

**MINUTES
CITY OF FAYETTEVILLE
ZONING COMMISSION MEETING
CITY HALL - LAFAYETTE ROOM
433 HAY STREET
JULY 14, 2026 @ 6:00 P.M.**

MEMBERS PRESENT

Kevin Hight, Chair
Roger Shah
Zaccheaus Eley
Phillip Fehler
Toeyna Monds, (Alt.)

STAFF PRESENT

Jennifer Baptiste, Planning and Zoning Division Manager
Craig Harmon, Senior Planner
Thomas Cohen, Planner I
Mikayla Layral, Planner I
Victoria Curtis, Assistant City Attorney
Catina Evans, Office Assistant II

MEMBERS ABSENT

Justin Herbe, Vice-Chair
Kim Medley, (Alt.)

The Zoning Commission Meeting held on Tuesday, July 14, 2026, was called to order by Kevin Hight at 6:10 p.m. The members introduced themselves.

I. APPROVAL OF THE AGENDA

MOTION: Kevin Hight made a motion to amend the agenda and move case P26-31 to the end of the agenda.

SECOND: Roger Shah

VOTE: Unanimous (5-0)

MOTION: Roger Shah made a motion to approve the amended agenda.

SECOND: Phillip Fehler

VOTE: Unanimous (5-0)

**II. APPROVAL OF THE CONSENT AGENDA TO INCLUDE THE MINUTES FROM THE
JUNE 9, 2026, MEETING**

MOTION: Philip Fehler made a motion to approve the consent agenda.

SECOND: Toeyna Monds

VOTE: Unanimous (5-0)

III. EVIDENTIARY HEARINGS

A26-27. A request for a variance in the maximum fence height standards (Section 30-5.D.4) as well as the minimum yard setback (Section 30-3.d.3) to allow a taller fence and shed at 151 Wheat Way (REID #0408425302000) by Donald Kinlaw.

Thomas Cohen presented case A26-27.

Kevin Hight opened the hearing for case A26-27.

Speakers in favor:

Donald Kinlaw, 151 Wheat Way, Fayetteville, NC 28314

Douglas Parrish, 5789 Cotton Valley Drive, Fayetteville, NC 28314

Speakers in opposition:

None

Kevin Hight closed the hearing for case A26-27.

MOTION: Phillip Fehler made a motion to approve the variance based on the following findings of fact:

1. Strict application of the Ordinance requirements would result in practical difficulties and unnecessary hardships, as demonstrated by the following: Phillip Fehler stated that there is a necessary hardship that he (the applicant) followed the existing fence line when he put it (the fence) up. And then, he got rid of the safety hazard and installed a proper fence at the same time.
2. Any practical difficulties or unnecessary hardships stem from unique circumstances specific to the property, and they are not the result of actions taken by the landowner, as demonstrated by the following: Mr. Fehler stated that the hardship comes from the unique circumstances related to the land—it is that it is on a corner lot, so the front-facing and side-facing can be a little challenging. I believe he acted in the spirit of the amendment.
3. The requested variance is the least deviation necessary to ensure the reasonable use of the property, as evidenced by the following: Mr. Fehler stated that the minimum action is to approve the variance because it makes a reasonable use of the land structures.
4. The variance aligns with the general purpose and intent of the Ordinance, and it upholds its spirit, as demonstrated by the following: Mr. Fehler stated that, as shown by the public testimony and the visuals that we were shown, it does adhere to the spirit of the law.
5. Granting the variance promotes public safety and welfare while ensuring substantial justice, as demonstrated by the following: Mr. Fehler stated that in granting the public variance, public safety and welfare have been assured, and substantial justice has been done as by the public testimony.

SECOND: Kevin Hight

VOTE: Unanimous (5-0)

A26-28. A request for a variance to the fence height standards (Section 30-5.D.4) to allow for a taller fence at 2213 Bragg Boulevard (REID #0428404373000) from Mayer Mitchell.

Thomas Cohen presented case A26-28.

Kevin Hight opened the hearing for case A26-28.

Speaker in favor:

Mayer Mitchell, 2213 Bragg Boulevard, Fayetteville, NC 28303

Speakers in opposition:

None

Kevin Hight closed the hearing for case A26-28.

MOTION: Zaccheaus Eley made a motion to approve the variance based on the following findings of fact:

1. Strict application of the Ordinance requirements would result in practical difficulties and unnecessary hardships, as demonstrated by the following: Zaccheaus Eley stated, I'll make a motion to approve this variance based on his (the applicant's) unnecessary hardship of having to man the battle of keeping trash and sound out of his yard from the property from the street of Bragg Boulevard/McPherson Church.
2. Any practical difficulties or unnecessary hardships stem from unique circumstances specific to the property, and they are not the result of actions taken by the landowner, as demonstrated by the following: Mr. Eley stated that his (the applicant's) condition is because of his location. The applicant has the hardship of having two front yards. I mean really it's a backyard, but these are our rules, and we have to live with them.
3. The requested variance is the least deviation necessary to ensure the reasonable use of the property, as evidenced by the following: Mr. Eley stated that he took the minimum action to try to rectify the situation. He had a four-foot fence and it was not working, so he moved to the next level, six foot.
4. The variance aligns with the general purpose and intent of the Ordinance and upholds its spirit, as demonstrated by the following: Mr. Eley stated that I want to say he is definitely in harmony with the purpose and the intent of the code of the city when they first put this into play.
5. Granting the variance promotes public safety and welfare while ensuring substantial justice, as demonstrated by the following: Mr. Eley stated that for public safety reasons, he's trying his best to keep whatever that might be associated with Bragg Boulevard out of his yard and all of the things that come with that.

SECOND: Roger Shah

VOTE: Unanimous (5-0)

IV. LEGISLATIVE HEARINGS

P26-29. A request to rezone the ±0.21 acres at 1928 Progress Street (REID #0436035927000) from Single- Family 6 (SF-6) to Mixed Residential 5 (MR-5) from Patricia and Raymond King of King Construction and Development Company Inc.

Thomas Cohen presented case P26-29.

Kevin Hight opened the hearing for case P26-29.

Speaker in favor:

Steven Tolbert, 4100 Tew Street, Fayetteville, NC 28306

Speakers in opposition:

None

Kevin Hight closed the hearing for case P26-29.

MOTION: Kevin Hight made a motion to approve the rezoning based on the consistency and reasonableness statement.

SECOND: Roger Shah

VOTE: Unanimous (5-0)

P26-30. A request to rezone the ±0.16 acres at 1324 Fort Bragg Road (REID #0427960465000) from Mixed Residential 5 (MR-5) to Office and Institutional (OI), by the Thomas R & Elizabeth E McLean Foundation Inc.

Craig Harmon presented case P26-30.

Kevin Hight opened the hearing for case P26-30.

Speaker in favor:

Jennifer Elam, President, The McLean Foundation, PO Box 58329, Fayetteville, NC 28305

Speakers in opposition:

None

Kevin Hight closed the hearing for case P26-30.

MOTION: Kevin Hight made a motion to approve the rezoning request based on the consistency and reasonableness statement.

SECOND: Phillip Fehler

VOTE: Unanimous (5-0)

P26-32. A request to rezone the ±9.49 acres at Unaddressed Gillespie Street (REID #0435031004000) from M(P) to Community Commercial (CC) from Vanessa Ballard of V Ballard Consulting LLC, representing Khalid Motorwala of Vival Reality LLC.

Mikaya Layral presented case P26-32.

Kevin Hight opened the hearing for case P26-32.

Speakers in favor:

Kahlid Motorwala, Vival Realty LLC, 8 Calvarese Drive, Bear, DE 19701

Vanessa Ballard, V Ballard Consulting LLC, 6910 Leefield Court, Suffolk, VA 23435

Speakers in opposition:

None

Kevin Hight closed the hearing for case P26-32.

MOTION: Roger Shah made a motion to approve the rezoning of 9.49 acres from MP to Community Commercial (CC) based on the consistency statement with the city, the city's Future Land Use Plan, and the Comprehensive Plan.
SECOND: Zaccheaus Eley
VOTE: Unanimous (5-0)

The board agreed to take a five-minute recess, at the request of Craig Harmon, so Mr. Harmon could speak briefly with the visitors in the foyer about the proceedings.

MOTION: Kevin Hight made a motion for the board to take a five-minute recess.
SECOND: Philip Fehler
VOTE: Unanimous (5-0)

The board reconvened at 7:11 p.m.

P26-31. A request to rezone the ±123.48 acres at Unaddressed Country Club & Distribution Drive (REID #042953449200) from Mixed Residential 5 (MR-5) to Heavy Industrial (HI) from Cynthia Smith of Moorman, Kizer & Reitzel, Inc, representing SteelFab.

Craig Harmon presented case P26-31.
Kevin Hight opened the hearing for case P26-31.

Speakers in favor:

Robert Van Geons, President & CEO, Fayetteville Cumberland Economic Development Corporation, 611 West Russell Street, Fayetteville, NC 28301
Jimmy Kizer, 115 Broadfoot Avenue, Fayetteville, NC 28305
Chuck Craig, SteelFab of VA, Inc., 4909 Western Boulevard, 100, Raleigh, NC 27606

Speakers in opposition:

Cynthia Leeks, 715 Topeka Street, Fayetteville, NC 28301
Charles Matthew, 3618 Tindall, Court, Fayetteville, NC 28311
Michael Brown, 837 Hilton Drive, Fayetteville, NC 28311
Tisha Waddell, 610 Pearl Street, Fayetteville, NC 28303
Mike Henderson, 3617 Tindall Court, Fayetteville, NC 28311
Lena Simmons, 3511 Nutmeg Place, Fayetteville, NC 28311
Felice Lockamy, 1118 North Street, Fayetteville, NC 28301 (She conceded her time to Tisha Waddell)
Kim Thomas, 996 Hilton Drive, Fayetteville, NC 2830128311

Kevin Hight closed the hearing for case P26-31.

MOTION: Phillip Fehler made a motion to approve the rezoning with the recommendation to rezone a specific portion of the property to Heavy Industrial (HI), where the applicant intends to undertake construction, leaving the rest of the property Light Industrial (LI) and Conservation District (CD).
SECOND: Zaccheaus Eley
VOTE: (4-1) (Roger Shah opposed)

V. OTHER BUSINESS

VI. ADJOURNMENT

MOTION: Phillip Fehler made a motion to adjourn the July 14, 2026, meeting.

SECOND: Roger Shah

VOTE: Unanimous (5-0)

The meeting adjourned at 8:33 p.m.

Submitted by Catina Evans

DRAFT