

Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris,
Town of Linden



Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Clifton McNeill, Jr.,
Roy Turner,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

COUNTY of CUMBERLAND

Planning & Inspections Department

December 11, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for December 18, 2007 Board Meeting

P07-94: REZONING OF 1.8 ACRES FROM A1 TO R40A OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 10484 NC HIGHWAY 210 SOUTH, SUBMITTED BY STACEY M. MELVIN, OWNED BY JOSEPH G. MELVIN.

The Planning & Inspections Staff recommends approval of the R40A Residential District based on the following:

1. The request is consistent with the 2010 Land Use Plan, which calls for Farmland at this location – 2010 Land Use Plan specifies R40A as suitable in the designated farmland areas; and
2. The request is consistent with the uses and lot sizes of properties within the general area.

The R40 Residential District is also suitable for this area.

Attachments:

- 1 - Site Profile
- 2 - Rezoning Sketch Map

SITE PROFILE

P07-94

REZONING OF 1.8 ACRES FROM A1 TO R40A OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 10484 NC HIGHWAY 210 SOUTH, SUBMITTED BY STACEY M. MELVIN, OWNED BY JOSEPH G. MELVIN.

Site Information:

Applicant/Owner: STACY M. MELVIN / JOSEPH G. MELVIN

Area: 1.8+/- acres

Frontage & Location: 300'+/- on NC HWY 210 S

Depth: 301.76+/- feet

Jurisdiction: County

Adjacent Property: No

Current Use: Residential

Initial Zoning: A1 - September 3, 1996 (Area 21)

Zoning Violation(s): None

Nonconformities: Yes, legal nonconforming for lot size, created prior to zoning and existing home (built 1950) front yard setback

Surrounding Zoning: Primarily A1, small portion of R40A to the north

Surrounding Land Use: Single-family residential (including manufactured homes), woodland and farmland

2010 Land Use Plan: Farmland

Designated 100-Year Floodplain or Floodway: No

Water/Sewer Availability: Well / Septic

Soil Limitations: None

School Capacity/Enrolled: Beaver Dam Elementary: 116/118; Mac Williams Middle: 1274/1158; Cape Fear High: 1400/1475

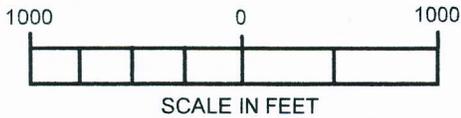
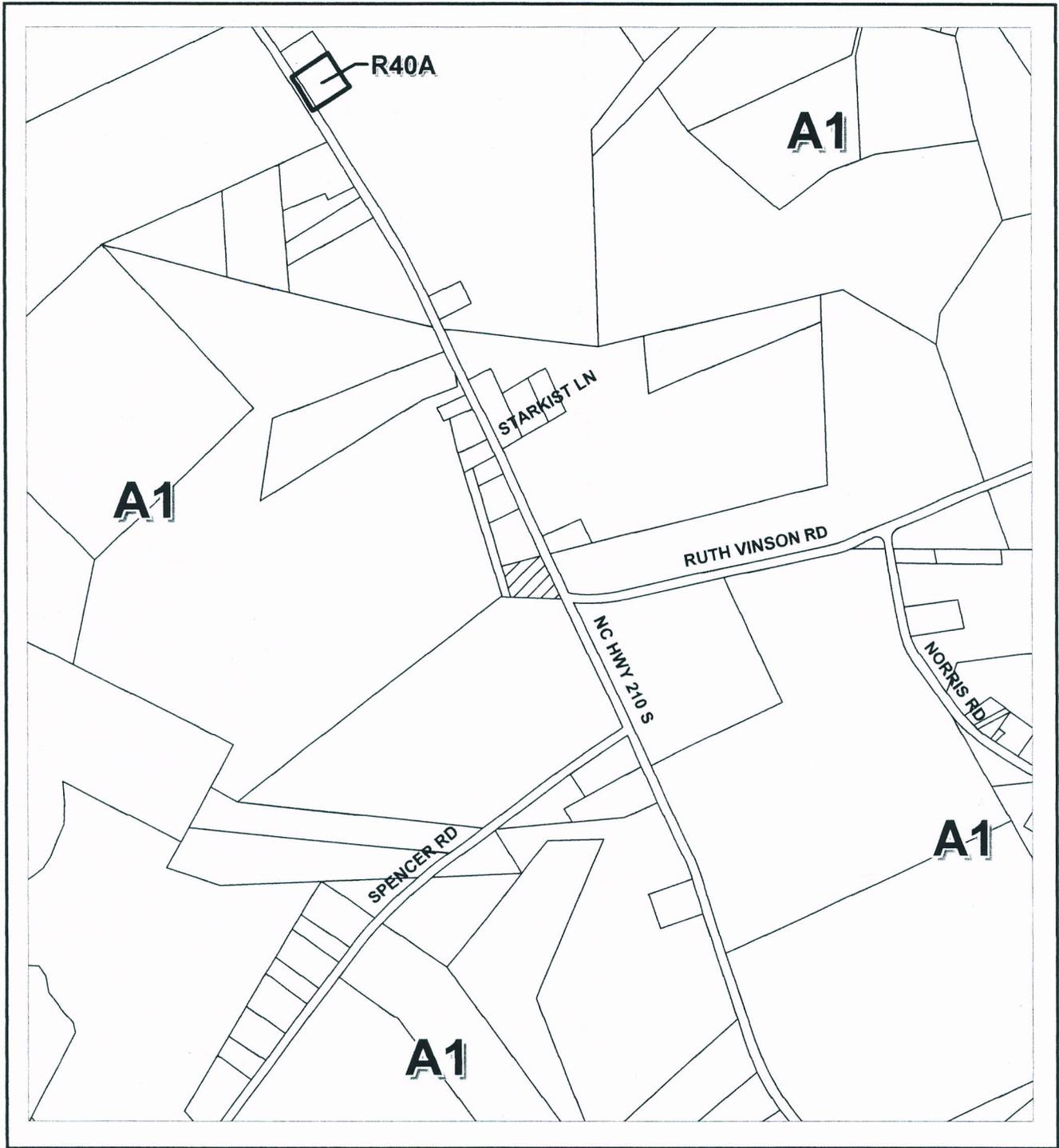
Subdivisions: Group development approval required prior to permits; subdivision not allowed if approved.

Highway Plan: No road improvements or new construction specified for this area; NC HWY 210 S is a major thoroughfare.

Average Daily Traffic County (2006): 1,900 on NC HWY 210 S

Notes:

Density: R40/R40A – 2 units



REQUESTED REZONING: A1 TO R40A

ACREAGE: 1.80 AC.+/-	HEARING NO: P07-94	
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

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MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for December 18, 2007 Board Meeting

P07-95: REZONING OF TWO PARCELS TOTALLING 3.93 ACRES FROM R6 TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 150 AND 220 WEST MOUNTAIN DRIVE, SUBMITTED BY CHARLES E. HORNE, OWNED BY CHARLES E. HORNE AND BILLY D. AND FAY J. HORNE.

The Planning & Inspections Staff recommends approval of the C(P) Planned Commercial District based on the following:

1. Even though the request is not consistent with the 2010 Land Use Plan, which calls for Medium Density Residential at this location, the area is transitioning to non-residential uses at this location;
2. West Mountain Drive is identified as a major thoroughfare; and
3. Public utilities are available to the site.

The R5 and R5A Residential, O&I(P) Office and Institutional, and C1(P) Local Business districts could also be found suitable for this area.

Attachments:

- 1 - Site Profile
- 2 - Rezoning Sketch Map

SITE PROFILE
P07-95

REZONING OF TWO PARCELS TOTALLING 3.93 ACRES FROM R6 TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 150 AND 220 WEST MOUNTAIN DRIVE, SUBMITTED BY CHARLES E. HORNE, OWNED BY CHARLES E. HORNE AND BILLY D. AND FAY J. HORNE.

Site Information:

Applicant/Owner: Charles E. Horne and Billy D. and Fay J. Horne

Area: 3.93+/- acres

Frontage & Location: 595.9+/- on W Mountain Drive

Depth: 350+/- feet

Jurisdiction: County

Adjacent Property: No

Current Use: Residential

Initial Zoning: R6 – November 17, 1975 (Area 4)

Zoning Violation(s): None

Nonconformities: Yes, legal nonconforming: existing homes (built 1942/1946) front yard setback; will become more nonconforming if request approved.

Surrounding Zoning: North: R6, R6A, C(P) & C3; East: C3& HS(P); South: R10, C3, HS(P); West: C3, R10, & P1(City)

Surrounding Land Use: Single-family residential (including some manufactured homes), Manufactured Home Sales, RV Sales, Trade Contractor, Motor Vehicle Sales, School Administrative Office, Hotel/Motels, Furniture Sales, Church, Adult Day Care, Janitorial Service, Moving & Storage and vacant land.

2010 Land Use Plan: Medium Density Residential

Designated 100-Year Floodplain or Floodway: No

Water/Sewer Availability: PWC / PWC; both on W. Mountain Drive.

Soil Limitations: None

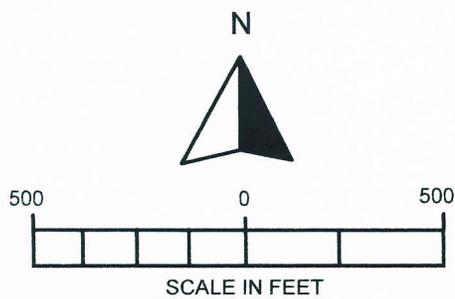
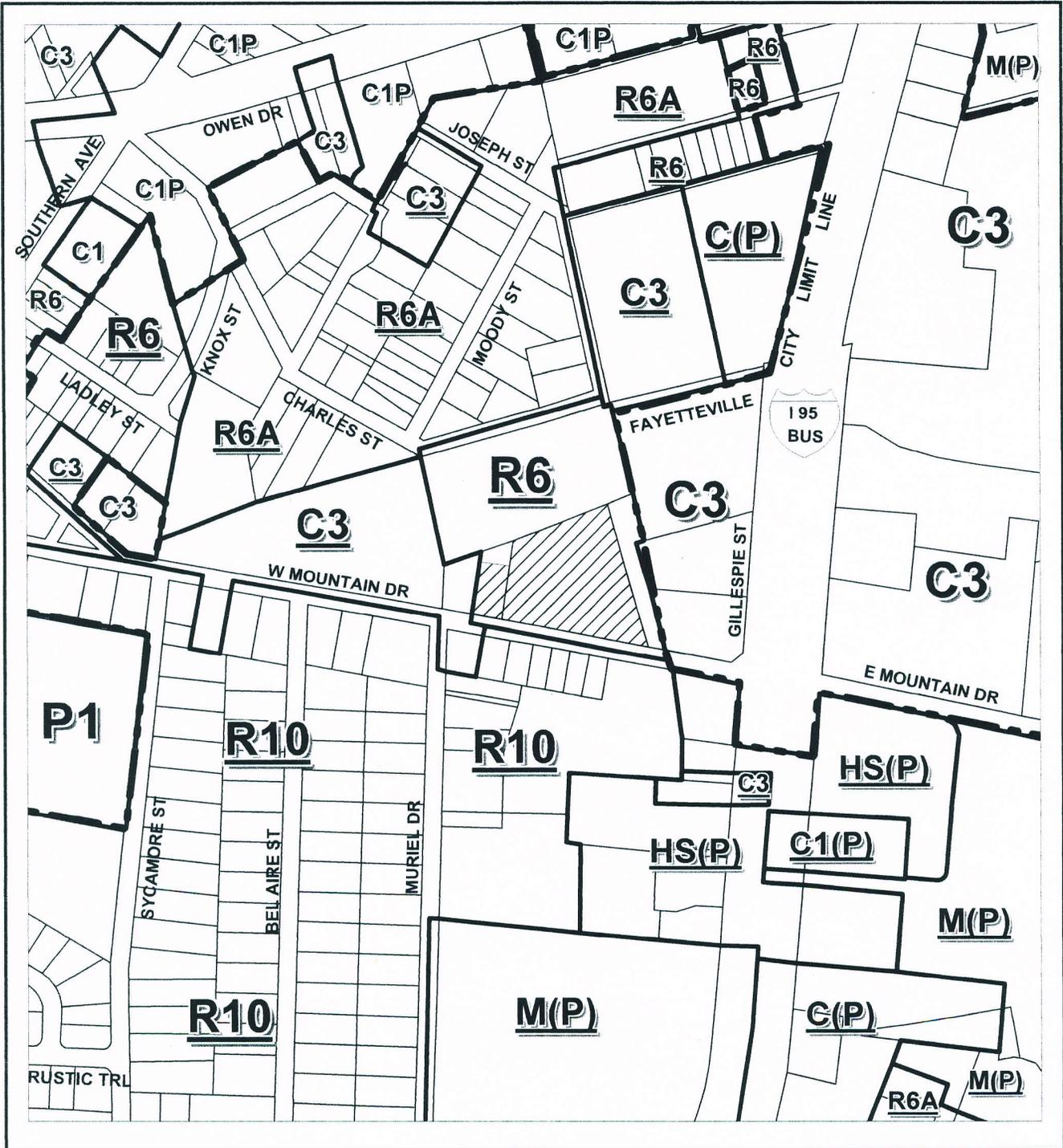
Subdivisions: Site plan approval and possible recombination, if approved.

Highway Plan: W. Mountain Dr is identified as a major thoroughfare; the plan calls for adding a center turning lane (Priority #3 in the highway portion of the LRTP); no road improvements included in the 2007-2013 MTIP.

Average Daily Traffic County (2006): 6,100 on W. Mountain Dr.

Notes:

1. The CUD option was discussed with applicant; he declined to submit a CUD application for this site.
2. Staff discussed with applicant the nonconforming status; requirement for Code upgrades if intending to use existing residential structures; site plan approval requirement; and setback issues, especially if intending to keep as two separate lots.



REQUESTED REZONING R6 TO C(P)

ACREAGE: 3.93 AC.+/-	HEARING NO: P07-95	
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

PORT OF PIN: 0426-90-8054
 PIN: 0436-00-1024

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COUNTY of CUMBERLAND

Planning & Inspections Department

December 11, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for December 18, 2007 Board Meeting

P07-96: REZONING OF .94 ACRES FROM R10 TO R6A OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTHWEST SIDE OF CAMDEN ROAD, EAST OF VICTOR HALL LANE, OWNED BY WOODROW AND GLADYS M. SWEAT.

The Planning & Inspections Staff recommends approval of the R6A Residential District based on the following:

1. Even though the request is not consistent with the 2010 Land Use Plan, which calls for Low Density Residential at this location, the request is consistent with the zoning and land uses within the general area; and
2. There are no hydric soils limiting the development of the subject property.

The R6 Residential District could also be found suitable for this site.

Attachments:

- 1 - Site Profile
- 2 - Rezoning Sketch Map

SITE PROFILE
P07-96

REZONING OF .94 ACRES FROM R10 TO R6A OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTHWEST SIDE OF CAMDEN ROAD, EAST OF VICTOR HALL LANE, OWNED BY WOODROW AND GLADYS M. SWEAT.

Site Information:

Applicant/Owner: Woodrow and Gladys M Sweat

Area: .94+/- acres

Frontage & Location: 275'+/- on Camden Rd

Depth: 274'+/- feet

Jurisdiction: County

Adjacent Property: No

Current Use: Residential and Vacant

Initial Zoning: R10 – November 17, 1975 (Area 4)

Zoning Violation(s): None

Nonconformities: Yes, legal nonconforming: existing homes (built 1941/1958) yard setbacks – both homes scheduled for removal upon the widening of Camden Road.

Surrounding Zoning: North: R10 & M(P); East: R10, R6A, C(P) & C1(P); South: R10 & C1(P); West: R10, R6A, M(P), & RR

Surrounding Land Use: Single-family residential (including manufactured homes), multi-family (duplexes) Manufacturing, Manufactured Home Park, Motor Vehicle Repair & Body Shops, Welding Shop, Food & Misc. Sales, Church, and vacant land.

2010 Land Use Plan: Low Density Residential

Designated 100-Year Floodplain or Floodway: No

Water/Sewer Availability: PWC / PWC; both exist on Camden Rd, approximately 1,000' from subject property; mandatory connection dependant upon number of lots/units.

Soil Limitations: None

School Capacity/Enrolled: Cashwell Elementary: 581/758; Ireland Drive Middle (6th grade): 343/348; D. Byrd Middle: 765/728; D. Byrd High: 1280/1237.

Subdivisions: Subdivision and/or Site Plan approval and possible recombination, if desiring more than one unit on each lot or division of property.

Average Daily Traffic County (2006): 17,000 on Camden Rd

Highway Plan: Camden Rd is identified as a major thoroughfare; the plan calls for a multi-land facility (U-2810) with a 100' right-of-way; road improvements are included in the 2007-2013 MTIP.

Planning/Design: In progress

Mitigation: 2008

Right-of-Way: In progress

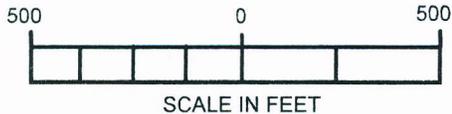
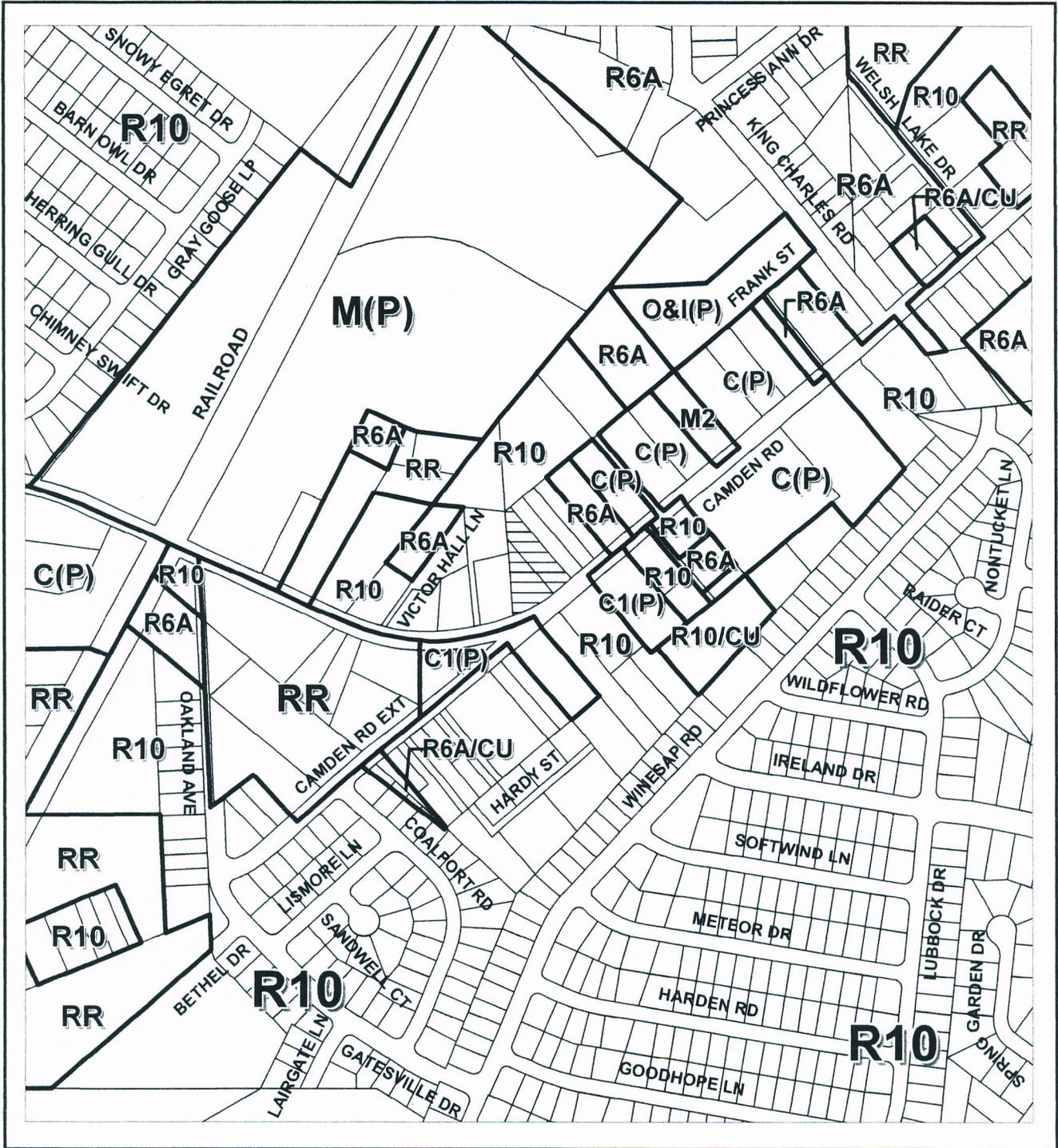
Construction: 2009

Notes:

Density (minus .23 acres to be taken for r/w widening): R10: 4 lots/units

R6A: 6 lots/units

MHP not an allowed use since site is less than one acre.



REQUESTED REZONING: R10 TO R6A

ACREAGE: 0.94 AC. +/-		HEARING NO: P07-96	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
PLANNING BOARD			
GOVERNING BOARD			

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COUNTY of CUMBERLAND

Planning & Inspections Department

December 11, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for December 18, 2007 Board Meeting

P07-99: REZONING OF .002 ACRES FROM C(P)/CU TO C(P), LOCATED WITHIN THE PUBLIC RIGHT-OF-WAY OF US HIGHWAY 13 (GOLDSBORO ROAD) / I-95 INTERCHANGE, STAFF INITIATED. (EASTOVER)

The Planning & Inspections Staff recommends approval of the C(P) Planned Commercial District based on the following:

1. This rezoning will remove a Conditional Use Overlay previously approved on this property "to allow an off-premises high-rise advertising sign" (Case No. P97-52); and
2. The subject property is now within the public right-of-way and the sign has been removed.

There are no other suitable zoning districts to be considered for this site.

Attachments:

- 1 - Site Profile
- 2 - Rezoning Sketch Map

SITE PROFILE
P07-99

REZONING OF .002 ACRES FROM C(P)/CU TO C(P), LOCATED WITHIN THE PUBLIC RIGHT-OF-WAY OF US HIGHWAY 13 (GOLDSBORO ROAD) / I-95 INTERCHANGE, STAFF INITIATED. (EASTOVER)

Site Information:

Applicant/Owner: Staff Initiated/ Public Right-of-Way

Area: .002+/- acres

Frontage & Location: n/a

Depth: n/a

Jurisdiction: Eastover

Adjacent Property: n/a

Current Use: Interstate 95 and Goldsboro Road interchange

Initial Zoning: C(P) – January 27, 1980 (Area 19A)

Zoning Violation(s): n/a

Nonconformities: n/a

Surrounding Zoning: North: C(P), A1, & R40; East: C(P) & A1; South: C(P), A1, R40A & RR; West: C(P), A1, R40, RR & M2

Surrounding Land Use: Single-family residential, Hotel, Convenience Store, Restaurant, woodlands and farmland.

Eastover Detailed Land Use Plan: Activity Node

Designated 100-Year Floodplain or Floodway: No

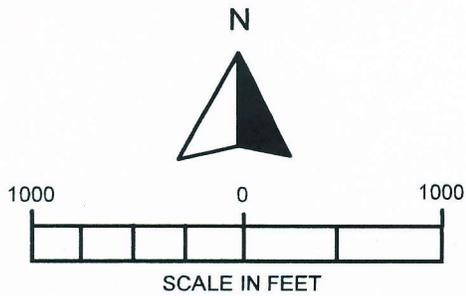
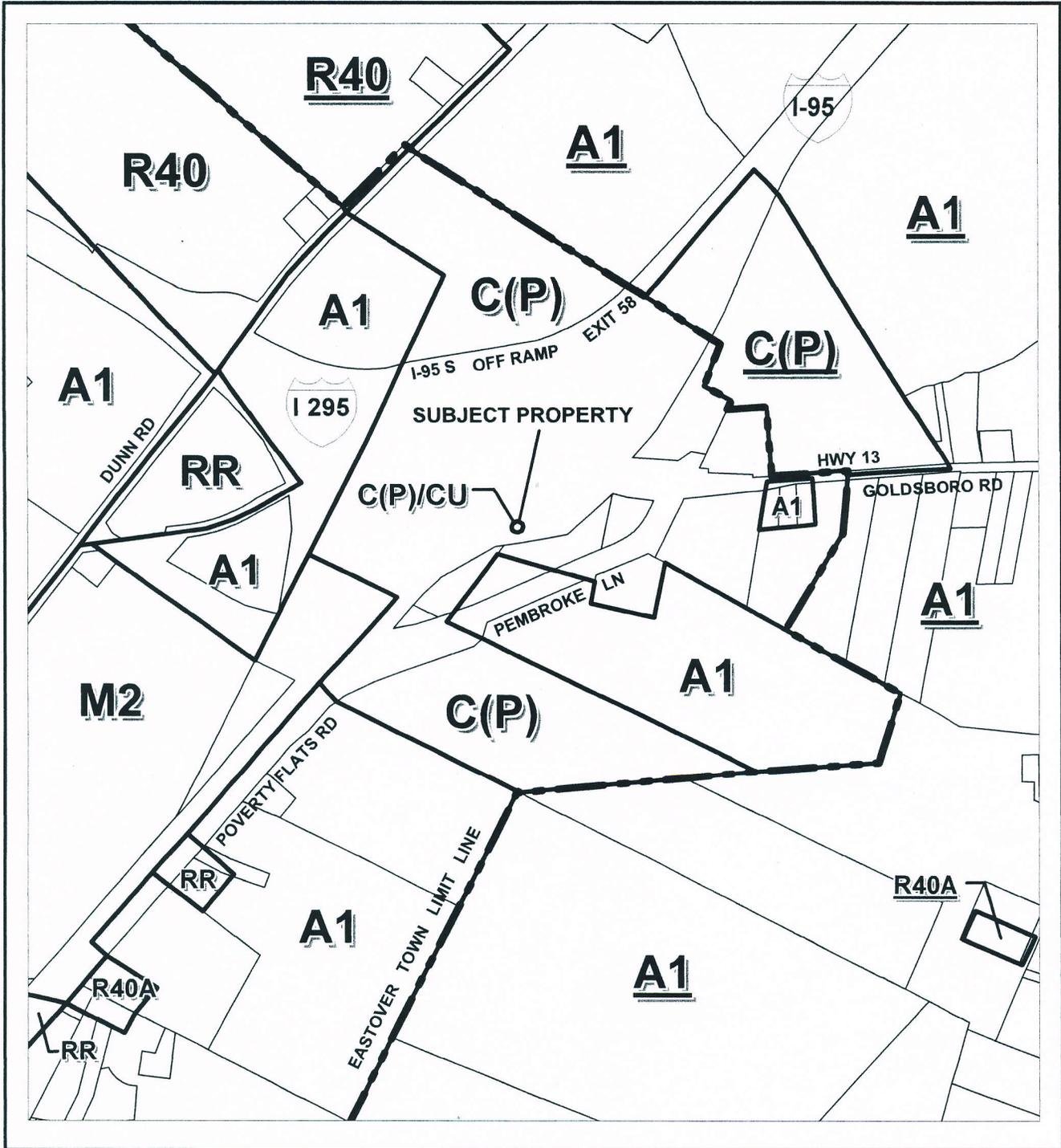
Water/Sewer Availability: Well, ESD water available in approximately 12-18 months / ESD Sewer.

Soil Limitations: n/a

Subdivisions: n/a

Average Daily Traffic County (2006): 3,300 on US HWY 13 (Goldsboro Rd), 46,000 on Interstate 95.

Notes: Staff is initiating this rezoning to remove a “Conditional Use” previously approved on June 24, 1997 “to allow an off-premises high-rise advertising sign” (Case No. P97-52). The subject property is now within the public right-of-way and the sign is no longer there.



PIN: NONE (WITHIN PUBLIC R/W)

REQUESTED REZONING C(P)/CU TO C(P)

ACREAGE: 0.002 AC.+/-	HEARING NO: P07-99	
ORDINANCE: EASTOVER	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

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MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for December 18, 2007 Board Meeting

P07-100: REZONING OF A 10.0 ACRE PORTION OF A 176.92 ACRE TRACT FROM A1 TO A1A, LOCATED ON THE SOUTH SIDE OF COUNTY LINE ROAD, EAST OF CHICKEN FOOT ROAD, SUBMITTED BY FRANKLIN JOHNSON, OWNED BY JFJ III INVESTMENTS LLC.

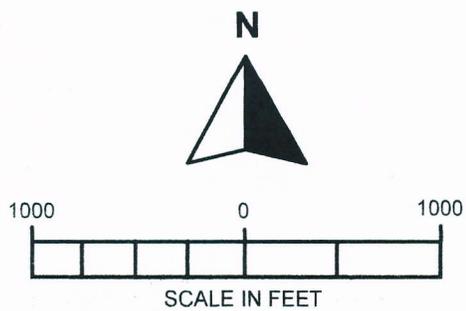
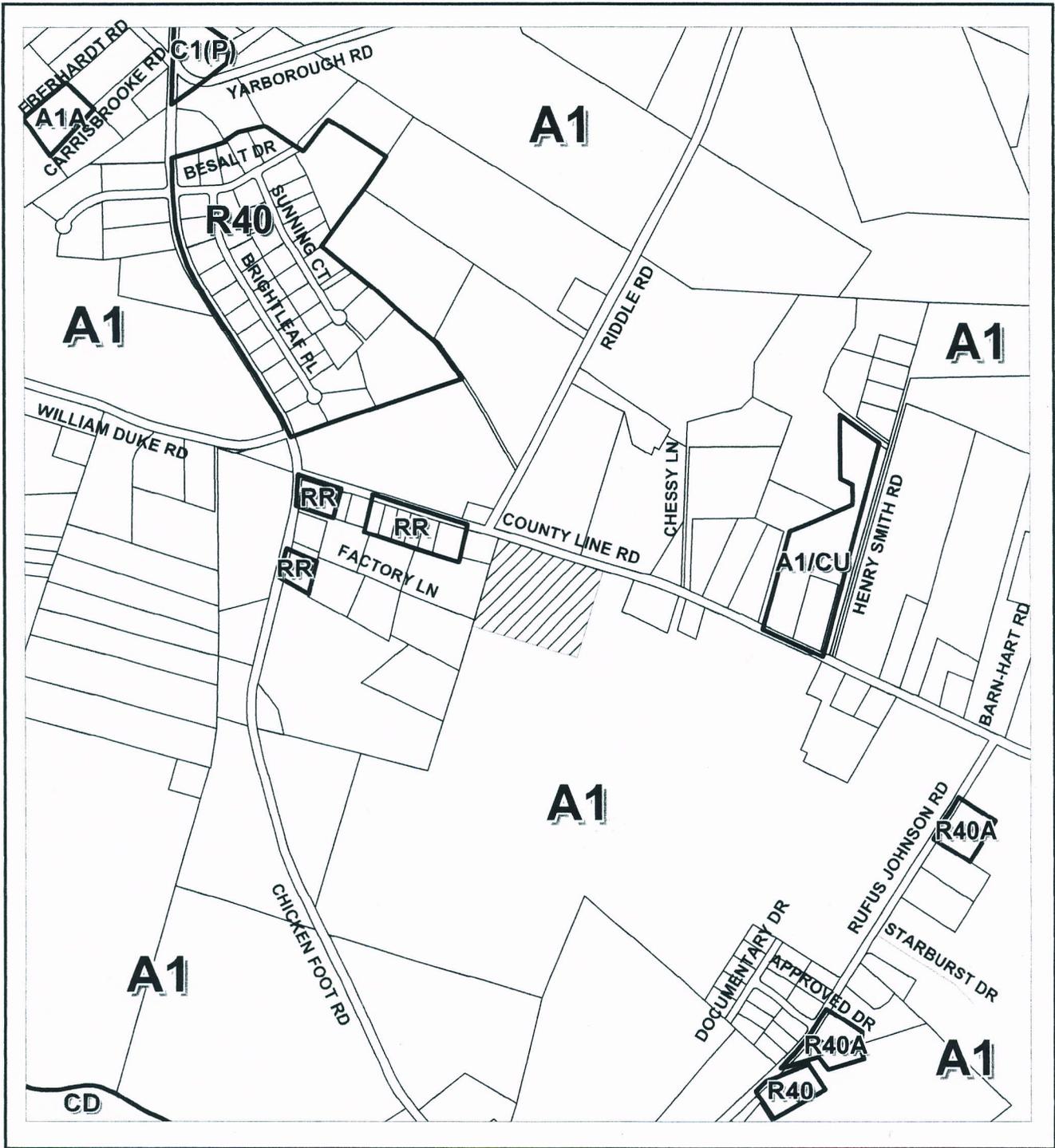
The Planning & Inspections Staff recommends approval of the A1A Agricultural District based on the following:

1. The request is consistent with the 2010 Land Use Plan, which calls for Farmland at this location;
2. The A1A Agricultural District is consistent with the land uses and lot sizes within the general area.

There are no other suitable zoning districts to be considered for this site.

Attachments:

- 1 - Site Profile
- 2 - Rezoning Sketch Map



REQUESTED REZONING: A1 TO A1A

ACREAGE: 10.00 AC.+/-	HEARING NO: P07-100	
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

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December 11, 2007

MEMORANDUM

TO: County Joint Planning Board

FROM: Edward M. Byrne, Planner II

SUBJECT: CASE NO. 07-192 WAIVER REQUEST FOR THE RONALD L. WILLIAMS PROPERTY (SUBDIVISION REVIEW) FROM SECTION 4.2.C "PRIVATE STREETS" (NUMBER OF LOTS), COUNTY SUBDIVISION ORDINANCE; ZONING: A1; TOTAL ACREAGE: 86.9 +/-; LOCATION: NORTH SIDE OF BOYCES LANDING ROAD (CLASS C PRIVATE STREET), EAST OF SR 1825 (SOUTH RIVER SCHOOL ROAD).

The developer is requesting approval of a sixth lot on an existing Class "C" (dirt) private street. The private street was approved and recorded providing access for five lots in 1998. At that time Class "C" private streets could be approved for serving a maximum of seven lots; the maximum number of lots served by a Class "C" private street was reduced to four in 2000.

The developer's request is based on the fact that they agreed to allow the Class "C" private street to be created traversing their property to serve five large tracts at end of the street which, at that time, were and continue to be owned by other individuals. Additionally, the developer has used and continues to use the Class "C" private street – once a farm road - for access to the farm structures.

In accordance with Section 6.1, Waivers, Cumberland County Subdivision Ordinance, the Planning Board may waive the requirements of this Ordinance, where it finds by resolution that:

- a. **Because of the size of the tract to be subdivided, its topography, the condition or nature of the adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this Ordinance would cause a special hardship to the property owner and be inequitable, and**
- b. **The public purposes of the Subdivision Ordinance and the Zoning Ordinance would be served to an equal or greater degree, and**
- c. **The property owner would not be afforded a special privilege denied to others.**

The Planning & Inspections Staff recommends approval of the waiver from Section 3.20.d based on the following:

1. Because of the existence of other unusual physical conditions, in that: the roadway within the private street served the farm buildings prior to approval as a street and has continued to do so since the street was approved, denying the developer the ability to subdivide the farm property from the parent tract would cause a special and unnecessary hardship to the developer and would be inequitable;
2. The purposes of the Subdivision Ordinance and Zoning Ordinance will be served to an equal or greater degree because the amount of traffic along the street will not be increased as a direct result of subdividing the land where the farm structures are located from the parent tract;
3. The property owner will not be afforded a special privilege denied to others since this development will not cause the private street to serve more lots than what would have been allowed at the time the private street was submitted for approval and subsequently recorded on public record and in this type of situation with a similar set of facts and circumstances, the Staff recommendation would be the same.

Attachments: Waiver w/ Boyce's Landing Road Residents Letter, dated Nov 8, 2007
Conditions of Approval
Subdivision Sketch Map
Area Parcel Map
Vicinity Map

cc: Ronald L Williams, Developer
William B Snively, Surveyor
Grainger Barrett, County Attorney
Cecil Combs, Deputy Director
Patti Speicher, Planner III



Date Request Submitted: 11-7-07
Planning Board Meeting Date: 12-18-07
Received by: EMD

Cumberland County Subdivision Ordinance

Request for Waiver

Case No.: 07-192 Case Name: RONALD L. WILLIAMS

Related Ordinance Section Number(s): 4.2.C

Summary of Request: Additional Tract on Class C Street

Section 6.1 of the County Subdivision Ordinance governs the Planning Board's authority to waiver provisions of the Subdivision Ordinance. This section reads as follows:

Section 6.1. Waivers

The Planning Board may waive the requirements of this Ordinance where it finds by resolution that:

- a. Because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, problems of access, or the existence of other unusual physical conditions, strict compliance with the provisions of this ordinance would cause a special hardship to the property owner and be inequitable, and*
- b. The public purposes of the Subdivision Ordinance and the Zoning Ordinance would be served to an equal or greater degree, and*
- c. The property owner would not be afforded a special privilege denied to others.*

In granting waivers, the Planning Board may require such conditions as will secure, in so far as practicable, the objectives of the requirements waived. Any waiver, thus granted, is required to be entered in writing in the minutes of the Planning Board and the reasoning upon which departure was justified set forth.

The applicant is strongly encouraged to read the above provisions and relate the written waiver request as closely as possible to the criteria contained within. All supporting documentation for the request shall be submitted along with this request for waiver. For example, if the request is based on topography or soils, the applicant is the responsible

party to submit as evidence 'topo' and/or soils maps or if the request is based on the "condition or nature of adjoining property", the applicant will be required to submit evidence supporting this as basis for the request.

My request should receive favorable consideration by the Planning Board based on the following summary of the basis for this request:

1. Because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, problems of access, or the existence of other unusual physical conditions (at least one of the preceding basis must be addressed in this request), strict compliance with the provisions of this Ordinance would cause a special hardship to the property owner and be inequitable, due to:

Property owner would not
have access to farm road
originally built to access
turkey houses.

2. The public purposes of the County Subdivision and County Zoning Ordinances would be served to an equal or greater degree and the applicant agrees to:

N/A

3. The property owner would not be afforded a special privilege denied to others, because:

Ownership of Turkey Houses will
be decded to brother, Ronald Williams
to retain ownership of remaining farm.

By signing this request, the applicant is signifying that all statements contained within this request are accurate and true to the best of their knowledge.

William B. Sively
Printed Name of Applicant/Agent

(910) 483-3863
309-1008

Daytime Phone Number

[Signature]
Signature of Applicant/Agent

11/7/07
Date Signed

November 8, 2007

To: Planning Staff and Members of the
Cumberland County Joint Planning Board

From: Residents of Boyce's Landing Road

RE: Ronald and Pamela Williams Farm
Variance Request (Case No. 07 - 192)

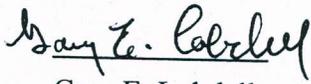
The undersigned, being all of the residents currently living on Boyce's Landing Road, do hereby state that we have no objection to allowing an additional tract to be divided from Ron Williams farm and have frontage along Boyce's Landing Road.

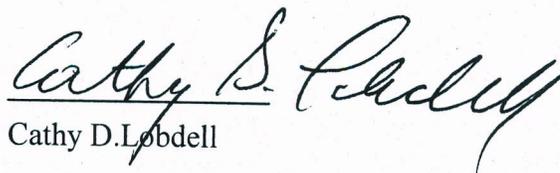
Mr. Williams was courteous in granting right-of-way to our landlocked parcel so that we were able to subdivide amongst ourselves via a Class C street. We certainly do not wish to see his generosity become an encumbrance on his property.

The turkey farm was in existence prior to our subdivision. We extended the road from the turkey farm southeasterly to access our tract. Exchanging ownership of the turkey farm from Ron Williams to his brother, Mark, will not create any more traffic along our road than we currently have.

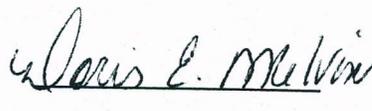
We appreciate your consideration on this matter and encourage you to grant a variance to the Williams family as requested in this case.

Sincerely,
Boyce's Landing Homeowners

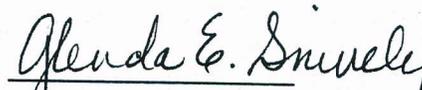

Gary E. Lobdell


Cathy D. Lobdell


Jackie E. Melvin


Doris E. Melvin


William B. Snively


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Sara E. Piland,
Cumberland County

PLANNING STAFF DECISION: <u>11-15-07</u>	PLANNING BOARD DECISION: <u>12-18-07</u>
CASE NO: <u>07-192</u>	NAME OF DEVELOPMENT: <u>RONALD L. WILLIAMS PROPERTY</u>
MIA: <u>N/A</u>	<u>(ZERO LOT LINE SUBDIVISION REVIEW)</u>
LOCATION: <u>NORTH SIDE OF BOYCES LANDING ROAD,</u>	ZONING: <u>A1</u>
<u>EAST SIDE OF SR 1825 (SOUTH RIVER SCHOOL ROAD).</u>	PIN: <u>0499-82-9078-</u>
OWNER OR DEVELOPER: <u>RONALD L. WILLIAMS</u>	ENGINEER OR DESIGNER: <u>WILLIAM B SNIVELY</u>

PLANNING DEPARTMENT ACTION
 PRELIMINARY
 EXTENSION REVISION
 APPROVED CONDITIONALLY
 DENIED

PLANNING BOARD ACTION
 PRELIMINARY
 EXTENSION REVISION
 APPROVED CONDITIONALLY
 DENIED

The development plat/plan you submitted to this office is conditionally approved. Your approval is subject to the following conditions:

Permit-Related:

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
2. If applicable, the County Health Department must approve water and sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. All Health Department requirements must be met prior to issuance of final permits.
3. This development is located within the Eastover Sanitary District's (ESD) Phase Two area and construction of the public water system for the S River School Rd area should begin in late 2008. Contact the ESD for more information regarding this condition.
4. New development that will disturb one acre or more of land or is part of a larger plan that will disturb at least an acre of land, Is subjected to the post-construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. Prior to the issuance of any permits for this site, evidence must be provided to Cumberland County Code Enforcement indicating that compliance with these regulations has been achieved.
5. The developer may have to provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three (3) copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
6. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
7. Any new construction cannot obtain a building final inspection until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

Site-Related:

8. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the A1 zoning district must be complied with, as applicable.
9. All applicable provisions of Section 3.21, "Group Developments", County Subdivision Ordinance, must be complied with..

10. An adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris.
11. All utilities, except for 25kv or greater electrical lines, must be located underground.
12. All lots within this development are required to be served by an internal street system.
13. The NC Department of Transportation (NCDOT) will not consider a Class "C" private street for approval for addition to the state highway system for maintenance purposes.

Plat-Related:

14. "SR 1825 (South River School Road)" be labeled as "SR 1825 (S River School Road)" on the final plat.
15. "Boyces Land Rd" be labeled as an "Existing" Class "C" private street on the final plat.
16. The final plat must be labeled as a "Zero Lot Line" development; this condition requires the parent tract to be included on the survey, with bearings, distances, acreages, and identifiers reflected on the plat.
17. Any/All easements must be reflected on the final plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
18. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval.
19. The final plat must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.

Plat-Required Statements:

20. Since this development does not have public water/sewer, the following disclosure statement is required to be provided on the final plat:

"The individual lots in this development do not have public sewer and/or water services available, and no lots have been approved by the Health Department for on-site sewer services or been deemed acceptable for private wells at the date of this recording."

21. The final plat shall reflect the following statements required for the private street(s):
 - a) "No public agency is presently responsible for maintenance of the private street shown on this plat. Private streets are for the use of all owners of property within this development and their guests; and any governmental agency or personnel or equipment thereof who shall be granted perpetual access over all such private streets to accomplish or fulfill any service or function for which the agency is responsible and that any agency or organization designated by a governmental agency to perform a designated function shall also retain access the same as any government agency. Any governmental agency exercising its access rights shall have the same rights and only such liabilities as it would have on any public lands, rights-of-way, or easements."
 - b) "All current and future owners of these tract be ware that maintenance for the Class "C" private street shown on this plat are the responsibility of the owners of the tracts served by and having access to the Class "C" private street."
 - c) "All current and future owners of these tracts be aware that future division of these properties shall not be permitted under current standards without the upgrading of the Class "C" private street."
22. Since this development is located within the *Farmland Protection Area* as defined on the current Land Use Plan map, the following disclosure statement is required to be provided on the final plat:

"This property or neighboring property may be subject to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted farming and agricultural practices and operations, including but not limited to noise, odors, dust, the operation of any kind of machinery the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides, and pesticides."

23. All structures shall be shown on the final plat or the final plat shall reflect the following statement:

"Nonconforming structures have not been created by this subdivision."

Other Relevant Conditions:

24. The applicant is advised to consult an expert on wetlands before proceeding with any development.
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. 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.”

27 The owner/developer be aware that every deed created for the purpose of conveying a lot served by a private street must contain the following disclosure statement at the time of recordation with the County Register of Deeds:

“It is hereby acknowledged that a subdivision streets disclosure statement has been executed in accordance with N.C.G.S 136-102.6(f).”

Planning Board Matters:

28 A waiver request for approval of the sixth lot on an existing Class “C” private street will be presented to the County Joint Planning Board on December 18, 2007; the Planning & Inspections Staff is recommending approval of the request – see attached memorandum for staff reasoning.

If you need clarification of this conditional approval, please contact Ed Byrne at 910-678-7609, email: ebyrne@co.cumberland.nc.us; or Patti Speicher at 910-678-7605, email: pspeicher@co.cumberland.nc.us.

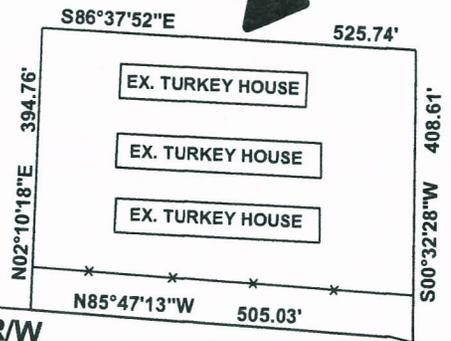
Contact Information (Area Code is 910 unless otherwise stated):

Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Engineer’s Office:	Wayne Dudley	678-7636
County Health Department:	Danny Soles	433-3685
Eastover Sanitary District:	Morgan Johnson	323-3973
Corp of Engineers (wetlands):	Ronnie Smith	(910) 251-4829
NCDENR (E&S):	Jody Pace	433-3300
E911 Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496

SOUTH RIVER SCHOOL RD

1
82 AC ±

1-A
4.86 ±

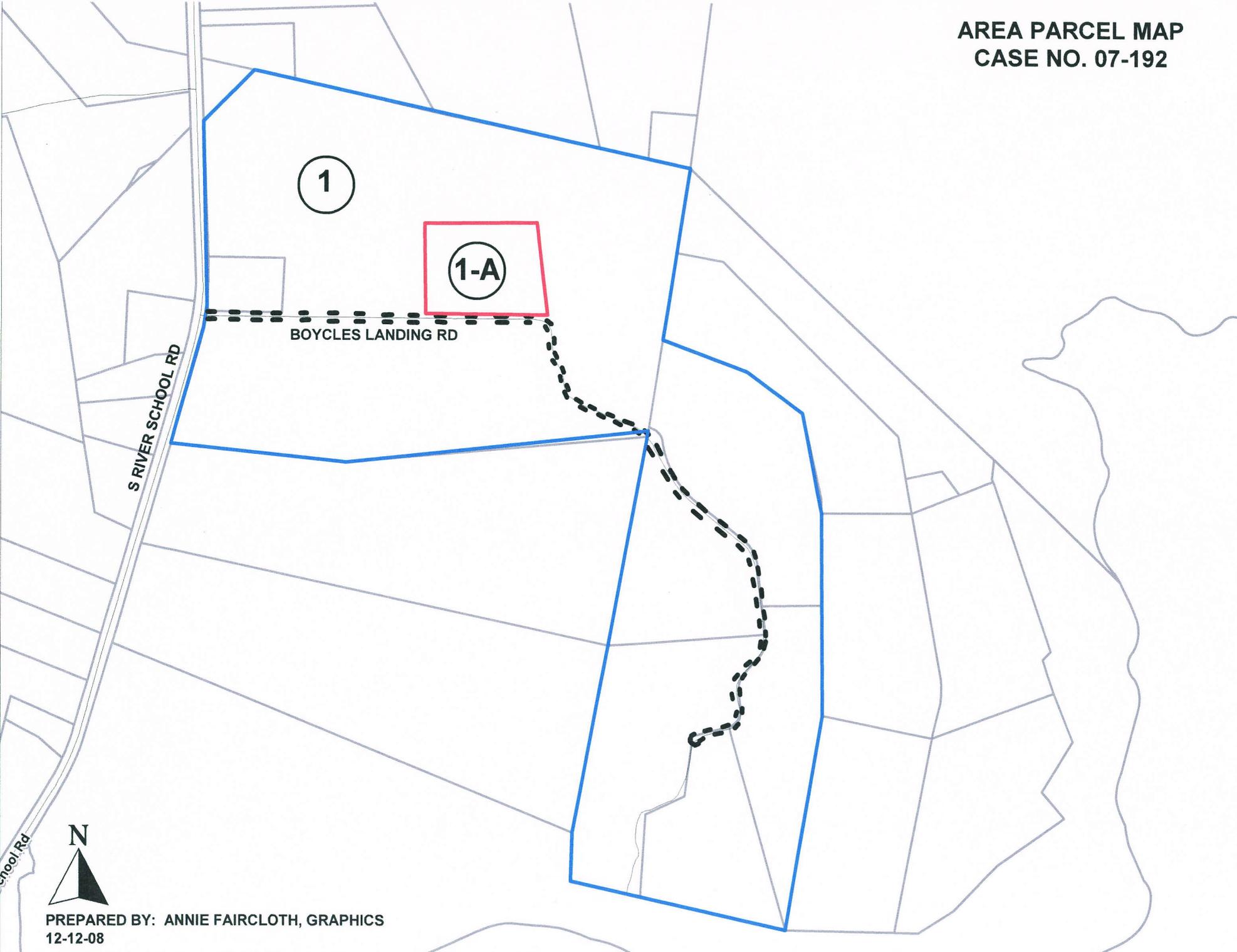


BOYCES LANDING ROAD
60' R/W

RONALD L WILLIAMS PROPERTY
ZERO LOT LINE SUBDIVISION REVIEW
REQUEST: WAIVER FROM SECTION 4.2.C.
CASE: 07-192 ACREAGE: 86.90±
ZONED: A1 SCALE: NTS



**AREA PARCEL MAP
CASE NO. 07-192**



1

1-A

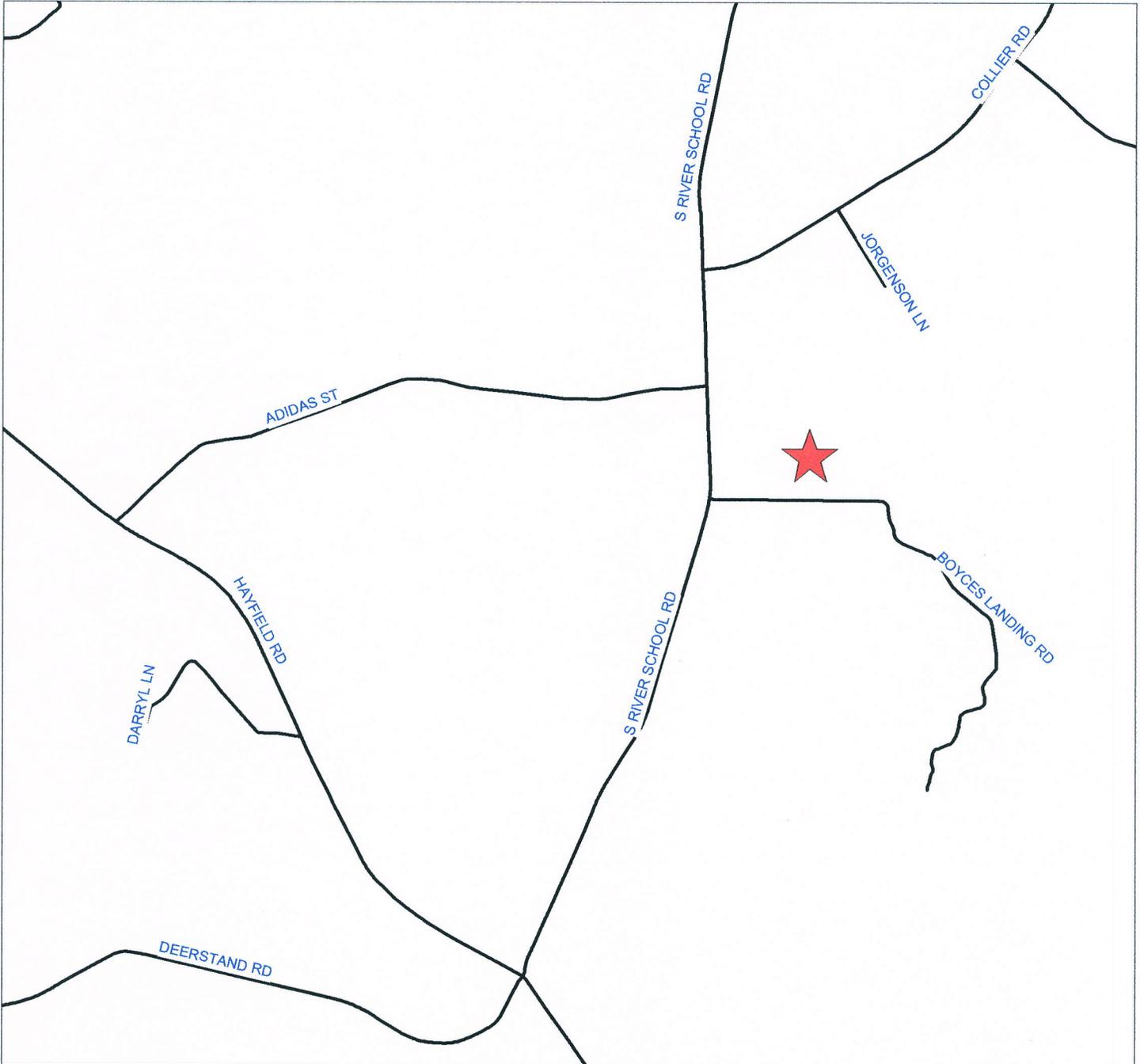
BOYCLES LANDING RD

S RIVER SCHOOL RD

School Rd



**RONALD L. WILLIAMS PROPERTY
ZERO LOT LINE SUBDIVISION REVIEW
CASE NO. 07-192**



PINS: 0499-82-9078-
Prepared by GJB- CCJPB
November 7, 2007

Map not to scale



**Donovan McLaurin,
Chair
Wade, Falcon & Godwin**

**Lori Epler,
Vice-Chair
Cumberland County**

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris,
Town of Linden



COUNTY of CUMBERLAND
Planning & Inspections Department

**Thomas J. Lloyd,
Director**

**Cecil P. Combs,
Deputy Director**

Clifton McNeill, Jr.,
Roy Turner,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

December 11, 2007

MEMORANDUM

TO: County Joint Planning Board

FROM: Edward M. Byrne, Planner II

SUBJECT: CASE NO. 07-197. WAIVER REQUEST FOR THE DONNIE J. & SHARON BOWDEN PROPERTY (GROUP DEVELOPMENT REVIEW) FROM SECTION 3.20.D "LOT STANDARDS" (ACCESS), COUNTY SUBDIVISION ORDINANCE; ZONING A1; TOTAL ACREAGE: 16.14+/-; LOCATION: EAST SIDE OF BUTCHER HOLLOW ROAD, SOUTHWEST OF SR 1609 (E REEVES BRIDGE ROAD).

The developer is requesting approval for a second dwelling unit on property that cannot comply with the minimum 20-foot lot frontage standard of the ordinances. The subject property's access is protected by a recorded ingress/egress easement.

The request is supported by the fact that the subject property is an existing legal lot under the state statute that except tracts of land greater than ten acres from local jurisdiction's definition of "subdivision."

In accordance with Section 6.1, Waivers, Cumberland County Subdivision Ordinance, the Planning Board may waive the requirements of this Ordinance, where it finds by resolution that:

- a. **Because of the size of the tract to be subdivided, its topography, the condition or nature of the adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this Ordinance would cause a special hardship to the property owner and be inequitable, and**
- b. **The public purposes of the Subdivision Ordinance and the Zoning Ordinance would be served to an equal or greater degree, and**
- c. **The property owner would not be afforded a special privilege denied to others.**

The Planning & Inspections Staff recommends approval of the access waiver based on the following:

1. Because of the size of the tract being developed, strict compliance with the group development provisions of the Subdivision Ordinance would cause a special and unnecessary hardship to the property owner and be inequitable;
2. The purposes of the Subdivision and Zoning Ordinance are being served to an equal or greater degree, in that the access to the subject property is protected by means of a 20-foot recorded ingress/egress easement; and
3. The property owner is not being afforded a special privilege denied to others since the Board's past practice has been to grant such waivers in cases with a similar set of facts and circumstances.

Attachments: Waiver Request
Conditions of Approval
Site Plan Sketch Map
Vicinity Map

cc: Donnie J. & Sharon Bowden, Developer
Grainger Barrett, County Attorney
Cecil Combs, Deputy Director
Patti Speicher, Planner III



Date Request Submitted: 11-9-07
Planning Board Meeting Date: 12-18-07
Received by: _____

Cumberland County Subdivision Ordinance

Request for Waiver

Case No.: 07-197 Case Name: _____

Related Ordinance Section Number(s): 3.20.d

Summary of Request: Place A second structure ~~for~~ using an easement for access

Section 6.1 of the County Subdivision Ordinance governs the Planning Board's authority to waiver provisions of the Subdivision Ordinance. This section reads as follows:

Section 6.1. Waivers

The Planning Board may waive the requirements of this Ordinance where it finds by resolution that:

- a. Because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, problems of access, or the existence of other unusual physical conditions, strict compliance with the provisions of this ordinance would cause a special hardship to the property owner and be inequitable, and*
- b. The public purposes of the Subdivision Ordinance and the Zoning Ordinance would be served to an equal or greater degree, and*
- c. The property owner would not be afforded a special privilege denied to others.*

In granting waivers, the Planning Board may require such conditions as will secure, in so far as practicable, the objectives of the requirements waived. Any waiver, thus granted, is required to be entered in writing in the minutes of the Planning Board and the reasoning upon which departure was justified set forth.

The applicant is strongly encouraged to read the above provisions and relate the written waiver request as closely as possible to the criteria contained within. All supporting documentation for the request shall be submitted along with this request for waiver. For example, if the request is based on topography or soils, the applicant is the responsible

party to submit as evidence 'topo' and/or soils maps or if the request is based on the "condition or nature of adjoining property", the applicant will be required to submit evidence supporting this as basis for the request.

My request should receive favorable consideration by the Planning Board based on the following summary of the basis for this request:

1. Because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, problems of access, or the existence of other unusual physical conditions (at least one of the preceding basis must be addressed in this request), strict compliance with the provisions of this Ordinance would cause a special hardship to the property owner and be inequitable, due to:

Need access to road in order to reach the
16+ Acres that are currently the living area
and this road would access the new
modular home.

2. The public purposes of the County Subdivision and County Zoning Ordinances would be served to an equal or greater degree and the applicant agrees to:

N/A

3. The property owner would not be afforded a special privilege denied to others, because:

Due to the large tract of land we would
need the access of easement in order to
travel to our home because we do not have
road frontage off of Eleaves Road

By signing this request, the applicant is signifying that all statements contained within this request are accurate and true to the best of their knowledge.

Sharon Bowden
Printed Name of Applicant/Agent

Sharon Bowden
Signature of Applicant/Agent

919-796-9636 or 910-237-3023
Daytime Phone Number

11/09/07
Date Signed

Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris,
Town of Linden



CUMBERLAND
COUNTY



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Clifton McNeill, Jr.,
Roy Turner,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

PLANNING STAFF		PLANNING BOARD	
DECISION:	<u>11-29-07</u>	DECISION:	<u>12-18-07</u>
CASE NO:	<u>07-197</u>	NAME OF DEVELOPMENT:	<u>DONNIE J. & SHARON BOWDEN PROPERTY</u>
MIA:	<u>N/A</u>	<u>(GROUP DEVELOPMENT REVIEW)</u>	
LOCATION:	<u>SOUTHWEST SIDE OF SR 1609 (EAST REEVES BRIDGE ROAD),</u>	ZONING:	<u>A1</u>
	<u>EAST SIDE OF BUTCHER HOLLOW ROAD</u>	PIN:	<u>0553-91-6670-</u>
OWNER OR DEVELOPER:	<u>DONNIE & SHARON BOWDEN</u>	ENGINEER OR DESIGNER:	<u>N/A</u>

PLANNING DEPARTMENT ACTION

- PRELIMINARY
- EXTENSION REVISION
- APPROVED CONDITIONALLY
- DENIED

PLANNING BOARD ACTION

- PRELIMINARY
- EXTENSION REVISION
- APPROVED CONDITIONALLY
- DENIED

The development plat/plan you submitted to this office is conditionally approved. Your approval is subject to the following conditions:

Watershed-Related:

1. An application for a Watershed "No Approval Required" development must be submitted to the Watershed Review Officer (WRO) and plans must be approved by the WRO prior to final plat approval and/or prior to application for any building/zoning permits, site plan approval is required. A copy of the WRO's approval of this plat/plan must be submitted to Code Enforcement at the time of application for any permits.

Permit-Related:

2. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
3. The County Health Department must approve water and sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note: All Health Department requirements must be met prior to issuance of final permits.)
4. New development that will disturb one acre or more of land or is part of a larger plan that will disturb at least an acre of land, is subjected to the post-construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. Prior to the issuance of any permits for this site, evidence must be provided to Cumberland County Code Enforcement indicating that compliance with these regulations has been achieved.
5. If the emplacement of the new home along with any drive area will disturb more than one acre of land, the developer may have to provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three (3) copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
6. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
7. 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.

Site-Related:

8. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the A1 zoning district must be complied with, as applicable.
9. An adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris.
10. All utilities, except for 25kv or greater electrical lines, must be located underground.

Other Relevant Conditions:

11. Under current standards, no more than two principal structures may be placed on this property.
12. Under current standards, this tract cannot be further subdivided without first upgrading the means of access to a minimum Class "A" (paved) private street standards or public street standards.
13. The applicant is advised to consult an expert on wetlands before proceeding with any development.
14. 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.

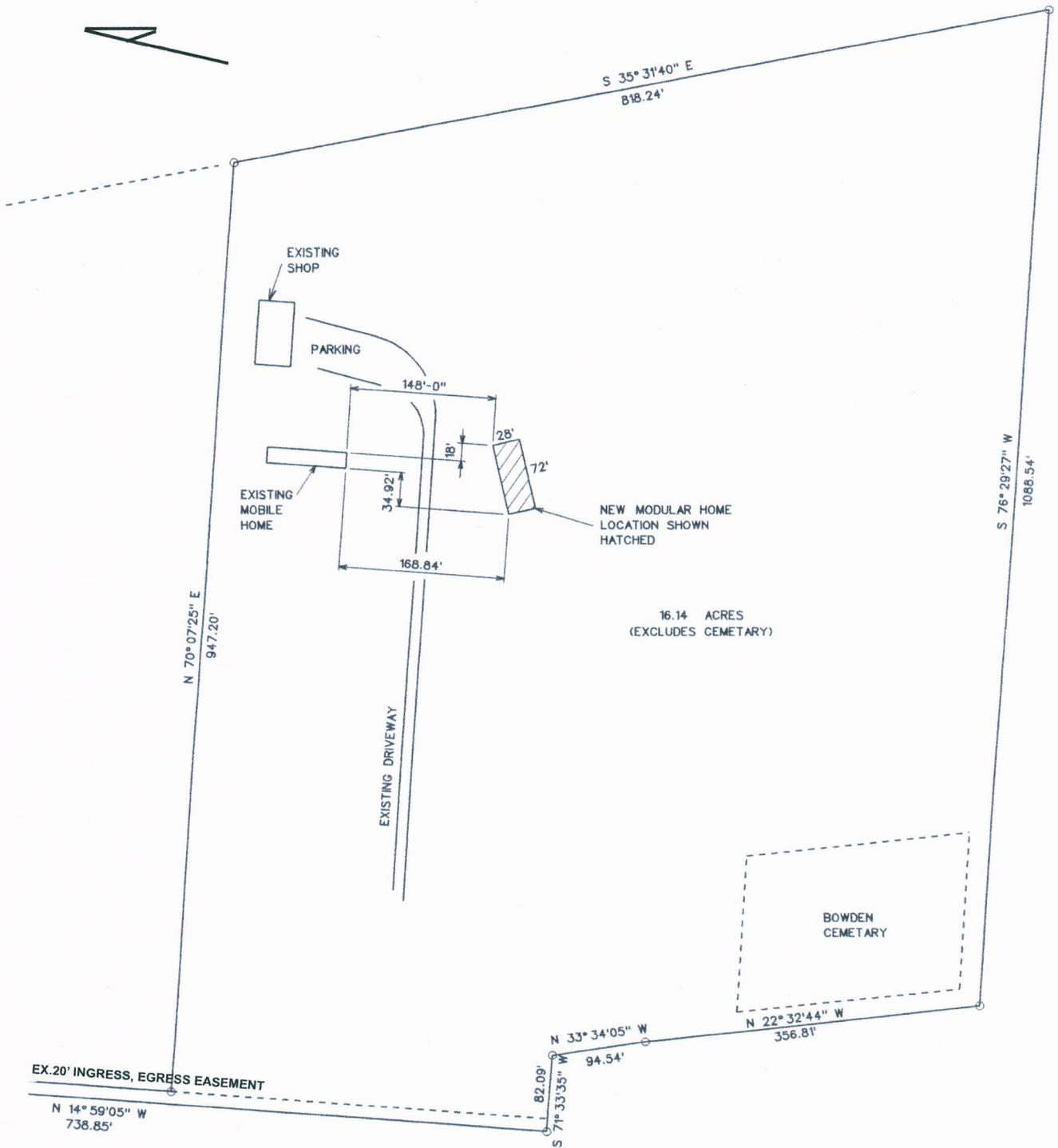
Planning Board Matters:

15. A waiver request for approval of the access waiver will be presented to the County Joint Planning Board on December 18, 2007; the Planning & Inspections Staff is recommending approval of the request – see attached memorandum for staff reasoning.

If you need clarification of this conditional approval, please contact Ed Byrne at 910-678-7609, email: ebyrne@co.cumberland.nc.us; or Patti Speicher at 910-678-7605, email: pspeicher@co.cumberland.nc.us.

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

Watershed Review Officer:	Jeff Barnhill	678-7765
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Health Department:	Danny Soles	433-3685
Corp of Engineers (wetlands):	Ronnie Smith	(910) 251-4829
NCDENR (E&S):	Jody Pace	433-3300
E911 Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496



DONNIE J & SHARON BOWDEN PROPERTY
GROUP DEVELOPMENT REVIEW
REQUEST: A WAIVER FROM SECTION 3.20.D
CASE: 07-197 ACREAGE: 16.14 AC +/-
ZONED: A1 SCALE: NTS

**DONNIE J. & SHARON BOWDEN PROPERTY
GROUP DEVELOPMENT REVIEW
CASE NO. 07-197**



PINS: 0553-91-6670-
Prepared by GJB- CCJPB
November 9, 2007

Map not to scale



Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris,
Town of Linden



COUNTY of CUMBERLAND

Planning & Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Clifton McNeill, Jr.,
Roy Turner,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

December 11, 2007

MEMORANDUM

TO: County Joint Planning Board

FROM: Edward M. Byrne, Planner II

SUBJECT: CASE NO. 07-198. WAIVER REQUEST FOR THE JOE & CRYSTAL HEATH PROPERTY (GROUP DEVELOPMENT REVIEW) FROM SECTION 3.20.D "LOT STANDARDS" (ACCESS), COUNTY SUBDIVISION ORDINANCE; ZONING: A1 AND CD; TOTAL ACREAGE: 10.5+/-; LOCATION: NORTH OF VAULT FIELD ROAD, EAST OF SR 1609 (COLLIERS CHAPEL CHURCH ROAD).

The developer is requesting approval for a second dwelling unit on property that cannot comply with the minimum 20-foot lot frontage standard of the ordinances. The subject property's access is protected by a recorded ingress/egress easement.

The request is supported by the fact that the subject property is an existing legal lot under the state statute that except tracts of land greater than ten acres from local jurisdiction's definition of "subdivision."

In accordance with Section 6.1, Waivers, Cumberland County Subdivision Ordinance, the Planning Board may waive the requirements of this Ordinance, where it finds by resolution that:

- a. **Because of the size of the tract to be subdivided, its topography, the condition or nature of the adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this Ordinance would cause a special hardship to the property owner and be inequitable, and**
- b. **The public purposes of the Subdivision Ordinance and the Zoning Ordinance would be served to an equal or greater degree, and**
- c. **The property owner would not be afforded a special privilege denied to others.**

The Planning & Inspections Staff recommends approval of the access waiver based on the following:

1. Because of the size of the tract being developed, strict compliance with the group development provisions of the Subdivision Ordinance would cause a special and unnecessary hardship to the property owner and be inequitable;
2. The purposes of the Subdivision and Zoning Ordinance are being served to an equal or greater degree, in that the access to the subject property is protected by means of a 20-foot recorded ingress/egress easement; and
3. The property owner is not being afforded a special privilege denied to others since the Board's past practice has been to grant such waivers in cases with a similar set of facts and circumstances.

Attachments: Waiver Request
Conditions of Approval
Site Plan Sketch Map
Vicinity Map

cc: Joe and Crystal Heath, Developer
Grainger Barrett, County Attorney
Cecil Combs, Deputy Director
Patti Speicher, Planner III



Date Request Submitted: 11-9-07
Planning Board Meeting Date: 12-18-07
Received by: PS8

Cumberland County Subdivision Ordinance

Request for Waiver

Case No.: 07-198 Case Name: _____
Related Ordinance Section Number(s): § 3.20 Co. Sub Ord
Summary of Request: Access Waiver

Section 6.1 of the County Subdivision Ordinance governs the Planning Board's authority to waiver provisions of the Subdivision Ordinance. This section reads as follows:

Section 6.1. Waivers

The Planning Board may waive the requirements of this Ordinance where it finds by resolution that:

- a. Because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, problems of access, or the existence of other unusual physical conditions, strict compliance with the provisions of this ordinance would cause a special hardship to the property owner and be inequitable, and*
- b. The public purposes of the Subdivision Ordinance and the Zoning Ordinance would be served to an equal or greater degree, and*
- c. The property owner would not be afforded a special privilege denied to others.*

In granting waivers, the Planning Board may require such conditions as will secure, in so far as practicable, the objectives of the requirements waived. Any waiver, thus granted, is required to be entered in writing in the minutes of the Planning Board and the reasoning upon which departure was justified set forth.

The applicant is strongly encouraged to read the above provisions and relate the written waiver request as closely as possible to the criteria contained within. All supporting documentation for the request shall be submitted along with this request for waiver. For example, if the request is based on topography or soils, the applicant is the responsible

party to submit as evidence 'topo' and/or soils maps or if the request is based on the "condition or nature of adjoining property", the applicant will be required to submit evidence supporting this as basis for the request.

My request should receive favorable consideration by the Planning Board based on the following summary of the basis for this request:

1. Because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, problems of access, or the existence of other unusual physical conditions (at least one of the preceding basis must be addressed in this request), strict compliance with the provisions of this Ordinance would cause a special hardship to the property owner and be inequitable, due to:

Problems with access for subdivision
purposes, it would be an unfair
burden and cause a special hardship
to prevent us from putting a son on our
property.

2. The public purposes of the County Subdivision and County Zoning Ordinances would be served to an equal or greater degree and the applicant agrees to:

we have a 50' easement that serves this
tract where you guys only require a 20'

3. The property owner would not be afforded a special privilege denied to others, because:

many tract of land in my area don't
have road frontage but do have more
than one home on their property

By signing this request, the applicant is signifying that all statements contained within this request are accurate and true to the best of their knowledge.

Crystal Heath

Printed Name of Applicant/Agent

work 252-243-6758

Daytime Phone Number

Crystal Heath

Signature of Applicant/Agent

11/9/07

Date Signed

Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris,
Town of Linden



COUNTY of CUMBERLAND

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Cecil P. Combs,
Deputy Director

Clifton McNeill, Jr.,
Roy Turner,
Sara E. Piland,
Cumberland County

PLANNING STAFF		PLANNING BOARD	
DECISION:	11-28-07	DECISION:	12-18-07
CASE NO:	07-198	NAME OF DEVELOPMENT:	JOE & CRYSTAL HEATH PROPERTY
MIA:	N/A	(GROUP DEVELOPMENT REVIEW)	
LOCATION:	NORTH SIDE OF VAULT FIELD ROAD,	ZONING:	A1 & CD
	EAST OF SR 1609 (COLLIERS CHAPEL CHURCH ROAD)	PIN:	0583-88-8466-
OWNER OR DEVELOPER:	JOE & CRYSTAL HEATH	ENGINEER OR DESIGNER:	

PLANNING DEPARTMENT RECOMMENDATION

- PRELIMINARY
- EXTENSION REVISION
- CONDITIONAL APPROVAL
- DENIED

PLANNING BOARD ACTION

- PRELIMINARY
- EXTENSION REVISION
- APPROVED CONDITIONALLY
- DENIED

The development plat/plan you submitted to this office is conditionally approved. Your approval is subject to the following conditions:

Permit-Related:

- The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
- The County Health Department must approve water and sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note: All Health Department requirements must be met prior to issuance of final permits.)
- New development that will disturb one acre or more of land or is part of a larger plan that will disturb at least an acre of land is subject to the post-construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. Prior to the issuance of any permits for this site, evidence must be provided to County Code Enforcement indicating that compliance with these regulations has been achieved. (Note: This condition may apply if any new drives are constructed.)
- The developer may have to provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three (3) copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note: This condition may apply if any new drives are constructed.)
- The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
- SFHA exists on this tract; any development within Special Flood Hazard Area must have first flood elevations, including all mechanical and electrical equipment above base flood elevation (BFE) plus (2) feet of freeboard. Proper flood plain development permits are required, issued by the County Engineer, prior to any building/permit application. A copy of the approved flood plain permit must be provided to Code Enforcement at the time of building/zoning permit applications.
- 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.

Site-Related:

- All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the A1 & CD zoning district must be complied with, as applicable.

9. An adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris.
10. All utilities, except for 25kv or greater electrical lines, must be located underground.

Other Relevant Conditions:

11. Under current standards, no more than two principal structures may be placed on this property.
12. Under current standards, this tract cannot be further subdivided without first upgrading the means of access to at a minimum Class "A" (paved) private street standards or public street standards.
13. The applicant is advised to consult an expert on wetlands before proceeding with any development.
14. 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.

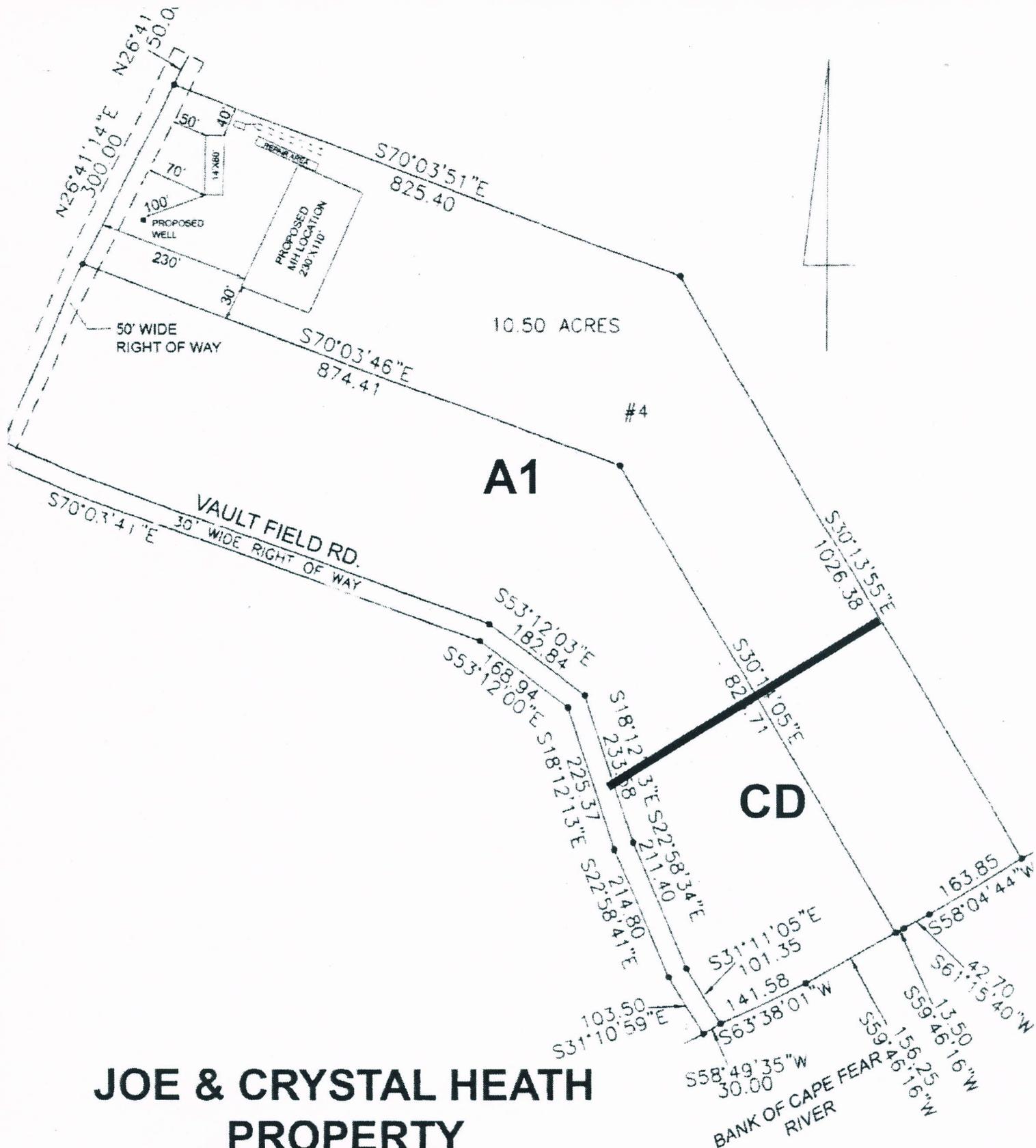
Planning Board Matters:

15. A waiver request for approval of the access waiver will be presented to the County Joint Planning Board on December 18, 2007; the Planning & Inspections Staff is recommending approval of the request – see attached memorandum for staff reasoning.

If you need clarification of this conditional approval, please contact Ed Byrne at 910-678-7609, email: ebyrne@co.cumberland.nc.us; or Patti Speicher at 910-678-7605, email: pspeicher@co.cumberland.nc.us.

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

Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Engineer's Office:	Wayne Dudley	678-7636
County Health Department:	Danny Soles	433-3685
Corp of Engineers (wetlands):	Ronnie Smith	(910) 251-4829
NCDENR (E&S):	Jody Pace	433-3300
E911 Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NC DOT (driveways/curb-cuts):	Gary Burton	486-1496

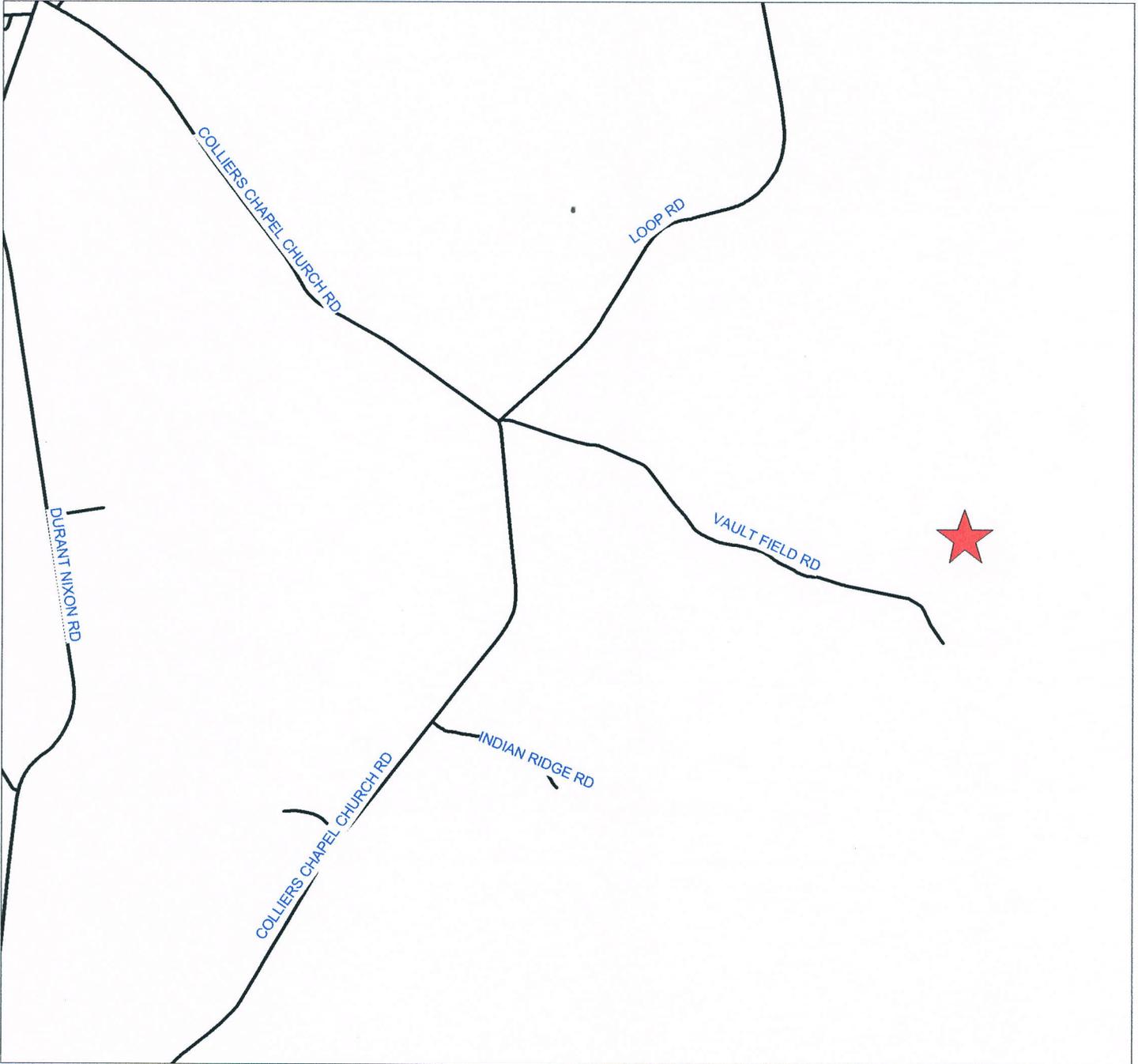


**JOE & CRYSTAL HEATH
PROPERTY**

GROUP DEVELOPMENT REVIEW

REQUEST: WAIVER FROM SECTION 3.20
CASE: 07-198 ACREAGE: 10.50 AC.+/-
ZONED: A1 & CD SCALE: NTS

**JOE & CRYSTAL HEATH PROPERTY
GROUP DEVELOPMENT REVIEW
CASE NO. 07-198**



PINS: 0583-88-8466-
Prepared by GJB- CCJPB
November 13, 2007

Map not to scale



Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris,
Town of Linden



COUNTY of CUMBERLAND
Planning & Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Clifton McNeill, Jr.,
Roy Turner,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

December 11, 2007

MEMORANDUM

TO: County Joint Planning Board

FROM: Edward M. Byrne, Planner II

SUBJECT: CASE NO. 07-201. WAIVER REQUEST FOR THE GRADY E. CHAMBERS & PRISCILLA C. LINDBOM PROPERTY (GROUP DEVELOPMENT REVIEW) FROM SECTION 3.20.D "LOT STANDARDS" (ACCESS), COUNTY SUBDIVISION ORDINANCE; ZONING: A1; TOTAL ACREAGE: 11.41+/-; LOCATION: NORTH SIDE OF VAULT FIELD ROAD, EAST OF SR 1705 (LOOP ROAD).

The developer is requesting approval for a second dwelling unit on property that cannot comply with the minimum 20-foot lot frontage standard of the ordinances. The subject property's access is protected by a recorded ingress/egress easement.

The request is supported by the fact that the subject property is an existing legal lot under the state statute that except tracts of land greater than ten acres from local jurisdiction's definition of "subdivision."

In accordance with Section 6.1, Waivers, Cumberland County Subdivision Ordinance, the Planning Board may waive the requirements of this Ordinance, where it finds by resolution that:

- a. **Because of the size of the tract to be subdivided, its topography, the condition or nature of the adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this Ordinance would cause a special hardship to the property owner and be inequitable, and**
- b. **The public purposes of the Subdivision Ordinance and the Zoning Ordinance would be served to an equal or greater degree, and**
- c. **The property owner would not be afforded a special privilege denied to others.**

The Planning & Inspections Staff recommends approval of the access waiver based on the following:

1. Because of the size of the tract being developed, strict compliance with the group development provisions of the Subdivision Ordinance would cause a special and unnecessary hardship to the property owner and be inequitable;
2. The purposes of the Subdivision and Zoning Ordinance are being served to an equal or greater degree, in that the access to the subject property is protected by means of a 50-foot recorded ingress/egress easement; and
3. The property owner is not being afforded a special privilege denied to others since the Board's past practice has been to grant such waivers in cases with a similar set of facts and circumstances.

Attachments: Waiver Request
Conditions of Approval
Site Plan Sketch Map
Vicinity Map

cc: Grady E. Chambers & Priscilla C. Lindbom, Developers
Grainger Barrett, County Attorney
Cecil Combs, Deputy Director
Patti Speicher, Planner III



Date Request Submitted: 11-15-07

Planning Board Meeting Date: 12-18-07

Received by: ETD

Cumberland County Subdivision Ordinance

Request for Waiver

Case No.: 07-201 Case Name: _____

Related Ordinance Section Number(s): 3.20.1

Summary of Request: 2nd house on lot using an easement for Access

Section 6.1 of the County Subdivision Ordinance governs the Planning Board's authority to waiver provisions of the Subdivision Ordinance. This section reads as follows:

Section 6.1. Waivers

The Planning Board may waive the requirements of this Ordinance where it finds by resolution that:

- a. Because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, problems of access, or the existence of other unusual physical conditions, strict compliance with the provisions of this ordinance would cause a special hardship to the property owner and be inequitable, and*
- b. The public purposes of the Subdivision Ordinance and the Zoning Ordinance would be served to an equal or greater degree, and*
- c. The property owner would not be afforded a special privilege denied to others.*

In granting waivers, the Planning Board may require such conditions as will secure, in so far as practicable, the objectives of the requirements waived. Any waiver, thus granted, is required to be entered in writing in the minutes of the Planning Board and the reasoning upon which departure was justified set forth.

The applicant is strongly encouraged to read the above provisions and relate the written waiver request as closely as possible to the criteria contained within. All supporting documentation for the request shall be submitted along with this request for waiver. For example, if the request is based on topography or soils, the applicant is the responsible

party to submit as evidence 'topo' and/or soils maps or if the request is based on the "condition or nature of adjoining property", the applicant will be required to submit evidence supporting this as basis for the request.

My request should receive favorable consideration by the Planning Board based on the following summary of the basis for this request:

1. Because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, problems of access, or the existence of other unusual physical conditions (at least one of the preceding basis must be addressed in this request), strict compliance with the provisions of this Ordinance would cause a special hardship to the property owner and be inequitable, due to:

Because of the size of the tract.
Due to Access of the easement.

2. The public purposes of the County Subdivision and County Zoning Ordinances would be served to an equal or greater degree and the applicant agrees to:

10 Acres tracts are exempt from subdivision regulations and Access was not required.

3. The property owner would not be afforded a special privilege denied to others, because:

Others have been granted waivers under similar circumstances for 10 Acre tracts using easements for 2nd unit (dwelling)

By signing this request, the applicant is signifying that all statements contained within this request are accurate and true to the best of their knowledge.

Priscilla M Lindborn
Printed Name of Applicant/Agent

Priscilla M Lindborn
Signature of Applicant/Agent

Daytime Phone Number

Date Signed

Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris,
Town of Linden



CUMBERLAND
COUNTY



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Clifton McNeill, Jr.,
Roy Turner,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

PLANNING STAFF	PLANNING BOARD
DECISION: <u>11-29-07</u>	DECISION: <u>12-18-07</u>
CASE NO: <u>07-201</u>	NAME OF DEVELOPMENT: <u>GRADY E. CHAMBERS & PRISCILLA C. LINDBOM</u>
MIA: <u>N/A</u>	PROPERTY (GROUP DEVELOPMENT REVIEW)
LOCATION: <u>NORTH SIDE OF VAULT FIELD ROAD,</u>	ZONING: <u>A1</u>
<u>SOUTHEAST OF SR 1705 (LOOP ROAD)</u>	PIN: <u>0584-10 -4167-</u>
OWNER OR DEVELOPER: <u>GRADY CHAMBERS & PRISCILLA LINDBOM</u>	ENGINEER OR DESIGNER: <u>N/A</u>

PLANNING DEPARTMENT RECOMMENDATION

- PRELIMINARY
- EXTENSION REVISION
- CONDITIONAL APPROVAL
- DENIED

PLANNING BOARD ACTION

- PRELIMINARY
- EXTENSION REVISION
- APPROVED CONDITIONALLY
- DENIED

The development plat/plan you submitted to this office is conditionally approved. Your approval is subject to the following conditions:

Permit-Related:

- The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
- The County Health Department must approve water and sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note: All Health Department requirements must be met prior to issuance of final permits.)
- New development that will disturb one acre or more of land or is part of a larger plan that will disturb at least an acre of land is subject to the post-construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. Prior to the issuance of any permits for this site, evidence must be provided to County Code Enforcement indicating that compliance with these regulations has been achieved. (Note: This condition may apply if any new drives are constructed.)
- The developer may have to provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three (3) copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note: This condition may apply if any new drives are constructed.)
- The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
- 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.

Site-Related:

- All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the A1 zoning district must be complied with, as applicable.
- An adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris.

9. All utilities, except for 25kv or greater electrical lines, must be located underground.

Other Relevant Conditions:

10. Under current standards, no more than two principal structures may be placed on this property.
11. Under current standards, this tract cannot be further subdivided without first upgrading the means of access to at a minimum Class "A" (paved) private street standards or public street standards.
12. The applicant is advised to consult an expert on wetlands before proceeding with any development.
13. 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.

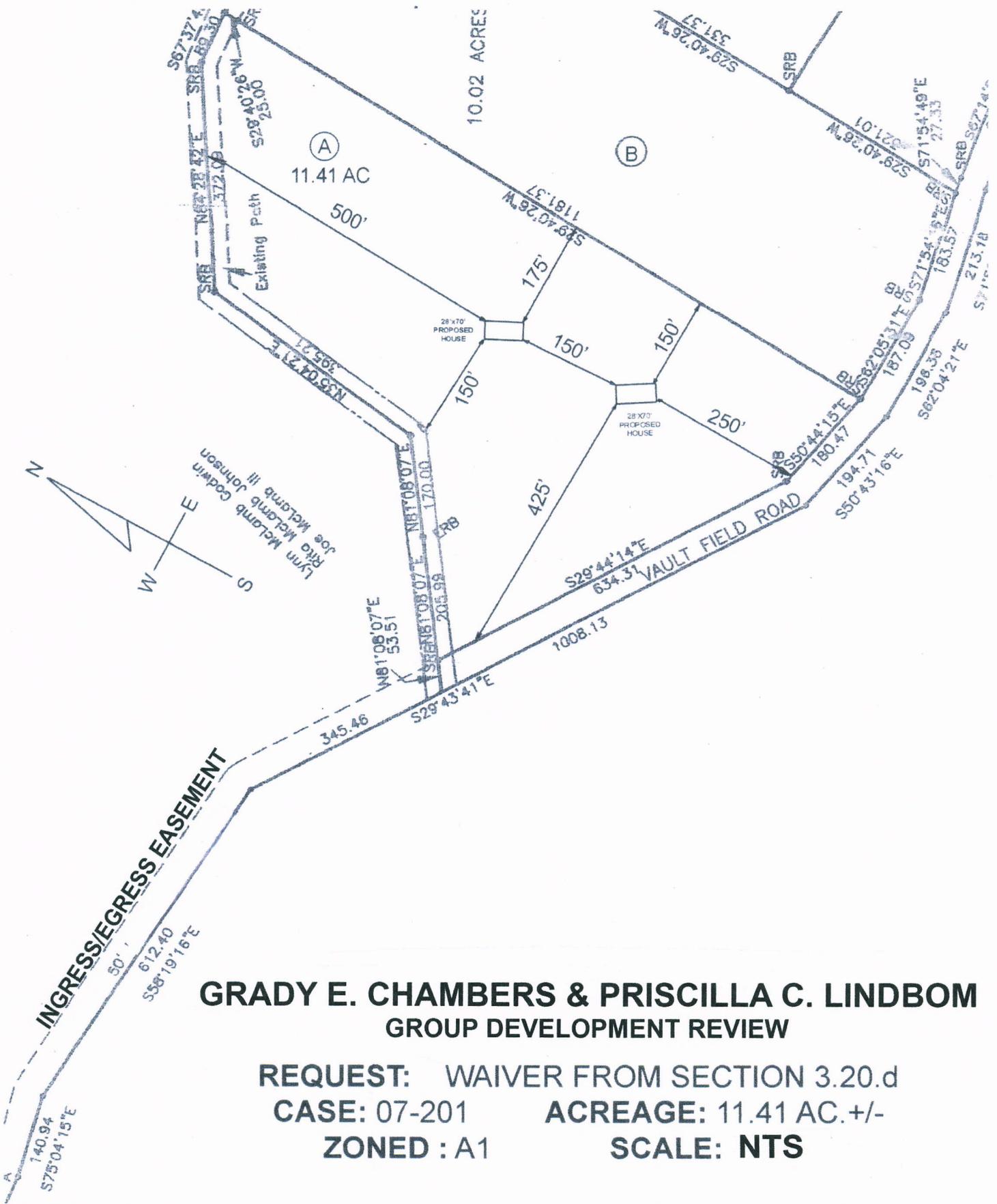
Planning Board Matters:

15. A waiver request for approval of the access waiver will be presented to the County Joint Planning Board on December 18, 2007; the Planning & Inspections Staff is recommending approval of the request – see attached memorandum for staff reasoning.

If you need clarification of this conditional approval, please contact Ed Byrne at 910-678-7609, email: ebyrne@co.cumberland.nc.us; or Patti Speicher at 910-678-7605, email: pspeicher@co.cumberland.nc.us.

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

Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Health Department:	Danny Soles	433-3685
Corp of Engineers (wetlands):	Ronnie Smith	(910) 251-4829
NCDENR (E&S):	Jody Pace	433-3300
E911 Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496



**GRADY E. CHAMBERS & PRISCILLA C. LINDBOM
GROUP DEVELOPMENT REVIEW**

REQUEST: WAIVER FROM SECTION 3.20.d

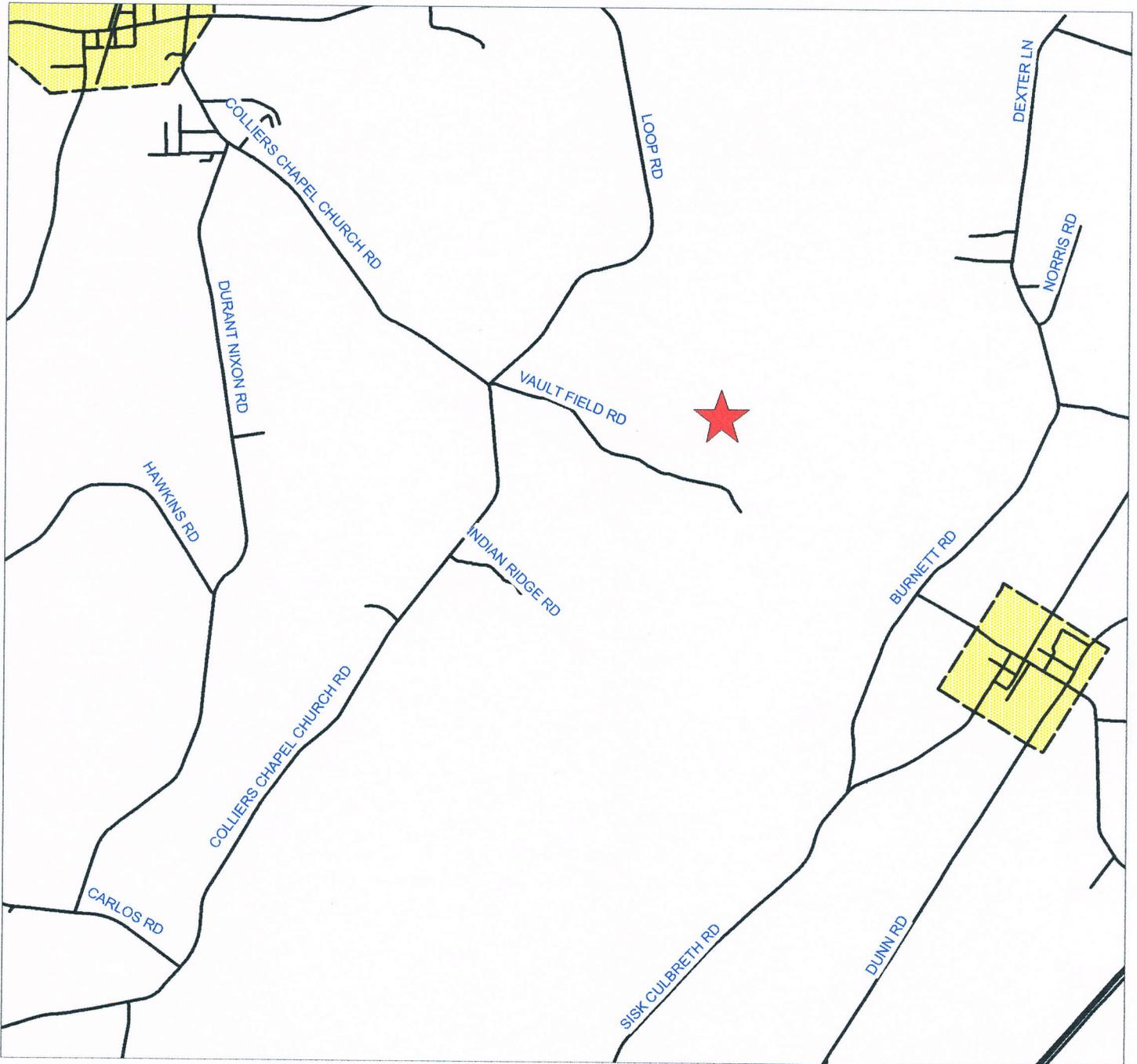
CASE: 07-201

ACREAGE: 11.41 AC.+/-

ZONED : A1

SCALE: NTS

**GRADY E. CHAMBERS & PRISCILLA C. LINDBOM PROPERTY
GROUP DEVELOPMENT REVIEW
CASE NO. 07-201**



PINS: 0584-10-4167-
Prepared by GJB- CCJPB
November 15, 2007

Map not to scale



Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris,
Town of Linden



Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Clifton McNeill, Jr.,
Roy Turner,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

COUNTY of CUMBERLAND

Planning & Inspections Department

December 11, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for December 18, 2007 Board Meeting

P07-92: REZONING OF AN 8.21 ACRE PORTION OF A 34.99 ACRE TRACT FROM R10 TO R6A OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE SOUTH SIDE OF SELMA DRIVE, EAST OF I-95 BUSINESS SOUTH, OWNED BY WEDTEC INC.

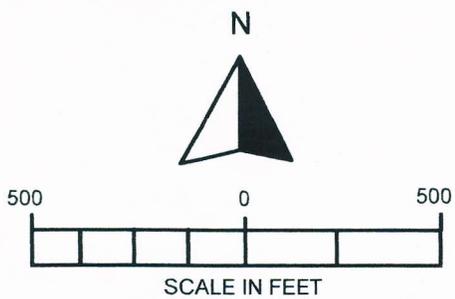
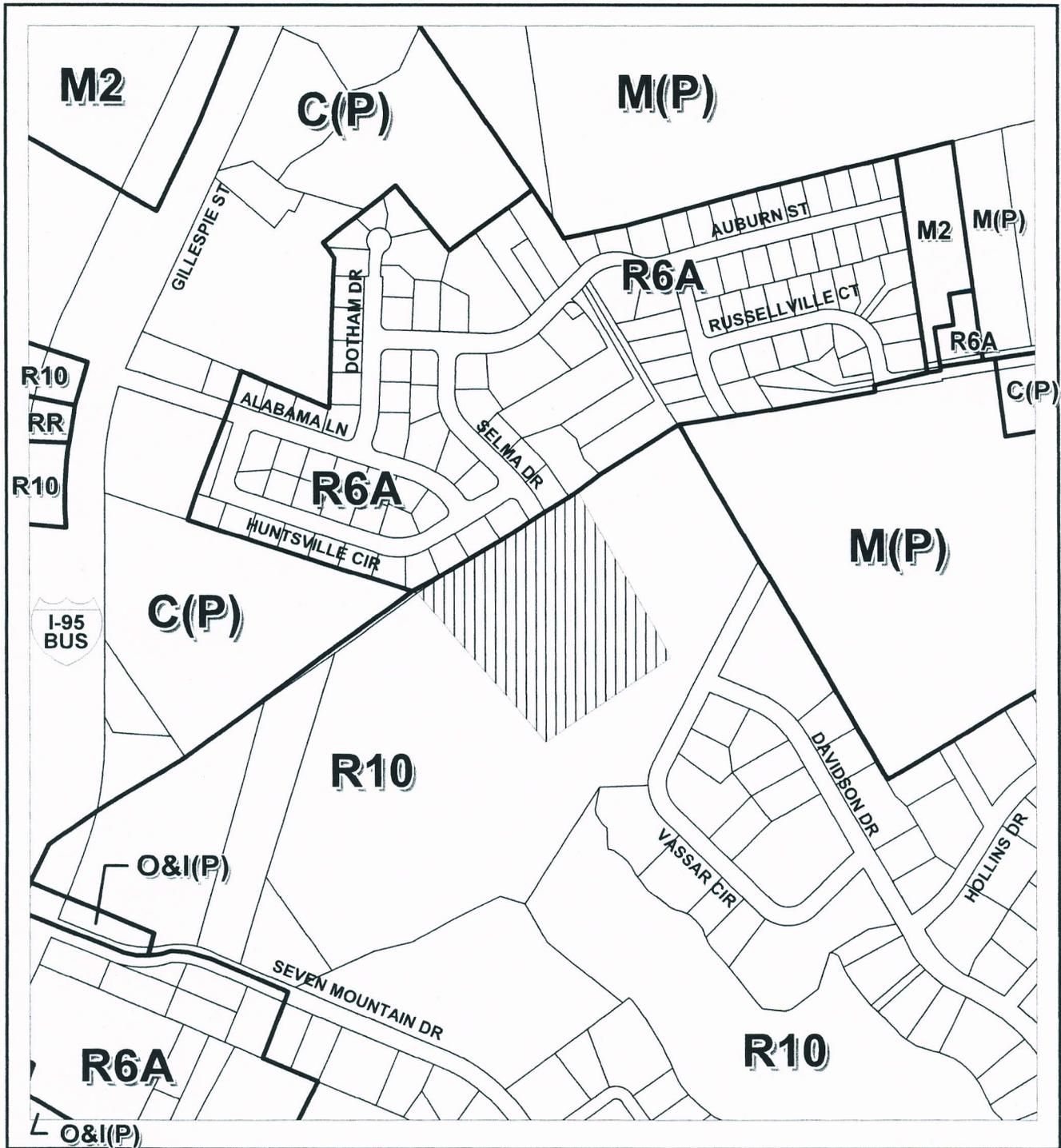
The Planning & Inspections Staff recommends denial of the R6A Residential District based on the following:

1. The request is not consistent with the 2010 Land Use Plan, which calls for Low Density Residential at this location; current zoning is consistent;
2. Public sewer is not available to serve the subject property upon development; and
3. Hydric soils are present on the southern portion of the subject property.

There are no other suitable zoning districts to be considered for this site.

Attachments:

- 1 - Site Profile
- 2 - Rezoning Sketch Map



REQUESTED REZONING R10 TO R6A

ACREAGE: 8.21 AC.+/-	HEARING NO: P07-92	
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

PORT. OF PIN: 0435-00-1681

Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris,
Town of Linden



COUNTY of CUMBERLAND

Planning & Inspections Department

December 13, 2007

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Clifton McNeill, Jr.,
Roy Turner,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

MEMORANDUM

TO: County Joint Planning Board

FROM: Patti Speicher, Planner III,
Land Use Codes

SUBJECT: Case No. 07-161, Crosswinds, Section Four
Sidewalk and Concrete Curb & Gutter Waiver Request

At your November 20, 2007 meeting you requested any recommendation regarding waivers within a municipality's *Municipal Influence Area* (MIA) to be addressed by that municipality's governing body. Attached you will find documents related to the above referenced case, including the staff request for the Hope Mills Board of Commissioners' recommendation; however, we could not obtain the Hope Mills Commissioners' recommendation in time to be included in your December 18th packet material.

Due to time constraints, this case could not be placed on the Hope Mills Commissioners Agenda until their December 17, 2007 meeting. A member of our staff will be present at the Hope Mills meeting and the Hope Mills recommendation will be relayed to you at your meeting the next day.

The staff recommendation concerning this request is to support the recommendation of the Hope Mills Board of Commissioners.

If you have any questions regarding this case, please call me at 678-7605 or email: pspeicher@co.cumberland.nc.us or contact Ed Byrne at 678-7609, email: ebyrne@co.cumberland.nc.us.

Attachments:

- 1 – Request for Town Board Recommendation, dated December 4, 2007
- 2 – Request for Waiver
- 3 – Conditions of Approval, Revised, dated November 1, 2007
- 4 – Zero Lot Line Subdivision Sketch Map
- 5 – Vicinity Map

cc: John Koenig, Developer
Harvey Allen, Surveyor
Randy Beeman, Hope Mills Town Manager
Phyllis Register, Hope Mills Assistant Town Manager
Grainger Barrett, County Attorney
Tom Lloyd, Director
Cecil Combs, Deputy Director

JST 391-277
Robert Boyer - 624 1968



Date Request Submitted: 9-19-07
Planning Board Meeting Date: 10-16-07
Received by: _____

Cumberland County Subdivision Ordinance

Request for Waiver

Case No.: 07-161 Case Name: Crosswinds, Section Four

Related Ordinance Section Number(s): _____

Summary of Request: To Not be Required to Install Concrete Curb & Gutter, OR - Install Concrete Sidewalk

Section 6.1 of the County Subdivision Ordinance governs the Planning Board's authority to waiver provisions of the Subdivision Ordinance. This section reads as follows:

Section 6.1. Waivers

The Planning Board may waive the requirements of this Ordinance where it finds by resolution that:

- a. Because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, problems of access, or the existence of other unusual physical conditions, strict compliance with the provisions of this ordinance would cause a special hardship to the property owner and be inequitable, and*
- b. The public purposes of the Subdivision Ordinance and the Zoning Ordinance would be served to an equal or greater degree, and*
- c. The property owner would not be afforded a special privilege denied to others.*

In granting waivers, the Planning Board may require such conditions as will secure, in so far as practicable, the objectives of the requirements waived. Any waiver, thus granted, is required to be entered in writing in the minutes of the Planning Board and the reasoning upon which departure was justified set forth.

The applicant is strongly encouraged to read the above provisions and relate the written waiver request as closely as possible to the criteria contained within. All supporting documentation for the request shall be submitted along with this request for waiver. For example, if the request is based on topography or soils, the applicant is the responsible.

file

party to submit as evidence 'topo' and/or soils maps or if the request is based on the "condition or nature of adjoining property", the applicant will be required to submit evidence supporting this as basis for the request.

My request should receive favorable consideration by the Planning Board based on the following summary of the basis for this request:

1. Because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, problems of access, or the existence of other unusual physical conditions (at least one of the preceding basis must be addressed in this request), strict compliance with the provisions of this Ordinance would cause a special hardship to the property owner and be inequitable, due to:

The Adjoining property, "Crosswinds Section Three" has "Wedge Asphalt" WITHOUT "Concrete Curb & Gutter" or "Concrete Sidewalk".

2. The public purposes of the County Subdivision and County Zoning Ordinances would be served to an equal or greater degree and the applicant agrees to:

Install "Wedge Asphalt", as is installed in "Crosswinds, Section Three".

3. The property owner would not be afforded a special privilege denied to others, because:

It is believed that any other prospective developer of the subject property would have the same reasoning for continuing the development with similar infrastructure.

By signing this request, the applicant is signifying that all statements contained within this request are accurate and true to the best of their knowledge.

JOHN KOENIG
Printed Name of Applicant/Agent

[Signature]
Signature of Applicant/Agent

910-864-1978
Daytime Phone Number

9-12-07
Date Signed

Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
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COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
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Cecil P. Combs,
Deputy Director

Clifton McNeill, Jr.,
Roy Turner,
Sara E. Piland,
Cumberland County

Revision: 11-1-07

PLANNING STAFF DECISION: 9-28-07 PLANNING BOARD DECISION: 11-20-07

CASE NO: 07-161 NAME OF DEVELOPMENT: CROSSWINDS, SECTION FOUR

MIA: HOPE MILLS (ZERO LOT LINE SUBDIVISION REVIEW)

LOCATION: BOTH SIDES OF PHILODENDRON DRIVE AND NORTH OF SR 2997 ZONING: RR/CU & R10

HEIDELBERG DRIVE, EAST OF AND EAST OF SR 1132 (LEGION ROAD) PIN: 0425-41-3424-; 6644-; 6787-; 6923-;
42-8007-; 5380-; 4556-; 4900-; 51-3839-; 52-3117-

OWNER OR DEVELOPER: JOHN KOENIG ENGINEER OR DESIGNER: HARVEY ALLEN

PLANNING DEPARTMENT ACTION

- PRELIMINARY
- EXTENSION REVISION
- APPROVED CONDITIONALLY
- DENIED

PLANNING BOARD ACTION

- PRELIMINARY
- EXTENSION REVISION
- APPROVED CONDITIONALLY
- DENIED

The development plat/plan you submitted to this office is conditionally approved. Your approval is subject to the following conditions:

1. An application for rezoning must be submitted for the area within this development currently zoned RR/CU; any final plat including the affected lots cannot be approved under the current zoning designation. (Pending – See Case No. P07-90.)

Permit-Related:

2. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
3. Connection to public water and sewer is required, the Public Works Commission (PWC) must approve water and sewer plans prior to application for any permits. A copy of the PWC approval must be provided to Code Enforcement at the time of application for building/zoning permits.
4. The developer must provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three (3) copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
6. The building final inspections cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

Site-Related:

7. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the R7.5 zoning district must be complied with, as applicable. (Note: Residential uses are not permitted in the portion of this development currently zoned "RR/CU" – see Condition Number 1 above.)
8. All corner lots and lots fronting more than one street must provide front yard setbacks from each street.
9. 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.)

10. All applicable provisions of Section 3.21, "Group Developments", County Subdivision Ordinance, must be complied with.
11. All streets must be developed with concrete curbs and gutters – see Hope Mills Subdivision Ordinance §86-122(e) for more information;
12. Sidewalks must be constructed on both sides of all streets – see Hope Mills Subdivision Ordinance §86-122(g) for more information;
13. Fire hydrants must be located no more than 1,000 feet apart and at a maximum of 500 feet from any residential lot, each hydrant must have a six-inch minimum sized main supply line, and once properly installed the Public Work Commission will be responsible for maintenance of the hydrants – see Hope Mills Subdivision Ordinance §86-128(a) for more information. The developer is the responsible party to contact Pearce's Mill Fire Department regarding the location of the hydrants, and the hydrant location must be approved prior to final plat approval.
14. An adequate drainage system must be installed by the developer in accordance with NC Department of Environmental and Natural Resources, (NCDENR) manual for Best Management and Practices (BMP) and all drainage ways must be kept clean and free of debris.
15. All utilities, except for 25kv or greater electrical lines, must be located underground.
16. The applicant is advised to consult an expert on wetlands before proceeding with any development.
17. 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.
18. This review does not constitute a "subdivision" approval by NC Department of Transportation (NCDOT). A separate submittal to NCDOT will be required prior to consideration for addition to the system of any street within this development.
19. The developer must obtain curb-cut permits from the NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.
20. The NC Department of Transportation (NCDOT) must approve the street plans and the street(s) are required to be constructed to the NCDOT standards for secondary roads. For emergency vehicle purposes, the improved travel way must be a minimum of 20 feet in width.

Plat-Related:

21. The 20 foot flag strip known as Philodendron Drive must be included on the final plat and labeled as "Un-developable Until Platted & Retained by Owner" or conveyed as a part of a lot within this development.
22. Street names approved by the Street Naming and Addressing Section must be reflected on the final plat.
23. The street name signs, in compliance with the County Street Sign Specifications, must be installed prior to final plat approval. The developer should contact E911 Street Naming/Signs for inquiries regarding the County's policy for street sign installation or, if the sign is commissioned from a private source, to schedule an inspection of the street sign(s). Land Use Codes must receive notice of agreement with the Street Naming & Addressing Section for sign installation or of satisfactory inspection prior to the approval of the final plat.
24. "Legion Road" also be labeled as "SR 1132" on the final plat.
25. "Crosswinds Drive" also be labeled as "SR 3704" on the final plat.
26. Prior to final plat approval of any portion of this development, the developer is required to submit a check or cash in the amount of \$15,173.76 (\$180.64 per lot, 84 lots) payable to "Cumberland County". This condition is in accordance with Section 3.13.1, Parks, Open Space, Recreation Provisions, County Subdivision Ordinance, which requires every residential dwelling unit to provide a portion of land, in certain instances, or pay a fee in lieu of dedication, for the purposes of providing park, recreation and open space areas. (Park District # 3)
27. The builder/developer must provide the buildable envelopes on the final plat: providing a five-foot maintenance easement along each side of all common internal lines with all other applicable setbacks being provided for; or at the time of permit application, the individual plot plans must be approved by Land Use Codes prior to issuance of any permits.
28. Any/All easements must be reflected on the final plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
29. A 25' right-of-way radius is required at all intersections and must be reflected on the final plat.
30. The NC Department of Transportation (NCDOT) stamp must be affixed to the final plat prior to submission for final plat approval by Land Use Codes.
31. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval.

32. The developer is reminded that the improvements must be in place or that final plat approval will only be granted in accordance with Section 2.6 b, c, or d, County Subdivision Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Peggy Jennings to schedule an inspection of the improvements.)
33. The final plat must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.

Plat-Required Statements:

34. All structures shall be shown on the final plat or the final plat shall reflect the following statement:

“Nonconforming structures have not been created by this subdivision.”

Planning Board Matter:

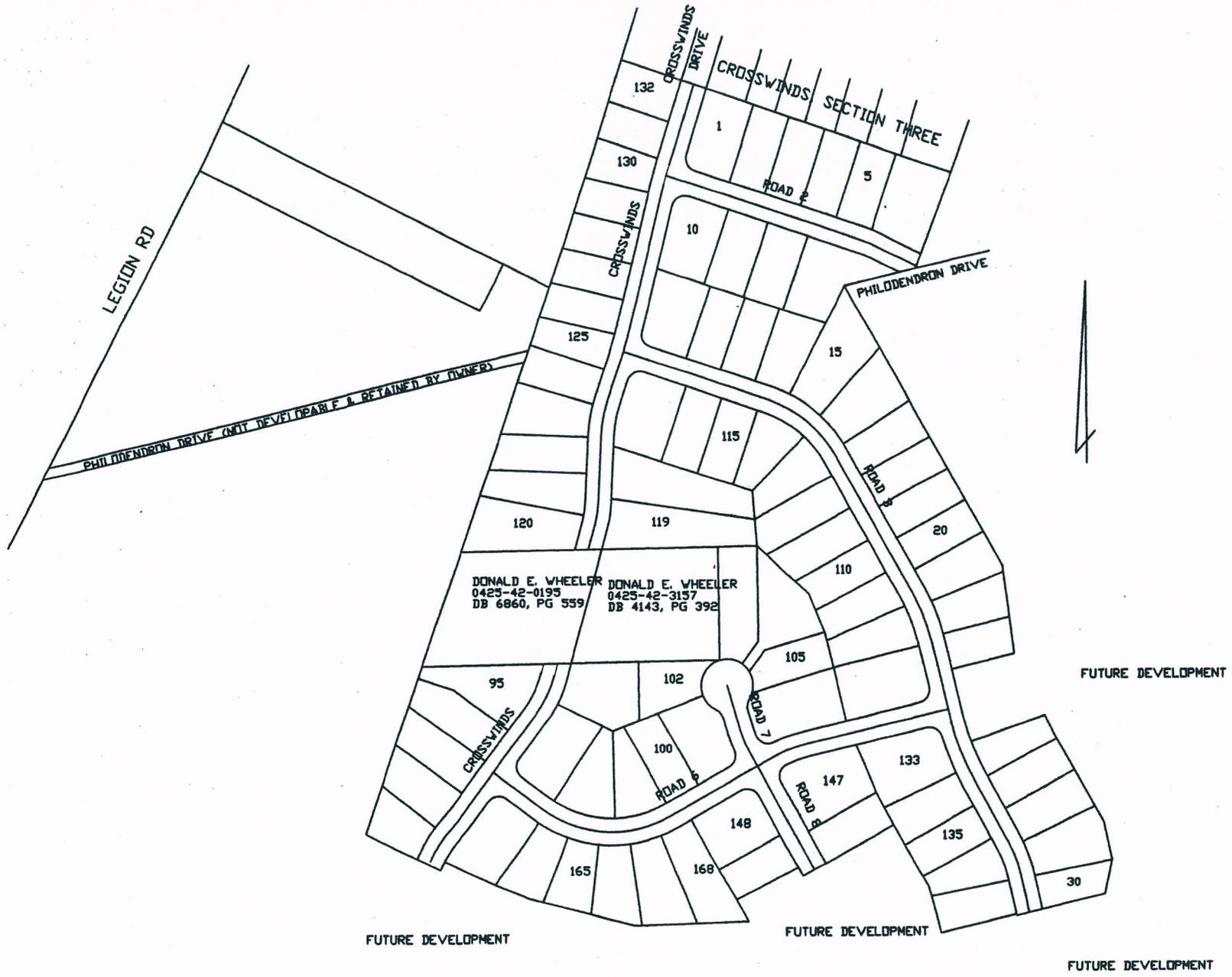
35. The developer has submitted a request for a waiver from the Hope Mills *Municipal Influence Area* requirements; the developer is requesting to be allowed to develop this site with asphalt curbs and gutters and without sidewalks. The Planning & Inspections Staff is recommending denial of this request – see the attached memorandum for the basis for this recommendation.

If you need clarification and/or negotiation of conditions, please contact Ed Byrne at 910-678-7609 or Patti Speicher at 910-678-7605.

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

Improvements Inspections:	Jeff Barnhill	678-7765
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
PWC:	Heidi Maly	223-4774
Town of Hope Mills:		424-4555*
Corp of Engineers (wetlands):	Ronnie Smith	(910) 251-4829
NCDENR (E&S)	Jody Pace	433-3300
E911 Site-Specific Address:	Ron Gonzales	678-7616
E911 Street Naming/Signs:	Diane Shelton	678-7665
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts)	Gary Burton	486-1496
NCDOT (subdivision roads)	David Plummer	486-1496

*This is the main telephone number for the Town of Hope Mills; once connected, the caller will be directed to the various departments.



CROSSWINDS SECTION FOUR
 ZERO LOT LINE SUBDIVISION REVIEW
 REQUEST: A WAIVER FROM SECTION 3.20.2
 CASE: 07-161 ACREAGE: 34.41±
 ZONED: RR/CU & R10 SCALE: NTS

**CROSSWINDS SECTION FOUR
ZERO LOT LINE SUBDIVISION REVIEW
CASE NO. 07-161**



PINS: 0425-31-7282- 41-3424- ECT.
Prepared by EMB - CCJPB
October 8, 2007

Map not to scale

