



Board of Adjustment

Members:

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

Alternates:

Kenneth Turner
Gary Silverman
Brenez Orozco
Jovan Bowser
Donald Brooks

TENTATIVE AGENDA
MAY 16, 2024
6:00 PM

A meeting of the Cumberland County Board of Adjustment is to be held on Thursday, May 16, 2024, at 6:00 p.m. in Hearing Room #3 of the Historic Courthouse at 130 Gillespie Street, Fayetteville, North Carolina. The agenda is as follows:

1. INVOCATION & PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. SWEAR IN STAFF
4. ADJUSTMENTS TO THE AGENDA
5. APPROVAL OF THE APRIL 18, 2024, MINUTES
6. ABSTENTIONS BY BOARD MEMBERS/BOARD MEMBER DISCLOSURES (SITE VISITS AND/OR PERSONAL AFFILIATIONS)
7. PUBLIC HEARING DEFERRALS/WITHDRAWALS
8. POLICY STATEMENT REGARDING APPEAL PROCESS
9. PUBLIC HEARING(S):
 - A. **BOA-2024-0006:** Consideration of a Special Use Permit to allow a recreation vehicle park/campground in an A1 Agricultural District on 7.83 +/- acres, located at 5896 Tabor Church Road; submitted by Karrie Hawkins (Owner).
10. DISCUSSION/UPDATE(S):
11. ADJOURNMENT

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Board of Adjustment

MINUTES
April 18, 2024
6:00 PM

Members Present

Gregory Parks-Chair
Linda Amos, Vice-Chair
Marva Lucas-Moore
Brenee Orozco-Alt
Donald Brooks-Alt

Absent Members

Robert Davis
Vickie Mullins
Jovan Bowser-Alt
Kenneth Turner-Alt
Gary Silverman- Alt

Staff/Others Present

David Moon - Deputy Director
Timothy Doersam - Planner
Amanda Ozanich – Clerk

Robert Hasty (Asst County Attorney)

Scott Flowers (subbing for Mr. Hasty on
a case BOA-24-0005)

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

1. INVOCATION

Donald Brooks said an invocation.

PLEDGE OF ALLEGIANCE

Recited by all.

Chair Parks: Before we begin tonight's meeting, I'd like to get some procedural matters out of the way. Please turn off all cell phones and any other electronic devices. If asked to speak at the podium, please speak clear into the microphone, as this meeting is being recorded. For any speaker addressing the board, we do ask that speakers not repeat what has previously been stated. If someone says what you intended to state and you have no new evidence to offer, please only make the board aware that you agree with the previous speakers. If any board member wishes to speak or ask a question, please ask to be recognized by the Chair before speaking. Now we may begin with the roll call.

2. ROLL CALL

Mr. Moon called the roll and made note of the absence of Robert Davis, Vickie Mullins, Jovan Bowser, Kenneth Turner, and Gary Silverman. Mr. Moon stated we do have a quorum.

SWEAR IN OF STAFF

Chair Park swore in staff David Moon and Timothy Doersam.

3. ADJUSTMENTS TO THE AGENDA

There were none.

4. APPROVAL OF THE MARCH 21, 2024, MINUTES



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Mr. Brooks made a request to edit 2 words. Mr. Brooks made a motion to approve the minutes with the edits for the March 21, 2024, meeting as written, seconded by Mrs. Amos and all are in favor.

Brooks: Motioned to approve minutes.

Amos: Second

Board Members: ALL ARE IN FAVOR

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

Mrs. Orozco recused herself from case BOA-2024-0005 because of work related conflict.

6. PUBLIC HEARING DEFERRALS/WITHDRAWALS

There were none.

7. POLICY STATEMENT REGARDING APPEAL PROCESS:

Mr. Moon read the policy statement.

8. PUBLIC HEARING(S)

BOA-2024-0004: Consideration of a Special Use Permit to allow a telecommunication monopole in an A1 Agricultural District on 3.67 +/- acres, located at 7131 Cedar Creek Road; submitted by Max Casey (Agent) on behalf of the State of North Carolina (Owner).

BOA-2024-0005: Consideration of a Special Use Permit to allow a convenience container and recycling center in a RR Rural Residential District on 24.16 acres, located 140 feet south of the intersection of Parkton Road and Brisson Road; submitted by Smith Gardner, Inc. (Agent) on behalf of NC Department of Transportation (Owner).

David Moon: 00:09:03

We will commence with the public hearings. The first case this evening is BOA-2024-0004. The intent to this request is to replace an existing 250-foot telecommunications tower with a new 380-foot telecommunications tower. This tower will only serve communications for emergency response dealing with State and local emergencies and public service. The site contains approximately 3.67 acres.

The board is familiar with special uses. Special use are those uses for which a permit is required for the proposed activities, which are essentially compatible with other uses or activities permitted in a zoning district, but which present unique challenges for possess unique characteristics or qualities that require comprehensive review. At a public hearing by the Cumberland County, Board of Adjustments and which may be allowed only after the findings of facts and imposition of reasonable conditions.

There are 4 criteria that the application for a special use criterion must meet, so the board will base its decision on the four criteria and the facts that are presented to you this evening. There is a written response by the applicant. Provided in Exhibit J of the staff report, in addition to what they may report this evening.

The board has the authority to approve, deny or approve with conditions the special use permit, the special use conditions and the special use site plan.



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Ultimately, the burden of proof is placed on the landowner and the landowner has to consent to any conditions. I'll turn the microphone over to Tim. He's a planner in our office, Tim Doersam. And he will present the information on the application and on the case.

Timothy Doersam: Good evening, ladies, and gentlemen. My name is Timothy Doersam. I'm a planner with some of the county planning and inspection. So, here I am pointing to section is 403 of the county zoning ordinances. The tower located in A1 zoning district does require a special use permit to be approved by the county Board of Adjustments.

Here is the subject property, hashed out in red to the West. Immediate South are single family residential dwellings to the northeast and further South and further West we have wooded lands and other vacant areas. This is an aerial closet of the subject property with the current existing tower and fenced in area located in the center of the parcel. This is the zoning around the parcel. It is A1 predominantly with some portions of RR and RR/CU to the far southwest. There are hydric soils currently located on the site. This is a close-up of the site plan showing the tower location. The only access point will be that farthest North driveway from Cedar Creek Rd. and that'll be the only access point for the site.

Here we see in the dotted circle is the proposed fall down radius for the tower if it were to collapse. The triangle is the tower location itself and it currently has a square radius of 450 feet within that triangle for the fenced in square location that houses the tower and any other on-site buildings or equipment. That's an area that is in an approximately 4225 square feet within the parcel. Here is sheet C2 from the site plan that shows that the tower itself is 380 feet tall. There is an additional 20 feet of antenna at the very top of the tower to total 400 feet in height. (14:06).

These are the key special use conditions for the towers Special Use Permits. The site must be constructed consistent with these specialty site plan. The tower must be designed to collapse internal to the fall radius as certified by a structural engineer. Removal of the pre-existing communications tower must occur within six months from the date that the new tower becomes operational.

The tower does serve as communication purposes for law enforcement and emergency response agencies only. Any additional antennae or equipment requires an amendment to the specialties permits the driveway that will access the site must be maintained to allow for emergency vehicle entry and any existing trees along the perimeter of the site shall remain and be undisturbed. Provide buffering and only trees in the area denoted on the specialty site plan may be removed.1504

This is a photo of the subject site looking across the Creek Rd. into the driveway that will access the site. This is an onsite photo showing the fenced in area with the current building and the Tower. This is a complete photo showing more of the tower with guide wires. The proposed tower that the specialties use permit is for, will not have guidewires. And this photo shows the total height of the current existing tower and the facility, as it exists. This is the South view of Cedar Creek Rd. with the subject parcel on the left side. This is the Westview looking from across Cedar Creek Road to the other side. This is the North view looking down Cedar Creek Rd. with these other parcels on the right-hand side.

Again, the board of Adjustments will consider the application site plan and any evidence presented in accordance with this article, to grant or deny the special use permit requested and in granting the special use permit, the board will find all four criteria listed here have been satisfied.



David Moon: Go back to the Site plan.

Timothy Doersam: That concludes my presentation.

David Moon: What you see on the screen now represents the special use site plan that is presented to you this evening. Staff has reviewed it and found it be consistent with the county zoning code. As we move forward now with the Board discussion, we ask if there are no questions of staff or further Board discussion, then to open up the meeting for a public hearing.

Chair Parks: We are opening it up. Mr. Moon, do we have any speakers?

David Moon: Yes sir, the first speaker is James Eric Dickerson.

Chair Parks: All right. Mr. Dixon, please stand up to the podium. Raise your right hand please. Do you swear to tell the truth, the whole truth, and nothing but the truth so help you God?

Mr. Dickerson: Yes, sir I do.

Chair Parks: State your name and Address.

Mr. Dickerson: James Eric Dickson, 230 Leonard Rd. Louisburg, North Carolina.

Chair Parks: Do you want to say anything?

Mr. Dickerson: I was going to say you might want to hear from the site owner. I am an Engineer in case you have questions for me. This is basically aging infrastructure we're trying to replace to modernize the towers approaching 30 years old and the typical life cycle replacements around 30 to 40 years. So that's the purpose for it.

Chair Parks: Thank you very much.

David Moon: Next speaker is Max Casey.

Chair Parks: Hi, Mr. Casey. Right hand, please. Do you swear to tell the truth and nothing, but the truth so help you God.

Mr. Casey: Yes, sir.

Chair Parks: Your Name and address, please, Sir.

Mr. Casey: Yeah, sure. Max Lee, Casey, 188 Burton. Dr. Clayton, NC. I work for the North Carolina Highway Patrol, Viper communications as the statewide interoperable communication system for North Carolina. We have 180,000 users at the current time from Murphy to Mannam. This structure is an important piece of what we do with the communications as it connects sites away, It's not just this site. All our sites are connected via microwave communications, so this is definitely an important piece. It is aging and it does need to be replaced. Unfortunately, we can't just tear it down and build a new one exactly where it is, because we have to keep those communications online.

Chair Parks: And now you got to go up another several 100 feet to get the right waves you need?



Mr. Casey: Unfortunately, when the original tower was built, they were using low band radios and those waves can reach out further at a lower height. Currently with what we have with the FCC and P25, 7-8 hundred megahertz, we do need to go a little higher to get the radius that we would like to get out of this tower. Yes, Sir.

Chair Parks: any questions. Mr. Brooks any questions?

David Moon: Mr. Casey, does the applicant accept the conditions in the proposed special use permit?

Mr. Casey: Yes, sir.

David Moon: Thank you.

Chair Parks: Do you want to make a motion?

David Moon: Mr. Chair, would you like to close the public hearing, as we have no other speakers on this?

Chair Parks: That will be fine. We will close the public hearing.

Mr. Hasty: Mr. Chairman, I'm sorry, but just looking at Exhibit J, I think we may want the engineer too.

Chair Parks: Section. Yeah. OK. You want to specifically talk about section J?

Mr. Hasty: If I could ask one questions.

Chair Parks: on behalf of the board. Sure, sure.

Mr. Hasty: I'm looking at the required criteria that the board needs to find and one of those is that the use to meets all required condition with specification needs and the response to I believe this is a yes but let me just ask you this. The site planned, does it comply with all buffers and setbacks and required specifications.

Mr. Dickson: Yes

Mr. Hasty: Thank you, sir.

Mr. Parks: All right. Do we have a motion?

Mrs. Amos: I make a motion to approve with the special use permit and the special use site plan based on a finding that the special use criteria has been satisfied by the applicant's response provided in exhibit J and the information presented by the staff.

Chair Parks: Do I have a second?

Mrs. Lucas-Moore: I'll second.



Chair Parks: All in Favor?

Members Vote	In Favor
Gregory Parks-Chair	YES
Linda Amos, Vice-Chair	YES
Marva Lucas-Moore	YES
Brenee Orozco-Alt	YES
Donald Brooks-Alt	YES

(NOTE: Mr. Flowers took over for Mr. Hasty)(Mrs. Orozco recused herself from this case)

David Moon: Our next case is BOA-2024-0005 is the consideration of a special use permit to allow a convenience container and recycling center in an RR new residential district on approximately 24 acres located 140 feet south of the intersection of Parkton Road and Brisson Road. This shows you the general area of the proposed site of the convenience center on the South side of Parking Rd. On the West side of the county. The applicant is the Cumberland County Solid Waste Department, and the owner of the property is the NC DOT, State of North Carolina. The agent is Stacy Smith, and the request is for a special use permit with the intent to have a convenient center and recycling facility. Typically, the hours of operations for this facility are Monday to Saturday, 7:30 AM to 6:00 PM. This is information, not a condition within the special use permit. The site contains approximately 24.1 acres.

A definition of a convenience container recycling center is a county owned lease or operated site generally but doesn't have to be two acres. It's serving the surrounding community for the temporary collection, storage and transfer of solid waste, yard waste and recyclables. As I already went through the special use procedures and terminology with the previous case, I will not repeat those this evening and move forward. These are the four criteria. Again, you have the authority to approve, deny, or approve with conditions. I will turn the mic over to Timothy Doersam and he'll provide the additional information. Thank you.

Mr. Brooks: can I ask a question?

David Moon: yes

Mr. Brooks: you used the word temporary. You say temporary location, temporary work?

Mr. Moon: The solid waste materials that are stored on the site, and the applicant can give more detailed information, but it's there only temporary.

Mr. Brooks: oh, ok the waste. I understand that.

Mr. Moon: Such as the recyclables eventually transferred to another site for final processing or to a landfill.



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Timothy Doersam: Good evening. According to Section 403 and the Accounting Zoning Ordinance, a means container recycling facility in the RR rural Residential Zoning district does require a special use permit to be approved by the board of adjustments.

Here we see the subject property hatched out in blue, predominantly around it in this wooded area and some farmland to the immediate South of it is a horse farm equestrian facility. Here we see the subject property is ruled identical with rural residential being predominant zoning district. There is some A1 to the northeast and immediately adjacent to its southern property border (26:02) is a portion of the adjacent properties zoned A1A/CZ. This conditional zoning was for kennel operations to house up to 20 dogs on the property for this facility. Here we see that there are hydric soils inside of the parcel. This slide is showing the sheet on the site plan that shows where wetlands are located on the site. The black shaded area is the location of the facility. This is a close up of the proposed facility. The green lines are a berm and vegetative buffer along with stockade fencing to act as screening for the site and the adjacent parcels.

We also see the containers on the facility in the middle of there, and we also have an employee area to the front of it. There are two connecting points to Parkton Rd. One in and one out. And we also see that the facility does not encroach on any of the wetlands on the parcel.

There is a Sheet from the site plan that does show the proposed vegetation for the buffer and the Woodstock gate fencing along with the booths that the employees will be working in.

(28:01) These are the key conditions for the Special use permit. Developing use of the site must occur consistent with the special use site plan.

Maximum height of any building accessory building storage containers for storage debris piles shall be 30 feet as measured from grade.

The location of the convenience containment center and recycling facility shall be limited to the area generally highlighted in black on Sheet #3 of the Special Use site plan and limited to no more than 5.6 acres.

Within the 5.6 +/- acre convenience container and recycling facility area, debris shall not be stored outside of appropriate waste containers, and all such containers shall be located on a solid impervious surface such as concrete pads.

Perimeter landscaping and screen fence required per the Special Use Site Plan.

The 5.6 +/- acre area of the site that occupies the convenience container and recycling facility is subject to the requirements of section 905.1 of the County Zoning Ordinance, which specifies Convenience Container and Recycling Facility.

This special use expires two years from the date the County Board of Adjustment approval the Special Permit No. BOA-2024-0005 if no activity proceeds in good faith to commence the special use.

Chair Parks: Thank you. (2901)

Timothy Doersam: We have a few pictures, the first being looking across Parkton Road to a subject property. This is the northwest view of across Parkton and road, looking away from the subject property. The north view with this subject property to the right and more of the South view.



Once again, the BOA has the ability to look at the application, the site plan and the evidence presented to deny or grant special use permit requested so long as they find that the four criteria are satisfied.

David Moon: I am David Moon, deputy director of planning and inspections. The special use site plan presented to you this evening, staff has determined it's compliant with the county Zoning Ordinance, subject to the conditions that are proposed within the special use permit. Thank you.

Chair Parks: Do you have any speakers?

David Moon: We do. With that, you are closing staff and opening up the public hearing?

Chair Parks: Yes, we are.

David Moon: Our first speaker this evening and all our in favor is Rob Hasty.

Chair Parks: Raise your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth so help you God?

Mr. Hasty: I do.

Chair Parks: State your name and address affiliation.

Mr. Hasty: Rob Hasty, assistant county attorney. 117 Dick Street. I am in a little bit of a different role tonight. I am with the Cumberland County according to this action specifically the department of solid waste and Mr. Scott Flowers is your board attorney tonight, for this hearing.

Scott Flowers: Thank you for having me.

Mr. Hasty: this is a convenience center and recycling facility. It's an allowed land use under the common county zoning ordinance and it's allowed to operate in a rural residential with a special use permit, which is obviously what we're applying for tonight. It will occupy our property approximately 5.6 acres of the more than 24-acre track. The applicant is the Cumberland County Department of solid Waste, and the owner is DOT and what I would like to do tonight is have present speakers they've signed up and if it's alright with the board, the order, I'd like for them to come up would be Amanda Bauder, Stacy Smith, and Rich Kirkland. And so, unless there's any specific questions for me, I'll read join you in a minute. But and before I forget, Mr. Chairman, if I can add to the record the appraisal report and impact study on this property and present that to the board, for the record. I've got several copies there.

Chair Parks: So accepted.

Mr. Hasty: On Conditions #4, if I could ask one item be slightly changed. The second sentence says material within this area shall not be stored outside of appropriate waste container. We'd like to substitute the words solid waste for material and the reason being is that some items cannot fit in containers, recyclables like tires, and of course again, as the staff reported, these items are only there temporarily. They're going to be hauled off soon after they arrived, but to be more accurate than were solid waste there.

Chair Parks: yes, sir.



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Mr. Hasty: at this time, I would like to call Amanda Bader. Each of these witnesses will give brief presentation in their particular area and then we can field any questions you have.

Chair Parks: Mr. Hasty, I think Mr. Brooks has a question.

Mr. Brooks: You, Sir. You said this type of facility, is going to operate in a rural community. I think you're saying for neighborhood. Can you explain that because when you, when you need because of the vacancy of lack of people or why in a rural community and not within the city.

Mr. Hasty: Well, it can operate in a lot of different areas, but this particular property is zoned rural residential. So I was simply saying that it is allowed in a rural residential with a special use permit.

Mr. Brooks: ok, alright.

Chair Parks: First speaker.

David Moon: the next speaker is Amanda Bader. She is the director of the solid waste department.

Chair Parks: Raise your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth so help you God?

Amanda Bader: I do.

Chair Parks: State your name and address.

Amanda Bader: My name is Amanda Bader. I'm the director of solid waste. My office is at 698 Ann St. Fayetteville, NC My home address is 381 Monroe Lane Johnson North Carolina.

So, I'm here to talk a little bit about the need for the facility and why we are relocating the facility. So, we currently have a facility located at Camden Road and this facility is being impacted by the widening of Camden Rd. And so we are in negotiations now with DOT to look at this particular parcel that it would service the southwestern portion of Cumberland County.

Our container sites are our first line of defense against illegal dumping. That's where citizens in rural areas of the county that may not have city or town pick up, can bring their waste in their neighborhood to make it more convenient for our citizens. Our convenience centers typically provide containers for what we call municipal solid waste, which is your household garbage. We also provide collection for yard waste and recyclables. We do white goods, things like washing machines. We also do tires, and we do things like battery collection for car batteries and some other special wastes such as cooking oil and maybe some oil collection.

As mentioned earlier, these materials are just stored at the site for a little while where they are sent somewhere else for processing or ultimate disposal. None of this material will be disposed on the site. We are looking at something called storage areas. There is anticipation that we could use this site in the event of a disaster for a temporary staging area, particularly for green waste.

So with that, I think I've described what it is. We've talked about where it is and why we need it, and it is designed not to endanger public health. It's to protect public health and safety. We will be Fencing to prevent unauthorized site access outside of operating hours. It will be a manned site. A site attendant will be present to assist customers in



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proper disposal of waste and recycling item. Waste will be removed from the facility and disposed of at a permitted disposal location as required, to minimize the impacts of potential disease or environmental impact.

So, this is a needed service for residents in Cumberland County, particularly since the other side is being impacted by the Camden Rd construction. With that I'll call Stacy Smith, who is our consulting engineer.

Chair Parks: That me ask a question that probably has nothing to do with this, but it popped up. How do you dispose of a battery?

Amanda Bader: So, when we collect car batteries, you have different batteries, lead acid batteries are banned from landfills and so they cannot be disposed of in the landfill. We collect them and then we take them to a recycler where we do receive revenue to offset our operations.

Chair Parks: Do you know how they process that?

Amanda Bader: I do not know that. Stacy, you may be able to offer, but we also do other materials like lithium batteries. And we also do nickel cadmium batteries. They're collected at our HHW facility that we operate, so that's another point. No hazardous materials would be stored or collected at this facility.

Chair Parks: Thank you.

Mr. Brooks: Could an actual landfill be added to this area?

Amanda Bader: No sir. Absolutely not. Nothing will be buried or disposed of at this facility.

Mr. Moon: It is not allowed in the proposed special use permit.

Amanda Bader: We have one permitted MSW landfill of county and that is located at 698 Anne St. and that is where these materials that are to be landfilled will be brought. The recycling material, we do work with other vendors for things like textiles. We talked about batteries. We do process the yard waste at our permitted compost facility located at 771 Wilkes Rd.

Chair Parks: Thank you.

Raise your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth so help you God?

Stacey Smith: Yes sir.

Chair Parks: State your name and address.

Stacy Smith: Stacy Smith, my address is 14 N Moreland Ave. Raleigh, NC, and I work for Smith, Gartner engineers.

Well, first, I guess maybe we'll talk about batteries at the end, but I agree with all of Amanda Bader comments and my firm was to develop the site plan. As you can see here, we comply with all the buffers and setbacks with the facility. We also engaged a wetland and streams specialist to further evaluate where the presence of hydric soils was and actually put some feet on the ground to get a true assessment of what was there. We took his assessments, and we avoided that in our layout. The same with the buffers and the Screening, although we don't necessarily have a



berm, we had vegetation and a solid wood fence that is in compliance with your ordinances. Phil was the consultant we used for the wetland stream to also did some, you know, other danger threatening species works on the environmental side and we did not see anything that was difficult for the development of at least this convenience location.

OK. We also laid it out working with the solid waste department. You know you can model that for a number of their other convenient sites and the progression that you have on very efficient movement and operations of the residents for you know all the different materials that she discussed. And that's what that represents layout. As well as a guard house now in our application, we have kind of a model of the actual guard house there. But again, being in a man's site. It has a view of the convenience center areas so they can continue to monitor for improper disposal etcetera.

We worked with my team and NC DOT and Mark McDonald and trying to work out the driveway locations. We had made some adjustments to the driveways basically for visual screening and or not visual sight distances for coming through the curve and what you see here is the combination of our big joint efforts with the DOT.

During the construction of this, there will be a requirement to get a PDS stormwater construction permit. We would do that with PC as well. It only be for the construction of it should not have any other stormwater impacts or issues once developed. And once again, I just wanted to repeat that this layout complies with all the buffers and setbacks within your ordinance. I think that's all I have now.

Chair Parks: Do you have any questions? Brooks, any questions? So, to the batteries?

Stacy Smith: OK. Well, you can imagine everything can be refurbished or it can be dismantled. I think there are sometimes that you can replace the liquids and because you know in the battery there's the anode and cathode that creates the energy. Sometimes those could be torn apart and replaced. Sometimes they just pull all those parts out. Reprocess it from the beginning and reuse those materials and create new.

Patterns, but usually when you're a battery recycler that is a very specific art and craft and what they do and so yeah, they recycle batteries. You know, that's why you're always getting charged the core charge because it helps that whole process and making sure they don't go into a landfill and everybody's diligent and catching those things because they are easily recyclable.

Chair Parks: Thank you very much. State your name and address.

Richard Kirkland: Richard Kirkland, 9408 Northfield Court, Raleigh, NC Kirkland appraisals.

Chair Parks: Raise your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth so help you God?

Richard Kirkland: I do. I'm a state certified general appraiser. I've been appraising in North Carolina for about 28 years now. We do impact analysis. We were hired to look at this project to determine if there's any impact on adjoining properties. We've been doing that research for similar or a wide range of different uses for over 20 years. What we do is we looked at this project, we looked at other convenience centers in Cumberland County and some of the adjoining counties. We looked at 17 different convenience centers that are already in existence in Cumberland County. We look to see what was around them, how close homes are, what the mix of uses are. And we also were looking for sales of properties next to these convenience centers so that we could actually measure to see if there is any impact that we could find from those sales.



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So that's the data, you've got the reports there. First of all, looking at these the closest home at this project as proposed is about 1300 feet away from active areas with convenience center. Over half of the projects to look at in Cumberland County have homes closer than 300 feet. So, this is a lot further setbacks at this location than most projects. In fact, most of the projects in Cumberland County have a lot more homes around them than the two homes identified here. So this is a similar mix of uses, but lower density of residential and the residential is a lot further away, so this is in terms of speaking towards harmony. This is a very harmonious location as it's got less homes around.

In terms of property values, the sales we looked at, we were finding no impact on the properties. We found sales in fact, in some circumstances we found a slight premium being paid in proximity to these. Again, that premium is less than 5%. And what we talked about a lot of time is call market imperfections. We don't really see a $\pm 5\%$ as being meaningful for a positive or a negative effect, so it's really not enhancement, it's really just market imperfection. When you have two homes that sale, they don't always sell for very perfect numbers, you can't compare them like you would to candy sold out at the supermarket. There's always slight differences and there's differences in what seller motivations are. So, we just attribute those differences to seller motivation. So, it's our, my profession. I keep saying our, I work with my son and the two do everything together. But it is our, but specifically my professional opinion that the property values here will be protected and maintained and enhanced. And it's also my professional opinion that this is a harmonious location.

I'd be happy to go into greater detail or answer any questions.

Mr. Brooks: Did you think about this type of service may deter additional homeowners in that area.

Richard Kirkland: Again, the adjoining land around it, we looked at land sales as well and we found that's where I was saying we did find that certain residential lots were showing a premium. We didn't really put a lot of weight towards that, but we do think that there is strong evidence that there be no impact, so if new homes were getting built in that area, we looked at adjoining homes that was closed at 120 feet off of the boundary, we would anticipate that anyone who built around it would be substantially further than that and would be protected.

Mr. Brooks: So, I guess you're saying that you don't think that the recycling plant would be a deterrence to someone who wanted to build a home or community around that area.

Richard Kirkland: Correct if someone wanted to develop that area, we looked at land sales. So raw land sales, those were tracts of land that were being sold that could be developed in that way. We didn't see any impact on those land sales next to convenience centers, but if someone was going to buy that land and develop it, they would like to ship their value their homes to keep it at the 200 to 300 feet or more distance from that and that protects from that. Thank you.

David Moon: Mr. Chair, there are two others listed as speakers. If they still are interested in speaking, a Spencer Holloman and a Greg Burus.

Mr. Hasty: Mr. chairman, I think we're satisfied with the presented unless they're anxious to explain.

Chair Parks: So, you all are anxious to get us a differentiation tonight that you've trained yourself all day for. All right? You hear that change? (laughter)



Board of Adjustment

Mr. Hasty: Board members, we believe we satisfied the criteria that you need to find in the exhibit J. I believe our speakers addressed each of those factors and so we would ask the board to issue a special use permit as supplied.

Mr. Moon: and chair there are no other speakers.

Brenee Orozco: I would like to take this opportunity to go on the record on abstaining from discussion today.

David Moon: At this time, are you closing the public hearing?

Chair Parks: I am closing the public hearing.

Marva Lucas-Moore: I'll make a motion to approve the Special Use Permit and the special use site plan based on a finding that the special use criteria has been satisfied by the applicant's response and the exhibit J with the correction of #4 as stated by attorney hasty and the information presented by the staff this evening.

Linda Amos: I'll second

Chair Parks: All in favor?

Members Vote	In Favor
Gregory Parks-Chair	YES
Linda Amos, Vice-Chair	YES
Marva Lucas-Moore	YES
Brenee Orozco-Alt	Recused Herself
Donald Brooks-Alt	YES

David Moon: no other items of discussion.

Chair Parks: I move to adjourn. (Adjourned at 6:50pm)

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REQUEST **Special Use – RV Park/Campground in an A1 District**

Property Owner requests the BOA grant a Special Use Permit for a RV Park on approximately 7.83 acres of a 49.16 +/- acre property zoned A1 Agricultural District, located on at 5896 Tabor Church Road, as shown in Exhibit "A". The proposed recreational vehicle (RV)/campground park will accommodate a maximum of 38 designated campsites that can be occupied by recreational vehicles, camper trailers or campground sites, a building housing a bathhouse and laundry facility, and a management office, as illustrated in Exhibit "B" (attached). An on-site manager's residence is not currently proposed within the Special Use Site Plan but can be provided in the future subject to compliance with Section 921 of the Zoning Ordinance and occupancy occurs in a permanent residential structure.

- Exhibits
- A. Site Location/Zoning
 - B. Use Matrix, Sec. 403, Zoning Code
 - C. Section 901, Individual Uses
 - D. Section 921 Recreational Vehicle Park And/Or Campgrounds
 - E. Special Use Site Plan
 - F. Existing and Adjacent Uses
 - G. Soil and Utilities
 - H. Southeast Cumberland Land Use Plan
 - I. Special Use Permit Conditions/Permit
 - J. Sec. 1606 Applicant Response
- Attachment: mailing list/application

Covering the southeastern portion of the 49 acre parcel, the 7.83-acre RV campground will not have access to the Cape Fear River. As a condition of the special use permit, the RV campground site will be platted as a separate lot from the larger parent parcel.

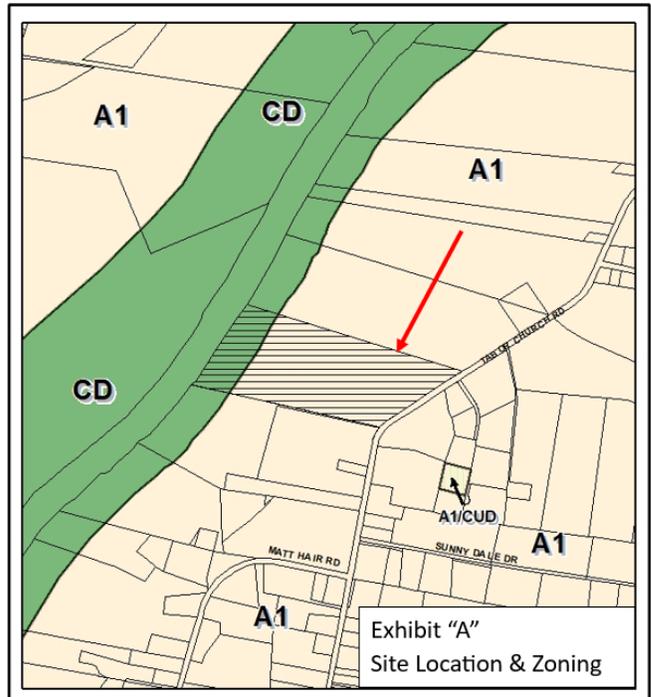
PROPERTY INFORMATION

OWNER/APPLICANT: Kerrie Hawkins, owner and applicant.

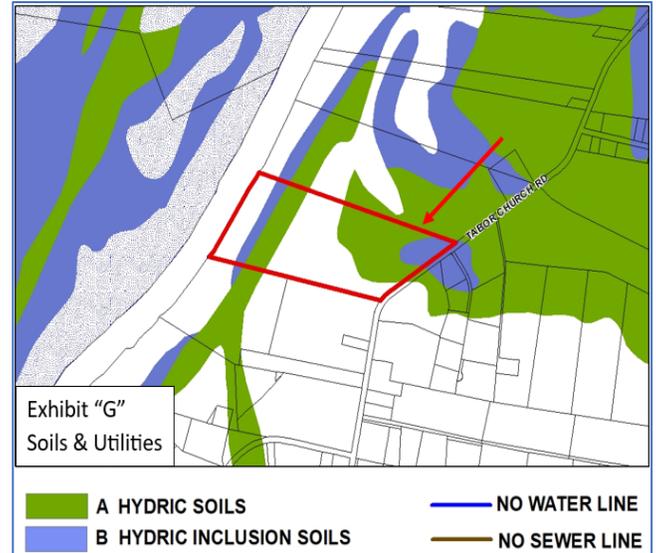
ADDRESS/LOCATION: 5896 Tabor Church Road; generally, east of the Cape Fear River and west of Tabor Church Road.

REID: 0462271450

SIZE: 7.83 +/- acres. (Parent parcel is 49.16 acres)



ROAD FRONTAGE: As shown on the Special Use Site Plan, the campground will have approximately 38.28 feet of frontage along Tabor Church Road. The parent parcel has a length of 1,079 feet of frontage.



EXISTING LAND USE: The land where the RV/campground park would be constructed is currently used for agricultural purposes. No residential or agricultural structure is located on the proposed campground site. Existing use of the proposed campground site, as well as the remainder of the parent parcel, is shown in Exhibit "F" (existing use and surrounding uses.)

SURROUNDING LAND USE: Uses in the surrounding area and adjacent properties predominantly are farmlands, residential homesites, and wood lands. Surrounding uses are shown on Exhibit "F" and described as:

- North: A single-family residential homesites and farmland owned by the applicant; woodlands.
- East: Single-family homes in platted residential homesites, farmland, and woodlands.
- South: Farmland.
- West: Floodplains of the Cape Fear River.

OTHER SITE CHARACTERISTICS: The proposed 7.83 +/- acre campground is not within the 100-year Flood Zone. A portion of the parent parcel to the west of the campground site is located within the 100-year Flood Zone associated with the Cape Fear River. The entire property is not situated within a watershed. Hydric and hydric inclusion soils occur on the parent parcel but not the area proposed for the campground, as shown on Exhibit "G".

MINIMUM YARD SETBACKS: The recreational vehicle park and/or campgrounds shall meet the required setbacks for the A1 zoning district: 50' front, 20' side, and 50' rear, including the additional setback standards set forth in Section 921, Zoning Ordinance; whereby, management headquarters, manager's residence, recreational facilities, bathhouses, toilets, dumping stations, showers, coin-operated laundry facilities, stores and the uses and structures customarily incidental to operations of a recreation vehicle park/campground are permitted as accessory uses to the park must be setback at least 100 feet from Tabor Church Road.

COMPREHENSIVE PLANS:

This property is located in the Southeast Cumberland Land Use Plan 2016. The future land use classification of the property is One Acre without Water, 1/2 acre with Public Water.

OVERLAY DISTRICTS: None

IMPACTS ON LOCAL INFRASTRUCTURE

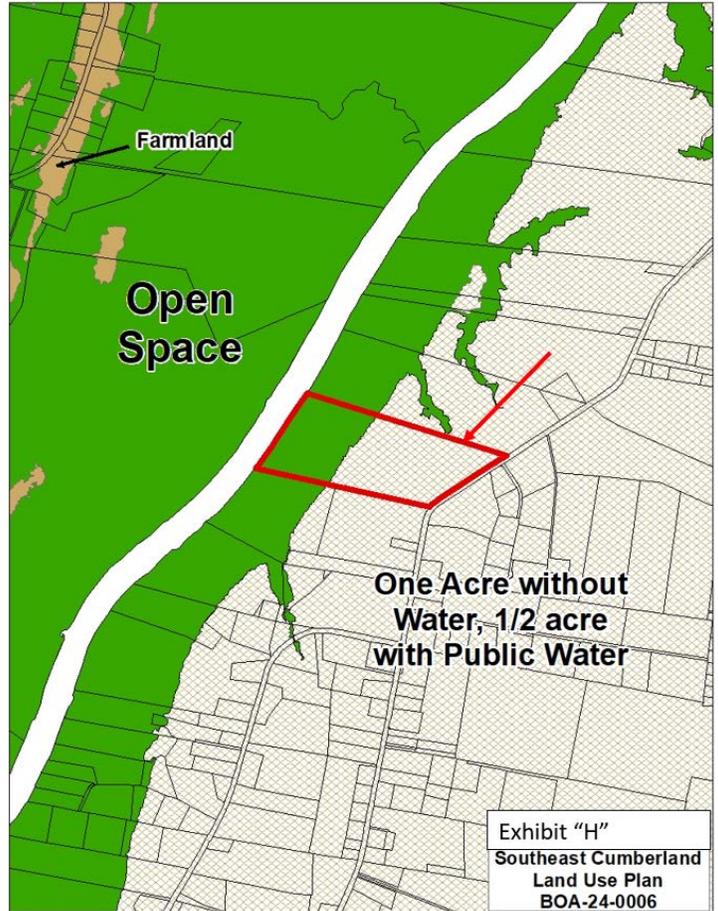
TRAFFIC: The subject property, Cedar Creek Road is located outside of FAMPO boundaries. Mid-Carolina RPO did not provide any comment on this facility at this time.

UTILITIES: Public water and sewer services are not available. Exhibit "G" provides information on utilities available to the subject property.

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

EMERGENCY SERVICES: Cumberland County Fire Marshal's office has reviewed the request and provided comments that are addressed as conditions within the Special Use Permit.

SPECIAL DISTRICTS: The subject property is not located within five miles of Fort Liberty 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 Sections 901 and 921 of the Zoning Code, Case No. BOA-2024-0006 Site Plan (Exhibit "E"), and Special Use Conditions (Exhibit "I")

KEY SPECIAL USE CONDITIONS

1. Use and development of the RV Park/campground must occur consistent with the Special Use Site Plan and Special Use conditions.
2. The RV Park/campground is limited to a maximum 38 sites for recreational vehicles, camper trailers, or campsites.
3. The recreation vehicle park/campground shall not allow for permanent occupancy on the same site by the same occupant for any continuous period of time exceeding 90 days with a maximum allowance of 180 days per calendar year within the same park. There must be a minimum 30-day waiting period between stays.
- 4.

FINDINGS OF FACT

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

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 "J".

Staff finds the Special Use Site Plan to be consistent with the Zoning Code.

MOTION

The BOA is requested to take action/motion based on the findings of fact, as supported by the Special Use Site Plan (Exhibit "E") and Special Use Conditions (Exhibit "I"). 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 901, INDIVIDUAL USES

SECTION 901. DEVELOPMENT STANDARDS FOR INDIVIDUAL USES.

The development standards of this article are additional to other requirements in this ordinance. If there is a conflict with another section of this ordinance or any other Federal, State or local regulation, the most restrictive requirement shall apply. These development standards are use-specific and apply as minimum development standards for the use regardless of the type of approval or permit otherwise required by this ordinance. All non-residential uses listed within this article require site plan review and approval in accordance with Article XIV unless this article specifically requires approval of a Special Use Permit or Conditional Zoning District. Those uses requiring approval as a Special Use Permit (Section 1606) or a Conditional Zoning District (Article V) shall also be subject to these standards and any additional standards or conditions required by the approval.

(Amd. 11-20-06; 04-18-11)

In addition to the specific criteria listed for each use, the following are to be considered as minimum criteria for every non-residential use:

A. All parking and loading areas shall comply with the minimum provisions established in Article XII, Off-Street Parking and Loading;

B. All lighting shall be directed internally and shall comply with Section 1102.M;

C. Noise generated by any use shall not substantially or detrimentally affect the ability of surrounding property owners to reasonably enjoy the use of their properties and shall not contradict those standards of Chapter 9.5, Cumberland County Code, Article II, entitled: "Noise" (Noise Ordinance);

D. When any non-residential use is adjacent to residentially zoned properties, a screening buffer shall be provided in accordance with Section 1102.G of this ordinance;
(Amd. 01-19-10; Amd. 06-18-12)

E. Unless otherwise specified within these individual sections, all signage shall be in compliance with Article XIII, Sign Regulations, for the specific district in which the subject property is located;

F. All new non-residential development shall comply with the landscaping provisions of Section 1102.N; and

G. Compliance with all Federal, State, and local regulations, including the County Subdivision Ordinance, is mandatory.

EXHIBIT "D"
SECTION 921, ZONING CODE

SECTION 921. RECREATION VEHICLE PARK AND/OR CAMPGROUND.

A. Recreation vehicle parks/campgrounds shall be used only by travel trailers, pickup, coaches, motor homes, camping trailers, other vehicular accommodations, cabins and tents suitable for temporary habitation and used for travel, vacation and recreation purposes.

B. The area of the park/campground shall be at least three acres. Each recreation vehicle/cabin/open air cabins camp site, excluding sites used solely for tents, shall be a minimum of 1,200 square feet in area with a maximum of 20 sites per acre. Each site shall contain a stabilized vehicular parking pad of packed gravel, paving or other suitable material. Cabin sites shall not exceed more than twenty percent of the total proposed sites within the recreation vehicle/campground site. The maximum size of the proposed cabins shall not exceed 400 square feet and shall be identified as being either a cabin or open air cabin. Cabins shall not have bathrooms within the cabin and must be served by a bathhouse located within 500 feet from the entrance of the cabin to the entrance of the bathhouse.

C. All yard setback requirements shall be in accordance with the dimensional requirements of the zoning district in which the park or campground is located and no structure, recreational vehicle site or camping site shall be located within the required yard area.

D. Individual recreation vehicle spaces within a recreation vehicle park/campground shall not directly access a public road. Access to all recreation vehicle spaces and accessory structures within the park/campground shall be from internal streets with the entrance to the park directly accessing a public right-of-way. A driveway permit must be obtained from the North Carolina Department of Transportation for connection to the public street.

E. The recreation vehicle park/campground shall not allow for permanent occupancy on the same site by the same occupant for any continuous period of time exceeding 90 days with a maximum allowance of 180 days per calendar year within the same park. There must be a minimum 30-day waiting period between stays within the same park for each recreational vehicle/occupant. Each recreation vehicle park/campground shall be required to maintain a registry or logbook identifying, at a minimum, the recreation vehicle license plate number and Vehicle Identification Number for recreation vehicle sites and/or names of occupants in campground sites which will be subject to inspection by the County during regular inspections. Upon the adoption date of this amendment, existing recreation vehicle parks will also be required to comply with the logbook requirement.

F. Each park shall have at least one telephone available for public use. Management headquarters, manager's residence, recreational facilities, bathhouses, toilets, dumping stations, showers, coin-operated laundry facilities, stores and the uses and structures customarily incidental to operations of a recreation vehicle park/campground are permitted as accessory uses to the park, subject to the following restrictions:

1. Such establishments (excluding recreational facilities) and the parking areas primarily related to their operations shall not occupy more than 10% of the gross area of the park/campground.

2. The structures housing such facilities shall not be located closer than 100 feet to any public street and shall not be directly accessible from any public street but shall be accessible only from an internal drive within the park/campground.

3. Such structures containing toilets, bathhouses and other plumbing fixtures shall comply with the requirements of the North Carolina Building Code.

4. Each park shall be limited to a maximum of one manager's/ caretaker's residence.

G. Adequate off-street parking and maneuvering space shall be provided on site. No public street, sidewalk or right-of-way or any other private grounds not a part of the recreational vehicle parking area shall be used to park or maneuver vehicles.

H. Internal drives shall be constructed to a minimum of 18 feet in width if providing two-way streets and 12 feet in width for one-way streets and contain a minimum depth of six inches of stone gravel base with proper ditching, drainage, and seeding of slopes. Permanent dead-end streets shall have a cul-de-sac constructed 40 feet in diameter.

I. Recreational vehicle parks and campgrounds shall be enclosed by a fence, wall, landscape screening, earthen mounds or by other measures from all contiguous residential areas in a manner that complements the landscape and assures compatibility with the adjacent environment and complies with the buffering requirements for non-residential uses adjacent to residential districts.

J. In addition to the requirements required to be shown on the site plan as required by the Article XIV, the site plan shall include the name and address of the applicant, the location and dimensions of each recreation vehicle/camping site, the location and use of all service and recreational facilities, all interior access ways, drives, and parking. All site plans subject to this Section shall also require approval from the County Health Department.

K. When permitted, recreation vehicle parks/campgrounds within the CD Conservancy District shall be subject to the following requirements:

1. No individual recreation vehicle/camping site shall have individual on-site septic systems.

2. Each recreational vehicle must be equipped with a holding tank and each park/campground must have an approved dumping station or pump-out facilities on the premises.

L. All Federal, State and other local regulations shall be complied with.
(Amd. 11-20-06; Amd. 01-19-10; Amd. 04-20-20)

EXHIBIT "I"
SPECIAL USE PERMIT BOA-2024-0006

Special Use Permit Conditions

Special Use Permit- Board of Adjustment
(Recreational Vehicle Park and/or Campgrounds Special Use Permit and Site Plan)
Ordinance Related Conditions

BOA-2024-0006: Consideration of a Special Use Permit to allow a recreational vehicle park and/or campgrounds on a 7.83 +/- acre parcel in an A1 Agricultural District, located at 5896 Tabor Church Rd, Submitted by Karrie Hawkins (owner).

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

Applicability: This Special Use Permit shall only apply to a 7.83 +/- acre portion of PIN 0462-27-1450 (as shown in the record of the Cumberland County Register of Deeds as of June 11, 2021) as such area is shown on the of the attached Special Use Site Plan as Lot 1 (Exhibit "A").

Permitted and Prohibited Uses:

1. Recreation vehicle parks/campgrounds shall be used only by travel trailers, pickup, coaches, motor homes, camping trailers, other vehicular accommodations, cabins and tents suitable for temporary habitation and used for travel, vacation and recreation purposes. Such uses shall be consistent with Section 921.B, County Zoning Ordinance including that any cabins shall be limited to 400 square feet of floor area.
2. The recreation vehicle park/campground shall not allow for permanent occupancy on the same site by the same occupant for any continuous period of time exceeding 90 days with a maximum allowance of 180 days per calendar year within the same park. There must be a minimum 30-day waiting period between stays within the same park for each recreational vehicle/occupant. Each recreation vehicle park/campground shall be required to maintain a registry or logbook identifying, at a minimum, the recreation vehicle license plate number and Vehicle Identification Number for recreation vehicle sites and/or names of occupants in campground sites which will be subject to inspection by the County during regular inspections. Upon the adoption date of this amendment, existing recreation vehicle parks will also be required to comply with the logbook requirement.

Development Standards:

3. Use and development of the site shall occur consistent with the Special Use Permit and the Special Use Site Plan provided in Exhibit "A" and shall be in conformance with the zoning and subdivision ordinances adopted by Cumberland County. If any inconsistency or conflict occurs between this Special Use Permit and County Zoning or Subdivision Ordinances, the Special Use Permit shall supersede.

4. All yard setback requirements shall be in accordance with the dimensional requirements of the zoning district in which the park or campground is located and no structure, recreational vehicle site or camping site shall be located within the required yard area. Each park shall have at least one telephone available for public use. Management headquarters, manager's residence, recreational facilities, bathhouses, toilets, dumping stations, showers, coin-operated laundry facilities, stores and the uses and structures customarily incidental to operations of a recreation vehicle park/campground are permitted as accessory uses to the park, subject to the following restrictions:
 - a. Such establishments (excluding recreational facilities) and the parking areas primarily related to their operations shall not occupy more than 10% of the gross area of the park/campground.
 - b. The structures housing such facilities shall not be located closer than 100 feet to any public street and shall not be directly accessible from any public street but shall be accessible only from an internal drive within the park/campground.
 - c. Such structures containing toilets, bathhouses and other plumbing fixtures shall comply with the requirements of the North Carolina Building Code.
5. Each park shall be limited to a maximum of one manager's/ caretaker's residence. Recreational vehicle parks and campgrounds shall be enclosed by a fence, wall, landscape screening, earthen mounds or by other measures from all contiguous residential areas in a manner that complements the landscape and assures compatibility with the adjacent environment and complies with the buffering requirements for non-residential uses adjacent to residential districts.

Infrastructure and Utilities

6. All lighting installed shall comply with all provisions of Section 1102.M., of the County Zoning Ordinance.
7. All environmental health rules and regulations, including Federal and State laws, shall be complied with.
8. NC Department of Environmental Health applications for permits for septic and well shall be obtained.
9. That site and soil evaluations be conducted on the property by the County Environmental Health Department. Note: All Health Department requirements shall be met prior to issuance of final permits. Environmental Health septic permit shall be written before the lots can be approved to support residences/buildings. Note- application for permit does not ensure that a permit can be written.
10. The County Health Department must approve water plans if not connected to central water system. Property 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. 2306A, County Subdivision Ord. & Sec. 1101.E, County Zoning Ord.)

Authorization for wastewater system construction required before other permits to be issued. The County Health Department must approve sewer plans. Lots not served by public sewer systems are required to be large enough and of such physical character to comply with the Health Department's minimum standards. Site and soil evaluations must be conducted on the property by the County Environmental Health Department. 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.) (NCGS § 130A-338 & Sec. 2306 A, County Subdivision Ord. & Sec. 1101.E, County Zoning Ord.)

11. Driveway Permit from NCDOT required. Site plan should depict the proposed geometrics for the proposed ingress and egress driveways. Change of use of subject properties and/or construction of any new connection or alteration of any existing connection shall require an approved Driveway Permit. 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/developer's expense.

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.

12. If any right-of-way dedication is required by NCDOT, a recorded plat referenced above shall identify any such right-of-way dedication and sight distance easements. (Sec. 2402, County Subdivision Ord.)
13. Individual recreation vehicle spaces within a recreation vehicle park/campground shall not directly access a public road. Access to all recreation vehicle spaces and accessory structures within the park/campground shall be from internal streets with the entrance to the park directly accessing a public right-of-way. A driveway permit must be obtained from the North Carolina Department of Transportation for connection to the public street.
14. Adequate off-street parking and maneuvering space shall be provided on site. No public street, sidewalk or right-of-way or any other private grounds not a part of the recreational vehicle parking area shall be used to park or maneuver vehicles.

Internal drives shall be constructed to a minimum of 18 feet in width if providing two-way streets and 12 feet in width for one-way streets and contain a minimum depth of six inches of stone gravel base with proper ditching, drainage, and seeding of slopes. Permanent dead-end streets shall have a cul-de-sac constructed 40 feet in diameter.

15. 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.)

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.)

16. 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.
17. Wetlands shall be protected pursuant to NC Department of Environmental Quality (NCDEQ) standards, and no wetlands shall be encroached or filled unless otherwise authorized by the NCDEQ.
18. Prior to any building permit application approval, the developer must provide to the Code Enforcement Section documentation of NC Department of Environmental Quality (NCDEQ) approval of the Sedimentation and Erosion control plan for this project. NCDEQ requires a Sedimentation and Erosion control plan be submitted and approved 30 days prior to land disturbing activities if said land disturbing activity will exceed one acre.

If a plan is not required, per 15ANCAC 04B.0105 "Person conducting land disturbing activity shall take all reasonable measures to protect public and private property from damage cause by such activities." Sedimentation and erosion control measures will need to be installed to protect adjacent properties. [Sec. 4-8(b)(6), County Code; originally under County jurisdiction relinquished to NCDEQ around 2000].

Development Review Process:

19. Applicant shall submit a site plan and landscape plan to the Current Planning Section prior to any construction activity, including clearing and grading, demonstrating compliance with the requirements and information required herein in this. No activity on the site shall occur until a final site plan has been approved by the Current Planning Section.
20. In addition to the requirements required to be shown on the site plan as required by the Article XIV, the site plan shall include the name and address of the applicant, the location and dimensions of each recreation vehicle/camping site, the location and use of all service and recreational facilities, all interior access ways, drives, and parking. All site plans subject to this Section shall also require approval from the County Health Department.
21. A plat must be approved by Current Planning and recorded prior to submittal of a building permit or any land clearing or construction activity.
22. 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.)

Other Conditions:

23. 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.
24. Any revision or addition to this plan necessitates re-submission for review and approval. Depending on the substantiality, such requested revisions or additions may require either Board of Adjustment approval or the Planning & Inspections Department administrative approval prior to the commencement of the change.
25. 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.
26. 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 specific development. The developer is the responsible party to ensure full compliance with all applicable Federal, State, and local regulations.
27. 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].

28. 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.)
29. Property owner is responsible for assuring that all trash, litter, and debris is regularly removed from the site is properly disposed at a Cumberland County landfill or transfer station.

Effective Date/Expiration:

30. This special use expires two years from the date the County Board of Adjustment approves the Special Permit No. BOA-2024-0006 if no activity proceeds in good faith to commence the special use. The Board of Adjustment may approve an extension of this special use permit for up to two years if a written request for an extension is submitted at least thirty days prior to the expiration date.

Issued by:

David B. Moon, AICP, CZO

Date

EXHIBIT "A" OF
SPECIAL USE PERMIT BOA-2024-0004
SPECIAL USE SITE PLAN

(Same as Exhibit "A" of the Staff Report)

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

Special Use Permit (Response)

- 1- The use will not materially endanger the public health or safety if located according to the plan submitted

Response:

The proposed RV park will not materially endanger the public health or safety when built according to the plan submitted. The design will follow all County and State guidelines and regulations.

- 2- The use meets all required conditions and specifications

Response:

The proposed RV Park will meet all required conditions and specifications noted by the County to include all county requirements for driveway permits, well and septic permits and any requirements required for landscaping

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

Response:

The RV Park will maintain the value of the adjoining properties. Our goal

is to have a nice country setting to ensure the neighbors have no problems with the park's appearance

-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 most recent land use plan

Response:

The RV Park will be developed according to the plan as submitted our park will not disturb any wetlands on the property or the Cape Fear River which runs along backside. Our overall goal is to maintain the already existing beauty of the property and provide privacy for the adjacent property.

ATTACHMENT: NOTIFICATION LIST & PUBLIC HEARING LEGAL NOTICE

CRAWFORD, GENEVA BOBBITT
RR 2 BOX 362A
FAYETTEVILLE, NC 28301

HOGGARD, RALPH F JR;HOGGARD, JOHN
704 CONNALLY DR
HOPE MILLS, NC 28348

TAYLOR RIVER FARMS LLC
PO BOX 1407
HOPE MILLS, NC 28348

THAGGARD, MARY LIFE ESTATE
4319 GRAYE FRYERS LN
FAYETTEVILLE, NC 28312

THAGGARD, MICHAEL O HEIRS
4319 GRAYE FRYERS LN
FAYETTEVILLE, NC 28312

HAWKINS, KARRIE L
5896 TABOR CHURCH RD
FAYETTEVILLE, NC 28312

OLLIS, DANNY RAY;OLLIS, JIMMIE PACE
5901 TABOR CHURCH RD
FAYETTEVILLE, NC 28312

HALL, JESSIE LAWRENCE
5936 TABOR CHURCH RD
FAYETTEVILLE, NC 28312

HALL, JESSIE LAWRENCE
5936 TABOR CHURCH RD
FAYETTEVILLE, NC 28312

BOA-2024-0006

Job Details

Order Number:
LWLM0092202
Classification:
Public Notices
Package:
General Package
Total payment:
\$115.94

Account Details

Cumb Co Joint Planning,Laverne Howard
130 Gillespie ST ATTN: LAVERNE
HOWARD
Fayetteville, NC 28301-5669
910-678-7800
lhoward@cumberlandcountync.gov
Cumb Co Joint Planning,Laverne

Schedule for ad number LWLM00922020

Fri May 3, 2024
Fayetteville Observer
All Zones
Fri May 10, 2024
Fayetteville Observer
All Zones

**PUBLIC HEARING
NOTICE**

The Cumberland County Board of Adjustment will meet at 6:00 p.m. on Thursday, May 16, 2024, at the Old Court House Building, 130 Gillespie Street, Fayetteville, NC to hear the following:

BOA-2024-0006: Consideration of a Special Use Permit to allow a recreation vehicle park/campground in an A1 Agricultural District on 7.83 +/- acres, located at 5896 Tabor Church Road; submitted by Karrie Hawkins (Owner).
Publication Dates
L00000000

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: 5896 Tabor Church Rd Fay, NC 28312
OWNER: Karrie L Hawkins
ADDRESS: 5896 Tabor Church Rd ZIP CODE: 28312
TELEPHONE: HOME (910) 580-2080 WORK _____
AGENT: _____
ADDRESS: _____
TELEPHONE: HOME _____ WORK _____
E-MAIL: Kra9910@aol.com

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

- A. Parcel Identification Number (PIN #) of subject property: 0462-27-1450
(also known as Tax ID Number or Property Tax ID)
- B. Acreage: 7 Frontage: 50ft Depth: 1094.12ft *Bank 665.96ft*
- C. Water Provider: Well
- D. Septage Provider: Septic
- E. Deed Book 11151, Page(s) 721-722, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
- F. Existing use of property: Homefront
- 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.)
Small Country RV Park run by family, each site will have its own parking spaces, a bathhouse with a small laundry room as well as an office offering supplies the guest may need. There will be landscaping around the park to add to the beauty of the country setting as well as screening trees along side to provide privacy from adjacent property.

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.

Karrie L. Hawkins
NAME OF OWNER(S) (PRINT OR TYPE)

5896 Tabor Church Rd Fay, NC 28312
ADDRESS OF OWNER(S)

Kra9910@aol.com
E-MAIL

(910) 580-2080 HOME TELEPHONE # WORK TELEPHONE #

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

ADDRESS OF AGENT, ATTORNEY, APPLICANT

E-MAIL

HOME TELEPHONE #

WORK TELEPHONE #

Karrie L. Hawkins
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) *Karrie L. Hawkins*

PRINTED NAME OF OWNER(S) *Karrie L. Hawkins*

DATE *4-11-24*

ATTACHMENT: APPLICANT'S ACCEPTANCE OF SUP CONDITIONS

From: [Karrie Hawkins](#)
To: [David Moon](#)
Cc: [Timothy Doersam](#)
Subject: Re: Draft Special Use Permit and Staff Report
Date: Wednesday, May 8, 2024 12:43:56 PM
Attachments: [image001.png](#)

CAUTION: This email originated from outside of the County. Do not open attachments, click on links, or reply unless you trust the sender or are expecting it.

Terms of the Special use permit are acceptable
Per Karrie Hawkins

Thank you