

## MEMORANDUM

**TO:** Harnett County Board of Adjustment Members  
**FROM:** Teresa Byrd, Senior Dept. Support Specialist/Board Clerk *TByrd*  
**DATE:** December 23, 2024  
**RE:** **Monday, January 13, 2025 Meeting**

On this meeting agenda, there are the following:

- Doublewide Manufactured Homes in an RA-30 Zoning District.  
*Tabled from the December 8, 2024 meeting. To be dismissed.*
- A Personal Service Establishment (Concrete, Landscape and Masonry Business) in an RA-30 Zoning District.
- An Animal Shelter/Adoption Center in an RA-30 Zoning District.
- An Appeal of the Administrator's decision about a driveway in an RA-30 & Conservation Zoning District.

**PLEASE CALL** in advance if you **WILL NOT** be able to attend the meeting.

AGENDA  
HARNETT COUNTY BOARD OF ADJUSTMENT  
Harnett County Development Services  
420 McKinney Parkway  
Lillington, NC 27546  
January 13, 2025 @ 6:00 p.m.

PUBLIC HEARING

Procedure to be followed at each Board of Adjustment Meeting:

- |   |   |
|---|---|
| 1. Call to order                            | 8. Cross-examination from the Board and others      |
| 2. Invocation                               | 9. Close Conditional Use Hearing                    |
| 3. Swearing in of witnesses                 | 10. Deliberation by Board of Adjustment             |
| 4. Briefing on application being considered | 11. Findings of Fact Checklist                      |
| 5. Public Hearing opened                    | 12. Decision by Board of Adjustment or Other Motion |
| 6. Testimony from applicant                 | 13. Approval of Minutes                             |
| 7. Testimony from other witnesses           | 14. Board in Closed Session                         |

**Special Use –Old Business**

***Tabled from the December 9, 2024 Meeting***

1. BOA 2410-0003. Tanya Michelle Adams. A Doublewide Manufactured Home in an RA-30 Zoning District; Pin # 0693-42-3074.000; .81 acres; Black River Township; SR # 1578 (Camellia Road). ***To be dismissed.***

**Special Use –New Business**

2. BOA2411-0001. Jose Jesus Peru & Mayra Sotomayor / Karely Sotomayor. A Personal Service Establishment (Concrete, Landscaping & Masonry Business) in an RA-30 Zoning District; Pin #'s 0577-58-8551.000 & 0577-58-6955.000; 6.73 acres; Lillington Township; SR # 2021 (Titan Roberts Road).
3. BOA2412-0002. Barbara Barbour & Davey Elmo Matthews/ Harnett County-Barry Blevins. An Animal Shelter/Adoption Center in an RA-30 Zoning District; Pin # 0630-67-7502.000; 9.92 acres; Upper Little River Township; US Hwy 421 N.

**Appeal**

4. BOA2410-0005. D Dubs Real Estate, LLC / Dave Stepp & Terry Walton. The applicant has appealed the Administrator's decision that the placement and construction of an access driveway in a Conservation district is allowed due to the inability to restrict access to personal property; RA-30 & Conservation Zoning District; Pin # 0692-39-3045.000; Black River Township; SR # 1566 (Pope Lake Road).

HARNETT COUNTY  
BOARD OF ADJUSTMENTS

January 13, 2025

Staff Contact: Emma Harris, Planner I  
(910) 893-7525 or eharris@harnett.org

CASE NUMBER: BOA2411-0001  
APPLICANT: KARELY SOTOMAYOR  
OWNER: JESUS PERU & MAYRA SOTOMAYOR  
LOCATION: 2644 & 2642 TITAN ROBERTS RD ERWIN, NC 28339  
ZONING: RA-30  
ACREAGE: 6.73  
LAND USE CLASSIFICATION: Agricultural and Environmentally Sensitive

REQUEST: Personal Service Establishment (Landscaping & Masonry Services)

AERIAL: PIN#: 0577-58-8551.000, 0577-58-6955.000



**Directions from Lillington:** Turn left onto Alexander Dr – Turn right onto McKinney Pkwy – Turn left onto US-401 N / US-421 S / NC-27 / NC-210 / N Main St – Turn left onto Titan Roberts Rd. Arrive at 2644/2642 Titan Roberts Rd.

## PHYSICAL CHARACTERISTICS

- A. **Site:** Currently contains manufactured homes, supplies and equipment for a personal service establishment, and natural vegetation and forestry products.
- B. **Surrounding Land Uses:** Consists of single-family residential home sites, agricultural activities, and undeveloped parcels containing natural vegetation and forestry products.
- C. **Utilities:** Water – Public Sewer – Private (Septic)

## BACKGROUND:

- The applicant is requesting a Special Use Permit to conduct a Personal Service Establishment related to providing landscaping and masonry services with accessory storage of trade-associated materials.
- The applicant has not completed a predevelopment meeting with various representatives associated with the County development process pertaining to the proposed use.
- If the applicant's request for a Special Use permit is approved, the next stage in the developmental process will be a complete and thorough review from the Development Review Board in order to verify all regulatory guidelines and protocols are adhered to.
- It is staff's recommendation that the specified use be granted to only one parcel, PIN# 0577-58-8551.000, to ensure that all developmental requirements can be properly adhered to.
- Upon the required site visit of the property, a zoning violation was detected. Improper disposal of debris related to the personal service establishment was observed. The applicant will be required to work with Harnett County zoning code enforcement officers to remedy the violation as a part of their developmental process.

## UNIFIED DEVELOPMENT ORDINANCE REGULATIONS

### ARTICLE V. USE REGULATIONS

#### 1.2 Table of Use Types & Regulations

	IND	LI	COMM	O&I	CONS	RA-40	RA-30	RA-20R	RA-20M	PARKING	USE GROUP LEVEL	BUILDING CODE CLASS
<b>RESIDENTIAL USES</b>												
<b>Personal Service Establishment</b>	P	P	P			S	S	S	S	1 per 300 sq. ft.		B

### ARTICLE XIV. DEFINITIONS & CERTIFICATIONS

#### Section 2.0 General Definitions & Acronyms

**Personal Service Establishment:** A facility primarily engaged in providing services involving the care of a person or personal goods or apparel, including but not limited to a laundry mat, beautician, plumber, carpenter, electrician, or other trade establishment.

## HARNETT COUNTY COMPREHENSIVE GROWTH PLAN

### FUTURE LAND USE PLAN

The Harnett community envisions a future where the county will continue to grow and prosper in a way that promotes a high quality of life, capitalizes on and protects the assets that make Harnett County unique, and ensures that all Harnett residents have access to a variety of housing, transportation, recreation and employment options.

## FUTURE LAND USE CATEGORIES/ AGRICULTURAL and RURAL RESIDENTIAL AREAS

**Agricultural and Rural Residential:** Primarily agricultural and forestry uses with some rural residential areas. These areas are located outside of existing and future sewer service areas and rely on septic systems for wastewater treatment. They have a limited road network and in some cases lie within High Quality Watershed or Water Supply Watershed areas. The lack of utility and transportation infrastructure, the established low density development pattern and ongoing agricultural activities in these areas contribute to their rural character. This character can be enhanced by encouraging only low intensity uses, single family residential up to one unit per acre and context sensitive rural design.

**Environmentally Sensitive Areas:** Environmentally sensitive areas, including floodplains and areas located in the Conservation Overlay Zoning District. Primary uses in these areas would be open space, forestry, and agriculture.

### SITE PHOTOS

Site



Site



Site



Site



Site



Site



Site



Site



Access for both parcels



Across Street



Street View



Street View



Adjoining Property



Adjoining Property





Area is used to store business equipment & material to be used for labor. Labor is related to concrete, & landscaping.





# Non-Residential Special Use Permit

Planning Department  
420 McKinney Parkway  
P.O. Box 65, Lillington, NC 27546  
Phone: (910) 893-7525 Fax: (910) 893-2793

Total Fee: \$400.00  
Receipt: \_\_\_\_\_  
Date Submitted: Nov. 4, 2024  
Meeting Date: Jan, 17, 2025  
Case #: BOA2411-0001

## Applicant Information

### Owner of Record:

Name: Jose Jesus Don Pablo Peru  
Address: 2042 Titan Roberts Rd, Erwin  
City/State/Zip: Erwin, NC, 28339  
E-mail: kjkconcrete@gmail.com  
Phone: 919 398 1137

### Applicant:

Name: Karely Sotom  
Address: 2042 Titan Roberts Rd, Erwin, NC, 28339  
City/State/Zip: \_\_\_\_\_  
E-mail: Karely.sotomayor17@gmail.com  
Phone: 919 820 1711

## Property Description

PIN(s): 0577-588551 / 0577-58-6955 Acreage: 5.78 acres  
Address/SR No.: 2042 / 2044 Titan Roberts Rd, Erwin, NC, 28339  
Directions from Lillington: take 421 until Crossroads Church, turn left on Ross rd, then left to Titan Roberts rd  
Deed Book: 3517 Page: 710 Plat Book: \_\_\_\_\_ Page: \_\_\_\_\_  
Zoning District: RA30 Township: \_\_\_\_\_  
Flood Plain & Panel: no Watershed Dist: \_\_\_\_\_  
Water:  Public (Harnett County)  Private (Well)  
Sewer:  Public (Harnett County)  Private (Septic Tank)

## Requested Use:

Special Use for personal service establishment: concrete, landscaping, masonry

## Required Information:

- Is an Erosion and Sedimentation Control Plan required?  No  Yes  
If yes, is one on file?  No  Yes (Please attach a copy to your application)
- It is recommended that all non-residential developments have preliminary discussions with NC DOT concerning driveways and other traffic issues for each project. Has this been done?  No  Yes  
Date of Meeting: \_\_\_\_\_ NCDOT Contact: \_\_\_\_\_
- Is a Driveway Permit required?  No  Yes  
If yes, is one on file?  No  Yes (Please attach a copy to your application)
- Have you contacted applicable local, state, and federal agencies regarding building, fire, and other possible code compliance issues?  No  Yes

## Action by the Board of Adjustment

The Board of Adjustment shall approve, modify, or deny the Application for Special Use Permit following the Public Hearing. In granting a Special Use Permit, the Board of Adjustment shall make written findings that the applicable regulations of the district in which it is located are fulfilled. With due regard to the nature and state of all adjacent structures and uses, the district within which it is located and official plans for future development, the Board of Adjustment shall also make written findings that the following provisions are fulfilled:

- 3.1 The requested use **is** in harmony with the surrounding area and compatible with the surrounding neighborhood.
- 3.2 The requested use **will not** materially endanger the public health and safety.
- 3.3 The requested use **will not** substantially injure the value of adjoining property, **or**, alternatively, the requested use **is** or **will be** a public necessity.
- 3.4 The requested use **will** meet all required conditions and specifications.
- 3.5 The requested use **is** in general conformance with the Harnett County Unified Development Ordinance (UDO), Land Use Plan, and other relevant adopted plans.

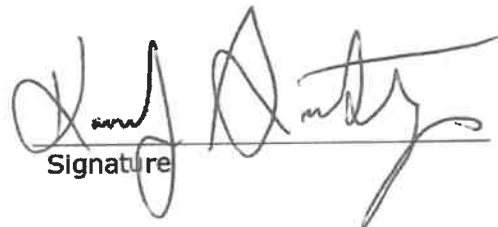
The Board of Adjustment may impose conditions on special use permits as part of the approval process. Conditions placed on the special use permit must be adhered to as part of the developmental process. Consent to any specified conditions must be received prior to the issuance of any development permits.

**Note: The Board of Adjustment is a "Quasi-Judicial" Administrative Board. Quasi-Judicial means that the Board functions like a Court when proceedings are conducted. Sworn testimony is given, so everyone wishing to speak for or against an application or ask questions about a case must be sworn in. Those persons who cannot be sworn in for religious reasons may be "Affirmed". Land use professionals, including architects and engineers, land use planners, and other agents for the property owner may appear and testify as to factual matters and any expert opinions that they are qualified to present at the Board of Adjustment hearing; however, the presentation of other evidence, including the examination and cross-examination of witnesses, making legal arguments, and the advocacy for approval of the application on behalf of the property owner(s) is the practice of law that may only be performed by a licensed attorney at law.**

**A party wishing to submit a document into evidence must provide a copy to the Clerk during the hearing. Any document submitted into evidence will not be returned to the individual and must be retained by the Clerk as part of the official record of the case. The Board will accept a single copy of a proposed exhibit; however it is strongly recommended that enough copies are provided for each of the five Board members and the Clerk. Photographs, Videos, Recordings, Power Points or other types of evidence that are submitted via an electronic or digital device; must be pre-approved by the Harnett County IT Department prior to the start of the hearing. Personal computers such as laptops or other external media devices not belonging to the County will not be permitted to attach to the County's internal network. Documents cannot be submitted after the close of the hearing.**

**Action taken by this Board is final and cases are not taken to the Harnett County Board of Commissioners for review. Appeals of this Board must be filed with Superior Court. There must be three (3) Board of Adjustment members present at the meeting to hear a request for a Special Use Permit. A concurring vote from the simple majority of the Board shall be necessary to grant a Special Use permit.**

\*\* I have received and read the above statement:

  
Signature

10/31/24  
Date



Area is used to store business equipment & material to be used for labor. Labor is related to concrete, & landscaping.

**HARNETT COUNTY BOARD OF ADJUSTMENT  
CONDITIONAL USE PERMIT WORKSHEET**

APPLICANT: **Karely Sotomayor**

CASE NUMBER: **BOA2411-0001**

1. The requested use **is / is not** in harmony with the surrounding area and compatible with the surrounding neighborhood for the following reasons:

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2. The requested use **will / will not** materially endanger the public health and safety for the following reasons:

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3. The requested use **will / will not** substantially injure the value of adjoining property, **or**, alternatively, the requested use **is / is not** or **will / will not** be a public necessity for the following reasons:

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4. The requested use **will / will not** meet all required conditions and specifications for the following reasons: \_\_\_\_\_

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5. The requested use **is / is not** in general conformance with the Harnett County Unified Development Ordinance (UDO), Land Use Plan, and other relevant adopted plans for the following reasons: \_\_\_\_\_

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**CONDITIONS TO CONSIDER:**

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

HARNETT COUNTY  
BOARD OF ADJUSTMENTS

January 13, 2025

Staff Contact: Randy Baker, Assistant Manager of Planning Services  
(910) 893-7525 or rbaker@harnett.org

CASE NUMBER: BOA2412-0002  
APPLICANT: County of Harnett / Barry Blevins  
OWNER: Barbara Barbour & Davey Elmo Matthews  
LOCATION: US 421 N Lillington, NC 27546  
ZONING: RA-30  
ACREAGE: 9.92 Acres PIN#: 0630-67-7502.000  
LAND USE CLASSIFICATION: Medium Density Residential  
WATERSHED: WS-IV-C (Lillington)

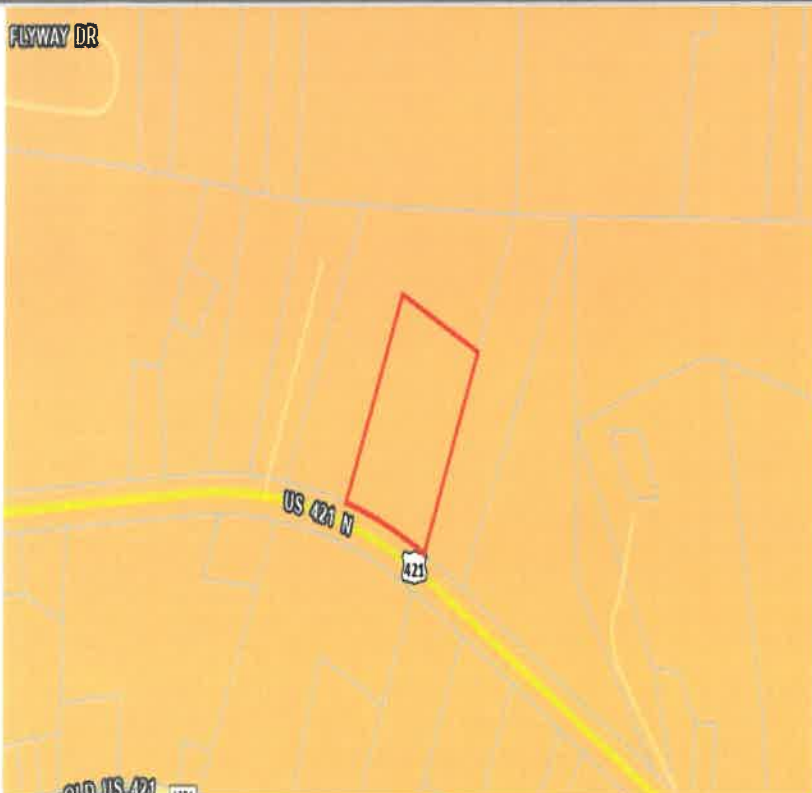
REQUEST: Harnett County Animal Services Facility (Shelter & Adoption Center)

AERIAL:



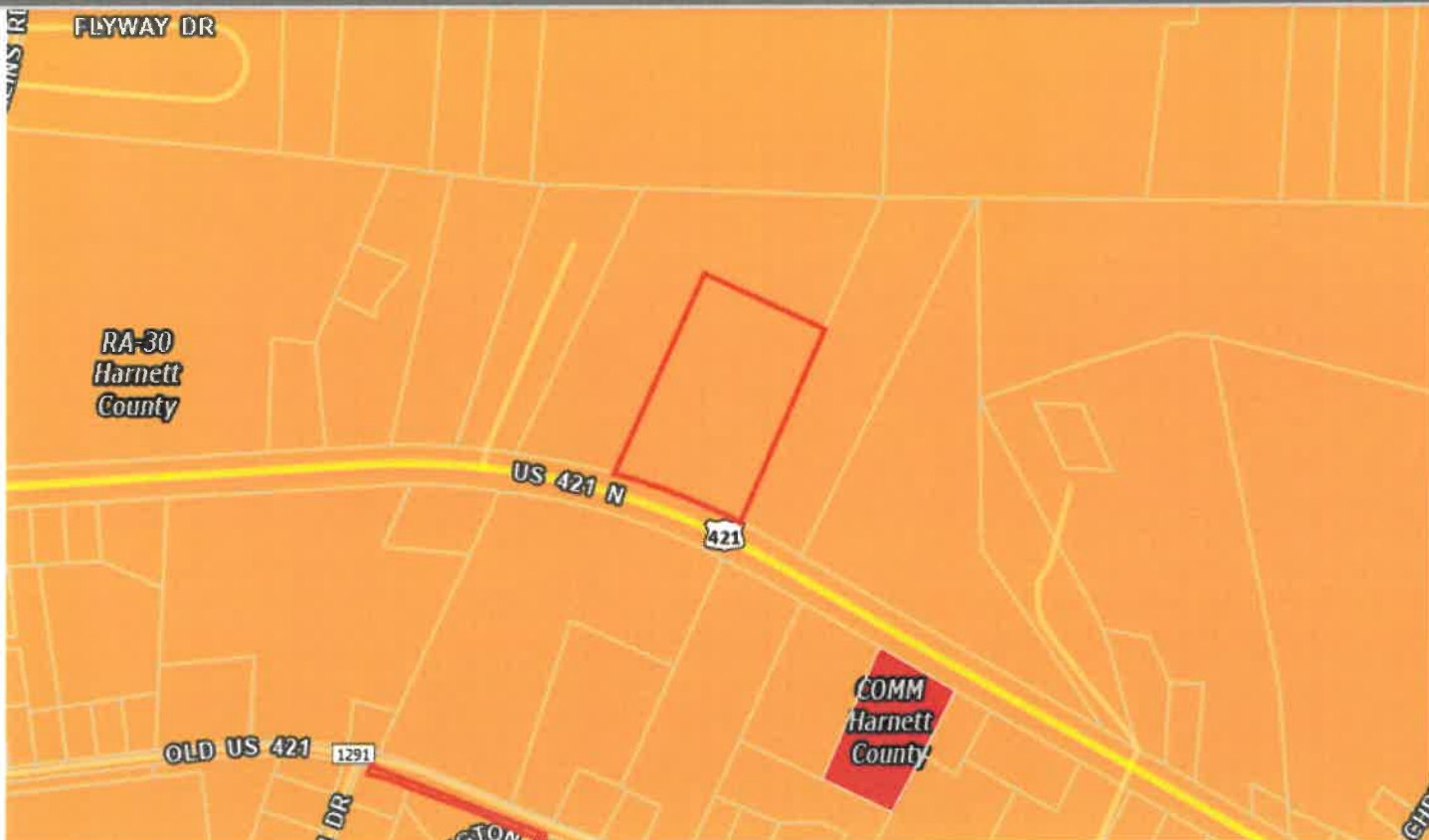
**Directions from Lillington:** Travel US 421 North toward Sanford – Property is located on the right approximately 1/2 mile after passing Jim Christian Road.

# LAND USE CLASSIFICATION MAP



- Land Use (2016)
- Agricultural
  - Angier ETJ
  - Benson ETJ
  - Broadway ETJ
  - Coats ETJ
  - Compact Mixed Use
  - Compatibility Development Target Area
  - Dunn ETJ
  - Employment Mixed use
  - Environmentally Sensitive Areas
  - Erwin ETJ
  - Lillington ETJ
  - Low Density Residential
  - Medium Density Residential
  - Military
  - Military Corridor Buffer
  - Protected Areas
  - Rural Center

# ZONING DISTRICT MAP



## PHYSICAL CHARACTERISTICS

**A. Site:** The site is currently vacant and undeveloped.

**B. Surrounding Land Uses:** Single Family / Manufactured Home Parks / Agricultural / Undeveloped Forestry

**C. Utilities:** Water – Public Sewer – Private

## TRANSPORTATION:

- Annual daily traffic count for this section of US 421 N is 7100 vehicle trips per day.
- Site distances are good.

## BACKGROUND:

- The applicant is requesting a Special Use Permit to allow for the development and operation of the Harnett County Animal Shelter and adoption center.
- If the applicant's request for a Special Use permit is approved, the next stage in the developmental process will require a detailed review and approval from the Development Review Board prior to any permitting or development of the proposed use. All regulatory guidelines, specifications and/or special conditions must be adhered to prior to final approval being issued.

## UNIFIED DEVELOPMENT ORDINANCE REGULATIONS

### ARTICLE V. USE REGULATIONS

#### 1.2 Table of Use Types & Regulations

	IND	LI	COMM	O&I	CONS	RA-40	RA-30	RA-20R	RA-20M	PARKING	USE GROUP LEVEL	BUILDING CODE CLASS
<b>Animal Services</b>												
<b>Kennels, Boarding Stables, &amp; Other Similar Regulated Land Uses</b>	S	S	S			S	S	S	S	1 per employee + 1 per kennel or pen	3	B

### ARTICLE XIV. DEFINITIONS & CERTIFICATIONS

#### 2.0 General Definitions & Acronyms

##### Kennel

An establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation for purposes not primarily related to medical care.

## HARNETT COUNTY COMPREHENSIVE GROWTH PLAN

### FUTURE LAND USE PLAN

The Harnett community envisions a future where the county will continue to grow and prosper in a way that promotes a high quality of life, capitalizes on and protects the assets that make Harnett County unique, and ensures that all Harnett residents have access to a variety of housing, transportation, recreation and employment options.

## FUTURE LAND USE CATEGORIES/ RESIDENTIAL

**Medium Density Residential:** Medium density residential with a mix of housing types including single-family detached homes with average lot sizes, small-lot homes and patio homes. Gross densities of 2-5 dwelling units per acre. Located in areas served by current or planned utilities or in areas near the extra-territorial jurisdiction (ETJ) of towns. Additional housing types (including townhomes and apartments) and higher densities may be appropriate as part of planned developments or near Development Nodes.

### LAND USE GOALS

LU-1: Reinforce countywide economic development goals with land use decisions.

## SITE PHOTOS

Site



Street View

Across Street



Street View



Adjoining Property



Adjoining Property







# Non-Residential Special Use Permit

Planning Department  
420 McKinney Parkway  
P.O. Box 65, Lillington, NC 27546  
Phone: (910) 893-7525 Fax: (910) 893-2793

Total Fee: \_\_\_\_\_  
Receipt: \_\_\_\_\_  
Date Submitted: December 13, 2024  
Meeting Date: January 13, 2025  
Case #: BOA2412-0002

## Applicant Information

### Owner of Record:

Name: Barbara Barbour/Davey Elma Matthews  
Address: 28 Barbour Lane  
City/State/Zip: Fuquay Varina, NC 27526  
E-mail: \_\_\_\_\_  
Phone: \_\_\_\_\_

### Applicant:

Name: County of Harnett/Barry Blevins  
Address: 455 McKinney Parkway  
City/State/Zip: Lillington, NC 27546  
E-mail: bblevins@harnett.org  
Phone: 910-893-7536

## Property Description

PIN(s): 0630 - 67- 7602.000 Acreage: 10.6 acres  
Address/SR No.: US 421 North NC TR#3 - Cebco Construction, Lillington, NC 27546  
Directions from Lillington: From Main Street turn left onto US-421 N/W continue for 3.8 miles, destination is on your right.

Deed Book: 4175 Page: 0906 Plat Book: 2008 Page: 303  
Zoning District: RA-30 Township: Upper Little River  
Flood Plain & Panel: \_\_\_\_\_ Watershed Dist: WS-IV-C  
Water:  Public (Harnett County) Sewer:  Public (Harnett County)  
 Private (Well)  Private (Septic Tank)

## Requested Use:

Special Use for Construction of new Harnett County animal services shelter facility/adoption center

## Required Information:

1. Is an Erosion and Sedimentation Control Plan required?  No  Yes  
If yes, is one on file?  No  Yes (Please attach a copy to your application)
2. It is recommended that all non-residential developments have preliminary discussions with NC DOT concerning driveways and other traffic issues for each project. Has this been done?  No  Yes  
Date of Meeting: 12/11/2024 NCDOT Contact: Lee Hines
3. Is a Driveway Permit required?  No  Yes  
If yes, is one on file?  No  Yes (Please attach a copy to your application)
4. Have you contacted applicable local, state, and federal agencies regarding building, fire, and other possible code compliance issues?  No  Yes

**SKETCH PLAN REQUIRED:** Provide a sketch plan along with application. It is strongly encouraged that sketch plans be prepared by a NC Professional Land Surveyor and that it meet the following (as applicable):

TITLE BLOCK INFORMATION	
Name of Project & Date (Including all Revision Dates)	<input type="checkbox"/>
Applicant/Owner(s) Contact Information (Name, Address, & Phone)	<input type="checkbox"/>
Surveyor/Engineer Contact Information (Name, Address, & Phone)	<input type="checkbox"/>
Parcel ID Number/Tax ID of Tract(s)	<input type="checkbox"/>
Deed Reference of Tract(s)	<input type="checkbox"/>
Zoning Classification of Tract(s)	<input type="checkbox"/>
Location (Including Township, County, & State)	<input type="checkbox"/>
Flood Plain Depicted & Noted (Zone, Map Number, & Effective Date)	<input type="checkbox"/>
Watershed District Noted & Extent of Coverage Depicted	<input type="checkbox"/>
GENERAL REQUIREMENTS	
Map Size 22" x 34" & Scale 1"=100' or Larger	<input type="checkbox"/>
North Point, Graphic Scale, & Vicinity Map	<input type="checkbox"/>
Name(s) & Location(s) of Adjacent Property Owner(s) & Use(s)	<input type="checkbox"/>
Existing Boundaries of Tract(s) Showing Bearings & Distances	<input type="checkbox"/>
Gross Acreage of Development	<input type="checkbox"/>
Name(s) & Right(s)-of-way of Streets & State Road Number(s), Including Notation of Public or Private	<input type="checkbox"/>
Name, Location, Width, & Acreage of Additional Easement(s) & Right(s)-of-way Within or Adjacent to Site	<input type="checkbox"/>
Building Envelope & Required Setbacks	<input type="checkbox"/>
Existing & Proposed Utilities	<input type="checkbox"/>
Signage Location, Easement, Type, & Size	<input type="checkbox"/>
Existing Structure(s) Located on Site	<input type="checkbox"/>
SITE PLAN	
Fire Hydrant(s) & Street Light(s) Noted	<input type="checkbox"/>
Erosion Control Plan Submitted	<input type="checkbox"/>
Hours & Days of Operation	<input type="checkbox"/>
Impervious Surface (% Coverage of Lot)	<input type="checkbox"/>
Hazardous Materials to be Stored on Site	<input type="checkbox"/>
Existing & Proposed Mechanical Areas	<input type="checkbox"/>
Existing & Proposed Trash Containment Areas	<input type="checkbox"/>
Existing & Proposed Utility Areas	<input type="checkbox"/>
Parking Space Typical	<input type="checkbox"/>
Parking Lot Material	<input type="checkbox"/>
All parking areas on site (Based on Type of Business and/or Sq. Ft.)	<input type="checkbox"/>
Existing & Proposed Fencing, Screening, Gate(s) and/or Dock(s)	<input type="checkbox"/>
Spillage & Pollution Prevention & Response Methods	<input type="checkbox"/>
BUFFERING REQUIREMENTS	
Buffering Regulations (Per Harnett County Zoning Ordinance)	<input type="checkbox"/>

**Signatures**

I, as the landowner, hereby CERTIFY that the information contained herein is true to the best of my knowledge; and by accepting this Permit (if approved) shall in every respect conform to the terms of this application and to the provisions of the Statutes and Ordinances regulating development in Harnett County. Any VIOLATION of the terms above stated immediately REVOKES this Permit. I further understand this structure is not to be occupied until a CERTIFICATE OF OCCUPANCY is issued. This Permit expires 24 months (2 years) after the date the Permit is granted by the Harnett County Board of Adjustment.

*Barbara Barber*  
 \_\_\_\_\_  
 Property Owner(s) Signature

*Donny Blas Matheus*  
 \_\_\_\_\_

12-12-27  
 Date

# Written Statement

\*\* Applicant is required to answer the following questions under oath at the Board of Adjustment Meeting – Please print answers \*\*

## Public Convenience & Welfare

1. Why are you requesting this use? To construct a 15,000 square foot animal services facility/adoption center.
2. How will this use benefit the citizens of Harnett County? Provide additional space for residents to surrender owned/stray animals. Will allow staff to bring in additional strays/ bite animals. Adoption center will increase live release rates. Increased livestock housing, and external meet/greet areas.

## On-site & Surrounding Land Uses

3. How will the use you are requesting affect the surrounding properties, residents and businesses in the area? Describe in detail **why and how** it will or will not affect the surrounding areas? Facility will have a natural buffer, and fencing to contain animals. Facility will be constructed with noise reduction in mind. Animals will be locked in the facility at night, and waste is removed daily for sanitary purposes.

## Utilities, Access Roads, Drainage, etc...

4. Describe the driveway (width and surface) that you will be using to enter and exit the property. \_\_\_\_\_
5. Describe the drainage of this property. \_\_\_\_\_
6. How is your trash and garbage going to get to the landfill? Weekly by contracted agency.

## Traffic

7. Describe the traffic conditions and sight distances at the State Road that serves the property. \_\_\_\_\_
8. What is the approximate distance between your driveway and the next nearest driveway or intersection? \_\_\_\_\_

## General

9. How many employees will this development employ? 14
10. What is the estimated investment of the development? 10 Million dollars
11. What experience do you have in the proposed field? 100 years compined experinece with current staff.

## Conditions

12. State any conditions that you would be willing to consider as part of the approved Special Use Permit. \_\_\_\_\_
13. Additional comments the Board should consider in reviewing your application: \_\_\_\_\_

## Action by the Board of Adjustment

The Board of Adjustment shall approve, modify, or deny the Application for Special Use Permit following the Public Hearing. In granting a Special Use Permit, the Board of Adjustment shall make written findings that the applicable regulations of the district in which it is located are fulfilled. With due regard to the nature and state of all adjacent structures and uses, the district within which it is located and official plans for future development, the Board of Adjustment shall also make written findings that the following provisions are fulfilled:

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- 3.3 The requested use **will not** substantially injure the value of adjoining property, or, alternatively, the requested use **is** or **will be** a public necessity.
- 3.4 The requested use **will** meet all required conditions and specifications.
- 3.5 The requested use **is** in general conformance with the Harnett County Unified Development Ordinance (UDO), Land Use Plan, and other relevant adopted plans.

The Board of Adjustment may impose conditions on special use permits as part of the approval process. Conditions placed on the special use permit must be adhered to as part of the developmental process. Consent to any specified conditions must be received prior to the issuance of any development permits.

**Note: The Board of Adjustment is a "Quasi-Judicial" Administrative Board. Quasi-Judicial means that the Board functions like a Court when proceedings are conducted. Sworn testimony is given, so everyone wishing to speak for or against an application or ask questions about a case must be sworn in. Those persons who cannot be sworn in for religious reasons may be "Affirmed". Land use professionals, including architects and engineers, land use planners, and other agents for the property owner may appear and testify as to factual matters and any expert opinions that they are qualified to present at the Board of Adjustment hearing; however, the presentation of other evidence, including the examination and cross-examination of witnesses, making legal arguments, and the advocacy for approval of the application on behalf of the property owner(s) is the practice of law that may only be performed by a licensed attorney at law.**

**A party wishing to submit a document into evidence must provide a copy to the Clerk during the hearing. Any document submitted into evidence will not be returned to the individual and must be retained by the Clerk as part of the official record of the case. The Board will accept a single copy of a proposed exhibit; however it is strongly recommended that enough copies are provided for each of the five Board members and the Clerk. Photographs, Videos, Recordings, Power Points or other types of evidence that are submitted via an electronic or digital device; must be pre-approved by the Harnett County IT Department prior to the start of the hearing. Personal computers such as laptops or other external media devices not belonging to the County will not be permitted to attach to the County's internal network. Documents cannot be submitted after the close of the hearing.**

**Action taken by this Board is final and cases are not taken to the Harnett County Board of Commissioners for review. Appeals of this Board must be filed with Superior Court. There must be three (3) Board of Adjustment members present at the meeting to hear a request for a Special Use Permit. A concurring vote from the simple majority of the Board shall be necessary to grant a Special Use permit.**

\*\* I have received and read the above statement:

  
Signature

12-13-24  
Date

# SUBMITTED SITE PLAN





**HARNETT COUNTY BOARD OF ADJUSTMENT  
CONDITIONAL USE PERMIT WORKSHEET**

APPLICANT: **Harnett County-Barry Blevins**      CASE NUMBER: **BOA2412-0002**

1. The requested use **is / is not** in harmony with the surrounding area and compatible with the surrounding neighborhood for the following reasons:  
\_\_\_\_\_  
\_\_\_\_\_
  
2. The requested use **will / will not** materially endanger the public health and safety for the following reasons:  
\_\_\_\_\_  
\_\_\_\_\_
  
3. The requested use **will / will not** substantially injure the value of adjoining property, **or**, alternatively, the requested use **is / is not** or **will / will not** be a public necessity for the following reasons:  
\_\_\_\_\_  
\_\_\_\_\_
  
4. The requested use **will / will not** meet all required conditions and specifications for the following reasons: \_\_\_\_\_  
\_\_\_\_\_
  
5. The requested use **is / is not** in general conformance with the Harnett County Unified Development Ordinance (UDO), Land Use Plan, and other relevant adopted plans for the following reasons: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CONDITIONS TO CONSIDER:**

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

HARNETT COUNTY  
BOARD OF ADJUSTMENTS

January 13, 2025

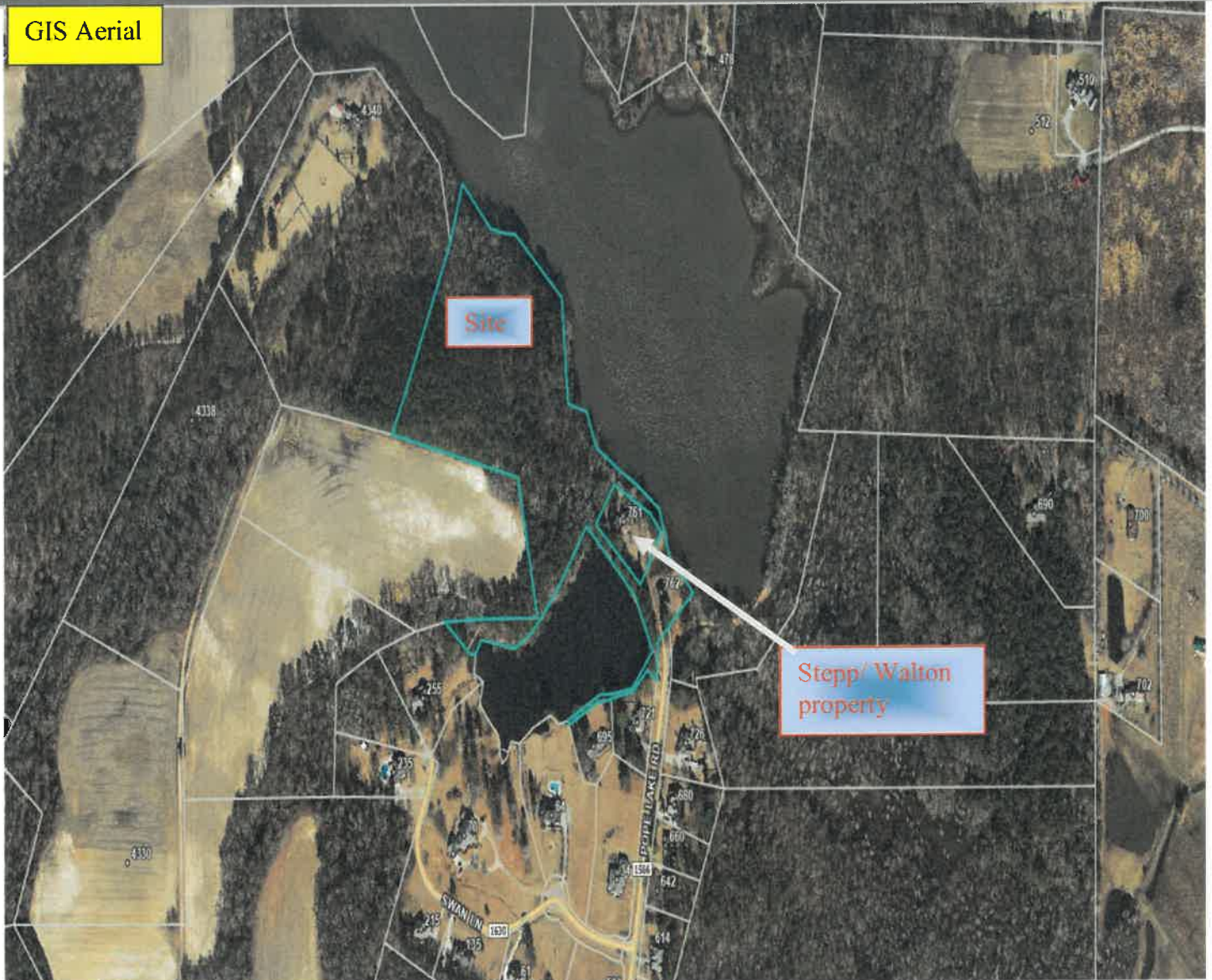
Staff Contact: Randy Baker, Assistant Manager of Planning Services  
(910) 893-7525 or rbaker@harnett.org

CASE NUMBER: BOA2410-0005  
APPLICANT: Dave Stepp & Terry Walton  
OWNER: D Dubs Real Estate, LLC.  
LOCATION: 762 Pope Lake Road Angier, NC 27501  
ZONING: RA-30 & Conservation  
ACREAGE: 12.74 PIN# 0692-39-3045.000  
LAND USE CLASSIFICATION: Agricultural & Environmentally Sensitive Areas

REQUEST: The applicant has appealed the Administrator's decision that the placement and construction of an access driveway in a Conservation district is allowed due to the inability to restrict access to personal property.

AERIAL:

GIS Aerial





Google Aerial

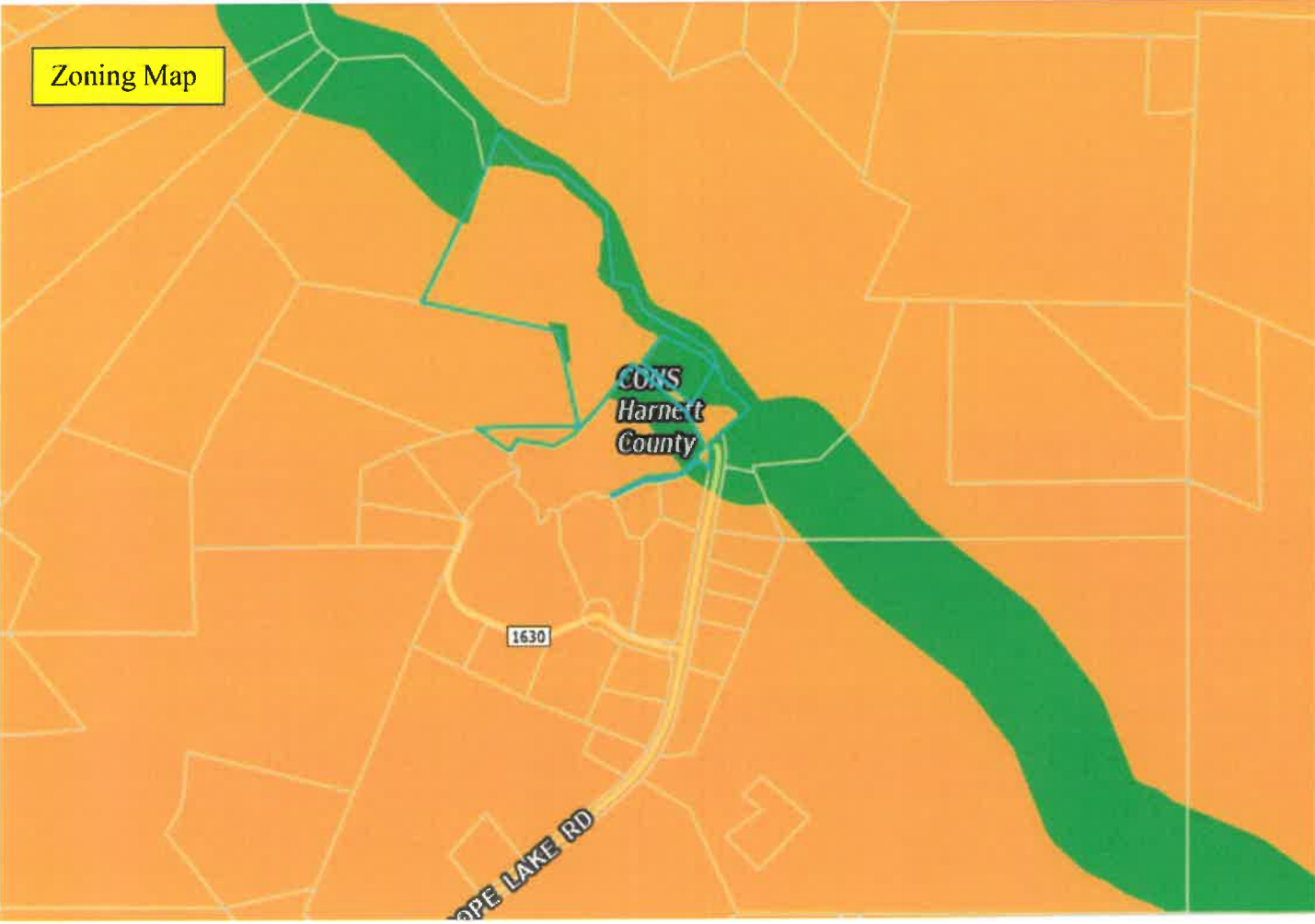


new access  
drive

Pope Lake Rd

Black River

Zoning Map



## Land Use Classification Map



### PHYSICAL CHARACTERISTICS

- A. **Site:** Currently under construction for mixed residential development.
- B. **Surrounding Land Uses:** Single Family Residential / Agricultural / Undeveloped Forestry
- C. **Utilities:** Water – Public Sewer – Public

### BACKGROUND:

- May 2024 a code case was created due to a citizen complaint in reference to development without permits.
- August 2024 another code case was created due to a citizen complaint in reference to development without permits.
- NC Department of Environmental Quality approved a permit for land disturbance of 0.18 acres to construct the driveway/ access road.
- US Army Corps of Engineers approved a permit for the dam repairs/ improvements.
- US Army Corps of Engineers approved a permit for the new driveway access road.
- After several site visits, Development Services staff and the County's Sr Staff Attorney met to discuss this situation. Since the State as well as the USACE approved this access, it was then determined that a driveway was not considered 'development' from the County's perspective and Conservation zoning violation did not exist.
- A Floodplain permit was required due to the disturbance, as similar to the DEQ permit. That was applied for and granted.

# UNIFIED DEVELOPMENT ORDINANCE REGULATIONS

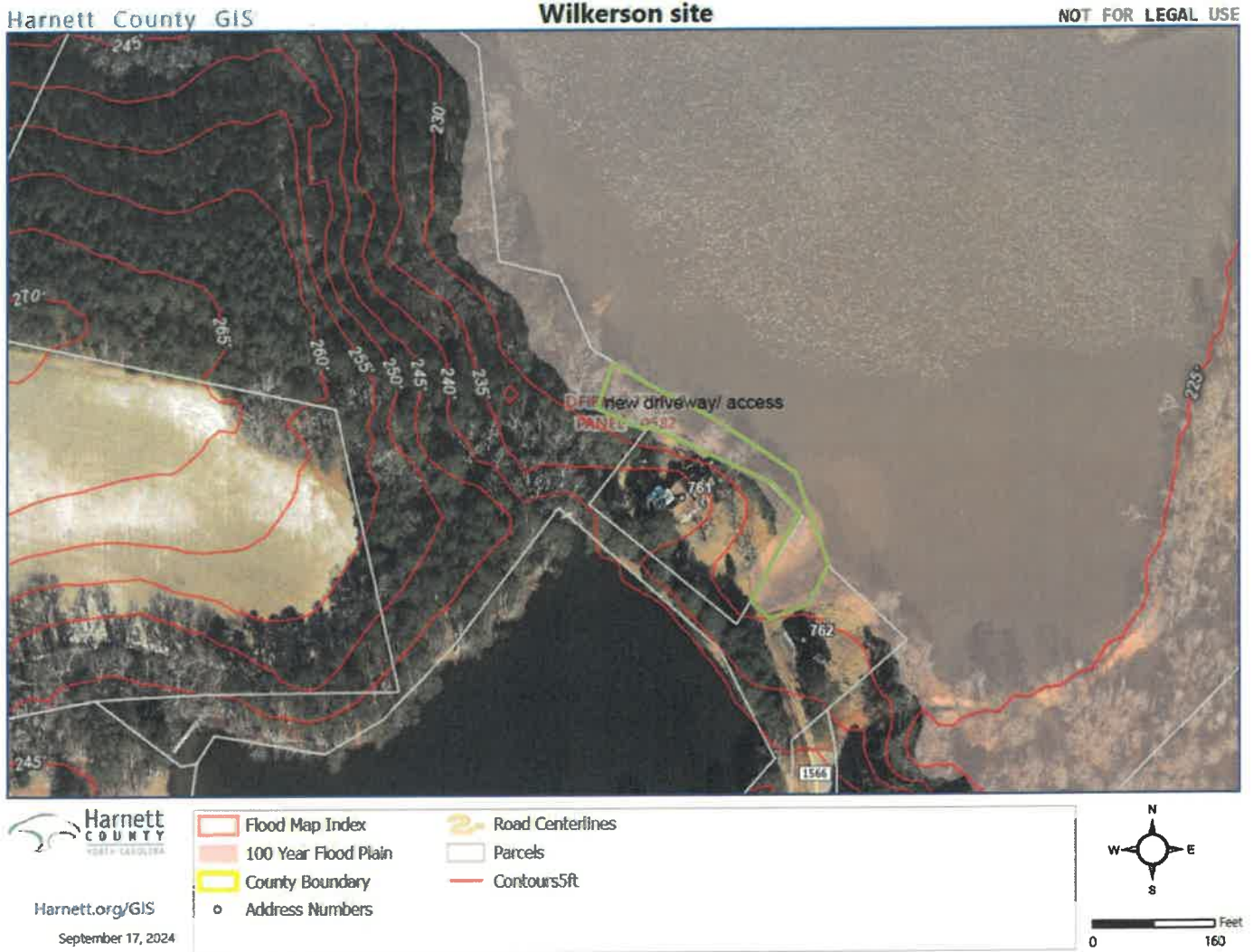
## ARTICLE IV. ZONING & OVERLAY DISTRICTS

### SECTION 11.0 CONSERVATION - CONS

#### 11.1 Purpose

The purpose of the Conservation District is to encourage the preservation of and continued use of the land for conservation purposes in its natural state, and to prohibit intrusive development of the land in areas with alluvial soils, perennial streams, or that are subject to flooding or considered wetland.

## WILKERSON SUBMITTED SITE PLAN



### Narrative of Work

762 POPE LAKE ROAD, ANGIER NC 27501

D Dubs Real Estate, LLC ein82-1296992

1774 Benson Road Angier NC 27501

The full scope of this project is to restore/repair the dam containing Pope Lake, as well as prep and grade parcel # 040692-0150-01 for a potential single-family dwelling at a later date.

The Lake has been in existence since the late 1700's, however it had been significantly impacted by years of neglect. The dam was breached in the fall/summer of 2021 several months before D Dubs Real Estate, LLC purchased it. The property was purchased by D Dubs Real Estate, LLC in January 2022 and repair of the dam began in February of 2022 and was completed in December 2023. The Army Corp of Engineers meet with us onsite in April of 2024 to review what had been done. It was determined that the COE would issue an "after the fact" permit, which has been approved, however we are waiting for it to be issued. Additionally, on this same date we met with NCDENR to review the same issue as well as the installation of a gravel access drive (**0.183 acres**) to a **12.70 acres** tract currently being developed for a private residence at a future date. This access drive was approved by NCDENR **WCQ # 007047** (*see attached*).

I have attached a drawing/plan of the storm water drainage including underground pipe/inlets, flood-gates and spillway.

We have completed some stone retaining walls to help prevent erosion and are currently installing 72,000 square feet of sod to stabilize the soils.

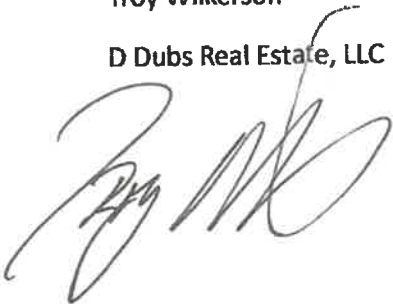
Again, the goal is to restore the lake and stabilize the dam for many years to come, as well preparing the property for a single- family residence at a future date.

For any questions or concerns, I can be contacted at 910-279-7062 or @ [troy.ddubs@gmail.com](mailto:troy.ddubs@gmail.com)

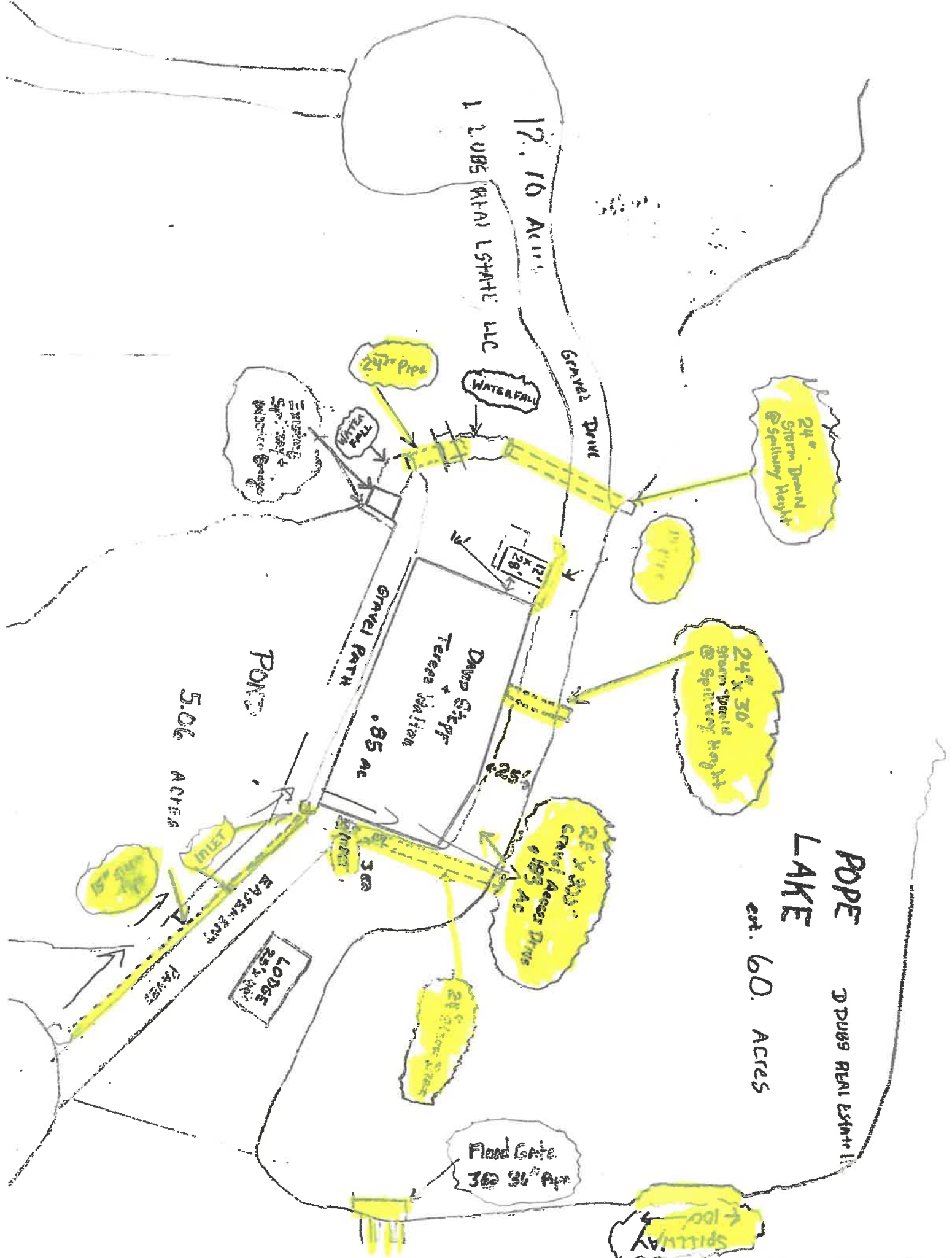
Sincerely,

Troy Wilkerson

D Dubs Real Estate, LLC sole member/manager







**POPE LAKE**

est. 60. ACRES

DUBS REAL ESTATE

Current survey completed 3/11/24

**Certificate of Ownership and Dedication**

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described herein, which is located in the subdivision jurisdiction of Harnett County, North Carolina and that I (we) hereby accept the plan of general division with my (our) free consent and without minimum building setback lines as noted.

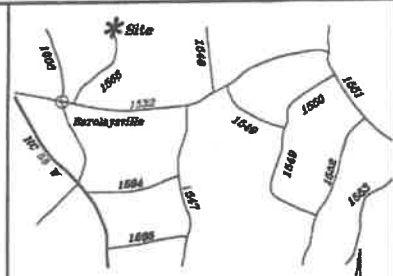
Date: 4/12/2024  
 Title: The Owners  
 Owner:

This plan is a representation of a recombination of land, however this plan does not transfer title. It is the owners responsibility to have the appropriate deeds or other documentation recorded at the Register of Deeds to transfer the title.

L. James W. Mauldin, certify that this plat was drawn under my supervision from an actual survey made under my supervision (Good description recorded in Book 100 Page 616) (where that the boundaries not surveyed are shown as broken lines as drawn from information found in references as shown hereon; that the ratio of accuracy as calculated is 1:10000+; that this plat was prepared in accordance with G.S. 47-36 as amended. Witness my original signature, registration number and seal this the 11th day of March, A.D. 2024.



*L. James W. Mauldin*  
 Surveyor  
 License Number  
 L-2847  
 I hereby certify that this survey is of another category, such as the combining or recombination of existing parcels, a court ordered survey or other exception to the definition of subdivision.  
*L. James W. Mauldin, P.L.S.*



**VICINITY MAP**  
Not to Scale

**LEGEND:**

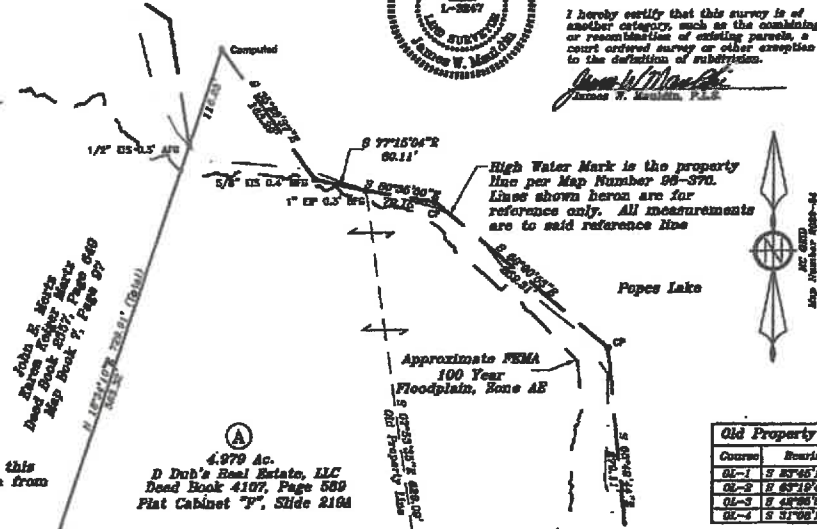
PP	Power Pole
DL	Overhead Elec Line
HT	Fire Hydrant
TP	Telephone
WM	Water Meter
EM	Easement
R/W	Right-of-Way
C/W	Centerline
PC	Flat Cabinet
DB	Dead Bush
FS	Flat Book
SM	Book of Maps
FW	Parcel Identifier Number
Ac	Acres
Sq. Ft.	Square Feet
CP	Computed Point
[ ]	Street Address

**NOTES:**

- \* Iron Stakes set at all property corners unless noted otherwise.
- \* Areas determined by coordinate method.
- \* All distances/measurements are horizontal ground distances unless otherwise indicated.

**Property Line Table**

Course	Bearing	Distance
L-1	S 87°20'10" W	44.97'
L-2	N 84°01'51" E	24.40'
L-3	S 72°38'57" W	25.19'
L-4	S 72°38'18" W	64.05'
L-5	S 64°28'44" W	126.02'
L-6	N 89°50'30" W	11.26'
L-7	N 89°50'30" W	122.57'
L-8	N 87°18'37" E	184.89'
L-9	N 87°18'37" E	106.02'
L-10	N 87°18'37" E	45.07'
L-11	N 87°18'37" E	45.07'
L-12	N 87°18'37" E	184.89'
L-13	N 87°18'37" E	106.02'
L-14	N 87°18'37" E	45.07'
L-15	N 87°18'37" E	45.07'
L-16	N 87°18'37" E	184.89'
L-17	N 87°18'37" E	106.02'
L-18	N 87°18'37" E	45.07'
L-19	N 87°18'37" E	45.07'
L-20	N 87°18'37" E	184.89'
L-21	N 87°18'37" E	106.02'
L-22	N 87°18'37" E	45.07'
L-23	N 87°18'37" E	45.07'
L-24	N 87°18'37" E	184.89'
L-25	N 87°18'37" E	106.02'
L-26	N 87°18'37" E	45.07'



**Old Property Line Table**

Course	Bearing	Distance
OL-1	S 87°45'11" E	43.49'
OL-2	S 87°18'41" E	41.28'
OL-3	S 47°38'56" E	76.72'
OL-4	S 51°38'19" E	82.88'

**Easement Line Table**

Course	Bearing	Distance
E-1	S 87°20'10" E	226.04'
E-2	S 87°20'10" E	18.87'
E-3	N 87°20'10" W	24.44'
E-4	N 87°20'10" W	200.69'

Note: Dashed Lines not surveyed at this time. All Broken Lines taken from Map Number 2023-24

4.979 Ac.  
 D Dub's Real Estate, LLC  
 Deed Book 4107, Page 589  
 Flat Cabinet "T", Side 2184

52.591 Ac. Original (Map Number 2023-24)  
 0.163 Ac. Recommended Area B  
 52.409 Ac. Actual

**NOTE**  
 THE SURVEYOR RELIED UPON THE CITY OR COUNTY FOR APPROVAL OF ALL APPLICABLE ORDINANCE AND HAS MADE NO INTERPRETATIONS OF THE ORDINANCES.

**Curve Table**

Curve	Radius	Length	Delta	Chord	Chord Bear.
C-1	45.00'	23.00'	21°30'18"	24.79'	N 79°30'00" W
C-2	45.00'	60.54'	77°04'46"	58.89'	S 47°21'55" W

**NOTES:**  
 (A.) THE PROPERTY SHOWN HEREON IS SUBJECT TO ALL EASEMENTS OF RECORD AFFECTING SAME.  
 (B.) NO TITLE SEARCH HAS BEEN PERFORMED BY THIS FIRM DURING THE COURSE OF THIS SURVEY.  
 (C.) THIS SURVEYOR DOES NOT CERTIFY TO THE EXISTENCE OR NON-EXISTENCE OF ANY UNDERGROUND UTILITIES THAT MAY OR MAY NOT BE PRESENT ON THIS SITE.

7.576 Ac. ± Original  
 + 4.979 Ac. Recommended Area A  
 + 0.163 Ac. Recommended Area B  
 12.738 Ac. ± Total

Angela Langdon Scurry  
 Deed Book 1813, Page 200  
 Map Book 7, Page 97  
 Map Number 2023-478

High Water Mark is the property line per Map Number 2023-24. Lines shown hereon are for reference only. All measurements are to said reference line.

Harnett County  
 Minimum Building Setback Requirements  
 RA-30P, RA-30M, RA-30 & RA-40

State of North Carolina  
 County of Harnett

I hereby certify that the property shown hereon is exempt from the Harnett County Subdivision regulations and is approved for recording in the Register of Deeds.

Theresa Jolis  
 4/12/2024  
 Filing Director

State of North Carolina  
 County of Harnett

I, \_\_\_\_\_, Surveyor of Harnett County, certify that the map or plat to which this certification is attached meets all statutory requirements for recording.

Matthew S. Wells  
 Registered Professional Land Surveyor  
 License No. L-2847  
 State of North Carolina

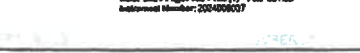
submitted electronically by "Lester Spacill and Associates, P.L.S., PA" in compliance with North Carolina statutes operating recordable documents and the terms of the submitter's agreement with the Harnett County register of deeds.

**Lot Recombination**

Owned by, Surveyed and Mapped for:  
**D Dub's Real Estate, LLC**

1774 Beeson Road Angier, NC 27801

TOWNSHIP: BLACK RIVER	COUNTY: HARNETT	DATE: 3-11-2024	SURVEYED BY: TFP	FIELD BOOK: LHR888A.CP
STATE: NORTH CAROLINA	FID: 040802 0160 01, 040602 0006	SCALE: 1" = 100'	DRAWN BY: PAN	DRAWING FILE NO.
ZONE: RA-30 & CONS	PIR: 0682-30-3363, 0686-30-3046, 0682-30-3066	CHECKED & CLOSURE BY: JCA		LHR88-988 B







# Application for Appeal

Harnett County, North Carolina  
Planning Department  
420 McKinney Pkwy, Lillington, NC 27546  
Phone: (910) 893-7525 Opt. 2 Fax: (910) 893-2793

Total Fee: \$ 260.00  
Receipt: \_\_\_\_\_  
Meeting Date: Jan. 13, 2025  
Case #: BOA2410-005

### Landowner Information

Name: D Dubs Real estate, LLC  
Address: 1774 Benson Rd  
Angier, NC 27501  
Phone: 910-229-2062  
Email: Troy.dubs@gmail.com

### Applicant Information

Name: Dave Stepp / Terry Walton  
Address: 761 Pope Lake Rd.  
Angier, NC 27501  
Phone: 910-331-8066  
Email: dww.stepp@gmail.com

### Property Information

Parcel ID: 040693 0150 01  
PIN: 0692-39-3045.000  
Zoning: RA30  
Deed Book: 4107 Page: 0589  
Plat Book: 2024 Page: 163

Township: Black River  
State Road: Pope Lake  
Acreage: 1.93 acres of 12.7  
Property Address: 762 Pope Lake Rd,  
Angier, NC 27501

Appeal to: Planning Board

Board of Adjustment

Appeal of: Subdivision Administrator  
Development Review Board  
Zoning Administrator  
Historic Properties Commission

Decision to be appealed: The closure of violation case no. CE202408-0005  
Development within the conservation area.

Date of decision: 19 Sept 2024

Reason for appeal: The reason "cannot restrict access to personal property"  
is unclear as there are 3 access roads to 762 Pope Lake, the 2nd of which was  
constructed in the conservation zone when there was already access on the  
pond side that was removed from the conservation zone in 2015 specifically  
for that purpose.  
Please see attachments for further explanation.

(Please use additional paper if necessary)

I, as the landowner, hereby **CERTIFY** that the information contained herein is true to the best of my knowledge.

Landowner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Applicant's Signature: [Signature] Date: 15 Oct '24  
(If different from landowner)

**Note: There must be three (3) Board of Adjustment members present at the meeting to hear a request for a Special Use Permit. A concurring vote from the simple majority of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Administrator.**

October 15, 2024

Addendum to the Application for Appeal – case no. CE202408-0005

Document A – 2015 Rezoning Staff report, 2024 completed pictures of access #1

In 2015 there was a public hearing to rezone a portion of the Black River conservation zone to RA-30.

On pages 5 & 6, 4 out of the 10 supporting photos were of the “driveway”. On page 7 Standards of review item D states that There is (or not) convincing demonstration that the character of the neighborhood will not be materially and adversely affected for any use permitted in the proposed change.

Also included here are pictures of the completed access/driveway #1 as of January 2024. Please evaluate these for material changes to the character of the neighborhood.

Document B – Pictures of the conservation zone

The GIS colored picture illustrates the changes to the conservation zone showing (in gold) what was removed including the outline of the driveway. The green area illustrates the unaltered portions of the conservation area. The 2<sup>nd</sup> picture is a closer view of the conservation zone where the proposed access road is easily visible. It appears that access road #2 would obliterate the remaining parts of the conservation area effectively bisecting the area designated for conservation of the Black River. Said another way, *if the access way remains within the conservation, this would serve as an example to future developers for what type of activity could be allowed and how to manipulate the system for private purposes.*

Document C – Google Map of 761 Pope Lake rd.

The overhead view on this map shows the completed gravel access road (#1) originally provided in 2015 along with the earthen dam (on the north side) preventing the lake from returning to its original lakebed. This particular view is currently on Google maps but has not been updated in quite some time. A more current overhead would show the completion of both access road #'s 2 and 3 along with the desecration of approximately 8-10 acres of trees and the resulting loss of habitat, likely an unintended consequence of the 2015 zoning change. Note that access road #2 is still part of the conservation zone while access road #'s 1 & 3 are not.

Document D – June 19<sup>th</sup> 2024 letter from Sage ecological services

The 3<sup>rd</sup> paragraph of this letter contains the premise that the lot ...” was otherwise land locked and inaccessible” which would be untrue when the 1<sup>st</sup> gravel road was already created and a 3<sup>rd</sup> access road was planned (now completed) from Old Stage Road. Note: Construction on that road began after the date of this letter. In paragraph 4 it appears that a county representative was not present at the March 27<sup>th</sup> 2024 meeting.

At this point my understanding is that the county has jurisdiction of the conservation area and it is possible that it was not considered as part of the agreement to allow driveway fill on the south side of the lake.

This document curiously makes no reference to existing pondside road, which would serve to invalidate the assertion that the property is landlocked.

Document E – July 29<sup>th</sup> letter from the North Carolina Environmental Quality department

The 3<sup>rd</sup> paragraph of this letter begins with “This Water Quality Certification neither grants nor affirms any property right, license, or privilege in any lands or water, or any right of use in any waters...”

The 1<sup>st</sup> page of the actual certification narrowly describes just the .18 portion of the newly created driveway without any reference to the water that is funneled down the property line between it and our existing property at 761 Pope Lake Road. The drainage culvert receives water from the larger 10+ acre and has been discharging it directly onto our property.

These and many other events taken individually and not reviewed over time paint a much different picture than what has been our reality on the front lines of this never-ending series of projects that began in February of 2022.

Far from the innocuous description of not being materially and adversely affected, we have witnessed the destruction of all of the natural resources around us. The trees have been burned, the wildlife has disappeared, and the waterways are lined with industrial rip rap. Herbicides have been sprayed in the water, ash has rained down on our roof and the constant noise & disruptions are inconsistent with a desired neighborhood.

The rip rap has also been placed along our property line that was formally a lake. Next to the rip rap it is lined with mud and standing water and most recently a tall wooden fence it being built to block what is left of the water view.

To further degrade our experience, we are now *completely encapsulated* and forced to endure dump trucks, trash trucks, delivery trucks, 18 wheelers, bulldozers and anyone that takes a notion to run circles around our home 7 days a week, up to 18 hours a day.

Having 3 access roads is excessive and most certainly invasive to us and the neighbors that are nearby. It is our hope that you will reconsider the conservation violation that specifically deals with access road #2 on the southside of the lake.

Respectfully submitted, Terry & Dave

A



# REZONING STAFF REPORT

Case: 15-181

Jay Sikes, Mgr. of Planning Services

[jsikes@harnett.org](mailto:jsikes@harnett.org)

Phone: (910) 893-7525

Fax: (910) 814-8278

Planning Board: June 1, 2015

County Commissioners: June 15, 2015

Requesting rezone a portion of the Conservation to RA-30

## Applicant Information

### Owner of Record:

Name: William R. Pope

Address: 70 Swan Ln

City/State/Zip: Angier, NC 27501

### Applicant:

Name: SAME

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

## Property Description

PIN(s): 0692-29-9363 & 0692-39-3045

Within two parcels  
Acreage: ~10.0 acres  
of 11.4

Address/SR No.: Pope Lake Rd

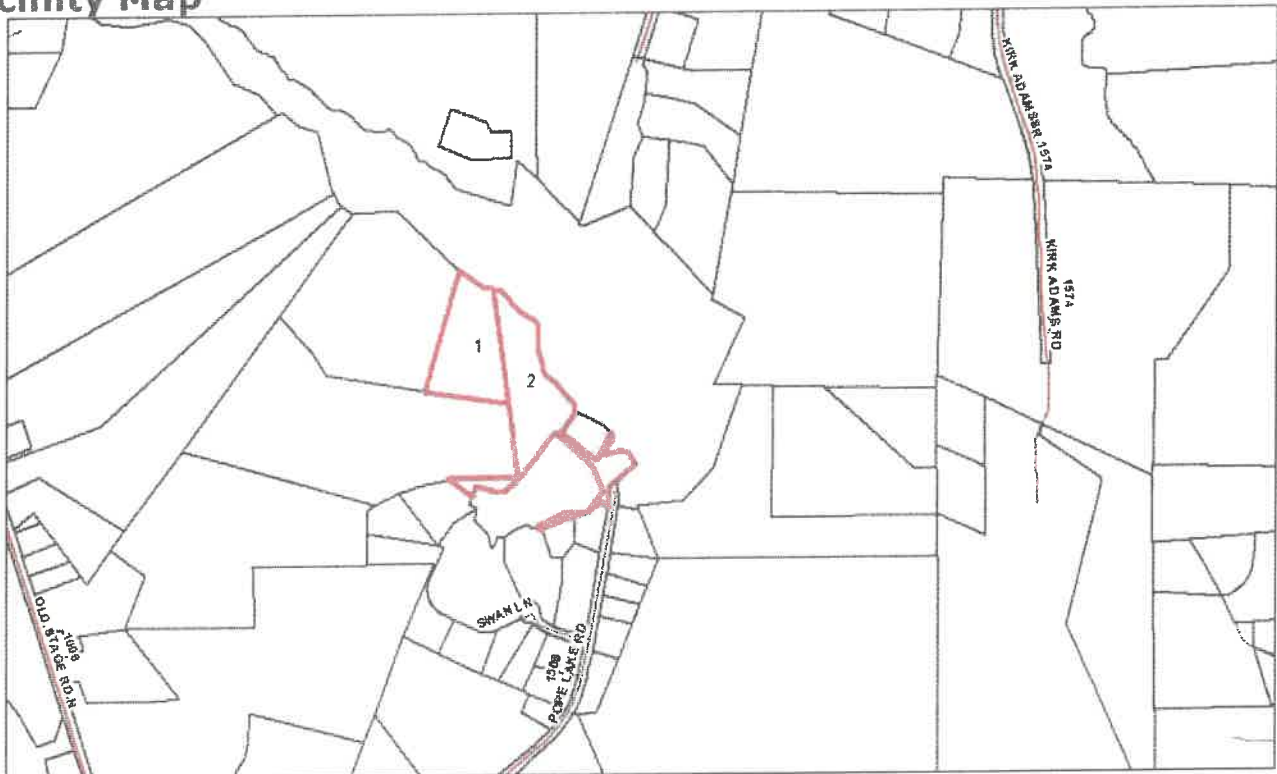
### Township:

- (01) Anderson Creek
- (02) Averasboro
- (03) Barbecue
- (04) Black River

- (05) Buckhorn
- (06) Duke
- (07) Grove
- (08) Hectors Creek

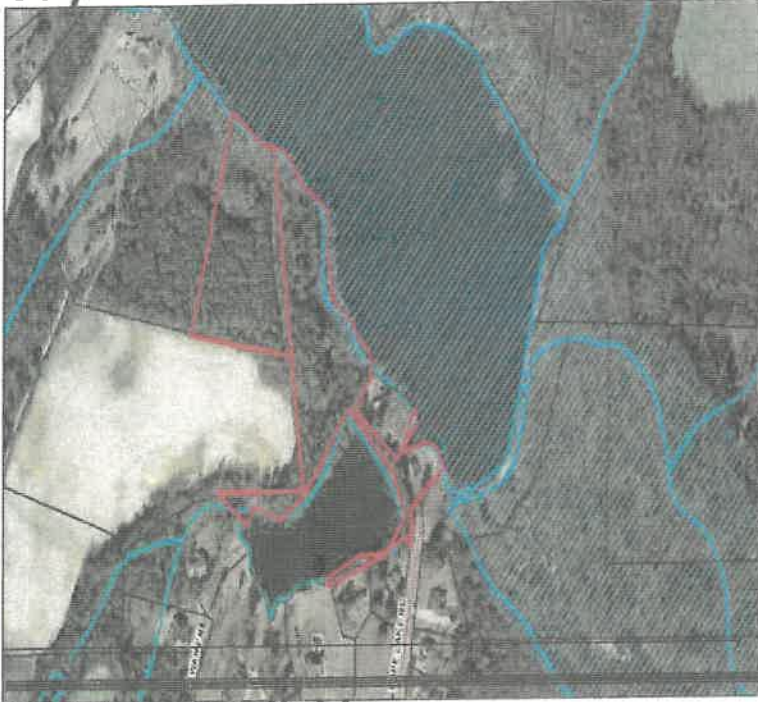
- (09) Johnsonville
- (10) Lillington
- (11) Neill's Creek
- (12) Stewart's Creek
- (13) Upper Little River

## Vicinity Map



A

## Physical Characteristics



Site Description: Most of the area is currently vacant and wooded, except for a storage bldg.

Per the U.D.O., The purpose of the Conservation District is to encourage the preservation of and continued use of the land for conservation purposes in its natural state, and to prohibit intrusive development of the land in areas with alluvial soils, perennial streams, or that are subject to flooding or considered wetlands.

This Conservation District is determined to be 300 ft. as measured from the center of Black River, north of intersection with SR 1552, Abattoir Rd.

Surrounding Land Uses: Surrounding land uses include single-family homes and vacant land.

## Services Available

Water:

- Public (Harnett County)
- Private (Well)
- Other: Unverified

Sewer:

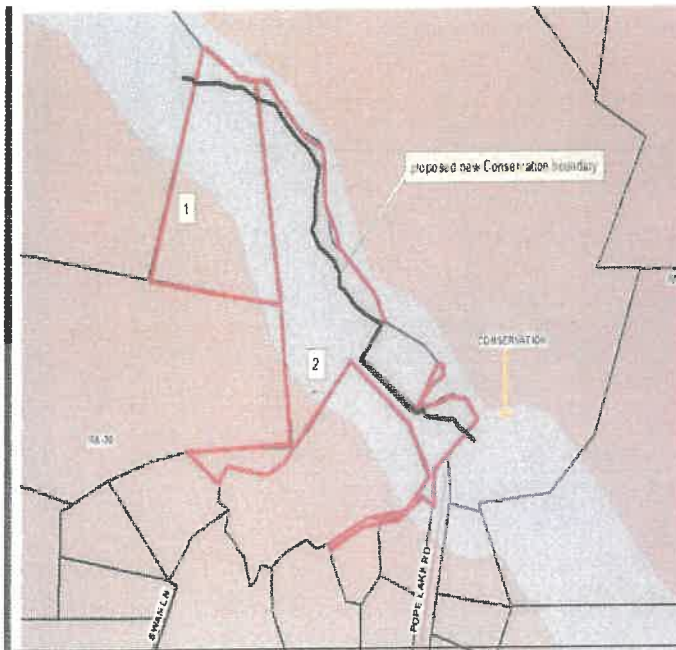
- Public (Harnett County)
- Private (Septic Tank)
- Other: unverified

Transportation:

- Annual Daily Traffic Count: N/A
- Site Distances: Good

## Zoning District Compatibility

The following is a summary list of general uses, for actual permitted uses refer to the Zoning Ordinance.

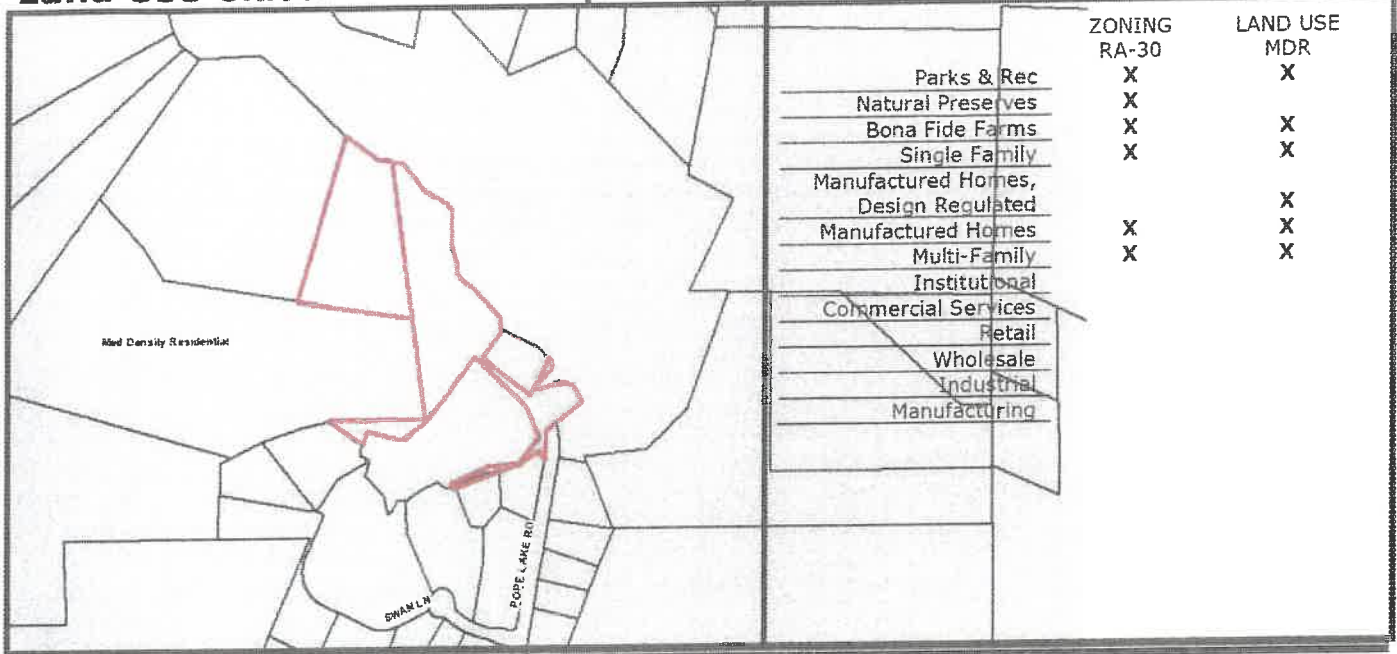


	CURRENT CONS & RA- 30	REQUESTED RA-30
Parks & Rec	X	X
Natural Preserves	X	X
Bona Fide Farms		X
Single Family	X*	X
Manufactured Homes, Design Regulated		
Manufactured Homes		X
Multi-Family		X
Institutional		
Commercial Services		
Retail		
Wholesale		
Industrial		
Manufacturing		

\*single family residences that utilize public water & sewer can reduce the Cons buffer by 50%

Existing zoning & proposed new Conservation boundary, which would follow floodplain &/ or wetland boundary.

## Land Use Classification Compatibility



### Additional Information

On June 1<sup>st</sup>, the Harnett County Planning Board voted unanimously (4-0) to recommend approval of this Rezoning application based on the geography and the protection of the known environmentally sensitive areas.

### Evaluation

Yes  No

The IMPACT to the adjacent property owners and the surrounding community is reasonable, and the benefits of the rezoning outweigh any potential inconvenience or harm to the community.

**REASONING:** The impact to the adjacent property owners and the surrounding community is reasonable. The existing zoning district of Conservation is to protect the natural environment as well as citizens and their property from flood hazards. However, the area requested to be rezoned is not located within any flood hazard area, or any noted wetlands, and should cause no harm or inconvenience to the community.

Yes  No

The requested zoning district is COMPATIBLE with the existing Land Use Classification.

**REASONING:**

The requested zoning is compatible with the existing land use classification of Medium Density Residential. Medium Density Residential is meant to encourage stick built and manufactured residential developments.

Yes  No

The proposal does ENHANCE or maintain the public health, safety and general welfare.

**REASONING:**

This request will maintain the public health, safety and general welfare since the area that is being requested does not lie within a flood hazard area or delineated wetlands, and will not interfere with the remaining conservation area.

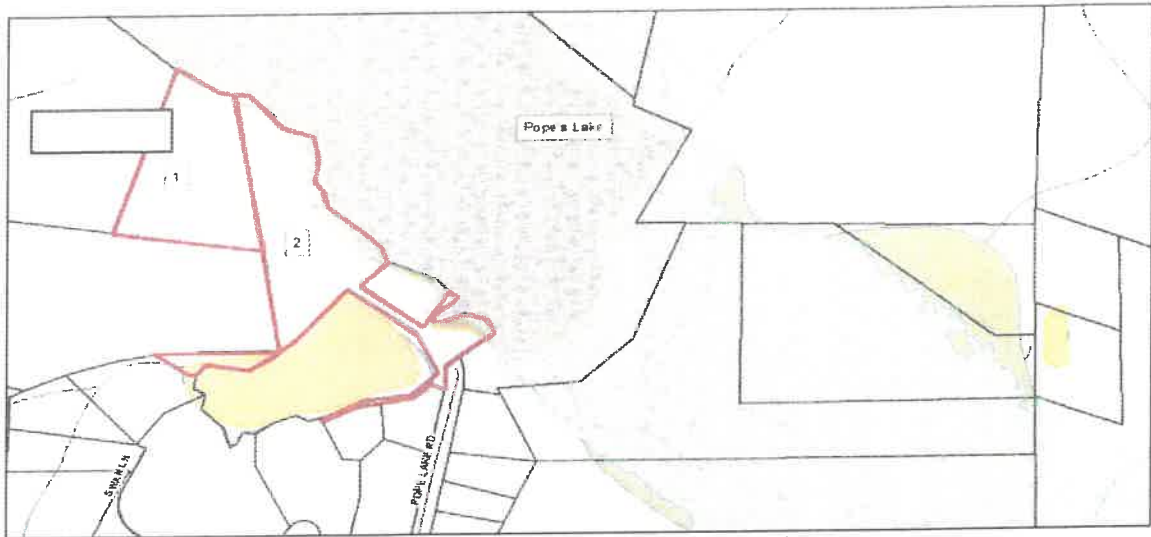
Yes  No

The request is for a SMALL SCALE REZONING and should be evaluated for reasonableness

**REASONING:** This request does not need to be evaluated for a small scale rezoning, because the area abuts existing RA-30 zoning.



A



floodplain areas & known wetlands

### Site Photographs



Site driveway



Pope's Lake, storage bldg., & adjacent residence



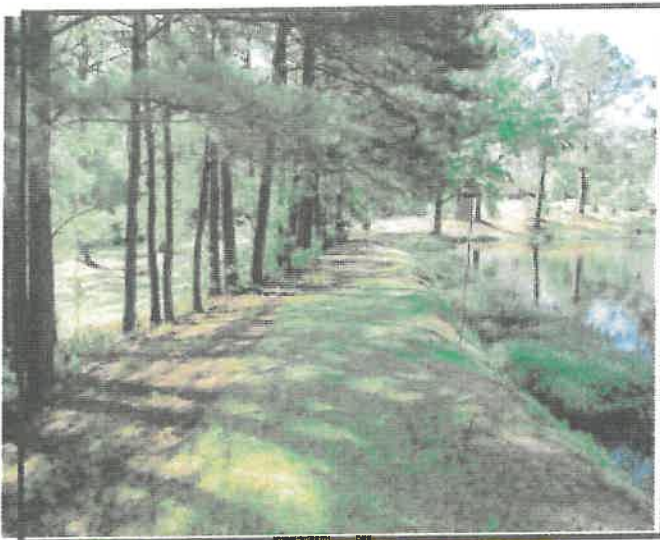
Site



Site



A.



Pond dam & potential driveway



Pond dam & potential driveway looking at site



Adjacent residence & potential driveway



Adjacent residence & pond



Looking back on pond dam & potential driveway



Adjacent residences & pond

A.

## Standards of Review and Worksheet

### STANDARDS OF REVIEW

The Planning Board shall consider and make recommendations to the County Board of Commissioners concerning each proposed zoning district. The following policy guidelines shall be followed by the Planning Board concerning zoning districts and no proposed zoning district will receive favorable recommendation unless:

- Yes  No A. The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.
- Yes  No B. There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of the individual or small group.
- Yes  No C. There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved.)
- Yes  No D. There is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.
- Yes  No E. The proposed change is in accordance with the comprehensive plan and sound planning practices.

### GRANTING THE REZONING REQUEST

Motion to grant the rezoning upon finding that the rezoning is reasonable based on **All** of the above findings of fact A-E being found in the affirmative and that the rezoning advances the public interest.

### DENYING THE REZONING REQUEST

Motion to deny the rezoning upon finding that the proposed rezoning does not advance the public interest and is unreasonable due to the following:

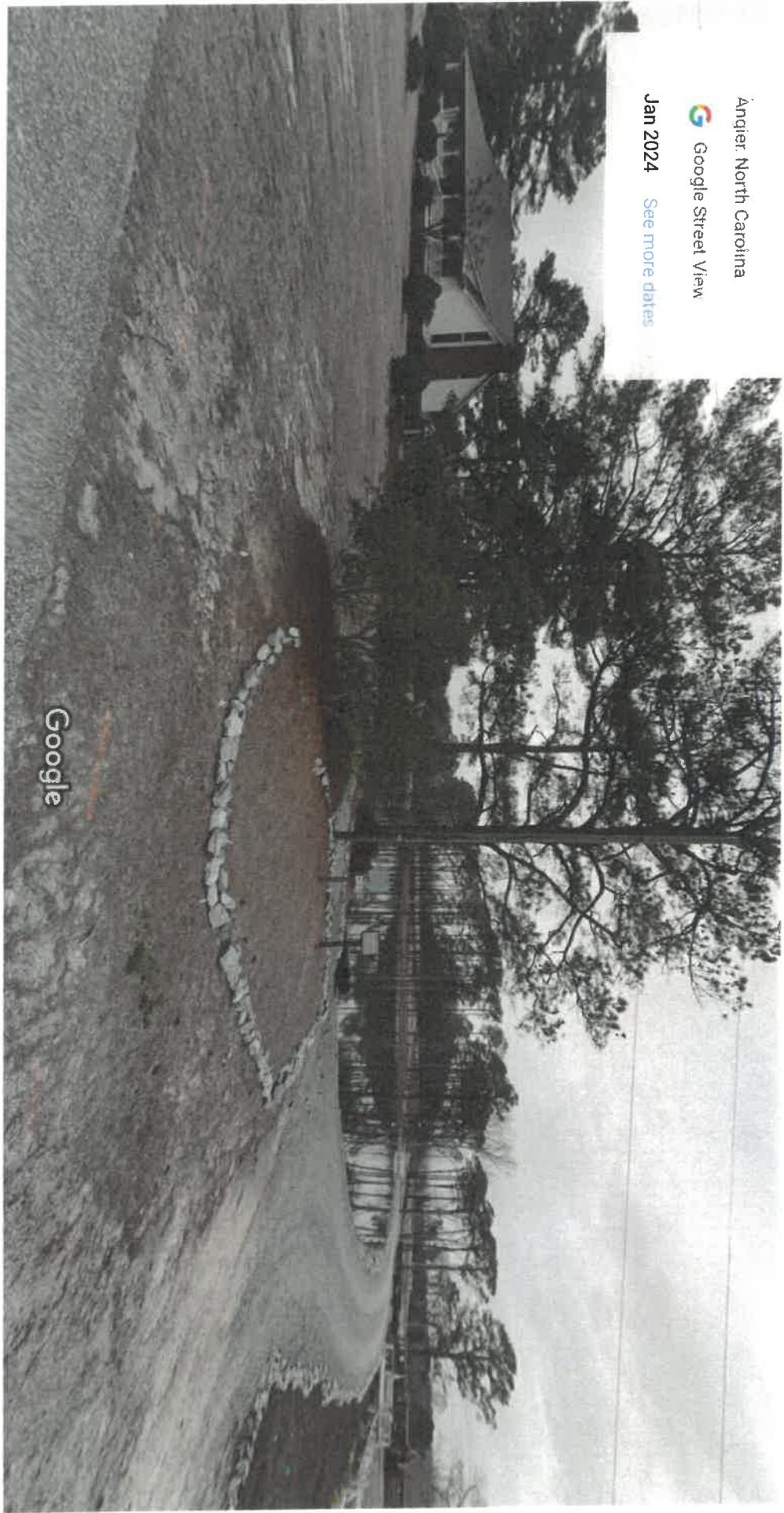
- The proposal will not place all property similarly situated in the area in the same category, or in appropriate complementary categories.
- There is not convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of the individual or small group.
- There is not convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved.)
- There is not convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.
- The proposed change is not in accordance with the comprehensive plan and sound planning practices.
- The proposed change was not found to be reasonable for a small scale rezoning

A

*Access Road #1 on Pond Dam*

Google Maps 761 Pope Lake Rd

Angier, North Carolina  
Google Street View  
Jan 2024 See more dates



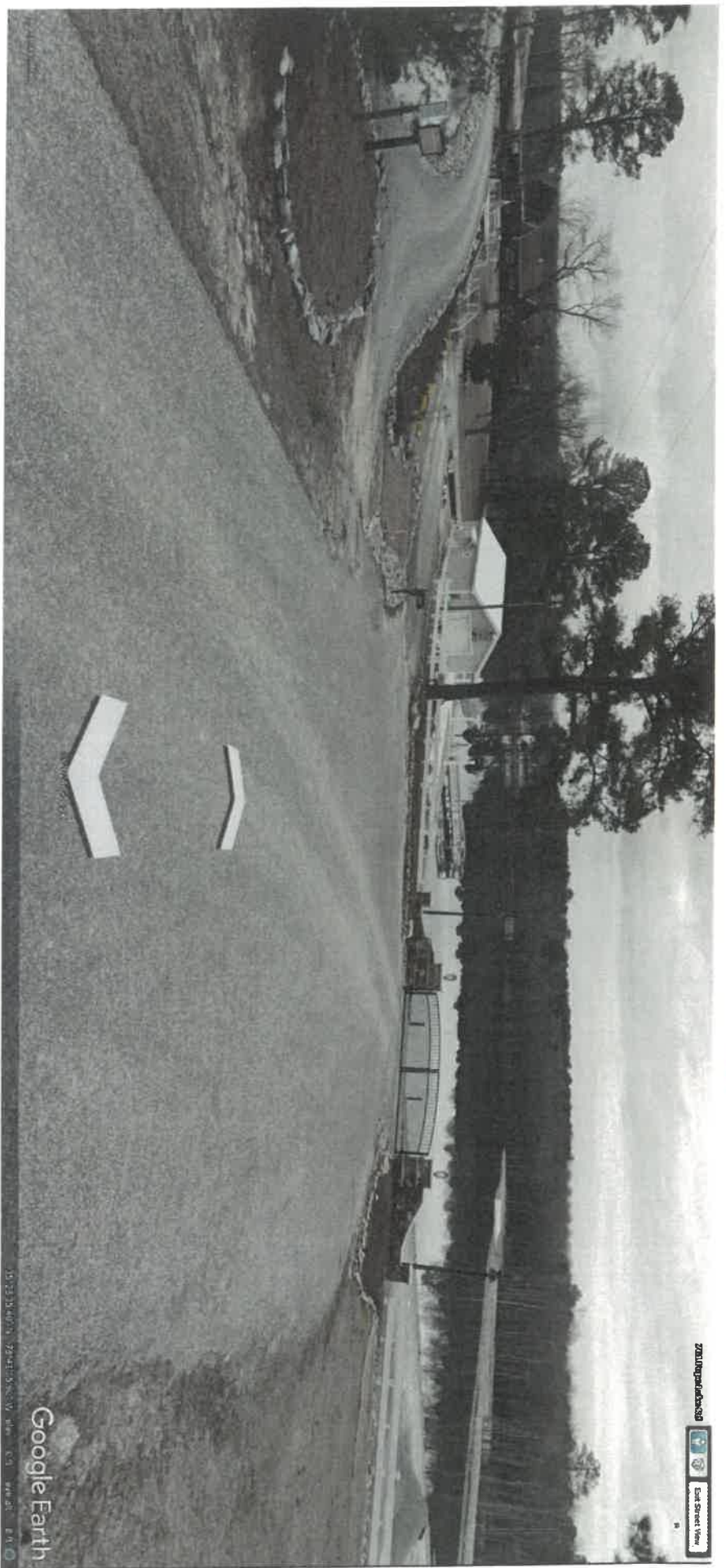
Google

Image capture: Jan 2024 © 2024 Google



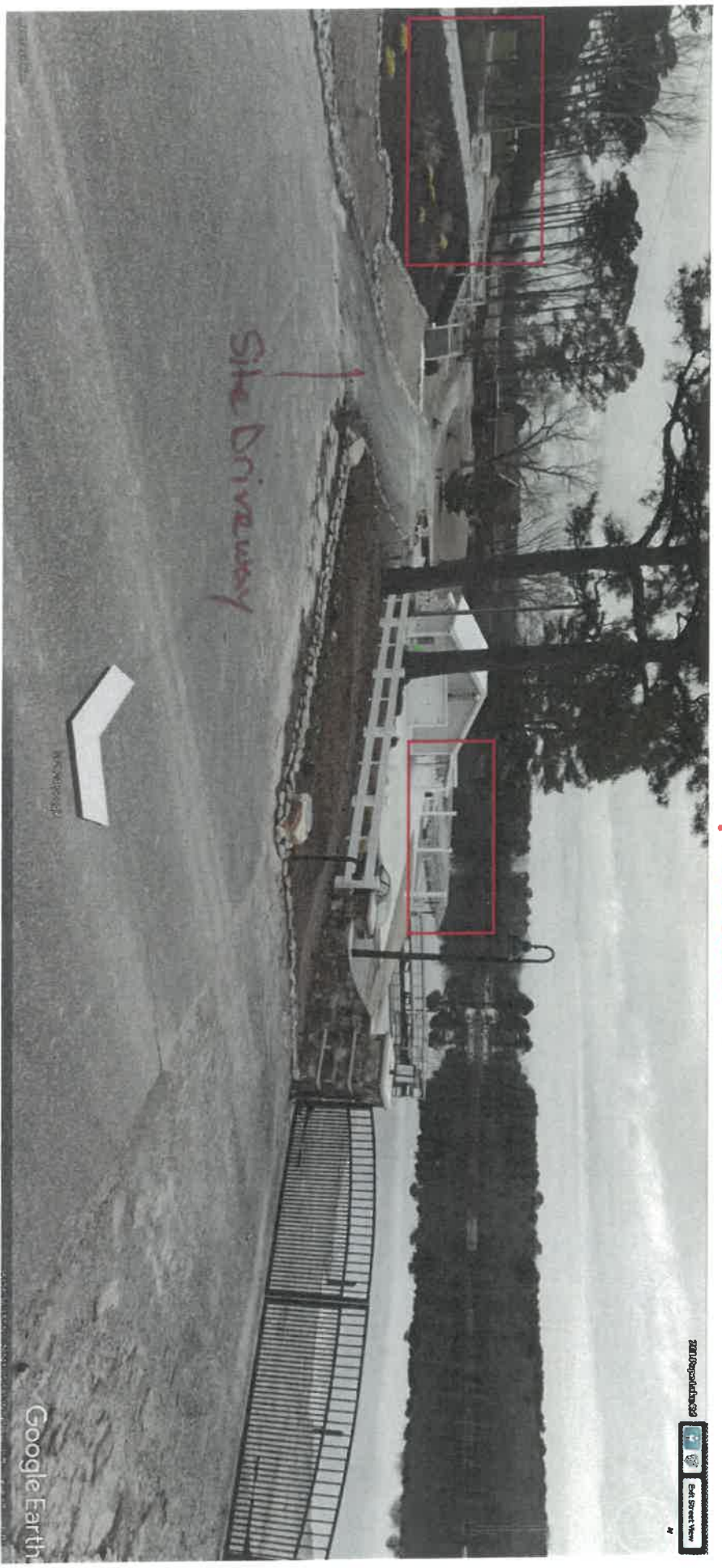
A

Access Road # 1



A

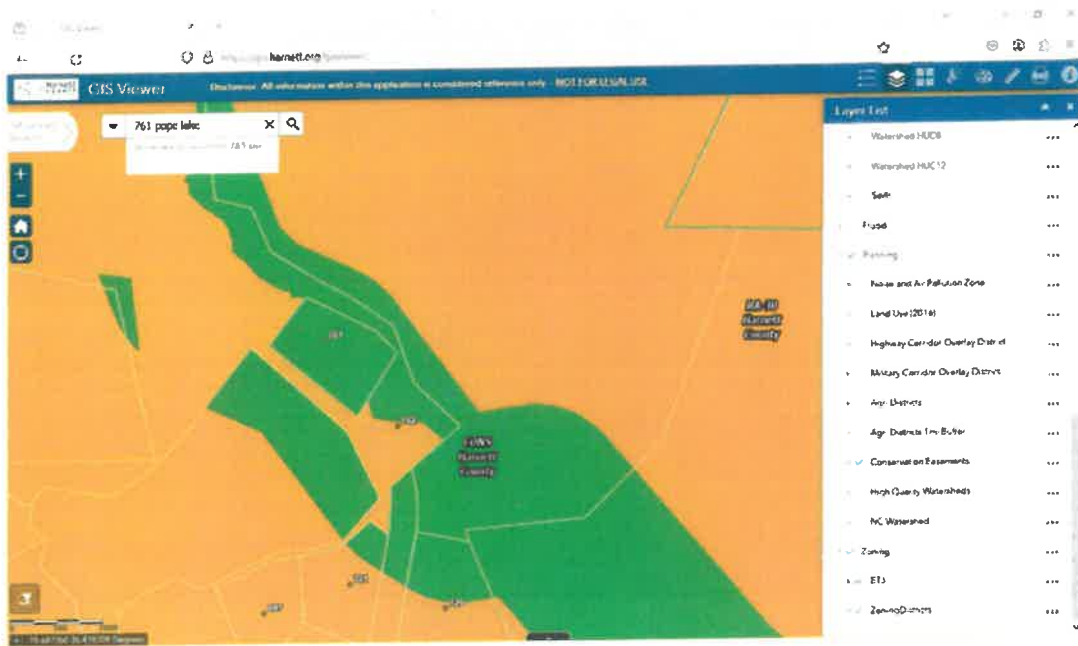
Access Road #2



Access Road #1

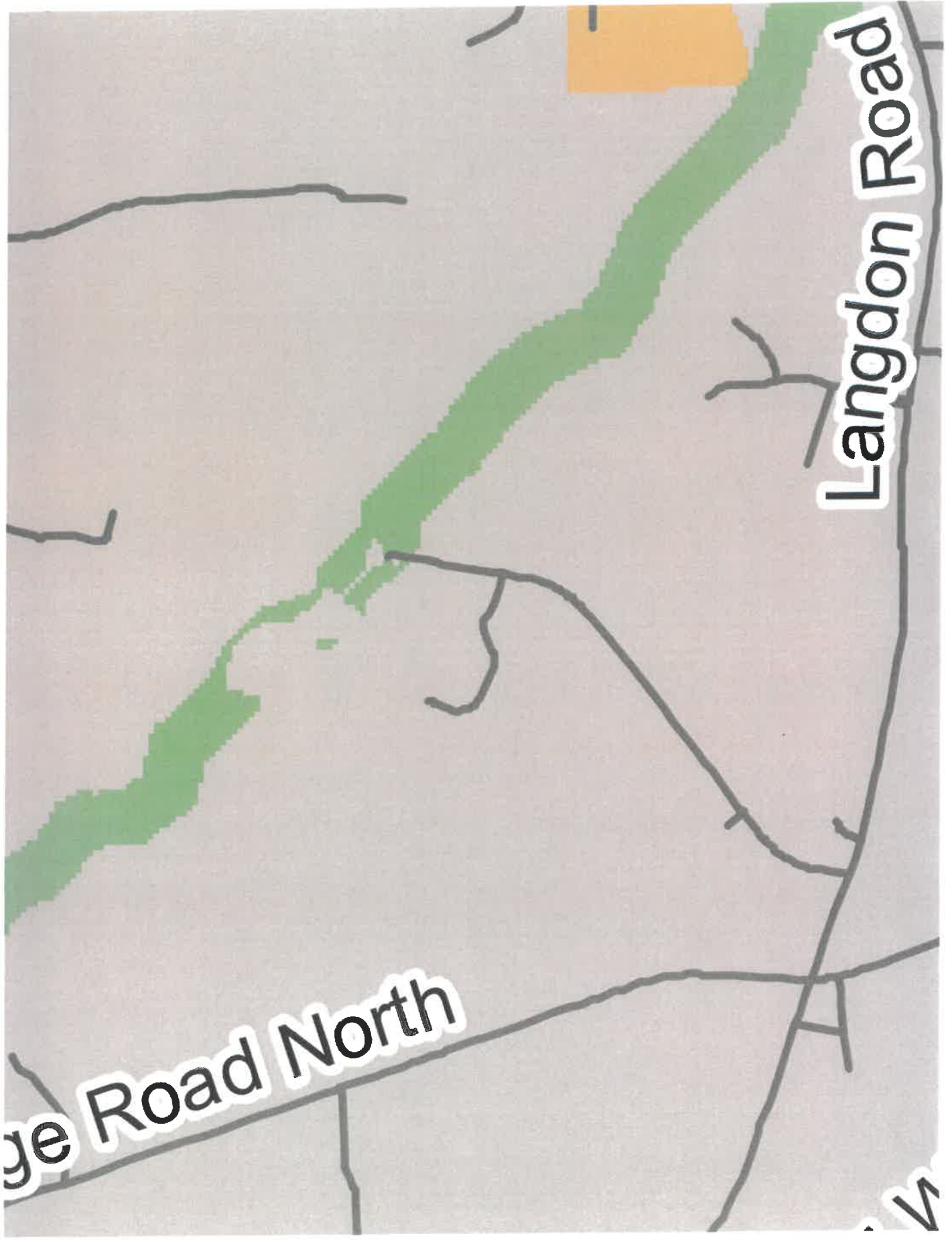
B

Picture of the conservation zone that shows the results of the 2015 changes.



B

Closer view of conservation zone w/access road #1





Google Maps 761 Pope Lake Rd



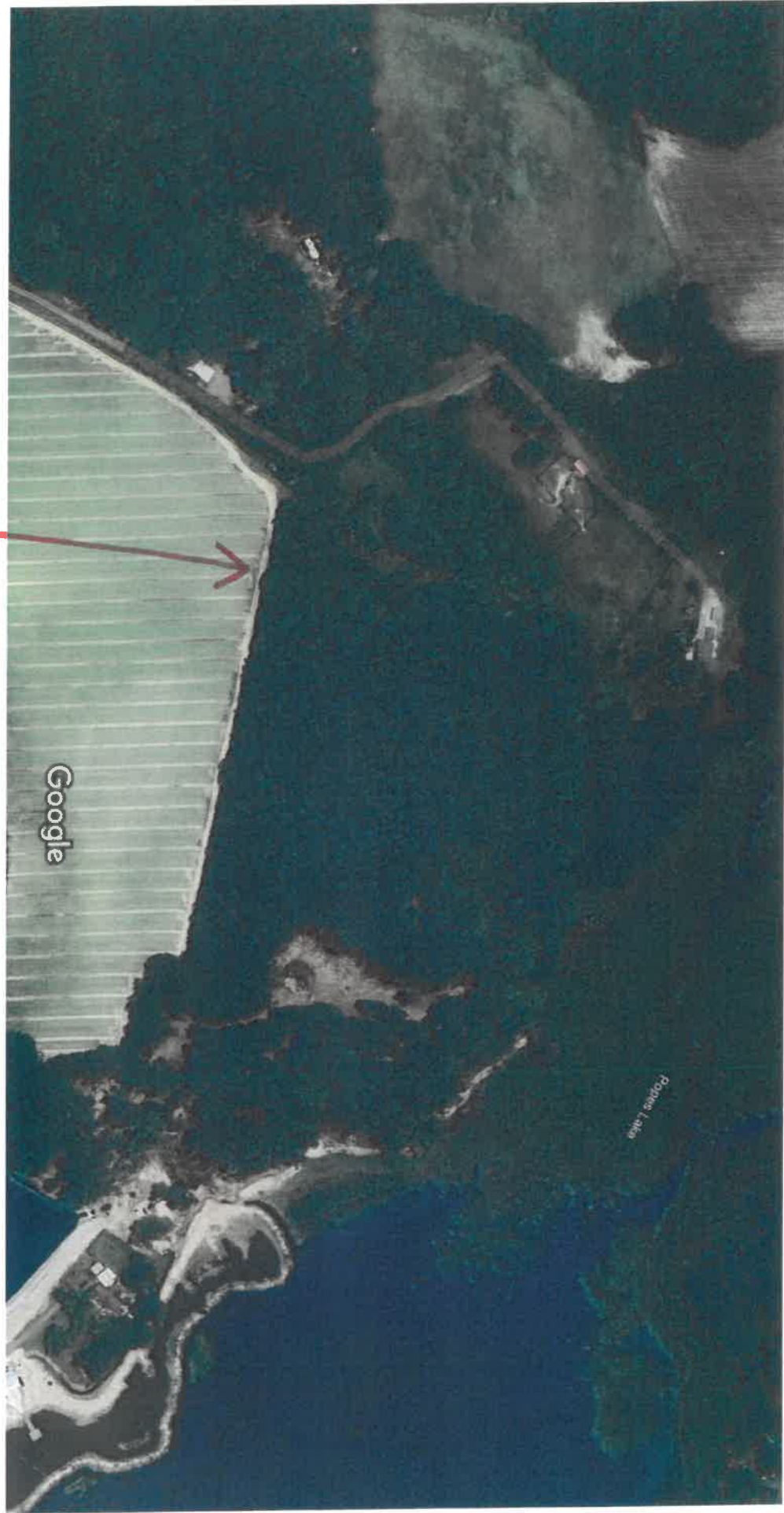
Imagery ©2024 Airbus, CNES / Airbus, Maxar Technologies, Map data ©2024 100 ft







picture of  
Access road #3



Imagery ©2024 Airbus, CNES / Airbus, Maxar Technologies, Map data ©2024 100 ft

location of access road #3  
prior to construction  
Google map views are out of date

D



June 19, 2024

US Army Corps of Engineers  
Wilmington Regulatory Office  
Attn: Katharine Elks  
69 Darlington Avenue  
Wilmington, NC 28403

NC Division of Water Resources  
401 & Buffer Permitting Unit  
Attn: Chad Turlington  
225 Green Street, Suite 714  
Fayetteville, NC 28301-5095

Re: **Popes Lake**  
Request for NWP 29, GC 4526  
Sage Project #2024.035

On behalf of D Dubs Real Estate LLC (owners and applicants), please find attached a complete application and supplemental information requesting written concurrence from the US Army Corps of Engineers (USACE) and the NC Division of Water Resources (NCDWR) that the impacts associated with the installation of a driveway for a single lot on Popes Lake (Project) may be approved under Nationwide Permit (NWP) 29 and General Certification 4256 (GC 4256).

The Project includes the construction of a single homesite which includes necessary pond impacts that result from a driveway needed to access the lot. The driveway provides access to the +/- 12.738-acre Site located approximately 2,500 feet east of Old Stage Road, in Angier, Harnett County, NC. The coordinates of 35.4744°N, 78.6852°W generally correspond to the center of the Site.

The adjacent Popes Lake is also owned by D Dubs Real Estate and the lake's dam had been previously breached during a storm event. The owner rebuilt the dam structure and while the lake's water level was lowered during the dam construction, a driveway was constructed along a portion of the southern shoreline to gain access to the single home lot that was otherwise land locked and inaccessible. The portion of area where the driveway fill occurs was replated into the PIN 0692-39-3045.00 from the parcel that Popes Lake is primarily within (PIN 0692-39-3862.000). The 12.74-acre lot with the PIN of 0692-39-3045.00 is located approximately 2,500 feet due east of Old Stage Road without a connection. Any connection to Old Stage Road would require easements across at least 3 other properties, none of which are owned by D Dubs Real Estate LLC.

A site meeting was held on March 27, 2024 with Katharine Elks (USACE), Mickey Sugg (USACE), Chad Turlington (NCDWR), Troy Wilkerson (D Dubs Real Estate), and Sean Clark (Sage Ecological Services, Inc.) to review the dam construction and the potential impacts resulting from the driveway etc. and discuss how to bring the activities into compliance. It was agreed that the approximately 1.83 acres of driveway fill could be permitted using nationwide permit 29. No other impacts to streams, wetlands, or surface waters have occurred and none are proposed. The construction of the proposed home is located approximately 20 feet higher in elevation than the water's edge of Popes Lake and will be in the southwestern portion of the lot while the lake is located in the northeastern portion of the lot. Mitigation is not proposed because mitigation is not typically required for impacts to surface waters such as ponds and lakes.

No federally threatened or endangered species are listed to occur within 1 mile of the Project according to the NC Natural Heritage Program (NHP) Database (see attached report dated May 21, 2024). Popes Lake provides Bald Eagle habitat however no nesting trees have been or will be removed.

The Site itself is not listed as a historic property or within a historic district. There are three historic properties located within 1.0 mile of the Site based on a query of the North Carolina State Historic Preservation Office (NCSHPO) database. All five historic properties are listed as "Surveyed Only". Figure 4 depicts the locations of these properties in relation to the Site.

D

Please call me at (919) 559-1537, if you have any questions or require any further information.  
Sincerely,

Respectfully submitted:



Sean Clark  
Sage Ecological Services, Inc.



Nicole J. Duprey, PWS  
Sage Ecological Services, Inc.

Attachments:

Agent Authorization Form  
Figure 1-USGS Site Vicinity Map  
Figure 2-Soil Survey Site Vicinity Map  
Figure 4-NCSHPO Map  
NCNHP Database Report  
USFWS IPaC Report  
Impact Map

**Certificate of Ownership and Dedication**

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described herein, which is located in the subdivision jurisdiction of Harnett County, North Carolina and that I (we) hereby adopt this plan of exempt division with my (our) free consent and establish minimum building setback lines as noted.

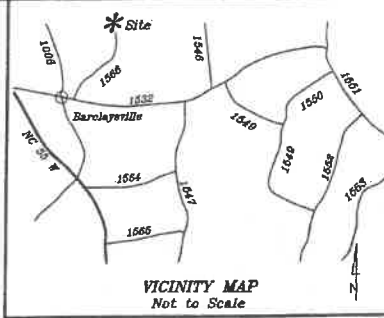
I, James W. Mauldin, certify that this plat was drawn under my supervision from (an actual survey made under my supervision) (a deed description recorded in Book 500, Page 86, etc.) (other); that the boundaries not surveyed are shown as broken lines as drawn from information found in references as shown hereon; that the ratio of precision as calculated is 1:100000; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this the 11th day of March, A.D. 2024.



*James W. Mauldin*  
Surveyor  
L-3247  
License Number

I hereby certify that this survey is of another category, such as the combining or recombination of existing parcels, a court ordered survey or other exception to the definition of subdivision.

*James W. Mauldin*  
James W. Mauldin, P.L.S.



VICINITY MAP  
Not to Scale

Course	Bearing	Distance
L-1	S 21°33'16" W	44.72'
L-2	N 54°01'51" W	24.65'
L-3	S 48°58'5" W	84.20'
L-4	S 78°23'39" W	62.13'
L-5	S 77°29'10" W	84.02'
L-6	S 64°22'14" W	135.02'
L-7	N 28°24'33" W	11.35'
L-8	N 65°02'21" E	157.67'
L-9	N 64°18'37" E	124.20'
L-10	N 41°51'31" E	104.85'
L-11	N 18°28'21" W	46.67'
L-12	N 30°07'09" W	103.06'
L-13	N 45°00'24" W	253.83'
L-14	S 77°48'56" W	31.34'
L-15	S 22°45'43" W	120.10'
L-16	S 51°21'41" W	268.21'
L-17	S 68°28'42" W	93.77'
L-18	N 74°18'07" W	121.04'
L-19	S 37°27'03" W	44.98'
L-20	S 80°45'17" W	21.20'
L-21	S 32°59'54" W	6.84'
L-22	S 65°21'22" E	65.72'
L-23	S 45°22'33" E	124.51'
L-24	S 43°21'04" E	84.20'
L-25	S 33°14'58" W	140.03'
L-26	S 23°14'58" W	22.10'

Note  
Dashed lines not surveyed at this time. All broken lines taken from Map Number 2022-24

4.979 Ac.  
D Dub's Real Estate, LLC  
Deed Book 4107, Page 589  
Plat Cabinet "F", Slide 218A

Course	Bearing	Distance
OL-1	S 23°45'17" E	49.49'
OL-2	S 63°19'41" E	44.88'
OL-3	S 45°58'56" E	18.71'
OL-4	S 31°08'10" E	82.99'

Course	Bearing	Distance
E-1	S 39°39'50" E	225.04'
E-2	S 32°59'34" W	16.37'
E-3	N 39°41'36" W	24.44'
E-4	N 39°41'36" W	200.66'

62.591 Ac. Original (Map Number 2022-24)  
- 0.183 Ac. Recombined Area B  
62.408 Ac. Residual

NOTE  
THE SURVEYOR RELIED UPON THE CITY OR COUNTY FOR APPROVAL OF ALL APPLICABLE ORDINANCE AND HAS MADE NO INTERPRETATIONS OF THE ORDINANCES.

Curve	Radius	Length	Delta	Chord	Chord Bear.
C-1	45.00'	23.03'	31°51'12"	34.90'	N 78°00'06" W
C-2	45.00'	22.54'	77°04'48"	58.09'	S 49°23'55" W

NOTES:  
(A.) THE PROPERTY SHOWN HEREON IS SUBJECT TO ALL EASEMENTS OF RECORD AFFECTING SAME.  
(B.) NO TITLE SEARCH HAS BEEN PERFORMED BY THIS FIRM DURING THE COURSE OF THIS SURVEY.  
(C.) THIS SURVEYOR DOES NOT CERTIFY TO THE EXISTENCE OR NON-EXISTENCE OF ANY UNDERGROUND UTILITIES THAT MAY OR MAY NOT BE PRESENT ON THIS SITE.

High Water Mark is the property line per Map Number 2022-24. Lines shown hereon are for reference only. All measurements are to said reference line.

Angela Langdon Scurry  
Deed Book 1813, Page 280  
Map Book 7, Page 97  
Map Number 2022-476

Juan O. Fernandez  
Andrea M. Fernandez  
Deed Book 2121, Page 560  
Map Number 98-18

Hernett County  
Minimum Building  
Setback Requirements  
RA-20R, RA-20M, RA-30 & RA-40

FRONT: 35' from R/W  
REAR: 30'  
SIDE: 10'  
CORNER LOT SIDE: 20'

State of North Carolina  
County of Harnett  
I hereby certify that the property shown hereon is exempt from the Harnett County Subdivision regulations and is approved for recording in the Register of Deeds.

Planning Director \_\_\_\_\_ Date \_\_\_\_\_

State of North Carolina  
County of Harnett

I, \_\_\_\_\_ Review Officer of Harnett County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer \_\_\_\_\_ Date \_\_\_\_\_

**Lot Recombination**

Owned by, Surveyed and Mapped for:  
**D Dub's Real Estate, LLC**  
1774 Benson Road Angler, NC 27501

**STANCIL & ASSOCIATES,**  
Professional Land Surveyor, P.A. C-0831  
88 East Depot Street, P. O. Box 730, Angler, N.C. 27501  
Phone: 919-639-2153 stancilsurvey@gmail.com

TOWNSHIP: BLACK RIVER	COUNTY: HARNETT	DATE: 3-11-2024	SURVEYED BY: TPP	FIELD BOOK: LHR986.cgr
STATE: NORTH CAROLINA	PID: 040692 0150 01, 040692 0008 01040692 0010	SCALE: 1" = 100'	DRAWN BY: PAN	DRAWING FILE NO.
ZONE: RA-30 & CONS	FIN: 0692-29-8563, 0692-39-3045, 0692-39-3882	CHECKED & CLOSURE BY: VCA		LHR-986 B



E

ROY COOPER  
Governor  
ELIZABETH S. BISER  
Secretary  
RICHARD E. ROGERS, JR.  
Director



NORTH CAROLINA  
Environmental Quality

July 29, 2024

DWR # 20240838  
Harnett County

D DUBS Real Estate, LLC  
Attn: Troy Wilkerson  
1774 Benson Road  
Angier, NC 27501

Delivered via email to: troy.ddubs@gmail.com

• Water Quality Certification  
#007047

• Ruel around Dave & Terry's  
issued 7/29/24

• GAVE to Harnett County 9-4-24

Subject: Approval of Individual 401 Water Quality Certification  
Pope Lake

Dear Mr. Wilkerson:

Attached hereto is a copy of Certification No. WQC007047 issued to Troy Wilkerson and D DUBS Real Estate, LLC, dated July 29, 2024. This approval is for the purpose and design described in your application. The plans and specifications for this project are incorporated by reference as part of this Water Quality Certification. If you change your project, you must notify the Division and you may be required to submit a new application package with the appropriate fee. If the property is sold, the new owner must be given a copy of this Certification and is responsible for complying with all conditions. [15A NCAC 02H .0507(d)(2)].

This Water Quality Certification does not relieve the permittee of the responsibility to obtain all other required Federal, State, or Local approvals before proceeding with the project, including those required by, but not limited to, Sediment and Erosion Control, Non-Discharge, Water Supply Watershed, and Trout Buffer regulations.

This Water Quality Certification neither grants nor affirms any property right, license, or privilege in any lands or waters, or any right of use in any waters. This Water Quality Certification does not authorize any person to interfere with the riparian rights, littoral rights, or water use rights of any other person and does not create any prescriptive right or any right of priority regarding any usage of water. This Water Quality Certification shall not be interposed as a defense in any action respecting the determination of riparian or littoral rights or other rights to water use. No consumptive user is deemed by virtue of this Water Quality Certification to possess any prescriptive or other right of priority with respect to any other consumptive user.



North Carolina Department of Environmental Quality | Division of Water Resources  
225 Green Street Suite 714 Fayetteville, NC 28301 | 910.433.3300

3

Upon the presentation of proper credentials, the Division may inspect the property.

This Water Quality Certification shall expire on the same day as the expiration date of the corresponding Section 404 Permit. The conditions shall remain in effect for the life of the project, regardless of the expiration date of this Water Quality Certification.

Non-compliance with or violation of the conditions herein set forth may result in revocation of this Water Quality Certification for the project and may also result in criminal and/or civil penalties.

If you are unable to comply with any of the conditions of this Water Quality Certification you must notify the Fayetteville Regional Office within 24 hours (or the next business day if a weekend or holiday) from the time the permittee becomes aware of the circumstances.

The permittee shall report to the Fayetteville Regional Office any noncompliance with, and/or any violation of, stream or wetland standards [15A NCAC 02B .0200] including but not limited to sediment impacts to streams or wetlands. Information shall be provided orally within 24 hours (or the next business day if a weekend or holiday) from the time the permittee became aware of the non-compliance circumstances.

**This approval and its conditions are final and binding unless contested [G.S. 143-215.5]. Please be aware that impacting waters without first applying for and securing the issuance of a 401 Water Quality Certification violates Title 15A of the North Carolina Administrative Code (NCAC) 2H .0500. Title 15A NCAC 2H .0500 requires certifications pursuant to Section 401 of the Clean Water Act whenever construction or operation of facilities will result in a discharge into navigable waters, including wetlands, as described in 33 Code of Federal Regulations (CFR) Part 323. It also states any person desiring issuance of the State certification or coverage under a general certification required by Section 401 of the Federal Water Pollution Control Act shall file with the Director of the North Carolina Division of Water Quality. Pursuant to G.S. 143-215.6A, these violations and any future violations are subject to a civil penalty assessment of up to a maximum of \$25,000.00 per day for each violation**

This Certification can be contested as provided in Chapter 150B of the North Carolina General Statutes by filing a Petition for a Contested Case Hearing (Petition) with the North Carolina Office of Administrative Hearings (OAH) **within sixty (60) calendar days**. Requirements for filing a Petition are set forth in Chapter 150B of the North Carolina General Statutes and Title 26 of the North Carolina Administrative Code. Additional information regarding requirements for filing a Petition and Petition forms may be accessed at <http://www.ncoah.com/> or by calling the OAH Clerk's Office at (919) 431-3000.

A party filing a Petition must serve a copy of the Petition on:

William F. Lane, General Counsel  
Department of Environmental Quality  
1601 Mail Service Center  
Raleigh, NC 27699-1601

If the party filing the Petition is not the permittee, then the party must also serve the recipient of the Certification in accordance with N.C.G.S 150B-23(a).



North Carolina Department of Environmental Quality | Division of Water Resources  
225 Green Street Suite 714 Fayetteville, NC 28301 | 910.433.3300

3

This letter completes the Division's review under section 401 of the Clean Water Act and 15A NCAC 02H .0500. Please contact Kirsten Steininger at 910-433-3339 or [kirsten.steininger@deg.nc.gov](mailto:kirsten.steininger@deg.nc.gov) if you have any questions or concerns.

Sincerely,

DocuSigned by:  
*Chad Turlington*  
CCA08978130247D...

Chad Turlington, Assistant Regional Supervisor  
Water Quality Regional Operations Section  
Fayetteville Regional Office  
Division of Water Resources, NCDEQ

Electronic cc: Sean Clark- Sage Ecological Services [sclark@sageecological.com](mailto:sclark@sageecological.com)  
Katharine Eiks, USACE Wilmington Regulatory Field Office  
DWR 401 & Buffer Permitting Branch Electronic file



North Carolina Department of Environmental Quality | Division of Water Resources  
225 Green Street Suite 714 Fayetteville, NC 28301 | 910.433.3300



**NORTH CAROLINA 401 WATER QUALITY CERTIFICATION**

**CERTIFICATION # WQC007047** is issued in conformity with the requirements of Section 401, Public Laws 92-500 and 95-217 of the United States and subject to North Carolina's Regulations in 15 NCAC 02H .0500 and 15A NCAC 02B .0200, to Troy Wilkerson and D DUBS Real Estate, LLC, who have authorization for the impacts listed below, as described within your application received by the N.C. Division of Water Resources (Division) on June 26<sup>th</sup>, 2024 and by Public Notice Issued by the Division on June 24<sup>th</sup>, 2024, and within the *Reasonable Period of Time* pursuant to 40 CFR Part 121.6.

The State of North Carolina certifies that this activity will comply with water quality requirements and the applicable portions of Sections 301, 302, 303, 306, 307 of the Public Laws 92-500 and PL 95-217 if conducted in accordance with the application, the supporting documentation, and conditions hereinafter set forth.

The following impacts are hereby approved. No other impacts are approved, including incidental impacts. [15A NCAC 02H .0506(b)]

Type of Impact	Amount Approved Permanent	Amount Approved Temporary	Mitigation Amount Required
Open Waters			
01	0.18 acres	acres	0 credits
<b>Totals:</b>	<b>0.18 acres</b>	<b>acres</b>	<b>0 credits</b>

This approval requires you to follow the conditions listed in the certification below.

**CONDITIONS OF CERTIFICATION [15A NCAC 02H .0507(c)]:**

1. The permittee shall report to the DWR Fayetteville Regional Office any noncompliance with, and/or any violation of, stream or wetland standards [15A NCAC 02B .0200], including but not limited to sediment impacts to streams or wetlands. Information shall be provided orally within 24 hours (or the next business day if a weekend or holiday) from the time the permittee became aware of the non-compliance circumstances.

*Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)*

2. No waste, spoil, solids, or fill of any kind shall occur in wetlands or waters beyond the footprint of the approved impacts (including temporary impacts).

*Citation: 15A NCAC 02H .0506; 15A NCAC 02H .0507(c)*

3. All activities shall be in compliance with any applicable State Regulated Riparian Buffer Rules in Chapter 2B of Title 15A in the North Carolina Administrative Code.

*Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)*

4. When applicable, all construction activities shall be performed and maintained in full compliance with G.S. Chapter 113A Article 4 (Sediment and Pollution Control Act of 1973).



North Carolina Department of Environmental Quality | Division of Water Resources  
 225 Green Street Suite 714 Fayetteville, NC 28301 | 910.433.3300

Regardless of applicability of the Sediment and Pollution Control Act, all projects shall incorporate appropriate Best Management Practices for the control of sediment and erosion so that no violations of state water quality standards, statutes, or rules occur.

Design, installation, operation, and maintenance of all sediment and erosion control measures shall be equal to or exceed the requirements specified in the most recent version of the *North Carolina Sediment and Erosion Control Manual*, or for linear transportation projects, the *North Carolina Department of Transportation Sediment and Erosion Control Manual*.

All devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) sites, including contractor-owned or leased borrow pits associated with the project. Sufficient materials required for stabilization and/or repair of erosion control measures and stormwater routing and treatment shall be on site at all times.

For borrow pit sites, the erosion and sediment control measures shall be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Surface Mining Manual*. Reclamation measures and implementation shall comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act and the Mining Act of 1971.

*Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0200; 15A NCAC 02B .0231*

5. Sediment and erosion control measures shall not be installed in wetland or waters except within the footprint of temporary or permanent impacts otherwise authorized by this Certification. If placed within authorized impact areas, then placement of such measures shall not be conducted in a manner that results in dis-equilibrium of any wetlands, streambeds, or streambanks. Any silt fence installed within wetlands shall be removed from wetlands and the natural grade restored within two (2) months of the date that DEMLR or locally delegated program has released the specific area within the project to ensure wetland standards are maintained upon completion of the project.

*Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0200; 15A NCAC 02B .0231*

6. Erosion control matting that incorporates plastic mesh and/or plastic twine shall not be used along streambanks or within wetlands.

*Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)*

7. If the project is covered by NPDES Construction Stormwater Permit Number NCG010000 or NPDES Construction Stormwater Permit Number NCG250000, full compliance with permit conditions including the erosion & sedimentation control plan, inspections and maintenance, self-monitoring, record keeping and reporting requirements is required.

*Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0200; 15A NCAC 02B .0231*

8. All work in or adjacent to streams shall be conducted so that the flowing stream does not come in contact with the disturbed area. Approved best management practices from the most current



3

version of the NC Sediment and Erosion Control Manual, or the NC Department of Transportation Construction and Maintenance Activities Manual, such as sandbags, rock berms, cofferdams, and other diversion structures shall be used to minimize excavation in flowing water.

*Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0200*

9. Application of fertilizer to establish planted/seeded vegetation within disturbed riparian areas and/or wetlands shall be conducted at agronomic rates and shall comply with all other Federal, State and Local regulations. Fertilizer application shall be accomplished in a manner that minimizes the risk of contact between the fertilizer and surface waters.

*Citation: 15A 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0200; 15A NCAC 02B .0231*

10. If concrete is used during construction, then all necessary measures shall be taken to prevent direct contact between uncured or curing concrete and waters of the state. Water that inadvertently contacts uncured concrete shall not be discharged to waters of the state.

*Citation: 15A 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0200; 15A NCAC 02B .0231*

11. All proposed and approved temporary fill and culverts shall be removed and the impacted area shall be returned to natural conditions within 60 calendar days after the temporary impact is no longer necessary. The impacted areas shall be restored to original grade, including each stream's original cross-sectional dimensions, planform pattern, and longitudinal bed profile. All temporarily impacted sites shall be restored and stabilized with native vegetation.

*Citation: 15A NCAC 02H.0506(b); 15A NCAC 02H .0507(c)*

12. All proposed and approved temporary pipes/culverts/rip-rap pads etc. in streams or wetlands shall be installed as outlined in the most recent edition of the *North Carolina Sediment and Erosion Control Planning and Design Manual* or the *North Carolina Surface Mining Manual* or the *North Carolina Department of Transportation Best Management Practices for Construction and Maintenance Activities* so as not to restrict stream flow or cause dis-equilibrium during use of this Certification.

*Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)*

13. Any rip-rap required for proper culvert placement, stream stabilization, or restoration of temporarily disturbed areas shall be restricted to the area directly impacted by the approved construction activity. All rip-rap shall be placed such that the original streambed elevation and streambank contours are restored and maintained and shall consist of clean rock or masonry material free of debris or toxic pollutants. Placement of rip-rap or other approved materials shall not result in de-stabilization of the stream bed or banks upstream or downstream of the area or be installed in a manner that precludes aquatic life passage.

*Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)*

14. Any rip-rap used for stream or shoreline stabilization shall be of a size and density to prevent movement by wave, current action, or stream flows, and shall consist of clean rock or masonry material free of debris or toxic pollutants. Rip-rap shall not be installed in the streambed except



in specific areas required for velocity control and to ensure structural integrity of bank stabilization measures.

*Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0201*

15. All mechanized equipment operated near surface waters shall be inspected and maintained regularly to prevent contamination of surface waters from fuels, lubricants, hydraulic fluids, or other toxic materials. Construction shall be staged in order to minimize the exposure of equipment to surface waters to the maximum extent practicable. Fueling, lubrication, and general equipment maintenance shall be performed in a manner to prevent, to the maximum extent practicable, contamination of surface waters by fuels and oils.

*Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0200; 15A NCAC 02B .0231*

16. Heavy equipment working in wetlands shall be placed on mats or other measures shall be taken to minimize soil disturbance and compaction.

*Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0231*

17. In accordance with 143-215.85(b), the permittee shall report any petroleum spill of 25 gallons or more; any spill regardless of amount that causes a sheen on surface waters; any petroleum spill regardless of amount occurring within 100 feet of surface waters; and any petroleum spill less than 25 gallons that cannot be cleaned up within 24 hours.

*Citation: 15A NCAC 02H .0507(c); N.C.G.S 143-215.85(b)*

18. The permittee and their authorized agents shall conduct all activities in a manner consistent with State water quality standards (including any requirements resulting from compliance with §303(d) of the Clean Water Act), and any other appropriate requirements of State and Federal Law.

*Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)*

19. The permittee shall require its contractors and/or agents to comply with the terms and conditions of this certification in the construction and maintenance of this project and shall provide each of its contractors and/or agents associated with the construction or maintenance of this project with a copy of this Water Quality Certification. A copy of this Water Quality Certification shall be available at the project site during the construction and maintenance of this project.

*Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)*



This approval to proceed with your proposed impacts or to conduct impacts to waters as depicted in your application shall expire upon expiration of the 404 Permit. The conditions in effect on the date of issuance shall remain in effect for the life of the project, regardless of the expiration date of this Certification. {15A NCAC 02H .0507(c)}

This, the 29th day of July 2024

DocuSigned by:  
*Chad Turlington*  
CCA08078130247D...

Chad Turlington, Assistant Regional Supervisor  
Water Quality Regional Operations Section  
Fayetteville Regional Office  
Division of Water Resources, NCDEQ



**HARNETT COUNTY BOARD OF ADJUSTMENT  
APPEAL WORKSHEET**

**APPLICANT: Dave Stepp & Terry Walton CASE NUMBER: BOA2410-0005**

**Appeal**

1. BOA2410-0005. D Dubs Real Estate, LLC / Dave Stepp & Terry Walton. The applicant has appealed the Administrator's decision that the placement and construction of an access driveway in a Conservation district is allowed due to the inability to restrict access to personal property; RA-30 & Conservation Zoning District; Pin # 0692-39-3045.000; Black River Township; SR # 1566 (Pope Lake Road).

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