

**MINUTES  
CITY OF FAYETTEVILLE  
ZONING COMMISSION MEETING  
FAST TRANSIT CENTER COMMUNITY ROOM  
DECEMBER 10, 2024 @ 6:00 P.M.**

**MEMBERS PRESENT**

Kevin Hight, Chair  
Stephen McCorquodale, Vice-Chair  
Tyrone Simon  
Justine Herbe

**STAFF PRESENT**

Will Deaton, Planning & Zoning Manager  
Craig Harmon, Senior Planner  
Heather Eckhardt, Planner II  
Demetrios Moutos, Planner I  
Catina Evans, Office Assistant II

The Zoning Commission Meeting on Tuesday, December 10, 2024, was called to order by Chair Kevin Hight at 6:01 p.m. The members introduced themselves.

**I. APPROVAL OF THE AGENDA**

**MOTION:** Kevin Hight moved to approve the agenda, with the amendment to move case P24-46 to the top of the agenda.

**SECOND:** Justin Herbe

**VOTE:** Unanimous (4-0)

**II. APPROVAL OF THE CONSENT AGENDA TO INCLUDE THE MINUTES FROM THE NOVEMBER 12, 2024, MEETING**

**MOTION:** Kevin Hight moved to approve the minutes from the November 12, 2024, meeting, with the revision to change the Chair name from Patel Pavan to Kevin Hight on the first line of the minutes.

**SECOND:** Justin Herbe

**VOTE:** Unanimous (4-0)

**III. LEGISLATIVE HEARING**

Mr. Hight discussed the aspects of the legislative hearing and inquired if any board members had conflicts of interest or ex parte communication related to the evening's agenda items, and none were reported.

**P24-46.** Rezoning from Agricultural Residential (AR) to Heavy Industrial (HI) located at 0 S Reilly Road (9497225630000) totaling 5.21 acres ± and being the property of Preston D Jackson Heirs.

Heather Eckhardt, Planner II, presented the applicant's request to rezone the subject property from Agricultural Residential (AR) to Heavy Industrial (HI). Staff recommended approval of the rezoning request.

Mr. Hight opened the legislative hearing for case P24-46. Mr. Stephen McCorquodale entered during the legislative hearing.

Speakers in favor:

Cheryl Lewis, 2215 Hackney Loop, Fayetteville, NC

- Ms. Lewis provided a brief description of the proposed business and provided photos of a similar business.

Greg Spears, 150 N. McPherson Church Rd, Fayetteville, NC

- Mr. Spears was available for questions.

Speakers in opposition:

Patricia Hess, 1336 Reilly Road, Fayetteville, NC 28314

- Ms. Hess expressed she had limited concerns about the proposed business however, she does have concerns about future businesses that would be permitted in the Heavy Industrial (HI) zoning district.

David Hess, 1336 Reilly Road, Fayetteville, NC 28314

- Mr. Hess expressed similar concerns to Mr. Hess.

Mr. Hight closed the hearing for case P24-46. The Commission briefly discussed the differences between the Light and Heavy Industrial zoning districts. Mr. Hight suggested that the Light Industrial district could serve as a compromise to address both the applicant's needs and the concerns of opposing speakers.

**MOTION:** Mr. McCorquodale made a motion to rezone the property to LI based on the presentation by both sides and with the applicant's agreeance. Pursuant to 160D, the commission finds that the proposed zoning map amendment aligns with the city's Future Land Use Plan.

**SECOND:** Kevin Hight

**VOTE:** Unanimous (4-0)

### III. EVIDENTIARY HEARING

Mr. Hight discussed the aspects of the evidentiary hearing and inquired if any board members had conflicts of interest or ex parte communication related to the evening's agenda items, and none were reported.

**A24-45.** Variance request for building setbacks due to fire damage, located at 510 North Street (REID #0437761787000), owned by Rogers & Breece Inc.

Demetrios Moutos, Planner I, delivered a detailed presentation on the applicant's request to reduce the required setbacks for an existing structure that had sustained significant damage due to fire.

Mr. Hight opened the hearing for case A24-45.

Speakers in favor:

David Breece, 500 Ramsey St, Fayetteville, NC

- Mr. Breece highlighted the longstanding legacy of Rogers and Breece Funeral Home, which has been a pillar of the Fayetteville community for over a century. He explained that the variance request is essential to facilitate the repair of a fire-damaged structure that serves as their crematorium, ensuring the continuation of their vital services.

Speakers in opposition:

None.

Mr. Hight closed the hearing for case A24-45.

**MOTION:** Mr. Herbe motioned to approve based on the Findings of Fact presented by staff:

1. A strict application of the Ordinance requirements would impose significant practical difficulties and unnecessary hardships. Specifically, enforcing the setback provision would necessitate the complete demolition of the structure, rendering its restoration unfeasible.
2. The practical difficulties and unnecessary hardships stem from unique circumstances inherent to the property, rather than any actions undertaken by the landowner. This is demonstrated by the applicant's assertion that enforcing the setback requirement would necessitate the complete demolition of the building.
3. The requested variance represents the least intrusive measure required to allow for the reasonable use of the land and its structures. This is evidenced by the applicant's explanation that the property houses substantial, immovable equipment, making alternative solutions impractical.
4. The variance is consistent with the general purpose and intent of the Ordinance, preserving its spirit and principles. This is exemplified by the applicant's statement that the structure, which sustained fire damage, has stood on the property for many years under the same ownership, reflecting its longstanding integration into the community.
5. Granting the variance ensures that public safety and welfare are fully considered while delivering substantial justice. This is evidenced by the applicant's commitment to providing essential crematory services to the community, underscoring the critical role the facility plays in meeting local needs.

**SECOND:** Stephen McCorquodale

**VOTE:** Unanimous (4-0)

**A24-47.** Variance request for building setbacks located at 4168 Ferncreek Drive (REID #0417724116000), owned by Faisal A. Emam, Salwa Ali Seidi, and Hana A. Seidi.

Mr. Moutos delivered a comprehensive presentation on the applicant's request to reduce the rear yard setback from 30 feet to 0 feet, facilitating the construction of a proposed addition to the property.

Mr. Hight opened the hearing for case A24-47.

Speakers in favor:

Frank Hogan, 4645 South Main Street, Hope Mills, NC

- The property owner engaged Mr. Hogan to design and construct an addition at the rear of the residence. However, the acquisition of land by the North Carolina Department of Transportation has resulted in Mr. Emam's rear yard being significantly smaller than those of his neighbors, creating unique challenges for the proposed development.

Faisal Emam, 4162 Ferncreek Drive, Fayetteville, NC

- Mr. Emam clarified that upon purchasing his home, a misunderstanding arose regarding the precise location of his rear property line. This confusion stemmed from the presence of a pre-existing fence, which was incorrectly assumed to delineate the boundary.

Speakers in opposition:

None.

**MOTION:** Tyrone Simon motioned to approve the variance based on the Findings of Fact as follows:

1. A strict application of the Ordinance requirements would impose significant practical difficulties and unnecessary hardships. Specifically, it restricts the homeowner's ability to expand their residence to accommodate the needs of a growing family, thereby limiting the functionality and adaptability of the property.
2. The practical difficulties and unnecessary hardships are a direct result of unique circumstances specific to the property and not due to any action taken by the landowner. This is evidenced by the fact that the landowner, upon purchasing the home, was unaware that the existing fence did not accurately reflect the location of the rear property line.
3. The requested variance represents the least extensive measure required to enable reasonable use of the property. This is demonstrated by the fact that reducing the rear yard setback to 0 feet allows the homeowner to maximize the functional use of the land while accommodating the proposed construction.
4. The variance aligns with the overarching purpose and intent of the Ordinance, preserving its spirit and principles. This alignment is evident in how the variance facilitates the full and practical utilization of the land, consistent with the goals of thoughtful and equitable land use planning.
5. Granting the variance ensures that public safety and welfare have been thoroughly considered while achieving substantial justice. This is evident as the proposed work will be confined entirely within the property boundaries, with no adverse impact on the surrounding public or community.

**SECOND:** Justin Herbe

**VOTE:** Unanimous (4-0)

**A24-48.** Variance request for building setbacks located at the southeast corner of Hay Street and Myrover Street, owned by North Carolina History Center on the Civil War, Emancipation and Reconstruction Foundation.

Ms. Eckhardt presented the applicant's request to reduce the front yard setback from 25 feet to 1 foot.

Mr. Hight opened the hearing for case A24-48.

Speakers in favor:

Adam Brackenbury, 819 W. Hargett Street, Raleigh, NC 27603

- Mr. Brackenbury described the variance request would allow the construction of the North Carolina History Center on the Civil War, Emancipation, and Reconstruction on a site that is constrained by four roads, existing archeological sites (Fayetteville Arsenal), and the desire to preserve as many old growth trees as possible.

Speakers in opposition:  
None

Mr. Hight closed the hearing for case A24-48.

**MOTION:** Justin Herbe made a motion to approve the variance based on the following Findings of Fact:

1. Strict application of the Ordinance requirements would create practical difficulties and unnecessary hardships, as evidenced by the following: The property is surrounded by four roads and the variance would allow for the preservation of as many trees as possible.
2. Any practical difficulties or unnecessary hardships arise from unique circumstances specific to the property and are not the result of actions taken by the landowner, as evidenced by the following: The ruins of the Fayetteville Arsenal create site-specific challenges by restricting the buildable area.
3. The requested variance is the minimum action necessary to enable reasonable use of the land or structures, as evidenced by the following: The design will meet all other required setbacks except for the eastern setback along the MLK Freeway.
4. The variance aligns with the general purpose and intent of the Ordinance and upholds its spirit, as demonstrated by the following: The building will be compliant with all other setbacks and preserves the required buffers.
5. In granting the variance, public safety and welfare have been fully considered and substantial justice achieved, as demonstrated by the following: The variance will allow for the preservation of an established buffer along the MLK Freeway.

**SECOND:** Kevin Hight  
**VOTE:** Unanimous (4-0)

#### **IV. OTHER BUSINESS**

Mr. Harmon said there is one rezoning case for next.

#### **V. ADJOURNMENT**

**MOTION:** Stephen McCorquodale motioned to adjourn the December 10, 2024, meeting.  
**SECOND:** Kevin Hight  
**VOTE:** Unanimous (4-0)

The meeting adjourned at 7:16 p.m.