

**Members:**

George Quigley, Chairman  
Ed Donaldson, Vice-Chair  
Horace Humphrey  
Melree Hubbard Tart  
Joseph Dykes



**Alternates:**

Martin J. Locklear  
Randy Newsome  
William Lockett Tally  
Carrie Tyson-Autry

*Cumberland County Board of Adjustment*

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

MINUTES  
JULY 21, 2011  
7:00 P.M.

**Members Present**

George Quigley, Chair  
Ed Donaldson  
Horace Humphrey  
Joseph Dykes

**Absent Members**

Melree Hubbard Tart (excused)

**Staff/Others Present**

Pier Varner  
Melodie Robinson  
Joey Lewis

Chair Quigley called the meeting to order at 7:00 p.m. in Public Hearing Room # 3 of the Historic Courthouse.

1. ROLL CALL

Mrs. Varner called the roll and stated a quorum was present.

2. Chair Quigley swore in the staff.

3. ADJUSTMENTS TO THE AGENDA

There were none.

4. APPROVAL OF THE JUNE 16, 2011 MINUTES

A motion was made by Mr. Humphrey and seconded by Mr. Donaldson to approve the minutes as submitted. The motion passed unanimously.

5. ABSTENTIONS BY BOARD MEMBERS

There were none.

6. PUBLIC HEARING DEFERRALS – August 18, 2011

P10-16-C and P11-03-C

**CHAIR QUIGLEY:** I'll accept a motion to defer Cases P10-16-C and P11-03-C until the August 18, 2011 meeting.

Mr. Humphrey made a motion and it was seconded by Mr. Donaldson to defer both cases until the August 18, 2011 meeting. The motion was unanimous.

#### 7. BOARD MEMBER DISCLOSURES

There were none.

#### 8. POLICY STATEMENTS REGARDING APPEAL PROCESS

There were no individuals in the audience or witnesses signed in to read the appeal process to.

#### 9. PUBLIC HEARING(S)

##### **Opened Public Hearing**

- **P05-16-C:** REVOCATION OF A SPECIAL USE PERMIT OF A DAY CARE FACILITY, IN AN RR RURAL RESIDENTIAL DISTRICT ON 1.00+/- ACRES, LOCATED AT 4761 DRAUGHON ROAD (SR 1830); RONALD L. AND HILDA MOORE (OWNERS)

CHAIR QUIGLEY: We do not have any witnesses in the audience tonight regarding this case.

Mrs. Varner presented the zoning, land use and photos of the site to the Board.

MRS. VARNER: Mr. Chairman, Case P06-16-C was a Special Use Permit for a day care approved on September 15, 2005 with conditions. At the present time, this use is inactive and tonight the staff is requesting the revocation of this Special Use Permit because the owner does not have the day care in service and plans to establish a group home in the future. I have a site profile in the package and I can read it if the Board would like more information.

CHAIR QUIGLEY: Does anyone need more information about this site?

MRS. VARNER: Mr. Joey Lewis is the Code Enforcement Officer and he is here to respond to any questions the Board may have. He is the one who spoke to the owner of the property and the manager of the day care.

CHAIR QUIGLEY: What is the basis for the revocation?

MR. LEWIS: She wanted to operate a group home, but she can't do both.

CHAIR QUIGLEY: The Special Use Permit was for a children's day care and the subject property is now being used as a group home?

MR. LEWIS: Not at this time. She has just now taken out the permit to do this.

MRS. VARNER: The Special Use Permit needs to be revoked in order for her to operate the group home. She is aware of this.

MR. LEWIS: She is completely aware of this.

**Public Hearing Closed**

CHAIR QUIGLEY: Are there any questions for Mr. Lewis or Mrs. Varner?

CHAIR QUIGLEY: So, we can expect to see a request for a Special Use Permit for a group home or is that permitted in this area without a variance?

MR. LEWIS: Yes, a group home is a permitted use.

MRS. VARNER: Mr. Quigley, I would like to state for the record that on July 7, 2011, a certified letter was sent to 4761 Draughton Road, Fayetteville, NC 28312, the tax record address of the property owner. It was received by Amy Boatwright on July 13, 2011, at the owner's home. The receipt is available for your review. The property owner was notified in person by Mr. Lewis, by telephone when I spoke to her and by certified mail. She has agreed to the revocation.

CHAIR QUIGLEY: She made no indication to object to the action of the revocation?

MRS. VARNER: No sir.

CHAIR QUIGLEY: I'll ask for a motion to approve the revocation of the Special Use Permit previously issued on September 15, 2005.

MR. DONALDSON: I motion to approve the revocation.

MR. HUMPHREY: I second the motion.

CHAIR QUIGLEY: It has been properly moved and seconded to approve the revocation of the Special Use Permit for Case P05-16-C. All in favor signify by saying aye.

<u>IN FAVOR</u>		<u>OPPOSED</u>
QUIGLEY	YES	None
DYKES	YES	
DONALDSON	YES	
HUMPHREY	YES	

10. DISCUSSION

FY 2010-2011 Annual Report

MRS. VARNER: This annual report is in the Board of Adjustment by-laws. It is a report of all the cases. A copy is provided to the Board of Adjustment, the Planning Board and the Board of Commissioners.

11. UPDATES(S)

There were none

12. ADJOURNMENT

There being no further business, a motion to adjourn was made by Mr. Donaldson and seconded by Mr. Dykes. The meeting adjourned at 7:15 pm.