



**PLANNING & INSPECTIONS**

PLANNING STAFF REPORT  
**SPECIAL USE CASE # BOA-2022-0027**  
 Board of Adjustment Meeting:  
 November 17, 2022

**Jurisdiction: County-Unincorporated**

**EXPLANATION OF THE REQUEST**

**Special Use – Cell Tower in an A1 District**

Property Owner requests the BOA grant a Special Use Permit for a communication tower proposed up to 199 feet in height at a location illustrated on Exhibit "A". The proposed site is owned by Faith Baptist Church of Fayetteville and is located on approximately 0.23 +/- acres of a 30.58 +/- acre parcel.

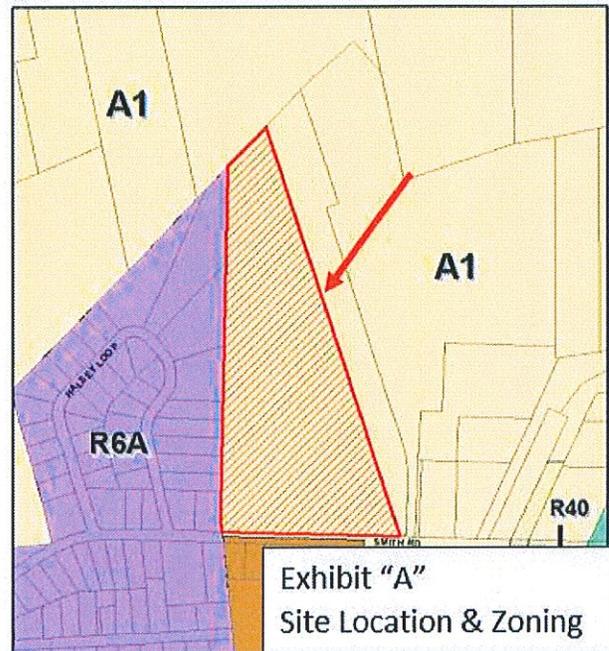
A communication tower with an A1 zoning district must obtain a Special Use approval from the Board of Adjustment, per Section 403, County Zoning Code, as shown in Exhibit "B" (attached). A communication tower falls under the Use Matrix category of "Tower". A communication tower in an A1 zoning district must comply with the development standards and requirements set forth in Section 927 of the Zoning Code, including submittal of a site plan. Refer to Exhibit "C" (attached) for the development standards and requirements set forth in Section 927.

The applicant's proposed special use site plan appears in Exhibit "D" (attached). For any tower located within an A-1 zoning district, the height of a tower is not restricted but the special setback standards for a tower apply. (Section 927.C.1)

**Exhibits**

- A. Site Location/Zoning
- B. Use Matrix, Sec. 403, Zoning Code
- C. Section 927, Towers
- D. Special Use Site Plan
- E. Existing and Adjacent Uses
- F. Soil and Utilities
- G. Northeast Cumberland Land Use Plan
- H. Special Use Permit Conditions
- I. Sec. 1606 Applicant Response

Attachment: mailing list;  
application



**PROPERTY INFORMATION**

**OWNER/APPLICANT:** Faith Baptist Church of Fayetteville, Owner  
 Nicholas Steinhaus, Agent

**ADDRESS/LOCATION:** 2155 Smith Road REID: 0443131122000

**SIZE:** 0.23 +/- acres of a 30.58 +/- acre parcel.

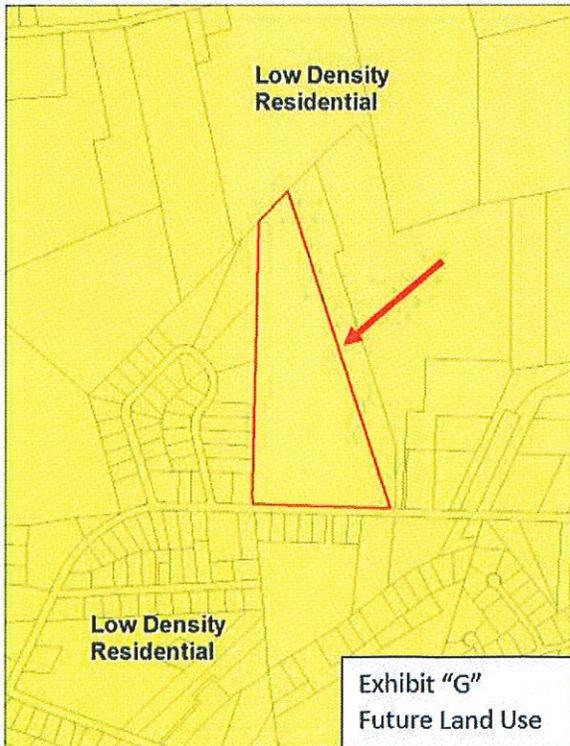
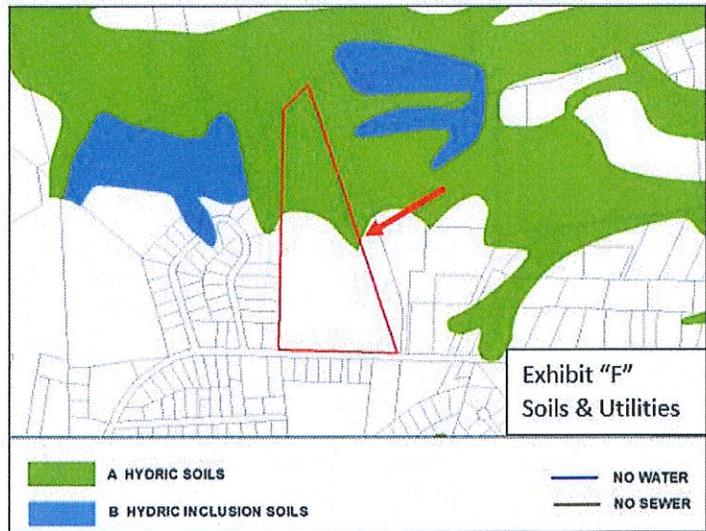
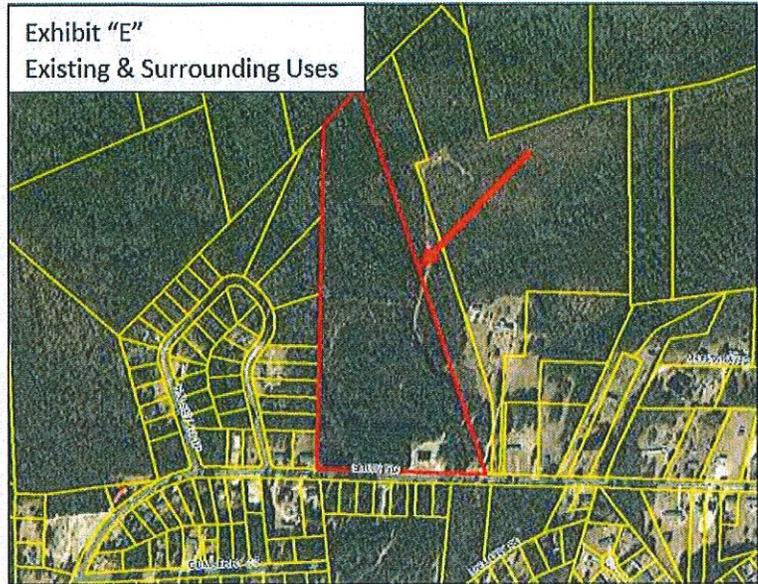
**ROAD FRONTAGE:** Road frontage along Smith Road is 1000+/- linear feet.

**EXISTING LAND USE:** The property currently has a structure that operates as Faith Baptist Church of Fayetteville, as shown in Exhibit "D" (site plan) and "E" (existing use and surrounding uses.)

**SURROUNDING LAND USE:** Uses in the surrounding area and adjacent properties comprise wooded lands and single-family residential homes and neighborhoods. Surrounding uses are shown on Exhibit "E".

**OTHER SITE CHARACTERISTICS:** The property is not located within a 100-Year Flood Zone nor situated within a watershed. There are hydric soils on the property, as shown on Exhibit "F".

**MINIMUM YARD SETBACKS:** The proposed tower would meet the required setbacks for the A1 zoning district ("Towers in any residential or agricultural district shall be set back from all adjacent property lines and/or lease lines a distance of not less than the height of the tower. The distance shall be measured from the base of the tower." Section 927.C.1, Zoning Code.)



**COMPREHENSIVE PLANS:**

Plan Area: South Central Land Use Plan

Future Land Use Classification: Low Density Residential

Overlay Districts: None present

## IMPACTS ON LOCAL INFRASTRUCTURE

**TRAFFIC:** The subject property sits on Smith Road. Smith Road is categorized as a local road in the Metropolitan Transportation Plan. There are no roadway construction improvement projects planned for Smith Road, and the subject property will have no significant impact on the Transportation Improvement Program. In addition, the 2020 AADT for Smith Road is 700. However, there is no road capacity data available for Smith Road. Due to lack of data and the small scale, the new zoning request does not demand a trip generation. The new development should not generate enough traffic to significantly impact Smith Road.

**UTILITIES:** No water and sewer services are provided at the sub-station site for lack of need. Exhibit "F" provides information on utilities available to the subject property.

**ECONOMIC DEVELOPMENT:** The staff from the Fayetteville Economic Development Commission have not identified any concerns.

**EMERGENCY SERVICES:** Cumberland County Fire Marshal's office has reviewed the request and stated to ensure all applicable fire department access requirements are met in accordance with Section 503 of the 2018 NC Fire Code and to ensure fire protection water supply requirements are met in accordance with Section 507 of the 2018 NC Fire Code

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

## APPLICABLE CODES

Use and development of the subject site must occur consistent with Section 927 of the Zoning Code, Case No. BOA-2022-0027 Site Plan (Exhibit "D"), and Special Use Conditions (Exhibit "H")

## FINDINGS OF FACT

The proposed Special Use Permit is provided in Exhibit "H".

Pursuant to Section 1606.C. Special Use Permits, Consideration of Application, the Board of Adjustment must establish a finding of fact for the following criteria to approve the special use:

1. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended.
2. The use meets all required conditions and specifications.
3. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and
4. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and is in general conformity with the Cumberland County's most recent Comprehensive Land Use Plan.

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

## MOTION

The BOA is requested to take action/motion based on the findings of fact, as supported by the Special Use Site Plan (Exhibit "D") and Special Use Condition (Exhibit "H"). Any motion to approve the special use includes approval of the Special Use Permit conditions and the Special Use Site Plan.

Attachments:  
Notification Mailing List



**EXHIBIT "C"**  
**SECTION 927, ZONING CODE**

**SECTION 927. TOWERS.**

A. A communication tower and associated equipment totally concealed within a building or structure so as to be architecturally indiscernible shall not be regulated as a tower under this section.

B. The applicant, owner, or developer of a tower that is to be at least 75 feet in height shall submit a site plan with the application for permits to authorize construction or erection of the tower. The site plan shall include:

1. Identity of the proposed or intended user(s) of the tower.
2. The certification of a registered engineer that the tower has the structural integrity and/or capacity to support or to accommodate more than one use or user.
3. The statement and supporting information and documentation by the applicant, owner, or developer that no structures or facilities suitable for collocation are available within the coverage area.
4. The statement of the owner indicating the intent and willingness to permit shared use of the tower and the potential for or limitations on the number of other users that the proposed tower can accommodate.
5. Elements and design that meet all requirements of this ordinance and the County Subdivision Ordinance.

C. Setbacks as prescribed below are intended for the assurance of public safety and protection of the property rights of adjacent property owners and shall not be less than the minimum required and shall not be varied by the Board of Adjustment:

1. Residential/Agricultural Zones. Towers in any residential or agricultural district shall be set back from all adjacent property lines and/or lease lines a distance not less than the height of the tower. The distance shall be measured from the base of the tower.

2. Commercial/Industrial Zones. Any tower shall be set back from property and/or lease lines a minimum of 50 feet or one foot of setback for each two feet of tower height, whichever is greater.

D. Structures located near towers shall not encroach upon the setbacks of the towers, unless such towers are of monopole design and construction, in which case buildings and structures may be located within the setback distances.

E. A chain link fence at least ten feet in height and located at least ten feet from the base of the tower shall enclose the tower base.

F. A buffer area at least 25 feet wide shall surround the tower compound. The buffer shall shield the compound area from the entire tract. No structures, including guyed

wires or anchors, may be constructed or located within the buffer. The buffer area shall be planted with evergreen trees that will attain a minimum height of 25 feet within four years and be spaced no greater than 20 feet apart. The inner fringe of the buffer area shall be planted with an evergreen hedge that shall have an initial height of at least three feet and an expected attainment of six feet in height within four years of planting. The hedge shall constitute a complete shield or visual blockage. If the Coordinator determines that a natural buffer already exists on site that substantially complies with the purpose and intent of this performance standard to an equal or greater degree, such an alternative natural buffer shall be considered adequate. If an alternative natural buffer is used, the user shall be responsible to ensure that the buffer remains compliant for as long as the tower remains. If a buffer is altered to an extent where it no longer serves to shield or obscure the compound from view, the applicant or tower user(s) shall install buffers as required by this section.

G. The applicant, owner or developer shall certify that the proposed tower will be constructed and operated in accordance with all applicable Federal, State and local laws and ordinances, including but not limited to all Federal Communication Commission (FCC) and Federal Aviation Administration (FAA) rules and guidelines.

H. Prior to the issuance of a building permit for a tower, the applicant, owner or developer shall submit drawings sealed by a licensed engineer and a certification letter from the licensed engineer who prepared the plans that the tower will meet all applicable Federal, State and local building codes and structural standards.

I. *Repealed.*

J. The tower's height shall not exceed 450 feet. When a tower is located on a building or structure, the combined height of the building or structure and the tower shall not exceed 450 feet, except in the A1 Agricultural District. The height of a tower located in the A1 Agricultural District shall not be restricted. However, a tower located in the A1 Agricultural District must meet all applicable setbacks.

K. The exterior appearance of any building or structure associated with a tower and located in a residential zone shall maintain a residential architectural quality including, without limitation, a pitched roof and frame or brick veneer construction.

L. No building or structure associated with a tower and located in a residential zone may be used as a work site for any worker. However, periodic maintenance, inspection and renovation of the facility shall be permitted.

M. Each applicant, owner or developer shall demonstrate that the use will not be detrimental or injurious to the property values of the surrounding neighborhood. In

zoning districts where the tower is a use by right, the applicant, owner or developer may satisfy the requirement by submitting a statement signed by a licensed appraiser or real estate broker which expresses an opinion that the use will not be detrimental or injurious to the property values of the surrounding neighborhood.

N. *Repealed.*

O. To protect the public from unnecessary exposure to electromagnetic radiation, the applicant, developer, owner or operator of the tower shall document that the power density levels do not exceed federally approved levels or American National Standards Institute (ANSI) standards, whichever is stricter.

P. If lighting is required by the FAA, it shall meet or exceed the FAA standards. To the extent allowed by FAA regulations and standards, strobes shall not be used for nighttime lighting. To the extent permitted by Federal statutes, regulations and standards, the lights shall be oriented so as not to project directly onto surrounding residential property. Prior to issuance of a building permit, the applicant, developer or owner shall submit documentation from the FAA that the proposed lighting is the minimum lighting required by the FAA.

Q. A tower not used for a period of at least six months shall be determined to be abandoned and shall be removed. The owner of the tower shall remove any abandoned, unused or structurally unsound tower within 90 days of receiving notice requiring removal. The Coordinator may establish a shorter period of time for the removal of a tower that is structurally unsound.

R. The owner or operator of a tower shall submit a statement signed and sealed by a licensed engineer that the tower will be structurally sound.

S. If the Coordinator determines a tower is not structurally sound, the owner or operator of the tower shall, within 60 days or a shorter time period if required by the Coordinator, complete repairs to restore the structural soundness of the tower.

T. The owner, applicant, or developer shall camouflage the tower so that it blends into the surrounding area. Methods of camouflage include paint, architectural design or structure, and other means.

U. No outside storage on the site of the tower shall be permitted.

V. All tower sites shall comply with the provisions of the County Subdivision Ordinance. (*Amd. 02-19-08; Amd. 01-19-10*)





THE INFORMATION CONTAINED IN THIS DRAWING IS THE PROPERTY OF G7 GEN ENGINEERING. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. ANY REUSE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO THE CLIENT IS STRICTLY PROHIBITED.

DRAWN BY:	STC
CHECKED BY:	CNE

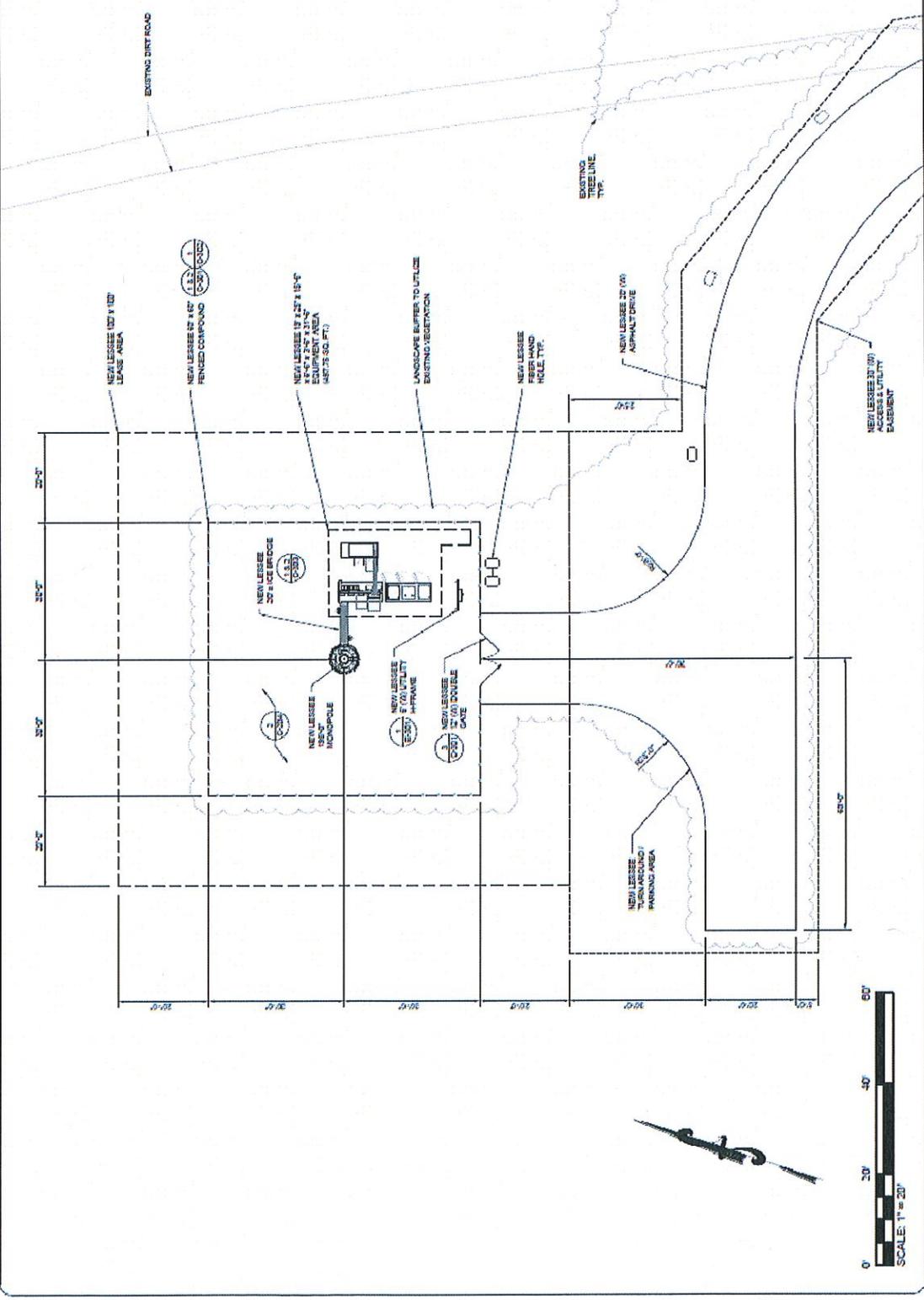
REVISIONS	
3	ISSUED FOR CONSTRUCTION
2	ISSUED FOR CONSTRUCTION
1	ISSUED FOR CONSTRUCTION
A	ISSUED FOR CONSTRUCTION
F	DATE: 10/06/22



PROJECT ID:	187893
SITE NAME:	SPON, TROON
SITE # / LOCATION CODE:	480721

SITE ADDRESS:	1000 W. HOPE HILLS, NC 28358
SITE TYPE:	RAINFALL

SHEET TITLE:	SITE LAYOUT PLAN
DRAWING #:	C-102
REVISION:	3







THE INFORMATION CONTAINED IN THIS DOCUMENT IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE. IT IS THE PROPERTY OF C7 GEN ENGINEERING AND IS NOT TO BE REPRODUCED OR DISCLOSED OTHER THAN THAT WHICH RELATES TO THE CLIENT'S SPECIFIC PROJECTS.

DATE	BY	DESCRIPTION
10/06/22		

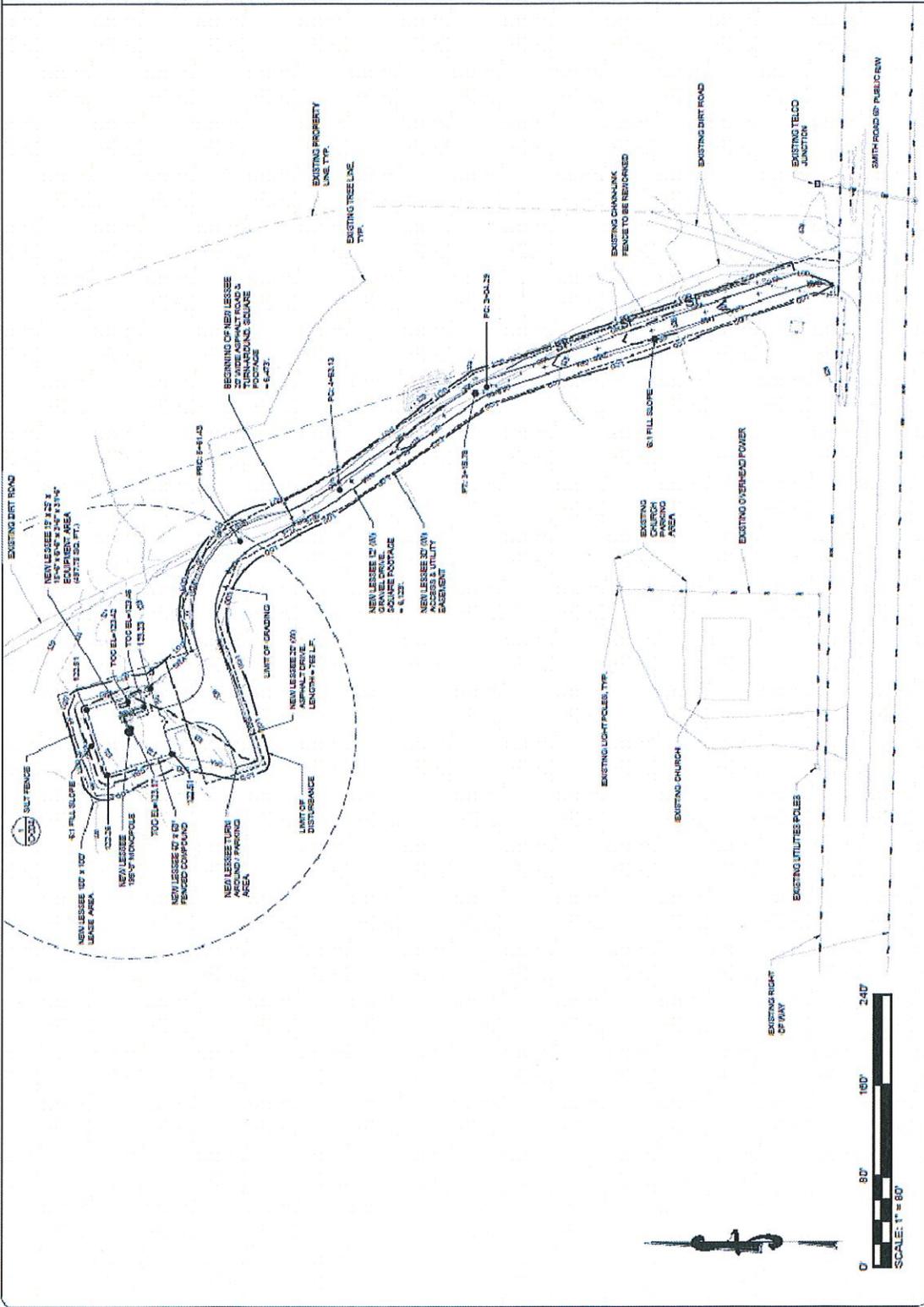
NO.	DATE	DESCRIPTION
1	10/06/22	CONSTRUCTION
2	10/06/22	CONSTRUCTION
3	10/06/22	CONSTRUCTION
4	10/06/22	CONSTRUCTION
5	10/06/22	CONSTRUCTION
6	10/06/22	CONSTRUCTION
7	10/06/22	CONSTRUCTION
8	10/06/22	CONSTRUCTION



PROJECT NO.	1818789
SITE NAME	LEFLOUTON
SITE # / LOCATION CODE	0001 / 0001

SITE ADDRESS	HOPE HILLS, NC 27548
SITE TYPE	RAILROAD

SHEET TITLE	SITE GRADING PLAN
SHOWING	C-201
REVISION	3





**ATTACHMENTS**  
**EXHIBIT "H"**  
**Special Use Permit Conditions**

**Special Use Permit- Board of Adjustment**  
**(Communication Tower Special Use Permit and Site Plan)**  
**Ordinance Related Conditions**

**BOA-2022-0027:** Consideration of a Special Use Permit to allow a communication tower in an A1 Agricultural District on 0.23 +/- acres of a 30.58 +/- acres parcel, located at 2155 Smith Road, Submitted by Nicholas Steinhaus (applicant) on behalf of First Baptist Church of Fayetteville (owners)

**The Special Use Permit requested is approve subject to the contents of the application, site plan appearing in Exhibit "A" and the following conditions.**

**Pre-Permit:**

1. Applicant shall submit a revised site plan providing the following information to the current planning section for review satisfying the requirements and required additional information required by conditions 11, 18, 19, 20, 21 (satisfying the requirements of Section 927 Subsection F) and 24 herein in this approval letter.

**Permit-Related:**

1. The owner/developer(s) of these lots must obtain detailed instruction on provisions of the County Zoning Code and permits required to place any structure within this development from the County Code Enforcement Section, at the Historic Courthouse at 130 Gillespie Street, Fayetteville, N.C. For additional information, the developer should contact the Code Enforcement Section. (Chpt. 4, County Code & Sec. 107, County Zoning Ord.)
2. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Department of Energy, Minerals and Land Resources, NC Department of Environmental Quality (DEMLR NCDEQ). If one acre or more of land is to be disturbed, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement prior to the issuance of the Certificate of Occupancy. (Note: If any retention/detention basins are required for state approval of this plan, three copies of a revised plan (and \$25/\$50 revision fee) must be submitted and approved by Planning & Inspections.) (Sec. 2306.D, County Subdivision Ord. & 2006-246, NC Session Law)
3. The proposed tower is approved only as proposed height depicted on sheet C-304 at 199 feet from finished grade.
4. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application. [Sec. 4-8(b)(2), County Code]
5. Driveway Permit Required. Construction of any new connection or alteration of any existing connection to Burnett Road may require an approved Driveway Permit. For additional information contact the NC Department of Transportation's (NCDOT) Division 6/District 2 office.
6. Prior to issuance of a building permit for the tower, the applicant/owner or developer must submit to the Code Enforcement Sections, drawings sealed by a licensed engineer and a certification letter from the licensed engineer who prepared the plans that the tower will meet all applicable Federal, State and local building codes and structure standards applicable to a communication tower (Section 927. H, Towers, County Zoning Ordinance.)

7. Prior to issuance of the finance permit for the tower, the owner/operator of the tower shall submit a signed and sealed engineer's statement that the tower is structurally sound. If the Coordinator determines a tower is not structurally sound, the owner or operator of the tower shall, within 60 days or a shorter time period if required by the coordinator, complete repairs to restore the structural soundness of the tower.
8. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans. (Sec. 107.B, County Zoning Ord.; & Secs. 2005 & 2007 County Subdivision Ord.)
9. A driveway from Smith Road to the tower site shall be maintained to allow access by emergency vehicles, and an overhead clearance of 14 feet shall be maintained over the driveway...
10. Proposed access drive and drive aisle for the multifamily portion of the subject site shall comply with NC State Building Code: Fire Prevention Code, Section D102 Required Access "D102.1 Access and loading. *Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,0000 pounds*".

**Site-Related:**

11. Development and use of the project site shall occur consistent with the Special Use Permit site plan (Exhibit "A"). All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance, and County Zoning Ordinance for the A1 zoning district for a communication tower must be complied with, as applicable.
12. Smith Road shall be labeled with its State Road number on all submitted future plans.
13. This conditional approval is not approval of any freestanding signs. If a freestanding sign is desired, re-submittal of the site plan is required prior to application for any freestanding sign permits. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.) (Art. XIII, County Zoning Ord.)
14. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environmental Quality (NCDEQ) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2307.A, County Subdivision Ord.)
15. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306.C, County Subdivision Ord.)
16. In the event a stormwater utility structure is required by the NC Department of Environmental Quality (NCDEQ), the owner/developer must secure the structure with a four-foot-high fence with a lockable gate, and is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation. (Sec. 1102.O, County Zoning Ord.)
17. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.

18. The tower base and ground equipment shall be enclosed by a chain link fence that is at least ten feet in height (Section 927.E, Towers, County Zoning Code.)
19. All required off-street parking spaces shall be a minimum of 9' x 20'; a minimum of one off-street parking space is required for this development.
20. A 25-foot-wide buffer area shall surround the tower compound area and no structures shall be erected within the buffer area. No structures, including guyed wires or anchors, may be constructed or located within the buffer. The buffer area shall be planted with evergreen trees that will attain a minimum height of 25 feet within four years and be spaced no greater than 20 feet apart. The inner fringe of the buffer area shall be planted with an evergreen hedge that shall have an initial height of at least three feet and an expected attainment of six feet in height within four years of planting. The hedge shall constitute a complete shield or visual blockage. If the Coordinator determines that a natural buffer already exists on site that substantially complies with the purpose and intent of this performance standard to an equal or greater degree, such an alternative natural buffer shall be considered adequate. If an alternative natural buffer is used, the user shall be responsible to ensure that the buffer remains compliant for as long as the tower remains. If a buffer is altered to an extent where it no longer serves to shield or obscure the compound from view, the applicant or tower user(s) shall install buffers as required by this section.
21. In the event the tower is not used for a period of six consecutive months, the tower shall be considered abandoned and must be removed. The owner of the tower is required to remove any abandoned, unused or structurally unsound tower within 90 days of receiving notice requiring removal. The Code Enforcement Manager may establish a shorter period of time for removal in the event the tower is determined to be structurally unsound (Section 927.Q. Towers, County Zoning Ordinance).
22. The owner/developer is responsible and liable for maintenance and upkeep of this site, all structures, and appurtenances, to include ensuring that the site and landscape areas are kept free of litter and debris, all grass areas mowed, all buffers and shrubbery kept trim and maintained, so that the site remains in a constant state of being aesthetically and environmentally pleasing. (Sec. 1403, County Zoning Ord.)
23. If lighting is required by the FAA, it shall meet or exceed the FAA standards. To the extent allowed by FAA regulations and standards, strobes shall not be used for nighttime lighting. To the extent permitted by Federal statutes, regulations and standards, the lights shall be oriented so as not to project directly onto surrounding residential property. Prior to issuance of a building permit, the applicant, developer or owner shall submit documentation from the FAA that the proposed lighting is the minimum lighting required by the FAA.

**Advisories:**

- Any revision or addition to this plan necessitates re-submission for review and approval prior to the commencement of the change.
- The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.
- The developer's subsequent application for permits upon receipt of these conditions of approval constitutes the developer's understanding and acceptance of the conditions of approval for this development.

- This conditional approval is not to be construed as all-encompassing of the applicable rules, regulations, etc. which must be complied with for any development. Other regulations, such as building, environmental, health and so forth, may govern the specific development. The developer is the responsible party to ensure full compliance with all applicable Federal, State, and local regulations.

**Other Relevant Conditions:**

- This conditional approval is contingent upon continued compliance with the County's Subdivision and Development Ordinance and Zoning Ordinance. Development of the property must comply with all applicable local, state and federal laws and ordinances.
- The owner/developer be aware that every deed created for a lot being served by an on-site water and/or sewer system must contain the following disclosure when filed with the County Register of Deeds:

"Public water and/or sewer services are not available as of the date of the recording of this deed. On-site sewer disposal systems must be approved by the County Health Department."

**EXHIBIT I"**  
**APPLICANT'S RESPONSE TO SPECIAL USE CRITERIA AND APPLICATION**  
(Section 1606.C. Special Use Permits)

Consideration of Application. The Board of Adjustment shall consider the application, site plan and any other evidence presented in accordance with this article and may grant or deny the Special Use Permit requested. In granting a Special Use Permit, the Board shall find that:

1. The use will not materially endanger the public health or safety if located according to the plan submitted and proposed;
  - The proposed tower will not materially endanger the public health or safety if located in the proposed location in Exhibit 3 – Site Drawings due to the remote nature of the site away from any existing structures and more than tower height from all adjacent properties. In addition the tower site will comply with all FCC regulations regarding FCC exposure as certified in Exhibit 12 – NIER Report.
  
2. The use meets all required conditions and specifications;
  - Please see above narrative addressing Section 927. Towers, certifying and detailing compliance with all required conditions and specifications.
  
3. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and
  - The proposed tower site will maintain the value of adjoining or abutting properties and will not be injurious to property values of the surrounding neighborhoods as certified in that Exhibit 8 – Real Estate Impact Report.
  
4. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and is in general conformity with Cumberland County's most recent Land Use Plan, either comprehensive or a detailed area plan.
  - The location of the proposed tower is on a heavily wooded parcel in the A-1 district away from highly residential areas as contemplated in Cumberland County's Zoning Ordinance and as shown in Exhibit 3 – Site Drawings and Exhibit 11 – Google Earth Image.

## ATTACHMENT: NOTIFICATION LIST

JONES, JIMMY MARSHALL; ANTHONY, JAMES JACKSON; ISREAL 2258 SMITH RD HOPE MILLS, NC 28348	MCGIRT, DAVID E; MCGIRT, LINDA M 5698 PLAYER CIR HOPE MILLS, NC 28348	MCLEAN, FREDDIE; MCLEAN, KANICE PO BOX 58375 FAYETTEVILLE, NC 28305
HANDFORTH, GEORGE K 2217 SMITH RD HOPE MILLS, NC 28348	VOLLSTEDT, RON 10504 PAIGE RD WOODFORD, VA 22580	GALLBERRY RUN LAND AND DEVELOPMENT LLC 4239 CAMERON RD FAYETTEVILLE, NC 28305
CUMBERLAND COUNTY PO BOX 449 FAYETTEVILLE, NC 28302	COVINGTON, SHIRLEY TUCK LIFE ESTATE 455 ABBEYDALE WAY COLUMBIA, SC 29229	WAY, PHYLLIS L; REGINALD C; THADDEUS B; VERONICA, PHILLIPS PO BOX 70238 FORT BRAGG, NC 28307
ARMSTRONG, JAMES C; ARMSTONG, RHONDA H; ARMSTRONG, JAMES C 2768 GOBBLER LN EASTOVER, NC 28312	RAY, WILLIE MAE 2165 SMITH RD HOPE MILLS, NC 28348	MOBLEY, SHARON L 5432 MESA DR FAYETTEVILLE, NC 28303
SHORT, MEREDITH LEIGH; SHORT, JOSEPH LEE 2628 ELMHURST DR FAYETTEVILLE, NC 28304	MARSHALL, BEULAH 2028 SMITH RD HOPE MILLS, NC 28348	HOLY HOUSE OF GOD IN CHRIST INC 3905 DOLITTLE RD FAYETTEVILLE, NC 28306
JOHNSON, VALERIE A 21 EISENHOWER RD NORWOOD, MA 02062	EVERETT, BOBBY RAY; EVERETT, FANNIE 1182 LOWERY RD RED SPRINGS, NC 28377	BAKER, JAMES FRANKLIN; THOMAS, HARVEY BAKER PO BOX 149 RAEFORD, NC 28376
ROTHCHILD ASSETS LLC 109 HAY ST STE 201 FAYETTEVILLE, NC 28301	ROBINSON, EMILY 2065 SMITH RD HOPE MILLS, NC 28348	PAUL, JEAN EGENS 75 SYCAMORE AVE BROCKTON, MA 02301
RAY, SHARRISE YVONNE 702 EAST 6 <sup>TH</sup> AVE UNIT 303 BRANDENTON, FL 34208	CABELLERO, RAFAEL R; CABELLERO, ANA G 8009 HAMMOND ST ALEXANDRIA, VA 22309	WADE, MARTHA 1605 HALSEY LP HOPE MILLS, NC 28348
FAITH BAPTIST CHURCH OF FAY INC 2728 CREEKDEW CT FAYETTEVILLE, NC 28305	MATHIS, KIM SCOTT 1043 CRAYTON CIR FAYETTEVILLE, NC 28314	JOHNSON, WILLIAM A JR 30609 LANCELEAF WAY MURRIETA, CA 92563
WATERS, JANICE MARIE 50 W MASHTA DR 1 KEY DISCAYNE, FL 33149	MCNEIL, EVA MAE 1972 SMITH RD HOPE MILLS, NC 28348	SIMMS, HENRY ERNEST JR 3812 VICTORIA AVE BALTIMORE, MD 21244

MELVIN, KENNETH EARL; MELVIN, SARAH  
1451 SANDHILLS RD  
HOPE MILLS, NC 28348

COVINGTON, LESLIE M  
2018 SMITH RD  
HOPE MILLS, NC 28348

PAMI RMODELING CO IN  
905 RED CEDAR LN  
FAYETTEVILLE, NC 28306

COVINGTON, CARL V  
1613 HALSEY LP  
HOPE MILLS, NC 28348

LEE, DORA E  
14092 W NC 53 HWY  
WHITE OAK, NC 28399

HAYES, MARURICE B; HAYES, HAZEL I  
3504 ROLLS AVE  
FAYETTEVILLE, NC 28311

ADAMS, LORRAINE; TELINA S SLOAN  
2259 SMITH RD  
HOPE MILLS, NC 28348

ADAMS, MARTHA RUTH  
2259 SMITH RD  
HOPE MILLS, NC 28348

FULTON, GLENICE  
985 BRISSON RD  
PARKTON, NC 28371

MCLAUGHLIN, ALECIA MARI; DAVID, LEON  
PO BOX 65563  
FAYETTEVILLE, NC 28306

CUNARD, MARY R  
1550 HALSEY LP  
HOPE MILLS, NC 28348

MCRAE, LILLIE JANELLE  
PO BOX 201  
ROWLAND, NC 28383

TYSON, VANCE U JR  
4925 S NC 87 HWY  
FAYETTEVILLE, NC 28306

JOHNSON, LUNDA S; PARSONS, MAE S;  
WOODDELL, THOMAS J JR; HODGES, PAMELA W;  
LASSITER, CHERI DAVIS; DAVIS, MICHAEL SCOTT;  
DAVIS CHRISTOPHER LEWIS  
3942 W BENT GRASS DR  
FAYETTEVILLE, NC 28312

SOMMA INVESTMENTS INC  
50 W MARSHTA DR 1  
KEY BISCAYNE, FL 33149

CAMPBELL, GRADY LOUIS; CAMPBELL,  
BARBARA ANN  
1546 HALSEY LP  
HOPE MILLS, NC 28348

FREEMAN, HERBERT  
5405 HWY 87 S  
FAYETTEVILLE, NC 28306

BRADY, CYNTHIA FOY  
2038 SMITH RD  
HOPE MILLS, 28348

JEFE TRUST  
132 PORTLO ST  
GARNER, NC 27529

REILLY, MIKE; RELILLY, KAREN  
2955 GILLESPIE ST  
FAYETTEVILLE, NC 28306

JOHNSON, WILLIAM A  
13 H FOREST ACRES DR  
BRADFORD, MA 01835

**ATTACHMENT: APPLICATION**



**County of Cumberland**  
◆  
**BOARD OF ADJUSTMENT**

CASE #: \_\_\_\_\_

CUMBERLAND COUNTY BOA  
MEETING DATE: \_\_\_\_\_

DATE APPLICATION  
SUBMITTED: \_\_\_\_\_

RECEIPT #: \_\_\_\_\_

RECEIVED BY: \_\_\_\_\_

**APPLICATION FOR  
SPECIAL USE PERMIT**

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 Special Use Permit 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 Special Use Permits are encouraged to read Section 1606 "Special Use Permits" of the Zoning Ordinance to ensure the technical requirements of the Ordinance are met before submission to the Board of Adjustment (see next page).

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

- 1. A copy of the recorded deed and/or plat,**
- 2. If a portion of an existing tract, an accurate written legal description of only the area to be considered;**
- 3. A copy of a detailed site plan drawn to engineering scale, showing the location of all buildings, yard dimensions, driveways, fencing, lighting parking areas, landscaping, and all other pertinent data to the case; and**
- 4. Cash or check payable to "Cumberland County" in the amount of \$ 3,000.00 (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**

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**Section 1606 SPECIAL USE PERMIT (portion of)**

B. Procedure. Special Use Permit shall be granted by the Board of Adjustment as permitted for only those uses enumerated in Section 403, Use Matrix, as Special Uses. Uses specified as a Special Use in Section 403 shall be permitted only upon the issuance of a Special Use Permit by the Board of Adjustment.

The owner or owners of all property included in the petition for a Special Use Permit shall submit a complete application and three copies of a site plan (drawn in accordance with the specifications listed in Section 1402) to the Planning and Inspections Staff. The Staff will schedule the application to be heard by the Board of Adjustment in accordance with the adopted time schedule. The Planning and Inspections Staff shall also notify the Commanders of Fort Bragg, and Pope U.S. Army Field of any application affecting the use of property located within a five miles or less of the perimeter boundary of said bases in accordance with the N.C. Gen. Stat §153A-323.

Developers are encouraged to discuss their Special use plans with the Planning and Inspections Staff before submission. The Staff shall assist the developer upon request by reviewing Special use plans to insure that the technical requirements of this Ordinance are met before submission to the Board of Adjustment.

All applications and site plans shall provide information indicating compliance with the development standards for individual uses as listed in Article IX of this Ordinance, as applicable, and the height and area regulations for the zoning district in which they are located, unless the provisions for the Special Use provide to the contrary.

C. Consideration of Application. The Board of Adjustment shall consider the application, site plan and any other evidence presented in accordance with this Article and may grant or deny the Special Use Permit requested. On granting a Special Use Permit, the Board shall find that:

1. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended;
2. The use meets all required conditions and specifications;
3. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and
4. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and is in general conformity with the Cumberland County's most recent Comprehensive Land Use Plan.

**Any special use permit 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.**

**BOARD OF ADJUSTMENT**

LOCATION OF PROPERTY: Smith Road, Hope Mills, North Carolina 28348

OWNER: Faith Baptist Church of Fayetteville, Inc.

ADDRESS: 2155 Smith Road, Hope Mills, NC ZIP CODE: 28348

TELEPHONE: HOME \_\_\_\_\_ WORK 910-987-4553

AGENT: Nicholas C. Steinhaus of Baker Donelson

ADDRESS: 1501 Main Street, Suite 310, Columbia, South Carolina 29201

TELEPHONE: HOME \_\_\_\_\_ WORK 803-251-8828

E-MAIL: nsteinhaus@bakerdonelson.com

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

A. Parcel Identification Number (PIN #) of subject property: 443131122000  
(also known as Tax ID Number or Property Tax ID)

B. Acreage: 0.23 Frontage: \_\_\_\_\_ Depth: \_\_\_\_\_

C. Water Provider: N/A

D. Septage Provider: N/A

E. Deed Book 6819, Page(s) 811, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).

F. Existing use of property: Agriculture/forested and current location of Faith Baptist Church of Fayetteville at the front of the parcel.

G. It is proposed that the property will be put to the following use: (Describe proposed use/activity in detail including hours of operation, number of employees, signage, parking, landscaping, etc.) The construction of an unmanned 199' monopole telecommunications facility with a 60'x60' fenced compound. The tower will be operated continuously 24 hours a day, 7 days a week. Only signage will be displayed on the compound fencing which identifies the tower owner, emergency contact information, and required safety signs. The tower site will have a 30'x60' turn around and parking area. The site will not be landscaped, but will rely on existing heavy and extensive vegetation on the parent parcel which will provide heavy screening to all adjacent properties.

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.

Faith Baptist Church of Fayetteville, Inc.

NAME OF OWNER(S) (PRINT OR TYPE)

2155 Smith Road, Hope Mills, SC

ADDRESS OF OWNER(S)

pastorbill316@aol.com

E-MAIL

HOME TELEPHONE #

910-987-4553

WORK TELEPHONE #

Nicholas C. Steinhaus

NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

1501 Main Street, Suite 310, Columbia, South Carolina 29201

ADDRESS OF AGENT, ATTORNEY, APPLICANT

nsteinhaus@bakerdonelson.com

E-MAIL

HOME TELEPHONE #

803-251-8828

WORK TELEPHONE #

Please see enclosed authorization to act as agent.

SIGNATURE OF OWNER(S)



SIGNATURE OF AGENT, ATTORNEY  
OR APPLICANT

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 approve, deny, or defer the request for additional information to be provided;
- If the petitioner or their representative for this application does not appear personally before the board, whether there is opposition or not, the board has full authority to consider the case.
- If the board's decision is to deny the matter before them, the aggrieved party shall file a **"Notice to Intent to Appeal" with the Planning & Inspections Staff on the next business day following the meeting in which the board's decision was made final, or the next business day following receipt of the written copy thereof.**
- Any petition for review by Superior Court shall be file with the Clerk of Superior Court within 30 days after the decision of the board is made final.

Signed acknowledgment that the Planning and Inspections Staff has explained the application process and procedures regarding this request and the public hearing procedure stated above.

SIGNATURE OF OWNER(S) \_\_\_\_\_



PRINTED NAME OF OWNER(S) Nicholas C. Steinhaus

DATE 07/11/2022

**Location:** 3863 Wilkersham Way  
**Jurisdiction:** County-Unincorporated

**REQUEST** **Variance from Rear Yard Setback Standard**

The applicant requests a variance from Section 1104, County Zoning Ordinance, to allow a 1,200 square foot detached garage to encroach the minimum rear yard setback line by twenty (20) lineal feet. at a residential lot assigned an RR Rural Residential zoning district. Located at 3863 Wilkersham Way, as shown in Exhibit "A", and containing 0.60 acres, the subject lot is currently occupied by a 2,393 square foot home and a storage shed and is located at 3863 Wilkersham Way. A site plan for the residential lot appears in Exhibit "B" (attached) and shows the proposed location for the new garage. A second site plan submitted with the applicant's septic tank permit application, appearing in Exhibit "C", shows the location of the proposed garage as well as the septic tank and drainage field. The garage has not yet been constructed.

- Exhibits
- A. Site Location/Zoning
  - B. Site Plan (attached)
  - C. Septic Permit Site Plan (Rear Yard)
  - D. Existing Use
  - E. Surrounding Area
  - F. Soil Conditions
  - G. Section 1104, Zoning Ordinance
  - H. Section 1002.E.4, Zoning Ordinance
  - I. Septic Tank Permit
  - J. Applicant's Response
- Attachment: mailing list;  
variance application

**PROPERTY INFORMATION**

**OWNER/APPLICANT:** Michael & Cheryl Canders

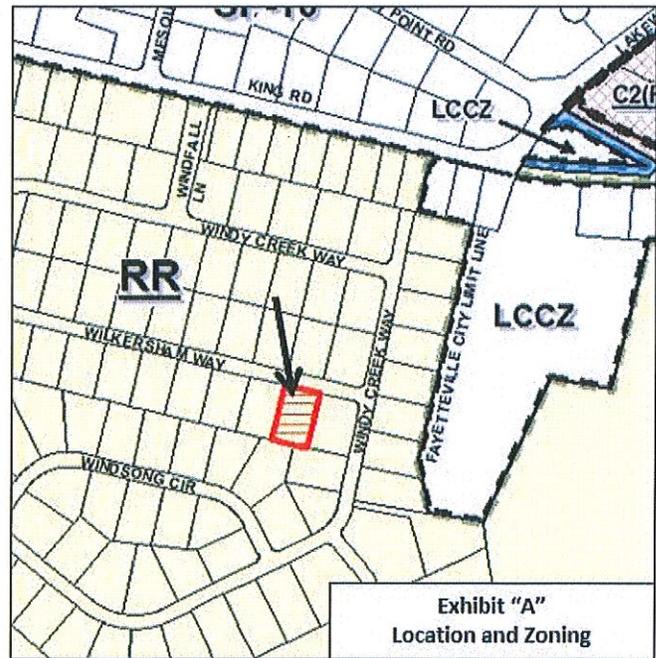
**ADDRESS/LOCATION:** Refer to Exhibit "A", Location and Zoning Map. Lot is located within in the Wendemere subdivision.  
REID number: 9494471208000.

**SIZE:** 0.60 +/- acres. Road frontage along Wilkersham Way is 130 feet with a depth of 200 feet.

**EXISTING ZONING:** RR Rural Residential (As shown in Exhibit "A")

**EXISTING SITE CONDITONS:**

Exhibit "D" (attached) shows the existing use of the subject property. A residential home with 2,393 sq ft. and a storage shed have been constructed on the property. The house is served by central water and on-site septic tank.



**SURROUNDING LAND USE:** Exhibit "E" illustrates the following neighborhood character and surrounding area, and is further outlined below:

- **North:** Wilkersham Way and single family residential
- **East:** Single family homes
- **West:** Single family homes
- **South:** Single family homes

**SPECIAL DISTRICTS:** The property is not located within the Fayetteville Regional Airport Overlay District or within five miles of Fort Bragg Military Base.

**UTILITIES:** The lot connected to central water lines and the water provider is *Aqua America*, a privately-owned utility company. Sewer treatment is provided by an on-site septic system. Exhibit "I" provides the septic tank permit and diagram of the septic system location.

**OTHER SITE CHARACTERISTICS:** The site is not located in a Watershed or within a Flood Zone Hazard Area. The subject property, as delineated in Exhibit "F", illustrates no presence of hydric or hydric inclusion soils at a small portion of the northeast corner of the property.

**DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:**

Minimum Standard	RR (Existing Zoning)
Front Yard Setback	30 feet
Side Yard Setback	15 feet
Rear Yard Setback	35 feet
Lot Area	20,000 sq. ft.
Lot Width	100'

**APPLICABLE CODES:**

Zoning Code	Standard	Exhibit #
Sec. 1104	Minimum rear yard setback of 35 feet.	G
Sec. 1002.E.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."	H
Sec. 203, Definition	" <b>Buildable Area (Buildable Envelope):</b> The space remaining on a lot after the minimum open space requirements (yards, setbacks, etc.) have been met."	
Sec. 1605	Variance criteria to demonstrate hardship	Below

**VARIANCE HARDSHIP CRITERIA:**

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

- 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.

**APPLICANT HARDSHIP DECLARATION:**

Applicant's response to the above four variance hardship criteria is provided in Exhibit "J".

**VARIANCE SITE INFORMATION.**

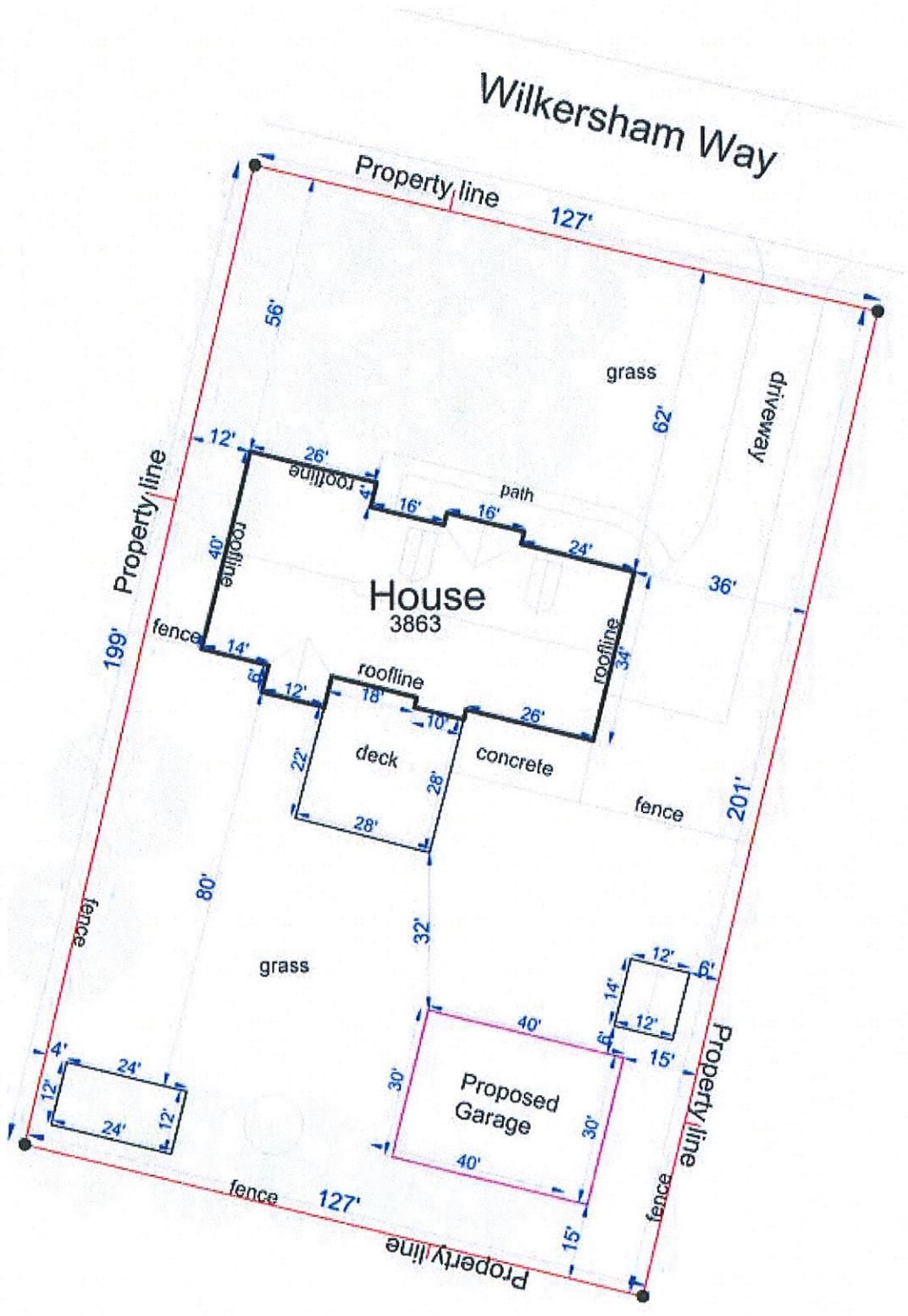
- A. Site Plan provided in Exhibit "B" illustrates the location of existing buildings and structures on the lot as well as the location of the proposed garage, which is 1,200 sq. ft. Because the proposed garage is over 700 square feet, per Sec. 1002.E.4, the garage must be inside the building envelope. This means that the proposed garage must comply with the same setbacks as the house. The site plan shows the applicant's request to place the proposed garage 15 feet from the rear property line instead of complying with the minimum 35-foot rear yard setback standard.
- B. The septic system permit includes a graphic depiction, as shown in Exhibit "I", that illustrates the locations of the existing septic system and that of the proposed garage. Based on this graphic in Exhibit "I", staff evaluation indicates that sufficient space occurs within the rear yard to locate the proposed garage inside the buildable envelopment. Thus, a location occurs where the proposed garage can be placed a location in the rear yard that complies with the minimum rear yard setback of 35 feet.

**EMERGENCY SERVICES:** Cumberland County Fire Marshal's office has reviewed the request and has no objections to the rezoning request.

**MOTION / BOA ACTION**

The BOA has the authority to take final action on variance applications, making a decision to approve, deny, or approve with conditions. The motion must be based on the four findings variance criteria and based on the findings of fact presented at the hearing.

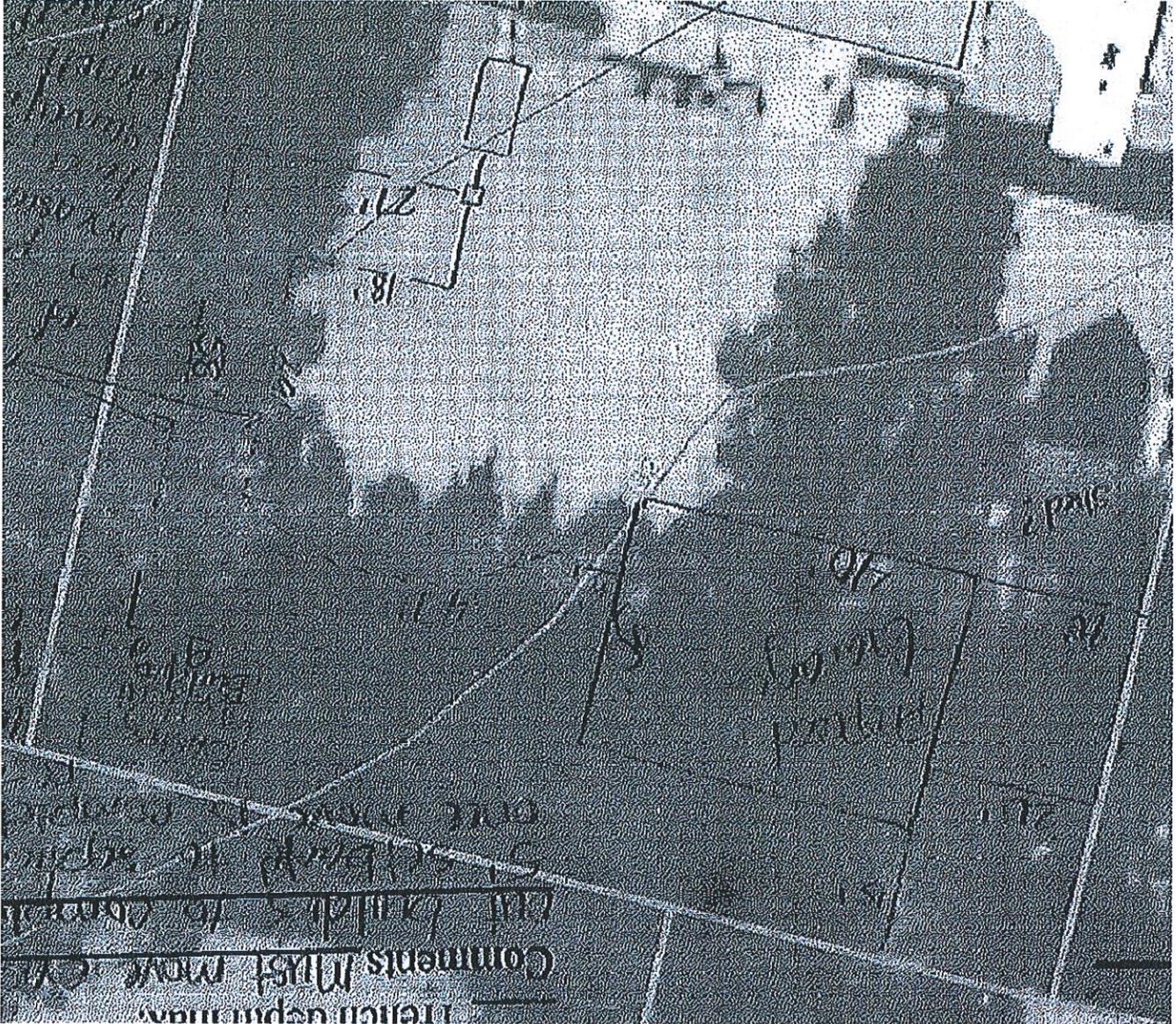
**Exhibit "B"**  
**Site Plan with Proposed Garage Location**



Source: Applicant

Exhibit "C"  
Septic Tank Permit Site Plan: Rear Yard Septic System Location

n



Source: Septic Tank Permit Application

Exhibit "D"  
Existing Use

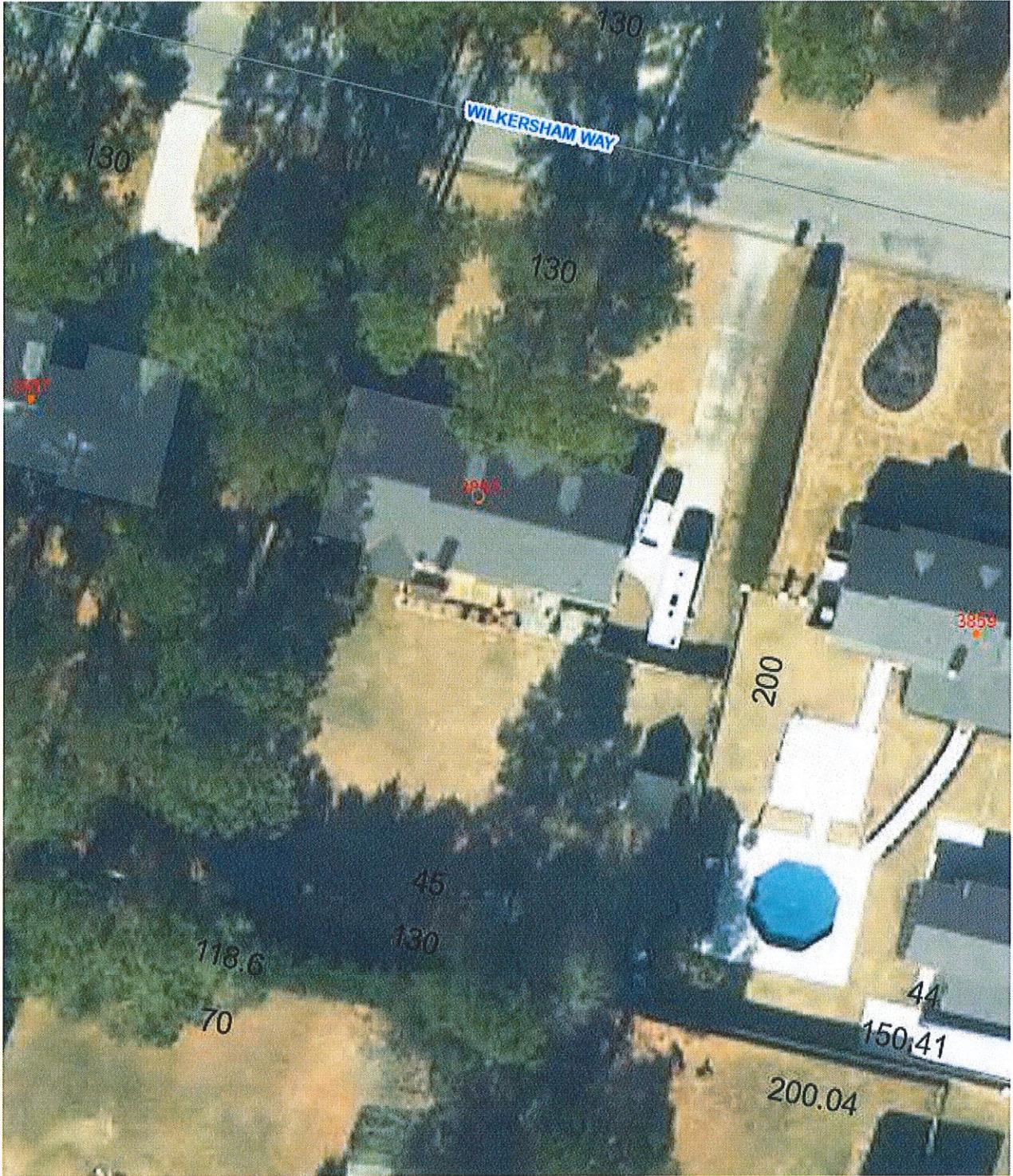
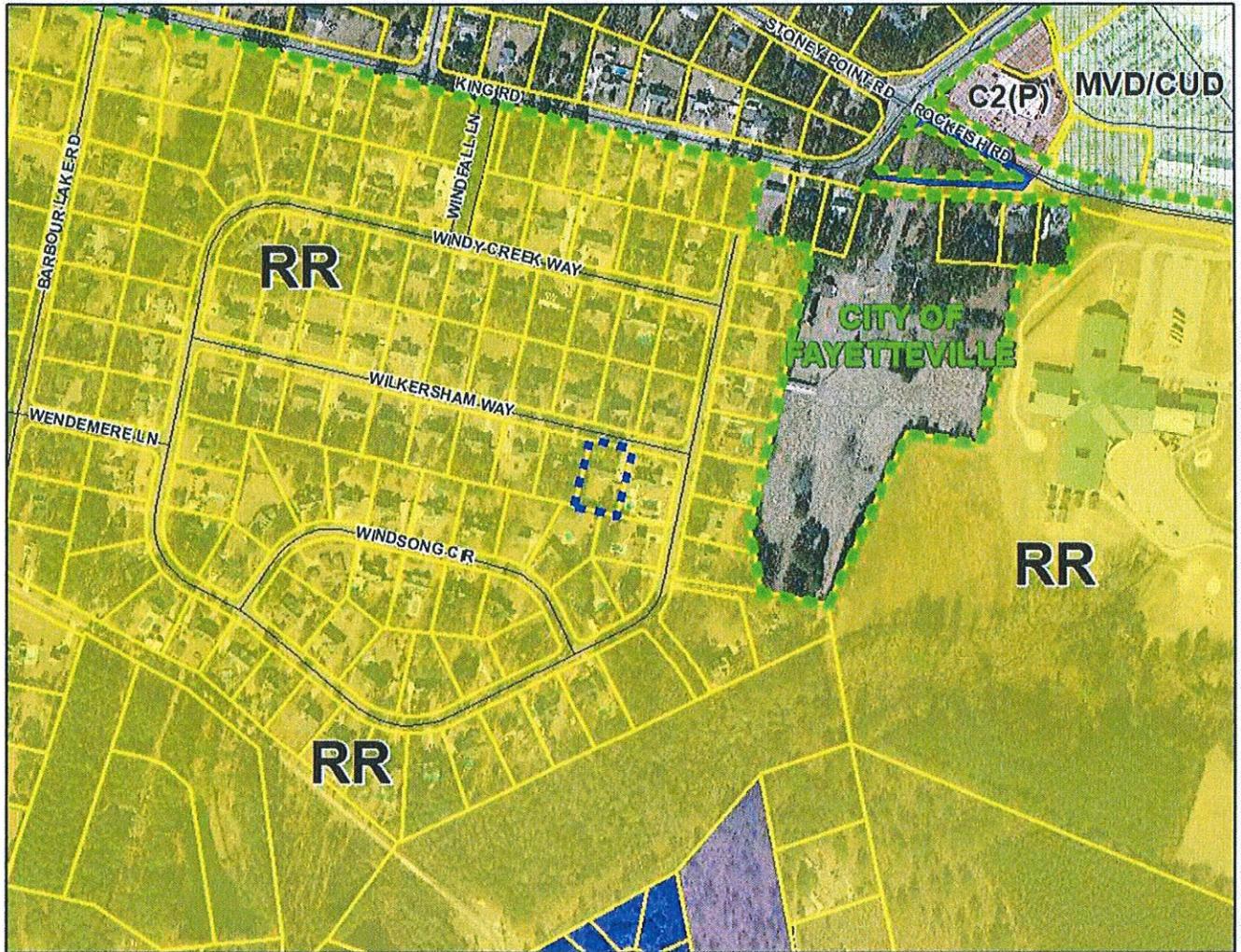
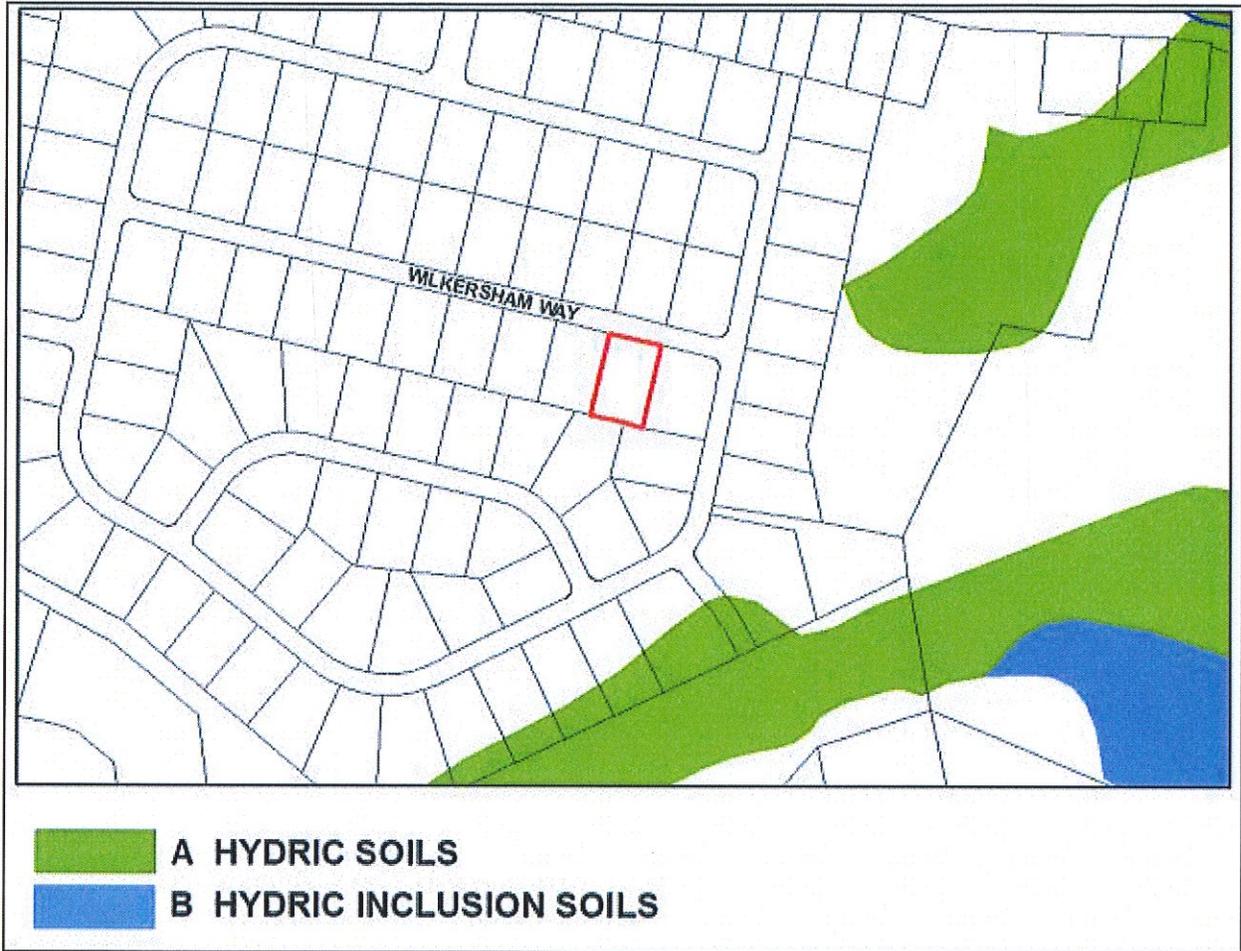


Exhibit "E"  
Neighborhood Character and Surrounding Area



**Exhibit "F"**  
**Soil Conditions**



## Exhibit "G" Section 1104, Zoning Ordinance

### SECTION 1104. DISTRICT DIMENSIONAL PROVISIONS.<sup>1</sup>

Except for the special provisions as previously noted in this article and any special provisions provided for elsewhere within this ordinance, the following district dimensional requirements shall be complied with:

DISTRICT	DENSITY <sup>2</sup> (SQ FT PER DWELLING)				WIDTH (in feet)	MINIMUM YARD SETBACK REGULATIONS <sup>2</sup>				
	MINIMUM LOT SIZE (square feet unless otherwise stated)	UNIT (DU) FOR CONDOS & GROUP DEVELOPMENTS				FRONT <sup>3</sup> YARD (measured from R/W line)	SIDE YARD		REAR YARD (in feet)	
		1 <sup>st</sup> DU	2 <sup>nd</sup> , 3 <sup>rd</sup> & 4 <sup>th</sup> DUs	5 <sup>th</sup> *			(1 story)	(2 story)		(each add greater than 2 stories)
A1 <sup>3</sup>	2 acres	2 acres	2 acres	2 acres	100	50	20	25	25ft/story	50
A1A <sup>4</sup>	1 acre	1 acre	1 acre	1 acre	100	50	20	25	25ft/story	50
R40	40,000	40,000	40,000	40,000	100	30	15	15	10ft/story	35
R40A	40,000	40,000	40,000	40,000	100	30	15	15	10ft/story	35
R30	30,000	30,000	30,000	30,000	100	30	15	15	10ft/story	35
R30A	30,000	30,000	30,000	30,000	100	30	15	15	10ft/story	35
R20	20,000	20,000	20,000	20,000	100	30	15	15	10ft/story	35
R20A	20,000	20,000	20,000	20,000	100	30	15	15	10ft/story	35
RR	20,000	20,000	20,000	20,000	100	30	15	15	10ft/story	35
R15	15,000	15,000	15,000	15,000	75	30	10	15	10ft/story	35
R7.5	7,500	7,500	7,500	7,500	75	30	10	15	8ft/story	35
R6	6,000	6,000	5,000	4,000	60	25	10	12	6ft/story	30
R6A <sup>2</sup>	6,000	6,000	5,000	4,000	60	25	10	12	6ft/story	15 <sup>5</sup>
R5A	5,000	3,000	3,000	3,000	60	25	10	12	4ft/story	30
R5	5,000	5,000	3,000	1,500	60	25	10	10	4ft/story	30



**Exhibit "H"**  
**Section 1002.E.4., Zoning Ordinance**

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.

*(Amd. 11-20-06; Amd. 02-19-08; Amd. 01-19-10)*

**Exhibit "I"**  
**Septic Tank Permit**

**Cumberland County Department of Public Health**  
130 Gillespie Street  
Fayetteville, NC 28301-5417  
(910) 433-3668

**Improvement Permit**

*This permit is subject to revocation if the site plan or plat, whichever is applicable, or the intended use changes.*

Date: 7/29/2022

**Septic (Residential) Expansion**

Permit #: SEPTIC2022-00920

*Private well to be installed prior to wastewater system installation.*

Pin Number: 9494-47-1208

Date purchased:

Expiration Date: 08/25/2027

Applicant Name: CANDERS, CHERYL

Lot: 45

Site Address: 3863 WILKERSHAM WAY  
Fayetteville, NC 28305

Max Occupancy: 6

**Directions:**

Type of Establishment: Residential

Design Flow: 360

Site Classification: P5

Repairs: 3 LINES AT 62% REDUCTION ON A PUMP TANK. SUPPLY LINE TO BE BORED 30" UNDER GARAGE DRIVE PATH AND CONCRETE DRIVEWAY OR ENCASED IN SCHEDULE 80 PVC OR DUCTILE IRON IN THOSE AREAS. WATER LINE TO BE RE-ROUTED TO MAINTAIN A MINIMUM 10' SETBACK TO ANY PART OF SEPTIC SYSTEM.

**WASTEWATER SYSTEM**

Tank Capacity:

Pump tank reserve capacity:

**NITRIFICATION FIELD:**

Type:

Other:

No. Bedrooms: 3

No. Lines:

Length of Each Line:

Width of Each Line:

Max Trench Bottom Depth:

Conditions: MUST MOVE EXISTING SHED/OUT BUILDING TO COMPLY WITH REQUIRED 6' SETBACK TO SEPTIC. CALL INSPECTOR ONCE MOVE IS COMPLETE. REPAIR AREA RE-DESIGNATED TO ACCOMMODATE PROPOSED GARAGE.

Plat Provided - When a PLAT is provided, the Improvement Permit is valid without expiration.

Site Plan Provided - When a SITE PLAN is provided, the Improvement Permit is valid for five (5) years.

Improvement Permit Expiration Date: 8/25/2027

Improvement Permit Approved By:

C RAINERI

Date: 8/26/2022

**AUTHORIZATION FOR WASTEWATER SYSTEM CONSTRUCTION (ATC)**

An Authorization for Wastewater System Construction is required before any person shall commence or assist in the installation, construction or repair of a wastewater system and before any other permits (electrical, plumbing, heating, air conditioning or other construction) can be issued.

**AUTHORIZATION FOR WASTEWATER SYSTEM CONSTRUCTION IS VALID FOR FIVE (5) YEARS.**

ATC Expiration Date: 8/25/2027

ATC Approved By: C RAINERI

Date: 8/26/2022

**OPERATIONS PERMIT**

Contractor: \_\_\_\_\_

Pump Information: \_\_\_\_\_

This septic tank and this nitrification field have been inspected and meet the requirements as set forth by Article 11 of Chapter 13DA of the General Statutes of North Carolina, "Wastewater Systems" "Laws and Rules for Sewage Treatment and Disposal Systems" Title 10 NCAC, Subchapter 10A, Section, 1900 and "Regulations Governing Sanitary Sewage, Collection, Treatment and Disposal in Cumberland County, NC"; however, the signing of this form in no way guarantees the life of the system or that it will function under any or all conditions.

Operations Permit Approved By: \_\_\_\_\_

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

Inspection of sewer line between house and septic tank connection thereto is the responsibility of Cumberland County Inspection Dept. (910) 321-0636

System Type \_\_\_\_\_

Manufacturer \_\_\_\_\_

Model \_\_\_\_\_



## Exhibit "J"

### 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:

At the current setback on the back of the property, the proposed structure will impede on my septic area.

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:

The current setback will place the proposed structure in my septic area. My yard is primarily septic besides the back corner.

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:

no changes have been made to the property to cause the need for the variance. This request is based on need from the original build.

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:

The requested variance not impede on the safety or property value of our home or that of our neighbors.

**ATTACHMENT – MAILING LIST**

AARON, SABRINA P  
3859 WILKERSHAM WAY  
FAYETTEVILLE, NC 28306

ADAMS, GARY D; ADAMS, CECILIA D;  
ADAMS, CECILIA D  
6429 WINDY CREEK WAY  
FAYETTEVILLE, NC 28303

BAYS, DION; BAYS, MARY  
3874 WILERSHAM WAY  
FAYETTEVILLE, NC 28303

OBRIEN, MICHAEL A; OBRIEN, SUSAN  
3862 WILERSHAM WAY  
FAYETTEVILLE, NC 28303

OBI, DEREK E; OBI CANDELYN D  
6414 WINDY CREEK WAY  
FAYETTEVILLE, NC 28303

CAMACHO, MARIANO JR  
6425 WINDY CREEK WAY  
FAYETTEVILLE, NC 28303

SANTIAGO, ALEXIS TORRE  
6560 WINDY CREEK WAY  
FAYETTEVILLE, NC 28303

MESSICK, MARIE  
3811 WINDSWONG CIR  
FAYETTEVILLE, NC 28306

ROWE, WALDEN V; ROWE, JANET G  
3882 WILKERSHAM WAY  
FAYETTEVILLE, NC 28303

BRENNAN, TIMOTHY E; BRENNAN, JANIS  
B  
6414 WINDY CREEK WAY  
FAYETTEVILLE, NC 28303

WHISNANT, ANTHONY L; WHISNANT,  
KATHRYN EDWARDS  
6411 BARBOUR LAKE ROAD  
FAYETTEVILLE, NC 28306

WILLIAMS, LEE A; WILLIAMS, FREDDIE  
MAE  
6536 WINDY CREEK WAY  
FAYETTEVILLE, NC 28306

ARROYO, PABLO; ARROYO JORDAN  
3878 WILKERSHAM WAY  
FAYETTEVILLE, NC 28306

WHEELER, FRANK JOHN; WHEELER,  
MELANIE  
6417 WINDY CREEK WAY  
FAYETTEVILLE, NC 28303

DICKSON, RICKY D; DICKSON, TANA L  
6572 WINDY CREEK WAY  
FAYETTEVILLE, NC 28306

BOURGET, JOSEE  
6532 WINDY CREEK WAY  
FAYETTEVILLE, NC 28306

NOBLIN, JOHN W TRUSTEE; NOBLIN,  
LINDA E TRUSTEE; NOBLIN, JOHN M  
TRUSTEE; WHITE, MELISSA N TRUSTEE  
6440 WINDY CREEK WAY  
FAYETTEVILLE, NC 28306

CACERES RIVERA, MIGUEL A; RUTH,  
RODRIGUEZ  
6549 WINDY CREEK WAY  
FAYETTEVILLE, NC 28306

BOSTICK, ANTHONY C. TRUSTEE;  
BOSTICK, LISA G. TRUSTEE  
103 ROSS DR SW  
VIENNA, VA 22180

FERGUSON, ROBERT; FERGUSON,  
FRANCES  
7547 KING RD  
FAYETTEVILLE, NC 28306

SHORTER, STEPHEN E; SHORTER, ELLA  
RUTH  
3867 WILKERSHAM WAY  
FAYETTEVILLE, NC 28306

HE, GAOFENG; HE, MINYA SHAO  
6517 WINDY CREEK WAY  
FAYETTEVILLE, NC 28306

SELLERS, ISSIAH; SELLERS, KERIEANN  
3801 WINDSONG CIR  
FAYETTEVILLE, NC 28306

MURPHY, MILTON; MURPHY, DENISE  
3824 WINDSONG CIR  
FAYETTEVILLE, NC 28306

POPE, JOHN M; POPE, LINDA F  
6439 WINDY CREEK WAY  
FAYETTEVILLE, NC 28306

SINGLETON, DONALD W; SINGLETON,  
DORETHA A  
3871 WILKERSHAM WAY  
FAYETTEVILLE, NC 28306

ADKINS, TODNEY LEE; ADKINS,  
ELIZABETH JULIA  
6552 WINDY CREEK WAY  
FAYETTEVILLE, NC 28306

MONTGOMERY, SYLVESTER;  
MONTEGOMERY, JEANNETTE R  
3801 WINDSONG CIR  
FAYETTEVILLE, NC 28306

BISCHOFF, ROBERT A; BISCHOFF, BILLIE  
K  
2925 COACHWAY DR  
FAYETTEVILLE, NC 28306

SCOTT, BEATRICE MONICA; SCOTT,  
THOMAS WALTER  
3812 WINDSONG CIR  
FAYETTEVILLE, NC 28306

JEWELL, TERRENCE; KIRKLAND, KRISTY  
3866 WILKERSHAM WAY  
FAYETTEVILLE, NC 28306

LUND, ROGER E; LUND, VICKI F  
6576 WINDY CREEK WAY  
FAYETTEVILLE, NC 28306

LACEY, STEVEN A; LACEY, TAMARA E  
PASTOR  
3858 WILKERSHAM WAY  
FAYETTEVILLE, NC 28306

HOUSTON, MATTHEW TODD;  
HOYUSTON JULIE ANN  
3883 WILKERSHAM WAY  
FAYETTEVILLE, NC 28306

CAPEL, FELTON J JR; CAPEL, JERRY S  
3819 WINDSONG CIR  
FAYETTEVILLE, NC 28306

PIERSAWL, LLOYD C; PIERSAWL, MARNITA  
M  
2032 PORT POTOMAC AVE  
WOODBIDGE, VA 22191

WOOD, MARY V LIFE ESTATE  
6433 WINDY CREEK WAY  
FAYETTEVILLE, NC 28306

CANDERS, MICHAEL D; CANDERS,  
CHERYL L  
3863 WILKERSHAM WAY  
FAYETTEVILLE, NC 28306

MYSKEY, RICKEY N JR; MYSKEY, JINTANA B  
6550 WINDY CREEK WAY  
FAYETTEVILLE, NC 28306

DAVIS, WILLIAM R; DAVIS, PATRICIA J  
3870 WILKERSHAM WAY  
FAYETTEVILLE, NC 28306

BAXLEY, CHRISTOPHER D; BAXLEY,  
EMILY S  
6422 WINDY CREEK  
FAYETTEVILLE, NC 28306

LEONARD, DAVID M; LEONARD, LENA LEE  
6564 WINDY CREEK WAY  
FAYETTEVILLE, NC 28306

CLARK, CAROLE M  
3815 WINDSONG CIR  
FAYETTEVILLE, NC 28306

BAILEY, MICHAEL WAYNE; BAILEY,  
DEBORAH H  
3808 WINDSONG CIR  
FAYETTEVILLE, NC 28306

FINCH, WALTER D JR; FINCH, DEIRDRE H  
3816 WINDSONG CIR  
FAYETTEVILLE, NC 28306

SENA, LOROY R  
6568 WINDY CREEK WAY  
FAYETTEVILLE, NC 28306

LOWRY, BRYON DANIEL  
6556 WINDY CREEK WAY  
FAYETTEVILLE, NC 28306

MURPHY, KEVIN T; CYNTHIA M NORRIS  
6525 WINDY CREEK WAY  
FAYETTEVILLE, NC 28306

MCMILLAN, KENNETH L; MCMILLAN,  
MARTECIA J  
3800 WINDSONG CIR  
FAYETTEVILLE, NC 28306

WHITE, MELISSA NOBLIN; WHITE, DALE  
BRADLEY  
6428 WINDY CREEK WAY  
FAYETTEVILLE, NC 28306

PATTON, TERRY J; GILLETTE-PATTON,  
SONI  
6421 WINDY CREEK WAY  
FAYETTEVILLE, NC 28306

GRAYS KAREN Y  
3875 WILKERSHAM WAY  
FAYETTEVILLE, NC 28306

HAIRE, NATALIE G; HAIRE JASON E  
6580 WINDY CREEK WAY  
FAYETTEVILLE, NC 28306

SMITH, SUSAN E; SMITH, LARRY G  
6413 WINDY CREEK WAY  
FAYETTEVILLE, NC 28306

SILES, JOEL A; SILES, LORETTA M  
3804 WINDSONG CIR  
FAYETTEVILLE, NC 28306

ROBINSON, JERRY D; ROBINSON, LARUE  
L  
3879 WILKERSHAM WAY  
FAYETTEVILLE, NC 28306

WITHERSPOON, DERRICK A;  
WITHERSPOON, NIESHA S  
6544 WINDY CREEK WAY  
FAYETTEVILLE, NC 28306

HALL, GARY LEE TRUSTEES; HALL, JANE  
VACCARI TRUSTEES  
3805 WINDSONG CIR  
FAYETTEVILLE, NC 28306

**ATTACHMENT: APPLICATION**

**BOARD OF ADJUSTMENT**

LOCATION OF PROPERTY: 3863 Wilkerson Way, Fayetteville, NC 28306

OWNER: Michael & Cheryl Carrero

ADDRESS: 3863 Wilkerson Way ZIP CODE: 28306

TELEPHONE: HOME 910-670-9379 WORK 910-527-1536

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

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

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

E-MAIL: \_\_\_\_\_

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

- A. Parcel Identification Number (PIN #) of subject property: Lot 45  
(also known as Tax ID Number or Property Tax ID)
- B. Acreage: .6 Frontage: 62' Depth: 182'
- C. Water Provider: Agua America
- D. Septage Provider: Septic
- E. Deed Book 01165, Page(s) 00388, Cumberland County
- F. Existing and/or proposed use of property: proposed installation of a 30x40 detached garage
- G. Section and provision of the Zoning Ordinance or Code from which a Variance is requested: \_\_\_\_\_
- H. Nature and extent of hardship involved in strict application of the Zoning Ordinance or Code: By the current standard we are required a 35' setback from the back property line. This would place the building to impede on my septic which is the center of my yard.

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.

Michael & Cheryl Candlers  
NAME OF OWNER(S) (PRINT OR TYPE)

3863 Wilkeroham Way Fayetteville, NC 28306  
ADDRESS OF OWNER(S)

Cheryl.candlers@gmail.com / candlerodaddy2@icloud.com  
E-MAIL

910-670-9379  
HOME TELEPHONE #

910-527-1536  
WORK TELEPHONE #

~~\_\_\_\_\_  
NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)~~

~~\_\_\_\_\_  
ADDRESS OF AGENT, ATTORNEY, APPLICANT~~

\_\_\_\_\_  
HOME TELEPHONE #

\_\_\_\_\_  
WORK TELEPHONE #

  
\_\_\_\_\_  
SIGNATURE OF OWNER(S)

\_\_\_\_\_  
SIGNATURE OF AGENT, ATTORNEY  
OR APPLICANT

Michael Candlers  
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)

 / Michael Carderos

PRINTED NAME OF OWNER(S)

Cheryl Carderos / Michael Carderos

DATE

10/16/22

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



**Alternates:**  
Gary Silverman  
Kenneth Turner  
Vacant  
Vacant  
Vacant

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

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

### **2023**

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

### ***DEADLINE/MEETING SCHEDULE***

#### **Application Deadline**

Thursday, December 8, 2022

Friday, January 13, 2023

Friday, February 10, 2023

Friday, March 17, 2023

Monday, April 17, 2023

Friday, May 12, 2023

Friday, June 16, 2023

Monday, July 17, 2023

Friday, August 18, 2023

Monday, September 18, 2023

Friday, October 13, 2023

Thursday, November 16, 2023

Monday, December 11, 2023

#### **Meeting Date**

Thursday, January 19, 2023

Thursday, February 16, 2023

Thursday, March 16, 2023

Thursday, April 20, 2023

Thursday, May 18, 2023

Thursday, June 15, 2023

Thursday, July 20, 2023

Thursday, August 17, 2023

Thursday, September 21, 2023

Thursday, October 19, 2023

Thursday, November 16, 2023

Thursday, December 21, 2023

Thursday, January 18, 2024

**NOTE: Generally, deadlines are set 24 working days prior to the Board meeting date.**

**APPLICANTS FOR  
BOARD OF ADJUSTMENT**

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
<p>BOWSER, JOVAN (B/F) 2106 MANNING DRIVE FAYETTEVILLE, NC 28306 757-775-7789 <a href="mailto:BOWSER.JOVAN@GMAIL.COM">BOWSER.JOVAN@GMAIL.COM</a> 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 SENIOR LEADER COURSE <b>CATEGORY: GENERAL PUBLIC</b></p>	<p>PROTOCOL/EQUAL OPPORTUNITY SPECIALIST/US ARMY ADVISOR TO COMMANDER</p>	<p>MS PROJECT MGMT</p>
<p>BROOKS, DONALD (B/M) 301 SOUTHLAND DRIVE FAYETTEVILLE NC 28311 910-826-6078 <a href="mailto:DONALDBROOKS959@GMAIL.COM">DONALDBROOKS959@GMAIL.COM</a> 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 <b>CATEGORY: GENERAL PUBLIC</b> <i>Currently appointed to Cumberland County Industrial Facilities and Pollution Control Financing</i></p>	<p>RETIRED</p>	<p>BACHELORS</p>
<p>BUSH-MCMANUS, PATRICIA (B/F) 3472 THORNDIKE DRIVE FAYETTEVILLE NC 28311 488-1314/202-468-3065 <a href="mailto:PATRICIA.BUSH-MCMANUS@PBMCONSULTINGGROUP.COM">PATRICIA.BUSH-MCMANUS@PBMCONSULTINGGROUP.COM</a> 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 <b>CATEGORY: GENERAL PUBLIC</b></p>	<p>CONSULTANT AND PROFESSOR</p>	<p>EDS/MA</p>
<p>RHODES, EVA P. (-/F) 301 DUNLEITH PLACE FAYETTEVILLE NC 28311 443-326-2924 <a href="mailto:EVAPHR1161@COMCAST.NET">EVAPHR1161@COMCAST.NET</a> 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 <b>CATEGORY: GENERAL PUBLIC</b></p>	<p>RETIRED FEDERAL EMPLOYEE</p>	<p>COLLEGE LISTED</p>

**APPLICANTS FOR**  
**BOARD OF ADJUSTMENT PAGE 2**

<b><u>NAME/ADDRESS/TELEPHONE</u></b>	<b><u>OCCUPATION</u></b>	<b><u>EDUCATIONAL BACKGROUND</u></b>
<p>TWITTY, MARTELLE (B/F) 6404 DAVIS BYNUM FAYETTEVILLE NC 28306 910-922-2014 <a href="mailto:MARTELLECOKE@GMAIL.COM">MARTELLECOKE@GMAIL.COM</a> 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 <b>CATEGORY: GENERAL PUBLIC</b></p>	<p>DENTAL HYGIENIST DAY AND NIGHT FAMILY DENTAL</p>	<p>DENTAL HYGIENE, BS</p>
<p>WALTERS, JAIMIE ( /F) 4829 MURPHY ROAD FAYETTEVILLE NC 28312 910-461-8873 <a href="mailto:JAIMIEMELTON@YAHOO.COM">JAIMIEMELTON@YAHOO.COM</a> 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 <b>CATEGORY: ALTERNATE MEMBER</b></p>	<p>SENIOR PLANNER MOORE COUNTY</p>	<p>BA HISTORY/MPA</p>