



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

**CUMBERLAND
COUNTY**
NORTH CAROLINA
Board of Adjustment

Alternates:
Kenneth Turner
Gary Silverman
Brenez Orozco
Jovan Bowser
Donald Brooks

AGENDA
September 21, 2023
6:00 PM

A meeting of the Cumberland County Board of Adjustment is to be held on Thursday, September 21, 2023, at 6:00 p.m. in Hearing Room #3 of the Historic Courthouse at 130 Gillespie Street, Fayetteville, North Carolina. The agenda is as follows:

1. INVOCATION & PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. SWEAR IN STAFF
4. ADJUSTMENTS TO THE AGENDA
5. APPROVAL OF THE AUGUST 17, 2023 MINUTES
6. ABSTENTIONS BY BOARD MEMBERS/BOARD MEMBER DISCLOSURES (SITE VISITS AND/OR PERSONAL AFFILIATIONS)
7. PUBLIC HEARING DEFERRALS/WITHDRAWALS
8. POLICY STATEMENT REGARDING APPEAL PROCESS
9. PUBLIC HEARING(S):

BOA-2023-0010: Consideration of a Special Use Permit to allow a temporary Public Utility Works, Shops, or Storage Yard in an A1 Agricultural District on 7.29 +/- acres, located at the south side of Old Bluff Church Road, west of Sisk Culbreth Road; submitted by Duke Energy Progress, LLC (applicant) on behalf of Karla Lockamy (owner).

10. DISCUSSION/UPDATE(S):
11. ADJOURNMENT



Board of Adjustment

MINUTES
August 17, 2023
6:00 PM

Members Present

Gregory Parks-Chair
Linda Amos, Vice-Chair
Robert Davis-Alt
Marva Lucas-Moore
Kenneth Turner- Alt

Absent Members

Gary Silverman
Vickie Mullins
Jovan Bowser

Staff/Others Present

David Moon
Christopher Portman
Amanda Ozanich
Brenez Orozco-Alt
Donald Brooks-Alt

Robert Hasty (Asst County Attorney)

Chair Parks called the meeting to order at 6:00 p.m. in Public Hearing Room #3 of the Historic Courthouse.

1. INVOCATION

Chair Parks read the invocation.

PLEDGE OF ALLEGIANCE

Recited by all.

Chair Parks stated the procedural matters are to turn off all cell phones or to place them on silent and requested to limit time per speaker to 5 minutes. If any Board member wishes to speak, please ask to be recognized by the Chair.

2. ROLL CALL

David Moon called the roll and made note of the absences of members: Vickie Mullens, Jovan Bowser and Gary Silverman. Mr. Moon stated we do have a quorum.

SWEAR IN OF STAFF

Chair Parks swore in staff Christopher Portman and David Moon.

3. ADJUSTMENTS TO THE AGENDA

There were none.

4. APPROVAL OF THE July 20, 2023, MINUTES

Mr. Kenneth Turner made a motion to approve the minutes from the July 20, 2023, hearing minutes as written. This was seconded by Linda Amos. All are in Favor.

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

There were none.



6. PUBLIC HEARING DEFERRALS/WITHDRAWALS

There were none.

7. POLICY STATEMENT REGARDING APPEAL PROCESS:

David Moon read the policy statement.

8. PUBLIC HEARING(S)

David Moon: Deputy Director of planning and inspections department. The case before you this evening is **BOA-2023-0003**. This is a request for variance from Section 1002, Incidental Uses, Paragraph E., Accessory Structures, requesting accessory structure setback at 12.7 feet instead of required minimum of 15 feet, Cumberland County Zoning Ordinance, for 0.96 +/- acres located at 2753 Wade-Stedman Road; submitted by James McVeigh (applicant/owner).

As you see on the screen, the subject slide, is located in the eastern area of the county. The request is for a variance. A variance is for a reduction in the terms of the ordinance, where such variants will not be contrary to the public interest and where only conditions particular to the property and was not a result of the action of the applicant and a literal enforcement of the ordinance would result in unnecessary and undue hardship. To comply with the variance hardship, four criteria must be met. The board is familiar with those criteria.

The first is the unnecessary hardship that would result from the strict interpretation of the code.

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

The third criteria is the hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances existed may justify the granting of a variance that shall not be regarded as a self-graded hardship.

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

The BOA has the authority to approve, deny or approve with conditions to the requested variance, based on the requirements set forth in our zoning ordinance, delegated for the adjustments. Four Affirmative votes is necessary by the board, a super majority, to approve a variance. So, for the variance request to be approved, four out of five votes will be necessary. Hopefully with those four criteria, the burden of proof is placed on the applicant to demonstrate that they've complied with those hardship criteria. The property owner is present this evening, to present his case to the board.

At this time, I'll turn the floor over to Chris Portman, senior planner with requirement to go over the site conditions and site information.

Chris Portman: Chris Portman, senior planner in the current planning office. The Applicant owner James McVeigh is requesting a variance to reduce their side yard setback from 15 feet to 12.3 feet to allow 2.7 feet of an encroachment for their storage building garage. The property is 0.96 plus or minus acres. Here is the site plan that



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was submitted to our office. The arrow is showing the location of the corner that is within the setback. It is 12.3 feet away from the property line, which in the zoning district calls for 15 per the applicable zoning setbacks. This property is zoned A1, but it does follow our zoning setbacks, which as you can see. Here is the side yard for 15 feet and I'll explain here in a second. This falls under section 1002 incident on uses for any accessory structure greater than 700 square feet must be located inside the building envelop.

David Moon: And we defined the building envelope as the minimum set back distance from the property line.

Chris Portman: Section 1101D. Lot regulations. As you can see highlighted below, the dimensional requirements of the RR rural residential district and the A1 agricultural district. This lot was, by deed, then created May 27th, 1997, from Deed Book 2598 page 309, Making it a lot recorded less than the minimum requirements, following section 1101. Lots created after August 22nd, 1984, must comply with the zoning dimensional provisions set forth in the zoning ordinance. Since this lot was created before 1984, it would default to the RR rural Residential zoning District setback standards. As you can see, it does follow in the A1 zoning district. There's R40 surrounding it, as well as some R40 conditional zoning across the street, down the road.

Here is the subject property and the surrounding uses. As you can see, there's some wooded land, farmland across the street and residential directly behind it. There are no hydric or hydric inclusions soils. There is a water line, but no sewer is present, so it would be required to be serviced by septic tank. This is the subject property. If you follow my mouse, so this is the location of the accessory structure here. If you can see, my mouse moving, this is the South view, looking down Wade Stedman Rd. This is the Westview, looking across the street and this is the North view along Wade Stedmon Rd. This is the area directly behind the home. Again here, is the site plan where you can see the rear corner and the encroachment of the setback by 2.7 feet. (12:02)

David Moon: Again, the board will consider the four criteria in your decision this evening. As the next slide will state is, you can consider that there are special limitations that would apply to the action if you are in favor of the variance. Such as, the variance is limited to a 900 square foot shed and it's limited to a 2.7-foot encroachment into the side yard setback. So, the applicant, in your package, has provided a response to the four criteria. Mr. McVeigh is present to provide further explanations regarding the request. That concludes staff presentation. We can address any questions that you may have. If not, then we may proceed to the public hearing portion.

Chair Parks: I have a question. Is the pad already poured?

Mr. McVeigh: yes

Chair Parks: Mr. McVeigh, please come to the podium and state your name and address.

Mr. McVeigh: James Edward McVeigh, 2753 Wade Steadman Rd.

Chair Parks: Place your hand on the bible and raise your right. Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God.

Mr. McVeigh: yes, sir.

Chair Parks: Ok, now go ahead and tell me about it.

Mr. McVeigh: Well, what exactly happened. If you look well at the site. Can you put the Site plan back up there.



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There we go. When I initially turned were you see how my allotment kind of parallelogram and my house was kind of slanted. And when I initially turned in my drawing it was even. With the setback line there, you know, 15 feet, but then I went out and staked it out and I said, you know what, it would look a lot better if the building was the same angle as my house, but in doing so, when the concrete contractor, you know, tilted it at the same angle as the house instead of tilting, Like the corner, the furthest back corner off of the setback line, he rotated off center and that's how it is now is encroached into the setback area. (14:48)

Chair Parks: And so you did come down to the permit office and get permits and everything proceeded in the proper way. And when you went out, you were doing the drawing and it was squared up and you decided to take it on yourself to make it cock-eyed. To make it look like the angle of the house.

Mr. McVeigh: Right. And then after the slab was poured, because I had this, I had a surveyor come out and stacked it all out, and after the survey, of course I said you know what, that looks awful close. And then I got there and measured and my rough measurement it was it was 2 1/2 that 10s, but probably. About 10Sq ft of the building or the slab was about 2 1/2 foot inside the setback area. (15:24)

Kenneth Turner: Were the corners staked before the slab was poured by anybody but you. Like, did the engineer stake it? Did you? You said you had a licensed GC blueprint and all that. Did they stake it or did you stake it.

Mr. McVeigh: With the building itself or the property line?

Kenneth Turner: The building itself.

Mr. McVeigh: No, I'd staked it, originally to see what it looked like.

Kenneth Turner: OK and you had already managed to make it 15 feet off the property line.

Have you spoken to the concrete guy, the person that you hired to do this to ask him. His idea on anything on correcting it.

Mr. McVeigh: Well, you did the corrected you'd probably have to be completely. Because, I mean, because the slab is pour specification respecting the footers are, you know, 16 or 18 inches or whatever specification is. I mean, there's a lot of concrete there. It had to be demolished to install it, overfill.

Kenneth Turner: You wouldn't have to demolish the whole thing just what is encroaching, and I'm just curious about some things. Could you not cut off? And we would be looking at the east side by three feet and just extend the area towards the road that three feet and report just three feet and then be in compliance with everything. (16:48)

Mr. McVeigh: I'd really don't think that's a possibility, because then my concrete will not all be one piece at that point.

Chair Parks: If you want to say something, you need to come to the podium. State your name and address.

Michael Green: Michael Green.

Chair Parks: You swear to tell truth the whole truth and nothing but the truth.



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Michael Green: Yes, sir. But the truth initially was put on a twist for aesthetic reasons because of the layout didn't look pleasing to the road and surrounding areas. Those turn, and one corner to my one corner went over. Not the entire building. We did do an open footings inspection with the county. They came out and everybody satisfied that everything was fine and.

Chair Parks: And with the footing. It was turned at that angle.

Michael Green: Yes, so we were approved to pour, and it was so small in such a tight area that was crossing the line, the offset. It didn't really stand out to the eye until somebody walked out to check the mail and looked down and said you know what, that might of went over. So, we addressed obviously, we got the plans for the fitting from the metal building contractor which is designed with fittings with steel. Lot different things in place on the perimeter of it. So, cutting it back, letting it down to a six-inch slab. It was not feasible for the structure integrity of the building. To cut it back, it was addressed right? It wasn't. You know 3 feet. Off here, 3 feet over here, but this is not a flat slab. It was designed with exterior load fittings and rebar and a lot of variables behind the actual metal building contractors. Plans that they submitted to us to be built that way. So, the entire fitting would have redone. Well, Because, you know it was going to have an impact on the structural integrity of the building if it is cut. So, these are the strongest when they're monolithic. So, anyway, like I said we're talking about approximately 20-22 square feet out of the 900 square foot slab that's crossing the, it's the one triangle for about 10 feet by 2.7 feet at the deepest point. So, we're not talking about the whole field, we're talking about a small little bit, the bottom left corner as you're looking at it.

Chair Parks: To that, has nobody opposed in your neighborhood, with your sign up.

Michael Green: Access easement that's on the adjacent side is nothing but access easements.

David Moon: No one else is signed up to speak. All the abutting property owners were notified by letter of the hearing tonight and a notice was placed in the Fayetteville Observer on two different dates.

Chair Parks: Now my question to you, David. What responsibility would building inspectors have? I mean, when you come out for a job and you've got it laid out at that point, should they have not, have caught the difference in that situation?

David Moon: That may have been or may not have been on inspection, but at the time of the building permit application. The staff at that point would have identified the encroachment into the set back and indicated to the applicant that a variance application would be necessary. Whether the slab was poured prior to the building permit application, the applicant would have to address that. But the project was halted until such time as the variance was approved so that a building permit could be issued.

Chair Parks: OK, and at what part of the process was it halted? When they came out to improve and to approve your footing. Was anything said then?

Mr. McVeigh: No, I actually have my permit with where the inspector signed off on it.

Chair Parks: On the footings?

Mr. McVeigh: yes, beforehand.

Chair Parks: When did they come out and say you are encroaching?



Mr. McVeigh: They didn't. I brought it down to the planning and zoning. We discovered and came in and tried to do the right thing.

Michael Green: We knew it was a problem, so we tried to do the right thing.

Chair Parks: You all want to discuss it.

Robert Davis: Did you say 900 sqft or 700sqft?

Mr. McVeigh: the footprint is 900 sqft

Robert Davis: If we approve it, would it have to 700?

David Moon: If it exceeds 700sqft, the setbacks are then the primary structure setbacks. If it is 700 sqft or less then the accessory structure setbacks apply. So, for example if this building was 600 sqft then it would only have to be a 5' side yard setback instead of the 15'. 15' is what is required for a primary structure.

Kenneth Turner: What is the structure for?

Mr. McVeigh: Parking and my projects. I think a little bit of my own personal stuff but mostly, I have a classic car, I'm gonna buy like I'm looking for a 357 Chevrolet truck, my zero-turn mower. I mean it's for my stuff. Yeah, this has been going on and waiting on since November.

Chair Parks: So, it's a metal building to put stuff in.

Kenneth Turner: At what point do the inspectors become culpable for knowing that it's encroaching? Our city and county inspectors? When do they know or not know that? (23:37)

Chair Parks: When are they responsible, is what he wants to say?

Kenneth Turner: Is that their responsibility to check site plans and surveys?

David Moon: The initial plan that was submitted, to staff, was hand drawn and it wasn't based on a survey. At the time of the time of the variance request, the staff held up the application until the applicant submitted an actual survey, prepared by a licensed surveyor. So, the building department was basing its review of the code enforcement plan review decision, would have been based this decision that hand drawn diagram. It turned out not to be accurate.

Chair Parks: So, to me, that's why when an inspector goes out to check footings out on the building. At that time, he needs to make sure it meets whatever needs to meet, at that particular time.

David Moon: Well, those particular cases, unless the property line is stacked by a surveyor, it's difficult to conduct and actual measurement.

Chair Parks: did you have a survey done on the property before you did the footings and what not? (25:08)



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Mr. McVeigh: Yes, I did. I had a guy come out and uh according to the co-ordinance on my deed, he found all the deed stakes in the ground, and I had a guy come out and find approximate then stake, put 4 stakes in that area where I was gonna put the building at. As matter fact there are still stakes up there.

Kenneth Turner: I am having a problem with this is a self-made problem. Which is item number 3 and 4. That's the problem that this was created by the property owner.

Chair Parks: That should have been, yeah, that should. What are y'all thinking here?

David Moon: Please speak into the mic because we have to keep records of the meeting.

Robert Hasty: Mr. Chairman, I don't know if they want to put any more evidence on or not before you all deliberate.

Chair Parks: You don't have any more evidence?

Michael Green: Yeah, well, I mean. No, no more evidence, I mean, but. We did have all proper property line state at the time of the inspection, of the open footing inspection. And obviously, if it was called at that time, we would have made adjustments, at that point. As soon as the concrete went in place. I mean, that's where the problem came from.

Chair Parks: Well, we know that absolutely did say when he, when he had it staked out that he decided to turn it on an angle. Yeah, I'm giving him considerations you guys have done everything that you're trying to or suppose to do. I mean, in fact, to the extent of coming back down and saying, hey, you know, we think we messed up here. So, we just need to.

Michael Green: I hope that you agree that the impact is minimal. It's not the entire building, it is a small corner that we're all talking about. 2.7' is the worst-case scenario, approximately 9 to 10 feet down. It's twisted, so just the corner went across not the entire building because.

Chair Parks: Mr. Davis, what's your thoughts on this?

Robert Davis: I understand what you're saying.

Linda Amos: I have a question. Chris, did you say it was within the building envelope by 2.7'?

Christopher Portman: No, it's encroaching the side yard setback by 2.7'.

Kenneth Turner: Well, there's almost 2 issues. One is the encroachment and it kind of goes hand in hand with the difference between the 700 sqft versus the 900 sqft. If it was 700 sqft?

David Moon: the side yare set back, in that situation, would be 5'.

Kenneth Turner: Right, so then that would not impact this gentleman.

David Moon: Correct if it was 700 sqft or less.

Kenneth Turner: is there any thought to make it at 700 sqft just to try and get through this process?



Mr. McVeigh: Not really. Like 700 square feet would not be able to park three vehicles and a zero-turn mower and that's not going to be big enough for that.

Michael Green: Well, that would still need to redesign the footing too. I mean if we could redesign the other half then we could do, I mean.

Kenneth Turner: You know, sometimes. We're put in a position that we hate to be put in, but I'm afraid that because this is property owner induced which is line item three, it just cannot be the fault of the property owner. I'm inclined to not grant the variance in this. We'll make a motion for that reason.

David Moon: is that a motion?

Chair Parks: No, we are still in discussion here. No that's not a motion.

Linda Amos: So, I have a question and it might have been answered, but I just want clarification. So, when they presented the diagram or of what they were trying to do. You always under impression that it was going to be one way placed, before they slanted it. Is that correct? Was it slanted after the fact that was presented to you all down at the board, at planning?

Chair Parks: Yes, that's the way it was when he brought the initial and I'm trying to tell what y'all said to me. Y'all brought it down. You just hand drew it in and it was, let's say, parallel or whatever. And then they decided the owner decided to make it cockeyed to match the house angle. And that's where the problem came.

Marva Lucas-Moore: But you all, staff was not aware of that change? Is that correct? (30:27)

David Moon: We are aware of the encroachment at the time the applicant brought it to the attention to staff.

Marva Lucas-Moore: Once it's brought to the attention of the staff.

David Moon: Correct

Chair Parks: and the applicant actually came back and said, listen, I think I'm encroaching. So, I want to do the right thing. So, that's where we stand. Ken's correct in that aspect that it was induced by the owner, but you know you gotta vote. It's a tough vote here.

Marva Lucas-Moore: I agree. We have rules and we have rules in place for a reason.

Chair Parks: Ok, that's your opinion on this. How about you Robert?

Brenee Orosco [alternate member]: I'm sorry can we ask everyone to speak up so everyone can hear over here please.

Marva Lucas-Moore: I am not considering it because it's not in the building envelope.

Chair Parks: Mr. Davis, do you have any discussion on it?

Robert Davis: I am still trying to figure out why it would be a hardship on him?



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Michael Green: A financial hardship because we can't just adjust the footing.

Robert Davis: What happened?

Michael Green: It would be a financial hardship. So, we cannot just adjust the footing. It's a very expensive slab to be done correctly.

Ken Turner: Unfortunately, that is a hardship created by the owner, again. Cudo's to you guys and I hate that I'm trying to.

Robert Davis: See now that's my question. I don't know if it was partially created by homeowner. The first gentleman said he asked him to turn it. The homeowner asked his contractor to turn it and his contractor simply left this one corner in place and simply turned it this way instead of lifting it up and turning it and moving it over. By rotating it, it created the problem when the guy rotated it instead of moving it over and then he didn't catch it till he came back out and saw it, but as soon as he saw it he said, Ooops.

Michael Green: exactly and that's why you see one corner.

Robert Davis: We can't allow variances to be what we so desire, can we? We can allow it.

Chair Parks: We can give them a variance, but we have to go by the 4 criteria that we have and that's our rules. We can't change that. And the situation is, what Mr. Turner said, that the applicant was the one that changes the sides of the building. Um, yeah you can take that slab and cut that corner off and you can make that slab, and you can go under there and make that foundation or what not. You can cut that corner off. Now I know that your building is not going to look right. you can also. But that slab can be cut off and I know your building is probably going to be 30x30. Now how are you going to make that look worth a hoot, I don't know.

Michael Green: Well also adjusting that exterior footing, I know you can cut it off but as for placing it back and potentially dialing in, Like I said it is designed to be a monolithic slab and if you are gonna put it into a negative moment it's not gonna be structurally sound on that point.

Kenneth Turner: you're going to have to get a structural engineer involved in that case.

Michael Green: yes, I am a structural engineer.

Chair Parks: So you know what it's gonna take to fix this.

Michael Green: And that's what I'm trying to say, is that I don't think that that's a good feasible solution and the solution is to ask for your mercy here.

Kenneth Turner: the other thing is to tear the slab up and redo it and that is the only other thing you got to do. We are up here trying to figure out a way to help.

Michael Green: I understand completely and like I said at one corner we are in the 15 but the other is up to 18.

Kenneth Turner: If we continue to bring up the one corner the one corner, the rest is to move that one corner. I mean 1 corner is as good as 10'.



Michael Green: No, I understand what you are saying but structurally wise that's very difficult even though it 2.5' and in the building, it's easier said than done.

Chair Parks: I agree with you 100%. I am just trying to find a way to help.

Michael Green: We have address all of that.

Chair Parks: But our hands are tied by the 4 different things we've got to go by. Yes, sir.

Kenneth Turner: which is why I said I hated to do it but I'm gonna make a motion now to deny the variance because the situation was created by the property owner himself and or principle of the property owner.

David Moon: The chair would need to close the public hearing before you could entertain a motion.

Chair Parks: Do we have anymore to add to the public hearing? Public hearing is closed David. Alright, do I have a motion?

Mr. Kenneth Turner made a motion to deny the variance because the hardship is created by the property owner or a principle of the property owner. Mr. Robert Davis seconds the motion. The motion was passed by a vote of four in favor and one opposed.

	Vote in Favor
Parks	Ney
Amos	Yes
Davis	Yes
Lucas-Moore	Yes
Turner	Yes

David Moon: Chair there are no other items on the agenda this evening. So that concludes our meeting unless you have other items to bring up.

Chair Parks: I do not.

Robert Davis: motion to adjourn.

Kenneth Turner: second

Chair Parks: We are adjourned.

Meeting adjourned at 6:39pm.

EXPLANATION OF THE REQUEST

Special Use – Public Utility Works, Shops, or Storage Yard in an A1 District

Property Owner requests the BOA grant a Special Use Permit for a temporary Storage Yard at a location illustrated on Exhibit "A". The proposed site is owned by Karla Lockamy, leased by Duke Energy Progress, LLC and is located on approximately 7.29 +/- acres of a 30.92 +/- acre parcel. The property is located on the south side of Old Bluff Church Road, west of Sisk Culbreth Road.

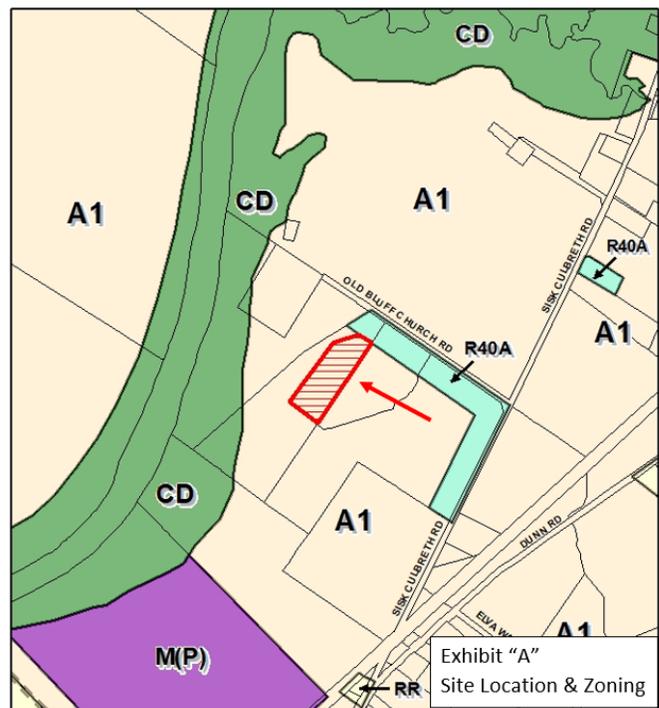
A Public Utility Works, Shops, or Storage Yard within an A1 zoning district must obtain a Special Use approval from the Board of Adjustment, per Section 403, County Zoning Code, as shown in Exhibit "B" (attached). A Storage Yard in an A1 zoning district must comply with the development standards and requirements set forth in Section 901 and 918 of the Zoning Code, including submittal of a site plan. Refer to Exhibit "C" and "D" (attached) for the development standards and requirements set forth in Section 901 & 918. The applicant's proposed special use site plan appears in Exhibit "E" (attached).

For a maximum period of up to four years, Duke Energy Progress proposes a temporary storage yard to be used as a staging area for the line construction crew can pick materials for replacing aging vertical infrastructure associated with electrical transmission lines under Special Use type Public Utility Works, Shops, or Storage Yard in an A-1 Zoning District. This site will not contain any energized equipment or full-time staffing. Instead, the proposed laydown yard will allow for staging of materials until the line construction crews pick up material from the site and head out to the transmission line job site with their equipment. Except during periods of emergency, hours of operation for the site will be limited to 6am to 7pm, Monday-Friday.

Given the temporary nature of this storage yard, no permanent signage or landscaping is proposed. Similarly, no well or septic systems are proposed, though the site will contain a job trailer with port-a-johns. Within four years of SUP approval, the temporary gravel storage laydown yard will be removed, and the land will return to its current existing condition. The proposed Special Use Permit establishes a sunset clause that terminates the special use at four years. However, it includes an extension clause that allows the BOA to extend the expiration date for up to an additional two at its discretion.

Exhibits

- A. Site Location/Zoning
- B. Use Matrix, Sec. 403, Zoning Code
- C. Section 901, Individual Uses
- D. Section 918, Public Utility Works, Shops, or Storage Yard
- E. Special Use Site Plan
- F. Existing and Adjacent Uses
- G. Soil and Utilities
- H. Northeast Cumberland Land Use Plan
- I. Special Use Permit Conditions
- J. Sec. 1606 Applicant Response



PROPERTY INFORMATION

OWNER/APPLICANT: Karla Lockamy, Owner;
Duke Energy Progress, LLC, Agent

ADDRESS/LOCATION: Located on the south side of Old Bluff Church Road, west of Sisk Culbreth Road.

REID: 0582202778000

SIZE: 7.29 +/- acres of a 30.92 +/- acre parcel.

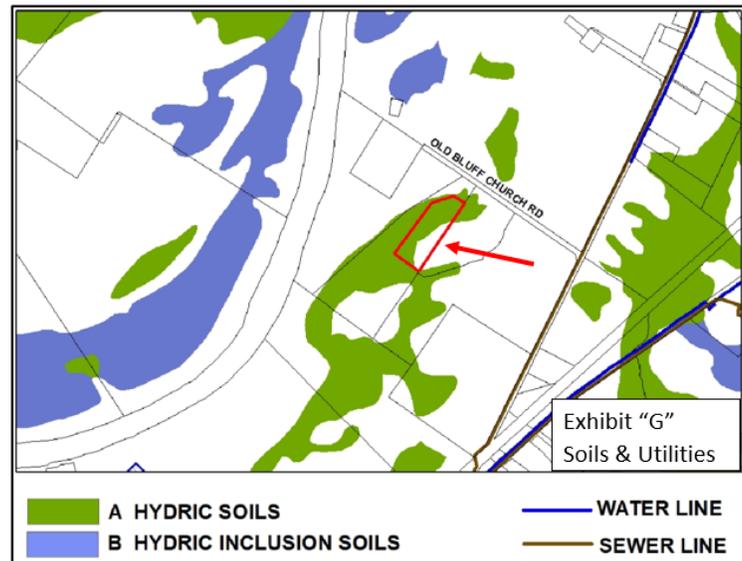
ROAD FRONTAGE: Road frontage along Old Bluff Church Road is 211 +/- linear feet.

EXISTING LAND USE: The property is vacant, as shown in Exhibit "E" (site plan) and "F" (existing use and surrounding uses.)

SURROUNDING LAND USE: Uses in the surrounding area and adjacent properties comprise wooded lands and farmland. The Bluff Presbyterian Church is located at the north end of Old Bluff Church Road. Surrounding uses are shown on Exhibit "F".

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

MINIMUM YARD SETBACKS: The Storage Yard would meet the required setbacks for the A1 zoning district.



IMPACTS ON LOCAL INFRASTRUCTURE

TRAFFIC: The subject property, Old Bluff Road is located outside of FAMPO boundaries. Old Bluff Road is a dead-end street with minimal daily traffic. Mid-Carolina RPO did not provide any comment on this facility at this time.

UTILITIES: Water services are provided. Exhibit "G" provides information on utilities available to the subject property.

ECONOMIC DEVELOPMENT: The staff from the Fayetteville Economic Development Commission have not identified any concerns and are supportive of this action.

EMERGENCY SERVICES: Cumberland County Fire Marshal's office has reviewed the request and has no comments at this time.

SPECIAL DISTRICTS: The subject property is not located within five miles of Fort Liberty Military base and is not located within or near the Fayetteville Regional Airport Overlay District.

APPLICABLE CODES

Use and development of the subject site must occur consistent with Section 901 & 918 of the Zoning Code, Case No. BOA-2023-0010 Site Plan (Exhibit "E"), and Special Use Conditions (Exhibit "I")

FINDINGS OF FACT

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

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".

Staff finds the Special Use Site Plan to be consistent with the Zoning Code.

MOTION

The BOA is requested to take action/motion based on the findings of fact, as supported by the Special Use Site Plan (Exhibit "E") and Special Use Conditions (Exhibit "I"). 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

		LAND USES														ZONING CLASSIFICATIONS													
		CD	AL	ALA	RAO	RAOA	R20A	R20	R2DA	RR	R2D	R2DA	R6	R6A	R6	R6A	R6	R6A	R6	R6A	OBAP	CL(P)	CD(P)	CP	ML(P)	MO(P)			
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	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	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																													
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	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	P	P	P	P			
RECREATION VEHICLE PARK AND/OR CAMPGROUNDS (Sec. 921)		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 HABILITATION SUPPORT FACILITY (Sec. 922)																													
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 901, INDIVIDUAL USES

SECTION 901. DEVELOPMENT STANDARDS FOR INDIVIDUAL USES.

The development standards of this article are additional to other requirements in this ordinance. If there is a conflict with another section of this ordinance or any other Federal, State or local regulation, the most restrictive requirement shall apply. These development standards are use-specific and apply as minimum development standards for the use regardless of the type of approval or permit otherwise required by this ordinance. All non-residential uses listed within this article require site plan review and approval in accordance with Article XIV unless this article specifically requires approval of a Special Use Permit or Conditional Zoning District. Those uses requiring approval as a Special Use Permit (Section 1606) or a Conditional Zoning District (Article V) shall also be subject to these standards and any additional standards or conditions required by the approval.

(Amd. 11-20-06; 04-18-11)

In addition to the specific criteria listed for each use, the following are to be considered as minimum criteria for every non-residential use:

A. All parking and loading areas shall comply with the minimum provisions established in Article XII, Off-Street Parking and Loading;

B. All lighting shall be directed internally and shall comply with Section 1102.M;

C. Noise generated by any use shall not substantially or detrimentally affect the ability of surrounding property owners to reasonably enjoy the use of their properties and shall not contradict those standards of Chapter 9.5, Cumberland County Code, Article II, entitled: "Noise" (Noise Ordinance);

D. When any non-residential use is adjacent to residentially zoned properties, a screening buffer shall be provided in accordance with Section 1102.G of this ordinance;
(Amd. 01-19-10; Amd. 06-18-12)

E. Unless otherwise specified within these individual sections, all signage shall be in compliance with Article XIII, Sign Regulations, for the specific district in which the subject property is located;

F. All new non-residential development shall comply with the landscaping provisions of Section 1102.N; and

G. Compliance with all Federal, State, and local regulations, including the County Subdivision Ordinance, is mandatory.

EXHIBIT "D"
SECTION 918, ZONING CODE

SECTION 918. PUBLIC UTILITY WORKS, SHOPS OR STORAGE YARDS.

A. All structures shall be designed and landscaped in a way as to blend in with the surrounding area.

B. A chain link fence shall enclose all dangerous apparatuses and shall be at least eight feet in height.

C. All motor vehicle parking shall be located within the area circumscribed by the buffered/screened area.

D. Such facilities shall have direct access to a public street or an approved private street.

(Amd. 01-19-10)

SPECIAL USE SITE PLAN NOTES:

1. ALL CONSTRUCTION SHALL BE CONDUCTED INTERNALLY AND SHALL COMPLY WITH ALL APPLICABLE REGULATIONS AND ORDINANCES.
2. ALL LOTS SHALL BE DIVIDED INTERNALLY AND SHALL COMPLY WITH ALL APPLICABLE REGULATIONS AND ORDINANCES.
3. THE PROPOSED LAYOUT OF THE CONSTRUCTION SHALL BE SUBMITTED TO THE COUNTY ENGINEER FOR REVIEW AND APPROVAL. THE PROPOSED LAYOUT SHALL BE SPREAD OR STAMPED IN ACCORDANCE WITH THE REQUIREMENTS OF THE COUNTY ENGINEER AND THE APPLICABLE REGULATIONS AND ORDINANCES.
4. THE PROPOSED LAYOUT SHALL BE SUBMITTED TO THE COUNTY ENGINEER FOR REVIEW AND APPROVAL. THE PROPOSED LAYOUT SHALL BE SPREAD OR STAMPED IN ACCORDANCE WITH THE REQUIREMENTS OF THE COUNTY ENGINEER AND THE APPLICABLE REGULATIONS AND ORDINANCES.
5. UNLESS OTHERWISE SPECIFIED, THE PROPOSED LAYOUT SHALL BE SUBMITTED TO THE COUNTY ENGINEER FOR REVIEW AND APPROVAL. THE PROPOSED LAYOUT SHALL BE SPREAD OR STAMPED IN ACCORDANCE WITH THE REQUIREMENTS OF THE COUNTY ENGINEER AND THE APPLICABLE REGULATIONS AND ORDINANCES.
6. UNLESS OTHERWISE SPECIFIED, THE PROPOSED LAYOUT SHALL BE SUBMITTED TO THE COUNTY ENGINEER FOR REVIEW AND APPROVAL. THE PROPOSED LAYOUT SHALL BE SPREAD OR STAMPED IN ACCORDANCE WITH THE REQUIREMENTS OF THE COUNTY ENGINEER AND THE APPLICABLE REGULATIONS AND ORDINANCES.
7. UNLESS OTHERWISE SPECIFIED, THE PROPOSED LAYOUT SHALL BE SUBMITTED TO THE COUNTY ENGINEER FOR REVIEW AND APPROVAL. THE PROPOSED LAYOUT SHALL BE SPREAD OR STAMPED IN ACCORDANCE WITH THE REQUIREMENTS OF THE COUNTY ENGINEER AND THE APPLICABLE REGULATIONS AND ORDINANCES.
8. UNLESS OTHERWISE SPECIFIED, THE PROPOSED LAYOUT SHALL BE SUBMITTED TO THE COUNTY ENGINEER FOR REVIEW AND APPROVAL. THE PROPOSED LAYOUT SHALL BE SPREAD OR STAMPED IN ACCORDANCE WITH THE REQUIREMENTS OF THE COUNTY ENGINEER AND THE APPLICABLE REGULATIONS AND ORDINANCES.
9. UNLESS OTHERWISE SPECIFIED, THE PROPOSED LAYOUT SHALL BE SUBMITTED TO THE COUNTY ENGINEER FOR REVIEW AND APPROVAL. THE PROPOSED LAYOUT SHALL BE SPREAD OR STAMPED IN ACCORDANCE WITH THE REQUIREMENTS OF THE COUNTY ENGINEER AND THE APPLICABLE REGULATIONS AND ORDINANCES.

GENERAL SITE PLAN NOTES:

1. THE PROPOSED USE SHALL NOT EXCEED THE MAXIMUM ALLOWED USE.
2. THE PROPOSED USE SHALL NOT EXCEED THE MAXIMUM ALLOWED USE.
3. THE PROPOSED USE SHALL NOT EXCEED THE MAXIMUM ALLOWED USE.
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9. THE PROPOSED USE SHALL NOT EXCEED THE MAXIMUM ALLOWED USE.

PROPOSED SPECIAL USE CONDITIONS:

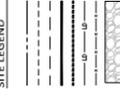
1. THE PROPOSED USE SHALL NOT EXCEED THE MAXIMUM ALLOWED USE.
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9. THE PROPOSED USE SHALL NOT EXCEED THE MAXIMUM ALLOWED USE.

PROJECT COMPLETION NOTES:

1. THE PROPOSED USE SHALL NOT EXCEED THE MAXIMUM ALLOWED USE.
2. THE PROPOSED USE SHALL NOT EXCEED THE MAXIMUM ALLOWED USE.
3. THE PROPOSED USE SHALL NOT EXCEED THE MAXIMUM ALLOWED USE.
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8. THE PROPOSED USE SHALL NOT EXCEED THE MAXIMUM ALLOWED USE.
9. THE PROPOSED USE SHALL NOT EXCEED THE MAXIMUM ALLOWED USE.

TOTAL DISTURBED AREA	7.29 AC.
LAYDOWN YARD (5" THICK ABC STONE)	5.26 AC.
TEMPORARY STOCKPILE (5" THICK ABC STONE)	5.71 AC.
TOTAL PROPOSED IMPERVIOUS	36.93 AC.
PROJECT DENSITY	18.47%

SITE LEGEND



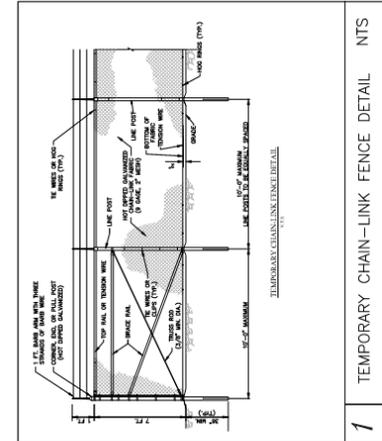
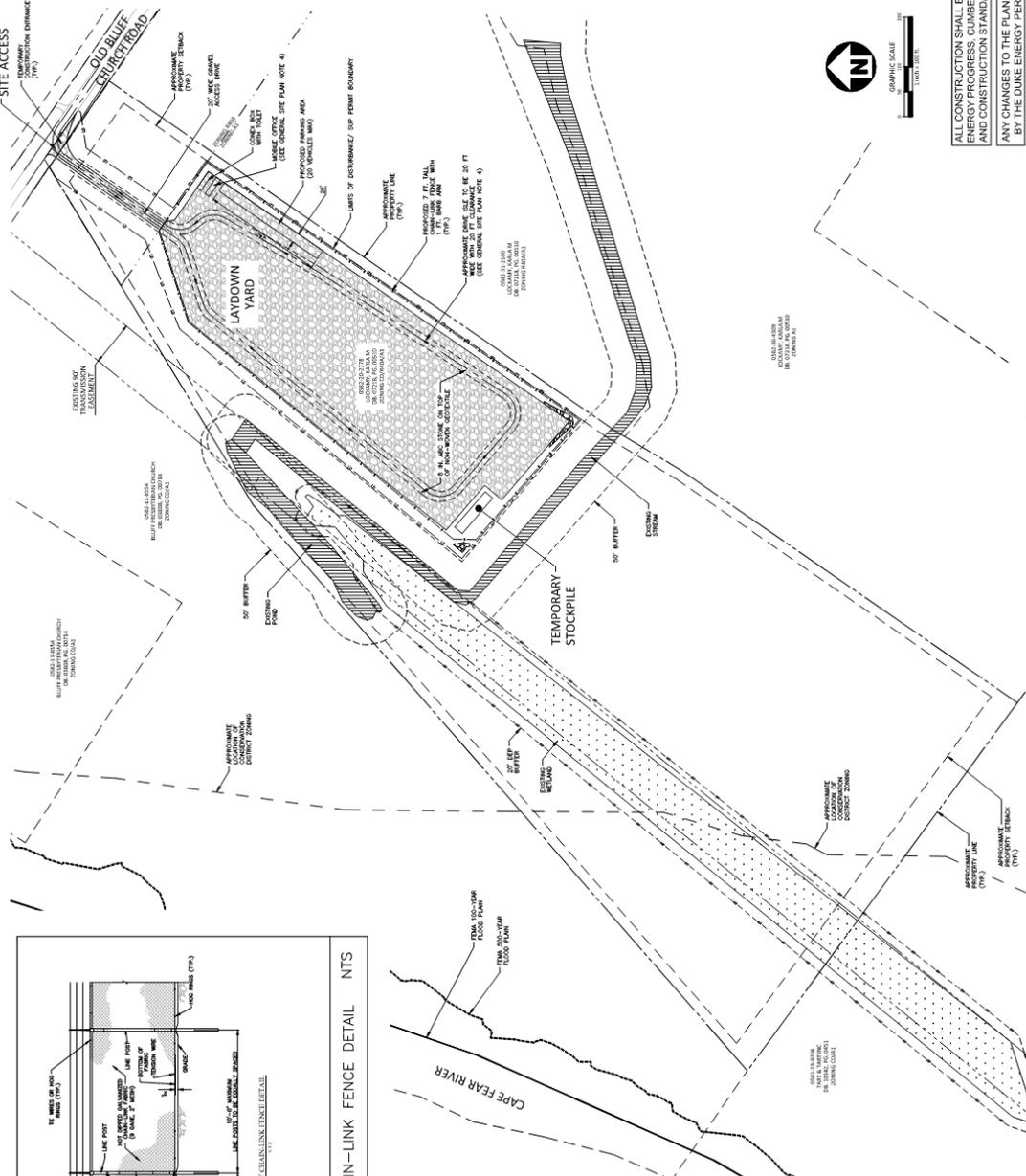
ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CURRENT DUKE COUNTY ZONING ORDINANCES AND CONSTRUCTION STANDARDS. ANY CHANGES TO THE PLAN & DETAILS SPECIFIED HEREIN MUST BE APPROVED BY THE DUKE ENERGY PERMITTING SPECIALIST PRIOR TO IMPLEMENTATION.

DUKE ENERGY
 DUKE ENERGY PROGRESS EAST
 11500 OLD BLUFF CHURCH ROAD
 CLAMBERLAND COUNTY, NC 28724
 OVERALL SUP SITE PLAN
 E22008401

McADAMS
 The McAdams Engineering Group, Inc.
 411 W. Main Street
 Raleigh, NC 27601
 Phone: 919.381.5000
 Fax: 919.381.5001
 License: Professional Engineer License No. 14214, C.187
 www.mcadams.com



PRELIMINARY DRAWING NOT RELEASED FOR CONSTRUCTION



REV	FILE NO.	DATE	REVISION	DRAWN	CHECKED	APPROVED
1	8/18/2023		ISSUED FOR SPECIAL USE PERMIT	SP	NMP	NMP

ATTACHMENTS

EXHIBIT "I" Special Use Permit Conditions

Special Use Permit- Board of Adjustment **(Temporary Public Utility Works, Shops, or Storage Yard Special Use Permit and Site Plan)** **Ordinance Related Conditions**

BOA-2023-0010: Consideration of a Special Use Permit to allow a temporary Public Utility Works, Shops, or Storage Yard in an A1 Agricultural District on 7.29 +/- acres, located at the south side of Old Bluff Church Road, west of Sisk Culbreth Road; submitted by Duke Energy Progress, LLC (applicant) on behalf of Karla Lockamy (owner).

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

- A. **Applicability:** All use and development of the property applicable to this Special Use (BOA-2023-0010) and as delineated in Exhibit "A" of this Special Use Permit shall occur consistent with the standards and requirements of the Cumberland County Zoning Ordinance unless otherwise stated herein. If any standards herein are inconsistent with the Zoning or Subdivision ordinance, the conditions set forth herein shall supersede and apply to the development of the property delineated in Exhibit "A".
- B. **Applicant Proposed Conditions.**
1. No lighting is planned at the outset of this project. If worker safety/security concerns arise following the beginning of operation, a lighting plan will be provided to County staff for administrative review and approval prior to installation.
 2. The site plan associated with this Special Use Permit has been designed to meet all applicable local and state regulations. The site plan associated with this Special Use Permit is requested to serve as the final site plan for Cumberland County.
 3. Except for during periods of emergency, hours of operation shall be limited to Monday to Friday from 6 am to 7 pm. During periods of emergency, the site may be accessed at any time until the period of emergency has ended.
 4. Given the rural and remote location of this use, no landscaping shall be required between the front yard security fencing and Old Bluff Church Road.
 5. All portions of the property outside of the Special Use Permit Boundary (as identified on the SUP Site Plan as following the prescribed limits of disturbance) are subject to underlying zoning district regulations and are not restricted by the Special Use Permit.
- C. **Development Standards.**
1. Setback Standards. Minimum setback standards for this development shall comply with the A1 zoning district standards set forth in the County Zoning Ordinance.
 2. Accessory structure: Any accessory structure, as defined by the County Zoning Code, shall comply with the minimum setback standard for the A1 zoning district.
 3. The minimum distance between buildings shall be determined by N.C. building code.

D. Infrastructure and Utilities:

1. **Lighting:** Refer to Section B.1 above. If outdoor lighting is requested, the following standards shall apply:

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

The following standards are applicable to all properties:

- i. All lights shall be shielded in such a way as to direct all light toward the Earth's surface and away from reflective surfaces;
- ii. Light fixtures or lamps shall be shielded/shaded in such a manner as to direct incident rays away from all adjacent property and any light on a pole, stand, or mounted on a building must have a shield, and adjustable reflector and non-protruding diffuser;
- iii. Any facilities, which may require floodlighting, may not arrange the light in such a way that it will shine toward roadways, on adjacent residential property or residentially zoned property or into the night sky;
- iv. Any interior lighted signs may not be lit at night when any face of the sign is removed or damaged in such a way that the light may distract pedestrians or drivers or become a nuisance to homeowners;
- v. Any light fixture must be placed in such a manner that no light-emitting surface is visible from any residential area or public/private roadway, walkway, trail or other public way when viewed at the ground level.

b. A lighting plan shall be provided to County staff for administrative review and approval prior to installation if any lighting is proposed.

2. Fire Marshal and Fire Inspections:

Developers must ensure fire protection water supply requirements are met in accordance with Section 507 of the 2018 NC Fire Code. The developer is required to provide advanced coordination and contact with the County Fire Marshal office prior to final site plan submittal as well as during site construction. Developers must submit building plans to the Fire Marshal office, to scale, prior to commencement of any new site construction and/or building renovation. Submit plans for any permits required in Section 105 of the 2018 NC Fire Code. All fire department access requirements shall be met in accordance with Section 503 of the 2018 NC Fire Code and demonstrated at the time of the final site plan and building plan permit applications, as applicable. Construction plans may be required for review by the Fire Marshal and the developer is responsible for contacting same prior to any development activity, including clearing and grading.

3. NCDEQ/Stormwater and Drainage:

- a. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environmental Quality (NCDEQ) sedimentation and erosion control plan (S&E). If any retention/detention basins are required for state approval of this plan, a formal revision application must be filed with Current Planning for review and approval.
- b. 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)
- c. 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 of free and debris (Section 2306, D., County Subdivision Ordinance).
- c. In the event a stormwater utility structure is required by the NC Department of Environmental Quality (NCDEQ), the owner/developer must demonstrate on the revised plan the placement of a four-foot-high fence with a lockable gate for the security of the stormwater utility structure. The owner/developer is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.
- d. Prior to permit application, the developer must provide to the Code Enforcement Section documentation of NC Department of Environmental Quality Division of Energy, Mineral and Land Resources' (NCDEQ DEMLR) approval of the Sedimentation and Erosion control plan for this project. NCDEQ DEMLR requires a Sedimentation and Erosion control plan be submitted and approved 30 days prior to land disturbing activities if said land disturbing activity will exceed one acre.
- e. If a plan is not required, per 15ANCAC 04B.0105 "Person conducting land disturbing activity shall take all reasonable measures to protect public and private property from damage cause by such activities." Sedimentation and erosion control measures will need to be installed to protect adjacent properties. [Sec. 4-8(b)(6), County Code; originally under County jurisdiction relinquished to NCDEQ around 2000].
- f. 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.)

4. NCDOT:

- a. Driveway locations shall only be relocated or revised if approved by NCDOT and do not require a substantial modification to the Special Use Site Plan.
- b. All NCDOT permits must be obtained and submitted to the Code Enforcement Division prior to any issuance of a building permit or commencement of any development activity or change in property usage.
- c. Turn lanes may be required by the NC Department of Transportation (NCDOT) during review of the driveway permit or construction plans. Any NCDOT required improvements shall be completed prior to issuance of a certificate of occupancy unless otherwise indicated by NCDOT.
- d. The access shall be a minimum of 20 feet wide and withstand the weight of a fire apparatus.

E. Current Planning:

- a. In the event the requirements or conditions from a State or Federal Agency or utility provider creates an inconsistency with the Special Use site plan in any manner, a revised site plan must be submitted to the Current Planning Division for review. Any change determined by the County to represent a substantial change to the Special Use site plan, Board of Adjustment approval may be required, as shall be determined by the Planning Director.
- b. Developers must coordinate with the Current Planning Division prior to making any changes to the Special use site plan. Any changes to the Special Use site plan must be reviewed by the Current Planning Division to determine if any change is considered an insubstantial or substantial modification.
- c. All parking or temporary storage of vehicles including trucks and trailers must occur at designated parking or vehicle storage areas. No vehicles shall be parked or stored on any landscape area or buffer, open space, or street right-of-way.

F. Other Conditions:

- a. Prior to commencement of operation of the temporary storage yard, a certified, signed and sealed letter shall be provided by the Engineer of Record indicating that the site has been inspected and all required improvements and conditions of approval have been installed and complied with and submitted to the Current Planning office.
- b. The owner/developer is responsible for maintenance and upkeep of this site, all structures, and appurtenances, to include ensuring that the site is kept free of litter and debris, and that 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.
- c. The owner/developer(s) of the lot must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101, in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
- d. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.

- e. 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 conditions listed herein.
- f. 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 responsible party to ensure full compliance with all applicable Federal, State, and local regulations.
- g. Any substantial modification made to this approved Special Use site plan or conditions of approval, other than those set forth in the above conditions, must be approved by the Board of Adjustment as set forth by Section 1606 of the Zoning Ordinance.
- h. No clearing or grading shall not occur on the subject site until authorized by the Code Enforcement Manager; Once Local, State, and Federal agencies permitting and construction plans have been obtained by the Engineer of Record and approval documents and permits have been provided to the Code Enforcement Manager with approval document and plans from Current Planning Division.

G. Expiration Date. The applicant has indicated that the special use for a Public Utility Works, Shops, or Storage Yard is temporary to serve regional power utility capital improvements. This special use expires four years from the date the County Board of Adjustment approved the Special Permit No. BOA-2023-0010. The Board of Adjustment may approve an extension of this special use permit for a Public Utility Works, Shops, or Storage Yard by up to two years if a written request for an extension is submitted at least thirty days prior to the expiration date.

**EXHIBIT "A" OF SPECIAL USE PERMIT NUMBER
BOA-23-0010 (SAME AS EXHIBIT "E" ABOVE – WILL BE
INSERTED)**

“EXHIBIT J”
APPLICANT’S RESPONSE TO SPECIAL USE CRITERIA AND APPLICATION
(Section 1606.C. Special Use Permits)

For each of the 4 required conclusions listed below, statements are provided explaining how any existing conditions, proposed development features, or other relevant facts would allow the Board of Adjustment to reach the required conclusions.

1. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended.

- a. Justification Statement: The proposed use will be designed, located, and operated to maintain public health, safety, and general welfare. The proposed use allows for the development of a temporary laydown storage yard necessary to support a nearby transmission line update along an existing transmission line corridor in Cumberland County. The transmission line update will include rebuilding existing lines with new equipment that will improve reliability during severe weather, increase capacity and support the addition of renewable energy for Duke Energy customers throughout the region.

The proposed laydown storage yard will be located within an approximate 7.3 Acre portion of a 30.92-acre parcel of land along Old Bluff Church Road. The subject property is located within a remote and rural portion of Cumberland County, within close proximity of the existing transmission line corridor to be updated. The location of the temporary laydown storage yard within the subject property allows for adequate separation from surrounding uses. The facility will be secured with an appropriate security fence, with all storage materials contained within the fenced area.

The proposed use will have a minimal impact on the traffic experienced on Old Bluff Church Road and the surrounding areas and will not require installation of any public or private water or sewer facilities.

2. The use meets all required conditions and specifications.

- a. Justification Statement: The proposed temporary laydown storage yard falls under the Zoning Ordinance use category “Public Utility Works, Shops or Storage yards”, which is permitted with Special Use Permit (SUP) within the A1 Agricultural zoning district. The proposed storage yard is located completely within the A1 zoning district, in compliance with code requirements.

Furthermore, the proposed site design complies with the supplemental use standards contained in Section 918 of the Zoning Ordinance, which calls for public street access, an 8' chain link fence, and any motor vehicle parking to be located within the fenced area.

The proposed laydown yard site plan accompanying the SUP request has been designed to meet all Cumberland County Site Plan requirements and will be subject to all applicable development standards as they might relate to access, grading, landscaping, erosion and sedimentation control, stormwater management, lighting, etc.

Per Section 1102.M of the Cumberland County Zoning Ordinance, any exterior lighting (if used) will be shielded or shaded in such a way as to direct light toward the earth's surface and away from reflective surfaces, adjacent property owners, and roadways.

3. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity.

- a. Justification Statement: The Applicant is sensitive to placement of laydown storage yards in relation to surrounding land uses and makes every effort to minimize impacts. As previously noted, the location of the property is in a rural area with no abutting neighborhoods. The property is largely surrounded by agricultural fields, with the only non-agricultural abutting use being the Bluff Presbyterian Church. The proposed storage yard will be located over 700 feet from the church sanctuary and over 200 feet from Old Bluff Church Road, limiting the visual impact on existing uses.

All forms of land use (residential, commercial, agricultural, civic, industrial, etc.) rely on electrical power to support their daily needs—it is a public necessity. The development of the proposed laydown storage yard is necessary to support the transmission line upgrade project, which will improve reliability during severe weather, increase capacity and support the addition of renewable energy for Duke Energy customers throughout the region.

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.

- a. Justification Statement:

The Cumberland County 2030 Growth Vision Plan, Vision Statements # 1 and #3 call for a 'More Diversified Economy' and 'Infrastructure That Keeps Pace' with development. The proposed use and the associated transmission line project support both vision statements by enhancing and expanding the electrical infrastructure for the region.

The 2030 Growth Strategy Map identifies the nearby communities of Wade, Falcon, and Godwin as Community Growth Areas, while the subject property and its immediate surroundings are identified on the adopted Future Land Use map as 'Farmland'. Enhanced electrical infrastructure is paramount to support anticipated growth in the region, while the temporary nature of the proposed laydown yard will allow the subject property to return to agricultural use after 4 years.

The harmony between the proposed use and adjoining agricultural and civic uses is established by the low-impact nature of a storage yard. The proposed use will have a minimal impact on traffic, as the station will only be used by crews to pick up or drop off material to be used at the nearby transmission line project.

Similarly, the lack of permanent habitable space negates the need for well and septic on site. The absence of these facilities eliminates any concerns related to the environmental impact of their presence as well as any maintenance responsibilities that would normally be associated with a development which included these facilities.

Finally, adherence to the county's adopted sedimentation and erosion control, stormwater management, lighting, and screening standards will ensure that the environmental and visual impacts of the development are aligned with the county's adopted regulations.

ATTACHMENT: NOTIFICATION LIST & PUBLIC HEARING LEGAL NOTICE

BLUFF PRESBYTERIAN CHURCH
PO BOX 96
WADE, NC 28395

TART & TART INC
PO BOX 8
DUNN, NC 28335

LOCKAMY, KARLA M
5640 SISK CULBRETH RD
GODWIN, NC 28344

This is your confirmation that your order has been submitted. Below are the details of your transaction. Please save this confirmation for your records.

Job Details Order Number: LWLM00194360 Classification: Govt Public Notices Package: General Package Order Cost: \$121.21	Schedule for ad number LWLM00194360 Fri Sep 8, 2023 Fayetteville Observer All Zones Fri Sep 15, 2023 Fayetteville Observer All Zones
Account Details Cumb Co Joint Planning Laverne Howard 130 Gillespie ST ATTN: LAVERNE HOWARD FAYETTEVILLE, NC 28301-9009 910-678-7800 howard@cumberlandcountyns.gov Cumb Co Joint Planning Laverne	PUBLIC HEARING NOTICE The Cumberland County Board of Adjustment will meet at 6:00 p.m. on Thursday, September 21, 2023, at the Old Court House Building, 130 Gillespie Street, Fayetteville, NC to hear the following: BOA-2023-0010: Consideration of a Special Use Permit to allow a temporary Public Utility Works, Shops, or Storage Yard in an A1 Agricultural Dis.; on 7.29 +/- ac. south of Old Bluff Church Rd, west of Sisk Culbreth Rd.; Duke Energy Progress, LLC (applicant), Karla Lockamy (owner). Publication Dates L00000000

ATTACHMENT: APPLICATION



County of Cumberland
BOARD OF ADJUSTMENT

CASE #:	_____
CUMBERLAND COUNTY BOA MEETING DATE:	_____
DATE APPLICATION SUBMITTED:	_____
RECEIPT #:	_____
RECEIVED BY:	_____

**APPLICATION FOR
SPECIAL USE PERMIT**

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

The Board of Adjustment is a quasi-judicial review board and all persons wishing to appear before this Board should be prepared to give sworn testimony on relevant facts. Applicants for Special Use Permits are encouraged to read Section 1606 "Special Use Permits" of the Zoning Ordinance to ensure the technical requirements of the Ordinance are met before submission to the Board of Adjustment (see next page).

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

1. A copy of the recorded deed and/or plat,
2. If a portion of an existing tract, an accurate written legal description of only the area to be considered;
3. A copy of a detailed site plan drawn to engineering scale, showing the location of all buildings, yard dimensions, driveways, fencing, lighting parking areas, landscaping, and all other pertinent data to the case; and
4. Cash or check payable to "Cumberland County" in the amount of \$ 250.00 (see attached Fee Schedule)

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

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

BOARD OF ADJUSTMENT

LOCATION OF PROPERTY: OLD BLUFF CHURCH RD
OWNER: KARLA M LOCKAMY
ADDRESS: 5640 SISK CULBRETH RD, GODWIN, NC ZIP CODE: 28344
TELEPHONE: HOME _____ WORK _____
AGENT: Duke Energy Progress, LLC
ADDRESS: 550 S Tryon Street, Charlotte NC , 28202-4200
TELEPHONE: HOME NA WORK 919-546-2090
E-MAIL: nuwan.wijesuriya@duke-energy.com

APPLICATION FOR A SPECIAL USE PERMIT
As required by the Zoning Ordinance

- A. Parcel Identification Number (PIN #) of subject property: 0582-20-2778
(also known as Tax ID Number or Property Tax ID)
- B. Acreage: 30.92 Frontage: 210.56' Depth: 2,212.52'
- C. Water Provider: NA
- D. Septage Provider: NA
- E. Deed Book 7218, Page(s) 510, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
- F. Existing use of property: AGRICULTURAL
- G. It is proposed that the property will be put to the following use: (Describe proposed use/activity in detail including hours of operation, number of employees, signage, parking, landscaping, etc.)
See Exhibit A - Description of Use (Attached)
See Exhibit B - SUP Justification Statements
See Exhibit C - Proposed SUP Conditions

The undersigned hereby acknowledge that the County Planning Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

KARLA M LOCKAMY

NAME OF OWNER(S) (PRINT OR TYPE)

5640 SISK CULBRETH RD, GODWIN, NC, 28344

ADDRESS OF OWNER(S)

E-MAIL KarlaLockamy94@gmail.com

HOME TELEPHONE # 910-489-7257
Mobile

WORK TELEPHONE #

Duke Energy Progress, LLC (Nuwan Wijesuriya)

NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

550 S Tryon Street, Charlotte NC , 28202-4200

ADDRESS OF AGENT, ATTORNEY, APPLICANT

nuwan.wijesuriya@duke-energy.com

E-MAIL

NA
HOME TELEPHONE #

919-546-2090
WORK TELEPHONE #

Karla M. Lockamy
SIGNATURE OF OWNER(S)

Nuwan Wijesuriya
SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

SIGNATURE OF OWNER(S)

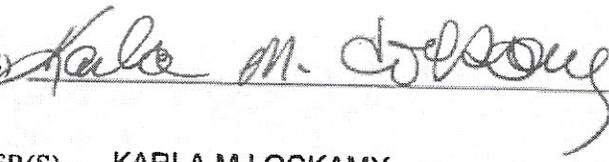
The contents of this application, upon submission, become "public record."

STATEMENT OF ACKNOWLEDGMENT

Regarding appearance before the Board of Adjustment, the undersigned owner(s), agents, or their assigns, by virtue of their signature(s) to this application, hereby acknowledge the following:

- That although appearance before the board is not required, it is strongly encouraged;
- The board will hear any and all argument for and against this matter before them and such relevant facts will be given under sworn testimony;
- At the public hearing the board has the authority to approve, deny, or defer the request for additional information to be provided;
- If the petitioner or their representative for this application does not appear personally before the board, whether there is opposition or not, the board has full authority to consider the case.
- If the board's decision is to deny the matter before them, the aggrieved party shall file a "Notice to Intent to Appeal" with the Planning & Inspections Staff on the next business day following the meeting in which the board's decision was made final, or the next business day following receipt of the written copy thereof.
- Any petition for review by Superior Court shall be file with the Clerk of Superior Court within 30 days after the decision of the board is made final.

Signed acknowledgment that the Planning and Inspections Staff has explained the application process and procedures regarding this request and the public hearing procedure stated above.

SIGNATURE OF OWNER(S) 

PRINTED NAME OF OWNER(S) KARLA M LOCKAMY

DATE 8/14/23

**CUMBERLAND COUNTY BOARD OF ADJUSTMENT
FEE SCHEDULE**

BOARD OF ADJUSTMENT

SPECIAL USE PERMIT
VARIANCE
WATERSHED
ADMINISTRATIVE REVIEW APPEALS
INTERPRETATIONS
NONCONFORMING USES

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

Exhibit A: Description of Use

On approximately 7.29 acres of the property identified by PIN # 0582-20-2778, Duke Energy Progress proposes to temporarily construct a storage laydown yard for staging purposes of maintenance and other construction activities to support a nearby transmission line. This site will not contain any energized equipment or full-time staffing. Instead, the proposed laydown yard will allow for staging of materials until the line construction crews pick up material from the site and head out to the transmission line job site with their equipment. Except during periods of emergency, hours of operation for the site will be limited to 6am to 7pm, Monday-Friday.

The proposed storage yard is predicted to be in use for up to four years. Given the temporary nature of this storage yard, no permanent signage or landscaping is proposed. Similarly, no well or septic systems are proposed, though the site will contain a job trailer with port-a-johns. Within 4 years of SUP approval, the temporary gravel storage laydown yard will be removed and the land will returned to its current existing condition (i.e. an agricultural field).

See Exhibit B for additional information provided by the applicant in support of the required SUP findings.

Exhibit B: Special Use Permit Justification Statements (PIN # 0582-20-2778)

For each of the 4 required conclusions listed below, statements are provided explaining how any existing conditions, proposed development features, or other relevant facts would allow the Board of Adjustment to reach the required conclusions.

1. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended.

- a. Justification Statement: The proposed use will be designed, located, and operated to maintain public health, safety, and general welfare. The proposed use allows for the development of a temporary laydown storage yard necessary to support a nearby transmission line update along an existing transmission line corridor in Cumberland County. The transmission line update will include rebuilding existing lines with new equipment that will improve reliability during severe weather, increase capacity and support the addition of renewable energy for Duke Energy customers throughout the region.

The proposed laydown storage yard will be located within an approximate 7.3 Acre portion of a 30.92-acre parcel of land along Old Bluff Church Road. The subject property is located within a remote and rural portion of Cumberland County, within close proximity of the existing transmission line corridor to be updated. The location of the temporary laydown storage yard within the subject property allows for adequate separation from surrounding uses. The facility will be secured with an appropriate security fence, with all storage materials contained within the fenced area.

The proposed use will have a minimal impact on the traffic experienced on Old Bluff Church Road and the surrounding areas and will not require installation of any public or private water or sewer facilities.

2. The use meets all required conditions and specifications.

- a. Justification Statement: The proposed temporary laydown storage yard falls under the Zoning Ordinance use category "Public Utility Works, Shops or Storage yards", which is permitted with Special Use Permit (SUP) within the A1 Agricultural zoning district. The proposed storage yard is located completely within the A1 zoning district, in compliance with code requirements.

Furthermore, the proposed site design complies with the supplemental use standards contained in Section 918 of the Zoning Ordinance, which calls for public street access, an 8' chain link fence, and any motor vehicle parking to be located within the fenced area.

The proposed laydown yard site plan accompanying the SUP request has been designed to meet all Cumberland County Site Plan requirements and will be subject to all applicable development standards as they might relate to access, grading, landscaping, erosion and sedimentation control, stormwater management, lighting, etc.

Per Section 1102.M of the Cumberland County Zoning Ordinance, any exterior lighting (if used) will be shielded or shaded in such a way as to direct light toward the earth's surface and away from reflective surfaces, adjacent property owners, and roadways.

3. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity.

- a. Justification Statement: The Applicant is sensitive to placement of laydown storage yards in relation to surrounding land uses and makes every effort to minimize impacts. As previously noted, the location of the property is in a rural area with no abutting neighborhoods. The property is largely surrounded by agricultural fields, with the only non-agricultural abutting use being the Bluff Presbyterian Church. The proposed storage yard will be located over 700 feet from the church sanctuary and over 200 feet from Old Bluff Church Road, limiting the visual impact on existing uses.

All forms of land use (residential, commercial, agricultural, civic, industrial, etc.) rely on electrical power to support their daily needs—it is a public necessity. The development of the proposed laydown storage yard is necessary to support the transmission line upgrade project, which will improve reliability during severe weather, increase capacity and support the addition of renewable energy for Duke Energy customers throughout the region.

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.

- a. Justification Statement:

The Cumberland County 2030 Growth Vision Plan, Vision Statements # 1 and #3 call for a 'More Diversified Economy' and 'Infrastructure That Keeps Pace' with development. The proposed use and the associated transmission line project support both vision statements by enhancing and expanding the electrical infrastructure for the region.

The 2030 Growth Strategy Map identifies the nearby communities of Wade, Falcon, and Godwin as Community Growth Areas, while the subject property and its immediate surroundings are identified on the adopted Future Land Use map as 'Farmland'. Enhanced electrical infrastructure is paramount to support anticipated growth in the region, while the temporary nature of the proposed laydown yard will allow the subject property to return to agricultural use after 4 years.

The harmony between the proposed use and adjoining agricultural and civic uses is established by the low-impact nature of a storage yard. The proposed use will have a minimal impact on traffic, as the station will only be used by crews to pick up or drop off material to be used at the nearby transmission line project.

Similarly, the lack of permanent habitable space negates the need for well and septic on site. The absence of these facilities eliminates any concerns related to the environmental impact of their presence as well as any maintenance responsibilities that would normally be associated with a development which included these facilities.

Finally, adherence to the county's adopted sedimentation and erosion control, stormwater management, lighting, and screening standards will ensure that the environmental and visual impacts of the development are aligned with the county's adopted regulations.

Exhibit C : Special Use Permit – Applicant Proposed Conditions

(PIN # 0582-20-2778)

1. No lighting is planned at the outset of this project. If worker safety/security concerns arise following the beginning of operation, a lighting plan will be provided to County staff for administrative review and approval prior to installation.
2. The site plan associated with this SUP has been designed to meet all applicable local and state regulations. The site plan associated with this SUP is requested to serve as the final site plan for Cumberland County.
3. Except for during periods of emergency, hours of operation shall be limited to Monday-Friday from 6am-7pm. During periods of emergency, the site may be accessed 24/7 until the period of emergency has ended.
4. Given the rural and remote location of this use, no landscaping shall be required between the proposed use and Old Bluff Church road.
5. All portions of the property outside of the Special Use Permit Boundary (as identified on the SUP Site Plan as following the prescribed limits of disturbance) are subject to underlying zoning district regulations and are not restricted by the special use permit.