

Lori Epler,
Chair
Cumberland County

Roy Turner,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris,
Town of Linden



Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Walter Clark,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon & Godwin

COUNTY of CUMBERLAND

Planning & Inspections Department

2011

JOINT PLANNING BOARD

DEADLINE/MEETING SCHEDULE

Application Deadline

Thursday, December 9, 2010

Tuesday, January 11, 2011

Wednesday, February 9, 2011

Wednesday, March 16, 2011

Tuesday, April 12, 2011

Tuesday, May 17, 2011

Tuesday, June 14, 2011

Wednesday, July 13, 2011

Tuesday, August 16, 2011

Wednesday, September 14, 2011

Tuesday, October 11, 2011

Monday, November 14, 2011

Friday, December 9, 2011

Meeting Date

Tuesday, January 18, 2011

Tuesday, February 15, 2011

Tuesday, March 15, 2011

Tuesday, April 19, 2011

Tuesday, May 17, 2011

Tuesday, June 21, 2011

Tuesday, July 19, 2011

Tuesday, August 16, 2011

Tuesday, September 20, 2011

Tuesday, October 18, 2011

Tuesday, November 15, 2011

Tuesday, December 20, 2011

Tuesday, January 17, 2012

NOTE: Deadlines are set 24 working days prior to the Board meeting date.

Revised Oct 2010

10-108
SITE PROFILE

CASE NO. 10-108. CONSIDERATION OF THE TRACY MARSHALL GARDNER & OTHERS PROPERTY, REQUEST FOR A WAIVER FROM STREET RIGHT-OF-WAY DEDICATION AND RESERVATION REQUIREMENT; COUNTY SUBDIVISION ORDINANCE, SECTION 2302.F PLANNED PUBLIC RIGHT-OF-WAY; ZONING: A1; TOTAL ACREAGE: 1.34+/-; LOCATED AT 6877 RIVER ROAD; SUBMITTED BY TRACY M. GARDNER (OWNER). (WADE MIA/COUNTY JURISDICTION)

Summary of Request

Developer is requesting the removal of condition # 13 which requires the 10 foot dedication and 15 foot reservation of right-of-way along SR 1714 (River Road). The adopted Highway Plan for Cumberland has SR 1714 (River Road) having an ultimate right-of-way of 110 feet. The dedication and reservation areas would make the future front yard setback go through the existing dwelling unit on the proposed lot. If this existing dwelling is ever replaced or destroyed more than 50% then any replacement structure must be located at the ultimate future setback. The developer had planned on replacing the existing dwelling at a future date but wants to be able to place the new home at current location to be able to use the existing septic system. If the new home is required to meet the ultimate setback requirement, the developer states that he would have to relocate the existing septic system.

Site Information:

Frontage & Location: 225.00'+/- along SR 1714 (River Road)

Depth: 245.66'+/-

Jurisdiction: Cumberland County

Adjacent Property: No

Nonconformities: Yes - The lot was subdivided by deed on September 5, 1986 after the August 22, 1984 date requiring the property to go through a subdivision review and to be platted.

Initial Zoning: Property zoned A1 on October 24, 1990. The 1.36 acre lot existed prior to the required 2.0 acre requirement for the A1 zoning district and is allowed to remain at the current acreage.

Water & Sewer: Private Well & Septic

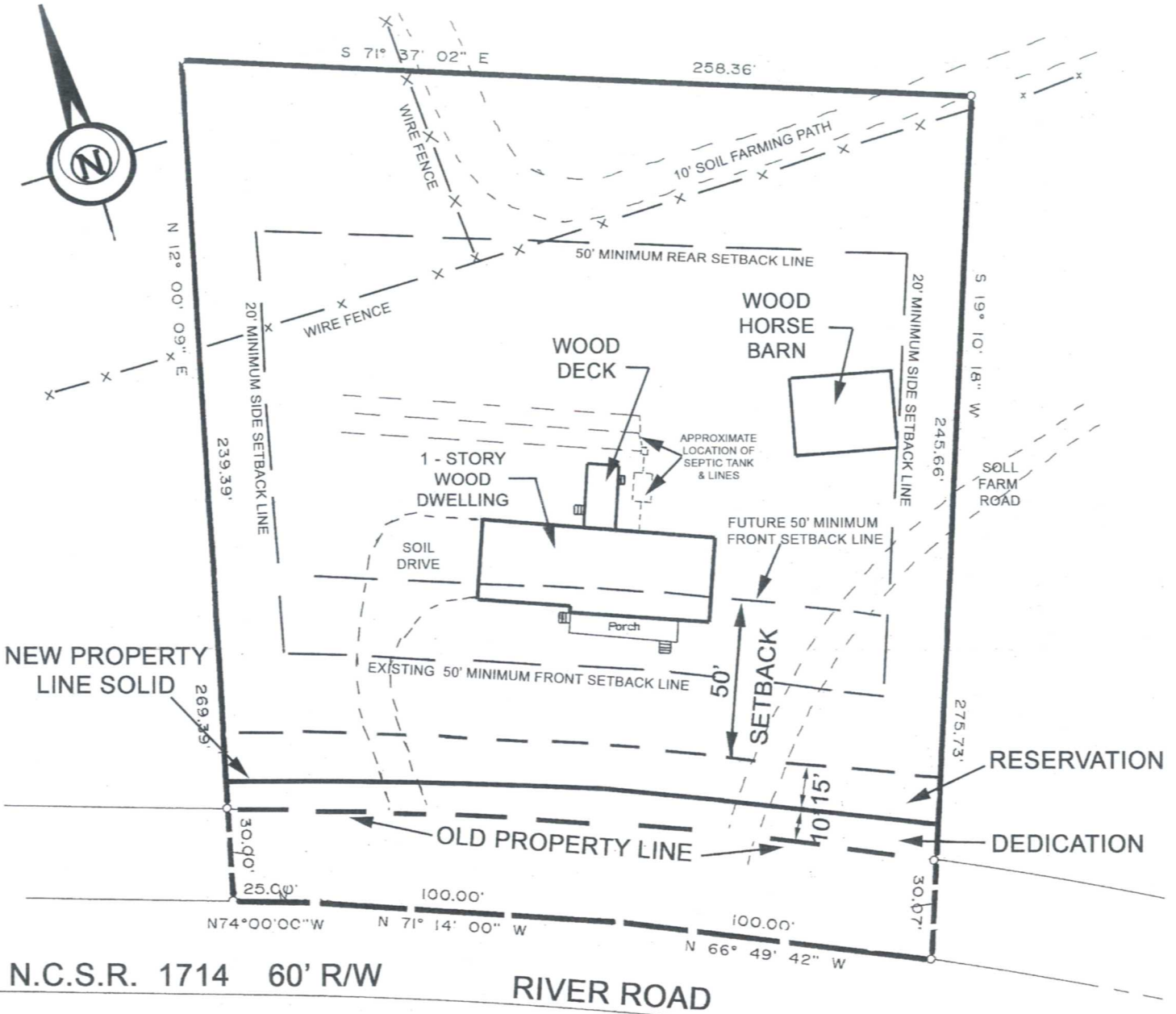
Special Flood Hazard Area (SFHA): No

Applicable County Subdivision Ordinance Provision

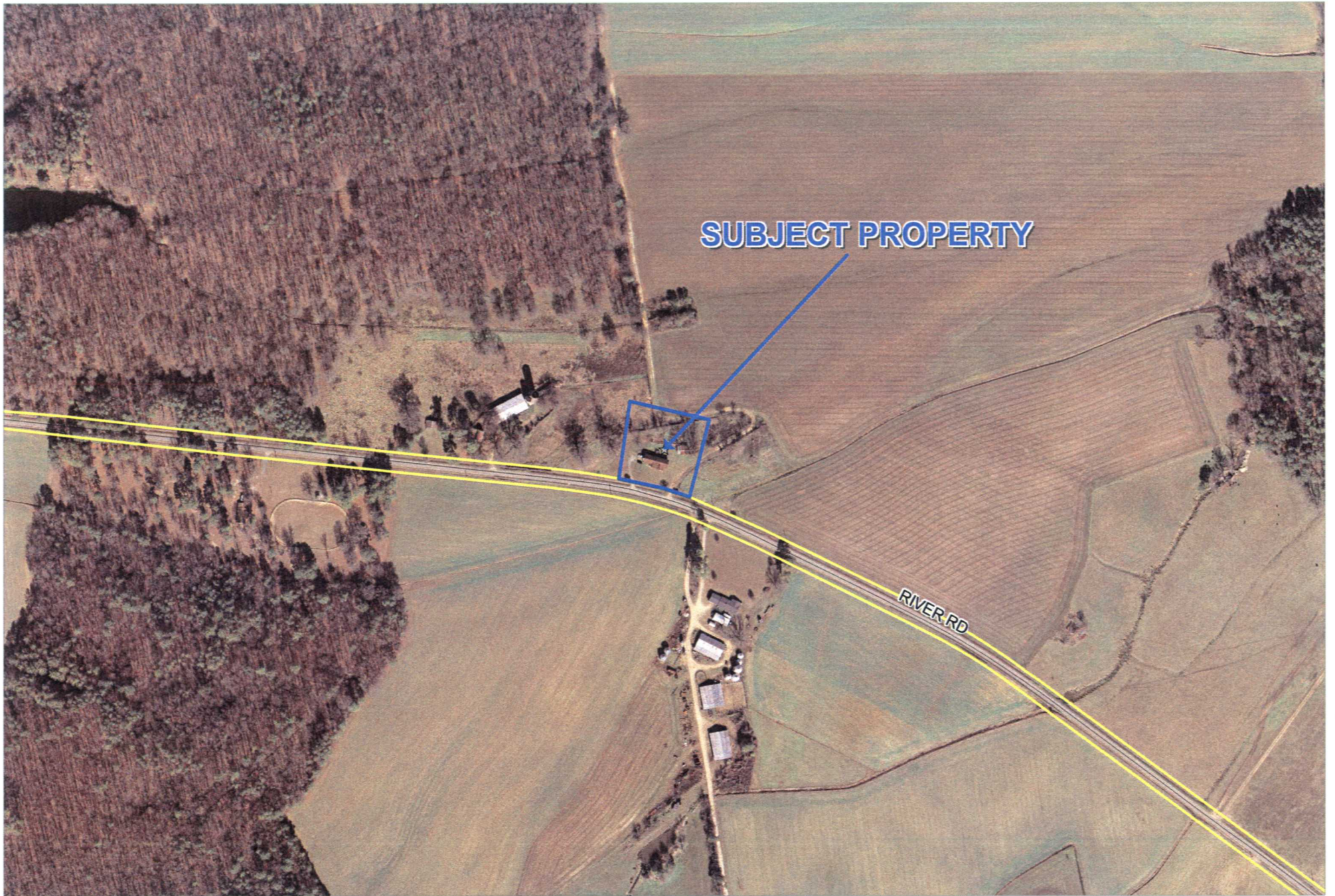
Section 2302. AREA-SPECIFIC STANDARDS, F. Planned public right-of-way. Where any portion of a proposed development lies within the proposed right-of-way of any public street or road included in an officially adopted Highway Plan of the County, or in the event the proposed development is located within any municipality's Municipal Influence Area, within any municipality's officially adopted street/highway plans, the right-of way shall be dedicated or reserved in the location and at the widths as adopted in the official plan; provided that no dedication wider than 80 feet shall be required, and provided that no dedication shall be required where right of direct access from the abutting property is denied. If the development is such that a final is required to be recorded prior to any development on the site, the dedication and reservation shall be accomplished on the final plat, with the bearings and distances of the required dedication and reservation lines shown; otherwise, a reservation of the property shall be shown on the preliminary plan prior to the plan receiving preliminary approval. Any right-of-way required to be dedicated or reserved shall not be included in the calculation of land area for district dimensional requirements for the zoning district in which the proposed development is located.

Attachments

- 1 - Sketch Map
- 2 - Site Plan
- 3 - Aerial Photo
- 4 - Application for Waiver
- 5 - Conditions of Approval



TRACY MARSHALL GARDNER & OTHERS PROPERTY
SUBDIVISION REVIEW
REQUEST: A WAIVER FROM SECTION 2302.F, RIGHT-
OF-WAY DEDICATION & RESERVATION
CASE: 10-108 ACREAGE: 1.34 AC +/-
ZONED: A1 SCALE: NTS
 *SCALED DETAILED SITE PLAN IN FILE AVAILABLE FOR REVIEW UPON REQUEST



**AERIAL PHOTO
CASE NO: 10-108**



**TO THE CUMBERLAND COUNTY JOINT PLANNING BOARD,
FAYETTEVILLE, NORTH CAROLINA:**

I (We), the undersigned, hereby submit this application, and petition the Cumberland County Joint Planning Board to waive [vary] certain adopted provisions of the County's Subdivision Ordinance as specified below and provided for under the terms of the Subdivision Ordinance. In support of this petition, the following facts are submitted:

LOCATION OF PROPERTY: 10877 River Rd
OWNER: Tracy M. Gardner
ADDRESS: 10877 River Rd, Wade ZIP CODE: 28395
TELEPHONE: HOME 484-7981 WORK 850-2868
AGENT: _____
ADDRESS: _____
TELEPHONE: HOME _____ WORK _____

**APPLICATION FOR A WAIVER [VARIANCE]
As required by the Subdivision Ordinance**

- A. Parcel Identification Number (PIN #) of subject property: 0571-09-8407
(also known as Tax ID Number or Property Tax ID)
- B. Acreage: 1.34[±] Frontage: 225[±] Depth: 270[±]
- C. Water Provider: well
- D. Septage Provider: septic
- E. Deed Book _____, Page(s) _____, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
- F. Existing and/or proposed use of property: residential

G. Section and provision of the Cumberland County Subdivision Ordinance from which a waiver [variance] is requested:

X sec 2302, F Planned Public
Right-of-way

H. Nature and extent of hardship involved in strict application of the County Subdivision Ordinance – attach additional sheet if necessary:

see attached

STATEMENT OF ACKNOWLEDGEMENT

Regarding appearance before the Joint Planning Board, 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 arguments 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 the decision will be that of Cumberland County Superior Court. (Affected parties of the board's decision have 30 days from date of proper notification in which to serve notice of appeal).

Signed acknowledgement that the County Planning & Inspections Staff has explained the application process and procedures regarding this request and the public hearing procedure stated above and that the application is complete and accurate.

Tracy Marshall Gardner
Property owner(s)' signature(s)

TRACY MARSHALL GARDNER
Property owner(s)' name (print or type)

6877 River Rd, Wade NC 28395
Complete mailing address of property owner(s)

484 - 7981
Telephone number

850 - 2868
Alternative telephone number

Email address

FAX number

Attachment

Because of the location of my existing home that is in disrepair, which I am trying to replace, coupled with the location of the existing septic tank, I cannot dedicate or reserve the right-of-way area and this would cause a special hardship to me and would not be fair.

The public purposes of the ordinances are being met because the new home will not be located any closer to the right-of-way than the existing home; and

I will not receive any special privilege that others are denied because in the event the road is ever widened, the state will pay the property owners for their land and any effect the road widening would have on their existing structures and their property.


Tracy Gardner, Property Owner

Lori Epler,
Chair
Cumberland County

Roy Turner,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris,
Town of Linden



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Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin
Wade, Falcon, & Godwin

Revised: 10/6/10

STAFF REVIEW: 09-29-10 PLANNING BOARD DECISION: N/A

CASE NO: 10-108 NAME OF DEVELOPMENT: TRACY MARSHALL GARDNER & OTHERS PROPERTY

MIA: WADE SUBDIVISION REVIEW

LOCATION: 6877 RIVER ROAD (SR 1714) ZONING: A1

PIN: 0571-09-8407- & 0572-10-0395-

OWNERS / DEVELOPER: TRACY M. GARDNER ENGINEER OR DESIGNER: ANDREW JOYNER

PLANNING & INSPECTIONS DEPARTMENT ACTION:

- PRELIMINARY
- EXTENSION REVISION
- APPROVED CONDITIONALLY
- DENIED

PLANNING BOARD DECISION:

- PRELIMINARY
- EXTENSION REVISION
- APPROVED CONDITIONALLY
- DENIED

The development plat/plan you submitted to this office is conditionally approved. Your approval is subject to the following conditions:

Watershed-Related:

1. An application for a Watershed "No Approval Required" development must be submitted to the Watershed Review Officer (WRO) and plans must be approved by the WRO prior to final plat approval and/or prior to application for any building/zoning permits, site plan approval is required. A copy of the WRO's approval of this plat/plan must be submitted to Code Enforcement at the time of application for any permits.

Permit-Related:

2. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
3. The County Health Department must approve water and sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Section 2306 A, Water and Sewer, County Subdivision Ordinance)
4. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.

5. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement.
6. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.

Site-Related:

7. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the A1 zoning district must be complied with, as applicable. (NOTE: This conditional approval is issued for the lot since it was created by deed on September 5, 1986, which was prior to the initial zoning of this area on October 24, 1990.
8. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision Ordinance)
9. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
10. This review does not constitute a "subdivision" approval by NC Department of Transportation (NCDOT). A separate submittal to NCDOT will be required prior to consideration for addition to the system of any street within this development.
11. If driveways are changed or added, the developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). If required, a copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.

Plat-Related:

12. The parent tract is located in a Special Flood Hazard Area (SFHA). The final plat must show the limits of the SFHA; information may be obtained from the County Engineer's office or the Federal Emergency Management Agency's (FEMA) website at www.ncfloodmaps.com. Any development within the SFHA is subject to the requirements of the County Flood Damage Prevention Ordinance administered by the County Engineering Department
13. Dedication of 10 feet of right-of-way and reservation of 15 feet of right-of-way along SR 1714 (River Road) is required and the metes and bounds for both dedication and reservation is required to be shown on the final plat and/or reflected on any future site plans.. The location of all improvements, required or otherwise, and all building setback lines are to be measured from the ultimate right-of-way line. (Section 2302 F, Planned Public Right-of-Way, County Subdivision Ordinance) (Note: The dedication of the land area within the current right-of-way must also be included.)

The new dedicated property line must be drawn to the right-of-way line with a solid line with the bearing and distances reflected on the final plat. The old right-of-way line and the reservation lines must be drawn as dashed lines on the final plat.

14. Any/All easements must be reflected on the final plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
15. The NC Department of Transportation (NCDOT) stamp must be affixed to the final plat prior to submission for final plat approval by Land Use Codes.

16. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval. (Section 2503 D, Certificate of Ownership and Dedication, County Subdivision Ordinance)
17. The final plat must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.

Plat-Required Statements:

18. Since this development does not have public water/sewer, the following disclosure statement is required to be provided on the final plat (Section 2504 C, On-Site Water and/or Sewer Discloser, County Subdivision Ordinance):

“The individual lots in this development do not have public sewer and/or water services available, and no lots have been approved by the Health Department for on-site sewer services or been deemed acceptable for private wells at the date of this recording.”

19. All structures shall be shown on the final plat or the final plat shall reflect the following statement (Section 2504 D, County Subdivision Ordinance):

“Nonconforming structures have not been created by this subdivision.”

Advisories:

20. This conditional approval is not approval of the location of the existing dwelling, if the dwelling is ever destroyed, regardless of reason, by more than 50%, any replacement structure must comply with the current setback requirements.
21. An internal street system most likely will be required by the NC Department of Transportation (NCDOT) to serve any future divisions of the parent tract.
22. The applicant is advised to consult an expert on wetlands before proceeding with any development.
23. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.

Other Relevant Conditions:

24. The owner/developer be aware that every deed created for a lot being served by an on-site water and/or sewer system must contain the following disclosure when filed with the County Register of Deeds:

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

If you need clarification of any conditions, please contact Ed Byrne at 910-678-7609 or Patti Speicher at 910-678-7605; otherwise, contact the appropriate agency at the contact numbers below.

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

Watershed Officer/ Sidewalk Inspection:	Jeff Barnhill	678-7765
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Engineer’s Office:	Wayne Dudley	678-7636
County Health Department:	Daniel Ortiz	433-3680
Ground Water Issues:	Matt Rooney	678-7625
Town of Wade:	Cindy Burchett (Town Clerk)	485-3502
County Public Utilities/NORCRESS:	Tom Cooney	678-7682
Corp of Engineers (wetlands):	Crystal C. Amschler	251-4170
NCDENR (E&S):	Sally McKinney	433-3300

E911 Site-Specific Address:	Ron Gonzales	678-7616
E911 Street Naming/Signs:	Diane Shelton	678-7665
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
NCDOT (subdivision roads):	David Plummer	486-1496
Transportation Planning:	Bobby McCormick	678 7632
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545

cc: Cindy Burchett, Town of Wade

OFFICIAL PRELIMINARY STAMP
CUMBERLAND COUNTY
CASE NO: **10-115**

THIS PLAN APPROVED BY THE CUMBERLAND COUNTY PLANNING &
INSPECTION DEPARTMENT ON: **09-29-10**

COMMENTS: SUBJECT TO CONDITIONS

I CERTIFY THAT THIS PLAN HAS BEEN APPROVED BY THE CUMBERLAND
COUNTY PLANNING & INSPECTIONS DEPARTMENT AS DRAWN HEREON
AND MAY BE USED FOR ANY OFFICIAL PURPOSE AS PERMITTED BY LAW.
THIS APPROVAL IS VALID UNTIL: **12-31-13**

Patricia S. Spicher **GB**
SUPERVISOR, LAND USE CODES