

**MINUTES
CITY OF FAYETTEVILLE
ZONING COMMISSION MEETING
CITY HALL - LAFAYETTE ROOM
433 HAY STREET
JUNE 9, 2026 @ 6:00 P.M.**

MEMBERS PRESENT

Kevin Hight, Chair
Justin Herbe, Vice-Chair
Roger Shah
Zacchaeus Eley
Phillip Fehler
Kim Medley, (Alt.)
Toeyna Monds, (Alt.)

STAFF PRESENT

Jennifer Baptiste, Planning and Zoning Division Manager
Craig Harmon, Senior Planner
Thomas Cohen, Planner I
Victoria Curtis, Assistant City Attorney
Catina Evans, Office Assistant II
Stephen McCorquodale, Zoning Commission Member 2023-25

The Zoning Commission Meeting held on Tuesday, June 9, 2026, was called to order by Kevin Hight at 6:00 p.m. The members introduced themselves.

I. APPROVAL OF THE AGENDA

MOTION: Justin Herbe made a motion to approve the agenda.
SECOND: Phillip Fehler
VOTE: Unanimous (5-0)

II. APPROVAL OF THE CONSENT AGENDA TO INCLUDE THE MINUTES FROM THE MAY 12, 2026, MEETING

MOTION: Zacchaeus Eley made a motion to approve the minutes from the May 12, 2026, meeting.
SECOND: Justin Herbe
VOTE: Unanimous (5-0)

III. EVIDENTIARY HEARINGS

Kevin Hight stated that he needed to be recused from case A26-22. The Commission voted to recuse Mr. Hight from case A26-22 and to hear case A26-13 later in the agenda.

Justin Herbe presided over the meeting, and there was a discussion about case P26-22. The board voted to move forward with case A26-23 because the applicants for case A26-22 had not arrived at the meeting. Kevin Hight was reinstated as Chair and presided over the meeting again.

A26-23. A request for a variance to the fence height standards (Section 30-5.D.4.a) at 1651 Cedar Creek Road (REID #0446815034000) to allow for a taller fence for security purposes, by James Smith of J H Smith Investments.

Craig Harmon presented the staff report for case A26-23.

Kevin Hight opened the evidentiary hearing for case A26-23.

Speaker in favor:

James Smith, J H Smith Investments, 1675 Cedar Creek Road, Fayetteville, NC 28312

Speaker in opposition:

Artem Maximov, 1283 Division Place, Fayetteville, NC 28312

MOTION: Kevin Hight made a motion to allow Mr. Maximov to submit pictures to the board as evidence during his testimony.

SECOND: Phillip Fehler

VOTE: Unanimous (5-0)

Kevin Hight closed the hearing for case A26-23, and the board discussed the case. Mr. Hight reopened the hearing.

MOTION: Justin Herbe made a motion to table the case until a later time to allow Mr. Maximov to present evidence to the board.

SECOND: N/A

VOTE: Motion failed due to the lack of a second.

MOTION: Zacchaeus Eley made a motion to continue to discuss the case.

SECOND: Phillip Fehler

VOTE: (4-1) (Justin Herbe opposed)

MOTION: Justin Herbe made a motion to deny the variance based on the findings of fact as follows:

5. It (variance request) is insufficient to provide safety because the applicant did not show public safety.

SECOND: Kevin Hight

VOTE: (3-2) (Roger Shah and Zacchaeus Eley opposed). Motion failed due to a lack of a 4/5 majority.

MOTION: Zacchaeus 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: The fence creates a hardship because the City's beautification ordinance does not allow this type of fence.
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: He (Mr. Smith) did not create it (the practical difficulties) and it (the fence) cannot be moved.
3. The requested variance is the least deviation necessary to ensure the reasonable use of the property, as evidenced by the following: The owner needs the fence to secure the property and increase safety.
4. The variance aligns with the general purpose and intent of the Ordinance and upholds its spirit, as demonstrated by the following: The variance request is in harmony with the existing fence.

5. Granting the variance promotes public safety and welfare while ensuring substantial justice, as demonstrated by the following: Public safety will be met.

SECOND: Kevin Hight

VOTE: (4-1) (Justin Herbe opposed)

A26-13. A request for a variance to the building-mounted sign standards (Section 30-5.L.8.B.2) at dd's Discounts 1800 Skibo Road (REID #041802313900) to allow for a greater number of signs and max copy area, by Tina Arcuri of Coastal Sign Services (on behalf of dd's Discounts).

Thomas Cohen presented case A26-13.

Kevin Hight opened the hearing for case A26-13.

Speakers in favor:

Tina Arcuri, 5374 Greggs Landing, North Charleston, SC 29420

Speakers in opposition:

None

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 result in practical difficulties and unnecessary hardships, as demonstrated by the following: Without the variance, no reasonable use can be made of the property.
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: The shape of the building blocks the visibility of the sign.
3. The requested variance is the least deviation necessary to ensure the reasonable use of the property, as evidenced by the following: So, the requested variance represents the minimum relief necessary to allow reasonable identification of the dd's Discount Store. The proposed increase in sign area is limited solely to improving visibility and does not require additional signs or deviations beyond what is necessary to address the site-specific constraints.
4. The variance aligns with the general purpose and intent of the Ordinance and upholds its spirit, as demonstrated by the following: The signs are maintaining orderly, safe, and visually compatible signage in the commercial environment.
5. Granting variance promotes public safety and welfare while ensuring substantial justice, as demonstrated by the following: It (the sign) doesn't provide any hazard to the public.

SECOND: Roger Shah

VOTE: (3-2) (Kevin Hight and Zacchaeus Eley were opposed). Motion failed.

MOTION: Zaccheaus Eley made a motion to approve the variance with the condition of removing the lifestyle signs 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: The signage is hard to view at certain angles of the property due to the natural build of the property, with the side wall being extended from their property.
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: The land where the signage is set, if you are coming up from Village Drive, you cannot see the property at all. So, as you turn, you will be able to see the property with the bigger signage.
3. The requested variance is the least deviation necessary to ensure the reasonable use of the property, as evidenced by the following: The sign being increased makes for a reasonable use of the land because of where the building is located. So, they need a bigger sign to make that work out.
4. The variance aligns with the general purpose and intent of the Ordinance and upholds its spirit, as demonstrated by the following: The variance is in harmony with the general purpose and intent of the ordinance. The ordinance is to promote uniformity. If you look at the buildings over there, everything is uniform based on the signage—minus the lifestyle signs.
5. Granting the variance promotes public safety and welfare while ensuring substantial justice, as demonstrated by the following: With the bigger sign, we will have a better chance of them (drivers) seeing this place without, you know, hitting someone. So, they (the drivers) are looking, and you have a better chance of it (the sign) being viewed. And we want to keep safety at a high here in Cumberland County in the City of Fayetteville.

SECOND: Kevin Hight

VOTE: Unanimous (5-0)

Chair Kevin Hight recused himself from case A26-22, and Vice-Chair Justin Herbe presided over the evidentiary hearing.

MOTION: Justin Herbe made a motion to allow Alternate Toeyna Monds to serve as the fifth voting member for case A26-22.

SECOND: Zacchaeus Eley

VOTE: Unanimous (4-0)

A26-22. Request for a variance to the corner side setback at 423 McPhee Drive (REID #0427432465000) on a 0.39 acre lot owned by Robert and Evelyn Spicer.

Craig Harmon presented case A26-22.

Justin Herbe opened the hearing for case A26-22.

Speakers in favor:

Robert DeCantur, Critical Path Solutions, 2656 Gillespie Street, Fayetteville, NC 28301

Speaker in opposition:

None

Justin Herbe closed the hearing for case A26-22 and the board deliberated.

MOTION: Roger Shah made a motion to approve the variance to the corner side setback at 423 McPhee Drive 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: The practical difficulties of unnecessary hardship do exist because of it being a corner lot. Without getting the variance, the house may not be as functional as the buyers would like.
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: The buyers did not create the hardship.
3. The requested variance is the least deviation necessary to ensure the reasonable use of the property, as evidenced by the following: The variance is the minimum action that will make reasonable use of this property as shown by the contractor.
4. The variance aligns with the general purpose and intent of the Ordinance and upholds its spirit, as demonstrated by the following: It is in harmony with the general purpose and intent of the ordinance, and it has preserved the spirit.
5. Granting the variance promotes public safety and welfare while ensuring substantial justice, as demonstrated by the following: Personally, I do not see any issues with public safety or welfare by giving them several more feet to do what they want to add an addition to the house.

SECOND: Justin Herbe

VOTE: Unanimous (5-0)

MOTION: Zaccheaus Eley made a motion to allow Chair Kevin Hight back into the meeting and to place alternate Keyona Monds on reserve.

SECOND: Roger Shah

VOTE: Unanimous (5-0)

A26-26. A request for a variance in the pole sign maximum height standards (Section 30-5.L.8.B.1.C) to allow the pole sign to be taller at 105 Hope Mills Road (REID #0417108460000), by Alpha Signs & Lighting Permitting (on behalf of Murphy USA #25122 and SCP 207-C27-078 LLC).

Thomas Cohen presented case A26-26.

Kevin Hight opened the hearing for case A26-26.

Speaker in favor:

Joseph Bain, Alpha Signs & Lighting, 515 Old Crow Road, Newton Grove, NC 28366

Speaker in opposition:

Deno Poulos, 109 Hope Mills Road, Fayetteville, NC 28304

Kevin Hight closed the hearing for case A26-26 and the board deliberated.

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 result in practical difficulties and unnecessary hardships, as demonstrated by the following: It doesn't make sense to have a sign that is blocked by the building. So, if he follows the ordinance, you can't see—no customer traveling on Raeford Road can see the business.
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: It is a unique circumstance because DOT (Department of Transportation) had just increased the setbacks on Raeford Road. Otherwise, he would not have made any changes because the current sign was abiding by the setback rules already.
3. The requested variance is the least deviation necessary to ensure the reasonable use of the property, as evidenced by the following: An increase in height is a very small thing to ask for, so it seems to be the minimal action taken.
4. The variance aligns with the general purpose and intent of the Ordinance and upholds its spirit, as demonstrated by the following: Raeford Road is a business road, so the spirit of conducting business on Raeford Road is still upheld.
5. Granting the variance promotes public safety and welfare while ensuring substantial justice, as demonstrated by the following: As stated, the other public members are not opposed to the sign as well from Pizza Palace.

SECOND: Kevin Hight

VOTE: Unanimous (5-0)

IV. LEGISLATIVE HEARINGS

The board accepted Mr. Shah's request to recuse himself from case P26-24.

P25-54. A request to rezone the ± 7.23 acres at 3100 Tallywood Drive (REID #0427021446000) from Conditional Mixed Residential 5 (MR-5/CZ) to Mixed Residential 5 (MR-5), by Rishi Shah of ResComm Real Estate LLLC and Joe Godwin of Godwin Engineering representing Joo Lee of DJYL Properties LLC.

Craig Harmon presented case P25-54.

Kevin Hight opened the hearing for case P25-54.

Speakers in favor:

None

Speakers in opposition:

None

Kevin Hight closed the hearing for case P25-54.

The board discussed case P25-54.

MOTION: Zaccheaus Eley made a motion to recommend approval of the rezoning from SF-10 (Single-Family Residential 10) to NC (Neighborhood Commercial) based on the evidence presented by the staff. It (the request) definitely applies to the consistency and reasonableness goals of the City and the plans of the City that have been set forth.

SECOND: Phillip Fehler

VOTE: (4-1) (Kevin Hight opposed)

Roger Shah was recused from case P26-24.

P26-24. A request to rezone the ± 7.23 acres at 3100 Tallywood Drive (REID #0427021446000) from Conditional Mixed Residential 5 (MR-5/CZ) to Mixed Residential 5 (MR-5), by Rishi Shah of ResComm Real Estate LLLC and Joe Godwin of Godwin Engineering representing Joo Lee of DJYL Properties LLC.

Thomas Cohen presented case P26-24.

Mr. Herbe recognized that the board had enough regular members for a vote, but he asked Alternate Toeyna Monds if she would like to be reinstated as a voting member and vote on case P26-24. Ms. Monds agreed to reside on the board for this case.

MOTION: Justin Herbe made a motion to allow alternate Toyena Monds to vote on case P26-24.

SECOND: Kevin Hight

VOTE: Unanimous (4-0)

Mr. Cohen continued with the presentation for case P26-24.

Kevin Hight opened the hearing for case P26-24.

Speaker in favor:
Joe Goodwin, 1403 NC S, Benson, NC 27504

Speakers in opposition:
None

Kevin Hight closed the hearing for case P26-24.

MOTION: Phillip Fehler made a motion to recommend approval of the rezoning request based on the use, and that it is in line with the future use of the property by Fayetteville. It (the request) aligns with the district and adjacent properties and the consistency and reasonableness statement.

SECOND: Kevin Hight

VOTE: Unanimous (5-0)

P26-25. A request to rezone the ± 0.46 acres at 8424 King Road (REID #9484886353000) from Agricultural-Residential (AR) to Single-Family 15 (SF-15), by Naphasorn Reyes of BLC Group Home.

Thomas Cohen presented case P26-25.
Kevin Hight opened the hearing for case P26-25.

Speakers in favor:

Naphasorn Reyes, 3501 Castlefield Lane, Fayetteville, NC 28306
Kyle Devin Reyes, 3501 Castlefield Lane, Fayetteville, NC 28306

Speakers in opposition:

None

Kevin Hight closed the hearing for case P26-25.

MOTION: Zaccheus Eley made a motion to approve the zoning map amendment as requested. The request is consistent with the Future Land Use Plan and is reasonable to the local context as outlined in the consistency and reasonableness statements.

SECOND: Justin Herbe

VOTE: Unanimous (5-0)

V. OTHER BUSINESS

Attorney Victoria Curtis discussed the possibility of a special meeting in June and confirmed that items would most likely be presented during the meeting on July 14, 2026. Mr. Harmon informed the board that there would possibly be 6-7 cases for the meeting on Tuesday, July 14, 2026.

VI. ADJOURNMENT

MOTION: Phillip Fehler made a motion to adjourn the June 9, 2026, meeting.

SECOND: Kevin Hight

VOTE: Unanimous (5-0)

The meeting adjourned at 8:05 p.m.

Submitted by Catina Evans