

Amy H. Cannon  
County Manager

Tracy Jackson  
Assistant County Manager



Rawls Howard  
Director

David Moon  
Deputy Director

## Board of Adjustment

MINUTES  
February 17, 2022  
6:00 PM

### Members Present

Gregory Parks  
Marva Lucas-Moore  
Robert Davis  
Vicki Mullins

### Absent Members

Linda Amos  
Stacy Michael Long - Alternate

### Staff/Others Present

David Moon  
Alyssa Garcia  
Yolanda Bennett  
Robert Hasty  
(Asst County Attorney)

### Alternate Members in Attendance

Kenneth Turner- Alternate

Chair Parks called the meeting to order at 6:05 p.m. in Public Hearing Room #3 of the Historic Courthouse.

Chair Parks 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

Robert Davis read the invocation.

#### PLEDGE OF ALLEGIANCE

Recited by all.

Chair Parks requested all cell phones be turned off. If asked to speak at the podium please speak into the microphone, take your mask off if you prefer. Chair Parks requested to limit time per speaker to 5 minutes and not to repeat what has been previously stated. If any Board member wishes to speak, please ask to be recognized.

#### 2. ROLL CALL

Mr. Moon called the roll. Mr. Moon started with the roll call; we have a quorum.

#### 3. SWEAR IN OF STAFF

Chair Parks swore in staff.

#### 4. ADJUSTMENTS TO THE AGENDA

There were none.

#### 5. APPROVAL OF THE OCTOBER 21, 2021, MINUTES

Mr. Davis made a motion to approve the minutes from the October 21, 2021, meeting as written, seconded by Ms. Mullins. The motion passed unanimously.

#### **IN FAVOR**

PARKS	YES
TURNER	YES
LUCAS-MOORE	YES
DAVIS	YES
MULLINS	YES

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

There were none.

### 7. PUBLIC HEARING DEFERRALS/WITHDRAWALS

Mr. Moon announced the withdrawal of Case BOA-22-013. Mr. Moon stated: which is for a variance with the watershed ordinance the applicant has requested to withdraw the app. I would like the applicant to come to the podium to confirm the withdrawal. Just to explain what is occurring, this proposed church project is located within the watershed protection area. There's 2 types of categories of protection in the watershed protection area. Called high density development and low. Based on review of application, originally applied for the variance under the low, but it was determined that they qualified for the watershed high density development which is basically administrative review by the board of adjust. Doesn't call on the ordinance for an advertised public hearing as it does for the variance. So, there was a site plan that was included with the variance that would have been approved with the variance if the board had approved the variance but its withdrawn. That site plan is now pulled off as an administrative review under WSD-001-21. So, case BOA-22-013 is withdrawn by the applicant.

Scot Brown confirmed the withdrawal of the variance application.

Mr. Moon stated that there needs to be a motion for withdrawal.

CHAIR PARKS: Do I have a motion to accept the withdrawal?

Kenneth Turner made a motion to accept the withdrawal, seconded by Robert Davis.

CHAIR PARKS called for a vote.

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

The motion to withdraw case BOA-22-013 passed unanimously.

### 8. POLICY STATEMENT REGARDING APPEAL PROCESS

Mr. Moon read the policy statement.

### 9. PUBLIC HEARING(S)

Chairman Parks read the case heading for Case No. BOA-21-007.

**Case No. BOA-21-007:** Variance from Section 203, Accessory Building, Paragraph. C, County Zoning Ordinance, to allow a garage/storage building to be larger than a residential house for 1.19 acres located at 3361 Stedman Cedar Creek Road, Cumberland County; submitted by Terry Faircloth (agent) on behalf of Brian Jordon (property owner)



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DAVID MOON: David Moon, Deputy Director of Planning and Inspections. The first case this evening is case ... it's a request for a variance. The site is generally located to the east of the Cape fear river and south of Highway 24. The property owner request the boa to grant a variance from section 203 accessory building paragraph c of county zoning ordinance to allow a 1124 sq ft garage storage building in a lot with a 980 sq ft residential house for a 1.19 acres. Located also within an r40 zoning district specifically located at 3361 Stedman Cedar Creek Road. Specific location is shown on the map on the screen. The owner desires to build that 1124 sq ft garage or storage building to accommodate cars and storage. The existing trailer home is 14 x 70 approximately and 980 sq ft. section 203 para b definition of spec terms and words in the county zoning code states that the accessory structure cannot be larger than the primary structure which in this case is 980 sq ft and the building the proposed building is 1124 for the garage. Spec the code states under the def for ace building must be clearly incidental to subordinate in area and purpose to and serving the principal use. The above picture on the screen shows you the general character of the area. Its single-family homes to the south and to the east. Agricultural and wooded land to the northwest and southwest. this picture shows you the again the gen character of the area and the zoning. The zoning assigned to this property and the properties to the east is R40A and the properties to the south and northeast are a1 and props across street are zoned r40. Soil conditions are primarily good with the exception of the very southern or southwest corner of prop which does have possible presence of hydric soils. Located with southwest Cumberland land use plan and designated for primarily 1 acre resident lots. This site survey shows you the location of the existing trailer home which you see to the north and the proposed location for the garage set to the south. This doesn't show the most recent air photos which has two other storage or garage facilities located on the property. This is a view of the front of the prop looking to the SE. second pic of subject site with the home and two current garages. South view along Stedman Cedar Creek Rd. the north view along the same road. And hers the second picture to the north. Now the boa has the authority to make the final decision in the case of a variance. You have the authority to approve, deny or approve with conditions. Under sect. 1605of zoning code there are four variance criteria. The Board is familiar with these criteria. The first is the burden of proof is on the applicant to demonstrate unnecessary hardship result from the strict app of the regulation. Second the hardship results from conditions that are pec to prop such as location size or topography. Third the hardship did not result from action taken by the applicant or property owner. And then finally the requested variance is content with the spirit and purpose and intent of the regulation. Such that the public safety is secured and substantial justice is achieved. That completes my presentation. I'll address any questions you may have or you can proceed into the public hearing

CHAIR PARKS: Any specific questions?

CHAIR PARKS: Go head and proceed to public hearing.

MR. MOON: For case 21-007 there are two speakers that have signed up in favor. There is Brian Jordan. He's the first speak.

CHAIR PARKS: Mr. Jordan?

Chair Parks swears in Brian Jordan.

BRIAN JORDAN: My name Brian Jordan and I live at 3361 Stedman Cedar Creek Road, Fayetteville, NC . Um I put in for the variance because I'm trying to put me a new storage build up behind my property. There is other structures on the property but I really want to tear that structure down. That structure was there when I bought the property 25 years ago, I believe it was, and that the purpose of trying to get the new one. I actually bought the back lot, I wanna say it's a little over a half an acre from the neighbors ,with the intention of someday being able to build somewhere to keep my tractor my new trucks and stuff like that. Like I said the intentions are the one structure there to be taken



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down if I did get the new building up. I got Mr. Terry Faircloth sitting behind me, he's my surveyor that was handling everything for me like I said didn't have any clue how to go about doing this and that's why he's here speaking for me. But other than that thank y'all for your time.

DAVID MOON: I just gotta mention the next speaker. Next speaker is Terry Faircloth.

Chair parks swore in Terry Faircloth

TERRY FAIRCLOTH: Terry Faircloth 6042 Lexington drive hope mills, NC. The building is, it is bigger than his home but the purpose is he has classic cars and as you can see there's a tree line to the se and he has a garage here. Well, a windstorm had came through and lifted that garage up and destroyed a couple of his cars. Its for protection of his, the cars he's collecting and of course there's crime everywhere especially way out in the rural area. He wants a place to put his cars where they won't be damaged and his new tractor and the new truck that he has, I mean you know to keep them out of the view of the public and that's pretty much, you know. But he lived in a single wide and he's lived there for 25 years. And to me it seems like it's kind of ridiculous that he cant build a building just because he lives in a single wide.

CHAIR PARKS: Let me say that that's not the case, it's the square footage of the single wide. As opposed to the building.

TERRY FAIRCLOTH: Right.

CHAIR PARKS: Do you wanna say something?

DAVID MOON: No further speakers. Staff has completed its presentation unless there are any questions from the Board.

KENNETH TURNER: I have a question. Is the sole issue here the fact that it's larger, like 261 ft larger than it should be to meet the requirements?

DAVID MOON: Correct. The code specifically says that an accessory use, accessory structure shall be smaller in subordinate to the primary residential structure.

KENNETH TURNER: So if he modifies the structure to be within that minus 261 then we would not be here.

CHAIR PARKS: That's correct.

DAVID MOON: Correct. He could also-

CHAIR PARKS: He could also build two buildings side by side and do that also. I've been on this board several years and this is probably the fifth time this situation has come up. Just to give you a little background we have a fella that built a building that was twice the size of his house and he was 100 some feet away and we tried everything we could to help him. Just rules wouldn't let us do it. He had to build a walkway to connect it. So, we're not here, we're just here to follow the rules, we understand what you're trying to do we're trying to help you in that you would build it smaller, or... Come on up.

BRIAN JORDAN: If I back off on the square footage of the building, you said it'd have to be 210 is that what you said?



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DAVID MOON: 980 sq ft no larger than 980.

CHAIR PARKS: 979 square feet.

BRIAN JORDAN: Ok so long as I'm under that window it wouldn't be a problem getting a permit for the building?

CHAIR PARKS: Absolutely not.

DAVID MOON: You could also have two buildings that were so long as they're smaller than the primary structure.

BRIAN JORDAN: What I was asking him if I step back to like a 30x50, I think we filed as 30x60, I mean if I could drop down to a 30x50 and it'll put me in the window, I mean you know.

CHAIR PARKS: 30x60 would make it 1600 square feet.

BRIAN JORDAN: Well I'm not good at. And its gotta be what 900 and something so that's still-

CHAIR PARKS: All I'm saying is you make it. 30x30 would be 900 ok 30 x 30 would be 900 and make it well within it., just what you're trying to figure out just make it work and if you need another building just make it right beside it and have a little walkway to it where you'll keep that type stuff keep the cars here the tools there, you know what I mean. We're trying to help you.

BRIAN JORDAN: Right, and I understand and like I said I'm just. this is all new to me and I'm trying to learn how to.

CHAIR PARKS: So anything less than 980 square feet I'd make it 975 square feet so they don't nitpick you.

BRIAN JORDAN: Gotcha.

CHAIR PARKS: 975. 30x30 only 900 well within that if you could make that work. Am I correct in this Mr. Moon?

DAVID MOON: Yes, sir.

BRIAN JORDAN: Ok, one more question for you.

CHAIR PARKS: Yes, sir.

BRIAN JORDAN: If I go with the 30x30 building you're saying put them side by side and connect them with a breezeway or whatever, do I do two separate permits for the buildings or is it one permit.

CHAIR PARKS: I don't, don't ask me that question.

BRIAN JORDAN: Oh, ok.

DAVID MOON: That would be a question for the code enforcement office so I couldn't answer that. Depending on the time of it could fall under one, I believe, one building permit application or if he builds the two at separate times it might be two separate applications. He has a choice.

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CHAIR PARKS: Sure.

DAVID MOON: He has a choice.

BRIAN JORDAN: So I could do 2 a 30x30 and still end up with the same square footage but just in 2 separate buildings?

CHAIR PARKS: Yes, sir.

DAVID MOON: So long as it meets the setback standards.

CHAIR PARKS: And make sure you're making your setbacks your however many feet you need to be away from your lines. Get your surveyor right here to do that for you but that would be fine. I'm sorry you're talking about something?

ROBERT DAVIS: The other alternative we were saying is that you could add on to a room to the mobile home. Make it larger-

CHAIR PARKS: that's another option if you wanted to absolutely. Make an addition to your mobile home.

BRIAN JORDAN: I don't want to make an addition to that. We're down to just the two of us, my daughter's gonna go off to college, we don't have to worry about that stuff.

CHAIR PARKS: Well, we've done the best that we can do

BRIAN JORDAN: Ok, alright thank you very much for your time

ROBERT HASTY: for the record I think he either needs to withdraw or you need to vote on it

CHAIR PARKS: do you want to withdraw?

BRIAN JORDAN: Yessir.

CHAIR PARKS: Can I get a motion to accept the withdrawal from Mr. Jordan.

KENNETH TURNER: I make a motion to accept the withdraw from Brian Jordan.

ROBERT DAVIS: Seconded

Chair Parks called for a vote.

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



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The motion to withdraw case BOA-22-007 passed unanimously.

Chairman Parks read the case heading for Case No. BOA-21-0011

**Case No. BOA-21-0011** Variance from Section 1104, District Dimensional Provisions, rear yard setback for property located in a R7.5 zoning district, to allow reduction of the rear yard setback from 35 feet to 24 feet for an accessory structure (guest house) located at 7694 Heriot Drive, Fayetteville, NC.; submitted by Fred A. Caruso and Wanda A Caruso (Owners)

DAVID MOON: The site is generally located to the east of the city of Spring Lake, the town of Spring Lake specifically located at 7694 heriot dr. It's located within an existing platted residential subdivision. Just south of the Elliot Farm Road. The property owner requests the Board of Adjustment grant a variance from 1104 district Dimensional Provisions, Cumberland County Zoning Ordinance to allow for a reduction of rear yard setback from 35 feet to 24 feet for an accessory structure that will serve as a guest house. A site plan has been provided by the applicant that proposes what he desires to do with his property. I'll explain later as you see the diagrams what the applicant is proposing, and he is here this evening. This aerial photo shows character of surrounding area primarily single family residential platted neighborhoods. The zoning assigned to property and nearby properties is PND that is a defunct zoning category based on zoning code PND code follow R7.5 zoning district. There are no issues with the soil, there are water lines available to the site, there is no public sewer avail to property. The site is located north central Cumberland Land Use Plan under low density residential. There are no issues or conflicts with the Land Use Plan. Here we begin to see the proposed layout of the existing property; this shows the single family to the front with a pool to the rear and there is a current garage there at the northwest corner. As shown on the proposed sketch plan, the property owner intends to remodel the garage and expand to accommodate a guest house for relatives. This shows you the picture of the existing home, this shows you the garage that is being proposed for renovation and expansion, this is the south view of Heriot Dr., west view, north view, and then we're under the same section 1605 variance criteria that was presented with our last case. I'll go through those quickly, but I will point out that the second variance criteria in most reports we somewhat paraphrase the criteria, here you see the full hardship criteria written out per the code and per the general statutes of the state of North Carolina. You'll see that yellow highlighted area that states a variance may be granted when necessary and appropriate to make appropriate accommodations under the Federal Fair Housing Act for a person with a disability. I believe that the applicant is going to address that matter with his relatives. So, four criteria again are the unnecessary hardship that would result from strict application of the regulation, the hardship results from conditions are peculiar to the property and including to that reference to the Fair Housing Act; third is hardship did not result from the actions of the applicant and finally the requested variance is consistent with the spirit, purpose, and intent of the regulation such that the public safety is secured, and substantial justice is achieved. The burden of proof is on the applicant to demonstrate the need for the variance based on those criteria. That completes staff presentation. I'll address any questions you may have.

DAVID MOON: The first speaker is Fred Caruso. He is the property owner.

Chair Parks swears in Fred Caruso,

FRED CARUSO: My name is Fred Caruso and I live at 7694 Heriot dr. in Fayetteville. Sirs and ma'ams of the Board, I want to provide some background for purpose of project and request for variance. It is that my mother-in-law, Flora Martin, she's in her 93<sup>rd</sup> year, has limited mobility due to age and a chronic heart condition that has been verified by her physician, who has previously authorized handicap parking authorization for those who transport her because of her mobility and her ability to live independently has deteriorated to the point that she requires assisted living care in our home or in homes of relatives. In our home, we're the family that, as her condition deteriorates, that will be her primary residence. We're not there yet, but we will unfortunately be there in the next year or two. Our 2-story home



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with all bedrooms upstairs and lack of handicap bathrooms is a serious hardship for her. Adding to that is my brother-in-law, age 73, is currently undergoing treatment for a malignant brain tumor diagnosed in October of last year. The treatments have caused balance issues and significant fatigue. The prognosis for his condition is also one of progressive deterioration over the next few years. The second-floor stairs and lack of handicapped bathroom in the home will pose serious hardship for him. For this reason, we want to convert that existing 24x24, one story detached garage into a 2 bedroom, 1 story handicap apartment and have employed a professional architect, Mr. Charles Smith of Fayetteville, and he has designed the apartment and handicap bathrooms to be a 5x19 foot extension out the rear of the existing structure. The structure was planned to be redesign 2-bedroom handicap apartment. We cannot extend out the front of the design structure due to the location of a reserved septic field. The rear expansion is really the best place, but that will encroach about five feet in to the current 35-foot setback rule. Currently the setback is 30 feet because the rules changed since the garage was put in. Anyway, this rear setback will be encroached on by 5 feet this was discussed with and approved by our rear boundary neighbors, Scott and Leslie Rolstan, we discussed it with them and they sent me the documentation I have here that says: "Fred- all is well. Please move forward with taking care of grandma. No problem from our standpoint, sir". So, they're ok with it, there's also a 30 foot screen or actually 30 ft tall screen of Leland Cyprus on the back of the property so without the encroachment if you're looking at the rear of the property or anywhere around, you wouldn't really see the difference. And so that's part of the reason we're applying for the variance that we think and I can expand further if I don't go over time, if you'd like to address those criteria that we're asking for the variance based on the reasonable accommodations with those with disability.

CHAIR PARKS: I don't think you need to go any further. I think we're gonna get the variance for you, Mr. Moon, we can do that, and I think you're fine, good job, hope your mother-in-law, mother is well and-

DAVID MOON: Chairman will need action by the board granting the variance using his information as your reasoning, but also say he did present conditions peculiar to the property such as the location of the septic preventing his ability to expand the building to the south towards the house.

ROBERT HASTY: In the motion, incorporate Exhibit H because it addressed all four criteria.

KENNETH TURNER: I make a motion to approve the request made by Mr. Caruso on the conditions to his property as a result of both the site limitations that require it be added to the rear garage as well as it certainly meets the req we have for the findings of fact primarily with the disability issue-

ROEBRT HASTY: Exhibit H.

KENNETH TURNER: Incorporating Exhibit H into the motion.

CHAIR PARKS: Do I have a second?

VICKIE MULLINS: Seconded.

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

The motion to approve case BOA-21-0011 passed unanimously.



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Chairman Parks read the case heading for Case No. MOD-0015-22

**Case MOD-0015-22:** Modification to Special Use Permit No. P19-03-C to increase the site area, building floor area and parking space for an assembly use from one acre to approximately 6.77 acres in an RR Residential Zoning District; located at 509 Old Vander Road; Cumberland County, submitted by Craig Johnson (owner)

DAVID MOON: Our next case this evening is a request to modify an existing Special Use Permit. This is case MOD 0005-22. The location of the property is 509 Old Vander Rd. This shows you the location of the property on the east side of Old Vander Road. The existing special use permit covers one acre on the south side of the designated property, it's two parcels. The northern parcel is just over five acres so the combined area of this modification of special use permit is 6.77 acres, the zoning of the area and assigned to the property is RR residential which typically calls for a minimum lot size of about a half an acre and then there is the R15 to the south, A1 to the southwest, R15 minimum lot size of 15,000 square feet and A1 minimum lot size of two acres. The property owner requests to modify the special use permit number 19-03c to increase the site building site area, the building area, and the parking area for an assembly use on that 6.6 acres. On sept 19 2019 the boa approved a special use permit to allow an assembly use permit on a parcel with one acre. In addition to the special use zoning and the development conditions, the BOA also approved a special use site plan that shows a 500 square foot existing building with a proposed building that'll be shown in the new plan. The proposed modification to the special use permit proposes the following general changes: to increase the land use coverage for the special use from one acre to a total of 6.77 acres to increase the building floor area from one building with 1800 square feet to two buildings with a total of approximately 8,000 square feet to increase the number of proposed parking spaces from 44 to 110 spaces; to increase the number of outdoor pavilions from one to three. Here's the aerial photo showing the subdivision layout in the vicinity of the area. As I mentioned before, the property is zoned RR with a special use, an assembly use a community use is allowed if granted by the BOA. The soils on the property do indicate hydric inclusion soils, potentially exist on the east side of the property. What that means is the vegetation and the soil types might indicate there could be hydric conditions, but it needs further soil evaluation that would occur at the time of site construction. The site is currently served by water and sewer. There is water and sewer avail to the north at t the time of the site plan application and/or going per application. There could be consideration requirements for extending water and sewer lines to the property. That call would be made by others. In terms of the future land use plan, it is located in the Vander Land Use Plan with an area that is proposed for suburban density residential. What you see before you now on the screen is the comparison on the proposed special use site plan and the existing special use site plan. The existing special use site plan basically takes up that southeast corner of the property and you'll see the under the proposed the expansion, proposed expansion by the property owner and applicant. Here is a picture of the existing site, there is another picture of the subject site, here's the south view along Old Vander Road, the west view, the north view. For a special use permit there are four criteria that are a little bit different than the variance criteria but there are four criteria that the applicant must demonstrate to qualify for the special use or the modification of the special use permit. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended. The use meets all required conditions and specifications, the use will maintain or enhance the value of adjoining or abutting properties or that the use is a public necessity and then finally the location or character of the use if developed according to plan, as submitted and recommended will be in harmony with the area in which it is to be located and general conformity with Cumberland County's most recent comprehensive plan. Further, if the BOA approves the request for the modification for the special permit, there is a lengthy list of conditions that will be part of the recommendation. So, those conditions are incorporated in your staff packets, I'm not going to go into the detail of those conditions, but they address the next steps the applicant must meet if he expands the use of that community assembly activity. They also involve comments from state agencies like the DOT and other departments of the county such as the Health Department so the applicant will have to comply with those conditions. He is somewhat familiar with them because they are basically the similar conditions that were imposed on him with the first application. That concludes my presentation other than that then if your motion is to



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approve you also make it subject to the site plan that's been presented to you this evening. I'll address any question that you may have.

CHAIR PARKS: Can you call who's speaking for him tonight?

DAVID MOON: The first speaker who's speaking is Craig Johnson. He is the property owner and the operator of the community organization that is functioning at this site.

Chair Parks swears in Craig Johnson.

CRAIG JOHNSON: My name is Craig Johnson, I live at 1454 Old Vander Road, Fayetteville, North Carolina 28312. Good evening, ladies and gentlemen of the Board, like I said, my name is Craig Johnson. I own and operate a 501c tax exempt nonprofit org. this org is a thriving part of the community since the year 2015. Our nonprofit is comprised of all retired military personal.

CHAIR PARKS: Turn off the microphone please. It's a 501c, what's that 501c called?

CRAIG JOHNSON: Called Fall In MC Inc. find and live a life in need and make change. Our nonprofit is comprised of all military personnel whom all have a common desire to give back help others give back to the community. Our mission is to help aid, assist, educate and support the less fortunate in the community. We sponsor and support the following programs: Betty Mae Johnson scholarship program, the Smile for the Cure for breast cancer, the JW Seabrook elementary school supplies teacher backpack program, the Prostate Cancer Awareness Golf Tournament, Feed the Homeless & winter coat program, Thanksgiving basket & food drive, Toys for Tots, Polar Bear Food Drive, all in support of Second Harvest Food Bank. Since 2017, we've donated to the community a little over \$87,000. The reason we are coming before you today for modification is because we are growing. The land to the left of us was presented to us and we purchased it and actually need it for parking and immediate use.; however, the building, since we are growing, we want to establish a community center to give back to the community. Thank you for allowing me the opportunity to present this evidence to be considered for the modification special use application. Hopefully, granting an approval, you will find that in finding 1: that the modification will not endanger the public health and safety, the of additional parking requirement will not interfere with any erosion or adjacent property damage. The modification, if approved, will continue to meet the existing special use permit. Finding 2: this is a rural land expansion of the previously approved special use permit. The special use modification will continue to meet the required conditions if we used the modifications for immediate parking use, and if the future proposal for the community center and pavilion for future growth of our nonprofit. Finding 3: the requested modification use of the existing special use permit will be used for the same purpose, and will not cause damage to the adjoining or abutting properties if approved. The use is not a public, the use is not a public necessity, and will be used in the same purpose as previously approved on the special permit. Finding 4: we will continue to be in harmony with the area in which it is to be located and to be in compliance with land use plans as the site plan reflects. If the modification permit is approved, it will provide additional parking spaces and greatly enhance the nonprofit's ability to continue to help our community. Currently there are no buildings on the 5.77 land. Thank you in advance for your time and your attention and consideration for this approval.

CHAIR PARKS: Uh your organization, this is a community center you're going to build is that right?

CRAIG JOHNSON: Yes, sir.

CHAIR PARKS: And right now, that one house, if you would flip that back Mr. Moon, that one house is your community center.



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CRAIG JOHNSON: Yes, sir, that's an old, old picture it doesn't look nothing like that now.

CHAIR PARKS: Oh, it doesn't? It's an old picture?

CRAIG JOHNSON: Yes, sir, it's an old picture. Probably 83.

CHAIR PARKS: Mr. Moon, when we go out and take these pictures of the sites?

DAVID MOON: Yes, it would be a recent picture.

CHAIR PARKS: It would be, wouldn't they?

DAVID MOON: Yes.

CHAIR PARKS: Why not? He's saying this picture is from 83.

CRAIG JOHNSON: No, that picture that's the yellow building, ok that's current, I was sitting back there it looked like the old yellow building. So that's current.

CHAIR PARKS: That was the last case.

CRAIG JOHNSON: Ok.

CHAIR PARKS: That was the yellow vinyl building.

CRAIG JOHNSON: Ok, that's current.

CHAIR PARKS: This is current.

CRAIG JOHNSON: Yes.

DAVID MOON: Yes.

CHAIR PARKS: So, this is kind of like the community center?

CRAIG JOHNSON: Yes, sir.

CHAIR PARKS: Do you all hold religious things on Sundays like church Sunday school?

CRAIG JOHNSON: No, we do have fish fries, cancer breast cancer awareness month. For example, this last October, the first Saturday in October, we have a fundraiser. The first Saturday in October we host a breast cancer awareness event. We'll find somebody from the church or from Cape Fear Cancer somewhere that's on hard times and we do a big outside festivity for them and this year I think we donated 2000 to the recipient this year.

CHAIR PARKS: Wonderful. Sounds good, yea I was just asking about that. So you'll have a bigger center, have more parking so you can do a better job.

Amy H. Cannon  
County Manager

Tracy Jackson  
Assistant County Manager



Rawls Howard  
Director

David Moon  
Deputy Director

## Board of Adjustment

CRAIG JOHNSON: Yes, sir.

CRAIG JOHNSON: I will tell you that the parking, the land, we really need it for parking because we have drive through fish fries, stop one way in, we just wanna keep moving keep going. The goal is to have those pavilions and community center up and running for the community.

CHAIR PARKS: Okay, questions?

ROBERT DAVIS: All the tax write ups on those forms, in other words, when they do the modification all the other types like how many parking spaces they can have and how many handicap they can have, all that's in the attachment you were talking about. The requirements for the –

DAVID MOON: Correct, this is what's called a special use site plan, there'll be a more detailed site plan that will be required when he proceeds toward development of the property. That detailed site plan has to be consistent with the special use site plan as well as the zoning code and development standards of the county.

CHAIR PARKS: Alright, do I have a motion?

DAVID MOON: If I could interject, include in your motion that if it is to approve that you're also approving the site plan and conditions of approval.

CHAIR PARKS: Mr. Turner.

KENNETH TURNER: I make a motion that we approve the variance as requested to include the site plan presented to us tonight.

CHAIR PARKS: And also meet the conditions-

DAVID MOON: Of approval-

KENNETH TURNER: Meet the conditions of approval. I'm not sure what else to say to make sure we get everything?

ROBERT HASTY: Could say that, uh, criteria are met based on the evidence presented by the speaker.

KENNETH TURNER: Yes.

MARVA LUCAS-MOORE: I second.

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

The motion to approve case MOD-0015-22 passed unanimously.

Chairman Parks read the case heading for Case No. WSD-0001-21:



Amy H. Cannon  
County Manager

Tracy Jackson  
Assistant County Manager



Rawls Howard  
Director

David Moon  
Deputy Director

## Board of Adjustment

**Case WSD-0001-21:** Watershed High Density Development Site Plan, for a 10,000 sq. ft. Gymnasium, located at 7455 Ramsey Street, Cumberland County; submitted by 4D Solutions (agent) on behalf of Northview Baptist Church (owner)

DAVID MOON: This property is located on the north central side of the county along Ramsey Street. Particularly, more particularly 7455 Ramsey Street. You'll see on this map of the county there are several large blue shaded areas. Those are referred to as watershed protection areas. This property lies within the one at the north central area of the county. These watershed protection areas are shaded in blue. The county adopted an ordinance called the watershed protection ordinance that was required by, and is consistent with, some state mandates on watershed protection. The intent of the Watershed Protection Ordinance is to assure improved ground water percolation, improve water quality, water quality that is percolating and flowing in to the water system. So the development within the Watershed Protection Ordinance has to meet a specific set of standards that isn't applied to areas that are not within the Watershed Protection Ordinance. The application this evening WSD-0001-21 is a watershed site plan that is subject to the special watershed criteria. The property owner and applicant is the Northview Baptist Church. And they're requesting approval by the BOA for the site plan. They hired an engineer to prepare a special storm water plans for the site, which you'll see shortly. Regarding the area surrounding the Northview Baptist Church there on the west side of Ramsey Street, the zoning is PND, which is a defunct zoning category that falls back to the R7.5 zoning requirements. A religious worship center is a permitted use within residential zoning. This shows the surrounding uses, which are single family residential, vacant cleared lots, some farmland and then the church as an institutional use. Somewhat between areas that are within the city of Fayetteville, it's a pocket with city lines further to the north and to the south. The soil conditions show that it does not have hydric soils or hydric inclusion soils on the property. There is a water line in front of the property but there is presently no central sewer that's available. The property is located within a low-density residential land use designation of the Cumberland County Land Use Plan. The use is consistent with the future land use plan. Now on the screen before you is the site plan that was prepared by the civil engineer hired by the church. Together with several documents that are included in your package, I'm not gonna go through the detail of those, I'm not a qualified civil engineer. I'll let the civil engineer, Scott Brown, testify, but in your packages is a hydric soil and utility study of the supporting documents you'll find the storm water engineering plan, storm water calculations, and other information that is required by the Watershed Ordinance. The purpose of the BOA review is the code requires that it goes above the staff in the case of what's called a high-density development review. There are two categories of watersheds, there's what's called low-density review and high-density review. The standard for low-density is that no more than 24% of the parcel can have impervious surface, what's called the built upon area, be like the building, the parking, sidewalks, water can't flow into the ground on the impervious surface, so that's called the built-up area. No more than 24% can be covered; however, a property owner can choose to go into the high-density which means instead of using the ground as a means for percolation for water for stormwater, they can build stormwater facilities that typically meet higher standards than are required for others in the county. So, their engineer in response to the high-density development standards, prepared that stormwater plan. Under high-density development, that built upon area can go up to 70%, they've proposed 27.6% of the land area will be impervious, built upon. So, they're below that 70%, but they exceed the 24% requirement for low-density which forces them to go into the high-density design. In summary, the high-density requires on site stormwater facilities, retention ponds, detention ponds, whereas the requirements aren't as stringent under low-density. That concludes staff's presentation. I'll let the applicant come forward, their engineer Scott Brown, testify whether his plan and the information he's submitted complies with the Watershed Protection Ordinance as a high-density development.

CHAIR PARKS: May I ask one question?

DAVID MOON: Mhm.



Amy H. Cannon  
County Manager

Tracy Jackson  
Assistant County Manager



Rawls Howard  
Director

David Moon  
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## Board of Adjustment

CHAIR PARKS: Since none of us are, or I don't think any of us are stormwater experts, hydraulic engineers, or whatnot, all the math and all the stuff has been approved by city for this?

DAVID MOON: Not by the city.

CHAIR PARKS: The county.

DAVID MOON: Ultimately, it would be reviewed by the Department of Environmental Quality, DEQ, but I'll let the engineer explain what additional review the property has to go through with the state.

CHAIR PARKS: Alright, ok I'll let him tell me some more and then I'll ask another question.

Chair Parks swore in Scott Brown.

SCOTT BROWN: Scott Brown, 409 Chicago Drive, Suite 112, Fayetteville, NC. As Mr. Moon mentioned, we are here tonight requesting approval of the watershed ordinance to go above the low-density requirements. He did a good job explaining the difference between low-density and high-density. Because the church is currently sitting about 21% with the parking, and the sidewalks, and the footprint of church itself, and the church is desiring to build a gymnasium educational type building on the back according to the site plans that you have in front of you. It'd be off to the back right corner of the church as you're standing on Ramsey Street looking back at Ramsey Street. We have been working with staff several months trying to get this thing worked out as to what we have to do, what we don't have to do, and with several staff changes in Planning so it seems like it's been one delay after another. So hopefully with Mr. Moon's help, and the Board's, we can get this thing wrapped up and the church underway on being able to build that additional building, that educational building and gymnasium. If you've got your site plan, you'd look there on sheet 2.0, you can see that the predevelopment conditions are 21.1% and we are proposing to bring that to 27.6% with the addition of that building. And with the addition of that building, we have triggered gone over 24% so we have to design stormwater retention on site in accordance with NCDEQ MDC Stormwater Manual. And what you have, if you look along the northern property line between the proposed building on the northern property line, is a 100x30 foot infiltration basin. I know these are probably big sounding words for some of ya'll, but basically what it is is a 2 foot hole in the ground. Its 2 foot deep, it'll be grassed over so there's no danger and nobody falling in or having to have rails over it to get hurt so that you can step in and step back out of it, and it is designed to hold the stormwater for a one year storm event, which is what the MDC design standards are, and in accordance with the County's Watershed Ordinance and that system is designed to infiltrate into the ground over a 2-5 day period is what the MDC Manual requires us to size these basins for. And if you'll flip over to sheet 3.0, all the water from this proposed gymnasium will be collected by a pipe system, from downspouts to gutters, and dumped into that infiltration basin allowing to infiltrate back into the ground, and in the event that a big storm occurs, there is a 1/2 foot emergency spillway on it that'll let it flow over the remainder of the grass field. But its designed in such a way that its not so expensive for the church, it's grass so the church'll still be able to use it to operate and still be able to have activities and outside activities in that area so they'll be able to utilize it for that purpose, like I said it's only 2 foot deep it's gonna be grassed over, there's nothing they can't work with and still work around. The calculations have been submitted to the County for review and approval, because this site is listed disturbed area is listed 1 acre, we do not exceed 1 acre of disturbance, it does not go to NC DEQ for stormwater or erosion control, and that was one of my arguments with Planning staff is the way the Ordinance is written, you have to trigger that 1 acre disturbed area to get a water supply watershed permit is even required. It was my opinion and argument that since we were less than 1 acre disturbed area, we don't even need a watershed permit, but I didn't win that, it was back and forth because it was some agreement when the church was originally built that any future expansion future addition would have to go back before the watershed permit, so that's why we're here tonight asking the Board to grant approval of the exceedance of the 24% that the plans, I will certify and have certify, I've signed the plans, signed the calculations, and I've told Mr. Moon that when the project



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Tracy Jackson  
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### Board of Adjustment

was completed we'll do as built drawing on the area and certify it was built in accordance to how the plan was designed.

DAVID MOON: Mr. Brown, what is your professional certification?

SCOTT BROWN: I am a professional engineer in the states of NC, SC, and VA.

DAVID MOON: Thank you.

SCOTT BROWN: Licensed professional engineer, I've been practicing for the last 25 years, so this is not my first one. I've done many of these, like I said that's what's needed in order to satisfy the ordinance requirements has got to the point the church, it's not gonna be an eyesore its not gonna be one of the ones where it's a cesspool and mosquito bed. It'll infiltrate in the ground and it'll be grassed over and I'm asking tonight that based on staff's review, based on this the board grant approval of this water supply watershed protection permit so the church can request its building permit and get this thing off to the races.

DAVID MOON: Mr. Brown, based on your professional certification, would you determine that your plan and the stormwater management plan comply with the high-density protection requirements of the Watershed Ordinance?

SCOTT BROWN: Yes sir, I would attest and certify to that.

CHAIR PARKS: Any other questions for Mr. Brown?

CHAIR PARKS: Do I have a motion?

KENNETH TURNER: I make a motion to approve the watershed density-

DAVID MOON: You would want to include in your motion, if its approved, that you're approving the site plan, what's called the watershed high density site plan, subject to the conditions of approval and that you find the site plan is consistent with the Watershed Protection Ordinance based on the supporting documents provided by the owner's professional engineer.

KENNETH TURNER: What Mr. Moon said.

CHAIR PARKS: Mr. Turner agrees with Mr. Moon and puts in that information. Now, do I have a second to that motion?

VICKIE MULLINS: Seconded.

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

The motion to approve case WSD-0001-21 passed unanimously.

Amy H. Cannon  
County Manager

Tracy Jackson  
Assistant County Manager



Rawls Howard  
Director

David Moon  
Deputy Director

10. DISCUSSION/UPDATE(S)

DAVID MOON: We still, in the near future, need to vote to select a Vice Chairman. So, the next time the BOA meets we'll include that in part of the discussion and hopefully action.

ROBERT DAVIS: Did we get a vote to adjourn the meeting?

DAVID MOON: We closed the meeting, and I didn't include that in the agenda.

CHAIR PARKS: We didn't get a vote for adjournment.

Robert Davis was nominated for Vice Chairman. It will be voted upon at the next meeting.

Meeting adjourned at 7:10 pm.

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Greg Parks, Chairman

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Alyssa Garcia, Senior Admin. Support Spec.







PLANNING STAFF REPORT  
**BOA-2022-0018 Variance**  
 Board of Adjustment Meeting: May 19, 2022

**Location: 1919 Tom Starling Road**  
**Jurisdiction: County-Unincorporated**

**EXPLANATION OF THE REQUEST** **Variance—Accessory Building Larger Than Home**

Property owner requests the BOA grant a variance from Section 203, Accessory Building, County Zoning Ordinance, to allow an accessory structure to be greater than the principal use located 1919 Tom Starling Road (Exhibit "A"). Construction of the garage commenced before a building permit was issued. After a site plan illustrating the approved plan is provided in Exhibit "B" (attached).

- Exhibits**
- A. Site Location/Zoning
  - B. Site Plan (attached)
  - C. Existing and Surrounding Uses
  - D. Soils and Utilities
  - E. Future Land Use Map
  - F. Applicable Codes (attached)
  - G. Applicant Submitted Image with Date
  - H. Applicant's Response
- Attachment: mailing list  
 variance application

Owner constructed a 30' by 71' garage with lean-to's attached on two corners of the structure on a residential lot with two homes. The larger of the two homes is 2,233 sq.ft. The garage with the two attached lean-to's is 2,850 sq.ft., or 617 sq.ft. larger than the house. The garage without the two lean-to's is 2,130 sq.ft and is 103 sq. ft. smaller than the house, and thus consistent with the code. However, the addition of the two lean-to's to the garage creates the inconsistency with the Section 203, Accessory Building, County Zoning Ordinance.

**PROPERTY INFORMATION**

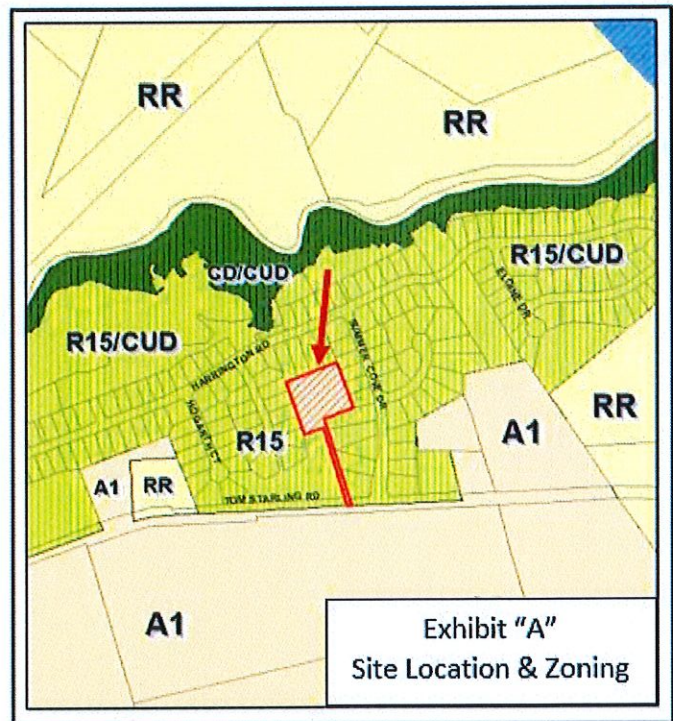
**OWNER/APPLICANT:** Joshua & Precious Buckner

**ADDRESS/LOCATION:** Located 1919 Tom Starling Road. Refer to Exhibit "A", Site Location.

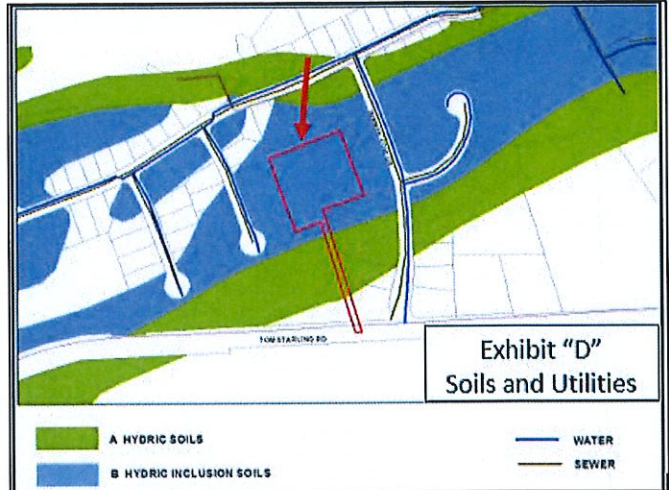
REID number: 0443373240000

**SIZE:** 2.00 +/- acres. The lot has approximately 21 +/- feet of street frontage along Tom Starling Road.

**EXISTING ZONING:** The zoning map for Cumberland County, as shown in Exhibit "A" indicates that the subject site is assigned to A1 Agricultural zoning district. This district is designed to promote and protect agricultural lands, including woodland, within the County. The general intent of the district is to permit all agricultural uses to exist free from most private urban development except for large lot, single-family development. Some public and/or semi-public uses as well as a limited list of convenient commercial uses are permitted to ensure essential services for the residents.







**EXISTING LAND USE:** The parcel is occupied by two single family homes, with the larger home of the two with a floor area of approximately 2,233 sq. ft. The second home has a floor area of 1,280 sq. ft. Refer to Exhibit "B" Site Plan (attached) and Exhibit "C" for existing use of the subject site.

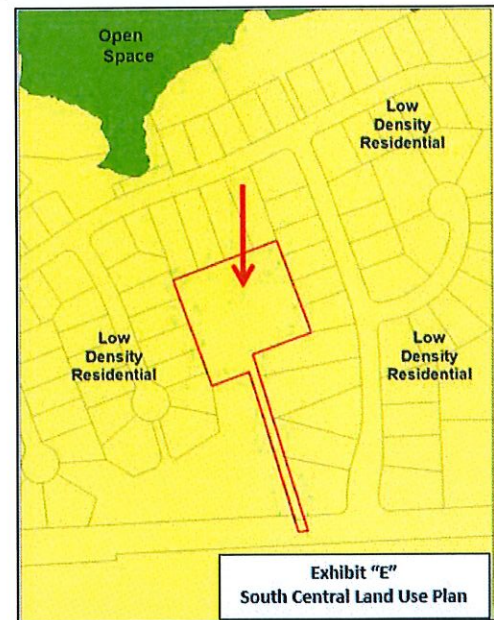
**SURROUNDING LAND USE:** An aerial photograph appears in Exhibit "C", illustrating the following character of the surrounding properties are single-family homes within the Village at Rockfish neighborhood.

**OTHER SITE CHARACTERISTICS:** The property is not located within a 100-Year Flood Zone nor situated within a watershed. There are hydric and hydric inclusion soils present, as shown in Exhibit "D".

**MINIMUM YARD SETBACKS:** For the A1 zoning district, the minimum yard setbacks are –

- Front- 50 feet
- Rear- 20 feet
- Side- 35 feet

**COMPREHENSIVE PLANS:** The subject site is located in the South-Central Plan Area. The plan calls for Low Density Residential in this area, as shown in Exhibit "E".



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

**TRAFFIC:** The subject property sits along Tom Starling Road and is identified as a major collector in the Metropolitan Transportation Plan. There are no roadway construction improvement projects planned and the subject property will have no significant impact on the Transportation Improvement Program. In addition, Tom Starling Road has a 2020 AADT of 3,800 and a road capacity of 15,100. Due to lack of data of the modification, this request does not demand a trip generation. This should not generate enough traffic to significantly impact Tom Starling Road.

**UTILITIES:** This property is currently served by PWC water only and that a septic permit would be required. It is the applicant's responsibility to determine if these utilities will adequately serve their development.

**SPECIAL DISTRICTS:** The subject property is located within five miles of Fort Bragg Military base. RLUAC (Ft. Bragg) indicated that it does not have any comments for this case. The subject site is not near the Fayetteville Regional Airport Overlay District.

## Applicable Codes

Section 203, Accessory Building, Paragraph. B, (Exhibit "F")  
Section 1002, Incidental Uses  
Section 203, Definition of Specific Terms, Variance. (Exhibit "F")  
Section 1605, Variance, County Zoning Ordinance (Exhibit "F")

## Site Plan

A site plan illustrating the garage and two homes is shown in Exhibit "B" and "G". A survey of the property was not submitted with the variance application.

## FINDINGS OF FACT

Criteria that must be addressed for evaluation of a variance application originate from Section 1605 of the Zoning 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.

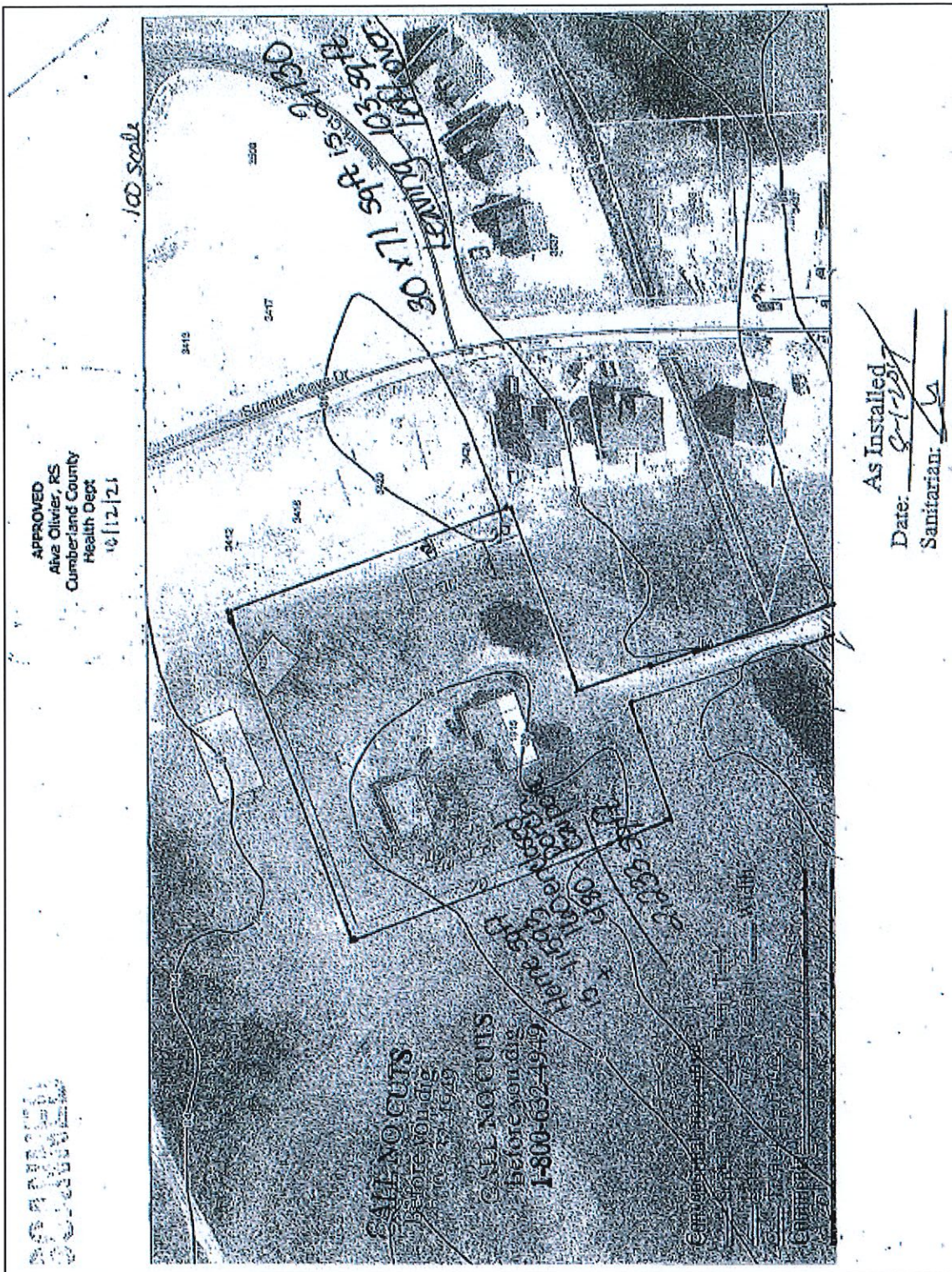
Applicant's response to each of these criteria are provided within Exhibit "H."

## MOTION

The BOA is requested to take action/motion based on the four findings of fact for the variance request from Section 203, Accessory Building, Paragraph. B, County Zoning Ordinance. The action is final, and the BOA has the authority to approve, deny, or approve with conditions.



EXHIBIT "B"  
Site Plan



**Exhibit F**  
**Applicable Zoning Codes**

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**SECTION 203. DEFINITIONS OF SPECIFIC TERMS AND WORDS.**

**Accessory Building or Use:** A building or use, not including signs, which is:

- A. Conducted or located on the same zoning lot as the principal building or use, or off-street parking, as specifically provided for in this ordinance.
- B. Clearly incidental to, subordinate in area and purpose to, and serving the principal use; and
- C. Either in the same ownership as the principal use or clearly operated and maintained solely for the comfort, convenience, necessity or benefit of the occupants, employees, customers or visitors of or to the principal use.

**Variance:** A variance is a relaxation of the terms of this ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. (Section 1605)

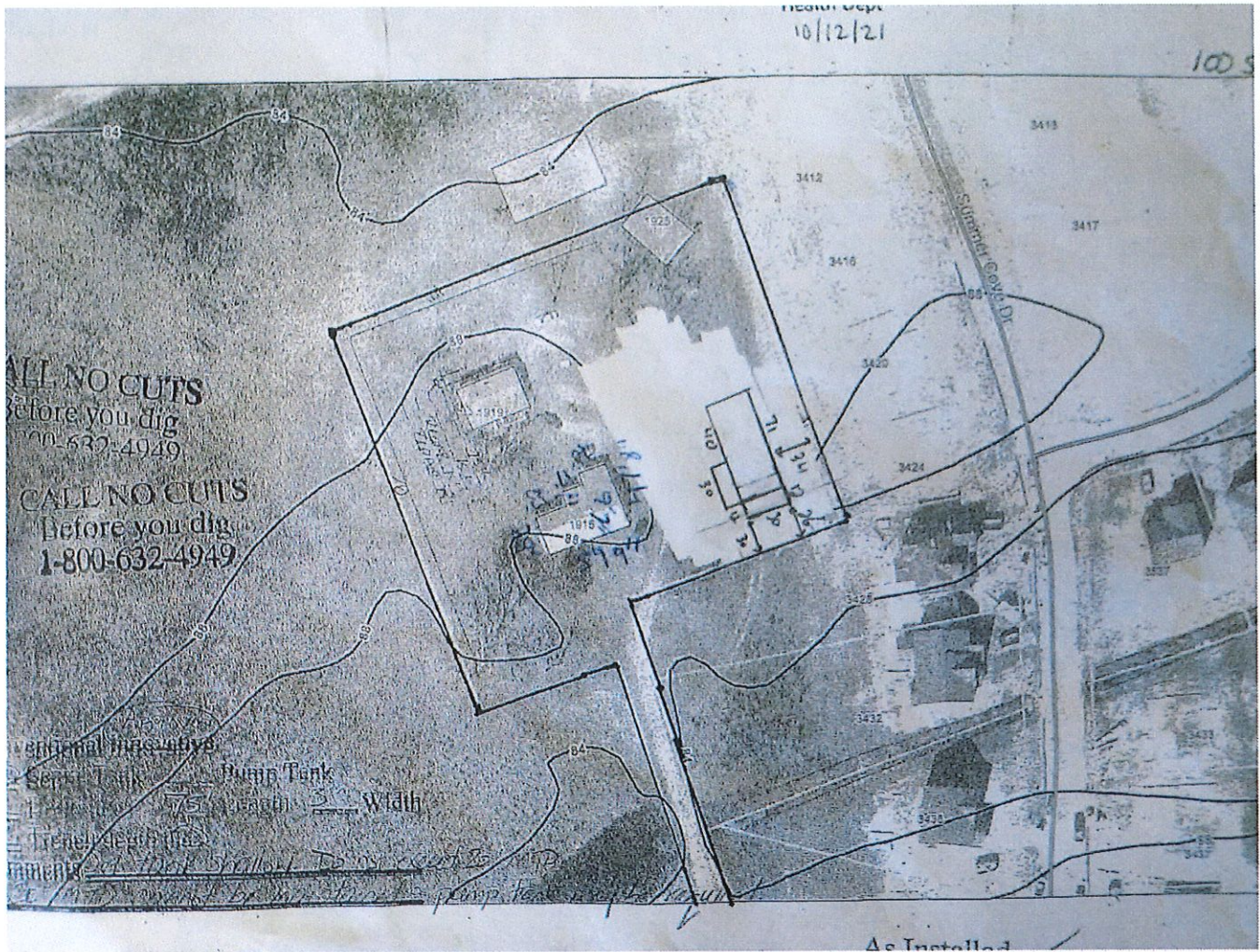
**SECTION 1002. INCIDENTAL USES.**

A. Accessory Structures. The following provisions apply to all accessory structures:

- 1. Accessory structures shall not be rented or inhabited by other than employees performing services on the premises of the owner, lessee, or tenant of the premises.
- 2. Accessory buildings not intended to be used for living quarters shall not be constructed upon a lot until the construction of the principal building has commenced.
- 3. Manufactured homes intended for residential occupancy shall not be classified as accessory or used as a storage structure.
- 4. Accessory structures shall not be erected in any required front or side yard or within 20 feet of any side street line, or within five feet of any lot line not a street line, or within five feet of any accessory building or other building. In no case, however, shall an accessory building be placed closer to a street than the minimum setback requirements for a principal structure. Any accessory structure greater than 700 square feet in floor area must be located inside the building envelope.



**EXHIBIT "G"**  
**Applicant Submitted Image with Date**



**EXHIBIT "H"**  
**Applicant's Response**



**APPLICANT'S RESPONSE TO THE FOUR VARIANCE HARDSHIP CRITERIA**  
**Section 1605, County Zoning Ordinance**

**(Instructions: applicant will respond to each of the four hardship criteria listed below and submit the report with the Variance Application.)**

**SECTION 1605. VARIANCE.**

When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the Board of Adjustment shall vary any of the provisions of the zoning regulation upon a showing of all of the following:

A. Unnecessary hardship would result from the strict application of the regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

*Applicant's Response: There would be a significant unnecessary financial hardship associated with tearing apart the garage that was approved by the city, or adding an addition to our house so that the house is bigger than the garage. We would not be able to afford the 10's of thousands of dollars a renovation on our house would cost, or the cost associated with taking off a roof, on a garage (that was approved) and adding a new roof to that garage. I would result in an undue burden to our family financially. The money allocated and saved for years to afford the building was spent on the approved building plans from the city.*

B. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

*Applicant's Response: There is a significant hardship that is peculiar to the property. The building has a covered lean-to. The roof of the building is connected together. This includes the area of the lean-to. In order to take the lean-to off of the building the entire roof would need to be replaced. This is peculiar because the roof is all in one piece and it would all have to be taken down to accommodate the request of the city to remove the covered lean-to. In addition, the aesthetic of the property would be diminished significantly, potentially resulting in lower property values not only for us, but for our neighboring community. In addition, there are two homes on the property. One we live in and one that is rented out. When you include the square ft of both properties, they equal more than the garage. We live on over 2 acres of land and the space the garage takes is not significant to the property.*

C. The hardship did not result from actions taken by the applicant or the property owner. The act of

purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

*Applicant's Response: We did everything in our power to add this building to our property legally. We submitted our plans to the city. The plans had the square foot of the building, which were clearly bigger than the size of our home. When the city came out to do their initial inspection before the building was placed, we were told we had to make changes to our concrete because it would be too close to our neighbors. We did that. Bearing a significant financial cost. Our plans for our building were approved by the city. Months after the completion of the project, the City comes to our house and tells us that we would have to remove the lean-to or add an addition to our house because the building is bigger than our house. It was clear when we submitted our plans what the size of our building was. With or without the lean-to, the building is still bigger than our house, the city knew this, and approved us. It is unfair to come back months later, after you approved us and tell us you made a mistake, we should not have to pay for it.*

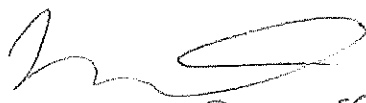
D. The requested variance is consistent with the spirit, purpose and intent of the regulation, such that public safety is secured, and substantial justice is achieved.

*Applicant's Response: Our building adds value to our property and to the surrounding neighborhood. This is not only a benefit to us, but a benefit to the community. We did everything the city asked us to do with regards to the spirit of the regulation. Our building is not a safety risk.*

1

Applicant/Agent Name (Print) Date Applicant/Agent Signature

*Joshua Buckner*      *2 May 2022*  
Joshua Buckner

      *2 May 2022*  
Precious Buckner



## ATTACHMENT: MAILING LIST

Joseph Garrison  
3440 Summer Cove Dr  
Fayetteville, NC 28306

Caanon & Crystal Thomas  
3436 Summer Cove Dr  
Fayetteville, NC 28306

James & Latsha Nettles  
3445 Summer Cove Dr  
Fayetteville, NC 28306

Geoyanna McKinnon & Winfred Best  
3441 Summer Cove Dr  
Fayetteville, NC 28306

Gregory & Yamecka Nation  
3437 Summer Cove Dr  
Fayetteville, NC 28306

Warren & Angeline Harris  
1959 Tom Starling Rd  
Fayetteville, NC 28306

Tyler Jackson SR  
3407 Winnants Ct  
Fayetteville, NC 28306

Yvonne McKeithen  
1926 Harrington Rd  
Fayetteville, NC 28306

Jose & Noemy Marrero  
1930 Harrington Rd  
Fayetteville, NC 28306

Sids Mill Properties LLC  
8000 Corporate Center Dr  
Suite 100  
Charlotte, NC 28226

Mamadou Diallo  
3423 Winnants Ct  
Fayetteville, NC 28306

Joshua & Lisa Sokolofsky  
3415 Winnants Ct  
Fayetteville, NC 28306

Jonathan & Kelli Lampman  
3419 Winnants Ct  
Fayetteville, NC 28306

Andrea Peart  
3411 Winnants Ct  
Fayetteville, NC 28306

Angela Davis-Lewis  
1934 Harrington Rd  
Fayetteville, NC 28306

Daniel & Alexandra Etchberger  
1939 Harrington Rd  
Fayetteville, NC 28306

Corena Sutton  
3427 Winnants Ct  
Fayetteville, NC 28306

Damon & Stephanie Hart  
1940 Harrington Rd  
Fayetteville, NC 28306

Jacob & Brittany Almond  
1943 Harrington Rd  
Fayetteville, NC 28306

Joshua & Precious Buckner  
1919 Tom Starling Rd  
Fayetteville, NC 28306

Jessie Horn  
1944 Harrington Rd  
Fayetteville, NC 28306

Elliot & Tiffany Grant  
1948 Harrington Rd  
Fayetteville, NC 28306

Carolin Tejada  
1947 Harrington Rd  
Fayetteville, NC 28306

Antonio Mahoney  
1915 Harrington Rd  
Fayetteville, NC 28306

Tamara Thomas  
3408 Summer Cove Dr  
Fayetteville, NC 28306

Lees Jones JR  
3404 Summer Cove Dr  
Fayetteville, NC 28306

Randy & Dorothy Sutton  
2001 Harrington Rd  
Fayetteville, NC 28306

Sandra & William Burnette  
3432 Summer Cove Dr  
Fayetteville, NC 28306

Steven & Desiree Carbonell-Velez  
3428 Summer Cove Dr  
Fayetteville, NC 28306

Natasha Blue  
3420 Summer Cove Dr  
Fayetteville, NC 28306

Scott Bookless  
3408 Hogarth Court  
Fayetteville, NC 28306

Ahmad Salman  
3412 Hogarth Ct  
Fayetteville, NC 28306

Robert & Latonya Thompson  
3420 Hogarth Ct  
Fayetteville, NC 28306

Misty & Robert Nielsen  
3424 Hogarth Ct  
Fayetteville, NC 28306

John & Ashlea Gigante  
3416 Hogarth Ct  
Fayetteville, NC 28306

Kimberly Turrentine  
3429 Hogarth Ct  
Fayetteville, NC 28306

John & Sara Stahmer  
3417 Hogarth Ct  
Fayetteville, NC 28306

Joshua Prestel  
3421 Hogarth Ct  
Fayetteville, NC 28306

Jon & Melissa Sweiger  
3404 Hogarth Ct  
Fayetteville, NC 28306

Adrian & Sabara Roberts  
1848 Harrington Rd  
Fayetteville, NC 28306

Erin Yoest  
1911 Harrington Rd  
Fayetteville, NC 28306

Mark & Angela Walker  
1912 Harrington Rd  
Fayetteville, NC 28306

Yihua Zhou  
2258 Almaden Rd  
Unit B  
San Jose, CA 95125

Kevin Whitworth  
1919 Harrington Rd  
Fayetteville, NC 28306

Joshua & Kayla Taylor  
3409 Hogarth Ct  
Fayetteville, NC 28306

Michael & Emilee Hicks  
3413 Hogarth Court  
Fayetteville, NC 28306

Brandon & Erica Saunders  
3405 Hogarth Ct  
Fayetteville, NC 28306

Victoria Carter  
1916 Harrington Rd  
Fayetteville, NC 28306

Christine & Carmin Simoneaux  
1920 Harrington Rd  
Fayetteville, NC 28306

John & Amber Hott  
1923 Harrington Rd  
Fayetteville, NC 28306

Robert & Collynette Lietz  
3414 Winnants Ct  
Fayetteville, NC 28306

Garlene & Christopher Devone  
3418 Winnants Ct  
Fayetteville, NC 28306

Richard Davis  
3410 Winnants Ct  
Fayetteville, NC 28306

Danny & Sherree Gowen  
3408 Winnants Ct  
Fayetteville, NC 28306

Ryan & Gretchen Adair  
3426 Winnants Ct  
Fayetteville, NC 28306

Erica & Michial Hill  
3422 Winnants Ct  
Fayetteville, NC 28306

Village at Rockfish Homeowners  
Association  
2939 Breezewood Ave 100  
Fayetteville, NC 28303

Glyndetta Hubbard & Joshua  
Simpson, Trustees  
1896 Tom Starling Rd  
Fayetteville, NC 28306

Christian & Lisa Pittman  
3431 Winnants Ct  
Fayetteville, NC 28306

Elsie Sein  
3444 Summer Cove Dr  
Fayetteville, NC 28306



Rose & Robin Villamarin  
3424 Summer Cove Dr  
Fayetteville, NC 28306

Terrance & Sandra Smith  
3416 Summer Cove Dr  
Fayetteville, NC 28306

William & Mayflor Holden  
3412 Summer Cove Dr  
Fayetteville, NC 28306

Victor & Megan Nichols  
2004 Harrington Rd  
Fayetteville, NC 28306

Alexis Lozano  
2005 Harrington Rd  
Fayetteville, NC 28306

Christopher & Megan Riley  
2009 Harrington Road  
Fayetteville, NC 28306

Jeremy & Sonceria Griggs  
3413 Summer Cove Dr  
Fayetteville, NC 28306

Kameela Wyatt  
3409 Summer Cove Dr  
Fayetteville, NC 28306

Eugene Nelson  
2008 Harrington Rd  
Fayetteville, NC 28306

Saywakram & Latashia Brijnath  
2013 Harrington Rd  
Fayetteville, NC 28306

Maria & Randy Henderson  
3433 Summer Cove Dr  
Fayetteville, NC 28306

Eloise Jean-Bart  
3537 Dunkirk Ct  
Fayetteville, NC 28306

Lishanel Ingram  
3417 Summer Cove Drive  
Fayetteville, NC 28306

Alison Belliveau  
3421 Summer Cove Dr  
Fayetteville, NC 28306

Michael Ellis  
3504 Dunkirk Ct  
Fayetteville, NC 28306

Lalisa McPhaul  
2012 Harrington Rd  
Fayetteville, NC 28306

Shaunda Clark & Alonzo Delwin  
2017 Harrington Rd  
Fayetteville, NC 28306

Steven & Jennifer Rivers  
2021 Harrington Rd  
Fayetteville, NC 28306

Tawanda & Michael Wilkerson  
3533 Dunkirk Ct  
Fayetteville, NC 28306

Charlon Buxton & Dorian O'Neal  
3508 Dunkirk Ct  
Fayetteville, NC 28306

Larry & Cassandra Hopkins  
3505 Dunkirk Ct  
Fayetteville, NC 28306

Robert Jenkins  
2016 Harrington Rd  
Fayetteville, NC 28306

Connor Mang  
2020 Harrington Rd  
Fayetteville, NC 28306

Todd & Rebecca Gray  
3529 Dunkirk Ct  
Fayetteville, NC 28306

Emanuel & Yarenis Munguia  
3525 Dunkirk Ct  
Fayetteville, NC 28306

Christopher & Jasmine Edwards  
2024 Harrington Rd  
Fayetteville, NC 28306

David Boling  
1993 Tom Starling Rd  
Fayetteville, NC 28306

David Boling  
1993 Tom Starling Rd  
Fayetteville, NC 28306

David & Kristine Cirasunda  
3521 Dunkirk Ct  
Fayetteville, NC 28306

Michael & Tomika Ethridge  
3517 Dunkirk Ct  
Fayetteville, NC 28306

Dorinda & William Richardson  
3513 Dunkirk Ct  
Fayetteville, NC 28306

Gregory & Jennifer Nix  
3509 Dunkirk Ct  
Fayetteville, NC 28306

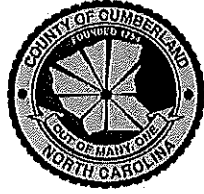
Rodney & Leslie Ward  
1999 Tom Starling Rd  
Fayetteville, NC 28306

Adrian & Nicole Johnson  
1847 Harrington Rd  
Fayetteville, NC 28306

Edgardo & Ma. Lovel Del Rosario  
~~Moralejo~~  
1851 Harrington Rd  
Fayetteville, NC 28306



**ATTACHMENT: APPLICATION**



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

CASE #: BOA-2022-0018

CUMBERLAND COUNTY BOA  
MEETING DATE: \_\_\_\_\_

DATE APPLICATION  
SUBMITTED: 04 MAR 22

RECEIPT #: \_\_\_\_\_

RECEIVED BY: \_\_\_\_\_

**APPLICATION FOR  
VARIANCE REQUEST**

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

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

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

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

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

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



**EXCERPT FROM  
THE CUMBERLAND COUNTY ZONING ORDINANCE**

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**(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: 1919 Tom Starling Rd Fayetteville, NC

OWNER: Joshua Buckner

ADDRESS: 1919 Tom Starling Rd ZIP CODE: 28306

TELEPHONE: HOME 931-572-4171 WORK \_\_\_\_\_

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

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

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

E-MAIL: joshua.a.buckner@gmail.com

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

A. Parcel Identification Number (PIN #) of subject property: 044337324000  
(also known as Tax ID Number or Property Tax ID)

B. Acreage: 2 Frontage: ~~21~~ 21 Depth: 692

C. Water Provider: PWC

D. Septage Provider: Cumberland Septic Services INC

E. Deed Book 10349, Page(s) 0625, Cumberland County

F. Existing and/or proposed use of property: Personal Use

G. Section and provision of the Zoning Ordinance or Code from which a Variance is requested: Section 203 definition of Accessory building or use

H. Nature and extent of hardship involved in strict application of the Zoning Ordinance or Code: The issue is square footage of garage is larger than my house. The building has lean-tos attached. I did not know lean-tos counted as square footage. I also did not know a code existed that stated a building or garage could not be larger than your home. It would be astronomically expensive and would also hurt the appearance of the garage to get rid of them.



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.

Joshua & Precious Buckner  
NAME OF OWNER(S) (PRINT OR TYPE)

1919 Tom Starling Rd Fayetteville, NC 28306  
ADDRESS OF OWNER(S)

joshua.a.buckner@gmail.com  
E-MAIL

931-572-4171  
HOME TELEPHONE #

910-633-5973  
WORK TELEPHONE #

Joshua Buckner Precious Buckner  
NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

1919 Tom Starling Rd Fayetteville, NC 28306  
ADDRESS OF AGENT, ATTORNEY, APPLICANT

931-572-4171  
HOME TELEPHONE #

910-633-5973  
WORK TELEPHONE #

Joshua Buckner  
SIGNATURE OF OWNER(S)

Joshua Buckner  
SIGNATURE OF AGENT, ATTORNEY  
OR APPLICANT

Precious Buckner  
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) *Preceus Buxton*

PRINTED NAME OF OWNER(S) Preceus Buxton

DATE 04 MAR 2022



CUMBERLAND COUNTY BOARD OF ADJUSTMENT  
FEE SCHEDULE

BOARD OF ADJUSTMENT

SPECIAL USE PERMIT  
VARIANCE  
WATERSHED  
ADMINISTRATIVE REVIEW APPEALS  
INTERPRETATIONS  
NONCONFORMING USES

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