

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



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

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

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

AGENDA  
DECEMBER 17, 2020  
6:00 PM

A meeting of the Cumberland County Board of Adjustment is to be held on Thursday, December 17, 2020 at 6:00 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 19, 2020 MINUTES
6. ABSTENTIONS BY BOARD MEMBERS/BOARD MEMBER DISCLOSURES (SITE VISITS AND/OR PERSONAL AFFILIATIONS)
7. PUBLIC HEARING DEFERRALS/WITHDRAWALS
8. POLICY STATEMENT REGARDING APPEAL PROCESS
9. PUBLIC HEARING(S):

**P20-05-C:** CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A BORROW SOURCE OPERATION IN AN A1 AGRICULTURAL DISTRICT ON 201.50+/- ACRES, LOCATED ON THE SOUTH SIDE OF SR 2221 (GAINEY ROAD), EAST OF SR 2223 (MCFAYDEN ROAD) AND WEST OF THE CAPE FEAR RIVER, SUBMITTED BY SCOTT DICKSON ON BEHALF OF HANSON AGGREGATES SOUTHEAST, LLC (OWNER) AND MICHAEL BLAKLEY ON BEHALF OF DRAFTING AND DESIGN SERVICES, INC. (AGENT).

**P20-06-C:** CONSIDERATION OF A VARIANCE TO ALLOW A ZERO FOOT FRONT YARD SETBACK FOR A SHED, POOL AND FENCE INSTEAD OF A REQUIRED MINIMUM FIFTY FEET SETBACK FOR PROPERTY LOCATED IN AN A1 AGRICULTURAL DISTRICT AND CONTAINING 0.50+/- ACRES, LOCATED AT 7607 DOCUMENTARY DRIVE, SUBMITTED BY LESLIE WILLIFORD KELLY & WESLEY KELLY (OWNERS).

**P20-07-C:** CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW RECREATION OR AMUSEMENT PUBLIC/PRIVATE NOT OPERATED AS A BUSINESS FOR PROFIT IN AN A1 AGRICULTURAL DISTRICT ON 2.83+/- ACRES, LOCATED AT 2105 WADE STEDMAN ROAD, SUBMITTED BY STEVE CORE ON BEHALF OF THE BETHANY HISTORICAL SOCIETY (OWNER) AND THE CITY OF FAYETTEVILLE (AGENT).

10. DISCUSSION/UPDATE(S)
11. ADJOURNMENT

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



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

## **CUMBERLAND COUNTY BOARD OF ADJUSTMENT**

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

MINUTES  
November 19, 2020  
6:00 PM

### **Members Present**

George Turner  
Alfonso Ferguson  
Gregory Parks  
Marva Lucas-Moore  
Linda Amos

### **Absent Members**

Winton McHenry

### **Staff/Others Present**

Betty Lynd  
Dena Barner  
Rick Moorefield  
(County Attorney)  
David Moon

Chair Turner called the meeting to order at 6:00 p.m. in Public Hearing Room #3 of the Historic Courthouse.

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

#### 1. INVOCATION

Chair Turner

#### PLEDGE OF ALLEGIANCE

Recited by all.

#### 2. ROLL CALL

Mr. Moon called the roll. For the audience, Mr. Moon stated a quorum was present.

#### 3. SWEAR IN STAFF

Chairman Turner swore in staff.

#### 4. ADJUSTMENTS TO THE AGENDA

Request to move Case P20-03-C into Public Hearing instead of deferral.

**Ms. Lucas-Moore made a motion to move case P20-03-C to Public Hearing on this agenda, seconded by Mr. Parks. The motion passed unanimously.**

**IN FAVOR**

TURNER	YES
FERGUSON	YES
PARKS	YES
LUCAS-MOORE	YES
AMOS	YES

5. APPROVAL OF THE OCTOBER 22, 2020 MINUTES

Mr. Ferguson made a motion to approve the minutes from the October 22, 2020 meeting with any necessary corrections, seconded by Mr. Parks. The motion passed unanimously.

**IN FAVOR**

TURNER	YES
FERGUSON	YES
PARKS	YES
LUCAS-MOORE	YES
AMOS	YES

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

There were none.

7. PUBLIC HEARING DEFERRALS/WITHDRAWALS

Moved to Public Hearing.

8. PUBLIC HEARING(S)

**P20-03-C:** CONSIDERATION OF A VARIANCE TO ALLOW A ZERO FOOT FRONT YARD SETBACK FOR A GARAGE, STORAGE SHED AND FENCE INSTEAD OF A REQUIRED MINIMUM THIRTY FEET SETBACK FOR PROPERTY LOCATED IN AN A1 AGRICULTURAL DISTRICT AND CONTAINING 0.74+/- ACRES, LOCATED AT 1062 PALESTINE ROAD, SUBMITTED BY CHARLES & SHEENA ANNAN (OWNERS).

Chairman Turner read the case heading for Case No. P20-03-C.

CHAIR TURNER: Can I ask a question before you start? Last month it said fifty foot now it says thirty foot, why is that?

MR. MOON: Okay, if I could explain. To go back to the October Board of Adjustments meeting, the Board asked us, that is staff, to meet with the applicant, that is Mr. Annan, to see if there was any zoning alternatives to accommodate the circumstances with his property and buildings at the zero property line, in this case the new garage and a shed as well as a fence. On November the 2<sup>nd</sup>, myself the current planning manager, the code enforcement manager and the building official met with Mr. Annan, the applicant and property owner to discuss what zoning options were available to him. At that time, we had discovered based on policies within the zoning code that the RR setbacks could apply to A1 situation. The only change that makes is the setback for the front yard changes from fifty feet to thirty feet. It does not help the situation because the structures are at the edge of the right of way at the zero lot line.

CHAIR TURNER: That doesn't change the side yards setback?

MR. MOON: He doesn't have a side yard, as you recall he has two front yards because it's a corner lot.

CHAIR TURNER: So both of those became thirty feet instead of fifty feet?

MR. MOON: Correct, we also looked at the zoning categories available that are consistent with that area of the county and we didn't find any that would accommodate the setback needs. So he's at a situation where he's subject to the A1 zoning requirements with the conditions set forth in section 101 – lot regulations that's states that an A1 zoning district that's an RR rural residential setback requirements will apply based on the timing of when his plat and lot were recorded.

CHAIR TURNER: Okay. If I recall this is the one where there was no zoning in that area when the plat was recorded, is that correct?

MR. MOON: I believe that was the case and there likely was a regional wide administrative zoning event that occurred after the plat was approved and recorded. I do believe the applicant has a presentation, this is a quasi-judicial processing so he has the option to present his case to you and discuss with you his arguments for any hardship that may exist. We have a slide show presentation that Mr. Annan has prepared.

CHAIR TURNER: Does the county have a presentation again?

MR. MOON: That is up to the board, we can pull up the presentation from last month however we've already put our case into the record, the information. What has occurred is that it is continued to this evening but if you open it up for public hearing I believe the applicant can present this additional information.

CHAIR TURNER: Okay, would anyone want to hear last month's again? Are we still familiar with it? It appears we are all good. What I'll do is call Mr. Annan, are you here sir? Can I swear you in again? Do you swear or affirm the testimony you are about to give our board is the truth, the whole truth and nothing but the truth so help you God?

MR. ANNAN: Yes sir.

CHAIR TURNER: Mr. Charles Annan, am I saying that right? Well we remember you from last month so go ahead and give us what you got.

MR. ANNAN: Good evening board members, last month there was some miscommunication in the presentation I believe so this month I have some new photos of the property.

CHAIR TURNER: Pull that mic up closer to you, I don't believe they're picking that up, are you? Are you getting that folks?

MR. ANNAN: Next slide please. I'm sure you guys are familiar with the site map from last month requesting a variance for the fence which is currently actually over the property line, highlighted in red. If the variance is granted I will move the fence up to the green line and the shed in the far right corner will also be moved inside the property line. Next slide. There is the picture of what we discussed as you can see on the far left, that's the original garage that was built with the house. The white building is pretty much what I'm trying to get a variance for and of course the fence. Next slide. Alright pretty much I guess I'm here to try and convince the board members to grant the variance and request a variance because of this dirt road that's what makes it a secondary front yard. Dirt road starts on Palestine Rd, next slide please, and ends right there. Literally its about

from here, Russell Street to the new courthouse, that's how long the road is. Next slide. Here what is I guess considered a two story structure, as you can see the original metal building is right there and I added the structure to it because I have a car lift that I use to work on my cars. Next slide. And this is pretty much what it currently looks like, closed in and the main reason why I added the additional structure pretty much just to keep the lift out of the element. Next slide please. I know the question came up last meeting as to whether the building could be put somewhere else on the property? The county code enforcement, the inspections section and I believe the supervisor, they came to my house, we walked the property and pretty much we came to the conclusion that, next slide, if there was any alternative, as to where to locate the structure, this would have been the only other site that we could've possibly put the building. However, when it rains this area right here gets wet. As you can see, next slide, there's a pond right behind my property obviously it doesn't take much rain for the pond to overflow onto my property. Next slide. This picture was taken the day that the county folks came to the house, prior to that it had been raining. Two weeks since the last rain activity and you can see on the bottom of the fence, two weeks later its still wet. So basically this side as well as the other, I couldn't put the structure. Next slide. Pretty much what I'm asking is if the variance is approved, as you can see the fence will end and be in line with the building, and all this right here would go back towards the road which I maintain because it's a private road so all the residents on there maintain that road. Next slide. Currently this is what I have in the building. I'm retired military, and right now I just restore cars so inside the building/shop is to have a place to work on the cars, as it was I was working outside. That's the main reason the building was put up. Next slide please. I know last time the question was asked, how the addition was constructed, obviously you can see it was stick built, addition to the other building. Next slide. I have a lot of equipment in the shop right now. I hope that the board members would take that into consideration. I don't know if its going to effect your decision or not. Basically I have close to one acre and then was the only place on the property that I could put that building because of the wetland but this is the only spot that I could put a structure on. The county toured the site and basically there is no other place on my property to put a structure. Next slide. Basically this is it, nothing else to add to what was already briefed from last time and hopefully today these pictures will help you guys visualize what's really going on at the property. I hope you guys will take that into consideration when you make your decision. Next slide please. Just like I stated, to sum it up, I hope that you will consider this a hardship being that there's no other place on the property that I could put a structure. I know you guys were kind of struggling last time so hopefully this will make a difference. Thank you.

CHAIR TURNER: Okay. Anybody have any questions?

MR. FERGUSON: I do. Is this a car repair shop or are you just restoring cars? Is this a business?

MR. ANNAN: No sir, this is my personal collection.

MR. FERGUSON: Okay. Now when you said you should've removed the fence, that one right there, when you move the fence would that not put him back in compliance, when that fence is moved back to right there?

MR. MOON: Set back of fifty feet would apply to the fence, rather thirty feet would apply to the fence as well because that's a front yard.

CHAIR TURNER: Just for clarity, looking at the pictures you went through, if you could back up to thirteen maybe that's what I was looking at, here it shows there was an existing building and you poured an additional pad and built an area there for you to have a car lift to do the repairs in, but if I recall correctly you did that without any permits. You just went out and did it.

MR. ANNAN: Yes sir.

MR. MOON: If the variance is approved by the board, Mr. Annan will still have to obtain building permits for the fence and the garage, as well as the shed that he is proposing to relocate.

CHAIR TURNER: Okay, any other questions? I'm not sure where the board wants to go with this but if you recall last month one of the problems is we have four findings of fact that we have to make factual conclusions of not just personal opinions and number three is the one that stops it for me because it's the board's conclusion that the hardships did not result from actions taken by the applicant or the property owner. I think if you had, I mean I hate this but I think if you had attempted to get a permit and done what you probably should've done up front then you wouldn't have got this far, and it appears that you've created the problem for yourself. That's the problem I have here, but that doesn't mean the board has that problem. Anybody have anything else for him? No, did you want to add anything?

MR. MOON: Just to refer back to the October Board of Adjustments meeting the variance would only apply to the southern one hundred twenty-five feet along the Dreamland Drive private easement.

CHAIR TURNER: And with that he can move the fence and the small building and you still have the garage issue, what really needs to happen for the garage to be in compliance?

MR. MOON: To reach the thirty-foot set back line it would have to be relocated to a location that's thirty feet minimum from the Dreamland Drive easement line.

MR. FERGUSON: We know that part. What we are concerned about is if we make that variance work, will he be able to get a permit to do whatever he needs to get done? But we know that building can't be moved, it's already constructed there. So are we to look at making a decision to or to we just agree with what's there is there and he has to take care of or are we to say okay this shouldn't be there and just cancel, that's what I'm trying to find out for what we are saying here.

CHAIR TURNER: It's just my opinion, I respect y'all's but I don't see how this can be approved based on the findings of fact number three. I don't see how we can do it. I mean if you can find a way to overcome the fact that he did it himself, that's the problem. He did it to himself. And I hate that for him but I don't know how you fix that. What do you think David, is there anything you can add to that?

MR. MOON: Based on the role of the BOA, you're evaluating this request based on the four criteria's – Unnecessary hardship that would result from the strict application of the ordinance, there are conditions that are peculiar to the properties such as location, size or topography, the special circumstances are not the result of the actions of the applicant, requested variance will be consistent with the spirit, purpose and intent of the ordinance, such that the public safety is secured and substantial justice is achieved. So based on the information that Mr. Annan presented to you this evening I believe his argument was that because of flooding that occurs on the eastside of his property that forced him to place the building on the west side regardless of whether he

constructed the building without permit, he's stating that's the only place he could've put it. That's my interpretation of the case he presented.

CHAIR TURNER: That was mine too.

MR. MOON: But it's the decision of the BOA based on the information he submitted this evening and those criteria as to whether you believe a variance is warranted.

CHAIR TURNER: The four findings of fact that we have to make are not one out of the four, we have to make all four of those findings, don't we?

MR. MOON: Correct.

MS. LUCAS-MOORE: I have a question, have you pulled the permit, or necessary permits to have this building constructed on the property? Will a variance be considered based on the fact that there's wetlands and he couldn't put it in that particular spot? Would that have been considered?

MR. MOON: At the time of the building permit application for the garage, staff would've required as part of the application that he present evidence that the soils or soil types on that side of the property were wet or not suitable to accommodate that structure. Then we would look at the setbacks to make sure if there was an area on the site where the structure could be relocated. That information was not available to us, so we could not make that determination.

CHAIR TURNER: But I think the question you're asking is if when he decided to build this addition, had he first come down to get a permit, I think he would've ended up here to get a variance before he would've built anything. And that's the procedure. As it was he didn't do any of that, he just went and built it and that's how we ended up here tonight.

MS. LUCAS-MOORE: That's correct.

CHAIR TURNER: Anybody have anything else? I'll close the hearing for discussion. We'll call you if we need you sir. Thank you, thanks for coming out again. What do we think? What does Mr. Parks think?

MR. PARKS: We are hand tied.

CHAIR TURNER: Absolutely. What do y'all think? What do you think?

MS AMOS: There's no hardship, I just don't see a hardship because their permits weren't pulled, based on the county's findings.

MR. FERGUSON: We understand that part but what we are right now doing is reaching a decision, we understand a permit was not pulled so what we've got to do is discuss those four factors and then vote on it to find out where we are at. Because I'm waying in the middle of this so let's just discuss this and I'll make a decision as we discuss it.

CHAIR TURNER: Well the problem at hand is simply that if we have to make a finding of fact on these four, the conclusion has to be that the problems at hand were not actions taken by the applicant or the property owner and we can't overcome that.

MR. FERGUSON: We knew that was his action.

CHAIR TURNER: Well that stops us. That's the problem by the law that stops us. Am I right or wrong? I don't like it but am I right or wrong?

MR. HASTY: Under the language that is correct, I mean if that was some creative way to get around that.

CHAIR TURNER: I don't know what that creative way would be unless it was done wrong. Two wrongs don't make a right. I don't know what you do. What else do you think?

MR. FERGUSON: I'm not going to argue with that part.

MR. PARKS: We're trying our best to try and help, there's just nothing we can do.

CHAIR TURNER: I think it's beyond this board unless by some chance he goes to get the permit and they send him back and we start and create this again based on the fact that it doesn't exist somehow. I don't know how we do that.

MR. PARKS: If he went for a permit on this they would have turned him down period and it wouldn't have gotten that far.

CHAIR TURNER: They would've sent him to us probably.

MR. PARKS: Right and then it was nothing that we could do because the situation is what it was and is now.

CHAIR TURNER: Do I have a motion?

**Chair Turner made a motion based on the findings of fact number three, it's the board's conclusion that the hardships are from actions taken by the applicant/property owner, therefore, motion to deny the variance, seconded by Mr. Parks. The motion passed 4 – 1.**

	<b>IN FAVOR</b>
TURNER	YES
FERGUSON	NO
PARKS	YES
LUCAS-MOORE	YES
AMOS	YES

CHAIR TURNER: We need the policy statement regarding appeals, who's giving that? David's giving that.

POLICY STATEMENT REGARDING APPEAL PROCESS - Mr. Moon read the policy statement.

**P20-04-C: CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A BORROW SOURCE OPERATION IN AN A1 AGRICULTURAL DISTRICT ON 33.69 +/- ACRES, LOCATED AT 3778 GAINNEY ROAD, SUBMITTED BY MICHAEL HARRIS ON BEHALF OF MURDOCK, LLC (OWNER) AND MICHAEL BLAKLEY ON BEHALF OF DRAFTING AND DESIGN SERVICES, INC. (AGENT).**

Chairman Turner read the case heading for Case No. P20-04-C.

**Mr. Moon reviewed the zoning, sketch map, and land use of the area surrounding subject property. He reviewed board packet material. Mr. Moon stated findings of facts is being requested by staff and is included in the back of your packet.**

CHAIR TURNER: Can you clarify are they allowed to have those two within a mile and a half of each other?

MR. MOON: Based on the information presented to you by the applicant and any experts that he brings then that's the decision of the BOA based on the findings of fact. If you feel there are issues since they both impact Gainney Road and McFadden Road that's something you may consider, so you can address them as separate applications or you could address them at the same hearing. That's the decision of the BOA.

CHAIR TURNER: Any questions from anyone?



MR. PARKS: Why are they asking for a special permit? Is it because of the houses near that property?

CHAIR TURNER: They have to have the permit in order to do the operation in A1, is that correct?

MR. MOON: Correct.

CHAIR TURNER: One statement that caught me funny was the issue of removing the house because of the zoning, we're not going to be altering the zoning. A special use permit would follow with the land but it could, assuming that the pit closed in five years, could they not continue to reuse the house?

MR. MOON: Looking at the site plan they don't propose a residential use where the residential structure is currently is likely going to be location for either the permanent buffer or the stockpile area.

CHAIR TURNER: I'm not saying they can do it, I just saying you made it as a requirement, does it need to be a requirement? It seems to me that it would be their business if they wanted to keep the house or not. It's nothing to argue about then. Do you have anything else?

MR. MOON: No sir.

CHAIR TURNER: Anybody have any questions? I'll open the hearing, are you Mr. Hayner? You're Blakely, I'm sorry I have Terry Hayner signed up first, is he here? Would you like to speak first? I have Mr. Harris to speak second, I don't want to miss one of you.

MR. PARKS: Are they opposed to it?

CHAIR TURNER: That's the thing with these sheets, they don't tell me who's for it or against. That's the problem. Who do you want to go first?

MR. HASTY: I think the applicant should go first and present their case.

CHAIR TURNER: Mr. Blakely so you would be the applicant. Okay, you're going to go first so let me swear you in. Sir do you swear or affirm the testimony you will give our board will be truth, the whole truth and nothing but the truth so help you God?

MR. BLAKELY: I do.

CHAIR TURNER: And you're Michael Blakely and you're the applicant, I got you so go ahead.

MR. BLAKELY: And if its okay with the board once the opposition states their points, I will be glad to get back up and answer any questions that they have.

CHAIR TURNER: We may call you.

MR. BLAKELY: Anytime. David did a good job of outlining the basics of the project. What we're looking at here is a 14.8 acre pit that is going to be a borrow source. We are excavating sand from this source to be used for fill material, asphalt, concrete, local construction projects basically like a DOT borrow pit, like they do for roads basically there's no processing, if there is any processing of material it will be wide screening any organics out of that material just to clean that material but it's not a per say processing of the material. What we have presented is, if you'll look, I don't know if everybody has a copy of C4, its actually our mine map.

CHAIR TURNER: I think we do, we had a lot here. Do you have that, that you can pull up David?

MR. MOON: No, you don't have that presentation?

MR. BLAKELY: We have 14.8 acres but we're not going to strip and mine the entire property at one time, what we'll do is start in sections and with the wet mining this material because the ground water elevations are like

four to five feet in this area so there's no way to dewater the pit and excavate dry. What we'll actually do is excavate in the water and pile the material up in the pit area for it to drain off back into the pit and once we get into the ground they'll be no discharge from the site. From an erosion control perspective, it's a nonpoint source of discharge so the possibility of getting any sediment laden material offsite is impossible. Because we are basically just building a pond and using that material for construction materials. What we've got shown here is you can see a berm that is right below where the pit 14.8 is labeled and what we'll do is start in phases in that pit and excavate and throw the material, for lack of better words, behind us and let it dry on the higher ground and then once its completed, you'll have a lake. Now while we're excavating that material, we will also be reclaiming the pit as we go. And part of the requirements for the UDO required that there be a three to one slope into the water and then for ten feet below the water elevation we would have a three to one slope. Our final depth for the pond, once its reclaimed, would be 25-30 feet. We have done exploration work to see how much material is there and the max depth we would go is 45 feet getting that material and then as part of our reclamation plan, we would backfill, there obviously will be some unsuitable soils in there, we'll backfill those back in which would result in a 25 – 30 foot pond or lake, whichever one you want to call it, about 14 acres. One question that we had early on from David was about the number of trucks and the impact on Gainey Road. With the type of material that's here, and the process that the owner wants to do we're looking at a maximum of thirty trucks per day. So you have one truck in and out and there will be thirty per day to sustain the operation. DOT will require driveway permit. We had previously come to you before for a project and DOT required a concrete apron onto the public road so to mitigate any sediment or material actually getting out on the road, to make the access safer for anyone passing down Gainey Road, cause obviously everything on the site will be sand it won't be gravel or pavement. The plant site we have shown more than likely it will not have scales and a scale house. The plan for the owner is to use all the material his self, for his business, but as part of the special use permit since it is a site plan specific approval, in the event that he needs scales or a scale house, we have those shown on the plan but essentially what will be on site will be an excavator, a haul truck, possibly a portable screen and stock piles. So whenever you look at these you're not looking at a mining operation like a quarry type mining organization. It's a very similar operation that's been done a lot in this area because of the sand and gravel that's available. Actually, David you have that map, the one with the radius. One thing that I kind of wanted to play on, with this map is this type operation's been going here since the 40's. And you can see the areas that we have shown past or previous mines that have been reclaimed. Some of them are lakes, some of them are wetlands. To give you an example of what will be left here with this site once the excavation is complete. Part of our mine permit requires, which we'll have to submit to the state, anytime you do any type of excavation like this you have to submit a bond permit and put up the bond for the reclamation cost. In the event and I'm not saying it will, our owner for some reason financially or whatever could not reclaim the site, he had to put a bond up in order to get his permit and the state will take that bond to reclaim the site. You wouldn't end up with a site, if someone walked away from it, with a big hole in the ground and no way to fix it. It wouldn't be the county's responsibility, its still the owners responsibility to fix it and he's being held accountable by the state by providing a reclamation bond. Basically whenever the site is complete, there is

reclamation requirements that the state and NC wildlife require that we have to meet and it will be inspected by the state before that bond is released and we've done a few of those and they're picky. It's not well you just moved a little dirt around, that's good. They want it to be there for the environment, and not a sore on the earth but look like something that was naturally there. I would like to touch on the buffers. I do not think there is any requirements on the adjacent property's buffers for the UDO. The state requires a minimum of 50 foot undisturbed buffer and what we have shown here in some areas is 50 feet at the minimum and then much more than that we have some that our 100, 100 plus, 200 and then we have a 6 foot tall berm that will also be vegetative. Basically, there will be an opaque screen around all the operations and like I mentioned before you know we will be 25 – 30 feet in the ground so we won't be above that buffer and those existing buffers and part of our site plan submittal, Cumberland county requires street scape plantings which we have shown here on this map that he has, every 50 foot we have trees planted and this area will not be groomed or maintained, it will naturally revegetate. The impressive part to me is I work in this industry and I have rode by sites and didn't even know they were there, and I knew what to look for. If there wasn't a sign or a gate I could see through, you know they do a really good job of screening this from the neighbors, from the road, I've spoken with somebody in the quarry industry and it was a compliment when somebody said I didn't even know y'all were there. There is a lot of thought and care taken into protecting the neighbors and being good neighbors. One thing I always like to throw out there is, we have a special use permit and we will have to get a state mining permit if your on this property and don't have a permit on it, people can still come and complain to you guys if their not happy with what's going on with the site but with the mine permit they are suppose to drop whatever they are doing and go and inspect the site. So these sites are under scrutiny all the time and it's really a great opportunity for the neighbors to have some type of protection. We're not putting something here that we think would harm somebody and that's one of the great parts about state regulation and them monitoring and being available for the public if they feel like there's something done outside of that mine permit. And to me that would give me a piece of mine versus sometime of development that has individual owners, you don't have one person you can go to. I always think that's a good selling point for type projects. Do y'all have any questions?

CHAIR TURNER: Any questions for him?

MR. PARKS: How long is it going to take you to finish this site? Do you have a period of time it's going to take with the amount of material you need?

MR. BLAKELY: Sixty to seventy years. I mean six or seven. This is our geologist, if you have any questions.

CHAIR TURNER: So six to seven just to be clear?

MR. BLAKELY: yes sir. And to add to what David said, the other site that we're looking at because of the six or seven years our client is going to have more demand than that. He's in this type business. This other site that we're looking at is a reserve site. We are not planning on both sites being active at the same time. Once he starts here and its complete then he would move to this other site.

MR. PARKS: If he needs it.

MR. BLAKELY: If he needs it, correct. He may not need it.

CHAIR TURNER: With that being said, why would he go through the process of another hearing like this in December for a site you don't know you will need?

MR. BLAKELY: There is value in having the sites permitted in special use, he's not going to sell it.

CHAIR TURNER: So you may not need it but if, one minute Frank. I know, he'll sell anything. I mean it is possible then by doing that he could lease it or sell it to someone or something like that.

MR. BLAKELY: Right.

CHAIR TURNER: Is there a reason why we didn't wait to do both of these at the same time?

MR. BLAKELY: Well we did not know about this second project until after we had submitted this. This project was for sale but there were some stipulations with it so we did not know that they were both going to come in, not at the same time but within the same project.

CHAIR TURNER: Is there anyone else to speak in favor? Would that be you Frankie? Do this for me – do you swear or affirm the testimony you will give our board will be the truth, the whole truth and nothing but the truth so help you God? You're Franklin Johnson.

MR. JOHNSON: I'm Franklin Johnson with Franklin Johnson commercial real estate, I have been representing this buyer who is also my in-laws for years looking for sand deposits. The reason they are doing both is they plan long long long term, everything they do is long term. We did not know the other site was going to become available until, he was correct on that, until after we had already started this one or we would've probably done both at the same time. But I am here just to answer any questions y'all need. I know we are going to have some opposition. Personally I grew up in the country, I lived in the country, I had rather see a lake on a finished product next to me as a development, I know my secretary lives right next door to this piece of property, just east and I asked her, I said, I want to ask you something, are you going to have a problem with this? And she said, heavens no, I would rather that than what else you can do in A1. So that's my take on it.

CHAIR TURNER: Okay, any questions for him? We may call you back. Was there anyone else to speak in favor? I'll say no. Let me go back to Mr. Hayner. So you're not going to speak? Okay, Mr. Harris you want to come forward? Sir do you swear or affirm the testimony you will give our board will be the truth, the whole truth and nothing but the truth so help you God? And you are Norman Harris?

MR. HARRIS: Yes sir.

CHAIR TURNER: And how does this apply to you?

MR. HARRIS: I live at 3654 Gainey Road, this is adjoining property. All this used to be property owned by the Harris Brothers and farmed for decades out there. I still live on the old Gainey property

CHAIR TURNER: So you're the neighbor?

MR. HARRIS: I'm one of the neighbors, the part that blunts up to this the old farm was actually purchased by Josh Jackson who couldn't be here. Although he was intending to build a rather nice house but it would be adjoining this and he talked to me just a little bit ago and said he can't move forward. The plan he was looking to do is at least doubtful

CHAIR TURNER: Let me stop you so we don't lose anything. You're speaking on behalf of someone else?

MR. HARRIS: Well I just verified that information since that was contiguous to this RR Borrow source.

CHAIR TURNER: And this other person, who is he?

MR. HARRIS: He is the owner of the field that is adjacent to the first line.

CHAIR TURNER: Okay, so this is another neighbor.

MR. HARRIS: This is. It's another neighbor, he borders me. These are two fields separated by, on your hydrology map you can see that the underwater crosses and goes among several pieces of contiguous property. Mine is the piece right behind the old Gainey house on Gainey road. And I've been there about thirty years. Among the concerns that I have with respect to this project, to start with there are certain sands, and particulate matter and things I'm concerned with particular are it would be placed into the air.

CHAIR TURNER: Could you do one thing for me?

MR. HARRIS: I'll try.

CHAIR TURNER: Pull that thing down, we're really not hearing you clearly.

MR. HARRIS: I'm sorry. I appreciate it.

CHAIR TURNER: I don't like them either and we're six feet apart so you're okay.

MR. HARRIS: Again I've lived out there since 1977 largely in one or more of the houses that the Harris brothers had at one time or another. My residence we built there in the early 80's and have been there for getting close to thirty years. My wife has lost half of her lung capacity off of blood clots from medication she was given. Breathing is very hard for her. So particulate matter is something I am very concerned with, because those minute quantities coming through the air can basically put her in the hospital or possibly cumulate into something worse than that. The hydrology, since I don't know how extensive and the different depths, there are people in that area that have wells ten foot deep, and it won't take a whole lot of change there and that water's gone. This is largely, as you can see on the map, you've got a lot of housing there whether it is mobile homes, manufactured as well as the stick built that's home to them, as well the wetlands surround this area, what effect that has on it, I don't know. I just know how interconnected the hydrology is and certainly deserves a little more clarification prior to approving this request. While I appreciate that he's anticipating only thirty trucks a day, obviously the old sand operations that have been conducted there, you had trucks ran that way, the only repair they realistically did was spray tar and put a little crushed rock onto of it. So it's not the best of roads here to start with. So this time, one of the concerns, is you have a number of houses with small children, that they're adjacent to the roadway, you've got a number of people walking as well as bicycling on a regular basis up and down these roads and you're seeing more of this foot traffic as well which is a concern. I don't see anyway this is an increase in property value, I don't see this as anything but a decrease. Like I said I was aware of at least one residence that was set to go up, with everything approved that's ended, don't know how many others are potentially there. I know there are some homeowners that are present that also live in that area with quite expensive houses and the concern is there. Again, I just don't see how this is going to increase the value of property, I just see this as something that will reduce it, in the terms of resale. My concern is leaving the pond that's there, you've got an attractive nuisance. You've got something that's going to temp people to come in because it's a pond, there's standing water, whether it's to wet a line, whether its swimming. I don't care what you build around it they'll find a way to get in because they always do. And I'm concerned for, typically I think

they tend to be younger individuals, that see this as an opportunity looking for clamorous results that they can find in that. I don't see that it fulfills all the requirements that it needs for approving the permit. Again, I don't see that it improves the value of the area, it may prove, at least in theory, a potential recreation for somebody but at this point it's going to be in process for a number of years then any subsequent use I don't think is a consideration. It will reduce the property value of the people I think, my understanding as opposed to what current evaluations are. I'll be glad to answer any questions I can.

CHAIR TURNER: You say you've been there since the 70's?

MR. HARRIS: I moved in, my daddy moved into old Gainey house in 1977, when I was wrapping up college. I was in the old Gainey house until after I got married, after a year in an apartment, I moved across the street into the old rental house until we built our house behind the old Gainey home.

CHAIR TURNER: Okay, so you've been there a while. The statement has been made by more than one I think, that this has been in operation before?

MR. HARRIS: Not here. They have done sand and gravel back to the end of the road on the river. This place has never been anything but farmland. It has been farmed by the Harris family.

CHAIR TURNER: Did you have any problems with the other one that was there, that you were aware of?

MR. HARRIS: Well you had some distance obviously for one thing and the proximity here is much closer than the physical proximity of the other one.

CHAIR TURNER: How close would you say this is to your house? A thousand feet?

MR. HARRIS: Not that far.

CHAIR TURNER: It's not that far?

MR. HARRIS: No sir, no sir. I can show you on the map, that's my house right here. That's where the pit area is going to be.

CHAIR TURNER: Any other questions?

MR. FERGUSON: You talked about well water over there, is complete well water or do you get county water?

MR. HARRIS: Most of us have well water, there is not a water system through that area. Everybody's on a well. Now there may be some sharing a well.

MR. FERGUSON: Okay so when you spoke about the other area before, did they make a lake area or a swimming area when they got through with that area?

MR. HARRIS: The areas that I've lived were previously mined out which are further down towards the river, ah do people go back there and swim? That is my understanding, I never went.

CHAIR TURNER: Might be more than one snake there. Do you know anybody who's had well issues out there? You said there were people with ten-foot wells, I didn't know you could have a well with only ten feet.

MR. HARRIS: Some older housing there, that all depends on the time it was constructed, how far they had to go to get, certainly in areas where they've been testing for the other counties, that may have made some change. But all that is certain filtration at this point.

CHAIR TURNER: But you're not aware of anybody that has well issues? Like running out of water?

MR. HARRIS: No, not that they've told me. I know that some of the wells people have indicated to me were ten feet down, which is of course, a shallow well, and I certainly haven't measured flows or anything like that.

CHAIR TURNER: Any other questions here?

MR. FERGUSON: What about the property values? Did the property value decrease from the other mining area? How did the property value do there?

MR. HARRIS: Property value I think went up because we built the house, you know and it's valued at \$380,000 dollars. I don't believe it will hold that when this goes in. Because you operate and folks see the gravel trucks coming in and out whether its got sand or whatever they're toting in it, that makes a difference. If it stops construction of a new home there nearer than my house because he just can't do it, putting his family right there. There's others who have built houses of \$400,000 plus dollars just pass this and have expressed frustration, disgust because it changes the community for them.

CHAIR TURNER: We haven't been to the site so estimate something for me, if I stood on this at Gainey road in the middle of this land and looked around, how many houses would I find in 1500 feet away from it? I mean five or six or ten?

MR. HARRIS: Obviously if you stand staring up north towards the river, that's still agriculture, so there are none looking straight ahead that way.

CHAIR TURNER: So you are the closest neighbor.

MR. HARRIS: I'm the closest as well as the old Gainey house that has a family with young children that live in it. And there some others here that have houses that are close by but if you further down Gainey Road on the other side.

CHAIR TURNER: We're really just trying to get a number for the board members to say there's five houses within 1500 feet, is that reasonable?

MR. HARRIS: There is a least five.

CHAIR TURNER: Okay, would there be ten?

MR. FERGUSON: She said seven.

CHAIR TURNER: Seven, okay. You want to add anything else? We may call you back.

MR. HARRIS: You may call me back but that's all I have.

CHAIR TURNER: Thank you. Next speaker is Russ Patterson. How about Tracy Davis. Then I'm going to turn this around and Mr. Blakely would you like to come back for just a minute? You've heard the issues at hand, do you want to address those?

MR. BLAKELY: Yes sir. One of the first points he made was about air quality, as you noticed before in the presentation, that we are wet mining. Your going to get a lot more dust off of those agricultural fields than you will here. And as part of the mine permit we have to have air quality permit, which is monitored. We can't make dust. The permit actually reads that no, and I may get Tracy to say for sure, no dust or nothing leaves the permit boundary which is the property boundary in this case.

CHAIR TURNER: Are there control measures on site to control any dust that is generated?

MR. BLAKELY: Water.

CHAIR TURNER: Just water.

MR. BLAKELY: Yeah.

CHAIR TURNER: Okay. Even if you mined it, I'm just thinking you got thirty trucks going in and out, there's dust.

MR. BLAKELY: Right. Well a lot of times if you notice when sand leaves most of these borrowed sources there's water dripping out of the back of these trucks. 99% of the time its wet. Now its not sopping wet, but its got a moisture content. It's not going to fly out of the truck.

CHAIR TURNER: Well I don't mean that I mean they're stirring up dust on the road.

MR. BLAKELY: It's a paved road. The other question that he had was about hydraulics. The water table is like four to five feet, and there has been extensive studies if you have more questions, I can have Russ answer them. Extensive studies especially in this region, we are not dewatering the pit so there's not going to be any fluctuation in that water table. Now that's part of the reason why we are doing the process wet is because we could never pump, the ground water is so high we could never pump it all out. We would never win.

CHAIR TURNER: The thought process if its four to five feet deep for a water table if you go in and dig a hole is not the four and five feet go down in the hole?

MR. BLAKELY: No the hydraulic pressure will stay the same. It will stay the same. What's in the ground will disperse to what's in that hole. Just the same as it would if it was still dirt in it.

MR. PARKS: Pressure from the water will keep the water from going into the water, you see.

MR. BLAKELY: The only other question I have is or the only other comment we got the house shown and the distances shown on our maps, to answer that question about the number of houses. And then I'll let Franklin answer the question on value. Thank you.

CHAIR TURNER: Thank you.

MR. JOHNSON: I want to say this, to the best of my knowledge, I do not see how it would have a negative impact on property values. Most people in the country move out because they don't like neighbors to begin with, there won't be a neighbor, there will be a lake. There's no difference than all the solar farms that have popped up all over the county, it hasn't really affected values at all. Do I see an increase in value? No but do I see a decrease, no. I just don't think it will have any effect as far as the value.

CHAIR TURNER: And that's your opinion.

MR. JOHNSON: That's my professional opinion.

CHAIR TURNER: Okay, want to add anything else? Just to be fair, Mr. Haynes you did not speak, is there anything you wanted to say? No. Mr. Patterson, no. Mr. Davis, no. Everyone's satisfied. Was there any questions the board had for staff or anyone? Okay, then I'm going to close the hearing. Open for discussion. You see we have three findings of fact no there's four here actually. There's four.

MR. PARKS: Do we need all four Mr. Chairman?

CHAIR TURNER: Yes.

MR. HASTY: You need all four, the applicant did prepare their opinion of what those four would be and it's obvious the board can prepare your own.



CHAIR TURNER: Did we get that?

MR. MOON: Yes, its part of the package. It's at the end within the application.

CHAIR TURNER: I don't know if its me or not but these packets keep getting bigger and bigger

MR. PARKS: Where did you say it was?

CHAIR TURNER: The next to the last page. Some of these are basically statements. They are not actually findings of fact. Any questions on those opinions? What do you think?

MS. AMOS: I was wondering if there's any official recommendations on here because these are opinions or how would they know its not going to create or endanger the public health?

CHAIR TURNER: I think they're just basically making the statement in their opinion they feel that. I don't think they have any way to enforce that until it happens, am I correct sir? Did you get the question?

MR. MOON: Are you asking me or are you asking the applicant?

CHAIR TURNER: We're asking anybody that will answer.

MS. AMOS: The question is whether or not there is anyone officially that can say that its not going to be a health and safety issue to any of these four statements here?

MR. MOON: There are experts in different fields that can address each of these findings of facts, much of these findings were addressed within the site plan that was presented to you this evening to meet the finding of facts. There are also numerous conditions that are placed in the draft special use permit conditions that are part of your packet as well. There are three pages of 45 conditions starting on page 23 all the way through page 27. That's five pages of conditions many of those also reference different agencies that are part of the review process, additional permits that they have to obtain from state agencies to address hydrology, drainage, access to the roads - other government agencies come into play to determine that this site not going to have a detrimental impact on the surrounding area, if the harmony of the area, that's the BOA's role. Do they satisfy the information you need in their presentation or materials they submitted for you to make a determination of the findings of fact.

CHAIR TURNER: Sir, I've closed the hearing, if we need you we'll call you. Let's don't. I'll call you. So basically if we look through this, the draft of the special use permit, that's here, the multiple pages, it appears if you read through this even very quickly, there's no one in government that's not going to be watching them. I mean literally everyone. And if the issues do arise that there's someone there to, a simple complaint, a phone call, is all it takes for it to make this the proper folks in compliance. Yes. Based on this. Which means that if this was approved it would have to be approved based on them accepting this draft. That they would comply with all of these. What do you think Mr. Parks?

MR. PARKS: I think they've done everything they need to do.

CHAIR TURNER: Want to make a motion?

MR. PARKS: I make a motion we approve it with the conditions that are listed in the applicants form.

CHAIR TURNER: Do you have your book to go through the findings of facts?

MR. MOON: On the screen before you is a list of the four criteria for the findings of fact.

CHAIR TURNER: We have them in the here under Special use permits, read through those and we'll answer why we think so and move from there.

MR. PARKS: Okay, the use will not materially endanger the public health or safety if located according to the plan submitted and recommended.

CHAIR TURNER: And that would be based on them accepting the draft of the conditions.

MR. PARKS: That's correct. The use meets all required conditions and specifications. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity.

CHAIR TURNER: And we have a professional opinion of a professional real estate broker who says he expects it not to have any effect positive or negative. There's some consideration as to where this might be a public necessity but I would say that in my opinion it is not.

MR. PARKS: Correct.

MR. HASTY: Backup to number two, I don't think you stated the facts under the required conditions and specifications.

CHAIR TURNER: Based on the application and the special use permit that they have agreed to accept, is that what you meant?

MR. PARKS: Yes.

CHAIR TURNER: That is pages 23, 24, 25, 26, 27 and 28 of our packet.

MR. PARKS: Thank you Mr. Chairman. Number 4 The location and character of the use, if developed according to the plan as submitted and recommend ed, will be in harmony with the area in which it is to be located and is in general conformity with Cumberland County's most recent Land Use Plan.

CHAIR TURNER: Does this fall within the Land Use plan? In your opinion?

MR. MOON: Correct, staff did not find any consistency with the comprehensive plan, any inconsistency.

**Mr. Parks made a motion in case P20-04-C to approve the consideration of the Special Use Permit to allow a borrow source operation, seconded by Ms. Lucas-Moore. The motion passed unanimously.**

CHAIR TURNER: Motion has been made and properly seconded, is there any further discussion?

MR. MOON: Yes chair, your action approved the special use for a borrow source operation at the site presented, for the record, I would like the BOA also to make a motion to take action to approve the Gainey Road special use site plan and the special use permit that's part of the package.

CHAIR TURNER: I thought we were doing that. What did I miss? Are we not? Okay was that some special terminology there we needed?

MR. HASTY: I think it just needs to incorporate all the conditions that are in there.

CHAIR TURNER: Okay so the motion at hand to approve and the findings of fact that Mr. Parks has presented include that the petitioner will follow the draft of the conditions required and that the approval of this borrow site will be approved based on those conditions being followed?

MR. MOON: Correct. For the record I would prefer that there's a motion to approve the special use site plan and a special use permit that contains those conditions, so that we have that in the record.

CHAIR TURNER: Okay, do we need to repeat that or can we add that in?

MR. HASTY: You can add that in.

CHAIR TURNER: Let's just add that in then. The verbiage that he's saying. I'm not sure how that changes things but that's fine. Any further discussion?

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

9. DISCUSSION/UPDATES

MR. MOON: We will have a December meeting.

CHAIR TURNER: Anything else?

MR. MOON: No sir. We will have a meeting December 17<sup>th</sup>, 2020 at 6:00 pm

10. ADJOURNMENT

**Mr. Ferguson made a motion to adjourn, seconded by Ms. Amos. The motion passed unanimously. Meeting adjourned at 7:31pm.**

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

---

Dena L Barner, Clerk to the Board

---

George Turner, Chairman

**CUMBERLAND COUNTY  
BOARD OF ADJUSTMENT (BOA) HEARING  
December 17, 2020**

**SUBJECT: BOA CASE # P20-05-C – Special Use  
Vander Source Borrow Source Operation**

**REQUEST: Special Use Permit to allow a borrow source operation in an A1 Agricultural District on 201 +/- acres at Gainey Road, east of McFadyen Road**

<u>Exhibits</u>
A. Site Location
B. Use Matrix, Sec. 403, Zoning Code. (*)
C. Sec. 904 Response (*)
D. Special Use Site Plan (*)
E. Existing and Adjacent Uses
F. South Central Land Use Plan
G. Draft Gainey Road Special Use Permit
Attachments: Application
H. Sec. 1606 Applicant Response (*) attached to the report.

**EXPLANATION OF THE REQUEST**

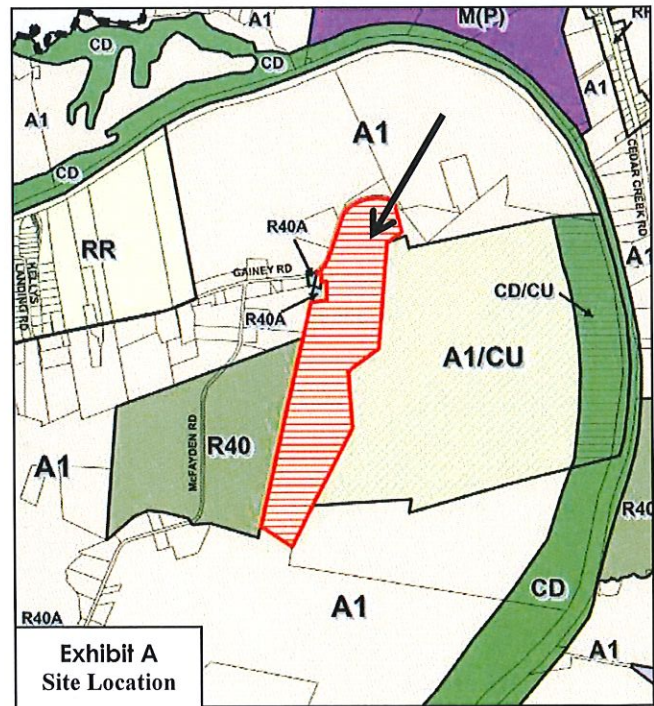
Applicant and Property Owner request the BOA grant a Special Use Permit for a borrow source operation on at the east end of Gainey Road, east of McFayden Road (Exhibit "A") at property assigned an A1 zoning category. This request applies to one parcel containing approximately 201 acres. Per Section 403, Use Matrix, Zoning Code, (Exhibit "B") a borrow source operation is only allowed at a property assigned an A1 zoning category when the BOA has approved a special use permit (Exhibit "B" attached), including a site plan, that meets the requirements of Sections 904 (Borrow Source Operations) and 1606, (Special Use Permit) of the Zoning Code. A borrow source operation previously occurred at this same site many years ago, but a Special Use Permit was not required at that time based on the Zoning Code in effect at that time.

Pursuant to the County Zoning Code, a "borrow source operation" is defined as the removal of soil, sand or other soil materials, with further processing limited to dry screening to remove roots, trash, objectionable and other deleterious material. The provisions of this ordinance shall not apply to bona fide farming activities, operations subject to North Carolina Department of Transportation contractual agreements, or jurisdiction for the duration of the contract only, and any operations exempt from the State Mining Commission's regulations. These exemptions shall apply in all zoning districts." (Section 904, Zoning Code)

A borrow source operation must comply with requirements set forth in Section 904 of the County Zoning Code. The applicant must demonstrate that the proposed borrow source operations shall comply with these requirements. A response to these Section 904 requirements based on information submitted by the applicant appears in Exhibit "C, C1, and C2", attached. The special use site plan, as required by Section 904, Zoning Code, is provided in Exhibit "D", attached.

**PROPERTY INFORMATION**

**Owner/Applicant:** Scott Dickson on behalf of Hanson Aggregates Southeast, LLC (owner) and Michael Blakley on behalf of Drafting and Design Services, Inc. (agent)



**Address/Location:** South side of Gainey Road, east of McFayden Rd, west of Cape Fear River (Exhibit A)

**REID #:** 0464203790000

**Parcel Size:** 201.50+/- acres. The property has approximately 2,485' of street frontage along Gainey Road. The property is 7,176'+/- in depth

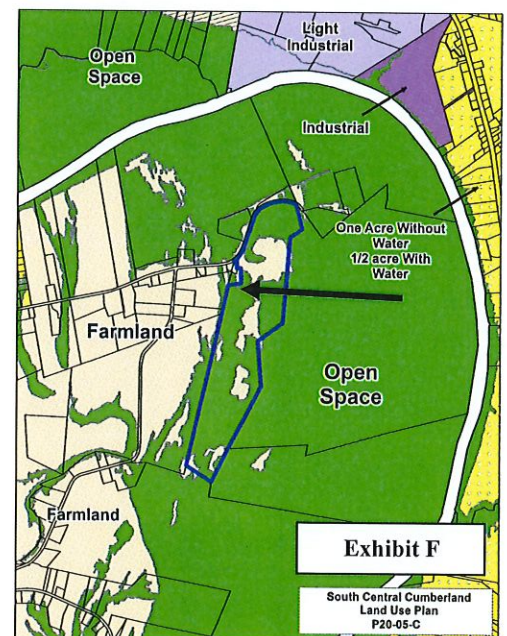
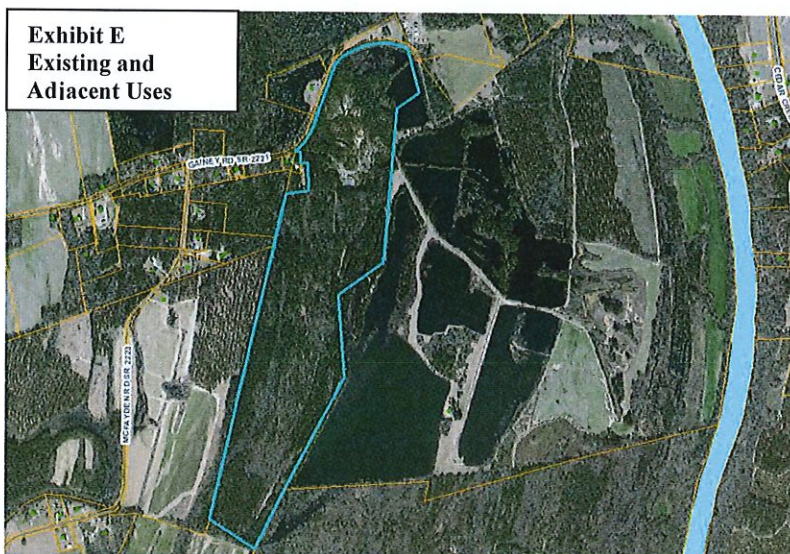
**Existing Land Use:** The subject property is currently vacant but was once operated as a borrow source.

**Zoning History:** This property was initially zoned A1 as part of the Area 17 initial zoning on March 1, 1994.

**Other Site Characteristics:** The property is not within the watershed but is located inside the Special Flood Hazard Area. There are hydric and hydric inclusion soils located on this site.

**Surrounding Land Use:** Agricultural uses and single-family homes are the predominant land uses occurring along Gainey Road and McFayden Road, as shown in Exhibit "E".

**Comprehensive Plans:** The 2030 Growth Vision Plan designates this parcel for "Rural Area". The South-Central Land Use Plan (2015) designates this parcel for "**Farmland**", as illustrated herein as Exhibit "F". The "Farmland" designation is generally an agricultural and farming area which allows a mixture of residential development of manufactured and stick-built homes. The "Farmland" area also allows some limited commercial uses that are oriented specifically for a rural community.



**IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES**

**Utilities:** This property is currently served by private well and septic. This site is located within the Gray's Creek water/sewer district.

**Traffic and Streets:** The subject property sits along Gainey Road and is identified as a local road in the Metropolitan Transportation Plan. No construction projects are currently planned within the NCDOT

transportation improvement program, and the subject property will have minimal impact on the State's or County's transportation plans. The Average Daily Traffic Count (2016) on Gainey Road is 1,300.

**Schools Cap/Enroll:** The proposed borrow source operation will not have an impact on student enrollment at public schools. Alderman Rd Elementary: 750/676; Gray's Creek Middle: 1200/1139; Gray's Creek High: 1470/1467

**Emergency Services:** This request has been reviewed by the Cumberland County Fire Marshal's Office. The County Fire Marshall had no comment at this time.

**FAYETTEVILLE REGIONAL AIRPORT:** This property is not located within the Airport Overlay District.

## FINDINGS OF FACT

Pursuant to Section 1606.C. Special Use Permits, Consideration of Application, the Board of Adjustment must establish a finding of fact for the following criteria to approve the special use:

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.

Applicant's response to each of these criteria are provided within Exhibit "H".

## MOTION

The BOA is requested to take action/motion based on the findings of fact, the Bethany Park special use site plan, and the conditions set forth in the Special Use Permit. Any motion to approve the special use includes approval of the Special Use Permit and the Vander Source Site Plan.

**EXHIBIT B  
USE MATRIX**

**SECTION 403 USE MATRIX**

CUMBERLAND COUNTY ZONING ORDINANCE  
P = PERMITTED USE  
S = SPECIAL USE (Sec. 1606, Bd of Adjustment)  
Z = CONDITIONAL ZONING (Art. V, County BOC)

LAND USES	ZONING CLASSIFICATIONS																							
	CO	AL	ASA	B40	B40A	R30	R30A	RR	R30	R30A	R25	R7.5	R5	RES	R5	R5A	OS(P)	CL(P)	CP	CP	CP	M2(P)	M(P)	
ACCESSORY USES, incidental to any permitted use (Sec. 1002)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
ADDRESSING SERVICE/BULK MAILING																							P	P
AGRICULTURAL OR RURAL FARM USE	P	P	P	P	P	P	P	P	P	P	P	P	P	P									S	S
AIRPORT OPERATIONS, minor (Sec. 902)			S																					P
AIRPORT OPERATIONS, major																								P
ALCOHOLIC BEVERAGE CONTROL SALES																				P	P	P		
APPAREL AND ACCESSORY SALES																								
ASSEMBLIES, Community, assembly hall, armory, stadium, coliseum, community center, fairgrounds etc. (Sec. 915)		P	P	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P
AUCTION SALES, excluding livestock auctioning & motor vehicles																							P	P
BAKERY PRODUCTION AND WHOLESALE SALES																			P	P	P			
BAKING, on premises and retail only																								
BANKS, SAVINGS AND LOAN COMPANY AND OTHER FINANCIAL ACTIVITIES																	P	P	P	P				
BARBERING AND HAIRDRESSING SERVICES/SALONS (Sec. 916)		S																		P	P	P		
BARS & NIGHT CLUBS, except as regulated by Sec. 923																								P
BED AND BREAKFAST (Sec. 903), except as regulated by Sec. 924		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P							S	P
BILBOARDS (Sec. 1307)																			P	P				
BINGO																								
BOOKS & PRINTED MATTER SALES, except as regulated by Sec. 924																	P	P	P	P	P	P	P	P
BORROW SOURCE OPERATIONS (Sec. 904)		S																					S	S
BOTTLED GAS DISTRIBUTING, bulk storage																							P	P
BOTTLING																								P
BUILDING SUPPLY																				P	P	P	P	P
BUS STATION ACTIVITIES, storage terminal activities																							P	P
CABINET MAKING AND OTHER WOODWORKING																								P
CALL CENTER																				P	P	P	P	P
CEMETERY, public (Sec. 916)		P		S	S			S																P

## EXHIBIT "C"

### SECTION 904. BORROW SOURCE OPERATIONS AND APPLICANT'S RESPONSE

A. The applicant shall provide a list of all property owners within 1,000 feet of the exterior boundaries of the lot of record to the site of the borrow source operation. This information shall be provided from the current Tax Administrator's property tax listing of property according to the tax administration office.

**Response:** Exhibit "C1" contains a list of all the property owner within 1,000 feet of the exterior boundaries of the lot, as prepared by the applicant.

B. Applicants shall identify the size and location of operating, or permitted, borrow source operations within a 1 1/2-mile radius as measured from the centroid of the parcel within which the borrow pit is located. The scope and density of these operations within a 1 1/2-mile radius shall be considered in making the final determination.

**Response:** Exhibit "C2" illustrates the location of all borrow source operations, active or closed, within one and a half miles from the proposed project site, including the Gainey Road borrow source operation special use permit and associated special use site plan approved by the BOA on November 19, 2020 for a 33 acre (+/-) site also located along Gainey Road.

C. While in transit, trucks are to use appropriate load covers, and water trucks or other means that may be necessary shall be utilized to prevent dust from leaving the borrow source operation.

**Response:** This requirement is satisfied through a site plan conditions.

D. Existing vegetation, or stabilized, vegetated earthen berms to serve as buffers and to prevent soil erosion, shall be maintained between the borrow source operation and adjacent residences and public thoroughfares to screen the operation from the public.

**Response:** Required perimeter buffers are demonstrated within the proposed site plan appearing in Exhibit "D".

E. Hours of operation shall be sunrise to sunset, Monday through Saturday, unless other-wise stated in the permit.

**Response:** Applicant proposed that the permit allow operation hours from 7:00 a.m. to 6:00 p.m., Monday through Friday only, as indicated in the submitted special use permit application.

F. The applicant shall provide to the Planning and Inspections Staff, at the time the application is submitted, documentation from the North Carolina Department of Transportation that the public thoroughfare to which the borrow source operation has access, has sufficient load carrying capacity to support the proposed traffic generated by the borrow source operation or that load limits are acceptable.

**Response:** This requirement is listed on conditions of Special Use Permit approval as being required prior to application for zoning/building permits.

G. The applicant shall provide to the Planning and Inspections Staff, at the time the



application is submitted, proof of legal access, for the County Attorney's approval, from the borrow source operation to a public thoroughfare if the subject property does not have direct access to a public thoroughfare.

**Response:** The subject property will utilize direct access to a public thoroughfare. This requirement is non-applicable.

**EXHIBIT "C1"**  
**Mailing List: Property Owners within 1,000 feet**  
**(Case # P20-05-C Special Use Vander Borrow Source Operation)**

BRAMBLET, DOUGLAS J; JOYCE A  
2073 MCFAYDEN RD  
FAYETTEVILLE, NC 28306

BURNEY, SIMON F; MARGARET  
4070 GAINNEY RD  
FAYETTEVILLE, NC 28306

CAPE FEAR WOOD LLC  
315 BARKER TEN MILE RD  
LUMBERTON, NC 28358

DEW, JOHNNIE R; DEW, CHARLOTT  
4134 GAINNEY RD  
FAYETTEVILLE, NC 28306

TRIPLE K INVESTMENTS LLC  
118 RIDGEWAY DR 101  
FAYETTEVILLE, NC 28311

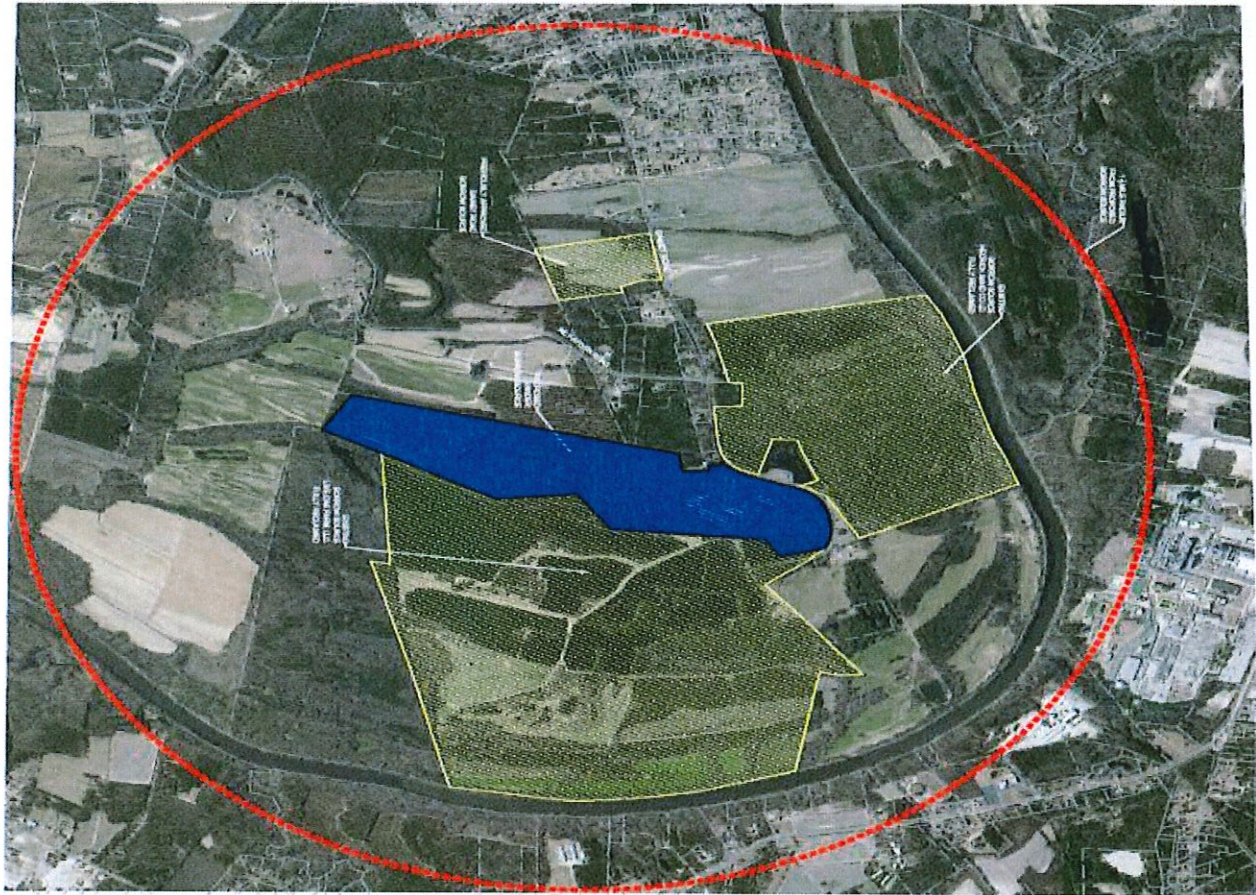
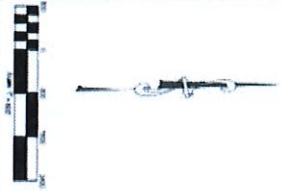
FOXLEY FARMS LLC  
2727 MCFAYDEN RD  
FAYETTEVILLE, NC 28306

HANSON AGGREGATES SOUTHEAST INC  
3520 PIEDMONT RD 410  
ATLANTA, GA 30305

LAKWOOD RIVER FARMS LLC  
2709 THORNGROVE CT  
FAYETTEVILLE, NC 28303

LEE, WILLIAM RONALD  
2615 CRYSTAL SPRINGS DR  
FAYETTEVILLE, NC 28306

**EXHIBIT "C2"**  
**Borrow Source Operations within Proximity**  
**to the Proposed Vander Borrow Source Site**  
**(Case # P20-05-C Special Use)**

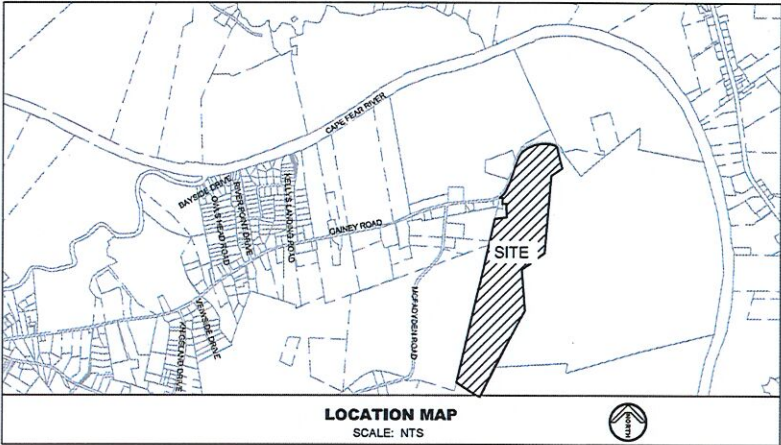


<p>DATE: 08/11/2020          TIME: 10:00 AM          PROJECT: CA1-11          DRAWING: 20-05-C</p>	<p><b>VANDER BORROW SOURCE</b>          GAINNEY ROAD          CUMBERLAND COUNTY, NORTH CAROLINA</p>	<p>1 MILE RADIUS - BORROW SOURCES MAP</p>	<p>DATE: 08/11/2020          TIME: 10:00 AM          PROJECT: CA1-11          DRAWING: 20-05-C</p>	<p style="font-size: small;">AGENCY REVIEW ONLY          NOT FOR CONSTRUCTION</p>
--	---	---	--	---

**EXHIBIT "D"**  
**SPECIAL USE SITE PLAN – VANDER BORROW SOURCE**  
**(Case # P20-05-C Special Use)**

# VANDER BORROW SOURCE SPECIAL USE PERMIT

GAINEY ROAD  
CUMBERLAND COUNTY, NORTH CAROLINA



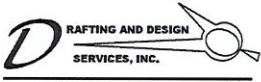
**SHEET INDEX**

- C1 COVER SHEET
- C2 SITE LAYOUT PLAN
- C3 DRAINAGE AREA MAP
- C4 SITE MAP
- C5 RECLAMATION PLAN
- C6 EROSION CONTROL NOTES
- C7-10 EROSION CONTROL DETAILS
- C11 EROSION CONTROL CALCULATIONS

**SITE DEVELOPER/OWNER**

DR ALLEN  
130 BUILDERS BLVD.  
FAYETTEVILLE, NC 28301  
CONTACT: BOB ALLEN JR.  
PHONE: (910) 323-8503

**NOVEMBER 2020**



6728 Caribonton Road  
Sanford, North Carolina 27330  
(919) 499-8759 phone  
[draftinganddesign@gmail.com](mailto:draftinganddesign@gmail.com)

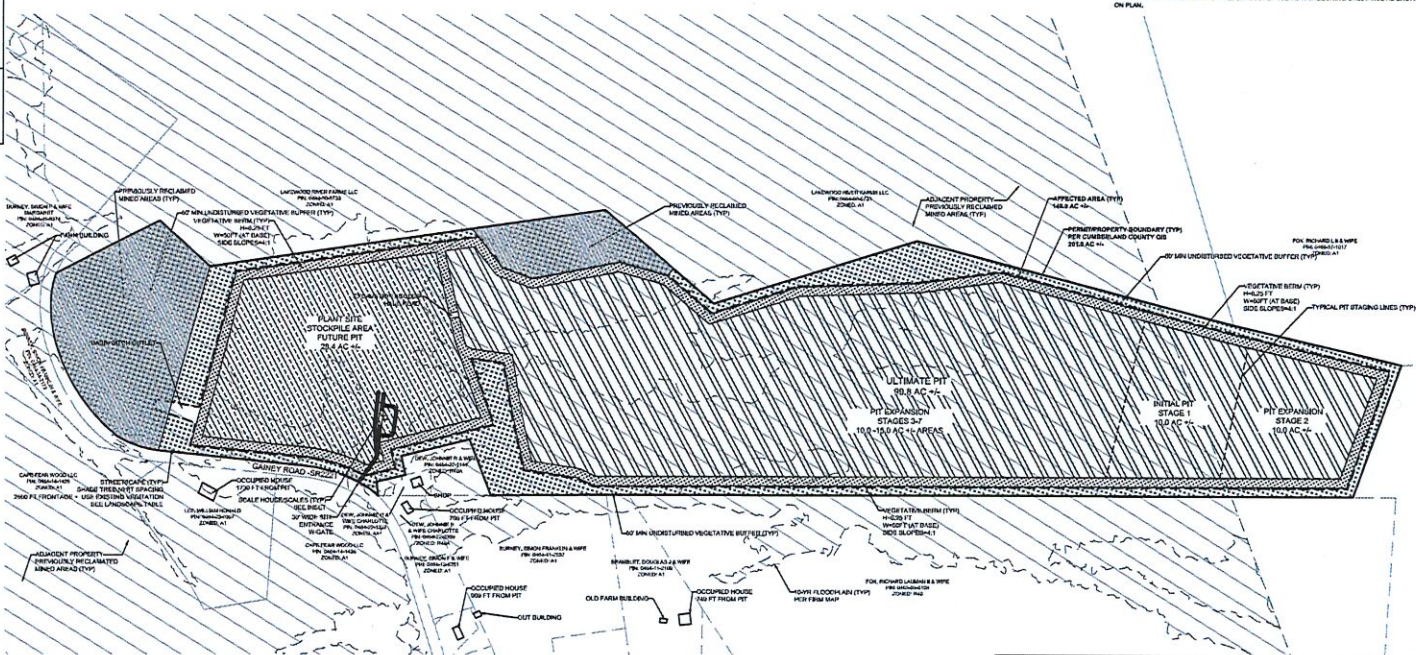
**AGENCY REVIEW ONLY  
NOT FOR CONSTRUCTION**

project no. 2020-39

SITE DATA TABLE	
OWNER:	HANSON AGGREGATES SOUTH/EAST LLC 1327 SATELLITE BLVD, BUILDING 302, GAITHERSBURG, MD 20878
PN#	06-040-0002
PARCEL ID	123284
PORTION OF DEED BOOK	4255 PAGE 8, 528
TOTAL PARCEL AREA	201.5 AC ±
EXISTING ZONING	AGRICULTURE 1 (A1)
PROPOSED ZONING	AGRICULTURE 1 CONDITIONAL USE (A1-CU)
COGNITIONAL ZONING AREA	201.5 AC ±
PROPOSED USE	BORROW PIT (SAND & GRAVEL)
PERMIT CALCULATIONS	
REQUIRED:	1 SPACER EMPLOYEE X 10 EMPLOYEES, 10 SPACES
PROPOSED:	10 SPACES (WELD H.C.)
TIMBER STAND CALCULATIONS	
REQUIRED:	1 TREE PER 10 FT FRONTAGE X 2.00 FT = 10 TREES
PROPOSED:	EXISTING TREES & VEGETATION

PROPOSED MINING AREAS	
PIT	99.8 AC
PLANT SITE	28.4 AC
UNDISTURBED BUFFER	52.6 AC
OTHER MISC. AREA (BERM, TEMP. DIVERSION, ETC.)	20.7 AC
<b>TOTAL PROJECT AREA</b>	<b>201.5 AC</b>

LEGEND	
CONDITIONAL USE PERMIT BOUNDARY	---
WETLAND	▨
ULTIMATE PIT	▨
BUFFER	▨
PLANT SITE	▨
AFFECTED AREA	---
CREEK	---
BERM	▨



- GENERAL NOTES:**
- EXISTING TOPS TO STATE LIDAR FROM CUMBERLAND COUNTY GIS DATA.
  - BOUNDARY PER CUMBERLAND COUNTY GIS.
  - ALL EROSION CONTROL SHALL BE WITHIN 300 FT FROM ALL STREAMS PER SECTION 810 QUARRY OF THE CUMBERLAND COUNTY ZONING ORDINANCE.
  - SITE TO BE RECLAIMED TO MEET CUMBERLAND COUNTY SECTION 810 QUARRY AND THE NEEDED BARE PERMIT REQUIREMENTS AND SAND STORAGE. SEE PHASE RECLAMATION PLAN.
  - AS PART OF THE NEEDED BARE PERMIT THE OWNER IS REQUIRED TO ROAD THE RECLAMATION OF THE TOTAL PROJECT BASED ON THE STATE MINING PROGRAM REGULATIONS.
  - THE TEMPORARY ERECTION AND OPERATION OF PLANTS AND EQUIPMENT SHALL COMPLY WITH THE DISTRICT MINING REGULATIONS OF THE AFFECTED ZONING DISTRICT.
  - ONCE SUPPRESSION ON ACCESS ROADS AND PLANT SITE SHALL MEET THE STANDARD SET FORTH IN THE NEEDED BARE PERMIT AND SECTION 810 QUARRY OF THE CUMBERLAND COUNTY ZONING ORDINANCE.
  - PROPOSED 50 FT MINIMUM UNDISTURBED BUFFER WITH AN ADDITIONAL 50 FT WIDE X 4.25 FT HIGH VEGETATED BERM FOR A TOTAL OF 100 FT BUFFER WILL BE MAINTAINED BETWEEN THE VEGETATION AND ADJACENT PROPERTY BOUNDARY.
  - EXISTING TREE LINE ALONG SAFETY ROAD IS COMPOSED OF OPEN FIELD AND MIXED PINE AND HARD WOOD ADJACENT TO RIGHT OF WAY. ANY EXISTING VEGETATION THAT MEETS THE REQUIREMENTS OF SECTION 115B SHALL BE LEFT IN PLACE AND ALL AREAS THAT DO NOT MEET THE REQUIREMENT SHALL BE PLANTED BY ACCORDANCE WITH THE ZONING ORDINANCE AS SHOWN ON PLAN.

**DRAFTING AND DESIGN SERVICES, INC.**  
 6728 Carbonhill Road  
 Sanford, North Carolina 27330  
 (919) 499-8739 phone  
 draftinganddesign@verizon.com

**VANDER BORROW SOURCE**  
**GAINEY ROAD**  
**CUMBERLAND COUNTY, NORTH CAROLINA**  
 SITE LAYOUT PLAN

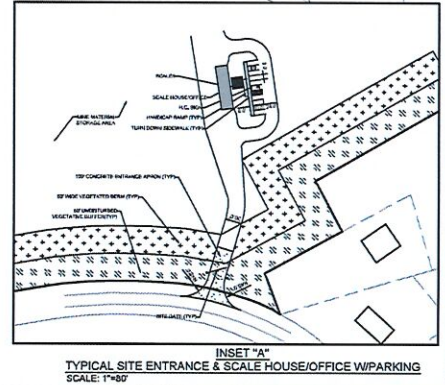
REVISIONS

NO.	DATE	DESCRIPTION

**AGENCY REVIEW ONLY  
NOT FOR CONSTRUCTION**

Scale: 1"=300'  
 Sheet: C2 of 11  
 Project Number: DGS JOB # 2020-09  
 Date: NOV 2020

Drawn by: MBS  
 Designed by: MBS  
 Reviewed by: MBS

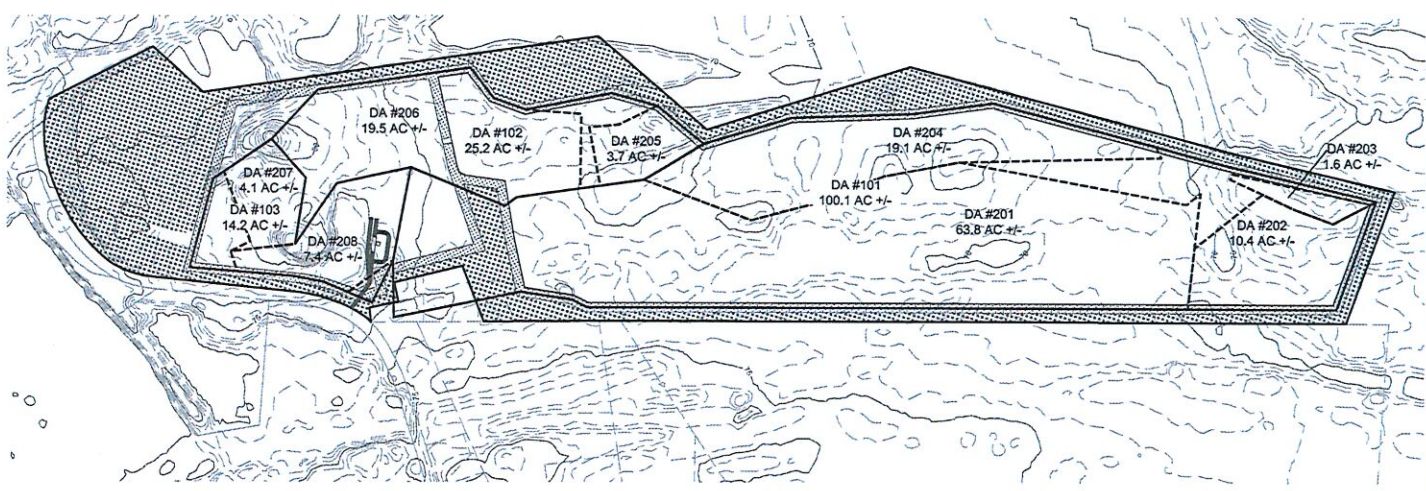


**REQUIRED PLANTINGS**

SPECIES	COMMON NAME	TOTAL
LARGE TREE	RED MAPLE/SPRING	25/NEEDED



6728 Carnton Road  
 Sanford, North Carolina 27330  
 (919) 499-8779 phone  
 draftinganddesign@bellsouth.com

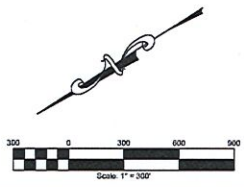


**VANDER  
 BORROW SOURCE**  
 GAINAY ROAD  
 CUMBERLAND COUNTY, NORTH CAROLINA  
 DRAINAGE AREA MAP

REVISIONS


AGENCY REVIEW ONLY  
 NOT FOR CONSTRUCTION

Scale: 1"=150'	Drawn by: MTS
Client: C3 of 11	Designed by: MTS
Project Number: 0506 JOB # 2020-09	Reviewed by: MTS
Date: NOV 2020	







**DRAFTING AND DESIGN SERVICES, INC.**  
 6728 Carabotte Road  
 Sanford, North Carolina 27330  
 (919) 499-8779 phone  
 draftinganddesign@earthlink.net

**VANDER BORROW SOURCE**  
**GAINEY ROAD**  
**CUMBERLAND COUNTY, NORTH CAROLINA**  
 RECLAMATION PLAN

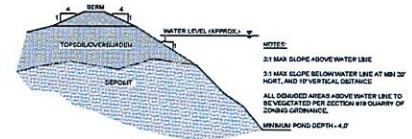
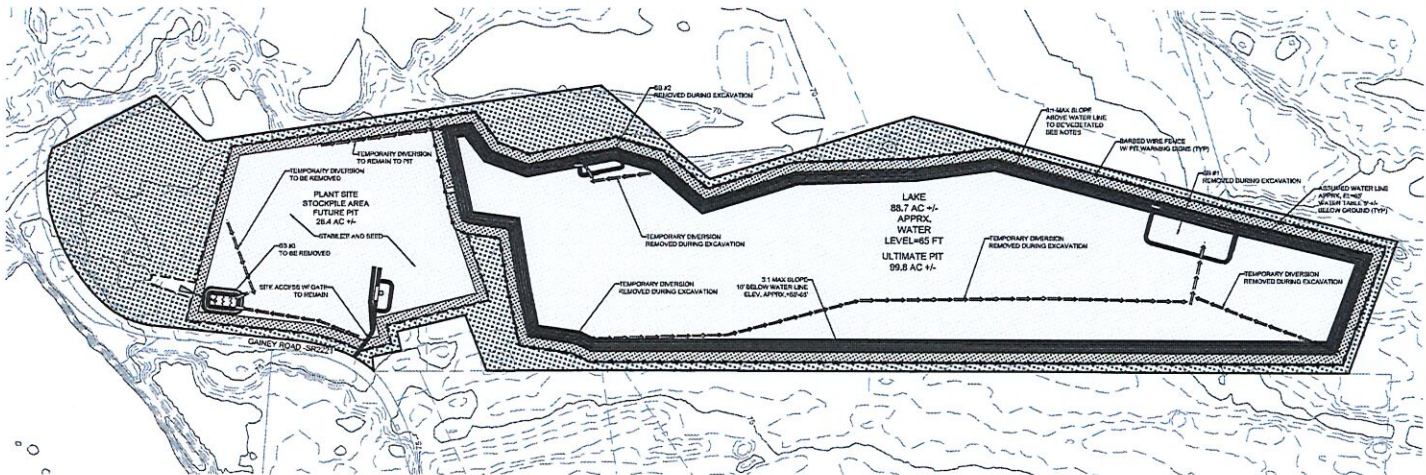
REVISIONS

AGENCY REVIEW ONLY  
 NOT FOR CONSTRUCTION

Scale:	1"=100'	Drawn by:	MTB
Sheet:		Designed by:	MTB
		Reviewed by:	MTB
<b>C5 of 11</b>		Date:	
Project Number:	DD5 JOB #: 2020-28		
			NOV 2020

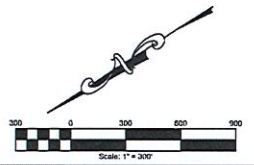
- NOTES:**
- EXISTING TOPO IS STATE LEAD FROM CUMBERLAND COUNTY GIS DATA.
  - SITE TO BE RECLAIMED TO MEET CUMBERLAND COUNTY SECTION #19 QUARRY AND THE NEEDED MINE PERMIT RECLAMATION BOND REQUIREMENTS.
  - AS PART OF THE ISSUED MINE PERMIT THE OWNER IS REQUIRED TO BOND THE RECLAMATION OF THE TOTAL PROJECT BASED ON THE STATE MINING PROGRAM REQUIRED AMOUNTS.

DISTURBED AREAS	
TAILINGS/SEDIMENT PONDS	3.0 AC
STOCKPILES	3.0 AC
PROCESSING AREA/HAUL ROADS	10.0 AC
MINE EXCAVATION	99.8 AC
OTHER MISC EXCAVATION (BERMS, DIVERSIONS, ETC.)	33.1 AC
<b>TOTAL AFFECTED AREA</b>	<b>148.9 AC</b>
INTERNAL DRAINAGE	109.8 AC
EXTERNAL DRAINAGE	39.3 AC



**PIT SIDE WALL RECLAMATION (TYP)**  
 NTS

- LEGEND**
- PERMIT BOUNDARY
  - EXISTING CONTOUR
  - PROPOSED BUFFER
  - AFFECTED AREA
  - CREEK
  - BERM
  - POND





**NOTE:**  
NCGO1 PERMIT PROVISIONS HAVE BEEN PROVIDED AS GENERAL GUIDE WITH MINING OPERATIONS DURING THE CONSTRUCTION PORTION OF THE PROJECT AND A BEST MANAGEMENT PRACTICE. HOWEVER, MINING OPERATIONS ARE CURRENTLY EXEMPT FROM THESE REQUIREMENTS UNDER THE NCG02 PERMIT.

**ENHANCED STABILIZATION AND MATERIALS HANDLING PRACTICES FOR COMPLIANCE WITH THE BEST MANAGEMENT PRACTICES**  
Implementing the details and specifications on this plan sheet will result in the construction activity being considered compliant with the Best Management Practices (BMPs) located on the NCG02 Construction General Permit (Sections 1 and 2), respectively. The BMPs that apply to this project are listed in the table below and shall be implemented by the permittee at all times during construction. All details and specifications shown on this sheet must be applied unless otherwise noted and the designated authority having jurisdiction.

**PERMITTED STABILIZATION PRACTICES**

Site Area Description	Stabilize within the number of days after opening land disturbance	Timeframe variations
(a) Perimeter ditches, roads, ditches, and perimeter slopes	7	None
(b) High Quality Vector (HQV) Zones	7	None
(c) Slopes steeper than 4:1	7	If slopes are 12' or less in length and are not deeper than 25, 24, 24 days are allowed.
(d) Slopes 3:1 to 4:1	14	7 days for slopes greater than 50' in length and with slopes steeper than 4:1. 7 days for perimeter ditches, roads, ditches, perimeter slopes and HQV Zones.
(e) Areas with slopes flatter than 4:1	14	7 days for perimeter ditches, roads, ditches, perimeter slopes and HQV Zones. 14 days for Falls Lake Watershed unless there is a land use plan.

After the permanent cessation of construction activities, any areas with temporary ground stabilization shall be covered by permanent ground stabilization as soon as practicable but in no case longer than 90 calendar days after the last land disturbing activity. Temporary ground stabilization shall be maintained in a manner to render the surface suitable for agricultural use until permanent ground stabilization is achieved.

**LANDFILL STABILIZATION SPECIFICATIONS**  
Stabilize the ground following the final use of the site and not discharge the soil. Use one of the techniques in the table below.

Stabilization Technique	Implementation Requirements
1. Topsoil replacement	• Topsoil must be replaced with the same or better quality soil than that which was removed.
2. Vegetation	• Use native or non-invasive plants and trees.
3. Erosion control blankets	• Use blankets that are approved by the permittee.
4. Erosion control mats	• Use mats that are approved by the permittee.
5. Erosion control fabric	• Use fabric that is approved by the permittee.
6. Erosion control netting	• Use netting that is approved by the permittee.
7. Erosion control blankets with vegetation	• Use blankets that are approved by the permittee.
8. Erosion control blankets with vegetation and topsoil	• Use blankets that are approved by the permittee.
9. Erosion control blankets with vegetation and topsoil and mulch	• Use blankets that are approved by the permittee.
10. Erosion control blankets with vegetation and topsoil and mulch and straw	• Use blankets that are approved by the permittee.
11. Erosion control blankets with vegetation and topsoil and mulch and straw and straw	• Use blankets that are approved by the permittee.
12. Erosion control blankets with vegetation and topsoil and mulch and straw and straw and straw	• Use blankets that are approved by the permittee.

**POST-OPERATION (PAVE) AND OCCUPANCY**  
1. Permittee shall ensure that the site is stabilized and ready for use as soon as practicable but in no case longer than 90 calendar days after the last land disturbing activity.  
2. Permittee shall ensure that the site is stabilized and ready for use as soon as practicable but in no case longer than 90 calendar days after the last land disturbing activity.  
3. Permittee shall ensure that the site is stabilized and ready for use as soon as practicable but in no case longer than 90 calendar days after the last land disturbing activity.  
4. Permittee shall ensure that the site is stabilized and ready for use as soon as practicable but in no case longer than 90 calendar days after the last land disturbing activity.

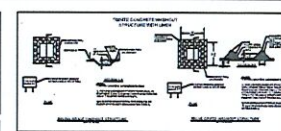
**EQUIPMENT AND VEHICLE MAINTENANCE**  
1. Maintain vehicles and equipment to prevent discharge of fluids.  
2. Provide dip pans under overland equipment.  
3. Identify leaks and repair as soon as feasible, or remove leaking equipment from the site.  
4. Collect all spent fluids, store in separate containers and properly dispose as hazardous waste in accordance with applicable regulations.  
5. Remove leaking vehicles and construction equipment from service until the problem has been corrected.  
6. Bring used fuels, lubricants, coolants, hydraulic fluids and other petroleum products to a recycling or disposal center that handles these materials.

**LITTER, BUILDING MATERIAL AND LEAD-CLEARING WASTE**  
1. Store bags or bulk waste, floor cover and debris in approved waste containers.  
2. Provide a sufficient number and size of waste containers (e.g. dumpster, trash receptacle) or to contain construction and domestic waste.  
3. Locate waste containers at least 50 feet away from storm drain inlets and surface water unless no other alternative is reasonably available.  
4. Leaking waste containers on areas that do not receive substantial amounts of runoff from adjacent areas and does not drain directly to a storm drain, stream or wetland.  
5. Cover waste containers at the end of each workday and before storm events or provide secondary containment. Repair or replace damaged waste containers.  
6. Anchor all lightweight items in waste containers during times of high winds.  
7. Empty waste containers as needed to prevent overflow. Clean up immediately if containers overflow.  
8. Dispose waste off-site at an approved disposal facility.  
9. On finished areas, clean up and dispose of waste in designated waste containers.

**PAINT AND OTHER LIQUID WASTES**  
1. Do not dump paint and other liquid waste into storm drains, streams or wetlands.  
2. Locate paint warehouses at least 50 feet away from storm drain inlets and surface water unless no other alternative is reasonably available.  
3. Control liquid wastes in a contained area.  
4. Containers must be labeled, used and cleaned appropriately for the needs of site.  
5. Prevent the discharge of acids, solvents, detergents and other liquid waste from distribution sites.

**PORTABLE TOILETS**  
1. Install portable toilets on level ground, at least 50 feet away from storm drains, streams or wetlands unless there is an alternative reasonably available. If 50 feet offset is not attainable, provide protection of portable toilet behind 6' fence or place on a gravel pad and connect with an approved sewer line.  
2. Provide shading or screening of portable toilets during periods of high winds or in high visibility conditions.  
3. Maintain portable toilets for leaking and properly dispose of any leaked material. Dispose of sanitary waste in a manner to prevent leaking portable toilets and replace with properly operating unit.

**HAZARDOUS MATERIAL MANAGEMENT**  
1. Store hazardous materials on pallets. Labeler and/or material stockpile areas at least 50 feet from storm drains, ditches, and streams, perimeter slopes, perimeter ditches, and surface water unless it can be shown no other alternative is reasonably available.  
2. Protect stockpiles with six foot tall metal along toe of slope with a minimum offset of 10 feet from the toe of slope.  
3. Provide stable stone access point when feasible.  
4. Store hazardous materials in accordance with the manufacturer's instructions and with the approved plan and any additional requirements. Soil stabilization as defined in the NCG02 Construction General Permit shall be implemented on disturbed soils for temporary or permanent control needs.



**CONCRETE WASTEWATER**  
1. Do not discharge concrete or cement slurry from the site.  
2. Dispose of or recycle washed concrete residue in accordance with local and state solid waste regulations and an approved facility.  
3. Manage residue from nuclear wastes in accordance with the above item and in addition place the mixer and associated materials on an impervious mat and within 100 feet from all lines.  
4. Install temporary concrete washout bay local requirements, where applicable. If an alternate method or product is to be used, conduct your approval authority for review and approval. If local standard details are not available, use one of the two types of approved concrete washout provided on the sheet.  
5. Do not use concrete washout for dusting or during defective curb or sidewalk sections. Stormwater accumulated within the washout may not be pumped out or discharged to the storm drain system or existing surface waters. Liquid waste must be pumped out and removed from project.  
6. Locate washouts at least 25 feet from storm drain inlets and surface water unless it can be shown that no other alternative is reasonably available. As a minimum, install protection of storm drain inlets closest to the washout which could receive runoff to a wetland.  
7. Locate washouts in an easily accessible area, on level ground and install a stimp entrance pad at the end of the washout. Additional controls may be required by the approval authority.  
8. Install at least one sign directing concrete trucks to the washout within the project limits. Post signage on the washout ramp to identify this location.  
9. Remove slurry from the washout area at approximately 75% capacity to prevent overflow events. Replace the tarp, and bag or cover temporary structure.  
10. Implement measures to prevent concrete trucks from discharging concrete or other materials into the storm drain system, water bodies, or surface waters. If a spill occurs, clean area immediately.  
11. Do not discharge concrete washout into the storm drain system.

**HAZARDOUS, WASTEWATER AND SOLID WASTE**  
1. Store all spay herbicides, pesticides and rodenticides in accordance with label directions.  
2. Store herbicides, pesticides and rodenticides in their original containers with the label, which lists directions for use, ingredients and first aid steps in case of accidental poisoning.  
3. Do not store herbicides, pesticides and rodenticides in areas where flooding is possible or where they may spill or leak into wash, stormwater drains, ground water or surface water. If a spill occurs, clean area immediately.  
4. Do not discharge these materials down.

**HAZARDOUS AND TOXIC WASTE**  
1. Create designated hazardous waste collection areas on-site.  
2. Place hazardous waste containers under cover or in secondary containment.  
3. Do not store hazardous chemicals, drums or large materials directly on the ground.

**NCGO1 GROUND STABILIZATION AND MATERIALS HANDLING**

EFFECTIVE: 04/01/19

**SECTION A: SELF-INSPECTION, RECORDKEEPING AND REPORTING**

**PART II: SELF-INSPECTION**  
Self-inspections are required during normal business hours in accordance with the table below. When adverse weather or other conditions would cause the safety of the inspection personnel to be at risk, the inspection may be delayed until the next business day on which it is safe to perform the inspection. In addition, when a storm event of equal to or greater than 1.0 inch occurs within a 24-hour period, the self-inspection shall be performed upon the commencement of the next business day. Any time when inspections were delayed shall be noted in the inspection report.

Inspection	Frequency	Inspection Requirements
Self-inspection	Daily	1. Inspect all areas of the site for erosion control measures, sediment control measures, and other BMPs. 2. Inspect all areas of the site for hazardous materials, waste, and other pollutants. 3. Inspect all areas of the site for illegal dumping, litter, and other debris. 4. Inspect all areas of the site for proper storage and handling of materials. 5. Inspect all areas of the site for proper disposal of waste. 6. Inspect all areas of the site for proper maintenance of equipment. 7. Inspect all areas of the site for proper maintenance of vehicles. 8. Inspect all areas of the site for proper maintenance of structures. 9. Inspect all areas of the site for proper maintenance of utilities. 10. Inspect all areas of the site for proper maintenance of other facilities.

**PART III: SELF-INSPECTION, RECORDKEEPING AND REPORTING**

**SECTION B: RECORDKEEPING**  
**EASC Plan Documentation**  
The approved EASC plan and as well as any approved deviations shall be kept on the site. The approved EASC plan must be kept up-to-date throughout the coverage under the permit. The following items pertaining to the EASC plan shall be documented in the permit description:

Item to Document	Documentation Requirements
1. EASC Plan	1. A copy of the approved EASC Plan, including all approved deviations, shall be kept on the site. 2. The EASC Plan shall be updated as needed throughout the project.
2. EASC Plan Updates	1. A copy of all updates to the EASC Plan shall be kept on the site. 2. Updates shall be made as soon as possible after they are approved.
3. EASC Plan Deviations	1. A copy of all approved deviations from the EASC Plan shall be kept on the site. 2. Deviations shall be made as soon as possible after they are approved.
4. EASC Plan Compliance	1. A copy of all compliance reports shall be kept on the site. 2. Compliance reports shall be made as soon as possible after they are completed.

**PART III: SELF-INSPECTION, RECORDKEEPING AND REPORTING**

**SECTION C: REPORTING**  
1. Occurrences that must be reported  
Permittees shall report the following occurrences:  
(a) Violate sediment deposition in a stream or wetland.  
(b) Oil spills  
(c) There are 25 gallons or more, or they are less than 25 gallons but cannot be cleaned up within 24 hours, or they are more than 25 gallons (regardless of volume, or they are within 100 feet of surface waters (regardless of volume).  
(d) Release of hazardous substances in excess of applicable quantities under Section 311 of the Clean Water Act (40 CFR 113.3 and 40 CFR 117.3) or Section 302 of CERCLA (40 CFR 302.4) or U.S. 149-215.63.  
(e) Noncompliance with the conditions of the permit that may endanger health or the environment.  
(f) Reporting Timeframes and Other Requirements  
After a permittee becomes aware of an occurrence that must be reported, he shall contact the appropriate Division regional office within the timeframe as set forth in the other requirements listed herein. Occurrences include normal business hours may also be reported to the Division's Emergency Response jurisdiction at (252) 602-7796, (252) 855-0202 or (252) 773-3700.

**NOTE:** The site inspection reports the required 15-business day inspection report.

**NCGO1 SELF-INSPECTION, RECORDKEEPING AND REPORTING**

EFFECTIVE: 04/01/19

**DRAFTING AND DESIGN SERVICES, INC.**  
6728 Carbonite Road  
Searford, North Carolina 27530  
(919) 499-8779 phone  
draftinganddesign@gmail.com

**VANDER BORROW SOURCE**  
GAINES ROAD  
CUMBERLAND COUNTY, NORTH CAROLINA

EROSION CONTROL

**AGENCY REVIEW ONLY NOT FOR CONSTRUCTION**

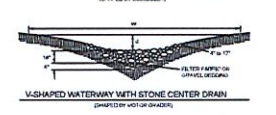
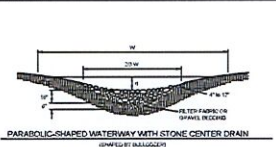
Scale:	MTS	Drawn by:	MTS
Check:		Designed by:	MTS
		Reviewed by:	MTS

**C7 of 11**  
Project Number: DDS JOB #: 2020-09  
Date: NOV 2020



**Construction Specifications**

1. Excavate the channel area of rock, roots, trees, logs, and other obstructions.
2. Excavate the channel area to the true and grade of the foundation of the line on which to install. Where the maximum slope is to be maintained, the thickness of the rip-rap facing shall not be less than 12 inches.
3. Measure slope.
4. Place rip-rap facing to the maximum slope of the rip-rap and do not allow it to be washed away.
5. The rip-rap facing should be placed in a continuous manner.
6. Rip-rap facing should be placed in a continuous manner.
7. Rip-rap facing should be placed in a continuous manner.
8. Rip-rap facing should be placed in a continuous manner.

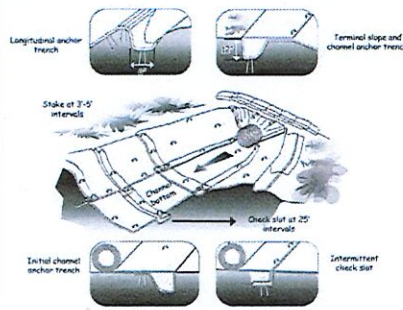


**Maintenance**

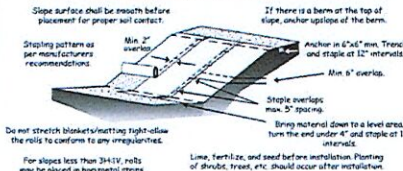
Inspect channel at regular intervals to see if there are any obstructions. If there are any obstructions, they should be removed. The channel should be kept clear of any debris. The channel should be kept clear of any debris. The channel should be kept clear of any debris.

**RIP RAP LINED TEMPORARY/PERMANENT DIVERSION DITCH**

Figure 6.17e Channel Installation and Slope Installation, Washington State Department of Ecology

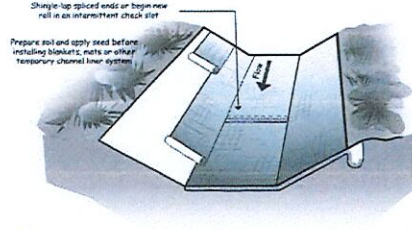
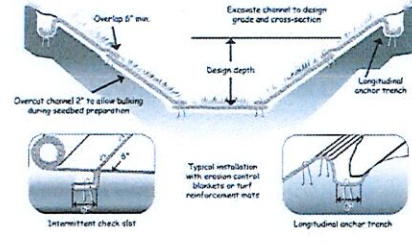


**NOTE:**  
1. Check slots to be constructed per manufacturer's specifications.  
2. Staking or staking layout per manufacturer's specifications.



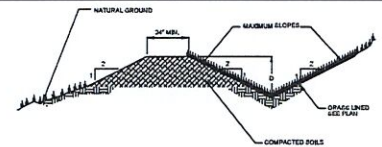
Do not stretch blankets/matting tight—allow the rolls to conform to any irregularities.  
For slopes less than 3:1 V, rolls may be placed in horizontal strips.

Figure 6.17d Temporary Channel Liners, Washington State Department of Ecology



**NOTES:**  
1. Design velocities exceeding 2 ft/sec require temporary blankets, mats or similar liners to protect seed and soil until vegetation becomes established.  
2. Grass seed mixtures with design velocities exceeding 6 ft/sec should include turf reinforcement mats.

**TEMPORARY LINING FOR TEMPORARY/PERMANENT DIVERSION DITCH**



**Construction Specifications**

1. Remove all trees, brush, stumps, and other obstructions from the foundation area and dispose of properly.
2. Excavate the channel and slope 2:1 to true and dimension, show on the plans plus a 1/2-foot excess around the channel perimeter to allow for building channel seeded preparations and soil bulking.
3. Remove and properly dispose of all excess soil so that surface water may enter the channel freely.
4. The procedure used to establish grass in the channel will depend upon the severity of the conditions and selection of species. Protect the channel with mesh or a temporary liner in order to maintain undisturbed conditions during the establishment period (Appendix 2.65).

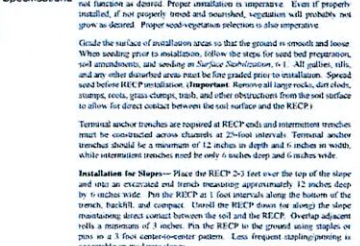
**Maintenance**

During the establishment period, check grass/seed/soil conditions every month. After grass is established, periodically check the channel, check it after every heavy rainfall event. Periodically check the channel, check it after every heavy rainfall event. Periodically check the channel, check it after every heavy rainfall event.

**GRASS LINED TEMPORARY/PERMANENT DIVERSION DITCH**

Figure 6.17c Grass Lined Temporary/Permanent Diversion Ditch, Washington State Department of Ecology

Figure 6.17c Grass Lined Temporary/Permanent Diversion Ditch, Washington State Department of Ecology

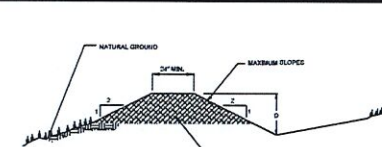


**Construction Specifications**

Excavate the channel and slope 2:1 to true and dimension, show on the plans plus a 1/2-foot excess around the channel perimeter to allow for building channel seeded preparations and soil bulking. Remove and properly dispose of all excess soil so that surface water may enter the channel freely. The procedure used to establish grass in the channel will depend upon the severity of the conditions and selection of species. Protect the channel with mesh or a temporary liner in order to maintain undisturbed conditions during the establishment period (Appendix 2.65).

**Installation in Channels**—Excavate terminal trenches (12 inches deep and 6 inches wide) across the channel at the upper and lower end of the lined channel section. At 25-foot intervals along the channel, anchor the RECP across the channel either by 6-inch trenches or by installing two closely spaced rows of anchors. Excavate longitudinal trenches 6 inches deep and wide along channel edges (below water line) in which to bury the outside RECP edges. Place the first RECP in the downstream end of the channel. Place the end of the first RECP in the terminal trench and pin it at 4-foot intervals along the bottom of the trench.

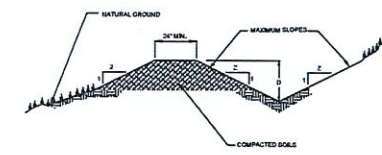
**Anchorages**—Install gages, at least 6 inches length, by 1/2 inch width (diameter) or 12 inch minimum length wooden stakes are recommended for anchoring the RECP to the ground. Drive staples or pins so that the top of the staple or pin is flush with the ground surface. Anchor each RECP every 3 feet along its center. Longitudinal overlaps must be sufficient to accommodate a row of anchors and overlap along the outer length of overlap and extend every 3 feet along the overlap length. Roll ends must be spaced by overlapping 1 foot in the direction of water flow, with the upstream top edge of the roll placed on top of the downstream top edge of the roll. This overlap should be anchored at 1-foot spacing across the outside edges of the RECPs in longitudinal trenches, pin, backfill, and compact.



**Construction Specifications**

1. Excavate the channel and slope 2:1 to true and dimension, show on the plans plus a 1/2-foot excess around the channel perimeter to allow for building channel seeded preparations and soil bulking.
2. Remove and properly dispose of all excess soil so that surface water may enter the channel freely.
3. The procedure used to establish grass in the channel will depend upon the severity of the conditions and selection of species. Protect the channel with mesh or a temporary liner in order to maintain undisturbed conditions during the establishment period (Appendix 2.65).

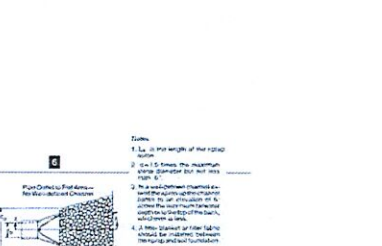
**PERMANENT DIVERSION BERM**



**TEMPORARY/PERMANENT DIVERSION DITCH**

Figure 6.17b Temporary Channel Liners, Washington State Department of Ecology

Figure 6.17b Temporary Channel Liners, Washington State Department of Ecology



**Construction Specifications**

Excavate the channel and slope 2:1 to true and dimension, show on the plans plus a 1/2-foot excess around the channel perimeter to allow for building channel seeded preparations and soil bulking. Remove and properly dispose of all excess soil so that surface water may enter the channel freely. The procedure used to establish grass in the channel will depend upon the severity of the conditions and selection of species. Protect the channel with mesh or a temporary liner in order to maintain undisturbed conditions during the establishment period (Appendix 2.65).

**Installation in Channels**—Excavate terminal trenches (12 inches deep and 6 inches wide) across the channel at the upper and lower end of the lined channel section. At 25-foot intervals along the channel, anchor the RECP across the channel either by 6-inch trenches or by installing two closely spaced rows of anchors. Excavate longitudinal trenches 6 inches deep and wide along channel edges (below water line) in which to bury the outside RECP edges. Place the first RECP in the downstream end of the channel. Place the end of the first RECP in the terminal trench and pin it at 4-foot intervals along the bottom of the trench.

**Anchorages**—Install gages, at least 6 inches length, by 1/2 inch width (diameter) or 12 inch minimum length wooden stakes are recommended for anchoring the RECP to the ground. Drive staples or pins so that the top of the staple or pin is flush with the ground surface. Anchor each RECP every 3 feet along its center. Longitudinal overlaps must be sufficient to accommodate a row of anchors and overlap along the outer length of overlap and extend every 3 feet along the overlap length. Roll ends must be spaced by overlapping 1 foot in the direction of water flow, with the upstream top edge of the roll placed on top of the downstream top edge of the roll. This overlap should be anchored at 1-foot spacing across the outside edges of the RECPs in longitudinal trenches, pin, backfill, and compact.

**DRAFTING AND DESIGN SERVICES, INC.**  
6725 Carleton Road  
Seaford, North Carolina 27210  
P.O. Box 402729  
drafsdesign@comcast.net

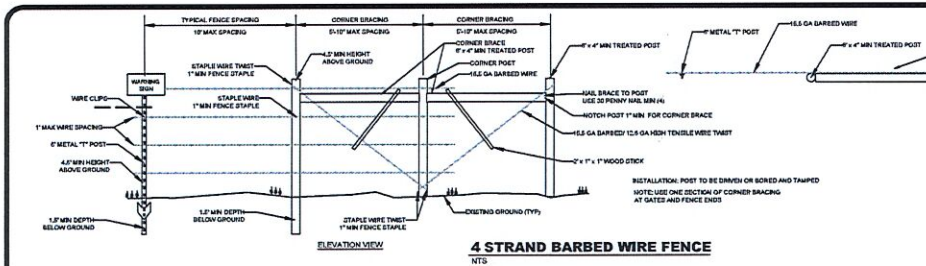
**VANDER BORROW SOURCE**  
GAINES ROAD  
CUMBERLAND COUNTY, NORTH CAROLINA

**REVISIONS**

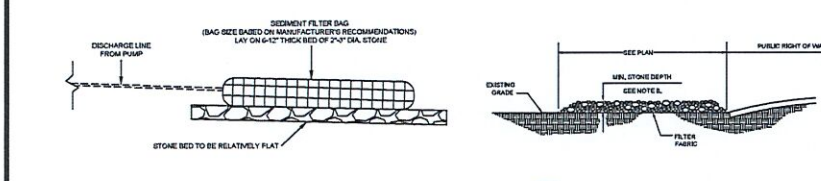
**AGENCY REVIEW ONLY NOT FOR CONSTRUCTION**

Scale:	NTS	Drawn by:	WMS
Client:		Designed by:	WMS
		Reviewed by:	WMS
		Checked by:	WMS
Project Number:	C9-11	Date:	NOV 2020
	DOS JOB # 2020-28		

EROSION CONTROL DETAILS



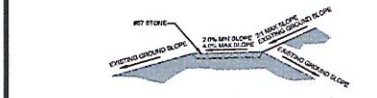
**4 STRAND BARBED WIRE FENCE**  
NTS



**SEDIMENT FILTER BAG**  
NTS

- NOTES:**
- A. MINIMUM WIDTH OF CONSTRUCTION ENTRANCE PAD SHALL BE 20 FT.
  - B. STONE SHALL BE 2\"/>

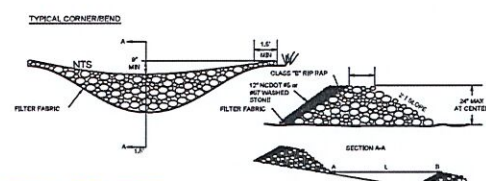
**CONSTRUCTION ENTRANCE PAD**  
NTS



**TEMPORARY INTERNAL SITE ROAD**  
NTS

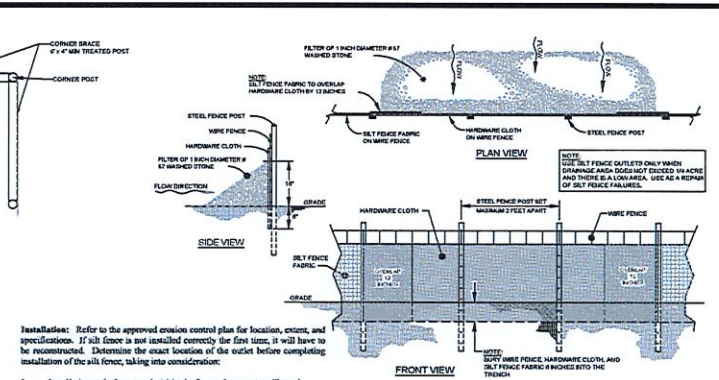


**VEGETATIVE BERM (TYP)**  
NTS



- Construction Specifications**
1. Place stone to the lines and dimensions shown on the plan on a firm subgrade.
  2. Keep the corner stone section in place 7 inches below normal ground level where the dam abutts the channel banks.
  3. Excavate at least 1.5 feet below the chain bank to give a 3:1 slope to keep water from cutting around the ends of the chain dam.
  4. No space between dams to assure that the channel at the top of the stone dam is the same as the one at the bottom of the dam.
  5. Protect the channel after the lower chain dam from heavy flow that could cause erosion.
  6. Make sure that the channel ends above the stone dam are stable.
  7. Ensure that other parts of the channel, such as earthen concrete below the chain dam, are not reduced to erosion or washed away downstream.
- Maintenance**
- Inspect chain dams and abutts at least weekly and after each significant (12 inch or greater) rainfall event and repair immediately. Clean out sediment, silt, sticks, or other debris that would plug the channel when needed.
- Remove sediment accumulated behind the dams as needed to prevent damage to channel vegetation, allow the channel to drain through the stone check dam, and prevent large flows from carrying sediment over the dams. Add stones to dams as needed to maintain design height and cross section.

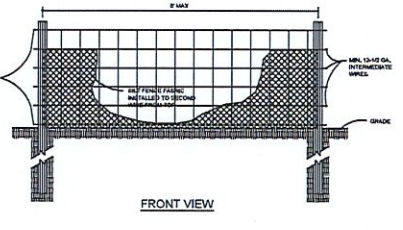
**CHECK DAM**  
NTS



**SILT FENCE OUTLET**  
NTS

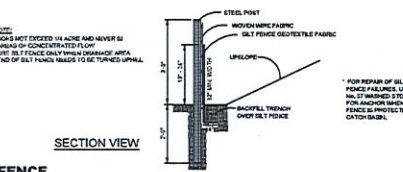
- Installation:** Refer to the approved erosion control plan for location, extent, and specifications. If silt fence is not installed correctly the first time, it will have to be reconstructed. Determine the exact location of the outlet before completing installation of the silt fence, taking into consideration:
1. Installation at the lowest point(s) in the fence where water will pond.
  2. Maximum allowable drainage area restriction for silt fence.
  3. Installation where the outlet is accessible for installation, maintenance and removal.
  4. Placement of the outlet so that water flowing through it will not create an erosion hazard below - avoid steep slopes below the outlet and areas without protective vegetation. Use slope drains if necessary.
- The silt fence outlet shall be installed in accordance with the standard detail, and the approved erosion control plan.
- Maintenance**
- Inspect sediment fences at least once a week and after each rainfall. Make any required repairs immediately.
- Should the fabric of a sediment fence collapse, tear, decompose or become ineffective, replace it promptly.
- Remove sediment deposits as necessary to provide adequate storage volume for the next rain and to reduce pressure on the fence. Take care to avoid undermining the fence during cleanup.
- Remove all fencing materials and install sediment deposits and bring the area to grade and stabilize it after the contributing drainage area has been properly stabilized.

- Installation Specifications**
1. The base of both end posts should be at least one foot higher than the middle of the fence. Check with a level if necessary.
  2. Install posts at first post on natural cross and 6 feet apart on standard applications.
  3. Install posts 2 feet deep on the downstream side of the silt fence, and as close as possible to the fabric, enabling posts to support the fabric from upstream water pressure.
  4. Install posts with the slope facing away from the silt fence.
  5. Attach the fabric to each post with three all-steel washers the top 8 inches of the fabric. Attach each with diagonally 45 degree through the fabric, with each washer in line 1 inch vertically next. Allow each to be positioned to bring on a post angle when tightened to prevent sagging.
  6. Wrap approximately 6 inches of fabric around the end posts and secure with 3-in.
  7. No more than 24 inches of a 36 inch fabric is allowed above ground level.
  8. The installation should be checked and corrected for any deviations before completion.
  9. Compression is vitally important for effective results. Compact the soil immediately next to the silt fence fabric with the front wheel of the tractor, skid steer, or roller starting at least 60 pounds per square inch. Compact the upstream side first, and then each side in turn for a total of 4 trips.



**FRONT VIEW**

- Maintenance**
- Inspect sediment fences at least once a week and after each rainfall. Make any required repairs immediately.
- Should the fabric of a sediment fence collapse, tear, decompose or become ineffective, replace it promptly.
- Remove sediment deposits as necessary to provide adequate storage volume for the next rain and to reduce pressure on the fence. Take care to avoid undermining the fence during cleanup.
- Remove all fencing materials and install sediment deposits and bring the area to grade and stabilize it after the contributing drainage area has been properly stabilized.



**SECTION VIEW**

**SILT FENCE**  
NTS



4732 Carthage Road  
Seaford, North Carolina 27330  
(919) 499-2739 phone  
info@raftinganddesign.com

**VANDER BORROW SOURCE**  
GAINAY ROAD  
CUMBERLAND COUNTY, NORTH CAROLINA

EROSION CONTROL DETAILS

REVISIONS			
NO.	DESCRIPTION	DATE	BY

AGENCY REVIEW ONLY NOT FOR CONSTRUCTION			
Scale:	MTS	Drawn by:	MTS
Sheet:		Designed by:	MTS
		Reviewed by:	MTS
<b>C10 of 11</b>		Date:	NOV 2020
Project Number:	055-JOB # 2020-28		



4732 Carbonite Road  
 Sanford, North Carolina 27330  
 (919) 496-8739 phone  
 drafting@rdandd.com

**VANDER  
 BORROW SOURCE  
 GAINEY ROAD  
 CUMBERLAND COUNTY, NORTH CAROLINA**

**CALCULATIONS**

<p><b>Subarea # 1</b></p> <p>Calculate Area, Natural Method</p> <p>Stationing: 0+00 to 0+200</p> <p>Area: 10,000 sq ft</p>	<p><b>Subarea # 2</b></p> <p>Calculate Area, Natural Method</p> <p>Stationing: 0+200 to 0+400</p> <p>Area: 10,000 sq ft</p>	<p><b>Subarea # 3</b></p> <p>Calculate Area, Natural Method</p> <p>Stationing: 0+400 to 0+600</p> <p>Area: 10,000 sq ft</p>	<p><b>Subarea # 4</b></p> <p>Calculate Area, Natural Method</p> <p>Stationing: 0+600 to 0+800</p> <p>Area: 10,000 sq ft</p>
<p><b>Subarea # 5</b></p> <p>Calculate Area, Natural Method</p> <p>Stationing: 0+800 to 1+000</p> <p>Area: 10,000 sq ft</p>	<p><b>Subarea # 6</b></p> <p>Calculate Area, Natural Method</p> <p>Stationing: 0+00 to 1+000</p> <p>Area: 10,000 sq ft</p>	<p><b>Subarea # 7</b></p> <p>Calculate Area, Natural Method</p> <p>Stationing: 0+00 to 1+000</p> <p>Area: 10,000 sq ft</p>	<p><b>Subarea # 8</b></p> <p>Calculate Area, Natural Method</p> <p>Stationing: 0+00 to 1+000</p> <p>Area: 10,000 sq ft</p>

<p><b>Subarea # 9</b></p> <p>Calculate Area, Natural Method</p> <p>Stationing: 0+00 to 1+000</p> <p>Area: 10,000 sq ft</p>	<p><b>Subarea # 10</b></p> <p>Calculate Area, Natural Method</p> <p>Stationing: 0+00 to 1+000</p> <p>Area: 10,000 sq ft</p>
<p><b>Subarea # 11</b></p> <p>Calculate Area, Natural Method</p> <p>Stationing: 0+00 to 1+000</p> <p>Area: 10,000 sq ft</p>	<p><b>Subarea # 12</b></p> <p>Calculate Area, Natural Method</p> <p>Stationing: 0+00 to 1+000</p> <p>Area: 10,000 sq ft</p>

**REVISIONS**


**AGENCY REVIEW ONLY  
 NOT FOR CONSTRUCTION**

Drawn by: <b>MTB</b>	Drawn by: <b>MTB</b>
Sheet: <b>C11 of 11</b>	Designed by: <b>MTB</b>
Project Number: <b>05A-JOB # 2020-03</b>	Reviewed by: <b>MTB</b>
Date: <b>NOV 2020</b>	Date: <b>NOV 2020</b>

11/10/2020 10:00 AM C:\Users\mrb\Documents\Projects\05A-JOB # 2020-03\C11.dwg

**EXHIBIT "G"**

**DRAFT SPECIAL USE PERMIT – VANDER BORROW SOURCE**



## **Special Use Permit- Board of Adjustment**

**DRAFT**

### **(Vander Borrow Source Special Use Permit and Site Plan)**

#### **Ordinance Related Conditions**

##### *SUP- Borrow Source Operation in an A1 District*

#### **Pre- Permit Related:**

1. Prior to the application for any permits, the following shall be provided to Current Planning:
  - a. Documentation from the North Carolina Department of Transportation that the public thoroughfare to which the borrow source operation has access has sufficient load carrying capacity to support the proposed traffic generated by the borrow source operation or that load limits are acceptable.
2. 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]

3. The *Special Flood Hazard Area* (SFHA) exists on this tract; any development within SFHA must have first flood elevations, including all mechanical and electrical equipment above base flood elevation (BFE) plus two feet of freeboard. Proper Floodplain Development Permits are required, issued by the County Engineer, prior to any building/permit application. A copy of the approved Floodplain Development Permit must be provided to County Code Enforcement at the time of building/zoning permit applications. [Sec. 6.5-21, County Code]
4. Authorization for wastewater system construction required before other permits to be issued. The County Health Department must approve sewer plans. Lots not served by public sewer systems are required to be large enough and of such physical character to comply with the Health Department's minimum standards. Site and soil evaluations must be conducted on the property by the County Environmental Health Department. A copy of the Health Department approval must be provided to Code Enforcement. (Note: All Health Department requirements must be met prior to issuance of final permits.) (NCGS § 130A-338 & Sec. 2306 A, County Subdivision Ord. & Sec. 1101.E, County Zoning Ord.)

#### **Permit-Related:**

5. The owner/developer(s) of these Vander Borrow Source site 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.)
6. 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]
7. Landscaping must be provided in accordance with Section 1102 N, Landscaping, County Zoning Ordinance and/as shown on the site plan. The following are the minimum standards for the required landscaping of this site:
  - a. 50 large shade trees or 99 small ornamental trees within the front yard setback area along SR 2221 (Gainey Road)

In addition:

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

8. **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]

9. 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)
10. The County Health Department must approve water plans. Lots not served by public water system is required to be large enough and of such physical character to comply with the Health Department's minimum standards. A copy of the Health Department approval must be provided to Code Enforcement. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Sec. 2306 A, County Subdivision Ord. & Sec. 1101.E, County Zoning Ord.)
11. 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:**

12. Development and use of the project site shall occur consistent with the "Vander Borrow Source Special Use Permit" site plan (Exhibit "A"). All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance, and County Zoning Ordinance for the A1 zoning district must be complied with, as applicable.

13. Hours of operation for any borrow source operation shall be sunrise to sunset, Monday through Saturday, unless otherwise stated in the permit. The applicant is requesting the hours of operation for this site be 7am to 6pm Monday through Friday.
14. While in transit, trucks are to use appropriate load covers, and water trucks or other means that may be necessary shall be utilized to prevent dust from leaving the borrow source operation.
15. This conditional approval is not approval of any freestanding signs. If a freestanding sign is desired, re-submittal of the site plan is required prior to application for any freestanding sign permits. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.) (Art. XIII, County Zoning Ord.)
16. The small stream standards set forth in Section 6.5-44, County Flood Damage Prevention Ordinance, shall be complied with during construction and upon completion of development within this subdivision as enforced by the County Engineer's Office. (Sec. 2307.D, County Subdivision Ord.)
17. "Gainey Road – SR 2221" must be labeled as "SR 2221 (Gainey Road)" on all future plans. (Sec. 2203, County Subdivision Ord.)
18. 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.)
19. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306.C, County Subdivision Ord.)
20. 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.)
21. 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.**

22. 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.
23. A solid buffer must be provided and maintained along the western side property lines where this tract/site abuts residential zoning in accordance with the provisions of Section 1102 G, County Zoning Ordinance (Note: Chain link fencing cannot be used to satisfy the buffer requirement.)

**Note: Existing vegetation, or stabilized, vegetated earthen berms to serve as buffers and to prevent soil erosion shall be maintained between the borrow source operation and adjacent residences and public thoroughfares to screen the operation from the public.**

24. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
25. All required off-street parking spaces are required to be a minimum of 9' wide x 20' long. A minimum of one space for each vehicle used directly in the conduct of the use, plus two additional spaces for each three employees on the largest shift is required for this development. The site plan indicates 10 total off-street parking spaces. (Art. XII, County Zoning Ord.)

26. The owner/developer is responsible and liable for maintenance and upkeep of this site, all structures, and appurtenances, to include ensuring that the site is kept free of litter and debris, all grass areas mowed, all buffers and shrubbery kept trim and maintained, so that the site remains in a constant state of being aesthetically and environmentally pleasing. (Sec. 1403, County Zoning Ord.)
27. Operation of the site must occur consistent with the Noise Regulations of the County Code Chpt. 9.5, Art. II .

**Advisories:**

28. Any revision or addition to this plan necessitates re-submission for review and approval prior to the commencement of the change.
29. A review of the data available to the Army Corp of Engineers indicates that jurisdictional waters are likely to be present on this property and therefore are likely to be impacted by the proposed project. However, without an official Jurisdictional Determination at the property, these findings cannot be confirmed.

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

30. 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.
31. The developer’s subsequent application for permits upon receipt of these conditions of approval constitutes the developer’s understanding and acceptance of the conditions of approval for this development.
32. 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.
33. The subject property sits on Gainey Road and is identified as a local road in the Metropolitan Transportation Plan. There are no construction projects planned, and the subject property will have no impact on the Transportation Improvement Plan. For questions related to this comment, please contact Transportation Planning.

**Other Relevant Conditions:**

34. This conditional approval is contingent upon continued compliance with the County’s Subdivision and Development Ordinance and Zoning Ordinance.
35. The owner/developer be aware that every deed created for a lot being served by an on-site water and/or sewer system must contain the following disclosure when filed with the County Register of Deeds:

“Public water and/or sewer services are not available as of the date of the recording of this deed. On-site sewer disposal systems must be approved by the County Health Department.”

**If you need clarification of any conditions, please contact Billy Prutzman at 910-678-7603 or Betty Lynd at 910-678-7605 with the Current Planning Section; otherwise, contact the appropriate agency at the contact numbers below.**

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

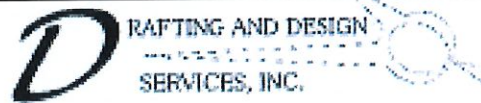
Current Planning Manager: <a href="mailto:blynd@co.cumberland.nc.us">blynd@co.cumberland.nc.us</a>	Betty Lynd	678-7605
Subdivision/Site Plan/Plat <a href="mailto:jbarnhill@co.cumberland.nc.us">jbarnhill@co.cumberland.nc.us</a>	Jeff Barnhill	678-7765
Code Enforcement (Permits): <a href="mailto:swalters@co.cumberland.nc.us">swalters@co.cumberland.nc.us</a>	Scott Walters	321-6654

County Building Inspections: <a href="mailto:mnaylo@co.cumberland.nc.us">mnaylo@co.cumberland.nc.us</a>	Michael Naylor	321-6657	
Fire Marshal – Emergency Services <a href="mailto:klowther@co.cumberland.nc.us">klowther@co.cumberland.nc.us</a>	Kevin Lowther	321-6625	
<a href="mailto:wbooth@co.cumberland.nc.us">wbooth@co.cumberland.nc.us</a>	Gene Booth	678-7641	
County Engineer’s Office: <a href="mailto:wdudley@co.cumberland.nc.us">wdudley@co.cumberland.nc.us</a>	Wayne Dudley	678-7636	
County Health Department: <a href="mailto:fthomas@co.cumberland.nc.us">fthomas@co.cumberland.nc.us</a>	Fred Thomas	433-3692	
US Postal Service <a href="mailto:jonathan.r.wallace@usps.gov">jonathan.r.wallace@usps.gov</a>	Jonathan R. Wallace	(704) 393-4412	
Corp of Engineers (wetlands): <a href="mailto:emily.c.greer@usace.army.mil">emily.c.greer@usace.army.mil</a>	Emily Greer	(910) 251-4049	
NCDEQ (E&S):	Leland Cottrell	(910) 433-3393	<a href="mailto:leland.cottrell@ncdenr.gov">leland.cottrell@ncdenr.gov</a>
US Fish & Wildlife Services	Susan Ladd Miller	(910) 695-3323	<a href="mailto:susan_miller@fws.gov">susan_miller@fws.gov</a>
Location Services: Site-Specific Address: <a href="mailto:wphipps@co.cumberland.nc.us">wphipps@co.cumberland.nc.us</a>	Will Phipps	678-7666	
Tax Parcel Numbers:		678-7549	
NCDOT (driveways/curb-cuts):	Troy Baker	364-0601	<a href="mailto:tlbaker@ncdot.gov">tlbaker@ncdot.gov</a>
Transportation Planning: <a href="mailto:iwyche@co.cumberland.nc.us">iwych@co.cumberland.nc.us</a>	Irvin Wyche	678-7615	
N.C. Division of Water Quality:	Annette Lucas	(919) 807-6381	<a href="mailto:annette.lucas@ncdenr.gov">annette.lucas@ncdenr.gov</a>

**EXHIBIT "A"**  
**of the Vander Borrow Source Special Use Permit**

The site plan appearing in Exhibit "D" of the Staff Report will be included as Exhibit "A" of the Special Use Permit with any additional conditions or changes, if any, made by the BOA at the hearing.

**EXHIBIT "H"**  
**Applicant's Response to Sec. 1606 Special Use Criteria**



6728 CARBONTON ROAD  
SANFORD, NC 27330  
(919) 499-8759  
DRAFTINGANDDESIGN@YMAIL.COM

**Vander Borrow Source – Findings of Fact**

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

The proposed use will not materially endanger the public health or safety when located according to the plan. The proposed Borrow Source has been designed per State regulations to ensure no impacts to the surrounding community. The use is being permitted as a borrow source that will be restored to a viable pond.

2. The use meets all required conditions and specifications;

The use has been designed to meet the required conditions of a Borrow Source per the Cumberland County Zoning Ordinance and NCDEQ DEMLR permit requirements. Vegetative buffers and landscape planting requirements have been designed to screen all onsite activities from Gainey Road and the adjacent properties.

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

The proposed use will maintain the value of the adjoining properties and is a public necessity to provide materials for construction projects within the county.

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.

The proposed use and its restoration will be in harmony with the surrounding area due to the past use of adjoining properties as a Borrow Source. The proposed use will operate in a manner much like a pond or lake construction with excavated materials being used for either visual berm construction around the project or hauled off site as construction materials for county wide construction projects. The subject property has been partially excavated in the past similar to the adjacent properties to the North and East. The property was previously permitted by the state under permit number 26-01 until its release on May 2, 2019. The most recent comprehensive land use plan calls for the project parcel and surrounding areas to be farm land and open space. The proposed use can be characterized as a farming related activity in that once the borrow source activity is completed, the resulting pond/lake could be utilized as water supply for area crop irrigation.

**ATTACHMENTS:**

**Vander Borrow Source Special Use Application**





**County of Cumberland**  
◆  
**BOARD OF ADJUSTMENT**

CASE #: P20-05-C

CUMBERLAND COUNTY BOA  
MEETING DATE: 12-17-20

DATE APPLICATION  
SUBMITTED: 11-10-20

RECEIPT #: 75771

RECEIVED BY: BL

**APPLICATION FOR  
SPECIAL USE PERMIT**

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

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

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

1. A copy of the recorded deed and/or plat,
2. If a portion of an existing tract, an accurate written legal description of only the area to be considered;
3. A copy of a detailed site plan drawn to engineering scale, showing the location of all buildings, yard dimensions, driveways, fencing, lighting parking areas, landscaping, and all other pertinent data to the case; and
4. Cash or check payable to "Cumberland County" in the amount of \$ 200.00 (see attached Fee Schedule)

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

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

**EXCERPT FROM  
THE CUMBERLAND COUNTY ZONING ORDINANCE**

---

**Section 1606 SPECIAL USE PERMIT (portion of)**

B. Procedure. Special Use Permit shall be granted by the Board of Adjustment as permitted for only those uses enumerated in Section 403, Use Matrix, as Special Uses. Uses specified as a Special Use in Section 403 shall be permitted only upon the issuance of a Special Use Permit by the Board of Adjustment.

The owner or owners of all property included in the petition for a Special Use Permit shall submit a complete application and three copies of a site plan (drawn in accordance with the specifications listed in Section 1402) to the Planning and Inspections Staff. The Staff will schedule the application to be heard by the Board of Adjustment in accordance with the adopted time schedule. The Planning and Inspections Staff shall also notify the Commanders of Fort Bragg, and Pope U.S. Army Field of any application affecting the use of property located within a five miles or less of the perimeter boundary of said bases in accordance with the N.C. Gen. Stat §153A-323.

Developers are encouraged to discuss their Special use plans with the Planning and Inspections Staff before submission. The Staff shall assist the developer upon request by reviewing Special use plans to insure that the technical requirements of this Ordinance are met before submission to the Board of Adjustment.

All applications and site plans shall provide information indicating compliance with the development standards for individual uses as listed in Article IX of this Ordinance, as applicable, and the height and area regulations for the zoning district in which they are located, unless the provisions for the Special Use provide to the contrary.

C. Consideration of Application. The Board of Adjustment shall consider the application, site plan and any other evidence presented in accordance with this Article and may grant or deny the Special Use Permit requested. On granting a Special Use Permit, the Board shall find that:

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.

**Any special use permit granted becomes null and void if not exercised within the time specified in such approvals, or if no date is specified within one calendar year from the date of such approval.**

**BOARD OF ADJUSTMENT**

LOCATION OF PROPERTY: 0 Gainey Road

OWNER: Hanson Aggregates Southeast, LLC.

ADDRESS: 3237 Satellite Blvd. Building 300 Suite 210- Duluth, GA ZIP CODE: 30096

TELEPHONE: HOME \_\_\_\_\_ WORK \_\_\_\_\_

AGENT: Drafting and Design Services, Inc. - Michael Blakley

ADDRESS: 6728 Carbonton Road - Sanford, NC 27330

TELEPHONE: HOME \_\_\_\_\_ WORK (919) 499-8759

E-MAIL: draftinganddesign@gmail.com

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

A. Parcel Identification Number (PIN #) of subject property: 0464-20-3790  
(also known as Tax ID Number or Property Tax ID)

B. Acreage: 201.5 Frontage: 2500ft Gainey Rd Depth: 7200 max

C. Water Provider: private well

D. Septage Provider: private septic

E. Deed Book 6200, Page(s) 0524, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).

F. Existing use of property: Borrow Source

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.) \_\_\_\_\_

The proposed use is a borrow source (sand and gravel). The proposed project is for 201.5 ac site which includes an Borrow pit and a proposed plant site. The operation will employ 10 employees per shift. 10 parking spaces have been provided in the plant site area next to the office/scale house. Landscaping per Cumberland County UDO has been provided along Gainey Road. The proposed operation will operate between the hours of 7 am to 6 pm Monday through Friday.

The site was previously permitted by Hanson Aggregates under Mining Permit No. 26-01 as a borrow pit prior to county zoning until the permit was closed in 2019. The site has been dormant since the early 90's.

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.

✓ Hanson Aggregates Southeast, LLC.

NAME OF OWNER(S) (PRINT OR TYPE)

3237 Satellite Blvd. Building 300 Suite 210 - Duluth, GA 30096

ADDRESS OF OWNER(S)

scott.dickson@lehighhanson.com  
E-MAIL

HOME TELEPHONE #

770 491 2757  
WORK TELEPHONE #

Drafting and Design Services, Inc. - Michael Blakley

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


6728 Carbonton Road - Sanford, NC 27330

ADDRESS OF AGENT, ATTORNEY, APPLICANT

✓ draftinganddesign@ymail.com  
E-MAIL

HOME TELEPHONE #

(919) 499-8759  
WORK TELEPHONE #

  
SIGNATURE OF OWNER(S)

SIGNATURE OF AGENT, ATTORNEY  
OR APPLICANT

SIGNATURE OF OWNER(S)

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

**STATEMENT OF ACKNOWLEDGMENT**

Regarding appearance before the Board of Adjustment, the undersigned owner(s), agents, or their assigns, by virtue of their signature(s) to this application, hereby acknowledge the following:

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

Signed acknowledgment that the Planning and Inspections Staff has explained the application process and procedures regarding this request and the public hearing procedure stated above.

SIGNATURE OF OWNER(S) *Scott Dickson*

PRINTED NAME OF OWNER(S) SCOTT DICKSON

DATE 11/4/2020

**CUMBERLAND COUNTY BOARD OF ADJUSTMENT  
FEE SCHEDULE**

BOARD OF ADJUSTMENT

SPECIAL USE PERMIT	\$200
VARIANCE	
WATERSHED	
ADMINISTRATIVE REVIEW APPEALS	\$100
INTERPRETATIONS	
NONCONFORMING USES	

\* Board of Adjustment fee include hearings for the County Flood Ordinance and County Watershed Ordinance



RAFTING AND DESIGN  
SERVICES, INC.



6728 CARBANTON ROAD  
SANFORD, NC 27330  
(919) 499-8759  
DRAFTINGANDDESIGN@YMAIL.COM

### Vander Borrow Source – Findings of Fact

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

**The proposed use will not materially endanger the public health or safety when located according to the plan. The proposed Borrow Source has been designed per State regulations to ensure no impacts to the surrounding community. The use is being permitted as a borrow source that will be restored to a viable pond.**

2. The use meets all required conditions and specifications;

**The use has been designed to meet the required conditions of a Borrow Source per the Cumberland County Zoning Ordinance and NCDEQ DEMLR permit requirements. Vegetative buffers and landscape planting requirements have been designed to screen all onsite activities from Gainey Road and the adjacent properties.**

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

**The proposed use will maintain the value of the adjoining properties and is a public necessity to provide materials for construction projects with in the county.**

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.

**The proposed use and its restoration will be in harmony with the surrounding area due to the past use of adjoining properties as a Borrow Source. The proposed use will operate in a manner much like a pond or lake construction with excavated materials being used for either visual berm construction around the project or hauled off site as construction materials for county wide construction projects. The subject property has been partially excavated in the past similar to the adjacent properties to the North and East. The property was previously permitted by the state under permit number 26-01 until its release on May 2, 2019. The most recent comprehensive land use plan calls for the project parcel and surrounding areas to be farm land and open space. The proposed use can be characterized as a farming related activity in that once the borrow source activity is completed, the resulting pond/lake could be utilized as water supply for area crop irrigation.**

**CUMBERLAND COUNTY  
BOARD OF ADJUSTMENT HEARING  
DECEMBER 17, 2020**

**SUBJECT: BOA CASE # P20-06-C - Variance**

**REQUEST: Variance to allow a Zero-Foot front yard setback for a swimming pool, storage shed, and fence accessory buildings and a fence instead of required minimum fifty-foot setback, applicable to the eastern 120 lineal feet along the southern public right-of-way line for Approved Drive.**

<u>Exhibits</u>
A. Site Location
B. Site Plan (attached)
C. Site Survey (attached)
D. Existing Uses
E. Future Land Use Map
F. Sec. 1104 District Standards (attached)
G. Applicant's Response to Variance Criteria (attached)
Attachments: Application

**EXPLANATION OF THE REQUEST**

The Property Owner of a parcel assigned an A1 zoning district (Exhibit A) requests a variance to allow a zero-foot front yard setback instead of the required minimum fifty feet for the eastern 120 feet along Approved Drive, a public road, to accommodate an existing above-ground swimming pool, a 176 square foot storage shed, and a wood stockade privacy fence. All three accessory structures are currently in place and were installed without obtaining a building permit from Cumberland County. Situated as a corner lot, the subject property has two front yards with front yard setbacks measured from Approved Drive and Documentary Drive.

Section 1104 of the Zoning Code establishes a minimum front yard setback of fifty feet for each of these structures. Structures subject to the variance request appear in the site plan presented in the attached Exhibit B, Site Plan, (Pool - # 1; shed # 2, and fence #3). The variance request only applies to these three accessory structures. Based on the site plan, the pools rests approximately twelve feet from Approved Drive, the shed approximately seven feet, and the fence is generally placed along the northern lot line. Building Permits submitted to Cumberland County cannot be approved and issued to the property owner for these three structures unless (1) a variance is granted by the BOA and (2) all three structures comply with any approved variance conditions.

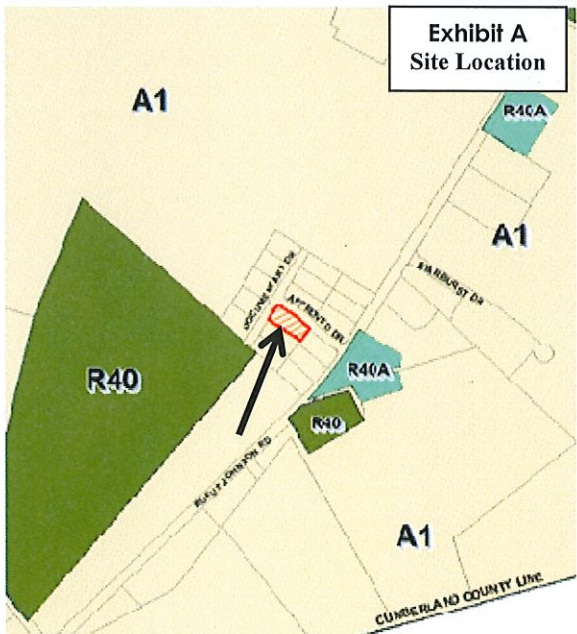
**PROPERTY INFORMATION**

- Owner/Applicant:** Leslie Williford Kelly & Wesley Kelly
- Address/Location:** 7607 Documentary Drive (Exhibit A)
- REID #:** 0339279559000
- Lot Size:** 0.50 acres within one platted lot. (Exhibit C)

The property has approximately 115' of street frontage along Documentary Drive and 203' of frontage along Approved Drive. The property is 219'+/- in depth, measured from Documentary Drive, and 90' at the narrowest point measured from Approved Drive.

**Zoning:** A1 Agricultural

**Existing Land Use:** The subject property is currently developed with a single-family dwelling unit, two

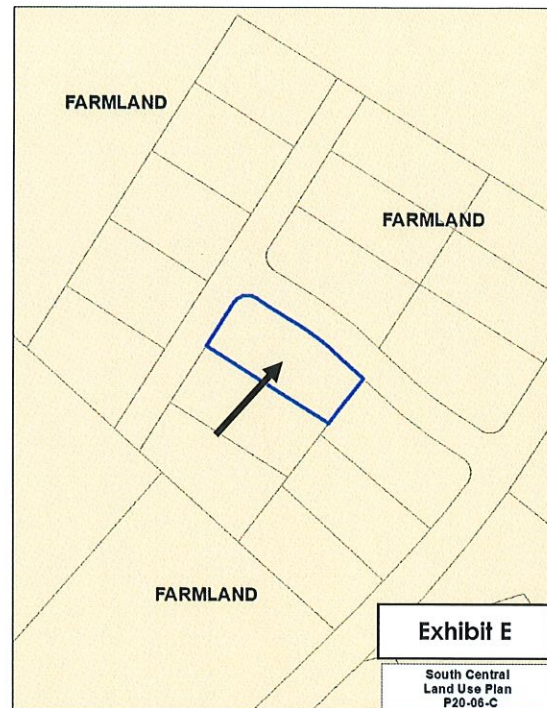
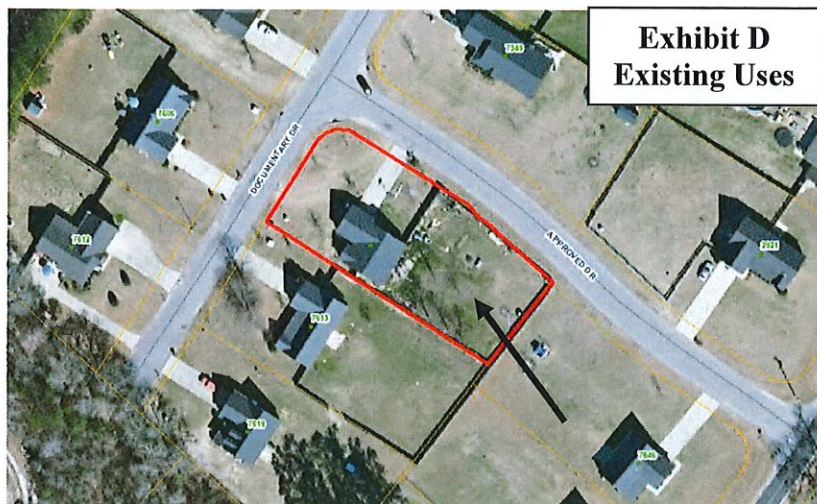




accessory structures and a pool. Pictures of the property will be presented at the public hearing.

**Other Site Characteristics:** The property is not within the watershed or Special Flood Hazard Area. There are no hydric or hydric inclusion soils located on this site.

**Surrounding Land Use:** The subject site is surrounded by other single-family lots and homes within the same platted residential neighborhood, as shown in Exhibit "D".



**Development Review:** The property was platted on October 18, 2005 in Plat Book 115, Page 115 as part of a zero-lot line subdivision.

**Zoning History:** This property was initially zoned A1 as part of the Area 13 initial zoning on June 25, 1980.

**Utilities:** This property is currently served by private well and septic. This site is located within the Gray's Creek water/sewer district.

**Comprehensive Plans:** The 2030 Growth Vision Plan designates this parcel for "Rural Area". The South Central Land Use Plan (2015) (Exhibit "E") designates this parcel for "Farmland". The "Farmland" designation is generally an agricultural and farming area which allows a mixture of residential development of manufactured and stick-built homes. The "Farmland" area also allows some limited commercial uses that are oriented specifically for a rural community.

**Applicable Zoning Codes:** Section 1104, A1 Zoning Standards (Exhibit "F" attached))

### IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

**Traffic and Streets:** The subject property sits on Documentary Drive, which is identified as a local road in the Metropolitan Transportation Plan. There are no construction projects planned, and the subject property will have no impact on the Transportation Improvement Plan. The Average Daily Traffic Count (2016) on SR 2258 (Rufus Johnson Road) is 600. No traffic count was completed inside the neighborhood. Both streets – Documentary Drive and Approved Drive – are paved streets.

**Schools Cap/Enroll:** Gray's Creek Elementary: 500/437; Gray's Creek Middle: 1200/1139; Gray's Creek High: 1470/1467

**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**

Criteria that must be addressed for evaluation of a variance application originate from Section 1605 of the Zone Code and are listed below.

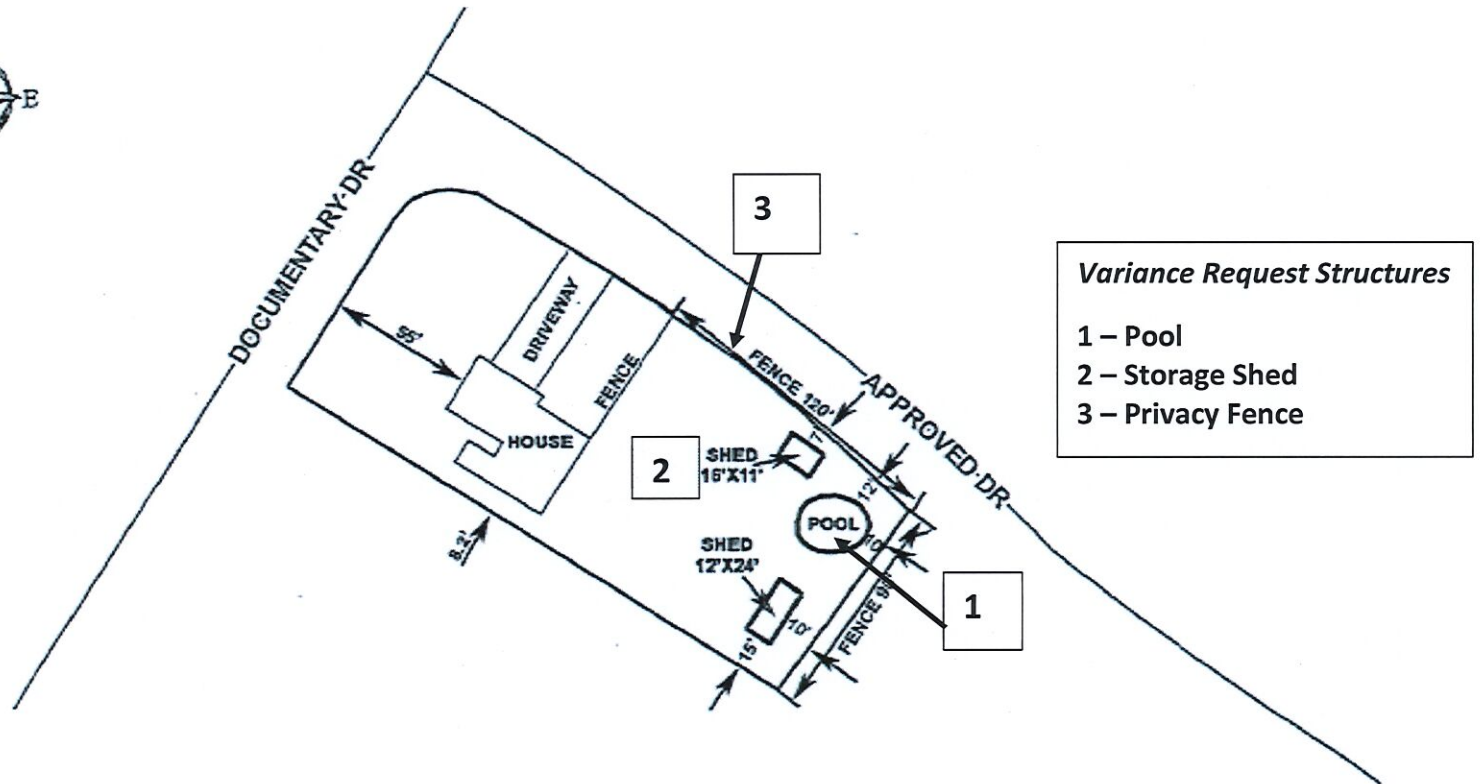
1. Unnecessary hardship would result from the strict application of the ordinance.
2. There are conditions peculiar to the property, such as location, size, or topography.
3. The special circumstances are not the result of the actions of the applicant.
4. The requested variance will be consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

### **Applicant's Response**

Refer to Exhibit G (attached)

Attachments:  
Notification Mailing List

EXHIBIT B



**BOARD OF ADJUSTMENT  
VARIANCE**

**REQUEST: TO ALLOW A ZERO FOOT FRONT YARD SETBACK  
FOR A SHED, POOL AND FENCE INSTEAD OF A REQUIRED  
MINIMUM FIFTY FEET SETBACK FOR PROPERTY**

**CASE: P20-06-C ACREAGE: 0.50 AC+/-**

**ZONED: A1 SCALE: NTS**

\*SCALED DETAIL SITE PLAN IN FILE AVAILABLE REVIEW UPON REQUEST



**SECTION 1104. DISTRICT DIMENSIONAL PROVISIONS.<sup>1</sup>**

Except for the special provisions as previously noted in this article and any special provisions provided for elsewhere within this ordinance, the following district dimensional requirements shall be complied with:

DISTRICT	DENSITY <sup>2</sup> (SQ FT PER DWELLING)  MINIMUM LOT SIZE (square feet unless otherwise stated)	UNIT (DU) FOR CONDOS & GROUP DEVELOPMENTS			WIDTH (in feet)	MINIMUM YARD SETBACK REGULATIONS <sup>2</sup>				
		1" DU	2" <sup>3</sup> , 3" <sup>4</sup> & 4" DUs	5+ DUs		FRONT <sup>5</sup> YARD (measured from R/W line)	SIDE YARD		REAR YARD	
							(1 story)	(2 story)	(each add greater than)	(in feet)
A1 <sup>2</sup>	2 acres	2 acres	2 acres	2 acres	100	50	20	25	25ft/story	50
A1A <sup>4</sup>	1 acre	1 acre	1 acre	1 acre	100	50	20	25	25ft/story	50
R40	40,000	40,000	40,000	40,000	100	30	15	15	10ft/story	35
R40A	40,000	40,000	40,000	40,000	100	30	15	15	10ft/story	35
R30	30,000	30,000	30,000	30,000	100	30	15	15	10ft/story	35
R30A	30,000	30,000	30,000	30,000	100	30	15	15	10ft/story	35
R20	20,000	20,000	20,000	20,000	100	30	15	15	10ft/story	35
R20A	20,000	20,000	20,000	20,000	100	30	15	15	10ft/story	35
RR	20,000	20,000	20,000	20,000	100	30	15	15	10ft/story	35
R15	15,000	15,000	15,000	15,000	75	30	10	15	10ft/story	35
R7.5	7,500	7,500	7,500	7,500	75	30	10	15	8ft/story	35
R6	6,000	6,000	5,000	4,000	60	25	10	12	6ft/story	30
R6A <sup>2</sup>	6,000	6,000	5,000	4,000	60	25	10	12	6ft/story	15 <sup>5</sup>
R5A	5,000	3,000	3,000	3,000	60	25	10	12	4ft/story	30
R5	5,000	5,000	3,000	1,500	60	25	10	10	4ft/story	30

<sup>1</sup> All signs are regulated by Article XII.

<sup>2</sup> Exceptions: See Section 1103 for special exceptions to this chart.

<sup>3</sup> Minimum lot size for non-residential uses is one acre.

<sup>4</sup> Maximum district size for rezoning request is 10 acres.

<sup>5</sup> Exception: Aversboro Battlefield Viewshed Frontage (Section 1102 L)

<sup>6</sup> See Section 1102 K for Rear Yard Exception for Manufactured Homes in the R6A District.

(Amd. 3-21-06; Amd. 11-20-06)

**EXHIBIT F**

## EXHIBIT G

### Applicant's Response to the Variance Criteria

Leslie Williford Kelly and Wesley Kelly

7607 Documentary Dr.

Fayetteville, NC 28306

11-10-2020

A strict application of the ordinance would make it impossible for our yard to have any type of storage building or a swimming pool. The placement of the septic tank and septic lines in the backyard prevent storage buildings or a pool to be placed anywhere except for where the scaled drawings indicate.

If the variance is not granted, the pool would have to be removed from the yard all together. The storage buildings would also have to be removed from the property. There are no other placement options in the yard for these structures due to the septic lines.

The requested placement of the pool and buildings do not violate any safety requirements. The structures are within a privacy fence which has been in place since the house was first occupied in 2007. The fence is in line with the other properties in the neighborhood which already had privacy fences in place before the house was occupied in 2007. The fence was placed in line with the other privacy fences. If the fence would have to be removed or moved, it would bring down the appeal of the entire neighborhood because it would take away from the uniformed appearance of the yards. It would also remove most of the useable space in our backyard in which our children can play safely behind a privacy fence.

If the variance is not granted for the fence, pool, and two storage sheds we will need a substantial amount of time to obtain funding and secure contractors to remove the pool, sheds, and fence. With contractors often taking time off during the holidays, we would need a lenient time frame to be considered to have the items removed.

Signed:

11-10-2020

Leslie Williford Kelly and Wesley Kelly

## ATTACHMENTS



**County of Cumberland**  
**BOARD OF ADJUSTMENT**

CASE #:	<u>P20-06-C</u>
CUMBERLAND COUNTY BOA MEETING DATE:	<u>12-17-20</u>
DATE APPLICATION SUBMITTED:	<u>11-10-20</u>
RECEIPT #:	<u>75775</u> Wesley Kelly
RECEIVED BY:	<u>BL</u>

**APPLICATION FOR  
VARIANCE REQUEST**

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

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

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

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

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

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

MIA: N/A

AOD: N/A

Smile: N/A

SSA: N/A



**EXCERPT FROM  
THE CUMBERLAND COUNTY ZONING ORDINANCE**

---

**(PENDING ADOPTION)**

**Section 1605 VARIANCE**

The Board of Adjustment may authorize in specific cases such variances from the terms of this Ordinance upon request of a property owner or his authorized agent and may require any evidence necessary to make determination of the case. Before the board may grant any Variance, the board must find that all of the following conditions exist for an individual case:

- A. Unnecessary hardship would result from the strict application of the ordinance.
- B. There are conditions peculiar to the property, such as location, size, or topography.
- C. The special circumstances are not the result of the actions of the applicant.
- D. The requested variance will be consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

**In granting a variance, the board may attach and the record shall reflect such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable. The record shall also state in detail any exceptional difficulty or unnecessary hardship upon which the appeal was based and which the Board finds to exist.**

**Any variance granted becomes null and void if not exercised within the time specified in such approvals, or if no date is specified, within one calendar year from the date of such approval. The Board of Adjustment is not authorized to grant variances to a Special Use Permit or to a Conditional Zoning Permit allowed in Conditional Zoning Districts or to the specific conditions or other performance criteria imposed upon such uses.**

## ATTACHMENTS

**BOARD OF ADJUSTMENT**

LOCATION OF PROPERTY: 7607 Documentary Dr.

OWNER: Leslie Williford Kelly + Wesley Kelly

ADDRESS: 7607 Documentary Dr. ZIP CODE: 28306  
Fayetteville, NC

TELEPHONE: HOME 425-0534 WORK 818-9929

AGENT: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE: HOME \_\_\_\_\_ WORK \_\_\_\_\_

E-MAIL: lesliewkelly@gmail.com or wakelly1978@hotmail.com

**APPLICATION FOR A VARIANCE**  
**As required by the Zoning Ordinance**

A. Parcel Identification Number (PIN #) of subject property: 0339-27-9559  
(also known as Tax ID Number or Property Tax ID)

B. Acreage: 0.5 Frontage: 3/8 Depth: 101

C. Water Provider: Well

D. Septage Provider: Septic Tank

E. Deed Book 7613, Page(s) 305-324, Cumberland County

F. Existing and/or proposed use of property: Home Residence  
and accessory structures

G. Section and provision of the Zoning Ordinance or Code from which a Variance is requested: See code reference on NOV

H. Nature and extent of hardship involved in strict application of the Zoning Ordinance or Code: With the configuration of our septic system in the back yard we are left with virtually no space for storage building and our pool (see attachment). Without a variance, we will be forced to spend several thousand dollars to move a building, remove a pool and also remove a 14 year old fence that will have to be rebuilt.

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.

✓ Leslie Williford Kelly + Wesley Kelly  
NAME OF OWNER(S) (PRINT OR TYPE)

7607 Documentary Dr. Fayetteville, NC 28306  
ADDRESS OF OWNER(S)

lesliewkelly@gmail.com or wakelly1978@hotmail.com  
E-MAIL

425-0534 HOME TELEPHONE # 818-9929 WORK TELEPHONE #

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

ADDRESS OF AGENT, ATTORNEY, APPLICANT

HOME TELEPHONE # WORK TELEPHONE #

Leslie Williford Kelly  
SIGNATURE OF OWNER(S)

SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

Wesley A. Kelly  
SIGNATURE OF OWNER(S)

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

**STATEMENT OF ACKNOWLEDGMENT**

Regarding appearance before the Board of Adjustment, the undersigned owner(s), agents, or their assigns, by virtue of their signature(s) to this application, hereby acknowledge the following:

- That although appearance before the board is not required, it is strongly encouraged;
- The board will hear any and all argument for and against this matter before them and such relevant facts will be given under sworn testimony;
- At the public hearing the board has the authority to issue a final approval or denial decision on this request, or defer the request for additional information to be provided;
- If the petitioner or the representative of this application does not appear personally before the board, whether there is opposition or not, the board has full authority to consider the case and defer, approve, or deny the case;
- If the board's action is to deny the matter before them, the course of appeal to their decision will be that of Cumberland County Superior Court. (Affected parties of the board's decision have 30 days from proper notification which to serve notice of appeal).

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

SIGNATURE OF OWNER(S) Leslie Williford Kelly

PRINTED NAME OF OWNER(S) Leslie Williford Kelly and Westey Kelly

DATE 11-4-2020

Leslie Williford Kelly and Wesley Kelly

7607 Documentary Dr.

Fayetteville, NC 28306

11-10-2020

A strict application of the ordinance would make it impossible for our yard to have any type of storage building or a swimming pool. The placement of the septic tank and septic lines in the backyard prevent storage buildings or a pool to be placed anywhere except for where the scaled drawings indicate.

If the variance is not granted, the pool would have to be removed from the yard all together. The storage buildings would also have to be removed from the property. There are no other placement options in the yard for these structures due to the septic lines.

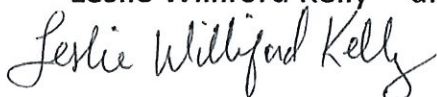
The requested placement of the pool and buildings do not violate any safety requirements. The structures are within a privacy fence which has been in place since the house was first occupied in 2007. The fence is in line with the other properties in the neighborhood which already had privacy fences in place before the house was occupied in 2007. The fence was placed in line with the other privacy fences. If the fence would have to be removed or moved, it would bring down the appeal of the entire neighborhood because it would take away from the uniformed appearance of the yards. It would also remove most of the useable space in our backyard in which our children can play safely behind a privacy fence.

If the variance is not granted for the fence, pool, and two storage sheds we will need a substantial amount of time to obtain funding and secure contractors to remove the pool, sheds, and fence. With contractors often taking time off during the holidays, we would need a lenient time frame to be considered to have the items removed.

Signed:

11-10-2020

Leslie Williford Kelly and Wesley Kelly



Cumberland Public Health Department  
227 Fountainhead Lane  
Fayetteville, NC 28301-  
(910) 433-3660

230 PM  
SCANNED P P 200

### Improvement Permit

*This permit is subject to revocation if the site plan or plat, whichever is applicable, or the intended use changes.*

Date: 8/14/2006

**NEW SYSTEM/SOIL EVAL**

Permit #: 2006 - 1469

*Private well to be installed prior to wastewater system installation.*

Pin Number: 0339-27-9559

Date purchased: 8/7/2006

Expiration date: 8/7/2011

Applicant Name: **PREMIERE BUILDERS, LLC**

Zoning Permit Number 0

Site Address: 7609  
DOCUMENTARY DRIVE Lot: #4  
Hope Mills NC 28348-

Subdivision:

Township:

Directions:

Type of Establishment: Residential

Design Flow: 360 gpd

Site Classification: Provisionally Suite

Repairs: 3 AT 8' CONV.

WASTEWATER SYSTEM: The attached plot plan cannot be changed.

Tank Capacity: 1000 gallons

Pump tank reserve capacity: 0 gallons

NITRIFICATION FIELD: Type: Conventional

Other:

No. Bedrooms: 3

No. Lines: 3 Length of Each Line: 67'

Width of Each Line: 36"

Maximum Trench Bottom Depth 30"

Conditions:

Plat Provided - When a PLAT is provided, the Improvement Permit is valid without expiration.

Site Plan Provided - When a SITE PLAN is provided, the Improvement Permit is valid for five (5) years.

Improvement Permit Expiration Date: 8/11/2011

Improvement Permit Approved By: DANIEL ORTIZ

Date: 8/11/2006

#### **AUTHORIZATION FOR WASTEWATER SYSTEM CONSTRUCTION (ATC)**

An Authorization for Wastewater System Construction is required before any person shall commence or assist in the installation, construction or repair of a wastewater system and before any other permits (electrical, plumbing, heating, air conditioning or other construction) can be issued.

**AUTHORIZATION FOR WASTEWATER SYSTEM CONSTRUCTION IS VALID FOR FIVE (5) YEARS.**

ATC Expiration Date: 8/11/2011

ATC Approved By: DANIEL ORTIZ

Date: 8/11/2006

#### **OPERATIONS PERMIT**

Contractor: Herold Co. Inc. Pump Information: \_\_\_\_\_

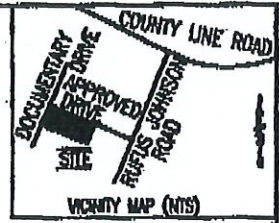
This septic tank and this nitrification field have been inspected and meet the requirements as set forth by Article 11 of Chapter 130A of the General Statutes of North Carolina, "Wastewater Systems" "Laws and Rules for Sewage Treatment and Disposal Systems" Title 10 NCAC, Subchapter 10A, Section .1900 and "Regulations Governing Sanitary Sewage, Collection, Treatment and Disposal in Cumberland County, NC"; however, the signing of this form in no way guarantees the life of the system or that it will function under any or all conditions.

Operations Permit Approved By: [Signature]

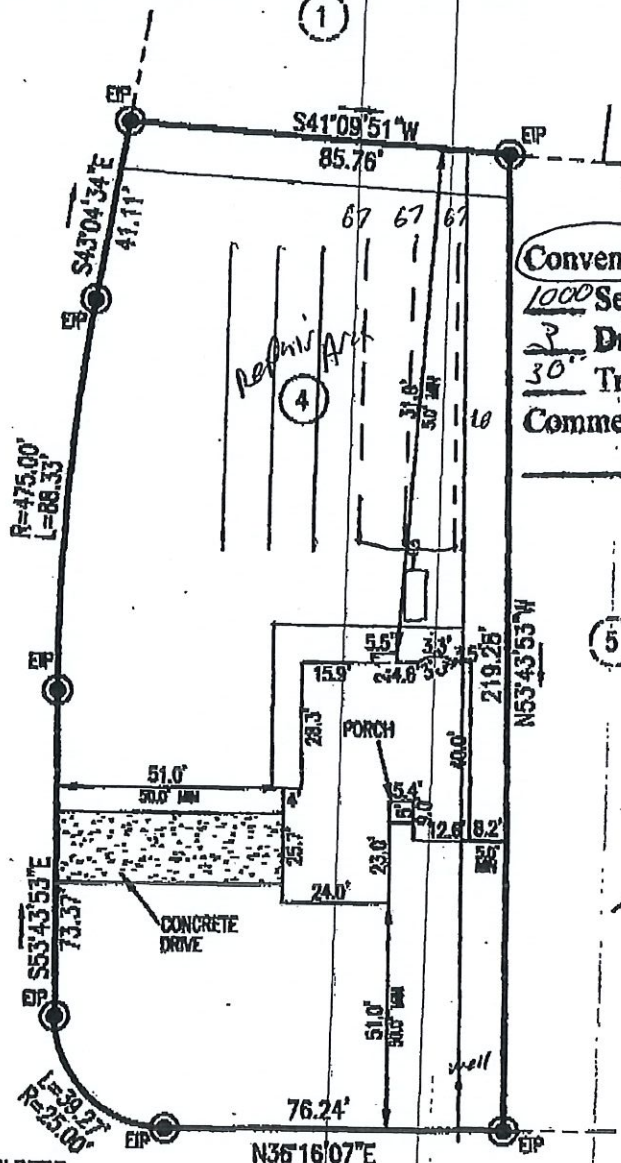
Date: 2/5/07

Inspection of sewer line between house and septic tank connection thereof is the responsibility of Cumberland County Inspection Dept. (910) 321-6636

THIS WILL CERTIFY THAT THE DWELLING IS  IS NOT  LOCATED IN A FLOOD HAZARD AREA, AS DETERMINED BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.



APPROVED DRIVE  
50' PUBLIC R/W



**Conventional** Innovative  
1000 Septic Tank Pump Tank  
3 Drain lines 67 Length 36 Width  
30 Trench depth max.  
Comments

PLOT PLAN

PROPERTY OF: PREMIERE BUILDERS  
ADDRESS OF: DOCUMENTARY DRIVE  
CITY OF: NEAR ST. PAULS  
COUNTY OF: CUMBERLAND  
TOWNSHIP OF: GRAYS CREEK  
DATE: 07/20/06  
SCALE: 1" = 40'  
REFERENCE: LOT 4, ALDENHURST PLAZA, SECTION ONE, REVISED PB 115, PG 115

DOCUMENTARY DRIVE  
50' PUBLIC R/W

NOTE: - NOT IN ACCORDANCE WITH GS 47-30

\*\*NOTE\*\* THIS PLAT CAN NOT BE USED FOR RECORDATION OR ATTACHED TO A DEED TO BE RECORDED.

Harvey H. Allen  
HARVEY H. ALLEN



ALLEN-ALLEN & ASSOCIATES  
136-DI BOW STREET  
FAYETTEVILLE, NORTH CAROLINA 28301  
(910) 437-9800

17.6      3.3  
24      5.51  
41.6



115

DRAWN BY:  
DAG  
CHECKED BY:  
HSA  
REVISED:

ALLEN-ALLEN  
& ASSOCIATES, PA  
1814-2 Park Street, Raleigh, North Carolina 27602  
Office: (919) 237-1800  
Fax: (919) 237-9225

SCALE: 1" = 100'  
DATE: OCT. 13, 2005

ALDERMAN RUN, SECTION 1 REVISED  
(ZONED A-1)  
ZERO LOT LINE

ALDERMAN RUN, SECTION 1 REVISED  
(ZONED A-1)  
ZERO LOT LINE

PROPERTY OF: CARRIAGE CROSSING, INC.  
DB 6015, PG 404  
PIN # 0430-50-0697

GRAY'S CREEK TOWNSHIP  
NEAR ST. PAULS  
13 OCTOBER 2005

CUMBERLAND COUNTY  
NORTH CAROLINA  
SCALE 1" = 100'  
FINAL  
PLAT  
SHEET 1  
OF 1

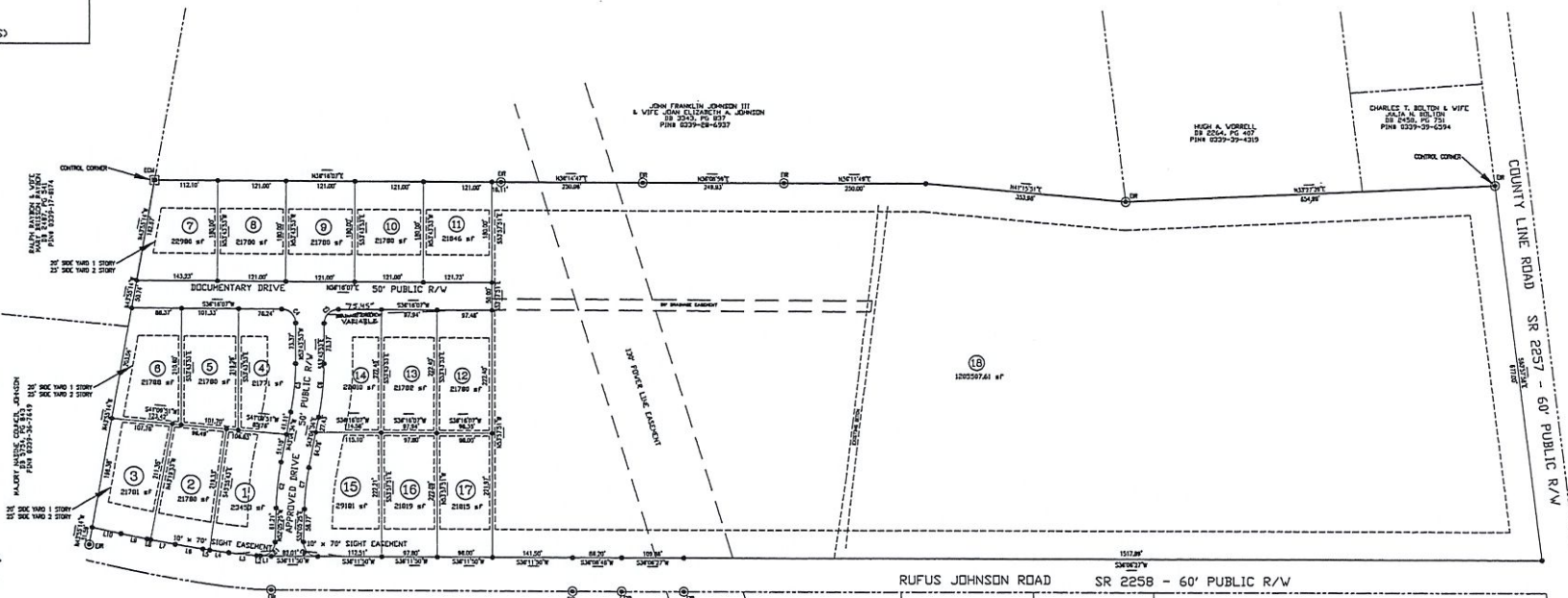
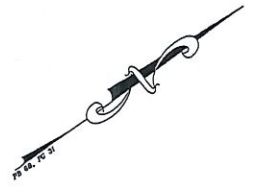
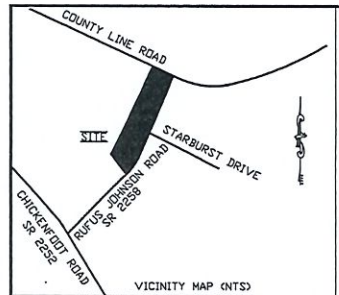
04999/  
RCC1114  
10-18-2005 PM 2:07:52  
J. LIL WARETT, P.E.  
REGISTERED PROFESSIONAL ENGINEER  
CUMBERLAND CO., N.C.  
115-115

LINE DATA

LINE NO.	FROM	TO	LENGTH
1	100	101	100.00
2	101	102	100.00
3	102	103	100.00
4	103	104	100.00
5	104	105	100.00
6	105	106	100.00
7	106	107	100.00
8	107	108	100.00
9	108	109	100.00
10	109	110	100.00
11	110	111	100.00
12	111	112	100.00
13	112	113	100.00
14	113	114	100.00
15	114	115	100.00
16	115	116	100.00
17	116	117	100.00
18	117	118	100.00
19	118	119	100.00
20	119	120	100.00

CURVE DATA

STATION	CHORD BEARING	CHORD LENGTH	ARC LENGTH	PI	PC	PT	PR
100	N 00° 00' 00" E	100.00	100.00	90	100.00	100.00	100.00
101	N 00° 00' 00" E	100.00	100.00	90	100.00	100.00	100.00
102	N 00° 00' 00" E	100.00	100.00	90	100.00	100.00	100.00
103	N 00° 00' 00" E	100.00	100.00	90	100.00	100.00	100.00
104	N 00° 00' 00" E	100.00	100.00	90	100.00	100.00	100.00
105	N 00° 00' 00" E	100.00	100.00	90	100.00	100.00	100.00
106	N 00° 00' 00" E	100.00	100.00	90	100.00	100.00	100.00
107	N 00° 00' 00" E	100.00	100.00	90	100.00	100.00	100.00
108	N 00° 00' 00" E	100.00	100.00	90	100.00	100.00	100.00
109	N 00° 00' 00" E	100.00	100.00	90	100.00	100.00	100.00
110	N 00° 00' 00" E	100.00	100.00	90	100.00	100.00	100.00
111	N 00° 00' 00" E	100.00	100.00	90	100.00	100.00	100.00
112	N 00° 00' 00" E	100.00	100.00	90	100.00	100.00	100.00
113	N 00° 00' 00" E	100.00	100.00	90	100.00	100.00	100.00
114	N 00° 00' 00" E	100.00	100.00	90	100.00	100.00	100.00
115	N 00° 00' 00" E	100.00	100.00	90	100.00	100.00	100.00
116	N 00° 00' 00" E	100.00	100.00	90	100.00	100.00	100.00
117	N 00° 00' 00" E	100.00	100.00	90	100.00	100.00	100.00
118	N 00° 00' 00" E	100.00	100.00	90	100.00	100.00	100.00
119	N 00° 00' 00" E	100.00	100.00	90	100.00	100.00	100.00
120	N 00° 00' 00" E	100.00	100.00	90	100.00	100.00	100.00



J. HARVEY H. ALLEN, Registered Land Surveyor, No. 1371, State of North Carolina, has examined the above and certifies that the same is a true and correct copy of the original as recorded in the office of the Register of Deeds for Cumberland County, North Carolina, and that the same is a true and correct copy of the original as recorded in the office of the Register of Deeds for Cumberland County, North Carolina, and that the same is a true and correct copy of the original as recorded in the office of the Register of Deeds for Cumberland County, North Carolina.

NOTICE: There is no horizontal control. Nonconforming structures have not been created by this subdivision. Storage determined by coordinate computation. Iron stakes at all property corners. Parcel area to be platted = 37,682 acres. Proposed Easement area = 5,004 acres. 18 Lots were created by this subdivision. The individual lots in this development do not have water, sewer and other services available, and no lines have been approved by the Health Department for on-site sewer services to be installed acceptable for private water wells as of the date of this recording. The property or properties shown may be subject to encumbrances, easements and the possibility of being in a flood plain and health springs from normal and accepted farming and agricultural practices and operations, including but not limited to mowing, weeding, dusting, the operation of any kind of machinery, the storage and disposal of manure, and the application of fertilizers, soil amendments and pesticides.

Recorded in Book of Maps \_\_\_\_\_ Vol. \_\_\_\_\_

THE UNDERSIGNED HEREBY ACKNOWLEDGE THAT THE LAND SHOWN ON THIS PLAN IS WITHIN THE JURISDICTION REGULATION JURISDICTION OF CUMBERLAND COUNTY AND THAT THIS PLAN DOES NOT VIOLATE ANY OF THE RULES AND REGULATIONS OF SAID COUNTY.

*James A. Stewart*  
Contractor

NORTH CAROLINA  
CUMBERLAND COUNTY  
I, James A. Stewart, a Notary Public of the County and State aforesaid, do hereby personally appear before me for the purpose of executing before me the foregoing instrument, witness my hand and official seal this 10th day of October, 2005.



Approved by the Cumberland County Planning Board on the 18th day of October, 2005.

Signed *James A. Stewart*  
Chairman, Planning Office (Seal) & P

STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND  
I, *James A. Stewart*, Clerk of Cumberland County, do hereby certify that the same is a true and correct copy of the original as recorded in the office of the Register of Deeds for Cumberland County, North Carolina.

*James A. Stewart*  
Date: 10-17-05

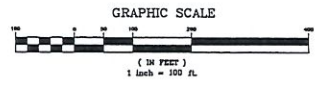
DEPARTMENT OF TRANSPORTATION  
THOMAS R. ADAMS  
COMMISSIONER  
ARRIVED 10/18/05  
DATE 10-18-05

ALDERMAN RUN, SECTION 1 REVISED  
(ZONED A-1)  
ZERO LOT LINE

PROPERTY OF: CARRIAGE CROSSING, INC.  
DB 6015, PG 404  
PIN # 0430-50-0697

GRAY'S CREEK TOWNSHIP  
NEAR ST. PAULS  
13 OCTOBER 2005

CUMBERLAND COUNTY  
NORTH CAROLINA  
SCALE 1" = 100'



**CUMBERLAND COUNTY  
BOARD OF ADJUSTMENT (BOA) HEARING  
DECEMBER 17, 2020**

**SUBJECT:** BOA CASE # P20-7-C – Special Use

**REQUEST:** Special Use Permit for a "recreation or amusement public/private not operated as a business for profit" use on the southwest side of Wade Stedman Road at Bethany Park.

**EXPLANATION OF THE REQUEST**

The Bethany Historical Society and the City of Fayetteville request a Special Use Permit for a "recreation or amusement public/private not operated as a business for profit" use on the southwest side of Wade Stedman Road to allow park and recreation improvements at the existing Bethany Park community facility. Operating as a public community park for the past fifty years, County zoning codes now require a special use approval for a public park to operate within the A1 zoning district. With a proposed new structure currently in the planning stages, a Special Use Permit is now necessary to allow for improvement to proceed. All ordinance related conditions will apply.

- Exhibits**
- A. Site Location
  - B. Use Matrix, Sec. 403, Zoning Code. (\*)
  - C. Sec. 1606.C Applicant's Response (\*)
  - D. Special Use Site Plan (\*)
  - E. Existing and Adjacent Uses
  - F. Land Use Plan
  - G. Draft Special Use Permit (\*)
  - Other Information: Application (\*) attached to the report.

**PROPERTY INFORMATION**

**Owner/Applicant:** Steve Core on behalf of the Bethany Historical Society (owner) and the City of Fayetteville (agent)

**Address/Location:** 2105 Wade Stedman Road  
(Exhibit A)

**REID #:** 0497171612000 & 0497079665000

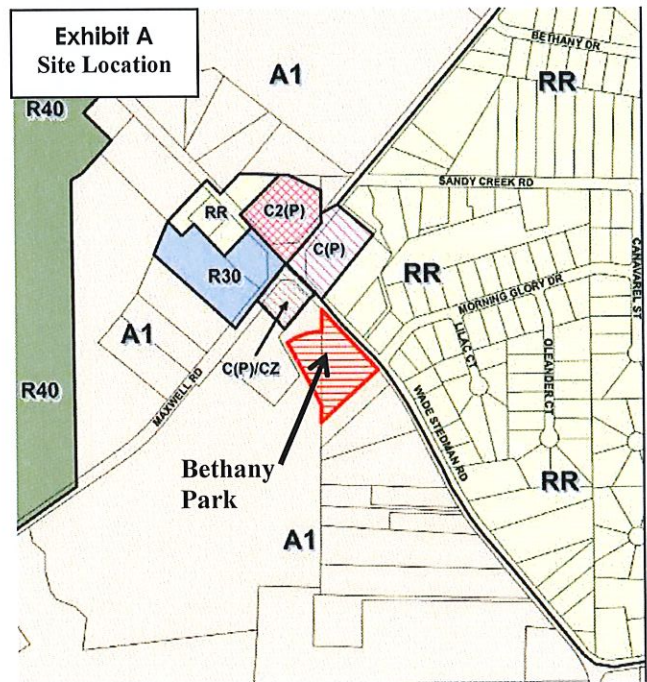
**Parcel Size:** 2.83+/- acres covering two parcels. The site has approximately 427' of street frontage along Wade Stedman Road. The site is 406'+/- in depth.

**Existing Land Use:** The subject property has operated as a public park for the past fifty years and is currently developed with a non-profit recreation/amusement use.

**Development Review:** The two parcels were recombined on November 2, 2020 in Plat Book 145, Page 130. This recombination is required to be activated with Tax Mapping per the conditions of approval.

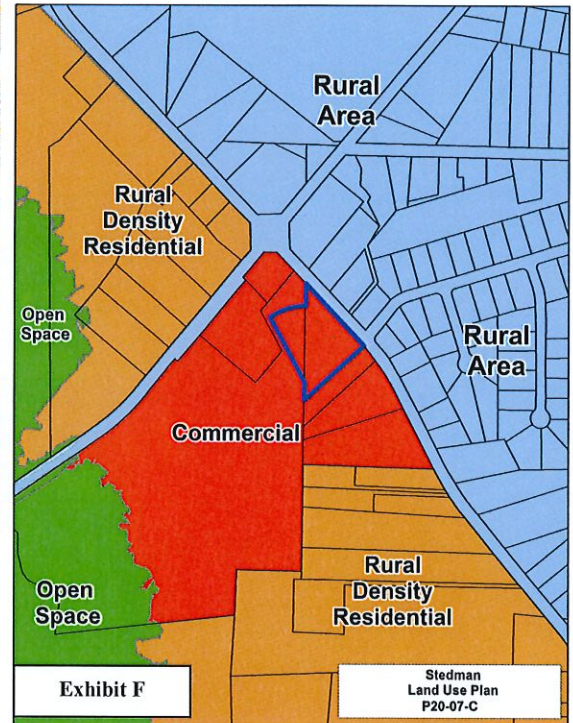
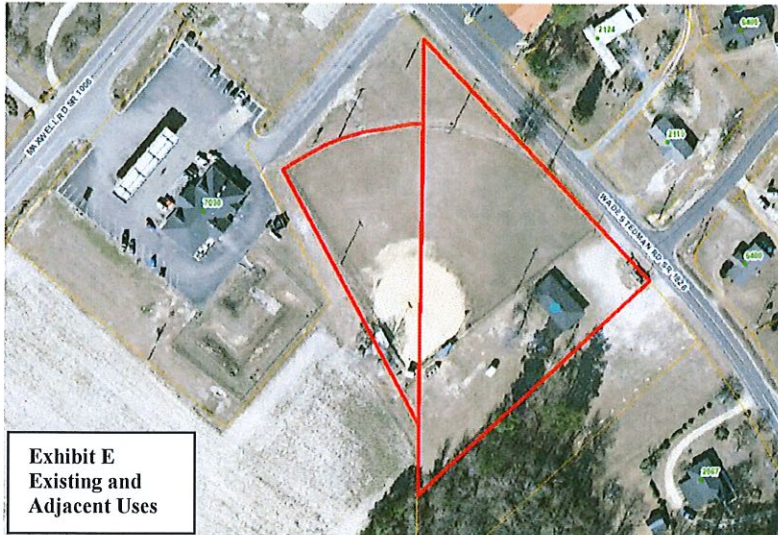
**Zoning History:** This property was initially zoned A1 as part of the Area 20 initial zoning on September 3, 1996.

**Other Site Characteristics:** The site is not within the watershed or Special Flood Hazard Area. There are hydric soils located on the southern tip of this site.



**Surrounding Land Use:** A convenience store/gas station and commercial use occur to the west; single family residential to the east and southeast, and agriculture to the southwest. Surrounding uses are illustrated in Exhibit "E".

**Comprehensive Plans:** The 2030 Growth Vision Plan designates this site for "Rural Area". The Stedman Land Use Plan (2020) designates this site for "**Commercial**". The "Commercial" designation allows for an array of commercial uses and desires public water and sewer in most situations. Exhibit F illustrates the South



**IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES**

**Utilities:** This property is currently served by private well and septic. This site is not located within a water/sewer district.

**Traffic and Streets:** The site is located outside of FAMPO boundaries. The Average Daily Traffic Count (2018) on Wade Stedman Road is 2,700.

**Schools Cap/Enroll:** Stedman Primary: 200/144; Stedman Elementary: 300/311; Mac Williams Middle: 1270/1189; Cape Fear High: 1425/1427

**Emergency Services:** This request has been reviewed by the Cumberland County Fire Marshal's Office. The County Fire Marshall stated: Ensure all fire department access requirements are met.

## FINDINGS OF FACT

Pursuant to Section 1606.C. Special Use Permits, Consideration of Application, the Board of Adjustment must establish a finding of fact for the following criteria to approve the special use:

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.

Applicant's response to each of these criteria are provided with the Special Use Application found in Exhibit "C".

## MOTION

The BOA is requested to take actions/motions based on the findings of fact, the Bethany Park special use site plan, and the conditions set forth in the Special Use Permit. Any motion to approve the special use includes approval of the Special Use Permit and the Bethany Community Park Special Use Site Plan.

## Exhibit "B" Use Matrix

### SECTION 403 USE MATRIX

CUMBERLAND COUNTY ZONING ORDINANCE  
P = PERMITTED USE  
S = SPECIAL USE (Sec. 1606, Bd of Adjustment)  
Z = CONDITIONAL ZONING (Art. V, County BOC)

LAND USES	ZONING CLASSIFICATIONS																				
	CG	A1	AA	AA1	AA2	AA3	AA4	AA5	AA6	AA7	AA8	AA9	AA10	AA11	AA12	AA13	AA14	AA15	AA16	AA17	
PUBLIC/COMMUNITY UTILITY STATIONS/SUBSTATIONS	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
PUBLIC UTILITY WORKS, SHOPS OR STORAGE YARDS (Sec. 918)		S																	P	P	
PUBLISHING																				P	P
QUARRY (Sec. 919)	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	
RADIO OR TELEVISION STUDIO ACTIVITIES ONLY																			P	P	
RAILROAD STATION/OPERATIONS																				P	P
RECREATION/AMUSEMENT INDOOR (Sec. 920) conducted inside building for profit, not otherwise listed & not regulated by Sec. 924								P												P	P
RECREATION/AMUSEMENT OUTDOOR (Sec. 920) conducted outside building for profit, not otherwise listed & not regulated by Sec. 924	P	P	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
RECREATION/AMUSEMENT OUTDOOR (with mechanized vehicle operations) conducted outside building for profit, not otherwise listed & not regulated by Sec. 924		P																		P	P
RECREATION OR AMUSEMENT PUBLIC/PRIVATE (Sec. 920) not operated as a business for profit including playgrounds, neighborhood center buildings, parks, museums, swimming pools, etc., & not regulated by Sec. 924	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
RECREATIONAL VEHICLE PARK AND/OR CAMPGROUNDS (Sec. 921)	S	S	S					S												P	P
RELIGIOUS WORSHIP ACTIVITIES		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
REPAIR, RENTAL AND/OR SERVICING, of any product the retail sale of which is a use by right in the same district																			P	P	P
RESIDENTIAL HABILITATION SUPPORT FACILITY (Sec. 922)		S	S		S			S											P	P	P
RESTAURANT, operated as commercial enterprise, except as regulated by Section 924																			P	P	P
RETAILING OR SERVICING, with operations conducted and merchandise stored entirely within a building and not otherwise listed herein																			P	P	P
SANITARIUM																			P		



**EXHIBIT "C"**  
**Applicant's Response to Section 1606.C.**

November 13, 2020

TO: Cumberland County Zoning Department

FR: Steve Core, President  
Bethany Historical Society

RE: Special Use Permit

Bethany Historical Society, in partnership with Fayetteville-Cumberland Parks and Recreation, are working closely to improve the existing Bethany Ball Park facility.

The improvement plan was presented to the community via a very well-publicized community meeting. Community stakeholders were asked for input and improvement plans were shared at area businesses, churches and the neighboring fire department.

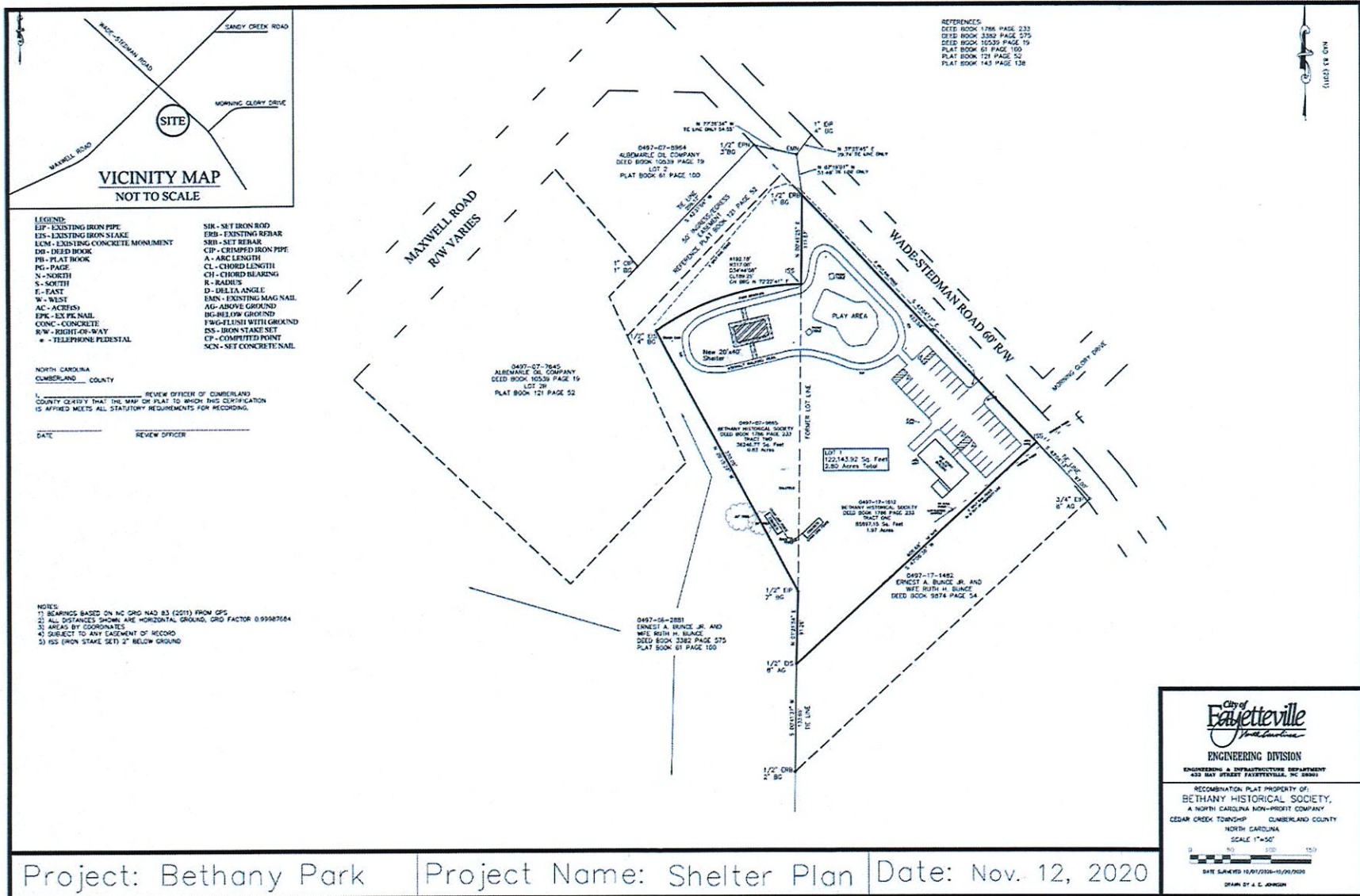
- The use will not endanger public health. It will enhance it. All safety requirements will be followed.
- The use is consistent with its previous use over the last fifty years. It is a ball park and will remain a ball park.
- The use, as a community park, associated with Fayetteville-Cumberland Parks and Recreation, will improve the quality of life of adjoining properties and be available for public use.
- The use of the property will be in harmony with the area as public input was sought after and encouraged in the planning stages.

Thank you for your support of this community enhancement project.



11-13-20

# EXHIBIT D BETHANY PARK SPECIAL USE SITE PLAN



**EXHIBIT "G"**

**DRAFT SPECIAL USE PERMIT**



## Special Use Permit- Board of Adjustment

### **DRAFT**

#### **Ordinance Related Conditions**

*For Recreation/Amusement Public/Private not operated for profit*

#### **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]

2. Prior to application for any permits, the recorded recombination plat (Plat Bk. 145, pg. 130) must be activated and a new Parcel Identification Number (PIN) assigned. Please contact Tax Mapping for questions related to the plat activation process. The developer must provide a copy of the recorded recombination plat and the new PIN to the Code Enforcement Officer at the time of submission for permits. [Sec. 4-8(b)(2), County Code]
3. Authorization for wastewater system construction required before other permits to be issued. The County Health Department must approve sewer plans. Lots not served by public sewer systems are required to be large enough and of such physical character to comply with the Health Department's minimum standards. Site and soil evaluations must be conducted on the property by the County Environmental Health Department. A copy of the Health Department approval must be provided to Code Enforcement. (Note: All Health Department requirements must be met prior to issuance of final permits.) (NCGS § 130A-338 & Sec. 2306 A, County Subdivision Ord. & Sec. 1101.E, County Zoning Ord.)

#### **Permit-Related:**

4. 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.)
5. 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]
6. If driveways are changed or added, the developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). If required, a copy of the approved driveway permit must be provided to Code Enforcement. 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 at the number listed on the bottom of this conditional approval.

**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.**

7. 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)
8. The County Health Department must approve water plans. Lots not served by public water system is required to be large enough and of such physical character to comply with the Health Department's minimum standards. A copy of the Health Department approval must be provided to Code Enforcement. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Sec. 2306 A, County Subdivision Ord. & Sec. 1101.E, County Zoning Ord.)
9. 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:**

10. Development and use of the project site shall occur consistent with the "Bethany Historical Society" Special Use site plan (Exhibit "A" of the Special Use Permit). All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance, and County Zoning Ordinance for the A1 zoning district must be complied with, as applicable.
11. This conditional approval is not approval of any freestanding signs. If a freestanding sign is desired, re-submittal of the site plan is required prior to application for any freestanding sign permits. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.) (Art. XIII, County Zoning Ord.)

**Note: Per Section 920 of the County Zoning Ordinance, one sign is permitted for this use and the sign shall not exceed the standards for those allowed in the C1(P) zoning district.**

12. "Wade Stedman Road" must be labeled as "SR 1826 (Wade Stedman Road)" 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. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
19. All required off-street parking spaces are required to be a minimum of 9' wide x 20' in length. A minimum of one off-street parking space for each four persons in design capacity is required for this development. The site plan indicates 28 existing parking spaces. (Art. XII, County Zoning Ord.)
20. The owner/developer is responsible and liable for maintenance and upkeep of this site, all structures, and appurtenances, to include ensuring that the site is kept free of litter and debris, all grass areas mowed, all buffers and shrubbery kept trim and maintained, so that the site remains in a constant state of being aesthetically and environmentally pleasing. (Sec. 1403, County Zoning Ord.)
21. The Noise Regulations of the County Code Chpt. 9.5, Art. II are to be complied with.
22. All uses on site conducted on dirt (i.e. ball fields, tracks, etc.) shall have measures in place to minimize the creation of dust.
23. Fencing, netting or other control measures shall be provided around the perimeter of any areas used for hitting, flying, or throwing of objects to prevent the object from leaving the designated area.

**Advisories:**

24. The applicant is advised to consult an expert on wetlands before proceeding with any development.
25. Any revision or addition to this plan necessitates re-submission for review and approval prior to the commencement of the change.
26. 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.
27. The developer's subsequent application for permits upon receipt of these conditions of approval constitutes the developer's understanding and acceptance of the conditions of approval for this development.
28. 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.

**Other Relevant Conditions:**

29. This conditional approval is contingent upon continued compliance with the County's Subdivision and Development Ordinance and Zoning Ordinance.
30. The owner/developer be aware that every deed created for a lot being served by an on-site water and/or sewer system must contain the following disclosure when filed with the County Register of Deeds:

"Public water and/or sewer services are not available as of the date of the recording of this deed. On-site sewer disposal systems must be approved by the County Health Department."

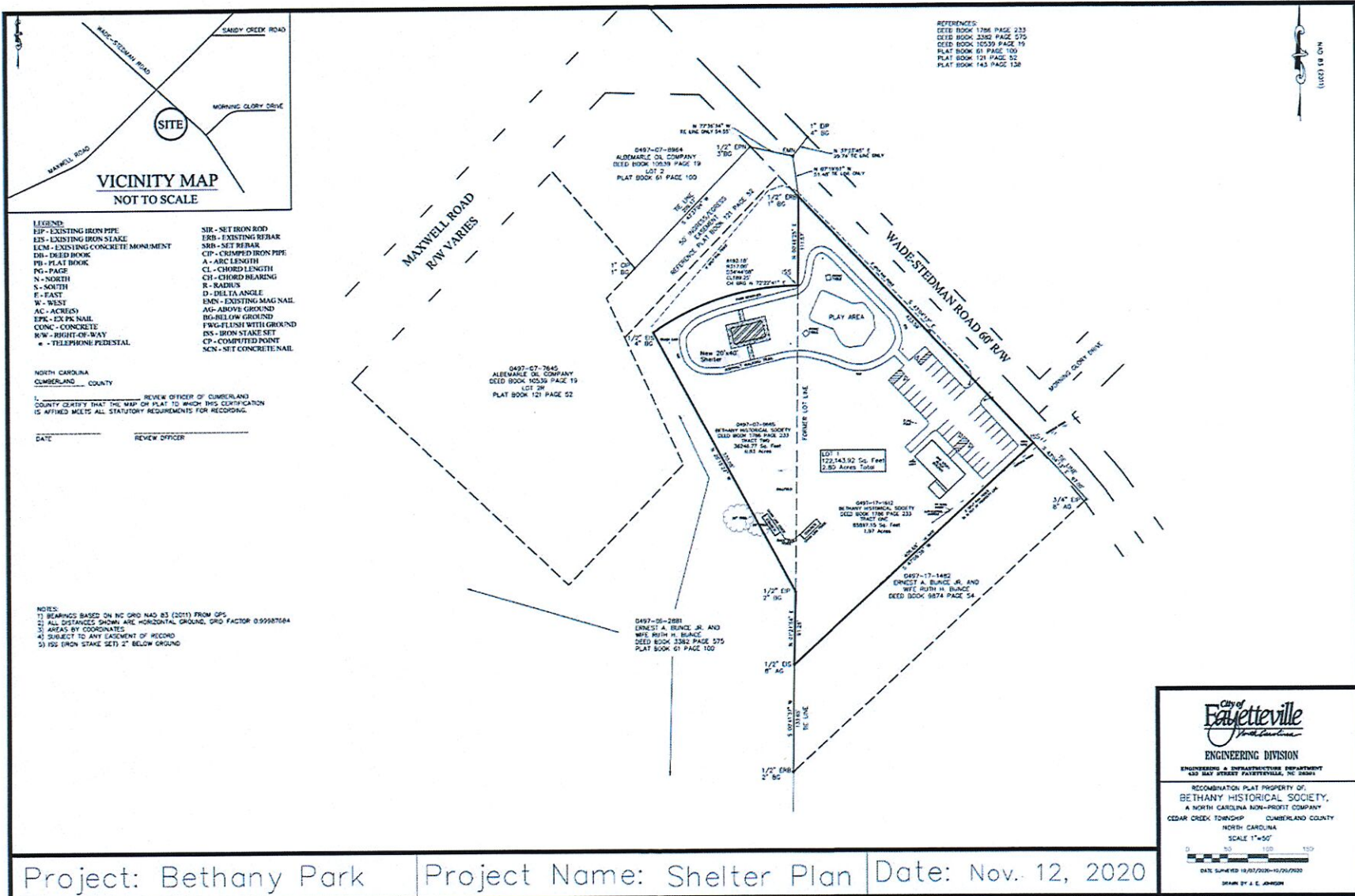
**If you need clarification of any conditions, please contact Billy Prutzman at 910-678-7603 or Betty Lynd at 910-678-7605 with the Current Planning Section; otherwise, contact the appropriate agency at the contact numbers below.**

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

Current Planning Manager:	Betty Lynd	678-7605	
<a href="mailto:blynd@co.cumberland.nc.us">blynd@co.cumberland.nc.us</a>			
Subdivision/Site Plan/Plat	Jeff Barnhill	678-7765	
<a href="mailto:jbarnhill@co.cumberland.nc.us">jbarnhill@co.cumberland.nc.us</a>			
Code Enforcement (Permits):	Scott Walters	321-6654	
<a href="mailto:swalters@co.cumberland.nc.us">swalters@co.cumberland.nc.us</a>			
County Building Inspections:	Michael Naylor	321-6657	
<a href="mailto:mnaylo@co.cumberland.nc.us">mnaylo@co.cumberland.nc.us</a>			
Fire Marshal – Emergency Services	Kevin Lowther	321-6625	
<a href="mailto:klowther@co.cumberland.nc.us">klowther@co.cumberland.nc.us</a>			
	Gene Booth	678-7641	
<a href="mailto:wbooth@co.cumberland.nc.us">wbooth@co.cumberland.nc.us</a>			
County Health Department:	Fred Thomas	433-3692	
<a href="mailto:ftomas@co.cumberland.nc.us">ftomas@co.cumberland.nc.us</a>			
US Postal Service	Jonathan R. Wallace	(704) 393-4412	
<a href="mailto:jonathan.r.wallace@usps.gov">jonathan.r.wallace@usps.gov</a>			
Corp of Engineers (wetlands):	Emily Greer	(910) 251-4049	
<a href="mailto:emily.c.greer@usace.army.mil">emily.c.greer@usace.army.mil</a>			
NCDEQ (E&S):	Leland Cottrell	(910) 433-3393	<a href="mailto:leland.cottrell@ncdenr.gov">leland.cottrell@ncdenr.gov</a>
US Fish & Wildlife Services	Susan Ladd Miller	(910) 695-3323	<a href="mailto:susan_miller@fws.gov">susan_miller@fws.gov</a>
Location Services:			
Site-Specific Address:	Will Phipps	678-7666	
<a href="mailto:wphipps@co.cumberland.nc.us">wphipps@co.cumberland.nc.us</a>			
Tax Parcel Numbers:		678-7549	
NCDOT (driveways/curb-cuts):	Troy Baker	364-0601	<a href="mailto:tlbaker@ncdot.gov">tlbaker@ncdot.gov</a>
Transportation Planning:	Irvin Wyche	678-7615	
<a href="mailto:iwyche@co.cumberland.nc.us">iwyche@co.cumberland.nc.us</a>			
N.C. Division of Water Quality:	Annette Lucas	(919) 807-6381	<a href="mailto:annette.lucas@ncdenr.gov">annette.lucas@ncdenr.gov</a>

# EXHIBIT A

## BETHANY PARK SPECIAL USE PERMIT SITE PLAN



**City of Fayetteville**  
*North Carolina*

**ENGINEERING DIVISION**

ENGINEERING & INFRASTRUCTURE DEPARTMENT  
432 BAY STREET FAYETTEVILLE, NC 28401

RECOMMENDATION PLAT PROPERTY OF:  
**BETHANY HISTORICAL SOCIETY,**  
A NORTH CAROLINA NON-PROFIT COMPANY

CEDAR CREEK TOWNSHIP    CUMBERLAND COUNTY  
NORTH CAROLINA  
SCALE 1"=50'

DATE SUPPLIED 10/01/2020-11/02/2020  
DRAWN BY J. E. JOHNSON

**ATTACHMENTS:**

**Special Use Application**



**County of Cumberland**  
◆  
**BOARD OF ADJUSTMENT**

CASE #: P20-07-C

CUMBERLAND COUNTY BOA  
MEETING DATE: 12-17-20

DATE APPLICATION  
SUBMITTED: 11-13-20

RECEIPT #: 75788 City of  
Fay

RECEIVED BY: BL

**APPLICATION FOR  
SPECIAL USE PERMIT**

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

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

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

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

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

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

BOARD OF ADJUSTMENT

LOCATION OF PROPERTY: 2105 Wade - Stedman Rd, Stedman, N.C. 28391  
OWNER: Bethany Historical Society  
ADDRESS: 6772 Faircloth Bridge Rd ZIP CODE: 28391  
TELEPHONE: HOME 910-624-7954 WORK SAME  
AGENT: City of Fayetteville  
ADDRESS: 121 Laman St, Fayetteville, N.C. 28301  
TELEPHONE: HOME (910)391-9407 WORK (910)391-9408  
E-MAIL: JMcMillan@ci.fay.nc.us, DMatthew@ci.fay.nc.us

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

- A. Parcel Identification Number (PIN #) of subject property: 0492-17-1612, 0492-02-9665 (also known as Tax ID Number or Property Tax ID)
- B. Acreage: 2.80 Frontage: 423.59' Depth: 406.68'
- C. Water Provider: Well
- D. Septage Provider: Septic Tank
- E. Deed Book 10178, Page(s) 233-241, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
- F. Existing use of property: Outdoor Recreation

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.)

Outdoor Recreation, walking trail, playground, picnic shelter, baseball/softball practice field



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.

Bethany Historical Society  
NAME OF OWNER(S) (PRINT OR TYPE)

6772 Faircloth Bridge Rd, Stedman, N.C. 28291  
ADDRESS OF OWNER(S)

sccpapa@gmail.com  
E-MAIL

910 483-4411 HOME TELEPHONE #      Cell  
910-624 2954 WORK TELEPHONE #

City of Fayetteville  
NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

121 Laman St, Fayetteville, N.C. 28301  
ADDRESS OF AGENT, ATTORNEY, APPLICANT

JMcMillan@ci.fay.nc.us, DMatthews@ci.fay.nc.us  
E-MAIL

HOME TELEPHONE #      (910)391-9407, (910)391-9408  
WORK TELEPHONE #

x [Signature]  
SIGNATURE OF OWNER(S)

[Signature]  
SIGNATURE OF AGENT, ATTORNEY  
OR APPLICANT

\_\_\_\_\_  
SIGNATURE OF OWNER(S)

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

**STATEMENT OF ACKNOWLEDGMENT**

Regarding appearance before the Board of Adjustment, the undersigned owner(s), agents, or their assigns, by virtue of their signature(s) to this application, hereby acknowledge the following:

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

Signed acknowledgment that the Planning and Inspections Staff has explained the application process and procedures regarding this request and the public hearing procedure stated above.

X SIGNATURE OF OWNER(S) 

PRINTED NAME OF OWNER(S) Steve Core President BAS

DATE 11-13-20

November 13, 2020

TO: Cumberland County Zoning Department

FR: Steve Core, President  
Bethany Historical Society

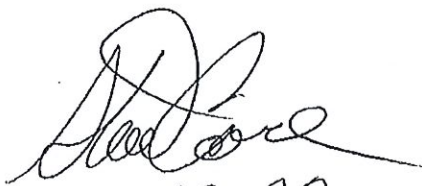
RE: Special Use Permit

Bethany Historical Society, in partnership with Fayetteville-Cumberland Parks and Recreation, are working closely to improve the existing Bethany Ball Park facility.

The improvement plan was presented to the community via a very well-publicized community meeting. Community stakeholders were asked for input and improvement plans were shared at area businesses, churches and the neighboring fire department.

- The use will not endanger public health. It will enhance it. All safety requirements will be followed.
- The use is consistent with its previous use over the last fifty years. It is a ball park and will remain a ball park.
- The use, as a community park, associated with Fayetteville-Cumberland Parks and Recreation, will improve the quality of life of adjoining properties and be available for public use.
- The use of the property will be in harmony with the area as public input was sought after and encouraged in the planning stages.

Thank you for your support of this community enhancement project.



11-13-20