



**PLANNING & INSPECTIONS**

PLANNING STAFF REPORT  
**SPECIAL USE CASE # BOA-2022-0031**  
 Board of Adjustment Meeting:  
**January 19, 2022**

**Jurisdiction: County-Unincorporated**

**EXPLANATION OF THE REQUEST** **Special Use – Cemetery in a RR District**

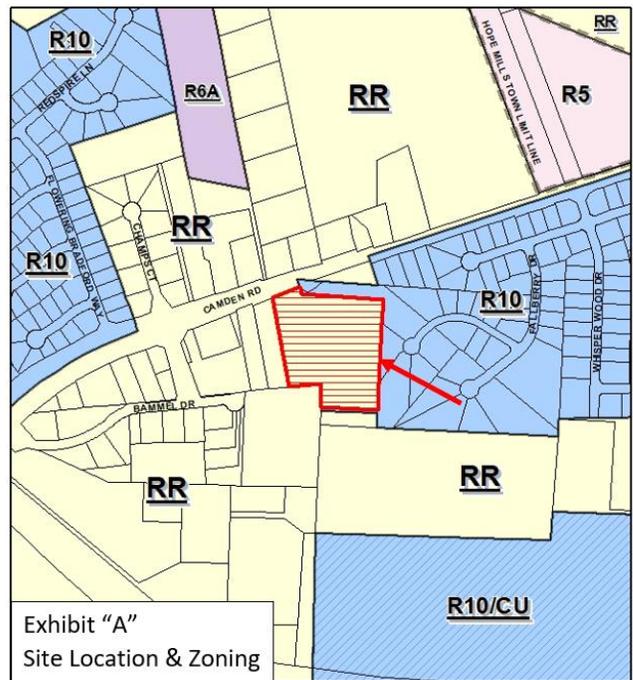
Property Owner requests the BOA grant a Special Use Permit for a cemetery at a location illustrated on Exhibit "A" and as delineated within the Special Use Site Plan (Exhibit "D"). The proposed site is owned by Jesus First Christian Church and is located on approximately 7.00 +/- acres. The property is located at 7467 Camden Road. The cemetery will cover approximately 20,000 square feet of the seven-acre church site.

A cemetery with an RR 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 cemetery in a RR zoning district must comply with the development standards and requirements set forth in Section 916 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 916. The applicant's proposed special use site plan appears in Exhibit "D" (attached).

Through the Special Use Permit, if approved by the BOA, the cemetery will be limited to an area not to exceed 20,000 sq. ft. in the area identified in the special use site plan. The cemetery will have a width of 200 feet and a depth of 100 feet. Access will be from the church driveway. Location of the cemetery does not interfere with the septic tank and drainage field, which are located at the front yard in front of the church. Sufficient area will remain to accommodate parking for the church and cemetery at the area directly behind the church and to the north of the cemetery.

The church building has a maximum capacity for 150 persons, which requires a minimum of 30 parking spaces. Parking for the cemetery activities will use the church parking lot. Sufficient land area remains for vehicle parking after the cemetery is created. Before the church can use its property for a cemetery, all applicable permits must be obtained from the Department of Health and other state agencies.

- Exhibits**
- A. Site Location/Zoning
  - B. Use Matrix, Sec. 403, Zoning Code
  - C. Section 916
  - D. Special Use Site Plan
  - E. Existing and Adjacent Uses
  - E1. Existing and Adjacent Uses (higher detail)
  - F. Soil and Utilities
  - G. Southwest Cumberland Land Use Plan
  - H. Special Use Permit Conditions
  - I. Sec. 1606 Applicant Response
- Attachment: mailing list;



## PROPERTY INFORMATION

**OWNER/APPLICANT:** Jesus First Christian Church, Owner  
Gary Leviner, Agent

**ADDRESS/LOCATION:** 7467 Camden Road  
REID: 9494542097000

**SIZE:** 7.00 +/- acres

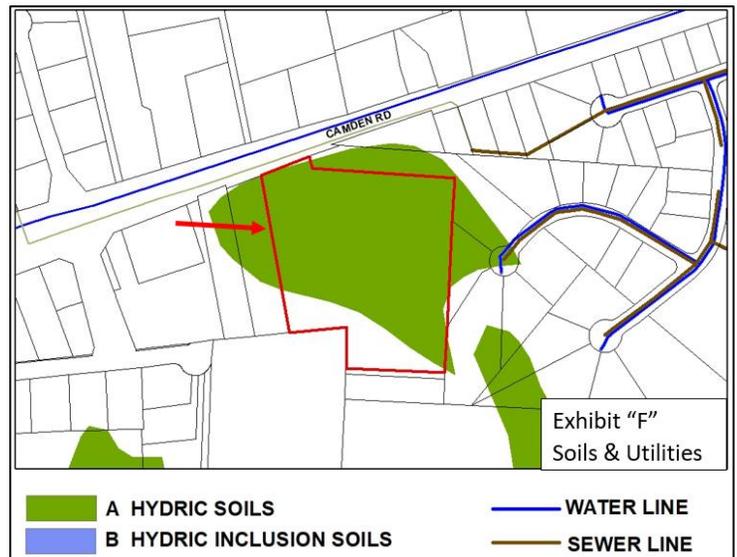
**ROAD FRONTAGE:** Road frontage along Camden Road is 158 +/- linear feet.

**EXISTING LAND USE:** The property currently has a structure that operates as Jesus First Christian Church, as shown in Exhibit "D" (site plan) and "E" (existing use and surrounding uses.) Exhibit "E1" (attached) provide a greater detail of the subject property.

**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" and in more detail in Exhibit "E1".

**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 cemetery would meet or exceed those required setbacks in a C1(P) zoning district per Section 916 § B.



**COMPREHENSIVE PLANS:**

Plan Area: Southwest Cumberland Land Use Plan

The Land Use Plan has no policies regarding cemeteries.

Future Land Use Classification: Suburban Residential

Overlay Districts: None present.



**IMPACTS ON LOCAL INFRASTRUCTURE**

**TRAFFIC:** The subject property sits on 7467 Camden Road which is identified as a Minor arterial in the Metropolitan Transportation Plan. Camden Road (SR-1003) is identified in the Transportation Improvement Program as U-3422. Proposed Fayetteville outer loop (U-2519) to NC 59 (Hope Mills Rd) in Fayetteville. Widen to multi-lanes. Right of way is scheduled for FY 2021 and Construction Year is 2024. In addition, Camden Road has a 2021 AADT of 7,700 and a road capacity of 36,800. 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 7467 Camden Road.

**UTILITIES:** PWC water utility only available along the frontage of Camden Road. It is the applicant's responsibility to determine if this utility will adequately serve their development. 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 have no comments.

**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 916 of the Zoning Code, Case No. BOA-2022-0031 Site Plan (Exhibit "D"), and Special Use Conditions (Exhibit "H")

## Special Use Key Conditions

Development and use of the property must occur consistent with the special use conditions of approval. Key conditions include the following:

1. The cemetery area shall not exceed 20,000 square feet at the southeast corner of the church property, as illustrated on the Special Use Site Plan.
2. Paved parking and a drive aisle must be constructed prior to operating the cemetery.
3. All necessary permits, as applicable, must be obtained from the Health Department and any other state agencies prior to operating the cemetery.
4. A more detailed site plan must be prepared consistent with the special use permit and submitted to the Current Planning Section of the Planning & Inspection Department for review.
5. The special use permit expires two years from the date of BOA approval unless the owner has obtained site plan approval from Current Planning Section. If the site plan expires, the special use permit will expire.

## 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

Staff finds that the special use site plan meets the requirements of Section 916, Zoning Code.

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.

If a motion is made to approve the Special Use, then the below recommendation can be considered:

Motion to **approve** the Special Use for a cemetery subject to the conditions of approval and find that the special use:

- will not materially endanger the public health or safety if located according to the plan submitted and recommended,

- meets all required conditions and specifications,
- will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and
- 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.

The findings are based on facts provided in the Staff Report and, Exhibit "I" applicant response.

If a motion is made to approve the Special Use , then the below recommendation can be considered:

Motion to **deny** the Special Use for a cemetery because the use: (at least one of the following must be included in the motion to deny)

- will materially endanger the public health or safety if located according to the plan submitted and recommended for the following reason ---
- will not meet all required conditions and specifications for the following reason ---
- will not maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity for the following reason ---
- The location and character of the use, if developed according to the plan as submitted and recommended, will not 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 for the following reason --.

The findings are based on facts provided in the Staff Report and, Exhibit "I" applicant response.

# EXHIBIT "B" USE MATRIX

## SECTION 403 USE MATRIX

### CUMBERLAND COUNTY ZONING ORDINANCE

P = PERMITTED USE  
 S = SPECIAL USE [Sec. 1606 Board of Adjustment]  
 Z = CONDITIONAL ZONING (Article V – County BOC)

LAND USES	ZONING CLASSIFICATIONS																						
	CD	A1	A1A	R40	R40A	R30	R30A	RR	R20	R20A	R15	RT/S	RB	R6A	RS	R5A	OSL(P)	C1(P)	CS(P)	C(P)	M1(P)	M(P)	
ACCESSORY USES, incidental to any permitted use [Sec. 1002]	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
ADDRESSING SERVICE/BULK MAILING																							
AGRICULTURAL OR RURAL FARM USE	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P							
AIRPORT OPERATIONS, minor [Sec. 902]																							
AIRPORT OPERATIONS, major	S																						
ALCOHOLIC BEVERAGE CONTROL SALES																							
APPAREL AND ACCESSORY SALES																							
ASSEMBLIES, Community, assembly hall, armory, stadium, coliseum, community center, fairgrounds etc. [Sec. 916]	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
AUCTION SALES, including livestock auctioning & motor vehicles																							
BAKERY PRODUCTION AND WHOLESALE SALES																							
BAKING, on premises and retail only																							
BANKS, SAVINGS AND LOAN COMPANY AND OTHER FINANCIAL ACTIVITIES																							
BARBERING AND HAIRDRESSING SERVICES/SALONS [Sec. 916]	S																						
BARBS & NIGHT CLUBS, except as regulated by Sec. 924																							
BED AND BREAKFAST [Sec. 903], except as regulated by Sec. 924	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
BILLBOARDS [Outdoor Advertising] [Sec. 1309]																							
BINGO																							
BOOKS & PRINTED MATTER SALES, except as regulated by Sec. 924																							
BORROW SOURCE OPERATIONS [Sec. 904]	S																						
BOTTLED GAS DISTRIBUTING, bulk storage																							
BOTTLING																							
BUILDING SUPPLY																							
BUS STATION ACTIVITIES, storage terminal activities																							
CABINET MAKING AND OTHER WOODWORKING																							
CALL CENTER																							
CEMETERY, public [Sec. 916]	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P



**EXHIBIT "C"**  
**SECTION 916, INDIVIDUAL USES, ZONING CODE**

**SECTION 916. NON-RESIDENTIAL USE AS A PERMITTED USE IN A RESIDENTIAL OR AGRICULTURAL DISTRICT (AND NOT OTHERWISE LISTED WITHIN THIS ARTICLE).**

A. Site plan review and approval in accordance with Article XIV and providing for the specific information required by this section.

B. The minimum yard requirements shall meet or exceed those required in the C1(P) zoning district.

C. Required parking shall be paved if otherwise required to be paved by this ordinance. In these circumstances, paved parking shall be provided with all parking areas and internal drives being clearly marked. In addition, no parking shall be permitted in the required front yard.

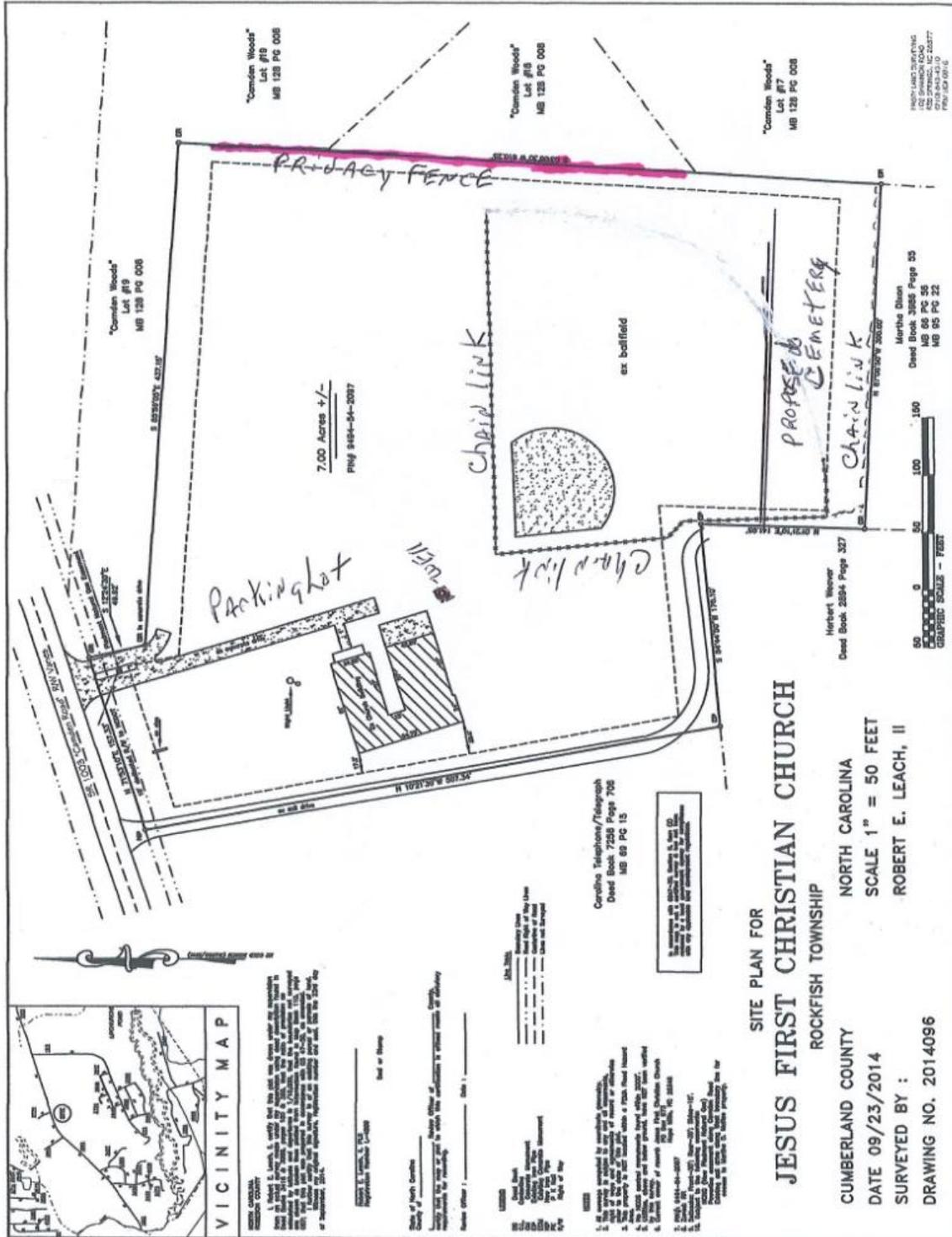
D. Buffering and/or landscaping for the use shall be provided and maintained in such a manner as to comply with the standards of this ordinance (Section 1102.G) and is dependent upon the zoning and nature of the surrounding area. The site must provide ample area and adequate open space on all sides of the structure so that the character of the neighborhood is preserved.

E. The subject property shall have direct access to a public right-of-way or approved private street. In the event a private street is the means of access, consent by the common lot owners responsible for maintenance of the private street is required. Also, the plan shall include proposed points of access, ingress, and egress and the pattern of internal circulation. Points of ingress and egress shall be located so as to minimize traffic hazards, inconvenience and congestion. The existing access streets must be able to handle the anticipated increase in traffic volume, or the developer shall cover the costs of upgrading the streets; such as, but not limited to, the addition of a turning lane.

F. Noise levels shall not exceed 60 dB(A) between the hours of 10:00 p.m. and 7:00 a.m. In any case, the noise level, regardless of the time of day, shall not become a nuisance to neighboring properties and strict compliance with the County's aforementioned Noise Ordinance is required. (Note: dB(A) refers to the sound pressure level in decibels as measured on a sound level meter using the A weighting network.)

*(Amd. 11-20-06; Amd. 02-19-08; Amd. 01-19-10; Amd. 04-18-11)*

# EXHIBIT "D" SITE PLAN





**EXHIBIT "H"**  
**Special Use Permit Conditions for**  
**Cemetery, Not to Exceed 20,000 Square Feet**

**Effective Date:**

**Applicable Property:** Location of the site is shown in Exhibit "A" attached. The cemetery use shall not exceed 20,000 square feet at the southeast area of the seven -acre site as illustrated in Exhibit "A".

**Pre- Permit Related:**

1. When applying for building permits for any proposed structure on this site, provide a copy of the approved site plan and approval prior to permit application to The Code Enforcement Section.

**Permit & Site -Related:**

2. A cemetery use is limited to a maximum area of 20,000 square feet with general dimensions at a width of approximately 200 feet and a depth of approximately 100 feet. All uses, dimensions, setbacks and other related provisions shall be consistent with the Special Use Site Plan appearing within Exhibit "A," and the County Subdivision and Zoning Ordinances for the RR zoning district, including Section 916 of the Zoning Ordinance. If a conflict occurs among the Site Plan and County Ordinance, the County Zoning and Subdivision Ordinance shall supersede.

3. A site plan with a landscape plan consistent with the County Zoning Code, including Section 1102.G, and this Special Use Permit, must be submitted to and approved by the Current Planning Section prior to any clearing, grading or construction activity related to the special use permit.

4. All applicable State agency permits must be obtained prior to any clearing or grading activities.

5. A paved driveway and parking area for the cemetery must be constructed prior to use of the site for a cemetery.

6. The owner/developer(s) of this property must obtain detailed instructions from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street on provisions of the County Zoning Ordinance and any permits that may be required to place any structure within this development or to commence any use of the subject property. For additional information, the developer should contact a Code Enforcement Officer. (Chpt. 4, County Code & Sec. 107, County Zoning Ord.)

7. Section 916. Non-Residential use as a permitted use in a Residential or Agricultural District must be complied with as follows:

- A. Site plan review and approval in accordance with Article XIV and providing for the specific information required by Section 916 A – F;
- B. All uses, dimensions, setbacks, and other related provisions of the Cumberland County Zoning Ordinance for the C1(P) zoning district and the provisions of the subdivision ordinance must be complied with.
- C. Required parking shall be paved if otherwise required to be paved by this ordinance. In these circumstances, paved parking shall be provided with all parking areas and internal drives being clearly marked. In addition, no parking shall be permitted in the required front yard.

- D. Buffering and/or landscaping for the use shall be provided and maintained in such a manner as to comply with the standards of this ordinance (Section 1102.G) and is dependent upon the zoning and nature of the surrounding area. The site must provide ample area and adequate open space on all sides of the structure so that the character of the neighborhood is preserved.
  - E. The cemetery property shall have direct access to a public right-of-way or approved private street. In the event a private street is the means of access, consent by the common lot owners responsible for maintenance of the private street is required. Also, the plan shall include proposed points of access, ingress, and egress and the pattern of internal circulation. Points of ingress and egress shall be located so as to minimize traffic hazards, inconvenience and congestion. The existing access streets must be able to handle the anticipated increase in traffic volume, or the developer shall cover the costs of upgrading the streets; such as, but not limited to, the addition of a turning lane.
  - F. Noise levels shall not exceed 60 dB(A) between the hours of 10:00 p.m. and 7:00 a.m. In any case, the noise level, regardless of the time of day, shall not become a nuisance to neighboring properties and strict compliance with the County's aforementioned Noise Ordinance is required.
- 8. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306.C, County Subdivision Ord.)
  - 9. Permit Expiration. This special use permit shall expire within two years from the effective date (date of BOA approval) unless a site plan has been approved by the Current Planning Section of the Department of Planning & Inspections. If the site plan expires, this special use permit will expire.

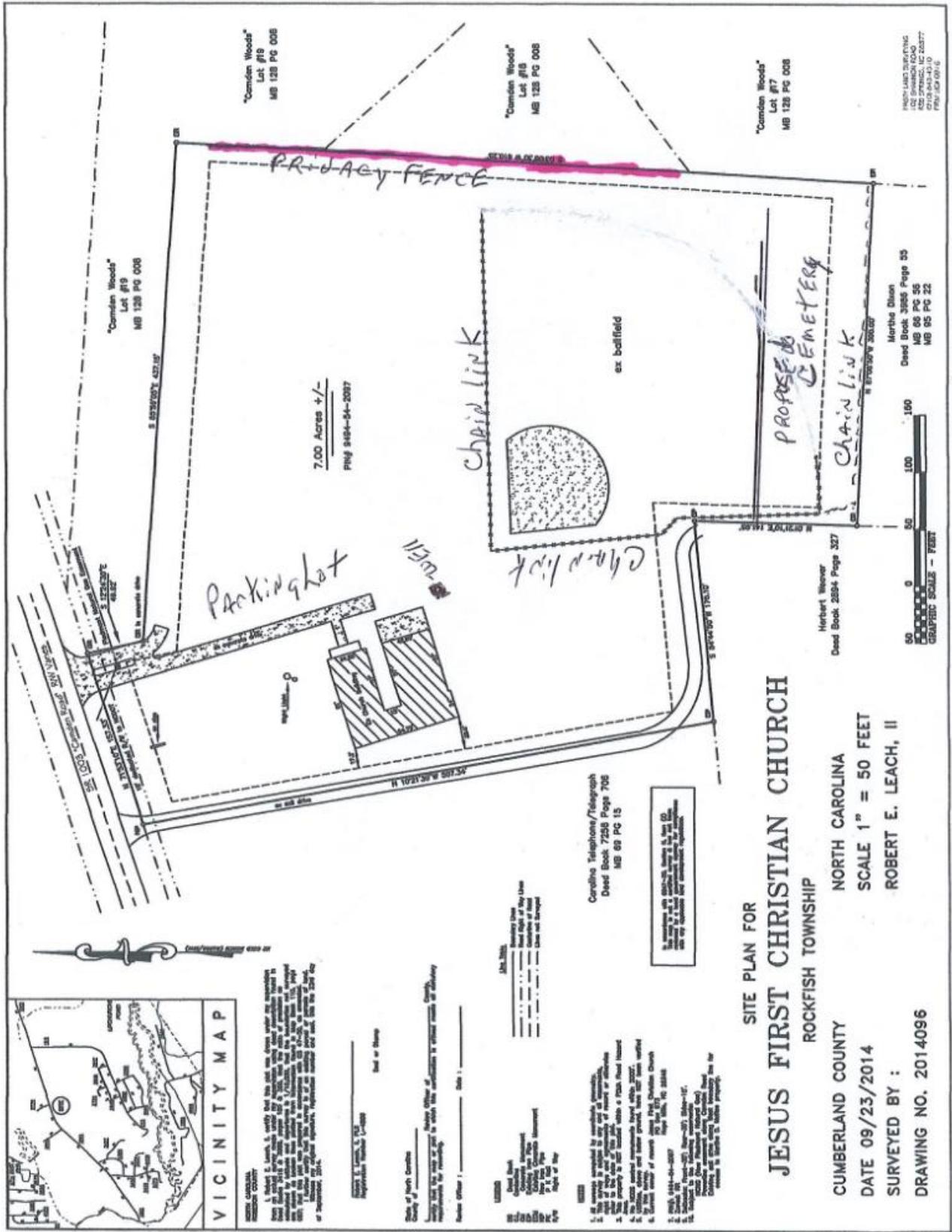
**Advisories:**

- 10. 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:**

- 11. This conditional approval is contingent upon continued compliance with the Cumberland County Zoning, Subdivision, and Watershed Ordinances conditions set forth herein. Any modifications to the approved site plan shall require a revised site plan to be submitted to Current Planning Section for review and approval in accordance with the Zoning, Subdivision, and Watershed Protection Ordinances

**Exhibit "A" of the Special Use Permit  
SPECIAL USE SITE PLAN/BOPA-2022-0031**



**ROBERT E. LEACH, P.E.**  
Registered Professional Engineer  
No. 12345

**State of North Carolina**  
Surveyor License No. 12345  
Surveyed and Platted by Robert E. Leach, P.E., on 09/23/2014.  
Reference is made to the plat of the same, recorded in the Public Records of Cumberland County, North Carolina, Book 12345, Page 6789.

**Scale:** 1" = 50 Feet

**Legend:**

- Boundary Lines
- Easement Lines
- Right of Way Lines
- Chain Link Fence
- Other

**Notes:**

- All areas shown on this plan are the property of the owner.
- The owner warrants that the information provided on this plan is true and correct.
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**Carolina Telephone/Telegraph**  
Deed Book 7258 Page 706  
MB 69 PG 15

**Herbert Weaver**  
Deed Book 2584 Page 327

**Martha Dixon**  
Deed Book 3858 Page 55  
MB 66 PG 95  
MB 95 PG 22

**SITE PLAN FOR  
JESUS FIRST CHRISTIAN CHURCH  
ROCKFISH TOWNSHIP  
CUMBERLAND COUNTY  
NORTH CAROLINA**

**DATE 09/23/2014  
SCALE 1" = 50 FEET  
SURVEYED BY:  
ROBERT E. LEACH, II  
DRAWING NO. 2014096**

**PROPERTY SURVEYING**  
12345 W. MAIN ST.  
ROCKFISH, NC 28577  
PHONE: 813-431-1111  
FAX: 813-431-1112

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

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.

Response: *NO*

2. The use meets all required conditions and specifications.

Response: *YES*

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

Response: *YES*

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.

Response: *YES*

## ATTACHMENT: NOTIFICATION LIST

WEAVER, HERBERT LONNIE	6101 ELLEN LN	FAYETTEVILLE, NC 28306
PAIT, TIMOTHY ROBERT;PAIT, ELISABETH I	2834 WHISPER OAKS CT	FAYETTEVILLE, NC 28306
RUDDER, LAVERNE W	39929 CORTE DE MODA	INDIO, CA 92203
MCDUGALD, EVELYN HEIRS	7450 CAMDEN RD	FAYETTEVILLE, NC 28306
HARRINGTON, TRAVIS MATTHEW	7475 CAMDEN RD	FAYETTEVILLE, NC 28306
DIXON, LARRY LOWELL;DIXON, HELEN VANESSA	7508 CAMDEN RD	FAYETTEVILLE, NC 28306
CAROLINA TELEPHONE & TELEGRAPH COMPANY	PO BOX 7909	OVERLAND PARK, KS 66207
GERALD, ANTONIO F;GERALD, FORRESENA D	2830 WHISPER OAKS CT	FAYETTEVILLE, NC 28306
JESUS FIRST CHRISTIAN CHURCH	7467 CAMDEN RD	FAYETTEVILLE, NC 28306
FREDRICK, ADRIENNE	3401 STONECLAVE PL	FAYETTEVILLE, NC 28304
ADAMS, THOMAS L;ADAMS, STEPHANIE	2837 WHISPER OAKS CT	FAYETTEVILLE, NC 28306
CUMBERLAND COUNTY	PO BOX 1829	FAYETTEVILLE, NC 28302

# 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 \$\_\_\_\_\_ (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**

**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: 7467 CAMDEN Rd. FAYETTEVILLE NC 28306  
OWNER: JESUS First CHRISTIAN Church  
ADDRESS: 7467 CAMDEN Rd. FAy NC ZIP CODE: 28306  
TELEPHONE: HOME 910-425-2429 WORK 910-425-2429  
AGENT: GARY W. LEVINER  
ADDRESS: 2202 Applebury Ln. FAy. NC 28306  
TELEPHONE: HOME 910-424-8477 WORK 910-850-6156  
E-MAIL: GARYLEVINER@YAHOO.COM

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

- A. Parcel Identification Number (PIN #) of subject property: 9494-54-2097  
(also known as Tax ID Number or Property Tax ID)
- B. Acreage: 7 ACRES Frontage: 158' Depth: 675'
- C. Water Provider: WELL
- D. Septage Provider: SEPTIC TANK
- E. Deed Book 3988, Page(s) 0355, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
- F. Existing use of property: Church
- 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.) USE A PORTION OF THE PROPERTY AT THE BACK FOR A Church CEMETARY. BALL FIELD TO BE EVENTUALLY REMOVED.

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.

JESUS First Christian Church - Gary W. LEVINER  
NAME OF OWNER(S) (PRINT OR TYPE)

7467 Camden Rd. FA, NC 28306      2202 Applebury Ln. FA, NC 28306  
ADDRESS OF OWNER(S)

GARY LEVINER@YAHOO.COM  
E-MAIL

910-424-8477  
HOME TELEPHONE #

CELL 910-850-6156  
WORK TELEPHONE #

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

2202 Applebury Ln. FA, NC 28306  
ADDRESS OF AGENT, ATTORNEY, APPLICANT

E-MAIL

HOME TELEPHONE #

WORK TELEPHONE #

Gary W. LeViner  
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) Gary W. LeViner

PRINTED NAME OF OWNER(S) GARY W. LEVINER

DATE 9-22-2022

**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**