



PLANNING STAFF REPORT
BOA CASE # BOA-2023-0009
Board of Adjustment Hearing: July 20, 2023

Location: 7611 Dome Road
Jurisdiction: County-Unincorporated

REQUEST	Appeal of a staff denial
----------------	---------------------------------

Appellant's Appeal: The applicant requests to appeal a staff denial of a final site plan application to construct a commercial auto repair shop at the end of a residential road and located at 7611 Dome Road (Exhibit "A"). The applicant's appeal is provided in Exhibit "B" (attached). A site plan permit was approved by Planning staff for a commercial auto repair this residential lot on February 19, 2020. No construction activity occurred at the property for the auto repair business. On February 19, 2022, the site plan permit expired as a building permit application had not been submitted to the County and approved development activity occurred prior to the expiration date. A new site plan application was submitted on October 03, 2023, by the property owner. This application was denied on April 4, 2023 (reference Findings of Fact, below, for case specific sequence of events) by Planning staff because a motor vehicle repair business is not a permitted use on a private street within the A1 zoning district unless all the property owners along the street agree to have said use at this location. Property owner appeals staff decision based on an argument that the owner relied upon a previous approval of the expired site plan.

- Exhibits**
- A. Location & Zoning Map
 - B. Request for Appeal
 - C. Stone Brook II, Approved Preliminary Plan
 - D. Stone Brook II, Lot 19 Final Plat
 - E. Stone Brook II, Restrictive Covenants
 - F. Case 20-024 Site Plan Approval
 - G. Case 20-024 Conditions of Approval
 - H. Existing Use Map
 - I. Soils & Utilities Map
 - J. Septic Permit Plot Plan, 2023
 - K. DEV-0236-22 Proposed Site Plan
 - L. County Zoning Code, Section 403
 - M. County Zoning Code, Section 916
 - N. County Zoning Code, Section 1403
 - O. County Subdivision Code, Section 2204
- Attachments:
- Mailing list
 - Legal Advertisement Confirmation

Staff Position: The motor vehicle repair site plan, approved on February 19, 2020, expired on February 19, 2022, without any construction activity related to a motor vehicle repair shop. Appellant has not demonstrated that the project has proceeded in good faith to construct and complete the motor vehicle repair business. An error was made by previous County planning staff to approve this site plan in the first place because the site plan did not meet the location requirements set forth by Section 916, Zoning Ordinance. A motor vehicle repair shop is not a permitted use in an A1 zoning district except if all the affected property owners along the street consent to this use within their neighborhood.

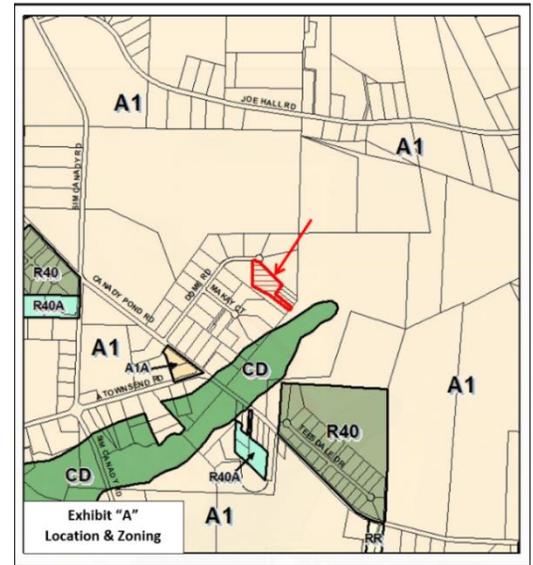
PROPERTY INFORMATION

APPELLANT: Charles & Latarsha Howard, Howard's Auto Repair (Owner/proposed vehicle repair business owner)

ADDRESS/LOCATION: Refer to Exhibit "A", Location and Zoning Map. Lot is located within in the Stone Brook II subdivision. REID number: 0421720670000.

SIZE: 2.78 +/- acres. Road frontage along Dome Road is 116.44 feet with a minimum depth of 423.46 feet.

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



Per Section 916, Zoning Ordinance, a motor vehicle repair shop located in an A1 District must meet site-specific development and location standards. Refer to "Applicable Codes" below.

EXISTING CONDITIONS ALONG DOME ROAD:

Exhibit "H" (attached) shows the existing use of the subject property. A residential home with 2,738 sq ft. and a storage shed have been constructed on the property. The house is served by central water and on-site septic tank.

From the intersection at Canady Pond Road, Dome Road is a cul-de-sac, dead end street with a length of approximately 1,812.1 linear feet and a 50' right of way width. Along Dome Road are 16 residential lots, all occupied by single family homes or manufactured homes on typical lot sizes of approximately 1.5 acres. Another six homes are situated along Makay Court, which intersects with Dome Road halfway down the street.

Originally intended to be dedicated to the North Carolina Department of Transportation, the street was never accepted by NCDOT and currently functions a private street. Refer to Transportation Services section below relating to the status of Dome Road. Currently no other registered businesses occur along Dome Road or Makay Court or within the Stone Brook Phase II plat, and no active development or zoning applications for lots along these two streets are under review by the County Planning.

CHARACTER OF THE SURROUNDING AREA: Exhibit "H" illustrates the following neighborhood character and surrounding area, and is further outlined below:

- **North:** Dome Road cul-de-sac and single family residential
- **East:** Single family homes
- **West:** Single family homes
- **South:** Farmland & Single-family homes

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

UTILITIES: Water is provided by an on-site well. 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 "I", 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	A1 (Existing Zero Lot Line Zoning)
Front Yard Setback	50 feet
Side Yard Setback (Interior Lots)	15 feet
Side Yard Setback (Exterior Lots)	20 feet
Rear Yard Setback (Interior Lots)	30 feet
Rear Yard Setback (Exterior Lots)	50 feet
Lot Area	1.4 acres
Lot Width	100'

APPLICABLE CODES:

Zoning Code	Standard	Exhibit #
Sec. 403	Permitted Use Matrix	L
Sec. 916.E	“The subject property shall have direct access to a public right-of-way or approved private street. <u>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.</u> 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.”	M
Sec. 1402	The Planning and Inspections Staff shall either approve the site plan and state the conditions of such approval, if any, or shall disapprove the site plan and state its reasons. Where a site plan meets the provisions of the Subdivision Ordinance, <u>approval of the site plan shall constitute preliminary subdivision plat approval for the purposes of the County Subdivision Ordinance.</u> The approved plan shall be filed with the Coordinator. The approved plan may be amended in the same manner as provided for original plan approval.	N
Subdivision Ordinance	Standard	Exhibit #
Sec. 2204	Where preliminary plan approval is granted, the developer may then proceed to construct improvements in accordance with the requirements of this ordinance, the County Zoning Ordinance and other applicable regulations, and, if required, to submit the final plat for approval for recordation. <u>Where approval is granted, the preliminary plan shall be approved or conditionally approved initially for a period of time not to exceed two calendar years. Extensions may be approved for subsequent two calendar year time periods provided that a request for extension is made prior to the expiration of the approval and provided that substantial progress is made or is being made toward the completion of the development.</u> Preliminary plan approval shall be provided to the applicant in writing and electronic form if electronic contact information is provided. Development approvals shall run with the land. (Amd. 6-21-21)	O

Findings of Fact:

Dome Road Data		
Average Home Value	\$62,293.14	
Average Square Footage	1,821	
Average Street Frontage	197.56 linear feet	
Typical Lot Area	1.5 acres	
Home Types along Dome Road		
Manufactured Homes	7	
Mobile Homes	4	
Modular Homes	1	
Single Family Homes	2	
Permit History for 7611 Dome Road		
Permit Number/Application Date	Permit Type	Status
2018/921 01/2001	Septic (Residential)	Complete
2020/300 01/2001	Septic (Commercial)	Complete
BDRES-21-000176	Residential New 1-2 Fam. Dwelling	Applied: 08/31/2021 CO: 05/04/2022
ZONR-22-00194	Residential Fence	Complete 4/21/22
BDRES-22-001220	Accessory Structure Residential	Admin Closed; 06/27/22
BDRES-23-000122	Building Addition/Residential	Issued; 2/15/23
Violation History for 7611 Dome Road		
ZN-3697-2019	RESOLVED	
ZN-6478-2022	UNRESOLVED	

Planning & Inspections History for 7611 Dome Road	
08/13/1996	Stone Brook II, residential Zero Lot Line subdivision application filed
09/03/1995	Stone Brook II, Case 96-330 approved with Restrictive Covenants
01/09/1997	Final Plat including Lot 19 recorded
11/12/2019	Charles & Latarsha Howard purchased Lot 19
12/09/2019	Junkyard violation issued ZN-3696-2019
02/11/2020	Howard's Auto Repair Site Plan Submittal, 20-024
02/19/2020	Case 20-024, Howard's Auto Repair Site Plan Approved
09/02/2020	Junkyard violation and violation for work out of scope of approved site plan issued, ZN-6478-2022
02/19/2022	Case 20-024, Site Plan expired due to lack of development activity/permitting.
10/03/2022	Application filed for DEV-0236-22, no fees paid
11/09/2022	Fees remain unpaid, incomplete plan, completeness comments issued to applicant
11/14/2022	Civil Citation/Violation issued ZN-6478-22 for operating a towing business and junk cars
12/09/2022	DEV-0236-22 Inactivity letter issued to applicant

12/26/2022	Customer email advising intent to update plan
01/06/2023	Completeness Comments reissued to applicant
02/09/2023	DEV-0236-22 Closed, no activity
03/08/2023	Applicant submitted revised plot plan for Case DEV-0236-22
03/14/2023	Staff advised plan insufficient to review
03/16/2023	Customer provided previously approved plan, staff advised of zoning restrictions due to being a residential lot, review fees remain unpaid
04/04/2023	Denial of DEV-0236-22 issued by Current Planning
05/09/2023	Denial of DEV-0236-22 upheld via management; denial letter issued by Deputy Director of Planning & Inspections

APPLICANT HARDSHIP DECLARATION:

Applicant's request for the appeal is attached under Exhibit "B".

EMERGENCY SERVICES: Cumberland County Fire Marshal's office has reviewed the appeal and offers the following comments: A plan was submitted to their office for a commercial garage in March 2020. This plan was not approved due to not being to scale, being hand-drawn, and not providing enough detail. The location does not appear to meet the requirements for fire department access.

There are no fire hydrants located along the entirety of Dome Road.

ENVIRONMENTAL SERVICES: North Carolina Department of Environmental Quality does not have a record of any permit activity within Stone Brook II subdivision or at 7611 Dome Road.

ROAD MAINTENANCE AUTHORITY: The North Carolina Department of Transportation has provided the following comment:

(The NCDOT) has no record of any driveway permit applications received from the developer of Stoney Brook II for any lots internal to the subdivision. Further, NCDOT has never accepted Dome Road for maintenance responsibility. Without record of NCDOT accepting maintenance responsibility for Dome Road or issuance of driveway permits, Dome Road functions as a private street with maintenance responsibility yielding to the abutting lot owners.

The Driveway Permit (#96-163) for the Stone Brook II – Section Two subdivision, property of Rufus Johnson was approved on September 17, 1996, for development access to SR 2249 (Canady Pond Road). A subdivision review for this development was approved December 17, 1996. The review constituted approval of the subdivision road(s) design only. A petition for road addition was not found within our documentation, therefore the subdivision roads do not appear to have been requested to be added to the state-maintained system upon completion of construction.

MOTION / BOA ACTION

The BOA has the authority to take final action for an appeal of administrative decisions, 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"
Request for Appeal

We are filing an appeal on the denied case DEV-0236-22. The information being given is contradicting. We were previously approved for what we are applying to do now. The purpose of the property was to build our home and small business in the same location. We applied for our building permit and received a conditional approval. We would have simply sold the land if we were told any of the items on this denial initially.

In the beginning, while ironing out the needs for the building, we were advised it would be best to build our home first (primary structure). This advice came from the county office and so that is what we did. Our home was built, and the conditional approved plan was the only one on file. It expired during the building of our home, but we were unaware. Nothing indicated that something was needed; we were actively building. No notices were sent to make us aware of the potential expiration of this plan. Once code enforcement came out and told us about the expired plan, we immediately did what we were told to do, per the county.

So, we reapplied, and it has been a different denial every time.

In summary, The A1 zone permits auto repair shop, per our initiate site plan review. The denial states that we need permission from our neighbors. The initial approval lists our road as a local road, our denial says it's a private right away. There is a misconception that there will be storing junk cars, we do not. No vehicle will be stored that is not intended for repair.

All in all, one of the decisions seems to be incorrect. We based our entire future on the information that was given to us in the beginning. We trusted the planning and code enforcement departments to provide adequate and correct direction and advice, and we are now left fighting for our livelihood.

Exhibit "C"
Approved Preliminary, Stone Brook II

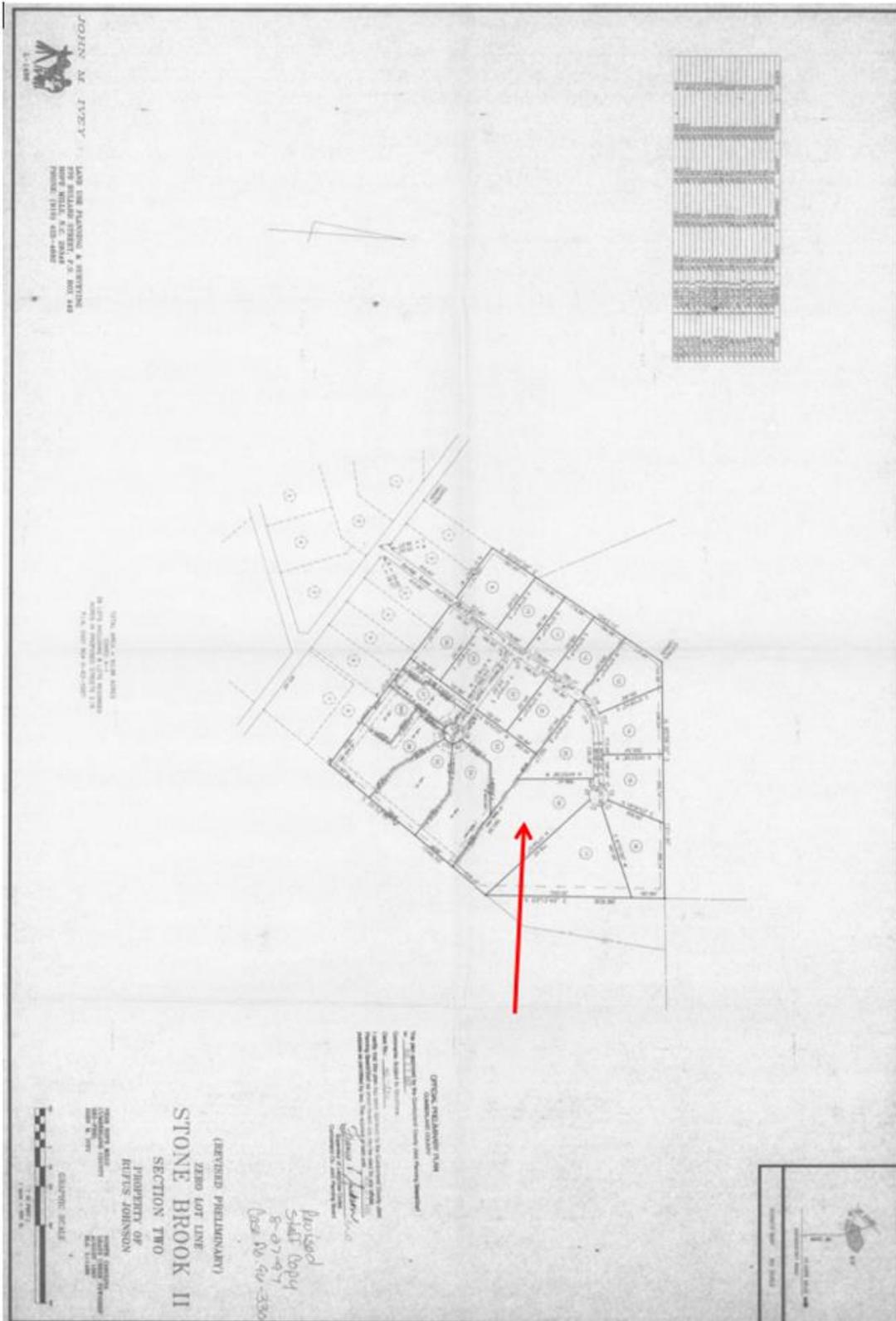


Exhibit "E"
Restrictive Covenants

23688

STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND

RST Realty

5- 5-1999 AM 11:41

GEORGE E. TATUM
REGISTER OF DEEDS
CUMBERLAND CO., N.C.

**DECLARATION OF COVENANTS
AND RESTRICTIONS FOR STONE BROOK II**

THIS DECLARATION OF RESTRICTIVE COVENANTS, made and entered into this 12th day of MARCH, 1999, by RUFUS S. JOHNSON and wife, JEAN S. JOHNSON, of Cumberland County, North Carolina, hereinafter called "Declarants";

W I T N E S S E T H:

WHEREAS, Declarants are the owners of real property located in Gray's Creek Township, Cumberland County, North Carolina and hereinafter referred to as STONE BROOK II subdivision and containing 60.00 acres, more or less;

WHEREAS, Declarants desires to provide for the preservation of the values and amenities of Stone Brook II subdivision, and to this end desire to subject said property to the covenants and restrictions hereinafter set forth, each and all of which is and are hereby declared to be for the benefit of said property, and each and every owner or occupant of any and all parts thereof;

NOW, THEREFORE, Declarants herewith state and declare that the above described property as described in deed recorded in Book 4263, Page 755, Cumberland County Registry, is and shall be held, transferred, sold, conveyed, leased, occupied, and used subject to the covenants, restrictions, conditions, easements, charges, obligations and liens generally referred to as covenants and restrictions, as hereinafter set forth:

1. **LAND USE:** No lot shall be used except for residential purposes and can not be subdivided.

2. **SETBACK:** No dwelling on lots #1, 4-- 29 shall be located nearer the front or rear property line than fifty (50) feet, no nearer to interior lines than ten (10) feet and no nearer to exterior lines than twenty (20) feet. No dwelling on lots # 2 & 3 shall be located nearer both street lines than fifty (50) feet, no nearer the interior lines than ten (10) feet and no nearer the rear lines than fifty (50) feet. For the purposes of these covenants, eaves, steps, decks, porches and carports are considered a part of the dwelling. All dwellings shall be placed with the front elevation facing primary road or street serving said dwelling.

3. **OUTSIDE CONSTRUCTION AND ACCESSORIES:** The outside components of heating and air conditioning systems shall be located in the rear of the dwelling and not visible from primary roads or streets or side streets or road serving said dwelling. Entrances and decks shall be of new, pressure treated lumber, painted masonry block, or brick, and shall conform to HUD minimum property standards. No fence, porch, deck, room addition or pen shall be constructed in the subdivision without prior written approval of Declarants. Fences other than split rail (bi-rail) shall be confined to the rear yards.

16-

Exhibit "G"
Case 20-024, Howards Auto Repair Approval Document

- a. Two large shade trees or five small ornamental trees within the front yard setback area along Dome Road; and
- b. One ornamental tree and eight shrubs are required in the building yard area.

In addition:

- a. Required plant materials shall be maintained by the property owner, including replacing dead or unhealthy trees and shrubs; and
 - b. All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.
7. **Driveway Permit Required.** Construction of any new connection or alteration of any existing connection may require an approved Driveway Permit. For additional information contact the NC Department of Transportation's (NCDOT) Division 6/District 2 office.

Change of use of subject properties shall require an approved Driveway Permit. Permits MUST be secured prior to the change or alteration of existing or proposed property use. Failure to secure required permits prior to construction or change in property usage may result in the removal of the driveway or street connections at the property owner's expense. For additional information contact the Division 6/District 2 office.

In the event that a structure (house) is built by a contractor for commercial gain and/or if property changes ownership from existing owner to builder, an approved Driveway Permit must be secured.

Note: In the event the NCDOT driveway permit process alters the site plan in any manner, three copies of a revised site plan (and \$25.00/\$50.00 revision fee) must be submitted for staff review and approved prior to permit application.

Note: The property owner most likely will be required to provide a copy of a recorded plat and deed conveying to the NCDOT that portion of the subject property located within or to be located within the right-of-way at the time of driveway permit application.

[§ 136-18(29), NCCG]

8. 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)
9. The County Health Department must approve water plans. Lots not served by public water system is required to be large enough and of such physical character to comply with the Health Department's minimum standards. A copy of the Health Department approval must be provided to Code Enforcement. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Sec. 2306 A, County Subdivision Ord. & Sec. 1101.E, County Zoning Ord.)
10. 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.)

Site-Related:

11. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance, and County Zoning Ordinance for the A1 zoning district must be complied with, as applicable.
12. Storage of junked vehicles on this site is not permitted; the temporary storage of motor vehicles awaiting repairs must be temporarily stored in such an area that the vehicles are screened from view and cannot be seen from a public street or the adjacent residential property. (Sec. 403, County Zoning Ord.)
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. 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.
17. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.

Exhibit "G"

Case 20-024, Howards Auto Repair Approval Document

18. All required off-street parking spaces are required to be a minimum of 9' x 20'. A minimum of eight off-street parking spaces is required for the motor vehicle repair shop. (Art. XII, County Zoning Ord.)
19. A minimum of one off-street loading space(s) measuring 12' x 25' with 14' overhead clearance must be provided for the motor vehicle repair shop. (Note: Three copies of a revised site plan depicting the required loading space(s) must be submitted and approved prior to application for any building/zoning permits.) (Art. XII, County Zoning Ord.)
20. The owner/developer is responsible and liable for maintenance and upkeep of this site, all structures, and appurtenances, to include ensuring that the site is 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.)
21. The Noise Regulations of the County Code Chpt. 9-5, Art. II are to be complied with.

Advisories:

22. The subject property sits on Dome Road, which is identified as a local road in the 2045 Metropolitan Transportation Plan with no constructions/improvements planned. The subject property will have no impact on the Transportation Improvement Plan. For questions related to this comment, please contact Transportation Planning.
23. The applicant is advised to consult an expert on wetlands before proceeding with any development.
24. This approval is for an auto repair shop only and is not an additional for any future lots, dwellings or non-residential uses within this development.
25. Because this subdivision has been approved as a Zero Lot Line development, the entire development would be required to be included on any future rezoning applications.

Note: This development is maxed out in the number of lots, dwelling units and non-residential uses allowed, any additional lots, dwellings or non-residential uses will not be allowed until the entire development has been rezoned to allow for the additional lots, dwellings and/or non-residential uses.
26. 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.
27. The US Postal Service most likely will require this development to have centralized cluster boxes for postal service to each lot or unit. The developer is advised contact the US Postal Growth Coordinator for the Mid-Carolinas District to determine the appropriate location for the cluster boxes. If the cluster box location requires changes to the subdivision or site plan, a revised preliminary/plan must be submitted to the Planning & Inspections Department for review and approval.
28. 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:

29. 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."

Thank you for doing business in Cumberland County!

If you need clarification of any conditions, please contact Ed Byrne at 910-678-7609 or Betty Lynd at 910-678-7605 with the Current Planning Section; otherwise, contact the appropriate agency at the contact numbers below.

Contact Information (Area Code is 910 unless otherwise stated):

Current Planning Manager:	Betty Lynd	678-7605	bjynd@co.cumberland.nc.us
Subdivision/Site Plan/Plat	Ed Byrne	678-7609	ebyrne@co.cumberland.nc.us
Code Enforcement (Permits):	Scott Walters	321-6654	swalters@co.cumberland.nc.us
County Building Inspections:	Michael Naylor	321-6657	mnaylor@co.cumberland.nc.us
Fire Marshal - Emergency Services	Kevin Lowther	321-6625	klowther@co.cumberland.nc.us
	Gene Booth	678-7641	gbooth@co.cumberland.nc.us
County Health Department:	Fred Thomas	433-3692	fthomas@co.cumberland.nc.us
US Postal Service	Jonathan R. Wallace	(704) 393-4412	jonathan.r.wallace@usps.gov
Corp of Engineers (wetlands):	Liz Hair	(910) 251-4049	hair@usacr.army.mil
NCDEQ (E&S):	Leland Cottrell	(910) 433-3393	leland.cottrell@ncdenr.gov
US Fish & Wildlife Services	Susan Ladd Miller	(910) 695-3323	susan_miller@fws.gov
Location Services:			
Site-Specific Address:	Will Phipps	678-7666	wphipps@co.cumberland.nc.us
Tax Parcel Numbers:		678-7549	
NCDOT (driveways/curb-cuts):	Troy Baker	364-0601	tbaker@ncdot.gov

Exhibit "G"
Case 20-024, Howards Auto Repair Approval Document

Transportation Planning;
N.C. Division of Water Quality:

Katrina Evans
Annette Lucas

678 7614
(919) 807-6381

kevans@co.cumberland.nc.us
annette.lucas@ncdenr.gov

OFFICIAL PRELIMINARY STAMP
CUMBERLAND COUNTY
CASE NO: 20-024

THIS PLAN APPROVED BY THE CUMBERLAND COUNTY PLANNING &
INSPECTION DEPARTMENT ON: 02-21-20

COMMENTS: SUBJECT TO CONDITIONS

I CERTIFY THAT THIS PLAN HAS BEEN APPROVED BY THE CUMBERLAND
COUNTY PLANNING & INSPECTIONS DEPARTMENT AS DRAWN HEREON AND
MAY BE USED FOR ANY OFFICIAL PURPOSE AS PERMITTED BY LAW. THIS
APPROVAL IS VALID UNTIL: 2-21-22

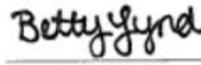

GB
PLANNING MANAGER, CURRENT PLANNING

Exhibit "H"
Existing Use & Surrounding Area



Source: EagleView Connect data Jan-Feb 2023

Exhibit "I"
Soil Conditions, Utilities

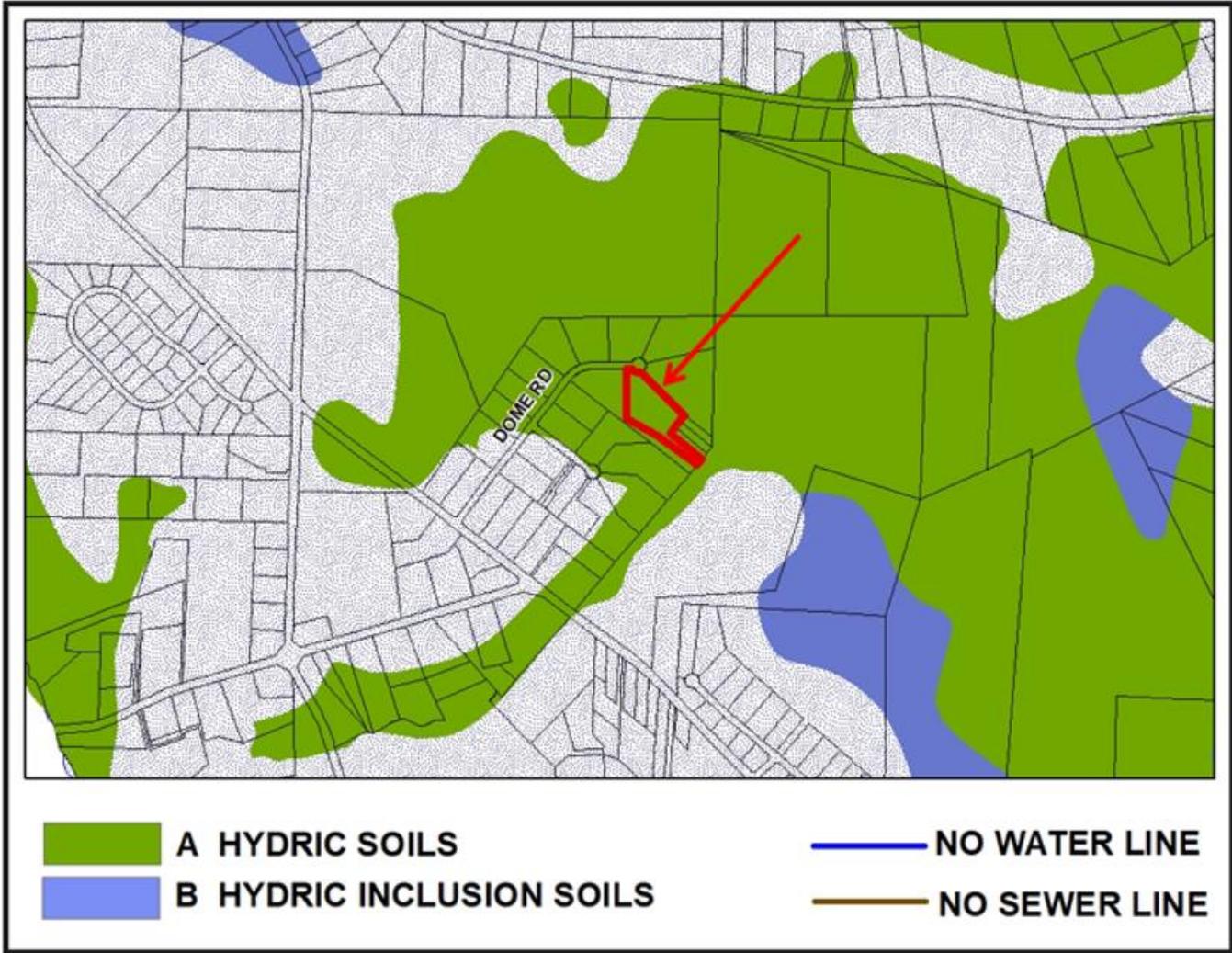
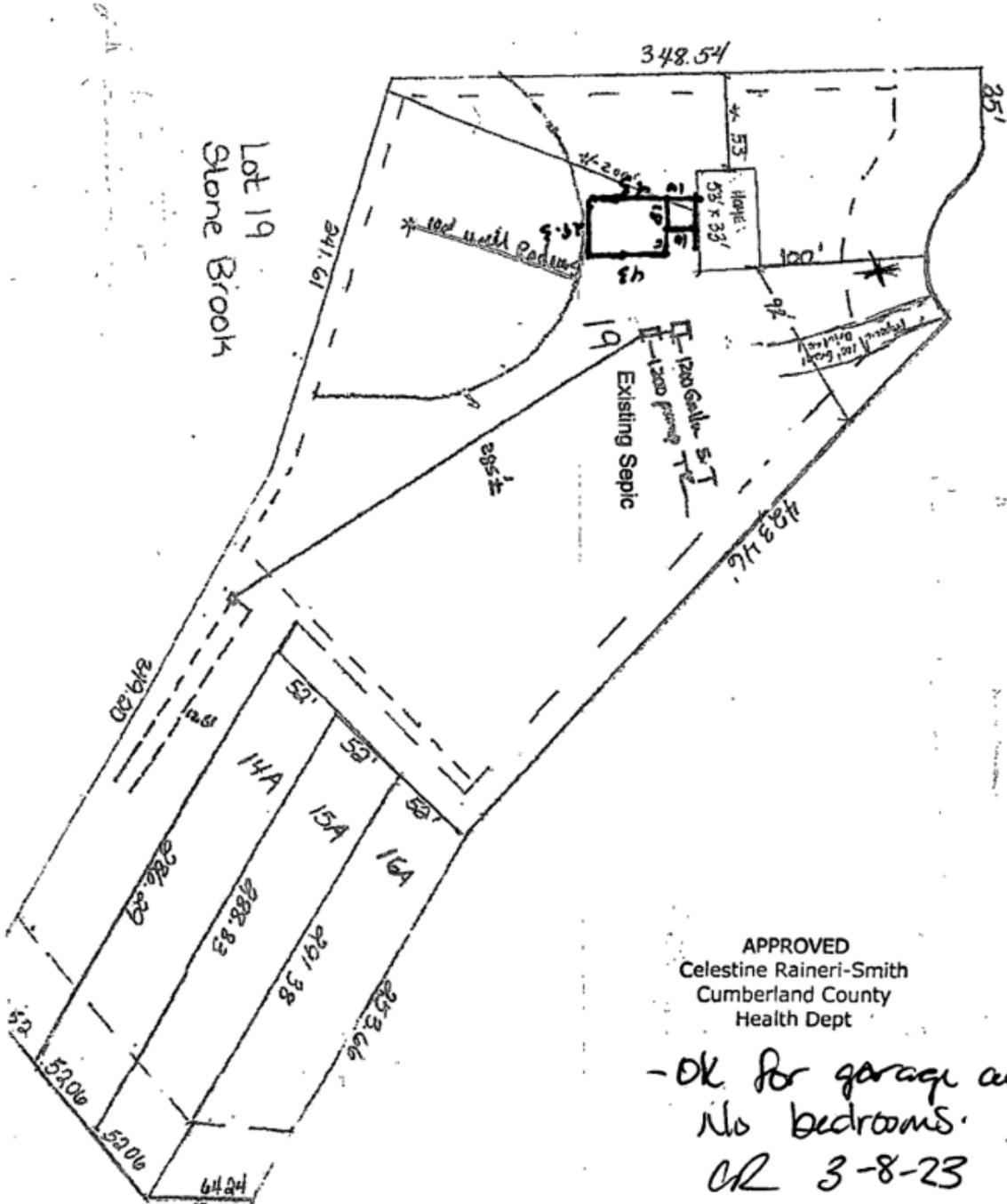


Exhibit "J"
Septic Tank Permit Site Plan: Rear Yard Septic System Location

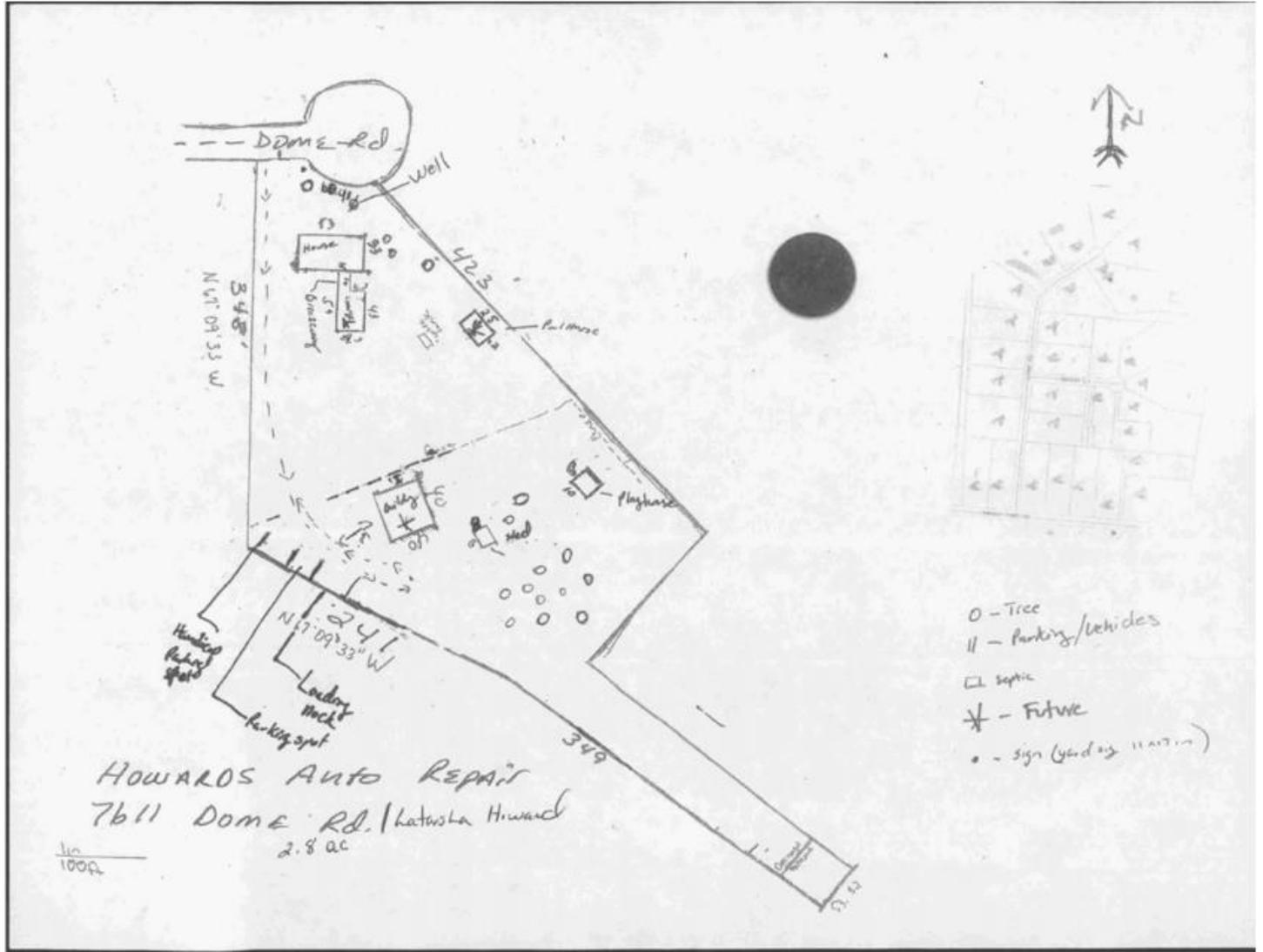


APPROVED
 Celestine Raineri-Smith
 Cumberland County
 Health Dept

-OK for garage addition.
 No bedrooms.
 CR 3-8-23

Latarsha Howard 910-689-8859

Exhibit "K"
Site Plan with Proposed Garage Location



Source: Applicant, Case DEV-0236-22

Exhibit "L"

County Zoning Ordinance, Section 403

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	R7.5	R6	R6A	R5	R5A	O&I(P)	C1(P)	C2(P)	C(P)	M1(P)	M(P)	
MOTOR VEHICLE PARTS AND ACCESSORIES SALES, contained within a building and without storage																		P	P	P			
MOTOR VEHICLE REPAIR AND/OR BODY WORK (Sec. 916), excluding commercial wrecking/dismantling/storage of junked vehicles		P																		P	P	P	
MOTOR VEHICLE RENTALS																			P	P	P	P	
MOTOR VEHICLE SALES, new and used, including motor vehicle auctions																			P	P	P	P	
MOTOR VEHICLE SERVICE STATION OPERATIONS (Sec. 916)																		P	P	P	P		
MOTOR VEHICLE STORAGE YARD																						P	P
MOTOR VEHICLE WASHING																			P	P	P	P	
MOTOR VEHICLE WRECKING YARDS AND JUNKYARDS (Sec. 915) including sale of parts																						S	P
NURSERY OPS/PLANT HUSBANDRY/GREENHOUSES (Sec. 916)	P	P						P											P	P	P	P	
NURSING HOME/CONVALESCENT HOME/HOSPITAL/RETIREMENT HOME, etc. (Sec. 917)		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P		
OFFICE SUPPLIES AND EQUIPMENT SALES AND SERVICE/MAILBOX SERVICE																			P	P			
OFFICE USE – of a doctor, dentist, osteopath, chiropractor, optometrist, physiotherapist, or other medically oriented profession, clinics (Sec. 916)		P	P	P	P			P										P	P	P	P		
OFFICE USE – with no on-premises stock or goods for sale to the general public and the operations and services of which are customarily conducted and concluded by means of written, verbal or mechanically reproduced communications material																		P	P	P	P		
PET SALES, excluding kennel activities or outside storage of animals																				P	P		
PHOTOGRAPHY STUDIO																		P	P	P	P		
PRINTING AND REPRODUCTION LARGE SCALE, => 4000 sq. ft.																					P	P	P
PRINTING AND REPRODUCTION SMALL SCALE, <4000 sq. ft.																		P	P	P	P		

SECTION 403 USE MATRIX

Exhibit "M"
County Zoning Ordinance, Section 916

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

101

June 20, 2005 County Zoning Ordinance
w/ Amendments through February 20, 2023

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 "N"

County Zoning Ordinance, Section 1403

SECTION 1403. SITE PLAN REVIEW.

Plans for developments shall be submitted to the Planning and Inspections Staff in accordance with the schedule established by the Planning Board. The Planning and Inspections Staff shall ensure the plan is in compliance with this ordinance, the Subdivision Ordinance, and the Water Supply Watershed Management and Protection Ordinance, if applicable.

The burden shall be on the developer to show that their plans are in the best interests of the community and the users of the proposed developments. Site planning of the proposed development shall provide protection of the development from potentially adverse surrounding influences and protection of surrounding areas from potentially adverse influences within the development. The development plan shall show, and careful review shall be given to, the following information:

- A. Proposed land uses, the location of various land uses, their types and densities;
- B. Proposed circulation pattern for vehicles and pedestrians, including providing for the interconnectivity of drives and parking areas by means of lateral access;
- C. Proposed parks and other common open space areas, proposed means of dedication of any common open space areas and organizational arrangements for the ownership, maintenance and preservation of common open space;
- D. Delineation of the units or phases to be constructed in progression;
- E. Relation to land uses in surrounding areas and to the general development plan;
- F. The layout of motor vehicle parking and loading areas, service areas, entrances, exits, yards, courts and landscaping, location of freestanding signs, control of lighting, noise or other potentially adverse influences in order to protect the residential character within and/or adjacent to the planned development;
- G. The yard setbacks and type of buffering and/or screening of various land uses;

174

June 20, 2005 County Zoning Ordinance
w/ Amendments through February 20, 2023

H. The plan shall note and the developer shall ensure that all utilities are placed underground, except for 25kv or greater electrical lines; and

I. Extension and connection to public water and/or sewer is required if extension and/or connection would be required under the provisions of the County Subdivision Ordinance. If the development consists of a non-residential use mixed use or planned neighborhood, and utilities are present within the right-of-way or if any adjacent lot is served by utilities, extension and connection is mandatory.

The Planning and Inspections Staff shall either approve the site plan and state the conditions of such approval, if any, or shall disapprove the site plan and state its reasons. Where a site plan meets the provisions of the Subdivision Ordinance, approval of the site plan shall constitute preliminary subdivision plat approval for the purposes of the County Subdivision Ordinance. The approved plan shall be filed with the Coordinator. The approved plan may be amended in the same manner as provided for original plan approval.

(Amd. 02-19-08; Amd. 04-18-11)

Exhibit "O"
County Subdivision Code, Section 2204

SECTION 2204. EFFECT OF PRELIMINARY PLAN APPROVAL.

Where preliminary plan approval is granted, the developer may then proceed to construct improvements in accordance with the requirements of this ordinance, the County Zoning Ordinance and other applicable regulations, and, if required, to submit the final plat for approval for recordation. Where approval is granted, the preliminary plan shall be approved or conditionally approved initially for a period of time not to exceed two calendar years. Extensions may be approved for subsequent two calendar year time periods provided that a request for extension is made prior to the expiration of the approval and provided that substantial progress is made or is being made toward the completion of the development. Preliminary plan approval shall be provided to the applicant in writing and electronic form if electronic contact information is provided. Development approvals shall run with the land. *(Amd. 6-21-21)*

Attachment: Mailing List

CVI LCF MORTGAGE LOAN TRUST I
1011 CENTRE ROAD STE 203
WILMINGTON, DE 19805

HANNA, MELLIE;GEORGE, BENNETT
120 DREWERY AVE
WHITE SULFUR SPRINGS, WV 24986

KD HOMES LLC
PO BOX 35886
FAYETTEVILLE, NC 28303

HOWARD, CHARLES;HOWARD, LATARSHA
6303 WORTHINGTON DR
FAYETTEVILLE, NC 28304

RUIZ, MICHAEL TORRES;TORRES, JOSE
4310 COVENTRY RD
FAYETTEVILLE, NC 28304

JOHNSON, RUFUS S
PO BOX 64223
FAYETTEVILLE, NC 28306

ALDRIDGE, BARBARA G
809 MAKAY CT
HOPE MILLS, NC 28348

AUTRY, PHILLIP J;AUTRY, MANDISA
1661 CANADY POND RD
HOPE MILLS, NC 28348

BATTON, PAMELA
807 MAKAY CT
HOPE MILLS, NC 28348

BLANCHARD, JIMMY
EUGENE;BLANCHARD, DOROTHY ELAINE
1616 A TOWNSEND RD
HOPE MILLS, NC 28348

BROWN, JAMES T
1604 CANADY POND RD
HOPE MILLS, NC 28348

BRYANT, CATHLEEN;DANIEL, JESSICA
NICOLE
1703 CANADY POND ROAD
HOPE MILLS, NC 28348

BULLARD, MALCOLM;BULLARD, DEANNA
1605 CANADY POND RD
HOPE MILLS, NC 28348

DAWSON, AMY CHRISTINA
7612 DOME RD
HOPE MILLS, NC 28348

FOSTER, DAVID;FOSTER, MI
816 MAKAY CT
HOPE MILLS, NC 28348

GOGGIO, BILLY L
7606 DOME RD
HOPE MILLS, NC 28348

HAINES, LOGAN M
1689 CANADY POND RD
HOPE MILLS, NC 28348

HARTSHORN, PRESTON L.;HARTHORN,
CLAUDIA V.
806 MAKAY CT
HOPE MILLS, NC 28348

HOBBS, DAVID G SR;HOBBS, BETTY L
1660 CANADY POND RD
HOPE MILLS, NC 28348

HOBBS, DAVID G SR;HOBBS, BETTY L
1660 CANADY POND RD
HOPE MILLS, NC 28348

HODGES, WILLIAM ERIC
7616 DOME RD
HOPE MILLS, NC 28348

HOLLOWAY, FREDERIC D II;HOLLOWAY,
TONI
7628 DOME RD
HOPE MILLS, NC 28348

HOUSE, RICHARD D HEIRS
1677 CANADY POND RD
HOPE MILLS, NC 28348

LEAK, JAMES TERRELL;NICKI, NICOLE
805 MAKAY CT
HOPE MILLS, NC 28348

MASON, BARBARA;MASON, RAYMOND
1645 CANADY POND RD
HOPE MILLS, NC 28348

RAGLAND, RONALD M;RAGLAND, ROBIN L
7600 DOME RD
HOPE MILLS, NC 28348

RICKEL, ERNESTINE HUNT
7615 DOME RD
HOPE MILLS, NC 28348

SUGGS, HUBERT FRANKLIN;SUGGS, EDITH
MARIE
3520 ANTILLES CIR
HOPE MILLS, NC 28348

TEW, MARSHALL A JR
7620 DOME RD
HOPE MILLS, NC 28348

VAUGHN, ARTHUR LEROY
1626 CANADY POND RD
HOPE MILLS, NC 28348

Attachment: Mailing List

WARD, JAMES A;WARD, EVON S
810 MCKAY CT
HOPE MILLS, NC 28348

WILCOXEN, MARGARET O
7700 DOME RD
HOPE MILLS, NC 28348

YARBORO, DOROTHY NELSON
7623 DOME RD
HOPE MILLS, NC 28348

DANIELS, JEANNETTE
1815 SW SILENT GROVE AVE
SUPPLY, NC 28462

Attachment Legal Advertisement



Order Confirmation

Not an Invoice

Account Number:	744350
Customer Name:	Cumb Co Joint Planning,Laverne Howard
Customer Address:	Cumb Co Joint Planning,Laverne Howard 130 Gillespie ST Attn: Laverne Howard Fayetteville NC 28301-5669
Contact Name:	David Moon
Contact Phone:	
Contact Email:	
PO Number:	

Date:	06/29/2023
Order Number:	9001798
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	17.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
FAY Fayetteville Observer	2	07/07/2023 - 07/14/2023	Public Notices
FAY fayobserver.com	2	07/07/2023 - 07/14/2023	Public Notices

Total Order Confirmation	\$89.59
---------------------------------	----------------

Attachment
Legal Advertisement

Ad Preview

PUBLIC HEARING NOTICE
The Cumberland County Board of Adjustment will meet at 6:00 p.m. on Thursday, July 19, 2023, at the Old Court House Building, 130 Gillespie Street, Fayetteville, NC to hear the following:
BOA-2023-0009 Consideration of an appeal of staff denial of a commercial motor vehicle repair site plan and use located at 7611 Dome Road, submitted by Charles & Latarsha Howard (applicant).
7/7/23, 7/14/23 9001798