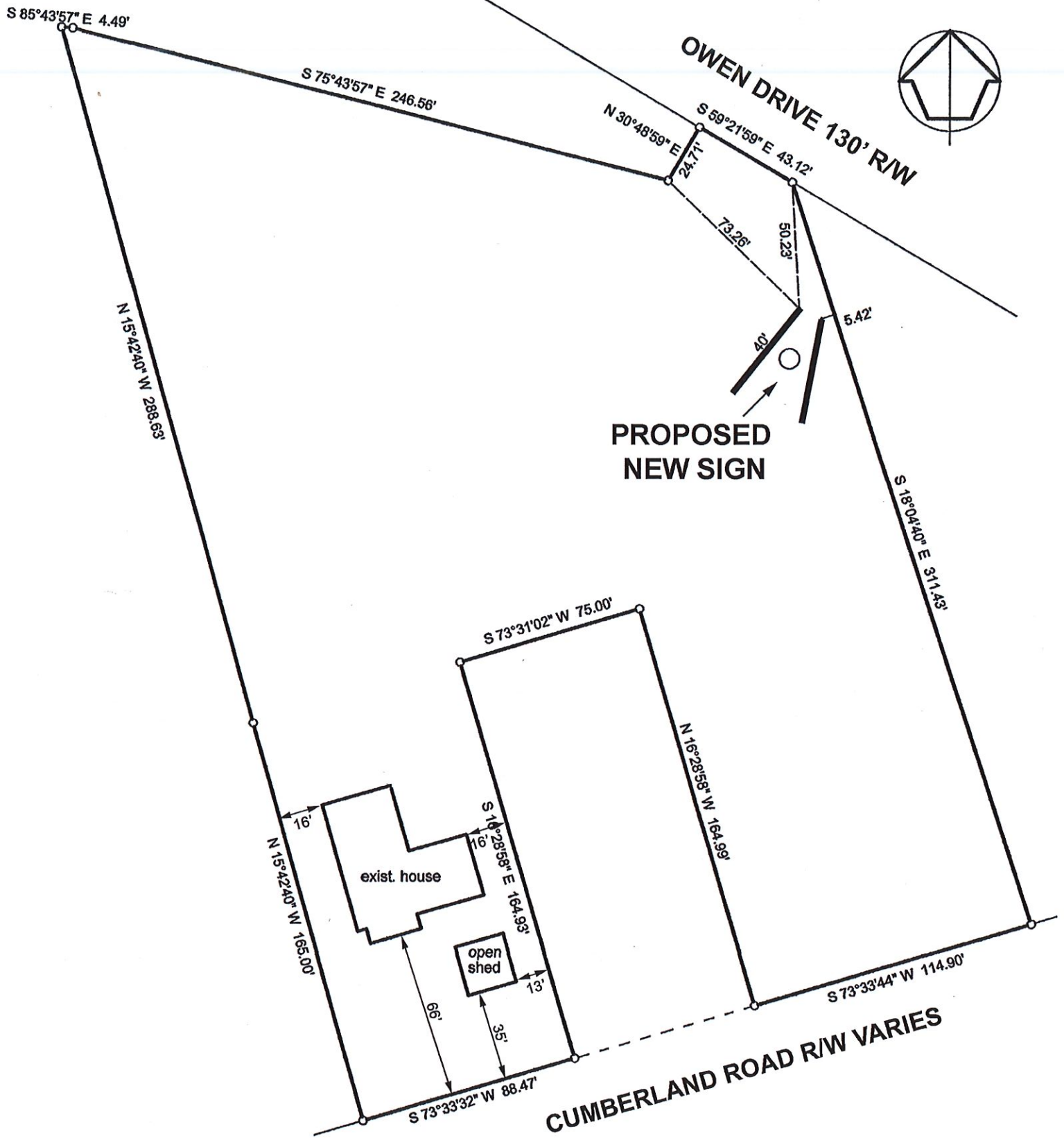
SCHOOLS CAP/ENROLL: Comments requested via e-mail, none received.

EMERGENCY SERVICES: This request has been reviewed by the Cumberland County Fire Marshal's Office. The County Fire Marshall had no comment on any concerns at this time.

FINDINGS OF FACT

1. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended;
2. The use meets all required conditions and specifications;
3. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and
4. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and is in general conformity with the Cumberland County's most recent Comprehensive Land Use Plan.

Attachments:
Detailed Site Plan & Special Use Permit Application
Section 1307 Billboard (County Zoning Ordinance)
Notification Mailing List



**BOARD OF ADJUSTMENT
SPECIAL USE PERMIT**

REQUEST: TO ALLOW A BILLBOARD IN A C(P) PLANNED COMMERCIAL/CZ ZONING FOR ALL C(P) USES DISTRICT

CASE: P20-01-C ACREAGE: 2.07 AC +/-

ZONED: C(P)/CZ SCALE: NTS

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

Special Use Permit- Board of Adjustment

DRAFT

Ordinance Related Conditions

SUP-Billboard

Pre- Permit Related:

1. Prior to permit application, the developer must provide to the Code Enforcement Section documentation of NC Department of Environmental Quality Division of Energy, Mineral and Land Resources' (NCDEQ DEMLR) approval of the Sedimentation and Erosion control plan for this project. NCDEQ DEMLR requires a Sedimentation and Erosion control plan be submitted and approved 30 days prior to land disturbing activities if said land disturbing activity will exceed one acre.

If a plan is not required, per 15ANCAC 04B.0105 "Person conducting land disturbing activity shall take all reasonable measures to protect public and private property from damage cause by such activities." Sedimentation and erosion control measures will need to be installed to protect adjacent properties.

[Sec. 4-8(b)(6), County Code; originally under County jurisdiction relinquished to NCDEQ around 2000]

Permit-Related:

2. The owner/developer(s) of these lots must obtain detailed instructions from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street on provisions of the County Zoning Ordinance and any permits that may be required to place any structure within this development or to commence any use of the subject property. For additional information, the developer should contact a Code Enforcement Officer. (Chpt. 4, County Code & Sec. 107, County Zoning Ord.)
3. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application. [Sec. 4-8(b)(2), County Code]
4. **Driveway Permit Required.** Construction of any new connection or alteration of any existing connection may require an approved Driveway Permit. For additional information contact the NC Department of Transportation's (NCDOT) Division 6/District 2 office.

Change of use of subject properties shall require an approved Driveway Permit. Permits MUST be secured prior to the change or alteration of existing or proposed property use. Failure to secure required permits prior to construction or change in property usage may result in the removal of the driveway or street connections at the property owner's expense. For additional information contact the Division 6/District 2 office.

In the event that a structure (house) is built by a contractor for commercial gain and/or if property changes ownership from existing owner to builder, an approved Driveway Permit must be secured.

Note: In the event the NCDOT driveway permit process alters the site plan in any manner, three copies of a revised site plan (and \$25.00 revision fee) must be submitted for staff review and approved prior to permit application.

Note: The property owner most likely will be required to provide a copy of a recorded plat and deed conveying to the NCDOT that portion of the subject property located within or to be located within the right-of-way at the time of driveway permit application.

[§ 136-18(29), NCGS]

5. Because the subject property is located within the Airport Overlay District and in the event any structure 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. (Section 8.101.D, County Zoning Ord.)
6. 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 Department of Energy, Minerals and Land Resources, NC Department of Environmental Quality (DEMLR NCDEQ). If one acre or more of land is to be disturbed, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement prior to the issuance of the Certificate of Occupancy. (Note: If any retention/detention basins are required for state approval of this plan, three copies of a revised plan (and \$25/\$50 revision fee) must be submitted and approved by Planning & Inspections.) (Sec. 2306.D, County Subdivision Ord. & 2006-246, NC Session Law)

7. Prior to application for the Certificate of Occupancy for any additional development requiring utilities, connection to public water and sewer is required, the Public Works Commission (PWC) must approve water and sewer plans. A copy of the PWC approval must be provided to Code Enforcement. Contact Sam Powers with PWC for more information. (Section 2306 A, County Subdivision Ord. & Sec. 1403.I, County Zoning Ord.)

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. **Upon submission of the annexation petition the town most likely will require an engineer's sealed certification as to the guarantee of improvements. In addition, the town may require a bond or other financial guarantee as assurance that all required improvements will be properly installed.**

8. The building 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. (Sec. 107.B, County Zoning Ord.; & Secs. 2005 & 2007 County Subdivision Ord.)

Site-Related:

9. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance, and County Zoning Ordinance for the C(P) Planned Commercial/CZ Conditional Zoning district for all allowed uses in the C(P) district must be complied with, as applicable.
10. All corner lots and lots fronting more than one street must provide front yard setbacks from each street. (Secs. 1101.G & 1102.B, County Zoning Ord.)
11. This conditional approval is not approval of the permit for any freestanding signs. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.) (Art. XIII, County Zoning Ord.)
12. "Cumberland Road" must be labeled as "SR 1141 (Cumberland Road)" and "Owen Drive" must be labeled as "SR 1007 (Owen Drive)" on all future plans. (Sec. 2203, County Subdivision Ord.)
13. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environmental Quality (NCDEQ) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2307.A, County Subdivision Ord.)
14. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306.C, County Subdivision Ord.)
15. In the event a stormwater utility structure is required by the NC Department of Environmental Quality (NCDEQ), 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. (Sec. 1102.O, County Zoning Ord.)
16. Turn lanes may be required by the NC Department of Transportation (NCDOT). [Art. XIV, County Zoning Ord. & NCGS §136-18(5) & §136-93]

Note: The property owner most likely will be required to provide a copy of a recorded plat and deed conveying to the NCDOT that portion of the subject property located within or to be located within the right-of-way at the time of driveway permit application.

17. 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.

18. In the event the billboard is not used for a period of six months, the billboard shall be considered abandoned and must be removed. The owner of the billboard is required to remove any abandoned, unused or structurally unsound billboard within 90 days of receiving notice requiring removal. The Code Enforcement Coordinator may establish a shorter period of time for removal in the event the billboard is determined to be structurally unsound.

Advisories:

- 19. The applicant is advised to consult an expert on wetlands before proceeding with any development.
- 20. Any revision or addition to this plan necessitates re-submission for review and approval prior to the commencement of the change.
- 21. 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.
- 22. The US Postal Service most likely will require this development to have centralized cluster boxes for postal service to each lot or unit. The developer is advised contact the US Postal Growth Coordinator for the Mid-Carolinas District to determine the appropriate location for the cluster boxes. If the cluster box location requires changes to the subdivision or site plan, a revised preliminary/plan must be submitted to the Planning & Inspections Department for review and approval.
- 23. 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.
- 24. Because the subject property is located within the Airport Overlay District, the developer is strongly encouraged to discuss their development plans with Current Planning 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.
- 25. The subject property sits on Cumberland Road which is identified as an existing thoroughfare in the 2045 Metropolitan Transportation Plan. There are no constructions/improvements planned and the subject property will have no impact on the Transportation Plan. For questions related to this comment, please contact Transportation Planning.

Thank you for doing business in Cumberland County!

If you need clarification of any conditions, please contact Betty Lynd at 910-678-7605 or Ed Byrne at 910-678-7609 with the Current Planning Section; otherwise, contact the appropriate agency at the contact numbers below.

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

Current Planning Manager:	Betty Lynd	678-7605	blynd@co.cumberland.nc.us
Subdivision/Site Plan/Plat	Ed Byrne	678-7609	ebyrne@co.cumberland.nc.us
Code Enforcement (Permits):	Scott Walters	321-6654	swalters@co.cumberland.nc.us
County Building Inspections:	Michael Naylor	321-6657	mnyalo@co.cumberland.nc.us
Fire Marshal – Emergency Services	Kevin Lowther	321-6625	klowther@co.cumberland.nc.us
	Gene Booth	678-7641	wbooth@co.cumberland.nc.us
PWC:	Joe Glass	223-4740	joe.glass@faypwc.com
	Sam Powers	223-4370	sam.powers@faypwc.com
Fayetteville Airport Director	Brad Whited	433-1160	bwhited@ci.fay.nc.us
Fayetteville Planning:	Chester Green	433-1497	cgreen@ci.fay.nc.us
US Postal Service	Jonathan R. Wallace	(704) 393-4412	jonathan.r.wallace@usps.gov
Corp of Engineers (wetlands):	Liz Hair	(910) 251-4049	hair@usaer.army.mil
NCDEQ (E&S):	Leland Cottrell	(910) 433-3393	leland.cottrell@ncdenr.gov
US Fish & Wildlife Services	Susan Ladd Miller	(910) 695-3323	susan_miller@fws.gov
Location Services:			
Site-Specific Address:	Will Phipps	678-7666	wphipps@co.cumberland.nc.us
Street Naming/Signs:	Diane Shelton	678-7665	nameit2@co.cumberland.nc.us
Tax Parcel Numbers:		678-7549	

NCDOT (driveways/curb-cuts):
Transportation Planning:
N.C. Division of Water Quality:

Troy Baker
Katrina Evans
Annette Lucas

364-0601
678 7614
(919) 807-6381

tlbaker@ncdot.gov
kevans@co.cumberland.nc.us
annette.lucas@ncdenr.gov

BOARD OF ADJUSTMENT

LOCATION OF PROPERTY: 2960 Cumberland Road

OWNER: Roy L. Bullock Sheila J. Bullock

ADDRESS: 1426 Berkshire Road ZIP CODE: 28304

TELEPHONE: HOME 0 WORK 910-483-9927/cell 910-850-8632

AGENT: _____

ADDRESS: _____

TELEPHONE: HOME _____ WORK _____

E-MAIL: roy@ipctay.com

APPLICATION FOR A SPECIAL USE PERMIT

As required by the Zoning Ordinance

A. Parcel Identification Number (PIN #) of subject property: 0426-41-7906
(also known as Tax ID Number or Property Tax ID)

B. Acreage: 2.07 Frontage: 203.36'/289' Depth: 453

C. Water Provider: PWC

D. Septage Provider: septic

E. Deed Book 9816, Page(s) 397-398, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).

F. Existing use of property: Home + Billboard

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.) Home will stay

Proposed 2 sided 10' x 36' Digital Billboard

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.

Roy L. Bullock Sheila T. Bullock
NAME OF OWNER(S) (PRINT OR TYPE)

1426 Berkshire Road Fay 28304
ADDRESS OF OWNER(S)

roy@ipc-fay.com
E-MAIL

0
HOME TELEPHONE #

910-483-9927 cell 850-8632
WORK TELEPHONE #

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

ADDRESS OF AGENT, ATTORNEY, APPLICANT

E-MAIL

HOME TELEPHONE #

WORK TELEPHONE #

[Signature]
SIGNATURE OF OWNER(S)

SIGNATURE OF AGENT, ATTORNEY
OR APPLICANT

Sheila Bullock
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) 

PRINTED NAME OF OWNER(S) Ray Bullock Sheila Bullock

DATE 2/21/20

SECTION 1307 BILLBOARDS (OFF-PREMISES SIGNS)

In addition to other applicable standards contained within this article, the following provisions shall apply to all billboards:

A. General Provisions.

1. Billboards shall be allowed only along rights-of-way with full-control or limited control of access, such as freeways and major thoroughfares, except that billboards shall be prohibited within 1,000 feet of either side of the right-of-way of the following:

a. US Highway 301 (South Eastern Boulevard/Gillespie Street) from NC Highway 87 (Martin Luther King Jr. Freeway) south to SR 2286 (Seven Mountain Drive); and

b. *Reserved for future use.*

2. Billboards shall not face or be oriented toward any adjoining or abutting residentially zoned or residentially-used property and shall not be located within 200 feet of a residential zoning district boundary line;

3. Billboards shall not exceed a sign height of 35 feet;

4. All billboards are considered as a principal use of property, not accessory, and shall be allowed in the C(P) Planned Commercial District, upon approval of a Special Use Permit (Section 1606), and M(P) Planned Industrial District, upon approval of the site plan (Article XIV) as a permitted use, provided that the dimensional criteria outlined below is complied with;

5. All Federal, State, and other local regulations shall be complied with and;

6. Billboards are exempt from the landscaping and buffering provisions of this ordinance.

B. Dimensional Criteria by District.

1. C(P) Planned Commercial Districts. Billboards constructed and located in this zoning district shall have a maximum sign area of 500 square feet and shall be located at least 50 feet from a street right-of-way line; five feet from any property line not a right-of-way line; 50 feet from any other freestanding sign, building or structure on the same lot; and be a minimum of 500 feet from another billboard.

2. M(P) Planned Industrial District. Billboards constructed and located in this zoning district shall have a maximum sign area of 700 square feet and shall be located at least 50 feet from a street right-of-way line; five feet from a property line, not a of-way line; 50 feet from any other freestanding sign, building or structure on the same lot; and be a minimum of 500 feet from another billboard.

OWNERS_NAME

BULLOCK, ROY LEE;BULLOCK, SHEILA JOHNSON
BRIGHT, BRUCE D;BRIGHT, RHONDA H
CARTER, DREW C;CARTER, DERB STANCIL JR;WARING, LISA C
DUKE ENERGY PROGRESS INC
MCCAULEY & MCDONALD INVESTMENTS INC
KOONCE, MARTHA FAYE B
BEASLEY, KATHLEEN HEIRS
BEASLEY, JOHN T
HASTY, SUANNE

ADDRESSES

1426 BERKSHIRE RD
PO BOX 43224
361 SADDLEBRED LN
PO BOX 1551
PO BOX 361
8545 INDEPENDENCE DR
3334 VASSAR CIR
3334 VASSAR CIR
1445 CHESTERFIELD RD

CITYSTATEZIP

FAYETTEVILLE, NC 28304
FAYETTEVILLE, NC 28309
RAEFORD, NC 28376
RALEIGH, NC 27602
FAYETTEVILLE, NC 28302
HOPE MILLS, NC 28348
FAYETTEVILLE, NC 28306
FAYETTEVILLE, NC 28306
LEWISVILLE, NC 27023