

**Members:**  
George Quigley, Chair  
Oscar L. Davis, III, Vice-Chair  
Steve Parsons  
Melree Hubbard Tart  
Joseph Dykes



**Alternates:**  
Steve Burnett  
James Ingram  
Martin J. Locklear  
John Swanson  
Horace Humphrey

## **CUMBERLAND COUNTY BOARD OF ADJUSTMENT**

130 Gillespie Street  
Fayetteville, NC 28301  
(910) 678-7603

DATE: APRIL 11, 2008  
MEMO TO: CUMBERLAND COUNTY BOARD OF ADJUSTMENT  
FROM: CUMBERLAND COUNTY PLANNING & INSPECTIONS DEPARTMENT  
SUBJECT: TENTATIVE AGENDA

A meeting of the Cumberland County Board of Adjustment will be held on Thursday, April 17, 2008 at 7:00 p.m. in Public Hearing Room #3 of the Historic County Courthouse at 130 Gillespie Street. The Tentative Agenda is as follows:

1. ROLL CALL
2. APPROVAL OF THE JANUARY 17, 2008 MINUTES
3. ABSTENTIONS BY BOARD MEMBERS
4. PUBLIC HEARING DEFERRALS
5. BOARD MEMBER DISCLOSURE
6. POLICY STATEMENTS REGARDING APPEAL PROCESS READ
7. BOARD HEARING:
  - **WS-08-02.** CONSIDERATION FOR HIGH DENSITY DEVELOPMENT WATERSHED REVIEW FOR SKAN ELECTRIC, IN A C(P)/CUD DISTRICT, CONTAINING 2.71+/- ACRES, LOCATED AT THE SOUTHWEST QUADRANT OF NC HWY 210 (MURCHISON ROAD) AND SR 1444 (CHARMAIN STREET) AND SOUTHEAST OF SR 1445 (BERNADINE STREET).
8. PUBLIC HEARING(S):
  - A. **P08-02-C:** CONSIDERATION OF A VARIANCE AND SPECIAL USE PERMIT TO ALLOW A DAY CARE FACILITY WITH ACCESS TO A STREET OTHER THAN A MAJOR OR MINOR THOROUGHFARE IN A R40A RESIDENTIAL DISTRICT, ON 5.79+/- ACRES, LOCATED AT 2716 CUSTER AVENUE, SUBMITTED BY ANDREA BOATMAN, OWNED BY DOLPHUS WILLIAMS.
  - B. **P08-03-C:** CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW THE OUTSIDE STORAGE OF MOTOR VEHICLES IN CONJUNCTION WITH AN EXISTING MINI-WAREHOUSING (SELF-STORAGE) FACILITY IN AN A1 AGRICULTURAL DISTRICT, ON 5.33+/- ACRES, LOCATED AT 2110 JOHN MCMILLAN ROAD, SUBMITTED BY THOMAS R. MCLEOD, OWNED BY JORGE CACERES AND THOMAS R. MCLEOD.
  - C. **P08-04-C:** CONSIDERATION OF AN APPEAL FROM ZONING OFFICER'S DECISION REGARDING DEFINITION OF KENNEL IN A R6A RESIDENTIAL DISTRICT, ON 0.25+/- ACRES, LOCATED AT 213 RUSSELLVILLE COURT, SUBMITTED BY HENRY L. CARROLL, OWNED BY JUDITH KESSEL JOHNSON.
9. DISCUSSION
10. ADJOURNMENT

**Members:**  
George Quigley, Chair  
Oscar L. Davis, III, Vice-Chair  
Steve Parsons  
Melree Hubbard Tart  
Joseph Dykes



**Alternates:**  
Steve Burnett  
James Ingram  
Martin J. Locklear  
John Swanson  
Horace Humphrey

## ***CUMBERLAND COUNTY BOARD OF ADJUSTMENT***

130 Gillespie Street  
Fayetteville, NC 28301  
(910) 678-7603

MINUTES  
JANUARY 17, 2008  
7:00 P.M.

### **Members Present**

Oscar L. Davis III, Vice-Chair  
Steve Parsons  
Melree Hubbard Tart  
Joseph Dykes  
James Ingram  
Horace Humphrey

### **Members Absent**

George Quigley, Chair  
Steve Burnett  
Martin J. Locklear  
John Swanson

### **Staff/Others Present**

Patricia Speicher  
Angela Perrier  
Rita Perry  
Grainger Barrett,  
County Attorney  
Harvey Raynor,  
Asst. County Attorney

#### 1. ROLL CALL

Chair Quigley called the meeting to order at 7:00 p.m. in Public Hearing Room Number 3 of the Historic County Courthouse. Ms. Speicher called the roll and a quorum was present.

#### 2. ADMINISTER OATH OF OFFICE TO NEWLY APPOINT BOARD MEMBER

Horace Humphrey – Alternate

#### 3. APPROVAL OF THE NOVEMBER 15, 2007 MINUTES

A motion was made by Mr. Parsons and seconded by Mrs. Tart to approve the minutes as written. The motion passed unanimously.

#### 4. ABSTENTIONS BY BOARD MEMBERS

There were no abstentions by Board members.

#### 5. PUBLIC HEARING DEFERRALS

There were no public hearing deferrals.

#### 6. BOARD MEMBER DISCLOSURE

There were no Board Member disclosures

#### 7. POLICY STATEMENT REGARDING THE APPEAL PROCESS READ BY PATRICIA SPEICHER.

INTERIM CHAIR DAVIS: Before we open the public hearing we were like to hear from Counsel in referenced to Case No.: P08-01-C.

MR. BARRETT: Question to Ms. Speicher. What is the zoning district that this property is located?

MS. SPEICHER: A1

MR. BARRETT: What is the setback in that district?

MS. SPEICHER: The standard setbacks: front yard is 50 feet; rear yard 50 feet and side yard is 20 feet.

MR. BARRETT: The setback that is referred to in the application is not the setback that applies to the zoning district?

MS. SPEICHER: Correct

MR. BARRETT: It is a setback that is a requirement of a Special Use Permit for a telecommunications tower?

MS. SPEICHER: Correct

MR. BARRETT: There is a special setback that is required of the Special Use Permit.

MS. SPEICHER: Yes sir.

MR. BARRETT: Has there been a Special Use Permit applied from?

MS. SPEICHER: No sir.

MR. BARRETT: Mr. Chairman the procedural issue is that you do not have a Special Use Permit in front of you to grant the variance from the 200 foot requirement, because that is a part of the Special Use Permit process. No variance is required for the district, which are the 50 feet and 20 feet. The variance that is requested is asking for relief from a requirement of a Special Use Permit in the Ordinance (Section 927). You do not have a proper application before you until it comes as part of a Special Use Permit application.

INTERIM CHAIR DAVIS: Okay.

MS. SPEICHER: If I could clarify staff position for accepting the application. The property owner had made it very clear to us, because of the expense for all the plans, engineering's drawings and certifications for a tower, they did not want to go through the expense of paying for the plans and certifications at this location only to possibly have to redo the plans and certifications for another location on the same property.

INTERIM CHAIR DAVIS: I heard what you said, but I am not sure how I understand how that alleviates following the procedure. In other words, if this were a house, we would be okay. Since this is for a tower it does not fall under the variance until the Special Use Permit is granted that the tower can even be there?

MS. SPEICHER: Yes sir, but in the past practice of the Board, the variance is always addressed prior to the Special Use Permit be heard.

MR. BARRETT: But in most, there has been a Special Use Permit application made.

MS. SPEICHER: Yes sir, the application usually is already filed, that is the difference.

INTERIM CHAIR DAVIS: The issue is we do not have a Special Use Permit request, just the variance request.

MS. SPEICHER: We do not have a Special Use Permit application filed or plans even on the tower.

MR. INGRAM: Are they claiming hardship? Are they trying to establish the financial cost is a burden and therefore they do not want to have to do it twice? Do we have a clause that governs such a thing?

MS. SPEICHER: I can only relay what they put in the application for the future development of the property.

MR. INGRAM: Do you acknowledge that they have made an attempt to apply for a Special Use Permit?

MS. SPEICHER: I know they did not apply for a Special Use Permit but they could have.

MR. BARRETT: I think the point that Ms. Speicher conveyed is that the applicant of this case did not want to submit the Special Use Permit application because if you look at the requirements for an application of a Special Use Permit for a telecommunications tower there are quite extensive and require various engineer certifications about compliance with FAA standards, etc. I think I heard Ms. Speicher say to do a complete Special Use Permit application package would entail a significant amount of cost for compiling the parts that are required for the application; therefore, they submitted this request without the Special Use Permit application, I guess to see what the temperature of the Board would be.

INTERIM CHAIR DAVIS: How can we grant a variance if we do not have the approval?

MR. BARRETT: I completely understand the practical concern the applicant has. As Counsel, I have to inform the Board of my concerns. If there is no Special Use Permit application in front of you, I have a concern about the precedent as much as anything else that this might open the door. If you may recall, last May we had the application for the Level IV lock down facility, Woodbridge Alternatives, which was a request for a variance from a requirement that is in the Special Use requirements for that facility. But you had in front of you both the Special Permit Use application and the request for a variance from the setbacks that are part of the Special Use Permit. Therefore, you were considering them both simultaneously.

INTERIM CHAIR DAVIS: Not to seem incompassionate, but we have that structure for a reason.

A motion was made by Mr. Parsons and seconded by Mr. Ingram to defer the consideration of the variance until such time that we have a proper application for a Special Use Permit.

**Davis: Yes**  
**Parsons: Yes**  
**Tart: Yes**  
**Dykes: Yes**  
**Ingram: Yes**

**The motion was approved unanimously.**

MS. SPEICHER: Staff does appreciate the Board's and Attorney's guidance on the issue, because we have never had this come up before. We can not refuse to take an application when a citizen insists on submitting it.

MR. PARSONS: In the past, hasn't there been a lot of assistance from the telecommunication companies?

INTERIM CHAIR DAVIS: I think that is what concerns me, because in the past we have not had the property owner carrying the burden, we have the tower people carry the burden.

MS. SPEICHER: I am not speaking for this particular applicant, but I do know it is really big right now for people to build their own towers and lease them out with considerable difference in the money. A church in Hope Mills is doing just that. On the other hand, plans come in with AT&T or Bell South and we do not know who paid for the plans.

INTERIM CHAIR DAVIS: Did they pay an application fee?

MS. SPEICHER: Yes sir, \$200.

MR. BARRETT: I think a motion would be in order to have that refunded for the variance or applied towards the cost of the Special Use Permit.

A motion was made by Mrs. Tart and seconded by Mr. Parsons to refund the application fee or apply it to the Special Use Permit fee.

**Davis: Yes**  
**Parsons: Yes**  
**Tart: Yes**  
**Dykes: Yes**  
**Ingram: Yes**

**The motion was approved unanimously.**

MS. SPEICHER: It is my understanding the motion was to defer the case. When we have two things we only charge for the highest price; therefore, that would be the fee. The file will stay open until we get the application.

INTERIM CHAIR DAVIS: Therefore, we really did not need that motion.

MS. SPEICHER: It does clarify it for staff. For the record, Staff does have to do re-mailings; since it is going to be indefinite, you can not defer it to a certain date.

INTERIM CHAIR DAVIS: By re-mailings you are referring to new notice to the property owners in the area?

MS. SPEICHER: Yes sir and the applicant.

INTERIM CHAIR DAVIS: Ms. Owens and Mr. Walker we appreciate you being here, there is really no necessity for you to speak at this time, if you want to speak when we reconvene in this matter you can. I want reinforce the appeals process. If you want to appeal, you need to make sure staff has your proper mailing address.

MRS. TART: How many property owners were involved in the first mail out?

MS. SPEICHER: 63 – 3<sup>rd</sup> class and 16 – 1<sup>st</sup> class

MR. INGRAM: Is it clear in the procedures that a Special Use Permit is required on such an application as this? In other words, did the applicant know?

MS. SPEICHER: Yes sir, for a tower in this zoning district. Staff did go over with the applicant the requirements for towers and the requirement for the Special Use Permit. The applicant chose to try for the variance. The issues were explained to the applicant. Just for practical matters, how can you do a variance for something you are not even asking for yet? With the Board's ruling tonight, staff can now just tell citizens that we can not take an application under these circumstances.

MR. BARRETT: Mr. Chairman, Ms. Speicher and I did try to get up with each other but our schedule conflicted. I apologize.

## 8. DISCUSSION

Mr. Barrett gives the Board a status report on the Bowers –vs. - Board of Adjustment.

## 9. ADJOURNMENT

There being no further business, the meeting adjourned at 7:45 p.m.

Donovan McLaurin,  
Chair  
Wade, Falcon & Godwin

Lori Epler,  
Vice-Chair  
Cumberland County

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



## COUNTY of CUMBERLAND

### *Planning & Inspections Department*

April 11, 2008

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Clifton McNeill, Jr.,  
Roy Turner,  
Sara E. Piland,  
Cumberland County

Benny Pearce,  
Town of Eastover

### MEMORANDUM

TO: CUMBERLAND COUNTY BOARD OF ADJUSTMENT

FROM: JEFF BARHNILL, WATERSHED REVIEW OFFICER

SUBJECT: CASE WS-08-02 (CONSIDERATION FOR HIGH DENSITY DEVELOPMENT WATERSHED)

The following watershed case is being presented for your consideration:

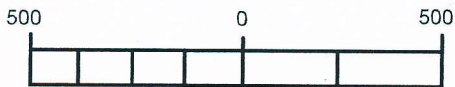
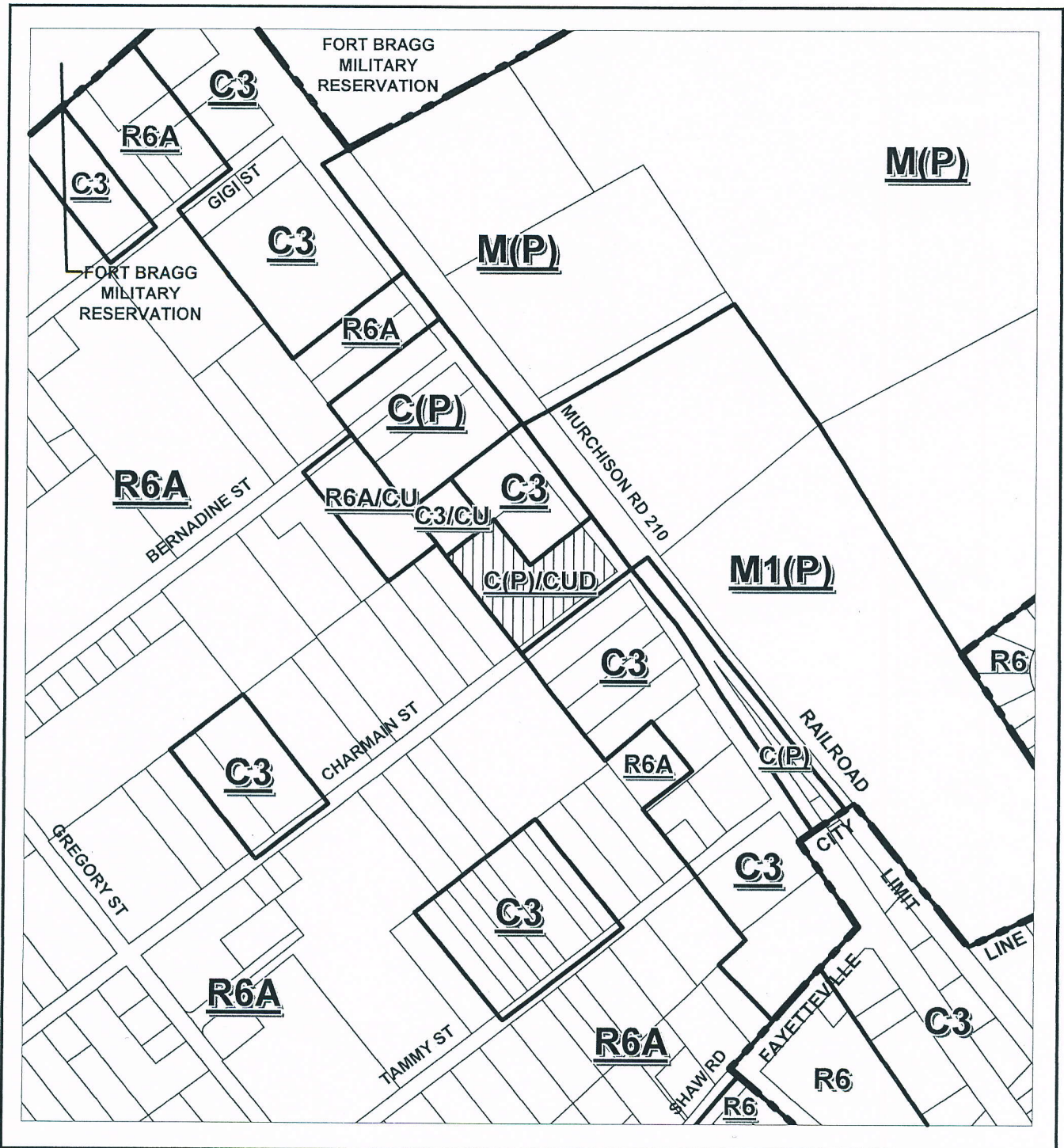
CASE NO. **WS-08-02.** CONSIDERATION FOR HIGH DENSITY DEVELOPMENT WATERSHED REVIEW FOR SKAN ELECTRIC, IN A C(P)/CUD DISTRICT, CONTAINING 2.71+/- ACRES, LOCATED AT THE SOUTHWEST QUADRANT OF NC HWY 210 (MURCHISON ROAD) AND SR 1444 (CHARMAIN STREET) AND SOUTHEAST OF SR 1445 (BERNADINE STREET).

Attached you will find the following for your review:

- Sketch Map
- Site Plan
- Application
- Draft of Conditions of Approval
- Checklist with sample motions

Please do not hesitate to contact me at (910) 678-7765 if you have any further questions.

cc: Al & Shirley Norton, Owners  
Crawford Design Company

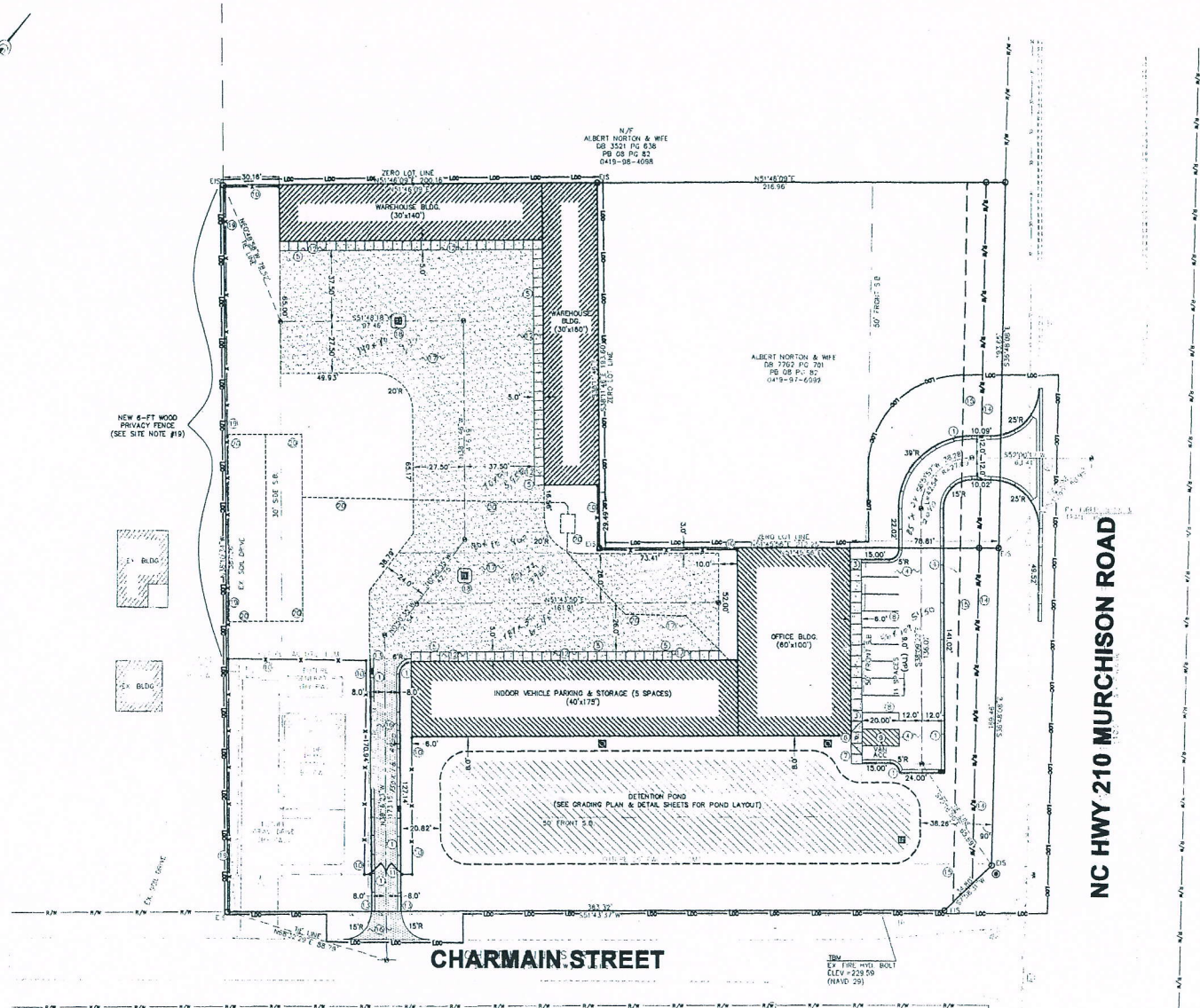


SCALE IN FEET

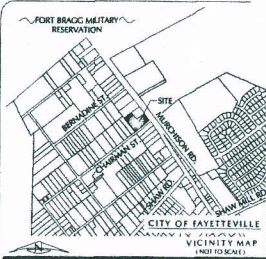
## WATERSHED

ACREAGE: 2.70 AC.+/-		HEARING NO: WS08-02	
ORDINANCE: COUNTY		HEARING DATE	ACTION
GOVERNING BOARD			





**HIGH DENSITY WATERSHED FOR SKAN ELECTRIC  
CASE: WS-08-02 ACREAGE: 2.71+-  
ZONED: C(P)/CUD SCALE: NTS**



NO.	DESCRIPTION	QTY	UNIT	REMARKS
1	PROPERTY	N/A		
2	ADJUSTED PROPERTY	N/A		
3	ADJUSTED EASEMENT	N/A		
4	ADJUSTED EASEMENT	N/A		
5	ADJUSTED EASEMENT	N/A		
6	ADJUSTED EASEMENT	N/A		
7	ADJUSTED EASEMENT	N/A		
8	ADJUSTED EASEMENT	N/A		
9	ADJUSTED EASEMENT	N/A		
10	ADJUSTED EASEMENT	N/A		
11	ADJUSTED EASEMENT	N/A		
12	ADJUSTED EASEMENT	N/A		
13	ADJUSTED EASEMENT	N/A		
14	ADJUSTED EASEMENT	N/A		
15	ADJUSTED EASEMENT	N/A		
16	ADJUSTED EASEMENT	N/A		
17	ADJUSTED EASEMENT	N/A		
18	ADJUSTED EASEMENT	N/A </td <td></td> <td></td>		

**GRADING / EROSION CONTROL NOTES**

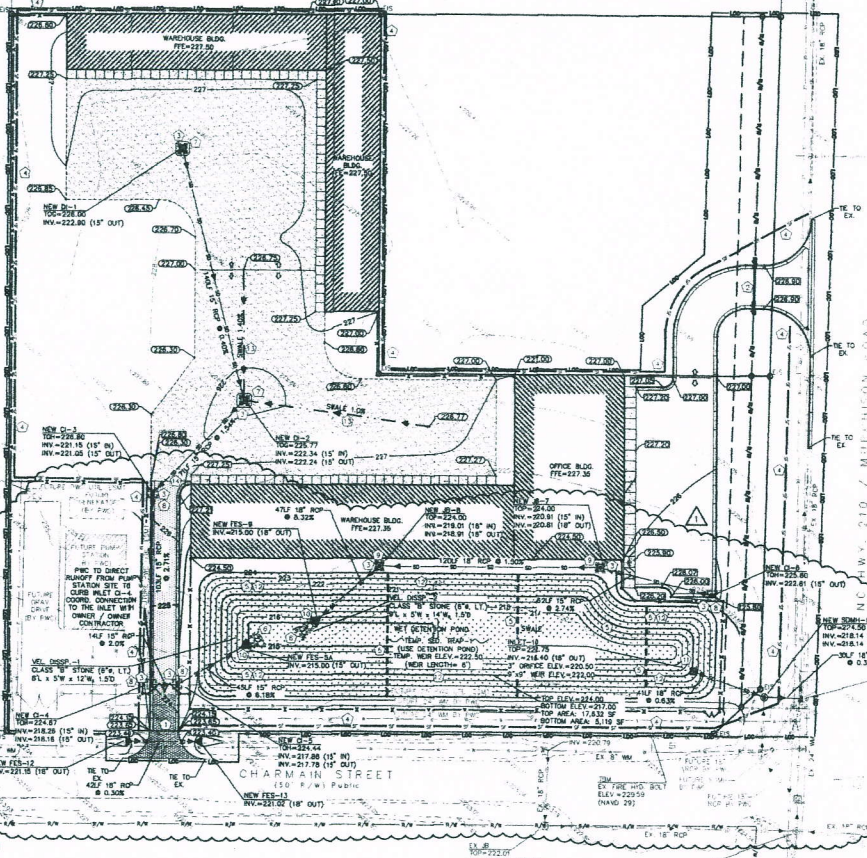
- INSTALL TEMPORARY GRAVEL CONSTRUCTION ENTRANCE (SEE SHT. CS-0. #1)
- INSTALL TEMPORARY ACCESS BARRIER
- INSTALL TEMPORARY BLOCK & GRAVEL INLET PROTECTION (SEE SHT. CS-0. #6)
- INSTALL TEMPORARY SEDIMENT FENCE (SEE SHT. CS-0. #2)
- INSTALL TEMPORARY SEDIMENT TRAP W/POROUS BARS (SEE SHT. CS-0. #5)
- INSTALL VELOCITY DISSSIPATOR / RIP-RAP PROTECTION (SEE SHT. CS-0. #6 & 7)
- CONSTRUCT DRAIN INLET (SEE SHT. CS-2. #1)
- CONSTRUCT CURB INLET (SEE SHT. CS-2. #3)
- CONSTRUCT JUNCTION BOX (SEE SHT. CS-2. #7)
- INSTALL FLARED END SECTION (SEE SHT. CS-2. #9)
- INSTALL DETENTION POND (SEE SHT. CS-4. #1)
- CONSTRUCT DETENTION POND (SEE SHT. CS-4. #1)
- CONSTRUCT ASPHALT DRIVE (SEE SHT. CS-1. #7)
- CONTRACTOR SHALL TRANSITION CONCRETE TOP OF CURB FROM 6" TO 9" OVER A LENGTH OF 10 FT

**GENERAL NOTES**

- THE GENERAL CONTRACTOR SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AT THE JOB SITE
- ALL ELEVATIONS SHOWN ARE IN REFERENCE TO THE BENCHMARK AND MUST BE VERIFIED BY THE GENERAL CONTRACTOR. BENCHMARK IS AN EXISTING PIPE FOR A 20" DIAM. PIPE LOCATED EAST OF PROJECT SITE, AND HAVING AN INVERT ELEVATION OF 229.59
- ALL DIMENSIONS AND ALL ELEVATIONS ARE MEASURED TO BACK OF CURB UNLESS OTHERWISE NOTED
- THE INTENT OF THE LIMITS OF CONSTRUCTION (LOC) SHOWN ON THE DRAWING IS TO DEFINE THE GENERAL AREA TO CONSTRUCT. INITIAL WORK SHOULD BE LIMITED TO IMPROVEMENTS WITHIN THE LOC. THE LOC SHALL FOLLOW RIGHT OF WAY OR PROPERTY BOUNDARIES, HOWEVER, FOR CLARITY PURPOSES, THE LOC MAY BE BROUGHT TO CERTAIN LOCATIONS FOR READABILITY PURPOSES. THE CONTRACTOR SHALL CONTACT THE OWNER'S REPRESENTATIVE REGARDING ANY QUESTIONS AS TO THE EXACT LOCATION OF THE LOC PRIOR TO BID AND PRIOR TO BEGINNING CONSTRUCTION. ALL ITEMS SHOWN ON THESE PLANS THAT DO NOT SPECIFICALLY APPEAR ON A CONTRACT ITEM SHALL BE INCLUDED IN THE BID COST, INCLUDING ITEMS THAT MAY BE OUTSIDE THE LOC BOUNDARY.
- LOCATIONS OF EXISTING UTILITY LINES HAVE BEEN TAKEN FROM UTILITY RECORDS SUPPLEMENTED BY FIELD INSPECTIONS AND SHOULD INDICATE IN GENERAL THE TYPE OF UNDERGROUND FACILITIES NOW IN SERVICE. LOCATIONS SHOWN ARE NOT GUARANTEED. DEVELOPER OR CONTRACTOR SHALL NOT ONLY MAKE SURFACE INVESTIGATIONS BUT SHALL ALSO ALLOW FOR CONTINGENCIES WHICH MIGHT ARISE BY REASON OF ENCOUNTERED UNRECORDED LINES OR LINES SHOWN IN DIFFERENT LOCATIONS FROM INDICATED ON THE PLAN. PRIOR TO ANY CONSTRUCTION ACTIVITY OR EXCAVATION ON THE SITE, THE GENERAL CONTRACTOR SHALL NOTIFY ALL UTILITY COMPANIES TO IDENTIFY AND/OR RELOCATE WHERE RESPECTIVE UTILITIES ARE. THE NORTH CAROLINA ONE CALL CENTER - 1-800-832-8349. ALL DAMAGE INCURRED TO EXISTING UTILITY LINES DURING CONSTRUCTION SHALL BE REPAIRED AT THE GENERAL CONTRACTOR'S EXPENSE.
- ALL WASTE MATERIAL SHALL BE LEGALLY DISPOSED OFF-SITE
- A FORMAL EROSION AND REVEGETATION CONTROL PLAN IS REQUIRED FOR THIS SITE UNDER THE REGULATIONS OF THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES. HOWEVER, THE GENERAL CONTRACTOR IS RESPONSIBLE TO ADOPT AND SHALL FOLLOW ALL LOCAL, STATE AND FEDERAL REGULATIONS TO PREVENT EROSION AND THE TEMPORARY EROSION CONTROL MEASURES ANY MEASURES INCURRED SHALL BE INCLUDED IN THE BID COST WHICH WOULD BE SPECIFICALLY INDICATED OR NOT
- ALL CONSTRUCTION TO BE IN ACCORDANCE WITH ALL CUMULATIVE COUNTY & STATE REQUIREMENTS
- DISBURSED AREAS NOT COVERED BY ASPHALT OR OTHER IMPERMEABLE SURFACES SHALL BE SEEDED AND ESTABLISHED PER SPECIFICATIONS
- AREA OF GRADED CURB & GUTTER INDICATE THE USE OF CONCRETE "SPALL" CURB & GUTTER (SEE SHT. CS-1. #1)
- STORM DRAINAGE DESIGN CERTIFIED BY ADRIAN M. HEGEMAN, PE

**EROSION CONTROL GENERAL NOTES**

- PURSUANT TO G.S. 113A-37(d), THE ANGLE FOR GRADED SLOPES AND FILLS SHALL BE NO GREATER THAN THE ANGLE THAT CAN BE MAINTAINED BY VEGETATIVE COVER OR OTHER ADEQUATE EROSION CONTROL DEVICES OR STRUCTURES. IN ANY EVENT, SLOPES LEFT EXPOSED SHALL BE WITHIN 15 DAYS OF COMPLETION OF ANY PHASE OF GRADING, BE PLANTED OR OTHERWISE PROVIDED WITH TEMPORARY OR PERMANENT EROSION CONTROL DEVICES OR STRUCTURES SUFFICIENT TO RESTRAIN EROSION. PURSUANT TO G.S. 113A-37(b), PROVISIONS FOR PERMANENT EROSION CONTROL SUFFICIENT TO RESTRAIN EROSION MUST BE ACCOMPANIED FOR ALL DISTURBED AREAS WITHIN 15 WORKING DAYS OR BY CALCIUM HYDROXIDE. ALL SO SHORTEN FOLLOWING COMPLETION OF CONSTRUCTION OR DEVELOPMENT ALL REVEALED AREAS SHALL BE FERTILIZED, RE-SEED AS NECESSARY, AND MULCHED ACCORDING TO SPECIFICATIONS IN THE VEGETATIVE PLAN TO MAINTAIN A VEGETATIVE COVER. VEGETATION COVER, IF ANY VEGETATION FAILURE OCCURS, THOSE AREAS SHALL BE RE-SEED WITH RYE GRASS FOR TEMPORARY STABILIZATION AND PREPARED FOR PERMANENT SEEDING
- SEE DETAIL SHEETS FOR EROSION CONTROL MEASURES & MAINTENANCE
- CONTACT PERSON: ALBERT NORTON - SKAN ELECTRIC - (910) 822-0082
- PARCEL IDENTIFICATION NUMBER(S): 0418-07-0871
- CONTRACTOR SHALL REMOVE TEMPORARY EROSION CONTROL MEASURES ONLY AFTER REMOVAL HAS BEEN APPROVED BY OWNER
- CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING EROSION AND REVEGETATION CONTROL MONITORING ACCORDING TO NPDES PERMIT REQUIREMENTS
- CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING EROSION AND REVEGETATION CONTROL MONITORING ACCORDING TO NPDES PERMIT REQUIREMENTS



**Crawford Design Company**  
 LANDSCAPE ARCHITECTURE  
 ENGINEERING  
 PLANNING  
 514 Hwy Street • Fayetteville, NC 28303  
 Voice: 910-221-6423 • Fax: 910-221-6455  
 www.crawforddesign.com

All drawings, specifications and designs prepared by Crawford Design Company are instruments of service and shall remain the property of Crawford Design Company. The Owner or any other parties shall not use the work on this or any project except in a project approved and approved in writing.

CRAWFORD DESIGN COMPANY  
 COPYRIGHT 2008

**SKAN ELECTRIC  
 PROPERTY SITE  
 IMPROVEMENTS**

PROJECT NAME: SKAN ELECTRIC PROPERTY SITE IMPROVEMENTS  
 DRAWN BY: RGA  
 APPROVED BY: FDC  
 PROJECT NUMBER: 07012

**ALBERT & SHIRLEY  
 NORTON**  
 6033 Main Hwy Road  
 Fayetteville, NC 28311  
 Phone: 910-822-0082

**GRADING, DRAINAGE  
 & EROSION CONTROL  
 PLAN**

HORIZ. 1" = 30'  
 VERT. 1" = 10'

JANUARY, 2008

**C3.0**

APPLICATION FOR WATERSHED APPROVAL AND PROTECTION PERMIT

DATE OF APPLICATION 11-12-07 CASE NO. \_\_\_\_\_

Name of Owner/Applicant: Albert & Shirley Norton

Mailing Address: 2936 George Owen Road

City/State/Zip: Fayetteville, NC 28306 E-mail: anorton@skanelectric.com

Telephone Number: 910-822-0082 Fax Number 910-822-0270

Name of Enginer/Surveyor: Crawford Design Company

Address: 914 Hay Street City, State, Zip: Fayetteville, NC 28305

Telephone Number: (910) 221-0033 Alternate: ( ) NA

PARCEL INFORMATION: Use a separate sheet of paper to list the following information for each additional parcel of land.

Parcel ID (PIN) Number 0419-97-6871 Deed Book 2171 Page 75

Size of Parcel 2.7039 Acres Lot # 86, 87, 88, 89

Watershed (circle one) Cross Creek Little Cross Creek  Cape Fear River Little River

Low Density (no fee) \_\_\_\_\_ High Density (\$200 fee)  Critical / Protected Area (circle one)

GENERAL DESCRIPTION OF WORK:

Name of Proposed Development: Skane Electric Property Site Improvements

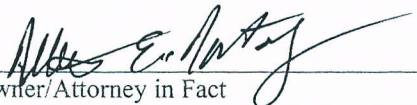
Type of Development: Residential \_\_\_\_\_ Commercial C(P) Industrial \_\_\_\_\_ Other \_\_\_\_\_

Total Area: 2.7 Acres

Number of Parcels/Lots: 1 Smallest Lot: NA acres Largest Lot: NA acres

I certify that the information shown above is true and accurate, and is in compliance with the conditions for development under the terms of the Cumberland County Water Supply Watershed Management & Protection Ordinance.

(Seal)

  
Owner/Attorney in Fact

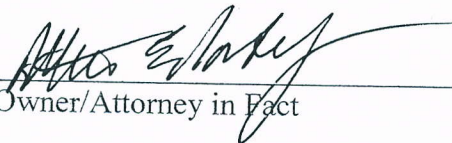
Date: \_\_\_\_\_

OFFICIAL USE

Date received: \_\_\_\_\_ Date referred to Board: \_\_\_\_\_

Notes:

1. I have submitted a completed application for Watershed Subdivision Approval and Watershed Protection Permit (Page 1 attached hereto).
2. I have submitted plans, specifications and documents which meet the requirements of Cumberland County Water Supply Watershed Management & Protection Ordinance, Appendix C, Chapter 31A Cumberland County Code.

  
\_\_\_\_\_  
Owner/Attorney in Fact

(SEAL)

\_\_\_\_\_  
Date

High Density  
Water Supply Watershed Management & Protection Ordinance  
Permit Application

Date \_\_\_\_\_

PROTECTION PERMIT CHECKLIST FOR WATER SUPPLY WATERSHED DEVELOPMENT:

Applications for Watershed Protection Permits shall be accompanied by plans in duplicate and drawn to scale showing the following:

(a) Lot Dimensions.

  X   Actual dimensions and acreage of the lot to be built upon and the location of any right of ways that may affect development on the lot. See Sheet C2.0

  X   Average lot size (in square feet). See Sheet C2.0/Site Info

(b) Built Upon Area.

  X   The accurate location and use of all existing and proposed buildings and other structures, and for non-residential developments the location and size, in square feet, of all built upon areas including parking and loading facilities. See Sheet C2.0

  X   The percent of the project that will be covered with an impervious surface.  
See Sheet C2.0

  X   The area, in acres, to be left natural. See Sheet C2.0

(c) Dwelling Units.

 NA  The total number of dwelling units proposed on the lot or tract.

(d) Streams/Rivers.

  X   The accurate location of all perennial streams and natural drainage areas on the property.

(e) Adjacent Property Owners.

  X   The names of adjoining property owners. See Sheet C2.0

(f) Buffers.

  X   The location of all required buffer areas. See Sheet C2.0

(g) \*Storm water Control Devices (i.e., wet detention basins).

  X   When local governments provide for a high density option, the location of any storm water control devices shall be shown and shall be designed, constructed and maintained according to the requirements as established by the Division of Environmental Management. See Sheet C3.0

  X   Storm Water Controls are used. See Detail Sheet C5.4

X   If Storm Water Controls are used, the name of the certifying engineer is provided.  
See Sheet C3.0

(h) \* Private Water and Sewer Systems.

  X   Individual water supply systems and/or ground absorption sewage disposal systems may be permitted, subject to preliminary approval by the County Health Department that there is sufficient space left on the lot for such systems.

\*Include if applicable

PLAN CHECKLIST FOR WATERSHED DEVELOPMENT:

The plan shall be clearly and legibly drawn at a scale of not less than one inch to one hundred feet (1" = 100') (1" = 200' in extreme cases). The plan shall be prepared by a registered surveyor and shall include the following information prior to consideration by the Watershed Review Board:

Name of Development: Skan Electric Property Site Improvements

Date Submitted: \_\_\_\_\_

Location: 6007 Murchison Road, Fayetteville NC 28301

Owner: Albert & Shirley Norton

Address: 2936 George Owen Road Tele: 910-822-0082

Surveyor: Gooden & Associates, Inc.

Address: 1745 Cypress Lakes Road Tele: 910-223-7766

Engineer: Crawford Design Company, Adriana Hegeman

Address: 914 Hay Street Tele: 910-221-0033

a. Title Block:

\_\_\_\_\_ Development name, developer's name, North Arrow, scale (denoted graphically and numerically), date of plan preparation, location of subdivision (township, county and state), name of seal of registered surveyor preparing plat, deed book reference.

b. Vicinity Map:

\_\_\_\_\_ A sketch vicinity map showing the location of the subdivision in relation to the surrounding area. If the development/subdivision is a portion of a larger tract, the map is to show the relation of the development/subdivision to the larger tract.

c. Tract Boundaries:

\_\_\_\_\_ The boundaries of the tract, or portion thereof, to be subdivided, with all bearings and distances shown.

d. Property Lines:

\_\_\_\_\_ Property lines and owners' names of abutting properties and/or abutting subdivisions of record.

e. Natural Features:

\_\_\_\_\_ Significant natural features including marshes, lakes or streams, or other natural features affecting the site.

f. Existing Features:

\_\_\_\_\_ Existing features including structures and built-upon area and Cumberland County limit lines both on or adjacent to the land to be subdivided.

g Topographic Lines (if required by Watershed Administrator or Watershed Review Board):

\_\_\_\_\_ Topographic contour lines not to exceed ten (10) foot intervals when the area to be subdivided exceeds four (4) acres.

h Lot and Street Lines:

\_\_\_\_\_ All proposed lot and street right-of-way lines with approximate area and dimensions, lot numbers and proposed use of land.

i Drainage System:

\_\_\_\_\_ Proposed drainage facilities, including approximate location and dimensions of open drainage ways, storm sewers, culverts, retaining ponds, or areas where water is to be diverted through grading.

j Site Data:

\_\_\_\_\_ Total acreage in tract to be subdivided, smallest lot size (square feet) and total number of lots.

k The following documentation is to accompany the application:

\_\_\_\_\_ Written evidence acknowledging the submission and approval of the required soil erosion and sedimentation control plan.



**Charles C. Morris**  
Chair  
Town of Linden

**Donovan McLaurin**  
Vice-Chair  
Wade, Falcon & Godwin  
Garland C. Hostetter,  
Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman



# COUNTY of CUMBERLAND

*Planning and Inspection Department*

**Thomas J. Lloyd,**  
Director  
**Cecil P. Combs,**  
Deputy Director

Clifton McNeill, Jr.,  
Roy Turner,  
Lori Epler,  
Sara E. Piland,  
Cumberland County

**DRAFT**  
**HIGH DENSITY WATERSHED**  
**CONDITIONAL APPROVAL SHEET**

PLANNING STAFF RECOMMENDATION: March 12, 2008 BOARD OF ADJUSTMENT DECISION: April 17, 2008

CASE NO: WS-08-02

NAME OF DEVELOPMENT: Skam Electric Site Improvements

LOCATION: At the southwest quadrant of NC HWY 210 (Murchison Road), and SR 1444 (Charmain Street), And southeast of SR 1445 (Bernadine Street).

WATERSHED AREA: WS-IV-BW

PIN: 0419-97-6871

OWNER/DEVELOPER: Albert & Shirley Norton.

ENGINEER/DESIGNER: Crawford Design Company

PLANNING DEPARTMENT RECOMENDATION:

- PRELIMINARY
- EXTENSION
- CONDITIONAL APPROVAL
- DENIED
- REVISION

BOARD OF ADJUSTMENT:

- PRELIMINARY
- EXTENSION
- APPROVED CONDITIONALLY
- DENIED
- REVISION

**DRAFT**

**CONDITIONS OF APPROVAL:**

1. Prior to the granting of a *Watershed Protection Permit*, a financial security in the amount of \$35,477.75 for the purposed maintenance, repairs or reconstruction of the storm water control structures, as defined in section 31A-63 of the *Cumberland County Water Supply Watershed Management and Protection Ordinance* must be posted with Cumberland County.
2. Prior to issuance of the watershed occupancy permit, a description of the area containing the storm water control structures along with any easements necessary for general access shall be recorded at the Cumberland County Register of Deeds. NOTE: The deed description shall grant perpetual access to government agencies to all storm water control systems, in order to accomplish or fulfill any service or function for which the agency is responsible to perform in their duties.
3. The detention pond will be inspected annually by the Watershed Review Officer for compliance of maintenance and upkeep of the storm water control systems.

4. The detention pond be fenced and buffered in accordance with Section 31A-23 of the *Cumberland County Water Supply Watershed Management and Protection Ordinance*.
5. Building permits cannot be issued until a *Watershed Protection Permit* has been issued.
6. Prior to final building permits being issued, the Watershed Review Officer shall issue a *Watershed Occupancy Permit*. NOTE: The developer will need to contact Jeff Barnhill at 678-7765 to schedule an inspection of the site for compliance prior to issuance of the any permits.
7. If any revisions to the approved plan, three copies of the revised plan must be submitted to the staff for review and dependant upon the extent of revision, may require final approval by the Board of Adjustment.
8. In addition to vegetative filters required for the overflow and discharge of all stormwater detention ponds, all land areas outside the pond shall be provided with a ground cover sufficient to restrain erosion within 30 days after any land disturbance.
9. The maximum built-upon area shall not exceed 58 percent of the entire development.
10. All conditions of approval of the site plan, Case No. 07-200, must be complied with.
11. The inspection and the release of the performance guarantee shall be in accordance with Section 31A-66 of the *Cumberland County Water Supply Watershed Management and Protection Ordinance*.

IF YOU NEED CLARIFICATION OF CONDITION(S), PLEASE CONTACT JEFF BARNHILL AT 910-678-7765.

<p>COUNTY OF CUMBERLAND PLANNING &amp; INSPECTIONS DEPARTMENT</p> <p><b>Certificate of Approval for Recording</b> <i>Cumberland County Water Supply Watershed Management and Protection</i></p> <p>I certify that the plat shown hereon complies with the <i>Cumberland County Water Supply Watershed Management and Protection Ordinance</i> and is approved for recording in the Register of Deeds' office.</p> <p>Case No. <u>WS-08-02</u> _____  <span style="float: right;">_____</span>            Planning Director</p> <p>Watershed Area: <u>WS-IV-BW</u> _____  <span style="float: right;">_____</span>            April 11, 2008</p> <p>NOTICE: This property is located within a public water supply watershed; development restrictions may apply.</p>	
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## Cumberland County Board of Adjustment

### **Evaluation of Application for High Density Development Proposal**

Requirements for approval of the Watershed High Density Option by the Board:

1. The storm water control system must meet the standards of the Watershed Ordinance. (Plans have been reviewed by the County Engineer's office and were approved on March 17, 2008.)
2. Cost estimate for the storm water system must be a sufficient amount to complete the project. (County Engineer's office verified the sufficiency of the amount proposed in letter dated March 17, 2008.)
3. Legal documents for ownership and maintenance of the storm water control system must meet the standards of the Watershed Ordinance. (Legal documents have been found to be legally sufficient by the County Attorney's office on March 26, 2008.)
4. The project must meet the standards of the zoning and subdivision ordinances. (The Planning & Inspections Staff has reviewed the project and conditionally approved the case in Subdivision Case No. 07-200, on February 16, 2008.)
5. The "Operation and Maintenance Plan" must be satisfactory and comply with at least the minimum standards and intent of the Ordinance. (The Watershed Review Officer has reviewed and approved this plan on April 7, 2008.)
6. The project must have an approved soil erosion and sedimentation control plan. (The North Carolina Department of Environment and Natural Resources, Land Resources Division has approved this plan on December 5, 2007.)
7. In addition to any other requirements provided by the Water Supply Watershed Ordinance, the Board may designate additional conditions and requirements on the proposal to assure the use will be harmonious with the area in which the project is to be located and with the spirit of the ordinance.

*Note: All documents and confirmation of approvals referenced above are contained within the case file and are available upon request.*

#### **Example: Approval of Proposal**

A motion to approve Case No. WS \_\_\_\_\_, subject to all Conditions of Approval, provided that it is developed according to the plan under the direction of the Watershed Administrator in accordance with Section 31A-68 which authorizes the delegation of enforcement authority from the Board to the Planning & Inspections Department.

#### **Example: Disapproval of Proposal**

If the Board disapproves the application based on its findings, the reasons for such action shall be stated in the minutes of the Board.

**P08-02-C**  
**SITE PROFILE**

CONSIDERATION OF A VARIANCE AND SPECIAL USE PERMIT TO ALLOW A DAY CARE FACILITY IN A R40A RESIDENTIAL DISTRICT, ON 5.79+/- ACRES, LOCATED AT 2716 CUSTER AVENUE, SUBMITTED BY ANDREA BOATMAN, OWNED BY DOLPHUS WILLIAMS.

**Site Information:**

**Frontage & Location:** 397.90'+/- on SR 1723 (Custer Avenue)

**Depth:** 460'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** Yes, west side of Custer Avenue

**Current Use:** Vacant, non-residential structure

**Initial Zoning:** A1-December 14, 1979 (Area 10)

**Nonconformities:** None

**Zoning Violation(s):** None

**Surrounding Zoning:** North & East: A1; South: M2 & A1; West: R40 & A1

**Surrounding Land Use:** Farmland, woodlands, and residential (including manufactured homes)

**Eastover Area Detailed Land Use Plan:** One acre residential

**Special Flood Hazard Area (SFHA):** No flood

**Urban Service Area:** Yes

**Water/Sewer Availability:** ESD/Septic

**Soil Limitations:** Yes, hydric soils: Ro Roanoke and Wahee loams

**School Capacity/Enrolled:** Armstrong Elementary: 450/426; Mac Williams: 1270/1162; Cape Fear: 1425/1470

**Subdivision/Site Plan:** See attached "Ordinance-Related Conditions"

**Average Daily Traffic Count (2006):** 430 on Custer Avenue

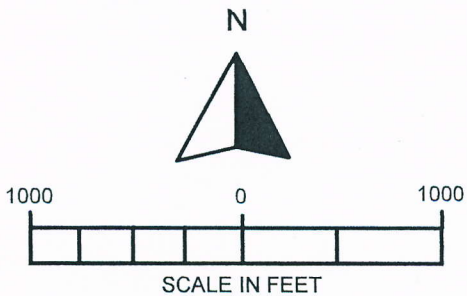
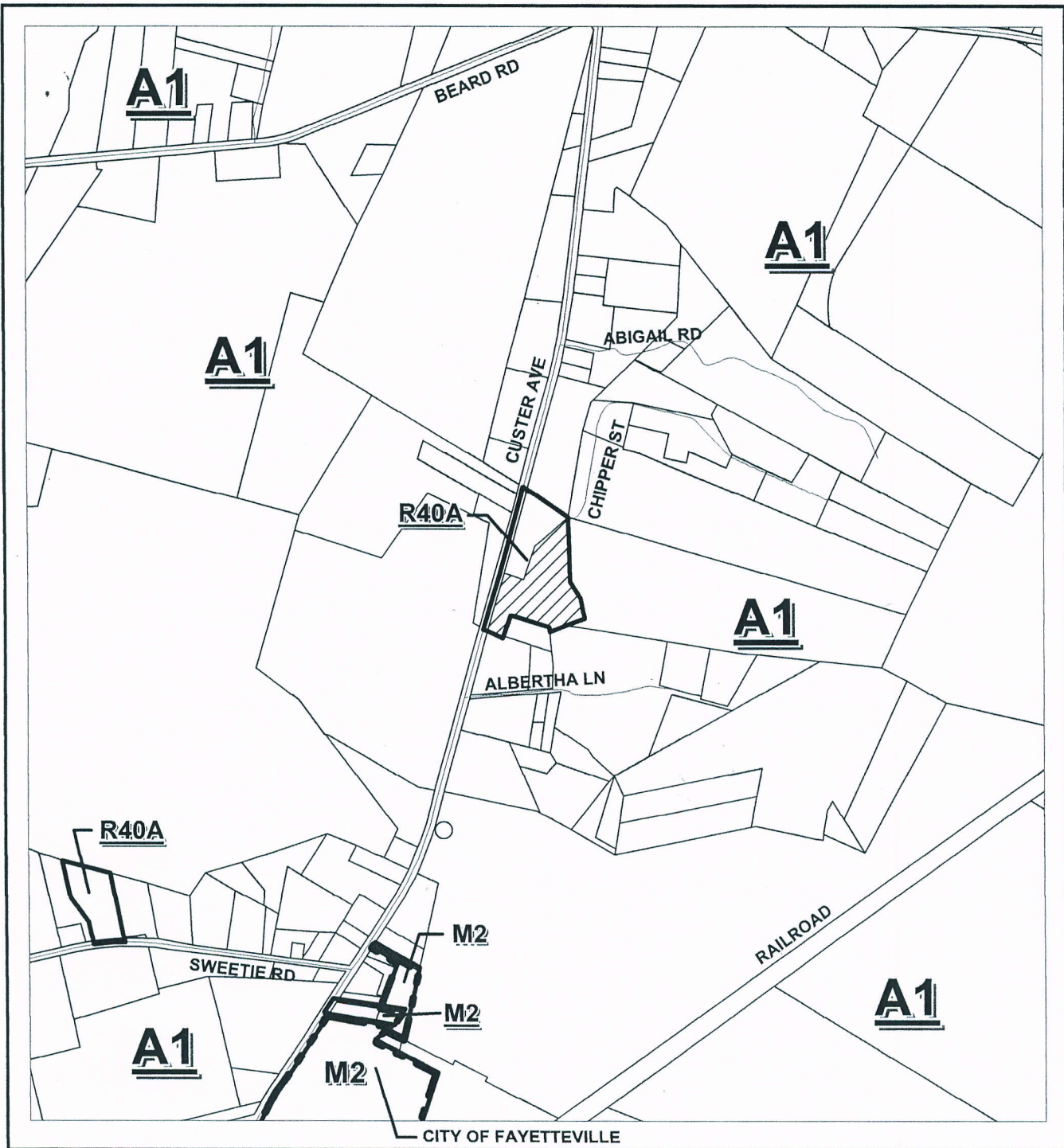
**Highway Plan:** This case has no impact on the current Highway Plan

**Notes:**

1. Variance request is due to ordinance provision requiring day care facilities in a residential district to have direct access to a major or minor thoroughfare street as classified in the Highway Plan (Sec 906.A.3, County Zoning Ordinance, p.75)
2. Subject structure was added as a day care facility to the tax assessor's data base on July 26, 2001 (Information obtained from OASIS.)
3. Application Information
  - a. Number of Employees: 5 qualified staff for first and second shift
  - b. Hours of Operation: 8:00 am to 8:00 pm
4. No outside play area proposed.

**First Class Mailed Notice Certification**

*A certified copy of the tax record owner(s) and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith.*



## BOARD OF ADJUSTMENT VARIANCE & SPECIAL USE PERMIT

**ACREAGE: 5.79 AC.+/-**

**HEARING NO: P08-02-C**

ORDINANCE: COUNTY

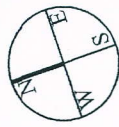
HEARING DATE

ACTION

GOVERNING BOARD

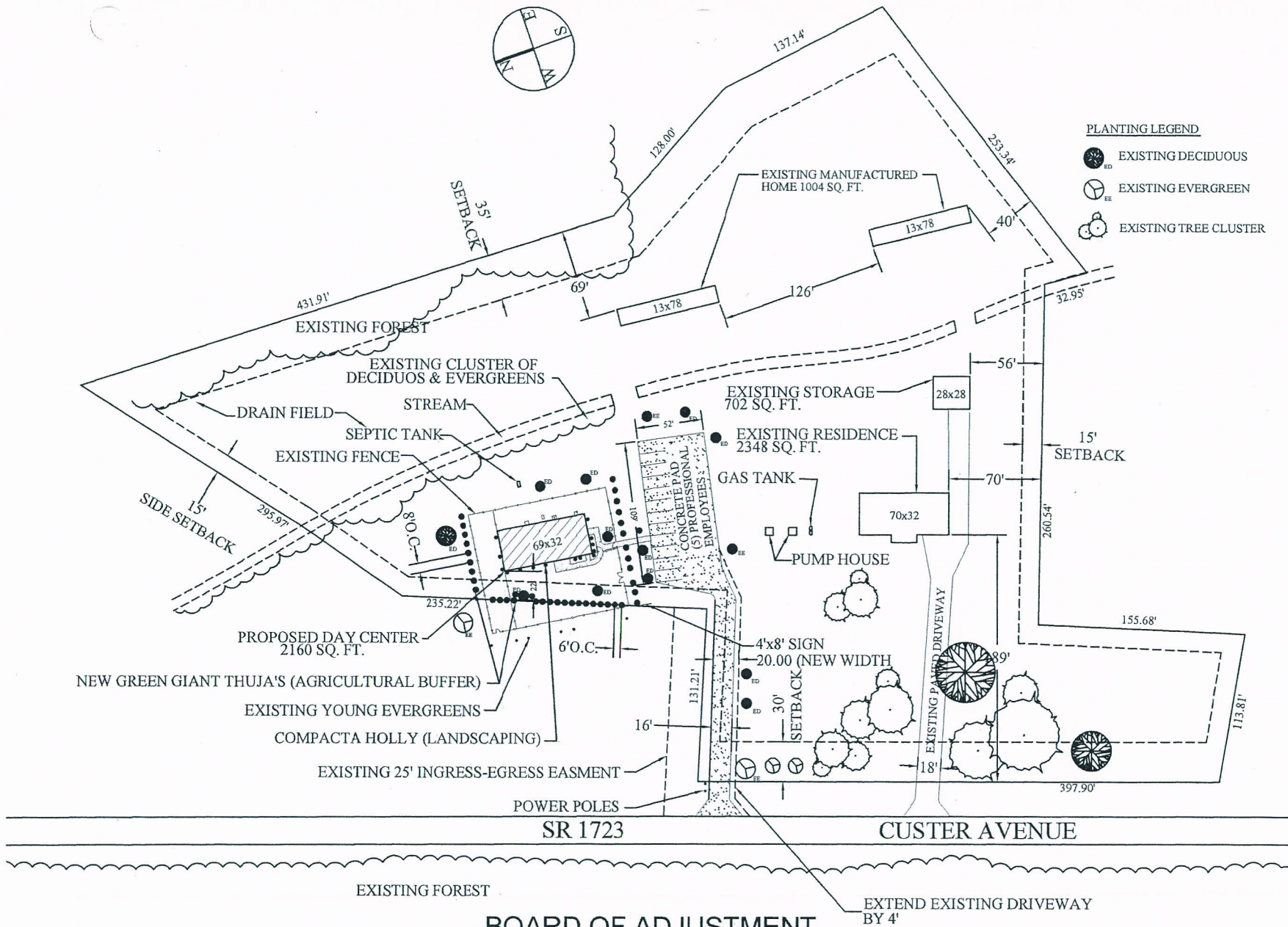
PIN: 0459-24-1435

AF  
3/18/08



**PLANTING LEGEND**

- EXISTING DECIDUOUS
- EXISTING EVERGREEN
- EXISTING TREE CLUSTER



**BOARD OF ADJUSTMENT**  
**VARIANCE & SPECIAL USE PERMIT**  
 REQUEST: SEC 906 C, DIRECT ACCESS TO MAJOR/MINOR  
THOROUGHFARE FOR DAY CARE FACILITY IN A  
RESIDENTIAL DISTRICT  
 CASE: P08-02-C ACREAGE: 5.79±  
 ZONING: R40A SCALE: NTS  
 PARKING: AS SHOWN

## **Board of Adjustment – Special Use Permit**

### Ordinance-Related Conditions

#### **Permit-Related:**

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
2. The County Health Department must approve sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note: All Health Department requirements must be met prior to issuance of final permits.)
3. Connection to public water is required, the Eastover Sanitary District must approve water plans prior to application for any permits. A copy of the Eastover Sanitary District's approval must be provided to Code Enforcement at the time of application for building/zoning permits.
4. New development that will disturb one acre or more of land or is part of a larger plan that will disturb at least an acre of land is subject to the post-construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources.
5. The developer must/may have to provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three (3) copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
6. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
7. Landscaping must be provided as shown on the site plan. The following are the minimum standards for the required landscaping of this site:
  - a. Eight large shade trees or 16 small ornamental trees within the front yard setback area;
  - b. One large shade trees and 14 shrubs are required in the building yard area;

In addition:

- a. All required plant materials shall be maintained by the property owners, including replacing dead or unhealthy trees and shrubs;
  - b. Trees shall be maintained in a vertical position at all times;
  - c. All planting areas shall be kept free of weeds and debris.
8. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

**Site-Related:**

9. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the R40A zoning district must be complied with, as applicable.
10. All corner lots and lots fronting more than one street must provide front yard setbacks from each street.
11. This conditional approval is not approval of the permit for any freestanding signs. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
12. An adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Best Management Practices* and all drainage ways must be kept clean and free of debris.
13. All utilities, except for 25kv or greater electrical lines, must be located underground.
14. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits. The proposed drive must be a minimum of 20 foot wide at the road right-of-way per NC Department of Transportation's requirements.
15. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
16. A solid buffer must be provided and maintained, in accordance with the provisions of Section 1102 G, Buffer Requirements, County Zoning Ordinance, to the side and rear property of the portion of this property that is used for non-residential uses to screen this use from the residential uses on the subject property and the residential or agricultural zoned and used property adjacent to this use, and the required buffer must be All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
17. All required off-street parking spaces shall be a minimum of 9' x 20' and shall be surfaced, with a permanent material such as asphalt or concrete, and striped prior to application for the building final



inspection. A minimum of two off-street parking spaces plus one space for each employee is required for this development.

**Advisories:**

18. The applicant is advised to consult an expert on wetlands before proceeding with any development. (Note: If the plans change and/or if the stream is to be impacted by this approval, the developer should contact the Corp of Engineers prior to commencement of development.
19. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.

**Other Relevant Conditions:**

20. All Federal, State and local regulations, including the NC Building Code, must be complied with.
21. Any modification to the application and/or site plan will require re-review and approval.

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

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

Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Health Department:	Danny Soles	433-3685
Eastover Sanitary District:	Morgan Johnson	323-3973
Town of Eastover:	Matt Rooney (Staff Rep)	678-7625
Corp of Engineers (wetlands):	Ronnie Smith	(910) 251-4829
NCDENR (E&S):	Jodi Pace	433-3300
E911 Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
N.C. Division of Water Quality:	Mike Randall	(910) 733-5083 ext. 545

BOARD OF ADJUSTMENT

LOCATION OF PROPERTY: 2716 CUSTER Avenue  
OWNER: Dolphus Williams  
ADDRESS: 2668 CUSTER Avenue ZIP CODE: 28312  
TELEPHONE: HOME \_\_\_\_\_ WORK \_\_\_\_\_  
AGENT: ANDREA BOATMAN-HALL  
ADDRESS: 5320 BLANCHETTE St.  
TELEPHONE: HOME ~~Hope~~ 910-717-9026 WORK 910-229-8256

APPLICATION FOR A SPECIFIED/SPECIAL/CONDITIONAL USE PERMIT  
As required by the Zoning Ordinance or Code

- A. Parcel Identification Number (PIN #) of subject property: 0459-24-1435  
(also known as Tax ID Number or Property Tax ID)
- B. Acreage: 5.8 AC Frontage: 397.90 Depth: 460±
- C. Water Provider: EASTOVER SANITARY
- D. Septage Provider: Septic
- E. <sup>PLAT</sup> Deed Book 103, Page(s) 68, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
- F. Existing use of property: It is a previous Daycare.
- 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.) I will use the facility as a day center for children and adolescents age 5-18 years old. The hours of operation will be from 8AM until 8 PM. We will have one qualified staff person per shift and 5 assistants to provide peer mentoring, guidance, counseling as well as to talk them out. They will be on community outings at least 50% of the time that they are at the facility. At each shift (8:00AM-2:00PM; 3PM-8PM there will be no more than 5 employees in the facility.)

## STATEMENT OF ACKNOWLEDGEMENT

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 arguments for and against this matter before them and such relevant facts will be given under sworn testimony;
- At the public hearing the Board has the authority to issue a final approval or denial decision on this request, or defer the request for additional information to be provided;
- If the petitioner or the representative of this application does not appear personally before the Board, whether there is opposition or not, the Board has full authority to consider the case and defer, approve, or deny the case.
- If the Board's action is to deny the matter before them, the course of appeal to their decision will be that of Cumberland County Superior Court. (Affected parties of the Board's decision have 30 days from proper notification which to serve notice of appeal).

Signed acknowledgement 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)

Delphus Williams

DATE

02/27/2008

Only expressly authorized agents or assigns may sign this acknowledgement in lieu of the tax record owners' signatures.

**P08-03-C**  
**SITE PROFILE**

CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW THE OUTSIDE STORAGE OF MOTOR VEHICLES IN CONJUNCTION WITH AN EXISTING MINI-WAREHOUSING (SELF-STORAGE) FACILITY IN AN A1 AGRICULTURAL DISTRICT, ON 5.33+/- ACRES, LOCATED AT 2110 JOHN MCMILLAN ROAD, SUBMITTED BY THOMAS R. MCLEOD, OWNED BY JORGE CACERES AND THOMAS R. MCLEOD.

**Site Information:**

**Frontage & Location:** 1100'+/- on SR 2372 (John McMillan Rd)

**Depth:** 470'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** No

**Current Use:** Mini-warehousing (self-storage) facility

**Initial Zoning:** A1-June 25, 1980 (Area 13)

**Nonconformities:** None

**Zoning Violation(s):** None

**Surrounding Zoning:** North: R40A, R40 & A1; South: A1 & R40; West: A1; East: RR, R40 & A1

**Surrounding Land Use:** Private recreation, public utility substation, and residential (including manufactured homes)

**2010 Land Use Plan:** Farmland

**Special Flood Hazard Area (SFHA):** No flood

**Urban Services Area:** No

**Water/Sewer Availability:** Well/Septic

**Soil Limitations:** Yes, hydric soil: Le-Leon sand

**Subdivision/Site Plan:** Lot created: 01/11/85 final Plat approved 11/08/07; Case No: 07-169. See attached "Ordinance-Related Conditions" related to the outside storage

**Average Daily Traffic Count (2006):** 720 on John McMillan Rd; 5,700 on Chicken Foot Rd

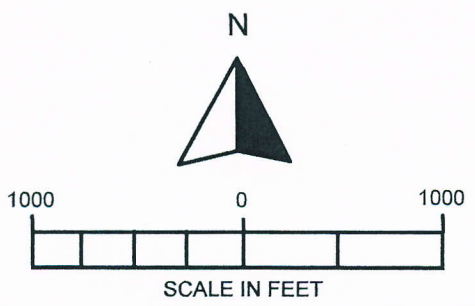
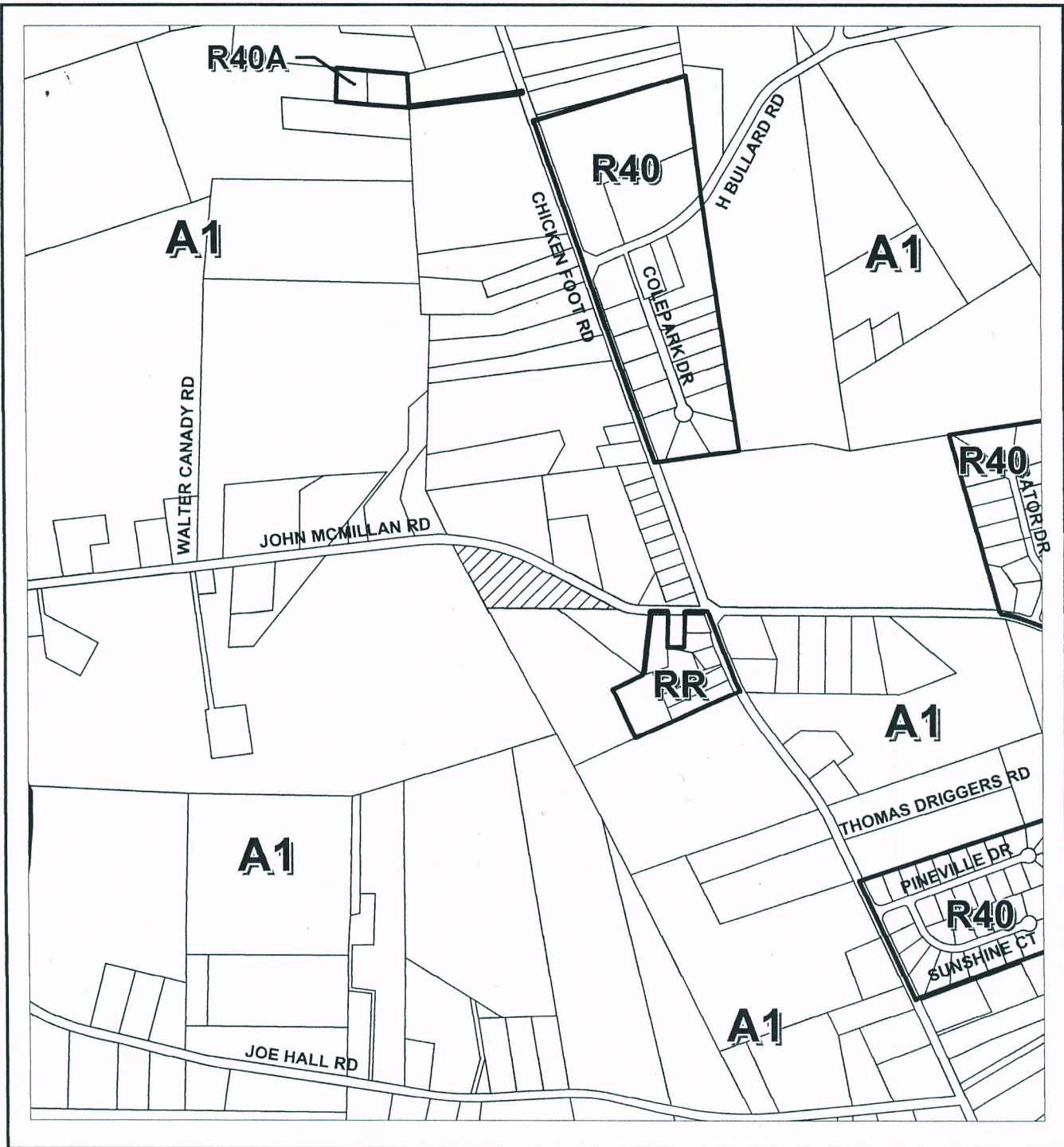
**Highway Plan:** This case has no impact on the current Highway Plan

**Notes:**

1. Structure proposed for the Mini-warehousing (self storage) facility was approved as 59 Self Storage on October 24, 2007; Case No: 07-169
2. **Section 203, County Zoning Ordinance, defines a "Motor Vehicle" as:**  
**Motor Vehicle:** A machine designed or intended to travel over land or water by self-propulsion or while attached to a self-propelled vehicle, except that said definition shall not include a "manufactured home" or "mobile home" as defined in County Health Department regulations, the County Subdivision Ordinance, and this ordinance.

*First Class Mailed Notice Certification*

*A certified copy of the tax record owner(s) and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith.*

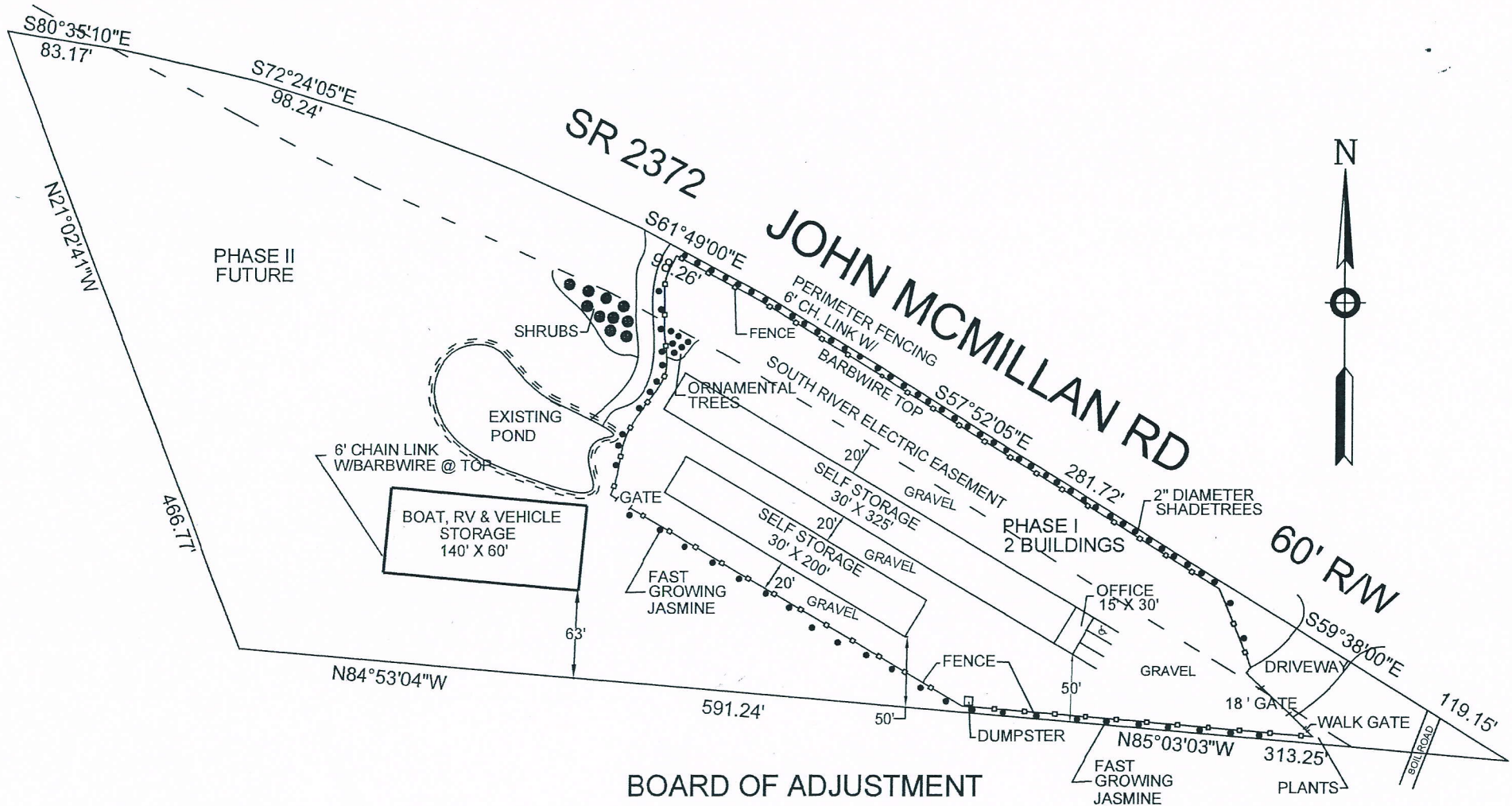


# BOARD OF ADJUSTMENT SPECIAL USE PERMIT

ACREAGE: 5.33 AC.+/-		HEARING NO: P08-03-C	
ORDINANCE: COUNTY		HEARING DATE	ACTION
GOVERNING BOARD			

PIN: 0421-88-8115

AF  
3/17/08



BOARD OF ADJUSTMENT  
SPECIAL USE PERMIT

REQUEST: ALLOW THE OUTSIDE STORAGE OF MOTOR VEHICLES IN CONJUNCTION WITH AN EXISTING MINI-WAREHOUSING (SELF-STORAGE) FACILITY IN AN A1 DISTRICT

CASE: P08-03-C ACREAGE: 5.33±

ZONED: A1 SCALE: NTS

## **Board of Adjustment - Special Use Permit**

### Ordinance-Related Conditions

#### **Permit-Related:**

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
2. New development that will disturb one acre or more of land or is part of a larger plan that will disturb at least an acre of land is subject to the post-construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources.
3. The developer may have to provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three (3) copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
4. The developer must provide a site-specific address and tax parcel number at the time of zoning permit application.
5. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

#### **Site-Related:**

6. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the A1 zoning district must be complied with, as applicable.
7. An adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Best Management Practices* and all drainage ways must be kept clean and free of debris.
8. All utilities, except for 25kv or greater electrical lines, must be located underground.
9. If driveways are changed or added, the developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). If required, a copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.

10. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
11. A solid buffer must be provided to screen the “Boat, RV and Vehicle Storage” from the public right-of-way. This screening must be maintained and provided in accordance with the provisions of Section 1102 G, Buffer Requirements, County Zoning Ordinance. (Note: A chain link fence cannot be used to satisfy the ordinance buffer requirements.)
12. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
13. All notes and calculations as shown on the site plan are to be considered as a part of this conditional approval.

**Advisories:**

14. The applicant is advised to consult an expert on wetlands before proceeding with any development.
15. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.

**Other Relevant Conditions:**

16. All applicable conditions from Case No. 07-169 apply.

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

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

Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Health Department:	Danny Soles	433-3685
Corp of Engineers (wetlands):	Ronnie Smith	(910) 251-4829
NC DENR (E&S):	Jodi Pace	433-3300
E911 Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
NC Division of Water Quality	Mike Randall	(910) 733-5083 ext. 545



**BOARD OF ADJUSTMENT**

LOCATION OF PROPERTY: 2110 John McMillan Rd.  
OWNER: Jorge Caceres + Thomas McLeod  
ADDRESS: 3186 Bittersweet Dr. ZIP CODE: 28306  
TELEPHONE: HOME 308-5921 WORK sml  
AGENT: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
TELEPHONE: HOME \_\_\_\_\_ WORK \_\_\_\_\_

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

- A. Parcel Identification Number (PIN #) of subject property: 0421-88-8115  
(also known as Tax ID Number or Property Tax ID)
  - B. Acreage: 5.33 Frontage: 1100' Depth: 425'
  - C. Water Provider: N/A
  - D. Septage Provider: N/A
  - E. Deed Book 724/, Page(s) 374, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
  - F. Existing use of property: self storage facility
  - 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.) We would like to offer Boat, RV + Vehicle storage to our customers. We will employ 1-2 people and have someone onsite Mon-Fri 8-5 + Sat 9-3.
- \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## STATEMENT OF ACKNOWLEDGEMENT

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 arguments for and against this matter before them and such relevant facts will be given under sworn testimony;
- At the public hearing the Board has the authority to 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 there of.**
- 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 acknowledgement 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)

Thomas R. McLeod

DATE

3-7-08

Only expressly authorized agents or assigns may sign this acknowledgement in lieu of the tax record owners' signatures.

**P08-04-C**  
**SITE PROFILE**

CONSIDERATION OF AN APPEAL FROM ZONING OFFICER'S DECISION REGARDING DEFINITION OF KENNEL IN A R6A RESIDENTIAL DISTRICT, ON 0.25+/- ACRES, LOCATED AT 213 RUSSELLVILLE COURT, SUBMITTED BY HENRY L. CARROLL, OWNED BY JUDITH KESSEL JOHNSON.

**Site Information:**

**Frontage & Location:** 80'+/- on Russellville Court

**Depth:** 130'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** No

**Current Use:** Residential (manufactured home)

**Initial Zoning:** R6A-March 15, 1979 (Area 6)

**Nonconformities:** Dwelling on adjacent property encroaches onto subject property

**Zoning Violation(s):** Yes, complaint # 870; Case # ZN5465 received on 02/12/2008 for harboring five dogs where a maximum of three are allowed in a R6A Residential District

**Surrounding Zoning:** North & West: A1, RR, R15, C(P), HS(P), & A1/CU (motor vehicle sales); South & East: A1, M(P) & CD

**Surrounding Land Use:** Manufacturing, open storage, motor vehicle, and residential (including manufactured homes)

**2010 Land Use Plan:** Medium density residential

**Special Flood Hazard Area (SFHA):** No flood

**Urban Services Area:** Yes

**Water/Sewer Availability:** Carolina Water Services (community water provider)/Septic

**Soil Limitations:** None

**Subdivision/Site Plan:** Lot created 11/15/84, Plat Bk. 56, Pg. 32.

**Average Daily Traffic Count (2006):** 20,000 on US HWY 301 South (Gillespie St)

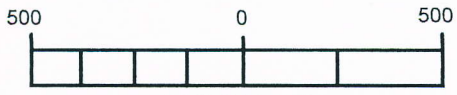
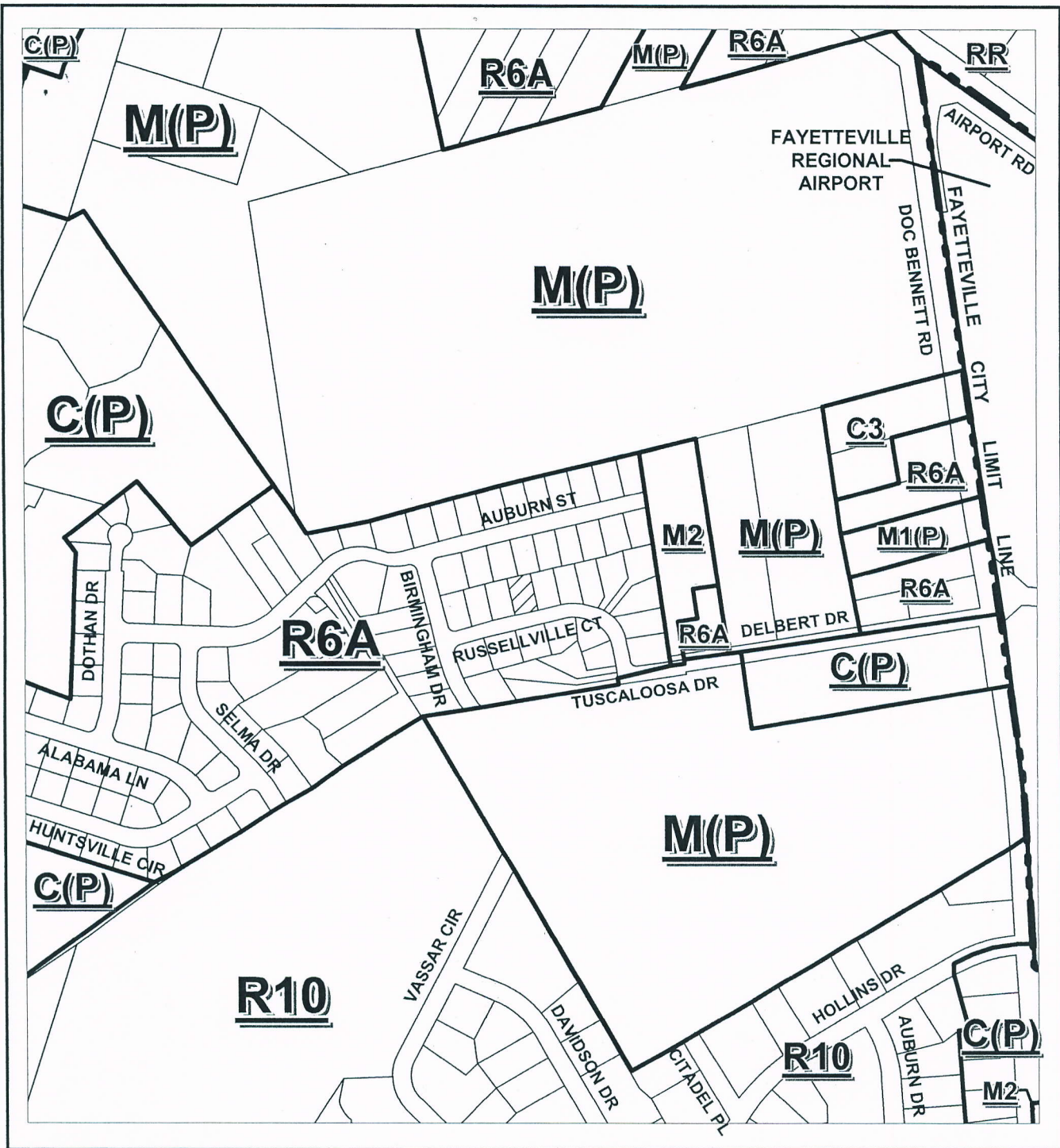
**Highway Plan:** This case has no impact on the current Highway Plan

**Notes:**

1. "Kennel" is not an allowed use in the R6A zoning district
2. Section 203, County Zoning Ordinance, defines a "kennel" as:  
**Kennel:** Any premises where four or more dogs which are five months old or older are kept commercially or as pets, excluding pet grooming shops, veterinary clinics and veterinary hospitals.

**First Class Mailed Notice Certification**

*A certified copy of the tax record owner(s) and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith.*



SCALE IN FEET

## BOARD OF ADJUSTMENT APPEAL DEFINITION OF KENNEL

ACREAGE: 0.25 AC.+/-		HEARING NO: P08-04-C	
ORDINANCE: COUNTY		HEARING DATE	ACTION
GOVERNING BOARD:			



CASE: P08-04-C AERIAL MAP ACREAGE: 0.25+- ZONED: R6A SCALE: NTS

CUMBERLAND COUNTY BOARD OF ADJUSTMENT

LOCATION OF PROPERTY: 213 Russellville Court

OWNER: Johnson, Judith Kassel

ADDRESS: 915 Sandalwood Dr, Fayetteville, NC 28314

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

AGENT: Henry L. Carroll

ADDRESS: 213 Russellville Court, Fayetteville, NC

TELEPHONE: HOME: 910-424-3830 WORK: \_\_\_\_\_

APPEAL FROM DECISION OF ZONING OFFICER

Relating to the Enforcement of the Zoning Ordinance

Decision of the Zoning Officer appealed from: Number \_\_\_\_\_ Date \_\_\_\_\_

Provision of the Zoning Ordinance of district boundary in question: \_\_\_\_\_

Definition of Kennel

~~(\*Please attach a copy of the Zoning Violation Letter to Application.)\*~~

**Section 12.42. Appeal.** Appeals may be taken to the Board of Adjustment by any person aggrieved, or by an officer, department, board or bureau of the county affected by any decision of an administrative official charged with the enforcement or interpretation of this ordinance thought to be in error. Such appeals shall be filed with the Board of Adjustment by notice specifying the grounds for appeal. Appeal shall be filed within six (6) months from the date of the action being appealed. The officer from whom the appeal is taken shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken together with any additional written reports or documents as he deems pertinent. The Board of Adjustment may, after public hearing, so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or in part, or may modify any order, requirement, decision or determination as ought to be made, and to that end shall have the powers of the administrative official from whom the appeal is taken.

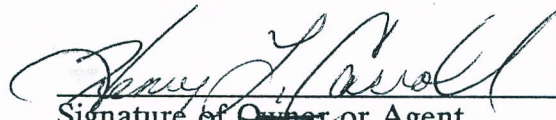
- A. The property sought a variance is owned by \_\_\_\_\_ as evidenced by deed from \_\_\_\_\_ as recorded in Deed Book \_\_\_\_\_, Page \_\_\_\_\_, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry.)
- B. Tax Property Identification Number (PIN #) of subject property: 0435-11-1936

**MAILING LIST**

The following are all of the individuals, firms or corporations owning property adjacent to **BOTH SIDES and REAR**, and the property in **FRONT** of (across the street from) the property sought for Appeal: (This information should be obtained from the Tax Mapping office on the 5th floor of the New Courthouse.)

**ADJACENT PROPERTY OWNERS**

NAME	ADDRESS	ZIP
Urian, Jo Lynn	915 Sandalwood Dr, Fayetteville NC	28304
BAE, CHONG CHA & PAK WEN MYONG	209 Russellville Ct, Fayetteville, NC	28306
BRITT, DANIEL S & WIFE CHARLENE A	208 Auburn St, Fayetteville, NC	28306
EDWARDS, AMBROSE G Jr & WIFE BRENDA J.	212 Auburn St, Fayetteville, NC	28306
TYNER, JON WAYNE & MARY HOUGH	139 Red Oak Rd, Statesville, NC	28677
DEUTSCHE BANK	5401 N Beach St, Fort Worth, TX	76137
STRICKLAND HOMES OF FAY INC	PO Box 2273, Fayetteville, NC	28302

  
Signature of Owner or Agent

213 Russellville Court  
Address of Owner or Agent

Fayetteville, N.C. 28306  
Zip Code

Telephone: Home: 910-424-3830

Work: \_\_\_\_\_



# COUNTY of CUMBERLAND

## Cumberland County Joint Planning Board

\* STATEMENT OF ACKNOWLEDGEMENT regarding appearance before the Cumberland County 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 arguments for and against this matter before them and such relative facts will be given under sworn testimony;
- If the petitioner, or the representative of, this application does not appear personally before the Board, whether there is opposition or not, the Board has full authority to consider the case and defer, approve, or deny the request;
- If the Board's action is to deny the matter before them, the course of appeal to their decision will be that of Superior Court. (Affected parties of the Board's decision have 30 days from proper notification in which to serve notice of appeal.)

Signed acknowledgement that the Secretary to the Cumberland County Board of Adjustment has conferred with the petitioner of this application on matters pertaining to the request and the understanding of course of the public hearing stated above at which time the Board will make a decision on this matter.

SIGNATURE OF OWNER(S).....

PRINTED NAME OF OWNER(S).....

DATE.....

CASE NO. ....

( If authorized by the owner(s), their agents or assigns may sign this acknowledgement.)



## Patricia Speicher

---

**From:** Patricia Speicher  
**Sent:** Wednesday, April 09, 2008 12:26 PM  
**To:** 'Adam Carroll'  
**Subject:** RE: Henry Carroll

Thanks, Adam. I will make sure you Dad knows that I received this.

Take care and have a great day!  
Patti Speicher  
Land Use Codes  
Cumberland County Planning & Inspections  
910-678-7605

---

**From:** Adam Carroll [mailto:[adamcarroll@live.com](mailto:adamcarroll@live.com)]  
**Sent:** Wednesday, April 09, 2008 12:27 PM  
**To:** Patricia Speicher  
**Subject:** Henry Carroll  
**Importance:** High

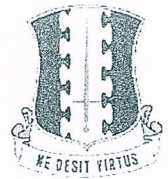
This document states that my father Henry Carroll has my dogs in his care. It is signed by my Platoon Leader as well. If there are any problems or questions, feel free to contact me.

---

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DEPARTMENT OF THE ARMY  
Angel Company, 3<sup>RD</sup> BN, 187<sup>TH</sup> INFANTRY REGIMENT  
101<sup>ST</sup> AIRBORNE DIVISION (AIR ASSUALT)  
FORT CAMPBELL, KY 42223



AFZB-KC-H-A

2 APRIL 2008

MEMORANDUM FOR Cumberland County Circuit Court

SUBJECT: STATEMENT OF SERVICE

1. This memorandum is to certify that PFC ADAM LEWIS CARROLL [REDACTED] is currently on active military service with 1<sup>ST</sup> PLT A CO 3-187 IN REGT, 101<sup>st</sup> Airborne Division (Air Assault) Fort Campbell, KY 42223-5000. He is currently deployed with this unit in support of Operation Iraqi Freedom.
2. He is the son of Henry Carroll of Cumberland County. His father is currently keeping two dogs of Adams while his son is deployed. Adam recently received correspondence from his father that Cumberland County is asking his father to pay a fine for having too many pets at his residence. Please take into consideration that Adams father is only keeping the animals until Adam returns from his combat tour with the 101<sup>st</sup> Airborne Division in Iraq. This is a memorandum stating that Adam is in fact deployed at this time with the 101<sup>st</sup> Airborne.
3. His basic active service date is 1 June 2006.
4. He will be deployed with this unit until sometime at the end of the year.
5. Point of Contact for this memorandum is 1LT CORRIGAN @ colin.m.corrigan@us.army.mil

CORRIGAN, COLIN M  
1LT  
1<sup>ST</sup> PLATOON LEADER

\* Social Security number black out to protect his privacy  
4/9/08 PAU