

**Members:**

Vickie Mullins, Chairman  
George Lott, Vice-Chair  
George Turner  
Alfonso Ferguson Sr.  
Winton McHenry



**Alternates:**

Robert E Davis  
Nathan Galbreath  
Stacy Michael Long  
Alberta Ortiz  
Gregory Parks

***CUMBERLAND COUNTY BOARD OF ADJUSTMENT***

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

**MINUTES**

October 20, 2016

7:00 PM

**Members Present**

Vickie Mullins  
George Lott  
Alfonso Ferguson Sr.  
Winton McHenry  
Gregory Parks, Alternate, Voting  
Stacy Long, Alternate, Non-Voting  
Nathan Galbreath, Alternate, Non-Voting  
Alberta Ortiz, Alternate, Non-Voting

**Absent Members**

George Turner

**Staff/Others Present**

Patricia Speicher  
Betty Lynd  
Hope Ward Page  
Robert Hasty, Jr. (Assistant  
County Attorney)

Chair Mullins called the meeting to order at 7:00 p.m. in Public Hearing Room #3 of the Historic Courthouse. Chair Mullins stated the procedural matters are to turn off all cell phones and other electronic devices and if asked to speak at the podium to please speak clearly into the microphone as the meeting is being recorded. If any board member wishes to speak or ask any questions please ask to be recognized by the Chair before speaking. Chair Mullins asked Mr. Lott to do the invocation.

1. INVOCATION

Mr. Lott

PLEDGE OF ALLEGIANCE

Recited by all

2. ROLL CALL

Mrs. Lynd called the roll and stated a quorum was present. For the audience Mrs. Lynd introduced Mr. Hasty, Assistant County Attorney, Mr. Galbreath and Ms. Ortiz, Alternate Non-Voting members for the meeting.

3. OATHS OF OFFICE

Mrs. Lynd, a notary public for Cumberland County administered Oath of Office to: Alberta Ortiz.

4. SWEAR IN STAFF

Chair Mullins swore in staff.

5. ADJUSTMENTS TO THE AGENDA

There were none.

6. APPROVAL OF THE AUGUST 18, 2016 MINUTES

**Mr. Lott made a motion to approve the minutes as submitted, seconded by Mr. Ferguson. The motion passed unanimously.**

	<b>IN FAVOR</b>	<b>OPPOSED</b>
MULLINS	YES	NONE
MCHENRY	YES	
LOTT	YES	
FERGUSON	YES	
PARKS	YES	

7. ABSTENTIONS BY BOARD MEMBERS/BOARD MEMBER DISCLOSURES

There were none.

8. PUBLIC HEARING DEFERRALS/WITHDRAWALS

There were none.

9. POLICY STATEMENT REGARDING APPEAL PROCESS

Mrs. Lynd read the policy statement.

10. PUBLIC HEARING(S)

- **P16-05-C: CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A KENNEL OPERATION IN AN R40A RESIDENTIAL DISTRICT ON 6.24+/- ACRES, LOCATED AT 1624 SEABROOK SCHOOL ROAD; SUBMITTED BY AARON & JULIA NEWMAN (OWNERS).**

Chair Mullins read the case heading for Case No. P16-05-C

Mrs. Lynd reviewed the zoning, sketch map, and land use of the area surrounding subject property. She briefly reviewed board packet material.

Mrs. Lynd stated the ordinance related conditions that were submitted; Items 1A through 1E will need to be completed prior to obtaining permits. They show the need for a revised site plan, such as moving the fence behind the right-of-way, because all parts of kennels must be behind the setbacks. The proposed kennel operation is proposing hours of operation from 7am-7pm the kennel. The kennel facility will have 5 employees and a maximum of 87 dogs.

Mrs. Lynd read the County zoning ordinance definition of a kennel; it is any premises where four or more dogs which are 5 months old or older are kept permanently, commercially or as pets, if approved under Section 9-12G, excluding pet grooming shops, veterinarian clinics and veterinarian hospitals. That's in Section 9-12 of the county zoning ordinance. The owner has agreed to all conditions.

Mrs. Lynd directed the Board that if they want to make a motion for approval we ask that you make the motion subject to ordinance related conditions included in your packet. The staff also request that you make the packet material and the case file contents accepted into the record tonight.

MRS. LYND: I am available for any questions, if you'd like to see any of the slides again. The applicant is present tonight.

CHAIR MULLINS: Questions?

MR. LOTT: No.

MR. FERGUSON: No.

MR. MCHENRY: No.

CHAIR MULLINS: Okay, so we do have someone.

MRS. LYND: Yes ma'am. There are some speakers signed up, which you may call.

CHAIR MULLINS: Okay. Julia Newman. Would you like to be sworn in or affirmed?

MRS. NEWMAN: Yes ma'am

CHAIR MULLINS: Which one?

MRS. NEWMAN: Sworn in.

CHAIR MULLINS: Sworn in okay. Raise your right hand and place your left hand on the bible. Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

MRS. NEWMAN: I do.

CHAIR MULLINS: Please state your name and address for the record, please.

MRS. NEWMAN: I am Julia Newman. I live at 1624 Seabrook School Rd. 28312, Fayetteville.

CHAIR MULLINS: Okay.

MRS. NEWMAN: Well, I'm wanting to request that we get this user permit done. I feel that it would be to a very big benefit to Cedar Creek area, as well as the surrounding areas; Vander, Clinton, Stedman. Instead of taking it all to Fayetteville, and giving it all to Fayetteville, Fayetteville is so crowded with boarding. I've done a lot of research on this, it is overwhelmed with boarding. So I would like be able to do kennel operations at my home. At breeding, boarding, training facility, I have prepared a training site up on the top right hand corner (referring to site plan). I've sectioned the whole property is fenced in. Each section is fenced in separately from itself so nothing, nothing; everything is adjoined by a fence. Okay. I feel it'd be good for the community and surrounding communities. It would bring more jobs; a few more jobs not a whole lot but a few more jobs into the community. I think the young people need that in our day and time right now. And I've already started the vegetation on the Winter Hawk Lane. I have, I'm almost complete with that I'm waiting on the vegetation to get here. I've already bought it. Which is gonna enhance Winter Hawk Lane and the properties that are adjoining that. And then on the other side of me where the kennels will actually be is one resident, they're totally for this. I, they have, their vegetation, is mostly pine trees and oaks and they're very particular about their pine trees. When we cut them back or anything if they're hanging on our side, so I'm thinking that if I go with the vegetation that promotes their

property as well as giving all the buffering and everything for the sound barrier that would be, and they would totally agreed on that. So with that being said I have...I'm in good standings with AKC, with animal control. I do breed; I breed Belgian Malinois and German Shepherds, working line dogs. My clientele is ... oh my clientele, is the majority the 90% of my clientele are working, they're working line dog people. I got the military canine; I've got cops that get just pups from me for their own personal use, because they know what they are doing and that's what my dogs need. Now with that being said a lot of this boarding thing came from when I lived in Hope Mills, off of Hope Mills Road and the ordinance changed and I had 5 dogs and I said we're gonna have to move. I didn't want to be grandfathered in, we needed to pursue this. Well I had questions of who; who's going to board those particular kinds of dogs, because they're herding dogs, they're very active. They have to have a very active life and board them somewhere they don't have time for that I have time for that. I have the facility for it, I have the acreage for it, and I ... my dogs don't get out, they don't bother, everything's on a leash when it leaves my lot. And none thing comes in and pretty much, I guess that's all I got to say to y'all.

CHAIR MULLINS: Okay. Any Questions?

MR. PARKS: I've been to the property it looks perfect.

MR. MCHENRY: I haven't been to the property. I would just want to be sure that there's not going to be any noise or barking and so forth that's going bother the neighbors. If you get have...the number of dogs that you're talking about is, how many?

MRS. NEWMAN: Eighty something including mine.

MR. LOTT: Maximum of 78 is what she said. A maximum of 78.

MRS. LYND: Sorry, the maximum is 87 according to the application.

MR. MCHENRY: 87?

MRS. LYND: Yes sir.

CHAIR MULLINS: Max of 87. Yeah.

MRS. NEWMAN: My plan is not to start with that of course. Okay my surely goodness this is going to take some money to get these buildings up. My buildings are going to be 41 long that's from cement to cement 41 long. It'll house 3 dogs on one end and 3 dogs on the other end. They'll have their own opening and closing. I'm going to close them all off at night. Obviously I don't want no barking either. I've tried my best to take care of my own dogs to eliminate that. I haven't had any citing or citations from animal control as far as that's concerned. I've done everything that I'm supposed to do, that I knew to do until it

got to this point and I'm trying my best to correct this as well. Make this right. I just want to give these dogs and the other animals in the community what they need and that's just me.

CHAIR MULLINS: Okay, anything else? Okay. Thank you.

MRS. NEWMAN: Thank you.

CHAIR MULLINS: John Garcia. Do you wish to be sworn in or affirmed?

MR. GARCIA: Sworn in.

CHAIR MULLINS: Okay. Raise your right hand and place your left hand on the bible. Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

MR. GARCIA: I do.

CHAIR MULLINS: Okay. Please state your name and address for the record.

MR. GARCIA: John Garcia. I live at 325 Whippletree Lane in Fayetteville, NC.

CHAIR MULLINS: Okay. What would you like to add?

MR. GARCIA: For the most part I think she pretty well covered it. She's very committed, definitely very passionate about what she does. I'm familiar with all of the animals she personally owns. I work at veterinarian hospital on Cedar Creek at "All Pets". I've know her for a number of years. I've been there since I was 20, I'm 28 now. She definitely follows through with that everything she needs to and not just the minimum. She always makes sure to refer to us as a professional resource and for us to redirect her to anywhere else that she would need to go. She's always very as thorough as she can be and expects the same thing out of us; what do I need to do? Absolutely and how can I accomplish that?

CHAIR MULLINS: Okay, anybody got questions?

MR. LOTT: No. Thank you.

MR. PARKS: Very well said.

CHAIR MULLINS: Okay. Thank you. We have one opposed.

MRS. LYND: Yes ma'am. You may call the next person.

CHAIR MULLINS: Okay. Wendy... is it Teasley?

MS. TEASLEY: Good Evening ma'am.

CHAIR MULLINS: Yes ma'am you wish to be sworn in or...

MS. TEASLEY: Sworn.

CHAIR MULLINS: Sworn. Okay. Put your right hand on the ...Okay. Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

MS. TEASLEY: I do.

CHAIR MULLINS: Okay. Please state your name and address for the record.

MS. TEASLEY: My name is Wendy Teasley. I live at 4331 Winter Hawk Lane, Fayetteville, NC 28312. I have one question, can we go back to the map that outlines the property of where she's putting things please. This is the first I've seen of it. The dotted line that goes into that Winter Hawk Lane is that where a fence is going?

MR. LOTT: That's proposed shrubbery and a fence. Yes.

MS. TEASLEY: Yeah I mean beyond it. There's a dotted, there's a line that doubled up.

CHAIR MULLINS: I think so...

Mr. FERGUSON: That's a question...

MRS. LYND: You mean right here. (Referring to map)

MS. TEASLEY: Yeah that. (Referring to the infrared pointer) I don't know how to use that. Oh hell, the reason I ask that is into our 60 foot right-of-way road, Class C road; we've already had issues with. If she moves her fence out into there, she's now in our road. Out of where that middle line is 30 foot from my property line and 30 foot from her property line, if she moves that into that we now have lost the other side of our road, because she has moved her fence into it. We had an issue with this before I thought it was resolved but if she's planning on moving her fence in there, she's essentially prevented fire trucks or anything else from getting down Winter Hawk Lane at that point. Because there's, that's just a dirt road, Hurricane Matthew's has already put a split half way down the road to the railroad tracks. So now you're cutting off my neighbors who have four children and there's no way for anything to get down there and turn around if you move the fence out further in the road. We didn't move our fence back and we didn't request that they move their fence already in place back. We left the road as it was. That was my understanding; I didn't think that we were moving more fence into the road at this point. That I do have a huge issue with because it does take up some more of the road. My other issue is I do have dogs and I

didn't know I need a kennel permit. I will get one I have four. I will get a kennel permit tomorrow. I will go down and find out what I got to do to get one. I had no idea. My dogs have gotten out once and I paid the fine and took care of the problem they never got out again. I have lazy dogs. I have Saint Bernard's, a Great Pyrenees and a Pitt Bull I keep in my home. I keep my Saint Bernard's in the front yard if they bark I bring them in and keep my Great Pyrenees in the back yard and if he barks I go out and talk to him and he's good and he goes to bed. I go my mailbox during the day and I get barked at by her dogs. She, they just come out of the kennel I don't say a word I walk to my mailbox. I don't dare take my grandchildren out front, because yes she does have electric fence around her fence on top and bottom keeping her dogs in but I won't trust that. I've seen my neighbor have a 12 foot fence and I've seen a German shepherd climb that fence, with my own eyes. I know she breeds the dogs I don't have a problem with that, but if you add more dogs to this mix with my dogs and her dogs already barking each other at night. And I have to bring mine in and the only reason they are out front is there is a huge crime problem out there. My husband bought a motorcycle and somebody tried to rip it off two nights after it'd been there. They broke the ignition mechanism we've already had to have it fixed. We've now bought a shed, my shed has been attempted to broke into where the side door is, it's been pried open. I keep my dogs in the front yard they are docile but people are scared of Saint Bernard's period, they're big dogs and people are scared of them. Nobody comes in my yard anymore I don't have that issue. But when they bark I bring Mufasa and Lucy inside and that's the end of it. I hear them bark because I sleep with my window open and I can hear them right outside my front yard. But if you add 87 more dogs to this mix you can sound proof the heck out of something but that's not gonna take away all the barking, there's already enough barking between her dogs and my dogs. I hear my dogs bark they come in period. I know they bark, they're dogs, there're gonna see something they're, gonna bark. They're gonna hear another dog they're gonna bark, it happens, but if you add 87 dogs which I understand is down the road, to this mix nobody is gonna want to live there. It's gonna be too noisy. You're gonna drive every resident out of that area because of the noise and I love where I live my grandchildren love where they live with me. They love the yard go play in they've never had a yard before. We go out front occasionally we stay behind the privacy fence so the dogs don't see us come out and there's no barking. My dogs are excellent with my grandchildren. The pitt bull not so much so he's not around everybody I wish I could find somebody to take him he's a wonderful dog but I won't give him away because I'm afraid somebody would do something mean with him so I will keep him. I will get a kennel permit, but the amount of dogs, and then you got to think about the waste. The dog waste that's gonna come, where's it gonna go? What's the plan to deal with the dog feces, once you clean it out of the kennel? Just out in the yard, I smell enough as it is. Yes sir?

MR. LOTT: I believe that's been addressed in this application.

MRS. TEASLEY: I've not seen the application sir. I apologize for that.

MR. LOTT: Okay. According to the application is that they must take that into consideration and deal with it.

MRS. TEASLEY: Okay.

MR. LOTT: As far as your road way is concerned. I'm seeing here that they, since this is a Class C private street they all, they own to the center line of the street.

MRS. TEASLY: Correct sir.

MR. LOTT: And they, and of course they have to leave the travel way open which I think is 20 foot.

MRS. TEASLEY: No, according to the deed it is 30 foot, I didn't mean to interrupt you sir. It's 30 foot in according to the deed that they own, which I have researched. It says they cannot do anything to Winter Hawk Lane. It directly, expressly states, Winter Hawk Lane on their deed.

MR. LOTT: Yeah they shouldn't impede the traffic and the fence I see is proposed to be 15 foot from that.

MRS. TEASLEY: On the outside of it?

MR. LOTT: Yes ma'am. Outside of the ...

MRS. TEASLEY: Because that, then that would mean we'd have to go to civil court because at this point, I thought we had agreed, nobody would move their fences and avoid court proceedings, to not move our fences at all. Because if that was the case I had to move mine back which I was willing to do and they would had to move theirs back and Aaron and my husband Roger both spoke and they agreed that the fences would stay where they are and nobody would mess with those anymore.

MR. LOTT: According to this application here the fence is on, is 30 foot from the center line of the...

MRS. TEASLEY: The original fence, yes it is sir.

MR. LOTT: Okay.

MRS. TEASLEY: I'm speaking about where she's got the double dots and the solid line.

MR. LOTT: Well now the double dot and solid line is the setback lines, it is not the fence lines.

MRS. TEASLEY: The setback lines from what sir?

MR. LOTT: It's stated on here that it's a 30 foot setback line and it's uh...

MRS. TEASLEY: Their fence is physically on the 30 foot setback point sir. Their fence is physically on the 30 point, 30 foot setback point. I have a survey and my attorney has it right now. But I had a survey done and their fence is physically on the line and they're parts that it's not it's behind and my fence is

physically a half a foot ahead of the line which I have agreed to move my fence and according to her husband and my husband when they had the discussion they agreed that the fences would not move and I agreed to not go any further with the court hearing.

MR. LOTT: Well according to this plan that they've proposed a 4 foot cattle wire fence on the right-of-way of the roads

MRS. LYND: Madam Chair if I may say something real quick. One of the ordinance standards for a kennel operation is that all parts of the kennel operation including all pens, shelters, etc. are required to meet the setbacks as required by the zoning district and fencing as well because it's part of the kennel operation in this case. Condition 1A the approved permit for which I mentioned earlier, about them having to submit a revised site plan, Winter Hawk Lane is a private Class C street they would have to observe a 30 foot setback off that, that is a setback line right there that they've indicated but they'll have to revise that to show a 30 foot setback from the right-of-way.

CHAIR MULLINS: Okay.

MRS. LYND: Which is indicated by this 'RW' and all parts of the kennel operation must be inside the setbacks including fencing.

CHAIR MULLINS: Okay so they have to ...

MRS. LYND: They'll have to revise the site plan and meet that site plan.

CHAIR MULLINS: Okay.

MRS. LYND: And they've agreed to those conditions.

CHAIR MULLINS: Okay.

MRS. LYND: Previous to the meeting.

MRS. TEASLEY: Other than that the noise and I was worried about the waste but you said they addressed that so...

MR. LOTT: Yes.

CHAIR MULLINS: Yes ma'am.

MRS. TEASLEY: The noise is the biggest thing with me.

MR. LOTT: They must deal with that.

CHAIR MULLINS: Yes. Okay.

MRS. TEASELY: That it?

CHAIR MULLINS: Yes.

MRS. TEASELY: Thank you.

CHAIR MULLINS: Thank you. Okay, anything else?

MR. LOTT: It's a pretty thorough plan. I'm not sure how far into the future that they're talking about but they've met all the requirements and they'd agreed to meet the requirements and if so met, we've done what we're supposed to do.

CHAIR MULLINS: Okay. Make a motion?

MR. LOTT: I make a motion that we approve the plan as is.

MRS. LYND: Madam Chair if we could have the findings of fact incorporated into the motion as well before we get too far.

MR. LOTT: Okay.

MRS. LYND: You can find them behind the special use permit tab in your binder.

MR. LOTT: Special use the white tab.

MR. FERGUSON: The board of adjustment...we're talking about this one right here right?

CHAIR MULLINS: The next page, page 2 the finding of facts.

MR. FERGUSON: Okay the findings of facts. You want me to read this top part?

CHAIR MULLINS: We don't have to read the top, do we, just the description.

MR. FERGUSON: It says use will not materially endanger the public health or safety if located according to the plan permitted and recommended. Case facts right, so now we're going to insert in there that the 30 foot setback from the right-of-way must be adhered to right? This is what we're gonna put in now, that we're gonna say the 30 foot setback from the right-of-way must be adhered to in this here in order to be approved in, on Winter Hawk Lane.

MRS. LYND: Well that's one of the conditions. Yes, sir that they would have to meet if you make the motion subject...

MR. FERGUSON: Well they have to meet the condition that's listed in this site one. It also said on here and a 35 foot setback from the western property line is required as well. The setback must be observed for every part of the kennel operations to include but not limited to all fencing, run shelter, train areas, outside pens areas, alright. Okay so chain link fences also going to be incorporated into this one here. And it says that there any other types of fences used for the kennel operation must not be located between the required buffers, that's the vegetation and so all fencing in the Cumberland property line with the adjustment property. All required landscaping must be between the right-of-way property line and the fencing to qualify as landscaping for purpose of a kennel operation. Also on D all areas and structures must be used for the kennel operation and must be clearly delineated on the site plan and the developer must be ensure the kennel operation only occur in the approval areas, approved areas. The plan must be labeled the structure must be used, this is on E, as a shelter indicated that the side structure or structures are fully enclosed on the three sides, roofed and have a solid floor to include listing the type of flooring. So we want to accept these to be in this here, right?

MRS. LYND: If you want to present those facts as meaning number 1, yes.

MR. FERGUSON: We want to accept this into this as case facts.

MR. HASTY: The, these pre-permit related plans, your motion can just have the subject, these included subject to the conditions, the ordinance conditions. Both the findings have to be specific to your first one, the use will not endanger public health or safety it's located according to the plan submitted and proposed, and the finding there how it will not endanger public health or safety.

MR. FERGUSON: So how you say, The fencing will not affect the public. What you're asking us to do here?

MR. HASTY: That's fine if y'all want to make that a finding. It relates to that, okay.

MR. FERGUSON: But with the 30 foot setback the fencing would not impede on the travel road, right?

MR. LOTT: Right.

CHAIR MULLINS: Right. No public health, no safety...

MR. FERGUSON: Right, and cause no public danger.

CHAIR MULLINS: Okay. Use meets all required conditions and specifications.

MR. FERGUSON: Now are we going to use permit related item for this second one?

MRS. LYND: You just need to state a case fact that's specific to the subject property to meet each of the findings of facts to support your motion.

MR. FERGUSON: Okay. Mention on this one here we use and say that with the buffer on this one here we can use the buffer part in keeping the noise conditions down. Using the buffer will keep the noise down. The landscaping will keep and the flooring and the building permitting will give us...the shelter will need to keep the noise level down. We'll use that, the buffer?

MRS. LYND: I'll defer to Mr. Hasty.

MR. HASTY: uh...I mean...

CHAIR MULLINS: Do we need to be more specific?

MR. FERGUSON: So we'll go deeper.

MR. HASTY: Maybe a little more specific, if the...required conditions and specifications satisfy all ordinance related conditions...

CHAIR MULLINS: And the site plan right?

MR. HASTY: And is consistent with the site plan, something of that nature.

CHAIR MULLINS: The site plan.

MR. FERGUSON: Okay so that we'll say their conditions will meet the site plan for that property in other words you saying too right? That the conditions must meet the site plans on this one here

MR. HASTY: The conditions do meet the site plan.

MR. FERGUSON: That the conditions do meet the site plans in order to be approved.

CHAIR MULLINS: Okay. Number...

MR. FERGUSON: The use will maintain the value of the adjoining properties...okay. So now we can use on here the property itself. Okay. And this on here, that the buffer in the site plan, that's being, that will be established and used and approved and once done according to the site plan, on number three here, when the buffer is there it will enhance the property value in the neighborhood.

MR. HASTY: I would probably focus on the public necessity because there were no, there's no evidence of actual property value.

MR. FERGUSON: Okay.

MR. HASTY: So probably public necessity, I think she addressed that...

MR. FERGUSON: Okay. So we're gonna say that when the buffers in place according to the site plan and then public use in the area, because no other kennels in the area, that what you're saying? Use that to...?

MR. HASTY: Well I think the applicant addressed potential of jobs...

MR. FERGUSON: Yes.

MR. HASTY: And that there's no other kennels in the area.

MR. FERGUSON: Right.

MR. HASTY: Things of that nature.

MR. FERGUSON: Right. Okay with the use of the kennel being approved, you'll have added job resources; you also will have the...

CHAIR MULLINS: The kennel.

MR. FERGUSON: The kennel because it's the only kennel in the area, so you'll have added job value and bring some resources to the community, more resources to the community.

CHAIR MULLINS: Okay. Number four.

MR. FERGUSON: Okay on number four the location and character use if developed according to the plan and submitted we recommend (inaudible) Cumberland County most recent land use plan...okay, now. So, now we go back to that one, the same one we use again with the buffers and that's it's gonna come to the area and bring jobs in the area. Oh and want to mention something in the area for this one here, would I use, land use is going to be used for the kennel and bringing in with new, starting out with a low amount, and then bringing in more animals in the future, or...? But all the amenities will be built ahead of time...you want to use that or ...?

MR. HASTY: Yeah. I mean that's up to you. If you want to make that one, one of your findings; it's consistent with the neighborhood, it doesn't...it blends in with the neighborhood, the nature of the zoning area.

MR. FERGUSON: Okay it's continues to flow the neighborhood, it continues to grow along with the neighborhood, without any changes and should be approve it now, right?

CHAIR MULLINS: Mmmhmm.

MR. FERGUSON: And then having heard all the evidence and arguments presented at this hearing the board will find the application complete and that application complies with all applicable requirements of the Cumberland County Zoning ordinance for the development purposes, therefore application to make use of the property described within this case for the purpose indicated, hereby approve subject to all applicable provisions in the zoning ordinance and the following conditions. Do I have to read these out?

MRS. LYND: You can just sate that your motions is subject to all related conditions.

MR. FERGUSON: The motion is subject to all the related conditions.

CHAIR MULLINS: Okay. Thank you. That's finding of facts right? Okay. Need to make a motion?

MR. LOTT: You want me to remake it?

MR. FERGUSON: Yes we had to do the conditions.

CHAIR MULLINS: Yes. We had to go back.

**Mr. Lott made a motion to approve the application subject to the required conditions, seconded by Mr. McHenry. The motion passed unanimously.**

	<b>IN FAVOR</b>	<b>OPPOSED</b>
MULLINS	YES	NONE
MCHENRY	YES	
LOTT	YES	
FERGUSON	YES	
PARKS	YES	

CHAIR MULLINS: All in favor? Yes. Any Opposed? No

MRS. LYND: Unanimous.

CHAIR MULLINS: Okay. Next 2017 deadline schedule.

MRS. LYND: You can also excuse the people from the case, they'd don't have to stay.

CHAIR MULLINS: Okay. We're gonna continue on with our meeting if you all would like to stick around that's fine. But, most people do not.

MRS. TEASLY: Thank you.

MR. FERGUSON: Thank you.

CHAIR MULLINS: Thank you.

MR. MCHENRY: Thank you.

CHAIR MULLINS: Okay.

MRS. LYND: Okay.

#### 11. 2017 DEADLINE SCHEDULE

CHAIR MULLINS: Now we can go to our 2017 deadline schedule.

MRS. LYND: Yes ma'am included in your packet should've been next year's deadline schedule and meeting date that the wonderful Hope created for us.

CHAIR MULLINS: Okay.

MRS. LYND: We'll just need a motion to approve it. That's all.

**Mr. Parks made a motion to approve the 2017 Board of Adjustment deadline and meeting schedule. Seconded by Mr. Ferguson. The motion passed unanimously. The motion passed unanimously.**

	<b>IN FAVOR</b>	<b>OPPOSED</b>
MULLINS	YES	NONE
MCHENRY	YES	
LOTT	YES	
FERGUSON	YES	
PARKS	YES	

CHAIR MULLINS: All in favor?

#### 12. DISCUSSION/UPDATE(S)

CHAIR MULLINS: Any discussion or updates?

MRS. LYND: The only thing from staff Madam Chair is that there will be no November Board of Adjustment meeting. But we hope you all have a great Thanksgiving, maybe we'll see you all in December. And then I'm not sure if Mr. Hasty has any updates.

MR. HASTY: I don't really have much. I think on the Hampton case that's in the Superior Court, I mean in the Court of Appeals we have filed our brief. The Hampton's brief is due the 22<sup>nd</sup> which means it's really due Monday the 24<sup>th</sup> since that's the weekend so; again like I said last month it's a several month process so it'll be a while before we know anything. But it's ongoing

MR. LOTT: Is that getting back to the shooting range you're talking about?

MR. HASTY: Yes, that's it.

MR. FERGUSON: The long meeting.

13. ADJOURNMENT:

CHAIR MULLINS: Okay. Adjourn?

**Mr. Parks. made motion to adjourn. Seconded by Mr. Ferguson. The motion passed unanimously. Meeting adjourned at 7:39pm.**

	<b>IN FAVOR</b>	<b>OPPOSED</b>
MULLINS	YES	NONE
MCHENRY	YES	
LOTT	YES	
FERGUSON	YES	
PARKS	YES	