

Members:
George Turner, Chair
Gregory Parks, Vice-Chair
Marva Lucas-Moore



Alternates:
Robert E Davis
Stacy Michael Long
Linda Amos
Vickie Mullins

CUMBERLAND COUNTY BOARD OF ADJUSTMENT

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

TENTATIVE AGENDA
AUGUST 19, 2021
6:00 PM

A meeting of the Cumberland County Board of Adjustment is to be held on Thursday, August 19, 2021, 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. SELECTION OF CHAIRMAN AND VICE-CHAIRMAN (DEFERRED FROM JULY)
5. ADJUSTMENTS TO THE AGENDA
6. APPROVAL OF THE JULY 15, 2021 MINUTES
7. ABSTENTIONS BY BOARD MEMBERS/BOARD MEMBER DISCLOSURES (SITE VISITS AND/OR PERSONAL AFFILIATIONS)
8. PUBLIC HEARING DEFERRALS/WITHDRAWALS
9. POLICY STATEMENT REGARDING APPEAL PROCESS
10. PUBLIC HEARING(S):
 - A. P21-05-C - Consideration of an Appeal of the Code Enforcement Officer's decision regarding the non-compliant use of property in a R40a Zoning District for a Recreational Park/Campground, a violation of Section 403, County Zoning Ordinance; and from decision regarding non-compliance with Sections 4-71 And 4-67, Article IV, Minimum Housing Code, for a substandard dwelling; located at 2340 John Hall Road, Cumberland County
11. DISCUSSION/UPDATE(S)
12. ADJOURNMENT



CUMBERLAND
COUNTY

NORTH CAROLINA

BOARD OF ADJUSTMENT (BOA) HEARING
August 19, 2021

Agenda Section 4

SUBJECT: ANNUAL SELECTION OF THE CHAIRMAN AND VICE-CHAIRMAN FOR THE BOARD OF ADJUSTMENT

REQUEST: Nominate and Select a Chairman and a Vice-Chairman for the upcoming calendar year

Deferred from the July 15, 2021 BOA Meeting

EXPLANATION OF THE REQUEST

As set forth in the Board of Adjustment Rules of Procedures, Section II.A and II.B., the Board of Adjustment appoints a Regular member to serve as the chairman and vice-chairman for one calendar year. Per the Rules of Procedures, the terms for the chairman and vice-chairman "shall be for one calendar year beginning July 1 and ending on June 30, and until the successor is qualified."

MOTION

The chairman position should be selected first, and the vice-chairman selected second.

Attachment: Rules of Procedures, Board of Adjustment

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

Rules of Procedure

I. GENERAL RULES

The Board of Adjustment shall be governed by the terms of the *General Statutes of North Carolina*, § 153A-345, including subsequent amendments, and by the *Cumberland County Zoning Ordinance*, adopted June 20, 2005 as it may be amended from time to time. All members of the board shall thoroughly familiarize themselves with these regulations.

II. OFFICERS AND DUTIES

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

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

III. MEMBERS

160A-388

- A. Membership on the Board of Adjustment shall be governed by the terms of the *General Statutes of North Carolina*, § ~~153A-345~~, as in effect, and by the *Cumberland County Zoning Ordinance* adopted June 20, 2005, and as amended from time to time.
- B. Individual board members, whether appointed as a regular member or an alternate, may be removed for cause, including violation of these rules, by majority vote of the County Board of Commissioners.
- C. Faithful attendance at all meetings of the board and conscientious performance of the duties required of members of the board shall be considered a prerequisite of continuing membership on the board. Regular members missing three consecutive meetings without good cause shall be requested to resign immediately, and if a resignation is not submitted may be removed by the County Board of Commissioners.
- D. Board members shall not take part in the hearing, consideration or determination of any case in which the board member is personally or financially interested or as to which the board member may have a bias making it inappropriate for the board member to participate in consideration of such case.
- E. Board members shall not vote on any matter deciding an application or appeal unless the board member attended the meeting in which the hearing on the application or appeal occurred.
- F. Board members shall not discuss any case with any parties or independently investigate any case prior to the hearing on that case. While prior knowledge or modest communications prior to a hearing does not automatically disqualify a board member from participating in a case, board members must not enter the hearing with a fixed opinion about the case and each board member must disclose on the record at the start of the hearing any personal prior knowledge and/or communications.
- G. Members of the board shall not express individual opinions on the proper judgment of any case with any parties thereto prior to its determination of that case. Violations of this rule will be reported to the County Board of Commissioners and could be cause for removal from the board.

IV. MEETINGS

- A. *Regular Meetings.* Regular meetings of the board shall be held monthly on the third Thursday of the month, except that if no application is filed by the application deadline schedule prior to a meeting date, the secretary shall notify all members that no meeting will be held for that month. The meetings shall be held in Public Hearing Room #3 at the Historic Courthouse, 130 Gillespie Street at 7:00 p.m., except as specified for special meetings below.
- B. *Special Meetings.* Special meetings of the board may be called at any time by the chairman. At least 48 hours written notice of the time and place of special meetings shall be given by the secretary or the chairman, to each member of the board, and notice shall also be given in compliance with the *North Carolina Open Meetings Law*. Special meetings can only be called if it is pre-determined that a quorum of the board members can be present.
- C. *Quorum and Voting.* A quorum shall consist of four members of the board. However, the concurring vote of four-fifths of the members of the board for the hearing of a particular case shall be necessary to: reverse any order, requirement, decision, or determination of any administrative official charged with the enforcement of any County ordinance in which the Board of Adjustment has been designated as the appeals board; to grant any variance from any County ordinance that the board has the authority to vary; to rule on matters concerning nonconforming uses; to interpret the official zoning maps; and pass upon disputed questions of lot lines or district boundary lines as they arise in the administration of the *County Zoning Ordinance*. A simple majority vote is required to find in favor of an application for a Special Use Permit and for matters subject to approval as high density developments under the provisions of the *Cumberland County Water Supply Watershed Management and Protection Ordinance*.
- D. *Conduct of Meetings.* All Board of Adjustment meetings shall be open to the public. Except for consideration of high density development applications subject to the provisions of the *County Water Supply Watershed Management and Protection Ordinance*, all board meetings shall follow quasi-judicial protocol. The order of business at regular meetings generally shall be as follows:
1. Roll call;
 2. Adjustments to the agenda;
 3. Approval of the minutes of the previous meeting;
 4. Abstentions by board members;
 5. Public hearing deferrals;

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

V. APPLICATIONS

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

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

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

E. *Decisions:*

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

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

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

VII. AMENDMENTS

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

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

Amended on this 16th day of July, 1987.

Amended on this 19th day of July, 2007.

Amended on this 20th day of January, 2011.

Amy H. Cannon
County Manager

Tracy Jackson
Assistant County Manager



CUMBERLAND COUNTY

NORTH CAROLINA

Board of Adjustment

Rawls Howard
Director

David Moon
Deputy Director

MINUTES
July 15, 2021
6:00 PM

Members Present

George Turner
Robert Davis
Marva Lucas-Moore
Linda Amos – Alternate
Vickie Mullins-Alternate

Absent Members

Gregory Parks
Stacy Michael Long

Staff/Others Present

David Moon
Nikia Charles
Rob Hasty
(Asst. County Attorney)

Alternate Members in Attendance

Chair Turner called the meeting to order at 6:05 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.

1. INVOCATION

Chair Turner

PLEDGE OF ALLEGIANCE

Recited by all.

2. ROLL CALL

Mr. Moon called the roll. Mr. Moon stated we have a quorum.

3. SWEAR IN STAFF

Chairman Turner swore in staff.

4. SELECTION OF CHAIRMAN AND VICE-CHAIRMAN

Mr. Moon gave the details on the process for selection. He said based on the rules and procedures established for the Board of Adjustments this states that the chairman shall be elected by majority vote of the Members of the Board from among its regular members. The Chairman's term of office shall be for one calendar year beginning on July 1st and ending on June 30th, and until the successor is qualified. That last clause of the sentence "and until the successor is qualified", I interpret that to mean, if a new Chairman is not selected tonight, the existing Chairman would preside until a qualified candidate was accepted by the Board. That same terminology language applies to the Vice-Chairman.

Amy H. Cannon
County Manager

Tracy Jackson
Assistant County Manager



CUMBERLAND COUNTY

NORTH CAROLINA

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Board of Adjustment

What this means if you choose not to make a determination this evening and continue this item to a future Board of Adjustment meeting, that Mr. Turner would remain as Chairman, and Greg Parks would remain as the Vice-Chairman. So it's the decision of the Board if you want to make the selection tonight or delay it to another meeting.

CHAIR TURNER: What is the recommendation of the attorney?

MR. HASTY: There is an August meeting scheduled isn't there?

MR. MOON: Yes, there is an August meeting.

Mr. Davis made a motion to post-poner the selection until the August meeting. Ms. Lucas-Moore seconded the motion. The motion passed unanimously.

	IN FAVOR
TURNER	YES
DAVIS	YES
AMOS	YES
MULLINS	YES
LUCAS-MOORE	YES

5. ADJUSTMENTS TO THE AGENDA

There were none.

6. APPROVAL OF THE JUNE 17, 2021 MINUTES

Mr. Davis made a motion to approve the minutes from the June 17, 2021, meeting with any corrections that are needed. Ms. Lucas-Moore seconded the motion. The motion passed unanimously.

	IN FAVOR
TURNER	YES
DAVIS	YES
AMOS	YES
MULLINS	YES
LUCAS-MOORE	YES

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

Amy H. Cannon
County Manager

Tracy Jackson
Assistant County Manager



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CHAIR TURNER: This is relating to the 3618 Gabe Smith Road, Louretha Mckethan. Anybody have any issue with hearing that?

8. PUBLIC HEARING DEFERRALS/WITHDRAWALS

There were none.

9. POLICY STATEMENT REGARDING APPEAL PROCESS

Mr. Moon stated that he would like to point out there was no one in the audience. He read the policy statement.

10. PUBLIC HEARING(S)

Chairman Turner read the case heading for Case No. P21-06-C.

P21-06-C CONSIDERATION OF A VARIANCE FROM SECTION 1104 OF THE COUNTY ZONING ORDINANCE TO ALLOW A REDUCTION OF 2,800 SQ. FT. FROM THE MINIMUM LOT SIZE STANDARD FOR PROPERTY ZONED R30 RESIDENTIAL DISTRICT, LOCATED AT 3618 GABE SMITH ROAD, SUBMITTED BY LOURETHA MCKETHAN (OWNER).

Mr. Moon stated the case before you involves an existing lot that is located at 3618 Gabe Smith Road. The property owner has requested a variance from section 1104 of the County Zoning Ordinance to allow a reduction of 2,800 sq. ft. from the minimum lot size standard for the R30 Residential Zoning District. The R30 Residential Zoning District requires a minimum lot size of 30,000 sq. ft. Mr. Moon displayed a slide on the projector and said it shows the location of the property there on Gabe Smith Road. It was parceled out from a larger parcel at some point. That parcel being to the east, running to the east. General character of the area is single family residential on larger lots or agriculture vacant land in character. Primarily surrounding the property, the zoning is either A1 Agriculture or near the property Rural Residential R40A Residential. Sales on the property are generally acceptable for residential development and the site is located in the rural residential land use designation which has a basically minimum lot size of 30,000 sq. ft. or one unit per 30,000 sq. ft. Regarding the site, (Mr. Moon pointing and showing slides) this is the location of the property from the front. This is the south view on Gabe Smith Road. The west view along Gabe Smith Road. This is view to the north, rather the south going to the north. The applicant has submitted an application with an explanation for their hardship. They would like to plot the property to confirm its boundaries and the process of the plat a surveyor prepared a more recent legal description and boundaries survey of the property indicating that the parcel is smaller than what was previously indicated. It was zoned at R30 several months ago. With the most recent information, that was available to staff and the belief was that, to the property owner as well, the property was just over 30,000 sq. ft. Property owners indicated verbally to staff that they may wish to sell the property in the future and want to confirm they will be able to so without delay if the buyer may request a variance that indicate that there are no hurdles for them to use or develop the property. So based on the existing lot size and boundaries, staff did not find any objections to their case and their request for the variance. The Board of Adjustments is asked to make their decision and their decision is final on the variance request based on four criteria.

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

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of the action 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. Based on the R30 zoning district assigned to the property, the property owner has one single family home on the lot now. They would not be able to have another home on that lot or subdivide it. That concludes staff's presentation and I'll address any questions that the Board may have. Thank you.

CHAIR TURNER: It does appear that this is the only R30 out there and you say it was recently done. How did that come to past and why did they not rezone it to something else?

MR. MOON: A review of the case was that the previous zoning was larger than, required a lot size that was larger than R30. I believe it was A1. So they would've had to have one acre to use the property. So they requested R30 to be consistent with the existing parcel size. So they applied for a rezoning. Based on the request, staff supported that rezoning request. We did not find out until later that based on a survey that the size of the property was actually less than what was on the current record. However, they still would not have met code under the previous zoning of A1.

CHAIR TURNER: So basically, they thought they were fixing it when they rezoned it to R30. They had an issue when they rezoned it to R30 thinking they had fixed it and then it looks to me like because the highway came along and took a little land from them, they were less than they thought they were. Your photo shows the property line kinda going out in the road. The County's GIS shows the property line literally at their front door. I mean they have no front yard. There's no front yard, which I think would be an issue. You said it wasn't. As part of the record, we'll just say it's certainly non-conforming cause their right on the line. Anybody have any questions?

MR. MOON: Exhibit H would include the applicant's response to those four criteria.

MR. DAVIS: When you do the adjustment are you going to say that you're going to change it by 2,800?

MR. MOON: No. What we're saying is the current parcel size is 2,800 sq. ft. lower than the zoning district requires.

MR. DAVIS: Your numbers are not adding up.

MR. MOON: Yes, you'll see we provided a rounded number.

MR. DAVIS: Is the rounded number going to.... its beneath

MR. MOON: In case they were off a few feet, we just rounded it down to 2,800.

MR. DAVIS: But now if you rounded it down to 2,800 and its only 27 and you add 2,800 to it, you're still beneath 30,000.

CHAIR TURNER: The purpose of the variance is to allow them to be less than 30,000 sq. ft. based on the fact that basically it's an error. It's 2,800 sq. ft. too small.

MR. DAVIS: I'm looking at 28 and 27 makes...27,000. If you take 27,000, you need 3,000 more to make 30.

CHAIR TURNER: They rounded the numbers, that's what he was saying. It says the existing parcel has an area of 27,204 sq. ft. So, they are about 2,800 sq. ft. too low. That's a round number. He's rounded that.

MR. DAVIS: I was wondering if you rounded it, why would you round it that way instead of saying 29 or 30, 3,000?

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MS. LUCAS-MOORE: Because it's short.

CHAIR TURNER: It really wouldn't matter.

MR. DAVIS: That's what I'm saying, that's what I'm asking, does the numbers you're giving matter, if someone else is looking at it, you still didn't give me enough to make it 30,000.

CHAIR TURNER: Well, they don't have to make 30,000 because the variance allows them to be less than. We're saying that if we grant this, we're saying that based on what's happened here they can be less than 30,000.

MR. MOON: There appears to be a typo on front cover but the parcel size now 27,204, so the 2,800 would be accurate.

CHAIR TURNER: Exhibit H included in the

MR. MOON: Previously exhibit I but in this case, there was an exhibit that was not necessary, so it's referenced as exhibit H.

CHAIR TURNER: Exhibit H is a blank page.

MR. MOON: It should be the application behind that. And in the application is the applicant's response.

CHAIR TURNER: I don't seem to have any of that but it's not an issue.

MR. MOON: Exhibit H is the applicant, and in the application, it states the nature of the hardship is the land was surveyed incorrectly years ago. DOT took right-of-way.

CHAIR TURNER: If we put item H as part of the understanding, item H is blank. We have nothing on item H.

MR. HASTY: Yes, I think it's all the pages that follow.

CHAIR TURNER: That's how its considered, the entire application is item H? Is that how that's done?

MR. MOON: Yes.

MR. HASTY: You can use page 3 as the hardship. The applicant's position on the property.

CHAIR TURNER: Any discussion on this?

MR. DAVIS: I'm good with that.

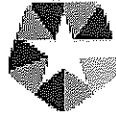
CHAIR TURNER: You want to make a motion? You need to address all four of the hardships. You need to discuss all of those. Page 2 of 6. Anybody have a problem with this, any questions?

MS. AMOS: I'm just trying to understand what it is that they're asking for, they're asking for the 3 that they need to meet the 30 in variance?

MR. HASTY: They're asking not to have to have 30,000 sq. ft.

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MS. AMOS: And have whatever they have?

MR. HASTY: Yes, this 27,204.

CHAIR TURNER: The purpose of this variance is to allow them to not have to follow the ordinance of having 30,000 sq. ft. They can have less. If we approve it, we have to approve it based on the four criteria.

MS. AMOS: Let me ask you a question, who came in and took some of the land?

CHAIR TURNER: DOT.

MS. AMOS: So the land that they took you can't consider that as not being their fault?

CHAIR TURNER: They probably use it as their front yard and don't think much difference of it. But if you look at the, and this isn't part of the county's agenda, I just brought this. But if you look at the GIS and see the property lines, their whole front yard belongs to the department of transportation. So DOT has a right to, if the road ever expanded they could just expand on. You'd have a road as close to me to you. That's kind of messed up. At this point we're just trying to help them, that this doesn't appear to be something that they've done, and they haven't made any messes. So if you wanted to make a motion based on those four. Did you want to make a motion?

MR. DAVIS: I make motion that their request be granted.

CHAIR TURNER: Based on the four criteria? Go through that and explain why.

MR. MOON: I've got the official application in the folder.

MR. DAVIS: The one that says A, B, C, and D? Unnecessary hardship

CHAIR TURNER: Unnecessary hardship. In other words, if you consider this based on what you've heard, these people would suffer an unnecessary hardship if we strictly applied the ordinance.

MR. DAVIS: So I would just make a motion that this variance be granted based on the four criteria listed on page 2 of 6 in section H?

CHAIR TURNER: And you would need to go through those four criteria and explain why you decided that.

MR. HASTY: The applicant has to show why, how they qualify, how they are met. For instance, the first one unnecessary hardship as a result of the application of ordinance could be because the land was surveyed incorrectly.

CHAIR TURNER: So we'd make a motion that would be something like we'd like to make a motion to grant the variance based on the fact that the unnecessary hardship would result in strict application of the ordinance. R30 requires 30,000 sq. ft. and they only have 27,204 and it's not through their own fault. DOT has come in and taken part of their property. That there are conditions peculiar to this property, the location, the size, and the topography. The size particularly is what's been reduced from originally based on DOT and what they're claiming is a faulty survey. And that the special circumstances are not the result of the actions of the applicant. The applicant didn't do this, DOT came in and the survey they say is incorrect. So they really didn't do anything to create their own problem. And that

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this requested variance will be consistent with the spirit, purpose, and intent of the ordinance, and that public safety is secured, and justice is achieved. So that is the motion.

Chair Turner made a motion to grant the variance based on the fact that the unnecessary hardship would result in strict application of the ordinance. R30 requires 30,000 sq. ft. and they only have 27,204 and it's not through their own fault. DOT has come in and taken part of their property. That there are conditions peculiar to this property, the location, the size, and the topography. The size particularly is what's been reduced from originally based on DOT and what they're claiming is a faulty survey. And that the special circumstances are not the result of the actions of the applicant. The applicant didn't do this, DOT came in and the survey they say is incorrect. So they really didn't do anything to create their own problem. And that this requested variance will be consistent with the spirit, purpose, and intent of the ordinance, and that public safety is secured, and justice is achieved. Ms. Lucas-Moore seconded the motion. The motion passed unanimously.

	IN FAVOR
TURNER	YES
DAVIS	YES
AMOS	YES
MULLINS	YES
LUCAS-MOORE	YES

11. DISCUSSION/UPDATE(S)

There were none.

Mr. Davis made a motion to adjourn. Ms. Lucas-Moore seconded the motion. The motion passed unanimously.

	IN FAVOR
TURNER	YES
DAVIS	YES
AMOS	YES
MULLINS	YES
LUCAS-MOORE	YES

Meeting adjourned at 6:33 pm.

Nikia Charles, Senior Admin. Support Spec.

George Turner, Chairman

STAFF REPORT

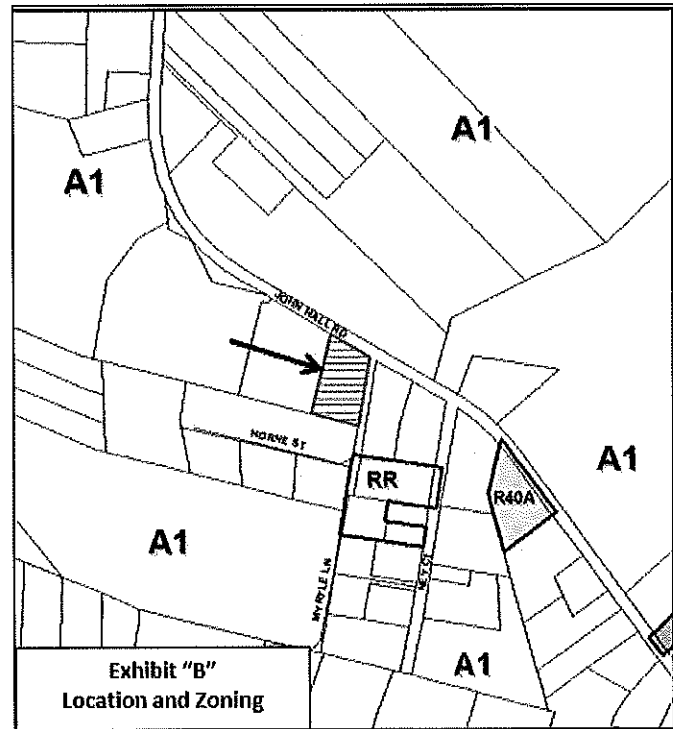
SUBJECT: BOA CASE # P21-05-C -Appeal

REQUEST: Consideration of an appeal from the code enforcement officer's decision regarding the non-compliant use of property in a R40A zoning district for a recreational park/campground, a violation of Section 403, County Zoning Ordinance; and from the decision regarding non-compliance with Sections 4-71 and 4-67, Article IV, Minimum Housing Code, for a substandard dwelling.

<u>Exhibits</u>	
A.	Appeal Application
B.	Location and Zoning Map
C.	Adjacent Uses
D.	Surrounding Uses
E.	Site Pictures
F.	Applicable MHC Sections
G.	Complaint and Notice of Hearing
H.	Findings of Fact and Order
I.	Inspector's Case Reports

EXPLANATION OF THE APPEAL

Mr. Patrick McDole, owner of property at 2340 John Hall Road, filed an application to appeal a determination by a County code enforcement officer that an occupied recreational trailer or camper functions as a substandard housing structure for a dwelling. This application appears in Exhibit "A" (attached). On October 6, 2020, the County code enforcement officer, Mr. Gilbert Sanchez, issued a "Complaint and Notice of Hearing" to Mr. McDole, property owner, regarding the violation of County Article IV, Minimum Housing Code and providing a date for a hearing with him to remedy the substandard housing code violation. A hearing between Mr. McDole and Mr. Sanchez was held on October 17, 2020 in the County Code Enforcement office, 130 Gillespie Street, Fayetteville. Following the hearing, Mr. McDole on November 16, 2020 filed an application to appeal Mr. Sanchez's determination of a violation. A hearing before the Board of Adjustment was proposed for June 17, 2021 but was rescheduled for August 19, 2021 at the request of Mr. McDole to prepare for the case and seek legal advice.



Additional information is provided in this report to describe history and facts of this case.

PROPERTY INFORMATION

Owner/Applicant: Patrick H. McDole

Address/Location: 2340 John Hall Road, Unincorporated Cumberland County. The subject property is at the southwest corner of John Hall Road and Myrtle Lane (Refer to Exhibit "B")

REID #: 0474479369000

Parcel Size: 2 +/- acres within one parcel. The property has approximately 226 lineal feet of street frontage along John Hall Road and 345 lineal feet along Myrtle Lane.

Existing Land Use: The subject property is currently developed with a single-family dwelling unit and a detached garage. Exhibit "C" illustrates the most recent aerial imagery of the subject property and its abutting and surrounding area.

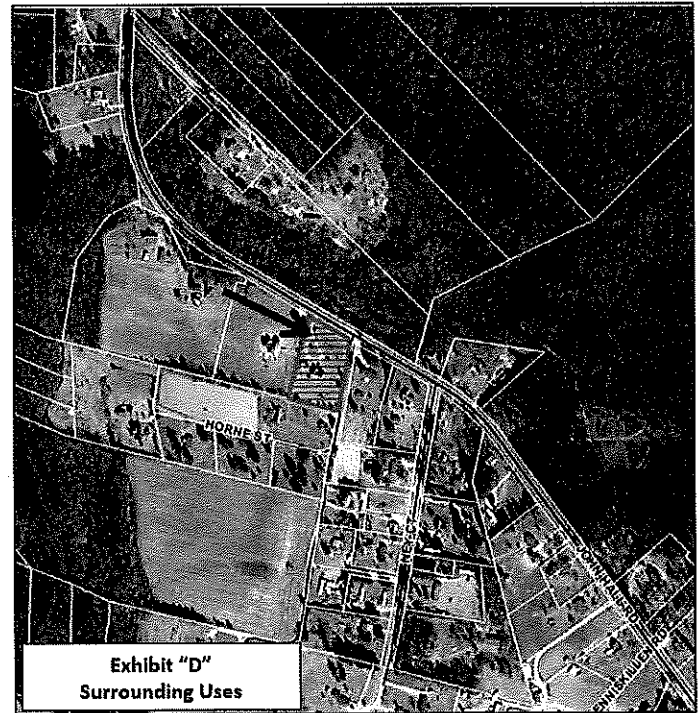
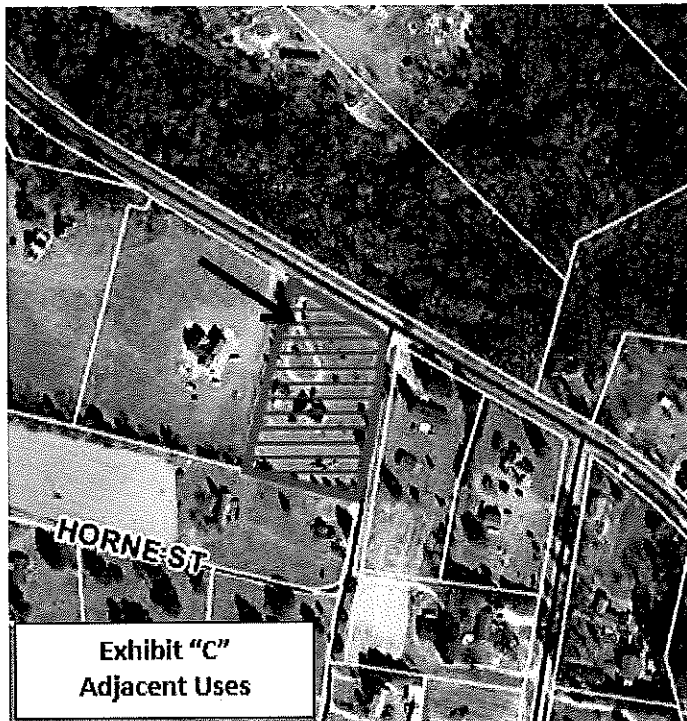
Surrounding Land Use: The predominate land use for the abutting lots (Exhibit "C") and the surrounding area (Exhibit "D") is single family homes on two to ten acre lots. A1 Agriculture zoning is the predominate zoning district assigned to abutting and nearby properties.

North: John Hall Road and a large Wooded lot

West: Single family home on approximately four-acre lot.

East: Myrtle Lane and single-family homes on two-acre typical lots.

South: A four-acre lot with a single-family home and several 1.4-acre single family home lots



Zoning: A1 Agriculture – minimum lot size is two acres – is assigned to the subject property. (Refer to Exhibit "B".)

Utilities: The subject site is serviced by on-site septic tank for sewage service and well water. The recreational trailer is connected to the house for septic tank and water service. Electrical connection to

serve the recreational trailer also occurs through a connection with the home's electrical system. Pictures of the electrical connection are presented in the site photographs found in Exhibit "E".

Minimum Housing Code Violation

1. Site visit conducted on October 5, 2020 by a County code enforcement officer indicated that a recreational trailer is used for a permanent dwelling. Exhibit "E" provides pictures of the recreational trailer, which is connected to electric, water and sewer through the utility services associated with the existing single-family home. The home is served by well and septic tank.

2. Pursuant to Sections 4-71, 4-67, 4-72, 4-73, 4-76 Article IV, Minimum Housing Code, the recreational trailer is a substandard dwelling unit. A description of application codes are provided below.

- a. Section 4-71-Compliance: Dwellings and dwelling units used as a human habitation, or held out for use as a human habitation, shall comply with all of the minimum standards of fitness for human habitation. All owners and occupants shall comply with the requirements of this article so as to maintain these standards. No person shall occupy as owner-occupant, or let to another for occupancy or use as a human habitation, any dwelling or dwelling unit which violates this article. Outbuildings and appurtenances are included in these standards. Structures not meeting these standards shall be demolished and removed from the premises or rehabilitated. (Ord. of 6-15-98)

Staff Decision: Substandard Conditions. In addition to the non-compliance with the definition for a dwelling (Section 4-67, Min. Housing Code), the recreational vehicle is non-compliant with the below standards. Exhibit "F", attached, lists each of these standards from the Minimum Housing Code.

i. Sec. 4-72 Space and Use Standards: Item(s) (1) & (2).

ii. Sec. 4-73 Exit Standards: Item (a) Two remote exits, one of which is a least 36 inches wide and six feet, eight inches high.

iii. Sec. 4-76 Electrical Standards: (a) Every dwelling and dwelling unit **shall** be wired for electrical lights and convenience receptacles. Every habitable room **shall** contain at least two floor or wall-type electric convenience receptacles installed in accordance with the State Building Code. (g) All electric wiring, devices, appliances and fixtures shall be installed and maintained in accordance with the State Building Code and none shall be dangerous or hazardous. (N.C. Gen. Stat. 20-4.01 (32b). The Division of Motor Vehicle of the Department of Transportation is the exclusive agency that enforces the regulations pertaining to vehicles including a vehicle's construction standards).

b. Section 4-67- Definitions:

Dwelling means any building, mobile home, structure or portion thereof, which is designed or intended to be used for human habitation, including living, sleeping, cooking, eating, working or any one combination thereof, whether occupied or vacant, or which in fact is used for such human habitation, whether or not such use is regular or intermittent or authorized or unauthorized. Such definition shall include accessory building but shall not include temporary housing as herein defined.

Temporary housing means any tent, trailer or other structure which is designed to be transportable, and which is not attached to the ground, to another structure, or to any utility system on the same premises for more than 30 consecutive days.

Staff Decision: The recreation trailer meets the definition of temporary housing. Temporary housing is not standard housing for a dwelling occupied for human habitation.

3. Case History

The following documents appear in the exhibits referenced below. These documents provide the case history regarding use of a recreational trailer as a substandard dwelling unit at the subject property.

- a. Exhibit "G" -- Complaint and Notice of Hearing Before the Housing Inspector, October 5, 2020
- b. Exhibit "H" -- Findings of Fact and Order, November 3, 2020
- c. Exhibit "I" -- Inspector's Case Reports, October through December 2020

Procedure

Appeals to rulings or decisions made by the code enforcement officer, housing inspector or hearing officer may be brought forward to the Housing Appeals Board (i.e., Board of Adjustment) pursuant Section 4.84.a of the Minimum Housing Code. Pursuant to North Carolina General Statute, the Board of County Commissioners may assign the responsibilities of the Housing Appeals Board to the Board of Adjustment, which occurred in February 2021. The concurrent vote of four members of the board shall be necessary to reverse or modify any decision or order of the inspector (Sec. 4.84.d, Min. Housing Code.)

Motion

Based on the evidence and testimony presented at the hearing, the Board shall either confirm, reverse or modify the decision of the inspector. (Four votes are necessary to reverse or modify the decision of the inspector.)

EXHIBIT A
APPEAL APPLICATION

RECEIVED
11-16-20

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

REFERENCE CASE #: MH-4030-2020
BEFORE THE HOUSING APPEALS BOARD

NOTICE OF APPEAL

To the Housing Appeals Board and the Minimum Housing Inspector of Cumberland County:

Related to the dwelling located at: 2340 JOHN HALL

and the Findings of Fact & Order, dated: 10/29/2020

This appeal is taken for the following reasons:

1. EXEMPTION FROM CHAPTER 4 DUE TO WEIGHT - See Attached Document DRY WEIGHT 6,223 POUNDS.
2. ACCORDING TO CHAPTER 4 THE TRAILER IS "NOT" TRANSPORTABLE BECAUSE IT IS ATTACHED TO THE GROUND AT 3 DIFFERENT POINTS AND CONNECTED TO SEA UTILITIES.
3. IT HAS BEEN DEEMED A RELIGIOUS AREA FOR SERVICE AND SANCTUARY.

PATRICK H. MCDOLE (910) 633-1066
PRINT APPELLANT'S NAME & PHONE NUMBER

This the 16 day of NOVEMBER, 2020.


APPELLANT SIGNATURE

Filed with the Minimum Housing Inspector on:

This the 16 day of November, 2020.


MINIMUM HOUSING INSPECTOR SIGNATURE

This the 16th day of November, 2020.


SECRETARY

4-84 (B) within 10 days

4-84 (C) within 14 days

11-29-20 FOFO Compliance Date

ATTENTION VEHICLE TRAILER CARGO CARRYING CAPACITY
G4324HE321883

DRY WEIGHT: 6223 Kg or 1372

CAUTION:

Load of water equals 283 Kg/622 Lbs of cargo @ 1 Kg/L (8.3 lb/gal)
Weight of the cargo should never exceed 1017 Kg or 2242 Lbs.



United National Church

6800 Weiskopf Avenue
Suite 150
McKinney, TX 75070
(972) 855-8106

LETTER OF GOOD STANDING

January 1, 2020

Minister License#: 51248

To Whom It May Concern:

Patrick Howard Modole is an associate pastor and an Ordained Christian Minister with United National Church and we hereby consent to his/her registration with the city clerk, county courthouse, or state agency.

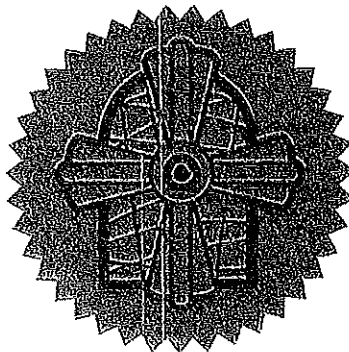
Let it be known, Patrick Howard Modole is authorized by United National Church to solemnize marriages and perform all religious services and his/her minister's license expires on December 31, 2020.

The Pastoral Charge of the United National Church will advise the appropriate governing body in writing of any changes in the applicant's status.

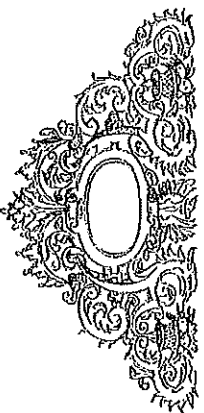
Sincerely,

Shawn Abraham

Pastoral Charge of United National Church



Certificate of Christian Ordination



Upon recommendation of the Pastoral Charge and by virtue of the authority granted by the laws and Constitution of the United States of America the Board of Trustees has conferred the rank of

Ordained Christian Minister

upon

PATRICK HOWARD MCDOLE

with all the honors, privileges, and responsibilities appertaining thereunto.

Shafun Abraham
Pastoral Charge



Daniel A. Roberts
Board of Trustees

EXHIBIT E
SITE PICTURES

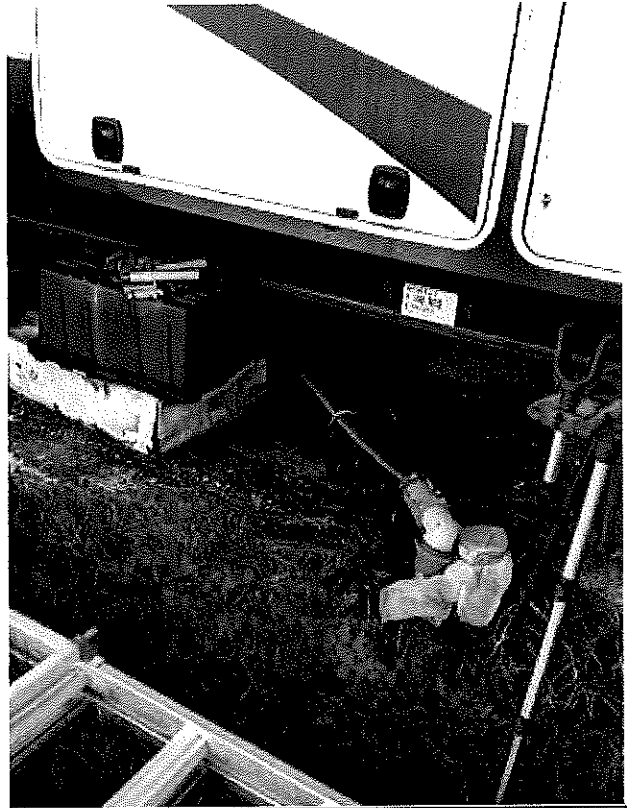








Electrical connection at the garage



Septic tank connection



Water connection

EXHIBIT F

MINIMUM HOUSING CODE APPLICABLE SECTIONS

**CUMBERLAND COUNTY CODE
ARTICLE IV MINIMUM HOUSING CODE**

Sec. 4-72. - Space and use standards.

The following shall constitute the minimum standards for residential buildings and shall be pertinent in determining fitness for human habitation:

- (1) There shall be at least one habitable room with at least 150 square feet of floor space. Other habitable rooms shall have an area not less than 70 square feet, except that kitchens may have 50 square feet.
- (2) Those habitable rooms which must be included to meet the foregoing minimum space standards shall be at least seven feet wide in any part with at least one-half of the floor area having a ceiling height of at least seven feet. That portion of any room where the ceiling height is less than five feet shall not be considered in the required floor area.

Sec. 4-73. - Exit standards.

- (a) Each dwelling unit must provide two remote exits, one of which is at least 36 inches wide and six feet, eight inches high, easily accessible to the occupants of each housing unit. All exit doors shall be easily operable and lockable. If only one exit can be provided, then each sleeping room must have at least one openable window approved for emergency egress. The window must be operable from the inside without use of key or tool. The window sill height shall not exceed 44 inches above the floor. Such window shall provide a minimum clear opening width of 20 inches and a minimum clear opening height of 22 inches. The total net clear opening shall not be less than four square feet. Bars, grills or other obstructions placed over these windows must be releasable or removable from the inside without the use of a key or tool.

Sec. 4-76. - Electrical standards.

- (a) Every dwelling and dwelling unit shall be wired for electrical lights and convenience receptacles. Every habitable room shall contain at least two floor or wall-type electric convenience receptacles installed in accordance with the North Carolina State Building Code. At least one fixed in place ceiling or wall type electric light fixture shall be provided in every bedroom, toilet room, bathroom, laundry room, furnace room, public hall, basement or any other area in which artificial light is required for the safety and welfare of the occupants. A switched wall receptacle shall be acceptable in a bedroom, living room or den.

GS 20-4.01 - North Carolina General Assembly

§ 20-4.01. Definitions.

- (32b) **Recreational Vehicle.** - A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use that either has its own motive power or is mounted on, or towed by, another vehicle. The basic entities are camping trailer, fifth-wheel travel trailer, motor home, travel trailer, and truck camper. This term shall not

include a manufactured home as defined in G.S. 143-143.9(6). The basic entities are defined as follows:

- a. Camping trailer. - A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls that fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.
- b. Fifth-wheel trailer. - A vehicular unit mounted on wheels designed to provide temporary living quarters for recreational, camping, or travel use, of a size and weight that does not require a special highway movement permit and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.
- c. Motor home. - As defined in G.S. 20-4.01(27)k.
- d. Travel trailer. - A vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, and of a size or weight that does not require a special highway movement permit when towed by a motorized vehicle.
- e. Truck camper. - A portable unit that is constructed to provide temporary living quarters for recreational, camping, or travel use, consisting of a roof, floor, and sides and is designed to be loaded onto and unloaded from the bed of a pickup truck.

EXHIBIT G

COMPLAINT AND NOTICE OF HEARING BEFORE THE HOUSING INSPECTOR

Rawls Howard
Director

David Moon
Deputy Director

Scott Walters
Code Enforcement
Manager



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

Planning & Inspections Department

Jocelyn Lewis
Inspector

Gilbert Sanchez
Inspector

Andy Roberts
Inspector

Kim Cannizzaro
Inspector

Jamie Bahnaman
Inspector

OCT 06 2020

**COMPLAINT AND NOTICE OF HEARING
BEFORE THE HOUSING INSPECTOR**

10/5/2020

Patrick H McDole & Parties of Interest
2340 John Hall Rd
Fayetteville NC, 28312

91 7199 9991 7039 3767 4428

CASE # MH-4030-2020
Dear Patrick H McDole

- I. On 10/5/2020, the property located at 2340 John Hall Rd, was inspected for compliance with Cumberland County Article IV, Minimum Housing Code.
- II. You are hereby notified that the dwelling located at the place designated above appears to be substandard as defined by Cumberland County Code, Article IV, Minimum Housing Code. The enclosed Report of Inspection indicates the items which appear to violate this Code.
- III. A hearing has been scheduled before the Hearing Officer at the Department of Inspection, Room 101, Historic County Courthouse, 130 Gillespie Street, Fayetteville, NC on October 29, 2020, at 9:00 AM for the purpose of finding facts as to whether or not the condition of such dwelling falls within the scope of the above mentioned Code. At the Hearing, you shall be entitled to file answer to the Complaint and to be heard in person or by counsel upon all factual or legal questions relating to this matter.
- IV. The Findings of Fact and Order will be mailed to you following the hearing specifying the corrective action to be taken and the date by which the corrections must be completed. Failure to comply with the Order is punishable as a Class 3 Misdemeanor and subjects the owner or party of interest to a civil penalty of fifty dollars (\$50.00) per day for each and every day the violation(s) exist.
- V. You are further notified that you have the right to file a request for an appeal to the Cumberland County Housing Board of Appeals. The appeal procedures will be provided with the Order.

If you have any questions contact the undersigned between 8:00 - 9:00 A.M. and 4:00 - 5:00 P.M., Monday through Friday, or you may leave a voice mail message anytime at (910) 321-6650.

Gilbert Sanchez
Code Enforcement Officer

COUNTY OF CUMBERLAND
INSPECTION DEPARTMENT
REPORT OF MINIMUM HOUSING INSPECTIONS

Case #: MH-4030-2020
Property Location: 2340 John Hall Rd
Date of Inspection: 2020-10-05
Property Owner: Patrick H Mcdole
Mailing Address: 2340 John Hall Rd Fayetteville NC 28312
PIN: 0474-47-9369

BUILDING USE	TYPE CONSTRUCTION	NUMBER STORIES
<input type="checkbox"/> ONE FAMILY	<input type="checkbox"/> FRAME	<input type="checkbox"/> ONE STORY
<input type="checkbox"/> APARTMENT COMPLEX	<input type="checkbox"/> BRICK VENEER	<input type="checkbox"/> TWO STORY
<input type="checkbox"/> DUPLEX	<input type="checkbox"/> BLOCK	<input type="checkbox"/> THREE STORY
<input type="checkbox"/> OTHER	<input type="checkbox"/> MANUFACTURED	

APPRAISED TAX VALUE (STRUCTURE:) DATE OF APPRAISAL:

DOES DAMAGE OR DETERIORATION OF STRUCTURE EXCEED 50% OF ITS PHYSICAL VALUE? YES NO

DOES STRUCTURE CONFORM TO ZONING REGULATIONS? YES NO

ITEMS LISTED BELOW ARE TO BE CORRECTED:

1. You are allowing a recreational vehicle/ camper on your property to be used for human habitation.
2. Per Sec. 4-71 No person shall occupy or use as a human habitation any outbuilding or appurtenance
3. Per Section 4-67 Nor shall any temporary housing meaning any tent, trailer or other structure designed to be transportable be occupied for more than 30 days.
4. You must disconnect and vacate camper



2340 John Hal Rd

October 10, 2020

Dear Gilbert Sanchez:

The following is in response to your request for proof of delivery on your item with the tracking number: 9171 9999 9170 3937 6744 28.

Item Details

Status: Delivered, Left with Individual
Status Date / Time: October 10, 2020, 4:31 pm
Location: FAYETTEVILLE, NC 28312
Postal Product: First-Class Mail®
Extra Services: Certified Mail™
Return Receipt Electronic

Shipment Details

Weight: 1lb, 6.8oz

Recipient Signature

Signature of Recipient:	KSGM C-19
Address of Recipient:	2340 John Hal Rd

Note: Scanned image may reflect a different destination address due to intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004







10/05/2020





EXHIBIT H
FINDINGS OF FACT AND ORDER

Rawls Howard
Director

David Moon
Deputy Director

Scott Walters
Code Enforcement
Manager



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

Planning & Inspections Department

Joey Lewis
Inspector

Gilbert Sanchez
Inspector

Andy Roberts
Inspector

Jamie Bahmeman
Inspector

NOV 04 2020

FINDINGS OF FACT AND ORDER

11/3/2020

Patrick H Mcdole & Parties of Interest
2340 John Hall Rd
Fayetteville NC, 28312

91 7177 9991 7039 0948 2020

CASE # MH-4030-2020
PROPERTY AT: 2340 John Hall Rd,

A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 10/10/2020.


Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 10/29/2020 at 9:00 AM. The items identified below took place at the Hearing:

- 1. No owner or party of interest, or their agent, or representative appeared.
- 2. An answer was filed by owners and/or parties of interest. The answer was heard, read, and considered. Those answering in person were: Robert Mcdole
- 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated 10/5/2020. Upon the record and all of the evidence offered and contentions made, the undersigned Hearing Officer does thereby find the following fact:
 - a. The Recreational Vehicle in question is violative of the Cumberland County Housing Ordinance as per findings in the inspection report with an assigned case number of MH-4030-2020, dated 10/5/2020.
 - b. Due to these findings, the dwelling or appurtenance are found to be in a substandard condition in accordance with the Cumberland County Ordinance.
 - c. The dwelling is unfit for human habitation.

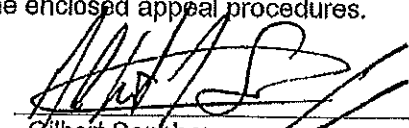
4. Due to facts presented above, the Hearing Officer orders as follows:

- a. The owners and/or parties of interest of the dwelling named above are required to bring such dwelling into compliance with the Cumberland County Housing Ordinance by either repairing, altering, and improving the dwelling up to a minimum standard or by demolishing the structure and then causing the debris to be removed from the premises by a date not later than 11/29/2020. All required permits must be obtained. A copy of this order must be presented when obtaining permits.
- b. The dwelling shall remain vacated until compliance with this order is completed and removed by the inspector, and the lot must be continuously maintained.
- c. The structure shall be/remain secured to prevent entry by 11/29/2020 and shall remain secured.
- d. By authority of North Carolina General Statutes 14-4, violation of the County code is punishable as a Class 3 Misdemeanor in criminal court and also subjects the violator to injunctive relief and/or a civil penalty of \$50.00 per day for each day's continuing violation after 11/29/2020.
- e. The County Planning/Inspection Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners for failure to bring the property into compliance by 11/29/2020. The cost of said demolition will be assessed against the real property in the form of a lien.

An appeal may be made to the Cumberland County Housing Board of Appeals. If an appeal is requested, it must be made in writing and within the time limits specified in the enclosed appeal procedures.



Scott Walters
Hearing Officer

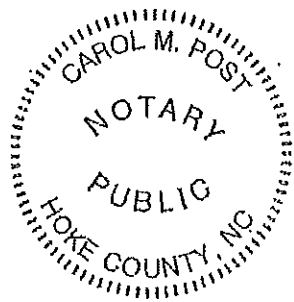



Gilbert Sanchez
Code Enforcement Officer

Enclosed: Appeals Procedure Form

Cc:

Sworn to and Subscribed to by me
this the 3rd day of October, 2020





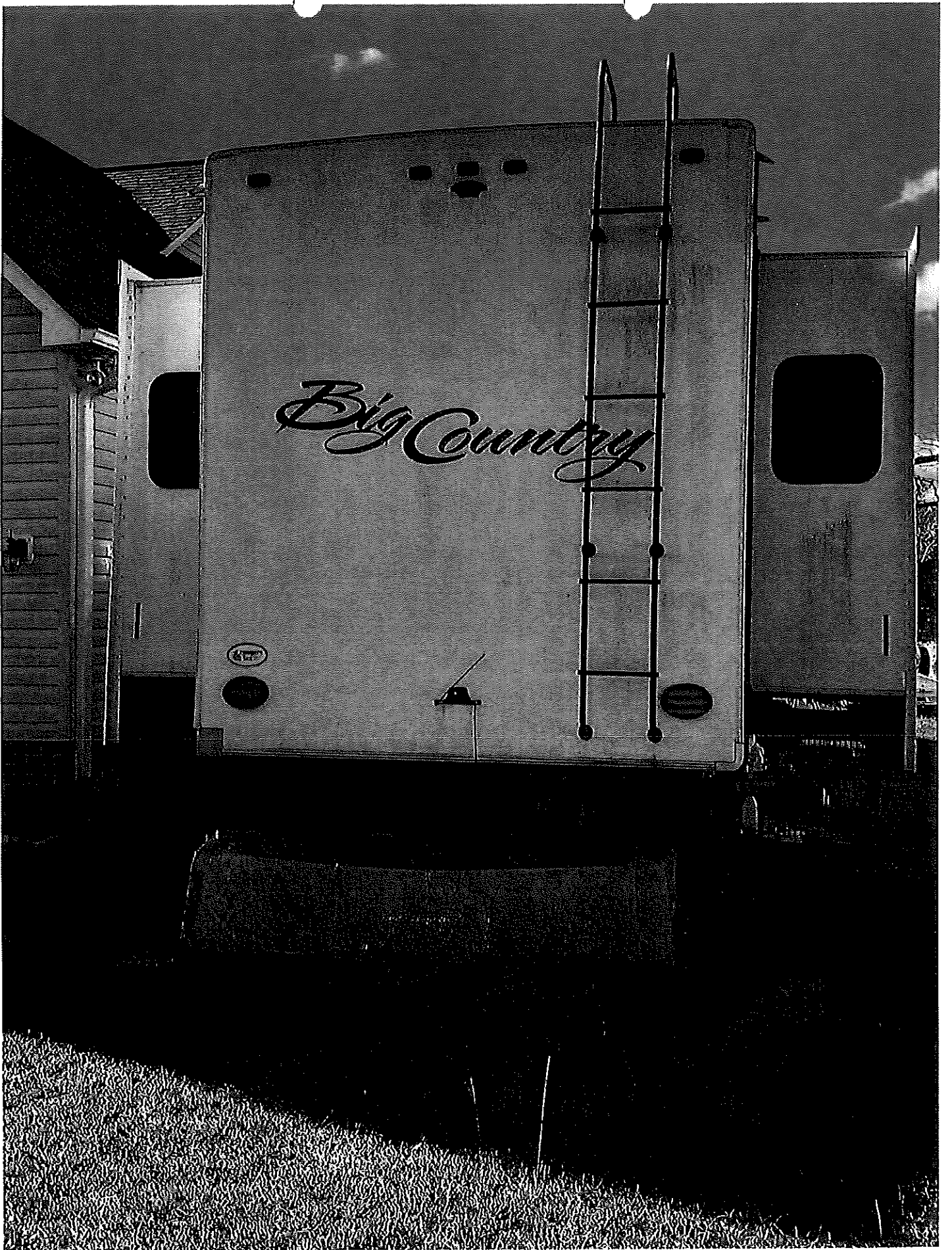
Notary Public
My Commission Expires: 3/24/2025

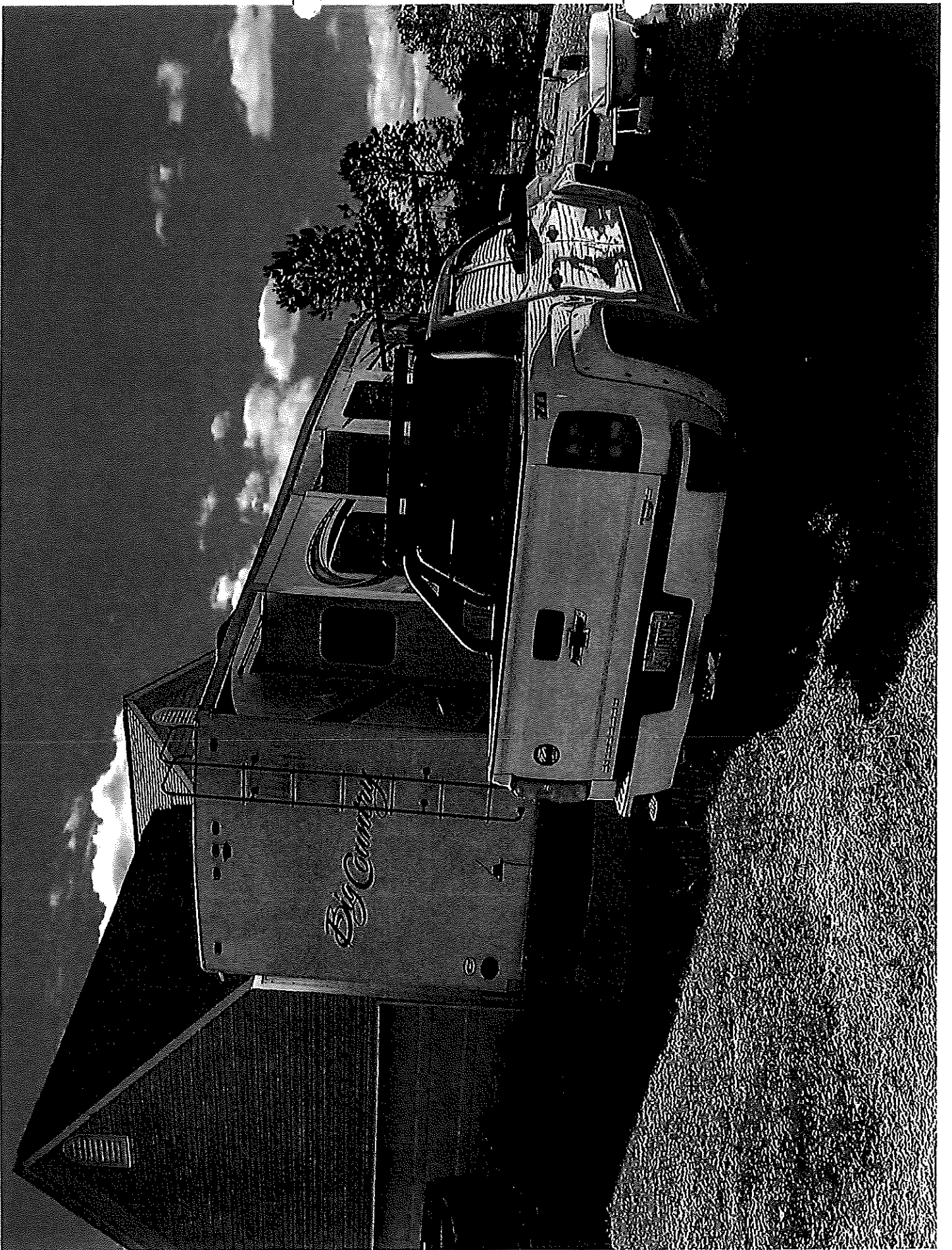
FOT

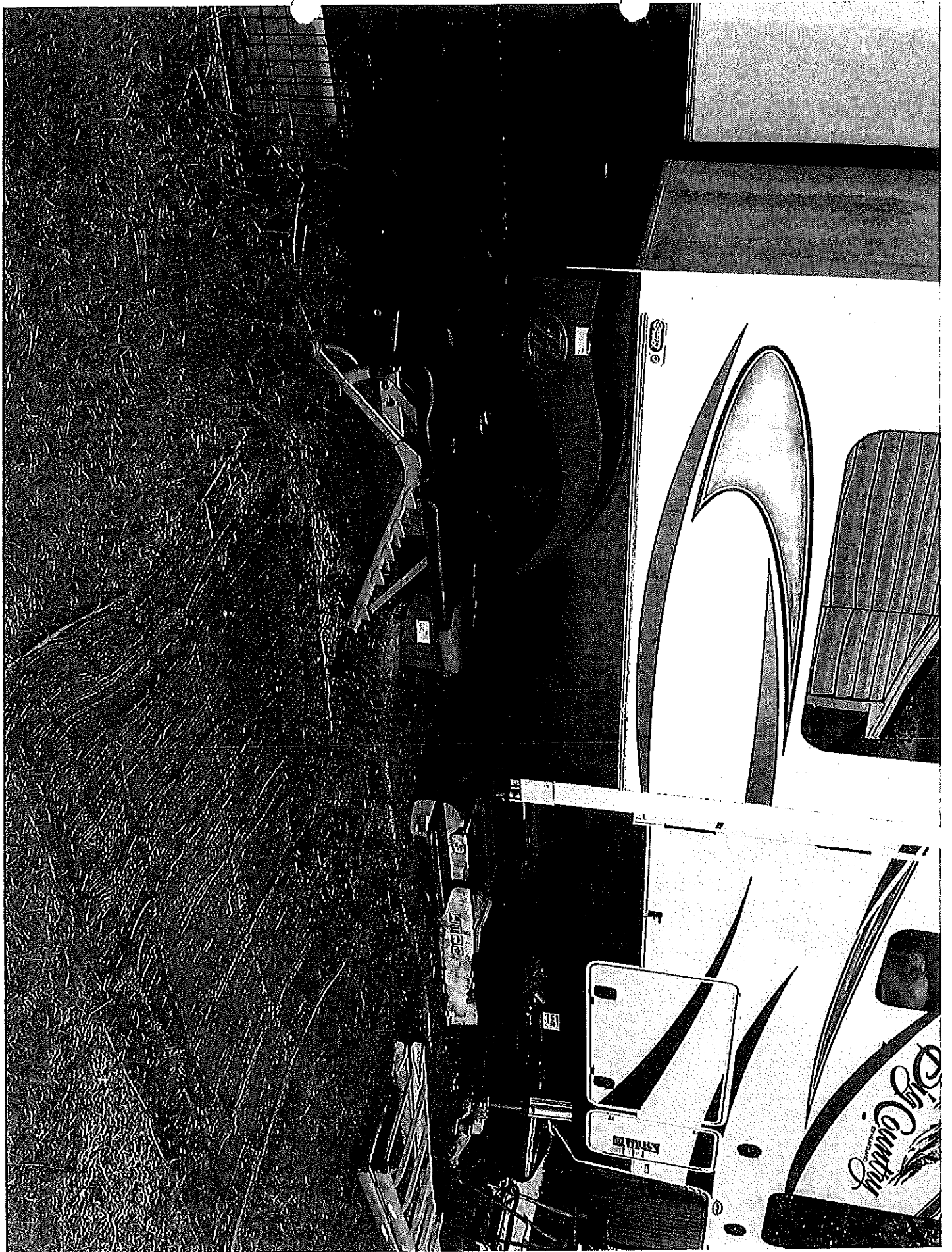


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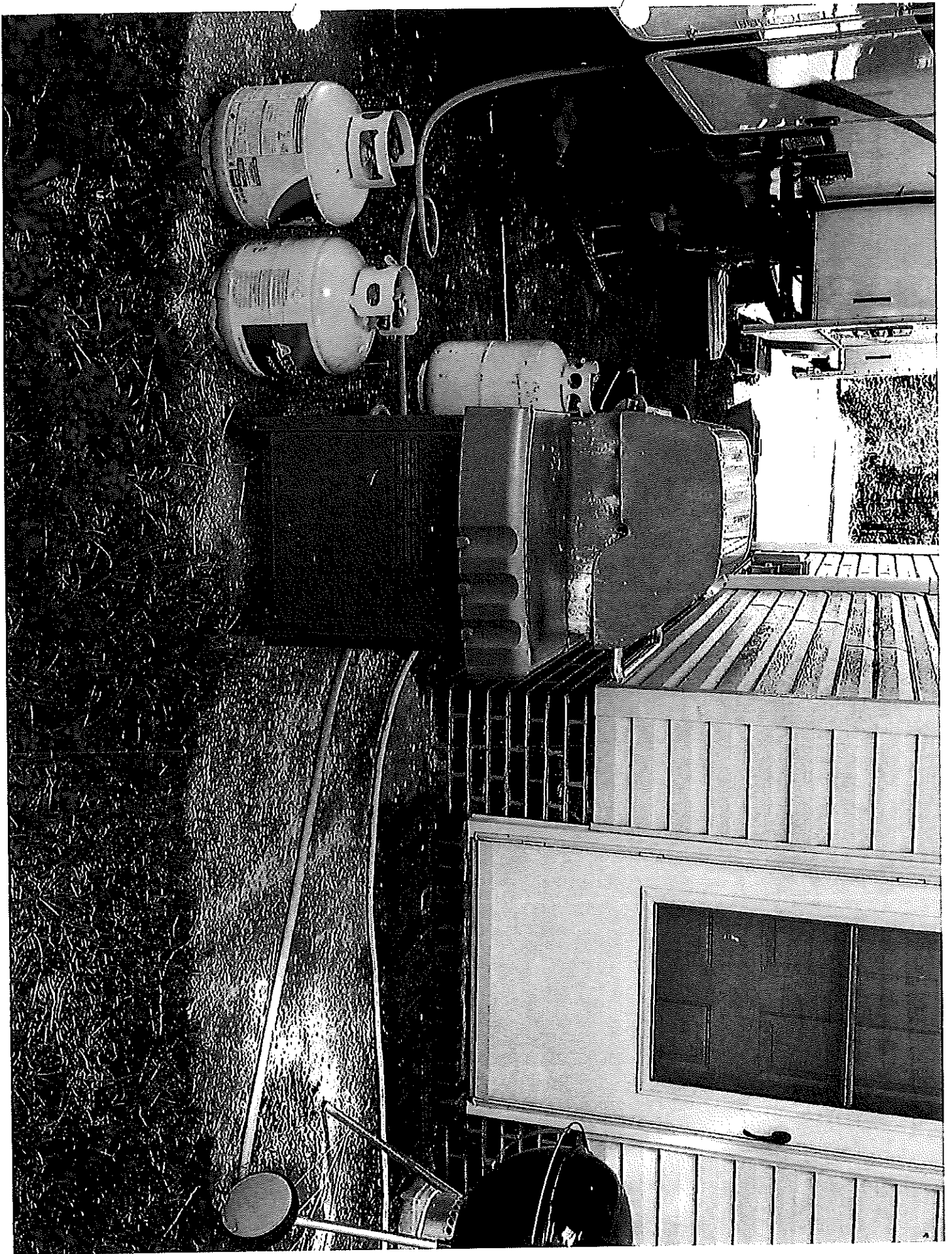




EXHIBIT I
INSPECTOR'S CASE REPORTS

Gilbert Sanchez

Open:	10/05/2020	Closed:	
30 Days:	11/05/2020		
Final Notice:		Appeal:	
Hearing Notice:		Re-Inspection:	

Complaint ID:	5512	PIN:	0474-47-9369	PIN Map:	0474
Address:	2340 John Hall Rd				
City:		Zip:			
Subdivision:	D C VINSON	Zoning:	A1		

Received:	09/28/2020 12:00 AM - Gilbert Sanchez
Assigned:	09/28/2020 - Gilbert Sanchez
Inspected:	10/05/2020
Disposition:	

Owner:	PATRICK H MCDOLE
	2340 JOHN HALL RD, FAYETTEVILLE NC 28312

Occupant:	() -	() -
-----------	------	------

Complainant:	() -	() -
--------------	------	------

Legal Description: LT 2 D C VINSON (2.00 ACS)

Complaint: Someone living in camper

Findings:

There appears to be someone living in Recreational Vehicle

10/05/2020 4:31 PM

Gilbert Sanchez

Open:	10/05/2020	Closed:	
30 Days:	11/05/2020		
Final Notice:		Appeal:	11/16/2020
Hearing Notice:		Re-Inspection:	

Complaint ID:	5512	PIN:	0474-47-9369	PIN Map:	0474
Address:	2340 John Hall Rd				
City:		Zip:			
Subdivision:	D C VINSON	Zoning:	A1		

Received:	09/28/2020 12:00 AM - Gilbert Sanchez
Assigned:	09/28/2020 - Gilbert Sanchez
Inspected:	10/05/2020
Disposition:	

Owner:	PATRICK H MCDOLE
	2340 JOHN HALL RD, FAYETTEVILLE NC 28312

Occupant:		() -	() -
-----------	--	-------	-------

Complainant:		() -	() -
--------------	--	-------	-------

Legal Description: LT 2 D C VINSON (2.00 ACS)

Complaint: Someone living in camper

I received a complaint at the end of November about a JV

Findings:

12/17/2020 4:15 PM

Hand Delivered ZV and JV notice to Patrick Mcdole

12/17/2020 4:15 PM

He called to notify me that he was not using his property as a campground

12/16/2020 3:18 PM

Mr. Mcdole called today to notify me that he is not using his property, citing P 10-20 amendment. He stated that there is no temporary or transient use for monetary purposes.

12/16/2020 3:17 PM

He asked where the complaint originated from. I told him his neighbor. He said he was suing her and would add slander if she in fact accused him of using his property as a campground and anyone else who that was making such an accusation.

He was also sent a JV letter. He said he had documents from DMV stating it is legally non operational. He said it does move forward not in reverse.

He was instructed to write a letter to land use to get on the BOA agenda if he wished to appeal the decision.

Correction!! this MH case will not be closed a Zoning case will be opened as instructed and neighbor has filed a complaint on a vehicle that has no tags so I will open a JV case as well

12/07/2020 8:15 AM

This case will be closed and a zoning case will be opened as directed by management.

12/07/2020 8:09 AM

On 11/16/20 Patrick Mcdole filed a General Appeal

11/18/2020 9:11 AM

On October 29 Patrick Mcdole appeared for the hearing. He assured me that the camper was vacated and disconnected from septic system. He earlier insisted that he could not disconnect power and water or close up camper because of concern for seals in popouts. He invited me back for follow up inspection. I took follow up photos on 10/30/20. Septic tank was disconnected however this camper and its surrounding lead me to believe that it is being used for more than recreational purposes. Send FOFO 30 days to correct

11/04/2020 9:30 AM

There appears to be someone living in Recreational Vehicle

10/05/2020 4:31 PM

Property Summary

Tax Year: 2020

REID	0474479369000	PIN	0474-47-9369	Property Owner	MCDOLE, PATRICK H
Location Address	2340 JOHN HALL RD	Property Description	D C VINSON LO2 SE01 PL0099-0026	Owner's Mailing Address	2340 JOHN HALL RD FAYETTEVILLE NC 28312

Administrative Data

Plat Book & Page	0099-0026
Old Map #	
Market Area	4090
Township	NONE
Planning Jurisdiction	COUNTY
City	
Fire District	0101-FIRE-SERV-DIST
Spec District	RECREATION
Land Class	F101-RURAL
History REID 1	
History REID 2	
Acreage	2
Permit Date	
Permit #	

Transfer Information

Deed Date	5/18/2009
Deed Book	008152
Deed Page	00241
Revenue Stamps	
Package Sale Date	5/18/2009
Package Sale Price	
Land Sale Date	
Land Sale Price	

Improvement Summary

Total Buildings	1
Total Units	0
Total Living Area	1,582
Total Gross Leasable Area	0

Property Value

Total Appraised Land Value	\$22,500
Total Appraised Building Value	\$125,122
Total Appraised Misc Improvements Value	\$9,194
Total Cost Value	\$156,816
Total Sales Comp Value	\$164,200
Total Appraised Value - Valued By Sales Comparison	\$164,200
Other Exemptions	
Exemption Desc	
Use Value Deferred	
Historic Value Deferred	
Total Deferred Value	
Total Taxable Value	\$164,200

Building Summary

10/9/2020

Print Property Info

Card 1 2340 JOHN HALL RD

Building Details

Bldg Type R1-SINGLE-FAMILY-RES
 Units 0
 Living Area (SQFT) 1582
 Number of Stories 1.00
 Style 000002-STYLE
 Foundation G-PIERS-W/CNTFWL
 Frame CONSTANT
 Exterior 04-VINYL-SIDING
 Const Type
 Heating M-07&S-01
 Air Cond AC-Y
 Baths (Full) 2
 Baths (Half) 0
 Extra Fixtures 2
 Total Plumbing Fixtures 8
 Bedrooms 3
 Floor 11-CARPET-COMB
 Roof Cover 03-COMP SHINGLE
 Roof Type 02-GABLE
 Main Body (SQFT) 1582

Building Description

Year Built 1999 Effective Year 1999
 Additions 3 Remodeled 0
 Interior Adj
 Other Features

Building Total & Improvement Details

Grade 370
 108%
 Percent Complete 100
 Total Adjusted Replacement Cost New \$128,867
 Physical Depreciation (% Bad) A 18%
 Depreciated Value \$105,671
 Economic Depreciation (% Bad) 0
 Functional Depreciation (% Bad) 0
 Total Depreciated Value \$105,671
 Market Area Factor 1
 Building Value \$125,122
 Misc Improvements Value \$9,194
 Total Improvement Value \$134,316
 Assessed Land Value
 Assessed Total Value

10/8/2020

Print Property Info

Addition Summary

Story	Type	Code	Area
1.00	GARAGE FINISH	GRF	504
1.00	OPEN PORCH FIN	OPF	144
1.00	SCREEN PORCH F	SPF	182

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	24x32	DIMENSIONS	FRAME GARAGE	\$11,70	2006	25	0	0		\$8,043

Total Misc Improvements Value Assessed: \$9,194

10/9/2020

Print Property Info

Card #	Unit Quantity	Measure	Type	Base Price	Eff Year	Phys Depr (% Bad)	Econ Depr (% Bad)	Funct Depr (% Bad)	Common Interest (% Good)	Value
1	12x10	DIMENSIONS	UTILITY FRAME	\$16.15	2013	36	0	0		\$967
1	10x6	DIMENSIONS	CONCRETE PATIO	\$4.04	2008	51	0	0		\$92
1	10x6	DIMENSIONS	CONCRETE PATIO	\$4.04	2008	51	0	0		\$92

Total Misc Improvements Value Assessed: \$9,194

Land Summary

Zoning	Soil Class	Description	Size	Rate	Land Adjustment	Land Value
A1		0400-RURAL-HOME	1.50 BY THE UNIT PRICE	\$15,000		\$22,500

Total Land Value Assessed: \$22,500

Ownership History

	Owner Name	Deed Type	% Ownership	Stamps	Sale Price	Book	Page	Deed Date
Current	MCDOLE, PATRICK H	DE-DEED	100	0		008152	00241	5/18/2009
1 Back	MCDOLE, PATRICK H/ MCDOLE, BARBARA C	WD-WARRANTY DEED	100	266	\$133,000	005741	00050	5/7/2002
2 Back	ISGRIGG, VALERIE A/ ISGRIGG, JEFFREY DALE	WD-WARRANTY DEED	100	200	\$100,000	005180	00858	10/22/1999
3 Back	WILLIAMS, BERTIE/ WILLIAMS, PATRICIA	WD-WARRANTY DEED	100	40	\$20,000	005128	00097	7/12/1999
4 Back	VINSON, D C	DE-DEED	100	0		002067	00482	7/1/1984

Notes Summary

Building Card	Date	Line	Notes
No Data			

Sales of Comparable Properties

Feature	Subject	Comparable 1	Comparable 2	Comparable 3	Comparable 4	Comparable 5	
REID	0474479369000	0473288031000	1422285984000	1412051655000	1430316921000	0474399344000	
PIN	0474-47-9369	0473-28-8031	1422-28-5884	1412-05-1655	1430-31-5921	0474-39-9344	
Address	2340 JOHN HALL	5170 CEDAR CREEK	2611 RIVER BLUFF	10026 GIP	5214 NC 242	2074 JOHN HALL	
Proximity	N/A	0	0	0	0	0	
Market Area	4090	4090	4092	4092	4092	4090	
Sales Price	N/A	\$128,000	\$145,000	\$170,000	\$200,000	\$167,000	
Price/SFLA							
Price Source		Revenue Stamp	Revenue Stamp	Revenue Stamp	Revenue Stamp	Revenue Stamp	
Book/Page		08962/00790	09143/00395	09463/00280	09909/00638	09887/00167	
	Description	Description	+(-) \$ Adj	Description	+(-) \$ Adj	Description	+(-) \$ Adj
Sale Date		8/3/2012	0	3/22/2013	0	7/3/2014	0
Market Area Type	RES-COM-MIX-RURAL	RES-COM-MIX-RURAL	0	RES-COM-MIX-RURAL	0	RES-COM-MIX-RURAL	0
Fee Simple	Fee Simple	Fee Simple		Fee Simple		Fee Simple	
Land Value	\$22,500	\$33,701	0	\$32,789	0	\$23,398	0
Style	000002-STYLE	000002-STYLE	0	000002-STYLE	0	000002-STYLE	0
No. of Stories	1	1.5	0	1	0	1.5	0
Grade	370-C+	350-C	0	350-C	0	370-C+	0
Exterior Wall	04-VINYL-SIDING	05-DELUX-WOOD-SIDING	0	04-VINYL-SIDING	0	04-VINYL-SIDING	0
						11-BRICK-VENEER	0

10/8/2020

Print Property Info

Feature	Subject	Comparable 1	Comparable 2	Comparable 3	Comparable 4	Comparable 5
Frame	CONSTANT	CONSTANT 0	CONSTANT 0	CONSTANT 0	CONSTANT 0	CONSTANT 0
Effective Year	1999	2002	2003	2014	2010	1975
Year Built/Remod.	1999 / --	2002 / --	2003 / --	2014 / --	2010 / --	-- / 2015
Depreciation		SUPERIOR 0	SUPERIOR 0	SUPERIOR 0	SUPERIOR 0	INFERIOR 0
Bedroom	3	3	3	3	2	4
Bathroom	F - 2, H - 0, EF - 2	F - 2, H - 0, EF - 0 0	F - 1, H - 1, EF - 0 0	F - 2, H - 0, EF - 3 0	F - 2, H - 0, EF - 2 0	F - 2, H - 0, EF - 1 0
SFLA	1582	1410 0	1729 0	1901 0	1550 0	2084 0
Basement		0	0	0	0	0
Econ/Funct Utility	0	0	0	0	0	0
Heating/Cooling	M-07&S-01,AC-Y	M-07&S-01,AC-Y 0	M-07&S-01,AC-Y 0	M-07&S-01,AC-Y 0	M-07&S-01,AC-Y 0	M-07&S-01,AC-Y 0
Garage/Carport Attached	GRF(504)	0	0	GRF(634) 0	0	0
Additions	OPF(144), SPF(182)	USF(642) 0	WDK(285) 0	BRF(300), OPF(54), S PF(110), WDK(180) 0	CPF(528), OPF(216), USF(590) 0	CPF(552), OPF(168), WDK(360) 0
Fireplace		0	0	1 01-FIREPLACES 0	1 01-FIREPLACES 0	1 01-FIREPLACES 0
Misc Imprv Value	\$9,184GRF:768 PTC:60 UTF:120	0	0	0	\$15,340GRF:768 WDK:16 WDK:24 0	\$1,209UTF:192 0
Built-ins		0	0	0	0	0
Net Adj. (total)		0	0	0	0	0
Gross %		124	137	144	144	152
Net %		0%	0%	0%	0%	0%
Adj Sales Price		128000	145000	170000	200000	167000
Net Adj (total) Override		0	0	0	0	0

10/8/2020

Print Property Info

Feature	Subject	Comparable 1		Comparable 2		Comparable 3		Comparable 4		Comparable 5	
Weight Factor		0.3	0	0.25	0	0.2	0	0.15	0	0.1	0
Indicated Value	\$164,200										
Indicated Value Override	0										

Note Subject MRA: 184690, Weighted Estimate: 184392, Adjusted Sale Prices: (1412051655000, 07/03/2014) 148589, (0473288031000, 08/03/2012) 158795, (1422285984000, 03/22/2013) 163608, (1430315921000, 07/28/2016) 172169, (0474399344000, 07/15/2016) 179148. Values used for Indicated Value calculation: 163608, 184392, 184690.

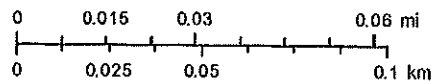
ArcGIS Web Map



10/8/2020, 9:55:36 AM

1:1,862

- | | | |
|--------------------|-------------------|--------------------|
| Tax Parcels | Complaints | Buildings |
| Override 1 | Override 2 | Street_Centerlines |
| Tax Parcels | Crime Data | Permit_Holds |
| Cases | CCSO | |
| Override 1 | Address | |



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ATTACHMENTS

OWNER_NAME	ADDRESS	CITYSTATEZIP
TYNDALL, JOHNNY L;TYNDALL, JANICE R	2290 MYRTLE LN	FAYETTEVILLE, NC 28312
FOOSE, TIMOTHY ALAN;FOOSE, DAWN MARIE	2330 JOHN HALL RD	FAYETTEVILLE, NC 28312
MCDOLE, PATRICK H	2340 JOHN HALL RD	FAYETTEVILLE, NC 28312
GLASS, TYRONE H;GLASS, SUSANNE D	2105 JOHN HALL RD	FAYETTEVILLE, NC 28312
ELLIS, BRANDON;ELLIS, COURTNEY	2412 JOHN HALL RD	FAYETTEVILLE, NC 28312

1st Class

P21-05-C

Amy H. Cannon
County Manager

Tracy Jackson
Assistant County Manager



CUMBERLAND COUNTY

NORTH CAROLINA

Rawls Howard
Director

David Moon
Deputy Director

Planning & Inspections Department

PUBLIC NOTICE

The Cumberland County Board of Adjustments will meet at 6:00 p.m. on Thursday, August 19, 2021 in Hearing Room #3 of the Historic County Courthouse at 130 Gillespie Street to hear the following:

P21-05-C: Appeal from code enforcement officer's decisions regarding non-compliant use of property in a R40A zoning district for a recreational park/campground res; and regarding a violation of County minimum housing code for non-compliance with sec 4-71 and 4-67 for a substandard dwelling; 2340 John Hall Rd, Cumberland Cty; Patrick McDole (owner)

Run Dates: August 6, 2021 and August 13, 2021