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Chairman
Oscar L. Davis, III
Melree Hubbard Tart
Joseph M. Dykes



Alternates:
Horace Humphrey
Martin J. Locklear
Randy Newsome
William L. Tally
Carrie Tyson-Autry

CUMBERLAND COUNTY BOARD OF ADJUSTMENT

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

FINAL AGENDA
JANUARY 21, 2010
7:00 PM

A meeting of the Cumberland County Board of Adjustment is to be held on Thursday, January 21, 2010 at 7:00 p.m. in Hearing Room #3 of the Historic Courthouse at 130 Gillespie Street, Fayetteville, North Carolina. The agenda is as follows:

1. ROLL CALL
2. ADJUSTMENTS TO THE AGENDA
3. APPROVAL OF THE NOVEMBER 19, 2009 MINUTES
4. ABSTENTIONS BY BOARD MEMBERS
5. PUBLIC HEARING DEFERRALS
6. BOARD MEMBER DISCLOSURES
7. POLICY STATEMENT REGARDING APPEAL PROCESS
8. PUBLIC HEARING – STAFF INITIATED WITHDRAWAL:
 - **P09-09-C:** CONSIDERATION OF A REQUEST FOR A VARIANCE FROM THE COUNTY ZONING ORDINANCE, SECTION 927, SUB-SECTION C.1, TO ALLOW YARD SETBACKS OF UP TO 33 FEET WHERE 220 FEET IS REQUIRED FOR A 220 FOOT TOWER, AND A SPECIAL USE PERMIT FOR A TOWER IN A RR RURAL RESIDENTIAL DISTRICT ON A .36+/- ACRE PORTION OF A 97.77+/- ACRE TRACT; LOCATED AT 1511 LAKE UPCHURCH DRIVE; SUBMITTED BY THOMAS H. JOHNSON, JR., NEXSEN PRUET, PLLC ON BEHALF OF AMERICAN TOWERS, INC.; OWNED BY H.D. BOWEN, JR.
9. PUBLIC HEARINGS:
 - A. **P10-01-C:** CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A CONVENIENCE CONTAINER AND RECYCLING FACILITY IN AN A1 AGRICULTURAL DISTRICT ON 1.39+/- ACRES, LOCATED AT 2331 POLLY ISLAND ROAD, SUBMITTED

BY DONALD P. TEW ON BEHALF OF CUMBERLAND COUNTY AND MICHAEL TATE, PLS.; OWNED BY CUMBERLAND COUNTY.

- B. **P10-02-C:** CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW AN OUTDOOR RECREATION/AMUSEMENT, CONDUCTED OUTSIDE A BUILDING FOR PROFIT IN A PND PLANNED NEIGHBORHOOD DISTRICT ON 56.32+/- ACRES, LOCATED AT 533 CARVERS FALL ROAD, SUBMITTED BY NORWOOD EASON BRYAN, III AND GARRIS N. YARBOROUGH, ATTORNEY; OWNED BY CARVER'S FALLS, LLC.
- C. **P10-03-C:** CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A 235 FOOT TOWER IN A RR RURAL RESIDENTIAL DISTRICT ON 23.77+/- ACRES, LOCATED EAST OF BLACK BRIDGE ROAD (SR 1115) NORTHEAST OF LAKE UPCHURCH DRIVE (SR 1116); SUBMITTED BY HENRY C. PARKER JR. AND JOHN F. MAZUR, JR., LAND COM, LLC ON BEHALF OF SEQUOIA WIRELESS; OWNED BY HENRY C. PARKER JR.
- D. **P10-04-C:** CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A 220 FOOT TOWER IN A RR RURAL RESIDENTIAL DISTRICT ON A 3.52+/- ACRE PORTION OF A 97.77+/- ACRE TRACT; LOCATED AT 1511 LAKE UPCHURCH DRIVE; SUBMITTED BY H.D. BOWEN, JR. AND THOMAS H. JOHNSON, JR., NEXSEN PRUET, PLLC ON BEHALF OF AMERICAN TOWERS, INC.; OWNED BY H.D. BOWEN, JR.

10. DISCUSSION

11. UPDATE(S)

A. BOARD MEMBER BOOKS TO BE UPDATED

B. WATERSHED VIOLATIONS CLOSED OUT:

- 1. WS00-02 & WS02-02, INVERNESS SUBDIVISION
- 2. WS08-05, PROGRESS ENERGY – CAPE FEAR OPERATIONS CENTER

12. ADJOURNMENT