

**P09-04-C**  
**SITE PROFILE**

**P09-04-C** CONSIDERATION OF AN ADMINISTRATIVE REVIEW FROM THE ZONING OFFICER'S DECISION REGARDING THE COUNTY ZONING ORDINANCE, SECTION 1102 YARD REGULATION, SUB-SECTION G, BUFFER REQUIREMENTS, CONCERNING THE APPLICATION OF THE BUFFER PROVISIONS FOR A DAY CARE FACILITY IN AN A1 AGRICULTURAL & RR RURAL RESIDENTIAL DISTRICTS ON 6.33+/- ACRES, LOCATED AT 2514 & 2530 SAND HILL ROAD, SUBMITTED BY RICHARD LEWIS - LEWIS, DEESE & NANCE ATTORNEYS; OWNED BY DAVIS FOUR FAMILY LIMITED PARTNERSHIP.

**Site Information:**

**Frontage & Location:** 480'+/- on Sand Hill Road (includes both lots)

**Depth:** 920'+/-

**Jurisdiction:** Cumberland County

**Number of Parcels:** 2 (Lot 2, 1.64 acres & Lot PT1, 4.69 acres)

**Adjacent Property:** Yes, 8 tracts on the west and 1 tract on the south of subject properties

**Current Use:** Day care facility, residential (2-single family dwellings), and community well

**Initial Zoning:** A1 – June 25, 1980 (Area 13) for the two parcels

**Nonconformities:** Yes, the breezeway crosses the property line to connect the two structures

**Zoning Violation(s):** None

**Surrounding Zoning:** North: A1, R40A, RR, RR/CU (video store), R6A & C(P)/CUD (mini warehousing with commercial storage of vehicles & retail); South: A1 & RR; West: A1, R40A & RR; East: A1, RR, R6A & C(P)

**Surrounding Land Use:** Retail store, public utility substation, manufactured home park, shopping center, residential (including manufactured homes) and woodlands

**2030 Growth Vision Plan:** Urban area

**Special Flood Hazard Area (SFHA):** None

**Water/Sewer Availability:** PWC/Septic

**Soil Limitations:** None

**Subdivision/Site Plan:** The two lots need to be recombined into one lot or the breezeway needs to be removed

**Sewer Service Area:** Yes

**Average Daily Traffic Count (2006):** 4,100 on Sand Hill Road

**Highway Plan:** Sand Hill Road is identified in the Highway Plan as a major thoroughfare. This proposal calls for adding a turning lane. Road improvements are not included in the 2009-2015 MTIP. This is a Priority Two Project under the LRTP

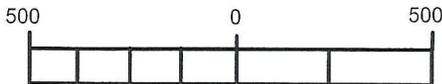
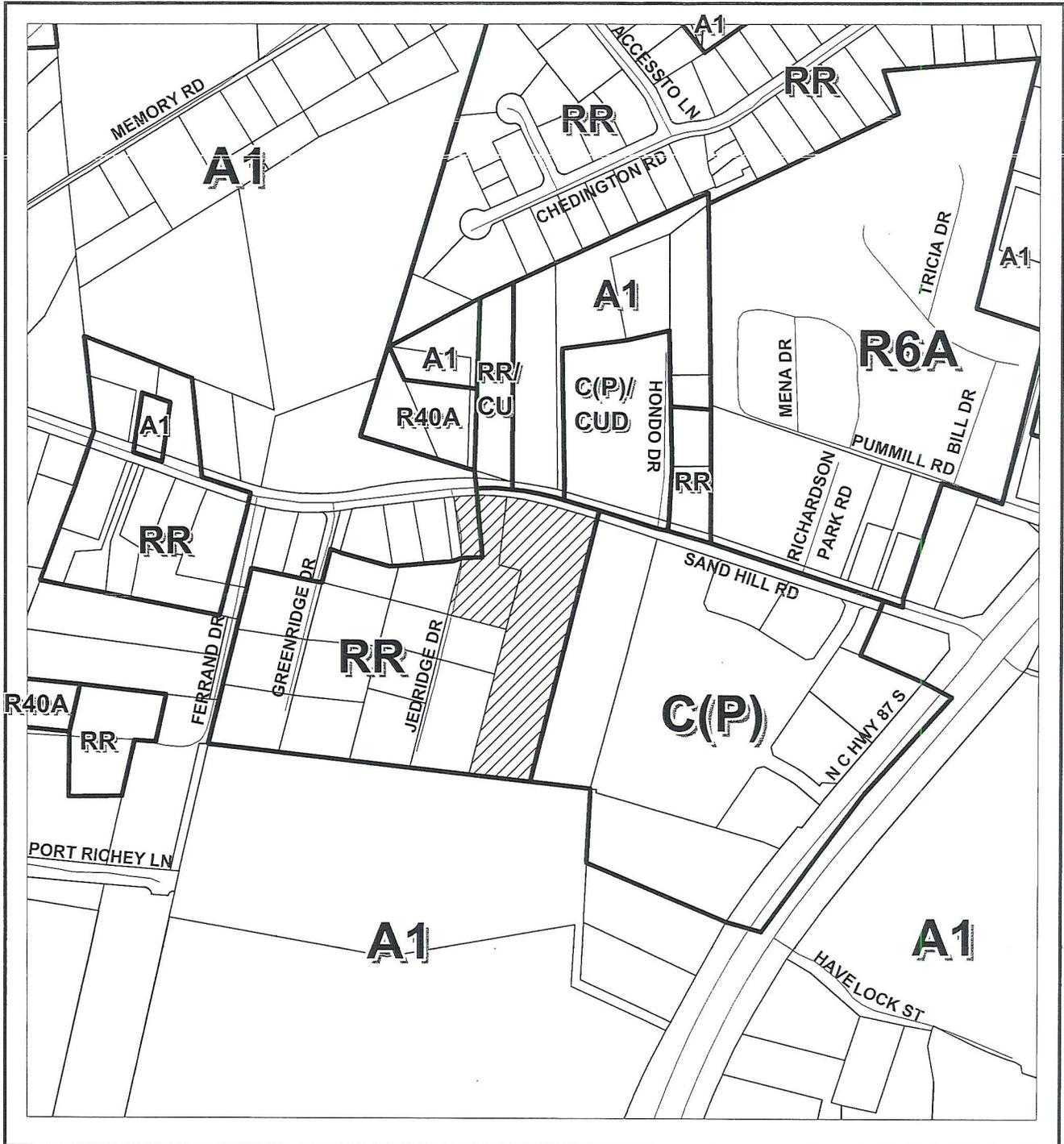
**County Zoning Ordinance Reference:** Section 1102 Yard Regulation, Subsection (G) Buffer Requirements

**Notes:**

1. Day Care Facility opened on April 1997 with one structure located on Lot #2; June 1999 second structure added on lot PT1.
2. Buffer is required along the property lines abutting the rural residential and agricultural zoning districts (see photo aerial map). Also see attached pending amendment (P09-20)
3. Summary of Request: Application for an Administrative Review appealing the Code Enforcement Officer's decision regarding determination that the day care facility is a governmental use and therefore exempt from buffer provisions.

*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

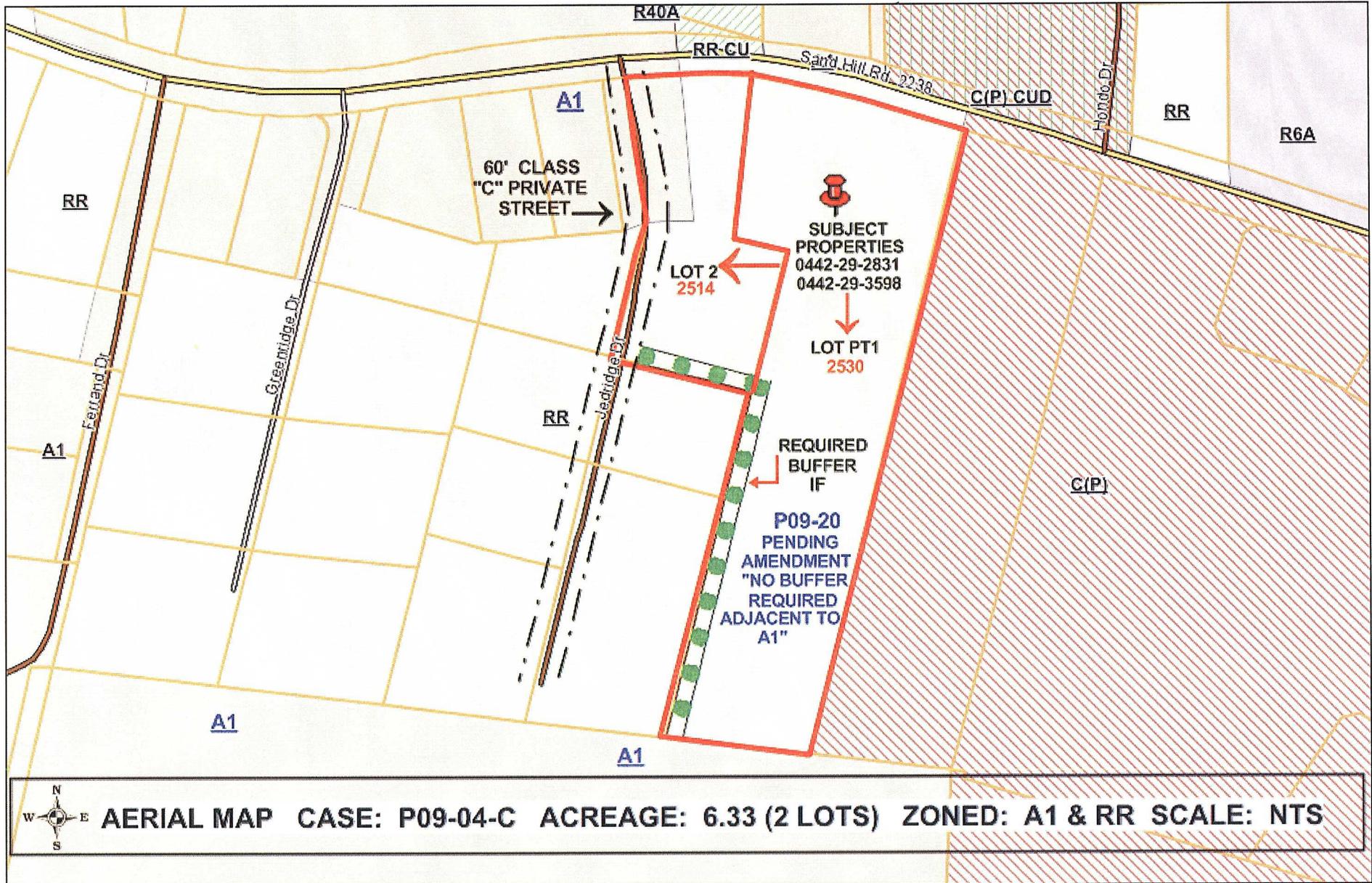
## BOARD OF ADJUSTMENT ADMINISTRATIVE REVIEW

ACREAGE: 6.33 AC.+/-	HEARING NO: P09-04-C	
ORDINANCE: COUNTY	HEARING DATE	ACTION
GOVERNING BOARD		

PIN: 0442-29-2831,3598



# ADMINISTRATIVE REVIEW FROM THE ZONING OFFICER'S DECISION



 **AERIAL MAP CASE: P09-04-C ACREAGE: 6.33 (2 LOTS) ZONED: A1 & RR SCALE: NTS**

CUMBERLAND COUNTY BOARD OF ADJUSTMENT

LOCATION OF PROPERTY: 2514 Sandhill Rd.

OWNER: PAUL W Davis

ADDRESS: 4793 Nc 87 S. Faye Heville NC 28306

TELEPHONE: HOME: 9104833766 WORK: 910 4841060

AGENT: Dick Lewis

ADDRESS: Lewis, Deese & Nance Attorneys

TELEPHONE: HOME: \_\_\_\_\_ WORK: 323-3500

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: 1102 (g)

(\*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.



# 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) Paul W. Davis.....

PRINTED NAME OF OWNER(s) PAUL W. DAVIS.....

DATE..... CASE NO. ....

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

**P09-20**  
**County Zoning Ordinance Text Amendment**

REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE, AMENDING ARTICLE II, INTERPRETATIONS, CALCULATIONS, AND DEFINITIONS, SECTION 203, DEFINITIONS OF SPECIFIC TERMS AND WORDS, SPECIFICALLY: RELIGIOUS WORSHIP ACTIVITY; AMENDING ARTICLE XI, LOT AND YARD REGULATIONS, SECTION 1102, YARD REGULATIONS, SUB-SECTION G. BUFFER REQUIREMENTS; AND AMENDING THE TABLE OF CONTENTS AS APPROPRIATE.

**AMEND County Zoning Ordinance, Article II Interpretations, Calculations, and Definitions, Section 203, Definitions of Specific Terms and Words, specifically: *Religious Worship Activity*, as indicated below:**

**Religious Worship Activity:** Any premises, the principal purpose of which is religious worship and in which the principal structure is the principal place of worship. Accessory uses may include without charge religious education classrooms, assembly rooms, kitchen, library room or reading room, recreation hall and a one-family dwelling unit (parsonage) but excluding day care facilities, food sales, second hand shops, festivals, bazaars and facilities for residence or training of religious order, unless otherwise authorized by this Ordinance.  
(Amd. 02-19-08)

**AMEND County Zoning Ordinance, Article XI Lot and Yard Regulations, Section 1102 Yard Regulations, sub-section G. Buffer Requirements, as indicated below:**

G. Buffer Requirements.

1. A solid buffer shall be installed:

- a. When a non-residential use abuts a residential~~ly-~~ ~~or agricultural~~ zoned property along the side and/or rear property lines;
- b. When any commercial off-street parking or loading space abuts a residential ~~or agricultural~~ district along the side or rear property lines;
- c. When any use permitted in a residential or agricultural district other than a single- or multi-family dwelling abuts a residential ~~or agricultural~~ district along the side or rear property lines;
- d. When any multi-family development of more than three residential units abuts a residential district or an existing single-family dwelling along the side or rear property lines; and

e. When any outside storage of materials, equipment or products is visible and/or abutting any residential district and/or public street.  
(Amd. 02-19-08)

2. "Governmental uses" as defined herein and including public and private elementary, junior high/middle, and high schools, accredited by the State of North Carolina, and "religious worship activity" as defined herein shall be exempt from the buffer requirements of this Ordinance.  
(Amd. 11-20-06)

3. For all All uses classified under sub-section "e" above and regardless whether or not the use was existing at the time of the adoption of this Ordinance, the property owner and classified under "a—e" above shall provide and maintain a solid buffer ~~completely surrounding the development~~ within two calendar years of said use being subject to this Ordinance in accordance with the standards of this sub-section ~~and the County Subdivision Ordinance~~.  
(Amd. 02-19-08)

4. When required by this Ordinance and/or the County Subdivision Ordinance, the following standards shall apply:

a. A vegetative buffer shall be a minimum of three feet in height at time of planting to reach a height of six feet within three calendar years;

b. Solid non-vegetative fencing shall have a minimum height of six feet;

c. Buffer vegetation shall be located between any fence and the common property line.

d. Chain link fencing shall not be permitted as a screening alternative, regardless of type of modifications made to the chain link fence.  
(Amd. 11-20-06; Amd. 02-19-08)

**P09-05-C**  
**SITE PROFILE**

**P09-05-C:** CONSIDERATION OF AN ADMINISTRATIVE REVIEW FROM THE CUMBERLAND COUNTY PLANNING & INSPECTIONS DIRECTOR'S DECISION REGARDING THE COUNTY ZONING ORDINANCE, SECTION 912 KENNEL OPERATIONS, SUB-SECTION G, FOR TEMPORARY HOUSING/BOARDING OF FOUR OR MORE DOGS; IN A R15 RESIDENTIAL DISTRICT ON 1.25+/- ACRES, LOCATED AT 849 FOXCROFT DRIVE; SUBMITTED AND OWNED BY JONATHAN E. TUGMAN AND PAULA KYLE.

**Site Information:**

**Frontage & Location:** 174.50' +/- on Foxcroft Drive

**Depth:** 310'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** No

**Current Use:** Residential

**Initial Zoning:** R15 - October 28, 1997 (Area 15B)

**Nonconformities:** Yes, kennel operation (6 dogs)

**Zoning Violation(s):** Yes, Case # ZN5748-2008 received on 01/21/2009 for harboring more than three dogs five months of age or older where a maximum of three are allowed in a R15 Rural Residential District

**Surrounding Zoning:** North: A1 & R15; South & West: R15; East: R30

**Surrounding Land Use:** Residential and woodlands

**2030 Growth Vision Plan:** Urban fringe

**Special Flood Hazard Area (SFHA):** None

**Municipal Influence Area:** Spring Lake

**Water/Sewer Availability:** Harnett County Department of Public Utilities/Septic

**Soil Limitations:** None

**Subdivision/Site Plan:** Lot platted 08/16/1988, Plat Bk. 66, Pg. 82

**Average Daily Traffic Count (2006):** 3,700 on Elliot Bridge Road

**Highway Plan:** No impact on the current Highway Plan or Transportation Improvement Program

**Military Impact Area:** Yes

**RLUAC:** No objections

**Accident Potential Zone:** No objections

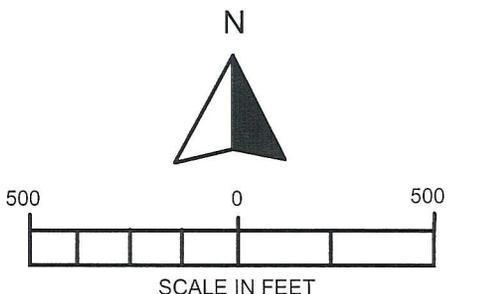
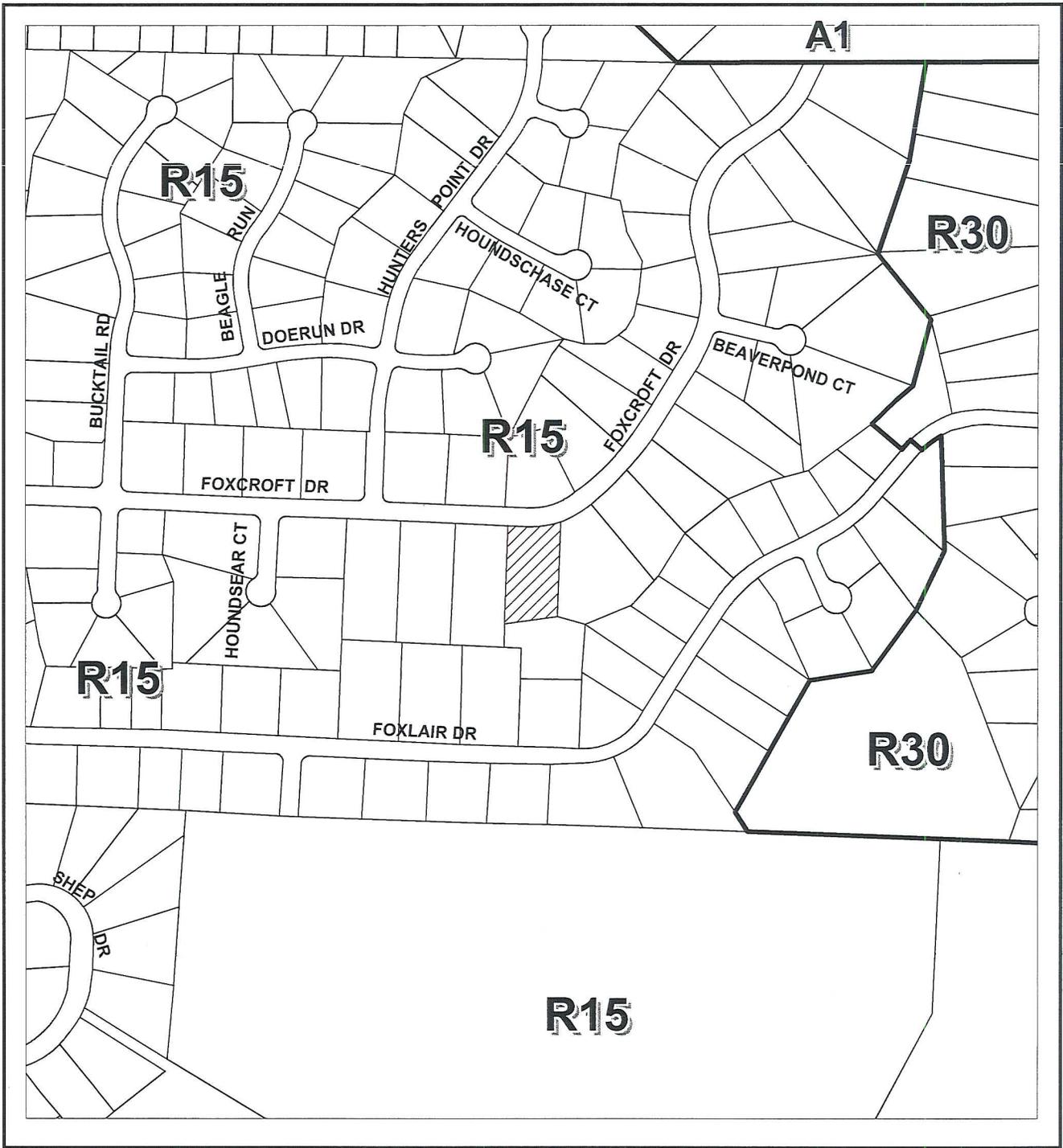
**County Zoning Ordinance Reference:** Section 902 Kennel Operations, Subsection (G) for Temporary Housing /Boarding of Four or More Dogs

**Note:**

Application "For Temporary Housing/Boarding of Four or More Dogs" was submitted by applicant on March 10, 2009 and it was denied on March 30, 2009.

*First Class Mailed Notice Certification*

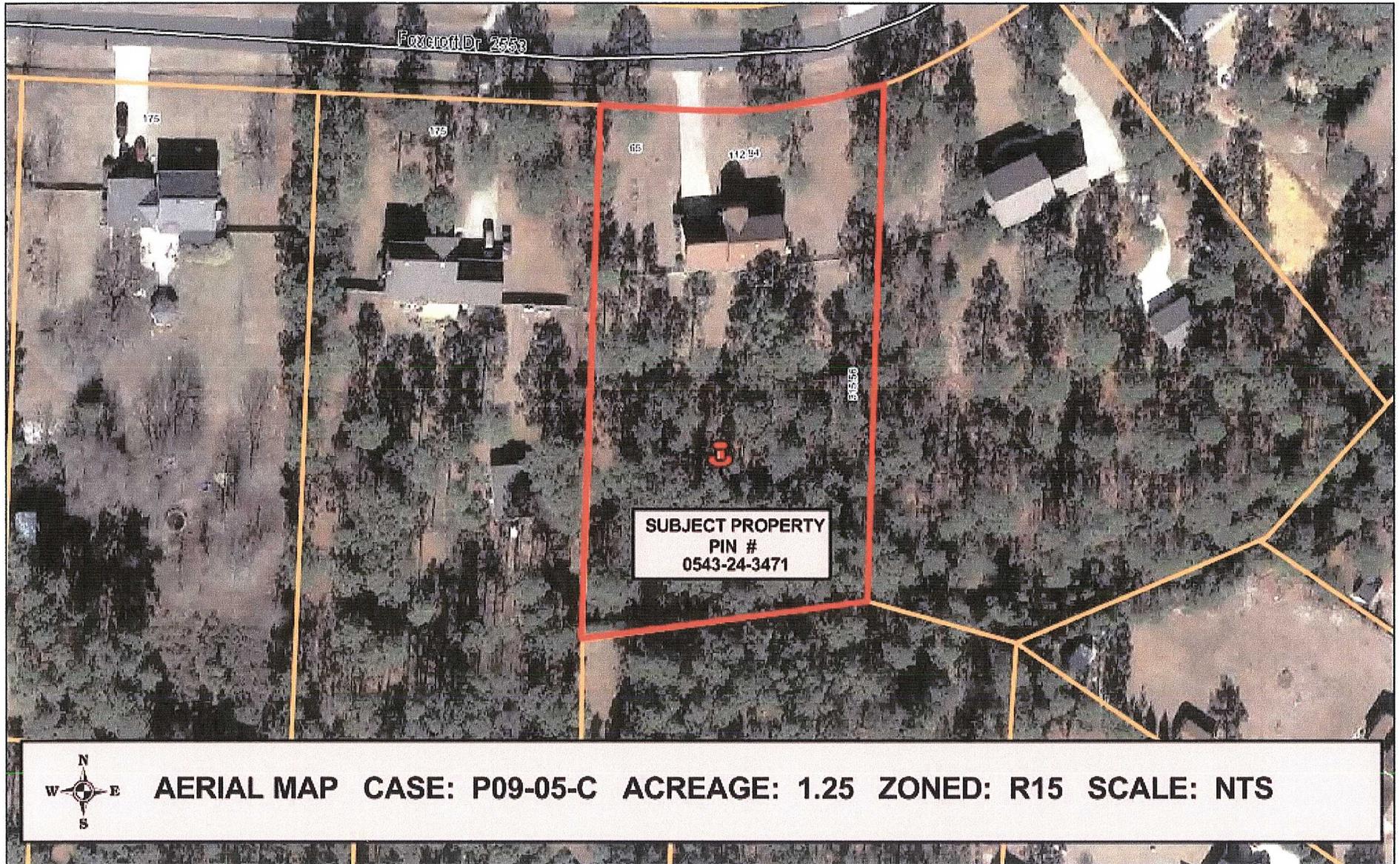
*A certified copy of the tax record owner(s) and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith.*



<b>BOARD OF ADJUSTMENT ADMINISTRATIVE REVIEW</b>		
<b>ACREAGE: 1.25 AC.+/-</b>		<b>HEARING NO: P09-05-C</b>
<b>ORDINANCE: COUNTY</b>	<b>HEARING DATE</b>	<b>ACTION</b>
<b>GOVERNING BOARD</b>		

PIN: 0543-24-3471

# ADMINISTRATIVE REVIEW FROM THE CUMBERLAND COUNTY PLANNING & INSPECTIONS DIRECTOR'S DECISION



CUMBERLAND COUNTY BOARD OF ADJUSTMENT

LOCATION OF PROPERTY: 849 Foxcraft Drive, Fayetteville, NC 28311

OWNER: Jonathan E & Paula K Tugman

ADDRESS: 849 Foxcraft Dr

TELEPHONE: HOME: (910) 922-6575 WORK: ~~(910) 922-6575~~

AGENT: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

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

Sec 912.6 Temp. Kennel

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

<sup>11004 Administrative Review</sup>  
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.



# COUNTY of CUMBERLAND

## Cumberland County Joint Planning Board

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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)..... Jonathan E Tugman, Paula K Tugman.....

PRINTED NAME OF OWNER(S)..... Jonathan E Tugman, Paula K Tugman.....

DATE..... 15 Apr 2009..... CASE NO. ....

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

April 14, 2009

Cecil P Combs  
130 Gillespie Street  
PO Box 1829  
Fayetteville, NC 28302

SUBJECT: Appeal of Denial

Dear Mr. Combs:

This correspondence is in reference to the notification of denial for case No. TK09-01 dated March 30 2009, to serve as an addition to our original application and formal request that this issue be appealed to Cumberland County Board of Adjustment.

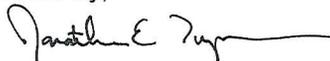
In response to the second paragraph that alleged that more dogs resided at our premises than was on the original application is incorrect. There are only four dogs that reside at our residence. Mozart, Rosario, Katona, and Wenny. The two small dogs that you referenced do not permanently reside at our property. The two small dogs, "Oscar and Mia" belong to Mrs. Paige Haney (Paula's sister) and are registered and reside in Wilmington NC (New Hanover County). They are only at this location when she is here visiting, which she does often, or when we are pet sitting for her, as boarding fees in Wilmington are very expensive. See Encl. 1-3, Attached proof of registrations for Oscar and Mia and the accompanying photo.

In our conversations about this issue you stated that one of the neighbors voiced concerns about the dogs being vicious. Absolutely not true! Though that comment should have no bearing on the case, as we are being persecuted for the number of dogs we own and not their level of aggressiveness, I have included with this letter two additional signed letters from individuals who have taken care of the German Shepherds for us in the past as signed testimony stating that they gentle, well behaved, and not aggressive. Encl 4,5. Wenny has been in my possession since I gained her as a puppy and as such myself or my family has always been available to care for her. She is a gentle dog and really just a big baby. She is always great around children and strangers alike and is no danger to anyone. To date, the Cumberland County Sheriffs department has never received any calls or complaints about noise, sanitation, aggressiveness, or any other type complaint regarding our residence. As stated in the original application, the dogs have never been off the lot except when leashed or when traveling with us.

Our animals are no threat to anyone. We have six-foot high fence that surrounds the lot that encloses the area where the dogs reside. Three sides are privacy fence and one side is metal fence with a thick vegetative buffer. For the dogs to even know anyone is there they would have to stand on a ladder looking into our back yard or by making some type of noise on the fence to draw the dogs attention.

We ask that the Cumberland County Board of Adjustment grant us the wavier to the zoning ordinance. Our dogs are healthy, clean, groomed, well cared for, and very much a part of our family. They in no way interfere with the public health, safety, and welfare of anyone in our neighborhood.

Sincerely,

x 

x 

Jonathan E & Paula K Tugman

# New Dover County Animal Control Services

180 Division Drive, Wilmington, NC 28401

(910) 798-7500 (910) 341-4349 FAX

Encl 1

Receipt Number: R09-126094

Receipt Date: Wednesday, April 01, 2009

Person Information: PAIGE HANEY

1307 BAR HARBOR DR  
WILMINGTON NC 28403

PID: P118987

Received From: PAIGE HANEY

Check No:

Phone: (910) 256-9753

Item:	Animal ID:	Reference No:	Price:	Each:	Amount:
LIC CF1N	A219815	L09-315807	\$10.00	1	\$10.00
LIC CFNO	A211100	U08-034498	.00	1	.00

Total Fees Due: \$10.00

Payments: Cash: \$10.00  
 Check: \$0.00  
 Credit Card: \$0.00

Total Payments Received: \$10.00

Thank You!

Change: \$0.00  
 Balance Due: \$0.00

### Animal Information:

A211100 BAILEY - OF AGE, NEUTERED, CAVALIER SPAN, TRICOLOR DOG  
 A219815 OSCAR - 3 YEARS OF AGE, NEUTERED, YORKSHIRE TERR, BLACK AND TAN DOG

### License Information:

Tag Number:	Expires:	Animal#	Vacc Date:	Term:	Expires:	Amount:	Type:
U08-034498	08/07/08	A211100	08/07/08	36	08/07/11	\$0.00	LIC CFNO
L09-315807	03/31/10	A219815	03/31/09	12	03/31/10	\$10.00	LIC CF1N

TOTAL LICENSE FEES: \$10.00

### Shelter Hours:

Monday - Friday 9:00AM - 4:45PM \*Saturday 9:00am-1:45pm  
 Shelters CLOSED Sundays and Holidays

Transaction Date: 04/01/09

Print Date: 04/01/09

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Chamco RNEALEY

Encl 2

### New Hanover County Animal Control Services

180 Division Drive, Wilmington, NC 28401

(910) 798-7500 (910) 341-4349 FAX

Receipt Number: R09-124734

Receipt Date: Tuesday, March 10, 2009

Person Information: PAIGE HANEY

PID: P118987

1307 BAR HARBOR DR  
WILMINGTON, NC 28403

Received From: PAIGE HANEY

Check No:

Phone: (910) 256-9753

Item:	Animal ID:	Reference No:	Price:	Each:	Amount:
LIC CF1N	A218391	L09-313066	\$10.00	1	\$10.00
Total Fees Due:					\$10.00

Payments:	Cash:	Amount:
	Cash:	\$0.00
	Check:	\$10.00
	Credit Card:	\$0.00

Total Payments Received: \$10.00

**Thank You!**

Change:	\$0.00
Balance Due:	\$0.00

**Animal Information:**

A218391 MIA - OF AGE, SPAYED, POMERANIAN/YORKSHIRE TERR, BROWN DOG

**License Information:**

Tag Number:	Expires:	Animal#	Vacc Date:	Term:	Expires:	Amount:	Type:
L09-313066	05/29/10	A218391	05/29/08	24	05/29/10	\$10.00	LIC CF1N
TOTAL LICENSE FEES:						\$10.00	

**Shelter Hours**

Monday - Friday 8:00AM - 4:45PM \*Saturday 10:00am-1:45pm

Shelters CLOSED Sundays and Holidays

Clerk: SASMITH

Transaction Date: 03/10/09

Print Date: 04/09/09

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with her two dogs Oscar and Mia.



Date: 3-31-09

From: Richard A Rohr Jr.

Buckhannon WV

Phone 304-472-6560

To: Whom it may concern:

I have been around Paula Kyle's German Shepherd dogs off and on for several years now and I've always been impressed with their good temperament. I have used Paula's Mozart male for several breeding's with a female of mine especially for his good temperate traits. On my visits to drop off my female at Paula's home Mozart was curious yet friendly

This past summer I kept Katona, a sable colored male at my home for about three months. He was well behaved and I did not hesitate to let him play with my children of 12 and 16 years of age. Katona actually appeared to me to even be some what timid.

A handwritten signature in black ink, appearing to read "Richard A Rohr Jr.", with a long horizontal flourish extending to the right.

-----Original Message-----

From: Kristen Basham <kristen\_basham@yahoo.com>

To: pkkyle2@aol.com

Sent: Tue, 17 Mar 2009 9:26 pm

Subject: Dogs

To whom it may concern,

I'm writing to you to explain my experience of taking care of Mozart, Rosar, and Katona for over a year. I was in close contact with all three dogs both by myself, and with a friend or friends whom the dogs had never seen before. I walked in and out of their kennels while they were eating and all three let me pet them. As for barking, I witnessed no more than any other average dog and I had no complaints made to me. I would like you to please take my experience with these dogs into consideration because I feel I've spent a large amount of time with them both in their normal and new surroundings. Thank you.

Sincerely,

Kristen Basham

*Kristen S. Basham*

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*

March 30, 2009

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Walter Clark,  
Roy Turner,  
Sara E. Piland,  
Cumberland County

Benny Pearce,  
Town of Eastover

Jonathan E. & Paula K. Tugman  
849 Foxcroft Drive  
Fayetteville, NC 28311

SUBJECT: Notification of Denial, Case No. TK09-01, Temporary Kennel Application

Dear Mr. & Mrs. Tugman:

This correspondence is in reference to your application for the temporary housing/boarding of four or more dogs pursuant to the Cumberland County Zoning Ordinance, Section 912. (g).

Upon investigation into this matter, I do hereby find that the evidence presented does not warrant the issuance of a permit to allow this activity at this location. There are several factors that contributed to this decision. First and foremost, I have reason to believe that your application did not include all dogs residing at this address. The application specifically states to include all dogs in your possession at this address. Our investigation has substantiated the existence of two small dogs that were not included in this application. Further, I cannot find any evidence that the two dogs not listed as part of this application has been listed with the Cumberland County Tax Department nor have their vaccination records been included as required by the County's ordinance.

A meeting with your neighbors, whose property abuts 849 Foxcroft Drive, resulted in their voicing concerns about the issuance of this permit and they have gone on record opposing the same. The administrative provisions of the County's Zoning Ordinance are to provide for the public health, safety, and welfare as well to determine the affects of certain uses on the character of the surrounding property. It is my opinion that the surrounding property as well as its residents will be unduly affected with the issuance of this permit and the public good would not be served. Therefore you are requested to bring your property into compliance with the applicable County codes within 30 days from this notification. You do have the right to appeal this decision to the Cumberland County Board of Adjustment pursuant to Section 1604 of the County's Zoning Ordinance.

If there are any questions pertaining to this matter please feel free to call me at 910-678-7606 or email: [ccombs@co.cumberland.nc.us](mailto:ccombs@co.cumberland.nc.us).

Sincerely,

Cecil P. Combs  
Deputy Director



## COUNTY of CUMBERLAND

*Planning & Inspections Department*

DATE APPLICATION SUBMITTED:	<u>3/10/09</u>
RECEIVED BY:	<u>[Signature]</u>
DECISION DATE:	<u>3/20/09</u>
BY:	<u>[Signature]</u>
<b>APPLICATION DECISION</b>	
<b>APPROVED / DENIED</b>	
PERMIT #:	_____
EXPIRATION DATE: (if approved)	_____

**APPLICATION  
FOR THE  
TEMPORARY HOUSING/BOARDING OF FOUR OR MORE DOGS**  
(County Zoning Ordinance, Section 912.G)

TO THE DIRECTOR OF THE CUMBERLAND COUNTY PLANNING AND INSPECTIONS DEPARTMENT, CUMBERLAND COUNTY, NC:

I (We), the undersigned, hereby submit this application, and petition you (the Director or the Director's designee), for approval of the temporary housing/boarding of one to three dogs that are more than five months of age or older, in addition to three dogs, which are currently in my possession. I(We) understand that in the event this application is approved, this approval is specific to the address and the dogs listed on this application and is not transferrable to another address or to other dogs.

I(We) understand that this application, if approved, is approved for the dogs to be temporarily housed/boarded for a maximum of 12 calendar months. I (We) further understand that in the event the situation warrants, I (we) may apply for an extension of this request for a maximum of 12 additional months and that it is our responsibility to submit the application for an extension prior to expiration of the original 12 month period.

The following items must be attached to this application at the time of submission and is incorporated herewith:

1. A sketch of the property where the dogs are to be temporarily housed/boarded, include outside pens, shelters, etc;
2. Verification of vaccinations of all dogs in my possession located at the subject address; and
3. Verification that all dogs in my possession at this address are listed with the County Tax Department.

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

In support of this application, as hereinafter requested, the following facts are submitted:

1. APPLICANT: Jonathan E and Paula K Tugman  
ADDRESS: 849 Foscroft Dr, Fayetteville, NC ZIP CODE: 28311
2. PROPERTY OWNER(S) (if different than applicant):  
Same as 1  
ADDRESS: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_  
(NOTE: Property owner(s) must sign page 4 of this application)
3. ADDRESS OF PROPERTY where dogs are to be housed/boarded (if same as item "1" above, state "Same as Item #1"): Same as 1
4. PARCEL IDENTIFICATION NUMBER (PIN #) of property where the dogs are to be housed/boarded: 0543-24-3471  
(also known as Tax ID Number or Property Tax ID)
5. ACREAGE of property where the dogs are to be housed/boarded: 1.25 Acre
6. TYPE OF UTILITIES: Water: Harnett County Sewer: septic tank  
METHOD OF DISPOSAL OF DOG WASTE: Picked up, bagged and disposed of in trash
7. EXISTING USE(S) OF PROPERTY other than residential where the dogs are to be housed/boarded:  
N/A
8. NUMBER, NAME and BREED OF DOGS (include all dogs) to be housed/boarded at the address and indicate which dogs are to be temporarily housed/boarded at this address:  
1 Wenny: Tosa Inu - "Wenny" Age 8  
2 ~~Wenny~~ Briarcliff's Amadeus Mozart - "Mozart" : German Shep. Age 7  
3 Briarcliff's Grand Rosario - "Rosar" : German shep Age 7  
4 Briarcliff's Katona - "Katona" : German shep Age 3

(You may attach additional paper if more space is necessary.)

1. Explain the nature of the hardship and purpose of the request:

2. What is the expected length of time that the dogs are to be housed/boarded at this address?

3. Describe the accommodations available for housing/boarding the dogs to be temporarily housed/boarded, and existing accommodations for the dogs permanently housed at this address. (address both indoor and outdoor accommodations):

4. Are the dogs to be temporarily housed/boarded spayed/neutered? \_\_\_\_\_ (If yes, attached evidence of procedure)

5. To the best of your knowledge, has the applicant and/or property owner been notified of any violation of County Codes, other than zoning, that are related to the dogs addressed on this application, including but not limited to noise, sanitation, animal control ordinances, animal cruelty laws, etc.? If yes, explain:

6. Do the dogs to be housed/boarded have a history of aggressive behavior towards other pets or towards people? \_\_\_\_\_ If yes, explain:

7. In your opinion, what effect, if any, will the housing/boarding of the dogs have on the residents of the neighboring properties or the surrounding community?

8. If this application is being submitted because of a notice of violation relating to the dogs which are the subject of this application and the dogs are currently present at this address, have there been any negative or detrimental effects on the surrounding community?

*See Attached Documents for*

The undersigned hereby acknowledge that all information contained within this application and attached hereto is true to the best of my (our) knowledge and understanding. The undersigned also understands that failure to disclose the true, complete facts on this application for the temporary housing/boarding of four to six dogs, will result in the immediate revocation of the permit and any dogs previously approved under this application must be removed from the property within 15 days of the revocation of the permit:

Jonathan Tugman, Paula Tugman  
NAME OF APPLICANT(S) (PRINT OR TYPE)

849 Foxcroft Dr, Fayetteville, NC 28311  
ADDRESS OF APPLICANT(S)

(910) 922-6575 / (304) 619-6120 HOME TELEPHONE #      910 243 2247 / WORK TELEPHONE #      ext. \_\_\_\_\_

same as above MOBILE #      rngtug@adicom / pkkyle2@aol.com E-MAIL ADDRESS

Jonathan E Tugman SIGNATURE OF APPLICANT(S)      \_\_\_\_\_ SIGNATURE OF APPLICANT(S)

DATE SIGNED: \_\_\_\_\_

N/A PROPERTY OWNER SIGNATURE      N/A PROPERTY OWNER SIGNATURE

DATE SIGNED: 9 March 09

NAME OF AGENT/ATTORNEY (if different than applicant) (PRINT OR TYPE)

MAILING ADDRESS OF AGENT/ATTORNEY

\_\_\_\_\_ ext. \_\_\_\_\_ TELEPHONE #      \_\_\_\_\_ ext. \_\_\_\_\_ ALTERNATE TELEPHONE #

\_\_\_\_\_ MOBILE #      \_\_\_\_\_ E-MAIL ADDRESS

\_\_\_\_\_ SIGNATURE OF AGENT/ATTORNEY

DATE SIGNED: \_\_\_\_\_

- \* **ALL** record property owners must sign this petition.
- \* The contents of this application, upon submission, becomes "public record."

1. The four dogs are and have been a part of our respective families for years. My wife and I met two years ago and were married this past November 24<sup>th</sup> 2008. Joining our two households together. We wish to maintain all four of our dogs, as they are very much a part of our new family.

I have one dog (Wenny) that I adopted as a puppy when I was stationed in the Republic of Korea 2000-2002. I have cared for and raised her as part of my family. She has been there for both of my two children, current ages 6 and 4 respectively, who absolutely love her and care for her, and she does for them. She is part of my family.

My wife has three dogs. All three are pure breed AKC registered German Shepherd's that she hand whelped, raised, and trained (See enclosure 1). All three are from the same Bloodline. Pedigree's available upon request. Mozart, the oldest, is the father of Rosario who is the mother of Katona. All were bread years ago to be show dogs. Mozart has won 9 American championship points and 8 Canadian championship points (See enclosure 2), and had numerous offspring that have won show through the years. Rosario has been shown several times (See enclosure 3) and has had 3 offspring that have won shows through the years. One that recently finished his Canadian championship: Briarcliff's Jonah. Katona has never been shown due to an injury that he sustained as a very young puppy that has prevented his left ear from standing up. Numerous handlers have handled the dogs over their years and all have been well behaved and obedient both while in the show ring and on the show ground. All have long since been retired and are now very much family pets and are part of the family. My children are around these dogs often and they love all three. They are all big furry playmates.

All four dogs interact well together and well behaved. They only bark when strangers approach their fence line or if they are engaged by any of the stray dogs that roam the neighborhood.

2. We expect to retain these dogs for the rest of their lives. Mozart, the oldest, is almost 12 and based on average Shepherd life expectancy of 14 has about two years left. Rosario and Wenny are about both about 8 years. Katona is just now getting out of the puppy stage and is nearly 3. We are not going to get any additional dogs over the years but we will probably always maintain two. These dogs are an important part of our family.
3. These dogs reside both inside and outside.
  - a. Inside accommodations: The dogs are fed and sleep inside the garage every night. They are usually inside by 8pm for feeding and then bedding down for the night. They each have an individual dog crate with padding that they sleep in. Each have fresh water in their crates nightly for their use. The garage is heated in the winter and cooled in the summer. The dogs have only remained outside overnight during the last seven months three times. Each one was for a single night and it was due to unexpected absences. On that note when we, together, have been out of town and could not take all of them with us, we have a pet sitting service (Carolina Pet care

services 910-987-3141) that attends the dogs. The dogs are never abandoned or neglected.

b. Outside accommodations: The dogs have access and use a 37,625sqft (175x 215) completely enclosed fenced in lot. The lot is surrounded on two sides by 4ft high privacy fence(left and right sides); six ft high metal fence panels the butt against 15-20ft Pines in the back; and a 4ft high decorative privacy fence in the front. Additionally the left side privacy fence is being raised to the height of 6ft. (See enclosure 4 for recent purchase receipt). The lot has areas of both ample sunshine and shade depending on where the dogs want to play or lay. With regard to outside shelter for inclement weather when we are not present during the day, the dogs currently have a 40sqft (5x8) insulated dog house that sits upon a 8in raise platform floor. This summer there are plans to expand their house by an additional 24sqft (8x8 total). If weather is bad and we are here the dogs come inside. The dogs have two 5gal buckets of fresh water daily to drink from (One bucket is electric and heated in the winter so water can not freeze) (See enclosure 5)

4. Yes/No. Mozart and Wenny have been spayed/neutered for medical reasons a few years ago. Rosario was spayed about a years two years ago so we would not have to worry about puppies. Katona has not been neutered yet as there is no medical requirement at this time. (See Enclosure 6)
5. Yes, once. Animal control came out one time to check on an anonymous report of animal cruelty and abandonment. They observed the accommodations for the animals, said that they obviously were very well cared for and dismissed the report and bogus and inaccurate. Cumberland county sheriffs department have never received any calls or complaints about noise, sanitation, cruelty or any other type complaint for that matter. (See enclosure 7)
6. No. They get no more excited to bark at other animals than would any normal dog that sees an unfamiliar animal around. They might bark at a cat if they see one. But that is usually only Rosario or Kotona. Mozart is too old to care and Wenny is too cross-eyed to guess which one is the real one. Wenny and Katona, when not frolicking and playing with each other have been know to chase a few squirrels a time or two in our woods, but as of this date they have never caught one. The attached statement from the shepherd's previous Vet, further confirms that the dogs are not aggressive towards people or other animals (See Enclosure 8). With regard to Wenny, due to recent changes in Vets ant Wenny's vet clinic, her routine Vet is no longer there and the current vet has yet to have an opportunity to observe her behavior. The dogs are great around all children and I feel very safe with my children around the dogs (See enclosure 9). Additionally, I feel with all the degenerates that seem to molest children these days, my children are much safer when outside playing with these animals.
7. No impact on our neighbors at all. When our dogs are outside they reside in "their area" and have no visibility of anyone from the sides of the property unless they walk up the fence and look over into their area. Waste is picked up weekly at a minimum if not more. There are no fowl odors emitting from our property and the dogs are not out barking all hours of the night

and into the mornings. I know from fact that there are many other houses in the neighborhood that can't make that same claim.

8. No. As stated before, the dogs have never ever been off our property except when they have been traveling with us or we have walked them on a leash. They are bathed and groomed regularly, well cared for and clearly do not smell bad. They are all great dogs and very much a part of our family.

Enclosure: 1

BRIARCLIFF'S AMADEUS MOZART  
NAME

DL734646/05  
NUMBER

GERMAN SHEPHERD DOG  
BREED

MALE  
SEX

BLACK & TAN  
COLOR

NOV 10 1997  
DATE OF BIRTH

HOGAN VOM KRAUZBERG  
SIRE DL567097/01 (2-97)

SENECA'S BREYANDRA  
DAM DL486712/02 (5-95)

PAULA K ELLISON & VALERIE SCHWENDEMAN  
BREEDER

PAULA K ELLISON  
PO BOX 264  
CANVAS, WV 26662-0264

MAY 20 1998  
CERTIFICATE ISSUED



IF A DATE APPEARS AFTER THE NAME AND NUMBER OF THE SIRE AND DAM, IT INDICATES THE ISSUE OF THE STUD BOOK REGISTER IN WHICH THE SIRE OR DAM IS PUBLISHED.

THIS CERTIFICATE ISSUED WITH THE RIGHT TO CORRECT OR REVOKE BY THE AMERICAN KENNEL CLUB

See Transfer Instructions on Back of Certificate

REGISTRATION CERTIFICATE

NAME  
BRIARCLIFF'S GRAND ROSARIO

NUMBER  
DN00658501

BREED  
GERMAN SHEPHERD DOG

SEX  
FEMALE

COLOR  
BLACK & TAN

DATE OF BIRTH  
APRIL 7, 2002

SIRE  
BRIARCLIFF'S AMADEUS MOZART  
DL73464603 09-00 OFA33G

DAM  
BRIARCLIFF'S DARDEN ELLE  
DL79709601 10-00 OFA29G OFEL29

BREEDER  
PAULA K ELLISON

CERTIFICATE ISSUED  
APRIL 21, 2003

OWNER  
PAULA K ELLISON  
PO BOX 264  
CANVAS, WV 26662-0264



If a date appears after the name and number of the sire and dam, it indicates the issue of the Stud Book Register in which the sire or dam is published.

For Transfer Instructions, see back of Certificate.

This Certificate issued with the right to correct or revoke by the American Kennel Club.

REGISTRATION CERTIFICATE

AMERICAN KENNEL CLUB

NAME  
BRIARCLIFF'S KATONA

NUMBER  
DN14167801

BREED  
GERMAN SHEPHERD DOG

SEX  
MALE

COLOR  
SABLE

DATE OF BIRTH  
APRIL 5, 2006

SIRE  
CH MARQUIN'S BICARDI GOLD RN  
DL91522801 06-05 OFA42G OFEL42 AKC DNA #V378503

DAM  
BRIARCLIFF'S GRAND ROSARIO  
DN00658501 09-04

BREEDER  
PAULA K ELLISON

OWNER  
PAULA K ELLISON  
PO BOX 264  
CANVAS, WV 26662-0264



AMERICAN KENNEL CLUB  
SM

CERTIFICATE ISSUED  
OCTOBER 13, 2008

This certificate invalidates all previous certificates issued.

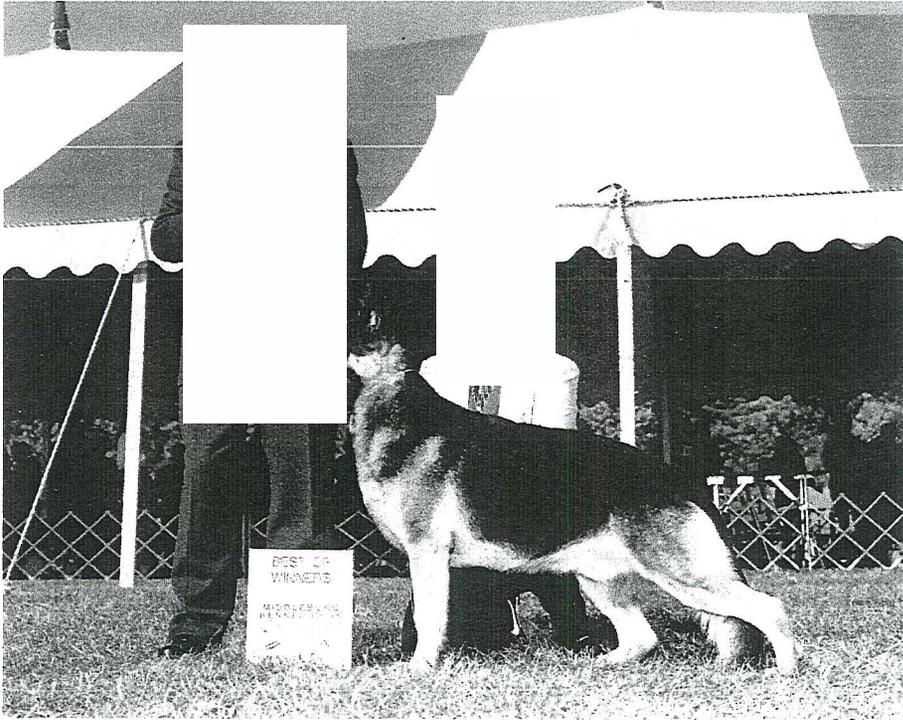
If a date appears after the name and number of the sire and dam, it indicates the issue of the Stud Book Register in which the sire or dam is published.

For Transfer Instructions, see back of Certificate.

This Certificate issued with the right to correct or revoke by the American Kennel Club.

REGISTRATION CERTIFICATE

*Enclosure 2*



Briarcliff's  
Amadeus  
Mozart

*Enclosure 3*

Briarcliff's  
Grand  
Rosario



Enclosure 4

**SPECIAL SERVICES CUSTOMER INVOICE**

Store 3626 FAYETTEVILLE  
FAYETTEVILLE, NC 28314  
Phone: (910) 864-4002  
Salesperson: WLS/SMI

Refuser:

TUGMAN JONATHAN

649 FOUNDRY DR

Phone: (910) 922-6575

(910) 922-6575

City: FAYETTEVILLE State: NC Zip: 28311  
Address: CUMBERLAND  
FENCE

QUOTE is valid for this date: 02/07/2009

Page 1 of 6 No. 3626-332464

VALIDATION AREA

*pd 1/31/09  
Home Depot  
WLS*

**HOME DEPOT DELIVERY #1**

**MERCHANDISE AND SERVICE SUMMARY**

REF # Y04

**STOCK MERCHANDISE TO BE DELIVERED:**

ITEM #	SKU	QTY	UOM	DESCRIPTION	PRICE EACH	EXTENSION
F001	695-503	25.00	EA	1 1/2" X 4" #1 PT 6X8 DE PANEL /	\$32.37	\$809.25
F002	121-430	10.00	EA	1 1/2" X 4" #1 PT 6X8 DE PANEL /	\$39.70	\$397.00
F003	121-430	10.00	EA	1 1/2" X 4" #1 PT 6X8 DE PANEL /	\$55.76	\$557.60
MERCHANDISE TOTAL:						\$904.71

**DELIVERY INFORMATION:**

SCHEDULED DELIVERY DATE: 02/09/2009

DELIVERY SERVICE SUBTOTAL:	Y	\$59.00
<b>DELIVERY SERVICE SUBTOTAL:</b>	<b>Y</b>	<b>\$59.00</b>

DELIVERY SERVICE SUBTOTAL:	Y	\$59.00
<b>DELIVERY SERVICE SUBTOTAL:</b>	<b>Y</b>	<b>\$59.00</b>

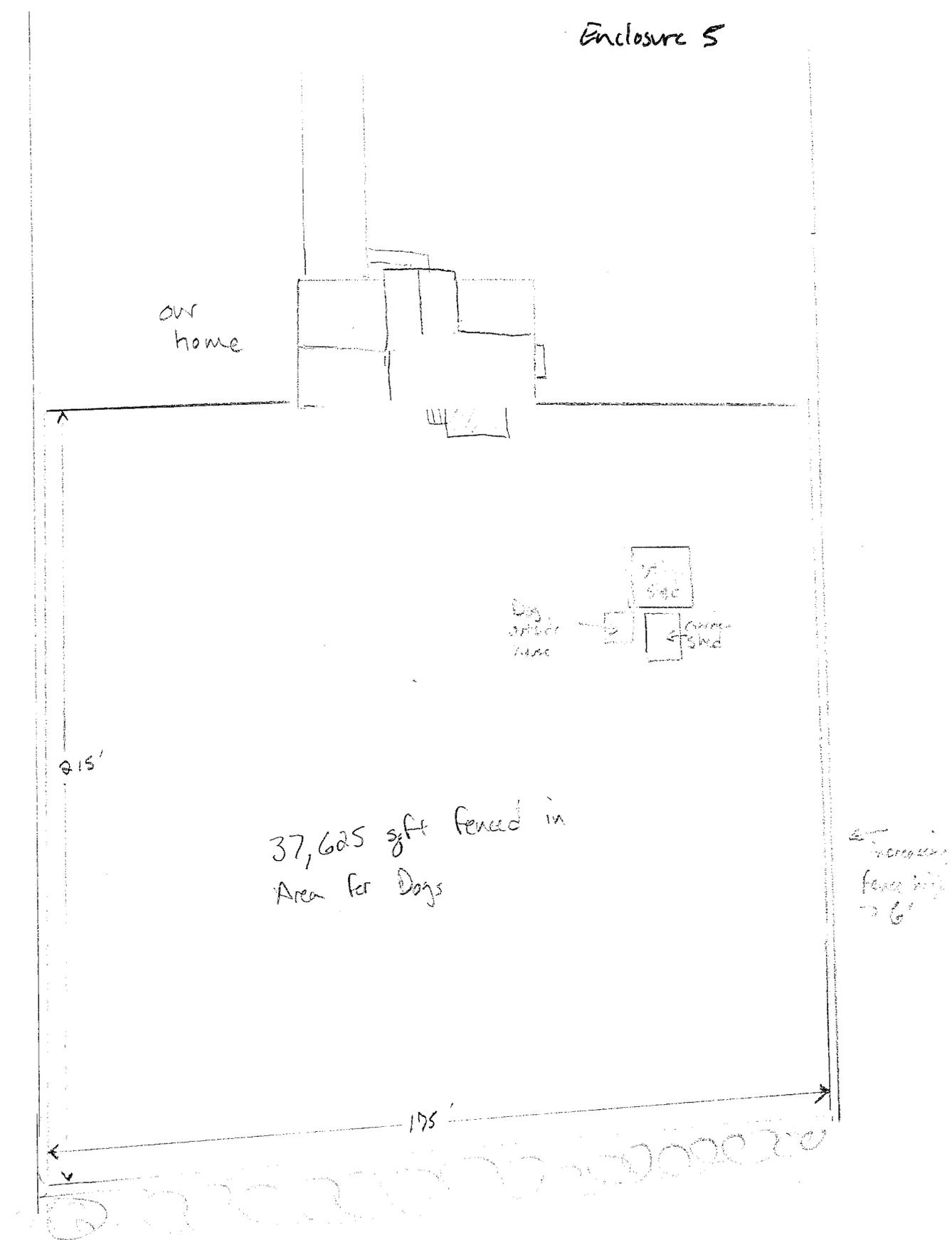
Check your email at [www.homedepot.com](http://www.homedepot.com) for special offers and more information.

Customer Agreement # 332464  
 RECEIPT # 100917  
 SALES TAX \$1091.14  
 TOTAL \$1091.14  
 AUTH CODES 007218/9875074

\*\*\* CONTINUED ON NEXT PAGE \*\*\*



Enclosure 5



our home

11 1/2'

W. shed

Dog waste

Green shed

215'

37,625 sqft fenced in Area for Dogs

increasing fence height to 6'

175'

All sides have 4' high Privacy fence except back that has 6' high metal fence panels with a vegetative Buffer behind that.

Nicholas Animal Hospital  
325 Fairview Heights Rd  
Summersville, WV 26651  
(304) 872-5030

*Enclosure 6*

**Rabies Certificate**

Client ID: 521  
Client Name: PAULA KYLE  
Address: 849 FOXCROST DRIVE  
  
FAYETTEVILLE, NC 28311  
  
Phone: (304)872-0202,ext.

Patient ID: 521V  
Patient Name: MOZART  
Species: CANINE  
Breed: GERMAN SHEPHERD  
Sex: Neutered Male  
Color: BLACK/BROWN  
Markings:  
Birthday: 11/10/1997  
Weight: 94.30 pounds on 5/22/2008

Tag Number: 002026  
Lot Number: 12262  
Producer: RHONE MERIEUX  
K / MLV: Killed Virus

Vaccination Date: 12/5/2007  
**Expiration Date: 12/5/2009**

Staff Name: DVM Joseph G. Krese  
License Number:

The screenshot shows a CAD software interface with a search window. The search window has several tabs: "Event Inf", "Notes", "Times", "R/E Log", "Other", "Ani/Al", "Patients", "Emplo", and "Vehicles". Below these tabs are various search criteria fields: "Rpt #", "Loc" (849 FOXCROFT DR, FAY), "BEAVERPOND CT", "HUNTERS POINT DR", "Bus", "Ph# ( ) -", "Group", "Nature", "Alarm Level", "Priority", "QA --", "Caller", "PQA Hist", "Alarm", "Addr", "Ph# ( ) -", and "Tow". There are also checkboxes for "Include Cancelled Events" and "Include Delayed Events", and buttons for "View" and "Exit Srch".

A dialog box is open in the foreground with a warning icon and the text "No match found". The "OK" button in the dialog box is circled in red. To the right of the dialog box, the handwritten text "No calls" is visible.

The taskbar at the bottom shows the Start button and several open applications: "Visual CAD Admin", "mapview", "PISTOL Records ma...", "Omnibox Desktop", and "Omnibox Force". The system tray shows the time as 10:41 AM.

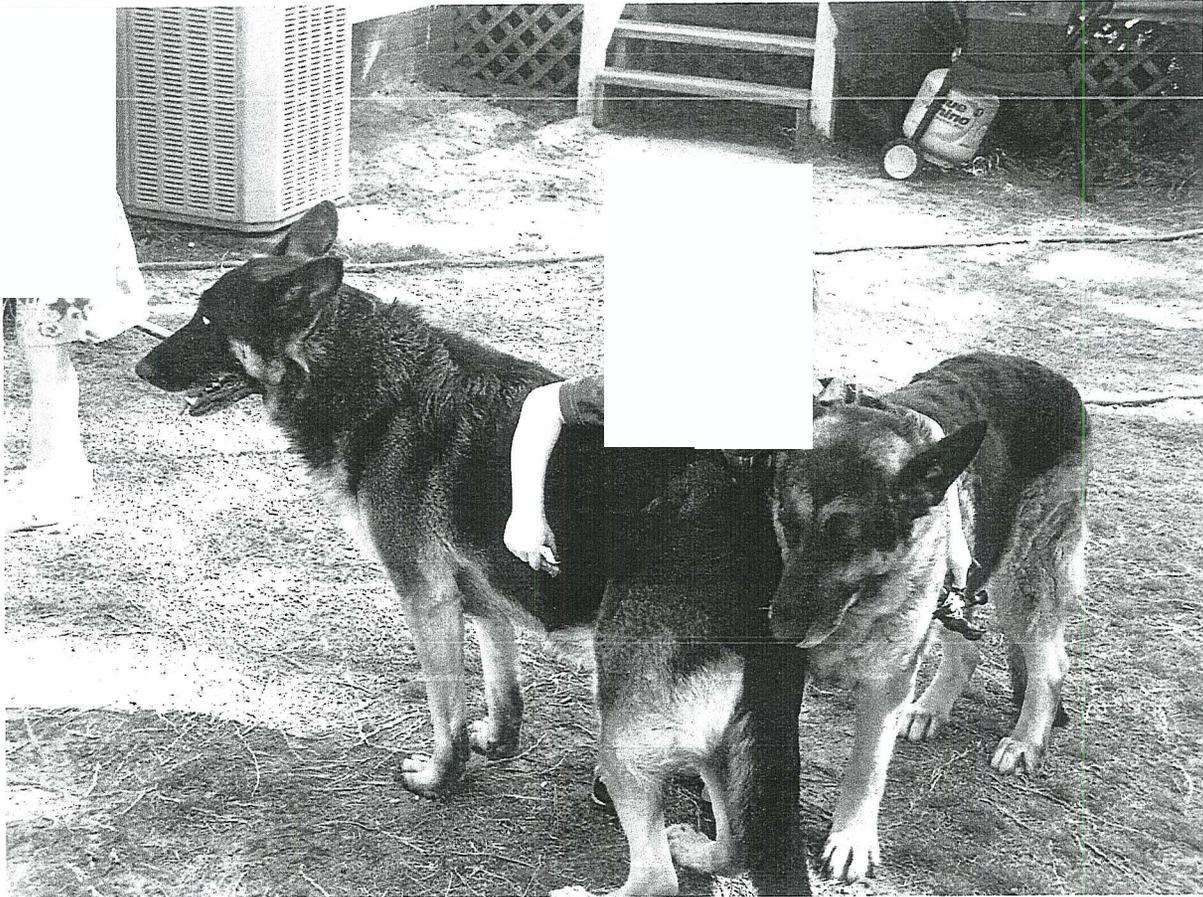
To Whom It May Concern,

My name is James W. Gragg, and I am writing in regards to the temperament of Ms. Rita Kyle's dogs. I am one of two veterinarians at Nicholas Animal Hospital. Nicholas Animal Hospital has been seeing Ms. Kyle's animals for a number of years. I personally have treated her German Shepherds over the last four years. During this time, her dogs have seemed to be well mannered and obedient to Ms. Kyle. I have never witnessed any aggressive behavior at the clinic. However, I must say that dogs are territorial animals, and any dog may become aggressive if its territory is invaded by another animal. I cannot comment on how Ms. Kyle's dogs act at home, but I have not witnessed any aggressive tendencies at the clinic. Dogs that are aggressive toward other dogs at the clinic tend to be very aggressive any time. If I can be of any further assistance, I can be contacted by phone at Nicholas Animal Hospital (304) 872-5030.

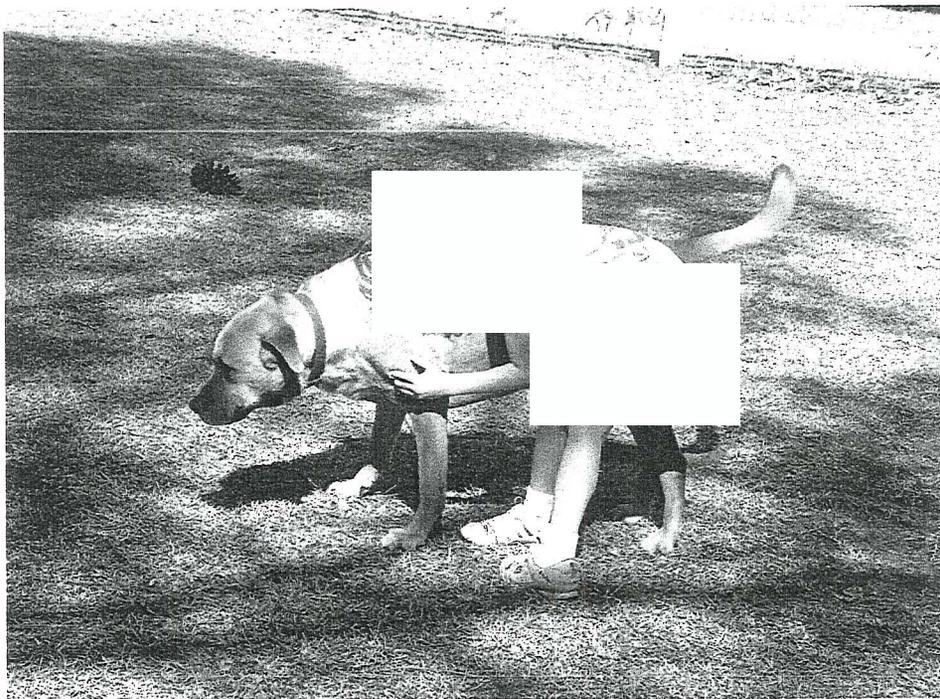
Respectfully,

A handwritten signature in black ink, appearing to read "J. W. Gragg". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

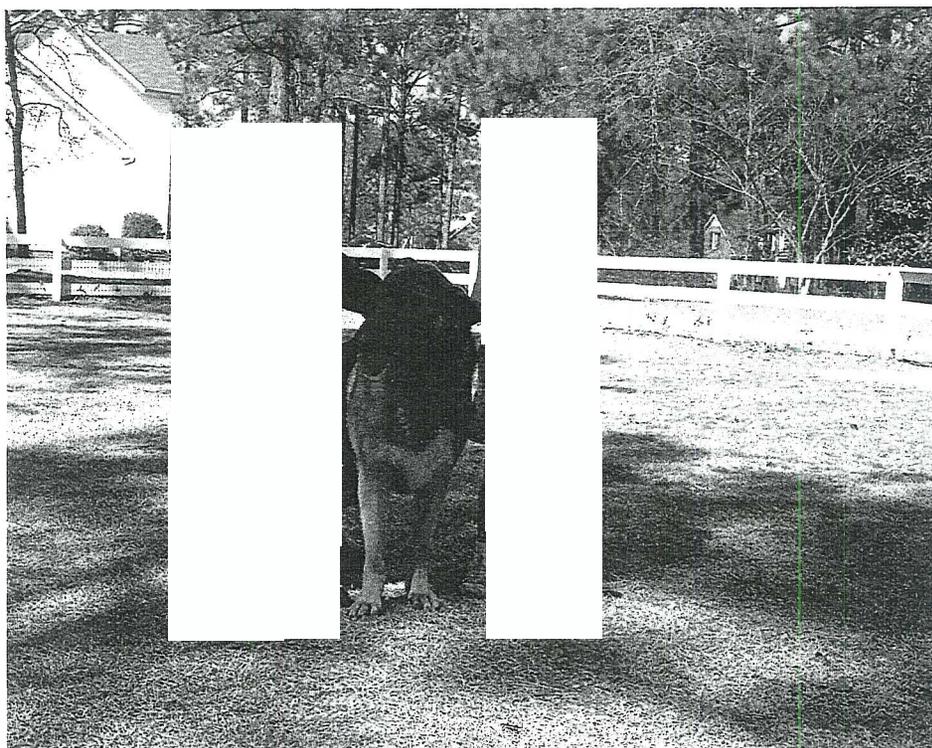
James W. Gragg DVM



Mozart and  
Rosario



Wenny and



Katona with

CUMBERLAND COUNTY ANIMAL CONTROL

P.O. Drawer 1829, Fayetteville, NC 28306

(910) 321-6852

LICENSE RECEIPT

Receipt #: 00011334

Date: 01/31/09

Received From: JONATHAN TUGMAN

Address: 849 FOXCROFT DR, FAYETTEVILLE NC, 28311

Phone: (910) 922-6575 DL Number: 6260761 DL Exp Date: 04/29/15

Fees:	PRIVILEGE LICENSE - ALTERED ANIMAL	21.00
	PRIVILEGE LICENSE - NON-ALTERED ANIMAL	25.00
License Number(s):	104131      104128      104129      104130	

Total: 46.00

Cash: 46.00 Check: 0.00 Money Order: 0.00

Received una AC 28

Nicholas Animal Hospital  
325 Fairview Heights Rd  
Summersville, WV 26651  
(304) 872-5030

*Enclosure 6*

### Rabies Certificate

Client ID: 521  
Client Name: PAULA KYLE  
Address: 849 FOXCROST DRIVE  
FAYETTEVILLE, NC 28311  
Phone: (304)872-0202,ext.

Patient ID: 521V  
Patient Name: MOZART  
Species: CANINE  
Breed: GERMAN SHEPHERD  
Sex: Neutered Male  
Color: BLACK/BROWN  
Markings:  
Birthday: 11/10/1997  
Weight: 94.30 pounds on 5/22/2008

Tag Number: 002026  
Lot Number: 12262  
Producer: RHONE MERIEUX  
K / MLV: Killed Virus

Vaccination Date: 12/5/2007  
**Expiration Date: 12/5/2009**

Staff Name: DVM Joseph G. Krese  
License Number:

# RABIES CERTIFICATE

2061 Skibo Road  
Fayetteville, NC 28314-  
(910) 864-1337

## Client

Paula, jon Kyle, tugman  
849 Foxcroft Dr  
Fayetteville, NC 28311  
Home Phone: (910) 922-6575

## Certificate Date

October 23, 2008  
Thursday 5:23 pm

## Pet Information

**Name:** Katona Kyle, tugman  
**Species:** Canine  
**Breed:** Shepherd, German  
**Sex:** Male  
**Color:** Sable  
**Age:** 2y/7m  
**Weight:** 71.30 Lbs



## Rabies Tags

○  
Banfield  
National Pet ID#  
8308947

County & Tag #  
Cumberland  
v370640

Microchip ID:

Manufacturer:

Microchip ID:

Manufacturer:

## Vaccine Information

**Vaccine Name:** Rabies Virus Vaccine (Type: Killed)  
**Producer:** Fort Dodge  
**Administered:** 10/23/2008 Route: Subcutaneous Site: Right rear  
**Due Date:** 10/23/2009  
**Lot #:** 873169A  
**Lot Expires:** 01/27/2010

I hereby certify that I have vaccinated this Pet in accordance with all state and federal laws and regulations on this date.

Administered by:

Federally Accredited Veterinarian: Dr. Kyra Tehve-swallow  
DVM License Number: 5359

Nicholas Animal Hospital  
325 Fairview Heights Rd  
Summersville, WV 26651  
(304) 872-5030

### Rabies Certificate

Client ID: 521  
Client Name: PAULA KYLE  
Address: 849 FOXCROST DRIVE  
FAYETTEVILLE, NC 28311  
Phone: (304)872-0202,ext.

Patient ID: 521SS  
Patient Name: ROSAR  
Species: CANINE  
Breed: GERMAN SHEPHERD  
Sex: Spayed Female  
Color: BLK/TAN  
Markings:  
Birthday: 04/12/2002  
Weight: 84.30 pounds on 5/29/2008

Tag Number: 002473  
Lot Number: 12262  
Producer: RHONE MERIEUX  
K / MLV: Killed Virus

Vaccination Date: 5/29/2008  
**Expiration Date: 5/29/2009**

Staff Name: DVM Joseph G. Krese  
License Number:

# CERTIFICATE OF VACCINATION

**Date of Rabies Vaccination:** 09-22-06  
**Next Rabies Vaccination On:** 09-21-09

**Certificate No:** 0  
**Previous Rabies Vaccination:** <oldtag>

**VETERINARY CLINIC**  
Animal Medical Centers of Fayetteville, Inc.  
2147 Skibo Rd.  
Fayetteville, NC 28314  
910-868-1164

**OWNER OF ANIMAL**  
Jonathan Tugman  
6358 Hawfield Dr.  
Fayetteville, NC 28303  
County: Cumberland

**This is to certify...**

**THAT I HAVE VACCINATED AGAINST RABIES THE ANIMAL DESCRIBED BELOW.**

**Patient information...**

**PATIENT:** Wenny  
**SPECIES:** Canine  
**SEX:** Spayed Female  
**Color and markings:** Brown

**TAG NO:** 1816  
**WEIGHT:** 85.00  
**AGE:** 7y

---

CROSS CREEK ANIMAL HOSPITAL

2147 SKIBO RD

Signed \_\_\_\_\_  
FAYETTEVILLE NC 28314

Dr. SS

**License:**

**Vaccinations done...**

09-22-06 SS Rabies Canine, 3yr, #181609-21-09  
09-22-06 SS DA2PPv - w/ Corona Lepto  
09-22-07  
09-07-05 TJ Rabies Canine 1 year, #1664

**Rabies Vaccine Information...**

**MFG BY:** MERIE  
**LOT EXP:** 050307

**SER.NO:** 12502A  
**ADM:** SubQ

4704 Corporation Drive  
Fayetteville, NC 28306  
Phone: (910)-321-6852  
Fax: (910) 223-3357  
ccac@co.cumberland.nc.us



# Fax

To: Cecil Combs From: Cliff Spiller

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Fax: 678 7631 Pages: 3 incl. cover sheet

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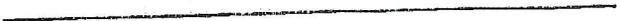
Phone: 321 6856 Date: 3/17/09

---

Re: 849 Foxcroft Dr. cc:

- Urgent   
  For Review   
  Please Comment   
  Please Reply   
  Please Recycle

• Comments:



14:22:01 Tuesday, March 17, 2009

ACMCMP1  
ACPCMP01

Cumberland County  
Animal Control  
Complaint Browse

Complnt No: 158593	Date Entered: 12/16/08	Rcvd By: LMORRISO
Comp Date: 12 / 16 / 08	Date Updated:	Updt By:
Call Time: 02:10 AM	Zone: 1	Imprd No:

Complainant Information

Last Name: WALTERS	First Name:	MI:
Home Phone: ( 910 ) 818 - 4887	Work Phone: ( 999 ) 999 - 9999	
Address: StNo:	St. Name: FOXCROFT DR	
City: FAYETTEVILLE	State: NC Zip:	
Complaint: ABD	Spes: A	DOG
Direction: NEIGHBORS NOTICE THAT OWNERS LEAVE DOGS FOR SEVERAL DAYS UNATTENDED, ALSO ADVISE OF NUISANCE/LIABILITIES		

Owner Information

Owner id:		
Last Name: UNKNOWN00158593	First Name:	MI:
Home Phone: ( 999 ) 999 - 9999	Work Phone: ( 999 ) 999 - 9999	
Address: StNo: 849	St. Name: FOXCROFT DR	
City: FAYETTEVILLE	State: NC Zip:	

Action Taken

Officer: AC-13 SULLIVAN, RONNIE	Time Disp: 08 : 30 AM
First Act: ABD ABANDONMENT	Date: 12 / 17 / 0/ Time Arrv: 00 : 00 AM
Second Act: LNOT LEFT NOTICE	Date: 12 / 17 / 08
Note: HUNTER'S RIDGE SPOKE TO NEIGHBOR STATED THAT THERE DOG AR OK	

F1:Date F2:Name F3:Phone F4:St No/Name F5:St Name F6:Officer F7:Owner  
F8:Owner St No/Name F9:Owner St Name CLR:Exit

14:22:17 Tuesday, March 17, 2009

ACMCMP1  
ACPCMP01

Cumberland County  
Animal Control  
Complaint Browse

Complnt No: 162123	Date Entered: 03/12/09	Rcvd By: DBROWN
Comp Date: 03 / 12 / 09	Date Updated:	Updt By:
Call Time: 01:05 AM	Zone: 1	Impnd No:

Complainant Information

Last Name: ANSCHUETZ	First Name: WALTER/KARLA	MI:
Home Phone: ( 910 ) 480 - 0801	Work Phone: ( 999 ) 999 - 9999	
Address: StNo: 853	St. Name: FOXCROFT DR	
City: FAYETTEVILLE	State: NC	Zip:
Complaint: LIA LIABILITIES	Spcs: A	DOG
Direction: A SCHNAUSER THAT WAS LOOSE YESTERDAY CAME INTO THEIR YARD MAKING THE NEIGHBORS DOGS VERY AGITATED & AGGRESSIVE JUMPING O		

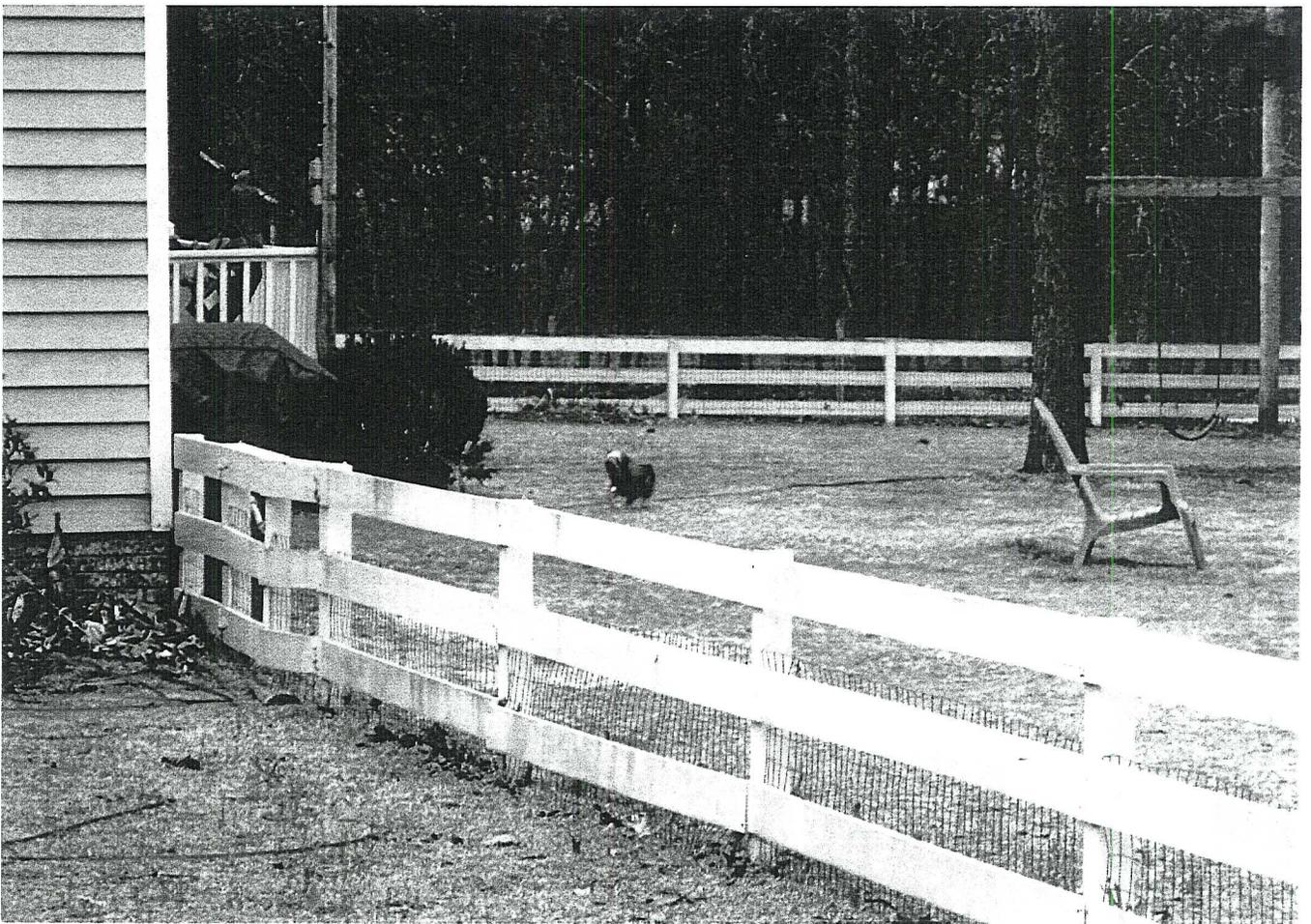
Owner Information

Owner id:	First Name:	MI:
Last Name: OWNER00162123	Work Phone: ( 999 ) 999 - 9999	
Home Phone: ( 999 ) 999 - 9999	St. Name: FOXCROFT DR	
Address: StNo: 849	State: NC	Zip:
City: FAYETTEVILLE		

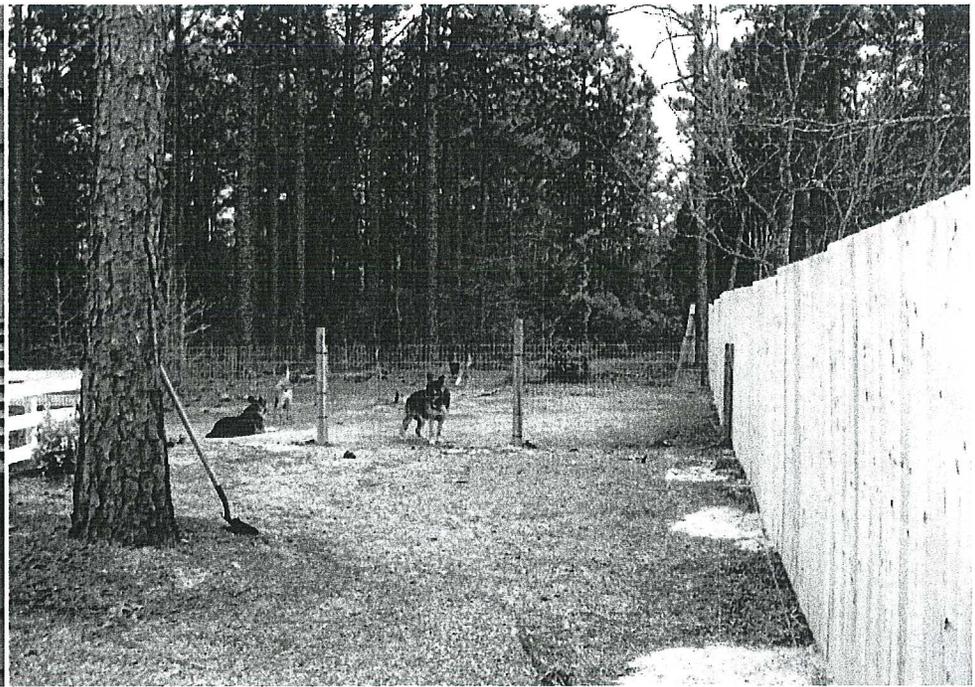
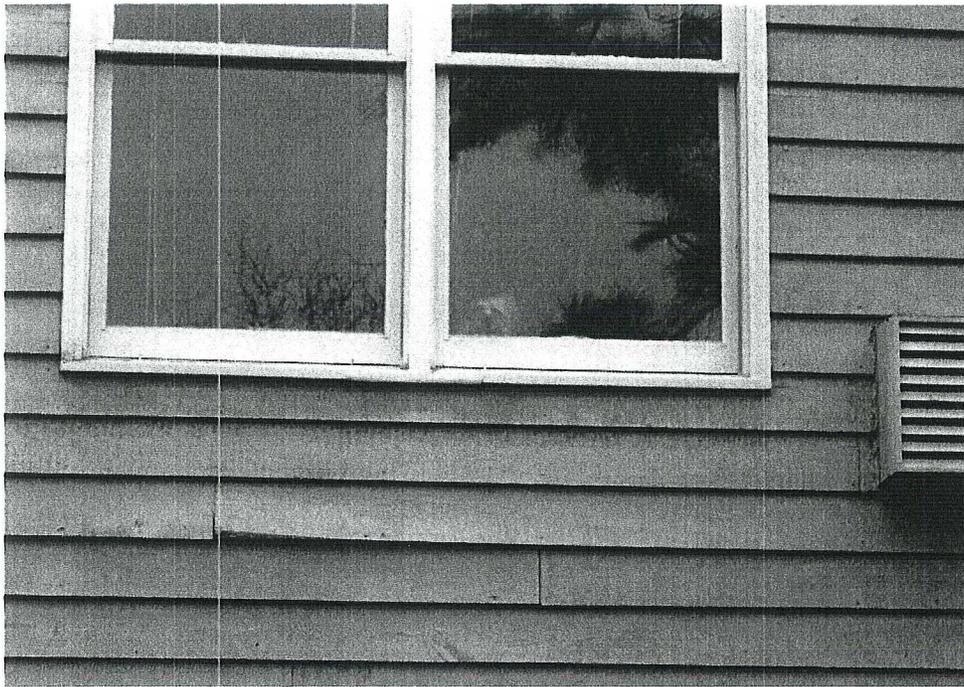
Action Taken

Officer: AC-04 GILBERT, WILLIAMS	Time Disp: 02 : 00 PM
First Act: NOH NO ONE HOME	Date: 03 / 13 / 09
Second Act: CM COMPLETED	Time Arrv: 00 : 00 AM
Date: 03 / 13 / 09	
Note: N THE FENCE AND BARKING/4 G SHEP & JAPANESE TYPE OF DOG	

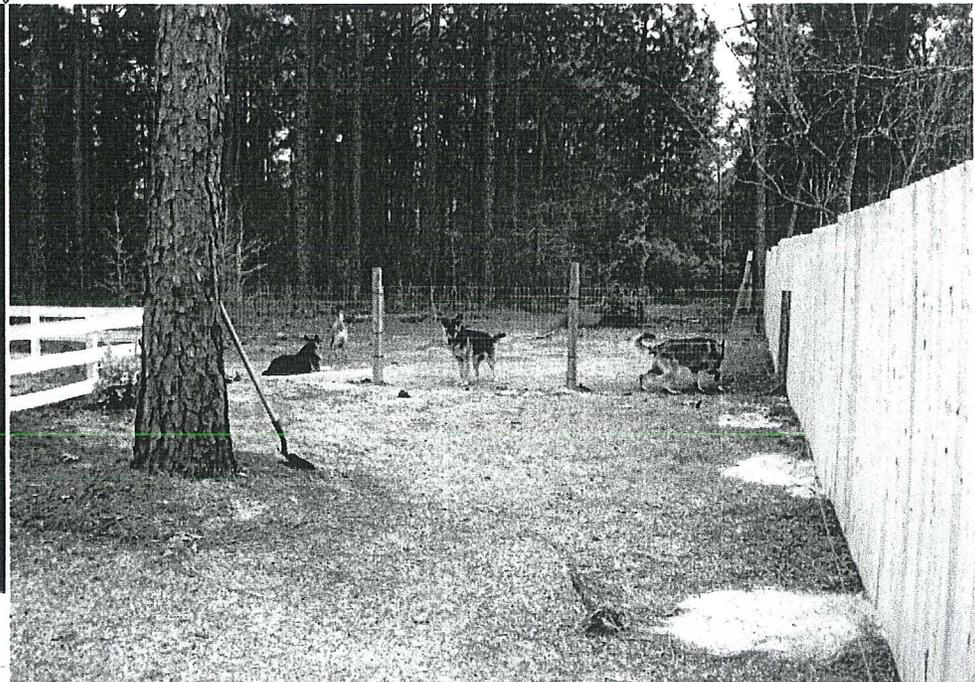
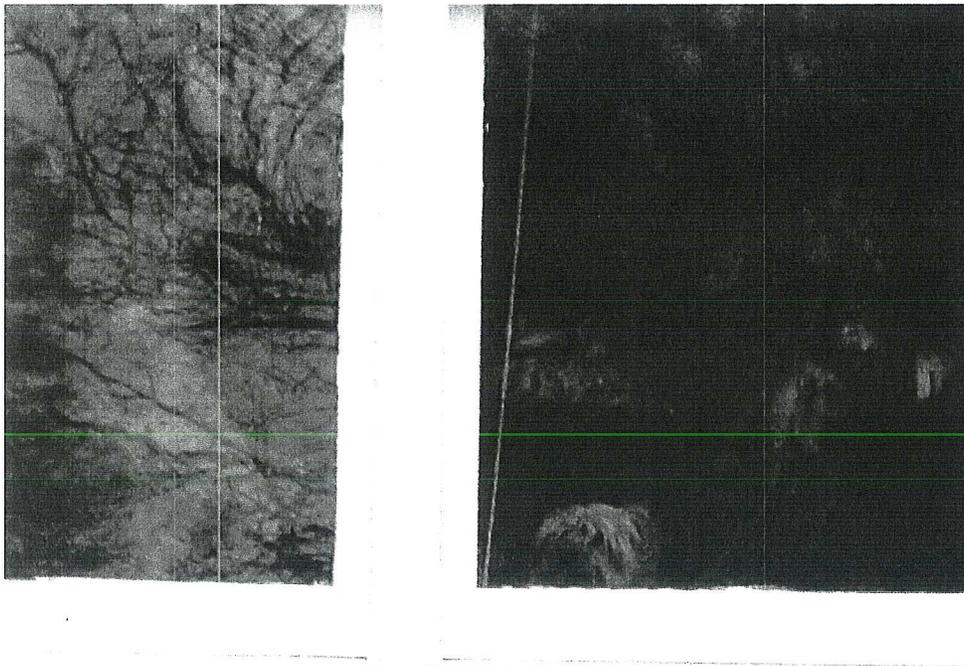
F1:Date F2:Name F3:Phone F4:St No/Name F5:St Name F6:Officer F7:Owner  
 F8:Owner St No/Name F9:Owner St Name CLR:Exit

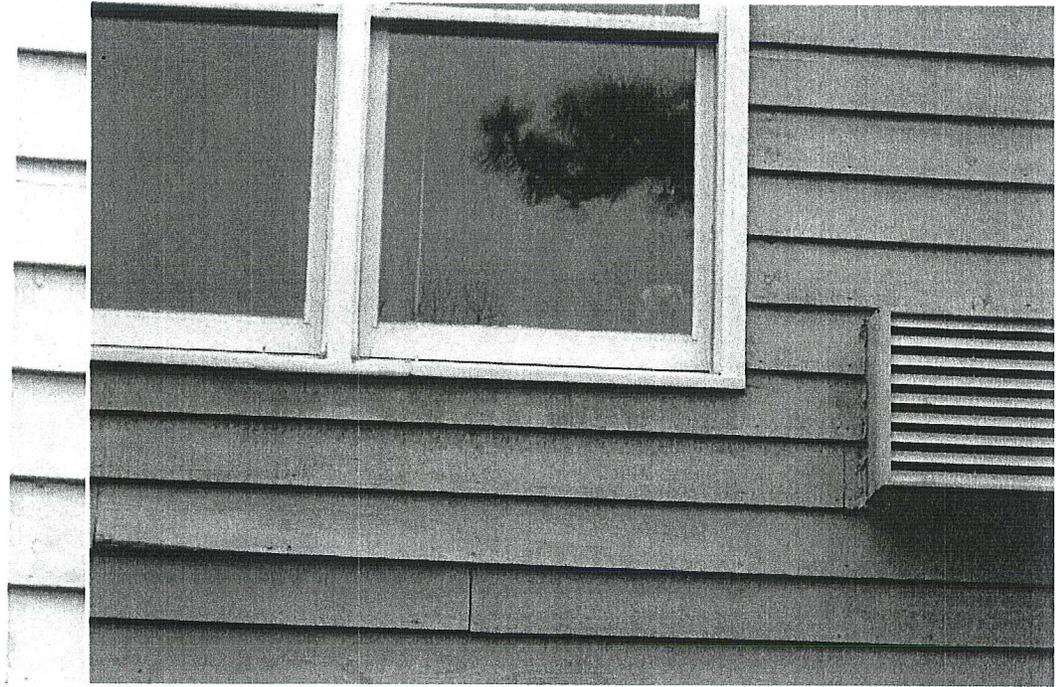


3-26-09 JAZ

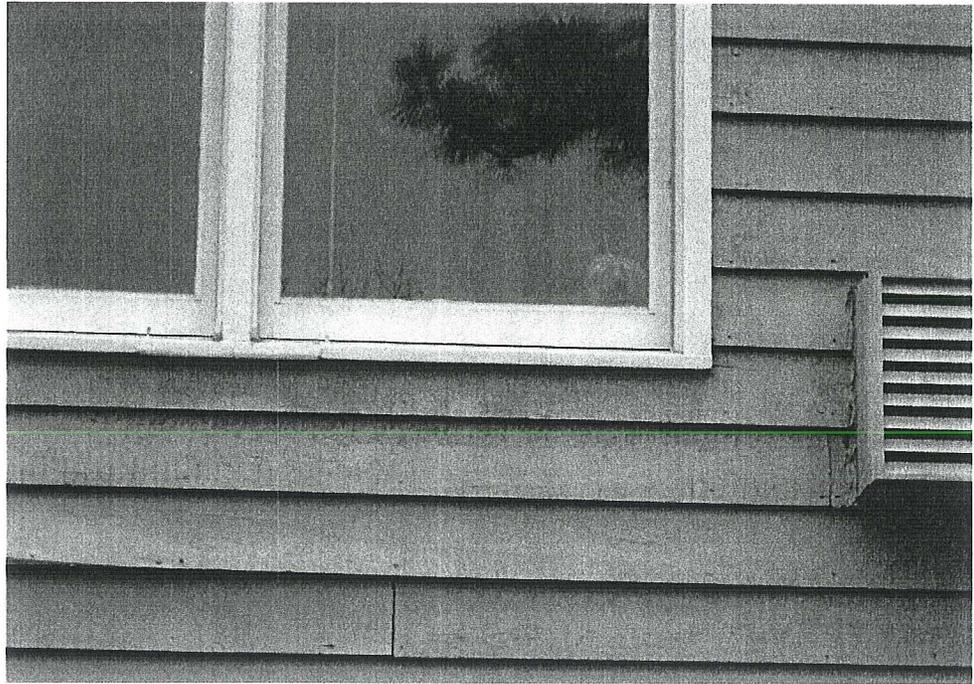


3-26-09 JAD





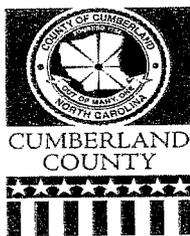
3-26-09  
Joe



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*

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Walter Clark,  
Roy Turner,  
Sara E. Piland,  
Cumberland County

Benny Pearce,  
Town of Eastover

February 23, 2009

### MEMORANDUM

**TO:** Cecil Combs, Deputy Director

**FROM:** Tom Lloyd, Director 

**SUBJECT:** Delegation of Authority – County Zoning Ordinance  
Section 912.G, Temporary Housing/Boarding of Four or More Dogs

This memorandum is to be considered official notice of the delegation of my authority to you concerning final decisions regarding applications for the temporary housing/boarding of four or more dogs in the residential districts that do not allow for kennel operations.

When making decisions on this type of application, ensure you consider all relevant County Codes and fully investigate the facts surrounding the individual cases. In addition, please remain cognizant of the effect of the granting or denying these applications on the applicant as well as the surrounding property owners/occupants.

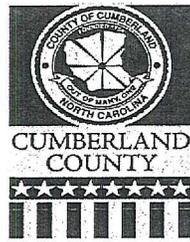
Inherent in this delegation of authority is also the authority to revoke any temporary permits that are granted under this provision of the Zoning Ordinance if the permit is found to be issued in error, due to fraud or changing circumstances of the situation.

Thanks for taking on this additional task and for all of your hard work. If you have any questions, please contact me at 910-678-7618 or email: [tlloyd@co.cumberland.nc.us](mailto:tlloyd@co.cumberland.nc.us).

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



Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Walter Clark,  
Roy Turner,  
Sara E. Piland,  
Cumberland County

Benny Pearce,  
Town of Eastover

## COUNTY of CUMBERLAND

### Planning & Inspections Department

91 7108 2133 3935 9471 1746 Paula

91 7108 2133 3935 9471 1739 Jonathan

### NOTICE OF VIOLATIONS

January 21, 2009

TO: Jonathan E. & Paula Kyle Tugman & Parties of Interest  
849 Foxcroft Drive  
Fayetteville, NC 28311

CASE #ZN 5748-2008

You are hereby issued a Notice of Violation of the Cumberland County Code, Appendix A, Zoning.

1. Nature of Violation(s): You are permitting more than 3 dogs that are five months older, or older, on a lot that you own and are therefore operating a kennel in a R15 zoned district.
2. Code Reference: Zoning Ordinance, Cumberland County, North Carolina, Article III, Zoning Districts, Section 304(H), Rural Residential District, Article IX, Section 912, Kennel Operations, and Article XVII, Legal Provisions, Section 1703, Violations
3. Action to Correct Violations(s): Remove all but 3 dogs that are over five months old from your property or rezone the property.
4. Property Location: On or about 849 Foxcroft Drive, Fayetteville, NC. Being that property as listed under Cumberland County, NC Tax Parcel Number 0543-24-3304.
5. Property Owner: Jonathan E. & Paula Kyle Tugman; Inspection Date: 1/5/2009

You are hereby advised that the above listed violation is a Class 3 Misdemeanor, under the provisions of North Carolina General Statute 14-4, and must be corrected within thirty (30) days of receipt of this notification. Failure to correct this violation will subject you to a civil penalty of \$500 dollars per day (each day being a separate violation) and prosecution for a misdemeanor violation in Environmental Court. Also be advised of your right to appeal this decision in accordance with Article XVII., Section 17.03(E), Appeal, Zoning Ordinance, Cumberland County, North Carolina.

If you have any questions, please contact the undersigned at (910) 321-6650.

  
Angela Perrier  
Code Enforcement Officer

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



Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Walter Clark,  
Roy Turner,  
Sara E. Piland,  
Cumberland County

Benny Pearce,  
Town of Eastover

## COUNTY of CUMBERLAND

### *Planning & Inspections Department*

April 15, 2009

Vera Claude, President.  
Inverness Association, Inc.  
3501 Arrondale Ct,  
Fayetteville, NC 28311

SUBJECT: Extension of Time  
Notice of Violation, Case #WS02-02 & WS00-01

Dear Ms. Claude,

Regarding your request for an extension of time to remedy the above referenced notice of violation, this letter is to serve as official notice that the 120 day extension requested is granted.

Please note that as a condition of approval of the extension, a representative from your association must keep me informed of the progress on the status of the corrective action taken in regard to the stormwater structures. In addition, notice must be provided to this office no later than **August 14, 2009** that the repair of the structures is complete and that the Inverness Association, Inc. will perform the inspections and reports to this office as required by the approved Operation and Maintenance Agreement for the Inverness Subdivision.

If you have any questions or for clarification of this letter, please contact me.

*Jeff Barnhill*

Jeff Barnhill  
Watershed Review Officer  
910-678-7765  
e-mail: [jbarnhill@co.cumberland.nc.us](mailto:jbarnhill@co.cumberland.nc.us)

*Patricia S. Speicher*

Patti Speicher  
Land Use Codes Supervisor  
910-678-7605  
e-mail: [pspeicher@co.cumberland.nc.us](mailto:pspeicher@co.cumberland.nc.us)

cc: Jimmy Kizer, Engineer  
Cumberland County Board of Adjustment  
Ken Sykes, County Code Enforcement Coordinator  
Bob Stanger, County Engineer