



Board of Adjustment

MINUTES
21 August 2025
6:00 PM

Members Present

Kenneth Turner, Chair
Donald Brooks
Gary Silverman
Brenee Orozco
Veronica Mitchell-Rozier

Absent Members

Vickie Mullins, Vice Chair
Jacob Dluzak
Marva Lucas-Moore
Jovan Bowser

Staff/Others Present

David Moon
Timothy Doersam
Cherice Hill
Robert Hasty (Asst County Attorney)

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

1. INVOCATION

Mr. Donald Brooks read the invocation.

PLEDGE OF ALLEGIANCE

Recited by all.

2. ROLL CALL

Deputy Director David Moon called the roll and made note of the absence of Vickie Mullins, Marva Lucas-Moore, Jovan Bowser and Jacob Dluzak. Mr. Moon stated we do have a quorum.

3. RECOGNITION FOR BOARD SERVICE

Mr. Moon recognized Ms. Linda Amos for her dedicated service to the Board in multiple roles from October 2020 through June 2025. On behalf of the Planning Staff, he presented her with a plaque in appreciation of her contributions.

Ms. Amos expressed her gratitude to the Planning Staff and Board members for their support during her tenure and extended her best wishes to them in their future endeavors.

4. SWEAR IN NEW BOA APPOINTMENTS

Mrs. Cherice Hill administered the oath of office to Mr. Gary Silverman, who was recently appointed to serve as a regular member of the Board following his service as an alternate member.

5. SWEAR IN STAFF

Chair Turner swore in staff Mr. David Moon and Mr. Timothy Doersam.



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6. ADJUSTMENTS TO THE AGENDA

There were none.

7. APPROVAL OF THE JUNE 19, 2025, MINUTES

Mr. Gary Silverman made a motion to approve the minutes from June 19, 2025, meeting as written, seconded by Ms. Veronica Mitchell-Rozier. Unanimous approval.

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

There were none.

9. PUBLIC HEARING DEFERRALS/WITHDRAWALS

There were none.

10. POLICY STATEMENT REGARDING APPEAL PROCESS:

Mr. David Moon read the policy statement.

11. PUBLIC HEARING(S)

BOA-2025-0007: Variance from Section 1102.C, County Zoning Ordinance, requesting encroachment of a privacy fence greater than three feet in height into the minimum front yard setbacks on a parcel containing 4.00 +/- acres, located at 4020 Hummingbird Place; submitted by Troy Carter (Owner).

Mr. Timothy Doersam Presented staffs presentation and findings noting the sections of the ordinance that pertains to variances and the Board of Adjustments responsibilities according to the bylaws, ordinances and General Statutes of NC. Mr. Doersam also noted that the burden of proof is placed on the applicant to demonstrate compliance with each criterion under G.S 160D-705(d).

Mr. Moon further explained to the Board the extent of its ruling authority regarding the variance request.

Mr. Donald Brooks inquired about the height of the fence located on the subject property.

Mr. Timothy Doersam stated that the fence was 7ft in height.

Chair Turner opened the public hearing at 6:19pm.

Chair Turner swore in Mr. Troy Carter, the applicant in favor of the variance request.

Mr. Carter provided his name and address for the record. He explained that the sole purpose for requesting the fence is to obtain privacy from the adjacent dump site. He stated that the current conditions allow both citizens and staff at the dump site to easily view directly into his front door, creating a perceived lack of safety for his family. He further stated had he known this would be an issue, he would have turned his home in the opposite direction from the dumpsite.



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Ms. Brenee Orozco asked the applicant why he wished to obstruct the view of his front door.

Mr. Carter clarified that his intent is not to hide the front door, but rather to address a privacy and safety concern. He stated that it is unreasonable for him to walk out of his residence and be visible to hundreds of people per day due to the proximity of the dump site. He reiterated that the fence is requested solely to provide his family with a sense of security.

Board Member Silverman asked whether a significant number of staff were employed at the adjacent dump site.

Mr. Carter responded that while there are not many staff members present at the dump site, the location receives hundreds of visitors per day, which is the primary source of his concern regarding privacy and safety. He further stated that he has lived at the residence for approximately one year and four months, having purchased the property recently. Mr. Carter added that the fence in question has been in place for approximately six months and that he constructed the fence himself.

Mr. Moon provided additional context regarding the fence to further clarify the applicant's request for the Board. He stated that, according to the County's Code Enforcement Division, the fence was installed without a required fence permit, and no permit has been issued to date. He explained that a variance is necessary because the fence is located in the front yard and exceeds the maximum allowable height of three (3) feet, with the existing fence measuring seven (7) feet. Mr. Moon also noted that the installed fence serves as a nuisance buffer between the dump site and the property owner.

The Board, staff, and the applicant discussed the height and length of the fence in further detail. They also discussed the noise and traffic impacts associated with the adjacent dump site, particularly the increased activity on Mondays and Saturdays, which the applicant identified as a major factor contributing to his variance request.

Mr. Carter addressed the Board and stated that the fence he installed has significantly reduced both the noise and visibility issues he experiences on a daily basis.

There being no further questions from the Board to the applicant, Chair Turner formally closed the public comment portion of the meeting.

Mr. Silverman made a motion, seconded by Mr. Brooks, to approve the variance to allow a fence in the front yard with a fence height not to exceed seven feet and for a length not to exceed 258 feet in length, as shown in the variance site plan. This variance only applies to the fence and no other structures. Any proposed expansion in length or height of the fence or alternate location of the fence in the front yard must be approved by the Board of Adjustment through a variance application. This variance approval shall expire within one year from the BOA approval date unless the property owner obtains a fence permit and a certificate of occupancy for the mobile home within one year. Further, the four variance criteria are met to demonstrate a hardship as the increased fence height helps insulate the noise and provides privacy and security and that an unnecessary hardship would result, including the property owner losing reasonable enjoyment of his property, without the higher fence height, and that public safety is achieved by granting the variance. Ms. Orozco made an amendment to the motion to include public safety, stating that the fence provides insulation from the noise produced as early as 6:00 a.m., and also offers privacy and security to the property owner. She noted that these factors contribute to the unnecessary hardship claimed by



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the applicant in support of his variance request. Mr. Silverman accepted the amendment. Unanimous approval.

BOA-2025-0010: Special Use Permit for Public Utility Works, Shops, or Storage Yard for a Temporary Laydown Yard of 34.6 +/- acres of a parcel comprising 47.98 +/- acres; located on the south side of Ola Burns Drive approximately 430 feet west of NC Hwy 87; Submitted by Piedmont Natural Gas Company (Applicant) on behalf of Tommy Woodell, Linda Johnson, Cheri Lassiter, Michael Davis, Christopher Davis, Mae Parsons, and Pamela Woodell.

Board Chair Turner asked staff to introduce the next case.

Mr. Moon read the case description into the record and then introduced Planner II Timothy Doersam to present the case details and staff's presentation.

Following his presentation, Mr. Doersam asked whether there were any questions from the Board to provide additional information regarding the Special Use Permit request.

Chair Turner asked whether any Board members had questions for staff regarding the request and the presentation.

Mr. Brooks inquired about the 18-month timeframe for the project.

Mr. Doersam advised that the timeframe provided to staff was only an estimate. He further stated that the process could take longer or less time depending on any issues that may arise.

Mr. Moon indicated that the site would be used for a laydown storage yard for up to 18 months.

The Board and staff further discussed the Special Use Permit, including the proposed days of operation, hours of activity, and the anticipated timeframe for completing the project.

Mr. Moon explained the rules governing the Board of Adjustment's authority to approve a Special Use Permit, including the requirement for a supermajority vote for a positive motion to pass. He clarified the Board's voting responsibilities under the applicable ordinances and statutes.

As there were no further questions from the Board to staff, Chair Turner opened the Public Hearing at 6:46 p.m.

Catherine Ross, a representative of Piedmont Natural Gas, was sworn in and provided her name and address for the record.

Chair Turner advised that if any additional speakers shared the same concerns, it would not be necessary to repeat what had already been stated.

Ms. Ross provided background on the project and identified herself as the representing attorney for the applicant. She stated that her goal was to support the written materials previously presented to the Board by the Planning staff. Ms. Ross noted that she would be available to elaborate on any questions the Board may have regarding the Special Use Permit request in order to assist in making the necessary findings to grant the permit. She then introduced **Mr. Daniel Deese** to speak.



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Mr. Deese, who spoke in favor of the request and represented Piedmont Natural Gas Company, was sworn in by **Chair Turner** and provided his name and address for the record. He offered a brief overview of the Special Use Permit request, noting that Mr. Doersam had already provided a comprehensive presentation. Mr. Deese stated that he would keep his remarks brief and would focus on addressing any questions from the Board.

He explained that the request is for an 18-month temporary use to allow for the storage of materials at a laydown yard. This temporary facility is intended to support the upcoming pipeline installation project in Cumberland, Hoke, and Robeson Counties. The purpose of the project is to ensure the continued delivery of safe and reliable natural gas service, while also supporting increased demand in the region.

Mr. Deese concluded by noting that any detailed design questions should be directed to **Mr. Keith Walter** of Energy Land and Infrastructure, a representative of the engineering firm hired by Piedmont Natural Gas to assist with the design and permitting of the pipeline project.

Chair Turner swore in **Mr. Walter**, who then provided his name, address, and stated his professional relationship to the case for the record.

Mr. Walter thanked the Planning staff for their presentation and provided additional information regarding the proposed 32.6-mile pipeline project laydown yard. He noted that the site would generate minimal traffic impact on the surrounding area and emphasized that the laydown yard is a temporary use. Mr. Walter stated that the project would not result in any permanent impact to adjoining or abutting properties and offered this information to assist the Board in its decision on whether to grant the Special Use Permit. He further stated that, upon completion of the 18-month project, the land would be restored to its original agricultural use.

The Board inquired about the proximity of nearby residences, potential traffic impacts, and possible noise nuisances that could result from the proposed project.

In response, Mr. Walter addressed the Board's questions in an effort to satisfy their concerns regarding the request.

Mr. Moon asked **Mr. Ross** if Piedmont Natural Gas accepts the conditions of approval that are presented with in the staff report.

Ms. Ross stated that she agreed with the conditions of approval recommended by the Planning Staff. She further added that, with respect to the Summary of Findings of Fact, Piedmont Natural Gas believes it has met all evidentiary burdens required for the Special Use Permit. She directed both staff and the Board to Exhibit J in the application packet as supporting documentation.

Ms. Ross also noted that there is precedent for the issuance of a temporary Special Use Permit for a laydown yard, as well as for the conditions proposed, including the specified hours of operation to be considered.

Mr. Moon introduced the final speaker, Mr. Alvin Woodell, to the Board.

Mr. Woodell, who had signed up in opposition to the request, provided his name and address for the record.



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Mr. Moon advised the Board that Mr. Woodell no longer wished to speak, as all of his concerns had been addressed during the staff presentation and the public hearing portion of the meeting.

Chair Turner then asked whether any speakers had additional questions or comments. Hearing none, Chair Turner formally closed the public hearing.

Chair Turner made a motion to approve, seconded by **Mr. Silverman**, having heard all evidence and arguments presented at the hearing and reviewed written information contained within the staff report and Special Use Permit application, the Board of Adjustment approved Special Use Permit No. BOA-2022-0031, including the conditions of approval and the special use site plan therein.

The Board of Adjustment based its determination on the following Findings of Fact and established the following conclusions:

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

Approved based on the Applicant's Response provide by the evidence and testimony that was presented by the applicant in Exhibit "J" of the Staff Report and at the hearing.

2. The use meets all required conditions and specifications.

Approved based on the Applicant's Response provide by the evidence and testimony that was presented by the applicant in Exhibit "J" of the Staff Report and at the hearing.

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

Approved based on the Applicant's Response provide by the evidence and testimony that was presented by the applicant in Exhibit "J" of the Staff Report and at the hearing.

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.

Approved based on the Applicant's Response provide by the evidence and testimony that was presented by the applicant in Exhibit "J" of the Staff Report and at the hearing.

Therefore, on the basis of the forgoing, it is ordered that the application for a special use permit be granted, and subject to the following:

1. All development shall be consistent with the special use site plan and conditions of approval set forth in Special Use Permit No. BOA-2025-0010 (Exhibit "C" attached) and County Zoning and Subdivision Ordinances.
2. All relevant Federal, State, and local regulations are satisfied.



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3. The applicant is responsible for obtaining all required permits prior to proceeding with any development.
4. The Special Use Permit shall expire two years from the date of approval as specified within the Condition Sheet.

Brenee Orozco included as part of the motion that the special use permit and special use site plan and the applicant's response in Exhibit J of the Staff Report support the special use criteria and that the special use will occur in harmony with the surrounding areas subject to compliance with the conditions.

Motion unanimously approved.

OTHER BUSINESS

- a. BOA Alternate Member Recommendations

Mr. Moon stated as part of the introduction of membership for the June meeting this Board made recommendations to the Board of County Commissioners that it would recommend Mr. Silverman to sever as a regular member and also recommend that Veronica Mitchell-Rozier sever as a regular member on the board. The Board of County Commissioners approved and appointed the request of Mr. Silverman unbeknownst to Planning Staff at the time.

Mr. Moon stated that he can send a memo recommendation to the Board of County commissioners to appoint Ms. Mitchell-Rozier as a regular if all JPB members approve.

Mr. Turner made a motion seconded by Ms. Orozco for Ms. Veronica Mitchell-Rozier to serve as a regular member of the Joint Planning Board. Unanimous approval.

- b. Regular Member Recommendations:

Mr. Moon also advised that Ms. Marva Lucas-Moore's term ends at the end of October 2025.

Ms. Brenee Orozco made a motion seconded by Chair Turner to defer the topic until the next meeting by the Board of Adjustment meeting. Unanimous approval.

14. ADJOURNMENT: Chair Turner Adjourned the meeting at 7:16pm.