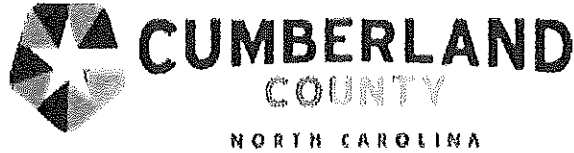


Members:
Gregory Parks, Vice-Chair
Marva Lucas-Moore
Linda Amos
Robert Davis
Vickie Mullins



Alternates:
Stacy Michael Long
Kenneth Turner

CUMBERLAND COUNTY BOARD OF ADJUSTMENT

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

TENTATIVE AGENDA
OCTOBER 21, 2021
6:00 PM

A meeting of the Cumberland County Board of Adjustment is to be held on Thursday, October 21, 2021, at 6:00 p.m. in Hearing Room #3 of the Historic Courthouse at 130 Gillespie Street, Fayetteville, North Carolina. The agenda is as follows:

1. INVOCATION & PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. NEW BOARD MEMBERS OATHS OF OFFICE
4. SELECTION OF CHAIRMAN
5. SWEAR IN STAFF
6. ADJUSTMENTS TO THE AGENDA
7. APPROVAL OF THE AUGUST 19, 2021 MINUTES
8. ABSTENTIONS BY BOARD MEMBERS/BOARD MEMBER DISCLOSURES (SITE VISITS AND/OR PERSONAL AFFILIATIONS)
9. PUBLIC HEARING DEFERRALS/WITHDRAWALS
10. POLICY STATEMENT REGARDING APPEAL PROCESS
11. PUBLIC HEARING(S):
 - A. BOA-21-0002 CONSIDERATION OF A SPECIAL USE PERMIT FOR A CLUB/LODGE, ON PROPERTY ZONED R10 RESIDENTIAL DISTRICT; LOCATED AT 1509 ZINNIA COURT; SUBMITTED BY THE SPECIAL FORCES ASSOCIATION CHAPTER 1-XIII (OWNER).
 - B. BOA-21-0005 CONSIDERATION OF A SPECIAL USE PERMIT FOR A RV PARK AND CAMPGROUND, ON PROPERTY ZONED A1 AGRICULTURAL DISTRICT; LOCATED AT 3075 A. B. CARTER ROAD; SUBMITTED BY MAPS SURVEYING, INC (AGENT) ON BEHALF OF THOMAS NELSON, JR. (OWNER).
12. DISCUSSION/UPDATE(S)
13. ADJOURNMENT



BOARD OF ADJUSTMENT (BOA) HEARING
October 21, 2021

Agenda Section 4

SUBJECT: ANNUAL SELECTION FO THE CHAIRMAN FOR THE BOARD OF ADJUSTMENT

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

EXPLANATION OF THE REQUEST

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

MOTION

I make a motion to appoint _____(NAME)_____ as chairman of the Board of Adjustment.

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

Rules of Procedure

I. GENERAL RULES

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

II. OFFICERS AND DUTIES

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

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

III. MEMBERS

160A-388

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

IV. MEETINGS

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

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

V. APPLICATIONS

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

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

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

E. *Decisions:*

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

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

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

VII. AMENDMENTS

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

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

Amended on this 16th day of July, 1987.

Amended on this 19th day of July, 2007.

Amended on this 20th day of January, 2011.

Amy H. Cannon
County Manager

Tracy Jackson
Assistant County Manager



CUMBERLAND COUNTY

NORTH CAROLINA

Rawls Howard
Director

David Moon
Deputy Director

Board of Adjustment

MINUTES
August 19, 2021
6:00 PM

Members Present

George Turner
Marva Lucas-Moore
Stacy Michael Long - Alternate
Linda Amos – Alternate
Robert Davis-Alternate

Alternate Members in Attendance

Vicki Mullin-Alternate

Absent Members

Gregory Parks

Staff/Others Present

David Moon
Nikia Charles
Rob Hasty
(Asst County Attorney)
Scott Walters
Gilbert Sanchez
Sheriff David Dallas

Chair Turner called the meeting to order at 6:02 p.m. in Public Hearing Room #3 of the Historic Courthouse.

Chair Turner stated the procedural matters are to turn off all cell phones and other electronic devices, other than the camera, are fine and if asked to speak at the podium to please speak clearly into the microphone as the meeting is being recorded.

1. INVOCATION

Robert Davis

PLEDGE OF ALLEGIANCE

Recited by all.

2. ROLL CALL

Mr. Moon called the roll. Mr. Moon stated with the roll call, we have a quorum. I also want to point out since this addresses the membership, that on Monday evening, August 16th, the Board of County Commissioners approved the appointment of Linda Amos and Robert Davis as regular members. However, there is a procedure through the County's Clerk Office that has to occur regarding a letter of notification, your acceptance of that letter, and after that occurs then you're sworn in at a future meeting. So, you should be contacted by the County Clerk's Office within the next week or so. If not, please let me know. Then at that meeting on the 16th the Board of Commissioners also appointed Ken Turner as an alternate to the Board of Adjustments as well. That will again follow same process with a letter from the Clerk's Office, has to be accepted by Mr. Turner, and then at an upcoming meeting he'll have to be sworn in. So, we have a quorum for tonight.

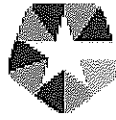
3. SWEAR IN STAFF

David Moon also asked that other staff present that could provide expert testimony also be sworn in. Chairman Turner swore in staff.

4. SELECTION OF CHAIRMAN AND VICE CHAIRMAN (DEFERRED FROM JULY)

Amy H. Cannon
County Manager

Tracy Jackson
Assistant County Manager



CUMBERLAND COUNTY

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Board of Adjustment

Mr. Moon said he had had discussions with the County Clerk's Office and based on that discussion, and email exchanges, the information I received is that regarding Mr. Turner's status on the board, he is limited to two terms. His second term has or will expire at the end of the month. However, there is a procedure that the Board of County Commissioners will extend a term. They don't like going beyond two terms, but there is a procedure where they will extend a term beyond that second term. However, they have to take action on that extension. And the request would be a recommendation from the Board of Adjustments to the Board of County Commission to extend Mr. Turner to a third term. So, if the members would like to make that recommendation, I would need a motion and second and action taken by the board. I can say I have had discussions with George, and he is in agreement to serve the board based on his experience and past years with the board.

Ms. Marva Lucas-Moore made a motion to have Mr. Turner serve a third term as a regular member and recommended to serve as Chairman, seconded by Ms. Amos. The motion passed unanimously.

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

Mr. Moon said related to that similar topic Mr. Parks term expires at the end of this coming month. He is at the end of his first term however he can be reappointed by the Board of County Commission to a second term. So, my suggestion based on his attendance record and participation on the board that the board make a recommendation to the Board of County Commission to reappoint him to a second term subject to Greg Parks' acceptance for a continuation of that term.

Mr. Turner made a motion to recommend that Greg Parks remain as a regular member and serve as Vice Chairman, seconded by Ms. Marva Lucas- Moore. The motion passed unanimously.

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

5. ADJUSTMENTS TO THE AGENDA

There were none

6. APPROVAL OF THE JULY 15, 2021 MINUTES

Mr. Robert Davis made a motion to approve the minutes from the July 15, 2021 meeting as written, seconded by Mr. Stacy Long. The motion passed unanimously.

	IN FAVOR
TURNER	YES
LONG	YES

Amy H. Cannon
County Manager

Tracy Jackson
Assistant County Manager



CUMBERLAND COUNTY

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Board of Adjustment

AMOS	YES
DAVIS	YES
LUCAS-MOORE	YES

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

There were none.

8. PUBLIC HEARING DEFERRALS/WITHDRAWALS

There were none.

9. POLICY STATEMENT REGARDING APPEAL PROCESS

Mr. Moon read the policy statement. Mr. Moon said he wanted to add and since you have a unique case this evening, falling under minimum housing code that any procedures within the minimum housing code would also be followed and could supersede the appeal language that I just read to you. Thank you.

CHAIR TURNER: You need to clarify that, say that again.

MR. MOON: The case this evening is a minimum housing code case. Minimum housing code has procedures as well for filing an appeal. So basically, if there is any conflict between what I just read to you and what's within the minimum housing code, the minimum housing code will supersede.

10. PUBLIC HEARING(S)

Chairman Turner read the case heading for Case No. P21-05-C.

P21-05-C - Consideration of an Appeal of the Code Enforcement Officer's decision regarding the non-compliant use of property in a R40a Zoning District for a Recreational Park/Campground, a violation of Section 403, County Zoning Ordinance; and from decision regarding non-compliance with Sections 4-71 And 4-67, Article IV, Minimum Housing Code, for a substandard dwelling; located at 2340 John Hall Road, Cumberland County

MR. MOON: David Moon, Deputy Director of Planning and Inspections for Cumberland County. Regarding the case request that was presented this evening, the staff has reviewed the final application what you just addressed regarding a noncompliance with R40A, as a recreational park campground is going to be dropped from the staff presentation as the appeal doesn't directly describe or discuss the appeal of the R40 zoning. So, focus completely on the appeal for the minimum housing code matters before you. (Mr. Moon began a slide presentation) The case involves a property owned by Patrick H. Dole located on John Hall Road. The property contains about two acres. The property contains a single-family home as well as a garage, indoor shed, and a recreational camper trailer. The staff has reviewed a complaint from adjacent property owner addressing the use of the camper trailer located on the property as a permanent residence. Investigation occurred by the county's Code Enforcement Office and based on the information they

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received, they have determined that the property owner is using the camper trailer as a permanent dwelling for human habitat which in violation of the minimum housing code in that the property owner is also not meeting the minimum housing code for matters of electrical standards, space requirements, exit standards and as otherwise addressed in the inspector's report for the use of that camper trailer as a basically a permanent residence. The property owner has appealed the code enforcement officer's decision on the interpretation of the minimum housing code for the violations I just addressed. The owner has appealed that the code enforcement officer's decision is incorrect because he feels that the camper trailer exempt from chapter 4 due to its weight. That the trailer is not transportable because it is attached to the ground, and that the trailer is deemed a religious area for service and sanctuary. The character of the area is surrounding the property is primarily a large lot residential, agricultural, or wooded land predominately on property zoned A1 agricultural. Minimum lot size for A1 for residential purposes is two acres. In the surrounding area there are some properties zoned RR, rural residential and R40A which allows for a minimum lot size of 40, 000. But the general character surrounding the subject property owned by Mr. McDole is large lot, single-family residential. The next few photos show you the subject property and the area surrounding the site. (Mr. Moon showing more slides) This is the subject property, next slide shows the north view along John Hall Road, this is the east view of John Hall Road, the south view along the same road with the public hearing notice posted on the property. And we're back to the subject property. This evening I will request three staff people to testify to demonstrate that the trailer is being used as a permanent residence and that it does not meet the minimum housing standards as I addressed earlier. The witnesses will be Gilbert Sanchez, Code Enforcement Officer, David Dallas, he's a Deputy Sheriff for Cumberland County, and then if needed, based on his experience with the minimum housing code and the zoning code, Scott Walters, our Code Enforcement Manager. Further, I also call as a witness Ms. Dawn Sanchez. She is the abutting property owner. With that I'll ask Gilbert Sanchez, Code Enforcement Officer, to provide his testimony in evidence, providing the case history as well of his inspections of the property. So, Gilbert.

GILBERT SANCHEZ: Good evening. My name is Gilbert Sanchez. I am the Code Enforcement Officer, I a Code Enforcement Officer for Cumberland County, Planning and Inspections Department. I've worked in this capacity since 2017 and I am the Code Enforcement Officer that has been overseeing and working this case since the complaint came in September 2020. If there's no other questions, I'll give my report.

CHAIR TURNER: Any questions so far? Go ahead Sir.

GILBERT SANCHEZ: On May 28, 2020, I received a complaint from the neighbors stating that there has been somebody living in a RV on the property located at 2340 John Hall Road on a permanent basis and she was inquiring whether this was a minimum housing violation. So, on the fifth, on October 5th of 2020, I did go out and personally investigate the complaint and found that there is enough evidence to support a violation of the minimum housing ordinance. Also, I found that the RV on the property was connected to electrical. It was connected to water. It was connected to sewer. They are all associated with the primary dwelling. In my experience, this is a tell tell sign that somebody is living in a RV or using it for more than recreational use. And not only that but, I have witnessed in the past on another case, Mr. MacLeod coming out of the, out of the RV with Sergeant Dallas. So, based on

CHAIR TURNER: Clarify that again, on another case...

GILBERT SANCHEZ: On another case, on an earlier case, I went to the property and...

CHAIR TURNER: You went to this property?

GILBERT SANCHEZ: I went to this property, 2340 John Hall Road and had a conversation with Mr. McDole. He came out of the camper at that time as well. So based, based on section 4-71 of compliance in the minimum housing code and it states in part that no person shall occupy as owner-occupant, or let another per occupancy or use as human

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habitation any dwelling that violates this article. And also, section 4-67 of definitions, of dwelling, which means any building, mobile home, structure, or portion thereof which is designed or intended to be used for human habitation including living, sleeping, cooking, eating, working, or any one combination thereof, whether occupied or vacant, or which in fact is used for such human habitation, whether or not such use is regular or intermittent or authorized or unauthorized. Such definition shall include accessory buildings but shall not include any temporary housing as herein defined. And also, the temporary housing violation, temporary housing simply in the definition means that any tent, trailer, or other structure which is designated to be transportable which is not attached to the ground to any other structure or to any utility system on the same premise for more than thirty consecutive days. As well as other substandard issues of the minimum housing ordinance. So, my decision was that the RV does meet the definition of temporary housing and temporary housing does not meet the standard of a dwelling used for human habitation. So, on the 6th of October 2020, a complaint and notice of hearing was mailed out to call for a hearing with Mr. McDole and it was received by him on 10/20, 10/10/20. And that notice of hearing outlined the violations and the corrections that needed to be made. After that happened, sometime between that time and the hearing, I'm not sure of the date, Mr. McDole and Mr. MacLeod came into our office and had a conversation with myself and my manager, Scott Walters. And they were told that if they'd unhooked everything and just closed the camper up and let us take a look in there to verify that it was not habitated, that the case could be closed. On 10/29/2020, Mr. McDole showed for the hearing in person and assured me that the camper was vacated. In that conversation he told me that it was ready, and he invited me back to the property. So, on 10/30/2020, I returned to the property for a follow up inspection to make sure that it was in compliance. The camper was disconnected from the septic but other observations, other things being connected, and just the nature of the way that it looked did not lead me to believe that the violations had been, had been taken care of. So

CHAIR TURNER: Let me stop you one more time, I'm sorry. Just to be clear, the second time you went out it was disconnected from the septic, was it disconnected from the water and the electric?

GILBERT SANCHEZ: No sir.

CHAIR TURNER: And you say there are other things that gave you the indication that it was occupied, what would that be?

GILBERT SANCHEZ: Well, he was asked to just close up the, close up the camper and disconnect the services from it so that we could say that, so we close the case. That was the remedy to take care of this. He would take, and maybe let us have a look inside to make sure you know, just to have a look inside and take some pictures and things like that to..

CHAIR TURNER: They always accuse me of asking too many questions...what would you deem "close up" the trailer to mean?

GILBERT SANCHEZ: So, all the pop outs were opened on it and have been open for a long time. Since my first visit to the property, they been open all this time. So that's what I meant by that as well as other things. The sewage line that was disconnected, to me, if you were trying to show that you were taking care of a violation and becoming compliance with a violation, you would not simply have disconnected it and moved it to the side, you probably would've pulled it out of there and shut it off. And that hose also remains the same today, so and has as well see in the slideshow. So, I returned back to the office with the information of the pictures, and I shared them with my manager, and he agreed that there is not enough appreciable evidence to close the case. So, on 11/4/2020 the finding of facts order was sent, and he was given 30 days to correct the problem. And you guys have that, its exhibit H. On 11/16/2020, Mr. McDole filed the appeal. The next part of it would require some photos if it would please if it would

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please you. (Slideshow of pictures begins) So these are the pictures from the original visit when I was initially called out there. I didn't go on to the property, these pictures were taken from a distance.

CHAIR TURNER: Can I ask you one just so we won't be confused, there's a, the home to the left is that the appellant's home?

GILBERT SANCHEZ: Say it again.

CHAIR TURNER: We see the camper here and then if we're looking at that there's a home to the left. We see a chevy truck and, is that his home?

GILBERT SANCHEZ: That is of the property's home, Mr. McDole's resident.

CHAIR TURNER: And then we see a building to the right, is that another house, or is that?

GILBERT SANCHEZ: That is the garage where the camper or the RV is plugged into for electrical power.

CHAIR TURNER: Ok.

GILBERT SANCHEZ: And the hose for the water is actually plugged into the house on the backside of the house if I remember correctly. So can we move on to the next slide Mr. Moon. (Next slide presented on the screen) Here we have more pictures of the initial visit. I'm sorry this was the visit of finding of facts of A. Can we move to the next slide We can see that the same camper is still there. We don't have compliance yet with what we've asked them to do to comply. In the next slide more evidence of potentially somebody staying, I'm sorry this is the initial. Looks like the slides might be a little mixed up. Can we move to the next slide Mr. Moon.

MR. MOON: October 5th

GILBERT SANCHEZ: That's the initial visit.

MR. MOON: This is October 5, 2020, and as is this (changing slides)

CHAIR TURNER: I note some of these are not dated.

GILBERT SANCHEZ: Yeah. (Slide show continued) Ok so this is the picture from 10/30/2020 when I showed up back for a follow up inspection. This was what Mr. McDole did as a part of compliance to what we asked him to do. So, it was disconnected, he did disconnect the septic from there so we can move to the next slide. However, you can see that the electrical is still plugged in. And the next slide. And the water as well. And the next visit came on April the 12th. And so, you can take a look at the next picture. We can still see that there is no change to this situation. This has been several months later after the appeal, and we still have not received an invitation to come back and for a follow up inspection. I was told not to come back on to the property anymore. So these pictures were actually taken from the next door neighbor Mr. and Mrs. Fuse's house who gave me permission to come on their property to follow up with pictures and different things. To the next slide. So here on the 12th again we see that the septic still appears to be hooked up and not have been removed. So, in my opinion the violation still remains. Move to the next slide. And again, we see here, these pictures for the most part are going to represent Mr. MacLeod's truck being there all the time. Most of the time, I can't say every time, the majority of the time that I've ride by there and gone through and done inspections his truck is there.

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CHAIR TURNER: I'm sorry you mean Mr. McDole?

GILBERT SANCHEZ: No. Mr. MacLeod. Mr. MacLeod is the one that potentially is living in the RV. We've seen him coming out of it before. It doesn't show well on some of the pictures but, the lens isn't great, but the electrical is still hooked up to the camper. Alright we can move to the, this just represents the same thing. This is the view from the neighbor's property, Mr. and Mrs. Fuse. And then on the 23rd, more of the same, more of the same. This just represents the same scenario and the same pictures; no corrections have been made to bring the property into compliance or the RV into compliance. And then on the 27th, again this just depicts Mr. MacLeod's truck being there. He is the one that the complainant is accused of living in the camper there. And I'll in fact say to you in that truck, whether it's his truck or not, I don't know for sure. I don't have anything literally that ties him to that truck. And then, July 22nd pictures, again no change. You can't see but the electric connections are still hooked up to the camper. The pop outs are still out. This is the way that the camper remains each and every time that I ever ridden by there. And then the final slide is on the picture is August 18th, and these pictures were taken on the day from the property behind their property and you can see to the right the hose, the water hose is still hooked up. The truck is still there, and it is in my opinion that he is still living in the RV. Can we move to the next picture please. And this picture doesn't show well either but to the right of the truck again the electric connection is still hooked up. I think we understand that. So, the RV has still not complied with the order to remedy the situation or allow code enforcement to verify that it is not lived at as we have not been allowed to go back on the property and investigate it nor have we been invited to come back onto the property so

MR. HASTY: I hate to interrupt you before you go too far, just for the record, these photographs will be exhibit under the letters on them?

GILBERT SANCHEZ: I'm sorry, I don't have an exhibit unless Mr. Moon has an exhibit for them.

MR. HASTY: What I would suggest is each date of pictures would be an exhibit number then pictures P-1-2 but we need that in the record essentially per exhibit H.

MR. MOON: I'll respond. (Showing previous shown slides) The October 5, 2020, site visit pictures will be exhibit A of Mr. Sanchez's report. Exhibit B will be the April 12, 2021, site visit pictures. Exhibit C will be the April 23, 2021, site visit pictures. Exhibit D is the April 27, 2021, site visit pictures. Exhibit E is the July 22, 2021, site visit pictures. This is exhibit F is the August 18, 2021, site visit pictures.

GILBERT SANCHEZ: Excuse me did we get April 12th?

ROBERT DAVIS: That's B

MR. MOON: I believed I referenced August 18th.

ROBERT DAVIS: You did.

GILBERT SANCHEZ: In summary, based on the site visits and the evidence shown in the evidence provided, there has really not been enough reasonable effort or evidence by the property owner to withstand to show that this property, RV on this property, is not being used for human habitation. In addition, this case could have been closed a long time ago if Mr. McDole would've allowed the county to simply verify with the RV as not being occupied by allowing code enforcement to look inside and take some photos. Again, just to reemphasize that. And to comply with the county's order to simply disconnect and close the camper up. And that concludes my presentation.

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CHAIR TURNER: Ok. So, are you saying that code enforcement has never been allowed inside the camper?

GILBERT SANCHEZ: Yes Sir, that's correct.

CHAIR TURNER: They have not?

GILBERT SANCHEZ: I asked to go in the camper at one point, I believe it was during the reinspection. On the 10/30 date, the camper was disconnected but he would not agree to let me inspect the inside due a dog staying in the RV.

CHAIR TURNER: So, the question really is as of today, code enforcement has not been allowed inside the trailer to verify it's unoccupied?

GILBERT SANCHEZ: No Sir we have not been allowed in there.

CHAIR TURNER: Any of the board members have any questions before he walks away? David

DAVID MOON: Gilbert, the property we're discussing has the address of 2340 John Hall Road, is that correct?

GILBERT SANCHEZ: Yes Sir.

MR. MOON: And the property owner is Patrick McDole?

GILBERT SANCHEZ: That's my understanding.

MR. MOON: And the potential resident of the trailer is a Mr. MacLeod?

GILBERT SANCHEZ: Yes Sir.

MR. MOON: And the best of your knowledge the white pickup truck that's parked next to the trailer is used by Mr. MacLeod?

GILBERT SANCHEZ: To the best of my knowledge.

MR. MOON: Thank you. And from the testimony that was presented by Mr. Sanchez was referenced in the staff report, so I'll submit as Exhibit G the staff report that each member of the board of appeals has received for this evening.

CHAIR TURNER: Which exhibit is that?

MS. LUCAS-MOORE: G

MR. MOON: Exhibit G. Any other questions of Mr. Sanchez?

MR. HASTY: Mr. Strange is the attorney for the appellant. He may have questions.

MR. STRANGE: Mr. Sanchez have you ever seen anyone go into the building?

GILBERT SANCHEZ: I'm sorry, what building?

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MR. STRANGE: You keep calling it a dwelling. Have you ever seen anyone go into the dwelling?

GILBERT SANCHEZ: No that's not a dwelling.

MR. STRANGE: No further questions. Just to reiterate, I asked Mr. Sanchez if he had ever seen anyone go into the dwelling. Mr. Sanchez stated it's not a dwelling. And I closed my questions at that point.

CHAIR TURNER: Well, let's verify who you are. You're not on the list to speak, so tell us who you are and why you're here.

MR. STRANGE: I apologize Sir. My name is Johnathan Strange, I'm an attorney. Licensed to practice law in the state of North Carolina. My bar number is North Carolina State Bar 38542. I represent the movant, Mr. McDole.

CHAIR TURNER: Alright, thank you.

MR. MOON: I have another question of Mr. Sanchez. In your discussion about the dwelling,

MR. STRANGE: Objection. He just stated it wasn't a dwelling.

MR. MOON: In your discussion, Mr. Sanchez, are you referring to the camper or are you referring to the single-family home on the property? I just want to clarify which you're discussing, either the recreation camper or the single-family home?

GILBERT SANCHEZ: As far as, as far as what?

MR. MOON: The question you were asked about seeing the resident enter the dwelling?

GILBERT SANCHEZ: I've never seen him enter that RV.

MR. MOON: Ok, thank you.

CHAIR TURNER: Let's clarify again, just for the board. We have a Patrick McDole here who is the property owner of all the house, the camper, whatever else. And we have Robert MacLeod who is being suggested as being the occupant of the camper. And then we have the code enforcement officer. We clear? Ok everybody clear. Go ahead Sir, I'm sorry.

GILBERT SANCHEZ: Anymore questions?

MR. MOON: The next witness that I would like to speak is Deputy David Dallas. He's already sworn in. Officer Dallas can you give a description of what you have seen at 2340 John Hall Road?

DEPUTY DALLAS: The pictures is exactly what I had seen when I had went with Sanchez, Inspector Sanchez. On 2/13/2019 I did see Mr. MacLeod come out of the trailer or the camper. And then there was another time I seen him come out of the camper, was a time I had to go out there. I don't know the exact date of that, but I do believe Mrs. Fuse could clarify that date very well because when we went to court on the shooting range. When they did the survey of the property, I was getting to it.

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CHAIR TURNER: A lot of times folks just kinda keep going if they know what they're talking about and I wanna be sure we do.

DEPUTY DALLAS: And I understand that, trust me I know. That's the only two times I've seen anybody come out of the trailer. I've never seen nobody go into the trailer. But I do know, I'll will say this, I've been doing this stuff with the county since 2009. The county does give you a lot of opportunity to correct the situation. I've known in the past of a lot of people and most people do comply. Now in following the guideline, they give them ample time to correct it and if they need more time. This June that I have experienced with this here. And that's about all I can tell you.

CHAIR TURNER: Is this an area that you would normally patrol?

DEPUTY DALLAS: I got kind of a different job than most deputies got. I work with county code enforcement, and I also work with the other county offices to include the landfill and also, I got a talent that I've use since day one at the sheriff's office. When we do search warrants when we got safes and stuff, drug deals and stuff like that, and other cases and when we have dome vaults and stuff like that there, I'm the one they call to open it up. Because I'm the only licensed locksmith also.

CHAIR TURNER: I think what my question was aimed at if this is the normal area that you would patrol, have seen any changes out there that would lead you to believe that they were, anything, were they trying

DEPUTY DALLAS: It hasn't changed since the last time I saw it. It hasn't changed about that camper. But I do know that they don't, they go places in this kind of trailer, they doing work to campers. People just decide they want to park the camper and start living in it. That's not the only place in Cumberland County where it's happening. I don't believe I'm answering your question quite the way to want it, but it hasn't changed any.

CHAIR TURNER: Assuming that you saw him on two occasions walk out of the trailer, you assume he had to walk in to walk out. Walking out of the trailer, was there any indication that you thought that he may have slept there or?

DEPUTY DALLAS: No, he wasn't in pajamas or nothing, no Sir.

CHAIR TURNER: So, we don't know why he was in the trailer?

DEPUTY DALLAS: I can't tell you as to why he was in the trailer

CHAIR TURNER: Alright, I appreciate that. Anything else?

DEPUTY DALLAS: No Sir.

CHAIR TURNER: Board members have any questions?

MS. LUCAS-MOORE: I was just going to say, trailer or camper?

DEPUTY DALLAS: Camper, trailer, I mean it's a camper. The reason I say trailer is because it's not mobilized.

MS. LUCAS-MOORE: Just for the records.

CHAIR TURNER: Any other questions of the sheriff? David

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DAVID MOON: No further questions.

MR. STRANGE: Johnathan Strange again. Does it have wheels?

DEPUTY DALLAS: Yes Sir.

MR. STRANGE: Have you seen wheels in any of these pictures?

DEPUTY DALLAS: No, I haven't seen wheels in any of the pictures, but it had wheels on it the first time I saw it.

MR. STRANGE: Does it still have wheels on it?

DEPUTY DALLAS: Well, I haven't seen it lately.

MR. STRANGE: When was the last time you saw it?

DEPUTY DALLAS: That would've been, when I went, I can't remember the exact date, like I said, when I went out there to make sure there wasn't no incident between the surveyor, and Mrs. Fuse could give you that date.

MR. STRANGE: But right now, I'm asking you the date. When was the last time that you were out there?

DEPUTY DALLAS: The last time was the day they did the survey. I don't have that date with me.

MR. STRANGE: So, you don't recall when you were out there last other than to say it was the day they did a survey?

DEPUTY DALLAS: No Sir, I didn't get a chance to go to records and run the track record to be able to cross for services for that property.

MR. STRANGE: And so, you don't know if there are wheels on that or not?

DEPUTY DALLAS: As of right now, no I don't. The time I first saw it, it had wheels.

MR. STRANGE: Thank you.

CHAIR TURNER: Ok. Any questions here? David

DAVID MOON: Next witness I would like to call is a Dawn Fuse, who is the adjacent property owner to the site at 2340 John Hall Road. She has not been sworn in.

Chair Turner swore in Dawn Fuse.

CHAIR TURNER: And you are the next-door neighbor?

DAWN FUSE: I am.

CHAIR TURNER: Ok. Tell us your story.

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DAWN FUSE: So, my name is Dawn Fuse, I live at 2330 John Hall Road, I'm the next-door neighbor to 2340 John Hall Road. We moved in May of 17. The camper, the RV recreational camper has been lived in on a permanent basis since 2018 so approximately three years. And I'm a witness to entering and exiting of the camper of physically seeing someone come in and out. And also, I'm worried the property value of my property with a RV camper allowed to be on a single-family property next door. And I have some photos.

CHAIR TURNER: Could you clarify before we look at the photos, you say for three years it's been lived in but what evidence do you have that its been lived in other than the fact that you see someone go in and someone come out?

DAWN FUSE: You know the evidence is, you know, visual. So, seeing that also have some photos that just show the camper coming in and I also can submit to the court a memory disc that has videos of occupation of the RV camper.

CHAIR TURNER: Are we prepared to see that David?

DAVID MOON: Well Ms. Fuse has a series of slides that I would be more appropriate for her to go through. She does have a series of videos. There are approximately 15 or 20. You would be here for quite some bit of time. My suggestion is if she should just submit those for the record.

MR. HASTY: Well, they have to be, if they're going to be in the record, they've got to come into the hearing.

CHAIR TURNER: Let's see the photos. And then we'll decide from that if we need to see more.

DAVID MOON: Mrs. Fuse would you be able to describe what is shown in the pictures in the slides? (Showing slides)

CHAIR TURNER: Before you go any further, he has a question for the speaker.

MR. LONG: When was the last time you saw the camper?

DAWN FUSE: Today.

MR. LONG: Were there wheels on the camper?

DAWN FUSE: I can't, I don't recall, can't give you an accurate answer because I don't pay attention to that.

MR. LONG: Ok, thank you.

CHAIR TURNER: Go ahead Sir, I'm sorry.

MR. MOON: Mrs. Fuse would you like to describe what is shown in the pictures (Pictures being shown)

DAWN FUSE: This is the camper on the property 12/20 of 2018. That's the camper and truck beside the camper 7/10 of 19. This is just showing that in 2020 the lights are on in the camper. Also, October 29th lights on in the camper. April 30th lights on in the camper. May 21st lights on. That is just indicating that truck parked next to that camper. 6/10/21 same thing. This is going to be a series of dates of that truck parked next to that camper. (Pictures continuing to show) There's just indicating pants drying outside of the camper.

CHAIR TURNER: Any questions of any of those photos?

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MS. LUCAS-MOORE: Do we need to exhibit maybe this as an exhibit?

MR. HASTY: Yes. They haven't been admitted yet but for identification purposes it's probably a good idea to have it.

MR. MOON: This would be exhibit H. Mrs. Fuse do you have any other information you need to share regarding activities that you see on the property regarding residency?

DAWN FUSE: No Sir.

CHAIR TURNER: Nothing else? Ok. Anybody have any questions before she sits down? Sir, you have any questions?

MR. STRANGE: Mrs. Fuse there were a number of black and white photos that were shown during exhibit, I believe Mr. Moon said it was exhibit H, there are a number of itemized photo images is that correct?

DAWN FUSE: Its photos that I took from a, it's a snapshot of a video.

MR. STRANGE: And you took those photos yourself?

DAWN FUSE: My camera did.

MR. STRANGE: Where is the camera located?

DAWN FUSE: Those cameras are on my house I have sims.

MR. STRANGE: Where is that camera located on your house?

DAWN FUSE: Side of the end of my house on the top.

MR. STRANGE: It appeared in some of those images that there was kinda of a white covering at the top of them is that correct?

DAWN FUSE: A white covering of the top of my camera?

MR. STRANGE: Yes.

DAWN FUSE: No. It's right underneath spouting of the light.

CHAIR TURNER: What we're seeing here just to clarify you're looking through the black windows of the camper and if I understand this is late at night.

DAWN FUSE: That's my desk camera catching that view late at night.

CHAIR TURNER: And this is in the evening and we're showing the lights are on inside the camper in the evening.

DAWN FUSE: Yeah, there on like on the outside of the camper.

CHAIR TURNER: Go ahead Sir.

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MR. STRANGE: The outside of the camper, that was my next question. Thank you, nothing further.

CHAIR TURNER: Anything else, any questions?

MR. MOON: That concludes the evidence and testimony that the county's Inspections Department, Code Enforcement is submitting in our case. In summary, based on this evidence and testimony presented in the exhibits, the photographs and the reports from Mr. Sanchez, Mr. Dallas, and Mrs. Fuse, the decision by the code enforcement officer, Mr. Sanchez to find this property 2340 John Hall Road as functioning as a permanent residence within a recreational camper in that based on the staff report and information submitted by Mr. Sanchez that the camper is not satisfied the minimum requirements of the minimum housing code for a human habitat. That concludes staff's presentation.

MR. HASTY: You'll ask that exhibits A through H photographs be submitted into evidence.

MR. MOON: Yes, I'll submit the exhibits presented this evening. Exhibits A through H which includes a staff report which is exhibit G.

MR. HASTY: And the prior materials that are in the packet you'll ask that those be in the record as well.

MR. MOON: Yes Sir.

CHAIR TURNER: We have two speakers signed up to speak in favor. Patrick McDole are you here Sir?

MR. HASTY: Mr. Strange is their attorney if he could present their case and call them this evening.

CHAIR TURNER: Well Mr. McDole has signed up, did Mr. McDole want to speak?

MR. STRANGE: I will be calling Mr. McDole in just a moment.

CHAIR TURNER: You will?

MR. STRANGE: Yes Sir.

CHAIR TURNER: Alright, ok.

Public comments were opened.

MR. STRANGE: I would like to be heard very briefly if I can. Again, my name is Johnathan Strange. I here on behalf of Mr. McDole and I believe that it's incredibly important at this point for this board to understand what we're considering. In that, in order to do that, we have to take a look at the complaint that was filed against Mr. McDole. It involves the use of the dwelling for habitation or if it's not a dwelling, temporary housing. And at the close of the county's case, their chief witness Mr. Sanchez, has stated that it's not a dwelling, so therefore we're outside of that aspect of the minimum housing standards. And no one has been able to show whether or not this thing can move or not. And if it can't move, then it's not a trailer as defined by Mr. Sanchez earlier in this hearing. And so, at this point, the county has not shown that the minimum housing code applies in this situation at all. In fact, if we take a look at what Mr. McDole is being alleged to have violated, that is section 4-71 of the minimum housing code, which is compliance with minimum standards. It says every building, dwelling, and dwelling unit used as human habitation or held out for use as habitation shall comply with all of the minimum standards of fitness for human habitation and all

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of the requirements of section 4-72 through section 4-79 or this ordinance. No person shall occupy as owner-occupant or let to another for occupancy or use as a human habitation, any building, dwelling or dwelling unit which does not comply with all of the minimum standards of fitness for human habitation and all of the requirements of section 4-72 through 4-79 of this ordinance. We have not talked for one moment about anything other than they say it's a trailer. If it's a trailer, you can't live in it. What they have not shown, and this according to the code, which every member of the county is required to adhere to, what they have not shown is that Mr. McDole, who is the owner of the property, as they've stated, has ever occupied or even entered into it. Much less have they shown that he has let the property to Mr. MacLeod who hadn't admitted he's living there. "Let" in this situation means that he's renting it out. That he's charging a fee. They haven't been able to show any of this. So, at the close of the county's case, I would ask you to consider that, that they haven't proven that the minimum housing standards even apply here. Much less, that they've been violated. Thank you.

CHAIR TURNER: Before you go away let me ask you some questions about what you just said. I don't agree with the fact that you're saying that Mr. McDole has to charge a fee for the use of the camper.

MR. STRANGE: That's what let means.

CHAIR TURNER: I don't agree with that. But I'm assuming by what you're trying to tell us is that Mr. MacLeod does not live in the trailer. Is that what you're telling us?

MR. STRANGE: What I'm saying is, is that Mr. MacLeod does not let anything, or that there has been no evidence to show that Mr. MacLeod lets anything. That's what I'm trying to say.

CHAIR TURNER: Ok.

MR. DAVIS: Why does he have to let?

MR. STRANGE: The code says that it must need to be an owner-occupant, or it must be let to another person. That's what the code says.

MR DAVIS: So, if it's not an owner, if it's his son or daughter or somebody, and they stay in it, it's not defined an occupant?

MR. STRANGE: No Sir, all I'm saying it that it's not an owner occupant and that there's been no evidence that it's been let, which is what's required by the code.

MR. DAVIS: Of course, it has to be let to be lived in.

MR. STRANGE: No Sir, it says that, again I'm just...

CHAIR TURNER: We've read this, so to understand, I think the difference that comes up in the attorney's opinion it is not let unless a fee is paid for its use. That's the opinion that I said I didn't agree with. I mean there a lot of folks, in other words, if you allow someone to do it, they're allowed to break the ordinance because he's not getting any money. That's basically what that's saying.

MR. STRANGE: I would agree because I believe that at least in the legal. The way we normally see minimum housing standard violations is when a piece of property is being let to someone which...

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CHAIR TURNER: What would you consider this property to be? Is this a camper or trailer? What would you say it is?

MR. STRANGE: Well, if we took a look at the definition section, which I believe is 4-67, if I'm not mistaken, yes 4-67. It's the definition section. We know it's not a dwelling. Mr. Sanchez said it wasn't a dwelling. So, then we move into the only thing that it would be which is, the county's trying to allege that it is a temporary housing. And under temporary housing it says it means any tent, trailer or other structure which is designed to be transportable which is not attached to the ground, to another structure or to any utility system on the same premises for more than 30 consecutive days.

CHAIR TURNER: Has this not been connected to the utilities for more than 30 days?

MR. STRANGE: But it says which is not attached to the dwelling, to a structure or the utility. And by the county's evidence, it is attached to a utility.

CHAIR TURNER: So, I'm assuming that we've not heard this, but he has ties that are tying it to the ground and that changes everything?

MR. STRANGE: Well, I think at that point it would need to be a dwelling, which Mr. Sanchez has said that it is not. And if it's a dwelling, they haven't shown that there have been any substantial violations of the minimum housing standards. Which would come under section 72. Yes Ma'am.

MS. LUCAS-MOORE: My question is so are you saying this recreational trailer/camper, does that meet the minimum standards of housing for housing? Does this particular property that's been standing for three years or whatever the testimony is stated, does that meet the minimum standards?

MR. STRANGE: I don't believe there's any evidence that it doesn't meet the minimum standards.

MS. LUCAS-MOORE: You don't think it doesn't meet the standards?

MR. STRANGE: What I'm saying is that I don't think there's any evidence that it doesn't meet the minimum standards. And that's an important distinction because Mr. McDole is not responsible for showing that he's not meeting the standards. The county is responsible for showing that he's not meeting the standards. I'm sorry, Mr. McDole is not responsible for showing that he is meeting the standards the county is responsible for showing that he's not. The only thing the county has tried to show is that this is a temporary dwelling or temporary housing, and they haven't been able to do that either because nobody can tell us if its moveable.

MS. LUCAS-MOORE: Through the testimony code enforcement tried to go in and they could've verified this, but they were not allowed. So how do you address that?

MR. STRANGE: Well, we address it by considering the fact that Mr. Sanchez says it's not a dwelling to begin with. That's why I asked him that question and that's why he said this is not a dwelling.

MR. DAVIS: My question was just because you take wheels off of a mobile home it doesn't become a trailer. It's a mobile home without wheels. And if I take wheels off a car, it's still a car. So, what does wheels on it or not, what that have to do with anything?

MR. STRANGE: Because it's no longer transportable Sir.

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MR. DAVIS: It's not?

MR. STRANGE: How do you transport without wheels?

MR. DAVIS: A house on a truck you slide the rails under it, and you drive it off, it's still a house. You transport it on a lift and put wheels back on. It doesn't change it from being a mobile home with pull outs on it that are pulled out. It's still, you can see it's a mobile home. It's designed and sold as a mobile home I believe.

MR. STRANGE: Then if it's sold as a mobile home then what's wrong with having it there?

CHAIR TURNER: This is not sold as a mobile home; this was sold as a camper.

MR. STRANGE: I was just answering his question. If it's sold as a mobile home...

MR. DAVIS: Then you'd have something to say if it is one, but if it's not one and sold as a camper, it's still as a motor vehicle, right? So, a motor vehicle type, not a camper type. It's not sold as a, DMV will allow a tag on it?

MR. STRANGE: Even a manufactured home or a mobile home is sold with a DMV tag on it. It has a vin number.

MR. DAVIS: But can you move them or not move them?

MR. STRANGE: Right and that's the...

CHAIR TURNER: I don't mean any offenses, the semantics. You could take this and set it somewhere and take the wheels off. In my mind, that doesn't really change anything because you could take the wheels back and put them back on. I'm sure it's tied to the ground because if it's sitting in the same location, with the hurricanes we've had we don't want it to blow away. It's been proven that it's been connected to utilities for more than 30 days.

MR. STRANGE: Sure.

CHAIR TURNER: Ok, and the definition that you keep referring to is dwelling also refers to any structure. It could be deemed a structure.

MR. STRANGE: But that's not what the evidence before the board is. Specifically, Mr. Sanchez said it is not a dwelling. And I understand what you mean Sir, you're saying that that's semantics. But under the law, words have many important meanings, that's why they have a definition section in the code.

CHAIR TURNER: But we keep emphasizing that the inspector has said it's not a dwelling. But a dwelling is not a finite definition of what this could be. They using the term any structure, this could be deemed a structure. The question at hand is is there someone living in it? We have evidence presented so far from the neighbor that someone has been living in it consistently. And as we continue to talk this course, we're kinda beating over here, the question is is he living in it? That's the question.

MR. STRANGE: So that's the big question that you want answered?

CHAIR TURNER: I'd like to know if Mr. MacLeod lives in the mobile home? Or whatever you're going to call it.

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MR. STRANGE: I understand.

MR. LONG: We already have the answer to that question, on page 4 here, it says staff's decision, in writing, the recreational trailer, meets the definition of temporary housing. They're not calling it a dwelling. Right here in writing they're saying it's a recreational trailer. And it doesn't matter some of the other things that you were arguing if it's a recreational trailer. It's not a dwelling and recreational temporary recreational housing is not standard housing for a dwelling occupied for human habitation.

MR. STRANGE: Sir can I ask you which page or what you're reading. I'm sorry. I wasn't provided any copies of anything.

CHAIR TURNER: The staff decision was is that the recreational trailer meets the definition of temporary housing. Temporary housing is not standard housing for a dwelling occupied by human habitation. And they used the term, not in this, but they're talking about for 30 days or more. Could we ask Mr. MacLeod to allow me to swear him in and tell me that he does or doesn't live in the trailer?

MR. STRANGE: Sure, that's fine. If I could just address that before we question. The purpose of this board is for the board to make a determination as to whether or not the county has shown it's, met its burden of proof of showing the violation of the ordinance. I understand what you're saying we can read a document that says that code enforcement has found it to be temporary trailer.

MR. LONG: You were making an argument about the fact that he is not letting it out or renting it out, therefore he's not in violation. But that's in the dwelling section. They're saying, staff, they're saying it's a recreational trailer so that is not even part of the argument if that's the case, correct?

MR. STRANGE: Understood. But it can only be a recreational trailer if its movable. Because the definition says that temporary housing must be movable, not designed to be moveable. I'm going to call Mr. Patrick McDole who is the owner of the property first.

Chair Turner swore in Mr. Patrick McDole

CHAIR TURNER: And you're Patrick McDole and you own the property and the camper and the two acres and that's yours.

MR. MCDOLE: I am that property owner of 2340 John Hall Road.

CHAIR TURNER: There's been an issue with this white truck. Is that your white truck or is that his?

MR. MCDOLE: The relevancy of the truck?

CHAIR TURNER: There may not be any relevancy in the truck, but it keeps coming up and people keep talking about it. So, do you own the truck?

MR. MCDOLE: Sir I do not own the truck.

CHAIR TURNER: So, it's someone else's truck?

MR. MCDOLE: Yes.

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CHAIR TURNER: Ok. Go ahead and tell us your case.

MR. STRANGE: Now Mr. McDole could you state your name for the court please.

MR. MCDOLE: Patrick Howard McDole.

MR. STRANGE: And Mr. McDole what do you do for a living?

MR. MCDOLE: I retired military.

MR. STRANGE: How long have you lived at the property in question Mr. McDole?

MR. MCDOLE: Twenty years.

MR. STRANGE: Last year around September, I believe Mr. Sanchez said, did you receive notice of a violation from the county concerning the county code or ordinances?

MR. MCDOLE: I believe that's when it was.

MR. STRANGE: And did you receive a written copy of that report.

MR. MCDOLE: In September?

MR. STRANGE: Did you receive a written notice of a violation from the county?

MR. MCDOLE: Yes.

MR. STRANGE: I'll hand Mr. McDole what will be listed as movant exhibit 1(Complaint and Notice of Hearing). Mr. McDole could you tell us what this is?

MR. MCDOLE: This is a violation for compliance with Cumberland County, Article 4, minimum housing code.

MR. STRANGE: And can you take a look at the second page of that, down at the bottom, and tell us what it says your violations were?

MR. MCDOLE: Says first violation you are allowing a recreational vehicle or camper on the property to be used for human habitation. Number two section 4-71, no person shall occupy or use as a human habitation or outbuilding or appurtenance designed to be transportable be occupied for more than 30 days. You must disconnect and vacate camper.

MR. STRANGE: Was there a hearing called on that notice of violation?

MR. MCDOLE: No Sir, I never attended a hearing.

MR. STRANGE: Did you receive some paperwork from the county saying that there had been a hearing?

MR. MCDOLE: Yes, Sir I did.

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CHAIR TURNER: Just to clarify that, you were saying you were not invited to a hearing? Is that what you're saying?

MR. MCDOLE: I was never invited to a hearing, and I never attended a hearing.

CHAIR TURNER: Ok. So, you received no information that there would be a hearing?

MR. MCDOLE: No Sir I did not.

CHAIR TURNER: Ok.

MR. STRANGE: Did you attend a hearing with the county?

MR. MCDOLE: No Sir I did not.

MR. STRANGE: Did you meet with Mr. Sanchez within a few days after that, did he come out to the property to inspect the property?

MR. MCDOLE: He was invited to come out on October 30th for a follow up, which he never appeared.

MR. STRANGE: Why did you invite him out Mr. McDole?

MR. MCDOLE: To show him that I had taken steps to correct what they list as violations.

MR. STRANGE: And what did Mr. Sanchez tell you that you needed to do?

MR. MCDOLE: He said simply disconnect the sewer line and only reconnect it if you're going to use it.

MR. STRANGE: Did you disconnect the sewer?

MR. MCDOLE: Yes, Sir I did.

MR. STRANGE: Did you only reconnect it if you needed to use it?

MR. MCDOLE: Yes Sir.

MR. STRANGE: Do you know Mr. MacLeod?

MR. MCDOLE: I do.

MR. STRANGE: How do you know Mr. MacLeod?

MR. MCDOLE: He's a fellow retired soldier.

MR. STRANGE: Does he live in the trailer or the building or whatever we're going to call it?

MR. MCDOLE: No Sir he does not.

MR. STRANGE: Where does he live?

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MR. MCDOLE: He lives in my house or at his girlfriend's house. And I believe you have a notarized letter to submit.

MR. STRANGE: This is movant Exhibit 2 (Notarized Letter). What is this Mr. McDole?

MR. MCDOLE: This is a notarized letter from Angela Pitchford stating her attestation to the fact regarding the number of nights a month Robert Macleod spends at her residence.

MR. STRANGE: How many nights does she say with her?

MR. MCDOLE: Since the onset of their relationship, he spends at least 17 nights per month at her Haymount home.

MR. STRANGE: Do you know where he spends the rest of those nights?

MR. MCDOLE: No. Sometimes at my house. Otherwise, I don't track him.

MR. STRANGE: Does Mr. MacLeod receive mail at your house?

MR. MCDOLE: On my address, yes.

MR. STRANGE: Thank you. Did you take some pictures of the outside of this in preparation for this hearing?

MR. MCDOLE: I did.

MR. STRANGE: Going to hand you what I'll mark as movant Exhibit 3. Mr. McDole what are these pictures of?

MR. MCDOLE: The first picture is a picture of the certified weight.

MR. STRANGE: And how much does it weigh?

MR. MCDOLE: 6,223 kg or 13,720 lbs. dry.

MR. STRANGE: What are the other pictures of?

MR. MCDOLE: The second picture is showing the pinning or anchor to the ground. The third picture is showing a second point of attachment to the ground. The next picture is showing another attachment to the ground. The next picture is a picture of the electrical utility connected. And the last picture is of the sewer being used.

MR. STRANGE: Are you letting Mr. MacLeod use this as a habitation?

MR. MCDOLE: No.

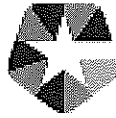
MR. STRANGE: Mr. McDole did you have any conversations with Mr. Sanchez during the course of this investigation in preparation for this appeal?

MR. MCDOLE: I have.

MR. STRANGE: What were the topics of those discussions?

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MR. MCDOLE: How to come into or stop the complaint or the case. And the immense number of times that he was receiving phone calls from Mrs. Fuse to the point where he felt very irritated and harassed.

MR. STRANGE: Did he indicate that he was forced to build a violation against you?

MR. MCDOLE: Yes.

MR. STRANGE: Thank you. Nothing further.

DAVID MOON: Mr. McDole you said you had a certificate to the weight of the vehicle, who certified that? What organization agency is that certificate from?

MR. MCDOLE: I would imagine the manufacturer.

DAVID MOON: Is there any certification that you have that's required by the federal highway administration or department of transportation to have a camper for it to travel on any road in North Carolina?

MR. MCDOLE: I don't understand the question.

MR. MOON: The camper has to be designed to travel along public roadways. It has to meet a certain standard. It can't be 15 feet wide for example. Is the trailer certified to travel on the roads of North Carolina?

MR. MCDOLE: Not at this time.

DAVID MOON: Was the manufacturer required who designed that so that he could meet federal highway administration and department of transportation requirements?

MR. MCDOLE: I'm not qualified to answer that.

DAVID MOON: Ok do you have a building permit issued by Cumberland County?

MR. STRANGE: Objection to the relevance. Outside of the scope of the violation.

CHAIR TURNER: Could we just clarify something to simplify it? The weight that we are getting is a fact from you. Is this the weight that this camper was built originally, or have you done something to make it heavier?

MR. MCDOLE: The dry weight that's indicated means there's no rodding or dishes.

CHAIR TURNER: The indication of the numbers you gave us of certainly a heavy camper, but this is the way the manufacturer built it, you didn't add anything to increase the weight?

MR. MCDOLE: I've not built an addition to it, no.

CHAIR TURNER: I'm just trying to be sure that...

MR. STRANGE: Mr. Dole is that the manufacturer's weight or was that a modified weight?

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MR. MCDOLE: That's the manufacturer's weight.

CHAIR TURNER: Ok so the manufacturer, who built it, built it at this weight with the intention of it being a camper. That you would take down the road. I think that clears up all the questions.

MR. MCDOLE: I don't think I'm qualified to answer that Sir.

CHAIR TURNER: May not, me either probably. But we haven't done anything to increase the weight that would stop it from being towed, other than tie it to the ground.

MR. MCDOLE: There's water tanks that you fill. That increases the weight.

CHAIR TURNER: Is there a weight limit that you can't go over?

MR. MCDOLE: No.

CHAIR TURNER: Ok. Thank you, Sir.

DAVID MOON: Mr. McDole you observe the presentation that was submitted by county staff this evening, correct?

MR. MCDOLE: I did.

DAVID MOON: And you received notice of the violations from the county Code Enforcement Department, correct? And one of those was in reference to noncompliance with the minimum housing code and as presented this evening, it made reference to the trailer not meeting the electrical standards, space requirements, exit standards or other as otherwise addressed in the inspector's report.

MR. MCDOLE: Those were never addressed to me Sir.

DAVID MOON: Do you have an electrical permit or any permit from the state or county agency for the connection of the camper to the septic system, to the house electrical system or to the water system by garden hose?

MR. STRANGE: I would just object to line of questioning. There has been no evidence from the county in regards to any electrical permitting, space code or any other violation, in those standards violations listed that were presented by the county in regards to this appeal today.

CHAIR TURNER: I can accept that but to clarify, the camper is pulled in, it's been hooked to an existing septic system, it's been hooked to an existing water supply, and you have found somehow whether an electrician did it or you did it to tie the electrics to it from your house right? That's what we've seen.

MR. MCDOLE: On a temporary basis.

CHAIR TURNER: Temporarily.

MR. MCDOLE: On a temporary basis Sir.

CHAIR TURNER: What do you use the camper for? It looks like its...

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MR. MCDOLE: Religious services and religious sanctuary.

CHAIR TURNER: Ok. So, you've deemed it a church?

MR. MCDOLE: No, I have not Sir.

CHAIR TURNER: Ok.

MS. LUCAS-MOORE: What do you consider temporary?

MR. MCDOLE: What is the definition of temporary by the county?

MS. LUCAS-MOORE: So, has this unit been hooked up more than 30 days?

MR. MCDOLE: 30 days? I don't understand your question Ma'am.

MS. LUCAS-MOORE: The power, the water, connected to the sewage, has it been more than 30 days?

MR. MCDOLE: Do you mean continuously? Or

MS. LUCAS-MOORE: Correct.

MR. MCDOLE: No.

MR. DAVIS: Does he have a copy of this?

CHAIR TURNER: You can ask him.

MR. DAVIS: Was this material sent to him?

MR. HASTY: Could be. Just verify what you're showing.

MR. DAVIS: I'm showing Cumberland County Complaint and Notice of Hearing Before the Housing Inspector dated October 6, 2020.

MR. STRANGE: Yes, I believe that's what we just passed around.

MR. DAVIS: So, he did receive that?

MR. STRANGE: Yes, that was exhibit 1.

MR. DAVIS: So, he did receive that?

MR. STRANGE: Yes Sir.

MR. DAVIS: I'm thinking he didn't recall because this says number 1, 10/5 the property located at 2340 John Hall Road was inspected for compliance with Cumberland County Article IV, Minimum Housing Code. We talking about minimum housing code. Number 2, You are hereby notified that the dwelling located at the place designated above

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appears to be substandard as defined by Cumberland County Code, Article IV, Minimum Housing Code. The enclosed report of inspection indicates the items which appear to be violated. And he keeps saying that he didn't know anything about this. He don't, you don't know if it's a dwelling or not. You don't know a hearing was scheduled or not. Because it say a hearing had to be scheduled before the hearing department room 101, Gillespie on October 29th at 9:00. But he got this. I just got my cataracts removed and I can read this. And if I get this,

CHAIR TURNER: Does Mr. McDole acknowledge that he received this?

MR. DAVIS: Yes. His answers are different.

MR. MCDOLE: I don't understand. What clarification do you need?

MR. DAVIS: When you said you never knew anything about a hearing.

MR. MCDOLE: A hearing.

MR. DAVIS: It says right here a hearing was held, a hearing.

MR. MCDOLE: It says hearing.

MR. DAVIS: You said you didn't know anything about it.

MR. MCDOLE: No Sir I said, no hearing was held.

MR. DAVIS: You said you didn't attend one.

MR. MCDOLE: I did not attend a hearing.

MR. DAVIS: A hearing was held but if you're not there, you don't know if it was held or not because you weren't there, right?

CHAIR TURNER: What I think he's saying that he did not attend a hearing if a hearing was held.

MR. DAVIS: Right. And here it says that this material here was attached too. It says the that the county's opinion of the things we found wrong. And you said they didn't anything about what was found wrong except one thing, which you said was disconnect the sewage.

CHAIR TURNER: Let's get back to the beginning instead of that. We need to be asking questions that we can understand. You have said that the inspector had complained to you about the neighbor?

MR. MCDOLE: Yes.

CHAIR TURNER: He's right there, you know right?

MR. MCDOLE: I'll look him in the eye and tell him Sir.

CHAIR TURNER: Ok. We're going to ask him in just a minute. Everybody's sworn so we hope we get the truth.

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MR. DAVIS: Is this like a legal hearing? Like a legal court, a real court?

MR. STRANGE: It is Sir.

MR. DAVIS: If you're the attorney you ask him to give you hear say information when the person is here. So how can you ask, I thought it was kinda informal the way you were asking them questions about what other people said when the other person was there. Like you said, if it's not hear say and they bound to tell the truth then we don't take deposition from a person that can speak for themselves, right?

CHAIR TURNER: Well, he's allowed to speak for himself because he signed up to speak for himself. We have the ability to ask him questions with his attorney here and we expect him to answer those questions. We expect him to be truthful. But we are not a court of law.

MR. STRANGE: I believe his question is in regards to hear say testimony. I think what he's trying to say is why didn't I ask these questions of Mr. Sanchez; I think is where you were trying to go with that. Well, why am I asking Mr. McDole what did Mr. Sanchez say? I would just allow the more to know, that that is not hear say testimony when Mr. Sanchez is here to testify. And I believe your honor stated that he intended to recall Mr. Sanchez as a witness. So, it would not be hear say.

CHAIR TURNER: What we want to see here, hear everybody's side so we can make a reasonable decision. Mr. McDole has basically made accusations and we'd like for the inspector to verify that. Not for any special reason, but I'm not sure where that even leads us to. The question at hand here is, I think in my mind is, where does Mr. MacLeod live? Apparently, his residence is somewhere between his girlfriend and your house. Wherever he chooses at that point, which is fine, that's his business. And he gets mail at your house. Wonder if he gets mail at his girlfriend's house. He's not sworn so I can't ask him. There's a lot of vague questions here but we can't really get an answer to. Did you want to add anything before?

MR. DAVIS: The mobile home, the trailer, the camper whatever you want to call it. Is it livable? In other words, is it hooked up, in other words, could a person go in there and stay, live? In other words, is it in storage? Can you have a camper and you put it here and you park it and you're not going to be using it...

CHAIR TURNER: The question that he's asking is this, If I drove out to your house tonight, could I walk in the camper and turn on the lights and use the water and that sort of thing? Or is it disconnected from all of that?

MR. MCDOLE: Sir if I recall, its disconnected to my knowledge. I could connect it if you like.

CHAIR TURNER: Ok, thank you Sir. You want to add anything at this minute?

MR. MCDOLE: No.

CHAIR TURNER: Did you want to speak Sir?

Chair Turner swore in Mr. MacLeod

CHAIR TURNER: And your Mr. MacLeod? Robert MacLeod.

MR. MACLEOD: Yes.

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CHAIR TURNER: Ok, tell us your story.

MR. MACLEOD: Judge to clarify the hearing that was supposedly held on October 1st, Mr. McDole didn't receive a letter. Mr. McDole did come to this meeting, and he spoke to Mr. Sanchez, I was with him. There was no hearing held, there was no hearing held. It was a conversation between Mr. Sanchez and Mr. McDole. That is not a board.

CHAIR TURNER: I don't think there was an intent for there to be a board.

MR. MACLEOD: They said there was a hearing.

CHAIR TURNER: Well, a hearing doesn't mean there has to be a board. They can have a hearing between the two of them. But I understand what you're saying.

MR. MACLEOD: So, if somebody signs a letter saying that he was there present in the hearing then would that, Scott, signed the letter saying he was there at the hearing that Mr. McDole attended.

CHAIR TURNER: All I'm saying is there doesn't have to be a board for there to be a hearing. If he had came and spoke with the inspector, then a hearing, so there was a hearing. We're back to semantics. Go ahead and add what you have Sir.

MR. STRANGE: Mr. MacLeod are you residing, and we're just going to call it a trailer to keep it, are you residing inside the trailer?

MR. MACLEOD: I don't reside in the trailer. So, what you don't see is at the back door, there's an entrance to the house. I have a key to the house. I have a room in the house. I stay in the house. Back to she stated that I be camping out and so I do go in and out of it a lot. And I use it as a sanctuary. Majority of the time I stay with my girlfriend to help with expenses there. Like I said, I have a room that's in the house. I might be going down the wrong road but, the neighbors have filed complaints against us. I have plenty attorney and I just found out...

CHAIR TURNER: It's not really relevant here. What you're saying is you have a key to his house, and you have a bedroom. But you have a dog, a pet, and when you come and you stay in your room, the dog stays in the camper?

MR. MACLEOD: A lot of times.

CHAIR TURNER: Is the dog the only thing in the camper, that stays there? And he stays by himself?

MR. MACLEOD: She. I come and go, I'm entitled. I have a very flexible schedule. I use it for the religious studies and religious sanctuary.

MS. LUCAS-MOORE: I have a question. Can you answer the fact is the utilities connected, hooked up to this camper/trailer?

MR. MACLEOD: Yes.

MS. LUCAS-MOORE: It is. As of today, is it hooked up right now?

MR. MACLEOD: Yes.

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MS. LUCAS-MOORE: It is. Ok. Has it been hooked up more than 30 days?

MR. MACLEOD: Not consecutively.

CHAIR TURNER: I'm sorry, not what?

MR. MACLEOD: Not consecutively.

CHAIR TURNER: So, can you define that a little better?

MR. MACLEOD: I think what the code says is you can't reside in a temporary residence for more than 27 days out of the month. So out of a month I can not stay there 30 days consecutively. I can stay there under 30

CHAIR TURNER: So, you're saying that you may stay in the camper every once in a while with the dog. But not more than 30 days. The owner of it disconnects the water and the sewer to fall into compliance.

MR. STRANGE: Is it movable?

MR. MACLEOD: That's another thing, the definition of easily movable is defined in the regulations, I heard you all read it all, is that the dry weight be under the 3,000 lbs. I've got a single wide that was behind the and I took a picture of the tag on it, 12,000 lbs. The camper dry and I don't have a vehicle that could move that camper, if you see in the pictures, there's no license plate on that camper. It does not go on the highway. It doesn't go on the road period.

CHAIR TURNER: Is it owned by you Sir? The camper in question, do you own it?

MR. MCDOLE: Is ownership relevant Sir?

CHAIR TURNER: Its relevant in anything else we've heard today. I don't mean any disrespect.

MR. MCDOLE: The finance company owns it.

CHAIR TURNER: The finance company owns it. So, you make payments on it. Not that it matters, you can say it's yours. It's not your business. Thank you, Sir. The board would like to speak to the inspector.

DAVID MOON: Gilbert Sanchez.

CHAIR TURNER: Mr. Sanchez you've heard what they've said. That you complained about things, you want to address any of that?

GILBERT SANCHEZ: Specifically, the conversation that I had with him about the phone calls are absolutely true. I did get a lot of phone calls from Mrs. Fuse. I do get a lot of phone calls from a lot of people. That's part of my job. That's something that I did convey to him.

CHAIR TURNER: You're pretty much the ripping poach for the county.

GILBERT SANCHEZ: That's what I do, that's my job. I told him that, ok that's true, yes Sir. As far as him not having a hearing, there absolutely was a hearing. In fact, on the complaint notice of hearing it does say that a hearing will be scheduled before the hearing officer at the Department of Inspections.

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CHAIR TURNER: You were at that hearing?

GILBERT SANCHEZ: I am the hearing officer.

CHAIR TURNER: Was anyone else there?

GILBERT SANCHEZ: No, it was just myself and Mr. McDole.

CHAIR TURNER: Ok so that was the hearing you referred to?

GILBERT SANCHEZ: Yes Sir.

CHAIR TURNER: Ok.

GILBERT SANCHEZ: As far as the compliance for the mobile home it still whether we use dry weight on this thing, the mobile home does not minimum housing standards. There's been multiple

DAVID MOON: You mean camper?

GILBERT SANCHEZ: Camper. Camper, I'm sorry. RV semantics whatever you want to say. It doesn't meet the standards for minimum housing. Minimum housing the electrical standards are not up to par for standard for minimum housing. The exit standards are not, and it does not qualify as a dwelling. It does not meet the standards of a dwelling.

CHAIR TURNER: It's safe just to clarify that the structure was built as a camper and it's obviously a very nice camper. But it was not built to the standards that you build a home.

GIBERT SANCHEZ: That's what I'm trying to say. A dwelling was built to meet certain standards for temporary, for a dwelling. Standards for a dwelling. And the camper does not meet those standards.

CHAIR TURNER: I guess no camper would, is that what you're saying?

GILBERT SANCHEZ: Not to my knowledge, no. I'm not an expert on campers.

CHAIR TURNER: Anybody have any questions?

MR. STRANGE: Just a couple of quick questions. Mr. Sanchez have you inspected the electrical system?

CHAIR TURNER: Can you clarify what you mean by the electricals.

MR. STRANGE: Your Honor, he just stated that the electrical system is not up to standards. I'm just asking Mr. Sanchez if he has inspected the electrical system? That's all I'm asking.

CHAIR TURNER: I guess the question would be which part of the electricals, the line coming in or those in the camper?

MR. STRANGE: The part that he just said is not up to standards. Because he has said the whole electrical system is out of standard. So, I'm just asking has Mr. Sanchez inspected the electrical system?

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GILBERT SANCHEZ: According to the electrical standards in section 4-76 that, I can read it if you like. Every dwelling and dwelling unit shall be wired for electrical lights and convenience receptacles. Every habitable room shall contain at least two floor or wall-type electric convenience receptacles installed in accordance with the state building code. In part, the camper does not meet the electrical standard.

MR. STRANGE: Have you inspected the electrical system? I understand what the code says.

GILBERT SANCHEZ: No Sir.

MR. STRANGE: Ok, thank you. Have you inspected the plumbing system?

GILBERT SANCHEZ: No Sir.

MR. STRANGE: Have you measured the interior of the trailer?

GILBERT SANCHEZ: I've not been given the opportunity to do so.

MR. STRANGE: So, you have not done any of those things that you say fail to meet standard?

GILBERT SANCHEZ: That's correct.

MR. STRANGE: Thank you.

CHAIR TURNER: Would you be qualified to do an electrical inspection on it.

GILBERT SANCHEZ: Based on the minimum housing ordinance I'm qualified to identify up to

CHAIR TURNER: But you're not an electrical inspector?

GILBERT SANCHEZ: No Sir.

CHAIR TURNER: Nor plumbing, you're not a plumbing inspector either?

GILBERT SANCHEZ: No Sir. We don't address those in the electrical code and in the plumbing code. We look for obvious minimum housing violations.

MR. DAVIS: You're talking a violation for a dwelling, a minimum dwelling. So, in other words when you say that it does not meet in that material that was sent out it said that the door if it's going to be a dwelling, it has to be 6/9 and 36 in. wide. Mobile home places is not 6/9 and 36 in wide?

GILBERT SANCHEZ: No, its not.

CHAIR TURNER: And this is a camper.

MR. DAVIS: I'm saying that's what he had on his facts. He said it didn't show the facts. He said that the door didn't. He said if you have a dwelling, it has to have, it need to attach to a pole, not something hanging down from the wall,

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Tracy Jackson
Assistant County Manager



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right? You can see whether or not there is a meter attached to a pole or wall where electricity comes in and you got a breaker that would cut off in case of a power surge?

GILBERT SANCHEZ: Yes Sir.

MR. DAVIS: And from the pictures you showed us, it didn't show that did it? You don't have to be an electrical inspector to see that some things are not up to code. You can see it just by looking, that it's not up to code for a house.

GILBERT SANCHEZ: That's correct.

MR. DAVIS: And the same is for a sewer. If it's a dwelling you have to have a certain type certain run. But if it's a mobile home, it does not? And you can see that when a new one put on there and see the way it's attached something that's existing and not a separate run.

GIBERT SANCHEZ: I don't need to inspect septic tanks or be an environmental health expert to see that something is hooked to a septic tank.

MR. DAVIS: Some of the pictures these things are not..

GILBERT SANCHEZ: I don't need to be an electrician to see that power is being run from a camper to a box or that hose is being run from a house to a camper or RV.

CHAIR TURNER: Did you want to add anything Sir?

GILBERT SANCHEZ: No Sir.

CHAIR TURNER: No other questions?

MS. AMOS: Can you tell me are you calling this a recreational vehicle, camper, what is it that you're defining this?

GILBERT SANCHEZ: It's a recreational vehicle, it's a camper, it's a trailer, it's falls under any of those things to my knowledge.

MS. AMOS: Ok, but we're going to say recreational vehicle. Ok, there is a, from Mr. Sanchez here, it says DMV stated it is legally nonoperational. Do you know how DMV has this vehicle registered and taxed?

GILBERT SANCHEZ: I have no idea.

MS. AMOS: You have no idea? Ok. I would like to get the answer for that question if I have to ask

CHAIR TURNER: Well, if I could say and I don't know this, correct me if I'm wrong, the owner says he's making payments to a financial or I said making payments. And he said it belonged to a finance company so there's likely to be financed in the same way you'd finance a motorcycle or a boat or something like that. And there probably is a title to it.

MS. AMOS: And I wonder how they had it categorized.

CHAIR TURNER: I would expect as a camper but

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GILBERT SANCHEZ: This is just my take. If it were me and somebody sent me a notice of violation

MR. STRANGE: Objection.

GILBERT SANCHEZ: About something on my property, I think that I would do anything that I could to make sure

CHAIR TURNER: That's not relevant here. That really doesn't address anything. Mr. Attorney you want to add anything, or we can go on?

MR. STRANGE: We have nothing further. If I could just be heard for closing.

CHAIR TURNER: I'm pretty much there, let's hear it.

MR. STRANGE: Mr. Moon would have the

MR. HASTY: Typically, the

CHAIR TURNER: David you want to tell us? I don't want anybody here to think that they can't say anything so everybody's going to get a chance again to speak. We might've heard from two of the gentlemen here

DAVID MOON: Based on the evidence and testimony submitted this evening by professional code enforcement staff for the county, inspectors for the county, that there are two violations that deems of credence on this property. One that the camper which at best, temporary dwelling, temporary human occupancy that has been fronting as a permanent dwelling. Second as presented this evening, the slides and the staff report that the camper does not meet minimum housing standards for a dwelling. And the intent of the occupation of the dwelling is as a permanent dwelling thus it doesn't meet the minimum housing code for a permanent housing structure. So that information was presented to you. Some of the items related to minimum housing code such as water connection, I think it's clear it's not consistent with the code, because the code does not address a garden hose connected to a dwelling structure. So based on the exhibits presented to the Housing Appeal Board, Board of Adjustment, the staff stands by its case based on the violations issued to Mr. McDole and the information presented this evening. Thank you.

CHAIR TURNER: Any of the board members have a question of Mr. Moon? Mr. Attorney would you like to stand up?

MR. STRANGE: Thanks. I know that this is a new function of this board, that's what I understand. Is that the citing of these minimum housing cases is a new function of this board.

CHAIR TURNER: Just to clarify that, I've been on this board off and on since the early 90's and also when the city had a Board of Adjustments, which I pushed diligently and got eliminated. I'm the reason they don't have it. So, I been through a number of these before. This is new as far as these board members. We had some training and a conversation that didn't apply to this specific case for a few minutes before hand in case there were any questions.

MR. STRANGE: It's just my understanding in speaking with Mr. Hasty that this is a new function of the board, so I apologize if I misunderstood. What we are here to do as far as what's called a quasi-judicial panel. And I not going to try to get too literal here. But we are genuinely looking at here is what are called due process rights and whether or not Mr. McDole's due process rights have been afforded. You can ask Mr. Hasty, basically what that means is that

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you have to be given notice of the violation and an opportunity to be heard, Ok. And so, I have submitted to you what has been called movant Exhibit 1, and I will need to mark those again in a minute. And I believe you all already had it. But in that exhibit that was the initial notice of the violation. This is that notice that's required by due process. In that original violation it has two violations listed. The first one is not even a violation because it's not in the code. The first one says that you can't inhabit an outbuilding or appurtenant building. That's not in the code. I will submit to you that if you search the code for the word appurtenant you will find it one time. So, the first issue that we have is that when he's given a notice of a violation, the violation itself doesn't even exist, it's just kind of made up. And we come back after the fact, we come back after the fact, and we say well here are the violations. The violations that we have listed here are never alleged by the county. What these violations are are actually what Mr. McDole listed in his appeal. And it's important to understand that what Mr. McDole has to defend himself against is what he was given notice of in that initial violation. And again, I believe you all had your independent copies, but you will see what the violations there were. And so, what we have to consider here is whether or not there's been a violation of the minimum housing code. We have to figure out what part of the code applies. Did he specifically alleged to have violated section 71 by having someone live in an outbuilding or appurtenant building? There's been no evidence of an outbuilding or appurtenant building and more importantly that's not in the code. Number two, he's been alleged to have violated 4-67 which is the definition section. And this is where we start getting into the semantics of whether or not it's a dwelling, or a temporary dwelling, or a temporary whatever. Those definitions are critically important to this process because the only thing that a person, a citizen, can be found responsible for is something that they've given notice of. What I will tell you all is that the county has tried to change their wording of things and then to make Mr. McDole responsible for that. That's the problem. That's the due process that we're here to protect. Has the county done its job, that's it? Now Mr. Sanchez says this is not a dwelling. And if it's not a dwelling, what is it? Well, he says it's temporary. The definition of temporary says that it must be removable. That's in the definition, you all have that in front of you. We have evidence that there are no tires on the vehicle. It's clearly been pinned to the ground. It's immovable. It's hooked up temporarily to the utilities so that it can be used as a religious sanctuary. No one is living inside the house, or inside the trailer, or inside the camper, or whatever we want to call it. We seen somebody go in and we seen somebody come out. Mr. MacLeod is the person they say lives there. Mr. MacLeod has told you all he has a room inside the house that he stays in when he's not staying with his girlfriend. So, do we have something that's being habitated? Is it being used as a dwelling? Is it a dwelling? That's the responsibility of this board to make a determination on. Was Mr. McDole given the proper notice of a violation. I submit to you that he is not. Because the violation they've alleged is not in the code. This would be like trying to hold you accountable for a law that they made up just because they had to do something. Mr. Sanchez told you all he was getting so many phone calls. Mr. McDole told you all he told me he had to do something. What did he have to do? He had to do a violation. He comes up here and tells him unhook your hose. So, he unhooked the hose. He did what he was told to do. But this is not something that he's trying to take advantage of people. This is not something that's he's trying to take advantage of the county. This is something that is being used as a temporary respite and nothing more. And that's the purpose of this board to ask yourselves has the county done its job of providing Mr. McDole of notice of what they say that he's done wrong? Have they done it looking at the documents out in front of you? And if they haven't, then you have to find that this appeal must be granted in the movant in the request of the county and the code enforcement be denied. I really appreciate you all's time. I'm not trying to smooth talk you or anything like that, that's not what it's about. This is about protecting the very fundamental rights that makes us American citizens, requiring the government to do its job. Thank you all.

CHAIR TURNER: Ok. One of the things our board has to do is listen to long testimony and different opinions from those who come before us and then simplify it into something that's really understandable. And I don't know why I told you that, except that we've heard an awful lot tonight and we have to kind of separate what matters and what doesn't. Marva and I are in the real estate business, and we get a lot of phone calls so what's the, I don't think the phone call issue means anything to me. There was a lot of stuff that was said tonight that don't mean anything to me. Does the board got any questions of anyone here, the owner?

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MR. DAVIS: I have a question.

CHAIR TURNER: Who are you directing the question to?

MR. DAVIS: To anyone who has an answer.

CHAIR TURNER: Anyone as far as either side?

MR. DAVIS: Any witness or anyone who said anything tonight who feel like they know the answer to this. We keep saying words matter. And then we keep saying what someone says and then we say look at the documents. When people ask questions when they testify, when they speak before people, they say different words. They say trailer, they say vehicle, they say house they say dwelling. But when a paper was sent out, I believe that's what you go by. When you taking in information. And when I read this, it says dwelling, it's sent from his office. So, if he say its not a dwelling it was asked was it a trailer, was it a house, was somebody living in it. And then he said well it's not a dwelling. I think he meant it was not a house. It's not a house of lack of a minimum house, I think is what he meant because the paperwork everything he said said this, and it listed the offenses. So, it's not whether he said the offenses, it's on here what the violations were. So, the violations were listed. So, he couldn't say they were listed they didn't tell you. So, what I'm thinking so I can read. I think when you get this information, I'm supposed to take that I read, not what someone said unless they say the words on the paper don't meet

CHAIR TURNER: What is the question you're asking them?

MR. DAVIS: The question is when you sum up information and you say certain things, do what you say override what's written on the paper?

CHAIR TURNER: Well, I don't know that we have an answer to that or if somebody would like to answer it. But I think it's been acknowledged by both parties that this document was sent out. This document specifies everything that you've just said, and he said he got it. And we all acknowledge that he got it. And he said there was a hearing that there wasn't a hearing. But the hearing was held, and you had the hearing with him. This is where the semantics come in.

MR. DAVIS: When he summed it up, he said will not dwell

CHAIR TURNER: The term dwelling is used in general terms. And it also is used, if you'll read this, it actually says it doesn't really matter if it's occupied if it's held out for use of occupancy. Which means its set up whether you do it or not. Go head Sir.

MR. STRANGE: And what I would say to you is this, is that ultimately, as what we would call the trio fact, which is what you all are, each one of you is a member of the trio fact. It is ultimately up to you to make the decision what is more important to you as an individual. Whether it's the written document or the testimony that was in court. But what I would submit in this hearing, what I would submit to you though is that it's important to look at the whole document. And to look at the specific violations that are listed at the end of that document. And those violations are not actually in the code. And that's what's important here is that they weren't given notice of a violation that's actually in the code. So, if we all admit that they received that, that Mr. McDole received that document then we have to say that this document is true. Then we have to look at what violations he was given and compare that to the code and see that it's not in the code. And if it's not in the code then it can't be something he's held accountable for.

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CHAIR TURNER: I'm not sure that this board is here to do that. What we're here to determine is is there some fundamental reason why the county inspector was in error when he did what he did based on his determination.

MS. LUCAS-MOORE: I have a question this is probably for someone with the county. As far as hooking up water, power, or even to the septic tank, if its temporary are permits required?

DAVID MOON: I would ask our Code Enforcement Manager to address that question, Scott.

CHAIR TURNER: Do we need permits to hook this up temporarily? And what is classed as temporary?

SCOTT WALTERS: Well, if you're going by the definition that's in the minimum housing ordinance then 30 days is the magic number but no it wouldn't be required to have permits. So, if I have an RV, which I do, and it sits in my front yard, which it does, and at times I hook things up to it, power and some water at times then I can do that, and I'm allowed to do that. And there's no permit required to do that. But the continuance of that pass that period of 30 days is where we come into to a problem. Obviously, they're stating that you're not allowed to have somebody living in it throughout a period longer than 30 days. Because then it becomes a permanent structure by the definition that's written in the minimum housing code. So, I think that's where we're at with this case.

CHAIR TURNER: So, the answer there is that no permit was needed to hook it up temporarily. Would you like to address that Mr. Attorney?

MR. STRANGE: No, I think that that's what the law says.

CHAIR TURNER: Ok. Thank you.

MS. LUCAS-MOORE: So, if there's a break in the 30 days, I hook it up for 17 days and I take a break for 3 days and I turn and hook it back up that's still not considered temporary?

SCOTT WALTERS: What I would say is I don't believe that definition as its written is very descriptive in that manner. So, it could be argued that if it was disconnected for periods of time that it would be viewed as temporary beyond that.

MS. LUCAS-MOORE: Thank you.

CHAIR TURNER: Mr. McDole she has a question if you could come up to the mic. Thank you, Sir you're still sworn in.

MR. MCDOLE: Yes Sir.

MS. AMOS: Mr. McDole you stated that you use the camper for church services.

MR. MCDOLE: No Ma'am I did not.

MS. AMOS: Oh, ok I thought you said you use it for religious services.

MR. MCDOLE: I said religious readings.

MS. AMOS: Oh, religious readings. Can you tell me what that is, the religious readings?

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MR. MCDOLE: No Ma'am I don't desire to.

MS. AMOS: Oh ok.

CHAIR TURNER: Thank you Sir. Anybody else have anything? One last chance, you want to add something. If there is nothing else, everybody's done. I just closed the public hearing, and we'll open it for discussion.

Chair turner closed public comments

CHAIR TURNER: What do you think Sir?

MR. DAVIS: What do I think in regards to...

CHAIR TURNER: Well, the question here is should we modify this? Should we accept what the inspector has said? Or should we overturn it? How should we address this? Did you find any errors in any of this?

MR. DAVIS: I didn't find any errors in what was, I didn't take in any information that would draw me to a conclusion different than was made.

CHAIR TURNER: What the inspector had?

MR. DAVIS: Right.

CHAIR TURNER: So, you're basically saying you're in favor of upholding?

MR. DAVIS: Yes.

CHAIR TURNER: How about you, what do you think?

MR. LONG: I'm in favor of upholding as well. I think clearly this thing has pictures of brake lights, turn signals, it has axles. You don't weigh a house. It's plugged in. You don't plug the power into your house with an electrical cord. To me, that meets every definition of designed to be transportable. So, for me, the only question is does he live there? He's admitted that he sleeps there up to 27 days. He's in and out

CHAIR TURNER: 17 days.

MR. LONG: 17 days, I apologize. And it sounds like because there is electrical and because there is water, and because it is connected to the sewer, he's using the sink, going to the bathroom, using the lights, using all those things he's treating it just like I would a room in my house. I could almost by this definition say I don't live in my bedroom if I sleep on the couch a couple nights a week. Or I have to travel for work. I could say I don't live there by that definition. But I clearly live there. He's in my opinion, treating it as a livingness house and on my opinion, I would uphold the staff's conclusion.

CHAIR TURNER: Marva.

MS. LUCAS-MOORE: I agree. I uphold the staff's decision. I just believe based on the statue it looks like it does not meet the minimum housing code.

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MS. AMOS: I uphold it also.

CHAIR TURNER: One of the things that I had noticed is that if you read 4-71 it doesn't actually say it has to have human habitation but that it is actually held out as human habitation. Which means you don't have to go in, but it's set up to make use for that. That's how I determined that. So, is there a motion on the floor?

Mr. Long made a motion to uphold staff's decision. Ms. Amos seconded the motion. Motion passed unanimously.

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

11. DISCUSSION/UPDATE(S)

There were none

Ms. Marva Lucas-Moore made a motion to adjourn. Chair Turner seconded the motion. The motion passed unanimously.

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

Meeting adjourned at 8:14pm.

Nikia Charles, Senior Admin. Support Spec.

George Turner, Chairman

Amy H. Cannon
County Manager

Tracy Jackson
Assistant County Manager



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Planning & Inspections Department

Due to the volume of exhibits, they were not included in the packets. The exhibits are available upon request at the Current Planning Office, located at 130 Gillespie Street, room 103, Fayetteville, NC.



CUMBERLAND COUNTY

NORTH CAROLINA

PLANNING & INSPECTIONS

PLANNING STAFF REPORT
SPECIAL USE CASE # BOA-21-0002
Board of Adjustment Meeting: Oct. 21, 2021

Location: 1509 Zinnia Court
Jurisdiction: County-Unincorporated

EXPLANATION OF THE REQUEST

Special Use – Club/Lodge in an RR District

Property Owner requests the BOA grant a Special Use Permit for a club or lodge on property zoned RR Rural Residential District, located at 1509 Zinnia Court.

A club or lodge within a RR zoning district must obtain a Special Use approval from the Board of Adjustment, per Section 403, County Zoning Code, as shown in Exhibit "B". A club or lodge within a RR district must comply with the development standards and requirements set forth in Section 905 of the Zoning Code, including submittal of a site plan. Refer to Exhibit "C" for the development standards and requirements set forth in Section 905. The applicant's proposed special use site plan appears in Exhibit "D".

- Exhibits**
- A. Site Location/Zoning
 - B. Use Matrix, Sec. 403, Zoning Code
 - C. Section 905, Clubs/Lodges
 - D. Special Use Site Plan
 - E. Existing and Adjacent Uses
 - F. Soil and Utilities
 - G. South Central Land Use Plan
 - H. Special Use Permit
 - I. Sec. 1606 Applicant Response and application
- Attachment: mailing list

A letter explaining this request is provided with the application and addressed in the proposed Special Use Permit. Refer to the exhibits for this information.

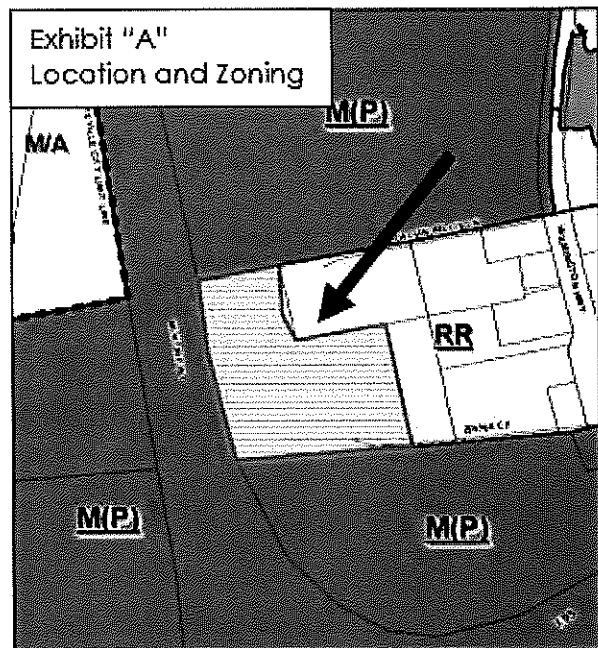
PROPERTY INFORMATION

OWNER/APPLICANT: The Special Forces Association Chapter 1-XVIII (owner).

ADDRESS/LOCATION: Located at 1509 Zinnia Court Refer to Exhibit "A", Site Location. The site is approximately 420 feet east of the Fayetteville Regional Airport. REID number: 0444293182000.

SIZE: 19.49 +/- acres within one parcel. the property has approximately 1,030 +/- feet of street frontage along the east side of MLK Jr Fwy. However, the property takes its access from Zinnia Ct to Wilmington Hwy. The property has a depth of about 1,000 feet.

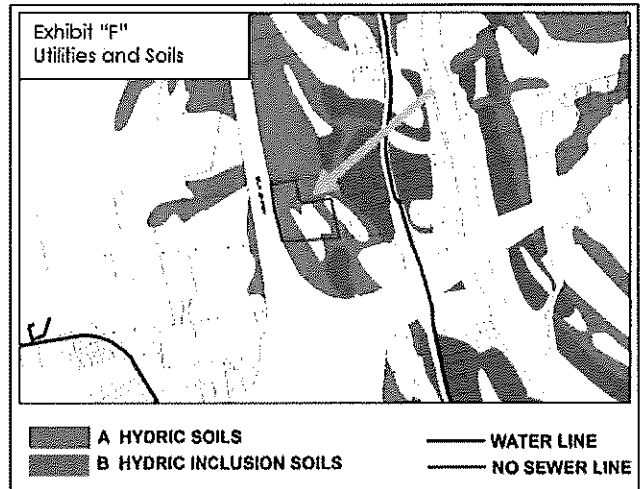
EXISTING ZONING: The property is zoned RR Rural Residential District which is a district for traditional rural use with lots of 20,000 square feet or above. The principal use of the land is for suburban density residential, including manufactured housing units, and agricultural purposes.



EXISTING LAND USE: The parcel is occupied by a manufactured home with a large barn as an accessory structure. residence. Exhibit "B" shows the existing use of the subject property.

SURROUNDING LAND USE: Exhibit "B" illustrates the following:

- North:** Single-family residences on property zoned RR. There is also a 104-acre lot that is mostly vacant, except for three residences along Wilmington Hwy zoned M(P).
- East:** The property abutting to the east is under the same ownership of the subject site. It is vacant and similarly zoned RR. The remainder of the adjacent properties are residential in use and zoned RR.
- West:** The subject site is abutted by over 400 ft of MLK Jr Fwy right-of-way to the west.
- South:** Directly south is a 39.84-acre vacant parcel under the same ownership as the subject site zoned M(P).

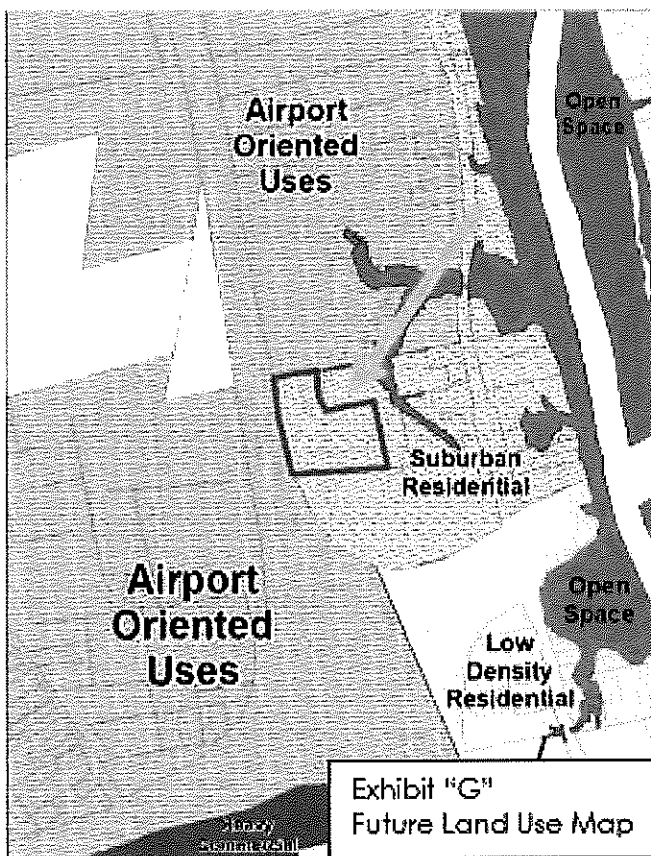


OTHER SITE CHARACTERISTICS: The property is not located within a 100-Year Flood Zone nor situated within a watershed. There are hydric soils and hydric inclusion soils present on the property, as shown in Exhibit "F".

DEVELOPMENT REVIEW: The subject property is platted; Plat Book 137, Page. 10. Staff had met with the applicant and detailed the need to upgrade existing structures to be in compliance with the commercial building code.

MINIMUM YARD SETBACKS: The applicant is requesting to use the existing structures for the club/lodge. The existing structure meet the district setback requirements.

COMPREHENSIVE PLANS: The South Central Land Use Plan (2015) designates this area as Suburban Residential. The residential development goal within the South Central Land Use Plan is to "provide a complete range of residential housing types that accommodates the needs of all residents with adequate infrastructure while preserving the character of the area and protect the environmentally sensitive areas." The Land Use designations are illustrated in Exhibit "G". **The request is not consistent with the Southeast Cumberland Land Use Plan.**



IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

TRAFFIC: The subject property sits on Zinnia Court and is identified as an existing local road 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, there is no AADT or road capacity data for Zinnia Court. However, nearby Wilmington HWY has a 2019 AADT of 2,200 (North of Suggs Dr) and road capacity of 15,100. Due to the small size of the development and lack of data on Zinnia Court, a trip generation is not needed at this time. The new development will not generate enough traffic to significantly impact the road.

UTILITIES: Water utility lines are located 1,100 feet to the east along Wilmington Hwy. Sewer utility lines are not available, as illustrated by Exhibit "F".

EMERGENCY SERVICES: Per the Fire Marshal's Office, the roadway will need to be upgraded to ensure fire department access requirements are met in accordance with section 503 of the 2018 NC fire code. A change of occupancy will be required. The Applicant must submit building plans to-scale for any existing building(s) showing renovations/modifications or any new construction that are required by code.

SPECIAL DISTRICTS: The subject property is not located within five miles of Fort Bragg Military base but is located within the Fayetteville Regional Airport Overlay District. Staff has reached out for comments from the Director of the Fayetteville Regional Airport and has received none.

Applicable Codes

Use and development of the subject site must occur consistent with Section 905 of the Zoning Code, Case BOA-21-0002 Site Plan (Exhibit "D"), and Special Use Conditions (Exhibit "H").

Applicant has submitted the following to demonstrate compliance with Section 905: special use site plan.

FINDINGS OF FACT

The proposed Special Use Permit is provided in Exhibit "H".

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

1. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended.
2. The use meets all required conditions and specifications.
3. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and
4. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and is in general conformity with the Cumberland County's most recent Comprehensive Land Use Plan.

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

MOTION

The BOA is requested to take action/motion based on the findings of fact, as supported by the Special Use Site Plan (Exhibit "D") and Special Use Condition (Exhibit "H"). Any motion to approve the special use includes approval of the Special Use Permit conditions and the Special Use Site Plan.

Attachments:
Notification Mailing List

EXHIBIT "B" USE MATRIX

SECTION 403 USE MATRIX

CUMBERLAND COUNTY ZONING ORDINANCE

P = PERMITTED USE

S = SPECIAL USE (Sec. 1606 Board of Adjustment)

Z = CONDITIONAL ZONING (Article V – County BOC)

LAND USES	ZONING CLASSIFICATIONS																						
	CD	AL	ALA	RAO	RMA	RBO	R3BA	RR	R2D	R2DA	R1S	R7.5	R6	R6A	R6	R5	R5A	OSM(P)	CI(P)	CI(P)	CI(P)	CI(P)	M(P)
CLUB OR LODGE (Sec. 905), except as regulated by Sec. 924		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P
CONVENIENCE CONTAINER AND RECYCLING FACILITY (Sec. 905.1)		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P
CONVENIENCE RETAIL W/ GASOLINE SALES, including drive thru motor vehicle washing (Sec. 916)		P																					P
COTTON GIN (Sec. 916)		P	P																				P
CREMATORIUM																							P
DAY CARE FACILITY (Sec. 906)		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P
DETENTION FACILITIES/PRISONS (Sec. 907)		Z	Z																				Z
DISTILLERY, small																							P
DRY CLEANING AND LAUNDRY COLLECTION, no cleaning on premises except in conjunction with service counter, provided not more than 2500 square feet are devoted to these processes																							P
DRY CLEANING/LAUNDRY, self service																							P
DRY CLEANING OR LAUNDRY, commercial																							P
DWELLING, SINGLE & MULTIPLE FAMILY		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
EXTERMINATING SERVICES																							P
EQUESTRIAN FACILITIES		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
FARM SUPPLIES MERCHANDISING & MACHINERY SALES/SERVICING (Sec. 916)		P																					P
FIRE STATION OPERATIONS/EMERGENCY SERVICES (Sec. 916)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
FIRING RANGE, OUTDOOR (Sec. 907.1)		Z																					Z
FISH HATCHERY (Sec. 916)		P	P																				P
FLOWER SHOP																							P
FOOD PROCESSING																							P
FOOD PRODUCTION, with on premises retail sales of product																							P
FOOD PRODUCTION/WHOLESALE SALES																							P
FOOD SALES/GROCERY STORES (Sec. 916)		P																					P
FUNERAL HOME, incl. incidental crematorium		P																					P
GOLF COURSES (Sec. 908)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
GROUP HOME, six or less clients (Sec. 909)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
GROUP QUARTERS (Sec. 910)		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
HARDWARE, PAINT & GARDEN SUPPLY SALES																							P
HAZARDOUS WASTE STORAGE/DISPOSAL FACILITY (Sec. 911)																							P
HOME FURNISHING AND APPLIANCE SALES																							P

¹Only in approved industrial parks

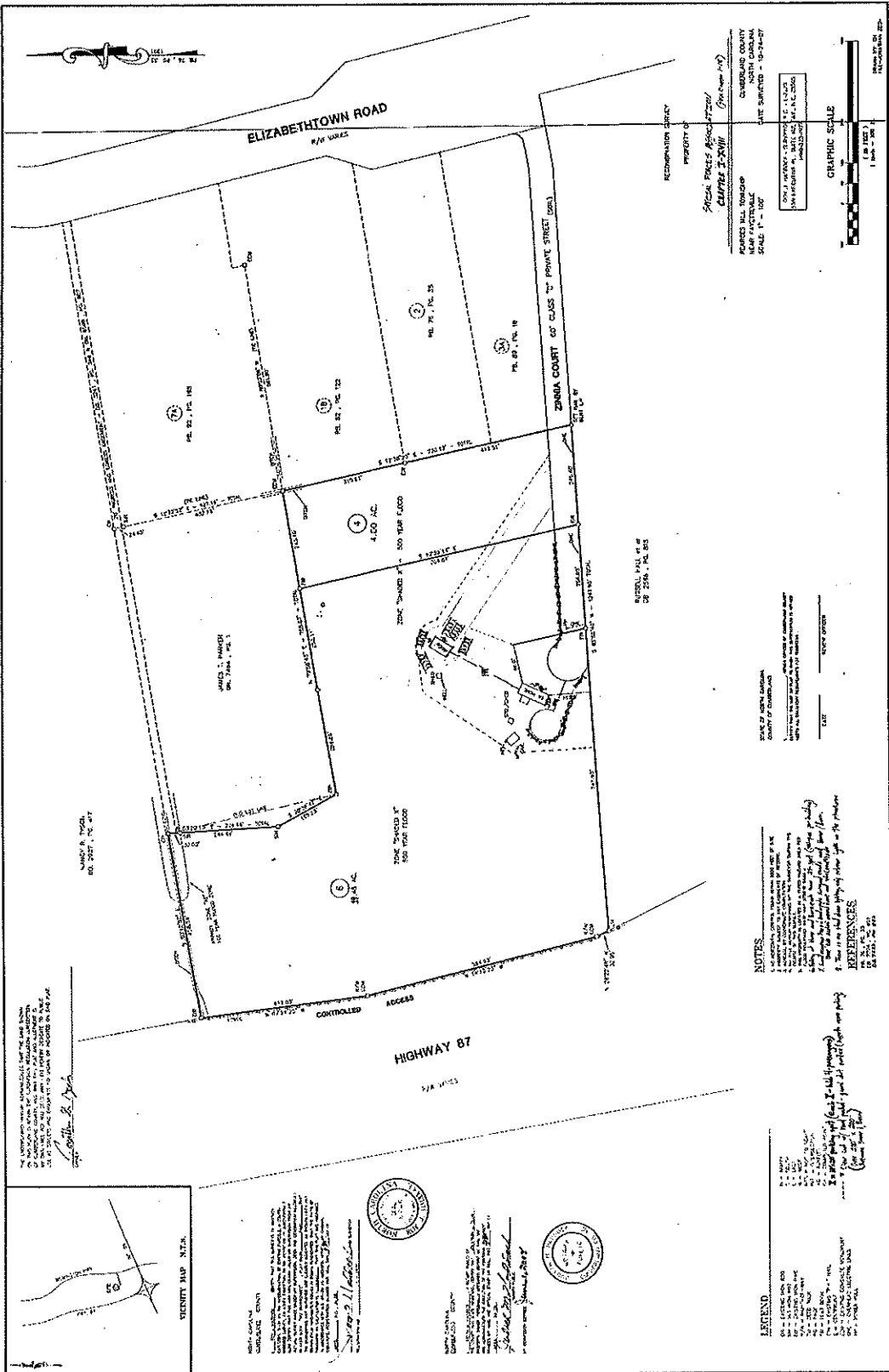
³Special Use Permit required for Mixed Use Building, see Section 914.1 (Amd. 01-19-10)

EXHIBIT "C"
SECTION 905, ZONING CODE

SECTION 905. CLUB OR LODGE (NOT REGULATED BY SECTION 924).

- A. The intensity of the use shall not have a significant adverse impact on adjacent properties due to traffic, parking, noise, refuse, or similar factors.
- B. Additional setbacks and buffering may be required in the case of facilities for outdoor functions, such as outdoor arenas, if reasonably necessary to protect adjacent properties from noise, light, and glare.
- C. Parking, loading and outdoor activity areas, such as outdoor exhibition areas, picnic areas, amphitheaters and outdoor stages and seating areas, must be buffered from view from adjacent properties. These buffers must meet the requirements of this ordinance.
- D. The site plan shall indicate the style and location of all outdoor lighting.
- E. There shall be no outdoor loudspeakers or public address system other than in an outdoor arena.

EXHIBIT "D" SITE PLAN



RECOMMENDATION: CLASSIFICATION OF ZONING DISTRICT
 SPECIAL PAGES ASSOCIATION
 CHAPTER 2-2011 (Page 1 of 1)

APRIL 11, 2011
 SCALE: 1" = 100'

DATE SUBMITTED: 10-24-07

OWNER: J. W. WILSON, JR.
 101.853' x 29.258'

GRAPHIC SCALE
 1" = 100'

PROJECT NO. 07-001

STATE OF MARYLAND
 COUNTY OF CAROLINE

NOTARY PUBLIC
 J. W. WILSON, JR.
 101.853' x 29.258'

DATE: 10-24-07

NOTES:

1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD.
3. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD.
4. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD.
5. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD.
6. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD.

REFERENCES:

1. 101.853' x 29.258'

2. 101.853' x 29.258'

3. 101.853' x 29.258'

4. 101.853' x 29.258'

5. 101.853' x 29.258'

6. 101.853' x 29.258'

IDENTITY MAP: N.T.N.

THE INFORMATION CONTAINED HEREIN IS FOR THE USE OF THE COUNTY OF CAROLINE ONLY. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE USER OF THIS INFORMATION SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

John B. Dyer

NOTARY PUBLIC
 J. W. WILSON, JR.
 101.853' x 29.258'

LEGEND:

- 1. 101.853' x 29.258'
- 2. 101.853' x 29.258'
- 3. 101.853' x 29.258'
- 4. 101.853' x 29.258'
- 5. 101.853' x 29.258'
- 6. 101.853' x 29.258'

APPROVALS:

PLANNING BOARD
 COUNTY OF CAROLINE

COMMISSIONER OF THE ENVIRONMENT
 COUNTY OF CAROLINE

PLANNING BOARD
 COUNTY OF CAROLINE

COMMISSIONER OF THE ENVIRONMENT
 COUNTY OF CAROLINE

EXHIBIT H

Special Use Permit- Board of Adjustment

BOA-21-2002

(Club/Lodge Special Use Permit and Site Plan)

Ordinance Related Conditions

BOA-21-0002 Consideration of a Special Use Permit for a Club/Lodge, on property zoned R10 Residential District; located at 1509 Zinnia Court; submitted by The Special Forces Association Chapter 1-XIII (owner).

The Special Use Permit requested is approve subject to the contents of the application, site plan appearing in Exhibit "A" and the following conditions.

Permit-Related:

1. The owner/developer(s) of these lots must obtain detailed instruction on provisions of the County Zoning Code and permits required to place any structure within this development from the County Code Enforcement Section, at the Historic Courthouse at 130 Gillespie Street, Fayetteville, N.C. For additional information, the developer should contact the Code Enforcement Section. (Chpt. 4, County Code & Sec. 107, County Zoning Ord.) A site plan must be approved by the Planning & Inspections Department prior to issuance of a building permit or use of the site for a club or lodge.
2. 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 ay building/zoning permits. (Note: All Health Department requirements must be met prior to issuance of final permits. (NCGS § 130A-338 & Sec. 2306 A, County Subdivision Ord. & Sec. 1101.E, County Zoning Ord.)
3. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application. [Sec. 4-8(b)(2), County Code]
4. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans. (Sec. 107.B, County Zoning Ord.; & Secs. 2005 & 2007 County Subdivision Ord.)

Site-Related:

5. Development and use of the project site shall occur consistent with the Special Use Permit site plan (Exhibit "A"). All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance, and County Zoning Ordinance for the RR zoning district for a Club/Lodge must be complied with, as applicable.
6. This conditional approval is not approval of any freestanding signs. If a freestanding sign is desired, re-submittal of the site plan is required prior to application for any freestanding sign permits. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.) (Art. XIII, County Zoning Ord.)
7. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environmental Quality (NCDEQ) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2307.A, County Subdivision Ord.)
8. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance. Outdoor lighting shall not interfere with the operations of the

Fayetteville Regional Airport. Use of the site shall not produce light emissions, either direct or reflective, that would interfere with pilot vision, result in glare in the eyes of pilots using the airport or diminish the ability of pilots to distinguish between airport lights and other lights.

9. All required off-street parking spaces shall be a minimum of 9' x 20'; a minimum of one off-street parking space per four persons in design capacity is required for this development. Parking shall be provided that satisfies American Disability Act parking standards.
10. The owner/developer is responsible and liable for maintenance and upkeep of this site, all structures, and appurtenances, to include ensuring that the site and landscape areas are kept free of litter and debris, all grass areas mowed, all buffers and shrubbery kept trim and maintained, so that the site remains in a constant state of being aesthetically and environmentally pleasing. (Sec. 1403, County Zoning Ord.)
11. Any smoke emanating from the site that is generated by outdoor cooking facilities, campfires or bonfires shall not interfere with the operations or safety of the Fayetteville Regional Airport.
12. Use of the property as lodge or club shall be comply with the following:
 - a. No substance shall be released into the air that would impair aircraft visibility or otherwise interfere with its operation.
 - b. Activity at or improvement of the site shall not produce light emissions, either direct or reflective, that would interfere with pilot vision, result in glare in the eyes of pilots using the airport or diminish the ability of pilots to distinguish between airport lights and other lights.
 - c. Activity at or improvement of the site shall not create electrical interference with navigational signals or radio communication between the airport and aircraft.
 - d. Construction or installation of tall smokestacks or television, telecommunication and/or radio transmission towers will not be allowed; or
 - e. Activity at or improvement of the site shall not attract birds or waterfowl in such numbers as would create a hazard and interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport, such as storage of garbage, etc.

Other Relevant Conditions:

13. Expiration of Permits. This Special Use Permit becomes null and void if this permit has not been recorded with the County Register of Deeds by the applicant within one year from the date of BOA approval, or if the Special Use approved in this Permit is not exercised within three years from the date of approval, whichever occurs first. Furthermore, once the Certificate of Occupancy has been issued for this Special Use, should the Special Use cease to exist for a time period of one calendar year or more, a re-submittal of the Special Use application for the same use may be required if there has been a material change in the ordinance standards.
14. This conditional approval is contingent upon continued compliance with the County's Subdivision and Development Ordinance and Zoning Ordinance. Development of the property must comply with all applicable local, state and federal laws and ordinances.
15. 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.”

Advisories:

- Any revision or addition to this plan necessitates re-submission for review and approval prior to the commencement of the change.

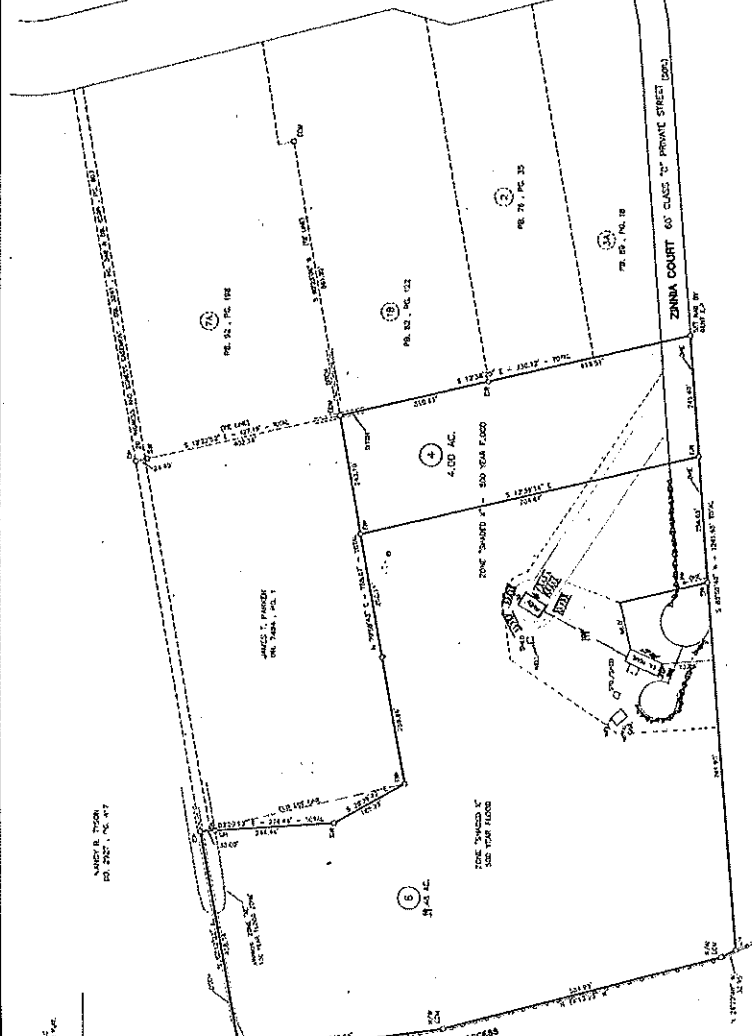
- The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.
- The developer's subsequent application for permits upon receipt of these conditions of approval constitutes the developer's understanding and acceptance of the conditions of approval for this development.
- This conditional approval is not to be construed as all-encompassing of the applicable rules, regulations, etc. which must be complied with for any development. Other regulations, such as building, environmental, health and so forth, may govern the specific development. The developer is the responsible party to ensure full compliance with all applicable Federal, State, and local regulations.
- The property is located within five-hundred feet of the Fayetteville Regional Airport. The lodge or club should disclose in writing to any parties who lease or rental the site that the property is located within close proximity to the Airport Regional Airport and any use of the property is subject to the conditions of this Special Use Permit.

If you need clarification of any conditions, please contact the Current Planning Section of Cumberland County; otherwise, contact the appropriate agency.

EXHIBIT "A"
SPECIAL USE SITE PLAN—BOA-21-20002



ELIZABETHTOWN ROAD
R/O/V VIKES



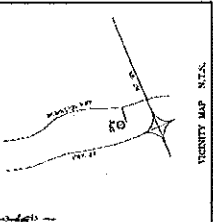
RECOMMENDATION SURVEY
PROPERTY OF
SPECIAL FLOOD AREA
CHAPTER 3-21011
COLUMBIAS COUNTY
NORTH CAROLINA
DATE SURVEYED - 10-31-07

STATE OF NORTH CAROLINA
COUNTY OF COLUMBIAS
PLAT NO. 2007-001
SCALE 1" = 100'



NOTICE: THIS SURVEY WAS MADE FROM THE PLAT BOOKS IN THE OFFICE OF THE COUNTY CLERK, COLUMBIAS COUNTY, NORTH CAROLINA, AND THE RECORDS OF THE STATE ARCHIVES, RALEIGH, NORTH CAROLINA. THE SURVEYOR HAS REVIEWED THE RECORDS AND HAS FOUND NO OTHER PLATS OR RECORDS THAT AFFECT THIS SURVEY.

Carroll R. Davis
Surveyor



VICINITY MAP N.T.S.

NOTICE: THIS SURVEY WAS MADE FROM THE PLAT BOOKS IN THE OFFICE OF THE COUNTY CLERK, COLUMBIAS COUNTY, NORTH CAROLINA, AND THE RECORDS OF THE STATE ARCHIVES, RALEIGH, NORTH CAROLINA. THE SURVEYOR HAS REVIEWED THE RECORDS AND HAS FOUND NO OTHER PLATS OR RECORDS THAT AFFECT THIS SURVEY.



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1. THIS SURVEY WAS MADE FROM THE PLAT BOOKS IN THE OFFICE OF THE COUNTY CLERK, COLUMBIAS COUNTY, NORTH CAROLINA, AND THE RECORDS OF THE STATE ARCHIVES, RALEIGH, NORTH CAROLINA. THE SURVEYOR HAS REVIEWED THE RECORDS AND HAS FOUND NO OTHER PLATS OR RECORDS THAT AFFECT THIS SURVEY.
2. THE SURVEYOR HAS REVIEWED THE RECORDS AND HAS FOUND NO OTHER PLATS OR RECORDS THAT AFFECT THIS SURVEY.
3. THE SURVEYOR HAS REVIEWED THE RECORDS AND HAS FOUND NO OTHER PLATS OR RECORDS THAT AFFECT THIS SURVEY.
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5. THE SURVEYOR HAS REVIEWED THE RECORDS AND HAS FOUND NO OTHER PLATS OR RECORDS THAT AFFECT THIS SURVEY.

LEGEND:
1. 1" = 100'
2. 1" = 100'
3. 1" = 100'
4. 1" = 100'
5. 1" = 100'

REFERENCES:
1. PLAT NO. 2007-001
2. PLAT NO. 2007-001
3. PLAT NO. 2007-001
4. PLAT NO. 2007-001
5. PLAT NO. 2007-001

EXHIBIT I"
APPLICANT'S RESPONSE TO SPECIAL USE CRITERIA
(Section 1606.C. Special Use Permits)

Aaron,

Thanks for reaching out. Here are the answers to your questions:

Good morning Mr. Shumale,

I am preparing staff review materials for the report. Could you please respond to the statements below:

1. The use will not materially endanger the public health or safety if located according to the plan submitted and proposed. **Correct.**
2. The use meets all required conditions and specifications; **Yes (to my knowledge).**
3. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; **Correct.**
4. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and is in general conformity with Cumberland County's most recent Land Use Plan, either comprehensive or a detailed area plan. **Correct.**

Let me know what questions you have.

V/R

Alan Shumate
SFA Chapter 1-18 Treasurer
Cell.910.987-1330
sfshumate@gmail.com

MAILING LIST

CITY OF FAYETTEVILLE
433 HAY ST
FAYETTEVILLE, NC 28301

BEARSKIN HOLDINGS, LLC;
CTG HOLDINGS, LLC
PO BOX 715
HOPE MILLS, NC 28348

PARKER, JAMES T; & JAMIE L
1600 CALVIN WILLIS LN
FAYETTEVILLE, NC 28306

THE SPECIAL FORCES ASSOCIATION
CHAPTER 1-X111
1509 ZINNIA CT
FAYETTEVILLE, NC 28306

THURMOND, NICHOLS COLUMBUS
1813 CAWDOR DR
FAYETTEVILLE, NC 28304

TYSON, LEWIS C; & DEBBIE G
5648 S NC 87 HWY
FAYETTEVILLE, NC 28306



CUMBERLAND COUNTY

NORTH CAROLINA

PLANNING & INSPECTIONS

PLANNING STAFF REPORT

SPECIAL USE CASE # BOA-21-0005

Board of Adjustment Meeting: Oct. 21, 2021

Location: 3075 A. B. Carter Road

Jurisdiction: County-Unincorporated

EXPLANATION OF THE REQUEST **Special Use – RV Park/Campground in an A1 District**

Property Owner requests the BOA grant a Special Use Permit for a RV Park and campground on property zoned A1 Agricultural District, located at 3075 A. B. Carter Road, as illustrated in Exhibit "A". The special use permit only applies to the 10.19 +/- acres appearing in the site plan. The campground will have a maximum of 56 RV lots, 13 tent lots, and 34 cabin lots, as depicted in the Special Use Site Plan.

A RV Park/Campground use within an A1 zoning district must obtain a Special Use approval from the Board of Adjustment, per Section 403, County Zoning Code, as shown in Exhibit "B". A RV Park/Campground within an A1 district must comply with the development standards and requirements set forth in Section 921 of the Zoning Code, including submittal of a site plan. Refer to Exhibit "C" for the development standards and requirements set forth in Section 921. The applicant's proposed special use site plan appears in Exhibit "D".

A letter explaining this request is provided and addressed in the proposed Special Use Permit. Refer to the exhibits for this information.

- Exhibits
- A. Site Location/Zoning
 - B. Use Matrix, Sec. 403, Zoning Code
 - C. Section 921, RV Parks and/or campgrounds
 - D. Special Use Site Plan
 - E. Existing and Adjacent Uses
 - F. Soil and Utilities
 - G. South Central Land Use Plan
 - H. Special Use Permit
 - I. Sec. 1606 Applicant Response and application
- Attachment: mailing list

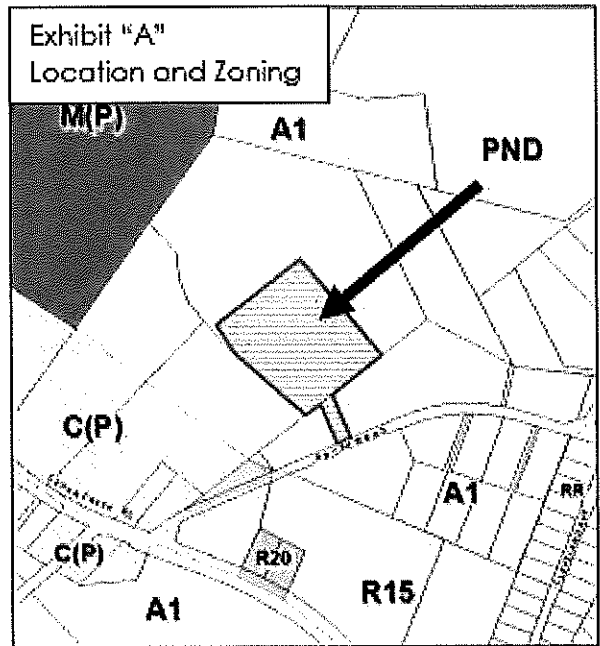
PROPERTY INFORMATION

OWNER/APPLICANT: Maps Surveying, Inc (agent) on behalf of Thomas Nelson, Jr. (owner).

ADDRESS/LOCATION: Located at 3075 A. B. Carter Road Refer to Exhibit "A", Site Location. REID numbers: 0455867530000 and 0455871232000. The site entrance is approximately one mile (following public roads) from the I-95 interchange at Cedar Creek Road.

SIZE: 10.19 +/-acres within two parcels. The portion of property which will be applied the Special Use Permit has approximately 83.23 +/- feet of street frontage along the north side of A. B. Carter Rd. The parent parcel (REID 0455871232000) comprises 33.84 acres, and the portion of the other parcel that would be used for access to the proposed RV Park/Campground site contains a total of approximately 10.24 acres.

EXISTING ZONING: The property is zoned A1 Agricultural District, which 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 primary lot intended for the RV park is currently farmland but wooded along portion of the perimeter wooded. The lot fronting A. B. Carter Rd is occupied by a residence. Exhibit "E" shows the existing use of the subject property.

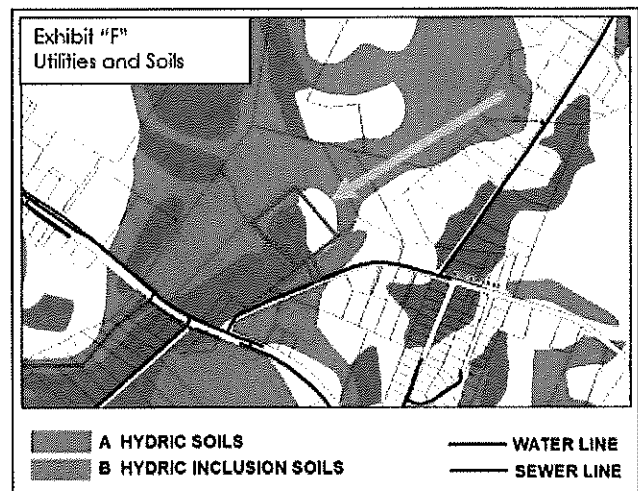
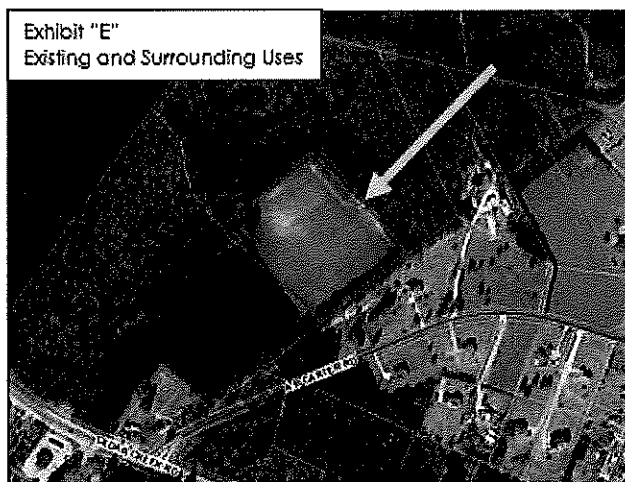
SURROUNDING LAND USE: Exhibit "E" illustrates the following:

North: Properties to the north are vacant and wooded on lots zoned A1, M(P), and PND.

East: The Jonathan Evans and Haywood Commons subdivisions lie to the east zoned A1 and PND.

West: The subject site is abutted by vacant and wooded lots zoned A1 and C(P). A gas station, other commercial properties, and a single-family residence lie at the corner of A. B. Carter Rd and Cedar Creek Rd, zoned C(P).

South: South of A. B. Carter Rd are Carter Acres and Heritage Heights subdivisions zoned A1, RR, and R15.

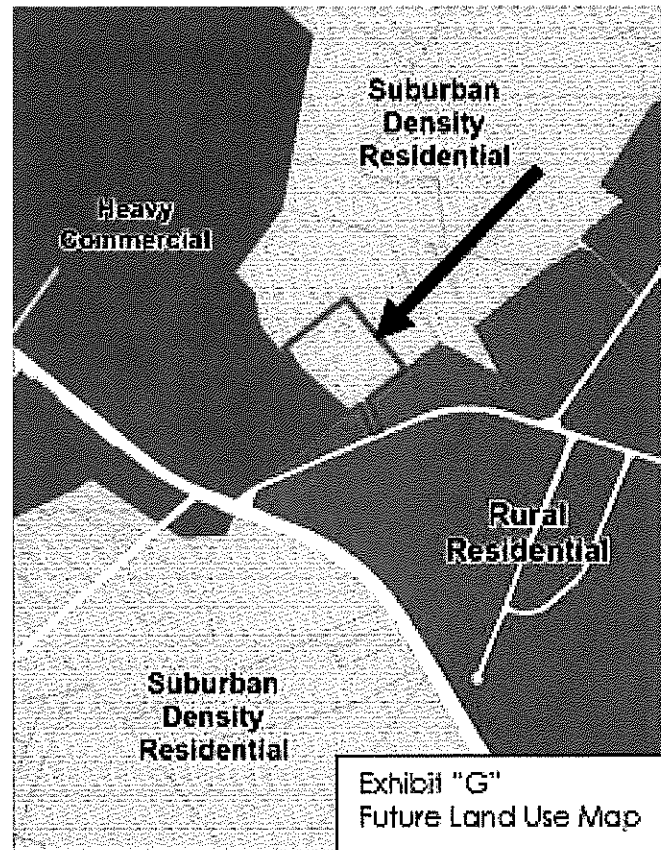


OTHER SITE CHARACTERISTICS: The property is not located within a 100-Year Flood Zone nor situated within a watershed. There are hydric soils and hydric inclusion soils present on the property, as shown in Exhibit "F".

DEVELOPMENT REVIEW: The subject property will need to be platted before development any development occurs.

MINIMUM YARD SETBACKS: The minimum yard setback for RV park developments must conform to Section 921 as detail in Exhibit "C".

COMPREHENSIVE PLANS: The Vander Land Use Plan (2017) designates this site as Suburban Density Residential and Rural Residential. The Rural Residential designation within the Vander Land Use Plan is intended for development with "a minimum lot size of 40,000 square feet." The Suburban Density Residential is intended for development with "minimum lot size of 20,000 square feet." The Land Use designations are illustrated in Exhibit "G". **The request is not consistent with the Southeast Cumberland Land Use Plan.**



IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITES

TRAFFIC: A. B. Carter Rd is identified as an existing local road 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, A. B. Carter Rd has an existing roadway capacity of 15,800 based on the nearby two-lane local road of Evans Dairy Rd and an existing 2019 AADT of 1,700. The proposed town zoning of 103 RV/Campsites will generate 26 trips on an average weekday AM peak and 42 trips on the average weekday PM peak. The trip generation of 103 occupied campsites at the proposed RV Park/Campground is calculated below:

- AM Peak: 26 trips, 36% entering, 64% exiting (103 campsites X average rate of 0.25 = 26 trips)
- PM Peak: 42 trips, 62% entering, 38% exiting (103 campsites X average rate of 0.41 = 42 trips)

With the existing 2019 AADT of 1,700 on A. B. Carter Rd and the additional 26 AM peak trips and 42 PM peak trips from the proposed development, the estimated future traffic will be insignificant compared to the existing capacity. Therefore, the proposed development will not generate enough traffic to place it over its current capacity of 15,800.

UTILITIES: Water utility lines are available along A.B. Carter Rd, as illustrated by Exhibit "F". As shown in this map, sewer lines are approximately 1,500 lineal feet to the west.

EMERGENCY SERVICES: Per the Fire Marshal's Office, the applicant must ensure fire department access requirements are met in accordance with section 503 of the 2018 NC fire code. The Applicant must submit building plans to-scale for any existing building(s) showing renovations/modifications or any new construction that are required by code.

SPECIAL DISTRICTS: The subject property is not located within five miles of Fort Bragg Military base nor located within the Fayetteville Regional Airport Overlay District.

Applicable Codes

Use and development of the subject site must occur consistent with Section 921 of the Zoning Code, Case BOA-21-0005 Site Plan (Exhibit "D"), and Special Use Conditions (Exhibit "H").

Applicant has submitted the following to demonstrate compliance with Section 921: special use site plan.

FINDINGS OF FACT

The proposed Special Use Permit is provided in Exhibit "H".

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

1. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended.
2. The use meets all required conditions and specifications.
3. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and
4. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and is in general conformity with the Cumberland County's most recent Comprehensive Land Use Plan.

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

MOTION

The BOA is requested to take action/motion based on the findings of fact, as supported by the Special Use Site Plan (Exhibit "D") and Special Use Condition (Exhibit "H"). Any motion to approve the special use includes approval of the Special Use Permit conditions and the Special Use Site Plan.

EXHIBIT "B" USE MATRIX

SECTION 403 USE MATRIX CUMBERLAND COUNTY ZONING ORDINANCE		ZONING CLASSIFICATIONS																			
		CD	A1	ALA	RA0	RA0A	R20	R20A	RR	R20	R20A	R20	R20A	R20	R20A	R20	R20A	R20	R20A	R20	R20A
PUBLIC/COMMUNITY UTILITY STATIONS/SUBSTATIONS	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
PUBLIC UTILITY WORKS, SHOPS OR STORAGE YARDS (Sec. 918)	S																				
PUBLISHING																					
QUARRY (Sec. 919)	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
RADIO OR TELEVISION STUDIO ACTIVITIES ONLY																					
RAILROAD STATION/OPERATIONS																					
RECREATION/AMUSEMENT INDOOR (Sec. 920) conducted inside building for profit, not otherwise listed & not regulated by Sec. 924								P													
RECREATION/AMUSEMENT OUTDOOR (Sec. 920) conducted outside building for profit, not otherwise listed & not regulated by Sec. 924	P	P	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
RECREATION/AMUSEMENT OUTDOOR (with mechanized vehicle operations) conducted outside building for profit, not otherwise listed & not regulated by Sec. 924																					
RECREATION OR AMUSEMENT PUBLIC/PRIVATE (Sec. 920) not operated as a business for profit including playgrounds, neighborhood center buildings, parks, museums, swimming pools, etc. & not regulated by Sec. 924	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
RECREATION VEHICLE PARK AND/OR CAMPGROUNDS (Sec. 921)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
RELIGIOUS WORSHIP ACTIVITIES																					
REPAIR, RENTAL AND/OR SERVICING, of any product the retail sale of which is a use by right in the same district																					
RESIDENTIAL HABITATION SUPPORT FACILITY (Sec. 922)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
RESTAURANT, operated as commercial enterprise, except as regulated by Section 924																					
RETAILING OR SERVICING. With operations conducted and merchandise stored entirely within a building and not otherwise listed herein																					
SANITARIUM																					



EXHIBIT "C"
SECTION 921, ZONING CODE

SECTION 921. RECREATION VEHICLE PARK AND/OR CAMPGROUND.

A. Recreation vehicle parks/campgrounds shall be used only by travel trailers, pickup, coaches, motor homes, camping trailers, other vehicular accommodations, cabins and tents suitable for temporary habitation and used for travel, vacation and recreation purposes.

B. The area of the park/campground shall be at least three acres. Each recreation vehicle/cabin/open air cabins camp site, excluding sites used solely for tents, shall be a minimum of 1,200 square feet in area with a maximum of 20 sites per acre. Each site shall contain a stabilized vehicular parking pad of packed gravel, paving or other suitable material. Cabin sites shall not exceed more than twenty percent of the total proposed sites within the recreation vehicle/campground site. The maximum size of the proposed cabins shall not exceed 400 square feet and shall be identified as being either a cabin or open air cabin. Cabins shall not have bathrooms within the cabin and must be served by a bathhouse located within 500 feet from the entrance of the cabin to the entrance of the bathhouse.

C. All yard setback requirements shall be in accordance with the dimensional requirements of the zoning district in which the park or campground is located and no structure, recreational vehicle site or camping site shall be located within the required yard area.

D. Individual recreation vehicle spaces within a recreation vehicle park/campground shall not directly access a public road. Access to all recreation vehicle spaces and accessory structures within the park/campground shall be from internal streets with the entrance to the park directly accessing a public right-of-way. A driveway permit must be obtained from the North Carolina Department of Transportation for connection to the public street.

E. The recreation vehicle park/campground shall not allow for permanent occupancy on the same site by the same occupant for any continuous period exceeding 90 days with a maximum allowance of 180 days per calendar year within the same park. There must be a minimum 30-day waiting period between stays within the same park for each recreational vehicle/occupant. Each recreation vehicle park/campground shall be required to maintain a registry or logbook identifying, at a minimum, the recreation vehicle license plate number and Vehicle Identification Number for recreation vehicle sites and/or names of occupants in campground sites which will be subject to inspection by the County during regular inspections. Upon the adoption date of this amendment, existing recreation vehicle parks will also be required to comply with the logbook requirement.

F. Each Park shall have at least one telephone available for public use. Management headquarters, manager's residence, recreational facilities, bathhouses, toilets, dumping stations, showers, coin-operated laundry facilities, stores and the uses and structures customarily incidental to operations of a recreation vehicle park/campground are permitted as accessory uses to the park, subject to the following restrictions:

- 1.** Such establishments (excluding recreational facilities) and the parking areas primarily related to their operations shall not occupy more than 10% of the gross area of the park/campground.
- 2.** The structures housing such facilities shall not be located closer than 100 feet

to any public street and shall not be directly accessible from any public street but shall be accessible only from an internal drive within the park/campground.

3. Such structures containing toilets, bathhouses and other plumbing fixtures shall comply with the requirements of the North Carolina Building Code.

4. Each park shall be limited to a maximum of one manager's/ caretaker's residence.

G. Adequate off-street parking and maneuvering space shall be provided on site. No public street, sidewalk or right-of-way or any other private grounds not a part of the recreational vehicle parking area shall be used to park or maneuver vehicles.

H. Internal drives shall be constructed to a minimum of 18 feet in width if providing two-way streets and 12 feet in width for one-way streets and contain a minimum depth of six inches of stone gravel base with proper ditching, drainage, and seeding of slopes. Permanent dead-end streets shall have a cul-de-sac constructed 40 feet in diameter.

I. Recreational vehicle parks and campgrounds shall be enclosed by a fence, wall, landscape screening, earthen mounds or by other measures from all contiguous residential areas in a manner that complements the landscape and assures compatibility with the adjacent environment and complies with the buffering requirements for nonresidential uses adjacent to residential districts.

J. In addition to the requirements required to be shown on the site plan as required by the Article XIV, the site plan shall include the name and address of the applicant, the location and dimensions of each recreation vehicle/camping site, the location and use of all service and recreational facilities, all interior access ways, drives, and parking. All site plans subject to this Section shall also require approval from the County Health Department.

K. When permitted, recreation vehicle parks/campgrounds within the CD Conservancy District shall be subject to the following requirements:

1. No individual recreation vehicle/camping site shall have individual on-site septic systems.

2. Each recreational vehicle must be equipped with a holding tank and each park/campground must have an approved dumping station or pump-out facilities on the premises.

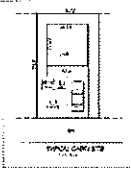
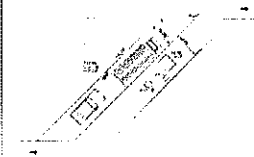
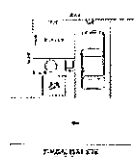
L. All Federal, State and other local regulations shall be complied with.
(Amd. 11-20-06; Amd. 01-19-10; Amd. 04-20-20)

EXHIBIT "D"
SPECIAL USE SITE PLAN

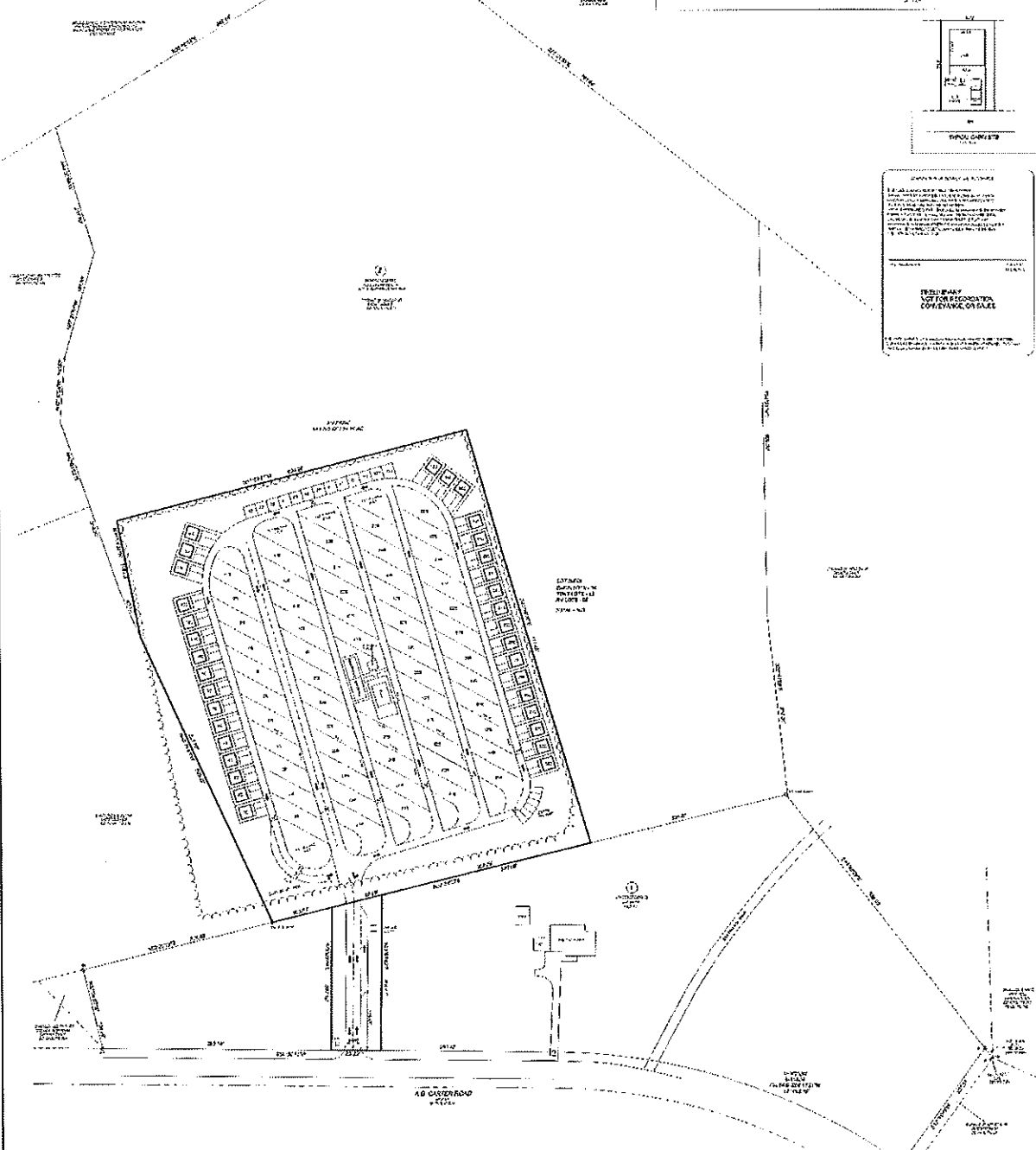


OWNER
 [Name]
 [Address]
 [City, State, Zip]

DATE
 [Date]
 [Time]



PRELIMINARY
 NOT FOR RELOCATION,
 CONTRACTING, OR SALES



NELSONRY PARK
 [Address]
 [City, State, Zip]

MAPS
SURVEYING INC.
 [Address]
 [City, State, Zip]



NOTICE
 This plan was prepared by the undersigned...
 [Legal disclaimer text]

101 8870
CONVEYANCE - 21
REMITTANCE - 11
BY - 015-28
TOTAL - 123

CONVEYANCE WITH
CONVEYANCE - 21
REMITTANCE - 11
BY - 015-28

0
PROPERTY
AREA OF
100 AC

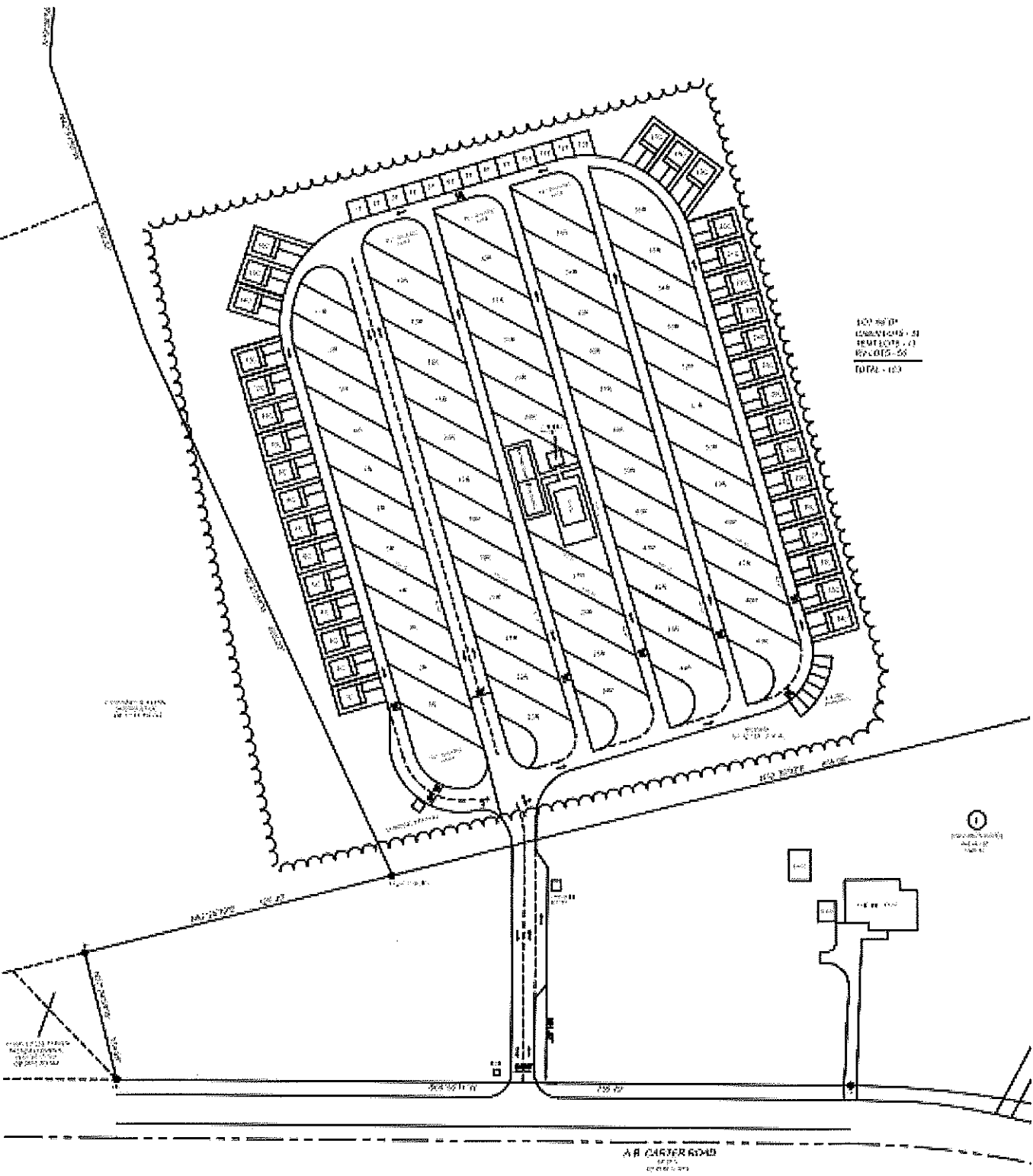


EXHIBIT "H"

Special Use Permit Conditions

Special Use Permit- Board of Adjustment

BOA-21-0005

(RV Park and Campground Special Use Permit and Site Plan) Ordinance Related Conditions

BOA-21-0005 CONSIDERATION OF A SPECIAL USE PERMIT FOR A RV PARK AND CAMPGROUND, ON PROPERTY ZONED A1 AGRICULTURAL DISTRICT; LOCATED AT 3075 A. B. CARTER ROAD; SUBMITTED BY MAPS SURVEYING, INC (AGENT) ON BEHALF OF THOMAS NELSON, JR. (OWNER).

The Special Use Permit requested is approve subject to the contents of the application, site plan appearing in Exhibit "A" and the following conditions.

Permit-Related:

1. The owner/developer(s) of these lots must obtain detailed instruction on provisions of the County Zoning Code and permits required to place any structure within this development from the County Code Enforcement Section, at the Historic Courthouse at 130 Gillespie Street, Fayetteville, N.C. For additional information, the developer should contact the Code Enforcement Section. (Chpt. 4, County Code & Sec. 107, County Zoning Ord.)
2. 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. (NCGS § 130A-338 & Sec. 2306 A, County Subdivision Ord. & Sec. 1101.E, County Zoning Ord.) The property shall connect to the water system located at A.B. Carter Road. The site shall be connected to sewer unless the County Health Department approves an alternative on-site sewer/septic system.
3. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Department of Energy, Minerals and Land Resources, NC Department of Environmental Quality (DEMLR NCDEQ). If one acre or more of land is to be disturbed, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement prior to the issuance of the Certificate of Occupancy. (Note: If any retention/detention basins are required for state approval of this plan, three copies of a revised plan (and \$25/\$50 revision fee) must be submitted and approved by Planning & Inspections.) (Sec. 2306.D, County Subdivision Ord. & 2006-246, NC Session Law)
4. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application. [Sec. 4-8(b)(2), County Code]
5. Driveway Permit Required. Construction of any new connection or alteration of any existing connection to A. B. Carter Road may require an approved Driveway Permit. For additional information contact the NC Department of Transportation's (NCDOT) Division 6/District 2 office.
6. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans. (Sec. 107.B, County Zoning Ord.; & Secs. 2005 & 2007 County Subdivision Ord.)
7. Prior to issuance of a certificate of occupancy, the RV Park/ Campground shall be subdivided from the parent parcels and placed in a separate parcel.

8. Prior to any land clearing or development activity, a landscape plan shall be submitted to and approved by the Planning & Inspection Department.

Site-Related:

9. Development and use of the project site shall occur consistent with the Special Use Permit site plan (Exhibit "A"), which limits the use to a maximum of 56 recreational vehicle (RV) lots, 13 tent lots, and 34 cabin lots. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance, and County Zoning Ordinance for the A1 zoning district for a communication tower must be complied with, as applicable. All accessory structures and restrooms shall be accessible (i.e., meet American Disability Act standards) unless otherwise exempt by ADA.
10. This conditional approval is not approval of any freestanding signs. If a freestanding sign is desired, re-submittal of the site plan is required prior to application for any freestanding sign permits. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is not approval of the size, shape, or location of any signs.) (Art. XIII, County Zoning Ord.)
11. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environmental Quality (NCDEQ) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2307.A, County Subdivision Ord.) The Special Use Site Plan (Exhibit "A") currently shows no stormwater drainage facilities on site.
12. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306.C, County Subdivision Ord.)
13. In the event a stormwater utility structure is required by the NC Department of Environmental Quality (NCDEQ), the owner/developer must secure the structure with a four-foot-high fence with a lockable gate, and is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation. Any stormwater utility or facilities serving the RV Park/Campground must be contained within the boundaries of the Special Use Site Plan (Sec. 1102.O, County Zoning Ord.)
14. The owner/developer is responsible and liable for maintenance and upkeep of this site, all structures, and appurtenances, to include ensuring that the site and landscape areas are kept free of litter and debris, all grass areas mowed, all buffers and shrubbery kept trim and maintained, so that the site remains in a constant state of being aesthetically and environmentally pleasing. (Sec. 1403, County Zoning Ord.)
15. Development and use of the special use site shall comply with Section 921, Cumberland County Zoning Code, as provided in Exhibit "B". All cabins shall comply with North Carolina Building Codes and shall meet the minimum separation requirements for applicable habitable structures.
16. The campground park is limited to one manager's/caretaker's residence. The SUP site plan must denote the residential building that will be used for the manager's/caretakers residence and the location of the campground business office. The business office shall not be closer than 100 feet from a public road. Access to the manager's/caretakers home shall occur from an internal service driveway.
17. Turn lanes may be required by the NC Department of Transportation (NCDOT). [Art. XIV, County Zoning Ord. & NCGS §136-18(5) & §136-93]

Note: The property owner most likely will be required to provide a copy of a recorded plat and deed conveying to the NCDOT that portion of the subject property located within or to be located within the right-of-way at the time of driveway permit application.

18. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.

19. All dumpster, garbage, and utility area shall be provided and located on concrete pads and screened on a minimum of three sides.
20. The campground park, including any manager's/caretaker residence, shall be served by the internal driveway system. The internal driveway must be a minimum width of twenty (20) feet and constructed with appropriate material to support emergency vehicles. Clearance above the road must be maintained at an unobstructed height not less than 13feet 6inches to allow for passing of a fire engine. This includes trees, lights, wires etc.
21. All required parking spaces for vehicles other than RV's are required to be a minimum of 9' wide x 20' long within the site plan.
22. The owner/developer is responsible and liable for maintenance and upkeep of this site, all structures, and appurtenances, to include ensuring that the site and landscape areas are kept free of litter and debris, all grass areas mowed, all buffers and shrubbery kept trim and maintained, so that the site remains in a constant state of being aesthetically and environmentally pleasing. (Sec. 1403, County Zoning Ord.)
23. Operation of the site must occur consistent with the Noise Regulations of the County Code Chpt. 9.5, Art. II.
24. The use of the site as an RV/Campground Park, as shown in Exhibits "A", is limited to a maximum of campground and recreation vehicles sites for temporary occupation by transients and/or vacationers. Any residential structure occurring on the property at the time of the Special Use Permit shall not be used only for permanent occupation and not as temporary occupation related to the operation of the RV/Campground Park. Only one permanent residential structure shall be used for a manager's/caretaker residence.

Other Relevant Conditions:

25. This conditional approval is contingent upon continued compliance with the County's Subdivision and Development Ordinance and Zoning Ordinance. Development of the property must comply with all applicable local, state and federal laws and ordinances.
26. Expiration of Permits. This Special Use Permit becomes null and void if this permit has not been recorded with the County Register of Deeds by the applicant within one year from the date of BOA approval, or if the Special Use approved in this Permit is not exercised within three years from the date of approval, whichever occurs first. Furthermore, once the Certificate of Occupancy has been issued for this Special Use, should the Special Use cease to exist for a time period of one calendar year or more, a re-submittal of the Special Use application for the same use may be required if there has been a material change in the ordinance standards.

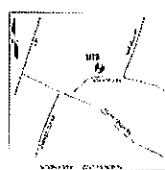
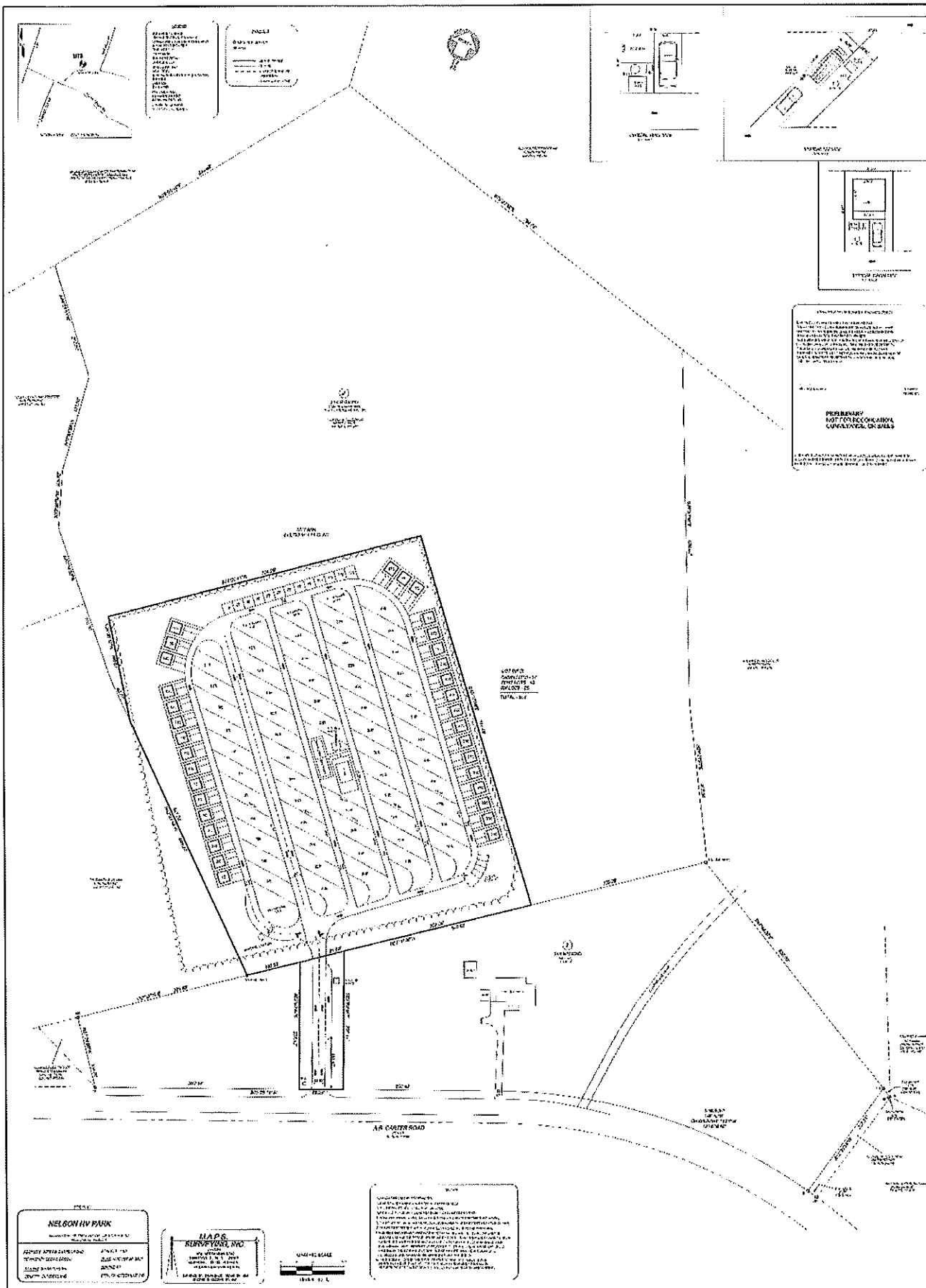
Advisories:

- Any revision or addition to this plan necessitates re-submission for review and approval prior to the commencement of the change.
- 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.
- The developer's subsequent application for permits upon receipt of these conditions of approval constitutes the developer's understanding and acceptance of the conditions of approval for this development.
- This conditional approval is not to be construed as all-encompassing of the applicable rules, regulations, etc. which must be complied with for any development. Other regulations, such as building, environmental, health and so forth, may govern the specific development. The developer is the responsible party to ensure full compliance with all applicable Federal, State, and local regulations.

If you need clarification of any conditions, please contact the Current Planning Section of Cumberland County; otherwise, contact the appropriate agency.

EXHIBIT "A"
SPECIAL USE SITE PLAN – BOA-21-0005

(Shown on the next page. A more detailed version of the Special Use Site Plan is available in the records of the Planning & Inspections Department)

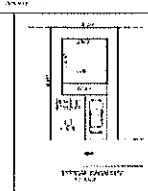
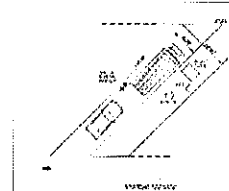
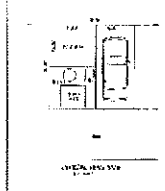


GENERAL NOTES

1. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.
2. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
3. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION.
4. ALL UTILITIES SHALL BE PROTECTED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PROCESS.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND RESTORATION OF ALL EXISTING UTILITIES.

LEGEND

- 12" WATER MAIN
- 18" SEWER MAIN
- 6" GAS MAIN
- 4" WATER SERVICE
- 2" GAS SERVICE
- 1" WATER SERVICE
- 1/2" GAS SERVICE

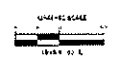


PERMANENT MONITORING CONVEYANCE AGREEMENT

THIS AGREEMENT IS MADE AND ENTERED INTO BY AND BETWEEN THE STATE OF MARYLAND AND THE PROJECT DEVELOPER, FOR THE PURPOSES OF MONITORING AND MAINTAINING THE PERMANENT MONITORING CONVEYANCE SYSTEM SHOWN ON THIS PLAN.

NELSON IV PARK	
DATE OF SURVEY	10/15/2010
DATE OF PLAN	11/15/2010
DATE OF RECORD	11/15/2010
DATE OF ASSESSMENT	11/15/2010

M.A.P.S. SURVEYING, INC.
 1100 W. BROADWAY
 BALTIMORE, MD 21201
 TEL: 410-528-1100
 FAX: 410-528-1101
 WWW.MAPSURVEYING.COM



CONSTRUCTION NOTES

1. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE MARYLAND PUBLIC UTILITIES CODE.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND RESTORATION OF ALL EXISTING UTILITIES.
4. ALL UTILITIES SHALL BE PROTECTED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PROCESS.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND RESTORATION OF ALL EXISTING UTILITIES.

EXHIBIT "B"

Section 921, County Zoning Code

SECTION 921. RECREATION VEHICLE PARK AND/OR CAMPGROUND.

A. Recreation vehicle parks/campgrounds shall be used only by travel trailers, pickup, coaches, motor homes, camping trailers, other vehicular accommodations and tents suitable for temporary habitation and used for travel, vacation and recreation purposes.

B. The area of the park/campground shall be at least three acres. Each recreation vehicle/camp site, excluding sites used solely for tents, shall be a minimum of 1,200 square feet in area with a maximum of 20 sites per acre. Each site shall contain a stabilized vehicular parking pad of packed gravel, paving or other suitable material.

C. All yard setback requirements shall be in accordance with the dimensional requirements of the zoning district in which the park or campground is located and no structure, recreational vehicle site or camping site shall be located within the required yard area.

D. Individual recreation vehicle spaces within a recreation vehicle park/campground shall not directly access a public road. Access to all recreation vehicle spaces and accessory structures within the park/campground shall be from internal streets with the entrance to the park directly accessing a public right-of-way. A driveway permit must be obtained from the North Carolina Department of Transportation for connection to the public street.

E. The recreation vehicle park/campground shall not allow for permanent occupancy on the same site by the same occupant for any continuous period of time exceeding 90 days.

F. Each park shall have at least one telephone available for public use. Management headquarters, manager's residence, recreational facilities, toilets, dumping stations, showers, coin-operated laundry facilities, stores and the uses and structures customarily incidental to operations of a recreation vehicle park/campground are permitted as accessory uses to the park, subject to the following restrictions:

1. Such establishments (excluding recreational facilities) and the parking areas primarily related to their operations shall not occupy more than 10% of the gross area of the park/campground.

2. The structures housing such facilities shall not be located closer than 100 feet to any public street and shall not be directly accessible from any public street but shall be accessible only from an internal drive within the park/campground.

3. Such structures containing toilets, bathhouses and other plumbing fixtures shall comply with the requirements of the North Carolina Building Code.

4. Each park shall be limited to a maximum of one manager's/ caretaker's residence.

G. Adequate off-street parking and maneuvering space shall be provided on site. No public street, sidewalk or right-of-way or any other private grounds not a part of the recreational vehicle parking area shall be used to park or maneuver vehicles.

H. Internal drives shall be constructed to a minimum of 18 feet in width if providing two way streets and 12 feet in width for one way streets and contain a minimum depth of six inches of stone gravel base with proper ditching, drainage, and seeding of slopes. Permanent dead- end streets shall have a cul-de-sac constructed 40 feet in diameter.

I. Recreational vehicle parks and campgrounds shall be enclosed by a fence, wall, landscape screening, earthen mounds or by other measures from all contiguous residential areas in a manner that complements the landscape and assures compatibility with the adjacent environment, and complies with the buffering requirements for non-residential uses adjacent to residential districts.

J. In addition to the requirements required to be shown on the site plan as required by the Article XIV, the site plan shall include the name and address of the applicant, the location and dimensions of each recreation vehicle/camping site, the location and use of all service and recreational facilities, all interior access ways, drives, and parking. All site plans subject to this Section shall also require approval from the County Health Department.

K. When permitted, recreation vehicle parks/campgrounds within the CD Conservancy District shall be subject to the following requirements:

1. No individual recreation vehicle/camping site shall have individual on-site septic systems.
2. Each recreational vehicle must be equipped with a holding tank and each park/campground must have an approved dumping station or pump-out facilities on the premises.

L. All Federal, State and other local regulations shall be complied with.
(*Amd. 11-20-06; Amd. 01-19-10*)

EXHIBIT I"

APPLICANT'S RESPONSE TO SPECIAL USE CRITERIA
(Section 1606.C. Special Use Permits)

Applicant did not provide a response, leaving the response to be presented at the public hearing.



Aaron,

Thanks for reaching out. Here are the answers to your questions:

Good morning Mr. Shumate,

I am preparing staff review materials for the report. Could you please respond to the statements below:

1. The use will not materially endanger the public health or safety, if located according to the plan submitted and proposed. **Correct.**
2. The use meets all required conditions and specifications; **Yes (to my knowledge).**
3. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; **Correct.**
4. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and is in general conformity with Cumberland County's most recent Land Use Plan, either comprehensive or a detailed area plan. **Correct.**

Let me know what questions you have.

V/R

Alan Shumate

SFA Chapter 1-18 Treasurer

Cell:910-987-1330

ashumate@gmail.com

MAILING LIST

BRUCE BARCLAY CAMERON FOUNDATION
INC; PELICAN PROPERTY HOLDINGS
LLC; GREAT OAKS PROPERTY
HOLDINGS LLC
2709 THORNGROVE CT #1
FAYETTEVILLE, NC 28303

CLEMENTE, TRENDA;
PARKER, CHARLES LEE
2969 A B CARTER RD
FAYETTEVILLE, NC 28312

HERRING, BILLY; & QUERRANDA
ROYSTER-HERRING
2409 CLEVELAND AVE
FAYETTEVILLE, NC 28312

NELSON, THOMAS W JR
112 ANGEL DR
FAYETTEVILLE, NC 28306

SIMMONS, GARRY L; & LADONNA P
3084 A B CARTER RD
FAYETTEVILLE, NC 28312

WRIGHT, SHERMAN; & PATRICIA
3042 A B CARTER RD
FAYETTEVILLE, NC 28312

ALLISON PROPERTIES INC
PO BOX 35910
FAYETTEVILLE, NC 28303

DARNELL, JAMES L; & BARBARA H
3096 A B CARTER RD
FAYETTEVILLE, NC 28301

MALLEY, MELVIN JR; & NANCY
3128 A B CARTER RD
FAYETTEVILLE, NC 28312

NELSON, THOMAS W SR; & LORRAINE
3075 A B CARTER RD
FAYETTEVILLE, NC 28312

SMITH, DORIS F; FLYNN, CYNTHINEY S
1148 JOEL ST
CHINA GROVE, NC 28023

CHATHAM, POLLY I. TRUSTEE
8121 LAKISTA POINT LN
GARNER, NC 27529

DEITZ, PAULA; & JUDY
3104 A B CARTER RD
FAYETTEVILLE, NC 28312

MITCHELL, WRATHEL; & ANNE M
3149 SIDS MILL RD
FAYETTEVILLE, NC 28312

PARKER, CHARLES LEE, GENE J
CLEMENTE; PARKER, TRENDA M
2969 A B CARTER RD
FAYETTEVILLE, NC 28312

WATERMARK HOMES INC
1308 FORT BRAGG RD 201
FAYETTEVILLE, NC 28305