

Project Overview**#2187017****Project Title:** 4431 Bragg Blvd**Jurisdiction:** City of Fayetteville**Application Type:** 5.5) Notice of Appeal**State:** NC**Workflow:** Staff Review**County:** Cumberland**General Information****Project Tax PIN (Parcel):** 0418553607000**Type of Decision, interpretation, or action, being appealed:**

Revocation of various permits, including building, electrical, mechanical, and plumbing

City Project Identification Number of action being appealed: Project No. 1887777**Decision-making body responsible for the decision, interpretation, or action being appealed:** City of Fayetteville, Permitting and Inspections Division and/or City Attorney's Office**Date of action that is being appealed::** 06/01/2026**Has an appeal been filed for this property within the last year?:** Yes**Written Description of Request**

Please identify what you are appealing. Provide supporting information you believe supports your opinion (supporting information may be attached on separate sheets and uploaded on the following application pages).

Written Description of Request:

As of Wednesday, April 8, 2026, all trade permits for Project No. 1887777 had been issued, as follows: BLDG-2026-00350; ELEC-2026-00552; MECH-2026-07334; and PLMB-2026-00378 (collectively, the "Original Permits"). The following day, the Original Permits were revoked. Thereafter, on April 16, 2026, the revocation of the Original Permits was appealed, pursuant to N.C.G.S. 160D-405.

On June 1, 2026, the following permits for Project No. 1887777 were issued and revoked, with applicable times contained in the parentheses: BLDG-2026-00526 (Issued 2:47 PM / Revoked 3:01 PM); ELEC-2026-00933 (Issued 2:49 PM / Revoked 3:07 PM); Mech-2026-07673 (Issued 2:49 PM / Revoked 3:10 PM); and PLMB-2026-00549 (Issued 2:50 PM / Revoked 3:13 PM) (collectively, the "Phantom Permits").

The City's sole stated justification for revoking these approvals is that the underlying commercial use is prohibited within the Community Commercial Zoning District under UDO Table 30-4.A.2. However, the Property possesses a fully vested, protected right to operate as a lawful, grandfathered non-conforming use under Fayetteville UDO Article 30-7, which supersedes the modern prohibitions of Table 30-4.A.2. To this end, the Property's commercial use was legally established prior to the current zoning text changes.

The Appellant explicitly denies any allegations that the Property has surrendered its grandfathered status, through either abandonment or a 365-day continuous cessation of operations. To date, despite multiple statutory demands, the City has failed to provide any objective administrative evidence, utility records, or official logs supporting an operational gap. Likewise, the Appellant-Owner possesses definitive records proving continuous, lawful maintenance of its non-conforming status.

The structural and trade remediations authorized by these permits (both the Original Permits and Phantom Permits) were initiated directly to comply with a mandatory, active administrative mandate issued by the City's own Housing & Code Enforcement Division. Following a formal hearing, on February 13, 2026, the City issued a Hearing Order commanding the

Appellant-Owner to repair the structure at the Property within 180 days. To facilitate this compliance, the City approved engineered rehabilitation plans and issued trade approvals. As such, the City is legally estopped from using its permitting division to revoke the exact trade approvals required to satisfy its code enforcement division's active mandate.

Here, the administrative record reveals pretextual municipal overreach. On June 1, 2026, between 2:47 p.m. and 2:50 p.m., City staff internally generated the Phantom Permits (BLDG-2026-00526, ELEC-2026-00933, Mech-2026-07673, and PLMB-2026-00549). Between 3:01 p.m. and 3:13 p.m., less than twenty-five (25) minutes later, the City summarily revoked them. However, the Appellant-Owner never applied for, paid for, nor consented to the creation of the Phantom Permits. Rather, this unauthorized internal manipulation of the City's permitting system was executed for the sole, bad-faith purpose of creating an administrative fiction to claim the Original Permits are moot, thereby attempting to strip the Appellant-Owner of the active statutory stay, secured through the original April 16, 2026 appeal.

Alternatively, if the City asserts that the Original Permits were legally replaced by the June 1, 2026 approvals, the act of deliberately issuing four brand-new permits constitutes a formal administrative re-review and re-approval of the underlying project. As such, the City cannot claim "inadvertent clerical mistake" for permits it consciously generated twice especially after a 45-day active legal dispute and direct review by the City Attorney. The issuance of these new permits creates an independent, binding statutory development approval, under N.C.G.S. 160D-108 that cannot be summarily revoked without cause.

Pursuant to N.C.G.S. 160D-405(f), the filing of this Amended Omnibus Notice of Appeal operates as an immediate, mandatory stay of all enforcement proceedings in furtherance of the actions appealed from, legally binding both the Original Permit lines and the June 1, 2026 Phantom Permit lines. Finally, pursuant to N.C.G.S. 160D-405(e), the revoking official is hereby requested to immediately transmit all documents, logs, internal emails, system timestamps, and exhibits constituting the administrative record for all eight (8) permit numbers to the Fayetteville Zoning Commission and to the Appellant at charles@andersonjohnson.com.

Primary Point of Contact

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