

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

TENTATIVE AGENDA OCTOBER 22, 2020 6:00 PM

A meeting of the Cumberland County Board of Adjustment is to be held on Thursday, October 22, 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:

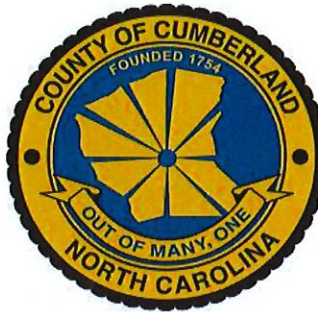
1. INVOCATION & PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. SWEAR IN STAFF
4. ADJUSTMENTS TO THE AGENDA
5. APPROVAL OF THE SEPTEMBER 17, 2020 MINUTES
6. ABSTENTIONS BY BOARD MEMBERS/BOARD MEMBER DISCLOSURES (SITE VISITS AND/OR PERSONAL AFFILIATIONS)
7. PUBLIC HEARING DEFERRALS/WITHDRAWALS
8. POLICY STATEMENT REGARDING APPEAL PROCESS
9. PUBLIC HEARING(S):

P20-03-C: CONSIDERATION OF A VARIANCE TO ALLOW A 0 FOOT FRONT YARD SETBACK WHERE 50 FEET IS REQUIRED AND TO ALLOW A SOLID FENCE WITHIN THE FRONT YARD AREA IN AN A1 AGRICULTURAL DISTRICT ON 0.74+/- ACRES, LOCATED AT 1062 PALESTINE ROAD, SUBMITTED BY CHARLES & SHEENA ANNAN (OWNERS).

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

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
September 17, 2020
6:00 PM

Members Present

George Turner
Alfonso Ferguson
Gregory Parks
Marva Lucas-Moore
Stacy Long

Absent Members

Winton McHenry

Staff/Others Present

Betty Lynd
Dena Barner
Rob Hasty
(Asst 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

Mrs. Lynd called the roll. For the audience, Mrs. Lynd stated a quorum was present. Mrs. Lynd also introduced Mr. Hasty, Assistant County Attorney for the board.

3. SWEAR IN STAFF

Not needed for tonight's meeting.

4. ADJUSTMENTS TO THE AGENDA

None

5. APPROVAL OF THE AUGUST 20, 2020 MINUTES

Mr. Parks made a motion to approve the minutes from the August 20, 2020 meeting with any necessary corrections, seconded by Mrs. Lucas-Moore. The motion passed unanimously.

	IN FAVOR
TURNER	YES
FERGUSON	YES
PARKS	YES
LUCAS-MOORE	YES
LONG	YES

6. APPROVAL 2021 DEADLINE MEETING SCHEDULE

Ms. Lucas-Moore made a motion to approve the 2021 Deadline/Meeting Schedule, seconded by Mr. Long. The motion passed unanimously.

	IN FAVOR
TURNER	YES
FERGUSON	YES
PARKS	YES
LUCAS-MOORE	YES
LONG	YES

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

Item not needed tonight.

8. PUBLIC HEARING DEFERRALS/WITHDRAWALS

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

Mrs. Lynd explained that the applicant has requested a deferral and the county does not contest the request. However, due to scheduling conflicts pertaining to this case, the regularly scheduled October 15 meeting will need to be moved to October 22 if that fits everyone's schedule.

Mr. Ferguson made a motion to change the October 15, 2020 meeting to October 22, 2020 due to scheduling conflicts, seconded by Mr. Parks. The motion passed unanimously.

	IN FAVOR
TURNER	YES
FERGUSON	YES
PARKS	YES
LUCAS-MOORE	YES
LONG	YES

Ms. Lucas-Moore made a motion to defer P20-02-C to October 22, 2020, seconded by Mr. Parks. The motion passed unanimously.

	IN FAVOR
TURNER	YES
FERGUSON	YES

PARKS	YES
LUCAS-MOORE	YES
LONG	YES

9. POLICY STATEMENT REGARDING APPEAL PROCESS

N/A

10. PUBLIC HEARING(S)

N/A

11. DISCUSSION/UPDATES

MRS. LYND: Dena sent out an email requesting nomination of an alternate to the Board to be submitted to the commissioners. Based off the responses we got, it looks like Mr. David Guy got the majority, so we would like you guys to make a motion to send that to the clerk to be placed on the agenda for the commissioners to appoint that person as an alternate member.

CHAIR TURNER: That only serves as a recommendation doesn't it? We don't have the ability to appoint anybody.

MRS. LYND: Right. We forward to the commissioners and they will put it on the agenda to appoint that person. We just need a motion to approve Mr. David Guy as your recommendation for nomination to the board.

Mr. Ferguson made a motion to approve David Guy to be sent to the commissioners as an alternate to the Board of Adjustment, seconded by Mr. Long. The motion passed unanimously.

	IN FAVOR
TURNER	YES
FERGUSON	YES
PARKS	YES
LUCAS-MOORE	YES
LONG	YES

12. ADJOURNMENT

Mr. Ferguson made a motion to adjourn, seconded by Mr. Parks. The motion passed unanimously. Meeting adjourned at 6:08pm.

	IN FAVOR
TURNER	YES
FERGUSON	YES
PARKS	YES
LUCAS-MOORE	YES
LONG	YES

Dena L Barner, Clerk to the Board

George Turner, Chairman

PLANNING STAFF REPORT

BOA CASE # P20-02-C

Board of Adjustment Hearing: October 22, 2020 (deferred from September 17, 2020)

EXPLANATION OF THE REQUEST

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

OWNER/APPLICANT

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

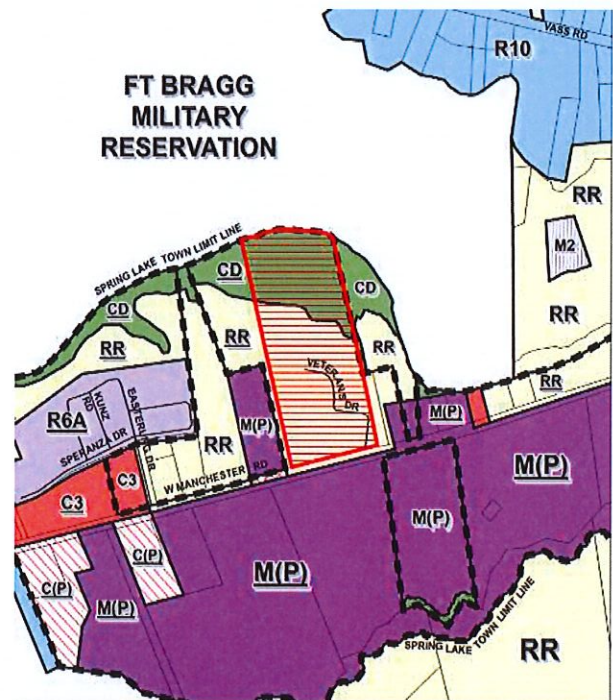
PROPERTY INFORMATION

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

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

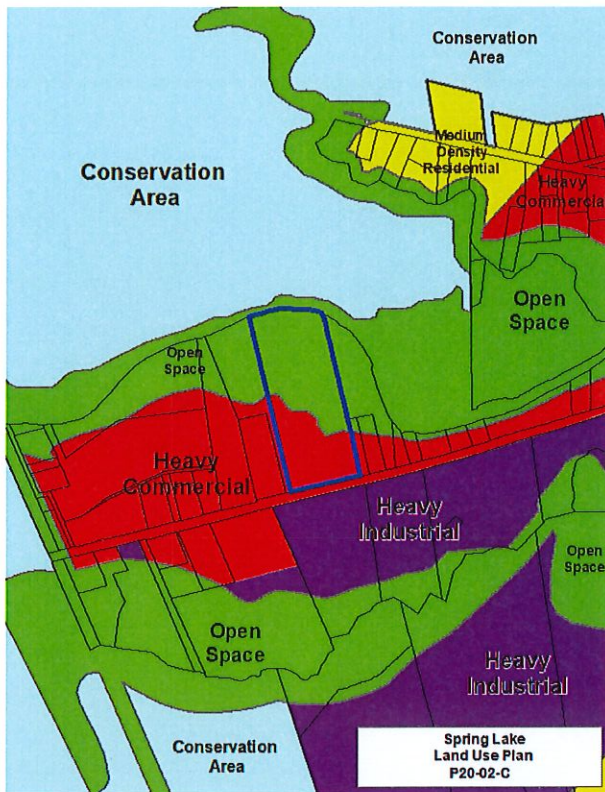
EXISTING LAND USE: The subject property is currently developed as a club/lodge for the American Legion. There is also a manufactured home on the property.

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



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

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



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

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

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

IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

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

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

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

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

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

Attachments:

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



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

20 May 2020

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

Mr. Walters,

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

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

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

Sincerely,

Derek Orent
Commander, Post #230

Rawls Howard
Director

Vacant
Deputy Director

Scott Walters
Code Enforcement
Manager

Carol M. Post
Office Processing Assistant



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

Planning & Inspections Department

Joey Lewis
Inspector

Gilbert Sanchez
Inspector

Andy Roberts
Inspector

Kim Cannizzaro
Inspector

Jamie Bahneman
Inspector

NOTICE OF VIOLATIONS

05/14/2020

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

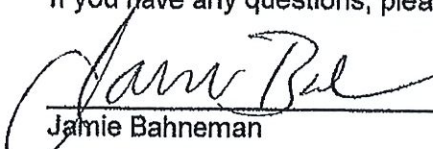
CASE # ZN-3808-2020

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

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

You are hereby advised that the above listed violation is a Class 3 Misdemeanor, under the provisions of North Carolina General Statute 14-4, and must be corrected within thirty (30) days of receipt of this notification. Failure to correct this violation will subject you to a civil penalty of \$500 dollars per day (each day being a separate violation) and prosecution for a misdemeanor violation in Environmental Court. Also be advised of your right to appeal this decision in accordance with Article XVII., Section 17.03(E), Appeal, Zoning Ordinance, Cumberland County, North Carolina.

If you have any questions, please contact the undersigned at (910) 321-6643.


Jamie Bahneman

Code Enforcement Officer

Jamie Bahneman

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

Kim Cannizzaro

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



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

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



Property Summary

Tax Year: 2020

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

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

Building Summary

Card 1 1654 VETERANS DR

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

Total Stories

1

Section 1 Details

Occupancy Type COMMERCIAL

2-FIX-BATHS 2

Air Conditioning Y

Class C-CONCRT/MASONRY-WLS

Depreciation 40%

Depreciation AVERAGE

Exterior Walls 07-CONCRETE-BLOCK

Interior Finish CLB-CLUB

Kitchens 1

Occupancy CLB-CLUB

Quality D

Sprinkler N

Addition Summary

Story	Type	Code	Area
1.00	CNPY COMM AVG	CCC	66

Building Sketch

Photograph

No Sketch Found

No Photo Found

Misc Improvements Summary

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

Total Misc Improvements Value Assessed: \$14,360

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

Total Misc Improvements Value Assessed: \$14,360

Land Summary

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

Total Land Value Assessed: \$58,841

Ownership History

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

Notes Summary

Building Card	Date	Line	Notes
No Data			

COMPLAINT

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

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

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

Occupant: _____ | () - | () -

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

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

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

Findings:

The property is operating a range for it's members and family. There is a sign at the front of the road with advertisement for the range along with numerous signs for the range rules for the members and their guest. The range is small and has a carport with targets and other things underneath it. There are casings laying all over the ground and in buckets by the carport area. I attempted contact with a Joe (717)451-4071 whose phone number was provided on one of the notices as their adjutant. 05/14/2020 8:20 AM

AMERICAN LEGION
FREE RANGE
W/ LEGION MEMBERSHIP
\$40 A YEAR

AMERICAN LEGION
POST 230
 SPRING LAKE, N.C.

05/13/2020 11:38

American Legion
 Spring Lake Post 230
 2324 Veterans Drive Spring Lake, NC 27982

JOIN US!
 We are looking for new members to join our organization. We are a non-profit organization and we are looking for people who are interested in helping our community. We are looking for people who are interested in helping our community.

MEMBERSHIP:
 We offer a variety of membership options. We have a full membership for \$40 a year. We also have a junior membership for \$20 a year. We also have a youth membership for \$10 a year. We also have a life membership for \$10,000. We also have a family membership for \$100 a year.

LEADERSHIP:
 We are looking for people who are interested in leadership. We are looking for people who are interested in helping our community. We are looking for people who are interested in helping our community.

American Legion
 Spring Lake Post 230
 2324 Veterans Drive Spring Lake, NC 27982

YOUR FEELINGS ARE IMPORTANT TO US

We are looking for people who are interested in helping our community. We are looking for people who are interested in helping our community. We are looking for people who are interested in helping our community.

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 We are looking for people who are interested in leadership. We are looking for people who are interested in helping our community. We are looking for people who are interested in helping our community.

American Legion
 Spring Lake Post 230
 2324 Veterans Drive Spring Lake, NC 27982

IF YOU WANT TO BE A PART OF THIS IMPORTANT ORGANIZATION, CALL OUR ADJUTANT GENERAL:
 CG-737-451-4893

PLEASE NOTE: THIS IS PRIVATE PROPERTY
 OUR PROPERTY IS PROTECTED BY THE AMERICAN LEGION. WE ARE NOT RESPONSIBLE FOR ANY DAMAGE TO OUR PROPERTY. WE ARE NOT RESPONSIBLE FOR ANY DAMAGE TO OUR PROPERTY.

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

EAT BREAKFAST... SUPPORT VETERANS
 Breakfast is the best food BIGGEST breakfast in Spring Lake

2020 Schedule of Events:
 March - 2020
 April - 2020
 May - 2020
 June - 2020
 July - 2020
 August - 2020
 September - 2020
 October - 2020
 November - 2020
 December - 2020

ALL AGES WELCOME!
 \$10 - Adults
 \$5 - Kids (12 & under)

Spring Lake Post 230
 2324 Veterans Drive
 Spring Lake, NC 27982
 Phone: 737-451-4893

05/13/2020 11:41



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

1654

JOIN US!

WHAT WE DID (T

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

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

COST: \$40 Annually

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

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

*OUR BUILDING
 (2016). IT COST
 WAS REBUILT
 HURRICANE FLORENCE
 WAS ALMOST
 GIVEN UP AND
 BECAUSE WE
 YOU CAN HELP*

05/13/2020 11:41



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

1654 Veterans

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

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

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

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

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

THANK YOU FOR YOUR

05/13/2020 11:41



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

8390

COMMUNITY:

on Bragg
 High Schools
 Villas in Fayetteville
 e VFW
 s for families of
 those in Durham
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IF YOU WANT TO BE A PART OF THIS IMPORTANT ORGANIZATION, CALL OUR ADJUTANT (JOE) AT: CP - 717-451-4071

PLEASE NOTE - THIS IS PRIVATE PROPERTY.

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

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

05/13/2020 11:41



EAT BREAKFAST . . . SUPPORT VETERANS

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

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

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

ALL-U-CAN-EAT!

\$10 - Adults
 \$5 - Kids (12 & under)

Menu includes:

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



Cash Bar & Bloody Mary Bar!

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

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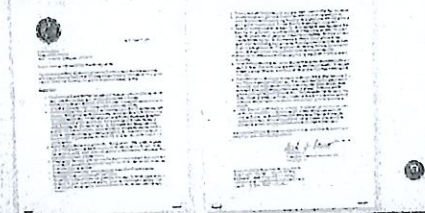
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05/13/2020 11:44



AMERICAN LEGION POST 230 RANGE RULES



05/13/2020 11:45

RANGE RULES



As of August 8, 2019

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

Subject: American Legion Post 230 Weapon Range Rules

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

Range Rules

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

8. Pick up trash and help maintain the range after range. It is a better than just being there.
9. Members should never park vehicles beyond the berm (as on the side opposite to the berm). Members should avoid driving throughout the property especially if the ground is wet in order to avoid leaving up the yard. Treat the property like it is your own.
10. If Law Enforcement is present, be respectful. Show them the range rules and let them know that you will speak to the post leadership to try and correct any issue. Our goal is on private property with all appropriate distance laws considered. We follow all county ordinances for private use. We have approved it normally without incident for many years. If you are following these rules and are respectful to law enforcement, we should be able to avert any situation. If the problem is not resolved, follow all law enforcement orders, get a name, phone number and report the incident to post leadership.
11. If there are any changes to any policy or procedure, we will get the revision out as soon as possible.
12. Always follow posted signs and rules on the property as we are post leadership for all to see at the range. Take a look at the door when you enter the post property. We may post a change to a range procedure or notify you of a range event by posting something outside front door.
13. If members want to use the range for weapon classes, have a large group (more than 20) need it for an extended period (more than 2 hours), have more than two guests, need to fire outside of the designated time window, or have any other unique situation, obtain permission from post leadership at least 48 hours in advance. Permission may be granted from either the Post Commander, Post Vice Commander, Post Adjutant or Post Range Officer. If members are found in violation of these rules without prior leadership permission they are subject to having their range privileges limited, suspended, or revoked.
14. Finally, you are a veteran worthy of our respect. We applaud your service to our nation and for your time being in the service a long, service oriented organization, the American Legion. Our post is fortunate to have this range. If we use the principles taught in the military, correct safety procedures, and our common sense, we will be assured of a safe and fun activity and have access to this range for many years.

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

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

Post Commander: Mark J. O'Connell
Range Officer: [Name]
Vice Commander: [Name]
Adjutant: [Name]
05/13/2020 11:45

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

Subject: American Legion Post 230 Weapon Range Rules

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7. Do not shoot outside of the left and right limits of the range. Do not set targets on top of the berm; all targets must have a backstop. Do not use glass bottles or masonry. This creates a safety concern and an additional debris burden for members using the range after you.

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8. Pick up trash and help maintain the range after usage. Leave it better than you found it!
9. Members should never park vehicles beyond the berm (or on the side parallel to the berm). Members should avoid driving throughout the property especially if the ground is wet in order to avoid tearing up the yard. Treat the property like it is your own!
10. If Law Enforcement is present, be respectful. Show him/her the range rules and let them know that you will speak to the post leadership to try and correct any issue. Our post is on private property with all appropriate distance limits considered. We follow all county ordinances for private use. We have operated it virtually without incident for many years. If you are following these rules and are respectful to law enforcement, we should be able to avert any situation. If the problem is not resolved, follow all law enforcement orders, get a name, phone number, and report the incident to post leadership.
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14. Finally, you are a veteran worthy of our respect. We applaud your service to our nation and for your membership in the nation's largest veterans service organization, the American Legion. Our post is fortunate to have this range. If we use the principles taught in the military, ensure safety procedures, and use common sense, we will be assured of a safe and fun activity and have access to this range for many years.

Questions about the range procedures or suggestions for revision should be sent to the post leadership at spring_lake_post_230@gmail.com.

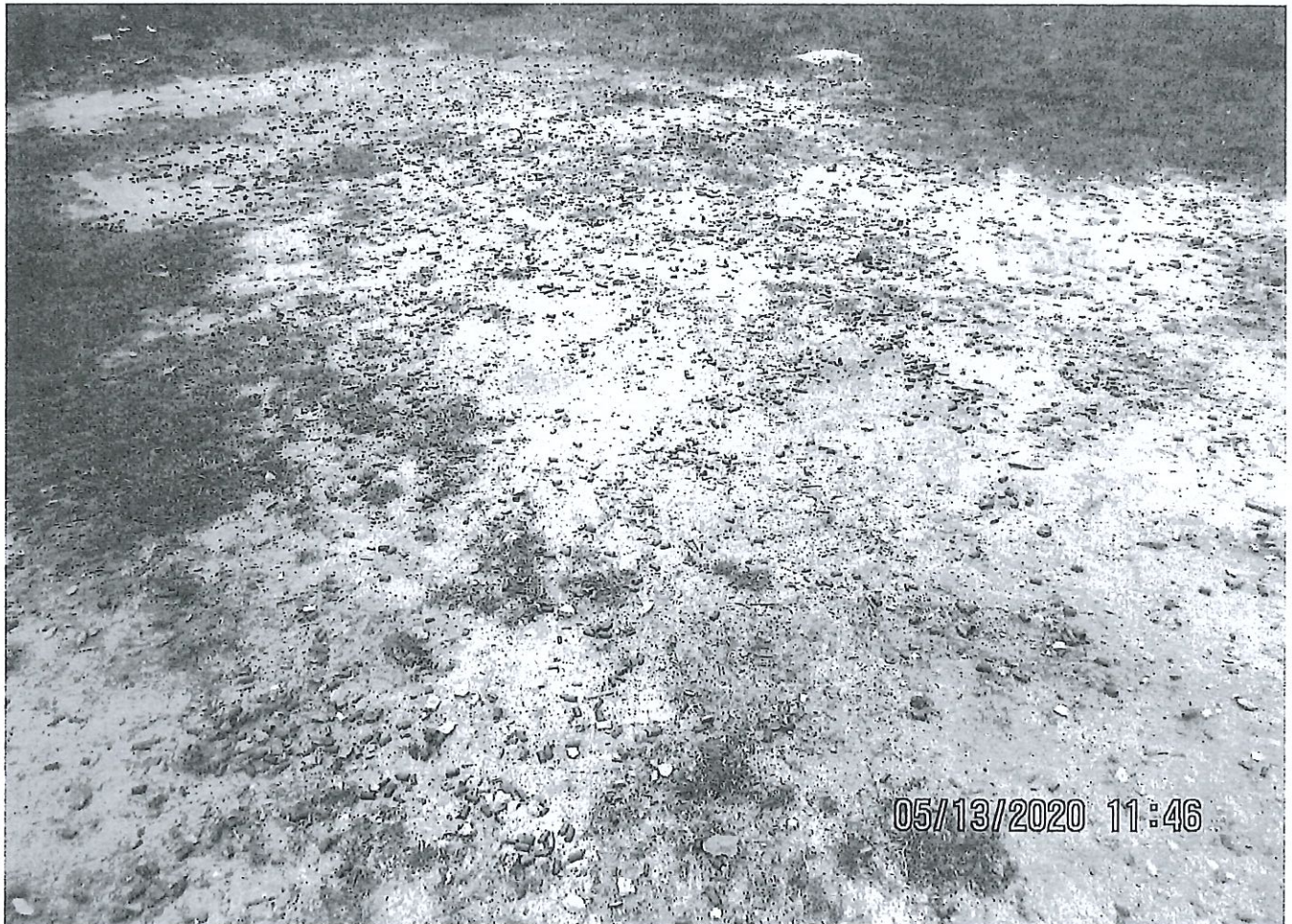

Derek Orent
Commander, American Legion Post 230
Spring Lake, NC

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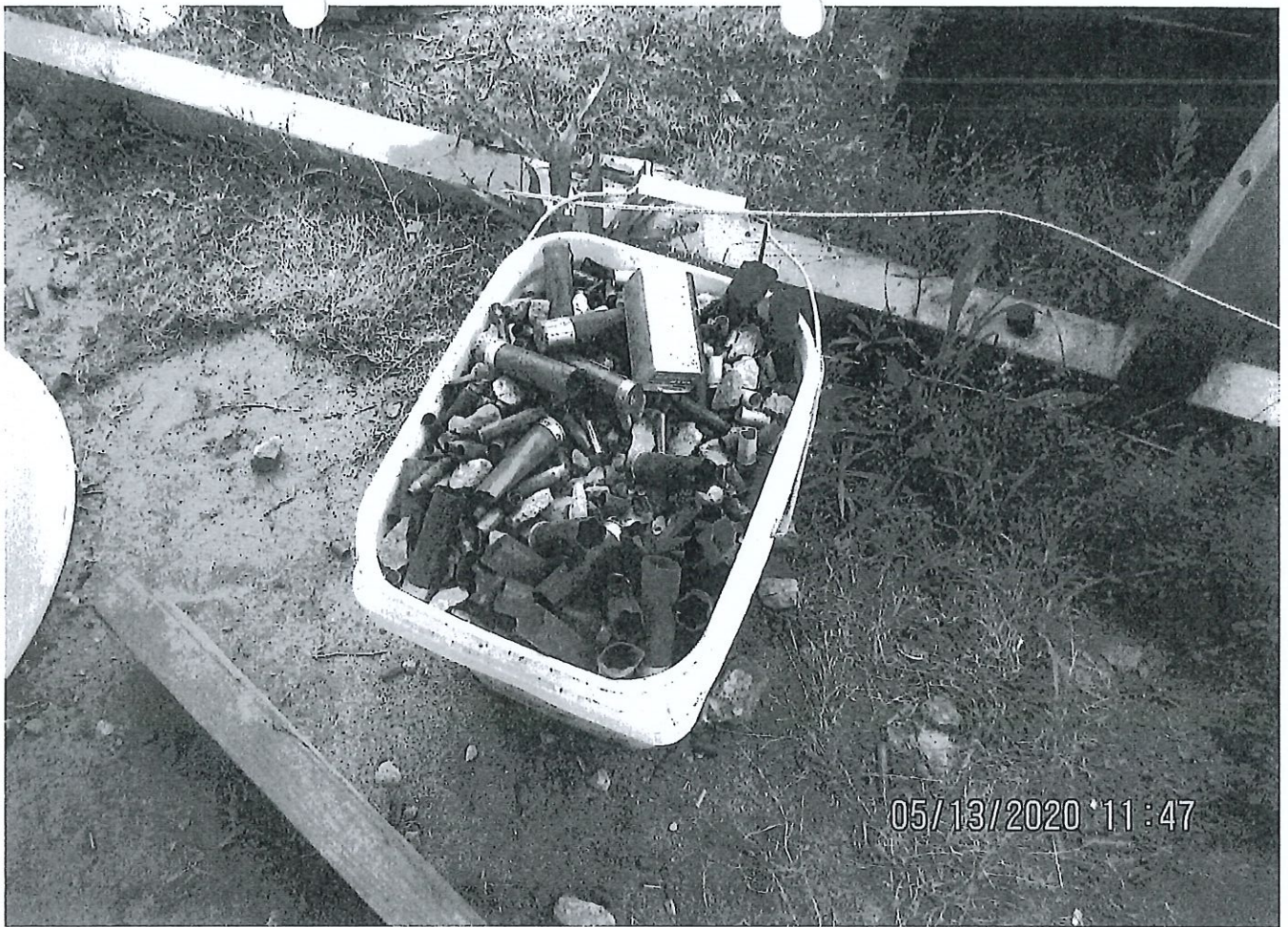




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*as of August 8, 2019

230
Spring Lake, NC 28390

Legion Post 230 Weapon Range Rules

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

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05/13/2020 11:48



As of August 13, 2019

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

Subject: American Legion Post 230 Weapon Range Rules

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5. If large groups have been approved to use the range (i.e. weapon classes, Scout troops, etc.) do our best to annotate our social media pages so that all are aware and that we avoid any inconvenience to our members.
6. Members can fire revolvers, semiautomatic pistols and rifles (do not use explosives or shotguns). Individuals can fire no caliber higher than 7.62mm.
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05/13/2020 11:48

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

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

(Amd. 11-20-06)

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

(Amd. 01-19-10)

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

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

(Amd. 02-19-08)

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

(Amd. 04-11-18)

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

(Amd. 06-17-13)

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

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

(Amd. 02-19-08)

SECTION 907.1. FIRING RANGE, OUTDOOR.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 908. GOLF COURSES.

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

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

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

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

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

SECTION 909. GROUP HOMES.

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

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

**CUMBERLAND COUNTY
BOARD OF ADJUSTMENT HEARING
OCTOBER 22, 2020**

SUBJECT: BOA CASE # P20-03-C -- Variance

REQUEST: Variance to allow a Zero-Foot front yard setback for three accessory buildings and a fence instead of required minimum fifty-foot setback, applicable to the southern 125 lineal feet along the eastern right-of-way easement line for Dreamland Drive.

Exhibits

- A. Site Location
- B. Site Plan (attached)
- C. Site Survey (attached)
- D. Existing Uses
- E. Site Pictures (attached)
- F. Future Land Use Map
- G. Sec. 1104 District Standards (attached)
- H. Variance Application (attached)

EXPLANATION OF THE REQUEST

The Property Owner of a parcel assigned an A-1 zoning district (Exhibit A) requests a variance to allow a zero-foot front yard setback instead of the required minimum fifty feet for the southern 125 feet along Dreamland Drive eastern right-of-way easement to accommodate two garages, a shed, and a privacy fence. Section 1104 of the Zoning Code establishes a minimum front yard setback of fifty feet for each of these structures. A 1,425 +/- sq. ft. garage and a 154 +/- sq. ft. shed have already been constructed as well as a wood-stockade privacy fence, all without the property owner obtaining a building permit from Cumberland County. The smaller garage (573 +/- sq. f.t.) was constructed before the current owner purchased the property in March 2011. Structures subject to the variance request appear in the site plan presented in the attached Exhibit B, Site Plan, (garages - # 1; shed # 2, and fence #3). The variance request only applies to these four structures and for the above listed floor area of the garage and metal shed.

Building Permits submitted to Cumberland County cannot be approved and issued to the property owner for the three structures not previously issued a building permit unless (1) a variance is granted by the BOA and (2) all three structures comply with the variance conditions. Dreamland Drive is a Class "C" private street and while the property lines go to the center of the private street, setbacks are measured from the right-of-way line per the Zoning Code.

PROPERTY INFORMATION

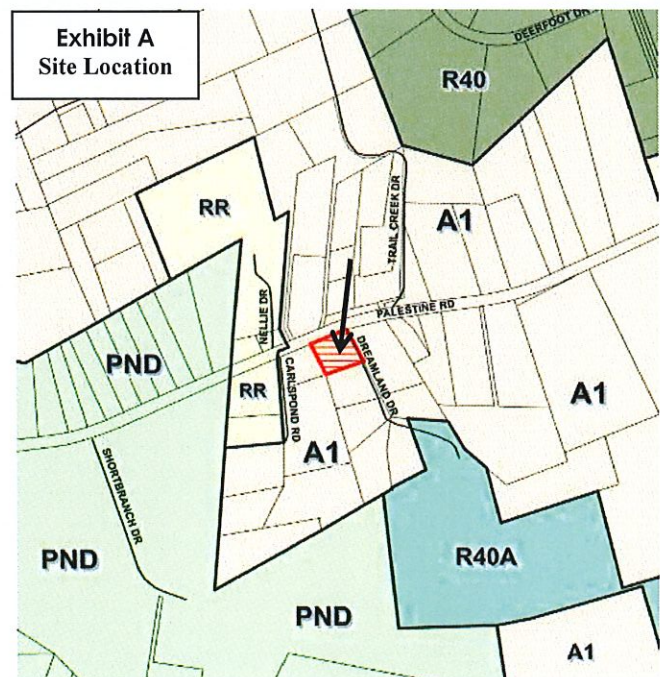
Owner/Applicant: Charles & Sheena Annan

Address/Location: 1062 Palestine Road (Exhibit A)

REID #: 0553537082000

Parcel Size: 0.74 acres within one parcel.
The property has approximately 196' of street frontage along Palestine Road and approximately 224' of street frontage along Dreamland Drive. The property is 224'+/- in depth. Exhibit C (attached) is the site survey illustrating the parcel size, dimension, and current building and structure locations.

Existing Land Use: The subject property is currently developed with a single-family dwelling unit and several accessory structures, as illustrated in Exhibit D



below, as well as pictures provided in Exhibit E (attached).

Zoning: A1 Agricultural

Other Site Characteristics: The property is not within the Special Flood Hazard Area. The property is within the watershed but is less than one acre. There are no soil limitations that restrict development on this site.

SURROUNDING LAND USE: Residential uses, including manufacture homes, are the predominate use in the surrounding area, as shown in Exhibit D.



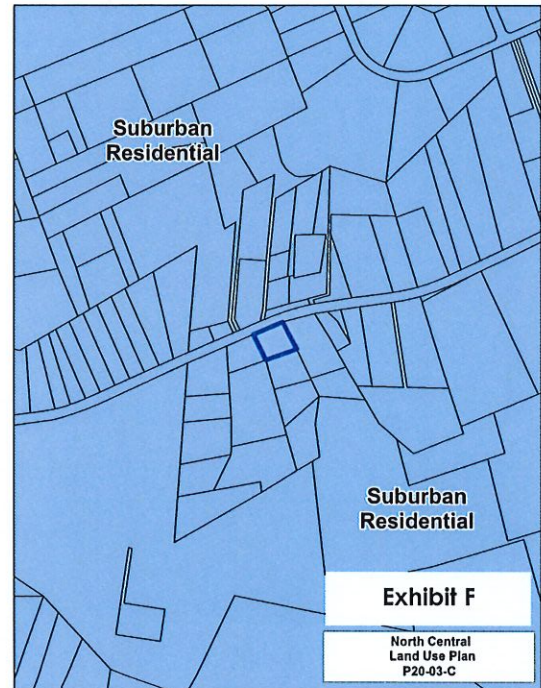
Development Review: This property was platted on Nov. 2, 1987 in Plat Book 63, Page 69.

Zoning History: This property was initially zoned A1 as part of the Area 15 initial zoning on December 17, 2001.

Utilities: This property is currently served by private well and septic. Electric power lines are located on the opposite side of Dreamland Drive.

Comprehensive Plans: The 2030 Growth Vision Plan designates this parcel for "Rural Area". The North Central Cumberland Land Use Plan (2011), as shown in Exhibit F, designates this parcel for "Suburban Residential". The "Suburban Density Residential" designation allows for residential development with a maximum of two units per acre.

Applicable Zoning Codes: Section 1104, A1 Zoning Standards (Exhibit G attached))



IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

Traffic and Streets: The subject property is located outside of FAMPO boundaries. The Average Daily Traffic Count (2014) on Palestine Road is 790. The subject property is located at the intersection of Palestine Road and Dreamland Drive with them main driveway accessing Palestine Road. Extending a length of approximately 600 feet from Palestine Road, Dreamland Drive terminates as a dead-end. Only traffic generated from six single family homes impact Dreamland Drive.

SCHOOLS CAP/ENROLL: Long Hill Elementary: 460/486; Raleigh Rd Elementary: 220/238; Pine Forest Middle: 820/808; Pine Forest High: 1750/1577. The variance does not generate any impacts on public school enrollment.

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.

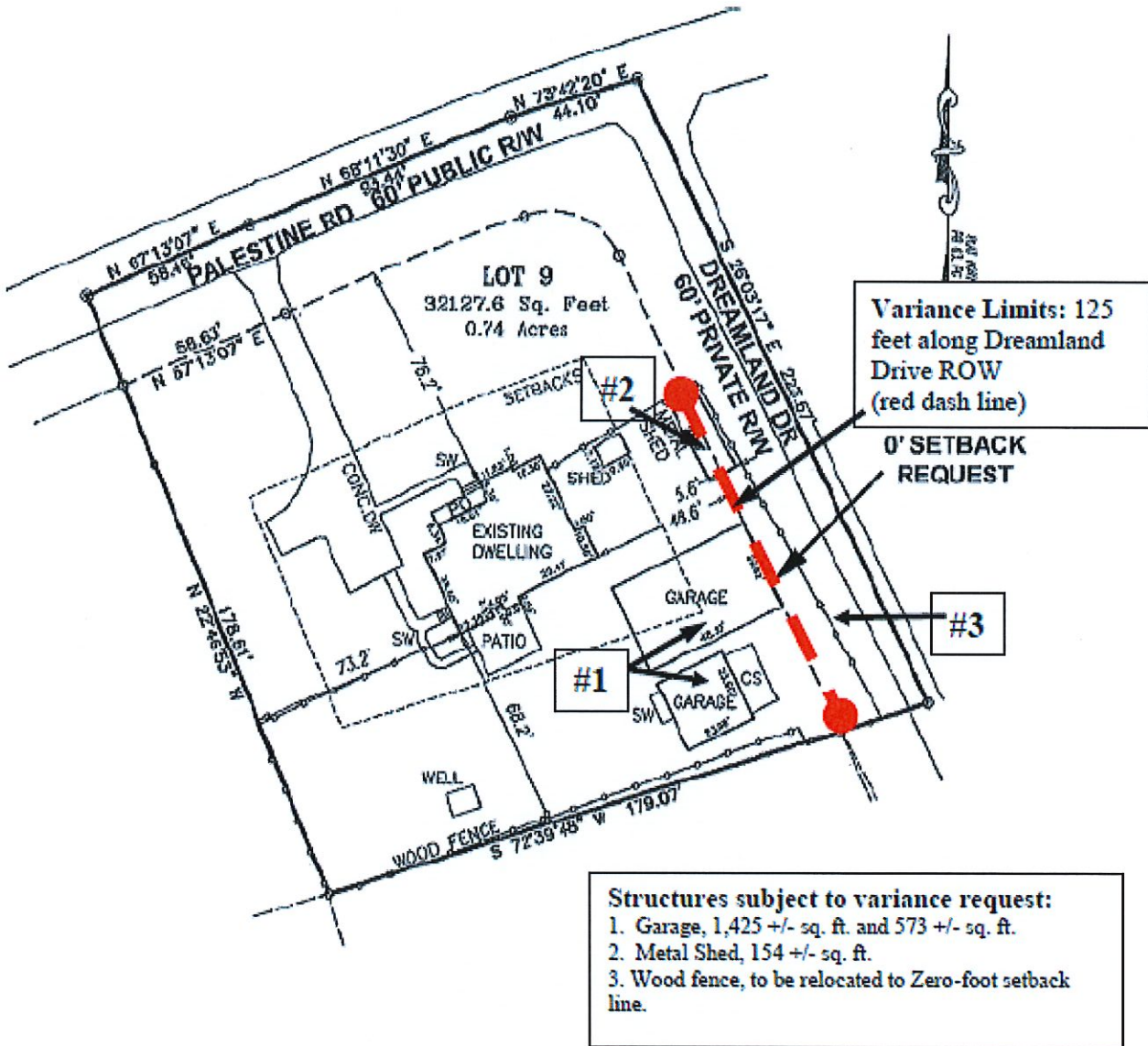
Applicant's Response to the above criteria were submitted with the application and is provided below:

"The fence is laid out and constructed in a manner that blends in visually in a low-key, unobtrusive manner with the surrounding. As such, it is clearly in harmony with the overall intents and purposes.

Additionally, the fence and existing building that this Variance is being requested for does not encroach or infringe on any neighboring residential properties, nor would it impose any hardship on any neighbors, nor would it serve to create a situation where any neighbor's quality of life, property value, or peaceful co-existence would be negatively affected. As a matter of fact, the proposed project would be an improvement to the neighborhood and result in an overall increase in property value and tax base created by improvements. The granting of such Variance will not be materially detrimental to the public welfare. The proposed Variance does no harm to either public or private interest and is not injurious to any property or interest."

Attachments:
Notification Mailing List

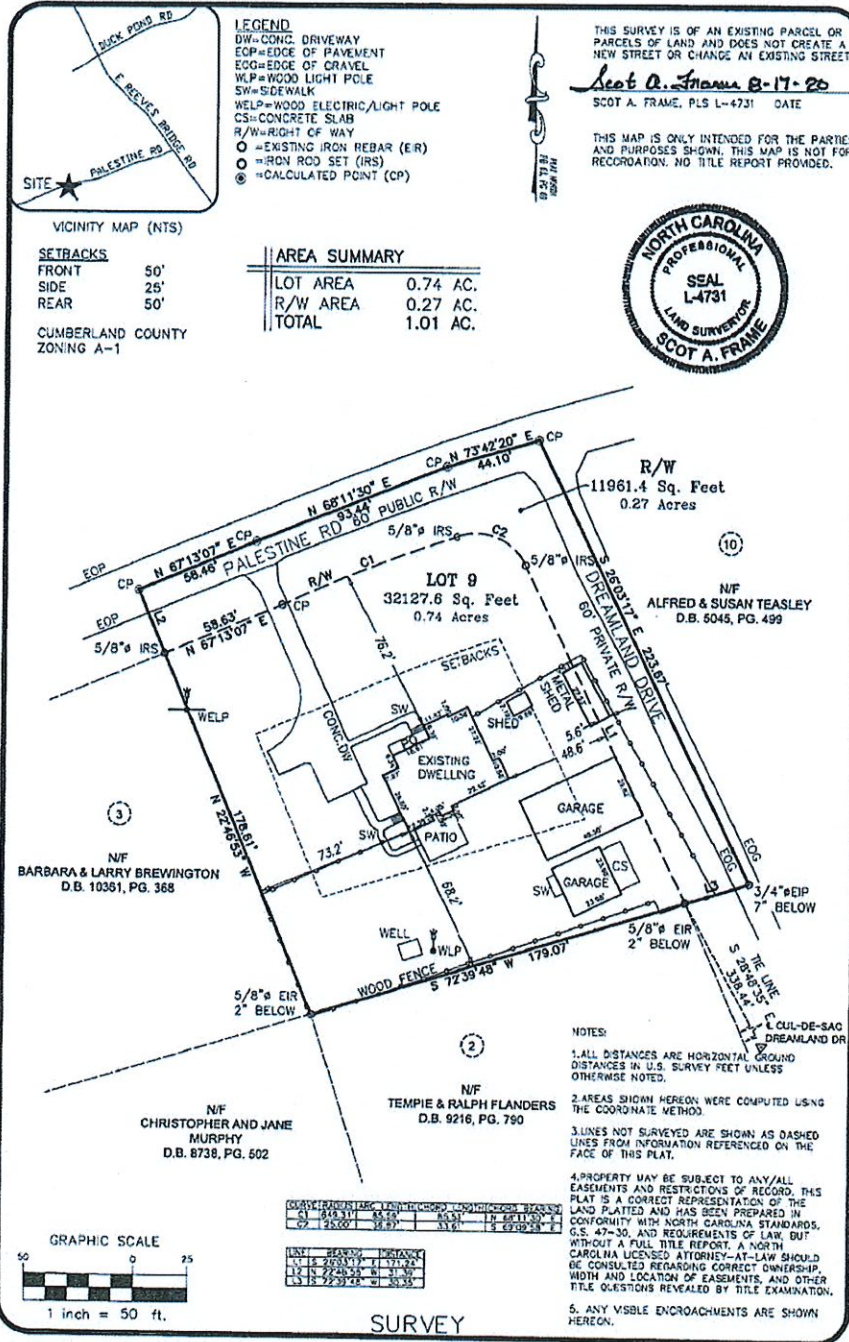
Exhibit "B"
Site Plan
(Case # P20-03-C-Variance)



BOARD OF ADJUSTMENT
VARIANCE
REQUEST: CONSIDERATION OF A VARIANCE TO ALLOW A 0 FOOT
FRONT YARD SETBACK WHERE 50 FEET IS REQUIRED
CASE: P20-03-C ACREAGE: 0.74 AC +/-
ZONED: A1 SCALE: NTS
*SCALED DETAILED SITE PLAN IN FILE AVAILABLE FOR REVIEW UPON REQUEST

EXHIBIT C

SITE SURVEY

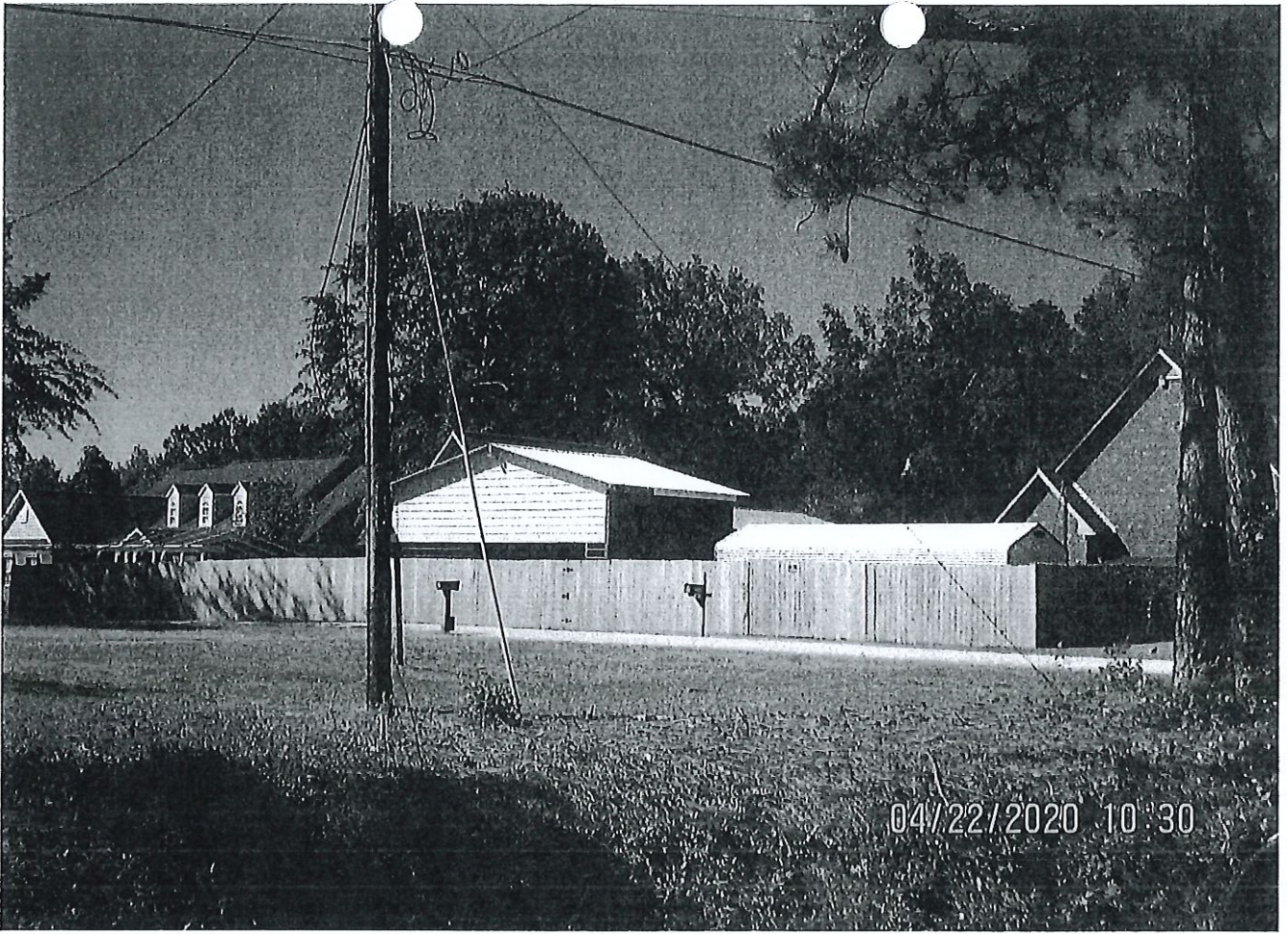


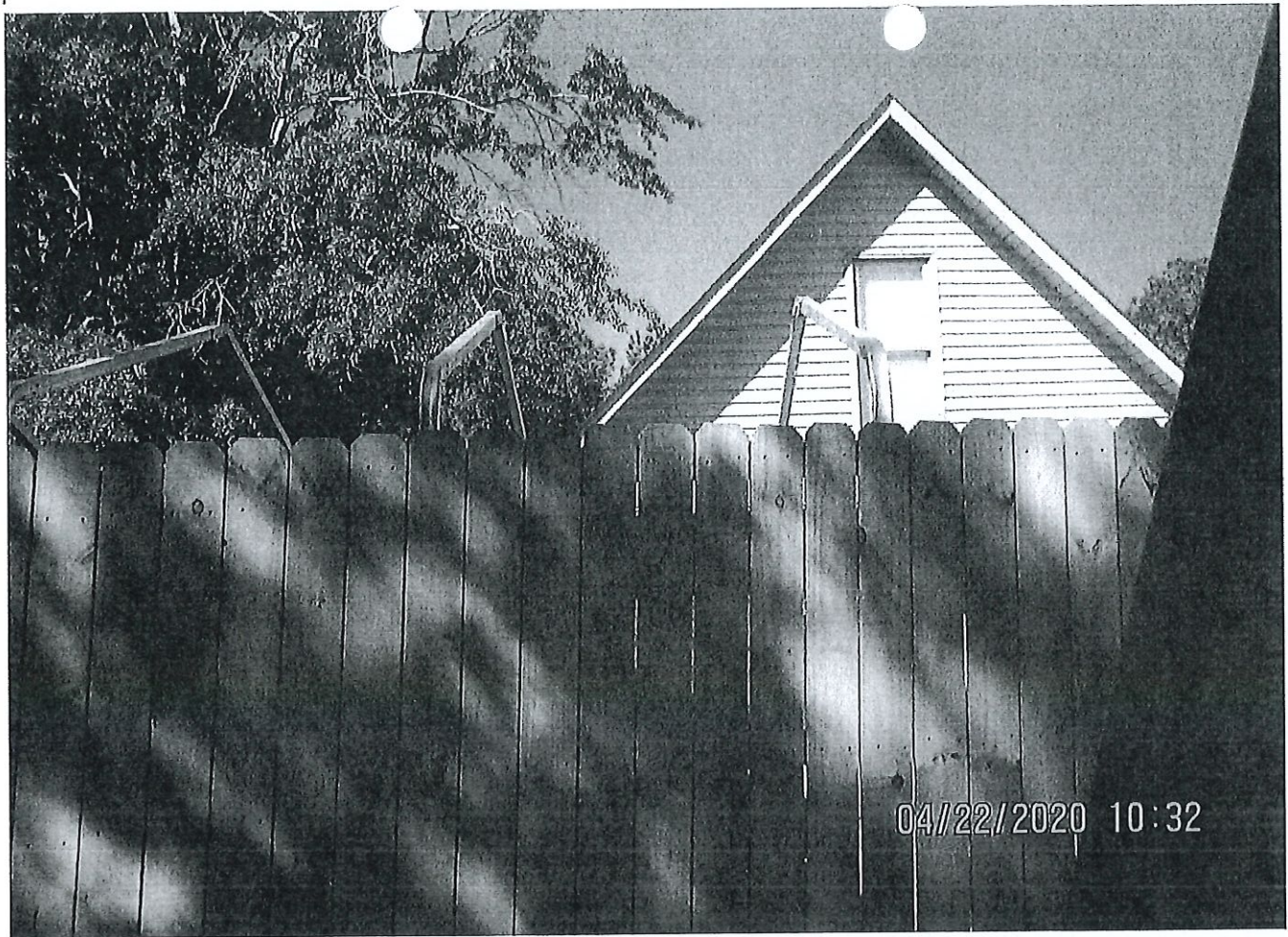
PROJECT: 20-349 DRAWN BY: EDI SCALE: 1"=50' DATE: 08/17/2020	FOR CHARLES & SHEENA ANNAN 1062 PALESTINE RD, LINDEN CARVERS CREEK TWP., CUMBERLAND CO., NC P.B. 63, PG. 69	 ECLS GLOBAL U.S. VETERAN-OWNED 19 N. MCKINLEY ST. EDATS, NC 27821 910.897.3257 ECLS@GLOBAL.COM 910.897.2327 (FAX) CDF-4176
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Not to scale

EXHIBIT E
SITE PICTURES

FROM: CODE ENFORCEMENT

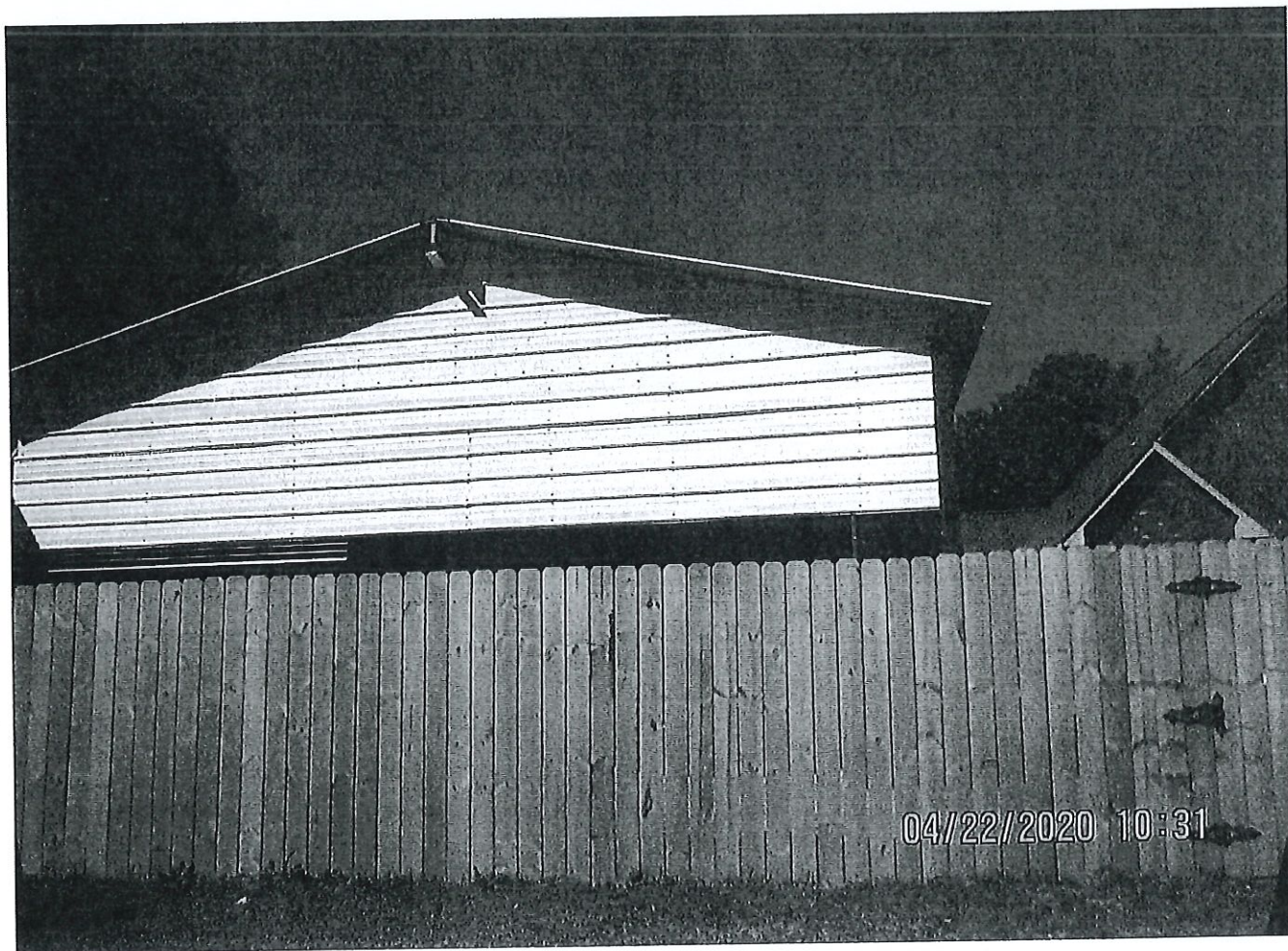
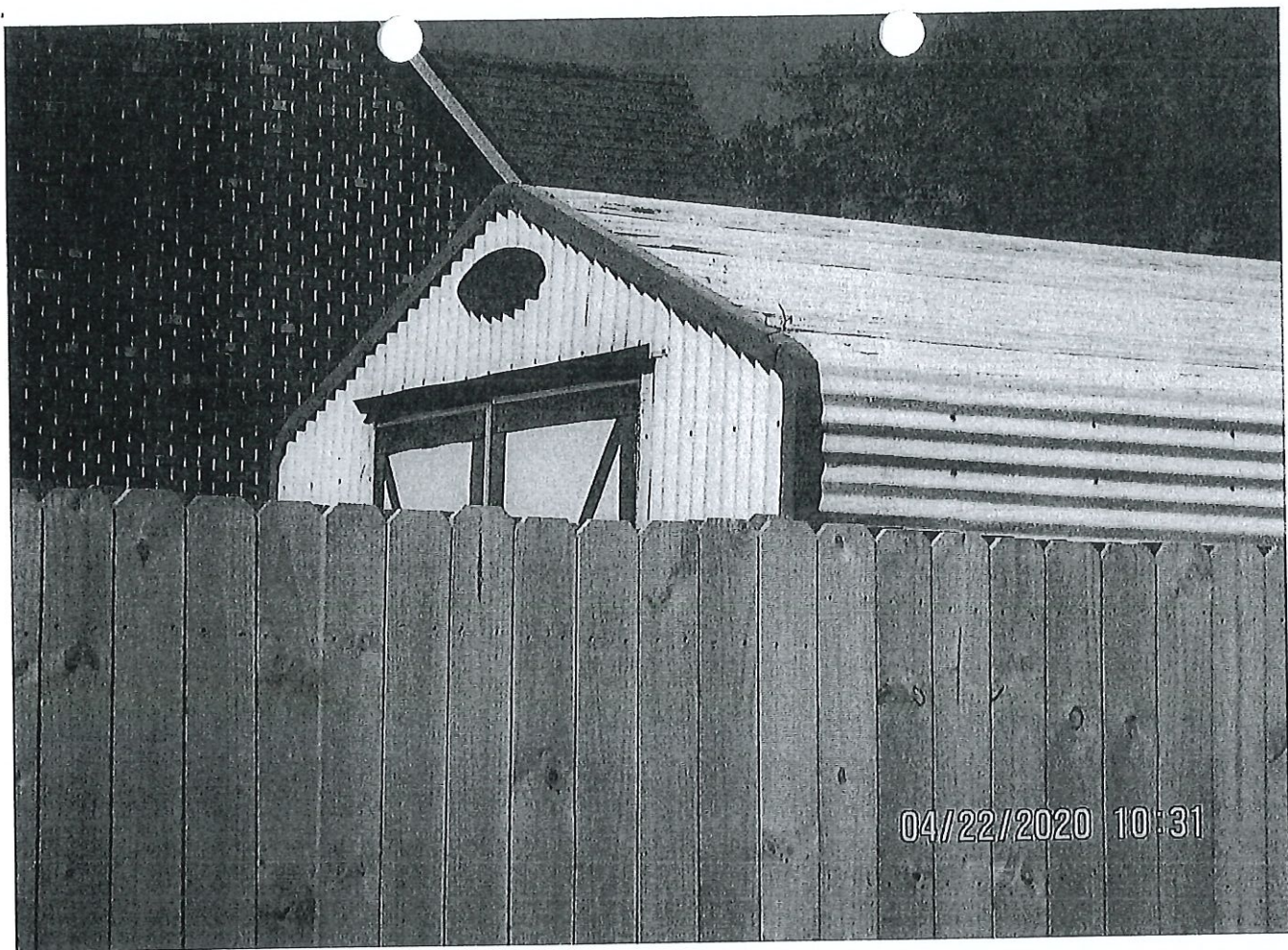


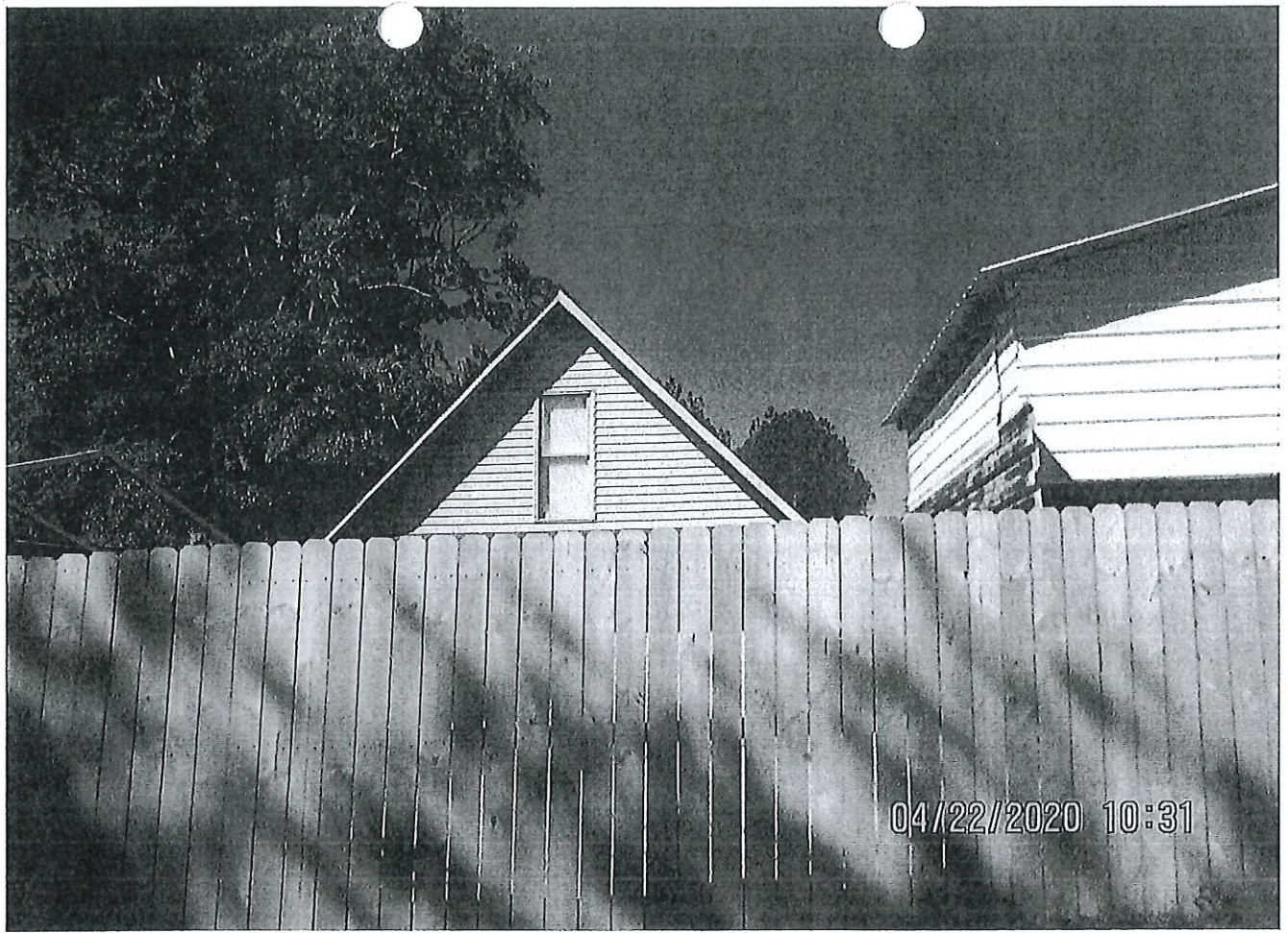


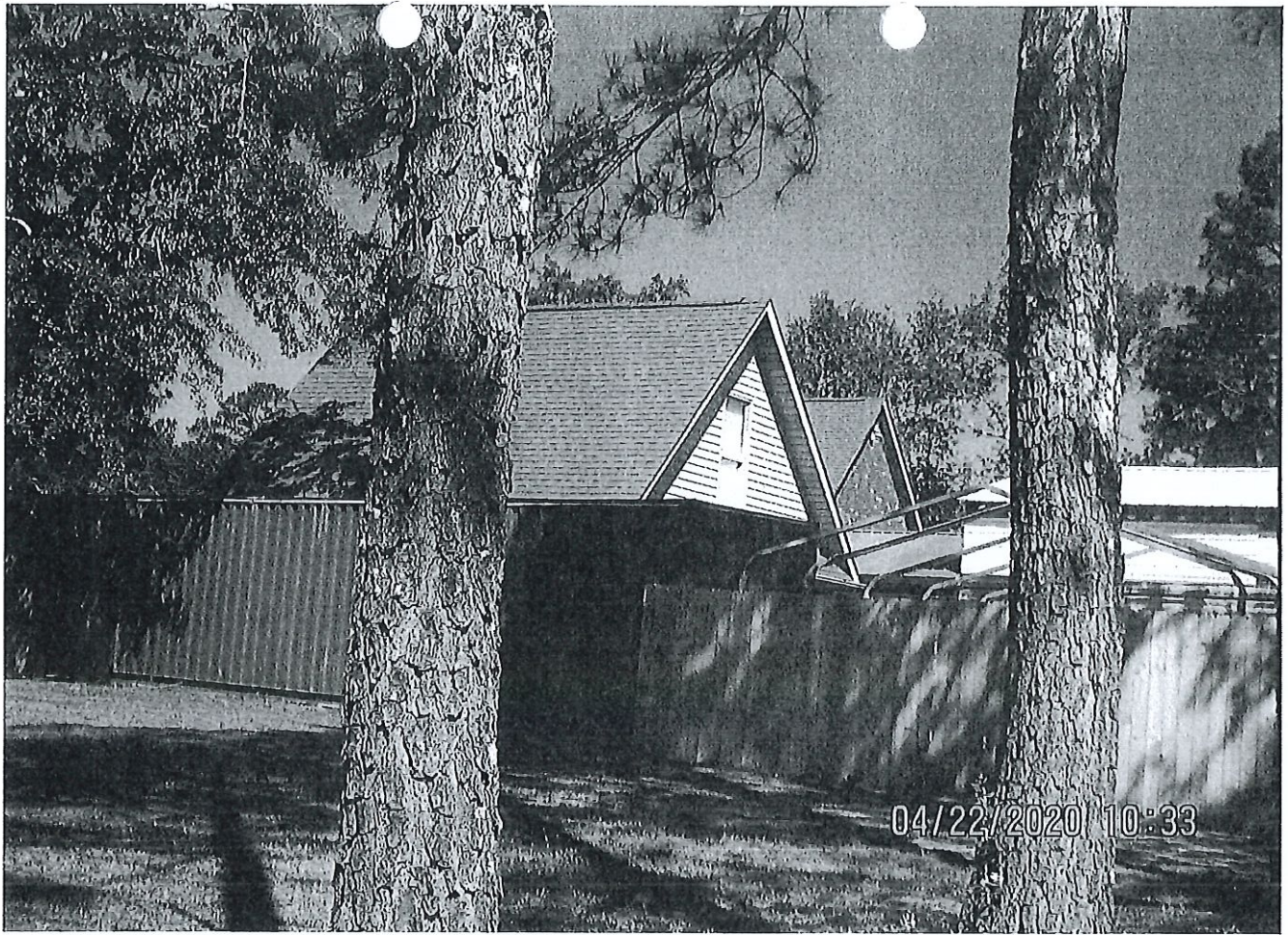
04/22/2020 10:32



04/22/2020 10:32









Planning & Inspections Viewer

CCGIS



1062 PALESTINE RD, LIN X Q

Show search results for 1062 P...



1200 ft²
house



-78.813 35.214 Degrees

EXHIBIT G

SECTION 1104, ZONING CODE

SECTION 1104. DISTRICT DIMENSIONAL PROVISIONS.¹

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 ² (SQ FT PER DWELLING)	UNIT (DU) FOR CONDOS & GROUP DEVELOPMENTS ³			WIDTH (in feet)	MINIMUM YARD SETBACK REGULATIONS ²				
	MINIMUM LOT SIZE (square feet unless otherwise stated)	1 st DU	2 nd , 3 rd , & 4 th DUs	5 + DUs		FRONT ⁵ YARD (measured from R/W line)	SIDE YARD (1 story) (2 stories)	REAR YARD (each add greater than (In feet)		
A1 ³	2 acres	2 acres	2 acres	2 acres	100	50	20	25	25ft/story	50
A1A ⁴	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 ²	6,000	6,000	5,000	4,000	60	25	10	12	6ft/story	15 ⁶
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

¹ All signs are regulated by Article XIII.

² Exceptions: See Section 1103 for special exceptions to this chart.

³ Minimum lot size for non-residential uses is one acre.

⁴ Maximum district size for rezoning request is 10 acres.

⁵ Exception: Averasboro Battlefield Viewshed Frontage (Section 1102 L)

⁶ See Section 1102 K for Rear Yard Exception for Manufactured Homes in the R6A District.
(Amd. 3-21-06; Amd. 11-20-06)

(Section 1104, District Dimensional Provisions – Continued)¹

MINIMUM YARD SETBACK REGULATIONS²

<u>DISTRICT</u>	<u>FRONT YARD</u> (feet)		<u>SIDE YARD</u> (feet)	<u>REAR YARD</u> (feet)
	Measured from R/W <u>Line</u>	Measured from Street <u>Centerline</u>		
CD	50	80	50	50
O&I(P)	35	65	15	20
C1(P)	45	75	15	20
C2(P)	50	80	30	30
C(P)	50	80	30	30
M1(P)	50	80	30	30
M(P)	100	130	50	50

¹ Exception: See Section 1103 for special exceptions to this chart.

² All signs are regulated by Article XII.
(Amd. 02-19-08; Amd. 02-19-08)

EXHIBIT H
VARIANCE APPLICATION



County of Cumberland
BOARD OF ADJUSTMENT

CASE #: P20-03-C

CUMBERLAND COUNTY BOA
MEETING DATE: 10-15-20

DATE APPLICATION
SUBMITTED: 9-3-20

RECEIPT #: 25547

RECEIVED BY: EMD

**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 \$ 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.

MIA: N/A

AOD: N/A

5mile: 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.

BOARD OF ADJUSTMENT

LOCATION OF PROPERTY: Palestine Rd.

OWNER: Charles Annan & wife Sheena Annan

ADDRESS: 1062 Palestine Rd. Linden ZIP CODE: 28356

TELEPHONE: HOME 910-813-6857 WORK _____

AGENT: _____

ADDRESS: _____

TELEPHONE: HOME _____ WORK _____

E-MAIL: Charles annan 2.0@gmail.com

APPLICATION FOR A VARIANCE
As required by the Zoning Ordinance

A. Parcel Identification Number (PIN #) of subject property: 0553-53-7082
(also known as Tax ID Number or Property Tax ID)

B. Acreage: 0.88 Frontage: 420' Depth: 179'

C. Water Provider: Well

D. Septage Provider: Septic

E. Deed Book 08601, Page(s) 0895-0896 Cumberland County

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

G. Section and provision of the Zoning Ordinance or Code from which a Variance is requested: A-1

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

Requesting - a zero-foot front yard setback instead of the required minimum fifty feet for the Southern 125 feet along Dreamland Drive to accommodate a garage, shed and privacy fence.

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.

Charles Annan, Sheena R. Annan
NAME OF OWNER(S) (PRINT OR TYPE)

1062 Palestine Rd Linden nc 28356
ADDRESS OF OWNER(S)

Charlesannan20@gmail.com
E-MAIL

910-813-6851
HOME TELEPHONE #

WORK TELEPHONE #

Charles Annan, Sheena Annan
NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

1062 Palestine Rd. Linden, nc 28356
ADDRESS OF AGENT, ATTORNEY, APPLICANT

910-813-6851
HOME TELEPHONE #

WORK TELEPHONE #

Charles R.
SIGNATURE OF OWNER(S)

SIGNATURE OF AGENT, ATTORNEY
OR APPLICANT

Annun
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) Charles R. Annan, Sheena R. Annan

PRINTED NAME OF OWNER(S) Charles Annan, Sheena R. Annan

DATE 3 Sep 2020

3 September 2020

Cumberland County Board of Adjustment
130 Gillespie Street
Fayetteville, NC 28301

Dear Cumberland County Board of Adjustment

This proposal letter is to request the grant of a Variance for the residence at 1062 Palestine Road in Linden. The Variance requested is for an existing building and fence located along Dreamland Drive, which is a Class C, private dirt road.

Property Fence

The petitioner requests a Variance allowing the preexisting ^{solid wood} fence to be on the property line on Dreamland Drive. We are asking for a Variance of 0 feet.

The fence is laid out and constructed in a manner that blends in visually in a low-key, unobtrusive manner with the surroundings. As such, it is clearly in harmony with the overall intents and purposes.

Existing Building

The petitioner requests a Variance allowing the already built building to stay on the property. We are asking for a Variance of 0 feet.

Additionally, the fence and existing building that this Variance is being requested for does not encroach or infringe on any neighboring residential properties, nor would it impose any hardship on any neighbors, nor would it serve to create a situation where any neighbor's quality of life, property value, or peaceful co-existence would be negatively affected. As a matter of fact, the proposed project would be an improvement to the neighborhood and result in an overall increase in property value and tax base created by improvements. The granting of such Variance will not be materially detrimental to the public welfare. The proposed Variance does no harm to either public or private interests and is not injurious to any property or interest.

Thank you for your consideration.

Respectfully


Charles Annan

8601
0895

BK08601 PG0895

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

FILED Mar 08, 2011
 AT 12:57:00 pm
 BOOK 08601
 START PAGE 0895
 END PAGE 0896
 INSTRUMENT # 08060
 RECORDING \$22.00
 EXCISE TAX (None)

DJ

NORTH CAROLINA SPECIAL WARRANTY DEED

Excise Tax: EXEMPT

Parcel Identifier No: 0553-53-7082 Verified by CUMBERLAND County on the ___ day of _____, 20___ By: _____

Mail/Box to: Thorp, Clarke & Neville RM- 1108-11 (759.827) - LN

Drawn by: Rogers Townsend & Thomas, PC (Atty: W. Chris Parnell) 2550 W. Tyvola Road, Charlotte, NC 28217
 Brief description: Lot No. 9, Property of Carl Bowden, Plat Bk. 63, Pg. 69- CUMBERLAND County Registry

THIS DEED made this 6th day of January, 2011, by and between

GRANTOR

GRANTEE

FANNIE MAE a/k/a FEDERAL NATIONAL MORTGAGE ASSOCIATION organized and existing under the laws of the United States of America

Mailing Address: P.O. Box 650043, Dallas, TX 75265

CHARLES ANNAN AND WIFE, SHEENA ANNAN

Mailing Address: 1062 Palestine Road
Linden, NC 28356

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

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

BEING ALL OF LOT 9 AS SHOWN ON A PLAT ENTITLED "PROPERTY OF CARL BOWDEN SECTION TWO" AS RECORDED IN BOOK OF PLATS 63, PAGE 69, CUMBERLAND COUNTY REGISTRY, NORTH CAROLINA.

PROPERTY ADDRESS: 1062 PALESTINE ROAD, LINDEN, NC 28356

8601
0896

BK08601 PG0896

The property hereinabove described was acquired by Grantor by instrument recorded in Book 8460 Page 65.

A map showing the above described property is recorded in Map Book 63 at Page69.

This property IS NOT the primary residence of the Grantor.

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

And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, other than the following exceptions:

Easements and Restrictions of record as may appear
Ad Valorem taxes for 2011

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

FANNIE MAE A/K/A FEDERAL NATIONAL MORTGAGE ASSOCIATION
organized and existing under the laws of the United States of America

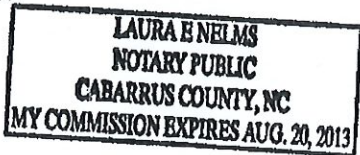
By and Through Its Attorney-in-Fact, Rogers, Townsend & Thomas, PC

By:  (Signature)
W. CHRIS PARNELL, Vice President

State of North Carolina – County Mecklenburg

I, the undersigned Notary Public of the County and State aforesaid, certify that W. Chris Parnell, Vice President of ROGERS, TOWNSEND & THOMAS, PC, said ROGERS, TOWNSEND & THOMAS, PC, being Attorney-in-Fact for FANNIE MAE A/K/A FEDERAL NATIONAL MORTGAGE ASSOCIATION organized and existing under the laws of the United States of America, personally came before me this day and being duly sworn says that ROGERS, TOWNSEND & THOMAS, PC, and through its Vice President, W. Chris Parnell executed the foregoing and annexed instrument for and on behalf of FANNIE MAE A/K/A FEDERAL NATIONAL MORTGAGE ASSOCIATION organized and existing under the laws of the United States of America, and that ROGERS, TOWNSEND & THOMAS, PC, authority to execute and acknowledge said instrument is contained in an instrument duly executed, acknowledged and recorded in the Office of the Register of Deeds of CUMBERLAND County, North Carolina in Book 8426 at Page 700 and that this instrument was duly executed under and by virtue of the authority given by said instrument granting it Power of Attorney; that W. Chris Parnell acknowledged that he is Vice President of ROGERS, TOWNSEND & THOMAS, PC, and the due execution of the foregoing and annexed instrument is for the purpose therein expressed by its Vice President, W. Chris Parnell for and on behalf of the said ROGERS, TOWNSEND & THOMAS, PC, as attorney-in-fact for FANNIE MAE A/K/A FEDERAL NATIONAL MORTGAGE ASSOCIATION organized and existing under the laws of the United States of America, and authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed.

Witness my hand and official seal, this 6th day of January, 2011.
(Notarial Seal/Stamp)




Laura E. Nelms, Notary Public

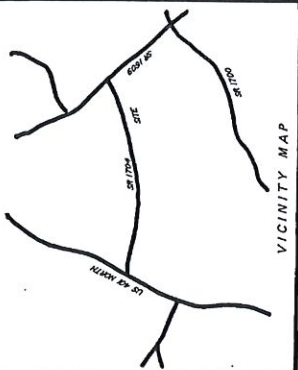
My Commission Expires: August 20, 2013

PROPERTY ADDRESS: 1062 PALESTINE ROAD, LINDEN, NC 28356

(N.P. SEAL)

1987

69



VICINITY MAP

NORTH CAROLINA
CLAMBERLAND COUNTY
I, GEORGE L. LOTT, certify that
this map was drawn under my supervision from an actual survey
made by my assistants JOHN D. HARRIS and JOHN D. HARRIS and description recorded in
Book 825
that the boundaries not surveyed are shown as broken lines
plotted from information found in books referenced, that this
map was prepared in accordance with G.S. 47-20 as amended,
which was in effect on the 30th day of OCT.
A.D. 19 87.

Registration No. L-1379 Land Surveyor



NORTH CAROLINA
CLAMBERLAND COUNTY
I, BETTY G. SKEAT, Notary Public of
the County and State aforesaid, certify that I, a Notary Public of
a registered land surveyor, personally appeared before me JOHN D. HARRIS
and acknowledged the execution of the foregoing instrument.
Witness my hand and official stamp or seal, this 30th day of
OCT. 19 87.

Betty G. Skeat
Notary Public

My Commission expires MARCH 15, 1992.



NORTH CAROLINA
CLAMBERLAND COUNTY
The foregoing certificate of BETTY G. SKEAT
Notary Public, is certified to be correct. This instrument was
presented for registration and recorded in Plat Book 63
Page 2 this 30th day of OCT, 19 87.

GEORGE E. PATZEM
Register of Deeds

Patrizia

Business Records Corporation

Recorded in Book of Maps Vol. 63 Pg. 69

30th OCTOBER 87

LEGEND

●●● FIRST CORNER

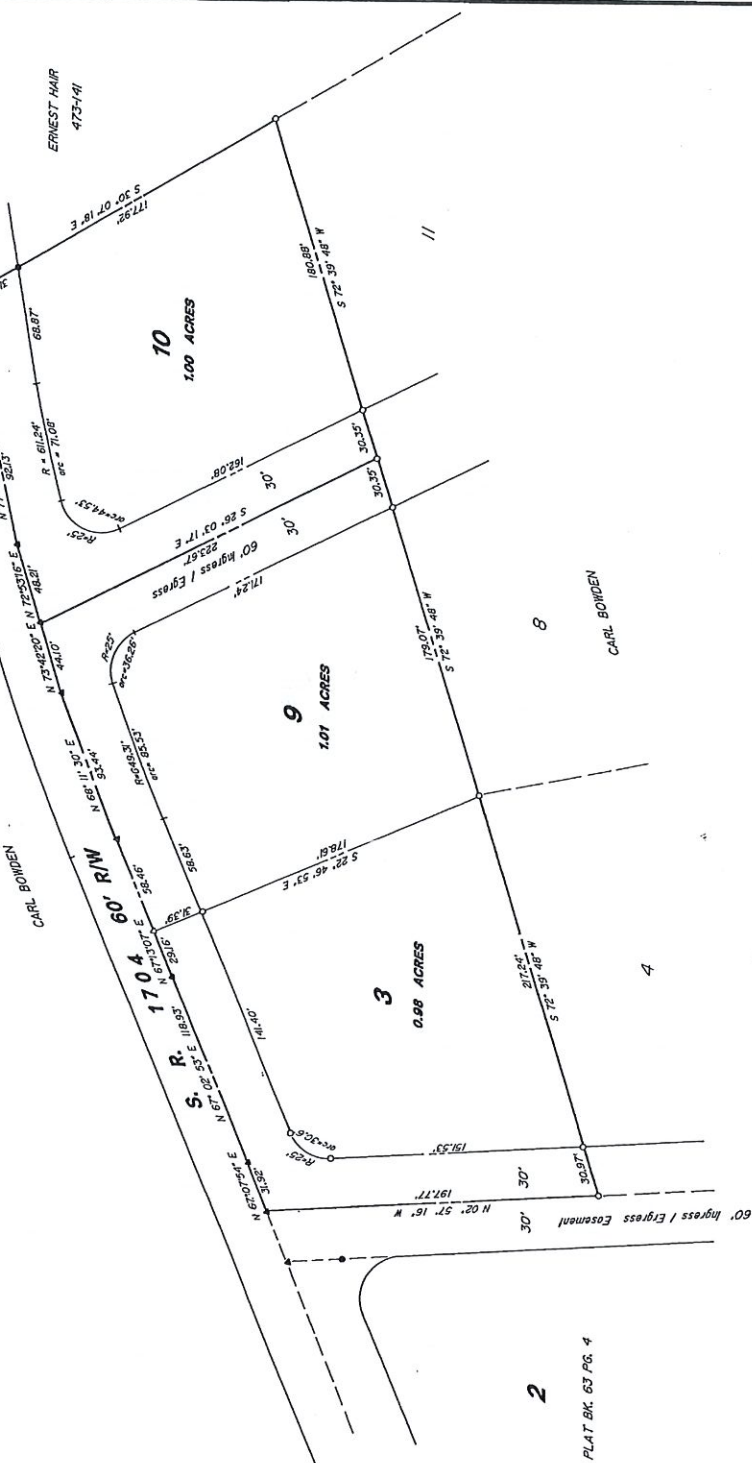
○ SET CORNER ○ ○

PLAT BK. 63 PG. 4

2



PLAT BEARING



SECTION TWO

REVISIONS		PROPERTY OF Carl Bowden		COMPANY GEORGE L. LOTT SURVEYORS	
TOWNSHIP: CARVERS CREEK		COUNTY: CLAMBERLAND		DATE: OCT. '87	
STATE: NORTH CAROLINA		TAX MAP:		SURVEYED BY: GLL	
ZONE:		PARCEL:		DRAWN BY: GLL	
SCALE		CHECKED & CLOSURE BY: GLL		FIELD BOOK	

103-69

ATTACHMENTS

NAME	ADDRESS	CITY
ANNAN, CHARLES;ANNAN, SHEENA	1062 PALESTINE RD	LINDEN, NC 28356
BLACKMON, KEITH R.	8329 CHALLENGER DR	LINDEN, NC 28356
BREWINGTON, BARBARA F; LARRY	8092 WHITE SANDS RD	LINDEN, NC 28356
DAWKINS, POLLY H HEIRS	8329 CHALLENGER DR	LINDEN, NC 28356
FLANDERS, TEMPIE;FLANDERS, RALPH H	8025 DREAMLAND DR	LINDEN, NC 28356
HAIR, NATHAN EUGENE	8705 VILLAGE CROSSING	VAN BUREN, AR 72956
MURPHY, CHRISTOPHER;MURPHY, JANE	3228 HENNARDLAND PL	HOPE MILLS, NC 28348
TEASLEY, ALFRED G;TEASLEY, SUSAN ANN	1092 PALESTINE	LINDEN, NC 28356