

**CITY OF FAYETTEVILLE
STATE OF NORTH CAROLINA
ORDER TO APPROVE A VARIANCE**

Increase maximum pole sign height to 35 feet at 105 Hope Mills Road (0417108460000)

VARIANCE A26-26

Address: 105 Hope Mills Road
REID Number: 0417108460000
Property Owner: SCP 2007-C27-078 LLC
Applicant: Alpha Signs and Lighting Permitting

The Zoning Commission of the City of Fayetteville, North Carolina, conducted an evidentiary hearing on June 9, 2026, to consider a Variance application submitted by Alpha Signs and Lighting Permitting (“Applicant”), on behalf of SCP 2007-C27-078 LLC (“Owner”), seeking approval to increase the maximum pole sign height to 35 feet at 105 Hope Mills Road (0417108460000) (“Subject Property”).

On May 27, 2026, notice of the public hearing was mailed to the Owner and all owners of property within three hundred (300) feet of the Subject Property, in accordance with applicable legal requirements. A public hearing notice sign was properly posted on the Subject Property on May 27, 2026. Additionally, on May 29, 2026, notice of the public hearing was submitted for publication in the legal notices section of *The Fayetteville Observer*, with the advertisement scheduled to run on May 29, 2026, and June 5, 2026.

Upon careful consideration of all sworn testimony, admitted evidence, and oral arguments presented by the parties at the duly held evidentiary hearing, the Zoning Commission of the City of Fayetteville hereby issues the following FINDINGS OF FACT and CONCLUSIONS OF LAW:

Findings of Fact

1. Chapter 30, Article 30-5, Subsection 30-5.L.8.B.1.C of the City’s Unified Development Ordinance (“UDO” or “Ordinance”) establishes the pole sign dimensional standards for the Community Commercial (CC) zoning district, including the maximum height allowance for pole signs.
2. In the CC zoning district, pole signs have a maximum height allowance of up to 25 feet from the base.
3. The Owner holds title to the Subject Property located on Hope Mills Road, which is zoned Community Commercial, and is located within the municipal limits of the City of Fayetteville.

4. The Subject Property is designated for Neighborhood Mixed Use (NMU) in the City of Fayetteville's adopted Future Land Use Plan, which anticipates neighborhood-scale commercial uses and high-density residential use; preferably in a horizontal and/or vertical mixture.

5. The immediate surrounding area of the Subject Property is developed as Community Commercial and Limited Commercial.

6. The Applicant seeks approval for a variance from UDO Section 30-5.L.8.B.1.C to increase the pole sign height maximum from 25 feet to 35 feet, a net increase of ten (10) feet.

7. Pursuant to NCGS § 160D-705, the Applicant has the burden of proof to show that the variance meets **ALL** the following statutory requirements for variances:

- a. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships;
- b. Any practical difficulties or unnecessary hardships result from unique circumstances related to the land, such as location, size, or topography, and are not the result of the landowner's actions or conditions common to the neighborhood or the general public;
- c. The variance is the minimum action that will make possible a reasonable use of the land or structures;
- d. The variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit; and
- e. In granting the variance, the public safety and welfare have been assured, and substantial justice has been done.

8. Strict enforcement of the UDO requirement would impose practical difficulties and unnecessary hardships because a new water main utility setback on the northern portion of the lot requires relocation of the pole sign behind the planned building, which would significantly limit sign visibility.

9. The hardships are attributable solely to the unique conditions specific to the property and not the landowner's actions because the water main project belongs to NCDOT and the adjacent building also limits sign visibility.

10. The variance is the minimum action necessary to allow pole sign visibility for the Subject Property under the circumstances.

11. The variance advances the general purpose and preserves the spirit of the UDO because it allows the only the additional pole sign height necessary to provide reasonable visibility for the Subject Property.

12. Approval of the variance advances public safety and welfare while upholding substantial justice because the requested sign location and height do not create a threat to the public and will allow reasonable use of a pole sign.

Conclusions of Law

1. Pursuant to the authority conferred by the North Carolina General Statutes, the City of Fayetteville adopted the Unified Development Ordinance (“UDO”), as codified in Chapter 30 of the City Code, thereby consolidating the City’s zoning and subdivision regulatory authority into a single, comprehensive framework.
2. The Applicant duly submitted an application in full compliance with the procedural and substantive requirements of the UDO for consideration of a variance.
3. The City of Fayetteville’s Zoning Commission provided adequate and lawful notice and conducted an evidentiary public hearing in accordance with the procedural requirements established under North Carolina law.
4. The City of Fayetteville’s Development Services Department is responsible for administering, coordinating, and enforcing the provisions of the UDO.
5. Based on the competent, material, and substantial evidence in the record, all general and specific conditions precedent to the issuance of the requested variance have been satisfied, in that:
 - a. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships;
 - b. Any practical difficulties or unnecessary hardships result from unique circumstances related to the land, such as location, size, or topography, and are not the result of the landowner’s actions or conditions common to the neighborhood or the general public;
 - c. The variance is the minimum action that will make possible a reasonable use of land or structures;
 - d. The variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit; and
 - e. In granting the variance, the public safety and welfare have been assured, and substantial justice has been done.

WHEREFORE, based on the foregoing FINDINGS OF FACT and CONCLUSIONS OF LAW, it is ORDERED by the City of Fayetteville’s Zoning Commission that the application for the issuance of the Variance in Case A26-26 be APPROVED with no conditions.

VOTE: Unanimous 5-0

This, the 14th of July, 2026.

Kevin Hight
Zoning Commission Chair