

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



Alternates:
Kenneth Turner
Stacy Michael Long

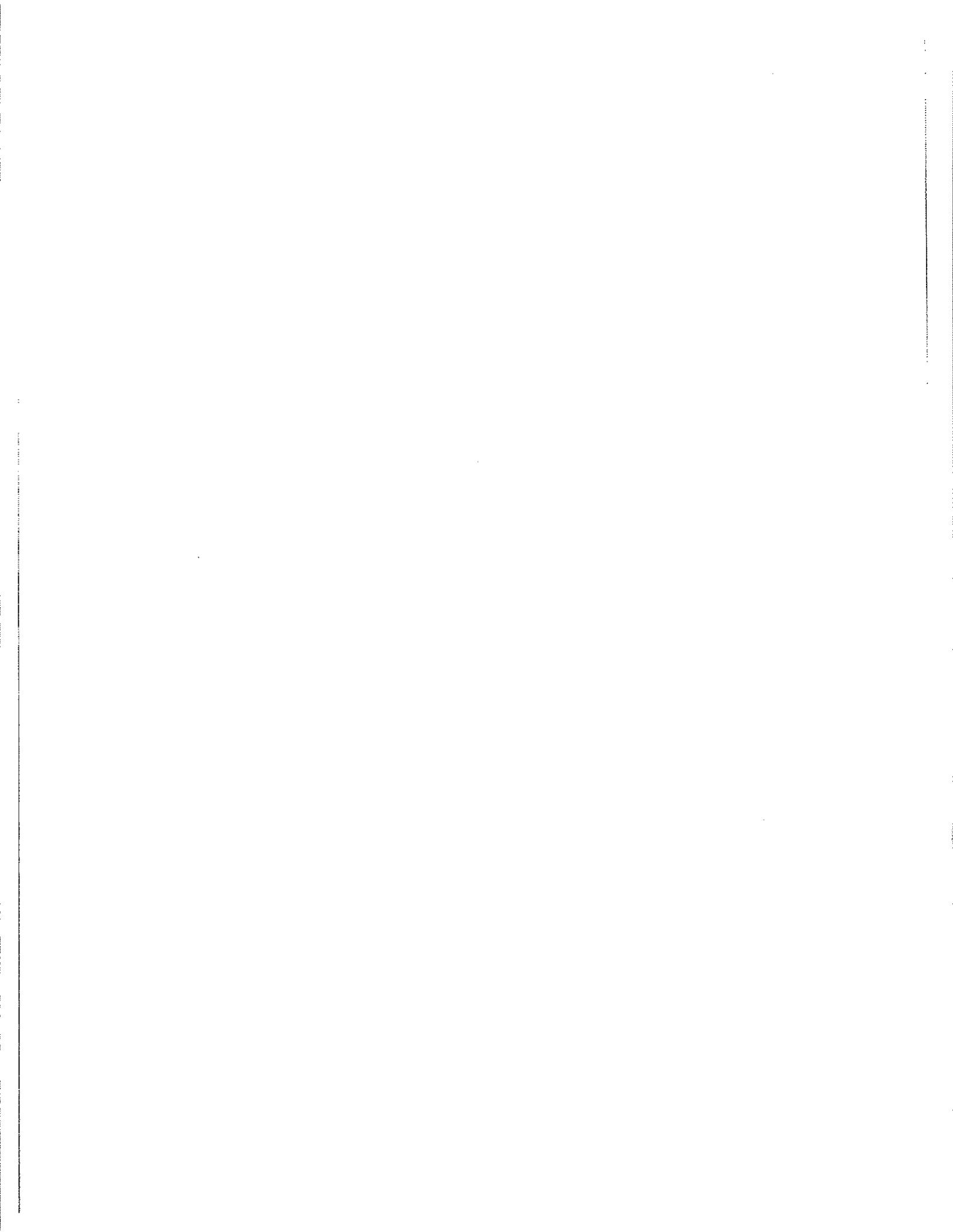
Board of Adjustment

130 Gillespie Street
Fayetteville North Carolina 28301
(910) 678-7602

AGENDA
JUNE 16, 2022
6:00 PM

A meeting of the Cumberland County Board of Adjustment is to be held on Thursday, June 16th, 2022, at 6:00 p.m. in Hearing Room #3 of the Historic Courthouse at 130 Gillespie Street, Fayetteville, North Carolina. The agenda is as follows:

1. INVOCATION & PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. SWEAR IN STAFF
4. ADJUSTMENTS TO THE AGENDA
5. APPROVAL OF THE May 19, 2022, MINUTES
6. ABSTENTIONS BY BOARD MEMBERS/BOARD MEMBER DISCLOSURES (SITE VISITS AND/OR PERSONAL AFFILIATIONS)
7. PUBLIC HEARING DEFERRALS/WITHDRAWALS
8. POLICY STATEMENT REGARDING APPEAL PROCESS
9. PUBLIC HEARING(S):
 - A. BOA-2022-0019: Variance from Section 1002, Incidental Uses, Paragraph E., Accessory Structures, requesting storage building setback at 23 feet instead of required minimum of 30 feet; and Variance from Section 1102, Paragraph C, requesting fence setback at 19 feet instead of required minimum of 20 feet, for a lot containing 0.23 +/- acres within an R10 Residential Zoning District and located at 3625 Camden Road EXT., Cumberland County; submitted by Roger and Sarah Larson (property owner(s)).
 - B. BOA-2022-0018: Variance from Section 203, Accessory Building, County Zoning Ordinance, to allow a garage/storage building to be larger than a residential house within an A1 Agricultural Zoning District for 2.00 +/- acres located at 1919 Tom Starling Road, Cumberland County; submitted by Joshua & Precious Buckner (property owner(s)) (continued from the May 19, 2022 meeting)
10. DISCUSSION/UPDATE(S)
 - A. Vice Chairman Nomination and Selection
 - B. Recommend Candidates for Alternate BOA Membership
11. ADJOURNMENT



Amy H. Cannon
County Manager

Tracy Jackson
Assistant County Manager



Rawls Howard
Director

David Moon
Deputy Director

Board of Adjustment

MINUTES
May 19, 2022
6:00 PM

Members Present

Gregory Parks
Marva Lucas-Moore
Robert Davis
Vicki Mullins
Linda Amos

Alternate Members in Attendance

Kenneth Turner- Alternate
Stacy Michael Long- Alternate

Absent Members

Staff/Others Present

David Moon
Alyssa Garcia
Robert Hasty
(Asst County Attorney)
Scott Walters
Chris Portman
Amber Moser

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

Chair Parks stated the procedural matters are to turn off all cell phones and other electronic devices, other than the camera, are fine and if asked to speak at the podium to please speak clearly into the microphone as the meeting is being recorded.

1. INVOCATION

Vickie Mullins read the invocation.

PLEDGE OF ALLEGIANCE

Recited by all.

Chair Parks requested all cell phones be turned off. If asked to speak at the podium please speak into the microphone, take your mask off if you prefer. Chair Parks requested to limit time per speaker to 5 minutes and not to repeat what has been previously stated. If any Board member wishes to speak, please ask to be recognized.

2. ROLL CALL

Mr. Moon called the roll. Mr. Moon started with the roll call; we have a quorum. We have all five members of the regular Board of Adjustment here this evening; the two alternates are present. They are also sitting at the dais.

3. SWEAR IN OF STAFF

Chair Parks swore in staff.

4. ADJUSTMENTS TO THE AGENDA

There were none.

5. APPROVAL OF THE FEBRUARY 17, 2022, MINUTES

Mr. Davis made a motion to approve the minutes from the February 17, 2022, meeting as written, seconded by Ms. Mullins. The motion passed unanimously.

Amy H. Cannon
County Manager

Tracy Jackson
Assistant County Manager



Rawls Howard
Director

David Moon
Deputy Director

Board of Adjustment

	IN FAVOR
PARKS	YES
AMOS	YES
LUCAS-MOORE	YES
DAVIS	YES
MULLINS	YES

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

There were none.

7. PUBLIC HEARING DEFERRALS/WITHDRAWALS

There were none.

8. POLICY STATEMENT REGARDING APPEAL PROCESS

Mr. Moon read the policy statement.

9. PUBLIC HEARING(S)

BOA-2022-0018: Variance from Section 203, Accessory Building, County Zoning Ordinance, to allow a garage/storage building to be larger than a residential house within an A1 Agricultural Zoning District for 2.00 +/- acres located at 1919 Tom Starling Road, Cumberland County; submitted by Joshua & Precious Buckner (property owner(s))

DAVID MOON: David Moon, Deputy Director of Planning and Inspections. Now we'll move onto our first case this evening. Case number BOA-2022-0018 which is a request for a variance request. The property is located to the West of Hwy 87 in the central general area of the county. The applicant is Joshua and Precious Buckner. The request is for a variance from Sec 203 of the county zoning ordinance on a site that is approximately 2.2 acres located at 1919 Tom Starling Road. Specifically, the applicant requests a variance from section 203 county zoning Ord to allow an accessory structure to be greater than the principal use located at 1919 tom starling rd. the proposed construction of the garage commenced before a building permit was issued. A site plan illustrating the proposed garage and overhangs, or lean-tos will be presented here shortly. In general, the applicant has constructed a garage and lean-tos approximate 2800 sq ft which is 617 sq ft larger than the house. After the garage was constructed with 2130 sq ft which is 103 sq ft smaller than the house. The applicant constructed lean-tos with footers that increased the area of the garage to the 2850 sq ft creating the violation. Before you are the location of the site with the character of the surrounding area which is predominantly single-family residential homes. On the screen here is the site plan showing that there are two homes located on the property. Pointing now to the screen showing the location of the larger home and there is a smaller home to the rear and to the east of the house there is the garage and here are the two lean-tos. One facing to the west and one facing to the south. The surrounding area is generally zoned R 15. The property itself, the subject site is zoned A1. The soil within that site has some hydric inclusion conditions, meaning there's potential for hydric or wet soils. The site is located in the south-central land use plan area showing that low density residential type uses are allowed. This is a picture of the entrance to the site from the south looking to the north, the east views, the viewed across the street view looking to the west along Tom Starling Road. Now these are pictures from the subject site. This is the garage with the two lean-tos constructed. Then this is another angle and that is the completion of the photos. At this time, I would ask our code enforcement manager, Mr. Scott

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Walters, to present evidence of the permitting history related to the garage and the lean too. So, Scott, if you can introduce yourself and give your testimony.

SCOTT WALTERS: Scott Walters, can you hear me? I'm the Code Enforcement manager.

CHAIR PARKS: Talk up just a little bit more, please.

SCOTT WALTERS: Can you hear me better now?

CHAIR PARKS: Thanks.

SCOTT WALTERS: Okay, so I'm going to give a basic overview of the permit process and then what steps we took after that. The permit was applied for on 10/8/21. Originally, it was applied for 30 X 71 storage building. A site plan was submitted with that. That site plan was rejected originally because it didn't have a stamp on it from our Environmental Health Department. So, a second site plan was submitted to us. That one was approved same size, setback wise, 20ft on the south side and the east side was the requirement. The site plan showed that they would meet. That one thing to mention. There are two houses on the property. As David mentioned before, the address for the permit was entered as small as two houses. I believe in conversation with the applicants, we determined they lived in the other house on the property, which is actually 1915, I believe. So, what we did was we used the square footage of the larger of the two houses to try to accommodate the size of the building that was being applied for. And that's what we went with. The size of the building or the house. The living area is 1593, and there are two additions to the house going off the tax records that we also use. One is an enclosed porch, and one is listed on here as a carport unfinished. Those square footages added to the living area of the home brought the total of 22 33. Size of the building, 30 X 71. 21 30. So, they were 103ft square feet to the good. Their accessory building would have been 103 sqft. Smaller than their primary structure. That is what we permitted. The permit was issued on 1018 21. 1st inspection was completed, and it was a footing inspection by the building Inspector. On February 22, our zoning officer went out there to do a zoning inspection, and on that inspection, he had some questions, and he also seen that in the pictures that you've seen, these lean-to's were also in the building making the building larger than what we permitted originally. So that inspection did take place on February 22, 2022. At that point, we put a hold on the permit for no more inspections, and we made contact with the applicant, informed them of the issue or the problem. And we're here today, so we have not issued a notice of violation on this. My understanding from our staff is we're definitely going to work with the advocates and try to get this worked out before we went that route. I'm not sure when they applied for the variance, but I don't know if there were problems with applying and then having to wait a certain amount of time before you guys could actually hear the case. So, I don't know if that played into that or not, but my understanding is we held off on the violation until now, until the outcome this year. All right. Yes, sir.

CHAIR PARKS: When he applied for the permit, did he show you that he's putting lean-tos, like a little porch or covered area with the concrete out there?

SCOTT WALTERS: It is in the building plan, but the building plan itself has options to it. Basically, the building plan that was submitted to us, which is an engineered, sealed plan, was for a 30 X 26, I believe. But you could add to it making it bigger. It has options in it. But the site plan that was submitted was for a 30 X 71, and that's what was permitted. 30 X 71.

CHAIR PARKS: Yes, ma'am.

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Tracy Jackson
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MARVA LUCAS-MOORE: I have a question for you. Can we go back to the picture, the actual picture of the building structure itself. Thank you. So, the lean to, is that what you call it, the side structure? And then if that was to be removed.

SCOTT WALTERS: It would be back to the original size. That'd be perfect.

MARVA LUCAS-MOORE: It would be back if they could move.

CHAIR PARKS: One or two of them?

SCOTT WALTERS: Both.

MARVA LUCAS-MOORE: Okay.

SCOTT WALTERS: Our other concerns on the south side of the one sticking out at the back of the picture is that link to and we would have to have a survey or measure it basically to know for sure. But we're unsure whether that would meet the setback requirements along that. We don't know if the fence line, it runs that way and it runs a little bit of an angle is actually property line or not. So, the original building, as we approved it, would have met it or would meet it. We're not sure that with that lean too on it, it would meet it.

MARVA LUCAS-MOORE: So, if they removed it, then they wouldn't have to apply for variance. Is that correct?

SCOTT WALTERS: I'm sorry?

MARVA LUCAS MOORE: They wouldn't have to apply for a variance if...

SCOTT WALTERS: Well, I don't know that ma'am. I'm saying we're unsure at this point of where the property line is exactly. And I don't know. It may still meet it. We don't know that, or it may not meet it with that on there. So, we're pretty certain that the building itself, without that on there, is going to be that's why we approved it that way. But I can't tell you that with it on there that it actually meets that setback

MARVA LUCAS MOORE: Of course. And my next question is, would you all go back out to verify if the structure is over? Well, we know the lean-tos is out of requirement for what they applied for, but how will we find out how much further they are over? You said something about its a as survey.

SCOTT WALTERS: The only way we would know for sure it would have to be survey. Either that or the property line would have to be marked so that we would know that's where the property line is for sure. Again, our GIS system isn't accurate enough for us. We can guess what something is, but it's not accurate enough for us to say that's definitely what it is. If they had the property line marked, then we could obviously use that and measure from there to be certain. But outside of that, the only other way would be to have a surveyor show it to us as it was.

CHAIR PARKS: Was that never brought up to get done before you came to the variance?

SCOTT WALTERS: Say that again.

CHAIR PARKS: Was that not brought up to get done before you came for the variance to see if they met that setback? So that when we do one thing, we don't have to do another. You follow me?

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SCOTT WALTERS: Yeah. I don't know if that conversation happened after the facts or again, we originally permitted a 30 X 72 or 71, which is basically the main portion of the building. Once it was discovered that was outside of that dimension, then you stopped on it.

CHAIR PARKS: Can you show me the picture from the road again, please. Long driveway. This piece of property has got to be. How many acres is in that fence area?

SCOTT WALTERS: I believe it's two acres.

CHAIR PARKS: Does your other family live in the other house?

PRECIOUS BUCKNER: We rent that property out. So, we live in...my name is Precious Buckner.

Chair Parks swore in Precious Buckner.

PRECIOUS BUCKNER: Yes, sir. Okay, so there was actually something that was incorrect. We lived in the bigger house. That 1919 Tom Starling Road. That's where our family lives.

CHAIR PARKS: Yes ma'am.

PRECIOUS BUCKNER: The house behind us is 1915 Tom Starling Road. We actually rent that property out. So, two homes on one property that we own.

CHAIR PARKS: Nothing wrong with that. My question is, looking at this picture, you go down this road, is your property down there on the left? I'm a little confused. It looks like a fence is around your entire property.

PRECIOUS BUCKNER: Okay. No. So basically, the way our property is, there's a subdivision that surrounds our property. So, this is our house. The subdivision surrounds us. So that fence is multiple fences.

CHAIR PARKS: It's all around your property, correct?

PRECIOUS BUCKNER: Yes, sir.

CHAIR PARKS: Okay, I understand. And you went through the process to try it to get the permit. Whatnot, you just probably didn't think the lien tools were going to add to your thing.

PRECIOUS BUCKNER: Well, and there was one thing that wasn't added on there is when someone came out initially to do an inspection of the concrete, and we were informed that our concrete was too close to those back neighbors. So, we actually paid they didn't say anything about the size of the concrete or anything like that. So, they told us how far forward we needed to move the concrete or add additional concrete in order for it to meet the requirement. So, we paid money to get additional concrete poured, and then it was approved. So, the actual concrete pad space. That's why this whole thing is confusing, because they saw the pad. I mean, the concrete was there. It was initially not approved. Then it got approved, and then we went from there.

CHAIR PARKS: Yes, sir.

DAVID MOON: Mr. Chairman, can we swear her in if we're moving to the- is she sworn in? Okay, I just wanted to check.

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CHAIR PARKS: Yeah, I swore her in, but the question here is not setbacks. And whatnot the question here is that's bigger than the biggest house on the property, which is not. And we've gone through this situation how many times? Six, eight in the last three or four months. And we've always tried to help somebody work it out. I mean, we really have and I'm just trying to think of it. It doesn't look like your people around you see all that stuff. So, you're not deterrent to the neighborhood and you've got a big piece of property.

PREICOUS BUCKNER: But we actually got a letter signed from over a dozen neighbors to.

CHAIR PARKS: Yeah, I understand, but the rules are rules. Go ahead.

VICKI MULLINS: I have a question. Mr. Moon, can you go back to the picture of the lien, too. The roof that you have actually runs all the way to the top, right where the Ridge is. Is that one thing of metal? Yes, that is up there, because that would over. You can see it there. They ran it longer up to that Ridge crash up there. So that would be hard to take off.

PRECIOUS BUCKNER: It would be extremely difficult because it is one piece. It's not like the lien separated.

VICKI MULLINS: That's why I was looking at the picture.

CHAIR PARKS: To see you're going to say something. You're going to have to get up and swear in to.

Chair Parks swore in Joshua Buckner.

JOSHUA BUCKNER: Joshua Buckner. I'm Precious' husband. Okay, Joshua, a couple of things. If you just look at the picture, you can kind of see how it's all tied in together on that front. One especially so that's virtually impossible to remove. And also, I think something that we should be concerned with generally with the public and all is the aesthetics and how it looks. And I think most people would agree that if somehow you even could cut that off, just how it would look would just look like a box out there. And I believe that link helps make it look finished. Just something to consider.

MARVA LUCAS-MOORE: If at all possible, if we have to table this and make it easier for everyone. Have you all had a survey done on this property?

JOSHUA BUCKNER: No, ma'am, we have not.

MARVA LUCAS-MOORE: That might be the simplest way.

JOSHUA BUCKNER: So as far as these setback requirements, one thing I would like to say, Joel from Code Enforcement, he came out there and we measured, and we were over 26ft.

MARVA LUCAS-MOORE: 20Ft.

JOSHUA BUCKNER: We were over 26ft.

STACY LONG: From where to where from?

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JOSHUA BUCKNER: So, the closest portion of that lean to on the side. So that would be the closest portion would be on the back end. And that's from that back corner from where the lean to is all the way down.

JOSHUA BUCKNER: 26ft?

ROBERT DAVIS: You poured the concrete, so someone saw it. So, what was wrong

JOSHUA BUCKNER: Yes, sir. Correct. I can answer this question. So, there are the setback requirements then. That was an issue because it was. Too close to the back end.

JOSHUA BUCKNER: Now we moved everything.

ROBERT DAVIS: What part of the concrete was it? On the rear of the building,

JOSHUA BUCKNER: behind the building.

ROBERT DAVIS: So, in the original concrete poured on the side to the right, on the lengthy side, which was already pouring forward the first time.

JOSHUA BUCKNER: Okay. The concrete was not poured yet. However, the footers were dug, the rebar was put in. The Inspector came out, gave us the sticker to say Yay or nay the first time he said nay. It does not meet the setback requirements in the rear.

CHAIR PARKS: So, you have to move the footers from the back and Redig the whole thing.

JOSHUA BUCKNER: Redig whole thing. Correct, sir.

CHAIR PARKS: And part of the side

JOSHUA BUCKNER: and part of the side.

ROBERT DAVIS: So, you want to go far out that way?

JOSHUA BUCKNER: Negative, sir. If anything, the way that fences, the closer it comes to the front, it actually goes further away from the building. The footer was there. Correct, sir.

ROBERT DAVIS: No, no no, the lean to itself

CHAIR PARKS: Did you foundation on your stick existing building. Okay, first the footers.

JOSHUA BUCKNER: Yes, sir.

CHAIR PARKS: Okay.

CHAIR PARKS: Then you found out when you're getting ready for the concrete that it wasn't too close.

JOSHUA BUCKNER: Correct, sir.

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CHAIR PARKS: So, you move the footage, you just reduce the footage. This concrete around the outside was not part of that building at all. This is just four-inch concrete on dirt.

JOSHUA BUCKNER: Correct, sir. Yes, sir.

STACY LONG: Do you know what the square footage of that side lean-to?

JOSHUA BUCKNER: Twelve by 30.

STACY LONG: twelve by thirty

JOSHUA BUCKNER: Yes, sir. Both of them are the exact same size. They're both twelve X 30. The front one and the one to the roof.

STACY LONG: That's not. How much over would you be keeping the one?

JOSHUA BUCKNER: I would have to do the math on paper, sir.

CHAIR PARKS: I'm not sure we have the power to make a variance. No matter if the square footage is more or less or whatnot. That's what we have the power to do. We're judged, jury and everything

CHAIR PARKS: So, my personal opinion in this situation is that he doesn't deter for the neighborhood. He's done it very nicely. It all looks good. Nobody is raising any cane. About 100 sqft over and what not. That's just my personal opinion on this. And I know before we've had this come up five or six times, but the other ones were pretty belligerent and didn't get a permit and do all that. He's gone through all the process.

STACY LONG: Or it was the building was within the set.

CHAIR PARKS: Not just like he wouldn't have done that. They got all that right. I'm sure that the inspection Department says, don't put any lean-to go over the square footage. I'm sure that wasn't said. That's just my personal opinion. And I need some discussion from you all.

ROBERT DAVIS: There was some concern about that. You're not sure if it's far enough away...
Chair Parks We could make that as a contingency. But look how much land he's got to the right. If you want to split hairs, we can split hairs. If you want to look at its common sense. I know we have to go by the facts. I just don't think this is a belligerent situation where somebody's trying to you follow what I'm saying.

STACY LONG: They're trying to be responsible.

CHAIR PARKS: Mr. Attorney, am I correct?

ROBERT HASTY: Yes. At the end of the day, you. Motion is going to have to have. All the findings of fact, including based. On the evidence that the conditions are peculiar to the property, such as location, size of property.

CHAIR PARKS: Well, the finding of the facts show that he is in violation.

ROBERT DAVIS: The findings of the facts in section 8 exhibit. They cover the hardship

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DAVID MOON: If I could Mr. Chair, the Board of Adjustment would make a decision based on the findings of fact and testimony presented tonight on four criteria. One is the unnecessary hardship that would result from the strict application of the ordinance. Number two is there are conditions procured to the properties such as location, size or topography. Number three, the special circumstances are not the results of the actions of the applicant and number four is the request variance will be consistent with the spirit, purpose and intent of the ordinance such that public safety secured and substantial justice is achieved. Now, for each of those four criteria, the applicant did provide a written response, which is incorporated into the staff report that was presented to you. So, for the proceedings for tonight, the staff report is exhibit A. Exhibit B is the applicants written response to these four criteria.

CHAIR PARKS: Well, of course, the facts also tell that the square footage is bigger. And, you know, I don't know. We've not had a case were.

CHAIR PARKS: The other ones were just. He's done everything talk on it that he thought he needed to do to do the job. Yes, sir.

KENNETH TURNER: That front section, could that not be considered a porch as opposed to being included as part of the square footage building itself?

CHAIR PARKS: Good question.

PRECIOUS BUCKNER: And that's what we thought when we did, we thought that that was a porch. We didn't realize that this because if you look at the square feet of our house, it's 1500 sqft. We didn't think about that our patio would count towards square footage. And we weren't told that the garage can't be bigger than your house. Never told anything like that. And if you just look at just the building and just our house, the building is way bigger than our house if you take away the lean tos and take away our front porch. So, we attempted to do everything the right way and everything that has been asked of us, but this would be a significant financial cost. We were told we would either have to add an addition to our house that was 600 plus square feet or take down the lean tos, which would be impossible to just take them down. We have to replace the whole roof. We've already spent a lot of money to build the garage.

KENNETH TURNER: In the interest of getting this worked out. If that's considered the porch, then the only issue you're really dealing with is that property on the right. And then if you consider is there a door between the garage and that right side lean to?

JOSHUA BUCKNER: Yes, sir.

KENNETH TURNER: Couldn't we put up a couple of posts right beside that and that now becomes a separate item. And as such, it no longer counts towards the.

CHAIR PARKS: Good point. You're talking about detaching it and moving out.

KENNETH TURNER: No, I'm not talking about detaching it. You have a covered walkway between two buildings, between two structures.

CHAIR PARKS: Right.

KENNETH TURNER: Okay. Now you see what I'm saying, right?

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CHAIR PARKS: Good point. But how do we handle that? I don't know the stipulation on that. And we need to put that in the variance.

KENNETH TURNER: Or you could table it, have them put a couple of posts up, take a picture that disappears.

CHAIR PARKS: I need your help here. You could be so kind. You follow what we're trying to do here?

SCOTT WALTERS: I think we're getting off base here. So, what we need to understand is the footprint of one building versus the footprint of the other building is really what we're looking at. We're going off what the tax record says for the size of these existing structures or homes that are on the property. If there's evidence other than that, it shows us that it's bigger, then we would consider that, obviously. But what we have to go off of is what the tax record has. If you connect these things together, which they could do, if they chose to do that, then it would just be an addition onto their house and there would be no need for variance at all as long as it was meeting the setback requirements for the district. Again, I don't know that that's the best option, but that's definitely an option they could take. But the lean to, as we're calling it, the sections that are coming off are counted as footage because that's part of the footprint of that building. So, it counts against porch or not. Open or not, doesn't matter. They added the same thing to their house that would increase the footprint of their house. So, it's the same for same

CHAIR PARKS: You're telling me when I get a square footage of a house that it does. If my house says it's 33,000, I've got a 40-foot porch. It includes that porch.

SCOTT WALTERS: You would count any unheated area to include a covered porch, because when we're looking at setback requirements, anything with a roof structure on it attached to the house is counted. So, we're looking at that as square footage. And again, we do our best to inform people as best we can about the requirements along with what counts and what doesn't. So that's why we use what we believe was the biggest building on the property. And maybe we're wrong based on the tax records, I don't know. But we use as much square footage as we can gather from that, because I don't know what this incomplete carport is. Basically, what the tax office has it listed as or unfinished carport. I don't know what that means. It's a tax Department term, but we're assuming there's a carport on that building. It's attached to it that house, and we use that square footage to add up for the house in an effort to let them build as big as building as they could on the property without going over the total square footage.

CHAIR PARKS: Did the plan that you approve have the overhangs

SCOTT WALTERS: it does have it on there. Like I stated that plan wasn't specific to this building because the plan on the plan, it was for a building that was 30 X 26. Obviously, this building is 30 X 71, which is not 30 X 26. But because the plans have options, to them, it's in the plan. So, it's an option.

CHAIR PARKS: Did you all ask what options you all were taking before you all approved?

SCOTT WALTERS: I don't know, sir. The only thing I can tell you for sure is we would obviously inform them that they can't go over the square footage of their house as anybody coming to do an accessory structure. We talked to them. The square footage of the two structures. One has to be subordinate in the area, which is the way it reads in the ordinance to the primary use or structure on the property.

STACY LONG: That's pretty confusing.

SCOTT WALTERS: If we see it as it gets submitted to us and it's larger than that, then we're definitely going to reject it at that point and say it has to be smaller because this is the information we had to go.

Amy H. Cannon
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CHAIR PARKS: Okay. Can I ask you another question, please?

JOSHUA BUCKNER: Yes, sir.

CHAIR PARKS: Did you do all the work yourself? Do you have a general contract or somebody that helped you?

JOSHUA BUCKNER: So, I had one individual for the footers in concrete, and then the building, which is where the planes from, it was Carolina they put up the building, sir.

CHAIR PARKS: So, you got that thing, and you took it to the inspection office, and you showed them what you were going to build. Were you your own general contractor and did the permitting?

JOSHUA BUCKNER: Yes, sir.

CHAIR PARKS: Okay. And you went you took it to them, and you showed them what you were going to do, and you left them the plans that you were doing that structure. And did you show the overhangs of the porches?

JOSHUA BUCKNER: No, sir. All I did as far as the plans, because you do everything on the computer, right. I just submitted those plans on the computer because I was trying to contact the people that were building the billing, and that's what they had sent me, and that's what I had sent them and uploaded to the site. So, there was never a discussion about whether I was putting lean toss on or not putting lean toss on. I was never informed, and I was never informed as far as the square footage could not be larger than your house. That was never something that was discussed with me or my wife, sir.

PRECIOUS BUCKNER: Because if we would have been told that we wanted the lean like we wanted the outside area to have that, because we have a camper, we have a truck to be able to pull it underneath. So, if we were told it can't be bigger than we would have made the actual garage smaller, we would have changed the plan because it hadn't been officially built yet.

CHAIR PARKS: I understand.

PRECIOUS BUCKNER: So, they could have finagled it in the factory, but we were never told.

CHAIR PARKS: I understand.

PRECIOUS BUCKNER: And I don't know if this counts at all, but that rental property that she does utilize that garage. So, I don't know if both square feet count at all.

CHAIR PARKS: Okay. Thank you.

STACY LONG: Can't we just use the finding of facts?

ROBERT DAVIS: The city can appeal if they want What do y'all think?

VICKI MULLINS: I see the whole thing. The front can't just come off. I don't know if there's another way. You can see if it was off.

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DAVID MOON: Also, for the record, I left out from the exhibits the permit that they submitted for the structure. So, I will submit that to the clerk and we'll incorporate that into the record.

CHAIR PARKS: Can I see a picture? Can I see that from you?

DAVID MOON: You can.

CHAIR PARKS: Please. Yes.

KENNETH TURNER: Have you talked to the Carolina Company to find out how much it would cost if that had to come off of there?

JOSHUA BUCKNER: I haven't talked to them directly, sir, but I have talked to different contractors, and it range anywhere from \$2500 to \$4300.

KENNETH TURNER: That is that written in there? 22ft.

JOSHUA BUCKNER: So that was the original.

CHAIR PARKS: Okay.

CHAIR PARKS: What's the ruling and all that? How many feet is it from that fence? Does he need to be on the back step?

SCOTT WALTERS: It's 20ft on both of those sides.

CHAIR PARKS: 20ft.

DAVID MOON: That's the side yard setbacks

STACY LONG: The side setback was 35

SCOTT WALTERS: Just to be clear. The setbacks in the A one is 50 in the front and 20 on.

DAVID MOON: The side, 35 in the rear.

SCOTT WALTERS: Sorry, 50 in the rear, and then side yards are 20ft, 50 in the front, 50 in the front, and then 50 in the rear and 20 on the side. This is a flag lot, so it's a unique lot. And the way it comes back on the front half, where the lot meets the lot width requirement is where we start the front yard, because we can't start it. A lot isn't wide enough in the flag going back to it, it's only 20ft wide. But once you get back to the property and it opens up on that lot line, that's where we measure the 50ft from the way off of that, and then it goes up from that line to another line, as you can see, and we can change the picture. So, I can illustrate what I'm talking about for 39ft from there and off that line, we consider that a side yard setback. And on the opposite side orientation, the Eastern side, we consider that a side yard as well. So 20ft is what we're looking for.

CHAIR PARKS: Thank you, David. I want to try to make a motion to get the variance done, but I want Mr. Hasty to make sure that I do it properly. Finding the facts. I don't know how I should on the one that we're really concerned is the actual code of the square footage. So., I don't know. I'm lost for a way to present the situation, what we could do,

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we could table this and come back next month. That gives us time to think about how to make this correct motion. What do you think is Mr. Hasty?

ROBERT HASTY: Well, it's up to you. You're going to have to do it either now or then.

CHAIR PARKS: I understand that, but I don't want to discuss how to write a motion correctly here right now. I'd rather think about it and get all my facts in a row and present it properly.

ROBERT DAVIS: How far is that building from the house?

JOSHUA BUCKNER: From my house. I haven't measured

ROBERT DAVIS: 20 feet, 30 feet, 40 feet?

JOSHUA BUCKNER: If I guess, hundreds.

ROBERT DAVIS: Hundred feet?

JOSHUA BUCKNER: If i had to guess...

ROBERT DAVIS: Could it be separate? on the property?

CHAIR PARKS: A third house on the property?

ROBERT DAVIS: He's got 2 acres.

CHAIR PARKS: I don't know.

SCOTT WALTERS: That would create a whole new problem. There's not a group going on the site now. There are already two houses on the site. You need two acres per dwelling, unit or unit. There's already two on there. And so, they don't have enough acres to make that work either. But it would actually have to be a primary structure for us to

CHAIR PARKS: Never hurt anyhow. What you just said is you need two acres. Evidently that area is zoned that you need two acres.

SCOTT WALTERS: For just one house.

SCOTT WALTERS: Yes.

SCOTT WALTERS: So, it has to be four acres to have two. If you had three, you'd have to be at 60s.

STACY LONG: How did they build two houses?

SCOTT WALTERS: The houses were built in the, so it was probably done before zoning took effect on the property.

STACY LONG: I have another question. Should it be a weird one? Unless the city is going to appeal this, we have to have really good finding a fact for the next court. If there's an appeal up to a higher court. But if the city's not

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going to appeal this, or maybe they would if the city decides they're not going to appeal this, if we approve this, why can't we just take their finding effect?

CHAIR PARKS: Just for clarity, when you're saying city, are you referring to the county?

ROBERT HASTY: Oh, county. I'm sorry, you can do that. But you really shouldn't base it on that. You need to base your motion on the evidence you heard. And if the findings of facts have been met, incorporate those into your motion.

STACY LONG: Can we put in the B? Because it seems like that's where we're getting stuck is to be that the hardship doesn't result from what they did. But it seems to me there's another factor in here that the county there wasn't really good communication to me between the county and those folks that tried to do everything that they thought was right and good by the book.

CHAIR PARKS: Well, we don't know that, and we don't know what was said. What wasn't said, we can't find out. I think at this point we table it till next month and I'm going to think about it the way that I hope that we can write the motion, that it will pass, and it won't hold you all up or anything on using it or whatever. So that's my idea. But I can't make a motion. You all have to do that.

VICKI MULLINS: I make a motion that we table until next month and to get our finding effects on how to word it to present at the next meeting.

CHAIR PARKS: Correct. Okay. All in favor of motion? All right.

STACY LONG: seconded

Ms. Mullins made a motion table the case until next month to properly draft the approval, seconded by Mr. Long. The motion passed unanimously.

	IN FAVOR
PARKS	YES
AMOS	YES
LUCAS-MOORE	YES
DAVIS	YES
MULLINS	YES

DAVID MOON: The hearing is being continued and for the record, June 23, 6 pm.

CHAIR PARKS: Okay. That's fine. All right. Hey, David, who do we got next?

DAVID MOON: Next on the agenda is the nomination selection of a vice chair for the board position has been vacant for some time. The position has to be a regular member.

PRECIOUS BUCKNER: Can you say that date one more time?

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DAVID MOON: That would be Thursday, June 23. Let me get this right. One, too. I stand corrected. The third Thursday of the month is the 16th, so it's June 16. Good thing you asked. June 16 is third Thursday.

MARVA LUCAS-MOORE: It's the 16th.

CHAIR PARKS: June 16 at 06:00 P.m.

PRECIOUS BUCKNER: Thank you, everybody.

JOSHUA BUCKNER: Thank you for your time.

CHAIR PARKS: Okay, go ahead. David, I'm sorry. The next thing was about vice chairman.

DAVID MOON: Vice chair nomination and selection.

CHAIR PARKS: Thank you all very much. I appreciate it. Hold on one question.

ROBERT DAVIS: You said as long as there was a top on it. Right.

KENNETH TURNER: What he's asking you? If we didn't have a top on those two

SCOTT WALTERS: I would assume if there was not a roof structure there, then we would not count it. But I don't know that that's aesthetically the way to go.

CHAIR PARKS: And listen, don't get us wrong, we're not trying to handle that situation that way. We're just trying our best to make it work when we can. And we appreciate all your input.

SCOTT WALTERS: Thank you. No problem. I appreciate it.

VICKI MULLINS: Thank you.

CHAIR PARKS: Well, then you get the case where you get not alluded. We will all get together, and we will talk about this, and we'll have the decision next month. David, you said about electing vice chairmanship, vice chair talked about that, and we are going to put that off until the next month for us to discuss the situation.

DAVID MOON: Vice chair.

CHAIR PARKS: That's correct.

DAVID MOON: Okay. And did you want to do the same for the recommended candidate for alternate Board membership?

CHAIR PARKS: Absolutely.

MARVA LUCAS-MOORE: How many do we have to pick?

VICKI MULLINS: Three.

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DAVID MOON: There's three vacant positions as alternates. You can recommend as many as you would like. You could recommend 1,2,3,4, but the recommendation would go to the Board of County Commissioners, and they would consider those recommendations for the decision to fill the vacant position.

STACY LONG: And we need how many perform on the board here?

DAVID MOON: Five.

STACY LONG: That's it.

DAVID MOON: Just five.

DAVID MOON: But the alternates are important because the situation, such as the variances, Mr. Hasty can tell you, is you have to have 80% vote. It has to be four out of five, or we only have four members, and it basically has to be all four members to pass a motion. So that's why it's important to have alternates. So, if a regular member can't attend, an alternate can fill in.

CHAIR PARKS: I thought Ken was a regular member, but you're an alternate right now. Would you all pass that around and write your name down and a phone number where I can reach you in your email, please.

DAVID MOON: Since we're on that discussion of membership, I just wanted to go over each of your status on the board. So, you're aware of your tenure, Mr. Davis, you're in your first term and you serve two terms. Your terms expire on August 31, 2024. Linda Amos expires on June 30, 2022. I already spoke with her, and she agreed to continue if we appointed by the Board of County Commissioners. So, Linda, this month your name will go before the border county commissioners for reappointment for request or reconsider for reappointment. Marva, your first term expires September 2022. So, I'll be asking you sometime here shortly whether you want to be considered for reappointment. Vicky, your term expires, your first term in October of 2022. You're in your second term. So, we would have to find a new alternate to fill his position. And then we have Mr. Turner he was recently appointed he's in his first term which goes to August of 2024. So, I present this information because some of you I'll be approaching you to find out if you want to pursue reappointment so I would have to ask.

KENNETH TURNER: To be reappointed as an alternative well.

DAVID MOON: The board would ask that question they were going to reappoint you they might ask well; does he want to be reappointed so we want to have a response I can give you that information I can give you a copy of this.

VICKI MULLINS: Year off, now I'm back. So how does that work is this considered a new term and just continue on?

DAVID MOON: Considered a this is a new term, so you have a gap between your terms so yes.

CHAIR PARKS: You're doing a good job well; I appreciate everybody coming out and doing this. This takes time and we try to do the right thing out here, but we need to do it legally correct on this kind of case. We run into these cases six or eight times. It is what it is. I do appreciate you all coming and doing that, and I do appreciate you all electing me chairman. I hate to step down. I'm just kidding

DAVID MOON: We are on the record okay do.

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CHAIR PARKS: I have any other discussion or anything everybody wants to talk about? That it? Yes, Sir. If not, then I adjourn. Is there a motion, do I need a motion?

ROBERT HASTY: Technically

VICKI MULLINS: Seconded.

Mr. Parks made a motion to adjourn the meeting, seconded by Ms. Mullins. The motion passed unanimously.

	IN FAVOR
PARKS	YES
AMOS	YES
LUCAS-MOORE	YES
DAVIS	YES
MULLINS	YES

10. DISCUSSION/UPDATE(S)

DAVID MOON: We still, in the near future, need to vote to select a Vice Chairman. So, the next time the BOA meets we'll include that in part of the discussion and hopefully action.

ROBERT DAVIS: Did we get a vote to adjourn the meeting?

DAVID MOON: We closed the meeting, and I didn't include that in the agenda.

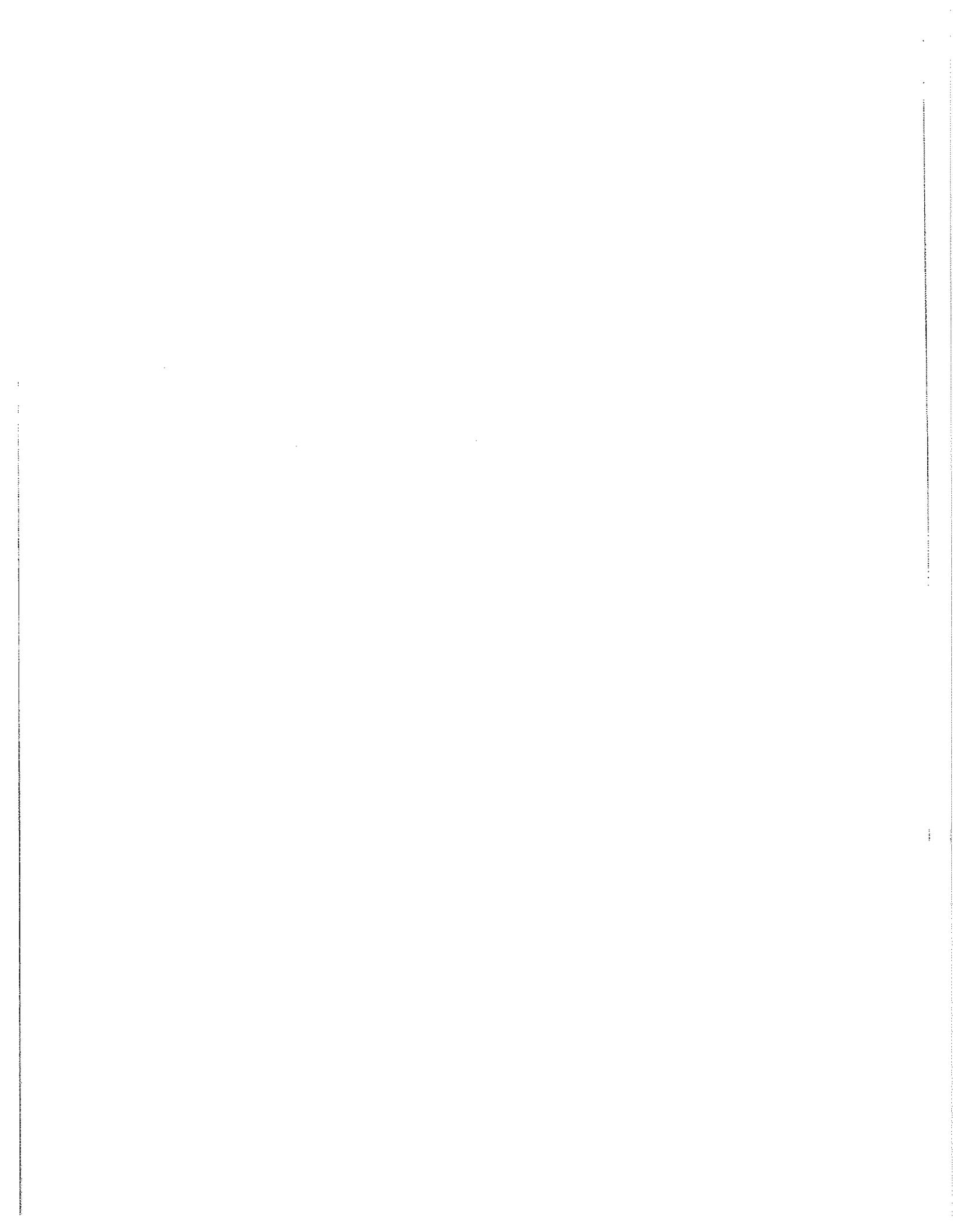
CHAIR PARKS: We didn't get a vote for adjournment.

Robert Davis was nominated for Vice Chairman. It will be voted upon at the next meeting.

Meeting adjourned at 7:10 pm.

Greg Parks, Chairman

Alyssa Garcia, Senior Admin. Support Spec.



EXPLANATION OF THE REQUEST Variance—Accessory Building in Setback & Fence in Setback

Property owner requests the BOA grant a variance from section 1002.E, for shed setback 23 feet from property line of corner yard (minimum 30 feet for corner lot); and a variance from section 1102.C, requesting 19 feet from corner lot setback (1 foot encroachment) for fence. The owner's residential lot is located at 3625 Camden Road Ext. and as shown on Exhibit "A".

Owner has an 11 ft. x 24 ft. storage shed positioned next to the existing fence on the right side of the home and property. Being a corner lot, and the home is subject to R7.5 setback standards, the front yard setback is 30 feet from the R/W line. The shed is 7 feet inside the 30-foot setback requirement, requiring a variance to reduce the setback from 30 feet to 23 feet. Property owner also wants to install a wooden fence on the same side of the property as the shed, which would encroach the setbacks again. Solid fences and walls shall be limited to three feet in height when projecting into or enclosing a minimum front yard. When a corner lot follows two front yard setbacks, as determined by the Coordinator, a solid fence or wall greater than three feet in height, but not exceeding seven feet in height, may not be erected within 20 feet of the right-of-way on the street deemed the secondary front yard by the Coordinator. The sketch plan appearing in Exhibit "B" (attached) illustrates the locations within the lot where the setback variances are requested.

- Exhibits**
- A. Site Location/Zoning
 - B. Site Plan (attached)
 - C. Existing and Surrounding Uses
 - D. Soils and Utilities
 - E. Future Land Use Map
 - F. Applicable Codes (attached)
 - G. Applicant's Response
- Attachment: mailing list
variance application

PROPERTY INFORMATION

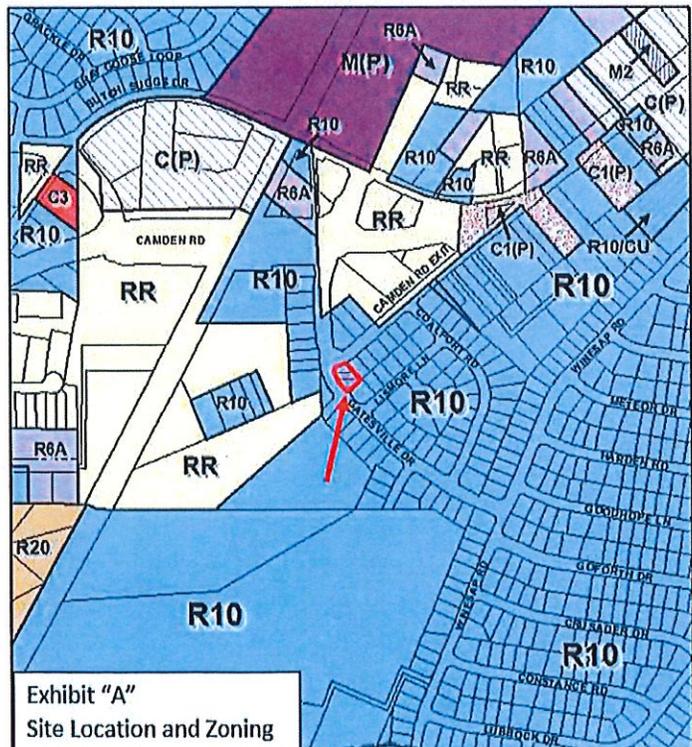
OWNER/APPLICANT: Roger & Sarah Larson

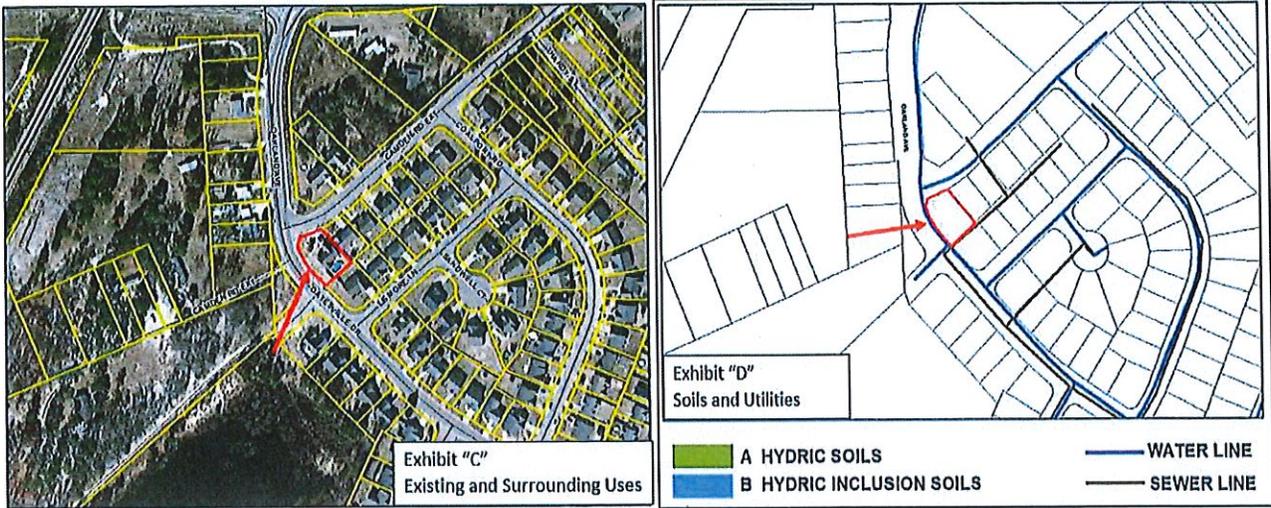
ADDRESS/LOCATION: Located 3625 Camden Road EXT. Refer to Exhibit "A", Site Location.

REID number: 0415938629000

SIZE: 0.23 +/- acres. The lot has approximately 68 +/- feet of street frontage along Camden Road EXT, and 129 +/- feet along Oakland Ave.

EXISTING ZONING: The zoning map for Cumberland County, as shown in Exhibit "A" indicates that the subject site is assigned to R10 Residential zoning district. R10 is a dormant district and refers to R7.5. This district is designed primarily for single-family dwellings on lots with a lot of area of 7,500 square feet or above.





EXISTING LAND USE: The parcel is occupied by a single-family home. Refer to Exhibit "B" Site Plan (attached) and Exhibit "C" for existing use of the subject site.

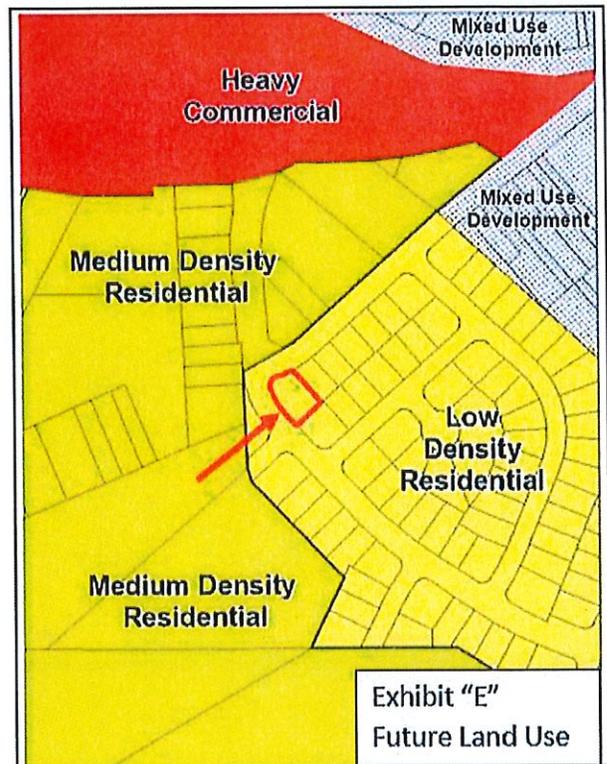
SURROUNDING LAND USE: An aerial photograph appears in Exhibit "C", illustrating the following character of the surrounding properties are single-family homes within the Legion Hills neighborhood.

OTHER SITE CHARACTERISTICS: The property is not located within a 100-Year Flood Zone nor situated within a watershed. There are no hydric and hydric inclusion soils present, as shown in Exhibit "D".

MINIMUM YARD SETBACKS: For the R7.5 zoning district, the minimum yard setbacks are –

- Front- 30 feet
- Rear- 35 feet
- Side- 10 feet (One story); 15 feet (two story)

COMPREHENSIVE PLANS: This property is located within the Southwest Cumberland Land Use Plan. The future land use classification of the property is Low Density Residential, as shown in Exhibit "E".



IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

TRAFFIC: The subject parcel sits on Camden Rd Ext. which is a local road in the Metropolitan Transportation Plan. There are no roadway construction improvement projects planned for State Road and the subject property will have no significant impact on the Transportation Improvement Program. In addition, there is no 2020 AADT listed for Camden Rd Ext. However, this road is an extension of the main Camden Rd and Camden Rd's 2020 AADT is 13,000 and the road capacity for Camden Rd is 38,100. Due to the lack of data and the small scale, the new zoning request does not demand a trip generation. The new adjustment should not generate enough traffic to significantly impact Camden Road Ext.

UTILITIES: PWC water and sewer utilities are available. It is the applicant's responsibility to determine if these utilities will adequately serve their development.

SPECIAL DISTRICTS: The subject property is not located within five miles of Fort Bragg Military base. The subject site is near the Fayetteville Regional Airport Overlay District, but not located within.

APPLICABLE CODES

Section 203, Definition of Specific Terms, Variance. (Exhibit "F")
Section 1002: Incidental Uses Paragraph E, Accessory Structures (Exhibit "F")
Section 1102 Yard Regulations Paragraph C, Fences and Walls (Exhibit "F")
Section 1605, Variance, County Zoning Ordinance (Exhibit "F")

SITE PLAN

A plan illustrating the home with the proposed fence and shed is shown in Exhibit "B". A survey of the property was not submitted with the variance application.

FINDINGS OF FACT

Criteria that must be addressed for evaluation of a variance application originate from Section 1605 of the Zoning Code and are listed below.

1. Unnecessary hardship would result from the strict application of the ordinance.
2. There are conditions peculiar to the property, such as location, size, or topography.
3. The special circumstances are not the result of the actions of the applicant.
4. The requested variance will be consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

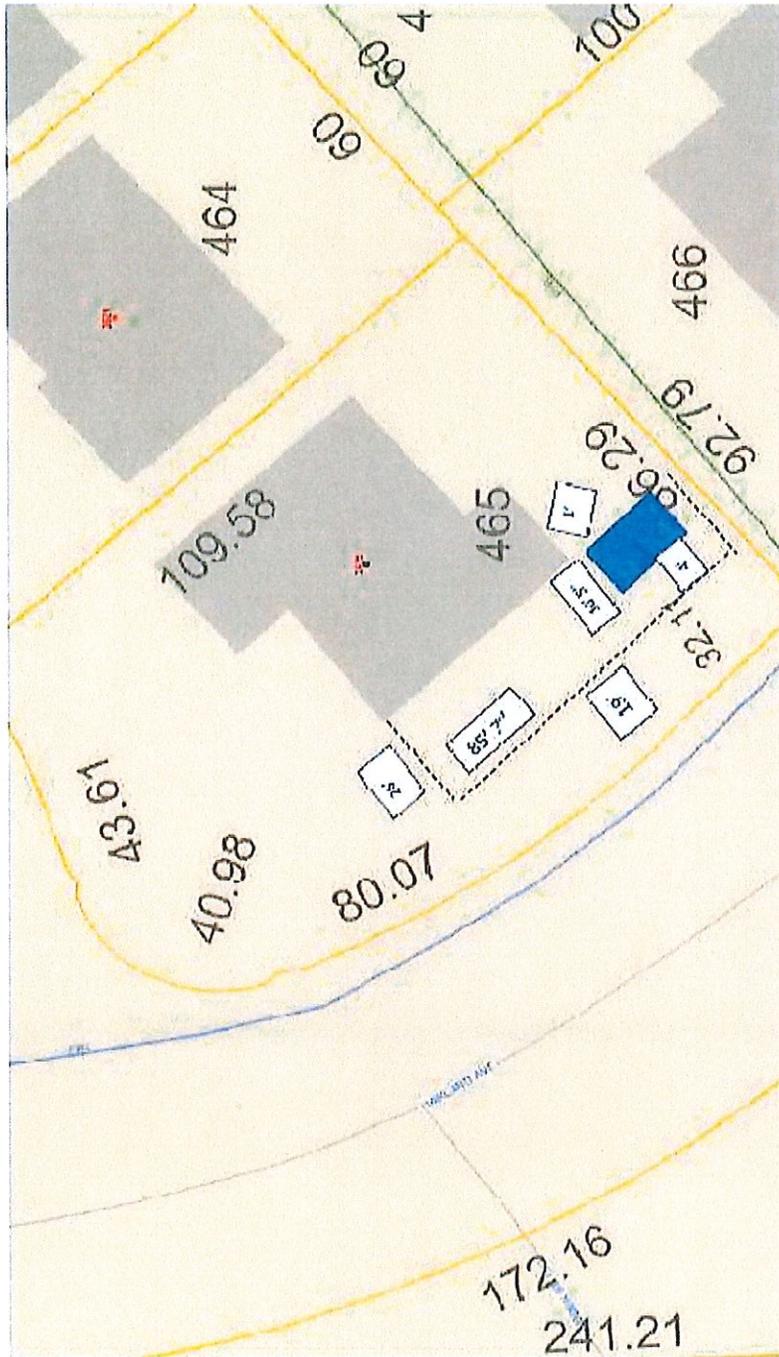
Applicant's response to each of these criteria are provided within Exhibit "G."

MOTION

The BOA is requested to take action/motion based on the four findings of fact for the variance request from Section 1002. E and a variance from Section 1102. C, in the County Zoning Ordinance. The action is final, and the BOA has the authority to approve, deny, or approve with conditions.

EXHIBIT "B"
Site Plan

3625 Camden Road Ext., Hope Mills, NC 28348



Building Size: 11 ft x 24 ft
Fence: -----
Fence would be 19' from the road, 85' 7" long and run 26' away from our home.

Exhibit "F"
Applicable Zoning Codes

SECTION 203. DEFINITIONS OF SPECIFIC TERMS AND WORDS.

Variance: A variance is a relaxation of the terms of this ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. (Section 1605)

SECTION 1002. INCIDENTAL USES.

A. Accessory Structures. The following provisions apply to all accessory structures:

1. Accessory structures shall not be rented or inhabited by other than employees performing services on the premises of the owner, lessee, or tenant of the premises.
2. Accessory buildings not intended to be used for living quarters shall not be constructed upon a lot until the construction of the principal building has commenced.
3. Manufactured homes intended for residential occupancy shall not be classified as accessory or used as a storage structure.
4. Accessory structures shall not be erected in any required front or side yard or within 20 feet of any side street line, or within five feet of any lot line not a street line, or within five feet of any accessory building or other building. In no case, however, shall an accessory building be placed closer to a street than the minimum setback requirements for a principal structure. Any accessory structure greater than 700 square feet in floor area must be located inside the building envelope.

SECTION 1102: YARD REGULATION

C. **Fences and Walls.** The setback requirements of this ordinance shall not apply to any retaining wall. Open fences and walls may be erected to any height. Solid fences and walls shall be limited to three feet in height when projecting into or enclosing a minimum front yard and shall be limited to seven feet in height when projecting into or enclosing a minimum side and/or rear yard. When a corner lot follows two front yard setbacks, as determined by the Coordinator, a solid fence or wall greater than three feet in height, but not exceeding seven feet in height, may not be erected within 20 feet of the right-of-way on the street deemed the secondary front yard by the Coordinator. The street on which the house is addressed is usually considered the primary street on which the house must follow the full front yard setback unless otherwise determined by the Coordinator. Exceptions to location criteria are as follows:

1. Fences or walls that are within or enclose the minimum side and/or rear yard of a subdivision lot which is situated on a peripheral boundary of a subdivision in which it is a part;
2. Rear yards on through lots may have a privacy fence erected up to the rear

property line, as determined by a platted "no access easement" or up to 20 feet from that line in the absence of a "no access easement";

3. Fences erected in conjunction with a buffer, as required by sub-section G, "Buffer Requirements" below, shall be set back a sufficient width from the property line to allow for the proper maintenance and upkeep of the vegetative buffer; and

4. When a principal structure is permitted closer than 25 feet to a public right-of-way line, the fence or wall will be permitted no closer to the road right-of-way than the permitted location of the principal structure.

SECTION 1605. VARIANCE.

When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the Board of Adjustment shall vary any of the provisions of the zoning regulation upon a showing of all of the following:

A. Unnecessary hardship would result from the strict application of the regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

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

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

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

Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any variance granted becomes null and void if not exercised within the time specified in such approvals, or if no date is specified, within one calendar year from the date of such approval. No change in permitted uses may be authorized by a variance. The Board of Adjustment is also not authorized to grant variances to any use approved in a Conditional Zoning district or to the specific conditions or other performance criteria imposed upon such use. If the board denies a variance request, the board shall enter the reason for its action in the minutes of the meeting at which the action is taken. In the event of a denial, the Board of Adjustment shall not consider resubmission of the application for the same variance request on the same property without a substantial material change concerning the property and the application.

EXHIBIT "G"
Applicant's Response

LARSON

3625 Camden Road Ext.; Hope Mills, NC 28348
910-574-0331

We are applying for a variance to add a fence and be able to keep our building. We are zoned R10 and on a corner lot. Unfortunately, we were told that we did not need a permit when our building was purchased and since it wasn't close to the road, we didn't know we were doing anything wrong. We hired a licensed contractor to install a fence around the area that we previously considered our side yard (again we didn't know any difference and thought we were "okay"); the work on that fence is currently on hold. We are applying for a variance to allow us to keep our building in its current location (we are unable to move it into our back yard to comply with the R10 zoning due to our pool). We would like to then have the contractor to complete the fence to enclose the building and expand our back yard.

The building (11 ft x 24 ft is currently positioned next to our existing fence (1 ft from the corner of our home). The fence would then run 26 ft from the front corner of our home into what we previously referred to as our side yard (we now know that because we have a corner lot, we are considered to have two front yards). The fence then would run 85 ft and 7 inches from that front corner to the other side of the building. This would then enclose the area around the building in (there would still be 4 ft between the building and the fence. The fence would be 19 ft from the road.

We would like to apologize for our failure to clearly understand the zoning requirements. We thought that we had done all the right things by asking about a permit when we purchased the building and again when hiring the contractor to install the fence.

We will endure unnecessary hardship if the strict application of the R10 zoning ordinance is applied, and our variance application is denied. We just purchased the building in the fall of 2021 and would have no where to move the building because there was already a pool in the backyard when we purchased our home in 2006.

There are conditions peculiar to the property, we are on a corner lot in an area that has changed drastically since we purchased our home in 2006. The Camden Road and Camden Road Ext. intersection was closed and the new entrance to the neighborhood became Oakland Dr. (Oakland Drive changes into Gatesville right at our house). When closing the intersection and expanding Oakland to Camden a portion of our neighbor's yard was "taken" and it caused our home to sit more at a curve at the entrance to the neighborhood.

While it may initially appear that we ignored the R10 ordinance, we can honestly say that we didn't know any different than what we were told by the professionals that we trusted to advise us regarding the placement of the building and the fence. The fence in our desired location is 19 ft from the road and we thought that was more than enough. Our contractor ensured us that he had obtained the appropriate permit the day he started installing the fence. Immediately upon receiving the violation notice we contacted the contractor and he assured us it was a mistake and that he would fix the situation in the morning. When calling the very next morning we learned of the magnitude of our actions and violation we again contacted our contractor to explain to him there was no permit and that he would need to cease work on the fence. We were told he would come by that day and pickup the materials and wait to hear from us after our application for a variance was heard. The materials are still laying in our yard...

LARSON

3625 Camden Road Ext.; Hope Mills, NC 28348
910-574-0331

In driving through our neighborhood, we see several different homes that are on corner lots, have fences, and buildings positioned very similar to how we are requesting for our variance. There are even some homes that have their buildings and fences much closer to the road than what we are requesting. We believe the granting of our variance request would be consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved. Our fence would still be 19 ft from the road. The fence would help to ensure that our children have a safe area in our backyard to play in and the building would be secured.

We appreciate your time and consideration.

Roger and Sarah Larson

ATTACHMENT: MAILING LIST

TASAPORN BARRETT
JASON BARRETT
3620 LISMORE LN
HOPE MILLS, NC 28348

JIMMY HORTON
3755 CAMDEN ROAD EXT
FAYETTEVILLE, NC 28306

DEVON FORD JR
1047 GATESVILLE DRIVE
HOPE MILLS, NC 28348

DOROTHY D THOMPSON
RICHARD L THOMPSON
3624 LISMORE LN
HOPE MILLS, NC 28348

SHARON ANN JACKSON
3640 OAKLAND AVE
FAYETTEVILLE, NC 28306

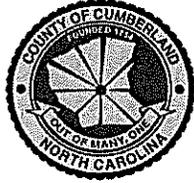
BROADWELL LAND CO
PO BOX 53587
FAYETTEVILLE, NC 28305

CARRIE DACOSTA
ADRIANO R DACOSTA
3621 CAMDEN ROAD EXT
HOPE MILLS, NC 28348

STEVEN R CARNES
18417 MOUNT CHERIE CIR
FOUNTAIN VALLEY, CA 92708

SARAH DALTON LARSON
ROGER MORRIS LARSON II
3625 CAMDEN ROAD EXT
HOPE MILLS, NC 28348

ATTACHMENT: APPLICATION



County of Cumberland
—◆—
BOARD OF ADJUSTMENT

CASE #: _____

CUMBERLAND COUNTY BOA
MEETING DATE: _____

DATE APPLICATION
SUBMITTED: _____

RECEIPT #: _____

RECEIVED BY: _____

**APPLICATION FOR
VARIANCE REQUEST**

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

The Board of Adjustment is a quasi-judicial review board and all persons wishing to appear before this Board should be prepared to give sworn testimony on relevant facts. Applicants for Variances are encouraged to read Section 1605 “Variance” of the Zoning Ordinance to establish whether or not their case merits further consideration by the board (see next page).

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

1. A copy of the recorded deed and/or plat, or an accurate written legal description of only the area to be considered;
2. A copy of a detailed site plan drawn to an engineer scale; and
3. Cash or check payable to “Cumberland County” in the amount of \$_____ (see attached Fee Schedule)

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

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

**EXCERPT FROM
THE CUMBERLAND COUNTY ZONING ORDINANCE**

(PENDING ADOPTION)

Section 1605 VARIANCE

The Board of Adjustment may authorize in specific cases such variances from the terms of this Ordinance upon request of a property owner or his authorized agent and may require any evidence necessary to make determination of the case. Before the board may grant any Variance, the board must find that all of the following conditions exist for an individual case:

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Any variance granted becomes null and void if not exercised within the time specified in such approvals, or if no date is specified, within one calendar year from the date of such approval. The Board of Adjustment is not authorized to grant variances to a Special Use Permit or to a Conditional Zoning Permit allowed in Conditional Zoning Districts or to the specific conditions or other performance criteria imposed upon such uses.

BOARD OF ADJUSTMENT

LOCATION OF PROPERTY: 3625 Camden Road Ext.; Hope Mills, NC 28348

OWNER: Roger and Sarah Larson

ADDRESS: 3625 Camden Road Ext. ZIP CODE: 28348

TELEPHONE: HOME 910-574-0331 WORK 910-475-3260

AGENT: n/a

ADDRESS: _____

TELEPHONE: HOME _____ WORK _____

E-MAIL: _____

**APPLICATION FOR A VARIANCE
As required by the Zoning Ordinance**

A. Parcel Identification Number (PIN #) of subject property: 0415-93-8629
(also known as Tax ID Number or Property Tax ID)

B. Acreage: .23 Frontage: 43.61 Depth: 115.8

C. Water Provider: Public Works Commission

D. Septage Provider: Public Works Commission

E. Deed Book 007399, Page(s) 551, Cumberland County

F. Existing and/or proposed use of property: Residential

G. Section and provision of the Zoning Ordinance or Code from which a Variance is requested: R10

H. Nature and extent of hardship involved in strict application of the Zoning Ordinance or Code: Please see attached.

STATEMENT OF ACKNOWLEDGMENT

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

- That although appearance before the board is not required, it is strongly encouraged;
- The board will hear any and all argument for and against this matter before them and such relevant facts will be given under sworn testimony;
- At the public hearing the board has the authority to 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 acknowledgment that the County Planning Staff has explained the application process and procedures regarding this request and the public hearing procedure stated above.

SIGNATURE OF OWNER(S) *Roger M. Hunt Sarah D. Larson*

PRINTED NAME OF OWNER(S) Roger and Sarah Larson

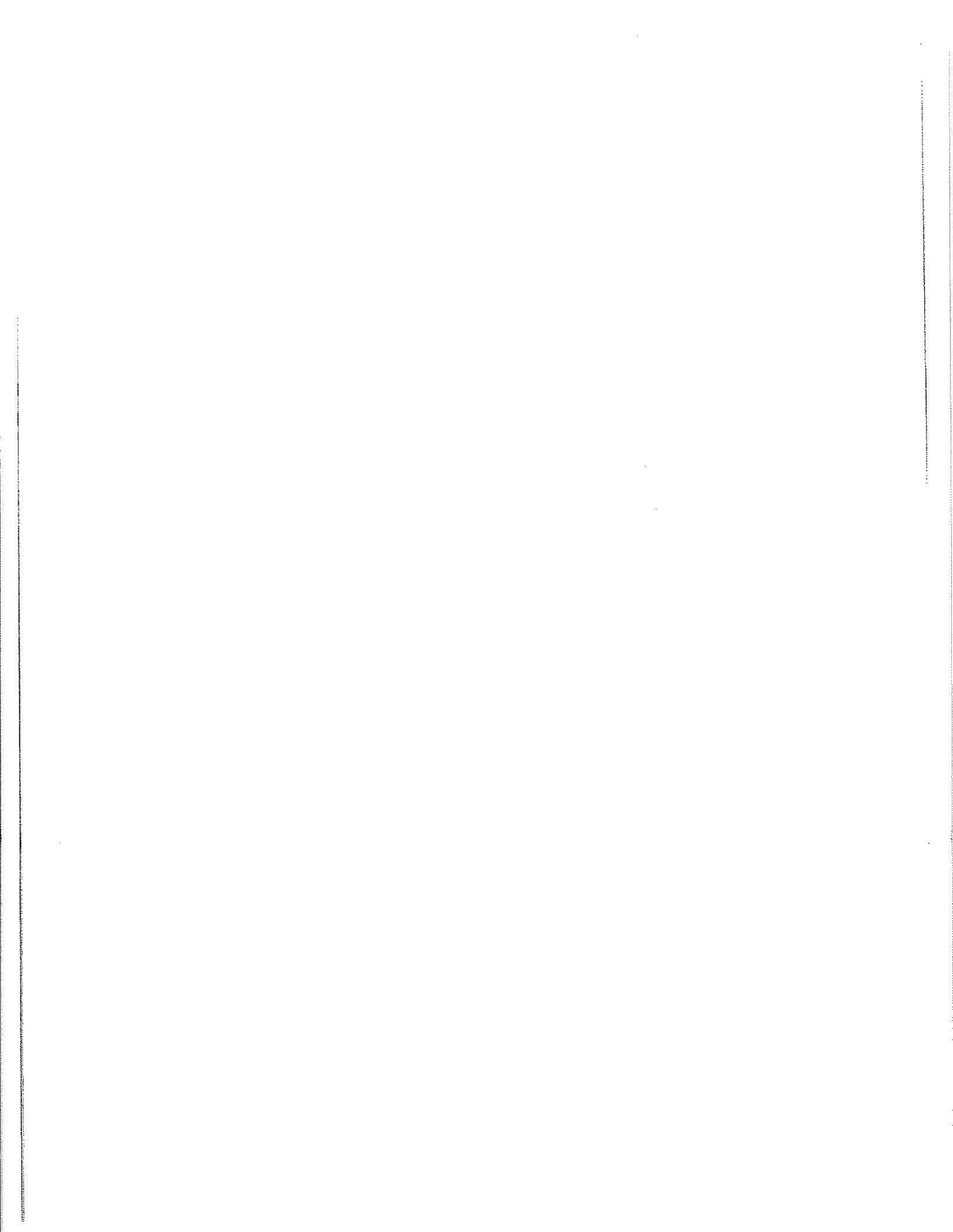
DATE _____

CUMBERLAND COUNTY BOARD OF ADJUSTMENT
FEE SCHEDULE

BOARD OF ADJUSTMENT

SPECIAL USE PERMIT
VARIANCE
WATERSHED
ADMINISTRATIVE REVIEW APPEALS
INTERPRETATIONS
NONCONFORMING USES

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



Location: 1919 Tom Starling Road
Jurisdiction: County-Unincorporated

EXPLANATION OF THE REQUEST

Variance—Accessory Building Larger Than Home

Property owner requests the BOA grant a variance from Section 203, Accessory Building, County Zoning Ordinance, to allow an accessory structure to be greater than the principal use located at 1919 Tom Starling Road (Exhibit "A"). Construction of the garage commenced before a building permit was issued. A site plan illustrating the approved plan is provided in Exhibit "B" (attached).

Owner constructed a 30' by 71' garage with lean-to's attached on two corners of the structure on a residential lot with two homes. The larger of the two homes is 2,233 sq.ft. The garage with the two attached lean-to's is 2,850 sq.ft., or 617 sq.ft. larger than the house. The garage without the two lean-to's is 2,130 sq.ft and is 103 sq. ft. smaller than the house, and thus consistent with the code. However, the addition of the two lean-to's to the garage creates the inconsistency with Section 203, Accessory Building, County Zoning Ordinance.

Exhibits

- A. Site Location/Zoning
- B. Site Plan (attached)
- C. Existing and Surrounding Uses
- D. Soils and Utilities
- E. Future Land Use Map
- F. Applicable Codes (attached)
- G. Applicant Submitted Image with Date
- H. Applicant's Response

Attachment: mailing list
variance application

PROPERTY INFORMATION

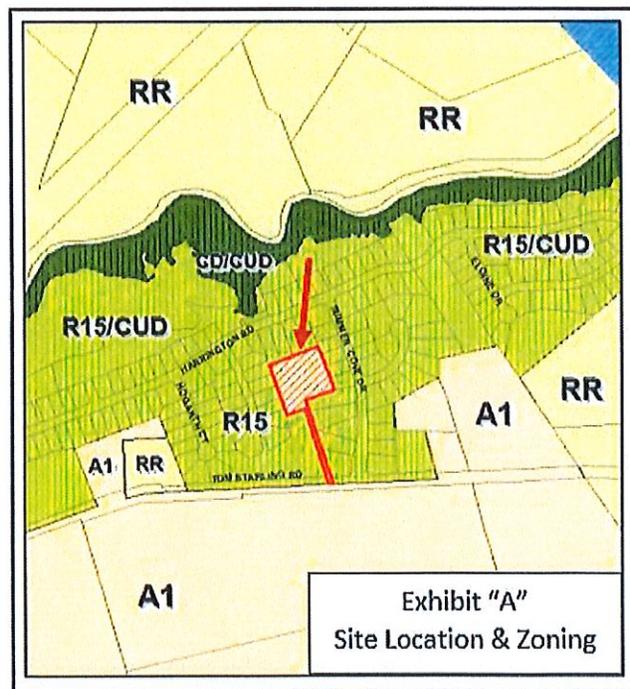
OWNER/APPLICANT: Joshua & Precious Buckner

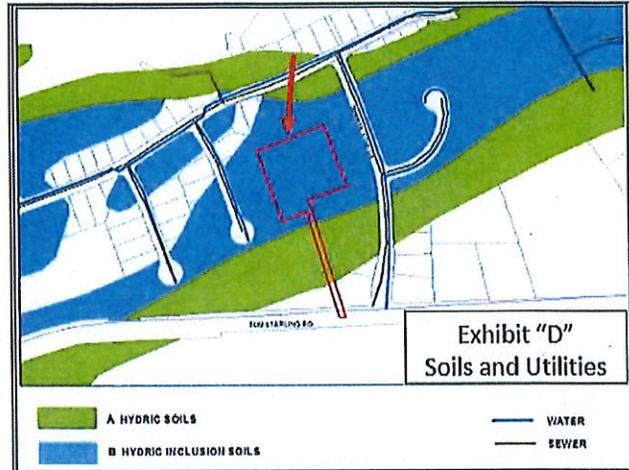
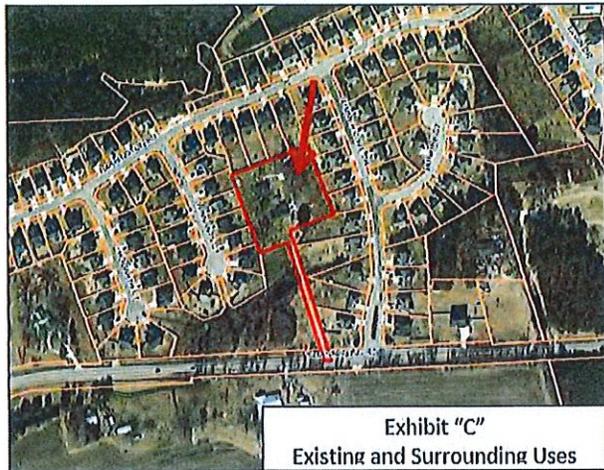
ADDRESS/LOCATION: Located 1919 Tom Starling Road. Refer to Exhibit "A", Site Location.

REID number: 0443373240000

SIZE: 2.00 +/- acres. The lot has approximately 21 +/- feet of street frontage along Tom Starling Road.

EXISTING ZONING: The zoning map for Cumberland County, as shown in Exhibit "A" indicates that the subject site is assigned to A1 Agricultural zoning district. This district is designed to promote and protect agricultural lands, including woodland, within the County. The general intent of the district is to permit all agricultural uses to exist free from most private urban development except for large lot, single-family development. Some public and/or semi-public uses as well as a limited list of convenient commercial uses are permitted to ensure essential services for the residents.





EXISTING LAND USE: The parcel is occupied by two single family homes, with the larger home of the two with a floor area of approximately 2,233 sq. ft. The second home has a floor area of 1,280 sq. ft. Refer to Exhibit "B" Site Plan (attached) and Exhibit "C" for existing use of the subject site.

SURROUNDING LAND USE: An aerial photograph appears in Exhibit "C", illustrating the following character of the surrounding properties are single-family homes within the Village at Rockfish neighborhood.

OTHER SITE CHARACTERISTICS: The property is not located within a 100-Year Flood Zone nor situated within a watershed. There are hydric and hydric inclusion soils present, as shown in Exhibit "D".

MINIMUM YARD SETBACKS: For the A1 zoning district, the minimum yard setbacks are –

- Front- 50 feet
- Rear- 20 feet
- Side- 35 feet

COMPREHENSIVE PLANS: The subject site is located in the South-Central Plan Area. The plan calls for Low Density Residential in this area, as shown in Exhibit "E".



IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

TRAFFIC: The subject property sits along Tom Starling Road and is identified as a major collector in the Metropolitan Transportation Plan. There are no roadway construction improvement projects planned and the subject property will have no significant impact on the Transportation Improvement Program. In addition, Tom Starling Road has a 2020 AADT of 3,800 and a road capacity of 15,100. Due to lack of data of the modification, this request does not demand a trip generation. This should not generate enough traffic to significantly impact Tom Starling Road.

UTILITIES: This property is currently served by PWC water only and that a septic permit would be required. It is the applicant's responsibility to determine if these utilities will adequately serve their development.

SPECIAL DISTRICTS: The subject property is located within five miles of Fort Bragg Military base. RLUAC (Ft. Bragg) indicated that it does not have any comments for this case. The subject site is not near the Fayetteville Regional Airport Overlay District.

APPLICABLE CODES

Section 203, Accessory Building, Paragraph. B, (Exhibit "F")
Section 1002, Incidental Uses
Section 203, Definition of Specific Terms, Variance. (Exhibit "F")
Section 1605, Variance, County Zoning Ordinance (Exhibit "F")

SITE PLAN

A site plan illustrating the garage and two homes is shown in Exhibit "B" and "G". A survey of the property was not submitted with the variance application.

FINDINGS OF FACT

Criteria that must be addressed for evaluation of a variance application originate from Section 1605 of the Zoning Code and are listed below.

1. Unnecessary hardship would result from the strict application of the ordinance.
2. There are conditions peculiar to the property, such as location, size, or topography.
3. The special circumstances are not the result of the actions of the applicant.
4. The requested variance will be consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

Applicant's response to each of these criteria are provided within Exhibit "H."

MOTION

The BOA is requested to take action/motion based on the four findings of fact for the variance request from Section 203, Accessory Building, Paragraph. B, County Zoning Ordinance. The action is final, and the BOA has the authority to approve, deny, or approve with conditions.

EXHIBIT "B"
Site Plan

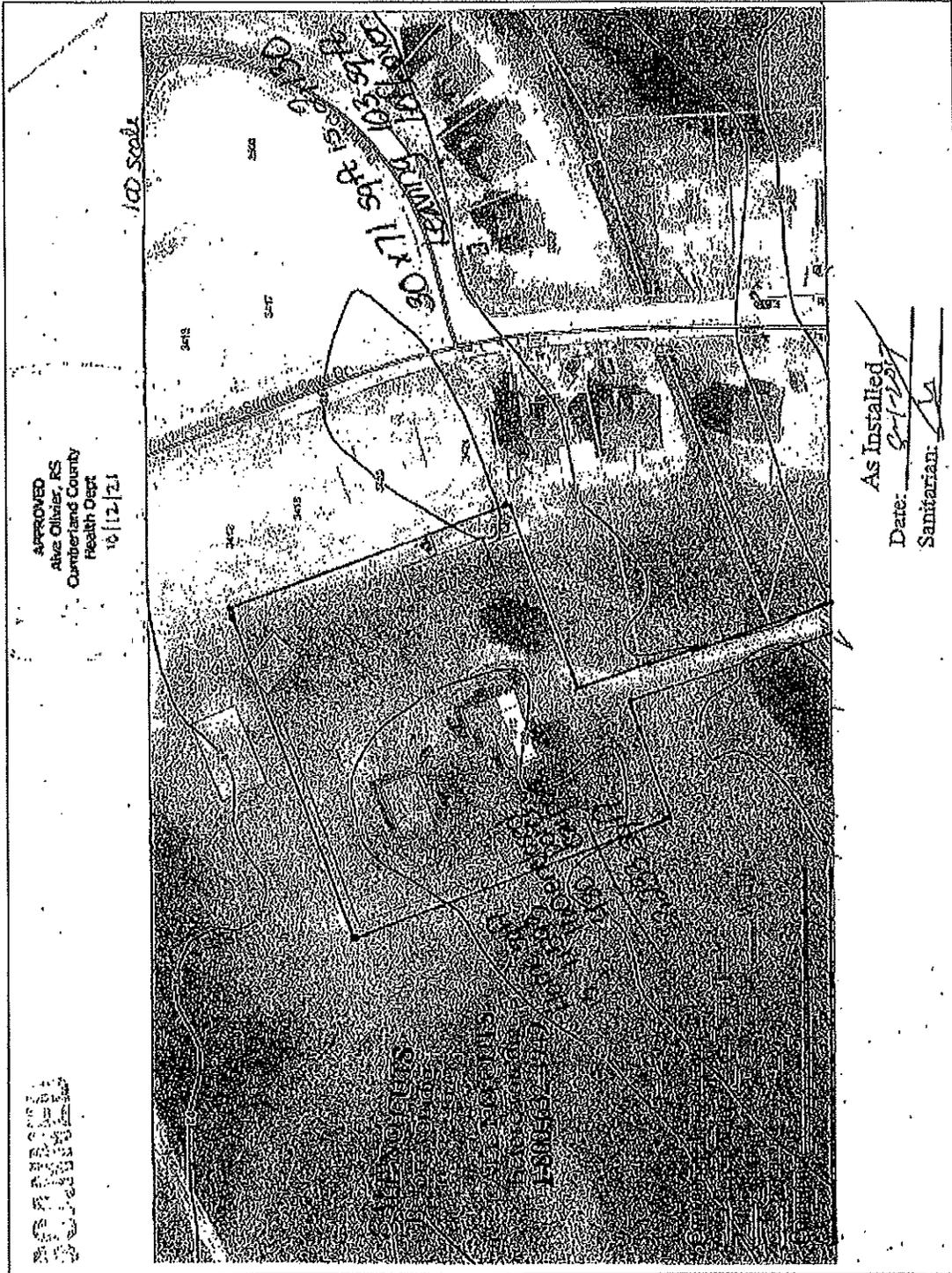


Exhibit F
Applicable Zoning Codes

SECTION 203. DEFINITIONS OF SPECIFIC TERMS AND WORDS.

Accessory Building or Use: A building or use, not including signs, which is:

- A. Conducted or located on the same zoning lot as the principal building or use, or off-street parking, as specifically provided for in this ordinance.
- B. Clearly incidental to, subordinate in area and purpose to, and serving the principal use; and
- C. Either in the same ownership as the principal use or clearly operated and maintained solely for the comfort, convenience, necessity or benefit of the occupants, employees, customers or visitors of or to the principal use.

Variance: A variance is a relaxation of the terms of this ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. (Section 1605)

SECTION 1002. INCIDENTAL USES.

A. Accessory Structures. The following provisions apply to all accessory structures:

1. Accessory structures shall not be rented or inhabited by other than employees performing services on the premises of the owner, lessee, or tenant of the premises.
2. Accessory buildings not intended to be used for living quarters shall not be constructed upon a lot until the construction of the principal building has commenced.
3. Manufactured homes intended for residential occupancy shall not be classified as accessory or used as a storage structure.
4. Accessory structures shall not be erected in any required front or side yard or within 20 feet of any side street line, or within five feet of any lot line not a street line, or within five feet of any accessory building or other building. In no case, however, shall an accessory building be placed closer to a street than the minimum setback requirements for a principal structure. Any accessory structure greater than 700 square feet in floor area must be located inside the building envelope.

EXHIBIT "G"
Applicant Submitted Image with Date

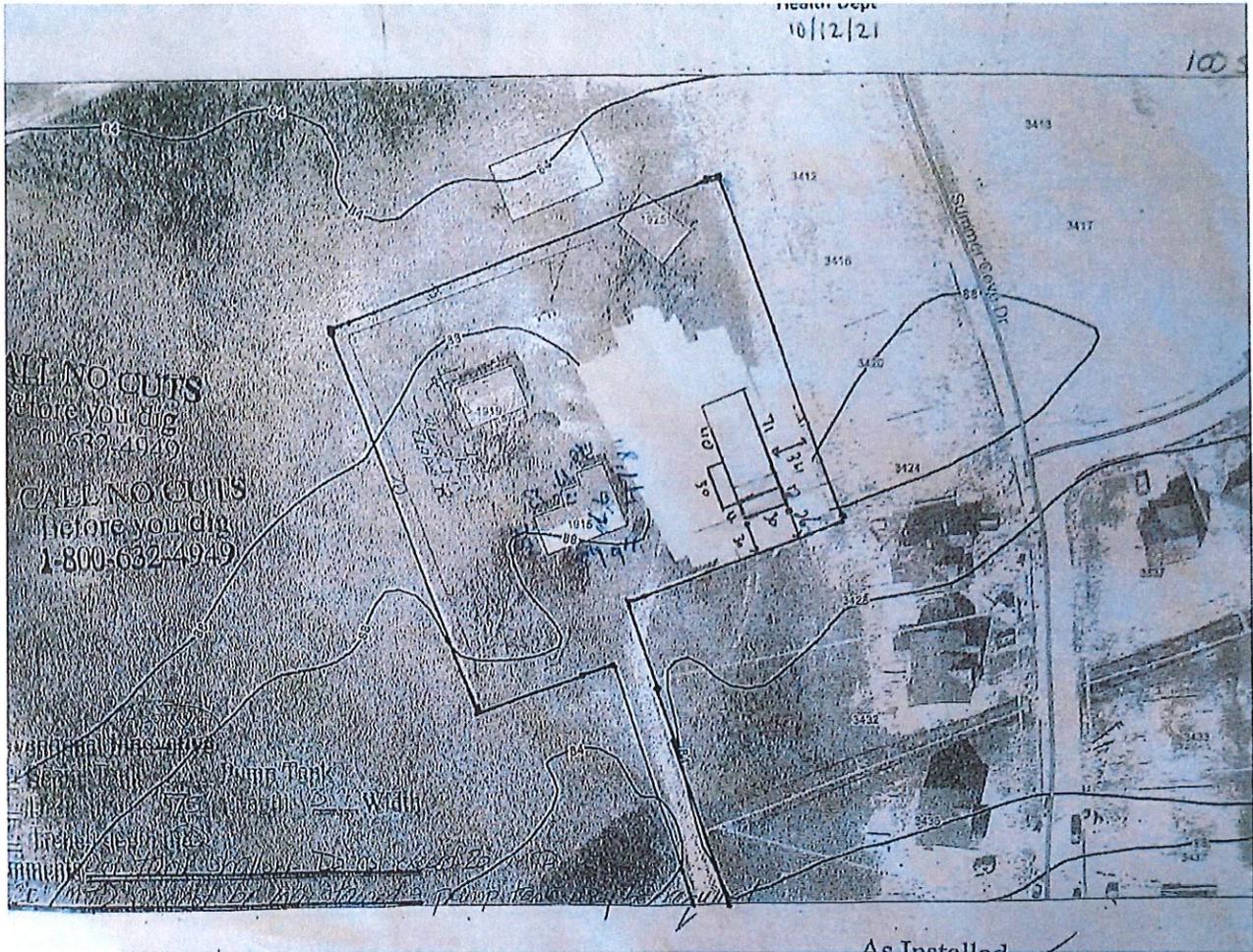


EXHIBIT "H"
Applicant's Response

ATTACHMENT: MAILING LIST

Joseph Garrison
3440 Summer Cove Dr
Fayetteville, NC 28306

Caanon & Crystal Thomas
3436 Summer Cove Dr
Fayetteville, NC 28306

James & Latsha Nettles
3445 Summer Cove Dr
Fayetteville, NC 28306

Geavanna McKinnon & Winfred Best
3441 Summer Cove Dr
Fayetteville, NC 28306

Gregory & Yamecka Nation
3437 Summer Cove Dr
Fayetteville, NC 28306

Warren & Angeline Harris
1959 Tom Starling Rd
Fayetteville, NC 28306

Tyler Jackson SR
3407 Winnants Ct
Fayetteville, NC 28306

Yvonne McKeithen
1926 Harrington Rd
Fayetteville, NC 28306

Jose & Noemy Marrero
1930 Harrington Rd
Fayetteville, NC 28306

Sids Mill Properties LLC
8000 Corporate Center Dr
Suite 100
Charlotte, NC 28226

Mamaclou Diallo
3429 Winnants Ct
Fayetteville, NC 28306

Joshua & Lisa Sokolofsky
3415 Winnants Ct
Fayetteville, NC 28306

Jonathan & Kelli Lampman
3419 Winnants Ct
Fayetteville, NC 28306

Andrea Peart
3411 Winnants Ct
Fayetteville, NC 28306

Angela Davis-Lewis
1934 Harrington Rd
Fayetteville, NC 28306

Daniel & Alexandra Etchberger
1939 Harrington Rd
Fayetteville, NC 28306

Corena Sutton
3427 Winnants Ct
Fayetteville, NC 28306

Damon & Stephanie Hart
1940 Harrington Rd
Fayetteville, NC 28306

Jacob & Brittany Almond
1943 Harrington Rd
Fayetteville, NC 28306

Joshua & Precious Buckner
1919 Tom Starling Rd
Fayetteville, NC 28306

Jessie Horn
1944 Harrington Rd
Fayetteville, NC 28306

Elliot & Tiffany Grant
1948 Harrington Rd
Fayetteville, NC 28306

Carolyn Tejada
1947 Harrington Rd
Fayetteville, NC 28306

Antonio Mahoney
1915 Harrington Rd
Fayetteville, NC 28306

Tamara Thomas
3408 Summer Cove Dr
Fayetteville, NC 28306

Lees Jones JR
3404 Summer Cove Dr
Fayetteville, NC 28306

Randy & Dorothy Sutton
2001 Harrington Rd
Fayetteville, NC 28306

Sandra & William Burnette
3432 Summer Cove Dr
Fayetteville, NC 28306

Steven & Desiree Carbonell-Velez
3428 Summer Cove Dr
Fayetteville, NC 28306

Natasha Blue
3420 Summer Cove Dr
Fayetteville, NC 28306

Scott Bookless
3408 Hogarth Court
Fayetteville, NC 28306

Misty & Robert Nielsen
3424 Hogarth Ct
Fayetteville, NC 28306

John & Sara ~~Stahmer~~
3417 Hogarth Ct
Fayetteville, NC 28306

Adrian & ~~Sabara~~ Roberts
184B Harrington Rd
Fayetteville, NC 28306

~~Yihua~~ Zhou
225B Almaden Rd
Unit B
San Jose, CA 95125

Michael & Emilee Hicks
3413 Hogarth Court
Fayetteville, NC 28306

Christine & ~~Carmin~~ Simoneaux
1920 Harrington Rd
Fayetteville, NC 28306

~~Garlene & Christopher~~ Devone
341B Winnants Ct
Fayetteville, NC 28306

Ryan & Gretchen Adair
3426 Winnants Ct
Fayetteville, NC 28306

~~Glyndetta~~ Hubbard & Joshua
Simpson, Trustees
1896 Tom Starling Rd
Fayetteville, NC 28306

Ahmad Salman
3412 Hogarth Ct
Fayetteville, NC 28306

John & Ashlea ~~Gigante~~
3416 Hogarth Ct
Fayetteville, NC 28306

Joshua Prestel
3421 Hogarth Ct
Fayetteville, NC 28306

Erin ~~Yost~~
1911 Harrington Rd
Fayetteville, NC 28306

Kevin Whitworth
1919 Harrington Rd
Fayetteville, NC 28306

Brandon & Erica Saunders
3405 Hogarth Ct
Fayetteville, NC 28306

John & Amber ~~Hott~~
1923 Harrington Rd
Fayetteville, NC 28306

Richard Davis
3410 Winnants Ct
Fayetteville, NC 28306

Erica & ~~Michial~~ Hill
3422 Winnants Ct
Fayetteville, NC 28306

Christian & Lisa Pittman
3431 Winnants Ct
Fayetteville, NC 28306

Robert & Latonya Thompson
3420 Hogarth Ct
Fayetteville, NC 28306

Kimberly ~~Turrentine~~
3429 Hogarth Ct
Fayetteville, NC 28306

Jon & Melissa ~~Sweiger~~
3404 Hogarth Ct
Fayetteville, NC 28306

Mark & Angela Walker
1912 Harrington Rd
Fayetteville, NC 28306

Joshua & Kayla Taylor
3409 Hogarth Ct
Fayetteville, NC 28306

Victoria Carter
1916 Harrington Rd
Fayetteville, NC 28306

Robert & ~~Collynette~~ Lietz
3414 Winnants Ct
Fayetteville, NC 28306

Danny & ~~Sherree~~ Gowen
3408 Winnants Ct
Fayetteville, NC 28306

Village at Rockfish Homeowners
Association
2939 Breezewood Ave 100
Fayetteville, NC 28303

Elsie Sein
3444 Summer Cove Dr
Fayetteville, NC 28306

Rose & Robin Villamarin
3424 Summer Cove Dr
Fayetteville, NC 28306

Terrance & Sandra Smith
3416 Summer Cove Dr
Fayetteville, NC 28306

William & ~~Mayflor~~ Holden
3412 Summer Cove Dr
Fayetteville, NC 28306

Victor & Megan Nichols
2004 Harrington Rd
Fayetteville, NC 28306

Alexis Lozano
2005 Harrington Rd
Fayetteville, NC 28306

Christopher & Megan Riley
2009 Harrington Road
Fayetteville, NC 28306

Jeremy & ~~Sonceria~~ Griggs
3413 Summer Cove Dr
Fayetteville, NC 28306

Kameela Wyatt
3409 Summer Cove Dr
Fayetteville, NC 28306

Eugene Nelson
2008 Harrington Rd
Fayetteville, NC 28306

~~Sayvakram~~ & Latashia ~~Brijnath~~
2013 Harrington Rd
Fayetteville, NC 28306

Maria & Randy Henderson
3433 Summer Cove Dr
Fayetteville, NC 28306

Eloise Jean-Bart
3537 Dunkirk Ct
Fayetteville, NC 28306

~~Lishanel~~ Ingram
3417 Summer Cove Drive
Fayetteville, NC 28306

Alison Belliveau
3421 Summer Cove Dr
Fayetteville, NC 28306

Michael Ellis
3504 Dunkirk Ct
Fayetteville, NC 28306

~~Lalisa McPhaul~~
2012 Harrington Rd
Fayetteville, NC 28306

Shaunda Clark & Alonzo ~~Delwin~~
2017 Harrington Rd
Fayetteville, NC 28306

Steven & Jennifer Rivers
2021 Harrington Rd
Fayetteville, NC 28306

Tawanda & Michael Wilkerson
3533 Dunkirk Ct
Fayetteville, NC 28306

~~Charlon~~ Buxton & Dorian O'Neal
3508 Dunkirk Ct
Fayetteville, NC 28306

Larry & Cassandra Hopkins
3505 Dunkirk Ct
Fayetteville, NC 28306

Robert Jenkins
2016 Harrington Rd
Fayetteville, NC 28306

Connor ~~Mang~~
2020 Harrington Rd
Fayetteville, NC 28306

Todd & Rebecca Gray
3529 Dunkirk Ct
Fayetteville, NC 28306

Emanuel & ~~Yarenis~~ Munguia
3525 Dunkirk Ct
Fayetteville, NC 28306

Christopher & Jasmine Edwards
2024 Harrington Rd
Fayetteville, NC 28306

David Boling
1993 Tom Starling Rd
Fayetteville, NC 28306

David Boling
1993 Tom Starling Rd
Fayetteville, NC 28306

David & Kristine ~~Cirasunda~~
3521 Dunkirk Ct
Fayetteville, NC 28306

Michael & Tomika Ethridge
3517 Dunkirk Ct
Fayetteville, NC 28306

Dorinda & William Richardson
3513 Dunkirk Ct
Fayetteville, NC 28306

Gregory & Jennifer Nix
3509 Dunkirk Ct
Fayetteville, NC 28306

Rodney & Leslie Ward
1999 Tom Starling Rd
Fayetteville, NC 28306

Adrian & Nicole Johnson
1847 Harrington Rd
Fayetteville, NC 28306

Edgardo & Ma. Lovel Del Rosario
~~Moraleja~~
1851 Harrington Rd
Fayetteville, NC 28306

ATTACHMENT: APPLICATION



County of Cumberland
—◆—
BOARD OF ADJUSTMENT

CASE #: BOA-2022-0018

CUMBERLAND COUNTY BOA
MEETING DATE: _____

DATE APPLICATION
SUBMITTED: 04 MAR 22

RECEIPT #: _____

RECEIVED BY: _____

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(PENDING ADOPTION)

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BOARD OF ADJUSTMENT

LOCATION OF PROPERTY: 1919 Tom Starling Rd Fayetteville, NC

OWNER: Joshua Buckner

ADDRESS: 1919 Tom Starling Rd ZIP CODE: 28306

TELEPHONE: HOME 931-572-4171 WORK _____

AGENT: _____

ADDRESS: _____

TELEPHONE: HOME _____ WORK _____

E-MAIL: joshua.c.buckner@gmail.com

APPLICATION FOR A VARIANCE
As required by the Zoning Ordinance

A. Parcel Identification Number (PIN #) of subject property: 044337324000
(also known as Tax ID Number or Property Tax ID)

B. Acreage: 2 Frontage: 21 Depth: 692

C. Water Provider: PWC

D. Septage Provider: Cumberland Septic Services INC

E. Deed Book 10349, Page(s) 0625, Cumberland County

F. Existing and/or proposed use of property: Personal Use

G. Section and provision of the Zoning Ordinance or Code from which a Variance is requested: SECTION 203 definition of Accessory building or use

H. Nature and extent of hardship involved in strict application of the Zoning Ordinance or Code: The issue is square footage of garage is larger than my house. The building has lean-tos attached. I did not know lean-tos counted as square footage. I also did not know a code existed that stated a building or garage could not be larger than your home. It would be astronomically expensive and would also hurt the appearance of the garage to get rid of them.

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

Joshua & Precious Buckner
NAME OF OWNER(S) (PRINT OR TYPE)

1919 Tom Starling Rd Fayetteville, NC 28306
ADDRESS OF OWNER(S)

joshua.a.buckner@gmail.com
E-MAIL

931-572-4171 910-633-5973
HOME TELEPHONE # WORK TELEPHONE #

Joshua Buckner Precious Buckner
NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

1919 Tom Starling Rd Fayetteville, NC 28306
ADDRESS OF AGENT, ATTORNEY, APPLICANT

931-572-4171 910-633-5973
HOME TELEPHONE # WORK TELEPHONE #

Joshua Buckner
SIGNATURE OF OWNER(S)

Joshua Buckner
SIGNATURE OF AGENT, ATTORNEY
OR APPLICANT

Precious Buckner
SIGNATURE OF OWNER(S)

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

STATEMENT OF ACKNOWLEDGMENT

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

- That although appearance before the board is not required, it is strongly encouraged;
- The board will hear any and all argument for and against this matter before them and such relevant facts will be given under sworn testimony;
- At the public hearing the board has the authority to 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 acknowledgment that the County Planning Staff has explained the application process and procedures regarding this request and the public hearing procedure stated above.

SIGNATURE OF OWNER(S) *Priscilla Beane*

PRINTED NAME OF OWNER(S) Priscilla Beane

DATE 04 MAR 2022

**CUMBERLAND COUNTY BOARD OF ADJUSTMENT
FEE SCHEDULE**

BOARD OF ADJUSTMENT

SPECIAL USE PERMIT
VARIANCE
WATERSHED
ADMINISTRATIVE REVIEW APPEALS
INTERPRETATIONS
NONCONFORMING USES

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

APPLICANT'S RESPONSE TO THE FOUR VARIANCE HARDSHIP CRITERIA
Section 1605, County Zoning Ordinance

(Instructions: applicant will respond to each of the four hardship criteria listed below and submit the report with the Variance Application.)

SECTION 1605. VARIANCE.

When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the Board of Adjustment shall vary any of the provisions of the zoning regulation upon a showing of all of the following:

A. Unnecessary hardship would result from the strict application of the regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

Applicant's Response: There would be a significant unnecessary financial hardship associated with tearing apart the garage that was approved by the city, or adding an addition to our house so that the house is bigger than the garage. We would not be able to afford the 10's of thousands of dollars a renovation on our house would cost, or the cost associated with taking off a roof, on a garage (that was approved) and adding a new roof to that garage. I would result in an undue burden to our family financially. The money allocated and saved for years to afford the building was spent on the approved building plans from the city.

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

Applicant's Response: There is a significant hardship that is peculiar to the property. The building has a covered lean-to. The roof of the building is connected together. This includes the area of the lean-to. In order to take the lean-to off of the building the entire roof would need to be replaced. This is peculiar because the roof is all in one piece and it would all have to be taken down to accommodate the request of the city to remove the covered lean-to. In addition, the aesthetic of the property would be diminished significantly, potentially resulting in lower property values not only for us, but for our neighboring community. In addition, there are two homes on the property. One we live in and one that is rented out. When you include the square ft of both properties, they equal more than the garage. We live on over 2 acres of land and the space the garage takes is not significant to the property.

C. The hardship did not result from actions taken by the applicant or the property owner. The act of

purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

Applicant's Response: We did everything in our power to add this building to our property legally. We submitted our plans to the city. The plans had the square foot of the building, which were clearly bigger than the size of our home. When the city came out to do their initial inspection before the building was placed, we were told we had to make changes to our concrete because it would be too close to our neighbors. We did that. Bearing a significant financial cost. Our plans for our building were approved by the city. Months after the completion of the project, the City comes to our house and tells us that we would have to remove the lean-to or add an addition to our house because the building is bigger than our house. It was clear when we submitted our plans what the size of our building was. With or without the lean-to, the building is still bigger than our house, the city knew this, and approved us. It is unfair to come back months later, after you approved us and tell us you made a mistake, we should not have to pay for it.

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

Applicant's Response: Our building adds value to our property and to the surrounding neighborhood. This is not only a benefit to us, but a benefit to the community. We did everything the city asked us to do with regards to the spirit of the regulation. Our building is not a safety risk.

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Applicant/Agent Name (Print) Date Applicant/Agent Signature

Josha Buckner · *2 May 2022*
JOSHA BUCKNER


Precious Buckner *2 May 2022*



**APPLICANTS FOR
BOARD OF ADJUSTMENT**

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
BROOKS, DONALD (B/M) 301 SOUTHLAND DRIVE FAYETTEVILLE NC 28311 910-826-6078 <u>DONALDBROOKS959@GMAIL.COM</u> Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: YES Graduate-other leadership academy: GRADUATE EXECUTIVE LEADERSHIP PROGRAM CATEGORY: GENERAL PUBLIC <i>Currently appointed to Cumberland County Industrial Facilities and Pollution Control Financing</i>	RETIRED	BACHELORS
BUSH-MCMANUS, PATRICIA (B/F) 3472 THORNDIKE DRIVE FAYETTEVILLE NC 28311 488-1314/202-468-3065 <u>PATRICIA.BUSH-MCMANUS@PBMCONSULTINGGROUP.COM</u> Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: YES Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO CATEGORY: GENERAL PUBLIC	CONSULTANT AND PROFESSOR	EDS/MA
DICKENS, CATHY (-/F) 1426 COBRA DRIVE FAYETTEVILLE NC 28303 910-286-0157 <u>MAXINEDICKENS69@GMAIL.COM</u> Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO CATEGORY: GENERAL PUBLIC	DISTRICT SUPERVISOR SOIL AND WATER	HIGH SCHOOL
REEVES, IAN (-/M) 415 FAIRFAX AVE FAYETTEVILLE NC 28303 910-364-4362 <u>IAN.B.REEVES@GMAIL.COM</u> Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: ARMY BASIC AND ADVANCED LEADERSHIP COURSE CATEGORY: ALTERNATE MEMBER	PARALEGAL ARMY	COLLEGE

**APPLICANTS FOR
BOARD OF ADJUSTMENT PAGE 2**

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
RHODES, EVA P. (-/F) 301 DUNLEITH PLACE FAYETTEVILLE NC 28311 443-326-2924 <u>EVAPHR1161@COMCAST.NET</u> Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO CATEGORY: GENERAL PUBLIC	RETIRED FEDERAL EMPLOYEE	COLLEGE LISTED
SILVERMAN, GARY A (W/M) 1174 DERBYSHIRE ROAD FAYETTEVILLE NC 28314 910-574-9952 <u>GSILVERMAN001@GMAIL.COM</u> Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: US ARMY LEADERSHIP COURSES CATEGORY: GENERAL PUBLIC	LT COLONEL US ARMY RETIRED/PT INSTRUCTOR	BS, AS
TWITTY, MARTELLE (B/F) 6404 DAVIS BYNUM FAYETTEVILLE NC 28306 910-922-2014 <u>MARTELLECOKE@GMAIL.COM</u> Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO CATEGORY: GENERAL PUBLIC	DENTAL HYGIENIST DAY AND NIGHT FAMILY DENTAL	DENTAL HYGIENE, BS
WALTERS, JAIMIE (/F) 4829 MURPHY ROAD FAYETTEVILLE NC 28312 910-461-8873 <u>JAIMIEMELTON@YAHOO.COM</u> Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: YES Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO CATEGORY: ALTERNATE MEMBER	SENIOR PLANNER MOORE COUNTY	BA HISTORY/MPA